



SQUAXIN ISLAND TRIBE

RESOLUTION NO. 20- 64 of the SQUAXIN ISLAND TRIBAL COUNCIL

WHEREAS, the Squaxin Island Tribe (the “Tribe”) is a federally recognized tribe organized pursuant to Section 16 of the Indian Reorganization Act of 1934 (25 U.S.C. s 1523);

WHEREAS, the Tribe is organized under a Constitution and By-Laws originally ratified by the Tribe on May 15, 1965, and approved by the Secretary of the Interior on July 8, 1965, amended November 20, 1998, and approved by the Secretary of the Interior on December 11, 1998, and as most recently amended and ratified by the Tribe on October 20, 2000, and approved by the Secretary of the Interior on October 25, 2000;

WHEREAS, the Squaxin Island Tribal Council (the “Tribal Council”) is the duly elected governing body of the Tribe and exercises substantial governmental duties and powers, including 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;

WHEREAS, this Resolution is adopted pursuant to the authority found in Article III, Sections 1 (a), (b), (f) and (i) of the Constitution;

WHEREAS, on November 19, 2020, the Washington Department of Health (“DOH”) approved Mason PUD #1’s (PUD) connecting of six Hood Canal area water systems into one system, connecting many new customers, and greatly expanding the service area into the “Union consolidated area”;

WHEREAS, over time this consolidation/expansion will increase the amount that PUD pumps from its wells and will likely reduce flows in Schumacher Creek, which is a fish-bearing creek within Squaxin’s usual and accustomed fishing area with instream flows that aren’t met during the drier summer and early fall months;

WHEREAS, reduced flows during the drier summer and early fall months results in less available salmon habitat and diminishes the amount of fish that are available for the Tribe to take pursuant to its Treaty fishing right;

WHEREAS, the actions and inactions of DOH, the PUD and the Washington Department of Ecology (“Ecology”) as related to the PUD’s water system consolidation/expansion ignore (1) the likely impacts to instream flows and fish, and (2) that the PUD will likely use more water than it is lawfully entitled to;

WHEREAS, if the PUD is allowed to deliver more water to customers than it has water rights for, it will be serving customers with water that by law must be left in Schumacher Creek;

WHEREAS, the Tribe has protested the proposed consolidation/expansion for several years;

WHEREAS, in July 2019, the Tribe administratively appealed to the state Pollution Control Hearings Board Ecology's extension of the PUD's Alderbrook water permit. This permit is one of numerous water rights that the PUD will use to serve the expanded consolidated area, and the Alderbrook well is hydraulically connected to Schumacher Creek (i.e., pumping from that well can decrease Schumacher Creek's flows);

WHEREAS, the PUD and Tribe agreed to suspend the PCHB litigation while trying to negotiate a Memorandum of Understanding (MOU) that, among other things, would require the PUD to assess Schumacher Creek impacts and mitigate them to the Tribe's satisfaction;

WHEREAS, the PUD recently informed the Tribe that MOU negotiations were at an impasse, and that the PCHB litigation should resume;

WHEREAS, if the Tribe desires to appeal DOH's decision approving the consolidation, it must do so within 30 days of learning of DOH's decision;

NOW THEREFORE BE IT RESOLVED, that the Squaxin Island Tribal Council hereby authorizes the Squaxin Island Legal Department to resume litigation over Ecology's extension of the Alderbrook water rights permit in *Squaxin Island Tribe v. Mason PUD No. 1 and Ecology*, PCHB No. 20-054.

NOW THEREFORE BE IT RESOLVED, that the Tribal Council hereby authorizes the Squaxin Island Tribe to challenge DOH's decision to approve Mason PUD #1's water system plan consolidation plan in state superior court.

NOW BE IT FURTHER RESOLVED, the Squaxin Island Legal Department is authorized to take any and all actions needed to successfully litigate these cases and, with Council's direction, to settle them.

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 10th day of December 2020, at which time a quorum was present and was passed by a vote of 6 for and 0 against, with 0 abstentions.

Kristopher K. Peters

Kristopher K. Peters (Dec 10, 2020 17:31 PST)

Kris Peters, Chairman

Jeremie Walls

Attested by: Jeremie Walls (Dec 10, 2020 17:50 PST)

Jeremie Walls, Secretary

Charlene Krise

Charlene krise (Dec 11, 2020 05:53 PST)

Charlene Krise, Vice Chairman











2020-12-04 DRAFT Resolution - Challenging Mason PUD 1 consolidation

Final Audit Report

2020-12-11

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