



RESOLUTION NO: 2021-313

APPROVING AN AMENDMENT TO THE COVID-19 COMMERCIAL FISHER ASSISTANCE PROGRAM

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians (the "Tribe") is organized pursuant to the Constitution of the Sault Ste. Marie Tribe of Chippewa Indians; and

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WHEREAS, the Board of Directors has determined that the COVID-19 global pandemic and corresponding impacts to the national and local economy has and will continue to strain the financial resources of Tribal member fishers and the Tribe's fishing industry, necessitating the invocation of an assistance program to respond to the public health emergency and its negative economic impacts; and

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49783

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906.635.4969

WHEREAS, through Resolution 2021-296 the Board of Directors adopted the COVID-19 Commercial Fisher Assistance Program ("Program") which was funded with the Tribe's CARES Act Governmental Relief Funds; and

WHEREAS, the Board of Directors has determined it necessary to amend and supersede the prior Program to now fund the Program with the Tribe's American Rescue Plan Act State and Local Fiscal Recovery Funds to provide more effective assistance to eligible fishers who experienced negative economic impacts as a result of the COVID-19 public health emergency.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors approves the attached and amended COVID-19 Commercial Fisher Assistance Program materials attached hereto and incorporated herein by this reference.

Government Services

BE IT FURTHER RESOLVED, that the attached and amended COVID-19 Commercial Fisher Assistance Program materials shall replace and supersede the existing Program materials.

Membership Services

BE IT FURTHER RESOLVED, that the Program shall be funded with the Tribe's American Rescue Plan Act State and Local Fiscal Recovery Funds which are allocated through the existing administrative and budgeting processes of the Tribe.

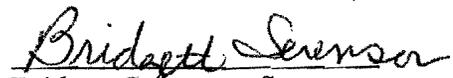
Economic Development Commission

BE IT FINALLY RESOLVED, that the Board of Directors reserves the right to amend the Program on an ongoing and as needed basis as additional guidance, funds, and needs arise.

CERTIFICATION

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 11 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 17 day of December 2021; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 9 members for, 0 members against, 1 members abstaining, and that said resolution has not been rescinded or amended in any way.


Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians


Bridgett Sofenson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

**SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS
COVID-19 COMMERCIAL FISHER ASSISTANCE PROGRAM
Policies and Procedures**

- 1. Purpose and Intent.** The Sault Ste. Marie Tribe of Chippewa Indians desires to establish a COVID-19 Commercial Fisher Assistance Program (“Program”) to provide emergency financial assistance to Tribal members engaged in commercial fishing operations to offset the negative economic impacts impacts related to COVID-19.
- 2. Finding of Need.** The Sault Ste. Marie Board of Directors has determined that this Program and the assistance provided thereunder are necessary to respond to and address the significant and unanticipated financial hardships facing commercial fishers such as loss of income due to closed fish markets, increased operating costs, and the economic shutdown and loss of employment caused by the COVID-19 public health emergency.
- 3. Eligibility.** Eligible commercial fishers are those who:
 - i. possessed a valid Tribally issued 2020 Captain or Helper license; or
 - ii. possessed a valid Tribally issued 2021 Captain or Helper license as of December 7, 2021; and
 - iii. experienced negative economic impacts as a result of the COVID-19 public health emergency while engaging in commercial fishing operations on Tribal waters (1836 Treaty area).
- 4. Program Funding.** The COVID-19 Commercial Fisher Assistance Program shall be funded from the Tribe’s American Rescue Plan Act State and Local Fiscal Recovery Funds that are allocated through the existing administrative and budgeting processes of the Tribe.
- 5. Program Procedures.**
 - A. Establishment of Grants.** To assist in alleviating the financial hardship associated with the COVID-19 pandemic, this Program shall make available one-time assistance grants in an amount of \$9,139.39 to eligible Captains and \$3,000.00 to eligible Helpers.
 - B. Issuance of Grants.** Upon adoption of these policies, notice shall be issued to the Tribal membership through all reasonable channels that provides information regarding the Program and the process for applying and receiving assistance grants.
 - i. Methods of Request:** Individuals wishing to receive an assistance grant under this Program must submit the attached Commercial Fisher Assistance Program Application (“Application”). The Application shall be made available in both hard copy and electronic formats. Applications may be submitted via email to the Fisheries Management Program or may be submitted in-person at the Fisheries Management Program office.

ii. **Approval:** Each Application shall be approved or denied by the Tribe's Fisheries Management Program.

iii. **Method of Issuance:** Upon a finding of eligibility, assistance grants made under this Program shall be issued via check sent by USPS mail. For assistance grants issued via USPS mail, the Tribal Accounting Department shall make all efforts to ensure issuance within a reasonable time.

C. Eligible Expenses.

i. Assistance provided under this Program to eligible applicants is to be exclusively used to address the negative economic impacts related to the COVID-19 public health emergency.

6. **Records.** The funds allocated and expended under this Program are considered to be federal financial assistance subject to the Single Audit Act (31 U.S.C. §§ 7501-7507) and the related provisions of the Uniform Guidance, 2 C.F.R. § 200.303 regarding internal controls, §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and Subpart F regarding audit requirements. The administrator of this Program shall account for funds in a manner sufficient to permit the preparation of accurate, current, and complete reports and the tracing of funds to a level of expenditures adequate to establish that such funds have been used as required under this Program.

7. **Confidentiality.** Any entity administering assistance under this Program shall take reasonable measures to safeguard protected personally identifiable information.

8. General Welfare Exclusion Act - Applicability.

A. Both the United States Congress, through its enactment of the Tribal General Welfare Exclusion Act of 2014, and the Internal Revenue Service ("IRS"), through its traditional application of the general welfare doctrine and subsequent guidance, have recognized the sovereign right of Indian tribal governments to provide financial assistance to its citizens under certain circumstances on a non-taxable basis.

B. It is the intent of the Tribe that all assistance provided under this Program is done so under the sovereign act of a legislative body under the General Welfare Doctrine.

C. The assistance authorized by this Program is intended to qualify for such favorable tax treatment under the General Welfare Doctrine to the fullest extent permitted at law including but not limited to IRS Code Section 139E, the IRS Safe Harbor Program, and the IRS General Test of General Welfare exclusion.

D. This Program is available to any individual who satisfies the program guidelines subject to budgetary restraints, does not discriminate in favor of members of the Board of Directors, is not provided as compensation for goods and/or services, and is not lavish or extravagant under the facts and circumstances.

E. In Revenue Procedure 2014-35, the IRS provided for safe harbor programs, including programs providing assistance to individuals in exigent circumstances, under which the IRS will conclusively presume that individual need is met for each member receiving the benefit. All assistance provided under this Program will be provided to individuals under exigent circumstances, and as such qualifies as a Safe Harbor Program and shall not require a showing of individual need or means testing in order to achieve non-taxable treatment.

**SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS
COVID-19 COMMERCIAL FISHER ASSISTANCE PROGRAM
Application**

Application Due by December 23, 2021

Name: _____ DOB: _____

Address: _____

Phone: _____ Email: _____

CHECK ONLY ONE BOX:

CAPTAINS I possessed a valid Tribally issued 2020 Captain license **OR** I possessed a valid Tribally issued 2021 Captain license as of December 7, 2021 **AND** I experienced negative economic impacts as a result of the COVID-19 public health emergency while engaging in commercial fishing operations on Tribal waters (1836 Treaty waters).

HELPERS I possessed a valid Tribally issued 2020 Helper license **OR** I possessed a valid Tribally issued 2021 Helper license as of December 7, 2021 **AND** I experienced negative economic impacts as a result of the COVID-19 public health emergency while engaging in commercial fishing operations on Tribal waters (1836 Treaty waters).

COVID-19 Negative Economic Impact Statement (Check All That Apply)

Please mark any negative economic impacts you have suffered as a result of the COVID-19 public health emergency:

- | | |
|---|--|
| <input type="checkbox"/> Loss of Income. | <input type="checkbox"/> Lost market opportunities. |
| <input type="checkbox"/> Limited ability to engage in fishing activity. | <input type="checkbox"/> Cost to self-quarantine. |
| <input type="checkbox"/> Increased operating and wage costs. | <input type="checkbox"/> Increase in cost of fishing supplies. |
| <input type="checkbox"/> Other (Please specify) _____ | |

I hereby certify that all information contained herein is true and correct and agree to fully comply with Program requirements. I acknowledge and agree that assistance provided in connection with this Application is to be used exclusively to meet expenses outlined in the Program policies which have been incurred because of COVID-19. I acknowledge that receipt of assistance under this Program may disqualify me from relief under existing state or federal programs, but shall not disqualify me for existing tribal assistance programs.

Signature

Date

Printed Name

For assistance completing the Application or questions regarding the Program, please contact the Fisheries Management Program at (906) 632-6132. Applications may be submitted via email to bsilet@saulttribe.net or may be delivered directly to the Fisheries Management Program office at 2428 Shunk Road, Sault Ste. Marie, MI 49783.

SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS
COVID-19 COMMERCIAL FISHER ASSISTANCE PROGRAM
NOTICE

To ensure that adequate resources are made available to address and respond to this global pandemic, the Board of Directors has established the Sault Tribe COVID-19 Commercial Fisher Assistance Program to provide emergency assistance grants to the Sault Ste. Marie Tribe of Chippewa Indian's commercial fishers who have experienced significant financial hardship through a loss of income due to closed fish markets and increased operating costs. This notice contains information regarding the Program and how to access its benefits.

ELIGIBILITY. Applicants are eligible if they meet the following criteria:

- 1) The commercial fisher possessed a valid Tribally issued 2020 Captain license **OR** a 2021 Captain license as of December 7, 2021 **AND** the commercial fisher experienced negative economic impacts as a result of the COVID-19 public health emergency while engaging in commercial fishing operations on Tribal waters (1836 Treaty area).

OR

- 2) The commercial fisher possessed a valid Tribally issued 2020 Helper license **OR** a 2021 Helper license as of December 7, 2021 **AND** the commercial fisher experienced negative economic impacts as a result of the COVID-19 public health emergency while engaging in commercial fishing operations on Tribal waters (1836 Treaty area).

AMOUNT. Eligible Captains will receive a one-time assistance grant of \$9,139.39 and eligible Helpers will receive a one-time assistance grant of \$3,000.00.

REQUESTING A GRANT. Individuals interested in a grant must submit a COVID-19 Fisher Assistance Program Application. Hard copies of the Application may be picked up and submitted to the Fisheries Management Program office at 2428 Shunk Road, Sault Ste. Marie, MI 49783 or may be submitted to bsilet@saulttibe.net. **Applications must be submitted by December 23, 2021.**

RECEIVING A GRANT. Grants shall be issued through a check delivered by USPS mail to the address listed on the Application as soon as reasonably possible after a request has been made. Please note that processing of these grants may take approximately one week from the time a completed Form has been received.

ELIGIBLE EXPENSES. Assistance provided under this Program to Tribal member fishers is to be exclusively used to address the negative economic impacts related to the COVID-19 public health emergency.

ASSISTANCE & QUESTIONS. For assistance completing the Application or questions regarding the Program please contact the Fisheries Management Program at (906) 632-6132.