



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

A Resolution entitled: "Approval of Consent to Amend BIA ROW No. FBOG100867 to Add Three Additional Wells and Change Name of Certain Wells on the Doll USA Well Site and Access Road Submitted by Marathon Oil Company."

- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, 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 (or "Tribes"), the Tribal Business Council is the governing body of the Tribes; 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,** Pursuant to Article IX, Sections 1 and 3 of the Constitution, 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 lands 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 Rights-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 (Amending Fee Structure); and
- WHEREAS,** On February 12, 2014, MHA Nation Tribal Business Council Member Fred Fox executed the Bureau of Indian Affairs ("BIA") "Consent of Owner's - Grant of Right-of-Way" application submitted by Marathon Oil Company across Tribal Tract No. T1855-A (100% Tribal Interest) located in the NE $\frac{1}{4}$ of Section 15 in Township 151 North, Range 94 West in McKenzie County, North Dakota; and



WHEREAS, The Consent of Owner's – Grant of Right-of-Way for Tribal Tract No. T1855-A (100% Tribal interest), described above, includes the following description of easement:

1. A piece of land approximately +/-325 feet wide and +/-395 feet long running in the NE $\frac{1}{4}$ of Section 15, T151N, R94W, encompassing approximately 3.00 acres of disturbed area within the barbed wire fence.
- Nothing in this grant of right of way shall diminish or be construed to diminish the jurisdiction and sovereign authority of the Three Affiliated Tribes over the above described lands and the Tribe hereby retains its jurisdiction and sovereign authority over said lands; and

WHEREAS, On February 28, 2014, MHA Nation Tribal Business Council Member Fred Fox executed the Bureau of Indian Affairs ("BIA") "Consent of Owner's - Grant of Right-of-Way" application submitted by Marathon Oil Company across Tribal Tract No. T1042A (100% Tribal Interest) located in the E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 14, Township 151 North, Range 94 West, in McKenzie County, North Dakota, and in Section 23, Township 151 North, Range 94 West in McKenzie County, North Dakota; and

WHEREAS, The Consent of Owner's – Grant of Right-of-Way for Tribal Tract No. T1042A (100% Tribal interest), described above, includes the following description of easement:

2. A strip of land 150 feet in width and 864.78 feet long in the W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 14, T151N, R94W, for road, utility corridor (electrical, fiber optics above ground pertinences), snow removal, pipeline (flow line, oil, gas & water), multiuse corridor and routine maintenance, encompassing approximately +/-2.98 of disturbed surface area.
- Nothing in this grant of right of way shall diminish or be construed to diminish the jurisdiction and sovereign authority of the Three Affiliated Tribes over the above described lands and the Tribe hereby retains its jurisdiction and sovereign authority over said lands; and

WHEREAS, On July 17, 2014, the Bureau of Indian Affairs ("BIA") granted to Marathon Oil Company ("Marathon") ROW No. FBOG100867, an "easement for right-of-way for the following purposes, specifically: LUN USA 11-14H, ERNESTINE USA 11-14TFH-2B, DRAGSWOLF USA 12-14TFH-2B, TONY LUN USA 12-14TFH, DOLL USA 12-14H, & SHIRLEY DOLL USA 13-14TFH WELL



LOCATION AND ACCESS over land embraced within a right-of-way, situated on the following described lands located in” McKenzie County, North Dakota on the Fort Berthold Indian Reservation (“FBIR”):

Township 151 North, Range 94 West, Fifth Principal Meridian

Allotment No. T1042A – W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 14
(2.98 acres of access road)

Allotment No. 1852 –SE $\frac{1}{4}$ of Section 15
(2.59 acres of access road and 5.00 acres of well pad disturbance)

Allotment No. T1855-A – NE $\frac{1}{4}$ of Section 15
(3.00 acres of well pad disturbance); and

WHEREAS BIA ROW No. FBOG100867 is limited to and more particularly described to be an access road 1,617.78 feet in length, a 150-foot wide right-of-way consisting of 5.57 acres with an additional 8.00 acres of surface disturbance for a well pad location for a total disturbance of pad and access road of 13.57 acres; and

WHEREAS, On September 13, 2019 Marathon submitted an application to amend BIA ROW No. FBOG100867 for the Doll USA Well Site and Access Road to: (i) add three (3) wells to the existing site: Strand USA 44-10TFH-2B, Jacobson USA 44-10H, and Mandan USA 34-10H, with no additional disturbance, and (ii) change the names and spacing units of two (2) previously approved wells: Dragswolf USA 12-14TFH-2B to Marion USA 44-10TFH and Shirley Doll USA 13-14TFH to Dragswolf USA 34-10TFH, on Tribal Tract No. T1042-A (100% Tribal interest) located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 14, Township 151 North, Range 94 West, 5th P.M., McKenzie County, ND, and on Tribal Tract No. T1855-A (100% Tribal interest) located in the NE $\frac{1}{4}$ of Section 15, Township 151 North, Range 94 West, 5th P.M., McKenzie County, ND, as more particularly described in Appendix A.1.; and

WHEREAS, Marathon seeks to amend BIA ROW No. FBOG100867 for the Doll USA Well Pad and Access Road to be the location of nine (9) total wells, four (4) existing wells, namely Lun USA 11-14H, Ernestine USA 11-14TFH-2B, Tony Lun USA 12-14TFH, and Doll USA 12-14H, two (2) previously approved wells, namely Dragswolf USA 12-14TFH-2B and Shirley Doll USA 13-14TFH changed to Marion USA 44-10TFH and Dragswolf USA 34-10TFH, and three (3) new wells, namely Strand USA 44-10TFH-2B, Jacobson USA 44-10H, and Mandan USA 34-10H, on a fenced-in well pad of 8.00 total acres, with an access road of 5.57 total acres (no additional disturbance); and



WHEREAS, The ROW application and consent request submitted by Marathon to amend BIA ROW No. FBOG100867 for the Doll USA Well Site and Access Road, described above, has been reviewed and recommended for approval by the MHA Natural Resources Department and the MHA Energy Division in accordance with the MHA Nation's approved procedure for authorizing ROWs on Tribal lands; 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 modification application is \$20,000.00; and

WHEREAS, On October 7, 2019, at a duly held meeting of the Energy Committee, the MHA Energy Division recommended approval of Marathon's ROW application and consent request to amend BIA ROW No. FBOG100867 for the Doll USA Well Site and Access Road, more fully described herein, and in the attached Appendix A.1., and the Energy Committee approved Marathon's application and forwarded it to the Tribal Business Council for final action.

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

- Marathon Oil Company – to amend BIA ROW No. FBOG100867 for the Doll USA Well Site and Access Road to: (i) add three (3) wells to the existing site: Strand USA 44-10TFH-2B, Jacobson USA 44-10H, and Mandan USA 34-10H with no additional disturbance, and (ii) change the names and spacing units of two (2) previously approved wells: Dragswolf USA 12-14TFH-2B to Marion USA 44-10TFH and Shirley Doll USA 13-14TFH to Dragswolf USA 34-10TFH, on Tribal Tract No. T1042-A (100% Tribal interest) located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 14, Township 151 North, Range 94 West, 5th P.M., McKenzie County, ND, and on Tribal Tract No. T1855-A (100% Tribal interest) located in the NE $\frac{1}{4}$ of Section 15, Township 151 North, Range 94 West, 5th P.M., McKenzie County, ND.
- The Doll USA Well Pad and Access Road will be the location of nine (9) total wells, four (4) existing wells, namely Lun USA 11-14H, Ernestine USA 11-14TFH-2B, Tony Lun USA 12-14TFH, and Doll USA 12-14H, two (2) previously approved wells, namely Dragswolf USA 12-14TFH-2B and Shirley Doll USA 13-14TFH changed to Marion USA 44-10TFH and Dragswolf USA 34-10TFH, respectively, and three (3) new wells, namely Strand USA 44-10TFH-2B, Jacobson USA 44-10H, and Mandan USA 34-10H, on a fenced-in well pad of 8.00 total acres, with an access road of 5.57 total acres.



BE IT FURTHER RESOLVED, In accordance with the MHA Nation Standard Terms and Conditions for Right-of-Ways, the ROW modification for the Doll USA Well Pad and Access Road will be subject to the same term as FBOG100867.

BE IT FURTHER RESOLVED, The Tribal Business Council consents to the estimated compensation for the ROW application to amend BIA ROW No. FBOG100867 for the Doll USA Well Pad and Access Road in the amount of \$20,000.00, 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 an assignment of the ROW for the BIA ROW No. FBOG100867.

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 Rights-of-Way, executed by Marathon Oil Company 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 BIA ROW No. FBOG100867.

BE IT FURTHER RESOLVED, The Tribal Business Council retains the authority, as well as the delegation of authority to the MHA 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 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 10th day of October, 2019, 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 [X] Voting. [] Not Voting.

Dated this 10th day of October, 2019.

ATTEST:

Tribal Secretary, Fred W. Fox
Tribal Business Council

Chairman, Mark N. Fox
Tribal Business Council



APPENDIX A.1

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