



APACHE TRIBE OF OKLAHOMA

Resolution to Officially Oppose and reject the Westwin Elements Cobalt Refinery Pilot Project, located within the jurisdiction of the Kiowa, Comanche, and Apache tribes of Oklahoma.

Whereas, the Apache Tribe of Oklahoma is a federally recognized Tribe sovereign, self-governing under its Constitution, passed, approved and ratified on February 5, 1972, signed by John O. Crow, Commissioner of Indian Affairs, Washington D.C. and,

Whereas; keeping in accordance with the Constitution of the Apache Tribe of Oklahoma; under,

Article III- Tribal Council, the supreme governing body of the Apache Tribe of Oklahoma shall be the tribal council. The tribal council shall consist of all members of the Apache Tribe eighteen(18) years of age, and older.

Article V- Business Committee, There shall be a business Committee which shall consist of the officers as provided in Article IV and two (2) members. The term office for each officer and business committee member shall be for a period of two (2) years and until a successor is elected and certified. This committee shall have such powers as may be delegated to it by appropriate resolutions of the tribal council, and, within such delegated authority, may transact business and otherwise speak or act on behalf of the tribe in all matters on which the tribe is empowered to act now or in the future. The business Committee may as it deems necessary appoint subordinate committees and representatives.

Whereas; further keeping in accordance under;

Title 25 CFR C 1, subchapter B - Part II- Law and order on
Indian Reservations,

Sec. 11.22- Jurisdiction.,
Sec. 11.22C, Jurisdiction,
Sec. 11.52, Trespass

Whereas; keeping within in its sovereign rights and powers to safeguard the tribal heir of the allottees whose lands exist within KCA reservation and;

Whereas; as of this date the Apache Business Committee has the authority to act and speak on behalf of the Apache tribe of Oklahoma on the Westwin Cobalt Pilot Project, which affects the land and resources of the heirs of the original allottee.

Whereas; the Apache tribe of Oklahoma support and reaffirm the Comanche Resolution to officially Oppose the Westwin Elements Cobalt Refinery Project.

Now Therefore Be it resolved, The Apache Business Committee takes the following actions in defending and protecting it jurisdiction of the KCA Reservation within its boundaries.

Be it Further Resolved; the Apache Business Committee does hereby Authorize this Resolution to stand and reaffirm the Comanche Resolution in protecting its KCA Reservation in its entirety of sixteen counties located within the southwest part of the State of Oklahoma.

Certification

The foregoing Resolution was passed and adopted at a regular meeting of the Apache Business Committee held on the 7th day of February, 2024 at the Apache Tribal Complex, Anadarko, Oklahoma, by a majority vote of 5 for 0 against and 0 abstaining, a legal quorum present.

ATTESTED:

Ruth Bert

Ruth Bert, Secretary/Treasurer



Durell Cooper

Durell Cooper Tribal Chairman

ROLL CALL VOTE;

Durrell Cooper, Chairman
Matthew Tselee, Vice-Chairman
Ruth Bert, Secretary / Treasurer

Dustin Cozad, Committee Member
Donald Komardley, Committee Member

COMANCHE

Resolution to Officially Oppose the Westwin Elements Cobalt Refinery Project

WHEREAS, the Comanche Nation is a federally recognized Indian Tribe with a Constitution approved by the Secretary of the Interior on January 9, 1967, to safeguard tribal rights, powers, and privileges to improve the economic, moral, education, and health of its members; and

WHEREAS, the tradition of sovereignty of the Comanche Nation, since time immemorial long predates the existence of the Nation, establishes the inherent sovereign powers and rights of the Comanche self-government; and

WHEREAS, the Comanche Constitution, Article 6, Section 7, establishes the Comanche Business Committee as the duly elected official body designated to conduct business for and on behalf of the Comanche Nation in legal quorum; and

WHEREAS, each elected member of the Comanche Business Committee (CBC) is entrusted with upholding and safeguarding the Comanche Nation Constitution, the laws of the Comanche Nation, and swore an oath of office to support and defend the Comanche Nation Constitution and to carry out faithfully and impartially the duties of the office to the best of their ability and promote and protect the best interests of the Comanche Nation and its members in accordance with the tribal constitution; and

WHEREAS of this date, no elected official of the CBC, including Chairman Mark Woommavovah, has discussed or authorized any official Comanche Nation public statement to the Comanche Nation regarding the development of the Westwin Elements cobalt refinery; and

WHEREAS Deyo Mission, a recognized Comanche historical and religious property of Comanche people, is within one-half mile from the Westwin Elements' proposed cobalt refinery, the guidelines for research and institutional engagement with Native Nations are expected and required under Section 106 of the National Historic Preservation Act (NHPA) to recognize fundamental principles of sovereignty, consultation, and respect. Section 106 of NHPA requires that each federal agency identify, evaluate, and



KIOWA TRIBE

P.O. Box 369 • Carnegie, Oklahoma • 73015
Phone: (580) 654-6338 • Fax: (580) 654-1788
OFFICE OF THE LEGISLATURE

Resolution Number: KL-CY-2024-0XX

Resolution Concerning the Westwin Elements Cobalt Project

At a duly called Legislative Regular Session _____ of the Legislature of the Kiowa Tribe held this ___th day of __, 2024, the following resolution, was adopted.

WHEREAS, the Kiowa Tribe of Oklahoma is a federally recognized Indian Tribe with a Constitution approved by the Secretary of the Interior; and,

WHEREAS, the Legislature, is vested with the authority to pass laws and resolutions pursuant to Article VI, Section 6 (a) of the Constitution of the Kiowa Tribe; and,

WHEREAS, the Legislature is authorized under the Kiowa Constitution to promulgate and enforce codes and laws, to pass resolutions and to protect Kiowa Tribal Citizens; and,

WHEREAS, each elected member of the Kiowa Tribal Legislature is entrusted with upholding and safeguarding the Kiowa Constitution, the laws of the Kiowa Tribe, and to carry out faithfully and impartially the duties of the office to the best of their ability and

WHEREAS, the Kiowa territory is defined in the Kiowa Constitution, and

WHEREAS, the Kiowa Tribe determined that the Westwin Elements' planned operations are within the territory of the Kiowa Tribe, and,

WHEREAS, Numerous areas of cultural and environmental importance to the Kiowa Tribe are believed to be impacted by emissions from the Westwin Elements' likely planned operations. These areas include national wilderness areas, sacred sites, essential water resources, religious sites and homes of Indigenous people, and agricultural resources; and

WHEREAS, before any permit is issued by any government to Westwin Elements the company must be transparent with the Kiowa Tribe concerning its plans and the impact of those plans on Kiowa territory; and

WHEREAS, We as Kiowa Legislators require, to the extent we are able, that all businesses within the Kiowa territory comply with the Federal and Kiowa laws regarding air quality, water quality, or laws which otherwise safeguard public health, and

Published: February 23, 2024, and read into record by: Warren Queton, District #7 Legislator, on Legislative Regular Session LXXXII-(82), February 10, 2024.

Hàu – Yes; Hàu:né – No; Hàun á – Abstain; Héñgyádàu - Absent

WHEREAS, We, as Kiowa Legislators, recognize that permits to pollute air and water are given to large corporate concerns to conduct business where that business emits chemicals into the environment and

WHEREAS, We, as Kiowa Legislators, recognize that the owners and executives of large businesses that seek permits to pollute the air and water within Kiowa territory do not themselves live within Kiowa Territory and consequently, the environmental impacts of the decisions of the executives of large companies like Westwin Elements do not fall directly upon their health and lives of those they love; and

WHEREAS, We, as Kiowa Legislators, recognize that federal permits to pollute the air and water in Kiowa territory will result in pollution falling on our heads and being breathed into the lungs of those we love; and

WHEREAS, We as Kiowa Legislators further recognize that though we as Kiowa people all give the effort to which we are capable each day, our communities are often low-income and racially diverse, and

WHEREAS, We as Kiowa Legislators further recognize that if permits to pollute our air and water are issued to Westwin Elements, our people – Indigenous Americans – who often lack the resources to protect themselves or who lack the resources to access health, social, and wellness solutions, will bear the health and social impact of the release of pollution from Westwin Elements' projects; and

WHEREAS, The Kiowa Tribe Legislature determines it was in the best interest of the Kiowa Tribe to claim the right to clean air and clean water within Kiowa territory and,

WHEREAS, the Kiowa Tribe Legislature recommends that actions must be taken to address concerns about Westwin Elements' proposed cobalt project, including ongoing consultation with Westwin Elements, the Federal Government, other tribes, local and municipal governments, and the State of Oklahoma and,

WHEREAS, any activity by Westwin Elements which may impact Kiowa Territory should proceed be Westwin Elements consultation and request for approval by the Kiowa Tribe; and,

WHEREAS, Westwin Elements has not been forthcoming with the Kiowa Tribe concerning plans to utilize natural resources within the Kiowa territory and

WHEREAS, Westwin Elements has not been forthcoming with the Kiowa Trib concerning the impacts to air, water, and land quality resulting from its plans and

WHEREAS, the failure of Westwin Elements to consult with the Kiowa Tribe evidences a marked disrespect for the Indigenous Peoples in the Kiowa Territory, including the citizens of the Kiowa,

Published: February 23, 2024, and read into record by: Warren Queton, District #7 Legislator, on Legislative Regular Session LXXXII-(82), February 10, 2024.

Hâu – Yes; Hâu:né – No; Hâu:n á – Abstain; Héngyádàu - Absen

Apache, Comanche, Chickasaw, Cherokee, and Choctaw Nations, as well as other sovereign Indigenous tribes and nations who have communication and relation to Kiowa territory, including by the fact that many peoples of these tribes and nations live in Kiowa territory and it is in their heads and in their lungs that the pollution of Westwin Elements would fall.

FINDING the failure of Westwin Elements to consult and communicate with the Kiowa Tribe untenable,

NOW, THEREFORE BE IT RESOLVED, the Kiowa Tribe Legislature takes the following actions in defending and protecting the Kiowa Tribe Constitution, its members, and the clean air, clean water and life-giving land within its sovereign territory:

- 1) Requesting the U.S. Environmental Protection Agency to consult with the Kiowa Chairman to ensure that any applicable environmental studies or reviews are completed before any federal permit is issued;
- 2) Requesting the U.S. Environmental Protection Agency to consult with the Kiowa Chairman concerning impacts to the air shed within Kiowa Territory, including the Wilderness Areas that are designated as Class 1 Air Sheds from any activity by Westwin Elements;
- 3) Requesting the U.S. Environmental Protection Agency to provide the Kiowa Tribe with all data on air quality presently within the Kiowa territory and to establish monitoring stations to determine the impacts of any Westwin Elements project on Kiowa territory.
- 4) Requesting the U.S. Environmental Protection Agency to ensure the Kiowa Tribe's concerns regarding air quality, impacts on health, impacts on cultural resources, and impacts on local and regional haze are addressed in any permitting decision relating to Westwin Elements.
- 5) Requesting the Chairman of the Kiowa Tribe to consult with the White House Environmental Justice Committee concerning Westwin Elements and its plan;
- 6) Requesting the Kiowa Historic Preservation Office to initiate consultation with the appropriate governments according to Section 106 of NHPA; and
- 7) Requesting the Executive Team of Westwin Elements to present a written and verbal briefing of its plans in Kiowa sovereign territory to the Kiowa Legislature and Kiowa Executive Branch, at which time it is requested that Westwin Elements addresses specifically the location and size of any mining, processing, transportation or refining facilities, the status of any permits, the status of any construction, the source of funding for the projects, identity of any foreign governments related to the project, including by contract or investment; the planned timeline of operations; the persons responsible for environmental contamination, including the financial solvency of the company to address environmental contamination plans; the problems relating to Cobalt mining in Congo with which Westwin Elements' Executive Staff is familiar and why and how it expects the situation to be different in Kiowa territory;

BE IT FINALLY RESOLVED, unless or until the Kiowa Legislature, by a future unanimous vote, is satisfied as a result of the consultations set out above that the proposed operations by Westwin Elements will not foul the air, water and land of the Kiowa Territory and will not impact

Published: February 23, 2024, and read into record by: Warren Queton, District #7 Legislator, on Legislative Regular Session LXXXII-(82), February 10, 2024.

Hàu – Yes; Hàu:né – No; Háun á – Abstain; Héñgyádàu – Absen

the lives and health of Indigenous people in Kiowa Territory, the Kiowa Tribe negatively hereby formally opposes the Westwin Elements project.

C E R T I F I C A T I O N

The foregoing Resolution KL-CY-2024-00X was duly voted upon by the Legislature on _____, 2024, at a Legislative Regular Session ___-(), with a vote of () in favor and () opposed, () abstaining, and () absent, according to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.

Anita Johnson
Secretary of the Legislature

Published: February 23, 2024, and read into record by: Warren Queton, District #7 Legislator, on Legislative Regular Session LXXXII-(82), February 10, 2024.

Hàu – Yes; Hàu:né – No; Háun á – Abstain; Héñgyádàu - Absen



Social

- RMI Certifications
 - Joint due diligence standard for nickel
- Traceable Supply Chains
- IRMA Certifications