



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

A Resolution Entitled: *“Approval of Four Bears Segment Utility Corridors for the Respective Thunder Butte Apartment Complex.”*

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-Laws pursuant to said Act; and

WHEREAS, The Constitution of the Three Affiliated Tribes, also known as the Mandan, Hidatsa, and Arikara Nation (or “Tribes”), generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

WHEREAS, Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, Article IV, Section 5(l) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has authority to adopt resolutions regulating the procedure of the Tribal Council and other Tribal Agencies and Tribal Officials of the Reservation; and

WHEREAS, The Three Affiliated Tribes has the authority to approve of Home Site and Utility Corridors on Tribal Land; and

WHEREAS, The Three Affiliated Tribes find it beneficial to provide for use of Tribal lands for utility corridor easements; and

WHEREAS, The Four Bears Special Projects and the Four Bears Housing Development is in immediate need of a newly constructed apartment complex in the Thunder Butte Subdivision for future housing placement as the availability of lots is non-existent and the useable infrastructure has been exhausted within the Four Bears Segment; 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



("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 \$100.00; 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 Bears Segment to construct the Thunder Butte Apartment Complex 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 approves the Thunder Butte Apartment Complex and Utility Corridors for the Four Bears Segment Office with specific legal description as follows:

Thunder Butte Apartment Complex - Four Bears Segment:
Tribal Allotment 301-T 608A, Sec.20, Township 152.00N, Range 094.00W, North Dakota, McKenzie County, Fifth Principal, N SE 80.00 Acres, SW NE 40.00 Acres, S NW NE 20.00 Acres, SW SE 40 Acres, Total Tract Acres 180.00.

Utility Corridor:

1. Approve an easement for Water Service Line and Waste Water Service Line with the housing subdivision in the above-mentioned Tribally owned land in the Four Bears Segment. The easement will run a service line to all home sites with the Subdivision being built in and across all Tribal owned lands.
2. Approve an easement for the local electric cooperative, which will be providing an Electrical Service Line in the above-mentioned Tribally owned land in the Four Bears Segment. The easement will run a service line to all home sites being built in and across all the Tribal owned lands.
3. Approve an easement for Telephone/Internet service with the Telephone Cooperative for providing a Service Line in the above-mentioned Tribally owned land in the Four Bears Segment, in and across all Tribal owned lands.
4. Approve an easement for an access road with the Roads Department and/or Tribal TERO Licensed Contractor, to provide an access road(s) in the above-mentioned Tribally owned land in the Four Bears Segment. The easement will run an access



road(s) and driveway(s) to all the home sites being built and across all Tribal owned lands.

BE IT FURTHER RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby consents to the following ROW(s) to the United States Department of the Interior (acquiring agency BOR) and it assigns for the construction, operation, maintenance, and replacement of the FBRW system:

Thunder Butte Apartment Complex - Four Bears Segment:
Tribal Allotment 301-T 608A, Sec.20, Township 152.00N, Range 094.00W, North Dakota, McKenzie County, Fifth Principal, N SE 80.00 Acres, SW NE 40.00 Acres, S NW NE 20.00 Acres, SW SE 40 Acres, Total Tract Acres 180.00.

BE IT FURTHER RESOLVED, that the term of the ROW(s) with regard to the FBRW system 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 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 13th 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 13th day of July, 2023.

ATTEST:


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


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