



## Little River Band of Ottawa Indians

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RESOLUTION NO. #98-0208-01

REQUESTING DESIGNATION OF "NEAR RESERVATION" SERVICE AREA BY ASSISTANT SECRETARY OR, IN THE ALTERNATIVE, A WAIVER FROM CERTAIN FEDERAL REGULATIONS UNDER THE TRIBE'S P.L. 93-638 CONTRACTS

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, nine (9) of the nineteen (19) 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 permanent villages of the Grand River Bands from which the Little River Ottawa descend were, at treaty times, located on the Thornapple River (Kent County), Grand River (Kent and Ottawa Counties), White River (Muskegon and Newaygo Counties), Pere Marquette River (Mason, Oceana and Lake Counties) and the Big and Little Manistee Rivers (Manistee, Lake and Wexford Counties); and

WHEREAS, the Ottawa bands residing on the Thornapple, Grand, White and Muskegon Rivers have traditionally shared the hunting and trapping territories along the Pere Marquette and Manistee River systems, and had close kinship ties with the northern Grand River (Little River) Bands at Pere Marquette and Manistee; and

WHEREAS, a Reservation was established on the Manistee River for the Grand River Bands, including the Little River Ottawa, under the 1836 Treaty of Washington to encourage the Bands to re-locate their permanent villages to their northern hunting and trapping territories; and

WHEREAS, Reservations were also established in Mason, Oceana and Muskegon Counties, Michigan, for the Grand River Bands, including the Little River Ottawa, under the 1855 Treaty of Detroit to remove the Grand River Bands from their permanent villages to such Reservations; and

WHEREAS, most members of the nine (9) Grand River Bands from which the Little River Ottawa descend settled on the Mason County portion of the 1855 Reservation and on allotments/homestead lands in Manistee County; and

WHEREAS, the federal government's failure to protect Grand River/Little River Ottawa people's title to lands within the Reservations forced large numbers of Little River Ottawa people to return to traditional village sites in Kent, Muskegon, Newaygo, Oceana and Ottawa Counties, Michigan, and

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WHEREAS, many Little River Ottawa people presently reside in traditional Grand River/Little River communities in Kent, Muskegon, Newaygo, Oceana and Ottawa Counties; and

WHEREAS, the Little River Ottawa tribal members residing in Kent, Muskegon, Newaygo, Oceana and Ottawa Counties continue to maintain close kinship, social and political ties with the Little River Ottawa communities residing on and near the boundary Reservations in Manistee and Mason Counties; and

WHEREAS, Section 4(b)(2)(B) of the Little River Act (25 U.S.C. 1300k-4(b)(2)(B)), provides that for the purposes of delivery of Federal services to enrolled members of the Little River Band of Ottawa, the Counties of Manistee, Mason, Wexford and Lake shall be deemed to be within or near a reservation, notwithstanding the establishment of a reservation for the Tribe after the date of enactment; and

WHEREAS, nothing in the Little River Act precludes the Assistant Secretary from making a re-determination of the area(s) deemed to "near reservation" communities following the recognition or establishment of a reservation for the Tribe; and

WHEREAS, the Tribal Council presently has pending with the Bureau of Indian Affairs, a number of applications to have lands transferred to the United States of America in Trust for the Little River Band of Ottawa Indians which the Secretary is required to accept in trust for the benefit for the Tribe and which such lands will, pursuant to Section 6(d) of the Little River Act, become part of the Tribe's Reservation; and

WHEREAS, the Tribal Council desires to extend its present legislatively, determined "service area" to allow the Tribe to provide critical services, specifically social services, child welfare services and housing improvement services, to Tribal members residing in traditional Little River Ottawa communities in Kent, Muskegon, Newaygo, Oceana and Ottawa Counties; and

WHEREAS, the five (5) Michigan Counties proposed to be included in the Tribe's "near reservation" service area are already determined to be within or near the Tribe's reservation for purposes of delivery of Federal services provided by the Indian Health Service; and

WHEREAS, the general criteria for designating five (5) Michigan Counties as included in the Tribe's "near reservation" service area, as described in 25 C.F.R. 20.1(r), are demonstrably met as set forth in the supporting narrative and documentation accompanying this Resolution.

NOW THEREFORE BE IT RESOLVED, that the Tribal Council of the Little River Band of Ottawa Indians formally requests that the Assistant Secretary designate the Michigan Counties of Manistee, Mason, Lake, Wexford, Kent, Muskegon, Newaygo, Oceana and Ottawa as being the "near reservation" communities for purposes of the delivery of Federal services provided by the Bureau of Indian Affairs or by the Tribe pursuant to a contract under the Indian Self-Determination and Education Assistance Act of 1975, as amended, (25 U.S.C. 450, 88 Stat. 2203).

BE IT FURTHER RESOLVED, that, in the alternative and pursuant to 25 C.F.R. 1.2, the Tribal Council respectfully requests that the Secretary grant the Tribe a waiver from the following regulations in Title 25 of the Code of Federal Regulations, which are deemed to limit the Tribe's authority to provide services to Tribal members residing in the Michigan Counties of Kent, Muskegon, Newaygo, Oceana, and Ottawa: 25 C.F.R. 20.20, 25 C.F.R. 23.21(b)(1) and (3), 25 C.F.R. 26.5; 25 C.F.R. 27.5(a); 25 C.F.R. Part 256.

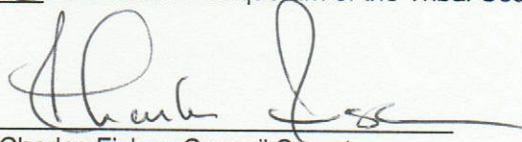


BE IT FURTHER RESOLVED, that it is sense and belief of the Tribal Council that the Secretary has the statutory authority to plan and administer human service, education and housing improvement programs for enrolled Tribal members residing in the Michigan Counties of Kent, Muskegon, Newaygo, Oceana, and Ottawa and, consequently, that the Tribe has the right and authority to request to contract to plan and administer similar Tribally designed programs under the Indian Self-Determination and Education Assistance Act of 1975, as amended, (25 U.S.C. 450, 88 Stat. 2203).

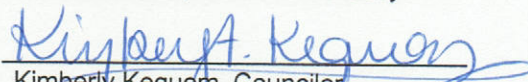
#### Certificate of Adoption

This resolution was adopted by the Tribal Council of the Little River Band of Ottawa Indians at its Regular Session held at the Tribal Offices in Manistee, Michigan on February 8, 1998, 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: 2/8/98

  
Charles Fisher, Council Secretary

Attest:

  
Kimberly Kequom, Councilor