



Little River Band of Ottawa Indians

2608 Government Center Drive

Manistee, MI 49660

(231) 723-8288

Resolution # 24-1218-254

Request the Secretary of the Interior Take Title into Trust for Non-Gaming Purposes and 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, Part 151.

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, the Tribe has purchased a parcel of land in Fruitport Township, Muskegon County, Michigan, and in 2015 and again in 2024 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 Gaming 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 Final Environmental Impact Statement (the “FEIS”) concluding that the Gaming Project was the preferred alternative for the Site but also evaluating and assessing use of the Site for the development of retail facilities, parking, and other supporting facilities without any gaming component (Alternative C in the FEIS, the “Non-Gaming Alternative Project”); and

WHEREAS, on December 16, 2020, the Secretary of Interior published a Record of Decision determining that gaming on the Site would be in the best interest of the Tribe and would not be 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 informed the Tribe that the Department of Interior continues to support the Secretarial Determination, and could issue a new Secretarial Determination based on the Tribe’s prior application, subject to updates; and

WHEREAS, on February 14, 2024, the Tribal Council adopted Resolution #24-0214-011 authorizing the submission of an updated land into trust application and request for two-part determination and requesting that the Secretary of the Interior again issue approvals for the Gaming Project; and

WHEREAS, after further communications, Governor Whitmer still has not offered her support for the Gaming Project; and

WHEREAS, the Tribal Council has concluded that acquisition of the Site for the Non-Gaming Alternative Project, for which the Tribal Council anticipates a five year development timeline subject to market considerations, would nonetheless be beneficial to the Tribe by facilitating Tribal self-determination, economic development, and Tribal welfare; and

WHEREAS, the Tribal Council, through the adoption of this Resolution, requests that the Secretary of the Interior terminate consideration of the Gaming Project and whether 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 Tribal Council, through the adoption of this Resolution requests that the Secretary of the Interior approve the Tribe's request for the Non-Gaming Alternative Project (Alternative C in the FEIS) 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

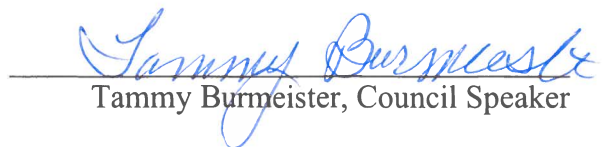
NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians formally requests that the Secretary of the Interior (1) terminate consideration of the Gaming Project and whether a gaming establishment on the Site is in the best interest of the Tribe and its members and would not be detrimental to the surrounding community, and (2) 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;

IT IS FURTHER RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians authorizes its Tribal Designee to submit to the Department of Interior a copy of this Resolution, and supporting documentation as and to the extent requested by the Department of the Interior to update the Tribe's land into trust application 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.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 7 FOR, 2 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on December 18, 2024, via Zoom and the Little River Band's Government Center in Manistee, Michigan, with a quorum being present for such vote.


Pam Johnson, Council Recorder


Tammy Burmeister, Council Speaker

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