# Celebrating 20 Years of Implementing Tribal Treaty Rights: Past, Present, and Future

**20th 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**

# Mikwendaagoziwag

Fred Ackley

Karen Danielson

William "Gene" Emery

Leo Lafernier

Archie McGeshick

Matt O'Claire

James H. Schlender, Sr.

David Vetternech

# They are Remembered

## Introduction

Twenty years ago, member Tribes of the Great Lakes Indian Fish & Wildlife Commission (GLIFWC) and the Eastern Region of the USDA Forest Service (National Forest System, Law Enforcement and Investigation, and Northern 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 treaty obligations and trust responsibilities. It recognizes and reaffirms the broad set of relationships between the Tribes and the United States Department of Agriculture Forest Service (USDA FS).

The MOU implements gathering rights on National Forest System (NFS) lands under tribal regulations and establishes a consensus-based consultation process for management decisions that affect treaty rights in the National Forests located within the 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 MOU provides several mutual benefits. It 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 perspectives into the management of National Forest System 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.

The National Forests included in the MOU are: the Chequamegon-Nicolet, Hiawatha, Huron-Manistee and Ottawa. The signatory Tribes (all GLIFWC members) are: Bad River Band of the Lake Superior Tribe of Chippewa Indians, Bay Mills Indian Community, Fond du Lac Band of Lake Superior Chippewa, Keweenaw Bay Indian Community, Lac Courte Oreilles Band of Lake Superior Chippewa Indians, Lac du Flambeau Band of Lake Superior Chippewa Indians,

Cover Photo:
Bibooni-wiigiwaam (winter lodge) designed and built by community elders, students and Program Director Wayne Valliere from the Lac du Flambeau Band of Lake Superior Chippewa Indians. Many of the materials were harvested from the Chequamegon-Nicolet National forest using the Tribal-USFS MOU.

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 of Lake Superior Chippewa. The Tribes are assisted in the implementation of the MOU by GLIFWC. One of GLIFWC's committees, the Voigt Intertribal Task Force has been designated the Tribes' "keeper of the process" for ongoing MOU implementation.

The implementation of the MOU has been successful because of the shared dedication and commitment of the Tribes and the Forest Service. As the MOU enters its third decade, the parties to the MOU look forward to following a similarly successful path.

This report reflects the major accomplishments achieved under the MOU over the past 20 years and offers a glimpse into what the future may hold.

## Tribal Harvest of Wild Plants

At its most fundamental level, the MOU includes a code of regulations, adopted by the Tribes, that tribal members follow when they gather wild plants on NFS lands.

### *Permit Numbers*

The MOU Gathering Code requires tribal members to obtain an annual tribal off-reservation National Forest Gathering Permit. The permits are tribally-issued.

- 10th Anniversary Report: Each year an average of approximately 1,700 tribal members obtained gathering permits for harvesting wild plants on National Forests.

- 20th Anniversary Report: The number of tribal members obtaining permits to harvest forest products on National Forests increased to an average of approximately 1,900 each year.

- Future: Expect the number of tribal members obtaining permits to increase as members continue to rely on an expanding suite of natural resources that may be harvested pursuant to the MOU.

## Tribal Iskigamizigan (Sugarbush)

The process for Tribes to establish tribal iskigamiziganan (sugarbushes) on National Forest System lands involves the preparation of management plans by the Tribes in consultation with the USDA FS.

- 10th Anniversary Report: In 2001, the Tribes and the USDA FS identified 48 sites where tribal iskigamiziganan could be established. As of 2008, six tribal iskigamiziganan had been established.

- 20th Anniversary Report: As of 2018, five additional tribal iskigamiziganan had been established on NFS lands: Lac Vieux Desert (2008 & 2012) on the Ottawa National Forest; Bay Mills (2012) on the Hiawatha National Forest; Lac Courte Oreilles (2013) on the Chequamegon-Nicolet National Forest; and Keweenaw Bay (2014) on the Ottawa National Forest.

- Future: Expect the number of tribal iskigamiziganan operating on NFS lands to remain relatively stable. Changes in weather patterns and the unpredictablility of the winter-to-spring transition may affect this activity.

## Wiigwaas (Paper Birch Bark)

The Forest Service and the Tribes have collaborated to identify ways to increase wiigwaas gathering opportunities, and to address tribal concerns about the lack of larger diameter wiigwaasaatigoog (paper birch trees).

- 10th Anniversary Report: Birch bark gathering sites were identified on NFS lands. In addition, to facilitate the gathering of wiigwaas before wiigwaasaatigoog are cut during timber harvests, the Forest Service agreed to provide the Tribes with maps of proposed timber harvests, listing estimates of wiigwaasaatig basal area.

  In response to tribal concerns over the lack of large diameter wiigwaasaatigoog, the Forest Service agreed to reserve wiigwaasaatigoog from their proposed timber harvests.

- 20th Anniversary Report: The USDA FS has continued to provide the Tribes with maps of potential timber harvest locations and the wiigwaasaatigoog basal area of the stands. This has been such a successful program for tribal wiigwaas harvesters that other agencies have started to supply the Tribes with similar maps.

  Work to address the lack of large diameter wiigwaasaatigoog continues. Additional detailed information can be found under “Collaborative

Research and Education" and "Wiigwaas Monitoring" (see page 5, below).

- Future: Continue to develop an understanding of research needs for wiigwaasaatigoog and how to better manage for them within the Ceded Territories and in a changing climate.

## Fee-exempt Tribal Camping

The MOU includes a provision to allow tribal members to use National Forest campgrounds without paying a fee in the exercise of their treaty rights. To camp under this provision, members must obtain a tribal permit.

- 10th Anniversary Report: The number of permits issued increased annually from almost 90 in 2001 to nearly 200 issued in 2006.

- 20th Anniversary Report: The number of camping permits issued continues to increase. Tribes issue an average of 1,200 camping permits each year.

- Future: Expect the number of tribal members who camp at National Forest campgrounds to either remain stable or increase as interest in camping during the exercise of treaty rights grows.

  The MOU includes a provision to work with GLIFWC and local Forest Service districts to reserve campsites. In 2018, requests for reservations doubled, compared to 2017. The process may not be timely, can result in a tribal member not being able to get a campsite, and results in additional work for GLIFWC and USDA FS staff. Tribal members may use Recreation.gov, however this National system does not have the ability at this time to recognize fee-exempt camping. At the start of the third decade, dialogue is beginning about enabling tribal fee-exempt camping through the Recreation.gov system.

## Tribal Timber Harvesting

The Forest Service has long recognized the tribal need for timber. Whether it be for ceremonial purposes, firewood or general construction, there have been provisions in the MOU that provide Tribes with an avenue to obtain live-standing trees.

- 10th Anniversary Report: A provision in the MOU stated that up to 40,000 board feet of timber per year per National Forest may be harvested by Tribes for construction purposes. However, questions arose regarding the Forest Service's authority to fulfill this provision. As the parties discussed how to address the issue, the Forest Service explored programs that allowed it to provide timber under Stewardship Contracts and free use provisions.

  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 (the location of the 2018 annual meeting). By nature of the Stewardship Contract, the Tribe completed a high priority watershed restoration project, which included road work in exchange for the timber.

  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.

- 20th Anniversary Report: With provisions in the 2008 Farm Bill (P.L. 110-246, Section 8105), the USDA FS and the Tribes re-opened discussions about how the Forest Service can assist the Tribes in obtaining timber for domestic, non-commercial traditional and cultural purposes. This led to the development of Appendix C to the MOU, called Tribal Timber Harvest Framework Agreement, and the removal of the 40,000 board feet language.

  Appendix C provides a step-by-step process for the Tribes to obtain live-standing timber. It was adopted in 2012.

For the first three years following the adoption of Appendix C, GLIFWC received five requests for timber agreements, all of which were "hand-felling" operations only. Following the "polar vortex" winter of 2013-2014, the Tribes recognized that the MOU's Timber Harvest Framework could be an avenue to help provide firewood to tribal communities. This led to discussions of timber harvest using more efficient mechanized logging equipment.

In 2015, the first tribal mechanized harvest of timber was completed by the Sokaogon Chippewa Community on the Lakewood-Laona District of the Chequamegon-Nicolet National Forest (CNNF). Following the completion of the harvest, there have been five more requests for timber via mechanized means. Currently, there are four active operating agreements.

In recent years, the Tribes and the Forest Service have recognized that there are times when a tribal member needs a small number of live trees, and in those cases the Appendix C process can be overly cumbersome. In light of this, the parties have amended the MOU to allow tribal members to harvest no more than five live trees for personal purposes without following the Timber Harvest Framework.

- Future: The parties will continue to work collaboratively to develop better processes for implementing the Timber Harvest Framework. In the meantime, numerous Tribes have used the Framework to provide firewood to their communities, thereby offsetting heating costs for tribal members.

## Collaborative Research and Education

The MOU emphasizes a collaborative approach to natural resources 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 has resulted in several key projects.

### *Waabizheshi Research*

Valuable information has been obtained through a cooperative research project on waabizheshi (American marten).

- 10th Anniversary Report: Waabizheshiwag were radio-collared to monitor activity and mortality. A survey entailing the collection of hair samples was initiated to better define waabizheshi distribution. A journal paper, brochure, poster and slide presentation were prepared to share information about the project.

- 20th Anniversary Report: GLIFWC's work continued during the second decade. In addition to work conducted by GLIFWC, there have been several graduate student projects to study various attributes of waabizheshi ecology. Three graduate projects were conducted in collaboration with Purdue University resulting in one MS thesis and two Ph.D. dissertations focused on dispersal behavior of waabizheshiwag on the CNNF. In collaboration with UW-Madison, there have been two other graduate projects that have examined the demographic characteristics of waabizheshi populations on the Great Divide Ranger District of CNNF and the Eagle River-Florence Ranger District of CNNF. These studies focus on the role of immigration from the western Upper Peninsula to the two Wisconsin marten populations and how this immigration is essential to waabizheshi viability.

- Future: GLIFWC continues to collaborate with UW-Madison to examine apects of marten ecology. GLIFWC is undertaking a study of the prey base for waabizheshiwag (i.e. small mammals) and how small mammal populations change seasonally and after timber harvests. The results of this study will help inform the USDA FS about the effects of forest management on waabizheshi well being.

### *Wiigwaas (Paper Birch) Monitoring*

Tribal members have expressed concern that the type of wiigwaas required for making certain products, especially canoes, is declining in today's forests.

- 10th Anniversary Report: Tribal 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 wiigwaas characteristics. The protocol was tested and results were assessed through the Forest Service's monitoring program Forest Inventory and Analysis (FIA).

- 20th Anniversary Report: Following the completion of the monitoring protocol mentioned above, the Northern Research Station and GLIFWC published the results in the Journal of Forestry in a paper titled "Using Traditional Ecological Knowledge as a Basis for Targeted Forest Inventories: Paper Birch (*Betula Papyrifera*) in the US Great Lakes Region."

  To further understand the status of large diameter wiigwaasaatig in the Ceded Territories, GLIFWC member Tribes continued to work with the FIA Program and the Northern Research Station to produce a General Technical Report titled "Paper Birch (wiigwaas) of the Lake States, 1980-2013," as well as a Resource Bulletin titled "Forest Resources within the Lake State Ceded Territories 1980-2013."

  Using this information, GLIFWC formed a wiigwaasaatig working group that is developing research ideas surrounding this valuable tree. Beginning with an assessment of site characteristics in the summer of 2018, the working group will recommend further research in upcoming years.

  In 2015 and 2016, retailers began selling small birch trees or "poles" as home décor. This prompted significant concerns on the part of the Forest Service and the Tribes about the potential for the overharvest of birch poles. In 2017, after discussing these concerns, the parties amended the MOU by limiting the number of birch poles that could be harvested under a "small scale" gathering permit. The parties are also evaluating areas in which gathering a larger number of poles might be appropriate (e.g. in a timber sale area).

- Future: The wiigwaasaatig working group will continue to meet and develop research ideas. In the meantime, GLIFWC member Tribes have requested an assessment of "all issues surrounding wiigwaasaatig at all life stages," which is in the planning stages.

# *Celebrating 20 Years of Implementing Tribal Treaty Rights*

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| **1836** | Treaty with the Ottawa and Chippewa at Washington, D.C. |
| **1837** | Treaty with the Chippewa at St. Peters, WI |
| **1842** | Treaty with the Chippewa at La Pointe, WI |
| **1850** | President Zachary Taylor issued an executive order in 1850 to move Ojibwe Indians living east of the Mississippi River to unceded lands |
| **1850** | Attempted removal of Ojibwe in 1850-51 which resulted in the Sandy Lake Tragedy — removal failed |
| **1854** | Treaty with the Chippewa Indians of Lake Superior and Mississippi, La Pointe, WI |
| **1971** | *People v. Jondreau* decision (MI) |
| **1972** | *State v. Gurnoe* decision (WI) |
| **1981** | *U.S. v. Michigan* (Fox decision) |
| **1983** | *Lac Courte Oreilles v. State of WI* (7th Circuit "Voigt" decision) |
| **1983** | Formation of Voigt Intertribal Task Force |
| **1984** | Formation of GLIFWC |
| **1991** | Final decision in *LCO v. WI* (Parties do not appeal) |
| **1992** | FS/GLIFWC/Voigt discussions begin regarding gathering and treaty rights |
| **1993** | MOU negotiations begin |

## *1998 MOU Signed*

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| **1998** | U.S. Representative Obey's concerns prompt Forest Service to conduct public comment period |
| **1999** | *Minnesota v. Mille Lacs* Supreme Court decision |
| **1999** | Forest Service completes comment period, MOU finalized |
| **2000** | Campground Fee and Length of Stay Restriction Exemption Agreement |
| **2000** | First Annual Tribal/FS MOU meeting at Red Cliff |
| **2000** | MOU recognition by Harvard University — "Honoring contributions in the governance of American Indians" |
| **2000** | First two sugarbush management plans completed — Bay Mills and Mole Lake |
| **2001** | Tribal elders, GLIFWC staff and FS — identified 48 sites for tribal sugar bushes |
| **2003** | First TEK Birch Protocol developed for FIA Surveys |
| **2003** | GLIFWC proposed amendment dealing with timber for construction purposes (40,000 board feet) |
| **2004** | First timber harvest: Ottawa NF works with LVD on a stewardship contract, red pine logs for LVD roundhouse |
| **2006** | Revised TEK Birch Protocol |
| **2007** | Forest Service R9 Indigenous Earth Walker Award presented to GLIFWC Chief Warden Fred Maulson |
| **2007** | Regional Forester issues free-use permit to Mole Lake for salvage of 40,000 board feet from the Quad County tornado area on the CNNF |
| **2008** | MOU 10th Anniversary celebration and annual meeting at Red Cliff |
| **2008** | First Camp Onji-Akiing at Camp Nesbit, Ottawa National Forest |
| **2009** | Minwajimo Conference: "Telling a Good Story" GLIFWCs first 25 years |
| **2010** | Great Divide District CNNF works with St. Croix Tribe to mark 200 Red Pine trees for a ceremonial building — never implemented |

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| 2011 | Eastern Region Honor Award: GLIFWC, DNR and FS for "Collaborative Management of Pine Marten in WI" |
| 2011 | Bay Mills request for harvest of house logs — not completed |
| 2012 | First significant MOU Amendment (Appendix C — Timber Harvest Framework (THF)) — removed 40,000 board feet language |
| 2012 | Fond du Lac becomes a signatory to the MOU |
| 2012 | Per request from Bad River, an area closure was implemented at St. Peter's Dome and Morgan Falls area for a tribal fasting ceremony |
| 2012 | Per THF process, Mole Lake requested logs for residential purpose on Lakewood/Laona District — project dropped |
| 2012 | Per THF process, Bad River requested cedar salvage on Great Divide — project dropped |
| 2012 | Per THF process, Lac du Flambeau requested hand cutting firewood area — partially implemented |
| 2012 | Per THF process, Bay Mills requested logs for residential purpose on east side of Hiawatha — project dropped |
| 2013 | Per THF process, Lac du Flambeau request amendment to previous agreement for ceremonial harvest of live cedar trees — resulted in harvest of bark from 24 cedar trees |
| 2014 | Publication: "Using Traditional Ecological Knowledge as a basis for Targeted Forest Inventories: Paper Birch (*Betula Papyrifera*) in the U.S. Great Lakes Region" Northern Research Station and GLIFWC |
| 2014 | Tribes co-designate 11 USFS RNAs as Tribal RNAs |
| 2014 | Per THF process, Keweenaw Bay Indian Community requested firewood cutting area — project not implemented |
| 2014 | Forest Service Groundwater Directives Tribal Listening Session |
| 2015 | Publication: "Forest Resources within the Lake States Ceded Territories 1980-2013" Northern Research Station Bulleting NRS-149 |
| 2015 | Modeled distributions of 12 tree species in the Lakes States Ceded Territories, including Common names, Latin names and Ojibwe names |
| 2015 | Per THF process, Mole Lake requested area for mechanized harvest of firewood, operating agreement signed — completed. |
| 2015 | Ottawa NF begins discussions with LVD regarding Crooked Lake |
| 2016 | Worked with LCO for harvest of salvage timber from 2014 blowdown event on the Great Divide District |
| 2017 | Commission Order changing the Model Code for more restrictive gathering of birch poles under a general gathering permit (reduces number from 75 to 5). Put in place a provision for Large Scale Birch gathering permit as coordinated among the FS, GLIFWC and Tribes. |
| 2017 | Per THF process, Mole Lake requested area for mechanized harvest of firewood — operating agreement signed |
| 2017 | Per THF process, LDF requested mechanized harvest of live trees, operating agreement signed — project not complete, tribe interested in extension. |
| 2017 | GLIFWC becomes a partner in the Northern Institute for Applied Climate Science |
| 2017 | THF process agreement with Bad River to remove harvested timber from Parking Lot Expansion near Morgan Falls/ St. Peter's Dome. |
| 2017 | Per THF process, Red Cliff requested and mechanized operating agreement for fuelwood, operating agreement signed — project in progress |
| 2017 | Enbridge Line 5 Scale Special Use Permit renewal Tribal Listening Session conducted. Parties agree to analyze Oil Pipeline (Line 5) under provisions of the MOU related to Forest Service decision-making — project in progress |
| 2018 | First Large Scale Birch Pole Harvest Permit issued — permit issued, tribal member harvested in wrong place resulting in tribal court action against the member |
| 2018 | Per approval of the VITF, FS and GLIFWC staff began additional analysis under the framework of the MOU in regards to Enbridge Line 5 Special Permit Renewal |
| 2018 | Per request from GLIFWC Tribes, an area closure was implemented for the first ceremonial tribal elk hunt |

### *Logging Impacts on Understory Plants*

GLIFWC and Forest Service staff jointly initiated a long-term study to document the impacts of selective logging on understory plants, particularly whether and when, the understory plants recover to pre-logging conditions.

- 10th Anniversary Report: Baseline data on understory plant cover and species richness was collected and logging treatments were completed. Data will continue to be collected for another two decades or longer.

- 20th Anniversary Report: Sampling of the locations continues. Following a preliminary analysis that showed very little variation in herbaceous communities, and due to the high-intensity sampling effort, sampling was reduced to once per year alternating between spring and summer seasons.

- Future: Sampling at all four sites will continue indefinitely, however in the short term, plans are to produce some preliminary results documenting the changing herbaceous communities using the first 20 years of data.

### *Conservation Education*

The Forest Service and the Tribes share a commitment to educate youth about treaty rights activities and opportunities to exercise those activities within NFS lands.

- 10th Anniversary Report: 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 (white cedar), cordage from wiigob (basswood), syrup from ziinzibaakwadwaaboo (maple sap), and jam from asasaweminan (chokecherries).

- 20th Anniversary Report: A collaborative effort between GLIFWC and the USFS, Camp Onji-Akiing (From the Earth) is a cultural outdoor adventure-based summer camp that focuses on natural resource career exploration and treaty rights, while fostering connections to all of our relatives, human and non-human. This camp, which began in 2009 with nine tribal youth has increased in popularity and attendance has grown to 40-50 youth. It is held at Camp Nesbit, in the heart of the Ottawa National Forest in Sidnaw, Michigan.

- Future: Camp Onji-Akiing has increased in popularity since its inception and continued growth is expected.

## Collaborative Law Enforcement

GLIFWC Conservation Officers are authorized to enforce the conservation codes that are part of the MOU. In addition, the MOU contains a Tribal Self-Regulatory Agreement that provides for the Tribes to enforce any violations of the MOU in tribal courts.

- 10th Anniversary Report: GLIFWC's Conservation Enforcement 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. Most importantly, they meet regularly to reaffirm and bolster their partnership.

- 20th Anniversary Report: In 2016, GLIFWC and the Chequamegon-Nicolet National Forest enacted a Cooperative Law Enforcement Agreement, formalizing their mutual enforcement efforts in Wisconsin.

  As a result, GLIFWC wardens and Forest Service law enforcement officers have expanded joint patrols on NFS lands. The two agencies collaborated to eradicate multiple marijuana grows including some of the largest found on NFS lands in Wisconsin, thereby enhancing public safety. Also, due to the increased use of campgrounds by tribal members exercising their treaty reserved rights, GLIFWC wardens have increased their patrols in and around Forest Service campgrounds.

- Future: GLIFWC law enforcement looks to continue joint patrols and expand Cooperative Law Enforcement Agreements. The parties will continue to explore collaborative training opportunities to strengthen teamwork. Finally, the parties will maintain and improve their working relationships to ensure the safety and protection of harvesters and to enhance the conservation of the Forests.

## Forest Planning and Decision-Making

The MOU includes a procedural framework for consultation regarding National Forest planning and decision-making.

- 10th Anniversary Report: Consultation between the Tribes and the Forest Service was successful during Forest Service plan revisions. Tribal concerns and issues were properly addressed, often with the incorporation of new language into Forest Plans.

  Consultation has also been successful regarding the design and implementation of the 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).

- 20th Anniversary Report: Regular consultation has continued between the Forest Service and the Tribes. Three specific tribal-only listening sessions were held on the following topics: USDA Sacred Sites policy-2011, Proposed USDA FS groundwater directive-2014, and Enbridge Line 5 Special Use Permit reauthorization-2017.

  Standardized language regarding the Ceded Territories and treaty rights has been incorporated into most forest plans as well as significant site-specific projects.

  In 2017, GLIFWC, at the request of its member Tribes, became a partner in the Northern Institute of Applied Climate Science (NIACS), which is associated with the Forest Service's Northern Research Station. This relatively new partnership has already begun to infuse tribal cultural perspectives into climate adaptation initiatives. For example, GLIFWC and NIACS, with other tribal and intertribal partners, are developing a Tribal Adaptation Menu that will assist Tribes in planning for and adapting to a changing climate in culturally appropriate ways. The drafters also hope that it will bring Traditional Ecological Knowledge into the Forest Service's plans and decisions about climate adaptation.

  The Tribes and the Forest Service are analyzing impacts (past, present and future) of an oil pipeline that crosses the Chequamegon-Nicolet National Forest. The pipeline was installed in the 1950s and permitted without consideration of tribal treaty rights; the joint analysis will attempt to characterize those impacts, the impact of the existing pipeline on treaty rights, and the risk and impacts of a potential spill. The parties anticipate

that this analysis will inform the Forest Service's decision about whether or under what conditions to re-issue the special use permit for the line.

- Future: Recent conversations suggest that analysis and consultation on permitting and management decisions may be an important tool as the parties consider actions that impact the ecosystems that support treaty reserved resources. These include climate change adaptation, among others.

## Special Closures

In 2012, the MOU was amended to allow the Tribes or the Voigt Intertribal Task Force to request that the Forest Service temporarily close a part of a National Forest in order to provide privacy for Tribes engaging in traditional or cultural activities. This provision has been invoked twice, both times on the Chequamegon-Nicolet National Forest – once for a fasting ceremony in 2012 and once for a tribal harvest camp in 2018.

## Cultural Training

- 10th Anniversary Report: Forest Service personnel have had several opportunities to attend workshops to learn more about treaty rights and 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, the parties strive to increase cultural understanding and mutual respect during all of their meetings and interactions. 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.

- 20th Anniversary Report: The close working relationship and the commitment to consider treaty rights when making decisions has resulted in many opportunities for Forest Service personnel to be exposed to cultural teachings. For example, Forest Service personnel participated in listening sessions on groundwater, oil pipelines and sacred sites. All of these included tribal perspectives and teachings that pertain to those topics.

  Routinely, new line officers are provided background information on the MOU and working with Tribes. One tool provided to line officers, as well as all USDA FS personnel are a set of DVDs and other educational materials produced by GLIFWC on Ojibwe Treaty Rights and the Sandy Lake Tragedy, to name a few.

- Future: Formal cultural training is important to introduce new Forest Service personnel to the MOU, treaty rights and the cultural perspectives of the Tribes. It is also important to include Forest Service personnel in less formal opportunities in which they can be exposed to the perspectives that inform tribal positions on particular issues.

## The Future

The parties agree that the MOU has been successful due in large part to the hard work and dedication of both parties. Agencies and Tribes from across the country have expressed an interest in using the MOU as a model of cooperation, co-management and cultural exchange. It has provided a foundation that is both solid and flexible as the parties confront new challenges and seek to improve the condition of treaty protected natural resources on NFS lands. As the parties look to the future they see some of the issues they will be addressing, and they are descibed below. Others will only become apparent as the future unfolds. We hope to be reporting on those in 2028!

### *Traditional Ecological Knowledge*

The signatory Tribes and GLIFWC staff are working to better represent traditional knowledge holders and incorporate Traditional Ecological Knowledge into management, planning and decision-making on NSF lands. One example is the development of a Tribal Adaptation Menu in partnership with NIACS (see page 9, above).

### *Omashkooz (Elk) Restoration*

Tribes and GLIFWC have and will continue to work closely with the Forest Service and other agencies to help re-establish a healthy omashkooz population in Wisconsin. That population reached a level in 2018 that allows a hunting season – one that will provide the Tribes with up to five bull elk for their communities.

### *Management Actions and Decision-Making*

The analysis of Line 5 (see page 9, above) marks the first time that this portion of the MOU has been used to perform a joint, in-depth exploration of a Forest Service decision that may impact tribal treaty rights. Future management actions, for example, those that respond to climatic changes and their attendant impacts, will benefit from ongoing coordinated analysis and sharing of cultural knowledge and perspectives.

# Notes

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RED CLIFF BAND OF LAKE SUPERIOR CHIPPEWA
HUB OF THE CHIPPEWA NATION

MILLE LACS BAND OF OJIBWE

BAY MILLS INDIAN COMMUNITY
GNOOZHEKAANING

NAH-GAH-CHI-WA-NONG
FOND DU LAC
RESERVATION

ST. CROIX CHIPPEWA INDIANS OF WISCONSIN

LAC COURTE OREILLES
TRIBAL GOVERNING BOARD
*Pride of the Ojibwe*

Dec.17, 1936
Keweenaw Bay Indian Community

Lac Vieux Desert Band of
Lake Superior Chippewa Indians

USDA

FOREST SERVICE
U S
DEPARTMENT OF AGRICULTURE

Great Lakes Indian
Fish & Wildlife Commission