

Little River Band of Ottawa Indians

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

Resolution # 05-0223-89

*Authorizing the Tribal Ogema to Present Tribal Position at Settlement Conference Regarding
Manistee Saltworks Development Corporation v. City of Manistee on March 2nd*

WHEREAS, the status of the *Gaá Čhíng Ziibi Daáwaa Aníshinaábek* (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 authorized the Ogema to participate in the permit application to oppose authorization to build a 425 mega-watt coal-fired power plant at a site located within the Tribe's 1836 Reservation as a result of the negative environmental impact within the Reservation and for many miles around the Reservation, including Lake Michigan; and

WHEREAS, the Ogema has participated in Public Hearings and discussion with local community groups which ultimately resulted in rejection of the permit application; and

WHEREAS, Manistee Saltworks Development Corporation has filed a civil complaint against the City of Manistee in which Manistee Saltworks Development Corporation seeks, among other remedies, injunctive relief requiring the City to grant it a Special Use Permit authorizing the construction of the power plant; and

WHEREAS, the Tribal Council authorized intervention to be included as a named defendant for the limited purpose of assisting the City of Manistee in defending the claims brought by Manistee Saltworks Development Corporation and to protect the Tribe's sovereign and proprietary interests in protecting the Reservation environment in any settlement or judgment;

WHEREAS, the Tribal Council has participated in discussions with officials from the City of Manistee, and received updates regarding the progress of the litigation and finds that attendance at the settlement conference scheduled for March 2nd is required in order to maintain our interests and participation in the litigation; and

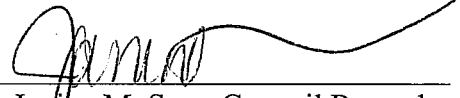
WHEREAS, the Tribal Council has been made aware of the need to identify potential settlement authorization for the Tribe's representative and after discussion with the legal counsel representing the Tribe has determined an appropriate authorization level which protects the Tribe's interests in the litigated activity;

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby directs that the Ogema shall attend the settlement conference scheduled for March 2, 2005 and shall be authorized settlement authority to the limits designated in the confidential settlement letter, dated February 22, 2005.

IT IS FURTHER RESOLVED THAT the Tribal Council authorizes the preceding settlement authority for purposes of the court ordered settlement conference only and that any deviation from the strict limits set forth in the February 22, 2005 confidential settlement letter will require ratification by the Tribal Council.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 7 FOR, 0 AGAINST, 0 ABSTAINING, and 2 ABSENT, at a Regular Closed Session of the Little River Band of Ottawa Indians Tribal Council held on February 23, 2005, at the Little River Band's Conference Room in Manistee, Michigan, with a quorum being present for such vote.



Janine M. Sam, Council Recorder



Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Tribal Court