



## Affiliated Tribes of Northwest Indians

### **2008 Winter Conference Yakima, Washington**

#### **RESOLUTION #08 - 06**

#### **"2008 FEDERAL RENEWABLE ENERGY LEGISLATION"**

### **PREAMBLE**

We, the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution:

**WHEREAS**, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

**WHEREAS**, the Affiliated Tribes of Northwest Indians is a regional organization comprised of American Indians in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

**WHEREAS**, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of Affiliated Tribes of Northwest Indians; and

**WHEREAS**, in the 2008 session of the 110th Congress, federal legislators are likely to consider legislation that would impact renewable energy development and production in Indian Country; and

**WHEREAS**, this is likely to include renewal of the Renewable Energy Production Tax Credits (PTC's), including provisions that would permit tribes to market their PTCs to third parties, provisions relating to the parity of biomass renewable energy

with other renewable energy sources, and provisions relating to the length of the renewal; and

**WHEREAS**, this may also include renewable energy legislation, such as a renewable energy portfolio, that restrictively defines biomass utilization as a renewable energy resource; and

**WHEREAS**, energy production and investment is an increasing and important part of the economies of Indian Nations that provides significant opportunities for revenue generation for tribal governments, employment and training opportunities for tribal members and for achieving social and economic well-being of tribal members and the improved management of tribal trust assets; and

**WHEREAS**, Congress typically extends PTC's in two-year increments, the current PTC is due to expire at the end of 2008, the PTC's are an essential element in attracting investment in renewable energy on reservations and provide an important basis on which to make such energy projects economically feasible, new development of energy projects requires an extended planning period, and the PTC's treat biomass-sourced renewable energy less favorably than other renewables even though biomass is a valuable firm energy source and has the potential to significantly advance and improve forest health management; and

**WHEREAS**, PTC's are currently only available to tax paying entities which forces tribal governments to enter into complex and costly equity ownership arrangements with third parties in order to be able to take advantage of the PTC benefit and unfairly puts tribal projects on an uneven footing with non-tribal projects; and

**WHEREAS**, many tribal communities have identified biomass utilization as a necessary tool for remedying forest health conditions that imminently threat a wide range of tribal trust resources, which conditions were created in large part by a century of federal fire suppression policies; and

**WHEREAS**, overly restrictive biomass definitions in federal legislative proposals would eliminate the creation of biomass utilization markets and violates the federal Indian trust obligations as well as other federal policies including the Tribal Forest Protection Act of 2006 and Indian self-governance and self-determination; and

**WHEREAS**, environmental concerns related to the risk that creation of a biomass utilization market will cause inappropriate forest management that will result in over thinning and the removal of old growth stands can be reduced or eliminated by better stakeholder communication and participation focused on desired resource end results, effective supply planning, and project monitoring; now

**THEREFORE BE IT RESOLVED**, that the Affiliated Tribes of Northwest Indians supports extension of the PTC's as soon as possible for a five-year period, and this support would give biomass sourced renewable energy parity with other renewable new energy sources in light of its value and forest health benefits; and

**BE IT FURTHER RESOLVED**, that the Affiliated Tribes of Northwest Indians supports new structuring of the PTC's to allow Indian tribes independently to sell or transfer PTCs attributable to tribal ownership in a renewable energy project; and

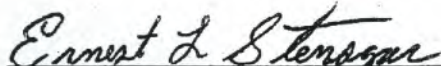
**BE IT FURTHER RESOLVED**, that the Affiliated Tribes of Northwest Indians objects to restrictive definitions of biomass because it will result in worse forest health conditions; and

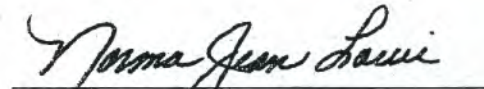
**BE IT FURTHER RESOLVED**, that the Affiliated Tribes of Northwest Indians supports the creation of a federal policy that encourages development of an effective biomass utilization market that facilitates forest health conditions; and

**BE IT FINALLY RESOLVED**, that Affiliated Tribes of Northwest Indians is willing to help with policy development.

#### **CERTIFICATION**

The foregoing resolution was adopted at the 2008 Winter Conference of the Affiliated Tribes of Northwest Indians, held at the Yakima Convention Center, Yakima, Washington on January 25, 2008, with a quorum present.

  
Ernest L. Stensgar, President

  
Norma Jean Louie, Secretary