

**WHATCOM COUNTY
EXECUTIVE'S OFFICE**
County Courthouse
311 Grand Ave. Suite #108
Bellingham, WA 98225



Pete Kremen
County Executive

August 18, 2010

Mr. Stanley Speaks, Regional Director
Northwest Regional Office
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, Oregon 97232-4169

Dear Mr. Speaks:

Re: Status of Negotiations for Long-term Lease of Tidelands Underlying
Ferry Dock at Gooseberry Point, Lummi Reservation

Early this past February, Lummi Nation and Whatcom County entered into an interim agreement pertaining to the lease of tidelands within the Lummi Reservation at Gooseberry Point in order to accommodate Whatcom County's continued operation of its ferry at that location (where the ferry has operated since the early 1920s). We understand that the existence and terms of the interim agreement were communicated to your agency at that time, and have enclosed a copy of it. During the ensuing months, Whatcom County has been paying to Lummi Nation the promised amount of \$16,667 per month (annualized this amounts to \$200,000). Whatcom County remains committed to continuing these payments pending final resolution, and beyond as may be agreed.

The parties have also continued their negotiations. The enclosed letters are a fair representation of the positions of the respective parties, and reflect the fact that while the parties are hopeful that remaining differences will be settled, we have not yet achieved that goal. We understand that, pursuant to 25 U.S.C. and 25 CFR §162 and/or §169, Bureau of Indian Affairs is the agency within the Department of Interior that has responsibility for making certain that appropriate agreements are in place if land held in trust by the United States for Lummi Nation is to be used by governmental entities such as Whatcom County for right-of-way purposes.

As you will note in the County's letter to Lummi Indian Business Council Chair, Henry Cagey, we believe it may be helpful and thus have urged that we secure the services of a mediator to assist the parties in reaching a final and successful resolution of this matter. We will pursue this further with Lummi Nation as we work together to schedule further negotiations.

Office 360 676 6717

Fax 360 676 6775

TDD 360 738 4555

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Mr. Stanley Speaks, Regional Director, BIA

We welcome whatever assistance your agency can provide to the parties so that a good outcome for Lummi Nation may result within a settlement that is also affordable for Whatcom County and the persons who use the ferry at the location in question. If there are any aspects of procedure that you believe we may be overlooking, or any questions that you have, or any suggestions you may wish to offer to enhance our progress to a successful resolution, we appreciate you bringing those to our attention.

Sincerely,

A handwritten signature in cursive script, appearing to read "Pete Kremen".

Pete Kremen
Whatcom County Executive

Enclosures (3)

cc: Henry Cagey, Chair, Lummi Indian Business Council
Patty Murray, U.S. Senator, Washington
Maria Cantwell, U.S. Senator, Washington
Rick Larsen, U.S. Representative, 2nd District, Washington
Sam Crawford, Chair, Whatcom County Council