



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

*A Resolution entitled, "Consent a Right-of-Way across Tribal land (T604A) for McKenzie Electric Cooperative Inc."*

**WHEREAS,** The Mandan Hidatsa and Arikara Nation (the "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 Tribes; 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 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 (Amending Fee Structure); and

**WHEREAS,** ROWs for McKenzie Electric Cooperative, Inc. (MEC) are subject to the "MHA NATION PUBLIC UTILITY RIGHT-OF-WAY CONSENT TERMS AND CONDITIONS WITH MCKENZIE ELECTRIC COOPERATIVE, INC." (MEC Terms and Conditions) dated January 1, 2016; and



**WHEREAS,** MEC submitted a ROW application for a proposed underground power line, across certain Tribal tracts in in Tract T604A, in Section 4 & 9, Township 149 North, Range 92 West, in Dunn County, North Dakota as more particularly described in Appendix A.1.; 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; and

**WHEREAS,** The projected compensation to the MHA Nation for this ROW application is their proportionate share of \$741.16.

**NOW THEREFORE BE IT RESOLVED,** Subject to the MEC Terms and Conditions 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. – the WPX High Hawk URD Line Project, for proposed underground power line, across certain Tribal tracts in Tract T604A, in Sections 4 & 9, Township 149 North, Range 92 West, in Dunn County, North Dakota.

**BE IT FURTHER RESOLVED,** the ROW shall have a thirty (30) year term, from the date of the BIA's grant of the ROW.

**BE IT FURTHER RESOLVED,** The MEC Terms and Conditions are incorporated into this consent to the grant of the ROW, 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 grant.

**BE IT FURTHER RESOLVED,** The MHA Nation retains the authority 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.



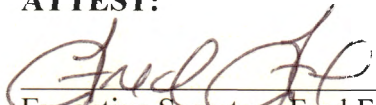
**CERTIFICATION**

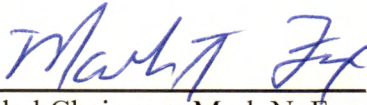
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 14<sup>th</sup> day of May, 2020, 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.  Not Voting.

Dated this 14<sup>th</sup> day of May, 2020.

**ATTEST:**

  
Executive Secretary Fred Fox  
Tribal Business Council  
Three Affiliated Tribes

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



**APPENDIX A.1**

< Attach: (1) Application Form, (2) Approval Form signed by Department Head and Chairman of NRC per Resolution 15-045-LKH, (3) signed ROW terms and Conditions per Resolution No. 14-089-VJB, (4) map, and (5) other necessary information >