Confederated Tribes and Bands
Of the Yakama Nation

Established by the
Treaty of June 9, 1855

RESOLUTION T-049-16

WHEREAS, the Yakama Nation is a federally recognized Nation pursuant to the Treaty of 1855 (12 Stat. 951), and

WHEREAS, the Yakama Tribal Council is the governing body of the Confederated Tribes and Bands of the Yakama Nation of the Yakama Reservation by the authority delegated by Resolution of 1944 and Resolution T-38-56, and

WHEREAS, the Tribal Council has the duty and responsibility according to the Resolution T-38-56 and T-10-61 to protect and preserve the Treaty Rights of the Yakama Nation, and

WHEREAS, Article III of the Treaty of 1855 reserves to the Yakama Nation the exclusive right to fish, hunt, trap, etc. within the exterior boundaries of the Reservation and also the right to take fish at all usual and accustomed fishing locations on and off of the Yakama Reservation, and

WHEREAS, the Yakama Nation has judicially established that this treaty reserved right includes the right of Yakama members to take fish at all usual and accustomed places for ceremonial, subsistence, and commercial purposes, and

WHEREAS, the treaty reserved right to take fish includes the right to fish that are toxin free and healthy for human consumption, and

WHEREAS, the Willamette River is an important food gathering area for Yakama Nation's membership, and our members depend on this river to provide the culturally significant Asúm (Pacific Lamprey) for cultural and subsistence purposes, and

WHEREAS, the release of hazardous substance from the Portland Harbor Superfund Site threaten human health and the environment and impact Yakama Nation's treaty resources and will continue to do so until adequate remedial actions are implemented, and

WHEREAS, the Environmental Protection Agency (EPA) anticipate issuing a Comprehensive Environmental Response, Compensation, and Liability Action (CERCLA) Record of Decision (ROD) for the cleanup of the Portland Harbor Superfund Site by the end of 2016, and none of EPA's remedial alternatives in the Feasibility Study are protective of Yakama Nation members or Treaty Reserved Resources.

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NOW, THEREFORE, BE IT RESOLVED, by the Yakama Tribal Council meeting in Regular Session at the Governmental Headquarters of the Confederated Tribes and Bands of the Yakama Nation, with a quorum being present, that the Yakama Nation demands EPA, as Trustee, to uphold its trust responsibility to protect Yakama Nation Treaty Rights and Resources and that EPA shall mandate a cleanup within the ROD at the Portland Harbor Superfund that is protective of all Yakama Nation members from the toxics from this site and provides for the safe consumption of fish and traditional use of our Treaty Reserved Resources.

BE IT FINALLY RESOLVED, that the Yakama Nation does not waive, alter, or otherwise diminish its Sovereign Immunity, whether expressed or implied, by virtue of this resolution for any and all administrative or legal action which may arise directly or indirectly from the same, nor does the Yakama Nation waive, alter or otherwise diminish its rights, privileges, remedies or services guaranteed by the Treaty of 1855.

DONE AND DATED on this 8th day of January, 2016 by the Yakama Tribal Council by a vote of 9 for, 0 against and 0 abstentions.

Jo De Goudy, Chairman
Yakama Tribal Council

ATTEST:

Athena Sanchey, Secretary
Yakama Tribal Council

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