

COMMISSIONER'S ORDER NO. 348-02

Natural Resources

A Commissioner's Order in support of the land use outlined in the Categorical Exclusion for Tract #410 TF 130.

WHEREAS, the Mille Lacs Band of Ojibwe Indians is a signatory and successor to 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, MLBSA Title 11 Section 2002 directs the Commissioner of Natural Resources to protect all natural resources of the Mille Lacs Band of Ojibwe Indians, and

WHEREAS, the Mille Lacs Band has developed a Tribal Elder Assisted Living facility, along with a 900 square foot garage, associated roads and walkways as well as a 25-space parking lot on Tract # 410 TF 130, and

WHEREAS, the remainder of Tract # 410 TF 130 consists of wetland, the Wakefield Brook, open grass/shrub, with a small amount, approximately 2 acres, of upland forest, and

WHEREAS, due to the close proximity of wetland, creek and poor soils, the remainder of the available land on Tract # 410 TF 130 is not suitable for future development, and

WHEREAS, the Mille Lacs Band of Ojibwe is currently in the process of applying for a fee to trust acquisition on Tract # 410 TF 130, and

WHEREAS, pursuant to the National Environmental Policy Act of 1969 (NEPA), section 102 [42 USC § 4332], the Mille Lacs Band of Ojibwe has submitted a Categorical Exclusion on Tract # 410 TF 130 for the fee to trust acquisition following guidelines set out under 30 BLAM Supplement 1, NEPA Handbook, and

WHEREAS, Tract #410 TF 130 is described as the Northwest one-quarter (NW ¼) of the Northwest one-quarter (NW ¼) of Section Twenty (20), Township Forty-seven North (T47N), Range Twenty-three West (R23W), Fourth Principal Meridian, Aitkin County, Minnesota, and

WHEREAS, this commissioner order is in support of the categorical exclusion prepared for Tract # 410 TF 130 which is being submitted as part of the fee to trust application, and

WHEREAS, this commissioner order supports no further development on Tract # 410 TF 130.

NOW THEREFORE, by the authority vested in me by the Mille Lacs Band of Ojibwe Indians under tribal law, I, Curt Kalk, Commissioner of Natural Resources for the Mille Lacs Band of Ojibwe Indians, hereby agrees that the categorical exclusion established by NEPA, section 102 [42 USC § 4332] following the guidelines set out under 30 BLAM Supplement 1, NEPA Handbook, shall apply on Tract #410 TF 130 and no further development shall be authorized on said tract.

Location:

Tract #410 TF 130 is described as the Northwest one-quarter (NW ¼) of the Northwest one-quarter (NW ¼) of Section Twenty (20), Township Forty-seven North (T47N), Range Twenty-three West (R23W), Fourth Principal Meridian, Aitkin County, Minnesota.

Enforcement:

It shall be a violation of this order to further develop Tract #410 TF 130

DATED at Vineland, Minnesota this 20th day of Mar. in the year two thousand and two.



Curt Kalk
Commissioner of Natural Resources

APPROVED AND NUMBERED AS TO
FORM AND EXECUTION

MaryAl Balber
Solicitor General