

FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA

ORDINANCE #01/05

PROHIBITION OF GENETIC MODIFICATION OF MAHNOMEN

Adopted by Resolution #1036/05 of the Fond du Lac Reservation
Business Committee on February 3, 2005.

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FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA

ORDINANCE # _____

PROHIBITION OF GENETIC MODIFICATION OF MAHNOMEN

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 Band of Lake Superior Chippewa, as recognized under the Treaty of LaPointe, 10 Stat. 1109; Section 16 of the Indian Reorganization Act, 25 U.S.C. § 476; the Indian Self-Determination and Education Assistance Act, 25 U.S.C. § 450 et seq.; Article VI of the Revised Constitution of the Minnesota Chippewa Tribe; and consistent with the purposes set forth under the Indian Religious Freedom Act, 42 U.S.C. § 1996.

Section 102 **Purpose**

The purpose of this Ordinance is to protect the cultural resources of the Fond du Lac Band through the prohibition of genetic modification of mahnomen (wild rice) within the Fond du Lac Reservation, or within the territories ceded to the United States under the Treaty of 1837, 7 Stat. 536, or under the Treaty of LaPointe, 10 Stat. 1109 ("ceded territories"), to the fullest extent of the Band's authority.

Section 103 **Findings**

The Reservation Business Committee recognizes that mahnomen plays an integral part of Anishinabe sustenance, culture and religion; that the preservation of mahnomen as a natural species is intimately related to continuity and vitality of Anishinabe culture; that the genetic modification of mahnomen would irreversibly damage the maintenance of mahnomen as a natural species; and that the Reservation Business Committee must accordingly condemn, prohibit and oppose any program or activity which involves hybrid breeding,

genetic mapping of the mahnomen rice genome, or any genetic modification of mahnomen as a natural species.

Section 104 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 power of the Reservation Business Committee. 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 General Definitions

The following terms have the meanings given them.

- a. Ceded territories means those territories ceded by the Fond du Lac Band under the treaties of 1837, 7 Stat. 536 and the Treaty of LaPointe, 10 Stat. 1109, over which the Band retains usufructuary rights regarding the harvest of mahnomen.
- b. Fond du Lac Band means the Fond du Lac Band of Lake Superior Chippewa.
- c. Fond du Lac Reservation means all land owned by the Fond du Lac Band or lying within the boundaries of the Fond du Lac Reservation.
- d. Fond du Lac Reservation Business Committee means the elected governing body of the Fond du Lac Band.
- e. Genetically modified mahnomen or genetically modified wild rice means mahnomen or wild rice seeds which are:

- (1) altered at the molecular or cellular level by means that are not possible under natural conditions, including but not limited to recombinant DNA and RNA techniques, cell fusion, microencapsulation, macroencapsulation, gene deletion and doubling, introducing a foreign gene, and changing the positions of genes, other than a means consisting exclusively of breeding, conjugation, fermentation, hybridization, in vitro fertilization, or tissue culture the alteration, through the deletion or addition, to the genetic identity of mahnomen or wild rice; or
 - (2) made through sexual or asexual reproduction, or both, involving an organism described in subsection (1) of this section, if the mahnomen or wild rice possesses any of the altered cellular or molecular characteristics of the organism so described.
- f. Mahnomen or wild rice means the naturally grown species of mahnomen or wild rice whose genetic composition has not been altered by human manipulation.

Section 202 Interpretation

The provisions of this Ordinance shall be interpreted and administered in a manner which is intended to prevent the introduction of genetically modified mahnomen onto the Fond du Lac Reservation or into the ceded territories of the Fond du Lac Band.

CHAPTER 3

PROHIBITIONS

Section 301 Prohibition of Gathering Mahnomen for the Purposes of Genetic Modification

The gathering of mahnomen within the Fond du Lac Reservation or by any individual subject to this Ordinance within the Ceded Territories for the purpose of undertaking genetic modification of the species is prohibited.

Section 302 Prohibition of the Introduction, Possession or Cultivation of Genetically Modified Mahnomen

The introduction, possession or cultivation of genetically modified mahnomen within the Fond du Lac Reservation or by any individual subject to this Ordinance within the Ceded Territories is prohibited.

Section 303 Prohibition of Cross Pollination of Natural Mahnomen with Genetically Modified Mahnomen

The cross-pollination of genetically modified mahnomen with natural mahnomen within the Fond du Lac Reservation or by any individual subject to this Ordinance within the Ceded Territories is prohibited.

CHAPTER 4

ENFORCEMENT & PENALTIES

Section 401 Enforcement

The provisions of this Ordinance shall be enforced by any conservation officer of the Fond du Lac Band. Violations shall be subject to the original jurisdiction of the Fond du Lac Tribal Court.

Section 402 Penalties

Any violation of this Ordinance shall be subject to the following penalties:

- a. Mandatory appearance before the Fond du Lac Tribal Court;
- b. A fine of not less than \$500; and
- c. Seizure of any genetically modified mahnomen, which shall be destroyed by the Fond du Lac Conservation Department after adjudication; and
- d. Seizure of any instruments or devices which are directly used in undertaking any activity which is prohibited under this Ordinance.

CHAPTER 5

AMENDMENT OR REPEAL

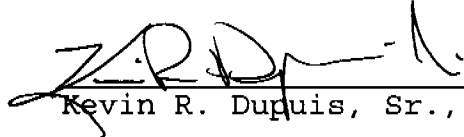
Section 501 Amendment or Repeal

This Ordinance, and any provision herein, may be amended or repealed by resolution of the Reservation Business Committee.

CERTIFICATION

We do hereby certify that the foregoing Ordinance #01/05 was duly presented and adopted by Resolution #1036/05 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 February 3, 2005 on the Fond du Lac Reservation.


Peter J. Defoe, Chairman


Kevin R. Dupuis, Sr., Sec./Treas.

120123004

Fond du Lac Reservation Business Committee

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

RESOLUTION # 1036/05



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 Reservation is a sovereignty, created by the Treaty of September 30, 1854, 10 Stat. 1109, as the permanent home of the Fond du Lac Band of Lake Superior Chippewa, which possesses the inherent jurisdiction and authority to exercise regulatory control within the boundaries of the Fond du Lac Reservation; and

WHEREAS, it is the sovereign obligation of the Fond du Lac Reservation Business Committee, as the Governing Body of the Fond du Lac Band, under the Indian Reorganization Act, 25 U.S.C. § 461 et seq., and in accordance with the Indian Self-Determination Act, 25 U.S.C. § 450 et seq., to assume the responsibilities of self government; and

WHEREAS, the Reservation Business Committee recognizes that mahnomen is an integral part of Anishinabe sustenance, culture and religion; that the preservation of mahnomen as a natural species is intimately related to continuity and vitality of Anishinabe culture; that the genetic modification of mahnomen would irreversibly damage the maintenance of mahnomen as a natural species; and

WHEREAS, the Reservation Business Committee has determined it to be necessary and in the best interests of the Fond du Lac Band to enact an ordinance protecting this cultural resource through the prohibition of genetic modification of mahnomen (wild rice) within the Fond du Lac Reservation, or within the territories ceded to the United States under the Treaty of 1837, 7 Stat. 536, or under the Treaty of LaPointe, 10 Stat. 1109, to the fullest extent of the Band's authority;

Chairman
Peter J. Defoe

Secretary/Treasurer
Kevin R. Dupuis, Sr.

Dist. I Councilman
Eugene Reynolds

Dist. II Councilman
V.R. "Butch" Martineau

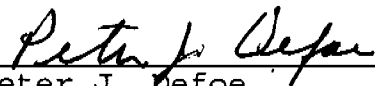
Dist. III Councilman
Roger "Bouda" Smith, Sr.

1036/05


NOW THEREFORE BE IT RESOLVED, that the Fond du Lac Reservation Business Committee does hereby adopt and enact Fond du Lac Ordinance # *01/05*, entitled "Prohibition of Genetic Modification of Mahnomen," for the purpose of protecting this cultural resource through the prohibition of genetic modification of mahnomen (wild rice) within the Fond du Lac Reservation, or within the territories ceded to the United States under the Treaty of 1837, 7 Stat. 536, or under the Treaty of LaPointe, 10 Stat. 1109, to the fullest extent of the Band's authority.

CERTIFICATION

We do hereby certify that the foregoing Resolution was duly presented and acted upon 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 February 2, 2005 on the Fond du Lac Reservation.



Peter J. Defoe
Chairman



Kevin R. Dupuis, Sr.
Secretary/Treasurer

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