



**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 (618A, 1105A-C, 1104A, 2134, 2028, 1700, 1007A) for the TEK West Loop 17 Line Submitted by TEK Industries, 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,** TEK Industries, LLC submitted a ROW application for the TEK West Loop 17 Line 21,192.62’ in length, 15’ in Width, 7.30 acres in size (the “Temporary Above Ground Water Line Project”), across certain tribal tracts in Allotments:



618A in Section 6, Township 147 North, Range 93 West, in Dunn County, North Dakota., with .1666666667% tribal interest; and

1105A-C in Section 8, Township 147 North, Range 93 West, in Dunn County, North Dakota., with .1000000000% tribal interest; and

1104A in Section 8, 9, 16, 17, Township 147 North, Range 93 West, in Dunn County, North Dakota., with .1000000000% tribal interest; and

2134 in Section 16, 17, Township 147 North, Range 93 West, in Dunn County, North Dakota., with .8833333333% tribal interest; and

T2028 in Section 9,15, 16, Township 147 North, Range 93 West, in Dunn County, North Dakota., with 1.0000000000% tribal interest; and

1700 in Section 15, Township 147 North, Range 93 West, in Dunn County, North Dakota., with .0277777778% tribal interest; and

1007A in Section 11, 14, Township 147 North, Range 93 West, in Dunn County, North Dakota., with .6487603306% tribal interest; 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:

- TEK Industries, LLC– the TEK West Loop 17 Line including above ground appurtenances and a temporary above ground pipeline 21,192.62’ in length, 15’ in Width, 7.30 acres in size, across a certain tribal tract in Allotment(s):
- 618A in Section 6, Township 147 North, Range 93 West, in Dunn County, North Dakota., with .1666666667% tribal interest; and
- 1105A-C in Section 8, Township 147 North, Range 93 West, in Dunn County, North Dakota., with .1000000000% tribal interest; and
- 1104A in Sections 8, 9, 16 and 17, Township 147 North, Range 93 West, in Dunn County, North Dakota., with .1000000000% tribal interest; and



- 2134 in Sections 16 and 17 Township 147 North, Range 93 West, in Dunn County, North Dakota., with .8833333333% tribal interest; and
- T2028 in Sections 9, 15 and 16, Township 147 North, Range 93 West, in Dunn County, North Dakota., with 1.0000000000% tribal interest; and
- 1700 in Section 15, Township 147 North, Range 93 West, in Dunn County, North Dakota., with .0277777778% tribal interest; and
- 1007A in Sections 11 and 14, Township 147 North, Range 93 West, in Dunn County, North Dakota., with .6487603306% tribal interest; and

BE IT FURTHER RESOLVED, the ROW shall have a 2-year term, from the date of the BIA's grant of the ROW.

BE IT FURTHER RESOLVED, The Tribal Business Council 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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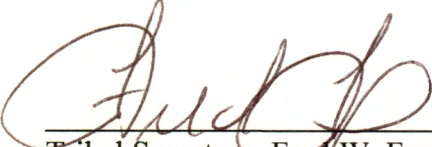
CERTIFICATION

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, 5 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 8th day of October, 2020, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 2 members not voting, and that said Resolution has not been rescinded or amended in any way.

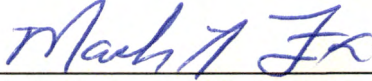
Chairman [X] Voting. [] Not Voting.

Dated this 8th day of October, 2020.

ATTEST:



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



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