



Little River Band of Ottawa Indians

375 River Street
Manistee, MI 49660
(231) 723-8288

Resolution No. #02-0508-04

**Approving a Modification to the Fiscal Year 2002 Tribal Government
Operating Budget to Include a Supplemental Appropriation
in the Amount of \$50,000.00 from the U.S. v Michigan
Great Lakes Fisheries Trust Fund to Fund a Grant to the
Conservation Resource Alliance for Fish Habitat Restoration Projects
Below First Barrier Dams on Rivers/Streams**

WHEREAS, the Band's status as a federally-recognized Indian tribe was reaffirmed and restored by Congress pursuant to Public Law 103-324, 108 Stat. 2156 (25 U.S.C. §1300k et seq.)(hereinafter "Little River Act"); and

WHEREAS, the Band adopted a 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 Tribal Council, pursuant to Article IV, Section 7 (b) of the Constitution, has the power to authorize and ratify agreements and contracts negotiated by the Tribal Ogema; and

WHEREAS, the Natural Resource Commission, pursuant to Section IV.B.4. of the Natural Resource Commission Ordinance, is authorized to recommend to the Tribal Council, such actions as may be required to better protect and manage the natural resources within the Tribe's jurisdiction; and

WHEREAS, the Little River Band of Ottawa Indians is descended from, and is the political successor to, Grand River Ottawa Bands which were signatories of the 1836 Treaty of Washington (7 Stat. 491), as reaffirmed under P.L. 103-324, enacted on September 21, 1994; and

WHEREAS, the Little River Band of Ottawa Indians reserved certain territorial rights and other attributes of sovereignty under the 1836 Treaty. These treaty based rights were confirmed, in part, by United States v. Michigan, 471 F.Supp 192 (W.D. Mich. 1979); *affirmed*, 653 F.2d 277 (6th Cir. 1981); *certiorari denied*, 454 U.S.

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OCEANA, OTTAWA AND WEXFORD COUNTIES
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1124, 102 S.Ct. 971 (1981), and reaffirmed by P.L. 103-324 section 5, and are protected by the United States Constitution (Art. 1, §8, cl. 3 and Art. 6, cl. 2); and

WHEREAS, the Band has an interest in promoting the protection and enhancement of the water quality, fisheries, wildlife, forestry and free flowing characteristics of critical watersheds within the 1836 Ceded Territory; and

WHEREAS, the Tribal Council has previously authorized the Tribal Ogema to enter into certain partnership agreements with local watershed councils and their respective participation agreements, including the Conservation Resource Alliance; and

WHEREAS, the Conservation Resource Alliance has requested financial assistance from the Band to fund fishery habitat restoration projects on Bear Creek and other critical watersheds utilized by members of the Band and non-tribal citizens; and

WHEREAS, the Natural Resource Commission has, pursuant to NRC Resolution No. #02-0501-02, asked the Tribal Council to approve an allocation of \$50,000.00 from the *U.S. v Michigan* Great Lakes Fisheries Trust Fund to make a grant to the Conservation Resource Alliance to fund habitat restoration projects on critical watersheds within the 1836 Ceded Territory and within the Band's Reservations in Manistee and Mason Counties.

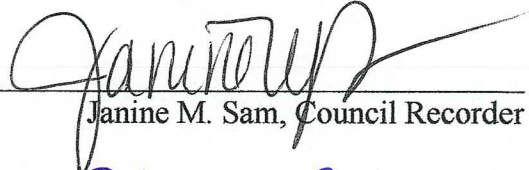
NOW THEREFORE BE IT RESOLVED, that the Tribal Council of the Little River Band of Ottawa Indians approves a Modification to the Fiscal Year 2002 Operating Budget for the Tribal Government to include a supplemental appropriation in the amount of \$50,000.00 from the *U.S. v Michigan* Great Lakes Fisheries Trust Fund to make a grant to the Conservation Resource Alliance to fund habitat restoration projects on critical watersheds within the 1836 Ceded Territory and within the Band's Reservations in Manistee and Mason Counties under the terms and conditions described below.

IT IS FURTHER RESOLVED THAT prior to making such grant to the Conservation Resource Alliance, the Tribal Ogema is directed to prepare a funding document, in consultation with the Natural Resource Commission, for execution by the Conservation Resource Alliance, which shall include the following terms and conditions: (a) use of funds shall be restricted to projects requested, or supported, by one of the six (6) local watershed councils in which the Band participates; (b) no more than ten percent (10%) of grant funds may be used for costs associated with administration of restoration projects, with the balance of funds targeted to actual restoration work; (3) grant funds must be utilized for restoration projects located on stream which are tributaries of the Great Lakes and on stream segments below first barrier dams; and (4) the Conservation Resource Alliance shall provide a report on restoration projects funded and the use of grant funds.

IT IS FINALLY RESOLVED THAT the Tribal Council authorizes the Tribal Ogema, or in the absence of the Tribal Council Speaker, to forward grant documents which have been approved by the Natural Resource Commission, to the Conservation Resource Alliance for execution by representatives of the Alliance.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 6 FOR, 3 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on May 8, 2002, at the Little River Band Community Center in Manistee, Michigan, with a quorum being present for such vote.


Janine M. Sam, Council Recorder


Stephen Parsons, Council Speaker

Attest:

Presentation of Resolution Approving Budget Modification and Appropriating Tribal Funds to Tribal Ogema:


Pursuant to Article V, Section 5(a)(6) and Section 5(c) of the Tribal Constitution, the foregoing Resolution approving budget modification and appropriating Tribal funds has been presented to the Tribal Ogema by the Tribal Council Recorder for his/her approval.

Date delivered to Tribal Ogema: 5/13/02

Signature of Council Recorder: 

Action by the Tribal Ogema: ☒ Approved ☐ Disapproved (attach comments)

Date: 5/13/02

Signature of Ogema: 

Distribution: Council Records
Tribal Ogema (cc: Accounting Dept. & External Relations - Grants & Contracts)
Legal Department
Natural Resource Commission
Conservation Resource Alliance