

BAD RIVER BAND OF LAKE SUPERIOR TRIBE OF CHIPPEWA INDIANS

CHIEF BLACKBIRD CENTER

P.O. Box 39 • Odanah, Wisconsin 54861

Resolution No. 2-7-18-971

Denial without Prejudice of Clean Water Act Section 401 Certification for Six Regional General Permits (Beach Creation & Nourishment, Beach Raking, Minor Discharges, Piers and Docks, Utilities, and Wildlife Ponds) Issued by the U.S. Army Corps of Engineers

WHEREAS, the Bad River Band of Lake Superior Tribe of Chippewa Indians is a federally recognized Indian tribe with a Constitution enacted pursuant to the Indian Reorganization Act of 1934, 25 U.S.C. Sec. 476; and

WHEREAS, Article VI, Section 1(a) of the Constitution authorizes the Tribal Council to negotiate with Federal, State, and local government on behalf of the Band; and

WHEREAS, Article VI, Section 1(n) of the Constitution directs the Tribal Council to encourage and foster the arts, crafts, traditions, culture, wildlife, and natural resources of the Band, which necessarily includes enhancement and protection of the water resources within the boundaries of the Reservation; and

WHEREAS, there is a need for the Tribe to protect the health and welfare of its members, maintain its political integrity and the economic security of the Tribe and its present and future members; and

WHEREAS, the water resources of the Tribe are integral to its members' health, welfare and economic security, as well as the economic and political integrity of the Tribe itself; and

WHEREAS, the Band obtained treatment in a manner similar to a state for Clean Water Act Sections 303 and 401 program authority from the U.S. Environmental Protection Agency on June 26, 2009;

WHEREAS, the Band has taken all steps required under Tribal Law and federal law to issue Clean Water Act Section 401 certification decisions of the Regional General Permits;

WHEREAS, the Band, after consultation with the Band's Natural Resources Department, finds that denial without prejudice of the certifications for the Beach Creation & Nourishment, Beach Raking, Minor Discharges, Piers and Docks, Utilities, and Wildlife Ponds Regional General Permits is necessary to protect (a) the health and welfare of the Band, its members, and others living on its Reservation, and (b) the present and future use of Reservation waters for propagation of fish and aquatic life and wildlife, cultural, and other legitimate uses;

NOW, THEREFORE, BE IT RESOLVED that the Tribal Council hereby denies without prejudice the 401 certifications of these six Regional General Permits and reserves the opportunity to revisit its certification decision in order to certify, deny certification, or conditionally certify to these Regional General Permits.

AND BE IT FURTHER RESOLVED that the Tribal Council directs the Natural Resources Department to submit the certification decisions to the U.S. Army Corps of Engineers.

Certification

I, the undersigned, as Secretary of the Bad River Band of Lake Superior Tribe of Chippewa Indians, an Indian Tribe organized under Section 16 of the Indian Reorganization Act, hereby certify that the Tribal Council is composed of seven members, of whom 6 members, constituting a quorum, were present at a meeting hereof duly called, noticed, convened, and held on the 7 day of February, 2018; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 5 members; 0 against; and 0 abstaining, and that the said resolution has not been rescinded or amended.


Rae Ann Maday, Secretary
Bad River Tribal Council