



**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 waive payment:



1. Four Bears Water Park, for the McKenzie County Electric Cooperative - Electrical Service Line, Fort Berthold Rural Water Service Line, Access Road, and Reservation Telephone Service Line, across Allotment Number T5439, Section 21, 22 & 15, Township 152N., Range 93W., McKenzie County, 5<sup>th</sup> Principal Meridian of North Dakota, containing a 100% share, as more particularly described in Appendix A.1; and

**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**

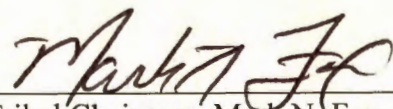
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 10<sup>th</sup> day of May 2018; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 0 members opposed, 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 10<sup>th</sup> day of May 2018.

**ATTEST:**

  
 Tribal Secretary, Fred W. Fox  
 Tribal Business Council

  
 Tribal Chairman, Mark N. Fox  
 Tribal Business Council

