

Commissioner's Order 06-84

Natural Resources

A Commissioner's Order establishing and regulating deer hunting East of the St. Croix River of Mille Lacs Band members.

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

WHEREAS, the Seventh Circuit Court of Appeals has ruled that the hunting, fishing, and gathering right does exist, and;

WHEREAS, the State of Wisconsin has been consulted in regards to hunting deer with the ceded territories of 1837, and;

WHEREAS, the Mille Lacs Band of Chippewa will regulate its members in the harvesting of deer within the area of 1837 treaty east of the St. Croix River, and;

WHEREAS, the Lac Courte Oreilles Band of Lake Superior Chippewa Indians, Bad River Band of Lake Superior Chippewa Indians, the Lac du Flambeau Band of Lake Superior Chippewa Indians, the Red Cliff Band of Lake Superior Chippewa Indians, the St. Croix Band of Lake Superior Chippewa Indians, and the Mole Lake Band of Lake Superior Chippewa Indians have agreed to allow Mille Lacs Band of Chippewa to hunt within their territorial jurisdiction for the purpose of harvesting deer.

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 regulations applicable only for deer hunting east of the St. Croix River:

I. Regulations -

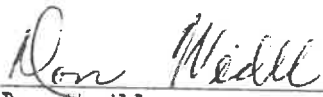
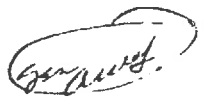
- A. Length of Season - The Mille Lacs Band of Chippewa deer hunting season shall begin on November 19, 1983 and shall continue through the close of hunting on January 31, 1984.
- B. Hunting Hours - Deer hunting during the Mille Lacs Band of Chippewa deer hunting season shall commence at 6:30 a.m. and end at 4:30 p.m. from November 19 through January 31, 1984.
- C. Legal Deer - In game management units 29A, 29B, 31, 34, 25, 27, 57A, 57B and 33 as delineated on the attached map, only deer with an antler not less than 3 inches in length may be reduced to possession. In all other game management units within the off-reservation ceded territory deer of either sex or any age may be reduced to possession.
- D. Band Identification Cards/Letters - All Band members hunting deer within the ceded territory must have in his possession a valid tribal identification card or letter.

- E. Deer Back Tag - All Band members hunting deer within the off-reservation ceded territory must possess a back tag provided by the Band's Natural Resource Department. Said back tag shall be worn and prominently displayed on the outer garment while engaged in deer hunting activities during the period of November 19, 1983 and November 27, 1983 inclusive.
- F. Registration - Whenever a deer is reduced to possession in the off-reservation ceded territory, that deer must be tagged utilizing the portion of the back tag available for that purpose. Said deer must be registered with the Natural Resource Department's Registration Station to be located in Danbury, Wisconsin. To be properly registered, the leg tag must be validated by indicating on the leg tag the month, date, time of kill and type of deer.
- G. Transportation - All deer reduced to possession in the off-reservation ceded area must prior to registration be transported in or on a vehicle in open view and placed so that riders cannot handle the deer carcass leg tag.
- H. Shooting From Motor Vehicle - It shall be illegal to shoot any firearm from any vehicle where such vehicle is within 50 feet of a public road surfaced with backtop, cement, or gravel.
- I. Blaze Orange Required - Band members hunting deer in the off-reservation ceded areas between November 19 and November 27, 1983, must wear outer clothing that is at least 50% blaze orange. Hats if worn must be at least 50% blaze orange.
- J. Shooting Within 50 Feet of Paved Highways Prohibited - It is illegal to discharge any firearm within 50 feet of the center-line of paved public roads.
- K. Shinning and Night Hunting Prohibited - Shinning or night hunting by tribal members in the off-reservation ceded territory is prohibited. Night hunting includes all hunting outside those time periods authorized by this code for the taking of deer in the off-reservation ceded areas.
- L. Juvenile Use of Handguns While Hunting Prohibited - It is illegal for any person under the age of 18 to hunt deer with handguns in the off-reservation ceded territory.
- M. Minors Restricted - All persons between the ages of 12 and 16 years may hunt deer in the off-reservation ceded areas only when accompanied by a parent or guardian or by a person over the age of 18 designated by the parent or guardian.
- N. Sale of Back Tags Prohibited - No back tag issued by a Natural Resource Department may be sold, bartered or exchanged.

II. Penalties and Procedures -

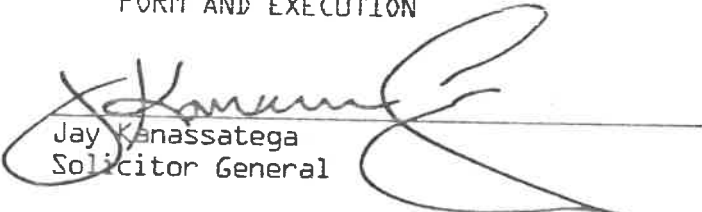
- A. It shall be unlawful for any person to alter, modify or change any official document related to hunting pursuant to this order or to knowingly or willingly attempt to mis-lead any enforcement officer in the performance of his lawful duty or to refuse to submit to any lawful request of an enforcement officer.
- B. It shall be unlawful for any person to sell, barter or mis-use or waste any deer lawfully taken pursuant to this order.
- C. Violation of any provision of this Interim Off-Reservation Deer Hunting Order shall subject said violator to a civil remedial money penalty, as either a misdemeanor or gross misdemeanor as set forth in the Statutes of the Band and may in addition be punishable by revocation of deer hunting back tags for the hunting of deer in off-reservation ceded areas. In addition, violation of any provision of this order may be punishable by civil remedial forfeiture of property as set forth in the Statutes.
- D. The procedures for the imposition of civil remedial money penalties and civil remedial forfeitures of property are contained in the Statutes of the Mille Lacs Band of Chippewa Indians.
- E. Severability and Non-Liability - If any section, provision or portion of this regulation is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this order shall not be affected thereby. It is hereby asserted that there is no liability on the part of the Mille Lacs Band, its agencies, or employees for damages that may occur as a result of reliance upon and conformance with this order.

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

Don Wedll
Commissioner of Natural Resources

APPROVED AND NUMBERED AS TO
FORM AND EXECUTION



Jay Kanassataga
Solicitor General

OFFICIAL SEAL OF THE BAND