

## Resolutions of Tribal Council

### Carbon project

**Whereas** the Confederated Tribes of the Warm Springs Reservation of Oregon is a federally recognized Indian tribe; and,

**Whereas** the Tribe has formed a number of business enterprises which are wholly owned by the Tribe, including the Warm Springs Economic Development Corporation d.b.a ventures ("Ventures"), Warm Springs Geovisions ("Geovisions") and Eagle Tech Enterprises ("Eagle Tech"); 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 on the Warm Springs Reservation; and,

**Whereas** Ventures has proposed three projects to the BIRF Committee for a total funding of \$656,000, including: a) Carbon Sequestration Project in the amount of \$350,000 to Geovisions; b) Tribal Employment Rights Ordinance program in the amount of \$100,000 to Ventures; and c) Warm Springs UAV Test Range project in the amount of \$206,000 to Eagle Tech (collectively "Programs"); and,

**Whereas** the Tribal Council has supported these Projects over the past three years, including passage of the following resolutions; and,

1. On January 22, 2014, the Tribal Council approved Resolution 11,840 authorizing the Carbon Sequestration Program Phase I development BIRF funding in the amount of \$175,000; and,

2. On July 30, 2014, the Tribal Council approved Resolution 11,907 approving Carbon Sequestration Project Phase 2 development and authorizing use of previously BIRF allocated funds for Phase 2 development; and,

3. On February 24, 2015, the Tribal Council approved Resolution 11,979 by unanimous decision which approved the proposed Carbon Sequestration Project, authorized project listing, and delegated project management to Geovisions, among other actions; and,

4. On February 24, 2015, the Tribal Council approved by unanimous decision Ordinance 96, the Tribal Employment Rights Ordinance ("TERO"); and,

5. The Tribal Council approved Resolution 11,454 which supports the creation of a UAV Test Range on the reservation and directs the Secretary/Treasurer/CEO and Executive Director of WSEDC (Ventures) to advance the creation of the UAV Test Range; and,

**Whereas** the funding request is based on the following:

1. Full completion of the Carbon Sequestration Program requires an additional \$350,000 for all implementation efforts, including project listing, outside verification and commercialization charges among others, with the expected project listing and commercialization date in early 2016;

2. Immediate implementation the TERO Code and development of the TERO program operations requires funding in the amount of \$100,000 for first year start-up operations; and,

3. The UAV Test Range is now open for business and there is an immediate need to provide first year operational funding support from the BIRF of \$206,000 for the UAV Test Range operations to conduct the first test flights during the spring of 2015; and,

**Whereas** the BIRF committee has met on March 13, 2015 and reviewed the requests for funding for the Programs, under the terms and conditions recommended by the BIRF committee and believes the

\$656,000 request meets the objectives of this fund and hereby recommends that the Tribal Council approve said expenditure;

**Whereas** the Tribal Council supports the ongoing implementation of the Programs and believes the following funding and actions are in the best interests of the Tribe; now, therefore,

**Be it resolved** by the Twenty-Sixth 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:

1. Authorizes the Secretary-Treasurer to provide funding in the amount of \$350,000 to Geovisions for the Carbon Sequestration Project from the BIRF fund in accordance with terms and conditions agreed to by the BIRF Committee and directs that as provided in the funding terms and conditions any interest and earnings on such funding shall be reinvested in the BIRF fund; and,

2. Delegates to Ventures initial implementation and administration of the TERO including TERO Program operations until such time as Ventures recommends independent administration of the office; and,

3. Authorizes the Secretary-Treasurer to provide funding in the amount of \$100,000 to Ventures for the TERO implementation from the BIRF fund in accordance with terms and conditions agreed to by the BIRF Committee and directs that as provided in the funding terms and conditions any interest and earnings on such funding shall be reinvested in the BIRF fund. (*Resolution no. 11,992.*)

### WSFPI

**Whereas** the Confederated Tribes of Warm Springs Reservation of Oregon ("Tribe") is a federally recognized Indian Tribe; and the Tribal Council is a duly elected body of the Tribe who exercises governmental and corporate powers in accordance with the Tribal Constitution and By-Laws and Corporate Charter; and,

**Whereas** Warm Springs Forest Products Industries ("WSFPI") is a wholly owned business enterprise of the Tribe, formed in 1966 pursuant to tribal referendum under section 12 of the Tribe's Corporate Charter and a Restated Plan of the Operations approved by the Tribal Council in Resolution 8413(WSTC Chapter 615); and,

**Whereas** the Bureau of Indian Affairs has issued a Cease and Desist order requesting stumpage payment be made prior to recanting the order; and,

**Whereas** the Tribal council has necessitated the enterprise to formulate a viable comprehensive plan to stabilize and facilitate the declining revenue of the Tribes trust assets; and,

**Whereas** the Tribes trust asset programs are replenished through the sale of timber from the Tribes Trust Assets which are regulated by the Division of Natural Resources, WSPFI and the Bureau of Indian Affairs; and,

**Whereas** WSPFI has a financial responsibility of providing a benefit to the Tribes' Senior Pension, Per Capita, and jobs for the community members; now, therefore,

**Be it resolved** by the Twenty-Sixth Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Articles V, Section 1 (f),(l) and (u) of the Tribal Constitution and By-Laws, "WSFPI" has made a payment of \$178,729.00 which included 4 percent interest on March 31, 2015 towards its stumpage payment for the fiscal year 2014; now, therefore,

**Be it further resolved** WSPFI will pay stumpage owed for partial Fiscal Year 2014 in the amount of \$1,762,074.19 including the interest of 4 percent; and,

**Be it further resolved** the total stumpage payments of \$3,805,076.53 which include 4 percent interest will be applied towards the stumpage in arrears as outlined in the attached payment schedule; now, therefore,

**Be it further resolved** that a quarterly review will be done on the cash position of WSPFI to determine if an increased or decreased payment is feasible; now, therefore,

**Be it further resolved** the Tribal Council revisit the Cutting Contract to review the Gang of Three pricing mechanism; now, therefore,

**Be it further resolved** the Tribal Council by passage of this resolution hereby directs the Bureau of Indian Affairs Superintendent or his Designee to remove "cease and desist" order. (*Resolution 11,991.*)

### Enrollments

**Be it resolved** by the Twenty-Sixth Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Article III, Section 2 (a) as amended, of the Tribal Constitution and By-Laws, the following are enrolled members of the Confederated Tribes of the Warm Springs Reservation of Oregon, as of the date set out below in accordance with Resolution 4301:

Caldera, Adriana Rose, 10/31/2014

Garcia, Allen Johnson Rhoan, 03/04/2015

LeClaire, Arlee WiwnuRose, 02/27/2015

Mitchell, Rylan Joseph, 03/16/2015

Scott, Jovani BroncRider, 03/09/2015

Smith, Louis Spencer, 02/05/2015

(*Resolution 11,990.*)

**Be it resolved** by the Twenty-Sixth Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Article III, Section 2 (a) as amended, of the Tribal Constitution and By-Laws, the following are enrolled members of the Confederated Tribes of the Warm Springs Reservation of Oregon, as of the date set out below in accordance with Resolution 4301:

Martinez, Quintis Keane, 01/20/2015

Spino, Jaiyana Avyana, 01/07/2015

Warner, Juliet Savant, 01/29/2015

(*Resolution no. 11,976.*)

### Coal transport

**Whereas** the Tribal Council for the Confederated Tribes of Warm Springs Reservation of Oregon has an obligation to protect the water, lands, and natural environments that have sustained our people since time immemorial, and to protect these things as well as our Treaty rights for present and future generations; and,

**Whereas**, since time immemorial, the economy, culture, religion, and way of life of the Confederated Tribes of Warm Springs Reservation of Oregon have been centered around fishing, hunting, and gathering, and the Confederated Tribes of Warm Springs Reservation of Oregon has been and remains a protector of the lands and waters on which that are inseparable from our history and critical to our future as a people; and,

**Whereas** Coyote Island, LLC submitted permit applications to the US Army Corps of Engineers and

the Oregon Department of State Lands (DSL) proposing to construct a coal transport facility and new dock on the Columbia River in the Port of Morrow; and,

**Whereas** the coal transport facility would receive coal by rail from Wyoming and Montana, load it onto barges that would travel down the Columbia River to Port Westward in St. Helens where the coal would then be loaded onto ocean-going "Panamax" vessels, and the coal would then be shipped to Asia where it would be burned in coal-fired power plants, emitting mercury and other toxins that return through the atmosphere to our homes; and,

**Whereas** the project would result in a near doubling of current levels of barge traffic on the Columbia River; and,

**Whereas** the project poses numerous risks to treaty rights and resources, including:

- Interference with and displacement of treaty-protected traditional fishing areas;

- Potential destruction or interference with our cultural and religious areas;

- Degradation of human health, related to fugitive coal dust and mercury poisoning;

- Declining water quality and loss of salmon and lamprey habitat from rail, barge and ship operations;

- Increased barge traffic, affecting safety of tribal fishers and their nets; Increased train traffic, potentially affecting access to treaty fishing areas and increasing danger at rail crossings;

- Exacerbation of climate change, including sea acidification from coal-fired plant discharges; and,

**Whereas** the Confederated Tribes of Warm Springs Reservation of Oregon submitted correspondence, declarations, and other evidence to the U.S. Army Corps and the Oregon Department of State Lands opposing the permits; and,

**Whereas** on August 18, 2014, the Oregon DSL denied the permit application of Coyote Island, which denial caused the U.S. Army Corps to suspend its review of the River and Harbors Act § 10 permit application; and,

**Whereas** on September 8, 2014, Coyote Island and the Port of Morrow filed a request for a hearing to review the DSL permit decision, which review is a contested case proceeding in the Oregon Office of Administrative Hearings; and,

**Whereas** the State of Montana, the State of Wyoming, and Columbia Riverkeeper have intervened as parties in the contested case proceeding; and,

**Whereas** legal counsel for the Tribe has recommended intervention in the contested case proceeding to continue to protect our water, environment, and Treaty rights and resources; now, therefore,

**Be it resolved** by the Twenty-Sixth Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Article V, Section 1 (b) and (l), of the Tribal Constitution and By-Laws, that the Tribal Council directs the tribal attorneys to file all necessary documents to participate in and protect the rights and interests of the Confederated Tribes of Warm Springs Reservation of Oregon in the contested case proceeding, OAH Case Nos. 1403883 and 1403884; and,

**Be it further resolved** by the Tribal Council that tribal attorney will report to the Tribal Council and on a regular basis regarding this matter. (*Resolution 11,988.*)

### Geothermal

**Whereas** the Confederated Tribes of the Warm Springs Reservation of Oregon ("Tribe") is a 1/3 owner of the 465 MW Pelton-Round Butte Hydroelectric Project, the owner of the 19.5 MW Reregulating Dam Hydroelectric Project, and the owner of a 9 MW wood waste biomass electrical generation project; and,

**Whereas** the Tribe believes that it can become a contributor of renewable energy in the Pacific Northwest to improve the tribal economy and contribute to the energy security of the United States; and,

**Whereas** the Tribe has developed information indicating that there may be significant geothermal energy resources on the Reservation which the Tribal Council believes may provide economic, environmental and social opportunities for the Tribe as a whole; and,

**Whereas** the Tribe has considered the recent report of GeothermEx, Inc. recommending further exploratory work to determine the feasibility of geothermal energy development on the Reservation including the drilling of deep temperature gradient well; and,

**Whereas** the current fiscal situation of the Tribe will not permit the Tribe to undertake such exploratory activities in the foreseeable future; and,

**Whereas** the Tribe has chartered Warm Springs Power and Water Enterprises ("WSPWE") as a tribally owned enterprise pursuant to section 12 of the Tribe's federal corporate charter with responsibility for developing and managing the Tribe's energy resources; and,

**Whereas** WSPWE has prepared an Energy and Mineral Development Program (EMDP) grant proposal, to assist in continuation of the Tribe's geothermal energy development effort; and,

**Whereas** the Tribe desires to study the geothermal resources fully; is willing to consider development of any potential mineral resource discovered through the program; desires that the program be conducted utilizing a combination of tribal staff and private contractors/consultants; and will consider the public release of information obtained from the energy and mineral development study; now, therefore,

**Be it resolved** by the Twenty-Sixth Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Article 5, Section 1(a), (d), (f), and (l) of the Tribal Constitution and Section 4 of the Tribal Corporate Charter, that Tribal Council authorizes submission of the EMDP grant proposal; approves the EMDP project, and otherwise desires to study the commodities; is willing to consider development of any potential mineral resource discovered through the program; desires that the program be conducted utilizing a combination of tribal staff and private contractors/consultants; and will consider the public release of information obtained from the energy and mineral development study. (*Resolution 11,978.*)

