

COLT

COALITION OF LARGE TRIBES

Mandan, Hidatsa and Arikara Nations / Oglala Sioux Tribe / Navajo Nation / Sisseton Wahpeton Sioux Tribe / Blackfeet Tribe of Montana / Rosebud Sioux Tribe / Spokane Tribe / Cheyenne River Sioux Tribe / Ute Indian Tribe / Shoshone-Bannock Eastern Shoshone / Fort Belknap

Title: COLTS SUPPORT OF THE SHOSONE BANNOCK TRIBES IN THEIR OPPOSITION OF S.2140 OR ITS COMPANION BILL H.R.4448.

Resolution: **ABQ - 09 - 04/26/2018**

WHEREAS, the Coalition of Large Tribes (COLT) was formally established in early April 2011, and is comprised of Tribes with large land base, including the Mandan, Hidatsa and Arikara Nations, the Oglala Sioux Tribe, the Crow Tribe, the Navajo Nation, the Sisseton Wahpeton Sioux Tribe, the Blackfeet Tribe of Montana, the Rosebud Sioux Tribe, Northern Ute, Shoshone Bannock, Colville Confederated Tribes, Ft. Belknap and the Cheyenne River Sioux Tribe. COLT is chaired by Chairman Russell Begaye of the Navajo Nation; and

WHEREAS, COLT was organized to provide a unified advocacy base on all issues affecting Tribes that govern large trust land bases and that strive to ensure the most beneficial use of those lands for tribes and individual Indian landowners; and

WHEREAS, the Federal Government has a unique legal and political relationship with Tribes, which is recognized in the U.S. Constitution, statutes, and Supreme Court decisions; and

WHEREAS, Indian Tribes are sovereigns that pre-date the United States with long standing inherent, and treaty reserved rights to reservation lands and aboriginal territories; and

WHEREAS, the Shoshone-Bannock Tribes (Tribes) of the Fort Hall Reservation of southwest Idaho, is a sovereign government, exercising its inherent power, and powers established by the Constitution and By-Laws of the Shoshone-Bannock Tribes, adopted on April 30, 1936, to preserve and protect the interest of the Shoshone-Bannock Tribes, including the rights reserved under the Fort Bridge Treaty of 1868 and subsequent cession agreements, the lands of the Fort Hall Reservation, the ceded and aboriginal areas of the Tribes, the Tribal membership, the environment and the general health, welfare and safety of the Tribes; and

WHEREAS, the Tribes has a long history of addressing the destructive impacts to the natural and cultural resources from phosphate mining in southern Idaho, for both mining and processing of mining ore from both on Reservation and Off-Reservation; and

WHEREAS, the industrial activities of the Don Plant, together with the FMC resulted in the EPA's designation of the Eastern Michaud Flats Superfund Cleanup Site (EMF) was established

in 1990 by the EPA under CERCLA, and was listed on the National Priority List as one of the most contaminated Superfund sites in the United States, with toxic and hazardous wastes remaining onsite; and

WHEREAS, since 1976, the Idaho Department of Environmental Quality has documented elevated levels of arsenic, lead, cadmium, and selenium in the aquifer, with heavy metals in the soils and radioactive contamination that are moving subsurface to the Portneuf River, onto the surface waters of the Fort Hall Reservation; with the Don Plant continuing to release contaminants via the groundwater, airborne contamination and surface waters into the regional ecosystem, onto the Fort Hall Reservation, the adjacent Pocatello community, and thus increasing the potential health risks to the local community and the Reservation residents; and

WHEREAS, in 2008 the J.R. Simplot Company attempted to secure the federal land with a proposal for a land exchange, with the BLM conducting an Environmental Assessment in accordance with the National Environmental Policy Act (NEPA) and issued a Finding of No Significant Impact, which the Tribes objected to by filing a series of administrative and legal challenges to the FONSI, that resulted in 2011 federal court decision affirming that this proposed action requires a full environmental impact statement before this federal action is approved; and

WHEREAS, Idaho Senator James Risch sponsored Senate bill 2140 and the companion bill House bill 4448 was introduced by Idaho Representative Mike Simpson to approve a transfer of over 718 acres of federal lands administered by the Idaho Bureau of Land Management to a private company, J.R. Simplot Company, and in exchange for private lands owned by the J.R. Simplot Company; and

WHEREAS, the federal lands is considered by the Shoshone-Bannock Tribes to a part of the traditional cultural landscape, and consider the entire area to be significant because of nearby burial locations, archeological sites, historic ranching lifestyles during the Assimilation period, and due to the numerous rock cliffs, this area is known to be a place to “catch songs”; and

WHEREAS, the federal lands identified for disposal is immediately adjacent to the J.R. Simplot’s Don Plant, a plant that processes 1.6-1.8 million tons of phosphate ore a year, and is located on and adjacent to the Reservation and the Portneuf River, which flows onto the Fort Hall Reservation; and

WHEREAS, J.R. Simplot Company is indicated they will construct a new phosphogypsum waste stack; and

WHEREAS, these two bills are a deliberate effort by a private company to circumvent a federal court decision and administrative process to evaluate the proposal for environmental impacts, thus preventing the general public and tribes the opportunity to provide input into the decision-making process, and denies the ability of the Tribes and the public to challenge the federal decision under judicial review; and

WHEREAS, the Tribes would be adversely impacted by reduction of federal lands which would reduce the Tribes opportunity to exercise treaty reserved rights on public lands and within ceded

lands.

WHEREAS, the Coalition of Large Tribes (COLT) Executive Director Legislative Affairs, will deliver said resolution to the COLT Congressional Delegations and proper Committees and work with them on said resolution; and

NOW THEREFORE BE IT RESOLVED, that COLT opposes S.2140 or its companion bill H.R.4448.

BE IT FINALLY RESOLVED, that this resolution shall be the policy of COLT until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

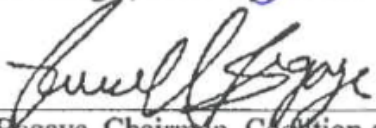
This resolution was enacted at a duly called meeting of the Coalition of Large Tribes held in Albuquerque, New Mexico on April 26th, 2018, at which a quorum was present, with the resolution approved unanimously.

Dated this 26th day of April 2018.

Attest:



David Browneagle, Secretary, Coalition of Large Tribes



Russell Begaye, Chairman, Coalition of Large Tribes