



Little River Band of Ottawa Indians

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

RESOLUTION NO. #99-0831- 61

Authorizing the Natural Resource Commission to License
Tribal Members to Engage in Subsistence Hunting 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 governing subsistence hunting and fishing licenses and permits to Tribal Elders; and

WHEREAS, the Tribal Council has, pursuant to various Resolutions of the Tribal Council, authorized the Natural Resource Commission to develop regulations governing limited subsistence hunting, fishing and trapping by Tribal members; 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 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.

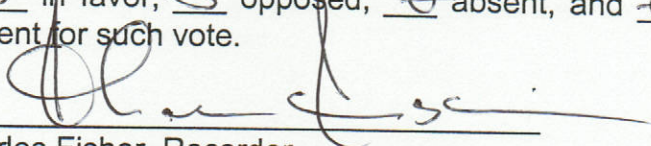
NOW, THEREFORE, BE IT RESOLVED, that the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes the Natural Resource Commission to issue licenses that authorize Tribal members to engage in subsistence hunting for deer, turkey, small game and waterfowl and trapping activities in accordance with regulations promulgated by the Natural Resource Commission which govern such hunting and trapping activities during the 1999-2000 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 the following categories of lands within Lake, Manistee, Mason and Wexford Counties: (1) Public lands open to hunting; (2) Tribal lands open to hunting; and (3) Private lands open to hunting by Tribal members with the permission of the owner of such lands. 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.

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 Little River Community Center on August 31, 1999 by a vote of 5 in favor, 3 opposed, 0 absent, and 0 abstentions, a quorum being present for such vote.

Date: 8/31/99


Charles Fisher, Recorder

Attest:


Joan Spalding, Council Speaker