



Little River Band of Ottawa Indians

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RESOLUTION NO. #98-0308-04

APPROVING TRIBAL MEMBERSHIP IN CHIPPEWA-OTTAWA TREATY FISHERY
MANAGEMENT AUTHORITY (COTFMA) AND DELEGATING CERTAIN POWERS TO
COTFMA TO REGULATE EXERCISE OF GREAT LAKES TREATY FISHING RIGHTS BY TRIBAL
MEMBERS PURSUANT TO ARTICLE 5 OF THE COTFMA CHARTER

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, with property rights secured to it under the 1836 Treaty of Washington (7 Stat. 491) and the 1855 Treaty of Detroit (11 Stat. 621); 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, in part, 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); and

WHEREAS, the Tribal Council and Natural Resource Commission has determined that it is in the best interests of its members to ensure the conservation and wise utilization of the Great Lakes fishery resources reserved by the Tribe in the 1836 Treaty; and

WHEREAS, the Tribal Council and Natural Resource Commission have determined that the Chippewa-Ottawa Treaty Fishery Management Authority (COTFMA) provides a mechanism for coordinated Tribal efforts to regulate and manage the Great Lakes fishery resources by the member-Tribes delegating to COTFMA the power to:

- a. promulgate regulations governing the exercise of the treaty fishing rights on the Great Lakes by the member Tribes; and
- b. supervising and coordinating the activities of the fishery law enforcement programs of the member Tribes; and
- c. applying for, receiving and expending, federal, tribal, state and private funds for the purpose of conservation, enhancement, utilization and protection of the treaty fishery resources of the Great Lakes.

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CHARTER
THE CHIPPEWA - OTTAWA
TREATY FISHERY MANAGEMENT AUTHORITY

1. PURPOSE. The Chippewa - Ottawa Treaty Fishery Management Authority is established by the Sault Ste. Marie Tribe of Chippewa Indians, Bay Mills Indian Community and the Grand Traverse Band of Ottawa and Chippewa Indians for the purpose of ensuring the conservation and wise utilization of the Great Lakes fishery resource reserved to the Tribes in the Treaty of March 28, 1836 (7 Stat. 491)

2. CREATION. The Authority is created when each of the Tribes delegates to the Authority the power to regulate the exercise of treaty rights by its respective members, as set forth in Article 5 hereof. The Authority's jurisdiction over members of a particular Tribe terminates when such delegation is rescinded or cancelled; however, the Authority's jurisdiction over members of other participating Tribes remains unimpaired.

3. COMPOSITION. The Authority shall act through its Management Committee which is composed of the Tribal Chairman and the Conservation Committee Chairman of each of the participating Tribes, or his delegate.

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OF OTTAWA INDIANS

4. CONSULTATION. In regulating the treaty fishery, the Management Committee shall utilize and consult with all available expertise and resources including biologists and resource personnel of the United States Fish and Wildlife Service, the Michigan Department of Natural Resources, and the Tribes. The Committee shall further consult with the treaty fishermen regarding regulations which affect them.

5. POWERS AND RESPONSIBILITIES. The Authority shall have the following powers and responsibilities subject to the terms of the delegation of power of each of the Tribes:

- a. To promulgate regulations governing the exercise of the treaty fishing rights reserved to the Tribes in the Treaty of March 28, 1836, by members of the Tribes.
- b. To supervise and coordinate the activities of the fishery law enforcement programs of the Tribes.
- c. To apply for, receive and expend, federal, tribal, and state and private funds for the purpose of conservation, enhancement, utilization, and protection of the treaty fishery resource.

6. PROCEDURE. The Authority shall conduct its meetings according to its own rules of procedure, except that the adoption of any regulation, closure or relaxation thereof shall be done only by a two-thirds vote of the entire management Committee.

7. RESERVATION OF POWERS TO THE TRIBES. The Tribes reserve the power to promulgate separate and different regulations governing treaty fishing activity by their respective members where, for conservation purposes there is no reason for uniformity, such as tribal licensing requirements, and adopt separate and different regulations which are more restrictive than those promulgated by the Authority, provided, that all separate tribal regulations shall be consistent with those of the Authority.

8. AMENDMENT. The Articles may be amended by concurrent action of the tribal councils of the participating Tribes.

Section 2. The Chairman of the committee, as well as, two voting members of the committee may call special meetings of the council for the consideration of matters requiring immediate attention. The committee members must be given at least 48 hours notice of any emergency meeting to be held.

Section 3. The Management Committee shall appoint a Secretary, who is a non-voting member, whose responsibility it shall be to keep official records of all proceedings of the committee.

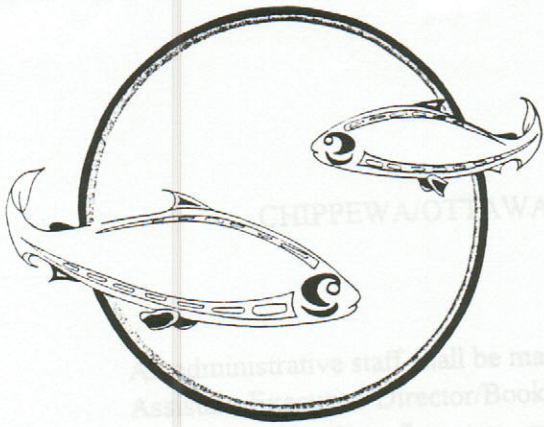
Section 4. The Secretary shall keep said records on file at the Tribal Office so designated. The Tribal Office designated as the present depository for such records are those of the Sault Ste. Marie Tribe of Chippewa Indians.

Section 5. It shall be the duty of the Secretary to maintain separate files containing: (a) the Articles and Rules of Procedure of the Authority, as well as any amendments thereto; (b) documentation of all regulations promulgated by the Authority as well as any other official actions, with certification as to the effective date of each such promulgation or action; (c) recommendations or proposals regarding regulations governing the exercise by tribal members of treaty fishing rights reserved in the Treaty of March 28, 1836; (d) general correspondence related to the activities of the Authority; (e) and any other records or documents that may be of value to the committee.

Section 6. All matters brought before the committee, with the exception of the adoption of any regulation, closure order or relaxation thereof which are provided for separately in Article (6) Six, shall be adopted by a majority vote of those present provided they constitute a quorum as set forth in Part I, Section 4.

Section 7. The Management Committee need not meet personally in order to officially transact business. As an alternative to a personal meeting of the Management Committee, the Secretary may arrange conference calls to dispose of urgent items of business; also the Secretary may be informed of votes on non-emergency matters by written communications. Any promulgation or action of the Authority shall be effective when the Secretary ascertains the vote of each member of the Management Committee and certifies the effective date pursuant to Section 5 (b).

Section 8. Recommendations or proposals regarding regulations governing the treaty fishery will normally be made in written communications to the Authority from the joint-tribal Biological Services and Assessment Program; however, such recommendations or proposals may also originate from any of the



Chippewa-Ottawa Treaty Fishery Management Authority

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CHIPPEWA/OTTAWA TREATY FISHERY MANAGEMENT AUTHORITY

SCOPE OF WORK

The COTFMA is responsible for providing overall policy direction for Conservation Enforcement, Conservation Court, Biological Assessment and Information and Education Programs to ensure the conservation of the treaty fishery resource, to promote and enhance fishing and marketing opportunities and to educate the public as to the treaty fishing rights and the activities of the various programs.

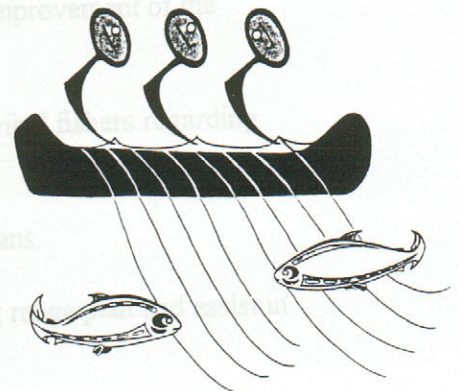
STATEMENT OF WORK FOR BOARD

The COTFMA is responsible for promulgating a uniform code of fishing regulations and will hold meetings as required to insure the development and enforcement of such regulations. The COTFMA shall work to ensure the programs funded through the COTFMA are adequately funded and will pursue additional funds to enhance these or to develop new programs and projects.

The COTFMA is responsible for ensuring compliance with the 1985 Agreement for Entry of Consent Order, and coordinates the affairs of the Executive Council which was established by the Order.

The COTFMA shall have the power to impose and enforce closures to comply with the terms of any allocation of available fish stocks made by the court or agreed to by the COTFMA.

The COTFMA shall have the powers to adopt adjustments binding on treaty fishers affecting closures, catch limits, special reporting requirements, or any other restrictions.



Chippewa/Ottawa Treaty Fishery Management Authority
Statement of Work
Page 2

- O. Explore alternatives for expansion of the fishery and other tribal natural resources.
Establish goals and develop plans to achieve those goals.
- P. Maintaining contact and rapport with state, federal and local political representatives to assist the COTFMA in all issues related to the treaty fishery.
- Q. Represent the COTFMA on state, federal, and interagency committees.
- R. Administrative staff will work to achieve the objectives of COTFMA and will ensure it is in compliance with the Bureau of Indian Affairs Contracting Regulations.
- S. Issue Commercial Fishing Licenses to persons authorized by a member tribe.
- T. Compute and issue appropriate meeting stipends/travel reimbursements in compliance with established regulations, policies and procedures.
- U. Obtain legal assistance through contractual arrangement approved by the governing board.