

Little River Band of Ottawa Indians Migratory Bird Repository Handbook

The Little River Band of Ottawa Indians Natural (LRBOI) Resource Department maintains a Migratory Bird Repository and distributes migratory birds, parts, feathers, nests, and eggs to federally recognized LRBOI Tribal members for traditional, religious, spiritual, and cultural purposes.

Purpose of Policy

We seek to protect the traditional, religious, spiritual, and cultural resource values of LRBOI Tribal members and provide the necessary migratory birds, parts, feathers, nests, and eggs to members for these purposes. This policy provides uniform rules, conditions, and procedures for the application, issuance, denial, suspension, revocation, and general administration of all permits issued by the Little River Band Natural Resource Department for migratory birds. This policy only applies to species of Migratory Birds found within the LRBOI 1836 Ceded Territory.

The Migratory Bird Treaty Act of 1918 contains no provisions regarding the religious/spiritual use of migratory birds by Native Americans. The American Indian Religious Freedom Act (AIRFA), passed in 1978, clarifies U.S. policy pertaining to the protection of Native American religious freedom. AIRFA acknowledges prior infringement of the right of freedom of religion for Native Americans and clearly states that laws passed for other purposes are not meant to restrict the rights of Native Americans. A policy statement issued by Secretary of the Interior Morton in 1975 (and reaffirmed in a memorandum by U.S. Attorney General Eric Holder in 2012) protects Native Americans from Federal prosecution, harassment, or other interference for their possession, transport, use, donation, exchange, or loan of the feathers of federally protected species without compensation. The statements also protect Native Americans who wish to possess bird parts and/or feathers to be worked on by Tribal craftsmen for eventual use in religious/spiritual or cultural activities and allows the transfer of parts and/or feathers to Tribal craftsmen without charge.

Tribal Repository

The LRBOI Natural Resource Department will maintain a Tribal Migratory Bird Repository. Migratory birds will be obtained through salvage from natural and accidental deaths, rehabilitation losses, and law enforcement confiscations. All migratory birds, parts, feathers, nests and eggs shall be registered into the LRBOI repository prior to distribution. The LRBOI Natural Resource Department will maintain records of the following documents and distribute migratory birds, parts, feathers, nests, and eggs to LRBOI Tribal members:

- Application for Permit to Possess Migratory Birds
- Special Purpose Migratory Bird Salvage Report

- Possession Permit – LRBOI Tribal Members

Specimens may also be used for educational purposes, at the discretion of the Natural Resource Department.

The Natural Resource Department will conduct periodic inventories of the repository. Specimens which are no longer fit for use in appropriate traditional, religious, spiritual and/or cultural practices (as determined by tradition and the teachings of the LRBOI) will be disposed of in a culturally appropriate manner. The Natural Resources Department should consult the Historic Preservation Department for direction on how to accomplish this.

LRBOI Law Enforcement will conduct investigations on migratory birds where death is suspected to be non-accidental and/or where an endangered or threatened species is involved. LRBOI may request that the Natural Resource Department perform necropsies, toxicology reports, pathology investigations, or other investigations as necessary.

Any previously acquired migratory bird, parts, feathers, nests, and eggs lawfully attained before adoption of this policy may be registered into LRBOI repository. Permits for these situations may be obtained through the LRBOI Natural Resources Department. The Natural Resources Department may also take possession of birds, parts, feathers, nests, and eggs which were previously disbursed but will not be transferred to another family member.

Permit to Possess Migratory Birds

The LRBOI Tribal ID card as well as a written permit to possess migratory birds, parts, feathers, nests, and eggs from the LRBOI Natural Resource Department will serve as authorization to possess migratory birds, parts, feathers, nests, and eggs. Documentation issued by the LRBOI Natural Resource Department is mandatory. The Tribally issued LRBOI Tribal identification card is the only identification needed when in personal possession of migratory birds, parts, feathers, nests, and eggs.

Permit Eligibility

LRBOI Natural Resources Department will issue migratory bird permits to verified federally recognized LRBOI Tribal Members in good standing, who meet the conditions specified in *Issuance of Permits* below.

Application Procedures

Applications must be received, reviewed and processed by the LRBOI Natural Resource Department prior to LRBOI members receiving the migratory birds, parts, feathers, nests, and/or eggs.

Activities in which the Migratory Bird Permit applies:

1. Possession and transportation of migratory birds, parts, feathers, nests, and/or eggs within North America.
2. Migratory birds, parts, feathers, nests, and/or eggs may be handed down from generation to generation.
3. Migratory birds, parts, feathers, nests, and/or eggs may be gifted by permitted members of the LRBOI.

When transfer of bird parts, feathers, nests, and/or eggs takes place, original permits should be retained by the recipients and a copy should be kept by the original owner. Transfer may only be to a member in good standing of a federally recognized tribe and must meet all the qualifications of a permit applicant/holder.

Illegal Activities

1. Tribal members may not import, export, purchase, sell, or offer for purchase or sale any migratory birds, parts, feathers, nests, and/or eggs.
2. Tribal members may not take, harass, pursue, shoot, shoot at, poison, wound, kill, capture, trap, molest, disturb, or attempt to take, harass, pursue, shoot, shoot at, poison, wound, kill, capture, trap, molest, or disturb, any migratory birds, nests, and/or eggs.

Please note that this list is not exhaustive and other activities may be illegal, depending on tribal, local, state, and federal laws.

Issuance of Permits

Upon receipt of a properly executed application for a migratory bird permit, the LRBOI Tribal Ogema may approve and sign off on the permit only if all of the following criteria are met:

1. The applicant is a member in good standing of the Little River Band of Ottawa Indians.
2. The applicant has not been assessed a penalty or convicted of any criminal provision of any statute, resolution, or regulation relating to the activity for which the permit is filed.
3. The applicant has not failed to disclose material information required to obtain the permit and has not made false statements as to any material fact.
4. The authorization requested does not potentially threaten a migratory bird population.
5. The applicant has not been convicted or has not entered a guilty plea for violations of the Lacey Act, the Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act, Endangered Species Act, CITES, or other laws relating to migratory birds, threatened and endangered species, or other protected wildlife.

6. The use contemplated in the permit application is an appropriate traditional, religious, spiritual and/or cultural practice as determined by tradition and the teachings of the LRBOI.

Any permit automatically incorporates within its terms the conditions and requirements of any parts or sections specifically authorizing or governing the activity for which the permit is issued. Any person accepting and holding a migratory bird possession permit acknowledges the necessity for regulations and monitoring of the permitted activity by LRBOI. The Natural Resource Department or the Ogema may place additional stipulations or requirements in the permit, which must be followed for the permit to be valid.

Unless otherwise modified, a permit is valid for the lifetime of the permit holder. The LRBOI Natural Resource Department is authorized to amend, suspend, or revoke any permit that is issued.

Right of Succession

Certain persons are authorized to possess permitted migratory birds, parts, feathers, nests, and/or eggs after the original permittee is deceased. Such persons are the surviving spouse, children, and family of the permit holder. The original permit for possession of the bird parts, feathers, nests, and/or eggs should be retained by the new owner. Transfer may only be to a member in good standing of a federally recognized tribe and must meet all the qualifications of a permit applicant/holder.

Migratory Bird Registration Procedures

1. Little River Band of Ottawa Indians (LRBOI) Natural Resource Department or LRBOI Public Safety is informed of an injured or dead migratory bird.
2. If a migratory bird is injured, follow the instructions from the Capturing and Transportation Procedures (see below). If the injured bird is a bird of prey contact Wings of Wonder (Rebecca Lessard, 13035 South Greenway, Empire, Michigan 231-326-4663) and arrange for transport of the injured bird to the facility. If the injured migratory bird is something other than a bird of prey, contact the Wildlife Rehabilitation Center (Peg Markle, Grand Rapids, Michigan 616-361-6109) and arrange for transport injured bird to the facility.
3. Upon investigation of the scene, LRBOI staff will make a field determination regarding the cause of death or injury to the bird. If death or injury is determined to be from human malice, LRBOI Law Enforcement and the local Federal Law Enforcement Officer should be contacted immediately. If bald or golden eagles or threatened and endangered species (federal, state, or tribally designated) are encountered, immediately contact LRBOI Law Enforcement and the local Federal Law Enforcement Officer. Refer to the following list of threatened and endangered migratory bird species found in Michigan:

Henslow's sparrow	<i>Ammodramus henslowii</i>
Short-eared owl	<i>Asio flammeus</i>
Piping plover	<i>Charadrius melodus</i>
Prairie warbler	<i>Dendroica discolor</i>
Kirtland's warbler	<i>Dendroica kirtlandii</i>
Peregrine falcon	<i>Falco peregrinus</i>
Migrant loggerhead shrike	<i>Lanius ludovicianus migrans</i>
King rail	<i>Rallus elegans</i>
Barn owl	<i>Tyto alba</i>
Long-eared owl	<i>Asio otis</i>
Red-shouldered hawk	<i>Buteo lineatus</i>
Yellow rail	<i>Corturnicops noveboracensis</i>
Trumpeter swan	<i>Cygnus buccinator</i>
Cerulean warbler	<i>Dendroica cerulea</i>
Yellow-throated warbler	<i>Dendroica dominica</i>
Merlin	<i>Falco columbarius</i>
Common moorhen	<i>Gallinula chloropus</i>
Common loon	<i>Gavia immer</i>
Least bittern	<i>Ixobrychus exilis</i>
Louisiana waterthrush	<i>Seiurus motacilla</i>
Caspian tern	<i>Sterna caspia</i>
Forster's tern	<i>Sterna forsteri</i>
Common tern	<i>Sterna hirundo</i>
Rufa Red knot	<i>Calidris canutus rufa</i>

If death is determined to be accidental the bird should be registered into the LRBOI Migratory Bird Repository. Completely fill out the Special Purpose Migratory Bird Salvage Report and deposit the bird into the repository freezer. The repository freezer is located at LRBOI Natural Resource department. Please label migratory birds, parts, feathers, nests or eggs and seal in plastic bag.

LRBOI Natural Resource Department staff will necropsy all bald and golden eagles registered into the LRBOI Repository. Necropsies will be conducted to make final determination of death and monitor levels of toxicity. Bald and golden eagles may not be distributed to LRBOI Tribal members until final necropsy reports are completed.

Capturing and Transportation Procedures

When capturing and transporting injured migratory birds, special steps are needed to protect both the injured animal as well as the individual transporting the injured bird. The following steps will ensure everyone's safety:

- NEVER feed an injured migratory bird. Most injured migratory birds are suffering from dehydration and/or emaciation, and food or water may kill the animal if not administered appropriately.

- Handle migratory birds ONLY if absolutely necessary! The less contact with people the better the chance of survival. Increased handling of wild animals leads to rapidly increased stress levels; stress is deadly for migratory birds.
- If you must handle a migratory bird, wear long, heavy gloves and use a blanket or towel to cover the bird. Gently fold the bird wings against its body into a normal, relaxed position. Keep the animal covered until placed into transportation kennel/box.
- The best way to transport a migratory bird is in a plastic dog or cat kennel or in a sturdy cardboard box with the top closed. Avoid bird or wire cages, as these can cause feather and soft tissue damage. The carrier should have plenty of ventilation holes and should only be slightly larger than the size of the bird. The less room an injured bird has to move around, the less likely it is to cause more injury to itself. However, if a container is too small, a bird can sustain extensive wing and feather damage.
- NEVER use a wire cage. NEVER transport migratory birds in the open bed of a truck, and NEVER leave the bird in a place where temperatures or winds could reach extremes.
- Provide the bird with a dark and quiet environment. DO NOT keep the bird any longer than absolutely necessary and always keep it away from pets, children and curious bystanders. Again, the more contact with humans the more stress on the animal and the greater the chance of stress induced death.
- Remember; be aware, even a seriously injured or seemingly incapacitated bird can be potentially dangerous. Even if you are trying to help the bird, it will be frightened and may perceive you as a threat.

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