



## Little River Band of Ottawa Indians

2608 Government Center Drive

Manistee MI 49660

(231) 723-8288

### Resolution #22-0824-153

#### *Approving Amendments to the Hunting, Trapping, and Gathering Regulations for the 1836 Ceded Territory*

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 legislative powers of the Tribe are vested in the Tribal Council according to Article IV, Section 1 of the Constitution; and

WHEREAS, the Tribal Council is authorized by Article IV, Section 7(a)(1) and (2) to exercise the inherent powers of the Tribe by establishing laws through the enactment of ordinances and adoption of resolutions to govern the conduct of Tribal Members and others within the Tribe's jurisdiction and to promote, protect and provide for the public health, peace, morals, education and general welfare of the Tribe and its members; and

WHEREAS, our ancestors reserved the right to hunt, fish and gather within the territories ceded under the 1836 Treaty of Washington ('1836 Ceded Territory'), and is a right which we as Anishinaabek continue to exercise; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(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 Natural Resource Commission discussed, proposed amendments, and approved the proposed Hunting, Trapping, and Gathering Regulations for the 1836 Ceded Territory by resolution NRC 2022-0314-001; and

WHEREAS, the proposed Regulations were posted online for thirty days to allow for public comment on 04-06-2022; and

WHEREAS, the Tribal Council held a work session open to the public to allow for feedback and discussion on 08-22-2022; and

NOW, THEREFORE, IT IS RESOLVED that the Tribal Council approves amendments to the Hunting, Trapping, and Gathering Regulations for the 1836 Ceded Territory with the following major changes and some minor formatting, rewording for clarity and numbering corrections:

3.04 Bag Limit means the daily limit in the amount amount of each species of game that may be taken by any one person.

3.10. Closed Area means any area of Tribal lands set aside for the exclusive use of enrolled members of the Little River Band of Ottawa Indians and their immediate family members per Tribal Council Resolution. Removing #00-1006-01, Paragraph (b) and Interim Land Use Ordinance #00-1212-08.

3.31. Immediate Family Member means a spouse, parent, child, or grandchild of an enrolled Tribal member. #00-0925-01.

3.35. Lineal Descendants means a blood relative who is in direct line of decent of a tribal member.

3.44. Nonlead Ammunition means ammunition containing pellets composed of materials approved as nontoxic by the U.S. Fish and Wildlife Service.

3.45. Personal Use means the use of natural resources by Tribal Members for direct personal or family consumption as food, medicine, shelter, fuel, clothing, or tools; cultural, ceremonial, or transportation purposes; trade or barter within Tribal communities; or making handicraft articles for sale, trade, or barter. For purposes of this section

3.65. 3.10. Tribe means the Little River Band of Ottawa Indians.

3.66. 3.10. Tribes means the Bay Mills Indian Community, the Sault Ste. Marie Tribe of Chippewa Indians, the Grand Traverse Band of Ottawa and Chippewa Indians, the Little River Band of Ottawa Indians and the Little Traverse Bay Band of Odawa Indians

3.70. Tribal Member means an emailed enrolled member of the Little River Band of Ottawa Indians, except where the context references emailed enrolled members of one or more of the other Tribes

3.71. Tribe means the Little River Band of Ottawa Indians.

3.72. Tribes means the Bay Mills Indian Community, the Sault Ste. Marie Tribe of Chippewa Indians, the Grand Traverse Band of Ottawa and Chippewa Indians, the Little River Band of Ottawa Indians and the Little Traverse Bay Band of Odawa Indians

3.71. Water or Waters means inland lakes and streams.

3.73. Wanton Waste means to intentionally or negligently harm a natural resource leaving it damaged against the use, taking, or enjoyment by others.

3.74. Water or Waters means inland lakes and streams

4.02. Restricted Tribal Lands. The following Tribal parcels are subject to restrictions on harvesting activities:

a. Dabaakwanige Gamig (Justice Center). The Tribal property known as the Justice Center (formerly known as Newland Academy) is closed to hunting with firearms, pursuant to Tribal Council Resolution #03-0212-45.

b. Bull Property. The Tribal property known as the Bull property or the Orchards on the northwest corner of Dontz Road and M-22 are limited to archery, crossbow, shotgun, straight walled cartridges and muzzleloader hunting unless amended by the Natural Resource Commission or the Tribal Council.

g. Camping. Tribal Members shall must follow MDNR general camping registration procedures, including payment of camping fees, and all other applicable rules and regulations when camping in a State Park or State Forest campground. Tribal Members may camp on State Forest lands that are at least one-half mile away from a State Forest campground or the boundary of a State Park, except in areas closed to all camping by the Director of the MDNR. When camping on such State Forest lands, Tribal Members must post a cost-free MDNR camping permit on site and follow State land use rules. MDNR camping permits may be obtained from the Natural Resource Department or from the local MDNR State Forest office.

5.02. Non-Tribal Member Permit. Non-Tribal Members may be permitted by the Department to harvest in on-reservation areas only, subject to the following:

a. Trespass Permits. Immediate family members or Lineal Descendant of Tribal Members shall receive a special trespass permit on submission to the Department. The application shall, at a minimum, identify the enrolled tribal member to whom the applicant is related and identify the nature of the relationship, with verification by the listed tribal member. The permittee must carry the permit and photo I.D. at all times during harvesting activities on on-reservation lands. The tribal member need not accompany the trespass permit holder

6.02. Firearm Limitations. Tribal Members are further subject to the following limitations on weapons:

a. In hunting M'didaa-E'weesi'e (big game) other than wild turkey, a Tribal Member shall not use a firearm other than a centerfire rifle of .223 caliber or larger, handgun, a muzzle loader of .40 caliber or larger, or a shotgun using slug or buckshot.

- b. In hunting wild turkey, a Tribal Member may not use a firearm other than a shotgun or muzzle-loading shotgun using number four (4) shot or smaller nonlead ammunition is recommend.
- c. All shotguns used for migratory birds (including woodcock) must be plugged so the total capacity of the shotgun does not exceed three shells.
- d. Any device or apparatus known or used as a silencer may be used when used in compliance with federal law.

6.09. Raccoon Hunting Exception. .22 caliber or smaller rim fire rifles and handguns may be used to kill raccoon while hunting raccoons with dogs between the hours of 7 P.M. and 6 A.M. on lands open to hunting throughout the Ceded Territory.

6.10. Nonlead Ammunition. In an effort to protect the ecosystem, nonlead ammunition is recommended to be used in the hunting of Gaachiinhi-E'weesi'ek (small game)

14.01. The following species are limited by the seasons and bag limits displayed in the following table:

<b>Hunting Seasons and Bag Limits</b>		
<b>Species</b>	<b>Season</b>	<b>Bag Limit</b>
Gaachiinhi-E 'weesi' ek (small game)	September 1 through April 1	Ten (10) species per <u>day</u> ; possession limit of twenty (20)
Feral swine, starling, pigeon, sparrow, red squirrel, ground squirrel, porcupine, opossum, woodchuck, weasel, skunk	No closed season	No bag <u>limits</u> , no possession limit
Wild turkey	Fall Season: October 1 through November 14	Two (2) birds of either sex
	Spring Season: April 15 through June 15	Two (2) adult males with visible beards
Deer	<p>Bow and Crossbow sSeason: the day after Labor Day through the <u>Sunday of the first full weekend in January</u></p> <p>Firearm Early Season: the day after Labor Day through <u>October 31.</u></p> <p>Firearm Late Season for all lands: November 15 through the <u>Sunday of the first full weekend in January.</u></p> <p>Firearm Late Season for Tribal Lands only: will commence November 1 and <u>end the Sunday of the first full weekend in January.</u></p>	<p>Annual bag limit of ten five (10 <del>5</del>) deer per Tribal hunter <u>including harvesting with firearms.</u></p> <p><u>FIREARM SEASON ONLY: no more than two (2) of the ten (10) deer bag limit may be antlered.</u> Only one (1) antlered deer in the Early Season.</p> <p>Up to 5 Deer may only be taking in the Early season. With a total of 10 deer for both Early and Late Seasons Combined.</p>

	<del>Firearm early season: the day after Labor Day through October 31</del> <del>Firearm late season for all lands: November 15 through the Sunday of the first full weekend in January.</del> <del>Firearm late season for Tribal lands only: will commence on November 1 and end the Sunday of the first full weekend in January.</del>	<del>FIRE ARM SEASON ONLY: no more than two (2) of the five (5) deer bag limit may be antlered. Only one (1) antlered deer, and no more than two (2) deer total, may be taken the day after Labor Day through October 31.</del>
Bobcat	October 1 through March 1	<del>Three</del> Two (3 <del>2</del> ) per season combined hunting and trapping
Fisher	Upper Peninsula: October 1 through March 15	Two (2) per season combined hunting and trapping
	Lower Peninsula: No Season	No harvest permitted
Badger, mink, gray fox, and red fox	October 1 through March 1	No bag limit
Raccoon	October 1 through March 15	No bag limit
Coyote	No closed hunting season	No bag limit
Beaver, muskrat, otter, wolf, cougar, moose, American marten, and gray wolf	No hunting season; see trapping regulations in Article 15.	
Black Bear	See Additional Regulations in Black Bear Regulations and annual supplement.	

14.02. Nuisance Harvests. Coyote, raccoon, or crow may be taken on private property with written permission from the owner at any time if the animal poses an immediate threat of harm to any livestock, crops, or person. Any take under this provision must be reported to the Department of Public Safety within twenty-four (24) hours.

14.03. Nighttime Hunting. Raccoon, coyote, fox, and bobcat may be hunted at night subject to the seasons and bag limits indicated in §14.01 and subject to all of the following:

- a. Only lights similar to the type ordinarily held in the hand or on the person may be used, mounted on a person's clothing or firearm. Night vision, thermal imaging devices and laser sights, including

scopes, may also be used.

15.04. Incidental catches. Incidental catches must be released if possible. If not, a Tribal Member must turn any incidental catch into the Natural Resource Department within seventy two (72) hours of the harvest. One incidental catch per species per year may be returned to the Harvester at the discretion of the Natural Resource Department. Subsequent incidental catches will be forfeited to the wildlife repository at the Natural Resource Department.

15.10

Bobcat three (3) per season  
combined hunting and  
trapping  
Season opens October 15

k. Hunt migratory birds from or by means or use of a sink box or other ----- low floating device having a depression affording the hunter a means of concealment beneath the surface of the water.

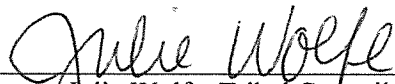
18.02. Reporting Findings. If a Tribal Member finds a dead eagle, hawk, or other raptor, furbearer, or any Threatened or Endangered Species, the Member shall report the finding to the Natural Resource Department as soon as possible. The Tribal Member must direct the appropriate Tribal authority to the place where the carcass was found. A Tribal Enforcement Officer shall take a sworn statement from the Tribal Member regarding the circumstances under which the carcass was found. If the Tribal Enforcement Officer or appropriate Tribal authority is satisfied that the Tribal Member was in no way involved in the intentional taking of the animal, the Tribal Member may either keep the carcass or any part of it for spiritual practices or shall donate it to the LRBOI Tribal repository, provided such action does not violate any applicable federal law. Tribal members are then free to apply for the carcass or parts of it. This section applies to found wild animals only, and not to roadkill or incidental catch as set forth in these regulations or other applicable law

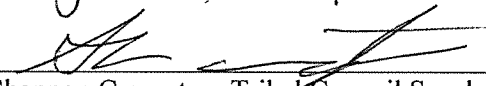
1. Prosecutorial discretion. At the discretion of the Tribal Prosecutor, the offense of Wanton and Willful Waste may be charged as an infraction or a misdemeanor under this code or other applicable Tribal law

22.11. Repeat Offenders. Repeat offenders may be fined up to \$5,000 and/or lose their hunting, trapping, fishing, or gathering rights, licenses, or permits for specified periods of time as deemed appropriate by the Natural Resource Commission or as ordered by Tribal Court

**CERTIFICATE OF ADOPTION**

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 7 FOR, 2 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on August 24, 2022, at the Little River Band Ottawa Indians' Government Center in Manistee, Michigan, with a quorum being present for such vote.

  
\_\_\_\_\_  
Julie Wolfe, Tribal Council Recorder

  
\_\_\_\_\_  
Shannon Crampton, Tribal Council Speaker

Attest:

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