

Leech Lake Tribal Council



IN REPLY REFER TO:

Leech Lake Tribal Council Ordinance No. 99-01

ELI O. HUNT,
CHAIRMAN
LINDA G. JOHNSTON,
SECRETARY-TREASURER
ALFRED FAIRBANKS, JR.,
DISTRICT I REPRESENTATIVE
JACK H. SEELYE,
DISTRICT II REPRESENTATIVE
MYRON F. ELLIS,
DISTRICT III REPRESENTATIVE

Protection and Preservation of Wild Rice Beds

Section 1 **Intent and Purpose:** Mah-no-min (Wild Rice) has been a staple of the Chippewa People for centuries. Not only has wild rice served as a primary food source, but its traditional harvesting and processing mark a time of social gathering, season change and preparation for the long winter. Chippewa People have traditionally harvested this resource in a way that preserves the rice beds for future use. In order to better protect, preserve and propagate the wild rice resource, which is such an integral part of the Chippewa Culture, these wild rice beds must now come under regulation. The purpose of this Ordinance is to prohibit certain watercraft from entering wild rice beds when that watercraft could cause harm to the rice.

Section 2 **Definitions:** For the purpose of this Ordinance, the following words and terms shall be given the following definitions:

- 2.1 **Band:** The Leech Lake Band of Chippewa Indians, a member Tribe and Reservation of the Minnesota Chippewa Tribe.
- 2.2 **Wild Rice Beds:** An area within a lake, river or stream where wild rice grows. This species of aquatic vegetation is actually a member of the grass family and is indigenous to Northern Minnesota. It produces edible grains of rice after processing. These wild rice beds also provide food and shelter to many species of fish, mammals and birds.
- 2.3 **Traditional Wild Rice Harvesting Equipment and Method:** The gathering of wild rice grains by two individuals, using a rice boat or canoe propelled by a push pole and flails (knocking sticks) to knock the heads of grain from the wild rice plant into the canoe or rice boat. This harvesting method is the least disruptive and preserves the wild rice beds for future harvesting.
- 2.4 **Acceptable Ricing Watercraft:** Canoe or ricing boat whose dimensions are as follows: a maximum top outside width 36 inches with a maximum length of 18 feet. Any extension that increases the normal capacity of the rice boat is prohibited.

wild rice, to ascertain its growth, ripeness, quantity and quality, provided that reasonable care is used to assure the safety of the wild rice bed.

- 6.2 Individuals who are in possession of a valid ricing permit may enter the wild rice beds at appropriate times, in acceptable watercraft, in order to harvest wild rice.
- 6.3 In situations where an emergency, crisis or extreme circumstances exist, any person or persons, any authorized Division of Resources Management personnel or Emergency or Law Enforcement personnel, while in the performance of their official duties, are exempt from the provisions of this ordinance.

Section 7 Penalties: Any individual who violates the terms and intent of this ordinance shall be cited and ordered to appear before a judge of the Leech Lake Tribal Court or a court of competent jurisdiction. Fines may be imposed in Tribal Court which will not exceed \$250 per violation, without a written order issued by a judge of the Leech Lake Tribal Court.

Section 8 Effective Date: The terms and provisions of this Ordinance will be effective immediately upon its passage by the Leech Lake Reservation Tribal Council.

CERTIFICATION

I DO HEREBY CERTIFY, that the foregoing resolution was duly presented and adopted by a vote of 3 For, 0 Against and 0 Silent at a SPECIAL meeting of the Leech Lake Tribal Council, a quorum being present, held on JULY 10, 1998 at Cass Lake, Minnesota.

Eli O. Hunt
Eli O. Hunt, Chairperson

Linda G. Johnston
Linda G. Johnston, Secretary-Treasurer

- 2.5 Other Watercraft: Any boat, pontoon, jet-ski, or any other object or apparatus that is used in the water, whether motor driven or propelled by other methods, that is operated by a person or persons, and which is not defined as an "Acceptable Ricing Watercraft" in Section 2.4 of this Ordinance.
- 2.6 Person: Any individual, corporation, partnership or organization.
- 2.7 Leech Lake Reservation: The ancestral homeland of the Leech Lake Band of Chippewa Indians established by the Treaties of 1855, 1864, and 1867 and whose legal boundaries are described by the Memorandum of Settlement Agreement between the Leech Lake Band of Chippewa Indians and the State of Minnesota in the Federal District Court case of Leech Lake Band of Chippewa Indians -vs- Robert L. Herbst, et al.
- 2.8 Boundary Waters: shall mean those lakes, rivers and streams bisected by the exterior geographical borders of the Leech Lake Reservation. Jurisdiction shall extend to include those portions of a body of water which extend outside the exterior boundary line of the Reservation as stated in the Memorandum of Understanding dated August 16, 1995 between the Leech Lake Reservation and the State of Minnesota.

Section 3 **Prohibitions, Watercraft**: Any watercraft which is **not** defined in Section 2.4 of this Ordinance, as being "Acceptable Wild Rice Watercraft," is **not** permitted in wild rice beds during prohibited times.

Section 4 **Prohibitions, Time**: No boat or other watercraft shall enter any wild rice bed within the boundaries of the Leech Lake Reservation, nor shall any watercraft enter any wild rice bed which lies within the boundary waters of the Leech Lake Reservation, from the time when fishing season is opened the second Saturday in May to September 15 of each year.

Section 5 **Enforcement**: Primary responsibility for enforcing this Ordinance shall be vested in Leech Lake Conservation Officers. Other recognized officers authorized to enforce the terms of this Ordinance shall be any officer of the Leech Lake Reservation Law Enforcement Department, County Sheriff's Departments and Minnesota Department of Natural Resources Conservation Officers.

Section 6 **Exceptions**:

- 6.1 Any authorized Division of Resources Management Personnel, specifically Leech Lake Conservation Officers and Natural Resources Advisory Committee members, may enter any wild rice bed within the exterior boundaries of the Leech Lake Reservation, or within any boundary waters bordering the Leech Lake Reservation, at any time, in order to monitor the