



**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 Fee Land:  
Application Submitted by North Dakota Department of Transportation."***

- 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 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. 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,** North Dakota Department of Transportation (ND-DOT) is requesting an easement across Tribally owned property. ND-DOT has submitted a ROW application for the ND Highway 23 Project, across the following Tribal tract(s):
- 73-00-00103 in the SW¼, Section 17, Township 152 North, Range 93 West, McKenzie County, 5<sup>th</sup> PM of North Dakota.
- WHEREAS,** The easement 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**, that subject to NDDOT's agreement to the execution of the Bureau of Indian Affairs Right-of-Way Application and Terms and Conditions, as listed therein, and payment of ROW fees, the Tribal Business Council of the Three Affiliated Tribes hereby approves and excepts the payment of \$300.00 and the following ROW application:

- For ND-DOT — ND Highway 23 Project Up-grade
- Temporary Construction easement - commencing at the W 1/4 corner of Section 17, thence southerly along the west line of Section 17, S 01 deg. 29 min. 00 sec. W a distance of 913.26 feet to a point on the survey centerline of ND 23. Thence easterly along said survey centerline S 88 deg. 52 min. 04 sec. E a distance of 101.77 feet to the beginning of the 60-foot strip. Thence continuing along said survey centerline S 88 deg. 52 min. 04 sec. E a distance of 120.00 feet to the end of the 60-foot strip.

**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 9<sup>th</sup> day of February, 2022, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 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 [ X ] Voting. [ ] Not Voting.

Dated this 9<sup>th</sup> day of February, 2022.

**ATTEST:**

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

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