**ATTACHMENT 5**

**CALIFORNIA NATIVE AMERICAN TRIBES ELIGIBILITY AND ADDITIONAL INFORMATION**

*This document is only required to be completed if the applicant is a California Native American Tribe.*

In addition to other requirements described in the PON, California Native American Tribes wishing to apply for an ECAA loan must meet the following requirements:

1. For applications that propose to implement a project measure(s) at a building, the building must meet the definition of “tribal building” as specified in the ECAA statute (See Public Resources Code Section 25411 (t)). Please answer the questions below to determine whether the building meets this definition. Answer all questions for each building included in the application:
	1. Is the building owned, or primarily used by, a tribe located within or outside of Indian country, located in California? Yes No
	2. Is the building primarily occupied by (Select i., ii., and/or iii.):
		1. Offices or agencies of a tribe.
		2. A health facility operated by a tribe in accordance with applicable federal operating requirements.
		3. Other facilities operated by a tribe that provide or promote tribal services for tribal members and the surrounding communities. This may include a gaming facility or a portion of a gaming facility, to the extent the facility is used as a community emergency response center or a resource center for deenergization events, or other centralized areas for nongaming community services in designated situations.

Describe the building, including an explanation of the primary occupancy selection(s) made above:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. For applications that propose to implement a project measure(s) in a gaming facility or a portion of a gaming facility:
	1. is the facility used as a community emergency response center, deenergization resource center, or as a centralized area for nongaming community services?
	2. Describe the gaming facility, including an explanation that describes and quantifies the extent to which the facility is used as a community emergency response center, deenergization resource center, or as a centralized area for nongaming community services:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. In addition to the terms and conditions shown in the Sample ECAA Loan Agreement Template (Attachment 6), the special terms and conditions shown below will be included in a loan agreement with a tribe.

**SPECIAL TERMS AND CONDITIONS FOR CALIFORNIA NATIVE AMERICAN TRIBES**

1. **Limited Waiver of Sovereign Immunity**

The [Insert name of Tribe] has waived its sovereign immunity, to the extent that any such sovereign immunity exists, for any and all claims by the California Energy Commission that may arise relating to this Agreement and any remedies therefore under the laws of the state of California and the laws of the United States of America.

1. **Consent to Jurisdiction**

The [Insert name of Tribe] has consented to personal jurisdiction and venue in any court of the State of California and any federal court sitting in the State of California; and has waived any and all claims that it may have, including without limitation that such court is an inconvenient forum, for the purposes of any proceeding related to this Agreement; and, with respect to a proceeding in a court of the State of California or a federal court sitting in the State of California, any requirement that tribal remedies must be exhausted.

1. **Authority**

The [Insert name of Tribe] has authorized this Agreement, including Limited Waiver of Sovereign Immunity and Consent to Jurisdiction, and has adopted a resolution or other authorizing document stating so.