

Little Traverse Bay Bands of Odawa Indians
7500 Odawa Circle
Harbor Springs, MI 49740

TRIBAL RESOLUTION #080909-09

Notice of Firearm Prohibition and Concurrent Jurisdiction

- WHEREAS** the Waganakising Odawa Nation, known as the Little Traverse Bay Bands of Odawa Indians, and its citizens are vested with inherent sovereignty and right to self-governance;
- WHEREAS** the Little Traverse Bay Bands of Odawa Indians is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States the most recent of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);
- WHEREAS** the United States and the State of Michigan both have prohibitions on the possession of firearms by certain individuals;
- WHEREAS** the Tribe and the Federal Government have concurrent jurisdiction within the Tribe's territory regarding firearms possession and the Federal law has set-forth the minimum requirement for whom within the United States can possess a firearm.
- WHEREAS** the Tribe recognizes that Tribal Citizens may be prohibited under federal or state law from possessing a firearm and may not be aware that federal law applies to "Indian country" thus making them open to federal charges and consequences;
- WHEREAS** the Federal definition of "Firearm" means a weapon from which dangerous projectiles may be propelled by use of explosives, gas, or air as a means of propulsion except an antique firearm AND an "Antique Firearm" means any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; or any provided it is not designed or redesigned for

using rimfire or conventional centerfire fixed ammunition, or uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; or any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, which is designed to use black powder, or a black powder substitute, and which cannot use fixed ammunition.

WHEREAS Tribal Citizens, exercising their Treaty Rights with a Tribal Hunting License, may be prohibited from possessing a firearm under federal law.

THEREFORE, BE IT RESOLVED, that Little Traverse Bay Bands of Odawa Indians Tribal Council requires the Natural Resources Department to place the following language conspicuously on the application for *On/Off Reservation LTBB Hunting/Fishing License*:

“If you are prohibited from owning, possessing or using a firearm under State or Federal Law this license does not protect you from prosecution under State or Federal Law.”

CERTIFICATION

As Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Tribal Resolution was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held August 09, 2009 at which a quorum was present, by a vote of 5 in favor, 2 opposed, 0 abstentions, 2 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Fred Harrington, Jr.	_____	X _____	_____	_____
Melvin L. Kiogima	X _____	_____	_____	_____
Dexter McNamara	_____	X _____	_____	_____
Marvin Mulholland	X _____	_____	_____	_____
Rita Shananaquet	_____	_____	_____	X _____
Alice Yellowbank	_____	_____	_____	X _____
Gerald V. Chingwa	X _____	_____	_____	_____
Regina Gasco Bentley	X _____	_____	_____	_____
Beatrice A. Law	X _____	_____	_____	_____

Date: 08/09/09

Beatrice A. Law, Legislative Leader

Date: 08/09/09

Regina Gasco Bentley, Secretary

Received by the Executive Office on 08/10/09 by _____

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date: 08/10/09

Frank Ettawageshik, Tribal Chairperson