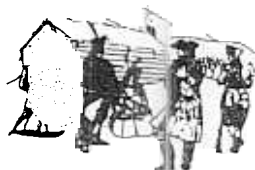


Oneida Tribe of Indians of Wisconsin

Post Office Box 365



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.

Phone: (414) 869-2214



Oneida, WI 54155



UGWA DEMOLUM YATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

RESOLUTION # 05-12-99D

Justification for Litigation Funding Request Resolution

- WHEREAS, the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government, and a treaty tribe recognized by the laws of the United States, and
- WHEREAS, the Oneida General Tribal Council is the governing body of the Oneida Tribe of Indians of Wisconsin, and
- WHEREAS, the Oneida Business Committee has been delegated the authority of Article IV, Section I of the Oneida Tribal Constitution by the Oneida General Tribal Council, and
- WHEREAS, the United States of America, the Oneida Tribe of Indians of Wisconsin, and the Menominee Indian Tribe of Wisconsin, as co-trustees for natural resources, are conducting a Natural Resource Damage Assessment (NRDA) pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of the Fox River and Green Bay environment, and
- WHEREAS, the Oneida Tribe of Indians of Wisconsin wishes to identify and assess possible impacts to its trust resources from past releases of polychlorinated biphenyls (PCBs), and
- WHEREAS, the identification and assessment of impacts to the Oneida Tribe's trust resources will include impacts unique to the Tribe and not otherwise investigated and assessed by the consultants to the Menominee Indian Tribe of Wisconsin and/or the United States of America, and
- WHEREAS, the Bureau's award of FY1998 litigation support funds has allowed the Oneida Tribe to retain expert consultants to study the unique economic impacts of PCB releases on the Tribe and to analyze the PCB concentrations found in trust resources of the Oneida Tribe, and
- WHEREAS, The Oneida Tribe wishes to further its participation in the NRDA by (i) studying injuries to additional trust resources, including bald eagles and furbearing mammals, (ii) performing an "Equivalency Study" to determine restoration alternatives acceptable to the Tribe for consideration in the NRDA process, (iii) obtaining peer review of the Tribe's NRDA-related studies and reports, (iv) independently evaluating the remedial investigations/feasibility studies prepared by the State of

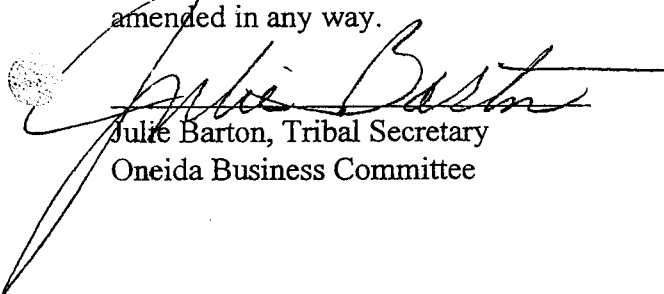
Wisconsin and the federal government to assure that the Tribe's concerns are adequately addressed, and (v) analyzing additional tissue sample for PCBs in the event that peer review determines further testing is necessary, and

WHEREAS the Oneida Tribe's limited expertise and limited funding require that each of the above-described tasks be performed by outside consultants;

NOW THEREFORE LET IT BE RESOLVED that the Oneida Tribe of Indians of Wisconsin hereby requests the sum of \$170,000 in fiscal year 1999 litigation support funds from the Bureau of Indian Affairs for the above-described purposes, as more fully described in the "Justification for Litigation Funding Request" attached hereto as Exhibit A.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum, 8 members were present at a meeting duly called, noticed and held on the 12th day of May, 1999; that the foregoing resolution was duly adopted at such meeting by a vote of 7 members for; 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.



Julie Barton, Tribal Secretary
Oneida Business Committee

EXHIBIT A

Justification for Litigation Funding Request May 12, 1999

Bald Eagle Injury Assessment (\$30,000)

A pair of Bald Eagles have recently chosen to nest on the Oneida reservation close enough to Green Bay to be included in the Great Lakes bald eagle census. The nest is within the Fox River/Green Bay NRDA Assessment Area. Information from the Bald Eagle Injury Assessment is essential to determine if the nest is viable and will be productive. Since part of the damage claim involves bald eagles it is important to establish if this is an anomaly or if the population is recovering without remediation. This determination will directly impact a settlement.

Equivalency Study (\$60,000)

Improvement of the NRDA Equivalency Study is important to the Oneida NRDA damage claim because it will allow the tribe to develop restoration alternatives that will make the public whole again. Without the study it may be difficult to create a justifiable set of restoration alternatives that will be acceptable in settlement negotiations. The PRPs are developing an alternatives plan that places increased services, such as boat landings and park benches, above improving environmental conditions, such as restoring habitat. It is therefore important for us to develop a strong equivalency study that will be defensible and acceptable in any settlement.

Peer Review of Assessment Reports (\$20,000)

All of the NRDA Assessment reports will be combined into the Final Report of Assessment. Our damage claim will depend on scientifically defensible reports. Peer review will allow the trustees to develop a defensive strategy and improve the reports before they are released to the public and the PRPs. The NRDA Assessment reports are all based on science that is subject to data interpretation and it is valuable to have third parties review the reports to examine them for deficiencies. Peer review is being used to develop the remediation plans for the Fox River and the Hudson River in New York.

RI/FS Review and Coordination (\$25,000)

Because all NRDA damage claims are dependent upon the remedy chosen for cleanup and the scientific evidence presented to determine the level of cleanup necessary it is important that we have RI/FS documents that do not conflict with our injury determination and damage claim. The Oneida tribe does not have staff with enough experience in modeling to sufficiently evaluate the models being developed for the RI/FS and will therefore need to employ the services of an outside consultant.

Furbearer injury Assessment (\$20,000)

The Oneida tribe is claiming injury to the furbearer population within the boundaries of the Oneida

Reservation. Consultants have informed us that the small amount of data that we have compiled is not sufficient to withstand an injury claim as identified in 43 CFR 11.62. Additional literature search and possible habitat and chemical analysis may be necessary to complete the injury claim.

Additional Chemical Analysis of Tissue Samples (\$15,000)

The main purpose of including new tissue sample analysis is to strengthen our case should it become necessary to fill data gaps that peer review may identify. This may include reanalysis of existing samples or the collection of new samples.

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May 12, 1999

Mr. Robert Jaeger, Superintendent
United States Department of the Interior
Bureau of Indian Affairs
Great Lakes Agency
615 Main West
Ashland, Wisconsin 54806-0273

VIA FACSIMILE AND REGULAR MAIL

Re FY 1999 Litigation Support Request

Dear Superintendent Jaeger:

Thank you for your April 5, 1999 letter regarding the availability of litigation support funds for fiscal year 1998. The Oneida Tribe of Indians of Wisconsin (the "Tribe") hereby requests \$170,000 for the funding of research related to the Tribe's participation in the ongoing Lower Fox River/Green Bay Natural Resource Damage Assessment, to be allocated as described in the attached Exhibit A.

Like last year's request, we intend to use the funds for work related to the ongoing Lower Fox River/Green Bay Natural Resource Damage Assessment ("NRDA") and related actions under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"). As you are aware, the Oneida Nation has asserted trusteeship over certain resources impacted by the release of polychlorinated biphenyls (PCBs) into the Fox River. Over the past several years, we have worked closely with the United States Fish and Wildlife Service and the Environmental Protection Agency to assess damages to resources caused by PCBs and to reach a negotiated settlement with those responsible for their discharge.

In order to accurately assess the damage caused by PCBs, it is important that the Oneida Nation actively participate in the assessment process. The Nation has asserted trusteeship for natural

Mr. Robert Jaeger, Superintendent
May 12, 1999
Page 2

resources which are not under the jurisdiction of the Fish and Wildlife Service, and has claimed unique injuries as a result of PCB contamination. In order to assure that these unique resources and injuries are adequately addressed in the assessment, the Nation must identify these resources and quantify their injuries. The Fish and Wildlife Service has limited funds with which to study the impact of PCBs on the Nation and its trust resources. Quantification of damages to the Nation's trust resources and inclusion of that figure within the larger assessment will only be possible if the Nation provides the funding for such studies.

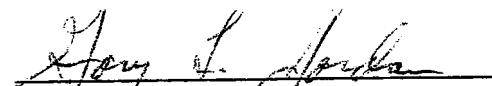
We recently received word that we received a large portion of our FY 1998 litigation support funding request. In accordance with the budget that we submitted to the Bureau, this money will be spent on ethnohistorical and economic research, as well as tissue sampling. We have already identified and retained consultants to assess the economic losses unique to the Oneida Nation and to test fish samples for PCB contamination.

Our FY 1999 request will be used to build on the work that we have done to date, in anticipation of litigation with the responsible parties. While the Nation would prefer a negotiated settlement of all claims, we realize that the matter may end up in court. In order to assure that our claims are a part of any potential litigation, we must make sure that our research stands up to legal challenge. This requires expertise far in excess of what the Nation's own staff can provide. Accordingly, we are seeking the additional funds in order to obtain the assistance necessary to accurately and defensibly account for injuries to the Tribe's trust resources.

Should you have any questions regarding this request, please contact Attorney Kris Goodwill at (920)869-4327, or Mr. Pat Pelky in the Oneida Environmental, Health and Safety Department at (920)497-5812.

Thank you for your consideration.

Very truly yours,



Gary Jordan, Vice-Chairman
Oneida Tribe of Indians of Wisconsin

enclosures

cc Kris Goodwill, Esq.
Pat Pelky

EXHIBIT A

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