



SQUAXIN ISLAND TRIBE

RESOLUTION NO. 10-13

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 Squaxin Island Tribal Council adopted SITC § 7.04.140 and 2009 Harvest Regulation authorizing and levying a tax on the gross pounds of geoduck harvested in the treaty fishery and that such levy was essential to the health and welfare of the Squaxin Island Tribe and its members; and

WHEREAS, the Squaxin Island Tribal Council further finds that tax revenues are essential to the Tribe's ability to provide goods and services, and to finance government operations and economic development, for the safety, health and welfare of the Squaxin Island Tribe, its members, and those who work on, live on and visit the Tribe's Indian country; and

WHEREAS, the Squaxin Island Tribal Council further finds seniors participating in the geoduck treaty dive fishery have contributed significantly to the creation and development of the fishery and that the tax levied by SITC § 7.04.140, as to Seniors, shall be rescinded and the taxes paid

shall be refunded to the payor without interest within 30 days of the Effective Date of this Resolution. The Effective Date of this Resolution is the date on which it is adopted.

NOW THEREFORE BE IT RESOLVED,

The Department of Natural Resources is directed to administer a tax refund, and future exemption, from the tax authorized by SITC § 7.04.140 and levied by the 2009 harvest regulations (geoduck stumpage tax) for seniors.

To be eligible for this program you must meet the age requirements. You must be at least 55 years old. If a fisher paid 2009 taxes for geoduck stumpage, and is 55 years or more older, he or she will receive a refund, without interest, for geoduck stumpage taxes paid while 55 years or more older. The Department of Natural Resources shall certify to the Finance Department the name of the fisher, the taxes paid, and the entitlement to a refund.

There shall be no refund for prior years' taxes other than 2009.

NOW THEREFORE BE IT RESOLVED,

The Code shall be amended as follows:

7.04.140 Taxes and assessments.

A. Purposes. Taxes and assessments on the sale of resources harvested pursuant to this title may be levied for the purposes of management, enhancement, enforcement, or other purposes as deemed appropriate by the Tribal Council.

B. Timing of Effect. Taxes and assessments shall not take effect until sixty (60) days from the date of the Tribal Council resolution.

C. Failure to Pay. Failure to pay all taxes and/or assessments within the prescribed times may result in the suspension of harvest privileges by the Natural Resources Department.

D. Seniors shall be exempt from geoduck stumpage tax.

(Res. 99-03 (part))

NOW THEREFORE BE IT FURTHER RESOLVED,

The 2009 harvest regulations shall be amended as follows:

9. Stumpage

The sale of geoducks will be charged a stumpage at the rate of .75 per pound of geoducks sold. The stumpage will be allocated as follows:

\$82,136 will go to Law Enforcement for compliance and the balance will be dedicated to shellfish management, shellfish enhancement and/or shellfish litigation.

Stumpage assessed for geoducks harvested during the fishery must be paid within thirty days of the end of each month.

Failure to pay stumpage owed when due will result in the suspension of the license and IDQ until such time as the harvester pays the stumpage in full.

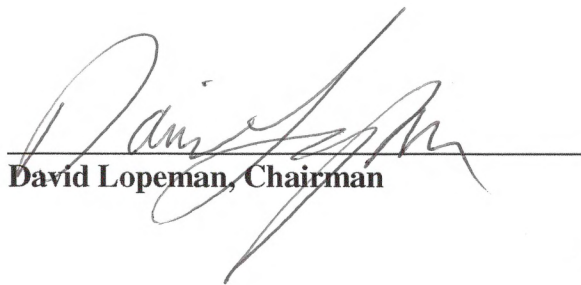
All suspended IDQ's will be subject to redistribution as provided in paragraph 6 above.

The stumpage rate will be assessed on all geoduck sold ~~regardless of the age of the quota holder.~~

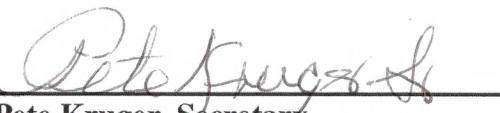
Seniors (55 years and older) are ~~not~~ exempt from paying the stumpage for this fishery.

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 13th day of January 2010, at which time a quorum was present and was passed by a vote of 4 for and 0 against, with 0 abstentions.



David Lopeman, Chairman

Attested by: 

Pete Kruger, Secretary



Arnold Cooper, Vice Chairman