LITTLE TRAVERSE BAY BANDS OF 0DAWA INDIANS
7500 Odawa Circle
Harbor Springs, MI 49740

CERTIFIED MOTION # 042315-08
Removal of Black River Dams

WHEREAS the Little Traverse Bay Bands of Odawa Indians is a federally recognized Indian Tribe reaffirmed by the United States Congress on September 21, 1994 in Public Law 103-324, as amended, which exercises sovereign governmental authority over the people, land, and water within its jurisdiction;

WHEREAS the Little Traverse Bay Bands possess fishing, hunting, trapping, and gathering rights under the Treaty of Washington of March 28, 1836 (7 Stat. 491), and off-reservation hunting, fishing and gathering rights are executed through the 2007 Inland Consent Decree between the federal government, five tribal nations, and the State of Michigan entered by the Federal Court in *United States v. Michigan, 2:73-CIV-26 (WD MI)*;

WHEREAS the Black River is located in Cheboygan County which is within the 1836 Ceded Territory;

WHEREAS there are three dams located on the Black River; 1) Alverno Dam – Built in 1903 and located downstream in the lower portion of the Black River; 2) Kleber Dam – Built in 1949 and located up stream in the upper portion of the Black River; 3) Tower Dam – Built in 1917 or 1918 and located upstream in a uppermost portion of the Black River;

WHEREAS The Federal Energy Regulatory Commission (FERC) relicensed the Tower and Kleber dams on May 11, 1994, (FERC No. 10615), with a 30 year term to end April 30, 2024 and Alverno dam (FERC No. 11730) was licensed December 4, 2001 for 40 years to expire November 30, 2041;

WHEREAS the dams are owned by Nelson Turcotte;

WHEREAS the Black Lake System (Black Lake and its out flows and tributaries including Black River) has historically supported a vibrant and robust Lake Sturgeon population;

WHEREAS the Black Lake System currently supports a diminished lake sturgeon population almost entirely composed of individuals of hatchery origin;

WHEREAS scientific literature, peer-review publications, and Tribal, state, and federal authored technical reports overwhelmingly implicate dams as a primary impediment to lake sturgeon reproduction and recovery;

WHEREAS the Upper Black River is 57 Miles long and lake sturgeon only have access to 6.8 miles (or 12%) of the river (from the mouth to Kleber Dam) and available habitat for sturgeon has not allowed for meaningful natural recruitment for more than three decades;

WHEREAS the Federal Court 2007 Inland Consent Decree states in Section 17.3 that "The state and the Tribes shall discuss strategies for rehabilitating sturgeon populations…";

WHEREAS the State of Michigan and Tribes have established a work group to develop a Black Lake Sturgeon Management Plan in which the Black River dams have been identified as primary impediments to a self-sustaining and naturally reproducing Lake Sturgeon population in the Black Lake system.

NOW THEREFORE BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians requests that the FERC not relicense the dams upon their expiration dates.

BE IT FURTHER RESOLVED that the Little Traverse Bay Bands of Odawa Indians requests that the State of Michigan, the 1836 Treaty of Washington signatory Tribes, and the owner, begin developing a plan to decommission and remove the dams within one month of the signing of this Certified Motion.

Secretary Shananaquet

BE IT FURTHER RESOLVED that the Little Traverse Bay Bands of Odawa Indians calls for the removal of the dams prior to or immediately upon the expiration of their FERC operating licenses.

CERTIFICATION

Received by the Executive Office on 4/23/15 by _____

The Executive concurs and recommend this action of the Tribal Council.

Date: 4-23-15

Regina Gasco Bentley
Executive, Tribal Chair/Vice Chair

Received by the Legislative Office on 4.23.15 by _____

As Tribal Council Treasurer and Tribal Council Secretary, we certify that this Certified Motion was duly approved by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held April 23, 2015 at which a quorum was present, by a vote of 7 in favor, 0 opposed, 0 abstentions, 1 absent as recorded by this certification as an official action on behalf of Little Traverse Bay Bands of Odawa Indians.

Date: 4.28.2015

Marcella R. Reyes
Marcella R. Reyes, Treasurer

Date: 4/27/15

Julie Shananaquet
Julie Shananaquet, Secretary

Secretary Shananaquet