



**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 for Mountrail Williams’ Utility Corridor-North Segment.*”**

**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,** A ROW application for a utility corridor for Mountrail Williams Electric Cooperative across Tribal tracts listed below has been submitted; 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, the Tribal Business Council of the Three Affiliated Tribes hereby approves the following ROW application and ROW consent, and payment of ROW fees is waived:

- Spring Boy Subdivision, Block 3 – North Segment
  - Utility Corridor Tribal property on TF 56-0061545, A 30' wide strip (20' on one north side and 10' on the south side), for approximately 1,464.07' of underground cable to power additional facilities, within Section 8, Township 152 North, Range 92 West, in Mountrail County, 5<sup>th</sup> Principal Meridian of ND, with a 100% Tribal Interest,
- Wall Boy, Block 3 — North Segment
  - Utility Corridor Tribal property on TF 56-0061435, A 30' wide strip (20' on one north side and 10' on the south side), for approximately 44.60' of underground cable to power additional facilities, within Section 7, Township 152 North, Range 92 West, in Mountrail County, 5<sup>th</sup> Principal Meridian of ND, with a 100% Tribal Interest,
- Wall Boy Second Addition, Lot 1, Block 1 — North Segment
  - Utility Corridor Tribal property on TF 56-0061410, A 30' wide strip (20' on one north side and 10' on the south side), for approximately 2,663.63' of underground cable to power additional facilities, within Section 7, Township 152 North, Range 92 West, in Mountrail County, 5<sup>th</sup> Principal Meridian of ND, with a 100% Tribal Interest,
- Wall Boy, Block 1 — North Segment
  - Utility Corridor Tribal property on TF 56-0061390, A 40' wide strip (20' on both sides, for approximately 112.25' of underground cable to power additional facilities, within Section 7, Township 152 North, Range 92 West, in Mountrail County, 5<sup>th</sup> Principal Meridian of ND, with a 100% Tribal Interest,

**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 13<sup>th</sup> day of July , 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 13<sup>th</sup> day of July, 2023.

**ATTEST:**

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

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