

**LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS**  
**7500 Odawa Circle**  
**Harbor Springs, MI 49740**

**TRIBAL RESOLUTION # 070906-06**

Approval of Agreement in Principle for the Inland Phase of *United States v. Michigan*

**WHEREAS** the Waganakising Odawak, known as the Little Traverse Bay Bands of Odawa Indians, is a nation of citizens with inherent sovereignty and right to self-governance;

**WHEREAS** the Little Traverse Bay Bands of Odawa Indians (LTBB or Tribe) is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States, the most recent being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);

**WHEREAS** Article VIII(C)(2) of the LTBB Constitution delegates to the Chairperson the power "to represent the Little Traverse Bay Bands of Odawa Indians in an ambassadorial capacity" and Article VII(D)(23) delegates to the Tribal Council the power to "approve negotiations with any other governments, businesses or individuals by a majority vote of the Tribal Council;"

**WHEREAS** in Article XIII of the Treaty of Washington of 1836 (7 Stat. 491), in which LTBB and the other signatory tribes ceded approximately 13,921,762 acres of land to the United States in what is now a large portion of the State of Michigan, "the Indians stipulate[d] for the right of hunting on the lands ceded, with the other usual privileges of occupancy, until the land is required for settlement;"

**WHEREAS** LTBB is a party to the case of *United States v. Michigan*, 2:73-CIV-26 (WD MI) in which the Tribe's fishing rights in the 1836 Treaty ceded portions of the Great Lakes were upheld, but the Court has yet to address Article XIII as it relates to the lands and inland waters ceded in the 1836 Treaty, and litigation is currently pending on the inland phase;

**WHEREAS** LTBB has been involved, through its Chairperson, Natural Resources Commission, Natural Resources Department and Legal Department, in negotiations with the *United States v. Michigan* parties to attempt to resolve the inland phase of the case in lieu of litigation, and through those negotiations the parties have developed an Agreement in Principle to set out the terms and conditions of a consent decree to be entered by the Court to resolve the inland phase of the case;

**THEREFORE BE IT RESOLVED** that the Tribal Council of the Little Traverse Bay Bands of Odawa Indians approves the document as negotiated in the inland phase of *United States v. Michigan*, 2:73-CIV-26 (WD MI) titled "Agreement in Principle," draft dated July 6, 2006 or as may be modified without substantially changing the content or intent, and authorizes the Tribal Chairman and/or Legal Counsel to execute the Agreement by and on behalf of the Tribe.

**CERTIFICATION**

As Tribal Council Secretary and Legislative Leader, 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 July 9, 2006, at which a quorum was present, by a vote of 8 in favor, 0 opposed, 0 abstentions, and 1 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Dexter McNamara	<u>          x          </u>	<u>                          </u>	<u>                          </u>	<u>                          </u>
Rita Shananaquet	<u>                          </u>	<u>                          </u>	<u>                          </u>	<u>                  x          </u>
Alice Yellowbank	<u>          x          </u>	<u>                          </u>	<u>                          </u>	<u>                          </u>
Regina Gasco Bentley	<u>          x          </u>	<u>                          </u>	<u>                          </u>	<u>                          </u>
Fred Harrington, Jr.	<u>          x          </u>	<u>                          </u>	<u>                          </u>	<u>                          </u>
Mary Roberts	<u>          x          </u>	<u>                          </u>	<u>                          </u>	<u>                          </u>
Shirley Oldman	<u>          x          </u>	<u>                          </u>	<u>                          </u>	<u>                          </u>
Melvin L. Kiogima	<u>          x          </u>	<u>                          </u>	<u>                          </u>	<u>                          </u>
Beatrice A. Law	<u>          x          </u>	<u>                          </u>	<u>                          </u>	<u>                          </u>

Date: \_\_\_\_\_

\_\_\_\_\_  
Melvin L. Kiogima, Secretary

Date: \_\_\_\_\_

\_\_\_\_\_  
Beatrice A. Law, Legislative Leader

Received in the Executive Office on \_\_\_\_\_ by \_\_\_\_\_

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date: \_\_\_\_\_

\_\_\_\_\_  
Frank Ettawageshik, Tribal Chairperson