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FOR IMMEDIATE RELEASE

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Mille Lacs County Revokes Cooperative Agreement Pertaining to Law Enforcement Authority with Mille Lacs Band of Ojibwe

At its meeting on June 21, 2016, the Mille Lacs County Board of Commissioners unanimously approved a resolution to revoke the Cooperative Agreement it entered into with the Mille Lacs Band of Ojibwe in January 2008, due to a dispute over state law.

“No law enforcement agency is above the law,” said Mille Lacs County Administrator Pat Oman. “As stated in the resolution, the Mille Lacs Band of Ojibwe’s choices in the past year made it clear that tribal government prioritized tribal law over and above Minnesota law and its cooperative relationship with Mille Lacs County. Given the circumstances, this was the only choice that Mille Lacs County could make to uphold the integrity of state law.”

Primary response to calls for law enforcement services in tribal areas will transition to the Mille Lacs County Sheriff. Although Mille Lacs County has authorized the hiring of additional deputies necessary to meet the public safety needs of all citizens of the county, the process of assessing law enforcement needs remains ongoing. The Tribal Police Department will continue to exist, but will no longer have the powers of a state law enforcement agency unless a new cooperative agreement is reached.

Mille Lacs County and the Mille Lacs Band of Ojibwe have had a long-standing, respectful disagreement about the boundary of the Mille Lacs Indian Reservation. In 1855, a treaty was entered into that established a reservation that was approximately 61,000 acres in size, and comprised of the areas that are now Kathio, South Harbor, and Isle Harbor Townships.

“The agreement not to use law enforcement authority to impact the boundary dispute was more than a handshake,” said Mille Lacs County Attorney Joe Walsh. “It was written directly into the statute and the Cooperative Agreement.”

“For 25 years, Mille Lacs County and the Mille Lacs Band of Ojibwe have set aside their differences regarding the boundary, and have crafted cooperative agreements that provided for the public safety of all the county’s residents, to the mutual benefit of both governments,” said Mille Lacs County Sheriff Brent Lindgren. “I stand ready to put together a new cooperative agreement that respects that compromise.”

Over the past 160 years, there have been a number of statutes, cases, opinions, and other occurrences that have impacted the existence of the reservation boundary. Mille Lacs County believes that history supports the position that the reservation has been disestablished or diminished, but remains respectful of the tribe's sovereignty regarding the land that the federal government placed into trust on their behalf; the trust land consists of several thousand acres near the Vineland area. The Mille Lacs Band of Ojibwe, however, believes that the reservation boundary remains intact over the entire 61,000 acres.

"If these areas are within a reservation, the legal consequences are unclear," said Oman. "If the 61,000 acre reservation boundary was conclusively established, it is likely that the Mille Lacs Band of Ojibwe would claim the authority to assert jurisdiction over all of the reservation, including non-Band members. Mille Lacs County residents are entitled to the protections of Minnesota law."

The disputed land includes the incorporated cities of Isle and Wahkon; Kathio State Park; the Bayview community; and the entirety of the southern shoreline of Lake Mille Lacs. Many Minnesota citizens with no affiliation to the Mille Lacs Band own property and live within this area.

"While it is a rejection of the Band's unwillingness to follow state law, it is not a rejection of the Mille Lacs Band of Ojibwe," said Oman. "The county will continue to work with the Band toward establishing a true partnership in law enforcement."

This is not the first time the Cooperative Agreement has been revoked. The Mille Lacs Band of Ojibwe revoked the Cooperative Agreement in November 2007, at which time it was seeking to prevent Mille Lacs County from receiving all law enforcement incident reports for prosecutorial review and believed the county's insistence on doing so constituted an attack on the inherent rights of the Band as a sovereign Indian nation.

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