

***Gaa Ching Ziibi Daawaa Anishinaabek***

**Little River Band of Ottawa Indians  
Natural Resource Commission**

Held at: via ZOOM  
Manistee, MI 49660

**Regular Meeting  
April 12, 2021**

**I. Opening Prayer**

**II. General Business**

**A. Call to Order & Time of Call**

Chairman Johnson called the meeting to order at 5:30 p.m.

**B. Roll Call**

**Roll Call #1**

V. Johnson– Present	R. Koon– Present
M. Howell– Present	C. Eno – Present
B. Battice - Absent	

Quorum Established.

Others Present: Councilor Gary DiPiazza, Rebecca Liebing

Gary DiPiazza provided the opening prayer.

**C. Approval of Agenda**

**MOTION TO ADOPT THE AGENDA;** by Koon; seconded by Eno.

**Roll Call #2**

V. Johnson– Yes	R. Koon– Yes
M. Howell– Yes	C. Eno – Yes
B. Battice - Absent	

(4-0-0-1)

**D. Approval of Open Session Minutes for March**

**MOTION TO APPROVE THE MINUTES AS IS FOR 3/8/21;** by Koon;  
seconded by Howell.

**Roll Call #3**

V. Johnson– Yes	R. Koon– Yes
M. Howell– Yes	C. Eno – Yes
B. Battice - Absent	

(4-0-0-1)

**III. Law Enforcement Update - TBD**

There was no law enforcement personnel in attendance.

**IV. Natural Resources Department Update - TBD**

Frank Beaver said they are continuing with the 2020 negotiations. They are continuing to update the 1836 MOU Agreement with the US Forest Service. In-house they are working on a number of organizational and budget changes to the department to try and make the wheel a little bit rounder.

It was noted there were no questions for Frank Beaver from the Commission.

**V. Natural Resource Commission Business - TBD**

Councilor DiPiazza asked if they have been reading over the regs.

Richard Koon questioned why the bag limit for walleye went from 10 to 5. Koon also had a question regarding the bag limit for badgers because it says two different things in the regs. Koon noted the State has changed otter bags in their regs to allow for 2. Since the State has jumped their quota wouldn't the Tribe be entitled to harvest another one. Koon noticed that some of the State's laws have changed and ours haven't on certain things.

DiPiazza suggested putting any notes down and then we can all get together to go over them.

**VI. New Business**

**A. Review the NRC Ordinance**

Chairperson Johnson said that was already discussed.

**B. Elk and Bear permits**

DiPiazza noted the drawing is June 12<sup>th</sup>, which is a Saturday.

Bob Sanders said both of the applications are posted on the webpage. Members can apply through May 21<sup>st</sup>.

DiPiazza asked if they can send them in via email?

Sanders said they can email, they can call him and he can put their name in, mail it in.

DiPiazza asked Sanders to email him the permits and information.

There was a discussion on how many elk will be allowed. Sanders noted it should be five and possibly six. The first tag drawn will be an elder tag. It was also suggested to draw 10 alternates.

Sanders said we issue 33 Baldwin tags every year for bear. We issue the whole 12 ½% of what is issued for all of the tribes but we don't ever get close to hitting that.

### **C. Campgrounds**

DiPiazza said the Executive Branch wanted to run this past the Commission about opening the campgrounds. The regs say it opens April 1<sup>st</sup> with no water because of weather. DiPiazza asked the Commission if there are any concerns with anybody opening the campgrounds up?

Martha Howell asked if anybody is going to monitor anyone that is camping over there, i.e. are they sick or have COVID and living in the campground. How is the bathroom going to get cleaned and are people going to get notified if they are sharing that space with someone. It is ultimately up to the Ogema for our community.

DiPiazza said enforcement are the ones issuing the permits.

Howell asked the maximum occupancy of the campground? How many sites are available? Is it every other site or every third site is available for someone to camp?

DiPiazza believes there are 44 spots available. DiPiazza noted the Commission could pass something that they highly recommend that every other space be open or not occupied. Pow Wow is not going to be happening. DiPiazza does not know about Language Camp.

Koon asked about limiting number of people per campsite and how many sites are available.

Connie Eno suggested the department assign which ones are available throughout the whole season.

Attorney Liebing stated in an effort not to delay this to the next NRC Meeting, the Commission could do a motion of support to make recommendations to the Executive because the Ogema issues Executive Orders for COVID-19 protocols. You could limit the occupancy of the campground for COVID-19 social distancing concerns with staggered campground permits and allow no more than half of the sites to be open. Liebing does not believe you have to be specific on what sites are open because the Commission may want to change that over time so that no site gets run down more than another site. Could also request that the visitors are from the same household and not necessarily the number of people at a campsite.

Chairperson Johnson liked Attorney Liebing's suggestion to recommend by motion that the Ogema restrict the campsites to 50% usage and try to alternate the campsites so every other site is being occupied. Johnson said if they are all from the same household they could have adjoining campsites and then have a space for the next one.

Howell asked how they are going to enforce it and how are they going to tell who is in whose household. Howell believes it would be best if we just keep it closed. If you look at the numbers in Michigan they are skyrocketing. We have worse numbers than we did a year ago. It seems like a big risk to Howell and may be better to keep it shutdown.

Liebing said that can also be a motion from the Commission as a recommendation. Liebing recommendation something in a motion form to get it to the Executive.

Johnson noted that the Tribe has done a great job administering the vaccine to Tribal members and even descendants. Johnson would rather have the Ogema make that decision whether he wants to close down the campground for COVID or not.

Rich Koon said opening the campground at least half-way because people should be responsible.

Connie Eno said her opening is opening of the campsites she agrees on. The only concern would be the restrooms and the cleaning of them. The showers be more of a risk of spreading the COVID if it was to be spread other than out at the campsites.

Howell suggested not opening the bathrooms and just have water run outside so it is accessible. Howell said it would be better to just close it. Who realistically is going to make people move. Who realistically going to go out and check how

many people are out at a campsite every night. It would be easier to keep it closed until the numbers go down.

DiPiazza said one of the recommendations was to recommend to the Ogema to limit to every other site to be open and limited to household members.

**MOTION TO RECOMMEND TO THE OGEMA TO LIMIT THE CAMP SITES TO EVERY OTHER CAMP SITE BE CLOSED TO ACCOUNT FOR SOCIAL DISTANCING, DUE TO COVID-19 AND LIMIT THE OCCUPIED CAMP SITES TO HOUSEHOLD MEMBERS ONLY;** by Eno; seconded by Koon.

Liebing stated she will also take the concerns of the bathrooms and sanitation as well. Liebing noted that the Ogema may decide Howell is right and just close it all. Liebing will bring that forward to the conversation with the Ogema.

Having residents sign a waiver may also be beneficial for using the bath house.

**Roll Call #4**

V. Johnson– Yes	R. Koon– Yes
M. Howell– Yes	C. Eno – Yes
B. Battice - Absent	

(4-0-0-1)

**VII. Hearings**

None.

**VIII. Closed Session (in any)**

There was no closed session necessary.

**IX. Return to open session**

**X. Agenda items for next meeting**

Koon spoke of the walleye limits and hunting and trapping regs how there is a discrepancy with the badger limits.

Chairperson Johnson said we can ask task force working on the regs and maybe they can come with an update of what they have found. We can pass on our concerns about the walleye and badger bag limits and what their feelings are on that.

Connie Eno said we also need to discuss what we are doing for the drawing in June.

DiPiazza said last year we did bingo and sneaked off.

Koon asked for an update on the sturgeon netting so he can have answers for the local fishermen. We need to keep that relationship open.

**XI. Adjournment**

**MOTION TO ADJOURN AT 6:20 P.M.;** by Eno; seconded by Howell.

**Roll Call #5**

V. Johnson– Yes	R. Koon– Yes
M. Howell– Yes	C. Eno – Yes
B. Battice - Absent	

(4-0-0-1)

Submitted by,

Kathleen Bowers  
Tribal Council Executive Assistant



**Little River Band of Ottawa Indians  
Natural Resource Commission**  
2608 Government Center Dr.  
Manistee, MI 49660

**Resolution NRC #21-0510 -001**

*Resolution to Amend the Annual Black Bear Regulations Booklet*

WHEREAS, the status of the *Gaá Čhíng Ziibi Daáwaa Aníshinaábek* (Little River Band of Ottawa Indians) as a sovereign and a treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribe adopted amendments to the Constitution on April 26, 2004, which became effective upon approval by the Assistant Secretary-Indian Affairs on May 13, 2004; and

WHEREAS, the Tribe adopted amendments to the Constitution on July 11, 2016 which became effective upon approval by the Assistant Secretary-Indian Affairs on August 24, 2016; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) of the Constitution to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 9(f) of the Constitution to create by ordinance regulatory commissions and to delegate to those commission the power to manage the affairs of the Little River Band; and

WHEREAS, the Tribal Council did by Ordinance #06-500-01 create the Natural Resource Commission to be a regulatory body and delegated to that Commission the power to oversee and regulate the use of the natural resources within its jurisdiction; and

WHEREAS, the Little River Band is party to a consent decree entered by the Federal District Court for the Western District of Michigan in docket no. 2:73 CV 26 on August 8, 2000; and

WHEREAS, the Little River Band is party to a consent decree entered by the Federal District Court for the Western District of Michigan in docket no. 2:73 CV 26 on November 2, 2007; and

WHEREAS, the Natural Resource Commission updates annually the Black Bear Regulation Booklet; and


WHEREAS, the Natural Resource Commission seeks to update the regulation booklet to encode limitations required so that the Tribe is no less restrictive than the State of Michigan on State owned lands as follows:

- 1) Adding clarifying language on page 4 that using grain for baiting of bears in counties closed to deer and elk feeding is prohibited, unless it is placed in a barrel and is inaccessible to deer and elk.
- 2) Updating the date in the following paragraph on page 4: "All other materials, including fruits, vegetables, salt and minerals may be used in 100 lb. quantities starting September 15, except in counties closed to deer and elk feeding or baiting.
- 3) Adding limiting language on page 4 that barrel baiting is only allowed on private or tribal owned lands and prohibited on State Managed, Commercial Forest, or U.S. Forest Service lands.
- 4) Further clarifying language on page 4 that there may only be one barrel per bait station.
- 5) Additional requirements on page 5 that bait inside the barrel must be removed at the close of the bear season and that barrels must be removed no later than five days after the close of the bear season.
- 6) Updating the dates on page 5 for use of dogs as follows: Dogs may not be trained or used to hunt black bear in the Upper Peninsula from September 4 through September 13, in the Lower Peninsula from September 8 through September 13 or in the Red Oak Management Unit from October 2 through October 8.

NOW THEREFORE IT IS RESOLVED that the Natural Resources Commission hereby approves amendments to the annual Black Bear Regulation booklet for 2021

### **CERTIFICATION OF ADOPTION**

I do hereby certify that the foregoing resolution was duly presented and adopted by the Little River Band of Ottawa Indians Natural Resource Commission with 4 FOR,        AGAINST,        ABSTAINING, 1 ABSENT, at the Commission's regular meeting held on May 10, 2021, via ZOOM, with a quorum being present for the vote.

  
Virgil Johnson  
Natural Resource Commission Chair

cc. Tribal Council  
Tribal Ogema  
Natural Resources Department  
Department of Public Safety  
Unified Legal Department