



Little River Band of Ottawa Indians

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

RESOLUTION NO. #02-0717-02

Accepting Natural Resource Commission Regulation #02-SF-01 - Subsistence Fishing Regulations for Gill Net and Impoundment Net Licenses, Permits and Marking Requirements

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, certain 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 Band's Constitution, is invested with the inherent power to govern the conduct of members of the Band and other persons within its jurisdiction; and

WHEREAS, the Tribal Council has, pursuant to Ordinance No. 96-500-01, established a Natural Resource Commission and empowered the Commission to regulate treaty fishing activities of Band members; and

WHEREAS, Part Seven, Section XXIV of the Chippewa Ottawa Resource Authority (CORA) Commercial, Subsistence, and Recreational Fishing Regulations for the 1836 Treaty Ceded Waters of Lakes Superior, Huron and Michigan (the "Tribal Code"), adopted by CORA on August 31, 2000, authorizes the Natural Resource Commission to adopt regulations governing Band members which are more restrictive than the Tribal Code in certain circumstances; and

WHEREAS, pursuant to the authority Section XXIV of the Tribal Code and Article IV, Section B of the Natural Resource Commission Ordinance, the Natural Resource Commission has promulgated Regulation No. 02-SF-01 - Subsistence Fishing Regulations for Gill Net and Impoundment Net Licenses, Permits and Marking Requirements; and

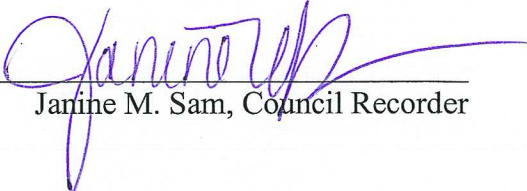
WHEREAS, Regulation No. 02-SF-01 has been submitted to the Tribal Council for acceptance.

NOW THEREFORE BE IT RESOLVED, that the Tribal Council of the Little River Band of Ottawa Indians hereby accepts Natural Resource Commission Regulation No. 02-SF-01.

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 July 17, 2002, by a vote of 8 in favor, 0 opposed, 1 absent, and 0 abstentions. A quorum of the Tribal Council being present for such vote.

Date: 7/17/02


Janine M. Sam, Council Recorder

Attest:


Stephen Parsons, Council Speaker

Distribution: Council Record
Tribal Court
Tribal Ogema (cc: Public Safety)
Natural Resource Commission