

Committee: Resource/Rules

Date: 1-10-12

Committee Date: 1-16-12

Author: Susan Work

Sponsor: D. Garvin, C. Cowan Watts, D. Thornton,

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J. D. Baker, J. Coates

RESOLUTION NO. 17-12

COUNCIL OF THE CHEROKEE NATION

A RESOLUTION AUTHORIZING A MEMORANDUM OF AGREEMENT BETWEEN THE CHEROKEE NATION AND THE TULSA DISTRICT, UNITED STATES ARMY CORPS OF ENGINEERS

WHEREAS, the Cherokee Nation since time immemorial has exercised the sovereign rights of self-government in behalf of the Cherokee people;

WHEREAS, the Cherokee Nation is a federally recognized Indian Nation with a historic and continual government to government relationship with the United States of America;

WHEREAS, the Cherokee Nation encourages economic development and acknowledges renewable energy resources are necessary to prevent land and air pollution as an alternative to the use of fossil fuels, as well as a part of a solution toward sustainability;

WHEREAS, Cherokee Nation Businesses is engaged in an endeavor related to the construction of a hydroelectric facility at the W.D. Mayo dam site, which may include operation of the facility and hydroelectric power marketing ("W.D. Mayo Project");

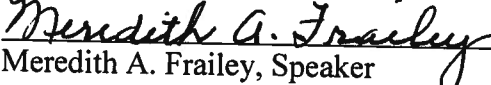
WHEREAS, it is in the interests of the Cherokee Nation to engage the United States Army Corps of Engineers to provide specialized services related to the W.D. Mayo Project, including the provision of data for and the review of the Nation's fixed bed navigation study model, assistance in site access and security controls, technical coordination, general administrative support, and project management for identified tasks, as more specifically described in an Interagency Agreement to be authorized by a Memorandum of Agreement between the Cherokee Nation and the United States Army Corps of Engineers.

WHEREAS, funding for the services to be rendered by the United States Army Corps of Engineers under the Interagency Agreement and Memorandum of Agreement related to the W.D. Mayo Project has been provided by the United States Department of the Interior.


BE IT RESOLVED BY THE CHEROKEE NATION, that the Principal Chief is hereby authorized to execute on behalf of the Cherokee Nation a Memorandum of Agreement with the United States Army Corps of Engineers, and such Interagency Agreements negotiated in accordance with said Memorandum of Agreement related to the W.D. Mayo Project, provided that funding is available and included in an appropriate budget authorized by the Council, including without limitation the Interagency Agreement related to the services described herein.

CERTIFICATION


The foregoing resolution was adopted by the Council of the Cherokee Nation at a duly called meeting on the 16th day of January, 2012, having 16 members present, constituting a quorum, by the vote of 15 yea; 1 nay; 0 abstaining.


Meredith A. Frailey, Speaker
Council of the Cherokee Nation

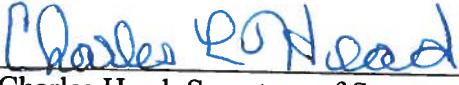
ATTEST:


Don Garvin, Secretary
Cherokee Nation Tribal Council

Approved and signed by the Principal Chief this 18th day of January, 2012.


Bill John Baker, Principal Chief
Cherokee Nation

ATTEST:


Charles Head, Secretary of State
Cherokee Nation

**ADMINISTRATIVE
CLEARANCE**

Dept/Program:

adh

Signature/Initial Date

Group Leader:

at *1-10-12*

Signature/Initial Date

Finance (if needed):

Signature/Initial Date

Government Resources:

Signature/Initial Date

Administration Approval:

glo *1/10/2012*

LEGISLATIVE CLEARANCE:

Legal & Legislative Coordinator:

Brittain *1/10/12*

Signature/Initial Date

Standing Committee & Date:

Resources *1/16/12*

Chairperson:

Snell

Signature/Initial Date

Returned to Presenter: _____

**Cherokee Nation
Act/Resolution Proposal Form**

Act Resolution

TITLE: W.D. Mayo Hydroelectric Project, Memorandum of Agreement and Interagency Agreements

DEPARTMENT CONTACT: Marguerite McKinney, CNB

RESOLUTION PRESENTER: Susan Work, Senior Assistant Attorney General

COUNCIL SPONSOR: Don Garvin, Cara Cowan, Janelle Fullbright, David Thornton, Meredith Frailey

NARRATIVE:

CNB has completed several phases of the W.D. Mayo Hydroelectric Project, and is currently working on Phase V of the Project. DOI has awarded funding to the Nation for certain phases of the Project, including Phase V. CNB wishes to use certain services of the United States Army Corps of Engineers ("USACE") for the Project. In order to utilize USACE services, a Memorandum of Agreement between USACE and the Cherokee Nation is needed, as well as more detailed Interagency Agreements describing the scope of services to be provided and charges for services to be rendered for various Project purposes.

See enclosed draft Memorandum of Agreement and attached draft Interagency Agreement for additional information.

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