



THE MILLE LACS BAND OF  
**OJIBWE INDIANS**

*Legislative Branch of Tribal Government*

**RESOLUTION 21-02-31-24**

**A RESOLUTION CONCURRING WITH THE CHIEF EXECUTIVE  
ASSERTING THE BAND'S RESERVED RIGHTS TO AQUATIC AND  
AQUATIC-DEPENDENT RESOURCES IN WISCONSIN**

WHEREAS, the Mille Lacs Band Assembly ("Band Assembly") is the duly elected legislative body of the Non-Removable Mille Lacs Band of Ojibwe ("Band"), a federally recognized Indian tribe; and

WHEREAS, pursuant to 3 MLBS § 3(d), the Band Assembly has the authority to adopt resolutions; and

WHEREAS, pursuant to 3 MLBS § 1(m), a "resolution" is defined as "a formal expression of the opinion, will, or intention" of the Band Assembly; and

WHEREAS, the Band is a signatory or successor to the Treaty of 1837, 7 Stat. 536; and

WHEREAS, the Band holds rights to hunt, fish, gather, and engage in the usual rights of occupancy on lands and waters ceded in the Treaty of 1837, 7 Stat. 536, and its reserved treaty rights were addressed by *Lac Courte Oreilles, et al. v. State of Wisconsin, et al.*; and

WHEREAS, the Band is a member of the Great Lakes Indian Fish and Wildlife Commission ("Commission"), an intertribal agency exercising delegated sovereign authority from 11 federally recognized Chippewa Tribes in Wisconsin, Michigan, and Minnesota with reserved hunting, fishing, and gathering rights in territories ceded to the United States in the Treaties of 1836, 1837, 1842, and 1854; and

WHEREAS, the Commission's mission includes a duty to assist its member Tribes in the conservation and management of natural resources throughout the ceded territories, thereby ensuring unsuppressed access to the traditional lifeways of the Anishinaabeg; and

WHEREAS, the Band is a member of the Voigt Intertribal Task Force, which is comprised of representatives of ten Commission member Tribes with reserved rights in what is now the State of Wisconsin, and that has, since 1983, successfully developed intertribal agreements and coordinated intertribal regulations governing the exercise of the Tribes' off-reservation, ceded territory reserved rights; and

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WHEREAS, the Chippewa lifeway, as protected in our treaties with the United States, depends upon the unsuppressed use of clean and healthy natural resources for spiritual, cultural, medicinal, subsistence, and economic purposes; and

WHEREAS, pursuant to the Clean Water Act, when a Tribe asserts a reserved right in writing to a State and the Environmental Protection Agency ("EPA") for consideration in the establishment or review of water quality standards, the State must: consider the use and value of its waters for protecting the reserved right in adopting or revising designated uses; consider water quality in light of unsuppressed exercise of the right; and establish water quality criteria to protect the reserved right; and

WHEREAS, a decision not to raise a right in a specific water quality standards context or specific state water quality standard development process does not amount to a waiver or preclusion of reserved rights in this context or in any other contexts.

NOW, THEREFORE, BE IT RESOLVED, the Band Assembly concurs with the Chief Executive asserting the Band's reserved rights to aquatic and aquatic-dependent resources in Wisconsin, intertribally and in writing to Wisconsin and the EPA.

BE IT FURTHER RESOLVED, the Band Assembly supports delegation of responsibility to the Voigt Intertribal Task Force to coordinate and intertribally engage with the State of Wisconsin and EPA in the State's review of off-reservation water quality standards for inland waters.

BE IT FURTHER AND FINALLY RESOLVED, in no way shall this resolution be interpreted to preclude the Band from asserting a reserved right in its own sovereign capacity for any reason and at any time.

WE DO HEREBY CERTIFY that the foregoing resolution was duly concurred with and adopted at a regular session of the Band Assembly in Legislative Council assembled, a quorum of legislators being present, held on the 21<sup>st</sup> day of August, 2024, at Onamia, Minnesota by a vote of 2 FOR, 0 AGAINST, 0 SILENT.

IN WITNESS WHEREOF, we, the Band Assembly hereunto cause to have set the signature of the Speaker of the Assembly.

  
Sheldon Boyd, Speaker of Assembly

**OFFICIAL SEAL OF THE BAND**



**Sponsor: District I Representative**