

COMMISSIONER'S ORDER NO. 138-90
Natural Resources

A Commissioner's Order establishing On-Reservation 1990 Deer Hunting Regulations.

WHEREAS, the Mille Lacs Band of Chippewa Indians is a signatory or 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 Deer hunting, and;

WHEREAS, the Mille Lacs Band further deems it appropriate to provide conservation and management for deer population found its jurisdictional territory through the regulation of member hunting occurring there, 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 taking of deer is a natural resource under the jurisdiction of the Mille Lacs Band of Chippewa Indians and;

WHEREAS, nothing herein or the application thereof shall be construed by any government, agency, person or circumstance as a waiver by the Non-Removable Mille Lacs Band of Chippewa Indians of the solemn, special trust obligation of the United States of America, and;

WHEREAS, pursuant to the provisions of Band Statute 1162-MLC-50, Section 3, the Commissioner of Natural Resources is empowered to execute the regulation for deer hunting by members of the Mille Lacs Band.

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 Deer Hunting Regulations for members of the Band:

ON-RESERVATION 1990 DEER HUNTING REGULATION

CHAPTER I - INTRODUCTION

101. Title. This Commissioner's Order may be cited as the Mille Lacs Band of Chippewa Indians On-Reservation 1990 Deer Hunting Regulations.
102. Authority. This Commissioner's Order is authorized pursuant to Band Statute 1162-MLC-50, Sec. 3, and Band Statute 1092-MLC-25, et seq., of the Mille Lacs Band of Chippewa Indians.
103. Purpose. It is the purpose of this order to:
 - a) provide an orderly system for tribal control and regulation of deer hunting on the on-reservation lands and waters within the Mille Lacs Reservation established by the Treaty of 1855, 10 Stat. 1165 and within its on-reservation territorial jurisdiction.
 - b) provide a means to promote the conservation and management of deer population in the ceded territory through the regulation of member hunting occurring there.
104. Effective Date. This order shall be effective on the date of issuance and shall expire at 11:59 p.m. on September 15, 1991.
105. Interpretation. The provisions of this ordinance shall be interpreted and applied as minimum requirements applicable to deer hunting and shall be liberally construed in favor of the Mille Lacs Band. The provisions shall not be deemed a limitation or repeal of any other Band power or authority.
106. Severability and Non-Liability. If any section, provision, or portion of this order is adjudged unconstitutional or invalid by the Court of Central Jurisdiction, the remainder of this order shall not be affected thereby. The Mille Lacs 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 conformance with this order.
107. Repeal of Inconsistent Tribal Ordinances. All previous Commissioner's Orders inconsistent with this order are hereby repealed. To the extent that this order imposes greater restrictions than those contained in any other Commissioner's Orders, the provisions of this order shall govern.
108. Religious or Ceremonial Use of Natural Resources.
 - a) Nothing in this ordinance shall prohibit the use of any resource otherwise subject to the provisions of this ordinance which is harvested, taken or otherwise obtained within the ceded territory for religious or ceremonial purposes in accordance with the traditions and customs of the Mille Lacs Band and with the consent of the Mille Lacs Band's governing body, or its designee.
 - b) In approving any request for religious or ceremonial harvest, the Commissioner of Natural Resources shall take into account the biological impact of the harvest.

CHAPTER II - DEFINITIONS

201. Definitions.
 - a) "Antlerless deer" means deer not having at least one antler of at least 3 inches in length.
 - b) "Gun" means rifle, shotgun, or handgun.
 - c) "Hunt" means to shoot, shoot at, pursue, take, catch, or kill, any deer on-reservation, but does not include the recovery of a deer which has already been lawfully reduced to possession.
 - d) "Tribe" means the Mille Lacs Band of Chippewa Indians.
 - e) "Tribal conservation department" means the conservation departments of Mille Lacs Band.
 - f) "Working day" means Monday, Tuesday, Wednesday, Thursday, and Friday.

CHAPTER III - REGULATIONS

301. Seasons; season specific regulations. All dates given are inclusive and unless otherwise specified refer to 1990.
- a) Closed Season. No member shall hunt deer during closed season. Closed season January 1, 1990 to September 15, 1989.
 - b) Regular Bow and Gun Season. A regular bow and gun season is established for the dates September 15 through December 31, 1990.
 - c) Minnesota State Gun Season.
 - (1) During Minnesota state deer hunting season no one shall hunt without blaze orange or red coloring on at least 50% of the outer garment.
302. General Regulations
- a) Juvenile hunting. No juvenile shall be allowed to hunt deer except as provided by this paragraph:
 - (1) No person under 12 years of age may hunt deer.
 - (2) No person 12 years of age or older but under 14 years of age may hunt unless accompanied by a parent or guardian.
 - (3) No person 12 years of age or older but under 16 years of age may hunt unless accompanied by a parent or guardian and unless issued by the tribe or state a hunter education and firearm safety certificate of accomplishment.
 - b) Shining. No member shall use or possess with intent to use a light for shining deer or other wild animals:
 - (1) While the member is hunting deer; or
 - (2) While the member is in possession of a firearm, bow and arrow, or crossbow; or
 - (3) At any time between 10 p.m. and 7 a.m.
 - (4) A member casting rays of light on a field, forest or other area which is frequented by wild animals is rebuttably presumed to be shining wild animals.
 - c) Tagging. No member shall move or field dress a deer before affixing to it a valid metal carcass tag.
 - d) Transportation. No member shall transport any deer in or on any motor driven vehicle prior to registration unless the deer is carried so that a portion of it is visible from a passing vehicle and in the vehicle.
 - e) Firearms. No member shall hunt deer using any firearm other than a rifle, handgun, or shotgun permitted by this section.
 - (1) No member shall hunt deer with a .22 rimfire, 5mm rimfire rifle, or .17 caliber centerfire rifle.
 - (2) No member shall hunt deer with any handgun except as follows:
 - (i) Loaded with .357, .41, or .44 magnum caliber handgun chambered or commercially manufactured cartridges which produce a minimum energy of 1000 ft-lbs; and
 - (ii) Having a minimum barrel length of 5.5 inches measured from the muzzle to the firing pin with the action closed;
 - (iii) No member shall have more than one handgun in his/her possession while hunting.
 - f) Bow restrictions. No tribal member while bow hunting shall:
 - (1) Use a bow having a pull of less than 40 pounds;
 - (2) Use a crossbow unless the crossbow:
 - (i) Is fired from the shoulder;
 - (ii) Delivers at least 42 ft-lbs of energy at a distance of 10 feet;
 - (iii) Has a stock of not less than 30 continuing inches in length;
 - (iv) Has a working safety; and
 - (v) Is used with arrows or bolts of not less than 20 inches with a broadhead.
 - (3) Failure to comply with any of the restrictions or requirements generally applicable to deer hunting under this ordinance.
 - g) Boats. No member shall possess in a motor driven boat while the motor is running any firearm, bow or crossbow unless the firearm is unloaded and the bow or crossbow is unstrung or enclosed within a carrying case.
 - h) Permissible methods. No member shall hunt deer except by use of the firearms and bows authorized by this order.

i) Group Deer Hunting.

(1) In this section:

(i) "Contact" means visual or voice contact without the aid of any mechanical or electronic amplifying device other than a hearing aid.

(ii) "Group deer hunting party" means 2 or more hunters hunting in a group all using firearms, each of whom holds a carcass tag.

(2) Any member of group deer hunting party may kill a deer for another member of the group deer hunting party if both of the following conditions exist:

(i) At the time and place of the kill, the person who kills the deer is in contact with the person for whom the deer is killed.

(ii) The person for whom the deer is killed possesses a current unused deer carcass tag, and, if the deer is an antlerless deer, an antlerless deer permit valid for the unit in which the deer is killed.

(3) A person who kills a deer under sub.(2) shall ensure that a member of his or her group deer hunting party without delay attaches a deer carcass tag to the deer prior to moving or field dressing it. The person who kills the deer may not leave the deer unattended until after it is tagged.

j) Possession of loaded or uncased weapons. No member shall possess a loaded or uncased firearm, or a strung and uncased bow or crossbow in a motor vehicle, except when that vehicle is stationary and more than 50 feet from the center of any road shown on an official county highway map.

k) Discharge of weapon from vehicles. No member shall load or discharge a firearm, bow or crossbow from a motor vehicle unless it is stationary and more than 50 feet from the center of any road shown on an official county highway map.

l) Discharge of weapons from roadways. No member shall discharge a firearm, bow, or crossbow on or across a highway, or within 50 feet of the centerline of a road shown on an official county highway map.

303. Hunting Hours. No member may hunt deer except during the following hours. Times given are inclusive.

September 6 -17	6:00 a.m.	to	7:15 p.m.	CDT
September 18 - October 1	6:15 a.m.	to	7:00 p.m.	CDT
October 2 - 9	6:30 a.m.	to	6:45 p.m.	CDT
October 10 - 16	6:30 a.m.	to	6:30 p.m.	CDT
October 17 - 25	6:45 a.m.	to	6:15 p.m.	CDT
October 26 - October 29	7:00 a.m.	to	6:00 p.m.	CDT
October 30 - November 6	6:00 a.m.	to	5:00 p.m.	CST
November 7 - 17	6:15 a.m.	to	4:45 p.m.	CST
November 19 - December 31	6:30 a.m.	to	4:30 p.m.	CST

304. Hunting Lands.

a) Deer hunting on any trust tribal land located within the Reservation or lands under the jurisdiction of the Mille Lacs Band.

305. Identification.

a) No member shall hunt on-reservation except while carrying a valid picture identification card issued by the tribe, or other form of identification card issued by the tribe, or other form of identification approved by the tribe for deer hunting activities.

b) No member shall refuse to display his or her identification documents upon request of any tribal enforcement officer or Great Lakes Indian Fish and Wildlife conservation warden.

306. Permits, Tags.

a) No one shall hunt deer without a validly issued tribal on-reservation natural resources harvesting permit, validated for deer hunting.

b) No member shall hunt any deer without a validly issued metal carcass tag in his/her possession, except as provided by sec. 302(i) of this ordinance.

307. Registration.

- a) A tribal member killing a deer shall register the deer by presenting it at a tribal registration station no later than 5:00 p.m. of the first working day after killing at which time a metal registration tag shall be affixed by the registering official.
- b) A tribal member taking an antlerless deer shall tag deer before moving or field dressing the deer, identification of the location at which the antlerless deer was killed must be noted.
- c) A tribal member killing an antlerless deer shall surrender his/her antlerless deer permit upon registration.
- d) A tribal member registering a deer shall provide the registering official with the following information: the management unit and county where the deer was taken, the date and time when the deer was taken, and the ID number of the member taking the deer.
- e) A tribal member registering a deer shall register the whole carcass, except that a member may register the head of a carcass provided the metal carcass tag is firmly affixed to the head or any part thereof.

308. Removal and Retention of Tags.

- a) No member who kills a deer shall remove a registration tag until such time as the carcass is butchered.
- b) No member who kills a deer shall dispose of the registration tag until the meat is consumed.
- c) Any person who receives any meat from a member who retains a tag under this section is not required to possess a tag.

309. Sharing of Permits and Tags. Except as otherwise provided in this ordinance, no member shall lend, share, give, sell, barter, or trade, or offer to lend, share, give, sell, barter or trade to any person any identification document, permit or tag issued by the Tribe pursuant to this ordinance.

310. Sale of Meat Prohibited. No member shall sell any deer meat taken on-reservation if the deer was taken during the effective period of this order, except that such meat may be sold, traded, or bartered among members. In addition, the head and skin of any deer lawfully killed pursuant to this order, when severed from the rest of the carcass, are not subject to this section.

310. Waste of Natural Resources. No member shall unreasonably waste, injure, destroy, or impair natural resources while deer hunting.

Part IV - ENFORCEMENT

401. Enforcement by deputized conservation wardens. Any provision of this order may be enforced by tribal conservation wardens of the Great Lakes Indian Fish and Wildlife Commission. Said Commission wardens are hereby authorized by the Department as tribal conservation wardens for purposes of enforcing this order.

402. Enforcement by Great Lakes Indian Fish and Wildlife Wardens. GLIFWC are hereby empowered to enforce the provision of this order and to institute proceedings in the Court of Central Jurisdiction by use of the citation forms of the Great Lakes Indian Fish and Wildlife Commission.


403. Seizure of Evidence. Tribal natural resource officers, and Commission conservation wardens are empowered to seize evidence in connection with the institution of proceedings in tribal court.

404. Seized deer. Deer which are seized in connection with cases referred to tribal court for prosecution shall be turned over to the tribe. Such deer shall not be returned by the tribal court or tribal officials to the violator, his immediate family or other members of the hunting party.

405. Registration information. Tribal and Commission wardens are empowered to request and receive from tribal tag and permit issuance and deer registration stations information regarding tag and permit issuance and deer registration.
406. Penalties. Any tribal member found by the Court of Central Jurisdiction to have violated a provision of this ordinance shall be subject to the following penalties:
- a) For a violation of section 306(c), a forfeiture shall be imposed of not less than \$100.00 and not more than \$500.00.
 - b) For a violation of any other provision of this ordinance, a forfeiture of not more than \$500.00
 - c) For a violation of any provision of this ordinance, a revocation of on-reservation deer hunting privileges may be ordered for a period of one year from the date of conviction.
 - d) For a violation of any other provision of this ordinance, a revocation of on-reservation deer hunting privileges may be ordered for a period of time to be determined by the court.
407. 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.
408. Collection of Money Penalties. Enforcement of the penalties imposed by Sec.406 and 407 of this order 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.
409. Parties to a Violation.
- a) Whoever is concerned in the commission of a violation of this ordinance 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 the commission of it or;
 - (3) is a party to a conspiracy with another to commit it, or advises, hires, ~~or~~ counsels or otherwise procures another to commit it. ✓
410. 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 1024-MLC-3.
412. Issuance of Harvesting Permits, Tags, Antlerless Deer Permits. The tribal conservation department is authorized to issue and validate tribal on-reservation natural resources harvesting permits, and to issue metal carcass tags and antlerless deer permits to members of the tribe and of any other tribe, or individual subject to the jurisdiction of the Mille Lacs Band.

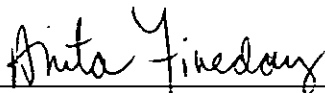
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 - (2) aids or abets the commission of the violation or;
 - (3) is a party to a conspiracy with another to commit the violation, advises, hires, counsels or otherwise procures another to commit the violation .
410. Hearing in Tribal Court. The Court of Central Jurisdiction shall adjudicate all matters arising under this order, pursuant to the provisions of the Band Statute 1143-MLC-4.
412. Issuance of Harvesting Permits, Tags, Antlerless Deer Permits. The tribal conservation department is authorized to issue and validate tribal on-reservation natural resources harvesting permits, and to issue metal carcass tags and antlerless deer permits to members of the tribe and of any other tribe, or individual subject to the jurisdiction of the Mille Lacs Band.

DATED at Vineland, Minnesota this fourth day of September 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