



**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 (T2010, T5297, 1075A, 1076A, T5304) 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 Dodger URD Line & WPX RimRock Charles Black Hawk URD Line for a Proposed Underground Powerline, across Tribal tract T2010 in Section 25 Township 148N Range 93W, T5297 in Section 30 Township 148N Range 92W, 1075A in Section 31 Township 148N Range 92W, 1076A Section 31 Township 148N Range 92W, T5304 Section 6 & 5 Township 147N 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.—Oasis Dodger URD Line & WPX RimRock Charles Black Hawk URD Line
  - Powerline being 1,988.98 feet in length, temporary construction easement of 3.183 acres and permanent 1.370 acres Allotment T2010, Section 25, Township 148 North, Range 93 West, in Dunn County, 5<sup>th</sup> Principal Meridian with a 1.0000000000 Tribal Interest,
  - Powerline being 57.88 feet in length, temporary construction easement of 0.275 acres and permanent 0.040 acres Allotment T5297, Section 30, Township 148 North, Range 92 West, in Dunn County, 5<sup>th</sup> Principal Meridian with a 1.0000000000 Tribal Interest,
  - Powerline being 6,635.16 feet in length, temporary construction easement of 10.543 acres and permanent 4.560 acres Allotment 1075A, Section 31, Township 148 North, Range 92 West, in Dunn County, 5<sup>th</sup> Principal Meridian with a 0.0814814814 Tribal Interest,
  - Powerline being 2,168.97 feet in length, temporary construction easement of 3.485 acres and permanent 1.494 acres Allotment 1076A, Section 31, Township 148 North, Range 92 West, in Dunn County, 5<sup>th</sup> Principal Meridian with a 0.2444444444 Tribal Interest,
  - Powerline being 1111.73 feet in length, temporary construction easement of 1.681 acres and permanent 0.755 acres Allotment T5304, Section 6, Township 147 North, Range 92 West, in Dunn County, 5<sup>th</sup> Principal Meridian with a 1.0000000000 Tribal Interest,



- o Powerline being 1,095.89 feet in length, temporary construction easement of 1.760 acres and permanent 0.755 acres Allotment T5304, Section 5, Township 147 North, Range 92 West, in Dunn County, 5<sup>th</sup> Principal Meridian with a 1.0000000000 Tribal Interest
- o For a total disturbance of 29.901 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 Dodger URD Line & WPX RimRock Charles Black Hawk URD 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.

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**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 15<sup>th</sup> 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 15<sup>th</sup> day of December, 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