



## Little River Band of Ottawa Indians

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

### Resolution # 05-1015-519

#### *Ratifying a Contract with Jeff Battice to Remove 6-9 Untended Trap Nets from Lake Michigan*

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 is vested with the authority, under Article IV, Section 7(j), to take actions, not inconsistent with the Constitution, to carry out the legislative responsibilities, which include protection of the assets of the Tribe as identified in Article IV, Section 7(c); and

WHEREAS, the Tribal Council is aware of 6-9 untended trap nets, owned by the Tribe, placed in Lake Michigan by Tribal fisherman that require removal in order to avoid damage to municipal utilities, damage to boats, and dangers to charter fisherman; and

WHEREAS, the Tribal Council has identified the cost of removing these nets from a previously negotiated but not executed contract; and

WHEREAS, the Tribal Council, in order to protect the health and general welfare of the membership, general public, and the ability of the Tribe to continue to conduct its commercial fishing activities in a peaceful and professional manner, has determined that re-issuing and ratifying the contract is necessary in order to have the trap nets, which are Tribal property, removed from Lake Michigan;

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby ratifies the contract with Jeff Battice (Captain) to remove 6-9 untended trap nets from Lake Michigan no later than the last day of November at a cost of \$2,000 per net retrieved and returned to the Tribe. Such operations shall be conducted in cooperation and coordination with the Tribe's Conservation Enforcement Officer to provide assistance in locating the trap nets and to provide assistance as needed.

IT IS FURTHER RESOLVED THAT nothing in this Resolution shall -


1. constitute a waiver of the Tribe's sovereign immunity;
2. result in an employer-employee relationship between the Tribe and the captain, or the captain and the Conservation Enforcement Officer.

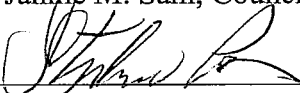
IT IS FINALLY RESOLVED THAT, the Captain is prohibited from retaining any fish captured in the trap nets and is not authorized to retain fish for personal or commercial use.

### CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 6 FOR, 0 AGAINST, 1 ABSTAINING, 1 ABSENT, and 1 VACANT, at a Regular Closed Session of the Little River Band of Ottawa Indians Tribal Council held on October 15, 2005, at the Little River Band's Conference Room in Manistee, Michigan, with a quorum being present for such vote.

Attest:

  
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Janine M. Sam, Council Recorder

  
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Stephen Parsons, Council Speaker

Distribution: Council Records  
Tribal Ogema  
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