

MEMORANDUM OF UNDERSTANDING

REGARDING

TRIBAL - USDA-FOREST SERVICE RELATIONS

ON

NATIONAL FOREST LANDS

WITHIN THE TERRITORIES CEDED

IN

TREATIES OF 1836, 1837, AND 1842

NATIONAL FOREST

CAMPGROUND FEE AND LENGTH OF STAY RESTRICTION

IMPLEMENTATION PLAN (VERSION 1.0)

MAY 2000

1. PURPOSE, DEFINITIONS AND GENERAL OBLIGATIONS.

a. Purpose. It is the purpose of this Implementation Plan to:

- 1) Implement the provisions of the *National Forest Campground Fee and Length of Stay Restriction Exemption Agreement* (“*Exemption Agreement*”); and
- 2) Regulate the use of National Forest campgrounds and related matters in the exercise of the Tribe’s ceded territory rights.

b. Definitions. For the purposes of this Implementation Plan:

- 1) Unless otherwise specifically provided or the context clearly indicates to the contrary, the terms used in this Implementation Plan shall have the same meaning as provided in the *Exemption Agreement*.
- 2) “Campground” means any site within a National Forest where the Forest Service, either directly or through third party contractor, would require a fee from the general public to camp and where some registration process is used to identify the camper and the specific campsite that will be used.
- 3) “Developed Forest Service recreation site” means an area of National Forest lands which has been improved or developed for public recreation.
- 4) “Tribe” means the particular *Exemption Agreement* signatory Tribe in which the tribal member who is attempting to exercise ceded territory rights is enrolled.
- 5) “Tribal member” means a member of that particular Tribe.

c. General Obligations. No member shall fail to comply with any provision or requirement of:

- 1) This Implementation Plan;
- 2) The Tribe’s National Forest Ceded Territory Gathering Code;
- 3) The Great Lakes Indian Fish and Wildlife Commission’s (“Commission”) document entitled *Tribal Ceded Territory Fee-Exempt Campgrounds*; or
- 4) Any permit or other document issued pursuant to this Implementation Plan or the Tribe’s National Forest Ceded Territory Gathering Code.

2. REQUIREMENTS AND CONDITIONS AT PARTICULAR CAMPGROUNDS.

- a. **Particular Campgrounds.** The Commission's document entitled *National Forest Campgrounds (Version 1.0)*, as it may be amended from time to time, is hereby adopted and incorporated as if fully set forth herein. This document identifies the following National Forest campgrounds for use in the exercise of the Tribe's ceded territory rights:
- 1) Fee-Exempt Campgrounds – Those campgrounds where tribal members may camp for no charge;
 - 2) Length of Stay Limitation Campgrounds – Those campgrounds where tribal members may not continuously camp for longer than the specific period indicated; and
 - 3) Campgrounds “Closed” to Camping Outside of the Annual Operating Season – Those campgrounds that are closed to tribal member camping during the specified period, except pursuant to and in compliance with a permit issued by the Tribe's Conservation Department, or its designee, that authorizes camping in a named campground during the closed period.

The Commission, in conjunction with the Tribe and the other parties to the *Memorandum of Understanding Regarding Tribal - USDA-Forest Service Relations on National Forest Lands Within the Territories Ceded in Treaties of 1836, 1837, and 1842* (“MOU”), shall periodically update this publication to accurately implement and comply with the terms of the Exemption Agreement regarding these locations.

- b. **Procedures for Using Fee-Exempt Sites.** In order to use any campsite within a fee-exempt campground, a tribal member must:
- 1) Obtain and follow the instructions of the Tribe's Conservation Department, or its designee, as to what forms, documents or information are necessary;
 - 2) Follow the camping registration procedures and complete the paperwork generally used at the particular site in question; and
 - 3) Instead of paying a fee, provide the document(s) or information required by the Tribe's Conservation Department, or its designee, to the campsite compliance personnel and/or place the required document(s) or information in and/or on a campsite fee envelope.
 - 4) Camp only at a site for which he or she has registered.
- c. **Reserving a Fee-Exempt Campsite.** Tribal members may use the Forest Service's local

or national systems for reserving particular fee-exempt campsites that are available through those systems, but members will still have to pay any camping and/or reservation fee that is collected as a condition for making the reservation. However, where there is a need, including the demonstrated inability to obtain campsites on a first-come, first-served basis, a tribal member may contact the Tribe's Conservation Department, or its designee. The Conservation Department, or its designee, may then ask the local Forest Service District to reserve a site for the member as provided in the Exemption Agreement.

- d. **Interference With Other Campers.** No member shall interfere with or displace any person who is camping or who has a reservation to camp at a National Forest campsite.
- e. **Failure to Pay Non-Exempt Camping Fees.** No member shall fail to pay any fee for camping for which the MOU, Exemption Agreement or Implementation Plan do not provide an exemption.

3. **General Regulations and Requirements.** While exercising the Tribe's ceded territory rights in a National Forest, the following are prohibited:

- a. **Interfering With a Forest Service Official.** Threatening, resisting, intimidating, interfering with or giving false or fraudulent information to any Forest Service employee, official, representative or agent engaged in the performance of their duties.

b. **Disorderly Conduct.**

- 1) Engaging in fighting.
- 2) Addressing any offensive or derisive or annoying communication to any other person who is lawfully present when such communication has a direct tendency to cause acts of violence by the person to whom the remark is addressed.
- 3) Making statements or other actions directed toward inciting or producing imminent lawless action and likely to incite or produce such action.
- 4) Causing public inconvenience, annoyance, or alarm by making unreasonably loud noise.

c. **Fire.**

- 1) Carelessly or negligently throwing or placing any ignited substance or other substance that may cause a fire.

- 2) Firing any tracer bullet or incendiary ammunition.
- 3) Leaving a campfire without completely extinguishing it.
- 4) Allowing a fire to escape from control.
- 5) Building, attending, maintaining, or using a campfire without removing all flammable material from around the campfire adequate to prevent its escape.

d. Property.

- 1) Damaging or removing any natural feature or other property of the United States.
- 2) Entering any building, structure, or enclosed area owned or controlled by the United States when such building, structure, or enclosed area is not open to the public.

e. Occupancy and Use.

- 1) Discharging a firearm, bow or crossbow in or within 150 yards of a residence, building, campsite, developed Forest Service recreation site, or cave.
- 2) Abandoning any personal property.
- 3) Placing a vehicle or other object in such a manner that it is an impediment or hazard to the safety of any person.
- 4) Operating or using any device which produces noise, such as a radio, television, musical instrument, motor, engine or public address system (portable or vehicle mounted) in such a manner and at such a time so as to unreasonably disturb any person.
- 5) Failing to stop a vehicle when directed to do so by a properly identified Forest Service employee.
- 6) Failing to pay any fee or other charge for which the Exemption Agreement and Implementation Plan do not provide exemptions.
- 7) Discharging or igniting a firecracker, rocket or other firework, or explosive into or within any cave.

f. Sanitation.

- 1) Depositing in any toilet, toilet vault, or plumbing fixture any substance which could damage or interfere with the operation or maintenance of the fixture.
- 2) Possessing or leaving refuse, debris, or litter in an exposed or unsanitary condition.
- 3) Placing in or near a stream, lake, or other water any substance which does or may pollute the water.
- 4) Failing to dispose of all garbage, including any paper, can, bottle, sewage, waste water or material, or rubbish either by removal from the site or area, or by depositing it into receptacles or at places provided for such purposes.

g. Use of Vehicles Off Roads. Operating any vehicle off of any public road within a National Forest:

- 1) Carelessly, recklessly or without regard for the safety of any person, or in a manner that endangers, or is likely to endanger, any person or property.
- 2) In a manner which damages or unreasonably disturbs the land, wildlife or vegetative resources.

h. Developed Forest Service Recreation Sites.

- 1) Building, attending, maintaining, or using a fire outside of a fire ring provided by the Forest Service for such purpose or outside of a stove, grill or fireplace.
- 2) Cleaning or washing any personal property, fish, animal, or food, or bathing or washing at a hydrant or water faucet not provided for that purpose.
- 3) Discharging or igniting a firecracker, rocket or other firework, or explosive.
- 4) Occupying between 10 p.m. and 6 a.m. a place clearly posted for day use only.
- 5) Failing to remove camping equipment or personal property when vacating the area or site.
- 6) Placing, maintaining, or using camping equipment except in a place specifically designated or provided for such equipment.
- 7) Without permission from a campground official, failing to have at least one person

occupy a camping area during the first night after camping equipment has been set up.

- 8) Leaving camping equipment unattended for more than 24 hours without permission of a campground official.
 - 9) Bringing in or possessing an animal, other than a seeing eye dog, unless it is crated, caged, or upon a leash not longer than six feet, or otherwise under physical restrictive control.
 - 10) Bringing in or possessing in a swimming area an animal, other than a seeing eye dog.
 - 11) Operating or parking a motor vehicle or trailer except in places developed or designated for this purpose.
 - 12) Operating a bicycle, motorbike, or motorcycle on a trail unless designated for this use.
 - 13) Operating a motorbike, motorcycle, or other motor vehicle for any purpose other than entering or leaving the site.
 - 14) Depositing any body waste except into receptacles provided for that purpose.
- i. **Requirements at Particular Locations.** When the Forest Service has notified the Tribe or has posted a particular location as to where the requirement or restriction is intended to apply:
- 1) Violating any Forest Service imposed fire ban or other restrictions on the possession or use of items that may cause fire in areas where a fire ban has been imposed.
 - 2) Entering, using or camping in an area without permission that has been posted as closed either generally or as to specific dates or times where a fire ban has been imposed.
 - 3) Occupying a site with prohibited camping equipment.
 - 4) Using a campsite or other area by more than the number of users or vehicles allowed.
 - 5) Parking or leaving a vehicle in violation of posted instructions.
 - 6) Being publicly nude.

- 7) Discharging a firearm, air rifle, or gas gun.
- 8) Being in an area between 10 p.m. and 6 a.m. unless camping or visiting a person who is camping.
- 9) Possessing or storing any food or refuse in violation of posted instructions

