

Little Traverse Bay Bands of Odawa Indians

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**RESOLUTION 11239701
ATTORNEY FEE REQUEST**

UNITED STATES V. MICHIGAN AND CEDED LANDS AND INLAND WATERS

WHEREAS the Little Traverse Bay Bands of Odawa Indians are the modern day successors of bands of Odawas which entered into the Treaty of Washington of March 28, 1836, whereby they ceded certain lands and waters in Michigan to the United States, reserving thereon and therein certain rights of occupancy;

WHEREAS the United States and three other treaty tribes have litigated and are litigating the reserved rights to the fishery of the portion of such cession as includes the Great Lakes and connecting waters, in *United States v. Michigan*, 2:73-CIV-26, including the allocation of the available fish among competing users;

WHEREAS the Little Traverse Bay Bands of Odawa Indians, in order to protect and preserve its claim to share in the fishery of the Great Lakes, finds it necessary to seek to intervene in the pending litigation and to participate in future negotiations with respect to such allocation;

WHEREAS the rights of the signatories to the 1836 Treaty to hunt, trap and gather throughout the off-reservation ceded lands and to fish in the off-reservation inland waters have not to date been actively litigated, either in the aforementioned pending litigation or in any other context;

WHEREAS the Little Traverse Bay Bands of Odawa Indians, along with other signatories of the 1836 Treaty, have determined to proceed to seek a declaration of their reserved rights to hunt, trap, gather and fish throughout the off-reservation inland territory ceded by such treaty, and have further determined to attempt to do so by expanding the scope of the pending litigation;

WHEREAS the Little Traverse Bay Bands of Odawa Indians is without the necessary funds to retain competent legal services to seek intervention in *United States v. Michigan* or to participate actively in the litigation of pending and future issues raised in the context of that litigation;

WHEREAS the United States, even though it is a party to the pending litigation, will be unable to represent the diverse interests of multiple tribes in that litigation and, further, has significant resource and other interests in the territory ceded by the 1836

Treaty which may conflict with the interests of the Little Traverse Bay Bands of Odawa Indians;

THEREFORE BE IT RESOLVED THAT the Little Traverse Bay Bands of Odawa Indians requests the Bureau of Indian Affairs to provide appropriated funds for calendar year 1998, under the authority of 25 C.F.R. Sections 89.40-89.43, to enable it to retain competent legal services for the purpose of intervention and active participation in United States v. Michigan seeking a declaration of reserved rights to hunt, trap and gather throughout the off-reservation lands ceded by the Treaty of Washington of March 28, 1836, and to fishing within the Great Lakes, the connecting waters and the off-reservation inland lakes, streams and rivers throughout the territory ceded by the Treaty of March 28, 1836.

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 meeting of the Tribal Council held on November 23, 1997, with a quorum participating, by a vote of 4 in favor, 1 opposed and 1 abstentions recorded by this roll call.

	In Favor	Opposed	Abstained	Absent
George Anthony	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Michelle Chingwa	<u> </u>	<u> </u>	<u> </u>	<u>✓</u>
Frank Ettawageshik	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Barry Laughlin	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Shirley Oldman	<u> </u>	<u> </u>	<u>✓</u>	<u> </u>
Rita Shananaquet	<u> </u>	<u>✓</u>	<u> </u>	<u> </u>
Alice Yellowbank	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>

Date: 11-23-97

Frank Ettawageshik, Tribal Chairman

Barry Laughlin, Tribal Secretary