

Little Traverse Bay Bands of Odawa Indians

915 Emmet Street • P. O. Box 246
Petoskey, Michigan 49770

616-348-3410 • FAX 616-348-2589

RESOLUTION #03079902

ATTORNEY FEE REQUEST

UNITED STATES v. MICHIGAN AND LANDS AND INLAND WATERS

WHEREAS the Little Traverse Bay Bands of Odawa Indians are the modern day successors of Bands of Odawas which entered into the Treaty of Washington of March 28, 1836, whereby they reserved certain rights of occupancy on portions of the Great Lakes and certain lands and inland waters in Michigan;

WHEREAS the United States and three other treaty tribes have litigated and are litigating the reserved rights to the fishery of such Great Lakes and connecting waters in United States v. Michigan, 2:73-CIV-26, including the allocation of the available fish among competing users;

WHEREAS the Little Traverse Bay Bands of Odawa Indians, in order to protect and preserve its claim to share in the fishery of the Great Lakes, finds it necessary to seek to intervene in the pending litigation and to participate in future negotiations with respect to such allocation;

WHEREAS the rights of the signatories to the 1836 treaty to hunt, trap and gather throughout the off-reservation ceded lands and to fish in the off-reservation ceded inland waters have not to date been actively litigated, either in the aforementioned pending litigation or in another context;

WHEREAS the Little Traverse Bay Bands, along with other signatories of the 1836 treaty, have determined to proceed to seek a declaration of their reserved rights to hunt, trap, gather and fish throughout the non-Great Lakes territory ceded by such treaty, and have further determined to attempt to do so by expanding the scope of the pending litigation;

WHEREAS the Little Traverse Bay Bands is without the necessary funds to retain competent legal services to seek intervention in United States v. Michigan and to participate actively in the litigation of pending and future issues raised in the context of the litigation;

WHEREAS the United States, even though it is a party to the pending litigation, will be unable to represent the diverse interests of multiple tribes in that litigation and, additionally, has resource interests which may conflict with the interests of the Little Traverse Bay Bands of Odawa Indians;

THEREFORE BE IT RESOLVED THAT the Little Traverse Bay Bands of Odawa Indians requests the Bureau of Indian Affairs, pursuant to 25 U.S.C. Part 89, grant it Fiscal Year 1999 appropriated funds, in accordance with the enclosed request and budget, to enable it to retain competent legal services for the purpose of intervention in United States v. Michigan to

insure that the pending process for allocation of the Great Lakes fishery resources adequately protects the rights of the Little Traverse Bay Bands to participate in that fishery and for the purpose of seeking a declaration of reserved rights to hunt, trap and gather throughout the off-reservation lands ceded by the Treaty of Washington of March 28, 1836 and to fish within off-reservation inland lakes, streams and rivers throughout the territory ceded by the Treaty of March 28, 1836.

Certification

As Tribal Chairman and Tribal Secretary, the undersigned certify that this Resolution was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a meeting of the Tribal Council held on March 7, 1999, with a quorum participating, by a vote of 6 in favor, 1 opposed and 0 abstentions recorded by this roll call.

	In Favor	Opposed	Abstained	Absent
George Anthony	<u>✓</u>	_____	_____	_____
Frank Ettawageshik	<u>✓</u>	_____	_____	_____
Dorothy Gasco	<u>✓</u>	_____	_____	_____
Barry Laughlin	<u>✓</u>	_____	_____	_____
Shirley Oldman	<u>✓</u>	_____	_____	_____
Rita Shananaquet	_____	<u>✓</u>	_____	_____
Alice Yellowbank	<u>✓</u>	_____	_____	_____

Date: 3-9-99

Frank Ettawageshik, Tribal Chairman

Barry Laughlin, Tribal Secretary