



Bois Forte

TRIBAL GOVERNMENT

March 19, 2025

Senator Grant Hauschild
Assistant Majority Leader
Minnesota Senate
3111 Minnesota Senate Bldg.
St. Paul, MN 55155

Re: Bois Forte Band of Chippewa's Support for SF 2530

Boozhoo Senator Hauschild,

On behalf of the Bois Forte Reservation Tribal Council ("RTC"), the governing body of the Bois Forte Band of Chippewa (the "Band"), I write to express the Band's support for SF 2530, which provides a comprehensive regulatory framework for development of gas resources within the State of Minnesota. The Band's support for SF 2530 stems in large part from the legislation's inclusion of tribal nations in the gas extraction tax distribution framework, which is the first time tribes within the State have been included in an extraction tax distribution in Minnesota.

The Band, along with the Fond du Lac Band of Lake Superior Chippewa and the Grand Portage Band of Lake Superior Chippewa (collectively, the "1854 Bands"), are signatories to the Treaty of September 30, 1854, under which they ceded ownership of approximately 6.2 million acres of land (the "1854 Ceded Territory") that encompasses the helium deposit. Through the Treaty, the 1854 Bands reserved, among other things, the right of the Bands and their members to hunt, fish, and gather within the 1854 Ceded Territory for their livelihood in perpetuity. See 1854 Treaty of La Point, 10 Stat. 1109, Art. 11 ("1854 Treaty"); *Minnesota v. Mille Lacs Band of Chippewa Indians*, 526 U.S. 172, 184 (1999) (noting "the 1854 Treaty established new hunting and fishing rights in the territory ceded by the Treaty"). The reservation of these inherent rights reflected the vital importance of subsistence hunting, fishing, trapping, and gathering to the 1854 Bands and their people.

Although the Band continues to regulate and exercise its treaty-reserved rights within the 1854 Ceded Territory, those rights have become increasingly undermined over time. First, most of the lands the Bands originally ceded are no longer part of the federal estate or have been closed to motorized access. Indeed, a mere 19% of the original 6.2 million acres in the 1854 Ceded Territory remain accessible to Band members and in federal ownership, which

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Shane Drift
District I Representative

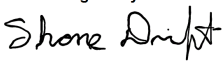
Perry Drift
District I Representative

Robert Moyer
District II Representative

makes the Bands' exercise of their treaty rights today far more constrained than when the Bands ceded their lands over 150 years ago. Second, there is evidence of continuing negative impacts on Treaty resources in the 1854 Ceded Territory due to extractive activities, climate change, and other factors. Fish consumption advisories due to air and other pollution continue to curtail Band member fish harvesting in the 1854 Ceded Territory. The moose population also continues to decline, impacting Band members who rely on moose as a healthy, subsistence food and on moose hunts as a vital cultural tradition. Additionally, monitoring by the 1854 Treaty Authority indicates a general downward trend in manoomin (wild rice) biomass for sampled waters within the 1854 Ceded Territory.

Any tax distribution framework for gas extraction must include the Band. Notably, under current state law, the Band receives no portion of any severance tax or Occupation Tax for extraction activities in the 1854 Ceded Territory. By distributing a portion of proceeds generated from gas extraction to the Band, SF 2530 would not only recognize the significant impacts that extractive activities have had on the Band's exercise of treaty rights, but would also provide the Band with critically-needed funding to address impacts on treaty resources.

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Shane Drift

Vice-Chairman

Bois Forte Reservation Tribal Council

cc. MN Senate Environment, Climate, and Legacy Committee
MN Senate Health and Human Services Committee
MN Senate Judiciary and Public Safety Committee
MN Senate State and Local Government Committee
MN Senate Taxes Committee
MN Senate Finance Committee