



Little River Band of Ottawa Indians
2608 Government Center Dr.
Manistee, MI 49660

**Moved to
Open Session
06/17/15**

Resolution #14-0305-059

Authorizing Tribal Council to Solicit Bids for the Removal of Trap Nets from Tribal Fishing Waters

WHEREAS, the status of the *Gaá Čhing Ziibi Daáwaa Anishinaábek* (Little River Band of Ottawa Indians) as a sovereign and a treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribe adopted amendments to the Constitution on April 26, 2004, which became effective upon approval by the Assistant Secretary-Indian Affairs on May 13, 2004; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) of the Constitution to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members; and

WHEREAS, Tribal Council is aware that tribally-licensed fishermen placed fishing trap nets in Lake Michigan under permits from the Tribe during the 2013 fishing season; and

WHEREAS, those nets have been determined to be abandoned after being left unattended for more than fourteen (14) consecutive days pursuant to Tribal Regulations; and

WHEREAS, Tribal Council must act to protect the health and safety of Tribal Members and abandoned nets pose a risk to the health and safety of Tribal fishers and local community members; and

WHEREAS, the Tribe has assumed obligations as an intervening plaintiff pursuant to the a Consent Decree entered on August 8, 2000, in *Michigan v United States*, Case Number 2:73 CV 26 in the Federal District Court for the Western District of Michigan to take responsibility for the actions of fishermen taken under its licensing regulations; and

WHEREAS, the Tribe has assumed obligations pursuant to its membership with the Chippewa Ottawa Resource Authority by adopting regulations and assuming responsibility for the actions of fishermen taken under its licensing regulations in; and

WHEREAS, the abandoned fishing trap nets pose a serious and immediate health and safety risk to Tribal Members and the general public; and

WHEREAS, the abandoned fishing trap nets are in a continuing and ongoing violation of Tribal Law; and

WHEREAS, the Tribe's Natural Resource Department lacks the physical equipment necessary to remove the nets and past efforts to assign this responsibility have failed.

NOW THEREFORE IT IS RESOLVED that Council authorizes the solicitation of bids for the removal of the abandoned nets, and further authorizes a sole source contract if necessary.

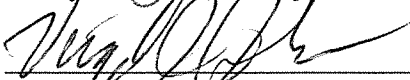
IT IS FURTHER RESOLVED that any contract shall require approval by Tribal Council, and shall be funded from remaining Consent Decree funds.

IT IS FINALLY RESOLVED that Tribal Council delegates to the Public Safety Department the responsibility to oversee and manage the removal of the nets, and asks that the Department keep it informed of the progress once the removal dates are established.

CERTIFICATION OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 8 FOR, 0 AGAINST, 0 ABSTAINING, 1 ABSENT, at a Little River Band of Ottawa Indians Tribal Council Regular Closed Meeting held on March 5, 2014 at the Government Center in Manistee, Michigan, with a quorum being present for such a vote.


Sandy Mezeske, Council Recorder


Virgil Johnson, Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Natural Resource Department
Natural Resource Commission