



Little River Band of Ottawa Indians
2608 Government Center Drive
Manistee, MI 49660
(231) 723-8288

Resolution #17-0607-194

Resolution to Repeal All Current Commercial Fishing Regulations and instead in Their Place adopt all Applicable Chippewa Ottawa Resource Authority Commercial Fishing Regulations

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 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 Tribe adopted amendments to the Constitution on July 11, 2016 which became effective upon approval by the Assistant Secretary-Indian Affairs on August 24, 2016; and

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

WHEREAS, the Tribal Council is authorized under Article IV, Section 9(f) of the Constitution to create by ordinance regulatory commissions and to delegate to those commission the power to manage the affairs of the Little River Band; and

WHEREAS, the Tribal Council did by Ordinance #06-500-01 create the Natural Resource Commission to be a regulatory body and delegated to that Commission the power to oversee and regulate the use of the natural resources within its jurisdiction; and

WHEREAS, the Little River Band is party to a consent decree entered by the Federal District Court for the Western District of Michigan in docket no. 2:73 CV 26 on August 8, 2000; and

WHEREAS, the Little River Band is party to a consent decree entered by the Federal District Court for the Western District of Michigan in docket no. 2:73 CV 26 on November 2, 2007; and

WHEREAS, the Little River Band is required to comply with all regulations listed in the 2000 and 2007 consent decrees; and

WHEREAS, the Little River Band and all of its Tribal members are required to comply with all regulations adopted by the Chippewa Ottawa Resource Authority (CORA) Executive Board, which include regulations regulating commercial and other fishing in the 1836 territory; and

WHEREAS, the Tribal Council and the Natural Resource Commission have adopted various regulations defining and limiting the commercial fishing rights of its Tribal members; and

WHEREAS, the Natural Resource Commission, via resolution found, that many of these regulations are duplicative to required CORA regulations or unnecessarily limit Tribal members fishing rights; and

WHEREAS, the Tribal Council seeks to simplify and streamline regulations governing the commercial fishing of its Tribal members; and

WHEREAS, the Tribal Council believes that the most efficient way to simplify and streamline regulations applicable to its Tribal members engaged in commercial fishing in 1836 territory is to repeal all current tribal regulations and allow for the enforcement of CORA commercial fishing regulations; and

WHEREAS, the intent of this resolution is only to repeal current commercial fishing regulations. This resolution does not address other current regulations.


NOW THEREFORE IT IS RESOLVED that the Tribal Council repeals all previously adopted commercial fishing regulations now current; and


IT IS FURTHER RESOLVED that the Tribal Council affirms the applicability and enforceability of all CORA regulations related to commercial fishing on its Tribal members engaged in commercial fishing in the 1836 territory.

IT IS FURTHER RESOLVED that Tribal Council acknowledges that CORA may in the future adopt amendments to their fishing regulations in accordance with their internal regulations. Such amendments do not require further approval of this Tribal Council but rather they shall have immediate effect.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 8 FOR, 0 AGAINST, 0 ABSTAINING, and 1 ABSENT, at a Regular Open Session Meeting of the Little River Band of Ottawa Indians Tribal Council held on June 7, 2017, at the Little River Band's Government Center in Manistee, Michigan, with a quorum being present for such vote.


Sandra Lewis, Tribal Council Recorder


Joseph Riley II, Tribal Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Natural Resource Commission
Natural Resources Department
Department of Public Safety