

Little River Band of Ottawa Indians

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

Resolution # 05-0831-423

Opening Custer Property for Hunting, Fishing, and Gathering, Restricted Camping, and Foot Traffic Use

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 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 Tribal Council is vested with the authority, under Article IV, Section 7(a)(4), (c) and (d), to manage the properties of the Tribe; and

WHEREAS, the Tribal Council adopted the Interim Land Use Restrictions, Resolution # 02-1212-08 which identified open and closed properties of the Tribe; and

WHEREAS, the Tribal Council adopted Resolution # 02-0320-03 which dedicated a portion of the Custer Property as the Biimaadziwin Cemetery and directed personnel to develop regulations for the management of this property; and

WHEREAS, the Tribal Council adopted Resolution # 03-0326-84 which temporarily closed the entire Custer Property and restricted all access to protect potential sites with cultural significance; and

WHEREAS, the Tribal Council adopted Resolution # 04-0114-19 which contracted with Andrews Cultural Resources to conduct an study of the Custer Property to identify whether significant historical and cultural sites existed and to identify those sites; and

WHEREAS, the Report was submitted and identified significant cultural sites, as well as numerous other significant sites for historical purposes; and

WHEREAS, the Tribal Council desires to open the property, excluding that which has been, and continues to be dedicated under Resolution #02-0320-03, for the purposes of hunting, fishing, gathering, restricted camping, and foot traffic only; and

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby modifies the Interim Land Use Restrictions by this resolution as follows.

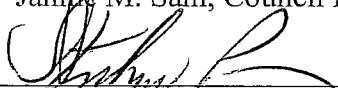
1. *Designation.* The property known generally as the 'Custer Property' or the 'Pere Marquette River Parcel' is hereby designated in two parts.
 - a. Indian Town - that portion excluding the portion set aside in Resolution #02-0320-03.
 - b. Biimaadziwin Cemetery - that portion which is identified in Resolution # 02-0320-03 and is generally identified as the entire easternmost corner of the property.
2. *Indian Town Uses.* The Indian Town property is identified as Closed as set forth in Resolution #02-1212-08. Provided that, no trapping or motorized vehicles shall be authorized on this parcel.
3. *Biimaadziwin Cemetery.* The Biimaadziwin Cemetery remains dedicated as set forth in Resolution #02-0320-03.
4. *Historic Preservation.* The Historic Preservation Office, with the assistance of the Natural Resource Department and the Conservation Officers, shall be responsible for identifying and maintaining culturally significant areas within the Indian Town and Biimaadizwin properties. The Historic Preservation Office shall present to the Tribal Council, within 30 days of adoption of this resolution, a proposal for providing protection to the Biimaadizwin property from trespass and vandalism, and protection of the significant cultural sites as identified in the Andrews Archeological Report.

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, 1 ABSTAINING, 1 ABSENT, and 1 VACANT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on August 31, 2005, at the Little River Band's Dome Room in Manistee, Michigan, with a quorum being present for such vote.



Janine M. Sam, Council Recorder



Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Tribal Court