

KEWEENAW BAY INDIAN COMMUNITY

2017 TRIBAL COUNCIL

WARREN C. SWARTZ, JR., President
JENNIFER MISEGAN, Vice President
SUSAN J. LAFERNIER, Secretary
TONI J. MINTON, Assistant Secretary
DOREEN G. BLAKER, Treasurer

Keweenaw Bay Tribal Center
16429 Beartown Road
Baraga, Michigan 49908
Phone (906) 353-6623
Fax (906) 353-7540

ROBERT "R.D." CURTIS, JR.
FRED DAKOTA
RANDALL R. HAATAJA
MICHAEL F. LAFERNIER, SR.
GARY F. LOONSFOOT, JR.
RODNEY LOONSFOOT
ELIZABETH D. MAYO

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
REGULAR COUNCIL MEETING
HARVEY COMMUNITY CENTER
(MARQUETTE COUNTY)
FRIDAY – NOVEMBER 3, 2017 – 2:00 P.M.**

APPROVED

NOV 16 2017

KBIC PRESIDENT'S OFFICE

SIGNATURE: pl

- A. Date: November 3, 2017
- B. Call to Order: President Swartz called the meeting to order at 2:08 p.m.
- C. Invocation: Lord's Prayer and prayers for those affected by diabetes
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Jennifer Misegan, Vice President
Susan J. LaFernier, Secretary
Toni J. Minton, Assistant Secretary
Doreen G. Blaker, Treasurer
Robert R.D. Curtis, Jr.
Randall R. Haataja
Michael F. LaFernier, Sr.
Gary F. Loonsfoot, Jr.
Rodney Loonsfoot (arrived at 2:21 p.m.)
Elizabeth D. Mayo

Absent: Fred Dakota

- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.

- F. Approval of Agenda: November 3, 2017

Additions: Recognize Scheduled Delegation/Individuals- 5. Joe Derocha – A "Thank you" to KBIC
New Business- 6. Glen Bressette, Sr. - KBIC Honor Guard
1. Robert R.D. Curtis, Jr. – Donation Request

Change: Secretary's Report/September 2017

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE AGENDA WITH THE CHANGES. CO-SUPPORTED BY JENNIFER MISEGAN AND RANDALL R. HAATAJA. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Fred Dakota, Rodney Loonsfoot), MOTION CARRIED.

G. For Your Information:

1. A "Thank you" from the Family of Tina Cardinal
2. A "Thank you" from Advance America for the school supplies and back pack drive
3. A "Thank you" from the Marquette County Youth Football to all 2017 Team Sponsors
4. Voigt Intertribal Task Force Meeting Minutes September 7, 2017 Odanah, Wisconsin

H. President's Report/October 2017 – available for your review

Rodney Loonsfoot arrived at 2:21 p.m.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE OCTOBER 2017 PRESIDENT'S REPORT. SUPPORTED BY DOREEN G. BLAKER. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Fred Dakota), MOTION CARRIED.

I. Vice President's Report/October 2017 – Verbal Report

MOTION MADE BY TONI J. MINTON TO APPROVE THE OCTOBER 2017 VICE PRESIDENT'S REPORT. CO-SUPPORTED BY DOREEN G. BLAKER AND RANDALL R. HAATAJA. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Fred Dakota), MOTION CARRIED.

J. Secretary's Report/September 2017 – available for your review

MOTION MADE BY RANDALL R. HAATAJA TO APPROVE THE SEPTEMBER 2017 SECRETARY'S REPORT. SUPPORTED BY GARY F. LOONSFOOT, JR. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Fred Dakota), MOTION CARRIED.

K. CEO's Report/October 2017 – available for your review

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE OCTOBER 2017 CEO'S REPORT. SUPPORTED BY GARY F. LOONSFOOT, JR. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Fred Dakota), MOTION CARRIED.

L. Department Head Reports/September 2017

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE SEPTEMBER 2017 DEPARTMENT HEAD REPORTS. SUPPORTED BY TONI J. MINTON. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), ONE OPPOSED (Michael F. LaFernier, Sr.), ABSTAINING - 0, ONE ABSENT (Fred Dakota), MOTION CARRIED.

Michael LaFernier, Sr. stated his opposition: He is opposed because not all of the reports have been turned in.

M. Recognize Scheduled Delegation/Individuals:

1. April E. Lindala, Director/Dr. Abigail Wyche – Northern Michigan University (NMU) Center for Native American Studies (CNAS) Activities/Department Of Justice (DOJ) Office of Victim Services (OVS) Grant

An update was provided on the STEM Summer Youth Academy program (built a canoe), the DOJ OVS grant, curriculum proposals and online offerings, and Native American Heritage Month (November).

A curriculum proposal for an Associate's Degree in Native American Indian Studies is being considered at NMU which may eventually offer a Bachelor's. NMU will offer a Master's of Social Work next fall.

Several events are planned during November for Native American Heritage month. The 17th Annual First Nations Food Taster (indigenous foods) will be held on November 10th from 5:00 – 7:00 p.m.

2. Sandy Carlson –

- a) Marquette Seniors Christmas Dinner Party - a survey will be conducted during the General Welfare Support Program Check disbursements in Harvey on November 21st to ask the Seniors if they would prefer a gas card or a gift card
- b) Cigarettes – State stamped cigarettes are sold in the Ojibwa II Casino and Tribal members receive a discount

3. Linda Rabitaille – Housing Issue [Deleted from the agenda as her issue was addressed earlier in the day]

4. Joe Derocha – A “Thank you” for KBIC’s support during his campaign for State Representative 109th District (he did not win)
5. Glen Bressette, Sr. – the KBIC Honor Guard has been asked to participate at the NMU football game honoring Veterans on November 11th at the dome and the Council is invited to attend

Break: 3:27 - 3:38 p.m.

6. Chad Germann, President/CEO Red Circle Agency/Don Wren, Ojibwa Casinos General Manager/James Orr, Marketing Director – New Logo Presentation (PowerPoint) for the Ojibwa Casinos

N. New Business:

1. Doreen Blaker, Treasurer - Donations/November 2017

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE NOVEMBER 2017 DONATIONS AS THE FOLLOWING: \$5,000.00 TO THE KEWEENAW LAND TRUST FOR THE ABBAYE PENINSULA AND HURON BAY CONSERVATION INITIATIVE, \$200.00 FOR A FULL-PAGE AD IN THE L’ANSE SCHOOL 2018 YEARBOOK AND TO INCLUDE PICTURES OF THE KBIC SENIORS, \$500.00 IN MATCHING FUNDS TO THE MARCH OF DIMES BARAGA FUND DRIVE, \$2,000.00 FOR THE REPUBLIC MICHIGAN VETERANS MEMORIAL FUND REQUESTED BY STERLING SHULTZ (PRESENT), \$500.00 TO THE BARAGA FIRE DEPARTMENT FOR THE CHILDREN’S CHRISTMAS PARTY, \$500.00 FOR THE CALUMET ART CENTER MEMBERSHIP RENEWAL, AND \$200.00 TO THE BARAGA YOUTH FOOTBALL PROGRAM FOR A TEAM DINNER. SUPPORTED BY RODNEY LOONSFOOT. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFerner, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Fred Dakota), MOTION CARRIED.

O. Adjournment:

MOTION MADE BY ELIZABETH D. MAYO TO ADJOURN AT 4:20 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFerner, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Fred Dakota), MOTION CARRIED.

Respectfully submitted,


Peggy Loonsfoot
Administrative Specialist

AGENDA
KEWEENAW BAY INDIAN COMMUNITY
REGULAR COUNCIL MEETING
HARVEY COMMUNITY CENTER
(MARQUETTE COUNTY)
FRIDAY – NOVEMBER 3, 2017 – 2:00 P.M.

A. Date: November 3, 2017

B. Call to Order:

C. Invocation: Lord's Prayer

D. Roll Call: ___ Warren C. Swartz, Jr., President
 ___ Jennifer Misegan, Vice President
 ___ Susan J. LaFernier, Secretary
 ___ Toni J. Minton, Assistant Secretary
 ___ Doreen G. Blaker, Treasurer
 ___ Robert R.D. Curtis, Jr.
 ___ Fred Dakota
 ___ Randall R. Haataja
 ___ Michael F. LaFernier, Sr.
 ___ Gary F. Loonsfoot, Jr.
 ___ Rodney Loonsfoot
 ___ Elizabeth D. Mayo

E. Declaration of Quorum:

F. Approval of Agenda: November 3, 2017

G. For Your Information:

1. A "Thank you" from the Family of Tina Cardinal
2. A "Thank you" from Advance America
3. A "Thank you" from the Marquette County Youth Football to all 2017 Team Sponsors
4. Voigt Intertribal Task Force Meeting Minutes September 7, 2017 Odanah, Wisconsin

H. President's Report/October 2017

I. Vice President's Report/October 2017

J. Secretary's Report/October 2017

K. CEO's Report/October 2017

L. Department Head Reports/September 2017

M. Recognize Scheduled Delegation/Individuals:

1. April E. Lindala, Director - NMU Center for Native American Studies (CNAS) Activities/DOJ Grant Update
2. Sandy Carlson
 - a) Marquette Seniors Christmas Dinner Party
 - b) Cigarettes
3. Linda Rabitaille – Housing Issue
4. Chad Germann, President Red Circle Agency/James Orr, Marketing Director – New Logo Presentation for the Ojibwa Casinos

N. New Business:

1. Doreen Blaker, Treasurer - Donations/November 2017

O. Adjournment:

The past few months have been very busy in the office of the president. The following activities is intended to summarize those activities related to this office;

- The beginning of October started with our Annual Harvest Feast. This was done in conjunction with our monthly council meeting and one of the highlights of the meeting was being able to hear from our Congressional Representative Jack Bergman. In addition to the good words of Mr. Bergman, everyone attending was able to sit down and enjoy a meal with family and friends. Many Miigwetches to everyone who helped in one way or another.
- A couple days later we here at the KBIC had the honor of hosting the annual Michigan Indian Elders Association meeting. I attending the meetings and was able to watch the association take up and pass a resolution related to the Sand Hill Crane hunting season. Apparently, the Michigan Natural Resources Commission may be considering an open hunting season for Sand Hill Cranes. The MIEA is opposed to the hunting and taking of these birds.
- The next day I travelled to Shelbyville, Michigan to attend the United Tribes of Michigan meeting.
 - We elected executive officers. Same as last year
 - Passed resolutions supporting the USDA Tribal Food program funding. Discussions before United States Congress call for adding an employment requirement and initiate block granting of these programs that would funnel funding Native American Nations utilize for food programs and nutritional supplement through states; and it's not appropriate to ask sovereign tribal governments to apply through a state agency. We also called upon congress to fund the USDA food program at a minimum to current levels.
 - We also passed a resolution supporting for an amendment to the tribal general welfare exclusion act PL 113-168, to recognize the treatment of income for purposes of benefits eligibility. The act enables the tribe to provide certain benefits to its members either directly or in the form of financial support. The IRS issued additional guidance making it clear that general welfare are not to be included as income. The State of Michigan Department of Health and Human Services has recently excluded certain payments to tribal members from income. The resolution supports passage of legislation to amend the Tribal General Welfare Exclusion Act to ensure that tribal benefits are excluded for purposes of state and federal benefits eligibility. This is a legislative fix to ensure that such payments are excluded for purposed of Benefits eligibility.
 - It was reported that KBIC had 327 applications for the Michigan Indian Tuition Waiver of those 323 were verified. There are a number of reasons an applicant could be denied including an incomplete application, not enrolled, school not a public institution, student doesn't meet ¼-blood quantum or the student is not a MI resident.
- We continue to attend VOIGT and GLIFWC Board of commissioners meetings. These meetings help us to monitor treaty-protected activities throughout the ceded territories.
- I participated in a number of meetings related to the community's tobacco manufacturing. We had our sight visit and now waiting for a favorable opinion allowing us to open the doors and begin the manufacturing process.
- I attended a retirement party for Carole LaPointe. The party was held at the Donald A. LaPointe Health center. A number of people spoke about the good things Carole has accomplished over

the years. I took the opportunity to thank Carole for her dedicated service and wished her well in her retirement.

- I participated in an interview conducted by one of our own tribal members. Mitch Bolo interviewed me and ask me a number of questions related to office of the President. Mitch said the project is part of a college project and when he's finished people will be able to view it.
- I signed an independent contractor agreement between the community and Lauri Denomie for her services as the community's newsletter editor.
- We met with State Representative Scott Dianda and representatives from the Highland Copper mining company to discuss their operations in the Western U.P. In May of 2017, Highland copper acquired from Kennecott Exploration Company and Rio Tinto Nickel Company ("RTX"), subsidiaries of the Rio Tinto Group, mineral properties covering approximately 447,842 acres in the Upper Peninsula of the State of Michigan, U.S.A. (the UPX Properties) The acquisition of the UPX properties establishes Highland as a dominant mining exploration and development company in the Upper Peninsula of Michigan and offers the opportunity to build a pipeline of projects that could be developed in the future. There are lots of potential problems for KBIC, including potential for ON RESERVATION MINING in the company's plans. These issues have not been fully vetted yet and require on going monitoring to keep up with the activities of Highland Copper.
- I participated in a number of meeting related to Buffalo reef in raising awareness to this issue and advocating that the EPA take steps to remediate the impacts of the Gay stamp sands on the Buffalo Reef.
 - We need a long term strategy to address this issue
 - We need to educate the Federal agency staff about treaty rights.
 - We need consistent, sufficient funding that will help us bring good science and policy to the table.
 - And advocate for a task force to be formed with state, federal and tribal government to develop a long-term strategy to address these issues.
- The culmination of those meetings have resulted in my testimony in Washington DC to the Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard with the United States Senate. The topic for the subcommittee was titled "Exploring Native American Subsistence Rights and International Treaties" on October 31, 2017 at the Russell Senate Office Building, Room 253. Attached to this report is a copy of both our written and my oral testimony given at the Senate hearing.

**The Subcommittee on Oceans, Atmosphere, Fisheries, and
Coast Guard
Exploring Native American Subsistence Rights and
International Treaties
October 31, 2017 2:30PM
Russell Senate Office Building, Room 253**

Good afternoon Chairman Sullivan, Ranking Member Peters and members of the sub-committee. My name is Chris Swartz and I am the President of the Keweenaw Bay Indian Community.

The Keweenaw Bay Indian Community is located on the L'Anse Indian Reservation, Michigan's largest and oldest reservation. We live on the shores Lake Superior's Keweenaw Peninsula in Michigan's Upper Peninsula. Thank you very much for the opportunity to appear before you today.

I am here today representing my tribe. But we are not the only federally recognized tribe that is deeply concerned about the protection of our natural resources so we may exercise our treaty rights.

The threats to those rights and intergovernmental co-management are important to all eleven tribes who are members of an organization called the Great Lakes Indian Fish & Wildlife Commission.

The Great Lakes Indian Fish & Wildlife Commission is an extremely important organization made up of eleven Ojibwa tribes that retain treaty rights to hunt, fish and gather in territory ceded to the United States in the mid-1800s. Vast portions of Lakes Superior, Huron and Michigan were ceded in the Treaties of 1836 and 1842.

These treaties were and are made between nations and are as relevant as the treaties with our Canadian neighbors. Over the years, Federal and state courts have affirmed our treaty-reserved rights to hunt, fish, and gather off our reservations on these ceded lands around the Great lakes.

These rights were not granted in the treaties without purpose, they were reserved by our ancestors to provide for the continuation of our way of life.

The Keweenaw Bay Indian Community, as well as all other tribes with reservations on the shores of the Great Lakes depended on a healthy and robust Great Lakes fishery for thousands of years.

Today, we struggle to maintain this culturally significant practice to provide the extremely important food source we need. This sustenance resource is not only physical it is also spiritual, culturally important and medicinal.

As I sit before you Mr. Chairman with my fellow witnesses from Alaska who are able to feed their communities while the fisheries in Alaska do so much to feed the world I have to be honest with you and the rest of the subcommittee.

The truth is that after they clear cut our forests and mined copper, iron ore and other metals across our ceded territory to build Detroit, Chicago, Milwaukee and many other cities our ability to thrive as a fishing tribe was decimated. While those cities were being built our fish fed the occupants of many of those rapidly growing cities. Had that not taken place I assure you we would be competing with Alaska on the commercial fishing front.

Today, as a result of mining activity in our ceded territory there is an ever-increasing direct threat to the fishery resource on Lake Superior, especially to lake trout and whitefish. A highly important whitefish and lake trout spawning reef near Grand Traverse harbor is being literally smothered by mining waste.

This threat, if left unaddressed, would undermine the progress made in restoring a "self-sustaining" lake trout fishery in Lake Superior. In addition in failing to uphold our international agreement with Canada in these regards, this threat further undermines the ability of my tribe and others to sustain themselves through the harvest and sharing of fish.

Mining waste called stamp sand was dumped along the eastern shore of Lake Superior's Keweenaw Peninsula during the late 1800s and early 1900s. The stamp sands destroy the spawning reef by filling in the cobble substrate where the fish lay eggs. The stamp sands also contain high levels of copper, mercury, arsenic and other contaminants toxic to aquatic life. As such, juvenile fish are not found in shoreline habitats that are covered in stamp sands along this reef.

The Great Lakes Indian Fish & Wildlife Commission were pioneers in identifying this problem and have been more than just advocates in identifying solutions.

My tribe and the other Great Lakes Ojibwa tribes will depend on the Great Lakes Indian Fish & Wildlife Commission to work with many others to solve this problem and fulfill the obligation of the international treaties and agreements with Canada.

We are taking action – federal, state and tribal managers have coordinated to take immediate steps to protect the viable portion of the reef. This past summer, dredging of stamp sands occurred in Grand Traverse Harbor and the adjacent beach area. In addition, funds were committed to dredge a trench, or trough, that has protected the reef, but which has now filled up with stamp sands.

This dredging is estimated to provide 3-5 years of protection for the reef, but the trough will refill and stamp sands will again encroach upon the reef. A federal, state, tribal Task Force is now being established to explore long-term solutions to the problem and identify sources of funding. There is no one partner that can accomplish this work. A commitment and cooperation by all affected governments will be necessary.

In closing, I respectfully request Congressional support of the intergovernmental task force created to develop locally driven solutions. Much of this effort comes from funding made available through Congressional appropriations for the Great Lakes Restoration Initiative – including and especially funding for the appropriate and legitimate role of tribes as full partners.

With this effort we can prevent the damage occurring at this spawning reef and actually make some semblance of progress in restoring the tremendous potential for the Great Lakes to become on par with Alaska in feeding an ever-growing world.

After all, a healthy and well-fed world is a safer world for all of us in the United States of America. Thank you again for this opportunity - I'd be happy to answer any questions you may have.

KEWEENAW BAY INDIAN COMMUNITY

Keweenaw Bay Tribal Center
16429 Beartown Road
Baraga, Michigan 49908
Phone (906) 353-6623
Fax (906) 353-7540

2017 TRIBAL COUNCIL

WARREN C. SWARTZ, JR., President
JENNIFER MISEGAN, Vice President
SUSAN J. LAFERNIER, Secretary
TONI J. MINTON, Assistant Secretary
DOREEN G. BLAKER, Treasurer

ROBERT "R.D." CURTIS, JR.
FRED DAKOTA
RANDALL R. HAATAJA
MICHAEL F. LAFERNIER, SR.
GARY F. LOONSFOOT, JR.
RODNEY LOONSFOOT
ELIZABETH D. MAYO

TESTIMONY

of

WARREN C. SWARTZ

PRESIDENT

of the

KEWEENAW BAY INDIAN COMMUNITY

Before the

SENATE COMMITTEE ON

COMMERCE, SCIENCE, & TRANSPORTATION

SUBCOMMITTEE ON

OCEANS, ATMOSPHERE, FISHERIES, AND COAST GUARD

At the Hearing Titled

EXPLORING NATIVE AMERICAN SUBSISTENCE RIGHTS AND INTERNATIONAL TREATIES

October 31, 2017

LAKE SUPERIOR BAND OF CHIPPEWA INDIANS

"Home of the Midnight Two-Step Championship"

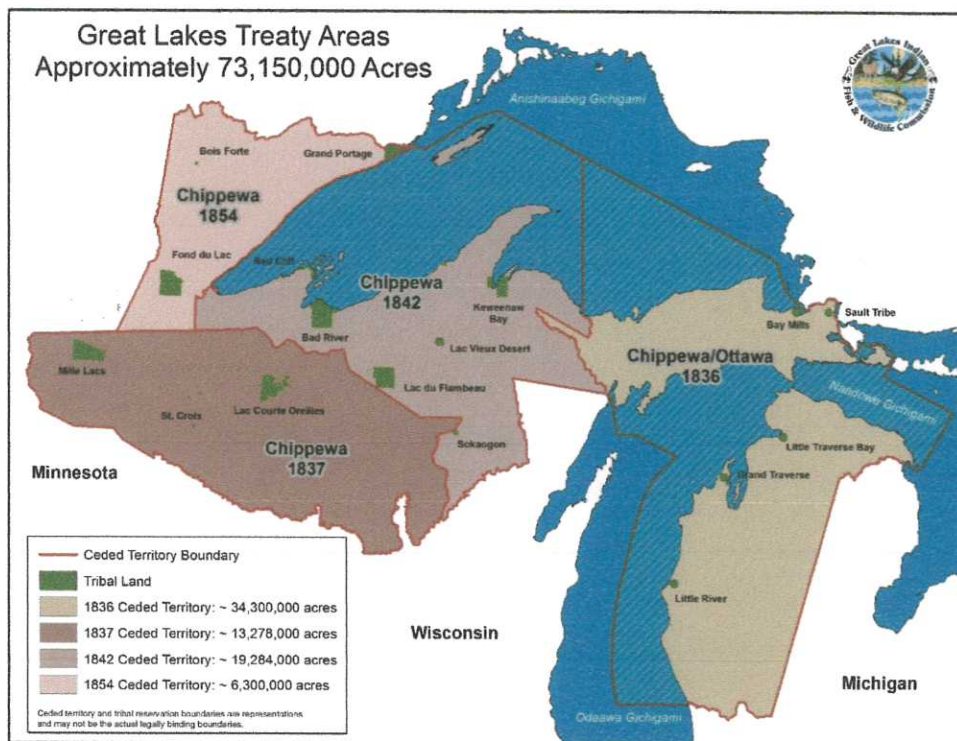
Chairman Sullivan, Ranking Member Peters and Members of the Subcommittee, my name is Chris Swartz and I am the President of the Keweenaw Bay Indian Community. The Keweenaw Bay Indian reservation is located near the town of Baraga, Michigan on the east side of Lake Superior's Keweenaw Peninsula. Thank you for the opportunity to appear before you today.

I am here today to represent my tribe, but my tribe is not the only one concerned about our subsistence rights and threats to those rights, and interested in demonstrating how international treaties can provide models for intergovernmental co-management, respect, coordination and problem solving.

My tribe is a member of an intertribal agency known as the Great Lakes Indian Fish and Wildlife Commission (GLIFWC).¹

GLIFWC is made up of eleven Ojibwe tribes² that hold treaty reserved rights to hunt, fish and gather in territory that we ceded (or sold) to the United States in Treaties in the mid-1800s (see map). As relevant to this hearing, portions of Lakes Superior, Huron and Michigan were ceded in the Treaties of 1836 and 1842.³ GLIFWC assists its member tribes in implementing their off-reservation treaty rights.

Treaties were and are made between nations. Thus we must consider the treaties that



¹ For more information, see www.glifwc.org.

² GLIFWC member tribes are: in Wisconsin -- the Bad River Band of the Lake Superior Tribe of Chippewa Indians, Lac Courte Oreilles Band of Lake Superior Chippewa Indians, Lac du Flambeau Band of Lake Superior Chippewa Indians, Red Cliff Band of Lake Superior Chippewa Indians, St. Croix Chippewa Indians of Wisconsin, and Sokaogon Chippewa Community of the Mole Lake Band; in Minnesota – Fond du Lac Band of Lake Superior Chippewa, and Mille Lacs Band of Ojibwe Indians; and in Michigan – Bay Mills Indian Community, Keweenaw Bay Indian Community, and Lac Vieux Desert Band of Lake Superior Chippewa Indians.

³ See Treaty of 1836, 7 Stat. 491. See, Treaty of 1842, 7 Stat. 591.

were made between the young United States and tribal nations that predated the arrival of Europeans in addition to relevant treaties with our Canadian neighbors. Federal and state courts have affirmed our treaty-reserved rights to hunt, fish and gather off our reservations on ceded lands.⁴ These rights were not granted in the treaties, rather they were reserved by our ancestors to provide for the continuation of our way of life as we had always lived it on the region's lands and waters. The Keweenaw Bay Indian Reservation, created by the Treaty of 1854, is but a small part of our much larger ancestral homeland, which was ceded to the United States in these earlier treaties.⁵

The Keweenaw Bay Indian Community, as well as other tribes located around Lake Superior, are and have always been, fishing tribes. Since time immemorial, these tribes have used the resources provided by gitchi-gami (or Lake Superior) to sustain their communities. This sustenance is not only physical; it is also spiritual, cultural, medicinal and economic. These tribes, in our first treaty (with the Creator) accepted a responsibility to protect and sustain the natural resources that provide for the lifeways of our people. We have hundreds of years of experience exercising this responsibility, and can bring a wealth of traditional ecological knowledge to bear on natural resource management questions. In modern times, we welcome and actively participate in partnerships with like-minded agencies that are also stewards of these natural resources.

The history of cooperative, coordinated fishery management in the Great Lakes is both interesting and instructive. During the late 1800s and through the first half of the 1900s, the Great Lakes states and Ontario tried unsuccessfully to create cooperative fishery management mechanisms. It was only after the invasive sea lamprey began to devastate the lake trout fishery that the jurisdictions realized their problems could not be solved individually – they needed to work together with the aid of the federal government. The 1954 Convention on Great Lakes Fisheries – a treaty between the US and Canada – created the Great Lakes Fishery Commission and committed the parties to control sea lamprey, advance shared science, and help agencies work together.⁶ The Convention did not, however, divest the states, the province, or the tribes of their management authority. In fact, tribes became active partners in the Fishery Commission's structures after state and federal courts re-affirmed their treaty-reserved fishing rights.

There are a number of mechanisms set up under the Fishery Commission that provide for the cooperative, coordinated exercise of each jurisdiction's management authority – state, provincial and tribal – with the assistance of the federal governments. These mechanisms

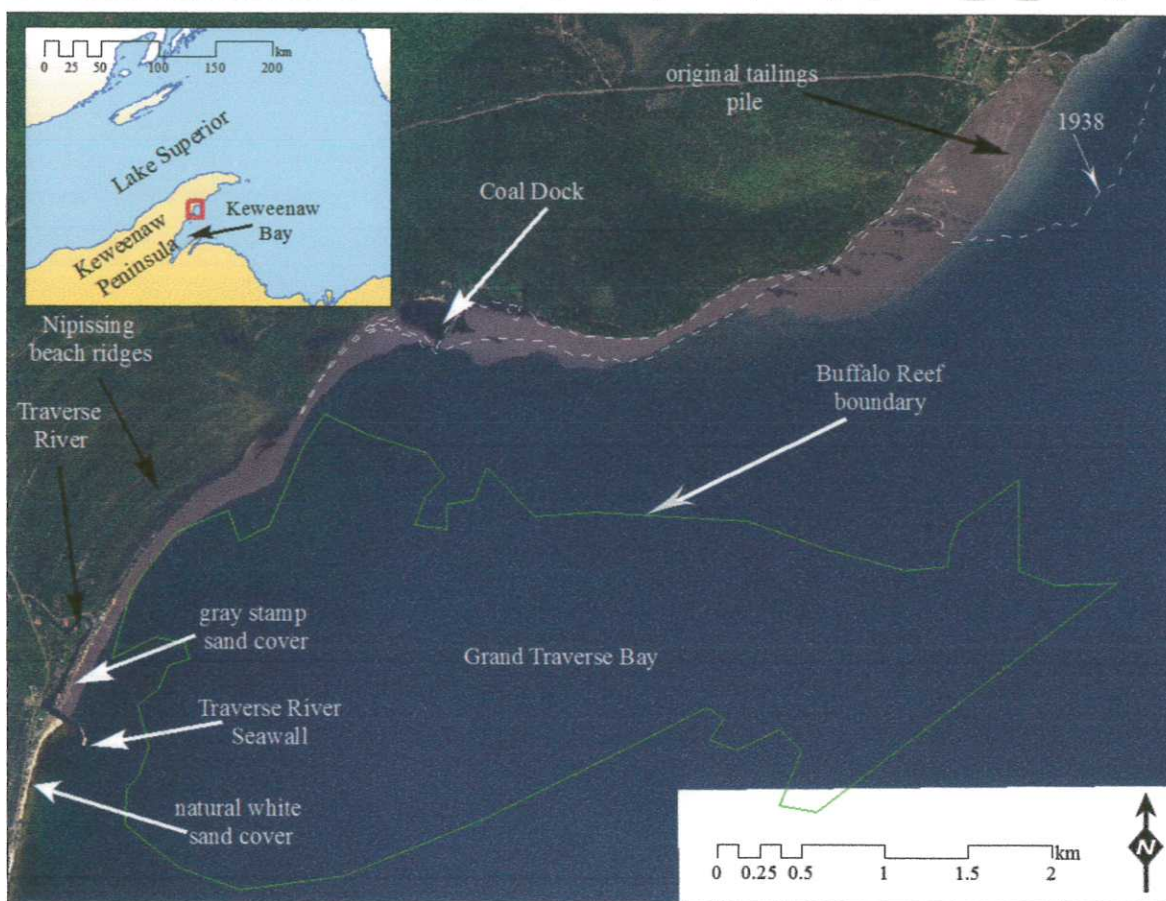
⁴ See, e.g. *People of the State of Michigan v. Jondreau*, 384 Mich. 539, 185 N.W. 2d 375 (Mich. 1971), and *United States v. Michigan*, 471 F.Supp. 192 (W.D.Mich. 1979).

⁵ See Treaty of 1854, 10 Stat. 1109.

⁶ For more information, see www.glfsc.org.

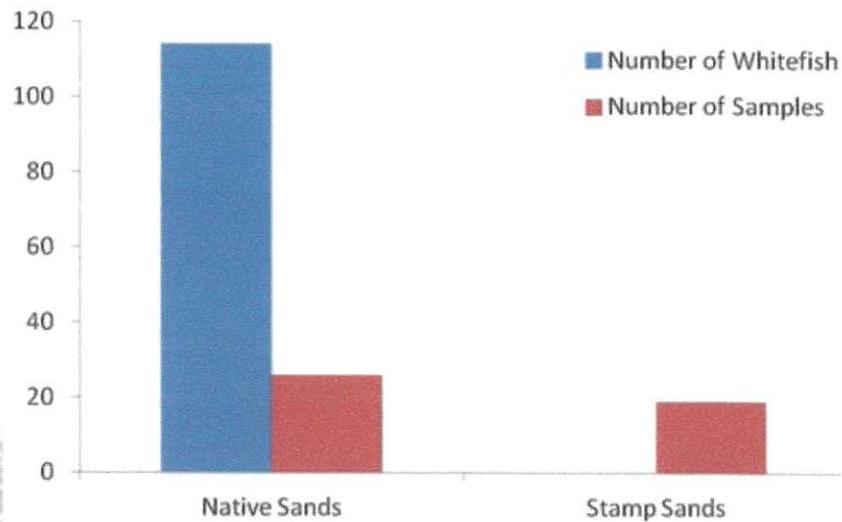
demonstrate an approach that is bottom-up rather than top-down, and respects each jurisdiction's expertise, knowledge and management authority. The federal government assists in coordination but does not prescribe outcomes.

There are many threats to Lake Superior's fishery in addition to sea lamprey. I would like to tell you about one other particular threat that would, if left unaddressed, undermine the significant progress that the partners have made in restoring a "self-sustaining" lake trout population, a status that was declared in 1996. This threat also undermines the ability of my tribe and others to sustain themselves through the harvest and sharing of fish, and undermines the obligation of the United States to uphold its treaty guarantees. An important whitefish and lake trout spawning reef is being smothered with what are known as stamp sands – mining waste that was dumped into Lake Superior and on its shoreline during the late 1800s and early 1900s. The stamp sands are destroying the spawning reef by filling in and contaminating the



cobble substrate where the fish lay eggs. The stamp sands are high in copper, mercury, arsenic and other contaminants toxic to aquatic life, illustrated by the fact that juvenile fish are not found in shoreline habitats that are covered in stamp sands (see chart, below). At present, approximately 35% of the reef is no longer viable because it is covered with an inch or more of stamp sands; modeling predicts that by 2025, 60% of the reef will no longer be viable for lake trout and whitefish spawning.

The Great Lakes supports a \$7 billion commercial, subsistence and recreational fishery, including associated tourism expenditures and more than 75,000 direct and indirect jobs.⁷ In Michigan waters of Lake Superior, Buffalo Reef is estimated to supply 23% of the tribal commercial harvest of lake trout, and the loss of this habitat would



likely result in the loss of approximately 125,000 pounds of whitefish and 12,500 pounds of lake trout annually. If the reef is lost, over \$1 million in tribal fishing jobs would also be lost.⁸ There would be additional impacts to the recreational fishery as well as to local businesses that rely on locally caught fish. At one time, the Great Lakes fed the cities of Chicago and Detroit. As the population continues to grow, their economies can only be helped by a productive fishery. Not only can the Great Lakes fisheries continue to feed the populations of these cities, but the recreational fishing industry is a growing source of a healthy economy in this region. Both depend on healthy ecosystems and resources.

Buffalo Reef is also an important source of genetic diversity to Lake Superior. Fish tagged on the reef have been caught as far away as Pancake Bay, Ontario and the western arm of Lake Superior.⁹

In addition to the treaties with tribes and the Convention on Great Lakes Fisheries, another treaty has bearing on this issue. The Boundary Waters Treaty of 1909 obliges the US and Canada “not to pollute” the boundary waters.¹⁰ That obligation has been implemented through an agreement, known as the Great Lakes Water Quality Agreement (GLWQA), which was first signed in 1978. In 2012, it was updated with the signing of a Protocol that explicitly reaffirms “the rights and obligations of both countries under the *Treaty relating to the*

⁷ See <http://www.glfc.org/the-fishery.php>

⁸ Great Lakes Indian Fish and Wildlife Commission, unpublished data.

⁹ Great Lakes Indian Fish and Wildlife Commission, unpublished data.

¹⁰ Boundary Waters Treaty of 1909, 36 Stat. 2448. Article IV.

Boundary Waters and Questions arising along the Boundary between Canada, and the United States done at Washington on 11 January 1909 (Boundary Waters Treaty) and, in particular, the obligation not to pollute boundary waters;”.¹¹

The GLWQA is an agreement between the US and Canada, but, like the Convention on Great Lakes Fisheries, its goals cannot be accomplished without the participation of the other governments with management authority over the fishery, including tribes that hold rights reserved in treaties equal in stature to the Boundary Waters Treaty. Tribes have management authority relative to their treaty rights, and must be “in the room and at the table” with other governmental partners when natural resource decisions are being made. This requires that equitable funding be available to support the capacity of tribes to participate in these partnerships and to develop the science and management expertise that they need to be effective partners.

There are a number of mechanisms for coordination under the auspices of the GLWQA, including intergovernmental working groups that are producing Lakewide Action and Management Plans (LAMPs) for each of the Great Lakes. In Lake Superior, this type of coordinated, binational state, federal, tribal and provincial partnership has been ongoing since the early 1990s. The most recent LAMP, produced in 2015, identifies actions to restore and protect Buffalo Reef as a priority project from a lakewide perspective.¹² The National Oceanic and Atmospheric Administration (NOAA), the US Army Corps of Engineers, the Environmental Protection Agency, and the Bureau of Indian Affairs as well as state and tribal governments have committed to take actions to further this work.

And they are taking action – federal, state and tribal managers have coordinated to take immediate steps to protect the viable portion of the reef. This past summer, stamp sand dredging occurred in Grand Traverse Harbor and the adjacent beach area. In addition, funds have been committed to dredge a trench, or trough, that has protected the reef, but which has now filled up with stamp sands. This dredging is estimated to provide 3-5 years of protection for the reef, but the trough will refill and stamp sands will again encroach upon the reef. A Task Force led by federal, state, tribal agencies is now being established to explore long term solutions to the problem and identify sources of funding. The Task Force will include other stakeholders as well, including Michigan Technological University. There is no one partner that can accomplish this work alone, commitment and cooperation by all affected governments and parties will be necessary.

¹¹ See, Protocol Amending the Agreement Between Canada and the United States of America on Great Lakes Water Quality, 1978, as Amended on October 16, 1983 and on November 18, 1987, at <http://www.ijc.org/en /Great Lakes Water Quality>

¹² Lake Superior Lakewide Action and Management Plan, https://www.epa.gov/sites/production/files/2016-10/documents/lake_superior_lamp_2015-2019.pdf. Page 8.

There is an important role for Congress here as well. Congress can:

- support the work of the intergovernmental Buffalo Reef Task Force as it develops appropriate, locally driven long term solutions that will have benefits at a basin-wide scale;
- support funding at no less than \$300 million for the Great Lakes Restoration Initiative (GLRI), which is doing so much to enable the protection and restoration of the Great Lakes;
- support the appropriate and legitimate role of tribes to be “at the table” as full partners in the development and implementation of solutions that will both restore the reef and protect it from further damage. The GLRI has provided an important source of funding to KBIC, other Great Lakes tribes, and to GLIFWC so that they have the capacity to carry out these roles; and
- recognize that the United States’ treaty obligations require the restoration of this reef. Habitat destruction creates a backdoor abrogation of the treaties between the United States and tribes; treaty reserved rights are diminished when the resources that are the subject of those rights are destroyed.

Lake Superior is an invaluable resource. The restoration and protection of Buffalo Reef will have long-term benefits for tribes and the continuation of their lifeways, as well as provide broad benefits to the region and all the communities that value the greatest of the Great Lakes, gitchi-gami. Finally, I respectfully invite the Chair, Ranking Member, and any or all members of this Subcommittee to tour Buffalo Reef and to visit the L’Anse reservation, the oldest and largest reservation in Michigan.

KEWEENAW BAY INDIAN COMMUNITY
TRIBAL COUNCIL

September 2017 Report from the Secretary to the Council/Community
(for the November 3, 2017 Regular Meeting
at the Harvey Community Center)

ANIN! We honor the greatness in you
Remember: "Indian Country Counts"
"Our People, Our Nations, Our Future"

We continue to recognize the richness of Native American contributions, accomplishments, and sacrifices to the political, cultural, and economic life of Michigan and the United States

Remember to continue to pray for each other, our police officers, military, firefighters, and all emergency personnel. Also remember those who are ill, those with economic struggles, all those who have lost loved ones, and for our world. Another season is approaching with elections, remembering our Veterans and we wish everyone a blessed Thanksgiving

Mino-Bimaadizin "Live Well"
Respectfully, Susan J. LaFornier

During September, the Tribal Council (9) Special or Finance Council meetings on September 7, 14, 18, 19, 20, 21, 25, 26, 28, 2017. Following are the approved minutes. This report will be published in the KBIC "Wiikwedong Dazhi-Ojibwa" newsletter and the approved minutes can also be found on the Keweenaw Bay Indian Community Website.

September 7, 2017 Special Council Meeting):

- Tabled the Upper Peninsula Health Care Solutions Business Associate Agreement for more information from the Health Administrator
- Approved the Tier IV Services Agreement with Henley Boat Manufacturing for the purchase of a marine research vessel for the Natural Resources Department for \$200,399.00
- Approved the Tier III Services Agreement with Steve Lloyd Construction to provide an Isolation Building/Well Building for the Natural Resources Department for \$13,400.00

- Approved the Sweet Grass Spa Business License renewal with Angela Kelly
- Approved the September 2017 Donations: \$2,000.00 for the MTU Parade of Nations; \$250.00 to Advance America for backpacks and school supplies; \$250.00 to the Superior Health Foundation; \$520.00 for two teams to attend the 3rd Annual Mike Hazen, Sr. Memorial Golf Scramble; \$2,000.00 for the MTU AISES Pow-wow and a KBIC flag; \$1,000.00 to Congressman Dan Young; \$1,000.00 to House Finance Committee member Devin Nunes; \$240.00 to Lori LaFERNIER to attend the 36th Annual U.P. EMS Conference in Marquette plus gas, use of a company vehicle if available and include any other KBIC member who serves with Bay Ambulance
- Approved the August 10 and 17, 2017 Tribal Council meeting minutes
- Approved Resolution KB 045-2017 Modifications to the residential and recreational leases of Joseph C. LaBeau, Sr. (transfer/add son)
- Approved the U.P. Engineers & Architects, Inc. Amendment No. 1 to Owner-Engineer Agreement for the non-motorized trail in Baraga, MI
- Tabled the “Attendance Procedure (Point System)” at the Ojibwa Casinos for more information
- Approved to appoint Heather Chapman as a Justice to the Appellate Division (contract for next week)
- Approved the KBIC Housing Department policy waiver request in case #003-2017

September 14, 2017 Special Council Meeting:

- Approved the Upper Peninsula Health Care Solutions Business Associate Agreement effective July 26, 2017 for the purpose of providing technical assistance services to improve quality reporting at the Department of Health & Human Services
- Approved the Appellate Justice Contract with Heather Chapman October 1, 2017 – October 1, 2020
- Approved to amend the Health Board By-Laws Article III Board Membership: Section 1 Change the number of regular members from seven to nine and add that one member will be

an employee from the KBIC DHHS and one will be a Tribal Council representative; Remove Section 7; Article V Meetings: Section 2 change to five board members shall constitute a quorum from four

- Approved the C&C Tire Business License renewal with Jeremy Hebert
- Approved the “Jimaganish Wadokaged” (American Legion Post 444) liquor license renewal
- Approved the Oscar G. Johnson VA Medical Center Direct Care Services Reimbursement Agreement to facilitate reimbursement provided by KBIC for certain health care services and improve access to direct care services
- Approved the Memorandum of Cooperative Agreement with the Inter-Tribal Council of Michigan, Inc. for the REACH 2017-18 Journey to Wellness Project
- Approved the proposed removal of the Reapply/Rehire/Recall from Layoff in the Drug Free Work Place Policy for the Government/Casinos/Enterprises
- Approved to appoint Elizabeth D. Mayo to the Aanikoosing, Inc. Board as the Tribal Council member per the Articles of Incorporation
- Approved a donation of 81 Pines Gift Cards at \$10.00 each for the Bayside Village employees for the Staff Appreciation Day on September 15, 2017
- Approved to support the request to apply for the Wounded Warrior’s Family Support Program application for a vehicle
- Approved the Ainsworth Game Technology, Inc. rental agreement for the Baraga Casino

September 18, 2017 FINANCE/Special Council Meeting:

- Reviewed 10 Departments Budgets
- Approved to amend the CNAP Policy Approved Medical Travel Allowances to include spouse in the additional medical travel assistance section

September 19, 2017 FINANCE/Special Council Meeting:

- Reviewed 9 Departments Budgets

- Approved the effective date of September 15, 2017 to add the spouse to the CNAP Additional Medical Travel Assistance section
- Approved the bid from Frei Chevrolet for the purchase of two standard 15 passenger 2018 Chevy vans in the amount of \$59,194.00 for the KBIC Youth Department

September 20, 2017 FINANCE/Special Council Meeting:

- Reviewed 8 Departments Budgets

September 21, 2017 Special Council Meeting:

- Tabled the Policy Amendments regarding Corrective Actions for the Government, Casinos, Enterprises, Youth, and Police
- Approve the Inter-Tribal Council of Michigan, Inc. Memorandum of Agreement for Tribal Opioid Use Disorder Prevention Initiative for \$43,709.00
- Approved Resolution KB 046-2017 transfer of the home on 16343 Beartown Road, Baraga, MI and purchase agreement to the KBIC Housing Department
- Approved Resolution KB 047-2017 Sarah L. Rantanen Recreational Lease in L'Anse Township
- Approved Resolution KB 048-2017 Krystie S. Ozanich Recreational Lease in L'Anse Township
- Approved the School Counselor's Employment Agreement with Sarah M. Woodruff to provide counseling services within the Community's Health System

September 25, 2017 FINANCE/Special Council Meeting:

- Reviewed 10 Departments Budgets

September 26, 2017 FINANCE/Special Council Meeting:


- Reviewed 3 Department Budgets and reviewed the financial summary for 2017-18

September 28, 2017 Special Council Meeting:

- Approved the Grant Agreement with the Michigan Department of Health and Human Services for Public Health Emergency Preparedness for coordination and collaboration to protect the health and safety of all citizens \$19,666.00
- Approve the Grant Agreement with the Michigan Department of Health and Human Services for the VOCA Targeted Victim Services to expand and enhance local services available to crime victims \$117,390.00
- Approved the Grant Agreement with the Michigan Department of Health and Human Services for the WIC Special Supplemental Program \$68,297.00
- Approve the Tier III Services Agreement with Windsor Solutions, Inc. to provide an Environment Management Database for the Natural Resources Department \$47,252.00
- Approved the T.E.A.M.S. Software and Operating Hardware Installation and License Agreement with Automated Election Services for the Ink Impression Contract Extension to September 29, 2018 \$29,743.95
- Approved Option 1 for the multi-year rate cap guarantee for the Blue Cross and Blue Shield renewal for 2018
- Approve the Amendment to the Independent Contractor Agreement with Lauri Denomie for the Community Newsletter extending the date to October 22, 2017
- Approved the Physician's Employment Agreement with Dr. Rian D. Mintek October 16, 2017-January 16, 2018 (with automatic renewal in 30 day increments)



INTEROFFICE MEMORANDUM

TO: TRIBAL COUNCIL
FROM: LARRY DENOMIE III, CEO 
DATE: NOVEMBER 3, 2017
RE: MONTHLY REPORT OCTOBER 2017

I. Harvest Feast/Community Meeting

The annual Harvest Feast was held at the Ojibwa Seniors Center on October 7. This year, Tribal Council held their regular meeting and a community meeting also took place where updates on several subjects was provided.

Jennifer Misegan, KBIC Tobacco Company board chair, provided an update on the tobacco manufacturing business which included details on the process to date and the upcoming milestones.

Doreen Blaker, Tribal Council Treasurer, provided information related to the Fiscal Year 2018 budgeting process. Notable approvals included a 2% wage increase for all employees and \$1,800 for this year's General Welfare Support Payment, formerly known as the Christmas/Sovereignty check. The Tribe received great news with options related to the healthcare plan it provides its eligible employees which provided a guaranteed no increase in premiums for the current renewal and around a 5% decrease for the following year.

II. Casino Projects

We continued to meet with Gundlach Champion throughout the month of October to get the budgets for the casino projects in-line with the funding sources available. Following the project update presentation at the community meeting earlier this month, the work on making adjustments to the projects has resulted in balancing the budgets.

The additional changes that were made to the Marquette project were significant in cost while keeping the marketability of the facility and related amenities intact. Exterior changes included design changes to the restaurant, siding changes for the hotel, and wall lighting on a portion of the building. Interior changes included removing the pool and changing the space to a meeting room, minor changes to door types, removal of color changing lights around the perimeter of the casino and several other areas, a change in the grade of carpet in the event center, textured drywall was changed to a flat finish, and the convention space will not be split initially.

The Baraga project was amended significantly throughout the balancing process but has not changed since the community presentation. The changes that are planned include upgrading of the water and electrical service,

new flooring, ceilings and LED lighting in the casino, drain tile installation for the Pressbox, and a new HVAC system that will provide 100% air exchange essentially eliminating the extremely smoky environment.

Now that the numbers are in balance, finalization of the financing will take place along with Council's consideration for approval of the Guaranteed Maximum Price proposal with our General Contractor, Gundlach Champion.

III. Staffing

There are number of staffing updates to share. Carole LaPointe, who served as the Tribe's Health Department Administrator, retired and her last day of work was October 25. We have updated the job description and are actively recruiting her replacement. In the interim, Kathy Mayo, Assistant Health Administrator, has taken on the role and will do so until the position is filled.

We have two director level positions that are on leave. Our office is handling the duties for one of the areas and we have hired a part time temporary worker to handle the other.

The Tribe's Youth Department is undergoing staffing changes. The director and facility lead have resigned and those positions are posted as well. With the significant reduction in staff, programming for the youth will be affected until the positions are filled. We are reviewing options for the annual youth Christmas events and will communicate on those changes very soon. Our office is handling oversight of the remaining staff which includes two facility attendants and two cleaners. The Free Spirit Fitness Center will remain open.

The Tribe has brought on a new Forester. Racheal McDonald began working on October 16 and is settling into the new role nicely. Rachel's office is located in the Tribe's Planning and Development building located on US41 in Baraga.

It has taken a long time to finally fill the School Counselor position that we've been recruiting for. Sarah Woodruff has been hired and will provide counseling services at the Tribe's health center as well as in the L'Anse and Baraga Schools. The funding for the position comes from a grant that is targeting the prevention of suicide.

IV. Other

During the FY18 budget review sessions, it was determined that the revenues of the Ojibwa Building Supply Do it Best Center located on US41 in Baraga, didn't provide the ability to sustain operations. The businesses inventory will be liquidated and official close at the end of the day on November 30. The three employees will be transferred to other positions within the Tribe.

An accident involving one of the Tribe's fleet vehicles occurred in lower MI which resulted in damage that made it not drivable but thankfully, the employee was not injured. The vehicle is being repaired by a local dealership.

The Sandpoint Lighthouse property has undergone significant erosion issues due to the higher than normal lake level and recent storms. Arlan Friisvall, Public Works Director, has been working closely with staff of the US Army Corps of Engineers to develop a mitigation plan. The Corps has issued a written notice that the Tribe can proceed with the initial plan to address the stop of further land loss of which cost estimates will be presented later in today's meeting.

3 bids rip rap

Cost
\$ 57,000 South
\$ ~57,000 East