



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

***A Resolution entitled, "Consent to Modification No. 1 to BIA ROW No. FBOG100242 and Consent to an Additional Modification to BIA ROW No. FBOG100242 for the Bears Ghost USA 31 Well Pad, Access Road, and Multiuse Corridor 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. 13-109-VJB (Establishing 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), Resolution No. 17-117-FWF (Approval of Fee Structure), and Resolution No. 18-212-FWF (Amending Fee Structure); and
- WHEREAS,** On August 8, 2011, then MHA Nation Tribal Business Council Member and Secretary V. Judy Brugh executed the Bureau of Indian Affairs ("BIA") "Consent of Owner's - Grant of Right-of-Way" for an ROW application submitted by Marathon Oil Company ("Marathon") across certain trust lands on Allotment No.



301 1069A (76.67% Tribal interest), located in the N2SE4, NE4 of Section 4, Township 147 North, Range 94 West, and in the S2SE4 of Section 33, Township 148 North, Range 94 West, both located in Dunn County, North Dakota; and

**WHEREAS,** The August 8, 2011 Consent of Owner's – Grant of Right-of-Way includes the following description of easement: 1. A strip of land 100 feet in width and 437.92 feet [in length] beginning in the SW4SE4 of Section 33, T148N R94W, ending in the NW4NE4 of Section 4, T147N R94W, encompassing approximately 1.005 acres of disturbed area. 2. A piece of land approximately 400' wide and 450' long within the NW4NE4 of Section 4, T147N R94W, encompassing approximately 5.10 acres of disturbed area; and

**WHEREAS,** On August 11, 2011, the Bureau of Indian Affairs ("BIA") granted to Marathon Oil Company, BIA ROW No. FBOG100242 for the following purposes, specifically: BEARS GHOST USA 31-4H WELL LOCATION AND ACCESS over the land embraced within this ROW situated on the following described lands located in the County of Dunn, North Dakota:

**Township 148 North, Range 94 West, Fifth P.M.**

Allotment # 1069A, S ½ SE ¼ of Section 33 (.103 acres access road)

**Township 147 North, Range 94 West, Fifth P.M.**

Allotment # 1069A, N ½ SE ¼ NE ¼ of Section 4  
(.902 acres access road and 4.13 acres well pad)

- Said ROW is more particularly described to be an access road 437.92 feet in length, 100 feet in width and a well pad 450 feet by 400 feet and 4.13 acres (5.10 total acres disturbance);
- Said easement is granted for the purpose of drilling an oil and gas well;
- A one hundred foot wide right-of-way is granted across the aforementioned trust property along with 5.10 acres of surface disturbance for a well pad;
- Said right-of-way shall exist as long as oil and gas is produced in paying quantities or if [the] well is a dryhole or abandoned, the entire well site and roadway must be properly reclaimed by grantee and released by the Bureau of Land Management and the Bureau of Indian Affairs; and

**WHEREAS,** On September 23, 2011, the BIA approved Modification No. 1 to ROW No. FBOB100242 to add an additional wellbore BEARS GHOST USA 31-4TFH to the existing well location (BEARS GHOST USA 31-4H), with no additional disturbance to the well location; and

**WHEREAS,** There is no record of an executed Tribal Consent to Modification No. 1 to ROW No. FBOG100242 in either BIA's files or Marathon's files; and



**WHEREAS,** To fulfill applicable federal and tribal law requirements which compel a ROW grantee to secure Tribal Consent for amendments of modifications to ROWs that contain Tribal interests, Marathon seeks the MHA Nation's consent to Modification No. 1 to BIA ROW No. FBOG100242; and

**WHEREAS,** Pursuant to fees established and set forth in Resolution No. 18-212-FWF, Marathon agrees to remit payment in the amount of \$3,833.50 (\$5000.00 x .7667), for the additional wellbore authorized by Modification No. 1 to BIA ROW No. FBOG100242; and

**WHEREAS,** On December 6, 2018, Marathon Oil Company submitted a ROW application and consent request to amend BIA ROW No. FBOG100242 for the Bears Ghost USA 31 Well Pad, Access Road, and Multiuse Corridor Project to expand an existing well pad to accommodate the drilling and completing of three new wells in addition to the two existing wells and to overlap an electrical, utilities, and maintenance corridor on the existing access road for construction, fiber optic cables, electrical lines, above-ground water transfer lines, snow removal, and maintenance across certain Tribal lands in Allotment No. 1069A (76.67% Tribal interest), in the NE, NSE of Section 4, Township 147 North, Range 94 West, 5th P.M., Dunn County, ND, and SSE of Section 33, Township 148 North, Range 94 West., 5th P.M., Dunn County, North Dakota, as more particularly described in Appendix A.1.; and

**WHEREAS,** The ROW modification for the Bears Ghost USA 31 Well Pad, Access Road, and Multiuse Corridor Project consists of 10.775 total disturbed acres, which includes 5.10 acres granted by BIA ROW No. FBOG100242, and 5.675 acres of additional (new) ROW acreage, and encompasses 9.77 total acres for a fenced-in well pad (which includes 5.10 acres granted by BIA ROW No. FBOG100242, and 4.67 acres of additional right-of-way) and 1.005 acres for a multi-use corridor overlapping 1.005 acres granted by BIA ROW No. FBOG100242 for an access road; and

**WHEREAS,** Pursuant to fees established and set forth in Resolution No. 18-212-FWF, the projected compensation to the MHA Nation for this ROW application is \$30,562.58; and

**WHEREAS,** The ROW application submitted by Marathon for the Bears Ghost USA 31 Well Pad, Access Road, and Multiuse Corridor Project, described above, has been reviewed and recommended for approval by the MHA Nation Natural Resources Department and the MHA Energy Division in accordance with the MHA Nation's approved procedure for authorizing ROWs on Tribal lands; and



**WHEREAS,** On January 17, 2019 at a duly held meeting of the Energy Committee (“EC”), the MHA Nation Energy Division recommended approval Marathon’s ROW application and consent request for the Bears Ghost USA 31 Well Pad, Access Road, and Multiuse Corridor Project, more fully described herein, and in the attached Appendix A.1., and the EC 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 Bears Ghost USA 31 Well Pad, Access Road, and Multiuse Corridor Project, to amend BIA ROW No. FBOG100242 for the Bears Ghost USA 31 Well Pad, Access Road, and Multiuse Corridor Project to expand an existing well pad to accommodate the drilling and completing of three new wells in addition to the two existing wells and to overlap an electrical, utilities, and maintenance corridor on the existing access road for construction, fiber optic cables, electrical lines, above-ground water transfer lines, snow removal, and maintenance across certain Tribal lands in Allotment No. 1069A (76.67% Tribal interest), in the NE, NSE of Section 4, Township 147 North, Range 94 West, 5th P.M., Dunn County, ND, and SSE of Section 33, Township 148 North, Range 94 West., 5th P.M., Dunn County, North Dakota; and

**BE IT FURTHER RESOLVED,** Subject to Marathon Oil Company’s agreement to the execution of the MHA Right-of-Way Application and Terms and Conditions for Modification No. 1 to BIA ROW No. FBOG100242, and payment of ROW fees in the amount of \$3,833.50 for the additional wellbore authorized by Modification No. 1, the Tribal Business Council hereby provides the consent of the MHA Nation for Modification No. 1; and

**BE IT FURTHER RESOLVED,** In accordance with the MHA Nation Standard Terms and Conditions for Right-of-Ways, the ROW modification for the Bears Ghost USA 31 Well Pad, Access Road, and Multiuse Corridor Project will be subject to a twenty (20) year term, from the date of the BIA’s execution of the grant of the ROW modification for said project; and

**BE IT FURTHER RESOLVED,** The Tribal Business Council consents to the estimated compensation for the ROW modification application for the Bears Ghost USA 31 Well Pad, Access Road, and Multiuse Corridor Project in the amount of \$30,562.58, which is based on the MHA Nation ROW compensation and application fees established by and set forth in Resolution No. 18-212-FWF; and



**BE IT FURTHER RESOLVED,** In accordance with governing MHA Nation law and policy as well as applicable federal ROW regulations, all ROW grantees must obtain the prior written approval from the MHA Nation before assigning any ROW that contains any Tribal interest, and therefore, the Tribal Business Council does not pre-consent to an assignment of the ROW for the Bears Ghost USA 31 Well Pad, Access Road, and Multiuse Corridor Project; and

**BE IT FURTHER RESOLVED,** The Tribal Business Council does not consent to waive any bond, insurance, or alternative form of security; and

**BE IT FURTHER RESOLVED,** The MHA Nation Standard Terms and Conditions for Rights-of-Way, executed by Marathon Oil Company and the MHA Nation Energy Division, constitute a written agreement as part of the MHA Nation's consent to the grant of the ROW, and therefore, as provided in 25 CFR §169.107(a), the Tribal Business Council requests the Bureau of Indian Affairs to incorporate these terms and conditions into the ROW grant for the Bears Ghost USA 31 Well Pad, Access Road, and Multiuse Corridor Project; and

**BE IT FURTHER RESOLVED,** The Tribal Business Council retains the authority, as well as the delegation of authority to the MHA Nation Energy Division and other Tribal departments, to issue fines and set conditions to address and resolve ROW trespass, abandonment, non-use, and other violations, including violations of applicable MHA Nation Standard ROW Terms and Conditions, and further requests the Bureau of Indian Affairs to defer to these remedies, in accordance with the intent and notice provisions in 25 CFR §169.403(a); and

**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.

*(SIGNATURE PAGE TO FOLLOW)*



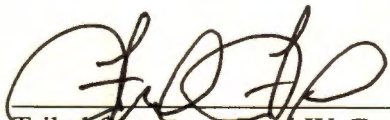
**CERTIFICATION**

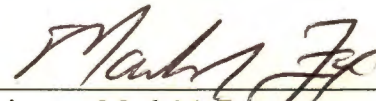
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 5 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 14<sup>th</sup> day of February, 2019, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 2 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [ X ] Voting. [ ] Not Voting.

Dated this 14<sup>th</sup> day of February, 2019.

**ATTEST:**

  
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Tribal Secretary, Fred W. Fox  
Tribal Business Council

  
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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 >