

Chapter 5. Natural Resources

Commission 4.501 GENERAL PROVISIONS

A. The Little Traverse Bay Bands of Odawa Indians has determined that it is in the best interests of its members to regulate the wise utilization of Natural Resources within its jurisdiction in order to promote, honor and respect our traditional, spiritual and physical relationship with the land and waters, and the resources on, above, below and within the land and waters.

B. This statute is adopted under the provisions of the Constitution and By-Laws of the Little Traverse Bay Bands of Odawa Indians, the governance of which was recognized and extended by Section 8(a)(2) of Public Law 103-324. This Statute repeals and replaces the Natural Resources Commission Statute enacted on March 26, 1995, being Waganakising Odawak Statute 1995005. It is intended that this statute continue in full force and effect not only until such time as the Little Traverse Bay Bands of Odawa Indians adopt a new constitution under the Indian Reorganization Act, as authorized by Section 8(a)(1) of public Law 103-324, but thereafter as well, unless and until it is modified, amended or revoked by the duly authorized and elected governing body as created by the new constitution.

(Source: WOS 2001-04, March 18, 2001, Section I)

4.502 DEFINITIONS

Definitions. In implementation of this statute, the following terms shall have the meanings set forth:

A. “**Commission**” shall mean the LTBB Natural Resources Commission consisting of a five (5) member body, as created pursuant to Article II of this statute, with the powers and authority vested therein.

B. “**Commissioner**” shall mean the individual designated to chair the Commission who shall have powers and authority vested in that office pursuant to this statute.

C. “**Associate Commissioner**” shall mean one of the four (4) members of the Commission appointed to serve thereon according to Article II of this statute, with powers and authority

vested in such members pursuant to this statute.

D. “**Tribal Council**” shall mean the elected governing body of the Little Traverse Bay Bands of Odawa Indians.

E. “**LTBB**” shall mean the Little Traverse Bay Bands of Odawa Indians.

(Source: WOS 2001-04, March 18, 2001, Section I)

4.503 PURPOSE

The purpose of this Statute is to clarify the duties and authority of the Natural Resources Commission including drafting of regulations for Executive and Tribal Council’s approval that will ensure the wise use and management of inland natural resources.

(Source: WOS 2013-004, April 18, 2013, Section I)

4.504 NATURAL RESOURCES COMMISSION

A. There is hereby created the Natural Resources Commission, which shall consist of five (5) persons appointed according to Section B of this Article, which Commission is created for purposes described in Article I of this statute. The Commission is charged with the oversight and regulation of utilization of natural resources within LTBB’s jurisdiction and shall exercise the powers and authorities described in Article IV [WOTC 4.504] hereof and such other powers and authorities described as may be delegated by the Tribal Council by resolution, amendment of this statute or by a separate statute.

B. The Natural Resources Commission shall consist of the following persons to be appointed according to Section C of this Article:

1. A Commissioner who shall serve as the Chair of the Commission and shall exercise the duties and responsibilities as set forth in this statute. The Commissioner shall be a duly enrolled member of the Little Traverse Bay Bands of Odawa Indians, shall be at least 18 years of age upon appointment to his or her first term of office.

2. Four (4) Associate Commissioners, who shall have the duties and responsibilities

as set forth in this statute. An Associate Commissioner shall be a duly enrolled member of the Little Traverse Bay Bands of Odawa Indians, shall be at least 18 years of age upon appointment to his or her first term of office.

C. The Commissioner and the Associate Commissioners shall be appointed as follows:

1. Initial appointments. The Tribal Council shall appoint a Commissioner and two Associate Commissioners who shall serve for two (2) years, and two (2) Associate Commissioners who shall serve for four (4) year terms.

2. Future appointments. At the expiration of the terms of any Commissioners, the Tribal Council shall fill such vacancies by appointment.

3. At least forty-five (45) days prior to the expiration of the term of any Commissioner, the Commission's Administrative Assistant shall notify the Tribal Council to publicize the vacancy and shall seek applicants for appointment and nominations of individuals to be appointed.

D. The term of office of the Commissioner shall be four (4) years, and an individual may serve a total of two (2) terms in such capacity, whether or not consecutive. There shall be no limit on the terms that Associate Commissioners may serve and a past Commissioner may serve as an Associate Commissioner. The Commissioner and Associate Commissioners will continue to serve until their successors are appointed and sworn in.

E. As soon as practicable after appointment, the Tribal Court shall administer the oath of office to the Commissioner and to Associate Commissioners. The oath of office shall include a commitment to uphold the Constitution and laws of the Little Traverse Bay Bands of Odawa Indians and to perform faithfully and diligently the duties and responsibilities set forth in this statute, the mandates of the CORA Fishing Regulations for the 1836 Treaty Ceded Waters of Lakes Superior, Huron and Michigan, the Natural Resources Regulations for the Little Traverse Bay Bands of Odawa Indians' Reservation and the Uniform Conservation Code of the Odawa/Ottawa and Chippewa of Northern Michigan and future statutes adopted by the Tribal Council.

F. Removal from the office of Commissioner or Associate Commissioner.

1. Grounds for removal of an individual from office of Commissioner or Associate Commissioner shall include:
 - a. Conviction of felony in Tribal, State or Federal court during a term of office;
 - b. Fraud, conspiracy to commit fraud or material misrepresentation or malfeasance in the performance of duties and responsibilities under this statute.
 - c. Failure to attend three (3) consecutive meetings of the Commission without valid excuse.
2. Procedure for removal of an individual from the office of Commissioner or Associate Commissioner shall be in accordance with the Removal of Commissioners and Nepotism Statute (Waganakising Odawak Statute 1997005), or such successor statute as the Tribal Council may enact.
3. In the event a vacancy occurs in the office of Commissioner or Associate Commissioner, by virtue of death, resignation or removal, the Tribal Council shall appoint a member meeting the eligibility requirements of this Statute to fill the remaining term.

(Source: WOS 2001-04, March 18, 2001, Section II)

4.505 MEETINGS OF THE NATURAL RESOURCES COMMISSION

- A. Regular Meetings. Regular meetings of the Natural Resources Commission shall be held at least once a month for the purpose of conducting the business of the Natural Resources Commission. Regular meetings will be subject to the following requirements:
 1. Notice of such meetings, including the date, time and location, shall be provided to each member of the Natural Resources Commission at least ten days prior to the date of the meeting.
 2. Commissioner and each Associate Commissioner shall have a vote on all issues except when they have a conflict of interest.

3. Complete minutes of such meetings shall be taken and retained, subject to the exception contained in Section D of this Article, and shall become a part of the official records of the Natural Resources Commission.

4. Notice of upcoming meeting dates shall be posted in all Tribal Buildings and announced in the Odawa Trails Newsletter.

B. Public Informational Meetings. One time per year, the Commission shall hold its regular monthly meeting at a location suitable for any interested Tribal members to attend and receive information on the work and activities of the Commission. The following requirements apply to this annual meeting.

1. The agendas of such meetings shall be primarily informational in nature.

2. Substantial time shall be set aside at such meeting to permit the membership of the Little Traverse Bay Bands of Odawa Indians the opportunity to provide input on any aspect or issue which is relevant to the purpose and authority of the Natural Resources Commission.

3. Notice of such meetings shall be published in local periodicals wherever concentrations of members reside no later than ten days prior to such meeting, such notice to set forth the place, date, time and duration of such meeting and the agenda for such meeting.

4. Complete minutes of such meetings shall be taken and retained, and shall become a part of the legislative history of the Natural Resources Commission.

C. Special meetings. Special meetings of the Natural Resources Commission shall be held as needed upon the directive of the Natural Resources Commissioner or any two (2) Associate Commissioners upon receipt of five (5) days notice in writing. Special meetings shall be held in accordance with the requirements of the Stipend policy or such other statute or policy of the Tribal Council governing special meetings of commissions.

D. Regular and special meetings shall be conducted pursuant to the following additional rules:

1. It shall be the standard that all meetings of the Natural Resources Commission shall be open to all members of the Little Traverse Bay Bands of Odawa Indians; however, the Commissioner or a majority of the present Associate Commissioners may direct all or a portion of a regular or special meeting to be conducted in closed session when necessary to deal with personnel issues or to discuss any legal matters.
2. Minutes of all regular and special meetings of the Natural Resources Commission shall be transcribed, shall be kept on permanent file in the offices of the Natural Resources Commission, and shall be available for inspection by any member of the Little Traverse Bay Bands of Odawa Indians in accordance with the procedures developed by the Tribal Council.
3. The Commissioner and Associate Commissioners shall not participate in making any decision that involves a personal or financial interest of the member of his or her immediate family unless such interest is held in common with the Tribe and its members.
4. Quorum. A quorum shall consist of three members of the Commission. The Commissioner counts toward a quorum.

(Source: WOS 2001-04, March 18, 2001, Section III)

4.506 POWERS AND AUTHORITIES OF THE LTBB

A. The primary purpose of the Natural Resources Commission is to protect treaty hunting and fishing rights through monitoring resources and drafting regulations that are consistent with the treaty rights and wise use of the resources. The Commission shall draft 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 drafting regulations necessitated by future statutes enacted by LTBB pertaining to Natural Resources.

(Source: WOS 2013-004, April 18, 2013, Section IV)

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.

(Source: WOS 2005-01, February 20, 2005, Section II which by Section IV of WOS 2005-01 took effect immediately upon enactment)

4.507 POWERS OF THE COMMISSIONER

The Natural Resources Commissioner shall have the following powers and authority:

- A. To chair meetings of the Natural Resources Commission.
- B. To act in all respects on behalf of the Natural Resources Commission, subject, however, to ratification by the Natural Resources Commission on any action taken.

- C. To represent the Natural Resources Commission, whenever it is appropriate for the Natural Resources Commission to be represented.
- D. To serve on other boards or commissions as a representative of the Natural Resources Commission.
- E. To delegate to any Associate Commissioner any of the duties and responsibilities of the Commissioner.
- F. To exercise any other authority delegated to the Commissioner by statute or by action of the Tribal Council.

(Source: WOS 2001-04, March 18, 2001, Section V)

4.508 SAVINGS CLAUSE

In event that any phrase, provision, part, paragraph, subsection or section of this statute is found by a court of competent jurisdiction to violate the Constitution, laws or statutes of the Little Traverse Bay Bands of Odawa Indians, such phrase, provision, part, 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.

(Source: WOS 2001-04, March 18, 2001, Section VI)

4.509 EFFECTIVE DATE

Effective upon signature of the Executive or 30 days from Tribal Council approval whichever comes first or if the Executive vetoes the Statute, then upon Tribal Council override of the veto.

(Source: WOS 2013-004, April 18, 2013, Section III)