



**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 (T 5480) for the Banta USA Project Submitted by Marathon Oil Company"

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 Tribe; 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 land require the consent of the Tribal Business Council pursuant to federal and Tribal Law; and

WHEREAS, Applications for 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 Bonuses, 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 Rights-of-Way Terms and Conditions), 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, Marathon Oil Company submitted a ROW application for the Banta USA Project, consisting of a well location for six (6) wells, 10.065 acres in size, and an access road, all-utility, and multiuse corridor for electrical lines (assignable to McKenzie Electric Cooperative, Inc.), fiber optics, above ground appurtenances, snow and ice control, and temporary above ground water lines, 598.02 feet in length, 100



feet in width, 1.373 acres in size, across Allotment No. 310, T5480 in the NW¼, of Section 13, Township 148 North, Range 96 West of the 5th P.M., in Dunn County, North Dakota, with 100% Tribal interest; 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; and

NOW THEREFORE BE IT RESOLVED, Subject to the MHA Nation Standard Terms and Conditions for Rights-of-Way, 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:

- Marathon Oil Company – the Banta USA Project consisting of:
 - A well location being 10.065 acres in size for six (6) wells, and
 - an access road, all-utility, and multiuse corridor for electrical lines (assignable to McKenzie Electric Cooperative, Inc.), fiber optics, above ground appurtenances, snow and ice control, and temporary above ground water lines, 598.02 feet in length, 100 feet in width, 1.373 acres in size,
 - Total disturbance for this project is 11.438 acres

Across Allotment No. 310, T5480 in the NW¼ of Section 13, Township 148 North, Range 96 West of the 5th P.M., in Dunn County, North Dakota, with 100% Tribal interest.

BE IT FURTHER RESOLVED, The ROW shall have a twenty (20) year term from the date of the BIA's grant of the ROW; and

BE IT FURTHER RESOLVED, The Tribe does not consent to waive any bond, insurance, or alternative form of security; and

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; and

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); and

BE IT FURTHER RESOLVED, In accordance with Tribal law and policy, as well as applicable federal regulations, all ROW grantees must obtain the prior written approval from the MHA Nation before assigning a ROW that contains any Tribal interest, and therefore, except the assignment to McKenzie Electric Cooperative, Inc., the Tribal Business Council does not pre-consent to any further assignment of the ROW for the Banta USA Project; and

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.

[THIS SPACE INTENTIONALLY LEFT BLANK. CERTIFICATION FOLLOWS.]



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 11th day of February, 2021, 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 11th day of February, 2021.

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