

SQUAXIN ISLAND TRIBE

RESOLUTION NO. 98- 11
Of The
SQUAXIN ISLAND TRIBAL COUNCIL

WHEREAS, the Squaxin Island Tribal Council is the Governing Body of the Squaxin Island Tribe by the authority of the Constitution and Bylaws of the Squaxin Island Tribe, as approved and adopted by the General Body and approved by the Secretary of the Interior on July 8, 1965; and,

WHEREAS, under the Constitution and Bylaws of the Tribe, the Squaxin Island Tribal Council is charged with the duty of protecting the health, security, and general welfare of the Squaxin Island Tribal Reservation residents; and,

WHEREAS, the Squaxin Island Tribal Council, pursuant to Article 3 of the Treaty of Medicine Creek, reaffirms that "the right of taking fish, at all usual and accustomed grounds and states is further secured to said Indians in common with all citizens..." and,

WHEREAS, the Squaxin Island Tribal Council has applied for "treatment in a manner similar to a state" (TAS) in order to receive EPA funding for certain Clean Water Act program activities: and,

WHEREAS, the Squaxin Island Tribal Council recognizes that submission of an application for TAS requires that the Squaxin Island Tribe demonstrate that it has the ability to respond to and abate any discharges of pollutants to the waters of the U.S. over which the Tribe exercises legitimate legal authority; and,

WHEREAS, such emergency response authority is essential to the protection of the water resources upon which the Squaxin Island Tribal Members depend for their health, security, and general welfare; and,

WHEREAS, the Squaxin Island Tribal Council finds that it is authorized and empowered to authorize the Tribal Chairperson and/or the Natural Resources Department Director to exercise certain emergency powers on behalf of the Squaxin Island Tribe in certain emergency circumstances.

NOW THEREFORE BE IT RESOLVED, that the Squaxin Island Tribal Council hereby authorizes the Tribal Chairperson and/or the Natural Resources Department Director to exercise the following emergency powers where the conditions dictate that immediate and necessary action as follows:

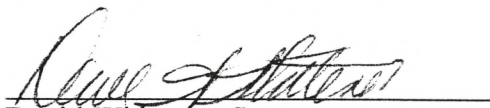
Squaxin Island Tribal Resolution No. 98-__
Page 1 of 3

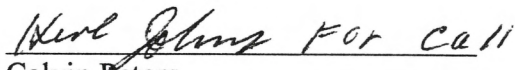
The Tribal Chairperson or Natural Resources Department Director, upon receipt of evidence that a pollution source or combination of sources is presenting an imminent and substantial endangerment to the health of tribal members within the Tribe's established Reservation or Usual and Accustomed Areas, or to the welfare of tribal members where such endangerment is to the Reservation or Treaty resources utilized and managed by the Squaxin Island Tribe, bring suit on behalf of the Squaxin Island Tribe in the tribal court or other court with jurisdiction to immediately restrain any person causing or contributing to the alleged pollution to stop the discharge of pollutants causing or contributing to such pollution or to take such other action as may be lawful and necessary.

For purposes of this resolution, pollution means those substances defined in Environmental Laws. "Environmental Laws" mean any and all present and future federal laws, statutes, ordinances, rules, regulations, relating to protection of human health and the environment from contaminants including but not limited to the Comprehensive Environmental Response, Compensation and Liability Act, (42 USC 9601 *et seq.*), the Federal Clean Air Act (42 U.S.C. § 7401 *et seq.*) and the Federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq.*)

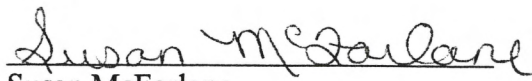
CERTIFICATION

The Squaxin Island Tribal Council does hereby certify that the foregoing Resolution was adopted at a regular meeting of the Squaxin Island Tribal Council, held on this 12th day of February, 1998, at which a quorum was present and was passed by a vote of ___ for, and ___ against with ___ abstentions.


David Whitener, Sr.
Tribal Chairman


Calvin Peters
Vice Chairman

Attest:


Susan McFarlane
Secretary