



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

***A Resolution entitled, "Approval of Setback Variance Requested by Targa Badlands LLC for the Ashley Pipelines"***

**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 Council, its agencies and officials; and

**WHEREAS,** Article IX, Sections 1 and 3 of the Constitution provide that the Tribal Business Council has the authority to manage and lease or otherwise deal with tribal lands and resources; and

**WHEREAS,** The Tribal Business Council passed Resolution No. 12-087-VJB, entitled, "The Missouri River, Badlands and Sacred Sites Protection Act" which requires a half mile setback for well sites/drilling pads from the Missouri River, Little Missouri River, and designated sacred sites or villages in the Badlands; and

**WHEREAS,** The Tribal Business Council passed Resolution No. 12-139-VJB, entitled, "Amending the Missouri River and Badlands Protection Act to Allow Variances upon Recommendation by the Tribal Energy Office," which authorizes the MHA Nation Tribal Energy Office to consider setback variance requests and make recommendations to the Tribal Business Council to approve such requests "when minerals would be stranded due to the setback provisions or where the applicant has made a clear showing that granting the variance would not cause an adverse environmental effect upon the Missouri River or the Little Missouri River"; and



**Resolution No. 23-271-FWF**

**WHEREAS,** On March 27, 2015, the Tribal Business Council passed Resolution No. 15-045-LKH entitled, “Establishing a Procedure for the Approval of Leases, Rights-of-Way, Setback Variances and Permissions to Survey on Tribal Land”; and

**WHEREAS,** On July 20, 2023, Targa Badlands LLC submitted to the MHA Nation Energy Division a request for a Setback Variance, as set forth in Exhibit A; and

**WHEREAS,** The specific Setback Variance requested by Targa Badlands LLC is, as follows:

**ASHLEY PIPELINES:** For pipelines laying partially within and partially outside of the 2,640’ lake setback area:

**LOCATION:** Fee Lands - Section 8 & 9, T151N-R93W, Mountrail County, ND

**DRILLING/SPACING UNIT:** Marathon Ashley Unit

**DISTANCE FROM WELLPAD/Pipe:** 2,303 ± feet to the 1854 High Water Line (*See* Map “B” Quad Access Route, in Exhibit A); and

**WHEREAS,** The MHA Nation Energy Division reviewed, processed, and fully vetted Targa Badlands LLC’s request for a setback variance for the Ashley Pipelines and has determined that Targa Badlands LLC has made a clear showing that granting the variance would not cause an adverse environmental effect upon the Missouri River or the Little Missouri River; and

**WHEREAS,** On August 2, 2023, at a duly held meeting of the Energy Committee, the MHA Nation Energy Division recommended for approval Targa Badlands LLC’s setback variance request for the Ashley Pipelines, and the Energy Committee approved Targa Badlands LLC’s setback variance request for the Ashley Pipelines.

**NOW THEREFORE BE IT RESOLVED,** The Tribal Business Council hereby approves the setback variance, attached as Exhibit A, submitted by Targa Badlands LLC for the Ashley Pipelines.

**BE IT FINALLY RESOLVED,** That the Chairman is hereby authorized to take such further actions as are necessary to carry out the terms and intent of this Resolution.



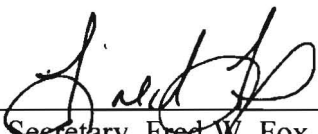
**CERTIFICATION**


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 9<sup>th</sup> day of August, 2023, 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 [ X ] Voting. [ ] Not Voting.

Dated this 9<sup>th</sup> day of August, 2023.

**ATTEST:**

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

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