



LUMMI INDIAN BUSINESS COUNCIL

2616 KWINA RD. • BELLINGHAM, WASHINGTON 98226-9298 • (360) 384-1489

DEPARTMENT _____

EXT: _____

RESOLUTION #96-156 OF THE LUMMI INDIAN BUSINESS COUNCIL

WHEREAS, the Lummi Indian Business Council is the duly constituted governing body of the Lummi Indian Reservation by the authority of the Constitution and By-Laws of the Lummi Tribe of the Lummi Reservation, Washington, as approved on April 10, 1970, by the Assistant Commissioner of Indian Affairs; and,

WHEREAS, the Lummi Indian Business Council has the responsibility for managing, protecting, and enhancing treaty right natural resources as provided for in the Treaty of Point Elliott; and,

WHEREAS, the Lummi Nation generally takes the position that Treaty Law is the supreme law of the land and takes precedence over federal statutes, and all state and local laws; and,

WHEREAS, the decision in U. S. vs. Washington, 1974, and subsequent court orders, as upheld by the u. S. Supreme Court, provides rules for engagement of the Lummi Nation and other Co-Managers relating to management of natural resources, including dispute resolution; and,

WHEREAS, the Lummi Nation has the fairest representation when one-on-one government-to-government relations, are maintained in negotiations with other resource management agencies; and

WHEREAS, the Lummi Fisheries and Natural Resources Commission has developed and recommended a policy for Lummi Nation representation in negotiations with other resources managers and interested groups attached to this resolution as "Attachment A," ; and,

NOW THEREFORE BE IT RESOLVED, the Lummi Indian Business Council adopts the recommended policy in "Attachment A" as the official policy of the Lummi Nation regarding participation in forums dealing with natural resource issues; and,

BE IT FURTHER RESOLVED, that the Chairman (or the Vice Chairman in his absence) is hereby authorized and directed to execute this resolution and any documents connected therewith, and the Secretary (or the Recording Secretary in his absence) is authorized and directed to execute the following certification.

LUMMI INDIAN NATION

Henry M. Cagey, Chairman

Lummi Indian Business Council

CERTIFICATION

As secretary of the Lummi Indian Business Council, I hereby certify that the above Resolution #96-156, was adopted at a Special Meeting of the Council held on the 10th day of December, 1996, at which time a quorum of 8 was present, and was adopted by a vote of 7 For, 0 Against, and 0 Abstention(s).

William Jones - Recording Secretary
William Jones, Secretary
Lummi Indian Business Council

ATTACHMENT A: POLICY ON PARTICIPATION IN PROCESSES RELATED TO NATURAL RESOURCES (MOTION OF LFNRC DATED 29 OCTOBER 1996).

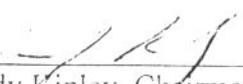
POLICY: It is the policy of the Lummi Nation to participate in forums dealing with Natural Resource issues at the federal government and state of Washington level on a one-on-one "Government-to-Government" basis. Policy representatives of the Lummi Nation are to seek and respond only to a unified federal position and a unified state position. Only individuals who have been officially designated by the Lummi Fisheries and Natural Resources Commission may represent the natural resources policy of the Lummi Nation. Designated Policy Representatives shall communicate this policy to those federal or state representatives with whom they deal.

Further, it is the policy of the Lummi Nation that representatives of the Lummi Nation shall not negotiate policy with the county, other local governments, volunteer groups, land-owner groups, or others representing special interests, unless specifically authorized to do so on a case by case basis by resolution of the Lummi Indian Business Council.

It is the policy of the Lummi Nation that where requirements for "**Consultation**" exist, those requirements shall not be considered to be met unless the appropriately designated Policy Representatives of the Lummi Nation agree, in writing, to the action, or principle, put forth by the state or federal government. Mere presence of a designated Policy Representative of the Lummi Nation, during discussion of the issues in question, does not meet the requirement for consultation. To avoid a mis-interpretation by other governments as to whether the requirements of consultation have been met, Lummi Policy Representatives are directed to avoid attendance, or immediately depart from meetings when it appears that another of the governments is attempting to meet a consultation requirement and refuses the provision for written agreement or disagreement.

Staff who have been assigned to attend meetings for purposes of observation and/or technical development of natural resource issues shall identify themselves as staff, and shall take no policy positions. Staff statements or agreements shall not be recognized as Lummi government policy.

The Lummi Nation shall be bound by the primary decision of U. S. v. Washington, 1974, and subsequent court orders arising therefrom. All other natural resource policies, plans or positions to which the Lummi Nation subscribes shall be within the context of the Treaty of Point Elliott and the federal laws which the U. S. Supreme Court has upheld as supportive of this treaty.



Randy Kinley, Chairman