

## Little River Band of Ottawa Indians

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

### Resolution # 05-0907-426

*Authorizing Execution of Document Granting an Easement to the  
Consumers Energy for Underground Electric Line to Serve  
The "Rainbow Bend" Property*

WHEREAS, the status of the *Gaá Čhing Ziibi Daáwaa Anišhinaábek* (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 under Article IV, Section 7(d) of the Constitution has the exclusive authority to approve any disposition or encumbrance of Tribal lands or interests in land; and

WHEREAS, the Natural Resource Department requires reliable electric service to ensure the continued success of sturgeon restoration work at facilities located on the Tribe's "Rainbow Bend" property within the 1836 Manistee Reservation; and

WHEREAS, representatives of the Tribe's Natural Resource Commission, in consultation with the Legal Department, have discussed the terms for an agreement under which the Consumers Energy would be granted an easement for a 10 foot wide strip of land for the purpose of entering Tribal lands to construct, operate and maintain an underground electric line on that property; and

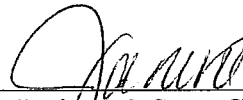
WHEREAS, the Tribal Council has determined that granting an easement to Consumes Energy for this purpose will promote resource protection and the interests of the Tribe; and

WHEREAS, the Tribal Council finds that this is an appropriate governmental activity;

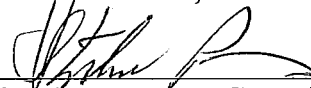
NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes execution of an easement granting Consumers Energy a perpetual easement allowing Consumers Energy the right to enter Tribal lands for the purpose of constructing, operating and maintaining a 10 foot wide easement for an underground electric line serving the Tribe's sturgeon rearing facility and other improvements on the Tribe's Rainbow Bend parcel.

**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, 0 ABSENT, and 1 VACANT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on September 7, 2005, at the Little River Band's Dome 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  
Natural Resource Department  
Consumers Energy