



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

**A Resolution entitled, “*Consent for Approval of the Luther Pipeline Right-of-Way Project*”
*Submitted by Marathon Oil Company.***

- 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 (“ROWs”) on Tribal Land are subject to the requirements of tribal law, including Resolution No. 17-117-FWF, 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”) submitted a ROW application for a Pipeline Right-of-Way for up to four (4) Pipelines (Oil, Gas, Produced Water, Fresh Water and/or other Production from wells drilled from the Luther Pad) installed using a fifty foot (50’) wide construction width, a thirty foot (30’) wide permanent width, and a distance of One Thousand Seven Hundred Twenty point Forty Three Feet (1,720.43’), said Pipelines and Luther Well Pad are located in Allotment 383A (65.278% Tribal interest in the Surface Estate), in the W/2 of Section 9, Township 150 North, Range 93 West, of the 5th p.m., Mountrail County, North Dakota, and more particularly described in Appendix A.1; and



WHEREAS, The ROW application, submitted by Marathon for the Luther Pipeline project, described above, has been reviewed and recommended for approval by the MHA Nation's Natural Resources Department and the MHA Nation's 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 application is \$7,836.86; and

WHEREAS, On August 30, 2017, at a duly held meeting of the Natural Resources Committee ("NRC"), the MHA Nation Energy Division recommended approval of Marathon's ROW application and consent request for the Luther Pipeline project, more fully described herein, and in the attached Appendix A.1., 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, and payment of ROW fees, the Tribal Business Council hereby approves the following ROW application, attached as Appendix A.1., and ROW consent, as follows:

- Marathon Oil Company – the Luther Pipeline project, for up to four (4) Pipelines (Oil, Gas, Produced Water, Fresh Water and/or other Production from wells drilled from the Luther Pad) installed using a fifty foot (50') wide construction width, a thirty foot (30') wide permanent width, and a distance of One Thousand Seven Hundred Twenty point Forty Three Feet (1,720.43'), said Pipelines and Luther Well Pad are located in Allotment 383A (65.278% Tribal interest in the Surface Estate), in the W/2 of Section 9, Township 150 North, Range 93 West, of the 5th p.m., Mountrail County, North Dakota.

BE IT FURTHER RESOLVED, the consent and approval of Marathon's ROW application for the Luther Pipeline Project, described herein, is specifically conditioned on Marathon's payment of the following trespass fines:

- (1) \$50,000.00 for exceeding ROW No. FBOG100095 dated July 26, 2010 for the Luther Pad; and
- (2) \$10,000.00 for exceeding ROW No. FBOG100124 dated September 20, 2010 for the Jones Road.

BE IT FINALLY RESOLVED, that the Chairman is hereby authorized to execute such documents and 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

APPENDIX A.1

< Attach: (1) Application Form, (2) Approval Form signed by Department Head and Chairman of NRC per Resolution 15-045-LKH, (3) signed ROW terms and Conditions per Resolution No. 14-089-VJB, (4) map, and (5) other necessary information >