

Tribal Council Resolutions

Mill closure

Whereas the Tribal Council acting as the Board of Directors of Warm Springs Forest Products Industries previously adopted Resolution No. WSPFI 08-01 directing a conditional closure of the mill; and,

Whereas the closure of the mill is of significant importance to the community because of the jobs and revenue it historically produced and the role that it played in the management of tribal forests; and,

Whereas of great concern to the Tribal Council is the loss of tribal member jobs resulting from the closure; and,

Whereas the Tribal Council is concerned about the impact of the closure on other tribal enterprises such as the Warm Springs Biomass Project in which WSPFI was a joint venturer and Warm Springs Composite products which used steam from mill boilers; and,

Whereas the Tribal Council is also concerned about the impact of the closure on tribal forest management, particularly on dealing with the effects of the Mt. Jefferson fire and insect infestations; and,

Whereas the Tribal Council believes that it is important to convey timely, accurate information to it membership and the general public about a conditional closure of the mill; 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), (f), and (l) of the Tribal Constitution and By-Laws, that the Tribal Council hereby directs that the following actions be taken:

1. The Secretary-Treasurer shall coordinate measures within the Tribal organization to mitigate to the extent feasible the adverse impacts of the conditional mill closure on tribal members, their families and the community.

2. The Secretary-Treasurer shall coordinate with local, state and federal agencies to secure assistance to deal with the adverse impacts of the conditional mill closure.

3. The Secretary-Treasurer shall oversee a joint effort among tribal and Bureau of Indian Affairs representatives to develop a long-term plan for dealing with forest management and forest health issues.

4. The Secretary-Treasurer, in conjunction with the manag-

ers of affected tribal enterprises and the General Manager of the Branch of Natural Resources shall develop plans to deal with the direct and collateral impacts to tribal enterprises resulting from the conditional mill closure and shall report his recommendations to the Tribal Council not later than May 15, 2008.

5. The Secretary-Treasurer shall meet at least monthly with the Tribal Council regarding the status of each of the foregoing with any recommended Tribal Council actions; and,

Be it further resolved by the Tribal Council that the attached press release regarding the conditional mill closure is hereby approved for release to the public. (*Resolution 10,856*).

Museum board

Whereas the preservation and perpetuation of the history of the Confederated Tribes is of central importance to the Tribes; and,

Whereas the Confederated Tribes originally chartered the Middle Oregon Indian Historical Society in 1974 by Resolution No. 4084 to plan for and develop a Tribal museum and oversee the collection of Tribal artifacts; and,

Whereas that Charter was subsequently amended by Resolution No. 4422 in 1974 and Resolution No. 7741 in 1987; and,

Whereas the Charter for the Museum At Warm Springs, A Subordinate Organization was Chartered by the Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon was adopted on June 30, 1992; and,

Whereas the Museum at Warm Springs began operations in March, 1993; and,

Whereas the Tribal Council believes that the ultimate management authority for the museum should continue to reside in the Tribal Council and the Board of Directors of the Museum; and,

Whereas according to The Charter for the Museum At Warm Springs, A Subordinate Organization Chartered by the Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, Adopted June 30, 1992, Article IV, Board of Directors, Section 1. The Board of Directors shall consist of seven directors. The number of directors of The Museum may be increased or

decreased from time to time by amendment to this Charter; and,

Whereas the Board of Directors of the Museum has determined that in order to carry out its mission and purposes in a changing environment, respectfully requests that the Tribal Council amend the Museum's Charter and add two additional directors to the Board of Directors of The Museum; that the Tribal Council appoint these additional directors pursuant to Article IV, Section 3 of the Museum's Charter Appointment. Members of the Board of Directors shall be appointed by the Tribal Council from among the membership of the Board of Regents of The Museum; now, therefore,

Be it resolved by the (Twenty-Fourth) Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to The Charter for the Museum at Warm Springs, Article IV, Section 1 (l), (o), and (s) that the Charter of the Museum be amended to add one additional member to Class II, who is a member of the

Confederated Tribes of the Warm Springs Reservation of Oregon and a member to Class III, who is a member or non-member of the Tribes who is interested in the purposes of The Museum at Warm Springs; and,

Be it further resolved that Olney Patt, Jr. shall be appointed to class II position and Robert Smith shall be appointed to the class III positions as established by this resolution provided that such appointments are effective immediately and shall continue until Class II expires 01/01/10 and Class III expires 01/01/11 unless otherwise stipulated by Tribal Council. (*Resolution 10,850*).

Fisheries litigation

Whereas the Confederated Tribes of the Warm Springs Reservation of Oregon has a long and continuous history of expressing its rights and authorities as a sovereign to manage natural resources, including fish, wildlife, and their habitats, on its reservation, ceded lands, and at its usual and accustomed use areas, in order to provide for the fullest possible use of these resources by its members in ac-

cord with Tribal history, culture and law and consistent with the United States Constitution, Treaty of 1855, applicable statutes, judicial opinions and executive proclamations; and,

Whereas the Confederated Tribes of the Warm Springs Reservation of Oregon has exercised its sovereignty and pursued its objectives by using all means deemed necessary and appropriate to compel other jurisdictions, including the federal government, to manage their activities in a way that protects and enhances the Confederated Tribes of the Warm Springs Reservation of Oregon access to and utilization of fish, wildlife, plants, and other natural resources of cultural and economic importance to the Confederated Tribes of the Warm Springs Reservation of Oregon and its members; and,

Whereas since the listing of Columbia River Basin salmon and steelhead under the Endangered Species Act (ESA), the Confederated Tribes of the Warm Springs Reservation of Oregon has, among other actions, participated in legal challenges to the adequacy of the federal government's ESA required actions to protect salmon and steelhead and their habitats from the development and operation of the Federal Columbia River Power System and Upper Snake River dams; and,

Whereas the purpose of joining in these ESA lawsuits has been to attempt to argue for additional actions and commitments from the federal government to expedite the rebuilding of salmon and steelhead stocks and the repair of their habitats; and,

Whereas legal rulings by the federal court in the ESA cases over the last 15 years have consistently agreed with the Confederated Tribes of the Warm Springs Reservation of Oregon position that the federal dams were not adequately protective of listed salmon and steelhead and their habitats, yet those legal decisions have not resulted in significant new or additional actions to improve salmon and steelhead and their habitats; and,

Whereas the Confederated Tribes of the Warm Springs Reservation of Oregon has rights in fish and wildlife and their habitats that are not listed under the ESA; and,

Whereas the Confederated Tribes of the Warm Springs Reservation of Oregon has engaged in processes under the Northwest Power Act (NWP)

to secure funding and federal dam operations to improve the status of all fish and wildlife and habitats affected by the development and operation of the Federal Columbia River Power System, and have found the commitments from the federal agencies, including the funding commitment from the Bonneville Power Administration, to be insufficient to assist the Confederated Tribes of the Warm Springs Reservation of Oregon in meeting its fish and wildlife objectives; and,

Whereas after the 2004 NOAA Biological Opinion for the federal dams was ruled to be inadequate by the federal court, executives of key federal agencies charged with operating the federal dams (Bonneville Power Administration, U.S. Army Corps of Engineers, and the Bureau of Reclamation) and for developing the ESA plans (NOAA Fisheries) asked the Confederated Tribes of the Warm Springs Reservation of Oregon to enter into discussions to attempt to resolve long-standing differences regarding adequate plans for ESA species and Northwest Power Act commitments; and,

Whereas a work group of the Confederated Tribes of the Warm Springs Reservation of Oregon policy, technical and legal representatives developed a Framework for a 10-Year Hydrosystem Plan as a guide for discussions and negotiations that could lead to a plan to be considered by the Tribal Council; and,

Whereas this Framework was shared with the Administrator of BPA, and the Regional Administrator of NOAA Fisheries, and they agreed that they would engage in negotiations with the Confederated Tribes of the Warm Springs Reservation of Oregon and other Tribes to attempt to develop a 10-Year Plan to address ESA and NWP commitments that met the elements of the Confederated Tribes of the Warm Springs' Framework; and,

Whereas the Confederated Tribes of the Warm Springs Reservation of Oregon, along with representatives of the Yakama, Umatilla, and Nez Perce Tribes have engaged in extensive collaboration sessions regarding the new Biological Opinions for the federal dams, and in separate extensive negotiations of a Memorandum of Agreement (MOA) regarding expanded and additional commitments for ESA listed salmon and steelhead, and additional commitments for other species including but not limited to lamprey, sturgeon, and unlisted salmon and steelhead, such as Deschutes and John Day River Chinook salmon; and,

Whereas the MOA approximately doubles current funding to implement Confederated Tribes of the Warm Springs Reservation of Oregon fish and wildlife projects designed to increase the number of salmon

available to tribal fisheries, and provides ten-years of funding certainty and stability for tribal fisheries programs, enhancing these important tribal sovereignty rights; and,

Whereas the MOA will provide for funding to the Columbia River Inter-Tribal Fish Commission, and, it preserves the critical Fish Passage Center resources, and provides significant additional resources to Yakama, Umatilla, and Nez Perce fish and wildlife objectives allowing for the preservation of existing fish and wildlife programs and initiation of new programs; and,

Whereas it is extremely unlikely, if not impossible, that continued litigation over the next Biological Opinions for federal dams would cause the federal government to take actions of make commitments to fish and wildlife and habitat as expansive, beneficial, and direct as those in the next 10 years as those that BPA, the Corps of Engineers and the Bureau of Reclamation; will make in the MOA that they have negotiated with Warm Springs and others; and,

Whereas it is the strong and considered opinion by the Confederated Tribes of the Warm Springs Reservation of Oregon that the MOA provides more benefit to fish and wildlife resources than supporting a legal challenge that may be brought by others against the next Biological Opinions, and that the MOA provides an adequate 10-Year plan and is consistent with the Confederated Tribes of the Warm Springs Reservation of Oregon "Framework"; and,

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) of the Tribal Constitution and By-Laws, that the Tribal Council directs its legal counsel and technical staff to continue to engage in discussions and negotiations with representatives of Bonneville, Corps of Engineers, and Bureau of Reclamation to resolve outstanding issues as expeditiously as possible; and,

Be it further resolved by the Tribal Council that, the Chairman of the Tribal Council is authorized to sign the MOA; and,

Be it further resolved that the Tribal Council and its members should encourage the Yakama, Umatilla, and Nez Perce Tribes to consider the reasons for the Confederated Tribes of the Warm Springs Reservation of Oregon support and approval of the MOA herein recited, as those Tribes now engage their own decision-making processes; and,

Be it further resolved that the final, executed MOA should be presented to and discussed with the full Tribal Council at the earliest possible time so as to allow it to express its support and direction for its full and expeditious implementation. (*Resolution no. 10,862*).

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