



Gaá Čhíng Ziibi Daáwaa Aníshinaábek

LITTLE RIVER BAND OF OTTAWA INDIANS

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

Resolution # 03-0212-45

Prohibiting the use of firearms for hunting on the Newland Academy Property, and authorizing certain non-members to hunt on the Newland Academy Property and prescribing requirements for non-members to exercise that privilege

WHEREAS, the status of the *Gaá Čhíng Ziibi Daáwaa Aníshinaábek* (Little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; and

WHEREAS, the Tribe reserved certain rights to hunt, fish, trap and gather natural resources from the lands and waters in those portions of Michigan that were ceded under the 1836 Treaty; and

WHEREAS, these Treaty rights were confirmed, in part, by United States v. Michigan, 471 F.Supp. 192 (W.D. Mich. 1979); *aff.*, 653 F.2d 277 (6th Cir. 1981); *cert. den.*, 454 U.S. 1124 (1981), and were 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, in Resolution #00-1006-01, and in Ordinance #00-1212-08, has exercised its inherent authority to close "all trust and fee-owned lands of the Tribe within Manistee Township"; and

WHEREAS, the Tribal Council, in Resolution #00-1006-01, has excepted from these closures of all trust and fee-owned lands, the use of such lands by Tribal members and "immediate family," defined as including spouses, parents, children, and grandchildren, of enrolled Tribal members; and

WHEREAS, the Tribal Council, has established, by Ordinance # 96-500-01, a Natural Resources Commission, and has empowered that Commission to regulate hunting, trapping, and gathering activities on Tribal lands and in the Ceded Territory; and

WHEREAS, the Tribe has purchased real estate, commonly known as the *Newland Academy Property*, situated in the Manistee Township; and

WHEREAS, the Natural Resource Commission has requested that the use of firearms by Tribal members for hunting on the *Newland Academy Property* be prohibited, and that authorization be granted to the Natural Resource Department to issue permits, in conformity to the provisions of Resolution #00-0925-01, that would authorize "immediate family members" of Tribal members to access the *Newland Academy Property* for hunting by other means; and

WHEREAS, the Tribal Council is supportive of that request;

NOW THEREFORE BE IT RESOLVED, that the Tribal Council of the Little River Band of Ottawa Indians hereby prohibits the use of firearms for hunting on the *Newland Academy Property*, and authorizes the Natural Resource Department to issue Special Trespass Permission Permits to immediate family members of Tribal members; and

FURTHER, IT IS RESOLVED THAT the authorization for Special Trespass Permission Permits 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; and

FURTHER, IT IS RESOLVED THAT all non-members who obtain a Special Trespass Permission Permit to hunt on the *Newland Academy Property* must carry that Permit, plus appropriate hunting license and/or permit, while hunting on the Property.

FURTHER, IT IS RESOLVED THAT the Natural Resource Commission shall publish notice of the specific prohibition against hunting with firearms on the *Newland Academy Property*, as well as the general prohibition against non-member hunting/trespass on the *Newland Academy Property* in newspapers of general circulation in Manistee County and in the Tribal Newsletter. The Natural Resource Commission shall also make reasonable efforts to post that notice in sporting goods outlets in Manistee County.

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 12, 2003, at the Little River Band's Community Center in Manistee, Michigan, with a quorum being present for such vote.



Janine M. Sam, Council Recorder



Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Tribal Court
Legal Department