



THE MILLE LACS BAND OF  
**OJIBWE INDIANS**

*Executive Branch of Tribal Government*

**Resolution 08-01-70-98**

**A Resolution changing the Mille Lacs 1837 Minnesota Ceded Territory Conservation Code provision of maximum gillnet size bar size from 1.25 inches to 1.75 inches**

- WHEREAS, the Mille Lacs Band and other Chippewa Bands hold rights to hunt, fish and gather on lands and waters ceded in the Treaty of 1837, 7 Stat. 536, which were adjudicated by the Federal District Court for the District of Minnesota in *Mille Lacs Band v. State of Minnesota*, No. 3-94-1226, and *Fond du Lac Band v. Carlson*, No. 5-92-159;
- WHEREAS, to implement the Bands' rights in accordance with the Court's orders, the Band Assembly adopted the 1837 Treaty Conservation Code for the Minnesota Ceded Territory ("1837 Code") in Band Assembly Bill 07-03-07-97; and
- WHEREAS, the Court's order provide a mechanism for changes in Band hunting, fishing and gathering regulations, which requires that prior notice be given to the State of Minnesota; and
- WHEREAS, the Court's orders establish a Minnesota 1837 Ceded Territory Fisheries Committee (Fisheries Committee") to facilitate communication between the State and the Bands regarding fisheries management within the ceded territory;
- WHEREAS, section 9.08(2)(hh) of the 1837 Code provides, with certain exceptions, that the maximum bar size of a gillnet for the period March 2 to May 31 is 1.25 inches; and
- WHEREAS, the Commissioner of Natural Resources has recommended that the maximum bar size of a gillnet for the period March 2 to May 31 be changed to 1.75 inches; and
- WHEREAS, the Commissioner of Natural Resources has informed the Band Assembly that this change is necessary because walleye harvested with 1.25-inch bar size gillnets are too small and not desired by Band members, and that this change will not create any conservation concern; and
- WHEREAS, the Bands notified the State of Minnesota of this proposed change in accordance with the Court's order, the Fisheries Committee designed an experimental fishery in which 15 paired gillnet sets will be made with 1.25 and 1.75-inch bar size nets, and the State informed the Bands that it has no further objection to the Bands' making the change in the mesh size regulation at this time;

**DISTRICT I**

HCR 67, Box 194 • Onamia, MN 56359  
(320) 532-4181 • Fax (320) 532-4209

**DISTRICT II**

Route 2 • Box 58 • McGregor, MN 55760  
(218) 768-3311 • Fax (218) 768-3903

**DISTRICT III**

Route 2 • Box 233-N • Sandstone, MN 55072  
(320) 384-6240 • Fax (320) 384-6190

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NOW, THEREFORE, BE IT RESOLVED:


1. Section 9.08(2)(hh) of the 1837 Code is amended to read as follows:

Except as provided in Subs. 2 ( c ) and (13), the maximum length, depth and bar size of a gillnet shall be as follows:

<b>DATES</b>	<b>MAXIMUM ALLOWABLE LENGTH</b>	<b>MAXIMUM DEPTH</b>	<b>MAXIMUM BAR SIZE</b>
Year round	100 feet	4 feet	1.75 inches


BE IT FURTHER AND FINANLLY RESOLVED, the Commissioner of Natural Resources is directed to participate in implementation of the experimental fishery designed by the Fisheries Committee.

IN WITNESS WHEREOF, I, the Chief Executive, hereunto recommend and affix my signature to this resolution and forwarded to the Band Assembly for concurrence.

  
Marge Anderson, Chief Executive

WE DO HEREBY CERTIFY, that the foregoing resolution was duly concurred with and adopted at a regular session of the Band Assembly in Legislative Council Assembly, a quorum of legislators being present held on the 11<sup>th</sup> day of February, 1998, at Vineland, Minnesota by a vote of 2 FOR 0 AGAINST 0 SILENT.

IN CONCURRENCE, with the action of the Chief Executive, we, the Band Assembly hereunto cause to have set the hand of the Speaker of Assembly to this resolution.

  
David Matrious, Speaker of Assembly

**OFFICIAL SEAL OF THE BAND**