

Resolutions of Tribal Council

Biomass

Whereas Tribal Council believes that a biomass fueled energy generation facility located on the Reservation will provide economic, environmental and social opportunities for the Tribe and tribal members; and,

Whereas Oregon BioEnergy LLC ("OBE") is proposing to develop, construct, own and operate a biomass fueled energy generation facility ("Project") on a site within the Reservation to be comprised of approximately 100 acres ("Site"); and,

Whereas pursuant to Tribal Council Resolution 11,351, Tribal Council approved a License to permit OBE to undertake the permitting, development and feasibility study of the Project at the Site ("License"); and,

Whereas pursuant to Tribal Council Resolution 11,478 Tribal Council approved an extension to the License Term which was memorialized in a First Amendment to License Agreement; and,

Whereas the License is scheduled to expire on October 1, 2011 "unless earlier extended in writing by mutual agreement of the Parties" ("Term"); and,

Whereas the Tribal Council deems it necessary and desirable to extend the Term of the License until December 31, 2011 as provided in the Second Amendment to License Agreement, attached as Exhibit "A", provided OBE and its parent company, Northwest Energy Systems Company LLC agree to terms reflected in September 12, 2011 correspondence, attached as Exhibit "B" in a manner reasonably satisfactory to the Secretary-Treasurer/CEO; and, 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(c), (f), and (l), of the Tribal Constitution and By-Laws and Sections 3(b) and (f) of the Tribal Corporate Charter, the Tribe hereby conditionally approves the Second Amendment to License Agreement, attached as Exhibit A and conditionally authorizes the Secretary-Treasurer/CEO to execute the same with any minor modifications deemed necessary by the Secretary-Treasurer/CEO, the foregoing expressly conditioned on OBE and NESCO first agreeing to terms reflected in September 12, 2011 correspondence, attached as Exhibit "B" in a manner reasonably satisfactory to the Secretary-Treasurer/CEO. (*Resolution no. 11,497.*)

Waste project

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

Whereas Warm Springs is very active in planning and constructing economic and community development opportunities; and,

Whereas by passage of Tribal Council Resolution No. 11,289 the Business Investment Revolving Fund "BIRF" Committee was created with one of its objectives being to provide a means for assistance with the development of business opportunities by Tribal business enterprises for the Warm Springs Reservation; and,

Whereas through a supple-

mental budget and an annual budget process, the Tribal Council has duly appropriated funds in the amount of \$6,000,000 to the BIRF fund with the Secretary-Treasurer/CEO developing policies and procedures for expenditure of such funds to be presented and approved by the Tribal Council before any distribution of such funds; and,

Whereas Renewable Energy Incorporated ("REI") desires to construct and operate a municipal solid waste gasification generation facility ("REi facility") on trust land, and,

Whereas the REi facility will lead to the development of up to fifty (50) new family wage jobs and provide revenue generation opportunities for the Tribe; and,

Whereas the feasibility of the REi facility requires securing the Section 1603 Grant In Lieu of Investment Tax Credit before the December 31, 2011 which will rely, in part, on securing site control, tribal permitting and other development activities this fall; and,

Whereas Warm Springs Power and Water Enterprises is actively negotiating terms and conditions for a long term site, lease, and option for the construction, operation, and ownership of the REi facility and is assisting REi in efforts to facilitate other necessary development activities; and,

Whereas WSPWE expects that planning and development costs and the costs of permitting the REi facility will be \$100,000; and,

Whereas the "BIRF" Committee has met on September 9, 2011, and reviewed the request for funding, under the terms and conditions recommended by the "BIRF" committee and believes the \$100,000 request meets the objectives of this Fund and hereby recommends Tribal Council approve said expenditure to WSPWE and to Warm Springs Branch of Natural Resources, Environmental Office to cover expenses of up to \$100,000, and that any unused sum be returned to the BIRF Fund; 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) and (t) of the Tribal Constitution and By-Laws, that the Tribal Council hereby authorizes the Secretary-Treasurer/CEO to provide funding to Warm Springs Power & Water Enterprises and Warm Springs Branch of Natural Resources from the BIRF Fund in the total amount of up to \$100,000 in accordance with terms and conditions agreed to by the BIRF Committee and directs that any unexpended funds be returned to the BIRF Fund and further directs as provided in the funding terms and conditions on such funding shall be reinvested in the BIRF Fund. (*Resolution no. 11,498.*)

Palomar

Whereas Palomar Gas Transmission, LLC ("Palomar") filed an application with the Federal Energy Regulatory Commission under the Natural Gas Act (the application proceeding, FERC Docket Number CP09-35) for federal authorization to construct and operate a natural gas transmission line (the "Pipeline") with the eastern segment extending from the interstate

natural gas pipeline facilities of Gas Transmission Northwest Corporation near Madras, Oregon, to the vicinity of Molalla, Oregon; and,

Whereas Palomar's application in the FERC Proceeding identified a proposed route that involved an aerial crossing of the Deschutes River within a segment of the Deschutes River that has been designated part of the National Wild and Scenic Rivers System ("Wild and Scenic Deschutes River") and, in the Tribe's view, involved impacts to other tribal interests; and,

Whereas on October 20, 2010, the Tribe and Palomar entered into an Agreement for Easement for Natural Gas Pipeline Purposes which identifies an alternative on-Reservation pipeline route, crossing approximately 36.1 miles of Reservation land ("Warm Springs Alternative") that will be analyzed by the FERC in an Environmental Impact Statement ("EIS"); and,

Whereas the Tribe believes that the construction and operation of the Warm Springs Alternative in the manner consistent with the adopted Environmental and Mitigation Package is in the Tribe's best interest and is the environmentally preferred alternative, particularly as it relates to eliminating impacts to the Wild and Scenic Deschutes River, to managing impacts to cultural and other sensitive resources, and to potential future economic development and job creation opportunities; and,

Whereas NorthernStar Pipeline Company, LLC, a liquefied natural gas company associated with the western segment of the Pipeline, filed bankruptcy in the United States Bankruptcy Court for the South District of Texas, Houston Division which has impacted the scope and commercial status of the Pipeline; and,

Whereas on March 23, 2011, Palomar filed with FERC a Notice of Withdrawal of Certificate Application for the Pipeline; and,

Whereas Palomar has expressed its desire to pursue the eastern segment of the Pipeline, including the Warm Springs Alternative, under a new commercial arrangement and under a new FERC Certificate application; and,

Whereas Palomar requires additional time to diligently pursue a new commercial arrangement and, if successful, to file a new FERC Certificate application for the eastern segment of the Pipeline, including the Warm Springs Alternative; and,

Whereas Palomar desires to maintain the rights and obligations of the Agreement for Easement for Natural Gas Pipeline Purposes during this time; and,

Whereas the Tribe desires to provide additional time to Palomar to diligently pursue the eastern segment of the Pipeline, including the Warm Springs Alternative, and to maintain the rights and obligations of the Agreement for Easement for Natural Gas Pipeline Purposes during this time through the attached Addendum Number 1 to the Agreement for Easement for Natural Gas Pipeline Purposes; 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 1(c), (f) and (l), of the Tribal Constitution and By-Laws, that the Tribal Council hereby approves the Addendum Number

1 to the Agreement for Easement for Natural Gas Pipeline Purposes ("Addendum"), attached as Exhibit "A"; and,

Be it further resolved that the Tribal Council hereby approves extending the waiver of sovereign immunity included in the Agreement for Easement for Natural Gas Pipeline Purposes to apply to the Addendum attached as Exhibit "A"; and,

Be it further resolved by the Tribal Council that the Tribal Council Chairman, Vice-Chairman or Secretary Treasurer/CEO is hereby authorized to sign and execute a finalized version of the Addendum, attached as Exhibit "A", with such minor edits to the Addendum or its exhibits as deemed necessary by the Chairman on behalf of the Tribe. (*Resolution no. 11,499.*)

Fire impact

Whereas on August 24, 2011, the Warm Springs Reservation of Oregon experienced a lightning storm that ignited 48 fires scattered throughout the forested and range areas of the reservation; and,

Whereas the High Cascades Fire Complex (Power Line, West Hills, Razorback, Seekseequa, Badger Butte/Lemiti and Trout Lake fires) was contained on September 16, 2011; and,

Whereas a large portion of the High Cascades Fire Complex burned within areas designated as condition use (10,774 acres) with specific acres as follows:

1. Power Line — 1,485 (Mill Creek Canal, Potter's Pond, Boulder East CUAs)
2. West Hills — 1,931 (Tenino, Wolford, Seekseequa, Beachcomb CUAs)
3. Razorback — 5,796 (Razorback, Mutton Mountains, Tule Lake CUAs)
4. Seekseequa — 1,394 (Box Canyon CUA)
5. Badger Butte/Lemiti — 34 (Cedar Meadows, Badger Creek Flat CUAs)
6. Trout Lake — 134 (Boulder CUA); and,

Whereas the Integrated Resources Management Plan provides for active management to deal with forest health issues and capture the economic value of trees impacted by catastrophic events such as the High Cascades Fire Complex through salvage operations; and,

Whereas the Branch of Natural Resources has conducted initial surveys of the forested acres, including those acres designated as conditional use areas, impacted by the High Cascades Fire Complex; and,

Whereas these surveys indicate trees within conditional use areas impacted by the High Cascades Fire Complex have economic value that can be recovered through salvage harvests without causing excessive damage to other natural or cultural resources; and, 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 (a) and (l), of the Constitution and By-Laws, as amended, that the Tribal Council authorizes the Natural Resources Branch to proceed with an expedited salvage assessment plan (or plans) to harvest fire-impacted trees and perform associated forest management activities within conditional use areas; and,

Be it further resolved that the Branch of Natural Resources will follow the Integrated Resources Management Plan in developing an assess-

ment of impacts to all natural and cultural resources; and,

Be it further resolved that Tribal Council authorizes the Branch of Natural Resources to proceed with salvage operations and associated management activities within conditional use areas affected by the fire after the assessment is completed; and,

Be it further resolved that applicable tribal and federal laws will be adhered to and complied with for the duration of approved salvage projects. (*Resolution no. 11,502.*)

Aspirations Project

Whereas the Confederated Tribes of the Warm Springs Reservation of Oregon is a federally recognized Indian Tribe, and its Tribal Council is the duly elected governing body for the Confederated Tribes of the Warm Springs Reservation of Oregon, operating under the authority of the Constitution and By-laws to protect and promote the general welfare of its members; and,

Whereas Tribal Council recognizes that the health, safety and general welfare of the tribal community members and their families living on the Warm Springs Indian Reservation are matters of the highest importance; and,

Whereas the Confederated Tribes of the Warm Springs Reservation of Oregon Council has reviewed and accepted the invitation to participate in the SAMHSA funded Native Aspirations Project being administered by KAI to develop (or enhance) a comprehensive Community Prevention Plan and Community Sustainability Plan for youth violence, bullying, and suicide prevention. The project's duration is through September 1, 2013, and is subject to the availability of project funding; and,

Whereas the Warm Springs community of the Confederated Tribes of the Warm Springs Reservation of Oregon has been identified as the community "most in need" to participate in the Native Aspirations Project; and,

Whereas the Confederated Tribes of the Warm Springs Reservation of Oregon Council agrees to participate in the project evaluation process pertaining to data use and data sharing the Confederated Tribes of the Warm Springs Reservation of Oregon Resolution is a supplement to the mutual project evaluation and fiscal responsibilities described in the KAI and ICF Macro Memoranda of Understandings and KAI Community Budget Agreement; and,

Whereas the Community Counseling Center is being submitted as the recommended Confederated Tribes of the Warm Springs Reservation of Oregon Lead Agency (pending Native Aspirations Project Director review and approval) to house this project and serve as the fiscal agent for the Confederated Tribes of the Warm Springs Reservation of Oregon, in order to monitor and provide oversight of the use of community funds to be distributed incrementally over the course of the Confederated Tribes of the Warm Springs Reservation of Oregon engagement in the project; and,

Whereas the names and titles of the following individual(s), are being submitted as the recommended tribal Lead Contact and Co-Lead Contact persons (pending Native Aspirations Project Director review and approval) to facilitate this project for the Confederated Tribes of Warm Springs, and,

Whereas the names of the following individuals are being submitted to be part of the Oversight Panel for the Confederated Tribes of Warm Springs, who will oversee the efforts and activities for the Native Aspirations Project:

Caroline M. Cruz, Health & Human Services General Manager, Lead Contact; Jolene Walters, Community Counseling Center Director, Co-Lead Contact; Michael Martinez, Prevention Coordinator, Health & Welfare Committee; Mitchell Lira, Youth Representative.

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(d), (l), and (p) of the Tribal Constitution and By-Laws, that the Secretary-Treasurer/CEO is authorized and approve the acceptance for participation with the Native Aspirations Project and do hereby authorize the Confederated Tribes of Warm Springs community to participate in the project. The Confederated Tribes of Warm Springs Council approved the recommended Lead Contact and Co-Lead Contact persons to facilitate and obtain the necessary tribal authorization for the program implementation and process evaluation. Furthermore, the Tribal Council approved the recommended name of the Lead Agency to house the project and serve as fiscal monitor and the recommended names submitted to serve on the Oversight Panel.

Be it further resolved that the Secretary-Treasurer/CEO is authorized to negotiate and execute any application or award documents in connection herewith with Kauffman & Associates, Inc. (KAI). (*Resolution no. 11,505.*)

Legal Aid Services of Oregon provides free assistance to low-income Oregonians in many civil cases. Speak with an attorney during drop-in hours 1 to 4 p.m. on the first Monday of the month at the Warm Springs Community Action Team building, 1136 Paiute Ave, Warm Springs. Or call 385-6944 Monday through Thursday between 9 a.m. and 4 p.m. (at lunch from noon-1 p.m.)

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