

DRAFT

AGENDA TRIBAL/FOREST SERVICE MOU ANNUAL MEETING LAC DU FLAMBEAU OCTOBER 4, 2006 1:00 p.m. - 4:30 p.m.

Meeting was called to order at 1:11 p.m. Leo LaFerner, Red Cliff, began the meeting with a prayer.

Attendees:

Voigt Intertribal Task Force: Tom Maulson (Voigt Intertribal Task Force Chair, Lac du Flambeau), Leo LaFerner (Red Cliff), Carl Edwards (Lac du Flambeau), David Vetterneck (Lac du Flambeau), Ervin Soulier (Bad River), Wayne LaBine (Sokaogon), Leonard Sam (Mille Lacs), Curt Kalk (Mille Lacs).

Great Lakes Indian Fish and Wildlife Commission: James Zorn, Gigi Cloud, Fred Maulson, Jonathan Gilbert, Charlie Rasmussen, Neil Kmiecik, Karen Danielsen, Gerry DePerry, Ann McCammon Soltis, Jason Stark.

Forest Service: Richard Glodowski (Regional Office Law Enforcement), Mark Borcovan (LEO Chequamegon-Nicolet NF), Bob Lueckel (Ottawa National Forest (NF)), Anne Archie (Chequamegon-Nicolet NF), Tom Schmidt (Hiawatha NF), Ken Arbogast (Huron-Manistee NF), Deb Dietzman (Northern Research Station), Roy Patton (Northern Research Station), Cheri Ford (Chequamegon-Nicolet, Hiawatha and Ottawa NF=s).

I. WELCOME AND INTRODUCTIONS.

Ann McCammon Soltis welcomed everyone. Introductions were made around the table.

II. APPROVAL OF AGENDA.

The agenda was approved as presented.

III. OPENING REMARKS FROM TRIBAL AND FOREST SERVICE REPRESENTATIVES.

James Zorn 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 stated from the GLIFWC perspective the year has been one of good interaction and also one of transition for GLIFWC with the loss of James Schlender. He thanked the Forest Service staff for attending today and their continued commitment to the MOU.

Ervin Soulier thanked the Forest Service for their assistance to Bad River on the 20 Mile Creek Project and also the assistance during the tribe=s Invasive Species Training Project, Ash Seed Collection Project and the Biomass Research Project.

Leo LaFerner expressed appreciation of the Forest Service for their cooperation and asked about their efforts to develop a National Tribal Committee as discussed during the 2005 meeting.

Anne Archie thanked everyone for their comments and stated that she has been selected to present the opening comments for the Forest Service. Anne introduced the new Director of the newly formed Northern Research Station. She acknowledged that the Forest Planning efforts have come to completion and the next step is the implementation stage and is eager to hear all the progress made since last year.

Anne indicated that two committees are being formed by the Forest Service and will look for tribal participation. The first is the Recreational Resource Advisory Committee which will be comprised of stakeholders of the Eastern Region. The Governor of each State will nominate those to be selected to that committee. There is also a letter forthcoming soliciting consultation to request nominations for two tribal representatives for the National Tribal Committee (Leo LaFernier asked about this committee earlier in the meeting). This committee is a high level committee comprised of national and tribal representatives. The purpose is to exchange information and discuss natural resource land management issues and their effects on tribal issues and tribal people.

James Zorn informed the group that the VTF had submitted comments on the proposed National Tribal Leaders Committee, particularly on the proposal to have only 2 tribal representatives on that committee for the whole Eastern Region and the need for tribal representation from both an on- and off-reservation perspective. Jim Zorn attended a meeting in Washington DC last summer where this issue was discussed and has received a summary of that meeting's outcome. The group continued to discuss the importance of tribal representation on each of the committees and the efforts undertaken by the Forest Service to ensure that GLIFWC and the tribes have representation on those committees.

IV. MEETING MINUTES.

A. 2005 Annual Meeting B Provided.

B. 2006 Annual Meeting B GLIFWC staff will draft and distribute the 2006 meeting minutes.

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].

Public Comments Received by Forest Service Prior to Annual Meeting.

Cheri Ford stated the Forest Supervisors made the required contacts and solicited input from the public but did not receive any comments back.

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

Fred Maulson reviewed the activities undertaken during the 2006 season between the USFS rangers and GLIFWC wardens. These activities included: conducting a number of joint patrols, providing continuing education and treaty training, exchange of frequencies between Forest Service and GLIFWC, bear dragging issues and surveillance equipment training.

Anne informed the group that the USFS Region 9 presents Regional Honor Awards, and a new award created this year called the AEarth Walker Award.@ This award is presented to a Native American who

has worked with or within the Forest Service to further relations between tribes and the Forest Service. Anne stated that Fred Maulson of GLIFWC has been nominated for that award.

Rich Gladowski added that USFS and GLIFWC staff have been working and training together, continuing management coordination of sharing equipment and frequency management. He briefly provided an update on several issues on the staff level including the hiring of a new officer and an officer on deployment to Iraq.

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

1. North Central Research Station/GLIFWC Staff Report: 2005-2006 accomplishments and potential future projects, joint report provided.

Deb Dietzman discussed the year of transition for the new Northern Research Station (NRS), which is a merger of the North Central Research Station (NCRS) and the Northeastern Research Station. She added that as part of this transition there has been a consolidation of administrative staff, but most researchers are in the same place. Scientists have met to discuss the future of research projects at the new station.

§ Update on the Waabizheshi (American marten) research project: Jonathan Gilbert provided an update on the Waabizheshi (American marten) research project. He referred to a project poster which summarizes the species over the past two years from information provided from hair snares. He indicated that the information from the snares also provides data on the health and abundance of the species. Jonathan commented that we should look to the Ottawa for guidance on the species due to the fact that they have a healthy marten population.

§ Roy Patton, Deputy Director of Northern Research Station (NRS), and merger of North Central Research Station and Northeastern Research Station: Mr. Patton discussed the merger of the two research stations, their organizational structures and the proposed future research to be done. He emphasized that the merger is not just cosmetic, it will entail a complete review of the research undertaken as well as the overall structure of the station. He asked that everyone remember that it is a very serious and significant structural change for the station in this part of the country. Mr. Patton discussed how programs and services will be affected by the merger such as changes in the station's budget and combining forest inventory and monitoring programs.

Two lines of discussion followed, one concerning the NRS's commitment to the MOU given that the NCRS was the actual signatory to the MOU, and the other concerning the potential impacts to particular research projects that have been advanced under the MOU.

With regard to Mr. Patton's statements about the impact of the merger on the MOU itself, the tribes expressed surprise and concern about the potential to have one less signatory to the MOU simply due to a re-organization within the Forest Service. James Zorn stated that the MOU is like a treaty to the tribes and they expect that the Forest Service will live up to the obligations as promised when the MOU was signed. He added that the potential need to re-negotiate the MOU, in addition to the specific research priorities under it, is a big surprise to the tribes.

Discussions continued regarding the merger's affect on the MOU and the consultation that must be undertaken with the tribes, whether restructuring has become a way to opt out of the MOU, the FS's

previous assurances that relationships would not change and the tribes overall disappointment and surprise by this outcome.

Mr. Patton stated that the unit that was a part of the MOU no longer exists, and that the NRS=s status as an MOU signatory needs to be discussed. Anne Archie added that research has always been separate for the NF system and explained the reasoning for needing a new signatory. Mr. Patton expressed a desire to discuss whether the MOU is the most appropriate vehicle to work together. Jim Zorn questioned whether the MOU needs to now be re-negotiated or whether the parties simply need to determine how best to work together within the framework established by the MOU.

Anne Archie offered to assist in coordinating within the Forest Service to provide an opportunity for further discussions and clarification between the various Forest Service divisions, including enforcement and research. Ms. Archie asked that this discussion be tabled until FS staff have additional internal discussions.

With regard to research projects potentially impacted by the reorganization, discussion centered on what potential changes in research are being considered, and how the tribes will be consulted in order to have input into those decisions. Mr. Patton discussed the ongoing process of reviewing what combination of researchers will work within the areas that need to be covered. Tribal representatives pointed out that the tribes had not been consulted on the paper birch study under the FIA or on any other potential changes to that program. Discussion followed regarding other potential projects proposed for research and the ability for tribes to have input into what specific projects would be undertaken.

Mr. Patton stated that he is not prepared to address this issue in detail and assumed that the appropriate body to undertake further discussions would be the technical working group (TWG). No final decision has been made on the FIA and the TWG can look to examine and assess the projects for input by the tribes.

2. GLIFWC Co-op Projects: GLIFWC studies in cooperation with Forest Service.

§ Logging Study Update: Karen Danielsen provided an update on the logging study as well as background information on the project which looks at the impacts of selective logging on understory species. She indicated that there are four study sites and one treatment site. According to the draft report, control areas and treatment areas are similar. Anne Archie asked for the opportunity to review the draft report, Karen and Neil will follow up.

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

1. Harvest Monitoring and Exchange of Harvest Data.

- a. Tribal Harvest B Report by Karen Danielsen on tribal wild plant and non-timber forest products gathering on National Forest lands during 2004-2005:

Ms. Danielsen indicated there is no written report in the packet due to some last minute changes but provided a brief overview. She stated that permits have been issued for forest gathering for both personal and commercial use. Based on the number of permits issued, there appears to be interest in gathering.

Ms. Danielsen stated that staff have conducted phone surveys of tribal members to find out their areas of harvest interest, which are: conifer boughs, princess pine, ginseng, birch bark and firewood. Most tribal members reported gathering conifer boughs. She added that most tribal members gather on the Chequamegon-Nicolet NF, although more have begun to gather on the Ottawa and Hiawatha. The written report will be available soon.

- b. Non-Tribal Harvest B Cheri Ford provided a brief overview of the non-tribal gathering of miscellaneous forest products. The information provided summarized harvest from 2000-2005.

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

§ Forest Service Report on Campground usage: Cheri Ford provided a report on the campground usage through the 2006 season. The report lists the number of permits issued for camping, number of nights camping and the average nights per permit. The group discussed whether there may be an expansion of the Birch Grove campground to accommodate more tribal use. Ms. Ford added that there was a site visit to the area and search of an archeological site to explore a potential campground expansion. Leo LaFernier requested more information about this, Ms. Ford will follow up to get Mr. LaFernier in contact with the appropriate Forest Service personnel.

Ms. Ford informed the group that at the Black River Harbor campground on the Ottawa NF a potential issue was worked through with the park ranger. She indicated that this is the first year any tribal member had used the campground and the park ranger need to be informed that both the dock and the campground are available for tribal member usage. The host at that campground was apparently unaware of the process of dealing with the FS, more education to concessionaires on how the process works may be worthwhile.

Tom Schmidt provided an update on the campground usage on the Hiawatha NF. He indicated that a concessionaire at that site is unhappy with the provisions provided to tribal members and wrote a letter to the Washington, DC office. Attorneys in that office are involved and are looking into the issue. Bob Leuckel added that the FS approach is to deal with the concessionaire directly and remedy the situation. Discussions continued on the background of the campground and usage, peak usage times and potential impacts from the Washington, DC office. Bob Lueckel felt there was no merit in the complaint. Issues surrounding campground usage have been worked out as they arose throughout the season.

§ An updated list of fee-exempt campgrounds was provided.

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

Report by TWG Co-Chairs Steve Christiansen (Forest Service), Karen Danielsen (GLIFWC) and Deb Dietzman (NRCS) on 2006 activities, projects, and meetings.

Karen Danielsen reviewed the activities undertaken by the TWG over the past year. She indicated that the group met three times and held one conference call. Issues addressed by the workgroup included:

- X Tribal sugarbushes. Over the last year a five-year management plan continued between Sokaogon and NCRS; a one-year management plan was renewed between LCO and USFS; and the Bay Mills tribe chose not to renew a previously established sugarbush on the Hiawatha.
- X Paper Birch. Accomplishments in this area include: a process is now in place to notify tribal members when birch stands are to be harvested so that tribal members can get the bark; continued exploration of options to conduct research on paper birch ecology and possible reasons for decline; research of literature beneficial to providing information on paper birch completed, but needs to be compiled, reviewed and summarized; and discussion of the development and implementation of a study to describe habitat characteristics of sites that support birch bark suitable for making canoes, in particular.
- X Emerald Ash Borer: GLIFWC commented on the ash seed collection document prepared by the FS; consultation between the FS and tribes regarding the transport of firewood; and provided *Mazina=igan* articles that were published this last year informing readers of the potential impacts of the emerald ash borer and discouraging the transport of firewood.

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

Review of government-to-government consultation on Forest Service decisions that affected the abundance, distribution or access to the natural resources found in the National Forests. Particular discussion on:

§ Status of MOU with other 1836 Treaty Signatory Tribes: Cheri Ford informed the group that the 1836 MOU is in place and the ratification ceremony will be on October 31. She encouraged tribal and/or GLIFWC representatives to attend if they wish. It was noted that some coordination will need to occur between the two Technical Working Groups involved.

§ Emerald Ash Borer and Firewood Regulations: Jason Stark indicated that GLIFWC received a letter from Anne Archie requesting a possible change in tribal regulations and requested consultation regarding the possession, use and transportation of out of state firewood. A conference call was held to discuss potential ways to implement firewood restrictions, or whether any action needs to be taken at all.

Anne Archie indicated that the FS is interested in getting input from the tribes on how to protect the ash trees on ceded lands if the closure is not an option for the tribes. Discussion ensued regarding the effectiveness of the current preventative measures being used, the limited tribal transfer of wood, enforcement of prohibitions on the transport of wood, tribally self imposed regulations, guidelines or education initiatives, and providing education and ideas for preventative action. More general discussion focused on working together as governments to stop invasive species.

James Zorn stated that the tribes are still obligated to and intend to respond to the request by the Forest Service. Their response will indicate their interpretation that the order does not apply to tribes but that tribes are sensitive to this issue and will look into options for preventing the spread of this pest. The tribes will look to the Forest Service for assurance that tribal members would not be cited for violating this order. Anne and Rich Gladowski assured the group that the order would not apply. Rich Gladowski added that details do need to be worked out due to the fact that the Michigan Order and Wisconsin Order are not the same and the Michigan Order states that action is to be taken if infestation is found, ie. wood is to be confiscated.

The TWG was charged with developing and recommending guidelines for the tribal transport of firewood. Jonathan Gilbert added that the tribes have always been very responsive to taking action and preventative measures against all other invasive species and feels that the answer right now is to monitor the efforts.

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

None Proposed.

VI. REQUIRED NOTICES/PARTIES= DESIGNATED REPRESENTATIVES.

Updated Forest Service and tribal contact lists were provided by FS and GLIFWC staff.

VII. ADDITIONAL DISCUSSION ITEMS.

A. Paper Birch Ecology and Management.

Karen Danielsen raised the issue of paper birch in order to address some concerns by tribal members that they are unable to find the birch bark they need to make certain products. Karen reviewed the background on the issue and steps that have been taken to alleviate the problem. Discussion continued regarding providing maps of proposed cuts on other forests as is done on the Chequamegon-Nicolet; the importance of continuing the FIA monitoring of birch bark; review of possible reasons for decline of birch; the opportunity for a potential research project for the Northeastern Research Station; and further discussion of funding levels and looking for outside funding sources for research.

The group confirmed their dedication to this project and it is understood by the parties that this issue should have a high priority. The FS has committed to the issue and it is included in their Forest Plan.

Bob Leuckel suggested that a birch regeneration demonstration project could be possible. He stated that a regenerating birch stand may be near existing birch for traditional harvest and it may be possible for this option to be explored by the TWG. Also mentioned was an opportunity on the Chequamegon-Nicolet where birch is being managed on South Twin Lake through continual work with a property owner. Discussion ensued regarding possible paper birch demonstration projects on each Forest, looking to the NRS to designate paper birch research as a priority and identification of FS personnel to work with the TWG specifically on this issue.

B. Establishment of Tribal Tree Harvest Areas.

Jonathan Gilbert presented an idea that had been proposed at a previous VTF meeting B the possibility of the tribes planting tree seedlings on a set aside area on national forest lands where these trees could then be harvested only by future tribal members. James Zorn indicated that the FS may have some impediments on a legal or policy level to participating in a Atribal tree harvest@ area. Bob Leuckel agreed, stating that federal law does not permit the planting of trees on federal lands for the benefit of any one predetermined party or person.

Discussion followed regarding using the stewardship project opportunity to provide tribal access to timber, potential demonstration areas for basswood and/or sugar maple, and further discussion on other forest management options. James Zorn reviewed the tribes= purpose, which is to undertake and commit to a project now in order to provide trees for the next generation. He stated that the intention is to look at a sustainable

supply of trees to be managed for the future use of tribes. It was suggested that managing a site for birch regeneration may provide derivative benefits that help attain the tribes= goals.

Bob clarified that the FS is willing to advance the idea of a birch demonstration site, and suggested that the TWG be charged with developing a project proposal and proposals for research funding. The FS feels comfortable pursuing birch regeneration as a first step and follow this path to see where it leads. Discussions continued on possible demonstration projects and how that would take place.

The meeting adjourned at 5:25 p.m.