



**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 for the Igneous and Metamorphic Pipelines Project and Approval of Assignment to Targa Badlands, LLC, Submitted by Enerplus Resources (USA) Corporation.”

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. 17-117-FWF and as amended by Resolution No. 18-212-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, Enerplus Resources (USA) Corporation submitted a ROW application for the Igneous and Metamorphic Pipeline Project for (1) oil pipeline 6” in diameter at 1439.92’ in length; and (1) gas pipeline 12” in diameter at 1439.92’ in length for oil, gas, produced water and freshwater pipelines and associated appurtenances, across certain Tribal tract in Allotment 1104A (10% Tribal interest), in Sections 8, 9, 16 and 17 in Township 147 North Range 93 West, Dunn County, North Dakota as more particularly described in Appendix A.1.; and



- WHEREAS,** The total acreage of the Igneous and Metamorphic Pipeline Project is 2.061 acres encompassing 0.992 permanent acres and 1.069 temporary acres; and
- WHEREAS,** The ROW application, submitted by Enerplus Resources (USA) Corporation for the Igneous and Metamorphic Pipelines 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,** Pursuant to fees established and set forth in Resolution No. 17-117-FWF, the projected compensation to the MHA Nation for this ROW application is \$862.65; and
- WHEREAS,** In accordance with governing MHA Nation law and policy as well as applicable federal ROW regulations, all ROW grantees must obtain the prior written approval from the MHA Nation before assigning any ROW that contains any Tribal interest; and
- WHEREAS,** On November 7, 2018, Enerplus apprised the MHA Nation Energy Division that it intends to assign to Targa Badlands, LLC the ROW for the Igneous and Metamorphic Pipeline Project once it is granted, and that Enerplus has already obtained the consent of the other landowners who own interests in said ROW; and
- WHEREAS,** Enerplus requests the consent of the MHA Nation to assign its interest in the ROW for the Igneous and Metamorphic Pipeline Project to Targa Badlands, LLC to avoid the need to have to go through another tribal approval process, in light of the fact that Enerplus has already obtained the consent of the other landowners for the assignment to Targa; and
- WHEREAS,** Enerplus agrees to remit payment of \$3,000.00, the MHA Nation's processing fee for the ROW assignment to Targa Badlands, LLC; and
- WHEREAS,** On September 4, 2018 at a duly held meeting of the Natural Resources Committee ("NRC"), the MHA Nation Energy Division recommended approval of Enerplus Resources (USA) Corporation ROW application and consent request for the Igneous and Metamorphic Pipeline Project for (1) oil pipeline 6" in diameter at 1439.92' in length; and (1) gas pipeline 12" in diameter at 1439.92' in length for oil, gas, produced water and freshwater pipelines and associated appurtenances, across certain Tribal tracts in Allotment 1104A (10% Tribal interest), in Sections 8, 9, 16 and 17 in Township 147 North Range 93 West, Dunn County, and the NRC approved Enerplus Resources (USA) Corporation's application and forwarded it to the Tribal Business Council for final action.



NOW THEREFORE BE IT RESOLVED, Subject to Enerplus Resources (USA) Corporation 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:

- Enerplus Resources (USA) Corporation – Igneous and Metamorphic Pipeline Project (1) oil pipeline 6” in diameter at 1439.92’ in length; and (1) gas pipeline 12” in diameter at 1439.92’ in length for oil, gas, produced water and freshwater pipelines and associated appurtenances, the total acreage of which is 2.061 acres encompassing 0.992 permanent acres and 1.069 temporary acres, across certain Tribal tract in Allotment 1104A (10% Tribal interest), in Sections 8, 9, 16 and 17 in Township 147 North Range 93 West, Dunn County; and

BE IT FURTHER RESOLVED, In accordance with the MHA Nation Standard Terms and Conditions for Right-of-Ways, the Tribal Business Council consents to the Igneous and Metamorphic Pipeline Project, as described herein, provided that such ROW amendment will be subject to a twenty (20) year term, from the date of the BIA’s execution of the grant of the amended ROW; and

BE IT FURTHER RESOLVED, The Tribal Business Council consents to the estimated compensation for this ROW application in the amount of \$862.65, which is based on the MHA Nation ROW compensation and application fees established and set forth in Resolution No. 17-117-FWF; and

BE IT FURTHER RESOLVED, That the MHA Nation consents to Enerplus’s assignment of the MHA Nation’s interest in the Igneous and Metamorphic Pipeline Project to Targa Badlands, LLC, subject to Targa’s agreement to the execution of the MHA Right-of-Way application and the MHA Pipeline Right-of-Way Terms and Conditions, and payment of the MHA Nation’s ROW assignment fee of \$3,000.00; and

BE IT FURTHER RESOLVED, In accordance with governing MHA Nation law and policy as well as applicable federal ROW regulations, all ROW grantees must obtain the prior written approval from the MHA Nation before assigning any ROW that contains any Tribal interest, and therefore, Targa Badlands, LLC must obtain approval from the Tribal Business Council prior to any future assignment of the Nation’s interest in the ROW for the Igneous and Metamorphic Pipeline Project; and

BE IT FURTHER RESOLVED, That the MHA Nation’s consent to an assignment of its interest in the Igneous and Metamorphic Pipeline Project to Targa Badlands, LLC, described above, is subject to the MHA Nation Standard Terms and Conditions for Right-of-Ways, which constitutes a written agreement as



part of the MHA Nation's consent to the assignment 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 any assignment of the pending ROW; and

BE IT FURTHER RESOLVED, In accordance with the MHA Nation Pipeline Terms and Conditions for Right-of-Ways, the assignment of the ROW for the Igneous and Metamorphic Pipeline Project to Targa Badlands, LLC will be subject to a twenty (20) year term; and

BE IT FURTHER RESOLVED, The Tribal Business Council does not consent to waive any bond, insurance, or alternative form of security; and

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); 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)



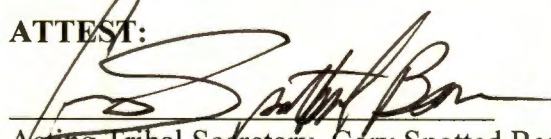
CERTIFICATION

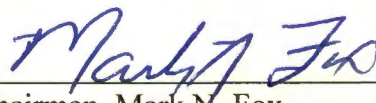
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 20th day of December 2018, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 2 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [] Voting. [X] Not Voting.

Dated this 20th day of December, 2018.

ATTEST:


Acting Tribal Secretary, Cory Spotted Bear
Tribal Business Council


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 >