



**Little River Band of Ottawa Indians**  
**Tribal Council**  
2608 Government Center Drive  
Manistee, MI 49660  
(231) 723-8288

**Resolution #22-0311-040**

*Resolution Authorizing Little River Bands of Ottawa Indians as Signatory of the Brief of Amicus Curiae in Support of Enbridge v. Whitmer Defendants' Opposition to Plaintiffs' Motion For Summary Judgment*

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 Tribe adopted amendments to the Constitution on July 11, 2016 which became effective upon approval by the Assistant Secretary-Indian Affairs on August 24, 2016; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) of the Constitution to provide for the public health, peace, morals and education and general welfare of the Little River Band and its members; and

WHEREAS, the state of Michigan opposes the motion for Summary Judgement submitted by Enbridge in the Enbridge v. Whitmer litigation before Honorable Judge Neff in the United States District Court for the Western District of Michigan; and

WHEREAS, the Enbridge's Dual Pipelines located on the bottomlands of the Straits of Mackinac pose a grave risk to the exercise of tribal treaty rights and to the Great Lakes ecosystem; and

WHEREAS, on November 13, 2020, Governor Gretchen Whitmer issued a Notice of Termination and Revocation to Enbridge requiring the company to remove the Dual Pipelines running along the bottomlands of the Straits of Mackinac and Enbridge sued the state in federal court shortly after; and

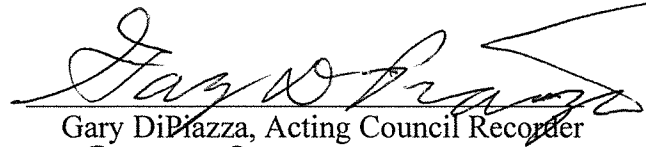
WHEREAS, the Enbridge has filed a Motion for Summary Judgment, while the State has filed a Motion to Dismiss; and

WHEREAS, it is in the Little River Band of Ottawa Indian's interests to contextualize this dispute within the frame of Tribal Treaty and Cultural interests as represented in a Brief of Amicus Curiae in opposition to Enbridge's motion for Summary Judgment; and

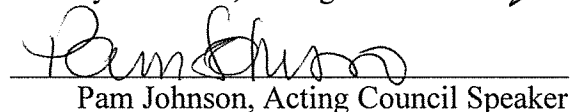
NOW THEREFORE IT IS RESOLVED, that the Tribal Council hereby authorizes Little River Band of Ottawa Indians, through the Legal Counsel, to be as signatory of the Brief of Amicus Curiae in Support of the state of Michigan in the matter *Enbridge v. Whitmer*.

#### **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 1 ABSENT, at an Emergency Open Session of the Little River Band of Ottawa Indians Tribal Council held on March 11, 2022, via ZOOM, with a quorum being present for such vote.



Gary DiPiazza, Acting Council Recorder



Pam Johnson, Acting Council Speaker

cc: Council Records  
Tribal Ogema  
Unified Legal