

# SQUAXIN ISLAND TRIBE

## RESOLUTION NO. 99-26 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 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 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 Tribal Council is an eligible recipient of funds from the Federal Highway Trust Fund under the BIA-administered Indian Reservation Roads Program (IRR); and,

**WHEREAS**, the Squaxin Island Tribal Council did nominate a delegate, with concurrence of the 43 federally-recognized tribes from the BIA Portland Area, who was subsequently appointed by the Secretary of the Interior to the TEA-21 Negotiated Rulemaking Committee; and,

**WHEREAS**, the Squaxin Island Tribal Council did assign staff to assist the appointed delegate, Mr. David Whitener, Sr., and to assist in the rulemaking process; and,

**WHEREAS**, the United States Congress, through TEA-21 (the Transportation Equity Act for the 21<sup>st</sup> Century), mandated that the Secretary of the Interior; through a negotiated rulemaking procedure reflecting "the unique government-to-government relationship between Indian tribes and the United States" and including "only representatives of the Federal Government and of geographically diverse small, medium, and large Indian tribes;" to "issue regulations governing the Indian reservation roads program, and establishing the funding formula for fiscal year 2000 and each subsequent fiscal year ...;" and,

**WHEREAS**, the US Congress, through TEA-21, required that "the regulations shall be issued in final form not later than April 1, 1999, and shall take effect not later than October 1, 1999; and,

**WHEREAS**, the Secretary of Interior has yet to issue statutorily-required regulations and funding formula necessitating promulgation of interim regulations and formula for fiscal year 2000; and,

**WHEREAS**, the Squaxin Island Tribal Council believes that the existing funding formula and regulation at 25 CFR Part 170 results in an inequitable and unfair distribution of the IRR funding authorization; and,

**WHEREAS**, there is before the TEA-21 Negotiated Rulemaking Committee a Proposal for Interim Funding Formula Distribution supported by several members of the Committee.

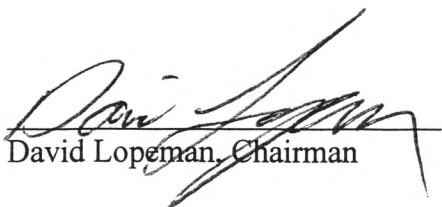
**NOW THEREFORE BE IT RESOLVED**, that the Squaxin Island Tribal Council does hereby lend its full support for adoption by the Secretary of Interior of the Proposal for Interim Funding Formula Distribution attached to this Resolution for distributing IRR funds for fiscal year 2000.

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the Squaxin Island Tribal Council requests the full support of the TEA-21 Negotiated Rulemaking Committee to recommend adoption by the Secretary of Interior of the Proposal for Interim Funding Formula Distribution attached to this Resolution or other interim formula arrived at through good-faith negotiation by the Members of the Committee.

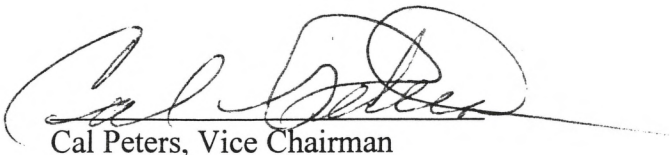
**NOW THEREFORE BE IT FINALLY RESOLVED**, it is the position of the Squaxin Island Tribal Council that continuing use of the existing formula on either an interim or final basis is not fair and equitable for all tribes; therefore, its continued use is unequivocally unacceptable.

**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 23<sup>rd</sup> day of September, 1999 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:   
Sue McFarlane, Secretary

  
Cal Peters, Vice Chairman



## **Proposal for Interim Funding Formula Distribution TEA-21 Negotiated Rulemaking Committee**

### ***Problem Statement***

Fiscal Year 2000 begins October 1, 1999, and it is apparent that the TEA-21 Negotiated Rule Making Committee will not reach agreement on a final IRR funding formula as required by the Transportation Equity Act for the 21<sup>st</sup> Century by that date. Many road construction projects are ongoing from prior fiscal years, and these projects require obligating IRR funds at the beginning of the fiscal year. The transportation systems serving Indian people today are the most seriously deficient components of all federal highways programs. This deficiency must be addressed without disrupting IRR funding delivery. For the benefit of all Indian people, some mechanism must be developed to allow the BIA to distribute IRR funding on an interim basis for Fiscal Year 2000 prior to adopting a Final Rule for the Indian Reservation Roads Program.

Currently, other than 2% planning funds, there is no minimum funding allocation for tribes under the IRR construction program. There is no additional set-aside funding to build tribal administrative capacity or sustain tribal programs to implement required transportation activities. The relative need formula used by the BIA between 1993 and 1999 does not enable those tribes lacking IRR program funding to identify and implement their relative transportation needs. Because IRR funding is currently obligated on a project basis, the majority of tribes are precluded from undertaking needed transportation activities.

### ***Solution Statement***

A possible solution to address our present situation is to develop an interim funding formula for FY 2000 acceptable to and fair for all Indian Tribal Governments. We propose allocating IRR funding into two components for FY 2000: 75% distributed to BIA Area Offices based on the BIA 1999 relative need formula and the remaining 25% distributed to all Tribes as a minimum apportionment. The minimum apportionment could be as equal amounts distributed to all Indian Tribal Governments.

By utilizing an interim formula early in the new fiscal year, we will be able to address other crucial tribal transportation issues with a powerful united voice. One such issue is revocation of the obligation limitation impacts to the Indian Reservation Roads Program. Recapture of these monies would make approximately \$45 million in additional funding available to support our transportation needs. We propose that these additional monies be distributed to BIA Area Offices based on the 1999 BIA relative need formula.

Finally, we propose that we try to achieve no net loss in total funding for any tribe in FY 2000 and FY 2001 by adjusting the final formula applicable for FY 2001 retroactively to FY 2000.