

Consultation Briefing Chippewa National Forest Off-Highway Vehicle Road Travel Access Project

Background

A Draft National OHV Policy (July 2004) initially proposed that all national forests designate routes and prohibit cross country OHV travel. The draft policy included that decisions be made locally “with public input and in coordination with state, local and tribal governments.” At the time, the Chippewa NF did not have a Tribal Liaison and each Team Leader or Ranger coordinated with the Leech Lake Band to the best of their ability. Meeting independently with each Local Indian Council was still new to all parties.

The OHV planning process designated 4 working groups: a monthly process team and 3 short-term county/district teams. Rich Robinson, then director of the Division of Resource Management, was the designated representative for all matters concerning the Forest Service. Tribal Officer Jamie Mitchell regularly attended the process team meetings on his behalf. As part of the NEPA public involvement (implementing the 2005 Travel Management Rule), CNF employees made personal contacts with the Leech Lake Band of Ojibwe Division of Resource Management (LLBO DRM) and with 11 Local Indian Councils (LICs). Information from the LICs was used to develop the alternatives in the environmental assessment.

The Decision Notice and FONSI for the Off-Highway Vehicle Road Travel Access Project summarized: *“There has been keen public interest in ORV management on public lands. To respond to that interest and the intermingled ownership, the Forest Service along with the MN DNR; Itasca, Cass and Beltrami Counties; the LLBO DRM and associated townships have worked together to plan for ORV riding opportunities, including jointly reviewing road condition inventories; hosting public workshops and informational newsletters; signing; law enforcement, and visitor information. They jointly hosted eight public workshops were held beginning in January 2006 and ending in October 2006. These public workshops were held in communities across the area of the Chippewa National Forest. During the workshops, people talked about using ORVs on specific roads, and the about the effects of ORV use on communities, individuals, and the land.”*

LLBO Comments:

The Leech Lake Band of Ojibwe Chairman and representatives of Local Indian Councils (LICs) voiced a number of comments about ORV travel and access within the CNF. These concerns included specific roads and whether they should be open or closed to ORV travel; the safety of ORV riders; ensuring effective law enforcement; and if the Forest Service has the jurisdiction to enforce ORV regulations for Band members. (Page 14, DN and FONSI Off-Highway Vehicle Road Travel Access Project)

Environmental Justice:

The Decision Notice states “The LLBO DRM or LICs have not indicated that any of the alternatives would have negative effects on the consumption of subsistence fish or wildlife. (pg 14, DN FONSI Off-Highway Vehicle Road Travel Access Project)

Alternative 2 modified would continue to provide access using CNF system roads to meet the needs of minority and low-income populations in Beltrami, Cass, Itasca Counties, and LLBO Reservation. In accordance with EO direction, indirectly, none of the alternatives would result in a disproportionately high and adverse human health or environmental effects regarding ORV use for minority and low-income populations on the CNF. The LLBO DRM, THPO, or LICs Tribal organizations have not indicated that

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any of the alternatives would have negative effects on the consumption of subsistence fish or wildlife.” (pg 14, DN FONSI Off-Highway Vehicle Road Travel Access Project)

Summary of documented consultation between USFS, Chippewa National Forest and LLBO for the Off-Highway Travel Management Project Proposal:

June 7, 2005 Letter from Forest Supervisor to LLBO Tribal Chair stating authority of the USFS in regulating “use of motorized vehicles on national forest lands. The letter seeks to “work closely with the Band in coordinating the implementation of our ATV policy”.

September 22, 2005 sign in sheet, agenda and briefing paper documenting consultation with designated represented from LL Law Enforcement, Jamie Mitchell and the USFS along with other representatives of other collaborating agencies as part of a leadership and process team.

This team met monthly through 2006 and issued quarterly newsletters to a list of 250 requesters, including LIC’s and the LLBO/DRM.

May 9, 2007 Meeting of the Forest Supervisor and LLBO DRM Director (the designated contact for consultation between the USFS and LLBO); meeting documented by internal/informal notes.

June 1, 2007 from LLBO Tribal Chair to Forest Supervisor asserting that the USFS “include language in the off road regulations acknowledging our exclusive rights to regulate off highway use by our tribal members”.

Meetings with Local Indian Councils

- December 14, 2006 - meeting notes documenting consultation with the Onigum LIC.
- Leech Lake Indian Council contact summary form January 2007 – April 2007 documenting efforts to consult with LICs on the Off Road vehicle issue.
- January 8, 2007 and February 12, 2007 - sign in sheet and informal notes documenting consultation with the Inger LIC
- January 9, 2007 - formal meeting notes documenting consultation with the Bena LIC.
- February 8, 2007 - sign in sheet and formal note documenting the consultation with the Kego Lake/Smokey Point LIC.
- February 19, 2007 - sign in sheet and informal notes documenting consultation with the S-Lake LIC.
- March 2, 2007 and January 12, 2007 - informal notes documenting consultation with the Deer Rive LIC.
- March 12, 2007 - formal meeting notes documenting consultation with the Cass Lake LIC.
- March of (2007?) - sign in sheet and informal notes documenting Winnie Dam LIC.
- March 19, 2007 - formal meeting notes documenting consultation with the Mission LIC.

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- April 1, 2007 - formal meeting notes documenting consultation with the Oak Point LIC.