



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

*A Resolution entitled, "Technical Correction to Resolution No. 15-95-LKH, Relating to Rights-of-Way granted for Enerplus's Metals Pad, WPX's Packineau Project, and WPX's Bear Den Project."*

**WHEREAS,** This Mandan Hidatsa and Arikara Nation (the "MHA Nation"), having accepted the Indian Reorganization Act of June 18, 1934 and 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 its Constitution and By-Laws, the Tribal Business Council is the governing body of the MHA Nation; 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,** On March 13, 2015, the Tribal Council passed Resolution No. 15-095-LKH entitled "Approval of Consents for Certain Rights-of-Way on Tribal Land" for a number of projects including:

- Enerplus Resources (USA) Corporation's ("Enerplus") Metals Pad located on Sections 9, 15, 16, Township 141N, Range 93W; Allotment T2028 (100% tribal interest)
- WPX Energy Williston, LLC's ("WPX") Packineau project located on Section 1, Township 148N, Range 93W; Allotment T64A (100% tribal interest)
- WPX's Bear Den project located on Section 25, Township 150N, Range 94W; Allotment T1110A-D (100% tribal interest)

**WHEREAS,** In processing Enerplus's right-of-way ("ROW") application for the Metals Pad, the Bureau of Indian Affairs ("BIA") informed Enerplus the supporting Resolution No. 15-102-LKH identified "well site" as the only purpose, and therefore, the BIA would not approve said ROW application for any other purposes; and

**WHEREAS,** Enerplus's ROW application for the Metals Pad listed as its purposes: "Access across and road, well pad, utilities, fiber optics, above ground appurtenances"; and



**WHEREAS,** Enerplus has requested the following technical corrections to the chart of ROW projects in Resolution No. 15-102-LKH:

- On page 2, rows 1, 2 and 3, column 1, change “Enterplus” to “Enerplus”;
- On page 2, row 2, column 3, strike the word “Wellsite” and replace it with: “Access across and road, well pad, utilities, fiber optics, above ground appurtenances”; and

**WHEREAS,** In processing WPX’s right-of-way (“ROW”) application for the Packineau project, the BIA informed WPX the supporting Resolution No. 15-102-LKH identified “well site” as the only purpose, and therefore, the BIA would not approve said ROW application for any other purposes; and

**WHEREAS,** WPX’s ROW application for the Packineau project listed as its purposes: “Wellsite expansion, adding 5.09 acres and 3 additional wellbores- Packineau 1-12HA, Packineau 1-12HW, and Packineau 32HD. Original wellsite/access road Right of Way: FBOG100179”; and

**WHEREAS,** WPX has requested the following technical corrections to the chart of ROW projects in Resolution No. 15-102-LKH:

- On page 3, row 5, column 3, strike the word “Wellsite” and replace it with: “Wellsite expansion, adding 5.09 acres and 3 additional wellbores- Packineau 1-12HA, Packineau 1-12HW, and Packineau 32HD. Original wellsite/access road Right of Way: FBOG100179”; and

**WHEREAS,** In processing WPX’s right-of-way (“ROW”) application for the Bear Den project, the BIA informed WPX the supporting Resolution No. 15-102-LKH identified “MOD-3 Additional Wells” as the only purpose, and therefore, the BIA would not approve said ROW application for any other purposes; and

**WHEREAS,** WPX’s ROW application for the Bear Den project listed as its purposes: “Well Site expansion, adding 3.8 acres and 3 additional bore holes- Bear Den 24-13HX, Bear Den 24-13HW, Bear Den 24-13HA” and

**WHEREAS,** WPX has requested the following technical corrections to the chart of ROW projects in Resolution No. 15-102-LKH:

- On page 3, row 6, column 3, strike the words “MOD-3 Additional Wells” and replace it with: “Well Site expansion, adding 3.8 acres and 3 additional bore holes- Bear Den 24-13HX, Bear Den 24-13HW, Bear Den 24-13HA”; and



## Resolution No. 16-129-CSB

**WHEREAS,** On May 4, 2016, at a duly held meeting between of the Natural Resources Committee, the MHA Nation Energy Division recommended for the approval of Enerplus and WPX's request for these technical corrections to Resolution No. 15-102-LKH.

**NOW THEREFORE BE IT RESOLVED,** that the Tribal Business Council hereby approves the following technical corrections to Resolution No. 15-102-LKH as follows:

- On page 2, rows 1, 2 and 3, column 1, change "Enterplus" to "Enerplus";
- On page 2, row 2, column 3, strike the word "Wellsite" and replace it with: "Access across and road, well pad, utilities, fiber optics, above ground appurtenances";
- On page 3, row 5, column 3, strike the word "Wellsite" and replace it with: "Wellsite expansion, adding 5.09 acres and 3 additional wellbores- Packineau 1-12HA, Packineau 1-12HW, and Packineau 32HD. Original wellsite/access road Right of Way: FBOG100179"; and
- On page 3, row 6, column 3, strike the words "MOD-3 Additional Wells" and replace it with: "Well Site expansion, adding 3.8 acres and 3 additional bore holes- Bear Den 24-13HX, Bear Den 24-13HW, Bear Den 24-13HA"

**BE IT FINALLY RESOLVED,** that the Chairman is hereby authorized to take such further actions as are necessary to carry out the terms and intent of this Resolution.



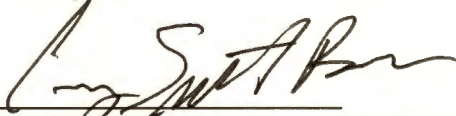
**CERTIFICATION**

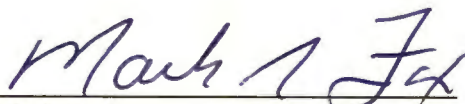
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 9<sup>th</sup> day of June, 2016, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman  Voting.  Not Voting.

Dated this 9<sup>th</sup> day of June, 2016.

**ATTEST:**

  
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Acting Tribal Secretary, Cory Spotted Bear  
Tribal Business Council

  
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Tribal Chairman, Mark N. Fox  
Tribal Business Council