

LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS

TRIBAL RESOLUTION NO.165(20)

**AMENDING RESOLUTION 133(20) DECLARATION OF RESTRICTIONS ON
ACCESS TO TRIBAL LANDS ON THE LAC DU FLAMBEAU INDIAN
RESERVATION**

- WHEREAS,** the Lac du Flambeau Band of Lake Superior Chippewa Indians is a signatory to treaties with the United States of America in 1837 (7 Stat., 536; Proclamation, June 15, 1838), 1842 (7 Stat., 591; Proclamation, March 23, 1843), and 1854 (10 Stats., 1109; Proclamation January 10, 1855); and
- WHEREAS,** the Lac du Flambeau Band of Lake Superior Chippewa Indians ("Tribe"), is a recognized Indian Tribe organized pursuant to Section 16 of the Indian Reorganized Act of June 18, 1934, 24 U.S.C. 461 et. Seq.; and
- WHEREAS,** pursuant to Article III, Section 1 of the Lac du Flambeau Constitution and Bylaws ("Constitution and Bylaws"), the governing body of the Tribe is the Tribal Council; and
- WHEREAS,** pursuant to Article I, Section 2 of the Constitution the jurisdiction of the Tribe shall extend to all the land and water areas within the territory of the Band, and further, for the purpose of exercising and regulating the exercise of rights to hunt, fish, trap, gather wild rice and other usual rights of occupancy, such jurisdiction shall extend to all lands and waters described in treaties to which the Band was a party, which treaties provide for such rights"; and
- WHEREAS,** the Tribal Council has the duty under Article VI, Section 1(a) to protect and preserve tribal property, and to protect and promote the general welfare of the Tribe; and
- WHEREAS,** the Tribal Council has the authority under Article VI, Section 1(n) to promulgate legislation, statues, codes and ordinances, intended to safeguard and promote peace safety, morals, and the general welfare of the Tribe by regulating the conduct of trade and the use and disposition of property within the territory of the Tribe, as defined in Article I; and
- WHEREAS,** the Tribal Council has the authority under Article VI, Section 1(u) to adopt resolutions or ordinances to effectuate any of the foregoing powers: and
- WHEREAS,** the Article VII, Section 2 defines Tribal Lands as the unallotted lands of the Lac du Flambeau Reservation, and all lands which may hereafter be acquired by the Tribe or by the United States in trust for the Tribe shall be held as tribal lands; and
- WHEREAS,** on March 14, 2020, this Tribal Council passed Tribal Resolution No. 93(20)

declaring a state of emergency as authorized by Chapter 65 of the LDF Tribal Code in response to the COVID-19 outbreak and ordering community mitigation strategies; and

WHEREAS, on March 23, 2020, this Tribal Council passed Tribal Resolution No. 103(20) declaring a Shelter-At-Home Order for the Lac du Flambeau Reservation, and instituting a Reservation-wide curfew to slow the spread of the COVID-19 outbreak; and

WHEREAS, Tribal Resolution No. 103(20) and the Shelter-At-Home Order encouraged part-time residents and visitors to return to their permanent residents, and required part-time residents and visitors to register their intent to stay on the Reservation with Tribal officials; and

WHEREAS, Section 17 of Emergency Order #28 issued by the State of Wisconsin Department of Health Services on April 16, 2020 ordered that "[n]on-tribal members should be respectful of and avoid non-essential travel to Tribal territory" and that "Wisconsin's local governments shall coordinate, collaborate, and share information with the Tribal Nations in their region."

WHEREAS, the presence of part-time residents and visitors to the Reservation increases the risk of an accelerated COVID-19 outbreak and warrants additional safeguards to protect the lives of all individuals on the Reservation; therefore, be it

RESOLVED, this Tribal Council does hereby proclaim and order that all public boat landings, campgrounds, parks, trails, Tribal roads located within the exterior boundaries of the Lac du Flambeau Indian Reservation, and the LDF Country Market, the LDF Gas Station, the LDF Smoke Shop, and the LDF Tribal Governmental Building are closed to visitors and any individual not currently sheltering in place on the Reservation while the Shelter at Home and Curfew Order is in effect; and be it further

RESOLVED, this Tribal Council does hereby proclaim that permanent residents, enforcement are exempt from this Declaration; and be it further

RESOLVED, that tribal government employees, employees of entities owned by the Tribe, contractors, vendors, emergency services personnel, utility services personnel, law enforcement, employees of educational institutions, and employees of any local, state, or federal government are exempt from this Declaration; and be it further

RESOLVED, this Declaration will take effect at 6:00 p.m. April 29, 2020 and shall remain in effect with the tentative date of June 1, 2020 if no COVID-19 cases or issues arise ; and be it further

RESOLVED, the Tribal Council urges surrounding municipalities and counties to close recreational facilities, boat landings, and campgrounds to stop the spread of COVID-19.

CERTIFICATION

I, the undersigned, as Secretary of the Lac du Flambeau Band of Lake Superior Chippewa Indians, a tribal government operating under a Constitution adopted pursuant to Section 16 of the Indian Reorganization Act, 25 U.S.C., § 476, do hereby certify that the Tribal Council of the Tribe is composed of twelve members, of whom twelve constituting a quorum, were present at a Special Meeting, duly called, noticed, convened, and held on the 15th day of May, 2020, and that the foregoing resolution was duly adopted at said meeting by an affirmative vote of eleven members, (J. Johnson Sr., E. Chapman Sr., G. Thompson, W. Stone Sr., J. Allen, D. Allen, C. Theobald, J. BigJohn, B. Allen, M. Doud, R. Bell), none abstaining, and that the said resolution has not been rescinded or amended in any way.



Jamie Allen, Secretary
Lac du Flambeau Band of
Lake Superior Chippewa Indians