



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

**A Resolution entitled, “Rescinding Resolution No. 16-220-LKH dated September 22, 2016  
and Resolution No. 17-022 dated February 8, 2017.”**

- 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 on Tribal Land are subject to the requirements of Tribal Law, including Resolution No. 14-071VJB (MHA Nation Pipeline Right-of-Way Terms and Conditions), and Resolution No. 15-0450LKH (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 approved ROW No. FBOG100124 for Marathon Oil Company (“Marathon”) to construct a fifty foot (50’) access road, known as Jones Road; and
- 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’ right-of-way an additional eighty feet (80’), for a total of one-hundred feet (130’); and



**Resolution No. 17-070-FWF**

- WHEREAS,** In August of 2016, Marathon sought to void the consent to expand ROW No. FBOG100124 an additional 80', and requested a 30' pipeline ROW, for up to four (4) pipelines, for oil, gas, produced water, and petroleum byproducts; and
- WHEREAS,** On August 31, 2016, at a duly held meeting of the Natural Resources Committee ("NRC"), the NRC forwarded Marathon's Jones Road Pipeline Project ROW application to the Tribal Business Council for final action; and
- WHEREAS,** On September 22, 2016 the Tribal Business Council passed 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*"; and
- WHEREAS,** In December 2016, Marathon filed an application to amend Resolution No. 16-220-LKH, in order to add a tract of tribal land in Allotment 1010A located in the NWSW Section 27 of Township 151 North, Range 94 West, of the 5<sup>th</sup> P.M., McKenzie County, ND, which Marathon had inadvertently left out of the Jones Road Pipeline Project's ROW application; and
- WHEREAS,** On January 4, 2017, at a duly held NRC meeting, the NRC forwarded Marathon's request to amend the Jones Road Pipeline Project ROW application to the Tribal Business Council for final action; and
- WHEREAS,** On February 8, 2017 the Tribal Business Council passed Resolution No. 17-022-FWF, entitled, *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 5<sup>th</sup> P.M., McKenzie County, ND*"; and
- WHEREAS,** Following passage of Resolution No. 17-022-FWF, the BIA informed the MHA Nation Energy Division staff that BIA could not approve Marathon's ROW applications regarding the Jones Road Pipeline Project because the purpose of the original ROW No. FBOG100124 was for an access road and that ROW cannot be amended or expanded for a different purpose (pipelines); and
- WHEREAS,** Upon consultation with Marathon's representative, Marathon and the MHA Nation Energy Division agreed to seek the rescission of Resolution No. 16-220-LKH and Resolution No. 17-022-FWF, and Marathon agreed to submit a revised ROW application for the Jones Road Pipeline Project, as a new ROW authorization, rather than as a modification to ROW No. FBOG100124; and



## Resolution No. 17-070-FWF

**WHEREAS,** On March 1, 2017, at a duly held meeting of the Natural Resources Committee (“NRC”), the MHA Nation Energy Division recommended that Resolution No. 16-220-LKH and Resolution No. 16-022-FWF be rescinded by the Tribal Business Council, and the NRC approved that recommendation for final action by the Tribal Business Council.

**NOW THEREFORE BE IT RESOLVED,** that the Tribal Business Council hereby rescinds the following Resolutions:

- 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*” passed on September 22, 2016.
- Resolution No. 17-022-FWF, entitled, “*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 5<sup>th</sup> P.M., McKenzie County, ND.*”

**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.



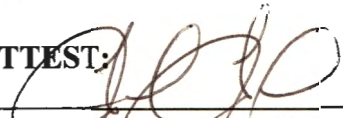
**CERTIFICATION**

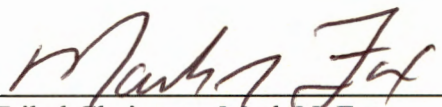
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 8<sup>th</sup> day of March, 2017, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 7 members, 0 \_ members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [ X ] Voting. [ ] Not Voting.

Dated this 8<sup>th</sup> day of March, 2017.

ATTEST:

  
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Tribal Secretary, Fred W. Fox  
Tribal Business Council

  
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Tribal Chairman, Mark N. Fox  
Tribal Business Council