

SQUAXIN ISLAND TRIBE

RESOLUTION NO. 10- 112

of the

SQUAXIN ISLAND TRIBAL COUNCIL

WHEREAS, the Squaxin Island Tribal Council is the Governing Body of the Squaxin Island Tribe, its members, its lands, its enterprises and its agencies by the authority of the Constitution and Bylaws of the Squaxin Island Tribe, as approved and adopted by the General Body and the Secretary of the Interior on July 8, 1965; and

WHEREAS, under the Constitution, Bylaws and inherent sovereignty of the Tribe, the Squaxin Island Tribal Council is charged with the duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources and rights of the Tribe; and

WHEREAS, the Tribe is a federally-recognized Indian Tribe possessing reserved powers, including the powers of self-government; and

WHEREAS, the Squaxin Island Tribal Council has been entrusted with the creation of ordinances and resolutions in order to fulfill their duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources of the Tribe; and

WHEREAS, the Department of Ecology issued two groundwater permits to Miller Land & Timber LLC ("Miller") to supply water to two large residential subdivisions near Lacey; and

WHEREAS, in 2005, the Tribe appealed two permits to the Pollution Control Hearings Board ("PCHB") and state courts because the wells would diminish flows in Woodland and Fox Creeks, which support anadromous fisheries; and

WHEREAS, the PCHB invalidated the permits and required that Miller conduct more testing to ensure that there would be no impact on Woodland Creek; and

WHEREAS, since the two new permits that Ecology issued required more mitigation but not enough to satisfy the Tribe, the Tribe appealed them to the PCHB; and

WHEREAS, since the Tribe, Miller and Ecology have tentatively agreed on a settlement whereby Miller will pump into Woodland and Fox Creeks substantially more mitigation water drawn from a deep aquifer, and whereby Tribe can inspect the pumping system for as long as it operates:

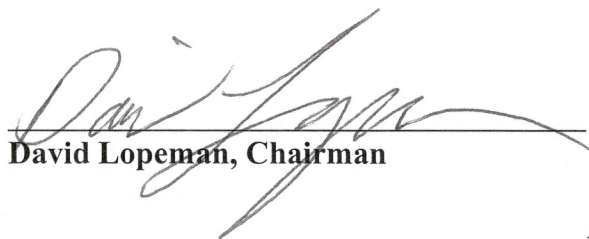
NOW THEREFORE BE IT RESOLVED, that the Tribal Council hereby approves the settlement between Miller, the Tribe and Ecology; and

BE IT FURTHER RESOLVED, that the Chairman shall sign the Settlement Agreement between the Tribe and Miller; and

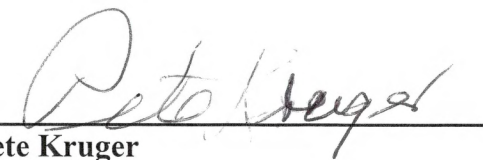
BE IT FURTHER RESOLVED, that attorneys Kevin Lyon or Sharon Haensly are hereby authorized to execute, on behalf of the Tribe, the Stipulation and Agreed Order and to take any other acts needed to implement the settlement.

CERTIFICATION

The Squaxin Island Tribal Council hereby certifies that the foregoing Resolution was adopted at the regular meeting of the Squaxin Island Tribal Council, held on this 9 day of December, 2010, at which time a quorum was present and was passed by a vote of 6 for and 0 against, with 0 abstentions.



David Lopeman, Chairman

Attested by: 

Pete Kruger



Arnold Cooper, Vice Chairman