

LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS  
7500 Odawa Circle  
Harbor Springs, MI 49740

TRIBAL RESOLUTION 021722-03

Authorizing Amendment to Agreement to Use and Occupy  
Unpatented Great Lakes Bottomlands for Private Purposes and Limited  
Waiver of Sovereign Immunity

- WHEREAS,** on September 25, 2008 the Little Traverse Bay Bands of Odawa Indians ("Tribe"), as grantee, and the Michigan Department of Environmental Quality, as grantor, entered into an Agreement to Occupy Unpatented Great Lakes Bottomlands for Private Purposes, which was recorded at Liber 1111 Page 320, Cheboygan County Records ("Agreement");
- WHEREAS,** the stated purpose of the Agreement is "to authorize the grantee to utilize the state-owned unpatented bottomland and waters over patented bottomlands for the private purpose of dockage for tribal commercial fishing, law enforcement, and biological research boats to assist tribal commercial fishers in engaging in Great Lakes treaty fishing activities pursuant to the 2000 Consent Decree or any valid successor agreement with the State of Michigan for the management of the fishery and for public viewing/fishing access and not for any other purposes."
- WHEREAS,** the dock that is subject to the Agreement is adjacent to and contiguous with property owned by the Tribe at 229 S. Huron, Mackinaw City, MI, as more fully described in the Agreement, which property the Tribe intends to transfer to the United States in trust for the Tribe ("Property");
- WHEREAS,** the Michigan Department of Environment, Great Lakes and Energy ("EGLE") is the successor to the Michigan Department of Environmental Quality;
- WHEREAS,** the Tribe intends that the Agreement remain in place after the United States accepts title of the Property in trust for the Tribe, that all duties, liabilities and obligations of grantee under the Agreement remain the sole responsibility of the Tribe, and that the United States incur no liability under the Agreement;
- WHEREAS,** an amendment to the Agreement to keep it in place after conveyance of the Property to the United States in trust and absolve the United States of any duties or liability will include a waiver of the Tribe's sovereign immunity solely to allow EGLE, and its successors, the right to enforce the Agreement in a federal or state court of competent jurisdiction to obtain any legal or equitable relief under applicable law;

**THEREFORE BE IT RESOLVED THAT:**

1. the Tribal Chairperson, by and on behalf of the Tribe, is authorized to sign an Amendment to Agreement to Use and Occupy Unpatented Great Lakes Bottomlands of Private Purposes; and
2. the Tribe expressly and irrevocably waives its immunity to suit for the limited purposes as stated in the Amendment.

**CERTIFICATION**

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Tribal Resolution was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on 02/17/22 at which a quorum was present, by a vote of \_\_\_ in favor, \_\_\_ opposed, \_\_\_ abstentions, and \_\_\_ absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Fred Kiogima	X			
Tamara Kiogima	X			
William Ortiz	X			
Aaron Otto	X			
Melissa Pamp	X			
Martin Van De Car	X			
Leroy Shomin	X			
Marcella Reyes	X			
Emily Proctor	X			

Date: 02.17.2022 Emily Proctor

Emily Proctor, Legislative Leader

Date: 02.17.2022 Marcella R. Reyes

Marcella Reyes, Tribal Secretary

Received by the Executive Office on 2.18.22 by Kil Oney

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date: 2-25-2022 Regina Gasco-Bentley

Regina Gasco Bentley, Tribal Chairperson

Received from the Executive on 2.28.2022 by [Signature]