Resolution #14-0319-069

Ratification of subcontract with Inter-Tribal Fisheries Assessment Program (ITFAP), Sault Ste. Marie Tribe of Chippewa Indians for Biological Services in FY 2014

WHEREAS, the status of the Gaá Čhíŋ Ziibí Daáwaa Aníškinaábe (Little River Band of Ottawa Indians) as a sovereign and 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) to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members; and

WHEREAS, the Tribal Council is vested with the authority, under Article IV, Section 7(b), to ratify contracts to be entered into by the Tribe; and

WHEREAS, the Tribal Council has received a contract from the Natural Resource Department; and

WHEREAS, the contract has been reviewed, edited and approved by Legislative Legal; and

WHEREAS, the Chippewa Ottawa Resource Authority ("CORA") was established by the five Bands/Tribes who are parties to United States v Michigan to administer the intertribal protection, management and regulation of the fish, wildlife and other natural resources within the area ceded under the 1836 Treaty;

WHEREAS, the CORA-member Bands/Tribes, together with the United States, are signatories to a Consent Decree settling the Great Lakes fisheries portion of the United States v Michigan [2:73-CIV-26 (W.D. Mich)] treaty rights litigation; and
WHEREAS, the 2000 Consent Decree includes terms and conditions which requires CORA and its member Bands/Tribes to carry increased roles and responsibilities with respect to the regulation, biological assessment, and enforcement of treaty fishing activities and protection of the Great Lakes' fishery resources; and

WHEREAS, the Tribe has received an appropriation of funds from the United States to assist the Tribe in carrying out its administrative, biological and enforcement responsibilities under the Consent Decree; and

WHEREAS, the Tribe's representatives to CORA have committed to subcontracting $46,400.00 to Inter-Tribal Fisheries and Assessment Program (ITFAP) to perform biological services in accordance with a statement of work defined in the subcontract; and

WHEREAS, the subcontract submitted to the Tribe by CORA is designed to accomplish the above purposes, which subcontract would be added to the Scope of Work included in the Tribe's Annual Funding Agreement with the Bureau of Indian Affairs.

WHEREAS, nothing in this Contract shall be construed to be a waiver of the sovereign immunity of the Little River Band of Ottawa Indians or any of its subordinate enterprises or entities and

WHEREAS, Venue for any dispute arising out of this Contract shall be the Little River Band of Ottawa Indians Tribal Court. This Contract, and any disputes arising out of this Contract, shall be governed by the laws of the Little River Band of Ottawa Indians.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes the Tribal Ogema to execute a subcontract for ITFAP with the Sault Ste. Marie Tribe of Chippewa Indians and to secure the services described in the subcontract presented and in an amount not to exceed $46,400.00.
CERTIFICATE 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, and 1 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on March 19, 2014, at the Government Center in Manistee, Michigan, with a quorum being present for such vote.

Sandy Mezeske, Tribal Council Recorder

Virgil Johnson, Tribal Council Speaker

Attest:

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