



Chippewa Ottawa Resource Authority

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RESOLUTION NO. 10-23-14 OPPOSITION TO SALE OR EXCHANGE OF PUBLIC LANDS TO GRAYMONT AS PROPOSED IN REVISED SUBMISSION DATED OCTOBER 2014

WHEREAS, the Chippewa Ottawa Resource Authority is an inter-tribal regulatory entity established by the Bay Mills Indian Community, the Grand Traverse Band of Ottawa and Chippewa Indians, the Little River Band of Ottawa Indians, the Little Traverse Bay Bands of Odawa Indians, and the Sault Ste. Marie Tribe of Chippewa Indians to jointly manage and regulate the natural resources subject to the usufructuary rights reserved by the Tribes in Article XIII of the Treaty of March 28, 1836 (7 Stat. 491) as adjudicated in *United States v. Michigan*, W.D. Mich. Case No. 2:73-cv-26; and

WHEREAS, the lands subject to reserved rights to hunt, fish, trap and gather include the eastern half of the Upper Peninsula of Michigan; and

WHEREAS, the State owns on behalf of the people of Michigan lands in the Eastern Upper Peninsula designated as the Lake Superior State Forest, of which approximately 11,500 acres near the Village of Rexton are the subject of an offer to purchase by Graymont, a Canadian corporation which is an international producer of lime and limestone products; and

WHEREAS, Graymont has made clear that it wishes to purchase these lands as part of its plan to develop a 13,000-acre limestone mining project encompassing both surface pit and underground mining operations; and

WHEREAS, the lands in question are subject to the 1836 Treaty Tribes' reserved rights, and are managed by the Department of Natural Resources for forestry purposes, as they contain high quality Mesic Northern Hardwood tree stands, and are also managed for fish and wildlife habitat, as they contain the headwaters of the South Branch of the Carp River and the Black River, among others, which flow into Lakes Huron, Michigan and Superior; and

WHEREAS, the land in question is integral to the forestry and wildlife management plans of the Department of Natural Resources for the Eastern Upper Peninsula and provides to past and future generations of Michigan citizens highly prized opportunities to engage in subsistence and recreational activities in a pristine natural environment; and

WHEREAS, the sale of the land in question to Graymont will materially diminish the quality and utility of other state owned land adjoining the land in question, by impairing, impeding and diminishing the integrated management of the plant and wildlife habitats in the

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area and subjecting them to significant, serious, long-lasting and unanticipated adverse effects caused by the development of the underground and surface pit mines for limestone; and

WHEREAS, the sale of the land to Graymont for development of above and belowground limestone quarries will result in the closure of access roads and eliminate or otherwise restrict access to large portions of the land which are now open to public use, which is not only a substantial and detrimental impact on the ability of tribal members to utilize the land for treaty-guaranteed hunting, fishing and gathering activities, as provided in the *United States v. Michigan* 2007 Consent Decree, but also makes likely the initiation of the Consent Decree's dispute resolution mechanism, leading to a lengthy and adversarial process; and

WHEREAS, the Tribes have also entered into a Government to Government Accord with the State of Michigan, which recognizes the obligation to consult with each other about matters which cause concern, which was most recently reaffirmed by the State through the issuance of Executive Directive 2012-2 (August 23, 2012); and

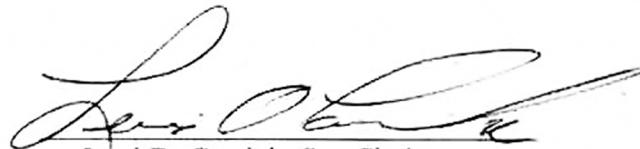
WHEREAS, the land in question is not "surplus" land, as that term is defined in MCL 324.3131, for all of the above reasons, thereby causing the proposed transfer to violate Michigan law and policy.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Chippewa Ottawa Resource Authority hereby declare its opposition to the revised proposed permit released for public comment on October 15, 2014, for transfer, whether by sale or exchange, of public lands of the Lake Superior State Forest to Graymont.

AND BE IT FURTHER RESOLVED, that the Tribes' opposition to this action be made known to the Director of the Department of Natural Resources and to the members of the Natural Resources Commission.

CERTIFICATION

I, the undersigned, as Chairman of the Chippewa Ottawa Resource Authority certify that the foregoing resolution was adopted at a duly called, noticed and convened meeting on the 23rd day of October 2014, with a quorum present and by a vote of 10 in favor, 0 opposed, 0 abstaining and 0 absent.



Levi D. Carrick, Sr., Chairman
Chippewa Ottawa Resource Authority