



**MHA NATION-CLEAN FUELS REFINERY PROJECT
BIA/EPA/COE
Consultation Meeting on DEIS/Draft NPDES Permit**

**Tribal Business Council Chambers
Meeting No. 06-11-NH
March 31, 2006**

INTRODUCTIONS AND PURPOSE:

Councilman Nathan Hale began the meeting with introductions at 9:44 a.m. Ms. Dana Allen stated that NEPA compliance will be important in determining how to proceed with the document.

OVERVIEW AND ADOPTION OF AGENDA:

The discussion began with an explanation of the DIES purposes relating to the agencies (BIA/EPA/COE) and by highlighting any significant impacts. The draft DIES document is a rough draft and certain portions will need to be expanded upon. The discussion will also focus on mitigation issues by law or areas in the document that may be vulnerable.

DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) PRESENTATIONS:

BIA PRESENTATION:

BIA is proposing several ways for the MHA Nation to move forward with its clean fuels refinery project: 1.) the BIA would accept the 469-acre project site into trust, MHA Nation would construct and operate a grassroots, clean fuels refinery on 190 acres of the project site, and produce forage for MHA Nation's buffalo on the other 279 acres; 2.) BIA would accept the 469-acre project site into trust status, but would not approve MHA Nation's proposal to construct, operate and maintain a clean fuels refinery; 3.) BIA would not accept the 469-acres into trust status, however, the MHA Nation would construct the clean fuels refinery on this property (e.g., without the trust status); 4.) BIA would accept the 469-acre project site into trust, construct and operate a grassroots clean fuels refinery on 190 acres of the project site and produce forage for MHA Nation's buffalo on the 279 acres. The refinery would be reconfigured to avoid impacts to the jurisdictional wetlands swale, to the extent practicable, use of tanks instead of ponds for storm water containment and use of sanitary collection tank instead of leech field; or 5.) BIA would accept the 469 acres into trust status and EPA would not issue an NPDES permit for the refinery.

Overall there is a potential for pollution with surface and groundwater. There are different proposals for mitigation as outlined in the handout provided at today's meeting. There is limited impact to geology. There is always the potential for contamination if there would be a spill over. Impacts to isolated wetlands must be mitigated under Executive Order or by Court permit.

There is greater vehicle collision potential due to increased traffic to and from the site. Discharge impact is related to outflows. There will be two outflows with Alternative 1. Generation or use of water (40 gal per minute) and capture of surface water and treatment of surface waters distributed through outflows. Ground water would not be used in the process under Alternative 1. The No recycling alternative will require more water flowing through at 31 gallons per minute. Alt. 4 will not involve recycling.

Land use would continue as agriculture. Land in trust will not require the Tribe to pay taxes. Alternatives 1 & 4 will not involve taxes; however, Alternatives 3 & 5 will require the Tribe to pay taxes.

With regard to aesthetics, of course, the refinery will be in the area. There will not be a large plume since there is not a water cooled station associated with this facility. No additional pollutants in the area and will remain somewhat similar to the current conditions. Executive Secretary Nathan Hale stated that pollutants are the public's major concerns related to this project. The group agreed that criteria should not be exceeded.

In the area of socioeconomics there shouldn't be a change but the Tribe will experience an economic benefit.

No environmental justice impact to this community from this project. No significant health and safety impacts. This portion of the document is not complete at this time.

There are fourteen (14) separate mitigation plans reported in the document.

Some are required by law and others are just good business practice. BIA does not have legal authority. BIA will ensure that the land will be held in trust. Fines can be absorbed by BIA such as clean up of areas if everything is in compliance with the permits and covered by contingency plans. One issue that the Superintendent may be strongly interested in is making sure that there is a clear mitigation plan. Also, assurances such as those involving fish and wildlife issues relating to whooping cranes and the piping plover and jurisdictional issues such as those relating to swales, wetlands impacts and small isolated wetlands that are not regulated by the law.

Areas of vulnerability in the document are that health and safety issues must be clearly addressed and disclosed to the public. These issues need to be clearly stated in the document: impacts and potential impacts. Bias should not be included in the document. Contamination of surface water must be addressed. Professional judgment must be used to determine impacts.

Development of tribal water quality standards is tied to this development. It must be proven that the standards will be in place before this project. It may appear that the standards are being developed to assist/impede this project.

It should also be more clearly stated in the document the economic benefits to the Tribe. Councilman Nathan Hale stated that the Tribe feels that it is clear on this issue. Councilman Frank Whitecalfe stated that the U.S. Government is bankrupt and that Tribe can't depend on them for revenue. The Tribe intends to use this refinery to generate revenue and become economically stable.

EPA PRESENTATION:

The purpose of this meeting today is for consultation with the Tribe to determine strength and weaknesses of the document in preparation for a permit decision.

The final document will clearly state all impacts. NEPA will focus on the purpose and needs statement. This statement must be narrow and definite on the purposes: BIA, EPA, and COE.

There is concern that this document presents one site/design. Two potential construction alternatives must be fully disclosed and covered.

With regard to the biological assessment for the endangered species act, the details are covered which will save time in the end.

The weaknesses in the document are as follows:

Wetland impacts with discharge alternatives. Impacts that are identified will be to the quality of water in the wetland and flow conditions. EPA is currently working with the Tribes' Environmental staff for water sampling and chemical/biological sampling. The information will be included in the document for presentation to the public. Flows will be monitored before and after the refinery is in operation. Councilman Nathan Hale inquired about the discharge issues. The alternatives will address these issues since there is a potential for change in water quality. Mostly the impacts involved will be with the increased water flows. There will be no change in the quality but in the quantity. There are no wetlands standards. Baseline assessments will enable the Tribe to assess the increased water flows. Councilman Mervin Packineau stated that the increased water will be a positive impact such as those of the Mandan refinery. The increased wetlands will enable increased wildlife.

Councilman Marcus Wells, Jr. joined the meeting in progress at 10:28 a.m. Councilman Wells introduced himself to the group.

The issues and comments of this meeting are focused on the potential weaknesses in the document and not the positive aspects since the objective is to eliminate the weaknesses by addressing them fully before public presentation.

Wastewater may be safe but the flow amount will change. Councilman Frank Whitecalfe stated that there will be more water as a result of the project however the water can be planned and controlled.

Health and safety: Three areas are identified for rewriting. The existing baseline health on the reservation must be identified and what are the risk potentials. The potential impact to population is the biggest issue and is lacking in this document. EPA expressed that they would like to involve I.H.S. but could not up to this point.

There is a need for an analysis for a one-year average. This issue needs to be addressed and also there is a need for quantitative information. For instance, cancer rates can be addressed with additional numbers.

The document contains qualitative discussion however it does not include numbers to substantiate this concern. For example, water contaminates to the water quality will be included in the final document however they will not be available in the public comment draft. Councilman Frank Whitecalfe suggested that the document should include data on nearest refinery. It was noted to include this type of information in the document. Also, health standards should be compared with emissions from the vehicles that this refinery will supply.

Councilman Malcolm Wolf joined the meeting in progress at 10:38 a.m.

Additional recommendations will include that OSHA doesn't apply however the Tribe is looking to include OSHA standards. The Tribes' Lead Counsel, Steve Kelly, will provide a written opinion on that issue.

ROLL CALL:

Executive Secretary Nathan Hale gave roll call: Present: Nathan Hale, Mervin Packineau, Malcolm Wolf, Tex G. Hall, Marcus Wells, Jr., Frank Whitecalfe. Quorum established; the Special EPA/BIA/COE/Tribe consultation meeting was called to order at 10:40 a.m.

EPA will provide tables similar those provided by the BIA. There is a permit drafted for Option A which will be included in the document. Ponds under this option will be considered under a wastewater permit application. There must also be a storage/disposal unit application. Financial assurance is required.

Changes in stream flow, changes in the wetland, and issues with spills, ground water and surface water contamination, disposal and closure issues with ponds are some of the issues that need to be more fully addressed in the document.

Options that will utilize tanks instead of ponds will require less financial assurance since there are no ponds. The costs will be more but less impact will be associated with tanks.

Other issues are: Irrigation discharge, Hazardous waste issues, Water quality issues, and possible crop contamination.

Surface water contamination will be determined by levels of contaminants which will need to be identified.

The 4th option requires a Class 1 permit. All options will involve more applications.

Mitigation: Storm water plants will be required. Construction and process water discharge permits need to be applied for.

Spill plans will be required as well as emergency response plans and operating waste water plans. Ponds will require plans to ensure that there is no impact to ground water and surface water.

EPA recommends that the Tribe develop a ground water protection code.

With the tank option, there must be a leak detection system and double walled steel tanks. Ground water monitoring is also recommended.

Financial assurance and bonding is recommended. Chairman Tex G. Hall inquired about the cost for such plan. It is expensive however it can be implemented over time. EPA will assist in planning and will account for cleanup. Councilman Frank Whitecalfe suggested that the group obtain data from the Mandan refinery and tailor the information to the size of the refinery.

Option B which involves irrigation; EPA does not have any regulations with regard to irrigation.

With regard to ground water monitoring, high salinity water may be treated. Best management practices will be suggested.

The bottom-line is that there will be effects with all option but they can be minimized. Currently, EPA has no recommendation for any of the options and no dollar figures are associated or projected. These figures will be included in the design however the design is not final.

COE PRESENTATION:

Dan Siborosky began presentation at 11:00 a.m. He stated that the COE concerns are related to fill materials and waters of the United States such as the swale on the western side and discharge of that swale.

Under the nationwide permit program, activities for minor impacts can be included under these permits.

Projects which exceed the criteria of the nationwide permits will require individual permits.

Projects under a tenth of an acre will not require compensatory permits. Mitigation will not include any rainy day fund. Alt. 4 which requires tanks is the alternative which does not require financial assurance.

404 permits will require financial assurance/bonding if there are impacts to the wetlands. There may be several rainy day funds to cover different contamination potentials.

The preferred alternative would be the alternative with the least amount of impact and will be authorized under the nationwide permit. Exhaustive alternatives will not be considered. The threshold limit will be a half an acre.

Over a half of an acre will require an individual permit. Chairman Tex G. Hall stated that he understands that this team will work to ensure that this document/project is covered under the nationwide permit.

Individual permits will wait for the final public draft. Close of the comment period of the EIS the permit will be covered by the nationwide comment.

TRIBAL PROJECT MANAGER PRESENTATION:

Horace Pipe began the Tribal Project presentation at 11:10 a.m. EPA will be working closely with the Tribe. Mr. Pipe stated that the public needs to know that this is a clean fuels refinery and not a synthetic crude oil refinery.

We intend to produce clean fuels refinery which is a mined formation. The main concern is to clearly define the difference of the synthetic refinery from a crude oil refinery.

Phrasing in the document is a concern. For instance, the phrases, may effect and not adversely effect need to be understood by the public. The phrase and tone of the document must be conveyed clearly to the public to eliminate vagueness and ambiguity.

Major concerns are with air emissions and underground injections. The document needs to present clear answers with regard to emissions and potential contaminates.

The point needs to be made that wetlands that failed were man-made and not naturally occurring wetlands. It must be clearly stated that pollutants can be regulated and controlled.

Chairman Tex G. Hall stated that it needs to be emphasized in the document and stated clearly that this type of project does not involve harmful pollutants such as those associated with crude oil refineries.

The notice in the Federal Register will be extended at least one more week. April 14 was the original target date. Public hearings are scheduled for the week of June 5th (Monday-Saturday). Steve Kelly stated that Tom Fredericks will need to review this document. The full document will be available in two weeks. The final analysis will be within a week, April 7 is the deadline for the final document. April 21st is the deadline for the final comments. Comments were sent on the 13th and published as available and noticed on April 28th in the Federal Register. This date will mark the start of the 60-day comment period (June 28th) for the draft document. There will be another 30-day comment period on the final document.

Public hearings will be scheduled in six communities on the reservation and one off the reservation (Makoti). It was recommended to combine Makoti/Parshall public hearings since the communities are only 10 miles apart. Six public hearings should be sufficient. Mr. Horace Pipe is designated to schedule the Makoti/Parshall public hearing.

The hearing schedule will be published in the Federal Register; individuals may attend any public hearing that they desire. BIA will publish the public hearing schedule in six area newspaper and is currently investigating potential radio stations for airing the notice since most persons do not have access to the Federal Register.

The Regional Economic Development Conference is scheduled for April 27th and 28th in Sioux Falls SD. It was recommended that this would be an ideal opportunity to make the Region aware of the refinery project since there will be a large audience. Mr. Horace Pipe is designated to place the refinery project on its agenda.

The end of September will mark the concurrent appeal period in the timeline.

QUESTION AND ANSWER SESSION:

Patricia J. Thomas of the Environmental Division stated that the Tribes' water quality standards were implemented in 1990. She requested that Legal counsel to provide an opinion concerning the water quality

standards. Steve Kelly stated that this application will have an impact on water quality standards and that there is a need to establish this as part of the administrative record. Mr. Kelly stated that jurisdictional concerns have held up progress on the water quality standards issue. The DEIS addresses tribal water quality standards but should include that the Tribe has submitted a water standards application. Steve Kelly will ensure that this is included in DIES.

It was recommended that the difference between the crude and synthetic refineries be clearly stated and addressed. The differences such as no air permits will be required since it is a synthetic refinery which does not produce air emissions.

There is \$32,000 for financial assurances available beginning in April through grants for wetlands monitoring which will be administered under Game and Fish/Todd Hall.

With regard to a ground water code, it is recommended only and not required. Don Wharton will be working to include a ground water code in the tribal water quality standards as a measure of good business practice. An example is the Southern Ute Tribe water quality code. It is recommended to include data on pesticides from area agriculture to provide numbers which may be included for existing measures.

Nationwide permits have threshold limits and conditions that need to be compiled with. Water quality certification is regulated by EPA. EPA will be working with COE to ensure that conditions are in compliance. Projects with minimal impacts will qualify for the nationwide permit.

Comment regarding mitigation for the wetlands. The Mandan refinery constructed wetlands with success. The US Fish and Wildlife is working with Todd Hall on a grant opportunity for wetlands construction. Chairman Tex G. Hall stated that the Tribe could qualify for \$250,000. Watershed studies could fall in with this project for FY-2007. Wetlands assessments with identified areas are more favorable. FY-2007 would be the proposal submittal deadline. December/January 2007 is the final application deadline.

Mr. Lyle Gwin commented that Fort Berthold Community College will have twenty graduates in its energy technology program in the Fall of 2006. Richard Mayer, CEO, suggested that this program be included as economic development opportunities in the socioeconomic portion of the draft document. Chairman Tex G. Hall stated that this refinery is for economic development, education and training and ultimately, to meet the Nation's (United States) need for more refined fuel. EPA representatives stated that a scope that is too large however will bring the focus away from Tribal needs.

Chairman Tex G. Hall requested that Mr. Gwin provide a listing of the graduates so that they will be included in the consultation process. We need to promote the energy technology class and support this program since it may be cut due to low enrollment. Vice Chairman Marcus Wells, Jr. stated that there is a firm that is available for training in this area. Roger Johnson and a Denver firm are developing a degree program; funding is the next step.

Chairman Tex G. Hall and the Tribal Business Council members present went on record to invite the twenty (20) students and Fort Berthold Community College representatives to the April Tribal Business Council meeting for a discussion on the program and its needs. Councilman Frank Whitecalfe suggested that advertising and marketing would be helpful for generating interest in the program.

DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS PRESENTATION (EPA):

The permit is drafted with potential outfalls. Storm water outfalls, sanitary wastes, etc. which meets all national requirements. The document is drafted to meet **most stringent** water quality standards. State and EPA standards are not currently considered.

If someone complains, the Tribe doesn't have federally approved water quality standards. There may be no complaints but they could come into play if someone were to comment.

It is recommended to include a storm water prevention plan and regular monitoring of the discharges. Also, it is suggested to include an Operation and Maintenance plan to minimize impacts.

It is a required to apply for a nationwide storm water permit. Health and safety issues are being considered under this permit. A storm water construction permit considers your plan and should not affect the timeline as long as the Tribe applies for this permit.

Chairman Tex G. Hall stated that there should be a consensus where the standards should apply. All stringent standards should not face opposition. Ultimately, the Tribe will determine the standards and the Tribe should assert its sovereignty and not look to the State or any other entity to develop its standards.

PUBLIC PARTICIPATION FOR DEIS/DRAFT NPDES PERMIT AND PROJECT TIMELINE (EPA) AND RELATED ISSUES (EPA):

Tribal Water Quality Standards: The Tribe has already established water quality standards in 1996. If the Tribe chooses to adopt the state water quality standards for that specific portion of the document, the state should not have a problem since they are equivalent standards.

Tribal Ground Water Program: The Tribe is encouraged to continue with monitoring. Recommendations are made in place of requirements. State codes may be considered and the EPA will assist in that regard. Future protections may be a consideration. EPA currently does not have a federal requirement for ground water quality.

Wetlands Assessment: The Tribe will be given monies for baseline condition assessment.

Other Permits required depending on options selected: There is a potential for additional permits depending on the alternative selected. EPA **does not** want to hold up process so all alternatives that need to have permits will be identified and applied for so as to expedite the process. Mr. Horace Pipe will follow up on this issue.

For the record, EPA will not hold up the process as long as permits are applied for.

FINAL COMMENTS AND ACTION ITEMS (BIA AND EPA):

Chairman Tex G. Hall stated that he commends everyone's efforts in the preparation of this document. It is noted that the deadline is two weeks beyond timeline for additional appendixes; the timeline is moved to the April 28th for publication in the Federal Register. EPA will provide an administrative judge and recorders at the comment process. The public comment period is 60 days (February 28 to June 28). The hearings are only listening sessions. Responses will be made for each and every comment obtained at the hearings. An informal question and answer session may be helpful and will be off the record. This may be an opportunity to provide educational information and answers to questions to the public prior to the actual comment period. The Tribe can advertise that this will be an informational session for the public to clarify issues.

This may be included on an additional flyer for the public and community to clarify and educate the public prior to the official public comment hearing. Questions and comments are only gathered at the hearing and then official responses are given.

BIA and EPA will consult with their respective legal counsels to see if the informal question and answer session can be included in the Federal Register.

Six public two-hour meetings will be held from June 5th through the June 10th. Makoti will be included in the Parshall public meeting.

The timeline is adjusted for the final EIS at the end of September 2006. March 25th will mark the Phase Six construction period.

Students of the energy technology program at Fort Berthold Community College will be invited to participate in the consultation process to support future education and training in the area of energy technology.

Treasurer Frank Whitecalfe stated that he recently met with Region VIII representatives and commends all the individuals which represent these agencies for their cooperative efforts on behalf of the Tribe.

Chairman Tex G. Hall thanked the individuals in attendance for their presentations at today's meeting and looks forward to the next meeting.

Mr. Bob Woods gave the prayer for the meal.

TRIBAL BUSINESS COUNCIL ACTION #1:

Vice Chairman Marcus Wells, Jr. moved to authorize Richard Mayer, CEO and staff to coordinate with the agencies to schedule the upcoming public meetings in the six communities. Treasurer Frank Whitecalfe seconded the motion.

DISCUSSION: The final meetings will adhere to the draft schedule.

VOTE: Five (5) members in favor; unanimously approved.

TRIBAL BUSINESS COUNCIL ACTION #2:

Vice Chairman Marcus Wells, Jr. moved to appoint Sal Beston at a rate of \$13.29 and Darryl Jackson at a rate of \$17.68 to Fort Berthold Utilities. Treasurer Frank Whitecalfe seconded the motion.

MWJR will provide the necessary information for the completion of the salary authorizations.

VOTE: Five (5) members in favor; unanimously approved.

TRIBAL BUSINESS COUNCIL ACTION #3:

Treasurer Frank Whitecalfe moved for approval of a temporary 60-day appointment for Ferral Conklin to the position of Dog Catcher. Vice Chairman Marcus Wells, Jr. seconded the motion.

VOTE: Five (5) members in favor; unanimously approved.

TRIBAL BUSINESS COUNCIL ACTION #4:

Vice Chairman Marcus Wells, Jr. moved for approval to appoint Jim Glaze as Legal Counsel for all negotiations with Dakota 3 to avoid conflict of interest since Spencer Wilkinson, Jr. is listed as principal for this company. Treasurer Frank Whitecalfe seconded the motion.

VOTE: Five (5) members in favor; unanimously approved.

TRIBAL BUSINESS COUNCIL ACTION #5:

Vice Chairman Marcus Wells, Jr. moved for approval of Resolution 06-51-NH which authorizes the CEDS Department to revise codes and develop a UCC Code and to provide them to the public for utilization. Treasurer Frank Whitecalfe seconded the motion.

DISCUSSION: Steve Kelly provided an overview of the resolution for the revision and implementation online. The resolution provides signatory authority to Chairman Tex G. Hall.

VOTE: Five (5) members in favor; unanimously approved.

TRIBAL BUSINESS COUNCIL ACTION # 6:

Vice Chairman Marcus Wells, Jr. moved for approval to authorize Councilman Malcolm Wolf to sign all resolutions in Executive Secretary Nathan Hale's absence. Councilman Mervin Packineau seconded the motion.

VOTE: Five (5) members in favor; unanimously approved.

DISCUSSION OF CONTRACT FOR A & E ON REFINERY PROJECT:

Steve Kelly gave an overview of the contract revisions which states the A & E is not to exceed 12% of the project. Funding is included and the contract is revised to include a ceiling of 12%. Total contract price total price is listed on Page Two, subject to availability of funding.

Liability issues are in deficiency. Triad is only exposed to 30%. Treasurer Frank Whitecalfe stated that the prime contractor could be gone and the subcontractor must be held liable in the absence of the prime. The Subcontractor warranties even if the prime is eliminated. This must be included in this contract. Steve Kelly will revise and review this paragraph and provision and bring back for approval.

All service order changes must be approved by the Tribal Business Council. Project representatives (Horace Pipe) can authorize changes in design, change orders, and scheduling but only as authorized by the Tribal Business Council. This issue will be deferred to the Natural Resources Committee.

DELVIN FOOTE RANGE UNIT ISSUE:

The discussion was to clarify that the previous action was not in violation of the range unit resolution. The conditions to award the range unit action were imposed by the Tribal Business Council during its Range Unit meeting in February 2006. Range Unit 48 was not awarded in February due to the pending negotiations with the banks on behalf of Delvin Foote. However, the unit was inadvertently released for bid by Mr. Paul Danks who introduced this issue in the previous Tribal Business Council meeting. A motion was made for the release to bid of two range units then the motion was withdrawn. The next motion was to release range unit 48 for bid. Chairman Hall stated that the Tribal Business Council's purpose to support Delvin Foote's loan was for the payment of the range unit and the Tribal Business Council members present would like to support the original intent and decision made during the February 2006 Range Unit meeting.

TRIBAL BUSINESS ACTION #7:

Councilman Mervin Packineau moved to award Range Unit 48 to Mr. Delvin Foote. Treasurer Frank Whitecalfe seconded the motion.

DISCUSSION: Mr. Danks intent in releasing the range unit for bid was to provide revenue to landholders. Councilman Frank Whitecalfe stated that he wished to clarify that he was in support of the original resolution. Chairman Hall reiterated that the original conditions imposed by the Tribal Business Council concerning Mr. Foote's ability to become current and to remain in good standing in accordance with the terms of the resolution still apply to this action. Marcus Wells Jr. explained that he is abstaining due to his unfamiliarity with the resolution and due to the fact that there was no copy on hand for review.

VOTE: 4 members in favor, 0 members opposed, 1 member abstaining, 0 members not voting.

Motion carried.

Chairman Tex G. Hall left the meeting to meet with travel connections at 1:10 p.m.; no quorum. Meeting continued for discussion purposes only.

Name	Title	Company	Phone	Fax	
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Timothy Jo Thomas	Environmental Manager	MHA Nation	(701) 627-4569	(701) 627-2917	tjthomas@mhan.com
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William Deane	Water Specialist	MHA Nation	(701) 627-4569	(701) 627-2917	wdeane@mhan.com
Edward Poitra	Pesticide Program	MHA Nation	(701) 627-4569	(701) 627-2917	epoitra@mhan.com
Arthur Bell	Air Quality	MHA Nation	(701) 627-4781		
Jeff Baker	Security	MHA Nation	(701) 627-4781		
Barry Fredericks	NRO	BIA	(701) 627-4707		
Richard Mayer	CEO	MHA Nation	(701) 421-1009		rmayer@mhan.com
Frank Whitecalfe	Treasurer	MHA Nation	(701) 421-0077		
Marcus Wells, Jr.	Vice Chairman	MHA Nation	(701) 421-1442	(701) 627-3503	mwellsjr@mhan.com
Tex G. Hall	Chairman	MHA Nation			
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Jonathan Hale	Executive Secretary	MHA Nation	(701) 627-4781	(701) 627-4884	
Debra Gwin	CO	FBCC	(701) 627-4738	(701) 627-3609	lgwin@fbcc.com
William Chase	CEO's Office	MHA Nation	(701) 627-4781		wchase@mhan.com
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Erin Perkins	Attorney	EPA	(303) 312-6922		Perkins.erin@epa.gov

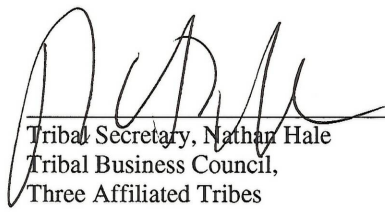
CERTIFICATION

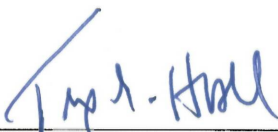
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum 7 were present at the SPECIAL Meeting thereof duly called, noticed, convened and held on the 24 day of APRIL, 2006; that the foregoing Minutes were amended and duly adopted at such meeting by the affirmative vote of 6 members; 0 members opposed; 0 members abstained; 0 Members not voting.

Chairman Voting. Not voting.

Dated this 24 day of APRIL, 2006.

ATTEST:


Tribal Secretary, Nathan Hale
Tribal Business Council,
Three Affiliated Tribes


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

