

March 2015

LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS

7500 Odawa Circle
Harbor Springs, MI 49740

TRIBAL RESOLUTION # 030515-01

Decommission and Safe Removal of Pipeline Running under
the Straits of Mackinac

- WHEREAS** the Waganakising Odawak, known as the Little Traverse Bay Bands of Odawa Indians, is a nation of citizens with inherent sovereignty and right to self-governance;
- WHEREAS** the Little Traverse Bay Bands of Odawa Indians (LTBB or Tribe) is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States, the most recent being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);
- WHEREAS** Tribal citizens have harvested fish in the Great Lakes for subsistence and commercial purposes since time immemorial. The Tribe's right of subsistence and commercial fishing reserved in Article 13 of the 1836 Treaty is of central cultural, social and economic significance to LTBB and its citizens, and the Tribe strives to protect the quality of the environment for future generations. The Preamble to the Constitution says "We will work together in a constructive, cooperative spirit to preserve and protect our lands, resources and Treaty Rights";
- WHEREAS** LTBB is a party to the case of *United States v. Michigan*, 2:73-CIV-26 (WD MI) in which the Tribe's fishing rights in the 1836 Treaty ceded portions of the Great Lakes were upheld, and it is a signatory to the 2000 Consent Decree entered in that case. The Straits of Mackinac lie at the heart of the Great Lakes waters ceded in the 1836 Treaty;
- WHEREAS** a network of petroleum product and natural gas pipelines of various ages and dubious integrity exist in the Great Lakes, including some that may be transporting diluted bitumen, as evidenced by the spill that occurred from an Enbridge Inc. pipeline in the Kalamazoo River watershed in 2010;
- WHEREAS** the Enbridge Inc. Line 5 extends through the 1836 Treaty ceded lands and waters of Michigan and beneath the Straits of Mackinac in an especially sensitive and vulnerable area;
- WHEREAS** the physical properties of diluted bitumen derived from tar sands petroleum deposits and any heavy petroleum products that sink in water are exceptionally

difficult to remediate when spilled in fresh water, and a spill of any petroleum products, heavy or otherwise, transported through Line 5 through the Straits of Mackinac would cause vast irreparable damage to the Treaty fishery;

WHEREAS the 2010 Kalamazoo River spill starkly demonstrates the inherent danger of transporting petroleum products through pipelines under fresh water;

WHEREAS the fact that the Straits of Mackinac freeze over for about 4 months per year make adequate year round monitoring of Line 5, or clean-up of a winter spill, impossible;

THEREFORE BE IT RESOLVED that to honor the Tribe's duty to protect the natural environment and its Great Lakes Treaty fishing rights, the portion of Enbridge Inc.'s Line 5 running under the Straits of Mackinac must be decommissioned and safely removed as soon as possible.

CERTIFICATION

As the Tribal Council Treasurer and Tribal Council Secretary, we certify that this Tribal Resolution was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on March 5, 2015 at which a quorum was present, by a vote of 8 in favor, 0 opposed, 0 abstentions, and 0 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Bill A. Denemy	<u>X</u>			
John W. Keshick III	<u>X</u>			
Beatrice A. Law	<u>X</u>			
Michael J. Naganashe	<u>X</u>			
Aaron Otto	<u>X</u>			
Winnay Wernigwase	<u>X</u>			
Julia A. Shananaquet	<u>X</u>			
Marcella R. Reyes	<u>X</u>			

Date: 03-12-15

Marcella R. Reyes
Marcella R. Reyes, Treasurer

Date: 03-06-15

Julia Shananaquet
Julia A. Shananaquet, Secretary

Received by the Executive Office on 3/12/15 by [Signature]

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date: 3-19-15

Regina Gasco Bentley
Regina Gasco Bentley, Tribal Chairperson