



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

**A Resolution entitled, “*Consent to Certain Right(s) of Way across Tribal land*”**

**WHEREAS**, This Nation having accepted the Indian Reorganization Act of June 18, 1934, the authority under said Act, and having adopted a Constitution and By-laws under said Act, and

**WHEREAS**, Pursuant to Article III, Section 1 of the Constitution and By-Laws of the Three Affiliated Tribes, the Tribal Business Council is the governing body of the Tribes; and

**WHEREAS**, Pursuant to Article VI, Section 5(1) of said 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 on Tribal Land are subject to the requirements of tribal law, including 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); and

**WHEREAS**, The applications for ROW(s) described herein have been reviewed and recommended for approval in accordance with the MHA Nation’s approved procedure for authorizing ROWs on tribal land; and

**WHEREAS**, The Tribal Business Council finds it appropriate to authorize the ROWs described herein.

**NOW THEREFORE BE IT RESOLVED**, the Business Council hereby consents to the following ROW(s), subject to the respective Company’s agreement to and execution of the Terms and Conditions and payment of ROW fees pursuant to Resolution No. 14-089-VJB:

1. Marilyn Dye, Tribal Member, for an Utility Corridor that include, Fort Berthold Rural Water, McLean Electric Cooperative, Reservation Telephone Cooperative



and an access road, for a corridor easement for the insulation of a road and service lines for domestic use. Across Allotment Number **0258A**, in **NE1/4, Section 14, T. 150 N., R. 90 W.**, with a Tribal undivided interest of **50.33%**, **McLean County**, 5<sup>th</sup> Principal Meridian of North Dakota, as more particularly described in Appendix A.1.

2. Marilyn Dye for an Utility Corridor that include, Fort Berthold Rural Water, McLean Electric Cooperative, Reservation Telephone Cooperative and an access road, for a corridor easement for the insulation of a road and service lines for domestic use. Across Allotment Number **0423A**, in **NW1/4, Section 13, T. 150 N., R. 90 W.**, with a Tribal undivided interest of **60.42%**, **McLean County**, 5<sup>th</sup> Principal Meridian of North Dakota, as more particularly described in Appendix A.2.
3. Marilyn Dye for an Utility Corridor that include, Fort Berthold Rural Water, McLean Electric Cooperative, Reservation Telephone Cooperative and an access road, for a corridor easement for the insulation of a road and service lines for domestic use. Across Allotment Number **T0483A**, in **Sec.12 - SW1/4SE1/4; Sec.13 - N1/2NE1/4, SE1/4NE1/4, Section 12 & 13, T. 150 N., R. 90 W.**, with a Tribal interest of **100.0%**, **McLean County**, 5<sup>th</sup> Principal Meridian of North Dakota, as more particularly described in Appendix A.3.

**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.





### 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, were present at a Continuation Meeting thereof duly called, noticed, convened and held on the 30<sup>th</sup> day of March, 2016, 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 [ X ] Voting. [ ] Not Voting.

Dated this 23<sup>rd</sup> day of August, 2017.

**ATTEST:**

Tribal Secretary, Fred W. Fox  
Tribal Business Council

Tribal Chairman, Mark N. Fox  
Tribal Business Council



**APPENDIX A.1**

An Utility Corridor that include, Fort Berthold Rural Water, McLean Electric Cooperative, Reservation Telephone Cooperative and an access road, for a corridor easement for the insulation of a road and service lines for domestic use. Across Allotment Number 0258A, in NE1/4, Section 14, T. 150 N., R. 90 W., with a Tribal undivided interest of 50.33%, McLean County, 5<sup>th</sup> Principal Meridian of North Dakota

**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS**

**CONSENT OF OWNERS TO GRANT RIGHT-OF-WAY**

<b>Allotment</b>	<b>Description</b>	<b>% of Share</b>
0258A	NE1/4 Section 14, T. 150 N.R. 90 W.	50.33%

Three Affiliated Tribes do give permission to granting of a right-of-way, for the construction of the Utility Corridor that will be for the McLean Electric Cooperative Service Line, Fort Berthold Rural Water Service Line, Reservation Telephone Cooperative Service Line and an access road to the home site. **(as shown on attached map)** and will waive payment.

**The Three Affiliated Tribes is also requiring the companies of the service lines to submit shape files to the TAT – Easement Office, as required by Tribal Resolution Number 11-047-VJB. This data shall be submitted no later than 30 days after completion of project.**

**As a condition of said consent, it shall be required that language be added to said right of way as follows: Nothing in this grant of right of way shall diminish or be construed to diminish the jurisdiction and sovereign authority of the Three Affiliated Tribes over the above described lands and the Tribe hereby retains its jurisdiction and sovereign authority over said lands.**





**APPENDIX A.2**

An Utility Corridor that include, Fort Berthold Rural Water, McLean Electric Cooperative, Reservation Telephone Cooperative and an access road, for a corridor easement for the insulation of a road and service lines for domestic use. Across Allotment Number 0423A, in NW1/4, Section 13, T. 150 N., R. 90 W., with a Tribal undivided interest of 60.42%, McLean County, 5th Principal Meridian of North Dakota, as more particularly described in Appendix A.2.

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**CONSENT OF OWNERS TO GRANT RIGHT-OF-WAY**

<b>Allotment</b>	<b>Description</b>	<b>% of Share</b>
0423A	NW1/4 Section 13, T. 150 N., R. 90 W.	60.42%

Three Affiliated Tribes do give permission to granting of a right-of-way, for the construction of the Utility Corridor that will be for the McLean Electric Cooperative Service Line, Fort Berthold Rural Water Service Line, Reservation Telephone Cooperative Service Line and an access road to the home site. **(as shown on attached map)** and will waive payment.

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### APPENDIX A.3

An Utility Corridor that include, Fort Berthold Rural Water, McLean Electric Cooperative, Reservation Telephone Cooperative and an access road, for a corridor easement for the insulation of a road and service lines for domestic use. Across Allotment Number T0483A, in Sec.12 - SW1/4SE1/4; Sec.13 - N1/2NE1/4, SE1/4NE1/4, Section 12 & 13, T. 150 N., R. 90 W., with a Tribal interest of 100.0%, McLean County, 5th Principal Meridian of North Dakota, as more particularly described in Appendix A.3.

**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS**

**CONSENT OF OWNERS TO GRANT RIGHT-OF-WAY**

<b>Allotment</b>	<b>Description</b>	<b>% of Share</b>
T0483A	Sec.12 - SW1/4SE1/4; Sec.13 - N1/2NE1/4, SE1/4NE1/4 Section 12 & 13, T. 150 N., R. 90 W.	100.0%

Three Affiliated Tribes do give permission to granting of a right-of-way, for the construction of the Utility Corridor that will be for the McLean Electric Cooperative Service Line, Fort Berthold Rural Water Service Line, Reservation Telephone Cooperative Service Line and an access road to the home site. **(as shown on attached map)** and will waive payment.

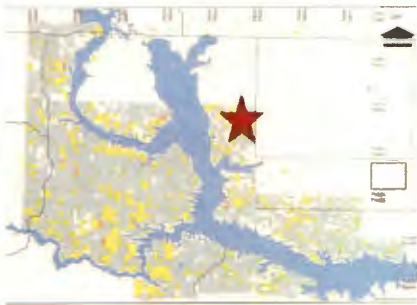
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**Fort Berthold Reservation - Allotted Land Map**



Allotment No. T0483A & 0423A  
Section 13, T. 150 N., R. 90 W.  
Proposed Utility Corridor



Proposed Pipeline  
Area of Interest

