

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION**

UNITED STATES, et al.,

Plaintiffs,

v.

STATE OF MICHIGAN, et al.,

Defendants.

Case No. 2:73-cv-26

HONORABLE PAUL L. MALONEY

**MOTION OF THE SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS
TO EXTEND 2000 CONSENT DECREE**

For the reasons set forth herein, Plaintiff Sault Ste. Marie Tribe of Chippewa Indians (“Sault Tribe”) asks this Court to extend the current Great Lakes Consent Decree (ECF No. 1458) for ninety (90) days, until December 29, 2022, to allow the parties to negotiate the successor Decree in a fair-handed way that protects the Sault Tribe’s treaty fishing rights.

1. On June 28, 2022, pursuant to the parties’ unanimous motion seeking an additional extension of the 2000 Consent Decree (ECF No. 1962), the Court extended the Consent Decree until September 30, 2022, to allow the parties time to finalize negotiation and memorialization of a successor decree. ECF No. 1963. Since the Court granted the extension request, the parties to the Consent Decree have been working diligently through in-person negotiations in an effort to reach consensus; however, successor decree provisions critical to the Sault Tribe’s exercise of its treaty fishing rights remain to be negotiated.

2. On August 6, 2022, in an effort to invite negotiation and achieve resolution, the Sault Tribe submitted its proposal to the State of Michigan setting forth its position on specific outstanding issues still to be negotiated. The Sault Tribe and the State of Michigan met in person to discuss these issues on August 11, 2022, at which time the State of Michigan declined to engage in meaningful negotiations on the outstanding issues. To date, the Sault Tribe has not received any further response from the State. The Sault Tribe has continually negotiated in good faith with all the parties; but such stonewalling by the State makes progress impossible.

3. Moreover, on August 31, 2022, the Sault Tribe was informed by the mediator that the other parties intend to exclude the Sault Tribe from further drafting sessions. Despite the Sault Tribe's repeated objections to being excluded from discussions, it appears that the other parties have, indeed, since excluded the Sault Tribe from discussions about the draft agreement. Most recently, an in-person, all-party meeting previously scheduled for September 7th and 8th was canceled over the Sault Tribe's objection.

4. As evidenced by its attendance at all negotiations meetings since the Court's June 28, 2022 extension of the Consent Decree -- three multi-day in-person meetings, eight all-party Decree drafting sessions, and six tribal-federal attorney meetings -- the Sault Tribe is more than willing to negotiate outstanding issues; however all of the parties, including the State, must be willing to engage in negotiations and make concessions if such negotiations are to be meaningful.

5. Accordingly, in a final effort to resolve Consent Decree matters short of litigation, Plaintiff Sault Tribe herein respectfully asks this Court to extend the current Consent Decree until December 29, 2022, in order to give the State another chance to respond to Sault Tribe's proposal and for all the parties to work with the Sault Tribe to reach consensus. Plaintiff requests this

extension not for purposes of delay, but so that the Sault Tribe has a full and fair opportunity to protect its treaty fishing rights.

Respectfully submitted this 16th day of September, 2022.

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s/ Linda F. Cooper _____

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