

**WAGANAKISING ODAWAK STATUTE 2003-009**  
**Fishing Rules and Regulations**  
**for The Treaty Ceded Waters of Lakes Superior, Huron and Michigan**

**SECTION I: PURPOSE**

On August 17, 1997, the Little Traverse Bay Bands of Odawa Indians' ("LTBB") Tribal Council enacted Waganakising Odawak Statute 1997016 titled "Little Traverse Bay Bands of Odawa Indians Commercial and Subsistence Fishing Rules and Regulations for The Treaty Ceded Waters of Lakes Superior, Huron and Michigan" which replaced Waganakising Odawak Statutes 1995-004 and 1994-001. Subsequent to the enactment of Waganakising Odawak Statute 1997016, LTBB became a party in the Federal Court Case of *United States, et al. v. Michigan*, United States District Court for the Western District of Michigan, Case no: 2:73 CV 26. As party to that case, LTBB participated in negotiations which culminated in the entry by the Court of a Consent Decree on August 7, 2000 which is binding on LTBB. The Consent Decree states that "[t]he Tribes shall adopt the CORA Charter, Tribal Plan, and Tribal Code for management and regulation of their fisheries. . ."

**SECTION II: DEFINITIONS**

A. "Consent Decree" means the Consent Decree entered by the United States District Court for the Western District of Michigan by Judge Richard Enslen on August 7, 2000 in the case of *United States et al. v. Michigan*, Case No 2:73 CV 26.

B. "Tribal Code" means the *Chippewa Ottawa Resource Authority Commercial, Subsistence, and Recreational Fishing Regulations for the 1836 Treaty Ceded Waters of Lakes Superior, Huron, and Michigan*, including any future changes adopted in accordance with the Tribal Plan and the Consent Decree which the Consent Decree mandates the party Tribes adopt.

C. "Tribal Plan" means the *Management Plan for the 1836 Treaty Great Lakes Waters* adopted by the Tribes and attached to the Consent Decree as Appendix B, including any future changes adopted in accordance with the Tribal Plan and the Consent Decree.

**SECTION III: REPEAL AND REPLACEMENT OF PRIOR LEGISLATION**

A. Waganakising Odawak Statute 1997016 is repealed and replaced by the Tribal Code defined in Section II of this Statute.

**SECTION IV: SAVINGS CLAUSE**

In the event that any phrase, part, provision, paragraph, subsection or section of the Tribal Code as defined in and adopted under this Statute is found by a court of competent jurisdiction to violate the Constitution or laws of the Little Traverse Bay Bands of Odawa Indians, such phrase, part, provision, paragraph, subsection or section shall be considered to stand alone and to be deleted from this Statute, the entirety of the balance of the Statute to remain in full and binding force and effect.

**SECTION V: EFFECTIVE DATE**

This Statute takes effect immediately upon enactment.

**Certification**

As Tribal Chairman and Tribal Secretary, we certify that this Statute was duly enacted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on December 7, 2003, at which a quorum was present, by a vote of 6 in favor, 1 opposed, 0 abstentions, and 0 absent as recorded by this roll call.

	In Favor	Opposed	Abstained	Absent
Regina Gasco Bentley	<u>  x  </u>	_____	_____	_____
Frank Ettawageshik	<u>  x  </u>	_____	_____	_____
Frederick Harrington, Jr.	_____	<u>  x  </u>	_____	_____
Beatrice Law	<u>  x  </u>	_____	_____	_____
Dexter McNamara	<u>  x  </u>	_____	_____	_____
Rita Shananaquet	<u>  x  </u>	_____	_____	_____
Alice Yellowbank	<u>  x  </u>	_____	_____	_____

Date: 12-7-03

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Frank Ettawageshik, Tribal Chairman

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Dexter McNamara, Tribal Secretary