



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

A Resolution Entitled, “Approval of Payment for Wetland Mitigation Credits for Thunder Butte Petroleum Services”

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 Section 404 permit; and

WHEREAS, Section 404 of the Clean Water Act (“CWA”) establishes a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands; and

WHEREAS, Activities in waters of the United States regulated under this program include fill for development, water resource projects (such as dams and levees), infrastructure development (such as highways and airports) and mining projects; and

WHEREAS, Section 404 requires a permit before dredged or fill material may be discharged into waters of the United States, unless the activity is exempt from Section 404 regulation; and



WHEREAS, TBPS has determined that it is in the best interest of the Project to acquire 0.5 wetland compensatory mitigation credits for the Section 404 Permit #NWO-2005-60562-BIS under the North Dakota In-Lieu Fee program approved by the Army Corps of Engineers; and

WHEREAS, The Tribal Business Council has determined that it is in the best interest of the Nation to authorize TBSP to acquire 0.5 wetland compensatory mitigation credits from Ducks Unlimited for Section 404 Permit #NWO-2005-60562-BIS under the North Dakota In-Lieu Fee program approved by the Army Corps of Engineers for a total cost of \$25,000.00; and

NOW THEREFORE BE IT RESOLVED, that the Tribal Business Council hereby authorizes and approves TBSP to acquire 0.5 wetland compensatory mitigation credits from Ducks Unlimited for Section 404 Permit #NWO-2005-60562-BIS under the North Dakota In-Lieu Fee program approved by the Army Corps of Engineers for a total cost of \$25,000.00; and

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




CERTIFICATION

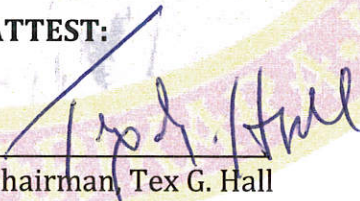
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 26th day of August, 2014, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 3 members, 2 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 26th day of August, 2014.



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

ATTEST:


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