

FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA

ORDINANCE #04/13

SUPERIOR NATIONAL FOREST CAMPING REGULATIONS

Adopted by Resolution #1328/13 of the Fond du Lac Reservation
Business Committee on September 24, 2013.

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CHAPTER 1

AUTHORITY, PURPOSE AND SCOPE

Section 101 **Authority**

This Ordinance is enacted by the Fond du Lac Reservation Business Committee pursuant to the inherent sovereign authority of the Fond du Lac Fond du Lac Band of Lake Superior Chippewa, as reserved under the Treaty of LaPointe, 10 Stat. 1109, and as recognized under Section 16 of the Indian Reorganization Act, 25 U.S.C. § 476; Article VI of the Revised Constitution of the Minnesota Chippewa Tribe; Section 106 of the Fond du Lac Civil Code, FDL Ord. #04/02; and under the common law of the United States.

Section 102 **Purpose**

The purpose of this Ordinance is to facilitate Band member camping within the Superior National Forest and to provide the Band with a system of self-regulation for camping within the Superior National Forest.

Section 103 **Reservation of Rights**

The Reservation Business Committee reserves the right to amend or repeal all or any part of this Ordinance at any time. There shall be no vested private right of any kind created by this Ordinance. All the rights, privileges, or immunities conferred by this Ordinance or by acts done pursuant thereto shall exist subject to the powers of the Fond du Lac Band. Nothing in this Ordinance shall be construed to constitute a waiver of the sovereign immunity of the Fond du Lac Band or a consent to jurisdiction by any government or forum not expressly authorized to exercise jurisdiction under this Ordinance.

CHAPTER 2

DEFINITIONS AND INTERPRETATION

Section 201 Definitions

For the purposes of this Ordinance, the following definitions shall apply:

- (a) **"Band"** means the Fond du Lac Band of Lake Superior Chippewa.
- (b) **"Band member"** means an enrolled member of the Fond du Lac Band of Lake Superior Chippewa.
- (c) **"Camp"** means to temporarily use lands for the purpose of overnight occupancy without a permanently-fixed structure.
- (d) **"Campfire"** means a fire, not within any building, mobile home or living accommodation mounted on a motor vehicle, which is used for cooking, personal warmth, lighting, ceremonial, or esthetic purposes.
- (e) **"Developed recreational site"** means an area which has been improved or developed for recreation.
- (f) **"Forest Service"** means the United States Forest Service.

Section 201 Interpretation

The provisions of this Ordinance shall be interpreted in a manner which gives plain effect to its terms and purposes, and to avoid unnecessary conflicts of law. The provisions in this Ordinance shall be interpreted to be consistent with the Memorandum of Understanding for Tribal Use of Campgrounds between the Fond du Lac Band of Lake Superior Chippewa and the USDA Forest Service, Superior National Forest.

CHAPTER 3
RULES AND PROHIBITIONS

Section 301 Possession of Ceded Territory Hunting, Fishing, and Gathering Card

A Band member shall not exercise the right to camp without fee in the Superior National Forest without having the Band member's Ceded Territory Hunting, Fishing, and Gathering Card in his or her possession.

Section 302 Prohibited Locations

- (a) A Band member shall not camp at a location in the Superior National Forest where the Forest Service has prohibited camping for the general public.
- (b) In a developed recreational site in the Superior National Forest, a Band member shall not place, maintain, or use camping equipment except in a place specifically designated or provided for such equipment.
- (c) A Band member shall not camp at a location in the Superior National Forest that the Forest Service has reserved for another person or group.

Section 303 Length of Stay

A Band member shall not camp at a particular location in the Superior National Forest for more than 14 consecutive days.

Section 304 Occupancy and Use

A Band member camping in the Superior National Forest shall not:

- (a) Fail to remove all camping equipment or personal property when vacating an area or site;
- (b) Without permission, fail to have at least one person occupy a camping area during the first night after camping equipment has been set up;
- (c) Without permission, leave camping equipment unattended for more than 24 hours;
- (d) Fail to dispose of all garbage, including any paper, can, bottle, sewage, waste water or material, or rubbish either by

removal from the site or area, or be depositing it into receptacles or at places provided for such purposes.

Section 305 Campfires

A Band member camping in the Superior National Forest shall not:

- (a) Leave a campfire without completely extinguishing it;
- (b) Build, attend, maintain, or use a campfire without removing all flammable material from around the campfire adequate to prevent its escape; or
- (c) In a developed recreational site, build, attend maintain or use a fire outside of a fire ring provided by the Forest Service for such purpose or outside of a stove, grill or fireplace.

Section 306 Campground Implementation Plan

The Campground Implementation Plan, which is attached as Appendix A to the Memorandum of Understanding for Tribal Use of Campgrounds, lists which sites are currently "Available for Tribal Use" and which sites will be made "Available for Tribal Use" in the future. If a Band member camps at a location listed as not "Available for Tribal Use" in the Campground Implementation Plan, the Band member must pay all applicable fees.

**CHAPTER 4
ENFORCEMENT**

Section 401 Enforcement Authority

Fond du Lac Conservation Officers are authorized to issue citations based on violations of this Ordinance.

Section 402 Jurisdiction of the Fond du Lac Tribal Court

The Fond du Lac Tribal Court shall exercise exclusive jurisdiction over violations of this Ordinance by Band members. The Tribal Court shall hear all such actions in accordance with the Fond du Lac Civil Code, FDL Ord. #04/92, as amended, except where the specific provisions of this Ordinance require otherwise.

Section 403 Fines

The following fines shall apply to violations of this Ordinance:

FINE SCHEDULE

VIOLATION DESCRIPTION	ORDINANCE SECTION	FINE
Camping without a Ceded Territory Hunting, Fishing, and Gathering Card	301	\$25
Camping in a Prohibited Location	302	\$250
Length of Stay Violation	303	\$100
Occupancy and Use Violation	304	\$100
Campfire Violation	305	\$250
Campground Implementation Plan Violation	306	\$50

CHAPTER 5
EFFECTIVE DATE; AMENDMENTS; SEVERABILITY

Section 501 Effective Date

The provisions of this Ordinance shall become effective immediately upon adoption by the Reservation Business Committee.

Section 502 Amendment or Recission

The Reservation Business Committee may amend this Ordinance as it deems necessary to protect the public health, safety and welfare of the Fond du Lac Reservation. The provisions of this Ordinance may be amended by resolution of the Reservation Business Committee.

Section 503 Severability

If any section, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance will not be affected thereby.

CERTIFICATION

We do hereby certify that the foregoing Ordinance #04/13 was duly presented and adopted by Resolution #1328/13 by a vote of 3 for, 0 against, 0 silent, with a quorum of 4 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on September 24, 2013, on the Fond du Lac Reservation.



Karen R. Diver
Chairwoman



Ferdinand Martineau, Jr.
Secretary/Treasurer