

**The Anishinaabe Nation Three Fires Confederation**  
**Ojibwa** (or Chippewa) “keepers of the faith”  
**Odawa** (or Ottawa) “keepers of the trade”  
**Potawatomi** (or Bodewadomi) “keepers of the fire”

**The First Treaty:**  
The people's First Treaty with *Gichi Manidoo* (the Creator) obligates all orders of creation, all created from rock, water, fire, and wind - the physical world of sun, stars, moon and earth; plant beings; animal beings; and human beings - to care for one another

~ 900 - 1400 A.D.  
**Anishinaabe migration** from eastern coast to Great Lakes region as instructed by the Seven Fires Prophecies

**1795-1871** Treaty making era, establishes **government-to-government** relationships between the U.S. & American Indian/ Alaskan Native nations

**late 1800s-** era of boarding schools  
**1928** Meriam Report “...Indian reservations ...direst poverty”  
**1901, ‘08, ‘30, ‘33, ‘40** Treaty court cases: People v Blackbird (WI), Morrin (WI), Chosa (MI), Germaine (WI)

**1934-** Federal-recognition, American Indian constitutions, self-governance  
**1960s-** American Indian movements for self-determination

**1970s-** Supreme Court decisions reaffirm treaty rights in ceded territories (MI)  
**1971** – People v Jondreau,  
**1974** U.S. vs. Washington (Boldt Decision),  
**1983** Lac Courte Oreilles vs. Wisconsin (Voigt Decision)

**1980s-** Casinos (tribal revenue), tribal fish hatcheries, natural resources, & environmental depts; tribes sit w/ GL Fishery Comm.  
**1984** Great Lakes Indian Fish & Wildlife Commission est. (GLIFWC)

**1990s-** Tribes engage with Great Lakes Water Quality Agreement govts; Clean Water Act funds tribal water quality pgms  
**1998** USFW & USFS-Chippewa Memorandum of Understandings (MOU)

**2000** Chippewa-Ottawa Resource Authority Act  
**2002** KBIC Integrated Resource Mgmt Plan (IRMP)  
**2003** Keweenaw Bay Indian Community Tribal Code of Law: Title Ten Hunting, Fishing, Trapping, and Gathering  
**2005** KBIC Strategic Plan

**2010** Great Lakes Restoration Initiative tribal capacity funds  
**2019-** 36+ Anishinaabe governments  
**2019** KBIC Treatment as a Sovereign, Air Quality (CAA)  
**TBD** KBIC Treatment as a Sovereign, Water Quality (CWA)

TRIBAL LANDS

*since time immemorial*

1795

1871

1924

1980

1990

2000

**1824** Bureau of Indian Affairs (BIA) is est. in US Dept. of Interior  
**1837-1858** Statehood – Michigan, Wisconsin, Minnesota (states assume authority)  
**1850** Presidential Executive Order (Removal Order)  
**1852** Presidential Executive Order Removal Order rescinded  
**1850-1927** 180 mines / mills across Keweenaw

**1871** Indian Appropriation Act - abolishes treaty-making w/ tribes  
**1885** Major Crimes Act  
**1887-1932** Dawes Act / Allotment Act (“checkerboard” ownership on Indian reservations)

**1905** US Forest Service est.  
**1906** American Antiquities Act  
**1921** Synder Act - funds American Indian healthcare  
**1924** Indian Citizen Act  
**1934** Indian Reorganization Act  
**1945** Indian termination/ relocation policies\

**1953** Public Law 280 - states assume criminal, civil jurisdiction of Indians on reservations  
**1940** US Fish & Wildlife est.  
**1955** GL Fishery Comm. est.  
**1966** National Historic Preservation Act  
**1968** Indian Civil Rights Act

**1969** National Environmental Policy Act (NEPA)  
**1970** US Environmental Protection Agency (EPA) est.  
**1970** Clean Air Act (CAA)  
**1972** Great Lakes Water Quality Agreement (GLWQA)  
**1972** Clean Water Act (CWA)  
**1975** Indian Self-determination & Education Assistance Act  
**1976** Indian Health Care Improvement Act

**1978** American Indian Religious Freedom Act  
**1984** EPA Policy – Administration of Environmental Programs on Indian Reservations  
**1988** US Senate Concurrent Resolution 331 reaffirms gov-to-gov  
**1988** Indian Gaming Regulatory Act

**1990** Native American Graves Protection and Repatriation Act (NAGPRA) – requires the return of “cultural items” to tribes  
**1994** Presidential Memorandum on government-to-government relations (Clinton)  
**1994** Tribal Self-Governance Act - Amends Indian Self-Determination & Education Assistance Act  
**1996** Native American Housing Assistance & Self Determination Act Reorganizes infrastructure assistance to tribes

**2004** Executive Order 13336 American Indian & Alaska Native Education (Bush II)  
**2004** Presidential Memorandum government-to-government relationship with tribal governments (Bush II)  
**2009** Presidential Memorandum Tribal Consultation (Obamma), Implementation of Executive Order 13175 (Obama)

**1998** US Executive Order 13084 Consultation and Collaboration with Indian Tribal Govmtns (Clinton)  
**1999** Clinton 1<sup>st</sup> pres. to visit Indian Reservation since FDR  
**2000** Executive Order 13175 Consultation & Coordination with Indian Tribal Governments (Clinton)

**2010** GL Restoration Initiative  
**2010** Indian Health Care Improvement Act  
**2011** EPA Policy –Consult/Coord. w/ Indian Tribes  
**2016** EPA Policy – Guidance for Discussing Tribal Treaty Rights  
**2019** EPA Administration Re-commitment to the 1984 EPA Policy

**United States** federal government and federal entities /departments  
**State governments**  
(Michigan, Wisconsin, and Minnesota)

*The Ways map is reprinted with permission from PBS Wisconsin*



## Reaffirmations of Sovereignty

The following list contains significant statutes relevant to the reaffirmation of KBIC sovereignty and assertion into the future.

**1906 American Antiquities Act** 1st legal protection of cultural & natural resources. **1934 Indian Reorganization Act** US affirms self government, tribal governing bodies. **1936 Keweenaw Bay Indian Community** federal-recognition, KBIC Constitution. **1966 National Historic Preservation Act** Historic Places Register, Historic Landmarks, Historic Preservation Offices. **1969 National Environmental Policy Act** mandates considerations of environmental impacts. **1970 Clean Air Act** federal law on pollutant air discharges (1977, 1990). **1971 People vs Jondreau** Michigan Supreme Court reaffirms KBIC 1842 Treaty rights. **1972 Clean Water Act** federal law on pollutant discharges into nation's surface waters (1977, 1987). **1974 US vs Washington** (Boldt Decision) reaffirms treaty rights of WA Indian tribes; precedent for 50-50 catch allocation. **1975 Indian Self-determination & Education Assistance Act** grants tribes authority to contract with federal government for health, education & social programs. **1976 Indian Health Care Improvement Act** amended Social Security Act for reimbursement by Medicare & Medicaid for services provided to American Indians, Alaska Natives. **1978 American Indian Religious Freedom Act** protects American Indian rights to exercise traditional religions, freedom to worship. **1978 Indian Child Welfare Act** governs removal & out-of-home placement of Indian children. **1983 Lac Courte Oreilles vs Wisconsin** (Voigt Decision) US Court of Appeals reaffirms Ojibwe treaty rights in ceded territories. **1987 US Concurrent Resolution 76**, **1988 US Concurrent Resolution 331** reaffirms government-to-government relationship. **1988 Indian Gaming Regulatory Act** establishes jurisdictional framework to govern Indian gaming. **1990 Native American Graves Protection and Repatriation Act** requires federal institutions to return cultural items to affiliated Indian tribes. **1994 Presidential Memorandum** government-to-government relations with tribes (Clinton). **1994 Tribal Self-Governance Act** amends Indian Self-Determination & Education Assistance Act. **1996 Native American Housing Assistance & Self Determination Act** reorganizes system of housing & infrastructure assistance. **2000 Executive Order 13175** Consultation & Coordination with Indian Tribal Governments (Clinton). **2004 Executive Order 13336** American Indian, Alaska Native Education (Bush II). **2004 Presidential Memorandum** government-to-government relations with tribes (Bush II). **2009 Presidential Memorandum** Tribal Consultation & Implementation of Executive Order 13175 (Obama). **2010 Indian Health Care Improvement Act** provision of health care to American Indians, Alaska Natives. **2019 EPA Administration** re-commitment to 1984 EPA Policy, Administration of Environmental Programs on Indian Reservations.

## Present-Day Governance

The Keweenaw Bay Indian Community is dedicated to the long-term protection and preservation of treaty resources and Ojibwa lifeways. For the past several decades, governance of treaty resources has strengthened alongside many government agencies. Treaty resources depend on healthy ecosystems. Traditional foods and medicines such as fish, wild game, manoomin, berries, trees and plants are gathered within landscapes in both the local and wider region. The following list includes Community governance mechanisms important for sustaining on- and off-reservation treaty resources.

**1988 KBIC Fish Hatchery** KBIC hires its 1<sup>st</sup> fisheries biologist to establish the tribe's co-management of fisheries & build capacity for tribal stewardship in natural resources.

**1989 GLIFWC** KBIC becomes the 11th member tribe of the Great Lakes Indian Fish and Wildlife Commission (GLIFWC). GLIFWC supports off-reservation exercise of treaty rights, resource management, conservation, and legal & policy affairs throughout the 1837, 1842, & 1854 treaty ceded territories.

**1999 KBIC Natural Resources Department (NRD)** By order of the Tribal Council, the NRD is established to administer natural resources and environmental programs, which currently include: fisheries and fish stocking, surface and groundwater quality, air quality, restoration and brownfields programs, wildlife and wetland management, native plants and gardens program, and participation in the binational protection of Lake Superior. With offices in Pequaming and L'Anse, and lab facilities in cooperation with the Keweenaw Bay Ojibwa Community College, more than 50 staff members implement natural resources programs, serve community needs, and participate in research partnerships with Michigan Tech.

**2002 KBIC Integrated Resource Management Plan (IRMP)** A 10-yr plan approved by Tribal Council and the Bureau of Indian Affairs (BIA), that specifies priorities and is used as guidance for the protection and expansion of treaty resources across KBIC government departments. It is currently being updated to be inclusive of traditional knowledge & climate change adaptation.

**2003 Keweenaw Bay Indian Community Tribal Code of Law: Title Ten Hunting, Fishing, Trapping, and Gathering** KBIC's Tribal Council enacts law to regulate the use of treaty resources and to ensure protection for uses for future generations.

**2005 KBIC Strategic Plan** Outlines overarching KBIC goals and values, and specific activities to achieve goals across KBIC government departments. Updates are currently being proposed to this living document.

## Shared Governance and Stewardship: Rights and Responsibilities of the Keweenaw Bay Indian Community

*Since time immemorial*



***"To live in harmony while enhancing and sustaining the resources of the Keweenaw Bay Indian Community for the Seventh Generation."***

*-Vision from the 2003 Integrated Resource Management Plan (IRMP)*

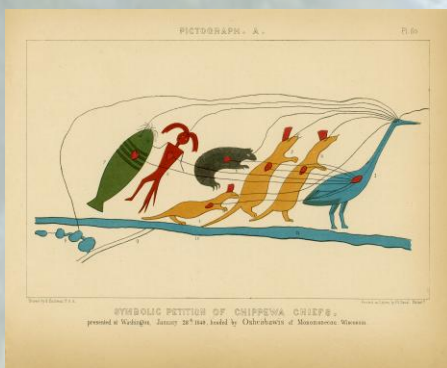
Keweenaw Bay Indian Community  
Natural Resources Department  
14359 Pequaming Road  
L'Anse, MI 49946  
Phone: (906) 524-5757  
Fax: (906) 524-5748

March 5, 2020



## First Treaty

Since time immemorial, Great Lakes Indigenous peoples have long-standing nation-to-nation agreements between themselves and their more-than-human relatives for the protection and stewardship of the region. These agreements serve as the foundation for shared governance. According to Anishinaabeg teachings passed from one generation to the next, the people have a long-time, reciprocal obligation with all orders of creation rooted in the people's First Treaty with *Gichi Manidoo* (the Creator). Also known as Sacred Law or The Great Laws of Nature, the First Treaty obligates all orders of creation, all created from rock, water, fire, and wind - the physical world of sun, stars, moon and earth; plant beings; animal beings; and human beings - to care for one another. The Great Laws govern placement, movement, powers, rhythm and continuity: all things live and work by these laws. ("Ojibway Heritage," Basil Johnson, 1976)



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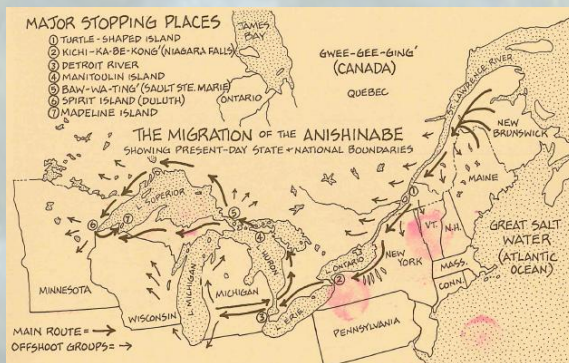
The First Treaty obligations are illustrated in the pictograph above, known as the "Symbolic Petition of Chippewa Chiefs" (Wisconsin Historical Society 1851). In 1849, a Chippewa delegation journeyed to Washington with this pictograph to petition Congress and the President to protect their residence in Great Lakes homelands. The figures symbolize the clans of the delegation members with all of their hearts and minds connected while also being connected to the region's lakes.

## Who We Are

The Great Lakes Basin is the ancestral, traditional, and contemporary lands and waters of many Indigenous nations, including the Anishinaabeg, meaning "original person." They are one of the largest Indigenous groups in North America with nearly 150 different bands living throughout their homeland in present-day United States and Canada. Currently, Anishinaabeg are known by various names: Chippewa, Ojibway, Ojibwe, or Ojibwa, as well as Ottawa or Odawa and Potawatomi or Bodewadomi. All of these peoples are bound within the Anishinaabeg, the larger group who migrated from the Atlantic shores of North America and began settling throughout the Great Lakes region.

The Anishinaabek were instructed to migrate west to "the land where food grows on water," also known as *manoomin* or wild rice, as part of the Seven Fires prophecies. The migration is believed to have begun at around 900 A.D. and continued across generations, approximately 500 years. The journey included seven major stopping points along the southern shores of the St. Lawrence River, and proceeded among all of the Great Lakes.

On the journey, the Anishinaabeg would come to call themselves the nation of the Three Fires upon the establishment of peace with the Iroquois Confederacy. The Three Fires nations were comprised of the Ish-do-day'-wa-tomi (fire keepers), the O-daw-wahg' (trade keepers), and the Ojibway (faith keepers). Each group name described their primary responsibility to the physical and spiritual survival of the Anishinaabeg. These groups are the present-day Potawatomi, Ottawa, and Ojibwa people who made permanent settlements throughout the region during their migration journey, one of which included Lake Superior's Keweenaw Bay.



Source: Edward Benton-Banai, 1988, *The Mishomis Book: The Voice of the Ojibway* page 99.

## Government to Government Relationships

The government-to-government relationship between American Indian Nations and the United States is sanctioned by the U.S. Constitution, treaties (the "supreme law of the land"), statutes, and court decisions. The following list contains some of the key statutes of the nation to nation relationship relevant to KBIC.

**1795 Treaty of Greenville** established boundaries between US and several Indian nations. **1825 Treaty of Prairie du Chien** delineated boundaries between several tribal nations that were used in subsequent treaty negotiations. **1826 Treaty with the Chippewa** Chippewa leaders agree to the boundaries of the 1825 Treaty. **1827 Treaty with the Chippewa** established borders between the Chippewa and Menominee. **1842 Treaty with the Chippewa** (Copper or Mineral Treaty) Ceded territory in N Wisconsin and the western UP of Michigan; tribes retain rights to hunt, fish and gather, and other usual privileges of occupancy. **1850 Presidential Executive Order** (Removal Order) federal preparation for Chippewa living on Ceded Territory to be removed into lands west of the Mississippi. **1852 Presidential Executive Order** Removal Order is rescinded by successor after meeting with Ojibwe chiefs. **1854 Treaty with the Chippewa** established Ojibwa reservations in WI, MI & MN; ceded land in MN territory. **1871 Indian Appropriation Act** Abolished Treaty-making between the federal government and Native American tribes. **1885 Major Crimes Act** federal jurisdiction of certain crimes when committed by an American Indian in Indian territory. **1887 Dawes Act** (General Allotment Act) Authorized the subdivision of Indian reservations from land held in common to private allotments for Indian families; remaining allotment lands were appropriated to settlers. **1921 Snyder Act** Funds American Indian healthcare. **1924 Indian Citizenship Act** granted American Indians citizenship; did not relinquish tribal membership. **1930 People vs. Chosa** Michigan Supreme Court determines KBIC 1842 Treaty rights to be null on grounds of US citizenship; Indians subject to state law.

**1953 Public Law 280** enabled states to assume criminal, civil jurisdiction in matters of Indians on Indian reservation lands. **1968 Indian Civil Rights Act** Imposed certain restrictions and protections on tribal governments afforded by the U.S. Constitution.



Reprinted with permission from the *Great Lakes Indian Fish & Wildlife Commission (GLIFWC)*: Member Tribes in the 1836, 1837, 1842, & 1854 Treaty Territories.