



Little River Band of Ottawa Indians

PO Box 314
Manistee MI 49660-0314
(616) 723-8288

RESOLUTION NO. #97-1230-02

AUTHORIZING SUBMISSION OF FY 1998 LITIGATION SUPPORT REQUEST

WHEREAS, the Little River Band of Ottawa Indians is a federally recognized tribe, as reaffirmed under P.L. 103-324, enacted on September 21, 1994, with property rights secured to it under the 1836 Treaty of Washington (7 Stat. 491) and the 1855 Treaty of Detroit (11 Stat. 621); and

WHEREAS, the Little River Band of Ottawa Indians is descended from, and is the political successor to, Grand River Ottawa Bands which were signatories of the 1836 Treaty of Washington (7 Stat. 491), as reaffirmed under P.L. 103-324, enacted on September 21, 1994; and

WHEREAS, the Little River Band of Ottawa Indians reserved certain rights to hunt, fish, trap and gather natural resources from the lands and waters in those portions of Michigan which were ceded 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 nature, scope and current existence of the reserved rights to hunt, fish, trap and gather natural resources outside of the waters of the Great Lakes in the territory ceded under the 1836 Treaty has never been determined by any court, nor recognized by the State of Michigan; and

WHEREAS, the Natural Resources Commission and Tribal Council has determined that it is necessary to obtain accurate data concerning the Great Lakes fishery resources available to Tribal members and that the retention of one or more fisheries experts is needed to advise the Tribe as it formulates its goals and objectives; and

WHEREAS, the Tribal Council has determined that it is in the best interests of its members to promote, honor and respect our traditional spiritual and physical relationship to the resources, and usufructuary rights thereto, which were reserved by our ancestors; and

WHEREAS, the maintenance and preservation of the Tribe's treaty rights, including the reserved right to hunt, fish, trap and gather natural resources are a critical priority of the Tribe; and

WHEREAS, it is the responsibility of the Tribe and of the United States to protect Tribal members and Tribal property.

NOW THEREFORE BE IT RESOLVED, that the Tribal Council of the Little River Band of Ottawa Indians respectfully requests any unexpended Fiscal Year 1997 Litigation Support Funds be provided to the Tribe to assist the Tribe in its preparation for negotiations and, if necessary, litigation concerning the Tribe's treaty reserved fishing rights.

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BE IT FURTHER RESOLVED that the Tribal Council of the Little River Band of Ottawa Indians agrees to authorize Tribal Council Chairperson, Robert Guenthardt, to undertake any and all action to obtain approval of the Request for Litigation Support Funds by the Bureau of Indian Affairs, and to execute any contract documents concerning the use of such funds pursuant to the provisions of P.L. 93-638.

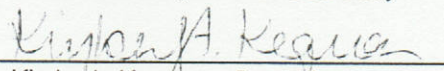
Certificate of Adoption

This resolution was adopted by the Tribal Council of the Little River Band of Ottawa Indians at a Special Session held for this purpose on December 30, 1997, by a vote of 7 in favor, 0 opposed, 0 absent, and 0 abstentions. A quorum of the Tribal Council being present for such vote.

Date: 12/30/97

Attest:


Charles Fisher, Council Secretary


Kimberly Kequom, Councilor