

# LUMBEE TRIBE OF NORTH CAROLINA

CLLO-2023-1026-01

DATE: OCTOBER 26, 2023

## "TRIBAL CONSULTATION REQUIREMENTS"

**WHEREAS**, The Lumbee Tribe of North Carolina ("Lumbee Tribe") is a recognized American Indian Tribe of the State of North Carolina, subject to the Constitution of the Lumbee Tribe of North Carolina ("Tribal Constitution") and its inherent sovereign powers and right to self-government; and,

**WHEREAS**, The Lumbee Constitution was adopted to preserve for all time the Lumbee way of life and community, promoting the educational, cultural, social, and economic well-being of Lumbee people, and securing justice and freedom for the Lumbee people; and,

**WHEREAS**, The Lumbee River, surrounding lands and natural resources are vital to the sustainability of the Lumbee people; and,

**WHEREAS**, The Lumbee Tribal Government has the authority and responsibility to protect the quality of life of the Lumbee people; and,

**WHEREAS**, Article VII, Section 1 of the Tribal Constitution delegates all legislative authority to the Tribal Council of the Lumbee Tribe of North Carolina ("Tribal Council"); and,

**WHEREAS**, Article VIII, Section 1(e) of the Tribal Constitution states that the Tribal Chairman represents the Lumbee Tribe of North Carolina before all other governments and tribunals, including the United States, the State of North Carolina and all federal and state agencies; and,

**WHEREAS**, Just as our ancestors, the members of the Lumbee Tribe occupy their ancestral lands and are the original people of these lands; and,

**WHEREAS**, Any project, carried out at the behest of, with funding provided by, or with approval of the federal, state, and/or local government is a cause of concern for the Lumbee Tribe, and to the environmental and cultural resources of the Lumbee Tribe and its ability to provide a safe, livable homeland for its members and residents; and,

**WHEREAS**, The United States, and all other sub-divisions of the federal government of the United States, and any other entities carrying out federal functions, whereby there exist a duty and therefore must consult with the Lumbee Tribe of NC on any educational and governmental discussion or decisions that occur within the traditional lands, or shall affect the members of the Lumbee Tribe; and,

**WHEREAS**, Any federal, state or local agency must notify the Lumbee Tribal Council and the Tribal Administration at the first consideration of a project or proposal that may have any effect on those Lumbee traditional lands must initiate a government-to-government consultation with the Lumbee Tribal Council; and,

**WHEREAS**, Any federal, state, or local agency so obligated shall consult with the Lumbee Tribe of North Carolina, and any such consultation with the Tribe shall be done in a meaningful, timely, active, and an ongoing basis; and,

**WHEREAS**, Any meaningful consultation requires consultation with both the Tribal Administration and the Tribal Council, and any other such designee as proposed at the discretion of the Lumbee Tribe; and,

**WHEREAS**, The lack of true government-to-government consultation with the Lumbee Tribe, will result in negative impacts to the Lumbee People and deprives the Lumbee Tribe information that is necessary to ensure its responsibilities to its citizens; and,

**WHEREAS**, The Lumbee Tribe is deeply concerned about the lack of Tribal Consultation by any other governmental entity; and,

**WHEREAS**, The Lumbee Tribe, a sovereign Tribal Nation, intends to ensure that all Federal, State, and local entities have clear and precise rules for consultations that will satisfy meaningful consultation requirements of the Federal Government when it involves the Tribal territory or Tribal citizens; and,

**WHEREAS**, A tribal consultation with the Lumbee Tribe requires a timely and written request to the Tribal Chairman, the Speaker of the Lumbee Tribal Council, and the Chairperson of the relevant Tribal Council Committee; and any other such designee so appointed at the discretion of the Lumbee Tribe; and,

**WHEREAS**, Timely requests shall be issued not less than one hundred and twenty (120) days before the initiation of any project and at least thirty (30) days prior to any expected consultation date; and,

**WHEREAS**, Any failure to consult with the Lumbee Tribal Council and Lumbee Tribal Administration will be a basis for the Lumbee Tribal Government to proceed to seek any and all judicial and administrative remedies to immediately stop the project(s) until such consultation takes place; and,

**WHEREAS**, Any tribal consultation that occurs shall be expressly written, and shall include those parties present, such that any tribal consultation is documented and a report prepared and presented to all entities and individuals so designated to engage in any tribal consultation; and,

**THEREFORE BE IT ENACTED**, Meaningful consultation with the Lumbee Tribe must be undertaken for any action contemplated by any Federal, State, or local entity before any action is taken that will directly affect the interests of the Lumbee Tribe or its citizens, within Tribal territory; and,

**BE IT FURTHER ENACTED**, That Tribal Consultation with the Lumbee Tribe will have occurred only when timely notice is provided to the Speaker of the Tribal Council, the Tribal Chairman, and the Chairperson of the relevant Tribal Council subcommittee, and no action can occur as a result of such consultation until written response has been provided by such designated representatives of the Lumbee Tribe; and,

**BE IT FURTHER ENACTED**, That the Lumbee Tribe of North Carolina does hereby call upon the United States government, and all federal, state, and local governments to firmly and finally ensure that all requirements for tribal consultation are carried out pursuant to this Ordinance no later than thirty (30) days after this Ordinance's effective date.

**THEREFORE, BE IT FINALLY ENACTED**, The Tribal Council and Tribal Administration of the Lumbee Tribe of North Carolina does hereby condemn and take note that any violation of this ordinance will serve as a basis to initiate further legal and administrative action to remedy any such violations.

**CERTIFICATION**

THIS **CLLO-2023-1026-01** "TRIBAL CONSULTATION REQUIREMENTS" ADOPTED AT A MEETING OF THE TWENTY- ONE (21) MEMBER TRIBAL COUNCIL OF THE LUMBEE TRIBE OF NORTH CAROLINA WHERE 17 MEMBERS WERE PRESENT, CONSTITUTING A QUORUM, THIS THE 26<sup>TH</sup> DAY OF OCTOBER, 2023 BY A VOTE OF 14 YES, ~~0~~ NO, AND ~~0~~ ABSTENTION(S), 3 RECUSE(S).

Sharon Hunt  
ATTEST: SHARON HUNT  
Speaker, Lumbee Tribal Council of the Lumbee Tribe of North Carolina

10/26/23  
DATE

Nanci Locklear  
ATTEST: NANCI LOCKLEAR  
Secretary, Lumbee Tribal Council of the Lumbee Tribe of North Carolina

10/26/23  
DATE

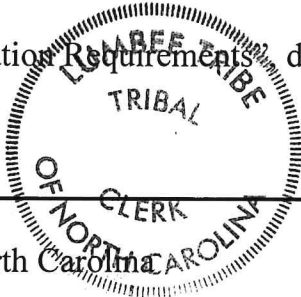
John L. Lowery  
ATTEST: JOHN L. LOWERY  
Chairman, Lumbee Tribe of North Carolina

10/24/23  
DATE

**POSTING**

This **CLLO-2023-1026-01** "Tribal Consultation Requirements" duly posted on the 26<sup>th</sup> day of October 2023.

Belinda Brewer  
ATTEST: BELINDA BREWER  
Tribal Clerk Designee, Lumbee Tribe of North Carolina



ROLL CALL VOTE RESULTS TO ADOPT

**CLLO-2023-1026-01 “TRIBAL CONSULTATION REQUIREMENTS”**

14 FOR, 0 AGAINST, 0 ABSTENTION(S) 3 RECUSE(S)

District 1:	Billy Oxendine	YES
District 2:	Sharon Hunt	YES
	Gerald Goolsby	ABSENT
District 3:	Harold Smith	YES
	Pam Hunt	YES
District 4:	Jody Bullard	RECUSE
District 5:	Wendy Moore	YES
	Carrington Locklear	YES
District 6:	Kristie Hunt	YES
	Richard Jones	RECUSE
District 7:	Nanci Locklear	YES
	Yvonne Dial	YES
	Rudy Locklear	YES
District 8:	Kathy Hunt	YES
District 9:	Dewey J McNeill	YES
District 10:	Bobby Emanuel	ABSENT
District 11:	Chocajuana Oxendine	ABSENT
District 12:	Josephine Doss	YES
	Annie Taylor	ABSENT
District 13:	Alex Baker	RECUSE
District 14:	Homer Fields	YES



Lumbee Tribe of North Carolina  
*The Desk of the Tribal Clerk*

**Record of Posting**

Tribal Ordinance: CLLO-2023-1026-01 "TRIBAL CONSULATION REQUIREMENTS"


Posted Date: 10/26/2023

Presented to Tribal Chairman for Review: 10/26/2023 VIA EMAIL

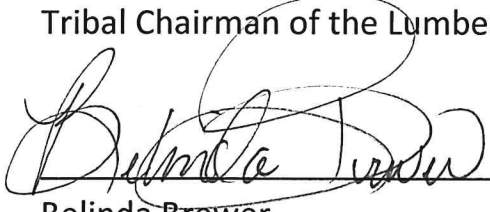
Signature or Veto date: \_\_\_\_\_

Reason for Veto: \_\_\_\_\_

Other: \_\_\_\_\_

  
\_\_\_\_\_  
John L. Lowery 10/26/23  
Date

Tribal Chairman of the Lumbee Tribe of North Carolina

  
\_\_\_\_\_  
Belinda Brewer 10/26/23  
Date

Tribal Clerk Designee of the Lumbee Tribe of North Carolina

