



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

A Resolution entitled, "Consent to Grant of Right-of-Way across Tribal lands for the Myrmidon Water Gathering System-30th Street NW Pipeline Project Submitted by Marathon Oil Company."

- WHEREAS,** This Mandan, Hidatsa, and Arikara Nation, also known as the Three Affiliated Tribes ("MHA Nation" or "Tribes"), 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 Business 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 provide 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 lands require the consent of the Tribal Business Council pursuant to federal and Tribal law; and
- WHEREAS,** Applications for ROWs on Tribal lands 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), 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 July 25, 2019, Marathon Oil Company ("Marathon") submitted a ROW application and consent request for the Myrmidon Water Gathering System-30th Street NW Pipeline Project to construct, install, operate, maintain, and manage one (1) pipeline and two (2) well connects for oil, gas, produced water, fresh water, and/or any other related products in, on, over, and across Tribal tracts on



Allotment No. 371A (50% Tribal interest), and Tract No. T437A-A (100% Tribal interest), more particularly described as:

Allotment No. 371A: Main corridor of 2,767.35 feet in length, with a permanent width of 30 feet, and a temporary construction width of 70 feet, and Line E corridor of 533.44 feet in length, with a permanent width of 30 feet, and a temporary construction width of 70 feet, in, on, over, and across Lot 1, Lot 2, and S½NE¼ of Section 5, Township 150 North, Range 93 West, of the 5th P.M., Mountrail County, North Dakota.

Tribal Tract No. T437A-A: Main corridor of 2,641.71 feet in length, with a permanent width of 30 feet, and a temporary construction width of 70 feet, Line F corridor of 933.91 feet in length, with a permanent width of 30 feet, and a temporary construction width of 70 feet, and Line F(A) corridor of 65.11 feet in length, with a permanent width of 30 feet, and a temporary construction width of 70 feet, in, on, over, and across Lot 3 and Lot 4 of Section 4, Township 150 North, Range 93 West, of the 5th P.M., Mountrail County, North Dakota.

WHEREAS, The ROW for this application consists of 2.27 acres of permanent easement; 5.31 acres of temporary construction easement on Allotment No. 371A, and 2.51 acres of permanent easement; 5.85 acres of temporary construction easement on Tribal Tract No. T437A-A; 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 and consent request is \$21,870.00 for the permanent easement, \$21,262.50 for the temporary construction easement, and \$7,290.00 for the annual rental, in addition to the one-time application fee; and

WHEREAS, The ROW application and consent request submitted by Marathon for the Myrmidon Water Gathering System-30th Street NW Pipeline Project described above, was reviewed and recommended for approval by the MHA Natural Resources Department and the MHA Nation Energy Division in accordance with the MHA Nation's approved procedure for authorizing ROWs on Tribal lands; and

WHEREAS, On November 6, 2019, at a duly held meeting of the Energy Committee, the MHA Energy Division recommended approval of Marathon's ROW application and consent request for the Myrmidon Water Gathering System-30th Street NW Pipeline Project, more fully described herein, and the Energy Committee 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 Rights-of-Way Application and Terms and Conditions,



as listed therein, and payment of the ROW fees, the Tribal Business Council hereby approves the following ROW application and consent request, as follows:

- Marathon Oil Company – Myrmidon Water Gathering System-30th Street NW Pipeline Project to construct, install, operate, maintain, and manage one (1) pipeline and two (2) well connects for oil, gas, produced water, fresh water, and/or any other related products in, on, over, and across Tribal tracts on Allotment No. 371A (50% Tribal interest), and Tract No. T437A-A (100% Tribal interest), more particularly described as:

Allotment No. 371A: Main corridor of 2,767.35 feet in length, with a permanent width of 30 feet, and a temporary construction width of 70 feet, and Line E corridor of 533.44 feet in length, with a permanent width of 30 feet, and a temporary construction width of 70 feet, in, on, over, and across Lot 1, Lot 2, and S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 5, Township 150 North, Range 93 West, of the 5th P.M., Mountrail County, North Dakota.

Tribal Tract No. T437A-A: Main corridor of 2,641.71 feet in length, with a permanent width of 30 feet, and a temporary construction width of 70 feet, Line F corridor of 933.91 feet in length, with a permanent width of 30 feet, and a temporary construction width of 70 feet, and Line F(A) corridor of 65.11 feet in length, with a permanent width of 30 feet, and a temporary construction width of 70 feet, in, on, over, and across Lot 3 and Lot 4 of Section 4, Township 150 North, Range 93 West, of the 5th P.M., Mountrail County, North Dakota.

BE IT FURTHER RESOLVED, In accordance with the MHA Nation Standard Terms and Conditions for Rights-of-Way, the Tribal Business Council affirms its consent to the ROW for the Myrmidon Water Gathering System-30th Street NW Pipeline Project, provided that such ROW remains subject to a twenty (20) year term, from the date of the BIA's execution of the original grant of the ROW for said project; and

BE IT FURTHER RESOLVED, The Tribal Business Council hereby approves the estimated compensation for this ROW application and consent request in the amount of \$21,870.00 for the permanent easement, \$21,262.50 for the temporary construction easement, and \$7,290.00 for the annual rental, in addition to the one-time application fee; 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 Myrmidon Water Gathering System-30th Street NW Pipeline 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 constitutes a written agreement as part of the MHA Nation's consent to grant of 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 Myrmidon Water Gathering System-30th Street NW Pipeline 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.



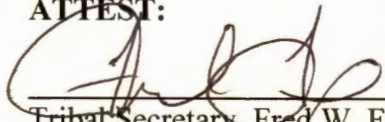
CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 19th day of December 2019; 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.

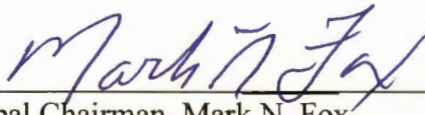
Chairman [X] voting. [] not voting.

Dated this 19th day of December, 2019.

ATTEST:



Tribal Secretary, Fred W. Fox
Tribal Business Council
Three Affiliated Tribes



Tribal Chairman, Mark N. Fox
Tribal Business Council
Three Affiliated Tribes