



**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 Allotment(s) T1799E, T1799, T1799F, T1800, 871A, T2124, T3057, TAT Fee (S/2 of Section 32 T149N R92W) for the Whales Phase 4 Pipelines Submitted by Targa Badlands LLC."

- 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,** 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 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 (Amending Fee Structure); and
- WHEREAS,** Targa Badlands LLC submitted a ROW application for the Whales Phase 4 Pipeline project for a 100 foot wide easement consisting 10.21 permanent acres, a 70 foot wide temporary easement totaling 23.82 acres, plus 6.42 acres of additional temporary workspace, for the construction, maintenance, and repair, and then reverting to a 30 foot wide permanent easement, for up to four (4) oil



and/or gas pipelines up to sixteen inches (16") in diameter; two separate 50 foot by 50 foot Surface Sites, being 0.06 acres each; and two separate 20 foot wide access roads, being 0.5 acres; across Allotments T1799-E, T1799, T1799-F and T1800 in Section 4, T148N-R93W; and Allotment 871A in Section 36, T149N-R93W; and Allotments T2124 and T3057 in Section 3, T148N-R93W; and TAT Fee Lands S/2 of Section 32, T149N-R92W, all in Dunn County, ND as more particularly described in Appendix A.1.; and

WHEREAS, The ROW application, has been reviewed and recommended for approval in accordance with the MHA Nation's approved procedure for authorizing ROWs on Tribal Land.

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 – the Whales Phase 4 Pipelines Project, for a Right-of-Way consent to construct up to four (4) oil and gas pipelines up to sixteen inches (16") in diameter
- for a 100 foot wide easement consisting 9.07 permanent acres, a 70 foot wide temporary easement totaling 21.17 acres, plus 6.34 acres of additional temporary workspace, for the construction, maintenance, and repair, and then reverting to a 30 foot wide permanent easement, for up to four (4) oil and/or gas pipelines up to sixteen inches (16") in diameter
- 2-50x50 Surface Sites consisting of 0.12 acres
- Two separate access roads totaling 0.50 acres
- A pipeline being 1,649.30 feet in length, consisting of permanent ROW acreage of 1.14 acres, plus 2.65 acres of temporary workspace and 0.08 acres of additional temporary workspace across the Tribal Fee lands.
- For a total disturbance of 41.07 acres

across Allotments T1799-E, T1799, T1799-F and T1800 in Section 4, T148N-R93W; and Allotment 871A in Section 36, T149N-R93W; and Allotments T2124 and T3057 in Section 3, T148N-R93W; and TAT Fee Lands S/2 of Section 32, T149N-R92W, all in Dunn County, North Dakota.

BE IT FURTHER RESOLVED, the ROW shall have a twenty (20) year term, from the date of the BIA's grant of the ROW.



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.

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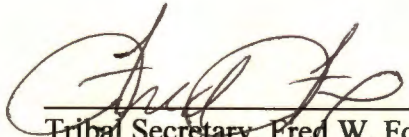
CERTIFICATION

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, 6 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 10th day of December, 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.

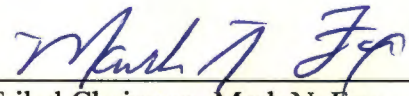
Chairman [] Voting. [X] Not Voting.

Dated this 10th day of December, 2020.

ATTEST:



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



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