



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

**A Resolution entitled, “*Consent to a Right-of-Way across Tribal land Submitted by Targa Badlands LLC for the BT Ext Crow Flies High Project.*”**

**WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, the authority under said Act, and having adopted a Constitution and By-laws under said Act, and

**WHEREAS,** Pursuant to Article III, Section 1 of the Constitution and By-Laws of the Three Affiliated Tribes, the Tribal Business Council is the governing body of the Tribes; and

**WHEREAS,** Pursuant to Article VI, Section 5(1) of said 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 Rights of Way on Tribal Land are subject to the requirements of tribal law, including 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); and

**WHEREAS,** The applications for a ROW consent submitted by Targa Badlands LLC (“Targa”) for the BT Ext Crow Flies High project, described herein, have been reviewed and recommended for approval in accordance with the MHA Nation's approved procedure for authorizing ROWs on tribal land; and

**WHEREAS,** On April 12, 2016, at a duly held meeting of the Natural Resources Committee, the MHA Nation Energy Division recommended for approval for Targa’s ROW consent request for the BT Ext Crow Flies High project, more particularly described in Appendix A.1., and the Natural Resources Committee approved



Targa's ROW consent request, and forwarded the matter to the Tribal Business Council for final action; and

**NOW THEREFORE BE IT RESOLVED**, the Tribal Business Council hereby consents to the following ROW(s), subject to Targa's agreement to and execution of the Terms and Conditions and payment of ROW fees pursuant to Resolution No. 14-089-VJB:

- TARGA BADLANDS LLC's, request for consent to construct pipelines up to twelve inches (12") in diameter on an easement across certain tribal lands in Section 32 and 33, Township 152 North, Range 94 West, McKenzie County, North Dakota, as more particularly described in Appendix A.1.

**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.

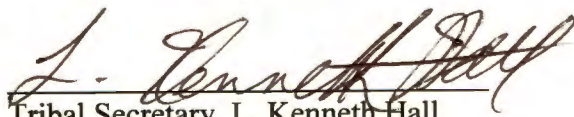
CERTIFICATION


I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold 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 12<sup>th</sup> day of May, 2016, 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 12<sup>th</sup> day of May, 2016.

**ATTEST:**

  
Tribal Secretary, L. Kenneth Hall  
Tribal Business Council

  
Tribal Chairman, Mark N. Fox  
Tribal Business Council



### **APPENDIX A.1**

For a pipeline easement 100' in width (30' permanent plus 70' temporary).

Easement shall allow for the installation of up to four (4) oil and/or gas pipelines, up to 12 inches in diameter, and associated above- and below-ground appurtenances, associated infrastructure, and pipeline markers as required by law.

Oil and/or gas pipelines are to be constructed of steel or any other material approved by the MHA Nation.

Attach: (1) Application Form, (2) Approval Form signed by Department Head and Chairman of NRC per Resolution 15-045-LKH, (3) signed ROW terms and Conditions per Resolution No. 14-089-VJB, (4) map, and (5) other necessary information

TARGA BADLANDS LLC  
1000 Louisiana, Suite 4300  
Houston, TX 77002