

# Enbridge Line 5 a threat to Great Lakes and tribe



**DJ HOFFMAN**  
DIRECTOR, UNIT I

In the pages of this paper, I assume the membership will find and continue to find, the topic of Enbridge "Line 5." This pipeline, built in 1953, carries nearly 23 million gallons of crude oil and natural gas on a daily basis along the bottom of the Straits of Mackinac. This pipeline is a severe threat to our Great Lakes, and our tribal community. It has been a threat for over 60 years, and recently the tribe passed a resolution (2015-45) in support of decommissioning of the Enbridge Line 5 oil pipeline at the Straits of Mackinac.

Enbridge "Line 5" is a grave threat that has recently dominated the headlines; however, it should not overshadow other external threats to our environment, our treaty rights and our way of life. I understand that this is currently the most talked about issue and carries some serious political face time, which should be used to focus upon this issue as well as others that impact our tribal community and treaty rights.

While not as media "popular" in recent months, the issue of the Graymont limestone mine should not be forgotten. The tribe adopted Resolution 2013-256 on Dec. 3, 2013, Opposing Sale of Exchange of Public lands to Graymont. The following is an excerpt from that resolution:

WHEREAS, the proposed project will result in the closing of existing access roads and will otherwise restrict or eliminate access to large areas of land that are now open to

public use, thereby causing a substantial detrimental impact on the rights of tribal members to utilize these lands for treaty hunting, gathering, and recreation activities as provided by the 2007 Consent Decree in *United States v Michigan, WD Mich, File No 2: 73 CV 26*; and

WHEREAS, in addition to the rights assured by the 2007 Consent Decree, the Tribe has the right to require consultation with the State pursuant to the 2002 Government to Government Accord signed by Governor Engler on December 13, 2002, and recently affirmed by Governor Snyder by Executive Directive 2012-2 (August 23, 2012);

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors hereby declares its opposition to the proposed transfer of public lands near Rexton in the Eastern; Upper Peninsula to Graymont; and

BE IT FURTHER RESOLVED, that the Chairperson and/or appropriate staff are directed to seek formal consultation with the State with respect to this issue.

While the tribe has adopted its opposition to the Graymont limestone, it has not exercised its rights under the 2007 Inland Consent Decree. As you can see in the above excerpt, the tribe cites these rights assured by the 2007 decree and yet has not, to date, taken any action to exercise or protect these rights. It is time to stop talking and start acting.  
**CEO**

In the days prior to the May 19, 2015, board meeting, I was handed an anonymous letter written to Director Hoffman. In short, the letter stated that the individual did not agree with "your recommendations to remove the temporary casino executive from CEO." The temporary casino executive "does not have a personal agenda like yourself, he's here to make us money and he's already successful. I'm sure a petition can be circulated to remove you from the board."

Since this letter was anonymous

I will answer it here:

My attempts to post the chief executive officer position are required by policy, it is not a personal agenda.

If one should create a removal petition for me for adhering to the tribes laws and policies (which are adopted by resolution) I would gladly sign it. Although pursuant to the Constitution, Article VI, Section 3, removal is limited to violations of the Constitution and bylaws or any duly enacted tribal ordinance or resolution.

I suspect that there are individuals with a personal agenda spreading gossip and rumor to justify their actions/inactions as members of the board of directors.

The board has adopted policies, rules and regulations for the tribe. As I have stated in the past, these are not optional guidelines for individuals to follow at their respective whims. Currently, these policies are being violated on a continual basis. The historical complaints of jobs being filled without posting and policies being ignored have been muted while history repeats itself. We, as a tribe, are on a very slippery slope which needs immediate corrective action. Those who politically championed against such activities are currently their primary enablers. I ask that any and all interested tribal members please feel free to contact your representatives and let them know that adopted policies apply to everyone, not just a select few. ALL jobs must be posted and filled in the appropriate manner. ALL policies must be adhered to by employees and the board.

For the May 19, 2015, meeting of the board of directors a resolution to post the position of chief executive officer of Kewadin Casinos was placed upon the agenda. I was not the sponsor of the resolution (this time) however I did support it.

The position is a key employment position, approved in the 2015 casino budgets. Hiring of this "key employee" requires seven votes of the board of

directors. Under the tribes adopted personnel policies, all positions must be posted.

Some members of the board have argued that the resolution would send the wrong message to the temporary casino executive officer. My concern continues to be the message of not following policy, adopted by tribal resolution, and what it conveys to the membership and our employees as a whole. In addition, policy also dictates that temporary positions shall not exceed six months; it has been nearly SEVEN months since the temporary position was hired.

In August (2014) a request for proposals (RFP) was distributed externally with the following as its premise:

Temporary overall management of gaming/hospitality operations with the ultimate goal of assisting with selection of a permanent chief executive officer of Kewadin Casinos.

This resolution to post the position not only complies with the policies and procedures of the tribe, it adheres to the intent of the RFP. The language in the resolution was derived from these policies. In addition, the casino FY2015 budgets for the temporary casino executive officer was for a period of three months. It has been nearly seven months.

## **Economic development**

In previous articles I discussed the taxes on patrons occurring in our tribal casino properties. For many years the tribe has added a tax to its hotel rooms of 7 percent for the local chambers of commerce and CVBs. This occurs at both our St. Ignace property and our Sault property. The collective annual amounts derived from this TAX are in excess of \$500,000 annually. While I have continued to ask for copies of all agreements to establish this tax, none can be found.

I propose we redefine this tax to generate revenues for economic development. I will be working on the creation of a "development tax" in lieu of the existing chamber/CVB tax. This

will enable the tribe to afford economic diversification while not spending existing revenues. At even half of the current 7 percent hotel tax, this creates over \$250,000 annually for diversification.

## **JKL Bahweting School**

The Tribe has approved a new version of the JKL Bahweting School lease with the PSA for a period of three years with an automatic rollover feature. The current lease was not expired but Northern Michigan University wanted a few items added to the lease to ensure the school reauthorization of charter. While many rumors were reported on social media regarding the lease, the facts are that the lease was approved with the same existing terms as dictated by the previous lease with the guideline recommendations from NMU incorporated.

I placed this in my previous reports, and I am continuing to restate it so that we can move this project forward.

The JKL Bahweting School is an excellent school that is in need of expansion. Currently, the school has over 490 students K-8. With this many students, it is shocking to find that the current capacity of the schools sole gymnasium is 51.

The timeframe for moving this project forward is closing to accomplish this prior to the next school year. Please contact your board members and give it the support it so desperately needs.

In closing, I will continue to push forward with members of the board who wish to be progressive.

I will also continue to work with members of the board to ensure that we become innovative in our approach to economic diversification, membership services and stepping out of the non progressive box that we appear to be confined to.

Sincerely,

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