



2018 Winter Convention Portland, Oregon

RESOLUTION #18 - 03

“TRIBAL CARBON CREDITS AS A TRUST RESOURCE”

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, Executive Orders, 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 to 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, ATNI is a regional organization comprised of American Indians/Alaska Natives and tribes 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 the ATNI; and

WHEREAS, ATNI member tribe, the Confederated Tribes of the Warm Springs Reservation of Oregon (Warm Springs Tribe) has entered the “carbon sequestration” market by participating in the California Cap and Trade Program based on the Warm Springs Tribe’s Improved Forestry Management Project (Project); and

WHEREAS, carbon sequestration involves the management of certain Warm Springs tribal forests through the Tribe’s Improved Forestry Management Project to produce carbon offset credits for marketing in California’s Cap and Trade Program; and

WHEREAS, the Warm Springs Tribe, like many other ATNI member tribes, has experienced declining harvests of tribal timber resources in recent years, which has resulted in a decline in trust revenues deposited to the Warm Springs Tribe's trust accounts; and

WHEREAS, the Warm Springs Tribe believes that revenues produced by participation in the California Cap and Trade Program, which are based on the management of tribal forests, should be treated by the U.S. Department of Interior as trust revenues the same as revenues from the harvest of tribal timber; and

WHEREAS, federal regulations at 25 CFR Section 115.002 define "trust assets" to include "natural resources" held in trust by the federal government for the Tribe, and further define "trust resources" as "any element or matter directly derived from Indian trust property" and define "trust funds" as "money derived from the...use of...trust resources...;" and

WHEREAS, the Warm Springs Tribe enacted Tribal Council Resolution No. 12405 declaring the Tribe's position that Warm Springs carbon offset credits are a "trust resource" that is "directly derived from Indian trust property" and the revenue from the sale of Warm Springs carbon offset credits is "money derived from the use of trust resources," as defined in 25 CFR Section 115.002; and

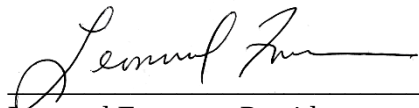
WHEREAS, the Warm Springs Tribe has further declared through Resolution No. 12404 that, pursuant to the 25 CFR Section 115.002 definitions of "trust resources" and "trust funds", the revenue resulting from the sale of Warm Springs carbon offset credits in the California Cap and Trade Program must be treated by the U.S. Department of Interior as "trust funds" and therefore entitled to the legal treatment accorded such revenues under federal law; and

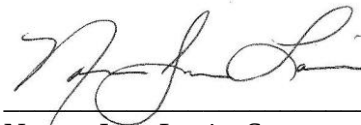
WHEREAS, Oregon and other Pacific Northwest states are considering adoption of carbon sequestration Cap and Trade programs similar to California's, which would open additional opportunities for ATNI member tribes to manage their tribal forest lands to generate revenues in the form of carbon offset credits marketable in Cap and Trade programs; now

THEREFORE BE IT RESOLVED, that ATNI hereby adopts the position of the Warm Springs Tribe that revenue from the sale of carbon offset credits directly derived from management of tribal forests are entitled to treatment by the U.S. Department of Interior as "trust funds" as defined by 25 CFR Section 115.

CERTIFICATION

The foregoing resolution was adopted at the 2018 Winter Convention of the Affiliated Tribes of Northwest Indians, held at the DoubleTree by Hilton - Portland, Oregon, on January 22-25, 2018, with a quorum present.


Leonard Forsman, President


Norma Jean Louie, Secretary