

Little Traverse Bay Bands of Odawa Indians

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RESOLUTION # 102101-03
Memorandum of Understanding with USFS

WHEREAS the Little Traverse Bay Bands of Odawa Indians (LTBB) reserved rights to hunt, fish and gather on all lands not required for settlement in the territory ceded in the Treaty of Washington of 1836 (7 Stat. 491);

WHEREAS the area not required for settlement over which the Treaty reserved rights exist within the ceded territory includes, but is not limited to, United States National Forest land under the jurisdiction of the United States Forest Service (USFS);

WHEREAS LTBB is a member of the Chippewa Ottawa Resource Authority the purpose of which is to ensure, through inter-tribal coordination and cooperation, the conservation and wise utilization of the natural resources reserved to the Tribes in the 1836 Treaty;

WHEREAS the USFS and tribes who are members of the Great Lakes Indian Fish and Wildlife Commission (GLIFWC) developed and entered into a Memorandum of Understanding (MOU) to address treaty rights gathering activity within the National Forests within the territory ceded by the GLIFWC tribes which are located in Wisconsin, Minnesota and the western Upper Peninsula of Michigan;

WHEREAS the MOU, when adapted to the tribes party to the 1836 Treaty of Washington (7 Stat. 491) recognizes the inland reserved treaty rights of the tribes, respects tribal sovereignty and the government-to-government relationship between the tribes and the United States, and the duty of the USFS as an executive agency of the United States to carry out the trust responsibility of the United States to Indian tribes;

WHEREAS the reserved Treaty right exists by virtue of the 1836 Treaty. It is not dependent on entering into this MOU and cannot be abridged or limited by rescinding the MOU once executed;

THEREFORE BE IT RESOLVED that the Tribal Council of the Little Traverse Bay Bands of Odawa Indians approves entering into the MOU between LTBB and USFS, and authorizes Tribal Chairman Gerald V. Chingwa, or in his absence Tribal Vice-Chairman George

Anthony, to execute the MOU by and on behalf of LTBB;

FURTHER RESOLVED that LTBB will adopt the Model Off-Reservation National Forest Gathering Code and Tribal Self-Regulation Agreement to be appended to the MOU;

FINALLY RESOLVED that LTBB intends to enter into the USFS MOU in conjunction with the other CORA member tribes if agreement can be reached between the CORA tribes to do so by December 1, 2001. Otherwise, LTBB will proceed to enter into the MOU.

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 21, 2001 at which a quorum was present, by a vote of six (6) in favor, zero (0) opposed, one (1) abstention, 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>	_____	_____	_____

Date: 10/21/01

Frederick R. Harrington, Jr., Tribal Secretary