

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

RESOLUTION # 100503-02
LITIGATION SUPPORT REQUEST

- WHEREAS** the Little Traverse Bay Bands of Odawa Indians (LTBB or Tribe) is a federally recognized Indian tribe with the right to hunt and engage in other usufructuary activities retained by Article XIII of the Treaty of March 28, 1836 (7 Stat. 491);
- WHEREAS** the nature, scope and contemporary existence of these rights to hunt, fish, and gather on the lands and inland waters ceded in the Treaty of 1836 have not been conclusively determined by any court, nor are they recognized by the State of Michigan;
- 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.
- WHEREAS** On September 17, 2003, the State of Michigan filed a Motion for Leave to File a Counterclaim in *United States v. Michigan* seeking a ruling from the Court that the usufructuary rights reserved by the Tribes in the 1836 Treaty cession area are extinguished in the inland context;
- WHEREAS** it is determined to be in the best interests of LTBB and its members to participate in any litigation by which these rights will be declared and recognized, which likely will ensue as the result of the State of Michigan's September 17, 2003 filing, in a cooperative effort with the other federally recognized 1836 Treaty tribes;
- WHEREAS** the conduct of this litigation will engender significant litigation expenditures, which are not within the capacity of LTBB to undertake on its own;
- WHEREAS** LTBB is a member of the Chippewa Ottawa Resource Authority, which was established by the five 1836 federally recognized Treaty tribes to administer the inter-tribal protection, management and regulation of the fish, wildlife and plants within the area ceded in the Treaty;

NOW THEREFORE BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians approves and supports submission of the request for FY 2004 Litigation Support funds by the Chippewa Ottawa Resource Authority to the Bureau of Indian Affairs.

FURTHER RESOLVED that the Executive Director of the Chippewa Ottawa Resource

Authority is authorized to undertake any and all actions necessary to obtain approval of this request for litigation support funding, and to sign any resulting contract documents for approved funding under the provisions of PL 93-638, as amended.

FINALLY RESOLVED that LTBB Chairman Frank Ettawageshik is authorized to execute, by and on behalf of LTBB, any other documents that may be necessary to support the Chippewa Ottawa Resource Authority's request for Litigation Support Funds.

Certification

As Tribal Secretary, I 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 October 5, 2003 at which a quorum was present, by a vote of 6 in favor, 0 opposed, 0 abstentions, and 1 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: _____

Dexter McNamara, Tribal Secretary