

**CROW TRIBAL LEGISLATURE
MARCH 19, 2014 SPECIAL SESSION**

LR No. 14-03

Introduced by Senator Conrad J. Stewart
Black Lodge District

A Legislative Resolution Titled:

**A RESOLUTION OF THE CROW TRIBAL LEGISLATURE APPROVING PROJECT
EXPENDITURES FOR YELLOWTAIL AFTERBAY DAM HYDROELECTRIC
FACILITY FEASIBILITY AND ENGINEERING STUDIES, AS PROVIDED IN JAR
14-06**

Legislative Findings:

WHEREAS, the Crow Tribal Legislature (hereinafter “Legislature”) has the power and duty under Article V, Section 2(a) of the Crow Tribal Constitution to promulgate and adopt resolutions in accordance with the Tribal Constitution and federal laws for the governance of the Crow Tribe; and

WHEREAS, during a special legislative session held October 24th, 2013 the Legislature enacted Joint Action Resolution (JAR) No. 13-19, which was signed into law by Chairman Old Coyote, to approve a loan agreement with First Interstate Bank in the amount of Ten Million Dollars (\$10,000,000.00), secured by interest from the 107th Settlement Trust Fund (the “Loan”), for the purposes of funding land purchases and economic development projects, and paying off the 2013 Unsecured Line of Credit, and such Loan closed on November 1st, 2013 and all required BIA and OST approvals have been obtained; and

WHEREAS, pursuant to JAR No. 13-19, the balance of the Loan proceeds, after repayment of the 2013 Unsecured Line of Credit and transaction costs for the Loan, have been deposited in a separate Economic Development Account with First Interstate Bank; and

WHEREAS, JAR No. 13-19 requires all future expenditures from the Economic Development Account be approved by additional Joint Action Resolutions; and

WHEREAS, the Crow Tribe has a longstanding interest in participating in the development of a hydroelectric power generation project on the “Yellowtail Afterbay Dam” located 2.2 miles downstream from the main Yellowtail Dam; and

WHEREAS, Section 412(b) of the Crow Tribe Water Rights Settlement Act, Public Law 111-291 (Dec. 8th, 2010), recognizes the Crow Tribe's exclusive rights to develop and market the power generation on the Yellowtail Afterbay Dam; and

WHEREAS, Joint Action Resolution No. 14-06, enacted in the February 10th, 2014 Special Session, authorized Future Project Expenditures from the Economic Development Account for Yellowtail Afterbay Dam hydroelectric feasibility and engineering studies, subject to further approval by legislative resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE CROW TRIBAL LEGISLATURE
IN SPECIAL SESSION:**

Section 1. The transfer of six-hundred and thirty thousand dollars (\$630,000) from the Economic Development Account to the Crow Tribal General Fund during the week of March 19, 2014 for the purposes as described in the attached and incorporated by reference document titled "Phase II Yellowtail Afterbay Hydroelectric Project," is hereby approved.

Section 2. A full accounting of the expenditures made pursuant to this Resolution shall be provided to the Finance Committee of the Legislature on or before the first day of the April 2014 quarterly session, and each regular session thereafter until all project funds have been spent. The accounting shall include a certified bank statement indicating total amounts of expenditures and balance remaining.

Section 3. The effective date of this Resolution is March 19, 2014.

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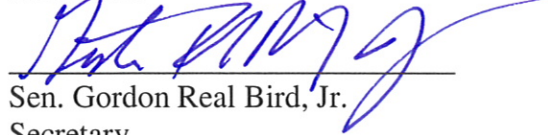
CERTIFICATION

I hereby certify that this Legislative Resolution entitled “**A RESOLUTION OF THE CROW TRIBAL LEGISLATURE APPROVING PROJECT EXPENDITURES FOR YELLOWTAIL AFTERBAY DAM HYDROELECTRIC FACILITY FEASIBILITY AND ENGINEERING STUDIES, AS PROVIDED IN JAR 14-06**” was duly enacted by the Crow Tribal Legislature with a vote of 14 in favor 0 opposed, and 0 abstaining and that a quorum was present on this 19th day of March, 2014.



Sen. R Knute Old Crow
Speaker of the House
Crow Tribal Legislature

ATTEST:



Sen. Gordon Real Bird, Jr.
Secretary
Crow Tribal Legislature



A Legislative Resolution Titled:
A RESOLUTION OF THE CROW TRIBAL LEGISLATURE APPROVING PROJECT EXPENDITURES FOR YELLOWTAIL AFTERBAY DAM
HYDROELECTRIC FACILITY FEASIBILITY AND ENGINEERING STUDIES, AS PROVIDED IN JAR 14-06

Bill or Resolution: LR14-03 **Introduced by:** Sen. Conrad J. Stewart **Date of Vote:** 3/19/2014
Number

<u>Representative:</u>	Yes	No	Abstained
G. Three Irons	<u>X</u>	<u> </u>	<u> </u>
B. Rogers	<u>X</u>	<u> </u>	<u> </u>
C. J. Stewart	<u>X</u>	<u> </u>	<u> </u>
P. Hill	<u>X</u>	<u> </u>	<u> </u>
E. Birdinground	<u>X</u>	<u> </u>	<u> </u>
A. Coyote-Runs, Sr.	<u> </u>	<u> </u>	<u> </u>
V. Nomee	<u> </u>	<u> </u>	<u> </u>
T. Gros Ventre	<u>X</u>	<u> </u>	<u> </u>
P. Alden, Jr.	<u>X</u>	<u> </u>	<u> </u>
V. Crooked Arm	<u> </u>	<u> </u>	<u> </u>
P. Spotted Horse	<u>X</u>	<u> </u>	<u> </u>
L. DeCrane	<u>X</u>	<u> </u>	<u> </u>
C. Goes Ahead	<u>X</u>	<u> </u>	<u> </u>
B. Hugs	<u> </u>	<u> </u>	<u> </u>
B. Good Luck	<u>X</u>	<u> </u>	<u> </u>
G. Stewart	<u>X</u>	<u> </u>	<u> </u>
G. Real Bird <i>Secretary of the House</i>	<u>X</u>	<u> </u>	<u> </u>
R. K. Old Crow, Sr. <i>Speaker of the House</i>	<u>X</u>	<u> </u>	<u> </u>
Totals:	<u>14</u>	<u>0</u>	<u>0</u>

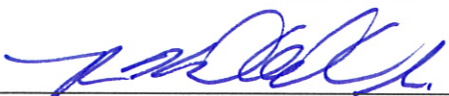
Result of Vote:

Passed


Not Passed

Tabled

Veto-Override


Senator R. Knute Old Crow, Sr.
Speaker of the House

Date


Senator Gordon Real Bird, Jr.
Secretary of the House

Date

Yellowtail Afterbay Hydroelectric Project

Phase I

FUNDING SECURED

315L	DEMD Grant	200,000
	Coal Black Cattle	<u>(155,000)</u>

45,000 Possible Carryover to Phase II

Phase II

Total Estimated Cost	1,200,000
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FUNDING SECURED

315N	150,000
315O	<u>655,000</u>

TOTAL FUNDING	805,000
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Need from Econ Dev Fund	395,000
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Phase II Expenses to date

Coal Black Cattle	(75,000.00)
Coal Black Cattle	<u>(160,000.00)</u>

Total General Fund expenses	235,000.00
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Total Needed	630,000.00
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PHASE II Yellowtail Afterbay Hydroelectric Project

BUDGETARY PRICING-Revised 9/24/2013
FINANCIAL PERIOD (July 1, 2013 to September 30, 2014)

	Total Estimate	Q3-13	Q4-13	Q1-14	Q2-14	Q3-14
1 Property Survey (physical - no title work)	\$ 15,000		\$ 15,000			
2 Geotechnical Survey (test pits & boring)	\$ 40,000		\$ 40,000			
3 Super saturation (base line sampling)	\$ 50,000		\$ 25,000	\$ 25,000		
4 Traffic Survey (routing and usage)	\$ 10,000				\$ 10,000	
5 Cultural Resource (footprint powerhouse, conveyance, intake, and substation)	\$ 25,000		\$ 25,000			
6 Threatened and Endangered Species	\$ 15,000		\$ 15,000			
7 Public Safety (boating, fishing, permits & monitoring)	\$ 10,000			\$ 10,000		
8 Water level fluctuations (shoreline erosion, misc, no change operation)	\$ 5,000			\$ 5,000		
9 Boat Launch (re-locate - velocity studies)	\$ 10,000			\$ 10,000		
10 NEPA Study (Environmental Assessment)	\$ 55,000			\$ 25,000	\$ 30,000	
11 General arrangement and bid specifications	\$ 325,000	\$ 35,000	\$ 40,000	\$ 150,000	\$ 100,000	
12 BUREAU Operational Agreement (operation and technical review)	\$ 175,000		\$ 55,000	\$ 40,000	\$ 40,000	\$ 40,000
13 Interconnection Study	\$ 50,000		\$ 25,000	\$ 25,000		
14 PPA - legal and technical review	\$ 50,000		\$ 25,000	\$ 25,000		
15 Overview of Permitting Requirements	\$ 25,000		\$ 25,000			
16 Project Management	\$ 150,000	\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000
	Sub-Total	\$ 1,010,000	\$ 65,000	\$ 320,000	\$ 345,000	\$ 210,000
	Contingency (15%)	\$ 151,500	\$ -	\$ 20,000	\$ 51,750	\$ 36,000
	Total	\$ 1,161,500	\$ 65,000	\$ 340,000	\$ 396,750	\$ 246,000
						\$ 113,750
Funding Sources	Total Estimate	Q3-13	Q4-13	Q1-14	Q2-14	Q3-14
Funding from Crow	\$ 1,161,500	\$ 75,000	\$ 330,000	\$ 396,500	\$ 247,250	\$ 112,750
Grant Reallocation in Process	22% \$ 260,500	\$ 75,000	\$ 59,000	\$ 86,000		\$ 40,500
2012 Monies available July 10, 2013	10% \$ 121,000		\$ 121,000			
2013 Grant available Jan. 2014	13% \$ 150,000		\$ 150,000			
	54% \$ 630,000			\$ 310,500	\$ 247,250	\$ 72,250
Projection June 2013	\$ 235,000	\$ 255,000	\$ 310,500	\$ 247,250	\$ 113,750	
Change from June 2013	\$ (160,000)	\$ 75,000	\$ 86,000	\$ -	\$ (1,000)	
Projection September 2013	\$ 75,000	\$ 330,000	\$ 396,500	\$ 247,250	\$ 112,750	

Yellowtail Hydroelectric Project-Task 11

The number and extent of the drawings will be determined during design process. The Project Manual will include all drawings and a bound set of specifications for all aspects of the project components such as concrete, structural steel, excavation, cofferdam, gates/operators, purchase items, environmental measures, paving, miscellaneous metals, etc. The project manual will be completed in conjunction with design drawings.

Anticipated Drawing List for Phase 2 - 50% Design Level

Project Notes

- General Arrangement
- Location Plan
- Site Plan
- Cofferdam Plan
- Excavation Plan, Section and Details

Intake

- Intake Plan
- Intake Sections
- Gates/Operators
- Bulkheads
- Trashracks

Water Conveyance

- Plan and Profile
- Section and Details
- Valves
- Appurtenances

Powerhouse

- Plan and Sections - Architectural
- Elevations - Architectural
- Plan and Sections - Structural
- Elevations - Structural
- Roof Plan
- Equipment Plan
- Draft Tube Details
- Stairs and Handrails
- Mechanical Equipment

Electrical

- Interconnection
- Switchyard
- Foundations

Metering and Protection
Grounding Plan
Lighting Plan
One Line Diagram
Station Service

Environmental Issues

Sedimentation Control
Erosion Control

Site Civil Design

Parking Lot
Access
Fencing Plan and Details
Boat Launch Relocation
Site Retaining Walls