



Little River Band of Ottawa Indians

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

ORIGINAL

RESOLUTION NO. #00-0925-01

AUTHORIZING CERTAIN NON-MEMBERS TO HUNT ON TRIBAL LANDS IN
MANISTEE AND MASON COUNTIES DURING THE 2000 HUNTING SEASON
AND PRESCRIBING REQUIREMENTS FOR NON-MEMBERS TO EXERCISE
THAT PRIVILEGE

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 Tribe, as an incident of its inherent sovereignty, is entitled to exclude non-members from Reservation lands over which the Tribe exercises jurisdiction, or to permit non-members to access 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 gather activities on Tribal lands and in the Ceded Territory; and

WHEREAS, the Natural Resource Commission has requested authorization for the Natural Resource Department to issue permits that would authorize "immediate family member" of Tribal members to access Tribal lands during the 2000 hunting season; and

WHEREAS, the Tribal Council is supportive of that request, provided certain controls are implemented to protect the public welfare, peace and safety 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 Special Trespass Permission Permits to immediate family members of Tribal members. For purposes of this authorization, the term "immediate family member" is defined as including only spouses, parents, children and grandchildren, of enrolled Tribal members.

IT IS FURTHER RESOLVED THAT the Natural Resource Department's authority to issue Special Trespass Permits is subject to the following conditions:

- (a) The authorization to non-members provided by the Resolution shall only apply during the Tribal Hunting Season in Manistee and Mason Counties;
- (b) Tribal members wishing to hunt with his/her Immediate Family Members must identify those persons on an form approved and provided by the Natural Resource Commission;
- (c) A separate form shall be provided to, and signed by, each Immediate Family Member wishing to utilize Tribal lands during the 2000 Hunting Season;
- (d) The form provided by the Natural Resource Commission shall include: (i) the time period during which such permit applies; (ii) a statement by which the Tribal member's Immediate Family Member consents to the jurisdiction of the Tribal Court for any claims that may arise from his/her use of Tribal lands; and (iii) a statement by which he/she releases the Tribe from any claim for injury or damage resulting from his/her use of Tribal lands.
- (e) The Natural Resource Commission is directed to 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 actions of the Tribal Council authorizing access to or use of Tribal lands by non-Tribal members for hunting, fishing or gathering purposes.
- (f) All permits issued by the Natural Resource Commission shall be assigned a permit number, and the number of permits issued shall be reported the Tribal Council before the end of the 2000 Hunting Season;
- (g) The Natural Resource Commission is further directed to notify the Tribe's Public Safety Department of the number of permits and the persons to whom such permits were issued;

IT IS FURTHER RESOLVED THAT the authorization provided by this Resolution shall be rescinded should the Tribe's Public Safety Department notify the Natural Resource Commission in writing that it cannot effectively enforce the terms of this Resolution.

IT IS FURTHER RESOLVED THAT all non-members (Spouses, Parents, Children or Grandchildren) who obtain a Special Trespass Permission Permit to hunt on Tribal lands must carry that Permit, plus appropriate State of Michigan hunting license and permit, while hunting on Tribal lands.

IT IS FURTHER RESOLVED THAT the Natural Resource Commission shall publish notice of the general prohibition against non-member hunting/trespass on Tribal lands in newspapers of general circulation in Manistee and Mason Counties and in the Tribal Newsletter. The Natural Resource Commission shall also make reasonable efforts to post that notice in sporting goods outlets in Manistee and Mason Counties.

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 25, 2000, by a vote of 8 in favor, 0 opposed, 0 absent, and 0 abstentions. A quorum of the Tribal Council being present for such vote.

Date: 9/25/00



Charles Fisher, Council Recorder

Attest:



Joan Spalding, Council Speaker