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# Puyallup Tribe of Indians

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PUYALLUP TRIBAL COUNCIL  
RESOLUTION NO. 28093-c

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PUGET SOUND AIR POLLUTION  
CONTROL AGENCY

WHEREAS, the Puyallup Tribe of Indians has existed since creation as the aboriginal people, who are the owners and guardians of their lands and waters; and

WHEREAS, the Puyallup Tribe is an independent sovereign nation having historically negotiated with several foreign nations including the United States in the Medicine Creek Treaty, and

WHEREAS, the Puyallup Tribal Council is the governing body of the Puyallup Tribe of the Puyallup Reservation in accordance with the authority of their sovereign rights as the aboriginal owners and guardians of their lands and waters as reaffirmed in the *Medicine Creek Treaty*, and their *Constitution and By-Laws* as amended and approved by the Tribe and the Assistant Secretary of the Interior on the first day of June, 1970; and

WHEREAS, the jurisdiction and authority of the Puyallup Tribe to administer and implement tribal and federal environmental laws on trust and restricted land of the 1873 Survey Area of the agreement of August 27, 1988 among the Tribe, United States, State of Washington, Pierce County, City of Fife and other local governments in Pierce County, and private parties (Settlement Agreement); and

WHEREAS, the Settlement Agreement was ratified as a matter of federal law pursuant to the Puyallup Land Claims Settlement Act, 25 U.S.C. § 1773, and as a matter of state law pursuant to Ch. 4, Wash. Laws, 1st Ex. Sess. (1989); and

WHEREAS, Sections 110, 164 and 301 of the federal Clean Air Act (CAA) authorize Tribal governments to regulate air quality on Indian reservations in cooperation with and under delegations of federal authority from the U.S. Environmental Protection Agency, (EPA); and

**WHEREAS**, the Puyallup Tribal Council finds that regulation of air quality on the Puyallup Reservation is necessary to protect public health and to establish regulatory certainty which is necessary to foster business and economic development on the Puyallup Reservation; and

**WHEREAS**, a Cooperative Agreement between the Puget Sound Air Pollution Control Agency (PSAPCA) and the Puyallup Tribe promotes intergovernmental cooperations regarding the airshed which is common to both jurisdictions; and

**WHEREAS**, pursuant to Tribal Council Resolution 180393b, the Tribal Council directed the Puyallup Environmental Protection Department (Department) to obtain public comments on proposed Tribal Air Quality Regulations I, II, and III (Regulations);

**WHEREAS**, the Department prepared a Responsiveness Summary which describes public comments received by the Department regarding the proposed Regulations, and the Department's response to those comments; and

**WHEREAS**, the Puyallup Tribal Council has determined that the Department should have primary responsibility for implementing the Tribal Air Quality Program, including any federal program delegations under the CAA from EPA, in accordance with applicable Tribal law.

**NOW, THEREFORE BE IT RESOLVED**, that the Puyallup Tribal Council adopts Tribal Air Quality Regulations I, II and III, copies of which are attached to this Resolution; and

**BE IT FURTHER RESOLVED** that the Puyallup Tribal Council requests the U.S. Environmental Protection Agency to approve the Puyallup Tribal Air Regulations I, II and III under Section 110(o) of the federal Clean Air Act and to provide the Tribe with technical, financial and other assistance to implement tribal and federal environmental laws and programs relating to air quality on trust and restricted lands of the 1873 Survey Area; and

**BE IT FINALLY RESOLVED** that the Puyallup Environmental Protection Department shall have primary responsibility for implementing the Tribal Air Quality Program, including Tribal Air Quality Regulations I, II and III, consistent with the Tribal Administrative Procedure Act and other applicable Tribal and federal laws.

C E R T I F I C A T I O N

I, Nancy Bentley, Secretary of the Puyallup Tribal Council of the Puyallup Reservation do hereby certify that the above resolution was duly adopted at a regular meeting of the Puyallup Tribal Council held at Tacoma, Washington on the 28 day of October, 1993, a quorum of 3 FOR and 0 AGAINST its adoption.

Nancy Bentley  
Secretary

Puyallup Tribal Council

ATTEST:

Roberta M. Young  
Roberta M. Young, Chairwoman