



**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 (T2006-A, T2102-C, T2006, 2248) Submitted by McKenzie Electric Cooperative Inc.”

- WHEREAS,** The Mandan Hidatsa and Arikara Nation (the “Nation”), also known as the Three Affiliated Tribes, having accepted the Indian Reorganization Act of June 18, 1934, the authority under said Act, and having adopted a Constitution and By-laws (the “Constitution”) under said Act, and
- WHEREAS,** Pursuant to Article III, Section 1 of the Constitution, the Tribal Business Council is the governing body of the Tribes; and
- WHEREAS,** Pursuant to Article VI, Section 5(1) of the 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 ROWs on Tribal land are subject to the requirements of Tribal law, including Resolution No. 13-109-VJB (Establishing Standardized Minimum Rates for Oil and Gas Lease Bonuses, Royalties, and Road and Pipeline Easements), Resolution No. 14-071-VJB (MHA Nation Application for Rights-of-Way and Use of Rights-of-Way), Resolution No. 14-089-VJB (MHA Nation Pipeline Rights-of-Way Terms and Conditions), 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), Resolution No. 17-117-FWF (Approval of Fee Structure), and Resolution No. 18-212-FWF and 21-082-FWF (Amending Fee Structure); and
- WHEREAS,** McKenzie Electric Cooperative Inc. submitted a ROW application for the Bruin Belford Yale Line for a Proposed Overhead/Underground Powerline, across Tribal tract in T2006-A Section 22 & 23 Township 148N Range 95W, T2101-C Section 23 Township 148N Range 95W, T2006 Section 22 Township 148N Range 95W, 2248 Section 22 & 27 Township 148N Range 95W; and



WHEREAS, McKenzie Electric Cooperative Inc. submitted a ROW application for the Bruin Belford Yale Line for a Proposed Overhead/Underground Powerline, across Tribal tract 2248, T2006-A, T2102-C and T2006 in Sections 22, 23, and 27 Township 148N Range 95W; and

WHEREAS, Resolution No. 21-057-FWF consented to a similar ROW for McKenzie and should be rescinded as the ROW is no longer needed for the purpose for which it was intended; 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.

NOW THEREFORE BE IT RESOLVED, Subject to McKenzie Electric Cooperative Inc.’s agreement to the execution of the MHA Right-of-Way Application and Terms and Conditions, as listed therein, and payment of ROW fees, the Tribal Business Council hereby approves the following ROW application, attached as Appendix A.1, and ROW consent, as follows:

- McKenzie Electric Cooperative Inc.—Bruin Belford Yale Line
 - Powerline being 4474.56 feet in length, temporary construction easement of 6.984 acres and permanent 3.012 acres Allotment T2006-A, Section 22 & 23, Township 148 North, Range 95 West, in Dunn County, 5th Principal Meridian with a 1.0000000000 Tribal Interest,
 - Powerline being 172.54 feet in length, temporary construction easement of 0.277 acres and permanent 0.119 acres Allotment T2101-C, Section 23, Township 148 North, Range 95 West, in Dunn County, 5th Principal Meridian with a 1.0000000000 Tribal Interest,
 - Powerline being 420.78 feet in length, temporary construction easement of 0.594 acres and permanent 0.280 acres Allotment T2006, Section 22, Township 148 North, Range 95 West, in Dunn County, 5th Principal Meridian with a 1.0000000000 Tribal Interest,
 - Powerline being 4,952.23 feet in length, temporary construction easement of 7.038 acres and permanent 3.291 acres Allotment 2248, Section 22 & 27, Township 148 North, Range 95 West, in Dunn County, 5th Principal Meridian with a 0.3738095238 Tribal Interest,
 - For a total disturbance of 21.595 acres.



BE IT FURTHER RESOLVED, 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.

BE IT FURTHER RESOLVED, That Resolution 21-057-FWF is rescinded since it is no longer needed for the purposes for which it was intended.

BE IT FURTHER RESOLVED, The Tribe does not consent to waive any bond, insurance, or alternative form of security.

BE IT FURTHER RESOLVED, The MHA Nation Standard Terms and Conditions for Right-of-Ways, executed by McKenzie Electric Cooperative Inc. and the MHA Nation Energy Division, constitute 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 Bruin Belford Yale Line.

BE IT FURTHER RESOLVED, 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).

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.

[THIS SPACE INTENTIONALLY LEFT BLANK. CERTIFICATION FOLLOWS.]



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 11th day of January, 2023, 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 11th day of January, 2023.

ATTEST:



Tribal Secretary, Fred W. Fox
Tribal Business Council



Tribal Chairman, Mark N. Fox
Tribal Business Council