

WHY ACCESS MATTERS

Treaty Rights, Private Lands, & Conservation Easement Options

Ojibwe (Anishinaabe) Nations hold what is known as the 'First Treaty' with the Universe, an agreement rooted in reciprocity grounded in mutual respect, honor, and caretaking. Tribal Nations have maintained deep connections to the land and water. Tribal lifeways are rooted in these places, sustain communities through food, recreation, and cultural connection. However, centuries of land privatization have created barriers to maintaining these connections, leaving legal rights to harvest foods and maintain traditions intact while physical access is often blocked.

Conservation easements *(CE)* can help bridge this gap by protecting natural features while creating pathways for Tribal access.

A CE is a legal agreement that can permanently protect the natural features of your land while you maintain ownership: you can still sell the property, donate it, or pass it on to family members. The easement limits certain types of development and land uses to **protect** forests, shorelines, wetlands, and other natural areas. A land conservancy (or a similar supportive organization) becomes the 'easement holder' and helps ensure that the terms are followed.

A CE can also provide tax relief, define access rights, explain who may enter or use the property and for what purposes. Any access provisions should be clearly described and designed to support the property's conservation purposes.


Photo by GLIFWC

Option 1 Tribal Access Provision within a Conservation Easement: A conservation easement may include an explicit provision granting access to tribal members to exercise treaty rights (see back).

Option 2 Public Access Provision within a Conservation Easement (Inclusive of Tribal Members): A conservation easement may grant public access for defined uses, which extends to tribal members exercising treaty rights under Tribal regulations.

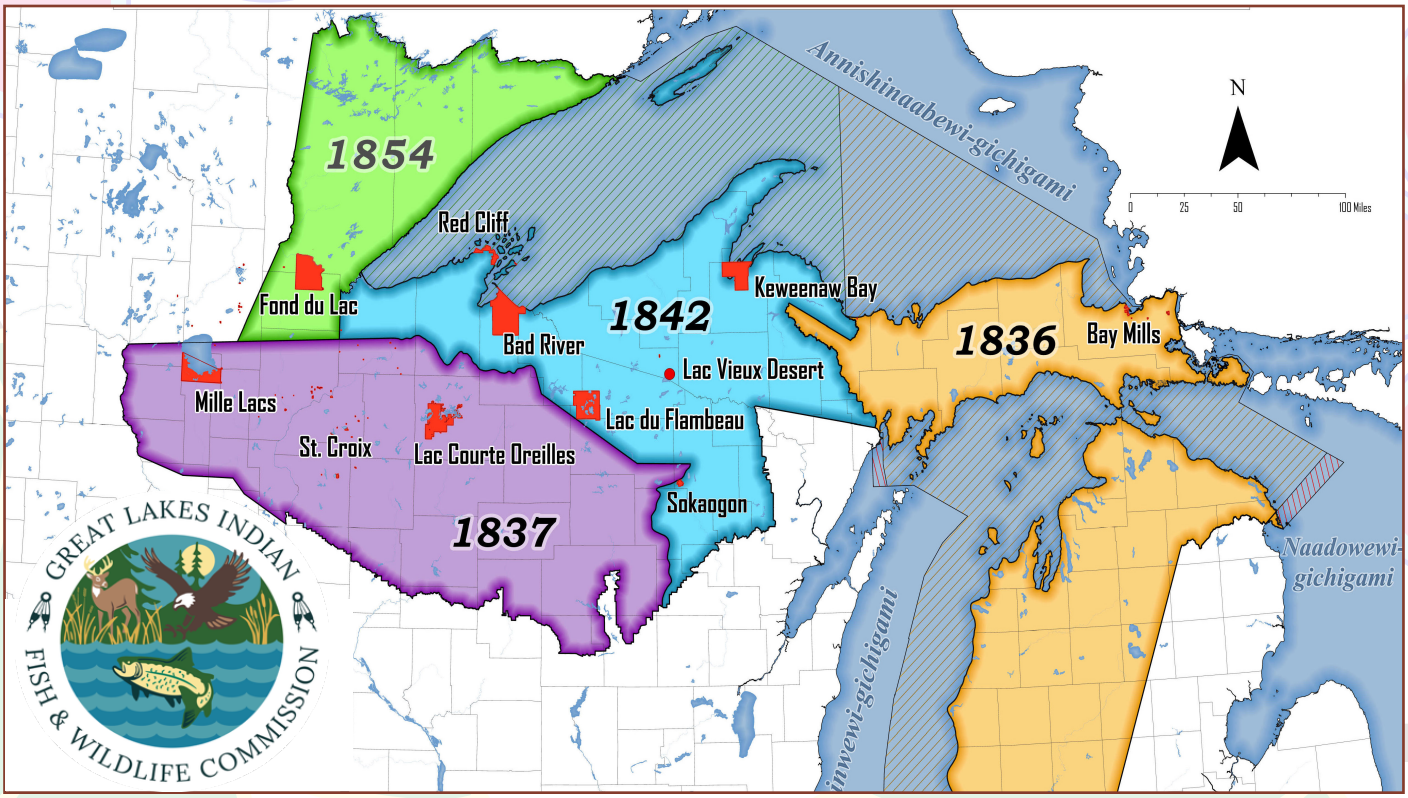
What are Treaty Rights?

The lands and waters of the Great Lakes region have long been home to the Ojibwe (Anishinaabe) people. Through treaties–legally binding agreements between Tribal Nations and the US government–the Ojibwe ceded (transferred) large areas of land to the United States while reserving specific rights to hunt, fish, gather, and continue using those lands in traditional ways.

These treaty rights **were retained** in signing these agreements which is similar to reserved property/ mineral rights. Tribal members' ability to hunt, fish, gather, and carry out other cultural practices across their traditional homelands is protected. Exercising these rights have been litigated and re-affirmed.

- Treaty rights remain in effect today throughout the ceded territories. **However,** exercising those rights can be difficult where **land is privately owned** and access is limited.
- If you are a **property owner** and would like to **explore a conservation easement** on your land, including treaty-rights provisions, contact your local land conservancy.


Photo by GLIFWC at Lac du Flambeau



Find your local land conservancy by visiting the Land Trust Alliance at landtrustallinace.org/land-trusts and to learn more about GLIFWC, treaties, and land conservancy please visit glifwc.org/stewardship