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**Commissioner's Order No. 246-97
Natural Resources**

A Commissioner's Order Regarding Threatened and Endangered Species within the Minnesota 1837 Ceded Territory:

WHEREAS, the Mille Lacs Band of Chippewa Indians is a signatory and successor to the Treaty of 1837, 7 Stat 536 and the Treaty of 1842, 7 Stat. 591, and

WHEREAS, the Band resides in the ceded territories of the Treaty of 1837, 7 Stat. 536, and

WHEREAS, the Federal District Court for the District of Minnesota in *Mille Lacs Band v. State of Minnesota*, No. 3-94-1226, has found that the Band retains rights to hunt, fish and gather under the 1837 Treaty, and

WHEREAS, said Court has approved the adoption of a "Band Code" to regulate hunting, fishing and gathering by Band members in the 1837 Minnesota Ceded Territory, which Code authorizes the Commissioner of Natural Resources of the Mille Lacs Band to adopt a list of threatened and endangered species, and

WHEREAS, the Mille Lacs Band has adopted the Band Code and other Bands party to said litigation have adopted or will adopt the Band Code;

WHEREAS, the Commissioner of Natural Resources has authority to regulate the harvest of natural resources within the jurisdiction of the Mille Lacs Band of Ojibwe Indians under Mille Lacs Band Statute Annotated Title 11, Section 2002 and Section 2003, as well as the Band Code, and

WHEREAS, given the limited purpose of this order, nothing herein or the application thereof shall be construed by any government, agency, person or circumstance as a waiver by the Mille Lacs band of its rights under the 1837 treaty or its authority

WHEREAS, The Commissioner of Natural Resources has the authority to regulate natural resources within the jurisdiction of the Mille Lacs Band of Chippewa Indians through Mille Lacs Band Statutes Annotated Title 11 Section 2002 and Title 2, et seq., and;

NOW THEREFORE, by the authority vested in me by the Mille Lacs Band of Chippewa Indians pursuant to Mille Lacs Band Statutes Annotated Title 11 Section 2002, and Sections 2.01(5) and 3.25 of the Band Code, I, Don Wedll, Commissioner of Natural Resources for the Mille Lacs Band of Chippewa Indians hereby establish the following list of threatened and endagenered species for the Minnesota 1837 ceded territory.

Threatened and Endangered Species in the 1837 Minnesota Ceded Territory:

Breeding Bird Elements

<u>SPECIES</u>	<u>COMMON NAME</u>	<u>STATUS</u>
Anthus spragueii	Sprague's Pipit	Endangered
Ammodramus bairdii	Baird's Sparrow	Endangered
Calcarius ornatus	Chestnut-collared Longspur	Endangered
Speotyto cunicularia	Burrowing Owl	Endangered
Grus americana	Whooping Crane	Endangered
Charadrius melodus	Piping Plover	Endangered
Ammodramus henslowii	Henslow's Sparrow	Endangered
Rallus elegans	King Rail	Endangered
Haliaeetus leucocephalus	Bald Eagle	Threatened
Cygnus buccinator	Trumpeter Swan	Threatened
Falco peregrinus	Peregrine Falcon	Threatened
Lanius ludovicianus	Loggerhead Shrike	Threatened
Phalaropus tricolor	Wilson's Phalarope	Threatened
Podiceps auritus	Horned Grebe	Threatened
Sterna hirundo	Common Tern	Threatened

Mammal Elements

<u>SPECIES</u>	<u>COMMON NAME</u>	<u>STATUS</u>
Spilogale putorius	Eastern Spotted Skunk	Threatened

Amphibian Elements

<u>SPECIES</u>	<u>COMMON NAME</u>	<u>STATUS</u>
Acris crepitans	Northern Cricket Frog	Endangered

Reptile Elements

<u>SPECIES</u>	<u>COMMON NAME</u>	<u>STATUS</u>
Eumeces fasciatus	Five-lined Skink	Endangered
Sistrurus catenatus	Eastern Massasauga	Endangered
Crotalus horridus	Timber Rattlesnake	Threatened
Clemmys insculpta	Wood Turtle	Threatened
Emydoidea blandingii	Blanding's Turtle	Threatened

Fish Elements

<u>SPECIES</u>	<u>COMMON NAME</u>	<u>STATUS</u>
Polyodon spathula	Paddlefish	Threatened

Mollusk Elements

<u>SPECIES</u>	<u>COMMON NAME</u>	<u>STATUS</u>
Arcidens confragosus	Rock Pocketbook	Endangered
Fusconaia ebena	Ebony shell	Endangered
Plethobasus cyphrus	Sheepnose	Endangered
Elliptio crassidens	Elephant-Ear	Endangered
Quadrula fragosa	Winged Mapleleaf	Endangered
Quadrula nodulata	Wartyback	Endangered
Lampsilis teres	Yellow Sandshell	Endangered
Novasuccinea n. sp. Minnesota B	Iowa Pleistocene Ambermail	Endangered
Vertigo hubrichti hubrichti	Midwest Pleistocene Vertigo	Endangered
Lampsilis higginsii	Higgins Eye Pearly Mussel	Endangered
Quadrula metanevra	Monkeyface	Threatened
Ellipsaria lineolata	Butterfly	Threatened
Epioblasma triquetra	Snuffbox	Threatened
Actinonaias ligamentina	Mucket	Threatened
Venustaconcha ellipsiformis	Ellipse	Threatened
Lasmigona costata	Fluted Shell	Threatened
Megalonaias nervosa	Washboard	Threatened
Novasuccinea n. sp. Minnesota A	Minnesota Pleistocene Ambermail	Threatened
Tritagonia verrucosa	Pistolgrip	Threatened
Vertigo hubrichti variabilis	Variable Pleistocene Vertigo	Threatened
Vertigo meramecensis	Bluff Vertigo	Threatened
Pleurobema coccineum	Round Pigtoe	Threatened
Alasmidonta marginata	Eiktoe	Threatened
Cumberlandia monodonta	Spectaclecase	Threatened
Simpsonaias ambigua	Salamander Mussel	Threatened
Cyclonaias tuberculata	Purple Wartyback	Threatened

Butterfly Elements

<u>SPECIES</u>	<u>COMMON NAME</u>	<u>STATUS</u>
Erynnis persius	Persius Dusky Wing	Endangered
Lycaeides samuelis	Kamer Blue	Endangered
Oeneis uhleri varuna	Uhler's Arctic	Endangered
Hesperia uncas	Uncas Skipper	Endangered
Hesperia comma assiniboia	Assiniboia Skipper	Endangered

Oarisma garita
Hesperia dactotae
Hesperia ottoe

Garita Skipper
Dakota Skipper
Ottoe Skipper

Threatened
Threatened
Threatened

Tiger Beetles

SPECIES

COMMON NAME

STATUS

Cicindela fulgida fulgida
Cicindela limbata nympha

A Species of Tiger Beetle
A Species of Tiger Beetle

Endangered
Endangered

Cicindela denikei
Cicindela fulgida westbournei
Cicindela lepida
Cicindela hierticollis rhodensis
Cicindela macra macra
Cicindela patruela patruela
Cicindela splendida cyanocephalata

A Species of Tiger Beetle
A Species of Tiger Beetle
A Species of Tiger Beetle
A Species of Tiger Beetle
A Species of Tiger Beetle
A Species of Tiger Beetle
A Species of Tiger Beetle

Threatened
Threatened
Threatened
Threatened
Threatened
Threatened
Threatened

Caddisflies

SPECIES

COMMON NAME

STATUS

Chilostigma itascae

Headwaters Chilostigman

Endangered

Vascular Plants

<u>SPECIES</u>	<u>COMMON NAME</u>	<u>STATUS</u>
<i>Agalinis auriculata</i>	Eared False Foxglove	Endangered
<i>Agalinis gatingeri</i>	Round-stemmed False Foxglove	Endangered
<i>Asclepias stenophylla</i>	Narrow-leaved Milkweed	Endangered
<i>Astragalus alpinus</i>	Alpine Milk-vetch	Endangered
<i>Bartonia virginica</i>	Virginia Bartonia	Endangered
<i>Botrychium gallicomontanum</i>	Frenchman's Bluff Moonwort	Endangered
<i>Botrychium oneidense</i>	Blunt-lobed Grapefern	Endangered
<i>Botrychium pallidum</i>	Pale Moonwort	Endangered
<i>Cacalia suaveolens</i>	Sweet-smelling Indian-plantain	Endangered
<i>Caltha natans</i>	Floating Marsh-marigold	Endangered
<i>Carex formosa</i>	Handsome Sedge	Endangered
<i>Carex pallescens</i>	Pale Sedge	Endangered
<i>Carex plantaginea</i>	Plantain-leaved Sedge	Endangered
<i>Castilleja septentrionalis</i>	Northern Paintbrush	Endangered
<i>Cheilanthes lanosa</i>	Hairy Lip-fern	Endangered
<i>Chrysosplenium iowense</i>	Iowa Golden Saxifrage	Endangered
<i>Cristatella jamesii</i>	James' Polarisia	Endangered
<i>Dodecatheon meadia</i>	Prairie Shooting Star	Endangered
<i>Draba norvegica</i>	Norwegian Whitlow-grass	Endangered
<i>Eleocharis wolfii</i>	Wolf's Spike-rush	Endangered
<i>Empetrum eamesii</i>	Purple Crowberry	Endangered
<i>Empetrum nigrum</i>	Black Crowberry	Endangered
<i>Erythronium propullans</i>	Dwarf Trout Lily	Endangered
<i>Escobaria vivipara</i>	Ball Cactus	Endangered
<i>Fimbristylis puberula</i> var. <i>interior</i>	Hairy Fimbristylis	Endangered
<i>Glaux maritima</i>	Sea Milkwort	Endangered
<i>Hydrastis canadensis</i>	Golden-seal	Endangered
<i>Iodanthus pinnatifidus</i>	Purple Rocket	Endangered
<i>Isoetes melanopoda</i>	Blackfoot Quillwort	Endangered
<i>Lechea tenuifolia</i>	Narrow-Leaved Pinweed	Endangered
<i>Lesquerella ludoviciana</i>	Bladder Pod	Endangered
<i>Listera auriculata</i>	Auricled Twayblade	Endangered
<i>Malaxis paludosa</i>	Bog Adder's-mouth	Endangered
<i>Marsilea vestita</i>	Hairy Water Clover	Endangered
<i>Montia chamissoi</i>	Montia	Endangered
<i>Oryzopsis hymenoides</i>	Indian Ricegrass	Endangered
<i>Osmorhiza berteroi</i>	Chilcan Sweet Cicely	Endangered
<i>Oxytropis viscida</i>	Sticky Locoweed	Endangered
<i>Paronychia fastigiata</i>	Forked Chickweed	Endangered
<i>Parthenium integrifolium</i>	Wild Quinine	Endangered
<i>Platanthera flava</i> var. <i>herbiola</i>	Tubercled Rein-orchid	Endangered
<i>Platanthera praeclara</i>	Western Prairie Fringed Orchid	Endangered
<i>Polemonium occidentale</i> ssp. <i>lacustre</i>	Western Jacob's-Ladder	Endangered
<i>Polygala cruciata</i>	Cross-leaved Milkwort	Endangered
<i>Polystichum braunii</i>	Braun's Holly Fern	Endangered
<i>Potamogeton bicupulatus</i>	Snailseed Pondweed	Endangered
<i>Potamogeton diversifolius</i>	Diverse-Leaved Pondweed	Endangered
<i>Psoralidium tenuiflora</i>	Slender-Leaved Scurf Pea	Endangered

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<i>Sagina nodosa</i> ssp. <i>borealis</i>	Knotty Pearlwort	Endangered
<i>Saxifraga cernua</i>	Nodding Saxifrage	Endangered
<i>Scleria triglomerata</i>	Tall Nut-rush	Endangered
<i>Sedum integrifolium</i> ssp. <i>leedyi</i>	Leedy's Roseroot	Endangered
<i>Selaginella selaginoides</i>	Northern Spikemoss	Endangered
<i>Senecio canus</i>	Gray Ragwort	Endangered
<i>Talinum rugospermum</i>	Rough-seeded Fameflower	Endangered
<i>Tofieldia pusilla</i>	Small False Asphodel	Endangered
<i>Xyris torta</i>	Twisted Yellow-Eyed Grass	Endangered
<i>Achillea sibirica</i>	Siberian Yarrow	Threatened
<i>Allium cernuum</i>	Nodding Wild Onion	Threatened
<i>Allium schoenoprasum</i> var. <i>sibiricum</i>	Wild Chives	Threatened
<i>Ammophila breviligulata</i>	Beachgrass	Threatened
<i>Arabis holboellii</i> var. <i>retrofracta</i>	Holboell's Rockcress	Threatened
<i>Arnica lonchophylla</i>	Long-leaved Arnica	Threatened
<i>Arnoglossum plantagineum</i>	Tuberous Indian-plantain	Threatened
<i>Asclepias hirtella</i>	Prairie Milkweed	Threatened
<i>Asclepias sullivantii</i>	Sullivant's Milkweed	Threatened
<i>Asplenium trichomanes</i>	Maidenhair Spleenwort	Threatened
<i>Aster shortii</i>	Short's Aster	Threatened
<i>Aureolaria pedicularia</i>	Fernleaf False Foxglove	Threatened
<i>Besseya bullii</i>	Kitten-Tails	Threatened
<i>Botrychium lanceolatum</i>	Triangle Moonwort	Threatened
<i>Botrychium lunaria</i>	Common Moonwort	Threatened
<i>Botrychium rugulosum</i>	St. Lawrence Grapefern	Threatened
<i>Carex careyana</i>	Carey's Sedge	Threatened
<i>Carex conjuncta</i>	Jointed Sedge	Threatened
<i>Carex davisii</i>	Davis' Sedge	Threatened
<i>Carex festucacea</i>	Fescue Sedge	Threatened
<i>Carex garberi</i>	Garber's Sedge	Threatened
<i>Carex jamesii</i>	James' Sedge	Threatened
<i>Carex katahdinensis</i>	Katahdin Sedge	Threatened
<i>Carex laevivaginata</i>	Smooth-sheathed Sedge	Threatened
<i>Carex laxiculmis</i>	Spreading Sedge	Threatened
<i>Carex sterilis</i>	Sterile Sedge	Threatened
<i>Crassula aquatica</i>	Pigmyweed	Threatened
<i>Crataegus douglasii</i>	Black Hawthorn	Threatened
<i>Cyperus acuminatus</i>	Short Pointed Umbrella-Sedge	Threatened
<i>Cypripedium arietinum</i>	Ram's Head Lady's Slipper	Threatened
<i>Diplazium pycnocarpon</i>	Narrow-leaved Spleenwort	Threatened
<i>Dryopteris marginalis</i>	Marginal Shield-fern	Threatened
<i>Eleocharis nitida</i>	Neat Spike Rush	Threatened
<i>Eleocharis olivacea</i>	Olivaceous Spike-rush	Threatened
<i>Eleocharis rostellata</i>	Beaked Spike-rush	Threatened
<i>Eupatorium sessilifolium</i>	Upland Boneset	Threatened
<i>Floerkea proserpinacoides</i>	False Mermaid	Threatened
<i>Heteranthera limosa</i>	Mud Plantain	Threatened
<i>Huperzia porophila</i>	Rock Clubmoss	Threatened
<i>Lespedeza leptostachya</i>	Prairie Bush Clover	Threatened
<i>Melica nitens</i>	Three-flowered Melic	Threatened
<i>Moehringia macrophylla</i>	Large-leaved Sandwort	Threatened
<i>Napaea dioica</i>	Galde Mallow	Threatened

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Nymphaea leibergii	Small White Waterlily	Threatened
Paronychia canadensis	Canadian forked chickweed	Threatened
Phegopteris hexagonoptera	Broad Beech-fern	Threatened
Plantago elongata	Slender Plantain	Threatened
Poa paludigena	Bog Bluegrass	Threatened
Polystichum acrostichoides	Christmas Fern	Threatened
Rhynchospora capillacea	Hair-like Beech-rush	Threatened
Rotala ramosior	Tooth-cup	Threatened
Rubus chamaemorus	Cloudberry	Threatened
Salicornia rubra	Red Saltwort	Threatened
Saxifraga paniculata	Encrusted Saxifrage	Threatened
Scleria verticillata	Whorled Nut-rush	Threatened
Scutellaria ovata	Ovate-Leaved Skullcap	Threatened
Shinnersoseris rostrata	Annual Skeletonweed	Threatened
Silene nivea	Snowy Campion	Threatened
Subularia aquatica	Awlwort	Threatened
Sullivantia sullivantii	Reniform Sullivantia	Threatened
Vaccinium uliginosum	Alpine Bilberry	Threatened
Valeriana edulis var. ciliata	Valerian	Threatened
Viola lanceolata	Lance Leaved Violet	Threatened
Viola nuttallii	Yellow Prairie Violet	Threatened
Woodsia glabella	Smooth Woodsia	Threatened
Woodsia scopulina	Rocky Mountain Woodsia	Threatened

Lichens

SPECIES

COMMON NAME

STATUS

Buellia nigra	A Species of Lichens	Endangered
Caloplaca parvula	A Species of Lichens	Endangered
Dermatocarpon moulinii	A Species of Lichens	Endangered
Leptogium apalachense	A Species of Lichens	Endangered
Lobaria scrobiculata	A Species of Lichens	Endangered
Parmelia stictica	A Species of Lichens	Endangered
Pseudocyphellaria crocata	A Species of Lichens	Endangered
Umbilicaria torrefacta	A Species of Lichens	Endangered
Cetraria oakesiana	A Species of Lichens	Threatened
Coccocarpia palmicola	A Species of Lichens	Threatened
Parmelia stuppea	A Species of Lichens	Threatened

Fungi

SPECIES

COMMON NAME

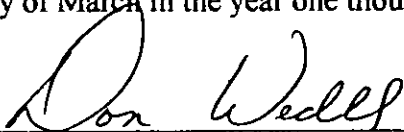
STATUS

Fuscoboletinus weaverae	A Species of Fungus	Endangered
Psathyrella cystidiosa	A Species of Fungus	Endangered
Psathyrella rhodospora	A Species of Fungus	Endangered

Mosses

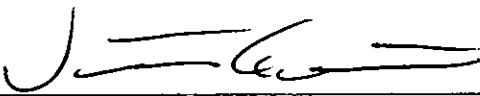
<u>SPECIES</u>	<u>COMMON NAME</u>	<u>STATUS</u>
Schistostegia pennata	Luminous Moss	Endangered

Dated at Vineland, Minnesota this 7th day of March in the year one thousand nine hundred and ninety-seven.



Don Wedll
Commissioner of Natural Resources

APPROVED AND NUMBERED AS TO
FORM AND EXECUTION



Jim Genia
Solicitor General

OFFICAL SEAL OF THE BAND