



GRAND PORTAGE RESERVATION TRIBAL COUNCIL

Norman W. Deschampe - Chairman • Dennis B. Morrison - Secretary/Treasurer • John Morrin - Councilman
Marie Spry - Councilwoman • Rob Hull - Councilman

April 29, 2016

Hon. Tom Vilsack
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Hon. Sally Jewell
Secretary of the Interior
U.S. Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

Hon. Christina Goldfuss
Director
Council on Environmental Quality
722 Jackson Place, N.W.
Washington, DC 20503

Dear Secretary Vilsack, Secretary Jewell, and Director Goldfuss,

The Grand Portage Band ("the Band") is a federally recognized Indian tribe, as one of the member bands of the Minnesota Chippewa Tribe ("MCT"). The Band, along with two other MCT Bands, Fond du Lac and Bois Forte, retain hunting, fishing, and other usufructuary rights that extend throughout the entire northeast portion of the state of Minnesota under the 1854 Treaty of LaPointe¹ (the "Ceded Territory"). In the Ceded Territory, all the Bands have a legal interest in protecting natural resources and all federal agencies share in the federal government's trust responsibility to the Bands to maintain those treaty resources.²

The Band is concerned with the prospect of a series of sulfide-ore mines being developed in the headwaters of the Boundary Waters Canoe Area ("BWCA") watershed. The BWCA watershed is located on the Minnesota/Ontario border and is entirely within the 1854 Ceded Territory. The BWCA watershed is comprised of a vast area of pristine interconnected waterways that have been used by the Chippewa for centuries. Low buffering capacity of water and soil and the

¹ Treaty with the Chippewa, 1854, 10 Stat. 1109, in Charles J. Kappler, ed., *Indian Affairs: Laws and Treaties*, Vol. II (Washington: Government Printing Office, 1904), available on-line at <http://digital.library.okstate.edu/kappler/Vol2/treaties/chi0648.htm> (last visited Mar. 8, 2016).

² See, e.g., Exec. Order 13175—Consultation and Coordination With Indian Tribal Governments (Nov. 6, 2000) (stating "the United States has recognized Indian tribes as domestic dependent nations under its protection . . . , there is a "trust relationship with Indian tribes," and "[a]gencies shall respect Indian tribal self-government and sovereignty, honor tribal treaty and other rights, and strive to meet the responsibilities that arise from the unique legal relationship between the Federal Government and Indian tribal governments.").



interconnection of lakes and streams, make the BWCA watershed particularly vulnerable to the impacts of mining.

Sulfide-ore mines are proposed to be built in the BWCA watershed, immediately adjacent to the BWCA and upstream from it. These mines would threaten to pollute pristine water and damage the important forest habitat used by many types of wildlife. Sulfide-ore mining has a consistent record of devastating environmental harm, including contaminating waters, degrading forests, and unpredicted, catastrophic spills of toxic materials. There are inherent risks to sulfide-ore mining, and it makes no sense to place what the Environmental Protection Agency calls the nation's most toxic industry in the BWCA watershed and within the Ceded Territory upon which the Band relies.

Therefore, the Band is requesting that the Department of Interior and Department of Agriculture take steps to permanently protect the Boundary Waters watershed from sulfide-ore mining. Specifically, we urge you to:

1. Ensure that no leasing of federal minerals occurs within the BWCA watershed by denying applications for new federal mineral leases and federal mineral lease renewals.
2. Withdraw the federally owned minerals within the BWCA watershed from the federal mineral leasing program.
3. Take any additional measures necessary to protect the BWCA watershed from the threat of sulfide-ore mining.

We urge you to ensure that the full extent of the risks posed by large-scale sulfide-ore mining in the BWCA headwaters are thoroughly considered in order to determine the best course for the future of the watershed and the tribal communities who rely on its clean water and intact forested habitats to exercise usufructuary rights.

Sincerely,

Norman W. Deschampe, Chairman