

# Tribal Council Resolutions

*(The following are recent resolutions of the Tribal Council of the Confederated Tribes of Warm Springs.)*

## Adoption election

Whereas Article III, Section 3, of the Constitution and By-Laws of the Confederated Tribes of the Warm Springs Reservation of Oregon ("Tribe") provides for the Secretary of the Interior ("Secretary") to call an election for purposes of adoption of persons as members of the Tribe; and,

Whereas it has been ten years since a successful adoption election has been held and there are a number of applicants for enrollment with the Tribe who are not eligible for automatic enrollment but who are eligible for adoption; and,

Whereas the Tribal Council believes it is appropriate for the Secretary to call for an election on the adoption of such persons and further believes that it would be most convenient if such adoption election could be scheduled to permit the eligible voters to cast their ballot over a two-day period, of May 15 and 16, 2007; 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) and Article III, Section 3, of the Tribal Constitution and By-Laws, that the Secretary is requested to call an election for purposes of adoption of persons as members of the Tribe, and that such election be scheduled for ballots to be cast over the two-day period of May 15 and 16, 2007. (Resolution 10,713.)

## Return of artifacts

Whereas the Confederated Tribes of Warm Springs Reservation of Oregon (Tribe) is a federally recognized Indian tribe which has traditional cultural areas in Oregon; and,

Whereas the Tribe has identified certain artifacts and cultural items in OSU's possession that are subject to transfer to

the Tribe; and,

Whereas the Tribe has asked OSU to transfer the items to the Tribe; and,

Whereas OSU and the Tribe have engaged in consultation over the items to be transferred to the Tribe, and have developed Agreements detailing the terms of the transfer of items; and,

Whereas there is a remote possibility that a person or entity may make a claim under NAGPRA for an item; and,

Whereas there is a remote possibility that a donor of Items transferred to the Tribe under this Agreement may ask OSU to return the items to the donor; and,

Whereas OSU has taken the steps necessary under ORS 358.420 to notify third parties who may have claims to the items; and,

Whereas the Tribe wants possession of the items and OSU wishes to accommodate this desire; and,

Whereas the Tribal Council has determined that the proposed Agreements to transfer cultural items and artifacts are in the best interests of the Tribe and now desires to adopt a limited waiver of sovereign immunity in connection with the Agreements; 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 Tribal Constitution and By-Laws, that the Tribal Council hereby adopts and approves the attached limited waiver of sovereign immunity as a provision to be included in Agreements to transfer cultural items and artifacts from OSU to the Tribe; and,

Be it further resolved that the Tribal Council hereby authorizes and directs the Secretary-Treasurer to execute and deliver said limited waiver of sovereign immunity. (Resolution 10,725.)

## Biomass

Whereas Tribal Council believes that the Warm Springs Biomass Energy Generation project ("Warm Springs biomass project") will provide economic, environmental and social opportunities for the Tribe as a whole and has taken formal action several times to support the biomass project; and,

Whereas it is anticipated that the Warm Springs biomass project will be owned and operated by the Warm Springs Biomass LLC, a tribally formed LLC, which will include outside equity investors; and,

Whereas it is anticipated that the energy generated by the Warm Springs biomass project will be sold under a long-term power sales agreement with Portland General Electric ("PGE"); and,

Whereas it is anticipated that the energy for sale to PGE it will be beneficial for the Tribe to own and operate an electric transmission line facility not to exceed 115 KV that interconnects with PGE facilities at either the Pelton Dam or the Round Butte Dam; and,

Whereas Tribal Council desires that such facility be engineered, constructed, owned and operated by the Warm Springs Power and Water Enterprises ("WSPWE"); and,

Whereas it is anticipated that WSPWE will provide electric transmission service to the Warm Springs Biomass LLC with such facilities in exchange for wheeling or other operational charges; and,

Whereas Tribal Council desires to authorize a transmission right of way corridor for such transmission facilities as identified in the attached Exhibit "A" and including access across tribal lands for egress and ingress to the transmission facilities; and,

Whereas Tribal Council deems it desirable to authorize WSPWE in conjunction with the Branch of Natural Resources ("BNR") to refine the actual location of the transmission facilities, including minor deviations from the corridor identified in the attached Exhibit "A" and to designate the width of the associated transmission corridor without requiring any further Tribal Council action; 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 5, Section 1(f), (l), and (u) of the Tribal Constitution and By-Laws, and Section 4 of the Tribal Corporate Charter, that Tribal Council hereby authorizes and designates a transmission right of way corridor identified in the attached Exhibit "A" for the purpose of engineering, construction, ownership and operation of electric transmission facilities by WSPWE, and including access across tribal lands for ingress and egress by WSPWE to the transmission facilities; and,

Be it further resolved that WSPWE is authorized, in conjunction with BNR, to refine the actual location of electric transmission facilities, including minor deviations from the corridor identified in the attached Exhibit "A" and to designate the width of the associated transmission corridor without further Tribal Council action. (Resolution 10,717.)

Whereas WSCP has demonstrated significant promise as a tribal enterprise; and,

## Composite Products

Whereas WSCP has the potential to obtain government contracts for its services that will substantially increase its business operations; and,

Whereas it is important for the success of WSCP that it obtain Small Business Administration (SBA) 8a status in order to obtain preference in the award of government contracts; and,

Whereas to obtain SBA 8a status it is necessary that the WSCP Plan of Operations ensure that the enterprise will be

managed and controlled by tribal members; and,

Whereas it is necessary to amend the WSCP Plan of Operations to meet the Small Business Administration requirements for SBA 8a organizations; and,

Whereas the proposed amendment includes a revision of the quorum provision and requires that a quorum consist of three Directors, two of whom must be tribal members; and,

Whereas the Tribal Council now desires to take the actions necessary for the further development of WSCP; 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 (o), of the Constitution and By-Laws, that the Third Amended Plan of Operations of Warm Springs Composite Products attached as Exhibit "A" is hereby approved and adopted. (Resolution 10,712.)

## Fisheries

Whereas the Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, that the Treaty with The Tribes and Bands of Middle Oregon on June 25, 1855 reserved to the Confederated Tribes of the Warm Springs Reservation of Oregon off reservation fishing rights at all Usual and Accustomed stations; and,

Whereas Resolution No. 6231 establishing procedures for conducting all Warm Springs Tribal ceremonial fisheries was adopted by the Tribal Council on June 8, 1982; and,

Whereas the Warm Springs Tribal Council has been advised by the Off-Reservation Fish and Wildlife Committee and the Natural Resources Department that the 2007 Columbia River spring chinook salmon run destined to pass above Bonneville Dam is predicted to be approximately 78,500 spring chinook salmon; and,

Whereas the Off-Reservation Fish and Wildlife Committee has recommended that the

Confederated Tribes of the Warm Springs Reservation of Oregon share of the allowable spring chinook salmon ceremonial harvest be 1,000 spring chinook salmon taken in gillnet fisheries for use in Longhouse ceremonies; now, therefore,

Be it resolved by the (Twenty-Third) Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, that pursuant to Article V, Section I (a), (l), and (u), of the Tribal Constitution and By-Laws, that the 2007 ceremonial gillnet harvest will be limited to 1,000 spring chinook salmon, the Confederated Tribes of the Warm Springs Reservation of Oregon allocation for spring chinook salmon ceremonial harvest. (Resolution 10,724.)

## Health services

Whereas the Tribal Council is concerned with the health and well being of the Warm Springs Community and the erosion of professional and financial resources available; and,

Whereas the Confederated Tribes have entered into a Joint Venture with the Indian Health Service for the staffing and operation of the Warm Springs Health and Wellness Center; and,

Whereas the Congress has provided recurring base staffing and operating resources in consideration of the Tribal commitments under the Joint Venture; and,

Whereas the Tribal Council, as an expression of self-determination has chosen to retain federal operation of several clinically based programs within the Health and Wellness Center; and,

Whereas the Tribal Council wishes to ensure that all resources provided by Congress for the expressed purpose of staffing and operating the Warm Springs Health and Wellness center remain with the Warm Springs Tribe; and,

*(Continued on page 11.)*

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