



**RESOLUTION OF THE GOVERNING BODY
OF THE
THREE AFFILIATED TRIBES
OF THE
FORT BERTHOLD INDIAN RESERVATION**

A Resolution Entitled: “*Endorsement of Proposal to Include Language in Sec. 2606 (c) (3) of H.R. 6 (the Indian Energy Title) for the Western Area Power Administration to Purchase Tribal Power*”

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-laws pursuant to said Act; and

WHEREAS, Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, The Constitution of the Three Affiliated Tribes authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

WHEREAS, Article VI, Section 5 (l) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to adopt resolutions regulating the procedure of the Tribal Business Council and other Tribal agencies and Tribal officials on the Reservation; and

WHEREAS, Article VI, Section 5 (d) of the Constitution of the Three Affiliated Tribe Provides that the Tribal Business Council has the power to negotiate with Federal, State and local governments on behalf of the Tribe and to advise and consult with representatives of the Interior Department on all activities that may affect the Fort Berthold Reservation; and

WHEREAS, The Western Area Power Association (WAPA) is a federal agency that is authorized to market federal power, primarily hydropower generated at several federal dams, across the western United States, however, as federal hydropower diminishes, non-federal conventional fuel is preferentially treated as the immediate provider for replacement power purchases; and

WHEREAS, WAPA’s current contractual relations preferentially advantage coal as the first source of replacement power because of existing presence on the transmission grid and its ease of dispatch ability and such advantage is given irrespective of the environmental impact such conventional power generation has on both air and water quality and consumption; and



WHEREAS, Wind power has a variety of beneficial environmental, economic and security attributes including the absence of emissions of NO_x, SO_x, mercury, particulates and carbon dioxide, as well as the absence of water consumption in the generation of energy; and

WHEREAS, Wind Energy can be purchased during the “winter wind season” and save valuable water resources to provide a more natural water release in the spring and meet peak loads in the summer and such a strategy would improve the management flexibility of the Missouri River and other rivers, as it conserves water for other uses; and

WHEREAS, In the Northern Great Plains where the federal transmission grid once carried 100% hydropower, today, due to demand growth outpacing the capacity of the hydroelectric dams and the persistent drought reduced water levels in the river, the portion of hydropower on the grid is less than 20 % with the balance now being generated from non federal coal; and

WHEREAS, The United States Congress is currently debating a comprehensive Energy Bill (HR 6) that includes the Indian Energy Title which addresses tribal government relations with the Western Area Power Association; and

WHEREAS, Section 2606 (c)(3) of H.R. 6 presently reads as follows:

- (3) The Administrator of the Western Area Power Administration may purchase non-federally generated power from Indian tribes to meet the firming and reserve requirements of the Western Area Power Administration; and

WHEREAS, In order to encourage Tribal energy development, support reservation employment, assist in building markets for renewable energy, enforce the goals of the Buy Indian Act, and to honor federal trust relationships, the Tribal Business Council believes that Congress should modify Section 2606 (c)(3) of H.R. 6 as follows:

- (3) The Administrator of the Western Area Power Administration may purchase **tribal power generated from lands subject to federal jurisdiction as federal power** to meet the firming and reserve requirements of the Western Area Power Administration **and its customers;** and

NOW THEREFORE BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby endorses and supports the above stated modifications to the Section 2606 (c)(3) of H.R. 6 and urges the United States Congress to adopt said modifications to HR 6.



CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 21 day of April 2005; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [] voting. [] not voting.

Dated this 21 day of April 2005.

Secretary, Nathan Hale
Tribal Business Council

ATTEST:

Chairman, Tex G. Hall
Tribal Business Council