



**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 Bradfield Gemstone Expansion and Modification Project Submitted by Enerplus Resources (USA) Corporation."

- WHEREAS,** The Mandan Hidatsa and Arikara Nation (MHA Nation), also known as the Three Affiliated Tribes, having accepted the Indian Reorganization Act of June 18, 1934, the authority under said Act, and having adopted a Constitution and By-laws (the Constitution) under said Act, and
- WHEREAS,** Pursuant to Article III, Section 1 of the Constitution, the Tribal Business Council is the governing body of the MHA Nation; and
- WHEREAS,** The Constitution authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the MHA Nation and of the enrolled members thereof; and
- WHEREAS,** Pursuant to Article VI, Section 5(1) of the Constitution, the Tribal Business Council has the power to adopt Resolutions regulating the procedures of the Tribal Business 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 lands 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 (Establishing 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), Resolution No. 17-117-FWF (Approval of Fee Structure), and Resolution Nos. 18-212-FWF and 21-082-FWF (Amending Fee Structure); and



WHEREAS, Enerplus Resources (USA) Corporation submitted a ROW application for the Bradfield Gemstone Expansion and Modification Project, a 15.362 Acre Well Pad (**8.617 expansion acres**) with 15 total wells (**13 new wells**) (the “well pad project”), across certain tribal tracts in Allotments 1791 in Section 31, Township 149 North, Range 94 West, in McKenzie County, North Dakota., with 25.000% tribal interest, and 1794 in Section 36, Township 149 North, Range 95 West, in McKenzie County, North Dakota., with 25.000% tribal interest; 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, Subject to the MHA Nation Standard Terms and Conditions for Right-of-Ways, and payment of applicable ROW fees, the Tribal Business Council hereby approves the ROW application, attached as Appendix A.1, and consents to the following ROW:

- Enerplus Resources (USA) Corporation – the Bradfield Gemstone Expansion and Modification Project;
 - a 15.362 Acre Well Pad (8.617 expansion acres) with 15 total wells (13 new wells)
 - across certain tribal tracts in Allotment(s) 1791 in Section 31, Township 149 North, Range 94 West, in McKenzie County, North Dakota., with 25.000% tribal interest, and 1794 in Section 36, Township 149 North, Range 95 West, in McKenzie County, North Dakota, with 25.000% tribal interest.

BE IT FURTHER RESOLVED, the ROW term remains as stated in FBOG100382.

BE IT FURTHER RESOLVED, that the term for the ROW shall run from the date FBOG100382 and this grant of ROW shall not modify that term.

BE IT FURTHER RESOLVED, the Tribe does not consent to waive any bond, insurance, or alternative form of security.

BE IT FURTHER RESOLVED, the MHA Nation Standard Terms and Conditions for Rights-of-Way are incorporated into this consent to approval of the ROW, and therefore, as provided in 25 CFR §169.107(a), the Tribal Business Council requests the Bureau of Indian Affairs to incorporate these terms and conditions into the grant of the ROW.

BE IT FURTHER RESOLVED, The Tribe retains the authority to issue fines and set conditions to address and resolve ROW trespass, abandonment, non-use, and other violations,



including violations of the applicable MHA Nation Standard Terms and Conditions for Rights-of-Way, and further requests the Bureau of Indian Affairs to defer to these remedies, in accordance with the intent and notice provisions, as provided in 25 CFR §169.403(a).

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 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 12th day of October, 2022, 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 12th day of October, 2022.

ATTEST:

Executive Secretary Fred Fox
Tribal Business Council
Three Affiliated Tribes

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