



The Minnesota Chippewa Tribe

January 31, 2020

The Honorable Raul Grijalva
1511 Longworth House Office Building
Washington, D.C. 20515

The Honorable Betty McCollum
2256 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Alan Lowenthal
108 Cannon House Office Building
Washington, D.C. 20515

Dear Representatives Grijalva, McCollum, and Lowenthal

The Minnesota Chippewa Tribe is a federally recognized Indian tribe that is comprised of the following six Bands: Bois Forte; Fond du Lac; Grand Portage; Leech Lake; Mille Lacs; and White Earth. The Minnesota Chippewa Tribe has approximately 41,000 members. The duly elected governing body of the Minnesota Chippewa Tribe is the Tribal Executive Committee which is comprised of the Chairpersons and Secretary/Treasurers from the six constituent Bands.

The United States has government-to-government relationships with both the Minnesota Chippewa Tribe and each of the six Bands of the Minnesota Chippewa Tribe. Three MCT Bands, Fond Du Lac, Grand Portage 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

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.").

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VIA EMAIL & U.S. MAIL

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

We are very supportive of HR5598, the Boundary Waters Wilderness Protection and Pollution Prevention Act. This bill would permanently withdraw federal minerals from potential leasing for sulfide-ore copper mining in the Rainy River Headwaters, which directly drain into the BWCAW. As former US Forest Service Chief Tom Tidwell stated, sulfide-ore copper mining has the potential to permanently destroy the pure waters and intact forests in the area of the proposed Twin Metals mine. The fish in adjacent waters - Birch Lake, the South Kawishiwi River, and downstream water bodies - are subject to consumption advisories designated by the Minnesota Department of Health because of mercury in their flesh. Sulfide-ore copper mining will increase the amount of mercury in fish, a toxin of great concern to our members who depend on wild caught fish for their sustenance. Wild rice and terrestrial species will also be at risk, as pollution and habitat destruction will have wide reaching impacts.

We are currently blessed with a healthy environment, a healthy economy, and a public resource that offers sustenance and solace. All of this is at risk if any mining proposal in the watershed moves forward. It is unacceptable to trade this precious landscape and our way of life to enrich foreign mining companies that will leave a legacy of degradation that will last forever. We encourage you, in the strongest terms, to move this legislation forward. We need this protection before it is too late, and the future of this area is now in your hands.

Sincerely,



Catherine J. Chavers
President