



**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 (T531A-B and 607) for the Tahu Pipelines Project Submitted by Targa Badlands, LLC”

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 and resources; 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 (“ROWs”) on Tribal Land are subject to the requirements of tribal law, including Resolution No. 17-117-FWF, 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, Targa Badlands LLC, submitted a ROW application for the Tahu Pipelines project for Right-of-Way consent as follows;

- Construct up to four (4) oil and gas pipelines up to sixteen inches (16”) in diameter with above ground appurtenances, consent for a 100-foot wide easement consisting of a 70 foot wide temporary easement being 11.88



acres, plus additional temporary workspace areas, for the construction, maintenance, and repair, and then reverting to a 30-foot wide permanent easement being 4.52 acres,

- A surface site 50' by 50' being .06 acres,
- Permanent access roads being .02 acres,
- Total disturbed acreage is 16.48 acres

across certain tribal tracts in Allotment T 531A -B, with 100% tribal interest, Allotment 607A, with 48.71% tribal interest, both in Section 29, Township 152 North, Range 94 West, McKenzie County, North Dakota as more particularly described in Appendix A.1.; and

WHEREAS, The ROW application, submitted by Targa Badlands LLC for the Tahu Pipelines Project, described above, has been reviewed and recommended for approval by the MHA Natural Resources Department and the MHA Nation Energy Division in accordance with the MHA Nation’s approved procedure for authorizing ROWs on Tribal Land; and

NOW THEREFORE BE IT RESOLVED, Subject to the MHA Nation Standard Terms and Conditions for Right-of-Ways, 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

- Targa Badlands, LLC – to construct up to four (4) oil and gas pipelines up to sixteen inches (16”) in diameter with above ground appurtenances, consent for a 100-foot wide easement consisting of a 70 foot wide temporary easement being 11.88 acres, plus additional temporary workspace areas, for the construction, maintenance, and repair, and then reverting to a 30-foot wide permanent easement being 4.52 acres,
- A surface site 50' by 50' being .06 acres,
- Permanent access roads being .02 acres,
- Total disturbed acreage of 16.47 acres

BE IT FURTHER RESOLVED, In accordance with the MHA Nation Standard Terms and Conditions for Right-of-Ways, the ROW for the Tahu Pipelines Project will be subject to a twenty (20) year term, from the date of the BIA’s execution of the grant of the ROW for said project.



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 Right-of-Ways are incorporated into this consent to the grant of the ROW, and therefore, as provided in 25 CFR §169.107(a), the Tribal Business Council requests the Bureau of Indian Affairs to incorporate these terms and conditions into the ROW grant.

BE IT FURTHER RESOLVED, The MHA Nation retains the authority to issue fines and set conditions to address and resolve ROW trespass, abandonment, non-use, and other violations, including violations of applicable MHA Nation Standard ROW Terms and Conditions, and further requests the Bureau of Indian Affairs to defer to these remedies, in accordance with the intent and notice provisions 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 LEFT INTENTIONALLY BLANK. CERTIFICATION FOLLOWS.]



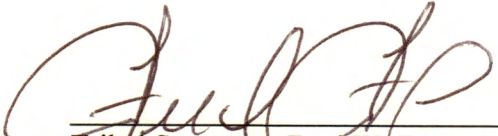
CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 5 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 13th day of August, 2020; 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 [X] voting. [] not voting.

Dated this 13th day of August, 2020.

ATTEST:



Tribal Secretary, Fred W. Fox
Tribal Business Council



Tribal Chairman, Mark N. Fox
Tribal Business Council