



# SQUAXIN ISLAND TRIBE

## RESOLUTION NO. 07-32

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;

**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;

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

**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;

**WHEREAS**, in the litigation *United States of America, et al., v State of Washington, et al.*, United States District Court, Western District of Washington at Seattle, Case No. C70-9213, Subproceeding No. 89-3 (Shellfish), litigating the treaty rights of Indian Tribes in the region of Puget Sound, Washington, to take shellfish from public and private tidelands in Washington State, including from some lands owned, leased, or otherwise subject to harvest by commercial shellfish Growers;

**WHEREAS**, the parties agreed that numerous unresolved issues remain outstanding regarding implementation of the Tribes' treaty right to take shellfish from lands owned, leased, or otherwise subject to harvest by the Growers;

**WHEREAS**, the Tribes, Growers, the United States Department of the Interior and the State of Washington, further agreed to resolve any and all disputes between and among them regarding

the implementation of the Tribes' treaty right to take shellfish from lands owned or leased by the Growers;

**WHEREAS**, the Squaxin Island Tribal Council approved the Settlement Agreement;

**WHEREAS**, the Chairman and/or his delegate were authorized to negotiate the terms of an intertribal agreement required by the Settlement Agreement and to negotiate a distribution of the Region 7 share.

**WHEREAS**, the Squaxin Island Tribe, the Nisqually Indian Tribe and the Puyallup Indian Tribe, each a federally recognized tribe (individually, the "Tribe" and collectively, the "Tribes") and signatory to the Settlement Agreement and corresponding Consent Decree entered in United States v. Washington, Case No. C70-9213, sub-proceeding 89-03, are entitled to distributions from federal and state governments under the Puget Sound Regional Shellfish Settlement Agreement, referred to in section 702 of Public Law 109-479;

**WHEREAS**, the payments to the tribes that are parties to the Settlement Agreement, including the signatories to this Agreement, of the funds appropriated by the United States and State of Washington shall be made as follows:

- (a) From the United States:  
\$2,000,000 by September 3, 2007, plus  
\$5,000,000 by September 3, 2008, plus  
\$5,000,000 by September 3, 2009, plus  
\$5,000,000 by September 3, 2010; plus  
\$5,000,000 by September 3, 2011; and
- (b) From the State of Washington:  
\$11,000,000 will be disbursed by September 3, 2007.

**WHEREAS**, this Agreement is intended to satisfy, on behalf of each of the signatories, the contingency set forth in the Settlement Agreement requiring, by May 15, 2007, that Tribes that are parties to the Settlement Agreement unanimously agree in writing on the payee or payees, and the allocation of payments to be made, for receipt of the funds appropriated, and serve such writing on the other parties to this agreement;

**WHEREAS**, the North Sound Regional allocation is Eight Million dollars payable as 24.242424% of each payment, where payment is from the United States or the State of Washington, and the Hood Canal/Strait of Juan de Fuca Regional allocation is Ten Million dollars payable as 30.303030% of each payment, whether payment is from the United States or the State of Washington;

**WHEREAS**, the South Sound Regional (Region 7) allocation is Fifteen Million dollars payable as 45.454545% of each payment, whether payment is from the United States or the State of Washington;

**WHEREAS**, the Tribes agree that all or a portion of this amount will be deposited into the South Puget Sound Regional Shellfish Settlement Trust governed by this document;

**WHEREAS**, the Tribes intend to collectively invest all or a portion of the funds allocated to it and build an endowment from which to generate income for the development of their shellfisheries through the enhancement of appropriate properties;

**NOW THEREFORE BE IT RESOLVED**, that the Squaxin Island Tribal Council hereby approves the South Sound Regional Shellfish Settlement Fund Trust Agreement (as attached) and related Investment Policy Statement;

**NOW BE IT FURTHER RESOLVED**, that the tribal attorney is hereby authorized to provide notice required by the consent decree satisfying the contingencies;

**NOW BE IT FURTHER RESOLVED**, that the Chairman is hereby authorized to sign the Shellfish Settlement Fund Trust Agreement and Investment Policy Statement, approving the investment and distribution of settlement monies; and

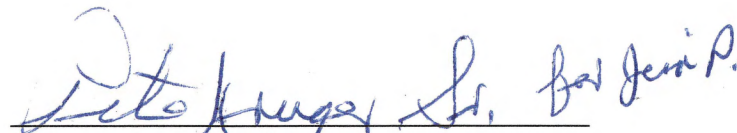
**NOW BE IT FINALLY RESOLVED**, that the Chairman is hereby designated the Tribe's Trustee under the terms of the Shellfish Settlement Fund Trust Agreement, authorized to do any and all acts necessary to fully implement the Settlement Fund Trust Agreement and to fully perform his duties as a Trustee.

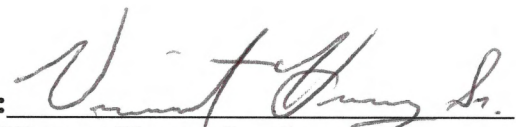
**NOW THEREFORE**, in consideration of the covenants herein contained and other valuable consideration, the receipt and sufficiency of which hereby are acknowledged, the Tribes hereby transfer and convey the right to receive all payments due them under the Puget Sound Regional Shellfish Settlement Agreement whether from the United States or the State of Washington to be held in trust under the terms of the Shellfish Settlement Fund Trust Agreement, as it now exists or may hereafter be amended; and

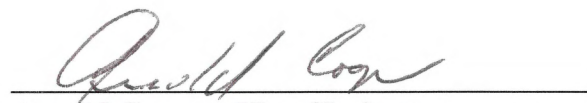
**NOW THEREFORE**, the signatories each direct all South Sound Regional allocation payments to be made to: Charles Schwab & Co. Inc., 1148 Broadway Suite 110 Tacoma, Washington, 98402, Account No. 90766958.

**CERTIFICATION**

The Squaxin Island Tribal Council hereby certifies that the foregoing Resolution was adopted at a special meeting of the Squaxin Island Tribal Council, held on this 10<sup>th</sup> day of May 2007, at which time a quorum was present and was passed by a vote of 5 for and 0 against, with 0 abstentions.

  
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**James L. Peters, Chairman**

Attested by:   
\_\_\_\_\_  
**Vincent Henry, Sr., Secretary**

  
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**Arnold Cooper, Vice Chairman**