

LITTLE TRAVERSE BAY
BANDS OF ODAWA INDIANS
TRIBAL COURT

ORDER AFTER HEARING

FILE NO.

H-033-1004
(Citation # 5116)

Court Address: 7500 Odawa Circle, Harbor Springs, MI 49740

(231)242-1461

THE PEOPLE OF THE
NATURAL RESOURCES DEPARTMENT
LITTLE TRAVERSE BAY BANDS OF
ODAWA INDIANS

V

Respondent's name, address, and telephone no.
Daniel Henry Shananaquet
105 State Street
Petoskey, MI 49770

This Court, having heard the testimony and arguments in this case, finds the following:

- (1) the nets in question were unattended;
- (2) the Respondent and EDC had a written contract between them regarding Respondent's operation of a tribally-owned trap net fishing operation;
- (3) the boat engine broke down and Respondent was directed not to run the boat;
- (4) the nets were tended as best they could be for a while by Respondent with the help of a fisherman of another tribe;
- (5) EDC was obligated by the contract to keep the boat maintained and in good repair;
- (6) EDC was trying to find the money to have the nets lifted by this other fisherman;
- (7) EDC bears at least equal responsibility for the circumstance that these nets were unattended; and
- (8) given such circumstances, this Court cannot find Respondent responsible by a preponderance of the evidence.

The CORA Regulations merely define "unattended nets" and forfeiture as a remedy. No where is there an express duty to attend nets or otherwise expressed a violation.

WHEREFORE, IT IS ORDERED THAT THIS MATTER BE DISMISSED

10/22/04

Date



Honorable Michael Petoskey, Chief Judge



Certificate of Service


I certify that a copy of the *Order After Hearing* was served upon the following party by first class mail at their last known address:

Daniel H. Shananaquet, Respondent
105 State Street
Petoskey, MI 49770

And by LTBB internal mail:

Doug Craven, Director
LTBB Natural Resources Dept

On this day October 25, 2004.


Linda C Harper, Court Clerk