



**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 (T704A-A, T759A-C, T759A-B, T1831-A, 1831-B, 1833, T1810, T991A, T1814, T1785-A, T2249, T2198, T777A-D, T777A-C, T704A-C, T704A-B, 2143, T1811-A, T992A-D, T992A-A, T992A-B, T1003A, T1593) for the RimRock Twin Buttes 3ph OH Line Project 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. 13-109-VJB (Establishing Standardized Minimum Rates for Oil and Gas Lease Bonus, Royalties and Road and Pipeline Easements), 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), Resolution No. 17-117-FWF (Approval of Fee Structure), and Resolution No. 18-212-FWF and 21-082-FWF (Amending Fee Structure); and



WHEREAS, McKenzie Electric Cooperative Inc. submitted a ROW application for the RimRock Twin Buttes 3ph OH Line Project, across certain Tribal tracts T704A-A, T759A-C, T759A-B, T1831-A, 1831-B, 1833, T1810, T991A, T1814, T1785-A, T2249, T2198, T777A-D, T777A-C, T704A-C, T704A-B, 2143, T1811-A, T992A-D, T992A-A, T992A-B, T1003A and T1593 with 43.607 permanent acres and 98.224 temporary, totaling 141.831 acres of disturbance; and

WHEREAS, Resolutions 21-262-FWF and 22-068-FWF were consented to previously for McKenzie Electric Cooperative and should be rescinded as the route has changed; 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, Subject to the MHA Nation Public Utility Right-of-Way Consent Terms and Conditions with McKenzie Electric Cooperative, Inc., and payment of applicable ROW fees, the Tribal Business Council hereby approves the ROW application, attached as Appendix A.1, and consents to the following ROW:

- McKenzie Electric Cooperative Inc.- RimRock Twin Buttes 3ph OH Line Project:
 - The length of the powerline being proposed is 1,377.43' and the width of 30' permanent (100' temporary), within Allotment T759A-C, Section 29, Township 147, Range 91 West, in Dunn County, 5th Principal Meridian with a 1.0000000000 Tribal Interest, containing 0.929 permanent acres and 2.085 temporary acres, more or less.
 - The length of the powerline being proposed is 1,436.44' and the width of 30' permanent (100' temporary), within Allotment T759A-B, Section 29, Township 147, Range 91 West, in Dunn County, 5th Principal Meridian with a 1.0000000000 Tribal Interest, containing 0.964 permanent acres and 2.104 temporary acres, more or less.
 - The length of the powerline being proposed is 1,878.13' and the width of 30' permanent (100' temporary), within Allotment T1831-A, Section 30, Township 147, Range 91 West, in Dunn County, 5th Principal Meridian with a 1.0000000000 Tribal Interest, containing 1.272 permanent acres and 2.828 temporary acres, more or less.
 - The length of the powerline being proposed is 3,823.94' and the width of 30' permanent (100' temporary), within Allotment 1831-B, Section 30, Township 147, Range 91 West, in Dunn County, 5th



Principal Meridian with a 0.1375000000 Tribal Interest, containing 2.603 permanent acres and 5.989 temporary acres, more or less.

- The length of the powerline being proposed is 2,823.40' and the width of 30' permanent (100' temporary), within Allotment 1833, Section 30, Township 147, Range 91 West, in Dunn County, 5th Principal Meridian with a 0.2354166667 Tribal Interest, containing 1.925 permanent acres and 4.364 temporary acres, more or less.
- The length of the powerline being proposed is 6,345.21' and the width of 30' permanent (100' temporary), within Allotment T1810, Section 25, Township 147, Range 92 West, in Dunn County, 5th Principal Meridian with a 1.0000000000 Tribal Interest, containing 4.293 permanent acres and 9.641 temporary acres, more or less.
- The length of the powerline being proposed is 6,701.64' and the width of 30' permanent (100' temporary), within Allotment T991A, Section 26, Township 147, Range 92 West, in Dunn County, 5th Principal Meridian with a 1.0000000000 Tribal Interest, containing 4.514 permanent acres and 10.120 temporary acres, more or less.
- The length of the powerline being proposed is 7,010.12' and the width of 30' permanent (100' temporary), within Allotment T1814, Section 22 & 23, Township 147, Range 92 West, in Dunn County, 5th Principal Meridian with a 1.0000000000 Tribal Interest, containing 4.719 permanent acres and 10.647 temporary acres, more or less.
- The length of the powerline being proposed is 1,201.28' and the width of 30' permanent (100' temporary), within Allotment T1785-A, Section 23, Township 147, Range 92 West, in Dunn County, 5th Principal Meridian with a 1.0000000000 Tribal Interest, containing 0.790 permanent acres and 1.653 temporary acres, more or less.
- The length of the powerline being proposed is 4,109.71' and the width of 30' permanent (100' temporary), within Allotment T2249, Section 14, Township 147, Range 92 West, in Dunn County, 5th Principal Meridian with a 1.0000000000 Tribal Interest, containing 2.698 permanent acres and 6.001 temporary acres, more or less.
- The length of the powerline being proposed is 2,384.95' and the width of 30' permanent (100' temporary), within Allotment T2198, Section 14, Township 147, Range 92 West, in Dunn County, 5th



Principal Meridian with a 1.0000000000 Tribal Interest, containing 1.587 permanent acres and 3.339 temporary acres, more or less.

- The length of the powerline being proposed is 2,638.41' and the width of 30' permanent (100' temporary), within Allotment T777A-D, Section 33, Township 147, Range 91 West, in Dunn County, 5th Principal Meridian with a 1.0000000000 Tribal Interest, containing 1.773 permanent acres and 3.982 temporary acres, more or less.
- The length of the powerline being proposed is 2,910.54' and the width of 30' permanent (100' temporary), within Allotment T777A-C, Section 33, Township 147, Range 91 West, in Dunn County, 5th Principal Meridian with a 1.0000000000 Tribal Interest, containing 1.993 permanent acres and 4.577 temporary acres, more or less.
- The length of the powerline being proposed is 192.60' and the width of 30' permanent (100' temporary), within Allotment T704A-C, Section 28, Township 147, Range 91 West, in Dunn County, 5th Principal Meridian with a 1.0000000000 Tribal Interest, containing 0.133 permanent acres and 0.324 temporary acres, more or less.
- The length of the powerline being proposed is 2,103.20' and the width of 30' permanent (100' temporary), within Allotment T704A-B, Section 28, Township 147, Range 91 West, in Dunn County, 5th Principal Meridian with a 1.0000000000 Tribal Interest, containing 1.418 permanent acres and 3.075 temporary acres, more or less.
- The length of the powerline being proposed is 2,287.92' and the width of 30' permanent (100' temporary), within Allotment 2143, Section 36, Township 147, Range 92 West, in Dunn County, 5th Principal Meridian with a 0.5555555556 Tribal Interest, containing 1.565 permanent acres and 3.567 temporary acres, more or less.
- The length of the powerline being proposed is 2,322.64' and the width of 30' permanent (100' temporary), within Allotment T1811-A, Section 25, Township 147, Range 92 West, in Dunn County, 5th Principal Meridian with a 1.0000000000 Tribal Interest, containing 1.600 permanent acres and 3.732 temporary acres, more or less.
- The length of the powerline being proposed is 1,484.82' and the width of 30' permanent (100' temporary), within Allotment T992A-D, Section 23, Township 147, Range 92 West, in Dunn County, 5th Principal Meridian with a 1.0000000000 Tribal Interest, containing 1.023 permanent acres and 2.386 temporary acres, more or less.



- The length of the powerline being proposed is 194.59' and the width of 30' permanent (100' temporary), within Allotment T992A-A, Section 22, Township 147, Range 92 West, in Dunn County, 5th Principal Meridian with a 1.0000000000 Tribal Interest, containing 0.134 permanent acres and 0.310 temporary acres, more or less.
- The length of the powerline being proposed is 1,673.14' and the width of 30' permanent (100' temporary), within Allotment T992A-B, Section 22, Township 147, Range 92 West, in Dunn County, 5th Principal Meridian with a 1.0000000000 Tribal Interest, containing 1.152 permanent acres and 2.616 temporary acres, more or less.
- The length of the powerline being proposed is 7,680.89' and the width of 30' permanent (100' temporary), within Allotment T1003A, Section 22 & 21, Township 147, Range 92 West, in Dunn County, 5th Principal Meridian with a 1.0000000000 Tribal Interest, containing 5.248 permanent acres and 11.956 temporary acres, more or less.
- The length of the powerline being proposed is 158.59' and the width of 30' permanent (100' temporary), within Allotment T1593, Section 34, Township 147, Range 91 West, in Dunn County, 5th Principal Meridian with a 1.0000000000 Tribal Interest, containing 0.109 permanent acres and 0.252 temporary acres, more or less.
- Total Disturbed Acres – 43.607 permanent acres and 98.224 temporary
Totaling 141.831 acres of disturbance.

BE IT FURTHER RESOLVED, 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, This resolution supersedes and replaces all previously approved resolutions for the McKenzie Electric RimRock Twin Buttes 3ph OH Line Project.

BE IT FURTHER RESOLVED, The Tribe does not consent to waive any bond, insurance, or alternative form of security.

BE IT FURTHER RESOLVED, The MHA Nation Standard Terms and Conditions for Right-of-Ways, executed by McKenzie Electric Cooperative Inc. and the MHA Nation Energy Division, 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 RimRock Twin Buttes 3ph OH Line.



BE IT FURTHER RESOLVED, The Tribe retains the authority to issue fines and set conditions to address and resolve ROW trespass, abandonment, non-use, and other violations, including violations of the applicable MHA Nation Standard Terms and Conditions for Rights-of-Way, and further requests the Bureau of Indian Affairs to defer to these remedies, in accordance with the intent and notice provisions, as provided 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.

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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 7th day of May, 2024, 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.

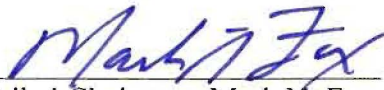
Chairman [] Voting. [X] Not Voting.

Dated this 7th day of May, 2024.

ATTEST:



Executive Secretary Fred Fox
Tribal Business Council
Three Affiliated Tribes



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