



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

***A Resolution entitled, “Approval of a ROW Application for Twin Buttes Slide Evaluation  
Along ND Highway 8 on Tribal land (T777A-D) submitted by ND DOT.”***

**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, also known as the Mandan, Hidatsa, and Arikara Nation (“Tribes” or “MHA Nation”), 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 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 ND Highway 8 Project, across Tribal tract(s):

- Allotment Number 301-T 777A-D in Section 33, Township 147 North, Range 91 West, Dunn 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; and

**NOW, THEREFORE, BE IT RESOLVED,** that subject to ND DOT's execution of the Bureau of Indian Affairs Right-of-Way Application and agreement with all of the applicable ROW 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:

- NDDOT — ND Highway 8 Project Twin Buttes Soil Boring for Slide Evaluation Along ND Highway 8 on Tribal land (T777A-D).
  - 5 Soil borings will be drilled to evaluate a slope instability along Route 8. This will be done by the following: perform boring, take soil samples, and perform soil testing, within the area identified in the attached map which identified the approximate location, the actual boring site will be within a 50-foot radius of the identified borings. All borings will be within the Allotment T 777A-D, Section 33, Township 147 North, Range 91 West, in McLean County, 5<sup>th</sup> Principal Meridian of North Dakota, with a Tribal 100% interest.





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

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

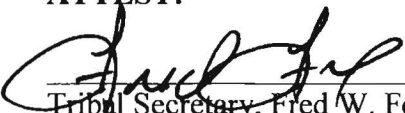
#### CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold 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 12<sup>th</sup> day of May, 2022, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 embers for, 0 members opposed, 0 members abstained, and 2 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman ( X ) Voting, ( ) Not Voting.

Dated this 12<sup>th</sup> day of May, 2022.

ATTEST:

  
Tribal Secretary, Fred W. Fox  
Tribal Business Council

  
Tribal Chairman, Mark N. Fox  
Tribal Business Council