

COMMISSIONER'S ORDER NO. 239-96

Natural Resources

A Commissioner's Order authorizing approval of Mille Lacs Band of Chippewa Indians Department of Natural Resources to enter into a Memorandum of Agreement with the Bureau of Indian Affairs on the management, protection, of the forest and other natural resources.

WHEREAS: the Commissioner of Natural Resources has the power to regulate natural resources within the jurisdiction of the Mille Lacs Band of Chippewa Indians through 11 MLBSA §2002 and § 2003; and

WHEREAS: the management and protection of a natural resource is under the jurisdiction of the Mille Lacs Band of Chippewa Indians Department of Natural Resources; and

WHEREAS: the management and protection will include forest and natural resources on trust lands and Indian lands, and

WHEREAS: Indian lands are those lands owned by the Mille Lacs Band of Chippewa within or outside the Mille Lacs Reservation, and

WHEREAS: the priority for the forest and natural resources will be the preservation of the resources through the Forestry Fire Management Program; and

WHEREAS: the United States Department of Interior, Bureau of Indian Affairs has an interest in establishing a Memorandum of Agreement with the Mille Lacs Band's Department of Natural Resources on the the management and protection of the forest and natural resources on trust lands and Indian lands taking; 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 11 MLBSA §2002 and § 2003 the Commissioner of Natural Resources is empowered to execute the said Memorandum of Agreement for the Mille Lacs Band of Chippewa Indians Department of Natural Resources.

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 concur with the following Memorandum of Agreement for the the management and protection will include forest and natural resources on trust lands and Indian lands.

MEMORANDUM OF AGREEMENT
BETWEEN THE
MILLE LACS BAND OF OJIBWE
DEPARTMENT OF NATURAL RESOURCES/ENVIRONMENT
AND
BUREAU OF INDIAN AFFAIRS

I. Introduction:

The Mille Lacs Band of Ojibwe Department of Natural Resources/Environment (TRIBE) and the Bureau of Indian Affairs (BUREAU) agree that it is their responsibility to adequately manage and protect the forest and other natural resources on trust lands and Indian Lands belonging to the TRIBE. Indian Lands are those lands owned by the TRIBE within and outside the Mille Lacs Reservation and are not in trust.

II. Purpose:

The purpose of this agreement is to identify those functions necessary to carry out the trust responsibilities they relate to the Forestry Fire Management Program.

III. The TRIBE Agrees to:

1. Preparedness:

- a. The TRIBE will assist the BUREAU in the preparation of the Alternative Analysis (AA) of the National Fire Management Analysis System (NFMAS). The TRIBE will submit the AA to the Agency Office by April 30th of each year. In addition this will include requests for subsidiary funds and facility funds. These are due by June 30th each fiscal year.
- b. The TRIBE will prepare their local mobilization plan and submit it to the Agency for approval

before each spring fire season.

- c. The TRIBE will be responsible for maintenance and repair of their tools, vehicles, and equipment. The TRIBE will be responsible for purchasing personal firefighting equipment for their firefighters.
- d. The TRIBE will be responsible for costs for attending wildland fire training courses. The TRIBE will be responsible for issuing fire qualification cards for their fire personnel and if they meet National Wildfire Coordinating Group (NWCG) interagency standards. Other Federal/State wildfire organizations that meet NWCG standards, may certify Tribal personnel for wildfire positions.
- e. The TRIBE will negotiate agreements which are needed on a local basis for mutual aid and reimbursement agreements with the BUREAU.
- f. The TRIBE has agreed to let the BUREAU represent the TRIBE on the Minnesota Incident Command System (MNICS). MNICS is an interagency organization that includes; Bureau of Indian Affairs, Minnesota Department of Natural Resources (DNR), U.S. Fish & Wildlife Service, Voyageurs National Park, St. Croix National Scenic Riverway, Isle Royal National Park, Superior and Chippewa National Forests, Northeast State & Private Forestry, and Minnesota Department of Emergency Management, all whom work together in state wildfire issues.
- g. The TRIBE will investigate wildfire starts and process wildfire trespass cases through their tribal court system and/or submit the case to the BUREAU for prosecution through the federal system.
- h. The TRIBE will meet annually with the Bureau and local cooperators prior to the fire season to review local fire agreements, contracts and memorandums of agreements.
- i. The TRIBE will be responsible for preparing prescribed burn plans with technical assistance from the BUREAU. The TRIBE will submit prescribed

burn plans to the Agency for approval.

The TRIBE will meet minimum NWCG prescribed fire qualifications. The TRIBE can request additional qualified prescribed fire personnel through the BUREAU or other MNICS agencies.

2. Suppression:

- a. Initial Attack Fires - The TRIBE will respond to initial attack fires on the Mille Lacs Reservation trust lands and lands under the jurisdiction of the Mille Lacs Band.
- b. For extended attack fires and large incidents, the Bureau will coordinate these incidents. The TRIBE will notify the BUREAU of any fire that has potential of becoming an extended attack fire. The TRIBE will provide a resource advisor to assist the BUREAU in development of the Escaped Fire Situation Analysis (EFSA).
- c. The TRIBE will prepare individual wildland fire reports (form 1202) and submit them to the Agency Office within 30 days of occurrence. The TRIBE will notify the Agency by 9:00 am the next day following a fire so it can be included in the daily fire situation report.
- d. The TRIBE will keep informed of their fuel conditions going into the fire season and notify tribal members of the fire danger when conditions are above normal conditions.
- e. The TRIBE will submit an invoice for their suppression costs in a timely manner to be reimbursed by the BUREAU through the emergency suppression account (92310).
- f. The TRIBE can request additional resources from the BUREAU, and State or other federal agency through normal dispatch procedures, when fire conditions warrant.

IV. The BUREAU Agrees to:

1. Preparedness:

- a. The BUREAU will be responsible for compiling the self-governance Tribes and Minneapolis Area Agencies NFMAS documents and submitting them to the National Interagency Fire Center (NIFC). The BUREAU will prepare the Mille Lacs AA document with assistance from the TRIBE. The BUREAU will schedule the replacement of capitalized equipment through the normal budget process in the Shared Application Computer System (SACS) and request funds for acquiring and replacing capitalized equipment.
- b. The BUREAU will provide the TRIBE with information on any changes in wildfire program (ie. federal fire policy, equipment changes, etc.)
- c. The BUREAU will review and approve the Tribal mobilization plan and provide assistance in preparation.
- d. The BUREAU will assist the TRIBE in preparation of mutual aid and wildland fire reimbursable agreements, contracts, and/or memorandums of understandings.
- e. The BUREAU will provide a list of wildland and prescribed fire training courses and provide assistance in training coordination.
- f. The BUREAU will maintain the wildfire and prescribed fires qualifications and training and experiences of Mille Lacs fire personnel through SACS in Boise.
- g. The BUREAU will submit wildfire trespass cases to the federal magistrate.
- h. The BUREAU will keep the TRIBE informed of MNICS's activities.

2. Suppression:

- a. The BUREAU will provide resources when requested by the TRIBE.

- b. The BUREAU will coordinate extended attack and large incidents. The BUREAU will pay all direct expenses related to an extended attack and large fire incident.
- c. The BUREAU will negotiate with the TRIBE a reimbursement agreement to reimburse the TRIBE for their fire suppression costs for fighting fires on and off the reservation.

V. Effective Date:

The effective date of this Memorandum of Agreement is October 1, 1996 and renewable on an annual basis by action of the TRIBE. Changes to this agreement must be negotiated and approved by both parties.

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Appendix 1

LANDS IDENTIFIED
FOR
FIRE PROTECTION

Mille Lacs County: T43N-R27
T42N-R27
T42 - R26
T42 - R25

Crow Wing County: T136N-R25W - 4th P.M. Section 18, Gov't Lot 1, 2, 3 (Dean Lake)

Aitkin County T43N-R24 Section 31 SW 1/4
T45N-R27 Section 3 Lot 1
T46N-R25W - 4th P.M. Section 26, Lots 10 and 11 (Swamp Lake)
T47N-R23W Section 17 NE 1/4 NW 1/4
Section 20 NE 1/4 NW 1/4
Section 21 NE 1/2 SW 1/4
Section 23 SW1/4; SE1/4 NW1/4
Section 29 SW 1/4 SW 1/4
Section 32 SW 1/4 SE 1/4
T49N-R23W Section 16 NW 1/4 SE 1/4; S 1/2 SE 1/4
Section 32 NE 1/4 SE 1/4 and Lot 5 NW 1/4 SW 1/4
T50N-R23W Section 22 Gov't Lot 3, N1/2 SW 1/4, SW 1/4 SW 1/4
Section 32 Gov't Lot 2 and 3
Pine County: T40N - R20 Section 25 W 1/2 SW 1/4, SE 1/4 SW 1/4
Section 26 E 1/2 SW 1/4
Section 35 NE 1/4 NE 1/4
T41N-R16W Section 10 W 1/2 SW 1/4
T41N-R17W Section 2 S 1/2 N 1/2; N1/2 NW1/4; NW1/4 SW1/4
Section 3 SE 1/4 NW 1/4, N1/2 SE 1/4; NE 1/4
Section 6 E 1/2 NW 1/4
Section 8 W 1/2 NE 1/4
Section 18 Lot 1 - 19
T41N-R20W Section 11 SW1/4 SW1/4
Section 14 NW1/4 NW1/4; S1/4
Section 15 NE 1/4
Section 23 NE1/4 NW1/4; NE1/4; N1/2 SE1/4
Section 30 SE 1/4, E 1/2 NE 1/4, SW 1/4 NE 1/4
Morrison County: T42N-R28W Section 36 W1/2 SW1/4
T41N-R28W Section 1
Section 2 E1/2
Section 11 E1/2
Section 12 & 13 & 14 E1/2
Section 23 East half North of Railroad line
Section 24 All land East of Railroad line

In WITNESS WHEREOF, the parties hereto have executed this agreement on the dates shown below:

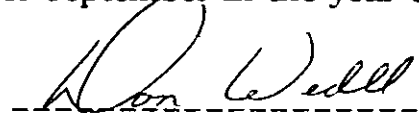
By: _____ Date _____

Title: Commissioner of Natural Resources

Approved: _____ Date _____
Minneapolis Area Director
Bureau of Indian Affairs

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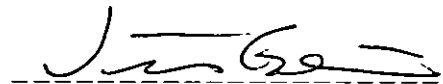
DATED at Vineland, Minnesota this 3th day of September in the year one thousand nine hundred and ninety-six.



Don Wedll
Commissioner of Natural

Resources

APPROVED AND NUMBERED AS TO
FORM AND EXECUTION



Jim Genia
Solicitor General