

**RED LAKE BAND
of CHIPPEWA INDIANS
RED LAKE NATION HEADQUARTERS**



OFFICERS:
 GEORGE KING, Chairman
 JUDY ROY, Secretary
 DARRELL G. SEKI, SR., Treasurer

DISTRICT REPRESENTATIVES:
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 RUDY JOHNSON
 JULIUS "TOADY" THUNDER
 ALLEN PEMBERTON
 ROMAN "DUCKER" STATELY, JR.
 JIM WHITE
 WILLIAM "BILLY" GREENE
 RICHARD BARRETT, SR.

ADVISORY COUNCIL:
 7 HEREDITARY CHIEFS

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RESOLUTION NO. 269-03

Upon a motion by Secretary Judy Roy and second by Representative Jim White, the following was enacted:

WHEREAS, the Red Lake Tribal Council is the governing body of the Red Lake Band of Chippewa Indians; and

WHEREAS, the North Dakota Department of Health (NDDH) has issued North Dakota Pollution Discharge Elimination System (NDPDES) Permit No. ND0026247 to the State of North Dakota for the construction of an outlet to Devil's Lake and has, in fact, already begun construction of the same; and

WHEREAS, the NDDH failed to either respond to comments or incorporate the recommendations provided by the Minnesota Pollution Control Agency (MPCA) and the Minnesota Department of Natural Resources (MDNR) in a comment letter on the draft permit dated 21 May 2003, which echo the concerns expressed by our Canadian neighbors; and

WHEREAS, the current Devil's Lake Outlet Plan differs significantly from the plan that was formerly proposed by the Corps of Engineers (COE), and as such the implementation of the plan would result in an inherent and unacceptable risk for the transfer of biota, and in particular-exotic species and pathogens, from the (currently closed) Devil's Lake system into the Red River Basin; and

WHEREAS, the Red Lake Band of Chippewa Indians is greatly concerned about the potential ramifications of the release of exotic species or pathogens into the Red River and thereby into the Red Lake Reservation via the Red Lake River, and possibly into the Red Lakes themselves to the substantial detriment of the Red Lake Fishery and the Walleye Rehabilitation effort; now

THEREFORE BE IT RESOLVED, that the Red Lake Tribal Council shares the concerns of the Spirit Lake Tribe, the State of Minnesota, the State of Missouri, the (affected) First Nations of Canada, the Province of Manitoba and the Federal Government of Canada, and hereby requests that the EPA Administrator exercise her authority to object to and/or revoke issuance of permit ND0026247 under Section 402(d) of the Federal Water Pollution Control Act and CFR § 123.44; and

BE IT FURTHER RESOLVED, that the Red Lake Tribal Council encourages the EPA, the COE, and the BIA to be mindful of, and to fully exercise their responsibilities in regards to, the protection of Indian trust resources in any decisions or communications made regarding permitting for the Devil's Lake Outlet Project.

FOR : 10
AGAINST : 0

We do hereby certify that the foregoing resolution was duly presented and enacted upon at the Regular Meeting of the Tribal Council held on Tuesday, November 11, 2003, with a quorum present, at the Red Lake Nation Headquarters, Red Lake.

George King
 GEORGE W. KING, CHAIRMAN

Judy Roy
 JUDY ROY, SECRETARY