



SQUAXIN ISLAND TRIBE

RESOLUTION NO. 13-44

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 Tribe's Treaty shellfishing right and federal court orders require that commercial shellfish harvesters and growers comply with procedures established in the Shellfish Implementation Plan; and

WHEREAS, these procedures ensure, among other things, that the Tribe receive advance notice and information from commercial shellfish growers before they cultivate, and that the Tribe's rights attach upon notifying landowner of the Tribe's intent to survey and harvest a tideland; and

WHEREAS, commercial growers and harvesters who do not comply with Shellfish Implementation Plan's requirements and other applicable laws interfere with the Tribe's Treaty right; and

WHEREAS, the Shellfish Implementation Plan requires that disagreeing parties use a dispute resolution process in federal district court; and

WHEREAS, the companies Russ' Shellfish and Gold Coast Oyster LLC have not conducted their activities in compliance with the requirements of the Shellfish Implementation Plan and other applicable laws, to the detriment of the Tribe; and

WHEREAS, the Tribe has attempted to informally resolve these disputes, but has not been successful; and


WHEREAS, the Tribal Council previously authorized the Legal Department to initiate dispute resolution against Russ' Shellfish in federal district court, and the Legal Department did so on May 21, 2013;

NOW THEREFORE BE IT RESOLVED, the Tribal Council retroactively reaffirms its authorization for the Legal Department to initiate dispute resolution in federal district court against Russ' Shellfish; and

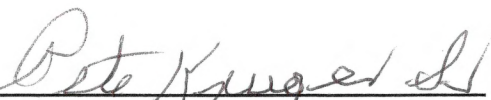
BE IT FURTHER RESOLVED, the Tribal Council authorizes the Legal Department to initiate dispute resolution against Gold Coast Oyster LLC.

CERTIFICATION

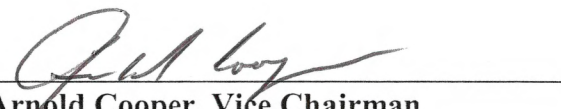
The Squaxin Island Tribal Council hereby certifies that the foregoing Resolution was adopted at the regular meeting of the Squaxin Island Tribal Council, held on this 23rd day of May, 2013, at which time a quorum was present and was passed by a vote of 6 for and 0 against, with 0 abstentions.



David Lopeman, Chairman

Attested by: 

Pete Kruger, Secretary



Arnold Cooper, Vice Chairman