

APPENDIX A

*Chippewa Ottawa Resource Authority Charter
and
Rules of Procedure of the Chippewa Ottawa Resource
Authority*

(CORA Charter)

CHARTER

THE CHIPPEWA OTTAWA RESOURCE AUTHORITY

I. PURPOSE. The Chippewa Ottawa Resource Authority (“CORA”) is established by the Bay Mills Indian Community, the Grand Traverse Band of Ottawa and Chippewa Indians, the Little River Band of Ottawa Indians, the Little Traverse Bay Bands of Odawa Indians, and the Sault Ste. Marie Tribe of Chippewa Indians (collectively, “the Tribes”) for the purpose of ensuring the conservation and wise utilization of the natural resources reserved to the Tribes in the Treaty of March 28, 1836 (7 Stat. 491) (the “1836 Treaty”).

II. CREATION. CORA is created when each of the Tribes delegates to it the powers set forth in Article V. CORA's jurisdiction over members of a particular Tribe terminates when such delegation is rescinded or canceled; however, CORA’s jurisdiction over members of other participating Tribes remains unimpaired.

III. COMPOSITION. CORA shall act through its Board, which is composed of the chief elected official of each Tribe and the chairperson of the Conservation Committee, Natural Resources Commission, or similar entity of each of the Tribes, or their alternates, and through the committees established in Articles VI. and VII. of this Charter (the “Committees”).

IV. CONSULTATION. In performing the duties and responsibilities set forth herein, the Board and the Committees may consult with available experts, including biologists and resource personnel of the United States Fish and Wildlife Service, the Bureau of Indian Affairs, the United States Forest Service, the Michigan Department of Natural Resources, the United States Geological Survey, the Great Lakes Fishery Commission, and the Tribes, and shall further

consult with the fishers, hunters, trappers, and gatherers of the Tribes, through their Tribal representatives, regarding protocols and regulations which affect them.

V. DUTIES AND RESPONSIBILITIES. The Board shall have the following duties and responsibilities:

A. To apply for, receive, and expend federal, tribal, state, and private funds for the purpose of conservation, enhancement, utilization, and protection of the Great Lakes and inland resources reserved by and to the Tribes in the 1836 Treaty.

B. To exercise all other duties and responsibilities enumerated in the Charter and the Rules of Procedure for CORA, and to exercise all other duties and responsibilities delegated by each of the Tribes.

C. To employ such staff as is necessary to carry out the duties and responsibilities of the Tribes embodied in this Charter, any order of the court in United States v. Michigan, W.D. Mich. No. 2:73 CV 26, any resource management plan adopted by the Tribes, and any agreement with the State of Michigan.

D. To maintain an intertribal biological staff, known as the Biological Services Division (“BSD”), which may be comprised of CORA staff, biologists employed by individual Tribes, and consultants.

VI. GREAT LAKES RESOURCES COMMITTEE.

A. The Great Lakes Resources Committee (“GLRC”) shall consist of the Board members, or their alternates, from each Tribe which is a member of CORA.

B. GLRC shall have the following powers and responsibilities, to be exercised consistently with the provisions of the Management Plan for the 1836 Treaty Great Lakes Waters (the “Plan”), the 2000 Consent Decree (the “Decree”), any successor to the Plan or the Decree,

and any court order entered in United States v. Michigan, W.D. Mich. No. 2:73 CV 26 (“Court Order”):

1. To develop protocols for the management, preservation, and enhancement of all species and habitats which are included within the Great Lakes resources as to which treaty rights were reserved by and to the Tribes in the 1836 Treaty, which protocols shall be designed to permit harvest of such resources by members of the Tribes, consistent with wise management, and which protocols may vary throughout the ceded territory.
2. To promulgate regulations, including emergency provisions necessitated by resource, safety, or other concerns, governing the exercise of the treaty fishing rights in the Great Lakes reserved by and to the Tribes in the 1836 Treaty, by members of the Tribes.
3. To coordinate the activities of the Great Lakes fishery law enforcement programs of the Tribes.
4. To participate in intertribal, interstate, and international bodies created for the purposes of preservation and enhancement of fishery resources and their habitats.
5. To receive reports from staff and from tribal, federal, and state biologists and to develop methods of reducing harvest of species when necessary to protect the resource, including but not limited to seasonal closures, zone closures, limitations on boat size, limitations on types or quantities of nets, and limitations on size, number or pounds of fish.

6. To perform any other duties and responsibilities imposed on GLRC or CORA, or assigned to the Tribes collectively, in the Plan, the Decree, any successor to the Plan or Decree, or any Court Order.

7. To exercise such additional powers and responsibilities as may be delegated to GLRC by the Tribes.

C. Disputes which may arise over decisions made or proposed but not made by GLRC, or the BSD, concerning any issue which may be within the purview of GLRC or the BSD, shall be resolved by the following process:

1. As soon as practicable after its formation, GLRC shall, by consensus of its representatives, appoint a dispute resolution panel consisting of two persons who are not members of a Tribe and are not currently employed by a Tribe or a Michigan or federal governmental or administrative agency. For purposes of this section, employees of a college or university are not considered employees of a governmental or administrative agency. One appointee shall have background and experience in mediation. One appointee shall have background and expertise in fisheries. Appointees shall be selected based on their qualifications, objectivity, and availability on a sporadic basis as needed. The appointments shall be for terms of five (5) years and may be renewed without limitation.

2. Each Tribe has created an entity to oversee natural resources management and policy, named as follows:

- a. The Bay Mills Indian Community: Conservation Committee;
- b. The Grand Traverse Band of Ottawa and Chippewa Indians: Natural Resources and Environmental Committee;

- c. The Little River Band of Ottawa Indians: Natural Resource Commission;
- d. The Little Traverse Bay Bands of Odawa Indians: Natural Resources Commission; and
- e. The Sault Ste. Marie Tribe of Chippewa Indians: Conservation Committee.

Hereafter these or their successors are referred to as the natural resources entities.

3. If a Tribe's natural resources entity does not agree with any decision, action, or inaction of GLRC or the BSD, including but not limited to limitations on entry or effort, or failure to impose limitations adequate to protect the resource, the following procedure may be followed:

a. The Tribe's natural resources entity shall pass a resolution stating its disagreement with a specific decision, action, or inaction of GLRC or the BSD. The resolution must set out the reasons for the disagreement, including the biological, economic, or other alleged violations of the CORA Charter, CORA policies or regulations, the Plan, the Decree, any successor to the Plan or Decree, or any Court Order. The natural resources entity must submit this resolution to GLRC and send copies to the natural resources entities of all other Tribes.

b. Within twenty (20) days of receiving the resolution, GLRC, and the BSD if involved in the decision, will hold a meeting with the natural resources entities of all Tribes to attempt to resolve the dispute. GLRC will give the chair of each natural resources entity ten (10) days written notice of the date, time, and location of the meeting. The written notice may be sent via facsimile to the natural resources entities of the Tribes.

c. Members of each natural resources entity, along with tribal biologists and legal counsel, may attend the meeting. At the meeting, the complainant natural resources entity shall be given full opportunity to expand on the concerns raised in its resolution, including presentation of any written documentation, such as biological or economic studies, and GLRC and/or the BSD will respond as appropriate. All other natural resources entities present at the meeting shall be given opportunities to address the issues. The purpose of the meeting is to reach a mutually agreeable resolution of the disagreement between GLRC and/or the BSD and the complaining natural resources entity. A natural resources entity must participate in the meeting or forfeit its right to invoke the dispute resolution procedure set out in subsection C.3.d.

d. If the process set out above does not result in successful resolution of the dispute, any natural resources entity that participated in the meeting may submit its position and supporting documentation to the dispute resolution panel created in subsection C.1. within twenty (20) days of the meeting with GLRC. The panel shall review the material and hold mediation session(s) between the natural resources entity(ies) and GLRC, and the BSD if involved, within thirty (30) days of receiving the material. If the mediation session does not result in a mutually agreeable resolution, the panel shall render a decision, which shall be final and binding on all Tribes.

e. Expedited review of an emergency closure order or failure to issue an emergency closure order shall occur if a natural resources entity challenges the issuance of, or the failure to issue, an emergency closure order by the BSD. The meeting described in subsections C.3.b. and C.3.c. above shall be held within ten (10) days of submission of the resolution described in subsection C.3.a. The panel shall hold a

mediation session between the complaining natural resources entity and GLRC within (10) days of receiving the challenge. GLRC will give the chair of each natural resources entity five (5) days written notice of the date, time, and location of the meeting. The written notice may be sent via facsimile to the natural resources entities of the Tribes. If the meeting does not result in the successful resolution of the dispute, any natural resources entity that participated in the meeting may submit its position and supporting documentation to the dispute resolution panel created in subsection C.1. within five (5) days of the meeting with GLRC. The panel shall review the material and hold mediation session(s) between the natural resources entity(ies) and GLRC, and the BSD if involved, within ten (10) days of receiving the material. If the mediation session does not result in a mutually agreeable resolution, the panel shall render a written decision, which shall be final and binding on all Tribes.

4. The Tribes agree that the decisions of the mediation panel shall be deemed a final determination on the merits and that judgment may be entered thereon by Court Order as provided in W.D. Mich. LCivR 16.6(e)(i). A party seeking relief from such an order shall do so by filing a motion to modify or vacate based upon one or more of the grounds set forth in 9 U.S.C. § 10(a) within 30 days of entry of the order.

VII. INLAND LANDS AND WATERS RESOURCES COMMITTEE.

A. The Inland Lands and Waters Resources Committee (“ILWRC”) shall consist of the Board members, or their alternates, from each Tribe which is a member of CORA.

B. ILWRC shall have the following powers and responsibilities:

1. To study and monitor species of animals and plants which are included within the inland resources as to which treaty rights were reserved by and to the Tribes in

the 1836 Treaty, and the habitats of such species, in order to advise the Tribes on the status of such resources at any given time.

2. To develop protocols for the wise management, enhancement, preservation, and utilization of inland resources and the habitat of resources, which protocols shall be designed to permit harvest of such resources by members of each Tribe, consistent with wise management, and which protocols may vary throughout the ceded territory.

3. To promulgate regulations governing the off-reservation exercise of the inland fishing rights, hunting rights, trapping rights, and gathering rights throughout the ceded territory reserved by and to the Tribes in the 1836 Treaty by members of the Tribes and to consult with the Tribes in adoption of such regulations.

4. To coordinate the activities of the conservation law enforcement programs and the public relations activities of the Tribes with respect to such inland resources, and to undertake any other joint effort as to which the Tribes may delegate authority.

5. To participate in intertribal, interstate, and international bodies created for the purposes of preservation and enhancement of resources and their habitats.

6. To exercise such additional powers and responsibilities as may be delegated to ILWRC by the Tribes.

VIII. PROCEDURE. Each Committee and the Board shall conduct its meetings according to the attached Rules of Procedure and according to the terms of any delegations from the Tribes.

IX. RESERVATION OF POWERS TO THE TRIBES. The Tribes reserve the power to promulgate regulations governing treaty resource activities by their respective members. With

respect to regulations governing the Great Lakes fisheries, any such regulations promulgated by a Tribe shall be consistent with and no less restrictive than the regulations adopted by GLRC and shall be consistent with the Decree and the Plan. With respect to regulations governing inland resources, any such regulations promulgated by a Tribe shall be consistent with and no less restrictive than the regulations adopted by ILWRC, but, unless otherwise agreed, such regulations may differ from those of any other Tribe in those circumstances where, for conservation purposes, there is no need for uniformity.

X. AMENDMENT. The Charter or any of its Articles may be amended by concurrent action of the governing bodies of the Tribes; provided, no amendment shall be effective unless and until it shall have been adopted by all Tribes.

RULES OF PROCEDURE
OF
THE CHIPPEWA OTTAWA
RESOURCE AUTHORITY

The following Rules of Procedure are enacted pursuant to Article VIII. of the Charter establishing the Chippewa Ottawa Resource Authority (“CORA”).

PART I - GOVERNING BODY

Section 1. The Board of CORA shall be constituted as set forth in Article III. of the Charter.

Section 2. The Board shall elect annually in November from among its members a Chairperson and Vice-Chairperson and shall appoint a Secretary who need not be from among its members. Should a vacancy occur in either elected position, the Board shall at its next regularly scheduled meeting elect a member to complete the unexpired term. The Chairperson and Vice-Chairperson shall at all times be from different Tribes, and representatives from a single Tribe may not serve as Chairperson for more than three consecutive years. Each Committee shall elect annually in December from among its members a Chairperson and Vice-Chairperson, who shall at all times be from different Tribes. Representatives from a single Tribe may not serve as a Committee Chairperson for more than three consecutive years.

Section 3. If a vacancy occurs on the Board, the Tribe from which such member was designated shall appoint a new member; however, the new member will not automatically fill an elected Board position held by his/her predecessor.

Section 4. A quorum of the Board and of each Committee shall consist of a simple majority, provided that at least one representative from each of the Tribes must be present.

Section 5. The designation of an alternate, pursuant to Article III. of the Charter, for any member of the Board or pursuant to Article VI.A. and Article VII.A. for any member of the Committees, shall be in writing, addressed to the Secretary, and signed by the member to be represented. There will be no proxies allowed; each member present shall have but one vote.

PART II - OPERATING PROCEDURES

Section 1. The Board and each Committee shall hold regular meetings at least every three months and at such other intervals as the Board and each Committee shall decide.

Section 2. The Chairperson of the Board, or three voting members of the Board, may call special or emergency meetings of the Board or a Committee for the consideration of matters requiring immediate attention. The Chairperson of a Committee, or three voting members of the Committee, may call special or emergency meetings of his/her respective Committee for the consideration of matters requiring immediate attention. The Board and Committee members must be given at least 48 hours notice of any special or emergency meeting.

Section 3. The Board shall appoint a Secretary, whose responsibility shall be to keep official records of all proceedings of the Board and the Committees.

Section 4. The Secretary shall keep the records of CORA, including the records of the Board and the Committees, on file at an office so designated as the depository for such records.

Section 5. It shall be the duty of the Secretary to maintain separate files containing: (a) the Charter and Rules of Procedure of CORA as well as any amendments; (b) documentation of all protocols developed and regulations recommended or promulgated by each Committee, as well as any other official actions, with certification as to the effective date of each such promulgation or action; (c) recommendations or proposals regarding regulations governing the exercise by Tribal members of treaty resource rights reserved in the 1836 Treaty; (d) general

correspondence related to the activities of CORA and each Committee; and (e) any other records or documents that may be of value to the Board or the Committees.

Section 6. All matters brought before the Board or either Committee shall be adopted by a majority vote of those present, provided they constitute a quorum as set forth in Part I, Section 4, with the exception of amendments to these Rules, which are provided for separately in Part III of these Rules, and except where a particular protocol, agreement, or management plan adopted by the Tribes calls for a different vote.

Section 7. The Board or a Committee need not meet in person in order to transact official business. As an alternative to an in-person meeting of the Board or a Committee, including any meeting held according to the provisions of Article VI.C. of the Charter, the Secretary may arrange conference calls to dispose of urgent items of business, provided that the requirements of Part II, Section 2 are met. Also, the Secretary may be informed of votes on non-emergency matters by written or electronic communications. Any promulgation or action of the Board or a Committee shall be effective when the Secretary ascertains the vote of each member of the Board or Committee and certifies the effective date pursuant to Part II, Section 5(b).

Section 8. No member of the Board or either Committee shall speak for CORA without the expressed approval of the Board and then only on the specific issues authorized.

PART III - AMENDMENTS

Amendments, additions, or deletions to these Rules may be made at any time by an affirmative vote of at least seventy-five percent of the members of the entire Board with a quorum present as set forth in Part I, Section 4, provided that there must be an affirmative vote of at least one representative of each Tribe.

CERTIFICATION OF ADOPTION

Date

Secretary, Chippewa Ottawa
Resource Authority