GRAND PORTAGE RESERVATION TRIBAL COUNCIL

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

Constance Cummins, Forest Supervisor
Superior National Forest
8901 Grand Avenue PL
Duluth, MN 55808

Chris Korleski, Director
EPA Region 5 Water Division
77 W. Jackson Blvd.
Chicago, IL 60604

Col. Sam Calkins, St. Paul District Commander
U.S. Army Corps of Engineers, St. Paul District Regulatory Branch
180 5th St. East
St. Paul, MN 55101

September 25, 2017

Dear Ms. Cummins, Mr. Korleski, and Col. Calkins:

The Grand Portage Band of Lake Superior Chippewa requests multi-agency coordination with Grand Portage for any permitting actions for new or existing major industrial projects within the 1854 Ceded Territory. The Band appreciates the opportunities to meet with staff from each of your agencies to discuss, among other issues, the status of permits that may be issued or re-issued for major industrial facilities that operate within the 1854 Ceded Territory. Several Bands retain hunting, fishing, and other usufructuary rights that extend throughout the entire northeast portion of the state of Minnesota under the 1854 Treaty of LaPointe[1] (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

[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. 10, 2014).

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federal government's trust responsibility to the Bands to maintain those treaty resources.[2]

To ensure that treaty-reserved natural resources are managed and protected to the extent possible under federal laws, we request that leadership from your agencies coordinate meetings to consult with the Bands for any new or expanding major industrial project within the 1854 Ceded Territory. Although we appreciate the opportunity to meet with each agency individually and recognize the logistical challenges of multi-agency consultation, meeting together will be more cost effective and allow for more interagency collaboration.

Sincerely,

Norman W. Deschampe
Chairman

[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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