

TRIBAL CODE

CHAPTER 22:

CONSERVATION COMMITTEE

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HISTORY NOTE:

Current Ordinance: Resolution 2017-135, adopted July 11, 2017, re-establishes the Conservation Committee, and rescinds all earlier Conservation Committee Codes.

Prior Ordinance:

Resolution 2010-276, adopted December 7, 2010, enacts Chapter 22: Great Lakes Conservation Committee, effective immediately, and rescinds all earlier Conservation Committee Codes.

TRIBAL CODE

CHAPTER 22:

CONSERVATION COMMITTEE

22.101 Purpose and Intent.

(1) The purpose of this Chapter is to create an advisory committee that shall give regulatory and policy advice to the Board of Directors and administration, so well informed decisions may be made regarding the Tribe's responsibilities under the 2000 Consent Decree, the 2007 Inland Consent Decree and any other agreements or matters that involve the conduct of the treaty right.

(2) It is the intent of this Chapter to establish a committee that can use its member's expertise to advise the Board of Directors and administration on both policy and regulatory matters that impact the Tribe's responsibilities under the 2000 Consent decree, the 2007 Inland Consent Decree and any other agreements or matters that involve the conduct of the treaty right.

(3) It is not the intent of this Chapter that all decisions, actions or policy positions of the Conservation Committee be reviewed by the Board of Directors, but rather, it is the intent of this Chapter that the Conservation Committee and administration, to the greatest extent possible, mutually determine what matters require Board of Director input pursuant to Section 22.111.

(4) Where in this Chapter it reads that the Conservation Committee is empowered to act, it is intended that such action shall only be had pursuant to 22.109(2)(a).

22.102 Creation.

(1) There is hereby created a Conservation Committee and it shall consist of thirteen individuals.

(2) The Conservation Committee and its members are appointed to serve at the discretion of the Board of Directors.

(3) The Board of Directors may abolish the Conservation Committee at any time by removing all of its members from their seats.

(4) The Board of Directors may remove any member for any reason.

(5) For the purpose creating staggered terms of membership upon the initial appointment of members held after the adoption of this Chapter the following procedure shall govern.

(a) Upon the Board of Directors appointing thirteen initial members the Board shall

immediately select one as the Chairperson pursuant to Section 22.108(1) and the Chairperson's initial term shall be two years.

(b) Immediately after appointing a Chairperson the Board of Directors shall by any mechanism of chance declare six of the remaining members to serve initial terms of two years and the remaining six members to serve initial terms of four years.

22.103 Member Qualification.

(1) Any member of the Sault Ste. Marie Tribe of Chippewa Indians may be appointed to the Conservation Committee.

(2) No more than six of the members appointed to the Conservation Committee may work in the commercial fishery. For purposes of this section working in the commercial fishery shall mean being, or have recently been, a licensed Captain, a Co-Captain, a permit holder or a helper. The Board of Directors shall use its best judgment to determine whether an individual is captured by the definition herein.

22.104 Membership.

(1) An individual desiring to be a member of the Conservation Committee shall present a letter of interest and three separate letters of recommendation by Sault Ste. Marie Tribe of Chippewa Indians members to the Board of Directors.

(2) The Board of Directors by simple majority shall appoint an individual to be a member of the Conservation Committee.

(3) Members of the Conservation Committee shall hold office for four years.

(4) In the case of a vacancy, the Board of Directors shall appoint a new member in accordance with this Section. However, the appointment shall only be for the length of the unexpired term.

(5) Members of the Conservation Committee shall hold office until their respective successors have been appointed.

(6) A member may resign from office.

(7) Any member of the Conservation Committee who has two unexcused absences in a twelve month period shall forfeit membership with the Conservation Committee upon notice to the Board of Directors. A member who leaves a meeting that is in session without being excused by the Conservation Committee shall be absent purposes of this sub-section.

(8) A member shall have no authority or power except the power to vote at a duly convened

meeting of the Conservation Committee.

(9) The Conservation Committee shall not be charged with recommending to the Board of Directors individuals for membership or re-recommending to the Board of Directors a member.

(10) Any member who is cited for any conservation violation in any jurisdiction shall report the citation to the Board of Directors. The member shall subsequently report the details of the disposition of the citation to the Board of Directors.

(a) Upon receipt of the citation or the disposition the Board of Directors may suspend or remove the member as they deem appropriate.

(b) The following shall result in automatic removal:

(i) Any conviction under Chippewa Ottawa Resource Authority Fishing Regulations at XXVI(c) or XXVII as they may be amended.

(ii) Any conviction under Tribal Code Chapter 21: Hunting and Inland Fishing at §21.1602 as they may be amended, excluding §21.1602(7).

(iii) Any conviction under any State or Federal law that is similar to any law in subsection (i) or (ii) above.

(iv) A failure to report a citation and or its disposition.

(c) A conservation violation is a violation of any law that regulates hunting, fishing, trapping, gathering or any other act closely associated with such activities.

22.105 Meetings.

(1) The Conservation Committee will hold at least one meeting each month and such additional meetings as are necessary.

(2) The Conservation Committee shall keep complete and accurate record of all its meetings.

(3) All meetings shall be open only to members of the Sault Ste. Marie Tribe of Chippewa Indians, their spouses, staff and to individuals invited to attend for whatever purpose.

(4) The Chief of Law Enforcement, or his designee, shall be an ex officio member and attend all Conservation Committee meetings. A designee under this subsection shall be fully versed in matters of conservation enforcement.

22.106 Reserved.

22.107 Officers.

(1) The Conservation Committee shall nominate from its own body a Chairperson and the Board of Directors shall vote on whether or not to appoint that member Chairperson. The Chairperson's term shall be two years and the term shall begin to run upon appointment of the Chairperson by the Board of Directors.

(2) The Conservation Committee shall nominate from its own body a Vice-Chairperson and the Board of Directors shall vote on whether or not to appoint that member Vice-Chairperson. The Vice-Chairperson's term shall be two years and the term shall begin to run upon appointment of the Vice-Chairperson by the Board of Directors. Subsection (1)(a) and (b) shall apply here.

(3) The Board of Directors' executive secretary, or their designee, shall also be the Secretary of the Conservation Committee.

22.108 Duties of the Chairperson and Vice Chairperson.

(1) The Chairperson shall:

(a) Represent the Sault Ste. Marie Tribe of Chippewa Indians at all discussions related to treaty rights issues with other governments, tribes and private parties.

(b) Represent the Sault Ste. Marie Tribe of Chippewa Indians at C.O.R.A. meetings or sub-meetings. If the Chairperson is unable to perform that duty the Vice-Chairperson shall fulfill that duty.

(c) Report all Conservation Committee, and its sub-committees, actions to the Board of Directors as further defined in Section 22.110.

(d) Conduct all meetings of the Conservation Committee.

(2) Where the Chairperson is unable to perform any of the duties herein the Vice-Chairperson may assume those duties upon being requested to do so by the Chairperson, Conservation Committee or the Board of Directors.

22.109 Duties and Authority of the Conservation Committee.

(1) Consistent with the purpose and intent of this Chapter the Conservation Committee is charged with carrying out its duties with due regard for the following:

(a) It is the duty of the Conservation Committee to render decisions that are in the best interest of a majority of the Tribal Community.

(b) It is the duty of the Conservation Committee to carry out subsection (1) in such a way as to not unduly harm or burden a minority of the Tribal membership.

(c) It is the duty of the Conservation Committee to carry out its duties in a manner so as not to unduly harm or burden the Sault Ste. Marie Tribe of Chippewa Indians.

(d) It is the duty of the Conservation Committee to carry out its duties in a manner so as not to endanger any natural resource.

(2) The Conservation Committee is authorized to exercise the following general duties:

(a) The Conservation Committee shall be responsible for creating the regulatory scheme which shall govern the Tribal member's conduct of treaty right, subject to Board of Directors approval, and shall accomplish that duty by forwarding to the Board of Directors for adoption proposed legislation, as further defined in subsection (3)(j).

(b) The Conservation Committee may provide policy advice to Tribal Administration; however, final policy determinations shall be made by the Board of Directors or their designee and where such a policy determination is made the Conservation Committee and administration is thereafter bound to that policy determination.

(c) The Conservation Committee may provide policy advice to the Board of Directors, however, final policy determinations shall be made by the Board of Directors or their designee and where such a policy determination is made the Conservation Committee and administration is thereafter bound to that policy determination.

(d) For purposes of this Section "policy advice" shall mean an issue has the potential to impact the Tribe's interest in the natural resources of the ceded waters and territory, whether the issue be biological or political, and the Conservation Committee experience is relevant and necessary for the Board of Directors to develop a policy position. The issue may be deemed as an issue meeting the definition herein by administration, the Conservation Committee, a member of the Conservation Committee, the Board of Directors or a Director. Where any of the previous listed parties believe an issue does not meet the definition herein the Board of Directors shall be the final arbiter.

(e) The Conservation Committee shall have no authority over administration nor administrations' administering the herein authorized regulatory scheme.

(f) Should the Conservation Committee determine that an action or inaction of administration is detrimental to the Tribe's interest in the natural resources of the ceded waters and the territory the Conservation Committee shall present the issue to the Board of Directors pursuant to 20.109(3). Nothing in this subsection prohibits the Conservation Committee from attempting to resolve the offending action or inaction of administration with administration.

(g) The Conservation Committee shall have no authority to bind the Sault Ste. Marie Tribe of Chippewa Indians except pursuant to Section 22.108(b).

(3) In addition to those general powers authorized above, the Conservation Committee shall have the specific power to:

(a) Request administration to procure reports from any source regarding all information relevant to the issuance of any license or permit.

(b) Request reports from the Tribe's biological department, law enforcement, legal department or other applicable departments regarding the conduct of the right.

(c) Request administration to procure information related to the conduct of the right from any person or agency.

(d) Request reports from Tribal prosecutor or Tribal law enforcement regarding enforcement, prosecution and punishment of conservation offenses committed by Tribal members.

(e) Recommend to other regulatory agencies changes to their respective regulations.

(f) Include any person as a non-voting ex-officio member or advisor to the Conservation Committee.

(g) To recommend to the Board of Directors that a requested commercial fishing license transfer, co-captain's license or commercial fishing permit be approved or denied.

(h) To recommend to the Board of Directors legislation amending Tribal Code Chapter 20: Great Lakes and St. Mary's River Treaty Fishing Regulation, Tribal Code Chapter 21: Hunting and Inland Fishing and Tribal Code 23: National Forest Gathering Code.

22.110 Review of Action.

(1) Notwithstanding anything in this Chapter, all actions of the Conservation Committee may be

subject to review by the Tribal Board of Directors upon a request for such review by administration, the Conservation Committee, the Board of Directors or an individual Director.

(2) Those actions herein indicating Board of Director approval shall be placed before the Board of Directors for approval pursuant to Section 22.109(3).

(3) The Chairperson and administration shall jointly submit to the Board of Directors a monthly executive summary of the Conservation Committee's activities and shall report in person to the Board of Directors no less than quarterly.