



**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 (575A) for the Foolish Bear USA Access Road and All-Utility Corridor Submitted by Marathon Oil Company”

- 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 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 Foolish Bear USA Access Road and All-Utility Corridor, consisting of an access road and all-utility 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, being 2,005.59 feet in length, 100 feet in width, For a total disturbance of 4.61 acres, across Allotment No. 575A in the NW¼ of Section 17 and the NE¼ of Section 18, Township 152 North, Range 93 West of the 5th P.M., McKenzie County, North Dakota, with 0.0911111111 undivided Tribal interest; and

WHEREAS, The ROW application has been reviewed and recommended for approval in accordance with the MHA Nation's procedure for authorizing ROWs on Tribal land.

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 – Foolish Bear USA Access Road and All-Utility Corridor:
 - to construct, install, operate, manage, and maintain an access road and all-utility 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, being 2,005.59 feet in length and 100 feet in width.
 - Total project disturbance of 4.61 acres.

across Allotment No. 575A in the NW¼ of Section 17 and the NE¼ of Section 18, Township 152 North, Range 93 West of the 5th P.M., McKenzie County, North Dakota, with 0.0911111111 undivided 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.

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 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 Foolish Bear USA Access Road and All-Utility Corridor.

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.

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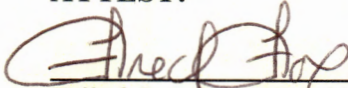
CERTIFICATION

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, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 15th day of September 2021; 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.

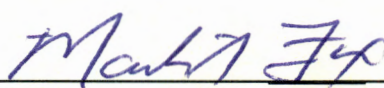
Chairman [X] voting. [] not voting.

Dated this 15th day of September, 2021.

ATTEST:



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



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