

Tribal/Forest Service MOU Annual Meeting
October 5, 2005 9:00 am
Lac Vieux Desert, Michigan

Meeting was called to order at 10:10 a.m. Leo LaFernier, Red Cliff, began the meeting with a prayer.

Attendees:

Voigt Intertribal Task Force: Tom Maulson (Voigt Intertribal Task Force Chair, Lac du Flambeau), Leo LaFernier (Red Cliff), Richard Shalifoe (Keweenaw Bay), Carl Edwards (Lac du Flambeau), George Beck (Lac Vieux Desert), Ervin Soulier (Bad River).

Great Lakes Indian Fish and Wildlife Commission: Gigi Cloud, Fred Maulson, Jonathan Gilbert, Ruben Gonzales, Charlie Rasmussen, Neil Kmiecik, Karen Danielsen, Gerry DePerry, Ann McCammon-Soltis.

Forest Service: Tom Barton (Northcentral Zone Law Enforcement), Richard Glodowski (Regional Office Law Enforcement), Randy Charles (Ottawa National Forest (NF)), Anne Archie (Chequamegon-Nicolet NF), Donna Falcon (Regional Office), Beth LeClair (Hiawatha NF), Deb Dietzman (North Central Research Station), Pat Zollner (North Central Research Station), Cheri Ford (Chequamegon-Nicolet, Hiawatha and Ottawa NF's), Bob Lueckel (Ottawa NF).

I. Welcome and Introduction

Tom Maulson started the meeting with words of honor for James Schlender. Tom acknowledged the hard work those involved in this *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) have undertaken. He acknowledged there have been frustrations at times and he is hopeful we will continue to learn from each other. He is hopeful we will continue to make headway and work towards understandings.

Leo LaFernier thanked the Forest Service (FS) for selecting the Regional Office Tribal Relations Program Manager. He extended a warm welcome to Donna Falcon.

Richard Shalifoe stated in his opening comments that Emerald Ash Borer is a concern for the Tribes. Richard would like to look at ricing options on the Wilson Flowage (Chequamegon-Nicolet NF); a map that was mailed to Richard was not helpful because a gate was not opened. Richard would like to see access to this area.

II. Approval of Agenda

Cheri Ford and Ann McCammon-Soltis reviewed the agenda.

III. Opening Remarks from Forest Service Representatives

Anne Archie acknowledged the legacy of James Schlender. Jim was instrumental in the development of the MOU between the Tribes and the National Forest system, without his dedication we may not be here today. Thank you to Lac Vieux Desert for hosting the meeting today. A lot of good things have happened this year; the National Forests continue to benefit through the cooperation with Tribal members and Great Lakes Indian Fish and Wildlife Commission (GLIFWC) staff. The Michigan National Forests continue to incorporate Tribal issues and ideas into revised Forest Plans. North Central Research Station (NCRS) and the Technical Working Group continue to address topics of mutual interest and concern. Law Enforcement from the Tribes, GLIFWC and the Forest Service work together in an exemplary fashion.

Anne introduced an effort underway to develop a national tribal committee comprised of tribal and federal representatives, created for the direct exchange of natural resource land management issues, ideas, views, information, and advice for the Chief of the U.S. Forest Service and American Indian and Alaska Native tribal officials regarding land management and research issues. There is currently a request for tribal participation on this National Tribal Leaders Committee.

Anne also mentioned the upcoming *Building Effective Government-To-Government Relations with Great Lakes Indian Tribes* Workshop and asked for tribal participation in the panel session. Anne concluded by introducing and welcoming Donna Falcon.

Donna Falcon introduced herself as the new Regional Office Tribal Relations Program Manager and gave some background.

IV. Meeting Minutes

A. 2004 Annual Meeting Notes – provided in packet.

B. 2005 Annual Meeting – Forest Service will initiate the first draft of the meeting minutes and will circulate to all attending.

V. Review and Discussion of Specific Agreements to Implement the Government-to-Government Relationship between the MOU Tribes and the Forest Service [MOU Section VI].

A. MOU Administration and Implementation [MOU Section VI.A].

1. Public Comments Received by Forest Service Prior to Annual Meeting.

In 2004 (5 years of MOU implementation), a very thorough effort was undertaken to obtain public comments on the MOU and no comments were received. In 2005, we went back to taking public comments through the MOU website and personal communications and again no comments were received. Cheri's proposal is to continue 'low key' until we reach the 10 year milestone. There were no comments of disagreement from the group.

Leo LaFernier asked if public comment will be requested for the rainbow gathering. Cheri explained that the rainbow gathering was on the Ottawa NF in 2002 and at this time we don't expect them to return to the area. They visit different National Forests every year.

B. Law Enforcement [MOU Section VI.E].

Report by Fred Maulson - he provided a written report (packet) and went over the 2004 – 2005 activities with the group. There was some discussion and explanation about dragging roads by bear hunters. Hunters drag roads to provide areas where they can see tracks. Law Enforcement is working on finding individuals pursuing this illegal activity. Hurricane Katrina support effort by FS law enforcement has caused some delays in some planned group checks.

Tom Barton concurred with the 2004 – 2005 activities that were planned and worked on and thanked Fred for providing this report. Tom thanked Ruben Gonzales, GLIFWC Warden, for his efforts working with FS enforcement officer Steve Drake in the Watersmeet area. This is the kind of cooperation/interaction that should continue. Over the last year Tom Barton met with Fred a couple times.

Tom Maulson asked if FS and GLIFWC are using the same radio frequency. Tom Barton said there is the ability to reach each other by radio in the Watersmeet area on the 800 system, but not all GLIFWC enforcement officers are on the same frequencies as FS. Tom Maulson expressed that this is a safety concern. Tom Barton agreed and stated that improved communication is a good goal. Tom Maulson suggested a time frame be set to achieve this work on radio communication between USFS, Tribes and GLIFWC wardens. **Action item - This should be an item for implementation of the MOU – Fred Maulson and Tom Barton agreed to follow up on this topic.** Donna suggested that this may also be addressed through the BIA office in Ashland.

Leo commended Fred on the report and commented that it looks like information about camping is paying off in getting appropriate use of campgrounds by Tribal members.

C. Monitoring and Evaluation [MOU Section VI.D].

1. North Central Research Station and GLIFWC Staff Report: 2004-2005 accomplishments and potential future projects; joint report provided, including:

Jonathan Gilbert discussed the Waabizheshi (American marten) research project and reviewed handouts. This project was valuable because FS and Tribal biologists are working together in field – so there is ongoing training and cross-cultural exchange that is happening. There is a guide to Pine Marten habitat that can serve as a tool for foresters such as timber markers and others in the field. There was also a survey in Wisconsin that was done that took hair samples and will help us understand where Martens occur. Pat Zollner said after a few years of working together we have some information that can be used in real world situations. There is a powerpoint presentation with audio dialog, and a brochure to take to the field. Pat and Jonathan are willing to present this powerpoint to any working groups that may request them to visit.

Question from Ervin Soulier – has there been more discussion about reducing the numbers of fishers? Jonathan said we do know fishers kill young martens. Researchers are not sure if reducing the numbers of fishers will be beneficial to martens – need to ask and answer more questions related to the relationship of fishers and martens. Marten research group (including USFS and GLIFWC) is looking at an experiment to remove fishers from marten areas. Most martens are located in places where fishers can not be trapped (refugees). Ervin also asked about marten distribution. Leo LaFernier mentioned that in the area around Bayfield there has been fewer porcupine since fisher numbers have increased. It's rare to see porcupine now. Porcupines were more abundant prior to fishers being re-introduced. Part of the original motivation for re-introducing fishers was to reduce porcupines. Research is not sure if there is a direct relationship of decline in porcupine or if it was habitat. Jonathan mentioned there has been some relocation of fishers to other states (Tennessee). Leo would like to see more fishers trapped as porcupine quills are important for beadwork crafting.

Deb Dietzman explained that the NCRS Director has retired and a new acting director was appointed, Michael T. Rains. The agency plans to create a new Northern Research Station by consolidating the NCRS, currently headquartered in St. Paul, Minnesota and the Northeastern Research Station, headquartered in Newtown Square, Pennsylvania. Existing offices and research programs will stay where they currently are but we will be looking for opportunities to achieve administrative efficiencies. With the consolidation, the boundaries of the research station will coincide with the National Forest System regional boundaries for the Forest Service Eastern Region. This would increase science capability and reduce costs. Deb has spoken with acting director about the significance of tribal government partnerships. He expressed interest in learning more about this MOU and applying it elsewhere. Karen Danielsen

asked if communication will be maintained in the larger organization. Deb said she expects the same commitment to participate with the MOU. **Action Item - If consolidation occurs, follow up with name change and make sure communication/participation is maintained.**

2. GLIFWC Cooperative Projects: Logging Study Update

Karen Danielsen reported on the long term study taking place on the Chequamegon-Nicolet NF looking at impacts of logging on understory species. Established in 1996, this study is being conducted on the Medford-Park Falls Ranger District. There are a lot of data to organize and analyses are ongoing. The previously developed protocol is very labor and time intensive and may not be suitable for a long term study design. Depending on the intensity and need for future monitoring, GLIFWC may ask the FS for assistance with this project. Ervin Soulier asked what was the original purpose of the study. Karen answered that it was to document the impacts of logging on forest understory plant species. It stemmed from tribal concerns and the FS interest in monitoring.

D. Natural Resource Harvest Management [MOU Section VI.C].

1. Harvest Monitoring and Exchange of Harvest Data.

- a. Tribal Harvest – Report by Karen Danielsen on tribal wild plant and non-timber forest products gathering on National Forest lands during 2003-2004, provided. Page 4 shows permits issued for Off-reservation natural resources gathering. During the 2003-2004 season, 1603 permits were issued. Page 9 has information on conifer boughs, princess pine, and ginseng gathered for commercial purposes. Phone surveys are conducted to determine actual tribal harvest of specific forest products (sometimes permits are obtained but not used). Page 12 shows that 37% of the survey respondents reported actual harvest. Page 14 shows that all respondents reporting actual harvest gathered only on the Chequamegon-Nicolet National Forest. Page 15 shows the number of respondents reporting harvest broken down by forest product. These numbers indicate that tribal harvest is much lower than non-tribal harvest.

Leo mentioned that these numbers may be misleading because members gather on a variety of land ownerships (tribal, county, state). Karen agreed that gathering occurs on other lands. These data are not meant to minimize the importance of gathering but rather to show trends.

- b. Non-Tribal Harvest – Report by Cheri Ford on non-tribal harvest conducted under general federal regulations on National Forest lands during 2003-2004, provided. Cheri presented information about non-tribal harvest of special forest products on the Chequamegon-Nicolet, Hiawatha,

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Ottawa and Huron-Manistee NF's. There has generally been a decrease or stable use of permits for these resources.

3. Campground Fee and Length of Stay Exemption Agreement and Implementation Plan.

Cheri Ford presented information on use of campgrounds. There is an increase in use twofold on the Chequamegon-Nicolet NF from 2001 to 2005. The Ottawa NF saw a similar increase. Increased numbers have resulted in a need for informational meetings as mentioned previously by Fred Maulson. There has been a great value to this work being done upfront; leading to decreased incidences on the Washburn Ranger District, Chequamegon-Nicolet NF and an increase of positive interactions. We believe informational meetings held by the tribes, GLIFWC and FS staff can have a big payoff. There has been no campground use on the Hiawatha and Huron Manistee NF's.

Richard Shalifoe asked if the stickers include boat launching and Cheri answered it varies by site. This is an issue that has come up and Karen stated GLIFWC thought that the stickers/permits take care of all fees applied in the campground. The Two Lakes Boat Landing, run by a concessionaire is currently a fee area. After some discussion related to tribal rights, overall campground use, the uniqueness of the case, and the need for consultation, it was agreed that this issue will be looked into for inclusion into the *Tribal Wildernesses, Tribal Research Natural Areas, and Tribal Vehicle Permit Areas on National Forest*, which is reviewed yearly and updated each Spring as required. **Action Item – Cheri work with District Ranger on this update.**

E. Technical Working Group Report [MOU Section VI.A].

Karen Danielsen presented the Technical Working Group (TWG) Annual Report, provided. Information shared included: TWG meetings, tribal sugarbushes on National Forest Lands, paper birch and Emerald Ash Borer information. Tribal sugarbush areas have been established on some forests as shown in the packet. Karen commends the Chequamegon-Nicolet NF for their strong dedication working with the tribes on this issue. Tom Maulson asked why sites cannot be pre-identified in the vicinities of all the various tribes. Karen said that some sites have already been pre-identified with the guidance from tribal elders. Maps of these sites have been published in a supplement of GLIFWC's quarterly newspaper, *Mazina'igan*. Tom would like to see the establishment of sugarbushes for schools so students can learn the traditional ways. School children will be our future leaders. Several years ago, the Lac du Flambeau Boys and Girls Club establish a tribal sugarbush on the Chequamegon-Nicolet NF. Maybe the Boys and Girls Club could revisit that site. Cheri Ford mentioned that Ranger Districts would be interested in designating a tribal sugarbush and working with the schools. She suggested contacting District Rangers. **Action item – Look into establishing community sugarbushes on National Forest lands to teach children about gathering sap and making syrup.**

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Another issue the TWG has worked on extensively addresses the availability of paper birch bark. Tribal gatherers have stated that certain types of paper birch bark are difficult to find. Last year NCRS, with guidance from tribal bark gatherers and GLIFWC, began monitoring birch bark characteristics as part of their Forest Inventory and Analysis (FIA) program. NCRS and GLIFWC facilitated a meeting in which tribal gatherers explained to NCRS employees the importance of birch bark to the tribes and described the various bark characteristics that provide suitable material for making bark products. The TWG is currently attempting to implement a similar monitoring protocol at the Forest or District level. This will provide more site specific information.

Tribal bark harvesters have also noted birch trees on national forest lands that appear to have suitable bark, but are still too small for harvest. These tribal harvesters would like to see these trees protected so they can grow larger and be available for future bark harvest.. This could be accomplished by facilitating communication between tribal bark harvesters and Ranger District Offices when forest stands are being cruised for potential timber harvests. As an example, the Washburn Ranger District on the Chequamegon-Nicolet National Forest worked with a tribal bark harvester during the development of the Sunken Moose Vegetation Management project.

This last year, tribal bark harvesters, Voigt Intertribal Task Force representatives and other interested tribal entities received information on potential timber harvest sites on the Chequamegon-Nicolet NF. The purpose of this information was to allow tribal members the opportunity to harvest birch bark before trees are marked for timber harvest. This information was also provided in the spring issue of *Mazina'igan*. This collaboration between the Forest and the Tribes has been very successful. Maps of these potential timber harvest sites are provided in the packet.

The TWG continues to work on birch tree questions.

NCRS and GLIFWC conducted a literature search that resulted in 500-1000 citations. It will be a huge task to review and summarize these citations. NCRS might be able to fund an employee to accomplish this task.

The TWG discussed the possibility of developing and implementing a study that would describe the habitat characteristics of sites that support birch trees having the bark characteristics desired by tribal bark harvesters. This study would provide insights regarding the environmental factors that affect birch bark development.

NCRS has hired John Zasada to prepare a paper birch management guide, which will include non-timber uses of birch. If considered to be appropriate, GLIFWC can help facilitate communication between John Zasada and any tribal bark harvesters that might be interested in providing traditional ecological knowledge to be included in the management guide.

TWG is also tracking information on Emerald Ash Borer (EAB). GLIFWC printed articles on this issue in *Mazina'igan*. EAB has reached Upper Peninsula Michigan. Government agencies will be consulting with the tribes regarding any plans or directives drafted as a response to the EAB. The Natural Resources Conservation Service has entered into an agreement with the National Center for Genetic Resource Preservation to collect and store seed of all ash species in the Northern Great Lakes Area. A provision of this agreement states that Tribes will have the ultimate say on the use of any seed collected on tribal lands. The packet includes additional EAB information.

Leo mentioned Dutch Elm Disease and noted that Ashland, WI has started planting elm trees resistant to this disease. He wondered if ash has similar resistance to EAB. Karen stated that should be one of the areas to be researched. Deb Dietzman says the FS does have the research capability to work with landowners to develop resistant trees. Deb, also stated that researchers have been working to better understand EAB and its impacts to ash. They have been studying techniques to eradicate EAB, including the identification of natural enemies of this insect. Rich Glodowski thought that it might be helpful for law enforcement officer's to consider the prohibition of the transport of ash trees. Possession and transportation of ash trees within National Forests is prohibited. Tribes may consider adopting a similar restriction. **Action item – Rich Glodowski will send copy of a Forest order to GLIFWC staff for consideration.**

F. National Forest Planning and Decision-Making [MOU Section VI.B].

Status of 1836 MOU

Cheri Ford provided an updated on the draft *Memorandum of Understanding between the USDA Forest Service and the Native American Tribes signatory to the 1836 Treaty of Washington*. It is not signed yet and a date has not been set for a signing ceremony. A US Department of Justice review needs to take place and the Forests are visiting with partners including the State of Michigan before signature. Cheri thanked the Voigt Intertribal Task Force and GLIFWC for comments received, stating the FS sees no problem in meeting the requests presented. Jonathan Gilbert mentioned there were some concerns expressed by GLIFWC previously. Cheri said yes in the letter received from GLIFWC it was expressed that the new MOU should not affect this MOU and it will not. The letter also expressed that there may need to be a joint task force. That will be considered and brought back to this forum as things progress.

Michigan Forest Plans

The Michigan Forests continue to consult with area tribes and GLIFWC. Bob Lueckel said the tribes have been the most active entity involved in the planning process. The final plan and record of decision should be published by spring 2006. Ervin Soulier said the DEIS did not discuss things at a watershed level, areas beyond the Forest boundaries. He stated that effects to watersheds should be considered. The Great Lakes Regional Collaboration says we should be considering effects on watersheds and water quality in

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the region. The DEIS seems to overlook this emphasis. Bob acknowledged this comment and will check into the status of watershed and water quality analysis currently underway.

A question was asked about the lawsuit on three EIS's (Cayuga, Northwest Howell, and McCaslin) on the Chequamegon-Nicolet NF. Anne Archie explained that as a response to the court decision, the Forest is conducting additional cumulative effects analyses.

A question was asked about the Roadless policy. Anne explained it will be up to the governor of each State to participate in roadless area management. The governor of Wisconsin has chosen to review areas in Wisconsin.

Anne re-emphasized that getting a member on the National Tribal Leadership Committee representing the Great Lakes Tribes would be a great benefit to us all.

G. MOU Amendments, Regulatory Changes, and Self-Regulation Agreement Changes [MOU Section VI.F].

None Proposed

VI. REQUIRED NOTICES/PARTIES' DESIGNATED REPRESENTATIVES.

The packet contains updated lists of MOU participant contacts.