

**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.

**\* \* \* Remainder of Page Intentionally Left Blank \* \* \***

**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 19<sup>th</sup> 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>	<b>Yes</b>	<b>No</b>	<b>Abstained</b>
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>
<b>Totals:</b>	<u>  14  </u>	<u>    0    </u>	<u>    0    </u>

Result of Vote:

**Passed**
         
  **Not Passed**
         
  **Tabled**
         
  **Veto-Override**

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

3/19/14  
 Date

  
 \_\_\_\_\_  
 Senator Gordon Real Bird, Jr.  
 Secretary of the House

3/19/14  
 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>

<b>TOTAL FUNDING</b>	<b>805,000</b>
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<b>Need from Econ Dev Fund</b>	<b>395,000</b>
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### Phase II Expenses to date

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

<b>Total General Fund expenses</b>	<b>235,000.00</b>
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<b>Total Needed</b>	<b>630,000.00</b>
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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	\$ 65,000	\$ 320,000	\$ 345,000	\$ 210,000	\$ 70,000
	Contingency (15%)	\$ -	\$ 20,000	\$ 51,750	\$ 36,000	\$ 43,750
	Total	\$ 65,000	\$ 340,000	\$ 396,750	\$ 246,000	\$ 113,750
<b>Funding Sources</b>	<b>Total Estimate</b>	<b>Q3-13</b>	<b>Q4-13</b>	<b>Q1-14</b>	<b>Q2-14</b>	<b>Q3-14</b>
Funding from Crow	\$ 1,161,500	\$ 75,000	\$ 330,000	\$ 396,500	\$ 247,250	\$ 112,750
Grant Reallocation in Process	\$ 260,500	\$ 75,000	\$ 59,000	\$ 86,000		\$ 40,500
2012 Monies available July 10, 2013	\$ 121,000		\$ 121,000			
2013 Grant available Jan. 2014	\$ 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