

## **Tribal/ Forest Service Annual MOU Meeting Notes**

**MOLE LAKE**

**OCTOBER 3, 2007**

**1:00 p.m. - 4:30 p.m.**

### **Attendees:**

**Voigt Intertribal Task Force (VITF):** Tom Maulson (VITF Chair, Lac du Flambeau), Leo LaFornier (Red Cliff), David Vetterneck (Lac du Flambeau), Ervin Soulier (Bad River), Mic Isham (La Courte Oreilles), Chris McGeshick (Mole Lake), Arlyn Ackley Sr. (Mole Lake), Don Klingman (Lac Vieux Desert)

**Great Lakes Indian Fish and Wildlife Commission (GLIFWC):** James Zorn, Ann McCammon-Soltis, Fred Maulson, Jonathan Gilbert, Neil Kmiecik, Gerald DePerry, Karen Danielsen, Rose Wilmer, Roger McGeshick

**Forest Service (FS):** Jeanne Higgins (Chequamegon-Nicolet NF), Mary Rasmussen (Chequamegon-Nicolet, Hiawatha, and Ottawa NF's), Tony Erba (Chequamegon-Nicolet NF), Pete Roehrs (Chequamegon-Nicolet NF), Richard Glodowski (Regional Office), Tom Schmidt (Hiawatha NF), Geoff Chandler (Chequamegon-Nicolet NF), Donna Falcon (Regional Office), Ken Arbogast (Huron-Manistee NF), Susan Spear (Ottawa NF), Deb Dietzman (Northern Research Station), Christine Brunner (Chequamegon-Nicolet NF)

The meeting was called to order at 1:12 p.m. Leo LaFornier began the meeting with a prayer.

### **I. WELCOME AND INTRODUCTIONS.**

Ann McCammon-Soltis and Mary Rasmussen welcomed everyone. Introductions were made around the room.

### **II. APPROVAL OF AGENDA.**

Ervin Soulier asked to add the following to the agenda: National Tribal Leadership Committee update; fire fuel models; and invasive species including feral pigs and emerald ash borer. Some discussion followed concerning different Forest's fuel inventory modeling methods. Tom Maulson suggested adding the Travel Management Rule but acknowledged that this may not be the right forum. Ann McCammon-Soltis said the Travel Management Rule was on the VITF's agenda for next month.

### **III. OPENING REMARKS FROM TRIBAL AND FOREST SERVICE REPRESENTATIVES.**

Tom Maulson said he still sees reluctance by some people to come to the table and make decisions. He encouraged people to not let politics drive the show and to honor 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) by utilizing and

protecting the resources. He reminded everyone that Tribes are different from counties & other governments. Tom stated he believes there has been a lot of misunderstanding in the past and hopes that has been overcome. He thinks the group has made a lot of progress at these meetings.

Jim Zorn said he appreciates the relationship GLIFWC has with the NF staffs. He noted the recent letter from the Northern Research Station (NRS) reaffirming their commitment to the MOU. Jim expressed his appreciation for the cooperative work between the law enforcement organizations. He said the recent blowdown situation was handled well by Mole Lake and Jeanne Higgins' staff. Jim also extended greetings from the Bay Mills Indian Community. They remain committed to the MOU even though they do not always attend the meetings. He summarized by saying overall it has been a pretty good year.

Tom Schmidt thanked Chris McGeshick and the Mole Lake Band for hosting this meeting at Mole Lake's new facility. He informed the group there were several new FS people in attendance including Jeanne Higgins, Sue Spear, and Tony Erba. In addition Regional Forester Randy Moore is leaving to be the new Regional Forester in Region 5 (California); and late last winter Gail Kimball became the new Chief of the FS. Tom said he appreciates the positive relationship between the GLFWIC staff, Tribal wardens, and the Forest Service in protecting National Forest resources. He affirmed that the FS is committed to honoring treaty rights and redeeming trust responsibilities, and wants to improve their consultation and find out what the Tribes interests are. He added there are opportunities for working with Tribes on diversity hiring, especially with students. Tom closed by saying the FS needs to honor their commitments and he is grateful for the opportunity to meet with the VITF and GLIFWC.

Leo LaFerner acknowledged Donna Falcon and thanked the FS and GLIFWC for trying to implement the MOU. He also acknowledged the Tribal representatives for all the hard work they do for Red Cliff.

#### **IV. MEETING MINUTES.**

- A. 2006 Annual Meeting** – Provided. Rich Glodowski (Forest Service – law enforcement) noted on page 6 under Section F National Forest Planning and Decision-Making; the statement made by Forest Supervisor Ann Archie in the 5th paragraph did not represent the comments made by himself. Rich Glodowski advised at this meeting absent a companion model code regulation that is adopted by the individual Tribes to any Forest Service regulation, we would be left with no other choice but to enforce our regulations as necessary.
  
- B. 2007 Annual Meeting**  
Mary Rasmussen explained the Forest Service staff will draft and circulate internally, then send the draft minutes to GLFWIC and the VITF. The minutes will be finalized in January '08.

**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.**

Mary Rasmussen stated no public comments or congressionals were received this past year.

Ann McCammon-Soltis referred to the letter in the meeting packet affirming Northern Research Station's (NRS) commitment to the MOU. Deb Dietzman said NRS is proposing to focus on five key items: sustaining forests, clean air, clean water, managing disturbances, and natural resource inventory and monitoring. NRS has reduced number of organizational units from 37 to 14, but they kept the same number of scientists. Deb said specific topics will be addressed later in the meeting.

Ervin asked where on-reservation projects fit with NRS's research priorities because they requested preparation of a pest management plan and have never been contacted. Geoff Chandler said that would be handled by State & Private Forestry (SPF), which is a different branch of the Forest Service. Deb said she would contact Steve Katovich (SPF). Jeanne also will make a contact with the NRS Director. Ervin asked what kind of assistance could be provided on the reservation. Deb explained that research projects can be conducted on any land. A discussion about a black ash dieback study followed.

Tom Maulson asked if Tribes had gotten together with the Forest Service concerning locations of historic trails or burial mounds. Jeanne mentioned that this occurs during consultation prior to project implementation. Tom asked if the FS knows the locations of historic trails in the National Forests. Geoff Chandler said the Chequamegon-Nicolet NF has 2500 identified sites in a database, and the Forest archeologist (Mark Bruhy) works closely with Tribal Historic Preservation Offices (THPOs) on cultural and historic locations. Tom Schmidt said the Hiawatha NF consults with Bay Mills. Mary Rasmussen shared an example from the Ottawa NF. The forest is working with the Lac Vieux Desert and Keweenaw Bay Tribes on a plan for the Lac Vieux Desert to L'Anse trail. Geoff also mentioned an example of the Chequamegon-Nicolet working with the Potawatomi and Lac du Flambeau Tribes in a land exchange containing a sacred site. Donna Falcon mentioned that the Washington Office will be coming out with a policy to protect sacred sites; she encouraged everyone to review it when it comes out and make comments. Consultation on this policy is forthcoming. Tom asked if there is any money to acquire burial sites adjacent to the Forest, and Jeanne replied that it is always a possibility. Tom Schmidt added there are also opportunities for the FS to exchange lands.

Ervin asked if there was a NRS website; Deb said yes: [www.nrs.fs.fed.us](http://www.nrs.fs.fed.us). It includes reports and a search feature.

Chris McGeshick asked if there is a database that contains FS definitions of words in the MOU. Ann McCammon-Soltis said there is a glossary in the MOU. Chris said his question pertained to when the FS salvages timber. Jim Zorn said with Delta-Drummond Blowdown that this was an issue. Jim said that the question concerning the definition of salvage should have been answered with the Quad County & Delta projects, and GLIFWC and the FS should keep records of these decisions from now on. Jeanne said there are two items that should be addressed: (1) what mechanism is there for getting clarification and interpretation of the MOU, and (2) how does it get implemented. There was more discussion on what “decision” means. Jeanne added that they need to come up with a process so there is continuity. Jim suggested preparing a white paper to address this. Tony Erba, Geoff Chandler, Karen Danielsen, Jonathan Gilbert volunteered to work on this.

Jim Zorn asked Deb Dietzman how the Tribes are being involved with NRS organization, especially consultation on the five focus items she mentioned earlier. Deb said the reorganization details are not ready for consultation but that consultation will occur.

Tom Maulson asked Deb Dietzman whether consultation occurred in identifying focus areas for certain wildlife species such as turkeys, quail, and boars. He said special wildlife areas are far away from some Tribal members. Jeanne replied management area resource allocations relate more to FS land management rather than research, and consultation on management areas occurred during Forest Plan Revision. Jim Zorn added that wildlife management is a DNR/Tribal decision. Jonathan Gilbert added that the FS manages habitat. Tom asked how the Tribes can get involved with wildlife management, aside from Forest Planning. Jeanne suggested that Tribes get involved earlier in specific project planning. Jonathan pointed out that sometimes two species cannot occur in the same place, such as elk and marten. Jim stated that opportunities are there in the MOU. Tom responded we should be putting back those species that used to be here.

Neil Kmiecik asked about science teams at NRS and said they should involve him and other GLIFWC staff when developing their five focus areas. Jim Zorn said this would meet the definition of consultation.

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

Mary Rasmussen introduced Fred Maulson’s presentation on Camp Nesbit, Ottawa National Forest. A brochure and copy of his presentation were provided in the agenda package. The camp ties to FS education opportunities aimed at youth, for example one such program titled “More Kids in the Woods.” Fred said he wants to get Tribal kids involved in all aspects of the outdoors. Camp Nesbit has a lot of opportunity: it is an historical CCC camp 45 minutes from Lac Vieux Desert with 12 cabins, a 30-acre lake, nature trail, and rope course. Ervin asked if the camp is being advertised and Fred said the

program is in the early planning stages and not ready for announcement. They are looking at a pilot program for 5<sup>th</sup> graders and higher. Sue Spear added that the Ottawa NF is very excited about working with the Tribes on this, and their Public Affairs Officer Lisa Klaus has been working with Fred. Jim Zorn asked about funding and Fred said there are opportunities for grants. Tom Schmidt suggested they might be able to get local or national corporate sponsorship. Jim Zorn suggested the GLFWIC grant writer is available to help.

Rich Glodowski thanked Fred for his hard work and cooperation with FS. He mentioned there were several new employees in law enforcement – Brandy Hill, Patrol Captain in Escanaba (covering MI) and Pete Roehrs, Patrol Captain in Duluth (covering WI and MN). Rich said that one of the selection criteria for the law enforcement applicants was skill and experience working with Tribal governments. Another new employee – Dave Tembral – comes from GLFWIC. Rich asked Fred if he has received any law enforcement related comments from Tribal members, and Fred said he has no formal reports.

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

#### **1. GLIFWC Co-op Projects: GLIFWC studies in cooperation with the Forest Service.**

##### **a. Logging Study Update**

Karen Danielsen referred to a report in the meeting packet – *The Effects of Logging on Understory Plants*. This report provided pre-treatment results for a long-term cooperative study the FS and GLIFWC began in 1997. She said that Greg Knight (FS) was very helpful in setting up the project. Karen explained that there are four sites, each with control and treatment plots. Field sampling prior to treatments verified that the plots were more similar within sites than between sites.

Treatments, which include selection harvest techniques, have been completed at all sites. Because this is a long-term study, sampling should continue for at least two decades. Within the first five years after treatments, each site will be sampled for at least three of those years. Definitive results will not be available for one or two more decades. Preliminary results suggest that there may be an increase in non-native invasive species (NNIS).

As discussion ensued regarding logging and NNIS. Geoff Chandler explained that treatments for this study were initiated before timber sale contracts included provisions requiring loggers to wash their equipment before and after entering timber harvest sites. Jim Zorn asked where loggers cleaned their equipment and if they received training. Geoff replied that FS timber sale administrators inspected logging equipment, but no specific training was provided. He also stated that the FS does not control the cleaning locations. However, the State is currently developing Best Management Practices, which will likely include centralized cleaning locations. Jim wondered if the FS has instructional material for cleaning

equipment, maybe even a FS employee devoted to this type of education. Geoff suggested contacting their forest ecologist, Linda Parker. Jeanne Higgins added that there are many resources available regarding NNIS, including demonstration projects in Missoula. She stated that the FS has an integrated approach to address NNIS and cleaning equipment is just one of the components. Erv Soulier asked if loggers were penalized if NNIS move in after logging projects. Both Jeanne and Geoff replied that NNIS spread through other means, including ATVs and other vehicles used by forest visitors. Identifying the specific individual responsible for spreading NNIS would be difficult, if not impossible.

#### **b. Marten Restoration Update**

Jonathan Gilbert explained this study has been ongoing since 1992 and articles are being published; Northern Research Station GTR #5 is the most recent. He said most of the work has been on the Chequamegon side of the Forest and Dan Ecklund, the Forest Biologist, has been very instrumental in addressing marten habitat. Jonathan said there still is not a viable marten population in Wisconsin so they want to bring in more. Jim Zorn asked if things were back on track with WDNR concerning the translocation issue and Jonathan replied yes, they have found best habitat. He said they are now locating animals to move and would prefer to get them from Michigan, but he is still working on that issue with Wisconsin and Michigan DNRs. Ervin Soulier asked how long they were going to keep trying to bring back a dwindling species. Jonathan replied he is not willing to give up yet, and they are changing some techniques that did not work in the past. Mic Isham commented this study could result in less logging and more old forest. Leo asked if trapping pressure is limiting the population and Jonathan said no, not in Wisconsin. Jim Zorn asked if any money is still coming from the FS and Jonathan replied that it has been for the past 3-4 years, and the FS is the only provider. Jim then asked if the FS has contributed to wild rice reseeded and Jonathan responded that the FS is buying and seeding rice.

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

#### **1. Harvest Monitoring and Exchange of Harvest Data.**

##### **a. Tribal Harvest**

Karen Danielsen provided an update on Tribal wild plant and non-timber forest products gathering on National Forest lands during 2005-2006, referring to the report in the meeting packet. She explained that GLIFWC keeps track of both general and commercial permits issued by the tribes to tribal members. Commercial permits are issued to tribal members gathering conifer boughs, ginseng and princess pine for commercial use. GLIFWC also conducts a phone

survey asking tribal members actual amounts gathered (for personal and commercial use) of conifer boughs, ginseng, princess pine, birch bark and firewood. Pete Roehrs asked why the survey is limited to these forest products. Karen replied that these products are sensitive to gathering because of either rarity or potentially high harvest levels.

For the 2006-2006 harvest season, the number of permits increased over the previous harvest season. Approximately 50% of tribal members contacted through the phone survey had reported actual harvest of the above mentioned forest products. She also stated that most tribal members reported gathering from Chequamegon-Nicolet National Forest.

Tom Maulson asked if the FS monitors the actual amount of non-timber forest products gathered by non-tribal members. He also wondered if non-tribal members were directed to certain locations for gathering so that resources would not be exploited within one specific area. Jeanne Higgins replied that if concerns arise regarding resource gathering within a specific area, restrictions are issued. For example, firewood gathering may be restricted in downed woody debris areas inhabited by pine marten. Furthermore, the FS requires non-tribal members gathering balsam boughs to follow certain specifications. Tom concluded by suggesting that the FS track harvest techniques used and actual resource amounts gathered by non-tribal members. He mentioned that non-tribal members gather non-timber forest products at much higher quantities than tribal members.

#### **b. Non-Tribal Harvest**

Mary Rasmussen summarized the report provided in the meeting packet. The information is by National Forest and the data indicates only slight changes since 2006.

## **2. Campground Fee and Length of Stay Exemption Agreement and Implementation Plan.**

Mary provided an update on 2007 campground usage, referring to a report in the meeting packet. She noted information was not yet available for the Ottawa and Hiawatha NFs when the report was prepared. When these numbers are received, the report will be updated and distributed. Tom Maulson asked how fee-exempt campgrounds are working out. Tom Schmidt responded it is not a problem. Jeanne Higgins reported there have been no concerns reported on Chequamegon-Nicolet NF and Sue Spear said there were none on the Ottawa NF. Tom Schmidt shared how the FS is working with concessionaires so as not to affect Tribal use.

Jim Zorn thanked Tom and the other Forest Supervisors for resolving the issue at the local level and honoring the language in the MOU.

**E. Technical Working Group (TWG) Report [MOU Section VI.A].**

Karen Danielsen summarized the report provided in the meeting packet. She said the five-year management plan between Sokaogon/Mole Lake and NRSS on the Argonne Experimental Forest expired in May 2007, and a new five-year plan was developed between Lac Courte Oreilles and the FS on the Chequamegon-Nicolet NF; it will expire in April of 2012.

Karen presented guidelines and a brochure the technical working Group developed in regards to transportation of firewood. Tom Maulson asked about the possibility of gathering firewood with a truck in areas where the only access is a snowmobile or ATV trail. Jeanne Higgins said she was not aware of a lack of firewood and she would need to know what specific areas were inaccessible. Geoff shared that snowmobile trails in wetlands may not be drivable.

Mary Rasmussen shared that an updated closure order was issued in August for the Ottawa and Hiawatha NFs in order to address EAB through movement of firewood. A recent larvae infestation (30-40 larvae) were found (this week) on the eastern end of the Upper Peninsula of Michigan, on private land but about one mile from NF land. Deb Dietzman said NRS is involved in research in this area. Ervin Soulier said he read about aphids being released somewhere and wondered if the NRS was involved with this. Deb replied that they released wasps, and yes, NRS is heading this up. Jim Zorn asked if the wasps are expected to move this way, and Deb said no. Karen Danielsen asked whether they considered competition with native wasp species, and Deb said she thought that was part of the protocol.

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

**1. Salvage and Windstorm Blow Down Opportunities (Update)**

Ann McCammon-Soltis shared that there is not much new to report on the salvage, but GLIFWC, the FS, and Mole Lake have spent a lot of time working on this. They requested 40,000 board feet as provided for in the MOU. Ervin Soulier commented that there should be a study to determine how much wood should be left on-site. Geoff Chandler said the Forest Plan requires that 15% of the down woody debris overall is left for soil and wildlife, but potential fire hazards also need to be considered. The debris includes tops, limbs, boles of trees snapped off, and tip-ups.

**2. Birch bark Gathering Opportunities**



Karen Danielsen referred to the report in the meeting packet. The Chequamegon-Nicolet and Ottawa NFs provide maps to the tribes every spring for proposed timber harvest projects with potential birch bark gathering opportunities. Karen said she heard that the maps are appreciated, but does not know the extent to which they are being used. Jeanne asked Karen to let her know if tribal members have any comments about the maps.

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

None proposed.

**VI. REQUIRED NOTICES/PARTIES' DESIGNATED REPRESENTATIVES.**

Ann McCammon-Soltis shared that updated Forest Service and Tribal contact lists are in the meeting packet.

**VII. ADDITIONAL DISCUSSION ITEMS**

Donna Falcon said the National Tribal Leaders Committee is on hold right now. They are waiting to see if the new Chief (Gail Kimbell) is interested in pursuing this.

Donna shared that the College of Menominee is holding two workshops next week – an Ecological Forestry Workshop in Silviculture with an emphasis on Indian programs, and a Forest Management Sustainability Using the Montreal Criteria. They are inviting other Tribes. Jim Zorn asked if this information had been distributed prior to this, and Donna responded it went to Tribal Chairpersons and Forestry Departments.

Jeanne Higgins explained that we have a fire/fuel inventory. The Forest has been mapped and they are available, but they may not be on intranet or internet yet. She said the information is usually incorporated into specific project proposals. Jeanne said she would get contact with Ervin later about invasive species.

Jim Zorn said he would appreciate getting any information about law enforcement issues from Rich Glodowski as the MOUs are implemented. Jim added that if Rich thinks GLIFWC or Bay Mills can help the Michigan DNR or FS officers in implementing the MOU to let him know.

The meeting was adjourned at 4:55.