

COMMISSIONER'S ORDER NO. 218-96
Natural Resources

A Commissioner's Order protecting the two white deer from harassment or hunting.

WHEREAS, a white tailed deer gave birth to two white fawns in the spring of 1995 and,

WHEREAS, these fawn were born and lived within the Mille Lac Reservation on trust lands at Shaw bosh kung point Township 43 North Range 27 West, Section 16, and

WHEREAS, these two white deer have spiritual and culture significance to the Mille Lacs Band, and

WHEREAS, many tribal and nontribal members have enjoyed watching and seeing these deer, and

WHEREAS, Mille Lacs Band elders have expressed concern for the protection of these deer, and

WHEREAS, the Mille Lacs Band of Ojibwe Department of Natural Resources has a responsibility for a sound regulatory system and sound management program to insure protection of resources of the Mille Lacs Band, and

WHEREAS, the priority has been placed upon the protection of these white deer.

NOW THEREFORE, by the authority vested in me by the Mille Lacs Band of Ojibwe under tribal law, I, Don Wedll, Commissioner of Natural Resources for the Mille Lacs Band of Ojibwe hereby establish the following protection for the two white deer within the Band's jurisdiction.

Protection

It shall be a violation of this Commissioner's Order 218-96 for anyone to harass, to shoot, shoot at, pursue, take, catch, or kill, white deer on Mille Lacs Band Lands or trust lands within the jurisdiction of Mille Lacs Band of Ojibwe.

101. Title. This Commissioner's Order may be cited as the Mille Lacs Band of Ojibwe White Deer Protection Order.
102. Authority. This Commissioner's Order is authorized pursuant to Band Statute 1162-MLC-50, Sec. 3 et seq., and Band Statute 1092-MLC-25, et seq., of the Mille Lacs Band of Ojibwe.
103. Purpose. It is the purpose of this order to protect white deer.
104. Effective Date. This order shall be effective on the date of issuance and shall expire at 11:59 p.m. on September 15, 2000.
105. Interpretation. The provisions of this ordinance shall be interpreted and applied as minimum requirements applicable to protect these two white deer 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 other expressly provided for herein.
106. It shall illegal for anyone to possess a gun or bow and arrow or to hunt on Shaw bosh kung Point (Township 43 North Range 27 West Section 16.) this area shall be reserved as a refuge.
107. It shall be illegal for anyone to allow or to have dog(s) running loose in this area. Any dogs found running, chasing or harassing white deer will be disposed of.

Part IV - ENFORCEMENT

201. 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.
202. 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.
203. 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.
204. Penalties. Any tribal member found by the Court of Central Jurisdiction to have

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violated a provision of this ordinance shall be subject to the following penalties:

- a. For a violation of any provision of this ordinance, a forfeiture of not more than \$5,000.00
- b. For a violation of any 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.

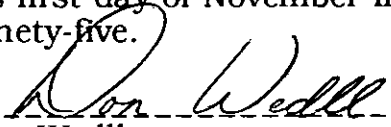
205. Schedule of Money Penalties; No Contest. The Band Court may adopt a schedule of forfeitures to be imposed by the Court upon the receipt of an admission that a violation of this ordinance has occurred, which admission may be done either in person or in writing. This schedule is not binding as to the forfeitures assessed by the Court after adjudicating a violation.

206. 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 the violation or;
 - 3) is a party to a conspiracy with another to commit the violation, or advises, hires, counsels or otherwise procures another to commit the violation .

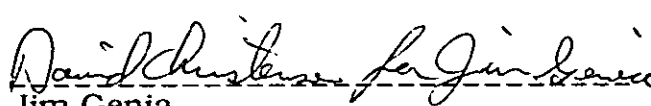
207. Hearing in Tribal Court. The Court of Central Jurisdiction shall adjudicate all matters arising under this order, pursuant to the provisions of the Band Statute 1303-MLC-4

DATED at Vineland, Minnesota this first day of November in the year one thousand nine hundred and ninety-five.



Don Wedll
Commissioner of Natural Resources

APPROVED AND NUMBERED AS TO
FORM AND EXECUTION



Jim Genia
Solicitor General

OFFICIAL SEAL OF THE BAND