

**National Forest Treaty Gathering and Camping
Regulation Summary
1836, 1837 and 1842 Ceded Territories of
Michigan, Minnesota and Wisconsin**



1836, 1837 and 1842 Ceded Territories: Bad River, Bay Mills, Keweenaw Bay, Lac Courte Oreilles, Lac du Flambeau, Lac Vieux Desert, Mille Lacs, Red Cliff, Sokaogon (Mole Lake), and St. Croix

BE ADVISED

1. This summarizes various Band rules for National Forest Gathering and Camping in the 1836, 1837 and 1842 Ceded Territories of Michigan, Minnesota and Wisconsin.
2. It does not state your Band's entire ordinance. You are responsible for knowing your Band's regulations, which could be more restrictive.
3. This summarizes rules that will be enforced into your Band's tribal court. It does not summarize state or federal criminal laws relating to the use or possession of firearms that may be enforced into other courts.
4. Check with your Band or GLIFWC if you have questions. Phone numbers are on the inside of this booklet's front cover.

INTRODUCTION

The rules summarized in this booklet are the minimum rules that apply to tribal members gathering wild plants and forest products in the Chequamegon-Nicolet, Hiawatha, Huron-Manistee, and Ottawa National Forest. It also applies to camping for the purposes of exercising ceded territory treaty rights in those Forests. **YOUR TRIBE MAY HAVE IMPOSED ADDITIONAL RESTRICTIONS OR REQUIREMENTS.**

Check with your Tribe's conservation department or GLIFWC to verify that your Tribe has enacted a National Forest Gathering Code, to see a complete copy of your Tribe's code, or to see if additional regulations apply to your activities in these National Forests.

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A. GENERAL INFORMATION ABOUT THE OFF-RESERVATION NATIONAL FOREST GATHERING CODE.

There are some general principles about the Off-Reservation National Forest Gathering Code that you should know:

- It applies to the gathering of wild plants (except wild rice) and forest products U.S. government lands in four National Forests: Chequamegon-Nicolet, Hiawatha, Huron-Manistee, and Ottawa. It does not apply to any activities on private, state, county, or other public lands.
- It also applies to camping at National Forest campgrounds in those Forests. You will not have to pay a fee for camping at many National Forest campgrounds.
- For the most part, there are very few rules that apply to the gathering of wild plants and forest products in National Forests and few special permits are required.
- It does not apply to what is commonly referred to as "commercial logging." There is one simple rule: Unless you have a valid commercial logging contract with the Forest Service, you may not sell all or part of any tree as bolts, pulpwood or lumber products.
- The provisions of the main tribal off-reservation conservation code that generally govern treaty rights exercise still apply. The National Forest Gathering Code sets specific additional requirements that apply only to certain treaty rights activities in the four National Forests.

- Check with your Tribe before using any skidder or similar vehicle in your harvest activities, such as for firewood.
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B. GATHERING REGULATIONS.

1. Permit and Identification Requirements.

a. National Forest Gathering Permits and Tribal ID's. You must possess a valid tribal off-reservation harvesting permit issued by your Tribe and a valid tribal identification card while gathering in a National Forest. In some instances, your Tribe may require only a picture identification card.

b. Additional Permits. There are a few additional permits from your Tribe that you might need (these requirements are discussed in more detail in specific sections later in this booklet):

1) Commercial Wild Plant Gathering Permit – to gather for sale conifer boughs, princess pine or ginseng;

2) Camping Permit – for camping at most National Forest campgrounds without having to pay a fee;

3) Timber Sale Contract Area Permit – for certain gathering activities in areas where commercial loggers have been awarded timber sale contracts;

4) Firewood Gathering – for gathering firewood with the use of a tractor or skidder;

5) Sugarbushes – for gathering maple sap in a designated tribal sugarbush or other designated location; and

6) Harvest for Construction Purposes – for cutting down live trees or gathering salvage timber for constructing a building. Note: This does not apply to smaller structures, such as hunting blinds, fish houses, or sugarbush shacks, that are used in the exercise of treaty rights.

7) Vehicle Stickers – for use in tribal vehicle permit areas.

c. Display of Documents. You must display permits and identification documents to any tribal, state, local or federal law enforcement officer upon request.

e. Sharing of Permits/Tags. It is illegal to share, give, or sell, barter or trade, or to offer to share, give, or sell, any permit.

2. Harvest Monitoring/Records of Commercial Transactions. Your Tribe and GLIFWC may be gathering harvest data regarding National Forest gathering. You must provide the requested information. In addition, you must maintain a record anytime you sell ginseng harvested in a National Forest. Your tribal conservation department has the necessary form to use and you must return to the forms to the conservation department at least once each year. You do not need to keep records of any other commercial transaction resulting from wild plant gathering activities on the National Forests.

3. Harvest and Other Location Restrictions. Special rules apply to particular areas:

a. Wilderness Areas, Research Natural Areas, and Special Use Areas. Much like fish or wildlife refuges, your Tribe has designated areas of the National Forest where special rules apply. These areas and the rules that you must follow

there are laid out in GLIFWC's *Tribal Wildernesses, Tribal Research Natural Areas, and Tribal Vehicle Permit Areas on National Forests*. This document is available from your tribal conservation department or from GLIFWC.

Where a vehicle permit is required, it is available from your Tribe at no cost.

b. Forest Service Administrative Areas. You may not gather where the United States Forest Service has an office or other building. If you are in doubt about an area, contact your tribal conservation department or GLIFWC.

c. National Forest Campgrounds. You may not gather within a developed National Forest campground. Again, if you are in doubt about whether you are in a developed campground, contact your tribal conservation department or GLIFWC.

You may gather firewood for use while camping in a campground.

d. Camping Fees and Length of Stay Restrictions. These rules are summarized in Section C later in this booklet.

e. Non-National Forest Lands. Gathering may only take place on within the boundaries of a National Forest on lands that are owned or administered by the United States Forest Service. You may not gather on private lands. Also, gathering on any other public land (such as state or county land) may be governed by your Tribe's general off-reservation conservation code.

4. Timber Sale Contract Areas. Where the Forest Service has offered a timber sale and a logging contract has been entered into:

- You may not cut or gather any tree or tree part that is part of the timber sale. Sometimes these trees are marked with orange, green, or yellow paint. It is your responsibility to be certain about trees that are subject to a valid logging contract.
- Unless you have a special permit, you may not do any of the following in what is called a "timber sale contract area":
 - Cut down any live tree;
 - Remove the bark of any live tree;
 - Trim or remove the branches from the top half of any live tree; or
 - Trim or remove the branches other parts, except cones, of any tree that had been cut down by another person.
- Typically, a "timber sale contract area" is the area where logging will take place under a logging contract and is marked with blue paint. Again, it is your responsibility to know whether you are in such an area.
- If in doubt about a logging contract or timber sale contract area, contact your tribal conservation department or GLIFWC.

5. Harvest of Certain "Marked" Trees. You may not cut down any tree with any of the following markings, or remove, alter or deface any marking:

- Blue Paint – designates the boundaries of a timber sale contract area.

- Red Paint – indicates a property boundary between National Forest lands and other ownerships, or may designate a witness at a legal corner.
- White Paint Stripes or Other White Bands – indicate a tree being used to collect cones or seeds for nursery stock.
- Metal or Wood Forest Service Signs – designate property or National Forest boundaries, indicate legal corners or other survey data, indicate nursery stock, or provide other similar information.

6. Assistance by Non-Members. You may gather with a non-member who is complying the law that applies to him or her. In addition, anyone from your immediate family (grandparents, parents, spouses, children, brothers, sisters, etc.) may assist you as long as you are present when the assistance is given.

7. Conifer Boughs.

a. General Rules. You may not:

- Cut down a tree for the purpose of gathering conifer boughs;
- Remove boughs from the upper half of a tree; or
- Sell northern white cedar or hemlock boughs, or provide them to someone else who intends to sell them.

b. Commercial Sale Permit. If you want to gather conifer boughs for the purposes of selling them, you must have a commercial wild plant gathering permit.

8. Princess Pine. The only species that you can gather for subsequent sale are *Lycopodium obscurum*, *Lycopodium dendroidium*, or *Lycopodium hickeyi*. You can sell these species if you have harvested them while possessing a commercial wild plant gathering permit.

9. Firewood.

a. Live Trees or Salvage Timber. You may not cut any live tree or gather any salvage timber for firewood unless:

- It is located within a National Forest "firewood sale" or other similar designated area for firewood gathering; or
- A sugarbush permit allows you to do so.

b. Standing Dead Trees. There are two rules about cutting down standing dead trees for firewood:

- They can be cut only within 100 feet of the cleared edge of any road where it is legal for highway vehicles to travel.
- They can not be cut within 200 feet of pond, lake, stream, or river.

c. Use of Tractors or Skidders. You need a special permit from your Tribe to use a tractor, rubber tired skidder, or similar vehicle for gathering firewood.

10. Ginseng. You may gather ginseng only from September 1 through October 31. If you want to gather ginseng for the purposes of selling it, you must have a commercial wild plant gathering permit.

11. Maple Sap/Sugarbushes. You need a special permit to

gather maple sap in what is called a "designated tribal sugarbush" or other similar location approved by your Tribe. A tribal sugarbush will have a site management plan that will set forth the rules that you must follow.

12. Commercial Logging Prohibited. Commercial logging is not allowed by the tribal code and can only take place pursuant to a valid timber sale contract with the Forest Service. You may not sell all or part of any tree, or any product derived from its wood, as bolts, pulpwood, or lumber.

13. Harvest of Live Trees and Salvage Trees for Sale or for Construction Purposes.

a. Harvest for Sale as "Lumber" or Similar Wood Products. Unless you have a valid timber sale contract with the Forest Service, you may not cut down any live tree or gather any salvage timber for the purposes of selling all or part of it, or any product derived from its wood, as bolts, pulpwood, or lumber.

b. Harvest for Construction Purposes. There is no harvest of live trees or salvage timber for construction purposes unless your Tribe and Forest Service make special arrangements. If and when those arrangements are made, you will need a special structure construction harvest permit to cut live trees or gather salvage timber for this purpose.

You may harvest live trees or gather salvage timber for smaller structures, such as hunting blinds, fish houses, or sugarbush shacks, that are used in the exercise of treaty rights. It is your responsibility to verify that your intended construction use is legal. If in doubt, contact your tribal conservation department or GLIFWC.

c. Definition of Salvage Timber. The Forest Service must notify your Tribe when it will harvest trees that have been blown down or damaged by natural or other disasters. This commonly is known as a salvage logging operation. Once the Forest Service has decided to enter into a salvage logging operation, the downed or damaged trees are treated like live trees for the purposes of treaty rights gathering.

"Salvage timber" is any tree (whether it is alive, dead, down or standing) that has a diameter (at breast height) larger than 4 inches in a designated salvage logging area.

C. CAMPING REGULATIONS.

Your Tribe and the Forest Service have entered into an agreement that applies to tribal members using National Forest campgrounds for the purposes of exercising ceded territory treaty rights. This agreement covers three items:

- Camping without paying a fee (note: there is a list of fee-exempt campgrounds beginning on the inside of this booklet's back cover);
- How long tribal members may stay at a campground; and
- General rules of conduct while camping.

You will need an important document prepared by GLIFWC called *National Forest Campgrounds* that is available from your tribal conservation department or from GLIFWC. You must follow the rules laid out in this document, which:

- Lists all of the National Forest campgrounds and some dispersed campsites;
- Identifies those campgrounds or campsites where you do not have to pay a fee to stay overnight;
- Sets out the particular length of stay restrictions for each campground (for many campgrounds there are no length of stay limits);
- Indicates which campgrounds are closed or out-of-service for the non-camping season; and
- Provides other useful information that will help you take advantage of the camping agreement.

1. Procedures for Using Fee-Exempt Campgrounds. To use a fee-exempt campground, you must:

- Get a tribal camping permit from your tribal conservation department or other person designated by your Tribe.
- Follow the camping registration procedures at the campground. Generally, this involves providing information requested on a registration form or envelop.
- Indicate the number of days that you plan on camping both on the tribal camping permit and on the campground registration form.
- Instead of paying a fee, give the camping permit to the campground registration personnel or place the permit in the envelop.
- Camp only at the campsite for which you have registered.

2. Reserving a Fee-Exempt Campsite. At this time, you will have to pay both a camping fee and a reservation fee if you use the Forest Service's campsite reservation system. However, if you can not find a campsite on a first-come, first-served basis, you should contact your tribal conservation department and inform them of your circumstances. There might be a way for the conservation department to work with the Forest Service to meet your needs.

3. Campground Rules. There are a number of rules that your Tribe has adopted to protect the natural resources found in campgrounds and to ensure public health and safety. These rules include:

- No disturbing, interfering with or displacing any person who is camping or who has a reservation to camp.
- No discharging a firearm, bow, or crossbow in or within 150 yards of a campsite.
- Unless you have permission from a campground official, you must use a campsite the first night after you set up.
- No leaving camping equipment unattended for more than 24 hours without permission of a campground official.
- When the Forest Service has notified your Tribe or posted rules:
- No using a campsite with prohibited camping equipment;

- No using a campsite by more than the number of people or vehicles allowed; or
- No being in an area between 10 p.m. and 6 a.m. unless camping or visiting a person who is camping.

D. OTHER RULES THAT APPLY WHILE EXERCISING TREATY RIGHTS IN A NATIONAL FOREST.

Also in the interest of protecting natural resources and of promoting public health and safety, the following conduct is prohibited when you are exercising ceded territory treaty rights in a National Forest:

- Interfering with a Forest Service official (including threatening, resisting, intimidating, interfering with or giving false or fraudulent information, failing to stop your vehicle when directed to do so).
- No disorderly conduct.
- Carelessly or intentionally causing an uncontrolled fire, including:
- Leaving a campfire without completely extinguishing it;
- Allowing a fire to escape from control; or
- Building a campfire without clearing the area immediately around it to prevent its escape.

- Violating any requirement of a fire ban, or entering into an area that has been closed because of a fire ban.
- Damaging or removing any property belonging to the United States, or entering any building or area that is not open to the public.
- Failing to dispose of all garbage by either removing it from the area or by placing it in the proper receptacles.
- Carelessly or recklessly operating any vehicle off of any public road in an unsafe manner or in a way that unreasonably disturbs the land, wildlife or vegetation.
- In a "developed Forest Service recreation site" (an area of the National Forest that has been improved or developed for public recreation, including campgrounds):
 - Building a fire outside of a fire ring that has been provided or outside of a stove, grill or fireplace;
 - Cleaning or washing anything (including animals or food), or bathing or washing at a water source not provided for that purpose;
 - Using fireworks; or
 - Failing to use provided toilet facilities.
- Possessing or storing food or refuse in violation of posted instructions.

E. ENFORCEMENT

1. **Wardens.** Tribal and GLIFWC wardens are empowered to enforce your Tribe's Off-Reservation National Forest Gathering Code, including the camping regulations. They may seize evidence of alleged violations and may issue citations.

2. **Tribal Court.** Alleged violations will be prosecuted in your Tribe's court under tribal law.

3. **Penalties.** The tribal court will set the fines for violations up to a maximum of \$5,000.00. The court also may revoke or suspend the exercise of your ceded territory rights, order you to forfeit any property used in committing the violation, order you to pay a natural resources assessment up to 75% of the fine, and impose court costs. Penalties may be enhanced for repeat offenders. The court may order community service.

4. **Civil Damages.** In addition to other penalties, the tribal court also may order payment of damages to the Tribe for the value of the resources taken illegally.

5. **Parties to a Violation.** If you aided, abetted, assisted or in any way were involved with another member who committed a violation, you may be charged with the same violation.

6. **Enforcement of Federal Law.** You should be aware that the Forest Service may initiate a federal enforcement action in limited circumstances where your conduct causes severe injury or significant damage, or is particularly egregious. The Forest Service must first consult with your Tribe.

If you have any questions regarding your rights and responsibilities in the exercise of ceded territory treaty rights, or about any other treaty rights related matter, please contact one of the following:

Bad River

Conservation Department 715/682-7123
Registration Station 715/682-2677

Bay Mills

Conservation Department 906/248-3241

GLIFWC

General Office 715/682-6619
Enforcement Office ext 110

Keweenaw Bay

Conservation Department 906/524-5757

Lac Courte Oreilles

Conservation Department 715/634-0102
Twin Cities Registration Station 612/813-1610

Lac du Flambeau

Conservation Department 715/588-4213
Registration Station 715/588-4245

Lac Vieux Desert

Tribal Office 906/358-4577

Mille Lacs

Natural Resources Commissioner 320/532-7452
Main Registration Station 320/532-7439
Lake Lena Registration Station 320/384-6240
Mille Lacs Urban Office 612/874-1424

Sokaogon Chippewa (Mole Lake)

Registration Station 715/478-7615

Red Cliff

Conservation Department 715/779-3732
Registration Station 715/779-5182

St. Croix

Conservation Department 715/349-2195
Registration Station 715/866-8126