



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

Amending Resolution No. 16-219-LKH entitled, “Consent to Approval of Right(s) of Way Request by Marathon Oil Company for the Jones Road Expansion and Multiuse Corridor Project.” to include Allotment 1010A, located in the NWSW of Section 27, T151N-R94W, of the 5th P.M., McKenzie County, ND”

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, 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. 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, Marathon Oil Company (“Marathon”) received an approved ROW for a 50’ access road from the Bureau of Indian Affairs on September 20, 2010, FBOG100124, pursuant to Resolution No. 16-219-LKH; and



WHEREAS, Subsequent to that approval, on January 16, 2015, the Three Affiliated Tribes executed a Consent of Owner's Grant of Right of Way granting Marathon permission to expand said 50' Right-of-Way an additional 80', for a total of 130'; and;

WHEREAS, Marathon now seeks to void those ROW consents and requests a smaller Multiuse Corridor, consisting of an additional 50' from the existing 50' ROW, located on Allotment 1010A (100% tribal interest) in Township 151 North, Range 94 West, NWSW of Section 27, of the 5th P.M., McKenzie County, North Dakota; and

ADDITIONAL RIGHT-OF-WAY ACREAGE per ALLOTMENT:

Allotment	Original 50'	Additional 50'	Total 100' ROW	Linear Feet
1010A	0.40	0.40	0.80	347.43

WHEREAS, The current ROW application, attached as Exhibit A, submitted by Marathon for the Jones Road Expansion and Multiuse Corridor, described herein have 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, The projected compensation to the MHA Nation for this ROW project is \$1,000.00; and

WHEREAS, On January 4, 2017, at a duly held meeting between of the Natural Resources Committee, the MHA Nation Energy Division recommended approval of Marathon's Jones Road Expansion and Multiuse Corridor application, and the Natural Resources Committee approved said application and forwarded the matter 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, and payment of ROW fees, the Tribal Business Council hereby approves the following ROW application, attached as Exhibit A, and ROW consent, as follows:

- Marathon – to expand the existing 50' wide ROW with an additional 50' ROW for a Multiuse Corridor to include Access Road, Utilities, Fiber Optics, Electrical and Above ground temporary water line located on Allotment 1010A (100% tribal interest) in Township 151 North, Range 94 West, NWSW of Section 27, of the 5th P.M., McKenzie County, North Dakota; and



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.

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 8th day of February, 2017, 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 [X] Voting. [] Not Voting.

Dated this 8th day of February, 2017.

ATTEST:

Tribal Secretary, Fred W. Fox
Tribal Business Council

Tribal Chairman, Mark N. Fox
Tribal Business Council