



**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 Allotment(s) (733A, 1979, 810A-B, 810A-A, T905A-A) for the Rim Rock Two Shields Butte 3-24 Project Submitted by McKenzie Electric Cooperative Inc."

- 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. 17-117-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,** ROWs for McKenzie Electric Cooperative, Inc. (MEC) are subject to the "MHA NATION PUBLIC UTILITY RIGHT-OF-WAY CONSENT TERMS AND CONDITIONS WITH MCKENZIE ELECTRIC COOPERATIVE, INC." (MEC Terms and Conditions) dated January 1, 2016; and



WHEREAS, MEC submitted a ROW application for a proposed underground power line, across certain Tribal tracts in Tracts 733A, 1979, 810A-B, 810A-A and T905A-A, in Section 13, 14, 15 & 16 Township 149 North, Range 93 West, in Dunn County, North Dakota as more particularly described in Appendix A.1.; and

WHEREAS, The ROW application has been reviewed and recommended for approval in accordance with the MHA Nation's approved procedure for authorizing ROWs on Tribal Land; and

NOW THEREFORE BE IT RESOLVED, Subject to the MEC Terms and Conditions and payment of applicable ROW fees, the Tribal Business Council hereby approves the ROW application, attached as Appendix A.1, and consents to the following ROW:

- McKenzie Electric Cooperative Inc. – the RimRock Two Shields Butte 3-24 Project, for an underground power line.
- Consisting of 6.517 permanent acres and 15.17 temporary acres for a total disturbance of 21.687 acres.

across certain Tribal tracts in Tracts 733A, 1979, 810A-B, 810A-A and T905A-A, all in Section 13, 14, 15 & 16 Township 149 North, Range 93 West, in Dunn County, North Dakota as depicted in the map in Appendix A.

BE IT FURTHER RESOLVED, the ROW shall have a thirty (30) year term, from the date of the BIA's grant of the ROW.

BE IT FURTHER RESOLVED, The MEC Terms and Conditions are incorporated into this consent to the grant of the ROW, and therefore, as provided in 25 CFR §169.107(a), the Tribal Business Council requests the Bureau of Indian Affairs to incorporate these terms and conditions into the ROW grant.

BE IT FURTHER RESOLVED, The MHA Nation retains the authority to issue fines and set conditions to address and resolve ROW trespass, abandonment, non-use, and other violations, including violations of applicable MHA Nation Standard ROW Terms and Conditions, and further requests the Bureau of Indian Affairs to defer to these remedies, in accordance with the intent and notice provisions in 25 CFR §169.403(a).

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 10th day of December, 2020, 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 [] Voting. [X] Not Voting.

Dated this 10th day of December, 2020.

ATTEST:

Tribal Secretary, Fred W. Fox
Tribal Business Council
Three Affiliated Tribes

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