



# Little River Band of Ottawa Indians

PO Box 314

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## RESOLUTION NO. #97-0126-02

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 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, pursuant to Little River Band Ordinance Number 96-500-02, adopted the Uniform Conservation Code of the Ottawa and Chippewa of Northern Michigan, subject to the limitations defined in Tribal Council Resolution Number #96-0922-01; and

WHEREAS, Ordinance Number #96-500-02 authorized the Natural Resource Commission develop regulations to regulate 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.

WHEREAS, the limitations imposed on the Natural Resource Commission's authority to issue Tribal Licenses under Tribal Council Resolution #96-0922-01 impose a hardship on Tribal members

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who are unable to obtain a Tribal License to hunt, fish and trap within the Ceded Territory, even if such member chooses to hunt, fish or trap in compliance with the seasons, bag or creel limits, restrictions on the sex or size of animals harvested, and methods of harvest provided for under the laws of the State of Michigan; and

WHEREAS, the Tribal Council wishes to remedy the hardship imposed on such members and expressly finds that Tribal members should be permitted to engage in hunting, fishing, and trapping activities in the Ceded Territory, without having to obtain a Tribal License, provided that such members' activities are otherwise conducted in compliance with all other applicable Tribal laws and regulations necessary for the protection of the public safety and sound resource management.

NOW THEREFORE BE IT RESOLVED, that the Tribal Council of the Little River Band of Ottawa Indians amends the Uniform Conservation Code of the Ottawa and Chippewa of Northern Michigan, as modified and adopted by Tribal Council Resolution No. #96-0922-01, in the following manner:

The definition of "Tribal License" shall be amended to add the following language:

1.05. *Tribal License* - A gathering, hunting, trapping, or fishing License issued by a Tribe to a Tribal member which is valid and current WHICH AUTHORIZES HIM OR HER TO HUNT, TRAP, FISH OR GATHER IN ACCORDANCE WITH THE PROVISIONS OF THIS CODE.

Section 3 of the Uniform Code shall be amended to add new Subsections 3.10 and 3.11, to provide as follows:

3.10. *TRIBAL LICENSE NOT REQUIREED TO HUNT, TRAP OR FISH UNDER STATE LAW.* NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION 3, A TRIBAL MEMBER IS NOT REQUIRED TO POSSESS A TRIBAL LICENSE TO HUNT, TRAP OR FISH WITHIN THE CEDED TERRITORY IN COMPLIANCE WITH THE LAWS OF THE STATE OF MICHIGAN REGULATING SEASONS, BAG AND CREEL LIMITS, SIZE OR SEX OF ANIMALS HARVESTED, AND THE GEAR AND METHODS OF HARVEST, PROVIDED THAT SUCH MEMBER HAS IN HIS OR HER POSSESSION HIS OR HER TRIBAL ENROLLMENT CARD AND PHOTOGRAPHIC IDENTIFICATION CARD. EXCEPT FOR THE TRIBAL LICENSE REQUIREMENTS IN SECTION 3, ALL OTHER PROVISIONS OF THIS CODE OR ANY REGULATIONS PROMULGATED IN ACCORDANCE WITH THIS CODE, INCLUDING REQUIREMENTS PRESCRIBING BIOLOGICAL ASSESMENT OF HARVEST LEVELS, SHALL REMAIN APPLICABLE TO A TRIBAL MEMBER HUNTING, TRAPPING OR FISHING UNDER THIS PARAGRAPH. NO MEMBER WHO HAS NOT PASSED A RECOGNIZED HUNTERS SAFETY COURSE SHALL HUNT

OR TRAP UNDER THIS PARAGRAPH.

3.11. TRIBAL LICENSING EXCLUSIVE. NO TRIBAL MEMBER WHO COMPLIES WITH THE APPLICABLE PROVISIONS OF THIS SECTION 3 REGARDING POSSESSION OF A TRIBAL LICENSE, HARVEST TAG, SPECIAL USE PERMIT, TRIBAL ENROLLMENT CARD AND PHOTOGRAPHIC IDENTIFICATION CARD SHALL BE REQUIRED TO PURCHASE OR POSSESS A MICHIGAN BIG GAME, SMALL GAME, TRAPPING, OR FISHING LICENSE WHEN HUNTING, TRAPPING OR FISHING WITHIN THE CEDED TERRITORY, OR WHEN TRANSPORTING OR POSSESSING ANY FISH, GAME, FURS, HIDES, AMPHIBIANS OR REPTILES, OR AUXILIARY PARTS OF ANIMALS LAWFULLY TAKEN WITHIN THE CEDED TERRITORY, ANYWHERE IN THE STATE OF MICHIGAN.

Subsection 13.04 of Section 13, defining Offenses under the Uniform Code, shall be amended to add additional language as follows:

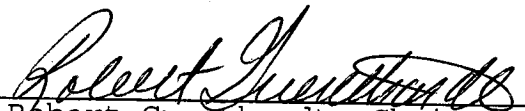
13.04. It shall be unlawful to:


A. Engage in any fishing, hunting or trapping without first obtaining a Tribal License, HARVEST TAG, SPECIAL USE PERMIT, TRIBAL ENROLLMENT CARD OR PHOTOGRAPHIC IDENTIFICATION CARD WHEN REQUIRED UNDER THIS CODE.

#### Certificate of Adoption

This resolution was adopted by the Tribal Council of the Little River Band of Ottawa Indians at its Special Session, called for purpose of acting upon this matter, held on January 26, 1997 by a vote of 5 in favor, 0 opposed, 1 absent, and 0 abstentions.

Date: 1/26/97

  
Robert Guenthardt, Chairman

  
Kathy Berentsen, Vice Chair