

Little Traverse Bay Bands of Odawa Indians

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**RESOLUTION # 102101-01
OPPOSITION TO SOUTH FOX LAND EXCHANGE**

- WHEREAS, the Little Traverse Bay Bands of Odawa Indians 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 of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621), and
- WHEREAS, South Fox Island is a pristine island located in Lake Michigan and is within the tribally-ceded territory of the Treaty of 1836, and
- WHEREAS, South Fox Island has historically been of crucial importance to Indians in northern Lake Michigan since it serves as a vital stop-over point and harbor of refuge during the long boat trip between the Leelanau Peninsula and the Beaver Island archipelago, and
- WHEREAS, numerous tribal members of both the Grand Traverse Band of Ottawa and Chippewa Indians, and the Little Traverse Bay Bands of Odawa Indians, lived on South Fox Island, during the late 19th century and first half of the 20th century, on homestead allotments which were held in trust by the federal government, and
- WHEREAS, at least nine of those former homestead properties were improperly alienated by the federal government to non-Indians and are now subject to land claims which have been specifically preserved by the Department of the Interior (*see* 48 Federal Register 13698, 13876) under the Indian Claims Limitation Act of 1982 (28 U.S.C. § 2415) and which have yet to be resolved, and
- WHEREAS, South Fox Island remains of great importance to Indian people, including for harbor of refuge purposes on the Island's southern 115 acres that are available to tribal commercial fishers who may be caught in inclement weather, and
- WHEREAS, the currently-public lands on South Fox Island are subject to tribal hunting and gathering treaty rights for those signatory tribes to the Treaties of 1836 and 1855 (including the Grand Traverse Band, Little Traverse Bay Bands of Odawa Indians, Little River Band of Ottawa Indians, Bay Mills Indian Community and Sault Ste. Marie Tribe of Chippewa Indians, and
- WHEREAS, South Fox Island is eligible for listing as a traditional cultural property under the National Historic Preservation Act (NHPA), and

WHEREAS, the public lands include property which has been designated by the U.S. Fish & Wildlife Service (USFWS) as critical habitat for the Great Lakes piping plover - a federally-listed endangered species, and

WHEREAS, the public lands also provide habitat for peregrine falcon, bald eagle and Pitcher's thistle (another federally-listed endangered species), and

WHEREAS, the public lands proposed to be given up by the DNR include a large section of globally-rare perched sand dunes, which have been acknowledged by the Michigan Natural Features Inventory as being of top priority for protection due to their unique qualities and the absence of exotic species in the dune ecosystem, and

WHEREAS, the public lands proposed to be given up also include stands of cedars which are as much as 400 years old, and

WHEREAS, the wildlife and ecological values of the public properties which would be given up are far superior to the corresponding values of those properties which the DNR would be receiving under the proposed exchange, and

WHEREAS, the public lands on the southern 115 acres of the Island provide the best and safest public boat access, and also may be used as a harbor of refuge regardless of which way the wind is blowing, and

WHEREAS, there are only two landowners on South Fox Island currently: the Michigan Department of Natural Resources (DNR); and Mr. David Johnson, a developer, and

WHEREAS, the DNR and Mr. Johnson have proposed a land exchange on South Fox Island which would threaten exercise of tribal treaty rights, tribal and public access to the Island, safe harbor availability, and the overall ecological integrity of the Island, and

WHEREAS, Mr. Johnson would be the only party which stands to gain from the proposed land exchange, which is not in the best interests of tribal members or the general public, and

WHEREAS, the Grand Traverse Band of Ottawa and Chippewa Indians has provided extensive comment and documentation to the DNR, USFWS, and the National Park Service (NPS), and has formally opposed the proposed land exchange, and

WHEREAS, in addition to the Grand Traverse Band, at least 15 other organizations have formally opposed the proposed land exchange on South Fox Island, including Defenders of Wildlife, the South Fox Island Public Hunters Club, the Michigan United Conservation Clubs, the Michigan Land Use Institute, and others,

THEREFORE BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians registers its strong opposition to the proposed land exchange on South Fox Island;

FURTHER RESOLVED that it is the position of the Little Traverse Bay Bands of Odawa Indians that no land exchange can even be considered involving properties subject to the Indian Claims Limitation Act until the land claims on those properties are resolved.

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 regular meeting of the Tribal Council held on October 21, 2001 at which a quorum was present, by a vote of seven (7) in favor, zero (0) opposed, zero (0) abstentions, and zero (0) absent as recorded by this roll call.

	In Favor	Opposed	Abstained	Absent
George Anthony	<u>X</u>	_____	_____	_____
Gerald Chingwa	<u>X</u>	_____	_____	_____
Frederick Harrington, Jr.	<u>X</u>	_____	_____	_____
Beatrice Law	<u>X</u>	_____	_____	_____
Rita Shananaquet	<u>X</u>	_____	_____	_____
Janet Shomin	<u>X</u>	_____	_____	_____
Alice Yellowbank	<u>X</u>	_____	<u> / /</u>	_____

Date: 10/21/2001

Gerald Chingwa, Tribal Chairman U

Frederick R. Harrington, Jr., Tribal Secretary