



Little River Band of Ottawa Indians

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

Resolution # 04-1208-500

Adoption of the Little River Band Of Ottawa Indians Opposition to the Proposed State of Michigan Legislation Regarding Sulfide Mining

WHEREAS, the status of the *Gaá Čhing 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 Tribe adopted amendments to the Constitution on April 26, 2004, which became effective upon approval by the Assistant Secretary-Indian Affairs on May 13, 2004; 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 proposed legislation, as presently drafted, would require the Michigan Department of Environmental Quality to process and approve applications for mining permits within time limits designed to facilitate mining proposals and would impose unreasonable time limits that would frustrate the ability of interested Tribes, local governments and community members to review and comment on mining proposals; and

WHEREAS, the legislation would impose unreasonable limits on the Michigan DEQ's ability to promulgate regulations necessary to effectively regulate sulfide mining by prohibiting the Michigan DEQ from enacting regulations governing the permitting and other aspects of mining after one year from the date of enactment of the legislation; and

WHEREAS, the legislation prohibits the MDEQ from amending permits to require mining operators to implement new practices or processes to reduce the risks to public health or the environment which become available and which are technologically and economically feasible; and


WHEREAS, the recognized risks and environmental hazards associated with this form of mining warrant additional consideration prior to authorizing such mining activities in the state.

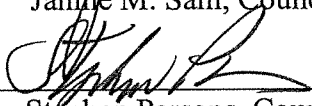
NOW THEREFORE IT IS RESOLVED that the Tribal Council of the Little River Band Of Ottawa Indians opposes this legislation in its current form and would request that the State Legislature consider additional provisions that better protect public health and the environment.

NOW THEREFORE IT IS FURTHER RESOLVED that the Tribal Council requests that the State Legislature establish more specific standards for determining best practices and requiring mine operators to adopt the best available control technologies to limit risk and condition permits on requirements that mine operators adopt new technologies or practices which do not significantly impact the economic feasibility of the mining project.

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 Session of the Little River Band of Ottawa Indians Tribal Council held on December 8, 2004, at the Little River Band's Dome Room 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