



**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 (T1799, T1799-F) submitted by McKenzie Electric Cooperative Inc."

- WHEREAS,** The Mandan Hidatsa and Arikara Nation (MHA 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 MHA Nation; and
- WHEREAS,** The Constitution 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 MHA Nation and of the enrolled members thereof; 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 Business 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 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,** McKenzie Electric Cooperative Inc. submitted a ROW application for the Enerplus Woman Creek URD Line for a Proposed Underground Powerline, across Tribal tracts T1799 in Section 4, T. 148 N., R. 93 W., Dunn County, 5th PM of North Dakota; and T1799-F in Section 4, T. 148 N., R. 93 W., Dunn County, 5th PM of North Dakota; 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 McKenzie Electric Cooperative Inc.'s agreement to the execution of the MHA Right-of-Way Application and Terms and Conditions, as listed therein, the Tribal Business Council hereby approves the following ROW application, attached as Appendix A.1, and ROW consent, as follows:

- **McKenzie Electric Cooperative Inc.- Enerplus Woman Creek URD Line**
- The length of the powerline being proposed is 90.11', with the width of 30' permanent (100' temporary), within Allotment T1799, Section 4, Township 148 North, Range 93 West, in Dunn County, 5th Principal Meridian with a 100% Tribal Interest, containing .066 permanent acres and .111 temporary acres, more or less; and
- The length of the powerline being proposed is 1,869', with the width of 30' permanent (100' temporary), within Allotment T1799-F, Section 4, Township 148 North, Range 93 West, in Dunn County, 5th Principal Meridian with a 100% Tribal Interest, containing 1.283 permanent acres and 3.005 temporary acres, more or less; 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.

BE IT FURTHER RESOLVED, that the Tribes do not consent to waive any bond, insurance, or alternative form of security.

BE IT FURTHER RESOLVED, that the MHA Nation Standard Terms and Conditions for Right-of-Ways, executed by McKenzie Electric Cooperative Inc. and the MHA Nation Energy Division or other designated Tribal department, 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 Enerplus Woman Creek URD Line.

BE IT FURTHER RESOLVED, that 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.


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 September, 2018, 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.

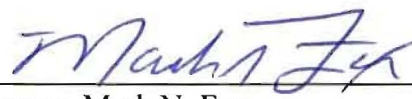
Chairman [] Voting. [X] Not Voting.

Dated this 13th day of September, 2023.

ATTEST:



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



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