



Pawnee Nation of Oklahoma

Resolution # 15-54
August 12, 2015

DENIED...Withdrawn

RESOLUTION

A RESOLUTION AUTHORIZING THE PAWNEE BUSINESS COUNCIL TO EXECUTE A WIND RESOURCE LEASE WITH THE CHILOCCO WIND FARM, LLC FOR THE DEVELOPMENT OF A WIND ENERGY PROJECT ON PAWNEE NATION LANDS AT CHILOCCO.

- Whereas,** The Pawnee Business Council is the Supreme governing body of the Pawnee Nation and is authorized to conduct business on behalf of the Pawnee Nation in accordance with Article IV, Sections 1 and 2 of the Pawnee Tribal Constitution; and
- Whereas,** The Pawnee Business Council met in a special session on Tuesday, August 12, 2015, at the Pawnee Nation Multi-Purpose Building, duly authorized, with a quorum present; and
- Whereas,** the Pawnee Business Council has the duty and responsibility to act in the best interests of the Pawnee Nation; and
- Whereas,** the Pawnee Business Council has the duty and responsibility to enhance to economic potential of the Pawnee Nation for the benefit of the people of Pawnee Nation and their descendants; and
- Whereas,** the Pawnee Business Council has determined that in order to fulfill the Pawnee Nation's ability to enhance to economic potential of the Pawnee Nation for the benefit of the people of Pawnee Nation and their descendants; that the establishment of the Wind Energy project to be located on Pawnee Nation lands located at Chilocco is in the best interests of the Pawnee Nation; and
- Whereas,** the Pawnee Business Council is empowered to act, now or in the future, including, but not limited to, the authority to regulate and provide for permits, leases, and assignments of land for business, home site, and other purposes, and generally provide for proper use and development of all tribal lands, natural resources, and other tribal property; and,
- Whereas,** the Pawnee Business Council has negotiated with Chilocco Wind Farm, LLC, and determined that it is in the best interest of the Pawnee Nation to enter into the Wind Resource Lease (WRL) with Chilocco Wind Farm, LLC, attached hereto, for the purpose of installing wind resource development facilities should the property prove to possess suitable wind energy potential.

NOW THEREFORE BE IT RESOLVED that the Pawnee Business Council approves the Wind Resource Lease with Chilocco Wind Farm LLC.

BE IT FURTHER RESOLVED that the Pawnee Business Council certifies that in accordance with 162.163(f), the proposed use of the Pawnee Business Council's Chilocco School property is in conformance with applicable tribal law. In accordance with 25 CFR§162.549(a):

- (1) The Pawnee Business Council has negotiated compensation satisfactory to the Tribe.
- (2) The Pawnee Business Council waives any and all valuation and/or appraisal by BIA.

- (3) The Pawnee Business Council has determined that accepting such negotiated compensation and waiving valuation is in the best interest of the Pawnee Business Council.

Relative to 25 CFR§162.557, requiring periodic review of the adequacy of the consideration, the Pawnee Business Council indicates that it is in its best interest to not have such review. The enclosed WRL of tribal land, provides adequate periodic adjustments to lease rates, therefore, no periodic review of the adequacy of compensation or adjustments is required by BIA.

Relative to 25 CFR 162.559(f) indicating that BIA may waive the requirement for a performance bond, the Pawnee Business Council requests that BIA waive the requirement for performance bonding. The negotiated WRL, lease contains bonding provisions that are satisfactory, and therefore, the requested waiver is in the best interest of the Pawnee Business Council.

BE IT FUTHER RESOLVED that the Pawnee Business Council authorizes the President to execute on behalf of the Pawnee Business Council a Wind Resource Lease with Chilocco Wind Farm, LLC.

C E R T I F I C A T I O N

I, Phammie Littlesun, Secretary of the Pawnee Business Council, certify that a special meeting of the Pawnee Business Council was held on the 12th day of August 2015, and that the Pawnee Business Council is composed of eight members, of whom 0 were present, 0 absent, comprising a quorum; and that the foregoing Resolution was duly adopted by a vote of 0 for, 0 against, 0 abstaining and 1 not voting.

Signed this 12th day of August 2015

ATTEST:

*Phammie Littlesun, Secretary
Pawnee Business Council*

*Misty M. Nuttle, President
Pawnee Business Council*

**RESOLUTION WAS NOT VOTED ON...PBC CHOSE NOT TO
PURSUE NEGOTIATIONS WITH PNE WIND**