



**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 (Allotments 146, 355A, 1791, 1794) submitted by Arrow Pipeline, 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 Rights-of-Way (“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), and Resolutions No. 18-212-FWF and 21-082-FWF (Amending Fee Structure); and



WHEREAS, Arrow Pipeline, LLC submitted a ROW application for Bradfield Gemstones Well Connect consisting of 1 Produced Water Pipeline Additional Temporary Workspace 0.10 Acre, Temporary Construction Workspace of 1.093 Acres and 0.796 Permanent Acres Across Allotments Across Allotments 146 (0.3500000000 interest) in Section 32, T149N, R94W; 355A(0.0039682540 interest) in Section 2, T148N, R95W; 1791(0.2500000000 interest) in Section 31, T149N, R94W; 1794(0.2500000000 interest) in Section 36, T149N, R95W in both Dunn and McKenzie Counties, including the right of ingress and egress along the existing roads.

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.

WHEREAS, The Tribal Ownership identified herein is based on the most current Title Status Report issued by the United States Department of Interior, Bureau of Indian Affairs. If Tribal Ownership changes before the Bureau of Indian Affairs issues the Grant of Right of Way, the Bureau of Indian Affairs and Arrow Pipeline, LLC shall use the Tribal Ownership interest at the time the Grant of Right of Way is issued, and Arrow Pipeline, LLC agrees to pay the Tribal Ownership interest at the time of issuance.

NOW THEREFORE BE IT RESOLVED, Subject to the MHA Nation Standard Terms and Conditions for Right-of-Ways, 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 Metals South Well Connect for Arrow Pipeline, LLC consisting of:

- 1 pipeline being Temporary Construction Workspace of 1.093 Acres, 0.796 Permanent Acres and Additional Temporary Workspace 0.10 Acres.
- For a total disturbance of 1.98 acres on Tribal Interest.

Across Allotments 146 (0.3500000000 interest) in Section 32, T149N, R94W; 355A (0.0039682540 interest) in Section 2, T148N, R95W; 1791(0.2500000000 interest) in Section 31, T149N, R94W; 1794(0.2500000000 interest) in Section 36, T149N, R95W in both Dunn and McKenzie Counties.

BE IT FURTHER RESOLVED, the ROW shall have a 20-year term, from the date of the BIA’s grant of the ROW.

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 Right-of-Ways are incorporated into this 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.

BE IT FURTHER RESOLVED, The MHA Nation retains the authority 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 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 5 members, 0 members opposed, 0 members abstained, 2 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:

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

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