



Little River Band of Ottawa Indians

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

Resolution # 09-0325-79

*Rescinding Resolution #07-0608-305:
Emergency Resolution to Prevent the Issuance of any further Commercial Fishing
Captains Licenses by the Natural Resource Department*

WHEREAS, the status of the *Gaá Čhing Ziibi Daáwaa Aniřhinaábek* (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 adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribe adopted amendments to the Constitution on April 26, 2004, which became effective upon approval by the Assistant Secretary-Indian Affairs on May 13, 2004; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members; and

WHEREAS, the Tribe entered into a "Consent Decree" to resolve Great Lakes fishing matters in the U.S. v. Michigan lawsuit; and

WHEREAS, the Tribe was awarded certain settlement monies from the Federal Government and State of Michigan to establish, regulate and monitor commercial fishing activities; and

WHEREAS, the Tribal Council adopted Resolution #07-0124-52 which authorized and limited the use of the 2000 Consent Decree Funds and identified the purposes for promoting Commercial Fishing activities; and

WHEREAS, the Tribal Council adopted Resolution #07-0221-101 which authorized the expenditure of the Consent Decree Funds in accordance with Resolution #07-0124-52 and defined procedures for the disbursement for authorized activities; and

WHEREAS, the Tribal Council adopted Resolution #07-0221-102 which authorized the release of funds restricted by Resolution #05-1005-493 for use in Commercial Fishing operations; and

WHEREAS, the Tribal Council adopted Resolution #07-0608-305, which directed that no further Commercial Fishing Captains Licenses were to be issued pending receipt of an environmental impact study on Commercial Fishing activities, and that any currently issued Commercial Fishing Captains Licenses turned in to the Tribe were not to be re-issued to others pending receipt of the study; and

WHEREAS, the Tribal Council adopted Resolution #08-0326-82, which amended the FY 2008 budget and unencumbered funds to transfer to the Ogema to fund the Commercial Fishing Program; and

WHEREAS, the Tribal Council has received information that additional Tribal members have expressed an interest in participating in Commercial Fishing activities; and

WHEREAS, the Tribal Council wishes to rescind Resolution #07-0608-305 and to allow Commercial Fishing Captains Licenses to be issued to eligible Tribal Members.


NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby rescinds Resolution #07-0608-305 which prevented issuance of any further Commercial Fishing Captains Licenses by the Natural Resource Department.

IT IS FURTHER RESOLVED THAT the Natural Resource Department shall be directed to resume issuing Commercial Fishing Captains Licenses, including those licenses voluntarily returned to the Tribe by Tribal fishermen.


IT IS FINALLY RESOLVED THAT environmental impact studies on Commercial Fishing activities are conducted annually through CORA and the 2008 study indicates no negative impact.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 4 FOR, 3 AGAINST, 1 ABSTAINING, and 1 ABSENT, at a Regular Open Session of the Little River Band of Ottawa Indians Tribal Council held on March 25, 2009, at the Little River Band's Dome Room in Manistee, Michigan, with a quorum being present for such vote.



Kimberly Alexander, Council Recorder



Don Koon, Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Tribal Court
Natural Resource Department
Natural Resource Commission