

LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS

TRIBAL RESOLUTION NO. 156(18)

OPPOSITION TO ONEIDA COUNTY MINING ACTIVITIES

- WHEREAS,** the Lac du Flambeau Band of Lake Superior Chippewa Indians was a signatory to treaties with the United States of America in 1836 (7 Stat., 503; Proclamation, May 25, 1836), 1842 (7 Stat., 591; Proclamation, March 23, 1843), and 1854 (10 Stats., 1109; Proclamation January 10, 1855); and
- WHEREAS,** the Lac du Flambeau Band of Lake Superior Chippewa Indians ("Tribe"), is a recognized Indian Tribe organized pursuant to Section 16 of the Indian Reorganized Act of June 18, 1934, 24 U.S.C. 461 et. Seq.; and
- WHEREAS,** pursuant to Article III, Section 1 of the Lac du Flambeau Constitution and Bylaws ("Constitution and Bylaws"), the governing body of the Tribe is the Tribal Council; and
- WHEREAS,** pursuant to Article I, Section 2 of the Constitution "the jurisdiction of the Tribe shall extend to all the land and water areas within the territory of the Band, and further, for the purpose of exercising and regulating the exercise of rights to hunt, fish, trap, gather wild rice and other usual rights of occupancy, such jurisdiction shall extend to all lands and waters described in treaties to which the Band was a party, which treaties provide for such rights."; and
- WHEREAS,** the Tribal Council has the duty under Article VI, Section 1(a) to protect and preserve tribal property, and to protect and promote the general welfare of the Tribe; and
- WHEREAS,** the Tribal Council has the authority under Article VI, Section 1(c) to negotiate with the Federal, State, and local governments, on behalf of the Lac du Flambeau Band of Lake Superior Chippewa Indians and to advise and consult with the representatives of the Department of the Government of the United States on all matters affecting the affairs of the Tribe; and
- WHEREAS,** a portion of Oneida County is situated within the Lac du Flambeau Reservation that was set aside as a permanent homeland for the Tribe, as guaranteed by the 1854 Treaty of LaPointe, 10 Stats., 1109; Proclamation January 10, 1855; and
- WHEREAS,** the Seventh Circuit Court of Appeals, in *Lac Courte Oreilles Band of Lake Superior Chippewa Indians et al v. Voigt* in 1983 , recognized that the six Chippewa bands that were signatories to the 1836 and 1842 Treaties still to this day have treaty protected rights to hunt, fish, trap, gather wild rice and other usual rights of occupancy within the area ceded by the Tribes to the United States; and
- WHEREAS,** subsequent federal caselaw has held that the environment within treaty protected hunting, fishing, and gathering areas have to maintain standards that allow for

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future access to fish, game, and plants as contemplated by the Indians negotiating said treaties; and

WHEREAS, the Tribal Council is extremely concerned how proposed commercial mining activities within Oneida County, which is located within the 1836 and 1842 Ceded Territory, could negatively impact treaty protected hunting, fishing, and gathering by Tribal Members; and

WHEREAS, the Tribe can trace a significant historical nexus to the Town of Lynne and Oneida County related to grave sites, historic fishing activities, and past residential communities to name a few; and

WHEREAS, the Tribe, by letter dated April 11, 2018 to Oneida County Board Chairman Dave Hintz, expressed the Tribe's concerns related to mining activities and invited the Oneida County Board to meet with the Lac du Flambeau Tribal Council. The Tribe never received a response, nor has there been notice of any consultation with the Tribe, by either state or federal officials related to this issue; now, therefore be it


RESOLVED, by this Council, in Reconvened Regular Session assembled, hereby expresses its opposition to any commercial and/or industrial mining activities within Oneida County; be it further

RESOLVED, that the Tribal Council hereby states that it will seek any and all legal avenues to challenge any mining activity in the Town of Lynne and/or the County of Oneida that would negatively impact the Tribe's hunting, fishing, and gathering rights; disturb any historical sites; and/or negatively impact the environment within the 1836 and 1842 Ceded Territory; be it finally

RESOLVED, that the Tribal Council authorizes the Tribal President and Natural Resources Director to work with the Tribe's legal counsel and other agents to work on this issue.

CERTIFICATION

I, the undersigned, as Secretary of the Lac du Flambeau Band of Lake Superior Chippewa Indians, a tribal government operating under a Constitution adopted pursuant to Section 16 of the Indian Reorganization Act, 25 U.S.C., s. 476, do hereby certify that the Tribal Council of the Band is composed of twelve members, of whom eleven constituting a quorum, were present at a Reconvened Regular Meeting, duly called, noticed, convened, and held on the 14th Day of May, 2018, and that the foregoing resolution was duly adopted at said meeting by an affirmative vote of ten members (G. Cobb, B. LaBarge, D. Allen, B. Graveen, J. Johnson, Sr., F. Mitchell, Sr., W. Stone, Sr., G. Thompson, S. Beson, J. BigJohn), none against, none abstaining, and that the said resolution has not been rescinded or amended in any way.


Beverly LaBarge, Secretary
Lac du Flambeau Band of
Lake Superior Chippewa Indians