

RESOLUTION NO 9-5-79-8

WHEREAS, the Bad River Band of Lake Superior Chippewa Indians possess inherent powers of sovereignty, which pre-date the Constitution of the United States and

WHEREAS, the sovereignty of the Bad River Band has not been limited in its civil jurisdiction and sovereignty immunity of the Band from federal suit has not been decreased by the Indian Civil Rights Act of 1968 (LCRA) 25 U.S.C. 1301-1303, and

WHEREAS, the Bad River Reservation was created by the Treaty of September 20, 1854, (10 Stat. 1109); and

WHEREAS, The provisions of the Indian Reorganization Act of June 18, 1934, (28 Stat. 984) apply to the Bad River Band, its people and its property, including lands, and

WHEREAS, the Bad River Band did adopt a Constitution and By-Laws on June 20, 1936, as amended, which confers certain sovereign powers upon the Tribal Council by the members of the Bad River Band;

NOW, THEREFORE, BE IT RESOLVED, that under the inherent sovereign powers of the Bad River Band of the Lake Superior Chippewa Indians and the Constitution of Bad River Band, approved June 20, 1936, and amended, the attached Tribal Court Code is approved and otherwise made applicable to all persons, lands, roads, waterways, rights of way and property of every kind and description within the exterior territorial boundaries of the Bad River Band Reservation for whatever purpose, any act of entry thereon being construed as consent to such jurisdiction.

BE IT FURTHER RESOLVED, that all ordinances and resolutions heretofore adopted by the Tribal Council of the Bad River Band

pertaining to Tribal Court Code are hereby repealed and replaced by the Tribal Court Code adopted here in.

BE IT FURTHER RESOLVED, that copies of this resolution shall be posted in public places throughout the Reservation and published in the Tribal and other newspapers of general circulation, and the approved Tribal Court Code shall be available for inspection at the office of the Chairman or the Bad River Band Tribal Court.

This resolution was approved by a vote of 5 in favor and 0 opposed at a regular meeting of the Tribal Council of the Bad River Band this 5<sup>th</sup> day of Sept., 1979.

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Chairman

ATTEST:

Barbara Livingston  
Secretary

RESOLUTION NO. 9-5-79-9

WHEREAS, the Tribal Council of the Bad River Band of Lake Superior Chippewa Indians wishes to conserve the fish, wildlife, and other natural resources of the reservation for the benefit of present and future members of the Bad River Band;

WHEREAS, non-members of the Band have in the past harvested significant quantities of fish, game and wild rice and have littered and damaged Indian lands and waters of the reservation;

WHEREAS, the Bad River Band believes and asserts that it has authority to regulate or prohibit hunting, fishing, trapping or ricing by non-members on all lands and waters of the Bad River Reservation;

WHEREAS, the Bad River Tribal Council has enacted an ordinance adopting the Tribal Court Code of the Bad River Band of Lake Superior Chippewa Indians for the just administration of Tribal laws and ordinances;

NOW, THEREFORE BE IT RESOLVED THAT, the Bad River Tribal Council hereby enacts the Tribal Ordinance attached hereto and entitled, Ordinance Prohibiting Fishing, Hunting, Trapping and Ricing by non-members Within the Exterior Boundaries of the Bad River Reservation of the Bad River Band of Lake Superior Chippewa Indians;

BE IT FURTHER RESOLVED THAT, the Tribal Chairman is hereby directed and authorized to implement the provisions of this resolution.

CERTIFICATION

I, the undersigned, as Secretary of the Bad River Tribal Council, hereby certify that the Tribal Council is composed of 7 members, of whom 6 constituting a quorum were present at a meeting thereof, duly called, noticed, convened and held on the 5<sup>th</sup> day of Sept. 1979, and that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 5 members for and 0 against, and that said resolution has not been rescinded or amended in any way.

Barbara Livingston  
Secretary  
Bad River Tribal Council

WHEREAS, on September 5, 1979, the Bad River Band of Lake Superior Chippewa Indians enacted an ordinance prohibiting fishing, hunting, trapping, and ricing by non-members within the boundaries of the Bad River Reservation; and

WHEREAS, said ordinance also provides for a tribal court ordinance and adoption of a tribal court code which provides for the establishment of a tribal court by the tribal council including selection of one chief judge to be selected by the tribal council and such associate judges as the council may deem necessary; and

WHEREAS, said ordinance was subsequently approved by the Superintendent of the Great Lakes Agency on July 5, 1977, and the Acting Area Director of the Minneapolis Area Office on July 22, 1977, now

THEREFORE BE IT RESOLVED, that the Bad River Tribal Council hereby approve Mr. Edward Barber to serve as chief judge for the Bad River Tribal Court for a term of two years.

CERTIFICATION

I, the undersigned, as Secretary of the Bad River Tribal Council, hereby certify that the Tribal Council is composed of 7 members, of whom 6 constituting a quorum were present at a meeting thereof, duly called, noticed, convened and held on the 5th day of Sept, 1979, and that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 5 members for and 0 against, and that said resolution has not been rescinded or amended in any way.

Barbara Livingston  
Secretary  
Bad River Tribal Council

ORDINANCE PROHIBITING FISHING, HUNTING,  
TRAPPING AND RICING BY NON-MEMBERS WITHIN  
THE BOUNDARIES OF THE BAD RIVER RESERVATION

I. PREAMBLE.

WHEREAS, it is deemed desirable by the Tribal Council of the Bad River Band of Lake Superior Chippewa Indians to promote the conservation of the natural resources of the reservation for future generations of Bad River Indians by prohibiting hunting, fishing, trapping and ricing by non-members of the Band on all lands and waters within the Bad River Reservation and;

WHEREAS, Section 1 (t) Article VI of the Constitution and By-laws of the Bad River Band of Lake Superior Chippewa Indians, as amended provides that among the powers of the Tribal Council is the power to "regulate, by enactment of ordinances, the activities of hunting, fishing, ricing, trapping ..... by non-members within the exterior boundaries of the reservation....."

NOW, THEREFORE, BE IT RESOLVED, that the following provisions relating to hunting, fishing, trapping and ricing within the boundaries of the Bad River Reservation be hereby adopted as a Tribal Ordinance effective

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ARTICLE I. CLOSURE

All lands and waters within the boundaries of the Bad River Reservation, as described in Article I of the Constitution and By-laws of the Bad River Band of Lake Superior Chippewa Indians are closed to hunting, fishing, trapping and ricing by non-members.

ARTICLE II. POSTING

The exterior boundaries of the Bad River Reservation and any acquired lands outside of the Reservation shall be posted as to the Closure set forth in Article I.

ARTICLE III. PENALTIES

Section 1. Any individual who violates this ordinance and does so for the first time shall be punished by a fine of not more than one hundred dollars (\$100.00).

Section 2. An individual who violates this ordinance, who has previously been found guilty of violating this same ordinance, shall be punished by a fine of up to but not more than five hundred dollars (\$500.00) and/or incarceration of up to but not more than six (6) months.

ARTICLE IV. RIGHT TO TRIAL

Any person accused of violating this ordinance shall be entitled to a trial in the Bad River Tribal Court.

ARTICLE V. GAME WARDENS

This ordinance shall be enforced by Tribal Game Wardens to be appointed by the Tribal Council.

ARTICLE VI. SEIZURE

Game Wardens and other appointed officials are hereby authorized to seize and impound weapons, fishing, trapping and ricing gear and other implements used in such activities together with any such fish, game or rice as are found in the possession of a person violating this ordinance in order to utilize such in connection with prosecution.

ARTICLE VII. FORFEITURE

The Court may order all impounded weapons, gear, implements and fish, game and rice forfeited, as to any individual who does not appear in court at the time required.