



# MILLE LACS BAND OF OJIBWE

## Executive Branch of Tribal Government

### COMMISSIONER'S ORDER 001-15

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#### A COMMISSIONER'S ORDER RESTRICTING SPRING GILL NETTING ON MILLE LACS LAKE

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WHEREAS, the Mille Lacs Band of Ojibwe ("MLB" or "Band") has entered into several treaties with the government of the United States of America, which represent the supreme law of United States, U.S. CONST., art. VI, cl. 2, and the Band, 2 MLBSA § 1002, and;

WHEREAS, the Band has reserved unto itself "the privilege . . . of fishing . . . upon . . . the rivers and the lakes included in the territory ceded" to the United States in 1837, including Mille Lacs Lake, Treaty with the Chippewa (Treaty of St. Peters), July 29, 1837, art. 5, 7 Stat. 536, 537; *see also* 2 MLBSA § 1007 (identifying ceded territory), and;

WHEREAS, the United States Supreme Court has confirmed the continuing "right to hunt, fish, and gather in the ceded territory" subject to "state authority to impose reasonable and necessary nondiscriminatory regulations . . . in the interest of conservation," *Minnesota v. Mille Lacs Band of Chippewa Indians*, 526 U.S. 172, 204 (1999), and;

WHEREAS, the MLB Band Assembly concurs with the responsibility of exercising tribal usufructuary rights "in accordance with culturally established principles of conservation," 2 MLBSA § 1005, and;

WHEREAS, individual usufructuary rights are governed by the provisions appearing within the Natural Resource Protection Code incorporated in Title 11 – Environment, Natural Resources, Animals & Plants, 2 MLBSA § 1103, and;

WHEREAS, "[t]he Commissioner of Natural Resources shall have the power to issue Commissioner's Orders for the purpose of promulgating all rules and regulations for the exercise of usufructuary rights by Band members in all the territory ceded by the Treaty of 1837 regardless of state boundaries and borders," 2 MLBSA § 1107, and;

WHEREAS, the Commissioner of Natural Resources maintains authority to declare the opening of fishing season pursuant to a commissioner's order, provided that she secure the concurrence of a Band spiritual advisor, 11 MLBSA §§ 2002(a), 2003(c), 2108.

NOW THEREFORE BE IT RESOLVED that the Commissioner of Natural Resources pronounces the following reasonable and necessary restriction regarding the exercise of fishing rights:

#### DISTRICT I

108 Oodena Drive • Onamia, MN 56359  
(320) 532-4181 • Fax (320) 532-4209

#### DISTRICT II

36666 State Highway 65 • McGregor, MN 55760  
(218) 768-3311 • Fax (218) 768-3903

#### DISTRICT IIA

2605 Chimnissing Drive • Isle, MN 56342  
(320) 676-1102 • Fax (320) 676-3432

#### DISTRICT III

45749 Grace Lake Road • Sandstone, MN 55072  
(320) 384-6240 • Fax (320) 384-6190

#### URBAN OFFICE

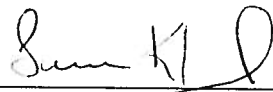
1433 E. Franklin Avenue, Ste. 7c • Minneapolis, MN 55072  
(612) 872-1424 • Fax (612) 872-1257

**Band members are strictly prohibited from gill netting on Mille Lacs Lake from Wednesday, April 1, 2015, until Friday, May 8, 2015, unless ice-out occurs at an earlier date, in which case this restriction becomes void.**

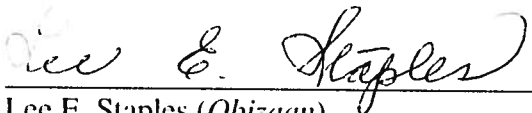
**DATED**, at Vineland, Minnesota this 31<sup>st</sup> day of March in the year two thousand and fifteen.

Effective Date: April 1, 2015

Expiration Date: May 8, 2015

  
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Susan M. Klapel, Comm'r of Natural Res.

**CONCURRENCE:**

  
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Lee E. Staples (*Obizaaan*)

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# MEMORANDUM

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**TO:** MELANIE BENJAMIN, CHIEF EXECUTIVE  
SUSAN KLAPEL, COMMISSIONER OF NATURAL RESOURCES

**FROM:** CAROLYN BEAULIEU, SPEAKER OF THE ASSEMBLY

**SUBJECT:** COMMISSIONER'S ORDER 001-15

**DATE:** APRIL 7, 2015

**CC:** BAND ASSEMBLY

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Pursuant to 3 MLBSA §17 the Band Assembly held a hearing on Commissioner's Order 001-15 on April 6, 2015, which the Band Assembly received on March 18, 2015. After the hearing, the Band Assembly voted to annul Commissioner Order 001-15.

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