



**NOTTAWASEPPI HURON  
BAND OF THE POTAWATOMI**

A FEDERALLY RECOGNIZED TRIBAL GOVERNMENT

**NOTTAWASEPPI HURON BAND OF THE POTAWATOMI  
RESOLUTION NO. 09-21-23-07**

**Adopting Amendments to the NHBP Forest Protection and Timber Harvesting  
Ordinance, Chapter 6.4**

**WHEREAS:** On December 21, 1995, the Department of the Interior recognized the Nottawaseppi Huron Band of the Potawatomi, as a federally recognized Indian Tribe pursuant to the Federal Acknowledgement Process (60 Fed. Reg. 66315);

**WHEREAS:** Article VI, Section 1 of the Tribe's Constitution empowers Tribal Council to adopt statutes that are necessary and proper to carry out the sovereign powers of the Tribe and promote the health, safety, education, and general welfare of the Tribe and its members;

**WHEREAS:** In furtherance of that authority and responsibility, Tribal Council enacts various laws and amendments to govern the Tribe, its lands, members, and persons coming within the jurisdiction of the Tribe;

**WHEREAS:** Tribal Council adopted the Forest Protection and Timber Harvesting Ordinance (the Ordinance) to protect the environmental and cultural resources of the Tribe and to establish criteria and procedures for permitting activity that might disturb those resources, and to identify appropriate consequences for prohibited conduct, through Resolution No. 11-06-07-03;

**WHEREAS:** Tribal Council recognizes the need to include a subject-matter expert in reviewing permits seeking to conduct forestry activities, such as tree-trimming, to ensure a complete understanding of the effect of such conduct;

**WHEREAS:** Tribal Council would like to allow an avenue of reconsideration when a permit is denied due to an arborist recommending against a permit if an applicant can demonstrate good cause to the satisfaction of Tribal Council;

**WHEREAS:** Tribal Council also recognizes the benefit of including the Tribal Conservation Officer in the permitting and investigation processes to ensure adequate enforcement of the Ordinance;

**WHEREAS:** Tribal Council further desires to ensure all defined terms encompass the correct information and every defined term is capitalized so all Tribal Codes are consistently drafted; and

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T.C. RESOLUTION NO. 09-21-23-07

AUTHORIZING AMENDMENTS TO THE FOREST PROTECTION AND HARVESTING ORDINANCE

APPROVED BY TRIBAL COUNCIL: SEPTEMBER 21, 2023

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**WHEREAS:** Tribal Council seeks to adopt the proposed amendments, which make all defined terms capitalized; changes the definition of Forestry Activities under § 6.4-2 to include trimming; changes to § 6.4-6(A) to require the use of an arborist for permitting Forestry Activities in consultation with the NHBP Conservation Officer, and requires any permit denial occasioned by an arborist's recommendation against permitting to be overturned by TC for good cause; and changes § 6.4-6(B) to require consultation of the NHBP Conservation Officer for Environmental Department investigations of Ordinance violations.

**NOW THEREFORE BE IT RESOLVED THAT** Tribal Council hereby adopts the amendments to the Civil Infractions Code as presented in Exhibit A.


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**CERTIFICATION**

On September 21, 2023, this resolution was approved at a duly called regular meeting of the Tribal Council held at the Pine Creek Indian Reservation, a quorum being present, by an affirmative vote 4 members, 0 opposing, 1 absent, and 0 abstaining, this 21st day of September 2023.

  
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Dorie Rios, Secretary Pro-Tem

  
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Jamie Stuck, Chairperson

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Signed by   
Date 09/21/2023

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*The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.*

## Chapter 6.4

# Forest Protection and Timber Harvesting

**[HISTORY: Adopted by the Tribal Council of the Nottawaseppi Huron Band of the Potawatomi 11-6-2007 by Res. No. 11-06-07-03 (Ord. No. 07-05). Amendments noted where applicable.]**

### § 6.4-1 Title.

The title of this chapter shall be the "Forest Protection and Timber Harvesting Ordinance."

### § 6.4-2 Purpose.

The purpose of this chapter is to regulate timber cutting, firewood handling and timber removal from Property belonging to the Tribe, and to preserve timber resources belonging to the Tribe, including those trees that have significant cultural and historical importance to the Tribe. In addition, this chapter is to protect the forest and timber resources of the Tribe by regulating the importation of firewood onto tribal lands.

### § 6.4-3 Definitions.

For the purposes of this chapter, the following definitions will be used:

#### **DEPARTMENT**

The Environmental Department of the Tribe and its agents and employees.

#### **DESIGNATED PRESERVE**

Those areas of tribal Property designated by the Department to be off-limits to timber harvesting.

#### **FOREST PRODUCTS**

Logs, spars, piles, poles, and every form into which a felled tree may be cut, which shall include but not be limited to firewood, stove wood, cord wood, posts and rails.

#### **FORESTRY ACTIVITY**

Any conduct relating to the trimming, burning, sale, harvesting, cutting, logging, thinning, salvaging, dumping, gathering, and processing of timber or other Forest Products such as firewood.

#### **PERMIT**

Any permission, in writing, issued by the Department pursuant to this chapter.

#### **PERMITTEE**

A Person authorized by tribal Permit to perform an act or acts authorized by this chapter.

#### **PERSON**

An individual, corporation, partnership, association, state or political subdivision thereof, federal agency, municipality, interstate body, tribal member, person residing on tribal Property, and tribal employees.

#### **PROPERTY**

The land or real estate owned by the Tribe or intending to be purchased by the Tribe.

#### **TRIBAL COUNCIL**

The executive and legislative body of the Tribe.

**TRIBAL OPERATIONS MANAGER**

The Person that carries out the executive and administrative functions of the Tribe at the direction of the Tribal Council.

**TRIBE**

The Nottawaseppi Huron Band of Potawatomi Indians (NHBPI).

**§ 6.4-4 Permits; fees.**

- A. No Person shall conduct any Forestry Activity on any Property of the Tribe without first obtaining a Permit from the Department to do so.
- B. The Department shall determine how many, if any, Permits are issued for Forestry Activity in any calendar year, and whether Permits will be issued for Designated Preserve lands.
- C. The Department shall not Permit any Person to cut or harvest any Forest Product determined by the Tribe to have cultural or historical significance to the Tribe. The Department may cut or harvest such Forest Products based on cultural, historical or scientific considerations.
- D. The Department shall develop a Permit request form within thirty (30) days of this chapter being approved by Tribal Council. No Permit shall be valid in excess of one (1) year.
- E. There will be no cost for Permits to tribal members. Nonmembers shall pay \$25 for a one-year Permit. Tribal employees shall pay \$15 for a one-year Permit.

**§ 6.4-5 Prohibited activities.**

- A. No Person, in applying for a Permit pursuant to this chapter, shall make any false or misleading statement to secure the Permit. If it is determined that a Permit was obtained under false circumstances, that Permit shall be considered null and void and subject to immediate revocation by the Department.
- B. No Person shall fail to keep such records of Forestry Activity as required by the Department. Failure to keep required records or falsification of required records shall result in immediate revocation of any Permits held by that Person.
- C. No Person shall cause, aid, abet or conspire with any other Person to violate any provision of this chapter.
- D. No Person shall conduct any Forestry Activity without first obtaining a Permit from the Department.
- E. No Person shall obstruct or interfere with the Department in the performance of its duties pursuant to this chapter.
- F. No Person shall remove, alter, or destroy any boundary marker or landmark erected by the Tribe on tribal Property including any signs related to demarcating Designated Preserves.
- G. No Person shall set fire to any timber, woods, meadow, marsh or field on tribal Property, except in accordance with any Permit issued by the Department and under its supervision.
- H. No Person shall apply any pesticide to or significantly alter any timber, woods, meadow, marsh or field on tribal Property, except in accordance with any Permit issued by the Department and under its supervision.
- I. No Person shall import any firewood onto tribal Property, due to the threat of invasive species.

**§ 6.4-6 Duties of Department.**

- A. The Department shall establish a procedure for the issuance of Permits pursuant to this chapter. The Department shall also prepare record keeping regulations that require all Permittees to keep record of all Forest Products taken from tribal Property.
- B. The Department shall retain an arborist for a professional assessment and recommendation prior to issuing a Permit for Forestry Activities. The Department, in consultation with the Tribal Conservation Officer, may issue such Permit upon the arborist's recommendation in favor of the Forestry Activity. No Permit will be issued if the arborist recommends against the Forestry Activity unless otherwise approved by Tribal Council for good cause. Tribal Council shall solely decide whether good cause exists to conduct Forestry Activities for which an arborist recommended against.
- B. The Department shall investigate, in consultation with the Tribal Conservation Officer, all violations or alleged violations of this chapter in accordance with procedures set forth in regulations promulgated pursuant to this chapter.
- C. The Department shall inspect the forest and timber resources belonging to the Tribe on a regular basis, but not less than once every six (6) months. In order to conduct this inspection, the Department may enter onto any lands, real estate, waters or premises, except into any dwellings, on tribal Property. The Department may remain thereon while performing such duties. No entry by the Department made pursuant to this act will constitute trespass.
- D. The Department shall have the authority, pursuant to its duty to investigate violations of this chapter, to require the driver of any motor vehicle, being operated for the purpose of conducting Forestry Activity on tribal Property, to stop and display their Permit. The Department may also search any legally stopped motor vehicle and inspect it for possible violations of this chapter.

**§ 6.4-7 Penalties.**

- A. Any Person who shall violate any provision of this chapter, upon conviction thereof, shall be punished by a fine of not more than \$100 for each occurrence or imprisonment for not more than thirty (30) days for each occurrence.
- B. Each day of the violation shall be considered a separate occurrence, except for any time designated by the Department for the remediation of any violation of this chapter.

**§ 6.4-8 Tribal Council duties.**

- A. The Tribal Council is charged by Article VII of the Constitution to manage the timber reserves for the benefit of the members of the entire Tribe.
- B. Any cash from the sale of any Forest Product or fee from any Forestry Activity shall be accounted for by the Department, and the Department shall make a quarterly report to the Tribal Council accounting for said cash and fees.
- C. At its discretion Tribal Council may designate some or all of the cash and fees for the operation of Department activities pursuant to this chapter.