



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

A Resolution entitled, “An Amendment to Resolution No. 16-138-LKH, entitled “Consent to Approval of Right(s) of Way and Approval of Setback Variance Requested by Marathon Oil Company for the Sophia USA Well Pad and Multiuse Corridor 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 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 July 13, 2016, the Tribal Business Council passed Resolution No. 16-138-LKH, titled “Consent to Approval of Right(s) of Way and Approval of Setback Variance Request by Marathon Oil Company for the Sophia USA Well Pad and Multiuse Corridor Project” wherein, said Resolution incorrectly described the legal description of the Right(s)-of-Way and Setback Variance requested by Marathon for the Sophia USA Well Pad and Multiuse Corridor Project; and
- WHEREAS,** On June 1, 2017, at a duly held meeting of the Natural Resources Committee (NRC), Marathon’s representative apprised the NRC of the legal description error



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in Resolution 16-138-LKH, and requested approval to seek an amendment to Resolution No. 16-138-LKH, to provide a corrected legal description of the Rights-of-Way and Setback Variance requests for Marathon's Sophia USA Well Pad and Multiuse Corridor Project, and the Natural Resources Committee approved of this recommendation for final action by the Tribal Business Council, *see* Attachment 1 showing the correct legal description.

NOW THEREFORE BE IT RESOLVED, that the Tribal Business Council hereby amends Resolution No. 16-138-LKH to correct the legal description for the Rights-of-Way for the Marathon Oil Company's Sophia USA Well Pad and Multiuse Corridor Project, as follows:

- Marathon Oil Company's Sophia USA Well Pad, being a production pad hosting Nine (9) Wells, and a Multiuse Corridor, which includes an Access Road, Fiber Optics, Flowlines, Utilities, Snow Removal, and Routine Maintenance, across certain Tribal Lands in Allotment 1968, being the N/2 of Section 15, T147N-R94W, 5th P.M., Dunn County North Dakota.

BE IT FURTHER RESOLVED, that the Tribal Business Council hereby approves the setback variance, attached as Exhibit B, submitted by Marathon for Sophia USA Wellpad, as follows:

NAME: Sophia USA Nine (9) Well Pad and Multiuse Corridor, including Fiber Optics, Utilities, Flowlines, Access Road, Snow Removal, Routine Maintenance. The six wells include:

1. BACA USA 41-15TFH
2. DALTON USA 31-15TFH
3. GRAHAM USA 41-15TFH
4. HARMON USA 41-15H
5. IRWIN USA 11-14H
6. MADELINE USA 41-15H
7. RIGGS USA 11-14H
8. SOPHIA USA 11-14TFH
9. VERA USA 21-14TFH

LOCATION: N2 of Section 15, Township 147 North, Range 94 West of the 5th P.M., Dunn County, North Dakota

ACRES OF DISTURBANCE: Well Pad is Twelve (12) acres fenced-in, the Multiuse Corridor is 2,123.53 feet in distance, encompassing 14.3 acres of disturbance.



DRILLING/SPACING UNIT: Section 14, 15, 22 and 23 of T147N-R94W

DISTANCE FROM WELLPAD: One Thousand Three Hundred Eighty Eight Feet (1,388') from the High Water Mark of Lake Sakakawea.

BE IT FURTHER RESOLVED, that this Resolution does not change or alter the effective dates of the Tribal Business Council's original action approving the Rights-of-Way consents and Set Back Variance requests for the Sophia USA Well Pad and Multiuse Corridor Project; 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 11th day of October, 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 11th day of October, 2017.

ATTEST:

Tribal Secretary, Fred W. Fox
Tribal Business Council

Chairman, Mark N. Fox
Tribal Business Council