



**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. FBOG101522 Across Tribal Land (T5480) for the Banta 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 Tribes; 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 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,** Applications for ROW 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,** The Tribe consented to a ROW across T5480 for the Banta USA Project through Resolution No. 21-022-FWF; and



**WHEREAS,** The Bureau of Indian Affairs (“BIA”) granted ROW No. FBOG101522 to Marathon Oil Company for the Banta USA Project on May 27, 2021; and

**WHEREAS,** Marathon Oil Company submitted a ROW application to amend BIA ROW No. FBOG101522 across Allotment No. T5480 with 100.00% Tribal interest located in the NW¼ of Section 13, Township 148 North, Range 96 West of the 5th P.M., Dunn County, North Dakota; and

**WHEREAS,** The existing fenced well location will be expanded by 1.540 acres, and a new access road and all-utility and multiuse corridor of 1.453 acres will be added for electrical lines, fiber optics, above ground appurtenances, snow and ice control, and temporary above ground water lines; and

**WHEREAS,** The ROW amendment 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 amendment application, attached as Appendix A.1, and consents to the following ROW:

- Marathon Oil Company – Banta USA Modification
  - The existing fenced well location will be expanded by 1.540 acres, and a new access road and all-utility and multiuse corridor of 1.453 acres will be added for electrical lines, fiber optics, above ground appurtenances, snow and ice control, and temporary above ground water lines.
  - Total Disturbance for this expansion is 2.993 acres.

Across Allotment No. T5480 with 100.00% Tribal interest located in the NW¼ of Section 13, Township 148 North, Range 96 West of the 5th P.M., Dunn County, North Dakota.

**BE IT FURTHER RESOLVED,** The amended ROW shall have the same term as the original ROW No. FBOG101522.

**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 hereby pre-consents to the assignment of the electrical facilities and associated equipment and appurtenances to McKenzie Electric Cooperative, Inc.; the Tribal Business Council does not pre-consent to any further assignment of the ROW for the Banta USA Modification.

**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**

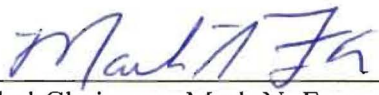
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 7<sup>th</sup> day of March, 2024, 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 7<sup>th</sup> day of March, 2024.

**ATTEST:**

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

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