



SQUAXIN ISLAND TRIBE

RESOLUTION NO. 12-38

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, the Squaxin Island Tribe is hosting the Tribal Canoe Journey landing on July 29, 2012, and will be performing a Welcome Ceremony with an anticipated 100 or more canoes at the Cascade Pole Site (1503 Marine Drive, Olympia, Washington).

WHEREAS, the Squaxin Island Tribe wishes to enter into a Memorandum of Understanding, the purpose of this Memorandum of Understanding is to set forth the respective duties and responsibilities of the Squaxin Island Tribe and Washington State Department of Ecology.

WHEREAS, the Parties have negotiated a Memorandum of Understanding (Attachment 1).

NOW THEREFORE BE IT RESOLVED, the Squaxin Island Tribal Council approves the Memorandum of Understanding made by and between the Squaxin Island Tribe ("Tribe"), a federally recognized Indian Tribe and the Washington State Department of Ecology.

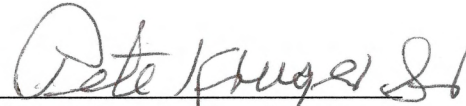
NOW THEREFORE BE IT FURTHER RESOLVED, that the Tribal Council hereby authorizes the Council Chairman and/or the Tribal Administrator, to execute the Memorandum of Understanding;

CERTIFICATION

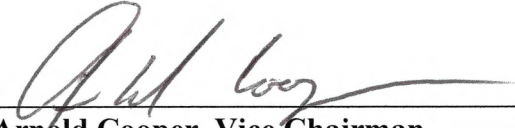
The Squaxin Island Tribal Council hereby certifies that the foregoing Resolution was adopted at the regular meeting of the Squaxin Island Tribal Council, held on ~~March~~ ^{June} 1, 2012, at which time a quorum was present and was passed by a vote of 6 for and 0 against, with 0 abstentions.



David Lopeman, Chairman

Attested by: 

Peter Kruger, Sr., Secretary



Arnold Cooper, Vice Chairman

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JUN 08 2012

WA State Department
of Ecology (SWRO)

**MEMORANDUM OF UNDERSTANDING
BETWEEN
SQUAXIN ISLAND TRIBE AND DEPARTMENT OF ECOLOGY**

This Memorandum of Understanding (MOU) is entered into by the Squaxin Island Tribe, a federally recognized Indian Tribe and the Department of Ecology, a Washington State agency.

RECITALS

- A. The Squaxin Island Tribe is hosting the Tribal Canoe Journey landing on July 29, 2012, and will be performing a Welcome Ceremony with an anticipated 100 or more canoes at the Cascade Pole Site (1503 Marine Drive, Olympia, Washington).
- B. The Cascade Pole Site is a hazardous waste cleanup site under the Model Toxics Control Act, currently undergoing remedial action under Agreed Order No. DE 00TCPSR-753 (Agreed Order). The Site includes: intertidal and sub-tidal areas (the sediment interim action area) with 2, 3 and 5 feet soil caps; a sediment containment cell with cap layers, from the bottom, of 12 inch minimum blast (WADOT), 4 inch surface top course csc (WSDOT) followed by 4 inch class B asphalt (total cap thickness of 20 inches); sloped area of the sediment containment cell with a bottom of geocell and 18 inch clean fill followed by top soil; and a walking trail with a minimum 12 inches clean soil on bottom followed by 4 inches of granular fill and 4 inches of crushed gravel. See attached Exhibit A.
- C. The Department of Ecology is the state agency tasked with oversight of hazardous waste cleanup sites under the Model Toxics Control Act, is a signatory to the Agreed Order and has a continuing oversight responsibility with respect to the Cascade Pole Site.
- D. The Welcome Ceremony will include approximately 15 canoes (at a time) beaching at the Cascade Pole Site in the capped sediment interim action area, a VIP seating section of approximately 180 people seated on the walking trail, and approximately 3,800 people seated on the asphalt capped sediment containment cell. See attached Exhibit B.
- E. The parties are concerned with protection of human health and the environment and wish to clarify what activities will take place and where they will take place at the Cascade Pole Site. The purposes of this MOU include ensuring that the integrity of the contaminant controls is not compromised and to delineate use and non-use areas.

AGREEMENT


NOW THEREFORE, the parties agree that activities related to the landings on July 29, 2012 at the Cascade Pole Site will be carried out in accordance with the following terms:

1. The location of spectators for the Tribal Canoe Journey Welcome Ceremony are identified in Exhibit B. The parties will conduct a joint inspection of the event set-up at least 24 hours before the event to aid in accomplishing the purposes of this MOU.
2. No activity will take place in the sloped area of the sediment containment cell. The Squaxin Island Tribe will take reasonable precautions to keep participants and spectators from accessing the area identified on Exhibit A as the sloped area of the sediment containment cell, including but not limited to, by providing signage and security.
3. That portion of the Cascade Pole Site used for the Tribal Canoe Journey contains contaminated sediment and soil located under soil caps and an asphalt cap. The Squaxin Island Tribe shall not conduct any activity at the Site which may result in the release or exposure to the environment of the contaminated sediment and soil that is contained under the caps. This includes, but is not limited to, digging, piercing the surface with a rod, spike or similar item, or placement of any objects which deforms or stresses the surface.
4. The Department of Ecology will inspect the Cascade Pole Site within 36 hours after the event to determine if there has been any damage to the existing institutional controls at the Site. The Department of Ecology will document any issues at the Cascade Pole Site in writing and provide it to the Squaxin Island Tribe within 36 hours. The Department of Ecology expects that the Squaxin Island Tribe and the Department of Ecology will resolve all identified issues in a manner and within a timeframe agreed to by the Squaxin Island Tribe and the Department of Ecology.
5. The parties will coordinate regarding the Welcome Ceremony at the Cascade Pole Site through the points of contact listed below, except when circumstances require otherwise.

Squaxin Island Tribe: Debra Meisner
360-432-3849
dmeisner@squaxin.us

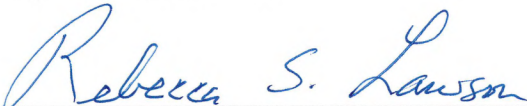
Department of Ecology: Rebecca Lawson 360-407-6241 rebecca.lawson@ecy.wa.gov
and James DeMay 360-407-6316 james.demay@ecy.wa.gov

6. The Squaxin Island Tribe and Department of Ecology reserve all rights, powers, and remedies now or hereafter existing in law or in equity, by statute, treaty or otherwise. Nothing in this Agreement is or shall be construed to be a waiver of any such rights or of the sovereign immunity of the Squaxin Island Tribe or the State of Washington. This Agreement is intended solely for the purpose of facilitating cooperation between the parties during the Tribal Canoe Journey landing event on July 29, 2012, and related activities and creates no rights in third parties or the right to judicial review.



Donald Whitener
Tribal Administrator
Squaxin Island Tribe

6-5-12
Date



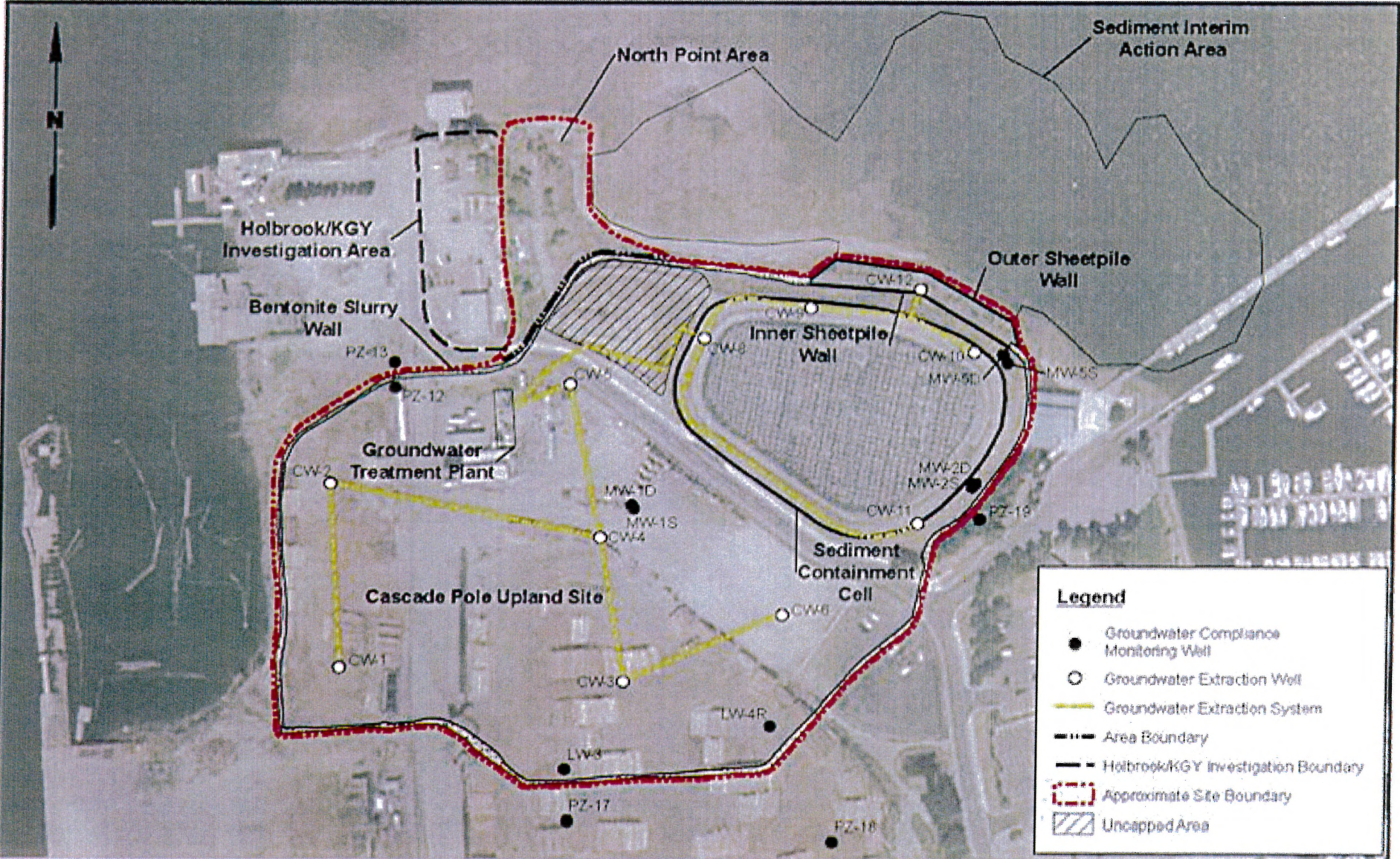
Rebecca S. Lawson, PE, LHG
SWRO Section Manager
Toxics Cleanup Program
Department of Ecology

6/11/12
Date

Approved as to form:



Squaxin Island Legal Department



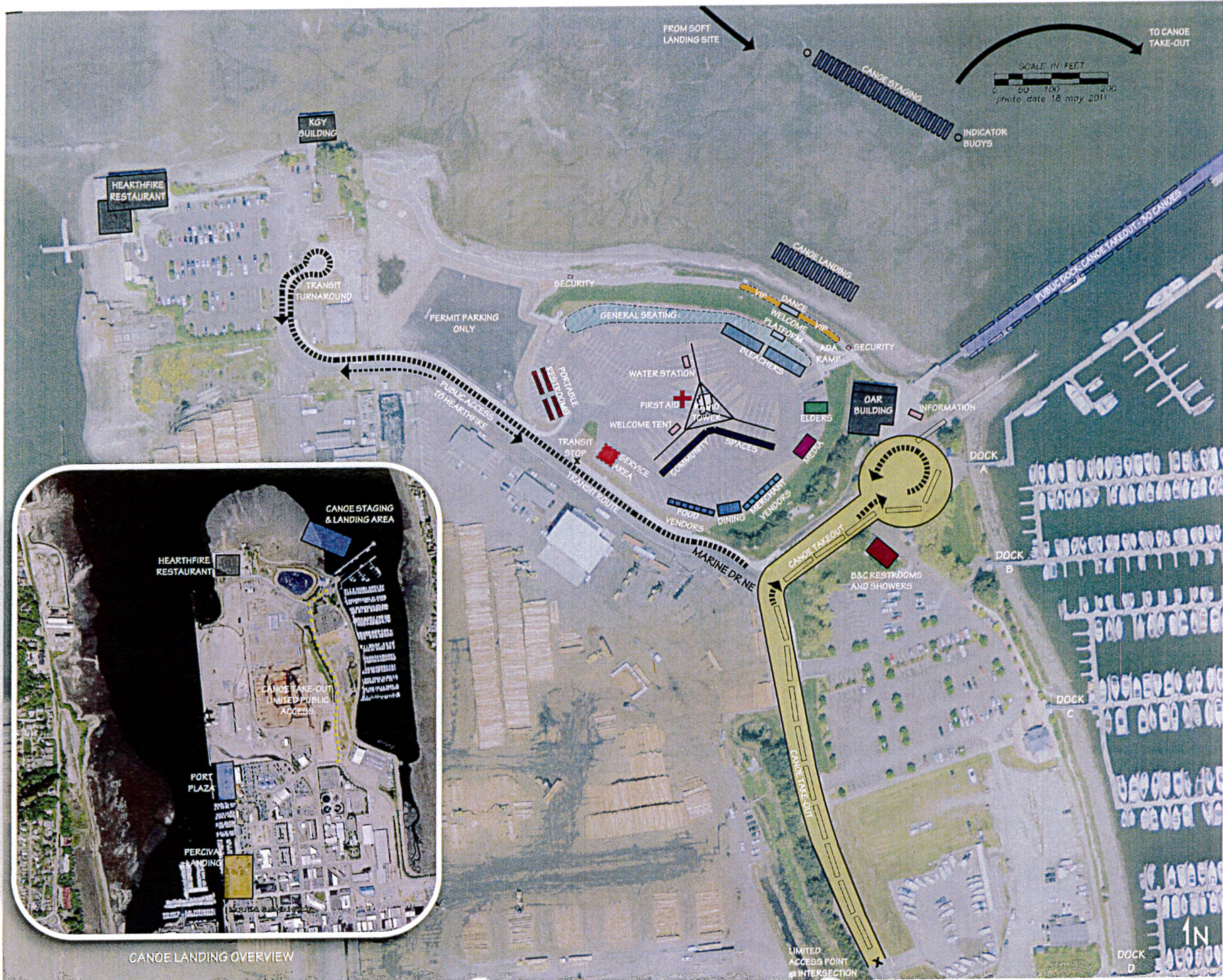
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Cascade Pole Site
Olympia, Washington

Site Plan

Figure
A-2

Exhibit A



**SQUAXIN ISLAND TRIBE
 2012 CANOE JOURNEY**



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