

SAINT REGIS MOHAWK TRIBE

TRIBAL COUNCIL CHIEFS
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TRIBAL CLERK
CAROL HERNE
TRIBAL ADMINISTRATOR
SAKAKOHE PEMBLETON

RESOLUTION ESTABLISHING TRIBAL EMERGENCY POLLUTION AUTHORITY 89-34 TRIBAL COUNCIL RESOLUTION

WHEREAS, the St. Regis Mohawk Tribe, as a sovereign nation, has fundamental civil regulatory powers enabling it to protect the health, safety and welfare of all people within the exterior boundaries of the Reservation; and

WHEREAS, the sovereign Saint Regis Mohawk Tribe has empowered the Tribal Council to act on the Tribe's behalf as the governing body of the Saint Regis Mohawk Tribe within the borders of the United States of America to protect the health and welfare of the people, maintain law and order, and preserve and enhance their culture and the living and non-living resources of Akwesasne, and;

WHEREAS, the Tribal Council has been authorized to act on the Tribe's behalf by enacting ordinances, adopting resolutions, negotiating intergovernmental agreements, conducting studies, and taking such further action as may be necessary to protect the public health, the quality of the environment and living resources upon which the Tribe relies, and;

WHEREAS, the Saint Regis Mohawk Tribe has a primary interest in protecting the health and welfare of all people who reside or do business on the Saint Regis Mohawk Indian Reservation and in protecting the Reservation environment and the health and welfare of the Reservation population from imminent and substantial endangerment due to the release or threatened release of pollution.

NOW, THEREFORE, BE IT RESOLVED, that it shall be unlawful for any person or entity to discharge, or threaten to discharge pollution into the land, air or waters of the Reservation environment, which discharges or threatened discharge presents an imminent and substantial endangerment to the health, safety or welfare of the Reservation population.



AKWESASNE "LAND WHERE THE PARTRIDGE DRUMS"

BE IT FURTHER RESOLVED, the Tribal Council may act, without prior notice or hearing, to further protect the public's health, safety or welfare by issuing written orders to the person or persons responsible for the discharge or threatened discharge requiring that the person or persons causing such pollution immediately discontinue such discharge and appear before the Tribal Council at the time and place specified in such written order and provide information pertaining to the violations and conditions alleged in such order.

BE IT FURTHER RESOLVED, that the Tribal Council upon receipt of evidence that a pollution source or combination of sources is presenting an imminent and substantial endangerment to the health of persons or to the welfare of persons where such endangerment is to the wildlife, or other products or goods, may bring suit on behalf of the St. Regis Mohawk Tribe in the appropriate U. S. District Court to immediately restrain any person causing or contributing to the alleged pollution to stop the discharge of pollutants causing or contributing to such pollution or to take such other action as may be necessary.

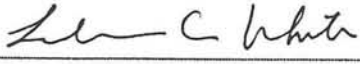
BE IT FINALLY RESOLVED, that in addition to other civil fines and remedies, the Tribal Council may assess the owners or operators of the pollution source (s) for all governmental and administrative costs incurred, including legal fees and expenses related to the Tribe's response to such discharge or threatened discharge of pollution into the Reservation environment.

SAINT REGIS MOHAWK TRIBE



Chief Harold Tarbell

Chief L. David Jacobs



Chief Lincoln C. White

CERTIFICATION

I, Carol T. Herne, hereby certify that the above resolution was duly enacted by the Saint Regis Mohawk Tribal Council on the 26th day of September, 1989; a quorum being present, with a vote of 2 for, 0 against.

Carol T. Herne
Tribal Clerk - Carol Herne

89-34: jr7