Forest County Potawatomi Community
P.O. Box 340, Crandon, Wisconsin 54520

POTAWATOMI
(Keeper of the Fire)

FOREST COUNTY POTAWATOMI COMMUNITY OF WISCONSIN
EXECUTIVE COUNCIL RESOLUTION

Designating Air Quality-Related Values for Reservation Lands
Resolution No: 057-2011

WHEREAS, the Forest County Potawatomi Community of Wisconsin ("FCPC" or the "Tribe") is a federally-recognized Indian Tribe organized under a Constitution adopted June 5, 1982, and approved by the Secretary of the Interior on July 14, 1982 ("Constitution"), pursuant to the provisions of the Indian Reorganization Act of 1934, as amended, and

WHEREAS, the Constitution was adopted "in order to continue our tribal organization, to conserve and develop our common resources and to promote the welfare of ourselves and our descendants" Constitution, Preamble; and

WHEREAS, Article I of the Constitution provides that "[t]he territory and jurisdiction of the Forest County Potawatomi Community shall embrace lands purchased by the United States for the occupancy and use of the Wisconsin Potawatomies residing in Wisconsin, and any additional lands acquired by the Federal Government or the Community under any law of the United States, except as otherwise provided by law;" and

WHEREAS, the Tribe formerly occupied homelands comprising millions of acres in the areas that are now the States of Ohio, Michigan, Indiana, Illinois and Wisconsin; and

WHEREAS, the Tribe's homelands lands were lost through a series of cessions to the United States during the 19th century, made under duress; and

WHEREAS, the Tribe's trust lands currently comprise approximately 12,126 acres, commonly referred to as the Tribe's reservation ("Reservation"); and

WHEREAS, after a 15-year long dedicated Tribal effort and despite significant opposition from the State of Michigan, the United States Environmental Protection Agency (1) determined that all areas of the Tribe's Reservation in Forest County 80 acres or more in size are eligible for Class I status under the Clean Air Act and (2) designated large portions of the Tribe's Reservation as a Class I area (the "FCPC Class I Area"); and

WHEREAS, Class I status is the highest air quality category recognized by the federal government and typically is applied to national parks and other pristine areas; and

WHEREAS, it is the solemn duty of the General Council and the Executive Council to preserve and protect the land, water, air and other natural resources of the Reservation for the benefit of future generations; and

WHEREAS, FCPC's Class I status and its 1999 Class I agreement with the State of Wisconsin (the "FCPC/Wisconsin Class I Agreement") currently designates and protects certain Air Quality

Related Values ("AQRVs"), namely aquatic systems and water quality, which help protect the Reservation's water and fish from toxic methyl mercury; and

WHEREAS, under the Tribe's Class I status and the FCPC/Wisconsin Class I Agreement, the Tribe has the authority to designate additional AQRVs, as well as "threshold effects levels" for each AQRV, so that the emissions from new or modified major sources of air pollution do not adversely affect the Tribe's AQRVs; and

WHEREAS, under the FCPC/Wisconsin Class I Agreement as clarified by a Memorandum of Understanding between the Tribe and the Wisconsin Department of Natural Resources, on or before July 31, 2012, FCPC has the right to change the existing AQRVs or add AQRVs ("New AQRVs") and shall establish the threshold effects levels for the existing AQRVs and New AQRVs; and

WHEREAS, the Tribe wishes to enhance the protections available pursuant to its Class I status and the FCPC/Wisconsin Class I Agreement by designating additional AQRVs, as well as threshold effects levels for all of its AQRVs; and

WHEREAS, the Tribe has determined that in order to protect the Tribe's environmental and cultural practices in the FCPC Class I Area, it is important to designate visibility and night skies as well as vegetation as AQRVs; now therefore be it:

RESOLVED, the Tribe reiterates its designation of aquatic systems and water quality as AQRVs and designates the following additional AQRVs: visibility and night skies, and vegetation.

RESOLVED, that the Chairman is authorized to take such additional action as may be necessary and prudent to carry out the purposes of this Resolution, including but not limited to designating threshold effects levels of the FCPC Class I Agreement for AQRVs that properly protect those AQRVs, and taking any other steps necessary to make such designation legally enforceable.

CERTIFICATION

I, Lorna Shawano, the undersigned Secretary of the Forest County Potawatomi Executive Council, do here certify that 4 members constituted a quorum at a meeting duly called, convened, and held on the 3rd day of August, 2011, and that the above resolution was duly adopted by an affirmative vote of 3 members for and 0 members against, and 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

Lorna Shawano

Lorna Shawano
Tribal Secretary, Executive Council
Forest County Potawatomi Community

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