

**Tenth Anniversary
of the
Memorandum of Understanding
regarding Tribal-USDA Forest
Service Relations on National
Forest Lands within the
Ceded Territory in Treaties
1836, 1837 and 1842**



Retrospective Report 1998 - 2008

Introduction

Ten years ago, member tribes of the Great Lakes Indian Fish and Wildlife Commission (GLIFWC) and the Eastern Region of the USDA Forest Service (National Forest System, Law Enforcement and Investigation Branch, and North Central Research Station) entered into a Memorandum of Understanding (MOU) entitled *Tribal - USDA Forest Service Relations on National Forest Lands within the Ceded Territory in Treaties of 1836, 1837, and 1842*.

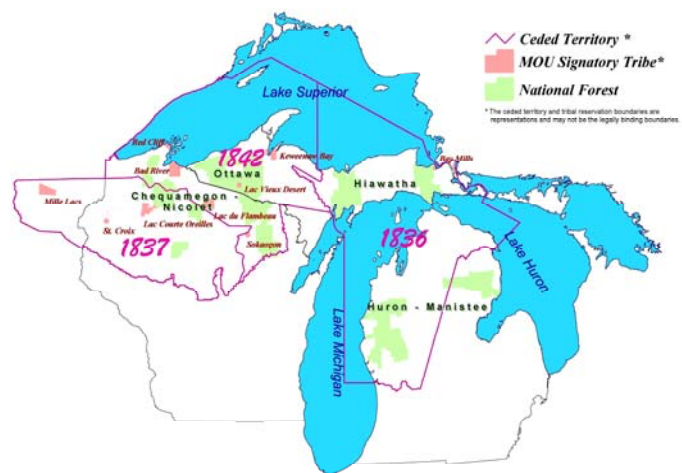
The MOU articulates the Forest Service's recognition of tribal treaty rights, tribal sovereignty and tribal capacity to self-regulate. It is based on the principle of government-to-government interactions and acknowledges the Forest Service's role in fulfilling the federal government's trust responsibilities and treaty obligations. It recognizes and reaffirms the broad set of relationships between the tribes and the Forest Service. The MOU supplements tribal off-reservation treaty hunting, trapping and fishing rights by implementing treaty-guaranteed wild plant gathering rights under tribal regulations and establishes a consensus-based consultation process for management decisions that affect treaty rights in the national forests located within areas ceded by the Ojibwe (Chippewa) in the Treaties of 1836, 1837 and 1842. It also highlights a shared goal of protecting, managing and enhancing ecosystems that support the natural resources.

The foundation underlying the MOU includes several mutual benefits. The MOU helps execute the Forest Service's Native American policies that address tribal self-determination and self-governance. These policies also direct the Forest Service to implement programs that are sensitive to Native beliefs and practices, as well as encourage

cooperation between the tribes and the Forest Service. The MOU provides the structure to facilitate communication and integrate the tribes' needs and requests into the management of national forest lands. The MOU also directs the Forest Service and the tribes to work collaboratively, through knowledge exchanges and shared research, to promote ecosystem management that sustains and restores native communities and species.

National Forests include: the Chequamegon-Nicolet, Hiawatha, Huron-Manistee and Ottawa. GLIFWC member tribes include: Bad River Band of the Lake Superior Tribe of Chippewa Indians, Bay Mills Indian Community, Keweenaw Bay Indian Community, Lac Courte Oreilles Band of Lake Superior Chippewa Indians, Lac du Flambeau Band of Lake Superior Chippewa Indians, Lac Vieux Desert Band of Lake Superior Chippewa Indians, Mille Lacs Band of Chippewa Indians, Red Cliff Band of Lake Superior Chippewa Indians, St. Croix Chippewa Indians of Wisconsin, and Sokaogon Chippewa Community of the Mole Lake Band

This retrospective report highlights the major accomplishments resulting from this MOU.



Tribal Harvest of Wild Plants

The MOU outlines a code of regulations, adopted by the tribes, which tribal members follow for gathering wild plants on national forest lands. This code is incorporated into the overall set of harvest regulations adopted by the tribes implementing hunting, fishing and trapping rights. GLIFWC wardens enforce this code, and violations are cited into the appropriate tribal court system for prosecution.

The code includes a requirement for tribal members to obtain an annual tribal off-reservation national forest harvest permit. In addition, an annual tribal commercial wild plant gathering permit is obtained by tribal members gathering and selling conifer boughs (primarily *aninaanda*, balsam fir), *cigonagan* (princess pine) or *jisens* (ginseng). Gathering and selling other wild plants does not require a commercial gathering permit.



Each year, on average, approximately 1,700 tribal members have obtained a general gathering permit and approximately 200 tribal members have obtained a commercial gathering permit. Special permits are required for establishing a tribal sugarbush on national forest lands.

Tribal Iskegamiziganan

Six tribal sugarbushes (Iskegamiziganan) have been established on national forest lands, all of which have entailed the preparation of management plans by the tribes in consultation with the



Forest Service. In 2001, the tribes and the Forest Service identified 48 additional sites where tribal sugarbushes could be established. However, these sites are not limiting, and tribal sugarbushes may be established at other appropriate national forest sites.

Wiigwaas Gathering

The Forest Service and the tribes have collaborated to identify ways to increase birch bark (wiigwaas) gathering opportunities. Similar to the potential sugarbush sites, potential birch bark gathering sites were identified on national forest lands. Furthermore, to facilitate the gathering of bark before birch trees are cut during timber harvests, the Forest Service agreed to annually provide the tribes with maps of proposed timber harvests, listing estimates of birch tree basal area. In an effort to address another tribal

concern regarding a lack of suitable bark from larger birch trees, the Forest Service agreed to reserve paper birch trees for their proposed timber harvests.



Timber Harvest for Construction Purposes

A provision in the MOU states that up to 40,000 board feet of timber per year per national



forest may be harvested by the tribes for construction purposes. However, questions have arisen regarding the Forest Service's authority to fulfill this provision. Although a fully satisfactory solution has proven to be elusive, the Forest Service and the tribes continue to consult and discuss this issue. In the meantime, the Forest Service has explored programs which allow it to provide timber under Stewardship Contracts and free use provisions as ways to fulfill this obligation.

In 2004, the Forest Service awarded the Lac Vieux Desert Band of Lake Superior Chippewa Indians a Stewardship Contract, allowing the tribe to harvest timber for the construction of a traditional roundhouse in exchange for completing a high priority watershed restoration project, which included road work.

In 2007, the Sokaogon Chippewa Community of the Mole Lake Band was able to take advantage of an opportunity to harvest salvage timber in a

blow down area. The Forest Service continues to work with this tribe to implement future harvests of salvage and/or green timber. Ongoing consultation and dialogue are helping to clarify the means by which the tribes can harvest timber, thus allowing continued progress in fulfilling this provision.

Fee-exempt Tribal Camping

The MOU includes a provision to allow the tribes and their members free use of national forest campgrounds in the exercise of their ceded territory rights. Additionally at some campgrounds, length-of-stay restrictions are also waived. To camp under this provision,

tribal members must obtain tribally-issued permits. The number of permits issued has increased annually with almost 90 issued in 2001 and nearly 200 issued in 2006.



Collaborative Research and Education

The MOU emphasizes a collaborative approach to natural resource management. It delineates the framework in which monitoring, evaluation and other research can be accomplished jointly between the tribes and the Forest Service. An important step in this process is information distribution for use by the tribes, Forest Service and general public. This cooperation between the tribes and the Forest Service has resulted in several key projects.

Waabizheshi Research

Valuable information has been obtained through a cooperative research project on the American marten (waabizheshi). Martens have been radio-collared to monitor activity and mortality. A survey entailing the collection of hair samples was initiated to better define marten distribution. A journal paper, brochure, poster and slide presentation have been prepared for information sharing purposes.



Wiigwaas Monitoring

Tribal members have expressed concerns that the type of paper birch bark required for making certain products seems to be declining in today's forests. Tribal bark harvesters, GLIFWC staff and Forest Service staff have been working together to better understand the factors that influence bark characteristics and availability. This cooperation has resulted in the development of a monitoring protocol to assess and document birch bark characteristics. The protocol was tested and results assessed through the Forest Service's monitoring program, Forest Inventory and Analysis. Additional projects that provide more detailed information on paper birch ecology have yet to be initiated.



Logging Impacts on Understory Plants

GLIFWC and Forest Service staff jointly instigated a long-term study to document the impacts of selective logging on understory plants, particularly if and when understory plants recover to pre-logging conditions. Baseline data on understory plant cover and species richness has been collected and logging treatments have been completed. Data will continue to be collected for another two decades or longer.



Conservation Education

The Forest Service, GLIFWC and tribal organizations received a Conservation Education Grant in 2000 that served to host workshops in which tribal elders taught tribal youth traditional ecological knowledge. These workshops included plant identification and use, specifically making baskets from aagimaak (black ash), ricing sticks from giizhik (cedar), cordage from wiigob (basswood), syrup from ziinzibaakwadwaaboo (maple sap), and jam from asasaweminan (chokecherries).

GLIFWC and the Forest Service continue to provide conservation education to tribal and non-tribal youth through a joint program called



“More Kids in the Woods.” The purpose of this program is to encourage youngsters to become more involved in all aspects of the outdoors. It is currently based at the Lake Nesbit Environmental Center in Ottawa National Forest.

Collaborative Law Enforcement

GLIFWC's Conservation Enforcement Division enforces tribal off-reservation harvest codes. The Division works cooperatively with other government agencies, including the Forest Service. GLIFWC wardens and Forest Service law enforcement officers have developed a strong working relationship. They conduct joint patrols and share equipment. They have also increased field communication by coordinating their radio frequencies management. Most importantly, they meet regularly to reaffirm and bolster their partnership.



Forest Planning and Decision-making

The MOU includes a procedural framework for consultation regarding national forest planning and decision-making. Consultation between the tribes and the Forest Service was particularly successful during the recent Forest Plan revisions. Tribal concerns and issues were properly addressed, often with the incorporation of new language into the Forest Plans. Consultation has also been successful regarding the design and implementation of site-specific projects and programs, including proposed timber harvests and emergency land management measures to address forest tree diseases and pests (e.g., oak wilt and emerald ash borer).

By and large, the MOU's delineation of consultation procedures has served to strengthen relations between the Forest Service and tribes.



Cultural Training

Forest Service personnel have had several opportunities to attend workshops to learn more about treaty rights and the Ojibwe culture. In addition, training sessions have occurred at many of the Forest Service District offices. Similarly, tribal members and GLIFWC staff have been afforded opportunities to attend Forest Service training sessions to learn about Forest Service practices and administrative procedures.

Besides formal training, every meeting between the tribes and the Forest Service

has served to increase mutual respect and understanding. As Forest Service and tribal staff change, continued cultural training will be crucial for maintaining and strengthening relations between the tribes and the Forest Service.



Awards

The MOU has received much recognition at both the national and regional levels for its innovation and effectiveness at advancing relations between the Forest Service and the tribes.

Honoring Tribal Governance

In 2000, the MOU was recognized as an outstanding national example of tribal governance through a special award program sponsored by Harvard University known as *Honoring Contributions in the Governance of American Indians*. Many aspects of the MOU provided compelling support for



this recognition including its effectiveness, significance, transferability, creativity and sustainability. Representatives from GLIFWC's member tribes and the Forest Service attended the awards ceremony in St. Paul, Minnesota.

Earth Walker Award

In 2007, the Forest Service presented GLIFWC Chief Warden, Fred Maulson with the Region 9 Indigenous Earth Walker Award. This award honors Native Americans that further relations between tribes and the Forest Service. Chief Maulson received this award to acknowledge his success at increasing communication and collaboration between GLIFWC wardens and Forest Service Law Enforcement Officers. This collaboration has greatly improved the

efficiency of both agencies with respect to enforcement issues and conservation education efforts.



The Future

The implementation of the MOU has been very successful because of the shared dedication of the tribes, GLIFWC staff and Forest Service staff. All the parties have participated in the difficult task of identifying, clarifying and resolving issues, processes and projects. As the MOU enters its second decade, the parties look forward to following the same successful path, maintaining and enhancing mutual respect and understanding.

