

**WHITE EARTH RESERVATION TRIBAL COUNCIL
A/K/A WHITE EARTH BUSINESS COMMITTEE
WHITE EARTH BAND OF CHIPPEWA INDIANS**

Resolution No. 057-06-013

WHEREAS, the White Earth Reservation Tribal Council is the duly elected governing body of the White Earth Reservation pursuant to Article IV, Section 1, of the revised constitution of the Minnesota Chippewa Tribe, as amended, and organized under Section 16, of the Act of June 18, 1934 (48 Stat. 984), and

WHEREAS, it is the intent of the White Earth Reservation Tribal Council to effectively, efficiently and properly manage the resources of the Reservation, and

WHEREAS, the Private Cemetery Ordinance provides an enforcement tool whereby environmental quality and land management will be protected and enhanced, and

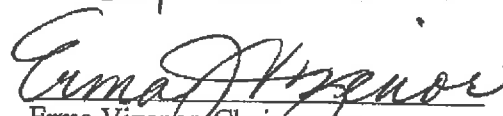
WHEREAS, the adoption and implementation of the Private Cemetery Ordinance will create, protect and preserve burial sites on tribal or private land within the reservation, now

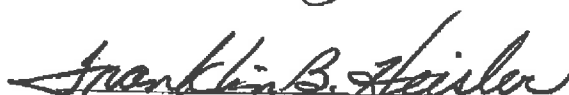
THEREFORE, BE IT RESOLVED, that the White Earth Reservation Tribal Council does hereby adopt the White Earth Reservation Private Cemetery Ordinance and does hereby commit itself and its staff to implement the provisions of the Private Cemetery Ordinance, and

BE IT FURTHER RESOLVED, that the term cemetery shall mean an area of land which is used for the burial of intact human remains.

BE IT FURTHER RESOLVED, that this ordinance does not protect areas in which a person's ashes is spread or buried.

We do hereby certify that the foregoing resolution was duly presented and approved by a vote of 3 for, 0 against and 0 silent, a quorum being present at a special meeting of the White Earth Reservation Tribal Council held on July 3, 2006, at White Earth, Minnesota


Erma Vizenor, Chairwoman


Franklin Heisler, Secretary-Treasurer

WHITE EARTH RESERVATION PRIVATE CEMETARIES ORDINANCE

This ordinance shall apply to all Tribal members attempting to establish a cemetery within the geographical boundaries of the White Earth Reservation. This ordinance is intended to provide guidance and direction for the creation, protection and preservation of burial sites. It shall be the responsibility of the following: Tribal Historian, Tribal Archeologist, THPO (Tribal Historic Preservation Officer), or NAGPRA (Native American Graves Protection and Repatriation Act) Representative to ensure compliance with this ordinance.

For purposes of this ordinance, the term cemetery shall mean an area of land which is used for the burial of intact human remains. This ordinance does not protect areas in which a person ashes is spread or buried.

Any variations between fee land and tribal land are designated within this document; if not so designated, all sections in this ordinance apply to all private cemeteries on all lands within the exterior boundaries of the White Earth Reservation.

Cemetery permit

In order to obtain a designation as a cemetery, a cemetery permit must be obtained from the White Earth Reservation Tribal Historian, Tribal Archeologist, THPO (Tribal Historic Preservation Officer), NAGPRA (Native American Graves Protection and Repatriation Act) Representative, Zoning or Land Office. The following must be provided and filed with the Tribal Land Office:

1. A plat (map), which shall include the following:
 - a. A layout of proposed site (*see Setbacks*), and
 - b. Location of roads (*see Setbacks*), and
 - c. Location of property lines, including distances from property lines (*see Setbacks*), and
 - d. Location of structures on the proposed site, including distances from structures (*see Setbacks*).

Setbacks

The following setbacks shall apply to any land being designated as a private cemetery:

- a. Setback from cemetery to structures-50 feet
- b. Setback from cemetery to property lines-25 feet
- c. Setback from cemetery to community drinking well – 3,000 feet (or a vault must be provided if embalmed to prevent seepage into the groundwater).

- d. Setback from cemetery to individual drinking well – 100 feet (or a vault must be provided if embalmed to prevent seepage into the groundwater).
- e. Setback from any public or private road-50 feet from right-of-way

Plat and record

Any private or religious organization may establish a cemetery on its **fee-owned** land so long as the land is surveyed and platted. Any private or religious organization may establish a cemetery on assigned or leased **tribal land** designated as a cemetery, so long as the land is designated, platted and recorded with the White Earth land Office.

To establish the exterior boundaries of the cemetery, each corner shall be marked with an iron monument. A legal description must be filed for record with the White Earth Reservation Tribal Land Office.

Effect of a recorded plat

Certified surveys of cemeteries on **fee land** must be filed with the White Earth Tribal Land Office, and may be filed with the County Recorder's office at the cemetery owner's discretion and expense.

Certified surveys of cemeteries on **tribal land** must be filed with the White Earth Tribal Land Office, which will record the survey with the Land Titles and Records Office.

When a plat has been recorded, every donation or grant of lands therein to the public, to any religious organization, or to any individual shall be deemed a conveyance of such lands, subject to the conditions and restrictions, if any, contained therein. Every conveyance of such lots shall be expressly for burial purposes, and the lands designated on the plat as streets, alleys, ways, commons, or other public uses shall be held by the owner of the cemetery in trust for the uses and purposes therein indicated.

Religious organizations may acquire existing cemeteries on fee land

Any religious organization(s) may acquire the cemetery lands and property of any cemetery association or private cemetery located on **fee land**. Every association, or owner of a private cemetery, are hereby empowered to convey to religious corporations any cemetery land or property located on **fee land**.

Conveyance of lots

Every private or religious organization owning a cemetery on **fee land** may sell and/or convey lots therein for burial purposes.

Individuals or parties with an established cemetery on **tribal land** may convey lots therein for burial purposes, with a recording of such conveyances registered with the White Earth Reservation Tribal Land Office.

Subdivision and/or rearrangement

Any person or association owning a private cemetery may subdivide or rearrange the designated cemetery, provided that it files any such subdivision or rearrangement with the White Earth Reservation Tribal Land Office. However, no subdivision or rearrangement shall interfere with the rights and privileges of the lot owners of the cemetery without their consent.

Transfer to association; how effected

Any private cemetery established, platted, and recorded under the laws on the reservation may consolidate with and transfer its property, for cemetery purposes only, to any cemetery association or organization organized under the laws of the reservation which is contiguous to, or adjacent to, such cemetery organization. Any transfer of property as designated as a cemetery must be recorded with the White Earth Reservation Land Office.

The owners of a private cemetery may transfer and convey to a cemetery organization or association all unsold lots in a private cemetery and any such conveyance shall be given legal effect and such organization or association shall hold in trust, to and for the uses and purposes previously stated, all streets, alleys, ways, and commons, and the other public uses, in such cemetery in lieu of the owner thereof.