

COMMISSIONER'S ORDER NO. 352-03
NATURAL RESOURCES

ORIGINAL

A Commissioner's order establishing in Minnesota 1837 Ceded Territory a Wild Turkey Harvest Zones and Hunting Season regulation.

WHEREAS: the Mille Lacs Band of Ojibwe is a signatory or successor to the Treaty of 1837, 7 Statute 536, and the Treaty of 1842, 7 Statute 591 and;

WHEREAS: the Mille Lacs Band of Ojibwe resides in the ceded territories of the 1837 has authority pursuant to the requirements of the stipulation entered into by and between the Band and State parties in Mille Lacs et al. v State of Minnesota et al, Civ. number 3-94-1226, and approved on January 29, 1997, by the United States District of Court for the District of Minnesota, Third Division and;

WHEREAS: the Mille Lacs Band of Ojibwe deems it appropriate to provide an orderly system of tribal control and regulation of wild turkey harvesting zones and wild turkey hunting seasons and;

WHEREAS: the Mille Lacs Band of Ojibwe further deems it appropriate to provide conservation and management for the wild turkey population found in the ceded territory through the regulation and 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 Ojibwe through 11 MLBSA § 1153 et seq., and;

WHEREAS: the taking of wild turkeys is a natural resource under the jurisdiction of the Mille Lacs Band of Ojibwe, 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 of the solemn, special trust obligation of the United States of America, and;

WHEREAS: pursuant to the provisions of 11 MLBSA § 2003, the Commissioner of Natural Resources is empowered to execute the establishment of wild turkey harvest zones and wild turkey hunting seasons of the Minnesota 1837 ceded territory.

NOW THEREFORE: by the authority vested in me by the Mille Lacs Band of Ojibwe pursuant to 11 MLBSA § 2003 I, Curt Kalk, Commissioner of Natural Resources for the

Mille Lacs Band of Ojibwe establishes the Bands' wild turkey harvest zones and wild turkey hunting season for the Minnesota 1837 ceded territory.

Sec. 1: Authority and Applicability; Terms Used and Definitions.

Subd. 1: This Order is adopted in accordance with the provisions of the Bands' Minnesota 1837 Treaty Conservation Codes (hereinafter "Code" or "Codes") that codify the provisions of §8.26(2) and (3) of the Bands' Model Code attached as Exhibit A to and incorporated into the Stipulation. This Order establishes Wild Turkey Harvest Zones and Wild Turkey Hunting Seasons for all of the Bands that are party to Mille Lacs Band, et al., v. State of Minnesota et al., Civ. No. 3-94-1226. It is issued in conjunction with the parallel order issued by the Fond du Lac Band's Resources Director that establishes the same Wild Turkey Harvest Zones and Wild Turkey Hunting Seasons for the Fond du Lac Band pursuant to the requirements of Fond du Lac Band, et al. v. Carlson, et al., Civ. No. 5-92-159.

Subd. 2: Terms used in the Codes shall be given the meaning set forth in the Codes when used in this Order.

Sec. 2: Band Wild Turkey Harvest Zones. Starting in 2003, and for each year thereafter unless and until changed by a subsequent Order, Band Wild Turkey Harvest Zones shall be those portions of any State of Minnesota deer registration block located within the 1837 ceded territory that are open for state-licensed turkey hunting for that year. A map of these zones for 2003 is attached to this Order. The Great Lakes Indian Fish and Wildlife Commission is authorized to prepare and distribute up-to-date maps for subsequent years.

Sec. 3: Band Spring and Fall Wild Turkey Hunting Seasons. Starting in 2003, and for each year thereafter unless and until changed by a subsequent Order, the following parameters for the Bands' Wild Turkey Hunting Season shall apply:

Subd. 1: Spring Hunting Season. The Bands' Spring Wild Turkey Hunting Season shall open on the Saturday nearest April 11 and shall close on the forty-fourth (44th) consecutive day thereafter or on the last day of the State of Minnesota's spring wild turkey hunting season, whichever day is later.

Subd. 2: Fall Hunting Season. The Bands' Fall Wild Turkey Hunting Season shall open on the day after Labor Day and shall close on December 31.

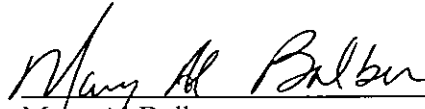
Sec. 4: Reservation of Each Band's Authority. Nothing in this Order is intended to, or shall be construed to, limit the authority of each Band that is a party to Mille Lacs Band, et al., v. State of Minnesota et al., Civ. No. 3-94-1226, to establish Wild Turkey Hunting Seasons or other measures that are more restrictive than what is provided in this Order. Unless a Band has adopted more restrictive measures, the seasons established above in Sec. 3 shall be that Band's Wild Turkey Hunting Seasons as provided in that Band's Code, and;

Dated at Vineland, Minnesota this 28th day of March in the year two thousand three.



Curt Kalk,
Commissioner of Natural Resources

APPROVED AND NUMBERED AS TO
FORM AND EXECUTION



Mary Al Balber,
Solicitor General

OFFICIAL SEAL OF THE BAND

