

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

RESOLUTION # 112104-03
LITIGATION SUPPORT REQUEST FOR
CORA FY 2005 FOR UNITED STATES V MICHIGAN

WHEREAS the Little Traverse Bay Bands of Odawa Indians (LTBB or Tribe) is a federally recognized Indian tribe that reserved the right to hunt, fish and gather in Article XIII of the Treaty of March 28, 1836 (7 Stat. 491) in the Treaty ceded territory;

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. The Court allowed the filing of the Counterclaim, LTBB along with the other four Tribes that are party to the litigation jointly filed a response, and the Court set a scheduling order for pre-trial discovery and trial;

WHEREAS it is determined to be in the best interests of LTBB and its members to continue its full participation in this litigation by which these rights will be declared and recognized, in a cooperative effort with the other federally recognized 1836 Treaty Tribes;

WHEREAS the conduct of this litigation will continue to 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 2005 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 Chairman and Tribal Secretary, 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 November 21, 2004 at which a quorum was present, by a vote of 7 in favor, 0 opposed, 0 abstentions, and 0 absent as recorded by this roll call.

	In Favor	Opposed	Abstained	Absent
Frank Ettawageshik	x			
Beatrice Law	x			
Alice Yellowbank	x			
Dexter McNamara	x			
Fred Harrington, Jr.	x			
Rita Shananaquet	x			
Regina Bentley	x			

Date: _____

Frank Ettawageshik, Tribal Chairman

Dexter McNamara, Tribal Secretary