

LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS
7500 Odawa Circle
Harbor Springs, MI 49740

RESOLUTION # 071005-04

To Join the Amicus Brief Being Drafted by the Little River Band of Ottawa Indians in Litigation to Block the United States Environmental Protection Agency's "Cap and Trade" Mercury Regulation and Regulation De-Listing Mercury as a Hazardous Air Pollutant in State of New Jersey et al v. Environmental Protection Agency

WHEREAS: the Little Traverse Bay Bands of Odawa Indians ("LTBB" or "Tribe") is a Federally recognized Indian Tribe reaffirmed by the United States Congress on September 21, 1994 in Public Law 103-324, as amended, which exercises sovereign governmental authority over the people, land, and water within its jurisdiction and administers a wide range of governmental programs;

WHEREAS: the Little Traverse Bay Bands of Odawa Indians Tribal Council is the elected governing body of the Tribe;

WHEREAS: the management and protection of LTBB's treaty-reserved property interests in the fisheries and other resources within the 1836 Ceded Territory is a critical priority of LTBB and it is the responsibility of the United States, as Trustee for the Band and other 1836 Treaty Bands/Tribes;

WHEREAS: the Tribal Council recognizes that mercury pollution severely limits the quantity of fish that Tribal members may safely consume, most particularly because of impacts to children that include loss of IQ, attention deficit disorder, cerebral palsy and autism;

WHEREAS: a number of States have filed separate lawsuits in the United States Court of Appeals for the District of Columbia Circuit against EPA challenging EPA's proposal to institute a "cap and trade" mercury reduction rule (State of New Jersey et al v Environmental Protection Agency, No. 05-11162) and its decision to de-list mercury as a hazardous air pollutant (State of New Jersey et al v. Environmental Protection Agency, No. 05-1097);

WHEREAS: attorneys representing the States in that litigation believe that their efforts to require EPA to institute regulations for controlling mercury pollution commensurate with the known health and environmental effects associated with mercury's status as a toxic air pollutant can be enhanced by specific factual and legal arguments concerning the impact EPA's proposed regulations have on Indian tribal governments and their citizens;

WHEREAS: the Little River Band of Ottawa Indians has begun drafting an amicus brief on this issue and has requested the support of LTBB in this effort;

WHEREAS: the Tribal Council believes it is necessary and appropriate for the Band to support that effort;

THEREFORE BE IT RESOLVED the Tribal Council of the Little Traverse Bay Bands of Odawa Indians hereby join the Little River Band of Ottawa Indians in the drafting and submission of an amicus brief on this issue.

CERTIFICATION

As Tribal Chairman and Tribal Secretary, we certify that this Resolution was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held July 10, 2005 at which a quorum was present, by a vote of 7 in favor, 0 opposed, 0 abstentions, and 0 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Frank Ettawageshik	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Beatrice Law	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Alice Yellowbank	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Dexter McNamara	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Fred Harrington, Jr.	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Rita Shananaquet	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Regina Bentley	<u> x </u>	<u> </u>	<u> </u>	<u> </u>

Date: _____

Frank Ettawageshik, Tribal Chairman

Dexter McNamara, Tribal Secretary