



AMENDED

Resolution No. 16-220-LKH

RESCINDED

DATE 3-8-2017

NEW RES# _____

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

A Resolution entitled, “Consent to Approval to Modify Right-of-Way No. FBOG100124 Requested by Marathon Oil Company for the Jones Road Pipeline Project.”

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 its Constitution and By-Laws, the Tribal Business Council is the governing body of the MHA Nation; 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, The Tribal Business Council has authority to engage in activities on behalf of and for the welfare and benefit of the Tribes and of the enrolled members thereof; 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 (Establishment of the Three Affiliated Tribes 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); and

WHEREAS, On September 20, 2010, the Bureau of Indian Affairs granted Marathon Oil Company (“Marathon”) a ROW (No. FBOG100124) for a 6,077.73 feet in length, 50 feet in width access road and 400 feet by 275 feet and 2.53 acres encompassing 9.50 acres in total area.



WHEREAS, On January 16, 2015, the MHA Nation executed a Consent of Owner’s–Grant of Right-of-Way granting Marathon permission to expand said 50’ ROW an additional eighty feet (80’), for a total of one hundred and thirty feet (130’).

WHEREAS, Marathon now seeks to further modify ROW No. FBOG100124 and to void the January 16, 2015 ROW Consent to expand the 50’ ROW by an additional 80’, and Marathon has submitted an application, attached as Exhibit A, requesting a 30’ Pipeline Right-of-Way, for up to Four (4) Pipelines, for Oil, Gas, Produced Water, and Petroleum Byproducts. This Right-of-Way traverses across those Tribal Allotments listed in the table below and will follow alongside of a Marathon Access Road Right-of-Way, FBOG100124, as follows:

PURPOSE:

For four (4) Pipelines: for Oil, Gas, Produced Water and Petroleum byproducts.

LOCATION:

Township 151 North, Range 94 West, of the 5th P.M., McKenzie County, ND, in the following five Allotments:

- (1) 1774: SE Section 28 - 0.37500% Tribal interest
- (2) T1011A-C: NW of 27 – 100% Tribal interest
- (3) T1009A: SW and N2SE of 22 – 100% Tribal interest
- (4) T2195: NE of 22- 100% Tribal interest
- (5) T1042A: SW of 14 -100% Tribal interest

ACRES OF DISTURBANCE:

| Allotment | Linear Feet | Linear Rods | ROW acreage |
|-----------|-------------|-------------|-------------|
| 1774 | 3,195 | 193.68 | 2.20 |
| T1011A-C | 3,542.48 | 214.70 | 2.44 |
| T1009 | 2,893.84 | 175.38 | 1.99 |
| T2195 | 2,908.22 | 176.26 | 2.00 |
| T1042A | 473.89 | 28.72 | 0.33 |
| Total | | | 8.96 |

WHEREAS, The current ROW application, submitted by Marathon for the Jones Road Pipeline ROW Project, described above has been reviewed and recommended for approval by the MHA Natural Resources Department and the MHA Nation Energy Division in accordance with the MHA Nation’s approved procedure for authorizing ROWs on Tribal Land; and

WHEREAS, Marathon will follow stipulations put on forth by the Tribal Historic Preservation Office (THPO) as stated in the THPO Concurrence letter attached as Exhibit B where existing cultural sites are found; and



WHEREAS, The projected compensation to the MHA Nation for this ROW application is \$53,760.00.

WHEREAS, On August 31, 2016, at a duly held meeting of the Natural Resources Committee (“NRC”), the MHA Nation Energy Division recommended for approval Marathon’s Jones Road Pipeline ROW project, and the NRC 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 Right-of-Way Application and Terms and Conditions, as listed therein, the Tribal Business Council hereby approves the following ROW application, attached as Exhibit A, and ROW consent, as follows:

PURPOSE:

For four (4) Pipelines: for Oil, Gas, Produced Water and Petroleum byproducts.

LOCATION:

Township 151 North, Range 94 West, of the 5th P.M., McKenzie County, ND, in the following five Allotments:

- (6) 1774: SE Section 28 - 0.37500% Tribal interest
- (7) T1011A-C: NW of 27 – 100% Tribal interest
- (8) T1009A: SW and N2SE of 22 – 100% Tribal interest
- (9) T2195: NE of 22- 100% Tribal interest
- (10) T1042A: SW of 14 -100% Tribal interest

ACRES OF DISTURBANCE:

| Allotment | Linear Feet | Linear Rods | ROW acreage |
|-----------|-------------|-------------|-------------|
| 1774 | 3,195 | 193.68 | 2.20 |
| T1011A-C | 3,542.48 | 214.70 | 2.44 |
| T1009 | 2,893.84 | 175.38 | 1.99 |
| T2195 | 2,908.22 | 176.26 | 2.00 |
| T1042A | 473.89 | 28.72 | 0.33 |
| Total | | | 8.96 |

BE IT FURTHER RESOLVED, that the MHA Nation hereby rescinds the consent executed on January 16, 2015 to modify ROW No. FBOG100124 to expand the fifty foot (50’) ROW by an additional eighty feet (80’).

BE IT FINALLY RESOLVED, that the Chairman is hereby to take such further actions as are necessary to carry out the terms and intent of this Resolution.

Mandan, Hidatsa, & Arikara Nation

Three Affiliated Tribes – Fort Berthold Reservation

Natural Resources Department

Pipeline Safety Officer- Travis Hallam

404 frontage road, New Town ND 58763

Contact number 701-421-0300

thallam@mhanation.com



Concurrence letter for Marathon Jones Road Pipeline, Jones Road Expansion, Red Feather Setback and Luther Setback Projects

After reviewing the proposed projects, I am giving my concurrence for the above mentioned Marathon Oil, Gas and Produced Water Gathering lines.

Marathon will be meeting our required SCADA standard, required pipe material standards for produced water as well as other setback requirements.

SCADA with both pressure monitoring and flow metering abilities. Designed operating pressures significantly less than rated capabilities of the pipelines ratings. Meeting the ANSI 5L standard for produced water.

NOTE: Ongoing concurrence required for the produced water lines to be installed.

Signed, Travis Hallam TH
TAT Pipeline Safety Officer

Date 9.22.16



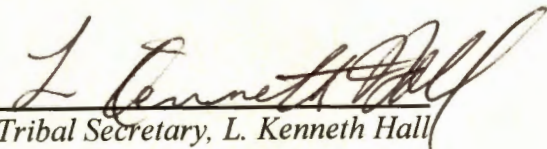
CERTIFICATION

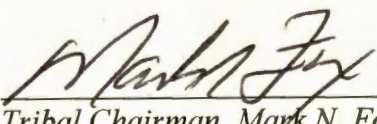
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 22nd day of September 2016; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 1 members opposed, 0 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [X] voting. [] not voting.

Dated this 22nd day of September 2016.

ATTEST:


Tribal Secretary, L. Kenneth Hall
Tribal Business Council
Three Affiliated Tribes


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