

COMMISSIONER'S ORDER NO. 136-90
Natural Resources

A Commissioner's Order establishing On-Reservation 1990 Wild Rice harvesting Regulations.

WHEREAS, the Mille Lacs Band of Chippewa Indians is a signatory and successor to the Treaty of 1855, 10 Stat. 1165, and;

WHEREAS, the Band resides in the ceded territories of the Treaty of 1837, 7 Stat. 536, and;

WHEREAS, the Mille Lacs Band deems it appropriate to provide an orderly system of tribal control and regulation of On-Reservation Wild Rice harvesting, and;

WHEREAS, the Mille Lacs Band further deems it appropriate to provide conservation and management for wild rice found in its jurisdiction, and;

WHEREAS, the Commissioner of Natural Resources has the authority to regulate natural resources within the jurisdiction of the Mille Lacs Band of Chippewa Indians through Band Statute 1162-MLC-50, Section. 3, and Band Statute 1092-MLC-25, et seq., and;

WHEREAS, the harvesting of wild rice is a natural resource under the jurisdiction of the Mille Lacs Band of Chippewa Indians and;

WHEREAS, pursuant to the provisions of Band Statute 1162-MLC-50, Section 3, I, the Commissioner of Natural Resources is empowered to execute the regulation for wild rice harvesting on Mille Lac Reservation or Trust Lands.

NOW THEREFORE, by the authority vested in me by the Mille Lacs Band of Chippewa Indians pursuant to Band Statute 1162-MLC-50, Section 3, I, Don Wedll, Commissioner of Natural Resources for the Mille Lacs Band of Chippewa Indians hereby establish 1990 On-Reservation Wild Rice Harvesting Regulations for the Band:

**ON-RESERVATION 1990 WILD RICING ORDINANCE
OF THE
MILLE LACS BAND OF CHIPPEWA INDIANS**

Chapter I -- INTRODUCTION

101. Title. This ordinance shall be known as the Mille Lacs Band of Chippewa Indians On-Reservation 1990 Wild Ricing Ordinance.
102. Authority. This ordinance is enacted pursuant to Band Statute 1162-MLC-750 of the Mille Lacs Band of Chippewa Indians.
103. Purposes. It is the purpose of this ordinance to:
- a) Provide an orderly system for tribal control and regulation of ricing on the on-reservation territories created by the Chippewa Indians in the Treaty of 1855, 10 Stat. 1165.
 - b) Provide a means to promote the conservation and management of wild rice in the Reservation through the regulation of ricing occurring there.
104. Effective Date. This order shall be effective on the date adopted by the Commissioner and shall expire at 11:59 on July 15, 1991.
105. Interpretation. The provisions of this ordinance shall be interpreted and applied as minimum requirements applicable to ricing and shall be liberally construed in favor of the Band. The provisions shall not be deemed a limitation or repeal of any other tribal power or authority.
106. Severability and Non-Liability. If any section, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. The Band further asserts immunity on its part and that of its agencies, employees and/or agents from any action or damages that may occur as a result of reliance upon and in conformance with this ordinance.
107. Repeal of Inconsistent Commissioner's Orders. All ordinances and resolutions inconsistent with this ordinance are hereby repealed. To the extent that this ordinance imposes greater restrictions than those contained in any other Band ordinance, the provisions of this ordinance shall govern.

Chapter 2 -- DEFINITIONS

201. Definitions.
- a) "Member" means a member of the Mille Lacs Band of Chippewa Indians.
 - b) "Band Conservation Department" means the conservation department of the Mille Lacs.
 - c) "Tribal Court" means the Court of Central Jurisdiction.
 - d) "Resident" persons who are residents of Mille Lac Reservation.
 - e) "Tribe" means the Mille Lacs Band of Chippewa Indians.
 - f) "Mille Lac Reservation" all lands within the four township identified as T42 N-R25W, T42N-R26W, T42N-27W and T43N-R27W.
 - g) "Trust Lands" all lands under the jurisdiction of the Mille Lacs Band of Chippewa

Chapter III -- REGULATIONS

301. Ricing sticks. No tribal member may harvest or gather any wild rice by the use of any method other than smooth, rounded, wooden cedar or pine rods or sticks not more than 38 inches in length and which are held and operated by hand.
302. Boats. No tribal member may harvest or gather any wild rice by the use of any boat longer than 17 feet or greater than 38 inches in width or by the use of any boat propelled by other than muscular power using only a push pole or canoe paddle.

Commissioner's Order 136-90

Natural Resources

Page 3

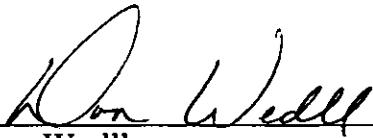
303. Open seasons.
- a) Tribal members or residents may harvest wild rice on Reservation lakes(Onamia, Shakopee) or off of trust lands except during season established by Commissioner's Order 135-90.
 - b) No tribal member or resident shall harvest wild rice in any lake for which a closed season is in place pursuant to this section.
304. Hours. No tribal member or resident may harvest or gather any wild rice between 4:30 p.m. and the following 9:00 a.m., Central Daylight Time.
305. Tribal license.
- a) No member or resident shall rice on-reservation or on trust lands except while carrying a valid tribal license.
 - b) No member shall refuse to display his or her identification documents upon request by any tribal, state or local law enforcement officer.
306. Waste of Natural Resources. No tribal member shall unreasonably waste, injure, destroy or impair natural resources while engaging in ricing activities pursuant to this agreement.
307. Careless ricing. Any individual who is ricing and has more than forty broken heads of rice per 10 pounds of rice shall be determined as a careless ricer and subject to violation of this order.
308. Alcohol or drugs. No person ricing shall be in the possession of alcoholic beverage or mood altering drugs.
309. Noise. No person ricing shall make loud noises nor play radios, tapeplayers ect. at levels that are heard at distances greater that 100 feet.
310. Cooperation. Tribal members or residents shall cooperate with and provide information to representatives or wardens of the Minnesota Department of Natural Resources, and /or the Tribal Conservation Department who are implementing, monitoring, or enforcing the terms of this ordinance.

Chapter IV -- ENFORCEMENT

401. Enforcement by deputized conservation wardens. Any provision of this ordinance may be enforced by tribal natural resource officers.
402. Penalties. Any tribal member or resident found by the Court of Central Jurisdiction to have violated a provision of this order shall be subject to the following penalties:
- a) A forfeiture not to exceed \$500.00.
 - b) A revocation of on-reservation ricing privileges for a period of time to be determined by the Court.
403. Schedule of Money Penalties; No Contest. The Band Court may adopt a schedule of forfeitures to be imposed by the Court upon the receipt of an admission that a violation of this ordinance has occurred, which may be done either in person or in writing. This schedule is not binding as to the forfeitures assessed by the Court after adjudicating a violation.

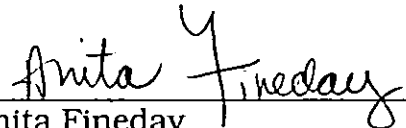
404. Collection of Money Penalties. Enforcement of the penalties imposed by Sec. 402 and 403 of this ordinance may be had through the collection of penalties from funds of the violator held by the Band, through the imposition of community service work requirements in lieu of money payment, through debt collection mechanisms of the courts of other jurisdictions, or through any other method authorized by tribal ordinance.
405. Hearing in Tribal Court. The Court of Central Jurisdiction shall adjudicate all matters arising under this order, pursuant to the provisions of the Band Statute 1143-MLC-4.
406. Issuance of On-Reservation Natural Resources Harvesting Permit. The tribal natural resource department is authorized to issue and validate natural resource harvesting permits to members of the tribe and to residents of Mille Lac Reservation.
407. Parties to a Violation:
- a) Whoever is concerned in the commission of a violation of this order shall be deemed a principal and may be charged with the violation although he or she did not directly commit it and although the person who directly committed it has not been convicted of the violation;
 - b) A person is concerned in the commission of the violation if the person:
 - 1) directly commits the violation;
 - 2) aids or abets in the commission of the violation, or
 - 3) is a party to a conspiracy with another to commit the violation, advises, hires, counsels or otherwise procures another to commit the violation.

DATED at Vineland, Minnesota, this 29th day of August in the year one thousand nine hundred and ninety.



Don Wedll
Commissioner of Natural Resources

APPROVED AND NUMBERED AS TO
FORM AND EXECUTION



Anita Fineday
Solicitor General

-
OFFICIAL SEAL OF THE BAND