



Little River Band of Ottawa Indians

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

RESOLUTION NO. #99-0314-04

REQUESTING NEGOTIATION AND EXECUTION OF P.L. 93-638 CONTRACT FOR 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 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; and

WHEREAS, the Tribe submitted a Request for Fiscal Year 1998 Litigation Support funds and has been notified that that request has been funded in the amount of \$11,000.00.

NOW THEREFORE BE IT RESOLVED, that the Tribal Council of the Little River Band of Ottawa Indians respectfully requests to contract with the Bureau of Indian Affairs to conduct activities under the scope of work defined in the Tribe's Fiscal Year 1998 Litigation Support Request to assist the Tribe in its preparation for negotiations and, if necessary, litigation concerning the Tribe's treaty reserved fishing rights.

BE IT FURTHER RESOLVED, that the Tribal Council intends to modify the scope of work and budget proposed for such Litigation Support Contract in response to the reduction in funding received and intends to allocate the entire amount of funding to payments and expenses for the fishery consultant identified in the Request.

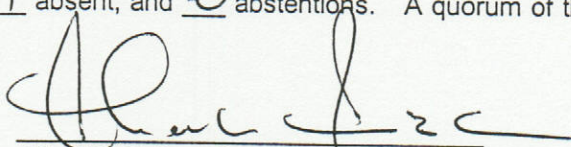
SERVING MANISTEE, MASON, WEXFORD AND LAKE COUNTIES
FAX (616) 723-8761

BE IT FURTHER RESOLVED that the Tribal Council of the Little River Band of Ottawa Indians agrees to authorize Tribal Ogema, or in his absence, the Tribal Council Speaker, to execute and to undertake any and all action to obtain approval of any contract documents concerning the use of such funds pursuant to the provisions of P.L. 93-638.

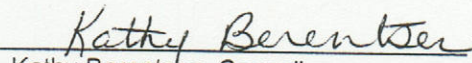
Certificate of Adoption

This resolution was adopted by the Tribal Council of the Little River Band of Ottawa Indians at its Regular Session held at the Tribal Community Center in Manistee, Michigan on March 14, 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: 3/14/99


Charles Fisher, Council Recorder

Attest:


Kathy Berentsen, Councilor