

LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS

**7500 Odawa Circle
Harbor Springs, MI 49740**

RESOLUTION # 060604-01

**Opposition to Any Legislation Allowing for Settlement of Sault Ste. Marie Tribe's
Upper Peninsula "Land Claims" with Land in the Lower Peninsula**

- WHEREAS** Under the Indian Gaming Regulatory Act, tribes are permitted to conduct class III gaming on lands acquired after passage of the Act if the "lands are taken into trust as part of—(I) a settlement of a land claim." 25 U.S.C. § 2719 (b)(1)(B)(I). Therefore, casino gaming will be permissible on any land Congress places into trust for the Sault Ste. Marie Tribe of Chippewa Indians ("SSM") to extinguish its alleged claims to the 12 acre Charlotte Beach property;
- WHEREAS** SSM already owns and operates five casinos under the Indian Gaming Regulatory Act spread out throughout the eastern Upper Peninsula, including large scale facilities in Sault Ste. Marie and St. Ignace, plus operations, in Christmas, Hessel and Manistique. Additionally, SSM owns and operates a massive casino in Detroit under Michigan law, bringing its total casino number to six giving it more casinos than any other Tribe in the Country;
- WHEREAS** SSM has never legally established a claim to the Charlotte Beach properties. The Michigan Court of Appeals rejected every aspect of the purported claims in *Bay Mills Indian Community v. State of Michigan*, 626 NW 2d 169 (Mich App. 2001);
- WHEREAS** SSM thwarted federal court litigation of the purported Charlotte Beach land claims. The Federal Court dismissed the case brought by the Bay Mills Indian Community because the Court found SSM to be an indispensable party, and SSM refused to participate in the litigation and instead raised its sovereign immunity to prevent it from being joined. *See Bay Mills v. Western United Life*, No. 99-1036 (6th Cir. 2000). SSM's effort to take advantage of this situation to secure its **seventh** casino is therefore particularly egregious and lacks any

rational foundation;

WHEREAS if SSM had a legitimate land claim, there would be no legal or moral justification for providing it a casino operation hundreds of miles from its reservation and territory. Proper settlement of the claim, were it legally established, would involve either 12 acres of land as close as possible to the lands where the claims exist or payment to SSM for the fair market value of the land, which would range from \$ 6,000-\$250,000 total;

WHEREAS SSM’s audacious attempt to open its seventh casino, and second casino in Michigan’s lower peninsula, by using an unfounded land claim involving 12 acres close to Sault Ste. Marie, makes a mockery of federal Indian law and ultimately threatens tribal sovereignty;

THEREFORE BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians opposes any legislation that would result in the Sault Saint Marie Tribe of Chippewa Indians settling its alleged claims to land in Michigan’s upper peninsula in exchange for land in Michigan’s lower peninsula.

Certification

As Tribal Chairman and Tribal Secretary, we certify that this Resolution was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on June 6, 2004 at which a quorum was present, by a vote of 6 in favor, 0 opposed, 0 abstentions, and 0 absent as recorded by this roll call.

	In Favor	Opposed	Abstained	Absent
Regina Gasco Bentley	<u> x </u>	_____	_____	_____
Frank Ettawageshik	<u> x </u>	_____	_____	_____
Fred Harrington, Jr.	<u> x </u>	_____	_____	_____
Beatrice Law	<u> x </u>	_____	_____	_____
Dexter McNamara	<u> x </u>	_____	_____	_____
Rita Shananaquet	_____	_____	_____	<u> x </u>
Alice Yellowbank	<u> x </u>	_____	_____	_____

Date: _____

Frank Ettawageshik, Tribal Chairman

Dexter McNamara, Tribal Secretary