



## Little River Band of Ottawa Indians

375 River Street  
Manistee, MI 49660  
(231) 723-8288

### Resolution # 04-0204-52

*Authorizing the Tribal Ogema to Submit a Petition to the EPA Region V  
Administrator Concerning Non-Attainment Designation for Ozone Air Pollution*

WHEREAS, the status of the *Gaá Čhíng Ziibi Daáwaa Aníshinaábek* (Little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members; and

WHEREAS, the Little River Band of Ottawa Indians reserved certain property rights and other attributes of sovereignty under the 1836 Treaty. These treaty based rights were confirmed, in part, by United States v. Michigan, 471 F.Supp 192 (W.D. Mich. 1979); *affirmed*, 653 F.2d 277 (6th Cir. 1981); *certiorari denied*, 454 U.S. 1124, 102 S.Ct. 971 (1981), and reaffirmed by P.L. 103-324 section 5, and are protected by the United States Constitution (Art. 1, §8, cl. 3 and Art. 6, cl. 2); and

WHEREAS, the maintenance and preservation of the air quality essential to the health of Tribal members, particularly children and Elders, and protection of the environments which support the Band's treaty-reserved property interests in the fisheries of the treaty-ceded waters of the Great Lakes, are critical priorities for the Band and it is the responsibility of the Tribal Council to protect Band property; and

WHEREAS, the Regional Administrator of the U.S. Environmental Protection Agency has requested comments from the Band concerning the proposed designation for ozone air pollution affecting Counties in which the Band's Reservations are located; and

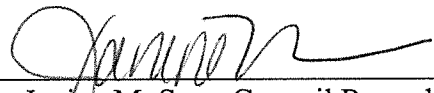
WHEREAS, the Band's Tribal Ogema, with the assistance of consultants retained by the Band and the Band's Legal Department, is finalizing a Petition to the Regional Administrator requesting that Manistee and Oceana Counties be included within the area(s) designated as "Non-Attainment" for EPA's 8-hour ozone criteria; and

WHEREAS, the Tribal Council believes submission of this petition will promote measures to protect and improve the air quality in those Counties in which the Band's Reservation lands are located.

NOW THEREFORE BE IT RESOLVED, that the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes the Tribal Ogema to submit a Petition to the Regional Administrator of the United States Environmental Protection Agency - Region V Concerning Non-Attainment Designations for Ozone Air Pollution in the Shoreline Counties of Northwest Lower Peninsula of Michigan Pursuant to the Clean Air Act, 42 USC§7407.

**CERTIFICATE OF ADOPTION**

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 8 FOR, 0 AGAINST, 1 ABSTAINING, and 0 ABSENT, at a Regular Closed Session of the Little River Band of Ottawa Indians Tribal Council held on February 4, 2004, at the Little River Band's Downtown Offices in Manistee, Michigan, with a quorum being present for such vote.



Janine M. Sam, Council Recorder



Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records  
Tribal Ogema  
Tribal Court