



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

**Resolution #24-0214-011**

*Request the Secretary of the Interior Take Title into Trust for the Benefit of the Tribe 60 Acres of Land Shown in Exhibit A and Identified by Muskegon County, Michigan Assessor Parcels Number 61-15-115-300-0026-00; and Making Specific Findings of Fact in Support of the Request in Compliance with Title 25 of the Code of Federal Regulations, Sections 151.3 and 151.11 and Bureau of Indian Affairs Guidance, Issued with Respect to Section 20 of the Indian Gaming Regulatory Act, 25 U.S.C. § 2719.*

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 (the “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, pursuant to Article I of the Tribe’s Constitution, “Territory,” which includes within the jurisdiction of the Tribe “all lands which are now or hereafter owned by or reserved for the Tribe and all lands which are now or at a later date...held in trust for the Tribe or any member of the Tribe by the United States of America”; and

WHEREAS, pursuant to Article IV of the Tribe’s Constitution, the Tribal Council is vested with the authority to “purchase, lease or otherwise acquire land [or] interests in land which may be deemed beneficial to the Little River Band” (§ 7(c)); and

WHEREAS, pursuant to Article IV of the Tribe’s Constitution, the Tribal Council is vested with the authority to “authorize and ratify agreements and contracts negotiated by the Tribal Ogema on behalf of the Little River Band with federal,

state, and local governments on all matters within the authority of the Tribal Council” (§ 7(b)); and

WHEREAS, the Tribe has entered into a Class III Tribal-State Gaming Compact with the State of Michigan in 1998, which was approved by the Assistant Secretary for Indian Affairs in December 1998, and which became effective upon publication in the Federal Register on February 18, 1999 (58 Fed. Reg. 63262) and which authorizes the Tribe to engage in Class III gaming on its Indian Lands, as defined under the IGRA; and

WHEREAS, the Class III Tribal-State Gaming Compact with the State of Michigan was amended on April 21, 2008; and

WHEREAS, the Tribal Council has enacted the “Gaming Ordinance” # 10-400-01, which was approved by the Chairman of the National Indian Gaming Commission in accordance with the Indian Gaming Regulatory Act (“IGRA”), 25 U.S.C. § 2701 et. Seq.; and

WHEREAS, the Tribe has purchased a parcel of land in Fruitport Township, Muskegon County, Michigan, and in 2015 requested acceptance of the portion of the land depicted on Exhibit A (“the Site”) into trust by the Secretary for the benefit of the Tribe for the purpose of constructing, developing, and managing a gaming facility, hotel, and such other uses incidental thereto (“the Project”); and

WHEREAS, the Tribe worked successfully with the administrations of Presidents Obama, Trump, and Biden, completing thousands of pages of studies and undertaking a five year process to obtain a full Environmental Impact Statement concluding that the Project was the best alternative for the Site; and

WHEREAS, on December 16, 2020, the Secretary of Interior published a Record of Decision determining that gaming on the Site was in the best interest of the Tribe and was not detrimental to the surrounding community (the “Secretarial Determination”); and

WHEREAS, Secretary of the Interior Deb Haaland and senior staff within the Department of Interior affirmed their support for the Secretarial Determination, and extended the time for Michigan Governor Gretchen Whitmer to decide if she concurred with the Secretarial Determination; and

WHEREAS, Governor Whitmer declined to concur with the Secretarial Determination; and

WHEREAS, Secretary Haaland’s staff has informed the Tribe that the Department of Interior continues to consider the Secretarial Determination to be correct, and could issue a new Secretarial Determination based on the Tribe’s prior application, subject to updates; and

WHEREAS, the Tribal Council, through the adoption of this Resolution, is again requesting that the Secretary of the Interior approve the Tribe's request and accept title to the Site by approving the deed of conveyance, by which the Site is conveyed by the Tribe to the United States in trust for the Tribe; and

WHEREAS, the Tribal Council, through the adoption of this Resolution, is also requesting that the Secretary of the Interior again approve acquisition of the Site pursuant to an exception under IGRA, 25 U.S.C. §2719(b)(1)(A), that permits gaming on lands acquired after October 17, 1998, upon the determination of the Secretary of the Interior and concurrence of the Governor of the State that a gaming establishment on the Site is in the best interest of the Tribe and its members and would not be detrimental to the surrounding community; and

WHEREAS, the Project proposed to be built on the Site is needed for long-term economic planning and will provide the revenues necessary to fund economic development, essential governmental services on the Reservation, allow the Tribe to finance and develop businesses on the Reservation, and create jobs on the Reservation that will improve the standard of living for all persons who live and work on the Reservation;

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians formally requests that the Secretary of the Interior transfer into trust property status the fee simple land owned by the Little River Band of Ottawa Indians consisting of approximately 60 acres identified with Muskegon County Assessor's parcel number 61-15-115-300-0026-00, and shown on Exhibit A, and determine that a gaming establishment on said land would be in the best interest of the Little River Band of Ottawa Indians and its members, and would not be detrimental to the surrounding community;

IT IS FURTHER RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians authorizes its Tribal Designee to resubmit to the Department of Interior the supporting documentation and a land into trust application and request for two-part determination for the 60 acres of land encompassed within Muskegon County Assessor's parcel number 61-15-115-300-0026-00, and shown on Exhibit A, and to update the land into trust application and request for two-part determination as and to the extent requested by the Department of the Interior.

**CERTIFICATE OF ADOPTION**

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 5 FOR, 2 \_AGAINST, 0 ABSTAINING, and 2 ABSENT, at a Regular Open Session of the Little River Band of Ottawa Indians Tribal Council held on February 14, 2024, via ZOOM and the Little River Band's Government Center in Manistee, Michigan, with a quorum being present for such vote.

  
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Misty Silvis, Acting Council Recorder

  
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Tammy Burmeister, Tribal Council Speaker

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