



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

**A Resolution Entitled: “Application for a Synthetic Minor Source Permit for the construction of the Refinery Project”**

**WHEREAS,** The Mandan Hidatsa and Arikara Nation (“MHA Nation” or “Tribes”) having accepted the Indian Reorganization Act of June 18, 1934 (“IRA”), and the authority under said Act and having adopted a Constitution and By-Laws pursuant to said Act; and

**WHEREAS,** The Constitution of the MHA Nation 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 III, Section 1 of the Constitution of the MHA Nation provides that the Tribal Business Council is the governing body of the Tribes; and

**WHEREAS,** Article VI, Section 5(1) of the Constitution of the MHA Nation 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 Tribal officials of the Reservation; and

**WHEREAS,** The MHA Nation has dedicated much time to the development of the MHA Nation Clean Fuels Refinery Project (“Project”) near Makoti, North Dakota on tribal trust lands; and

**WHEREAS,** The MHA Nation began construction on the Project; and

**WHEREAS,** It is necessary for Thunder Butte Petroleum Services, Inc. (“TBPS”) to apply for a Synthetic Minor Source Permit in accordance with federal regulations for the construction of the Phase I Trans loading Facility (“Facility”) and the Project; and

**WHEREAS,** A Synthetic Minor Source is a source that has the uncontrolled potential to emit regulated New Source Review pollutants in amounts that are at or above the major source thresholds, but has added control devices that are state of the art so that its controlled potential to emit is less than such amounts for major sources; and

**WHEREAS,** This permit is needed to address the combustion of vapor fumes emitted from rail cars that cannot be accounted for in connection with the Facility, and will address operations of the trans loading and the Project; and



**WHEREAS,** The permit would feature record-keeping and reporting requirements to show continuous compliance with EPA requirements as well as testing requirements on control equipment to demonstrate control efficiencies; and

**WHEREAS,** The Tribal Business Council has determined that it is in the best interest of the Nation to authorize TBPS to apply for a Synthetic Minor Source Permit.

**NOW THEREFORE BE IT RESOLVED,** that the Tribal Business Council hereby authorizes and approves TBPS to take the actions necessary to submit an application for a Synthetic Minor Source Permit for the construction and operation of the Phase I Trans loading Facility and the Project.

**BE IT FURTHER RESOLVED,** the Tribal Chairman is hereby authorized to take such other actions as are necessary to carry out the terms and intent of this Resolution.

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**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, 5 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 15<sup>th</sup> day of November, 2013, 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 15<sup>th</sup> day of November, 2013.

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

**ATTEST:**

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