



**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 for the Elm Tree to Four Bears Phase Two Project Submitted by McKenzie Electric Cooperative."***

- 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 ("ROWS") on Tribal Land are subject to the requirements of tribal law, including Resolution No. 13-109-VJB (Establishment of the Three Affiliated Tribes 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); and
- WHEREAS,** McKenzie Electric Cooperative ("McKenzie") submitted a ROW application for the Elm Tree to Four Bears Phase Two Project for an electrical line right-of-way, across certain tribal tracts in Allotment 575A (0.091111112 Tribal interest), in Sections 17 and 18, Township 152 North, Range 93 West, and allotment 537A (.333333333 Tribal Interest), in Sections 8 and 9, Township 152 North, Range 93 West in McKenzie County, North Dakota as more particularly described in Appendix A.1.; and



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**WHEREAS,** The total acreage of the Elm Tree to Four Bears Phase Two Project is 14.32 acres including 5.16 acres in allotment 575A consisting of 4,621.64 feet, and 9.16 acres in allotment 537A consisting of 8,077.92 feet; and

**WHEREAS,** The projected compensation to the MHA Nation for this ROW application is their proportionate share of \$10,500.00 for allotment 575A and their proportionate share of \$10,623.94 for allotment 537A in compliance with MHA Nation Public Utility Right-Of-Way Consent Terms and Conditions with McKenzie; and

**WHEREAS,** The ROW application, submitted by McKenzie for the Elm Tree to Four Bears Phase Two Project, described above, has been reviewed and recommended for approval by the MHA Natural Resources Department and the MHA Nation Energy Division in accordance with the MHA Nation's approved procedure for authorizing ROWs on Tribal Land; and

**WHEREAS,** On March 1, 2017 at a duly held meeting of the Natural Resources Committee ("NRC"), the MHA Nation Energy Division recommended approval of McKenzie's ROW application and consent request for the Mandan North Pad Project, more fully described herein, and in the attached Appendix A.1., and the NRC approved McKenzie's application and forwarded it to the Tribal Business Council for final action.

**NOW THEREFORE BE IT RESOLVED,** Subject to McKenzie Electric Cooperative agreement to the execution of the MHA Right-of-Way Application and Terms and Conditions, as listed therein, and payment of ROW fees, the Tribal Business Council hereby approves the following ROW application, attached as Appendix A.1, and ROW consent, as follows:

- McKenzie Electric Cooperative – the Elm Tree to Four Bears Phase Two Project for an electrical line right-of-way, across certain tribal tracts in Allotment 575A (0.091111112 Tribal interest), in Sections 17 and 18, Township 152 North, Range 93 West, and allotment 537A (.333333333 Tribal Interest), in Sections 8 and 9, Township 152 North, Range 93 West in McKenzie County, North Dakota.

**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, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 8<sup>th</sup> day of March, 2017, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [ X ] Voting. [ ] Not Voting.

Dated this 8<sup>th</sup> day of March, 2017.

**ATTEST:**

Tribal Secretary, Fred W. Fox  
Tribal Business Council

Tribal Chairman, Mark N. Fox  
Tribal Business Council



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**APPENDIX A.1**

< Attach: (1) Application Form, (2) Approval Form signed by Department Head and Chairman of NRC per Resolution 15-045-LKH, (3) signed ROW terms and Conditions per Resolution No. 14-089-VJB, (4) map, and (5) other necessary information >