



# Little River Band of Ottawa Indians

1762 U.S. 31 South  
Manistee MI 49660  
(231) 723-8288

ORIGINAL

RESOLUTION NO. #00-0108-01

## AUTHORIZING SUBMISSION OF REQUEST TO BIA FOR APPROPRIATED FUNDS FOR ATTORNEY FEES FOR FISCAL YEAR 2000

WHEREAS, the Little River Band of Ottawa Indians is a federally recognized tribe, as reaffirmed under P.L. 103-324, enacted on September 21, 1994, with property rights secured to it under the 1836 Treaty of Washington (7 Stat. 491) and the 1855 Treaty of Detroit (11 Stat. 621); and

WHEREAS, the Little River Band of Ottawa Indians is descended from, and is the political successor to, Grand River Ottawa Bands which were signatories of the 1836 Treaty of Washington (7 Stat. 491), as reaffirmed under P.L. 103-324, enacted on September 21, 1994; and

WHEREAS, the Little River Band of Ottawa Indians reserved certain rights to hunt, fish, trap and gather natural resources from the lands and waters in those portions of Michigan which were ceded under the 1836 Treaty. These treaty based rights were confirmed, in part, by United States v. Michigan, 471 F.Supp 192 (W.D. Mich. 1979); *affirmed*, 653 F.2d 277 (6th Cir. 1981); *certiorari denied*, 454 U.S. 1124, 102 S.Ct. 971 (1981), and reaffirmed by P.L. 103-324 section 5, and are protected by the United States Constitution (Art. 1, §8, cl. 3 and Art. 6, cl. 2); and

WHEREAS, the nature, scope and current existence of the reserved rights to hunt, fish, trap and gather natural resources outside the waters of the Great Lakes in the territory ceded in the 1836 Treaty are not recognized by the State of Michigan; and

WHEREAS, the Tribe has retained the firm of Ziontz, Chestnut, Varnell, Berley & Slonim as its special counsel to represent the Tribe with respect to these issues; and

WHEREAS, the maintenance and preservation of the Tribe's treaty rights, including the reserved right to fish on the Great Lakes is a critical priority of the Tribe; and

WHEREAS, the Tribe has prepared the attached application to the Bureau of Indian Affairs for funds for the payment of attorney fees which must be incurred to secure the Tribe's rights to hunt, fish, trap and gather under the Treaty of March 28, 1836; and

WHEREAS, it is the responsibility of the Tribe and the United States to protect Tribal members and Tribal property.

NOW THEREFORE IT IS RESOLVED, that the Tribal Council of the Little River Band of Ottawa Indians respectfully requests Fiscal Year 2000 Attorney Fee funds be provided to the Tribe to assist the Tribe in paying attorney fees and expenses incurred in connection with negotiations and, if necessary, litigation concerning the Tribe's treaty reserved fishing, hunting and gathering rights.

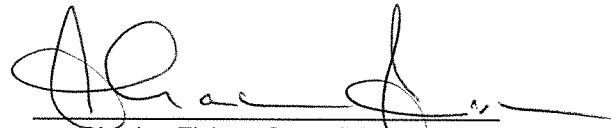
SERVING KENT, LAKE, MANISTEE, MASON, MUSKEGON, NEWAYGO,  
OCEANA, OTTAWA AND WEXFORD COUNTIES  
FAX (231) 723-8020

IT IS FURTHER RESOLVED, that the Tribal Council of the Little River Band of Ottawa Indians hereby agrees to have the Tribal Ogema, or in his absence, the Tribal Council Speaker and the Tribal Attorney to undertake any and all action to obtain approval of the Request for Attorney Funds by the Bureau of Indian Affairs.


**Certificate of Adoption**

This resolution was adopted by the Tribal Council of the Little River Band of Ottawa Indians at its Regular Session held at the Little River Band Community Center in Manistee, Michigan on January 8, 2000, by a vote of 8 in favor, 0 opposed, 1 absent, and 0 abstentions. A quorum of the Tribal Council being present for such vote.

Date: 1/8/2000

  
Charles Fisher, Council Recorder

Attest:

  
Kathy Berentsen, Councilor