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**A Memorandum of Agreement Between the Suquamish Tribe And The Department Of
Defense/Army Corps Of Engineers
Six Years Of Perseverance**

- **May 1991**

The Suquamish Tribe notified the Army Corps of Engineers (ACE), Washington, D.C., of the Tribe's interest of entering into an agreement under the Defense-State Memorandum of Agreement/Cooperative Agreement program (DSMOA/CA).

- **November 1991**

Tribal staff attended a DoD Environmental Workshop in Texas, at the invitation of ACE-HQ. Representatives from DoD, States, ACE-HQ, and other Federal agencies attended the workshop. The Suquamish Tribe was the first Tribe invited to the workshop.

- **March 1992**

DoD's general counsel delayed the DSMOA/CA process, so the Tribe submitted a Cooperative Agreement application directly to the Deputy Assistant Secretary of Defense (Environment).

- **May 1992**

A formal meeting regarding the Tribe's application/request was held between the Tribal Chairwoman, Congressional, DoD and ACE representatives at the Pentagon. A few weeks after the meeting, the Tribe was notified that DoD was unable to act favorably on the their request. The reason given was that the definition of "State" did not extend to Indian Tribes under the regulations/code governing the DSMOA/CA program. The Section quoted – 10 U.S.C. 2701(d) – stated that the Secretary of Defense may enter into agreements with any other Federal agency or with any State or local government. As a result of the letter, the Tribe decided to work for an amendment of 10 U.S.C. 2701(d) to specifically include American Indians and Alaska Natives.

- **April 1993**

Senator John McCain sent a letter to the Secretary of Defense expressing concern at the apparent lack of cooperation between DoD and Federally recognized Tribes. In this letter, he enclosed the Suquamish Tribe's Cooperative Agreement application cover letter and DoD's response. The senator expressed hope that DoD would be able to accommodate the request of the Tribe.

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- **May 1993**

The Deputy Under Secretary of Defense (Environmental Security), sent a letter to the Senator in response to his letter. In her response, she stated that DoD was ... "pursuing ways to include Tribes such as the Suquamish in appropriate cleanup activities", and that DoD was "also reviewing how to incorporate Tribes in our Defense and State Memorandum of Agreement Program".

The Suquamish presented a resolution to the Affiliated Tribes of Northwest Indians to support the amendment of 10 U.S.C. 2701(d) to specifically include Tribes. The resolution passed.

- **June 1993**

Senators McCain and Daniel Inouye (Vice Chairman and Chairman for the Select Committee on Indian Affairs) sent a letter to Senators Sam Nunn and Strom Thurmond (Chairman and Ranking Minority Member for the Senate Armed Services Committee) requesting that the Committee on Armed Services take action to amend 10 U.S.C. 2701(d) during its consideration of the defense authorization bill for fiscal year 1994.

- **September 1993**

The Tribal Chairman, a Tribal Council member, and staff met formally with the Minority Counsel for the Senate Committee on Indian Affairs, the Majority Legal Counsel for the Senate Armed Forces Committee and legislative aides. During these discussions it was determined that the amendment would not be included in the authorization bill.

- **April 1994**

The Tribal Chairman and Tribal Council members met with the Majority Legal Counsel for the Senate Armed Forces Committee, a staff member for the House Committee on Armed Services and legislative aides. During these discussions, it was determined that the amendment to include Tribes in 10 U.S.C. 2701 would be included in the defense authorization bill

- **July and August 1994**

The Senate approved the amendment, and the bill went to a conference committee with the House. The House passed the conference report with the amendment.

- **September 1994**

Congress enacted the provisions relating to Tribes, and the Suquamish contacted the ACE-HQ to restart the process.

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- **December 1994**

The Tribal Chairman sent a letter to DoD requesting information on the status of their request to enter into an MOA/CA.

- **March 1995**

A Tribal Council member and staff met with representatives from DoD and ACE-HQ to enter into an agreement; however, ACE-HQ still required a determination from DoD general counsel prior to initiating a MOA with the Tribe.

- **April 1995**

DoD general counsel informed DoD/ACE-HQ that the amendment to 10 U.S.C. 2701(d) “clears the way to negotiate an MOA with the Suquamish Tribe”.

- **July 1995**

The Tribe submitted a draft MOA between the Suquamish and the Department of Defense to ACE-HQ.

- **August 1995**

The Tribe was notified that proposed language in a Senate Bill was going to reduce the program funds available by 75%. As a consequence, DoD/ACE-HQ actions on the draft MOA were suspended until the program budget for FY 96 were known.

- **January 1996**

The Tribe was notified of the DSMOA program budget for FY96 and discussed Tribal budget needs ACE-HQ for participation. By February, DoD agreed to proceed with the MOA process and informed ACE-HQ.

- **March 1996**

The Suquamish were notified by ACE-HQ that the language that allowed the Secretary of Defense to enter into agreements with Indian Tribes had been subsequently removed from 10 U.S.C. 2701(d) and from a new Conference Report. Consequently, the MOA process was at another standstill.

- **May 1996**

The Suquamish Tribe was informed that the Senate Armed Services Committee was going to initiate an amendment to 10 U.S.C. 2701(d); the amendment would reinstate Tribes as an entity eligible for reimbursement in Defense environmental restoration activities. The Tribe was also advised that the Committee supported a DoD and Suquamish Memorandum of Agreement/Cooperative Agreement for FY 1996

The Tribe sent a letter to DoD with the information stated above. They requested that negotiations to fund the Suquamish during FY 1996 be resumed and that the DoD environmental restoration budget for FY 1997 include the Tribe.

- **June 1996**

The Tribe was informed that the DoD and ACE-HQ did not have the authority to work on a Suquamish/DoD MOA under 10 U.S.C. 2701(d), since the amendment was not official. By mid-June, the Senate approved the amendment to include Tribes as an entity eligible for reimbursement in Defense environmental restoration activities.

- **September 1996**

The National Defense Authorization Act for Fiscal Year 1997 amended 10 U.S.C. 2701(d) and reinstated Tribes as an entity eligible for reimbursement in Defense environmental restoration activities. The Suquamish contacted ACE-HQ to re-initiate discussions on the draft MOA between the Tribe and the Department of Defense. ACE-HQ informed the Tribe that they could not pursue issues further until a meeting on the MOA was held between ACE-HQ and DoD staff. It was projected that the meeting would be held in October 1996.

- **October 1996**

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DoD informed the Tribe that certain issues needed to be resolved with the Assistant Deputy Under Secretary for Environmental Clean-up.

- **November 1996**

The Tribe was informed that discussions on a MOA with the Suquamish could begin and other military entities would be invited to participate. These discussions were not scheduled to begin until January of 1997, however. The Tribe contacted ACE-HQ and expressed a strong desire to begin discussions on the MOA prior to January 1997.

The Tribe was informed by ACE-HQ that internal discussions between the military services concerning the DoD-Suquamish Tribe Memorandum of Agreement were necessary before they could meet with the Tribe. The ACE also stated that it had no idea when issues would be resolved.

- **December 1996**

DoD informed the Tribe that the military services representative requested additional information about the MOA and raised issues that required the involvement of DoD general counsel. DoD did not anticipate that anything would happen until early 1997.

- **March 1997**

Senator Patty Murray and Representative Norm Dicks cosigned a letter to the Secretary of the Army, requesting assistance in resolving the MOA issue with the Suquamish Tribe. They urged the Department to direct the Corps to reenter negotiations with the Suquamish Tribe immediately.

- **April 1997**

DoD informed the Tribe that the Army was preparing a response to Senator Murray's and Representative Dicks' letter; DoD would coordinate with the Army on the response, which was supposed to be completed by mid-April.

Letter from the Assistant Secretary of the Army (Civil Works) was sent. It acknowledged Senator Murray/Congressman Dicks letter and stated "I regret that your request requires additional research and coordination which precludes my providing you an immediate reply."

Another letter, this time from the Department of the Army Congressional Actions Coordinator - Congressional Inquiry Division, was also sent to the concerning the MOA issue. This letter stated that "Inquiry into this matter has been initiated."

The Tribe was informed that Army representatives were investigating the history of the issue with ACE-HQ.

- **May 1997**

Another letter from the Department of the Army Congressional Actions Coordinator - Congressional Inquiry Division was sent to Senator Murray concerning the Suquamish MOA issue. This letter stated that "Inquiry into this matter is taking more time than expected. ... As soon as information becomes available upon which to base a reply, I will advise you further."

- **July 1997**

After six years of exercises in futility, the Suquamish Tribal Chairman sent a letter to the Vice President on Defense Department practices regarding Indian Tribes and the environment.

Senator Murray, frustrated by the sequence of events, sent another letter to the Secretary of the Army requesting assistance in resolving the MOA issue with the Suquamish. In her letter the Senator stated "I fail to understand the apparent difficulties the Department is having resolving this relatively simple issue. ... I again reiterate my interest in the Corps entering into a DTMOA with the Suquamish Tribe."

- **August 1997**

Department of the Army's Acting Chief of the Environmental Division - Directorate of Military Programs sent a letter to the Suquamish Tribal Chairman. The letter acknowledged the Tribe's letter to the Vice

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President and stated that a final response on the MOA issue would be provided within 30 days. That response directed the DoD/ACE-HQ to begin the MOA process, again.

- **October – December 1998**

After many more meetings and discussions, the MOA was finalized and signed, almost eight years after the Suquamish made their first inquiry.

During the years the Tribe struggled with DoD/ACE-HQ, staff from the ACE Seattle District provided both technical advice and emotional support. ACE staff met with Tribal staff as part of an ongoing, informal consultation process that was strengthened over the years it took to get the MOA. This informal process continues to this day.