WAGANAKISING ODAWAK STATUTE 2005-01
NATURAL RESOURCES COMMISSION AMENDMENT AND REPEAL OF STATUTORY INLAND REGULATIONS

SECTION I. PURPOSE

The purpose of this Statute is to clarify the duties and authority of the Natural Resources Commission including its promulgation of regulations to ensure the wise use and management of inland natural resources.

SECTION II. AMENDMENT TO NATURAL RESOURCES COMMISSION STATUTE

The Natural Resources Commission Statute, being Waganakising Odawak Statute 2001-04, is amended by replacing Section IV with the following new Section IV:

POWERS AND AUTHORITIES OF THE LTBB NATURAL RESOURCES COMMISSION

A. The primary purpose of the Natural Resources Commission is to protect treaty hunting and fishing rights through monitoring resources and promulgating regulations that are consistent with the treaty rights and wise use of the resources. The Commission shall promulgate rules and regulations for all hunting, fishing, trapping and gathering, including subsistence and commercial, for the area within the boundary established by the Treaty of 1855, the 1836 Treaty Ceded Territory, and 1836 Treaty Ceded Waters. The Natural Resources Commission also has the responsibility of promulgating rules and regulations necessitated by future statutes adopted by the Tribal Council pertaining to Natural Resources. All rules and regulations promulgated and adopted in accordance with this statute shall have the effect of law.

B. The Natural Resources Commission shall have the following additional powers:

1. To issue orders and directives not inconsistent with either statute; to take any and all steps necessary, not

inconsistent with other statutes, to carry out the purposes set forth in subsection (A) of this Section.

2. When expressly authorized by Tribal Council action, to enter into contracts of all types with agencies of Federal, State, local or other Tribal governments, with private parties, including individuals, partnerships, corporations or other enterprises.

3. To issue, suspend or revoke licenses contemplated by this statute and the aforementioned mandates in subsection (A) of this Section addressing the commercial fishery and the harvest of the inland natural resources.

4. To issue, suspend or revoke special permits contemplated by this Statute and the aforementioned mandates in subsection (A) of this Section addressing the commercial and subsistence fishery and the harvest of inland natural resources.

5. Take or enact emergency measures in order to preserve the rights or resources of the Tribe or its members. This may include but not be limited to shortening or closing seasons, reducing bag limits and/or other similar methods. The NRC may take this action at any regularly scheduled meeting or by a phone poll called for that purpose. However, such emergency enactment shall require a unanimous vote of all sitting Natural Resource Commissioners and shall not conflict with any governing court order.

SECTION III. REPEAL OF STATUTORY REGULATIONS

A. The Off-Reservation Hunting, Fishing and Gathering Statute, being Waganakising Odawak Statute 2002-07, is repealed.

B. The Natural Resources Regulations for the Little Traverse Bay Bands of Odawa Indians' Reservation Statute, being Waganakising Odawak Statute 2001-05, is repealed.

SECTION IV. EFFECTIVE DATE

A. Section II takes effect immediately upon enactment.

B. Section III takes effect upon the Natural Resources Commission's adoption of regulations that govern the use, management and protection of natural resources within the Ceded Territory and Reservation.

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 February 20, 2005, at which a quorum was present, by a vote of 4 in favor, 1 opposed, 0 abstentions, and 2 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Frank Ettawageshik	x			
Beatrice Law				x
Alice Yellowbank	x			
Dexter McNamara	x			
Fred Harrington, Jr.		x		
Rita Shananaquet				x
Regina Gasco Bentley	x			

Date: February 20, 2005

Frank Ettawageshik, Tribal Chairman

Dexter McNamara, Tribal Secretary