

INTERGOVERNMENTAL AGREEMENT

BETWEEN THE

LOWER ELWHA KLALLAM TRIBE

AND THE

PORT OF PORT ANGELES

I. PREAMBLE AND GUIDING PRINCIPLES

This intergovernmental agreement is made between the Lower Elwha Klallam Tribe (“the Tribe”), and the Port of Port Angeles (“the Port”) to provide a framework for a government-to-government relationship between two Parties.

The Port of Port Angeles is a special purpose district with taxing ability exercising the authorities and responsibilities provided for under state law. The Lower Elwha Klallam Tribe is a federally recognized Indian Tribe government exercising the authorities and responsibilities identified in the Constitution and Bylaws of the Lower Elwha Tribal Community and provided for under federal law.

II. PURPOSE AND OBJECTIVES

The purpose of this agreement is to establish a government-to-government forum for authorized representatives from each participating governmental body to discuss issues of common concern and to seek solutions to common problems. To this end the following objectives have been defined:

- 1) To conduct discussions in a government-to-government setting in which issues, problems and other subjects may be freely addressed without either Party making commitments or agreeing to take actions outside of the formal and legal processes defined for each Party by applicable law;
- 2) To share information in a consultative and deliberative process through the exchange of communications (written, verbal, and or visual) as they pertain to issues, problems or other subjects mutually agreed to between the Parties;
- 3) To gain knowledge within each Party’s organization about how the other organization functions, including familiarity with organizational structure, roles and responsibilities, staff, and legal authorities.

III. IMPLEMENTATION PROCESS AND RESPONSIBILITIES

Each Party will prepare a list of subjects and issues it proposes to discuss in accordance with the objectives of this agreement. Both Parties will then meet to set an agenda, schedule, ground rules, and goals for further discussions.

At any point in such discussions either Party may withdraw or otherwise terminate discussions with or without explanation.

When discussions require policy decisions by the respective Parties a request shall be made by one governing body to the other which includes the reasons policy decisions are sought and a suggested schedule for making those decisions. Each Party then will follow its legal process for decisionmaking. Policy decisions shall be communicated in a timely fashion.

At least once per year the Parties shall meet for the purpose of reviewing progress in implementation. At such meetings, or at such other times as are appropriate, recommendations for changes to this agreement may be discussed and implemented.

Each Party to this agreement will designate an individual responsible for facilitating the implementation of this agreement. The Tribe designates its Executive Director. The Port Board of Commissioners designates its Executive Director.

IV. LEGAL STATUS AND DISCLAIMERS

In executing this AGREEMENT, neither Party waives any rights, including treaty rights, sovereign immunity, and jurisdiction. Nor does this agreement diminish any rights or protections under federal and state laws. Through this agreement the Parties to the agreement strengthen their collective ability to successfully resolve issues of mutual concern.

Agreed effective March 11, 2002, by:

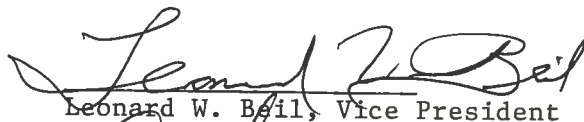
The Lower Elwha Klallam Tribe The Port of Port Angeles



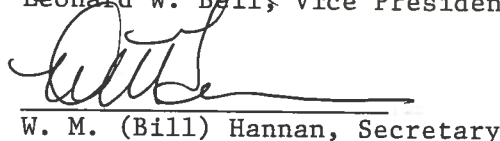
Dennis R. Sullivan, Chairman



Glenn Beckman, President



Leonard W. Beil, Vice President



W. M. (Bill) Hannan, Secretary