

Appendix of Additional Documents

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New York State Land Claim

Terms of Settlement

Kentenhkó:wa/November 2013

Message from the Grand Chief

Shé:kon Sewakwe:kon,
Through recent negotiations led by the Saint Regis Mohawk Tribal Council, the Governor of the State of New York has put forward a new offer to settle the Mohawk Land Claim against the State of New York. The offer would see the return of 13,463 acres of land to Akwesasne, millions of dollars and 9 megawatts of low-cost power from the New York Power Authority, free tuition and waiver of mandatory fees for Akwesasne Mohawks to attend any State University of New York School, and the end to the 31-year battle for land with New York State.



While the offer includes many of the key pieces of the land claim settlement that the community voted to accept in 2004, there are significant pieces missing from the new offer. The State has withdrawn the \$30 million cash payment that was offered in 2004 and the offer no longer includes Massena Point, Long Sault and Croil Islands. Despite the removal of these pieces from the settlement offer, the Governor has indicated a willingness to consider other ways to reconsider these lands and islands for the people of Akwesasne.

Know that much has changed in the nine years

since the land claim settlement was reached with the State of New York and that has led to the changes in the revised offer. In mid-2005, the United States Supreme Court began issuing harmful decisions in other New York State land claims that have affected the Mohawk Land Claim. It ruled against the Cayugas citing "Laches" (the Cayugas waited too long to file their land claim and it would be too disruptive to non-Natives) and then ruled against the Oneidas in the Sherrill court decision. Since then, they have dismissed land claims for Grand Island brought by the Seneca and the land claim by the Onondaga Nation.

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Despite these harmful court decisions, the Governor of the State of New York would like to honor the majority of the land claim settlement reached with the Mohawk community in 2004. The revised offer would double the Akwesasne land base in New York State, provide \$70 million to the community, free college tuition, and a supply of low-cost electricity.

The MCA will be holding a series of informational community meetings in each of the districts to discuss the settlement offer and to answer questions. The meeting schedule is as follows:

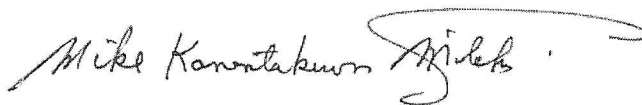
- Tsi Snaihne – Tuesday, December 3rd at 6 pm at the Snye Recreation
- Kawehno:ke – Wednesday, December 4th at 6 pm at the A'nowara'ko:wa Arena's Turtle Room
- Kanatakon – Saturday, December 7th at 12 noon at the Kanatakon School Gymnasium

In order to gauge community opinion of the revised settlement terms, a referendum will open December 10th and the referendum will close on December 14th 2013.

As a community member, I encourage you to attend the meetings held in any of the districts and to cast your vote in the referendum.

Skén:nen,

MOHAWK COUNCIL OF AKWESASNE



Mike K. Mitchell,
Grand Chief

1796 Treaty Claim Summary

The Unified Mohawk Land Claim began in 1982 with the Mohawk Council of Akwesasne filing a lawsuit in US District Court against New York State for the lands defined in the 1796 Treaty. Those lands included the area known as the Hogansburg Triangle, the Fort Covington Mile Square and other lands within Fort Covington, the Mile Square in Massena, along with lands along the Grass River and the islands of Barnhart, Baxter and Long Sault. The suit was later joined by the united tri-council, which included the Saint Regis Mohawk Tribe and the Mohawk Nation Council of Chiefs.

Negotiations toward a settlement carried on throughout the 1990's concurrent with a renewal of the motion to dismiss by the defendants in 1999. In September of 2004, a successful negotiated settlement was reached, and ratified in November 2004 by both the Membership of the Mohawk Council of Akwesasne and the Saint Regis Mohawk Tribe. The Mohawk Nation Council of Chiefs reached a consensus for support on January 27, 2005. The Governor and the representative from NYPA signed the agreement February 2,

2005, and then-NYS Governor Pataki introduced a five tribe land claims bill to settle land claims in NYS. Franklin and St. Lawrence Counties signed the settlement agreement in March and April. Due to the unfavorable 2005 decisions from the US Supreme Court in the Sherrill and Cayuga claims, both Franklin & St. Lawrence Counties withdrew their support shortly afterward. The claim has remained in the courts since, and the majority of it was dismissed in July 2013.

Since September 2013, the Saint Regis Mohawk Tribe has taken the lead to revive negotiations with the State, and a revised settlement agreement has been proposed.

The terms that remain in the 2013 settlement agreement include:

- 9 megawatts of low-cost power from New York Power Authority (NYPA)
- \$70 million over 35 years from NYPA
- Return of lands within both St. Lawrence and Franklin County (as in the 2005 agreement)

- Free tuition for Akwesasne Mohawks at all SUNY institutions of higher learning
- The preservation of all rights as listed in the original 2005 agreement

The terms of the revised 2013 agreement differ slightly from the 2005 settlement, as they exclude the islands of Croil and Long Sault, Massena Point (which has since been sold) and the \$30 Million in payments from New York State.

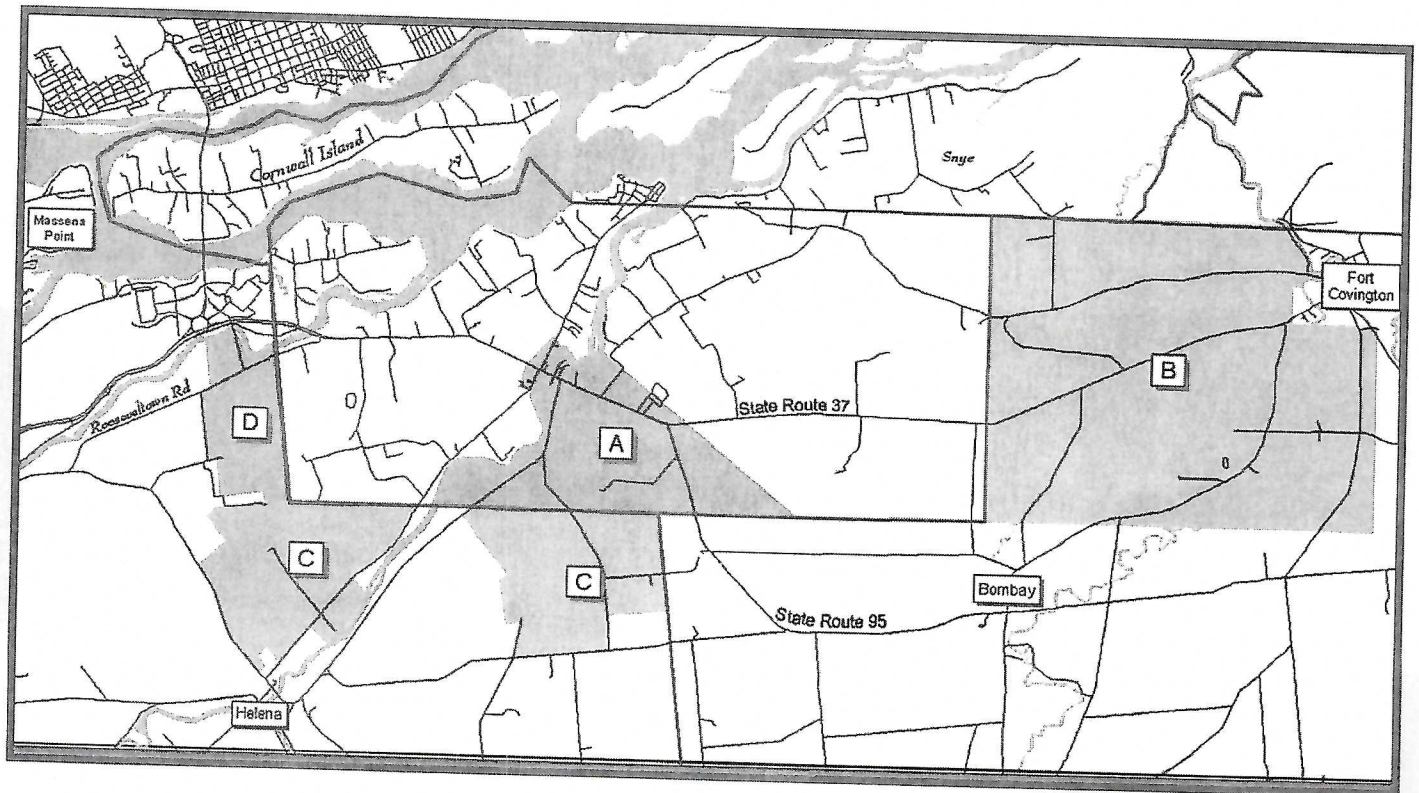
Over the decades of fighting in the courts for this claim, the climate for Indian Claims in the United States has become increasingly bad. If the Mohawks were to win appeals to the rest of the claims that were dismissed, and to win the Hogansburg Triangle claim, we would receive

only monetary compensation - back-rent, and NO LANDS. The courts do not displace people, and they do not award lands.

It is important to our community, and to our future generations, that lands are available for our existing, and our, growing population. With this revised settlement offer, lands will be returned and we will be compensated for the illegal taking of those lands.

Land is an essential part of our culture as Akwesasronon. Land is the reason that we petitioned the state for decades, and was the reason we as a community filed the 1796 Treaty Claim in the US court system. The revised settlement offer is being extended in good faith, and we as a community would the benefit from the addition of lands to our current boundaries.

Map of the Claim Area



- | | | | |
|---|---------------------|---|---------------------|
|  | Area A - 2200 acres |  | Area C - 3000 acres |
|  | Area B - 7700 acres |  | Area D - 500 acres |

Timeline

October 7, 1763

By Royal Proclamation, the Islands in the St. Lawrence River are reserved by the Crown, "to the Nations or Tribes of Indians with whom We are Connected, or who live under Our Protection, as their Hunting Grounds."

September 3, 1783

Treaty of Paris establishes the boundary between the US and Canada on the 45th parallel and down the middle of the St. Lawrence River, through the Mohawk Territory of Akwesasne.

1795

The St. Regis Indians enter into a lease with George Barnhart for Barnhart Island for 999 years with an annual rental of \$30.00 per annum. The lease was recognized by the British Government.

May 31, 1796

The US and the Seven Nations of Canada enter into a treaty reserving specified lands to the St. Regis Indians.

December 24, 1814

US and Great Britain enter into the Treaty of Ghent empowering their commissioners to designate the boundary through the St. Lawrence River.

1816-1845

New York State purports to purchase lands from the St. Regis Mohawks in a series of seven transactions without Federal consent in violation of the Indian Non-Intercourse Act.

1822

Pursuant to the Treaty of Ghent, an agreement was struck between US and British for the exchange of Wolfe Island to the British with Baxter, Barnhart and Grand Islands becoming a part of the US and the State of New York.

November 3, 1823

State of New York issues letters of patent to the Ogden brothers ignoring the right, title and interest

of the St. Regis Indians. George Barnhart is evicted from Barnhart Island.

April 10, 1850

NY legislature acknowledges the dispossession of George Barnhart and compensation is awarded for damages sustained. Interests of the St. Regis Mohawks are not addressed.

April 7 1856

NY Legislature appropriates \$5,960 to the St. Regis Indians for payment of damages for the sale of Barnhart and Baxter Islands by the State of NY.

1954

St. Regis Mohawk Tribe files claim against the State of NY for compensation against the loss of Barnhart Island.

1958

St. Regis Mohawk Tribe claim is rejected by the NY Court of Appeals.

September 30, 1982

Canadian St. Regis Band of Mohawk Indians files two suits in US District Court for the Northern District of New York. One seeking determination of title to the lands protected by the 1796 Treaty and trespass damages. The other to seek determination of title, trespass damages regarding the Islands.

April, 1985

Parties ask court to halt action pending negotiations.

October 11, 1986

SRMT, MNCC, and MCA agree to form tri-council and pursue a unified land claim against the State of New York.

July, 1989

SRMT, MNCC file land claim in Federal Court, and the MCA files a second amended claim. All claiming ownership in common of the 1796

treaty-protected lands and islands, jointly seeking damages for the use of those lands by others.

October, 1989

Motion to dismiss by defendants against all three tribal governments due to 1) 1943 and 1958 cases involving St. Regis Lands 2) People of Akwesasne waited too long to bring the claim 3) MCA is not protected by American law 4) MNCC has no standing as a government to bring the case.

1991

Judge McCurn unified the suits brought by the SRMT and the MNCC to the MCA claim.

January - February, 1991

Series of negotiation meetings held between Tri-Council, NY State team and Howard Bellman, Mediator at the Council of States.

March, 1991

SRMT fires land claim attorney, Mr. Sobol and postpones negotiation meetings.

1991-1998

Series of renewed negotiation documents created for a comprehensive settlement agreement, which were then ended by NYS.

June 22, 1999

Renewed motion to dismiss by the defendants - NYS, NY Power Authority, Counties of Franklin and St. Lawrence. Reasoning similar to 1989 motion.

July 28, 1999

Harry Sachse files opposition of the motion to dismiss.

September, 2004

Successful negotiated agreement with the State of NY completed.

November 27, 2004

SRMT and MCA hold successful referendums to ratify a settlement agreement with NYS.

January 27, 2005

MNCC reaches consensus in support of signing the land claim settlement agreement.

February 2, 2005

Governor of NYS and a representative from NY Power Authority sign settlement agreement.

February 3, 2005

Governor Pataki introduces a 5 tribe bill including the land claims of the Mohawk, Seneca-Cayuga of Oklahoma, Oneida of Wisconsin, Cayuga of NY, and the Stockbridge-Munsee Band of Mohicans of Wisconsin. The Mohawk Claim is the only one not involving a Catskill casino.

March, 2005

Franklin County signs settlement agreement.

March 31, 2005

US Supreme Court rules in City of Sherrill v. Oneida Indian Nation of NY that the Oneida's could not assert immunity from local property taxes on re-purchased parcels within land claim area.

April, 2005

St. Lawrence County signs settlement agreement.

April 15, 2005

Gov. Pataki pulls the 5-tribe bill after negative feedback at three NY Assembly meetings.

May 15, 2005

US Supreme Court refuses to hear appeal of Cayuga Indian Nation v. Pataki as the Second Circuit Court had ruled that, due to the disruptive nature of the claim, that the doctrine of Laches could apply and the Cayuga's had lost their right to sue due to length of time.

June, 2005

Stand alone Mohawk Land Claim Bill introduced to, and passed by, the NY Assembly. The bill fails to pass the Senate as Majority Leader Joseph Bruno held out in favor of a 3 tribe bill to include the Oneida's of Wisconsin and the Stockbridge-Munsee. Senator Bruno's son was the lobbyist for one of these tribe's.

July 26, 2005

Franklin County withdraws from settlement agreement and passes a resolution opposing Native American land claim legislation.

February 27, 2006

St. Lawrence County passes resolution withdrawing from settlement agreement.

November, 2006

St. Lawrence and Franklin County, along with State of NY, file motion to dismiss Mohawk Land Claim based on precedents established in Sherrill and Oneida rulings.

2010

Due to a breach of exclusivity agreements with NYS, the SRMT cease making revenue sharing

payments to NYS from Casino profits.

February, 2012

Magistrate Judge George Lowe retires without deciding the case and was reassigned to Judge Dancks.

September 28, 2012

Magistrate Judge Dancks moves for a dismissal of all aspects of the claim on the same grounds as the Sherrill decision except for the area known as the "Hogansburg Triangle."

June 17 2011

Hearing held in Albany attended by MNCC, MCA, and the SRMT to respond to motions to dismiss filed by NYPA, Counties and State of NY.

July 8, 2013

Judge Kahn dismisses all claims by the Mohawks, except the "Hogansburg Triangle."

November, 2013

NYS and NY Power Authority propose to revive the settlement, minus the \$30M payment from NYS, Croil & Long Sault Islands, and Massena Point, which has since been sold to the town.



2005 Original Signing of Settlement Agreement

SMRT Chief Maggie Thompson, SRMT Chief Jim Ransom, NY Governor George Pataki, SRMT Chief Barbara Lazore, MNCC Chief Howard Thompson, and MCA Grand Chief Agnie Barnes

Settlement Terms

2005 Negotiated Settlement Terms

Monetary Compensation

- NYPA to pay \$2 million per year for 35 years (\$70M)
- NYS to pay \$6 million per year for 5 years (\$30M)

Land (See Maps)

- Area A
- Area B
- Area C
- Area D
- Long Sault Island
- Croil Island
- All Lands to be returned via willing seller

Local Governments

- St. Lawrence and Franklin Counties will receive, from NYS, \$2 million per year in lieu of taxes

NYPA

- NYPA will provide 9 megawatts of low-cost power for as long as the power project exists.

Education

- Tuition waived for all Akwesasne Mohawks at all SUNY Schools

2013 Proposed Terms for Settlement

Monetary Compensation

- NYPA to pay \$2 million per year for 35 years (\$70M)

Land (See Maps)

- Area A
- Area B
- Area C
- Area D
- All Lands to be returned via willing seller

Local Governments

- St. Lawrence and Franklin Counties will receive, from NYS, \$2 million per year in lieu of taxes

NYPA

- NYPA will provide 9 megawatts of low-cost power for as long as the power project exists.

Education

Tuition waived for all Akwesasne Mohawks at all SUNY Schools

*Changes from 2005 Negotiated Settlement Terms that have been removed from the 2013 Proposed Terms for Settlement are highlighted in Purple. Everything else, remains the same.

Frequently Asked Questions (FAQ)

Background Questions

What is the 1796 Treaty Land Claim?

In the 1800's, New York State illegally purchased approximately 15,000 acres of land from the Akwesasne Mohawks without federal approval, and in violation of the 1792 Non-Intercourse Act. In 1982, the Mohawk Council of Akwesasne filed a suit in U.S. District Court (82-CV-783 and 82-CV-1114) for the lands and Barnhart, Croil Long Sault Islands in the St. Lawrence River. The St. Regis Mohawk Tribe and the Mohawk Nation Council of Chiefs later joined the MCA as tri-council plaintiffs in 1986.

What was the 2005 Negotiated Settlement Agreement?

The community ratified the Proposed Land Claim Settlement in November, 2004 with referendum conducted by the MCA and the SRMT. In 2005 the MNCC reached consensus in support of the 2004 Proposed Land Claim Settlement. A Pre-Internal Agreement was signed between the Mohawk Council of Akwesasne, St. Regis Mohawk Tribe and the Mohawk Nation Council of Chiefs to decide how proceeds of the settlement agreement will be shared fairly within the Akwesasne Community. The Key Points of the 2005 Negotiated Settlement Agreement are listed on page 7.

What is this 2013 final settlement agreement?

New York State & the New York Power Authority have revised the settlement offer, due mainly to the unfavorable decisions of Sherrill and Cayuga (2005). The revised offer does not include Croil and Long Sault Islands, Massena Point (which has since been sold) and the \$30 Million payment from NYS.

What grievances will this settlement agreement address?

13,463 acres of land will be returned to the Akwesasne Mohawks, by voluntary transfer or

purchase from willing sellers. Monetary compensation of \$70 million dollars over a period of 35 years from the New York Power Authority. 9 Megawatts of low-cost power will be provided from the St. Lawrence-FDR power dam for as long as power is produced to the community of Akwesasne.

Are there any other benefits from this settlement?

Foreclosures against Akwesasne Mohawks on the land claim areas will be dismissed. Tuition fees waived for all Akwesasne Mohawks at all SUNY schools provided that student qualifies for admission. Vehicle fees waived at Robert Moses State Park.

What rights will be protected by New York State?

Akwesasne Mohawk Rights such as hunting, fishing, trapping, and gathering outside of Akwesasne will be protected by New York State. Protection of right to purchase additional lands after the settlement using federal processes – which lands may be added to the reservation. Protection of right to add on to Reservation using other available processes with no cap on reservation size. Protection of right to enact our own building codes. Protection of right to enact our own environment codes.

What are giving up in exchange for settling our claim?

The Akwesasne Mohawks release their claims to only those claims within the State of New York that can be brought under existing law. Protection of right to bring Mohawk Aboriginal land claim, if the U.S. law should change in favor of bringing this claim forward in the future. Akwesasne releases its claim to the Massena and Fort Covington one-mile squares. Akwesasne will also release its claim to the Grasse River meadow, Barnhart Island, Long Sault and Croil Islands until the law changes.

Frequently Asked Questions (FAQ)

Did community members provide input before and during the negotiation process?

Yes multiple meetings and events were conducted throughout the community leading up to the 2004 referendum ratifying the negotiated settlement agreement, as well as throughout the negotiation process.

Community Information

How is the community being informed about this settlement terms?

The complete Proposed Settlement Agreement is being mailed to every Member's household. Ads will be placed in local newspapers and radio. Flyers will be posted in the community. Info meetings and group meetings will be held in the community on December 3rd (5pm in Tsi Snaihne Recreation) December 4th (5pm Anonwarako:wa Arena) and December 7th (Noon at Kanatakon Recreation). Community educators are available to visit homes in the community to share information about the Claim and the Settlement Agreement and to answer any questions community members may have. Contact Aboriginal Rights and Research Office at 613-575-2348.

How do I get copies of the Proposed Settlement Agreement and "schedules" (attachments) that are part of the Settlement Agreement?

You may contact the Aboriginal Rights & Research Office at (613) 575-2348, email cactus.sunday@akwesasne.ca or stop by the MCA's Administration II Building in Kanatakon to obtain copies of all schedules and other information on the Referendum Vote.

Referendum Questions

Why is there a referendum being called?

A referendum is being called to gauge the community's willingness to accept the Proposed Settlement Agreement, and the results will di-

rect MCA's decision to accept or decline the current proposed settlement.

Who is eligible to vote?

All enrolled Members of the Mohawks of Akwesasne who are registered to vote on the day of the referendum. To ensure that you are on the Referendum Voter's List, please call Chief Referendum Officer Leona Benedict at 613-575-2250 ext. 2406, or email at leona.benedict@akwesasne.ca

What items are listed on the ballot?

The voter ballot shall include the question, "Do you accept the terms of the 2013 Proposed Negotiated Settlement Agreement for the 1796 Treaty Claim?" and the options to select "Yes" or "No."

Settlement Money Questions

Can we negotiate for more?

Based on the 2005 Negotiated Settlement Terms, there has been a reduction of the proposed monetary compensation from New York State. This settlement offer may also be revoked, and Akwesasne will be forced to continue the court process which may or may not work in our favor.

Are plans in place for what to do with the money should the referendum pass?

An Internal Agreement between the Mohawk council of Akwesasne, St. Regis Mohawk Tribe and the Mohawk Nation Council of chiefs will decide how proceeds of the settlement agreement will be shared fairly within the Akwesasne Community.

Why is the community being compensated rather than individuals?

Akwesasne Leadership had filed these land claims on behalf of the people, and will share any compensation fairly within the Akwesasne Community.

Frequently Asked Questions (FAQ)

Are the compensation monies indexed?

No

Settlement Land Questions

Can the courts give us land?

The courts will not grant land transfers to land claims, and would only award monetary compensation. Only by negotiations with the state and counties can lands be transferred back to the community.

Why do we not get Long Sault or Croil Island?

These claims were dismissed in US District Court in July 2013. The Mohawks are no longer in the strong negotiation position we were in 2004. As such, St. Lawrence County and the New York Power Authority have withdrawn the offer to return these islands.

When will these lands be made part of the "reservation"?

Once a settlement for the claim is made, the lands can be returned to "reservation" status through a legal mechanism of the US Department of the Interior Bureau of Indian Affairs.

What will happen to the current people residing on these lands?

They will continue to reside on those lands, or offer to sell them back to Akwesasne. All lands will be purchased from willing sellers, or transferred voluntarily. No one will be displaced with the acceptance of the settlement offer.

What is the impact on surrounding communities?

New York State will pay St. Lawrence and Franklin counties \$2 million per year in lieu of taxes.

NYPA Questions

Who gets the power, and is it free?

NY Power Authority will allocate 9 megawatts of low-cost electricity for the community as long as the St. Lawrence-FDR Power Dam generates electricity. The Internal Agreement will

address and decide how proceeds of the settlement agreement will be shared fairly within the Akwesasne Community. The power must be received through a public utility, which can be established by the tri-council, which can in turn distribute the power throughout the community.

Education Questions

Do we get to go to SUNY schools for free?

Tuition fees will be waived for all Akwesasne Mohawks at all State University of New York institutions of higher learning, as well as all mandatory fees associated with admission and attendance.

Final Questions

Can we renegotiate?

Not likely. The current offer has been the most beneficial, and both negotiating teams agree this would be a fair deal that could end this 31 year old claim process. This offer may also be revoked, and Akwesasne will be forced to continue the court process which may or may not work in our favor.

Why is a negotiated settlement better than a court judgment?

Courts have been unfriendly to Indian Claims, and are not expected to become any better in the foreseeable future.

Is the settlement proposal fair enough to settle our claim?

Land, monetary compensation and some added benefits will be awarded to the community of Akwesasne with the acceptance of this revised offer, whereas in the courts only monetary compensation would be awarded.

What will happen if the community decides not to approve the proposed Final Settlement Agreement?

It depends on the willingness of the parties if they wish to continue settlement negotiation,

Frequently Asked Questions (FAQ)

though it is unlikely, since all of our claims except the Hogansburg Triangle have been dismissed. The courts will not likely rule in our favor based on the Sherrill & Cayuga precedents.

Why not continue to fight in court, and reject the revised offer to settle?

With this offer we get lands returned, and com-

pensation. Even with a favorable decision in courts, which is unlikely, we would only get back-rent from the lands. If we lose in court, we could be fined with covering the court costs of the defendants – NYS, NYPA and Franklin and St. Lawrence Counties.

Dates of Community Information Meetings

Tues. December 3, 2013 at 5:00pm in the Tsi Snaihne Recreation;

Weds. December 4, 2013 at 5 :00pm in the A'nonwarako:wa Arena;

Sat. December 7, 2013 at 12:00pm in the Kanatakon School Gym.

Dates of the Referendum

Friday December 13, in All Districts from 9am - 4pm

Saturday December 14, in All Districts from 9am - 4pm

Voting Locations:

Tsi Snaihne Recreation, Kawehnoke Recreation, and Kanatakon Recreation



FREQUENTLY ASKED QUESTIONS
TRIBE’S LAND CLAIM SETTLEMENT

Q1: Why is the Tribe putting out these FAQs?

A: The Tribe wants to get more information out to tribal members because we are at critical juncture in our land claim settlement.

Q2: Why is that?

A: The Tribal Council, along with MCA and the Nation, are close to being able to sign a final settlement agreement with New York State and Counties to end the 40-year old land claims case.

Q3: You say “close”. When will that happen? When will the Parties sign the agreement?

A: Right now, there are four agreements that need to be finalized before the Parties can sign:

- An MOU with Franklin County
- An MOU with St. Lawrence County
- An MOU with New York State and the NY Power Authority
- An MOU between the “Mohawk Plaintiffs”—SRMT, MCA and MNCC

These Agreements are 99% complete but still have some minor provisions that need to be finalized.

Q4: Is there a chance that the MOUs will not be finalized?

A: Of course, that could happen, but we are confident that the MOUs will be finalized and see no reason why they will not.

Q5: Can you explain what is in each MOU?

A: Yes. Below is a table that has the basic elements of each.

<p>MOU with Franklin County</p>	<p>Land: Creates “Land Acquisition” Areas “A” and “B”</p> <p>Area A is Hogansburg Triangle (2,022 acres)</p> <p>Area B is a 7,261 acres block of land between Beaver Meadow Road and Fort Covington.</p> <p>All the lands in Area A owned by Tribe will immediately be “Indian Country” under tribal jurisdiction.</p> <p>Lands owned by Tribal Members in Area A will become Indian Country if transferred to the Tribe. Tribe will provide Tribal Members with Right to Use and Occupancy Deed.</p> <p>Area B has two Zones</p> <p>Zone 1 (3,779 acres) – Tribal land will immediately become Indian Country, and lands owned by tribal Members can be converted to Indian Country immediately.</p> <p>Zone 2 (3,481 acres) – Some Tribal Member-owned land is being grandfathered, so they can convert right away.</p> <p>Others who buy land in Zone 2 may be able to convert later -- subject to a process to resolve objections by the State, County, or Town.</p> <p>State will pay past-due taxes on Mohawk lands and foreclosures cancelled.</p> <p>To be free of taxes post-settlement, Mohawk owner must convert land to restricted fee with a tribal use and occupancy deed.</p>
<p>MOU with St. Lawrence County</p>	<p>Land: Creates Areas “C” and “D”</p> <p>Area C (3,400 acres) consists of parcels south of reservation in Brasher.</p>

	<p>Area D (1,360 acres) is in Town of Massena (Roosevelt town).</p> <p>In each area Tribal-owned land will immediately become Indian Country and Mohawks can immediately convert title the same as in Hogansburg, or Zone 1 Area B.</p> <p>State will pay past-due taxes on Mohawk lands and foreclosures cancelled.</p> <p>To be free of taxes post-settlement, Mohawk owners must convert land to restricted fee through a tribal deed.</p>
<p>MOU with New York State and the NY Power Authority</p>	<p>Money: NYPA pays \$2M per year for 35 years</p> <p>Power: NYPA agrees to make 9MW of low-cost power available in perpetuity.</p> <p>Tuition: NYS agrees to pay SUNY college tuition and mandatory fees for all Mohawks.</p> <p>Mohawks have access to Barnhart, Croil and Long Sault Islands for hunting, fishing, and gathering under certain conditions. Entry fees for Robert Moses State Park are waived. NYS will authorize an annual bow hunt on Barnhart Island (open to public).</p>
<p>MOU between the “Mohawk Plaintiffs”</p>	<p>NYPA money allocated between SRMT, MCA and Nation (60/20/20)</p> <p>Provisions for the Nation and MCA to convert land to restricted fee by transferring title to Tribe and accepting a deed under tribal law evidencing their right to use and occupy the land.</p> <p>Power allocated between SRMT and MCA (80/20).</p>

*Attached are two maps that show the location so Areas A, B, C and D.

Q6: Will there be a referendum vote on the MOUs?

A: No.

Q7: Why is that?

A: From the beginning, Tribal Council has said that if the settlement agreement is not significantly different from the one approved by membership in November 2004, and signed in February 2005, then there is no need for another referendum. Of course, the Tribe will still provide information and hold meetings and consultation sessions, so that the community is informed.

This table shows the similarities in the two settlements:

2005 Settlement	2023 Settlement
Land Acquisition Areas	Land Acquisition Areas
Area A (Hogansburg) 2,022 acres	Same
Area B (Town of Fort Covington) 1,300 acres (plus additional lands upon County and Town consent, which could not be unreasonably withheld)	The entire Area B (7,260 acres) is considered a land acquisition area. All of Zone 1 (3,779 acres) is available for immediate conversion of title to restricted fee status. Parcels already owned by tribal members in Zone 2 (261 acres) are available for immediate conversion. The rest of Zone 2 may be converted later subject to a process to resolve objections by the State, County, or Town. If objections are not resolved, then Tribe may apply to have parcels acquired in trust.
Area C (Brasher)	Same

3,400 acres	
Area D (Town of Massena) 1,400 acres	Same
Money from NYPA (\$70M)	Same
Free Tuition	Included, but enhanced to include all mandatory fees.
Power allocation	Included, but enhanced.
Islands Long Sault and Croil conveyed 215 acres (Massena Point) conveyed	No specific conveyance, but Plaintiffs have right of first refusal to purchase. Access provided.
Payment of \$30M to Plaintiffs	Not included

Q8: So, the 2023 Settlement has the same basic elements, but for some items there are changes, correct?

A: Yes. The current settlement does not include the \$30M payment to the Plaintiffs and potential conveyance of the Islands. However, the current settlement includes approximately 5,960 acres of additional lands that can be re-acquired by the Tribe and its members. Area B was only 1,300 acres in the 2005 agreement and in the current one, Area B Zone 1 alone totals 3,779 acres, and the entire area (7,260 acres) is available.

To the Tribal Council, the loss of the \$30M payment is off-set by the additional 5,960 acres.

Q9: Can you explain more about the document you call the MOU between the “Mohawk Plaintiffs”?

A: It is an internal agreement between the Tribe, MCA and the Nation to deal with allocation of benefits provided by the settlement. The specific benefits covered are the NYPA funds, Land, Power and the Islands. The Agreement deals with them as follows:

(1) The NYPA monies (\$2M a year for 35 years) are allocated 60% to the Tribe, 20% to MCA and 20% to the Nation;

(2) Lands that become Indian Country will, by law, have to be held in Tribal ownership. Provisions are included to allow the Nation and MCA to transfer title to the Tribe, and to accept a deed under tribal law evidencing their right to use and occupy the land. The agreement deals with coordination by the Parties with respect to any land transfer, notification, and consultation on lands of particular cultural significance;

(3) With respect to the 9MW of low rate power from NYPA, that is allocated 80% to the Tribe and 20% to MCA. In the event MCA cannot use the power due to legal or other reasons, then the Tribe receives 100% of the allocation for that period.

(4) If islands are available to be purchased the Parties may jointly exercise the right to purchase. Also access and consultation will be done cooperatively.

Q10: Will the Tribe hold more meetings and provide more information on the settlement and the Mohawk Plaintiffs MOU?

A: Yes. The Tribal Council has already held several meetings on the terms of the settlement and internal agreement, but will hold more. Also, informational materials; such as these FAQs will be provided to tribal members. Tribal Council will utilize Akwesasne TV, social media and other medial resources to continue to provide information to members on the settlement.

Q11: Why is the Tribe's lawsuit only about the 1796 lands that were illegally sold and not all Mohawk ancestral lands?

A: The lawsuit is a very specific one dealing with violations of a federal statute enacted in 1790 called the "Indian Trader and Non-Intercourse Act" ("NIA"). That Act prohibits any purchase of tribal lands without the express consent of the federal government. It is the basis for all so-called "Eastern

Land Claims” filed around the same time as ours by the tribes in Maine, the Cayuga Nation, Oneida Nation among others.

Q12: I’ve heard some tribal members say the Tribal Council is “selling out” because it is settling the case instead of fighting it out in court.

A: That is not the case at all. SRMT Tribal Leadership has been fighting it out in court for over 40 years—a countless number of Chiefs, Sub Chiefs, tribal advisors, land claim committees, tribal attorneys, in-house and outside law firms have worked on the case. Our case is one of the longest running federal court cases in history and is the only land claim remaining one in New York State.

The truth is our case has suffered a number of setbacks over time. In 2001, the district court dismissed our claim to a 144-acre parcel in Hogansburg. In 2005, the U.S. Supreme Court decided a case (*Sherrill v. Oneida Indian Nation*) that allowed NY State to use the defense of “laches” in land claim cases. Subsequently, the Cayuga and Oneida land claims were dismissed in their entirety. In 2013, the court used laches to dismiss all of our claims except the lands in Hogansburg (excluding for the 144 acre tract).

In spite of these setbacks the Tribe has fought tenaciously to keep our case alive (we are the only case left in NYS!).

And, despite the court’s dismissal of claims we are able in the settlement to recover a significant amount of land in and even outside of our 1796 treaty boundaries. And other benefits.

Is it a perfect outcome? No. But what the Tribe and all parties have achieved is hardly a sell-out. Settlement creates a clear pathway for reacquisition of Mohawk lands.

Q13: How does the settlement work in terms of making lands “Indian Country” under tribal jurisdiction and free from State and local jurisdiction?

A: The MOUs with the Counties have provisions that cover this. Here is how that works:

(1) Upon effective date of the settlement (when it is finally approved by U.S. Congress) lands owned by the Tribe within Settlement Acquisition Areas (“SAAs”) A, B (Zone 1, and grandfathered properties in Zone 2), C and D on that date will become “Indian Country” meaning they will be treated just like the rest of the reservation’s restricted fee lands—they will be tax exempt, fully under tribal jurisdiction. If the lands are owned by individual tribal members in order to be converted into Indian Country lands the individual will need to deed the property to the Tribe and the Tribe will then give them a Right to Use and Occupancy Deed.

(2) Any lands acquired by the Tribe within the SAAs in the future will also be able to be converted to Indian Country status as well. If the Tribe buys the lands that will be automatic. If a member buys the land they will need to deed it to Tribe and get a Right to Use and Occupancy Deed. There is a different treatment in Area B Zone 2. In that zone, the State, County, or Town could object. There is a process to resolve objections. If they are not resolved, then the Tribe could apply to have the properties taken into federal trust.

Q14: Upon final settlement how many acres could qualify for immediate conversion within these SAAs? In other word, how many acres in Areas A, B, C and D are currently owned by the Tribe or its members?

A: Reviewing our current spreadsheets we have calculated that a total of 3,497 acres in these Areas are owned either by the Tribe or by tribal members:

- Area A: 1,663 acres
- Area B: 688 acres
- Area C: 589 Acres
- Area D: 557 acres

A majority of these parcels, especially in Area A, are owned by individual tribal members.

Q15: Why are MCA and the Nation involved?

A: They claim to be successors to the “St. Regis Indians” who signed the 1796 treaty. Actually, the first party who filed a complaint was MCA, who filed in 1982. The Tribe, joined by the Nation, filed in 1989.

Q16: Why did it take so long to file this lawsuit?

A: Even though the NIA was in existence for a long time, it was not known whether it applied to the tribes in the Northeast because of the unique history of these tribes—since they had a pre-colonial existence and relationship with the colonies and other countries. It wasn’t until 1970 that so-called Eastern Tribes, such as the Maine Tribe and the Cayuga Nation, hired lawyers who advocated bringing NIA-based land claims. In our case, in the mid-1970s we hired an attorney, Arthur Gajarsa, who had filed the Cayuga Nation’s land claim case.

Q17: You said that all claims in our case have been dismissed because of the *Sherrill v. Oneida Nation* case. Can you explain that decision and why it resulted in our claims being dismissed?

A: In *Sherrill*, the Oneida Nation claimed lands it bought within its treaty reservation lands were exempt from NYS property taxes. Citing an obscure legal doctrine called “laches” the Court rejected the Nation’s claim based on the length of time (over 200 years) that the lands in question had been owned and occupied by non-Indians. The Court said that to allow the Nation to revive its sovereignty under these circumstances would be “disruptive”. The *Sherrill* ruling was soon used by the State of New York to seek and obtain dismissal of the land claim cases of other NY tribes—the Cayuga Nation and the Oneida Nation cases.

Q18: So, New York State has done the same thing in our case?

A: Yes. The State and Counties filed motions in the court based on laches to try to dismiss all of our claims.

Q19: And?

A: They were successful in a 2012 ruling by the court that dismissed all of our claim except the Hogansburg triangle area. We were able to salvage the Hogansburg lands because we proved in court that there would not be any disruption because, unlike the other areas, the vast majority of land owners in Hogansburg are Mohawks.

Q20: What about the other areas such as the Fort Covington mile square or even the Massena mile square?

A: We weren't able to prove in court that there was a high percentage of Mohawk ownership in those areas.

Q21: So, you are saying that all that is left in our case is Hogansburg?

A: Yes.

Q22: What are the State and Federal requirements for the Settlement?

A: The NYS Legislature already passed a Bill this year authorizing the Governor to sign a final settlement. When the Parties sign the final agreement and the Governor signs the Agreement it will need to be approved by the U.S. Congress.

Q23: Do you expect any problems with that?

A: No. The United States, through the U.S. Justice Department and Interior Department have been involved in the process. Also, the passage would not be controversial since it does not require the U.S. Government to contribute any monies, lands or other items.

Q24: I heard that the Counties are getting money from the settlement. Why?

A: The monies would be coming from New York State to compensate the Counties for lost tax revenues caused by the fact that lands owned by the Tribe would be property tax exempt.

Q25: What if I live in one of the land areas (A, B, C or D) and I do not want to deed my property to the Tribe?

A: It would make sense for a person to deed the property to the Tribe and get a Right to Use and Occupancy Deed in return, so that lands would be Indian Country lands and tax-exempt. But, that decision is entirely left to the individual tribal member. In that case, the lands would continue to be fee simple lands whose deeds are filed with the County. As such, they would not be tax exempt post-settlement.

Q26: Won't non-Indians in these land acquisition areas ask for lots of money for their property?

A: Asking prices for lands in the Areas A, B, C and D may go up.

Q27: Will the schools on the Reservation be part of the settlement?

A: No. Salmon River and Mohawk School lands are owned by NY State and the land status will not change.

Q28: Why are we paying St. Lawrence County \$1.5M?

A: That was part of an MOU the Tribe entered into with the State, NYPA, and St. Lawrence County in 2014 that was intended as a roadmap for a final settlement agreement. Although the MOU is ambiguous and subject to interpretation, the County insisted on this payment as part of a final settlement. The Tribe agreed to resolve a potential impasse in order to reach a settlement.

Q29: Is the Tribe paying Franklin County or anyone else?

A: No, except that the Tribe is releasing \$30 million to the State, which is one-half of revenue-sharing payments it withheld from paying before 2014. It

agreed in another 2014 MOU with the Governor to pay these amounts if the land claim was settled.

Q30: What are these “land into trust” applications that I’ve heard about?

If we have a settlement, why are we trying to take land into trust?

A: The United States may accept title of land “in trust for” an Indian tribe. It is recognized that such lands are within tribal jurisdiction and exempt from state taxes. For lands within the 1796 treaty boundaries the applications are being done as a backup plan in case there is no settlement. The Tribe is also taking lands into trust outside the reservation boundaries. Those lands are not covered by the settlement. The settlement also reserves the right of the Tribe to acquire trust lands outside of areas that automatically become Indian Country under the settlement.

Q31: My property is within reservation boundaries and is in tax

foreclosure. What happens if we settle?

A: The State will pay past taxes and foreclosures will be cancelled. To be free of taxes post-settlement, you would need to exchange your deed with the Tribe for a Right to Use and Occupancy Deed.

Q32: If I live in these areas that are not part of the settlement land

acquisition areas, I have to keep paying state property taxes?

A: Yes. But you may be able to have your lands taken into trust.