

Commissioner's Order 02-83

Natural Resources

A Commissioner's Order prohibiting the use of Mille Lacs Reservation's Land to access ricing lakes for the purpose of ricing.

WHEREAS, Band Statute 1032-MLC-1, Section 29 mandates that the Commissioner of Natural Resources shall protect and regulate all matter of land and water for the Mille Lacs Band of Chippewa Indians, and

WHEREAS, the treaties of 1837 and 1855 give at least concurrent jurisdiction to the Mille Lacs Band of Chippewa Indians, and

WHEREAS, the Mille Lacs Band of Chippewa Indians are traditional gatherers of wild rice, and;

WHEREAS, wild rice campsites were purchased for the Mille Lacs Band of Chippewa Indians to gather wild rice, and;

WHEREAS, the Boldt decision states the responsibilities to ensure gathering rights, and;

WHEREAS, wild rice ripenes at different times on different lakes, and;

WHEREAS, the gathering of wild rice on lakes or rivers, that are not ripe because irreputable damage to the rice, and;

WHEREAS, in the past years the state of Minnesota has not controlled the number of boats on lakes and rivers, and;

WHEREAS, Dean Lake traditionally has been the last lake to ripen, though the State of Minnesota has opened this lake as of August 22, 1983, and;

WHEREAS, there exists road through trust territory without lawful easement or right of way, and;


NOW THEREFORE, pursuant to the authority vested in me by the Mille Lacs Band of Chippewa INdians under tribal law, I, Don Wedll, Commissioner of Natural Resources for the Mille Lacs Band of Chippewa Indians, hereby prescribe the following regulation prohibiting the use of Mille Lacs Reservation land to access lakes and/or rivers for the purpose of ricing until said time that the determination of that lake can be made.

The use of any land held in trust for the Non-Removable Mille Lacs Band of Chippewa Indians or any land under trust status of the Minnesota Chippewa Tribe and under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians, which provides access to a lake or river, subject to any existing easements or right of way, in which wild rice could be gathered is prohibited until such time, as a determination is made that said wild rice is suitable to be gathered.

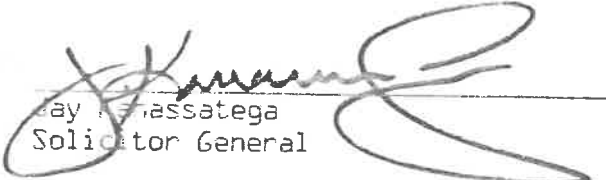
Such determination will be made by the consultation of the Mille Lacs Band of Chippewa Indians Spiritual Advisor and a Mille Lacs Reservation elder within any given district.

Upon opening of any lakes and/or river by such a determination the use of such lands will be permitted, provided that any individual has a "Land use permit" as described in the Commissioner's Order Number 3.

DATED, at Vineland, Minnesota this nineteenth day of August in the year one thousand nine hundred and eighty-three.

  
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Don Wedell  
Commissioner of Natural Resources

APPROVED AND NUMBERED AS TO  
FORM AND EXECUTION

  
\_\_\_\_\_  
Jay Massataga  
Solicitor General

OFFICIAL SEAL OF THE BAND