

TRIBAL RIGHTS AND INTERESTS

(1) Overview

Existing and Desired Condition

The Ojibwe interest in the National Forests includes not only spiritual and cultural interests, but also the unique legal relationship that the United States government has with tribal governments. Tribal interests and uses on the Forests are protected through various statutes. The federal trust doctrine requires that federal agencies manage the lands under their stewardship with full consideration of tribal rights and interests, particularly reserved rights, where they exist.

Lands within the Forest serve to help sustain American Indians' way of life, cultural integrity, social cohesion, and economic well-being. The Forest Service continues to work within the context of a respectful government-to-government relationship with Tribes, especially in areas of treaty interest, rights, traditional and cultural resources, and ecosystem integrity. The Forests provide opportunities for traditional American Indian land uses and resources.

Survey and Trend

Consultation for Pre-NEPA, NEPA, and Government-to-Government contacts; carried out collaborative agreements and project implementation and conducted specific and ongoing meetings.

The nature and amount of government-to-government interactions with Tribal entities in 2005 was typical of ongoing collaboration efforts for the Superior NF and the bands of the Ojibwe.

Recommendation

The Forest Plan desired condition (D-TR-3) notes that the Superior National Forest facilitates the exercise of the right to hunt, fish and gather as retained by Ojibwe whose homelands were subject to treaty in 1854 and 1866. The Forest is accomplishing consultation efforts with the bands, yet the opportunity exists for more proactive government-to-government interaction and collaboration to actively facilitate rights of band members for hunting, fishing and gathering.

(2) Monitoring Activities

Monitoring Question

Is Forest management helping to sustain American Indians' way of life, cultural integrity, social cohesion, and economic well being?

Monitoring Driver(s): Objective. O-TR-3. The Forest Service will work with the appropriate tribal governments to clarify questions regarding the use and protection of miscellaneous forest products with the objective of planning for and allowing the continued free personal use of these products by band members within the sustainable limits of the resources.

Applicable Monitoring Activity, Practice, Or Effect Measured	Methods	When Monitored	Location or Project Area
Compilation of consultation and NEPA, collaborative implementation of Forest and Tribal agreements and projects, and individual and ongoing meetings for Forest and Tribal interests.	Surveyed NEPA Coordinators, IDT Leaders, Biologists, and other Forest Personnel on their contacts and collaboration with the following Ojibwe Bands: Fond du Lac, Grand Portage, and Bois Forte regarding forest management on the Superior National Forest.	End of each year.	Forest Wide.

(3) Evaluation and Conclusions.

Desired Conditions/Objectives

Monitoring Driver(s): Objective. O-TR-3. The Forest Service will work with the appropriate tribal governments to clarify questions regarding the use and protection of miscellaneous forest products with the objective of planning for and allowing the continued free personal use of these products by band members within the sustainable limits of the resources.

2005 Accomplishment During 2005 project consultation and government-to-government contacts with the 1854 Authority, Fond Du Lac, Bois Forte, and Grand Portage Bands of the Ojibwe were made for the Echo Trail Area, Dunka, Inga South, NNIS Plant Management, and Denely Road projects. Agreements and collaborative project implementation occurred for the seeding wild rice on the Laurentian RD, electrofishing on the Whiteface Reservoir and Impoundment and Wildlife Opening Management on the LaCroix RD. In addition, an annual meeting of Tribal and Forest Service biologists occurred on the Gunflint RD and the SNF made ongoing contacts regarding policy, training and available monies for collaborative efforts.

A. FOREST PLAN DIRECTION/FEIS CONDITION				
Record of Decision (7/04)	(DECADE 1)		2005 Accomplishments and/or Condition	
Existing Condition	FP Desired Condition, Objective, or S&G's	FEIS Projected or Proposed Condition	Actual Accomplishments implemented	Actual Accomplishments & Approved NEPA Decisions
The Ojibwa interest in the National Forests includes not only spiritual and cultural interests, but also the unique legal relationship that the United States government has with tribal governments. Tribal interests and uses on the Forests are protected through various statutes. The federal trust doctrine requires that federal agencies manage the lands under their stewardship with full consideration of tribal rights and interests, particularly reserved rights, where they exist.	Superior National Forest facilitates the exercise of the right to hunt, fish and gather as retained by Ojibwa whose homelands were subject to treaty in 1854 and 1866 (10 Stat. 1109 and 14 Stat. 765). Ongoing opportunities for such use and constraints necessary for resource protection are determined in consultation with the following Ojibwa Bands: Fond du Lac, Grand Portage, and Bois Forte.		Consultation for Pre-NEPA, NEPA, and Government-to-Government contacts; carried out collaborative agreements and project implementation and conducted specific and ongoing meetings.	NA

B. ACHIEVEMENT OF FOREST PLAN DIRECTION/FEIS CONDITION			
% Achievement of Decade 1 Direction/Condition		Trend	
Actual accomplishments implemented	Actual Accomplishments & Approved NEPA Decisions	Actual accomplishments implemented	Actual Accomplishments & Approved NEPA Decisions
NA	NA	The nature and amount of government-to-government interactions with Tribal entities in 2005 was typical of ongoing collaboration efforts for the Superior NF and the bands of the Ojibwa.	

Standards and Guides

Standard & Guide Descriptor	Standard & Guide Description	Compliance	Remarks
S-TR-1	Affected Tribes will be consulted early in the planning process regarding proposed Forest land management activities in order to identify and address tribal interests.	Yes	Consultation has occurred in various management activities planning, such as for the Echo Trail, Dunka, Inga South, and NNIS Plant Management projects.
S-TR-3	Forest management activities will be conducted in a manner to minimize impacts to the ability of Tribal members to hunt, fish, and gather plants and animals on Forest Service administered lands.	Yes	This is being addressed through project consultation
S-TR-4	Interests of the residents of local Indian communities will be addressed when planning and implementing vegetation and other resource management activities in close proximity to these communities.	Yes	This is being addressed through project consultation
S-TR-5	Affected Tribes will be consulted regarding opportunities for restoration, enhancement, and maintenance of native plant communities and wildlife species, including threatened, endangered, sensitive, or rare species that are of interest to tribes. Where tribal interest is indicated, cooperative programs for restoration and/or maintenance of these communities-species will be established.	Yes	This is being addressed through project consultation and through agreements and project implementation such as wild rice seeding on the Laurentian RD and impoundment/prescribed burning on the LaCroix RD.
S-TR-6	Environmental documents will disclose potential effects on cultural resources, traditional use areas and areas of special interest that include tribal cultural values, properties, and uses, and species of special concern.	Yes	This is being addressed through project consultation and effects disclosure documented in NEPA decisions.
S-TR-7	Decisions for environmental documents will demonstrate how tribal interests as identified in the environmental analysis were addressed.	Yes	Although the decision documentation demonstrates how tribal interests are addressed, this demonstration can be done with greater clarity.
G-TR-3	Plant and animal species of traditional use should be given consideration in any management project when desired and sought after by tribal members.	Yes	This is being addressed through project consultation

(4) Necessary Follow-up and Management Recommendations

The Superior National Forest currently accomplishes consultations, agreements, project collaboration, and meetings to work within the context of a respectful government-to-government relationship with Tribes, especially in areas of treaty interest, right, traditional and cultural resources, and ecosystem integrity. However the Forest needs to develop and conduct processes that consistently track and document the work done that is done each year to maintain lands within the Forest helping to sustain American Indians’ way of life and economic well being. Efficient tracking and documentation would better show the work done and gage the effectiveness of the Forests’ efforts throughout the year. The Forest also has the opportunity to take on an even more proactive role in facilitating the exercise of rights of Ojibwe band members on the Superior National Forest.

Monitoring Driver	Follow-up Actions
O-TR-3	Districts and SO need to track and document contacts and management actions relating to the objective of planning for and allowing the continued free personal use of these products by band members: consultation, agreements and project implementation, and meetings. This would allow for consistent monitoring and evaluation of the status of tribal and Superior National Forest interactions.
O-TR-3	The Forest also has the opportunity to pursue working with the 1854 Authority resource specialist and other tribal specialists to accomplish monitoring relating to common resource interests and treaty rights.

Monitoring Driver	Recommended Management Actions
D-TR-3	The Forest Plan desired condition (D-TR-3) notes that the Superior National Forest facilitates the exercise of the right to hunt, fish and gather as retained by Ojibwe whose homelands were subject to treaty in 1854 and 1866. The Forest is accomplishing consultation efforts with the bands, yet the opportunity exists for more proactive government-to-government interaction and collaboration to actively facilitate rights of band members for hunting, fishing and gathering.

(5) Collaborative Opportunities To Improve Efficiency And Quality Of Program

The Superior National will coordinate with Fond du Lac, Grand Portage, and Bois Forte Ojibwe bands as well as the 1854 authority. Monitoring efforts would relate to common resource interests and facilitated treaty rights. Through cooperating on these monitoring efforts there is a potential to increase efficiencies and further develop collaboration with Ojibwe bands to help sustain American Indians way of life cultural integrity, social cohesion and economic well –being..

Collaborator/Partner	Monitoring Activity	Accomplishment
1854 Authority, Fond du Lac, Bois Forte, and Grand Portage	Monitoring relating to common resource interests and treaty rights	Increase efficiencies & further develop collaboration w/ Ojibwa bands to help sustain American Indians way of life cultural integrity, social cohesion & economic well –being.