



SQUAXIN ISLAND TRIBE

RESOLUTION NO. 09-74

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 the tribal members, and with protecting and managing the lands and treaty resources and rights of the Tribe; **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 Tribe operates a Clinic and the Northwest Indian Treatment Center, and recognizes the need to provide health services in safe and well-maintained facilities; **and**

WHEREAS, the Squaxin Island Tribal Council authorized through Resolution 09-37 the Health Department and, to prepare, submit, negotiate, execute, and administer with the Indian Health Service, a project through the American Recovery and Reinvestment Act - Indian Health Service – Maintenance & Improvement Fund; **and**

WHEREAS, the Squaxin Island Tribal Council authorized through Resolution 09-36 the Northwest Indian Treatment Center to and, to prepare, submit, negotiate, execute, and administer with the Indian Health Service, a project through the American Recovery and Reinvestment Act - Indian Health Service – Maintenance & Improvement Fund; **and**

NOW THEREFORE BE IT RESOLVED, that the Squaxin Island Tribal Council does hereby authorize the Tribe to enter into a Title V Section 509 Construction Project Agreement for Squaxin Island Health Clinic Facility Repairs (Project # PO9SQ516C6) and NW Indian Treatment Center Renovation (Project # PO9SQ523C6); **and**

THEREFORE BE IT FURTHER RESOLVED, that when the Tribe enters into this Title V Section 509 Construction Project Agreement, the Tribe assumes all Federal responsibilities under the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA), and related provisions of law that would apply if the Secretary of the Department of Health and Human Services were to undertake the construction project; **and**

THEREFORE BE IT FURTHER RESOLVED, that the Squaxin Island Tribe appoints Jeff Dickison as the Environmental Certification Officer to represent the Tribe and to assume the status of a responsible Federal official for the purposes of the Title V Agreement approved herein. The Squaxin Island Tribe further identifies the Executive Director (Raymond Peters) as the person authorized to appoint a successor Environmental Certification Officer to represent the Tribe and to assume the status of a responsible Federal office for the purposes of the Title V Agreement approved herein; **and**

THEREFORE BE IT FURTHER RESOLVED, that the Squaxin Island Tribe acknowledges the jurisdiction of the federal district court for purposes of civil enforcement actions brought against the Tribe's Environmental Certification Officer in his or her official capacity for declaratory and injunctive relief that is substantially equivalent to an Administrative Procedures Act enforcement action against a federal agency, for the purposes of this Title V Agreement associated with Squaxin Island Health Clinic Facility Repairs (Project # PO9SQ516C6) and NW Indian Treatment Center Renovation (Project # PO9SQ523C6). The Squaxin Island Tribe waives its sovereign immunity for the limited purpose of a civil enforcement action brought against the Tribe's Environmental Certification Officer in his or her official capacity for declaratory and injunctive relief that is substantially equivalent to an APA enforcement action against a federal agency, for the purposes of the Title V Agreement approved herein; **and**

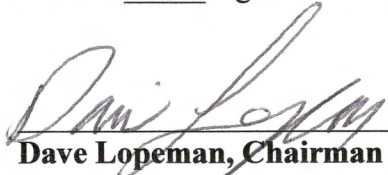
THEREFORE BE IT FURTHER RESOLVED, that the Squaxin Island Tribe adopts Indian Health Service environmental review procedures for the project; **and**

THEREFORE BE IT FURTHER RESOLVED, that the Squaxin Island Tribal Council does hereby authorize the Tribal Chairman, Executive Director, or Deputy Executive Director to do any and all acts necessary to negotiate and finalize the agreements and to be the Tribe's signatory and representative in all future matters requiring Tribal authorization on these particular projects; **and**

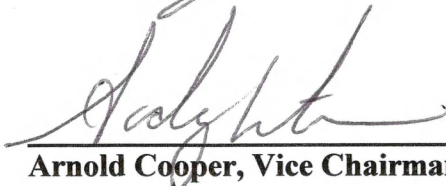
THEREFORE BE IT FINALLY RESOLVED, that these authorities shall be for the duration of the project.

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 31 day of July 2009, 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



Arnold Cooper, Vice Chairman

Attested by: 

Pete Kruger, Secretary