



**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 (301-706A-A) for the Mandaree 4 SESW Project Submitted by EOG Resources, Inc."

- 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 Resolution No. 18-212-FWF and 21-082-FWF (Amending Fee Structure); and
- WHEREAS,** EOG Resources, Inc. (EOG) submitted a ROW application for the Mandaree 4 SESW Project, across certain Tribal tract, Allotment 301-706A-A (75% Tribal



Interest), located in Section 4, of Township 149 North, Range 94 West, in McKenzie County, North Dakota as more particularly described in Appendix A.1.; and

WHEREAS, The ROW for this application consists of a well pad, access roads, fiber optics and utility lines, and associated above-ground appurtenances as follows: A well pad 13.818 acres in size located in the SESW4 & NESW4 of Sec. 4 with four (4) well bores; access roads located within a 766.41 foot long by 50 foot wide strip of land (0.880 acres), a temporary construction access road within a 68.14 foot long strip of land (0.078 acres), and a fiber optics and utility lines, and associated above-ground appurtenances located within a 411.29 foot long by 20 foot wide strip of land (0.189 acres) for constructing, reconstructing, operating, maintaining, inspecting, repairing, replacing, re-purposing, re-laying, changing the size of, and/or removing of a line(s), together with such fittings, receivers, meters, corrosion control devices, wires, cables, fiber optic and electronic telemetry wiring, communications equipment, and/or other equipment and appurtenances as may be necessary and/or convenient for the utility and fiber optic lines and for additional use in the future as may be within the same scope as the use specified herein and that have been authorized pursuant to the landowner(s)' consent for the granting of this easement; 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.

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 ROW:

- Mandaree 4 SESW Project,
 - A well pad with (4) four well bores being 13.818 acres.
 - Access roads: Permanent access road being 766.41 feet in length and 50 feet in width. Temporary access road being 68.14 feet in length and 50 feet in width. Total access road disturbance: 0.958 acres.
 - A 20-foot-wide permanent easement for fiber optic and utility lines and associated above ground appurtenances being 411.29 feet in length. Total disturbance 0.189 acres.
 - Total Disturbance for this project is 14.965 acres.



across certain tribal tracts in Allotment 301- 706A-A in Section 4, of Township 149 North, Range 94 West, in McKenzie County, North Dakota, with 75% 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 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.

[Remainder of Page Left Blank, Certification Follows]



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, 6 were present at a Regular Meeting there of duly called, noticed, convened, and held on the 7th day of December, 2023; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 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 7th day of December, 2023.

ATTEST:

Tribal Secretary Fred Fox
Tribal Business Council
Three Affiliated Tribes

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