



Little River Band of Ottawa Indians

1762 U.S. 31 South
Manistee MI 49660
(231) 723-8288

ORIGINAL

RESOLUTION NO. #00-0909-05

AUTHORIZING THE NATURAL RESOURCE DEPARTMENT TO ISSUE
CAMPING PERMITS TO TRIBAL MEMBERS FOR CAMPING ON
TRIBAL LANDS DURING THE 2000 HUNTING/FISHING SEASON
IN ACCORDANCE WITH REGULATIONS PRESCRIBED BY THE
NATURAL RESOURCE COMMISSION

WHEREAS, the Little River Band of Ottawa Indians is a federally recognized tribe, as reaffirmed under P.L. 103-324, enacted on September 21, 1994, with property rights secured to it under the 1836 Treaty of Washington (7 Stat. 491) and the 1855 Treaty of Detroit (11 Stat. 621); and

WHEREAS, the Little River Band of Ottawa Indians is descended from, and is the political successor to, Grand River Ottawa Bands which were signatories of the 1836 Treaty of Washington (7 Stat. 491), as reaffirmed under P.L. 103-324, enacted on September 21, 1994; and

WHEREAS, the Little River Band of Ottawa Indians reserved certain rights to hunt, fish, trap and gather natural resources from the lands and waters in those portions of Michigan which were ceded under the 1836 Treaty. These treaty based rights were confirmed, in part, by United States v. Michigan, 471 F.Supp 192 (W.D. Mich. 1979); *affirmed*, 653 F.2d 277 (6th Cir. 1981); *certiorari denied*, 454 U.S. 1124, 102 S.Ct. 971 (1981), and reaffirmed by P.L. 103-324 section 5, and are protected by the United States Constitution (Art. 1, §8, cl. 3 and Art. 6, cl. 2); and

WHEREAS, the Tribal Council, pursuant to Article IV, Section 7(a) of the Tribal Constitution, is invested with the inherent power to govern the conduct of members of the Tribe and other persons within its jurisdiction; and

WHEREAS, the Tribal Council, as an incident of its inherent sovereignty, is entitled to authorize the use and access to Tribal lands subject to terms and conditions that are prescribed by the Tribe; and

WHEREAS, the Tribal Council has, pursuant to Ordinance No. 96-500-01, established a Natural Resource Commission and empowered the Commission to regulate hunting and gathering activities on Tribal lands and in the Ceded Territory; and

WHEREAS, the Natural Resource Commission has developed proposed guidelines to issue permits authorizing Tribal members to camp on Tribal lands during the 2000 Fishing/Hunting/Trapping Seasons; and

WHEREAS, the Tribal Council is supportive of that request, provided certain controls are implemented to protect Tribal lands and the public welfare of the Tribe and Tribal members.

NOW THEREFORE BE IT RESOLVED, that the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes the Natural Resource Department to issue Camping Permits to Tribal members subject to the following conditions:

- (a) The Natural Resource Department shall maintain a log of all Camping Permits issued, which includes the: name of the Permittee, the date(s) for which the Permit is valid, the location the Permittee is authorized to camp, the type/number of vehicles, and number of persons in the Permittee's party;
- (b) Copies of the log or of all Permits issued shall be provided to the Tribe's Public Safety Department;
- (c) The Natural Resource Department shall maintain a map detailing the location of all camp sites;
- (d) The Natural Resource Department may, in its discretion, take reasonable measures (including denying Camping Permits), to ensure that camping is not permitted in environmentally sensitive areas, prevent overuse or overcrowding in specific areas and prevent user conflicts;
- (e) The Natural Resource Department shall assess the success or problems associated with implementation of this authority and is further directed to develop policies and procedures, which may be adopted to govern future decisions of the Tribal Council authorizing access to or use of Tribal lands for camping purposes;

IT IS FURTHER RESOLVED THAT notice of the availability of camping permits, together with the Rules and Regulations applicable to those permits shall be published in the Tribal Newsletter.

IT IS FURTHER RESOLVED THAT the authorization provided by this Resolution shall only extend through the end of Calendar Year 2000 and may be rescinded should the Tribe's Public Safety Department notify the Natural Resource Commission or Tribal Council in writing that it cannot effectively enforce the terms of this Resolution.

Certificate of Adoption

This resolution was adopted by the Tribal Council of the Little River Band of Ottawa Indians at its Regular Session held at the Little River Band Community Center in Manistee, Michigan on September 9, 2000, by a vote of 5 in favor, 4 opposed, 0 absent, and 0 abstentions. A quorum of the Tribal Council being present for such vote.

Date: 9/9/00


Charles Fisher, Council Recorder

Attest:


Joan Spalding, Council Speaker