



Little River Band of Ottawa Indians

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

RESOLUTION NO. #00-1212-08

**RE-AFFIRMING INTERIM LAND-USE RESTRICTIONS FOR
TRIBAL LANDS, DESIGNATING CERTAIN TRIBAL LANDS AS "CLOSED" TO
NON-MEMBER USE, AND PRESCRIBING PENALTIES
FOR VIOLATIONS OF THAT PROHIBITION**

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 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, Tribal lands have been designated for public uses and purposes, including: the Little River Casino Resort and Tribal Governmental Offices; and

WHEREAS, certain Tribal lands have been opened for camping, hunting, trapping, gathering and fishing activities by Tribal members; and

WHEREAS, the Tribal Council did, at an Emergency Session held on October 6, 2000, adopt certain interim land-use restrictions, pursuant to Resolution No. #00-1006-01; and

WHEREAS, the Tribal Council finds that, in absence of a comprehensive system of land-use regulations and controls, there is a need to establish land-use restrictions on Tribal lands, and that a general prohibition of non-member use of, or access to, Tribal lands, is necessary to protect the public welfare, peace and safety of the Tribe and Tribal members; and

WHEREAS, the Tribal Council wishes to reaffirm the land use restrictions adopted in Resolution No. #00-1006-01.

NOW THEREFORE BE IT RESOLVED, that the Tribal Council of the Little River Band of Ottawa Indians hereby adopts the following land use regulations for Tribal lands held in trust for, or owned in fee by, the Little River Band of Ottawa Indians:

(a)

SERVING MANISTEE, MASON, WEXFORD AND LAKE COUNTIES
FAX (616) 723-8761

Designation of "Open" and "Closed" Areas. The following lands held in trust for, or owned in fee by, the Little River Band of Ottawa Indians, are declared to be "Closed" to the general public:

- (1) All trust and fee-owned lands of the Tribe within Mason County;
 - (2) All trust and fee-owned lands of the Tribe within Brown and Dickson Townships in Manistee County;
 - (3) All trust and fee-owned lands of the Tribe within Manistee Township and the City of Manistee, with the exception of the following properties:
 - (i) Little River Casino Resort buildings and parking areas;
 - (ii) Tribal Administrative Offices;
 - (iii) Little River Band Community Center;
 - (iv) Little River Health Center;
 - (v) National City Bank Building;
 - (vi) Natural Resource Commission/Gaming Commission Offices in Eastlake; and
 - (vii) Pow-Wow Grounds during announced events open to the public.
- (b) *Authorized Uses by Tribal Members.* All "Closed" areas designated in paragraph (a) of this Resolution shall be open to use by Tribal members and "immediate family", as defined in Resolution No. #00-0925-01, for the purpose of camping, hunting, trapping, gathering, fishing and hiking only, provided those persons possess all license(s) and permits required for such activities.
- (c) *Violation of "Closed" Area Limitations.* Any person who is not eligible to possess, and does not possess, a Special Trespass Permit issued under the authority of Resolution No. #00-0925-01, and who enters upon trust or fee-owned lands of the Little River Band of Ottawa that have been declared "Closed" under this Resolution, other than agents, employees or sub-contractors of the Tribe acting in the course of their employment or contractual duties, shall be deemed in a trespass.
- (d) *Enforcement of "Closed" Areas.* In enforcing the prohibition against non-member use of, or access to, Tribal lands, Tribal Law Enforcement Officers shall provide unauthorized persons with a "written warning" for violations occurring after the effective date of this Resolution. Persons trespassing upon Tribal lands after receiving a "written warning" shall be deemed to have committed an "intentional trespass" and shall be cited for a civil infraction and shall forfeit a minimum of \$250.00 and any equipment used in connection with such violation may be subject to forfeiture. The Tribal Prosecutor, or any duly sworn Tribal Law Enforcement Officer, is authorized to commence proceedings on any civil infraction by the issuance of either a citation or a summons and complaint. In either case the initiating papers shall inform the defendant of the requirements of this Resolution and Resolution No. #00-0925-01, the substance of the violation alleged to have occurred, the maximum forfeiture which can be imposed for the violation, and the date, time, and place where he/she is commanded to answer.
- (e) *Publication of "Closed" Area Limitations.* The Tribal Council Recorder and Natural Resource Commission shall publish notice of the general prohibition against non-member trespass on Tribal lands, together with the penalties prescribed for any trespass, in newspapers of general circulation in Manistee and Mason Counties.

- (f) This Resolution shall take immediate effect and shall remain in full force and effect until expressly repealed or modified by subsequent Resolution or Ordinance.
- (g) The Tribal Ogema shall be authorized to promulgate any rules and regulations as may be necessary to implement this Resolution.
- (h) *Severability.* If any section, or any part hereof, of this Resolution or application to any party, person or entity in any circumstance shall be held invalid for any reason whatsoever by a court of competent jurisdiction, the remainder of this section or part of this Resolution shall not be affected and shall remain in full force and effect as though no section or part has been declared invalid.

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 December 12, 2000, by a vote of 6 in favor, 0 opposed, 3 absent, and 0 abstentions. A quorum of the Tribal Council being present for such vote.

Date: 12/12/00



Charles Fisher, Council Recorder

Attest:



Joan Spalding, Council Speaker

Distribution: Council Records
Tribal Court
Tribal Ogema
Legal Department