



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

A Resolution entitled, “Clarification of Trespass Fine Issued to and Paid by Marathon Oil Company for Overbuilding the Jones Road, as set forth in Resolution No. 17-287-FWF.”

- 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,** On November 15, 2018, the Tribal Business Council passed Resolution No. 17-287-FWF entitled, “Approval of Setback Variance Requested by Marathon Oil Company for the Luther Pipeline Right-of-Way Project” subject to Marathon Oil Company’s (“Marathon”) 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; and



WHEREAS, On August 31, 2017 Marathon Oil Company paid to the MHA Nation a Ten Thousand Dollars (\$10,000.00) fine for its trespass of ROW No. FBOG100124 for the Jones Road, as set forth in Resolution No. 17-287-FWF; and

WHEREAS, In February 2018, Marathon requested an amendment with respect to the description of the trespass fine and fee for ROW No. FBOG100124 for the Jones Road, because the Jones Road extends across several other Tribal tracts covered by several other BIA Easement Grants that were not previously described to the MHA Nation Energy Division; and

WHEREAS, Specifically, Marathon informed the MHA Nation Energy Division that its trespass in overbuilding the Jones Road extends to Tribal tracts covered by ROW No. FBOG100124 as well as by ROW No. FBOG100097, ROW NO. FBOG100121 and ROW No. FBOG100123 in the Allotments described below and as more particularly described in Appendix A.1.:

Township 151 North, Range 94 West, of the 5th P.M., McKenzie County, North Dakota:

- (1) 1774: SE Section 28 - 0.37500% Tribal interest
- (2) T1011A-C: NW of 27 - 100% Tribal interest
- (3) T1009A: SW and N2SE of 22 - 100% Tribal interest
- (4) T2195: NE of 22- 100% Tribal interest
- (5) T1042A: SW of 14 -100% Tribal interest
- (6) 1010A: NWSW of Section 27 – 100% Tribal Interest; and

WHEREAS, On February 28, 2018 at a duly held meeting of the Natural Resources Committee (“NRC”), the NRC approved Marathon Oil Company’s request to amend or clarify that the payment of the trespass fine for overbuilding the Jones Road applies to Tribal tracts covered by ROW No. FBOG100124 as well as by ROW No. FBOG100097, ROW NO. FBOG100121 and ROW No. FBOG100123 in the Allotments described above, and the NRC forwarded the matter to the Tribal Business Council for final action.

NOW THEREFORE BE IT RESOLVED, The Tribal Business Council hereby clarifies that the \$10,000.00 trespass fine paid by Marathon Oil Company for overbuilding the Jones Road applies to Tribal tracts covered by ROW No. FBOG100124 as well as by ROW No. FBOG100097, ROW NO. FBOG100121 and ROW No. FBOG100123 in the following Allotments described below:

Township 151 North, Range 94 West, of the 5th P.M., McKenzie County, North Dakota:

- (1) 1774: SE Section 28 - 0.37500% Tribal interest



- (2) T1011A-C: NW of 27 - 100% Tribal interest
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- (4) T2195: NE of 22- 100% Tribal interest
- (5) T1042A: SW of 14 -100% Tribal interest
- (6) 1010A: NWSW of Section 27 – 100% Tribal Interest.

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, 6 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 15th day of March, 2018, 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 15th day of March, 2018.

ATTEST:



 Tribal Secretary, Fred W. Fox
 Tribal Business Council



 Chairman, Mark N. Fox
 Tribal Business Council