



**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 2 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. FWF, 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 McKenzie Electric’s construction, operation, maintenance, modification, rebuilding, or removal of electrical and distribution lines and associated facilities on the Ft. Berthold Indian Reservation, and said agreement contains specified compensation terms; and



WHEREAS, McKenzie Electric Cooperative submitted a ROW application for the Elm Tree to Four Bears Phase 2 Project for an electrical Right-Of-Way, across certain Tribal tracts in Allotment 575A (0.091111112 Tribal interest), Allotment 537A (0.3333333333 Tribal interest), Allotment 538A-A (0.1250000000 Tribal interest), Allotment T1853-B (100% Tribal interest), and T5255 (100 % Tribal interest), in Sections 8,9,15,16,17, and 18 respectively; all located in Township 152 North, Range 93 West, in McKenzie County, North Dakota, as more particularly described in Appendix A.1.; and

WHEREAS, The ROW application, submitted by McKenzie Electric Cooperative for the Elm Tree to Four Bears Phase 2 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 \$9,317.14.00 for Allotments 575A, 537A, 538A-A, T1853-B, and T5255, described herein and in Appendix A.1., in compliance with MHA Nation Public Utility Right-Of-Way Consent Terms and Conditions with McKenzie Electric Cooperative, INC and

WHEREAS, On August 30, 2017 at a duly held meeting of the Natural Resources Committee ("NRC"), the MHA Nation Energy Division recommended for approval of McKenzie Electrical Cooperation 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 Electrical Cooperative's application and forwarded it to the Tribal Business Council for final action.

NOW THEREFORE BE IT RESOLVED, Subject to McKenzie Electrical 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 Electrical Cooperative – Elm Tree to Four Bears Phase 2 Project, for an electrical Right-Of-Way, across certain Tribal tracts in Allotment 575A (0.091111112 Tribal interest), Allotment 537A (0.3333333333 Tribal interest), Allotment 538A-A (0.1250000000 Tribal interest), Allotment T1853-B (100% Tribal interest), and T5255 (100 % Tribal interest), in Sections 8,9,15,16,17, and 18 respectively; all located in 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 (5) members of whom five (5) constitute a quorum, 5 were present at a regular Tribal Business Council Meeting thereof duly called, noticed, convened and held on the 15th day of September, 2017, 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 15th day of September, 2017.

Acting Secretary, Cory Spotted Bear
Tribal Business Council

ATTEST:

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 >