



Little River Band of Ottawa Indians

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

RESOLUTION NO. #98-1108-05

**AUTHORIZING SUBMISSION OF REQUEST FOR
BIA ATTORNEY FEES FUNDING FOR
FISCAL YEAR 1999**

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 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 Tribe has retained the law firm of Ziontz, Chestnut, Varnell, Berley & Slonim as its special counsel to represent the Tribe with respect to these rights; and

WHEREAS, the Tribe has prepared the attached application to the Bureau of Indian Affairs for funds for the payment of attorney fees and expenses which must be incurred to secure the Tribe's rights to hunt, fish and gather under the Treaty of March 28, 1836; and

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

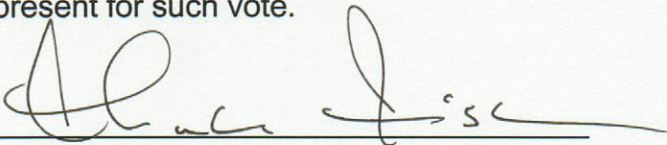
NOW THEREFORE BE IT RESOLVED, that the Tribal Council of the Little River Band of Ottawa Indians respectfully requests Fiscal Year 1999 Attorney Funds be provided to the Tribe to assist the Tribe to pay Tribe attorney fees and expenses incurred in connection with negotiations and, if necessary, litigation concerning the Tribe's treaty reserved fishing rights.

BE IT FURTHER RESOLVED that the Tribal Council of the Little River Band of Ottawa Indians agrees to authorize Tribal Council Chairperson/Speaker and the Tribal Attorney, William Brooks, to undertake any and all action to obtain approval of the Request for Attorney Funds by the Bureau of Indian Affairs.

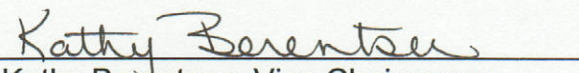
Certificate of Adoption

This resolution was adopted by the Tribal Council of the Little River Band of Ottawa Indians at its Regular Session held in Muskegon, Michigan on November 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: 11/8/98


Charles Fisher, Council Secretary/Recorder

Attest:


Kathy Berentsen, Vice-Chairperson