

TRIBAL CODE

CHAPTER 22:

GREAT LAKES CONSERVATION COMMITTEE

CONTENTS:

22.101 Purpose and Intent 22-2
22.102 Creation..... 22-2
22.103 Member Qualification..... 22-3
22.104 Membership 22-4
22.105 Meetings..... 22-5
22.106 Rules of Procedure..... 22-6
22.107 Officers 22-6
22.108 Duties of the Chairperson and Vice Chairperson 22-7
22.109 C.O.R.A. 22-7
22.110 Duties and Authority of the Great Lakes Conservation Committee 22-8
22.111 Review of Action 22-10

HISTORY NOTE:

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

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CHAPTER 22:

GREAT LAKES 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.
- (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.
- (3) It is not the intent of this Chapter that all decisions, actions or policy positions of the Great Lakes Conservation Committee be reviewed by the Board of Directors, but rather, it is the intent of this Chapter that the Great Lakes 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 Great Lakes Conservation Committee is empowered to act, it is intended that such action shall only be had pursuant to 22.107(2)(a).
- (5) Where the desire of the Great Lakes Conservation Committee is contrary to the desire of the Inland Conservation Committee the respective Chairmen shall bring the matter before the Board of Directors for resolution only after attempting to resolve the matter by convening at least one joint session of the committee.

22.102 Creation.

- (1) There is hereby created a Great Lakes Conservation Committee and it shall consist of nine individuals.
- (2) The Great Lakes 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 Great Lakes 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 nine 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 four years.

(b) Immediately after appointing a Chairperson the Board of Directors shall by any mechanism of chance declare four of the remaining members to serve initial terms of two years and the remaining four 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 Great Lakes Conservation Committee subject to the following:

(a) Three of the members shall be large boat Captain.

(b) Three of the members shall be small boat Captain.

(c) Three of the members shall be any combination of large boat Captain, small boat Captain, helpers or subsistence license holders.

(d) The ninth member shall be the position of the Great Lakes Conservation Committee Chairperson, and may be any of the above (a) through (c).

(2) Where insufficient applications for membership are received to comply with subsection (1)(a) the seat may be filled according to the following hierarchy:

(a) Small boat Captain.

(b) Helpers.

(c) Subsistence license holders.

(3) Where insufficient application for membership are received to comply with subsection(1)(b) the seat may be filled according to following hierarchy:

(a) Large boat Captain.

(b) Helpers.

(c) Subsistence license holders.

(4) Should the Board of Directors in its sole discretion determine that the membership of the Great Lakes Conservation Committee is not representative of the commercial and subsistence fishery based on license types, type of fishing gear utilized or lake association then the Board of Directors may apply a preference to a given seat based on any the criteria herein.

(5) For purposes of this Section “preference” shall mean that great consideration shall be afforded a given applicant with the purpose of fulfilling the intent of distributing representation on the Great Lakes Conservation Committee across the Great Lakes, license types and fishing gear type, but shall not be binding.

(6) For purposes of this Section “lake association” shall mean the Great Lake where the applicant has conducted the majority of their commercial fishing effort, but where no such majority can be identified then the meaning shall be that meaning assigned to it by the Board of Directors in its sole discretion on a case by case basis.

(7) In applying subsection (4) the Board of Directors in its sole discretion may apply the preference to a given group of applicants currently before them or they may open the applicable seat to further applicants.

(8) For purposes of this Section “large boat Captain” shall mean a captain licensed pursuant to Tribal Code Chapter 20: Great Lakes and St. Mary’s River Treaty Fishing Regulations to conduct commercial fishing operations in a vessel greater than twenty six feet.

(9) For purposes of this Section “small boat Captain” shall mean a captain licensed pursuant to Tribal Code 20: Great Lakes and St. Mary’s River Treaty Fishing Regulations to conduct commercial fishing operations in a vessel no greater than twenty six feet.

(10) For purposes of this Section “helper” shall mean a member licensed pursuant to Tribal Code Chapter 20: Great Lakes and St. Mary’s River Treaty Fishing Regulations to assist a commercial fishing operation.

(11) For purposes of this Section “subsistence license holder” shall mean a member licensed pursuant to Tribal Code Chapter 20: Great Lakes and St. Mary’s River Treaty Fishing Regulations to subsistence fish.

22.104 Membership.

(1) An individual desiring to be a member of the Great Lakes 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 simply majority shall appoint an individual to be a member of the Great Lakes Conservation Committee.

- (3) Members of the Great Lakes Conservation Committee shall hold office for four years; provided, the initial terms shall be staggered, with four of the members appointed to two year terms and the remaining members for four year terms.
- (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 Great Lakes Conservation Committee shall hold office until their respective successors have been appointed.
- (6) A member may resign from office.
- (7) Any member of the Great Lakes Conservation Committee who has two unexcused absences in a twelve month period shall forfeit membership with the Great Lakes Conservation Committee upon notice to the Board of Directors.
- (8) A member shall have no authority or power except the power to vote at a duly convened meeting of the Great Lakes Conservation Committee.
- (9) The Great Lakes 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, the Chairperson or Vice-Chairperson to their respective position upon expiration of their respective term, but rather, both matters shall be put to the Board of Directors.

22.105 Meetings.

- (1) The Great Lakes Conservation Committee will hold at least one meeting each month and such additional meetings as are necessary.
- (2) The Great Lakes 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 Great Lakes Conservation Committee meetings. A designee under this subsection shall be fully versed in matters of conservation enforcement.

22.106 Rules of Procedure.

- (1) It is intended that the Great Lakes Conservation Committee operate as informally as circumstances allow and shall comply with Roberts Rules of Order to the extent necessary to

effectuate the following.

(2) The Great Lakes Conservation Committee shall abide by at least the following rules of procedure:

(a) The Great Lakes Conservation Committee shall only act pursuant to subsection (e) and (f).

(b) A member may vote in person only.

(c) The Chairperson does not vote unless there is a tie.

(d) The voting of a majority of the members present shall be necessary for the adoption of any matter.

(e) Each member shall be entitled to one vote.

(f) Phone votes may be taken. The results of the phone vote shall stand until it is reaffirmed or disaffirmed at the next regular meeting. The Secretary, or their designee, shall conduct and record phone votes taken pursuant to this subsection, upon an oral or written request of the Chairperson, Vice Chairperson or Chairman of the Tribe, with each Great Lakes Conservation Committee member contacted for the purpose of recording their vote.

(g) By a positive vote of a majority of the members present an Executive Session closed to the public may be convened for personal, personnel, financial, real estate, or legal matters.

(h) A quorum shall be had when five members are physically present.

(i) A quorum shall be broken if a member who was counted for a quorum is no longer physically present.

22.107 Officers.

(1) The Board of Directors shall designate one member of the Great Lakes Conservation Committee to be its Chairperson. The Chairperson's term shall be four years and the term shall begin to run upon appointment of the Chairperson by the Board of Directors.

(a) A sitting Great Lakes Conservation Committee member appointed Chairperson by the Board of Directors shall not relinquish their seat and the seat shall remain dormant underneath the applicable Chairperson.

(b) Upon expiration of the applicable Chairperson's term the Chairman's dormant seat shall be posted as is necessary to satisfy Section 22.104, regardless of what length of term may or may not remain under the dormant seat.

(2) The Board of Directors shall designate one member of the Great Lakes Conservation Committee to be its Vice-Chairperson. The Vice-Chairperson's term shall be four years and the term shall begin to run upon appointment of the Vice –Chairperson by the Board of Directors. A sitting Great Lakes Conservation Committee member appointed Vice-Chairperson shall not relinquish their seat.

(3) The Board of Directors' executive secretary, or their designee, shall also be the Secretary of the Great Lakes 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 discussions related to Great Lakes commercial and subsistence treaty fishing rights with other governmental or tribal agencies or private parties.

(b) Represent the Sault Ste. Marie Tribe of Chippewa Indians at Great Lakes Resource Committee meetings.

(c) Report all Great Lakes Conservation Committee, and its sub-committees, actions to the Board of Directors.

(d) Conduct all meetings of the Great Lakes 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 Chairman, Great Lakes Conservation Committee or the Board of Directors.

22.109 C.O.R.A.

Notwithstanding Section 22.109 and in conjunction with Tribal Code Chapter 24: Inland Conservation Committee at Section 24.109, the Board of Directors shall designate in writing either the Great Lakes Conservation Committee Chairperson or the Inland Conservation Committee Chairperson as the conservation representative for the Chippewa Ottawa Resource Authority (CORA).

22.110 Duties and Authority of the Great Lakes Conservation Committee.

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

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

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

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

(a) The Great Lakes Conservation Committee shall be responsible for creating the regulatory scheme which shall govern the Tribal member's conduct of Great Lakes commercial and subsistence treaty fishing, 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 Great Lakes 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 Great Lakes Conservation Committee and administration is thereafter bound to that policy determination.

(c) The Great Lakes 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 Great Lakes 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 its Great Lakes commercial or subsistence fishing right, whether the issue be biological or political, and the Great Lakes 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 Great Lakes Conservation Committee, a member of the Great Lakes 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 Great Lakes Conservation Committee shall have no authority over administration nor administrations' administering the herein authorized regulatory scheme.

(f) Should the Great Lakes Conservation Committee determine that an action or inaction of administration is detrimental to the Tribe's interest in its Great Lakes commercial or subsistence

fishing right the Great Lakes Conservation Committee shall present the issue to the Board of Directors pursuant to 20.109(3). Nothing in this subsection prohibits the Great Lakes Conservation Committee from attempting to resolve the offending action or inaction of administration with administration.

(g) The Great Lakes Conservation Committee shall have no authority to bind the Sault Ste. Marie Tribe of Chippewa Indians.

(3) In addition to those general powers authorized above, the Great Lakes 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 Great Lakes commercial and subsistence fishing licenses and permits.

(b) Request reports from the Tribe's biological department, law enforcement, legal department or other applicable departments regarding the Tribe's Great Lakes commercial and subsistence fishing effort and harvest.

(c) Request administration to procure information related to the exercise of Great Lakes commercial and subsistence treaty rights from any person or agency.

(d) Request reports from Tribal prosecutor or Tribal law enforcement regarding enforcement, prosecution and punishment of all Great Lakes commercial and subsistence treaty fishing offenses by Tribal members.

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

(f) Prescribe its own rules of procedure beyond this Chapter as if finds necessary to perform its functions.

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

(h) 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.

(i) To recommend to the Board of Directors legislation amending Tribal Code Chapter 20: Great Lakes and St. Mary's River Treaty Fishing Regulation and present said legislation to the Board of Directors.

(j) To recommend to the Board of Directors that season or commercial fishing gear restrictions to either protect the natural resource when such protection is warranted.

(k) To recommend to the Board of Directors that season or commercial fishing gear

modifications to increase the harvest of a natural resource when such harvest is warranted.

(1) To recommend to the Board of Directors that restrictions on commercial fishing licenses to protect the natural resource when such protection is warranted.

22.111 Review of Action.

(1) Notwithstanding anything in this Chapter, all actions of the Great Lakes Conservation Committee may be subject to review by the Tribal Board of Directors upon a request for such review by administration, the Great Lakes 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).