



Little River Band of Ottawa Indians

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

ORIGINAL

RESOLUTION NO. #00-0724-13

AUTHORIZING THE TRIBAL ATTORNEY OR TRIBAL OGEMA TO EXECUTE
A STIPULATION FOR ENTRY OF A CONSENT DECREE RESOLVING THE
GREAT LAKES FISHING PORTION OF UNITED STATES v MICHIGAN LITIGATION
AND
APPROVING THE JULY 2000 MANAGEMENT PLAN FOR
1836 TREATY GREAT LAKES WATERS

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 territorial rights and other attributes of sovereignty 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 maintenance and preservation of the Tribe's treaty rights is a critical priority of the Tribe and it is the responsibility of the Tribal Council to protect Tribal members and Tribal property; and

WHEREAS, the Tribe, through its attorneys, the Tribal Ogema, representatives of the Natural Resource Commission, and members of Council, has been actively engaged in negotiations with other 1836 Treaty Tribes, the State of Michigan and the United States regarding the allocation, management and regulation of fisheries resources in the 1836 Treaty waters of the Great Lakes; and

WHEREAS, the parties have agreed to the terms of a Consent Decree, which would settle issues currently pending before the United States District Court for the Western District of Michigan relating to the Tribes' regulatory and usufructuary rights to Great Lakes fishery resources; and

WHEREAS, entry of that Consent Decree would require the Tribe to approve the July 2000 revisions to the Management Plan for the 1836 Treaty Great Lakes Waters and the Charter for the Chippewa Ottawa Resource Authority (CORA); and

WHEREAS, entry of the Consent Decree would further require the Tribe to authorize its attorneys or the Tribal Ogema to execute a Stipulation for Entry of the Consent Decree as an Order of the United States District Court for the Western District of Michigan; and

SERVING MANISTEE, MASON, WEXFORD AND LAKE COUNTIES
FAX (616) 723-8761

WHEREAS, the Tribal Council has reviewed the terms of the proposed Consent Decree and Management Plan and expressly approves the terms of those documents and finds that entry of the Consent Decree, including approval of the Management Plan, is in the best interests of the Tribe and its members; and

WHEREAS, the Tribal Council, by separate Resolution of this same date, is approving membership in the CORA and delegated certain regulatory powers to CORA to regulate the exercise of Great Lakes treaty fishing rights by Tribal members.

NOW THEREFORE BE IT RESOLVED, that the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes the Tribal Ogema, Robert Guenthardt, or either of the Tribe's attorneys, Marc D. Slonim or William J. Brooks, to execute a Stipulation for Entry of the Consent Decree resolving the Great Lakes portion of the U.S. v. Michigan litigation pending before the United States District Court for the Western District of Michigan.

IT IS FURTHER RESOLVED THAT the Tribal Council, in authorizing the execution of the Stipulation for Entry of the Consent Decree, expressly agrees to the terms of the Consent Decree and approves the July 2000 Management Plan for the 1836 Treaty Great Lakes Waters as referenced in that Consent Decree.

Certificate of Adoption

This resolution was adopted by the Tribal Council of the Little River Band of Ottawa Indians at a Regular Session of the Tribal Council held at the Little River Band Community Center in Manistee, Michigan on July 24, 2000, by a vote of 6 in favor, 1 opposed, 2 absent, and 0 abstentions. A quorum of the Tribal Council being present for such vote.

Date:

7/24/00



Charles Fisher, Council Recorder

Attest:



Joan Spalding, Council Speaker