



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

A Resolution entitled “Amending Resolution 23-153-FWF – Mandaree 2nd Elevated Tank.”

- 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 and fee land require the consent of the Tribal Business Council pursuant to federal and Tribal law; 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 (or “ROWS”) for FBRW purposes to be granted to the BOR as the acquiring federal agency while the project is federally funded; and
- WHEREAS**, ROWs for FBRW to construct the Mandaree 2nd Elevated tank previously granted pursuant to Resolution No. 23-153-FWF; and
- WHEREAS**, This Resolution amends Resolution 23-153-FWF to include a Waterline and Access Road along with the tank site as shown on Appendix A.1



WHEREAS, The Tribal Business Council finds it appropriate to authorize the amended ROW, described herein in the West Segment for a Tank Site, Waterline, and Access Road Project known as the Mandaree 2nd Tank Site and Access Road Project, 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 hereby consents to the following ROW(s) to the United States Department of Interior (acquiring agency BOR) and its assigns for the construction, operation, maintenance, and replacement of the FBRW system:

1. Tribal Tract T696A-C in Section 11, Township 149 North, Range 94 West, McKenzie County, 5th Principal Meridian of North Dakota, containing a 1.0000000000 share, as more particularly described in Appendix A.1; and

BE IT FURTHER RESOLVED, that the term of the ROW(s) 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 FURTHER RESOLVED, that Resolution 23-253-FWF is amended as stated above: 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.

<SIGNATURE PAGE TO FOLLOW>




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 19th day of October, 2023, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members for, 0 members opposed, 0 members abstained, and 2 members not voting, and that said Resolution has not been rescinded or amended in any way.


Chairman () Voting, (X) Not Voting.

Dated this 19th day of October 2023.

ATTEST:



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



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



APPENDIX A. 1
WEST SEGMENT – MANDAREE 2ND TANK SITE AND ACCESS ROAD PROJECT

