

APPENDIX G

PUBLIC LAW 103-324 [S. 1357]; September 21, 1994

**LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS
AND THE LITTLE RIVER BAND OF
OTTAWA INDIANS ACT**

An Act to reaffirm and clarify the Federal relationships of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians as distinct federally recognized Indian tribes, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians are descendants of, and political successors to, signatories of the 1836 Treaty of Washington and the 1855 Treaty of Detroit.

(2) The Grand Traverse Band of Ottawa and Chippewa Indians, the Sault Ste. Marie Tribe of Chippewa Indians, and the Bay Mills Band of Chippewa Indians, whose members are also descendants of the signatories to the 1836 Treaty of Washington and the 1855 Treaty of Detroit, have been recognized by the Federal Government as distinct Indian tribes.

(3) The Little Traverse Bay Bands of Odawa Indians consists of at least 1,000 eligible members who continue to reside close to their ancestral homeland as recognized in the Little Traverse Reservation in the 1836 Treaty of Washington and 1855 Treaty of Detroit, which area is now known as Emmet and Charlevoix Counties, Michigan.

(4) The Little River Band of Ottawa Indians consists of at least 500 eligible members who continue to reside close to their ancestral homeland as recognized in the Manistee Reservation in the 1836 Treaty of Washington and reservation in the 1855 Treaty of Detroit, which area is now known as Manistee and Mason Counties, Michigan.

(5) The Bands filed for reorganization of their existing tribal governments in 1935 under the Act of June 18, 1934 (25 U.S.C. 461 et seq.; commonly referred to as the "Indian Reorganization Act"). Federal agents who visited the Bands, including Commissioner of Indian Affairs, John Collier, attested to the continued social and political existence of the Bands and concluded that the Bands were eligible for reorganization. Due to a lack of Federal appropriations to implement the provi-

Little Traverse
Bay Bands of
Odawa Indians
and the Little
River Band
of Ottawa
Indians Act.
Michigan.
25 USC 1300k
note.
25 USC 1300k.

sions of such Act, the Bands were denied the opportunity to reorganize.

(6) In spite of such denial, the Bands continued their political and social existence with viable tribal governments. The Bands, along with other Michigan Odawa/Ottawa groups, including the tribes described in paragraph (2), formed the Northern Michigan Ottawa Association in 1948. The Association subsequently pursued a successful land claim with the Indian Claims Commission.

(7) Between 1948 and 1975, the Bands carried out many of their governmental functions through the Northern Michigan Ottawa Association, while retaining individual Band control over local decisions.

(8) In 1975, the Northern Michigan Ottawa Association petitioned under the Act of June 18, 1934 (25 U.S.C. 461 et seq.; commonly referred to as the "Indian Reorganization Act"), to form a government on behalf of the Bands. Again in spite of the Bands' eligibility, the Bureau of Indian Affairs failed to act on their request.

(9) The United States Government, the government of the State of Michigan, and local governments have had continuous dealings with the recognized political leaders of the Bands from 1836 to the present.

SEC. 3. DEFINITIONS.

25 USC 1300k-1.

For purposes of this Act—

(1) the term "Bands" means the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians;

(2) the term "member" means those individuals enrolled in the Bands pursuant to section 7; and

(3) the term "Secretary" means the Secretary of the Interior.

SEC. 4. FEDERAL RECOGNITION.

25 USC 1300k-2.

(a) FEDERAL RECOGNITION.—Federal recognition of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians is hereby reaffirmed. All laws and regulations of the United States of general application to Indians or nations, tribes, or bands of Indians, including the Act of June 18, 1934 (25 U.S.C. 461 et seq.; commonly referred to as the "Indian Reorganization Act"), which are not inconsistent with any specific provision of this Act shall be applicable to the Bands and their members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—The Bands and their members shall be eligible for all services and benefits provided by the Federal Government to Indians because of their status as federally recognized Indians, and notwithstanding any other provision of law, such services and benefits shall be provided after the date of the enactment of this Act to the Bands and their members without regard to the existence of a reservation or the location of the residence of any member on or near any Indian reservation.

(2) SERVICE AREAS.—

(A) LITTLE TRAVERSE BAY BANDS.—For purposes of the delivery of Federal services to the enrolled members of the Little Traverse Bay Bands of Odawa Indians, the area of the State of Michigan within 70 miles of the boundaries of the reservations for the Little Traverse Bay Bands as

set out in Article I, paragraphs "third" and "fourth" of the Treaty of 1855, 11 Stat. 621, shall be deemed to be within or near a reservation, notwithstanding the establishment of a reservation for the tribe after the date of the enactment of this Act. Services may be provided to members outside the named service area unless prohibited by law or program regulations.

(B) **LITTLE RIVER BAND.**—For purposes of the delivery of Federal services to enrolled members of the Little River Band of Ottawa Indians, the Counties of Manistee, Mason, Wexford and Lake, in the State of Michigan, shall be deemed to be within or near a reservation, notwithstanding the establishment of a reservation for the tribe after the date of the enactment of this Act. Services may be provided to members outside the named Counties unless prohibited by law or program regulations.

25 USC 1300k-3.

SEC. 5. REAFFIRMATION OF RIGHTS.

(a) **IN GENERAL.**—All rights and privileges of the Bands, and their members thereof, which may have been abrogated or diminished before the date of the enactment of this Act are hereby reaffirmed.

(b) **EXISTING RIGHTS OF TRIBE.**—Nothing in this Act shall be construed to diminish any right or privilege of the Bands, or of their members, that existed prior to the date of enactment of this Act. Except as otherwise specifically provided in any other provision of this Act, nothing in this Act shall be construed as altering or affecting any legal or equitable claim the Bands might have to enforce any right or privilege reserved by or granted to the Bands which were wrongfully denied to or taken from the Bands prior to the enactment of this Act.

Real property.
25 USC 1300k-4.**SEC. 6. TRANSFER OF LAND FOR THE BENEFIT OF THE BANDS.**

(a) **LITTLE TRAVERSE BAY BANDS.**—The Secretary shall acquire real property in Emmet and Charlevoix Counties for the benefit of the Little Traverse Bay Bands. The Secretary shall also accept any real property located in those Counties for the benefit of the Little Traverse Bay Bands if conveyed or otherwise transferred to the Secretary, if at the time of such acceptance, there are no adverse legal claims on such property including outstanding liens, mortgages or taxes owed.

(b) **LITTLE RIVER BAND.**—The Secretary shall acquire real property in Manistee and Mason Counties for the benefit of the Little River Band. The Secretary shall also accept any real property located in those Counties for the benefit of the Little River Band if conveyed or otherwise transferred to the Secretary, if at the time of such acceptance, there are no adverse legal claims on such property including outstanding liens, mortgages or taxes owed.

(c) **ADDITIONAL LANDS.**—The Secretary may accept any additional acreage in each of the Bands' service area specified by section 4(b) of this Act pursuant to his authority under the Act of June 18, 1934 (25 U.S.C. 461 et seq.; commonly referred to as the "Indian Reorganization Act").

(d) **RESERVATION.**—Subject to the conditions imposed by this section, the land acquired by or transferred to the Secretary under or pursuant to this section shall be taken in the name of the United States in trust for the Bands and shall be a part of the respective Bands' reservation.

SEC. 7. MEMBERSHIP.

25 USC 1300k-5.

Not later than 18 months after the date of the enactment of this Act, the Bands shall submit to the Secretary membership rolls consisting of all individuals currently enrolled for membership in such Bands. The qualifications for inclusion on the membership rolls of the Bands shall be determined by the membership clauses in such Bands' respective governing documents, in consultation with the Secretary. Upon completion of the rolls, the Secretary shall immediately publish notice of such in the Federal Register. The Bands shall ensure that such rolls are maintained and kept current.

Federal Register, publication. Records.

SEC. 8. CONSTITUTION AND GOVERNING BODY.

25 USC 1300k-6.

(a) CONSTITUTION.—

(1) **ADOPTION.**—Not later than 24 months after the date of the enactment of this Act, the Secretary shall conduct, by secret ballot, elections for the purposes of adopting new constitutions for the Bands. The elections shall be held according to the procedures applicable to elections under section 16 of the Act of June 18, 1934 (25 U.S.C. 476; commonly referred to as the "Indian Reorganization Act").

(2) **INTERIM GOVERNING DOCUMENTS.**—Until such time as new constitutions are adopted under paragraph (1), the governing documents in effect on the date of the enactment of this Act shall be the interim governing documents for the Bands.

(b) OFFICIALS.—

(1) **ELECTION.**—Not later than 6 months after the Bands adopt constitutions and bylaws pursuant to subsection (a), the Bands shall conduct elections by secret ballot for the purpose of electing officials for the Bands as provided in the Bands' respective governing constitutions. The elections shall be conducted according to the procedures described in the Bands' constitutions and bylaws.

(2) **INTERIM GOVERNMENTS.**—Until such time as the Bands elect new officials pursuant to paragraph (1), the Bands' governing bodies shall be those governing bodies in place on the date of the enactment of this Act, or any new governing bodies selected under the election procedures specified in the respective interim governing documents of the Bands.

Approved September 21, 1994.

LEGISLATIVE HISTORY—S. 1357:

HOUSE REPORTS: No. 103-621 (Comm. on Natural Resources).

SENATE REPORTS: No. 103-260 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 140 (1994):

May 25, considered and passed Senate.

Aug. 3, considered and passed House.

APPENDIX H
(National Geographic Map)

MEGASTRUCTURES WEEK BEGINS SUNDAY, 19 SEPTEMBER, ON NATIONAL GEOGRAPHIC CHANNEL

NATIONALGEOGRAPHIC.COM/MAGAZINE

SEPTEMBER 2004

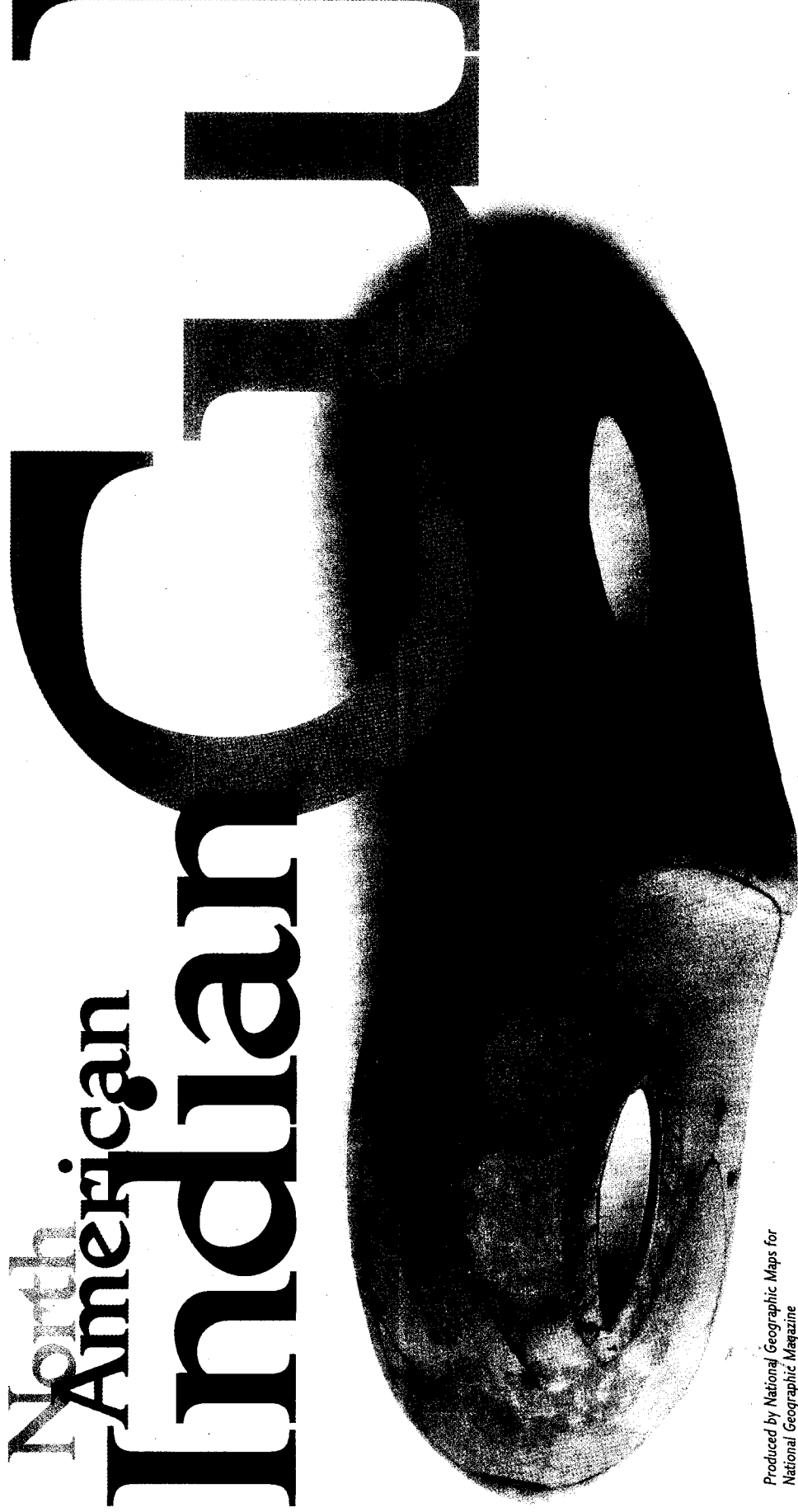
NATIONAL GEOGRAPHIC

GLOBAL WARNING

BULLETINS FROM A WARMER WORLD

The New Face of the American Indian 76 Badgers With Attitude 96
Treasure From a Civil War Wreck 108 ZipUSA: Schooled in Tradition 128
PLUS Supplement Map: Indian Country

North American Indian

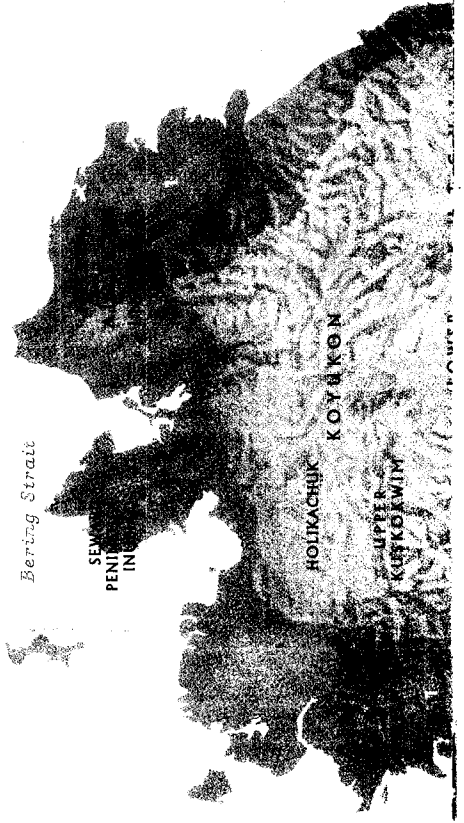


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NATIONAL GEOGRAPHIC

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Washington, D.C., September 2004

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by Abenaki storyteller Joseph Bruchac—
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N. SCOTT MOMADAY
Since winning the Pulitzer Prize for fiction in 1969 for *House Made of Dawn*, the Kiowa novelist has seen his work published around the world.



JOE DE LA CRUZ
In 1971 he blocked loggers from Quinalt lands in Washington State to protest U.S. land-use policies. He later became a national voice for Indian rights and interests.



WILMA MANKILLER
Her family was involved in the 1969 Indian occupation of Alcatraz. She was later elected first female principal chief of the Cherokee Nation, holding office from 1985 to 1995.



VINE DELORIA, JR.
An advocate of Indian self-determination, the Lakota teacher, lawyer, and activist has written and lectured on Indian politics and environmental issues since the 1960s.

INDIAN JACKPOT

In 1988 Congress passed a bill allowing tribes to offer gambling under certain conditions. Today 377 Indian casinos support 400,000 jobs and generate about 15 billion dollars in annual revenue—compared with 9.5 billion for all Nevada's casinos combined. Among the most successful: the Mashantucket Pequot's Foxwoods complex in Connecticut, which boasts the world's biggest casino.

WE ARE MANY

New York City counts more Indian residents than any other U.S. city, with some 87,000 people claiming full or partial ancestry. Nationwide the 2000 census recorded 2.47 million people who declared American Indian or Alaska Native as their only race—a 26 percent increase since 1990. An additional 1.6 million said they were part Indian.



APPENDIX I

Resolution of the Grand River Bands of Ottawa Indians, June 18, 2002

Whereas, the Grand River Bands of Ottawa Indians (the "Tribe") is composed of descendants of, and is the political successor to, signatories of the 1795 Treaty of Greenville, 1807 Treaty of Detroit, the 1821 Treaty of Chicago, the 1836 Treaty of Washington, and the 1855 Treaty of Detroit.

Whereas, the Little Traverse Bay Band of Odawa Indians, Little River Band of Ottawa Indians, Grand Traverse Band of Ottawa and Chippewa Indians, the Sault Ste. Marie Tribe of Chippewa Indians, and the Bay Mills Indian Community, whose members are also descendants of the signatories to the 1836 Treaty of Washington and the 1855 Treaty of Detroit, have been recognized by the Federal Government as distinct Indian Tribes.

Whereas, the Grand River Bands of Ottawa Indians, consists of at least 1,000 enrolled members who continue to reside close to their ancestral lands in the Grand River Valley and other river valleys in the west central region of Michigan.

Whereas, the Tribe filed for reorganization of their existing tribal governments in 1935 under the Act of June 18, 1934 (25 U.S.C. et seq.; commonly referred to as the "Indian Reorganization Act"). Federal agents who visited the Tribe including Commissioner of Indian Affairs John Collier, who authored the Act, attested to the continued social and political existence of the Tribe and concluded that the Tribe was eligible for reorganization. Due to a lack of federal appropriations to implement the provisions of the Act, the Tribe was denied the opportunity to reorganize.

Whereas, in spite of such denial, the Tribe continued its political and social existence as a viable tribal government that interacts on a continuing basis with other tribal governments. The Grand River Bands of Ottawa Indians, along with other Michigan Odawa/Ottawa groups including the tribes described in Paragraph (2), formed the Northern Michigan Ottawa Association in 1948. The Association subsequently pursued a successful land claim with the Indian Claims Commission.

Whereas, between 1948 and 1975, the Tribe carried out many of its governmental functions through the Northern Michigan Ottawa Association, while retaining individual tribal control over decisions affecting its members (Grand River Bands of Ottawa Indians in Indian Claims Commission Docket 40-K, one-quarter or more degree blood quantum).

Whereas, in 1975, the Northern Michigan Ottawa Association petitioned under the Act of June 18, 1934 (25 U.S.C. 461 et seq.; commonly referred to as the "Indian Reorganization Act"), to form a government on behalf of the Grand River Bands of

Ottawa Indians and other Bands of Ottawa. The Bureau of Indian Affairs failed to act on their request.

Whereas, the Grand River Bands of Ottawa Indians is the only Ottawa treaty tribe in Michigan that has not been restored to recognition.

Whereas, the United States Government, the Government of the State of Michigan, and local governments have had continuous dealings with the recognized political leaders of the Grand River Bands of Ottawa Indians from 1795 to the present.

Whereas, the Tribe filed a completed petition to the Branch of Acknowledgment and Research at the Bureau of Indian Affairs on December 8, 2000 requesting recognition as a federal tribe with a government to government relationship with the United States and having the benefit of the trust obligations of the United States that is owed to American Indian tribal governments.

Whereas, the Tribe has received no reply or response from the BAR as to the status of their petition.

Whereas, the United States holds several million dollars in trust for the Tribe under the Michigan Indian Land Claims Settlement Act, P.L. 105-143 (111 Stat. 2652) for tribal operations, programs and distributions to members.

Whereas, if recognition is not accomplished, the money will be paid to individuals who are descendants of the treaty tribes and no funds will be available for the Tribe's government operations; and

Whereas, the State of Michigan intends to bring a claim against Michigan Indian Tribes relating to inland hunting and fishing treaty rights under the 1836 Treaty of Washington. The GRBOI, the modern successor to the historic tribe that was signatory to the treaty, will not be eligible to participate in such lawsuit to protect its vested and legal treaty rights until recognition is established, even though its rights derive from the same treaty as the other recognized Michigan tribes who will be party to the lawsuit.

Whereas, the Tribe cannot intervene in cases involving the welfare and custody rights of its children under the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.); and,

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Whereas, the Tribe is being denied the right to repatriate the remains of ancestors under the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001) and to protect their sacred sites because they are not yet federally recognized;

Now, therefore, be it hereby resolved that,

The Tribe request the Congress to enact legislation directing the Department of the Interior through its Bureau of Indian Affairs' Branch of Acknowledgment and Research to complete final action on the petition of the Grand River Bands of Ottawa Indians by no later than December 8, 2005, and

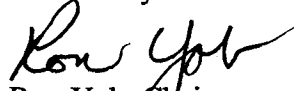
The Tribe shall request the United States Congress to grant the Grand River Bands of Ottawa Indians the right to intervene in any lawsuit in any federal court that involves its treaty rights; and

The Tribe shall request the United States Congress to direct federal agencies that Grand River Bands of Ottawa Indians be considered a federally recognized tribe for purposes of NAGPRA and any other federal laws designed to protect the sacred sites and religious freedoms of Native Americans.

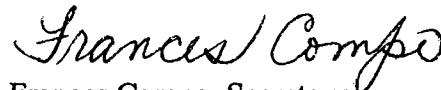
The Tribe shall request the United States Congress to allow the Grand River Bands of Ottawa Indians to intervene in cases under the Indian Child Welfare Act that involve children of members of the Tribe.

This resolution was agreed to on the 18th of June, 2002 by conducting a telephone conference call of all available members of the Council of the Grand River Bands of Ottawa Indians, five members voting in favor and no members voting against and no members abstaining.

Attested by:



Ron Yob, Chairman
Grand River Bands of Ottawa Indians



Frances Compo, Secretary
Grand River Bands of Ottawa Indians

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Those present on the call were: Ron Yob, Chairperson; Gilbert DiPiazza Jr., Vice Chairperson; Patsy Beatty, Treasurer; Frances Compo, Secretary; Elmer Knox, Councilor, and Patrick Wilson, Councilor. Joseph Genia, Anna Detz and Phillip Cantu, Councilors, were not available for the call.