



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

A Resolution Entitled, "Authorization of Non-Residential (Commercial) Permit for Construction of MHA Nation Refinery"

WHEREAS, The Mandan, Hidatsa and Arikara Nation (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, Section 1 of the Constitution of the Nation provides that the Tribal Business Council is the governing body of the Nation; and

WHEREAS, The Constitution 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(j) of the Constitution specifically authorizes and empowers the Tribal Business Council to protect and preserve the property, wildlife and natural resources of the Tribes; and

WHEREAS, Article VI, Section 5(l) of the Constitution specifically authorizes and empowers the Tribal Business Council to adopt resolutions regulating the procedure of the Tribal Business Council and other Tribal agencies and Tribal officials of the Reservation; and

WHEREAS, since 2003, the Nation has been working to finalize the NEPA process for the MHA Nation Clean Fuels Refinery Project (Project); and

WHEREAS, the Nation has received confirmation from the U.S. Environmental Protection Agency (EPA), Region 8 office that a Record of Decision (ROD) will be issued by the end of June 2011 for the Project; and

WHEREAS, it is imperative that the Nation begin actual construction of the Project prior to July 1, 2011, to avoid EPA's greenhouse gas emissions permitting requirements; and

WHEREAS, there is currently not a Tribal Construction Permitting Program in effect for the Nation to authorize construction for the Project; and

WHEREAS, the Tribal Business Council finds that it is in the best interests of the Nation to issue a Non-Residential (Commercial) Permit for Construction for the Project so that construction may begin prior to July 1, 2011.



**Three Affiliated Tribes
Tribal Business Council**
404 Frontage Road
New Town, ND 58763
(701) 627-4781

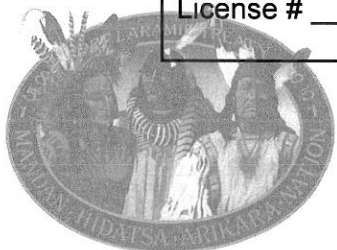
**Project Application & Permitting Checklist
Non-Residential (Commercial) Permit**

STAFF USE ONLY		
Permit No.	Intake by:	Date:
Fee Paid \$	Receipt #	

Property lot, parcel number or legal description:
Property Address:

Name of Applicant:
Address of Applicant:
Phone #: _____ Cell #: _____ Fax #: _____
Other contact information:
E-mail address:
Company or owner name if different than that of applicant:
Company/owner mailing address:
Phone #: _____ Fax #: _____
E-mail address:

Contractor
Name _____ Company Name: _____
Mailing Address: _____ City: _____ State: _____ Zip: _____
Phone: _____ Fax #: _____
License # _____ Expire date: _____
Architect
Name _____ Company Name: _____
Mailing Address: _____ City: _____ State: _____ Zip: _____
Phone: _____ Fax #: _____
License # _____ Expire date: _____
Engineer
Name _____ Company Name: _____
Mailing Address: _____ City: _____ State: _____ Zip: _____
Phone: _____ Fax #: _____
License # _____ Expire date: _____



Other A&E

Name _____ Company Name: _____
 Mailing Address: _____ City: _____ State: ___ Zip: _____
 Phone: _____ Fax #: _____
 License # _____ Expire date: _____

Other A&E

Name _____ Company Name: _____
 Mailing Address: _____ City: _____ State: ___ Zip: _____
 Phone: _____ Fax #: _____
 License # _____ Expire date: _____

Permits Associated with this Application

Permit #	Type
Permit #	Type
Permit #	Type
Permit #	Type
Permit #	Type
Permit #	Type

Work Type	Brief description
New	
Addition	
Remodel	
Repair	
Change of Occupancy	
Other	

Construction

Building sq ft al floor levels	
Construction Type	
Heat Source	

Property Information

Water Supply Existing Proposed

Well Community water system

Sewage/Septic Existing Proposed

Septic System Community sewage system

Has property been surveyed for this project? Yes No

Are property corners and lines marked on site? Yes No



Is the project located within a floodplain or prone to flooding? Yes No

The Three Affiliated Tribes requires that a project located within a floodplain must meet Flood Hazard Reduction standards, in compliance with the National Flood Plain Insurance Program.

Is the property located within 300' of a: river or creek wetlands none

Name of river or creek _____

Is the property located within 150' of a cemetery? Yes No

Has the property ever flooded? Yes No don't know

Project Information

Project start date:

Brief description of project:

Are there plans for future additions to the project? Yes No

Describe:



Environmental Checklist	
<input type="checkbox"/>	Will the project create a source of water runoff, including storm water?
<input type="checkbox"/>	Will the project require surface or groundwater withdrawals?
<input type="checkbox"/>	Does this project involve removal or import of fill?
<input type="checkbox"/>	Is the project located in an area of historic, archaeological or cultural importance to the Tribe?
<input type="checkbox"/>	Will the project result in loss or alteration to natural habitat?

IT IS HEREBY AGREED between the undersigned as Applicant/Owner and the Three Affiliated Tribes, that for and in consideration of the premises and of the permit to construct, erect, alter or install as above described, to be issued and granted by the Tribal Business Council, that the work thereon will be done in accordance with the description herein set forth in this statement and as more fully described in the specifications and plans herewith filed, and it is further agreed to construct, erect, alter or install in strict compliance with the ordinances and laws of the Three Affiliated Tribes and the Uniform Building Code, Construction Safety Standards adopted by the federal Occupational Safety and Health Administration, 29 C.F.R. Part 1926 and the OSHA standards at 29 C.F.R. Part 1910.

The Applicant/Owner/Contractor will inform the Tribal Business Council when work is started and at the completion of work.

FIELD VERIFICATION-LOT LINES, SET BACKS, EASEMENTS, DEDICATIONS, RESTRICTIVE COVENANTS - MEETING UNIFORM BUILDING CODES/ORDINANCES IS THE RESPONSIBILITY OF THE OWNER/CONTRACTOR PRIOR TO CONSTRUCTION. FAILURE TO DO SO HOLDS THE UNDERSIGNED ACCOUNTABLE.

Applicant/Owner: _____
Signature

Contractor: _____
Signature

Permit Approved at Tribal Business Council meeting on: _____

By: _____ with the following conditions:

PLEASE SEE ATTACHED CONDITIONS AS APPROVED BY TRIBAL BUSINESS COUNCIL





NOW THEREFORE BE IT RESOLVED, that the Tribal Business Council hereby authorizes and approves the Non-Residential (Commercial) Permit for Construction attached hereto and authorizes its Chairman to sign a completed permit authorizing start of construction for the MHA Nation Clean Fuels Refinery Project; and

BE IT FURTHER RESOLVED, that upon approval of this Resolution, the Nation may proceed as necessary to begin actual construction for the Project to ensure that actual construction has begun prior to July 1, 2011; 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


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 10th day of June, 2011, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

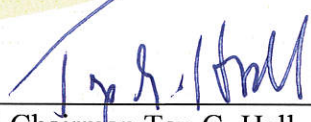
Chairman Voting. Not Voting.

Dated this 10th day of June, 2011.

ATTEST:



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



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

