



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

**A Resolution entitled, “Consent to Assignment of an Existing Right-of-Way across Tribal Land (Allotment 1968)”**

- WHEREAS,** The Mandan Hidatsa and Arikara Nation (the “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 Tribes; 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 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 (Amending Fee Structure); and



**WHEREAS,** On January 25, 2016, Marathon Oil Company submitted a ROW application for the Sophia USA Project, approved by the Tribal Business Council July 13, 2016, and Amended October 11, 2017; and

**WHEREAS,** Marathon Oil Company submitted an application to partially assign the Utility portion of the ROW for the Sophia USA Project to McKenzie Electric Cooperative, Inc.; and

**WHEREAS,** The Utility ROW for this application consists of 14.297 acres; the utilities will be 2,123.53 feet in length; and

**WHEREAS,** The ROW assignment request, described above, 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,** The Tribal Business Council hereby approves the following ROW assignment(s):

- Partial assignment by Marathon Oil Company to McKenzie Electric Cooperative, Inc., of the Utility ROW for the Sophia USA Project, across certain Tribal land in Tract 1968, located in the N½ of Section 15, Township 147 North, Range 94 West of the 5<sup>th</sup> P.M., in Dunn County, North Dakota.

**BE IT FURTHER RESOLVED,** That the assignee shall be subject to all applicable terms and conditions of the ROW for the Sophia USA Project.

**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.

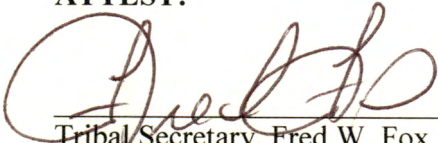
**CERTIFICATION**

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 5 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 13<sup>th</sup> day of August, 2020; 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.  not voting.

Dated this 13<sup>th</sup> day of August, 2020.

**ATTEST:**

  
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Tribal Secretary, Fred W. Fox  
Tribal Business Council

  
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Chairman, Mark N. Fox  
Tribal Business Council