



# The Grand Traverse Band of Ottawa and Chippewa Indians

2605 N. West Bay Shore Drive • Peshawbestown, MI 49682-9275 • (231) 534-7750

## **Certification of Tribal Council Action** Special Session of November 29, 2017

**I hereby certify as the Tribal Council Secretary that the foregoing Motion was Approved and Adopted at the Special Session of the Grand Traverse Band of Ottawa & Chippewa Indians Tribal Council**

### **Boardman (Ottaway) River Fish Passage Resolution**

Motion made by Tribal Council Member Shomin and Supported by Tribal Council Member Wilson to approve Resolution #17-35.2936.

6-FOR; 0-AGAINST; 0-ABSENT; 0-ABSTAINING  
**Motion Carries**

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Jane A. Rohl, GTB Tribal Council Secretary

CC: Frank Dituri, NRD



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TRIBAL COUNCIL

## RESOLUTION

Number 17-35.2936

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**WHEREAS:** The Grand Traverse Band of Ottawa and Chippewa Indians (GTB) is a political successor to signatories of the March 28, 1836 Treaty of Washington (7 Stat. 491) in which GTB and other Ottawa and Chippewa tribes ceded to the United States much of the land that became the State of Michigan; and

**WHEREAS:** GTB reserved by Article XIII of the March 28, 1836 Treaty of Washington the rights of its members to hunt and fish in the 1836 Treaty Ceded Territory; and

**WHEREAS:** GTB re-affirmed its government-to-government relationship with the United States, becoming formally acknowledged as a federally recognized Indian Tribe effective May 27, 1980 (see 45 Fed. Reg. 18321-322 (March 25, 1980)); and

**WHEREAS:** GTB is organized under a Tribal Constitution approved by the Secretary of the Interior on March 29, 1988; and

**WHEREAS:** Article IV, section (l)(a) of the GTB Constitution vests in the Tribal Council the power "[t]o promote and protect the health, education, and general welfare of the Band and its members"; and

**WHEREAS:** GTB has elected a full governmental Tribal Council consisting of, Thurlow "Sam" McClellan, Tribal Chairman; Kimberly M. Vargo, Vice Chair, Jane A. Rohl, Secretary; David Arroyo, Treasurer; Mark L. Wilson, Councilor; Percy Bird, Jr., Councilor; and Thomas P. Shomin, Councilor; and

**WHEREAS:** GTB, in honor of its traditional, cultural heritage places a high priority on the preservation and responsible use of its natural resources in the 1836 Treaty Ceded Territory; and

**WHEREAS:** The Tribal Council, in awareness of the human, industrial, and commercial impact on the environment, realizes the significant role of protecting the forest, wildlife, fisheries, and water resources for the cultural, spiritual, and continued exercise of Treaty Reserved Rights under the terms of the Consent Decree entered in *United States v. Michigan*, W.D. Mich. Case No. 2:73-cv-26, in 2007; and

**WHEREAS:** The Treaty Reserved Rights extend throughout the basins that contain Lakes Huron, Michigan, and Superior; and

**WHEREAS:** The Boardman (Ottaway) River is located in the Grand Traverse region of Michigan, which is within the 1836 Ceded Territory; and

**WHEREAS:** There are four dams located on the Boardman (Ottaway) River: 1) Brown Bridge Dam- Built in 1921 and removal completed in 2013; 2) Boardman Dam - Built in 1894 and rebuilt in 1930 breached in 2017; 3) Sabin Dam - Built in 1902 rebuilt in 1930; and 4) Union Street Dam built in 1867;and

**WHEREAS:** Scientific literature, peer-review publications, and tribally-, state-, and federally-authored technical reports overwhelmingly implicate dams as a primary impediment to the reproduction and recovery of native fish populations including lake sturgeon; and

**NOW THEREFORE BE IT RESOLVED,** that the Grand Traverse Band of Ottawa and Chippewa Indians supports bi-directional fish passage across man-made barriers of only fish species native to the Lake Huron, Michigan, and Superior basins.

**APPROVED:**

**ADOPTED:**


  
\_\_\_\_\_  
Thurlow "Sam" McClellan, Chairman

  
\_\_\_\_\_  
Jane A. Rohl, Secretary

**CERTIFICATION**

As Secretary of the Tribal Council of the Grand Traverse Band of Ottawa and Chippewa Indians, I hereby certify that the above resolution was approved and adopted at a Special Session of the Tribal Council held in Peshawbestown, Michigan, on November 29, 2017, by a vote of:

6 FOR, 0 AGAINST, 0 ABSTAINING, and 0 ABSENT.

**ATTEST:**  
  
\_\_\_\_\_  
Jane A. Rohl, Secretary

# TRIBAL COUNCIL AGENDA REQUEST

## *The Grand Traverse Band of Ottawa and Chippewa Indians*

This Original agenda request must have all original materials pertaining to it attached.

**Agenda Topic/Title:** Boardman (Ottaway) River "Fish Passage" Resolution

**Requested/Presented by:** Natural Resources Department (NRD), by Frank Dituri

*If required, all signed documents will be returned the above individual who is responsible to complete with the appropriate offices at GTB-OCI.*

Regular Session       Special Session       Emergency Session  
Date: \_\_\_\_\_      Date: Nov. 29, 2017      Date: \_\_\_\_\_

### Placement on Agenda:

Unfinished Business       New Business       Closed Session

### Action Requested:

Approval by Motion       Information Only  
 Resolution Approval # 17-35.2936       Other (please specify)

**Was a Work Session held for this Agenda Request?** (date) \_\_\_\_\_  No

**Do you have a past resolution:**  No     Yes, (please attach)

**Do you have a past motion:**  No     Yes, (please attach)

**Rationale/Explanation:** (use second sheet as needed for clarification and attach all appropriate materials prior to submission to the Tribal Manager's Office.

*Purpose:* As confirmed by motion enacted by the Natural Resources and Environmental Committee (NR&EC) on Nov. 9, 2017, the NRD and NR&EC recommend that Tribal Council approve the attached Resolution # 17-35.2936.

*Outcome Requested:* By motion enact attached Resolution # 17-35.2936.

**Signatures: Program Director:** \_\_\_\_\_ **Date:** 11-16-17

**Supervisor:** \_\_\_\_\_ **Date:** 11-16-17

**Division Manager:** \_\_\_\_\_ **Date:** 11/21/17

Attached signed legal review form     Attached signed CFO review form     Legal/CFO review not applicable

Please ensure that ALL proper and correct documents are attached prior to obtaining the TM signatures.

**Tribal Manager:** \_\_\_\_\_ **Date:** 11.21.17

Signature of TM needed before this Agenda Request can be added to the TC Agenda

#### Tribal Council Directive Issued:

It is the directive of the Tribal Council that any topics that have not been included on the POSTED agenda must be brought to the attention of the Tribal Council PRIOR to the meeting. This information must be presented in written form. Please note that the agenda is posted one (1) week prior to Regular & Special sessions, and completed agenda items are due at 10:00 a.m. to the Tribal Manager Office 9 days before each session. **Please plan accordingly.**

rev 9/07 – MP 1/11 – 5/11 TMO 4/12 TMO 5/12 TMO

GTB Forms\Tribal Council\ Tribal Council Agenda Request Form