



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

A Resolution entitled, “Amendment to Resolution No. 15-102-LKH – Approval of Consents for Certain Rights-of-Way on Tribal Land – Butterflies Turtles Project 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 and 21-082-FWF (Amending Fee Structure); and
- WHEREAS,** Resolution No. 15-102-LKH (Approval of Consents for Certain Rights-of-Way on Tribal Land) granted consent to Targa Badlands LLC for its Butterflies Turtles Project across Allotments 550A and 530A both in Section 32, Township 152 North Range 94 West, McKenzie County, North Dakota; and



WHEREAS, Targa Badlands LLC submitted a ROW application to amend Resolution No. 15-102-LKH (Approval of Consents for Certain Rights-of-Way on Tribal Land) for its Butterflies Turtles project to include Right-of-Way Consent for a 100 foot wide easement consisting of a 70 wide temporary easement, plus 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 twelve inches (12”) in diameter for constructing, reconstructing, operating, maintaining, installing gates, inspecting, repairing, replacing, changing the size of, re-laying, or removing pipelines 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”) across Allotment 529A in Section 5, Township 151 North, Range 94 West, McKenzie 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 Butterflies Turtles Project
 - To construct up to four (4) oil and gas pipelines up to twelve inches (12”) in diameter being 2411.15 feet in length, and 30 feet in width with permanent acreage disturbance being 1.661 acres and 70 feet in width for temporary workspace being 3.875 acres with an additional temporary workspace of 0.86 acres.
 - Total disturbance for the project is 6.396 acres.

across Allotment 529A in Section 5, Township 151 North, Range 94 West, McKenzie County, ND.

BE IT FURTHER RESOLVED, the ROW shall have a twenty (20) year term, from the date of the BIA’s original 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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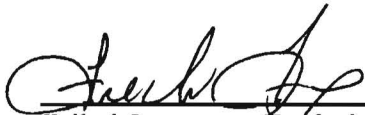
CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 14th day of July, 2022; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 7 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.


Chairman [X] voting. [] not voting.

Dated this 14th day of July, 2022.

ATTEST:



Tribal Secretary, Frederick W. Fox Sr.
Tribal Business Council
Three Affiliated Tribes



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