

RECEIVED  
12-14-05 2:23

## COMMISSIONER'S ORDER NO. 364-05

### Natural Resources

#### **A Commissioner's Order designating infested waters in the Minnesota portion of the 1837 Ceded Territory.**

**WHEREAS**, the Mille Lacs Band of Ojibwe is a signatory and successor of the Treaty of 1837, 7 Stat. 536, and the Treaty of 1842, 7 Stat. 591, and the Treaty of 1855, 10 Stat. 1165; and,

**WHEREAS**, the Mille Lacs Band of Ojibwe resides in the Minnesota portion of the territory ceded in the Treaty of 1837, 7 Stat. 536; and,

**WHEREAS**, the Commissioner of Natural Resources has the power to regulate and protect all natural resources within the jurisdiction of the Mille Lacs Band of Ojibwe pursuant to 11 MLBSA § 2002; and,

**WHEREAS**, Section 3.07(c) of the Model 1837 Treaty Conservation Code for the Minnesota Ceded Territory (Model Code) authorizes the "Commissioner" to designate waters in the Minnesota portion of the 1837 Ceded Territory as infested waters if they contain harmful exotic species that could spread to other waters; and,

**WHEREAS**, the Mille Lacs, Bad River, Lac Courte Oreilles, Lac du Flambeau, Mole Lake, Red Cliff and St. Croix Bands have adopted the Model Code as their respective 1837 Treaty Conservation Codes for the Minnesota Ceded Territory; and

**WHEREAS**, For the purposes of the Mille Lacs, Bad River, Lac Courte Oreilles, Lac du Flambeau, Mole Lake, Red Cliff, and St. Croix 1837 Treaty Conservation Codes for the Minnesota Ceded Territory, the term "Commissioner" means the Mille Lacs Commissioner of Natural Resources, unless the context clearly indicates otherwise; and

**WHEREAS**, Section 3.07(c) of the Model Code is codified in the Mille Lacs 1837 Treaty Conservation Code for the Minnesota Ceded Territory at 11 MLBSA § 4027(c); and,

**WHEREAS**, the following waters have been identified as containing harmful exotic species that could spread to other waters:

Chisago County – Rush Lake

Isanti County - Green Lake

Kanabec County - Knife Lake  
Mille Lacs County – Lake Mille Lacs and the waters of each tributary to Lake Mille Lacs from the mouth of such tributary upstream to the first public road  
Pine County - Cross Lake and the Snake River between Lake Pokegama and Cross Lake unnamed gravel pit, located in S ½ of Section 14, T41N, R21W  
Sherburne County – Little Elk Lake; and,


**WHEREAS**, the waters listed above are infested waters within the meaning of § 3.07(c) of the Model Code and 11 MLBSA § 4027(c).

**NOW THEREFORE IT IS HEREBY ORDERED**, by the authority vested in me by the Mille Lacs Band of Ojibwe, 11 MLBSA §§ 2002 and 4027, and the Bad River, Lac Courte Oreilles, Lac du Flambeau, Mole Lake, Red Cliff, and St. Croix 1837 Treaty Conservation Codes for the Minnesota Ceded Territory, I Curt Kalk, Commissioner of Natural Resources for the Mille Lacs Band of Ojibwe, hereby designate the following bodies of waters as infested waters:

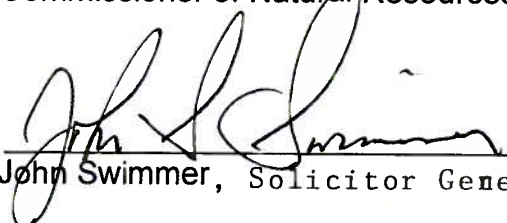
Chisago County – Rush Lake  
Isanti County - Green Lake  
Kanabec County - Knife Lake  
Mille Lacs County – Lake Mille Lacs and the waters of each tributary to Lake Mille Lacs from the mouth of such tributary upstream to the first public road  
Pine County - Cross Lake and the Snake River between Lake Pokegama and Cross Lake unnamed gravel pit, located in S ½ of Section 14, T41N, R21W  
Sherburne County – Little Elk Lake; and,

**BE IT FURTHER AND FINALLY ORDERED**, that all of the provisions relating to infested waters in 11 MLBSA § 4027(c) and in the Bad River, Lac Courte Oreilles, Lac du Flambeau, Mole Lake, Red Cliff, and St. Croix 1837 Treaty Conservation Codes for the Minnesota Ceded Territory, shall apply to the waters designated herein.

Dated at Vineland, Minnesota this 14<sup>th</sup> day of Dec. in the year 2005

  
\_\_\_\_\_  
Curt Kalk  
Commissioner of Natural Resources

APPROVE AS TO FORM,  
EXECUTION AND NUMBERING

  
\_\_\_\_\_  
John Swimmer, Solicitor General

OFFICIAL SEAL OF THE BAND  
COMMISSIONER'S ORDER NO. 364-05