



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 7th day of April, 2024, 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vote of 6 members, 0 members opposed, 0 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.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 [] Voting. [X] Not Voting.

Dated this 15th day of April, 2024.

ATTEST:

Handwritten signature of Fred W. Fox in blue ink.

Tribal Secretary, Fred W. Fox
Tribal Business Council
Three Affiliated Tribes

Handwritten signature of Mark N. Fox in blue ink.

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



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

A Resolution entitled, 'Approval of a Temporary Surface-Use Permit Agreement across Tribal Land (T998A-B, 998A-A, 1050A, T1031A-B, T1031A-A, T898AA) for the Enerplus Clinton Project Submitted by Enerplus Resources 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 Trust land require the consent of the Tribal Business Council pursuant to federal and Tribal Law; and

WHEREAS, The Tribal Business Council has the authority to grant temporary surface-use permit agreements across Tribal trust lands; and

WHEREAS, Enerplus Resources Corporation submitted a Temporary Surface-Use Permit Agreement application for the Enerplus Clinton Project temporary above-ground water lines, which is 15,908.07 feet in length, fifteen (15) feet in width, and 5.490 acres in size, across Allotment T998A-B, in Section 29 Township 148 North, Range 94 West of the 5th P.M., Dunn County, ND, with 100% Tribal interest, Allotment 998A-A, in Section 29 Township 148 North, Range 94 West of the 5th P.M., Dunn County, ND, with 20% Tribal interest, Allotment 1050A, in Section 27 Township 148 North, Range 94 West of the



5th P.M., Dunn County, ND, with 48% Tribal interest, Allotment T1031A-B, in Section 28 Township 148 North, Range 94 West of the 5th P.M., Dunn County, ND, with 100% Tribal interest, Allotment T1031A-A, in Section 28 Township 148 North, Range 94 West of the 5th P.M., Dunn County, ND, with 100% Tribal interest, Allotment T898A, in Section 25 and 26 Township 148 North, Range 94 West of the 5th P.M., Dunn County, ND, with 100% Tribal interest; and

WHEREAS, The Temporary Surface-Use Permit Agreement application for the Enerplus Clinton Project, described above, has been reviewed and recommended for approval.

NOW THEREFORE BE IT RESOLVED, That the Tribal Business Council hereby authorizes and approves the attached Temporary Surface-Use Permit Agreement as follows:

- Enerplus Resources Corporation submitted a Temporary Surface-Use Permit for the Enerplus Clinton Project:
 - Temporary above-ground water lines, being 15,908.07 feet in length and fifteen (15) feet in width, totaling 5.490 acres in size.
 - The Term of the Temporary Use Permit is for 6 months from the date of execution or until the Enerplus Clinton Project is completed, whichever comes first.

Across Allotment T998A-B, in Section 29, with 100% Tribal interest, Allotment 998A-A, in Section 29, with 20% Tribal interest, Allotment 1050A, in Section 27, with 48% Tribal interest, Allotment T1031A-B, in Section 28, with 100% Tribal interest, Allotment T1031A-A, in Section 28, with 100% Tribal interest, Allotment T898A, in Section 25 and 26 with 100% interest, All in Township 148 North, Range 94 West of the 5th P.M., Dunn County, ND.

BE IT FINALLY RESOLVED, That the Chairman is hereby authorized to execute the attached Temporary Surface-Use Permit Agreement, attached as **Exhibit A**, and take such further actions as are necessary to carry out the terms and intent of this Resolution.