



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

***A Resolution entitled, “Consent to Approval of a Right-of-Way across Tribal land (T1003A)
for the Meriwether 28-33H Pad Project Submitted by WPX Energy Williston, LLC”***

- WHEREAS,** The Mandan Hidatsa and Arikara Nation (MHA Nation), also known as the Three Affiliated Tribes, having accepted the Indian Reorganization Act of June 18, 1934, the authority under said Act, and having adopted a Constitution and By-laws (the Constitution) under said Act, and
- WHEREAS,** Pursuant to Article III, Section 1 of the Constitution, the Tribal Business Council is the governing body of the MHA Nation; and
- WHEREAS,** The Constitution authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the MHA Nation and of the enrolled members thereof; and
- WHEREAS,** Pursuant to Article VI, Section 5(1) of the Constitution, the Tribal Business Council has the power to adopt Resolutions regulating the procedures of the Tribal Business Council, its agencies and officials; and
- WHEREAS,** Article IX, Sections 1 and 3 of the Constitution, provides 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 ROWs on Tribal Land are subject to the requirements of tribal law, including Resolution No. 13-109-VJB (Establishing 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), Resolution No. 17-117-FWF (Approval of Fee Structure), Resolutions No. 18-212-FWF and 21-082-FWF (Amending Fee Structure); and
- WHEREAS,** WPX Energy Williston, LLC submitted a ROW application for the Meriwether 28-33H Pad Project, across certain Tribal tracts in Allotment T1003A (100% Tribal



Interest), located in Sections 21 & 22, of Township 147 North, Range 92 West, in Dunn County, North Dakota; and

WHEREAS, The ROW for this application consists of Road, Pipeline, Utility, Fiber Optic, Electric & Above Ground Appurtenances; and

WHEREAS, The ROW application, has been reviewed and recommended for approval in accordance with the MHA Nation's approved procedure for authorizing ROWs on Tribal Land; and

WHEREAS, WPX Energy Williston, LLC further requested the MHA Nation's consent to an assignment of the Utility, Electric & Above Ground Appurtenances portion for the Meriwether 28-33H Pad to McKenzie Electric Co-Op Inc. in accordance with governing MHA Nation law and policy as well as applicable federal ROW regulations that require ROW grantees to obtain the prior written approval from the MHA Nation before assigning any ROW that contains any Tribal interest.

NOW THEREFORE BE IT RESOLVED, Subject to the MHA Nation Standard Terms and Conditions for Rights-of-Way, and payment of applicable ROW fees, the Tribal Business Council hereby approves the ROW application, attached as Appendix A.1, and consents to the following ROW:

- Meriwether 28-33H Pad Project:
 - An Access Road being 921.35' in length, 130-200' in Width, totaling 3.509 acres in size.
 - A pipeline ROW being 892.66' in length, 30' in Width, .615 permanent acres and a temporary pipeline 70' in Width, 1.377 acres in size, totaling 1.992 acres.
 - A Utility, Fiber Optic, Electric & Above Ground Appurtenances ROW being 921.35 in length, 130-200' in Width, overlapping with the Access Road and also totaling 3.509 acres in size.
 - Total disturbance for this project is 5.501 acres.
across certain tribal tracts in Allotment T1003A in Sections 21 & 22, of Township 147 North, Range 92 West, in Dunn County, North Dakota, with 100% tribal interest.

BE IT FURTHER RESOLVED, The ROW shall have a 20-year term.

BE IT FURTHER RESOLVED, The Tribe 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 Rights-of-Way are incorporated into this consent to approval 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 grant of the ROW.

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

BE IT FURTHER RESOLVED, The Tribal Business Council hereby approves the assignment of the Utility, Electric & Above Ground Appurtenances portion for the Meriwether 28-33H Pad from WPX Energy Williston, LLC to McKenzie Electric Co-Op Inc.

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 Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 9th day of August, 2023, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.


Chairman [X] Voting. [] Not Voting.

Dated this 9th day of August, 2023.

ATTEST:



Tribal Secretary, Fred W. Fox
Tribal Business Council
Three Affiliated Tribes



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