

ORDINANCE 2021-01

An ordinance of the Keweenaw Bay Indian Community adopted under authority of the Constitution and By-Laws of the Keweenaw Bay Indian Community for the purpose of amending the Mining Moratorium, Title 20-B, to make changes related to the deadline and the use and creation of sand and gravel pits.

1. Amend §20B.102 to read as follows:

The purpose of this Ordinance is to prohibit metal mineral exploration and mining activities on all lands subject to the jurisdiction of the Keweenaw Bay Indian Community until March 1st, 2023, while the Tribal Council completes development of its mining code that will govern mineral exploration and mining activities affecting the Reservation Environment to ensure protection of the health, security, and welfare of the community and future generations.

The intent of this Ordinance is to ensure the protection of the health, security and welfare of the Community including its cultural and natural resources, and the land, air and waters of the Reservation Environment of the Keweenaw Bay Indian Community from the potential adverse effects of metal mineral exploration, mining, and processing. The Keweenaw Bay Indian Community recognizes the well-known impacts of metal mining, particularly the mining of metallic sulfides, and embraces its stewardship responsibility to care for and protect its cultural resources and environment for the benefit of future generations. The Community has a strong reliance on a healthy environment and intact ecological habitats that support traditional resources on the Reservation in order to maintain our way of life, produce sustenance and food, gather traditional medicines and maintain our cultural survival. Maintaining the quality of the environment, natural resources, and health and welfare of the Community is of paramount importance and a primary function of the Community's governing body, the Tribal Council.

Accordingly, a Moratorium on Mineral Exploration and Mining Activities by any person, whether by Indian or non-Indian, as provided for in this Ordinance, is necessary to protect the environment, reserved treaty resources, and the health, security, and welfare of the Community.

2. Amend the the definition of “minerals” at subsection “J” of §20B.103 to read as follows:

J. “Mineral(s)” means a naturally occurring solid chemical element or compound formed through geological processes that has a characteristic chemical composition, an atomic structure, and specific physical properties, including sand and gravel.

3. Amend Title 20-B, §20B.107 by adding subsection “F” after subsection “E” as follows:

F. Exclusions. All sand and gravel pits that are owned by the Keweenaw Bay Indian Community are excluded from this Mining Moratorium.

4. This ordinance shall have immediate effect as of the date of its adoption.