



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

A Resolution Entitled: "Authorization to Transfer Title to MHA Clean Fuels Refinery Project Lands to United States to Be Held in Trust On Behalf of the Three Affiliated Tribes."

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, The Constitution of the Three Affiliated Tribe 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 of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; 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 Tribal officials on the Reservation; and

WHEREAS, Pursuant to Article VI, Section 5 (i) of the Constitution the Tribal Business Council has the authority to make assignments and leases of tribal lands and otherwise manage tribal lands, interests in tribal lands and property upon such lands in conformity with Article IX of the Constitution; and;

WHEREAS, The Indian Reorganization Act, 25 USC § 465 authorizes the Secretary of Interior to acquire into trust any interest in lands... within or without existing Indian Reservations; and

WHEREAS, 25 CFR § 151.3 provides that land not held in trust or restricted status may be acquired for a Tribe when such acquisition is authorized by an act of Congress and approved by the Secretary of Interior; and

WHEREAS, 25 CFR 151.3 (a) further provides that the land may be acquired for a tribe in trust status when the property is located within the exterior boundaries of the Tribe's Reservation or adjacent thereto and when the Tribe already owns an interest in the land; and

WHEREAS, As determined to be in the best economic interest of the Three Affiliated Tribes the Tribe 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 project site land is owned by the Tribe in fee simple status and is within the boundaries of the Fort Berthold Indian Reservation; and

WHEREAS, The Tribe has determined that it would benefit economically if the project lands were transferred into trust status by the United States, as it could also enhance the possibilities of obtaining financing for the Project; and

WHEREAS, The Tribal Business Council adopted 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

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 an updated Tribal Resolution verifying that the Tribe is still interested in pursuing the trust acquisition; and

WHEREAS, The Tribal Business Council has determined that it is in the best interest of the Tribes to continue to pursue the fee to trust application for the project lands; and

NOW THEREFORE BE IT RESOLVED, that the Tribal Business Council hereby authorizes and approves the Three Affiliated Tribes' continued pursuit of the fee to trust acquisition for the MHA Nation Clean Fuels Refinery Project site; and

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 Department of Interior perform its trust responsibility and expedite the process to place the land described above in trust status with the United States; and





BE IT FINALLY RESOLVED, that the Tribal 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, 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.

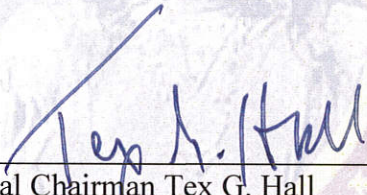
Chairman Voting. [] Not Voting.

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

