

COMMISSIONER'S ORDER NO. 188-94

Natural Resources

A Commissioner's Order authorizing approval of Mille Lacs Band of Ojibwe Indians Department of Natural Resources to enter into a Memorandum of Understanding with U.S. Department of Interior Bureau of Indian Affairs.

- WHEREAS: the Commissioner of Natural Resources has the power to regulate natural resources within the jurisdiction of the Mille Lacs Band of Ojibwe Indians through Band Statute 1162-MLC-50, Section 3; and
- WHEREAS: the harvesting of timber is a natural resource under the jurisdiction of the Mille Lacs Band of Ojibwe Indians; and
- WHEREAS: the regulating of the forestry activities is an authority under the Commissioner of Natural Resources; and
- WHEREAS: the Commissioner of Natural Resources has concurred with the Spiritual Advisor of the Band; and
- WHEREAS: the priority for forest harvesting will be the preservation of the species; and
- WHEREAS: the United States Department of Interior, Bureau of Indian Affairs has an interest in establishing a Memorandum of Understanding with the Mille Lacs Band's Department of Natural Resources relating to forestry activities; 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 Ojibwe Indians of the solemn, special trust obligation of the United States of America; and
- WHEREAS: pursuant to the provisions of Band Statutes 1162-MLC-50, Section 3 the Commissioner of Natural Resources is empowered to execute the said Memorandum of Understanding for the Mille Lacs Band of Ojibwe Indians Department of Natural Resources.

NOW THEREFORE, by the authority vested in me by the Mille Lacs Band of Ojibwe Indians under tribal law, I, Don Wedll, Commissioner of Natural Resources for the Mille Lacs Band of Ojibwe Indians hereby concur with the following Memorandum of Understanding relating to forestry activities.

MEMORANDUM OF UNDERSTANDING
between
BUREAU OF INDIAN AFFAIRS
and
MILLE LACS BAND OF OJIBWE
DEPARTMENT OF NATURAL RESOURCES

This memorandum of understanding is made and entered into by and between the U.S. Department of the Interior, Bureau of Indian Affairs, hereafter referred to as "Bureau", and the Mille Lacs Band of Ojibwe's Department of Natural Resources, hereinafter referred to as "Mille Lacs Department of Natural Resources".

WHEREAS, the Bureau has an interest in providing employment for members of the Mille Lacs Band; and

WHEREAS, the Mille Lacs Department of Natural Resources has interest in utilizing Bureau crews for work projects within the Mille Lacs Reservation; and

WHEREAS, it is most cost-effective and otherwise to the mutual benefit of both parties to cooperate with each other in matters relating to organizing, training, outfitting and providing work for members of the Mille Lacs Reservation, through development, construction, reconstruction and maintenance activities on lands of Tribal ownership.

NOW THEREFORE, in consideration of the above premises, the parties hereto agree as follows:

A. The Bureau shall:

1. Serve as the employing agency, which includes the recruitment, screening, hiring, and payment of fire-qualified crew members.
2. Make fire crew members available to the Mille Lacs Reservation by April 1 of each year for a period of at least (7) seven months.
3. Provide a crew supervisor, who will monitor work performance and verify time worked.
4. Provide transportation for crew members to and from work sites.
5. Provide crew members with personal protective equipment for

fire suppression.

6. Prepare and send a monthly invoice of fire crew charges to the Mille Lacs Tribal office, for reimbursement. These charges should reflect both hours worked by crew, cost of those hours and any miscellaneous charges (i.e., per diem, travel, etc.)

B. The Mille Lacs Department of Natural Resources shall:

1. Conduct an annual meeting with the Bureau to discuss and reach agreement of project proposal to meet the purpose of this Agreement.

2. Monthly reimbursements the BIA for the use of fire crew members on all projects agreed to in 1. above, to include vehicle expenses, as well as other work identified by the Mille Lacs Reservation.

3. Provide a primary Forest Coordinator and work project supervisors.

4. Provide necessary tools, equipment, supplies, and training (i.e., on-the-job instruction, safety instruction, etc.) to crew members to accomplish work assignments.

5. At the end of each federal fiscal year, provide the Bureau with a summary report of project accomplishments.

C. It is mutually agreed that :

1. The size of BIA crew will be depended on funds availability.

2. Crew members would meet national qualification for fighting fires and serve as part of the Bureau's primary fire fighting force throughout the critical fire occurrence season (usually April and May).

3. Nothing in this MOU shall be constructed as obligating the Mille Lacs Department or the Bureau to the expenditure of funds or for the future payment of money in excess of appropriations authorized by laws.

4. Each project requiring the use of Bureau personnel will be

documents and signed by the Mille Lacs Commissioner of Natural Resources and an authorize representative of the Bureau.

5. This Agreement may be modified at any time by amendment duly executed by authorized officials of both the Bureau and the Mille Lacs Department of Natural Resources.

6. The primary Bureau contact for this Agreement is Dave Sterr, Minnesota Agency, Rt. 3 Box 112, Cass Lake, MN 56633 (phone 218-335-2811). The primary Mille Lacs Reservation contact for this Agreement is Don Wedll, Commissioner of Natural Resources, HCR 67 Box 194, Onamia, MN 56359. (phone 612-532-4350).

7. This agreement may be revised as necessary, by mutual consent of both parties, by issuance of a written amendment, signed and dated by both parties.

8. Either part may terminate this Agreement by providing 30 day , written notice. Unless terminated by written notice, this Agreement will remain in force indefinitely.

IN WITNESS THEREOF, the parties have executed this Agreement as of the last date signed below.

Contracting Officer
Bureau of Indian Affairs
U.S. Department of Interior.

Date

Superintendent
Bureau of Indian Affairs
U.S. Department of Interior

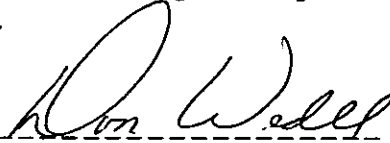
Date

Commissioner of Natural Resources
Mille Lacs Band of Ojibwe

Date

Commissioners Order 188-94
Natural Resources
Page 5

DATED at Vineland, Minnesota this Fourteenth day of July in the year one thousand nine hundred and ninety-four.



Don Wedll
Commissioner of Natural Resources

APPROVED AND NUMBERED AS TO
FORM AND EXECUTION

Jim Genia
Solicitor General

Band Seal