

COMMISSIONER'S ORDER NO. 251-97
Natural Resources

A Commissioner's Order placing restriction on the Mille Lacs Band's 1837 Conservation Code for the Minnesota Ceded Territory.

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;

WHEREAS, the Mille Lacs Band of Chippewa Indians 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 off-reservation hunting, fishing, and gathering and;

WHEREAS, the Mille Lacs Band further deems it appropriate to provide conservation and management for resources found in the 1837 Minnesota ceded territory through the regulation of members by the enactment of the 1837 Treaty Conservation Code for the Minnesota Ceded Territory, 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 Mille Lacs Band Statutes Annotated Title 11 Section 2002, and Title 2, et seq., and Section 1.10 of the 1837 Treaty conservation Code and;

WHEREAS, the United States District Court District of Minnesota Third Division in Mille Lacs Band, et al. v. State et al. Civ. No. 3-94-1226 confirmed off-reservation hunting, fishing, and gathering rights, and enjoined the state from interfering with those rights and;

WHEREAS, the United States Court of Appeals for the Eighth Circuit stayed the district court's January 29, 1997 order, and;

WHEREAS, to avoid subjecting Band members to State citations, arrests, gear confiscations and prosecution it is necessary to restrict various seasons as it pertains to the 1837 Treaty Conservation Code for the Minnesota Ceded Territory, 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, or of its rights under the 1837 treaty, and;

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, I, Don Wedll, Commissioner of Natural Resources for the Mille Lacs Band of Chippewa Indians hereby place the following restriction on seasons within the 1837 Treaty Conservation Code for the Minnesota Ceded Territory.

RESTRICTIONS


All seasons are hereby closed, except for special permits authorized by the Natural Resources Department or in areas of trust lands or Band owned lands. Such lands shall remain subject to applicable provisions of the 1837 Treaty Code for the Minnesota Ceded Territory.

DATED at Vineland, Minnesota this 10th day of April 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