

COMMISSIONER'S ORDER NO. 41-86
Natural Resources

A Commissioner's Order to authorize the execution of Mille Lacs Band of Chippewa Indians Department of Natural Resources Memorandum of Agreement with U.S. Fish and Wildlife Service to facilitate the enforcement of the 1986 Off-Reservation Migratory Bird Regulation for the ceded territory of 1837, east of the St. Croix River.

WHEREAS: the Mille Lacs Band of Chippewa Indians Natural Resources Department is responsible for enforcing of the Migratory Bird Regulations, and;

WHEREAS: the Commissioner of Natural Resources has the power to regulate natural resources within the jurisdiction of the Mille Lacs Band of Chippewa Indians through (Band Statute 1032-MLC-1, Sec. 19; Band Statute 1017-MLC-7; and Band Statute 1092-MLC-25, et seq.), and;

WHEREAS: the enforcing of Migratory Bird Regulation in off-reservation ceded territory of 1837, east of the St. Croix River would be supplemental through the Service employees or agents who are otherwise empowered to enforce federal migratory bird regulations, and;

WHEREAS: the enforcement of Off-Reservation Migratory Bird Regulations against Band members by the Service employees or agents would require a Memorandum of Agreement, and;

WHEREAS: nothing herein is intended to authorize or restrict federal prosecution of Band members who violate federal migratory bird regulations outside the Off-Reservation Migratory Bird Regulation established by agreement, and;

WHEREAS: pursuant to the provisions of Band Statute 1032-MLC-1, Section 29, the Commissioner of Natural Resources is empowered to execute the said Memorandum of Agreement for the Mille Lacs Band of Chippewa Indians Department of Natural Resources.

NOW THEREFORE, by the authority vested in me by the Mille Lacs Band of Chippewa Indians, pursuant to Band Statute 1032-MLC-1, Section 29, I, Don Wedl, Commissioner of Natural Resources for the Mille Lacs Band of Chippewa Indians hereby execute the following Memorandum of Agreement:

RECEIVED

SEP 15 1986

Great Lakes Indian Fish
& Wildlife Commission

MEMORANDUM OF AGREEMENT

THIS AGREEMENT is entered into by and between the United States Fish and Wildlife Service (SERVICE) and the Bad River Band of the Lake Superior Tribe of Chippewa Indians, the Lac Courte Oreilles 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 Chippewa Indians of Wisconsin, the Skoogon Chippewa Community of the Mole Lake Band, the Keweenaw Bay Indian Community, and the Mille Lacs Band of Chippewa Indians (TRIBES). The purpose of this Agreement is to facilitate the enforcement of Service-approved tribal migratory bird regulation in 1986.

1. Scope of Agreement. This Agreement pertains to enforcement by the SERVICE of ordinances, adopted by each of the TRIBES, regulating tribal member off-reservation migratory bird hunting in 1986 consistent with regulations to be published by the SERVICE.
2. Authorization to enforce. SERVICE employees or agents who are otherwise empowered to enforce federal migratory bird regulations are hereby authorized by each TRIBE to enforce against its members the provisions of its off-reservation migratory bird ordinance and to cite its members for violations thereof into its tribal court.
3. Prosecution of violators.
 - a. Any act by a tribal member arising from migratory bird hunting activity in 1986 and violating his or her tribe's off-reservation migratory bird hunting ordinance shall be referred by SERVICE employees or agents for prosecution in the tribal court of the member's tribe, provided that the TRIBE maintains a tribal court with jurisdiction over migratory bird hunting by its members, and further provided that the TRIBE has adopted and agreed to enforce and has in force at the time of the violation an Off-Reservation Migratory Bird Ordinance consistent with rules published by the SERVICE, and has furnished a copy of the ordinance to the SERVICE prior to the violation.
 - b. As to violations occurring on public land or waters, the SERVICE shall review each situation on its merits and recommend whether federal prosecution is appropriate. Factors which the SERVICE shall, in its discretion, take into account in making its recommendation include, but are not limited to, the avoidance of dual prosecution, the egregiousness of the violation, and whether tribal prosecution is contemplated or initiated within a reasonable time.
4. Effective date. Any tribe which wishes to be a party to this Agreement shall sign the Agreement on or before September 15. This Agreement shall be effective from September 15, 1986 through September 1, 1987.
5. Dispute resolution. The parties agree that any controversies, disputes, differences, or misunderstandings arising out of Agreement shall be referred to designated representatives for consultation before any further action is taken by any party.
6. Termination. Each of the parties may terminate this Agreement as to any of the other parties upon 30 days written notice to all parties to the Agreement.

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The United States Fish and Wildlife Service approves the 1986 Memorandum of Agreement providing for enforcement of the Chippewa Tribes' Off-Reservation Migratory Bird Hunting Ordinance.

BY: Harvey K. Nelson

TITLE: Harvey K. Nelson
Regional Director

DATE: SEP 22 1986

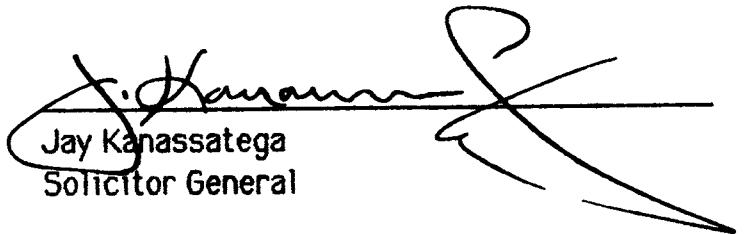
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DATED at Vineland, Minnesota this 28th day of August in the year one thousand nine hundred and eighty-six.



Don Wedll
Commissioner of Natural Resources

APPROVED AND NUMBERED AS TO
FORM AND EXECUTION



Jay Kanassatega
Solicitor General

OFFICIAL SEAL OF THE BAND

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2. Authorization to enforce. SERVICE employees or agents who are otherwise empowered to enforce federal migratory bird regulations are hereby authorized by each TRIBE to enforce against its members the provisions of its off-reservation migratory bird ordinance and to cite its members for violations thereof into its tribal court.

RECEIVED

SEP 15 1986

Great Lakes Indian Fish
& Wildlife Commission

RECEIVED

AUG 11 1986

Great Lakes Indian Fish
& Wildlife Commission

3. Prosecution of violators.

a. Any act by a tribal member arising from migratory bird hunting activity in 1986 and violating his or her tribe's off-reservation migratory bird hunting ordinance shall be referred by SERVICE employees or agents for prosecution in the tribal court of the member's tribe, provided that the TRIBE maintains a tribal court with jurisdiction over migratory bird hunting by its members, and further provided that the TRIBE has adopted and agreed to enforce and has in force at the time of the violation an off-reservation migratory bird ordinance consistent with rules published by the SERVICE, and has furnished a copy of the ordinance to the SERVICE prior to the violation.

b. As to violations occurring on public land or water, the SERVICE shall review each situation on its merits and recommend whether federal prosecution is appropriate. Factors which the SERVICE shall, in its discretion, take into account in making its recommendation include but are not limited to the avoidance of dual prosecution, the egregiousness of the violation, and whether tribal prosecution is contemplated or initiated within a reasonable time.

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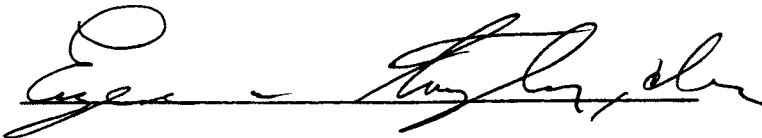
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6. Termination. Each of the parties may terminate this agreement as to any of the other parties upon 30 days written notice to all parties to the Agreement.

The United States Fish and Wildlife Service approves the 1986 Memorandum of Agreement providing for enforcement of the Chippewa Tribes' off-reservation migratory bird hunting ordinances.

By: Harvey R. Nelson
Title: Regional Director
Date: AUG 7 1986

The ST. CROIX CHIPPEWA INDIANS OF WISCONSIN
approves the 1986 Memorandum of Agreement providing for enforcement
of the Chippewa Tribes' off-reservation migratory bird hunting
ordinance.

By: 

Title: TRIBAL CHAIRMAN

Date: September 11, 1986

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SEP 29 1986

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SEP 15 1986

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& Wildlife Commission

RECEIVED

AUG 11 1986

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& Wildlife Commission

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The United States Fish and Wildlife Service approves the 1986 Memorandum of Agreement providing for enforcement of the Chippewa Tribes' off-reservation migratory bird hunting ordinances.

By: Harvey R. Nelson
Title: Regional Director
Date: AUG 7 1986

The Mille Lacs of Chippewa Indians' Natural Resource Department
approves the 1986 Memorandum of Agreement providing for enforcement
of the Chippewa Tribes' off-reservation migratory bird hunting
ordinance.

By: *Don Wedell*
Title: *Commissioner of Natural Resources*
Date: *8/26/86*

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SEP 29 1986
Great Lakes Indian Fish
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RECEIVED
AUG 11 1986
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