



**Little River Band of Ottawa Indians**

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

**Resolution # 03-1008-336**

*Supporting Submission of a Litigation Support Request by The Chippewa-Ottawa  
Resource Authority (CORA) to the Bureau of Indian Affairs*

WHEREAS, the status of the *Gaá Čhing Ziibi Daáwaa Aníshinaábek* (Little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; 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 of the waters of the Great Lakes in the territory ceded under the 1836 Treaty have never been determined by any court, nor are such rights recognized by the State of Michigan; 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, it is the responsibility of the Tribe and of the United States to protect Tribal members and Tribal property; 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, the State of Michigan has filed a Motion with the United States District Court for the Western District of Michigan requesting leave to file counterclaims against the CORA-member Tribes challenging the continued existence of the Tribes' reserved treaty rights to hunt, fish, trap and gather on inland lands and waters within the 1836 Ceded Territory; and

WHEREAS, the CORA representatives of each of the member Tribes have recommended approval and submission of a Litigation Support request to the Bureau of Indian Affairs to secure funding to support the Tribes' collective efforts to prepare for and defend litigation initiated by the State of Michigan in the ongoing case entitled United States v Michigan regarding the nature and scope of the Tribes' reserved treaty rights to hunt, fish, trap and gather on inland lands and waters within the 1836 Ceded Territory.

NOW THEREFORE BE IT RESOLVED, that the Tribal Council of the Little River Band of Ottawa Indians hereby approves and supports the submission of a request for Litigation Support funds by CORA to the Bureau of Indian Affairs.

IT FINALLY RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians approves authorizing the Executive Director of CORA to undertake any and all actions to obtain approval of this request and to sign any resulting contract documents for approved funding under the provisions of Pub. L. 93-638, as amended.

**CERTIFICATE OF ADOPTION**

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 6 FOR, 0 AGAINST, 0 ABSTAINING, and 3 ABSENT, at a Regular Closed Session of the Little River Band of Ottawa Indians Tribal Council held on October 8, 2003, at the Little River Band's Downtown Offices in Manistee, Michigan, with a quorum being present for such vote.



Israel Stone, Acting Council Recorder



Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records  
Tribal Ogema  
Tribal Court  
Legal Department  
Jeff Parker, Exec. Director of CORA  
Bureau of Indian Affairs