



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

***A Resolution entitled, "Consent to Amend BIA ROW No. FBOG100228 across Tribal land
(Allotments 1700 and T2028) for the Boy Chief USA Project Submitted by
Marathon Oil Company"***

- WHEREAS,** The Mandan, Hidatsa, and Arikara Nation (the "Nation"), also known as the Three Affiliated Tribes, having accepted the Indian Reorganization Act of June 18, 1934, the authority under said Act, and having adopted a Constitution and By-laws (the "Constitution") under said Act, and
- WHEREAS,** Pursuant to Article III, Section 1 of the Constitution, the Tribal Business Council is the governing body of the Tribe; and
- WHEREAS,** Pursuant to Article VI, Section 5(1) of the 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,** 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 land require the consent of the Tribal Business Council pursuant to federal and Tribal law; and
- WHEREAS,** Applications for 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 Bonuses, Royalties, and Road and Pipeline Easements), Resolution No. 14-071-VJB (MHA Nation Application for Rights-of-Way and Use of Rights-of-Way), Resolution No. 14-089-VJB (MHA Nation Pipeline Rights-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,** The Tribe previously consented to the approval of the ROW for the Boy Chief USA Project; and



WHEREAS, On June 15, 2011, the BIA granted ROW No. FBOG100228 to Marathon Oil Company for the Boy Chief USA 11-15H and Boy Chief USA 11-15TFH Well Location, Production Facility, and Access; and

WHEREAS, Marathon Oil Company submitted a ROW application to amend ROW No. FBOG100228 for the Boy Chief USA Project by expanding the existing drilling pad by 1.48 fenced acres, adding two (2) new wells, and expanding the existing production facility pad by 5.78 fenced acres, across Allotment Nos. 1700 and T2028 in the E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 15, Township 147 North, Range 93 West of the 5th P.M., Dunn County, North Dakota, with 2.77777778% and 100.00% Tribal interest, respectively; and

WHEREAS, The ROW application has been reviewed and recommended for approval in accordance with the MHA Nation's procedure for authorizing ROWs on Tribal land; and

NOW THEREFORE BE IT RESOLVED, Subject to the MHA Nation Standard Terms and Conditions for Rights-of-Way, and payment of applicable ROW fees, the Tribal Business Council hereby approves the ROW application, attached as Appendix A.1, and consents to the following ROW amendment:

- Marathon Oil Company – amend ROW No. FBOG100228 for the Boy Chief USA Project:
 - by expanding the existing drilling pad by 1.48 fenced acres, adding two (2) new wells, and expanding the existing production facility pad by 5.78 fenced acres,

across Allotment Nos. 1700 and T2028 in the E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 15, Township 147 North, Range 93 West of the 5th P.M., Dunn County, North Dakota, with 2.77777778% and 100.00% Tribal interest, respectively; and

BE IT FURTHER RESOLVED, The amended ROW shall have the same term as the original ROW No. FBOG100228.

BE IT FURTHER RESOLVED, The Tribe does not consent to waive any bond, insurance, or alternative form of security.

BE IT FURTHER RESOLVED, The MHA Nation Standard Terms and Conditions for Rights-of-Way are incorporated into this consent to approval 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 grant of the ROW.



BE IT FURTHER RESOLVED, The Tribe retains the authority to issue fines and set conditions to address and resolve ROW trespass, abandonment, non-use, and other violations, including violations of the applicable MHA Nation Standard Terms and Conditions for Rights-of-Way, and further requests the Bureau of Indian Affairs to defer to these remedies, in accordance with the intent and notice provisions, as provided in 25 CFR §169.403(a).

BE IT FURTHER RESOLVED, In accordance with Tribal law and policy, as well as applicable federal regulations, all ROW grantees must obtain the prior written approval from the MHA Nation before assigning a ROW that contains any Tribal interest, and therefore, the Tribal Business Council does not pre-consent to any further assignment of the ROW for the Boy Chief USA Project.

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.

[THIS SPACE INTENTIONALLY LEFT BLANK. CERTIFICATION FOLLOWS.]



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 February, 2021, 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 [] Voting. [X] Not Voting.

Dated this 11th day of February, 2021.

ATTEST:

A blue ink signature of Fred W. Fox, written in a cursive style.

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

A blue ink signature of Mark N. Fox, written in a cursive style.

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