

**COMMISSIONER'S ORDER NO. 273-98**

Natural Resources

A Commissioner's Order establishing procedures for the leasing or assignments of land.

WHEREAS, the Mille Lacs Band of Ojibwe Indians is a signatory or 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 State. 536, and the Treaty of 1855, 10 Stat. 1165; and

WHEREAS, the Mille Lacs Band deems it appropriate to provide an orderly system of tribal control and regulation of lands under its jurisdiction; and

WHEREAS, the Commissioner of Natural Resources has the authority to regulate lands within the jurisdiction of the Mille Lacs Band of Ojibwe Indians through 11 MLBSA Sec. 3003 and 2 MLBSA Sec. 1153 et seq.; and

WHEREAS, the use of certain lands is inconsistent with the purpose of the lands under the jurisdiction of the Mille Lacs Band of Ojibwe Indians; and

WHEREAS, nothing contained herein or the application thereof shall be construed by any government, agency, person or circumstance as a waiver by the Non-Removable Mille Lacs Band of Ojibwe Indians of the solemn, special trust obligation of the United States of America; and

NOW THEREFORE, by the authority vested in me by the Mille Lacs Band of Ojibwe Indians pursuant to 11 MLBSA Sec. 2003, 1, Don Wedll, Commissioner of Natural Resources for the Mille Lacs Band of Ojibwe hereby establish leasing assignment procedures as are contained in attachment A.

**LEASE or ASSIGNMENT PROCEDURES**

1. Every Band members may request a home-site lease. A Band member will not be eligible for more than one home-site lease at a time.
2. Home-site is to be used as the principal residence and must be occupied by the leasing Band member.
3. Vacating a home-site means leaving, abandon or moving from the homesite:
  - A. The lessee must give thirty (30) days written notice to the Commissioner of Natural Resources that the home-site is being vacated.
  - B. Should a home-site be abandoned the lease will terminate
  - C. Prior to the termination of the lease following the abandonment, the lessee will have thirty (30) days to notify the Commissioner of Natural Resources that the home-site has not been abandoned.

4. Home-sites shall consist of a parcel land large enough for a house and a yard.
  - A. Home-sites on public sewer and water shall consist of a lot 100 x 200 feet.
  - B. Home-sites requiring individual septic and well systems shall consist of a lot 200 x 200 feet, any additional areas maybe granted for an area large enough to meet the needs for a septic system.
  
5. A Band member may be granted a recreational or seasonal land lease provided:
  - A. The Band member does not have an existing Band land lease or land assignment.
  - B. The Band member does not live on an existing Band land lease site or land use agreement site.
  - C. Recreational seasonal leases shall be for periods of five years and have a five-year renewal period.
  - D. Recreational seasonal sites requiring individual septic and well systems shall consist of a lot 200 x 200 feet, any additional areas may be granted for an area large enough to meet the need for septic system. Recreational sites on public sewer and water shall consist of a lot 100 x 100 feet.
  - E. Vacating a home-site means leaving, abandoning or moving from, the homesite:
    1. Upon notice of vacating a recreational-site, the lessee will have thirty (30) days to notify the Commissioner of Natural Resources that the site has not been vacated.
    2. Prior to the termination of the lease following abandonment, the lessee will have thirty (30) days to notify the Commissioner of Natural Resources that the home-site has not been abandoned.
  - F. Should a recreational or seasonal site be vacated, the lease or assignment will be terminated.

#### **SUPPLEMENTAL LEASE**

An individual Band member lessee may request a supplemental land lease in addition to a home-site provided:

- A. Lessee can be granted a supplemental lease for business activities, agricultural, recreational activities or expanded living area.
- B. The amount of land included in the area in the supplemental lease will be based on demonstrated need.
- C. A supplemental lease will be limited to five (5) years.
- D. Any supplemental leases will be subject to a priority housing development and housing need.
- E. The supplemental lease will be subject to a lease fee.

#### **MEMBERS FROM OTHER TRIBES**

Members from other federally recognized tribes may be granted a lease provided the member:

- A. Is subject to Band jurisdiction.
- B. Availability of leasing site.
- C. Agrees to pay an annual lease fee.

- D. Priority will be given to enrolled Mille Lacs Band members.

#### **NON-TRIBAL MEMBERS**

Non-Indian may be granted a lease provided the non-Indian:

- A. Is subject to Band jurisdiction.
- B. Availability of leasing site.
- C. Agrees to pay an annual lease fee.

#### **Band owned lands in Trust:**

- A. The requesting individual(s) must complete an application for a Lease or a Land Use Agreement.
- B. For a member of the Mille Lacs Band, verify enrollment and record ID#.
- C. Submit resolution for approval.
- D. Once have an approved resolution, assign Lease or Land Use Agreement number and record in the appropriate ledger. Activate file and complete a Lease or Land Use Agreement document, including maps (from their description, or perform necessary fieldwork to obtain description).
- E. For all lands tied to Federal dollars we must comply with NEPA requirements. Send the NEPA form to the applicant for completion. Once returned to us we will include any information left out by the applicant. If we have proof of an old homestead, and the intended use is for a homestead, it would qualify as a categorical exclusion because of no change in use of the land.
- F. Obtain signature of applicant for lease or land use agreement. Leases: Collect \$2.00 Lease processing fee, and if being charged rent, collect for the first year. Assignments: No charge for processing or rent.
- G. Leases: Submit package to Minnesota Agency for review and approval. The Agency will maintain the file until completed. Assignments- Obtain necessary approval from the Band.
- H. Leases: Once approved by the Agency Superintendent, the Agency will send to the Area Title Plant for recording. When the Minnesota Agency has received the recorded document, they will forward the original on to our office and retain a copy for their records. We will maintain the recorded original for lease files and send a copy to the Lessee under cover of a letter. Assignments: Once the Land Use Agreement has been approved and signed by all involved parties send copy to applicant under cover of letter and maintain original in our file.
- I. Post to Paradox/Database.

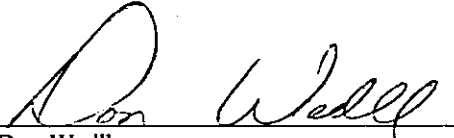
**Mille Lacs Band Government owned lands:**

- A. The requesting individual(s) must complete an application for a Lease or a Land Use Agreement.
- B. For a member of the Mille Lacs Band, verify enrollment and record ID#.
- C. Submit resolution for approval.
- D. Once have an approved resolution, assign Lease or Land Use Agreement number and record in the appropriate ledger. Activate file and complete a Lease or Land Use Agreement document, including maps (from their description, or perform necessary fieldwork to obtain description).
- E. For all lands an Environmental Assessment Worksheet must be completed before any development may occur and if the project is tied to Federal dollars compliance's with NEPA requirements shall be done. Send the NEPA form to the applicant for completion. Once returned to us, we shall review for completeness. If we have proof of an old homesite, and the intended use is for a homesite, it would qualify as a categorical exclusion because of no change in use of the land.
- F. Obtain signature of applicant for lease or land use agreement. Leases: Collect \$2.00 Lease processing fee, and if being charged rent, collect for the first year. Assignments: No charge for processing to Band member.
- G. Leases: Submit package to Department of Natural Resources for review and approval. The Department will maintain the file until completed. Assignments- Obtain necessary approval from the Band.
- H. Leases: Once approved by the Commissioner of Natural Resources, the Department will send to the Real Estate Office for recording. When the Real Estate Office has recorded the document, they will maintain the original and forward a copy for their records to Band Assembly. We will maintain the recorded original for lease files and send a copy to the Lessee under cover of a letter. Assignments: Once the Land Use Agreement has been approved and signed by all involved parties send copy to applicant under cover of letter and maintain original in our file.
- I. Post to Paradox/Database.

**Allotted/heir-ship lands in Trust:**

- A. The requesting individual(s) must complete an application for a Lease or a Land Use Agreement.
- B. Reconcile an informational Title Status Report printed from LRIS against the allotment card. Request a certified TSR from the Area Title Plant under cover of a letter, which identifies the changes or corrections that need to be made to the report.
- C. Send a package to the applicant which includes a listing of the owners with the most current information regarding names and addresses of each owner. The applicant will need at least 51%, or over 50%, consent of the owners.
- D. Once the applicant has received required consent, for lands the Band has owner interest in, submit a resolution to the Band for approval. In this case, do not go on to Step #14 unless you have an approved resolution. If the Band owns no interest in the allotment, then a resolution is not necessary.
- E. Assign a Lease number and record it in the appropriate journal. Complete the Lease document, including maps (from their description, or perform fieldwork necessary to obtain a description).
- F. For all lands tied to Federal dollars we must comply with NEPA requirements. Send the NEPA form to the applicant for completion. Once returned to us we will include any information left out by the applicant. If we have proof of an old homestead, and the intended use is for a homestead, it would qualify as a categorical exclusion because of no change in use of the land.
- G. Collect the \$2.00 Lease processing fee, and if being charged rent, collect for the first year. Submit package to Minnesota Agency for review and approval. The Agency will maintain the file until completed.
- H. Once the Agency Superintendent has approved the Lease, the Agency will send the completed document to the Area Title Plant for recording. When the Minnesota Agency has received the recorded document, they will forward the original on to our office and retain a copy for their records. We will maintain the recorded original in our lease files and send a copy to the Lessee under cover of a letter.
- I. Post to Paradox/Database.

DATED at Vineland, Minnesota this 3<sup>rd</sup> day of February in the year one thousand nine hundred and ninety eight.

  
Don Wedli,  
Commissioner of Natural Resources