



Leech Lake Band of Ojibwe

Eli O. Hunt, Chairman

Linda G. Johnston, Secretary/Treasurer

District I Representative
Peter D. White

District II Representative
Lyman L. Losh

District III Representative
Richard Robinson, Jr.

LEECH LAKE TRIBAL COUNCIL

RESOLUTION NO. 01-29

RESOLUTION ADOPTING TRIBAL HAZARDOUS WASTE ORDINANCE

WHEREAS, Article I, Section 3 of the Revised Constitution and Bylaws of the Minnesota Chippewa Tribe, approved by the Assistant Secretary of the Interior on March 3, 1964, empowers the Tribe "to conserve and develop Tribal resources and to promote the conservation and development of individual Indian trust property, to promote the general welfare of the members of the Tribe; (and) to preserve and maintain justice for its members;" and

WHEREAS, Article III, Section 2 provides for the establishment of the Reservation Business Committee of the Leech Lake Band to serve as the governing body of the Leech Lake Reservation. The Reservation Business Committee is also known as the Reservation Tribal Council (hereafter "Tribal Council"); and

WHEREAS, the authority of the Tribal Council extends to the boundaries of the Leech Lake Reservation and the Territories ceded by the Treaties of 1837 and 1854 where hunting, fishing, ricing and gathering rights were reserved to the Leech Lake Band and its members; and

WHEREAS, the Tribal Council is aware that on September 21, 1984, the U.S. Environmental Protection Agency (EPA) designated the St. Regis/Wheeler Superfund Sites as one of the most polluted sites in the United States by placing it on the National Priority List (NPL) of hazardous waste sites because it presented a significant risk to human health and the environment; and

WHEREAS, the Division of Resource Management (DRM) has been investigating this NPL Superfund site, currently owned by International Paper as the successor in interest to Champion International and has advised the Tribal Council that past and ongoing releases of hazardous substances from the Champion NPL Site may present a substantial risk to the health of persons residing and doing business on the Leech Lake Reservation (Reservation population) and that such releases of hazardous waste may also present a substantial risk to the quality of the land, waters and resources of the Leech

Lake Reservation (Reservation Environment); and

WHEREAS, the Tribal Council did previously direct the DRM to enter into negotiations with EPA and to use best efforts to present the Tribal Council with a fully negotiated Superfund Agreement that provides funding to the Band, establishes the legal framework for an ongoing government-to-government relationship between EPA and the Band, and recognizes the inherent sovereignty of the Band to protect the health of the Reservation Population and the quality of the Reservation Environment; and

WHEREAS, on April 8, 1999 at a special meeting, the Tribal council adopted Resolution No. 99-81 which delegated certain authority to specific Tribal Officers and staff for the purpose of executing and implementing the Superfund Agreement; and

WHEREAS, the authorized Tribal officers and staff did thereafter execute, and are presently implementing, a Superfund Agency Cooperative Agreement; and

WHEREAS, the Tribal Council has been advised by DRM that an environmental emergency exists as a result of the past and continuing release of hazardous substances from the Champion NPL site, and that there may well be other sites that pose a similar threat to the quality of the reservation Environment; and

WHEREAS, the DRM has further advised the Tribal Council that it is necessary for the Leech Lake Band to exercise its sovereign power to adopt hazardous waste clean-up standards that will be protective of the Reservation Population and the Environment; and

WHEREAS, the Tribal Attorney and Special Environmental Counsel concur with DRM and have advised the Tribal Council that the Council possesses the inherent governmental authority to enact such Tribal laws as may be necessary to address this environmental emergency and may exercise its sovereign authority to protect the health and welfare of the Reservation Population and "to conserve and develop Tribal resources and to promote the conservation and development of individual Indian trust property, to promote the general welfare of the members of the Tribe: (and) to preserve and maintain justice for its members.

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Council finds that an environmental emergency exists and that a Tribal Hazardous Waste Ordinance must be Adopted, which contains hazardous waste clean-up standards that are sufficiently stringent to protect the health of the Reservation Population and the quality of the Reservation Environment, and that this Ordinance shall be remedial in nature, so that it may address past actions that are causing present violations of this law, and that this

Ordinance shall come into force and effect immediately upon its enactment by the Tribal Council; and

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Council finds that a Tribal Hazardous Waste Ordinance will only adequately protect the health of the Reservation Population and the quality of the Reservation Environment if it applies with equal force to Tribal members and non-members, and addresses present releases of hazardous substances in addition to past releases of hazardous substances that continue to pose a substantial risk to human health and the quality of the land, waters and resources of the Leech Lake Reservation; and

BE IT FINALLY RESOLVED that the Chairman of the Tribal Council is authorized to take such further action as may be necessary to implement this Resolution.

CERTIFICATION

WE DO HEREBY CERTIFY that the foregoing Resolution was duly presented and acted upon by a vote of 4 for 0 against and 0 silent a Special Meeting of the Leech Lake Tribal Council, a quorum being present, held on August 25, 2000.

Eli O. Hunt
Eli O. Hunt, Chairman
LEECH LAKE TRIBAL COUNCIL

Linda G. Johnston
Linda G. Johnston, Secretary/Treasurer
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