

BAD RIVER BAND OF LAKE SUPERIOR TRIBE OF CHIPPEWA INDIANS

CHIEF BLACKBIRD CENTER

P.O.Box 39 • Odanah, Wisconsin 54861

RESOLUTION NO. # 2-2-11.365

Addition of Chemical Application Regulations to the Bad River Band Sloughs Protection Ordinance.

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. Section 476; and

WHEREAS: Article VI, Section 1(t) of the Constitution authorizes the Tribal Council to regulate, by the enactment of ordinances, the activities of hunting, fishing, ricing, trapping, boating, snowmobiling, and recreational vehicles by members and non-members within the exterior boundaries of the Bad River Reservation, as defined in Article 1 – Section 1 of the Constitution, including the power to limit boat and motor sizes of members and non-members, to levy taxes or license fees upon members and non-members for such activities.

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; and

WHEREAS: Chapter 327 The Bad River Band Sloughs Protection Ordinance was enacted in its entirety on February 4, 1998 by the Tribal Council Resolution Number 2-4-98-114 and was renumbered to Chapter 340 and sections 327.7 and 327.99(b) (now 340.7 and 340.9(b) respectively)

NOW, THEREFORE, BE IT RESOLVED, that the Bad River Tribal Council hereby approves:

1. The addition of the new chemical application policies to the Bad River Band Sloughs Protection Ordinance presented at this meeting and attached hereto as Exhibit "A"
2. Directs the Natural Resources Department to implement those procedures designated by the Ordinance to avoid or minimize damage to wetlands within the boundaries of the reservation.

AND BE IT FURTHER RESOLVED, that the Tribal Council hereby authorizes the Tribal Chair or designated representative to negotiate and/or modify any documents necessary to implement the addition to the regulations.

CERTIFICATION

I, the undersigned as Secretary of the Bad River Band of the 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 5 members, constituting a quorum, were present at a meeting hereof duly called, noticed, convened, and held on the 2nd day of FEB., 2011 that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 4 members; 0 against; and 0 abstaining, and that the said resolution has not been rescinded or amended.

Loretta Ford
Loretta Ford, Secretary
Bad River Tribal Council

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February 2, 2011

February 2011 Council Meeting

REQUEST FOR AGENDA ITEM NO. _____

REQUEST FOR AGENDA ITEM

Pesticide regulation addition to the Sloughs Protection Ordinance

SUMMARY

In the past it has been policy within the Bad River Natural Resources Department to discontinue the application of pesticides for the treatment of invasive species in the Kakagon and Bad River Sloughs during Wild Rice Harvest Season. Upon the end of the wild rice season, pesticide use was continued. This addition to the ordinance would prevent pesticides from being applied in the Sloughs starting a minimum of 14 days prior to the anticipated start of the Wild Rice Harvest Season through the end of the Wild Rice Harvest Season.

RECOMMENDATION

Allow language to be added to the Sloughs Protection ordinance that prevents the use of pesticides during a time period beginning a minimum of 14 days before the start of the wild rice harvest season through the end of the wild rice harvest season.

Attachments:

A: Resolution for the addition to the Sloughs Protection Ordinance

B: Language to be included in the sloughs protection ordinance

Prepared by: Kyle Hanson, Wetlands Specialist

Contact person: Naomi Tillison, Water Resources Specialist
Kyle Hanson, Wetlands Specialist

Exhibit A

The following is proposed to be added to the "Bad River Band Sloughs Protection Ordinance" Chapter 340-SLOUGHS PROTECTION of the Conservation Code:

Section 340.4 – Definitions

(r) "Pesticide" means chemicals used for the control of any population of invasive, exotic, and/or nuisance species in concurrence with the National Pollution Discharge Elimination System (NPDES) Pesticides General Permit

Section 340.6 – Prohibitions and Requirements

(f) Restriction on Pesticide use. The use of pesticides in the sloughs will cease a minimum of 14 days prior to the anticipated opening of the tribe's wild rice harvest season. Pesticide application will continue to be prohibited until the closing of the wild rice harvest season as determined by the Bad River Natural Resources Department and the Wild Rice Committee.