



**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. FBOG100228 Across Tribal Land (T2028) for the Boy Chief 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 land require the consent of the Tribal Business Council pursuant to federal and Tribal law; and
- WHEREAS,** Applications for Rights-of-Way (“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 Bonus, Royalties and Road and Pipeline Easements), Resolution No. 14-071-VJB (MHA Nation Application for Rights-of-Way and Use of Right-of-Way), Resolution No. 14-089-VJB (MHA Nation Pipeline Right-of-Way Terms and Conditions), and 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,** On June 15, 2011, the Bureau of Indian Affairs (“BIA”) granted ROW No. FBOG100228 to Marathon Oil Company for the Boy Chief USA Project; and



WHEREAS, The Tribal Business Council passed Resolution 21-109-FWF consenting to amend ROW FBOG100228 to add two new wells and expand the drilling pad by 1.48 fenced acres and the production facility pad by 5.78 acres for the Marathon Boy Chief USA Project; and

WHEREAS, On June 3, 2021, the BIA granted the Modification of Grant of Easement for ROW No. FBOG100228 to Marathon Oil Company for the Boy Chief USA Project; and

WHEREAS, Marathon Oil Company submitted a ROW application for the second amendment to BIA ROW No. FBOG100228 expanding the existing fenced-in production facility by 2.13 acres across Allotment No. T2028 with 100.00% Tribal interest located in the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 15, Township 147 North, Range 93 West of the 5th P.M., Dunn County, North Dakota; 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 – Boy Chief USA Modification
 - Second amendment to BIA ROW No. FBOG100228 expanding the existing fenced-in production facility by 2.13 acres.

Across Allotment No. T2028 with 100.00% Tribal interest located in the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 15, Township 147 North, Range 93 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. FBOG100228 approved June 15, 2011, by 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 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 15th day of April, 2024, 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. [X] Not Voting.

Dated this 15th day of April, 2024.

ATTEST:



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



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