



LUMMI INDIAN BUSINESS COUNCIL

2665 KWINA ROAD BELLINGHAM, WASHINGTON 98226 (360) 312-2000

DEPARTMENT _____

DIRECT NO. _____

September 30, 2019

Whatcom County Council
311 Grand Avenue, Suite 105
Bellingham, WA 98225

Re: Lummi Nation's opposition to the proposed No Shooting Zone in Drayton Harbor and request for deferral of the same pending further discussion.

Dear Members of the Whatcom County Council,

On behalf of the Lummi Indian Business Council (LIBC), we would like to make it clear, in no uncertain terms, our opposition to the establishment of a "No Shooting Zone" in the Drayton Harbor *via* a proposed ordinance currently under consideration by the County Council, which would regulate the discharge of firearms for all purposes and applies to all people, including Lummi tribal members. You have every right to mandate your citizens, but we hope that you understand that our tribal members do not fall under your jurisdiction when it comes to treaty reserved rights. In instances such as this, you must include tribal exemption.

Protecting public health and safety is a top priority of the Lummi Nation. As such, our law enforcement already imposes strict regulations on hunting in Drayton Harbor. For example, our hunting regulations promulgated under Title 10 of the Lummi Nation's Code of Laws prohibit hunting in locations within 1,000 feet of an occupied building or area.

The unilateral enactment of a "No Shooting Zone" ordinance is an egregious overreach of the County Council's legal authority and displays a surprising lack of understanding of the legal, political, and historical context of our treaty rights. The enforcement of this ordinance against Lummi tribal members is a direct violation of our treaty-reserved rights of hunting on open and unclaimed lands. Furthermore, any attempt to enforce such an ordinance against our tribal members, when they are engaged in treaty-reserved rights and practices, is clearly illegal. As elected officials, I am sure you are aware of Article 6, Section 2 (the "Supremacy Clause") of the Constitution of the United States that identifies treaty law as the "Supreme Law of the Land". It must be remembered that our ancestors explicitly secured fishing, hunting, and gathering rights in the Point Elliott Treaty of 1855. We have never relinquished these rights and we will not allow them to be redefined, diminished or taken away.

We strongly encourage the County Council to defer action on the proposed ordinance. It is imperative that we meet and devise a pathway forward through which we collectively address the stated need and intention of the ordinance of protecting public safety while simultaneously respecting and protecting our treaty-reserved rights. Our future generations depend on us working together. We look forward to your reply and are ready to begin this important work with you.

Sincerely,

Jeremiah Julius, Chairman
Lummi Indian Business Council