



**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 (T437A-A)  
for the MHA USA Pipeline Corridor and Temporary Access  
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), and Resolution No. 18-212-FWF and 21-082-FWF (Amending Fee Structure); and



**WHEREAS,** Marathon Oil Company submitted a ROW application for the MHA USA Pipeline Corridor and Temporary Access across Allotment No. T437A-A with 100.00% Tribal interest located in Lot 3 and Lot 4 of Section 4, Township 150 North, Range 93 West of the 5th P.M., Mountrail County, North Dakota, for 5.74 acres of total pipelines easement, including 1.72 acres of permanent pipelines easement and 4.02 acres of temporary pipelines easement, and 0.60 acres of temporary access easement; and

**WHEREAS,** The pipelines corridor is 100 feet wide, consisting of a permanent right-of-way 30 feet wide, and a temporary right-of-way 70 feet wide, by 2,499.30 feet in length, for laying, installing, entrenching, constructing, protecting, monitoring, testing, inspecting, operating, maintaining, installing gates, reconstructing, repairing, repurposing, replacing, altering, renewing, modifying, changing the size of, removing, relaying, and abandoning-in-place three (3) pipelines, together with such valves, fittings, launchers, receivers, meters, pipeline markers, corrosion control devices, cathodic protection equipment, wires, cables, electronic telemetry, fiber optics, communications equipment, pipeline operating control devices, and all other equipment and appurtenances necessary or convenient for the gathering and transportation by pipelines of oil, gas, condensate, natural gas liquids, petroleum, and any products or byproducts thereof, water, produced water, saltwater, other liquids and gases, and mixtures of the foregoing; and, the temporary access road is 50 feet wide by 526.29 feet in length; 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 – MHA USA Pipeline Corridor and Temporary Access
  - The pipelines corridor is 100 feet wide, consisting of a permanent right-of-way 30 feet wide, and a temporary right-of-way 70 feet wide, by 2,499.30 feet in length, for laying, installing, entrenching, constructing, protecting, monitoring, testing, inspecting, operating, maintaining, installing gates, reconstructing, repairing, repurposing, replacing, altering, renewing, modifying, changing the size of, removing, relaying, and abandoning-in-place three (3) pipelines, together with such valves, fittings, launchers, receivers, meters, pipeline markers, corrosion control devices, cathodic protection equipment, wires, cables, electronic telemetry, fiber optics, communications equipment, pipeline operating



control devices, and all other equipment and appurtenances necessary or convenient for the gathering and transportation by pipelines of oil, gas, condensate, natural gas liquids, petroleum, and any products or byproducts thereof, water, produced water, saltwater, other liquids and gases, and mixtures of the foregoing; and, the temporary access road is 50 feet wide by 526.29 feet in length; and,

Across Allotment No. T437A-A with 100.00% Tribal interest located in 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**, The ROW shall have a Primary Term of twenty (20) years from the date of the grant of the ROW by the Bureau of Indian Affairs (the “BIA”).

**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 BIA 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 BIA 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 the Tribal Business Council does not pre-consent to any assignment of the ROW for the MHA USA Pipeline Corridor and Temporary Access.

**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 13<sup>th</sup> day of September, 2018, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 2 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [ ] Voting. [ X ] Not Voting.

Dated this 13<sup>th</sup> day of September, 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