



## **Little River Band of Ottawa Indians**

2608 Government Center Drive

Manistee, MI 49660

(231) 723-8288

### **Resolution #17-1115-395**

#### *Approval of Great Lakes Policy and Procedure Manual for Commercial Fishing Permits*

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 Treaty of Chicago [August 29, 1821; 7 Stat 218], the Treaty of Washington [March 28, 1836; 7 Stat 491], the Treaty of Detroit [July 31, 1855; 11 Stat 621] with the United States, as reaffirmed by federal law in P.L. 103-324 [108 Stat 2156], enacted September 21, 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)(1) to govern the conduct of members of the Little River Band and other persons within its jurisdiction; and under Section 7(a)(2) 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 7(f) to create by ordinance regulatory commissions or subordinate organizations and to delegate to such organizations the power to manage the affairs and enterprises of the Little River Band, provided that no such commission or subordinate organization shall exercise powers of the Tribal Council unless they are expressly delegated by the Tribal Council; and

WHEREAS, the Tribal Council adopted the Natural Resource Commission Ordinance, Ordinance #06-500-01, which delegates the authority to that Commission to promulgate Regulations in order to implement the provisions of the Ordinance and all Ordinances governing activities pertaining to natural resources by any person on Tribal lands; and

WHEREAS, the Natural Resource Commission has approved by Resolution #17-1113-005 during a regular meeting with quorum present, the attached Great Lakes Policy and Procedure Manual for Commercial Fishing Permits; and

WHEREAS, the Great Lakes Policy and Procedure Manual for Commercial Fishing Permits require the approval of Tribal Council.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby approves the Great Lakes Policy and Procedure Manual for Commercial Fishing Permits as attached to this Resolution.

IT IS FURTHER RESOLVED THAT the amendments to the Regulations shall be effective immediately upon adoption.

IT IS FINALLY RESOLVED THAT the Natural Resource Commission shall provide copies of the Regulation to the Public Safety Department and Natural Resource Department, and shall ensure that the Regulation is posted on-line and available to Tribal Members.

**CERTIFICATE OF ADOPTION**

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 9 FOR, 0 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on November 15, 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  
Tribal Court  
Public Safety Department  
Natural Resources Department  
Natural Resource Commission

**LITTLE RIVER BAND OF OTTAWA INDIANS**  
**Natural Resources Department**  
**Great Lakes Policy and Procedure Manual**  
**For Commercial Fishing Permits**

**Section 1. Purpose.** This manual sets forth rules and requirements for fishing permits issued for the 1836 Ceded Territories of the Great Lakes by the Little River Band of Ottawa Indians (Tribe) Natural Resources Department (NRD).

**COMMERCIAL FISHING PERMITS**

**Section 2. Commercial Fishing Permit Requirements.** An application for a permit for a commercial fishing operation shall be submitted to NRD, and shall contain the following items:

- A. A completed Commercial Fishing Application Form (see **Appendix A**).
- B. A copy of the Applicant's current and valid captain's license, as issued by the Bureau of Indian Affairs (BIA).
- C. A copy of the Applicant's valid vessel registration, as issued by Chippewa Ottawa Resource Authority (CORA).
- D. A copy of the Applicant's valid vessel safety certification, as issued by the United States Coast Guard or Applicant's Tribal Department of Public Safety (DPS).
- E. Slip location, storage location, or other place where the vessel is located during the majority of the fishing season.

**Section 3. Complete Application Packet.** NRD shall have twenty-one (21) business days from the original date of submittal to determine if an application is administratively complete. A Commercial Fishing Application Packet that contains all of the information contained in Section 2 of this manual shall be deemed to be administratively complete. If NRD determines that the application is not administratively complete, NRD shall notify the Applicant in writing. The notification shall include the reasons for the determination and must advise the Applicant what additional information the Applicant must provide. Once the NRD has received the requested information, they have twenty-one (21) business days to determine if an application is administratively complete.

**Section 4. Supplemental Information Collected.** NRD is responsible for collecting additional information about the Applicant prior to the issuance of any permit:

- A. A list of all convictions from Tribal Court related to a violation of Tribal or CORA fishing rules, regulations, or laws.
- B. Confirmation from the Tribal Court that the Applicant does not have any unpaid fines or fees related to a violation of Tribal or CORA fishing rules, regulations, or laws.

- C. Confirmation from the Department of Public Safety that the Applicant is not currently under investigation for a violation of any Tribal or CORA fishing rules, regulations, or laws.

**Section 5. *Issuance of Commercial Fishing Permit.*** Upon receipt of an administratively complete application packet, NRD shall issue a permit for a commercial fishing operation to the Applicant in accordance with the below limitations:

- A. If the Applicant has a total of two (2) or more Tribal Court convictions for a violation of Tribal and/or CORA fishing rules, regulations, or laws, the permit may only be issued for a one-year period. If during that time, the Applicant does not receive any additional tickets or charges for a violation of Tribal or CORA fishing rules, regulations, or laws, the permit period may be extended for up to an additional four (4) years.
- B. If the Applicant has outstanding fines and fees owed to the Tribe because of a violation of Tribal or CORA fishing rules, regulations, or laws, the permit may only be issued for a one-year period. If the Applicant complies with the payment plan during this one (1) year period, the permit period may be extended for up to an additional four (4) years.
- C. If the Applicant is currently under investigation for a violation of any Tribal or CORA fishing rules, regulations, or laws, the permit may only be issued for a one-year period. If during that time, the Applicant does not receive any additional tickets for a violation of Tribal or CORA fishing rules, regulations, or laws, the permit period may be extended for up to an additional four (4) years.

**Section 6. *Contents of Commercial Fishing Permit.*** The permit shall contain, at a minimum, the following items:

- A. The Lake Michigan zones where the operation is permitted.
- B. The name and address of the captain, as identified in 2B.
- C. The name and registration number of the vessel, as identified in 2C.
- D. Permit duration, not to exceed a term of five (5) years per applicable CORA regulations as amended
- E. Other requirements and limitations as deemed necessary by NRD to protect environmental quality, the fishery resource, and boater safety.
- F. The Commercial Fishing Permit is attached as **Appendix A**.

**Section 7. *Commercial Fishing Permit Distribution.*** NRD shall distribute a copy of the permit for commercial fishing operation to the following:

- A. LRBOI Natural Resource Commission (NRC).
- B. LRBOI DPS.
- C. CORA Executive Director.

**Section 8. *Application Packet Retention.*** NRD shall retain a file for each Applicant for the duration of the permit and an additional seven (7) years after the Applicant's permit

expires. The file shall be labeled by the Applicant's Tribal ID number and name. The file shall contain all items listed in Section 2 of this manual and any other documents relevant to the current permit or any future permit that may be issued.

**Section 9. *Commercial Fishing Permit Revocation.*** NRD shall revoke a commercial fishing permit for the following reasons:

- A. The Applicant pleads guilty, no contest, or is convicted of fishing outside of areas that are permitted waters.
- B. The Applicant pleads guilty, no contest, or is convicted of fishing outside of the permitted season.
- C. Failure to pass a Vessel Safety Inspection.
- D. Loss of a valid Captain's License.
- E. The Applicant pleads guilty, no contest, or is convicted of Wanton Waste or similar charge received in Tribal Court.
- F. Violation of the terms and conditions of the individual fishing permit.
- G. The Applicant pleads guilty, no contest, or is convicted of a violation of any CORA regulation.

**Section 10. *Notification of Commercial Fishing Permit Revocation.***

- A. The Applicant shall be immediately notified of the initial suspension of the commercial fishing operation by NRD. This notification may be verbal, but must be documented in the Applicant's file.
- B. The Applicant shall have up to thirty (30) business days to address the cause of the suspension and demonstrate to NRD that the Applicant has returned to compliance. Once the Applicant has achieved compliance again, the NRD shall reinstate the permit.
- C. If the Applicant is not able to achieve compliance within the thirty-day period, the revocation shall be final. The Applicant has fourteen (14) days to remove their nets from the water. In order to receive a new permit, the Applicant will have to reapply for a permit.

**Section 11. *Appeal of Revocation.***

- A. The Applicant may appeal a revocation of their permit to the Natural Resource Commission within seven (7) business days after revocation has been deemed "final."
- B. The Applicant must notify the Commission within seven (7) business days if they want to appeal a final determination of the NRD.