

COMMISSIONER'S ORDER NO. 279-98
Natural Resources

A Commissioner's Order revising Commissioner's Order No. 186-94 of Mille Lacs Band of Ojibwe Indians Department of Natural Resources to implement the prescribed format of an Environmental Assessment Worksheet ("EAW") as part of compliance with the National Environmental Protection Act ("NEPA") 42 V.S.C. 4231 et. seg., and the Environmental Protection Agency.

WHEREAS, the Commissioner of Natural Resources has the power to regulate natural resources within the jurisdiction of the Mille Lacs Band of Ojibwe Indians delegated by Mille Lacs Band Statutes Annotated Title 11 Sec. 2002 and Sec. 2003.

WHEREAS, the environment on the Mille Lacs Reservation has an effect on natural resources under the jurisdiction of the Mille Lacs Band of Ojibwe Indians;

WHEREAS, the protection of the environment is a responsibility delegated to the Commissioner of Natural Resources;

WHEREAS, the need for evaluating effects on environment sites is necessary for preservation of natural resources;

WHEREAS, the United States of America enacted NEPA to protection of the environment;

WHEREAS, 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 Ojibwe Indians of the solemn, special trust obligation of the United States of America; and

WHEREAS, pursuant to the provisions of M.L. Band Statutes Annotated Title 11 Sec. 2002, the Commissioner of Natural Resources is empowered to execute the following form for determining the effects on the environment for the Mille Lacs Band of Ojibwe Indians Department of Natural Resources.

NOW THEREFORE, by the statutory authority vested in me by the Mille Lacs Band of Ojibwe Indians, I, Don Wedll, Commissioner of Natural Resources for the Mille Lacs Band of Ojibwe Indians, hereby require the implementation of the form for an EAW as part of compliance with NEPA and compliance with Mille Lacs Band law. Such form is required for the undertaking of any project within the jurisdiction of the Mille Lacs Band of Ojibwe Indians.

ENVIRONMENTAL ASSESSMENT WORKSHEET (EAW)

MILLE LACS BAND DEPARTMENT OF NATURAL RESOURCES/ENVIRONMENT

Natural Resources Commissioner's Order # 279-98

1. PROJECT NAME

2. PROPOSER

Contact Person

Address

Phone _____ Fax _____ E-mail _____

3. Project Location

1/4 _____ 1/4 _____ of Section _____

Township: _____ Range: _____

County: _____

City/Township Name: _____

Reservation District I (Mille Lacs) _____ II (East Lake) _____ III (Sandstone) _____

4. Attach to the EAW copies of each of the following:

- Reservation map showing the general location of the project.
- Copy of USGS 7 1/2 minute, 1:24,000 scale map.
- Site plan showing the location of significant features such as proposed structures, roads, extent of flood plain, wetlands, streams, wells, etc.
- An existing land use map and a zoning map of the immediate area,

5. Description

Give a complete description of the proposal project (attach additional sheets as necessary). Emphasize construction and operation methods and features that will cause physical changes in the environment or produce wastes. Include dates of construction

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RESOURCES/ENVIRONMENT**

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- An existing land use map and a zoning map of the immediate area,

5. Description

Give a complete description of the proposal project (attach additional sheets as necessary). Emphasize construction and operation methods and features that will cause physical changes in the environment or produce wastes. Indicate the timing and duration of construction activities.

6. Project Data

- Estimated cost of construction _____
- Total Project Area _____ (acres) or length _____ (miles).
- Number of residential units, commercial, or industrial _____
- Square footage _____
- Number of proposed parking spaces _____

7. Permits Required

<u>Level of Government</u>	<u>Type of Application</u>	<u>Status</u>
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8. Land Use

Is the proposed project consistent with the Bands land use plan?

Describe current and past land use and development on and near the proposed project site.

9. Cover Types

Approximately how many acres of the site are in each of the following categories? (Acreage should add up to total project area before and after construction).

	<u>Before</u>	<u>After</u>
Forest/Woodland		
Cropland		
Brush/Grassland		
Wetland		
Impervious Surface		
Other (Specify)		

10. Fish, Wildlife, and Ecologically Sensitive Resources

Describe fish and wildlife resources on or near the site and discuss how they would be affected by the project. Describe any measures to be taken to minimize or avoid adverse impacts.

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Are there any endangered, threatened, or special-concern species on or near the site?
Describe measures to avoid or minimize impacts.

11. Soils

Describe the soils on the site, giving the SCS Soil classification.

Does the site contain peat soils, highly erodible soils, steep slopes, sinkholes, shallow limestone formations, abandoned wells, or any geological hazards? If yes, show on site map and explain.

12. Forestry

Does the project comply with the Bands Forest Management Plan?

13. Surface Waters

Will the project involve the physical or hydrologic alteration of any surface water (lakes, stream, or wetlands)? If yes, identify the resources affected, describe the alterations and describe measures taken to minimize effects.

14. Groundwater Assessment

Is a well part of the project? _____ If yes, has a site evaluation been completed?
(Please attach copy)

Will the project affect groundwater off site? _____ If yes, explain.

Does the project comply with the Bands Water Conservation Code
(C.O. # 112-89)?

15. Erosion and Sedimentation

Give the acreage to be graded or excavated and the cubic yards of soil to be moved: _____ acres; _____ cubic yards. Describe any steep slopes or highly erodible soils and identify them on the site map. Describe the erosion and sedimentation control measures to be used during and after construction.

16. Surface Water Runoff

Compare the quantity and quality of site runoff before and after the project. Describe methods to be used to manage and/or treat runoff.

Identify the routes and receiving water bodies of runoff. Estimate the impacts of runoff on water quality of the receiving waters.

17. Solid and/or Hazardous Waste

Describe the types, amounts, and composition of solid or hazardous wastes to be generated during and after construction. Identify the method and location for disposal. For projects generating municipal solid waste indicate if there will be a source separation and recycling plan.

18. Storage Tanks

Indicate the number, location, size and use of any above or below ground storage tanks.

19. Archeological Review

Are there any archeological, historical or architectural resource on or in proximity to the project site _____. If yes, describe the resource and identify any impacts on the resource due to the project. Describe any measures to be taken to minimize or avoid adverse impacts.

Has an archeological historical review been completed to the area?

Has the Federal Register and local archeological records been reviewed?

Does the project comply with the Bands Archeological Protection Commissioner Order # 143-90?

20. Air Emissions

Mobile Sources Traffic parking spaces added _____ Estimated total average daily traffic (ADT) generated _____. For each affected road indicate the ADT, also explain any mitigation measures taken to reduce air quality impacts.

Stationary Sources- Will the project generate any air emissions from stationary source (such as stack gasses or boilers)?

Fugitive Emissions- Will the project generate dust, noise, or odors during the construction process or during operation? Please describe proposed measures to mitigate adverse impacts.

21. Related Development

Is this project a subsequent stage of and earlier project? _____ If yes, please describe the past development, its timing, and any past environmental review.

Are future phases of the development planned or likely? _____ If yes, briefly describe future stages and their timing.

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Mille Lacs Band DNR/ENV EAW Signatory Sheet

Proposer: I hereby certify that the information contained in this document is accurate and complete to the best of my knowledge.

Signature _____ Date _____

Please do not write below line- for Mille Lacs Band DNR/ENV Staff Only

Signoff Committee: Recommended for approval by the following:

Land Use: _____

Wildlife: _____

Forestry: _____

Surfacewater: _____

Groundwater: _____

Solid Waste: _____

Archeological: _____

Air: _____

Comments and Recommendations:

Commissioner of Natural Resources _____

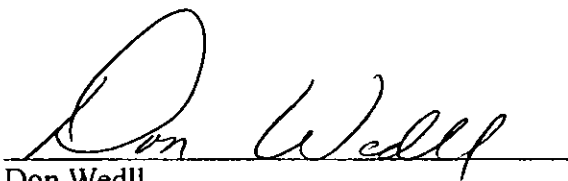
The proposed project is hereby approved subject to the following conditions:

Commissioner of Natural Resources _____

The proposed project is hereby rejected for the following reasons:

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DATED at Vineland, Minnesota this 14th day of July in the year one thousand nine hundred and ninety-eight.

A handwritten signature in cursive script, appearing to read "Don Wedll", written over a horizontal line.

Don Wedll
Commissioner of Natural Resources

APPROVED AND NUMBERED
AS TO FORM AND EXECUTION

A handwritten signature in cursive script, appearing to read "Jim Genia", written over a horizontal line.

Jim Genia
Solicitor General

OFFICIAL SEAL OF THE BAND

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