

EXHIBIT "A" TO 88-176

PLANNING AND NATURAL  
RESOURCE MANAGEMENT

NOV - 1 1990

PIERCE COUNTY

# Agreement

between

the Puyallup Tribe of Indians,  
local Governments in Pierce County,  
the State of Washington,  
the United States of America,  
and certain private property owners.

(Copies of the Agreement are available from Joseph A. Scorio,  
address on previous page)

August 27, 1988

## MEMORANDUM OF INTENT

This Memorandum of Intent establishes the effort to work together on a government-to-government basis on Cedar River issues between the Muckleshoot Tribe and the City of Seattle. The investment of the Parties as described herein, shows a recognition of each other's interests, an acknowledgement of mutual interests and the importance of developing a comprehensive approach to resolution of issues. This Memorandum of Intent clarifies the commitment of the parties to put forth considerable effort to develop a comprehensive strategy for the Cedar River that meets the needs and interests of the Parties.

1. The City of Seattle, through the Seattle Water Department, and the Muckleshoot Indian Tribe have made considerable efforts in recent months to establish an open, government-to-government relationship. These parties believe that working together to resolve important issues relating to the Cedar River is the best approach for reaching mutually beneficial results.

2. The Muckleshoot Tribe is the successor to tribes or bands which were parties to the Treaty of Point Elliott (1854), 12 Stat. 927, and the Treaty of Medicine Creek (1855), 10 Stat. 1132. United States v. Washington, 384 F. Supp. 312, 365 (W.D. Wash. 1974) [Boldt Decision], aff'd 520 F.2d 676 (9th Cir. 1975) cert denied, 423 U.S. 1086 (1976). These Treaties reserve for the Tribe off reservation reserved water rights including the right for sufficient quality and quantity of surface and ground water to insure fish and wildlife habitat and biological needs. The Treaties guarantee the Tribe specific rights to hunt wild game, gather food and take fish at all usual and accustomed places. These Treaties, as mandated by Congress, also assure the Tribe access to their usual and accustomed areas for religious, spiritual, and medicinal purposes. The Tribe and its predecessors rely and have relied upon the resources of the Cedar River basin for economic, cultural, and subsistence purposes.
3. The City of Seattle was incorporated on December 2, 1869, and operates under the City Charter adopted March 12, 1946, providing for a non-partisan Mayor-Council form of government.

The Seattle Water Department had its beginnings in the late 1880s and early 1890s with the purchase of the Spring Hill Water Company by the City and the development of the Cedar River as a source of water supply for Seattle. The Seattle Water System now includes two watershed sources of supply east of the City, approximately 150 miles of supply mains and 461,370,000 gallons of distribution storage capacity. Located in the Cascade Mountains southeast of Seattle, the Cedar River Municipal Watershed supplies about 70% of the water used by over 1.1 million people in King and southwestern Snohomish County. Seattle owns 80% of the 90,500-acre Cedar River Watershed, the Forest Service 19%, and private companies 1%.

The City has diverted water from the Cedar River for use by the Water System since 1902. This diversion was accomplished under state law by purchase, riparian right, appropriation, and other applicable laws. This claim of acquisition has been the subject of intermittent discussions between the City and the State of Washington and the Muckleshoot Indian Tribe.

4. The issues involving water use, water quality, fisheries, wildlife, and cultural and spiritual resources remain unresolved on the Cedar River. Leaders of the Tribe and the Seattle Water Department

have expressed support for seeking comprehensive approaches and solutions to these issues. The Parties are committed to working together and with other appropriate agencies in seeking to develop a comprehensive program for the Cedar River.

5. Through communications in past months, the Seattle Water Department has developed an improved understanding and appreciation of both the many issues affecting the Tribe and the limited resources they have to address those issues. The Water Department has supported efforts by the Tribe to achieve an improved tribal budget from the federal government to help deal with many issues, including those involving the Cedar River. The Water Department has also recognized that in order for the Tribe to focus on Cedar River projects, it will need technical and policy level support to do so. The Tribe, in turn, recognizes that the Seattle Water Department responds to federal and state laws as well as its own city laws, and that the Water Department will work within those laws to assist the Tribe in developing the needed technical and policy level support.

Therefore, the Tribe and the City on the basis of these understandings intend to move forward to establish a bilateral series of agreements to promote technical investigations, policy development and other work aimed at resolving questions concerning water use, water quality, fisheries, wildlife, cultural and spiritual resources and other items of mutual interest on the Cedar River. Nothing contained herein is intended as an abandonment, relinquishment, or waiver of any rights or remedies which the Muckleshoot Indian Tribe or the City of Seattle may have, all such right and remedies being expressly reserved.

Signed on this day \_\_\_\_\_ of \_\_\_\_\_, 1990.

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Virginia Cross  
Chair, Muckleshoot Tribe

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Norman B. Rice  
Mayor, City of Seattle

*(Handwritten notes and stamps)*  
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JAN 11 1991  
CITY OF SEATTLE  
CLERK OF COURTS  
JAN 11 1991