



INDIAN AFFAIRS COUNCIL RESOLUTION 09232026_02

A RESOLUTION REQUESTING A GENERIC ENVIRONMENTAL IMPACT STATEMENT ON THE CUMULATIVE EFFECTS OF EXTRACTION ACTIVITY UPON TREATY-PROTECTED RESOURCES OF THE 1854 CEDED TERRITORY

WHEREAS, the Minnesota Indian Affairs Council Membership consists of representatives of 10 of the 11 federally recognized Tribal Nations located within the State of Minnesota, members of the Legislature, and commissioners from State departments, and serves as a liaison between Tribal Nations and the State of Minnesota; and

WHEREAS, the Bois Forte Band of Chippewa, Fond du Lac Band of Lake Superior Chippewa, and Grand Portage Band of Lake Superior Chippewa are signatories to the Treaty of La Pointe of September 30, 1854, under which the Bands reserved rights to hunt, fish, and gather throughout the territory ceded under the Treaty; and

WHEREAS, the continued exercise of treaty-reserved rights depends upon the protection, availability, health, and sustainability of water, manoomin, fish, wildlife, wetlands, forests, medicines, and the interconnected ecosystems that sustain those resources; and

WHEREAS, the 1854 Ceded Territory contains significant mineral resources and is subject to numerous existing, expanding, and proposed extraction-related activities, including ferrous mining and processing, tailings basins and associated waste-management facilities, mineral and gas exploration, and proposed copper-nickel mining, many of which have the potential to affect interconnected waters, watersheds, ecosystems, and treaty-protected resources; and

WHEREAS, treaty-protected resources within the 1854 Ceded Territory have experienced and may continue to experience environmental pressures associated with sulfate and other discharges, mercury loading and methylmercury formation, wetland loss and alteration, groundwater withdrawal and dewatering, tailings and waste-rock management, air deposition, infrastructure development, and habitat alteration; and

WHEREAS, treaty-protected resources do not exist within the boundaries of individual projects or permits, but instead depend upon interconnected watersheds, hydrologic systems, habitats, and ecosystems that may experience the combined effects of multiple past, present, and reasonably foreseeable activities; and

WHEREAS, Minnesota environmental review and permitting processes generally evaluate individual projects, facilities, permits, or proposed actions, creating a need for a broader regional assessment capable of examining the cumulative and interconnected effects of extraction activity upon treaty-protected resources; and

WHEREAS, Minnesota Rules part 4410.3800 authorizes the Minnesota Environmental Quality Board ("EQB") to order preparation of a Generic Environmental Impact Statement ("GEIS") to study types of projects that are not adequately reviewed on a case-by-case basis, and further provides that a governmental unit or other person may request that the EQB order such a GEIS; and

WHEREAS, a GEIS focused upon extraction activity within the 1854 Ceded Territory could provide a comprehensive regional scientific baseline, identify existing environmental conditions, evaluate the combined effects of past, present, and reasonably foreseeable extraction activities, and provide information necessary to better understand the long-term sustainability of treaty-protected resources; and

WHEREAS, such a GEIS would provide the State of Minnesota, affected Tribal Nations, regulators, decision-makers, and the public with a comprehensive body of information capable of informing future environmental review, permitting, mitigation, regulatory, and policy decisions affecting the 1854 Ceded Territory; and

WHEREAS, on September 18, 2026, the Board of Directors of the 1854 Treaty Authority unanimously adopted a resolution calling upon the Minnesota Environmental Quality Board to order a GEIS examining the cumulative effects of extraction activity upon treaty-protected resources within the 1854 Ceded Territory; and

WHEREAS, the Minnesota Indian Affairs Council recognizes the sovereign status of Tribal Nations and the importance of meaningful government-to-government engagement whenever State actions, environmental decisions, or regulatory processes may affect Tribal interests, treaty rights, treaty-protected resources, or the ability of Tribal citizens to exercise those rights;

THEREFORE, BE IT RESOLVED, that the Minnesota Indian Affairs Council supports and joins the call of the 1854 Treaty Authority requesting that the Minnesota Environmental Quality Board order preparation of a Generic Environmental Impact Statement pursuant to Minnesota Rules part 4410.3800 examining the cumulative and interconnected effects of mining, mineral and gas exploration, and related extraction activity within the 1854 Ceded Territory and environmentally connected watersheds upon water, manoomin, fish, wildlife, wetlands, forests, habitat, medicines, and other resources upon which the exercise of treaty-reserved rights depends; and

BE IT FURTHER RESOLVED, that the requested GEIS should establish comprehensive baseline environmental conditions and evaluate the combined effects of past and existing mineral development, currently proposed projects, and reasonably foreseeable future extraction activity, including consideration of sulfate and other discharges, mercury and methylmercury, wetland loss and alteration, groundwater and surface-water hydrology, groundwater withdrawal and dewatering, tailings and waste-rock management, air deposition, infrastructure development,

habitat fragmentation and alteration, and other environmental stressors relevant to treaty-protected resources; and

BE IT FURTHER RESOLVED, that the requested GEIS should evaluate the long-term sustainability, resilience, availability, and accessibility of treaty-protected resources and identify reasonable alternatives, mitigation measures, regulatory approaches, monitoring strategies, and other actions capable of avoiding, minimizing, or mitigating environmental harm to those resources; and

BE IT FURTHER RESOLVED, that affected Tribal Nations must be afforded meaningful government-to-government participation throughout development of the GEIS, including meaningful participation in determining its scope, geographic boundaries, scientific methodologies, data sources, baseline conditions, treaty-resource considerations, alternatives, cumulative-effects analysis, and other substantive elements of the environmental review; and

BE IT FURTHER RESOLVED, that Tribal Nations should participate in the GEIS process as sovereign governmental partners with distinct treaty interests and governmental responsibilities, and not merely as members of the general public or ordinary stakeholders; and

BE IT FURTHER RESOLVED, that the State of Minnesota should provide adequate financial, scientific, technical, staffing, and other resources necessary to support meaningful Tribal participation in the preparation, review, and evaluation of the GEIS and to ensure that Tribal knowledge, expertise, data, and treaty-resource concerns can be fully incorporated into the process; and

BE IT FURTHER RESOLVED, that the Minnesota Indian Affairs Council calls upon the Governor of the State of Minnesota and appropriate State agencies, as a matter separate and distinct from the preparation of the GEIS itself, to temporarily refrain from granting final approval of new permit applications for extraction activities within the 1854 Treaty-ceded territory and the geographic area ultimately encompassed by the requested GEIS until the study is completed, its findings are available to meaningfully inform State decision-making, and affected Tribal Nations have been meaningfully consulted regarding decisions affecting treaty-protected resources; and

BE IT FURTHER RESOLVED, that the Minnesota Indian Affairs Council recognizes that Minnesota Rules part 4410.3800 does not, by itself, suspend project-specific environmental review, permitting, or the undertaking of individual projects during preparation of a GEIS, and therefore the temporary deferral requested by this Resolution constitutes a separate policy request directed to the Governor and appropriate State agencies; and

BE IT FURTHER RESOLVED, that whether or not the Minnesota Environmental Quality Board orders the requested GEIS, the State of Minnesota and its agencies should evaluate both direct and cumulative effects upon treaty-protected resources when conducting environmental review, considering permits, exercising discretionary regulatory authority, establishing permit conditions, undertaking enforcement actions, and making other governmental decisions

concerning extraction activity that may affect the 1854 Ceded Territory or environmentally connected watersheds; and

BE IT FURTHER RESOLVED, that State agencies should use the best available scientific information together with relevant Tribal knowledge and expertise when assessing impacts upon treaty-protected resources and should meaningfully consult with affected Tribal Nations early enough in governmental decision-making processes to permit Tribal concerns, information, and recommendations to meaningfully influence the proposed action or decision; and

BE IT FURTHER RESOLVED, that nothing in this Resolution shall be construed to define, diminish, waive, modify, interpret, or otherwise limit any treaty right, reserved right, sovereign authority, jurisdiction, legal claim, governmental authority, or other right or interest held by any Tribal Nation, nor shall participation in any GEIS process constitute consent to any particular project, permit, development proposal, or extraction activity; and

BE IT FURTHER RESOLVED, that this Resolution shall be transmitted to the Governor of the State of Minnesota; the Minnesota Environmental Quality Board; the Commissioner of the Minnesota Pollution Control Agency; the Commissioner of the Minnesota Department of Natural Resources; the Tribal Nations represented on the Minnesota Indian Affairs Council; the 1854 Treaty Authority; and other appropriate State, federal, and Tribal officials; and

BE IT FINALLY RESOLVED, that the positions and principles expressed in this Resolution shall remain the policy of the Minnesota Indian Affairs Council unless and until amended, superseded, or repealed by subsequent action of the Council.

CERTIFICATION We do hereby certify that the foregoing Resolution was duly presented and acted upon by a vote of 8 Approve, _____ Opposed, _____ Nonvote/Abstain at a regular meeting of the Minnesota Indian Affairs Council, a quorum present, held on September 23, 2026, at Gichi-Onigaming / Grand Portage Band of Lake Superior Chippewa.

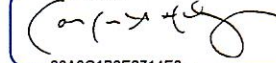
Signed by:



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Robert Deschampe, Chair
Minnesota Indian Affairs Council

Signed by:



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Carlos Hernandez, Vice Chairman
Minnesota Indian Affairs Council