

Tribal Council Resolutions

(The following are some of the resolutions the Tribal Council has approved during 2005.)

Gaming

Whereas at a referendum held on May 21, 2002, the eligible tribal members voted to authorize the conduct of Class III gaming by the Confederated Tribes of the Warm Springs Reservation of Oregon in the Columbia River Gorge area; and,

Whereas the Indian Gaming Regulatory Act, P.L. 100-447, 25 U.S.C. Sec. 2701 et seq. requires a tribal state compact in order for the tribe to conduct Class III gaming; and,

Whereas the Honorable Ted Kulongoski, Governor of the State of Oregon, has agreed to the terms of a "Tribal/State Compact for Regulation of Class III Gaming Between The Confederated Tribes of the Warm Springs Reservation of Oregon and The State of Oregon" in the form included as Exhibit A to this resolution; and,

Whereas the Tribal Council believes and finds that such compact is in the best interests of the tribe and its members and will provide economic stability for the tribal government; and,

Whereas, as a condition to entering into the compact, the state requires a waiver of the sovereign immunity of the tribe for the limited purpose of enforcement of all of the tribes obligations pursuant to the compact, and the granting of such waiver is the only workable alternative under which the state will agree to the compact and the Tribal Council is willing to grant such waiver; now, therefore

Be it resolved by the 23rd Tribal Council of the Confederated Tribes of the Warm Springs, pursuant to Article V, Section 1(a), (f) and (l), of the Tribal Constitution that the "Tribal/State Compact for Regulation of Class III Gaming Between the Confederated Tribes of the Warm Springs Reservation of Oregon and The State of Oregon", included as Exhibit A, is approved and the Chairman of the Tribal Council is authorized to execute such compact on behalf of the tribe; and,

Be it further resolved that the Tribal Council hereby waives the sovereign immunity of the Tribe, in accordance with the terms of the compact included as Exhibit A: This waiver of the sovereign immunity of the tribes from suit or action is adopted pursuant to the terms of Warm Springs Tribal Code chapter 30 and shall be strictly construed and limited to its specific terms and the specific waiver granted. (Resolution NO. 10,497.)

Cascade Locks

Whereas the Confederated Tribes of the Warm Springs has negotiated an "Option Agreement and Agreement of Lease and Sale" for the purchase of 25 acres and the lease of 35 acres from the Port of Cascade Locks, an Oregon municipal corporation, within the Port of Cascade Locks Industrial Park at Cascade Locks, Oregon; and,

Whereas it is the intention of the tribe to exercise its option to purchase the 25 acre parcel ("the Property"), the legal description of which is included in Exhibit "A" to this resolution, when the Secretary of the Department of the Interior of the United States ("Secretary") agrees to accept title to the Property in trust for the benefit of the Tribe for the purpose of conducting Class III gaming on the Property, pursuant to the provision of Section 20(b)(1)(A) of the Indian Gaming Regulatory Act, 25 USC 2719(b)(1)(A); and,

Whereas the tribe and the state negotiators have completed negotiations on a Class III Gaming Compact for the Cascade Locks location and both the Tribal Council and the governor of the State of Oregon are prepared to execute the compact and submit it to the Secretary of Interior for approval; and,

Whereas the Class III Gaming Compact specifically includes the

governor's assurance that he will concur, pursuant to Section 20(b)(1)(A) of the Indian Gaming Regulatory Act, in the Secretary's two-part determination so that title to the Property can be taken into trust for the benefit of the Tribe for purposes of Class III gaming; and,

Whereas the property is within the tribe's aboriginal territory and treaty ceded area and is of great significance to the tribe and has economic value as a location for a casino and resort hotel development and the Tribal Council has determined that it is in the best interests of the tribe to exercise the option to purchase the Property described in Exhibit "A, upon the Secretary making a determination to accept title to the Property, in trust for the benefit of the tribe, for the purpose of the tribe operating a Class III gaming facility on the Property;" and,

Whereas the process of taking the title to the property into trust by the Secretary of Interior for the benefit of the Tribe should be commenced as soon as possible; now, therefore,

Be it resolved by the 23rd Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Article V, Section 1(a), (c), (f) and (l), of the Constitution and Bylaws, that the Secretary of the Department of the Interior of the United States is hereby requested to approve the compact and to take title to the property into trust for the benefit of the tribe, for the purpose of the tribe operating a gaming facility on the property; and,

Be it further resolved that the Secretary-Treasurer of the Tribal Council, the Warm Springs Gaming Enterprise, and the tribal attorney, are directed to take all steps necessary to accomplish the purposes of this resolution and to immediately commence the process to have title to the property be taken into trust by the Secretary of Interior for the benefit of the tribe. (Resolution 10,500)

Lamprey

Whereas the Confederated Tribes of the Warm Springs is a federally recognized Indian tribe organized pursuant to the Indian Reorganization Act of 1934; and,

Whereas the Tribal Council is the governing body of the tribe pursuant to the Tribal Constitution; and,

Whereas the Warm Springs Branch of Natural Resources manages natural and cultural resources for the long term benefit of the tribe and its members; and,

Whereas the United States Department of Interior Fish and Wildlife Service has announced a request for proposals for Tribal Wildlife Grants (TWG) to assist tribes in the management of fish and wildlife resources in a way that incorporates special cultural values; and,

Whereas Pacific lamprey (eels) are an important cultural and subsistence food fish for the members of the tribe and their abundance is declining in 15 Mile Creek which is a traditional collection site; now, therefore,

Be it resolved that the Twenty-Third Tribal Council of the Confederated Tribes of the Warm Springs, pursuant to Article V, Section 1(a) and (l) of the Constitution that the Tribal Council hereby supports and approves the application and request for funds by the Warm Springs Department of Natural Resources to the United States Department of Interior Fish and Wildlife Service Tribal Wildlife Grants program to conduct investigations that will lead to protection and enhancement of the lamprey resources; and,

Be it further resolved that the Tribal Council approves the letter of support to the United States Department of Interior Fish and Wildlife Service and directs the Chairman of the Tribal Council to sign and send the letter requesting Tribal Wildlife Grant assistance. (Resolution No. 10,495.)

Fisheries

Whereas the Confederated Tribes of the Warm Springs supports the Columbia River Inter-Tribal Fish Commission's use of U.S. Environmental Protection General Assistance Program (GAP) funds to provide technical assistance to the tribe, consistent with the Tribal Restoration Plan, *W'y-Kan-Ush-Mi-Wa-Kish-W'it*, in order to restore anadromous fish in the Columbia River Basin; and,

Whereas the Confederated Tribes of the Warm Springs supports the Columbia River Inter-Tribal Fish Commission receiving funds through the GAP grant program to continue the planning coordination, and implementation of *W'y-Kan-Ush-Mi-Wa-Kish-W'it*, to provide technical assistance for the implementation of *W'y-Kan-Ush-Mi-Wa-Kish-W'it* and to assist in the identification, solicitation and procurement of funds for the tribal restoration program and *W'y-Kan-Ush-Mi-Wa-Kish-W'it*; and,

Whereas the Confederated Tribes of the Warm Springs supports the Columbia River Inter-Tribal Fish Commission applying for and receiving these funds each year for the next four years, beginning with the fiscal year 2006 funds and continuing through the fiscal year 2009 funds; now, therefore;

Be it resolved by the 23rd Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon hereby authorizes the Executive Director of the Columbia River Inter-Tribal Fish Commission to submit a grant proposal to the U.S. Environmental Protection Agency General Assistance Program this year and during each of the subsequent three years to be used to develop tribal capacity to plan, coordinate, implement watershed and habitat restoration activities. (Resolution 10,503.)

Enrollment

Be it resolved by the Twenty-Third Tribal Council of the Confederated Tribes of the Warm Springs, pursuant to Article III, Section 2 (a) as amended, of the Constitution and By-Laws, the following are enrolled members of the Confederated Tribes of the Warm Springs, as of the date set out below in accordance with Resolution No. 4301:

Dominic Darren Anthony Devault (Feb. 16, 2005).
Ralph Noah Edwards (April 11, 2005).
Gretalynn Kalama (March 8, 2005).
Alexa Francine Martinez (April 1, 2005).
Destiny Dawn Niday (March 14, 2005).
Todd Taylor Niday (March 14, 2005).
Raige Seth Tappo (March 30, 2005).
Levi James Frank (Feb. 11, 2005).
Kaycie Lee Smith (Feb. 16, 2005).
Brady Paul David (Jan. 4, 2005).
Caroline Elizabeth Hintsatake (Jan. 12, 2005).
Moneikah Louella Greigh Jackson-Palmer (Jan. 27, 2005).
Nathaniel Charles LeClaire (Jan. 19, 2005).
Kelly Ann Luton (Dec. 28, 2004).
Alyssia Lanay Scott (Dec. 15, 2004).
Taiyena Leah Scott-Pedraza (Jan. 25, 2005).
Darami Marquan Soto (Jan. 20, 2005).

Big game

Whereas the Confederated Tribes of the Warm Springs is a federally recognized Indian tribe organized pursuant to the Indian Reorganization Act of 1934; and,

Whereas the Tribal Council is the governing body of the Tribe pursuant to the Tribal Constitution; and,

Whereas the Warm Springs Branch of Natural Resources manages natural and cultural resources

for the long term benefit of the tribe and its members; and,

Whereas the United States Department of Interior Fish and Wildlife Service has announced a request for proposals for Tribal Wildlife Grants (TWG) to assist tribes in the management of fish and wildlife resources in a way that incorporates special cultural values; and,

Whereas big game resources (deer, elk and bighorn sheep) are important subsistence, cultural and religious foods for members of the tribe; and,

Whereas big game resources have been declining in the Mutton Mountain area of the Warm Springs Reservation; now, therefore,

Be it resolved by the Twenty-third Tribal Council of the Confederated Tribes of the Warm Springs, pursuant to Article V, Section 1(a) and (l) of the Constitution that the Tribal Council hereby supports and approves the application and request for funds by the Warm Springs Department of Natural Resources to the United States Department of Interior Fish and Wildlife Service Tribal Wildlife Grants program to conduct investigations that will lead to protection and enhancement of the big game resource; and,

Be it further resolved that the Tribal Council approves the letter of support to the United States Department of Interior Fish and Wildlife Service and directs the Chairman of the Tribal Council to sign and send the letter requesting Tribal Wildlife Grant assistance. (Resolution No. 10,494.)

Biomass

Whereas the Confederated Tribes of the Warm Springs Reservation is a federally recognized Indian tribe organized pursuant to the Indian Reorganization Act of 1934; and,

Whereas the tribe currently operates a biomass electrical generation facility in its wood products manufacturing plant; and,

Whereas the tribe and Portland General Electric Company own and operate the Pelton round Butte Hydroelectric Project; and,

Whereas the tribe is actively investigating the development of wind, geothermal and other renewable energy sources on the Reservation; and,

Whereas two Bonneville Power Administration transmission lines traverse the Reservation; and,

Whereas reliable, sufficient electrical transmission systems are vital to tribal interests in transmitting and selling the electricity that it generates and purchases; and,

Whereas the tribe has created a wholly owned enterprise, Warm Springs Power Enterprises, to develop and manage electrical generation sources on the Reservation; and,

Whereas another tribal enterprise, Warm Springs Forest Products Industries, is currently investigating the feasibility of a new biomass generating facility utilizing forest fuels from the Reservation and adjoining public lands; and,

Whereas Grid West is a Washington State non-profit company formed to pursue the development of a regional transmission organization which may ultimately operate the high voltage electrical transmission system in the Western United States and Canada, including those systems on and serving tribal lands; and,

Whereas the Tribal Council finds that membership in and participation in Grid West will benefit the Tribe; and,

Whereas the Tribal Council now desires to apply for membership in Grid West; now, therefore,

Be it resolved by the Twenty-Third Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Article V, Section 1 (f) and (l), of the Constitution, that the Tribal Council hereby authorizes and directs the General Man-

ager of Warm Springs Power Enterprises to submit an application for the Tribe to join Grid West and to seek a waiver of the membership fee; and,

Be it further resolved by the Tribal Council that James Manion is hereby appointed as the Tribe's designated representative to Grid West and Ralph Minnick is designated as the Tribe's alternate representative. (Resolution No. 10,489.)

Transportation

Whereas the Tribal Council is the governing body of the Confederated Tribes of the Warm Springs, with responsibility to promote the health, safety and general welfare of the tribal membership; and,

Whereas services for the elderly and disabled are an ongoing need and priority, including transportation services to support independent living; and,

Whereas the State of Oregon Legislature passed Senate Bill 180, which enables tribes to apply directly to the Oregon Department of Transportation for Special Transportation Funds (STF); and,

Whereas special Transportation Funds can be used to provide transportation services to the elderly and disabled; now, therefore,

Be it resolved that the (Twenty-Third) Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Article V, Section 1 (d) and (l) of the Tribal Constitution and By-Laws, that the Secretary-Treasurer is authorized to apply for Special Transportation Funds grants from the Oregon Department of Transportation to support the transportation needs of the elderly and disabled; and,

Be it further resolved that the Secretary-Treasurer is authorized to negotiate and execute any application or award documents in connection herewith, including any modifications thereto as required; and,

Be it further resolved that State of Oregon administrative rules for Special Transportation Funds will be followed, such as the appointment of an advisory committee, financial management and record keeping. (Resolution No. 10,476.)

1855 Treaty

Whereas the objective of the Tribal Council of the Confederated Tribes of the Warm Springs, as stated in the Constitution and By-Laws, to promote the advancement and welfare of the tribal membership and to protect tribal sovereignty and resources; and,

Whereas the Treaty with the Tribes of Middle Oregon of 1855 will be 150 years old in June 2005; and,

Whereas the Treaty of Middle Oregon Sesquicentennial Committee is established to promote celebration of the Treaty of 1855 and to gather information on the survival of the Tribes' culture and opportunities for its expansion for the Tribes' use and at the Tribal Council's discretion, the use of the public; and,

Whereas the Treaty of Middle Oregon Sesquicentennial Committee is willing to serve to promote celebration of the Treaty and the survival of our culture; now, therefore,

Be it resolved, by the Twenty-Third Tribal Council of the Confederated Tribes of the Warm Springs, pursuant to Article V, Sections 1 (a), (s), (t) and (u) of the Tribal Constitution and By-Laws, the Treaty of Middle Oregon Sesquicentennial budget is hereby approved with an appropriation of \$21,000 for operations. (Resolution No. 10,475.)

Appeals court

Whereas the Warm Springs Appeals Code, Section 203.001(10) provides that "The Tribal Council shall appoint an experienced former judge as Judicial Advisor to the Court of Appeals. The Ju-

dicial Advisor shall advise and assist the Court of Appeals Judges in the performance of their duties and obligations under this code. The Judicial Advisor... shall administer the Tribal Bar exam"; and,

Whereas the Warm Springs Appeals Code, Section 203.001(5); also provides that the Judicial Advisor to the Court of Appeals shall coordinate with newly appointed judges to the Court of Appeals in developing a personal training plan for each judge; and,

Whereas the Tribal Council has met with Douglas Nash, a Nez Perce tribal member who in the course of his professional career being a Tribal Attorney and a Tribal Judge and is currently an Assistant Professor of Law at the University of Idaho School of Law; and,

Whereas the Tribal Council believes that Professor Nash is well suited and highly qualified to serve as Judicial Advisor to the Court of Appeals and to carry out the functions and responsibilities of the Judicial Advisor as set out in the Warm Springs Appeals Code; now, therefore,

Be it resolved by the Twenty-Third Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Article V, Section 1(l), (s) and (u) of the Tribal Constitution, that the Tribal Council hereby appoints Professor Douglas Nash as the Judicial Advisor to the Warm Springs Court of Appeals; and,

Be it further resolved by the Tribal Council that the Secretary-Treasurer is hereby directed to negotiate and execute on behalf of the Confederated Tribes a contract with Professor Nash to retain his services as the Judicial Advisor to the Warm Springs Court of Appeals. (Resolution No. 10,467)

Fish agreement

Whereas the Tribal Council has reviewed the "2005-2007 Interim Management Agreement for Upper Columbia River Falls Chinook, Sockeye, Steelhead, Coho and White Sturgeon" "2005-2007 Interim Management Agreement" (attached as Exhibit "A"); and,

Whereas the Tribal Council has been advised that the 2005-2007 Interim Management Agreement for Treaty Indian and non-Indian fisheries in the Columbia River is the result of court orders and extensive negotiations between the parties to *United States v. Oregon*; and,

Whereas the Tribal Council has been further advised that the Treaty Indian fisheries in Zone 6 of the Columbia river provided for under the 2005-2007 Interim Management Agreement are consistent with both the Tribe's treaty allocation rights and with the conservation needs of the resource; and,

Whereas the Tribal Council believes that approval of the 2005-2007 Interim Management Agreement is in the best interest of the Tribe and its members and will serve to protect and preserve the off-reservation Treaty fishing rights secured in the Treaty with the Tribes of Middle Oregon of June 25, 1855; now, therefore,

Be it resolved by the Twenty-Third Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Article V, Section 1(a), (l) and (u) of the Tribal Constitution, that the 2005-2007 Interim Management Agreement included with this Resolution as Exhibit "A", is hereby approved; and,

Be it further resolved by the Tribal Council Chairman, or his designee, is hereby authorized to sign the 2005-2007 Interim Management Agreement on behalf of the Confederated Tribes of the Warm Springs Reservation of Oregon. (Resolution No. 10,465)