



**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 Dakota Access, LLC, MLVND 210 Project Submitted by McKenzie Electric.*”

- 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,** The MHA Nation and McKenzie Electric Cooperative, Inc. executed a “Public Utility Right-of-Way Consent Terms and Conditions” agreement effective January 1, 2016, governing construction, operation, maintenance, modification, rebuilding, or removal of electrical and distribution lines and associated facilities on the Ft. Berthold Indian Reservation and contains specified compensation terms; and



WHEREAS, McKenzie Electric submitted a ROW application for the Dakota Access, LLC, MLV ND 210 for an electrical line easement consisting 136.71 feet to be within Dakota Access's previously disturbed easement, across certain tribal tracts in Section 33, Township 149 North, Range 95 West, in McKenzie County, North Dakota as more particularly described in Appendix A.1.; and

WHEREAS, The ROW application, submitted by McKenzie Electric for the Dakota Access, LLC, MLV ND 210 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, The projected compensation to the MHA Nation for this ROW application is \$500.00 and

WHEREAS, On April 6, 2017, at a duly held meeting of the Natural Resources Committee ("NRC"), the MHA Nation Energy Division recommended for approval of Dakota Access, LLC, MLV ND 210 ROW application and consent request for the Dakota Access, LLC, MLV ND 210 Project, more fully described herein, and in the attached Appendix A.1., and the NRC approved McKenzie Electric's application and forwarded it to the Tribal Business Council for final action.

NOW THEREFORE BE IT RESOLVED, Subject to the terms and conditions of the Public Utility Right-of-Way agreement between the MHA Nation and McKenzie Electric Cooperative, Inc. the Tribal Business Council hereby approves the following ROW application, attached as Appendix A.1, and ROW consent, as follows:

- McKenzie Electric – The Dakota Access, LLC, MLV ND 210 Project, for electrical easement consisting of 136.71 feet contained within Dakota Access's previously disturbed easement, across certain tribal tracts in Section 33, Township 149 North, Range 95 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.



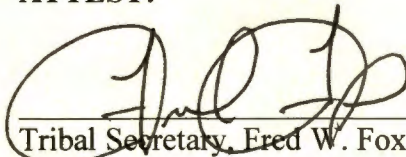
CERTIFICATION

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 20th day of April, 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.

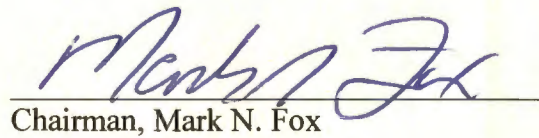
Chairman [] Voting. [X] Not Voting.

Dated this 20th day of April, 2017.

ATTEST:



Tribal Secretary, Fred W. Fox
Tribal Business Council



Chairman, Mark N. Fox
Tribal Business Council



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 >