



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

A Resolution entitled, "Approval of Setback Variance Requested by Enerplus Resources (USA) Corporation for the Bugs Pipelines."

- WHEREAS,** This Mandan Hidatsa and Arikara Nation (the "MHA Nation"), having accepted the Indian Reorganization Act of June 18, 1934 and 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 its Constitution and By-Laws, the Tribal Business Council is the governing body of the MHA Nation; 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,** The Tribal Business Council has authority to engage in activities on behalf of and for the welfare and benefit of the Tribes and of the enrolled members thereof; 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,** The Tribal Business Council passed Resolution No. 12-087-VJB, entitled, "The Missouri River, Badlands and Sacred Sites Protection Act" which requires a half mile setback for well sites/drilling pads from the Missouri River, Little Missouri River, and designated sacred sites or villages in the Badlands; and
- WHEREAS,** The Tribal Business Council passed Resolution No. 12-139-VJB, entitled, "Amending the Missouri River and Badlands Protection Act to Allow Variances upon Recommendation by the Tribal Energy Office," which authorizes the MHA Nation Tribal Energy Office to consider setback variance requests and make recommendations to the Tribal Business Council to approve such requests "when minerals would be stranded due to the setback provisions or where the applicant has made a clear showing that granting the variance would not cause an adverse environmental effect upon the Missouri River or the Little Missouri River"; and
- WHEREAS,** On March 27, 2017, the Tribal Business Council passed Resolution No. 15-045-LKH entitled, "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 an application to request a Setback Variance for the Bugs Pad Project and on June 9, 2016, The Tribal Business Council issued a Setback Variance by way of Resolution 16-124-CSB.

WHEREAS, Enerplus Resources (USA) Corporation 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 across tribal lands on Allotment T2246 (100% tribal interest) located in Section 11, Township 150 North, Range 94 West in McKenzie County, North Dakota.

WHEREAS, On July 1, 2026, Enerplus Resources (USA) Corporation submitted to the MHA Nation Energy Division a request for a Setback Variance on Allotment 2201, as set forth in Exhibit A; and

WHEREAS, The specific Setback Variance requested by Enerplus Resources (USA) Corporation is, as follows:

BUGS PIPELINES: For pipelines laying partially within and partially outside of the 2,640' lake setback area:

LOCATION: Allotment 2201 (N/2 Section 11) and located in Township 150 North, Range 94 West, McKenzie County, ND.

ACRES OF DISTURBANCE: 2.463 acres

DRILLING/SPACING UNIT: N/A

DISTANCE FROM WELLPAD/Pipe: Allotment 2201: 2,405 ± feet to the 1854 High Water Line (*See Map "B" Quad Access Route, in Exhibit A*); and

WHEREAS, The MHA Nation Energy Division reviewed, processed and fully vetted Enerplus Resources (USA) Corporation's request for a setback variance for the Bugs Pipelines and has determined that Enerplus Resources (USA) Corporation has made a clear showing that granting the variance would not cause an adverse environmental effect upon the Missouri River or the Little Missouri River; and

WHEREAS, On July 29, 2026, at a duly held meeting of the Energy Committee, the MHA Nation Energy Division recommended for approval Enerplus Resources (USA) Corporation's setback variance request for the Bugs Pipelines on Allotment 2201, and the Energy Committee forwarded Enerplus Resources (USA) Corporation's setback variance request for the Bugs Pipelines to the Tribal Business Council.



NOW THEREFORE BE IT RESOLVED, the Tribal Business Council hereby approves the setback variance, attached as Exhibit A, submitted by Enerplus Resources (USA) Corporation for the Bugs Pipelines.

BE IT FINALLY RESOLVED, that the Chairman is hereby to take such further actions as are necessary to carry out the terms and intent of this Resolution.

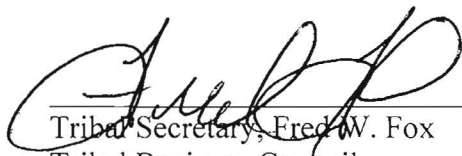
CERTIFICATION

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 19th day of August, 2026, 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. ☐ Not Voting.

Dated this 19th day of August, 2026.

ATTEST:


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


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