



**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 (706A-A) for the Mandaree Pipelines Reroute 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 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 and 21-082-FWF (Amending Fee Structure); and
- WHEREAS,** Targa Badlands LLC submitted a ROW application for the Mandaree Pipelines Reroute Project, across certain Tribal tracts, Allotment 706A-A (75% Tribal



Interest), located in Section 4, Township 149 North, Range 94 West, in McKenzie County, North Dakota as more particularly described in Appendix A.1.; and

**WHEREAS,** The ROW for this application consists of a 819.34 feet in length and 45-foot-wide easement consisting of a 15-foot-wide temporary easement for 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 for constructing, reconstructing, operating, maintaining, installing gates, inspecting, repairing, replacing, changing the size of, re-laying, or removing pipelines; a 50-foot by 50-foot (0.057 acres) surface site, and a 100.65-foot long and 20-foot wide (0.046 acres) permanent access road, together with such valves, fittings, meters, corrosion control devices, wires, cables, electronic telemetry, communications equipment, pipelines operating control devices, and other equipment and appurtenances, (referred to collectively as “above ground appurtenances”); as may be necessary or convenient for the gathering and transportation by pipelines of oil, gas, condensate, natural gas liquids, petroleum, or any products or byproducts thereof, other liquids and gases and mixtures of any of the foregoing, together with all other rights necessary and convenient of the enjoyment of the rights, privileges hereby consented to; 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 – Mandaree Pipelines Reroute Project:
  - A 819.34 feet in length and 45-foot-wide easement consisting of a 15-foot-wide temporary easement for 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 for constructing, reconstructing, operating, maintaining, installing gates, inspecting, repairing, replacing, changing the size of, re-laying, or removing pipelines; a 50-foot by 50-foot (0.057 acres) surface site, and a 100.65-foot long and 20-foot wide (0.046 acres) permanent access road, together with such valves, fittings, meters, corrosion control devices, wires, cables, electronic telemetry, communications equipment, pipelines operating control devices, and other equipment and appurtenances, (referred to collectively as “above ground appurtenances”); as may be necessary



or convenient for the gathering and transportation by pipelines of oil, gas, condensate, natural gas liquids, petroleum, or any products or byproducts thereof, other liquids and gases and mixtures of any of the foregoing, together with all other rights necessary and convenient of the enjoyment of the rights, privileges hereby consented to.

Across Allotment 706A-A (75% Tribal Interest), located in Section 4, Township 149 North, Range 94 West, in McKenzie County, North Dakota.

**BE IT FURTHER RESOLVED**, That the ROW shall have a 20 year term.

**BE IT FURTHER RESOLVED**, That The Tribe does not consent to waive any bond, insurance, or alternative form of security.

**BE IT FURTHER RESOLVED**, That 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 Bureau of Indian Affairs to incorporate these terms and conditions into the grant of the ROW.

**BE IT FURTHER RESOLVED**, That 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 Bureau of Indian Affairs 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.

[Remainder of Page 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 19<sup>th</sup> day of October, 2023, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members for, 0 members opposed, 0 members abstained, and 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman ( ) Voting, ( X ) Not Voting.

Dated this 19<sup>th</sup> day of October 2023.

**ATTEST:**

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

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