

# *Pyramid Lake Paiute Tribal Council*

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**RESOLUTION NO.: PL 133-18**

## **RESOLUTION OF THE TRIBAL COUNCIL OF THE PYRAMID LAKE PAIUTE TRIBE NIXON, NEVADA**

**WHEREAS,** the Pyramid Lake Paiute Tribe is organized pursuant to the provisions of Section 16 of the Indian Reorganization Act (25 U.S.C. § 476) and is federally recognized by the United States Government through the Secretary of the Interior and the Bureau of Indian Affairs, and possesses attributes of sovereignty over both its members and territory; and

**WHEREAS,** the Constitution of the Pyramid Lake Paiute Tribe generally authorizes and empowers the Tribal Council to engage in activities on behalf of and in the interest of the welfare and benefits of the Tribe and of the enrolled members thereof; and

**WHEREAS,** the Constitution, Article VI, Section 1(c), as amended, authorizes the Tribal Council to approve any lease or encumbrance of tribal lands; and

**WHEREAS,** Dodge Flat Solar LLC, a Delaware company, is developing several parcels of land, located to the west of the Pyramid Lake Paiute Reservation, for the purpose of constructing, operating, and maintaining a solar electric generating facility, and requires access to those parcels from State Highway 447; and

**WHEREAS,** Dodge Flat Solar LLC desires to obtain a grant of easement from the United States for the use of Olinghouse Road located on the Pyramid Lake Paiute Reservation for the purpose of accessing the parcels to construct, operate and maintain the solar electric generating facility; and

**WHEREAS,** Dodge Flat Solar LLC desires to obtain the Tribe's consent to the grant of easement from the United States; and

**WHEREAS,** Dodge Flat Solar LLC and the Tribal Council have negotiated an Option to Enter into Easement Agreement ("Option Agreement") to give the parties additional time to negotiate additional terms and conditions for a potential Easement Agreement; and

**WHEREAS,** the Option Agreement requires the negotiation and approval of a Community Benefits Agreement to address the impacts of the solar electric generating facility

on the Reservation and tribal members before the parties can enter into an Easement Agreement; and

**WHEREAS**, the Option to Enter into Easement Agreement contains a limited waiver of sovereign immunity for purposes of enforcing the dispute resolution provisions in the Option Agreement.

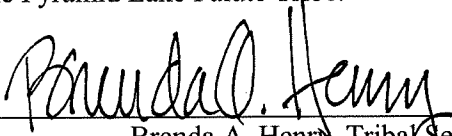
**NOW, THEREFORE BE IT RESOLVED**, that the Pyramid Lake Paiute Tribal Council hereby approves the Option to Enter into Easement Agreement between the Tribe and Dodge Flat Solar LLC; and

**BE IT FURTHER RESOLVED**, that the Tribal Council retains the sole right and authority to approve the various agreements contemplated in the Option Agreement, including the Community Benefits Agreement and the final Easement Agreement; and

**BE IT FINALLY RESOLVED**, that the Tribal Council authorizes the Tribal Chairman to execute the Option Agreement, to take any and all actions necessary to implement the Option Agreement and the Tribe's obligations thereunder, and to take any other such actions necessary to accomplish, consummate and give effect to the Option Agreement.

#### **CERTIFICATION**

It is hereby certified that the foregoing resolution of the Pyramid Lake Paiute Tribal Council, governing body of the Pyramid Lake Paiute Tribe, composed of ten members, of whom nine (9) constituting a quorum were present at a special meeting duly held on the 13th day of December, 2018 was adopted by the affirmative vote of eight (8) FOR and zero (0) AGAINST, with zero (0) ABSTENTIONS; pursuant to the authority contained in the Constitution and By-laws of the Pyramid Lake Paiute Tribe.

  
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Brenda A. Henry, Tribal Secretary  
Pyramid Lake Paiute Tribal Council