Twenty-Fourth Annual
National Indian Timber Symposium

Final Proceedings

Modern Management of Traditional Lands: Sustaining the Future

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TWENTY-FOURTH ANNUAL NATIONAL INDIAN TIMBER SYMPOSIUM

MODERN MANAGEMENT OF TRADITIONAL LANDS:
SUSTAINING THE FUTURE

SECTION XII

Thursday, June 15, 2000

WORKSHOP III:

NON-TIMBER FOREST PRODUCTS, MANAGEMENT FOR TRADITIONAL USES

SPECIAL FOREST PRODUCTS, THE QUINAULT STORY

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SPECIAL FOREST PRODUCTS, THE QUINAULT STORY

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The forest lands contain many important resources other than timber products. Unfortunately these non-timber products are often overlooked and they are facing ever-expanding dangers from illegal harvesting and environmental changes. We refer to these non-timber products as "Specialized Forest Products" and the sale of these products has become a multi-million dollar business in Grays Harbor County Washington alone. If efforts to preserve these plants are not enacted quickly we will lose not only the revenue from the sales, but also a part of our heritage.

Some key points to remember when managing these resources is to keep the number of permitted harvesters at a level which will support a sustainable yield and institute a system which will deter potential thieves. The number of harvesters will vary with different areas, however you must be aware that copies of legal permits on reservations sell quite readily on the black market so you must be selective about the harvesters that receive permits. The illegal harvesting is harder to control, as these thieves do not care about whose land they are on and whether their harvesting methods are impacting the future yield, they just want to make a quick dollar without getting caught. The following are some methods of controlling illegal harvesting that the Quinault Indian Nation has employed with great success.

Laws were enacted allowing the seizure and forfeiture of all equipment (including vehicles) used by illegal harvesters:

- Fines for violations were raised to $5000
- A permit system was implemented requiring every harvester have a permit on their person
- Vehicle registration laws were enacted requiring every vehicle to have a placard displayed in the windshield
- Roads leading into high theft areas were closed by using gating or ditching to control vehicle access thereby forcing illegal harvesters to park in plain site on the main road
- A new lock system was installed that has non-duplicable keys
- All SFP permits are issued for only one month at a time, including transportation permits

As you can see protecting these resources will take great efforts as these products are highly sought after in the floral, medicinal, and landscaping markets. The recent expansion of these products into the European market has only compounded these problems.

The following is a partial list of specialized forest products found on the Quinault Reservation. This list represents many plants, but is not complete due to space constraints and the fact that many medicinal uses were passed on orally and many were lost throughout the course of time. This material is for informational purposes only and should not be used as many of the plants and their look alikes are poisonous.

Baneberry
(Actaea Arguta)

The baneberry is a perennial that grows in moist shady locations such as stream banks at low to subalpine elevations. The entire plant is poisonous and ingesting only a few berries will result in paralysis of the respiratory system. The leaves of this plant were chewed then spat onto wounds.

Beargrass
(Xerophyllum Tenax)

Beargrass grows in open to dense forests from sea level to middle elevations on the Quinault Reservation. It was used to make basket.

Black Cottonwood
(Populus Trichocarpa)

The black cottonwood is a deciduous tree that grows at low to medium elevations along floodplains and rivers. The pitch from its burls was applied to cuts and wounds as an antiseptic. An infusion of bark was also used to treat tuberculosis.

Black Twinberry
(Lonicera Involucrata)

The black twinberry grows in moist areas at low to subalpine elevations. The leaves were chewed to treat a sore mouth. The chewed leaves were also rubbed on sores.

Candy Flower
(Montia Sibirica)

The candy flower is a short-lived perennial that lives in moist shady areas at low to mid elevations. Women chewed the whole plant while they were pregnant to ensure that the baby would be soft when delivered.

Cascara
(Rhamnus Purshiana)

This deciduous tree grows in dry to wet sites at low to middle elevations and is usually mixed with conifers, red alders, and vine maple. The bark was peeled and dried before being boiled to form a strong laxative and it is still used commercially as a laxative. The boiled bark was also used for washing sores, swellings, heat strains, internal strains, and biliousness.

Chanterelle
(Cantharellus Cibarius)

The Chanterelle in mixed forests or under conifers at low to middle elevations. It was sued for food and has gained commercial value.

Cow Parsnip or Indian Celery
(Heracleum Lanatum)

This perennial lives in moist areas such as streambanks, ditches, etc. from sea level to subalpine elevations. *NOTE:* The douglas water hemlock, giant cow parsnip, and giant hogweed look similar and grow in the same areas, but are violently poisonous. A poultice of warm leaves was applied to sore limbs.

Deer Fern
(Blechnum Spicant)

The deer fern is an understory plant that grows in moist to wet areas at low to subalpine elevations. The leaves were chewed for colic.

Douglas Fir
(Pseodotsuga Menziesii)

This tree grows in dry low elevations to wet montane sites. A dressing of bark was applied to sores. The pitchy heartwood was also used as a torch.

Elderberry
(Sambucus Racemosa)

The red elderberry lives in moist clearings from sea level to middle elevations. The bark, leaves, stems, and roots are poisonous as they contain cyanide. An infusion of bark was taken to induce vomiting and a decoction made from the bark was applied to a woman's breast after childbirth to start milk flow.

False Lily-of-the-valley
(Maianthemum Dilatatum)

These perennials grow in moist to wet shaded areas predominately under sitka spruce trees at sea level to middle elevations. The roots were pounded or chewed to rub on sore eyes.

Fool's Huckleberry or False Azalea
(Menziesia Ferruginea)

This deciduous shrub lives in shady to open coniferous forests in acidic soils and contains the poison andromedotoxin which lowers blood pressure, causes breathing, and internal problems. A woman waved a forked twig above her head to make a man fall in love with her.

Giant Horsetail
(Equisetum Hyemale)

These plants form dense colonies in moist to wet places at lower elevations and can be poisonous if ingested in quantity. A Decoction was taken by women to regulate their menses and an eyewash was made from the root or root juice.

Giant Vetch
(Vicia Gigantea)

This member of the pea family grows in openings and disturbed sites at low elevations. The roots were rubbed on a woman then placed under her pillow to bring her husband back.

Goat's Beard
(Aruncus Sylvester)

These perennial live at the edges of forests, stream, and roads at low to middle elevations. A decoction was made to treat sore eyes.

Indian Hellebore or Green False Hellebore
(Veratrum Viride)

*This plant is one of the most poisonous species found in the northwest*_and was highly respected among all tribes for its toxicity. It is a perennial that grows in moist to wet bogs and swamps as well as meadows and wet thickets. A decoction of the plant was used to abort pregnancies and to treat rheumatism.

King Bolete
(Boletus Edulis)

This mushroom grows in coniferous forests at low elevations. It was used for food and has gained commercial value.

Labrador Tea
(Ledum Groenlandicum)

This evergreen lives in peatlands, bogs, other acidic and poor nutrient soils. Trapper's tea looks nearly identical to Labrador tea, but is poisonous. The leaves were boiled and the tea was drunk to treat rheumatism.

Large Leaved Avens
(Geum Macrophyllum)

This perennial lives in open forests and area from low to middle elevations. The leaves were made into a dressing that was placed on boils and they also served as a universal remedy by chewing them. A tea was made from the leaves and drank by women to avoid conception, but this only worked if the woman had given birth previously.

Licorice Fern
(Polypodium Glycyrrhiza)

This fern is found on wet logs, mossy ground, and rocks at low elevations. The raw or baked roots were eaten as cough medicine.

Nodding Onion
(Allium Cernuum)

This perennial prefers grassy areas, rock crevices, and sandy soils often near Douglas fir. A dressing made from the plant was applied to the chest for pleurisy pains. The bulbs were also eaten, however great care must be taken not to confuse the bulbs with those of the Death Camas, which is poisonous.

Nootka Rose or Wild Rose
(Rosa Nutkana)

This plant lives in open habitats such as roadsides, clearings, shorelines, etc. at low to middle elevations. A mixture of twig ashes and skunk oil was applied to syphilis sores.

Dull Oregon Grape
(Mahonia Nervosa)

This evergreen grows in open to closed dry to wet forests at low to middle elevations. A concoction of bark and berries was used to treat eye, liver, and gall bladder problems and a decoction of the roots was used as a cough medicine. Bark from the stems and roots were also used as a yellow basket dye.

Pacific Crabapple
(Pyrus Fusca)

This tree prefers moist and swampy areas at low to mid elevations. A drink made from the bark was taken for internal pains; this mixture was also used as eyewash. The bark contains cyanide therefor care must be taken when handling it.

Redwood Sorrel
(Oxalis Oregana)

Redwood sorrel grows in moist forested sites at low to middle elevations. The chewed root juice was applied to sore eyes. The acid contained within these plants is potentially harmful; therefor they should not be eaten.

Salal
(Gaultheria Shallon)

Salal grows in coniferous forests from sea level to mid elevations. Decoctions of leaves were taken to treat diarrhea. The leaves were also chewed to cure heartburn and colic.

Salmonberry
(Rubus Spectabilis)

These bushes live in moist to wet areas and disturbed sites. A decoction of bark was used as a disinfectant to clean burns and wounds; women also used this decoction to reduce labor pains. The berries were also eaten.

Self-Heal or Heal-All
(Prunella Vulgaris)

This perennial grows in moist clearings, field, edges, and roadsides at low to middle elevations. Juices made from the plant were placed on boils and the leaves were placed on inflammations, cuts, and bruises.

Shore Pine
(Pinus Contorta)

This evergreen lives in poor nutrient areas along the coastline, such as dunes, rocky areas, and bogs. A dressing made from the pitch was applied to open sores.

Sitka Spruce
(Picea Sitchensis)

This evergreen grows in moist areas that have good drainage such as floodplains. The pitch was applied to boils, burns, slivers, and irritations. A concoction made from it was also used to treat syphilis, gonorrhea, sore throats, internal swellings, rheumatism, toothaches, and colds.

Skunk Cabbage
(Lysichiton Americanum)

This perennial lives in swamps and muddy seepage areas. A dressing made from the leaves was applied for many ailments and a decoction of roots was taken to clean out the bladder.

Stinging Nettle
(Urtica Dioica)

This perennial grows in moist nutrient rich soils and disturbed habitats. Women chewed the tips of the plant while in labor to help reduce pain. A decoction made from peeled bark was drunk for headaches and the stalk was used to whip a person to cure paralysis.

Sweet Colt's Foot
(Petasites Frigidus)

This perennial lives in moist to wet meadows at subalpine to alpine elevations. An infusion of smashed roots was used as a wash for swellings and sore eyes.

Sword Fern
(Polystichum Munitum)

This fern lives in moist to wet areas at low to middle elevations. A poultice made from the spore sacs under the leaves was applied to burns and a decoction made from the roots was used to treat dandruff.

Western Hemlock
(Tsuga Heterophylla)

This conifer grows in dry to wet sites from low to middle elevations. An infusion of bark was used as a laxative and a poultice of pitch and bark was applied to a child's chest for colds.

Western Redcedar
(Thuja Plicata)

This evergreen was one of the most important resources to the Quinault as it was used for everything from clothes to houses. It grows in moist to wet soils, usually in shaded areas. Medicinally an infusion of seeds and twigs was used for fevers. An infusion of bark and twigs was used for kidney troubles and as a wash for venereal sores.

Western Yew
(Taxus Brevifolia)

This evergreen is usually an understorey tree that lives in moist areas from low to middle elevations. A dressing was made from the chewed leaves and applied to wounds. A drink made from the dried bark was used as lung medicine.

Western White Pine
(Pinus Monticola)

This evergreen lives in moist areas from sea level to subalpine elevations. The buds were chewed to help sore throats and an infusion of bark was taken for stomach disorders and to purify the blood.

Yarrow
(Achillea Millefolium)

This perennial grows in dry to moist well-drained open sites such as rocky slopes, meadows, gravel, bars, etc. at low to high elevations. A decoction made from the roots was taken for tuberculosis and as a general tonic. Eyewash was also made from the plant.

Yellow Pond Lily
(Nuphar Polysepalum)

This lily lives in ponds, shallow lakes, and slow moving streams at low to middle elevations. The roots were heated and applied to the source of pains, especially for rheumatism.

Jared Eison who is an enrolled Quinault Indian that works for the Quinault Indian Nation as a Resource Protection Officer prepared the following information. His duties include investigating cases involving trust lands as well as protecting these lands against damage, theft, trespass, and environmental damage. Additionally he protects pre-historic and historic cultural sites from theft and vandalism. Jared brings with him thirteen years of law enforcement experience, four of which are as a Resource Protection Officer specializing in crimes against natural resources. Should you have any questions, he may be reached at the following.

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Cell	(360) 580-3095
Police Dispatch	(360) 276-4423
Email	jeison@quinault.org

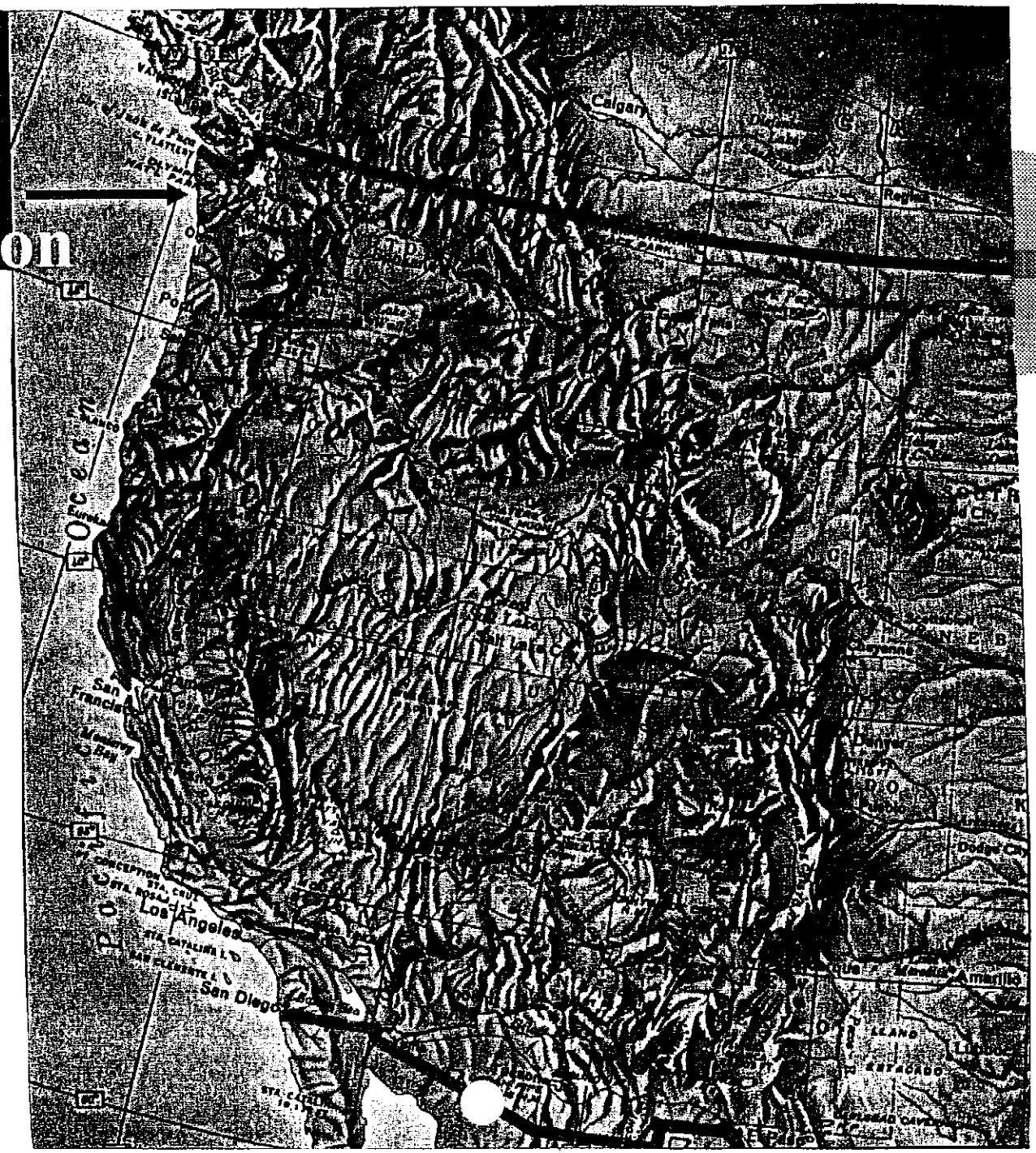
Non-Timber Forest Products

The Quinault Story

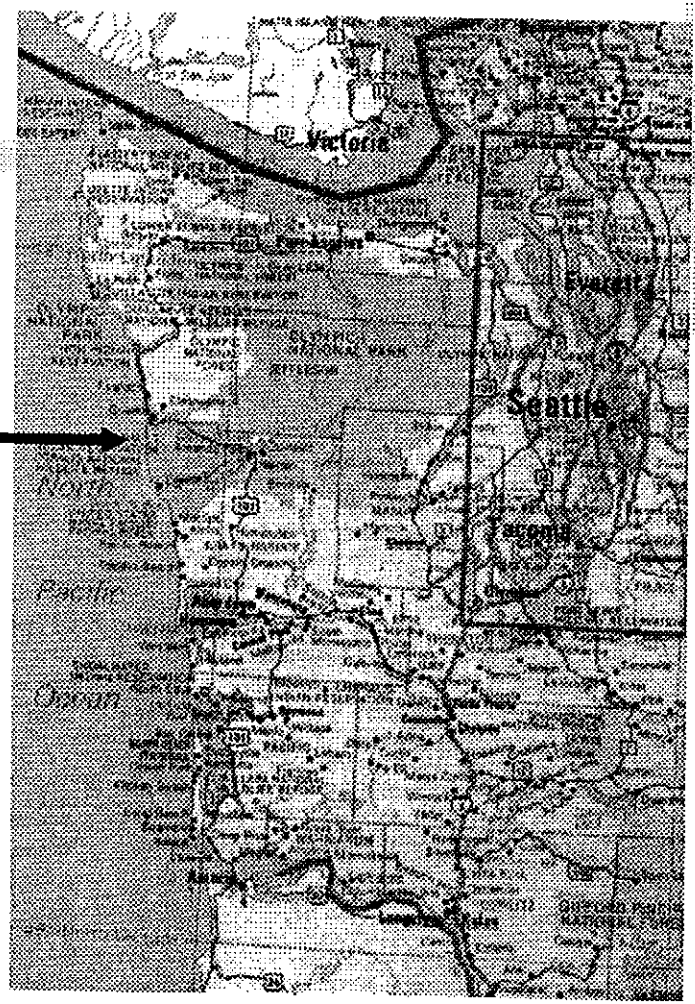
Jared Eison

Quinault Indian Nation

Quinault Reservation



Quinault Reservation



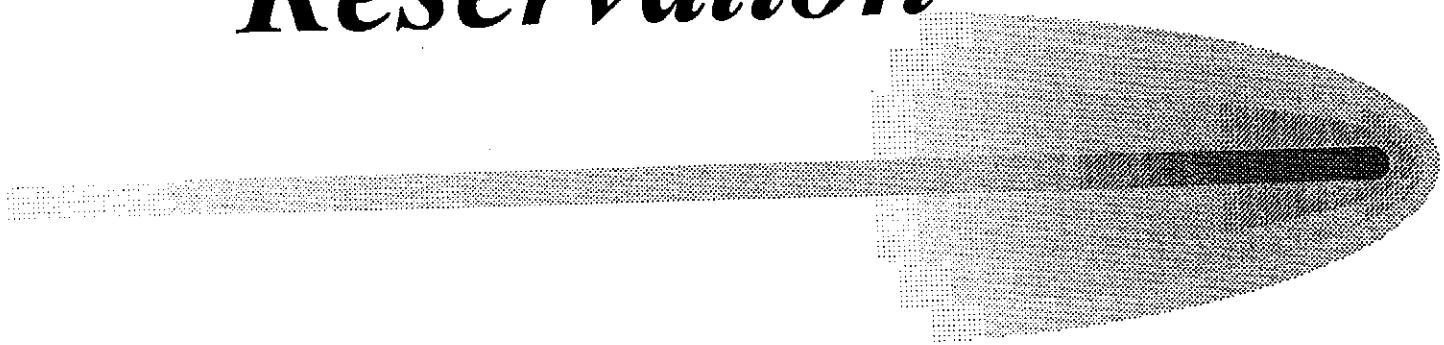
Non-Timber Forest Products

Are referred to as "Specialized Forest Products". These are non-timber products which come from forestlands.

Specialized Forest Products of the Quinault Reservation

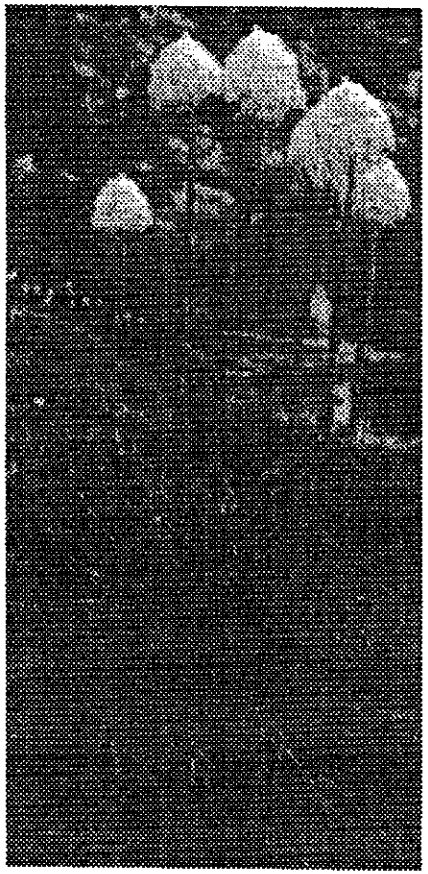
- **Floral Greens**
- **Medicinals**
- **Ornamentals**
- **Mushrooms**
- **Cedar Salvage**

SFP's of the Quinault Reservation



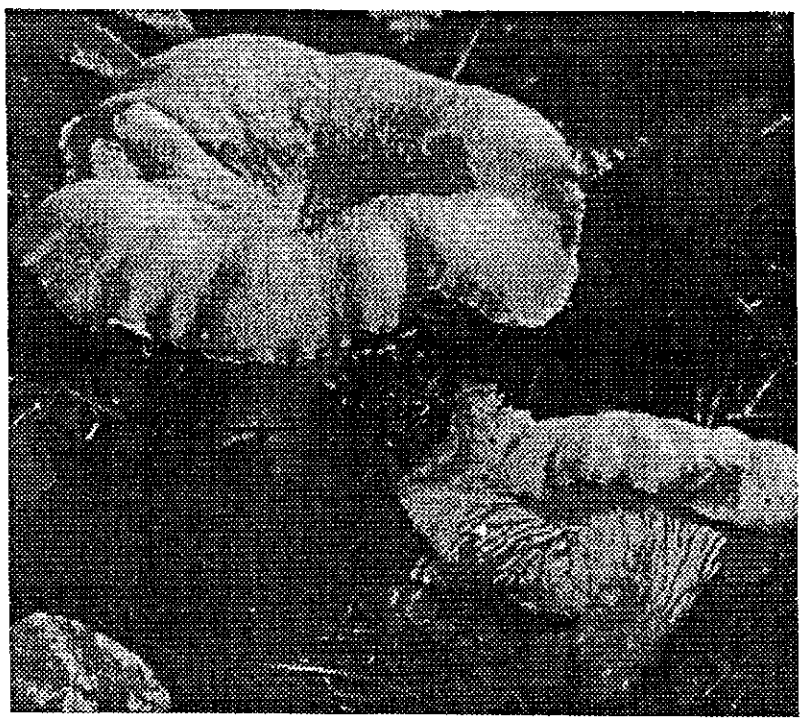
The following are a few examples of the specialized forest products found on the Quinault Reservation. These examples are for informational purposes only.

Beargrass



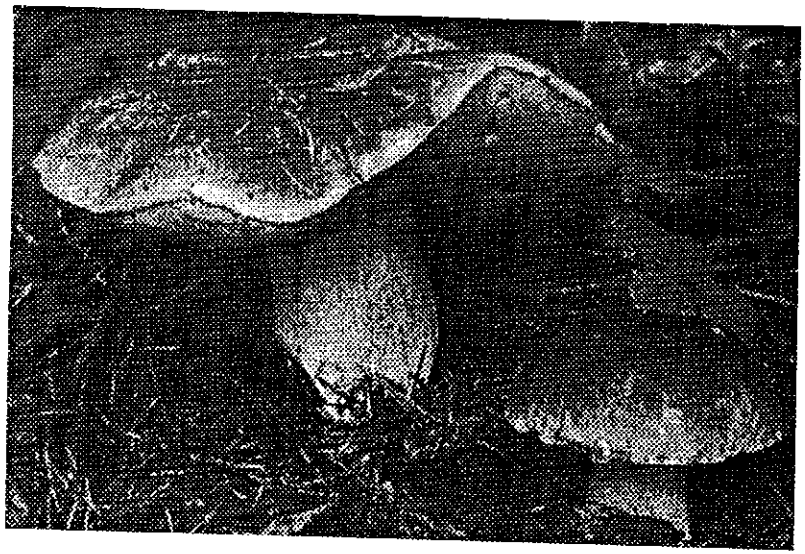
- **Used for making baskets**
- **Grows in low to middle elevations on the QIR**
- **Commercial value in floral market**
- **.50 - .90 per pound**

Chanterelle



- **Used as a food source**
- **Commercial value in the food industry**
- **$3 - $6 per pound**

King Bolete (Boletus)

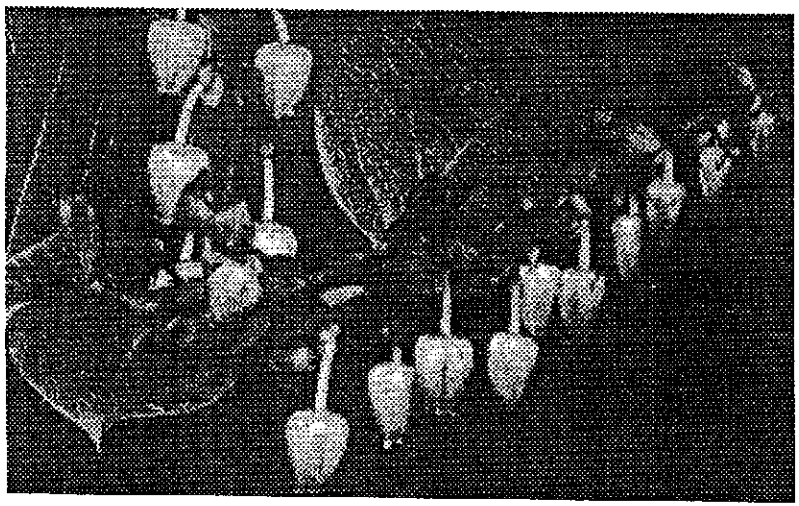


- **Used as a food source**
- **Commercial value in the food industry**
- **$5 per pound**

Cascara

- Bark was peeled and boiled to form a strong laxative
- Also used to wash sores and treat strains
- Used commercially today as a laxative
- .35 - $1 per pound

Salal



- **Leaves were chewed to cure heartburn and colic**
- **Gained great commercial value in floral arrangements internationally**
- **Small landscaping market**
- **.80 - $1.50 per pound**

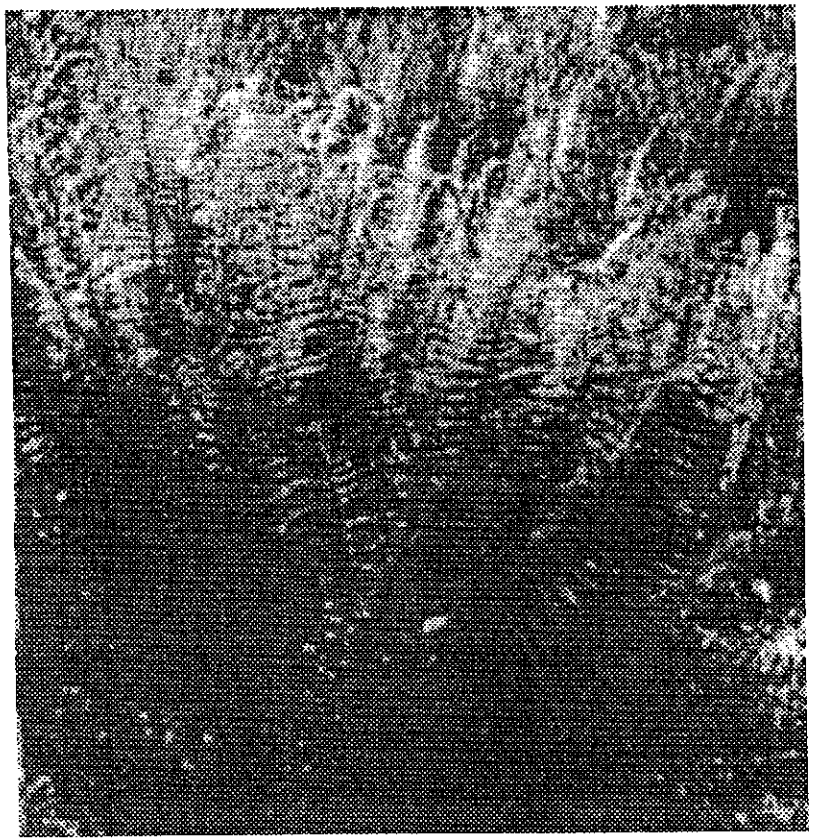
Western White Pine

- Buds chewed for sore throats
- Bark used for stomach disorders
- Bark used to purify the blood
- Gained commercial value as a Christmas ornament
- .50 per pound

Western Redcedar

- Important resource to the Quinault
- Infusion of twigs & seeds used for fevers
- Infusion of twigs & bark used as a venereal sore wash
- Used commercially in Christmas and landscaping markets
- .50 per pound

Sword Fern

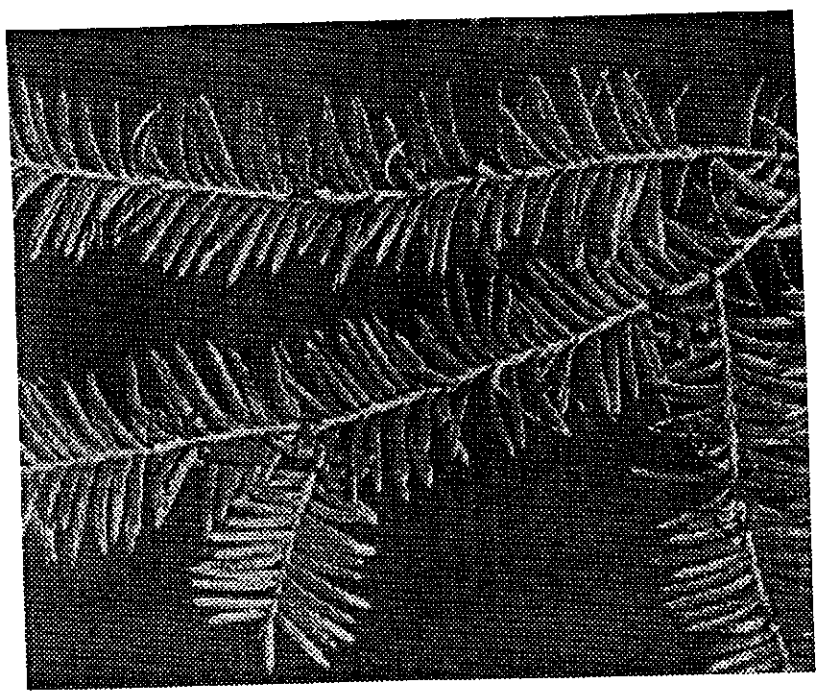


- **Spore sac solution applied to burns**
- **Roots used to treat dandruff**
- **Has gained floral and landscaping value**
- **.75 per pound or $5 per plant**

Deer Fern

- **Leaves were chewed to treat colic**
- **Has gained a landscaping value**
- **$2 per plant**

Western Yew



- **Wound dressing made from chewed leaves**
- **Drink made from the bark used as a lung medicine**
- **Bark has gained commercial value for the cancer drug "Taxol"**
- **$1 - $2 per pound as taxol is now synthesized**

Non-Timber Forest Products

The theft of these and other SFP's by mostly illegal immigrants has led to the development of new laws, road closures, and management practices

The History of SFP's

- **1980's market was small - minimal pickers**
- **Early 1990's market started opening up**
- **Mid 1990's market increased dramatically, thefts correspond**
- **Late 1990's market exploded, thefts skyrocket**
- **2000 thefts on QIR decrease due to emphasis patrol and zero tolerance**

The theft problem

A one week emphasis patrol in 1999 along 20 miles of Highway 101 near Quinault resulted in the following.

- **119 Arrests of Non-Tribal members**
- **77 deportations of illegal immigrants**
- **96 Gross Misdemeanors filed**
- **5 felonies filed**
- **2 firearm seizures**
- **3 Search Warrants**
- **9 buying stations cited**

The Dangers

- **One person fatally shot over salal in 1998 within 15 miles of the QIR**
- **One person fatally shot over SFP's in 1999 within 8 miles of the QIR**
- **Fights increasing between groups of pickers**
- **Use of weapons becoming more common**

The motive

Money!!!

- **Statewide sales slowed by $ 1.2 million during the week of the emphasis**
- **Buyers average $ 42,000 per week in transactions**
- **SFP business in Grays Harbor is $12 - $14 million per year for past two years**
- **12 cargo containers shipped from Grays Harbor county per month at $55,000 each**
- **There was 0 % compliance with SFP laws**

The needs for management

- **To protect resources for the future**
- **To reduce over-harvesting**
- **To reduce theft**
- **Profit for landowners**
- **To protect wildlife**

Management of SFP's

- **Will harvest be allowed?**
- **Laws and Regulations**
- **Permits**
- **Controlling access**

Commercial Harvesting

- **Will it be allowed?**
- **Sustainable yield?**
- **Cultural/Historical sites nearby?**
- **Contract Compliance?**
- **Similar SFP's in nearby areas?**
- **Can permittee(s) be trusted?**

Laws & Regulations

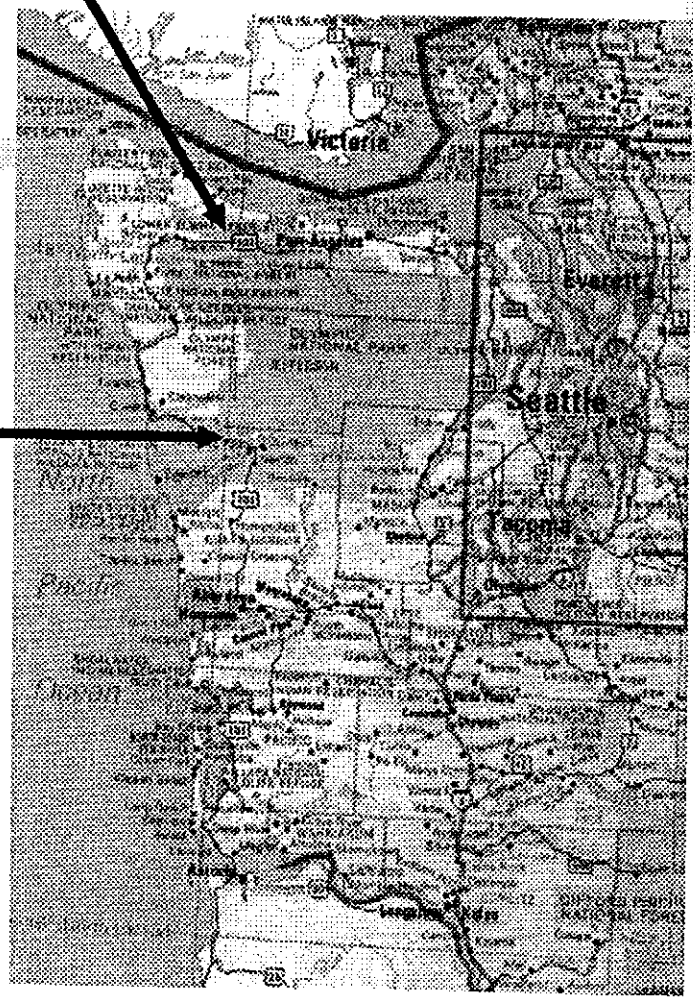
- **Must allow for seizures and forfeitures**
- **Penalties must be high**
- **Require <u>every</u> harvester to obtain a permit**
- **Require registration of all vehicles**
- **Local buyers need to be informed of laws**

Permits

Commercial & Free-use

- All harvesters must obtain permits
- Sales should be "Lump sum"
- Permits should expire with contract
- Areas must be well marked
- Penalties included in contract
- Only "Original" permits accepted
- Attach copy of area map & Drivers license
- Inform local L.E. of permit requirements

Permitted Area



Subjects Contacted

Controlling Access

- **Gate main roads**
- **Ditch spur roads**
- **Gate keys must be "Non-duplicable"**
- **Monitor traffic**
- **Establish random check stations**

This will force illegal harvesters to park on the main roads, where they are easier to monitor and catch. This also helped control illegal dumping.

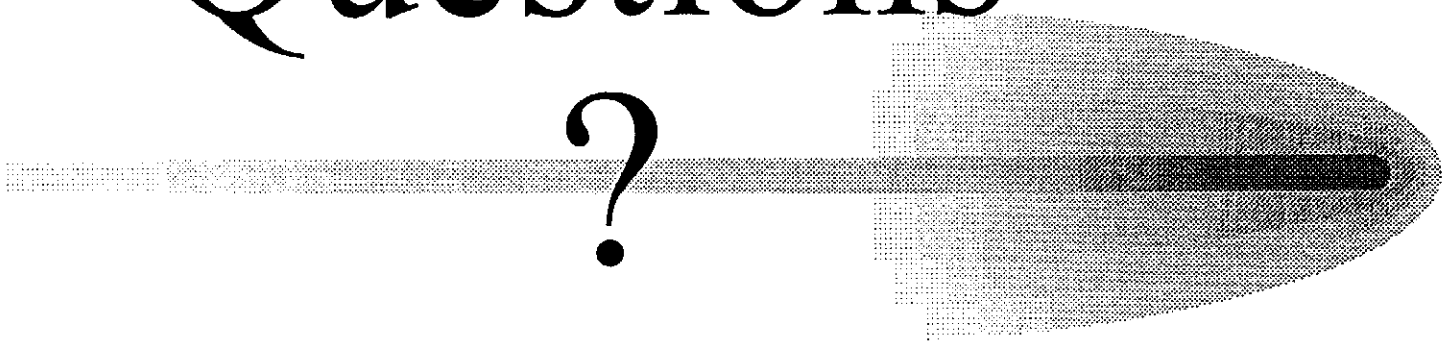
Traditional uses of SFP's

- **Medicines**
- **Canoes**
- **Houses**
- **Clothes**
- **Baskets**
- **Food**
- **Artwork**
- **Many, many others**

These are just a few examples of why we need to manage and protect specialized forest products for the future generations.

There is more information available in the handout.

Questions ?



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FOOD GATHERER

Marie Junaluska
Tribal Council Member
Eastern Band Cherokee, Cherokee, N.C.

Introduction

Hello, Good Morning. I am happy to be here and consider it a privilege and an honor to be among the different tribes that are represented here. This is a great experience for me because I've never been to this part of the United States. I'll give the credit to Theron Johnson. He's the one who extended the invitation.

I'm here on behalf of the Eastern Band of Cherokee Indians, Cherokee, North Carolina. I was asked to do a presentation on food gathering.

History

I'd like to mention briefly the history of the Eastern Band of Cherokee. At one time the Cherokee Nation occupied eight states: all of Kentucky, parts of West Virginia, Virginia, Tennessee, Georgia, Alabama, South Carolina, and North Carolina. Today the Eastern Band is concentrated in the western part of North Carolina, on about 56,000 acres in five counties, known as the Cherokee reservation. But we are not, per se, a reservation, but the "Qualla Boundary" because the tribe paid for the land themselves, and it is only held in trust by the federal government.

Geographical Area

Cherokee territory in western North Carolina is in general mountainous, with narrow valleys. The elevation of the land varies from 1,728 to over five thousand feet. The average rainfall is 47.2 inches, and the average temperature is 54 degrees. The fertile lowlands are used for agriculture, business, and recreation. The forests and the streams provide an abundance of natural resources. If necessary, the Cherokee could survive on what exists in this mountain territory today.

Many people believe the Cherokee are the luckiest tribe because the Creator has blessed us with the beauty of the mountains, rich land, plenty of water, all types of fish, an abundance of edible and herbal plants, all types of trees, many kinds of rocks and minerals, and the four seasons.

Wild Plants and Gathering Methods

Over eight hundred various plants are known to have been used by the Cherokee for food and herbs. Some of the plants used for food were ramps or *wasdi*, sochan or *sotsvna*, angelico or *wanegida*, and bean salad or *tsuhitsisgi*. These plants grew high in the mountains and were gathered in a special way.

These gathering methods consisted of prayer and traditional regulations. For example, in gathering ginseng, one would use prayer beforehand and pass up the first three plants and collect the fourth one. When gathering herbal bark, it was taken from the east side of the tree because it was believed to be more potent due to the fact that it received more sunlight, and this still allowed the tree to live.

The Cherokee and their ancestors have been gathering these plants for thousands of years. Today we still gather and utilize the same. The gathering methods involve saying prayers and leaving gifts. These plants are obtained by leaving the roots of ramps and other plants in the ground and cutting off the edible part so that the plant can regenerate; by taking bark from one side of the tree, which results in the tree's survival; and by cutting only the stalks of many plants. To dig or pull up by the roots any plants is contrary to the traditional Cherokee method of gathering. Many areas where ramps were once plentiful are now showing bald spots where they have been dug. As long as Cherokee people use their traditional means of harvesting plants, plant populations will not be depleted. These methods combine spiritual practices with practical wisdom and result in good stewardship of plant resources. The land and all living things are sacred to the Cherokee, for they understand their connection to the land.

[NOTE: slides of plants will be presented here, along with the story of the strawberry.]

Problems

The problems that we have consist of the National Park Service not allowing gathering in the Great Smoky Mountains National Park, which is adjacent to our land, and confiscating the plants that have been gathered. It wasn't too long ago that tribal members were allowed to gather anywhere in the park, but today it is prohibited. The same problem exists with the Blue Ridge Parkway where it is adjacent to the Qualla Boundary, a stretch of about twenty miles.

Both tribal members and non-members are using non-traditional methods of gathering, which is causing a decrease in the plant population. For example, ramps were traditionally gathered by cutting off the plant just above the roots, which ensured the plant would reproduce the next season's harvest. The non-traditional method consists of pulling the plant up by its roots and leaving nothing to reproduce. Many plants are now gathered for commercial use.

When the National Park Service confiscates plants that have already been gathered, this in fact wastes plants that are already harvested. I would recommend that NPS change their policy to allow tribal members to use plants from the Great Smokey Mountains National Park and from the Blue Ridge Parkway, while the Eastern Band of Cherokee Indians works to encourage traditional gathering methods among its members.

Benefits

The National Park Service has been benefical to the Eastern Band Cherokee tribe by preserving and protecting traditional Cherokee wild foods such as greens, fruits, berries, nuts, and mushrooms.

NON TIMBER FOREST PRODUCTS: CONSIDERATIONS FOR TRIBAL FORESTRY

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"What's good for cultural survival is also good for forest health,
and what's good for forest health is also good for cultural survival"
- Dennis Martinez 1995-

The term non-timber forest product (NTFP[1]) refers to commercial[2] and commercially viable botanical forest species and tree parts not used as timber products. Examples of commonly extracted products in North America include beargrass, cedar bark, moss, edible mushrooms, ginseng, maple syrup, pine cones, fir boughs, huckleberries and pinyon seeds or pine nuts. Such products are either wild or cultivated and removed from ecosystems ranging from unmanaged pristine forests to tree plantations to non-forest environments where trees occur (e.g., urban streets, alley crops on farms). NTFP does not mean traditionally[3] gathered botanical forest species. ome traditionally gathered species, and species collected by newer non-commercial gathering practices, may be or become NTFPs.

It's important to recognize that both non-commercial and commercial gatherers collect non-timber forest species that have many non-market based values. These include cultural values such as spiritual roles and identity (e.g., basket making), household economic values such as food, medicine, and building materials, and the value to a healthy forest ecology.

Overlapping cultural traditions, commercial and non-commercial gathering dynamics, and growing demands for natural medicines are representative of what is happening in the non-timber forest product sector. If you go to a supermarket these days and browse the pharmaceutical section, you will find a variety of packaged herbal remedies made from medicinal species traditionally gathered and used by tribes. Some of these, like cascara bark (Frangula purshiana), have been in the market place for decades, but others, like goldenseal (Hydrastis canadensis), have more recently seen widespread commercialism and consumer demand. At one time or another, all cultures around the world relied on local plants for part of their healing. Today, cultures that still rely on plants often encounter increasing competition for traditional resources from an expanding global marketplace.

For many human groups, local healing practices and gathering traditions have given way to modern medicine. The herbal products seen on U.S. store shelves today typically represent a return to "natural" medicines by Euro-Americans. In smaller, community grocery stores selling local organic and natural foods, these herbal products are probably made locally by the people who gather the herbs. In the larger supermarkets the products seem to represent a trend by pharmaceutical companies to expand into the growing holistic health market. Their products, if made from wild sources, are likely to far removed from

the harvesters, the place, and the procurement. Where wild species have domesticated counterparts, companies are likely to opt for cultivation to save costs and provide a more stable supply than what is typically possible with wild species.

NTFPs have become a multibillion dollar forest-based economy worldwide (von Hagen et al. 1996). The U.S. market for herbal products alone is estimated from 600 million (Robbins 1999) to as high as 2.5 billion (von Hagen and Fight 1999). It is not hard to imagine the enormous economic potential when hundreds of other NTFPs are factored in, many of which have only begun to have market demand. Though a few non-timber forest product industries in the U.S. date back to the 1930s and earlier (e.g., maple syrup and ginseng in the east, floral greens and cascara in the northwest), such economic figures are in spite of the fact that modern forestry has rarely actively managed to maintain or increase NTFP production. In fact just the opposite has usually occurred, considering the widespread use of herbicides and slash burning that was common in the recent past. In contrast, some Native American tribes were known to actively manage, often through controlled burning, for huckleberry and other important subsistence foods.

In recent decades a multitude of economic development and research programs have looked at the potential economic, ecological, and sociocultural benefits of NTFP management throughout the world. Coupled with declining timber harvesting in the U.S., this has led federal, state, and some private landowners to more seriously consider the potential gains of active NTFP management. The rationale is such that "with the broadening commercial potential of a greater number of forest species, managing for biodiversity as a sound investment strategy may be more widely considered:" (Vance 1995).

Though the benefits are not well understood or mutually agreed upon, what is clear is that NTFPs are going to become increasingly important to U.S. forest-based economies.

Though gathering rights have always been an important issue for most tribes, the expansion of NTFP industries has accelerated the urgency that these industries be sensitive and accountable to Native American reservation laws and off-reservation rights and uses of traditionally gathered forest resources. Many tribal reservations are experiencing a rise in theft of commercially valuable, traditionally gathered resources (e.g., beargrass). In some cases, illegal harvesting has caused long-term damage or depletion to sacred gathering areas. Theft puts tribal enforcement with small budgets in the difficult and sometimes impossible situation; of protecting the resource. For some tribes it may be possible to provide permits to non-members for harvesting in non-sensitive areas as a way of building positive relationships with legitimate harvesters and increasing watchful eyes in the forest.

Many tribes have reserved rights for gathering traditional resources off-reservation through treaties, government to government contracts, and other agreements (Goodman 2000). For other tribes and Indian people without such contracts, but who have maintained gathering practices in traditional areas, there may be legal backing for gathering practices as customary claims (Goodman 2000). To establish customary claims it may be necessary to record oral histories, collect any tribal or scholarly writing on gathering practices, and to continue harvesting the areas in question. Off-reservation reserved rights and customary claims present challenges to land managers in how to accommodate multiple use and protect traditional gathering areas. Crucial to the process will be more explicit co-management relationships between land managers and tribes and involvement at some level of the commercial NTFP industry.

An example of a government-to-government arrangement for off-reservation gathering rights is Andrew Fisher's description of the 1932 Handshake Agreement (2000).

> The agreement, originally temporary, was between the Yakima Nation and the U.S. Forest Service regarding lands where huckleberries had been gathered every August for 1,000s of years. Federal agencies in general and the Forest Service in particular have rarely expressed much sympathy for Indian subsistence practices or the concept of sacred geography. Forest rangers set aside some three thousand acres of public land for the Indians' exclusive use. This small parcel seems insignificant compared to the 10,800,000 acres (29,000 square miles) ceded to the government by the Yakama Nation alone, but the importance of the Forest Service's decision should not be overlooked. The Handshake Agreement guaranteed the Indians access to some of the most productive huckleberry fields in the world and gave them a measure of privacy in which to carry on their traditions. Despite persistent problems with resource conservation and non-Indian trespassing, the agreement continues to afford Yakama pickers a degree of protection unknown on other national forests. By maintaining an open dialogue with local Forest Service officials, the Indians have turned a temporary compromise into an enduring affirmation of their treaty right to gather berries in "usual and accustomed places."

Two other major issues that arise for tribes with NTFP commercialization are biopiracy and theft of traditional knowledge. People living and interacting as part of an ecosystem often have highly developed knowledge about the processes and elements within it (Anderson 1996). However, "... a lot of tribal people simply do not want to see any important cultural plants or animals made into a commodity or areas where plants shouldn't be harvested or commercialized. Other plants, however, may provide an economic base. A lot of variation exists across and between tribes" (Martinez 1995).[4]

Bioprospecting refers to the search (usually by businesses or academic researchers) for commercially valuable biochemical and genetic resources in plants, animals, and microorganisms. It's carried out either by random screening of chemicals from forest samples or by screening of chemicals based on traditional knowledge about applications of an organism' (FAO 2000, p12). In the recent decades, economic botanists have increasingly bioprospected in tropical rainforests for potential drugs for the western pharmacopoeia. More recently U.S. temperate forests have been the target of such practices. Taxol, from Pacific Yew bark, is an example of a bioprospected species with drug properties for fighting ovarian cancer. Quite often indigenous peoples are asked to share their traditional knowledge of the medicinal properties of drugs; knowledge that has been gained over generations of living and observing their environments. This is not necessarily a bad thing to do if it directly benefits the tribe and doesn't end up harming traditional practices. However, when no compensation has been, negotiated with the tribe, then in effect it is a theft of intellectual property. When a corporation or other entity negotiates a deal with a land manager that results in extraction of resources from traditional gathering grounds, without permission of the tribe with gathering rights for the area, it is in effect biopiracy. To some degree, the issuing of permits to harvesters by U.S. government agencies without adequately protecting traditional or sacred gathering grounds is in effect enabling biopiracy.

Steps to Consider

Control Over Knowledge – At the core of tribes' ability to protect intellectual property rights is the ability to control knowledge and how it is shared with non-tribal members. To a large degree this will require the ability of tribes to reach internal consensus and member cooperation. A number of tribes, science organizations (e.g., Society for Applied Anthropology), and non- governmental organizations have developed rigorous guidelines that specifically address intellectual property right matters relevant to tribes.
Education on Importance of Respecting Traditional Gathering – Few land managers, commercial buyers, or others in NTFP industries are aware of traditional gathering practices and rights and could use written materials and other forms of education to more clearly understand the tribal position.
Enforcement of Traditional Tribal Gathering – Tribal and non-tribal resource officers can work together and with local buyers and harvesters to encourage compliance with tribal laws. For highly vulnerable areas, limiting access may be a viable solution.
Active Management of NTFPs. Active management of tribal forests for non timber forest products outside of traditional gathering areas could provide easier and more easily monitored alternatives for commercial and non-commercial harvesters to traditional gathering grounds. Management could be for increasing wild species or through agroforestry systems (cultivation). Such active management could potentially occur when commodification wouldn't violate tribal rules or ethics regarding culturally sensitive or sacred species.

To conclude, I would like to re-emphasize the importance of respecting cultural traditions. These traditions are often embedded in the historical identity of cultural groups (who they are, what they do). NTFP commercialization within and outside of tribes could be a great thing for improving forest health and building sustainable economies based on a diversity of commodities instead of just a few. Yet, both tribal and non-tribal peoples will be losing a part of who they are if commercialization is allowed to run roughshod over trading, subsistence, and non-commercial cultural traditions. These traditions typically are based on fairly low extraction levels, but the place and the quality can be a crucial part of the gathering process. In the United States the temperate, boreal and subtropical forests are large and bountiful. There is plenty to go around if they are managed wisely. Expanding NTFP economies could be a great contribution to forest management, but they must always be second to cultural traditions.

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[1] Synonyms include special forest products, minor forest products, secondary forest products, alternative forest products, and non-wood forest products.

[2] Commercial in this context refers to the market-oriented cash economy and excludes non-cash trade as traditionally practiced by many tribes.

[3] "Traditional" is used in this paper to refer to Native American historic use. However, it is important to recognize that other user groups have gathering traditions handed down through generations, sometimes brought from foreign soil, sometimes learned from Native Americans, or sometimes newly created within a lineage of knowledge. "To be labeled "traditional' becomes a valuable asset in defending rights to resources..." (Love and Jones 1995).

[4] Many tribes have active programs to work in collaboration with western scientists to catalogue and compare traditional knowledge cross-culturally. (Johnson 1992).

INTERPRETER TO GENERAL COUNCIL
FOOD GATHERER

Lee Bourgeau
Director of Human Resources
Nez Perce Tribe
Lapwai, ID

I am a gatherer for the Nez Perce long house in Nespelem. I will tell you a little bit about myself, so you understand why I say what I say. I am an enrolled Nez Perce, and if you know about the history of the Nez Perce we went through a lot. First, we had the Catholics and other people come on our reservation and convert a lot of our people. My ancestors were not converted so we had those factions. Then the war came when they tried to remove my ancestor from the Walla Walla Valley with Chief Joseph. A lot of my people are not really buried, but put in the ground between here and Montana, just below Sioux Country. We still have a lot of Nez Perce over there on the Crow Reservation and reservations in Montana and on the Blood reservation in Canada. We celebrate all those wars by memorials. I make every effort to attend those, especially the Bears Paul Memorial, where Joseph surrendered.

One of the things that really hit me was when we were at the Bears Paul Battlefield. We were doing a ceremony with the tribe from there. When we finished one of my brothers, cousin, who is one of the leaders in our long house, got up and said, "I want us to sing seven songs. This religion is why we are here, why our people fought, why our people died. This religion, the beliefs, our culture is why all this happened." We sang those songs. It really touched me.

I am a mother of five and have spent my life raising my kids. I worked for the Colville Tribe for 10 years in health and administration. Then I came to work for my own tribe 10 years ago in 1990. It has been a real learning experience for me to mesh where I've come from and to continue to teach my children who they are. I am from the Nez Perce long house in Nespelem. I am a gatherer. I was initiated as a gather. You have to go through certain rights to be a gatherer. It is a very personal, spiritual and emotional experience. When Theron called me I had mixed feeling about doing this because one of our roots, the Kaous Kaous root, can be obtainable on it own web page on the Internet. You can buy it, it has been commercialized. That is a very sacred root to us. Our people use it when they dance. They boil it and use it for different remedies. They use it for the sweat. Now anybody in the United States can get. They can buy it. When that happened, the women gathers began talking about what was going on. And we were very fearful about that.

We have two general council meetings a year. This is so serious to us it has come up at our general council meetings. What the women have told our general council is that we don't want people watching us, we are not putting on show when we are out gathering. That is what happens. People will stop by when we are gathering out in the forest or wherever our foods are, people will stop and ask what we are doing and ask what is that, how do you use it. Our women lie to them and will tell them something else about what it is they are doing. Because we don't want anymore of our foods commercialized. Those

are very sacred to us. One thing that is very painful to me, and I guess that is one of the reasons why I was asked to be a part of this panel, is the availability of our foods. I told you I am a gatherer and it is really painful that we don't have all of the foods we are accustomed to because our foods are a part of our religion. Our long house has a first foods feast every year. It is a lifetime commitment. No matter what is going on at my job or my life, when our elder ladies call and say the roots are ready, my boss knows I am going to be on leave, I am going to be gone for four days. I told the group last night, it is like a retreat because it is nothing but us women. Once in awhile the men who are doing the fishing and the hunting will come and join us but those are the only other contacts that we have in those four days. It is very spiritual. That is when we get to learn from the old ladies. They teach us not only where to dig these roots, how to prepare them and how to preserve them, but they are telling us stories. They talk about people in our lives that we love and we know that are gone. They talk about the history of the families. It is a real learning experience and it is something that I treasure. So, no matter what pow wow is going on, no matter what else going on. It is a lifetime commitment and I go.

I am very thankful that my youngest daughter has been initiated in. When she was initiated a lot of the elder ladies were still alive, so she got to learn from them. Many of them are very special to her, from the time she was a toddler. She got to hear from them. We are taught that when you are handling that food you become very sacred because it is the first food. We are taught that anytime you are cooking for the people, whatever you are thinking, saying, doing is what you are giving the people. When we walk in our long house we turn a circle and raise our right hand. We are leaving everything outside other than just what we are doing. We are constantly praying. There is a song we sing for everything that we do, when we dig that first root, when we bring it into the long house, when we first serve it. There is a song for everything. Those songs are very sacred. Nothing that we do is allowed to be recorded. And one of the reasons that it is very painful for me that we don't have our foods like we should is because all of the ceremonies that we do.

The way we take care of our lost ones when we lose somebody. In the teachings that I follow there are certain things that we have to do with that body before that spirit goes to the world. And one of those is too have a last supper with that loved one. That supper is supposed to be all of our foods. The fish comes first, then the meat, then the roots (there are several roots), then all the berries. The one thing that I haven't heard talked about that I think is universal in Indian Country as a value and as a life source and is a non-timber product, is the water. Before we eat we drink water to cleanse our bodies. The last thing we take when we are finished is huckleberries, then to drink water again.

All of the ceremonies that we have, when a young man catches his first fish or kills his first elk, deer or moose, makes his first kill. When a young lady passes puberty we have feast in celebration and it is beautiful because all the people in their sacred circle get up and talk about how they watched them grow up, their accomplishments, everything they have done to contribute to the family, to the community, we celebrate that child becoming an adult and we have a feast. When we can't do that it is really painful.

There is a root, an Indian carrot. I was telling the group last night that I am so envious because I see other ladies at dinners bring those roots, their roots are long, big and fat. Ours are just yoots, in our language it's pitiful. They are little, they are tiny little skinny things. As an example, my daughter and I went digging for three days digging this root. We barely got a little tiny basket full because just finding them is difficult. Because for us, we are taught by our elders where to gather food. My grandmother taught me is our place for gathering. Our people are real stingy in showing other people where our gathering places are. When I go to a lot of those other places, they are now plowed under or there is

nothing there. Now what do I do. I have to consult with the elders that are left in my circle. That is one of resources that is decreasing is our elders and that knowledge.

My concerns as a gatherer is the depletion of our traditional foods. Like I said it comes up in our general council. The impact of the environment is really harming our source of traditional foods. The general council and our tribal members are asking our council what about the Clean Air Act. We are a sovereign nation, why can't we enforce the Clean Air Act. We have place up in the mountains, it is called Muscle Shell. It is really sacred to those of us that gather because it is one of the main places that we can dig one of our roots. And the ladies are asking in general council again, please work with the Forest Service. Make that a reserved area for us. Because it is not on tribal land, it is not tribal property. It is one of our traditional gathering areas, but it is not our land. So, we are asking our council to work with Forest Service, to make sure that nothing happens to that area. That area is one of the places I can go and dig three of our roots and pick three different kinds of our berries. So it is real special to me. It is very, very sacred.

Another non-forest product is our animals. We have Hanford in this area and we have the affects of Hanford. They are seeing it in our fish, in our wildgame. That has affected us too. But, as a people I feel very confident with the staff that we have and the way that our people are going that something will happen that is going to help us. The general council, the general population of our tribe are not sitting still for this because it is very important to us. We are tribe that we don't have a lot of people that can speak the language like Marie Junaluska does. It basically is lost. We actually have a language program now that has brought it back. What one elder told me that unless you can understand what we are teaching you in our own language you are not truly understanding everything. And another thing that I have learned from our elders is that there are a lot of words in Nez Perce that are not English. You can't say it in English. So, language is real important in learning about our ways.

One recommendation that I would like to make to the group that we are recommending to our tribal council is to patent. What we are proposing is that you can not patent the actual root. You can't patent the berry. What we are actually working on is putting a patent on the process. So, what happened to our Kaous Kaous won't happen again.

When Theron asked me to talk I wasn't sure what I was going to say. I really did have mixed feelings about it. And if you notice I didn't give you a lot of information about our foods, and I hope you can understand why. A lot of what you have heard today, about what the other tribes gather, we have the same kinds. And we have long list, but because of what has happened to me personally in my life as a gatherer and because of the way our elder women are talking we won't share anymore. There are many non-Nez Perce women who live on our reservation, who are married to our tribal members and you should even hear our old ladies growl about them gathering our foods. They will say if we go to their reservation will they let us gather theirs. And it is true they don't. It is in response to the problems we are facing as gatherers, we have to protect what we have.

I really appreciate the time. Again I am very honored and humbled to speak before you. I want to thank ITC for the effort of working to preserve what is so sacred to all Indian people. Without our culture we don't have an identity. I told you I come from the Nez Perce long house in Nespelem and that is what my children have been taught. All of those values, everything that they do. And a lot of what has been said is what we do too. When my sons fish, when they kill, they know what they have to do. Now I understand more why we were taught by the elders to do the things that we do, it's because it's our traditional

conversationalist. Those foods, those herbs, those animals, those fish have to continue. If you don't hear anything else that I say, just remember that these foods are very sacred to us and I applaud you in our efforts to help us, to help continue them so that we can continue our culture.

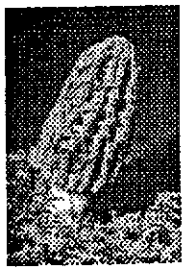
PAST GRAND PRESIDENT OF THE ALASKAN NATIVE SISTERHOOD AND BROTHERHOOD

Carol Jorgensen
Assistant Forest Supervisor
Tongass National Forest / Ojibwe & Chippewa
Petersburg, AK

Special Forest Products In Alaska

USDA Forest Service

Alaska Region Policy



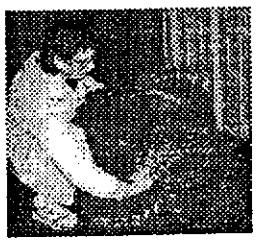
Or...

Policy Development and the Evolution of the Consultation Process

What led to this policy?

Changes: Global, National, Regional

- Growing markets and interest in SFP
- Reduction in the timber industry
- Forest Service down-sizing



Local Concerns of Alaskans

- Importance of subsistence and cultural use among Natives
- Concern about environmental impacts
- Need for economic opportunities

Forest Service Role:

Providing sustainable management for multiple uses

NEEDS:

- Subsistence
- Personal
- Cultural
- Economic
- Recreation
- Healthy ecosystems

Alaska Region Strategy

Develop a policy that addresses the important issues, with participation from concerned parties

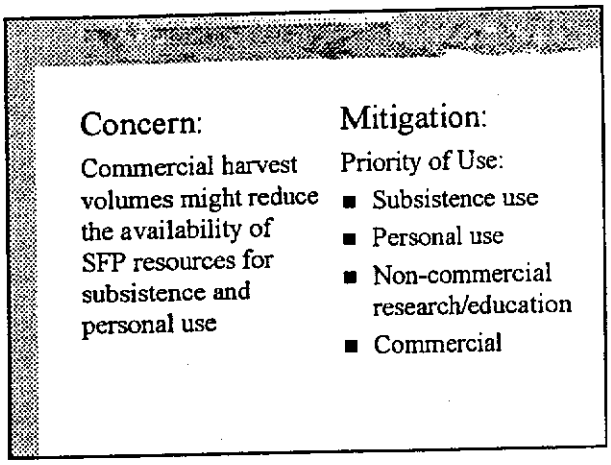
- Tribes
- Public
- Industry
- Native Corps
- Agencies

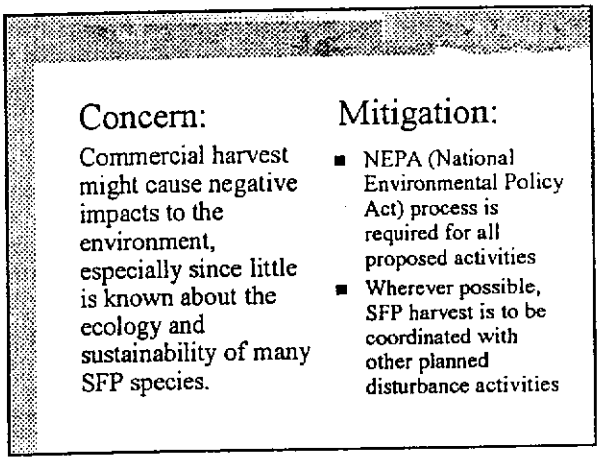
Tribal Consultation was Made a Top Priority From the Beginning of the Policy Development Process:

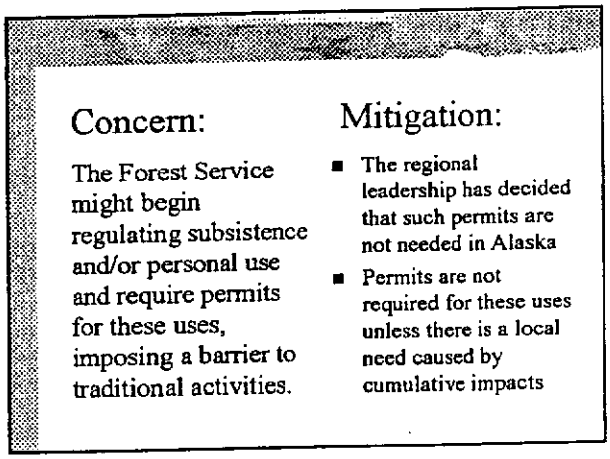
- The first draft formulated was sent to Tribes for input before public scoping
- Govt-to-govt consultation improved throughout the process
- The 4-draft process culminated with a final draft-revision meeting to which all tribes were invited; 12 participated

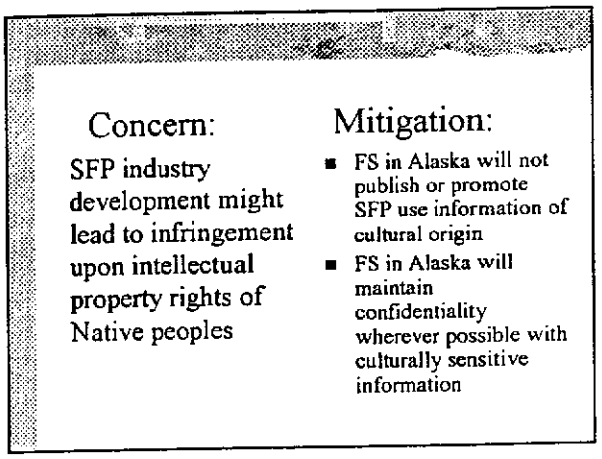
Leading Concerns Among Tribes:

- Impacts to Subsistence
- Environmental Impacts
- Regulation of subsistence and personal use
- Intellectual property rights of Natives
- Impacts of large "outside" industries
- Insufficient FS staffing for implementation


Concern:
Commercial harvest volumes might reduce the availability of SFP resources for subsistence and personal use
Mitigation:
Priority of Use:
Subsistence use
Personal use
Non-commercial research/education
Commercial


Concern:
Commercial harvest might cause negative impacts to the environment, especially since little is known about the ecology and sustainability of many SFP species.
Mitigation:
NEPA (National Environmental Policy Act) process is required for all proposed activities
Wherever possible, SFP harvest is to be coordinated with other planned disturbance activities


Concern:
The Forest Service might begin regulating subsistence and/or personal use and require permits for these uses, imposing a barrier to traditional activities.
Mitigation:
The regional leadership has decided that such permits are not needed in Alaska
Permits are not required for these uses unless there is a local need caused by cumulative impacts


Concern:
SFP industry development might lead to infringement upon intellectual property rights of Native peoples
Mitigation:
FS in Alaska will not publish or promote SFP use information of cultural origin
FS in Alaska will maintain confidentiality wherever possible with culturally sensitive information

Concern:

Large industries from out of state might arrive and cause both negative economic and environmental impacts.

Mitigation:

- Tribes and communities will be involved with district programs so that they reflect local needs
- The local line officer has the discretion to limit SFP sale size to encourage local diversification

Concern:

Due to downsizing, the FS may not be able to adequately administer the program – monitoring might be be compromised, resulting in negative impacts to the resources.

Mitigations:

- The policy provides inventory and monitoring guidelines
- The policy states that "the SFP program should not exceed the ability of the region to adequately monitor its effects"

Keystones of the Regional Policy:

1. CONSISTENCY of process, especially regarding community involvement and accountability for sustainable management

2. FLEXIBILITY regarding specific plants and harvest areas, so that adaptive management can most effectively respond to the local environment and community

The Alaska Region SFP Policy will be finalized this fall

MEMORANDUM OF UNDERSTANDING

D. Lynn Roberts
Forest Supervisor
Chequamegon-Nicolet National Forest
Park Falls, WI

I am very honored to be here. It has been a very meaningful week for me and I have learned a lot. Just when I begin to puff up a little and think I am starting to get a handle on tribal relations I realize how much I still have to learn. So, it has been a very good time for me and I felt very welcome and I really appreciate being asked to be here.

After the rest of the panel, I was wondering what in the world would I say up here that would be meaningful. I will talk about the MOU and try not to match up with the other speakers.

I am honored to be part of this panel of management discussing special forest products for tribal uses. Today I will be discussing the implementation of an agreement between the U.S. Forest Service and Bands of Lake Superior Ojibwe Indians that focuses in part on gathering wild plants on national forest lands by tribal members. I want to provide you with background on the agreement and give you examples of success stories or experiences on Chequamegon-Nicolet National Forest in Northern Wisconsin.

In 1999 the Forest Service and member tribes of the Great Lakes Indian Fish and Wildlife Commission ratified an agreement on Forest Service Tribal Relations and on gathering wild plants on national forest lands.

Gathering wild plants is reserved under several treaties made by the U.S. government and the tribes in the mid-1800's. The agreement between the tribes and the forest service is popularly referred to as the MOU which is an acronym for Memorandum of Understanding. A formal agreement commonly used by the Forest Service. The national forest on the Lake states represent a significant part of the public land base and the treaty seeded area where the tribes have an interest in off reservation gathering. The MOU recognized tribal sovereignty and the ability of tribes to administer and enforce tribal gathering off reservation on national forest lands. At the same time it recognized that cooperative efforts between the tribes and the Forest Service in a variety of areas could lead to better resource management and public service. As you all know special forest products have been used by tribes for millennia, they are the natural back pantry containing a wide variety of foods, medicines and other useful products.

A book published by the Great Lakes Indian Fish and Wildlife Commission has recorded the use of nearly 400 species of vascular plants by the Ojibwe Tribes for a variety of purposes. A recent survey of future demand for special forest products by tribal gatherers indicates increase demand for a variety of products. For example, demand for firewood is estimated to increase by 6%, demand for birch bark and evergreen boughs sold for wreaths and other decorative products is expected to increase similarly. Under the treaties the Ojibwe who are a part of these treaties had the right not only for personal gathering but als

for susitinence. So, they do commercially sell some of the products. Interestingly the demand for maple sap gathered by tribal members is expected to increase by 77%, this probably reflects the low amount of maple sap gathering occurring now. And the new opportunities together, sap and tribal sugar bushes on national forest lands, along with the potential to sell maple syrup for economic gain. In general the demand for gathering products sold commercially is expected to increase by 82% as tribal members see opportunities for small businesses and cottage industries and all these figures refer to tribal gatherers in Upper Great Lakes.

I would like to spend a few minutes discussing some of the success stories in implementing the MOU on the Chequamegon-Nicolet. While we are just getting started in MOU implementation we have been implementing about a 1-1/3 year. We are proud of the progress so far and have great expectations for the future. The bark of paper birch trees has a variety of uses for tribal members, including construction of baskets and also the outer skin of canoes. Finding easily accessible areas with suitable numbers and sizes of birch trees has been difficult for tribal members. The tribes and the Forest Service have worked together to find timber sales where birch trees were to be cut but where commercial loggers were not concerned about retaining the bark on the birch trees before they were cut. Members from the Mille Lacs Band from Minnesota traveled over a 150 miles to areas we have jointly identified where they found bark they wanted for basket makers and small cottage industries. We are also supplying maps where birch trees are located and the size that will make it easier for people to gather the bark they are interests in.

Each spring the sap and sugar maple trees flows when nights are cold and days are warm. The abundance of maple sap trees in the Lake states created a tradition of sap gathering to produce maple syrup that we all enjoy on our waffles and pancakes. The small Indian reservations in our area generally do not have adequate supply of maple syrup forests from tribal sugar bushes. In the MOU the Forest Service agreed to establish areas, setup specifically for tribal members to gather maple sap. Each tribal sugar bush will have a mutually developed and agreed upon implementation plan to ensure the area can be managed sustainably. To date, we have established one tribal sugar bush on the Hiawatha National Forest in Michigan to be used by the Bay Milles Bands. And we have been discussing other potential other sugar bushes on other forests. The MOU covers four forests, three forests in Michigan and one forest in Wisconsin.

Wild rice or menomen as it is referred to in Ojibwe has been a staple food item for Ojibwe people for centuries. The many shallow lakes, bays, and slow moving rivers of the upper mid-west make this region especially rich in wild rice resources. In late summer and early fall tribal gatherers do as they have done for generations, taking to canoes and harvesting rice by gently knocking off ripe grains which fall into the bottom of the canoe. While wild rice is still relatively abundant, it has disappeared from many areas, affecting not only people, but also water fowl and other animals depending on this food source during fall migration. The Forest Service and the tribes have worked together to identify historic rice areas and to begin efforts to restore wild rice there. While tribal gathering on national forest lands is an important part of implementing the MOU, the tribes and the Forest Service both recognize the need to coordinate Forest Service planning activities to ensure that tribal needs and desires are understood and met whenever possible. The MOU describes the government-to government protocol for face-to-face and that is what is important consultation between the tribes and the Forest Service. This consultation has been occurring both on the forest wide planning effort, where we are revising our forest wide management plan, and when on the ground projects are being planned. The goal of the consultation is to ensure that any Forest Service decision that affects the abundance, distribution, or access of natural resources on seeded territories accommodates the tribe seeded territory rights and protects and enhances treaty reserved natural resources.

The Chequamegon-Nicolet has an active timber sale program and tribes have expressed interest in these projects for a variety of reasons, including access to remote areas, opportunities to gather fire wood and ensuring that important under story plants are protected or managed appropriately. Our botanist and their botanist work togther, they have very good resource staff available to the nine bands who have ratified this agreement. As I mentioned earlier we had success finding opportunities for tribal member to gather birch bark in timber sale areas. Recently we have worked with tribes to find fire wood areas. Fire wood in areas where severe wind storms knocked down thousands of trees.

We are off to a good start in implementing the MOU. But there are opportunities that we have just begun to explore. The MOU describes mutual desires to work cooperatively with Forest Service and their research branch has also signed this MOU. So, it is the Forest Service and our research branch that have signed the MOU. On projects related to gathering special forest products, to cooperate on inventories, special forest products for which there is minimal data, and to cooperate on monitoring efforts to determine the affects of tribal gathering on resource abundance and research distribution. In no way do I want to imply that our agreement can universally apply to other tribe's relationships with their local forest. But, I do think that you may want to consider getting agreements because they put they principles, goals and specifics of the government-to-government relationship into writing. So, that if land management decision makers move on we have written agreements that we have agreed to and the next manager can come in and we can continue and not lose the efforts that we have made. Thank you.

NON TIMBER FOREST PRODUCTS, MANAGEMENT FOR TRADITIONAL USES: QUESTIONS AND ANSWERS

Kari Martin Quinault: I have a question for Jared. Do you oversee the harvesting techniques to make sure that when they are out there actually harvesting they are not doing damage to the products they are harvesting?

Jared Eison: I am not responsible for the direct oversight of it, however I do check in on the sights, I stop by random sights, make sure they know I am in the area. I stop and check to see if there are any problems, ensure these people are staying within the boundaries and they are not doing too much damage to the resources, such as the boughs. Making sure they are not taking more than 50% of the crown, which is allowed. So the answer is yes and no.

Ann McCormick Nez Perce: Thank you to all of you panelist. I enjoyed the presentations immensely. I had a couple of questions. One is for Eric Jones, one of our staffers asked if they were really going to receive your email address because they wanted to be in communication with you and they are having to work outside right now. Is that the policy here, for all the presenters that the participants here will receive the to name, address, telephone number and email address, that type of thing?

Eric Jones: Lee says that our names and address listed in a booklet. In the registration packet.

Ann McCormick: Thank you, then I actually had a question for Lynn Roberts - in the MOU that you developed in Wisconsin, did you specify a percentage amount that the tribal people are able to gather and collect?

Lynn Roberts Well, the courts actually define that forest in Wisconsin, which is actually 50% of what's there.

Mel Moon
Quileute Tribe: My question is for Lynn. In the approach to having the MOU developed with the tribe how was that done in terms of initiation/further discussions and also the inventory for what species were to be a part of the agreement and monitoring there after - how were resources provided for that.

Lynn Roberts: Well, it was a five year process to negotiate the MOU. I have been there the last three years and there were some history, I'll try to make this as short as I can. There were court cases with the state and the counties and the tribes in Wisconsin in the late eighties. And the counties and the state wanted the forest service to become involved in their lawsuit against the tribes and we declined to do that and once the decision, the crowd decision, was made we agreed rather than to go to court with the tribes we would accept what the courts said that the tribes had gathering rights on our forests and the seeded territories. And we agreed, it was kind of a mutual agreement that we would work together. It doesn't mean that it was always smooth. There were some bumpy negotiations, but over the five years it is a beginning of a relationship. Can you tell me the second part?

Mel Moon
Quileute Tribe: The other portion, was the resources for monitoring and identifying the inventory for what it was a part of the agreement.

Lynn Roberts: Well, the court case established what the gathering, whether it was basking or plants, we provide some timber for lodge poles, maple syrup. It kind of defined what the gathering rights cover. One thing the court case didn't cover was logs for homes. That is still a point that is controversial. We agreed in that a memorandum of understanding, to provide forty thousand board feet per forest, a year. That wasn't to each tribe. The tribes would decide which of the nine tribes who ratified got that . Well, we were using a very liberal interpretation of what that meant. Our attorneys have since told us that we do not have the authority to provide that timber and the court decisions say it wasn't a treaty right. So one of the things we have tried to do on the task force, this national task force we've talked about, was try to make some recommendations about changing statutes or way to do that. So, that is one thing that hasn't really been settled. If that answers your question.

Mel Moon
Quileute Tribe: And do you have resources for monitoring and there after.

Lynn Roberts: We have a technical working group which has a chair, two chairs, one is Gliffwick, and one is the forest service. Actually three, there is one from our research branch there. And they will work monitoring, and we've agreed to...the tribes will ask for funding to monitor the MOU and we are asking for funding to do that, and we'll come up with the monitoring plan and what needs to be monitored. The tribes regulate all the gathering themselves and they are very interested in sustainability, so we're working together to do that.

Richard Myers
Yurok Tribe: Not quite sure who to direct the question to, but I will give it a whirl. The forest service or people in that order are they willing to learn and also to teach people who come on the forest service lands how to gather, such as bare grass. So when these people come to get a permit whether it's for mushrooms or whatever, that they know the proper way to do this rather than yanking things out of the ground, destroying the roots. I would rather see them learn how to do it than lose the whole thing. Do you think you are receptacle to that to learn that from the Indians.

Lynn Roberts We are and I think we try to do that where we know. We do have certain restrictions and pamphlets and maps that we give people. And yes we would be willing to work cooperatively with you to come up with things that we could educate people on, I think I can speak for the forest service we are willing to do that. Carol do you want to add anything.

Carol Jorgensen: I totally agree.

Claudette
Grand Ronde Tribe: We are a restored tribe. Terminated in 1954 and restored in 1983 and got our reservation back in 1988. In that transition period, we lost a lot of our elders, so we are struggling. I've learned to twine and coil baskets, went out and looked at materials at the reservation. Our people wanted a sweat lodge, we have a problem with willows, which is just a common thing, but we don't have them in abundance in Grand Ronde. That is what happens to a lot of materials. Although they were common at one time, they are not now. So, I feel frustration when I hear Lee say she's not going to

tell the things she knows because of commercial selling of a root. And yet a lot of people need to know that kind of information because it has been lost to us. Thank you.

Edwin Lewis
Yakama Reservation: I have a question for Marie. Earlier you mentioned 36 CFR and I believe 16 USC prohibit the taking of certain foods and gathering. And that you said the situation is currently under study. And you mentioned that you asked them to consult the Cherokee to amend those CFRs. Is your tribal council then actively seeking consultation with MPS.

Marie Junealuska: Not presently, but we're thinking about it. When I return I am going to ask for that.

Edwin Lewis: My concern than, my comment is if a tribal council were to begin consultation with one of the agencies if this language were amended, that it be amended to consult with tribes so that it would open up the doors for the Yakama Country also.

Marie Junealuska: Absolutely.

Theron Johnson
Moderator: Carol has a comment.

Carol Junealuska: One of the things that I discovered when I was doing a detail in D.C., is that Secretary Babbit meets with the different agencies, the native groups within the agencies. And as I was listening to Marie this morning, I was thinking a lot of us are in the dark about all of these different opportunities to get our voices heard. I also heard that Secretary Babbit is faithful about attending these meetings. One of the things that I am hoping is that we can bring these things to Secretary Babbit given the fact the park service, and that is BLM and all them are under Department of Interior. And certainly the same would be the forest service with USDA. It is an opportunity with this center agency to bring these concerns to the forefront. To get visibility so that hopefully we can start making some changes.

Mary Thompson
Cherokee: I am a tribal council member. And it seems like right now with the administration getting ready to change in Washington that now is the time that we should be going in there and doing some things. But for us there are a couple other issues that play with the park

service. As your going in there and asking for changes with the park service, do you throw everything all at once and try to get everything done all at once or do you do one thing at a time, it seems to be such a hard issue to get passed, to get through, or get changed with the park service. Because right now we are looking at a land swap issue with the park service for schools and realizing that Secretary Babbit, and is it Kevin Gover in the Department of Interior also...and he's going out, and with this with this TAMMS and other things going on right now. But, to ask for these changes and these suggestions in the federal regulations. Sometimes and it would be helpful if we do this in a united effort, I keep hearing that consultation and united and that we could get a little farther this way. This may be effecting you other tribes, too that have doings with the park service. And may be this an issue that can go in front of the UCET board also. I guess I figure that it affects more people than just us. It is a big issue, and it is a hard thing to get through and negotiate any type of federal regulations once they've been set. So if you all can help us please help us.

Soy Red Thunder: I gave the blessing at the meal yesterday, and that was a tremendous honor. I've traveled a lot of miles with my father down to here and all over establishing the Nez Perce National Historic Trail. I am a BIA employee and work for the enterprise as a check scaler. I think that I would like to say is that I congratulate ITC in adding this portion into discussions this week. Many times traditional people are not heard at these conventions, symposiums. Many of the traditional practices that we do are kind of shoved aside and they look towards the scientific portion of it. But, I enjoyed today because I think I've seen the transition. Maybe a dozen years ago the scientific foresters cared little about the traditional foods of our people. So, I've seen that transition to noe where now the scientific people are consulting with the elders and those that use the traditional foods, that gather; the fish, the elk, the roots, the berries, everything. I spoke a little about spirituality when we saw the trees in the park yesterday. They are beautiful, beautiful tress and yet we harvest those to support our enterprises. And we don't understand sometimes that the spirituality should be connected with that. Do the wood cutters say a prayer before they cut every tree. I noticed that some of the people here talked about saying prayer before they dig the roots, before they pull up anything from the mother earth. But I would like to say that I am very pleased that this portion was added to ITC. And that we had a chance to hear other perspectives from around the country.

NON TIMBER FOREST PRODUCTS, MANAGEMENT FOR TRADITIONAL USES WORKSHOP FINDINGS AND RECOMMENDATIONS:

Goal: Forestlands provide much more than just timber products. They have been an abundant source of other products utilized by tribes and their members for food subsistence, medicinal, religious and spiritual purposes from time immemorial. Tribes have recognized this and are striving to ensure that these resources are not only protected, but also managed in a manner that will enhance and sustain them for future generations. This workshop will provide personal perspectives of tribal elders and food gathers, the scientific/botanical perspective and the administrative partnerships that are currently being developed between federal agencies and tribes for the management of these non-timber forest products.

Moderator: Theron Johnson, Wood Protection Officer, BIA Warm Springs Agency, Branch of Forestry, Warm Springs, OR

Panel: Jared Eison, Resource Protection Officer, Quinault DNR, Quinault Nation, Taholah, WA
Marie Junaluska, Council Member, Eastern Band of Cherokee Indians, Cherokee, NC
Eric Jones, Institute for Culture & Ecology, Portland, OR
Lee Bourgeau, Director of Human Resources, Nez Perce Tribe, Lapwai, ID
Carol Jorgensen, Assistant Forest Supervisor, Tongass National Forest, Petersburg, AK
D. Lynn Roberts, Forest Supervisor, Chequamegon-Nickolet Nat'l Forest, Park Falls, WI

FINDING:

There are fewer and fewer tribal elders to share information on non-timber forest products. Few tribal elders are attending the symposium.

RECOMMENDATION TO ITC:

Try to attract and accommodate tribal elders by addressing special needs

RECOMMENDATION TO TRIBES:

Encourage trial camps with local elders and tribal youth..

FINDING:

Some non-timber forest products are being patented.

RECOMMENDATION TO TRIBES:

Some non-timber forest products processes could be patented locally with tribal authorization.

RECOMMENDATION TO DOI AND USDA:

Report back to the ITC the legal basis on how patent/trade mark can be given on traditional gathered materials.

FINDING:

Workshop participants glad to see the symposium address and present the non-timber forest product topic.

RECOMMENDATION TO ITC:

The symposium should continue to address this topic at future symposia.

FINDING:

The National Park Service and Eastern Band of Cherokee are reviewing CFR regulations that may affect gathering non-timber forest products. The revised CFR regulations may affect other tribes throughout the Nation.

RECOMMENDATION TO ITC:

The ITC should collect information on regulation revisions affecting non-timber forest products and distribute to ITC member tribes.

FINDING:

Non-Timber Forest Products panel made good presentations.

RECOMMENDATION TO ITC:

During the next symposium, conduct a day-long workshop on special forest products with discussions on disease, insects, tree damage caused by bear, trespass, etc.