

LUMBEE TRIBE OF NORTH CAROLINA

CLLO-2020-0917-01

DATE: SEPTEMBER 17, 2020

“TRIBAL CONSULTATION MANDATE”

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, surround lands and natural resources are vital to the sustainability of the Lumbee people; and

WHEREAS, The Lumbee Tribal Council 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 did, the members of the Lumbee Tribe depend upon rivers, streams, aquifers, and other ground water sources, community lands, forests, swamps, and environment for sustenance, medicines, as well as for health, general welfare, and sustainability of tribal communities and the ecosystem; and

WHEREAS, Any construction project, particularly those associated with, but not limited to, energy, water and utilities pose a serious risk 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 states of the United States, as sub-divisions of the federal government of the United States owe a duty to consult with the Lumbee Tribe of NC on any governmental discussion or decisions that involve what the Lumbee Tribe considers traditional tribal lands; and

WHEREAS, Any federal, state or local agency including, but not limited to, the Federal Energy Regulatory Commission, the United States Environmental Protection Agency, the US Army Corp of Engineers, the North Carolina Department of Environmental Quality, and the North Carolina Commission of Indian Affairs; 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; and initiate a government-to-government consultation with the Lumbee Tribal Council.

WHEREAS, The lack of true government-to-government consultation with the Lumbee Tribe, and other Indian tribal nations with ties to the land, will potentially suffer negative impact; and,

WHEREAS, The Lumbee Tribe is deeply concerned about the disturbance and desecration of unmarked ancestral burials, funerary or ceremonial objects, sacred places, ancestral human remains and in addition to the federal and state laws that prohibit destruction or movement of ancestral human remains, its environment, and is unconditionally opposed to their desecration or dispossession, and to any adverse impact, damage, endangerment, injury or threat to them; and

WHEREAS, The Final Environmental Impact Statement prepared for any previous projects lacks sufficient information and requires a supplemental environmental assessment or environmental impact statement and must address how the project will protect the cultural, ancestral, and environmental interests of the Lumbee Tribe and comply with relevant federal and state laws that protect these interests that would be impacted by the construction and future operation of any such project; and

WHEREAS, Any project requiring permitting including, but not limited to, the Clean Water Act permits under sections 401 and 404, by federal or state governments, that fails 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, The National Congress of American Indians, the oldest and largest national organization of American Indian and Alaska Native tribal governments, has likewise called upon all agencies to engage in meaningful consultation with the Indian tribal nations that will be impacted by the construction and operation of similar construction projects; and

WHEREAS, The United Nations affirmed the international obligation to recognize and respect the rights of indigenous peoples in the UN Declaration of the Rights of Indigenous Peoples in 2007, and this obligation extends to nations and their relationships with their indigenous peoples.


THEREFORE BE IT ENACTED, Meaningful consultation with the Lumbee Tribe must be undertaken for any action contemplated by the Federal Energy Regulatory Commission, the U.S. Army Corps of Engineers and any other federal and state regulatory bodies. Consultation must consider impacts upon the Lumbee tribal communities and, if permitted, how to mitigate such impacts; and


BE IT FURTHER ENACTED, the Tribal Council and Tribal Administration of the Lumbee Tribe of North Carolina does hereby call upon the United States government, and all federal, state, and local governments to deny or suspend any permits, approvals, or processes towards issuance of certifications, permits, or other approvals unless and until meaningful government-to-government consultation has been engaged with the Lumbee Tribal Council and Tribal Administration and any other relief and remedies including laws, regulations and directives that protect against environmental injustice and any other remedy to which the Lumbee Tribal Council and Tribal Administration are entitled by local, state or federal law; and

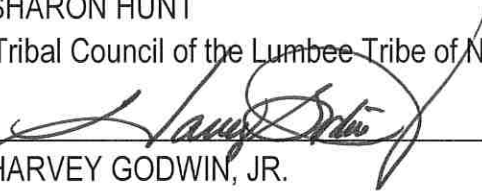
THEREFORE BE IT FINALLY ENACTED, The Tribal Council and Tribal Administration of the Lumbee Tribe of North Carolina does hereby condemn and take note that any violation of this ordinance will be the basis to initiate further legal and administrative action to remedy these violations.

CERTIFICATION

THIS **CLLO-2020-0917-01** "TRIBAL CONSULTATION MANDATE" ADOPTED AT A MEETING OF THE TWENTY-ONE (21) MEMBER TRIBAL COUNCIL OF THE LUMBEE TRIBE OF NORTH CAROLINA WHERE 18 MEMBERS WERE PRESENT, CONSTITUTING A QUORUM, THIS THE 17TH DAY OF SEPTEMBER BY A VOTE OF 18 YES, 0 NO, AND 0 ABSTENTION(S).

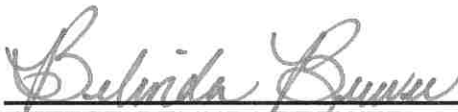
 9-17-2020
ATTEST: RICKY BURNETT DATE
Speaker, Tribal Council of the Lumbee Tribe of North Carolina

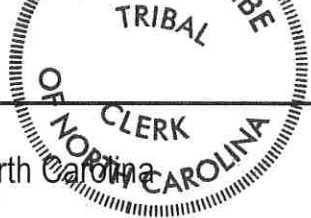
 9-17-2020
ATTEST: SHARON HUNT DATE
Secretary, Tribal Council of the Lumbee Tribe of North Carolina

 9-30-2020
ATTEST: HARVEY GODWIN, JR. DATE
Chairman, Tribal Council of the Lumbee Tribe of North Carolina

POSTING

THIS **CLLO-2020-0917-01** "TRIBAL CONSULTATION MANDATE", DULY POSTED ON THE 17th DAY OF SEPTEMBER 2020.

 09-17-2020
ATTEST: BELINDA BREWER DATE
Tribal Clerk Designee, Lumbee Tribe of North Carolina



ROLL CALL VOTE RESULTS TO ADOPTED

**CLL0-2020-0917-01
“TRIBAL CONSULTATION MANDATE”**

18 FOR, 0 AGAINST, 0 ABSTENTION(S)

District 1:	Carvicous Barfield	YES
District 2:	Sharon Hunt	YES
	Gerald Goolsby	YES
District 3:	James B. Hunt	ABSENT
	Pam Hunt	YES
District 4:	Ted Woodell	ABSENT
District 5:	Wendy Moore	YES
	Jarrod Lowery	ABSENT
District 6:	Larry Chavis	YES
	Douglas Locklear	YES
District 7:	Reginald Oxendine	YES
	Yvonne Dial	YES
	Alvin Mercer	YES
District 8:	Corbin Eddings	YES
District 9:	Dewey J McNeill	YES
District 10:	Marshil Locklear	YES
District 11:	Frank Cooper	YES
District 12:	Shelley Strickland	YES
	Michael Chavis	YES
District 13:	Ricky Burnett	YES
District 14:	Terry Hunt	YES



Lumbee Tribe of North Carolina
The Desk of the Tribal Clerk

Record of Posting

Tribal Ordinance: CLLO-2020-0917-01 "TRIBAL CONSULTATION MANDATE"

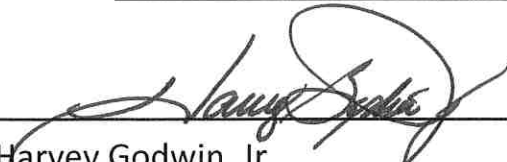
Posted Date: 9/17/2020

Presented to Tribal Chairman for Review: 9/17/2020 VIA EMAIL

Signature or Veto date: _____

Reason for Veto: _____

Other: _____



Harvey Godwin, Jr.

9-30-2020
Date

Tribal Chairman of the Lumbee Tribe of North Carolina



Belinda Brewer



9/17/2020
Date

Tribal Clerk Designee of the Lumbee Tribe of North Carolina