



Little River Band of Ottawa Indians

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

RESOLUTION NO. #99-0325-23

AMENDMENT TO RESOLUTION NO. #98-1213-01
REGARDING 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, the Little River Band of Ottawa Indians previously approved a Resolution, No. #98-1213-01, supporting the submission of a litigation support request to the Bureau of Indian Affairs by COTFMA on behalf of its member Tribes; and

WHEREAS, a moratorium was issued by the Bureau prohibiting funding of new P.L. 93-638 contracts for FY 1999 thereby prohibiting a litigation support contract being awarded to COTFMA; and

WHEREAS, the Bay Mills Indian Community has an existing Litigation Support contract which should be used as a "pass-through" mechanism for litigation support funds; and

WHEREAS, Bay Mills has agreed to sub-contract said litigation support funds to the COTFMA for administration and distribution.

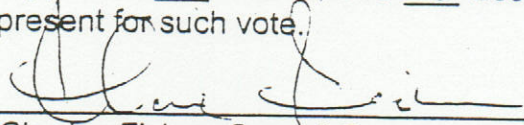
NOW THEREFORE BE IT RESOLVED that the Tribal Council of the Little River Band of Ottawa Indians hereby approves the contracting of BIA Fiscal Year 1999 Litigation Support Funds in the amount of \$249,000 to the Bay Mills Indian Community's existing contract to assist the COTFMA member Tribes with the process of renegotiating or litigating issues relating to the management and regulation of the Tribes' treaty reserved fishing rights.

BE IT FURTHER RESOLVED that the distribution of those litigation support funds will follow the criteria defined in the Litigation Support Proposal, and according to COTFMA policy.

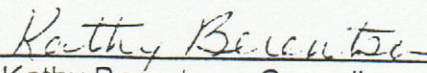
CERTIFICATE OF ADOPTION

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 March 25, 1999, by a vote of 7 in favor, 1 opposed, 1 absent, and 0 abstentions. A quorum of the Tribal Council being present for such vote.

Date: 3/25/99


Charles Fisher, Council Recorder

Attest:


Kathy Berentsen, Councilor