



Little River Band of Ottawa Indians

PO Box 314

Manistee MI 49660-0314

(616) 723-8288

RESOLUTION NO. #99-0527-03

REQUESTING AND AUTHORIZING EXECUTION OF MEMORANDUM OF
AGREEMENT WITH BUREAU OF INDIAN AFFAIRS TO
IMPLEMENT FISHERY ASSESSMENT PROJECT UNDER
THE FISCAL YEAR 1999 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, 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, the Litigation Support request included funding in the amount of \$89,000 to support a fishery assessment project by the Conservation Department of the Little River Band of Ottawa Indians; and

WHEREAS, the Conservation Department staff has prepared a modified scope of work describing the assessment plan to be conducted, together with a budget for the funds to be provided; and

WHEREAS, the Bureau of Indian Affairs has requested a Resolution from the Tribal Council approving the revised scope of work and authorizing execution of the Memorandum of Agreement with the Bureau.

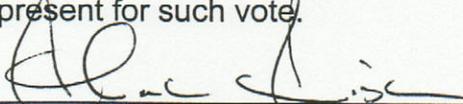
NOW THEREFORE BE IT RESOLVED that the Tribal Council of the Little River Band of Ottawa Indians hereby approves the scope of work proposed for the fishery assessment project for BIA Fiscal Year 1999 Litigation Support Funds in the amount of \$89,000.

BE IT FURTHER RESOLVED that the Tribal Council requests a Memorandum of Understanding or P.L. 93-638 contract with the Bureau of Indian Affairs and authorizes the Tribal Ogema, or in his absence, the Tribal Council Speaker, to serve as the Tribe's contracting official and to execute all documents necessary to access these funds.

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 May 27, 1999, by a vote of 7 in favor, 0 opposed, 2 absent, and 0 abstentions. A quorum of the Tribal Council being present for such vote.

Date: 5/27/99



Charles Fisher, Council Recorder

Attest:



Donald Koon, Councilor