

FMC v. SHOSHONE-BANNOCK TRIBES

Date 3/5/21

- I. Introduction
 - a. History of FMC on Reservation
 - b. History of Tribal Environmental Laws.
 - c. History of FMC negotiations

- II. History of FMC litigation
 - a. 2005 Consent Decree litigation Federal Court
 - b. 2007 Tribal Tribal Court Litigation
 - c. 2012 M1 Tribal Appellate Court Ruling
 - i. FMC sent several letters consenting to tribal jurisdiction and paying the \$1.5M into the future
 - d. 2014 M2 Tribal Appellate Court Ruling. Danger
 - e. 2014 FMC Appeal to Federal District Court
 - f. 2017 Federal District Court Ruling
 - i. Held M1 and M2 Jurisdiction but would not enforce the \$1.5M under M2.
 - g. 2017 Cross Appeals to 9th Circuit.
 - h. 2019 9th Circuit Ruling Both M1 and M2 Reversed as to M2 and \$1.5M.
 - i. SCOTUS Cert. denied 2021.

- III. Tribal Take away.
 - a. Tribal Jurisdiction over fee land within an Indian Rez.
 - b. Consent, M1, is key to future jurisdiction over non-Indians.
 - c. SCOTUS continues to whittle away at M2