



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

*A Resolution entitled, "Request to put land into trust needed as site for Tribally owned refinery"*

**WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; 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,** The Three Affiliated Tribes are currently working on a Clean Fuels Refinery Project; have started the necessary Front End Engineering Design (FEED) for the project, and further have selected a site for the project which consists of three tracts with the following legal descriptions:

10.8 acres      Outlot 1 of NE/4, Section 19, T152N, R87W

309.57 acres    N/2, Section 19, T152N, R87W

148.39 acres NW/4 Section 20, T152N, R87W, all located within Ward County, North Dakota and within the exterior boundaries of the Fort Berthold Reservation of the Three Affiliated Tribes; and

**WHEREAS,** The future site for the refinery is now in fee simple status, owned by the Three Affiliated Tribes; and

**WHEREAS,** The refinery project, and in turn the Three Affiliated Tribes, would benefit substantially economically if the fee land owned by the Tribe were placed into trust with the United States, and in addition, it could enhance the possibilities of obtaining financing for the project; and

**WHEREAS,** The Tribe is ready to discuss with local jurisdictions any concerns about loss of tax revenue and other issues related to the refinery if the land on which the refinery is to be located is placed in trust status with the United States;

**WHEREAS,** The Bureau of Indian Affairs' Fort Berthold Agency has trust responsibilities for the Three Affiliated Tribes and serves as the Federal Government representative for the Tribe; and

**NOW THEREFORE BE IT RESOLVED,** that the Tribal Business Council hereby authorizes a complete application to be submitted to the Bureau of Indian Affairs, pursuant to Title 25 of the Code of Federal Regulations, Part 151 and pursuant to Section 465 of Title 25 of the United States Code, to place into trust with the United



States the land as described above, which is to be used exclusively for the site of a refinery to be owned and constructed by the Tribe and not for any other purpose; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the Tribal Business Council hereby further authorizes the transfer of title to the land described above to the United States Department of Interior to be held in trust for the benefit of the Three Affiliated Tribes, and requests that the Fort Berthold Agency perform their trust responsibility and expedite the process to place the land described above in trust status with the United States; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the Tribal Business Council hereby authorizes the Chairman or whomever he designates to discuss this application to put land into trust with the local jurisdictions near the site of the refinery and, subject to the approval of the Tribal Business Council to work out agreements with local jurisdictions as may be necessary to gain approval from the United States to place the land into trust status; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the Tribal Business Council hereby further authorizes the Tribal Chairman or Vice-Chairman to execute any and all documents that may be necessary in order for the land described above to be placed into the status of land held in trust by the United States for the benefit of the Tribe.

**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 14<sup>th</sup> day of March, 2003, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 2 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman  Voting. [ ] Not Voting.

Dated this 14<sup>th</sup> day of March, 2003.

**ATTEST:**  
  
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Chairman, Tex G. Hall  
Tribal Business Council

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Executive Secretary, Randy Phelan  
Tribal Business Council