

**Testimony of Gerald V. Chingwa, Chairman
Little Traverse Bay Bands of Odawa Indians**

**Opposition to Diversion of Great Lakes Waters
And our concern to the
Compromise of the diversion of Great Lakes Waters**

My name is Gerald V. Chingwa. I am the Chairman of the Little Traverse Bay Bands of Odawa Indians, with Tribal Headquarters located in Petoskey, Michigan.

As the Great Lakes are absolutely critical to our Tribe, we appreciate your efforts to protect them from degradation and diversion. From pre-European contact through the present, the members of the Little Traverse Bay Bands of Odawa Indians (hereafter "LTBB" or "Tribe") have relied on the Great Lakes for our subsistence and commercial livelihood, and transportation.

Given the importance of the Great Lakes to our way of life, we are gravely concerned that the compromise being considered between the State of Michigan and the United States regarding removal of water from the Great Lakes omits LTBB from the parties that determine the fate of these sacred waters. This compromise is referenced in the Traverse City Record Eagle on June 30, 2000. On June 27, 1999, our Tribe enacted its own Great Lakes Protection Statute (Waganakising Odawa Statute 1999010). Our overriding interest is stated in the preamble to that Statute which reads:

The Bands that make up the Little Traverse Bay Bands of Odawa Indians (LTBB or Tribe) historically resided in the Great Lakes Region in harmony with the natural environment since well before the arrival of Europeans. The Great Lakes, especially Lakes Michigan, Huron and Superior, have provided the Tribe with food, water, and transportation for hundreds of years. The central mission of the Tribal government stated in the Tribe's Constitution is "to provide for the perpetuation of our way of life and the welfare and prosperity of our people, to preserve the right of self government, and to protect our property and resources." Preserving the environmental quality of the Great Lakes and their resources for the present and future generations is absolutely essential to the Tribe. This Statute is enacted to help protect and preserve the Great Lakes ecosystem.

As stated in Section IV of that same Tribal Statute, any degradation or destruction of the Great Lakes violates our Treaty rights, the "supreme law of the land," and therefore violates Federal law:

Under Article VI of the United States Constitution, "all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding." LTBB was a party to numerous treaties with the United States including the 1836 Treaty of Washington, 7 Stat. 491, in

which the Tribe reserved the right to utilize Great Lakes resources for subsistence and commercial purposes. Federal Courts have upheld the continued vitality of this Treaty right. Degradation and destruction of the Great Lakes ecosystem constitutes an unauthorized limitation or negation of this Treaty right. Any such degradation or destruction therefore violates the "supreme law of the land."

Any drilling, sale or diversion which has the potential for impacting the waters of Lakes Michigan, Superior or Huron ceded by the 1836 Treaty of Washington would violate Federal law and Tribal law, and LTBB will take any appropriate and necessary action to prevent such activity including seeking Federal prosecution therefore.

LTBB's sovereign status, its critical interest in preservation of the Great Lakes, and the fact that any action that negatively impacts the Great Lakes violates the 1836 Treaty, which is part of the "supreme law of the land," make it imperative that LTBB be a part of any decision making process that could result in loss of Great Lakes waters.

LTBB has submitted its concerns regarding this issue to all Michigan members of the House and Senate and submits with this testimony: Little Traverse Bay Bands of Odawa Indians, **Waganakising Odawak Statute** 1999010, Protection of Great Lakes; **Resolutions from the Michigan Council of The People of The Three Fires**, Resolution No.00-8, Preventing the Diversion of Water From the Great Lakes and Resolution 00-1, Protection of the Great Lakes; **Resolution from the Midwest Alliance of Sovereign Tribes**, Resolution No. ***** *Title*. Finally, the Little Traverse Bay Bands of Odawa Indians with four other Federally Recognized Michigan Tribes, each signatories to the 1836 Treaty of Washington and Intervening plaintiffs with the United States of America vs. State of Michigan et al, engaged in extensive mediated negotiations to resolve differences concerning allocation, management, and regulation of fishing in 1836 Treaty waters. The negotiations resulted in a Consent Decree and related documents detailing how fishing in 1836 Treaty waters will be allocated, managed, and regulated by the parties for the next twenty years. The Decree sets forth provisions to address Federal, State and Tribal management and allocation concerns. "**1836 Treaty waters**" mean all waters of Lake Michigan, Lake Huron, Lake Superior and connecting waters, which are within the area ceded in Article First of the Treaty of March 28,1836,7 Stat. 491.

This concludes my testimony at this time and I thank you for your attention and concern to this great issue facing our great states and nations. June 14,2001.