



Little River Band of Ottawa Indians

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

Resolution No. #02-0213-06

Authorizing the Legal Department to Initiate Litigation Against the Governor of the State of Michigan and the Perrier Group of America, Inc. in Cooperation with Other 1836 Treaty Bands to Promote the Protection of Great Lakes Basin 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 property 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 watershed ecosystems, which support the Band's treaty-reserved property interests in the fisheries of the treaty-ceded waters of the Great Lakes, is a critical priority of the Band and it is the responsibility of the Tribal Council to protect Band property; and

WHEREAS, the Little River Band, together with other Anishinaabek Bands who share property interests in the Great Lakes fishery resources, have expressed their opposition to the diversion and export of Great Lakes basin waters, including ground waters that are connected to and feed tributaries of the Great Lakes; and

WHEREAS, the United States Congress has found that "any new diversions of Great Lakes waters for use outside of the Great Lakes basin will have significant economic and environmental impacts, adversely affecting the use of this resource by" governments in the Great Lakes basin; and

WHEREAS, the Tribal Council believes it that no diversion or export of Great Lakes basin waters, including ground waters that are connected to tributaries of the Great Lakes, should be permitted without strict adherence to the legal procedural and substantive requirements intended to protect the Great Lakes basin; and


WHEREAS, the Tribal Council believes that the initiation of litigation in the United States District Courts will help ensure that no diversion or export of Great Lakes basin waters occurs unless the consultation and consent process prescribed by the United States Congress in the Water Resource Development Act of 1986, as amended, are fully implemented and adhered to and further, that such action will promote the protection of the Band's property interests in the resources the Great Lakes .

NOW THEREFORE BE IT RESOLVED, that the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes the Band's Legal Department, in cooperation with other 1836 Treaty Bands, to initiate litigation against Great Spring Waters of America, Inc., and if necessary, the Governor of the State of Michigan, to seek a declaratory ruling that no diversion or export of Great Lakes basin waters occurs unless the consultation and consent process prescribed by the United States Congress in the Water Resource Development Act of 1986, as amended, are fully implemented and adhered to and such other relief as the Bands' attorneys may request.

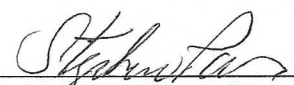
IT IS FINALLY RESOLVED THAT the Tribal Council authorizes the Legal Department to commit up to \$30,000.00 in the Legal Department's Rights Protection Fund toward litigation costs and expenses (including expert fees) necessary to pursue this litigation.

Certificate of Adoption

This resolution was adopted by the Tribal Council of the Little River Band of Ottawa Indians at a Closed Meeting portion of a Regular Session of the Tribal Council held at the Little River Band's Downtown Offices in Manistee, Michigan on February 13, 2002, 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.


Janine M. Sam, Council Recorder

Attest:


Stephen Parsons, Council Speaker