

Subject 1854 Treaty Area

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Date April 2, 2025

Summary

This bill adds a statutory provision providing that the Grand Portage, Bois Forte, and Fond du Lac Bands of Chippewa Indians (bands involved in a settlement with the state regarding hunting, fishing, trapping, and gathering in the 1854 Treaty Area) may establish an open season for their Band members to take big game the Department of Natural Resources (DNR) does not establish a season for (for example, moose).

The bill also provides an ongoing appropriation of \$3,000,000 each year from the general fund for additional payments to Bands under the 1854 Treaty Area settlement agreement. In 2023, a law was passed providing additional payments of \$3,000,000 in fiscal years 2024 and 2025 and required the DNR to work with the signatories to update and amend the agreement. The bill also clarifies that the DNR has the authority to take actions necessary to carry out the state's duties arising from the agreement as amended.

The 1854 Treaty was a treaty between the Chippewa of Lake Superior and the United States where the Chippewa ceded their land in northeastern Minnesota. In 1985, the Grand Portage Band sued the state asserting that the 1854 Treaty gives the Band the right to hunt and fish in the ceded territory without state regulation. The Fond du Lac and Bois Forte Bands later joined the lawsuit. In 1988, the state and the three Bands entered into an agreement to settle the dispute (Fond du Lac Band withdrew from the agreement the following year). As part of the agreement, the state is required to make annual payments to the Bands based upon a formula specified in the agreement. The agreement also specifies minimum hunting and fishing regulations for the Bands.