



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

A Resolution entitled, "Amending Resolution 19-337-FWF and 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, also known as the Mandan, Hidatsa, and Arikara Nation ("Tribes" or "MHA Nation") 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 provide 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 and fee land require the consent of the Tribal Business Council pursuant to federal and Tribal law; and
- WHEREAS,** The United States Department of the Interior, Bureau of Reclamation (BOR) provides funding for the Fort Berthold Rural Water Supply system (FBRW) to aid the MHA Nation in providing safe drinking water to its members throughout the Fort Berthold Indian Reservation; and
- WHEREAS,** The FBRW is operated by the MHA Nation pursuant to a contract under the Indian Self-Determination and Education Assistance Act, which requires rights of way for FBRW purposes to be granted to the BOR as the acquiring federal agency while the project is federally funded; and
- WHEREAS,** ROWs for FBRW system expansion purposes in association with the 2020 Twin Buttes Master Plan Development were previously granted pursuant to Resolution No. 19-337-FWF, specifically ROW numbers 5 to 12 of that Resolution; and



WHEREAS, This Resolution amends Resolution 19-337-FWF, rescinding ROW numbers 5-12 provided in that Resolution and approving other ROWs as specified below, in order to accommodate design updates to the Master Plan; and

WHEREAS, The MHA Nation's processing fee for the assignment application for ROW numbers 1 to 4 below was \$100.00 per Allotment Number, equaling \$400.00, as previously provided in Resolution 19-337-FWF; and

WHEREAS, The MHA Nation's processing fee for the ROW assignment application is \$100.00 per Allotment Number, equaling \$1,000.00, for numbers 5 to 14 below; 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 amended ROWs described herein for the 2020 Twin Buttes Master Plan Development, and to waive the provisions for payment and bond in consideration of the public benefit the FBRW system provides.

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby consents to the following ROW(s) to the United States Department of Interior (acquiring agency BOR) and its assigns for the construction, operation, maintenance, and replacement of the FBRW system:

1. Allotment Number 0607A in the E $\frac{1}{2}$, Section 29, Township 152 North, Range 94 West; McKenzie County, 5th Principal Meridian of North Dakota, containing a 0.4871031746 share, as more particularly described in Appendix A. 1; and
2. Tribal Fee Tract 450010108, being Sublot G of Outlot 1 in the S $\frac{1}{2}$ SE $\frac{1}{4}$ (0.41 acres), Section 19, Township 152 North, Range 91 West; Mountrail County, 5th Principal Meridian of North Dakota, containing a 1.0000000000 share, as more particularly described in Appendix A. 2; and
3. Allotment Number T0694A in the N $\frac{1}{2}$, Section 11, Township 149 North, Range 94 West; McKenzie County, 5th Principal Meridian of North Dakota, containing a 1.0000000000 share, as more particularly described in Appendix A. 3 and in Appendix A. 4; and
4. Allotment Number T0711A in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, Township 149 North, Range 94 West; McKenzie County, 5th Principal Meridian of North Dakota, containing a 1.0000000000 share, as more particularly described in Appendix A. 4; and
5. Allotment Number T0777A-C in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33, Township 147 North, Range 91 West; Dunn County, 5th Principal Meridian of North Dakota, containing a 1.0000000000 share, as more particularly described in Appendix A. 1; and



6. Allotment Number 1595 in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, Township 147 North, Range 91 West; Dunn County, 5th Principal Meridian of North Dakota, containing a 0.8000000000 share, as more particularly described in Appendix A. 1; and
7. Tribal Fee Tract 052942000 in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, Township 147 North, Range 91 West; Dunn County, 5th Principal Meridian of North Dakota, containing a 1.0000000000 share, as more particularly described in Appendix A. 1; and
8. Tribal Fee Tract 052941000, being 7.50 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ less 0.71 acres (6.79 acres), Section 34, Township 147 North, Range 91 West; Dunn County, 5th Principal Meridian of North Dakota, containing a 1.0000000000 share, as more particularly described in Appendix A. 1; and
9. Allotment Number 1087, described by Metes and Bounds: W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, less a parcel of land described as follows: Beginning at the NW $\frac{1}{4}$ corner of the NE $\frac{1}{4}$ of Section 34, thence South 200', thence East 150', thence North 200', thence West 150' to the point of beginning and less a parcel of land described as follows: Beginning at the NE $\frac{1}{4}$ corner of Section 34, thence West along the Northly line of Section 34, a distance of 1320' to a point of beginning, thence South a distance of 200', thence West a distance of 200', thence North a distance of 200', thence East a distance of 200' to the point of beginning, Section 34, Township 147 North, Range 91 West; Dunn County, 5th Principal Meridian of North Dakota, containing a 0.9841269841 share and a .0052910053 Fee share, as more particularly described in Appendix A. 1; and
10. Allotment Number T1088 in the W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, Lot 99 (3.000 acres), Metes and Bounds: the E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ excepting the following: Beginning at a point 891' N of the $\frac{1}{4}$ Section 34 & 35, thence W 330' Parallel to the N Section line thence N 264' parallel to the East Section line, thence E 330' parallel to the NO Section line, thence S 264' on the E Section line to the point of beginning, said parcel containing 2.00 acres, Section 34, Township 147 North, Range 91 West; Dunn County, 5th Principal Meridian of North Dakota, containing a 1.0000000000 share, as more particularly described in Appendix A. 1; and
11. Allotment Number T1398 in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 34, Township 147 North, Range 91 West; Dunn County, 5th Principal Meridian of North Dakota, containing a 1.0000000000 share, as more particularly described in Appendix A. 1; and
12. Allotment Number T777A -D in the NE, Section 33, Township 147 North, Range 91 West; Dunn County, 5th Principal Meridian of North Dakota, containing a 1.0000000000 share, as more particularly described in Appendix A. 1; and
13. Allotment Number T0457 in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, Township 147 North, Range 91 West; Dunn County, 5th Principal Meridian of North Dakota, containing a 1.0000000000 share, as more particularly described in Appendix A. 1; and
14. Allotment Number T1593 in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, Township 147 North, Range 91 West; Dunn County, 5th Principal Meridian of North Dakota, containing a 1.0000000000 share, as more particularly described in Appendix A. 1; and



BE IT FURTHER RESOLVED, that the term of the ROW(s) shall be perpetual (subject to termination in accordance with applicable federal regulations), and the requirements for compensation and bond are hereby waived; 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 Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 14th day of May, 2020, 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 14th day of May, 2020.

ATTEST:

Executive Secretary Fred Fox
Tribal Business Council
Three Affiliated Tribes

Tribal Chairman, Mark N. Fox
Tribal Business Council
Three Affiliated Tribes



Resolution No. 20-095-FWF

APPENDIX A.1



APPENDIX A.2



APPENDIX A.3



APPENDIX A.4



