

COMMISSIONER'S ORDER NO. 353-03  
NATURAL RESOURCES

A Commissioner's Order providing for the protection and management of wetlands and the management of Storm-water on lands under the jurisdiction of the Mille Lacs Band of Ojibwe.

WHEREAS, the Mille Lacs Band of Ojibwe is a signatory and successor to the Treaty of 1837, 7 Stat. 53, and the Treaty of 1842, 7 Stat. 591, and the Treaty of 1855, 10 Stat. 1165, and

WHEREAS, Band Statue 1062-MLC-50, Section 3 directs the Commissioner of Natural Resources to protect all natural resources of the Mille Lacs Band of Ojibwe, and

WHEREAS, preservation and management of wetlands and treatment and management of Storm-water are a significant factor in the overall protection of surface and ground water and respective human health and the environment, and

WHEREAS, the United States Environmental Protection Agency has funded the Mille Lacs Band of Ojibwe to develop regulatory programs within the Mille Lacs Band or on lands under the jurisdiction of the Band.

#### Definitions

Wetlands - Wetlands are those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Storm-water - Storm-water means precipitation runoff, snow melt runoff and surface drainage.

Impervious Area - An area constructed of a hard surface that either prevents or retards the entry of water into the soil, and causes water to run off the surface in greater quantities and at an increased rate of flow than existed prior to development. Examples include rooftops, sidewalks, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

The storm-water or wetland management plan shall be guided by the following principles in descending order of priority:


- 1.) Avoid the direct or indirect impact of the activity that may destroy or diminish the wetland and its respective function and value.
- 2.) Minimize the impact by limiting the degree or magnitude of the wetland-related activity and its implementation.
- 3.) Mitigate the impact by replacing the impacted wetland area on-site or at a DNR/E approved mitigation site (wetland bank) with the same amount of area that has been impacted.

To mitigate storm-water runoff on sites that affect an area that's greater than 3000 square feet of impervious area utilizing storm-water management facilities (retention, infiltration areas, bio-retention) to treat run-off base on 10-year storm events to a level and quality of runoff that results as pre-construction conditions.

Any storm water must be contained on the development site and not directly enter wetland areas without adequate treatment.

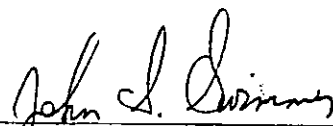
NOW THEREFORE by the authority vested in me by the Mille Lacs Band of Ojibwe under tribal law, I, Curt Kalk, Commissioner of Natural Resources, hereby require submission and approval of a Storm-water/Wetland management plan before the commencement of any construction/excavation activities and hereby ordered.

DATED at Vineland, Minnesota this 16<sup>th</sup> day of June in the year two thousand three.

  
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Curt Kalk,  
Commissioner of Natural Resources

EXPIRATION DATE: \_\_\_\_\_

APPROVED AS TO FORM,  
EXECUTION AND NUMBERING

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