

AGENDA
TRIBAL/FOREST SERVICE MOU ANNUAL MEETING

LAC DU FLAMBEAU
OCTOBER 1, 2014
10:00 A.M. - 5 P.M.

I. OPENING DRUM/PIPE

II. WELCOME AND INTRODUCTIONS

giiwegiizhigookway Martin offered a prayer at the start of the meeting. Introductions were made around the room.

Forest Service Attendees: Kathleen Atkinson - Regional Forester, Linda Jackson – Ottawa (OTF) Forest Supervisor, Leslie Auriemmo - Huron Manistee (HMF) Forest Supervisor, Paul Strong – Chequamegon-Nicolet (CNF) Forest Supervisor, Jo Reyer - Hiawatha (HIF) Forest Supervisor, Mark Healy- HMF, Robert West – HIF, Marla Emery - Northern Research Station (NRS), Rachel Riemann - NRS, Mary Rasmussen - USFS, Mike Zeckmeister (NRS), Linda Parker – CNF, Larry Heady – Regional Office, Steve Kickert – OTF; Mary King – Law Enforcement and Investigations, Deahan Donner Wright RNS.

GLIFWC Attendees: James Zorn, Ann McCammon Solits, Jonathan Gilbert, Alex Wrobel, Annie Thannum, Gerald DePerry, Neil Kmicek, Heather Naigus, Fred Maulson, Jim Thannum

Voigt Attendees: giiwe Martin, Tom Maulson, Mic Isham, Chris McGeshick, Mike Wiggins, Roger Labine, Wayne Labine, William Emery, Kekek Stark,

Others: Jerry Jondreau, Evelyn Ravindran

Lac du Flambeau Youth Treaty Group Presentation

James Zorn introduced elder and educator Carol Amour, who in turn introduced some of her students, and discussed the ENVISION Group, an innovative educational program sponsored by the Lac du Flambeau tribe at the Lac du Flambeau Public Elementary School. Carol explained that ENVISION is a project-based, service-learning program that uses Ojibwe learning methodologies, stressing that culture is at the center of everything they do. The aim is to reach at-risk youth (ages 10-14) and to help them return to a good path. ENVISION's mission is to create a culturally responsive learning environment so participating students can learn to their fullest potential, develop leadership skills, and make a successful transition to high school with the opportunity to go on to college or technical school. Carol and the students explained some of the projects they were working on such as canoe building, language study, treaty studies, and the building of a winter camp. Materials used in the construction of the winter lodge included cedar trees and bark provided by the Park Falls District of the Chequamegon-Nicolet provided materials for student learning cultural practices.

The group acknowledged and thanked the students for sharing their stories, and added that perhaps in the future, those students would be sitting around this table.

III. APPROVAL OF AGENDA

Agenda to be reviewed and prepared as appropriate consistent with the purpose of the annual meeting:

No changes were proposed.

IV. OPENING REMARKS FROM TRIBAL AND FOREST SERVICE REPRESENTATIVES

Opportunity to provide general opening comments on the progress of implementing the MOU and on any concerns that a party may have, leaving particular detailed discussions to the relevant specific agenda item.

Tom Maulson, Lac du Flambeau Tribal Chairman, encouraged the tribes to work with the Forest Service on things like firewood. Tribes are having problems with heating costs, which equals the need for wood, and thus the need to develop agreements for things like harvesting firewood under the MOU.

Chris McGeshick, Mole Lake Tribal Chairman, stated that the relationship really needs to be there on both sides and felt that the MOU process is a learning experience, which might require some change after the process begins. Sometimes the process can be disheartening, and although the tribes and Forest Service still struggle sometimes, he believes there is always room for improvement. The Chairman referred to a lack of firewood sites near his reservation; this is not acceptable and needs to be resolved. However, he still feels that the tribes and the Forest Service do a lot of good work together.

Mike Wiggins, Bad River Chairman, he stated that he comes to the meeting in a humble, respectful manner, from the perspective of a tribal leader who needs help structuring agreements. He stated that he sees today's agenda as part of the climate change adaptation strategy. He briefly discussed funding possibilities available, and the need to eventually work with local municipalities. He also discussed the tribes' ongoing fight against the mining company GTac and the repercussions if mining is approved.

Kathleen Atkinson thanked the GLIFWC staff, stating they were always very professional to work with. She stated that there are a lot of new Forest Service staff in attendance today and stressed the importance of establishing relationships. She thanked GLIFWC for coordinating the meeting.

Tom Maulson thanked Kathleen and the Forest Service in return. He stated that it took a long time to get to know each other. He thanked Paul Strong and noted that his staff are great to work with, and noted the beautiful lodge that was completed at LVD using lodgepoles gathered in the forest.

Mic Isham, LCO Chairman reiterated that he always used the MOU as an example of how to work with other agencies. He recalled "the old days," working with Bob Jacobs when the MOU eventually got signed, and the tribes and Forest Service moved forward together, eventually garnishing awards for the MOU.

James Zorn, GLIFWC Executive Administrator thanked Kathleen for her compliments to the GLIFWC staff. He acknowledged that both staffs have a good relationship, built on a true government-to-government partnership. James mentioned that he and Larry Heady had an opportunity last week to speak with Under Secretary of Natural Resources Butch Blazer, where they discussed issues such as climate change, TEK, and meeting tribal needs.

Linda Jackson, Ottawa Forest Service, introduced herself as one of the new staff. She stated that she has met with LVD and KB staff. She stated that she appreciates the opportunity to be here today and looks forward to working with the tribes.

Leslie Auriemmo, Huron-Manistee Forest Service, introduced herself. She is happy to be able to attend today's meeting.

Marla Emery, Forest Service NRS, thanked the tribes for making everyone feel welcome. She stated that Tom Schmidt, Assistant Director of Research was unable to attend today and sends his regrets. Marla stated that the research branch values this MOU and she again thanked the tribes for their cooperation.

Tom Maulson thanked Marla and the Forest Service staff. He stated they have been very responsive to tribal leaders. He felt that it was important to gather together, and it was good to laugh together.

V. MEETING MINUTES

- A. 2013 Annual Meeting:** Provided
- B. 2014 Annual Meeting:** Discussion of process for drafting, reviewing and approving 2014 meeting minutes. GLIFWC will record the minutes from this meeting. Draft minutes will be finished by December for review and presented for final approval at the Jan/Feb Voigt Intertribal Task Force meeting.

VI. 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)

None received. Mary stated that the MOU and the annual meeting minutes are posted on their website; they haven't received comments for a number of years.

- B. Law Enforcement [MOU Section VI.E]**
 - 1. Youth Outreach/Camp Onji Akiing at Lake Nesbit Ottawa NF**
(Heather Naigus / Steve Kickert)

Heather and Steve reported that camp was a great success. They have interest

from many tribes, kids from as far away as Alaska participated this year.

Fred Maulson, GLIFWC Chief Enforcement Officer, gave a brief history of Camp Onji Akiing. The camp was started back in 2009 as an experimental project. Back then, about 10-12 kids attended. This year, in its fifth year, the camp had over 55 kids attending. Fred explained that the kids came from diverse background, with some traveling from as far as Alaska! Fred stated that the camp was recognized this year by the Bureau of Indian Affairs and received a youth grant of \$20,000 which was used toward the purchase of new equipment, managerial necessities, staffing, etc. The camp also had the opportunity to benefit from GLIFWC staff sharing information on gathering and preparing traditional, healthy foods.

Heather Naigus and Steve Kickert reported that the camp was a great success. They had interest from many tribes, with 55 kids this year plus 6 counselors for a total of 61 attendees. They had an overwhelming response and, unfortunately, even had to turn a few away this year. Most of the kids came from GLIFWC member tribes, and this year there were two kids who came from the Yup'ik Tribe in Tuluksak, Alaska. The camp comradery was a great way for the kids to share their cultures. Heather and Steve stated that the camp was a collaborative effort between the Forest Service and GLIFWC, which taught the kids leadership and self-empowerment. Heather further explained how they strived for 'full circle learning' and addressed the medicine wheel in all of their learning activities.

Lac du Flambeau member Miranda Maulson, now a freshman at Northern Michigan University, shared her experiences with the camp. Miranda, a long-time camp attendee, served as a Jr. Counselor this year at the camp and explained how her experiences over the years and the things she learned at camp helped shape the person she is today. Miranda stated that she is still in contact with many of the kids she met over the years at camp. Miranda thought that the experiences from camp helped teach many young Native people how important their culture is.

Bad River Chairman Mike Wiggins stated that he thought Camp Onji Akiing was a great success and should be a model for others to follow. Mike shared information about the youth programs at Bad River and stated that he would like to see training developed (maybe through a grant) so that tribes could replicate Camp Onji Akiing all over Indian Country.

2. **Joint Enforcement Activities Report**
(Fred Maulson / Mary King)

Fred and Mary reviewed activities and training over the past year; coordination and communication between the Forest Service and GLIFWC wardens continues to be very good. Fred explained that there was a decrease in camping this year due to the bugs (mosquitoes). He explained that his enforcement officers

had the chance to attend training and assist in flights conducted by the Iowa National Guard in the Nicolet National Forest, looking for illegal marijuana grows. He mentioned that Special Agent Tip Williams from Rhinelander conducted an informational presentation on illegal marijuana activities. Fred also explained that he and his officers had the opportunity to go out west on fire detail and while there, assisted the Hoopa Indian Tribe of California in dealing with illegal activities concerning on-reservation marijuana grows and night hunting. The tribe specifically asked that GLIFWC wardens assist; they felt more comfortable working with an Indian agency.

Mary explained that the Forest Service and GLIFWC assisted the Menominee County Sheriff's office and the Menominee Tribe in an illegal marijuana investigation. Other agencies involved included the DEA, EPA, FBI, the Iowa National Guard, and others. They reconned 6 sites, two of which are ongoing and currently being investigated. They found and safely confiscated several booby traps and shotguns. The Forest Service and GLIFWC also attended joint training together. Mary felt that in training together, the agencies learn to work together also. Also discussed was the priority of making sure that all MOU's are updated and in place. Lastly, Mary discussed recruitment efforts and explained the Pathway Program. She asked that tribes share the information with their tribes, as they hope to recruit qualified tribal members. Also, Mary noted that the new patrol chief stationed in Duluth (who also works in Wisconsin) will start October 20.

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

1.

Northern Research Station/GLIFWC Staff Report

a.

FIA Ojibwe Ceded Territory Status

Title: *Forest Resources within the Lake States Ceded Territories 1980-2013* (Marla Emery, Alexandra Wrobel, Jonathan Gilbert)

Jonathan explained that this report is being printed and should be available soon. Tribes will receive copies when they are available. The report discusses forest resources throughout the ceded territories, not just those within the National Forests, and focuses on the status of six species of trees (northern white cedar, eastern hophornbeam, balsam fir, sugar maple, black ash, and paper birch) that have special historic and cultural value to the Ojibwe. In addition, the report contains standard reporting of the volume, biomass, growth, removals, and mortality of all trees that are typically included in the state-level reports produced by the Forest Inventory and Analysis program of the USDA Forest Service. There are also sections that focus on carbon, standing dead trees, invasive plant species, and ground flora.

The tribes had a question regarding a section in the report about

carbon, and what importance it held for the tribes, Jonathan briefly explained the basics of carbon sequestration, and the process of removing carbon from the atmosphere . He explained about the need to determine how much carbon is in the forests. Jonathan explained that carbon dioxide equals climate change, so growing forests sequester more carbon. There are various ways that carbon can be sequestered so that it's not put into the atmosphere as Co2, thus reducing the heating capabilities of the gas. Growing trees is one way to sequester carbon.

There was also discussion about the growing carbon trading programs in development in California, where carbon is captured and stored in underground reservoirs.

b.

Birch in the Ceded Territories Final Report

Title: *Paper Birch of the Lake States 1980-2010: With Special Emphasis on Paper Birch Characteristics in the Territories Ceded in the Treaties of 1836, 1937, 1842 and 1854*

(Marla Emery, Alexandra Wrobel, Jonathan Gilbert)

Jonathan stated that this report is about to be printed. He explained that surveys were conducted over a three-year period and this report is the results of those surveys, as well as others conducted over the years. The report examines USDA Forest Service, Forest Inventory and Analysis (FIA) inventory data on the number of birch trees, timber volume and bark quantity.

Marla stated that the report was a great collaboration between GLIFWC and the Forest Service, and she stated that basis for the data collection came from GLIFWC staff, based on extensive work with tribal gatherers. She also discussed the article that was featured in the Journal of Forestry, which included, verbatim, a section on Anishinaabe TEK authored by Jason Stark.

LCO asked that the Ojibwe names be included in the report. Jonathan said changes can still be made and the Ojibwe names will definitely be included.

c.

Other Projects of Interest (Marla Emery)

Some projects of interest in 2014 included beaver management, bat ecology, restoration of northern dry forests, landscape planning for fire dependent communities, and urban gathered foods, medicines, and toxic exposure potential.

Discussion began with a project looking at trout streams and beaver dams, and broadened into stream management and wild rice issues. Tribes wondered what temperature data might be being gathered in some of these cool water streams, especially given predictions that brook trout will disappear from many parts of Wisconsin due to climate change.

The tribes discussed their concerns with beaver dams and trout populations and water level changes caused by blowing up dams. Dams are being removed from class 1 and class II trout streams for restoration purposes. Discussion included the dams' effects on wild rice beds and whether they were a positive or negative thing in regards to rice. Jonathan Gilbert explained that Class I trout streams have cold, free flowing water. If you clog it with lots of dams, it slows the flow and increases the temperature. One is okay but many dams will have an impact. In regards to wild rice, a lake with rice growing that has an outlet where water is flowing out and there are beaver dams there, the water levels rise and that is generally negative for rice. On the other hand, in a stream or river, where the dams are stopping the flow and creating a mucky bottom, that can be good for wild rice. So, beavers can have a positive impact in some circumstances and a negative effect in others.

Jonathan stated in regards to trout populations, the fishery biologists that he has spoken to all generally agree that trout and beaver don't get along. Mole Lake discussed one lake where the trout populations declined when the dams were removed. Discussion continued on the negative and positive effects of dams in regard to trout, and the fact that removing dams need to be looked at on a case-case basis. The Forest Service stated that they have a fishery biologist on staff who works closely with the DNR at targeting and studying these streams.

James Zorn asked about beaver management in regards to adaptation climate change. He stated that he had recently been on a call with state and federal agencies where there was discussion of looking at beaver management in relationship to climate change resiliency as a topic of research. Discussion followed. Paul Strong stated that currently there is a substantial amount of work (WICCI) going on regarding this topic and lots of modeling being done. Paul stated that if this is a subject of interest to tribes, the tribes might want to have staff from the research side and the management side and possibly the WDNR come to a Voigt Task Force meeting to further discuss and answer questions.

Marla discussed the Northern Research Station covers the 20 states

north of the Mason Dixon line and east of the Mississippi. Their responsibility is to produce information about the forests.

Mole Lake asked about baseline data being taken on trout streams in the northern part of the state. Paul stated that the USGS does extensive work monitoring water temps, etc. There was discussion of the prediction that brook trout will soon disappear in the southern part of the state. Chairman Maulson stated that if there's a problem in the south, we should be worried about it too. We need to get involved *before* the devastation occurs up north.

Rachel Riemann explained that the FIA's responsibility is to generate information about the resources, such as the volume of forest and timber. Research brings together their information with water information and summarizes it in ways that are useful and accessible for decision makers. They try to bring the inventory of the trees and streams to have a more complete picture and make that information more and more accessible to communities.

LVD representative Roger LaBine noted that there are people here today from the Huron-Manistee and Hiawatha Forests. He had a question regarding wild rice. He and Mary Rasmussen have a meeting scheduled for October 17th at Wisconsin Valley regarding an issue that's going to affect a resources, so the Forest Services is partnering with the LVD tribe. He explained that there is a strong possibility on LVD lake, that the tribe might be losing the rice beds unless they can come to an agreement in the immediate future. He's not sure whether they are heading for arbitration or what's next, but LVD just completed GLRI grant looking at alternative sites for wild rice restoration and enhancement in the Ottawa National Forest. He explained that throughout Michigan, many tribes are looking at implementing wild rice restoration projects in their areas. Mole Lake's question is, regarding this inventory, in the management plans, Michigan is way behind Wisconsin and Minnesota. In Michigan, rice as a resource doesn't even have a status, and so when tribes like LVD try to do restoration, there are many hurdles, not only Mother Nature but others, like the Lake Associations that don't like the low water levels. Roger stated that his tribe is very happy with the restoration efforts at LVD. He mentioned that KB is also active in their wild rice restoration efforts, and are also looking for sites and partners to help in bringing back this gift from the Creator. This is very important to the tribes, so he looking for information for the Michigan tribes in the north and others in the 1836 ceded territory who might also want to bring wild rice back to the their communities. Roger asked if the Forest Service will be able to assist the tribes in their endeavors. He mentioned a

restoration program they are talking about at Mallard Lake in Iron County. The tribe is in talks with the local district supervisor about the project, which may include USFS, possibly MDOT and the MIDNR. The DNR is currently looking into resources in their department to assist the tribes in their restoration efforts. Mole Lake is asking if the Forest Service can set aside some resources and/or set up a project that would help the tribes in their restoration efforts.

Forest Service staff stated that they can immediately see opportunities from the research side. Although they are not able to commit research right now, staff feels they *can* commit, particularly if they have a strong expression of interest from LVD and KB, to take the matter forward to find a way to contribute to the tribes' efforts.

The Executive Director briefly discussed the issue of the Chicago urban food gathering study mentioned in the NRS report. The study is a collaboration between the American Indian Center of Chicago, Northwestern University, and NRS scientists. The American Indian Center is managing an area of park land for foraging by tribal members in Chicago. The Executive Director felt it's a great way to reconnect urban people with the land. Discussion followed with tribes discussing possibilities in Minneapolis and other cities.

Marla asked if they could share something that didn't get on the NRS report list. Rachel Reimann brought maps she has been working on of tree inventory by state. If the tribes would like, they could also prepare them for the ceded territory as well. Rachel reviewed the maps with the tribes. Discussion followed.

The Forest Service and tribes briefly discussed landscape planning for fire dependent communities. What is it and why is it being looked at? Staff explained that some plant and animal communities really benefit from a fire every once in a while, but unfortunately, peoples' personal property has often been built in the middle of these ecosystems. The question is how to manage the trade-off. Discussion followed on planning and zoning, alternative strategies, social constraints and the potential effects of climate change there; basically it comes down to looking at human safety while trying to attain these ecological goals. Discussion followed. Other research projects being studied include projects in northern Oconto County, the Spread Eagle Barrens near Florence, and the Moquah Barrens in Bayfield County.

The tribes discussed the protection of their traditional medical plants and whether there is a need for a seed bank for preservation purposes.

Paul Strong agreed that staff and the tribes discussed current collection efforts. A suggestion was made to have a presentation at an upcoming VTF meeting on the Forest Service's seed collecting/banking work. GLIFWC has funding to explore the establishment of a seed bank as part of its work on climate change, and they will be developing capacity to do that.

Lastly, there was brief discussion on whether maps existed of original roads within the ceded territories that show original Indian roads, before the "new" roads were created. GLIFWC staff stated they have maps in-house that show at least some of these features. They may not all be in digital form but they do have hard copies.

d.

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

Marten Study Update (Jonathan Gilbert)
(Material in packets, discussion deferred due to time constraints)

Understory Plant Project Status (Alexandra Wrobel)
(Material in packets, discussion deferred due to time constraints)

2.

Harvest Monitoring and Exchange of Harvest Data

a. **Non-Tribal Harvest Report. Public gathering conducted under general federal regulations 2013** (Mary Rasmussen)
(Material in packets, discussion deferred due to time constraints)

b. **Tribal harvest of wild plants and non-timber forest products on National Forest lands during 2013-14 season** (Alexandra Wrobel)
(Material in packets, discussion deferred due to time constraints)

c. **Tribal Timber Harvest Framework (MOU Appendix C) (Group Discussion)**
i. Tribal Timber Harvest Ongoing Project Status
ii. Mechanized Harvest
iii. Standard Operating Plan
iv. Administrative Self-Regulation and Operating Plan Monitoring
v. Lessons Learned

In general, tribes would like to be able to use the most efficient means possible for getting the wood that members need. Mole Lake expressed frustration with the Service's responsiveness to its request for access to timber near its reservation. All acknowledged that this is a learning process and the way these requests are handled will evolve as some things work and others don't. The Framework allows flexibility to try various approaches based on particular needs or conditions.

Ann McCammon Soltis gave a brief overview of the Timber Harvest Framework material included in the packets, which includes a spreadsheet showing the summary and status of tribal request for timber products. That are in the packets. Tribes and the Forest Service discussed some of the timber gathering successes and challenges that they have faced, in particular related to gathering live trees for firewood. Tribal Chairman Tom Maulson discussed one such project. Although there were lots of complications and delays, Chairman Maulson had high praise for Forest Service staff Bob Hennes and others.

The tribes and Forest Service discussed the need for a commercial cutting process, just like the non-tribal people do and the need for a template that makes it easier for tribal members to gather in the forest. Forest Service staff discussed the fact that the MOU assumes the "hunt and peck method," which didn't really work for tribes. There was discussion about other methods and models that may work better. Tom Maulson complimented Forest Service staff for doing a good job.

Kathleen Atkinson asked to discuss the basic questions of "what is working and what's not, and how best to advance the process?" Discussion followed.

LDF discussed how they cut and distribute firewood on their reservation for their members and the problems faced by not being allowed to use mechanical equipment, because you need some equipment. Trees get caught and tangled, etc. There has to be a way to make it easier on everyone. LDF stated that they spent 3/4 of a million dollars on propane to service their people. Discussion turned to why mechanized equipment was not allowed in the first place. Discussion continued with the tribes sharing what works and what doesn't on their individual reservations. They discussed alternatives and again stressed the need to simplify the process.

Kekek Jason Stark, LCO Policy Analyst, explained that the framework was created with the operating plan to be designed by the tribes; they can decide how they want to do it. Kathleen Atkinson stated that there is no prohibition on using mechanized equipment for firewood harvest—it just hasn't been done before. That doesn't mean there's a prohibition. It makes sense and it's logical. The Forest Service and tribes just need to figure out how to do it and protect the resources, and still meet the tribe's needs. The Forest Service is

open to discuss what works for the tribe and what we need to do to make this happen. Jonathan added that winter is fast approaching and whatever decisions need to be made, need to be made soon if they are going to push it through before winter.

Mole Lake asked if the MOU was with the individual tribes or with GLIFWC. Can the individual tribes just go and pound out an agreement with the Forest Service? Larry Heady explained that the framework is flexible and was designed for tribes to come to the Forest Service to figure out how to get live green trees. It doesn't specify what the individual operating plans are. Secondly, Larry explained the Forest doesn't turn on a dime; he doesn't think it can happen before winter. He explained that there is a framework to follow—tribes need to work it out with the local forest supervisor.

Mole Lake said the Forest Service said the same thing last year and when they went to the Laona District Ranger, he said there were no trees available, which meant Mole Lake members would have to travel out of the area, and many people don't have the means to do that. Larry stated that if something like that occurs and the tribes are denied, then they need to contact him. Discussion followed.

(skip to F3)

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

- a. Forest Service Report on Campground Usage (Mary Rasmussen)
- b. GLIFWC Report on Camping Permits Issued (Alexandra Wrobel)
- c. Updated list of Fee-Exempt Campgrounds and Length of Stay Issues (no changes from 2013) (Mary Rasmussen)

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

1. Report on TWG Assignments: FIA Birch Monitoring

(Jonathan Gilbert, Marla Emery)

2. New Assignments

Define any new TWG assignments and the TWG members assigned to the task.

Tribes and the Forest Service discussed a potential TWG assignment in response to recent inquiries about biomass. There is a wealth of information out there, but biological and economic considerations need to be laid out. This project would produce a primer with information about the relevant issues to consider when evaluating the potential of biomass. It was noted that supply and demand trends need to be considered, as well as the long term effects of biomass harvest. A TWG was struck to compile relevant information and identify issues; the group consists of Alex Wrobel, Jim Thannum, Jerry Jondreau

(KBIC) and Deahn Donner Wright (at least initially on behalf of the Forest Service).

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:

1. **Forest Service Tribal Relations Consultation Schedule** (Larry Heady)
2. **USFS Travel Management Rule Subpart A – Update by Forest**
(Forest Supervisors)
3. **Draft Groundwater Directive Update** (Ann McCammon Soltis)

Ann McCammon Soltis explained that a number of tribal members were involved in a meeting with the Forest Service in August to discuss a draft directive on groundwater management that the Forest Service is considering. She explained that one of the things made very clear at that meeting was the tribes wanted to continue to talk to the Forest Service, even as the comment period closed and the rule moved from a draft to becoming a final. She stated that Larry Heady has an update on this.

Larry stated that the roundtable meeting on the groundwater directive was a real eye-opener; the meeting began with a traditional water ceremony, which the Forest Service really appreciated. Larry felt that it really set the tone for the meeting. The Forest Service understands the tribes have strong concerns about groundwater and this directive may speak to some of those concerns, but certainly doesn't speak to all of them. One of the things that came out of the meeting was the desire to really try to carry the tribes' work forward, acknowledge it and not just listen to the tribal comments and say "ok, the book is closed on that now."

Larry explained that with Kathleen exerting her influence in Washington, the D.C. office has asked that the Forest Service convene a working group of tribal natural resource specialists and tribal leaders to look at the draft directive and craft language that responds to tribal needs. The D.C. office has heard the tribes' request for continued involvement as the draft groundwater directive is revised and finalized. An invitation will be forthcoming, probably in 30-45 days.

4. **Designation of Candidate Research Natural Areas (RNAs)**
(Jonathan Gilbert and Linda Parker)
 - a. Tribal Gathering Regulations in RNAs – Report on TWG Assignment
 - b. Updating the Tribal RNA list
Tribal Wildernesses, Tribal Research Natural Areas, and Tribal Vehicle Permit Areas on National Forests (version 2; 2004)

Jonathan explained that the issue with RNAs is twofold:

- rules prohibit the gathering of anything in these areas and does not allow for the gathering of any wild plants or parts, and
- list of tribal RNAs designated by the tribes is less than complete.

Staff wanted to address both issues in the TWG. Jonathan met a few times with Linda and Alex to try to resolve the issues and came up with the following recommendations:

1) rules should be changed to allow some gathering of wild plants (not trees-other wild plants) in all tribally designated RNAs, and

2) tribes designate those RNAs that the Forest Service has now designated that are not currently on the tribal RNA list

Linda Parker explained that there are 6 newly designated RNAs by the Forest Service on the Chequamegon-Nicolet and 6 more pending (signatures being circulated), 1 new RNA in the Ottawa and 9 pending in the Hiawatha. The TWG is recommending that at an upcoming VTF meeting, the tribes review the new RNAs and consider them for listing as tribal RNAs.

There was discussion about what changes, if any would need to be made to the MOU. The Executive Administrator explained that the tribes can change only their model code and provide notice to the Forest Service. No changes have to be made to the MOU; likewise for the designation of the tribal RNAs.

James Zorn asked that the minutes reflect that the Forest Service agrees with the regulatory changes as proposed by the TWG and that gives the tribes the clearance to make that change in their code.

Larry Heady explained that the cultural designation came up when they first realized that they needed to do consultation over the RNAs. It became clear that the concept of an RNA does not include the indigenous community on the landscape and they felt that there needed to be some kind of accommodation for that. They discussed the concept of cultural RNAs, but Jonathan and Larry felt that they really didn't have a clear mandate from the tribes to move forward with that concept, which was predicated on the fact that indigenous people have always been a part of the natural landscape. Larry stated that he took unilateral editorial license here and changed the definition for an RNA so it included indigenous culture as well. Larry and Jonathan are asking for is whether they have a clear mandate to pursue this conceptually and bring some kind of proposal forward to the VTF.

The tribes and staff discussed whether there could be an overlap between sacred sites and cultural RNAs (there could be). Also discussed were the definitions of RNAs, tribal RNAs and sacred sites, and the difference between them.

To summarize, the TWG has recommended a change to the Model Code to allow gathering in RNAs, it has also developed a list of Forest Service RNAs that should be considered for adoption by the tribes. After discussion, it was agreed that a change to the MOU is not needed to accomplish a change to the Model Code, and that the proposed change is agreeable to all parties. The Voigt Task Force will discuss the updated list of RNAs for possible adoption.

c. Cultural RNA Designations – Ongoing Discussion (Larry Heady)

Discussion focused on whether there was an interest by the tribes in exploring cultural RNA designations. Forest Service staff noted that there are other mechanisms by which special management activities can occur within the Forest, and that these might be considered as well. It was agreed that a TWG would be formed to consider tribes' goals for these cultural areas and what vehicles might be most appropriate to achieve those goals. The TWG will consist of: Marla Emery, Jonathan Gilbert, Robert West, Wayne Labine, Linda Parker, Roger Labine and giiwe Martin.

Tribes discussed designation of RNAs versus sacred sites, also historic special management area designations. They also talked about what the process would be if tribes wanted to restore something in an RNA. Mole Lake is interested in restoring Atkins Lake for rice. Linda explained that the lake is not included in the RNA so there are no restrictions.

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

- Identify Proposed MOU Amendments
- No MOU amendments are needed at this time.

VIII. REQUIRED NOTICES/PARTIES= DESIGNATED REPRESENTATIVES

Review of housekeeping details, including update on the parties designated representatives and keepers of the process. Updated Forest Service and tribal contact lists provided.

Roger Labine provided updated contact information to the group.

IX. ADDITIONAL DISCUSSION ITEMS

No additional items.