



Leech Lake Band of Ojibwe

Eli O. Hunt, Chairman

Linda G. Johnston, Secretary/Treasurer

District I Representative
Peter D. White

District II Representative
Lyman L. Losh

District III Representative
Richard Robinson, Jr.

LEECH LAKE TRIBAL COUNCIL RESOLUTION No. 01-73

RE: LEECH LAKE RESERVATION POSITION ON FISH CONSUMPTION GUIDANCE AND WATER QUALITY STANDARDS

- WHEREAS, Article 1, Section 3, of the Revised Constitution and the By-Laws of the Minnesota Chippewa Tribe, approved by the Assistant Secretary of the Interior on March 3, 1964, empowers the Tribe “to conserve and develop tribal resources and to promote the general welfare of the members of the Tribe; (and) to preserve and maintain justice for its members”, and
- WHEREAS, Article III, Section 2, establishes the Tribal Council of the Leech Lake Band to serve as the governing body of the Leech Lake Reservation; and
- WHEREAS, the jurisdictional authority of the Leech Lake Tribal Council extends to all lands within the exterior boundaries of the Leech Lake Reservation and all territories ceded by the Treaties of 1837 and 1855 where hunting, fishing, and gathering rights were reserved to the Leech Lake Band and its members; and
- WHEREAS, the Leech Lake Tribal Council has applied for Treatment as a State (TAS) for Section 303 of the Clean Water Act to set water quality standards that are protective of the Band’s designated uses which include subsistence fishing; and
- WHEREAS, the Division of Resource Management (DRM) has advised the Leech Lake Tribal Council that there are some tribes and tribal organizations (tribal agencies) that are publishing conflicting and unhealthy fish consumption guidance for mercury in Indian Country; and
- WHEREAS, these tribal agencies are utilizing a guidance of 0.5 parts per million (ppm) of mercury as safe for women and children. This 0.5 ppm mercury concentration is used by many state health departments to calculate consumption advise for the “average American” who consumes about five (5) pounds of fish per year; and
- WHEREAS, the Treaties of 1837 and 1855 reserved subsistence hunting, fishing and gathering activities of band members; and



WHEREAS, the Leech Lake Environmental Department in conjunction with the Minnesota Chippewa Tribe have been utilizing a subsistence threshold mercury fish tissue concentration consumption guideline of 0.02 ppm based on consumption of 180 pounds of fish per year (15 pounds per month); and

WHEREAS, the Leech Lake Tribal Council is obligated to protect the health and welfare of tribal members, and the treaty rights of the Leech Lake Band of Ojibwe.

NOW, THEREFORE, BE IT RESOLVED, that the Leech Lake Tribal Council does hereby take the position that in order to provide protection for the health, welfare, and treaty rights of tribal members, that 180 pounds of fish per year will be the subsistence consumption rate for the Leech Lake Band of Ojibwe, to be used in promulgating resource protection standards and guidance.

BE IT FINALLY RESOLVED, that the Leech Lake Tribal Council designates the DRM Director to act directly on its behalf to oversee and administer any related issues and matters.

WE, DO HEREBY CERTIFY, that the foregoing resolution was duly presented and adopted by a vote of 3 For, 0 Against, and 0 Silent at a Special Meeting of the Leech Lake Tribal Council, a quorum being present, held on January 11, 2001 at Cass Lake, Minnesota.

Eli O. Hunt

Eli O. Hunt, Chairman

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Linda G. Johnston

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