



**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 (T777A-D, T1593, T704A-C, T704A-D, T704A-B, T704A-A, T759A-C, T759A-B, T1831-A, 1831-B, 1833, 1810, 991A, T1785-A, T2249, T2198, 1811-A, 992A-D, 992A-A) 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, 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 Twin Buttes 3ph OH Line for a Proposed Overhead Powerline, across Tribal tracts T777A-D, T1593, T704A-C, T704A-D, T704A-B, T704A-A, T759A-C, T759A-B, T1831-A, 1831-B, 1833, 1810, 991A, T1785-A, T2249, T2198, 1811-A, 992A-D, 992A-A in Sections 28, 29, 30, 33 & 34 Township 147N Range 91W, Sections



14, 22, 23, 25 & 26 Township 147N Range 92W and Section 5 Township 148N Range 92W; 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 McKenzie Electric Cooperative Inc.'s agreement to the execution of the MHA Right-of-Way Application and Terms and Conditions, as listed therein, and payment of ROW fees, the Tribal Business Council hereby approves the following ROW application, attached as Appendix A.1, and ROW consent, as follows:

- McKenzie Electric Cooperative Inc.— Twin Buttes 3ph OH Line
 - Powerline being 2,231.80 feet in length, temporary construction easement of 3.205 acres and permanent 1.457 acres Allotment T777A-D, W/2SE/4NE/4NE/4, NW/4SE/4NE/4, SW/4NE/4NE/4, NE/4NE/4SW/4SE/4NE/4, SW/4NE/4, W/2SW/4NE/4SE/4NE/4, NW/4NE/4NE/4SE/4NE/4, SE/4SE/4NE/4NE/4, W/2NE/4SW/4SE/4NE/4, W/2SW/4SE/4NE/4, NW/4NE/4SE/4NE/4 Section 33, Township 147 North, Range 91 West, in Dunn County, 5th Principle Meridian with a 1.0000000000 Tribal Interest,
 - Powerline being 158.59 feet in length, temporary construction easement of 0.252 acres and permanent 0.109 acres Allotment T1593, NW/4NW/4, Section 34, Township 147 North, Range 91 West, in Dunn County, 5th Principle Meridian with a 1.0000000000 Tribal Interest,
 - Powerline being 1,528.89 feet in length, temporary construction easement of 2.192 acres and permanent 1.009 acres Allotment T704A-C, W/2SE/4, Section 28, Township 147 North, Range 91 West, in Dunn County, 5th Principle Meridian with a 1.0000000000 Tribal Interest,
 - Powerline being 1,223.31 feet in length, temporary construction easement of 1.949 acres and permanent 0.835 acres Allotment T704A-D, E/2SE/4, Section 28, Township 147 North, Range 91 West, in Dunn County, 5th Principle Meridian with a 1.0000000000 Tribal Interest,



- Powerline being 1,454.37 feet in length , temporary construction easement of 2.189 acres and permanent 0.982 acres Allotment T704A-B, E/2SW/4, Section 28, Township 147 North, Range 91 West, in Dunn County, 5th Principle Meridian with a 1.0000000000 Tribal Interest,
- Powerline being 1,798.01 feet in length, temporary construction easement of 2.552 acres and permanent 1.193 acres Allotment T704A-A, W/2SW/4, Section 28, Township 147 North, Range 91 West, in Dunn County, 5th Principle Meridian with a 1.0000000000 Tribal Interest,
- Powerline being 1,377.43 feet in length, temporary construction easement of 2.085 acres and permanent 0.929 acres Allotment T759A-C, E/2SW/4, Section 29, Township 147 North, Range 91 West, in Dunn County, 5th Principle Meridian with a 1.0000000000 Tribal Interest,
- Powerline being 1,544.32 feet in length, temporary construction easement of 2.125 acres and permanent 1.018 acres Allotment T759A-B, W/2SW/4, Section 29, Township 147 North, Range 91 West, in Dunn County, 5th Principle Meridian with a 1.0000000000 Tribal Interest,
- Powerline being 1,802.75 feet in length, temporary construction easement of 2.809 acres and permanent 1.238 acres Allotment T1831-A, SE/4, Section 30, Township 147 North, Range 91 West, in Dunn County, 5th Principle Meridian with a 1.0000000000 Tribal Interest,
- Powerline being 2,601.49 feet in length, temporary construction easement of 1.340 acres and permanent 0.703 acres Allotment 1831-B, NE/4, Section 30, Township 147 North, Range 91 West, in Dunn County, 5th Principle Meridian with a 0.1375000000 Tribal Interest,
- Powerline being 2,819.43 feet in length, temporary construction easement of 4.367 acres and permanent 1.922 acres Allotment 1833, Lot 01, Lot 03, Lot 02, E/2W/2, Section 30, Township 147 North, Range 91 West, in Dunn County, 5th Principle Meridian with a 0.2354166667 Tribal Interest,
- Powerline being 5,763.41 feet in length, temporary construction easement of 8.811 acres and permanent 3.903 acres Allotment 1810,



S/2, Section 25, Township 147 North, Range 92 West, in Dunn County, 5th Principle Meridian with a 1.0000000000 Tribal Interest,

- Powerline being 6,686.64 feet in length, temporary construction easement of 10.135 acres and permanent 4.499 acres Allotment 991A, E/2, Section 26, Township 147 North, Range 92 West, in Dunn County, 5th Principle Meridian with a 1.0000000000 Tribal Interest,
- Powerline being 1,201.28 feet in length, temporary construction easement of 1.653 acres and permanent 0.790 acres Allotment T1785-A, N/2N/2NW/4, Section 23, Township 147 North, Range 91 West and S/2SE/4, NW/4SE/4, Section 5, Township 148 North, Range 92 West, in Dunn County, 5th Principle Meridian with a 1.0000000000 Tribal Interest,
- Powerline being 3,397.10 feet in length, temporary construction easement of 4.951 acres and permanent 2.234 acres Allotment T2249, W/2, Section 14, Township 147 North, Range 92 West, in Dunn County, 5th Principle Meridian with a 1.0000000000 Tribal Interest,
- Powerline being 2,129.62 feet in length, temporary construction easement of 2.903 acres and permanent 1.410 acres Allotment T2198, E/2, Section 14, Township 147 North, Range 92 West, in Dunn County, 5th Principle Meridian with a 1.0000000000 Tribal Interest,
- Powerline being 2,201.66 feet in length, temporary construction easement of 3.452 acres and permanent 1.504 acres Allotment 1811-A, NW/4, Section 25, Township 147 North, Range 92 West, in Dunn County, 5th Principle Meridian with a 1.0000000000 Tribal Interest,
- Powerline being 1,484.82 feet in length, temporary construction easement of 2.386 acres and permanent 1.023 acres Allotment 992A-D, W/2SW/4, Section 23, Township 147 North, Range 92 West, in Dunn County, 5th Principle Meridian with a 1.0000000000 Tribal Interest,
- Powerline being 194.59 feet in length, temporary construction easement of 0.313 acres and permanent 0.134 acres Allotment 992A-A, E/2SE/4, Section 22, Township 147 North, Range 92 West, in Dunn County, 5th Principle Meridian with a 1.0000000000 Tribal Interest,



- For a total disturbance of 86.588 acres.

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, 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 Rim Rock Twin Buttes 3ph OH Line.

BE IT FURTHER RESOLVED, 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.

[THIS SPACE INTENTIONALLY LEFT BLANK. CERTIFICATION FOLLOWS.]



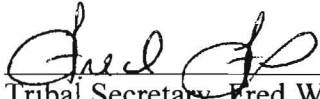
CERTIFICATION

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, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 15th day of December, 2021; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 7 members, members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.


Chairman [X] voting. [] not voting.

Dated this 15th day of December, 2021.

ATTEST:



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



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