



**RESOLUTION OF THE GOVERNING BODY OF THE
THREE AFFILIATED TRIBES OF THE
FORT BERTHOLD INDIAN RESERVATION**

A Resolution entitled, "Consent to Amend BIA ROW No. FBOG101331 (Modification No. 1) across Tribal land for the Western Expansion North-Oil Project Submitted by Arrow Pipeline, LLC."

- WHEREAS,** This Mandan Hidatsa and Arikara Nation, also known as the Three Affiliated Tribes (the "MHA Nation" or "Tribes"), having accepted the Indian Reorganization Act of June 18, 1934 and the authority under said Act, and having adopted a Constitution and By-laws under said Act, and
- WHEREAS,** Pursuant to Article III, Section 1 of the Constitution and By-Laws of the Three Affiliated Tribes, the Tribal Business Council is the governing body of the Tribes; and
- WHEREAS,** Pursuant to Article VI, Section 5(1) of said Constitution, the Tribal Business Council has the power to adopt resolutions regulating the procedures of the Tribal Council, its Agencies and Officials; and
- WHEREAS,** Article IX, Sections 1 and 3 of the Constitution provide that the Tribal Business Council has the authority to manage and lease or otherwise deal with Tribal lands and resources; and
- WHEREAS,** Leases and Rights-of-Way ("ROWs") across Tribal Trust land require the consent of the Tribal Business Council pursuant to federal and Tribal Law; and
- WHEREAS,** Applications for Rights-of-Way ("ROWs") on Tribal Land are subject to the requirements of Tribal law, including Resolution No. 13-109-VJB (Establishment of the Three Affiliated Tribes Standardized Minimum Rates for Oil and Gas Lease Bonus, Royalties and Road and Pipeline Easements), Resolution No. 14-071-VJB (MHA Nation Application for Rights-of-Way and Use of Right-of-Way), Resolution No. 14-089-VJB (MHA Nation Pipeline Right-of-Way Terms and Conditions), and Resolution No. 15-045-LKH (Establishing a Procedure for the Approval of Leases, Rights-of-Way, Setback Variances and Permissions to Survey on Tribal Land); and
- WHEREAS,** On February 14, 2019, the Tribal Business Council passed Resolution No. 19-030-FWF entitled, "*Consent to Approval of a Right-of-Way across Tribal land for the Western Expansion North Project Submitted by Arrow Pipeline, LLC*" which approved a ROW application and consent request for the Western Expansion North Project for a ROW consent to construct one (1) produced water pipeline,



Resolution No. 19-301-FWF

two (2) gas pipelines, one fifty foot by fifty foot (50' X 50') launcher site, above ground appurtenances and additional temporary workspace to expand Arrow's existing system to allow for more drilling by its customers across certain Tribal lands on Allotment T1720 (100% Tribal interest), Allotment 824A (8.74% Tribal interest), Allotment 823A (6.09% Tribal interest), Allotment 1932 (5.56% Tribal interest) and Allotment T743A (100% Tribal interest) in Sections 7, 8, and 9 of Township 149 North, Range 94 West, and Section 12 of Township 149 North, Range 95 West in McKenzie County, North Dakota; and

WHEREAS, On July 17, 2019, the Bureau of Indian Affairs ("BIA") granted to Arrow Pipeline, LLC, BIA ROW No. FBOG101331, a right-of-way for the ARROW PIPELINE(S) Western Expansion Phase 1 AKA Western Expansion South, Western Expansion North and Corn Stalk Loop Line over and across the lands, with Tribal interest identified in and consented to by Resolution No. 19-030-FWF, embraced within a right-of-way, and situated on the following described lands located on the Fort Berthold Indian Reservation ("FBIR"), in the County of Dunn, North Dakota:

Township 149 North, Range 94 West, Fifth P.M.

Tract # 823A (6.09% Tribal Interest) - located in S $\frac{1}{2}$ S $\frac{1}{2}$ of Section 7
(5,289.67 feet or 3.643 acres of permanent disturbance;
0.257 acres of additional temporary work space and
0.057 acres of disturbance for a 50' x 50' above ground site)

Township 149 North, Range 95 West, Fifth P.M.

Tract # 824A (8.74% Tribal Interest), located in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12
(3,013.56 feet or 2.075 acres of permanent disturbance)

Tract # T1720 (100% Tribal interest) – located in Lot 7 of Section 12
(869.06 feet or 0.599 acres of permanent disturbance); and

WHEREAS BIA ROW No. FBOG101331 consists of 33,755.10 feet in length or 6.39 miles, up to 30 feet in width for permanent ROW (up to 100 feet during construction) and 23.247 permanent acres and 50.756 temporary acres and a total of 1.975 acres of additional temporary workspace more or less references on certain tracts listed in the ROW easement; and

WHEREAS, BIA ROW No. FBOG101331 lists the following purposes of the easement granted, for constructing:



- one produced water pipeline using new flexsteel pipe no greater than 16 inches;
- one (1) natural gas pipeline;
- one (1) 50 foot by 50 foot above ground site on Tract No. 880A-C;
- one (1) 50 foot by 50 foot above ground site on Tract No. T1719;
- one (1) 50 foot by 50 foot above ground site on Tract No. T887A-A;
- one (1) 50 foot by 50 foot about ground site on Tract No. 891A;
- one (1) 50 foot by 50 foot above ground site on Tract No. 823A; and

WHEREAS, Said easement for the pipelines listed above are required to be excavated to a depth sufficient to maintain a minimum of 48 inches of ground coverage over the pipeline(s); and

WHEREAS, On August 15, 2019, Arrow Pipeline, LLC submitted a ROW application and consent request to amend BIA ROW No. FBOG101331 for the Western Expansion North-Oil Pipeline Project to add one (1) oil pipeline, one (1) fifty foot by fifty foot (50' X 50') above ground site and additional temporary workspace to expand Arrow's existing system to allow for more drilling by its customers across certain Tribal lands on Tribal Tract No. T1720 (100% Tribal interest), Allotment No. 824A (8.74% Tribal interest), and Allotment No. 823A (6.09% Tribal interest) in Section 7 of Township 149 North, Range 94 West and in Section 12 of Township 149 North, Range 95 West in McKenzie County, North Dakota as more particularly described in Appendix A.1.; and

WHEREAS, The ROW for this application consists of 21.057 total disturbed acres, encompassing 6.317 permanent acres and 14.74 temporary acres; and

WHEREAS, Pursuant to fees established and set forth in Resolution No. 18-212-FWF, the projected compensation to the MHA Nation for this ROW application is \$12,007.89, in addition to a one-time application fee, and an annual rental fee starting on the first anniversary of the Grant of Easement for the term of said grant; and

WHEREAS, The ROW application and consent request, submitted by Arrow Pipeline, LLC to amend BIA ROW No. FBOG101331 for the Western Expansion North-Oil Pipeline Project, described above, has been reviewed and recommended for approval by the MHA Natural Resources Department and the MHA Nation Energy Division in accordance with the MHA Nation's approved procedure for authorizing ROWs on Tribal Land; and

WHEREAS, On October 7, 2019, at a duly held meeting of the Energy Committee ("EC"), the MHA Nation Energy Division recommended approval of Arrow Pipeline, LLC's ROW application and consent request to amend BIA ROW No. FBOG101331 for



the Western Expansion North-Oil Pipeline Project, more fully described herein, and in the attached Appendix A.1., and the EC approved Arrow Pipeline, LLC's application and forwarded it to the Tribal Business Council for final action.

NOW THEREFORE BE IT RESOLVED, Subject to Arrow Pipeline, LLC's agreement to the execution of the MHA Right-of-Way Application and Terms and Conditions, as listed therein, and payment of ROW fees, the Tribal Business Council hereby approves the following ROW application, attached as Appendix A.1, and ROW consent, as follows:

- Arrow Pipeline, LLC – Amendment to BIA ROW No. FBOG101331 for the Western Expansion North-Oil Pipeline Project to add one (1) oil pipeline, one (1) fifty foot by fifty foot (50' X 50') above ground site and additional temporary workspace to expand Arrow's existing system to allow for more drilling by its customers across certain Tribal lands on Tribal Tract No. T1720 (100% Tribal interest), Allotment No. 824A (8.74% Tribal interest), and Allotment No. 823A (6.09% Tribal interest) in Section 7 of Township 149 North, Range 94 West and in Section 12 of Township 149 North, Range 95 West in McKenzie County, North Dakota.

BE IT FURTHER RESOLVED, In accordance with the MHA Nation Standard Terms and Conditions for Right-of-Ways, the ROW for the Western Expansion North-Oil Pipeline Project, will be subject the term of the existing BIA ROW FBOG101331.

BE IT FURTHER RESOLVED, The Tribal Business Council consents to the estimated compensation for this ROW application in the amount of \$12,007.89, in addition to a one-time application fee, and an annual rental fee starting on the first anniversary of the Grant of Easement for the term of said grant, which is based on the MHA Nation ROW compensation and application fees established by and set forth in Resolution No. 18-212-FWF.

BE IT FURTHER RESOLVED, In accordance with governing MHA Nation law and policy as well as applicable federal ROW regulations, all ROW grantees must obtain the prior written approval from the MHA Nation before assigning any ROW that contains any Tribal interest, and therefore, the Tribal Business Council does not pre-consent to any assignment of BIA ROW No. FBOG101331.

BE IT FURTHER RESOLVED, The Tribal Business Council does not consent to waive any bond, insurance, or alternative form of security.

BE IT FURTHER RESOLVED, The MHA Nation Standard Terms and Conditions for Right-of-Ways, executed by Arrow Pipeline, LLC and the MHA Nation Energy Division, constitutes a written agreement as part of the MHA Nation's consent to



the grant of the ROW, and therefore, as provided in 25 CFR §169.107(a), the Tribal Business Council requests the Bureau of Indian Affairs to incorporate these terms and conditions into the ROW grant for the Western Expansion North - Oil Pipeline Project.

BE IT FURTHER RESOLVED, The Tribal Business Council retains the authority, as well as the delegation of authority to the MHA Nation Energy Division and other Tribal departments, to issue fines and set conditions to address and resolve ROW trespass, abandonment, non-use, and other violations, including violations of applicable MHA Nation Standard ROW Terms and Conditions, and further requests the Bureau of Indian Affairs to defer to these remedies, in accordance with the intent and notice provisions in 25 CFR §169.403(a).

BE IT FINALLY RESOLVED, That the Chairman is hereby authorized to execute such documents and take such further actions as are necessary to carry out the terms and intent of this Resolution.

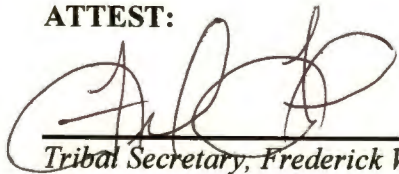
CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 26th day of November, 2019; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 7 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

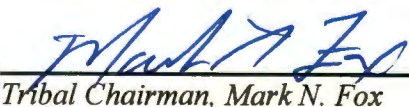
Chairman [X] voting. [] not voting.

Dated this 26th day of November, 2019.

ATTEST:



Tribal Secretary, Frederick W. Fox, Sr.
Tribal Business Council
Three Affiliated Tribes



Tribal Chairman, Mark N. Fox
Tribal Business Council
Three Affiliated Tribes



APPENDIX A.1

< Attach: (1) Application Form, (2) Approval Form signed by Department Head and Chairman of NRC per Resolution 15-045-LKH, (3) signed ROW terms and Conditions per Resolution No. 14-089-VJB, (4) map, and (5) other necessary information >