

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA
FIFTH DIVISION**

Fond du Lac Band of Chippewa Indians,
Robert Peacock, Peter Defoe, Clifton
Rabideaux, Herman Wise and George
Dupuis,

Plaintiffs,

vs.

Mark Dayton, Governor of Minnesota,
Tom Landwehr, Commissioner of the
Minnesota Department of Natural
Resources,¹

Defendants.

Civil Action No.
CV 5-92-159

STIPULATION

The Plaintiffs and Defendants (collectively, "Stipulating Parties") hereby stipulate and agree as follows:

1. The purpose of this Stipulation is to address regulatory issues relating to the Plaintiffs' exercise of rights under Article 11 of the Treaty of September 30, 1854, 10 Stat. 1109, the continuing existence of which were affirmed by this Court in a Memorandum Opinion and Order dated March 18, 1996 (Docket No. 155), and the nature and scope of which were addressed by Stipulation dated May 3, 1996 approved by the Court of May 16, 1996 and entered as a Judgment of the Court on May 17, 1996 (Docket Nos. 166, 167).

2. As set out in the Interim Stipulation approved by the Court's Order of February 15, 1994 (Docket No. 32), the Fond du Lac Band of Chippewa Indians ("Band") and its members have exercised the 1854 Treaty rights pursuant to the Band's 1854 Ceded Territory Conservation

¹ This suit was brought against Defendants in their official capacities. As provided by Fed. R. Civ. P. 25(d), the current Governor and Commissioner of the Minnesota Department of Natural Resources are substituted herein.

Code which was initially adopted by the Band in March 1992 and amended from time to time thereafter.

3. In connection with the Band's exercise of the 1854 Treaty rights, the Band and the State of Minnesota, by and through its Minnesota Department of Natural Resources ("State"), also have established a practice by which they have shared information relevant to the Band's exercise of the 1854 Treaty rights, communicated on proposed changes to law and management plans related to the 1854 Treaty rights, and cooperated and coordinated Band and State resource management plans and resource harvest opportunities consistent with the Court's decisions in this case and applicable federal law. Since the Band's rights under the 1854 Treaty were confirmed by the Court, the Band and the State have agreed to a Memorandum of Understanding to memorialize their historic practice in these areas.

4. In addition to memorializing the practice by which the Band and State have shared information and coordinated on matters related to the 1854 Treaty rights, the Memorandum of Understanding further establishes means by which, in the event a dispute does arise, the parties would seek to resolve that dispute using the process outlined in the Memorandum of Understanding. A copy of the Memorandum of Understanding which has been duly executed by the Band and the State is attached to this Stipulation as Exhibit 1 for the Court's information. The Band's Natural Resource Harvest Management Plan for the 1854 Ceded Territory and a series of amendments to the Band's 1854 Ceded Territory Conservation Code were duly adopted by the Band's Reservation Business Committee, the governing body of the Band, by resolution on January 16, 2013. The Band's Harvest Management Plan and Code have since been amended with the amendments duly adopted by Band's Reservation Business Committee by resolution on November 8, 2017

5. There are several matters raised by the Stipulating Parties in their discussions which have not been adjudicated by the Court in this case but which, based on historic practice and the terms of the Memorandum of Understanding, do not presently require judicial resolution. These issues are identified in various sections of the Memorandum of Understanding as issues as to which the parties reserve their respective rights, under the Court's continuing jurisdiction, to address whether the activity is within the rights under the 1854 Treaty should it become necessary to seek judicial resolution of the matter.

6. The Stipulating Parties agree that the Band's adoption and enforcement of the 1854 Ceded Territory Conservation Code and 1854 Ceded Territory Natural Resource Harvest Management Plan, coupled with the Band and the State agreement on the terms of the Memorandum of Understanding resolves the regulatory and resource management issues that remained in Phase II of this case, and that the State statutes and regulations that otherwise regulate hunting, fishing, trapping and gathering of natural resources for purposes of conservation, public health or safety as those terms were used by the Court in its 1996 decision, shall not apply to the Band and its members.


7. The Band and the State agree to comply with the terms and provisions of the Memorandum of Understanding hereto including, without limitation, the procedures for resolving future disputes.

8. This stipulation shall supersede the interim stipulation entered by the Court on February 15, 1994, and is binding upon all Stipulating Parties, their successors in office, their agents, employees and representatives, and any and all persons claiming an interest through these Stipulating Parties.

9. The Stipulating Parties agree that this Court should retain continuing jurisdiction over this case to facilitate the implementation of the Court's orders and decrees herein, to resolve any disputes among the parties with respect thereto, or to address other matters as the Court may deem appropriate.

10. The Stipulating Parties agree to entry by this Court of an order incorporating the terms of this Stipulation, and to the entry of final judgment in this case.

Dated:



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Respectfully submitted,



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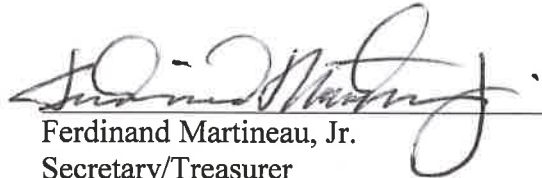
ATTORNEYS FOR PLAINTIFFS



Kevin R. Dupuis, Sr.
Chairman
FOND DU LAC RESERVATION
BUSINESS COMMITTEE



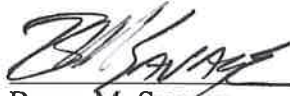
Mark Dayton
GOVERNOR
STATE OF MINNESOTA



Ferdinand Martineau, Jr.
Secretary/Treasurer
FOND DU LAC RESERVATION
BUSINESS COMMITTEE



Vanessa L. Northrup
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BUSINESS COMMITTEE



Bruce M. Savage
FOND DU LAC RESERVATION
BUSINESS COMMITTEE



Roger M. Smith, Sr.
FOND DU LAC RESERVATION
BUSINESS COMMITTEE

ORDER

Based upon all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. The foregoing Stipulation is approved and each of the parties is hereby directed to implement and perform the terms of this Order which incorporates all provisions of said Stipulation.

2. This Order shall be binding upon Plaintiffs and Defendants, their officers, agents, servants, employees and attorneys, and upon those persons in active concert or participation with them.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated this ____ day of _____, 2017.

Judge of the United States District Court

Fond du Lac Band of Lake Superior Chippewa Reservation Business Committee

1720 Big Lake Rd.
Cloquet, MN 55720
Phone (218) 879-4593
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RESOLUTION #1374/17

**To Amend the Band's Harvest Management Plan for the 1854 Ceded Territory,
To Approve the Memorandum of Understanding with Minnesota for Communication and Coordination Regarding the Band's 1854 Treaty Rights, and
To Approve the Stipulation to be Filed with the Federal Court in the Band's 1854 Treaty Rights Case**



Chairman
Kevin R. Dupuis, Sr.

Secretary/Treasurer
Ferdinand Martineau, Jr.

Dist. I Representative
Vanessa L. Northrup

Dist. II Representative
Bruce M. Savage

Dist. III Representative
Roger M. Smith, Sr.

Executive Director,
Tribal Programs
Miyah M. Danielson

The Fond du Lac Reservation Business Committee, on behalf of the Fond du Lac Band of Lake Superior Chippewa, hereby enacts the following Resolution:

WHEREAS, the Fond du Lac Band of Lake Superior Chippewa are a sovereign people who occupy the Fond du Lac Reservation and retain their aboriginal rights of self-government and self-determination pursuant to the Treaty of LaPointe of September 30, 1854, 10 Stat. 1109; the Indian Reorganization Act of 1934, 25 U.S.C. §461 et seq., the common law of the United States; and as recognized by the United States Declaration on the Rights of Indigenous Peoples of September 13, 2007; and

WHEREAS, it is the sovereign obligation of the Fond du Lac Reservation Business Committee, as the duly-constituted governing body of the Fond du Lac Band, to exercise the responsibilities of self-government and management of the Band's affairs; and

WHEREAS, by Resolution # 1043/92 on March 9, 1992, the Fond du Lac Reservation Business Committees, in furtherance of the self-governance of the Fond du Lac Band, adopted an 1854 Ceded Territory Conservation Code, to govern Fond du Lac's hunting, fishing and gathering activities in the territories ceded under the Treaty of 1854 and has amended that Code from time-to-time thereafter; and

WHEREAS, over the years and in connection with the Band's exercise of the 1854 Treaty rights, the Band has established practices by which the Band and the State of Minnesota have worked on a government-to-government basis to share information relevant to the Band's 1854 Treaty rights, communicate on proposed changes to law and management plans related to the 1854 Treaty rights, and cooperate and coordinate Band and State resource management plans and resource harvest opportunities; and

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WHEREAS, the Fond du Lac Reservation Business Committee determined it to be in furtherance of the self-governance of the Fond du Lac Band to develop documents to memorialize the practices in these areas which are set out in 1) a Band Natural Resource Harvest Management Plan for the 1854 Ceded Territory, as well as in 2) a Memorandum of Understanding with the State of Minnesota confirming the Band's government-to-government relationship with the State on issues of resource management in connection with the 1854 Treaty rights; and

WHEREAS, by Resolution adopted on January 16, 2013, the Band adopted a Natural Resource Harvest Management Plan for the 1854 Ceded Territory, adopted a series of amendments to the 1854 Ceded Territory Conservation Code, and approved a proposed Memorandum of Understanding with the State of Minnesota; and

WHEREAS, although the State of Minnesota did not sign the proposed Memorandum of Understanding at that time, the Band has, since January 2013, continued to follow the terms of the Natural Resource Harvest Management Plan for the 1854 Ceded Territory as well as the procedures for government-to-government communications with the State as set out in the proposed Memorandum of Understanding; and

WHEREAS, over the past year, the State expressed an interest in finalizing and signing a Memorandum of Understanding with the Band, and the Band and State discussed the terms of a Memorandum of Understanding that would memorialize the past practices and government-to-government relationship between the Band and the State on issues of resource management in connection with the 1854 Treaty rights, a copy of which is attached; and

WHEREAS, over the past year, the Band has identified areas where, in light of the Band's experience and knowledge, the Natural Resource Management Plan for the 1854 Ceded Territory was in need of revision and therefore developed an amended Plan, a copy of which is attached; and

WHEREAS, the amendments to the Natural Resource Management Plan have also been discussed with the State which agrees with them; and

WHEREAS, the Band's adoption of the Band's 1854 Ceded Territory Conservation Code, the adoption of the Band's Natural Resources Harvest Management Plan for the 1854 Ceded Territory, along with the Band's and State's agreement to the terms of the Memorandum of Understanding, resolves the regulatory and resource management issues that had remained in Phase II of the Band's 1854 Treaty rights case in federal court, and serves to ensure that State statutes and regulations that otherwise regulate hunting, fishing, trapping and gathering of natural resources will not apply to the Band and its members exercising the 1854 Treaty rights; and

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WHEREAS, it is in the Band's interest to inform the federal court in the Band's 1854 Treaty case of these matters, and to request that the court retain continuing jurisdiction over the Band's case in the event any disputes arise between the parties in the future, and the Band prepared a stipulation to do this (a copy of which is attached to this resolution), to which the State has agreed;

NOW THEREFORE BE IT RESOLVED, that the Fond du Lac Reservation Business Committee does hereby adopt, effective this day, the amended Harvest Management Plan for the 1854 Ceded Territory; and


BE IF FURTHER RESOLVED, that the Fond du Lac Reservation Business Committee does hereby approve the Memorandum of Understanding with the State of Minnesota for communication and coordination regarding the Band's 1854 Treaty rights, and authorizes the [Chairman and Secretary-Treasurer OR all members of the Reservation Business Committee] to execute that agreement on behalf of the Band; and

BE IF FURTHER RESOLVED, that the Fond du Lac Reservation Business Committee does hereby approve the Stipulation that would inform the federal court of the steps taken to address the regulatory and resource management issues in the Band's 1854 Treaty case, and authorizes the Band's attorneys and the members of the Reservation Business Committee to execute that stipulation on the Band's behalf;


BE IT FURTHER RESOLVED that Band's attorneys are authorized to take whatever additional steps are necessary to provide the State of Minnesota with final copies of these approved documents and to submit them as may be appropriate in the Band's Treaty rights case.

CERTIFICATION

We do hereby certify that the foregoing Resolution was duly presented and acted upon by vote of 4 for, 0 against, 0 silent, with a quorum of 5 being present at a Regular Meeting of the Fond du Lac Reservation Business Committee held on November 8, 2017 on the Fond du Lac Reservation.



Kevin R. Dupuis, Sr.
Chairman



Ferdinand Martineau, Jr.
Secretary-Treasurer

lao:12R.2017.11.02

EXHIBIT 1

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE FOND DU LAC BAND OF LAKE SUPERIOR
CHIPPEWA AND THE STATE OF MINNESOTA
ON RESOURCE MANAGEMENT IN THE 1854 CEDED TERRITORY**

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MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding, between the Fond du Lac Band of Lake Superior Chippewa (“Band”), and the State of Minnesota and its Department of Natural Resources (“State”), sets out the procedures by which the Band and the State shall share information relevant to resource management within the territory ceded under the 1854 Treaty, cooperate and coordinate Band and State resource management plans and resource harvest opportunities consistent with the Court’s decisions in *Fond du Lac Band v. Carlson* and applicable federal law, and establish means by which, in the event a dispute does arise, the parties may seek to resolve that issue.

I. State-Band Committees

A. Establishment. In the interests of facilitating the exchange of information, plans and proposals regarding natural resource management within the boundaries of the 1854 Ceded Territory, the State and the Band agree to establish Band-State Committees with authority to discuss such issues and seek to reach consensus on matters as described below.

To address natural resource issues affecting fisheries within the 1854 Ceded Territory, the Band and the State agree to establish an 1854 Ceded Territory Fisheries Committee.

To address natural resource issues affecting wildlife and plants within the 1854 Ceded Territory, the Band and the State agree to establish an 1854 Ceded Territory Wildlife and Plants Committee.

The Band and the State recognize that with regard to many natural resource issues affecting wildlife within the 1854 Ceded Territory, the Band and State have to date addressed such matters through Band participation in existing State Committees, including the State’s Bear, Moose, Deer, Furbearer and Wild Turkey Committees. The parties believe that continued participation by the Band on these Committees will allow the Band and the State to continue to address resource management issues affecting wildlife within the boundaries of the 1854 Ceded

Territory. The State hereby agrees that the Band shall accordingly have one or more representatives participate on the foregoing State Committees. In the event that any other State Committees may address natural resource issues that could have an impact on the Band's 1854 Treaty rights, the Band may request an opportunity to attend such Committee meetings and the State may not unreasonably delay or deny consent to the Band's request. The Band and the State further agree that to the extent any issues arise in the State's Committees which are viewed by either the Band or the State as relating to the Band's Treaty rights and which are not capable of resolution through the State Committees, the Treaty issue shall be brought to the 1854 Ceded Territory Wildlife and Plants Committee or 1854 Ceded Territory Fisheries Committee, as appropriate, for discussion and resolution by such 1854 Ceded Territory Committee using the procedures for those Committees, including the dispute resolution procedure, as set out herein.

B. Functions. The 1854 Ceded Territory Fisheries Committee will develop, analyze and review data relevant to fish management within the 1854 Ceded Territory; provide for coordination among State and Band fisheries surveys, sampling and research in the 1854 Ceded Territory; consider harvestable surplus levels; discuss proposed changes to State or Band fisheries laws or regulations; and address other fisheries management issues.

As to wildlife and plant resources, the Band and the State, through the existing Committee structure, or if not appropriate for the existing Committee structure, through the Wildlife and Plant Resources Committee for the 1854 Ceded Territory, will develop, analyze and review data relevant to wildlife and plant management within the 1854 Ceded Territory; provide for coordination among State and Band studies and surveys in the 1854 Ceded Territory; consider harvestable surplus levels; review proposed changes in Band and State management units; review proposed changes in Band and State hunting, trapping, and gathering regulations and codes; and address other wildlife and plant management issues.

C. Composition of the 1854 Ceded Territory Committees. The 1854 Ceded Territory Fisheries Committee and the 1854 Ceded Territory Wildlife and Plants Committee shall each be composed of qualified scientists and managers designated by the State and the Band. Other State, Band or Federal experts or representatives may be invited by the State or the Band to

attend as necessary to discuss and resolve a particular issue. A Band and State representative for enforcement/public safety issues is encouraged to attend the meetings to address enforcement-related concerns.

The State and the Band will each designate a representative to coordinate communication and planning for each Committee's work.

Each 1854 Ceded Territory Committee may appoint one or more working groups to address specified issues. The composition and functions of a working group shall be set forth in a written document approved by consensus of the Committee.

D. Meetings. The 1854 Ceded Territory Fisheries Committee should meet at least once per year.

The 1854 Ceded Territory Wildlife and Plant Committee shall meet as is necessary for purposes of addressing issues relating to the 1854 Treaty rights to the extent such issues are not otherwise resolved through the Band's participation on the existing State Committees.

The timing of Committee meetings may vary depending on the species or issues needing discussion, and will be held by mutual consent of the parties. Additional meetings can be called by the State or the Band as issues needing discussion or resolution arise. A working group may meet as often as is appropriate in light of its designated functions.

Unless the parties agree otherwise, the State and the Band shall exchange the following items at least 30 days before each 1854 Ceded Territory Committee meeting.

- a) a list of items the party wishes to address at the meeting. The Committee chair shall prepare and circulate at least 14 days before the meeting a consolidated agenda incorporating all items listed by the parties, and a list of those representatives that the parties anticipate will be attending the meeting on their behalf.

b) all relevant harvest and survey data for the 1854 Ceded Territory collected since the last meeting and not previously exchanged. This shall include raw data in standard machine readable format upon request, as well as any summaries or analyses generated from the data. The data should include all State and Band harvest data pertaining to the 1854 Ceded Territory, and all data from surveys, sampling or research conducted within the 1854 Ceded Territory.

c) a preliminary written analysis of any proposal or position the party intends to present at the meeting.

The information exchange required by this paragraph shall be in addition to and complimentary with the exchange of information required by Section II below.

E. 1854 Ceded Territory Committee Decision-making. The Band and the State, through their respective representatives serving on each 1854 Ceded Territory Committee shall strive for consensus between the Band and the State on all issues affecting or relating to the 1854 Treaty right, and no Committee decision or recommendation on a particular issue shall be made in the absence of a consensus on that issue. "Consensus" means the agreement between the Band and the State. All Committee decisions and recommendations shall be subject to the opinions, orders and decrees in Fond du Lac Band v. Carlson, No. 5-92-159 (D. Minn.) and any memoranda of understandings, agreements or stipulations among the parties. Issues on which consensus was not reached by the 1854 Ceded Territory Committee shall be addressed through the dispute resolution procedure described in Section V below,

F. Meeting Reports. An agreed Meeting Report shall be prepared by the Band's and State's designated representatives upon the conclusion of an 1854 Ceded Territory Committee Meeting. The report shall include the consolidated meeting agenda, a list of participants, a brief summary of the presentations and discussions, a statement of all decisions and recommendations made by the 1854 Ceded Territory Committee, and a list of all issues on which consensus was not reached, including a concise statement of the parties' respective positions with respect to such

issues. The Band's and State's designated representatives shall endeavor to have a draft typed version of the Meeting Report prepared and circulated within 20 days after the meeting.

II. Information Exchange Procedures

The State and Band agree to the following procedures for the exchange of information needed for ongoing analysis and management of the resources. Information to be furnished by the Band to the State shall be provided in writing to the Commissioner of the Department of Natural Resources or to such other official(s) or employees as may be designated by the Commissioner for receipt of such information. All information to be furnished by the State to the Band shall be provided in writing to the Fond du Lac Band's Director of the Fond du Lac Resource Management Division.

A. Wildlife Information.

1. Deer.

Fond du Lac and the State of Minnesota will collect and exchange deer harvest information including number, sex and state management unit of harvest by May 1 of each year. Both parties shall attempt to reach consensus on a harvestable surplus by June 10th of each year. The Band will provide the State with a written statement of the Band's harvest projection, and notice of any proposed changes to deer hunting seasons or regulations from those set out in the Band's 1854 Ceded Territory Conservation Code or 1854 Harvest Management Plan, for the upcoming season by August 10. The State shall provide the Band with a written statement of the State's management plans for the non-treaty harvest, including harvest projections, by September 10.

2. Bear.

Fond du Lac and the State of Minnesota will exchange bear harvest information including number, sex and state management unit of harvest by February 1. Both parties shall attempt to reach consensus on a harvestable surplus by February 15. The Band will provide to the State, a written statement of the Band's harvest projections, and notice of any proposed changes to bear hunting seasons or regulations from those set out in the Band's 1854 Ceded Territory

Conservation Code or 1854 Harvest Management Plan, for the upcoming seasons by March 1. The State shall provide the Band with a written statement of the State's management plans for the non-treaty harvest, including harvest projects by June 1.

3. Moose.

Fond du Lac and the State of Minnesota will exchange moose harvest information including number, age, sex, and state management unit of harvest by February 1 of each year. Both parties shall attempt to reach consensus on a maximum allowable harvest¹ of moose by March 31st of each year. The Band will provide notice to the State with a written statement of the Band's harvest projections, and notice of any proposed changes to moose hunting seasons or regulations from those set out in the Band's 1854 Ceded Territory Conservation Code or 1854 Harvest Management Plan, for the upcoming season by April 30th. The State will provide the Band with a written statement of the State's management plans, including harvest projections for the non-treaty harvest by May 30.

4. Turkey.

Fond du Lac and the State of Minnesota will exchange turkey harvest information including number, sex and, the management unit of harvest, by July 1 of each year. Both parties shall attempt to reach consensus on a harvestable surplus by August 1 of each year. The Band will provide the State with a written statement of the Band's harvest projections, and notice of any proposed changes to turkey seasons or regulations from those set out in the Band's 1854 Ceded Territory Conservation Code or 1854 Harvest Management Plan, for the upcoming season by October 1. The State will provide the Band with a written statement of the State's management plans, including harvest projections for the non-treaty harvest by November 1.

¹ The phrase "maximum allowable harvest," like the term "harvestable surplus" used with regard to other species, refers to the number or amount of a given species that may safely be taken by hunters or fishers. The maximum allowable harvest, like a harvestable surplus, is the total amount of an available species to be divided between the Band harvesters and non-Band harvesters.

5. Furbearers.

Fond du Lac and the State of Minnesota will exchange bobcat, fisher, marten and otter harvest information including number, sex and, where possible, the management unit of harvest, by May 1 of each year. Both parties shall attempt to reach consensus on a harvestable surplus by June 1 of each year. The Band will provide the State with a written statement of the Band's harvest projections, and notice of any proposed changes to furbearer hunting and trapping seasons or regulations from those set out in the Band's 1854 Ceded Territory Conservation Code or 1854 Harvest Management Plan, for the upcoming season by August 10. The State will provide the Band with a written statement of the State's management plans, including harvest projections for the non-treaty harvest by September 10.

CITES Tags. The State will provide to the Band enough CITES tags to ensure the registration of legally harvested otter and bobcat for the upcoming hunting and trapping season. These CITES tags may be used by the Band in lieu of, or in addition to, any other Band registration tags for these species. The Band will report and account for the CITES tags they have used during the previous hunting and trapping seasons. The Band will return to the State or, as authorized by the State, properly destroy any unused tags.

B. Ginseng Sales and Exportation. In the event that wild ginseng is found within the 1854 Ceded Territory and if the Band authorizes the purchase and sale of wild ginseng by Band members from ginseng harvested within the 1854 Ceded Territory, the Band shall by March 1 of each year, provide a written report on wild ginseng transactions to the State DNR Wildlife Section Chief in St. Paul, including: (1) the date of each transaction; and (2) the quantity by weight of wild ginseng sold. The State and the Band will exchange any other information regarding wild ginseng by March 1 each year.

C. Fisheries Information.

1. Fisheries surveys. Both the Fond du Lac Band and the State of Minnesota have undertaken periodic surveys of fish populations in lakes within the 1854 Ceded Territory, and each plan to continue with such surveys. The Band and the State agree that they will exchange data collected as a result of these surveys within 10 days following completion of the

report analyzing the results of such survey, or at the request of the other party, or if not otherwise previously exchanged at least 30 days in advance of any meeting of the 1854 Fisheries Committee unless a shorter time frame is mutually agreed upon. The Band and State may further define, through the 1854 Ceded Territory Fisheries Committee, the specific data that each wishes to obtain from the other in the interests of avoiding the production of unnecessary information, and to ensure that the parties are exchanging data that is most relevant to their respective needs.

2. Fisheries Harvests. The Band plans to monitor their members' harvest of fish as provided in the Band's 1854 Ceded Territory Conservation Code and 1854 Treaty Harvest Management Plan. This plan currently requires in Section I, among other provisions, a monitor at each boat landing where the Band has made a harvest declaration, and has authorized open-water spearing, gillnetting or trap-netting of game fish during the spring spawning season. The Band agrees to allow State biologists to participate in monitoring these activities as requested. The Band may propose appropriate revisions to this monitoring regime as information regarding the fisheries resource and the impact of the harvest activities is collected and evaluated. Such revisions will be made through the 1854 Ceded Territory Fisheries Committee.

The Band agrees to report the following data to the State:

Between 1 March and 31 May, the Band will report to the State daily the total weight and number of fish speared and/or gillnetted and/or taken by trap net during each night of harvest activity for each waterbody on which the harvest occurs, except that the reporting of trap net results will only include the following water bodies: any lake, or immediate tributaries to inland lakes, the St. Louis River, or any direct tributary of Lake Superior.

From 1 June through 28 February, harvest by spearing and gillnetting will be reported to the State on a monthly basis. The Band will report to the State every two months a list of trap net permits issued, the lakes or rivers authorized on the permits, and the dates for which each permit is valid, and on an annual basis, will report the harvest from each waterbody.

The Band will also make reasonable efforts to obtain: (1) length and sex of walleye harvested in open-water spear and net fisheries; (2) length of all northern pike harvested in open-water spear fisheries; (3) the number and aggregate weight of all other fish species harvested in net fisheries; and (4) if age structure is deemed necessary on a given lake, scales, spines or otoliths to permit aging of ten (10) walleye per inch group per sex from each open-water spear and net fishery in waters with naturally reproducing walleye populations (in the case of a prolonged net fishery, the sampling will be repeated at reasonable intervals). All such data and any other fisheries data collected by the Bands will be reported to the State semi-annually during each season during which open water spearing of game fish and gillnetting occur within the 1854 Ceded Territory.

The State will report to the Band any harvest data it obtains for non-treaty fisheries within the 1854 Ceded Territory semi-annually. All other fisheries data collected by the State, will be reported to the Band semi-annually. For those waters within the 1854 Ceded Territory on which the Band has declared an open water spearing or gillnet season, and to the extent said data is available, the State will report effort (in angler hours per waterbody) and harvests (in numbers and pounds by species) obtained from creel surveys every two weeks from March 1 to May 31, and on a monthly basis during other times of the season.

The information to be reported by the Band to the State and by the State to the Band will be reported in a paper and an electronic format to be agreed upon by the parties. Either the Band or the State may obtain raw data from the other upon request, provided there is a bona fide need for such data, and provided further that fishers' names and other identifying information may be withheld except where needed for enforcement purposes.

The 1854 Ceded Territory Fisheries Committee will review the above provisions for the collection and exchange of harvest and other data and propose appropriate revisions. The Committee will seek to ensure that data collection efforts are designed to maximize the collection of useful information while minimizing inconvenience to tribal fishers and the cost of data collection efforts.

3. Harvestable surplus determinations and harvest quotas for spearing, gillnetting and trap-netting during spring spawning season. The State and the Band shall attempt to reach consensus on harvestable surplus calculations by January 15. The Band will provide to the State by 1 March the list of lakes where permits will be available for the upcoming spring spawning season, and the declared harvest quota for each such lake. The Band will also inform the State of the results of the Band's discussions with the 1854 Authority Bands regarding their intended fisheries harvest in each such lake to ensure that the combined Treaty harvest does not exceed the combined Bands share of the harvestable surplus. The State will provide the Band with a written statement of the State's management plans, including harvest projections for the non-treaty harvest, to the extent such harvest projections are available, by April 1. During the open season which extends from March 1 through 11:59 p.m. on June 30 of any given year the Band will notify the State each day by 12:00 noon and provide a list of all lakes open for fishing activity for that night, along with an estimated number of permits issued for each lake. If the Band proposes to authorize fishing activities on a water body near to where the State maintains spawning traps, the Band will provide the State with advance notice of such proposal as part of the declarations provided to the State by March 1, to allow the Band and State to discuss procedures that might be implemented so that Band members will not unduly interfere with the effectiveness of the State's spawning traps. If the Band and State are unable to reach agreement on such measures, the matter shall be addressed through the dispute resolution process set out in Section V.

4. Lake Superior. The 1854 Treaty includes a right to harvest fish from Lake Superior. The Band, in the Band's Ceded Territory Conservation Code for the 1854 Ceded Territory, has authorized Band members to harvest from Lake Superior fish for non-commercial purposes, and by methods that have not, to date, included open water spearing of game fish or gillnetting on Lake Superior. When the Band is ready to implement the Treaty right to allow and regulate Band members who may wish to harvest from Lake Superior game fish by open water spearing, game and non-game fish by gillnet, or game fish or white fish over 7 inches in length for commercial purposes, the Band will adopt specific regulations to govern such activity, and will provide the State with advance notice of the Band's proposed regulations, in accord with the procedures set out in Section IV of this Memorandum of Understanding.

For activities on Lake Superior the State and the Band agree to share all harvest data and fish survey data collected for the Minnesota waters of Lake Superior monthly on a schedule determined by the 1854 Ceded Territory Fisheries Committee.

Within five years after first exercising its rights to harvest from Lake Superior, it is the intent of the Band and the State to reach an agreement to amend the Harvest Management Plan to set forth both the method of calculating the sustainable harvest level in Lake Superior Zones MN 1, MN 2 and MN 3 and the method of harvest for both cisco and lake trout. The Band shall amend its Conservation Code in a manner consistent with the agreement reached in any amendment to the Harvest Management Plan.

Band and State harvest and fish survey data shall be used by the Band and the State, acting through the Department of Natural Resources to assist in the development of a model to be used by the parties for: (a) assessing the harvestable surplus of lake trout and lake herring (cisco) within the Minnesota Lake Superior Zones; (b) the mutual development of a model for purposes of establishing annual sustainable harvest levels of lake trout and lake herring (cisco) in the Minnesota waters of Lake Superior and long term harvest management plans; (c) to develop a long term harvest management plan which shall be presented to both the Reservation Business Committee and the Commissioner of Natural Resources for approval on or before five years from the date the Band first exercises its treaty rights under Paragraph C.4 of this Memorandum of Understanding and (d) any other matters arising with regard to fishing in the Minnesota waters of Lake Superior or the condition, population and health of the fishery.

D. Wild Plant Gathering

1. Wild Rice. The Band and the State have a history of informally working effectively and cooperatively on issues regarding management of wild rice lakes in the Ceded Territory. The State recognizes that the Band traditionally monitors wild rice on lakes within the Ceded Territory and, as a result, is often in a position to provide the State with information about the conditions of the wild rice on such lakes that the State might not otherwise have. The Band and the State also have been working cooperatively regarding plans for seeding wild rice lakes.

Under this informal practice, the Band and State periodically have discussed plans for seeding wild rice lakes and, with the agreement of the State, the Band has, on occasion, done the work to reseed some wild rice lakes.

The parties wish to continue their cooperative work on these issues and accordingly agree to keep each other informed about matters regarding wild rice. The State agrees to consider the Band's requests and recommendations regarding wild rice lakes and to consult with the Band on opening and closing dates that the State might set to the extent that the State is not otherwise applying Minn. Stat. Sec. 84.105. The Band may request that the State close or take other action with regard to water bodies on which wild rice may be harvested including requests or recommendations for seeding wild rice lakes. Any formal Band proposal under which the Band would seed wild rice lakes would be presented under the procedures set out in Section III.B of this Memorandum of Understanding. The State shall consider and respond to the Band's requests and recommendations on these issues and, to the extent that any State law limits the State's authority with regard to wild rice lake management, the State shall so advise the Band in connection with its response. If any disagreement arises with regard to these issues, the State and the Band will attempt to resolve the matter, initially through the appropriate 1854 Ceded Territory Resources Committee, and in accordance with the procedures set forth in Section V below. In agreeing to the foregoing procedures, the parties reserve their respective rights, in the event a dispute arises, with regard to whether the Band's Treaty right includes a role in managing wild rice resources.

2. Gathering activities related to timber products. To implement the Treaty rights, the Band's 1854 Ceded Territory Conservation Code defines the circumstance and procedures under which Band members may engage in gathering of timber products, such as sap, birch bark, firewood, boughs or timber useful for temporary building materials in certain specific circumstances. The provisions of the Band's Code are intended to enable Band members to gather such timber products in such circumstances for subsistence, religious and cultural purposes. The Band also recognizes that the gathering of such products may require coordination with land managers and potential users of those lands and resources, and the Band accordingly agrees that in connection with gathering activities in special use areas the Band will

first ensure that any proposed gathering activities in such special use areas are acceptable to the public land manager where the activity is to occur. In agreeing to this, the parties reserve their respective rights, in the event a dispute arises, with regard to whether the Band's Treaty right includes the activity.

3. Special Permits for Gathering activities. The Band agrees to make available to the State, at its request, copies of the special permits issued for wild plant gathering activities under the Band's Ceded Territory Conservation Code.

III. Miscellaneous Resource Management Issues

A. Scientific Investigations. The State and the Band agree to coordinate their efforts to research the Ceded Territory's natural resources, and make best efforts to insure that research projects are not impeded, interfered with, or unnecessarily duplicated by other parties. For informational purposes, the Band shall notify the State of any scientific investigations that involve harvest activities permitted under the Band's Code, and the Band's electrofishing assessments by submitting a written proposal to the State at least thirty days before implementing such investigations, and shall share the data collected during the course of the investigation. Similarly, the State shall notify the Band of any scientific investigations it conducts (or which are conducted on its behalf), and shall share with the Band the data collected during the course of the investigation. If no objection is made in writing to a proposed scientific investigation within the thirty-day period prescribed above (or any agreed extension thereof), the party receiving the proposal will be deemed to have agreed to the proposal. Any disputes about any proposed scientific investigation by either the Band or the State shall be resolved through the procedures set out in Section V of this MOU. In agreeing to the foregoing procedures, the parties reserve their respective rights, in the event a dispute arises, with regard to whether the Band's Treaty right includes the activity.

B. Control of Invasive Species; Transplanting and Stocking of Nonnative or Native Species or Hybrids. In the event that the Fond du Lac Band wishes to initiate any program for control of invasive populations of fish, wildlife or plant species, or for transplanting or stocking

native or nonnative species or hybrids of fish, wildlife or plants into the 1854 Ceded Territory or into adjacent lands or waters where they may reasonably spread into the 1854 Ceded Territory, the Band will submit a written proposal and management plan regarding such program to the State at least 60 days prior to its proposed implementation, for State review and the State may not unreasonably delay or deny approval of the Band's proposal. The State agrees that, for informational purposes, it will keep the Band informed of State changes in law regarding invasive species, of State programs and plans for control of invasive species, and for the transplant and stocking of native or nonnative species or hybrids of fish, wildlife or plants into the 1854 Ceded Territory, or into adjacent lands or waters where they may reasonably spread into the 1854 Ceded Territory. If the Band develops concerns regarding the State's plans or programs, the Band will present its concerns to the appropriate Band-State 1854 Ceded Territory Committee, and seek to resolve those concerns through the committee and mediation process. Where a Band plan or program to control invasive species or to transplant or stock native or nonnative species plan is done in coordination with an agency of the United States Government, or affects or is related to a hydropower licensing proceeding under the jurisdiction of the Federal Energy Regulatory Commission (FERC), review and approval of such program or plan shall be addressed in accord with applicable federal law. In agreeing to the foregoing procedures for controlling invasive species and for transplants and stocking of nonnative or native species or hybrids, the parties reserve their respective rights, in the event a dispute arises, with regard to whether the Band's Treaty right includes the activity.

C. Special Hunts. The Fond du Lac Band, by section 103-5(J) of the Band's 1854 Ceded Territory Conservation Code, has restricted Band member hunting, fishing and gathering in special-use areas, such as, for example State Parks, and similar areas that have been closed by the State to such activities where it appears that this would be in the interest of public safety or conservation. The State, however, periodically allows special hunts to occur in such areas. The State agrees that in advance of making a final decision on the terms and conditions of any such special hunt, or other special harvest opportunities in such parks and other areas, the State will, in a timely matter, solicit the Band's input regarding the proposed special hunt or harvest opportunity. This shall be done by the State providing the Band with an opportunity to participate in State meetings on this issue, or if no formal meetings are scheduled, to participate

with the State in any discussions on such issue that occur before a final decision is to be made by the State. Within 30 days after the State makes its final decision on the terms and conditions of a special hunt, but not less than 7 days before the opening of the special hunt, the Band will notify the State of Band's intentions regarding participation in such hunt in terms of either number of Band members intending to participate in the hunt or, if a harvestable surplus has been set for the hunt, the number of animals or percent of the harvestable surplus that the Band proposes to harvest. For each special hunt, the allocation of the Chippewa's Treaty share between the Bands holding rights under the 1854 Treaty shall be made as agreed to by and between those Bands and shall not exceed 50% of the harvestable surplus or 50% of the total allowable hunters for each special hunt, as applicable. The Band will determine for itself how to allocate Band hunter participation in the special hunts, but agrees to follow all special season dates and special regulations for hunting in those areas.

Information exchange procedures arising from any special hunts will be the same as for deer, moose, bear and furbearers listed above.

D. Endangered or Threatened Species. The State and the Band agree that the Band may issue permits under the Band's 1854 Ceded Territory Code for taking of listed endangered or threatened species only in the following circumstances:

- (1) for scientific investigation or rehabilitation of a threatened or endangered species, but only upon prior concurrence with the project by the State;
- (2) for ceremonial or religious use by a Band member of a threatened or endangered species, but only upon: (i) a determination by the Band that such use will not be detrimental to the species; and (ii) not less than 24-hours prior notice to the State, during which period the State does not object in writing to the permit;
or
- (3) when the circumstances set forth in Sections 103-4(C)(2)b or 103-4(C)(2)c of the Band's 1854 Ceded Territory Conservation Code are present, namely where it

is necessary to prevent injury to human life or where the part was lawfully acquired or lawfully brought into the 1854 Ceded Territory prior to the effective date of the Band's Code protecting such species.

If any other circumstances should arise where the Band proposes to issue a permit to allow the taking of a threatened or endangered species, the Band agrees to provide the State with at least two weeks written advance notice of its intent to issue such permit, and shall not issue such permit without the State's concurrence.

Except where prior notice is required, the Band shall provide immediate notice to the State of any permit issued under Band Code § 103-4(C), and any dispute between the Band and the State regarding the issuance of such a permit shall be resolved in accordance with the dispute resolution procedures set out in Section V below. In the event the State objects in writing to a ceremonial or religious permit during the notice period, the State Commissioner of Natural Resources or one of his or her deputies shall enter into immediate discussions with the Band in an attempt to resolve the dispute. If the dispute is not resolved, the Band may elect to pursue it through the dispute resolution procedures set out below. The Band may withdraw from their agreement to provide prior notice if in practice State objections impair Band member ceremonial or religious harvests. The Band will give the State sixty days' notice of their intent to withdraw, and the State and the Band will seek an alternative arrangement for notice and objections through the dispute resolution process. Nothing herein shall limit or affect Band members' rights under federal law to freely exercise their religion, or to assert such rights in defense to any prosecution or enforcement action.

The State and the Band recognize that changes in the designations of species deemed to be threatened or endangered may occur. The State and the Band agree to notify each other in writing of proposed changes to their respective lists of threatened or endangered species, including an explanation of the rationale for the proposed change, and a statement as to whether they seek a conforming change to be made by the other party. Except in cases of emergency, notices and requests shall be provided at least 60 days in advance of the desired effective date of the change. Within 30 days of receipt of any such notice or request, the receiving party or parties

shall respond in writing, expressing any objections they may have to it. The receiving party may make a written request for additional time, if needed, to complete this written response. The notices, requests and responses shall be furnished to the persons designated in Part I above.

If the State or the Band does not object in writing to a proposed change within the thirty-day period prescribed above (or any agreed extension thereof), they will be deemed to have agreed to the proposal. If a written objection is made, the State and the Band will attempt to resolve the matter in the appropriate 1854 Ceded Territory Resources Committee in accordance with the procedures set forth in Section V below. In the event a dispute is presented to the Court, it will be decided in accordance with applicable law.

E. Trespass. The Fond du Lac Band, by the trespass prohibition set out in Section 103, Subdivision 5(U) of the Band's 1854 Ceded Territory Conservation Code has, since the Code was adopted in 1992, addressed Band members' exercise of the Treaty right on privately-owned lands within the 1854 Ceded Territory by only permitting such activity with the consent or permission of the owner, occupant or lessee of the land on terms under which Band law is consistent with the substantive elements of the State's trespass laws, Minn. Stat. 97B.001, and the activity is otherwise in accordance with the Band's 1854 Ceded Territory Conservation Code. In agreeing to the foregoing, however, the State reserves its right under the Court's continuing jurisdiction to raise whether harvest on such lands is within the rights under the 1854 Treaty.

IV. Changes in State or Band Regulations and Management of Natural Resource Harvesting

The State and the Band recognize that changes in State and Band regulation and management of the harvesting of natural resources in the Ceded Territory are inevitable. To facilitate open communication and minimize disputes arising from such changes, the State and the Band agree to keep each other informed of proposed changes to their own regulation or

management² of natural resource harvesting in the Ceded Territory. The Band and the State agree to submit any request for changes in the other's regulation or management of such harvesting in writing, including an explanation of the rationale for the request.³ Any Band proposal to change its regulation of the harvesting of natural resources in the Ceded Territory in a manner that is less restrictive, or a State proposal that the Band change such regulation to be more restrictive, than what is included within the final court order shall include an explanation of the changed circumstances or the data, information or analyses (including, for example, information about the manner in or extent to which Band members seek to exercise their hunting, fishing and gathering rights) which prompts the proposed change.

Except in cases of emergency, requests or proposals that are subject to written notice as described above shall be provided at least 60 days in advance of the desired effective date of the change. Within 30 days of receipt of any such notice or request, the receiving party or parties shall respond in writing, expressing any objections they may have to it and indicating any changes they may make to their own regulation or management of natural resource harvesting in light of it. The receiving party may make a written request for additional time, if needed, to complete this written response. The notices, requests and responses shall be furnished to the persons designated in Part I above. The Band intends that the time period provided for notices and responses on proposed amendments to the Band's Code or regulations covered by this section, would occur before the Band adopts a formal resolution to amend the Code as provided by Section 101, Subd. 8 of the Band's Conservation Code for the 1854 Ceded Territory

² The term regulation is used broadly to include statutes, ordinances, administrative regulations and orders, etc. The term management is used broadly to include all matters addressed in the memoranda of understandings and management plans developed by the parties, such as the definition of harvest management units, methodologies for determining harvestable surpluses, methodologies for monitoring harvests and resources, scientific investigations, and interactions between State and Band management agencies.

³ This procedure shall include, but not be limited to, notice by the State of acquisitions, creations, or changes in the boundaries of or regulations pertaining to state parks, trails, water access sites, state forests and their use areas, wildlife management areas, scientific and natural areas, fish or aquatic management areas, experimental and special fish management waters, trout streams, designated muskellunge lakes, closed areas for fish preserves, spawning beds or research areas, game refuges, waterfowl feeding or resting areas, or controlled hunting zones in the Ceded Territory, and any State requests for conforming changes in Band law.

The State agrees to provide the Band with notice of proposed acquisitions, creations, or changes in the boundaries of state parks, trails, water access sites, state forests and their use areas, wildlife management areas, aquatic management areas, and scientific and natural areas for the Band's consideration and comment, but will not subject the State to further dispute resolution pursuant to Section V below. However, requests by the State that the Band extend their special use rules to such new or expanded areas will be subject to the committee and dispute resolution processes set forth in Section V below.

If the State or the Band does not object in writing to a proposed change within the thirty-day period prescribed above (or any agreed extension thereof), they will be deemed to have agreed to the proposal. If a written objection is made, the State and the Band will attempt to resolve the matter in the appropriate 1854 Ceded Territory Resources Committee in accordance with the procedures set forth in Section V below. In the event a dispute is presented to the Court, it will be decided in accordance with applicable law. Thus, the Band will not be required to change their regulation or management of natural resource harvesting in the Ceded Territory unless such a change is required under the conservation, public safety or public health standards established by the Court, and the State will not be required to change its regulation or management of natural resource harvesting in the Ceded Territory unless it is in violation of the Band's treaty rights or other applicable law.

V. Dispute Resolution

Any disputes between the parties relating to the 1854 Treaty right or regulation or management issues affecting those rights, shall be raised first with the 1854 Ceded Territory Committees as set out in Section I.E above. In the event that the Band and the State, through the Committee process, are unable to reach consensus for resolution of the issue then, upon the written request of the State or the Band, the parties shall submit the disputed matter to their respective policy-makers who shall meet, in person or by telephone, in an effort to resolve the dispute. In the event that the Band and the State, through their respective policy-makers are still unable to reach consensus for resolution of the issue, then, upon the written request of the State or the Band, the parties shall jointly choose a mediator to convene and conduct a mediation


session to seek consensus on the issue. The cost of the mediation shall be borne equally by the State and the Band. The State Fish and Wildlife Director and the State DNR Commissioner, or their appointed representatives, shall attend the mediation session on behalf of the State. The Director of the Fond du Lac Resource Management Division and other designated Band officials, or their appointed representatives, shall attend the mediation session on behalf of the Band. The State and the Band may also invite such other experts as may be needed to reach resolution of the matter.

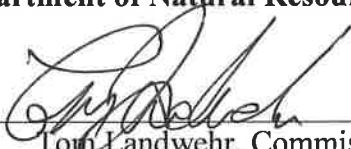
If consensus still cannot be reached, the parties have the option of invoking the court's continuing jurisdiction to seek resolution of the matter.

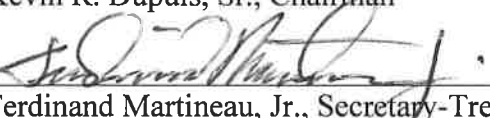
The parties agree that any dispute between the parties will be brought to the appropriate Committee, considered by the appropriate Band and State policy officials, and submitted to a mediator for assistance, if necessary, prior to seeking a court resolution. However, in the event a dispute arises over a matter that, because of imminent threat to a resource or public safety or imminent loss of harvest opportunity, cannot be handled through the established committee and mediation process, before seeking judicial relief a party shall give at least such notice to the opposing party of the issue in dispute as is required by the Federal Rules of Civil Procedure for applications for temporary restraining orders.

Fond du Lac Band of Lake Superior Chippewa

**State of Minnesota
Department of Natural Resources**

By: 
Kevin R. Dupuis, Sr., Chairman

By: 
Tom Landwehr, Commissioner

By: 
Ferdinand Martineau, Jr., Secretary-Treasurer

Dated: 11/20/2017

Dated: December 4, 2017

Fond du Lac Band of Lake Superior Chippewa Reservation Business Committee

1720 Big Lake Rd.
Cloquet, MN 55720
Phone (218) 879-4593
Fax (218) 879-4146

RESOLUTION #1374/17

**To Amend the Band's Harvest Management Plan for the 1854 Ceded Territory,
To Approve the Memorandum of Understanding with Minnesota for Communication and Coordination Regarding the Band's 1854 Treaty Rights, and
To Approve the Stipulation to be Filed with the Federal Court in the Band's 1854 Treaty Rights Case**



Chairman
Kevin R. Dupuis, Sr.

Secretary/Treasurer
Ferdinand Martineau, Jr.

Dist. I Representative
Vanessa L. Northrup

Dist. II Representative
Bruce M. Savage

Dist. III Representative
Roger M. Smith, Sr.

Executive Director,
Tribal Programs
Miyah M. Danielson

The Fond du Lac Reservation Business Committee, on behalf of the Fond du Lac Band of Lake Superior Chippewa, hereby enacts the following Resolution:

WHEREAS, the Fond du Lac Band of Lake Superior Chippewa are a sovereign people who occupy the Fond du Lac Reservation and retain their aboriginal rights of self-government and self-determination pursuant to the Treaty of LaPointe of September 30, 1854, 10 Stat. 1109; the Indian Reorganization Act of 1934, 25 U.S.C. §461 et seq., the common law of the United States; and as recognized by the United States Declaration on the Rights of Indigenous Peoples of September 13, 2007; and

WHEREAS, it is the sovereign obligation of the Fond du Lac Reservation Business Committee, as the duly-constituted governing body of the Fond du Lac Band, to exercise the responsibilities of self-government and management of the Band's affairs; and

WHEREAS, by Resolution # 1043/92 on March 9, 1992, the Fond du Lac Reservation Business Committees, in furtherance of the self-governance of the Fond du Lac Band, adopted an 1854 Ceded Territory Conservation Code, to govern Fond du Lac's hunting, fishing and gathering activities in the territories ceded under the Treaty of 1854 and has amended that Code from time-to-time thereafter; and

WHEREAS, over the years and in connection with the Band's exercise of the 1854 Treaty rights, the Band has established practices by which the Band and the State of Minnesota have worked on a government-to-government basis to share information relevant to the Band's 1854 Treaty rights, communicate on proposed changes to law and management plans related to the 1854 Treaty rights, and cooperate and coordinate Band and State resource management plans and resource harvest opportunities; and

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WHEREAS, the Fond du Lac Reservation Business Committee determined it to be in furtherance of the self-governance of the Fond du Lac Band to develop documents to memorialize the practices in these areas which are set out in 1) a Band Natural Resource Harvest Management Plan for the 1854 Ceded Territory, as well as in 2) a Memorandum of Understanding with the State of Minnesota confirming the Band's government-to-government relationship with the State on issues of resource management in connection with the 1854 Treaty rights; and

WHEREAS, by Resolution adopted on January 16, 2013, the Band adopted a Natural Resource Harvest Management Plan for the 1854 Ceded Territory, adopted a series of amendments to the 1854 Ceded Territory Conservation Code, and approved a proposed Memorandum of Understanding with the State of Minnesota; and

WHEREAS, although the State of Minnesota did not sign the proposed Memorandum of Understanding at that time, the Band has, since January 2013, continued to follow the terms of the Natural Resource Harvest Management Plan for the 1854 Ceded Territory as well as the procedures for government-to-government communications with the State as set out in the proposed Memorandum of Understanding; and

WHEREAS, over the past year, the State expressed an interest in finalizing and signing a Memorandum of Understanding with the Band, and the Band and State discussed the terms of a Memorandum of Understanding that would memorialize the past practices and government-to-government relationship between the Band and the State on issues of resource management in connection with the 1854 Treaty rights, a copy of which is attached; and

WHEREAS, over the past year, the Band has identified areas where, in light of the Band's experience and knowledge, the Natural Resource Management Plan for the 1854 Ceded Territory was in need of revision and therefore developed an amended Plan, a copy of which is attached; and

WHEREAS, the amendments to the Natural Resource Management Plan have also been discussed with the State which agrees with them; and

WHEREAS, the Band's adoption of the Band's 1854 Ceded Territory Conservation Code, the adoption of the Band's Natural Resources Harvest Management Plan for the 1854 Ceded Territory, along with the Band's and State's agreement to the terms of the Memorandum of Understanding, resolves the regulatory and resource management issues that had remained in Phase II of the Band's 1854 Treaty rights case in federal court, and serves to ensure that State statutes and regulations that otherwise regulate hunting, fishing, trapping and gathering of natural resources will not apply to the Band and its members exercising the 1854 Treaty rights; and

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WHEREAS, it is in the Band's interest to inform the federal court in the Band's 1854 Treaty case of these matters, and to request that the court retain continuing jurisdiction over the Band's case in the event any disputes arise between the parties in the future, and the Band prepared a stipulation to do this (a copy of which is attached to this resolution), to which the State has agreed;

NOW THEREFORE BE IT RESOLVED, that the Fond du Lac Reservation Business Committee does hereby adopt, effective this day, the amended Harvest Management Plan for the 1854 Ceded Territory; and

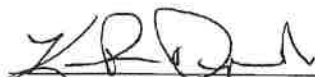
BE IF FURTHER RESOLVED, that the Fond du Lac Reservation Business Committee does hereby approve the Memorandum of Understanding with the State of Minnesota for communication and coordination regarding the Band's 1854 Treaty rights, and authorizes the [Chairman and Secretary-Treasurer OR all members of the Reservation Business Committee] to execute that agreement on behalf of the Band; and

BE IF FURTHER RESOLVED, that the Fond du Lac Reservation Business Committee does hereby approve the Stipulation that would inform the federal court of the steps taken to address the regulatory and resource management issues in the Band's 1854 Treaty case, and authorizes the Band's attorneys and the members of the Reservation Business Committee to execute that stipulation on the Band's behalf;

BE IT FURTHER RESOLVED that Band's attorneys are authorized to take whatever additional steps are necessary to provide the State of Minnesota with final copies of these approved documents and to submit them as may be appropriate in the Band's Treaty rights case.

CERTIFICATION

We do hereby certify that the foregoing Resolution was duly presented and acted upon by vote of 4 for, 0 against, 0 silent, with a quorum of 5 being present at a Regular Meeting of the Fond du Lac Reservation Business Committee held on November 8, 2017 on the Fond du Lac Reservation.



Kevin R. Dupuis, Sr.
Chairman



Ferdinand Martineau, Jr.
Secretary-Treasurer

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