



Little River Band of Ottawa Indians

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

RESOLUTION NO. #98-1213-01

**AUTHORIZING SUBMISSION OF LITIGATION SUPPORT REQUEST
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 Little River Band of Ottawa Indians and other 1836 Treaty Tribes are undertaking cooperative efforts to prepare for negotiation and, if necessary, litigation of issues relating to the management and allocation of Great Lakes fishery resources and other treaty-reserved resources; and

WHEREAS, the Little River Band of Ottawa Indians, as a party to United States v. Michigan and a member of the Chippewa-Ottawa Treaty Fishery Management Authority (COTFMA), has a responsibility to undertake certain activities to participate in the foregoing negotiations and litigation; and

WHEREAS, neither the Little River Band of Ottawa Indians nor COTFMA possess sufficient financial resources to carry out the tasks necessary to undertake all of the activities required to protect the Tribes' individual and collective interests in the Treaty fishery; and

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

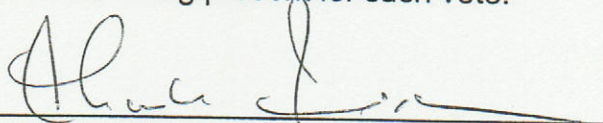
NOW THEREFORE BE IT RESOLVED that the Tribal Council of the Little River Band of Ottawa Indians hereby approves submission of the Request for Fiscal Year 1999 Litigation Support Funds to the Bureau of Indian Affairs to assist the COTFMA with expenses incurred to prepare for negotiations and, if necessary, 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 the Executive Director and/or Board of the COTFMA and the Tribal Council Chairperson/Speaker to undertake any and all action to obtain approval of the Litigation Support Request by the Bureau of Indian Affairs and to sign any resulting contract documents for approved funding pursuant to the provisions of Pub. L. 93-638, as amended.

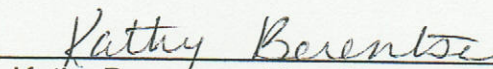
Certificate of Adoption

This resolution was adopted by the Tribal Council of the Little River Band of Ottawa Indians at its Regular Session held in Manistee, Michigan on December 13, 1998, by a vote of 6 in favor, 0 opposed, 1 absent, and 0 abstentions. A quorum of the Tribal Council being present for such vote.

Date: 12/13/98


Charles Fisher, Council Secretary/Recorder

Attest:


Kathy Berentsen, Vice-Chairperson