



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

***A Resolution entitled, "Consent to Approval of a Right-of-Way across Tribal Land (575A) for the Foolish Bear USA Pipelines Corridor Submitted by Marathon Oil Company"***

- WHEREAS,** The Mandan, Hidatsa, and Arikara Nation (MHA 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 MHA Nation; and
- WHEREAS,** The Constitution authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the MHA Nation and of the enrolled members thereof; 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), Resolutions No. 18-212-FWF and 21-082-FWF (Amending Fee Structure); and



**WHEREAS,** Marathon Oil Company submitted a ROW application for the Foolish Bear USA Pipelines Corridor of five (5) pipelines, with one (1) pipeline and associated equipment and appurtenances assignable to Targa Badlands, LLC, and one (1) pipeline and associated equipment and appurtenances assignable to ONEOK Rockies Midstream, LLC; the corridor being 100 feet wide and the centerline 911.98 feet in length, consisting of a permanent right-of-way 50 feet wide for the five (5) pipelines up to 16 inches in diameter, containing 1.05 acres, and an additional temporary right-of-way 50 feet wide for construction, installation, maintenance, repair, and removal of said pipelines and associated equipment and appurtenances, containing 1.05 acres, for 2.10 acres of total right-of-way, across Allotment No. 575A in the NW¼ of Section 17 and the NE¼ of Section 18, Township 152 North, Range 93 West of the 5th P.M., McKenzie County, North Dakota, with 0.0911111111 undivided Tribal interest; 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.

**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:

- Marathon Oil Company – Foolish Bear USA Pipelines Corridor of five (5) pipelines up to 16 inches in diameter:
  - with one (1) pipeline and associated equipment and appurtenances assignable to Targa Badlands, LLC,
  - and one (1) pipeline and associated equipment and appurtenances assignable to ONEOK Rockies Midstream, LLC;
  - the corridor being 100 feet wide and the centerline 911.98 feet in length, consisting of a permanent right-of-way 50 feet wide for the five (5) pipelines up to 16 inches in diameter, containing 1.05 acres, and an additional temporary right-of-way 50 feet wide for construction, installation, maintenance, repair, and removal of said pipelines and associated equipment and appurtenances, containing 1.05 acres, for 2.10 acres of total right-of-way,
  - Total Disturbance for this project is 2.10 Acres.

across Allotment No. 575A in the NW¼ of Section 17 and the NE¼ of Section 18, Township 152 North, Range 93 West of the 5th P.M., McKenzie County, North Dakota, with 0.0911111111 undivided Tribal interest; and



**BE IT FURTHER RESOLVED,** The ROW shall have a Primary Term of twenty (20) years from the date of the BIA's grant of the ROW.

**BE IT FURTHER RESOLVED,** The Tribe 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 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; and

**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); and

**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, except pre-consent for one (1) pipeline and associated equipment and appurtenances assignable to Targa Badlands, LLC, and one (1) pipeline and associated equipment and appurtenances assignable to ONEOK Rockies Midstream, LLC, the Tribal Business Council does not pre-consent to any further assignment of the ROW for the Foolish Bear USA Pipelines Corridor; 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.

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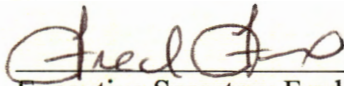
**CERTIFICATION**

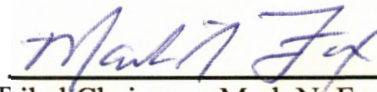
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 7<sup>th</sup> day of July, 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.  Not Voting.

Dated this 7<sup>th</sup> day of July, 2021.

**ATTEST:**

  
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Executive Secretary Fred Fox  
Tribal Business Council  
Three Affiliated Tribes

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