

**JULY 2017 CROW TRIBAL LEGISLATURE  
JOINT ACTION RESOLUTION NO. JAR17-14**

Introduced by Alvin Not Afraid, Jr., Chairman  
Crow Tribal Executive Branch

JOINT ACTION RESOLUTION OF THE CROW TRIBAL LEGISLATURE AND THE  
CROW TRIBAL EXECUTIVE BRANCH ENTITLED:

**"RESOLUTION ALLOCATING ALL FUNDS IN THE ENERGY DEVELOPMENT  
PROJECTS ACCOUNT ESTABLISHED BY THE CROW TRIBE WATER RIGHTS  
SETTLEMENT ACT FOR THE TRIBE'S YELLOWTAIL AFTERBAY  
HYDROELECTRIC PROJECT."**

**WHEREAS**, Section 412(b) of the Crow Tribe Water Rights Settlement Act, Pub. L. 111-291 (Dec. 8, 2010) (the "Act") recognizes the Crow Tribe's exclusive rights to develop and market the power generation on the Yellowtail Afterbay Dam, provided that such Project is completed within 15 years after the date of the Act; and

**WHEREAS**, Sections 411(c)(2), 411(e)(3)(C) and 414(d) of the Act established the Energy Development Projects account (the "Account") within the Crow Settlement Fund providing \$20 million in funding, subject to adjustment to reflect changes in appropriate cost indices, to be used for expenditures by the Tribe for, among other things, development and marketing of power generation on the Yellowtail Afterbay Dam hydropower project (the "Project"); and

**WHEREAS**, preliminary engineering has been completed for the Project by Sorenson Engineering, Inc. ("Sorenson"), and it is estimated that the Project will cost in excess of \$20 million; and

**WHEREAS**, the Crow Tribe has contracted with Sorenson to complete the design for the Project, an estimated \$830,000 of funds are required to compensate Sorenson for work completed to-date and for future work to bring the project design to 100% completion, and it is now necessary to promptly compensate Sorenson for its work in order to advance the Project; and

**WHEREAS**, the Chairman of the Executive Branch has authority and responsibility pursuant to the "enumerated powers" in Article IV, Section 3(a) of the Constitution and Bylaws of the Crow Tribe of Indians to represent the Crow Tribe in negotiations with Federal, State and local government and other agencies, corporation, associations, or individuals in matters of economic development affecting the Crow Tribe; and

**WHEREAS**, pursuant to Article V, Section 2(a) of the 2001 Crow Tribal Constitution, the Crow Tribal Legislature (hereinafter, the "Legislature") is vested with the power and duty to promulgate and adopt laws, resolutions, ordinances, codes, regulations, and guidelines in

accordance with the Constitution and federal laws for the governance of the Crow Tribe of Indians, and for providing for the manner of the sale, disposition, lease or encumbrance of tribal lands, interests in lands or other tribal assets; and

**WHEREAS**, the Crow Tribe and Tribal members will receive substantial long-term economic benefits from the development of the Project;

**NOW THEREFORE, BE IT RESOLVED BY THE CROW TRIBAL LEGISLATURE AND THE CROW TRIBAL EXECUTIVE BRANCH:**

**Section 1. That the entire balance of funds in the Energy Development Projects account (the “Account”) within the Crow Settlement Fund established by the Crow Tribe Water Rights Settlement Act is hereby designated for and allocated to the final design, procurement and construction of the Yellowtail Afterbay Hydroelectric Project, and the Executive Branch is hereby authorized to make expenditures from the Account for such purpose, subject to such further approvals by the Legislative Branch as are required by Tribal law for particular contracts and amendments to the Tribal Budget.**

**Section 2. That the Bureau of Indian Affairs and the Office of the Special Trustee are hereby requested, authorized and directed to make the entire balance of the Energy Development Projects account available for expenditure by the Executive Branch as authorized by this Resolution, subject to such further approvals by the Legislative Branch as are required by Tribal law for particular contracts and amendments to the Tribal Budget.**

**Section 3. That the Executive Branch is hereby authorized to draw down from the Account a total of Eight Hundred Thousand Dollars (\$830,000) to compensate Sorenson Engineering, Inc., for its past design work on the Project together with additional work required for completion of the 100% design work on the Project, and the Tribal Budget for FY2017 is hereby amended to authorize such expenditures.**

**Section 4. That all other Project expenditures from the Account shall be subject to further advance approval by the Legislature by Joint Action Resolution. The Executive Branch shall provide Project Expenditure Reports for all Project expenditures from the Account to the Chairs of the Legislature Branch Finance and Natural Resources Committees.**

**Section 5. Crow Tribal Member Employment Preference. All entities selected to perform construction work on the Project shall cooperate with the Tribal TERO Office to ensure that Crow Tribal members are provided training in order to successfully gain employment preference as directed by the Workforce Protection Act. The Executive Branch is directed to assure this task is carried out and shall report quarterly on the status of the workforce for the Project.**

**Section 6. That this Resolution is effective on the date of approval by the Chairman of the Executive Branch, and is subject only to such further approvals as are required by Federal law.**

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

**CERTIFICATION**

I hereby certify that this Joint Action Resolution entitled "**RESOLUTION ALLOCATING ALL FUNDS IN THE ENERGY DEVELOPMENT PROJECTS ACCOUNT ESTABLISHED BY THE CROW TRIBE WATER RIGHTS SETTLEMENT ACT FOR THE TRIBE'S YELLOWTAIL AFTERBAY HYDROELECTRIC PROJECT**" was duly approved by the Crow Tribal Legislature with a vote of 15 in favor, 0 opposed, and 0 abstaining, and that a quorum was present on this 21<sup>st</sup> day of July, 2017.

  
\_\_\_\_\_  
Senator Eric Birdinground  
Speaker of the House  
Crow Tribal Legislature

ATTEST:

  
\_\_\_\_\_  
Senator Gordon Real Bird, Jr.  
Secretary  
Crow Tribal Legislature




**EXECUTIVE ACTION**

I hereby

X approve

\_\_\_\_\_ veto

this Joint Action Resolution entitled "**RESOLUTION ALLOCATING ALL FUNDS IN THE ENERGY DEVELOPMENT PROJECTS ACCOUNT ESTABLISHED BY THE CROW TRIBE WATER RIGHTS SETTLEMENT ACT FOR THE TRIBE'S YELLOWTAIL AFTERBAY HYDROELECTRIC PROJECT**" pursuant to the authority vested in the Chairman of the Crow Tribe by Article V, Section 8 of the Constitution and Bylaws of the Crow Tribe of Indians on this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

  
\_\_\_\_\_  
Alvin Not Afraid, Jr., Chairman  
Crow Tribal Executive Branch

JAR "RESOLUTION ALLOCATING ALL FUNDS IN THE ENERGY DEVELOPMENT PROJECTS ACCOUNT ESTABLISHED BY THE CROW TRIBE WATER RIGHTS SETTLEMENT ACT FOR THE TRIBE'S YELLOWTAIL AFTERBAY HYDROELECTRIC PROJECT."

Bill or Resolution: JAR17-01 Introduced by: Chairman Alvin NotAfraid, Jr. Date of Vote: 7/21/2017  
Number

REPRESENTATIVE:	Yes	No	Abstained
G. Three Irons	X		
B. Rogers			
F. White Clay	X		
P. Hill	X		
S. Real Bird	X		
V. Nomee	X		
T. Yellowtail			
T. Gros Ventre	X		
P. Alden, Jr.	X		
E. Deputee	X		
P. Spotted Horse, Sr.	X		
L. DeCrane	X		
J. Demontiney			
B. Hugs	X		
B. Good Luck	X		
H. Male Bear, Jr.	X		
G. Real Bird, Jr.	X		
Secretary of the House			
Eric Birdinground	X		
Speaker of the House			
<b>Total:</b>	<b>15</b>	<b>0</b>	<b>0</b>

Result of Vote:

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

  
 \_\_\_\_\_  
 Senator Eric Birdinground Date  
 Speaker of the House

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