



DATE 3-8-2017

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

Amending Resolution No. 16-220-LKH entitled, "Consent to Approval to Modify Right-of-Way No. FBOG100124 Requested by Marathon Oil Company for the Jones Road Pipeline Project for a 30' Pipeline Right-of-Way for up to Four Pipelines, for Oil, Gas, Produced Water, and Petroleum Byproducts, across Allotment 1010A located in the NWSW Section 27 of Township 141 North, Range 94 West, 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. 16-220-LKH; and



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

WHEREAS, Marathon now seeks to void those ROW consents and requests a 30' Pipeline ROW, for up to Four (4) Pipelines, for Oil, Gas, Produced Water, and Petroleum Byproducts; and

WHEREAS, Marathon's ROW application traverses Allotment 1010A located in the NWSW Section 27 of Township 151 North, Range 94 West, of the 5th P.M., McKenzie County, ND, listed in the table below and will follow alongside of a Marathon Access Road Right-of-Way, FBOG100124; and

WHEREAS, Marathon is hereby adding the allotment 1010A, described below, to the Resolution Number 16-220-LKH, dated September 22, 2016; and

Allotment	Legal Description	Linear Feet	Linear Rods	ROW acreage
1010A	Section 27, NWSW	209.43	12.69	0.14

WHEREAS, The projected compensation to the MHA Nation for this ROW project is \$1,000.00; and

WHEREAS, The current ROW application, attached as Exhibit A, submitted by Marathon for the Jones Road Pipeline Project, described herein 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, On January 4, 2017, at a duly held meeting of the Natural Resources Committee ("NRC"), the MHA Nation Energy Division recommended approval of Marathon's Jones Road Pipeline Project application, and the NRC approved the ROW application and forwarded the matter to the Tribal Business Council for final action; and

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 Oil Company – for a 30' Pipeline ROW, for up to Four (4) Pipelines, for Oil, Gas, Produced Water, and Petroleum Byproducts, across Allotment



1010A (100% tribal interest) located in the NWSW Section 27 of Township 151 North, Range 94 West, of the 5th P.M., McKenzie County, ND; 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.

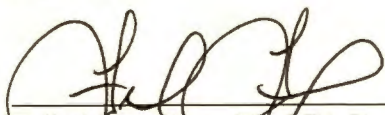
CERTIFICATION

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.

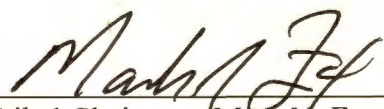
Chairman [X] Voting. [] Not Voting.

Dated this 8th day of February, 2017.

ATTEST:



Tribal Secretary, Fred W. Fox
Tribal Business Council



Tribal Chairman, Mark M. Fox
Tribal Business Council