



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approval of Sale of Carbon Credits Offsets to British Petroleum)

WHEREAS, The Tribal Council of the White Mountain Apache Tribe (the “Tribe”) is entrusted by the Tribe’s Constitution 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, The Tribe has developed carbon sequestration projects named the “White Mountain Apache Tribe Forest Carbon Project,” ARB Project ID #CAFR5253 and ARB Project ID # CAFR5072 (“Project”), which is subject to the California Air and Resource Board Cap and Trade regulations; and

WHEREAS, The Tribe has been issued Project-related California Carbon Offsets (“CCOs”); and

WHEREAS, In 2015, the Tribe entered into a Master Agreement for the Purchase and Sale of ARB Compliant Credits (“Agreement”) with British Petroleum (“BP”) via Resolution 09-2015-183; and

WHEREAS, Pursuant to the terms of the Agreement, amendments may be made subject to the approval by both parties to the Agreement; and

WHEREAS, The Tribe has placed a portion of its CCOs out for bid and BP has made an offer to the Tribe to purchase 700,000 carbon offset credits at a mutually agreed upon price per credit; and

WHEREAS, The Tribe will transfer CCOs to BP and BP will pay the Tribe for such CCOs in accordance with and the manner provided in the terms of the amended Agreement; and

WHEREAS, The Tribal Council has determined that amending the Agreement between the Tribe and BP for the additional sale of carbon offsets to BP is in the best interest of the Tribe.

BE IT RESOLVED that the Tribal Council of the White Mountain Apache Tribe hereby approves amending the Master Agreement between the Tribe and British Petroleum to include the 2020 sale of 700,000 carbon credits to British Petroleum at the mutually agreed upon price per carbon offset, subject to legal review by the Office of the Attorney General.

BE IT FURTHER RESOLVED that the Tribal Council of the White Mountain Apache Tribe does hereby approve and authorize the execution, issuance, delivery and performance of the Agreement, together with all exhibits, attachments, schedules or other appendices appended thereto or referred to therein, subject to prior legal review by the Office of the Attorney General.


Resolution No. 08-2020-188

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

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 existing as of the date hereof, 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 FINALLY RESOLVED, that the Chairwoman or in her absence the Vice-Chairman of the Tribal Council, on behalf of the Tribe, is hereby authorized to execute, deliver and cause the performance of the Agreement, and is delegated the authority to make such changes as the Chairwoman (or in her absence the Vice-Chairman) deems necessary, and is further delegated the authority to take and cause to be taken any and all additional actions necessary to implement the intent of this Resolution and the Agreement.

The foregoing resolution was on AUGUST 5, 2020 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).



Gwendena Lee-Gatewood, Chairwoman

10/29/20
Date



Doreen T. Numkena, Tribal Secretary

10/30/2020
Date