

**RESOLUTION OF THE COW CREEK BAND OF UMPQUA  
TRIBE OF INDIANS BOARD OF DIRECTORS  
DIRECTING THE U.S. GOVERNMENT  
CLEAN UP THE UMPQUA MINE SITE  
OF ENVIRONMENTAL HAZARDS**

**WHEREAS**, the Cow Creek Band of Umpqua Tribe of Indians (the “Tribe”) is organized under the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), the provisions of the Cow Creek Band of Umpqua Tribe of Indians Recognition Act of December 29, 1982 (P.L. 97-391), as amended by the Cow Creek Band of Umpqua Tribe of Indians Distribution of Judgment Funds Act of October 26, 1987 (P.L. 100-139), and the Cow Creek Tribal Constitution, duly adopted pursuant to a federally supervised constitutional ballot, on July 8, 1991; and,

**WHEREAS**, pursuant to Article III, Section 1 of the Tribe’s Constitution, the Cow Creek Tribal Board of Directors (the “Board”) is the governing body of the Tribe; and,

**WHEREAS**, pursuant to Article VII, Section 1 (a) of the Tribe’s Constitution the Board has the power to “to negotiate with the Federal, state and local governments on behalf of the Tribe and advise and consult with representatives of the Department of the Interior or any other federal, state or local department, agency or office on all activities of those agencies or offices that may affect the Tribe”; and

**WHEREAS**, pursuant to Article VII, Section 1 (b) of the Tribe’s Constitution the Board has the power to “represent the Tribe before Federal, state and local governments and their departments and agencies”; and

**WHEREAS**, pursuant to Article VII, Section 1 (d) of the Tribe’s Constitution the Board has the power to “administer the affairs and assets of the Tribe, including Tribal lands”; and

**WHEREAS**, pursuant to Article VII, Section 1 (f) of the Tribe’s Constitution the Board has the power to “provide for taxes, assessments, permits, and license fees upon members and non-members within the trust lands under the jurisdiction of the Tribe”; and,

**WHEREAS**, pursuant to Article VII, Section 1 (g) of the Tribe’s Constitution the Board has the power to “manage all economic affairs and enterprises of the Tribe or to assign such responsibility to such persons, committees or companies (including tribally chartered corporations) as it designates”; and,

**WHEREAS**, pursuant to Article VII, Section 1 (i) of the Tribe's Constitution the Board has the power to "enact ordinances and laws governing the conduct of all persons on tribally owned land; to maintain order and protect the safety, health, and welfare of all persons within the jurisdiction of the Tribe; and to enact any ordinances or laws necessary to govern the administration of justice, and the enforcement of all laws, ordinances or regulations . . ."; and,

**WHEREAS**, pursuant to Article VII, Section I (t) of the Tribe's Constitution the Board has the power to "have such other powers and authority necessary to meet its obligations, responsibilities, objectives, and purposes as the governing body of the Tribe"; and,

**WHEREAS**, the Umpqua Mine Site is contaminated by mercury, arsenic and other materials used in the manufacturing and processing of mercury; and

**WHEREAS**, the Secretary of Interior has a trust obligation to the Tribe; and

**WHEREAS**, the Secretary of Interior and Bureau of Indian Affairs must ensure that the Trust Resource is not contaminated; and

**WHEREAS**, the Board believes that the Umpqua Mine Site should be fully cleaned up so as not to create an environmental hazard to the Tribe or its Members;

**WHEREAS**, the Tribe requests the Bureau of Indian Affairs to work with the Bureau of Land Management and the Environmental Protection Agency to clean up the Umpqua Mine Site in its entirety and to insure that all materials removed from the contaminated site be hauled to an offsite waste area; and

**WHEREAS**, the Tribe requests the cleanup to be conducted in the most expeditious manner possible so as not to result in prolonged risk to the Tribal Membership.

**THEREFORE, BE IT RESOLVED** that the Tribe, by and through the Board, hereby directs the U.S. Government to clean up the environmental hazards of the Umpqua Mine Site completely and expeditiously;

**BE IT FURTHER RESOLVED**, that any and all actions heretofore or hereafter taken by any Tribal officers, employees or agents under the authority of the foregoing resolution be, and hereby are, ratified and confirmed as essential to the core of the Tribe's sovereignty, and are the act and deed of the Tribe taken or made by said officers, employees or agents on behalf of the Tribe and within the scope of their duties to the Tribe; and,

**BE IT FURTHER RESOLVED**, that neither this resolution nor any document or representation related herewith or therewith shall constitute a waiver of the sovereign immunity of the Tribe, or its officers acting in their official capacity within the scope of their authority; and,

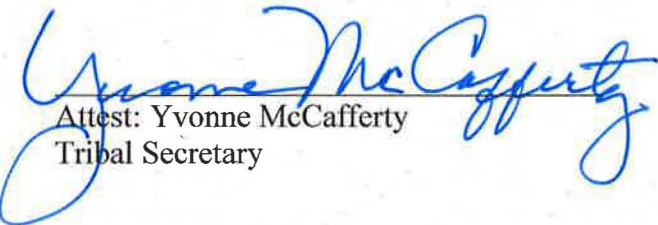
**BE IT FURTHER RESOLVED**, that the actions authorized and taken by this Resolution are intended to advance the sovereign self-governance of the Tribe, and to protect the political integrity, economic security and health and welfare of the Tribe and its members; and,

**BE IT FURTHER RESOLVED**, any prior Tribal regulations, resolutions, orders, motions, legislation, codes or other Tribal law which are materially inconsistent with this Resolution are hereby repealed, but only to the extent of any such inconsistency and as applied to the specific matter in which any such inconsistency arises.

### **CERTIFICATION**

It is hereby certified that the Cow Creek Tribal Board of Directors, governing body of the Cow Creek Band of Umpqua Tribe of Indians, composed of eleven (11) members of whom 11, constituting a quorum, were present at a meeting duly held on the 12 day of August, 2018, adopted the foregoing **RESOLUTION OF THE COW CREEK BAND OF UMPQUA TRIBE OF INDIANS BOARD OF DIRECTORS DIRECTING THE U.S. GOVERNMENT TO CLEAN UP THE UMPQUA MINE SITE OF ENVIRONMENTAL HAZARDS** by the affirmative vote of 11 for and 0 against.

  
Daniel Courtney  
Tribal Chairman

  
Attest: Yvonne McCafferty  
Tribal Secretary