

Pierce County Council Study Session

September 12, 2017

By Alison McCaffree

The Puyallup Indians Tribe and Pierce County were part of an agreement 25 years ago that sets out how the local governments and the tribe will interact when their interests overlap. At the 9/12/17 study session there was a presentation describing the treaty.

Presenters:

- Mr. Waldo – Lawyer for local companies
- John Bell - attorney for the Puyallup trip. Tribal counsel about this land claim settlement.

Others introduced:

- Lois Boom – 3rd intern, in legal office and member of the tribe.
- Andrew Stopbel – transportation expert

Mr. Bell stated that many people are no longer around who worked on this agreement. Those of us living should let you know about the opportunity and responsibilities.

Setting for the agreement.

- Tribe won case in court over the ownership of former riverbed lands. One of a number of land claims – they work through a settlement.
- US vs Washington on Fisheries (US AG, fisheries, enforcement, one demonstration) happened the year after. Much like battle in desegregation, courts were where everyone went. Local elected seemed to be selling out. Tribe members frustrated.

Details of the Agreement

- 12 parties – 8 government agencies, Port of Tacoma, 2 railroad and 2 associations of property owners.
- 12 sections, 7 technical documents
- Agreement took 5 years to negotiate – first the tribe and then pass through all local plus state and federal governments
- 4 years negotiation ending in 1988, 1.5 years to ratify.
- March of 1990 Document signed.
- Implementation began.

History

- Fish trap weir on Puyallup River was disputed
- Puyallup reservation in 1954 + two Executive Orders – local business community and federal commission and railroads.
- 1873 survey reservation boundaries. There still is some dispute.
- 1960s and 70s - Tribe began to recover land through land claim cases.
- 1984 - Tribe prevailed against the Port of Tacoma --- title companies stop writing titles on reservation land. Didn't have resource to peruse more than one at a time.

This is what the agreement says:

1. Tribe Receives

- a. Land: economic development, fisheries, government facilities
- b. Payments to tribal members
- c. Permanent Trust Fund: \$22M endowment. Earning interest for social services for tribe
- d. Increased protection for fisheries and habitat
- e. Employment from private and Social Services facilities (elder center and day care center)
- f. Economic Development Resources: land and financial resources to develop

2. Non-Indian Receive

- a. Land Claims – relinquished claims to ownership, specific parcels – record title & not to displace easement for utilities, transportation bridges
- b. Jurisdiction agreement: no assertion of jurisdiction on non-trust (fee)land, activity on lands and non-Indian people on those fee lands.
- c. Port of Tacoma – development projects approval, Blair Waterway funding – Congressional appropriation (\$25.5M) widen and deepen.

3. Procedures and processes

- a. Substantive standard like: need for land, etc.
- b. Land Use Consultation process – continued cooperation – either tribe or local government considers a “substantial action” = land use or environmental, or change in use of lands. And proposal to place land in trust
 - i. Both directions (could be multiple governments)
 - ii. Before action is taken, attempt to resolve any differences
 - iii. Government with authority retains it.
 - iv. Steps
 1. Notification and info (summary, project plans, environmental documents)
 2. Input (submit comments) and meeting
 3. Good faith effort to accommodate concerns. (written decision and evaluations addressing concerns)
 4. Explanation of adverse decision (written) and set for restrictions or condition to minimize adverse impact
- c. Conflict resolution process: Conflicts between fisheries resources and economic development has never been used. Due to increased communications. Port (50), County (20 years) – so expired.
- d. Clarification of law enforcement responsibilities (not jurisdiction issues) – who responds, arrest, investigation, cross deputization, consultation

Other details

- No Title insurance – loaning money against people who need it. You would need Congress and federal judge
- Clarifies jurisdiction on what kind of activities – fee land – local government has jurisdiction
- Land into Trust has lots of problems so the processes were created.

Since the agreement:

There has been huge development in port of Tacoma with the support of the tribe. This proves that:

- a. relationships matter- tribal leaders and local governments
- b. setting up institutional arrangement is a good thing. Make sure that people are meeting and communicating. Create an early warning system – get the right people working on it.
- c. Turned out better than hoped – how large an employer the Tribe is in Pierce Co. What can we do to increase the opportunities? Tribe is an active partner with resources.

CM Pam Roach questions

1. Is Puyallup Tribe the only tribe to have property on the Port?
 - a. Income off of it. 120 acres in two parcels (back up on Alexander) Had a shipping terminal ready to go in 2008 but the company pulled out – project did not go forward.
 - b. Marine View Ventures = economic development for tribe
2. Map of lands that are owned by the tribe or tribal members.
 - a. GIS department – constantly changes. (See it laid into council district). Not seen at this time.
3. Cannon Road? Part of Frederickson extension so that it can go to the Port
 - a. Work with local gov on that.
4. Hoping the County Council will have more active role in setting policy
5. Shuster and Reickert are coming to town. (mid October) to discuss
 - a. Northwest Seaport Alliance
 - b. Transportation hooked up with our port
6. Clarks Creek, Russ Ladlyd, Rody creek, will be at a meeting on Sept 20.
7. Who would I call to work on issues?
 - a. Erin Flaggar – lobbyist for tribe on local and state matters. He keeps staff apprised
 - b. Andrew Stobel, Tribe Transportation – recommend a Letter to the tribe – addressed to the chairman, then it will go to the responsibility staff.
 - a. Bruce Dammiller: Two people on staff where party to the agreement – use local connections.

CM Derek Young

1. 2 Dormant agreements – mutual let lapse – how would we reinvigorate?
 - a. Start with staff, Andrew, Char Nailer - water, Russ Ladly – fisheries
 - b. Reach out to elected in other cities – so that you can put something together, find out if interested.
 - c. City of Tacoma already had this presentation, so they are aware of the agreement