

**AGREEMENT BY AND BETWEEN the Lummi Indian Business Council, Lhaq'temish AND SIERRA PACIFIC INDUSTRIES REGARDING ACCESS TO LANDS OWNED BY SIERRA PACIFIC LAND & TIMBER COMPANY**

**Whereas, Sierra Pacific Land & Timber Company and its manager, Sierra Pacific Industries, (collectively, hereinafter referred to as “SPI”) currently owns and manages forest land in Skagit, Whatcom, and Snohomish counties, Washington (collectively, “SPI’s lands”); and**

**Whereas, the Lummi Indian Business Council (hereinafter referred to as “Tribe”, which shall include all its members, employees and representatives), is a federally recognized Indian Tribe, organized pursuant to Section 16 of the Indian Reorganization Act, 25 U.S.C. § 476; and**

**Whereas, the Tribe traditionally accessed SPI’s lands, among others, for hunting and gathering; and**

**Whereas, the Tribe wishes to use SPI’s lands for: (1) cultural purposes; (2) ceremonial and subsistence hunting and gathering; (3) natural resources management activities and enforcement on the part of the Tribe; and (4) elk and mountain goat hunting in GMU 418 (collectively, the “Activities”);**

**Therefore, SPI and the Tribe mutually agree to the following terms and conditions:**

1. SPI will provide the Tribe with access to the following gates and SPI roads, for the following purposes:
  - a. **Cultural purposes, ceremonial purposes, and subsistence hunting and gathering.**
    - i. Mainline gate access keys: 5 (five) “ABUS” keys. Gate and accessible road locations are shown in Exhibit A, attached hereto and incorporated herein.
    - ii. Access for this purpose includes additional roads not currently gated and locked to prohibit access. These areas are shown in Exhibit A, attached hereto and incorporated herein.

**b. Natural resources management and enforcement of Tribal regulations relating to the Activities.**

- i. Full access – secondary gate keys: 5 (five) “10E20” keys. Gate and accessible road locations are shown in Exhibit A.
- ii. Access for this purpose includes additional roads not currently gated and locked to prohibit access. These areas are shown in Exhibit A, attached hereto and incorporated herein.
- iii. Natural resource management specifically includes, but is not limited to, performance of elk forage enhancement work in cooperation with the State of Washington Department of Natural Resources, on State managed timberlands where access is across SPI’s lands; no such work will be done on SPI’s lands.

**c. Elk or mountain goat hunting in GMU 418.**

- i. Full access--secondary gate keys: 5 (five) “10E20” keys. Gate and accessible road locations are shown in Exhibit A, attached hereto and incorporated herein.
- ii. Access for this purpose includes additional roads not currently gated and locked to prohibit access. These areas are shown in Exhibit A, attached hereto and incorporated herein.
- iii. This access is subject to and in accordance with the terms of agreement regarding boundary, permit levels, and seasons in Hunting Co-Management Agreement Between the Washington Department of Fish and Wildlife, Lummi Nation, Muckleshoot Tribe, Sauk-Suiattle Tribe, Stillaguamish Tribe, Swinomish Indian Tribal Community, Tulalip Tribes, and Upper Skagit Tribe, 2013 as amended, (see Appendix C).
- iv. Keys under this Subsection 1.c. shall be issued by SPI to the Tribe August 1, 2023, or upon execution of this agreement, or as additionally provided in Subsection 1.c.v., below, whichever is later, and returned by the Tribe to SPI no later than February 28, 2024.
- v. In the event keys under this Subsection 1.c. are not timely returned by the Tribe to SPI, each day late may be counted as 7 (seven) days fewer said keys shall be issued in a subsequent year’s agreement.
- vi. In the event keys under this Subsection 1.c. are not returned by the Tribe to SPI by July 31 or the expiration date of this Agreement, whichever is later, the Tribe shall immediately return any and all keys to SPI, and for a period of up to 1 (one) year may not be eligible for a subsequent year’s agreement.

**2. The Tribe will provide SPI a deposit for these keys:**

- a. For keys under Subsection 1.a. and 1.b., the deposit shall be \$200.00 (two hundred dollars exactly), which shall be returned to the Tribe upon return of the keys.

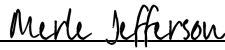
- b. For keys under Subsection 1.c., the deposit shall be \$200.00 (two hundred dollars exactly), which shall be returned to the Tribe upon timely return of the keys.
    - c. Deposits under this Subsection 2. shall be forfeited in the event keys are not timely returned.
  3. SPI will provide the Tribe durable entry permits (“Access Permit”) in an amount equal to the number of keys provided under this agreement. Each Access Permit shall be uniquely numbered to match the key type and key number.
    - a. Issuance and return of Access Permits shall follow the same schedule as the associated keys.
    - b. The Tribe shall report to SPI any lost or stolen Access Permits within 10 (ten) days.
    - c. The Tribe shall pay SPI a non-refundable replacement fee of \$ 30.00 (thirty dollars exactly) for each lost or stolen Access Permit.
  4. The Tribe shall be responsible for the distribution of the access keys and Access Permits to its membership, as well as development and enforcement of Tribal regulations relating to the Activities;
    - a. Within 7 (seven) days, the Tribe shall provide SPI the name, key type, and key number, for each authorized individual to which it issues access keys and Access Permits, and, if applicable, the dates authorized.
  5. The Tribe shall be responsible for issuing a tribal permit to each tribal member or employee and for enforcing the terms and conditions of each tribal permit. At a minimum, each tribal permit shall require that each authorized individual shall:
    - a. Agree to comply with the terms and conditions of the tribal permit;
    - b. Agree to clearly post a copy of the Access Permit in the windshield of any vehicle he/she brings upon SPI’s lands at all times when on SPI’s lands;
    - c. Agree to carry the tribal permit with him/her at all times when on SPI’s lands;
    - d. Never litter or dump waste of any kind on SPI’s lands;
    - e. Never vandalize or damage any property or equipment on SPI’s lands;
    - f. Never build temporary camps or light any fires, including campfires, on SPI’s lands;
    - g. Never transfer use of the keys or Access Permits to other tribal members, or non-tribal members;
    - h. Agree to adhere to all applicable tribal laws, regulations and codes;
  6. Except if, and to the extent of, any negligence or the willful acts or omissions of SPI, the Tribe agrees to defend, indemnify, and hold harmless SPI from and against any claims, losses, liabilities, damages and expenses (including attorneys’ fees and costs) arising out of any personal or emotional injury or harm, death, or property damage resulting from or relating to, whether directly or indirectly, the Activities;

7. In consideration of being permitted into, about and upon SPI's lands to conduct the Activities, the Tribe hereby acknowledges, agrees and represents that the Tribe has inspected SPI's lands and all facilities and equipment thereon, and that the Tribe finds and accepts same as being safe and reasonably suited for the purposes of conducting the Activities; or that the Tribe shall inspect SPI's lands and all facilities and equipment thereon immediately upon entering such land and that the Tribe will find and accept same as being safe and reasonably suited for the purposes of conducting the Activities. In further consideration of being permitted to enter into, about and upon SPI's lands, the Tribe hereby agrees to release, waive, discharge and covenant not to sue SPI, its parents, affiliates or subsidiary companies and their respective directors, officers, employees and agents ("Releases") for any and all liability to the Tribe and its successors, assigns, personal representatives, heirs, next of kin, executors and trustees for any damages, loss, costs or expenses, and any claims, demands or suits therefore, on account of bodily injury, sickness, disease or death, or injury to or destruction of property, whether caused by the acts, failures to act, or other conduct of the Releases or otherwise, while the Tribe is on, upon or about SPI's lands or using facilities or equipment thereon. The Tribe hereby assumes full responsibility for and risk of bodily injury, sickness, disease or death, or injury to or destruction of property, whether caused by the acts, failures to act or other conduct of 'Releases or otherwise, while the Tribe is on, about or upon SPI's lands or using any facilities or equipment thereon.
8. This Agreement shall be in place for a period of one year, renewable upon review, and both parties (SPI and Tribe) agree to meet periodically to discuss terms, conditions, and performance by both parties under this Agreement;

Effective period: September 1, 2023, to July 31, 2024.

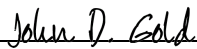
9. Either party may terminate this Agreement at any time by giving thirty (30) days written notice to the other party of its intent to terminate the Agreement;
10. This Agreement represents the entire agreement of the parties hereto and shall not be assigned by either party without the prior written consent of the other party.
11. This Agreement in no way is intended to nor shall be construed as an interpretation of the Tribe's treaty rights, including the definition of "open and unclaimed land". No party to this agreement waives any claim or legal argument with respect to the nature or scope of treaty hunting rights, or state or tribal jurisdiction or management authority. In particular, nothing in this Agreement or other actions taken to further the purposes of this Agreement, shall reduce or

otherwise impair access to and exercise of implied or explicit Indian rights, including hunting, fishing, and gathering rights. Further, nothing in this Agreement, nor any action taken by the Tribe or its members in connection to this Agreement is intended to nor shall constitute a waiver of the Tribe's sovereign immunity.

DocuSigned by:  
  
 \_\_\_\_\_ (sign) Aug-28-2023  
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**BY:** Merle Jefferson, Sr. (print name) **DATE**  
LNR Exec. Director (title)

***the Lummi Indian Business Council***

DocuSigned by:  
  
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**BY:** **John D. Gold** Aug-24-2023  
 Burlington District Manager **DATE**  
 Sierra Pacific Industries

**Exhibit A – Gate and Accessible Road Locations**  
(Maps Attached)

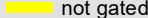



# Exhibit A: 2023 access agreement showing roads and areas open for designated purposes

-  SPI Ownership
-  GMU 418
-  Gate location

## ROAD CLASS






-  Public
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-  Forest / private

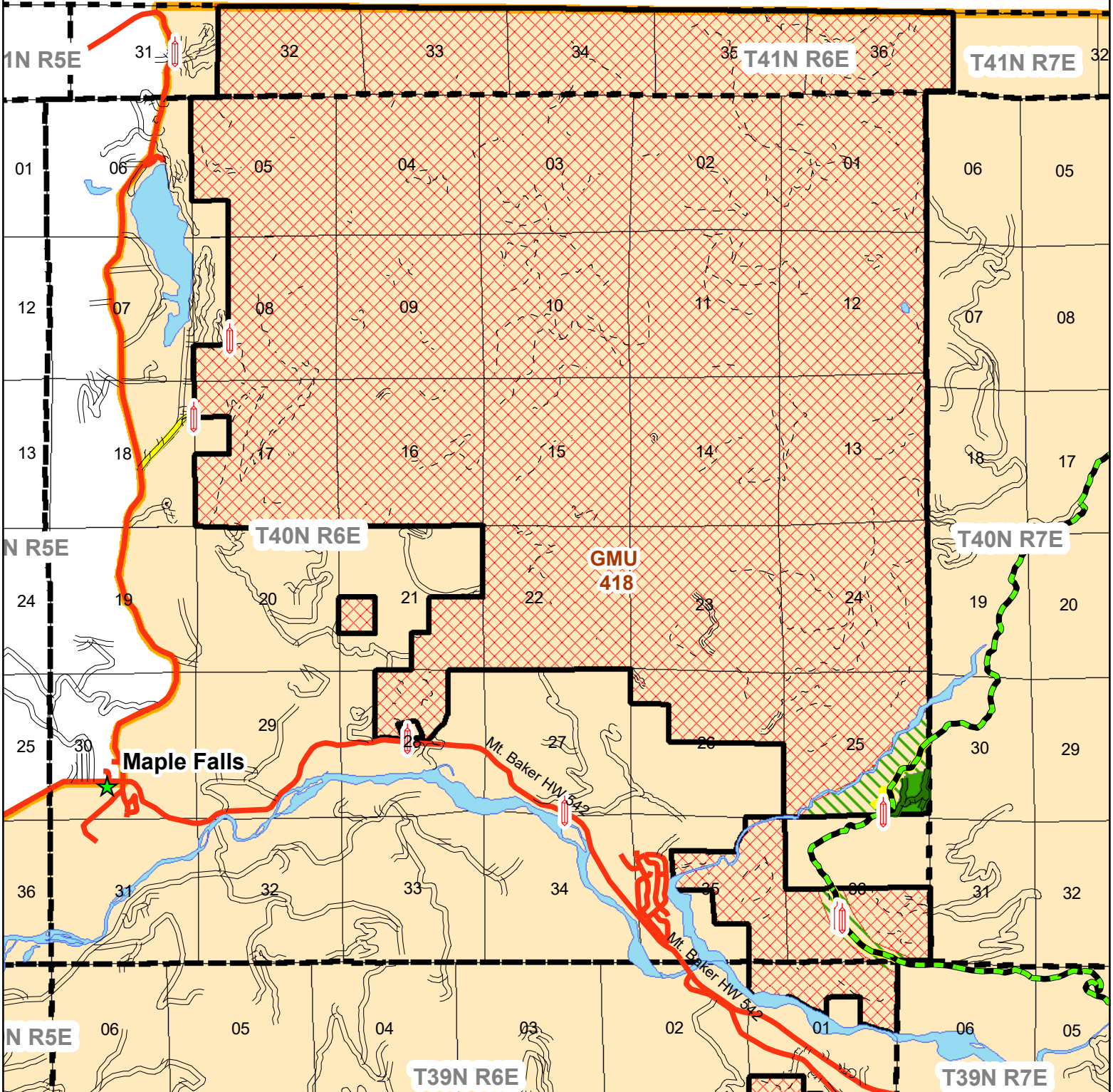
## ROAD USE CATEGORY

-  not gated
-  gated ABUS
-  gated 10E20
-  non-drivable road




## Tribal Access Zones 2023

Zone is open to:

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-  Natural Res Mgmt, Elk+Goat hunting (GMU 418 only)
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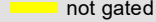

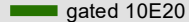
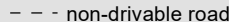
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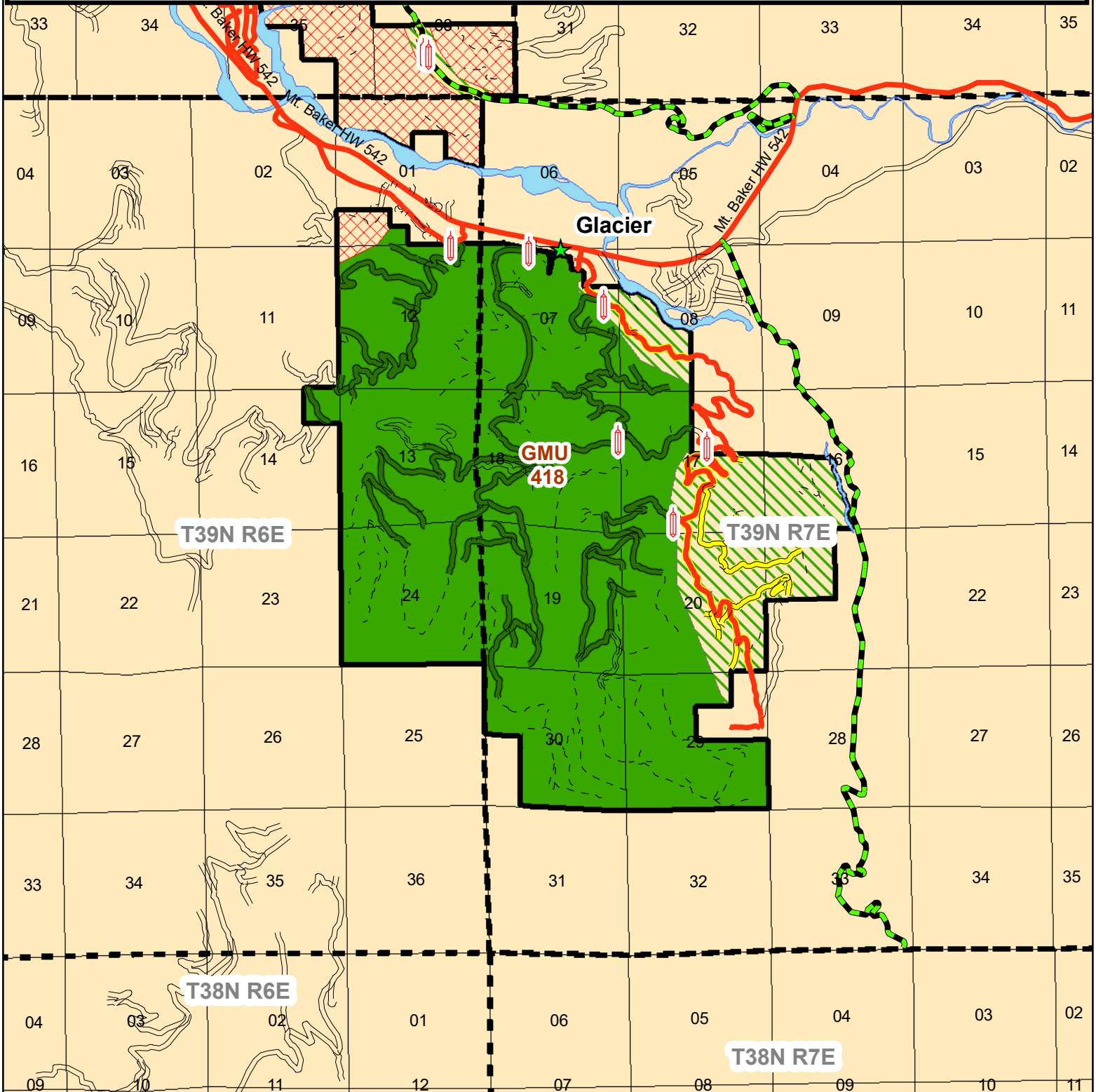
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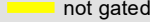


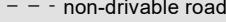
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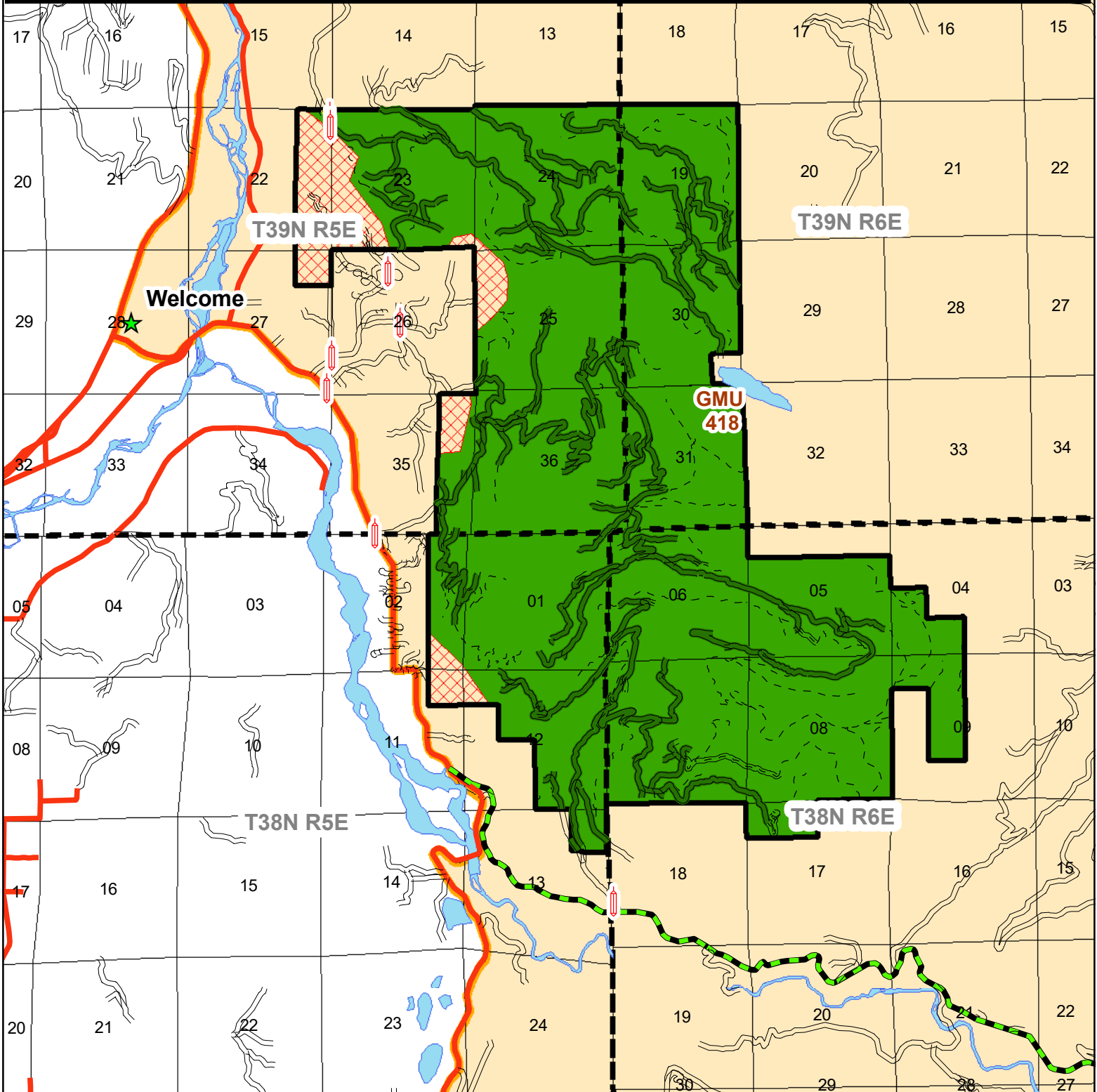
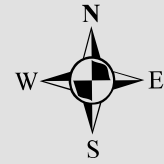
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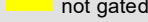
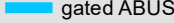
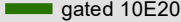
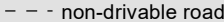
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
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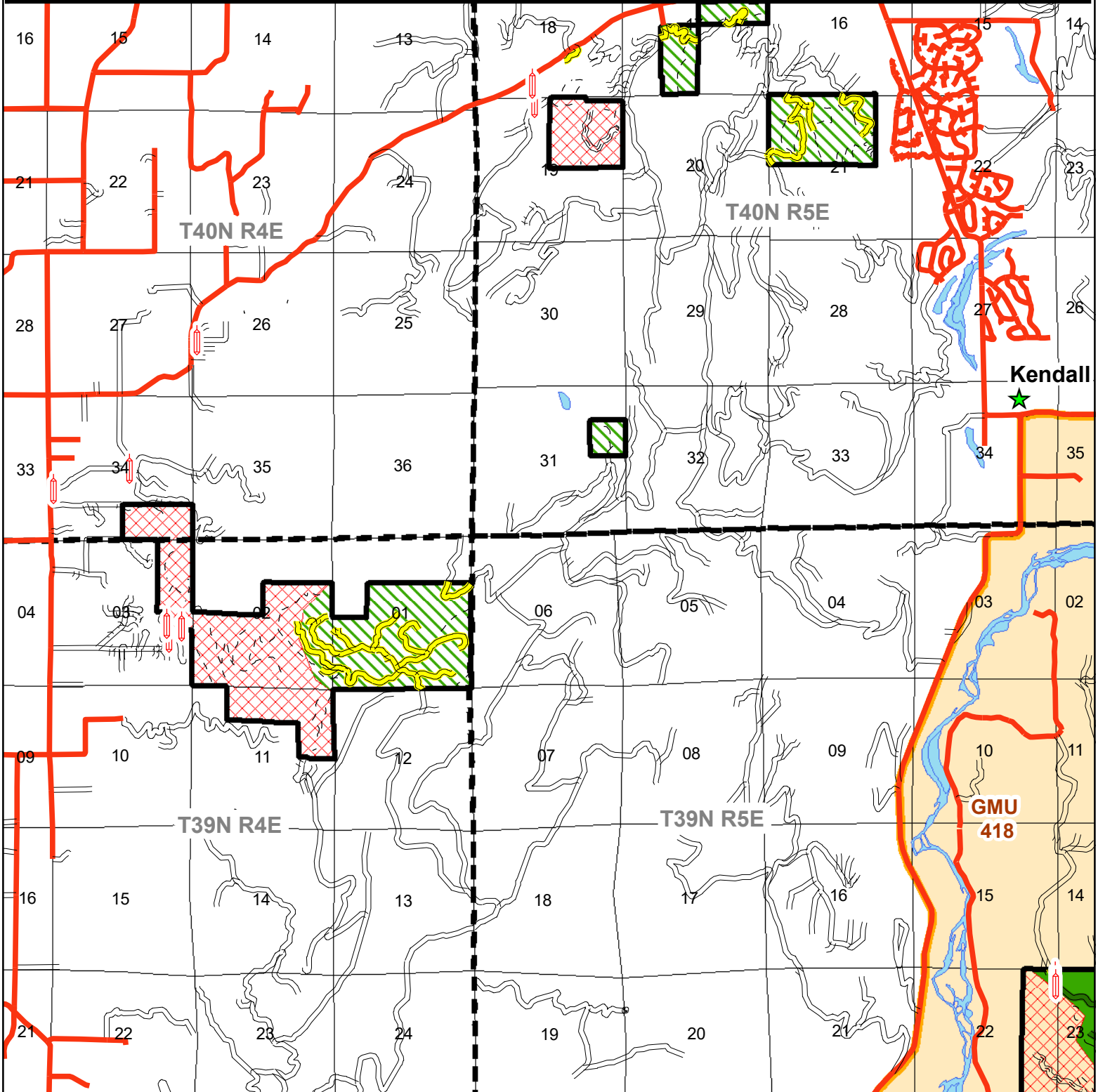
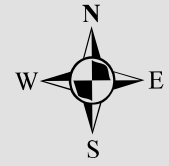
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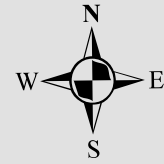
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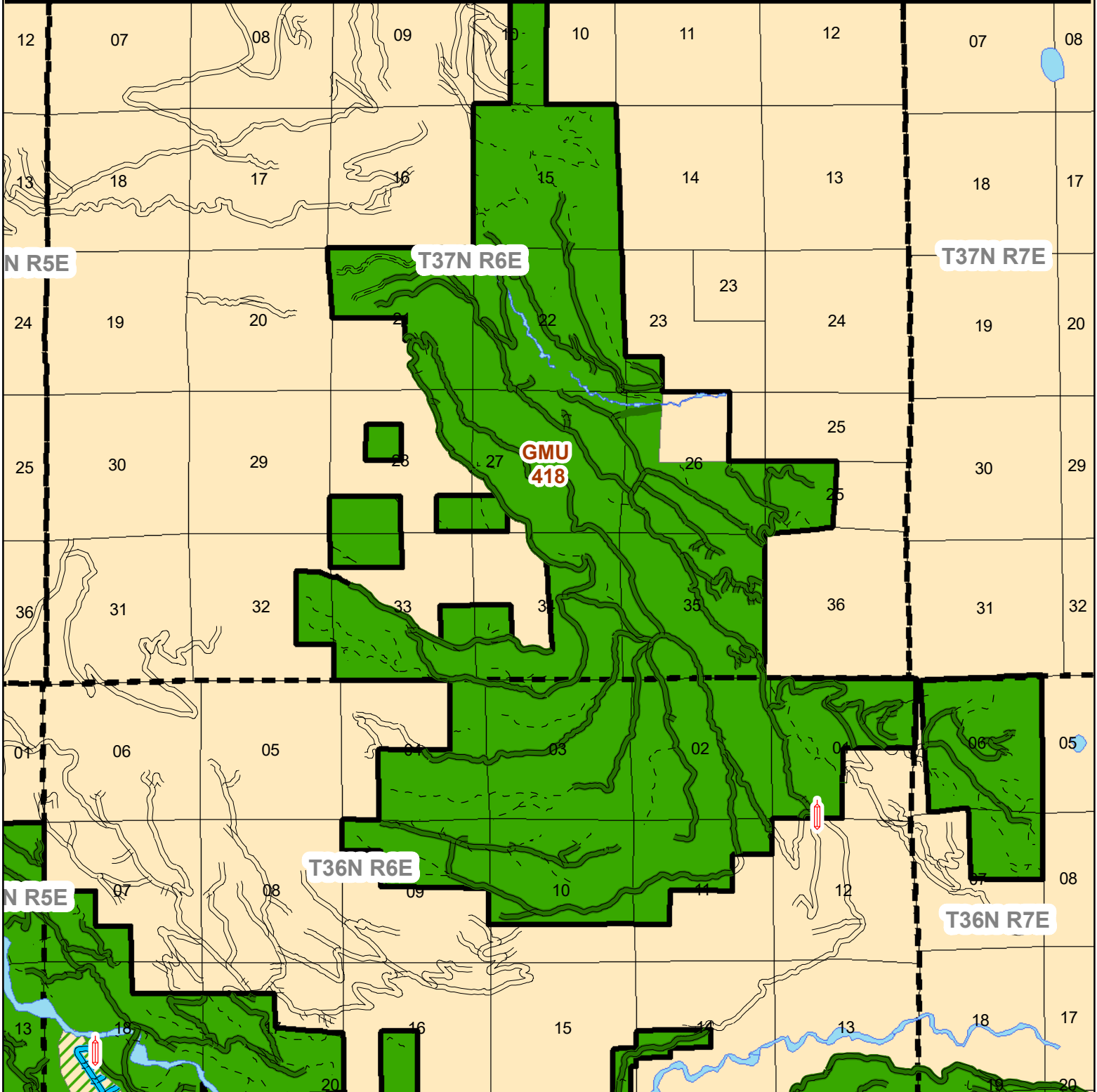
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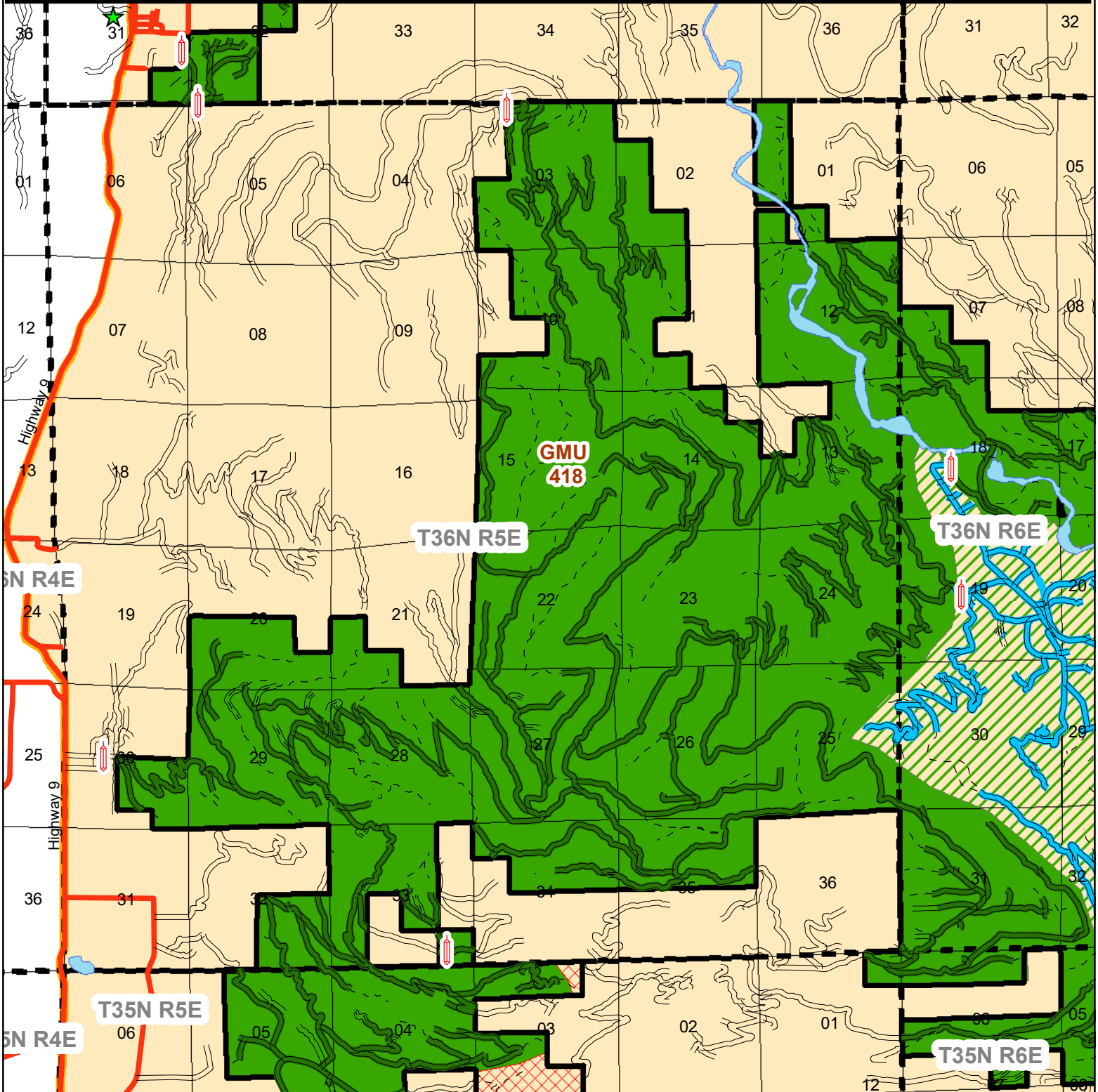
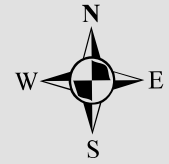
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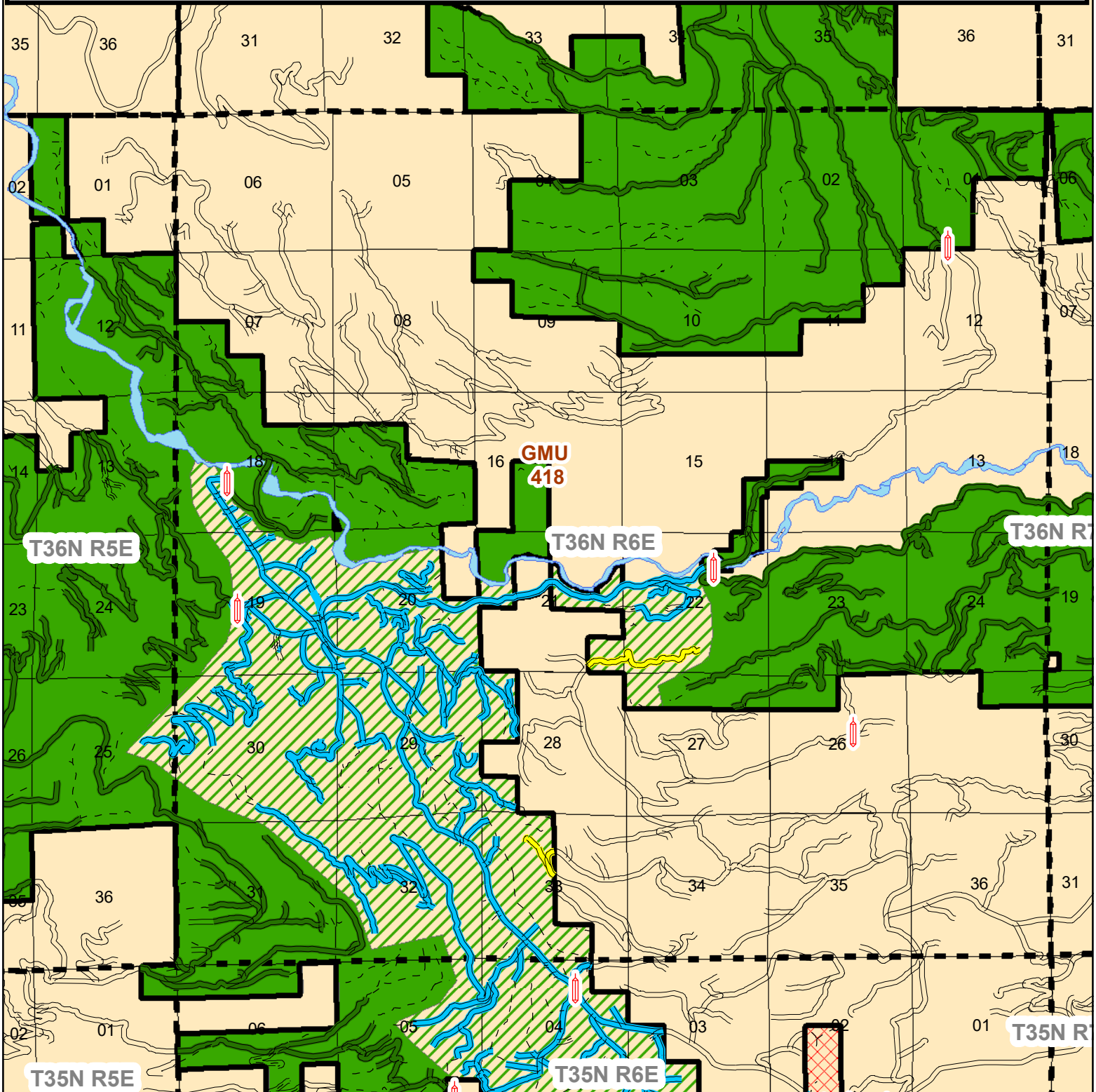
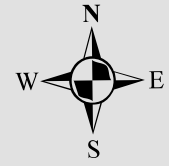
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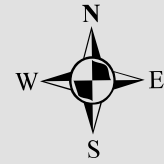
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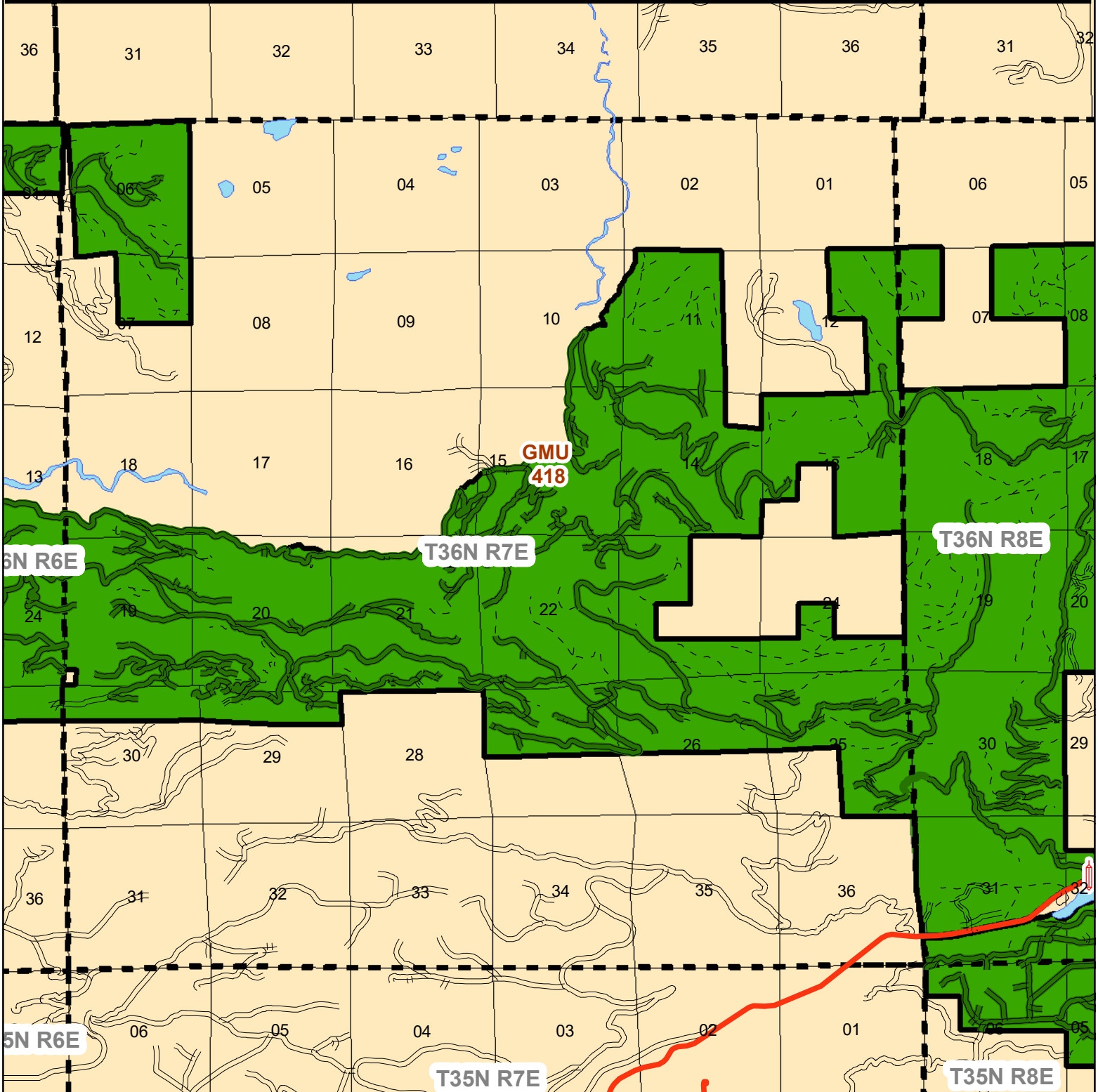
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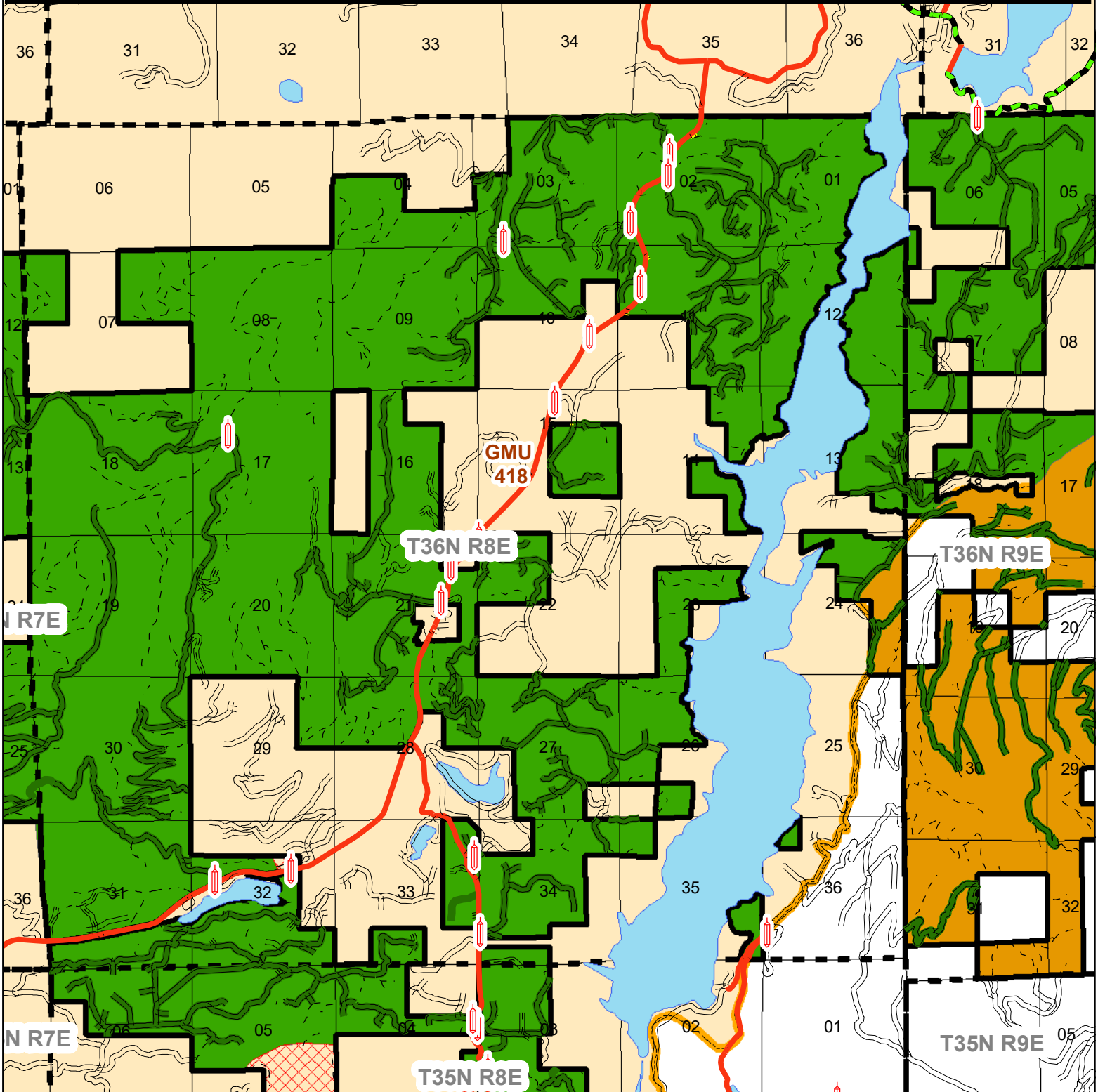
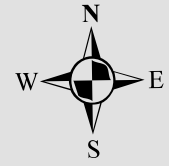
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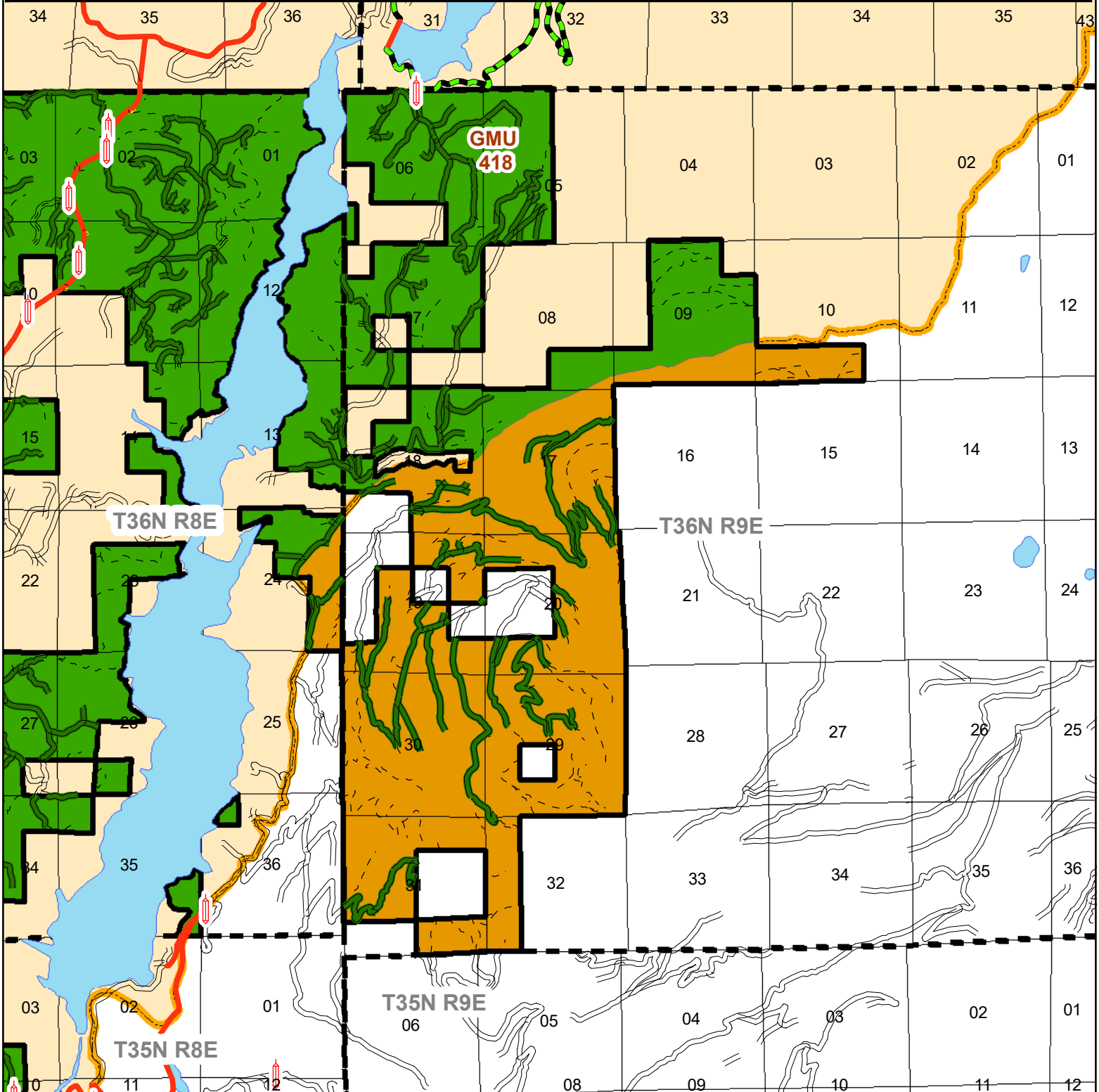
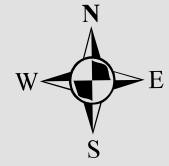
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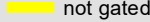

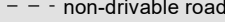
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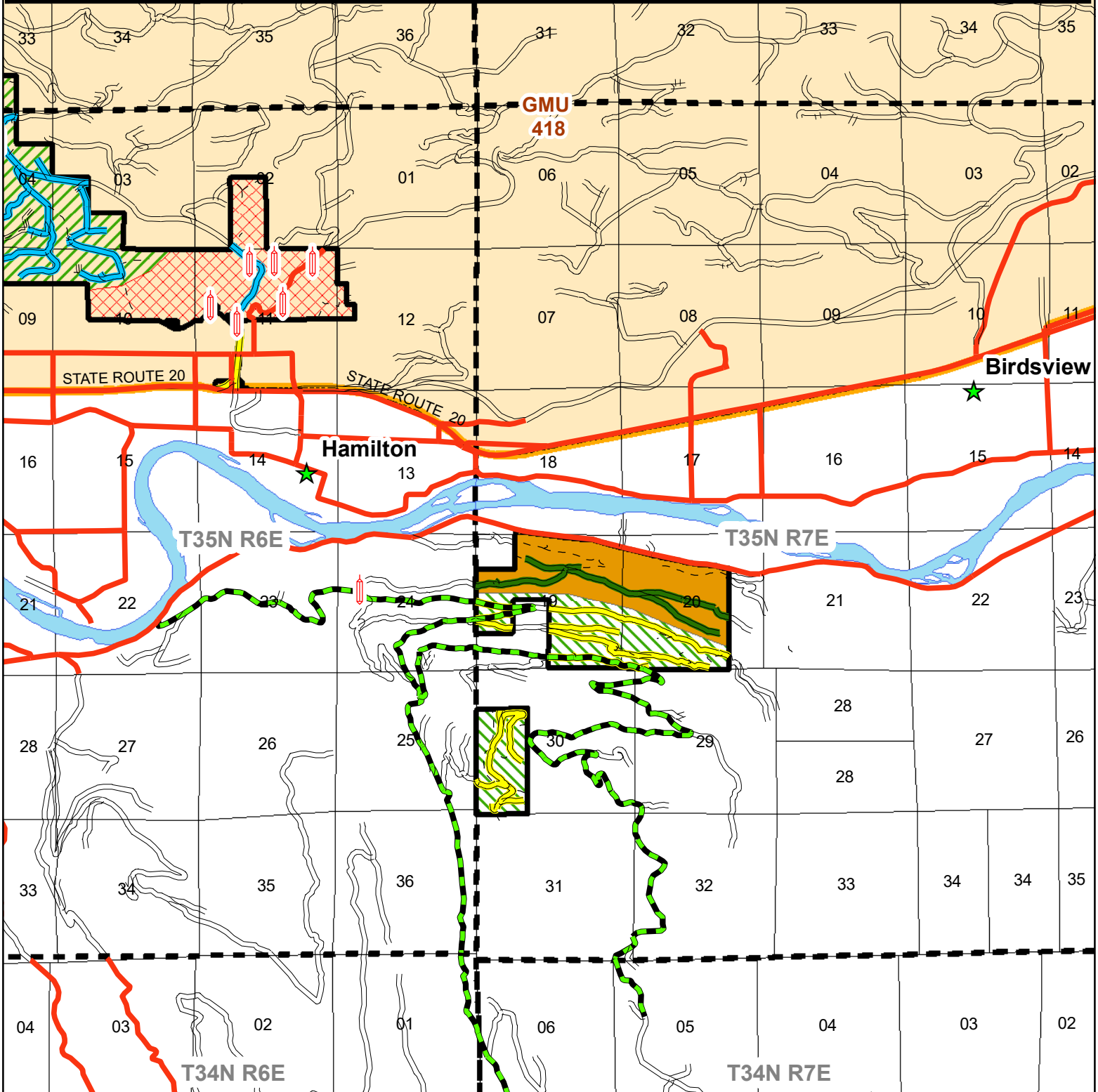
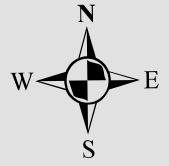
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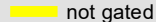

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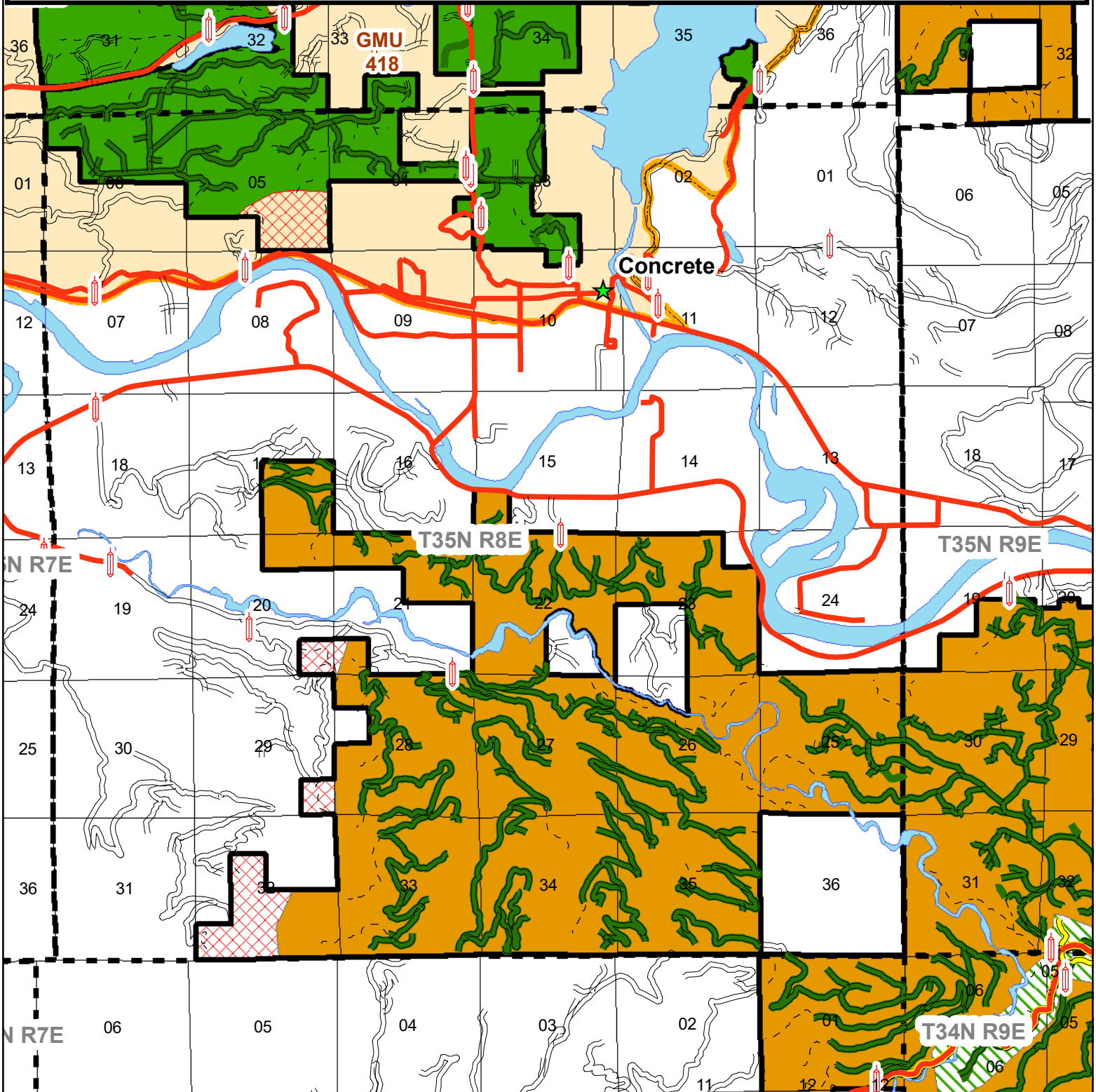
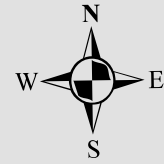
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# Exhibit A: 2023 access agreement showing roads and areas open for designated purposes

- SPI Ownership
- GMU 418
- Gate location

## ROAD CLASS

- Public
- USFS
- Forest / private

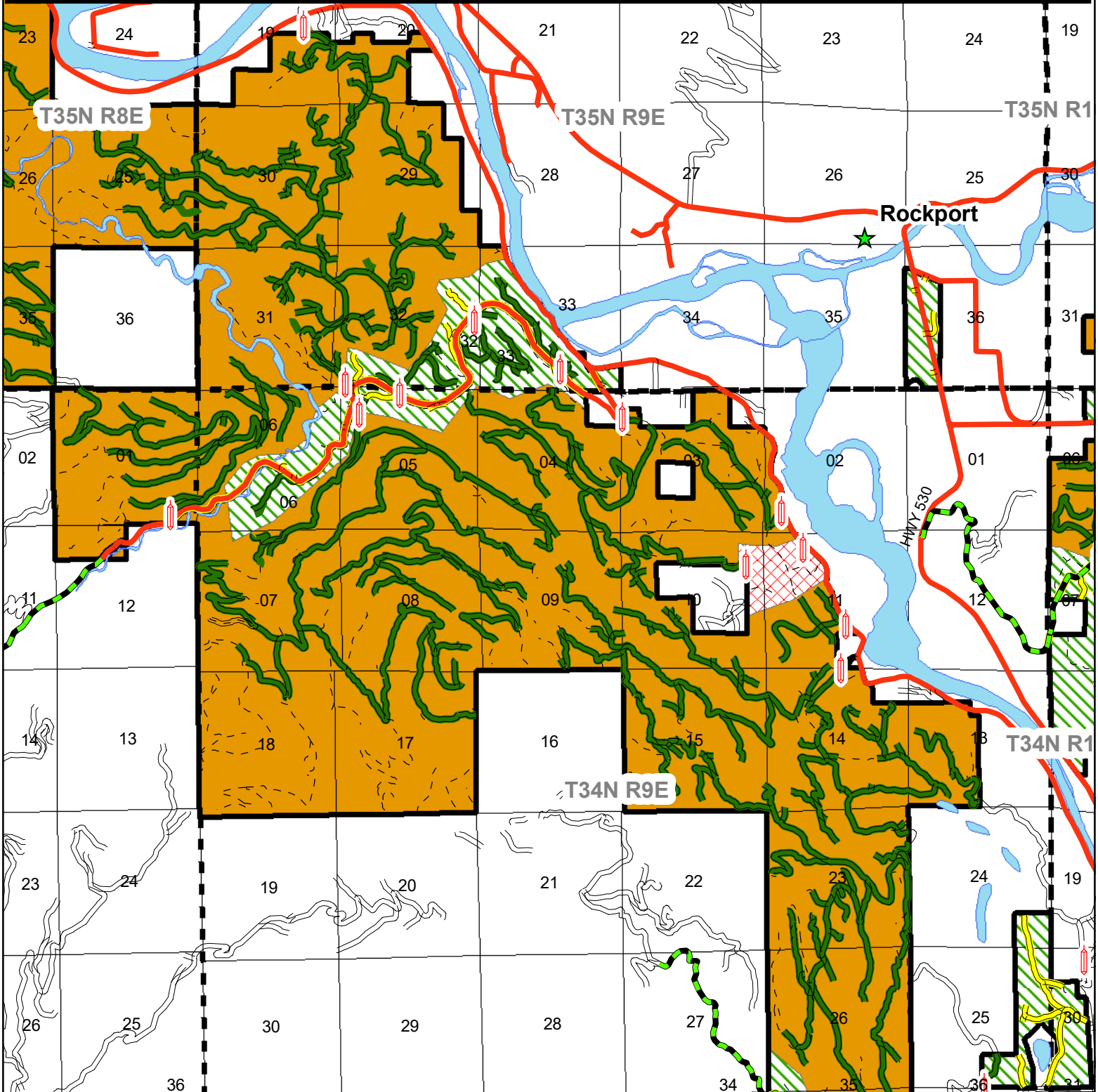
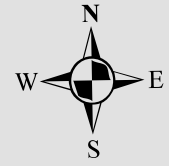
## ROAD USE CATEGORY

- not gated
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- non-drivable road

## Tribal Access Zones 2023

Zone is open to:

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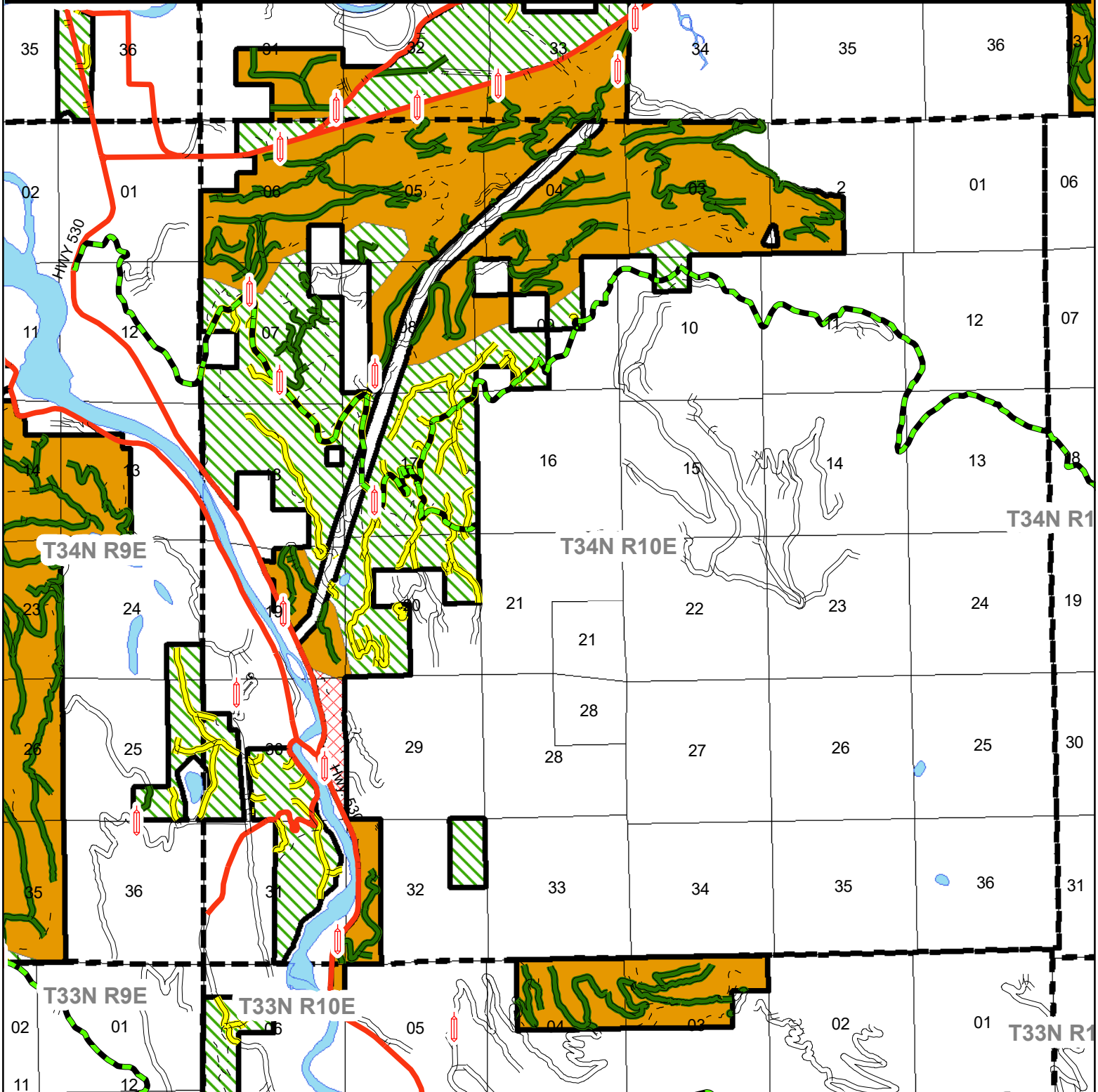
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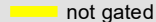


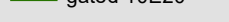
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



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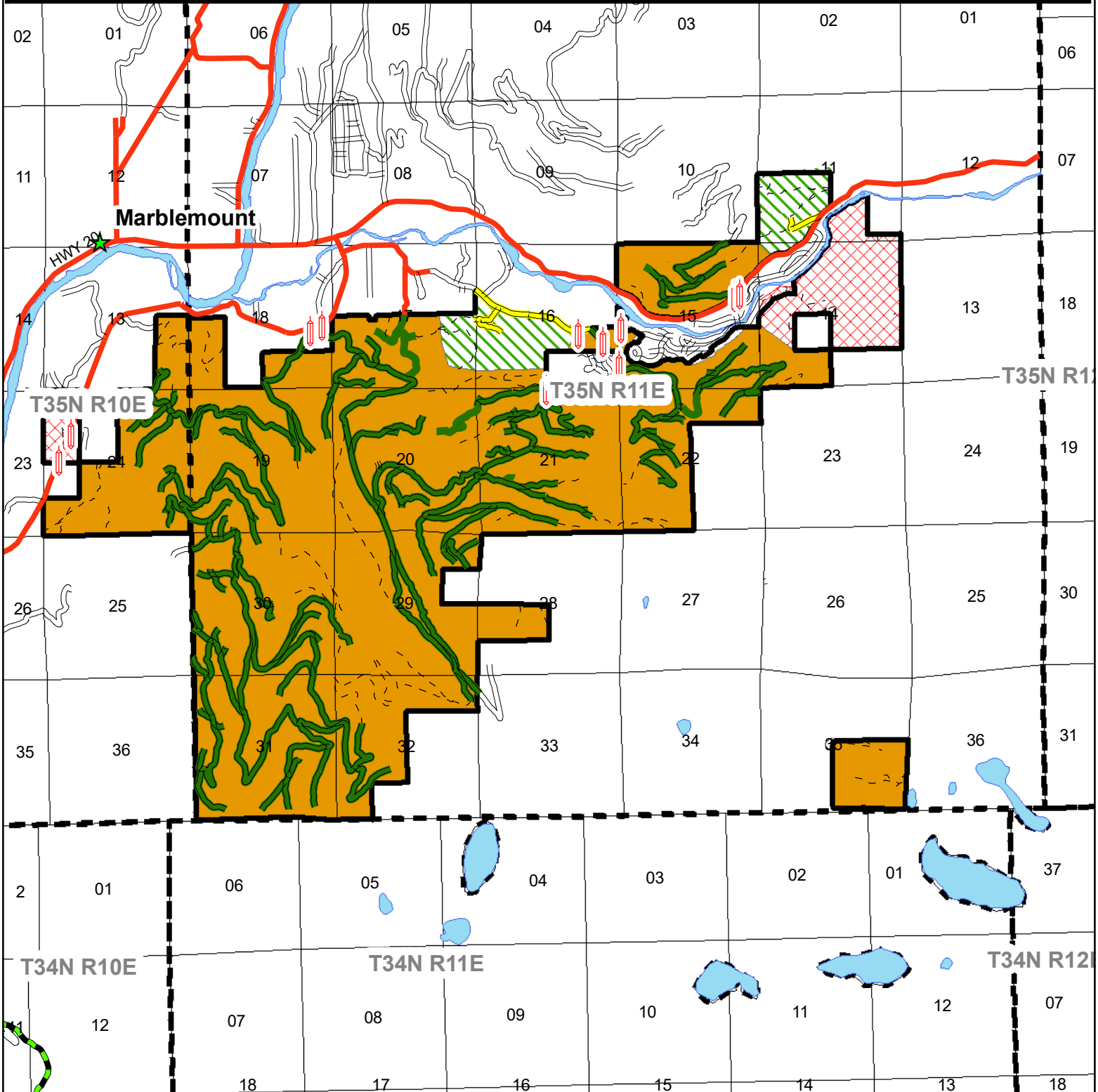
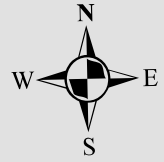
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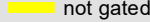

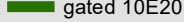
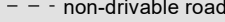
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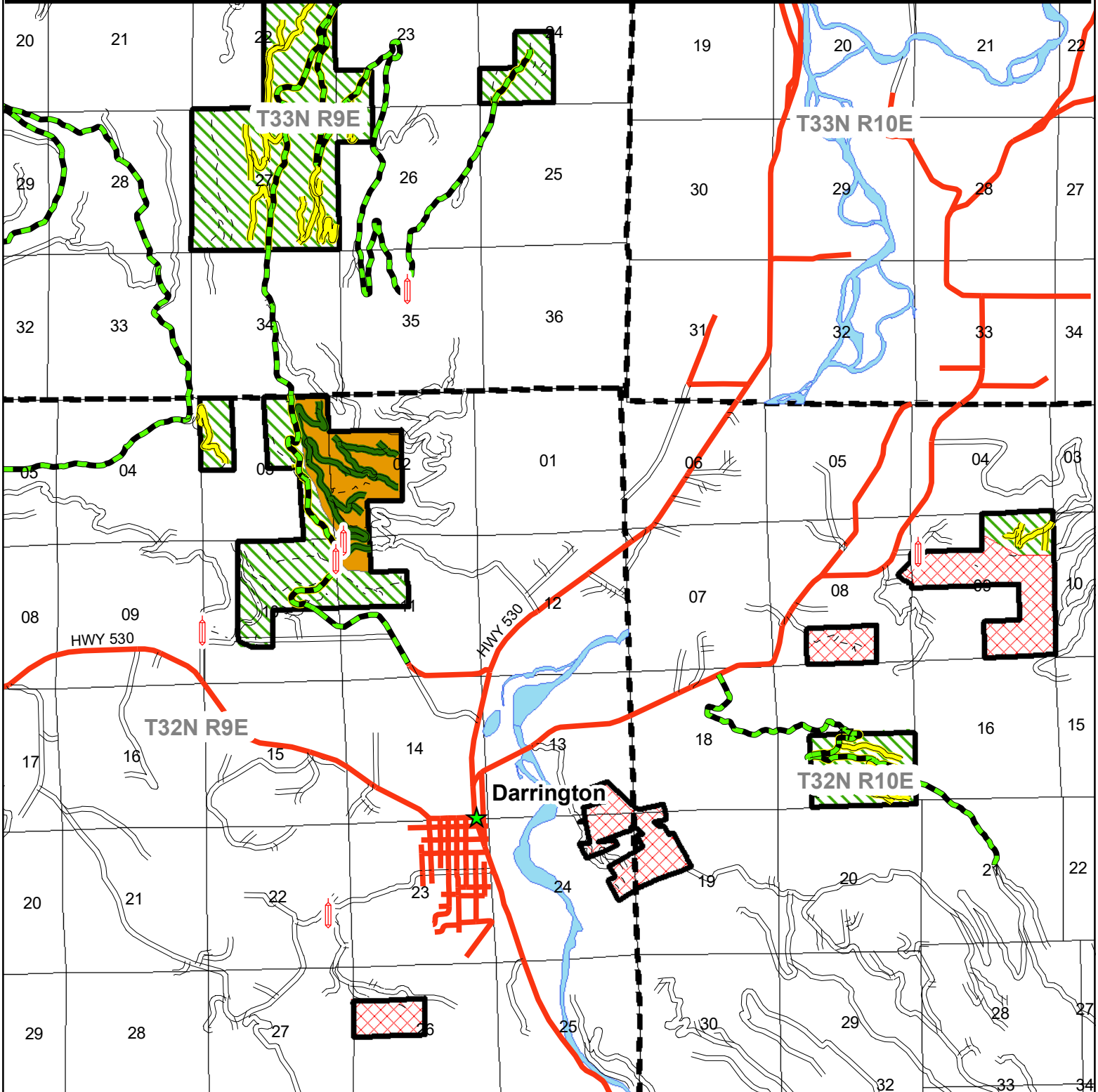
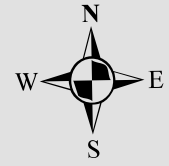
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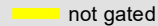


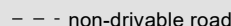
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




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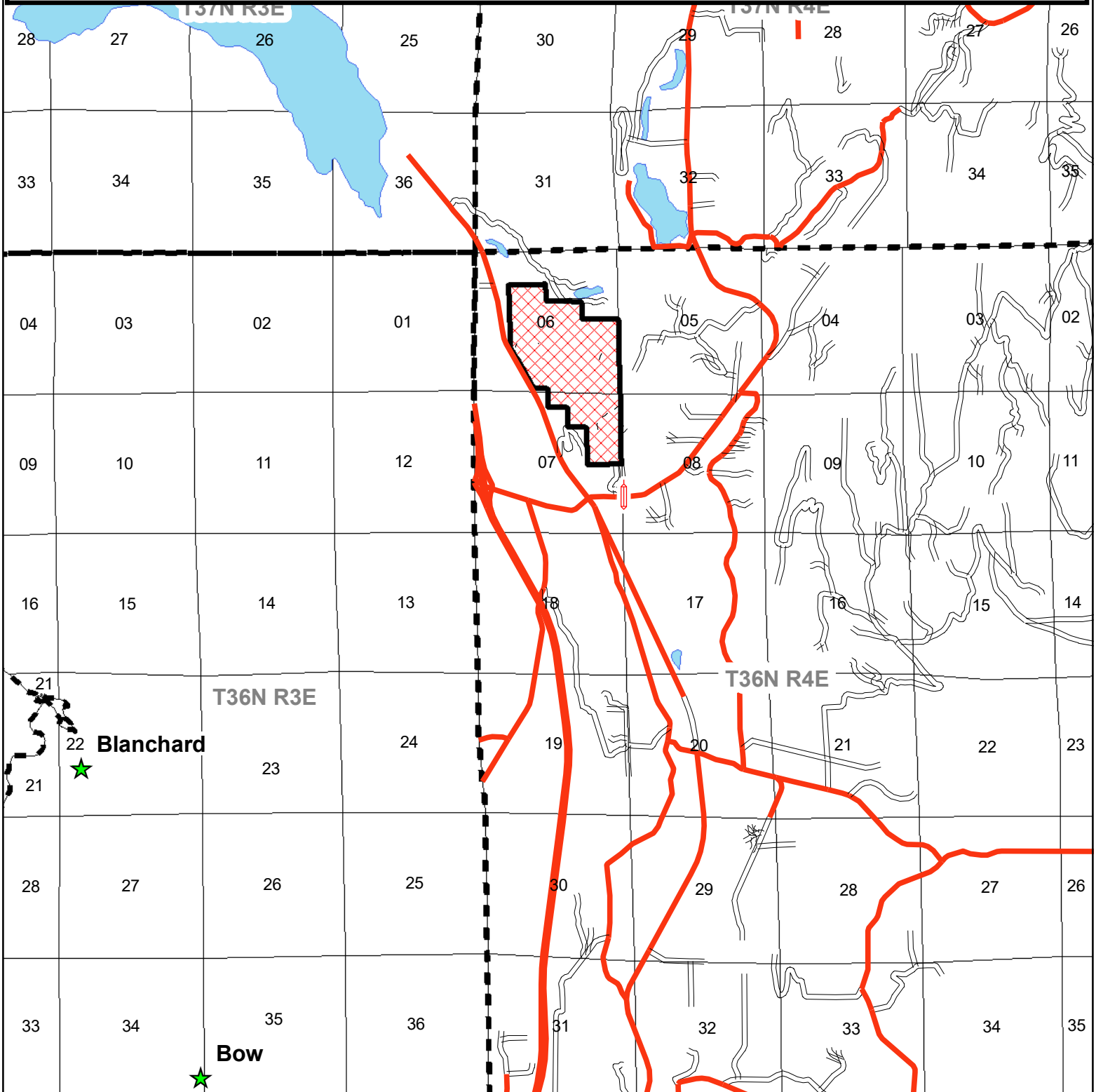
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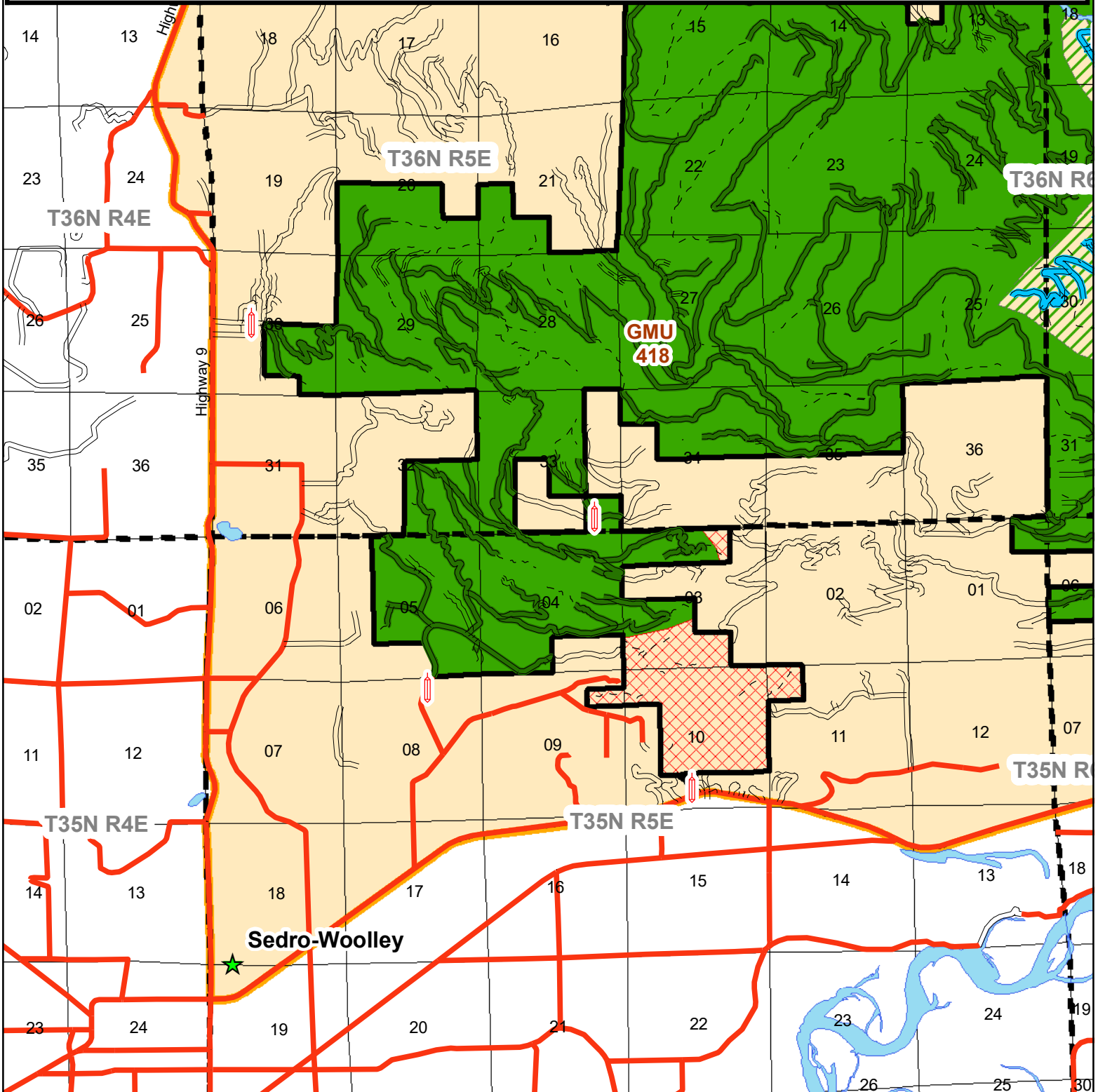
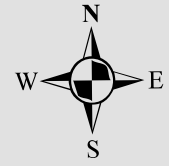
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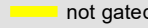
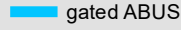
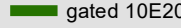
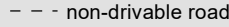
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