

JULY REGULAR SESSION CROW TRIBAL LEGISLATURE

JOINT ACTION RESOLUTION No. JAR 23-04

Introduced by Chairman Frank Whiteclay

Crow Tribal Executive Branch

Co-Sponsored by the Crow Tribal Legislature

A Joint Action Resolution Titled:

**A JOINT ACTION RESOLUTION OF THE CROW TRIBAL GOVERNMENT
APPROVING THE NORTHWESTERN ENERGY RIGHTS-OF-WAY RENEWALS**

Legislative Findings:

WHEREAS, the Crow Tribal Legislature (hereinafter "Legislature") has the power and duty under Article V, Section 2(1) of the Crow Tribal Constitution to promulgate and adopt laws, resolutions and guidelines in accordance with the Constitution and federal laws for the governance of the Crow Tribe of Indians (hereafter "Tribe") and for providing for the manner of the sale, disposition, lease or encumbrance of tribal lands, interests in land, or other assets of the Tribe; and

WHEREAS, the Legislature has the power and duty under Article V, Section 2(4) of the Crow Tribal Constitution to grant final approval or disapproval of items negotiated by the Executive Branch of Government pertinent to the sale, disposition, lease or encumbrance of Tribal lands, interests in lands or mineral assets; and

WHEREAS, Article IV, Section 3(1) of the Crow Tribal Constitution provides that the powers and responsibilities of the Executive Branch Officials shall include the power to represent the Tribe in negotiation with Federal, State, and local governments and other agencies, corporations, associations, or individuals in matters of welfare, education, recreation, social services and economic development affecting the Tribe; and

WHEREAS, Article IV, Section 3(3) of the Crow Tribal Constitution provides that the powers and responsibilities of the Executive Branch Officials shall include the power to engage in any business that will further the economic well-being of the members of the Tribe and undertake any economic development activity which does not conflict with the provisions of the Constitution; and

WHEREAS, the Tribe has previously had an agreement with NorthWestern Energy for the following rights-of-way on the Crow Indian Reservation: the Heart Mountain Line, the Shoshone Line, and the Yellowtail Line (collectively the "Renewal Lines"); and

WHEREAS, the Crow Tribe has negotiated an agreement with NorthWestern Energy to renew the rights-of-way for the Renewal Lines in a ("Renewal Offer") that was memorialized on

May 11, 2023 by NorthWestern Energy Vice President Michael R. Cashell and Frank White Clay, Chairman of the Crow Tribe.

WHEREAS, the key terms of the Renewal Offer accepted by the Crow Tribe (described in the attached Renewal Offer letter and finalized Consent Agreement include:

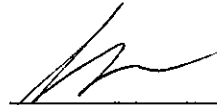
- Rights of Way terms for all three rights of ways for 30 years from the date of federal approval of the rights of ways; and
- Payment to the Crow Tribe in the amount of \$175.00 per rod for the hold-over period of the expired rights-of-ways and comparable offers to Crow landowners; and
- Payment to the Crow Tribe in the amount of \$175.00 per rod for the renewed rights of way and comparable offers to Crow landowners; and
- Payment to the Crow Tribe of an annual Property Tax payment; and
- Initial TERO fee of \$50,000 plus agreement to comply with TERO for contactors that may be hired for future work on rights of way; and
- An endowment payment of \$250,000 to the Crow Tribe for educational purposes; and
- Purchase of Power by NWE from the Crow Tribe upon completion of the Crow Afterbay Hydro Project.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CROW TRIBAL EXECUTIVE BRANCH AND CROW TRIBAL LEGISLATURE IN SESSION:

1. The Renewal Offer received from NorthWestern Energy for the Renewal Lines is hereby approved.
2. The Consent Agreement between the Crow Tribe and NorthWestern Energy for the Rights-of-way renewals, including the limited waiver of sovereign immunity contained in Article 12 and Exhibit A thereto, is hereby approved and Chairman Frank Whiteclay, Executive Branch is hereby authorized to execute the Consent Agreement for submission to the Bureau of Indian Affairs for approval.

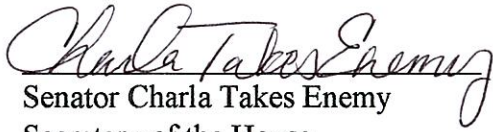
CERTIFICATION

I hereby certify that this Joint Action Resolution titled “**A JOINT ACTION RESOLUTION OF THE CROW TRIBAL GOVERNMENT APPROVING THE NORTHWESTERN ENERGY RIGHTS-OF-WAY RENEWALS**” was duly approved by the Crow Tribal Legislature with a vote of 13 in favor, 3 opposed, and 0 abstained and that a quorum was present on this 1st day of November, 2023.



Senator Sampson DeCrane
Speaker of the House
Crow Tribal Legislature

ATTEST:



Senator Charla Takes Enemy
Secretary of the House
Crow Tribal Legislature



EXECUTIVE ACTION

I hereby

✓ approve or
 veto.

This Joint Action Resolution entitled “**A JOINT ACTION RESOLUTION OF THE CROW TRIBAL GOVERNMENT APPROVING THE NORTHWESTERN ENERGY RIGHTS-OF-WAY RENEWALS**” 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 1 day of November, 2023.



Frank Whiteclay, Chairman
Crow Tribal Executive Branch


**A JOINT ACTION RESOLUTION OF THE CROW TRIBAL GOVERNMENT APPROVING THE
NORTHWESTERN ENERGY RIGHTS-OF-WAY RENEWALS**

Bill or Resolution: JAR 23-04 Introduced by: Chairman White Clay Date of Vote Nov. 1, 2023

REPRESENTATIVE:

	Yes	No	Abstain
V. Pickett	X		
D. Spotted	X		
C. Other Medicine	X		
Y. Little Light, Jr	X		
L. Hogan III		X	
C. Meeks			
D. Don't Mix	X		
H. Small	X		
T. Gros Ventre	X		
P. Alden, Jr			
T. Plainfeather	X		
J. Kills Pretty Enemy	X		
B. Hugs		X	
N. Old Crow, Jr	X		
B. Good Luck	X		
H. MaleBear-Stone		X	
S. DeCrane <i>Speaker of the House</i>	X		
C. Takes Enemy <i>Secretary of the House</i>	X		
TOTAL	13	3	0


Result of Vote: **Passed** Not Passed Tabled Veto-Override



 Senator S. DeCrane
 Speaker of the House
 Crow Tribal Legislative Branch

11/1/23

 Date



 Senator C. Takes Enemy
 Secretary of the House
 Crow Tribal Legislative Branch

11-1-23

 Date