



**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, 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 (or "BOR") provides funding for the Fort Berthold Rural Water Supply system (or "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 (or "ROWs") for FBRW purposes to be granted to the BOR as the acquiring federal agency while the project is federally funded; and

**WHEREAS,** The MHA Nation's processing fee for this ROW assignment application is \$100.00 per Allotment Number, equaling \$300.00; and

**WHEREAS,** The application(s) 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 a ROW in the Four Bear Segment for construction of a Tank Site, Access Road, and Water Pipeline known as the New Four Bears Tank Site Project described herein, and to waive the provisions for payment and bond in consideration of the public benefit that 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. Tribal Tract T549A in the S1/2 of Section 16, Township 152 North, Range 93 West, McKenzie County, 5<sup>th</sup> Principal Meridian of North Dakota, containing a 1.0000000000 share, as more particularly described in Appendix A.1; and
2. Tribal Tract T538A-B in the S1/2NW1/4 of Section 16, Township 152 North, Range 93 West, McKenzie County, 5<sup>th</sup> Principal Meridian of North Dakota, containing a 1.0000000000 share, as more particularly described in Appendix A.2; and
3. Tribal Tract T1853-B in the NE1/4 of Section 16, Township 152 North, Range 93 West, McKenzie County, 5<sup>th</sup> Principal Meridian of North Dakota, containing a 1.0000000000 share, as more particularly described in Appendix A.3; and

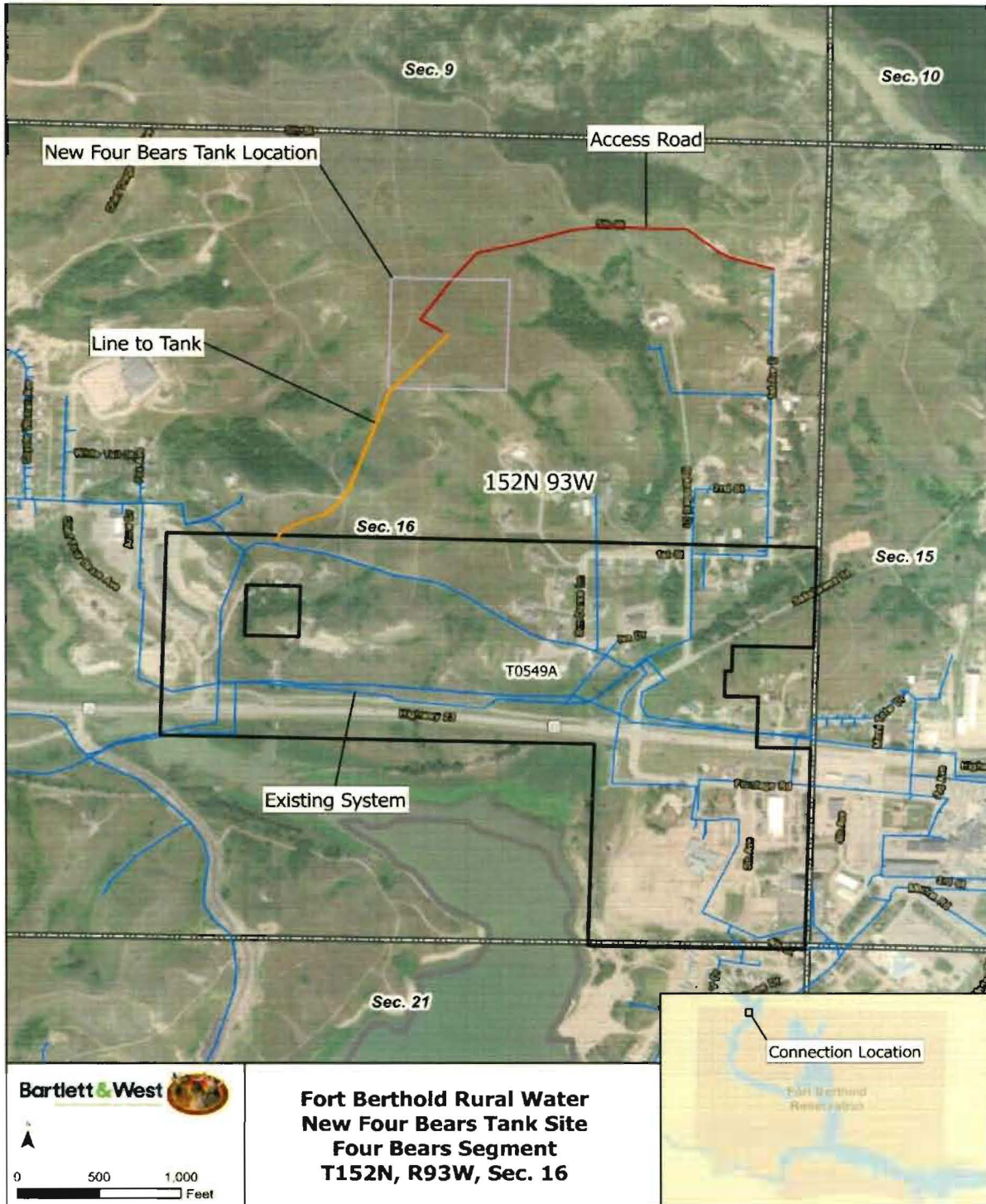
**BE IT FURTHER RESOLVED,** that the term of the ROW(s) shall be perpetual (subject to termination in accordance with applicable federal regulations), and the requirements for compensation and bond are hereby waived; and

**BE IT FINALLY RESOLVED,** that the Tribal 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.

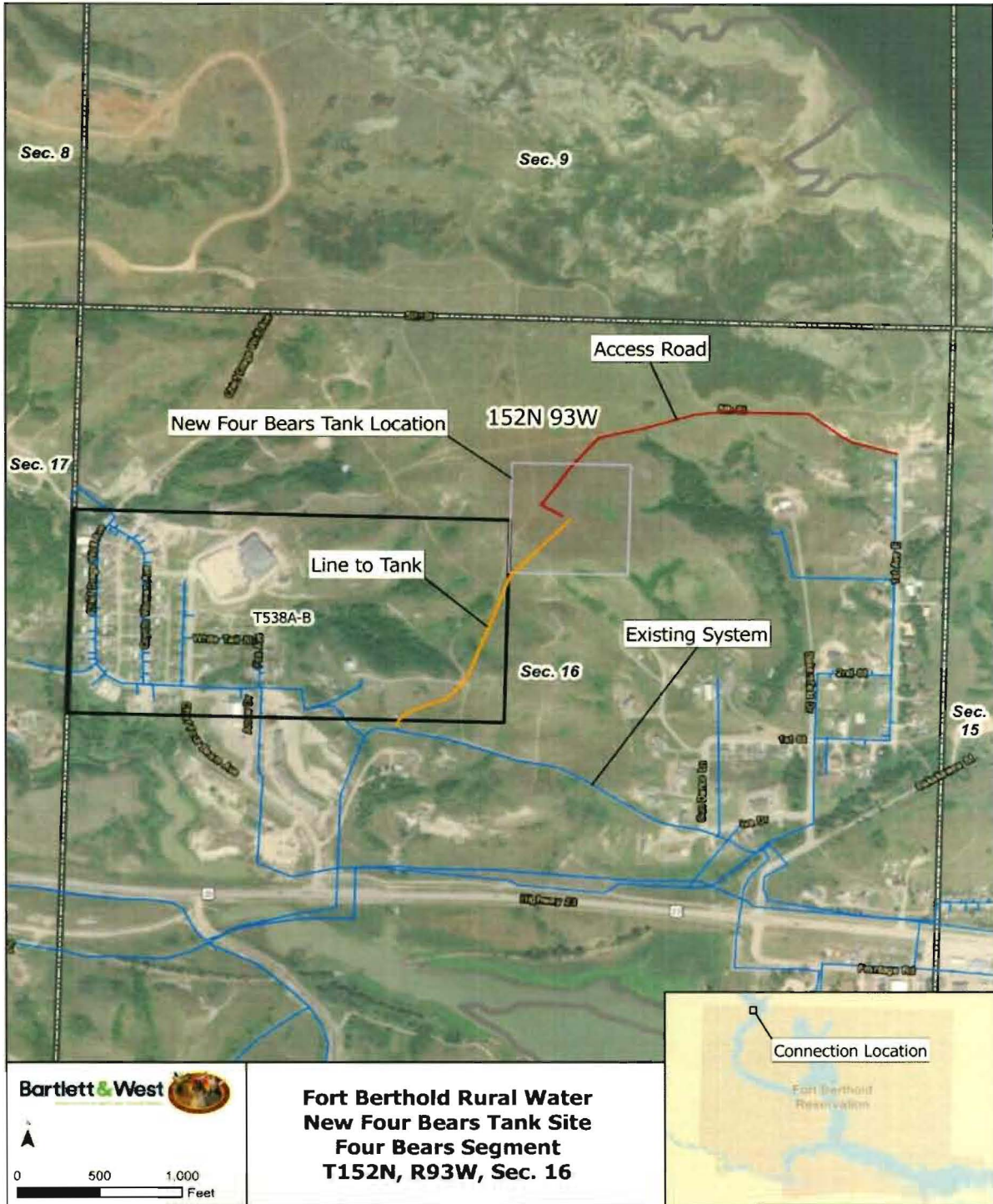
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**APPENDIX A. 1  
NEW FOUR BEARS TANK SITE PROJECT – FOUR BEAR SEGMENT**



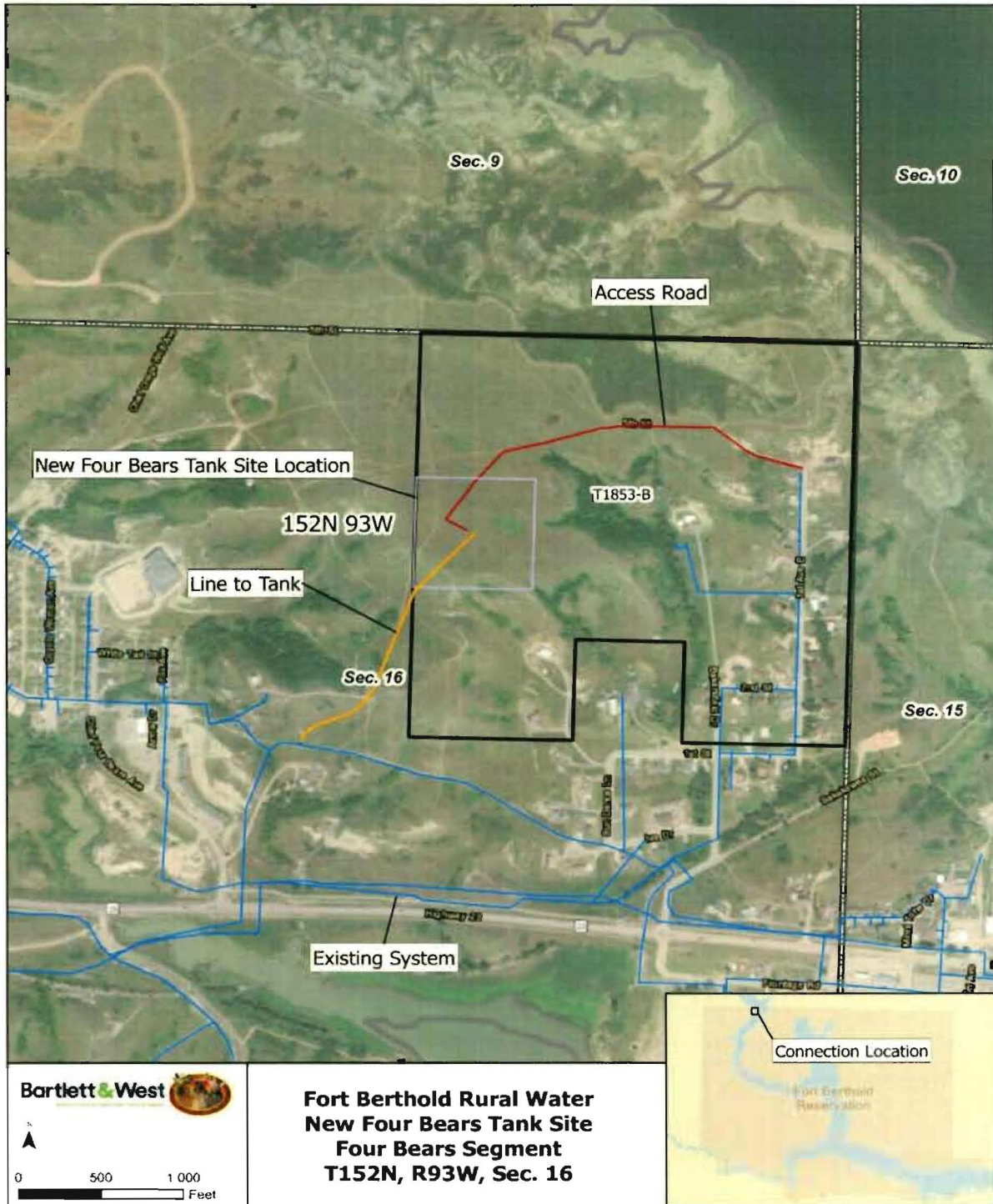
**APPENDIX A. 2  
NEW FOUR BEARS TANK SITE PROJECT – FOUR BEAR SEGMENT**



APPENDIX A. 3



### NEW FOUR BEARS TANK SITE PROJECT – FOUR BEAR SEGMENT






**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 12<sup>th</sup> day of October, 2022, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 7 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman  Voting.  Not Voting.

Dated this 12<sup>th</sup> day of October, 2022.

**ATTEST:**

  
\_\_\_\_\_  
Executive Secretary Fred Fox  
Tribal Business Council  
Three Affiliated Tribes

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