



**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 301-T2098-D requested by Louis Gwin."*

- 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 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,** Louis Gwin, home owner, has submitted a ROW application for a utility corridor to his home site across T 2098-D, in Section 20, Township 148 North, Range 94 West, Dunn County, 5<sup>th</sup> PM of North Dakota; and
- WHEREAS,** The ROW application has been reviewed and recommended for approval in accordance with the Three Affiliated Tribes' approved procedure for authorizing ROWs on Tribal land.



**NOW, THEREFORE, BE IT RESOLVED**, that subject to Louis Gwin’s execution of all applicable MHA Nation ROW Terms and Conditions, the Tribal Business Council hereby approves the following ROW application and waiver of ROW fees:

- Louis Gwin — West Segment Home Utility Corridor
  - Utility Corridor being 2,600 feet in length, temporary construction easement of 4.50 acres and permanent 3.50 acres, Allotment T 2098-D, Section 20, Township 148 North, Range 94 West, in Dunn County, 5<sup>th</sup> Principle Meridian with a 100% Tribal Interest, (Road Access and service lines for electrical, telephone, and rural water)
  - For a total disturbance of 8 acres; and

**BE IT FURTHER RESOLVED**, that the ROW shall have a thirty (30) year term, from the date of the BIA’s execution of the grant of the ROW for said project; and

**BE IT FURTHER RESOLVED**, that the Tribes do not consent to waive any bond, insurance, or alternative form of security; and

**BE IT FURTHER RESOLVED**, that the MHA Nation Standard Terms and Conditions for Rights-of-Way, executed by Louis Gwin, constitutes a written agreement as part of the MHA Nation’s consent to the grant of the ROW, and therefore, as provided in 25 CFR §169.107(a), the Tribal Business Council requests Bureau of Indian Affairs to incorporate these terms and conditions into the ROW grant for the Tribes’ West Segment - Louis Gwin’s Utility Corridor; and

**BE IT FURTHER RESOLVED**, that the Tribal Business Council retains the authority, as well as the delegation of authority to the MHA Nation Energy Division and other Tribal departments, 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); and

**BE IT FURTHER RESOLVED**, that in accordance with Tribal law and policy, as well as applicable federal regulations, all ROW grantees must obtain the prior written approval from the MHA Nation before assigning a ROW that contains any Tribal interest, and therefore, the Tribal Business Council does not pre-consent to any further assignment of the ROW; 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, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 15<sup>th</sup> day of September, 2021, 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 15<sup>th</sup> day of September, 2021.

**ATTEST:**

Executive Secretary Fred Fox  
Tribal Business Council  
Three Affiliated Tribes

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