



# The Grand Traverse Band of Ottawa and Chippewa Indians

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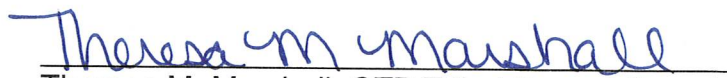
## Certification of Tribal Council Action Regular Session of March 20, 2024

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

### Rights of Nature Resolution

Motion made by Tribal Council Member Frankenberger and Supported by Tribal Council Secretary Marshall to post Resolution #24-42.3652, along with the translation, for 60 days for comment.

5-FOR; 0-AGAINST; 1-ABSENT (Rohl); 0-ABSTAINING  
**Motion Carries**

  
Theresa M. Marshall, GTB Tribal Council Secretary

CC: GTB NRD

# 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: Rights of Nature Resolution

Requested/Presented by: GTB NRD

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: 3/20/24      Date: \_\_\_\_\_      Date: \_\_\_\_\_

### Placement on Agenda:

Unfinished Business       New Business       Closed Session

### Action Requested:

Approval by Motion       Information Only  
 Resolution Approval # 24-42.3652       Other (please specify)

Was a Work Session held for this Agenda Request? Yes (date) 03/15/24       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: Request for motion to approve Resolution # 24-42.3652 recognizing the rights of nature

Outcome Requested: Motion to approve Resolution # 24-42.3652 for 30 day posting.

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

Signatures: [Signature]      Date: 3/15/24

Supervisor: \_\_\_\_\_      Date: \_\_\_\_\_

Division Manager: \_\_\_\_\_      Date: \_\_\_\_\_

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

Tribal Manager: \_\_\_\_\_      Date: \_\_\_\_\_

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 2/15 TMO  
GTB Forms\Tribal Council\ Tribal Council Agenda Request Form

**PREAMBLE TO RIGHTS OF NATURE RESOLUTION**

**Translation to English**

**As drafted by Nurturing the 8<sup>th</sup> Fire on March 19, 2024**

Ka maaj taa mi jimiigwechiying Gzhemnidoo giye shkikimi-kwe giimiin gowing kina gegoo menezizing jimina bimaadizing. Miigwech Gnokomisnaanig miiniwaa Gmishoomsinaanig zhaazhigo gaamaajaajig giimaandookiwaad gbimaadiziwin. Miigwech kina gaaniniigaaniijig Giizhinoo moowyiayang gdinaadiziwin. Nongo mompii miiniwaa niigan nikeyaa nimaajiidoodaa maanda gdinaadiziwin njsa geyaabi waabiyaajig

***We will begin by thanking the Creator and Mother Earth for all that we need to live a healthy life. Thank you Grandmothers and grandfathers that have already passed on for sharing their lives with us. Thank you to our ancestors for showing us our ways. Today here, and forever into the future, let us carry on our ways for the next generation.***

Gchi Miigwech Gzhemnidoo, Gchi-miigwech gii-miizhyaang Maanda sa biimaadziwin wiidookwishin ji namaayaang Gwayak ji bmooseyaang. Miigwetch giye shkikimi-kwe gii-miizhyaang bmaadizowin, gii-miizhyaang mijim, gii-miizhyaang nbiish, gii-miizhyaang wesiinhyig miinwwa gii-miizhyaang nesewin. Nikeyyaa, Waabanong, Zhaawanong, Nigaabewanong, Giiwedionong, Kiinwaa nemdibiyek

***Thank you Great Spirit thank you for giving us this life. Work with us and help us pray to walk a straight life. In the direction, east, south, west, north all those who sit in these directions.***

Pane niigaan naabiyng nji-sa giyaabi waa-bi-yaajig, gmakowewndaanaanin gaa-zhi giikimigoowing nji-sa ghzheminidoo: Gda'aanaa gishkiweziwin ji-gnowendimong, jikoowaabndamang miiniwaa ji-aabiji-toowing kina bimaadiziwin.

***Always looking ahead for our future generations, we remember our instructions from the Creator: We have the responsibility to protect, nurture and preserve all life.***

## PREAMBLE TO RIGHTS OF NATURE RESOLUTION

Ka maaj taa mi jimiigwechiying Gzhemnidoo giye shkikimi-kwe giimin gowing kina gegoo meneziying jimina bimaadiziying. Miigwech Gnokomisnaanig miiniwaa Gmishoomsinaanig zhaazhigo gaamaajaajig giimaandookiwaad gbimaadiziwinaa. Miigwech kina gaaniniigaaniijig Giizhinoo moowyiyaang gdinaadiziwininaa. Nongo mompii miiniwaa niigan nikeyaa nimaajiidoodaa maanda gdinaadiziwininaa njisa geyaabi waabiyaajig.

Gchi Miigwech Gzhemnidoo, Gchi-miigwech gii-miizhyaang Maanda sa biimaadziwin wiidookwishin ji namaayaang Gwayak ji bmooseyaang. Miigwetch giye shkikimi-kwe gii-miizhyaang bmaadizowin, gii-miizhyaang mijim, gii-miizhyaang nbiish, gii-miizhyaang wesiinhyig miinwwa gii-miizhyaang nesewin. Nikeyyaa, Waabanong, Zhaawanong, Nigaabewanong, Giiwedionong, Kiinwaa nemdibiyek.

Pane niigaan naabiyng nji-sa giyaabi waa-bi-yaajig, gmakowewndaanaanin gaa-zhi giikimigoowing nji-sa ghzheminidoo: Gda'aanaa gishkiweziwin ji-gnowendimong, ji-koowaabndamang miiniwaa ji-aabiji-toowing kina bimaadiziwin.

## **TRIBAL COUNCIL RESOLUTION**

Resolution # 24-42.3652

**WHEREAS:** The Grand Traverse Band of Ottawa and Chippewa Indians (GTB) became federally-recognized as an Indian Tribe having a government-to-government relationship with the United States 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:** GTB has a full governmental Tribal Council consisting of David M. Arroyo, Tribal Chairman; Robert E. Kewaygoshkum, Vice Chair; Theresa M. Marshall, Secretary; Donna M. Swallows, Treasurer; Jane A. Rohl, Councilor; Brian S. Napont, Councilor; Tina A. Frankenberger, Councilor; and

**WHEREAS:** Article IV, Section (1)(a) of the Tribal Constitution provides that a power of the Tribal Council is “[t]o promote and protect the health, education, and general welfare of the Band and its members;” and

**WHEREAS:** Article IV, Section (1)(h) of the Tribal Constitution provides that a power of the Tribal Council is “[t]o manage and control the economic affairs, enterprises, property, and all other interests of the Band;” and

**WHEREAS:** Article IV, Section (1)(j) of the Tribal Constitution provides that a power of the Tribal Council is “[t]o administer any funds within the control of the Band and to make expenditures from tribal funds for tribal purposes;” and

**WHEREAS:** the people of the Grand Traverse Band of Ottawa and Chippewa Indians are the Kchi Wiikwedoong Anishinaabek, we have lived upon this earth since the beginning of Creation; and

**WHEREAS:** as Anishinaabek, the Seven Grandfather Teachings guide us to live the Good Life: Mino-bimaadiziwin; as instructed by the Creator, we are responsible for protecting Kina-bimaadiziwin, the water, the earth, and all life above and below, spiritual and physical, (Nature) so that peace and balance may be maintained throughout Gaa-oshki-ozhichigaadeg (when everything was made new) for all past, present and future generations; and

**WHEREAS:** Article 13 of the 1836 Treaty of Washington stipulates in part [... “for the right of hunting on the lands ceded with the other usual privileges of occupancy...”] which was expressed and understood by our ancestors in our Indigenous language, Anishinaabemowin, to mean that we must preserve, protect, and nurture the water, the earth, and all life above and below, spiritual and physical for future generations; and

**WHEREAS:** the 1836 Ceded Territory encompasses 13,837,207 acres of the current land area of the State of Michigan in addition to the connecting waters of the Great Lakes region; and

**WHEREAS:** the Anishinaabek believe that all of our relatives, the water, the earth, and all life above and below, spiritual and physical have the inherent and intrinsic right to exist, naturally evolve and flourish; and

**WHEREAS:** the Rights of Nature is a new area of law that acknowledges these inherent and intrinsic rights and serves to empower and establish a legal mechanism to protect such rights; and

**WHEREAS:** the Tribal Council, in recognition of the human, industrial, and commercial impact on the environment, holds sacred their responsibility for protecting the water, the earth, and all life above and below, spiritual and physical, and for the continued exercise of Treaty Reserved Rights under the terms of the 1836 Treaty of Washington and corresponding 2007 and 2023 Consent Decrees entered under United States v. Michigan (WD MI Case 2: 73 CV 26); and

**NOW THEREFORE BE IT RESOLVED,** that the Grand Traverse Band of Ottawa and Chippewa Indians Tribal Council now carries forward the intentions of our ancestors by acknowledging the Rights of Kina-bimaadiziwin, all our relatives, the water, the earth, and all life above and below, spiritual and physical (Nature) throughout Gaa-oshki-ozhichigaadeg (when everything was made new) to exist, naturally evolve, heal, and flourish within the 1836 Ceded Territory and the Great Lakes region, to have a clean and healthy environment free from pollutants, to have a stable climate free from human-

caused climate change impacts; and to be free from contamination by genetically engineered organisms and invasive species.

**BE IT FURTHER RESOLVED**, that this resolution serves as written notice to the United States of America, the State of Michigan, and all other entities which threaten and endanger Kina-bimaadiziwin, water, the earth, and all life above and below, spiritual and physical that it has become necessary to provide a legal basis to protect the Rights of Kina-bimaadiziwin, water, the earth, and all life above and below, spiritual and physical (Nature) for the continuation of Anishinaabek Mino-bimaadiziwin for future generations.

**BE IT FURTHER RESOLVED**, that the Grand Traverse Band of Ottawa and Chippewa Indians Tribal Council will adopt an *ordinance* establishing Tribal law which will acknowledge and grant standing to Kina-bimaadiziwin, water, the earth, and all life above and below spiritual and physical in causes of action against entities inflicting harm in violation of the rights as established by this resolution.

**BE IT FURTHER RESOLVED**, that such an *ordinance* will detail the rights of the Grand Traverse Band of Ottawa and Chippewa Indians to protect Kina-bimaadiziwin, water, the earth, and all life above and below spiritual and physical, and to harvest plants, animals, fungus, medicines, and other provisions of the land for subsistence and commercial use based on the 1836 treaty.

**BE IT FURTHER RESOLVED**, that such an *ordinance* will detail the statements of law providing the prohibitions necessary to secure the rights of Kina-bimaadiziwin, water, the earth, and all life above and below spiritual and physical; the enforcement, liability, and damages provisions; and the effective date of the *ordinance (or other mechanisms as determined by Tribal Council)*.

**BE IT FURTHER RESOLVED**, that this resolution is not a waiver of the Grand Traverse Band of Ottawa and Chippewa Indian's sovereign immunity.

**APPROVED:** \_\_\_\_\_ **ADOPTED:** \_\_\_\_\_  
David M. Arroyo Theresa M. Marshall  
Tribal Chairman Secretary

#### CERTIFICATION

As Secretary of the Grand Traverse Band Tribal Council, I hereby certify that the above Resolution was approved and adopted at the Regular Session of the Tribal Council held on March 20, 2024 by a vote of \_\_\_\_ for, \_\_\_\_ against, \_\_\_\_ abstaining, and \_\_\_\_ absent.

**ATTEST:** \_\_\_\_\_  
Theresa M. Marshall, Secretary