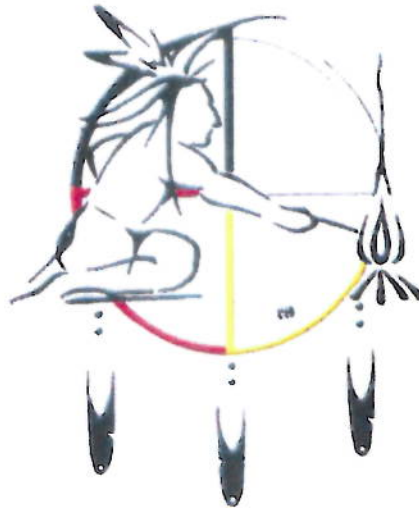


Forest County Potawatomi Community



application for

Treatment In the Same Manner As A State (TAS)

Under the Clean Air Act

July 22, 2009

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July 22, 2009

VIA UPS OVERNIGHT DELIVERY

Mr. Bharat Mathur
Acting Regional Administrator
U.S. Environmental Protection Agency
Region V
77 West Jackson Blvd.
Chicago, IL 60604

RE: Application for Treatment in the Same Manner as States under Section 301 (d) of the
Clean Air Act for Section 126 authorization, Section 505 (a) (2) affected state authority
and Section 105 Program Funding ("Application")

Dear Mr. Mathur:

Enclosed please find one original and one copy of the Application. Also enclosed please find
extra copies of maps of the Forest County Potawatomi Land Base which had been requested by Ben
Giwojna.

Thank you for your attention to this matter.

Very truly yours,

FOREST COUNTY
POTAWATOMI COMMUNITY

Kathleen A. Haase

Kathleen A. Haase
Legal Executive Assistant/Paralegal

Enclosures

cc: Jeffrey A. Crawford, Esq.
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Forest County Potawatomi Community

P.O. Box 340, Crandon, Wisconsin 54520

July 6, 2009

Mr. Bharat Mathur
Acting Regional Administrator
U.S. Environmental Protection Agency
Region V
77 West Jackson Blvd
Chicago IL 60604

Re: Application for Treatment in the Same Manner as States under Section 301 (d) of the Clean Air Act for Section 126 authorization, Section 505 (a) (2) affected state authority and Section 105 Program Funding

Dear Acting Administrator Mathur,

The Forest County Potawatomi Community (FCPC) hereby requests program approval from the United States Environmental Protection Agency (EPA) for the purposes of being treated in the same manner as states (TAS) under provisions of Section 301 (d) of the Clean Air Act (CAA), 42 U.S.C. § 7601 (d) and the Tribal Authority Rule (TAR), 40 C.F.R. § 49.1 et. seq., for the purposes of CAA Section 126 authorization, Section 505 (a)(2) affected state authority, and Section 105 program funding.

The Tribe, with approximately 1,200 enrolled members, calls the area in and around the towns of Blackwell, Carter, Wabeno and Crandon in Northeastern Wisconsin their home. Approximately 600 enrolled members reside on or near the FCPC "checker board" Reservation which is spread throughout the Nicolet National Forest and covered predominately by northern hardwood forests. The rolling glacial remnant topography of drumlin hills and kettle depressions provides for a diverse wetland system that includes scattered tamarack and black spruce bogs, marshes of cattails and water lilies, and lakes teeming with fish. The Tribe seeks TAS status to allow it to better protect its members as well as its beautiful and water-rich environment.

Pursuant to CAA Section 301(d), the FCPC wishes to expand the Tribe's regulatory authority to effectively operate its air resources management program. This authority to manage air resources would apply to all FCPC trust lands located in Northeastern Wisconsin, including Forest, Oconto and Marinette Counties, and comprised of original trust lands, fee lands entered into trust, and tribal member allotments held in trust. The Tribe intends to submit additional TAS applications for future Tribal lands when they are entered into trust. This request intentionally excludes trust lands held by the Tribe in the City of Milwaukee, Milwaukee County and FCPC fee lands in Oconto, Shawano and Fond du Lac Counties; however, the Tribe reserves the right to apply for TAS status for such lands in the future.

This letter demonstrates that the Forest County Potawatomi Community is in full compliance with the applicable regulatory criteria required under 40 C.F.R. §§ 49.6 and 49.7, and thus qualifies for TAS status under the Clean Air Act. In particular, the Tribe qualifies for

TAS for the purposes of CAA Section 126 authorization, Section 505 (a) (2) affected state authority, and Section 105 program funding.

CAA Section 505(a)(2) affected state status. Authorization is sought for the purposes of CAA Section 505 (a) (2), which provides that a state issuing an air pollution permit shall notify states that are affected and contiguous or within a 50-mile radius of the facility being permitted and provide the potentially affected states an opportunity to submit written recommendations. If any part of those recommendations is not accepted by the state issuing the permit, the state shall notify the affected state and the EPA Administrator in writing and identify the reasons for its actions. Under this authority, the FCPC will be entitled to notification by any state (Wisconsin or Michigan) issuing permits for sources within 50-miles of the Reservation and must be notified should the state(s) not accept any of the FCPC recommendations.

CAA Section 126 authorization. Authorization is also sought for the purpose of CAA Section 126, which would require that the FCPC receive notice of new or existing major sources in nearby states that are subject to New Source Review or that may significantly contribute to levels of air pollution in excess of NAAQS on FCPC reservation lands. The FCPC would then have the right to petition EPA for a finding that major stationary sources or groups of sources in upwind states are significantly contributing to nonattainment or interfering with maintenance of a NAAQS on FCPC reservation lands or are interfering with measures required by New Source Review.

Section 105 program funding. In conjunction with the requesting approval for treatment as an affected state, the FCPC also seeks approval for Section 105 program funding. 42 U.S.C. § 7405. Under CAA § 301 (d)(5), EPA will provide a maximum federal contribution of 95% for financial assistance under Section 105 to those tribes eligible for treatment in the same manner as a state for two years from the initial grant award. After the initial two-year period of a 5% tribal match, EPA will increase each tribe's minimum cost share to 10%, as long as EPA determines that the tribe meets certain objectives and readily-available economic indicators that would provide an objective assessment of the tribe's ability to increase its share. The FCPC currently seeks approval of these programs for the management and protection of the air resources within the exterior boundaries of the FCPC Reservation.

I. The Forest County Potawatomi Community Meets the Application Criteria for Treatment in the same Manner as a State.

Section 301 (d) of the Tribal Authority Rule (TAR) under the Clean Air Act (CAA) and the EPA's implementing regulations at 40 C.F.R. § 49.1 et. seq., authorize the EPA Administrator to treat an Indian Tribe in the same manner as a state for the CAA provisions identified in 40 C.F.R. § 49.3 if it meets the following criteria: (1) the applicant is an Indian Tribe recognized by the Secretary of the Interior; (2) the Indian Tribe has a governing body carrying out substantial governmental duties and functions; (3) the functions to be exercised by the Indian Tribe pertain to the management and protection of air resources within the exterior boundaries of its reservation or other areas within the tribe's jurisdiction; and (4) the Indian Tribe is reasonably expected to be capable, in the EPA Regional Administrator's judgment, of carrying out the functions to be exercised in a manner consistent with the terms and purpose of the CAA and all applicable regulations. 40 C.F.R. §§ 49.6 and 49.7.

1. The Forest County Potawatomi Community is recognized by the Secretary of Interior in accordance with 40 C.F. R. §§ 49.6(a) and 49.7(a)(1).

The Forest County Potawatomi is a federally recognized Indian Tribe operating under a Constitution, originally ratified by the FCPC membership in 1937, which was renewed on June 5, 1982 and approved by the Secretary of the Interior on July 14, 1982. The FCPC Constitution is incorporated herein by reference and attached hereto as Exhibit "A."

The Federal Register also regularly includes the Forest County Potawatomi on the Secretary of the Interior's published list of federally recognized tribes. The most recent Federal Register list, 70 Fed. Reg. 18553, at 18554 (2008), is incorporated herein by reference and attached hereto as Exhibit "B."

2. The Forest County Potawatomi Community has a governing body that is carrying out substantial governmental duties and powers over a defined area in accordance with 40 C.F.R. §§ 49.6(b) and 49.7(a)(2).

The Forest County Potawatomi Community is currently carrying out substantial governmental duties and powers over its Reservation in accordance with the standards set forth in 40 C.F.R. §49.7(a)(2).

(i) Form of Government

The FCPC is a duly constituted Tribal Government in accordance with all the provisions of the Forest County Potawatomi Constitution adopted on June 5, 1982 pursuant to the Indian Reorganization Act of June 18, 1934. Under their constitution, the Tribe is governed by separate legislative and executive branches. The Tribe also has a judicial branch. Each of these branches is described below.

General Council. The governing body and legislative branch of the Forest County Potawatomi Community is the General Council, consisting of any enrolled member of the Community who is at least one-fourth (1/4) degree Potawatomi Indian blood and is eighteen (18) years of age or over. See Exhibit "A," at Article III, §§ 1 & 4.

The governmental functions currently performed by the General Council, described in Article IV, Section 1 of the FCPC Constitution include; the employment of legal counsel; the management of tribal lands, waters, mineral rights, interests in lands or other tribal assets; the power to veto any sale, disposition, lease or encumbrance of the fore mentioned tribal assets of the FCPC; the enactment and enforcement ordinances; chartering subordinate organizations for economic purposes and delegation of the foregoing powers to such organizations or to any subordinate boards, committees of officials of the Tribe; and the adoption of resolutions regulating procedures of the Executive Council, General Council, other tribal agencies, offices, organizations of the Community.

Executive Council. The executive branch of the FCPC government is known as the Executive Council which consists of the following six (6) elected positions: Chairman, Vice-Chairman, Secretary, Treasurer and two (2) Council members, as provided by the FCPC Constitution (Article III Sec. 6). The governmental functions currently performed by the

Executive Council include overseeing the day-to-day operations of the FCPC government, including the assignment of specific functions and/or operations to one of the many FCPC departments created by the Executive Council. See Exhibit "C", FCPC Organizational Chart.

The duties of the Executive Council described in Section 1 of Article V of the FCPC Constitution are to; consult, negotiate, contract and conclude of agreements on behalf of the Community with other entities, including federal, state and local governments; advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the FCPC prior to the submission of each estimate to the Office of Management and Budget (OMB) or its successor; manage economic affairs and enterprises of the Community; administer any funds and make expenditures within the control of the Community; appoint subordinate committees and employees not otherwise provided for in the Constitution; develop ordinances, resolutions and other documents for consideration by the General Council; develop and promote the ways and means to carry out policies, plans and objectives for consideration of the General Council; and encourage preservation of Potawatomi arts, crafts, traditions and culture. All actions of the Executive Council are subject to review and rescission by the General Council.

Tribal Court. The Judicial Branch of FCPC Government consists of the Tribal Court, established through a Tribal Court Code adopted by General Council Resolution # 007-93 on May 28, 1993. See Exhibit "D," FCPC Tribal Court Code. The FCPC Tribal Court consists of a Chief Judge, one or more Associate Judge(s) as elected by the Forest County Potawatomi Tribe, and other judicial officers as may be appointed by the Forest County Potawatomi Community Executive Council. The objectives of the Tribal Court are to; exert jurisdiction over all civil matters essential to the Tribe's goal of self-sufficiency; to address and resolve conflicts in a manner which reflects FCPC traditions and prevailing community standards, which affords all affected persons a fair and impartial hearing, consistent with due process and individual rights; to establish a Court system for the enforcement of Forest County Potawatomi Community Laws; to ensure that all trials shall be conducted in a manner so as to afford all persons who appear before the Forest County Potawatomi Tribal Court all rights guaranteed by the Indian Civil Rights Act of 1968, 25 U.S.C. Sections 1304, 1302, and 1303; and to ensure that the sovereignty of the Forest County Potawatomi Community is recognized in all matters affecting the welfare of the Community. Rules Of The Court are attached as Exhibit "E".

(ii) Governmental Duties and Functions

The FCPC currently manages a wide range of government programs, supervised by the Tribal Administrator under the direction of the Executive Council, including the following departments; Legal, Natural Resources, Forestry, Housing, Economic Support, Education, Recreation, Utilities, Emergency Management, Elderly, Indian Child Welfare, Insurance, Child Support, and Security, in addition to a Tribal Court, elderly housing facility, nursing home and an alternative school. See Exhibit "C," FCPC Organizational Chart. See Section I.4.ii of this application for a full description of the Tribe's environmental and public health programs.

In lieu of its own fire, rescue and law enforcement service, the FCPC has made arrangements with neighboring communities to provide these critical public health and safety services to the FCPC through Wisconsin statutes (*Wis Stat. § 165.90(2) to (5)*), see Exhibit "F".

and *Wis. Stat. § 60.55(1)(a)*.) and several inter-government agreements. In addition to contractual dollars paid for the service provided listed above, the FCPC provides grant monies made available by its gaming compact with the State.

Enterprises operated by the FCPC include, but are not limited to, two Casinos, the Indian Springs Lodge, the accredited Health & Wellness Center, the Potawatomi Traveling Times Tribal Newspaper, the FCP Community Foundation and the Potawatomi Convenience Store. The FCPC is the largest employer in Forest County with approximately 700 employees.

The FCPC have adopted/initiated numerous programs to provide for the health, safety and welfare of its members, including the following; The Wisconsin Potawatomi Housing Authority (WPHA) funded by the Native American Housing Assistance and Self-Determination Act (NAHASDA), Temporary Assistance to Needy Families (TANF), General Assistance (GA), Native Employment Works (NEW), Food Stamp and Medical Assistance, Wisconsin Judicare, Wisconsin Energy Assistance Program, a food pantry, a resource room, emergency assistance, and parenting classes/counseling. Additionally the FCPC operate an Even Start Program, Adult Literacy Program, Writing to Read Program, General Education Development (GED)/High School Equivalency Diploma (HSED) Programs, a parenting program, the Fire Keeper Alternative School, the Federal Head Start Program, and the Summer Feeding Program for Children.

(iii) Sources of the Forest County Potawatomi Community's authority to carry out government functions.

The Forest County Potawatomi Community's authority to carry out government functions is derived from two sources. The first is based on the Tribe's inherent sovereignty and exclusive authority over its members and territory, as recognized by the United States Government. See United States v. Wheeler, 435 U.S. 313, 322, 98 S. Ct. 1079 (1978), Worcester v. Georgia, 31 U.S. (6 Pet.) 515, 557-59 (1832); and United States v. Mazurie, 419 U.S. 544, 557 (1975).

The second is the FCPC's Constitution, adopted under Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984). The preamble of the Constitution of the Forest County Potawatomi Community (Exhibit "A"), adopted by the Secretary of the Interior on June 5, 1982 and approved by the Secretary of the Interior on July 14, 1982 states that the Constitution was ordained and established, "...in order to continue our tribal organization, to conserve and develop our common resources and to promote the welfare of ourselves and our descendants." Article IV, Section 1(b) and (d) of the Constitution specifically directs the General Council to manage and protect tribal lands and resources, and includes the establishment of "proper agencies" to implement and enforce the protection of tribal lands and resources, and to perform those government functions required to administer the programs under which TAS is sought.

3. Forest County Potawatomi Community's Authority to Regulate Air Quality in accordance with 40 C.F.R. §§ 49.6(c) and 49.7(a)(3).

FCPC seeks TAS status with respect to the areas within its reservation boundaries. As demonstrated below, FCPC clearly has the authority to regulate air quality within its reservation boundaries.

(i) All of the lands within the FCPC Reservation boundaries are Forest County Potawatomi Community lands.

The exterior boundary of the FCPC reservation is unique from that of many other tribes, due to the way in which the reservation lands were acquired. As discussed below, all Reservation lands are lands belonging to the Forest County Potawatomi Community. There are no "in holdings" by non-FCPC members.

The Potawatomi Nation once occupied and controlled approximately 30 million acres of land in the Great Lakes Area before the arrival of Europeans in the 15th century. Between the years 1795 and 1833, and 23 treaties later, the Potawatomi ceded much of their territory to the United States Government. Following the forced relocation brought about by the 1830 Removal Act, the Potawatomi ceded what remained of their lands east of the Mississippi River, including Wisconsin, in the 1833 Treaty of Chicago and had to move to lands set aside for them west of the Missouri River in Kansas by 1838. In 1913, those Potawatomi that had escaped the relocation effort and returned to Michigan and Wisconsin were eventually paid for the ceded lands through an act of Congress, Section 24 of the Act of June 30, 1913 (38 Stat. 102) Exhibit "G." The money was used to purchase and hold in trust lands in Michigan and Wisconsin, including Forest County. A stipulation in the Act required that lands were to be no larger than a section and that no sections would be adjoining in an attempt to assimilate and "civilize" the Indians.

Under the Act of June 30, 1913, Potawatomi lands (11,786 acres) were acquired by federal purchase. Despite the fact that the purchased lands were recognized and administered as Indian lands, the deeds for these lands were placed in the name of the United States Government rather than being placed in the Tribe's name and held in trust by the federal government. This administrative error was corrected in 1987 with the enactment of Senate Bill 1602 (Exhibit "H"), which declared the previously purchased lands to be the Reservation of the Forest County Potawatomi Community of Wisconsin.

As a result of the actions detailed above, the FCPC reservation, unlike many other reservations, has no lands within its borders that are not reservation lands. The exterior boundary of the FCPC reservation follows the FCPC land property boundaries exactly, and as such, there are no "in holdings" by non-members and therefore no need to demonstrate jurisdiction over such lands.

A map identifying FCPC lands for inclusion in TAS, including Forest, Oneida, Oconto, and Marinette Counties is attached as Exhibit "I." The FCPC is requesting TAS status under CAA Sections 126, 505 (a)(2) and 105 for FCPC Trust lands located in Northeastern Wisconsin located in Forest, Oconto and Marinette Counties and will submit additional TAS applications for future Tribal lands when they are entered into trust. However, as noted above, FCPC is not seeking TAS status for the trust lands held by the Tribe in Milwaukee County, City of Milwaukee, nor fee lands located in Oconto, Shawano and Fond du Lac Counties. The Tribe reserves the right to apply for TAS status for such lands in the future.

4. FCPC has the capability to implement the Clean Air Act programs for which it is seeking approval in accordance with 40 C.F.R. §§ 49.6(d) and 49.7(a)(4).

The regulations at 40 C.F.R. Section 49.7(a)(4) require the Tribe to provide a narrative statement describing its capability to effectively administer any Clean Air Act program for which the Tribe seeks approval. As discussed above, FCPC is seeking approval under the Clean Air Act for the following purposes: (1) to receive 105 program funding under CAA §§105 and 301 (d)(1)(A); (2) to obtain affected state authority under CAA §505(a)(2); and (3) to obtain authorization under CAA §126. As discussed below, the Tribe has demonstrated the capability to effectively administer these programs.

Consistent with the provisions of 40 C.F.R. §49.7(a)(4), this application demonstrates the Tribe's capability consistent with the applicable provisions of the CAA and implementing regulations and includes: (1) a description of the Tribe's previous management experience, (2) a list of existing environmental or public health programs administered by the Tribe's governing body and copies of related laws, policies, and regulations, (3) a description of the entity (or entities) which exercise the executive, legislative, and judicial functions of the Tribe's government, (4) a description of the existing or proposed agency of the Tribe which will assume primary responsibility for reviewing air quality regulations, and (5) a description of the technical and administrative capabilities of the staff to administer and manage an effective air quality program, including information about how the Tribe will fund the program.

As discussed in more detail below, FCPC air personnel have significant experience and training that provide them the capability to properly implement the CAA programs for which FCPC is seeking approval. For example, the FCPC air personnel have attended a number of courses provided by the Institute for Tribal Environmental Professionals through Northern Arizona University in Flagstaff, related to air program management, including Title V Permit Review. Additionally, the FCPC retains contacts with external air permitting specialists/contractors and legal counsel with firms specializing in environmental and Tribal law that are available to assist with the review of highly technical air pollution permits. The FCPC has significant experience in providing comments on proposed air emission sources as well as air-related matters generally. It is the intent of the FCPC to continue to develop and expand the tribal air program to include the establishment and application of regulations, ordinances, and enforcement capabilities.

(i) FCPC's previous related management experience

FCPC has significant management experience related to both environmental and other matters. The Tribal government currently employs approximately 500 people and is the largest employer in Forest County. This employment figure is in addition to the Tribe's employment at its casinos, hotel, gas station and Development Corporation. The Tribe's 500 employees in Forest County work in tribal government (including elected officials, members of commissions, boards, committees, professional and technical staff, and administrative personnel). The Tribe manages a wide range of programs, including those authorized by the Indian Self-Determination and Education Assistance Act, the Native American Housing Assistance and Self Determination Act of 1996, and the Indian Child Welfare Act.

The tribal government oversees the operations of its numerous departments, as well as several enterprises. In the past 15 years, the Tribe has assumed the primary responsibility for administering several health, education and social programs and services formerly implemented by the State of Wisconsin or the Federal Government, such as the Head Start/ Even Start Program, the Potawatomi Housing Authority, Solid and Hazard Waste services, Temporary Assistance to Needy Families and General Assistance programs, and a newly created Emergency Management Program/Department. Section I.2.ii provides a list of the FCPC governmental departments and programs provided.

(ii) Existing FCPC environmental and public health programs

The Tribe has established several committees to oversee public health and welfare concerns and include Housing, Land Use, Ordinance and Health. The role of tribal committees is to advise and provide guidance and direction to related tribal departments.

The Tribe administers several well-developed environmental and public health programs. Below is a brief description of some of the key FCPC environmental and public health programs. Where applicable, these descriptions also discuss the Tribe's capabilities to effectively administer the programs that it seeks to implement under TAS.

PUBLIC HEALTH PROGRAMS

FCPC Health and Wellness Center

The Forest County Potawatomi Community owns and operates the accredited Forest County Potawatomi Health and Wellness Center, which provides a wide variety of health-related services to tribal members as well as others in the area. Prior to February 2005, the FCPC operated under a Title I contract with the Indian Health Service dating back to the 1970's. Currently, FCPC has a self governance (Title V) compact with the United States Secretary of Health and Human Services that defines the Tribe's health programs. This compact was entered into as of February 2005, and an updated version became effective October 1, 2007.

Utilities Department

The Tribe has a well-developed utilities department, which provides safe drinking water to the Tribe's members, monitoring on a regular basis three Community Water Systems in accordance with the U.S. EPA Safe Drinking Water Act. The Department also maintains two wastewater treatment plants – an aerated pond system and a re-circulating sand filter system. The water treatment lagoons on the Reservation are operated in full compliance with the National Pollution Discharge Elimination System (NPDES), including the monthly regulatory ground water monitoring that is conducted by Natural Resources Department Water Program staff. Private well and septic systems on the Reservation are also serviced by the utilities department.

Additionally, the Utilities Department plows, grades, repairs and maintains all tribally owned roads; provides upkeep of tribal parks and community cemeteries; and repairs and maintains the Tribe's vehicle fleet.

Potawatomi Housing Department

The Tribe has a well-developed housing program that assists in providing safe housing to tribal members through home inspections, consultation and mitigation for health-related issues such as mold and radon. In addition, the department provides loans to tribal members to purchase a home.

Planning Department

The objective of the FCPC Planning department is to assist the Community in developing a Comprehensive Plan of Social, Economic, Physical, Cultural and Natural Resource Management that reflects the vision of the Tribe. As the liaison between tribal departments, the planning department coordinates activities related to the long-term growth and development of the Tribe, its government and its enterprises, and assists the community in self-sufficiency and self-governing activities.

ENVIRONMENTAL PROGRAMS

FCPC Forestry Department

The Tribe has a well-developed forestry program that works to protect and preserve thousands of acres of forestry on the FCPC Reservation. As stated in the introduction to the Forest County Potawatomi Community Forest Management Plan approved by the BIA on March 21, 2000 and adopted by Tribal Executive Council Resolution #036-99, it is the intent of the FCPC Forestry Department to consider the amenity values (fishing, hunting, gathering, hiking, and spiritual nurturing and solace) and other associated resources of the forest "which are deemed important to the Tribal members" when managing Tribal forest resources.

Although the harvest of the timber crop results in some monetary benefit for the Tribe, the purpose of the FCPC Forestry Program operations is primarily to maintain a healthy, vigorous and diverse forest ecosystem. The Program is regulated and enacted according to 25 C.F.R. Part 163 (General Forest Regulations) and 53 BIAM (Bureau of Indian Affairs Manual), and managed according to the sustained yield provisions of the 25 CFR Part 163, Subpart B.

FCPC Solid and Hazardous Waste and Recycling Program

Funded primarily by FCPC dollars with some assistance from the Wisconsin Department of Natural Resources Recycling Grant, the FCPC solid waste program provides weekly curb-side collection services of solid waste and recyclables. With the provision of these services, issues with illegal dumping have virtually been eliminated.

The FCPC Solid Waste Ordinance adopted December 4, 1993 by General Council Resolution #GC-009-93, outlines the rules and regulations that provide standards for general conditions for solid waste disposal facilities; collection, transport and storage of solid waste; treatment, processing, utilization and disposal of solid waste; and requirements for sanitary landfills, etc.

Furthermore, the General Council adopted the Forest County Potawatomi Tribal Tire Dump Ordinance through Resolution #GC-007-88, enabling the Tribe to take legal action against offenders, exercising their right to "protect and conserve its environment and common resources for the health, benefit and welfare of the Potawatomi people."

FCPC Natural Resources Department

The mission of the FCPC Natural Resources Department is to protect and care for the natural resources on the Reservation through research, documentation, education, outreach, regulations and enforcement. The Air and Water programs have established long-term monitoring efforts to determine air and water quality "baselines" and track any changes or trends. The Department is developing an increased role in influencing policy on the Federal and State level to help protect the Tribe's best interests. Ultimately, the Department is working towards becoming a full-service environmental regulatory agency for the Tribe that meets the Department's environmental mission in ways that honor and foster the Tribe's traditional, ecological knowledge.

Substantial growth and development of Natural Resources Department. For the past two decades, the Tribe has been building up environmental capacity within its natural resources department. An Environmental Specialist was first employed by the Tribe in 1992 to address environmental matters on the Reservation. In October of 2000, the FCPC's Natural Resources Department was formally created with the hiring of a department director and the combining of a number of programs including, Land Use, Fish and Game, and Solid Waste. In 2002, the department was substantially expanded with the addition of a Water Resources Specialist, an Air Specialist, an Air/Water Technician and an Administrative Assistant. The department has continued to grow and currently, the FCPC Natural Resources Department employs thirteen full-time staff whose educational backgrounds include two Bachelors of Sciences, two Masters of Sciences and one Doctorate in sciences, all in the field of natural, environmental and/or biological sciences. In addition the department supervises four full-time solid waste/recycling crew members.

TAS status previously granted the FCPC under the Clean Water Act.

The FCPC Water Resources Program received TAS approval in 1993 for Section 106 funding under the Clean Water Act. See Exhibit "J".

Capability to administer affected state authority and Section 105 funding authority. As discussed above, the Department has developed significant environmental review and related expertise. Accordingly, it has sufficient capabilities to implement affected state status under Section 505(a)(2) and Section 126. In addition, the Tribe has significant experience utilizing federal funds to implement its environmental programs. Since 2003, the Department's air program has applied for and has successfully obtained approval for federal funds under the CAA Section 103 project grant funding to establish a long-term air monitoring program. The FCPC, utilizing both Section 103 funds and Tribal dollars, has demonstrated its commitment to the protection of its natural resources and has been building capacity to effectively manage a very successful and fully operational air monitoring and management program.

Additional grants utilized by the Department to evaluate and protect natural resources. In addition to the U.S. EPA CAA Section 103 grant monies mentioned above, through the use of various grant monies, in particular the U.S. EPA General Assistant Program (GAP) grant, and a large investment of FCPC dollars, the FCPC Natural Resources Department began developing monitoring programs to inventory resources and gather data to establish baseline information. These efforts include the establishment of monthly water sampling of Reservation lakes and streams, ground water monitoring at the FCPC water treatment lagoons operated in compliance with the National Pollution Discharge Elimination System (NPDES), and biological surveys of plants, fish, and macro invertebrates, all funded in part through the U.S. EPA 106 Clean Water Act Grant.

Fish surveys, erosion control projects and dam removal and stream restoration projects funded with Bureau of Indian Affairs (BIA) dollars have been completed, as well as a wetland survey and restoration project, a mercury cycling model study on Devils Lake and a pond restoration project funded by a matching funds grant through the BIA's Circle of Flight Program.

Additionally, a number of erosion control projects funded through cost-share agreements with The Natural Resource Conservation Service (NRCS), and fish, lake and stream surveys funded through reimbursable agreements with the U.S. Fish and Wildlife Service have been undertaken. Grants with the State of Wisconsin have provided monies for the development of a FCPC Recycling Program, and Brownfields grants through the U.S. EPA enabled the clean-up of a number of dump sites.

These additional grants have been successfully managed in the past by the Natural Resources Department and have produced good environmental results. Since 2000, approximately \$2,763,438 in federal grant dollars have been received and managed by the Natural Resources Department, of which approximately \$2,518,531 came from EPA (this number does not include state-funded grants or Natural Resources Conservation Service grants). A current list of grants and the projects they pertain to is attached as Exhibit "K."

FCPC accounting and procurement systems. The FCPC's general accounting and procurement systems are maintained by tribal accountants that handle all tribal financial activities, including payroll, ledgers, accounts payable and receivables and program disbursements, in compliance with federal accounting regulations. Additionally, the accounting system and related internal control systems of the Tribe are examined annually by an independent auditor in accordance with federal accounting regulations.

Executive and General Council resolutions related to the Department's programs. A list of General and Executive Council Resolutions related to the environment (and health, welfare and safety) are included in Exhibit "L" (FCPC List of Resolutions Pertaining to Health, Welfare and Environment).

(iii) Description of entities that exercise the legislative, executive, and the judicial functions of the tribal government.

Section I.2.i of this application discusses the entities that exercise the executive, legislative, and judicial functions of the tribal government.

(iv) Description of FCPC Air Program within the Natural Resources Department, which is the agency that will assume primary responsibility for administering CAA programs.

The primary responsibility for administering the CAA programs under TAS will be the FCPC Air Resources Program within FCPC Natural Resources Department. The FCPC air program falls under the direct supervision and guidance of the Natural Resources Director who answers to the Tribal Administrator. The Executive Council directs the Tribal Administrator in the supervision of tribal departments. See Exhibit "C", FCPC Organizational Chart.

The FCPC Air Program received its first U.S. EPA CAA Section 103 grant in 2003. During the last six (6) years the Air Program has installed and operated an air monitoring station that is currently sampling for eight parameters including sulfur dioxide, ozone, PM 2.5, vaporous mercury, acid and mercury deposition, PM10 for metals and a meteorological tower. These continued efforts have been funded through a combination of Section 103 grant awards and FCPC tribal investment.

The Air Program staff has also grown from a part-time Air Specialist in 2002 to a full-time Air Resources Program Director and an Air Monitoring Specialist at present. The duties of the Air Program Director have evolved from air monitoring operations to monitoring oversight and expanded administrative duties. These expanded administrative duties include grant reporting and management, Title V permit review, assisting the legal department with obtaining CAA delegations such as Class I and TAS, and providing air resources-related input on management decisions regarding the Reservation's natural resources and development of FCPC facilities.

In an effort to obtain greater legal protection of Tribal natural resources, FCPC submitted to the U.S. EPA in 1993, an application for redesignation of its Reservation from Class II to Class I under the Clean Air Act. On April 29, 2008, the U.S. EPA published its final decision in the Federal Register (70 Fed. Reg. 1570-1576) approving Class I Redesignation, effective May 29, 2008.

There are currently no Title V pollution sources on or in Forest County the FCPC Reservation. However, FCPC's application for Section 105 funding, along with Section 505(a)(2) and 126 authority will expand the ability of the Air Program to protect air quality on the Reservation.

(v) Description of the technical and administrative capabilities of the FCPC Air Program staff to administer and manage an effective air quality program, including how the Tribe will fund the program.

The FCPC Air Program and its staff have developed significant technical and administrative capabilities that allow them to manage an effective air quality program, including matters related to Section 105 grants, affected state status, and the Tribe's Class I status. In addition, the Tribe has sufficient funds to ensure that the air quality program is effectively administered. Below is a discussion of some of the key programs the air program staff has and are administering and the technical and administrative capabilities of the staff.

Air monitoring programs and capabilities. The FCPC air program staff has developed an effective and detailed air monitoring program. The FCPC air monitoring program was initiated in 2002 with the hiring of the Air Program's first air resource specialist.

Over the last 7 years the air monitoring program has gradually added monitoring parameters beginning with particulate samplers for Total Suspended Particles (TSP), PM10 (0-10 ug/m3) and PM2.5 (0-2.5 ug/m3) followed by ozone and sulfur dioxide. Deposition collectors measuring for acid and mercury precipitation as part of the National Atmospheric Deposition Program (NADP) network were added later, as were the meteorological sensors. The chart below includes the complete list of parameter installations, dates they were put on-line, and, in some cases, taken off-line.

INSTALLATION OF AIR MONITORING PARAMETERS TIMELINE CHART

Parameter	On-line	Off-line
TSP	June 2002	July 2005
PM 10	June 2002	September 2005
IVL wet Hg deposition	June 2002	August 2004
Ozone	January 2004	
Sulfur Dioxide	January 2004	
Belford Precipitation Gauge	January 2004	August 2004
Belford Precipitation Gauge (online again)	July 2005	
PM 2.5	March 2004	
NADP – MDN (Hg deposition)	July 2005	
NADP – NTN (acid deposition)	July 2005	
Tekran Vaporous Hg	September 2005	
Meteorological Instruments	February 2008	
TSP for metals analysis	August 2006	July 2007
PM 10 for metals analysis (replaces TSP)	July 2007	

Lastly, the mobile trailer on loan from the Wisconsin Department of Natural Resources (WDNR) was returned in the fall of 2007, having been replaced by a permanent air monitoring building.

Data Analysis and Air Management/Modeling and Protection. FCPC air program staff has utilized monitoring data to develop effective baseline air data for the Reservation. Since monitoring began, data has been routed to the WDNR for Quality Assurance review and submittal to the U.S. EPA AQS program, fulfilling one of the requirements of the 103 grant. In addition to establishing a baseline for air quality on the Reservation from which trends can be assessed, in some cases data collected at the FCPC air monitoring site is used by the state of Wisconsin as "background."

Data collected in the last six years has been and will be used by FCPC air and legal staff, with the assistance of outside legal counsel and professional air specialists and engineers, to provide important information needed by the FCPC Executive Council in making management decisions regarding the effects of on and off-reservation emissions on the Reservation. This information is valuable to both the Tribe's Class I status as well as affected state status under TAS.

In 2003, an Emissions Inventory Data Review was compiled for the FCPC by the Northern Arizona University's Institute of Tribal Environmental Professionals (ITEP) for the Lake Michigan Air Directors Consortium. An updated emissions inventory is planned for the near future.

State Title V, PSD and Construction Permit Review. In the fall of 2005, the air program director attended a class entitled Reviewing Title V Permits, provided by the ITEP. Since the signing of the Class I Final Agreement with the state of Wisconsin in 1999, the FCPC has been receiving notices of State Title V and PSD permits being issued in the State. Permits issued by the State are reviewed by the air resources program director and flagged when necessary to obtain assistance with review from outside technical and legal experts that are retained by the FCPC. Such as when FCPC staff submitted comments in 2004 on a construction permit for a proposed coal-fired power plant to be located in Rothschild/Wausau Wisconsin approximately 60 miles upwind of the Reservation, and when FCPC was notified of the proposed construction of a power generation plant in Marshfield Wisconsin in early 2008.

FCPC Air Program staff experience in providing comments on air matters. The FCPC Air Program staff, in combination with the FCPC Legal Department, has significant experience in providing comments on U.S. EPA and other air matters. For example, FCPC has submitted significant and detailed comments to the U.S. EPA on its proposed Mercury Rule in 2004, as well as the Wisconsin Department of Natural Resources proposed mercury rule in 2008. In addition, the FCPC Air Program provided comments on the Proposed Revisions to the PM standards in 2006. As expected, FCPC also provided significant and detailed comments on the proposed FIP for Class I Redesignation of the FCPC Reservation in 2007. Likewise, FCPC, in conjunction with the National Tribal Environmental Council, developed and submitted significant and detailed comments on the proposed Class I modeling rule. All of this experience in commenting on important EPA and other air matters has given the FCPC Air Program significant expertise in developing and submitting comments, similar to those that will be relevant to affected state status under TAS.

Funding of environmental program. With the completion and acceptance of this application for TAS status, the FCPC intends to move from the U.S. EPA CAA Section 103 project grant that it has received since 2003, to the Section 105 program grant to assist with day-to-day operation costs of the air program. FCPC is capable and committed to meeting the 5% and later 10% match required for Section 105 grants. In particular, FCPC plans to use the revenue from its tribal operations to fund the required matching dollars.

Air Program staff experience-training. The Air Program staff has significant educational and work experience that makes it capable, from both a technical and administrative perspective, to manage effective air quality programs, including the use of Section 105 grants, affected state status, and implementation of FCPC's Class I status. In addition, the air program has access to legal and technical experts to provide additional assistance to ensuring effective air quality programs.

The air program director has a Bachelor of Science degree in Outdoor Education/Biology and prior to joining the FCPC Air Program, had spent 20 years in the field of biology as an educator and field technician, collecting data for numerous projects, including IMPROVE filter

sample and camera film collections, continuous ozone analyzer operation, and NADP acid deposition sample collection. Since coming to the Air Program in 2004, the air resources program director has been trained in the operations, maintenance and calibration of all air monitoring instrumentation located at the FCPC monitoring station.

The air program director has also attended a number of courses outlining program management and federal tribal environmental policy provided primarily by the Institute of Tribal Environmental Professionals through the Northern Arizona University. These courses include: "The Clean Air Act and Permitting," "Title V Permit Review," and "Management of Tribal Air Programs and Grants." A list of pertinent training attended by the air program staff is attached in Exhibit "M." As the direct supervisor responsible for the oversight of the air monitoring station, the air resources program director has trained technicians and assistants with the operations, management and troubleshooting of equipment, and with protocols and procedures to insure quality data collection.

The air monitoring specialist graduated with an Associate's in Municipal Engineering and has spent the last 20 years as an environmental chemist, conducting laboratory testing utilizing high tech instrumentation prior to joining the FCPC Air Program. He has attended the classes "Introduction to Tribal Air Quality", "Air Quality Computations", Gaseous Air Pollutant Monitoring, and Air Pollution Technology through ITEP. He has also obtained numerous hours of hands-on training in the operations, maintenance and repair of air monitoring collectors and analyzers.

The FCPC Legal Department employs in-house attorneys experienced in tribal and environmental law and contracts with outside counsel when necessary, such as with the FCPC's Class I Redesignation application. In addition, FCPC has access to contractors offering experience and expertise in the field of air pollution regulation, permitting and modeling.

II Conclusion.

The information set out above demonstrates that FCPC qualifies for EPA approval of TAS status pursuant to 40 C.F.R. §§49.6 and 49.7 because:

- FCPC is an Indian Tribe recognized by the Secretary of the Interior;
- FCPC has a governing body carrying out substantial governmental duties and functions;
- The functions exercised by FCPC pertain to the management and protection of air resources within the exterior boundaries of the reservation or other areas within FCPC's jurisdiction; and
- FCPC is capable of carrying out the functions to be exercised in a manner consistent with the terms and purposes of the Clean Air Act and all applicable regulations.

A letter from the Tribe's Attorney General is attached to this application as Exhibit "N", indicating that the Tribe has the authority as stated in this application.

Accordingly, FCPC respectfully requests that EPA approve the Tribe as eligible for treatment in the same manner as a state for the purposes of CAA Section 126 authorization, Section 505 (a) (2) affected state authority, and Section 105 program funding.

If you have any questions, please do not hesitate to contact Natalene Cummings, Air Resources Program Director at the FCPC NRD Office (715-478-7211).

Respectfully submitted, with authority from the FCPC Executive Council, pursuant to Resolution No. 09-002, attached hereto as Exhibit "O".

Very truly yours,

FOREST COUNTY POTAWATOMI COMMUNITY



Phil Shopodock, Tribal Chairman

3805738_3

Exhibit A

CONSTITUTION

AND BY-LAWS OF THE FOREST COUNTY POTAWATOMI COMMUNITY WISCONSIN

PREAMBLE

We, the Wisconsin Potawatomes residing on lands reserved by the United States for Wisconsin Potawatomes in Wisconsin, grateful to Almighty God for his fostering care, in order to continue our tribal organization, to conserve and develop our common resources and to promote the welfare of ourselves and our descendants, do hereby ordain and establish this Constitution for the Forest County Potawatomi Community. The Constitution and Bylaws approved by the Secretary of the Interior on February 6, 1937, amended, are hereby superseded by this Constitution which will govern the Forest County Potawatomi Community from its effective date.

ARTICLE I - TERRITORY AND JURISDICTION

The 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 Potawatomes 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.

ARTICLE II - MEMBERSHIP

Section 1. The membership of the Forest County Potawatomi Community shall consist of:

- (a) All persons of Indian blood whose names appear on the official census roll of the Wisconsin Potawatomes as of April 1, 1934, as supplemented to January 1, 1936, who were residing on lands reserved by the United States for the Wisconsin Potawatomes in Wisconsin on February 6, 1937 and their descendants who were residing on such lands on February 6, 1937.
- (b) All those persons who have been enrolled as members of the Forest County Potawatomi Community under the February 6, 1937, Constitution of the Community, as amended, since February 6, 1937, and prior to the effective date of this Constitution.
- (c) All persons of one-fourth (1/4) degree or more Potawatomi Indian blood born to any member of the Community.
- (d) No person who becomes enrolled as a member of another tribe, band, or group of Indians may be enrolled in the community after the date of adoption of this Constitution

unless he or she shall first relinquish in writing all rights to membership in such other tribe, band, or group of Indians.

Sec. 2. The General Council shall have the power to enact and make known ordinances subject to approval by the Secretary of the Interior, covering future membership, loss of membership and the adoption of new members.

Sec. 3. Any person who has been rejected for enrollment as a member of the Community by the General Council shall have the right to appeal that decision to the secretary of the Interior within six (6) months from date of written notice of rejection, and the decision of the Secretary on such appeal shall be final.

ARTICLE III - GOVERNING BODY

Section I. The governing body of the Forest County Potawatomi Community, shall be the General Council, which shall be composed of all qualified voters of the Community as defined in Sec. 4 of this Article.

Sec.2. The General Council shall meet on the second Saturday of February, May, August and, November of each year. Its annual meeting shall be held at the November meeting.

Sec.3. The Chairman may call a special meeting of the General Council, and shall call and hold a special meeting within fifteen (15) days from receipt of a written request signed by at least ten (10) qualified voters. Written notice shall be posted at least ten (10) days in advance of the meeting. Such notice shall include the date, time, place and purpose of the meeting.

Sec. 4. Any enrolled member of the Community who is at least one-fourth (1/4) degree Potawatomi Indian blood and is eighteen (18) years of age or over shall be qualified to vote at all General Council meetings.

Sec. 5. At its annual meeting, the General Council shall determine the number of qualified voters constituting fifteen (15) percent of the qualified voters of the Community. The number of qualified voters so determined shall constitute a quorum for the next annual meeting and all intervening regular and special meetings

Sec. 6. The General Council shall elect from its membership a Chairman, Vice-Chairman , Secretary, Treasurer and two (2) Council members. Candidates; for these offices shall be twenty-five (25) years of age or over, shall have at least one-fourth (1/4) degree Forest County Potawatomi Indian blood and shall not have been previously removed from tribal office under the provisions of Article, VIII, Section 2(a) (2) or (5). Election of these

officers shall be by secret ballot. The six (6) officers so elected shall constitute the Executive Council which shall exercise those powers enumerated in this Constitution and such powers as may be delegated to it by the General Council.

ARTICLE IV - POWERS OF THE GENERAL COUNCIL

Section 1. Enumerated Powers The General Council of the Forest County Potawatomi Community shall exercise the following powers, subject to any limitation imposed by Federal Law, the Constitution of the United States or by the provisions of this Constitution:

- (a) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior;
- (b) To manage, lease, permit, grant easements, or otherwise deal with tribal lands, waters, mineral rights, interests in lands or other tribal assets; provided, that any mining-related activity shall not be authorized by the General Council until it is approved in a special election called for that purpose by a two-thirds (2/3) majority vote of the qualified voters;
- (c) To veto any sale, disposition, lease, or encumbrance of tribal lands, waters, interest in lands, or other tribal assets of the Community;
- (d) To enact, make known and enforce ordinances: (1) governing the conduct of persons within the jurisdiction of the Community; including the power to establish a Tribal Court and to define its powers, authority, and procedures; (2) providing for the manner of making, holding, and revoking assignments of Community lands or interests therein; (3) providing for the levying of taxes and the appropriation of available tribal funds for public purposes; (4) providing for the licensing of non-members coming upon the reservation for purposes of hunting, fishing, trading, or other business; (5) providing for the exclusion from the territory of the Community, of those persons not so licensed; and (6) establishing proper agencies for law enforcement within the Community;
- (e) To charter subordinate organizations for economic purposes and to delegate to such organizations, or to any subordinate boards, committees or officials of the Community, any of the foregoing powers. The General Council reserves the right to review and correct any action taken by virtue of such delegated power;
- (f) To adopt resolutions not inconsistent with this Constitution regulating the procedures of the Executive Council, the General Council itself and other tribal agencies, tribal offices or tribal organizations of the Forest County Potawatomi Community.

Sec. 2. Future Powers. The General Council may exercise such further powers as may in the future be delegated to the General Council by members of the Community or by the Secretary of the Interior or any duly authorized official or agency of the State or Federal Government.

Sec. 3. Reserved Powers. Any rights and powers heretofore vested in the Wisconsin Potawatomi, but not expressly referred to in this Constitution, shall not be abridged by this Article, but may be exercised by the people of the Forest County Potawatomi Community through the adoption of appropriate amendments to this Constitution.

ARTICLE V - POWERS OF THE EXECUTIVE COUNCIL

Section 1. The Executive Council may exercise any of the following powers, subject to any limitations imposed by Federal Law, the Constitution of the United States or by any provisions of this Constitution:

(a) To consult, negotiate, contract and, conclude agreements on behalf of the Community with Federal, State or local governments and corporations, associations, legal organizations, or individuals, on matters within the powers contained in this Article or any other powers delegated to the Executive Council by the General Council;

(b) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Forest County Potawatomi Community prior to the submission of each estimate to the Office of Management and Budget or its successor'

(c) To manage economic affairs and enterprises of the Forest County Potawatomi Community;

(d) To administer any funds within the control of the Community; to make expenditures from available funds for public purposes including salaries or other remuneration of tribal officials, employees or members. Such salaries or remuneration shall be only for services authorized in a regular and legal manner and actually rendered. All expenditures on the above preceding conditions shall be in accord with a budget previously approved by the General Council and the amount so paid shall be a matter of public record at all times;

(e) To appoint subordinate committees and employees not otherwise provided for in this Constitution;

(f) To develop ordinances, resolutions and other documents for consideration by the General Council;

(g) To develop policies, formulate plans, and set objectives for the considerations of the General Council and provide ways and means to carry them out;

(h) To encourage preservation of Potawatomi arts, crafts, traditions and, culture.

Sec. 2 All actions of the Executive Council are subject to review and rescission by the General Council.

ARTICLE VI - ELECTIONS

Section 1. The General Council shall enact an ordinance governing the conduct of elections. Such ordinance shall be consistent with this Constitution and shall include, but not be limited to, the following provisions: (1) nomination of candidates; (2) secret ballots; (3) handling of petitions; (4) conduct of referendum elections; and (5) conduct of recall and removal elections

Sec. 2. The annual election of those three (3) offices whose terms expire at the Executive Council meeting in November shall be held on the Saturday prior to the regular Executive Council meeting in November.

Sec. 3. Officers and members of the Executive Council shall be elected for a term of two (2) years or until his or her successor is duly elected and installed.

Sec. 4. The officers and members of the Executive Council holding office at the time of approval of this Constitution by the Secretary of the Interior shall hold office until their successors are duly elected and installed. The first election following the effective date of this Constitution shall be held at the next annual election date prior to the regular Executive Council meeting in November. At such time, the qualified voters of the Community shall elect successors to those three officers whose terms expire at the Executive Council meeting in November.

Sec. 5. Any enrolled member of the Community who is at least one-fourth (1/4) degree Potawatomi Indian blood and eighteen years of age or over shall be qualified to vote at any election at which the individual presents himself/herself at the polls on election day during the official voting hours.

ARTICLE VII - REFERENDUM

Upon presentation to the Executive Council of a petition signed by at least twenty (20) percent of the qualified voters of the Community, any enacted or proposed ordinance, or solution or other legislative act of the General Council shall be submitted to a referendum of the qualified voters of the Community. Referendum elections shall be conducted as general elections and may not take place at General Council meetings. The majority of votes cast in such referendum shall be conclusive and binding on the General Council and/or Executive Council; provided, that at least twenty (20) percent of the qualified voters shall cast ballots in the referendum. It shall be the duty of the Executive Council to call such referenda in accordance with the election ordinance enacted pursuant to Article VI, Section 1.

ARTICLE VIII - VACANCIES, REMOVAL AND RECALL FROM OFFICE

Section 1. Vacancies. If any vacancy occurs in the Executive Council through resignation, death, recall or removal, the Executive Council shall declare that position vacant. The vacancy shall be filled in one of the following manners: .

(a) When the office of Chairman is declared vacant and the next regular election for that office is less than three (3) months from the date the vacancy is declared, the Vice-Chairman shall assume the office of Chairman for the Chairman's unexpired term. When the Vice -Chairman is serving as Chairman to fill a vacancy, the office of the Vice-Chairman shall not be considered vacant.

(b) When any other office within the Executive Council is declared vacant and the next regular election for that office is less than three (3) months from the date the vacancy is declared, the Executive Council shall appoint a successor for the unexpired term. Such appointee shall meet the qualifications specified in Article III, Sec. 6.

(c) When any office within the Executive Council is declared vacant more than three (3) months before the next regular election for that office, the General Council shall elect a successor to fill the unexpired term at the next regular General Council meeting.

Sec. 2. Removal.

(a) The General Council may remove any elected member of its Executive Council for, but not limited to, any of the following reasons: (1) willful and persistent misconduct reflecting on the dignity and integrity of the Community; (2) Conviction of a felony while in office; (3) failure to carry out his or her official duties; (4) absence from two (2) or more successive regular meetings of the Executive Council and/or General Councils without a valid excuse; (5) or any form of act against the community.

(b) The accused officer shall be served personally with written notice of the charges against him or her at least seventy-two (72) hours prior to the General Council meeting duly called for the purpose of considering his/her removal.

(c) The accused officer may present oral evidence in his/her defense but also must answer in written form the allegations levied against him/her. Testimony for and against the officer by other persons is permitted.

(d) Removal decisions of the General Council shall be final.

Sec.3. Recall.

(a) Upon receipt by the Executive Council of a valid petition signed by at least twenty (20) percent of the qualified voters, requesting a recall election of a member of the Executive Council, the Executive Council shall conduct a recall election of the officer named in the petition. Recall election shall be conducted pursuant to the election ordinance enacted pursuant to Article VI, Sec. 1.

(b) Recall decisions of the eligible voters of the Community casting ballots in an election called for the purpose of recalling a member of the Executive Council shall be final; provided, that at least twenty (20%) percent of the qualified voters shall have cast ballots in the recall election.

ARTICLE IX - DUTIES OF OFFICERS

Section 1. The Chairman shall preside over all meetings of the General and Executive Council in accordance with "Roberts Rules of Order, Revised," where applicable, and not inconsistent with this Constitution. Ordinances, resolutions or procedures enacted by the General Council. He or she shall vote only in the case of a tie.

Sec. 2. The Vice-Chairman shall assist the Chairman when called upon to do so; and in the absence of the Chairman, he or she shall preside. When so presiding, he or she shall have all rights, privileges and duties as well as the responsibilities of the Chairman.

Sec. 3 In the absence, inability or refusal to act of both the Chairman and Vice-Chairman at any of its duly called meeting where a quorum is present, the General Council may appoint by majority vote a member of the Community to chair that meeting only. Such appointee shall meet the qualifications specified in Article III, Sec. 6.

Sec. 4. The secretary shall conduct all tribal correspondence and shall keep an accurate record of all matters transacted at General and Executive Council meetings. It shall be his or her duty to submit promptly to the Superintendent of the jurisdiction copies of all minutes or regular and special meetings of the councils. The Secretary may appoint an assistant secretary from the membership of the Community

Sec. 5. The Treasurer shall accept, receive, receipt for, preserve and safeguard all tribal funds or special funds for which the General or Executive Council is acting as trustee or custodian. He or she shall deposit all funds in such depository as the councils shall direct and shall make and preserve a faithful record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his or her possession and custody, at each regular meeting of the General Council, and at such other times as requested by the General or Executive Council.

He or she shall not pay or otherwise disburse any funds in his or her possession or custody, except in accordance with a resolution duly passed by the Executive Council. The Treasurer shall be required to give a bond satisfactory to the General Council.

Sec. 6. The Executive Council shall cause the records and books of the Treasurer and other tribal departments to be audited by an independent Certified Public Accounting firm upon completion of the Community's fiscal year. An itemized written report of the Community's entire financial status shall be issued by that same auditing firm for presentation at the annual General Council meeting and the firm shall be compensated for its services as authorized by General Council resolution.

Sec. 7. The fiscal year of the Community shall begin on the first day of October and end on the last day of September.

Sec. 8. The duties of all appointive boards or officers of the Community shall be clearly defined by resolution of the General Council at the time of their creation or appointment.

Such boards and officers shall report to the Councils from time to time as required, and their activities and decisions shall be subject to the review of the General Council upon the petition of any person aggrieved.

ARTICLE X - EXECUTIVE COUNCIL MEETINGS

Section 1. The Executive Council shall meet on the first Monday of each month.

Sec 2. Special meetings of the Executive Council may be called by the Chairman, and shall be called and held within ten (10) days of receipt of a petition signed by a majority of that Council's members. Notice shall be given at least three (3) days in advance of the meeting and shall state the subject(s) of business to be transacted, where upon the business shall then be limited thereto.

Sec. 3. A majority of the Executive Council members in office shall constitute a quorum to do business at all regular and special meetings of that Council.

ARTICLE XI - RESCISSION ON FORMER DOCUMENTS

Any ordinances, resolutions or any other regulative documents or portions thereof heretofore enacted that are inconsistent with this Constitution are rescinded as of the effective date of this Constitution.

ARTICLE XII - AMENDMENTS

Section 1. This Constitution may be amended by a majority of vote of the qualified voters of the Community voting at an election called for that purpose by the Secretary of the Interior, provided, that at least thirty (30) percent of those entitled to vote shall cast ballots at such election. No amendment of this Constitution shall become effective until it has been approved by the Secretary of the Interior.

Sec. 2. The Secretary of the Interior shall call an election on any proposed amendment to this Constitution upon receipt of a petition signed by at least one-third (1/3) of the qualified voters of the Community.

ARTICLE XIII - ADOPTION

This Constitution, when adopted by a majority vote of the qualified voters of the Community, as defined in Article VI, Sec. 5, voting at a special election called by the Secretary of the Interior in which at least thirty (30) percent of those entitled to vote shall cast ballots shall be submitted to the Secretary of the Interior for his approval, and shall be effective from the date of such approval.

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an order issued on SEP - 1 1981, by the Acting Deputy Assistant Secretary – Indian Affairs (Operations), the foregoing Constitution of the Forest County Potawatomi Community, Wisconsin, was submitted to the qualified voters of the Community and was on 06/05/82, duly adopted by a vote of 53 for and 14 against, in an election what at least thirty percent (30%) of the 132 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization act of June 18, 1934 (48 Stat. 982) as amended by the Act of June 15, 1935 (49 Stat. 378).

Robert P. St. Arnold
Chairman, Election Board

Lois J. Crowe
Election Board Member

Arlene Alloway
Election Board Member

Date: June 5, 1982

APPROVAL

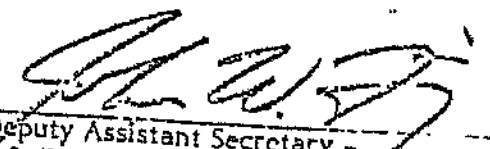
I, John W Fritz, Deputy Assistant Secretary - Indian Affairs (Operations), by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to me by 209 D.M. 8.3, do hereby approve the Constitution of the Forest County Potawatomi Community, Wisconsin

Signature
Deputy Assistant Secretary -
Indian Affairs (Operations)

Washington, D.C.
Date: 14, July 1982

APPROVAL

I, John W. Fritz, Deputy Assistant Secretary - Indian Affairs (Operations), by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to me by 209 D.M. 8.3, do hereby approve the Constitution of the Forest County Potawatomi Community, Wisconsin.


Deputy Assistant Secretary -
Indian Affairs (Operations)

Washington, D.C.

Date:

14 July 82

Exhibit B

habitat for the endangered red-cockaded woodpecker and associated wildlife species of concern. Prescribed burning and timber thinning are used to ensure that quality pine habitat is maintained for red-cockaded woodpeckers, neotropical migratory songbirds, and other native wildlife. Hardwood stands provide excellent habitat for neotropical migratory songbirds, turkeys, squirrels, and other woodland wildlife. Open fields, maintained by burning and mowing, provide feeding and nesting areas for many species of birds and mammals. Numerous clear-flowing creeks and beaver ponds provide wetlands for waterfowl and other wildlife.

Public Availability of Comments

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: This notice is published under the authority of the National Wildlife Refuge System Improvement Act of 1997, Public Law 105-57.

Dated: February 8, 2008.

Cynthia K. Dohner,
Acting Regional Director.

[FR Doc. E8-7000 Filed 4-3-08; 8:45 am]
BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Entities Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the current list of 562 tribal entities recognized and eligible for funding and services from the Bureau of Indian Affairs by virtue of their status as Indian tribes. The list is updated from the notice published on March 22, 2007 (72 FR 13648).

FOR FURTHER INFORMATION CONTACT: Daisy West, Bureau of Indian Affairs, Division of Tribal Government Services, Mail Stop 4513-MIB, 1849 C Street, NW., Washington, DC 20240. Telephone number: (202) 513-7641.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to Section 104 of the Act of November 2, 1994 (Pub. L. 103-454; 108 Stat. 4791, 4792), and in exercise of authority delegated to the Assistant Secretary—Indian Affairs under 25 U.S.C. 2 and 9 and 209 DM 8.

Published below is a list of federally acknowledged tribes in the contiguous 48 states and in Alaska.

One tribe became recognized since the last publication. The Mashpee Wampanoag Tribe was acknowledged under 25 CFR part 83. The final determination for Federal acknowledgment became effective on May 23, 2007. The list also contains several tribal name changes and corrections. To aid in identifying tribal name changes, the tribe's former name is included with the new tribal name. To aid in identifying corrections, the tribe's previously listed name is included with the tribal name. We will continue to list the tribe's former or previously listed name for several years before dropping the former or previously listed name from the list.

The listed entities are acknowledged to have the immunities and privileges available to other federally acknowledged Indian tribes by virtue of their government-to-government relationship with the United States as well as the responsibilities, powers, limitations, and obligations of such tribes. We have continued the practice of listing the Alaska Native entities separately solely for the purpose of facilitating identification of them and reference to them given the large number of complex Native names.

Dated: March 25, 2008.

Carl J. Artman,
Assistant Secretary—Indian Affairs.

Indian Tribal Entities Within the Contiguous 48 States Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs

Absentee-Shawnee Tribe of Indians of Oklahoma
Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California
Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona
Alabama-Coushatta Tribes of Texas
Alabama-Quassarte Tribal Town, Oklahoma
Alturas Indian Rancheria, California
Apache Tribe of Oklahoma
Arapahoe Tribe of the Wind River Reservation, Wyoming
Aroostook Band of Micmac Indians of Maine
Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana

Augustine Band of Cahuilla Indians, California (formerly the Augustine Band of Cahuilla Mission Indians of the Augustine Reservation)
Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin
Bay Mills Indian Community, Michigan
Bear River Band of the Rohnerville Rancheria, California
Berry Creek Rancheria of Maidu Indians of California
Big Lagoon Rancheria, California
Big Pine Band of Owens Valley Paiute Shoshone Indians of the Big Pine Reservation, California
Big Sandy Rancheria of Mono Indians of California
Big Valley Band of Pomo Indians of the Big Valley Rancheria, California
Blackfeet Tribe of the Blackfeet Indian Reservation of Montana
Blue Lake Rancheria, California
Bridgeport Paiute Indian Colony of California
Buena Vista Rancheria of Me-Wuk Indians of California
Burns Paiute Tribe of the Burns Paiute Indian Colony of Oregon
Cabazon Band of Mission Indians, California
Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California
Caddo Nation of Oklahoma
Cahuilla Band of Mission Indians of the Cahuilla Reservation, California
Cahto Indian Tribe of the Laytonville Rancheria, California
California Valley Miwok Tribe, California (formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California)
Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California
Capitan Grande Band of Diegueno Mission Indians of California:
Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California
Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California
Catawba Indian Nation (aka Catawba Tribe of South Carolina)
Cayuga Nation of New York
Cedarville Rancheria, California
Chemehuevi Indian Tribe of the Chemehuevi Reservation, California
Cher-Ae Heights Indian Community of the Trinidad Rancheria, California
Cherokee Nation, Oklahoma
Cheyenne and Arapaho Tribes, Oklahoma (formerly the Cheyenne-Arapaho Tribes of Oklahoma)
Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota

Chickasaw Nation, Oklahoma
 Chicken Ranch Rancheria of Me-Wuk Indians of California
 Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana
 Chittimacha Tribe of Louisiana
 Choctaw Nation of Oklahoma
 Citizen Potawatomi Nation, Oklahoma
 Cloverdale Rancheria of Pomo Indians of California
 Cocopah Tribe of Arizona
 Coeur D'Alene Tribe of the Coeur D'Alene Reservation, Idaho
 Cold Springs Rancheria of Mono Indians of California
 Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California
 Comanche Nation, Oklahoma
 Confederated Salish & Kootenai Tribes of the Flathead Reservation, Montana
 Confederated Tribes of the Chehalis Reservation, Washington
 Confederated Tribes of the Colville Reservation, Washington
 Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians of Oregon
 Confederated Tribes of the Goshute Reservation, Nevada and Utah
 Confederated Tribes of the Grand Ronde Community of Oregon
 Confederated Tribes of the Siletz Reservation, Oregon
 Confederated Tribes of the Umatilla Reservation, Oregon
 Confederated Tribes of the Warm Springs Reservation of Oregon
 Confederated Tribes and Bands of the Yakama Nation, Washington
 Coquille Tribe of Oregon
 Cortina Indian Rancheria of Wintun Indians of California
 Coushatta Tribe of Louisiana
 Cow Creek Band of Umpqua Indians of Oregon
 Cowlitz Indian Tribe, Washington
 Coyote Valley Band of Pomo Indians of California
 Crow Tribe of Montana
 Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota
 Death Valley Timbi-Sha Shoshone Band of California
 Delaware Nation, Oklahoma
 Dry Creek Rancheria of Pomo Indians of California
 Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada
 Eastern Band of Cherokee Indians of North Carolina
 Eastern Shawnee Tribe of Oklahoma
 Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria, California
 Elk Valley Rancheria, California
 Ely Shoshone Tribe of Nevada
 Enterprise Rancheria of Maidu Indians of California

Ewilaapaayp Band of Kumeyaay Indians, California
 Federated Indians of Graton Rancheria, California
 Flandreau Santee Sioux Tribe of South Dakota
 Forest County Potawatomi Community, Wisconsin
 Fort Belknap Indian Community of the Fort Belknap Reservation of Montana
 Fort Bidwell Indian Community of the Fort Bidwell Reservation of California
 Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California
 Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon
 Fort McDowell Yavapai Nation, Arizona
 Fort Mojave Indian Tribe of Arizona, California & Nevada
 Fort Sill Apache Tribe of Oklahoma
 Gila River Indian Community of the Gila River Indian Reservation, Arizona
 Grand Traverse Band of Ottawa and Chippewa Indians, Michigan
 Greenville Rancheria of Maidu Indians of California
 Grindstone Indian Rancheria of Wintun-Wailaki Indians of California
 Guidiville Rancheria of California
 Habematolel Pomo of Upper Lake, California (formerly the Upper Lake Band of Pomo Indians of Upper Lake Rancheria of California)
 Hannahville Indian Community, Michigan
 Havasupai Tribe of the Havasupai Reservation, Arizona
 Ho-Chunk Nation of Wisconsin
 Hoh Indian Tribe of the Hoh Indian Reservation, Washington
 Hoopa Valley Tribe, California
 Hopi Tribe of Arizona
 Hopland Band of Pomo Indians of the Hopland Rancheria, California
 Houlton Band of Maliseet Indians of Maine
 Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona
 Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California
 Ione Band of Miwok Indians of California
 Iowa Tribe of Kansas and Nebraska
 Iowa Tribe of Oklahoma
 Jackson Rancheria of Me-Wuk Indians of California
 Jamestown S'Klallam Tribe of Washington
 Jamul Indian Village of California
 Jena Band of Choctaw Indians, Louisiana
 Jicarilla Apache Nation, New Mexico
 Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona

Kalispel Indian Community of the Kalispel Reservation, Washington
 Karuk Tribe of California
 Kashia Band of Pomo Indians of the Stewarts Point Rancheria, California
 Kaw Nation, Oklahoma
 Keweenaw Bay Indian Community, Michigan
 Kialegee Tribal Town, Oklahoma
 Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas
 Kickapoo Tribe of Oklahoma
 Kickapoo Traditional Tribe of Texas
 Kiowa Indian Tribe of Oklahoma
 Klamath Tribes, Oregon (formerly the Klamath Indian Tribe of Oregon)
 Kootenai Tribe of Idaho
 La Jolla Band of Luiseno Mission Indians of the La Jolla Reservation, California
 La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California
 Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin
 Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin
 Lac Vieux Desert Band of Lake Superior Chippewa Indians, Michigan
 Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony, Nevada
 Little River Band of Ottawa Indians, Michigan
 Little Traverse Bay Bands of Odawa Indians, Michigan
 Lower Lake Rancheria, California
 Los Coyotes Band of Cahuilla & Cupeno Indians of the Los Coyotes Reservation, California
 Lovelock Paiute Tribe of the Lovelock Indian Colony, Nevada
 Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota
 Lower Elwha Tribal Community of the Lower Elwha Reservation, Washington
 Lower Sioux Indian Community in the State of Minnesota
 Lummi Tribe of the Lummi Reservation, Washington
 Lytton Rancheria of California
 Makah Indian Tribe of the Makah Indian Reservation, Washington
 Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria, California
 Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California
 Mashantucket Pequot Tribe of Connecticut
 Mashpee Wampanoag Tribe, Massachusetts
 Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan
 Mechoopda Indian Tribe of Chico Rancheria, California

- Menominee Indian Tribe of Wisconsin
Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California
Mescalero Apache Tribe of the Mescalero Reservation, New Mexico
Miami Tribe of Oklahoma
Miccosukee Tribe of Indians of Florida
Middletown Rancheria of Pomo Indians of California
Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band)
Mississippi Band of Choctaw Indians, Mississippi
Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada
Modoc Tribe of Oklahoma
Mohegan Indian Tribe of Connecticut
Mooretown Rancheria of Maldu Indians of California
Morongo Band of Cahuilla Mission Indians of the Morongo Reservation, California
Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington
Muscogee (Creek) Nation, Oklahoma
Narragansett Indian Tribe of Rhode Island
Navajo Nation, Arizona, New Mexico & Utah
Nez Perce Tribe, Idaho (previously listed as Nez Perce Tribe of Idaho)
Nisqually Indian Tribe of the Nisqually Reservation, Washington
Nooksack Indian Tribe of Washington
Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana
Northfork Rancheria of Mono Indians of California
Northwestern Band of Shoshoni Nation of Utah (Washakie)
Nottawaseppi Huron Band of the Potawatomi, Michigan (formerly the Huron Potawatomi, Inc.)
Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota
Ohkay Owingeh, New Mexico (formerly the Pueblo of San Juan)
Omaha Tribe of Nebraska
Oneida Nation of New York
Oneida Tribe of Indians of Wisconsin
Onondaga Nation of New York
Osage Nation, Oklahoma (formerly the Osage Tribe)
Ottawa Tribe of Oklahoma
Otoe-Missouria Tribe of Indians, Oklahoma
Paiute Indian Tribe of Utah (Cedar City Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes)
Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony, California
Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada
Paiute-Shoshone Indians of the Lone Pine Community of the Lone Pine Reservation, California
Pala Band of Luiseno Mission Indians of the Pala Reservation, California
Pascua Yaqui Tribe of Arizona
Paskenta Band of Nomlaki Indians of California
Passamaquoddy Tribe of Maine
Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation, California
Pawnee Nation of Oklahoma
Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California
Penobscot Tribe of Maine
Peoria Tribe of Indians of Oklahoma
Picayune Rancheria of Chukchansi Indians of California
Pinoleville Pomo Nation, California (formerly the Pinoleville Rancheria of Pomo Indians of California)
Pit River Tribe, California (includes XL Ranch, Big Bend, Likely, Lookout, Montgomery Creek and Roaring Creek Rancherias)
Poarch Band of Creek Indians of Alabama
Pokagon Band of Potawatomi Indians, Michigan and Indiana
Ponca Tribe of Indians of Oklahoma
Ponca Tribe of Nebraska
Port Gamble Indian Community of the Port Gamble Reservation, Washington
Potter Valley Tribe, California (formerly the Potter Valley Rancheria of Pomo Indians of California)
Prairie Band of Potawatomi Nation, Kansas
Prairie Island Indian Community in the State of Minnesota
Pueblo of Acoma, New Mexico
Pueblo of Cochiti, New Mexico
Pueblo of Jemez, New Mexico
Pueblo of Isleta, New Mexico
Pueblo of Laguna, New Mexico
Pueblo of Nambe, New Mexico
Pueblo of Picuris, New Mexico
Pueblo of Pojoaque, New Mexico
Pueblo of San Felipe, New Mexico
Pueblo of San Ildefonso, New Mexico
Pueblo of Sandia, New Mexico
Pueblo of Santa Ana, New Mexico
Pueblo of Santa Clara, New Mexico
Pueblo of Santo Domingo, New Mexico
Pueblo of Taos, New Mexico
Pueblo of Tesuque, New Mexico
Pueblo of Zia, New Mexico
Puyallup Tribe of the Puyallup Reservation, Washington
Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada
Quapaw Tribe of Indians, Oklahoma
Quartz Valley Indian Community of the Quartz Valley Reservation of California
Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona
Quileute Tribe of the Quileute Reservation, Washington
Quinalt Tribe of the Quinalt Reservation, Washington
Ramona Band or Village of Cahuilla Mission Indians of California
Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin
Red Lake Band of Chippewa Indians, Minnesota
Redding Rancheria, California
Redwood Valley Rancheria of Pomo Indians of California
Reno-Sparks Indian Colony, Nevada
Resighini Rancheria, California
Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California
Robinson Rancheria of Pomo Indians of California
Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota
Round Valley Indian Tribes of the Round Valley Reservation, California
Rumsey Indian Rancheria of Wintun Indians of California
Sac & Fox Tribe of the Mississippi in Iowa
Sac & Fox Nation of Missouri in Kansas and Nebraska
Sac & Fox Nation, Oklahoma
Saginaw Chippewa Indian Tribe of Michigan
St. Croix Chippewa Indians of Wisconsin
Saint Regis Mohawk Tribe, New York (formerly the St. Regis Band of Mohawk Indians of New York)
Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona
Samish Indian Tribe, Washington
San Carlos Apache Tribe of the San Carlos Reservation, Arizona
San Juan Southern Paiute Tribe of Arizona
San Manuel Band of Serrano Mission Indians of the San Manuel Reservation, California
San Pasqual Band of Diegueno Mission Indians of California
Santa Rosa Indian Community of the Santa Rosa Rancheria, California
Santa Rosa Band of Cahuilla Indians, California (formerly the Santa Rosa Band of Cahuilla Mission Indians of the Santa Rosa Reservation)
Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California
Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, California

- Santee Sioux Nation, Nebraska
 Sauk-Suiattle Indian Tribe of Washington
 Sault Ste. Marie Tribe of Chippewa Indians of Michigan
 Scotts Valley Band of Pomo Indians of California
 Seminole Nation of Oklahoma
 Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)
 Seneca Nation of New York
 Seneca-Cayuga Tribe of Oklahoma
 Shakopee Mdewakanton Sioux Community of Minnesota
 Shawnee Tribe, Oklahoma
 Sherwood Valley Rancheria of Pomo Indians of California
 Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California
 Shoalwater Bay Tribe of the Shoalwater Bay Indian Reservation, Washington
 Shoshone Tribe of the Wind River Reservation, Wyoming
 Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho
 Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada
 Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota
 Skokomish Indian Tribe of the Skokomish Reservation, Washington
 Skull Valley Band of Goshute Indians of Utah
 Smith River Rancheria, California
 Snoqualmie Tribe, Washington
 Soboba Band of Luiseno Indians, California
 Sokaogon Chippewa Community, Wisconsin
 Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado
 Spirit Lake Tribe, North Dakota
 Spokane Tribe of the Spokane Reservation, Washington
 Squaxin Island Tribe of the Squaxin Island Reservation, Washington
 Standing Rock Sioux Tribe of North & South Dakota
 Stockbridge Munsee Community, Wisconsin
 Stillaguamish Tribe of Washington
 Summit Lake Paiute Tribe of Nevada
 Suquamish Indian Tribe of the Port Madison Reservation, Washington
 Susanville Indian Rancheria, California
 Swinomish Indians of the Swinomish Reservation, Washington
 Sycuan Band of the Kumeyaay Nation (formerly the Sycuan Band of Diegueno Mission Indians of California)
 Table Mountain Rancheria of California
 Te-Moak Tribe of Western Shoshone Indians of Nevada (Four constituent bands: Battle Mountain Band; Elko Band; South Fork Band and Wells Band)
 Thlopthlocco Tribal Town, Oklahoma
 Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota
 Tohono O'odham Nation of Arizona
 Tonawanda Band of Seneca Indians of New York
 Tonkawa Tribe of Indians of Oklahoma
 Tonto Apache Tribe of Arizona
 Torres Martinez Desert Cahuilla Indians, California (formerly the Torres-Martinez Band of Cahuilla Mission Indians of California)
 Tule River Indian Tribe of the Tule River Reservation, California
 Tulalip Tribes of the Tulalip Reservation, Washington
 Tunica-Biloxi Indian Tribe of Louisiana
 Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California
 Turtle Mountain Band of Chippewa Indians of North Dakota
 Tuscarora Nation of New York
 Twenty-Nine Palms Band of Mission Indians of California
 United Auburn Indian Community of the Auburn Rancheria of California
 United Keetoowah Band of Cherokee Indians in Oklahoma
 Upper Sioux Community, Minnesota
 Upper Skagit Indian Tribe of Washington
 Ute Indian Tribe of the Uintah & Ouray Reservation, Utah
 Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah
 Utu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation, California
 Walker River Paiute Tribe of the Walker River Reservation, Nevada
 Wampanoag Tribe of Gay Head (Aquinnah) of Massachusetts
 Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community, & Washoe Ranches)
 White Mountain Apache Tribe of the Fort Apache Reservation, Arizona
 Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma
 Winnebago Tribe of Nebraska
 Winnemucca Indian Colony of Nevada
 Wiyot Tribe, California (formerly the Table Bluff Reservation—Wiyot Tribe)
 Wyandotte Nation, Oklahoma
 Yankton Sioux Tribe of South Dakota
 Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona
 Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona
 Yerington Paiute Tribe of the Yerington Colony & Campbell Ranch, Nevada
 Yomba Shoshone Tribe of the Yomba Reservation, Nevada
 Ysleta Del Sur Pueblo of Texas
 Yurok Tribe of the Yurok Reservation, California
 Zuni Tribe of the Zuni Reservation, New Mexico
- Native Entities Within the State of Alaska Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs**
- Native Village of Afognak (formerly the Village of Afognak)
 Agdaagux Tribe of King Cove
 Native Village of Akhiok
 Akiachak Native Community
 Akiak Native Community
 Native Village of Akutan
 Village of Alakanuk
 Alatna Village
 Native Village of Aleknagik
 Algaaciq Native Village (St. Mary's)
 Allakaket Village
 Native Village of Ambler
 Village of Anaktuvuk Pass
 Yupiit of Andreafski
 Angoon Community Association
 Village of Aniak
 Anvik Village
 Arctic Village (See Native Village of Venetie Tribal Government)
 Asa'carsarmiut Tribe
 Native Village of Atka
 Village of Atmautluak
 Atkasuk Village (Atkasook)
 Native Village of Barrow Inupiat Traditional Government
 Beaver Village
 Native Village of Belkofski
 Village of Bill Moore's Slough
 Birch Creek Tribe
 Native Village of Brevig Mission
 Native Village of Buckland
 Native Village of Cantwell
 Native Village of Chenega (aka Chanega)
 Chalkyitsik Village
 Cheesh-Na Tribe (formerly the Native Village of Chistochina)
 Village of Cheformak
 Chevak Native Village
 Chickaloon Native Village
 Chignik Bay Tribal Council (formerly the Native Village of Chignik)
 Native Village of Chignik Lagoon
 Chignik Lake Village
 Chilkat Indian Village (Klukwan)
 Chilkoot Indian Association (Haines)
 Chinik Eskimo Community (Golovin)
 Native Village of Chitina
 Native Village of Chuathbaluk (Russian Mission, Kuskokwim)
 Chuloonawick Native Village
 Circle Native Community
 Village of Clarks Point
 Native Village of Council
 Craig Community Association
 Village of Crooked Creek
 Curryung Tribal Council

Native Village of Deering
 Native Village of Diomedea (aka Inalik)
 Village of Dot Lake
 Douglas Indian Association
 Native Village of Eagle
 Native Village of Bek
 Egegik Village
 Eklutna Native Village
 Native Village of Ekuk
 Ekwoik Village
 Native Village of Blim
 Emmonak Village
 Evansville Village (aka Bettles Field)
 Native Village of Eyak (Cordova)
 Native Village of False Pass
 Native Village of Fort Yukon
 Native Village of Gakona
 Galena Village (aka Loudon Village)
 Native Village of Gambell
 Native Village of Georgetown
 Native Village of Goodnews Bay
 Organized Village of Grayling (aka Holikachuk)
 Gulkana Village
 Native Village of Hamilton
 Healy Lake Village
 Holy Cross Village
 Hoonah Indian Association
 Native Village of Hooper Bay
 Hughes Village
 Huslia Village
 Hydaburg Cooperative Association
 Iglood Village
 Village of Iliamna
 Inupiat Community of the Arctic Slope
 Iqurmit Traditional Council (formerly the Native Village of Russian Mission)
 Ivanoff Bay Village
 Kaguyak Village
 Organized Village of Kake
 Kaktovik Village (aka Barter Island)
 Village of Kalskag
 Village of Kaltag
 Native Village of Kanatak
 Native Village of Karluk
 Organized Village of Kasaan
 Kasigluk Traditional Elders Council (formerly the Native Village of Kasigluk)
 Kenaitze Indian Tribe
 Ketchikan Indian Corporation
 Native Village of Kiana
 King Island Native Community
 King Salmon Tribe
 Native Village of Kipnuk
 Native Village of Kivalina
 Klawock Cooperative Association
 Native Village of Kluti Kaah (aka Copper Center)
 Knik Tribe
 Native Village of Kobuk
 Kokhanok Village
 Native Village of Kongiganak
 Village of Kotlik
 Native Village of Kotzebue
 Native Village of Koyuk
 Koyukuk Native Village
 Organized Village of Kwethluk

Native Village of Kwigillingok
 Native Village of Kwinhagak (aka Quinhagak)
 Native Village of Larsen Bay
 Levelock Village
 Lesnoi Village (aka Woody Island)
 Lime Village
 Village of Lower Kalskag
 Manley Hot Springs Village
 Manokotak Village
 Native Village of Marshall (aka Fortuna Ledge)
 Native Village of Mary's Igloo
 McGrath Native Village
 Native Village of Mekoryuk
 Mentasta Traditional Council
 Metlakatla Indian Community, Annette Island Reserve
 Native Village of Minto
 Naknek Native Village
 Native Village of Nanwalek (aka English Bay)
 Native Village of Napsimute
 Native Village of Napakiak
 Native Village of Napaskiak
 Native Village of Nelson Lagoon
 Nenana Native Association
 New Koliganek Village Council
 New Stuyahok Village
 Newhalen Village
 Newtok Village
 Native Village of Nightmute
 Nikolai Village
 Native Village of Nikolski
 Nimilchik Village
 Native Village of Noatak
 Nome Eskimo Community
 Nondalton Village
 Noorvik Native Community
 Northway Village
 Native Village of Nuiqsut (aka Nooiksut)
 Nulato Village
 Nunakauyarmiut Tribe (formerly the Native Village of Toksook Bay)
 Native Village of Nunam Iqua (formerly the Native Village of Sheldon's Point)
 Native Village of Nunapitchuk
 Village of Ohogamiut
 Village of Old Harbor
 Orutsararmiut Native Village (aka Bethel)
 Oscarville Traditional Village
 Native Village of Ouzinkie
 Native Village of Paimint
 Pauloff Harbor Village
 Pedro Bay Village
 Native Village of Perryville
 Petersburg Indian Association
 Native Village of Pilot Point
 Pilot Station Traditional Village
 Native Village of Pitka's Point
 Platinum Traditional Village
 Native Village of Point Hope
 Native Village of Point Lay
 Native Village of Port Graham
 Native Village of Port Heiden
 Native Village of Port Lions
 Portage Creek Village (aka Ohgsenakale)

Pribilof Islands Aleut Communities of St. Paul & St. George Islands
 Qagan Tayagungin Tribe of Sand Point Village
 Qawalangin Tribe of Unalaska
 Rampart Village
 Village of Red Devil
 Native Village of Ruby
 Saint George Island (See Pribilof Islands Aleut Communities of St. Paul & St. George Islands)
 Native Village of Saint Michael
 Saint Paul Island (See Pribilof Islands Aleut Communities of St. Paul & St. George Islands)
 Village of Salamatoff
 Native Village of Savoonga
 Organized Village of Saxman
 Native Village of Scammon Bay
 Native Village of Selawik
 Seldovia Village Tribe
 Shageluk Native Village
 Native Village of Shaktolik
 Native Village of Shishmaref
 Native Village of Shungnak
 Sitka Tribe of Alaska
 Skagway Village
 Village of Sleetmute
 Village of Solomon
 South Naknek Village
 Stebbins Community Association
 Native Village of Stevens
 Village of Stony River
 Sun'aq Tribe of Kodiak (formerly the Shoonag' Tribe of Kodiak)
 Takotna Village
 Native Village of Tanacross
 Native Village of Tanana
 Native Village of Tatitlek
 Native Village of Tazlina
 Telida Village
 Native Village of Teller
 Native Village of Tatlin
 Central Council of the Tlingit & Haida Indian Tribes
 Traditional Village of Togiak
 Tuluksak Native Community
 Native Village of Tuntutuliak
 Native Village of Tununak
 Twin Hills Village
 Native Village of Tyonek
 Ugashik Village
 Umkumiute Native Village
 Native Village of Unalakleet
 Native Village of Unga
 Village of Venetie (See Native Village of Venetie Tribal Government)
 Native Village of Venetie Tribal Government (Arctic Village and Village of Venetie)
 Village of Wainwright
 Native Village of Wales
 Native Village of White Mountain
 Wrangell Cooperative Association
 Yakutat Tlingit Tribe

Exhibit C



POTAWATOMI
(Keeper of the Fire)

Forest County Potawatomi Community

P.O. Box 346, Crandon, Wisconsin 54520

RESOLUTION NO. ^{EC} 046-88

- Whereas The Forest County Potawatomi Community is a duly constituted Tribal Government in accordance with all the provisions of the Forest County Potawatomi Constitution and By-laws adopted on June 5, 1982 pursuant to the Indian Reorganization Act of June 18, 1934 (pl 73-383) and,
- Whereas When contracting with Federal or State agencies it is often necessary to include a Tribal Organizational Chart, and
- Whereas The Forest County Potawatomi Community has not previously officially adopted or approved of a Tribal Organizational Chart, NOW
- THEREFORE BE IT RESOLVED that the attached chart shall be considered as the official Tribal Organizational Chart, copies of attached chart shall be made available to all Tribal departments and used, when required, with all Federal and State contracts submitted by Tribal Programs.

CERTIFICATION

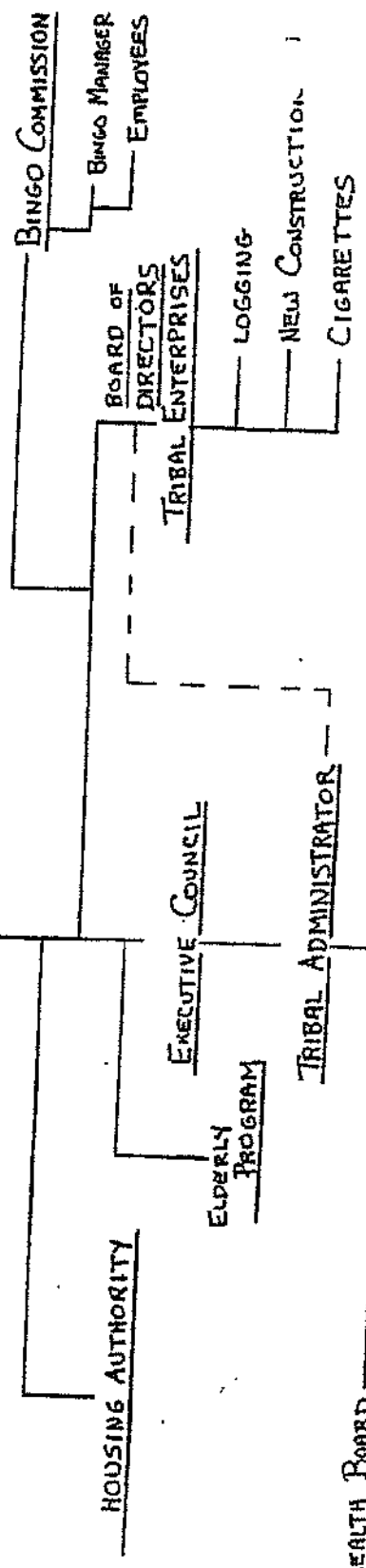
I, Ruth Pemma the undersigned Secretary of the Forest County Potawatomi Executive Council, hereby certify that the Executive Council is composed of six members of whom 4 being present constituted a quorum at a meeting duly called, convened, and held on the 26 day of September 1988, and that said resolution was duly adopted at above meeting by an affirmative vote of 3 members for and 0 members against, and 0 members abstaining and said resolution was not rescinded or amended in any way.

Ruth Pemma
Ruth Pemma, Secretary

FOREST COUNTY POTAWATOMI

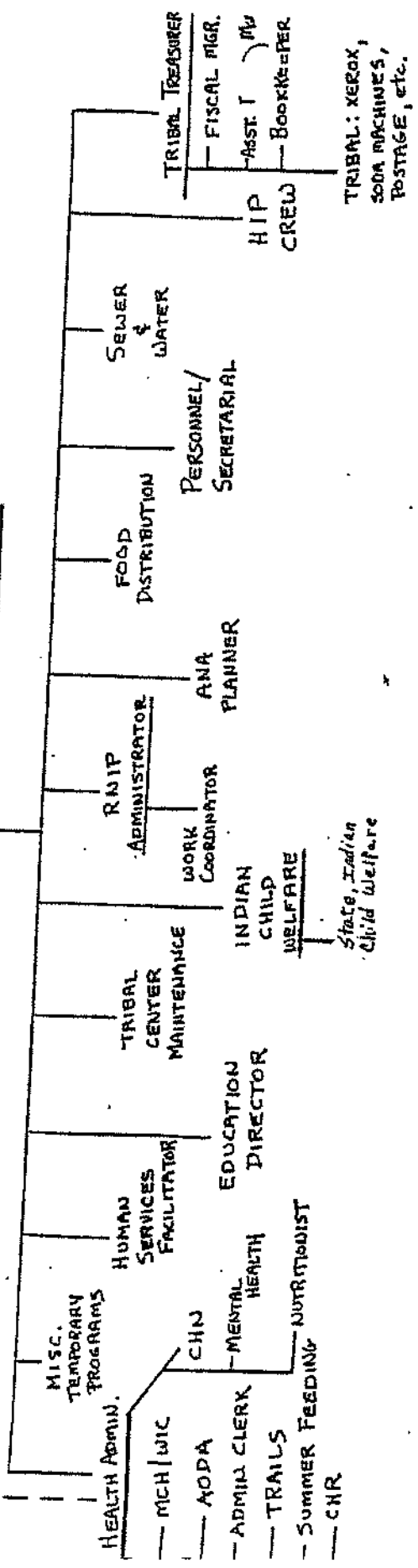
ORGANIZATIONAL CHART

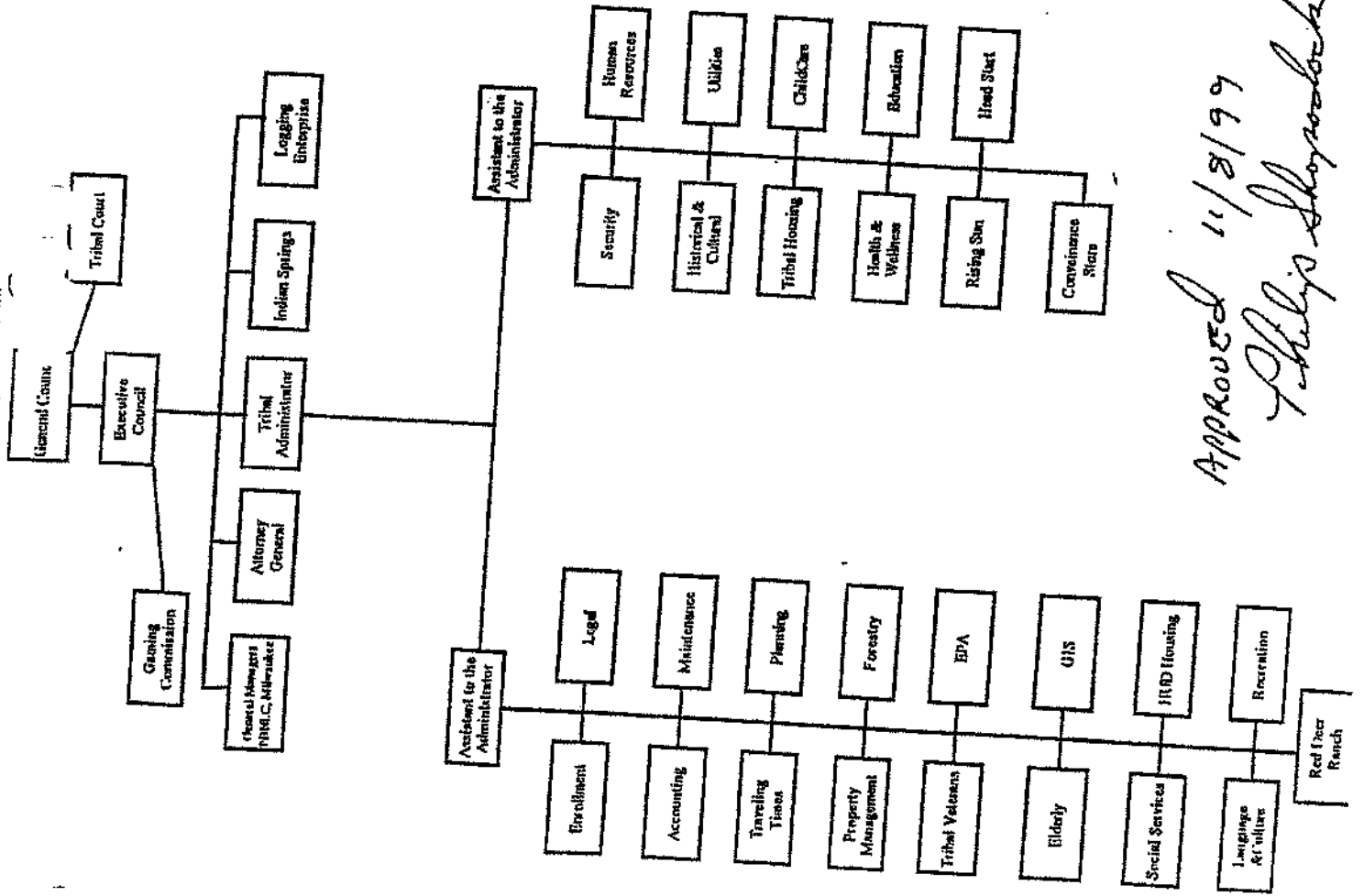
GENERAL COUNCIL



HEALTH BOARD

COMMITTEES





Approved 11/8/99
Philip Shoprock

ORIGINAL

Exhibit D

Forest County Potawatomi Community

* * *

TRIBAL COURT CODE

COUNCIL FINDINGS	1
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Exhibit E

TRIBAL COURT
FOREST COUNTY POTAWATOMI COMMUNITY

Index to Rules of the Court
Forest County Potawatomi Tribal Courts

Rule No.	Dated	Subject
1	September 1, 1994	Canons of Judicial Ethics
2	October 17, 1994	Rules for Admission to Practice
3	November 4, 1994	Rules for Filing Documents
4	January 1, 1996	Canons of Judicial Ethics
5	May 1, 1996	Schedule of Court Costs and Fees
6	October 10, 1996	Service of Legal Documents
7	December 3, 1996	Subpoenas: Issuance, Service, Witness Fees & Mileage in Tribal Court
8	March 4, 1997	Appeals in Forest County Potawatomi Tribal Courts
9	May 29, 1997	Court Commissioners
10	May 19, 1997	Establishing Law – Applicable in Potawatomi Tribal Courts
11	February 11, 2000	Rules of Civil Procedure in Forest County Potawatomi Community Tribal Courts
12	February 11, 2000	Rules of Evidence in Forest County Potawatomi Community Tribal Courts

Page 2, Continued
Index to Rules of the Court

13	October 31, 2000	The Filing of Reports in Forest County Potawatomi Community Tribal Courts
14	February 6, 2001	Policies and Procedures for Contempt of Court

Exhibit F

165.90 County-tribal law enforcement programs.

(1) Any county that has one or more federally recognized Indian reservations within or partially within its boundaries may enter into an agreement in accordance with s. 59.54 (12) with an Indian tribe located in the county to establish a cooperative county-tribal law enforcement program. To be eligible to receive aid under this section, a county and tribe shall develop and annually submit a joint program plan, by December 1 of the year prior to the year for which funding is sought, to the department of justice for approval. If funding is sought for the 2nd or any subsequent year of the program, the county and tribe shall submit the report required under sub. (4)(b) together with the plan.

(2) The joint program plan shall identify all of the following:

(a) A description of the proposed cooperative county-tribal law enforcement program for which funding is sought, including information on the population and geographic area or areas to be served by the program.

(b) The program's need for funding under this section and the amount of funding requested.

(c) The governmental unit that shall administer aid received and the method by which aid shall be disbursed.

(d) The types of law enforcement services to be performed on the reservation and the persons who shall perform those services.

(e) The person who shall exercise daily supervision and control over law enforcement officers participating in the program.

(f) The method by which county and tribal input into program planning and implementation shall be assured.

(g) The program's policies regarding deputization, training and insurance of law enforcement officers.

(h) The record-keeping procedures and types of data to be collected by the program.

(i) Any other information required by the department or deemed relevant by the county and tribe submitting the plan.

(3) Upon request, the department shall provide technical assistance to a county and tribe in formulating a joint program plan.

(3m) In determining whether to approve a program plan and, if approved, how much aid the program shall receive, the department shall consider the following factors:

(a) The population of the reservation area to be served by the program.

(b) The complexity of the law enforcement problems that the program proposes to address.

(c) The range of services that the program proposes to provide.

(4) If the department approves a plan, the department shall certify the program as eligible to receive aid under s. 20.455 (2) (kt). Prior to January 15, of the year for which funding is sought, the department shall distribute from the appropriations under s.

20.455 (2) (kt) to each eligible program the amount necessary to implement the plan, subject to the following limitations:

(a) A program may use funds received under s. 20.455 (2) (kt) only for law enforcement operations.

(b) A program shall, prior to the receipt of funds under s. 20.455 (2) (kt) for the 2nd and any subsequent year, submit a report to the department regarding the performance of law enforcement activities on the reservation in the previous fiscal year.

(5) Annually, on or before January 15, the department shall report on the performance of cooperative county-tribal law enforcement programs receiving aid under this section to each of the following:

(a) The chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2).

(b) The governor.

(c) The special committee on state-tribal relations under s. 13.83 (3).

History: 1983 a. 323; 1987 a. 32c; 1989 a. 31; 1995 a. 204; 1999 a. 9, 60.

(9) **COUNTY TELECOMMUNICATION TERMINAL.** Every county in the state shall have a telecommunication terminal installed in a county law enforcement agency which is interconnected with the department of transportation and other county, municipal and governmental law enforcement agencies in the TIME (Transaction Information for Management of Enforcement) system. This subsection shall not preclude the connection and participation in the system of any governmental law enforcement agency and the requirements of this subsection shall be effective even though there are additions, deletions or modifications in the system.

(10) **NEIGHBORHOOD WATCH SIGN APPROVAL.** The board may approve the placement, by a town board, of a neighborhood watch sign under s. 60.23 (17m) within the right-of-way of a county trunk highway.

(11) **SAFETY AT SPORTING EVENTS.** The board may enact and enforce an ordinance to prohibit conduct which is the same as conduct prohibited by s. 167.32 and provide a forfeiture for a violation of the ordinance.

(12) **COUNTY-TRIBAL LAW ENFORCEMENT PROGRAMS.** Pursuant to adoption of a resolution, a board may enter into an agreement and seek funding under s. 165.90.

(13) **ARMING SHERIFFS.** The board of any county may furnish its sheriff, undersheriff and deputy sheriffs with the necessary arms, ammunition, gas bombs and gas sticks for the carrying out of their respective duties, such arms, ammunition, gas bombs and gas sticks to remain the property of the county.

(14) **COURTHOUSE AND JAIL RESTRICTIONS.** (a) A county shall provide a courthouse, fireproof offices and other necessary buildings at the county seat and keep them in good repair. A county shall provide a jail or enter into a cooperative agreement under s. 302.44 for the cooperative establishment and use of a jail. The jail and rehabilitation facilities as extensions of the jail need not be at the county seat and may be located outside of the county under a cooperative agreement under s. 302.44.

(b) No jail may be constructed until the construction plans and specifications are approved by the department of corrections.

(c) When the courthouse from any cause becomes unsafe, inconvenient or unfit for holding court, the board shall provide some other convenient building at the county seat for that purpose temporarily, and this building shall then be considered the courthouse for the time being.

(d) The construction of any courthouse shall be in accordance with plans and specifications that are accompanied by the certificate of the circuit judge in whose circuit the building is to be erected, to the effect that after consultation with competent experts the judge is advised and believes that the courtrooms provided for will possess proper acoustical properties. The fee for this advice shall be paid by the county upon the judge's certificate.

(e) Repairs which amount substantially to a reconstruction of a courthouse shall be governed by the same restrictions that apply to new construction, so far as practicable.

(f) The personnel who are required to comply with ss. 302.41 and 302.42 shall be provided at county expense.

(g) A county may establish extensions of the jail, which need not be at the county seat, to serve as places of temporary confinement. No person may be detained in such an extension for more than 24 consecutive hours, except that a court may order that a person subject to imprisonment under s. 23.33 (13) (b) 2. or 3. or (c) or 350.11 (3) (a) 2. or 3. or (b) be imprisoned for more than 24 consecutive hours in such an extension. Jail extensions shall be subject to plans and specifications approval by the department of corrections and shall conform to other requirements imposed by law on jails, except that cells may be designed and used for multiple occupancy.

(15) **ANNUAL INSPECTION.** At least once each year the board of each county, or a committee thereof, shall visit, inspect and examine each jail maintained by the county, as to health, cleanliness and discipline, and the keeper of the jail shall lay before the board or the committee a calendar setting forth the name, age and

mated fingerprint identification system shall be credited to this appropriation.

(kh) **Sexual assault forensic exams.** The amounts in the schedule for reimbursing persons for the costs associated with sexual assault forensic exams. All moneys transferred to this appropriation from the appropriation account under par. (Lm) shall be credited to this appropriation account.

(km) **Lottery background investigations.** The amounts in the schedule for the purpose of providing lottery-related background investigations. All moneys received from the department of revenue or any state agency as payments for services provided and costs incurred by the department of justice for lottery background investigations under s. 565.25 (4) shall be credited to this appropriation account.

(kp) **Drug crimes enforcement; local grants.** The amounts in the schedule for grants to local multijurisdictional groups to enforce prohibitions related to controlled substances. All moneys transferred from the appropriation account under s. 20.455 (2) (i) 3. shall be credited to this appropriation account.

(kq) **County law enforcement services.** The amounts in the schedule to provide grants to counties under s. 165.89. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 15d. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

(kt) **County-tribal programs, local assistance.** The amounts in the schedule for distribution to county-tribal law enforcement programs under s. 165.90. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 15g. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

(ku) **County-tribal programs, state operations.** The amounts in the schedule to finance the activities of the department of justice associated with county-tribal law enforcement programs under s. 165.90. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 15h. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

(kw) **Tribal law enforcement assistance.** The amounts in the schedule to provide grants for tribal law enforcement under s. 165.91. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 15. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

(Lm) **Crime laboratories; deoxyribonucleic acid analysis.** All moneys received from crime laboratories and drug law enforcement surcharges authorized under s. 165.755 and deoxyribonucleic acid analysis surcharges authorized under s. 973.046 to provide deoxyribonucleic acid analysis, to administer s. 165.77, to pay for the costs of mailing and materials under s. 165.76 for the submission of biological specimens by the departments of corrections and health and family services and by county sheriffs, to transfer to the appropriation account under par. (kd) the amounts in the schedule under par. (kh) and to transfer to the appropriation account under par. (kh) the amounts in the schedule under par. (kh).

(m) **Federal aid, state operations.** All moneys received as federal aid, as authorized by the governor under s. 16.54, for state operations.

(ma) **Federal aid, drug enforcement.** All moneys received from the federal government under subtitle K of title I of P.L. 99-570 for state programs, except as provided under s. 20.505 (6) (m), as authorized by the governor under s. 16.54, for drug law enforcement programs to work with local law enforcement agen-

Exhibit G

of the act under the same conditions that apply to payments becoming due subsequent to the passage of the law. That nothing herein contained shall affect any valid adverse claim initiated prior to the passage of this resolution.

Approved, March 3, 1913.

PUBLIC ACTS OF SIXTY-THIRD CONGRESS, FIRST SESSION, 1913.

CHAP. 1.—An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes.

June 20, 1913.
[H. R. 3411.]

[Public No. 2.]
26 Stat., 4.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, for the objects hereinafter expressed, for the fiscal year ending June thirtieth, nineteen hundred and fourteen, namely:

Opening Indian reservations (reimbursable): To meet the expenses pertaining to the opening to entry and settlement of such Indian reservation lands as may be opened during the fiscal year nineteen hundred and fourteen: *Provided,* That the expenses pertaining to the opening of each of said reservations and paid for out of this appropriation shall be reimbursed to the United States from the money received from the sale of the lands embraced in said reservations, respectively, \$20,000.

26 Stat., 4.
Opening Indian reservations to entry.

Proviso.

Reimbursement.

Approved, June 23, 1913.

CHAP. 4.—An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June thirtieth, nineteen hundred and fourteen.

June 20, 1913.
[H. R. 3417.]

[Public No. 4.]
26 Stat., 17.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and in full compensation for all offices the salaries for which are provided for herein for the service of the fiscal year ending June thirtieth, nineteen hundred and fourteen, namely:

Indian Department
appropriations.

For the survey, resurvey, classification, appraisement, and allotment of lands in severalty under the provisions of the act of February eighth, eighteen hundred and eighty-seven, entitled "An act to provide for the allotment of lands in severalty to Indians," and under any other act or acts providing for the survey and allotment of lands in severalty to Indians; and for the survey and subdivision of Indian reservations and lands to be allotted to Indians under authority of law, \$200,000, to be repaid proportionately out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purpose and to remain available until expended: *Provided,* That no part of said sum shall be used for survey, resurvey, classification, appraisement, or allotment of any land in severalty upon the public domain to any Indian, whether of the Navajo or other tribes, within the State of New Mexico and the State of Arizona.

Surveying, classifying
in severalty, etc.
24 Stat., 566, vol. 1, 57.

Surveying resurveys,
classification, etc., for allotment.

Proviso.
Use for allotting, etc.
in New Mexico and
Arizona Territory.

For the construction, repair, and maintenance of ditches, reservoirs, and dams, purchase and use of irrigation tools and appliances,

Irrigation, ditches,
etc.

benefit of the Indians of said reservation. That said commission shall have full power to make the investigations herein provided for, and shall have authority to subpoena and compel the attendance of witnesses, administer oaths, take testimony, incur expenses, employ clerical help, and do and perform all acts necessary to make a thorough and complete investigation of the subjects herein mentioned, and that said commission shall report to Congress on or before January first, nineteen hundred and fourteen: *Provided*, That one-half of all necessary expenses incident to and in connection with the making of the investigation herein provided for, including traveling expenses of the members of the commission, shall be paid from the contingent fund of the House of Representatives and one-half from the contingent fund of the Senate on vouchers therefor signed by the chairman of the said commission, who shall be designated by the members of the said commission.

That the Secretary of the Interior be, and he is hereby, authorized and directed to make an allotment, in accordance with the provisions of the act of July fourth, eighteen hundred and eighty-four (Twenty-third Statutes at Large, page seventy-nine), of not more than two hundred acres of land within the diminished Colville Indian Reservation, in the State of Washington, for the benefit of the heirs of Quo-lok-us-soma, deceased, Moses agreement allottee numbered thirty-five, jointly, in lieu of the portion of the Moses agreement allotment numbered thirty-five embraced within the patented homestead entries of Deborah A. Griffin and Mary J. Griffin, and trust patent issue thereon under the provisions of the act of March eighth, nineteen hundred and six (Thirty-fourth Statutes at Large, page fifty-five).

That the patent in fee heretofore issued in the name of Deborah A. Griffin, June thirtieth, nineteen hundred and six, for lots one and two and the northeast quarter southeast quarter section six, and lots one and two, section five, township thirty-six north, range twenty-seven east of the Willamette meridian; and a similar patent issued in the name of Mary J. Griffin, November twenty-first, nineteen hundred and ten, for the southeast quarter of the southwest quarter, and lots five, six, and nine of section thirty-one, township thirty-seven north, range twenty-seven east of the Willamette meridian, all situated in Okanogan County, Washington, be, and the same are hereby, confirmed and declared valid, notwithstanding the previous allotment of a portion of this land under Moses agreement allotment numbered thirty-five, and the sum of \$500 is hereby appropriated to the Colville Indians for reimbursement.

That the Secretary of the Interior be, and he is hereby, authorized to purchase for the Skagit Tribe of Indians in the State of Washington the tract of land actually used by them as a tribal burial ground, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$250, or so much thereof as may be necessary, to carry out this provision.

WISCONSIN.

Sec. 24. For the support and education of two hundred and ten Indian pupils at the Indian school at Hayward, Wisconsin, and pay of superintendent, \$36,670; for general repairs and improvements, \$4,000; in all, \$40,670.

For support and education of two hundred and fifty Indian pupils at the Indian school, Tomah, Wisconsin, and for pay of superintendent, \$43,450; for general repairs and improvements, \$10,000; for heating plant, \$10,000; in all, \$63,450.

Authority to Investigate.
24 Stat., 371.

Report.
Finance.
Expenses from contingent funds of both Houses.

Colville Reservation.
Land allotted to heirs of Quo-lok-us-soma.
24 Stat., 371, 372.

Issue of trust patents.
24 Stat., p. 371.

Deborah A. Griffin.
Patent in fee to.

Mary J. Griffin.
Patent in fee to.

Reimbursement to Indians.

Skagit Indians.
Purchase of burial ground for.

Wisconsin.

Hayward School.

Tomah School.

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see and

Chippewas of Lake Superior.
Support, etc.
Pottawatomie, etc.
Support, etc.

For support and civilization of the Chippewas of Lake Superior, Wisconsin, including pay of employees, \$7,000.

For support, education, and civilization of the Pottawatomie Indians who reside in the State of Wisconsin, including pay of employees, \$7,000.

Purchase of allotments for members of Wisconsin Band.
From share of tribal moneys, etc.

For the purchase of allotments for the individual members of that portion of the Wisconsin Band of Pottawatomie Indians now residing in the States of Wisconsin and Michigan, \$150,000, said sum to be reimbursed to the United States out of the appropriation, when made, of \$447,339, the said sum last named being the proportionate share of the said Indians in annuities and moneys of the Pottawatomie Tribe, in which they have not shared, as set forth in House Document Numbered Eight hundred and thirty, Sixtieth Congress, first session, and the Secretary of the Interior is hereby authorized to expend the said sum of \$150,000 in the purchase of land within the States of Wisconsin and Michigan, the title of such land to be taken in trust by the Government for the use and benefit of said Indians, said land to be situated in organized school districts and to be purchased in bodies of not more than one section, which said bodies shall not adjoin each other: *Provided*, That the land so purchased, except such part thereof as may be necessary for administrative purposes, shall be divided equitably among the Indians entitled thereto, and patents therefor shall be issued in accordance with the general allotment laws of the United States: *Provided further*, That the Secretary of the Interior may, in his discretion, withhold allotments from any Indian or Indians belonging to this band who, owing to advanced age or other infirmities, are deemed by him incapable of making beneficial use thereof, and in lieu of formal allotments to Indians falling within this class tentative allotments of land may be made to such Indians for occupancy and use during the remainder of their natural lifetime.

Proctor.
Allotments among Indians.

Tentative allotments to aged, etc. Indians.
25 Stat., 102.

Red Cliff Reservation.
Roads and bridges.

For construction of roads and bridges on the Red Cliff Reservation in Wisconsin, \$8,600.

Wyoming.

WYOMING.

Shoshone.
Support, etc.
School.

SEC. 25. For support and civilization of Shoshone Indians in Wyoming, including pay of employees, \$15,000.

For support and education of one hundred and seventy-five Indian pupils at the Indian school, Shoshone Reservation, Wyoming, and for pay of superintendent, \$31,025; for general repairs and improvements, \$6,000; in all, \$37,025.

Irrigation system on Reservation.
25 Stat., 102; acts, 107.

For continuing the work of constructing an irrigation system within the diminished Shoshone or Wind River Reservation, in Wyoming, including the maintenance and operation of completed canals, \$50,000, reimbursable in accordance with the provisions of the act of March third, nineteen hundred and five: *Provided*, That the Secretary of the Interior is hereby authorized and directed to use not to exceed \$1,000 of the sum herein appropriated for the purpose of making an investigation of the condition of the roads and bridges on the said Wind River Reservation and shall submit a report thereon, together with maps and plans of said roads, together with an estimate of the cost of construction of suitable and necessary roads and bridges on said reservation.

Proctor.
Investigation of roads and bridges.

Fulfilling treaty.
15 Stat., 674, vol. 2, 1072.

For support of Shoshones in Wyoming: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith (article ten, treaty of July third, eighteen hundred and sixty-eight), \$5,000; for pay of second blacksmith, and such iron and steel and other materials as may be required, as per article eight, same treaty, \$1,000; in all, \$6,000.

Roads and bridges.
25 Stat., 102.

The unexpended balance of the reimbursable appropriation of \$10,000 for road and bridge construction on the Shoshone Reserva-

Exhibit H

August 6, 1987

CONGRESSIONAL RECORD — SENATE

S 11477

By Mr. PROXMIRE:

S. 1802. A bill to declare that certain lands are held in trust for the Potawatomi communities in Wisconsin and Michigan; to the Committee on Energy and Natural Resources.

LANDS OF THE FOREST COUNTY POTAWATOMI COMMUNITY

Mr. PROXMIRE. Mr. President, today I introduce a bill to correct an administrative error which placed the title of the lands owned by the mem-

bers of the Forest County Potawatomi Community, residing in the States of Wisconsin and Michigan, in trust in the name of the United States only. Technically, the lands should be in the tribe's name and held in trust by the U.S. Government.

Historical record supports the Potawatomi Tribe's position. The Department of the Interior agrees that the deed was recorded in error.

This bill does not change or alter existing law but corrects that oversight in the deed.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1802

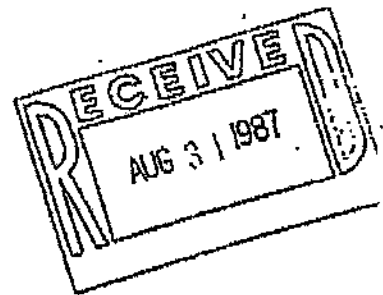
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) All rights, title, and interests of the United States in the surface and mineral estate of approximately 11,300 acres of land located in Forest County and Oconto County, Wisconsin that was acquired by the United States by reason of section 24 of the Act of June 30, 1913 (38 Stat. 1021), including any improvements on such land, are hereby declared to be held by the United States in trust for the benefit and use of the Forest County Potawatomi Community of Wisconsin and such land is hereby declared to be the reservation of the Forest County Potawatomi Community of Wisconsin.

(b) All rights, title, and interests of the United States in the surface and mineral estates of approximately 3,359 acres of land located in Menominee County, Michigan, that was acquired by the United States by reason of section 24 of the Act of June 30, 1913 (38 Stat. 1021), including any improvements on such lands, are hereby declared to be held by the United States in trust for the benefit and use of the Hannahville Indian Community of Michigan, and such land is hereby declared to be the reservation of the Hannahville Indian Community of Michigan.

SEC. 2. The Secretary of the Interior shall publish in the Federal Register a detailed description of the lands referred to in section 1.

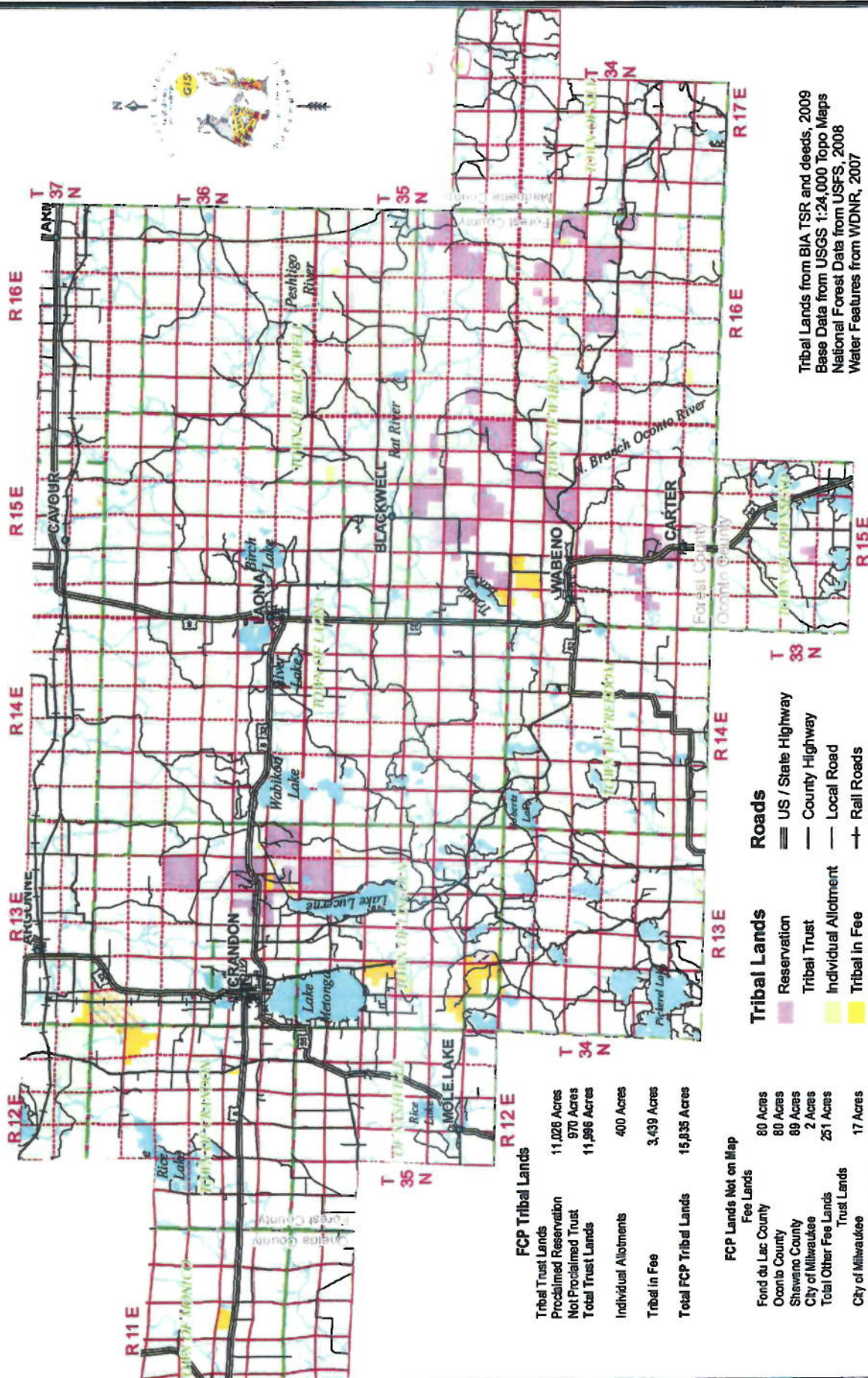
SEC. 3. Nothing in this Act shall deprive any person (other than the United States) of any lease, right-of-way, mining claim, grazing permit, entry right, or other right or interest which such person may have in the surface or mineral estate of any land referred to in section 1 on the day before the date of enactment of this Act.



INDIAN PEOPLES ADVISORY CENTER
IIPAC, Inc.
 A NON-PROFIT ORGANIZATION
 PO Box 54, Ligonier, PA 15658

Exhibit I

Forest County Potawatomi Land Base



Tribal Lands from BIA TSR and deeds, 2009
Base Data from USGS 1:24,000 Topo Maps
National Forest Data from USFS, 2008
Water Features from WDNR, 2007

Compiled January 2009, S. Alloway

0 0.5 1 2 3 4 5 6 7 8 9 10 Miles

FCP Tribal Lands

Tribal Trust Lands	11,020 Acres
Proclaimed Reservation	970 Acres
Not Proclaimed Trust	11,996 Acres
Total Trust Lands	
Individual Allotments	400 Acres
Tribal in Fee	3,439 Acres
Total FCP Tribal Lands	15,935 Acres

FCP Lands Not on Map

Fee Lands	
Fond du Lac County	80 Acres
Oconto County	80 Acres
Shawano County	80 Acres
City of Milwaukee	2 Acres
Total Other Fee Lands	261 Acres
Trust Lands	
City of Milwaukee	17 Acres
Alotments	
Forest Co., Town of Anin	40 Acres

*all acreages more or less
* Fee lands are awaiting legal review
and may not be complete

Roads

- US / State Highway
- County Highway
- Local Road
- Rail Roads
- Civil Towns
- County Boundary

Tribal Lands

- Reservation
- Tribal Trust
- Individual Allotment
- Tribal in Fee
- Man. Forest
- Man. Forest - Closed
- Lakes & Rivers
- Nicolet Forest

Exhibit J



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

APR 19 1993

REPLY TO THE ATTENTION OF

R-19J

Hartford Shegones, Chairman
Forest County Potawatomi Community
P.O. Box 346
Crandon, Wisconsin 54520

Dear Chairman Shegones:

I am pleased to inform you that the Water Division, Region 5, United States Environmental Protection Agency has completed its review of the Forest County Potawatomi Treatment-as-a-State application. Results of that review, including comments from the State of Wisconsin Department of Natural Resources were very positive. Consequently, I am designating the Forest County Potawatomi Community as eligible for funding under Section 106 of the Clean Water Act.

I applaud the Tribe's interest in protecting its environment and look forward to establishing a long and productive working relationship with the Community.

Sincerely yours,

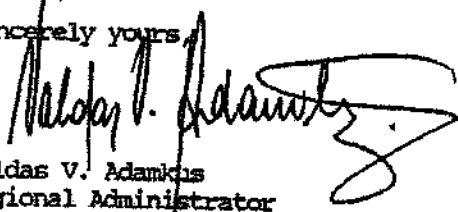

Valdas V. Adamkus
Regional Administrator

Exhibit K

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sensitive material

Exhibit L

**FOREST COUNTY POTAWATOMI COMMUNITY RESOLUTIONS RELATED
TO TAS APPLICATION (06/11/09)**

General Council Resolutions relating to the authority of the Tribal Court include:

- General Council (GC) 007-93** *Adoption of FCPC Tribal Court Code, 05/28/1993*
GC - 005-93 *Adoption of Children's Code of the FCPC, 05/28/1993*
GC - 006-93 *Adoption of the FCPC Foster Home Ordinance, 05/28/1993*
GC - 008-93 *Adoption of the FCPC Foster Home Ordinance Establishing Standards for Placement, 12/04/1993.*

Resolutions relating to the authority of the Natural Resources Department include:

- GC-007-88** *Adoption of FCPC Tribal Tire Dump Ordinance, 05/14/1988*
GC-013-93 *Designation of Devil's Lake Section for wilderness Recreation, 12/04/1993*
EC-015-92 *Approving submission of grant proposal to establish Environmental Department, 05/25/1992*
EC-043-92 *Approving submission of TAS eligibility for setting water quality standards for the defined area, 12/07/1992*
EC-044-92 *Approving submission of TAS eligibility for water pollution control under Section 106 of the Clean Water Act, 12/07/1992*
GC-009-93 *Adoption of FCPC Solid Waste Ordinance, 12/04/1993*
GC-011-93 *Requesting EPA Administrator to reclassify FCPC Reservation to a Class 1 Area, 12/04/1993*
GC-012-93 *Choosing to base FCPC land management practices on the protection of water resources and cultural sites, not allowing shoreline development, 12/04/1993*
EC-013-93 *Establishment of a FCPC Tribal Waste Tire Recovery Program and apply for state Waste Tire Recovery Program funds, 02/18/1993*
EC-005-95 *Statement of unanimous vote by FCPC General Council to submit proposal to the U.S. EPA requesting Class 1 Redesignation having completed the procedural requirement to hold hearings, 02/10/1995*
EC-041-95 *Establishment of FCPC members certified to perform environmental assessments and contamination surveys, 10/02/1995*
EC-045-95 *Statement of support of the National Congress of American Indians for FCPC's request for Class 1 redesignation, 10/31/1995*
EC-037-2008 *Natural Resources Treatment In The Same Manner As A State (TAS)-Air, 07/10/2008*

Resolutions relating to the authority of the Forestry Department include:

- GC - 036-99** *Adopted the FCPC Forest Management Plan (and FONSI), 12/27/1999*

Resolutions relating to the authority of the Economic Support Department include:

- EC - 015-95** *Statement of intent and desire to administer all available social welfare programs, 03/14/1995*

Resolutions relating to the authority of the Health and Wellness Center include:

EC - 008-92 *Support and Submit FCPC Health and Services Planning Proposal to Indian Health Services (HIS), 04/15/1992.*

Resolutions relating to the authority of the Education Department include:

EC - 006-94 *Approving and recognizing Bode-wad-mi Mno Keno Maw Dso Wen as the advisory committee for the "Even Start Program" (Potawatomi Good Teaching), 02/10/1994;*

EC - 033-95 *Establishing the FCPC Even Start Program and naming it "Bode wadmi Mno-Keno-Magewen Education Program", 07/20/1995.*

Resolutions relating to the authority of the Recreation Department include:

EC - 008-91 *Approve proposal for Summer Food Service Program for Children, 05/07/1991.*

Resolutions relating to the authority of the Emergency Management Department include:

GC - 027-2005 *Adoption of NIMS (National Incident Management System) concept of emergency planning and unified command, 09/29/2005.*

Resolutions relating to the authority of the Indian Child Welfare Department include:

EC - 025-95 *- Creation of the FCPC Child Protection Team, 06/14/1995.*

Resolutions relating to the Enforcement and Protection Services include:

GC - 035-2006 *Approval of application and addendum to be made to the State of Wisconsin for aid as provided for in Wisconsin Statute, § 203.455(2)(dq), and Wisconsin Statute, § 165.90, to defray anticipated expenses of performing additional law enforcement duties to the FCPC 11/15/2006.*

Resolutions relating to the Fire and Rescue Services include:

GC - 018-2006, *Approval of the 2006 Town of Lincoln Basic Fire and Rescue Services Agreement, 07/11/2005.*

Exhibit M

Training/Conference/ Workshop Title	Dates	Place	Provided by	Received Certificate?
Excel XP Level 1	01/14/2005	Rhineland, WI	1 Prospect	✓
PowerPoint Level 1	01/24/2005	Rhineland, WI	1 Prospect	✓
Excel XP Level 2	02/18/2005	Rhineland, WI	1 Prospect	✓
Management of Tribal Air Programs and Grants	03/14-18/2005	Coeur d'Alene, ID	ITEP	✓
Radon Measurement Proficiency Course	03/21-22/2005	St. Paul, MN	Midwest Universities Radon Consortium – USEPA- Radon Regional Radon Center	✓
SI-422 Air Pollution Control Orientation Course	04/11/2005	On-line	USEPA-Air Pollution Training Institute	✓
The Clean Air Act and Permitting	05/17-20/2005	Ingnacio, CO	ITEP	✓
NADP – MDN and NTN sample collection	06/01/2005	Crandon, WI	NADP staff	n/a
Build and Renovate to Avoid Mold	10/13/2005	Green Bay, WI	Energy Center of Wisconsin	n/a
Reviewing Title V Permits	10/18-20/2005	Green Bay, WI	ITEP	✓
USEPA R5 State, Tribal and Federal Air Contacts Meeting	11/1-2/2005	Chicago, IL	USEPA R5	n/a
Community Emergency Response Team Basic Training	01/18-20/2006	Carter, WI	FCPC	✓
Mercury Deposition in the Upper Midwest Workshop	02/22/2006	Chicago, IL	LADCO	n/a
Adobe Photoshop Level 1	03/16/2006	Rhineland	1 Prospect/FCPC	✓
Air Quality Computations Course	03/27-31/2006	Flagstaff, AZ	ITEP	✓
Radon Mitigation	07/19-21/2006	St. Paul, MN	MURC, U of M	✓
Air Pollution and Ecosystems	05/30-06/01/07	Las Vegas, NV	ITEP	✓
USEPA – Grants Training	12/20/07	Chicago, IL	USEPA	n/a
USEPA – NSR/PSD Training/Consultation	2/20-22/08	Salt Lake, UT	USEPA	n/a
New Source Review Permitting	07/29-31/08	RTP, N.C.	ITEP	✓
AQS data retrieval training	08/17-18/08	Milwaukee, WI	USEPA	n/a
Intro to GIS in Air Quality	3/24-26/09	Las Vegas, NV	ITEP	✓

FCPC Air Monitoring Specialist

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as of 07/06/08

Training/Conference/ Workshop Title	Dates	Place	Provided by	Received Certificate?
Intro to Tribal Air Quality	02/25-29/2008	Lawrence, KS	ITEP	✓
NADP-MDN and NTN sample collection	10/2007	On-site	FCPC Staff	n/a
Air Computations	04/07-11/2008	Las Vegas, NV	ITEP	✓
AQS data retrieval training	08/17-18/08	Milwaukee, WI	USEPA	n/a
Gaseous Pollutant Monitoring	02/10-12/2009	Las Vegas, NV	ITEP	✓
Air Pollution Technologies	04/27-30/2009	Las Vegas, NV	ITEP	✓
Emissions Inventory – TEISS Training	06/16-19/2009	Las Vegas, NV	ITEP	✓

Exhibit N



Forest County Potawatomi Community

P.O. Box 340, Crandon, Wisconsin 54520

FCPC EXECUTIVE COUNCIL RESOLUTION

Treatment In The Same Manner As A State Under The Clean Air Act

RESOLUTION NO. 029-2009

Whereas: the Forest County Potawatomi Community is a duly constituted Tribal Government in accordance with all the provisions of the Forest County Potawatomi Constitution and By-Laws adopted on June 5, 1982 pursuant to the Indian Reorganization Act of June 18, 1934, and,

Whereas: the health and well-being of the Earth is integral to the very identity and continued existence of the Forest County Potawatomi Community (the Tribe), and,

Whereas: air is a vital component of the Earth, affecting all other parts and beings, and thus the purity of this air is of immeasurable and unfathomable importance to the Tribe, and,

Whereas: the Tribe recognizes that air has no boundaries, yet it desires the ability to protect the portion of the Earth on which it is most directly dependent, the Reservation, being all lands held in Trust for the Tribe, by providing influence/input on pollution control permits issued to pollution sources by the State of Wisconsin and other governments within a 50 mile radius of the reservation boundaries, and,

Whereas: the Clean Air Act (CAA) and Tribal Authority Rule (TAR) allows Tribes wishing to exercise delegation, the right to require notification of a facility/pollution source being permitted within a 50-mile radius of the reservation by the issuing state and to submit written comment and recommendations/comments to the state on Title V pollution control permits being issued that may have adverse effects on the health of it's members and the environment, and,

Whereas: the Clean Air Act (CAA) and Tribal Authority Rule (TAR) allows Tribes a reduced matching fund requirement for CAA Section 105 air program grants, and,

Whereas: the Executive Council passed resolution 037-2008 on July 10, 2008 that did not include CAA Section 126 Authorization and it is the recommendation of the TAS air program team, that the final application include this delegation, and,

Whereas: the Clean Air Act (CAA) and Tribal Authority Rule (TAR) allows Tribes wishing to exercise Section 126 Authorization delegation, the right to require notification of new or existing major sources in nearby states that are subject to New Source Review or that may significantly contribute to levels of air pollution in excess of NAAQS on FCPC lands.

THEREFORE, BE IT RESOLVED, that Executive Council Resolution 037-2008, signed on July 10, 2008 be and hereby is rescinded, AND

BE IT FURTHER RESOLVED THAT the Forest County Potawatomi Community hereby adopts this Resolution and requests eligibility determinations under provisions of the Clean Air Act (CAA) Tribal Authority Rule (TAR), including Section 105 funding, Section 505 (a)(2) Treatment As An Affected State Under Title V, and Section 126 Authorization from the Administration of the United States Environmental Protection Agency.

CERTIFICATION

I, Angela Moe, the undersigned Acting Secretary of the Forest County Potawatomi Community, do hereby certify that the Executive Council is composed of six members of whom 4 members being present, constituting a quorum at a meeting duly called, convened, and held on the 6th day of July, 2009, and that said resolution was duly adopted at the meeting by an affirmative vote of 3 members for, 0 members against, and 0 members abstaining and that said resolution was not rescinded or amended in any way.

A. Moe
Angela Moe
Acting Tribal Secretary
Forest County Potawatomi Community

Exhibit O

Jeff Crawford, Attorney General
Jo Swamp, Senior Attorney
Amanda K. Frazer-Collins, Attorney

Jo Deen B. Lowe, Deputy Attorney General
Bruce Elliott Reynolds, Senior Attorney

**FOREST COUNTY POTAWATOMI COMMUNITY
LEGAL DEPARTMENT**

313 N. 13th Street
Milwaukee, WI 53233
(414) 847-7750
Fax: (414) 847-7721

P.O. Box 340
Crandon, WI 54520
(715) 478-7258
Fax: (715) 478-7266

July 7, 2009

Mr. Bharat Mathur
Acting Regional Administrator
U.S. Environmental Protection Agency
Region V
77 West Jackson Boulevard
Chicago, Illinois 60604

RE: Forest County Potawatomi Community Attorney General Statement -
Application for Treatment in the Same Manner as States under Section 301 (d) of the Clean Air
Act for Section 126 authorization, Section 505 (a)(2) affected state authority and Section 105
program funding

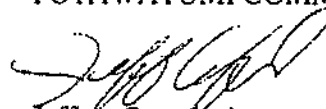
Dear Acting Administrator Mathur:

I am the Attorney General for the Forest County Potawatomi Community ("FCPC" or "Tribe") regarding preparation of the Tribe's application for treatment in the same manner as states ("TAS") status for Sections 126, 505(a)(2) and 105 of the Clean Air Act under the Tribal Authority Rule (the "TAS Application"). I have worked with the Tribe's Natural Resources Department and Air Resources Program Director during the preparation of this material and can attest to the accuracy of the map and legal discussion of all jurisdictional claims contained within the TAS Application.

Please do not hesitate to contact me at (414) 847-7748 if you require any additional information to proceed with the FCPC's TAS Application.

Very truly yours,

FOREST COUNTY
POTAWATOMI COMMUNITY



Jeffrey Crawford
Attorney General