



# SQUAXIN ISLAND TRIBE

## RESOLUTION NO. 00-13

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**, the Tribal leaders and attorneys have been seeking the best case to obtain a federal court ruling declaring that the treaty right to take fish includes the right to protect the habitat upon which fish life depends from destruction by the State or by State permittees and licensees; and

**WHEREAS**, the Tribal Council is concerned that if the Tribe does not soon obtain a court decision declaring the fish habitat protection treaty right, that right will be lost forever through continuation of the practices which have lead to Puget Sound Chinook, bull trout, and other species being listed under the Endangered Species Act; and

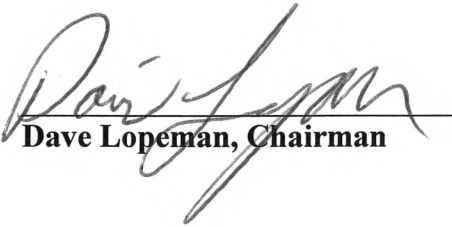
**WHEREAS**, Tribal attorneys have developed a Request for Determination in *United States v. Washington* that asks the court to declare that the treaties impose a duty upon the State to refrain from degrading fisheries habitat. This Request for Determination focuses on state highway culverts that block adult salmonid access to spawning and rearing grounds and WDFW's failure to properly administer and enforce the State Hydraulic Code, both of which can be established from State documentary sources.

**NOW THEREFORE, BE IT RESOLVED** that the Squaxin Island Tribal Council hereby approves joining in a "meet and confer" letter to be sent to the State on or about March 8, 2000; and

**BE IT FURTHER RESOLVED;** that the Squaxin Island Tribal Council hereby approves joining in the proposed Request for Determination and directs its attorneys to take quick and decisive action to protect the Tribe's treaty right to an environment that will support fish.

**CERTIFICATION**

The Squaxin Island Tribal Council does hereby certify that the foregoing Resolution was adopted at the regular meeting of the Squaxin Island Tribal Council, held on this 10<sup>th</sup> day of February, 2000, at which time a quorum was present and was passed by a vote of 4 for and 0 against with 0 abstentions.

  
Dave Lopeman, Chairman

Attested by:   
Sue McFarlane, Secretary

  
Cal Peters, Vice Chairman