



**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
submitted by McKenzie Electric Cooperative Inc."***

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, 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 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 Four Bears Circuit Reroute for a Proposed Underground Powerline, across Allotted Tracts T5255 in Section 15, T. 152 N., R. 93 W., McKenzie County, 5th PM of North Dakota and T549A in Section 16, T. 152 N., R. 93 W., McKenzie County, 5th PM of North Dakota: and

WHEREAS, McKenzie Electric Cooperative Inc. submitted a ROW application for the Four Bears Equestrian Center for a Proposed Overhead and Underground Powerline, across Allotment 301-585A in Section 19, T. 152 N., R. 94 W., McKenzie County, 5th PM of North Dakota, an undivided 91.66% interest, and Allotment 301-1558 in Section 18, T. 152 N., R. 94 W., McKenzie County, 5th PM of North Dakota, an undivided 55.55% interest; and



WHEREAS, The ROW applications have been reviewed and recommended for approval in accordance with the Tribes' 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 Bureau of Indian Affairs' 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 applications and consents, and will waive payment of ROW fees:

- McKenzie Electric Cooperative Inc.- Four Bears Circuit Reroute
- McKenzie Electric Cooperative Inc.- Four Bears Equestrian Center

BE IT FURTHER RESOLVED, that the ROWs shall have a thirty (30) year term, from the date of the BIA's execution of the grant of the ROWs for the said projects; and

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

BE IT FURTHER RESOLVED, that the MHA Nation Standard Terms and Conditions for Rights-of-Way, executed by McKenzie Electric Cooperative Inc. and the Three Affiliated Tribes constitute a written agreement as part of the Tribes' consent to the grant of the ROWs, and therefore, as provided in 25 CFR §169.107(a), the Tribal Business Council requests the Bureau of Indian Affairs to incorporate these terms and conditions into the ROW grants for The Four Bears Circuit Reroute and the Four Bears Equestrian Center; and

BE IT FURTHER RESOLVED, that the Tribal Business Council retains the authority, as well as the delegation of authority to the Natural Resource Department 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); 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 Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 6 were present at a Regular Meeting there of duly called, noticed, convened, and held on the 7th day of December, 2023; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.


Chairman Voting. Not Voting.

Dated this 7th day of December, 2023.

ATTEST:



Tribal Secretary Fred Fox
Tribal Business Council
Three Affiliated Tribes



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