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3/
Raytheon Corporation

703-979-6100

400 Army Navy Drive
Arlington, Va. 22202

Robert Perry

ph. p. Martini

3
American Greetings Corporation

216-252-7300

10500 American Road

Cleveland, Ohio 44144

Morton Wyman & Robert Swilik

Phillip Martin

3
Watkins, Pyle, Ludlam & Stennis

601-354-3456

20th Flr. Deposit Guaranty Plaza

P.O. Box 427

Jackson, Miss. 39205

Alton Phillips

Philip Martin

3
Indian Development Foundation

918-336-1286

821 S. Johnstone, Suite 724

P.O. Box 907

Bartlesville, OK. 74003

Marvin Franklin

Phillip Martin

3/
American Petroleum Institute

Philip Martin

3/
City Service Companies

Phillip Martin

3/
Phillips Petroleum Company

Phillips Martin

3

AMOCO

Phillip Martin

3
National Association of Manufacturers

Phillip Martin

3

National Minority Purchasing Council

Phillip Martin

3
National Association of Purchasing Agents

Philip Martin

3

Department of Defense, Small & Disadvantaged Business

Utilization Program

Phillip Martin

Peter MacDonald, Chairman
The Navajo Nation
Window Rock, Arizona 86515

Chief Phillip Martin
Mississippi Band of Choctaw Indians
Tribal Office Building
Route 7, Box 21
Philadelphia, Mississippi 39350

The Honorable Ken Smith
Assistant Secretary for Indian Affairs
Department of the Interior
19th and Constitution Avenue N.W.
Washington, D. C. 20240

Mr. Charles Trimble
Charles Trimble Company
200 N. Glebe Road
Suite 905
Arlington, Virginia 22203

Mr. Joe De La Cruz, President
National Congress of American Indians
202 E. Street N. E.
Washington, D. C. 20002

Alice McGill
2130 P St. N. W.
Washington, D. C. 20037

Mr. Robert Barker
Wilkinson, Cragun & Barker
1735 New York Ave. N. W.
Washington, D. C. 20006

Gunilla Lindh-Foster
The Alpha Group
P.O. Box 2263
Reston, Virginia 22090

no
response
Mr. Dallas Merrill
13917 Crest Hill Lane
Silver Spring, Md.

no
response
Louis Bruce
Native American Consultants
725 Second St. N. E.
Washington, D. C. 20002

THE WHITE HOUSE
WASHINGTON

April 12, 1982

TO: Maureen Hudson

FROM: Maiselle Shortley

As you can see Anne Higgins has
okayed this letter.

Could we possibly have these letters
done by 1 P.M. April 13, since the
last paragraph puts a deadline of
April 20 on their response to us?

Many thanks.

Peter MacDonald, Chairman
The Navajo Nation
Window Rock, Arizona 86515

Joe George 775-0393

ok Chief Phillip Martin
Mississippi Band of Choctaw Indians
Tribal Office Building
Route 7, Box 21
Philadelphia, Mississippi 39350

601-656-5251

ok The Honorable Ken Smith
Assistant Secretary for Indian Affairs
Department of the Interior
19th and Constitution Avenue N.W.
Washington, D. C. 20240

ok Mr. Charles Trimble
Charles Trimble Company
200 N. Glebe Road
Suite 905
Arlington, Virginia 22203

528-1200

ok Mr. Joe De La Cruz, President
National Congress of American Indians
202 E. Street N. E.
Washington, D. C. 20002

Ron Andrade
546-1168

ok Alice McGill
2130 P St. N. W.
Washington, D. C. 20037

472-5660

ok Mr. Robert Barker
Wilkinson, Cragun & Barker
1735 New York Ave. N. W.
Washington, D. C. 20006

783-4800
Charlie Hobbs
Jerry Stranas

called
4/26

ok Gunilla Lindh-Foster
The Alpha Group
P.O. Box 2263
Reston, Virginia 22090

442-9138

Mr. Dallas Merrill
13917 Crest Hill Lane
Silver Spring, Md.

384-2926(R)
441-2811(O)

588-9585
called 4/28

Louis Bruce
Native American Consultants
725 Second St. N. E.
Washington, D. C. 20002

547-0576
called 4/28

RWB

Dear (first name):

I am working up a proposal for a Presidential meeting relating to economic development on Indian reservations.

We have had a number of meetings for the President co-sponsored by our White House Office of Public Liaison and the Presidential task force on private sector initiatives. My proposal will be for an analogous meeting concentrating on the process of private sector job creation on tribal reservations.

The proposed format will be joint presentations by tribal leadership and companies which have had successful experience in establishing manufacturing or other business facilities on reservations. There would be a briefing in the morning including, possibly, a meeting with the President or Cabinet officers.

In addition to those making presentations on their successful past experience, we would have perhaps as many as 50 leaders from Indian country and decision makers from 50 major corporations who might be encouraged to begin new ventures based on what they would learn at the briefings.

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1. successful examples of business cooperation with tribal governments which led to new private employment on reservations.
2. Appropriate leadership from Indian country who should be invited
3. Corporate and business leaders who should be invited to consider new ventures on reservations

I have discussed this with leaders of the Presidential task force on private sector initiatives. They are anxious to cooperate.

Would you please give me your recommendation by Tuesday, April 20? We are shooting for a May meeting.

Cordially,

Morton C. Blackwell
Special Assistant to
the President

April 13, 1982

Dear Gunilla:

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Special Assistant
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Mr. Louis Bruce
Native American Consultants
725 Second Street, N.E.
Washington, D.C. 20002

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Department of the Interior
19th and Constitution Avenue, N.W.
Washington, D.C. 20240

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Special Assistant
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Mr. Charles Trimble
Charles Trimble Company
Suite 905
200 North Glebe Road
Arlington, Virginia 22203

April 13, 1982

Dear Joe:

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President
National Congress of American Indians
202 E Street, N.E.
Washington, D.C. 20002

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Miss Alice McGill
2130 P Street, N.W.
Washington, D.C. 20037

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13917 Crest Hill Lane
Silver Spring, Maryland

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I would greatly appreciate your making recommendations in any or all of the following three categories:

1. successful examples of business cooperation with tribal governments which led to new private employment on reservations;
2. appropriate leadership from Indian country who should be invited;
3. corporate and business leaders who should be invited to consider new ventures on reservations.

I have discussed this with leaders of the Presidential Task Force on Private Sector Initiatives. They are anxious to cooperate.

Would you please give me your recommendation by Tuesday, April 20? We are shooting for a May meeting.

Sincerely,

Morton C. Blackwell
Special Assistant
to the President

Miss Gunilla Lindh-Foster
The Alpha Group
Post Office Box 2263
Reston, Virginia 22090

April 13, 1982

Dear Roberts:

I am working up a proposal for a Presidential meeting relating to economic development on Indian reservations.

We have had a number of meetings for the President cosponsored by our White House Office of Public Liaison and the Presidential Task Force on Private Sector Initiatives. My proposal will be for an analogous meeting concentrating on the process of private sector job creation on tribal reservations.

The proposed format will be joint presentations by tribal leadership and companies which have had successful experience in establishing manufacturing or other business facilities on reservations. There would be a briefing in the morning including, possibly, a meeting with the President or Cabinet officers.

In addition to those making presentations on their successful past experience, we would have perhaps as many as 50 leaders from Indian country and decision makers from 50 major corporations who might be encouraged to begin new ventures based on what they would learn at the briefings.

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Sincerely,

Morton C. Blackwell
Special Assistant
to the President

Mr. Robert Barker
Wilkinson, Cragun & Barker
1735 New York Avenue, N.W.
Washington, D.C. 20006



GENERAL OFFICES: 40 EAST BROADWAY, BUTTE, MONTANA 59701 • TELEPHONE 406/723-5421

JOSEPH A. McELWAIN

CHAIRMAN OF THE BOARD
AND
CHIEF EXECUTIVE OFFICER

May 28, 1982

Morton C. Blackwell
Office of Public Liaison
The White House
Washington, D.C. 20500

Dear Morton:

In accordance with our telephone conversation this afternoon, I enclose herewith a brief resume of our agreement with the Northern Cheyenne Tribe printed in the April 28, 1980 Council of Energy Resource Tribes publication, together with a copy of the agreement itself.

The background of this agreement is a long one involving approximately 7 years of trying to get permitted, both state and federally, a \$1.5 billion generating complex at Colstrip, Montana, sponsored by Montana Power Company and four other northwest investor-owned utilities. The agreement has led the way to the conclusion of the largest investment ever made in the state of Montana by either private enterprise or government, and has produced to date some 175 jobs for native Americans in the Colstrip area, with the possibility of substantial more employment of Indians to come.

We would be pleased to jointly, with the Northern Cheyenne, make a brief presentation at your July 26 meeting, should you deem it appropriate.

Very truly yours,

JAM:bw

encs.

cc. Frank Whetstone - Cut Bank
Dennis Limberhand - Colstrip

In this issue:

N. CHEYENNE Tribal Council approved April 21 a precedent-setting, multi-faceted agreement with five companies involved in developing the Colstrip complex of coal mines and power plants, ending nearly a decade of controversy, litigation and negotiation between the tribe and the companies. Page 1

TRIBAL MANAGER Corps, a new program initiated by Commissioner of Indian Affairs William Hallett, is intended to "strengthen and improve tribal governments." The program will assign professional manager-administrators from government agencies and private industry "to work with Indian tribes to help meet tribal management needs," according to Hallett. Page 3

CROW-SHELL deal was approved unanimously by the Tribal Council on April 12, providing a 12.5 percent royalty to strip mine an estimated 210 million tons of coal on the reservation. The contract includes a profit-sharing provision calling for Shell to split evenly with the tribe any profit margin above 20 percent. Page 4

NUCLEAR WASTE and transportation disposal policymaking is continuing in the President's State Planning Council, on Capitol Hill and in administrative agencies. The inclusion of tribal participation in all waste-planning is still an uphill battle, although progress is being made. Page 5

IN BRIEF. . .

Page 6

Seven tribes suing to stop pipeline.
Andrus orders resumption of leasing.
Gulf planning Mt. Taylor uranium mill.
EPA to regulate synfuels development.
USGS lists synfuels potential areas.
Energy solar division revamped.
Osage could lose oil to dam.
Senate passes rail deregulation bill.

THE CERT REPORT

Council of Energy Resource Tribes

Vol. II, No. 8, April 28, 1980

N. Cheyenne

A precedent-setting, multi-faceted agreement between the Northern Cheyenne Tribe and five companies involved in developing the giant Colstrip complex of coal mines and power plants was approved April 21 by the Tribal Council, ending nearly a decade of controversy, litigation and negotiation between the tribe and the companies.

The agreement commits Montana Power Co. and the four other Colstrip consortium members to tribal demands including tribal employment and job training programs at Colstrip, air quality control and monitoring provisions and socio-economic impact assistance for the tribe.

The Colstrip complex is 12 miles from the Northern Cheyenne's Reservation boundary in Montana. For years, the tribe has successfully prevented Montana Power and the consortium companies from constructing massive coal-fired power plants in the area.

"Monetarily, it's the largest contract the Cheyennes have ever signed, outside of coal development," said one tribal spokesman.

"It's a way to preserve the reservation's environment and the tribe's economy. We can keep the door open for economic development without jeopardizing

the tribe," added Edwin Dahle, Chairman of the tribe's Natural Resource Committee.

"This agreement is the first of its kind between a group of companies and a tribe, to my knowledge," said Dennis Limberhand, one of the negotiators for Montana Power Co. and a member of the Northern Cheyenne Tribe. "It's a binding relationship which enables both sides to benefit from each other's special services."

The Colstrip consortium agreed to the employment guarantees, job training programs, air quality and socioeconomic impact assistance and other demands of the tribe in exchange for the Northern Cheyennes' dropping out of litigation against the Environmental Protection Agency (EPA) for granting the newest Colstrip power plant its air quality permit.

The tribe's lawsuits against Montana Power and the consortium companies "gave us the credibility and status to negotiate," according to CERT's senior coal policy analyst, Doug Richardson, who assisted with the negotiations. The tribe and the company began negotiating about a year ago, when the tribe realized that its latest effort to stop the Colstrip power plants was "a long-shot, at best," according to one observer. Construction on the contested coal-fired units has already begun.

"When we negotiated with the companies, we worked on three areas: what they were legally required to do, what they were morally required to do, and what areas would be beneficial to both Montana Power and the reservation," a tribal spokesman said.

The agreement includes:

- ° Provisions requiring the companies to establish extensive employment guarantees and related job-training programs for tribal members. The job-training program closely parallels union apprenticeships.

- ° Provisions for funding tribal air-quality programs on the reservation. This will include three

sophisticated air-quality monitoring stations, to be set up on the reservation which will be equipped and operated by an independent consulting firm, all at the companies' expense. In addition, the companies are to provide \$25,000 annually for five years to develop Northern Cheyenne air quality expertise. The companies also agreed to provide scholarships for two tribal members to attend a 12-month air quality monitoring course.

- ° Provisions requiring the companies to install and operate the stringent air pollution control systems on Colstrip Units 3 and 4 — which were in the air permit approved late last year by EPA — for the life of the project, regardless of what happens to the tribe's current Class I (pristine air) designation. This will mean the plants must hold emissions to the same level required by the tribe's Class I rating, regardless of whether a court challenge might knock the reservation back to Class II, or the Cheyennes voluntarily redesignate their reservation Class II.

- ° Socioeconomic impact assistance from the companies. This includes \$250,000 in cash contributions over five years for the tribe's law enforcement division; \$75,000 for community planning; \$45,000 to promote cultural exchange and community relations between the tribe and the project, and a commitment by the companies to work with the tribe in securing state and federal impact mitigation funds.

- ° The creation of a four-person "arbitration board" to monitor compliance with the agreement, discuss other areas of concern not covered by it, and handle complaints if they arise.

In addition, the consortium companies have agreed to drop their current appeal of EPA's original permit denial in 1978 (forcing the companies to increase

April 28, 1980

their air pollution control equipment to eventually win the agency's approval in late 1979), and have also agreed to drop out of a major lawsuit challenging the tribe's Class I designation.

The tribe was responsible for EPA's earlier 1978 permit denial. The agency had announced its intention to grant the Colstrip permit until the tribe presented its own technical and legal evidence showing the power plants would violate its Class I air.

This agreement "will mean that wealth will be coming into the reservation, not just flowing out as it has in the past," a tribal spokesman said, predicting about \$3-\$4 million could be generated annually from the jobs, the direct assistance and the "multiplier effect" of the new money.

Further, the tribe will be getting "the technology for air quality monitoring which we could not normally afford -- and that will provide the tribe with the best protection of its air that we could have," he said.

"We can become accustomed to new influxes of wealth, and we can learn about how to deal with the coal industry, in case the tribe ever does decide to develop its coal," he added. (Although over 50 percent of the reservation has been leased for coal development, none has taken place because of tribal opposition and appeals to the Interior Department and the U. S. Congress to void all current coal leases).

Montana Power and the other companies will benefit, he said, by having a stable work force near the project site, and the trades learned will be shared through families and between generations, decreasing training costs in the future.

Although the negotiations were strictly between the tribe and the companies, the litigation which made the negotiations possible was "a community-wide effort, involving cooperation with non-Indian ranching interests from outside the reservation," said tribal attorney Calvin Wilson. The agreement shows "how an area-wide effort can control industry and make them responsible to the people in the area," he added.

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AGREEMENT

WHEREAS, the permit issued by the State of Montana for Colstrip 3 and 4 contains conditions regarding the training and employment of Northern Cheyenne Tribal members (hereinafter "Northern Cheyenne") and contains conditions regarding the establishment of an ambient air monitoring system, and the permit issued by the Environmental Protection Agency ("EPA") contains conditions regarding the establishment of an ambient air monitoring system on the Northern Cheyenne Reservation; and

WHEREAS, The Montana Power Company, on its own behalf and on behalf of other sponsors of Colstrip Units 1, 2, 3 and 4 (hereinafter "the Project"), has negotiated with the Northern Cheyenne to resolve differences between the Project and the Northern Cheyenne and to improve relations between the Project and the Northern Cheyenne so that both parties benefit from Colstrip 3 and 4;

NOW, THEREFORE, it is hereby agreed, by and between the parties hereto, in consideration of the mutual covenants and agreements contained, as follows:

I.

EMPLOYMENT

1. Preference in Employment of Indians:

The Project, in compliance with the Equal Employment Opportunity Act and the Civil Rights Act of 1964, as amended, extends a preference in employment to Indians on or near the Northern Cheyenne Reservation in connection with employment opportunities at Colstrip during the construction and operation of Colstrip 3 and 4. In connection with employment opportunities at Colstrip, it shall be the policy of the Project and its contractors to practice a preference in hiring for those Indians who live on or near the Northern Cheyenne Indian Reservation. This preference extends only to Indians living within a geographical area from which a person could reasonably be expected to commute to Colstrip on a daily basis. This policy shall be implemented as part of the hiring and employment practices of the Project during the construction and operation of Colstrip Units 3 and 4 and shall be a part of contracts which the Project enters into with contractors doing business in the construction or operation of Colstrip 3 and 4. The Project and the Northern Cheyenne shall continue to work with Dennis Limberhand, or any other representative selected by the Administrators (See paragraph VII, 1. ADMINISTRATORS, Page 9) of the Agreement, to implement the preference policy stated above and the training, scholarship and employment programs referred to in paragraphs 2 and 3 below.

2. Bechtel Training and Employment Program During Construction:

A comprehensive job training and employment program for the Northern Cheyenne in the Colstrip area will be established by the Project's general contractor on Colstrip 3 and 4, Bechtel Power Corporation (hereinafter "Bechtel"), in conjunction with the various craft unions covered by the Colstrip 3 and 4 Project Union Agreement. This program is more specifically described in the attached document, "Technical Training Proposal," attached hereto as Appendix "A." Representatives of the Project and Bechtel met with representatives of various unions covered by the Colstrip Project Union Agreement on December 21, 1979 and the unions agreed to work with Bechtel to carry out a training and employment program for Indians in accordance with their union bylaws. Bechtel is meeting with the various unions individually and will start the training and employment program in February, 1980. The training and employment program referred to in this paragraph shall continue during the construction of Colstrip 3 and 4. Bechtel will also work with the Northern Cheyenne to subcontract the preparation and manufacturing of certain tools and components for Colstrip 3 and 4 to Northern Cheyenne on the Reservation.

3. Montana Power Scholarship and Employment Programs During the Operation of Colstrip Units 1, 2, 3 and 4:

The Project shall establish a Scholarship Fund to provide scholarships to train Northern Cheyenne for employment in conjunction with the operation of Colstrip Units 1, 2, 3 and 4. Details of this Scholarship Fund are set forth in Appendix "B" hereto. The Project shall continue to work with Dennis Limberhand, or any other representative selected by the Administrators of this Agreement, to promote the employment of qualified Northern Cheyenne in conjunction with the operation of Colstrip Units 1, 2, 3 and 4. In addition, the Administrators of this Agreement shall propose a separate Scholarship Fund Program to the Project and the Northern Cheyenne which will be implemented upon approval of the Project and the Northern Cheyenne.

4. Bus Service:

The Project or its general contractor, Bechtel, shall provide a transportation service from Lama Deer to Colstrip to facilitate the training and employment programs referred to above during the construction and operation of Colstrip 3 and 4. The details regarding the transportation service shall be determined by the Administrators of this Agreement.

II.

AIR QUALITY

1. Ambient Monitoring Program

(a) Three ambient monitoring stations shall be established on the Northern Cheyenne Reservation, in addition to any existing or future ambient monitoring stations in the vicinity of Colstrip off the reservation. These sites, and reasonable access thereto, shall be provided by the Northern Cheyenne to the Project at no cost to the Project. These three sites would be generally located near (1) Morning Star; (2) Badger Peak; and (3) a site near a commercial timber stand on the reservation. The exact location of these three sites must have existing access to motor vehicles and reasonable access to electric distribution lines. The exact location will be determined by an on-site inspection by representatives of the Project and the Northern Cheyenne. Sites will be located pursuant to AMBIENT MONITORING GUIDELINES FOR PREVENTION OF SIGNIFICANT DETERIORATION, U.S. ENVIRONMENTAL PROTECTION AGENCY RESEARCH TRIANGLE PARK, October, 1979, and the conditions in the permits for Colstrip 3 and 4 referred to above.

(b) Monitoring shall be conducted at the three sites for SO_2 , NO_x , total suspended particulates and trace metals by any method acceptable to the parties hereto and by the EPA. In addition, a fully instrumented (approximately 10 meter) met tower will be located at each ambient site. The Project and the Northern Cheyenne are considering and shall continue to consider the state of the art regarding visibility monitoring and shall implement a visibility monitoring program to comply with the visibility monitoring requirements in the EPA permit.

(c) The ambient monitoring sites will be operated by a third party consultant to be selected by the Project and the Northern Cheyenne. Requests for bids will be submitted to a group of environmental consulting firms which are acceptable to the Project and the Northern Cheyenne. The Administrators of this Agreement shall be responsible for selecting an environmental consulting firm following the request for bids. The environmental consultant shall provide all data quarterly from the ambient monitoring sites on the reservation to the Project and the Northern Cheyenne. The Northern Cheyenne, the Project, EPA and the Montana Department of Health will make periodic joint reviews to insure quality control at the ambient sites.

(d) The ambient monitoring program shall be installed within nine months of the date of execution of this Agreement and shall be in operation for a period of ten years after commercial operation of Colstrip Unit 4. The Project and the Northern Cheyenne agree that after the ten-year period expires, they will utilize their best efforts to develop and operate an ambient monitoring program on the reservation if such a program is acceptable to both parties. If the parties cannot agree upon an

acceptable monitoring program after ten years, the Project will provide the Northern Cheyenne continued use of the equipment involved in the monitoring program so that the Northern Cheyenne may continue the monitoring program themselves for the duration of the operation of Colstrip 3 and 4.

(e) The Project shall provide the funds for the establishment and operation of the ambient monitoring program described above.

2. Northern Cheyenne Air Quality Expertise:

(a) Northern Cheyenne personnel shall be selected by the Administrators of this Agreement who shall be responsible for establishing an expertise in air pollution control systems and air quality monitoring. The consultant referred to in the paragraph above shall, during the first year of the ambient monitoring program, provide interpretative analysis of the data from the monitoring sites to the Northern Cheyenne personnel selected to develop an expertise in ambient monitoring. The Project shall provide training in the air pollution control system and air pollution monitoring system at Colstrip 3 and 4 to the Northern Cheyenne personnel selected to develop an expertise in air quality control systems. The Project shall provide \$25,000 a year, commencing in 1980, for a period of five years to fund the development of the expertise of the Northern Cheyenne personnel referred to in this paragraph.

(b) In the event that the Northern Cheyenne Reservation is designated as a separate air quality control region by EPA or the State of Montana, Colstrip 3 and 4 shall not be subject to any new air quality standards.

3. Best Available Control Technology:

The Project agrees to install the air pollution control system presented to EPA in its PSD review for the permit, issued September 11, 1979, and will operate that system at the highest attainable levels of performance, as described to EPA in its PSD review for the permit issued September 11, 1979, regardless of whether the Northern Cheyenne Reservation is designated Class I or Class II.

III.

EPA AND STATE PARTICIPATION

This proposal regarding ambient air monitoring is contingent upon EPA and the State of Montana participation and approval as set forth in the permits issued by them for Colstrip 3 and 4.

IV.

CHEYENNE WESTERN BANK

1. Stock Purchase:

If the Cheyenne Western Bank issues new shares of stock, The Montana Power Company agrees to purchase up to \$30,000 worth of such new shares. The Montana Power Company agrees to give an option to the Northern Cheyenne Tribe to purchase such shares if acquired by The Montana Power Company at a price to be determined by agreement between the parties.

2. Deposit:

Within 30 days following signing of this Agreement, the Project shall make and retain a certificate of deposit in the amount of \$25,000 in the Cheyenne Western Bank for a period of five years commencing in 1980.

3. Option for Employees to Deposit Employment Checks:

Montana Power and the Project shall provide an option to all employees working at Colstrip to have their payroll check sent directly to the Cheyenne Western Bank for deposit in their account.

V.

IMPACT ASSISTANCE

1. Community Relations Fund:

The Project shall contribute \$15,000 per year for a period of three years, or \$10,000 per year for a period of five years, commencing in 1980, to a Community Relations Fund designed to promote cultural exchange and community relations between the Northern Cheyenne and the Project and other people living within the Colstrip and Northern Cheyenne Reservation area. Dennis Limberhand, or another representative selected by the Trustees of this Agreement, shall be responsible for the administration and accounting of this Community Relations Fund.

2. Law Enforcement System:

The Project shall contribute \$50,000 per year, commencing in 1980, for a period of five years to the Northern Cheyenne to assist in the administration of their law enforcement programs to compensate for additional burdens placed on the reservation during the construction of Colstrip 3 and 4.

3. Planning Funds:

The Project shall provide \$25,000 per year for a period of three years, commencing in 1980, to the Northern Cheyenne to

assist in community planning and the pursuit of Impact Assistance Funds.

4. Impact Assistance Funds:

The Project and the Northern Cheyenne shall jointly pursue funds pursuant to State and Federal laws which are designed to mitigate adverse impacts caused by major energy development.

5. Cooperation with Other Agencies:

The Northern Cheyenne and the Project shall jointly pursue additional funds and cooperation from federal agencies, including the BIA, and the local county government so that planning and mitigation of social and economic impacts can be accomplished on a coordinated basis.

VI.

DISMISSAL OF LITIGATION

The Project and the Northern Cheyenne agree to dismiss all on-going litigation relating to Colstrip 3 and 4, including:

1. Nance Cattle Company, et al. vs. EPA:

The Project shall move the Court for an Order dismissing the Project participants, as parties, with prejudice, in Nance Cattle Company vs. EPA, Cause No. 77-3058.

2. Northern Cheyenne Tribe vs. U.S. Environmental Protection Agency:

The Project and the Northern Cheyenne shall enter into a Stipulation and Order of Dismissal, with prejudice, in Northern Cheyenne Tribe vs. U. S. Environmental Protection Agency, Cause No. 79-7500, which is attached hereto as Appendix "C."

3. Puget Sound Power and Light Company, et al., vs. E.P.A. and Northern Cheyenne Tribe and Northern Plains Resource Council:

The Project and the Northern Cheyenne shall enter into a Stipulation and Order for Dismissal with prejudice in Puget Sound Power and Light Company, et al., vs. E.P.A. and Northern Cheyenne Tribe and Northern Plains Resource Council, Cause Nos. 78-2824 and 78-3234.

VII.

ADMINISTRATION AND REMEDIES

1. Administrators:

Montana Power and the Northern Cheyenne shall each designate two representatives to serve as Administrators of the provisions of this Agreement. The Administrators shall meet at least quarterly but may meet at more frequent intervals, if necessary. The Administrators shall prepare an annual report summarizing the status and progress of matters covered by this Agreement and submit such report to both parties. Each party shall be responsible for the expenses of its selected Administrators under this Agreement and any other costs or expenses that are not specifically attributable to any Administrator shall be borne equally by the parties.

2. Interpretation of Agreement and Enforcement by Binding Arbitration:

This Agreement shall be governed by the laws of the State of Montana, both as to interpretation and performance. Any dispute or controversy arising out of this Agreement shall be referred initially to the Administrators referred to in Paragraph 1 above for determination and resolution. In the event that the Administrators cannot resolve such disagreement or allegation, the matter shall be referred to binding arbitration. An arbitrator shall be selected by the Administrators, or, if they are unable to agree upon an arbitrator, the parties shall ask a Montana District Court to appoint an arbitrator. The arbitration shall be conducted under the rules of the American Arbitration Association. The Arbitrator shall render his decision in writing not later than thirty (30) days after the matter has been submitted to him, and such decision shall be conclusive and binding upon the parties. The parties shall bear one-half the cost of the Arbitrator.

THIS AGREEMENT is made this 25th day of April, 1980.

NORTHERN CHEYENNE

ATTEST:

x

By [Signature]
Title President
Address Butte, Montana

THE PROJECT:

THE MONTANA POWER COMPANY

ATTEST:

By [Signature]
Title Chairman and Chief Executive
Address Butte, Montana

PUGET SOUND POWER & AND LIGHT COMPANY

ATTEST:

By *W. E. Ellis*
Title President
Address Bellevue, Wa. 98009

PACIFIC POWER & LIGHT COMPANY

ATTEST:

By *G. E. Brennan*
Title PRESIDENT
Address 920 S. W. 6th Ave., Portland, Or 97204

PORTLAND GENERAL ELECTRIC COMPANY

ATTEST:

By *Robert V. Shurt*
Title President
Address 121 S. W. Salmon Street
Portland, Oregon 97204

THE WASHINGTON WATER POWER COMPANY

ATTEST:

By *H. J. Satre*
Title President & Chairman of the Board
Address P.O. Box 3727, Spokane, WA 99220

TECHNICAL TRAINING PROPOSAL**I. Purpose:**

The purpose of this document is to propose a comprehensive, on-the-job program of skills training in most aspects of manual trades' activities in construction work. These skills are basic to all phases of construction activities. They are intended to provide the participants with abilities which can be transferred to other locations.

II. Requirements:

To comply with State of Montana directives applying to the construction and operation of the Colstrip Power Production Units 3 and 4.

To comply with Federal and State Equal Employment Opportunity and Affirmative Action requirements. The Mundt Amendment to Title VII, "Equal Employment Opportunity" of Civil Rights Act of 1964 provides:

"(i) Nothing contained in this title shall apply to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of such business or enterprise under which a preferential treatment is given to any individual because he is an Indian living on or near a reservation." (42 U.S.C. Section 2000 e-2(i).)

To fulfill employment and skill upgrading needs of the Northern Cheyenne Indian Nation members in the vicinity of the plant.

To fulfill commitments made to the local area by the Project.

To provide training equivalent to what union apprentices undertake or may have on power plant construction.

III. Participants:**A. Principles:**

1. Northern Cheyenne Nation representatives (as agents for the recipients of the training).
2. Building Trades Council and/or individual union representatives (as the certifying body).

3. Bechtel representatives, on behalf of the Client (as program instructor, coordinator and employer of the program's students).

4. State and Federal employment services.

B. Assisted, as requested, by:

1. Federal and State regulatory agency representatives.

2. Federal and State funding agency representatives (if applicable).

IV. Training Locations:

Training will be conducted at any one or a combination of the following sites, as appropriate:

1. on the Northern Cheyenne Nation Reservation, at facilities in Lame Deer.
2. on the employer's plant site in Colstrip.
3. at local college and trade school (to be determined).
4. at local union schools (to be determined).

V. Program Length:

The program will exist for the duration of the construction phase on the Colstrip Units 3 and 4.

VI. Details of the Program:

A. Results of the Program:

Prior to the implementation of the program, all objectives and outputs of the program will be identified. Accomplishment milestones will be determined which will correspond to varying competency levels.

B. Program Content:

Course content will be broken down into its component parts. Concepts, skills and course outlines will be based on Bechtel's materials and past experience in similar situations. Additional information, data and activities can be supplemented by outside sources acceptable to Bechtel's instructors and management.

C. Union Participation:

Purpose, content and outcomes of this training program will be reviewed by all unions affected. It will be necessary for other program participants (Bechtel and the Northern Cheyenne Nation, specifically) to coordinate the program with the unions in order to invoke their willing participation. Following are potential unions which may be involved.

1. Asbestos Workers;
2. Boilermakers;
3. Carpenters;
4. Cement Masons;
5. Electricians;
6. Equipment Operators, including mechanics & repairmen;
7. Ironworkers;
8. Laborers;
9. Machinists;
10. Pipefitters - welding;
11. Sheetmetal Workers;
12. Teamsters;

Note that facets of the training program will generally correspond to portions of the union's apprenticeship program.

D. Statement of Obligations:

In order to be effective, the program must be supported by all who are involved in its operation. Participants have been identified previously. It will be necessary to have an understanding of the respective responsibilities, obligations and activities of each participant group prior to the commencement of the program's operation. This understanding will involve a definition of:

1. interrelationships among the group participants;

2. involvement in the program's development and implementation;
3. group relationships with the trainees.

F. Employment Status:

While engaged in the training program, each trainee will receive an appropriate union apprenticeship classification assignment (for example: first, second, third or fourth year) or a "helper" or "semi-skilled" designation as deemed appropriate to the work being done. These levels will be based on the trainee's competency and experience levels at any given time.

The trainee will be employed by Bechtel at all times when engaged in the program. Wages will be paid to the trainee at a predetermined rate. This stipulation applies whether the trainee is engaged in classroom study or working in the field.

Note that trainees will be treated by the employer no differently than any other employee.

SCHOLARSHIP FUND

The Montana Power Company and the Project agree to provide two scholarships for training Northern Cheyenne Tribal members as auxiliary operators at the Bismarck, North Dakota Junior College (twelve-month program). Montana Power Company and the Project further agree to pay the tuition and books for the recipients of these two scholarships and subsistence at a rate of \$400 per recipient per month, plus the travel expenses for two round trips from the Northern Cheyenne Reservation to Bismarck, North Dakota for each recipient during the period of the course. It is understood by Montana Power Company and the Project that this is a pilot program and, if successful, will be expanded to include an Instrumentation Technician Program (two-year program at the Helena Vocational-Technical Center) and possible additional scholarships to the Bismarck, North Dakota Junior College. Selection of parties to this program and the term of this Scholarship Fund Program shall be mutually agreed upon by the Administrators of this agreement. Students who participate in this program will receive employment at the Colstrip Plants and will be obligated to remain as employees for at least two years following their initial employment.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NORTHERN CHEYENNE TRIBE,

Petitioner,

vs.

U. S. ENVIRONMENTAL PROTECTION
AGENCY,

Respondent.

No. 79-7500

STIPULATION AND ORDER OF
DISMISSAL WITH PREJUDICE

IT IS HEREBY STIPULATED, by and between the parties hereto, through their respective counsel of record, that the above-entitled action has been fully and finally compromised and settled upon the merits, and said counsel do hereby move this Court for its Order dismissing the above-entitled action with prejudice, each party to bear their own costs.

DATED this ____ day of _____, 1980.

NORTHERN CHEYENNE TRIBE

By _____
Attorney for Petitioner
Northern Cheyenne Tribe
Lame Deer, MT 59043

THE MONTANA POWER COMPANY

By _____
Attorney for
The Montana Power Company
40 East Broadway
Butte, MT 59701