



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Authorizing Limited Waiver of Sovereign Immunity for Duration of Carbon Credits)

- WHEREAS,** the Tribal Council of the White Mountain Apache Tribe ("Tribe") is entrusted by the Tribe's Constitution, Article IV Section 1, to act in all matters that concern the welfare of the Tribe, to manage all economic affairs and enterprises of the Tribe, and to regulate subordinate organizations for economic and other purposes; and
- WHEREAS,** pursuant to Executive Order dated January 31, 1870 describing the Fort Apache Indian Reservation, which is recorded in the BIA office as 607-19-89, the White Mountain Apache Tribe has the right to list carbon projects under the California Global Warming Solution Act of 2006 ("California Program"); and
- WHEREAS,** the Tribe passed Resolution No. 11-2013-213 authorizing a limited waiver of sovereign immunity for the first White Mountain Apache Tribe Forest Carbon Offset Project ("First Carbon Project") verified under the Compliance Offset Protocol, U.S. Forest Projects, dated October 20, 2011; and
- WHEREAS,** in addition to the First Verified Carbon Project, the Tribe would like to list additional forest carbon projects ("Future Projects") under the California Air Resources Board's current Compliance Offset Protocol, U.S. Forest Projects (dated November 14, 2014), and applicable updated versions of the Protocol; and
- WHEREAS,** in order to ensure all proper protections are in place for Future Projects, California Air Resources Board (CARB) has asked the Council for a limited waiver of sovereign immunity applicable to Future Projects; and
- WHEREAS,** pursuant to the California Program a limited waiver of sovereign immunity is required for the duration of the projects described herein.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Limited Waiver language (see below) is affirmed and shall apply for the entire Project Life of any applicable Future Project, which is defined under the Protocol as the period of time between offset project commencement and a period of 100 years following the issuance of the CARB or registry offset credit for greenhouse gas reductions or greenhouse gas removal enhancements achieved by an offset project.

Authorized Limited Waiver Language is as follows:

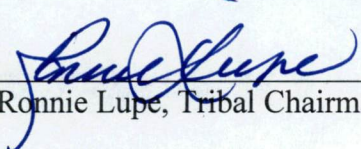
The White Mountain Apache Tribe hereby expressly waives any and all defenses based upon tribal sovereign immunity from suit with respect to any action in law or equity commenced by the State of California, Air Resources Board to enforce the obligations of the Tribe with respect to its participation in the Cap-and-Trade Program, for the duration required in any applicable Compliance Offset Protocol for U.S. Forest Projects, and irrespective of the form of relief sought, whether mandatory or otherwise, including the submission or replacement, as applicable, of valid ARB offset credits or other approved compliance instruments as required by the Cap-and-Trade Program, including sections 95983(c) and 95985. The White Mountain Apache Tribe, for purposes of this limited waiver, shall be treated in the same manner as a California public entity under California Government Code sections 818 and 818.8. The Tribe consents to jurisdiction and venue in the courts of the State of California. The Tribe does not waive any aspect of its sovereign immunity with respect to actions by third parties.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that is hereby grants the Tribal Chairman the authority to do whatever else is necessary in working with the CARB to move future projects along, provided that such requirements are within the parameters of the authority granted under this resolution.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

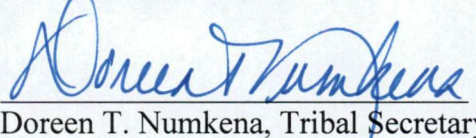
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on **SEPTEMBER 15, 2015** duly adopted by a vote of **TEN** for, **ZERO** against, and **ZERO** abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).



Ronnie Lupe, Tribal Chairman

9/28/15
Date



Doreen T. Numkena, Tribal Secretary

9/28/2015
Date