

RESOLUTION

WHEREAS, it is the recommendation of the Natural Resources Committee and Management & Budget/Community Development Committees to accept the transfer of the property known as the Figlenski Ranch Tunk Block in Okanogan County, Washington, and the placement of restrictive covenants on the property to protect its conservation values in perpetuity. The transfer will include 8,700 acres, more or less, at no cost to the Tribe (map attached).

Whereas, the Colville Tribal Business Council approves and acceptance of title to the Property. In accepting title to the Property, the Colville Tribal Business Council also approves the placement of a covenant on the Property to manage and maintain the Property in accordance with the following restrictions on the use of the Property to protect in perpetuity the Conservation Values of the Property (Restrictive Covenants):

- No residential use
- No industrial use
- No commercial use (other than farm, ranch and agricultural use and no more than de-minimis commercial recreational use)

The prohibition on more than a de minimis use of the Property for commercial recreational activities is intended to prevent the Property from becoming the site of a commercial recreational enterprise, such as a commercial campground, a golf course, an exclusive hunting ground or club, a commercial site for all all-terrain vehicle, motocross or other racetrack, or other similarintensive or predominantly commercial use.

These Restrictive Covenants shall not merge with the title of the Confederated Tribes of the Colville Reservation to the Property, it being the intent of the Colville Tribal Business Council that these Restrictive Covenants shall be perpetual and remain iwht the Property, irrespective of common ownership.

The Restrictive Covenants shall run with the land and shall be binding on The Confederated Tribes of the Colville Reservation, its members, successors and assigns, and any person acquiring an interest in the Property, including a leasehold interest, in accordance with the Tribe's Law and Order Code and the Tribe's Fish and Wildlife regulations and policies.

-Any use of, or activity on, the Property inconsistent with the Restrictive Covenants is prohibited, and The Confederated Tribes of the Colville Reservation will not conduct, engage in or permit such use on the Property.

-The Confederated Tribes of the Colville Reservation will commence and prosecute enforcement action on the part of its members in its Tribal Court system in a manner reasonably calculated to swiftly correct the conditions caused by such violation.

Except as to the prohibited uses and activities provided in the Restrictive Covenants, in accepting title to the Property, the Colville Business Council reserves for The Confederated Tribes of the Colville Reservation, and its successors and assigns, all customary and cultural rights and privileges of ownership, including, but not limited to the right to sell, lease, and devise all or a portion of the Property.

The Colville Business Council authorizes Chairman or his/her designee to execute any documents necessary to carry out this resolution, including by execution of the deed by which the Property is conveyed to The Confederated Tribes of the Colville Reservation.

The Colville Business Council authorizes inclusion of the following language in the conveyance deed to The Confederated Tribes of the Colville Reservation:

“Grantee, The Confederated Tribes of the Colville Reservation, a sovereign nation, by its signature below, hereby accepts the Deed to the Property and covenants to manage and maintain the Property in accordance with certain restrictions on its use to protect in perpetuity the Conservation Values of the Property, including but not limited to wildlife species and their habitat, all in the manner described in that certain Resolution _____ of Grantee attached hereto and incorporated herein by this reference (“Restrictive Covenants”).

Grantee hereby affirms that these Restrictive Covenants shall run with the land and shall be binding on Grantee, its members, successors and assigns, and any person acquiring an interest in the Property, including a leasehold interest, in accordance with the Tribe’s Law and Order Code and the Tribe’s Fish and Wildlife regulations and policies.”

Chairperson or designee has the authority to sign all pertinent documents.

THEREFORE, BE IT RESOLVED, that we, the Colville Business Council, meeting in a **SPECIAL SESSION** this 17th day of February, 2021 acting for and in behalf of the Colville Confederated Tribes, Nespelem Washington, do hereby approve the above recommendation of the Natural Resources And Management & Budget/Community Development Committee.

The foregoing was duly enacted by the Colville Business Council by a vote of **10 FOR 0 AGAINST 0 ABSTAINED**, under authority contained in Article V, Section 1(a) of the Constitution of the Confederated Tribes of the Colville Reservation, ratified by the Colville Indians February 26, 1938, and approved by the Commissioner of Indian Affairs on April 19, 1938.

ATTEST:



**Rodney Cawston, Chairman
Colville Business Council**

cc: Jarred Erickson, NRC Committee Chair
Jack Ferguson, M&B/CDC Committee Chair
Peggy Circle, NRC Committee Secretary
Naomi Yazzie, M&B/CDC Committee Secretary
Francis Somday, Executive Director
William Nicholson II, Chief Financial Officer
Dept. or Program: Cody Desautel, Natural Resource Director

