



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

A Resolution Entitled: “Authorization to Hire Independent Company to Conduct Groundwater Monitoring for MHA Nation Clean Fuels Refinery Operations.”

WHEREAS, This 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 pursuant to said Act; and

WHEREAS, Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, The Constitution of the Three Affiliated Tribes generally 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 Tribes and of the enrolled members thereof; and

WHEREAS, Article VI, Section 5 (l) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to adopt resolutions regulating the procedure of the Tribal Business Council and other Tribal agencies; and

WHEREAS, As determined to be in the best economic interest of the Three Affiliated Tribes The Tribes purchased land for a MHA Nation Clean Fuels Refinery Project (“Project”) site that consists of the following legal descriptions, totaling 468.39 acres and excluding any valid rights-of-ways for roads, railroads, and other valid existing easements:

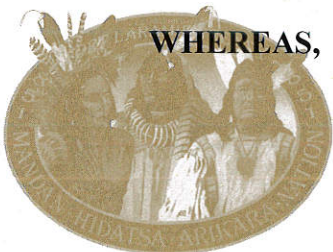
N1/2 of Section 19, Township 152 North, Range 87 West, 5th Principal Meridian, Ward County, North Dakota consisting of 320.00 acres, more or less.

NW1/4 Section 20, Township 152 North, Range 87 West, 5th Principal Meridian, Ward County, North Dakota, consisting of 148.39 acres, more or less (“Site”); and

WHEREAS, The Site is now in fee simple status, owned by the Tribes; and

WHEREAS, The Tribal Business Council has determined that the Tribe would benefit economically if the fee land owned by the Tribes were placed into trust with the United States, as it could also enhance the possibilities of obtaining financing for the Project as well as tax benefits to the Project as a whole; and

WHEREAS, The Tribal Business Council passed Resolution 03-020-RP on March 14, 2003, authorizing the submission of a fee to trust application to the Bureau of Indian





Affairs to place the Project lands into trust and passed Resolution No. 11____ VJB on October 13th, 2011, to verify continued interest in the fee to trust transaction; and

WHEREAS, The Tribe received a letter, dated September 13, 2011, on behalf of Bruce Loudermilk, Regional Director of the Bureau of Indian Affairs Great Plains Regional Office, requesting additional information and documents in order to make its decision on the fee to trust transaction; and

WHEREAS, In that letter, the Bureau of Indian Affairs requests an agreement from the Tribe for independent monitoring of groundwater at the refinery site; and

WHEREAS, The Environmental Protection Agency's August 12, 2011, Record of Decision for the Refinery's Clean Water Act National Pollutant Discharge Elimination System ("NPDES") permit recommends, as a mitigation measure, groundwater monitoring during operation of the Refinery to determine if groundwater has become contaminated, the extent of contamination, and to help evaluate remediation options; and

WHEREAS, The Tribal Business Council has determined that it is in the best interest of the Tribes to hire an independent entity to conduct groundwater monitoring during Refinery operations in order to assess contamination.

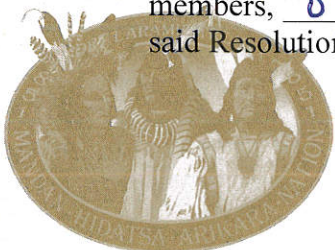
NOW THEREFORE BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby authorizes and approves the Tribes to hire an independent company to conduct groundwater monitoring during operations of the MHA Nation Clean Fuels Refinery Project; and

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

CERTIFICATION

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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, 5 were present at a Regular TBC Meeting thereof duly called, noticed, convened and held on the 20th day of October, 2011, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

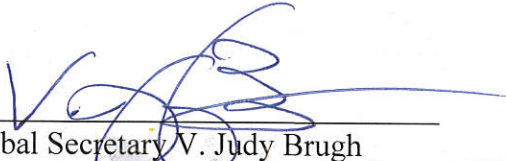




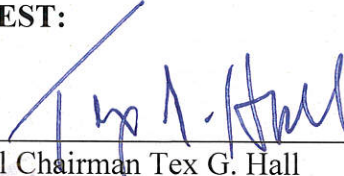
Chairman Voting. [] Not Voting.

Dated this 20th day of October, 2011.

ATTEST:



Tribal Secretary V. Judy Brugh
Tribal Business Council
Three Affiliated Tribes



Tribal Chairman Tex G. Hall
Tribal Business Council
Three Affiliated Tribes

