



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

**A Resolution entitled, "*Consent to a Right-of-Way across Tribal land for the Kermit USA Well Pad and Multiuse Corridor Submitted by Marathon Oil Company.*"**

**WHEREAS,** This Mandan Hidatsa and Arikara Nation (the "MHA Nation"), having accepted the Indian Reorganization Act of June 18, 1934 and 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, the Tribal Business Council is the governing body of the Tribes; and

**WHEREAS,** Pursuant to Article VI, Section 5(1) of said 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 on Tribal Land are subject to the requirements of tribal law, including 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); and

**WHEREAS,** The MHA Nation currently holds 100% interest in the surface of lands those located within McKenzie County, North Dakota, and more particularly described as Allotment T 3100, in the SWSW of Section 9, Township 151 North, Range 94 West of the 5<sup>th</sup> P.M.; and .9932539682% interest on allotment 808A, in the SENE Section 8, Township 151 North, Range 94W of the 5<sup>th</sup> P.M.; and

**WHEREAS,** The application for a ROW submitted by Marathon Oil Company ("Marathon") for the proposed Kermit USA Well Pad, hosting Five (5) wells and encompassing a total of Eight (8) acres fenced-in, and a proposed Multiuse Corridor, which will



encompass approximately .64 acres of T3100 and 0.08 acres of 808A of disturbed land and shall include an Access Road, Electrical Line(s), Fiber Optic(s), Snow Removal, and Routine Maintenance as more particularly described in Appendix A.1., has been reviewed and recommended for approval in accordance with the MHA Nation's approved procedure for authorizing ROWs on tribal land; and

**WHEREAS,** The Kermit USA Well Pad is shaped like an "L", with the drilling on the north/south part of the L, the facilities on east/west part of the L, and the flare in the southwest corner of the well pad; and

**WHEREAS,** There are 1 homes nearby the Well Pad, the nearest home is just outside of a ½ mile from the western fence of the Well Pad, and there are 3 homes about a mile away from the northwest part of the Well Pad; and

**WHEREAS,** The Kermit Pad will be located in the Four Bears Segment, and pursuant to a request from Four Bears Segment Council Representative, Marathon agreed to the following conditions of approval:

- Place trees around the Well Pad and/or place trees around the nearby homes to help disrupt the view from these nearby residences.
- Consult with the affected homeowner on the placement of the trees near their homes.

**WHEREAS,** On June 12, 2016, at a duly held meeting of the Natural Resources Committee ("NRC"), the MHA Nation Energy Division recommended approval of Marathon's ROW application for the Kermit USA Pad and a Multiuse Corridor, more particularly described herein, subject to the following fees:

Total - \$50,925.00 for Allotment T3100 and \$199.00 for Allotment 808A; and

**WHEREAS,** The NRC approved the MHA Energy Division's recommendations and approved Marathon's ROW request, subject to the compensation set forth above, and to the placement of trees around the Well Pad and/or around nearby homes, the NRC forwarded the matter to the Tribal Business Council for final action.

**NOW THEREFORE BE IT RESOLVED,** subject to Marathon's agreement to and execution of the Terms and Conditions and payment of ROW fees pursuant to Resolution No. 14-089-VJB, the Tribal Business Council hereby approves the ROW application submitted by Marathon and consents to the following ROW:

- Marathon Oil Company – Kermit USA Well Pad, and Multiuse Corridor hosting Five (5) wells and encompassing a total of Eight (8) acres fenced-in, and a proposed Multiuse Corridor, across certain tribal lands Allotment T





3100 and Allotment 808A, consisting of 100% and 9932539682% of tribal interest, in the SWSW of Section 9 and SENE Section 8, Township 151 North, Range 94 West of the 5<sup>th</sup> P.M., located within McKenzie County, North Dakota, as more particularly described in Appendix A.1.

**BE IT FURTHER RESOLVED**, the Tribal Business Council hereby approves and consents to the ROW for the Kermit USA Well Pad and Multiuse Corridor subject to Marathon Oil Company's payment to the MHA Nation of the following fees:

Total - \$50,925.00 for Allotment T3100 and \$199.00 for Allotment 808A; and

**BE IT FURTHER RESOLVED**, the Tribal Business Council hereby approves and consents to the ROW for the Kermit USA Well Pad and Multiuse Corridor subject to Marathon's agreement to:

- Place trees around the Well Pad and/or place trees around the nearby homes to help disrupt the view from these nearby residences.
- Consult with the affected homeowner on the placement of the trees near their homes.

**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.

(SIGNATURE PAGE TO FOLLOW)



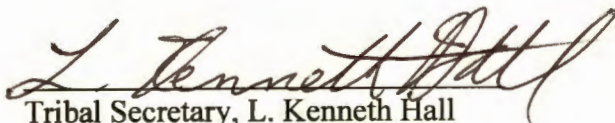
**CERTIFICATION**

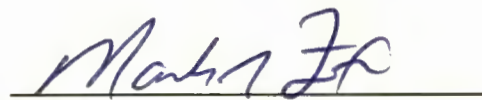
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 6 were present at a Special Meeting thereof duly called, noticed, convened and held on the 30<sup>th</sup> day of August, 2016, 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 30<sup>th</sup> day of August, 2016.

**ATTEST:**

  
Tribal Secretary, L. Kenneth Hall  
Tribal Business Council

  
Tribal Chairman, Mark N. Fox  
Tribal Business Council