

**For more information,
contact:
Laverne Beech,
Public Affairs Manager**
lbeech@sbtribes.com
Phone: (208) 478-3818
Cell: (208) 589-8595
Fax: (208) 478-3730

Shoshone-Bannock Tribes
PO Box 306
Ft. Hall, ID 83203



PRESS RELEASE

Tribal Land Use Policy Ordinance Approved

April 30, 2010: The Shoshone-Bannock Tribes' new Land Use Ordinance went into effect on Tuesday, following approval by the federal government and formal enactment by the tribes' governing body, the Fort Hall Business Council.

The ordinance enacted by the tribal council this week includes language making it clear that the tribes' zoning and land use regulatory authority extends to both Indian and non-Indian owned lands on the Fort Hall Reservation. The new ordinance supersedes the tribes' first land use ordinance enacted over 30 years ago.

"Since 1977, the Tribes have had a federally-approved land use regulatory system that provides for the tribes to regulate non-Indian land on their homelands, the Fort Hall Reservation. The tribes have not only an interest, but a duty, to preserve and protect the Fort Hall Reservation for the health and safety of all residents," said Alonzo Coby, tribal chairman.

The new ordinance is available to all reservation residents at the tribes' Land Use Department. The tribes are now working on updating the zoning and land use regulations to fully implement the new ordinance.

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The need for amendments to the ordinance was highlighted last summer when a non-Indian religious group sought to build a controversial dormitory-style building on reservation land that was intended for agricultural use under tribal law. Public comments on the proposed development were sought by both Indian and non-Indian residents before the tribes made the decision to deny the group's request.

"The new ordinance makes it clear that a special permit would need to be obtained if a development had the potential of overburdening existing septic systems, endangering the groundwater resource, and the health and welfare of reservation residents," said Mark Echo Hawk, tribal attorney.

The new ordinance was formally and publicly opposed by the FMC Corporation, on the grounds that the Tribes have no regulatory authority over non-Indians on the reservation. FMC owns lands on the reservation that are now part of the 2,475-acre Eastern Michaud Flats Superfund Site.

FMC and local officials from Bannock and Power counties, as well as the cities of Pocatello and Chubbuck, have publicly stated they do not want the tribes to be able to regulate non-Indian lands on the reservation, or to regulate pollution on or near the reservation. About 97 percent of reservation lands are owned by the tribes or individual Indian landowners.

"As American Indians it is our duty to protect Mother Earth. The tribes are trying to take reasonable steps regulate our land and to avoid significant and

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costly environmental disasters that end up costing governments and taxpayers even more money to clean up," said Coby.

The tribes' proposed land use amendments received considerable media attention in December when FMC suggested that the proposed ordinance changes were intended to close the reservation to non-Indians. The tribes followed up by accepting additional public comments and hosting a public meeting to emphasize that the ordinance and amendments do nothing to change the way people live on the reservation.

"Time has revealed the truth - arguments against tribal authority are simply scare tactics," said Echo Hawk. "Hopefully, those in opposition to our laws will learn what the federal law has recognized for many decades: Indian tribes have sovereign authority to make their own laws and protect their permanent homeland."

The Bureau of Indian Affairs approved of the tribes' new Land Use Ordinance on Feb. 2. In February, the BIA also approved amendments to the tribes' waste management regulations despite objections by local counties and the FMC on similar grounds.

The tribes' Constitution requires BIA approval for all ordinances.

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