



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

A Resolution entitled, “Approval of Setback Variance Requested by EOG Resources, Inc. for the Liberty 26 SENW Pad.”

- 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,** The Tribal Business Council passed Resolution No. 12-087-VJB, entitled, “The Missouri River, Badlands and Sacred Sites Protection Act” which requires a half mile setback for well sites/drilling pads from the Missouri River, Little Missouri River, and designated sacred sites or villages in the Badlands; and
- WHEREAS,** The Tribal Business Council passed Resolution No. 12-139-VJB, entitled, “Amending the Missouri River and Badlands Protection Act to Allow Variances upon Recommendation by the Tribal Energy Office,” which authorizes the MHA Nation Tribal Energy Office to consider setback variance requests and make recommendations to the Tribal Business Council to approve such requests “when minerals would be stranded due to the setback provisions or where the applicant has made a clear showing that granting the variance would not cause an adverse environmental effect upon the Missouri River or the Little Missouri River”; and



WHEREAS, On March 27, 2017, the Tribal Business Council passed Resolution No. 15-045-LKH entitled, “Establishing a Procedure for the Approval of Leases, Rights-of-Way, Setback Variances and Permissions to Survey on Tribal Land”; and

WHEREAS, On August 15, 2018, the Tribal Business Council passed Resolution No. 18-212-FWF entitled, “Amendment to Resolution No. 17-117-FWF entitled ‘Approval of a Fee Structure for the MHA Nation Energy Division to Regulate and Oversee Oil and Gas Exploration and Production Activities,’” which established a processing fee in the amount of \$3,000.00 for all setback variance requests approved by the Tribal Business Council, as of August 1, 2018; and

WHEREAS, On September 6, 2023, EOG Resources, Inc. (“EOG”) submitted to the MHA Nation Energy Division a request for a Setback Variance, as set forth in Exhibit A; and

WHEREAS, On July 18, 2023, during the environmental and right-of-way on-sites, EOG met with the MHA Nation Energy Division to review and consider all other alternatives for the construction and siting of the Liberty 26 SENW Pad; and

WHEREAS, The specific Setback Variance requested by EOG is, as follows:

PAUL PETER COFFEE 35H PAD EXPANSION: For 5.555 additional acres of well pad and 4 additional well bores

LOCATION: S½SE¼ of Section 26, N½NE¼ of Section 35, Township 148 North, Range 93 West, 5th P.M., Dunn County, North Dakota

ACRES OF DISTURBANCE: 12.095 acres of pad disturbance lying both within and outside of the 2640’ lake setback

DRILLING/SPACING UNIT: Paul Peter Coffee Unit

DISTANCE FROM WELLPAD/Pipe: ±2,316 feet from the edge of the well pad to the 1854 High Water Line; ±2,765 feet from the well bores to the 1854 High Water Line; and

WHEREAS, The MHA Nation Energy Division reviewed, processed and fully vetted EOG request for a setback variance for the Liberty 26 SENW Pad, and has determined that EOG has made a clear showing that granting the variance would not cause an adverse environmental effect upon the Missouri River or the Little Missouri River; and

WHEREAS, On September 12, 2023, at a duly held meeting of the Natural Resources Committee, the MHA Nation Energy Division recommended approval of EOG’s



setback variance request for the Liberty 26 SENW Pad, and the Natural Resources Committee approved EOG's setback variance request for the Liberty 26 SENW Pad.

NOW THEREFORE BE IT RESOLVED, the Tribal Business Council hereby approves the setback variance, attached as Exhibit A, submitted by EOG for the Liberty 26 SENW Pad.

BE IT FURTHER RESOLVED, Pursuant to Resolution No. 18-212-FWF, approval of the setback variance described herein is subject to a processing fee in the amount of \$3,000.00 and relinquishment of Resolution No. 18-289-CSB and 18-290-CSB approval of setback variance requested by EOG Resources, Inc. for the Liberty 26 NENW and the Liberty 26 SWSE 2.

BE IT FINALLY RESOLVED, That the Chairman is hereby to 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 13th day of September, 2018, 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 [] Voting. [X] Not Voting.

Dated this 13th day of September, 2023.

ATTEST:

Handwritten signature of Fred W. Fox in blue ink.

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

Handwritten signature of Mark N. Fox in blue ink.

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