



LEECH LAKE RESERVATION BUSINESS COMMITTEE

RESOLUTION NO. 2015-27

RESOLUTION TO APPROVE, AS A MATTER OF TRIBAL LAW AND POLICY, THE ATTACHED MDH AND LLBO-DRM LETTER HEALTH CONSULTATION DATED APRIL 18, 2014, AND ADOPT THE SOIL SAMPLING RECOMMENDATIONS AS TRIBAL REQUIREMENTS TO BE IMPLEMENTED AS APPLICABLE OR RELEVANT AND APPROPRIATE REQUIREMENTS WITHIN THE EXTERIOR BOUNDARIES OF THE LEECH LAKE RESERVATION

- WHEREAS,** The Leech Lake Band of Ojibwe ("Band") is a Federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, and operating under the Revised Constitution and Bylaws of the Minnesota Chippewa Tribe; and
- WHEREAS,** Pursuant to its inherent sovereign authority and its By-Laws, the Band's Reservation Business Committee ("RBC"), made up of duly elected representatives, is the governing body of the Band, having all the legislative powers and responsibilities of the tribal government; and
- WHEREAS,** The RBC is charged with the responsibility of protecting and advocating for the health and welfare of Leech Lake Band members within the exterior boundaries of the Leech Lake Indian Reservation; and
- WHEREAS,** The Band has inherent authority over matters which threaten the health safety and welfare of the Band's members, resources, and the quality of lands and waters within the exterior boundaries of the Leech Lake Reservation ("Reservation Environment"); and
- WHEREAS,** The United States Environmental Protection Agency ("EPA"), consistent with its duty as trustee of the Reservation Environment is working with the Band, as a partner, in the cleanup of the St. Regis Superfund Site which is wholly within the Reservation Environment; and
- WHEREAS,** The Band previously enacted Resolution No. 2009-180 on June 11, 2009, which provided the EPA with the Band's regulatory analysis establishing the regulatory framework to be applied within the Reservation Environment to protect the health, safety and welfare of Band members and the Reservation Environment; and

WHEREAS, The Band previously enacted Resolution No. 09-34 on August 26, 2008, which adopted the Leech Lake Band of Ojibwe Land Acquisition Ordinance (No. 2009-01) to further facilitate the Band's ability to acquire land(s) in its ancestral homelands and have them placed in trust. All soil sampling procedures applicable to such future Tribal lands so that the lands may be determined to be in full compliance with applicable Tribal law and subsequently placed into trust status; and

WHEREAS, On April 18, 2014, the Minnesota Department of Health ("MDH") and the Leech Lake Band of Ojibwe Division of Resource Management ("LLBO-DRM") issued a joint Letter Health Consultation ("LHC") regarding Site soils at the St. Regis National Priority List ("NPL") Site. A copy of the Letter Health Consultation is attached as Exhibit A, and incorporated as part of this Resolution; and

WHEREAS, The Letter Health Consultation identified significant surface soil contamination data gaps for residentially-zoned and other areas with regard to current dioxin exposure to people and the environment within the exterior boundaries of the Leech Lake Reservation; and the MDH and LLBO-DRM found that:

"Past soil screening results demonstrate dioxin contamination remains in all surface soils areas of the Site..." (Letter Health Consultation ("LHC") at 4).

"Many of the past measurements of dioxin in surface soils at the Site were obtained from composite samples..." (LHC at 7).

"This is a long standing health concern and a major hindrance to development in [an] economically challenged region of the LLBO reservation" (LHC at 9); and

WHEREAS, The Letter Health Consultation went on to make a number of recommendations, including the following:

"1. A more detailed and rigorous sampling strategy than has been used to date is needed to ensure and confirm [that] Site remedial goals protect public health and provide a permanent remedy advancing health equity and environmental justice." (LHC at 9).

"2. Sampling of properties...is needed to measure contamination in surface soil [that following]...a standardized protocol for determining locations of subsamples to achieve a uniform and consistent sample density of one to three 5-point composite samples for each standard (100 x 125 ft.) residential or standard commercial lot..." (LHC at 10).

NOW THEREFORE BE IT RESOLVED, That Leech Lake RBC, at a duly called meeting with a quorum present, does hereby approve and enact, as a matter of tribal law and policy, and incorporate herein by reference, the attached document titled, "April 18, 2014 Letter Health Consultation; Surface Soil Contamination Data Gaps for Residentially-Zoned Areas (Potential Current Dioxin Exposure," and the

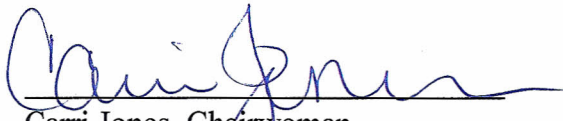
recommendations set out in the attached Exhibit A shall be the law of the LLBO, and shall be applicable to all contaminated, polluted or otherwise impacted on-Reservation soil impacted by dioxin within the exterior boundaries of the Leech Lake Reservation; and


BE IT FURTHER RESOLVED, That the RBC directs that the LLBO-DRM shall take such actions as may be necessary to inform the United States Environmental Protection Agency on the enactment of this Resolution and the LLBO-DRM shall work together with the EPA to implement the sampling procedures described in the Letter Health Consultation, on all lands within the exterior boundaries of the Leech Lake Reservation to protect the health, safety and welfare of the Band's members and the quality of the Reservation Environment; and

BE IT FINALLY RESOLVED, That this Resolution is effective immediately.

CERTIFICATION

WE DO HEREBY CERTIFY that the foregoing Resolution was duly presented and acted on by a vote of 4 for, 0 against and 0 silent at a Special Meeting of the Leech Lake Reservation Business Committee, a quorum being present, held on August 7, 2014 at Cass Lake, Minnesota. Accordingly, this Resolution is duly adopted by the Reservation Business Committee for the Leech Lake Band of Ojibwe, and the Reservation Business Committee further certifies that this Resolution is in full force and has not been amended or rescinded in any way.


Carri Jones, Chairwoman
Leech Lake Band of Ojibwe


Arthur LaRose Secretary/Treasurer
Leech Lake Band of Ojibwe