



Little River Band of Ottawa Indians

PO Box 314
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RESOLUTION NO. #98-0810-04

Authorizing the Natural Resource Commission to License
Tribal Members to Engage in Subsistence Hunting for Small Game and Waterfowl
and Trapping Pursuant to
Tribal Regulations and Amending the Uniform Conservation Code
In Accordance with this Authorization

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, certain 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 Tribal Council 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 for the conduct of one or more ceremonial hunts and to issue subsistence hunting and fishing licenses and permits to Tribal Elders; and

WHEREAS, the Tribal Council has, pursuant to Resolution No. #97-0804-04, authorized the Natural Resource Commission to issues subsistence fishing regulations to all Tribal members, and to regulate subsistence fishing in accordance with regulations developed and approved by the Natural Resource Commission, which define the waters open to subsistence fishing, gear restrictions, and seasons/creel limits for harvest; and

WHEREAS, the Tribal Council did, pursuant to Resolution No. #98-0308-02, authorized the Natural Resource Commission to issue subsistence hunting licenses and permits to Tribal members, for the purpose of establishing a Spring Turkey Season for 1998, in accordance with regulations developed and approved by the Natural Resource Commission; and

WHEREAS, the Tribal Council did, pursuant to Resolution No. #98-0511-04, adopted the Chippewa-Ottawa Treaty Fishery Management Authority (COTFMA) Regulations as a Tribal Ordinance, which authorized the Natural Resource Commission to issue subsistence and commercial fishing licenses to Tribal members for fishing activities on the Treaty-ceded waters of the Great Lakes; and

WHEREAS, the Natural Resource Commission wishes to extend Tribally-regulated harvesting opportunities to all Tribal members by receiving Tribal Council authorization to license Tribal members to engage in certain, limited, subsistence hunting activities within the territory ceded in the 1836 Treaty and within the exterior boundaries of the Tribe's Reservation; and

WHEREAS, the Tribal Council finds that certain revisions to the Uniform Conservation Code, as amended by the Resolutions cited herein, are necessary to authorize the Natural Resource Commission to implement the licensing authority and season requested, while at the same time promoting the protection of the Tribe's treaty rights.

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes the Natural Resource Commission to issue licenses which authorize Tribal members to engage in subsistence hunting for small game and waterfowl only and trapping activities in accordance with regulations promulgated by the Natural Resource Commission

which specifically govern such hunting and trapping activities during the 1998 season. The Natural Resource Commission shall further update its subsistence fishing, hunting and trapping regulations for Tribal Elders for the 1998 season.

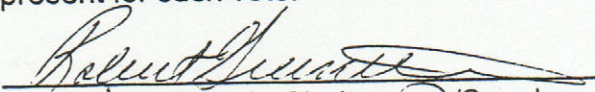
IT IS FURTHER RESOLVED THAT the regulations promulgated by the Natural Resource Commission shall, at a minimum, restrict the lands which will be open to Tribally-licensed, hunters and trappers to lands within Manistee County. The regulations shall further establish the seasons and harvest limits for species subject to subsistence harvest, and any gear/area restrictions which are reasonably necessary for conservation or public safety.

IT IS FURTHER RESOLVED, that at least ten (10) days prior to issuing any license or permit which authorizes a Tribal member to engage in subsistence hunting or trapping activities, the Natural Resource Commission shall provide a copy of its proposed regulations to the Tribal Council and the Tribal Attorney. Subsistence hunting regulations and trapping regulations shall become effective seven (7) days after such regulations, or any amendments or additions thereto, have been duly adopted by the Natural Resource Commission and a copy of such regulations is filed with the Tribal Chairperson/Speaker and the Secretary/Recorder of the Tribal Council.

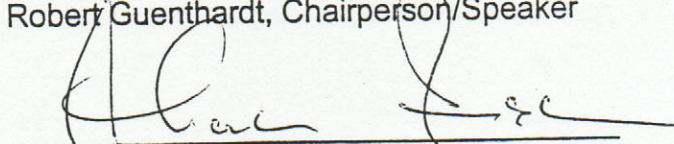
Certificate of Adoption

This resolution was adopted by the Tribal Council of the Little River Band of Ottawa Indians at its Regular Session held at the Tribal Community Center on August 10, 1998 by a vote of 4 in favor, 2 opposed, 1 absent, and 0 abstentions, a quorum being present for such vote.

Date: 8/10/98


Robert Guenthardt, Chairperson/Speaker

Attest:


Charles Fisher, Council Secretary/Recorder