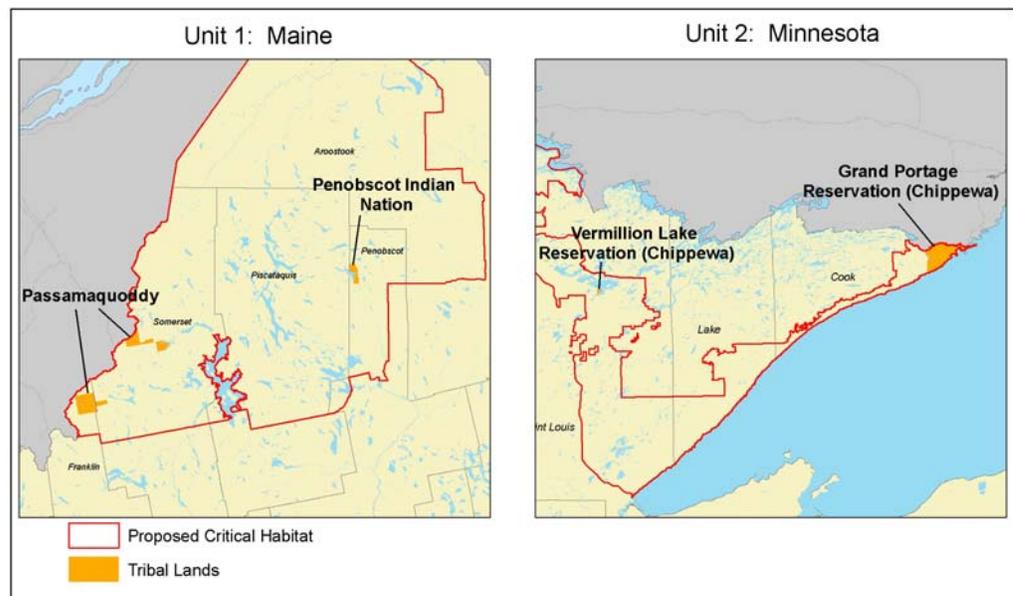


SECTION 9 | TRIBAL ACTIVITIES

9.1 INTRODUCTION

293. Four Native American Indian Tribes have lands included in the study area. In Maine, the potentially affected Tribes include the Passamaquoddy Tribe and the Penobscot Indian Nation. In Minnesota, affected tribal lands include two Reservations of the Chippewa band: Grand Portage Indian Reservation and Vermillion Lake Indian Reservation. All of the tribal lands are considered for exclusion from the lynx critical habitat designation in the proposed rule. In addition, the Aroostook Band of Micmacs in Maine expects to purchase land within the study area.

EXHIBIT 9-1. TRIBAL LANDS WITHIN THE STUDY AREA



294. Over the next 20 years, forecast impacts related to tribal activities include:

Post-designation impacts in areas considered for exclusion

- Undiscounted: \$1.29 million - \$4.28 million
- Present value applying a seven percent discount rate: \$781,000 - \$201 million (annualized at \$73,700 - \$190,000)
- Present value at applying a three percent discount rate: \$1.02 million - \$268 million (annualized at \$68,300 - \$180,000)

295. This section first provides a summary of economic impacts associated with lynx conservation efforts on tribal lands in the study area. It then provides information on the background and socioeconomic status of the potentially affected Tribes. Finally, it discusses in detail lynx conservation efforts funded by these Tribes.

9.2 SUMMARY OF IMPACTS TO TRIBES

9.2.1 PRE-DESIGNATION IMPACTS

296. A total of 13 informal consultations considering impacts to the lynx have been conducted regarding activities undertaken by these Tribes since 2000. To date, only the Passamaquoddy Tribe has experienced impacts related to lynx conservation efforts, totaling approximately \$13,200 in 2005 from lynx tracking survey efforts.

9.2.2 POST-DESIGNATION IMPACTS

297. Forecast post-designation impacts are detailed in Exhibit 9-2. Three Tribes expect to incur costs related to in-kind contributions for lynx tracking surveys to be completed under Tribal Landowner Incentive Program grants from the Service. In addition, lynx conservation may impact timber harvest and recreation activities on Tribal lands.

9.3 BACKGROUND AND SOCIOECONOMIC STATUS OF POTENTIALLY AFFECTED TRIBES

298. The Tribes with lands in the study area are sovereign nations. Secretarial Order 3206 recognizes that Tribes have governmental authority and the desire to protect and manage their resources in the manner that is most beneficial to them. Each of the Tribes has its own natural resource programs and staff, and three of these Tribes are currently undertaking or have applied for grants to conduct lynx research on their lands. The results of this research will be incorporated into the Tribes' natural resource management plans. In addition, as trustee for land held by the United States for Indian Tribes, the Bureau of Indian Affairs (BIA) provides technical assistance to the Tribes on forest management planning and oversees certain programs on tribal lands.

EXHIBIT 9-2. POST-DESIGNATION IMPACTS TO TRIBES (2006 - 2025)

CRITICAL HABITAT UNIT	TRIBE	LYNX CONSERVATION EFFORT	UNDISCOUNTED	PRESENT VALUE 3% ⁽¹⁾	PRESENT VALUE 7% ⁽¹⁾
Unit 1: Maine	Passamaquoddy Tribe	Lynx tracking surveys and development of habitat maps and management	\$39,800	\$38,600	\$37,200
		Restrictions on pre-commercial thinning ⁽¹⁾	\$0 - \$1,800,000	\$0 - \$744,000	\$0 - \$620,000
	Penobscot Indian Nation	Three-year survey for lynx and development of management plan	\$53,000	\$51,500	\$49,600
		Restrictions on pre-commercial thinning ⁽¹⁾	\$0 - \$284,000	\$0 - \$223,000	\$0 - \$97,800
		Restrictions on snowmobiling trails	\$0 - \$13,500	\$0 - \$10,000	\$0 - \$7,090
	Aroostook Band of Micmacs	Restrictions on pre-commercial thinning	Not quantified.		
	<i>Subtotal Unit 1</i>			\$92,800 - \$2,190,000	\$90,100 - \$1,070,000
Unit 2: Minnesota	Grand Portage Indian Reservation	Two-year survey for lynx and incorporation into management plan	\$37,000	\$36,500	\$35,800
		Restrictions on timber harvest activity, including added planning effort	\$91,600 - \$990,000	\$70,200 - \$759,000	\$51,900 - \$561,000
		Restrictions on snowmobiling trails	\$1,070,000	\$820,000	\$606,000
	Vermillion Lake Indian Reservation	Impacts to potential development along lakeshore	Not quantified.		
	<i>Subtotal Unit 2</i>			\$1,200,000 - \$2,100,000	\$926,000 - \$1,610,000
Notes: Totals may not sum due to rounding. See Appendix F for annualized impacts.					
(1) Note, pre-commercial impacts in Maine are calculated over 100-year time period. Twenty years of annualized costs are included in the estimates reported here.					

299. Socioeconomic data, provided in Exhibit 9-3, demonstrates the economic vulnerability of the Tribes; their economies are characterized by high unemployment, low income, and high poverty rates.

EXHIBIT 9-3. 2000 SOCIOECONOMIC INFORMATION - AFFECTED TRIBES

AREA/TRIBAL LANDS	POPULATION	UNEMPLOYMENT RATE ⁽¹⁾	PER CAPITA INCOME	POVERTY RATE ⁽²⁾
National Level Information				
USA	281,421,906	5.8%	\$21,587	12.4%
State Level Information				
Maine	5,100,958	4.8%	\$23,198	10.9%
Minnesota	1,274,923	4.1%	\$19,533	7.9%
Tribal Level Information				
Aroostook Band of Micmacs (ME) ⁽³⁾	9,756	7.8%	\$14,707	19.0%
Bois Forte Reservation (includes Vermillion Lake Reservation, MN)	657	7.9%	\$11,790	29.0%
Grand Portage Indian Reservation (MN)	557	10.7%	\$15,782	21.7%
Passamaquoddy Tribe (ME) ⁽⁴⁾	1,316	21.1%	\$9,975	31.3%
Penobscot Indian Nation (ME) ⁽⁵⁾	584	13.3%	\$13,558	23.6%
Notes:				
(1) Unemployment rate represents the number of unemployed persons as a percentage of total civilian labor force.				
(2) Poverty rate represents the percent of individuals below the applicable poverty threshold level. Poverty thresholds are the same for all parts of the country, but vary depending on the applicable family size, age of householder, and number of related children under 18. Poverty thresholds are shown at http://www.Census.gov/hhes/poverty/threshld/thresh99.html .				
(3) Taken from Census 2000 profile for Aroostook Band of Micmac Tribal Designated Statistical Area, ME.				
(4) There are no residents of the Passamaquoddy trust lands included in the study area. Information presented here represents combined population estimates and population weighted averages for residents of the two Passamaquoddy Reservations: Indian Township and Point Pleasant.				
(5) Taken from Census 2000 profile for Penobscot Reservation and Off-trust land.				
Sources: U.S. Census Bureau, Census 2000, http://censtats.census.gov/pub/Profiles.shtml .				

9.4 UNIT 1: MAINE

300. Tribal lands in the study area in Maine include forested trust lands of two Tribes, the Passamaquoddy and the Penobscot. For both of these Tribes, the Reservation lands where the majority of the tribal members live are in eastern Maine, outside of the study area. The Tribes primarily manage lands for timber and recreation purposes. In addition to the Passamaquoddy and Penobscot, the Aroostook Band of Micmacs expects to acquire land within the study area.

9.4.1 AROOSTOOK BAND OF MICMAC

301. The Aroostook Band of Micmac has received a grant for the purpose of acquiring high quality habitat in order to preserve the upper reaches of the Aroostook River within the study area. The Tribe is actively looking for land to buy and the grant from the Service is

good until September 2006.²⁴⁴ Any property purchased in this area will likely be managed in part for timber harvest, as well as conservation purposes. The Tribe indicates that they will conduct forestry practices in this area to benefit lynx.²⁴⁵ As the amount and location of these lands are not known, this analysis does not attempt to estimate potential impacts of lynx conservation to timber harvests on these lands.

9.4.2 PASSAMAQUODDY TRIBE

302. Passamaquoddy tribal land included in the study area encompasses 46,287 acres in northwestern Maine, near the western border with Canada. These lands are in a remote area about four hours drive from the Reservation lands where the majority of the Tribe resides in northeastern Maine outside of the study area.

Pre-designation impacts

303. The Passamaquoddy Tribe is performing lynx conservation efforts under a Tribal Landowners Incentive Program grant from the Service. This grant covers an ongoing three-year tracking survey. Tracking survey work is in its second winter and, because of weather conditions, has been expanded to cover four seasons, with completion currently expected in 2008. Results of this survey will be used to create a Forest Management Plan, focusing on two umbrella species: pine marten (uses late successional forest) and lynx (uses early successional forest) to achieve goals for overall management.²⁴⁶ The Tribe is responsible for an in-kind contribution of \$53,000, which includes staff time for survey work and writing the Forest Management Plan.²⁴⁷ Pre-designation impacts related to this contribution total \$13,250.
304. Three informal section 7 consultations for activities on Passamaquoddy tribal lands have occurred since the lynx was listed. In 2003, the Service reviewed the Passamaquoddy Fire Management Plan, and recommended that prescribed burns be conducted outside of the lynx denning period (May 1 through July 10). In 2004, the Service conducted an intra-Service review of the tribal landowners incentive grant to fund lynx research, with no project modification associated. Also in 2004, the Service consulted informally with regard to a proposed timber sale in Lowelltown; this timber sale was delayed two years as a result of the need to consult for lynx, resulting in minor economic impacts to the Tribe.²⁴⁸

Post-designation impacts

305. The Tribe's lynx research and planning efforts are expected to continue through 2008. The post-designation impacts related to these efforts total \$39,750 (undiscounted value).

²⁴⁴ Personal communication with Fred Corey, Aroostook Band of Micmac, March 3, 2006.

²⁴⁵ Ibid.

²⁴⁶ Personal communication with John Sewell, February 27, 2006.

²⁴⁷ McCollough, Mark and John Sewell. Tribal Landowners Incentive Program Grant Proposal, Title: Population assessment and forest management planning for the Canada lynx and other rare and endangered forest carnivores on Passamaquoddy Tribal lands in Maine prepared September 10, 2003.

²⁴⁸ Personal communication with Dale Covey, Passamaquoddy Forestry Dept., March 30, 2006.

In addition, administrative efforts related to consultation for the lynx are expected to continue at a rate similar to the past levels, with approximately 12 informal consultations expected over the next 20 years (quantified in Appendix A).

306. Post-designation impacts from lynx conservation efforts could also result from potential changes to silviculture activities on Passamaquoddy lands; these impacts are of concern for the Passamaquoddy Tribe. The lands included in the study area are primarily managed to generate revenues for the Tribe through timber harvest. If the Tribe is unable to utilize pre-commercial thinning methods as planned on its 46,287 acres within study area, this could result in impacts of up to \$1.8 million (undiscounted value) over 20 years. This impact is based on average per-acre benefits of pre-commercial thinning calculated in a study conducted by the University of Maine.²⁴⁹
307. In addition to timber activities, hunting occurs on these lands, primarily during moose season from September through November. If hunting activity were to be restricted for lynx conservation efforts, tribal member hunting activity and revenues collected from non-tribal members could be affected.

9.4.3 PENOBSCOT INDIAN NATION

308. The Penobscot tribal land included in the study area includes 7,306 acres in Maine, on Lake Matagamon near the northeastern corner of Baxter State Park. This area, known as the Matagamon area or parcel P6-R8, is in a remote area across the state from the Reservation lands where tribal members reside outside of the study area.

Pre-designation impacts

309. Two informal section 7 consultations for activities on Penobscot tribal lands occurred in 2004. An intra-Service consultation with respect to a tribal wildlife grant to the Penobscot Nation for development of a management strategy for moose and white tailed deer did not result in any project modifications. This consultation notes that “in general, creating moose foraging habitat will create good Canada Lynx habitat.”²⁵⁰ A second informal consultation, relating to a timber sale, does not specify any project modifications, but outlines timber harvest techniques that may be beneficial to the lynx, including LCAS measures. The Tribe indicates that this timber sale was not modified for lynx conservation purposes.²⁵¹ Thus, to date, the Penobscot have not experienced impacts other than administrative impacts quantified in Appendix A.

²⁴⁹ Wagner, Robert G., Bowling, Ernest, and Seymour, Robert. 2003. Assessing Silviculture Research Priorities for Maine Using Wood Supply Analysis. Technical Bulletin 186. February 2003 Maine Agricultural and Forest Experiment Station. The University of Maine. Accessed at <http://library.umaine.edu/cfru/pubs/CFRU309.pdf> on March 14, 2006. Additional model runs provided by Ernest Bowling, JW Sewall Co., June 16, 2006.

²⁵⁰ U.S. Fish and Wildlife Service. 2004. Ref: 04-208 MEFO Intra-Service Section 7 Biological Evaluation Form. Ecological Services, Tribal Wildlife Grant Program, Penobscot Nation, “Development of a management strategy for moose and white-tailed deer on Penobscot Nation trust lands.” February 27, 2004.

²⁵¹ Personal communication with Russell Roy, Penobscot Forestry Department, March 8, 2006.

Post-designation impacts

310. Administrative efforts related to consultation for the lynx are expected to continue at a rate similar to the past level of informal consultation effort, with approximately eight informal consultations expected over the next 20 years, as quantified in Appendix A.
311. The Penobscot Tribe has applied for a Tribal Landowners Incentive grant from the Service to conduct lynx habitat and population analysis. Information collected in this study will be incorporated into the Tribe's land use plans. The grant would fund two full-time positions to conduct the research over a three-year period. The Tribe's in-kind contribution includes technical support provided by the Tribe's Natural Resources Department.²⁵² This project will result in impacts of \$53,000 (undiscounted value).²⁵³
312. Post-designation impacts resulting from lynx conservation efforts are also forecast based on potential changes to silviculture activities. The lands included in the study area are primarily managed to generate revenues for the Tribe through timber harvest. Penobscot forestry staff estimate that approximately 50 acres of pre-commercial thinning could be conducted on average annually on the nearly 7,000 acres of tribal lands in the study area. If this activity was not allowed, the Tribe would anticipate some level of lost future revenues from future timber harvests. The Penobscot could lose up to \$284,000 over a 20 year period (undiscounted value) if they were not allowed to undertake pre-commercial thinning. This impact is based on average per-acre benefits of pre-commercial thinning calculated in a study conducted by the University of Maine.²⁵⁴
313. Snowmobiling occurring on Penobscot tribal lands could also be affected; see Section 6 for a detailed description of how these impacts are calculated. Based on a potential restriction on expansion of snowmobile trails under the LCAS, the analysis forecasts impacts due to increased congestion on trails. Based on the approximately six miles of state snowmobile trails that cross Penobscot lands within the study area, impacts are estimated to range from no impact to \$13,500 (undiscounted value) over 20 years.

9.5 UNIT 2: MINNESOTA

9.5.1 GRAND PORTAGE INDIAN RESERVATION

314. The Grand Portage Reservation encompasses over 47,725 acres in northeastern Minnesota, all of which is included in the study area. The Reservation is bordered by Lake Superior to the southeast. Grand Portage Reservation is a member reservation of the Minnesota Chippewa Tribe.

²⁵² Personal communication with John Banks, Penobscot Natural Resources Department, March 1, 2006.

²⁵³ Based on the grant proposal the Tribe will be contributing approximately \$53,000 in in-kind support for this project. Email communication from Mark McCollough, March 10, 2006.

²⁵⁴ Wagner, Robert G., Bowling, Ernest, and Seymour, Robert. 2003. Assessing Silviculture Research Priorities for Maine Using Wood Supply Analysis. Technical Bulletin 186. February 2003 Maine Agricultural and Forest Experiment Station. The University of Maine. Accessed at <http://library.umaine.edu/cfru/pubs/CFRU309.pdf> on March 14, 2006. Additional model runs provided by Ernest Bowling, JW Sewall Co., June 16, 2006.

Pre-designation impacts

315. There have been eight informal consultations considering lynx for activities on Grand Portage Reservation. These informal consultations related to the following: four 2002 municipal water and sewer projects, a 2004 road re-construction project in already developed areas, a 2004 grant for repairing water systems, planting rice and monitoring rice growth and streams, a 2005 wildlife grant for Lake Sturgeon habitat research and delineation, and a 2005 building project for a residential road and development of 23 lots as part of the West Village development. None of these consultations have resulted in project modifications. Thus, to date, the Grand Portage Chippewa Band has not experienced impacts related to lynx conservation efforts other than administrative impacts quantified in Appendix A.

Post-designation impacts

316. Administrative efforts related to consultation for the lynx are expected to continue at a rate similar to the past level of informal consultation effort on Grand Portage Reservation, with approximately 32 informal consultations expected over the next 20 years. Administrative costs of consultation are quantified in Appendix A of this analysis.
317. Grand Portage Reservation was recently awarded a Tribal Landowners Incentive Program grant to identify lynx habitat on the Reservation over a two-year project. The project will involve looking at aerial photography to determine cover type for areas on the Reservation where there have been lynx sightings, and radio collaring and tracking surveys. Surveys were begun in 2006, and the results of this project will be incorporated into the Reservation's natural resources plan. Impacts to the Tribe resulting from its in-kind contributions for this project are expected to total \$37,000 (undiscounted value).²⁵⁵
318. To date, timber activities on Grand Portage Reservation have not been modified for lynx. The Tribe is concerned that if critical habitat for lynx were to be designated on their lands, all of their timber activity could potentially be affected. To manage for lynx, Grand Portage has indicated that they would expect to change their practices as follows: they may have to limit timber harvest on some portion of their lands in order to provide lynx habitat, and the age class and types of trees that are harvested may change. In addition, timber harvest would require more planning and administrative effort than previously.²⁵⁶ Based on an average of 800 mbf harvested each year, impacts are forecast to be \$91,600 – \$990,000 over the next 20 years (undiscounted value). This range represents uncertainty in potential harvest limitations.²⁵⁷
319. Snowmobiling activity, including plans to increase the amount of trails on the Reservation, is likely to be impacted if critical habitat is designated. There are

²⁵⁵ Personal communication with Seth Moore, March 24, 2006.

²⁵⁶ Ibid.

²⁵⁷ Email communication from Seth Moore, Fish and Wildlife Biologist, Grand Portage Band of Chippewas, March 23, 2006.

The range of timber impacts estimated by the Tribe is based on reductions of volume from 10 percent to 30 percent, given their average harvest of 800 Mbf/year. Note, this impact could be understated if the Tribe were to increase its harvest; they have indicated that their goal is to increase timber harvest to 4,000 MBF per year.

approximately 100 miles of snowmobile trails on Grand Portage Reservation. The Tribe anticipates 16 percent annual growth in snowmobiling, with an equal growth in associated expenditures. Based on previous studies, the Tribe estimates that 1,200 visitors per year come to Grand Portage Reservation to go snowmobiling, with an estimated spending of \$279 per visitor.²⁵⁸ Assuming that no growth in snowmobiling would occur, impacts to the Tribe from lost snowmobiling activity would be approximately \$1,070,000 over the next 20 years (undiscounted value).

320. In addition, the Tribe is concerned that critical habitat for lynx may threaten their ability to manage for the benefit of culturally important species. In particular, the Tribe utilizes prescribed burning to benefit blueberries, and manages timber sales to benefit moose; both of these activities require section 7 consultation. Moose were an important species for subsistence and are of cultural significance, as are blueberries.

9.5.2 VERMILLION LAKE INDIAN RESERVATION

321. The Vermillion Lake Reservation encompasses 1,041 acres in northeastern Minnesota, all of which is included in the study area. Vermillion Lake Reservation is a part of the Bois Forte Reservation, which is a member reservation of the Minnesota Chippewa Tribe. The Bois Forte Reservation includes three separate sections within northern Minnesota: Nett Lake, Vermillion Lake and Deer Creek. The Vermillion Lake area is a populated and developed area; little of the study area in that area is undisturbed.²⁵⁹
322. The record does not indicate that there have been any consultations for lynx related to activities on Vermillion Lake Reservation in the past. The primary activity that could be affected by lynx conservation efforts on Vermillion Lake Reservation lands is potential development of lakeshore property. Residential development is expected to occur along the Vermillion Lake, with approximately 60 more year-round homes and up to 70 seasonal cabins possible.²⁶⁰ It is unknown what modifications or mitigation measures may be recommended to benefit lynx or its habitat. As the area being considered is lakeshore property that is in an already developed area, lynx conservation efforts are unlikely to impact these projects.

²⁵⁸ Ibid.

²⁵⁹ Personal communication with Corey Strong, Bois Forte Reservation, February 6, 2006.

²⁶⁰ Ibid.