



Little River Band of Ottawa Indians

PO Box 314
Manistee MI 49660-0314
(616) 723-8288

RESOLUTION NO. #98-0511-01

ADOPTING COMMERCIAL AND SUBSISTENCE FISHING REGULATIONS OF THE CHIPPEWA-OTTAWA TREATY FISHERY MANAGEMENT AUTHORITY (COTFMA) AS A TRIBAL ORDINANCE AND AUTHORIZING THE NATURAL RESOURCE COMMISSION TO ADOPT TRIBAL REGULATIONS IMPLEMENTING COTFMA REGULATIONS

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 has, pursuant to Resolution No. #97-0308-04, delegated the authority to promulgate regulations governing the exercise of the treaty fishing rights on the Great Lakes by the member Tribes to the Chippewa-Ottawa Treaty Fishery Management Authority (COTFMA); and

WHEREAS, the Tribal Council and Natural Resource Commission have determined that it is in the best interests of its members to permit utilization of the Great Lakes fishery resources reserved by the Tribe in the 1836 Treaty in accordance with regulations adopted by COTFMA; and

WHEREAS, the Natural Resource Commission is authorize to promulgate supplemental regulations necessary to govern treaty fishing activities by Tribal members on the Great Lakes consistent with the Reservation of Powers provided in Article 7 of the COTFMA Charter.

NOW THEREFORE IT IS RESOLVED that the Tribal Council of the Little River Band of Ottawa Indians hereby adopts the COTFMA Rules and Regulations Governing Tribal Commercial and Subsistence Fishing Activities In the 1836 Treaty Ceded Waters of Lake Superior, Lake Huron and Lake Michigan (Adopted September 1, 1995), as the same may be amended, as Tribal Ordinance No. 98-500-03.

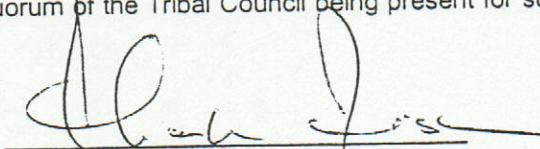
BE IT FURTHER RESOLVED THAT the Tribal Council authorizes the Natural Resource Commission to promulgate any and all additional Tribal Rules and Regulations necessary to implement the COTFMA Rules and Regulations to permit utilization of the Great Lakes fishery resources by Tribal members.

SERVING MANISTEE, MASON, WEXFORD AND LAKE COUNTIES
FAX (616) 723-8761

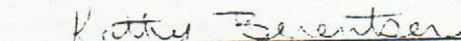
Certificate of Adoption

This resolution was adopted by the Tribal Council of the Little River Band of Ottawa Indians at a Regular Session held in Manistee, Michigan on May 11, 1998, by a vote of 6 in favor, 0 opposed, 1 absent, and 0 abstentions. A quorum of the Tribal Council being present for such vote.

Date: 5/11/98


Charles Fisher, Council Secretary

Attest:


Kathy Berentsen, Vice-Chair