



**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 Bugs Pipeline 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 on Tribal Land are subject to the requirements of tribal law, including 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 Bugs Pipeline Project to connect to its Bugs Pad, and includes one oil, one gas and one produced water pipeline (oil and gas lines not to exceed 12 inches and produced water line not to exceed 6 inches), across 2.581 acres of tribal lands on Allotment T2246 (100% tribal interest), located in Section 11, Township 150 North, Range 94 West in McKenzie County, North Dakota, as more particularly described in Appendix A.1; and
- WHEREAS,** The total acreage of the Bugs Pipeline Project is 2.581 acres, consisting of 3,748.42 feet; and



**Resolution No. 17-057-FWF**

**WHEREAS,** The Bugs Pipeline Project will be located 2,458 feet from Lake Sakakawea, and requires an approved setback waiver, which was acquired pursuant to Resolution 16-124-CSB; and

**WHEREAS,** The projected compensation to the MHA Nation for this ROW application is a onetime payment of \$15,486.00; and

**WHEREAS,** The ROW Application, submitted by Enerplus for the Bugs Pipeline 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,** On March 1, 2017, at a duly held meeting of the Natural Resources Committee ("NRC"), the MHA Nation Energy Division recommended approval of Enerplus's ROW consent request for the Bugs Pipeline 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 herein, 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 - Bugs Pipeline Project, for one oil, one gas and one produced water pipeline (oil and gas lines not to exceed 12 inches and produced water line not to exceed 6 inches), across 2.581 acres of tribal lands in allotment T2246 (100% tribal interest), located in section 11, Township 150 North, Range 94 West in McKenzie 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.

**(SIGNATURE PAGE TO FOLLOW)**



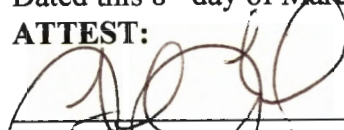
**CERTIFICATION**

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 8<sup>th</sup> day of March\_, 2017, 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 8<sup>th</sup> day of March, 2017.

**ATTEST:**

  
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Tribal Secretary, Fred W. Fox  
Tribal Business Council

  
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Tribal Chairman, Mark N. Fox  
Tribal Business Council



**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 >