



Little River Band of Ottawa Indians

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RESOLUTION NO. #99-0921- 01

RATIFYING CONSULTING CONTRACT WITH PROFESSOR JOHN HOENIG FOR WORK RELATING TO U.S. v. MICHIGAN

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 maintenance and preservation of the Tribe's treaty rights, including the reserved right to fish on the Great Lakes is a critical priority of the Tribe; and

WHEREAS, it is the responsibility of the Tribal Council to protect Tribal members and Tribal property; and

WHEREAS, the Tribe has previously approve a Consulting Contract with Professor John Hoenig under a Request for Fiscal Year 1998 Litigation Support funds with the Bureau of Indian Affairs; and

WHEREAS, the Tribe desires to enter into a new Consulting Contract with Professor Hoenig to perform additional tasks related to U.S. v. Michigan; and

WHEREAS, representatives of Bay Mills Indian Community, Sault Ste Marie Tribe of Chippewa Indians and Little River have negotiated a Consulting Agreement for the term July 1, 1999 through June 30, 2000; and

WHEREAS, under the terms of that Consulting Agreement, the total payments due from the three Tribes to Professor Hoenig for fees and expenses will not exceed \$60,000; and

WHEREAS, the Tribal Council finds the terms of such agreement to be in the best interests of the Tribe.