

EXHIBIT LIST

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1.	Tribal Resolutions regarding Warm Springs Forest Products conditional closure
2.	Declaration of Clyde Hamstreet
3.	Declaration of Jeff Sanders
4.	Declaration of Charles R. ("Jody") Calica
5.	Gorge Act Key Provisions and Legislative History
6.	Friends of Columbia Gorge News Release: Scientific Study Links PGE's Boardman Coal Plant to 50% of Columbia Gorge Air Pollution
7.	Letter and attachments from Ken Smith, Chairman of the Warm Springs Gaming Enterprise Board of Directors to Stanley Speaks, Northwest Regional Director of the Bureau of Indian Affairs dated April 30, 2008
8.	Declaration of Ed Manion
9.	Declaration of Robert Brunoe
10.	Three Treaty Tribes – Action Agency Agreement
11.	Declaration of Brad Houslet
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16.	Oregon Highway System Map
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18.	ODOT Trip Check
19.	Declaration of Greg Leo
20.	Bend Bulletin Article

EXHIBIT LIST

EXHIBIT NUMBER	DESCRIPTION
21.	ODOT Winter Road Maintenance Practices
22.	ODOT News Release
23.	Federal Lands Highway Public Notice Oregon Highway 35 Improvements at White River and Clark/Newton Creeks
24.	Declaration of Albert Santos
25.	Declaration of Richard Lohman
26.	Declaration of Lewis Pitt, Jr.
27.	Declaration of Keith Moody
28.	Declaration of Randy Wallace
29.	Declaration of Tim Outman
30.	Declaration of Janell Smith
31.	Declaration of Kahseuss Jackson
32.	Declaration of Margie Tuckta
33.	Declaration of Floyd Calica
34.	Declaration of Lena Ike
35.	Memorandum from Charles R. ("Jody") Calica, Secretary-Treasurer of The Confederated Tribes of the Warm Springs Reservation of Oregon to Stanley Speaks. Date: May 15, 2008
36.	Declaration of Madeline Queahpama
37.	Consultation Letters
38.	Letter to Stanley Speaks, Bureau of Indian Affairs Northwest Regional Director from Martha J. Bennet, Executive Director of Columbia River Gorge Commission. Date: July 18, 2005
39.	Declaration of Stephen Knowles
40.	Declaration of James E. Bussard, P.E.
41.	ODOT Weather Closure Report May 15, 2003 to May 15, 2008

EXHIBIT LIST

RESOLUTION NO. WSFPI 08-01

WHEREAS, Warm Springs Forest Products Industries (WSFPI) is a tribally chartered enterprise of the Confederated Tribes of the Warm Springs Reservation of Oregon (Tribe); and,

WHEREAS, WSFPI is governed by a Plan of Operation adopted by the Tribal Council of the Tribe; and,

WHEREAS, Pursuant to the Plan of Operation of WSFPI the Board of Directors is responsible for management of the business and affairs of WSFPI; and,

WHEREAS, Pursuant to the Plan of Operation and the Federal Corporate Charter of the Tribe the Tribal Council is responsible for the appointment and removal of WSFPI board members; and,

WHEREAS, On October 16, 2007, the Tribal Council, by motion, placed the WSFPI Board of Directors in abeyance and assumed the responsibility of acting as the WSFPI Board of Directors; and,

WHEREAS, The Tribal Council further directed the General Manager of WSFPI to report to the Tribal Council acting as the Board of Directors through the Secretary-Treasurer of the Tribe; and,

WHEREAS, The Tribal Council previously directed an interdisciplinary review of WSFPI and forest operations; and,

WHEREAS, The lumber industry has been severely challenged financially for several years and it is anticipated that it will remain challenged for a significant period; and,

WHEREAS, The sale of timber from the Tribe's forest is a critical source of revenue for the Tribe; and,

WHEREAS, The Tribe's timber has been sold almost exclusively to WSFPI in recent years and WSFPI has been unable to operate on a profitable basis under the current operational configuration; and,

WHEREAS, WSFPI is an important source of family wages for many tribal members and residents of nearby communities; and,

WHEREAS, The cash resources of WSFPI are depleted and require that a near term decision be made regarding the continued operation of the mill; and,

WHEREAS, Any closure of the mill raises important questions about community employment, forest management, revenues to support tribal services, forest health, the proposed biomass

ORIGINAL
Exhibit 1

project, required social services, that are beyond the purview of the WSFPI Board of Directors; and,

WHEREAS, The WSFPI General Manager, the Secretary-Treasurer, and the interdisciplinary task force all recommend to the Tribal Council acting as the WSFPI Board of Directors that a conditional closure of the WSFPI mill be ordered; now, therefore,

BE IT RESOLVED, By the (Twenty-Fourth) Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon acting as the Board of Directors of Warm Springs Forest Products Industries, pursuant to Article IV, Section 7, of the Restated Plan of Operation of Warm Springs Forest Products Industries, that the following actions be taken by the General Manager of WSFPI:

1. Announce a conditional closure of the mill facility by March 1, 2008.
2. Prepare and implement a conditional closure plan that minimizes the further depletion of the Tribe's cash resources and preserves Tribe's assets to the extent possible between now and June 30, 2008. If feasible preserve a core group of technical and managerial staff through June 30, 2008.
3. Coordinate with tribal and other offices to mitigate adverse impacts on WSFPI employees.
4. Provide assistance to the Secretary-Treasurer of the Tribe in all matters concerning the conditional closure.
5. Provide the Board, by June 1, 2008, a recommendation for the final disposition of the Mill considering the findings and recommendations of the WSFPI Strategic Team report, the implications of the Tribes investment and commitment to the Biomass project, the Mill's role in forest health issues, the need for the tribal employment, any material developments in current market conditions, and the Tribes overall economic well being.

CERTIFICATION

The undersigned, as Secretary-Treasurer of the Confederated Tribes of the Warm Springs Reservation of Oregon hereby certifies that the Tribal Council acting as the Board of Directors of Warm Springs Forest Products Industries is composed of 11 members, of whom 10 constituting a quorum were present at a meeting thereof, duly and regularly called, noticed, convened and held this 19th day of February, 2008; and the foregoing resolution was passed by the

affirmative vote of 9 members, the Chairman not voting; and that the said resolution has not been rescinded or amended in any way.



Charles R. Calica
Secretary-Treasurer

NOTED: FEB 22 2008



Paul W. Young
Superintendent

cc: Secretary-Treasurer
Superintendent
Administrative Services Center

RESOLUTION NO. 10,856

WHEREAS, The Tribal Council acting as the Board of Directors of Warm Springs Forest Products Industries previously adopted Resolution No. WSFPI 08-01 directing a conditional closure of the mill; and,

WHEREAS, The closure of the mill is of significant importance to the community because of the jobs and revenue it historically produced and the role that it played in the management of tribal forests; and,

WHEREAS, Of great concern to the Tribal Council is the loss of tribal member jobs resulting from the closure; and,

WHEREAS, The Tribal Council is concerned about the impact of the closure on other tribal enterprises such as the Warm Springs Biomass Project in which WSFPI was a joint venturer and Warm Springs Composite products which used steam from mill boilers; and,

WHEREAS, The Tribal Council is also concerned about the impact of the closure on tribal forest management, particularly on dealing with the effects of the Mt. Jefferson fire and insect infestations; and,

WHEREAS, The Tribal Council believes that it is important to convey timely, accurate information to its membership and the general public about a conditional closure of the mill; now, therefore,

BE IT RESOLVED, By the (Twenty-Fourth) Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Article V, Section 1(a), (f), and (l) of the Tribal Constitution and By-Laws, that the Tribal Council hereby directs that the following actions be taken:


1. The Secretary-Treasurer shall coordinate measures within the Tribal organization to mitigate to the extent feasible the adverse impacts of the conditional mill closure on tribal members, their families and the community.
2. The Secretary-Treasurer shall coordinate with local, state and federal agencies to secure assistance to deal with the adverse impacts of the conditional mill closure.
3. The Secretary-Treasurer shall oversee a joint effort among tribal and Bureau of Indian Affairs representatives to develop a long-term plan for dealing with forest management and forest health issues.

4. The Secretary-Treasurer, in conjunction with the managers of affected tribal enterprises and the General Manager of the Branch of Natural Resources shall develop plans to deal with the direct and collateral impacts to tribal enterprises resulting from the conditional mill closure and shall report his recommendations to the Tribal Council not later than May 15, 2008.
5. The Secretary-Treasurer shall meet at least monthly with the Tribal Council regarding the status of each of the foregoing with any recommended Tribal Council actions; and,

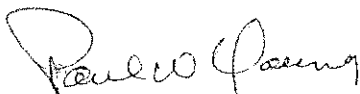
BE IT FURTHER RESOLVED, By the Tribal Council that the attached press release regarding the conditional mill closure is hereby approved for release to the public.

CERTIFICATION

The undersigned, as Secretary-Treasurer of the Confederated Tribes of the Warm Springs Reservation of Oregon hereby certifies that the Tribal Council is composed of 11 members, of whom 10 constituting a quorum were present at a meeting thereof, duly and regularly called, noticed, convened and held this 19th day of February, 2008; and the foregoing resolution was passed by the affirmative vote of 9 members, the Chairman not voting; and that the said resolution has not been rescinded or amended in any way.

for 
Charles R. Calica
Secretary-Treasurer

NOTED: FEB 21 2008


Paul W. Young
Superintendent

Attachment: Exhibit "A"

cc: Secretary-Treasurer
Superintendent
Administrative Services Center

DECLARATION OF CLYDE HAMSTREET

I, Clyde Hamstreet, declare as follows:

1. My work address and telephone number are Warm Springs Ventures, Confederated Tribes of the Warm Springs Reservation of Oregon, P.O. Box 1186, Warm Springs, OR 97761; 541-553-3565.

2. I am employed as business advisor to the Confederated Tribes of the Warm Springs Reservation of Oregon ("Tribe"), primarily working through the Tribe's economic development enterprise, Warm Springs Ventures. I have held this position since July 12, 2005. In recent months, I have worked closely with the Warm Springs Tribal Council and with the management of Warm Springs Forest Products Industries ("WSFPI") addressing the financial difficulties of WSPFI.

3. **WSFPI Operations:** Regarding WSPFI operations, a panel of outside experts recently determined that WSPFI, with its outdated mill equipment coupled with the smaller and smaller diameter logs from the Tribe's forests, could no longer compete in the manufacturing of dimension lumber. For example, a modern mill will cut as much lumber in a month as WSPFI cuts in a year and do it with one fourth the employees. Until recently, WSPFI operations employed 115 people, 77 of whom were tribal members. In late February of this year, 55 employees were given permanent layoff notice and will lose their income and benefits on May 2 of this year. More layoffs may be coming. Over the next two months, WSPFI's remaining sixty employees will try to develop some segment of sawmilling or log chipping business that can be profitable. If a profitable mill operation cannot be developed by June 30, 2008, the remaining workers will also have to be terminated as WSPFI will be out of cash and unable to raise new capital through borrowing or other financing. Unfortunately, the current market conditions in the wood products industry are bleak and are expected to remain so through 2009. As a result, the probability of continued WSPFI operations beyond June 30, 2008 is small and a complete shutdown of WSPFI is likely. Furthermore, WSPFI still owes the Tribe \$2,391,400 for 2007 stumpage as of April 23, 2008.

4. **Declining Stumpage Payments:** The following are stumpage payments by WSPFI to the Tribe in recent years and the forecast for future years through 2011.

<i>Calendar Year</i>	<i>Stumpage Net of BIA Fees</i>
Actual 2001	\$ 5,009,233
Actual 2002	\$ 5,702,153
Actual 2003	\$ 4,068,865
Actual 2004	\$ 6,307,330
Actual 2005	\$ 7,270,300

Actual 2006	\$ 3,683,821
Actual 2007	\$ 2,616,508
Est. 2008	\$ 1,800,000
Est. 2009	\$ 2,500,000
Est. 2010	\$ 3,600,000
Est. 2011	\$ 4,200,000

It should be noted that WSFPI still owes the CTWS \$1,391,400 of stumpage for 2007 as of April 23, 2008.

5. The stumpage is declining for three reasons. First, the size, diameter and quality of the logs being harvested are declining, which results in a lower value logs and a higher cost per unit of wood to harvest and haul. For example a log truck with 20" diameter logs will be full with seven logs while it may take 80 -90 small diameter logs to fill a log truck. With this visualization it is easy to image the additional harvest and log handling cost per thousand board feet of lumber produced. It also results in much lower stumpage as the small logs have less value per million board feet than larger logs and the log cost is much higher for small diameter logs resulting in less stumpage let for the tribe. This decline is expected to continue for the next ten years. Second, the collapse of the housing market has depressed log prices and little recover is expected until 2010. Third, globalization is resulting in alternative species such as Radiata Pine being imported to the US as a less expensive alternative for millwork grade pine that comes from large Ponderosa Pine, which historically was the Tribes' most valuable log. Large quantities of dimension softwood from Canada have driven down US lumber prices resulting in lower log value.

I hereby declare that the above statement is true to the best of my personal knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

DATED this 7 day of May, 2008


Clyde Hamstreet

DECLARATION OF JEFF SANDERS

I, Jeff Sanders, declare as follows:

1. My work address and telephone number are The Warm Springs Housing Authority, P.O. Box 1167, Warm Springs, Oregon 97761; 541-553-3250.

2. I am an enrolled member of the Confederated Tribes of the Warm Springs Reservation of Oregon and I have lived on the Warm Springs Reservation all of my life.

3. I am the Director of the Tribe's Warm Springs Housing Authority ("Housing Authority") for The Confederated Tribes of the Warm Springs Reservation of Oregon. I have served as the Director since 2005.

3. There are very significant unmet needs for housing on the Warm Springs Reservation as evidenced by the long waiting list for tribal members seeking Tribal housing from the Housing Authority. Currently, there are over two hundred names of tribal members on the Housing Authority's waiting list, many of whom have been on the waiting list for three to four years. This list does not count the estimated one hundred to one hundred and fifty other tribal members who have dropped off the waiting list out of frustration with the long wait. Furthermore, there are probably an additional 300 tribal members who need housing but lack the financial resources to qualify for financing, which is required to obtain housing through the Housing Authority. Assuming no new Tribal revenues are made available, with its existing resources the Housing Authority will be able to build only three new homes per year, which does not even begin to address demand for housing represented by hundreds of tribal members on the housing waiting list.

4. In terms of the need for new housing, if the Housing Authority had a significant new source of funds to build new homes, the Housing Authority would immediately build the following numbers and types of housing units to meet current needs and eliminate the waiting list:

<u>Quantity:</u>	<u>Type of Housing Units:</u>
250	Three , four, and five bedroom units
50	One to two bedroom units

5. The cost to build 300 new housing units to meet the current need is \$165,000 per unit for a total of \$49,500,000. This is the cost for construction only and does not include the costs for infrastructure improvements, such as water, sewer, and electricity hookups, that would be needed for many of these new housing units. Additional study would be required to accurately estimate these infrastructure improvement costs.

6. In addition to building new housing units, there is an unmet need to refurbish all of the current housing units that require repairs and updating. Currently, the Housing Authority lacks the funds to undertake these needed repairs and upgrades. There are 350 housing units that need \$55,000 worth of work each simply to meet the minimum current code standards. Therefore, in terms of quantifying the unmet need, these refurbishment costs to meet code requirements for all units therefore totals \$19,250,000.

I hereby declare that the above statement is true to the best of my personal knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

DATED this 7 day of May, 2008.



Jeff Sanders

DECLARATION OF CHARLES R. ("JODY") CALICA

I, Charles R. ("Jody") Calica, declare as follows:


1. My work address and telephone number are Confederated Tribes of the Warm Springs Reservation of Oregon, P.O. Box C, Warm Springs, OR 97761; 541-553-3232.
2. I am employed as the Secretary-Treasurer of the Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon ("Tribe"). The position of Secretary-Treasurer is established under the Warm Springs Tribal Constitution, Article IV, Section 11. The Secretary-Treasurer is responsible for the overall management of the Tribe's governmental organization and is also responsible for ensuring legal, fiscal oversight for the Tribes' governmental and corporate interests. I have held the position of Secretary-Treasurer since May 3, 2004.
3. I have reviewed the letters submitted to the BIA in support of the Tribe's fee-to-trust application and IGRA Section 20(b)(1)(A) application that are attached to the DEIS at Appendix A. I can state that the information provided in those letters regarding the Tribe's financial needs is true and accurate.
4. Currently, the Tribe's financial crisis has worsened from the situation described in the three letters to the BIA set out in DEIS Appendix A. One reason for the worsening is the fact that the Tribe's actual 2005-2007 timber ("stumpage") revenues, and forecast stumpage revenues for 2008-2011, are significantly lower than the "very conservative" cash flow forecast for timber revenues for 2005-2011 set out in the Tribe's 2005 mid-year cash flow forecast. (See, DEIS Appendix A, Tribe's updated cash flow forecast attached to August 28, 2006 letter to BIA).
5. Additionally, in the area of unmet governmental needs, the Tribe has had a long-term goal of establishing a "permanent fund" that would provide investment earnings to fund Tribal government operations and capital projects with a consistent revenue stream to stabilize Tribal budgets and counteract the fluctuations in revenues associated with the Tribe's natural resources based economy. Given the current size of Tribal government, I believe that a fund with a starting principle of \$200 million would be sufficient to meet this purpose.
6. As the Tribe pointed out in its August 28, 2008 letter to the BIA, these unmet capital needs, such as the current \$70 million need for housing, the need for new capital to help WSFPI transition to a different segment of the wood products industry, and the need for a permanent fund to stabilize Tribal revenues, are not addressed by the \$26 million annual governmental budget shortfall identified in the DEIS. (DEIS at 1.3.2). It is recognized in the DEIS, but could be better highlighted, that even this \$26 million figure has already grown and is likely to further grow, with the Tribe needing much more additional revenue to truly address the challenges it faces in the areas of delivering essential governmental services, rebuilding and expanded critical infrastructure (housing, schools, sewer and water services, etc.), and creating jobs and self sufficiency or tribal members.

7. The January 27, 2006 ECONorthwest analysis of "Proposed Action and Five Alternative Sites" demonstrates that only the Cascade Locks site will generate discretionary distributions (cash transfers to the Tribe) that exceed \$26 million in the first few years of the project's operations. The analysis shows that this threshold is reached in 2011, just two and a half years after opening (the 2011 distribution is \$29.1 million; the payment is \$16 million in 2010, \$33 million in 2012 and \$64.9 million in 2013). These early payments to the Tribe are critical because the Tribe's financial needs will continue to grow as time goes on. This is a function of inflationary factors, a growing tribal membership, fewer federal appropriations for tribal programs, the projected ongoing shrinking of timber revenues, and the ongoing deterioration of reservation infrastructure that would be needed to serve the tribal membership.

8. It is objectively supportable to use the \$26 million threshold in the context of an eleven (11) year annual average from 2008 to 2018 to gauge the ability of an alternative to meet the Tribe's needs. The \$26 million annual governmental budget shortfall identified in the DEIS is based on accurate and conservative data, but provides only a "snapshot" of the magnitude of the Tribe's need for the most basic governmental services. Using an 11 year annual average from 2008 to 2018 balances an objective—albeit conservative—benchmark against the recognition that there are many current needs in excess of this amount and that the Tribe's needs will continue to grow over time. It would be inappropriate for BIA to conclude that because an alternative may generate up to \$28 million in year 2017 (but only a \$10 million annual 11 year average), that alternative will ultimately meet the Tribe's economic and social needs. That is because by 2017 the Tribe's most basic needs will have far outstripped the \$26 million benchmark. An 11 year annual average that demonstrates revenues significantly in excess of the \$26 million benchmark provides room to meet basic needs and to provide some ability to address other critical capital needs in the areas of infrastructure improvements, enterprise projects, and other capital needs.

I hereby declare that the above statement is true to the best of my personal knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

DATED this 7th day of May, 2008.



Charles R. ("Jody") Calica

GORGE ACT KEY PROVISIONS AND LEGISLATIVE HISTORY

The Columbia River Gorge National Scenic Area Act, PL 99-663, November 17, 1986.

Legislative history: S. 2055, passed the Senate October 8, 1986, after adopting an amendment in the nature of a substitute sponsored by Sens. Hatfield, Packwood, Evans and Gorton. There was no Senate committee report. Upon House receipt of S. 2055, Rep. Jim Weaver introduced H.R. 5705, a slightly amended House version of S. 2055. The House took H.R. 5705 directly to the floor pursuant to a rule. There was no committee report. The House passed H.R. 5705 October 16, 1986. The Senate then passed H.R. 5705 without change on October 17, 1986, clearing the bill for the President.

Excerpts from Senate passage of S. 2055, October 8, 1986.

Cong. Rec. page S 15638, Sen. Bob Packwood: "The Oregon communities of Cascade Locks, Hood River, Mosier, the Dalles, and the Washington communities of Bingen, Carson, Dallesport, Home Valley, Lyle, North Bonneville, Stevenson, White Salmon, and Wishram are designated as urban areas and are excluded from the Forest Service and bi-State commission planning process. ... The Commission's charge is to design a management plan for the scenic area lands, excluding the designated urban areas."

NOTE: Packwood continues, "The intent of the plan is to guide residential, commercial, and industrial development into areas suitable for development without adversely affecting the scenic and natural resources of the gorge." This comment is directed at the authority in the Management Plan to control development within the non-federal lands subject to the Plan. In discussions of the Act, when reference is made to economic or industrial development that is "appropriate," "suitable," "consistent," or "not adversely affecting" the Scenic Area, the reference is to activity on non-federal scenic land subject to regulation under the Act - not development in urban areas, where the Plan does not apply.

Cong. Rec. page S 15641: Sen. Slade Gorton (R, Wash.) inserts a section-by-section analysis supported by all four Senate sponsors of S. 2055 into the record: "Section 4: Establishment of the Scenic Area ... Designates 13 Urban Areas, which are excluded from the management of the scenic area. ... The Urban Areas are excluded from Scenic Area management and from any provisions of the Act except for the provision in Section 11 relating to economic development grants."

Excerpts from House debate during passage of H.R. 5705, October 16, 1986.

Cong. Rec. page H 11121: Rep. Les AuCoin (D, Ore.): "This is not a wilderness bill. Nor does it create a national park. Rather it provided a means of protecting those most and important sensitive areas in the gorge and then it provides a means of encouraging appropriate economic activity to sustain opportunities for the residents of the area. The bill delineates where those economic opportunities should best take place and what places ought to be reserved for different

uses, the protection of natural resources. The bill creates three tiers of management to achieve those purposes, special management areas, urban areas, - and in discussing urban areas, it exempts 13 population centers where more than half the area's residents currently reside. Finally, it calls for a bi-State Commission."

Cong. Rec. page 11122, Rep. Ron Wyden (D, Ore.): "... this bill contains a whole host of protective measures that respect the rights of the people who have chosen to make their homes in the Gorge. It was the feeling of those of us who represent those Gorge communities that in no way should these be an effort to turn the Gorge into a museum piece. This area is a living piece and for many it is a place to live. The people of the Gorge want a say in how their communities develop and grow. This legislation insures they will have it. ... I think that this legislation insures that the communities all up and down the gorge are going to be the critical players in all land use decisions to be made in this scenic area."

Cong. Rec. page 11122, Rep. Sid Morrison (D, Wash.): "I would like to mention some highlights of the legislation before us, with emphasis on the features relating to local control. Thirteen urban areas are excluded from the scenic area and all other provisions of the act, except for economic development grants under section 11."

Excerpts and notes from the Act

PL 99-663, Sec. 3. Purposes.

The purposes of this Act are -

- (1) to establish a national scenic area to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge; and
- (2) to protect and support the economy of the Columbia River Gorge area by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that is consistent with paragraph (1)."

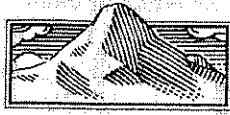
PL 99-663, Sec. 6(c). Adoption of the Management Plan. The management plan shall - (5) include guidelines for the adoption of land use ordinances for lands within the scenic area. The guidelines - (B) shall not apply to urban areas designated by section 4(e) of this Act."

PL 99-663, Sec. 7(c)(1) Commission Land Use Ordinances. ... "Commission shall made and publish a land use ordinance setting standard for the use of non-Federal lands in such county within the boundaries of the national scenic area, excluding urban areas identified in section 4(e) of this Act."

PL 99-663, Sec. 17 (a)(1) and (7) Savings provisions regarding Indian rights and lands... Nothing in the Act shall "affect or modify any treaty or other rights of any Indian tribe" nor "affect lands held in trust by the Secretary of the Interior for Indian tribes or individual members of Indian tribes...".



FRIENDS OF THE COLUMBIA GORGE

Pacific
Environmental
Advocacy
Center

NEWS RELEASE

2950 SE Stark, Portland, OR 97214
(503)243-6656; Fax: (503)238-6281 - www.sierraclub.org

March 5, 2008

CONTACTS:

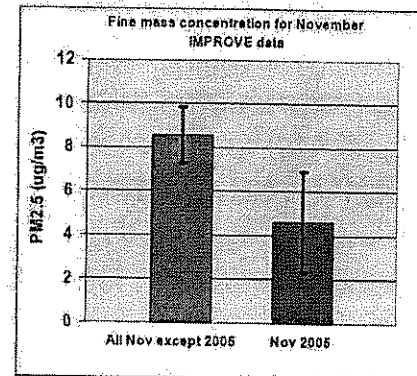
Michael Lang (503) 490-3979
Mark Riskedahl: (503) 750-5533
Nat Parker (503) 919-0766
Brent Foster (541) 380-1334

Scientific Study Links PGE's Boardman Coal Plant to 50% of Columbia Gorge Air Pollution

Groups say report highlights need for strong pollution controls at plant

Portland, OR – A new scientific study from University of Washington air quality expert Dr. Dan Jaffe has found that Portland General Electric's Boardman coal-fired power plant is responsible for up to 50% of the air pollution in the Columbia Gorge during times when air quality in the Gorge is at its worst. This important study highlights why it is critical for PGE to install modern pollution control technologies required under federal law to control pollution from Boardman and protect public health rather than installing the less protective controls PGE has proposed. The study, prepared for the Confederated Tribes of the Yakama Indian Reservation, linked changes in air pollution data for the Gorge to the Boardman plant's emissions and found that air pollution levels (measured as particulate pollution technically known as PM2.5) doubled on average when the plant was operating and winds were blowing from the east to the west.

The study compared air quality in the Gorge during the eight month shutdown of the Boardman coal-fired plant in 2005 to 11 years of the same air pollution data when the plant was operating. The study found that during PGE's shutdown Gorge air pollution in November- the month when air quality is at its worst- pollution levels were cut in half when compared to 11 other years of data. Conservation groups Sierra Club, Northwest Environmental Defense Center, Friends of the Columbia Gorge, Columbia Riverkeeper, and Hells Canyon Preservation Council have filed a notice of intent to sue PGE over its lack of pollution controls at Boardman and they say the study highlights the need for strong new pollution controls at the plant. The groups are being represented by the Pacific Environmental Advocacy Center (PEAC) at Lewis and Clark Law School.



Excerpt from study compares Gorge pollution levels during the critical November month for air pollution from Nov. 2005 when PGE was not operating to 11 years of data showing double the pollution levels when PGE was operating and winds blew towards the Gorge

In addition to negative air quality and public health impacts, emissions from PGE Boardman also have an adverse effect on the Gorge economy, with particularly negative implications for tourism, recreation and agriculture.

"This really points a finger directly at PGE Boardman," says Mark Riskedahl, Executive Director of the Northwest Environmental Defense Center. "Oregon DEQ has repeatedly suggested that no single dominant source is responsible for haze problems in the Gorge, and this study directly refutes that claim."

Michael Lang, Conservation Director for Friends of the Columbia Gorge agrees. "This study really shows why it is critical that PGE puts the state of the art pollution controls on the Boardman plant. If PGE's plan to use less expensive and less efficient controls were allowed air quality in the Gorge would suffer."

"Federal law requires that PGE use the state of the art technology to control pollution from Boardman, but for over 25 years PGE has been breaking the law at the cost of Gorge air quality," adds Nat Parker Regional Manager for the Sierra Club. "While we would like PGE to step forward and agree to comply with the law, we have a strong legal case and we're ready to go to court with the science on our side."

"Boardman's pollution emissions are not just a matter of air quality since the plant also has a real impact on acid rain and fog levels in the Gorge which directly affect the Columbia River and salmon. There is a real need that PGE come into compliance with federal law and for Oregon DEQ to recognize its importance as a source of pollution," comments Brent Foster, Executive Director for Columbia Riverkeeper.

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