



MILLE LACS BAND OF CHIPPEWA INDIANS
Executive Branch of Tribal Government

COMMISSIONER'S ORDER NO. 157-92
Natural Resources

A Commissioner's Order establishing regulation that implements Archaeological Research Methodology.

WHEREAS, the Mille Lacs Band of Chippewa Indians is a signatory and successor to the Treaty of 1837, 7 Stat. 536, and the Treaty of 1842, 7 Stat. 591, and the treaty of 1855, 10 Stat. 1165, and

WHEREAS, Band Statute 1062-MLC-50, Section 3 directs the Commissioner of Natural Resources to protect all natural resources of the Mille Lacs Band of Chippewa Indians, and

WHEREAS, Band Statute 1072-MLC-23, Section 8 requires an archaeological permit to be issued for all activities effecting archaeological resources, and

WHEREAS, archaeological permits are issued through the Department of Natural Resources, and

WHEREAS, activities conducted under these permits need to be performed in accordance to authorized procedures, and

WHEREAS, the failure to follow procedures could cause an adverse effect on archaeological resources, and

WHEREAS, this regulation is developed to protect against any serious impact on archaeological resources of the Mille Lacs Band of Chippewa Indians.

NOW THEREFORE, by 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 establish the following regulation implementing an archaeological research methodology for archaeological permits issued within the jurisdiction of the Mille Lacs Band of Chippewa Indians.

REGULATION

ARCHAEOLOGICAL RESEARCH METHODOLOGY

All of the archaeological research to be conducted as part of a Department's of issued Archaeological Permit will be undertaken in compliance with the Secretary of the Interior's Standards for Archaeological Research. In addition to these standards, this regulation establishes a series of actions designed to provide the maximum amount of information with a minimum of disturbance to the archaeological resources. The investigation process is one in which the process is first to define the presence or absence of archaeological resources that are within the permit area and if that presence is confirmed to determine the nature, extent and condition of that resource. The process consists of the following steps:

Reconnaissance Survey

Record Search – The examination of written sources and records of previous research is the initial part of project investigation. The data sources investigated include: the Mille Lacs Band's Register of Historic Plan, the National Register of Historic Places, the State Inventory of Historic Places, the Minnesota Archaeological Site file, original land survey records, county and miscellaneous archaeological site files at the University of Minnesota and the Minnesota Historical Society, pertinent published archaeological papers and reports, and readily available published historic documents such as county and local histories. Historic photographs and early aerial photographs have also provided valuable data. In addition, it is imperative that consultation be undertaken with community elders. This process will allow the generation of additional valuable data only available and maintained in the oral tradition of the community.

Surface Reconnaissance – The project area is then subject to a pedestrian survey and significant cultural features or artifacts which are visible on the ground surface are recorded. Survey transects in wooded environments or grass covered areas, where artifacts are not generally visible on ground surface, will be no more than 15 meter intervals. Where this limited visibility occurs or where geological factors indicate that site materials may be buried from natural causes, informal testing methods will be employed as discussed below. Project areas which have been totally disturbed or exhibit steep slopes or standing water are not subject to these intervals.

Informal Testing – Surface reconnaissance transects at a maximum of fifteen-meter intervals are coupled with informal test excavations every fifteen meters along each transect. This approach will be applied to the entire project area inside the National Landmark status of the entire area of proposed development. The entire project area is considered as an extremely "high potential area" for containing archaeological and other cultural resource sites. This comprehensive approach is necessary in this particular situation, rather than one that is stratified and the informal testing sample weighted in favor of zones of higher vs. lower probability of site location. These informal tests are accomplished by hand shoveling an excavation approximately 35-40 centimeters in diameter to a depth which reveals the interface with sterile subsoil. All excavated soil is passed through a standards shaker screen utilizing one quarter inch screen mesh. If artifacts or cultural features are located, formal, systematic excavations are generally initiated to define the extent and condition of the site. Also if cultural materials are located an attempt will be made to initially ascertain the boundaries of the site based on topographic or other information rather than randomly determined through placing units from an area thought to produce negative results towards ones producing positive ones. The net results of defining site boundaries in this manner produces fewer random excavation units within the site area.

Formal Excavations

Beyond the reconnaissance level of survey, additional investigations are frequently necessary. These investigations are normally only necessary when cultural resources are encountered as a result of data generated during the reconnaissance level survey. Because of the formal and detailed nature of this work, it is much more time consuming and therefore more expensive to undertake. It is frequently desirable to redesign a project (when possible) to avoid an impact on significant resources rather than becoming involved in this phase of the process.

Formal Testing -- In cases where record searches, surface data, or informal testing indicate a site, formal excavations are required to accurately define its vertical and horizontal extent and condition. Such test units will vary in size according to site-specific conditions but are generally 1x1 meter squares. The units will be excavated by a minimum of arbitrary five-centimeter levels to a level where sterile subsoil is encountered with all soils passed through one-quarter inch mesh screens. More exacting control will be utilized when conditions require. In heavy or saturated soils, and in cases where delicate artifacts and ecofacts may be encountered, water screening (the process of washing excavated sediments through one-quarter inch or finer screen) may be utilized to speed screening, increase rates of artifacts recovery, and avoid damage to fragile materials. The locations of all formal test excavations are recorded in relation to a datum reference point so that those excavation unit locations may be relocated at some future date.

Construction Monitoring

Reconnaissance surveys cannot, by their very nature, provide 100% certainty of the total absence of cultural resources within a survey area. In areas with a relatively high probability of containing archaeological data, it is frequently advisable and sometimes required that the process of construction excavation be undertaken while being monitored by a qualified archaeologist.


Monitoring

Monitoring consists of an archaeologist providing visual inspection of the excavation process to attempt to identify significant archaeological remains that may have been undiscovered as a result of the reconnaissance survey sampling methods. The process is also used to assure that adjacent resources are not inadvertently impacted. In the event of the discovery of previously unknown resources, provisions must be provided for the archaeologist to stop the construction process for brief periods in order to evaluate the findings.

CURATION OF ARTIFACTS AND RECORDS

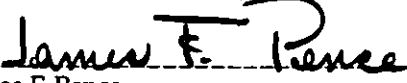
All artifacts and records collected within the scope of the present project will be the property of the Mille Lacs Band of Chippewa Indians. The objects will be cataloged and analyzed at the Minnesota Historical Society, Archaeological Department, Ft. Snelling History Center, St. Paul, Minnesota 55111. Copies of catalogs and field records will be maintained in perpetuity by the Minnesota Historical Society. Original field documentation and artifacts will be returned to the Mille Lacs Band.

DATED at Vineland, Minnesota this 16th day of March in the year one thousand nine hundred and ninety-two.



Don Wedell
Commissioner of Natural Resources

APPROVED AND NUMBERED AS TO
FORM AND EXECUTION



James F. Pence
Solicitor General

OFFICIAL SEAL OF THE BAND