

## Little River Band of Ottawa Indians

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

### Resolution # 04-1013-403

*Authorizing Submission of Comment Letter Expressing Tribal Concerns with the Current Form of the Annex 2001 Implementing Agreements and Supporting Adoption of a Resolution by the National Congress of American Indians Requiring Revision of the Implementing Agreements to Recognize the Role of Indian Tribal Governments*

WHEREAS, the status of the *Gaá Čhíng 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 Tribe adopted amendments to the Constitution on April 26, 2004, which became effective upon approval by the Assistant Secretary-Indian Affairs on May 13, 2004; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members; 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 natural resources within the treaty-ceded land and waters of the Great Lakes, is a critical priority of the Band; and

WHEREAS, the Little River Band, together with other Anishinaabek Bands who share property interests in the Great Lakes 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, representatives of the governors and premiers of Great Lakes states and provinces have drafted documents to implement the commitment those governments made in the 2001 Annex to the Great Lakes Charter to develop a mechanism that provides standards and procedures for making decisions concerning the withdrawal and use of water from the Great Lakes Basin; and

WHEREAS, the process by which the Great Lakes states and provinces developed the implementing documents did not include adequate consultation with Tribal Nations with interests in the protection of Great Lakes Basin waters and water dependent natural resources; and

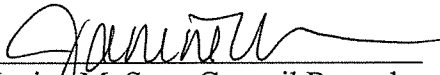
WHEREAS, Tribal representatives have reviewed the draft implementing documents and have raised concerns with the manner in which the draft agreements afford Tribal governments with a meaningful role commensurate with their status as sovereigns and opportunity to impact decisions which will affect resources of critical importance to Tribes.


NOW THEREFORE IT IS RESOLVED THAT WHEREAS that the Tribal Council wishes to express its concerns with the present drafts of the Great Lakes Basin Water Resources Compact and the Great Lakes Basin Sustainable Water Resources Agreement in their present form and authorizes the Tribal Ogema to submit comments to the State of Michigan's Office of the Great Lakes and the Council of Great Lakes Governors consistent with the review prepared by the Tribe's Legal Department.

IT IS FURTHER RESOLVED THAT the Tribal Council supports the resolution presented to the National Congress of American Indians by of the Little Traverse Bay Bands of Odawa Indians, which registers objections to the Compact, as presently drafted, and urges the National Congress of American Indians to adopt the Resolution presented by the Little Traverse Bay Band Bands of Odawa Indians.

**CERTIFICATE OF ADOPTION**

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 7 FOR, 0 AGAINST, 0 ABSTAINING, and 2 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on October 13, 2004, at the Little River Band's Dome Room in Manistee, Michigan, with a quorum being present for such vote.

  
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Janine M. Sam, Council Recorder

  
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Stephen Parsons, Council Speaker

Attest:

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Distribution: Council Records  
Tribal Ogema  
Tribal Court  
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