



**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 (T1812, T1189, 360, 434, 549) 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 lands require the consent of the Tribal Business Council pursuant to federal and Tribal law; and
- WHEREAS,** Applications for 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 Bonuses, Royalties, and Road and Pipeline Easements), Resolution No. 14-071-VJB (MHA Nation Application for Rights-of-Way and Use of Rights-of-Way), Resolution No. 14-089-VJB (MHA Nation Pipeline Rights-of-Way Terms and Conditions), 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 Oasis Bullet Pads 11H, 14H, 15H for a Proposed Underground Powerline, across Tribal tracts T1812, T1189, 360, 434, 549 in Sections 9, 10 & 16 Township 149N Range 91W; 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.—Oasis Bullet Pads 11H, 14H, 15H
 - Powerline being 1,550.84 feet in length, temporary construction easement of 2.492 acres and permanent 1.068 acres Allotment T1812, Section 16, Township 149 North, Range 91 West, in Dunn County, 5th Principal Meridian with a 1.0000000000 Tribal Interest,
 - Powerline being 1,855.90 feet in length, temporary construction easement of 2.982 acres and permanent 1.278 acres Allotment T1189, Section 9, Township 149 North, Range 91 West, in Dunn County, 5th Principal Meridian with a 1.0000000000 Tribal Interest
 - Powerline being 792.28 feet in length, temporary construction easement of 1.275 acres and permanent 0.546 acres Allotment 360, Section 9, Township 149 North, Range 91 West, in Dunn County, 5th Principal Meridian with a 0.4375000000 Tribal Interest
 - Powerline being 824.75 feet in length, temporary construction easement of 1.272 acres and permanent 0.568 acres Allotment 434, Section 10, Township 149 North, Range 91 West, in Dunn County, 5th Principal Meridian with a 0.1668253967 Tribal Interest
 - Powerline being 1,922.29 feet in length, temporary construction easement of 2.603 acres and permanent 1.302 acres Allotment 549, Section 10, Township 149 North, Range 91 West, in Dunn County, 5th Principal Meridian with a 0.4423280423 Tribal Interest
 - For a total disturbance of 15.386 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; and

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 Oasis Bullet Pads 11H, 14H, 15H.

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 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 15th day of December, 2022, 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 [X] Voting. [] Not Voting.

Dated this 15th day of December, 2022.

ATTEST:



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



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