



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

A Resolution entitled, "Consent to Approval of a Utility Corridor 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 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, Applications have been submitted a ROW application for a utility corridor for the Elbowoods Memorial Health Center Campus, across Tribal Tract 301-T3096; 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, that subject to the utility company'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, and ROW consent, as follows:

- Elbowoods Memorial Health Campus — North Segment
 - Utility Corridor Tribal property on 301-T 3096, Section 16, Township 152 North, Range 92 West, in Mountrail County, 5th Principal Meridian with a 100% Tribal Interest, and
- Kidney Dialysis Unit Project – North Segment
 - Utility Corridor Tribal property on 301-T 3096, Section 16, Township 152 North, Range 92 West, in Mountrail County, 5th Principal Meridian with a 100% Tribal Interest; 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 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 8th day of February, 2023, 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 8th day of February, 2023.

ATTEST:



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



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