



**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 (649A) for the Whales Phase 6 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,** 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 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,** MHA Nation and Targa Badlands LLC entered into the Pipeline Right-of-Way Terms and Conditions and Authorizing a Global Settlement, including Resolution



No. 15-080-LKH (Approval of Global Settlement with Targa Badlands, LLC), and Pipeline Right-of-Way Terms and Conditions and Authorizing an Amendment to the Global Settlement, including Resolution No. 17-258-FWF (Approval of Amended Global Settlement Agreement with Targa Badlands, LLC); and

**WHEREAS,** Targa Badlands LLC submitted a ROW application for the Whales Phase 6 Pipelines Project, across certain Tribal tracts, located in Allotment 649A (0.09% Tribal Interest), in Section 29, Township 149 North, Range 92 West, in Dunn County, North Dakota as more particularly described in Appendix A.1.; and

**WHEREAS,** The ROW for this application consists of a 100-foot-wide easement consisting of a 70-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 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; 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 and Targa Badlands LLC entered into the Pipeline Right-of-Way Terms and Conditions and Authorizing a Global Settlement, 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 – Whales Phase 6
  - A 1,112.49 feet in length and 100-foot-wide easement consisting of a 70-foot-wide temporary easement for construction, maintenance, and repair, 0.11-acres of additional temporary workspace 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 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.

- Total disturbance for this project is 2.67 acres.

Across Allotment 649A (0.09% Tribal Interest) located in Section 29, Township 149 North, Range 92 West, in Dunn County, North Dakota.

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

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

**BE IT FURTHER RESOLVED**, The Pipeline Right-of-way Terms and Conditions and Authorizing a Global Settlement are incorporated into this consent to approval of the ROW and the MHA Nation incorporates these terms and conditions into the ROW.

**BE IT FURTHER RESOLVED**, 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 Pipeline Right-of-way Terms and Conditions.

**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, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 7<sup>th</sup> day of March, 2024, 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 7<sup>th</sup> day of March, 2024.

**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