



Roadside Vegetation Management Memorandum of Understanding



The state of Minnesota through its Department of Transportation and the Grand Portage Band of Lake Superior Chippewa do hereby commit to work cooperatively together to manage the vegetation within the rights-of-way of state, U.S. and interstate roads located within the boundaries of the Grand Portage Reservation, thus honoring GP's control of the use of herbicides within their Reservation.

Subject: Vegetation management along Minnesota Department of Transportation (hereinafter "Mn/DOT") roads through the Grand Portage Band of Lake Superior Chippewa Reservation (hereinafter "GP").

Problem: Mn/DOT uses a combination of mechanical, biological and chemical techniques to control weeds and maintain vegetation on state, U.S. and interstate road rights-of-way throughout the state of Minnesota. GP has expressed concern over the use of herbicides on the rights-of-way within its Reservation boundaries and the loss of culturally significant plants and plant habitat. Mn/DOT has responded to this concern by not applying herbicides within the Reservation boundary. For Mn/DOT, the most efficient and cost-effective treatment of these small populations is herbicide treatment. Another issue with the rights-of-way is the encroachment of woody plants into the clear zone of the road and limiting drivers' reaction time to wildlife crossing the road. To keep woody plants from encroaching on the road, mowing must be performed several times during the growing season. This is less effective than one herbicide application, which lasts two to three years.

Scope: The areas of concern are Minnesota Highway 61 from reference point 133.9 to 150.9.

Purpose of the MOU: This MOU is not a legal contract. Its purpose is to define goals and agreements between Mn/DOT and GP in regards to control of vegetation along Minnesota Highway 61 within Reservation boundaries.

Goals and Objectives:

GP Goals

- Preserve heritage opportunities for gathering and harvesting culturally significant plants on and adjacent to Mn/DOT's rights-of-way.
- Limit the spread of invasive plants within Reservation boundaries through use of Early Detection Rapid Response.
- Monitor land within Reservation boundary for potentially invasive species.
- Protect culturally significant plants and resources.
- Limit amount of herbicide used within Reservation boundaries.
- Restrict use of soil sterilants and restricted use herbicides.
- Develop educational opportunities and public awareness for the community.

Mn/DOT Goals

- Provide a safe driving experience for all highway users by maintaining safety clear zones, sight lines and guardrails.
- Limit the spread of invasive plants on Mn/DOT roadsides through use of Early Detection Rapid Response and through the most efficient and cost-effective method.
- Control woody plants encroaching on clear zones of roads through use of the most efficient and cost-effective method.
- Develop educational opportunities and public awareness for the community.

Understandings, Agreements, Support and Resource Needs:

GP Agreements

- For protection purposes, share spatial information on culturally significant areas.
- Provide electronic shapefiles of known locations of invasive species within Reservation boundaries to Mn/DOT.
- Contact members with information about the location and timing of herbicide application.
- Share spatial information on wetlands and water bodies within the Reservation.
- Partner with Mn/DOT to re-evaluate the site of herbicide application after application.
- Partner with Mn/DOT to mechanically remove invasive plants in areas where the GP does not want herbicides used.
- Notify Mn/DOT of invasive plant populations found by GP personnel that are on Mn/DOT rights-of-way.

Mn/DOT Agreements

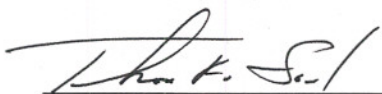
- Provide GP Resource Management Division with list of herbicide labels and material safety data sheets commonly used.
- Provide electronic shapefiles of known locations of invasive plants within the Reservation to GP Resource Management Division.
- All herbicide applications for road purposes within Reservation boundaries will be performed by a Mn/DOT employee who is a Minnesota Department of Agriculture Licensed Applicator in categories A and J.
- Apply for a 401 certification from GP to comply with GP Water Quality Standards and Water Resources Ordinance for any herbicide application that has the potential to reach a wetland or body of water within Reservation boundaries 30 days prior to proposed herbicide application.
- Contact GP Resource Management Division 10 working days prior to applying any herbicide within Reservation boundaries and provide herbicide name, target plant and location.
- Partner with GP to re-evaluate the site of herbicide application after application.
- Provide GP with copy of Pesticide Application Log after spraying.
- Partner with GP to mechanically remove invasive plants in areas where the GP does not want herbicides used.
- Continue to map invasive plant populations on Mn/DOT rights-of-way.

Contractual Obligations: This MOU is not a binding contract between Mn/DOT and GP. Either party may, upon written notice, amend or discontinue its role outlined in the MOU. Because of this mutual desire to proceed, each party fully intends to make a good faith effort to achieve the goals described above including working together to find mutually beneficial solutions when problems arise. This MOU shall become effective on the date of the last signature and shall continue through January 2015 at which time the results of MOU will be reviewed by both Mn/DOT and GP.

THIS MEMORANDUM OF UNDERSTANDING IS HEREBY AGREED TO BY:

Minnesota Department of Transportation

**Grand Portage Band of Lake Superior
Chippewa**



Thomas K. Sorel
Commissioner

9/25/10

Date



Norman W. Deschampe
Chairman

9/25/2010

Date