

# 1854 TREATY AUTHORITY



**CODE FOR  
TREATY GATHERING**

**Approved July 24, 2007**

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**SECTION I            PURPOSE AND APPLICABILITY**

**SUBDIVISION 1.    PURPOSE AND APPLICABILITY**

- A.     The purpose of this code is to facilitate treaty related gathering of wild plants or forest products on lands and waters open to the public within the 1854 Treaty Area.
  
- B.     A band member may only gather wild plants or forest products on private lands with the expressed permission from the landowner.
  
- C.     All gathering activities conducted under this code are for subsistence use only. The level (amount) considered subsistence is defined in the specific subsection if applicable. Any amounts beyond the determined level will be considered commercial and provisions under this code will not apply. If that is the case, you must deal with the appropriate administrative agency directly.

## **SECTION II      GATHERING REGULATIONS**

### **SUBDIVISION 1.      1854 TREATY AUTHORITY IDENTIFICATION CARDS, SPECIAL PERMITS**

- (A)      All band members must carry on their persons a color photograph Ceded Territory Identification Card at all times while engaging in activities pursuant to this code.
- (B).      Special permits may be required, in addition to the Ceded Territory Identification Card for certain activities pursuant to this code. Such requirement is specifically designated in the applicable section.
- (C)      You must display identification cards and/or permits to any tribal, state, local, or federal enforcement officer or their designated agent upon request.
- (D)      It shall be unlawful to use, or allow another person to use, a Ceded Territory Identification Card, or special permit, whether or not such person would qualify to receive an ID card or special permit.

### **SUBDIVISION 2.      HARVEST MONITORING**

The 1854 Treaty Authority may compile harvest data regarding gathering. You must provide the requested information.

### **SUBDIVISION 3.      HARVEST AND OTHER LOCATION RESTRICTIONS**

If the state, county, or federal government prohibits gathering in a Forest Campground, Wildlife Management Area, Scientific and Natural Area, State of Minnesota designated old growth stands, State Parks, Wayside, beaches, water accesses, plantations, or other specially designated area such as the BWCAW, then gathering by band members is also prohibited.

Please contact the 1854 Treaty Authority for a list and map of such areas.

### **SUBDIVISION 4.      ASSISTANCE BY NON-BAND MEMBERS**

- (A)      You may gather with a non band member who is complying with the laws/regulations that apply to him/her.
- (B)      Anyone from your immediate family (grandparents, parents, spouse, children, brothers, sisters, etc) may assist you as long as you are present when the assistance is given

**SUBDIVISION 5. CONIFER BOUGHS**

(A) LICENSE/PERMIT REQUIREMENTS

Band members must have a valid 1854 Identification Card in their possession. No special permits are required.

(B) SEASON/DATES

Band members may harvest conifer boughs from October 1 - December 31.

(C) GATHERING RESTRICTIONS

1. Boughs must be harvested from the bottom half of the tree, leaving a portion of each pruned branch for regeneration.
2. Harvested branches should have ends no larger in diameter than 1/4" to 3/8" at the location of the cuts.
3. Boughs must be harvested from trees that are greater than 7 feet high and located a minimum of 50 feet from roads, rivers, lakes, or maintained trails.

(D) LIMITS

Band members may harvest a total of one (1) ton of boughs when in possession of their valid 1854 Identification Card. Additional bough harvesting will require the band member to obtain a permit from the appropriate jurisdiction and abide by jurisdictional laws.

**SUBDIVISION 6. PRINCESS PINE**

(A) LICENSE/PERMIT REQUIREMENTS

Band members must have a valid 1854 Identification Card in their possession. No special permits are required.

(B) SEASON DATES AND HOURS

Band members may gather princess pine from September 1 - December 31.

(C) GATHERING RESTRICTIONS

Band members may only gather the aerial portion of princess pine plants. To harvest, the stem should be cut or clipped at ground level so as not to disturb the roots/below ground part of the plant.

(D) LIMITS

1. There shall be no limit to the amount of princess pine that can be gathered for subsistence use.
2. Princess pine may not be sold directly, but can be utilized as part of a craft and sold.

**SUBDIVISION 7. FIREWOOD**

(A) LICENSE/PERMIT REQUIREMENTS

Band members must have a valid 1854 Identification Card in their possession. No special permits are required.

(B) SEASON DATES AND HOURS

Band members may gather firewood year round.

(C) GATHERING RESTRICTIONS

1. Band members may not gather firewood in active logging areas.
2. The felling of live trees will not be permitted in order to obtain firewood.

(D) LIMITS

1. There shall be no limit to the amount of firewood that can be gathered for subsistence use.
2. Firewood gathered under this code may not be sold.

**SUBDIVISION 8. GINSENG**

(A) LICENSE/PERMIT REQUIREMENTS

Band members must have a valid 1854 Identification Card in their possession. No special permits are required.

(B) SEASON DATES AND HOURS

Band members may gather ginseng from September 1 - December 31.

(C) GATHERING RESTRICTIONS

1. Band members may not gather ginseng plants unless the plant has at least three (3) prongs with five (5) leaflets each.
2. After harvesting, all seeds must be removed from the plant and replanted in the area that the ginseng was gathered. Seeds must be planted at a depth of 1/2" in the soil and covered with surface litter.

(D) LIMITS

1. There shall be no limit to the amount of Ginseng that can be gathered for subsistence use.
2. Ginseng gathered under this code may not be sold.

**SUBDIVISION 9. BIRCH BARK**

(A) LICENSE/PERMIT REQUIREMENTS

Band members must have a valid 1854 Identification Card in their possession. No special permits are required.

(B) SEASON DATES AND HOURS

1. Gathering of birch bark from live trees will be allowed between the 2nd Saturday of June through the 3rd Sunday of July.
2. Gathering of birch bark from dead or downed trees will be allowed year round.

(C) GATHERING RESTRICTIONS

1. Gathering should not occur within 50 feet of lakes, campsites, roads, or maintained trails.
2. Bark should peel off easily and the inner bark should be left undamaged.

(D) LIMITS

1. There shall be no limit to the amount of birch bark that can be gathered for subsistence use.
2. Birch bark may not be sold directly, but can be utilized as part of a craft and sold.

**SUBDIVISION 10. OTHER PLANTS OR FOREST PRODUCTS**

**(A) LICENSE/PERMIT REQUIREMENTS**

Band members must have a valid 1854 Identification Card in their possession. No special permits are required to harvest wild plants or forest products that are not listed in this code.

**(B) SEASON DATES AND HOURS**

Band members may gather all other wild plants or forest products for subsistence use year round.

**(C) GATHERING RESTRICTIONS**

1. Gathering in Wildlife Management Areas, Scientific and Natural Areas, campgrounds, waysides, beaches, water accesses, campsites and plantations is not allowed with the exception of berries, fruits and mushrooms.
2. Band members may not gather threatened or endangered plants.
3. All trash, litter, and unused vegetation resulting from the band member's gathering activities shall be removed from public lands, roads, and ditches.
4. Unless otherwise provided by law, no person in a state park or forest recreation area shall disturb, destroy, injure, damage, deface, molest, or remove any state property, including, but not limited to, wildflowers or vegetation of any kind dead or alive, ruins, wild animals, geologic formations, historical or archeological artifacts or sites, historic structures, signs, or facilities, except edible fruit, mushrooms, legally taken wild animals, and vegetation unavoidably damaged or destroyed by ordinary recreation uses as specifically permitted”.

**SUBDIVISION 11. HARVEST OF LIVE TREES AND SALVAGE TREES FOR SMALL STRUCTURE PURPOSES**

Band members may harvest live trees less than three inches in diameter, gather salvage timber (dead standing or downed timber) for smaller temporary structures and/or purposes, such as hunting blinds, fish houses, or trapping shacks, that are used in the exercise of treaty rights. The building of permanent structures is prohibited on state land. No cutting of live trees or building of permanent or semi-permanent structures is permitted within the Boundary Waters Canoe Area Wilderness.



**SUBDIVISION 12. PROHIBITION OF WANTON DESTRUCTION**

A band member may not wantonly waste or destroy any usable part of a wild plant or forest product while engaging in gathering activities under this code.

## **SECTION III - WILD RICE**

### **SUBDIVISION 1. APPLICABILITY**

The rules in this section apply to wild rice gathering activities on federal, state, or county owned waters or managed waters that are open to the public, and are within the boundaries of the 1854 Treaty Area.

### **SUBDIVISION 2. CEDED TERRITORY IDENTIFICATION CARDS AND SPECIAL PERMITS.**

Band members must have a valid 1854 Identification Card in their possession. No special permits are required.

### **SUBDIVISION 3. SEASON DATES AND HOURS**

The season dates, hours, and any special regulations shall be designated annually by the 1854 Treaty Authority. The harvest of green (unripe) wild rice is unlawful.

### **SUBDIVISION 4. RESTRICTED AREAS**

Conservation officers and other authorized agents may close the harvest on any public water by posting the known access points. Once closed, waters may be posted with specific dates open for wild rice harvest.

National Wildlife Refuges and Parks are closed to wild rice harvesting, except when authorized by special permit. State Wildlife Management Areas are open to wild rice harvesting, except where specifically closed by posting or rule.

### **SUBDIVISION 5. VEGETATION**

Destruction of wild rice plants by cutting, pulling, or removing is unlawful. All aquatic vegetation must be removed from watercraft before leaving any body of water to prevent the spread of exotic vegetations.

### **SUBDIVISION 6. WATERCRAFT**

Watercraft used in harvesting wild rice may not exceed 18 feet in length or 36 inches in maximum width. Any extension that increases normal capacity is prohibited.

### **SUBDIVISION 7. PUSH POLES**

Push poles used to propel watercraft for harvesting wild rice must be forked (duckbill) at the end. The forks must be less than 12 inches in length.

**SUBDIVISION 8.                    FLAIL (KNOCKING STICK)**

Flails (knocking sticks) used to harvest wild rice must be made of round, smooth cedar no longer than 32 inches. Flails (Knocking Sticks) must be hand held and operated.

**SUBDIVISION 9.                    MECHANICAL DEVICE**

The use of any machine or mechanical device to harvest wild rice is prohibited on public waters.