



Little River Band of Ottawa Indians

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

Resolution # 09-0218-40

*Authorizing the posting of proposed amendments to the Natural Resource Commission
Fishing Regulations for the 1836 Treaty Ceded Great Lakes*

WHEREAS, the Tribe's status as a federally-recognized Indian tribe was reaffirmed and restored by Congress pursuant to Public Law 103-324, 108 Stat. 2156 (25 U.S.C. 1300k et seq.); and

WHEREAS, the Tribe adopted a 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, under Article IV, Section 7, the legislative powers of the Tribe are vested in the Tribal Council; and

WHEREAS, under Article IV, Section 6(g)(l), the Tribal Council's powers are exercised through action by ordinance, resolution or motion; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(f) of the Constitution to create by ordinance regulatory commissions or subordinate organizations and to delegate to such organizations the power to manage the affairs and enterprises of the Little River Band; and

WHEREAS, the Tribal Council established the Little River Band Natural Resources Commission ("Natural Resources Commission") and adopted the Natural Resources Ordinance #04-200-01; and

WHEREAS, on February 25, 2004, the Commission adopted the Fishing Regulations for the 1836 Treaty Ceded Great Lakes to govern the commercial, subsistence, and recreational fishing activities of all persons fishing in the 1836 Treaty waters under the authority of the LRBOI; and

WHEREAS, on March 24, 2004, the Tribal Council approved the Fishing Regulations for the 1836 Treaty Ceded Great Lakes as adopted and presented to it by the Natural Resources Commission; and

WHEREAS, the Administrative Procedures Act states that:

4.03. *Notice.* Prior to adoption or amendment of ordinances, the Tribal Council shall present the draft ordinance for Public Comment.

a. *Posting Notice.* The Tribal Council shall present a notice of request for Public Comment which shall be posted on the Tribal Council's "Public Comment" internet site for Ordinances, and physically at the Little River Band Community Center; Little River Tribal Office; Little River Band Health Center; and Little River Band Downtown Office Building by presenting such notice to the main receptionist or other person responsible for posting notices for the building. The Public Comment period shall be no less than 30 days.

WHEREAS, the Commission deems and the Tribal Council concurs that the allowance of trap nets to be marked in a less than specific and accurate manner on waters within the jurisdiction of the LRBOI would unduly endanger the health and/or well-being of any person subject to the jurisdiction of the LRBOI and participating in any such activity; and

WHEREAS, the Natural Resources Commission adopted amendments to Section 1-3-3(d)(2)(B) of the Fishing Regulations for the 1836 Treaty Ceded Great Lakes to include the following:

B. From May 1 to November 7, the king anchor shall be marked with a staff buoy, with at least 2 feet exposed above the surface of the water bearing a single black flag no less than 12 inches by 12 inches and the inside end of the lead shall also be marked with a staff, with at least 4 feet exposed above the surface of the water with a red or orange flag over a black flag no less than 12 inches by 12 inches for both flags. Also the ends of the wings shall be marked with a red or orange float not less than 1 gallon in size. Violation of this provision shall be a Class B infraction.

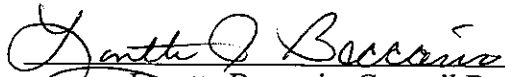
a true and accurate copy of the proposed amended Regulations having been attached to this Resolution; and

WHEREAS, the Tribal Council has reviewed the proposed amendments and has determined that these amendments protect the interests of the individual members and the interests of the Tribe.


NOW THEREFORE IT IS RESOLVED that the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes the posting of the proposed amendments to the Fishing Regulations for the 1836 Treaty Ceded Great Lakes for public comment for a period of not less than thirty (30) days in accordance with Section 4.03 of the Administrative Procedures Act, Ordinance #04-100-07, after which time the Tribal Council shall convene a work session to review any comments received from the Tribal Membership prior to final adoption.

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, 0 ABSTAINING, and 3 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on February 18, 2009, at the Little River Band's Dome Room in Manistee, Michigan, with a quorum being present for such vote.



Loretta Beccaria, Council Recorder



Kimberly Alexander, Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Tribal Court
Natural Resource Commission