



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

A Resolution entitled, “Consent to Partial Assignment of BIA ROW No. FBOG101224 across Tribal Land (1968 and T2122) 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 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 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 and 21-082-FWF (Amending Fee Structure); and



WHEREAS, Marathon Oil Company submitted a ROW application for the Treasure USA Project, approved by the Tribal Business Council on July 13, 2016, and again, as amended, on December 20, 2018; and

WHEREAS, The BIA approved ROW application as No. FBOG101224 on June 5, 2019; and

WHEREAS, Marathon Oil Company submitted an application to partially assign the Access Road and Multiuse Corridor portion of BIA ROW No. FBOG101224 to McKenzie Electric Cooperative, Inc., for the Treasure USA Project; and

WHEREAS, The ROW assignment request, described above, has been reviewed and recommended for approval in accordance with the Nation's procedure for authorizing ROWs on Tribal land.

NOW THEREFORE BE IT RESOLVED, That the Tribal Business Council hereby approves the following ROW assignment:

- Partial assignment by Marathon Oil Company to McKenzie Electric Cooperative, Inc., of the Access Road and Multiuse Corridor ROW for the Treasure USA Project, to inspect, survey, develop, install, expand, construct, replace, operate, maintain, repair, remove, and demolish electrical utilities and above ground appurtenances, across certain Tribal land in Tract No. 1968 comprised of the N $\frac{1}{2}$ of Section 15, Township 147 North, Range 94 West of the 5th P.M., Dunn County, North Dakota, for 9.067 acres, and Tract No. T2122 comprised of the NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14, Township 147 North, Range 94 West of the 5th P.M., Dunn County, North Dakota, for 5.478 acres.
- The total Access Road and Multiuse Corridor ROW for this application consists of 14.545 acres

BE IT FURTHER RESOLVED, That the assignee shall be subject to all applicable terms and conditions of the ROW for the Treasure USA Project.

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

BE IT FURTHER RESOLVED, That the term of the ROW shall run from the date of original issuance.

BE IT FURTHER RESOLVED, That the MHA Nation Standard Terms and Conditions for Rights-of-Way are incorporated into this consent to partial assignment 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, That 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 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, 5 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 14th day of September 2022; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 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 14th day of September 2022.

ATTEST:


Tribal Secretary, Fred W. Fox
Tribal Business Council


Chairman, Mark N. Fox
Tribal Business Council