



**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 Submitted by Enerplus Resources for the Horns Project.*”**

**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, 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 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 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. 13-109-VJB (Establishment of the Three Affiliated Tribes Standardized Minimum Rates for Oil and Gas Lease Bonus, Royalties and Road and Pipeline Easements), 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,** Enerplus Resources (USA) Corporation (“Enerplus”) submitted a ROW application for the Horns project, for an access road, utilities, fiber optics and above ground appurtenances, and temporary water lines, across certain tribal lands in Allotment 674A located in Section 12, Township 148 North, Range 94 West, and for a well pad, 4 wellbores, access road, utilities, fiber optics, above ground appurtenances and water lines, across certain tribal lands in Allotment



1094A located in Section 13, Township 148 North, Range 94 West, in Dunn County, North Dakota, as more particularly described in Appendix A.1.; and

**WHEREAS,** The ROW application, submitted by Enerplus for the Horns project, described above, has been reviewed and recommended for approval by the MHA Natural Resources Department and the MHA Nation Energy Division in accordance with the MHA Nation's approved procedure for authorizing ROWs on Tribal Land; and

**WHEREAS,** The projected compensation to the MHA Nation for this ROW application is \$27,925.00; and

**WHEREAS,** On August 31st, 2016, at a duly held meeting of the Natural Resources Committee ("NRC"), the MHA Nation Energy Division recommended for approval of Enerplus's ROW consent request for the Horns project, more fully described herein, and in the attached Appendix A.1., and the NRC approved Enerplus's application and forwarded it to the Tribal Business Council for final action.

**NOW THEREFORE BE IT RESOLVED,** Subject to Enerplus Resources (USA) Corporation'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, as more particularly described in Appendix A.1, and ROW consent, as follows:

- Enerplus Resources (USA) Corporation, Horns project, for an access road, utilities, fiber optics and above ground appurtenances, and temporary water lines, across certain tribal lands in Allotment 674A located in Section 12, Township 148 North, Range 94 West, and for a well pad, 4 wellbores, access road, utilities, fiber optics, above ground appurtenances and water lines, across certain tribal lands in Allotment 1094A located in Section 13, Township 148 North, Range 94 West, in Dunn County, North Dakota.

**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 Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 22<sup>nd</sup> day of September 2016; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 7 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 [ X ] voting. [ ] not voting.

Dated this 22<sup>nd</sup> day of September 2016.

**ATTEST:**

*Tribal Secretary, L. Kenneth Hall  
Tribal Business Council  
Three Affiliated Tribes*

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



**APPENDIX A.1**

< Attach: (1) Application Form, (2) Approval Form signed by Department Head and Chairman of NRC per Resolution 15-045-LKH, (3) signed ROW terms and Conditions per Resolution No. 14-089-VJB, (4) map, and (5) other necessary information >



**APPENDIX A.2**

<Attach same information listed in Appendix A.1 for Each separate Applicant >

REPEAT AS NEEDED FOR EACH APPLICANT, LISTING APPENDIX A.3, A.4,  
ETC.ON SEPARATE PAGES WITH ATTAHMENTS