



Little River Band of Ottawa Indians

375 River Street
Manistee, MI 49660
(231) 723-8288

RESOLUTION NO. #01-1121-03

**SUPPORTING ENTERING INTO A MEMORANDUM OF UNDERSTANDING
(MOU) WITH THE U.S. FOREST SERVICE**

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 rights to hunt, fish, trap and gather natural resources from the lands and waters not required for settlement within those portions of Michigan which were ceded under the 1836 Treaty of Washington (7 Stat. 491). 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, lands and waters that are not required for settlement within the meaning of the 1836 Treaty of Washington, to which the reserved treaty rights extend, include lands under the jurisdiction of the United States Forest Service; and

WHEREAS, the maintenance and preservation of the Tribe's treaty rights, including the reserved right to hunt, fish, trap and gather natural resources are a critical priority of the Tribe; and

WHEREAS, the Chippewa Ottawa Resource Authority ("CORA") was established by the five tribes who are parties to United States v Michigan to administer the intertribal protection, management and regulation of the fish, wildlife and other natural resources within the area ceded under the 1836 Treaty; and

WHEREAS, United States Forest Service and tribes who are members of the Great Lakes Indian Fish and Wildlife Commission (GLIFWC) developed and entered into a Memorandum of Understanding (MOU) to address treaty-reserved gathering activities on National Forest lands within the territory ceded by the GLIFWC-member tribes; and

WHEREAS, the MOU, when adapted for Tribes with rights under the 1836 Treaty of Washington, will recognize the Tribes' treaty rights to use resources on National Forest lands, respect tribal rights to self-regulate the use of resources by Tribal members, respects tribal sovereignty by establishing a framework for implementing the government-to-government relations between the tribes and agencies of the United States, and the duty of the U.S. Forest Service to carry out the trust responsibilities of the United States with respect to Indian tribes; and

WHEREAS, the reserved treaty right to hunt, trap and gather natural resources on Forest Service lands exists by virtue of the 1836 Treaty of Washington and is not dependent on entering into an MOU and cannot be abridged or limited by rescinding the MOU once executed; and

WHEREAS, a number of CORA-member Tribes have expressed interest in entering into a MOU with the U.S. Forest Service which is substantially similar to the form of agreement entered into by GLIFWC tribes.

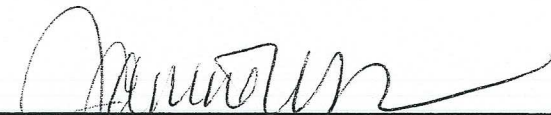
NOW THEREFORE BE IT RESOLVED, that the Tribal Council of the Little River Band of Ottawa Indians hereby approves and supports the proposal to enter into an MOU with the United States Forest Service through CORA's inter-tribal bodies if all CORA-member Tribes enact resolutions of support for this approach on or before December 1, 2001.

IT FINALLY RESOLVED THAT in the event that the CORA-member Tribes do not support initiation of negotiations through CORA's Board of Directors or Inland Land and Water Resource Committee, the Tribal Council of the Little River Band of Ottawa Indians authorizes the Tribal Ogema, in consultation with the Natural Resource Commission, to pursue negotiation of an MOU with the United States Forest Service on an individual basis.

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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 November 21, 2001, by a vote of 7 in favor, 0 opposed, 1 absent, and 1 abstentions. A quorum of the Tribal Council being present for such vote.



Janine M. Sam, Council Recorder

Attest:



Stephen Parsons, Council Speaker

Distribution: Council Records
Tribal Ogema
Natural Resource Commission
Faith McGruther, CORA Exec. Dir.
Regional Forester, USFS