



**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(s) across Tribal land (1087, T457, T777A-C, T1088, T1088-A, T1398, T1593, T704A-C, T704A-D, 2143, T1810, T2145) submitted by McKenzie Electric Cooperative Inc."

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, McKenzie Electric Cooperative Inc. submitted a ROW application for the South Segment Projects for Proposed Overhead and Underground Powerline, across Tribal tracts 1087 in Section 34, T. 147 N., R. 91 W., Dunn County, 5th PM of North Dakota; T457 in Section 34, T. 147 N., R. 91 W., Dunn County, 5th PM of North Dakota; T777A-C in Section 33, T.



147 N., R. 91 W., Dunn County, 5th PM of North Dakota; T1088 Section 34, T. 147 N., R. 91 W., Dunn County, 5th PM of North Dakota; T1088-A in Section 34, T. 147 N., R. 91 W., Dunn County, 5th PM of North Dakota; T1398 in Section 34, T. 147 N., R. 91 W., Dunn County, 5th PM of North Dakota; T1593 in Section 34, T. 147 N., R. 91 W., Dunn County, 5th PM

of North Dakota; T704A-C in Section 28, T. 147 N., R. 91 W., Dunn County, 5th PM of North Dakota; T704A-D in Section 28, T. 147 N., R. 91 W., Dunn County, 5th PM of North Dakota; 2143 in Section 36, T. 147 N., R. 92 W., Dunn County, 5th PM of North Dakota; T1810 in Section 25, T. 147 N., R. 92 W., Dunn County, 5th PM of North Dakota; T2145 in Section 35, T. 147 N., R. 92 W., Dunn County, 5th PM of North Dakota; 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, that 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, the Tribal Business Council hereby approves the referenced ROW application, presented as Appendix A.1, and ROW consent, as follows, and the Tribes will waive payment of ROW fees:

McKenzie Electric Cooperative Inc.- South Segment

- Twin Buttes High School
- Twin Buttes Assisted Living
- Twin Buttes West Hill Subdivision
- Hans Creek Bison Feed Lot
- Hans Creek Bison Handling Facility
- South Segment Admin Building; and

BE IT FURTHER RESOLVED, that 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; and

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

BE IT FURTHER RESOLVED, that the MHA Nation Standard Terms and Conditions for Rights-of-Way, executed by McKenzie Electric Cooperative Inc. and the MHA



Nation Energy Division or other designated Tribal department, 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 South Segments; and

BE IT FURTHER RESOLVED, that 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); and

BE IT FURTHER RESOLVED, that in accordance with Tribal law and policy, as well as applicable federal regulations, all ROW grantees must obtain the prior written approval from the MHA Nation before assigning a ROW that contains any Tribal interest, and therefore, except the assignment to McKenzie Electric Cooperative, Inc., the Tribal Business Council does not pre-consent to any further assignment of the ROW; 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.

<SIGNATURE PAGE TO FOLLOW>




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 8th day of June, 2023, 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 8th day of June, 2023.

ATTEST:



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



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