

JANUARY 2004 CROW TRIBAL LEGISLATURE

CROW LEGISLATIVE BILL NO. CLB04-03

**INTRODUCED BY DAN OLD ELK SR., AND LLOYD HOGAN JR.
REPRESENTATIVE FOR THE CENTER LODGE (RENO) DISTRICT,
LEGISLATIVE BRANCH**

**A BILL FOR AN ACT ENTITLED "AN ACT TO ADOPT A COMPREHENSIVE
CROW WATER QUALITY PROTECTION CODE FOR AND BY THE CROW TRIBE
OF INDIANS."**

WHEREAS, the Crow Tribe of Indians, based on its aboriginal rights has the authority as a sovereign nation and based upon the Friendship Treaty of 1825, and Fort Laramie Treaties of 1851 and 1868, has the power and authority to make its own laws and to be governed by them; and

WHEREAS, to restore and maintain the chemical, physical, and biological integrity of the waters of the Crow Indian Reservation to preserve and enhance the Reservation environment as the permanent homeland of the people of the Crow Indian Tribe and to implement the rights reserved by the Tribe and guaranteed to them by the United States in the 1868 For Laramie Treaty; and

WHEREAS, the Conoco gas pipeline is a prime example in which the area of the pipeline break spilled into Reservation waters, polluting and killing fish and aquatic life; and

WHEREAS, the other government agencies in the area are not addressing the complaints of the people in the around the Crow Reservation of their knowledge of sewage and pollutants being discharged into Crow Reservation waters; and

WHEREAS, the United States Environmental Protection Agency (EPA) provides technical and financial assistance to tribe in protecting their environmental qualities; and

WHEREAS, the Crow Indian Tribe will assume primary enforcement authority ("primacy") under Environmental Protection Agency Acts (Clean Water Act, Clean Air Act, ect...), and receive applicable EPA grants to begin this process; and

WHEREAS, the Crow Tribal Legislature finds it to be in the foremost interest of the Crow Tribe to adopt and enact the Crow Water Quality Protection Code, to enhance and protect the Crow Reservation Waters with a code equal to or more stringent than the federal EPA standards.

NOW THEREFORE, BE IT ENACTED BY THE CROW LEGISLATURE:

THAT, upon approval of this bill, the Crow Water Quality Protection Code attached hereto and incorporated herein by reference is hereby adopted, and shall become effective immediately; and

THAT, the Crow Tribe of Indians aboriginal rights, and the Fort Laramie Treaty of 1868, and the Winters Doctrine gives the Crow Tribe of Indians the Senior Water Rights to all waters entering and within the exterior boundaries of the reservation and ceded strip shall be owned in absolute perpetuity for the Crow Tribe of Indians, so as to govern their minerals and resources to be a self-sustaining nation; and

THAT, the Crow Tribal Budget shall be amended and modified to include a water department for the Crow Tribe of Indians at this dollar amount \$ _____; and

THAT, the Executive Branch of the Crow Tribe shall establish a water department within 60 working days, so as to implement and enforce the Crow Water Quality Protection Code, and this water department be authorized to apply for and receive federal grants; and

THAT, revenue generated through this water department from fees, permits, fines and other sources pertaining to the water department shall have at least fifty percent (50%) of these funds going back into this water department to enhance the program objective of having pure waters; and

THAT, the Crow Water Department submit bi-annual reports to the Crow Tribal Legislature, so the Legislature can be appraised of issues facing the Tribe in this area; and

THAT, the Bureau of Indian Affairs Law enforcement and Bureau of Indian Affairs Special Officers enforce the Crow Tribal Water Quality Protection Code of infractions and violations of this code by any person(s) or entities within the exterior boundaries of the Crow Reservation; and

THAT, the Crow Tribe of Indians will assume absolute primary enforcement authority ("PRIMACY") under Environmental Protection Agency Acts (Clean Water Act, Clean Air Act, and ect...), and receive applicable EPA grants to begin this process; and

THAT, the United States Environmental Protection Agency (EPA) provides technical and financial assistance to Tribes in protecting their environmental qualities, which the Crow Tribe receive.

CERTIFICATION

I hereby certify that this Bill was duly approved by the Crow Tribal Legislature with a vote of 15 in favor, 0 opposed, and 0 abstained and that a quorum was present on this 10th day of February, 2004.

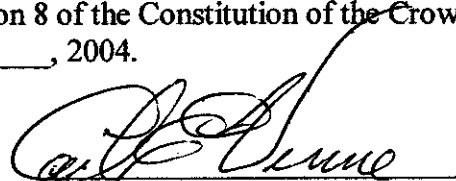

Speaker of the House
Crow Tribal Legislature

ATTEST:


Secretary, Crow Tribal Legislature

EXECUTIVE ACTION

I hereby X approve, ___ veto this Bill pursuant to the authority vested in the Chairman of the Crow Tribe by Article V, Section 8 of the Constitution of the Crow Tribe of Indians, on this 10 day of Feb, 2004.


Carl E. Venne, Chairman
Crow Tribal Executive Branch

Description of Vote: Approve or Disapprove Water Quality Protection Code

Bill or Resolution Number CLB0403 Introduced by: Hogan Date of vote: Feb 10, 2004
Representative

	Yes	No	Abstain
Cloud	<u>X</u>	<u> </u>	<u> </u>
D. Goes Ahead	<u>X</u>	<u> </u>	<u> </u>
O. Costa	<u>X</u>	<u> </u>	<u> </u>
Crooked Arm	<u>X</u>	<u> </u>	<u> </u>
Iron	<u>X</u>	<u> </u>	<u> </u>
Stewart	<u>X</u>	<u> </u>	<u> </u>
L. Costa	<u>X</u>	<u> </u>	<u> </u>
C. Goes Ahead	<u>X</u>	<u> </u>	<u> </u>
Hogan	<u>X</u>	<u> </u>	<u> </u>
Old Elk	<u>X</u>	<u> </u>	<u> </u>
K. Real Bird	<u> </u>	<u> </u>	<u> </u>
Pease	<u> </u>	<u> </u>	<u> </u>
Medicine Horse	<u>X</u>	<u> </u>	<u> </u>
Not Afraid	<u>X</u>	<u> </u>	<u> </u>
P. Real Bird	<u>X</u>	<u> </u>	<u> </u>
Wilson	<u> </u>	<u> </u>	<u> </u>
Stone	<u>X</u>	<u> </u>	<u> </u>
Secretary of the House	<u> </u>	<u> </u>	<u> </u>
Plain Feather	<u>X</u>	<u> </u>	<u> </u>
Speaker of the House	<u> </u>	<u> </u>	<u> </u>
Totals:	<u>15</u>	<u>0</u>	<u>0</u>

Results of Vote:

Passed Not Passed Tabled Veto Override

Signature of Officer: Miss Plain Feather Date: Feb 10, 2004