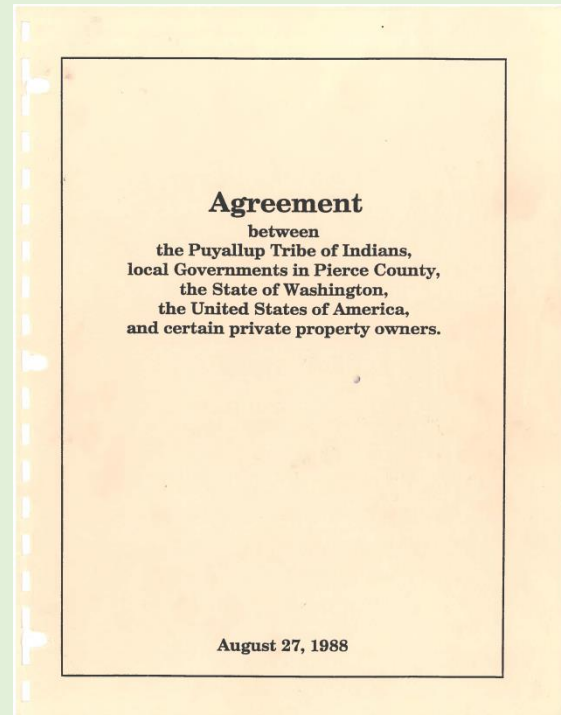


# The Puyallup Indian Tribal Land Claims Settlement Agreement



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Tribe of Indians





# Introduction

The Puyallup Indian Tribal Land Claims Settlement Agreement was signed by 12 parties and became effective on March 24, 1990. The parties are:

- United States
- State of Washington
- Pierce County
- City of Fife
- Union Pacific Railroad
- Tideland Owners
- Puyallup Indian Tribe
- Port of Tacoma
- City of Tacoma
- City of Puyallup
- Burlington Northern RR
- Riverbed Owners



# The Agreement

- I. Settlement Lands
- II. Payments to Members of Puyallup Tribe
- III. Permanent Trust Fund for Tribal Members
- IV. Fisheries
- V. Job Training & Placement; Social and Health Services
- VI. Economic Development
- VII. Blair Navigation Project
- VIII. Future Governmental Authority, Responsibility, Cooperation
- IX. Resolution of Puyallup Tribal Land Claims
- X. Implementation and Modification
- XI. Federal Court Jurisdiction
- XII. Legal Disclaimer



# The Technical Documents

1. Lands conveyed to the Tribe
2. Payments to members of the Tribe
3. Permanent Trust Fund for Tribal members
4. Fisheries
5. Job Training & Placement Program; Social & Health Service Improvements
6. Blair Navigation Project
7. Future Governmental Authority, Responsibilities, and Cooperation



# History

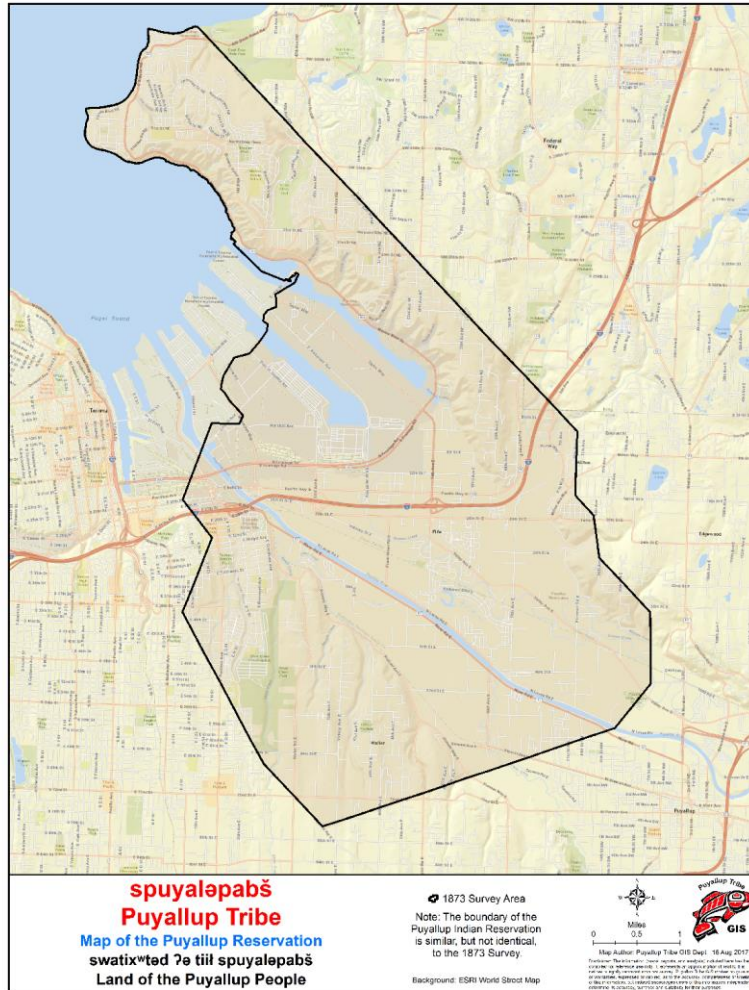




## (History)

The Treaty of Medicine Creek in 1854 and two subsequent Executive Orders created the Puyallup Indian Reservation. From the 1890's through the 1930's, the local business community, aided by a Congressional Act, a federal commission, and the railroads, ~~stole~~ ... excuse me, unburdened the Tribe and its members of most of the land within the Reservation.





The 1873 Survey Area, a close approximation of the Puyallup Indian Reservation.



## (History)

In the 1960's and 70's the Tribe's resources finally enabled it to undertake efforts to recover some of that land. Land claims cases and other litigation soon upset several apple carts from the perspective of the non-Indian community. When the Tribe in 1984 prevailed against the Port of Tacoma in one of the cases, the title companies stopped writing title policies for any lands on the Reservation.





## (History)

The result was not a workable situation for businesses or homeowners. The community therefore proposed negotiations to resolve the Tribe's land claims and other related issues. Negotiations took place off and on over the next four years resulting in the Settlement Agreement.

It took another year and a half for all parties to ratify the Agreement and assemble the resources to implement the Settlement.



# What's in the Settlement?

We'll divide the contents into three categories:

- What did the Tribe receive?
- What did the non-Indian community receive?
- Procedures and processes created and made available and applicable to both sides.

(The word “receive” in this context is shorthand for both benefits received and obligations taken on.)

Let's look at those three categories.



# The Tribe Received:

## Land

- Economic development
- Fisheries habitat
- Governmental facilities

## Payment to Tribal members

- One-time \$20,000 payment

## Permanent Trust Fund

- Earnings only used for supplemental social services



## ... and the Tribe received:

Increased protection of fisheries resource & habitat

- Technical standards
- Requirements, limitations on development projects

Employment and Social Services

- Job opportunities
- Social service facilities (buildings)

Economic Development Resources

- Land
- Financial resources



# The non-Indian parties received:

## Resolution of Tribe's land claims

- Tribe relinquished most of its claims to ownership of lands except those specifically identified in the Agreement
- Tribe agreed not to attempt to displace certain easements held by non-Indian parties

## Jurisdiction agreement

- Tribe agreed not to assert jurisdiction as to (a) non-trust lands; (b) activity on those lands; (c) non-Indians on those lands.



# Non-Indian parties also received:

## Port interests

- Tribe's approval, with conditions, of several Port development projects
- Blair Waterway funding - Congressional appropriation (\$25.5 million) to widen and deepen waterway





# Procedures and Processes

## Land Use Decisions

Substantive standards [TD#7, § B(2)]. Examples:

- Need of Tribe and members for land
- Protection of residential areas from uses that would adversely affect those areas
- Preservation of open spaces
- Protection of the environment
- Opportunity for economic growth and diversity
- Need for infrastructure
- Impact on tax rolls



# Procedures and Processes

## Land Use Consultation Process

[§ VIII(C) of the Settlement Agreement and § (C)(3) of Technical Document #7]

Parties required to consult, attempt to resolve differences, but retain their decision-making authority

- Information [§ C(3)(a)]
- Input [§ C(3)(b)]
- Good faith effort to accommodate [§ C(3)(c)]
- Explanation of adverse decision [§ C(3)(d)]



# Procedures and Processes

Resolving conflicts between fisheries resource protection and economic development

(§ IV (D) of the Settlement Agreement and § (D) of Technical Document #4. Still in place as to the Port of Tacoma, expired as to other parties.)

- Parties
- Process – mediation, arbitration
- Technical standards

Measures local governments will take to provide greater protection to fishery resource and habitat:  
§ IV(B)(3) of Agreement and § B(3) of TD #4



# Procedures and Processes

## Clarification of law enforcement responsibilities

(Section VIII(F) of the Settlement Agreement and section (D) of Technical Document #7)

- Primary response
- Arrests, investigations
- Cross-deputization
- Consultation

**Joint Commemorative Declaration by  
The Puyallup Tribe of Indians,  
Local Governments in Pierce County,  
The State of Washington,  
The United States of America,  
and Certain Private Property Owners**

WHEREAS numerous individuals dedicated countless hours and worked together over five years to address the many problems that have occurred between the parties in the past, and to assure that they will continue to work cooperatively in the future, and

WHEREAS on July Thirtieth, Nineteen Hundred and Eighty-eight, a Settlement Agreement was reached between the aforementioned parties, and

WHEREAS on August Twenty-seventh, Nineteen Hundred and Eighty-eight the Settlement Agreement was approved by the members of the Puyallup Tribe of Indians, and

WHEREAS the Legislature of the State of Washington enacted, and the Governor signed legislation necessary to effectuate the Settlement Agreement, and

WHEREAS the United States Congress enacted, and the President signed legislation to implement and fund the Settlement Agreement, and

WHEREAS the Cities of Tacoma, Puyallup and Fife, the Port of Tacoma and the County of Pierce have approved the Agreement and taken the necessary actions and provided funds to implement the Settlement Agreement, and

WHEREAS private sector businesses and individuals have made the necessary contributions to implement the Settlement Agreement, and

WHEREAS the Settlement Agreement affords the Tribe and its members increased opportunities for a better future, gives greater certainty to Indians and non-Indian alike, and encourages a cooperative relationship which will reduce future conflicts, and

WHEREAS the Settlement Agreement will further enhance the area's position as a center for world trade and commerce, and

WHEREAS the Settlement Agreement will ensure significant enhancement of fishing opportunities, and

WHEREAS the Settlement Agreement encourages and provides the foundation and framework for mutual respect and cooperation which will benefit all the people of the community, their children, and future generations, and

WHEREAS implementation of the Settlement Agreement will require the parties to continue working together to develop and maintain a healthy community which allows for social, economic and environmental opportunities and benefits for all of its residents, and

WHEREAS the Settlement Agreement was filed in the U.S. District Court on March Twenty-fourth, Nineteen Hundred and Ninety, together with other appropriate legal papers, and

WHEREAS the commemorative of this Settlement Agreement is an event of historic importance to the Puyallup Tribe, citizens and local governments of Pierce County, the State of Washington and the United States of America,

NOW, THEREFORE, we the undersigned, in honor and recognition of the many governments, corporations, and individuals who contributed extraordinary time and effort to resolving these issues, do hereby commemorate the Settlement Agreement and formally acknowledge our gratitude to those who have made it a reality.

DATED this Twenty-fourth day of March, Nineteen Hundred and Ninety

 Norman D. Dicks U.S. Congressman	 Henry John, Chairman Puyallup Tribal Council	 Daniel K. Inoué U.S. Senator	 Edward Lujan, Jr. U.S. Secretary of Interior
 Booth Gardner Washington State Governor	 Robert Hargrove Puyallup Tribal Council	 John W. Leach, Chairman Settlement Strategy Group	 Nancy Shoppert Puyallup Tribal Council
 John McCarty Port of Tacoma Commissioner	 Gabriel Landry Puyallup Tribal Council	 Dennis Parrington, Chairman Pierce County Council	 Herman Tilton, Jr. Puyallup Tribal Council
 Art Wang State Representative	 Stanley C. Johnson State Senator	 Jack Fawcett Port of Tacoma Commissioner	 Sam Pech Puyallup City Mayor
 Karen L.R. Valle Tacoma City Mayor	 Ruth L. McElliot Tacoma City Council	 Ray E. Coffey, Jr. Tacoma City Manager	 John Timpetra, Exec. Director Port of Tacoma
 Karl J. Anderson Comm. Bay Tidaland Owners	 Cory McFarland, Chairman Comm. Bay Tidaland Owners	 Billy Balthazard, Past Chair Settlement Strategy Group	 Richard Corkner, Chairman Puyallup Riverbed Owners
 Art Goodall Fife City Mayor	 Carolyn Larsen Union Pacific Railroad	 Doug Miller Burlington Northern Railroad	 Joe Burton Pierce County Executive
 Steve Gorton U.S. Senator	 Brock Adams U.S. Senator	 Jim Waldo, Lead Negotiator Settlement Strategy Group	 John Howard Bell Puyallup Tribal Attorney