

**MINUTES**  
**TRIBAL/FOREST SERVICE MOU ANNUAL MEETING**

**RED CLIFF**  
**OCTOBER 5, 2011**  
**1:00 P.M. - 4:30 P.M.**

**I. OPENING DRUM/PIPE.**

The meeting began with a drum and pipe ceremony. Kekek Jason Stark was given asemaa and asked to say a prayer.

**II. WELCOME AND INTRODUCTIONS.**

Kekek Jason Stark welcomed everyone to the meeting and began introductions (see list of attendees below).

*Attendance:*

Voigt Intertribal Task Force: Mark Duffy (Red Cliff), Chris McGeshick (Mole Lake), Scott Smith (Lac du Flambeau), Erv Soulier (Bad River), Tom Maulson (Lac du Flambeau), Brad Kalk (Mille Lacs), Marvin Defoe (Red Cliff), Bryan Bainbridge (Red Cliff).

GLIFWC: Jonathan Gilbert, Alexandra Wrobel, Ann McCammon Soltis, Neil Kmiecik, Kekek Jason Stark, Jim Zorn, Gerry DePerry, Rose Wilmer, Tanya Aldred, Fred Maulson, Tom Kropelin,

USFS: Anthony Scardina (Ottawa National Forest), Jo Reyer (Hiawatha National Forest), Marla Emery (USFS NRS), Mark Hansen (USFS NRS FIA ST. Paul), Owen Martin (Chequamegon -Nicolet National Forest), Paul Strong (Chequamegon-Nicolet National Forest), Larry Heady (FS Eastern Region), Chuck Myers (FS Eastern Region), Tiff Williams (USFS -LEI), Tom Schmidt (NRS), Mary Rasmussen (Tribal Liaison), Jim Ozenberger (Hiawatha National Forest), Jennifer Maziasz (Chequamegon-Nicolet)

**III. APPROVAL OF AGENDA.**

Chris McGeshick welcomed everyone to the meeting and asked if anyone had any additions to the agenda. The following items were added to the agenda:

- Scott Smith asked for firewood gathering to be added to the agenda. The item was added under VI Section D Natural Resource Harvest Management.
- Ervin Soulier asked for the status of the CNNF Resource Advisory Committee to be added to the agenda. The item was added under VI Section F National Forest Planning and Decision Making.

- Erv Soulier asked for information on how the Forest Service is treating conifer for root rot. This item was added under VI Section D Natural Resource Harvest Management.
- Erv Soulier asked for information on where and when aerial application of fire retardant was used. This item was added under VI Section D Natural Resource Harvest Management.
- Erv Soulier asked for an update on the Planning Rule. This item was added under VI Section F National Forest Planning and Decision Making.
- Erv Soulier asked for the Forest Service to provide some information on the Community Forest Act. He was under the impression that the Forest Service was not going to give the tribes a chance to participate in the program. The item was added under VI Section F National Forest Planning and Decision Making.
- Erv Soulier asked if the Forest Service could provide some information on the State of Wisconsin's state sustainability assessments. He was under the impression that the Forest Service provided some funding for the assessments and wondered if funding would be available for tribes. This item was added under VI Section C Monitoring and Evaluation.
- Erv Soulier asked if the Forest Service would provide some information on the status of opening trails to ATV use on the Washburn District. This item was added to the agenda under VI Section F National Forest Planning and Decision Making.
- Bryan Bainbridge asked if the issue of the Forest Service protecting large birch trees for tribal bark gathering could be added to the agenda. This item was added under VI Section E Technical Working Group Report (Birch Bark Monitoring).

#### **IV. OPENING REMARKS FROM TRIBAL AND FOREST SERVICE REPRESENTATIVES.**

Opening Comments, Chris McGeshick, GLIFWC Board of Commissioners Vice-Chair:  
Chris welcomed everyone and commended the group for the all the great work they have accomplished and he encouraged everyone to keep up the excellent work and partnership.

Opening Comments, Erv Soulier, Bad River Band:  
Erv apologized to the Forest Service for chastising them all these years as he just found out the Forest Service does watershed classification on the 5<sup>th</sup> and 6<sup>th</sup> field watershed; therefore including the Bad River Watershed.

Opening Comments, Chuck Meyers, USFS Easter Region, Regional Forester:  
Chuck expressed that he was honored to be able to attend and to participate with such a renowned group. This MOU is a shining example on partnership and encouraged the group to share their story and continue their work.

Opening Comments, Jim Zorn, GLIFWC Executive Administrator:  
Jim welcomed everyone and reminisced on the signing of the MOU. He explained that he looked forward to having a good day with everyone and proceeded to hand out gifts

consisting of engraved coffee mugs and wild rice. Jim also welcomed the group on behalf of Mic Isham, Chair of Board of Commissioners and Tom Maulson, Chair of the Voigt Intertribal Task Force. He explained that both Mic and Tom Maulson were at a meeting with the State of Wisconsin today. Mic had sent a text message to Jim asking him to express that the MOU is going well. Jim commented that the absence of Mic and Tom is a sign of trust and respect for our relationship and the MOU.

Opening Comments, Paul Strong, Chequamegon Nicolet National Forest:

Paul also reminisced about the signing of the MOU and was proud to be in attendance once again at an MOU annual meeting. Paul is looking forward to another year of success and proceeded to hand out gifts of a commemorative coin and coffee mugs.

**V. MEETING MINUTES.**

**A. 2010 Annual Meeting**

The parties were informed that the 2010 meeting minutes were approved by the Voigt Intertribal Task Force on January 6, 2011. A copy was provided within the green binders.

**B. 2011 Annual Meeting**

The parties were informed that the 2011 meeting minutes will be taken by the USFS. It was also explained that the draft meeting notes will be available for initial review by the Voigt Intertribal Task Force in December 2011 and finalized at the January 2012 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 stated that no public or legislative comments were received this past year. She stated that the Forest Service has an open and continuous opportunity for the public to comment on the Forest Service website. She informed the parties that the MOU is on the website, as well as the annual meeting notes from past years, campground use and other background documents, as well as a variety of reports.

**B. Law Enforcement [MOU Section VI.E].**

**1. Youth Outreach/Camp Nesbit Presentation.** Fred Maulson gave the presentation on Camp Oji-Akiing on behalf of Heather Naigus who was not able to be present. Camp Oji-Akiing was held at Camp Nesbit on the Ottawa National Forest. Camp Oji-Akiing was a huge success this past year. The camp was extended this year and from 3 to 4 days. The camp

purpose is to teach young people about physical, spiritual and intellectual achievement. There was an increased aspect on leadership this year and also more cultural emphasis such as a pipe and water ceremony and sweat lodge ceremony. There was also archery, canoeing, and the Forest Service hosted a learning project on careers that was very popular. The camp was under construction but no one seemed to mind! A facebook page was also started to connect kids, keep them in touch with each other and to get more kids involved. Fred wanted to thank Tony Scardina (Ottawa National Forest) and other Forest Service staff for all of their work, support and dedication to the program. Fred presented Tony a camp T-shirt signed by the camp kids. The camp is an excellent example of collaboration between the Forest Service and GLIFWC and for staffs that get involved it often becomes the highlight of their year.

Mary passed around pamphlets on an interpretative trail that the kids created during the camp where they found the tribal names for the plants they identified. They also received a lesson on computer skills to create the pamphlet.

2. **Recent Chequamegon-Nicolet NF Enforcement Action – Communication Evaluation.** Back in May there was some information regarding a large marijuana grow site on the Chequamegon-Nicolet National Forest. These individuals, supposedly linked to an international drug cartel, lived in the National Forest, occupied land, and grew thousands of plants. It was expressed that it is a travesty of what they were doing to the Forest. GLIFWC law enforcement officers were invited to participate in the investigation and operation of removal of one of these sites. Nine wardens were called in and were charged with patrolling the west end perimeter and were in contact with three individuals. The wardens were recognized by other agencies as legitimate law officers and the mission was a success due to the collaboration between all of the agencies. The wardens were proud to protect the woods for our members and learned immensely from the operation. One example is that the officers learned to have more of a communication exchange and divulge more information to keep all parties safe in the woods.

The investigation is still going on so many of the details are not available but approximately 10,000 plants were confiscated with a street value of \$1,000,000 and suspects are in custody. The operation took several days and long hours were put in by many individuals.

There was a discussion on whether there was going to be some sort of brochure to be used to mentor others on what to look for. Fred Maulson explained that the Forest Service currently has this type of information available and that the tribal wardens need to utilize this information or create their own brochure.

Tribal wardens thanked the Forest Service for helping to get them involved. Chuck Myers thanked the GLIFWC wardens for their involvement and complimented them on their professionalism and how the entire group should be proud of their exceptional work.

Jim Zorn discussed the need to come up with a safety protocol and communication plan between staff groups regarding who needs to know what and when. He explained that this is a difficult issue but a protocol needs to be established so that there is not a need to rely on personal relationships to relay information.

- **Action Item:** Develop a protocol and work with the Forest Service to name key contact individuals.

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

### 1. **Northern Research Station/GLIFWC Staff Report: 2010-2011** accomplishments and ongoing work, including:

Tom Schmidt gave an introduction on the working relationship between the Research Station and GLIFWC. The group used to have a project here and there but now they have an amazing portfolio. Discussion on what it takes to go from a project based relationship to a program. We had to go down this path to develop a relationship but now it would be nice to move more into a program stage.

Jon Gilbert thought it was an interesting idea to look at the big picture for the long term and develop a program and agreed that they needed the first few years to get to know each other and build trust. Jon is looking forward to the future of a program together.

- a. **Station Report – Overview of the NRS:** Marla Emery provided the parties with a summary of the selected 2011 research. A handout was provided which included:
  - NRS researcher Therese Poland is researching for the 2<sup>nd</sup> year the effectiveness of submerging EAB (Emerald Ash Borer) infested black ash logs and killing EAB. Experimentation continues on the effectiveness of submerging logs cut at other points in time in the EAB life cycle. This study was collaboration with the Pigeon family basket makers, Gun Lake Tribe, Dorr, MI.

- Researchers are planting tree seedlings in the Ohio floodplain after infestation of EAB. One of the species being planted is Dutch elm disease (DED) resistant elms.
- Researchers are investigating two strategies for breeding EAB resistant North American species. One strategy is crossing EAB resistant ash from Asia with North American species to produce a hybrid and the other is to use green and white ash from North America that survived in stands 99% killed.
- Researchers are working with the College of the Menominee Nation to understand the effects of climate change on tribes and natural resources. As part of that project elders were interviewed on their perspective of climate change.
- The handout has the summary of all of the other research going on at the station. The above 4 were discussed in the most detail.

**b. Forest Service Treatment for Anosomer Root Rot:** Erv Soulier asked if the Forest Service was treating for anosomer root rot. Paul Strong responded and discussed how the Forest has been completing treatments on the stump of the root rot. By putting Borax on the stump root rot is effectively eradicated. This disease is traveling from the south and moving north. The parties were informed that there is a distribution map of this disease on the NRS disease and climate change research website.

Erv Soulier asked for clarification on these assessments for sustainability. Tom Schmidt informed the parties that the Forest Service provided funding to the University of Wisconsin, who then produced an assessment of sustainability for the State of Wisconsin but that the Forest Service did not provide funds directly to the State of Wisconsin. This was part of a collaboration of work between the Forest Service, the Northern Research Station and the University of Wisconsin. This collaboration of work began with the completion of a vulnerability assessment, in of which GLIFWC was involved. Tom explained that he was not sure whether any tribes in their individual capacities were involved but expressed that it is not too late as next month two researchers from Houghton will be giving a presentation on an assessment of terrestrial vulnerabilities at the Northern Great Lakes Visitors Center on October 12 and they could be available before the presentation to discuss this issue with tribal leaders and tribal staff. Tom explained that overtime they will be looking at aquatic, social and human assessment of vulnerability. Again Tom emphasized that

there is plenty of time and opportunities for Erv and others to become involved.

- **Action Item:** Tom Schmidt agreed to work with Erv Soulier and investigate ideas on how to get Bad River more involved with the CNNF sustainability framework project.

Jon Gilbert explained that the discussion encompassed a meshing of a few different items. There is the Wisconsin Sustainability Framework by the WDNR (the big picture of the State of Wisconsin) and then there is this CNNF sustainability framework (the picture of the CNNF).

Jim Zorn started a discussion on the question of assisted migration of tree species. Discussion followed regarding the movement of some species north and Jim asked for any information that the Forest Service had on this climate change research and tree movement. Marla Emery discussed the Haudensaunee research on assisted migration of tree species and the Climate Change Tree Atlas. There was discussion on how the parties can be smarter about what trees we plant and desire to come into our ecosystems. The NFS website and the bird and tree atlas were discussed as possible resources.

- c. **FIA Ojibwe Ceded Territory Status Report:** Mark Hansen gave an update on the FIA Ojibwe Ceded Territory report. He explained that the document will be a summary of the status of forest resources within the territories ceded in the treaties of 1836, 1837, 1842 and 1854. An outline of the document was provided in the meeting packet. It was explained that this report will be tailored to the interest of the tribes every 5 years. The Tribes were informed that if there are any other issues or items tribal members want information on and included within this document to please inform Jonathon Gilbert.

Erv Soulier had a question regarding the National Forest's actions on invasive species. Paul Strong informed the parties that the Forest Service treats invasive species across the forest and has a list of species it treats by priority in certain areas. For example, certain species are treated more in the Moquah Barrens than in other areas because we do not want them to move into that open land landscape. He explained that the Forest Service also partners with other entities and groups to control the spread of invasive species.

2. **GLIFWC Co-op Projects:** GLIFWC studies in cooperation with the Forest Service.

- a. **Marten Update:** Jonathon Gilbert gave an overview and update on the Marten Translocation Project. The parties were informed that a memorandum with a map, data and information was included in the meeting packet. Jon explained that the years of translocation were 2008, 2009, and 2010 and 90 animals were translocated. It was explained that the parties determined that successful translocations often involved more than 1 release site and 10 release sites were identified spread throughout previously identified suitable habitat. Jon emphasized that this was a successful project that brought three agencies together.

The parties were informed that two research projects were conducted on martens during this project. Tanya Aldred (MS 2011) studied the habitat and prey abundance differences at sites used by translocated versus resident martens. Nic McCann (pending Phd) studied habitat selection patterns. Jonathon wanted Tanya to be acknowledged and congratulated in front of her peers for the excellent work that she accomplished and for receiving her Master's degree.

Tanya Aldred gave a summary of her research explaining that her findings suggest that translocated martens are resting in areas with similar characteristics as to those used by resident martens. Also, she looked at kill sites and hunting behavior and did not find any significant differences between translocated and resident martens. In summary, martens seem to translocate well and are generalized predators and when they are translocated to new habitat they are still able to capture and hunt for small mammal prey as effectively as resident martens in northern Wisconsin.

- b. **USDA Logging Study Update:** Alexandra Wrobel provided an update on the USDA Logging study which is a long term research project on the impact of selective harvest on understory plants. The parties were informed that a memorandum with data was included in the meeting packet. Ales explained that the unique part of this study is that parties have 5 years of pretreatment data collected. She explained that this year is the first year that sampling has occurred since 2007. Data will be explored through numerous techniques to determine the extent in which the plant community has changed since 1997 and the application of treatments. Jonathon Gilbert mentioned that this project may be ripe to hand over to the Northern Research Station or to possibly form a cooperative project.

- c. **Elk-Assisted Dispersal Project Update:** Jonathon Gilbert gave an overview and update on the elk status and assisted dispersal effort. The parties were informed that a memorandum with a map, data and information was included in the meeting packet. Jonathan explained that since 1995 the population has grown from 25 to 160 animals although rate of growth has slowed in recent years. It was explained that wildlife biologists are trying to determine why the rates of growth have slowed. One idea is to scatter small populations within the elk range to enhance population growth. The parties were informed that this project continues to grow and operates in a true co-management manner.

**D. Natural Resource Harvest Management [MOU Section VI.C].**

**1. Harvest Monitoring and Exchange of Harvest Data.**

- a. **Tribal Harvest on Tribal Wild Plant and Non-Timber Forest Products Gathering on National Forest Lands During 2009-2010:** Alexandra Wrobel provided a brief summary of the tribal wild plant report. The parties were informed that a copy of the report was included in the meeting packet. This report is completed each year but it may change in format next year due the adaptation of the new online tribal permit system. The number of tribal members obtaining off-reservation National Forest Natural Resources Permits for the 2009-2010 harvest season (2,145) was slightly lower than the previous season. The number of Tribal Commercial Gathering Permits was less than the last season falling from 295 to 163. Taking into account that multiple gatherings can be listed under one permit, the total number of permitted gatherers for the 2009-2010 harvest season (442) was less than last season (690). Discussion followed on the new online tribal permit system. Mark Duffy expressed that someday, he hope that the tribal identification card would act as the permit. Discussion followed.
- b. **Non-Tribal Harvest – Report by Forest Service on Non-Tribal Harvest Conducted under General Federal Regulations:** Mary Rasmussen provided a brief summary of the Non-Tribal Harvest Miscellaneous Forest Products Report. The parties were informed that a copy of the report was included in the meeting packet. A question was asked regarding the Christmas tree reporting for the Huron-Manistee. Discussion Followed.
  - *Follow-Up Note (11/2011) – Mary contacted the Huron Manistee and they are looking into this issue as it seems there is an error for Christmas tree reporting.*

c. **Lac Courte Oreilles v. State of Wisconsin – Tribal Gathering on State Lands Update:** Kekek Jason Stark provided a brief update on the recently submitted Stipulation provisions pertaining to tribal gathering on select State of Wisconsin properties. Discussion followed. Jim Zorn again congratulated the parties on their past work as the USFS/Tribal MOU was used as the basis for the provisions of this stipulation.

2. **Campground Fee and Length of Stay Exemption Agreement and Implementation Plan.** Updates from Forest Service and GLIFWC staff on implementation of campground agreement during the past year:

a. **Forest Service Report on Campground Usage:** Mary Rasmussen provided a brief summary of the Campground Fee and Length of Stay Waiver Report. The parties were informed that a copy of the report was included in the meeting packet. There was discussion on who oversees the campgrounds on the National Forests and how a tribal member could become a host of a campground.

- **Action Item:** Mary will provide the tribes with more information on hosting a campground.

b. **Updated List of Fee-Exempt Campgrounds:** Mary Rasmussen provided a brief summary of the Campground Fee and Length of Stay Exemption Agreement. The parties were informed that a copy of the report was included in the meeting packet. Mark Duffy asked about the Forest Service reservation system. There was discussion on how the Apostle Island handles their reservations. It was discussed that getting reservations for tribal members is going to become more of an issue as more campgrounds go to the online reservation system. Discussion followed.

- **Action Item:** Mary will coordinate an effort among Forest Service, GLIFWC and Tribal Representatives to look into options on campground reservations.

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

Update from GLIFWC and Northern Research Station staff on 2008 charge to TWG to conduct an evaluation and provide recommendations to the USFS and tribes about how birch bark monitoring data could continue to be in the FIA data collection.

1. **FIA Birch Bark Monitoring (Marla Emery & Alexandra Wrobel)**

- a. **TEK Paper:** Alexandra Wrobel provided a brief summary of the TEK paper. The parties were informed that a copy of the report was included in the meeting packet. It was explained that the FIA continues to work with GLIFWC to monitor birch bark. It was discussed that the use TEK information in this report is very valuable and if there are any additional recommendations, to please inform Jonathon Gilbert.
  
- b. **Draft Status Report:** The parties were informed that a copy of the draft status report was included in the meeting packet. It was discussed that birch has experienced a large drop due to changes in the forest and landscape. The forest tree species that are doing the best are the longer lived species. The parties were informed that additional information regarding this issue is available on pages 10 and 11 of this report.
  
- c. **Tribal Timber Requests:** There was discussion on Tribal request for timber for construction and ceremonial purposes. It was explained that there are opportunities through the Farm Bill and the MOU for tribes to request timber. In general, it seems that the process is working. Requests from Bay Mills, St Croix, Red Cliff and Mole Lake have all been worked-on. The turnaround time on these requests vary. For example; the logs for St. Croix are ready to harvest, Red Cliff is still in discussion stage and Bay Mills has an initial written request. Mole Lake had asked for White Cedar and was told that such a request could not be accommodated within the CNNF because of compliance with the Forest Plan; however, the Tribe was informed that the harvest of cedar is permissible on the Hiawatha National Forest. Mary Rasmussen noted that when the parties are working on timber requests we need to discuss how they fit within the Forest Plan because in some areas the Forest is limited on certain species. Jonathon Gilbert suggested that if the tribes have these sorts of discussions on limited species to utilize GLIFWC for assistance.
  
- d. **Birch:** Marla Emery informed the parties that the climate change models suggest birch will decline overtime. Tom Schmitt added that even though we've tried to regenerate birch it has been very difficult. Discussion followed on how the birch gathering maps the USFS provides each year are useful, but there is interest from the tribes in taking a closer look into managing for higher quality birch. Paul Strong suggested our foresters talk to the Voigt Intertribal Task Force to have a deeper discussion on birch.

Marvin Defoe, expressed that he is deeply concerned about the survival of birch trees. He explained that the forests and the lakes are the Tribes' garden from gathering blueberries, birch, wild rice, mushrooms, and fish.

- **Action Item:** Mary Rasmussen along with GLIFWC staff will follow-up on these birch concerns.

- e. **Firewood Gathering Areas:** Chris McGeshick explained that the firewood gathering maps the USFS provides to the tribes are useful; however he suggested an interest in designating areas specifically for firewood gathering for a community program. It was discussed that this would be more efficient than having to travel around the forest. Tony Scardina suggested we could work together to identify such areas. Discussion followed.
- f. **Mining:** Chris McGeshick asked about the status of the Non-Federal Minerals directive, and whether this directive has been put on hold. Chuck Myers explained some of the complex issues around this directive including split ownerships, lawsuits, and antiquated mining laws. Tom Maulson emphasized that the parties need to start at the ground level to work together and listen to the elders, the forests and the plants. He explained that the parties need to work together and ask what can we do together to make a stand to protect the resources.
- g. **Access:** The parties discussed road closures and landowner access issues. As part of this discussion, Paul Strong informed the parties that the basic premise is that no one who owns land within the Forest Service can be denied access. This may not mean that the whole area is opened up for access to everyone, but a landowner has to be afforded reasonable access determined on a case-by-case basis. Discussion followed.

## **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:**  
The parties were informed that a copy of the national consultation schedule maintained by the USFS Office of Tribal Relations (OTR) was included in the meeting packet. This schedule is updated periodically and posted on the OTR web site.

Larry Heady gave an update on the Sacred Sites report. This draft report is currently being reviewed by the Secretary of Agriculture. The parties were informed that Sacred Sites team is recommending expanding the definition of what is considered sacred based on tribal input, including biological resources.

2. **Food, Conservation, and Energy Act of 2008 (Farm Bill):** Larry Heady gave an update on the Farm Bill implementation efforts.
  - a. **Section 8103 of the 2008 Farm Bill:** Larry Heady explained that this section provides the Forest Service express legislative authority to fulfill requests for the reburial of repatriated human remains and cultural items disinterred from National Forest Service lands or adjacent sites. This section also provides the Forest Service with the authority to fund these reburials. Section 8106, provides the Forest Service authority to protect information regarding reburial activities and site locations.
  - b. **Section 8104 of the 2008 Farm Bill:** Larry Heady explained that this section authorizes temporary closure from public access for specific NFS lands requested by Indian Tribes to protect the privacy of tribal ceremonies and other activities for traditional and cultural purposes.
  - c. **Section 8105 of the 2008 Farm Bill:** Larry Heady explained that this section makes provision for the granting “free of charge to Indian tribes any trees, portions of trees, or forest products from National Forest System land for traditional and cultural purposes.” The law also includes a prohibition that “Trees, portions of trees, or forest products provided under subsection (a) may not be used for commercial purposes. There are not limitations on the requests, now much, where and when. However requests must consider forest plan direction, sustainability, and by covered by NEPA.
  - d. **Section 8106 of the 2008 Farm Bill:** Larry Heady explained that this section contains three disclosure rules in two distinct categories: prohibited disclosure and discretionary disclosure. The purpose of this provision is “to prevent the unauthorized disclosure of information regarding reburial sites, including the quantity and identity of human remains and cultural items on sites and the location of sites;” and “to authorize the [Forest Service] to protect the confidentiality of certain information, including information that is culturally sensitive to Indian tribes.” The parties were informed that this provision was recently used on the

Chippewa National Forest to protect against disclosing information on goshawk nest locations to a falconer per consultation with the tribe.

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

**1. Potential Amendment to the MOU to Incorporate the Provisions of the Food, Conservation, and Energy Act of 2008 (Farm Bill):**

Discussion followed regarding potential amendment of the MOU to incorporate the provisions of Farm Bill as a means of strengthening the MOU by providing it with additional legal authority. Kekek Jason Stark briefly described the proposed MOU amendments (including in meeting packet).

**2. Potential Amendment to the MOU Model Code to Incorporate the Provisions of the Other Gathering Agreements:** Discussion followed regarding potential amendment of the MOU to incorporate and streamline the provisions of the USFS, Apostle Islands and Voigt Stipulation gathering agreements to promote consistency. Kekek Jason Stark briefly described the proposed regulatory amendments (including in meeting packet).

- **Action Item:** The Parties agreed to move forward with formal review and comment on these proposals. Mary Rasmussen will work with Forest Staff to generate formal input. A 60 day timeline was suggested.
- *Follow-Up Note (11/2011) – Mary has scheduled a meeting in December with the Forest Service signatory parties to start this review.*

**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.

**IX. ADDITIONAL DISCUSSION ITEMS**