

Quinault Indian Nation

POST OFFICE BOX 189 □ TAHOLAH, WASHINGTON 98587 □ TELEPHONE (360) 276 - 8211

QUINAULT BUSINESS COMMITTEE RESOLUTION NO. 12-120-91

WHEREAS, the Quinault Indian Nation has inherent sovereign governmental powers to protect and promote the health, safety, and/or general welfare of the people of the Quinault Indian Nation (the "Nation"); and

WHEREAS, the Quinault Business Committee is the duly elected governing body of the Nation, under authority of the Nation's Constitution, Article V, Section 3, adopted March 22, 1975, to provide for the execution and enforcement of laws of the Nation; and

WHEREAS, the Quinault Business Committee desires to adopt a new Title to allow for the identification and protection of culturally, historically, and archeologically significant resources on Quinault lands; and

WHEREAS, the Nation has followed the Constitutional requirement for adopting laws and has held public hearings regarding the proposed Cultural Resource Protection Act; and

NOW THEREFORE BE IT RESOLVED, that the Quinault Business Committee designates the attached Cultural Resource Protection Act as Title 16 and enacts the same into law, which shall become effective the date of this Resolution.

Fawn R. Sharp, President
Quinault Indian Nation

CERTIFICATION

I hereby certify that the Quinault Business Committee duly adopted the above resolution at a regular meeting of the Business Committee at Queets, Washington, on the 13th day of August 2012, at which time a quorum was present by a vote of 7 for and 4 against and 0 abstaining.

Latosha Underwood, Secretary
Quinault Business Committee

TITLE 16 – CULTURAL AND HISTORIC RESOURCE PROTECTION ACT

16.01.010 Purpose.

The Quinault Indian Nation finds:

(a) that its cultural, historic, and archeological resources are an irreplaceable part of the Quinault people's heritage and identity; and

(b) these cultural, historic, and archeological resources of the Nation must be identified and protected; and

(c) the purpose of this Act is to secure, for the present and future benefit of the Quinault people, the protection of cultural, historic, and archeological resources that are on Quinault lands.

16.01.020 Definitions.

"Archeological resource" means any material remains of past human life or activities which are of archeological interest.

"Cultural Resource" means any product of human activity or any object or place given significance by human action or belief. This includes, but is not limited to, pottery, basketry, weapons, projectiles, tools, structures, rock paintings, graves, human skeletal material, organic waste, by-products from manufacture, landscape, rock cairn, burial mound, rock shelters, apparel, shipwreck, or any part of the above items, land site, sacred site, human skeletal and tissue material, and/or animal skeletal and tissue material, any textile material or animal skin or parts, including natural organic and inorganic material. Places that may be a Cultural Resource include buildings and other structures, land forms, and archeological sites.

"Designation" means the identification and registration of resources for protection that meet criteria established by the Quinault Business Committee.

"Develop" and "development" any human-caused material change in the use or appearance of any structure or in the land itself. Development includes: subdivision of land; construction of structures, roads, utilities, and other facilities; installation of septic systems; grading; deposit of refuse, debris, or fill materials; and clearing of natural vegetative cover (with the exception of agricultural activities), including within the area of special flood hazard. Routine repair and maintenance activities are exempted.

"Historic resource" means any prehistoric or historic site, building, or structure eligible for inclusion in the Quinault Registry.

"Protection" or "protected" means prevention of demolition of, changes to, or other action that may affect resources in a manner that derogates their cultural, historic, or archeological significance.

“Quinault lands” means those lands within the boundaries of the Quinault Indian Reservation and over which the Quinault Indian Nation has jurisdiction, including waters.

16.02.030 Registry.

- (a) The Quinault Business Committee is authorized to establish and maintain the Quinault Registry of Historic and Culturally Significant Resources (“Quinault Registry”) by adoption of a Resolution.
- (b) The Quinault Business Committee shall establish and may revise criteria for resources to be included on the Quinault Registry to be adopted in regulation approved by Resolution.
- (c) The Quinault Business Committee may determine eligibility of cultural, historic, and archeological resources for inclusion on the Quinault Registry based on the criteria.

16.03.040 Protection.

- (a) Cultural, historic, and archeological resources and sites that are included on the Quinault Registry shall be preserved and protected to the maximum extent possible.
- (b) Cultural, historic, and archeological sites shall remain undeveloped unless development is approved by Resolution of the Quinault Business Committee and such development is in keeping with the spirit and intent of this Act in that it promotes or enhances the cultural, historic, or archeological significance of the site.
- (c) Cultural, historic, and archeological resources are to be protected on-site, unless the Quinault Business Committee determines that off-site protection is preferable because adequate protection cannot be provided on-site, the resource is already adequately represented and protected on-site elsewhere, or for other good cause shown.
- (d) Except as otherwise provided in this chapter, the following is prohibited:
 - (1) Possessing, damaging, altering, destroying, injuring, defacing, removing, digging, or disturbing cultural, historic, and archeological resources.
 - (2) Selling, purchasing, exchanging, transporting, receiving, or offering to sell, purchase, or exchange any archeological resource if such resource was excavated or removed from Quinault lands.
- (e) Any person who knowingly violates, or counsels, procures, solicits, or employs any other person to violate, any prohibition contained in subsection (d) of this section may be assessed a civil penalty. No penalty may be assessed under this subsection unless such person is given notice and opportunity for a hearing with respect to such violation. Each violation shall be a separate offense.

16.04.050 Applicability.

Inclusion of a site on the Quinault Registry makes it exempt from the following requirements in Title 48- Land Use and Development: Section 48.05, 48.06.020 Addresses, 48.06.030 Building Setbacks, 48.06.040 Off-Street Parking, 48.06.090 Land Classified as Unbuildable, and Section 48.08. Any conflict between this Act and Title 48 shall be construed in favor of protection of cultural, historic, and archeological resources.

16.04.060 Severability.

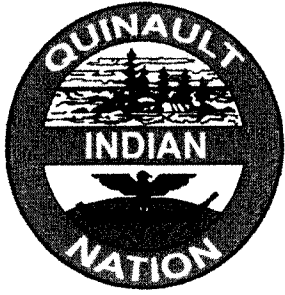
If any section, subsection, sentence, clause or phrase of this Title is, for any reason, held to be invalid, in general or in any specific application, such decision shall not affect the validity of the remaining parts of this Title or the specific application of this Title.

REGULATION PURSUANT TO TITLE 16 – CULTURAL RESOURCE PROTECTION ACT

This regulation is promulgated by the Quinault Business Committee, pursuant to 16.02.030, establishing criteria for inclusion of cultural, historic, and archeological resources of the Nation on the Quinault Registry. This regulation is promulgated on the 13th day of August, 2012, to take effect immediately and remain in effect until rescinded by Resolution of the Quinault Business Committee.

Criteria for inclusion of cultural, historic, and archeological resources of the Nation on the Quinault Registry include:

- (a) the Quinault people attach religious and cultural significance to resources or sites; or
- (b) resources or sites are associated with events that have made a significant contribution to the history or culture of the Quinault people; or
- (c) resources or sites are associated with the lives of persons significant in our past; or
- (d) resources or sites that embody the distinctive characteristics of a type, period, or method of construction, or that possess cultural or artistic values; or
- (e) a building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
- (f) a birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his/her life; or
- (g) a cemetery.



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QUINAULT BUSINESS COMMITTEE RESOLUTION NO. 12-121(a)-91

WHEREAS, the Quinault Indian Nation has inherent sovereign governmental powers to protect and promote the health, safety, and/or general welfare of the people of the Quinault Indian Nation (the "Nation"); and

WHEREAS, the Quinault Business Committee is the duly elected governing body of the Nation, under authority of the Nation's Constitution, Article V, Section 3, adopted March 22, 1975, to provide for the execution and enforcement of laws of the Nation; and

WHEREAS, the Quinault Business Committee adopted Title 16, Cultural Resource Protection Act to allow for the identification and protection of culturally, historically, and archeologically significant resources on Quinault lands; and

WHEREAS, the Cultural Resource Protection Act authorizes the Quinault Business Committee to adopt a regulation establishing criteria for resources to be included on the Quinault Registry, which the Business Committee can establish pursuant to Title 16, Cultural Resource Protection Act,

NOW THEREFORE BE IT RESOLVED, that the Quinault Business Committee adopts the attached regulation establishing criteria for resources to be included on the Quinault Registry.

Fawn R. Sharp, President
Quinault Indian Nation

CERTIFICATION

I hereby certify that the Quinault Indian Nation Business Committee duly adopted the above resolution at a regular meeting of the Business Committee at Queets, Washington, on the 13th day of August 2012, at which time a quorum was present by a vote of 8 for and 0 against and 3 abstaining.

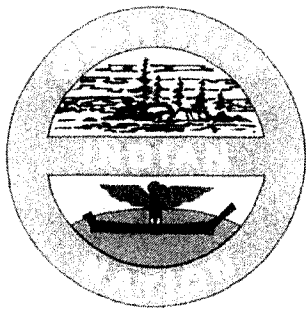
Latosha Underwood, Secretary
Quinault Business Committee

REGULATION PURSUANT TO TITLE 16 – CULTURAL RESOURCE PROTECTION ACT

This regulation is promulgated by the Quinault Business Committee, pursuant to 16.02.030, establishing criteria for inclusion of cultural, historic, and archeological resources of the Nation on the Quinault Registry. This regulation is promulgated on the 13th day of August, 2012, to take effect immediately and remain in effect until rescinded by Resolution of the Quinault Business Committee.

Criteria for inclusion of cultural, historic, and archeological resources of the Nation on the Quinault Registry include:

- (a) the Quinault people attach religious and cultural significance to resources or sites; or
- (b) resources or sites are associated with events that have made a significant contribution to the history or culture of the Quinault people; or
- (c) resources or sites are associated with the lives of persons significant in our past; or
- (d) resources or sites that embody the distinctive characteristics of a type, period, or method of construction, or that possess cultural or artistic values; or
- (e) a building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
- (f) a birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his/her life; or
- (g) a cemetery.



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WHEREAS, the Quinault Business Committee is the duly elected governing body of the Nation, under authority of the Nation's Constitution, Article V, Section 3, adopted March 22, 1975, to provide for the execution and enforcement of laws of the Nation; and

WHEREAS, the Quinault Business Committee adopted Title 16, Cultural Resource Protection Act to allow for the identification and protection of culturally, historically, and archeologically significant resources on Quinault lands; and

WHEREAS, the Cultural Resource Protection Act authorizes the Quinault Business Committee to establish the Quinault Registry of Historic and Culturally Significant Resources ("Registry") and designate cultural, historic, or archeological resources of the Nation to be on the Registry if they meet the criteria for designation on the Registry ; and

WHEREAS, the Cultural Resource Protection Act authorizes the Quinault Business Committee to adopt a regulation establishing criteria for the inclusion of cultural, historic, or archeological resources of the Nation to be on the Registry; and


WHEREAS, the Quinault Business Committee adopted said regulation on August 13, 2012; and

WHEREAS the Quinault Business Committee finds that the Point Grenville site, located on Allotments T3068, 85, and TR-4 located in Section 13, Township 21 north, Range 13 west, meets the following criteria for inclusion on the Registry:

- (a) the Quinault people attach religious and cultural significance to resources or sites; and
- (b) resources or sites are associated with events that have made a significant contribution to the history or culture of the Quinault people; and
- (c) resources or sites are associated with the lives of persons significant in our past;

NOW THEREFORE BE IT RESOLVED, that the Quinault Business Committee establishes the Quinault Registry of Historic and Culturally Significant Resources pursuant to its authority in Title 16, section 16.02.030; and

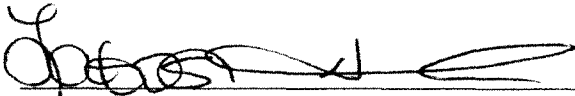
NOW THEREFORE BE IT FURTHER RESOLVED, that the Quinault Business Committee designates Pt. Grenville, as described above, a site of cultural, historic, and archeological significance and includes it on the Quinault Registry of Historic and Culturally Significant Resources.



Fawn R. Sharp, President
Quinault Indian Nation Business Committee

CERTIFICATION

I hereby certify that the Quinault Business Committee duly adopted the above resolution at a regular meeting of the Business Committee at Queets, Washington, on the 13th day of August 2012, at which time a quorum was present by a vote of 8 for and 0 against and 3 abstaining.



Lafosha Underwood, Secretary
Quinault Indian Nation Business Committee