

Indigenous influence on forest management on the Menominee Indian Reservation

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Abstract

Until the era of self-determination from 1972 to the present, few Indian tribes in the United States were able to influence forest management on their reservations. The Menominee Tribe of Wisconsin is a major exception; based upon legislation in 1908, they were able to force the federal government to implement many ideas that are now popular as part of sustainable forest management: long rotation ages, selection harvest practices, and long-term monitoring. They also have maintained a mill throughout to support tribal employment. Other tribes have been able to implement their own ideas as their control of reservations has increased; the Intertribal Timber Council has an annual symposium at which tribes exchange ideas about forest management.

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1. Introduction

This paper addresses the question of what impact indigenous ideas had on forest management on the Menominee Indian Reservation in the United States during the nineteenth and twentieth centuries. Because the federal government exerted such great control over reservations during the first two-thirds of the twentieth century, indigenous ideas had little opportunity to influence policy. An important exception was the situation on the Menominee Indian Reservation in Wisconsin, where legislation in 1890 and 1908 greatly strengthened the Menominee Tribe's ability to affect forest management. Using the Menominee experience as an example, this article explores the idea that for indigenous ideas to impact forest policy, indigenous people need to have leverage in their dealings with government officials. Although their leverage was not always great, the Menominee affected forest management on their reservation during each of the major periods of Federal Indian policy. The Menominee Restoration Act in 1972 signaled the implementation of self-determination on Indian reservations in the United States. After self-determination became federal

policy, other tribes were able to implement their ideas in forest management and the story of indigenous influence expands to include many sources.

2. Brief history of the Menominee Indian Reservation

The main periods of federal Indian policy were the following: Segregation to reservations (1830–1885), Allotment (1885–1934), Reorganization (1934–1954), Termination (1954–1972), and Self-determination (1972–present). The Menominee Tribe's history intersected national policy in different ways. They ceded large areas of land during the reservation period, and started a lumber industry on the reservation that remained. Menominee escaped the division of land among tribal members during the allotment period, but was one of the first of the tribes to have its reservation terminated. It was also among the first of the tribes to have the reservation restored when the self-determination period began. This section of the paper provides some details on each of these periods.

According to the oral history of the reservation, at this time one of the chiefs, probably Chief Oshkosh, offered the following instruction:

“Start with the rising sun and work toward the setting sun, but take only the mature trees, the sick trees, and the trees

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that have fallen. When you reach the end of the reservation, turn and cut from the setting sun to the rising sun, and the trees will last forever.”

This quotation comes from a tribal leader, Charlie Frechette, in 1969; Davis (2000) starts his book with the quotation, and Pecore (1992) also refers to the idea. While some may suspect that the quotation is an invention related to later ideas of sustained yield, the idea can be connected to the foundational ideas of Menominee culture. In addition, Menominee implementation of sustained yield is different from standard sustained yield policy, by emphasizing a larger and older stock of growing trees. The Menominee creation story tells of animals who became men and women, and founded the clan system of the tribe. The first Menominee was a bear transformed into human form. This origin means humans are connected to the earth and to animals. This theme, that man and nature are not separate, continues throughout all expositions of Menominee values (Davis, 2000, pp. 49–52).

A second component of Menominee beliefs, shared with many other indigenous peoples of North America, is that all non-humans have spirit, as do humans. These spirits create powers that need to be respected; the examples given are the steps needed to be a successful hunter. But respect for trees is part of the belief system, leading to the idea that the entire forest has spirit.

These two foundational beliefs do not prevent harvest of trees, and the Menominee did start to cut their forest immediately after establishment of the reservation. After the creation of the Menominee Reservation by treaty in 1854, the Menominee arranged to cut and sell trees in order to purchase flour (McQuillan, 2001, p. 71). During the reservation period, the major conflict focused on the authority of the Menominee to cut trees on their own reservation. Their harvests were halted in 1861, restarted in 1871, halted again in 1876. While the orders were not always enforced immediately, they nonetheless hampered Menominee efforts to make a living selling lumber (McQuillan, 2001).

The federal government did not allow harvest of live trees on reservations for lumber because trees were to be harvested only for the purpose of clearing land for agriculture. The allotment period, starting in 1885, was based on the idea that Indians should become farmers. The Menominee fought this idea, because their land was suitable for forestry, not agriculture. In 1890, following Menominee lobbying, the Congress authorized the Menominee to harvest 20 million board feet a year (Davis, 2000, p. 134.) Menominee leaders had been protecting their forest from harvest by non-Menominee throughout the second half of the nineteenth century, achieving limited success. When Senator Sawyer and Representative Guenther, of Wisconsin, introduced a bill to allow private companies access to Menominee timber, Senator LaFollette, also from Wisconsin, stopped the bill. In 1908, Congress passed the LaFollette Act, which embodied the main points of sustainability that Menominee leaders wanted (Davis, 2000, pp. 132–135).

The LaFollette Act of 1908 structured the entire subsequent struggle of the Menominee to resist non-sustainable harvest practices on their reservation. It contained language that

assured a sustainable cut of timber, and authorized establishment of a tribal mill. The creation of a tribal mill contradicted another tenet of the allotment era: “breaking up the tribal mass” as President Theodore Roosevelt expressed it. Individual Indians were to become self-sufficient by allotting them individual plots of land. For the Menominee to manage their land as a unit, with a mill owned and run by them, would not and did not dismantle the tribe.

This success implemented a third component of the Menominee value system, a belief that land belonged to the entire tribe, and that protecting the land was the duty of everyone. That the reservation would be held as a unit for the benefit of the entire tribe, with a mill that similarly belonged to the tribe, fit well within the idea of community ownership of the land.

The 1908 Act started a period of struggle about the proper size of the annual cut and the correct harvesting practices. Most federal officials advocated clear cutting; the Menominee were concerted about regeneration and the continued productivity of the forest. They preferred selective cutting of the oldest trees (Davis, 2000, pp. 138–140). Federal foresters prevailed and clear cutting at volumes above the mandated 20 million board feet supported railroad logging. This controversy eventually led the Menominee to sue the federal government in the Court of Claims over forest management. The case began in 1935 and the Court of Claims ruled in favor of the Menominee in 1951. The court awarded the Tribe \$7,650,000 in damages (Davis, 2000, p. 147).

While the claims case proceeded, selective cutting of large trees became the policy on the reservation (Newell et al., 1986). A tree planting program was started. In 1946, while the claims case was still in court, the Menominee established a Continued Forest Inventory, making the first measurements in 1954 (Davis, 2000, p. 146). Through all this period, the mill continued to provide employment.

The Court of Claims award set the stage for the biggest fight over forest management on the reservation. Because the allotment policy had not been applied to the Menominee, the change in the allotment policy in 1934 with the establishment of the Indian Reorganization Act had little effect on the Menominee Reservation. A national backlash against the Indian Reorganization Act developed after World War II, and in 1954 Republicans took control of both the Presidency and Congress. The policy of Termination began. Like Allotment, Termination involved changing the property and governing systems on reservations. It also removed the reservations from federal jurisdiction. Because Congress had to approve any distribution of a judgment against the United States, Senator Arthur Watkins could tell the Menominee that they would not receive the millions of dollars unless they agreed to termination of the reservation (Shames, 1972). This was just one of his many tactics in creating Public Law 83-399 (68 Stat. 252), titled, “The Menominee Tribe of Wisconsin: Termination of Federal Supervision,” or “Menominee Termination Act,” passed on 17 June 1954. Implementation of the act took 7 years; on 29 April 1961, the final termination plan was published in the Federal Register (Department of the Interior, 1961). Among the provisions of the act was the creation of Menominee

Enterprises Inc. (MEI), a corporation to hold the land of the former Menominee Tribe.

In 1956, as a result of a petition of the tribe, the termination act was amended to state, “The plan shall contain provisions for the protection of the forest on a sustained yield basis and for the protection of the water, soil, fish and wildlife.” That provision went on to state that the “sustained yield management requirement. . . shall not be construed by any court to impose a financial liability on the United States” (25 Stat. 896). This limitation was included in MEI’s articles of incorporation.

As a for-profit, tax paying corporation, Menominee Enterprises Inc., founded in 1961 under the terms of the termination act, had to find ways to make money. Since the amended termination act prevented changing the management of the forest, MEI turned to another approach for making a profit: selling a portion of the land base for a recreational development. The “Legend Lakes” development involved damming three lakes in order to create circumstances suitable for summer homes. While the resistance to MEI, and termination generally, had been simmering during the 1960s, the Legend Lake project generated serious and eventually successful resistance. Opposition focused specifically on the selling of land, which conflicted with the desire to maintain a communally owned land base.

The DRUMS organization (Determination of the Rights and Unity of Menominee Shareholders) came into existence in 1970. Its leaders undertook many different strategies to reverse the policies of MEI, including trying to elect their own representatives to the Board of Trustees of MEI. The election strategy became easier each year, as minor children became able to vote their own shares. In the fall of 1971, a slate of trustees supported by DRUMS won election to control MEI (Shames, 1972, p. 92).

Having obtained control of Menominee Enterprises Inc., the DRUMS leadership was not content; MEI still had to be managed for short-run profit. The Menominee persuaded Congress and President Nixon to approve the Menominee Restoration Act on 22 December 1973 (Public Law 93-197; 87 Stat. 770). Just 12 years after they had been forced to join the American economy as full tax-paying and corporate citizens, the Menominee successfully reversed that action. In the years between 1954 and 1961, they had successfully modified even the terms of the Menominee Termination Act in order to protect their conception of sustained yield.

3. Summary of Menominee policies

A number of indigenous ideas were able to achieve implementation on the Menominee reservation: cutting at a rate consistent with a concept of long term sustainability, maintenance of a large and old growing stock, selection cutting (also known as uneven aged management), long term monitoring, and subordination of a mill’s goals to the goals of forest management. Each of these contribute to sustainable forestry and are based on a land ethic. Larry Waukau, for many years President of Menominee Tribal Enterprises, described the land ethic as follows:

[The land ethic] has always contained the three elements of a sustainable system. First he [the forest] must be sustainable for future generations. Second, the forest must be cared for properly to provide for the needs of the people. And third, we keep all the pieces of the forest to maintain diversity. (Davis, 2000, p. 4)

Although other tribes were able to use these ideas to a limited extent, the special legal situation on the Menominee reservation gave them an advantage. On other reservations, the authority of the BIA was much greater during allotment, reorganization, and termination.

3.1. Harvest rate

The Menominee forest was never fully “converted” to management on a rotation age that approximates either maximum sustained economic return or maximum sustained yield. Such rotation ages would have been 80–100 years on the Menominee Reservation; the Menominee preferred to have their trees grow to an age of more than 200 years, which makes the sustainable growth rate *lower* than “maximum sustained yield.” For many years, the allowable cut on the reservation was the 20 million board feet mandated in the 1908 Act. The cut currently is approximately 30 million board feet, which is sustainable. The volume of standing timber in the forest has increased since the reservation was established, which relates to the next point.

3.2. Growing stock

A consequence of letting trees grow to a high rotation age, the standing stock of timber in the Menominee forest is large, and diverse. Those who apply standard forestry assumptions to determination of the cut complain that the forest is overstocked and the trees are allowed to grow too many years (Rickard, 1986a,b); such authors advocate conversion to a younger faster-growing forest, perceived by the Menominee as not desirable. The Menominee thus forego the higher growth rate. The Menominee also oppose favoring particular fast-growing species, perceived by them as “putting all the eggs in one basket.” The Menominee prefer the safety of a large and diverse growing stock, which provides many non-timber values as well.

3.3. Selection harvest

The Menominee explored the idea of “selection harvest,” later known as uneven aged management, as early as 1917 (Davis, 2000). After the controversy over clear cutting, selection cutting returned to use on the Menominee Reservation. While local superintendents tried to harvest with clear cutting and a higher rate of cut, they were stopped by litigation.

3.4. Long-term monitoring

Sustainable forest management requires good estimates of growth rates based upon permanent plots. In the early 1950s, while the termination movement was in full swing, the Branch

of Forestry of the Bureau of Indian Affairs implemented the idea of Continuous Forest Inventory, known by its initials, CFI. The CFI program established permanent plots on all forested reservations, designed to enable the BIA to estimate average growth on each reservation. The idea apparently originated at Menominee; it was accepted across the BIA forestry program. Every 10 years, the permanent plots are measured and growth rates estimated. The reservation's allowable cut in each forest plan is then based upon the observed growth in the previous planning period, assuring a sustainable cut level (Menominee Tribal Enterprises, 1997).

3.5. Forest goals dominate industrial goals

A much-noted feature of forest management on the Menominee Reservation is that the foresters determine what to cut without consideration of the needs of the lumber mill. The mill has to adjust its plans to utilize or resell that which the foresters determine will be harvested (Pecore, 1992; Menominee Tribal Enterprises, 1997, p. 45; Davis, 2000, p. 146).

3.6. Summary

While these examples, cutting at a rate consistent with a concept of long-term sustainability, maintenance of a large and old growing stock, uneven aged management, long term monitoring, and subordination of a mill's goals to the goals of the forest, show that in a limited way Indian ideas influenced forestry on one reservation, the overall power of Indians to affect forest policy was small. The sad tale of indigenous people being pushed out of the forest on the Yurok reservation, for instance, was more common than the heroic story of the Menominee defense of their forest (Huntsinger and McCaffrey, 1995). McQuillan (2001) argues that "The history of timber policy on American Indian lands is inextricably linked to the general history of timber policy in the United States." But while this characterized most reservations, McQuillan also asserts that "the Menominee Indians in Wisconsin led the way for a series of laws that brought European-style forestry into the United States" (McQuillan, 2001, p. 72). Curiously, he attributes the adoption of a cut limit in 1890 and a requirement to harvest the oldest trees in the LaFollette Act in 1908 to ideas from Europe. As argued above, the Menominee concepts did not support the idea of reducing rotation ages to those of maximum sustained yield, clearly the fundamental idea of European forestry. Menominee also did not support use of clearcutting, which was promoted by the Forest Service in the early 20th century. McQuillan does not recognize the uniqueness of the Menominee experience.

4. Self-determination and indigenous ideas

The termination period of the 1950s and 1960s changed quickly into a period of self-determination. Part of the reason for the change was the resistance Indians made to termination and the development of the National Congress of American Indians into an effective organization. Unlike in previous

transitions from Democratic to Republican administrations, new Indian policy under Richard Nixon strengthened rather than reversed the movement toward self-determination. Intertribal organizations proliferated, including the Intertribal Timber Council, discussed later in this paper.

During Nixon's administration, many struggles of American Indians to obtain land and control of their reservations reached positive conclusions for Indians. The Menominee Tribe had its federal status restored. The Taos Pueblo obtained Blue Lake and the land around it from the US Forest Service (Gordon-McCutchan, 1991). The Hualapi and Havasupai obtained land near the Grand Canyon (Keller and Turek, 1998). Terminated tribes in Oregon also began to obtain federal recognition. The American Indian Policy Review Commission laid out an agenda of change, many components of which were implemented during the next 20 years.

Just as Indian tribes were strengthening their control of reservations, Henry Lewis published his first study on the role of fire (Lewis, 1973). Stephen Pyne followed with *Fire in America* (Pyne, 1982), with its significant recognition of the role American Indians had played in creating the landscapes encountered by Europeans. Callicott (1982) addressed attitudes toward nature. Cronon (1983) compared New England's landscapes before and after settlement by Europeans. Blackburn and Anderson (1991) published a collection on American Indian management of what became California, using articles that followed that of Lewis. Many other books and articles followed.

The large outpouring of scholarly work on traditional knowledge post-dates indigenous activism. Did Indian self-determination assist in turning scholarly attention to their ideas? Although establishing a causal connection between the increasing recognition of Indigenous influences on 'nature' and Indian social action is somewhat difficult, the timing suggests the possibility. Another connection is provided by the Intertribal Timber Council.

5. The Intertribal Timber Council

Another way to increase the influence of indigenous ideas is to create an organization and publication series. After the start of the self-determination movement, a group of Northwest Indian Tribes organized the Intertribal Timber Council in 1976. The Menominee were one of the initial members of the governing board. In an effort to change the thinking of the Bureau of Indian Affairs, as well as to share ideas among the Tribes, the ITC began a series of annual symposia, and published the proceedings of each of them. These proceedings are excellent source material for tracing the gradual change in BIA policy as well as gradual change of the direction of the management of forests on Indian reservations. Funded primarily by the BIA, the ITC could not move too dramatically to change things, nor did its leadership believe that rapid movement was needed. The ITC became one of the main lobbying forces to preserve and extend the amount of funding for forestry in the BIA.

By design, the ITC is not an advocate of any particular forest policy; the sovereign powers of individual tribes mean that

tribes are the source of policy proposals, not the ITC. Only if a consensus has been reached among the members of the ITC does it coordinate an effort to affect federal policy. Member tribes did this in connection with a major change in federal policy regarding forests on Indian reservations with the National Indian Forest Resources Management Act (Title III of Public Law 101-630, 28 November 1990).

The National Indian Forest Resources Management Act (NIFRMA) required that a national study be done; this requirement resulted in *An Assessment of Indian Forests and Forest Management in the United States*, by a team that named itself IFMAT. The Indian Forest Management Assessment Team completed one report in November 1993 (Indian Forest Management Assessment Team, 1993), and a subsequent report in 2003 (The Second Indian Forest Management Assessment Team, 2003).

The first report documented that Indian people and the foresters in the BIA had different priorities for the management of forests. Indian people tended to prefer “protection” and the use of forests for “subsistence.” The non-Indians in the BIA believed their clients preferred income and the use of the forests to provide income (IFMAT I, 1993, pp. III-3 and III-4). The groups converged by the time of IFMAT II, with non-Indians moving toward Indian values. In their summary of IFMAT II, the team stated:

The timber-production focus of the past has begun to give way to integrated resource management to better fit the visions of tribal communities. (p. 102)

They also say the following:

...the conditions of Indian forests can also yield valuable lessons for society in general; indeed, Indian forests have the potential to be models of integrated resource management and forest sustainability from which we can all learn. (IFMAT II, 2003, p. 102)

The proceedings of the annual timber symposia of the ITC provide excellent material for assessing the flow of traditional forest related knowledge into the forestry profession.

6. Individual tribal contributions

With the increase in tribal self-determination, each of the tribes with major timber holdings have the ability to innovate in the selection of policies for their forests. The NIFRMA, in section 3104, allows tribal goals to dominate the management of forests on their reservations. I am familiar with the innovations introduced by my own tribe, the Confederated Salish and Kootenai Tribes, in the first Forest Management Plan on the reservation that the Tribes fully controlled. The Tribal Council had refused to approve the previous plan, written by the BIA, because of objections to the timber emphasis. The new plan has several innovations. The entire forest is classified by fire regime, which is viewed as a fundamental ecological characteristic. The fire regimes are classified by the pre-settlement frequency: every few years, with frequency of 30–50 years, 100 years, and the timberline regime, which was on the

order of every 300 years. The first three regimes are the ones that mattered for commercial forestry. Treatments were planned based on fire regime requirements and the type of diversity desired. The alternatives for the plan focused upon variations on ecological restoration, which were compared to a timber emphasis (the previous plan) and a no-cut option that many wanted to be considered. The selected alternative involves ecological restoration with some timber harvest, a compromise among ecological and economic objectives. The Tribes fully complied with the National Environmental Policy Act with a complete environmental impact statement process (Confederated Salish and Kootenai Tribes, 2000; Tecumseh Professional Associates, 1999).

Other tribes have innovated in other ways. The BIA has funding to support one integrated resource management plan (IRMP) per year (IFMAT II, p. 90.) While this level of support is small, the IRMP process allows consideration of a full range of objectives. Another study could examine the incorporation of traditional knowledge into forest plans on reservations, now that tribes control the planning process to a greater degree.

7. The Menominee further develop their approach

Publication of *Freedom With Reservation* (Shames, 1972) seems to have foreshadowed the willingness of the Menominee to explain themselves to others. In 1993, the College of the Menominee Nation established the Sustainable Development Institute. The website of the Institute provides the following mission statement:

The Sustainable Development Institute has a tandem mission and serves as the mechanism by which the Menominee reflect on their own relationship to their forested homelands and disseminate their expertise, experience, and knowledge of sustainability into new sectors of the economy.

Utilization of a college shows the Menominee are adapting their educational processes to contemporary conditions. The Institute provides a 2-year degree that students can use as the basis of pursuing a bachelor's degree at a 4-year college. The Institute's web site reveals a variety of programs: research, conferences, videos, and other activities (<http://www.menominee.edu/sdi/home1.htm>).

The Menominee have chosen to assert their own definitions of two contested terms: sustained yield and sustainable development. In both cases, the Menominee stress the “sustain” portion of the idea. Foresters in the Menominee Tribal Enterprise do not agree with the interpretation that “sustained yield” has come to mean an exclusive focus on wood fiber production. They feel sustained yield should mean their concept of harvesting what has grown according to the forest inventory. The Sustainable Development Institute similarly emphasizes sustainability over development. The Menominee Tribal Enterprises has provided an explanation of their management practices (Menominee Tribal Enterprises, 1997). This publication emphasizes the land ethic that has been described above. It explains their pride at receiving certification from the Forest Stewardship Council.

A major factor contributing to continued protection of their forest is the broad consensus that is needed in Menominee political processes in order for major changes of direction to occur. Davis (2000) reports that the need for consensus is “a deeply conservative system that largely rejects policy changes.” He goes on to say, “Consensus is built through a process of policy winnowing and opinion-attrition. Every Menominee has an equal voice, whether a tribal leader or a sawmill day laborer. Each of the reservation’s institutions, as the result of the tribal council tradition, must listen to the voices who wish to be heard” (Davis, 2000, p. 97). The political culture of required consensus supports a divided government, in which Menominee Enterprises, the business arm of the government, must obtain approval of forest management plans from the tribal legislature.

Establishment of a tribal casino has greatly increased employment opportunities and created a migration of Menominee back to the reservation. To protect the forest, housing has been established on land purchased for that purpose (Davis, 2000, p. 124). Protecting the forest has remained their top priority.

8. Conclusion

One of Bruno Latour’s main points in *Politics of Nature* (Latour, 2004) is that consideration of a wide range of ideas in collective decision-making arenas is fundamentally a political process. His subtitle is “How to bring the sciences into democracy.” In the United States, the influence of traditional knowledge tracks with the political power of indigenous peoples. When they were under domination, their ideas were excluded from forest management. The assertion of self-government powers by indigenous peoples in the United States creates more political space for the ideas of those peoples.

During the height of the colonial policies of the US government, Indian ideas had few opportunities to be implemented. Because of unique political circumstances, the Menominee were able to employ their concepts of forest management because the LaFollette Act of 1908 had created a legal basis for them to enforce sustainable harvests. Without that condition, the history of forest management on Indian reservations shows a domination by non-Indian values. Only the ideas of uneven aged management and long term monitoring received significant implementation. Use of fire, restriction of harvest rates to sustainable levels, and subordination of the agenda of the mill to that of the forest was not widespread before self-determination came into force.

Once self-determination restored Indian control of forest decisions, a new set of conditions has allowed traditional knowledge to be recognized. Whether it is utilized or not depends greatly upon the political process within each tribe. This paper has not presented a tribe-by-tribe analysis; such a study of current developments would be quite interesting.

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