



Little River Band of Ottawa Indians

PO Box 314
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RESOLUTION NO. #99-0221-0

AUTHORIZING SUBMISSION OF APPLICATION FOR CLEAN WATER ACT 106 CERTIFICATION WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY

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 Grand River Ottawa, including the Bands now comprising the Little River Band of Ottawa Indians, reserved a 70,000 acre tract of land later known as the "Manistee Reservation" pursuant to Article Second of the 1836 Treaty of Washington; and

WHEREAS, the nine (9) Grand River Ottawa Bands, now comprising the Little River Band of Ottawa Indians, reserved two Townships (Township 17 and 18 North, Range 16 West) in what is now known as Mason County pursuant to Article 1, Sixth of the 1855 Treaty of Detroit; and

WHEREAS, the Tribal government of the Little River Band of Ottawa Indians presently owns, or is purchasing, nearly 2,000 acres of lands within the Tribe's 1836 Reservation pursuant to the Tribe's "Reservation Restoration Plan", adopted February 8, 1996; and

WHEREAS, neither the Little River Band of Ottawa Indians does not currently possess sufficient financial resources to carry out the tasks necessary to undertake the activities required to protect the Tribes' interests in the water resources in and adjacent to the Tribe's Reservation; and

WHEREAS, it is the responsibility of the Tribe and of the United States to protect Tribal interests in property, including water resources, on the Tribe's Reservation; and

WHEREAS, the Tribe has the ability to enhance its ability to manage and protect the water resources of its Reservation by requesting designation for certification of eligibility under Section 106 of the Clean Water Act.

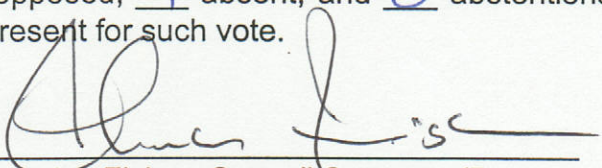
NOW THEREFORE BE IT RESOLVED that the Tribal Council of the Little River Band of Ottawa Indians hereby approves submission of the Application for Clean Water Act 106 Certification to the U.S. Environmental Protection Agency.

BE IT FURTHER RESOLVED that the Tribal Council of the Little River Band of Ottawa Indians authorizes the Tribal Ogema or, in his absence, the Tribal Council Chairperson/Speaker to undertake any and all action to obtain approval of the Clean Water Act 106 request and to sign any resulting contract documents for approved funding.


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 February 21, 1999, by a vote of 8 in favor, 0 opposed, 1 absent, and 0 abstentions. A quorum of the Tribal Council being present for such vote.

Date: 2/21/99


Charles Fisher, Council Secretary/Recorder

Attest:


Kathy Berentsen, Councilor