

LCO Division of Land Management (DOLM) 30 DAY PUBLIC NOTICE

Date of Notice

June 26, 2024

Chapter PRP.10

Leasing Code of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians

This Code is enacted pursuant to the inherent sovereign authority of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians to provide a system for the Tribe to offer long term leasing options on trust land for the members of the Tribe and other individuals and entities that no longer requires the Secretary of Interior approval and restores inherent tribal sovereignty, which predates its Treaties of 1825, 1826, 1837, 1842, 1847, and 1854 with the United States Government. In the implementation of this inherent sovereign authority, the Amended Constitution and Bylaws of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians, empowers the Tribal Governing Board to "promulgate and enforce ordinances. . . providing for the maintenance of law and order and the administration of justice..." (Article V, §§1(s)); to "manage, lease, permit or otherwise deal with tribal lands, interests in lands or other assets, and to purchase lands, or interests in lands, within or without the reservation" (Article V, § 1 (f)); and to "delegate to subordinate boards, officers, committees or cooperative associations which are open to all members of the Tribe any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated powers" (Article V, § 1 (m)). Pursuant to this inherent sovereign authority, the Tribal Governing Board hereby enacts this Code which shall establish the purposes, powers and duties of the Land Management Division and the system for leasing tribal trust lands. In any suit, action or proceeding involving the validity or enforcement of or relating to any of its leases, the Land Management Division shall be conclusively deemed to have become established and authorized to transact business and exercise its powers upon proof of the adoption of this Code. A copy of this Code duly certified by the Secretary/Treasurer of the Tribal Governing Board shall be admissible in evidence in any suit, action, or proceeding.

The National Environmental Policy Act, as amended, 42 U.S.C. 4321-4347 (NEPA), and Lac Courte Oreilles Band of Lake Superior Chippewa Indians Leasing Ordinance (Federal Register, Vol.88, No. FR 2113) requires considerations of the environmental impacts of proposed actions before deciding whether and how to proceed. 42 U.S.C. 4321, 4332. NEPA and Chapter 10 of the LCO Leasing Code ensures consideration of all environmental effects of proposed actions in the decision-making processes, informs and involves the public in that process. 42 U.S.C. 4331.

Under NEPA as amended, a federal agency can establish Categorical Exclusions (CE), which are categories of actions that normally do not have a significant effect on the human environment, individually or in the aggregate, and therefore do not require preparation of an environmental assessment (EA) or an environmental impact statement (EIS)—in their agency NEPA procedures. 42 U.S.C. 4336e (1). If an agency determines that a CE covers a proposed action, it then evaluates the proposed action for extraordinary circumstances in which a normally excluded action may have a significant effect. If no extraordinary circumstances are present, the agency may apply the CE to the proposed action without preparing an EA or EIS. 42 U.S.C. 4336(a)(2).

Proposed Action

Residential Lease Applicant SW1/4 NW1/4 S.09 T.40N., R.06W. H.H.
022

PRP.10.4.020 Threshold Determination

- (a) *If the Conservation Department determines that the lease approval by its nature would not have a Significant Effect on the Environment, the leasing decision is exempt from additional requirements of the environmental review process in PRP.10.4.040 to PRP.10.4.060.*

PRP.10.4.030 Categorical Exclusions

- (a) *The following types of leases do not individually or cumulatively have a significant effect on the environment and therefore, except as provided in PRP.10.4.030(b), are categorically excluded from the environmental review process in PRP.10.4.040 to PRP.10.4.060.*

The LCO DIVISION of LAND MANAGEMENT has determined the following Proposed Action meets the Categorical Exclusion threshold and criteria illustrated in PRP. 10.4.020 and PRP.10.4.030.

Notice to the Public and Documentation of Adoption

This 30-day notice identifies to the public, LCO DOLM's adoption of the applicant CE. The notice identifies the types of actions defined in SUBCHAPTER PRP.10.4 Environmental Reviews to which LCO DOLM applies the CE determination. The ***Categorical Exclusion Exception Checklist*** documentation of this proposed action adoption is available at LCO Realty, 9790 County Road K, Hayward, WI. 54843.

Any individual, group, or agency may submit written comments on the Environmental Record of Review to the Executive Director, LCO Division of Land Management, the designated office responsible for receiving and responding to comments. Comments should specify which Notice they are addressing.

Authorities

Chapter PRP.10 Leasing Code of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians

National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*).

A handwritten signature in black ink, appearing to read "B. Bisonette", is written over a horizontal line.

Brian Bisonette,
Ex. Director, LCO Division of Land Management

LCO Division of Land Management

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CATEGORICAL EXCLUSION EXCEPTION CHECKLIST

Project Name: SW1/4 NW1/4 S.09 T.40N., R.06W. H.H. 022

Date: June 26, 2026

Letter and Text of category (PRP.10.4.030). Brief description:

Homeownership Applicant

Evaluation of Extraordinary Circumstances (43 CFR 46.215):	YES	NO
1. This action would have significant adverse effects on public health or safety.		X
2. This action would have an adverse effect on unique geographical features such as wetlands, wild & scenic rivers, refuges, floodplains, rivers, placed on nationwide river inventory, or prime or unique farmlands.		X
3. This action would have highly controversial environmental effects.		X
4. This action would have highly uncertain environmental effects or involve unique or unknown environmental risk.		X
5. This action will establish a precedent for future actions.		X
6. This action is related to other actions with individually insignificant but cumulatively significant environmental effects.		X
7. This action will adversely affect properties listed or eligible for listing in the National Register of Historic Places.		X
8. This action will affect a species listed or proposed to be listed as endangered or threatened.		X
9. This action threatens to violate federal, state, local, or tribal law or requirements imposed for protection of the environment.		X
10. This action will have a disproportionately high and adverse effect on low income or minority populations.		X
11. This action will limit access to, and ceremonial use of, Indian sacred sites on federal lands, by Indian religious practitioners, and/or adversely affect the physical integrity of such sites.		X
12. This action will contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or may promote the introduction, growth, or expansion of the range of such species.		X

A "yes" to any of the above exceptions will require that an environmental assessment be prepared. NEPA Action - - - - CE _____ EA _____.

Preparers Name



Date

6-4-24

Reviewer Name



Date

6-4-2024

Tribal Historic Preservation Officer



Date

6-4-24

LCO Division of Land Management Approval

Date

NOTES: