

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

**CERTIFIED MOTION # 112014-05**

**Request for FY 2015 Litigation Support Funds by the  
Chippewa Ottawa Resource Authority**

**WHEREAS** the Little Traverse Bay Bands of Odawa Indians (LTBB) is a federally recognized Indian tribe, as reaffirmed under Public Law 103-324, with the right, among others, reserved in the Treaty of March 28, 1836 (7 Stat. 491) to harvest fish in the Michigan waters of Lakes Superior, Michigan and Huron;

**WHEREAS** the nature, scope and extent of LTBB's Great Lakes fishing rights have been the subject of litigation in *United States, et al. v. Michigan*, Case No. 2: 73 CV 26 (WD MI), in which case LTBB intervened as a party in 1998. LTBB participated in the negotiation of, and is bound along with the other parties, to the Consent Decree entered as an order of the Court in 2000 which governs the management and allocation of the Great Lakes ceded territory (coinciding with Michigan waters) fishery for a period of 20 years. A 15 year management and allocation order had been previously entered in 1985;

**WHEREAS** LTBB is a member of the Chippewa Ottawa Resource Authority (CORA), established in 2000 by the five plaintiff Tribes in *United States v. Michigan* to preserve, protect and manage the resources subject to the 1836 Treaty rights, including the Great Lakes fishery. CORA replaced, and is the successor in interest to the Chippewa Ottawa Treaty Fishery Management Authority (COTFMA) which was formed in 1981;

**WHEREAS** in 1995 the United States accepted a parcel of shoreline on McKay Bay of Lake Huron in Mackinac County into trust for the then three COTFMA member Tribes, to provide fishing access to tribally licensed fishers;

**WHEREAS** COTFMA and then CORA have administered this access site for all of the CORA members, including LTBB;

**WHEREAS** litigation against CORA was commenced in 2010 by Ronald and Beverly Nelson, who acquired the parcel on McKay Bay to the south of the trust parcel, claiming that the property line of record is inaccurate and that the Nelsons own property administered by CORA as an access site for fishers of its member Tribes;

**WHEREAS** the Nelson's efforts to raise claims against the United States' ownership of the

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Secretary Shananaquet 

trust parcel have been unsuccessful, due to the order dismissing all claims against the United States regarding the property in any forum entered by the United States District Court in 2012, but which did not dismiss CORA as a defendant;

**WHEREAS** CORA's efforts to obtain dismissal of claims by the Nelsons against it have been unavailing since that time, and the case is being scheduled for trial in 2015 in the Mackinac County Circuit Court, creating uncertainty as to the continued use of the property by members of LTBB, and putting the financial resources of CORA at risk;

**THEREFORE BE IT RESOLVED:**

1. that the Little Traverse Bay Bands of Odawa Indians approves and supports submission of the attached Request for FY 2015 Litigation Support Funds by the Chippewa Ottawa Resource Authority to the Bureau of Indian Affairs;
2. 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 pursuant to the provision of PL 93-638, as amended.

**CERTIFICATION**

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 November 20, 2014 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: 11-25-14

Marcella Reyes  
Marcella Reyes, Treasurer

Date: 11-25-14

Julie Shananaquet  
Julie Shananaquet, Secretary