

**ORIGINAL**

**COMMISSIONER'S ORDER NO. 365-06**

**Natural Resources**

A Commissioner's Order to implement the prescribed format for a Categorical Exclusion (CE) checklist as part of the environmental assessment process for certain projects under the jurisdiction of the Mille Lacs Band of Ojibwe, as part of compliance with the National Environmental Policy Act (NEPA), section 102 [42 USC § 4332].

WHEREAS, Title 11 MLBSA § 2002 directs the Commissioner of Natural Resources to protect all natural resources under the jurisdiction of the Mille Lacs Band of Ojibwe, and

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

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

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

WHEREAS, the United States of America enacted the National Environmental Policy Act (NEPA) for protection of the environment, and

WHEREAS, pursuant to Commissioner's Order No. 279-98 the Mille Lacs Band Department of Natural Resources/Environment implemented the use of the Environmental Assessment Worksheet (EAW) as part of compliance with NEPA for any project within the jurisdiction of the Mille Lacs Band of Ojibwe, and

WHEREAS, pursuant to NEPA, section 102 [40 USC § 4332], the Mille Lacs Band of Ojibwe shall require the use of the Categorical Exclusion (CE) checklist for certain projects, following guidelines set out under 30 BIAM Supplement 1, NEPA Handbook, and 516 DM 6, Appendix 10.5, and

WHEREAS, certain projects which meet the requirements as listed in 516 DM 6 Appendix 10.5 for categorical exclusions such as, but not limited to: renewal leases or new leases for existing structures only, home interior renovations excluding bedroom additions, adding drain tile around housing, replacing sidewalks, adding class 5 to driveways or adding black dirt to yards, and certain light grading, shall be eligible for using the prescribed CE checklist in lieu of the EAW, at the discretion of the Commissioner of Natural Resources, and

**Received**

SEP 21 2005



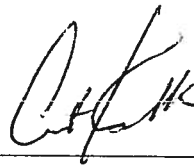
.....

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 of the solemn, special trust obligation of the United States of America, and

WHEREAS, pursuant to the provisions of Mille Lacs Band Statutes Annotated Title 11 Section 2002, the Commissioner of Natural Resources is empowered to execute the following Categorical Exclusion form for determining the significance of environmental impacts for the Mille Lacs Band Department of Natural Resources.

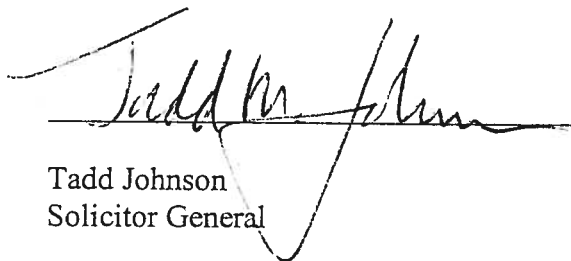
NOW THEREFORE, by the statutory authority vested in me by the Mille Lacs Band of Ojibwe under tribal law, I, Curt Kalk, Commissioner of Natural Resources for the Mille Lacs Band of Ojibwe, hereby require the implementation of the Categorical Exclusion form attached herein, established by NEPA, section 102 [42 USC § 4332] following the guidelines set out under 30 BIAM Supplement 1, NEPA Handbook, and in 516 DM 6 Appendix 10.5, as part of compliance with NEPA and compliance with Mille Lacs Band law. Such form is required in lieu of an EAW, for the undertaking of certain projects within the jurisdiction of the Mille Lacs Band of Ojibwe.

DATED at Vineland, Minnesota this 11<sup>th</sup> day of September in the year two thousand and six.



Curt Kalk  
Commissioner of Natural Resources

APPROVED AND NUMBERED AS  
TO FORM AND EXECUTION



Tadd Johnson  
Solicitor General

OFFICIAL SEAL OF THE BAND

## CATERGORICAL EXCLUSION CHECKLIST

**Project:**

**Date:**

**Nature of Action:**

**516 DM 6, Appendix 10.5,  
Exclusion Category from List A:**

|     |   |     |    |  |
|-----|---|-----|----|--|
| 1.  | This action would have significant adverse effects on public health or safety.  | Yes | No |  |
| 2.  | This action would have an adverse effect on unique Geographical features such as wetlands, wild or Scenic rivers, refugees, floodplains, rivers placed on Nationwide river inventory or prime or unique farmlands.                                | Yes | No |  |
| 3.  | The action will have highly controversial environmental effects.  | Yes | No |  |
| 4.  | The action will have highly uncertain environmental effects or involve unique or unknown environmental risk.  | Yes | No |  |
| 5.  | This action will establish a precedent for future actions   | Yes | No |  |
| 6.  | This action is related to other actions with individually insignificant but cumulatively significant environmental effects.   | Yes | No |  |
| 7.  | This action will affect properties listed or eligible for listing in the National Register of Historic Places.  | Yes | No |  |
| 8.  | This action will affect a species listed or proposed to be listed as endangered or threatened.  | Yes | No |  |
| 9.  | This action threatens to violate Federal, State, Local, or Tribal law or requirements imposed for protection of the environment   | Yes | No |  |
| 10. | This action will have a disproportionately high and adverse effect on low income or minority populations  | Yes | No |  |
| 11. | This action will limit access to, and ceremonial use of Indian religious practitioners, or significantly adversely affect the physical integrity of such sacred sites.  | Yes | No |  |
| 12. | This action will contribute to the introduction, continued existences, or spread of noxious weeds or non-native invasive species known to occure in the area, or may promote the introduction, growth, or expansion of the range of such species. | Yes | No |  |
| 13. | This action will disturb soils, change surface run-off, or generate and/or alter air emissions.   | Yes | No |  |

A "yes" to any of the above exceptions will require that an EAW be prepared.

NEPA Action      CE       EAW/EA \_\_\_\_\_

**Preparer's Name and Title:** \_\_\_\_\_

Concur: \_\_\_\_\_ Date: \_\_\_\_\_  
Mille Lacs Band Archeological Office with item 7

Concur: \_\_\_\_\_ Date: \_\_\_\_\_  
Mille Lacs Band Real Estate Office

- b. Issuance of documents, such as certificates of competency, allotments and fee patents
  - c. Renewal of agricultural and other leases when environmental impacts are addressed in an earlier environmental document.
  - d. New lease for existing structure
- E. Self –Determination Act Grants and Contracts.
- F. Rights-of-Way
- a. ROW's inside another ROW, or amendments to ROW where minor deviations from or additions to the original ROW are involved & where an environmental document covering the same or similar impacts in the ROW
  - b. Service line agreements to an individual residence, building or well from existing facility where installation will involve no clearance of vegetation from the ROW other than placement of poles or lines.
  - c. Renewals, assignments & conversions of ROW where essentially no change in use or continuation would not lead to environmental degradation
- G. Minerals- see regulations
- H. Forestry- see regulations
- I. Land Conveyance – Approvals or grants of conveyances and other transfers of interests in land where no change in land use is planned.
- J. Other
- a. Data gathering activities ie. surveys, soil, timber, etc.
  - b. Non-disturbance environmental quality monitoring programs
  - c. Actions where BIA has concurrence of co-approval with another Bureau & the action is categorically excluded for that bureau
  - d. Approval of an application for permit to drill for a new water source or observation well
  - e. Approval of conversion of an abandoned oil well to a water well if water facilities are established only near the well site.



# MILLE LACS BAND OF OJIBWE

*Executive Branch of Tribal Government*

## NATURAL RESOURCES COMMISSIONER'S ORDER NO. 05-06-2013

**A Commissioner's Order Advising Members of the Mille Lacs, Fond du Lac, Bad River, Lac Courte Oreilles, Lac du Flambeau, Mole Lake, Red Cliff and St. Croix Bands of Restrictions on the Use of Gillnets in Section 9.08(10) of the Model 1837 Treaty Conservation Code for the Minnesota Ceded Territory.**

WHEREAS, Section 9.08(10) of the Model 1837 Treaty Conservation Code for the Minnesota Ceded Territory (the "Model Code") provides that "no member shall set any gillnet in an unsafe manner which shall unreasonably expose boaters and other users of the lake to a foreseeable risk of imminent bodily harm or property damage"; and

WHEREAS, the Model Code has been adopted by the Mille Lacs, Fond du Lac, Bad River, Lac Courte Oreilles, Lac du Flambeau, Mole Lake, Red Cliff and St. Croix Bands; and

WHEREAS, due to unusually late ice-out conditions, the Bands' spring gillnet fishery on Mille Lacs Lake may overlap the opening weekend of the State of Minnesota's angling season on Mille Lacs Lake, which runs from Friday, May 10 through Sunday May 12 ("Opening Weekend"); and

WHEREAS, due to the large number of anglers who participate in Opening Weekend, the use of gillnets on Mille Lacs Lake during Opening Weekend may unreasonably expose boaters and other users of the lake to a foreseeable risk of imminent bodily harm or property damage, unless ice conditions are such that it is apparent that boaters will not be able to use the area in which the gillnets are set.

NOW THEREFORE, be it ordered that members of the Mille Lacs, Fond du Lac, Bad River, Lac Courte Oreilles, Lac du Flambeau, Mole Lake, Red Cliff and St. Croix Bands are advised that, to comply with Section 9.08(10) of the Model Code, as adopted by their respective Bands, they should not use gillnets on Mille Lacs Lake from May 10, 2013, through May 12, 2013, unless ice conditions are such that it is apparent that boaters will not be able to use the area in which the gillnets are set.

### DISTRICT I

3408 Oodena Drive • Onamia, MN 56359  
(320) 532-4181 • Fax (320) 532-4209

### DISTRICT II

36666 State Highway 65 • McGregor, MN 55760  
(218) 768-3311 • Fax (218) 768-3903

### DISTRICT IIA

2605 Chimimissing Drive • Isle, MN 56342  
(320) 676-1102 • Fax (320) 676-3432

### DISTRICT III

45749 Grace Lake Road • Sandstone, MN 55072  
(320) 384-6240 • Fax (320) 384-6190

### URBAN OFFICE

1433 E. Franklin Avenue, Ste. 7c • Minneapolis, MN 55072  
(612) 872-1424 • Fax (612) 872-1257



# MILLE LACS BAND OF OJIBWE

*Executive Branch of Tribal Government*

DATED at Vineland, Minnesota the sixth day of May in the year two-thousand-thirteen.

Bradley Kalk,  
Commissioner of Natural Resources  
Mille Lacs Band of Ojibwe

EXPIRATION DATE: May 13, 2013

APPROVED AS TO FORM,  
EXECUTION AND NUMBERING

Solicitor General

OFFICIAL SEAL OF THE BAND

## DISTRICT I

13408 Oodena Drive • Onamia, MN 56359  
(320) 532-4181 • Fax (320) 532-4209

## DISTRICT II

36666 State Highway 65 • McGregor, MN 55760  
(218) 768-3311 • Fax (218) 768-3903

## DISTRICT IIA

2605 Chimissing Drive • Isle, MN 56342  
(320) 676-1102 • Fax (320) 676-3432

## DISTRICT III

45749 Grace Lake Road • Sandstone, MN 55072  
(320) 384-6240 • Fax (320) 384-6190

## URBAN OFFICE

1433 E. Franklin Avenue, Ste. 7c • Minneapolis, MN 55072  
(612) 872-1424 • Fax (612) 872-1257