



The Grand Traverse Band of Ottawa and Chippewa Indians

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June 11, 2008

The Honorable Jennifer M. Granholm
Governor of the State of Michigan
Executive Office
Romney Bldg, 2nd Floor
111 S Capitol Avenue
Lansing, MI 48909

Dear Governor Granholm:

Last year when Governor Richardson suggested that waters of the Great Lakes are up for grabs, you were quoted as saying: "Hell no! That's my response." An equally forceful response should be made to the Legislature's current effort to abrogate the public trust doctrine.

Protection of our state's public waters must not be compromised. Please join Governors Milliken and Blanchard in educating Michigan's citizens (and legislators) about the importance of preserving the public trust doctrine.

Moreover, on November 2, 2007 a Consent Decree was filed in the *United States, et al. v. Michigan, et al.* litigation pending in the United States District Court for the Western District of Michigan (File No. 2:73-CV-26) that confirms this Tribe's Treaty-reserved right to fish in inland rivers and streams within the 1836 cession area. This fishing right is a property right protected by the United States Constitution. *Grand Traverse Band of Ottawa and Chippewa Indians v. Director, Michigan Dep't of Natural Resources*, 971 F. Supp. 282, 288-91 (W.D. Mich. 1995), *aff'd*, 141 F.3d 635, 638-41 (6th Cir. 1998), *cert. denied*, 454 U.S. 1124 (1998). The proposed legislation allowing water withdrawal from rivers, streams and groundwater based on percentage reductions of "thriving fish populations" would amount to an unconstitutional taking of the Tribe's property right in fish resources of rivers and streams. If enacted, this legislation also would be a fundamental breach of the agreement embodied within the Consent Decree, and therefore would enable the 1836 Treaty Tribes to reconsider concessions regarding commercial harvests and netting of inland lakes and streams.

We urge you to insist that the Legislature:

- (1) approve the Great Lakes Compact as "stand alone" legislation without enacting the companion legislation authorizing "privatization" of Michigan's water for commercial purposes; and
- (2) amend the 2006 legislation banning diversion of Great Lakes water by removing the "product" exemption.

Sincerely,

Robert Kewaygoshkum
Tribal Chairman