

COMMISSIONER'S ORDER NO. 270-97
Natural Resources

A Commissioner's Order rescinding Commissioner's Order No. 251-97 and re-opening seasons under the Mille Lacs Band's 1837 Treaty Conservation Code for the Minnesota Ceded Territory.

WHEREAS, the Mille Lacs Band of Chippewa Indians is a signatory to the Treaty of 1837, 7 Stat. 536; and

WHEREAS, the United States District Court for the District of Minnesota, Third Division, in Mille Lacs Band et al. v. State of Minnesota et al., Civ. No. 3-94-1226, has confirmed the Band's rights to hunt, fish and gather under Article 5 of the 1837 Treaty; and

WHEREAS, the United States Court of Appeals for the Eighth Circuit, on April 9 and 16, 1997, stayed the District Court's decision pending resolution of appeals from that decision; and

WHEREAS, the Court of Appeals, on August 26, 1997, affirmed the District Court's decision; and

WHEREAS, the Mille Lacs Band and all other Bands that are parties to the litigation, on September 3, 1997, moved the Court of Appeals to vacate its prior orders staying the District Court's decision and stipulated that the Bands would not permit any hunting outside of State seasons absent three weeks prior notice to the State; and

WHEREAS, the Court of Appeals, on October 27, 1997, vacated its prior orders staying the District Court's decision; and

WHEREAS, the Band Assembly, in Band Assembly Bill 07-03-07-97, adopted the 1837 Treaty Conservation Code for the Minnesota Ceded Territory in order to implement the Band's rights consistently with the District Court's decision; and

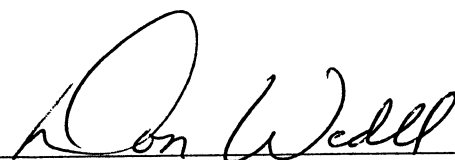
WHEREAS, in response to the Court of Appeals April 9, 1997, order, on April 10, 1997, I issued Commissioner's Order No. 251-97 closing all seasons under the 1837 Treaty Conservation Code for the Minnesota Ceded Territory, except on trust or Band-owned lands; and

WHEREAS, in light of the Court of Appeals August 26, 1997, decision and its October 27, 1997, order it is in the best interests of the Band to rescind Commissioner's Order No. 251-97, and open all seasons under the 1837 Treaty Conservation Code consistently with the District Court's decision and the Bands' stipulation to provide three weeks notice to the State of hunting outside of State seasons; and

WHEREAS, the Great Lakes Indian Fish and Wildlife Commission, on October 28, 1997, provided the necessary three weeks notice to the State on behalf of all the Bands;


NOW THEREFORE, by the authority vested in me by the Mille Lacs Band of Chippewa Indians pursuant to Mille Lacs Band Statutes Annotated Title 11, Section 2002, and the 1837 Treaty Conservation Code, Section 1.10, I, Don Wedll, Commissioner of Natural Resources for the Mille Lacs Band of Chippewa Indians, hereby rescind Commissioner's Order No. 251-97 and re-open all hunting, fishing, trapping and gathering seasons as set forth in the 1837 Treaty Conservation Code, with the exception of the firearm (including muzzleloader) deer hunting season, which shall open on November 8, 1997, the opening date of the State firearm deer hunting season.

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



Don Wedll
Commissioner of Natural Resources

APPROVED AND NUMBERED AS TO
FORM AND EXECUTION



Jim Genia
Solicitor General

OFFICIAL SEAL OF THE BAND