Little River Band of Ottawa Indians
Tribal Council
2608 Government Center Dr.
Manistee, MI 49660
(231) 723-8288

Resolution #14-0423-115

Adopting amendments to the Natural Resource Commission Land Use/Camping Regulations

WHEREAS, the status of the *Gaá Čhing Ziibi Daáwaa Aníshinaábek* (Little River Band of Ottawa Indians) as a sovereign and a 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) of the Constitution 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 authorized under Article IV, Section 9(f) of the Constitution to create by ordinance regulatory commissions and to delegate to those commission the power to manage the affairs of the Little River Band; and

WHEREAS, the Tribal Council did by Ordinance #06-500-01 create the Natural Resource Commission to be a regulatory body and delegated to that Commission the power to oversee and regulate the use of the natural resources within its jurisdiction; and

WHEREAS, the Natural Resource Commission has recommended and approved amendments to regulations; and

WHEREAS, Tribal Council agrees and adopts the Natural Resource Commission's recommendations;

NOW THEREFORE IT IS RESOLVED that the Tribal Council of the Little River Band of Ottawa Indians adopts the amendments to the Land Use/Camping Regulations.

IT IS FURTHER RESOLVED, that the adopted regulations are attached hereto and incorporated by reference.

IT IS FINALLY RESOLVED that these amendments are effective immediately upon approval by Tribal Council.

CERTIFICATION 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, 1 ABSENT, at a Little River Band of Ottawa Indians Tribal Council Regular Meeting held on April 23, 2014 at the Government Center in Manistee, Michigan, with a quorum being present for such a vote.

Sandy Mezeske, Council Recorder

Virgil Johnson, Council Speaker

Attest:

Distribution:
Council Records
Tribal Ogema
Natural Resource Commission
Natural Resource Department
Public Safety Department

Little River Band of Ottawa Indians
Natural Resource Commission

Camping Regulations
R500-01:NRC-04

Section 1. Purpose; Findings.

1.01. *Purpose*. The purpose of these regulations is to protect Tribal land and resources while encouraging those under its jurisdiction to enjoy outdoor activities.

1.02. *Findings*. The Natural Resource Commission finds that:

a. The Constitution of the Little River Band of Ottawa Indians vests the Tribal Council with the power to exercise the inherent powers of the Band by establishing through the enactment of ordinances and adoption of resolutions that govern the conduct of its members and other persons within its jurisdiction and that promote, protect, and provide for public health, peace morals, education and general welfare of the Band's members (Article IV, Section 7(a));

b. The Constitutions of the Little River Band of Ottawa Indians further vests in the Tribal Council the power to delegate its legislative and rulemaking authority regulatory commissions and subordinate organizations to manage its affairs; and

c. Tribal Council created this Natural Resource Commission as a subordinate regulatory commission to oversee and regulate the wise utilization of natural resources within its jurisdiction in Ordinance #06-500-01, adopted by Resolution #12-0229-052.

Section 2. Adoption, Amendment, Repeal, Severability.

2.01. *Adoption.* The Natural Resource Commission adopts a resolution to recommend these regulations to Tribal Council by resolution NRC-2014-14.

2.02. *Amendment*. The Natural Resource Commission or Tribal Council may amend these regulations according to the Administrative Procedures Act, Ordinance #04-100-07.

2.03. *Repeal*. The Natural Resource Commission or Tribal Council may repeal these regulations according to the Administrative Procedures Act, Ordinance #04-100-07.

2.04. *Severability.* If any provision of these regulations or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to that end the provisions of these regulations are severable.

Section 3. Definitions.

3.01. *General.* For purposes of these regulations, certain terms are defined in this section. The word "shall" is always mandatory and not merely advisory.

3.02 *Camping* means to erect a tent or shelter or use any motor vehicle for the purpose of staying for more than a day.

3.03 *Camping Area* means areas on Tribal property that have not been declared closed for camping activities by Tribal Council or the Natural Resource Commission.

3.04 *Designated Campsite* means a dedicated campsite at the Gathering Grounds.

3.05. *Gathering Grounds* means the "powwow" area located near the intersection of Chippewa Highway and Loon Road in Manistee, Michigan.

3.06 *Natural Resource Commission* means the Tribal Commission established by Ordinance #06-500-01.

3.07 *Natural Resources Department* means the department or any successor department established for the execution and enforcement of Tribal laws relative to the utilization of natural resources within its jurisdiction.

3.08. *Non-Tribal Member* means an individual who is not a Tribal Member.

3.09. *Trespass Permit* means a permit issued by the Natural Resource Department to a non-Tribal Member to participate in activities under these regulations with the sponsorship of a Tribal Member.

3.10. *Tribal* means of or pertaining to the Little River Band of Ottawa Indians.

3.11. *Tribal Court* means the Tribal Court of the Little River Band of Ottawa Indians.

3.12. *Tribal Member* or *Member* means an enrolled Member of the Little River Band of Ottawa Indians, Grand Traverse Band of Ottawa and Chippewa Indians or the Little Traverse Bay Band of Odawa Indians.

3.13. *Tribal Property* means properties owned by the Tribe and/or held in trust for the Tribe by the Bureau of Indian Affairs. For purposes of these regulations, it does not mean land solely within the 1836 Ceded Territory.

3.14. *Tribe* means the Little River Band of Ottawa Indians.

3.15. *Undesignated Campsite* means a campsite chosen by the member located upon Tribal lands that are open for such activity. These sites must conform to the regulations contained within this document and any other Tribal Law, Regulation or policy approved by the Natural Resource Commission and adopted by Tribal Council Resolution.

Section 4. Undesignated Campsites.4.01. *Permits and Trespass Permits.* All campers shall apply for and be in possession of a non-transferable camping or trespass permit from the Natural Resource Department. Tribal Members shall provide proof of current Tribal Membership with the application. Permits shall be displayed conspicuously at each campsite and shall not be issued for more than 14 consecutive days for any site. Each applicant shall sign the following waiver of liability to qualify for a permit:

"I release the Little River Band of Ottawa Indians for any liability from any risk, loss, damage, destruction, sickness or injury to myself or my property, including any liability claimed by my heirs or personal representatives for death."

4.02. *Cost.* Camping and trespass permits at undesignated campsites shall be offered at no cost.

4.03. *Location.* Undesignated campsites may be made on Tribal property that is open to camping. Campers shall ensure that their site is:

(a) On Tribal property;

(b) At least 200 feet from water or another campsite;

(c) Not obstructing any roadway or trail;

(d) Accessible without traveling off a designated path in a vehicle;

(e) Kept as small as possible; and

(f) Focused where vegetation is minimal.

4.04. *Number of Campers.* No more than 8 adults, or 12 people including children, may occupy a single campsite.

4.05. *Food Storage.* Campers shall protect wildlife and food by storing rations and trash securely, in a vehicle, hard-sided foot locker or similar container. Campers shall not store food in tents or under tarps.

4.06. *Quiet Time.* Quiet time at all designated and undesignated campsites is from 10:00 p.m. to 6:00 a.m. Generator use in campsites is permitted only during the hours of 7:00-9:00 am; 12 noon- 2:00 pm; and 5:00- 7:00 pm.

4.07. *Disturbing the Peace.* No camper shall operate any device or engage in any conduct that disturbs other campers at any time. This includes but is not limited to using threatening, abusive, boisterous, insulting or indecent language or making indecent gestures.

4.08. *Fires and Firewood.* Campers shall adhere to fire danger information and warnings issued by the Natural Resource Department, the Public Safety Department and the US Forest Service and shall not burn fires during times of "red flag warning." When fires are not prohibited, campers shall:

(a) Keep fires small;

(b) Harvest only dead or downed local wood and shall not move firewood;

(c) Leave at least one adult in attendance at a fire;

(d) Completely extinguish any campfire before leaving a campsite.

4.09. *Pets.* Campers may bring only domesticated dogs or cats to campsites, subject to all of the following:

(a) Pets must be controlled or on a leash and attended at all times and are not allowed to roam freely;

(b) No camper may keep or bring a noisy, vicious, or dangerous animal or one which is disturbing to other campers nor remain with the animal after he has been asked to leave by a Tribal Public Safety Officer.;

(c) Pet waste must be bagged and disposed of in a designated bin if possible, or buried in a pit toilet with human waste or packed out. Buried waste shall not be bagged.

4.10. *Pit Toilets.* Campers may construct pit toilets of a size no smaller than 2 feet wide by 2 feet deep and at least 200 feet from water, campsites or trails. Campers shall backfill pit toilets upon leaving the campsite.

4.11. *Prohibited Activities.* Campers shall not:

(a) Alter natural wooded areas into a campsite by cutting vegetation, digging holes or leveling ground;

(b) Construct of makeshift camp furniture or structures;

(c) Cut standing trees (dead or alive), shrubs and plants;

(d) Dump, bury or burn garbage or rubbish.

(e) Use non-biodegradable soap to bathe or wash clothing or dishes within 150 ft of any body of water;

(f) Possess or discharge firecrackers, torpedoes, rockets, fireworks, explosives, or other substance harmful to the life or safety of any person;

(g) Bring livestock to campsites, section 4.10 notwithstanding.

Section 5. Designated Campsites.

5.01. *General*. These regulations, in addition to those in Section 4, apply to camping at all designated sites.

5.02. *Permits Required*. Permits are required as under Section 4.01 unless the camping activity is part of a special event sanctioned by the Tribal Ogema or Tribal Council, such as a pow-wow or language camp. Permits for special events are available on a first-come, first-served basis and may be administered through on-site registration. Camping and trespass permits at designated campsites are $10.00 per site per week or part thereof for self-contained campers and $5.00 for all others.

5.03. *Camping Seasons*. Designated campsites may only be used from April 1 through October 31 of each year, subject to closures for inclement weather or frozen utilities.

5.04. *Speed Limit*. No person may drive a motorized vehicle within the Gathering Grounds at a speed greater than posted speed, having due regard for the traffic on and the surface and width of the road, and other conditions which affect driving.

5.05. *Prohibited Activities*. In addition to Section 4.10 of these regulations, the following activities are prohibited at designated camping sites:

(a) The possession or use of alcohol;

(b) The construction or use of pit toilets or dumping human waste;

(c) Littering;

(d) Access by pets may be restricted or prohibited during certain events.

Section 6. Penalties, Enforcement; No Waiver of Sovereign Immunity.

6.01. *Civil Infraction*. Any person who conducts camping activities at designated or undesignated campsites without a permit or in violation of these regulations shall be liable for a civil infraction in Tribal Court with a fine of up to $1,000.00.

6.02. *Reparation*. Any person who cuts, damages or kills growing vegetation or wildlife during camping activities and without a specific separate harvest permit shall be liable under Section 6.01 and shall also be liable for reparations for the specific damage.

6.03. *Restitution*. Any person who damages, litters or defaces a designated or undesignated campsite to the point that it must be cleaned or restored by others shall be liable under Section 6.01 and shall also be liable for the cost of cleaning or restoration of the site.

6.04. *Enforcement*. The Tribal Public Safety Department shall enforce the provisions of these regulations.

6.05. *No Waiver*. Nothing in these regulations shall be construed to waive the inherent sovereign immunity of the Little River Band of Ottawa Indians.