

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

**TRIBAL RESOLUTION # 080507-04**

Authorization to Stipulate to Entry of Consent Decree  
in 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, Bay Mills Indian Community, Sault Ste. Marie Tribe of Chippewa Indians, Grand Traverse Band of Ottawa and Chippewa Indians, Little River Band of Ottawa Indians, and Little Traverse Bay Bands of Odawa Indians v. Michigan*, 2:73-CIV-26 (WD MI) (U.S., Tribes and State referred to collectively as "Parties") in which the Tribes' 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 Parties to attempt to resolve the inland phase of the case in lieu of litigation, and through those negotiations the parties developed and signed an Agreement in Principle that set out the terms and conditions of a consent decree to be entered by the Court to resolve the inland phase of the case. The LTBB Tribal Council approved the Agreement in Principle by Resolution 070906-06;

**WHEREAS** at a status conference before the Federal Court held on October 16, 2006, all Parties stated on the record that the Agreement in Principle is a binding contract to complete the consent decree;

**WHEREAS** through continued negotiations the Parties have developed a consent decree that is consistent with the Agreement in Principle;

**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 "Consent Decree," draft included in August 5, 2007 Executive Report to Tribal Council, or as may be modified without substantially changing the content or intent, and authorizes the Tribal Chairman and/or Legal Counsel, by and on behalf of the Tribe, to execute a stipulation to enter the Consent Decree, and/or any other documents necessary to complete this process.

**CERTIFICATION**

As Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Tribal Resolution was duly adopted by the Tribal Council of the August 5, 2007 at which a quorum was present, by a vote of 8 in favor, 1 opposed, 0 abstentions, 0 absent as recorded by this roll call:

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

Date: August 5, 2007

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Beatrice A. Law, Legislative Leader

Date: August 5, 2007

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Melvin L. Kiogima, Secretary

Received by 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: \_\_\_\_\_

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Frank Ettawageshik, Tribal Chairperson