



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

*A Resolution entitled, “Approval of a Surface Use and Damage Agreement with Marathon Oil Company for the Murray USA Project.”*

**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 Trust land require the consent of the Tribal Business Council pursuant to federal and Tribal Law; 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,** On May 8, 2023, Marathon Oil Company (“Marathon Oil”) submitted to the MHA Nation Energy Division a proposed Surface Use and Damage Agreement; and

**WHEREAS,** The MHA Nation has engaged in negotiations with Marathon Oil regarding a Surface Use and Damage Agreement for eleven (11) wells to be drilled from a wellsite located on Tribal fee land in a portion of the NW¼ of Section 20, Township 152 North, Range 93 West of the 5th P.M., in McKenzie County, North Dakota; and



**Resolution No. 23-180-FWF**

**WHEREAS,** The MHA Nation and Marathon Oil Company have agreed to the terms and conditions of the Surface Use and Damage Agreement, as set forth in Exhibit A; and

**WHEREAS,** On June 1, 2023, at a duly held meeting of the Energy Committee, the MHA Nation Energy Division recommended approval of the Surface Use and Damage Agreement for the Murray USA Project, and the Energy Committee approved the Surface Use and Damage Agreement for the Murray USA Project.

**NOW THEREFORE BE IT RESOLVED,** the Tribal Business Council hereby approves the Surface Use and Damage Agreement, attached as Exhibit A, with Marathon Oil for the Murray USA Project.

**BE IT FINALLY RESOLVED,** the Chairman is hereby authorized to execute the Surface Use and Damage Agreement and take such further actions as are necessary to carry out the terms and intent of this Resolution.

**[CERTIFICATION PAGE ON THE FOLLOWING PAGE]**



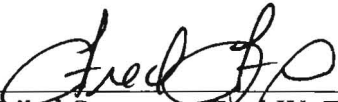
**CERTIFICATION**

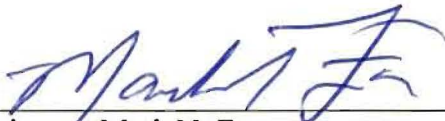
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 8<sup>th</sup> day of June, 2023, 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  Voting.  Not Voting.

Dated this 8<sup>th</sup> day of June, 2023.

**ATTEST:**

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

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