

Resolutions of Tribal Council

(The following are resolutions of the Twenty-Fifth Tribal Council of the Confederated Tribes of Warm Springs.)

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,

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 Fish and Wildlife Committee and the Branch of Natural Resources that the 2011 Columbia River spring Chinook salmon run destined to pass above Bonneville Dam is predicted to be approximately 198,400 spring Chinook salmon; and

Whereas the 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 to be approximately 1,800 to 2,200 spring Chinook salmon taken in gillnet fisheries for use in Longhouse ceremonies now;

Be it resolved by the 25th Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, that pursuant to Article V Section 1 (a) (l) (u) of the Tribal Constitution and By-Laws, the 2011 ceremonial gillnet harvest will be limited to 1,800 to 2,200 spring Chinook salmon. (*Resolution no. 11,404.*)

Bonneville fisheries

Whereas the Treaty with the Tribes and Bands of Middle Oregon on June 25th, 1855 reserved to the Confederated Tribes of the Warm Springs Reservation of Oregon off reservation fishing rights at all usual and accustomed stations, including the Columbia River west (downstream) of the present-day Bonneville Dam; and,

Whereas the Tribal Council regulates treaty fishing for conservation and other purposes pursuant to the inherent sovereign authority reserved in the Treaty of June 25th, 1855, and pursuant to the Tribal Constitution and By-Laws and the Warm Springs Tribal code; and,

Whereas the Confederated Tribes of the Warm Springs Reservation of Oregon have established Treaty fishing rights in the Columbia River and regulates tribal member fishing in the area; and,

Whereas the Tribal Council has been advised of a Memorandum of Understanding (MOU) between the CTWSRO, the State of Oregon, and the State of Washington specifically addressing Tribal Fishing downstream of Bonneville Dam; and

Whereas the Tribal Council recognizes the hardship placed on Tribal members with harvest restrictions, as adopted by Resolutions in the past, but with concern for the future of the fishery resource understands the need; and so therefore,

Be it resolved by the 25th Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon pursuant to Article V, Section 1 (l), (r), and (u) of the Tribal Constitution and By-Laws, and Warm Springs Tribal Code Section 340.310 (2), that the following restrictive regulations are adopted for tribal subsistence fishing in the Columbia River Downstream of Bonneville Dam:

1. Warm Springs Tribal Members may harvest salmon and steelhead in the area described below for subsistence purposes from April 6 to December 31, 2011. The fishery may be adjusted based on the first run update and subsequent updates. The spring management period ends Wednesday, June 16.

2. The tribal subsistence fishery shall be open Saturday through Tuesday. Fishing opens at 5:00 am and closes at 10:00 pm.

3. Saturday will be an Elder, Children and Handicapped Day. An elder is considered 55 years and older. Other people may assist elders, children and handicapped persons transport gear or fish but may not engage in fishing on this day.

4. If non-Indian fisheries occur (Thursday - Saturday) Indian fishing will switch to Sunday through Wednesday. Sunday will be the Elder, Children and Handicapped Day.

5. All fishing equipment and garbage must be removed daily before the gate is locked. Left-over fishing equipment may be confiscated.

6. Fishers may use only one pole per person. This applies to ages 12 and older; those under 12 may fish with an attentive adult.

7. Fishing locations may not be held if the fisher is not present.

8. Any Warm Springs tribal members fishing below Bonneville Dam pursuant to this resolution shall carry an official tribal enrollment card and produce it upon request by state or tribal enforcement officers. Any person who produces a Warm Springs tribal enrollment card will not be required to produce a state fishing license.

9. Fishing from a scaffold is not allowed. CTWSRO does not relinquish aboriginal rights on ceded lands prior to the 1855 treaty to place scaffolds on ceded lands and at other Usual & Accustomed sites used since time immemorial. Co-management does not extend below Bonneville Dam.

10. Gear restrictions: Tribal fishing gear shall be restricted to bank subsistence gear, which is defined by the Ten-Year Agreement reached among the parties of US vs. Oregon in 2008 as:

Dipnet or bagnet, spear, gaff, club, fouling hook, hook and line or other methods as determined by the management entities.

11. The geographic scope of this fishery covers the banks of the Columbia River in the area bounded by a deadline marker on the Oregon bank (approximately four miles downstream from Bonneville Dam Powerhouse No. 1) in a straight line through the western tip of Pierce Island, to a deadline marker on the Washington bank at Beacon Rock up the river to a point 600 feet below the Bonneville dam, but excluding the following four areas:

(1) Between markers located 150 feet upstream and 450 feet downstream from the mouth of

Tanner Creek out to the center of the Columbia River, during the period August 16 to October 15;

(2) Inside the south navigation lock at the Bonneville Dam from a marker on the westernmost point of Robins Island to a marker on the Oregon mainland shore;

(3) From Bradford Island below Bonneville Dam from the south shore between the dam and a line perpendicular to the shoreline marker at west end of riprap and from north shore between fishway entrance and a line perpendicular to the shoreline marker 850 feet downstream; and,

(4) From Robins Island below Bonneville Dam downstream to a line perpendicular to the shoreline marker on mooring cell.

(5) Fishing from boats or other floating device is not permitted.

12. Retention of any sturgeon that may be caught incidentally while fishing for salmon or steelhead within the prescribed area shall be prohibited. Incidental catch of species other than sturgeon may be retained.

13. The over-the-bank sale of salmon and/or steelhead harvested from within the prescribed area below Bonneville Dam shall only occur when expressly permitted by an in-season tribal subsistence regulation adopted under the Columbia River Compact and

Treaty Tribes in the same manner as for Zone 6 fisheries. It is unlawful to barter for, accept, purchase or sell fish harvested illegally or harvested in non-treaty recreational fisheries.

14. No sales are allowed on Corps of Engineers property at Bonneville Dam. Fish caught during open commercial periods may be sold off Corps property.

15. The CTWSRO Department of Natural Resources or its delegate will be responsible for biological monitoring of the fishery. Fishers must allow inspection of their catch for biological monitoring.

16. Conduct of tribal fishermen shall be consistent with Warm Springs Tribal Code 340.310 which defines Off-Reservation Fishing by Tribal Members.

17. Pursuant to Warm Springs Tribal Code 340.310(13), the use of alcohol or drugs is prohibited when exercising Treaty Rights.

18. Pursuant to Warm Springs Tribal Code 340.700, penalties shall be strictly enforced to ensure compliance with rules and regulations. (*Resolution No. 11,405.*)

McKenzie dam

Whereas Eugene Water and Electric Board ("EWEB") owns and operates the Carmen-Smith Hydroelectric Project (the "Project") located on the McKenzie River in Linn and Lane counties, Oregon pursuant to a license from the Federal Energy Regulatory Commission ("FERC"); and

Whereas the McKenzie River is a "usual and accustomed" fishing site as that term is used in the Treaty with the Tribes of Middle Oregon of June 25, 1855, and is of great cultural significance to the Tribes as the McKenzie River fishery includes salmon, Pacific lamprey and other native fish species; and

Whereas EWEB's initial license to operate the Project expired on December 1, 2008 and EWEB has filed an application

for a new license; and

Whereas, as authorized by Resolution 10,938, the Tribe is a party to the "Settlement Agreement For the Relicensing of the Carmen-Smith Hydroelectric Project FERC Project No. 2242" ("Settlement Agreement"), which was executed in October 2008; and

Whereas the EWEB has identified the need to amend proposed License Article 24, "Implementation on NFS Lands," in Exhibit A of the Settlement Agreement; and

Whereas the amendment is necessary to eliminate a provision that is no longer needed due to modifications in an applicable Intergovernmental Agreement (IGA) between EWEB and the Forest Service; and

Whereas the Tribe believes that the amendment will not adversely impact its interests in settlement; now therefore,

Be it resolved by the 25th Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Article V, Sections (a) and (1), of the Constitution and By-Laws, that the Tribal Council hereby approves, and authorizes the Chairman of the Tribal Council to execute, the "Amendment to the 2008 Settlement Agreement For the Relicensing of the Carmen-Smith Hydroelectric Project FERC Project No. 2242," exhibit "A". (*Resolution no. 11,388.*)

Water

Whereas the people of the Confederated Tribes of Warm Springs Reservation of Oregon hold ultimate sovereignty over themselves and the Warm Springs Indian reservation; and,

Whereas the Confederated Tribes of the Warm Springs Reservation considers the health and wellness of the Tribal membership a high priority; and,

Whereas it is the duty of the Tribal Council to govern the reservation for the people's benefit; and,

Whereas arsenic is found in the Simnasho Water system at levels above what is considered safe; and,

Whereas drinking water with arsenic levels above the Safe Drinking Water Standard has the potential to create serious health effects such as increased cancer rates; and,

Whereas the Tribal Council has explored the possibility of obtaining funds through the local Housing Authority and other Tribal entities; and,

Whereas the Tribal Council is working to combine funding sources to achieve the ultimate goal of construction of a new water system pipeline; and,

Whereas the people have the need and have expressed the desire for a drinking water supply that is both adequate in quantity and meets the standards set by the Safe Drinking Water Act; and

Whereas the 25th Tribal Council recognizes and supports the people's desire for improvement in the area described and is committed to provide the leadership required to accomplish this goal; now, therefore,

Be it resolved by the 25th Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to the Constitution and By-laws, Article V, Section 1(a), (d), (e) and (f), and the Corporate Charter, Section 5(f), that the Tribal Council hereby proclaims its commitment to priori-

tize the use of Tribal resources for the following purposes:

1. Eliminate the Environmental Protection Agency (EPA) Safe Drinking Water Act violation which could result in the Tribes being fined.

2. Seek funding through the Housing and Urban Development (HUD) IHBG funding to assist with construction of the Simnasho-Schoolie Flat Community Water System.

3. Seek grant and/or loan funds through EPA, IHS, and other federal agencies to create a complete funding package for construction of the new Simnasho-Schoolie Flat Community Water System source.

4. Establish a right-of-way along the proposed water pipeline from the well head to the existing Beaver Creek Well field;

5. Construct a domestic water pipeline from the well source to the existing Beaver Creek well field and infrastructure to provide drinking water for the residents of Simnasho-Schoolie Flat;

6. Test the new water source to ensure that it meets all Safe Drinking Water Standards set; and direct the entire tribal organization and enterprises to support this priority as it carries out its duties.

Be it further resolved that the Secretary-Treasurer is authorized to submit applications, negotiate and execute such contract with Federal, State and/or local agencies. (*Resolution no. 11,407.*)

Capacity building

Whereas the Tribal Council approved the Economic Stewardship Plan by motion on July 29, 2010, to provide guidance for creating and expanding efforts to increase Tribal revenue, increasing the number of family wages jobs, developing a more robust private business sector, and improving/expanding business infrastructure; and,

Whereas the Economic Stewardship Plan creates a Capacity Team with a focus on improving the economic vitality of the Warm Springs Reservation by increasing Tribal revenue, increasing the number of family wage jobs, increasing the private business sector and improving and expanding business infrastructure; and,

Whereas the Capacity Team is comprised of government and non-government entities holding a shared investment in economic development and operating in partnership under an Memorandum of Agreement that fosters a shared mission among economic development sectors including: Profit Sector (Enterprise Development Corporation, Tribal Business Enterprises), Non-Profit Sector (Warm Springs Community Action Team with a focus on private/small business), Government Sector (Job Creation and Development, Grant Development, and Planning/Economic Development); and,

Whereas a total of \$10 million economic investment was approved through a 2010 supplemental budget and the 2011 annual budget; and,

Whereas the \$10 million investment includes \$2 million dedicated to capacity building, \$2 million dedicated to Private Business Revolving Loan Fund (PBRLF) assisting private business development, and \$6 million dedicated to Business Investment Revolving Fund (BIRF) dedicated to enterprise

development; now, therefore,

Be it resolved by the 25th Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Article V, Section 1(f), (l), (o) and (t) of the Constitution and By-Laws that the amount of \$2 million dollars is approved for funding of the Warm Springs Economic Capacity Building by the Capacity Team, as shown on the attached Exhibit "A", for the years 2011 through 2013 and,

Be it further resolved that the Secretary-Treasurer/CEO is granted the authority to approve requests from the Capacity Building budget and the Capacity Team, through the Secretary-Treasurer/CEO, shall report to the Tribal Council on requests approved and other activities during quarterly Economic Stewardship updates to Tribal Council.

Be it further resolved that the Capacity Team through the Office of the Secretary-Treasurer/CEO shall prepare a plan and schedule for Tribal Council review and concurrence, within six months of this date, on the leveraging of the initial \$2 million investment to execute a sustained economic stewardship initiative for the 2011-2013 period and beyond. (*Resolution no. 11,409.*)

TeleCo offices

Whereas the Confederated Tribes of the Warm Springs Reservation of Oregon ("Tribe") is a federally recognized Indian tribe; and,

Whereas the Confederated Tribes of Warm Springs desires to enhance its economic development and employment opportunities for its Tribal membership; and,

Whereas to address the Reservation's economy and employment, the Warm Springs Tribal Council created the Warm Springs Enterprise Development Corporation, also known as Warm Springs Ventures ("Ventures"); and,

Whereas on March 1, 2002 the Tribes transferred Management of the Plaza to Ventures through Resolution no. 10,369; and,

Whereas the transfer was effectuated in order to provide property management services, on behalf of the Tribes, for Tribal businesses and entrepreneurs to pursue and develop potential businesses and employment opportunities; and,

Whereas Tribal Council passed Resolution no. 11,380, to temporarily relocate the Casino to the land adjacent to the Warm Springs Plaza; and,

Whereas the Temporary Casino will provide opportunities for Tribal small business and entrepreneurs with the increased exposure on Hwy 26; and,

Whereas in order to make room for potential new Tribal small businesses Ventures is moving its office from the Plaza up to the old Apparel Factory; and,

Whereas the Warm Springs Telecommunications Company is using \$550,000 of BIP ARRA funding to remodel the Apparel Factory into the Telco's Central Office space; and,

Whereas Ventures' is planning on upgrading the Apparel Factory's roof, HVAC system, Septic and other required repairs to the building to make it usable; and,

(Continued on the next page.)