

Little River Band of Ottawa Indians

PO Box 314

Manistee MI 49660-0314

RESOLUTION NO. #96-0922-01

WHEREAS, the Little River Band of Ottawa Indians is a federally recognized tribe, as reaffirmed under P.L. 103-324, enacted on September 21, 1994; and

WHEREAS, the Little River Band of Ottawa Indians is descended from, and is the political successor to, Grand River Ottawa Bands which were signatories of the 1836 Treaty of Washington (7 Stat. 491), as reaffirmed under P.L. 103-324, enacted on September 21, 1994; and

WHEREAS, the Little River Band of Ottawa Indians reserved certain rights to hunt, fish, trap and gather natural resources from the lands and waters in those portions of Michigan which were ceded under the 1836 Treaty. These treaty based rights were confirmed by United States v. Michigan, 471 F.Supp 192 (W.D. Mich. 1979); affirmed, 653 F.2d 277 (6th Cir. 1981); certiorari denied, 454 U.S. 1124, 102 S.Ct. 971 (1981), and 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).

WHEREAS, the current Tribal Council of the Little River Band of Ottawa Indians is authorized by P.L. 103-324 to conduct business on behalf of the Tribe until such time as a new constitution and by-laws are duly adopted, pursuant to an election conducted by the Secretary of the Interior; and

WHEREAS, the Tribal Council, pursuant to Article VII, Section 1 of the Tribal Constitution, is authorized to create and charter subordinate organizations to manage the affairs of the Tribe; and

WHEREAS, the Tribal Council has, pursuant to Little River Band Ordinance Number 96-500-01, adopted May 5, 1996, created a Natural Resource Commission and authorized such Commission to recommend to the Tribal Council, Ordinances as may be required to regulate and manage natural resources which may utilized by Tribal members; and

WHEREAS, the Natural Resource Commission has, in cooperation with the Grand Traverse Band of Ottawa and Chippewa Indians and Little Traverse Bay Bands of Odawa Indians, developed a proposed Ordinance for the regulation of subsistence fishing, hunting, trapping and gathering activities of each Tribes' respective members; and

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WHEREAS, the Tribal Council has determined that it is in the best interests of its members to promote, honor and respect our traditional spiritual and physical relationship to the resources, and usufructuary rights thereto, which were reserved by our ancestors; and

WHEREAS, the Tribal Council wishes to honor the efforts and sacrifices its Elders have made on behalf of our people to maintain and preserve our Bands' treaty rights, including the reserved right to hunt, fish, trap and gather natural resources from the lands and waters in those portions of Michigan which were ceded under the 1836 Treaty; and

WHEREAS, the Natural Resource Commission is authorized to promulgate rules for the purpose of implementing Ordinances authorizing and regulating hunting, fishing, trapping and gathering activities by Tribal members;

NOW THEREFORE BE IT RESOLVED, that the Tribal Council of the Little River Band of Ottawa Indians approves and adopts the Uniform Conservation Code of the Ottawa and Chippewa of Northern Michigan, as Ordinance Number 96-500-02, with the following express limitations and additions:

1. The provisions of the Uniform Conservation Code of the Ottawa and Chippewa of Northern Michigan ("Uniform Code") shall govern the hunting, fishing, trapping and gathering activities of Tribal members both within the Ceded Territory, as defined in the Uniform Code, and on the Little River Band's Reservation and Territory, as defined in Article II, Section 1 of the Tribal Constitution;

2. The Natural Resource Commission is expressly authorized and directed to request and receive assistance from the Grand Traverse Band of Ottawa and Chippewa Indians' Conservation Department for conservation enforcement assistance;

3. The Tribal Council hereby authorizes the Tribal Chairman and Commissioner of the Natural Resource Commission to execute an assistance agreement with the Grand Traverse Band of Ottawa and Chippewa Indians which would authorize Grand Traverse Band Conservation Officers to enforce the Uniform Code with respect to the activities of members of the Little River Band of Ottawa Indians;

4. Notwithstanding any provisions to the contrary in Ordinance Number 96-500-01 or this Ordinance Number 96-500-02, Natural Resource Commission shall only be authorized to develop regulations as may be necessary regulate the harvest of natural

resources, including the conduct of one or more ceremonial hunts, for use and consumption by Tribal members at Tribal ceremonies, and to issue subsistence hunting and fishing licenses and permits to Tribal Elders, subject to such terms and conditions as are necessary to conserve and preserve the resources while promoting and protecting public safety.

5. Notwithstanding any provision to the contrary in Ordinance Number 96-500-01 or this Ordinance Number 96-500-02, the Natural Resource Commission's authority to promulgate regulations implementing this Ordinance shall be subject to the following terms and conditions:

(a) The Natural Resource Commission shall formally request and receive technical assistance from the Grand Traverse Band's Biological Services Department in the development of these regulations;

(b) The Natural Resource Commission shall, in consultation with the Grand Traverse Band's Biological Services personnel, develop proposed regulations which will define and limit the number of licenses and permits to be issued, the species to be harvested, the number of each species to be harvested, the time period during which such license/permits will be valid, and which limit the area(s) in which hunters will be authorized to Tribal lands and public lands within the jurisdiction of the Manistee National Forest;

(c) Non-Elder, Tribal members authorized to harvest natural resources, including participation in one or more ceremonial hunt, shall only be authorized to harvest the species and number of each species as specified in a Special Permit;

(d) Prior to issuing any license or permit authorizing a Tribal member, including Tribal Elders, to engage in subsistence or ceremonial hunting activities, the Natural Resources Commission shall review its proposed regulations, with appropriate officials with the Manistee National Forest for the purpose of addressing public safety concerns or land use conflicts;

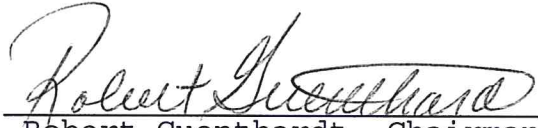
(f) Prior to issuing any license or permit authorizing a Tribal member, including a Tribal Elders, to engage in subsistence or ceremonial hunting activities, the Natural Resource Commission shall present its proposed regulations to Tribal Council for approval. The Tribal Council shall have seven (7) days to approve or reject the Commission's proposed regulations.

BE IT FURTHER RESOLVED that the Tribal Council of the Little River Band of Ottawa Indians respectfully requests the assistance of the Grand Traverse Band of Ottawa and Chippewa Indians with biological and conservation enforcement assistance and authorizes the Tribal Chairman and the Commissioner of the Natural Resource Commission to negotiate and execute any agreements or amendments thereto which may be necessary to implement this Resolution and Ordinance Number 96-500-02, and is further authorized to serve as the Tribes representative for purposes of those agreements.

Certificate of Adoption

This resolution was adopted by the Tribal Council of the Little River Band of Ottawa Indians at its Special Session held on September 22, 1996 by a vote of 4 in favor, 0 opposed, 3 absent, and 0 abstentions.

Date: 9/22/96


Robert Guenthardt, Chairman