



Leech Lake Band Of Ojibwe

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LEECH LAKE RESERVATION TRIBAL COUNCIL ORDINANCE NO. 2022-01

LLBO COMMERCIAL WOOD PRODUCTS ORDINANCE

PURPOSE AND NEED

"The purpose of this ordinance is to recognize the usufructuary rights of individual Leech Lake Band of Ojibwe members harvesting resources from within the boundaries of the Leech Lake homeland to be sold commercially in exercise of treaty protected rights to earn a modest living. Through this ordinance, the Leech Lake Band of Ojibwe Reservation Tribal Council strives to, in a meaningful way, recognize the need to sustain these resources for future generations. To ensure sustainable harvesting practices, this exercise of self-government acts to fill a regulatory gap regarding commercial wood products harvested by Leech Lake Band members exercising treaty protected rights and the failure by appropriate authorities to address exploitation by off-reservation buyers. In order to address the consent requirement under Minnesota Statutes section 88.642 for all decorative wood products harvested for sale to buyers licensed by the State of Minnesota, it is necessary to establish a process for providing consent to Band members harvesting wood products commercially as an exercise of treaty protected rights."

SECTION 1

For the purpose of this Ordinance, the terms described in this Section shall have the meaning ascribed to them:

- a. Bough is a branch of a tree or shrub; including but not limited to cedar, white pine, red pine, jack pine, balsam or spruce trees.
- b. Stem is the bole (center/trunk) portion of a tree extending from ground to the top of the tree or sapling. This includes, but is not limited to, birch trees.
- c. Tip is the top portion of the tree.
- d. Private land is any land that is owned by a private individual or party (including allotments), and not a public organization such as a band, tribe, federal, state, county, or city.
- e. Yard is a place around a residence or in a community that is actively maintained.
- f. Homesite is defined as Tribal Lands where an assigned leaseholder is responsible for properties held in Minnesota Chippewa Tribe or Leech Lake Band of Ojibwe title.
- g. Commercial Wood Products are defined for this ordinance as: any portion of a tree or shrub (or is growing on a tree or shrub) that is harvested and sold for financial gain.

SECTION 2

Except as hereinafter provided, no person shall, after the first day of _____, harvest commercial wood products consisting of boughs or stems or tips from living trees or shrubs of any size without a harvester's permit which is required under Section 4 within the boundaries of the Leech Lake Indian Reservation unless a harvester's permit for such activity is issued pursuant to this ordinance.

SECTION 3

Application for permit shall be made to the Director of Resource Management of the Leech Lake Reservation Division of Resource Management or to any of the Leech Lake Reservation License Agents. Each harvester's permit shall state the name, address, and Tribal identification number of the permittee. In addition, every harvester's permit shall display an expiration date on its face, said expiration date shall not exceed one year from the date of issuance.

SECTION 4

(a) The season date for this permit will begin on **October 1st and end on March 1st** to correlate with the seasons and ensure minimal damage to the forest.

(b) Licensing, season dates, limits, methods and restricted areas shall be set by the Leech Lake Tribal Council and is required for the harvesting of commercial wood products consisting of, but not limited to, boughs, tips or stems from living trees and shrubs of any size within the Leech Lake Reservation.

(c) No license shall be required when harvesting wood products for personal subsistence, ceremonial, or traditional uses.

(d) The Leech Lake Band of Ojibwe does not provide consent to any commercial harvest of wood products within the exterior boundaries of the Leech Lake Reservation without a permit issued under this ordinance.

(e) Duplicate licenses may be issued by the Director of the Division of Resource Management upon request and proof of the loss or destruction of a license issued hereunder.

SECTION 5

(a) All products harvested must be sold to a tribally licensed buyer within the Leech Lake Reservation.

(b) Buyers must maintain complete records, including the harvester's name, permit number, volume sold, location harvested. All records must be submitted to Leech Lake Band of Ojibwe Division of Resource Management annually following the closing of the season (March 1st) to maintain licensing.

(c) Buyers permits shall only be issued to buyers that are in compliance with all licensing and reporting requirements in this ordinance.

(d) Buyers shall comply with all requests by Leech Lake Band of Ojibwe Conservation Officers or Leech Lake Band of Ojibwe Tribal Police Officers to inspect records required by this ordinance while actively purchasing and transporting purchased wood products covered by this ordinance within the exterior boundaries of the Reservation.

(e) Failure to comply with licensing, record keeping, or inspection requirements of this ordinance will result in confiscation of all wood products in the possession of a suspected buyer and suspension of the license to purchase wood products covered by this ordinance.

(f) Buyers found in violation of this ordinance by the Leech Lake Band of Ojibwe Tribal Court will be ineligible for a Buyers license under this ordinance until all civil penalties enforced by the Court are satisfied.

SECTION 6

Boughs:

No person shall:

- a. Cut down trees, or tip them over, specifically to harvest boughs.
- b. Cut boughs so that it would be detrimental to the health of the tree; boughs must be cleanly cut and not twisted or peeled from the tree.
- c. Cut more than one-third of the live crown from any tree, cutting from the bottom of the tree up.
- d. Harvest boughs without proper permit.
- e. Harvest boughs within 50 yards of maintained highway or improved gravel public road.
- f. Transport boughs without proper permit; **this includes buyers.**
- g. Harvest boughs on private land, allotted land, home sites, or yards without **written permission from the owner or current lessee.**

Stems (including birch):

No person shall:

- a. Cut down stems any higher than six inches off the ground.
- b. Cut stems greater than three inches in diameter.
- c. Cut all stems growing from a common stump. Following is a breakdown of what may be cut:
 - (i) If 1 stem coming from a common stump = **CANNOT CUT**
 - (ii) If 2 stems coming from a common stump = **CANNOT CUT**
 - (iii) **If more than 2 stems are growing from a common stump, the harvester may harvest stems until the number of stems remaining is two. Two stems must be left for future growth of the tree.**
- d. Harvest stems without proper permit.
- e. Harvest stems within 50 yards of maintained highway or improved gravel public road.
- f. Transport stems without proper permit; **this includes buyers.**
- g. Harvest stems on private land, allotted land, homesites, or yards without **written permission from the owner or current lessee.**

Tips:

No person shall:

- a. Cut tips from an area planted to conifers and intended to be maintained without **written permission.**
- b. Cut tips so that it would be detrimental to the health of the tree; tips must be cleanly cut and not twisted or peeled from the tree.
- c. Harvest tips without proper permit.
- d. Harvest tips within 50 yards of maintained highway or improved gravel public road.
- e. Transport tips without proper permit; **this includes buyers.**
- f. Harvest tips on private land, allotted land, homesites, or yards without **written permission from the owner or current lessee.**

SECTION 7

(a) The Leech Lake Tribal Court shall have exclusive jurisdiction over all matters concerning the enforcement of this ordinance.

- (b) Any person, association, or corporation harvesting for commercial benefit in violation of this ordinance shall surrender all products harvested in violation and, at the discretion of the Court, either:
- i) be required to pay a fine of \$100.00 (one hundred dollars) for each violation of up to 50

individually marketable products; or,

ii) perform compensatory community service to address the violation corresponding to the severity of the violation. Community service will be in the form of either brush removal or tree planting.

(c) Any person, association, or corporation purchasing in violation of this ordinance shall surrender all products purchased in violation and be required to pay damages no less than \$500.00 and \$500.00 for each violation of up to 50 individually marketable products.

(c) Failure to remediate damages will result in relinquishment of the violators ability to purchase a permit the following year for harvesting/buying commercial wood products.

SECTION 8

This Ordinance supersedes all laws related to the subject matter addressed herein previously enacted by the Leech Lake Band of Ojibwe Reservation Tribal Council or Reservation Business Council. As of the effective date of this Ordinance all previous actions related to harvesting commercial wood products addressed in this Ordinance are hereby repealed and no longer have the force nor effect of law.