

Tribal Council Resolutions

Fishing access site

Whereas the Confederated Tribes of the Warm Springs Reservation of Oregon, by Treaty, reserved rights to fish at all usual and accustomed fishing stations; and,

Whereas the development and alteration of the Columbia Basin has impeded access to all such fishing sites; and,

Whereas P.L. 100-581, Title IV directs the United States Army Corps of Engineers (USACOE) to construct improvements at the In-Lieu and Treaty Fishing Access Sites and transfer the improvements and sites to the Bureau of Indian Affairs (BIA) for operation and maintenance; and,

Whereas pursuant to P.L. 100-581, and with the concurrence of the four tribes named in P.L. 100-581 and the BIA, the USACOE has constructed a commercial fish processing facility at the East White Salmon Treaty Fishing Access Site; and,

Whereas the four tribes named in P.L. 100-581 (Warm Springs, Umatilla, Yakama, Nez Perce) have determined that in order to move forward with operations at the East White Salmon Treaty Fishing Access Site, a Tribal Contractible Entity should be created as a Limited Liability Company (LLC) in the State of Washington; and,

Whereas the Twenty-Fourth Tribal Council, by Resolution, authorized the formation of an LLC with the Confederated Tribes of the Warm Springs Reservation of Oregon as an equal member with the three

other Tribes named in P.L. 100-581; and,

Whereas to form an LLC it is necessary for each member to make an initial capital contribution of funds, and those capital contributions must be equal for each member, now, therefore,

Be it resolved by the Twenty-Fourth Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Article V, Section 1, subsections (f), (l) and (o), of the Tribal Constitution and By-Laws, that the Tribal Council believes that it is in the best interests of the Tribe and its members to authorize that the Secretary-Treasurer dedicate and expend seven-thousand and five-hundred dollars (\$7,500) for the creation of the LLC to facilitate operation at the East White Salmon Treaty Fishing Access Site and Fish Processing Center. *Resolution No. 10,840.*

Position papers

Whereas the Tribe has an interest in a variety of renewable and conventional energy projects and in other economic development projects; and,

Whereas in the 2008 session of the 110th Congress, federal legislators are likely to take up several pieces of legislation that could impact tribal energy and other economic development activities and could impact natural resource management of tribal trust resources, including renewal of the Renewable Energy Production Tax Credits,

renewable energy legislation that could impact the viability of biomass energy generation, an expansion of activities that may be funded with tax-exempt bonding authorized by the Indian Tax Status Act, and extension of the accelerated depreciation and Indian wage tax credit tax provisions; and,

Whereas issues related to these legislative initiatives are described in a draft Tribal Tax Legislation Position Paper, attached (exhibit A), a draft Tribal Energy Position Paper, attached (exhibit B), and a Biomass and Tribal Trust and Forest Health Management White Paper, attached (exhibit C); and,

Whereas Tribal Council deems it desirable to participate in advocating for the policies outlined in attached position papers with federal legislators; and,

Whereas Tribal Council deems it desirable to advance these position papers and proposed resolutions, attached (exhibits D and E), to the National Congress of American Indians, the Intertribal Timber Council, and the Affiliated Tribes of Northwest Indians to gain their support of the positions; now, therefore,

Be it resolved by the Twenty-Fourth Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Article V, Section 1(a), (d), (f), (k) and (l) of the Tribal Constitution and By-Laws, that the attached exhibits A through E are hereby approved, that tribal representatives are hereby authorized to advance the same with appropriate federal legislators, and

that tribal representatives are hereby authorized to advance and seek approval of the same from the National Congress of American Indians, the Intertribal Timber Council, and the Affiliated Tribes of Northwest Indians. *Resolution No. 10,842.*

WSFPI

Whereas Warm Springs Forest Products Industries (WSFPI) is a tribally owned enterprise chartered pursuant to the Tribal Federal Corporate Charter; and,

Whereas WSFPI is operating the current biomass facility (the facility) located at the WSFPI mill site; and,

Whereas the generation of energy from the facility produces environmental attributes also known as renewable energy

certificates (RECs) that can be sold to a third party purchaser; and,

Whereas WSFPI desires to generate revenue by the sale of the RECs associated with the facility and has negotiated a draft contract for the purchase and sale of the RECs with 3Degrees Group Inc., a California Corporation ("REC Purchase and Sale Agreement"); and,

Whereas to fully effectuate the REC Purchase and Sale Agreement it is necessary for WSFPI to waive its sovereign immunity in the manner and form provided in exhibit A; and,

Whereas the Tribal Council believes that it is prudent and in the best interest of WSFPI to grant a limited waiver of sovereign immunity with regard to the REC Purchase and Sale Agreement in the manner and form

provided in exhibit A; now, therefore,

Be it resolved by the Twenty-Fourth Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Article V, Section 1(e) and (f), of the Tribal Constitution and By-Laws, and Sections 5 and 12 of the Tribal Federal Corporate Charter that the Tribal Council hereby approves the waiver of sovereign immunity attached (exhibit A) and authorizes WSFPI to include it in the terms and conditions of the REC Purchase and Sale Agreement; and,

Be it further resolved by the Tribal Council that upon execution the waiver shall be filed in accordance with the provisions of WSTC 30.005. *Resolution No. 10,836.*



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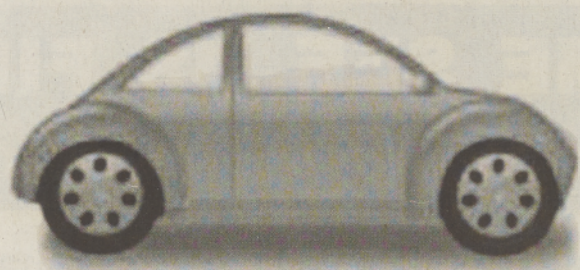
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