

# National Register of Historic Places Registration Form

APR 24 2015

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in National Register Bulletin, *How to Complete the National Register of Historic Places Registration Form*. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions.

NATIONAL REGISTER OF HISTORIC PLACES  
NATIONAL PARK SERVICE

## 1. Name of Property

Historic name: Rice Bay

Other names/site number: N/A

Name of related multiple property listing: N/A

(Enter "N/A" if property is not part of a multiple property listing.)

## 2. Location

Street & number: Indian Village Road

City or town: Watersmeet Township State: Michigan County: Gogebic

Not For Publication:  Vicinity:

## 3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act, as amended,

I hereby certify that this X nomination     request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60.

In my opinion, the property X meets     does not meet the National Register Criteria. I recommend that this property be considered significant at the following level(s) of significance:

    national     X statewide     local

Applicable National Register Criteria:

X A     B     C     D

Tribal Historic Preservation Officer

Signature of certifying official/Title Genevieve Gogebic Date 3/5/2015

Lac Vieux Desert Band of Lake Superior Chippewa Indians THPO

State or Federal agency/bureau or Tribal Government

In my opinion, the property ✓ meets     does not meet the National Register criteria.

Mark M. ... 2/18/15 MI-CH. SHPO

Signature of commenting official/Title SHPO State MI Date

State or Federal agency/bureau or Tribal Government

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**4. National Park Service Certification**

I hereby certify that this property is:

- entered in the National Register  
 determined eligible for the National Register  
 determined not eligible for the National Register  
 removed from the National Register  
 other (explain:)

*Patrick Andrus*

*12/2/2015*

Signature of the Keeper

Date of Action

**5. Classification**

**Ownership of Property**

(Check as many boxes as apply.)

- Private:   
Public – Local   
Public – State   
Public – Federal

**Category of Property**

(Check only **one** box.)

- Building(s)   
District   
Site   
Structure   
Object

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**Number of Resources within Property**

(Do not include previously listed resources in the count)

Contributing

Noncontributing

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ 1 \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ 1 \_\_\_\_\_

\_\_\_\_\_

buildings  
sites  
structures  
objects  
Total

Number of contributing resources previously listed in the National Register: 0

**6. Function or Use**

**Historic Functions**

(Enter categories from instructions.)

AGRICULTURE/SUBSISTENCE: PROCESSING

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Current Functions**

(Enter categories from instructions.)

AGRICULTURE/SUBSISTENCE: PROCESSING

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**7. Description**

**Architectural Classification**

(Enter categories from instructions.)

N/A

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Materials:** (enter categories from instructions.)

Principal exterior materials of the property:

foundation: N/A

walls: N/A

roof: N/A

other: N/A

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### **Narrative Description**

(Describe the historic and current physical appearance and condition of the property. Describe contributing and noncontributing resources if applicable. Begin with a **summary paragraph** that briefly describes the general characteristics of the property, such as its location, type, style, method of construction, setting, size, and significant features. Indicate whether the property has historic integrity.)

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### **Summary Paragraph**

Rice Bay, over one-quarter square mile in area, comprises the north-easternmost portion of Lac Vieux Desert, a 6.6 square-mile lake on the Michigan-Wisconsin border. The bay itself is located in Gogebic County, Michigan, while a majority of the lake is located in Vilas County, Wisconsin. Much of the surface of Rice Bay is seasonally covered with wild rice (*Zizania* sp.), an aquatic grass of cultural importance to the Ketegitigaaning Ojibwe Nation (federally recognized as the Lac Vieux Desert Band of Lake Superior Chippewa Indians) who have managed and harvested the wild rice bed for generations.

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### **Narrative Description**

Lac Vieux Desert forms the headwaters of the Wisconsin River, a tributary of the Mississippi River, and therefore defines one of the few areas in Michigan not located within the Great Lakes Basin. Its 34.4 square-mile watershed includes several nearby streams and smaller lakes. Outflow from Lac Vieux Desert is controlled by a small dam at the Wisconsin River outlet at the southwestern end of the lake. The lake is surrounded by swampland and rolling, forested, hilly terrain. Numerous cottages and seasonal resorts surround the lake, making it a popular destination for fishing and recreational boating.

Rice Bay itself is seventeen or more feet deep at its deepest point, averaging around seven and eight feet in depth with a bottom of pulpy or fibrous peat. Its boundaries are approximately determined by Desolation Point, an isthmus that separates the bay from the remainder of Lac Vieux Desert. The bay is fed primarily by Marsh Bay Creek to the east, a small creek which drains a 4.8 square mile basin of mostly low, swampy land. Most of the shoreline of Rice Bay is defined by swampy conditions. The bay is also fed by a narrow channel from nearby Scaup Lake, although it is possible (Weaver et. al 2005:14) that this has been restricted to a seasonal or intermittent flow by an old logging road constructed across the channel.

### **The Wild Rice District**

Lac Vieux Desert exists in the context of a broader region which Jenks 1900 describes as the "wild-rice district." According to Jenks, wild rice, while sparse in other regions of the United States and Canada, is found in relative abundance in "Wisconsin, excepting the southwestern part, and that part of Minnesota lying east of the Mississippi River." While his use of the latter boundary is admittedly "fixed almost arbitrarily" due to a lack of "more precise knowledge of Indian food conditions" (1034), Jenks's use of the Michigan-Wisconsin border as the northern extent of the wild rice district appears rather arbitrary as well. Indeed, in the vicinity of Lac Vieux Desert, Jenks observes: "the headwaters of the Wisconsin are often dense with wild-rice

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beds" (1900:1034). To this day, the area of greatest concentration of wild rice extends about ten miles into Michigan (Great Lakes Indian Fish and Wildlife Commission 2009).

Vennum 1988 defines the wild rice district more broadly, identifying a total of 15 Ojibwe communities located therein: Lac du Flambeau, Bad River, Red Cliff, Lac Court Orielles, and St. Croix in Wisconsin; Mille Lacs, Fond du Lac, Nett Lake, Leech Lake, Red Lake, and White Earth in Minnesota; Sabaskong Bay in Ontario; and Shoal Lake and Fort Alexander in Manitoba along with Lac Vieux Desert.

Many place names, both present and historical, in this wild rice district reflect the importance of the resource to local populations (Jenks 1900:1118; Nesper and Willow 2008:9). Variants of the Ojibwe word, *manoomin*,<sup>1</sup> or the English "rice" are common in place names in this region, including the names of large features such as the Menominee River as well as smaller locales such as Rice Bay.

At present, hundreds of wild rice sites exist throughout the district, including over 300 in Wisconsin. They are much less frequently found in Michigan, however, with most located within ten miles of the Wisconsin border.<sup>2</sup> Although many of these sites exist only as a result of recent seeding efforts, some have been in use for centuries (Great Lakes Indian Fish and Wildlife Commission 2009). On Lac Vieux Desert, the largest and most significant concentration of wild rice exists on Rice Bay, with sparser or intermittent populations located on Misery Bay and on tributaries to the lake, such as Lobischer Creek.

### Ketegitigaaning: the "Old Planting Ground"

While the origin of the French name *Lac Vieux Desert* (lake of the old deserted place) is unclear, surveyor Thomas Jefferson Cram, writing in 1840, suggests the term may have arisen as a mistranslation of the Ojibwe place name *Ketegitigaaning*, or "old planting ground" (1949:14). The name *Ketegitigaaning* describes not only the lake itself, but the surrounding territory as well (Bokern 1987; Kinietz 1940), and refers to the traditional use of the lake's peninsulas and islands for the cultivation of a variety of crops, a practice which extends the growing season (Bokern 1987:40).

The land adjacent to Rice Bay is part of the Ottawa National Forest. Approximately one half-mile west of Rice Bay sits the "Old Village," as it is commonly known, the most recent of several historic Ketegitigaaning village sites. On historic and contemporary maps the site is often labeled as "Katikitegon," "Katakitkon" (being alternate anglicizations of the term *Ketegitigaaning*), or "Indian Village;" the latter is also the name of a paved road leading to the site from U.S. Route 45.

While no historic buildings remain at the Old Village, the site features several community buildings, a boat launch, and an active cemetery, all of which are maintained and operated by the band. The community facilities are located at the lakeshore, and a cluster of private residences is located further inland. Most of the land surrounding Rice Bay, however, is covered in mature forest. Sugar maple dominates, along with yellow birch, elm, and basswood. In this setting, a number of undocumented historic resources are likely to exist. Densmore 1949 describes a cemetery that predates the 1851–1852 smallpox epidemic, while other sources (Nesper et al.

<sup>1</sup> Several accepted Ojibwe orthographies exist; this document uses the "double vowel system" developed by Charles Fiero and John Nichols.

<sup>2</sup> Wild rice is found in a number of places throughout the Upper Peninsula, though in less abundant quantities outside of the wild rice district. In both prehistoric and historic eras, it has been harvested intermittently or imported as a trade good, and within the past decade has been planted by the Bay Mills Chippewa Community. For a summary of wild rice harvesting in the central and eastern Upper Peninsula, see Dunham 2008.

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2002; Nesper and Willow 2008) describe a number of historic and prehistoric features which are commonly found in the vicinity of sites associated with traditional wild rice production. These include historic cache locations, which may include pots and other containers, jigging pits used to process rice, and prehistoric and historic archaeological resources including lithic and ceramic scatters as well as human burial sites. While this document focuses on the traditional and continuing use of Rice Bay in particular, further research will be needed to inventory other, related historic resources in the vicinity.

The establishment of Ketegitigaaning as a distinct Ojibwe community likely followed a pattern of gradual intensification, beginning with intermittent or occasional use of the site in the early eighteenth century, followed by seasonal habitation, and finally culminating in the establishment of a year-round village by 1900. The Ojibwe population may have been preceded by eastern Dakota, Ottawa, or other cultural groups.

The geographic significance of Lac Vieux Desert, however, extended far beyond those who resided in its immediate vicinity or made seasonal use of its resources. Serving as the headwaters of the Wisconsin River and thus providing access to the Mississippi watershed, Lac Vieux Desert was also strategically located in close proximity to a number of other water or overland transportation routes (the town of Watersmeet, six miles north of Lac Vieux Desert, likely derives its name from the convergence of the Lake Superior and Lake Michigan watersheds, at which it is located; Romig 1986). Although reaching the lake often required lengthy portages or strenuous overland travel, it is nonetheless described as having served as a "crossroads to many destinations" (Godfrey 2003) and a "four corners" (Kinietz 1940) for travel to and from Lake Superior and Lake Michigan. Located near the Ontonagon and Menominee rivers, Lac Vieux Desert provided a crucial link that connected Ojibwe bands living in the interior region to those living on Lake Superior and elsewhere. Lac Vieux Desert also served as the southern terminus of a land route to what is now L'Anse at the southern end of Keweenaw Bay. This trail continued to be used into the 1920s or 1930s, when it finally fell into disuse as a result of cultural and technological changes (Godfrey 2003).

Thomas Jefferson Cram, tasked with surveying the Michigan-Wisconsin border in 1841, observed an Ojibwe village located on Lac Vieux Desert on what he called South Island (Kinietz 1940:19), a place later known as Cow Island. An 1841 map by David H. Burr depicts the village on the eastern shore of the lake (Humins 1982:2); possibly in error as it conflicts with Cram's account. An 1852 map by Henry Rowe Schoolcraft shows an island village, though this is likely to have been based on Cram's survey. John Pete, who was born on the island in 1866, later recalled that the village was moved to the mainland around 1880 (Kinietz 1940:22-23).

Pete's account, however, seems to conflict with that of John Munro Longyear, a timber cruiser who, in a memoir, recalls encountering the village on the lakeshore in 1873. Longyear became fond of the area<sup>3</sup> and, later in life, would return on hunting trips. In 1887 he found that the village had moved "to one of the islands in the lake" (Longyear 1960:24), though he would not set foot on the island until the winter of 1888, at which time the village had been vacated for the hunting season. He observed numerous wigwams of cedar bark, a few log houses, and gardens of corn and potatoes. He also visited a nearby cemetery where he observed several spirit houses.

Thus, unless either Pete's or Longyear's recollections are in error, the village location seems to have moved several times over the years. Pete also recalls that the original mainland site was west of the present site, where a year-round village was established "just before 1900" (Kinietz 1940:23). This final move placed the settlement on land that had been, in the 1850s,

<sup>3</sup> Longyear took to calling the lake by the more affectionate name "Lac Beau Desert" (Longyear 1960:75).

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purchased directly by the Lac Vieux Desert band or privately by its individual members—an example of Ojibwe-owned lakeshore which remains uncommon to this day (Nesper and Willow 2008:38; Vennum 1988:262). By the 1920s the village included an octagonal community building, a public schoolhouse, and a burial ground on “a little hill in the center of the settlement.” The location was not connected by road to Watersmeet, and was most easily reached by boat from the Wisconsin side of the lake (Janette 1928). Frances Densmore, an ethnographer visiting the site in 1945, describes the Ketegitigaaning village as consisting of “five log houses and a number of frame dwellings,” surrounded by a “mature to over-mature stand of hard maple<sup>4</sup>, mixed with yellow birch, elm, and occasional basswood” (1949:17-18).

Even though the Wisconsin River outlet of Lac Vieux Desert has been artificially controlled since the 1870s, this does not seem to have negatively impacted the lake’s rice population until 1937. At that time, an older wooden dam was replaced by the present, concrete and steel structure (Weaver et al. 2005).<sup>5</sup> A significant increase in the water level seems to have caused the lake to disappear from the lake for one year, reestablishing itself shortly thereafter: Kinietz 1940 observes that the dam “ruined the rice one year;” however, “there is rice in the lake now” (68). Such failures were infrequent, as Rose Polar Martin<sup>6</sup> recalls, “there were only a few times in my life when I saw the rice not produce, and those were sometimes [due to] natural things such as bad weather . . .” (g. Martin to M. Rasmussen, letter, May 22, 2014, Ketegitigaaning Ojibwe Nation Tribal Historic Preservation Office, Watersmeet, Michigan).

Although the maximum historical extent of wild rice on Lac Vieux Desert is not well-documented, a number of sources agree that the species suffered a significant decline as a result of the 1937 dam construction, a decrease from which it has only partially recovered. Previously, a statewide 1925 evaluation by the Michigan Conservation Department had found the rice at Lac Vieux Desert to be “sufficiently abundant to deserve special mention” (Pirnie 1935); Foster 1956, however, discusses its decline. “Lac Vieux Desert at one time supported excellent stands of wild rice,” Foster writes, noting that “only small stands of wild rice are now present . . . local sportsmen replant the old beds” (5). A 1978 memorandum appears to compare pre- and post-1937 rice coverage as it suggests “excessively high and fluctuating water levels maintained on Lac Vieux Desert have prevented more than 500 acres of wild rice from reproducing and growing on the lake” (“Disappearance of Wild Rice,” letter from unknown author [initial pages are missing], December 15, 1978, in possession of Peter David, Great Lakes Indian Fish and Wildlife Commission, Odanah, Wisconsin). Weaver et. al 2005 states that “according to anecdotal accounts, [the rice on Lac Vieux Desert] was once more abundant than what was observed in 2002,” noting that about thirteen acres of the lake were covered with rice in 1990 (21). The authors also suggest that “the history of [water level] regulation appears to parallel the decline of wild rice” on the lake, and observe that recent aerial photographs indicate the species is rebounding.<sup>7</sup>

The recovery of wild rice on Lac Vieux Desert is in part due to the enactment of a “wild rice enhancement plan” implemented by the Wisconsin Valley Improvement Company, a condition imposed in 1996 by the Federal Energy Regulatory Authority after the former agency

<sup>4</sup> Sugar maple (*Acer saccharum*) or its close relative, black maple (*Acer nigrum*).

<sup>5</sup> Lake stage measurements were not taken until 1928 (Foster 1956:5). However, Foster estimates, based on the depth of submerged tree stumps, that the original dam may have raised the water level by “one to two feet.”

<sup>6</sup> Born at Ketegitigaaning during the Ricing Moon in 1923, Rose Polar Martin is the the eldest living tribal member.

<sup>7</sup> A much smaller rice bed at Lac Vieux Desert, on Misery Bay, suffered a crop failure in in 2002 (Peter David, Great Lakes Indian Fish and Wildlife Commission, personal communication 2015) and was also in recovery by 2005 (Weaver et al. 2005:22).

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sought to renew its license to operate the dam at the outlet of the lake. The federal agency, in conjunction with the U.S. Forest Service, as well as the U.S. Department of the Interior (representing the interests of the Lac Vieux Desert Band of Lake Superior Chippewa Indians) mandated that the company adjust water levels to ensure conditions more favorable for the proliferation of wild rice. It also required the Wisconsin Valley Improvement Company to fund a campaign of reseeding. Although the company objected, a circuit court decision upheld the right of the federal agencies to impose these demands (*Wisconsin Valley Improvement Company v. Federal Energy Regulatory Commission*, U.S. Court of Appeals for the District of Columbia Circuit 97-1557 [2001]).

The reseeding effort began in 2002, led by the Great Lakes Indian Fish and Wildlife Commission, and funded by the Wisconsin Valley Improvement Company in accordance with the terms of its license; the Circle of Flight program of the Bureau of Indian Affairs also contributed funding (Peter David, Great Lakes Indian Fish and Wildlife Commission, personal communication 2015).<sup>8</sup> Over a four-year period almost 14,000 pounds of seed, originating from a variety of sources throughout Wisconsin and Minnesota, were introduced to Rice Bay (Great Lakes Indian Fish and Wildlife Commission 2002; 2003; 2004; 2005).<sup>9</sup>

The company was required to maintain adjusted water levels for a period beginning in 2002. As a result, the area of rice on the lake increased to over fifty acres by 2005 (Lydersen 2005) and peaked at 98 acres in 2010 (Peter David, Great Lakes Indian Fish and Wildlife Commission, personal communication 2015). "Today . . . I finally see the beds slowly coming back," states Rose Polar Martin; however, "They are nowhere near our original beds' size (g. Martin to M. Rasmussen, letter, May 22, 2014, Ketegitigaaning Ojibwe Nation Tribal Historic Preservation Office, Watersmeet, Michigan).

The terms of the company's federal license, however, are presently under review (g. Martin, email to author, January 30, 2015). A possible return to prior water levels on the lake would threaten to reduce the wild rice population in the future (Mertz 2013).

### Wild Rice

Wild rice is an annual, aquatic grass (unrelated to the common, cultivated rice *Orzsa sativa*). Three species are native to North America: *Zizania palustris* is found on Lac Vieux Desert and is by far the most common species of wild rice in the wild rice district; *Zizania aquatica* grows primarily in the St. Lawrence River and in eastern and southern North America, but is also found occasionally in the wild rice district, where it is not easily distinguished from *Z. palustris*; and lastly, *Zizania texana* is found only on the San Marcos River in Texas and, consequently, is quite rare (Nabhan 2002).

*Zizania palustris* typically grows in pure<sup>10</sup> stands (Moyle 1944) and is highly sensitive to its environment, only growing within a narrow range of conditions. It requires fluctuating water

<sup>8</sup> The Lac Vieux Desert Band of Lake Superior Chippewa Indians, the U.S. Forest Service, the Michigan Department of Natural Resources, the Wisconsin Department of Natural Resources, and the U.S. Fish and Wildlife Service also participated (Peter David, Great Lakes Indian Fish and Wildlife Commission, personal communication 2015).

<sup>9</sup> Lobischer creek, a tributary of Lac Vieux Desert, was also seeded in 2001 and 2002 using Circle of Flight funds (Great Lakes Indian Fish and Wildlife Commission 2002).

<sup>10</sup> Other aquatic plants coexist with wild rice, but are generally much smaller and therefore not visually noticeable—except during years when the wild rice has failed (Peter David, Great Lakes Indian Fish and Wildlife Commission, personal communication 2015). Hence, stands of wild rice are often described, somewhat erroneously as Moyle 1944 does, as "pure."



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levels with some degree of sedimentation (Carson 2002), as well as a gentle current (Vennum 1988); therefore, it is most commonly found in lakes at the outlet of small streams, or in slow-moving rivers. Water depth is a primary factor influencing the presence of wild rice, as the plant thrives in a depth of thirty-three to thirty-four centimeters (Carson 2002); however, it can be found in water ranging from eight to 110 centimeters (Thomas and Stewart 1969), or more (Vennum 1988), in depth. It also requires calcareous soil (Natural Resources Conservation Service 2001). The plant sprouts underwater in April or May, and its leaves appear above the surface of the water in late June or early July. The plant typically grows to about eight feet in height, producing grains in late August or early September which quickly ripen and then fall into the water.

Charred rice grains and jiggling pits found at Laurel culture archaeological sites in Minnesota confirm that wild rice has been harvested in the region since at least 2,500 years before the present (Valppu 1999; Huber 1999). It was consumed by eastern Dakota people in the Late Woodland period (Mather and Thompson 1999), and has been central to both diet and culture for Ojibwe people since their migration to the area in the early eighteenth century (Vennum 1988). The grain served as a staple food for the Anishinaabe people throughout the region, especially during the winter months due to the ease with which it is preserved and stored. Wild rice may have also facilitated early European exploration of the area, thus contributing to the introduction of the fur trade (Jenks 1900).

Although the cultivation of wild rice in paddies began in the 1960s, most rice in the district is still procured from wild stands in the traditional manner—both for personal as well as commercial use—by hand from canoes, in a process known as *knocking*. This includes the rice harvested at Lac Vieux Desert.

#### Threats to Wild Rice at Lac Vieux Desert

The extent of wild rice greatly decreased during the nineteenth and twentieth centuries as human impacts degraded or eliminated many rice beds throughout the region (Vennum 1988:35). Presently, “less than a dozen” stands remain in Michigan (Mertz 2013). At Lac Vieux Desert, this decline continued into the mid-twentieth century, as Rose Polar Martin observes:

I am recalling through my memories the rice beds and the size of them and the amounts of rice produced in these beds. The beds were enormous. Now as you stand by the edge of our waters and look at the rice beds, they look fragile and sick. The rice beds I knew as a little girl were strong, healthy and thick (g. Martin to M. Rasmussen, letter, May 22, 2014, Ketegitigaaning Ojibwe Nation Tribal Historic Preservation Office, Watersmeet, Michigan).

This region-wide decline in wild rice is likely due to a wide range of factors. Flood-control or irrigation measures have reduced or destroyed wild rice crops on several lakes in the past, especially during the late nineteenth and early twentieth centuries (McClurken et. al 2000; Rasmussen 1998:40-41; Vennum 1988:27). When water levels are stabilized, competition from perennials may displace wild rice (Carson 2002). Due to the narrow range of conditions favored by the plant, the destruction of aquatic habitat due to water pollution or other means has also been largely responsible for its decline. A comprehensive survey of the traditional ecological knowledge of Anishinaabe elders, conducted by White and Danielsen (2002) of the Great Lakes

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Indian Fish and Wildlife Commission, identifies a wide range of increasing threats to wild rice populations.<sup>11</sup>

Contemporary sources of harmful water pollution described by White and Danielson include agricultural runoff, industrial and mining emissions, and acid rain.<sup>12</sup> One elder described a newly observed fungus impacting wild rice,<sup>13</sup> and others observe the rice to be among many plants that seem to be producing less fruit now than in the past.<sup>14</sup> The possibility of increased precipitation due to climate change also poses a threat to wild rice.<sup>15</sup> In areas that experience recreational use, additional threats to wild rice include wakes produced by motorboats, which can uproot large expanses of the plant.<sup>16</sup> Both boats and snowmobiles can also deposit oil and gasoline residues on lake surfaces.<sup>17</sup> Traditional ecological knowledge also concurs that artificial dams, such as the one on Lac Vieux Desert, may harm wild rice by altering water levels beyond the narrow range capable of supporting the plant, and allowing competition from other vegetation.<sup>18</sup> Levees, artificial channels, and dredging will have similar impacts.<sup>19</sup>

Elders also identify overly intensive harvesting practices as having damaged rice populations in the past, especially during periods of high unemployment or when high commercial prices increase its value as a cash crop.<sup>20</sup> Improper harvest will harm rice beds, especially when the grain is collected before it is fully ripe,<sup>21</sup> or if too much of the rice is collected,<sup>22</sup> practices which prevent grains from falling into the water to produce the following year's crop. One elder suggests that rice beds must be "rested" periodically during the harvest.<sup>23</sup> Traditional ecological knowledge also identifies non-harvest as a threat to the health of rice beds.<sup>24</sup>

Specific concerns of the Lac Vieux Desert band include the effects of water level regulation, recreational boating, and lakeshore development on the lake's ecology (Weaver et al. 2005). Since the construction of the first dam at the Wisconsin River outlet around 1870, water levels at Lac Vieux Desert have been artificially controlled, first by the logging industry and subsequently by the Wisconsin Valley Improvement Company (Barton and Grannemann 1999). Although Weaver et al. (2005) describe the dam's present impact on water level fluctuations as

<sup>11</sup> The Great Lakes Indian Fish and Wildlife Commission requests that elders be credited when traditional ecological knowledge is shared by subsequent authors; hence, all such sources are identified by name throughout this document.

<sup>12</sup> George W. Brown, Temperance E. Debe, William J. Houle, Betty Kegg, Raymond J. Larson, Jr., Peter McGeshick, Jr., Delia Moreland, Rita Nelson, Pat Northrup, Doug Sam, Madeline Schreyer, Raymond Smith, Sr., Randy Wise.

<sup>13</sup> Joseph J. Chosa.

<sup>14</sup> A reduction in pollinators is suggested as a cause, though wild rice is primarily wind-pollinated. Richard Ackley, Sr., Sylvia Cloud-Parisien, Donald Grey, Charles Peter McGeshick, Corrine E Wick.

<sup>15</sup> Rose Tainter and Randy Wise.

<sup>16</sup> Deanna Baker, Joseph J. Chosa, Sylvia Cloud-Parisien, Phyllis DeBrot, Leona Ledbetter, Jim Northrup, Robert Van Zile.

<sup>17</sup> Temperance E. Debe, Ruth Holmes, Pat Northrup, Unnamed Lac Du Flambeau elder.

<sup>18</sup> Ira A. Antone, Ruth J. Antone, Rose Martin, Helen Smith, Raymond Smith, Jr.

<sup>19</sup> Sylvia Cloud-Parisien, Loretta H. Dietzler, Florence Greensky, William J. Houle, Betty Kegg, Darrell Kegg, Constance T. Lang, Raymond J. Larson, Jr., Barbara Mantilla, Jim Northrup, Doug Sam.

<sup>20</sup> Arnold Bigboy, Sr., Joseph J. Chosa, Elmer J. LeBlanc, Rebecca Munz, Hildreth Thomas.

<sup>21</sup> Joseph J. Chosa, Florence Greensky, Jean Songetay.

<sup>22</sup> Unnamed St. Croix elder.

<sup>23</sup> May Jameson.

<sup>24</sup> Elizabeth Dearbin, Temperance E. Debe, Florence Greensky, Betty Kegg, Hildreth Thomas. For more information on consistent harvest as a management technique, see page 11 of this document.

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“minimal,” they nonetheless acknowledge that it may have led to a reduction in the quality and extent of wild rice on the lake in the past (19, 22).

Unlike many wild rice locations, Lac Vieux Desert faces unique challenges as a location for recreational boating. Motorboats inflict mechanical damage on rice beds by breaking stalks, uprooting plants by wave action, or by stirring up abrasive particles from the lake bottom (Asplund 2000; Tynan 1999; 2001). Members of the Lac Vieux Desert band observed severe damage caused by personal watercraft in 2011 and 2012 (Leon “Boycee” Valliere, interview by author, Lac Vieux Desert, Michigan, July 19, 2012).

Residential and resort development along the lakeshore has increased in recent years, although its effects on the wild rice have not been quantified (Weaver et al. 2005:2-3). Some Lac Vieux Desert band members are concerned that some lake residents may be intentionally destroying wild rice, perceiving it to be a weed that inhibits recreational uses of the lake (Leon “Boycee” Valliere, interview by author, Lac Vieux Desert, Michigan, July 19, 2012).

Wild rice, threatened on Lac Vieux Desert, has disappeared entirely from other bodies of water in the area. Areas in which wild rice has been eliminated include nearby Crooked Lake at the Sylvania Wilderness, managed by the U.S. Forest Service (giiwegiizhigookway Martin, interview by author, Lac Vieux Desert, Michigan, July 19, 2012). Fortunately, recent efforts of agencies including the Great Lakes Indian Fish and Wildlife Commission, the Lac Vieux Desert Band of Lake Superior Chippewa Indians, the Bureau of Indian Affairs, and the U.S. Forest Service have supplemented traditional management and have helped to restore the population of wild rice at Lac Vieux Desert.

### Management Practices

Although wild rice is, fundamentally, an undomesticated food source, a variety of traditional management strategies, passed on by oral tradition, have been used to encourage an abundant and consistent harvest (LaDuke and Carlson 2003:3). According to Rose Polar Martin, “our members knew how to regulate the rice and had their own techniques to preserve the rice for future generations” (g. Martin to M. Rasmussen, letter, May 22, 2014, Ketegitigaaning Ojibwe Nation Tribal Historic Preservation Office, Watersmeet, Michigan). Rice chiefs, elders selected for their knowledge and experience with wild rice, have traditionally determined when rice is ready to be harvested, as both an early or a late harvest can negatively impact future yields. While the influence of rice chiefs declined due to state-level regulation in the mid-twentieth century, the role of traditional rice chiefs is again expanding in Wisconsin as a consensus between the Department of Natural Resources, the Great Lakes Indian Fish and Wildlife Commission, and local elders is now used to determine permitted dates for the ricing season on selected lakes (Brian Poupart, interview by author, Lac Vieux Desert, Michigan, July 19, 2012). In Michigan, however, the role of rice chiefs has not been formalized and the harvest remains unregulated. Historically, rice chiefs have also exchanged seeds between bodies of water<sup>25</sup> (White and Danielsen 2002:18), a practice which may have increased genetic diversity of the species.

Elders also stress the importance of an annual harvest in ensuring the health of wild rice stands (White and Danielsen 2002). Proper knocking techniques allow a large portion of ripened grains to fall into the water, establishing next year’s crop. According to Danziger 1978, “the Chippewas planted about a third of their harvest to ensure a yearly increase” (13).

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<sup>25</sup> John L. Thomas.

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In the past, a procedure of *binding*—using fabric to bundle stalks of rice together prior to the harvest—may have allowed more of the grain to reach maturity without being eaten by waterfowl, therefore permitting more seeds to fall into the water to establish the next year's crop<sup>26</sup>. Binding also served to demarcate each family's traditional ricing area. This practice, though remembered by elders, has been discontinued in present times (Roger LaBine, interview by author, Lac Vieux Desert, Michigan, September 9 2012; White and Danielsen 2002:18).

## 8. Statement of Significance

### Applicable National Register Criteria

(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing.)

- A. Property is associated with events that have made a significant contribution to the broad patterns of our history.
- B. Property is associated with the lives of persons significant in our past.
- C. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- D. Property has yielded, or is likely to yield, information important in prehistory or history.

### Criteria Considerations

(Mark "x" in all the boxes that apply.)

- A. Owned by a religious institution or used for religious purposes
- B. Removed from its original location
- C. A birthplace or grave
- D. A cemetery
- E. A reconstructed building, object, or structure
- F. A commemorative property
- G. Less than 50 years old or achieving significance within the past 50 years

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**Areas of Significance**

(Enter categories from instructions.)

Agriculture

Conservation

Ethnic Heritage: Native American

**Period of Significance**

c. 1784–1965

**Significant Dates**

c. 1784 (seasonal village established)

1842 (Copper Treaty signed)

1854 (adjacent land purchases begin)

c. 1900 (permanent village established)

1937 (concrete dam constructed)

**Significant Person**

(Complete only if Criterion B is marked above.)

\_\_\_\_\_  
\_\_\_\_\_

**Cultural Affiliation**

\_\_\_\_\_  
\_\_\_\_\_

**Architect/Builder**

\_\_\_\_\_  
\_\_\_\_\_

**Statement of Significance Summary Paragraph** (Provide a summary paragraph that includes level of significance, applicable criteria, justification for the period of significance, and any applicable criteria considerations.)

Rice Bay is significant under National Register *criterion A*, in accordance with the evaluation procedure specified in Parker and King 1998, as a *traditional cultural property*: “a location where a community has traditionally carried out economic, artistic, or other cultural practices important in maintaining its identity” In the case of Rice Bay, the “cultural practice” in question is the annual wild rice harvest—an event that has taken place, typically in September, almost continuously since the establishment of the Ketegitigaaning village in the mid-eighteenth century. Rice Bay is significant at the statewide level as the only known site in Michigan where wild rice has been regularly harvested from the earliest Ojibwe settlement to the present day.

**Period of Significance**

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The period of significance begins with the earliest known Ojibwe occupation of the site and extends to include its continuous use as a traditional cultural property.

### Criteria Considerations

**Narrative Statement of Significance** (Provide at least one paragraph for each area of significance.)

The annual rice harvest played a central role in Ojibwe migration to the area and led to the establishment of a seasonal, and later permanent, settlement at Lac Vieux Desert. The event facilitated an yearly gathering of Ojibwe people from the surrounding region, many of whom maintained a semi-nomadic way of life well into the 1880s, and was central to ongoing resistance to non-Ojibwe acculturation efforts and federal assimilation and allotment policy from the mid-nineteenth through the early twentieth centuries. Centered around the gathering of wild rice, the village founded at Ketegitigaaning provides an uncommon example in the region of both a traditional, off-reservation community, as well as an area of lakeshore that has been Ojibwe-owned for generations. The establishment of an economy based on wild rice contributed to a distinct cultural identity which differentiated the Ketegitigaaning community from the Lake Superior Ojibwe and non-Ojibwe cultures of the surrounding region. The harvest continues to prompt an annual gathering of band members, as well as guests from other bands, to partake in an act which remains to this day a critical component of Ojibwe culture and identity.

#### **“The Food That Grows Upon the Water”**

Oral traditions describe a migration of Anishinaabe people, from the mouth of the St. Lawrence River into the upper Great Lakes, that occurred over a period of many generations. Following a prophecy directing them to seek “the food that grows upon the water”, these Ojibwe ancestors dwelled at Niagara Falls, Manitoulin Island, and the St. Mary’s River before fulfilling the prophecy by finding wild rice near the Apostle Islands in Lake Superior (Benton-Banai 2010[1988]; Warren 1984[1885]). This migration concluded in the settlement of Madeline Island in the late seventeenth century (or earlier, according to a synthesis of oral history provided by Benton-Banai 2010[1988]), a position which provided Ojibwe people a base for expansion into the surrounding region (Dewdney 1975a; Danziger 1979). The surrounding area, the land south and west of Lake Superior, had been inhabited by Woodland cultures for over two thousand years previously, and by Dakota people in the early historic era.

A prosperous economy developed at Madeline Island, based upon the year-round availability of fish, as well as on commerce with Dakota groups and a French trading post that was established on the island by 1692 (Nesper and Willow 2008). By the mid-eighteenth century, Ojibwe groups that moved inland from the Lake Superior shore had formed into autonomous bands, developing distinct identities based upon a seasonal economy of hunting, wild rice, and maple sugar (Bokern 1987:34; Danziger 1949:4; Humins 1982:2). This geographic dispersal impacted not only subsistence, but also created linguistic, religious, and other cultural differences which differentiated groups living southwest of Lake Superior from those on the lakeshore (Vennum 1988:2-5).

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When moving into the interior region, Ojibwe bands sought out wild rice beds. This staple crop enabled the creation of seasonal settlements and was a contributing factor in the relatively high population of interior Ojibwe groups compared with that of other cultural groups and adjacent regions. Intermittent warfare between Ojibwe, Dakota, and Meskwaki bands began in 1737, possibly due to conflicts over wild rice (Jenks 1900:1036–1038, 1047). Other sources, such as Danziger 1979 (33), identify the fur trade as a primary motivation for this interior expansion, while Ojibwe tradition often interprets this westward movement simply as the conclusion of several centuries of migration (Nesper and Willow 2008:26).

A stable Ojibwe presence in the interior region began in mid-eighteenth century, when an ongoing conflict with Meskwaki and Dakota groups subsided. Lac Court Orielles, the first of these interior settlements, was founded around 1745 (Danziger 1979:33). Meskwaki bands withdrew from the area around that time (Kinietz 1940:18; Tanner 1987:42), while the frontier of Ojibwe-Dakota warfare began to move further west (Tanner 1987:42–43, 65; Warren 1884[1985]:304). A summer village at Lac Vieux Desert was likely founded shortly after 1784,<sup>27</sup> around the same time as five other settlements in the region, at Lac Du Flambeau, Turtle Portage, Trout Lake, Pelican Lake, and the Wisconsin River (Bokern 1987:13–15). As much as differing economic strategies enabled the formation of a distinct cultural identity for these interior groups, it also maintained strong ties with those on Lake Superior as a pattern of resource sharing between lakeshore and interior groups emerged (Bokern 1987). As noted earlier, due to its geographic situation Lac Vieux Desert came to serve as a “crossroads,” connecting the region to Ojibwe populations at Lake Superior and elsewhere. The primary routes to Lake Superior—a canoe route along the Ontonagon River and a foot trail to Keweenaw Bay—both terminated at Lac Vieux Desert (Godfrey 2003).

The “crossroads” function also brought a number of European and European American missionaries, traders and surveyors to the Ketegitigaaning area starting in the late eighteenth century. The village there was certainly well-established by 1792, as it is described by Jean Baptiste Perrault, a French fur trader, who spent the winter of 1792–1793 at Lac Vieux Desert. During his stay, he noted the arrival of trading expeditions from Lac du Flambeau. Perrault himself had come by way of the Ontonagon River (Perrault 1910:565–566).

A more detailed written account is provided by Thomas Jefferson Cram, who passed through the area in October 1841 to survey the Michigan-Wisconsin border. In his *Report on the Survey of the Boundary Between the State of Michigan and the Territory of Wisconsin* Cram notes that the band was “far removed into the interior from white settlements on every side,” and consequently, according to Cram, largely free of their influence. The residents of Ketegitigaaning numbered around one hundred, by Cram’s estimation,<sup>28</sup> and though they traveled broadly, Cram describes a particularly strong relationship with the people of Lac du Flambeau (Kinietz 1940:21). Henry Rowe Schoolcraft, in an 1847 report to the Bureau of Indian Affairs, concurs with Cram, writing that the “remote position” of the site allowed it to serve as “a retreat and stronghold of the interior Indians” (Humins 1982:4).

The earliest written record of wild rice production at Lac Vieux Desert comes from Philo M. Everett who, searching for copper deposits, visited the site in September 1845 during the harvest season. Everett describes “great use of the wild rice growing in those lakes . . . it is

<sup>27</sup> The Ojibwe residents at Lac Vieux Desert were not the first cultural group to reside there. The first known European visitor to the site, the French missionary Rene Menard, in 1661 stayed there for two weeks and suggests that an Ottawa population may have resided at the lake between 1649 and 1670 (Kinietz 1940:18; Humins 1982:2).

<sup>28</sup> Cram is likely to have under-counted, as other estimates from the 1840s suggest around 200–400 seasonal residents. See Humins 1982:3–4.

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gathered mostly by the women, one pushing the canoe while the other bends the rice over the side of the canoe with a crooked stick . . ." (Humins 1982:13). Five years later, a report of the Commissioner of Indian Affairs (1850) notes wild rice as "the main staple of subsistence" of the "Wisconsin and Chippewa River division," a grouping in which the author places the community at Lac Vieux Desert, in contrast to the "Lake Superior Chippewas" (53-54).

The 1840s were a time of rapid transformation in the region, characterized by an increased effort on the part of the United States government to assimilate Ojibwe communities into the dominant society or, in some cases, remove them from valuable land. With the federal government seeking rights to minerals and timber, the people of Ketegitigaaning, as well as other bands from the area, sent representatives to La Pointe to negotiate the cession of the western Upper Peninsula and adjacent areas of the Wisconsin Territory. Under pressure from federal officials (Humins 1982:11-12; Nesper and Willow 2008:31-32), these Ojibwe representatives in 1842 signed the "Copper Treaty," relinquishing the territory in question in exchange for annuity payments, debt relief, and other benefits.<sup>29</sup> Meanwhile, the federal government continued its program of assimilation, as Michigan representatives of the Bureau of Indian Affairs enacted a policy of encouraging Ojibwe people to reside in permanent settlements near missions and schools (Humins 1982:18). By the late 1840s many Ketegitigaaning residents were spending the summer months at L'Anse, on Keweenaw Bay, due to the presence of a blacksmith (a service provided by the 1842 treaty), and other incentives. Members of the Lac Vieux Desert band requested that annuity payments be delivered to L'Anse, as the long journey to collect at La Pointe made it difficult for them to return home in time for the rice harvest (Humins 1982:16); most members, it is likely, simply chose not to make the trip (Commissioner of Indian Affairs 1850:54). Their request, however, was not granted.

The 1850s were a particularly challenging time for the Lac Vieux Desert band. President Zachary Taylor ordered the 1851 annuity payment to be made at Sandy Lake, deeper into the Wisconsin Territory, an act which some observers saw as a deliberate move to force Ojibwe bands further west (after many people died returning from Sandy Lake the following winter, President Millard Fillmore moved the payment location back to L'Anse). To make matters worse, federal attempts at removal coincided with a smallpox outbreak at Ketegitigaaning in 1851 and 1852. Many, or most, residents moved to L'Anse for several years seeking aid from missionaries (Humins 1982:18-21).

### Reservations and Land Ownership

Increasingly, non-Ojibwe observers contrasted relatively traditional interior settlements with the more assimilated cultural groups along Lake Superior (Nesper and Willow 2008:32-34). Ojibwe populations, especially in these interior groups, often resisted federal removal and assimilation policy. A movement began towards the establishment of permanent reservations, as described in a petition submitted to Congress by the region's Ojibwe chiefs on February 7, 1849: "our people, to-wit, sixteen bands, desire a donation of twenty-four sections of land, covering the graves of our fathers, our sugar orchards, and our rice lakes and rivers, at seven different places now occupied by us as villages, viz: at View Desert, or Old Garden, three sections . . ." These leaders placed a particular emphasis on retaining land near traditional wild rice beds (Jenks 1900:1097).

<sup>29</sup> An earlier agreement, the 1837 "Pine Tree Treaty," was interpreted by the U.S. government as an outright cession of portions of what is now Minnesota and Wisconsin. Ojibwe control of the land had been previously recognized in an 1827 treaty signed between the federal government and several Ojibwe bands at Prairie du Chien.



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An 1854 treaty signed at La Pointe attempted to consolidate the people of Ketegitigaaning and Ontonagon with the community at L'Anse. Humins 1982 (23) suggests that the unfortunate coincidence of the smallpox outbreak preempted the creation of reservation at Lac Vieux Desert, as most of its people were residing at L'Anse at the time. This included Maydwayawshe and Poshquaygin, who signed the treaty on behalf of the band. Humins also suggests that other Ketegitigaaning leaders, opposed to the treaty, may have been absent from the negotiations. Instead, the L'Anse, Ontonagon, and Lac Vieux Desert Reservation (presently known as the Keweenaw Bay Indian Community) was created. Despite the reference to Ontonagon and Lac Vieux Desert in the name, the entirety of the reservation land was located near L'Anse, encouraging members of the latter two bands to reside there.

Although the Lac Vieux Desert band had been unable to secure a reservation at home, attachment to the area remained strong. Bureau of Indian Affairs commissioner George W. Manypenny observes in 1854 "a few small bands of Chippewa of Lake Superior, who still occupy their former locations on lands ceded by the treaties of 1837 and 1842" that were "very unwilling to relinquish their present residence" (Humins 1987:23). Nesper et al. 2002 suggests (29-30) that this insistence upon retaining traditional seasonal villages emphasizes the cultural significance of wild rice to the Lac Vieux Desert and other bands.

In a unique strategy of resistance to federal policy, band members organized to purchase land to be held in common at Lac Vieux Desert. Although official records from this period are unclear, it appears that this land was assembled over time, through numerous individual purchases made as income became available. Some purchases were made by tribal leaders with funds from annuity payments, but tax records for subsequent years describe lots as being owned only by "Indians" or mark taxes as "paid" without reference to a specific taxpayer. While the purchases were made by individual band members, tradition holds that the cash was pooled and the intent was always for the land to be used communally (Humins 1982:30). The purchases began "shortly after 1854" (Nesper and Willow 2008:75) and included acquisitions made in 1862, 1863, 1869, and 1873 (Densmore 1949:25; Humins 1982:27-30). Thus Ketegitigaaning residents sidestepped the allotment policy by purchasing a land base "in relative isolation" where "traditional ways could be practiced without outside interference."

The assembly of these communal parcels, along with the return of many members to Lac Vieux Desert, split the band into two populations: one living at L'Anse, which Humins 1982 (24) characterizes as "progressives," as distinct from a community of "traditionals" living at Ketegitigaaning. It is likely that the land acquisitions were motivated by the latter faction, who wished to continue traditional cultural practices without the influence of "Christian acculturation efforts," or who desired to pursue a communal lifestyle outside of federal allotment policy (28-29). Or, as oral history describes, Ketegitigaaning residents simply wished to remain in their home territory, and "did not like to live among strangers" (Densmore 1949:17). Even during the Sandy Lake tragedy, smallpox outbreak, and treaty negotiations of 1851-1854, it is likely that the most conservative of Ketegitigaaning residents never left Lac Vieux Desert (Humins 1982:27).

### Permanent Settlement at Ketegitigaaning

John Munro Longyear, involved with the construction of a land-grant wagon road<sup>30</sup> from Rockland south to the Wisconsin border, came upon Ketegitigaaning in the early fall of 1873. While he was camping in the vicinity, several residents provided him with a gift of wild rice,

<sup>30</sup> Following, for the most part, present-day U.S. Route 45.

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which he identifies as “an important part of their food supply” (Longyear 1960:25). Longyear describes the community as having been “remote from the missions and other white influences,” numbering “perhaps seven or eight families” in size (Longyear 1960:22–23). He and several companions took photographs of the village, depicting a variety of structures and tools, including an example of a birchbark tray of the type used in the winnowing of wild rice; Longyear 1888a; 1888b].

Around 1880 the village was located on the north shore of the lake. Lac Vieux Desert had become an “important regional pow-wow site” (Humins 1982:32) by that time. Year-round occupancy of the village began shortly thereafter, as rapid development of the surrounding area resulted in fewer opportunities for hunting, gathering, and other semi-nomadic pursuits. By the 1920s or 1930s, wild rice came to be harvested at a rate of “600–800 bushels” each year, according to George McGeshick, a Ketegitigaaning resident, as cited in a Wisconsin Conservation Department memorandum (B. Popov to R. Hovind, letter, April 22, 1954, Great Lakes Indian Fish and Wildlife Commission, Odanah, Wisconsin).

Vernon Kinietz, an ethnographer who visited Ketegitigaaning in the summers of 1939 and 1940, describes a transition to wage labor, starting with jobs in the lumber industry. Gogebic County, created in 1887, now taxed the land owned at Ketegitigaaning and provided yet another step in the transition to a cash economy. The nearby town of Watersmeet boomed from the 1890s into the 1920s, supported by railroads, the nearby copper industry, and eventually, tourism (Kinietz 1940:23–35). Despite the cultural changes Kinietz witnessed, he nonetheless was struck by the degree of “integrated community life” he observed among residents, describing both a “conservatism in preserving native customs” and a degree of “relative isolation of the village” (vii, 17). Frances Densmore, an ethnomusicologist who conducted fieldwork among the Lac Vieux Desert band in 1945, also concurs with Kinietz’s assessment, describing the band as “the most conservative group of Indians in Michigan” (Densmore 1949: iii).<sup>31</sup>

Most of Densmore’s work was conducted at Watersmeet, as almost the entire community had moved there in 1942. Most of the men had found employment in a sawmill in town, or in nearby lumber camps, and the women sold beadwork at local tourist resorts (Densmore 1949:18). Densmore identifies only John Pete, a Midewiwin leader, and his sister as continuing to reside at the village. Lac Vieux Desert, however, retained its role as a location for social and religious events, including Midewiwin ceremonies, which continued to be held annually in a community building at the old village (19). Even as the Lac Vieux Desert band had moved to Watersmeet and completed a transition to wage labor, the annual harvest of wild rice persisted. The practice was interrupted only in 1937 with the construction of a concrete and steel dam at

<sup>31</sup> Indeed, a number of somewhat sensationalist newspaper accounts published in the mid-twentieth century remarked on the relative isolation—both geographically and culturally—of the community centered at Ketegitigaaning and the degree to which its members persisted in adherence to traditional Ojibwe cultural practices. The *Detroit News* quotes the missionary William Francis Gagnieur, describing the community as “the only existing tribal group of pagan Indians in the Great Lakes region” devoted to pursuing the “undisturbed practice of their ceremonies” (Janette 1928). Kimball ca. 1933 describes a “lost tribe,” and Juntunen 1941 depicts “Chippewa rebels,” a “lost band” who have become “outlaws,” at odds with other Ojibwe and non-Ojibwe people alike due to the community’s rejection of reservation life, and the practice of “fewer white man customs.” *Escanaba Daily Press* 1941 observes “the Lac Vaux [sic] Desert Band has retained more tribal customs and been more successful in resisting white customs than any other Indian group known.” Although most of these accounts were authored prior to the 1945 move to Watersmeet, the continued significance of the Old Village as a cultural center is noted by the *Baraga Bulletin* (1961), describing the site of “perhaps the only medicine lodge left in Michigan,” presided over by John Ackley.

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the lake's Wisconsin River outlet. The dam, intended to regulate water levels to optimize the generation of hydroelectric power further downstream, also raised water levels and eliminated rice from the lake for one year (Kinietz 1940:68).

It is not clear when the gathering of rice resumed. Kinietz 1940 states that it was collected "assiduously" prior to the dam's construction, but that the process was not resumed in the following years, with "the harvest festival . . . dropped along with the actual harvest."<sup>32</sup> Juntunen 1941, by contrast, describes the sale of wild rice for ninety cents per pound, suggesting that the harvest had resumed by that time. Furthermore, Densmore 1949 implicitly mentions the rice harvest when she cites the comments of resident George Cadotte, who states that the annual Midewiwin activities were scheduled to begin "as soon as the wild rice gathering is over" in the year of her observation, 1945 (19). Thus the gathering of rice seems to have ceased in 1937 and resumed at some point prior to the fall of 1941. It is, of course, possible that the harvest had been reinstated prior to Kinietz's writing, but that he was simply unaware of it. As Rose Polar Martin recalls, "I only remember a few times [during my lifetime] when ricing did not take place. This rice was our life" (g. Martin to M. Rasmussen, letter, May 22, 2014, Ketegitigaaning Ojibwe Nation Tribal Historic Preservation Office, Watersmeet, Michigan).

Significantly, in 1943 the Michigan Conservation Department concluded a statewide survey of wild rice health, acknowledging prior Ojibwe management efforts and observing "Lac Vieux Desert . . . is the only Michigan lake on which the rice stands are harvested annually" (Miller 1943). That the rice harvest continued through the 1940s, even after the community had moved to Watersmeet, highlights the significance of the activity. The extent of the harvest during any given year, however, is not known. By the 1970s, perhaps the peak of commercial wild rice production, gathering of the crop had become a significant component of an average household income in many areas in Wisconsin and Minnesota (Danziger 1978:184). At Lac Vieux Desert, however, the commercial viability of the crop may have been lessened by the post-1937 decline in wild rice coverage.

The traditional use of Rice Bay, however, continues, and recent efforts have made steps towards restoring the health of the rice bed.<sup>33</sup> At present, the land surrounding Rice Bay is part of the Ottawa National Forest and managed by the U.S. Forest Service, and the land at Ketegitigaaning is managed by the Lac Vieux Desert band. Because of the setting, tools used in the harvesting of wild rice are often produced from forest products gathered in the vicinity of Rice Bay (Roger Labine, interview by author, Lac Vieux Desert, Michigan, September 9 2013).

Beginning in the 1960s, and spanning nearly twenty years, the band sought independent federal recognition. On September 8, 1988, the "Lac Vieux Desert Band of Lake Superior Chippewa Indians Act" (H.R. 3697) granted the band federal recognition as a separate and distinct tribe apart from the Keweenaw Bay Indian Community. Although the band is headquartered in nearby Watersmeet, the Old Village at Ketegitigaaning continues to serve as a cultural center for the community, whose members commute from nearby towns to attend the annual rice harvest and other events. Historic ties to Mole Lake and Lac du Flambeau (Humins 1982:32) remain strong, and the movement of residents among these communities remains common today (Nesper and Willow 2008:75).

### Traditional Cultural Significance of Wild Rice

<sup>32</sup> Kinietz nonetheless argues for the status of wild rice as "a most important item," of greater significance to the band than other food sources, including game, berries, and maple sugar (57).

<sup>33</sup> Water-level regulation and seeding efforts, beginning in the early 2000s, are described in detail in the Narrative Description section of this document.

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Wild rice, the “food which grows upon the water”, was the final destination of the westward migration of Anishinaabe ancestors (Benton-Banai 2010[1988]; LaDuke and Carlson 2003), and is, according to some accounts, a sacred food (Great Lakes Indian Fish and Wildlife Commission 2002). Ojibwe beliefs attribute the discovery of wild rice to an ancestral hero, though the details vary among groups (Vennum 1988:60-61). According to tradition, rice has a tendency to follow Ojibwe people where they settle; its introduction to specific bodies of water is often attributed to specific acts by legendary individuals (Vennum 1988:65-66). Similarly, the rice is understood to disappear from an area when a group migrates elsewhere. According Bill Johnson, to one informant to Eva Lips’s 1957 ethnography of the Nett Lake community, “Man has never planted the rice . . . sometimes there’s no rice, but when the *manidoog* want it, it grows again” (Vennum 1988:66). Members of the Lac Vieux Desert band describe a “cultural hero,” whose name is not shared with outsiders, who first introduced wild rice to the band (Leon “Boycee” Valliere, interview by author, Lac Vieux Desert, Michigan, July 19 2012).

Vennum 1988 describes a number of ceremonial uses, taboos, and other practices which, he argues, “show the centrality of wild rice to Ojibway culture” (58). Wild rice is also essential to Ojibwe funerary practices, provided to spirits of the deceased during their journey to the afterlife. Taboos surrounding wild rice include a prohibition on consuming the grain during periods of mourning (75-76).

According to the standards provided by Parker and King 1998, however, it is the “practice” of harvesting wild rice, specifically, rather than the importance of rice itself, that establishes the National Register eligibility of Rice Bay. The annual rice harvest has been, and continues to be, crucial to maintaining the cultural identity of the Ketegitigaaning community. Writing of the Ojibwe people as a whole, LaDuke and Carlson 2003 describes the practice as “a community event, a cultural event, which ties the community intergenerationally to all that is essentially Anishinaabeg,” while Smith and Vogel 1984 call it a “mystique.” Vennum 1988 quotes Mole Lake band member Norma Smith, who, after over a century of assimilation and cultural transformation, refers to rice gathering as the “last tradition” of her community (299). Regarding “the teachings of the rice” at Lac Vieux Desert, Rose Polar Martin reflects “the only way to truly be Anishinaabe [is to] go back to the old ways . . . thank goodness our spark is kept alive and the circle is once again being reconnected by our youth” (g. Martin to M. Rasmussen, letter, May 22, 2014, Ketegitigaaning Ojibwe Nation Tribal Historic Preservation Office, Watersmeet, Michigan).

“Because ricing is such a deeply rooted activity,” writes Vennum, “most Ojibway build harvest time into their annual schedules as a matter of course. Many urban Indians return to their home reservations for ricing; others leave regular jobs in nearby towns for the harvest, even though it can mean financial loss” (298-299). At Lac Vieux Desert, this degree of significance was demonstrated in the 1940s—when band members continued to collect rice at the lake even after the community had relocated to accept year-round employment in Watersmeet—as much as it is today, when the annual rice harvest prompts a gathering at Ketegitigaaning of community members from around the region. This continues a function that dates back to the 1870s or earlier, as identified in Humins 1982: “Lac Vieux Desert was a favorite pow-wow site for the Chippewa, who traveled the old trails from other locations and reservations, like Mole Lake and Lac du Flambeau, and had an Indian festival, traditional-style” (32). Comparing present-day events to the rice camps of previous eras, Vennum 1999 observes that “ricing continues today as a critical part of Ojibwe culture. Ricing—and preparation for it—remains a time of excitement

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and a seasonal migration to the rice beds stills occurs, though now it also takes the form of Ojibwe people traveling from cities to participate in the annual harvest.”

“There’s a feeling you get out there that’s hard to get other places,” says Ernie Landgren of Nett Lake. “You’re close to Mother Nature, seeing things grow and harvesting the results of the water and sun and winds . . . we sort of touch our roots when we’re among the rice plants” (Danziger 1978:184). According to Lips, “the rice harvest of the Ojibway is not just an event . . . it is the decisive event of the year, of the total economic life, and with it, life itself” (Vennum 1988:72). Lips also describes a variety of traditions, including the Drum Dance (and similar ceremonies which predate the Drum Dance) as well as contemporary observances which occur immediately after the harvest to give thanks for the rice crop and for the events of the preceding year.

For several reasons, by the late twentieth century rice camps were no longer as well-attended as they had been fifty years previously (Vennum 1988:194). Commercial buyers now accept unfinished rice, reducing the need for on-site processing, and an improved road network makes it easier to commute to and from the site on a daily basis. Nonetheless, Ojibwe people do continue to camp at ricing sites, and the harvest retains the cultural significance of previous generations. As Vennum 1988 observes, “because the Ojibway associate wild rice harvesting with some aspects of traditional culture that are disappearing, its mention usually elicits pleasant memories of camp days.” The harvest, he writes, continues to provide “a period of social gatherings . . . storytelling, romance, exchange of news, dancing, and games” (188). Although these gatherings may, at present, occur in private homes or in towns, neither their importance, nor their essential relationship to the rice harvest, are diminished (194). According to Vennum, “wild rice continues to symbolize the old Ojibway culture; it is part of the Indian world, distinct from the white” (297).

“Wild Rice is sacred to the Anishinaabe. It is the center of the traditional and cultural life to us” Rose Polar Martin states, “To lose the rice [at Lac Vieux Desert] would be to lose a vital part of who we are. According to Martin:

. . . [H]ow scared and valuable it is to our people just cannot be measured . . . there is absolutely no way to quantify the value of this food, medicine, spirit—it feeds our body as well as our souls. It is a wealth like no other to the Anishinaabe, because it came to us directly from the Creator (g. Martin to M. Rasmussen, letter, May 22, 2014, Ketegitigaaning Ojibwe Nation Tribal Historic Preservation Office, Watersmeet, Michigan).

### Eligibility for the National Register of Historic Places

Guidelines for determining eligibility for the National Register of Historic Places are provided in National Register Bulletin 15 (National Register of Historic Places 2002[1990]), *How to Apply the National Register Criteria for Evaluation*. Although the National Register criteria are more frequently applied to structures (such as buildings or bridges) and designed landscapes (such as parks or farmsteads), National Register Bulletin 38 (Parker and King 1998), *Guidelines for Evaluating and Documenting Traditional Cultural Properties*, outlines a process for applying the criteria to locations whose “significance [is] derived from the role the property plays in a community’s historically rooted beliefs, customs, and practices.”

Although no sites associated with traditional wild rice harvesting practices have yet been listed on the National Register, the eligibility of rice beds has been argued previously in two instances. The Mole Lake Sokaogon Band of Great Lakes Ojibwe Indians, in a paper presented

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to the U.S. Army Corps of Engineers, demonstrates the National Register eligibility of the Mushigagamongsebe District near Crandon, Wisconsin as a traditional cultural property, in large part due to the cultural significance of Rice Lake, a wild rice site located within the district (Nesper et al. 2002). Similarly, Nesper and Willow 2008 apply the eligibility criteria to Big Lake and Rice Creek in the Lac du Flambeau region of Wisconsin. Both sources use a step-by-step process described in Parker and King 1998. This process is also used below to evaluate the National Register eligibility of Rice Bay.

#### Step One: Is it a Property?

Parker and King 1998 caution that “beliefs and practices” are not eligible for the National Register, and that “the entity evaluated must a tangible property” such as a “site”. According to Parker and King, a *site* may be, among other things, “the location of a significant event, a prehistoric or historic occupation or activity . . . whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value.” As Parker and King (1998) clarify, “a culturally significant natural landscape may be classified as a site, as may the specific location where specific traditional events, activities, or cultural observances have taken place.” Rice Bay clearly satisfies this definition, as it is both a culturally significant landscape as well as a location where traditional activities have taken (and continue to take) place. Therefore, Rice Bay is a property.

#### Step Two: Integrity

Once it is established that the resource in question is indeed a site, then the site must be demonstrated to have *integrity* as described in National Register Bulletin 15 (National Register of Historic Places 2002[1990]). Again, Parker and King 1998 provide clarity in this matter, suggesting that a site may possess “integrity of relationship” if the historical connection between the site and its associated traditional cultural practice remains strong (11). National Register Bulletin *Guidelines for Evaluating and Documenting Rural Historic Landscapes* also suggests that “integrity of feeling and association” may exist if a site is devoted to “continuing or compatible land uses and activities” (McClelland et al. 1999[1989]:22).

As described previously, the history and evolution of the wild rice harvest, from the eighteenth century to the present day, indicate that the traditional practice and its associated cultural significance remains largely unchanged. Furthermore, the location of Rice Bay—in close proximity to the traditional village of Ketegitigaaning, a significant example of Ojibwe-owned lakeshore—adds to the “integrity of feeling and association” of the site. The proximity of Rice Bay to Ketegitigaaning is significant due to the primary importance of the village as the cultural and community center of the band, especially as many rice beds in the region have been destroyed or are located on private property (Nesper and Willow 1998:65).

The unique location of Rice Bay, nearby to the Ketegitigaaning village, also adds to its “integrity of relationship” in that it enables the Old Village to continue its traditional cultural function as a “pow-wow site” (Humins 1982:32) for Ojibwe people from the surrounding region. Furthermore, its situation adjacent to the Ottawa National Forest and land managed by the Lac Vieux Desert band enables the gathering of tools from the nearby forest, further adding to its “integrity of relationship.”

Due to its “integrity of feeling and association,” its “integrity of relationship,” and its well-documented historic and ongoing traditional cultural use, as well as due to the decline or

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elimination of much smaller rice beds at Misery Bay and Crooked Lake, Rice Bay has by far the greatest integrity of the remaining rice beds in the area traditionally occupied by the Lac Vieux Desert Band.

### Step Three: The National Register Criteria

Parker and King 1998 remind us that once it is verified that the resource under consideration is indeed a property, and that it retains a significant degree of integrity, the entity must be shown to meet at least one of four National Register criteria. According to Parker and King, a "location where a community has traditionally carried out economic, artistic, or other cultural practices important in maintaining its identity" will satisfy *criterion A* of the National Register: "association with events that have made a significant contribution to the broad patterns of our history" (1998:1, 12-13).

In the case of Rice Bay, the "event" in question is the annual wild rice harvest, which contributed to a number of broad patterns of Ojibwe history: it facilitated a seasonal gathering of Ojibwe people and led to the establishment of the Ketegitagaaning village in the second half of the eighteenth century, contributing to the economic and cultural differentiation of the Lac Vieux Desert band and other interior bands from those who had settled on Lake Superior several generations earlier. Rice Bay, and the annual rice harvest, are also associated with resistance to non-Ojibwe acculturation efforts and federal allotment policy of the mid-nineteenth century, and continue to play a crucial role in the maintenance of the band's cultural values and identity to this day. Therefore, Rice Bay meets National Register *criterion A*.

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**Previous documentation on file (NPS):**

- preliminary determination of individual listing (36 CFR 67) has been requested
- previously listed in the National Register
- previously determined eligible by the National Register
- designated a National Historic Landmark
- recorded by Historic American Buildings Survey # \_\_\_\_\_
- recorded by Historic American Engineering Record # \_\_\_\_\_
- recorded by Historic American Landscape Survey # \_\_\_\_\_

**Primary location of additional data:**

- State Historic Preservation Office
  - Other State agency
  - Federal agency
  - Local government
  - University
  - Other
- Name of repository: \_\_\_\_\_

**Historic Resources Survey Number (if assigned):** \_\_\_\_\_

**10. Geographical Data**

**Acreage of Property:** 243

Use either the UTM system or latitude/longitude coordinates

**Latitude/Longitude Coordinates (decimal degrees)**

Datum if other than WGS84: \_\_\_\_\_  
(enter coordinates to 6 decimal places)

- |              |            |
|--------------|------------|
| 1. Latitude: | Longitude: |
| 2. Latitude: | Longitude: |
| 3. Latitude: | Longitude: |
| 4. Latitude: | Longitude: |

**Or**

**UTM References**

Datum (indicated on USGS map):

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NAD 1927 or NAD 1983

1. Zone: 16T	Easting: 339400	Northing: 5112990
2. Zone: 16T	Easting: 340710	Northing: 5112990
3. Zone: 16T	Easting: 340710	Northing: 5111870
4. Zone: 16T	Easting: 339400	Northing: 5111870

**Verbal Boundary Description** (Describe the boundaries of the property.)

The part of Lac Vieux Desert, up to the ordinary high water mark, lying within Section 4, the easternmost quarter of Section 5, and the northernmost quarter of Section 9, Township 43N, Range 38W, Michigan Meridian, Michigan.

**Boundary Justification** (Explain why the boundaries were selected.)

As the maximum historical extent of wild rice on Rice Bay is not known, the boundaries described above follow the direction of *National Register Bulletin: Defining Boundaries for National Register Properties* to use "reasonable limits when obvious boundaries are not appropriate;" these limits consist of "natural features" (the lakeshore) and "cartographic features" (quarter-section lines) that approximately encompass Rice Bay.

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**11. Form Prepared By**

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date: February 2, 2015

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**Additional Documentation**

Submit the following items with the completed form:

- **Maps:** A USGS map or equivalent (7.5 or 15 minute series) indicating the property's location.

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- **Sketch map** for historic districts and properties having large acreage or numerous resources. Key all photographs to this map.
- **Additional items:** (Check with the SHPO, TPO, or FPO for any additional items.)

### Photographs

Submit clear and descriptive photographs. The size of each image must be 1600x1200 pixels (minimum), 3000x2000 preferred, at 300 ppi (pixels per inch) or larger. Key all photographs to the sketch map. Each photograph must be numbered and that number must correspond to the photograph number on the photo log. For simplicity, the name of the photographer, photo date, etc. may be listed once on the photograph log and doesn't need to be labeled on every photograph.

### Photo Log

Name of Property: Rice Bay

City or Vicinity: Watersmeet Township

County: Gogebic

State: Michigan

Photographer: various photographers, see description below

Date photographed: various dates, see description below

Description of photograph(s) and number:

MI\_Gogebic\_Rice Bay\_0001.tif

Aerial photograph of Rice Bay in August 2005. Bright green color indicates wild rice coverage. Photo by Great Lakes Indian Fish and Wildlife Commission.

1 of 11.

Description of photograph(s) and number:

MI\_Gogebic\_Rice Bay\_0002.tif

View east from Old Village with Rice Bay in background, September 2012. Photo by Camilla Mingay, Camilla Mingay Photography, used with permission.

2 of 11.

Description of photograph(s) and number:

MI\_Gogebic\_Rice Bay\_0003.tif

View east from approximate center of Rice Bay; two men harvest wild rice in background, September 2012. Photo by Camilla Mingay, Camilla Mingay Photography, used with permission.

3 of 11.

Description of photograph(s) and number:

MI\_Gogebic\_Rice Bay\_0004.tif

Wild rice on Rice Bay, September 2012. Photo by Camilla Mingay, Camilla Mingay Photography, used with permission.

4 of 11.



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MI\_Gogebic\_Rice Bay\_0005.tif

Waabanookwe LaRock and Ken LaRock prepare to harvest wild rice at Rice Bay, September 2010. Photo by giwewiizhigookway Martin, Ketegitigaaning Ojibwe Nation Tribal Historic Preservation Office.

5 of 11.

MI\_Gogebic\_Rice Bay\_0006.tif

Carving of rice sticks at Old Village in August 2014. Photo by giwewiizhigookway Martin, Ketegitigaaning Ojibwe Nation Tribal Historic Preservation Office.

6 of 11.

Description of photograph(s) and number:

MI\_Gogebic\_Rice Bay\_0007.tif

Canoes gathered at Old Village for wild rice harvest, September 2012. Photo by Camilla Mingay, Camilla Mingay Photography, used with permission.

7 of 11.

Description of photograph(s) and number:

MI\_Gogebic\_Rice Bay\_0008.tif

Parching of wild rice at Old Village, September 2012. Photo by Camilla Mingay, Camilla Mingay Photography, used with permission.

8 of 11.

Description of photograph(s) and number:

MI\_Gogebic\_Rice Bay\_0009.tif

Finished wild rice in birch bark tray, Old Village, September 2012. Photo by Camilla Mingay, Camilla Mingay Photography, used with permission.

9 of 11.

MI\_Gogebic\_Rice Bay\_0010.tif

giwewiizhigookway Martin and John "Dates" Denomie reseeding Rice Bay in 1991. Photo by Amoose Moore Sr., Great Lakes Indian Fish and Wildlife Commission.

10 of 11.

MI\_Gogebic\_Rice Bay\_0011.tif

Joe Pete and his wife processing wild rice at Ketegitigaaning in 1941. Photo by Detroit Free Press, used with permission.

11 of 11.

**Paperwork Reduction Act Statement:** This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C. 460 et seq.).

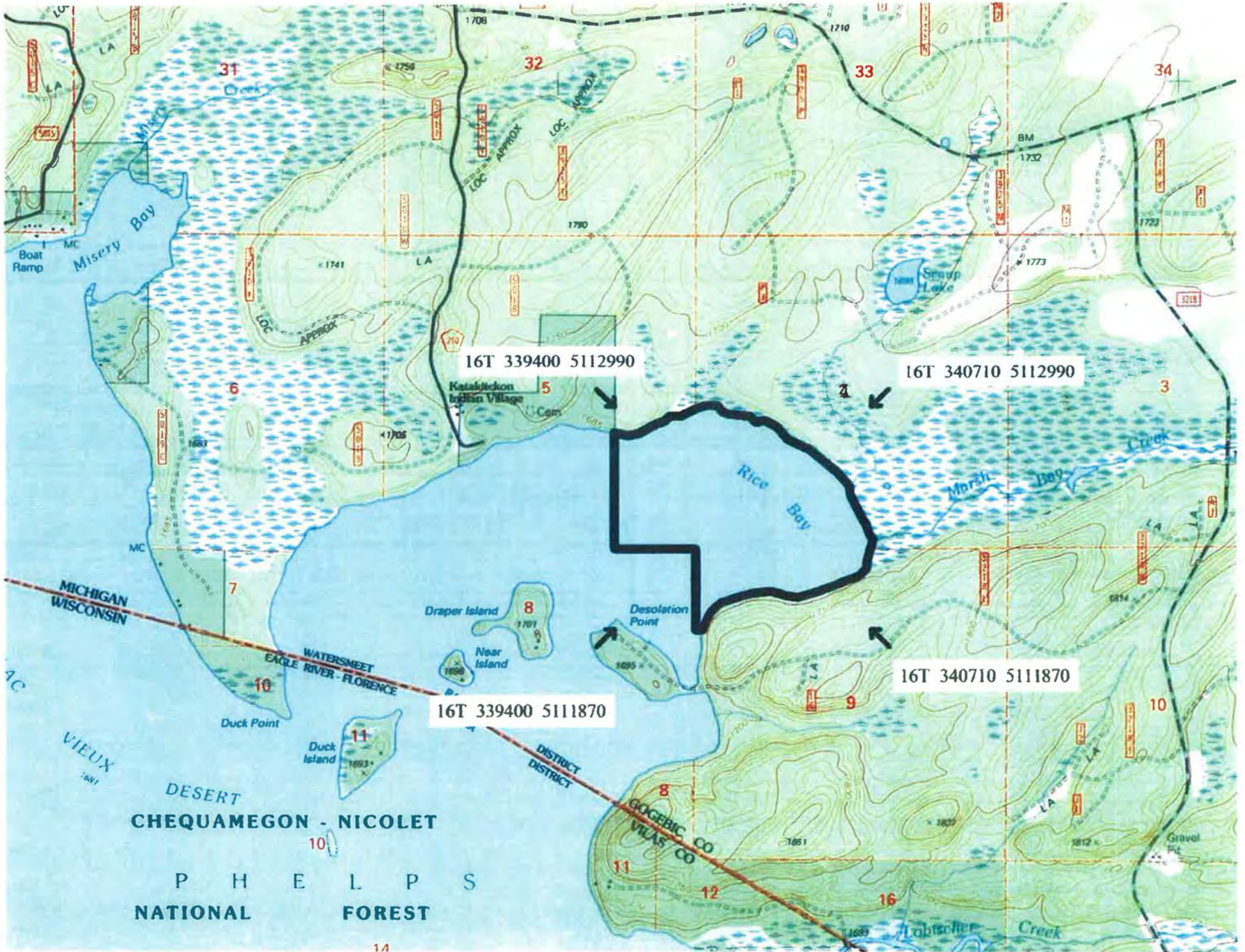
Rice Bay

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**Estimated Burden Statement:** Public reporting burden for this form is estimated to average 100 hours per response including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Office of Planning and Performance Management, U.S. Dept. of the Interior, 1849 C. Street, NW, Washington, DC.



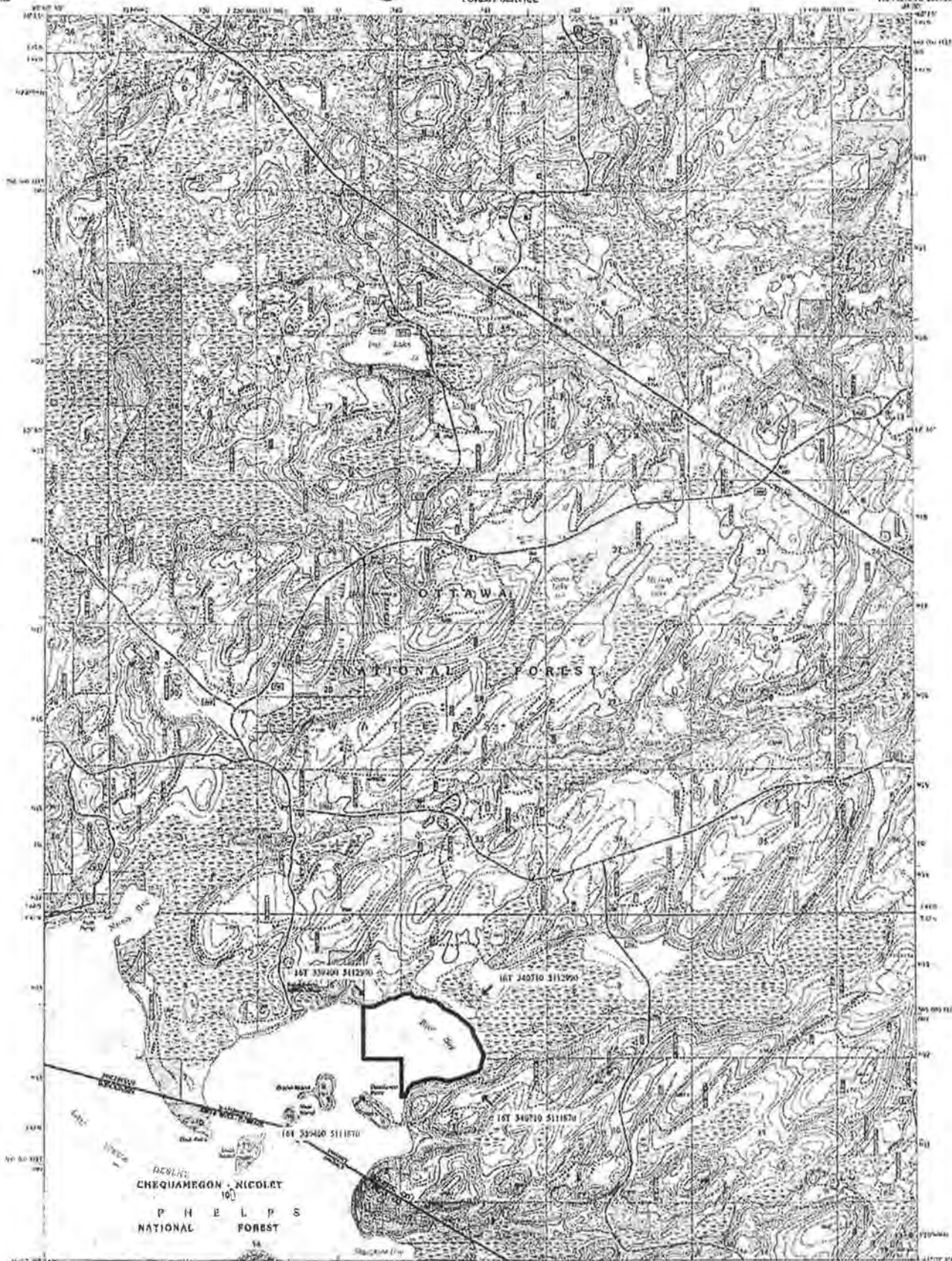


U.S. DEPARTMENT OF THE INTERIOR  
U.S. GEOLOGICAL SURVEY



U.S. DEPARTMENT OF AGRICULTURE  
FOREST SERVICE

IMP LAKE QUADRANGLE  
MICHIGAN-WISCONSIN  
7.5-MINUTE SERIES (TOPOGRAPHIC)



Produced by the United States Geological Survey 1962  
Revised by ADNA Forest Service 1992  
Topographic contour lines 1979. Elevation data from surveys taken 1959 and other surveys. Photo satellite data from the Landsat satellite system, orbit 3373, from Landsat orbit on 12/20/79.  
Roads, boundaries, contours as of 1972 (NAD 72). Highway mileages reported from 1970-71 and 1971-72. Contour lines as of 1972.  
1:24,000 scale. Contour interval 20 feet. Contour lines as of 1972.  
North arrow pointing to true north. Contour lines as of 1972.  
The names of the lakes are in italics. Contour lines as of 1972.  
This map is not a legal boundary or survey. It is a topographic map. It is subject to change and should be used with care. Contour lines as of 1972.



TOPOGRAPHIC SYMBOLS

Contour lines	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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THIS MAP CONFORMS WITH NATIONAL MAP ACCURACY STANDARDS  
FORMED BY U.S. GEOLOGICAL SURVEY, P.O. BOX 3588, GAITHERSBURG, MARYLAND 20898  
MICHIGAN DEPARTMENT OF NATURAL RESOURCES, LAND AND WATER DIVISION  
400 N. ZEEB ROAD, EAST LANSING, MICHIGAN 48916  
FOR MORE INFORMATION, CONTACT THE NATIONAL MAP ACCURACY STANDARDS OFFICE AT THE U.S. GEOLOGICAL SURVEY, RESTON, VIRGINIA 20192

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IMP LAKE, MICHIGAN  
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National Register of Historic Places  
Memo to File

# Correspondence

The Correspondence consists of communications from (and possibly to) the nominating authority, notes from the staff of the National Register of Historic Places, and/or other material the National Register of Historic Places received associated with the property.

Correspondence may also include information from other sources, drafts of the nomination, letters of support or objection, memorandums, and ephemera which document the efforts to recognize the property.



UNITED STATES DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES  
EVALUATION/RETURN SHEET

REQUESTED ACTION: RESUBMISSION

PROPERTY NAME: Rice Bay

MULTIPLE NAME:

STATE & COUNTY: MICHIGAN, Gogebic

DATE RECEIVED: 11/20//15  
DATE OF 16<sup>th</sup> DAY:

DATE OF PENDING LIST:  
DATE OF 45<sup>th</sup> DAY: 01/05/16

REFERENCE NUMBER: 15000353

REASONS FOR REVIEW:

APPEAL: N DATA PROBLEM: N LANDSCAPE: N LESS THAN 50 YEARS: N  
OTHER: N PDIL N PERIOD: N PROGRAM UNAPPROVED: N  
REQUEST: Y SAMPLE: N SLR DRAFT: N NATIONAL: N

COMMENT WAIVER: N

ACCEPT  RETURN  REJECT 12/2/2015 DATE

ABSTRACT/SUMMARY COMMENTS:

On resubmission of the nomination, the issue of ownership of the nominated area has been addressed (see National Register letter of 6/25/2015 and the USDA/Forest Service letter dated 11/20/2015). Rice Bay meets National Register Criterion A as a property having traditional cultural significance to the Lac Vieux Desert Band of Lake Superior chippewa.

RECOM./CRITEREA Accept A  
REVIEWER Patrick Andrus DISCIPLINE Historian  
TELEPHONE \_\_\_\_\_ DATE 12/2/2015

DOCUMENTATION see attsched comments Y/N

If a nomination is returned to the nominating authority, the nomination is no longer under consideration by the NPS.



STATE OF MICHIGAN

RICK SNYDER  
GOVERNOR

MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY

WAYNE WORKMAN  
ACTING-EXECUTIVE DIRECTOR

February 19, 2015

giiwegiizhigookway Martin  
Tribal Historic Preservation Officer  
Ketegitigaaning Ojibwe Nation  
E23857 Poplar Circle  
Watersmeet, MI 49969

Dear Ms. Martin:

Enclosed is the National Register of Historic Places nomination form for Rice Bay bearing my signature. Please contact Robert Christensen, national register coordinator, by phone at 517/335-2719 or by email at [christensenr@michigan.gov](mailto:christensenr@michigan.gov) with any questions.

Sincerely,

Martha MacFarlane Faes  
Deputy State Historic Preservation Officer

State Historic Preservation Office

Michigan Library and Historical Center • 702 West Kalamazoo Street • P.O. Box 30740 Lansing, Michigan 48909-8240  
[michigan.gov/ehpo](http://michigan.gov/ehpo) • 517.373.1630 • FAX 517.335.0348 • TTY 800.382.4568

# **LAC VIEUX DESERT BAND OF LAKE SUPERIOR CHIPPEWA INDIANS**

## **Ketegitigaaning Ojibwe Nation Tribal Historic Preservation**

*P.O. Box 249, E23857 Poplar Circle Watersmeet, MI 49969*

*Phone: 906-358-0137 or 0138 Fax: 906-358-4850*



March 4, 2015

National Park Service  
National Register of Historic Places  
1201 Eye Street, NW (2280)  
Washington, DC 20005

Good Afternoon:

Please accept this, the Ketegitigaaning (Lac Vieux Desert Band of Lake Superior Chippewa) nomination to the National Register of Historic Places. We are very pleased to introduce our nomination of our historic Wild Rice Beds to be added to the National Register. As you can see on the signature page, the Tribe is making the application and we did seek and receive endorsement from the Michigan State Historic Preservation Office as well.

If you have any questions please contact me at: 906-358-0137 or email: [gmartin@lvdtribal.com](mailto:gmartin@lvdtribal.com)

We thank the National Park Service for the opportunity to further protect our historic places, and we seek your support and consideration for approval in adding this to your register.

Sincerely,

giiwegiizhigookway Martin  
Tribal Historic Preservation Officer

Ketegitigaaning Ojibwe Nation  
Lac Vieux Desert Band of Lake Superior Chippewa  
Attn: Tribal Historic Preservation Officer  
P.O. Box 249  
Watersmeet, MI 49969

**Lac Vieux Desert Band Of Lake Superior Chippewa Tribal  
Government**

P.O. Box 249, Pow Wow Trail • Watersmeet, Michigan 49969

Phone: 906-358-4577 • Fax: 906-358-4785



OFFICE OF GENERAL COUNSEL

March 13, 2015

**VIA EMAIL (paul\_lusignan@nps.gov)**

Mr. Paul Lusignan, Registrar

National Park Service

National Register of Historic Places

1201 Eye Street, NW (2280)

Washington, D.C. 20005

**Re: *Legal Explanation of Water Rights in Michigan***

To Whom It May Concern,

In response to the National Park Service's request for the Ketegitigaanaing (Lac Vieux Desert Band of Lake Superior Chippewa Indians) ("Tribe") nomination to the National Register of Historic Places for additional information explaining water rights in Michigan, the General Counsel's office has prepared this brief summary of water rights as it pertain to Lac Vieux Desert Lake. While a full analysis of water law and the intricacies of water rights in Michigan is a complex matter, it is our hope that this brief primer will provide the additional information sought to proceed with the Tribe's nomination.

**Michigan Water Law - Generally**

In the State of Michigan, two water law theories overlap: (1) the public trust doctrine; and (2) riparian rights. A further distinction is drawn that determines and defines which water law theory applies based on the class of the water: (1) the Great Lakes; and (2) inland waters with titles and rights governed by the Great Lakes rules of law, regardless of whether the inland body of water is a river, lake (large or small), or a pond. *Rice v. Ruddiman*, 10 Mich. 125 (1862); *Turner v. Holland*, 65 Mich. 453, 231 N.W. 283 (1887). For the purposes of Michigan

water rights, the terms “public” and “navigable” are interchangeable with neither term having a separate meaning extending the public rights in all navigable waters.

In general, Michigan bottomland ownership is different for the Great Lakes and inland lakes, but the prevailing authority for the rights to swim, fish and boat in any navigable water is the public trust doctrine. A discussion of both is germane because the Great Lakes public trust doctrine was made applicable to inland lakes within the state through litigation that ensued in the 20<sup>th</sup> Century.

### **Public Trust Doctrine – Rights of State and Private Landowners**

The public trust doctrine has its genesis in the State Constitution, which provides:

The conservation and development of the natural resources of the state are hereby declared to be of paramount public concern in the interest of the health, safety and general welfare of the people. The legislature shall provide for the protection of the air, water, and other natural resources of the state from pollution, impairment, and destruction.

Mich. Const. Art. IV, § 52.

The Michigan Supreme Court has cited to Article IV, Section 52 of the State Constitution as support for the public trust doctrine applicable to state waterways. *People ex rel. MacMullan v. Babcock*, 196 N.W.2d 489, 497 (Mich. Ct. App. 1972) (“*MacMullan*”) (“The importance of this trust is recognized by the People of Michigan in our Constitution. . .”). Michigan’s Great Lakes are subject to the public trust doctrine that generally provides members of the private land owners with rights up to the high water mark and the general public with rights below the high water mark. *Glass v. Goeckel*, 703 N.W.2d 58 (Mich. 2005) (“*Glass*”). The high water mark for the Great Lakes is the “distinct mark” evidencing the fairly continuous presence or action of water. *Glass*, 703 N.W.3d at 71-71. The public trust doctrine establishes the State’s obligation “to protect and preserve the waters of the Great Lakes and the lands beneath them for the public” to exercise fishing, hunting, boating for commerce and recreational activities, cutting ice, boating, bathing and wading, taking shellfish, gathering seaweed, cutting sedge and fowling. *Glass*, 703 N.W.3d at 64-65. In short, the public trust doctrine in the Great Lakes permits the public the right to walk along the shoreline below the high water mark. *Glass*, 703 N.W.3d at 73-75.

### **Riparian Rights – Rights of the State and Private Land Owners**

While the determination of navigable waters on the Great Lakes is without question, the definition of navigable waters for inland lakes and streams has determined the extent of public and private rights. Michigan case law has determined that a navigable inland lake is any lake that is accessible to the public via publicly-owned lands, waters or highways contiguous thereto, or via the bed of a navigable stream, which is reasonably capable of supporting a beneficial public interest, such as navigation, fishing, hunting, swimming or other lawful purposes. *Bauman v. Barendregt*, 251 Mich. 67, (1930); *Collins v. Gerhardt*, 237 Mich. 38, 211 N.W. 115 (1926), *Kerley v. Wolfe*, 349 Mich. 350; 84 N.W.2d 748 (1957) (“*Kerley*”). While most lakes


have multiple landowners, to which the navigable water test will apply, certain lakes that are subject to the "dead-end lake" rule where the littoral owner owns all the land surrounding the lake to which the sole littoral owner has the sole rights to the lake. *Bott v. Natural Res. Comm'n*, 327 N.W.2d 838, 841 (Mich. 1982) ("*Bott*") (citing *Winans v. Willets*, 163 N.W. 993, 994-95 (Mich. 1917)). Lac Vieux Desert Lake has multiple land owners and, therefore, the dead end lake rule does not apply.

In general, riparian or littoral rights include the bed to the thread-point or middle of the lake subject to a servitude for commercial navigation of ships and logs and, where the waters are so navigable, for fishing. *Bott*, 327 N.W.2d at 841; *Kerley*, 84 N.W.2d 748; *Att'y Gen. ex rel. Dir. of Conservation v. Taggart*, 11 N.W.2d 193 (Mich. 1943); *Collins v. Gerhardt*, 211 N.W. 115 (Mich. 1926). Michigan courts have determined that boating, fishing, swimming, and other reasonable uses of surface water do not interfere with riparian rights given the public trust doctrine. *Higgins Lake Prop. Owners Ass'n v. Gerrish Twp.*, 662 N.W.2d 387, 402 (Mich. Ct. App. 2003) (citing *Thies v. Howland*, 380 N.W.2d 463, 466 (Mich. 1985)); *Jacobs v. Lyon Twp.*, 502 N.W.2d 382, 384 (Mich. Ct. App. 1993). At the same time, the Michigan courts have established that the public trust doctrine protects fish and game habitat. *Friends of Crystal River v. Kuras Properties*, 554 N.W.2d 328, 335 (Mich. Ct. App. 1996), *rev'd on other grounds*, 577 N.W.2d 684 (Mich. 1998); *MacMullan*, 196 N.W.2d at 497; *Grosse Ile Twp. v. Dunben & Sullivan Dredging Co.*, 167 N.W.2d 311, 313 (Mich. Ct. App. 1969).

#### Summary and Conclusion

Based on the overwhelming case law establishing the public's right to recreational, hunting, gathering and fishing uses, compounded by the fact that Lac Vieux Desert Lake is owned by multiple private landowners, in addition to the Tribe, **the public trust doctrine applies to Rice Bay** meaning the general public owns the rights to the water for which the Tribe has requested action. The Tribe endeavors to protect our historic places inherent to our traditional and culture. If you would like additional or more in depth analysis of water rights in Michigan as it applies to Lac Vieux Desert Lake, please let us know. Thank you for your time and consideration in this matter.

Sincerely,



Karrie S. Wichtman  
General Counsel

Cc: Tribal Council  
George Beck  
THPO  
File

Patrick,

When this first came in Paul had me take a quick look at it for TCP purposes. I thought the nomination did a very good job of stating the case for NR eligibility, although there might be some technical issues I missed.

The nominated property (lake) is not on tribal lands as best I could tell and the surrounding shoreline is largely federal Forest Service lands. The THPO signature on the form may not be necessary, but they also obtained the SHPO signature. Paul had me contact the THPO to try to obtain additional ownership clarification, which their lawyers provided to us.

We may still need to determine if the FPO needs to have his certification on this nomination. We agreed with the tribe that we would review the nomination for content regardless of the certification issue and deal with the FPO question, if necessary, later.

Let me know if you have any questions.

Paul Lusignan

A handwritten signature in black ink, appearing to be 'Paul Lusignan', with a large, stylized initial 'P'.



Andrus, Patrick <patrick\_andrus@nps.gov>

---

## Re: Rice Bay National Register nomination

1 message

---

Andrus, Patrick <patrick\_andrus@nps.gov>  
To: timothy@twosixfour.org

Tue, Jun 16, 2015 at 6:33 AM

Hello Mr. Boscarino: I am a historian with the National Register of Historic Places and I have a question for you concerning the Rice Bay National Register nomination form you prepared. Can you tell me who owns Rice Bay (including the bottomlands)? In Section 5 of the National Register form, under Ownership of Property you checked "Federal." It is not clear to me who owns the nominated area. Is Rice Bay owned by:

a Federal Agency (the U.S. Forest Service is mentioned in the nomination), or

the Lac Vieux Desert Band of Lake Superior Chippewa Indians, or

the State of Michigan?

I appreciate your assistance in this matter.

Sincerely,

Patrick Andrus

---

Patrick Andrus, Historian  
National Register of Historic Places  
National Park Service  
(202) 354-2218  
patrick\_andrus@nps.gov





Andrus, Patrick <patrick\_andrus@nps.gov>

---

## Re: Rice Bay National Register nomination

3 messages

---

Andrus, Patrick <patrick\_andrus@nps.gov>  
To: timothy@twosixfour.org

Tue, Jun 16, 2015 at 6:33 AM

Hello Mr. Boscarino: I am a historian with the National Register of Historic Places and I have a question for you concerning the Rice Bay National Register nomination form you prepared. Can you tell me who owns Rice Bay (including the bottomlands)? In Section 5 of the National Register form, under Ownership of Property you checked "Federal." It is not clear to me who owns the nominated area. Is Rice Bay owned by:

a Federal Agency (the U.S. Forest Service is mentioned in the nomination), or

the Lac Vieux Desert Band of Lake Superior Chippewa Indians, or

the State of Michigan?

I appreciate your assistance in this matter.

Sincerely,

Patrick Andrus

—  
Patrick Andrus, Historian  
National Register of Historic Places  
National Park Service  
(202) 354-2218  
patrick\_andrus@nps.gov

---

timothy@twosixfour.org <timothy@twosixfour.org>  
To: "Andrus, Patrick" <patrick\_andrus@nps.gov>

Tue, Jun 16, 2015 at 10:33 AM

This is actually a complicated question that I'm not sure I have the perfect answer for. Rice Bay is of course entirely on the lake. Under Michigan law, lakes (other than the Great Lakes) are owned by adjacent property owners with no definite boundaries. All of the land that touches Rice Bay is United States Forest Service land, which is why I selected the Federal box. Elsewhere on the lake, there is private land, as well as land owned by the tribe (though not part of the reservation, so perhaps that still counts as private). And of course, most of the lake (but not Rice Bay) is in Wisconsin, where the laws might be different.

Awhile back someone else, maybe Paul Lusignan, contacted the THPO with the same question. She might be able to give you a better answer. Giiwe's phone number is 906-358-0137. The Great Lakes Indian Fish and Wildlife Commission might also be helpful.

Thank you,

Tim  
[Quoted text hidden]

---

timothy@twosixfour.org <timothy@twosixfour.org>  
To: "Andrus, Patrick" <patrick\_andrus@nps.gov>

Tue, Jun 16, 2015 at 10:34 AM

I believe the comment period ends today, right? If you need to get in touch with giiwe quickly another number for her is 906-284-1425.

6/16/2015

DEPARTMENT OF THE INTERIOR Mail - Re: Rice Bay National Register nomination

[Quoted text hidden]

UNITED STATES DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES  
EVALUATION/RETURN SHEET

REQUESTED ACTION: NOMINATION

PROPERTY Rice Bay  
NAME:

MULTIPLE  
NAME:

STATE & COUNTY: MICHIGAN, Gogebic

DATE RECEIVED: 5/01/15                      DATE OF PENDING LIST: 5/29/15  
DATE OF 16TH DAY: 6/15/15                      DATE OF 45TH DAY: 6/16/15  
DATE OF WEEKLY LIST:

REFERENCE NUMBER: 15000353

REASONS FOR REVIEW:

APPEAL: N DATA PROBLEM: N LANDSCAPE: N LESS THAN 50 YEARS: N  
OTHER: N PDIL: N PERIOD: N PROGRAM UNAPPROVED: N  
REQUEST: Y SAMPLE: N SLR DRAFT: N NATIONAL: N

COMMENT WAIVER: N

ACCEPT     RETURN     REJECT    6/16/2015 DATE

ABSTRACT/SUMMARY COMMENTS:

*Nomination must be returned for procedural issues related to the ownership of the nominated area. See attached letter from the Deputy Keeper of the National Register*

RECOM./CRITERIA Return  
REVIEWER Patrick Andrews                      DISCIPLINE Historian  
TELEPHONE \_\_\_\_\_                      DATE 6/16/2015

DOCUMENTATION see attached comments Y/N see attached SLR Y/N

If a nomination is returned to the nominating authority, the nomination is no longer under consideration by the NPS.



Andrus, Patrick <patrick\_andrus@nps.gov>

---

## Rice Bay TCP nomination return

1 message

---

Andrus, Patrick <patrick\_andrus@nps.gov>

Wed, Jun 17, 2015 at 8:59 AM

To: Paul Loether <paul\_loether@nps.gov>

Hi Paul: attached is a draft letter to the TPO and the MI SHPO returning the Rice Bay nomination. Did you speak with Ms. Martin, the TPO, yesterday?

Patrick

—  
Patrick Andrus, Historian  
National Register of Historic Places  
National Park Service  
(202) 354-2218  
patrick\_andrus@nps.gov



**RiceBayReturn.pdf**

119K

Draft

P. Andrus 6/17/2015

H32(2280)

Ms. giiwegiizhigookway Martin  
Tribal Preservation Officer  
Ketegitigaaning Ojibwe Nation  
Lac Vieux Desert Band of Lake Superior Chippewa  
P.O. Box 249  
Watersmeet, MI 49969

Mr. Brian D. Conway  
State Historic Preservation Officer  
Michigan State Housing Development Authority  
702 West Kalamazoo Street  
P.O. Box 30740  
Lansing, MI 48909-8240

Dear Ms. Martin and Mr. Conway:

We have received the National Register of Historic Places nomination form signed by both of you for Rice Bay in Gogebic County, Michigan. While it appears that Rice Bay is significant under National Register Criterion A as a property having traditional cultural significance to the Lac Vieux Desert Band of Lake Superior Chippewa, we are unable to complete our review of the nomination because of procedural questions related to the ownership of the land and the nomination is being returned to Ms. Martin.

It is not clear from the National Register of Historic Places Registration Form who owns Rice Bay (the water and the bottomlands). The nominated area includes some 243 acres located in Rice Bay which is part of the larger Lac Vieux Desert Lake which is located in both Michigan and Wisconsin. All of the nominated acreage is located in Michigan. In Section 5 of the form (Ownership of Property) the category "Public-Federal" is checked. The nomination notes that all of the land touching Rice Bay is part of the Ottawa National Forest which is owned by the Forest Service. In an email to the National Register, the nomination preparer explained that his understanding was that "Under Michigan law, lakes (other than the Great Lakes) are owned by adjacent property owners with no definite boundaries" and that is why Public-Federal was checked under ownership. Further, in a letter dated March 13, 2015, from the Office of General Counsel of the Lac Vieux Desert Band of Lake Superior Chippewa Tribal Government, it is stated that "Lac Vieux Desert Lake is owned by multiple private landowners."

The issue of the ownership of a nominated property determines who is the appropriate nominating authority under National Register of Historic Places regulations, 36 CFR Part 60. If the nominated area is owned by the Lac Vieux Desert Band of Lake Superior Chippewa, then the appropriate nominating authority is the Tribal Preservation Officer. Is some, or all of the nominated area, includes private property owners, or if some or all of the nominated area is

owned by the State of Michigan, then under the National Register regulations the nomination must be processed through the State Historic Preservation Officer and the nomination must be considered by the State Historic Preservation Review Board following notification of the owners of the state's intent to nominate the property. If the nominated area is owned by a Federal agency then the nomination must be processed and approved by the appropriate Federal Historic Preservation Officer. A failure to follow the appropriate nomination procedures would result in a procedural defect in the nomination process and could form grounds for removing Rice Bay from the National Register were it to be listed.

We recommend that the Tribal Historic Preservation Officer, the State Historic Preservation Officer, and the Federal Preservation Officer for the Forest Service consult to determine who owns Rice Bay. Once ownership is established then it can be determined how to proceed with the National Register nomination for Rice Bay. The Federal Preservation Officer for the Forest Service is Mr. Michael J. Kaczor. He can be reached at:

Mr. Michael J. Kaczor  
Federal Preservation Officer, Heritage Program Director  
Recreation, Heritage & Volunteer Resources  
Forest Service  
201 14<sup>th</sup> Street, SW  
Mail Stop 1125  
Washington, DC 20250-1124  
Phone: 202-205-1427  
E-mail: [mkaczor@fs.fed.us](mailto:mkaczor@fs.fed.us)

We look forward to receiving a resubmitted National Register nomination for Rice Bay once the procedural issues have been addressed. If you have any questions, please contact Patrick Andrus of the National Register staff at 202-354-2218 or by email at: [patrick\\_andrus@nps.gov](mailto:patrick_andrus@nps.gov).

Sincerely,

J. Paul Loether, Chief  
National Register of Historic Places and National Historic Landmarks and  
Deputy Keeper of the National Register

cc: Mr. Michael J. Kaczor  
Federal Preservation Officer, Heritage Program Director  
Recreation, Heritage & Volunteer Resources  
Forest Service  
201 14<sup>th</sup> Street, SW  
Mail Stop 1125  
Washington, DC 20250-1124

H:\letters\RiceBayReturn



Andrus, Patrick &lt;patrick\_andrus@nps.gov&gt;

**Fwd: Wild Rice Beds NR Nomination**

1 message

Loether, Paul <paul\_loether@nps.gov>  
To: Patrick Andrus <patrick\_andrus@nps.gov>

Mon, Jun 22, 2015 at 7:53 AM

FYI

----- Forwarded message -----

From: **Gilwe Martin** <gmartin@lvdtribal.com>  
Date: Mon, Jun 22, 2015 at 7:30 AM  
Subject: RE: Wild Rice Beds NR Nomination  
To: "Loether, Paul" <paul\_loether@nps.gov>

I will have our attorney call you on this. They prepared the legal opinion on the property.

Gilwe Martin.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Loether, Paul" <paul\_loether@nps.gov>  
Date: 06/22/2015 6:14 AM (GMT-06:00)  
To: gmartin@lvdtribal.com  
Subject: Wild Rice Beds NR Nomination

When you have a chance, could you please call me about this nomination. In order to make sure there are no procedural errors related to the listing, we need to confirm that the area included legally constitutes "tribal" land. If the procedures required in this regard are not followed, the listing of the property could be successfully legally challenged down the road, and we want to make sure that doesn't happen.

Could you please call me at my office (number below) when you have a chance to review this issue with me?

Many thanks,

--  
J. Paul Loether, Chief  
National Register of Historic Places  
and National Historic Landmarks  
National Park Service  
1201 Eye Street NW, #2280  
Washington, DC 20005  
202-354-2003 (O)  
202-371-2229 (F)

--  
J. Paul Loether, Chief  
National Register of Historic Places  
and National Historic Landmarks  
National Park Service



P. Andrews 6/25/2015

JUN 25 2015

H32(2280)

Ms. giiwegiizhigookway Martin  
Tribal Preservation Officer  
Ketegitigaaning Ojibwe Nation  
Lac Vieux Desert Band of Lake Superior Chippewa  
P.O. Box 249  
Watersmeet, MI 49969

Mr. Brian D. Conway  
State Historic Preservation Officer  
Michigan State Housing Development Authority  
702 West Kalamazoo Street  
P.O. Box 30740  
Lansing, MI 48909-8240

Dear Ms. Martin and Mr. Conway:

We have received the National Register of Historic Places nomination form signed by both of you for Rice Bay in Gogebic County, Michigan. While it appears that Rice Bay is significant under National Register Criterion A as a property having traditional cultural significance to the Lac Vieux Desert Band of Lake Superior Chippewa, we are unable to complete our review of the nomination because of procedural questions related to the ownership of the land. The nomination is being returned to Ms. Martin to address the procedural issues.

It is not clear from the National Register of Historic Places Registration Form who owns Rice Bay (the water and the bottomlands). The nominated area includes some 243 acres located in Rice Bay which is part of the larger Lac Vieux Desert Lake which is located in both Michigan and Wisconsin. All of the nominated acreage is located in Michigan. In Section 5 of the form (Ownership of Property) the category "Public-Federal" is checked. The nomination notes that all of the land touching Rice Bay is part of the Ottawa National Forest which is owned by the Forest Service. In an email to the National Register, the nomination preparer explained that his understanding was that "Under Michigan law, lakes (other than the Great Lakes) are owned by adjacent property owners with no definite boundaries" and that is why Public-Federal was checked under ownership. Further, in a letter dated March 13, 2015, from the Office of General Counsel of the Lac Vieux Desert Band of Lake Superior Chippewa Tribal Government, it is stated that "Lac Vieux Desert Lake is owned by multiple private landowners."

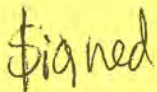
The issue of the ownership of a nominated property determines who is the appropriate nominating authority under National Register of Historic Places regulations, 36 CFR Part 60. If the nominated area is owned by the Lac Vieux Desert Band of Lake Superior Chippewa, then the appropriate nominating authority is the Tribal Preservation Officer. If some, or all of the nominated area, includes private property owners, or if some or all of the nominated area is owned by the State of Michigan, then under the National Register regulations the nomination must be processed through the State Historic Preservation Officer and the nomination must be considered by the State Historic Preservation Review Board following notification of the owners of the state's intent to nominate the property, pursuant to National Register regulations 36 CFR Part 60.6. If the nominated area is owned by a Federal agency then the nomination must be processed and approved by the appropriate Federal Historic Preservation Officer, pursuant to National Register regulations 36 CFR Part 60.9. If the nominated area includes both Federal and non-Federal owners, then the nomination should be processed as a concurrent State and Federal nomination, following the procedures in National Register regulations 36 CFR Part 60.10. A failure to follow the appropriate nomination procedures would result in a procedural defect in the nomination process and could form grounds for removing Rice Bay from the National Register were it to be listed.

We recommend that the Tribal Historic Preservation Officer, the State Historic Preservation Officer, and the Federal Preservation Officer for the Forest Service consult to determine who owns Rice Bay. Once ownership is established then it can be determined how to proceed with the National Register nomination for Rice Bay. The Federal Preservation Officer for the Forest Service is Mr. Michael J. Kaczor. He can be reached at:

Mr. Michael J. Kaczor  
Federal Preservation Officer, Heritage Program Director  
Recreation, Heritage & Volunteer Resources  
Forest Service  
201 14<sup>th</sup> Street, SW  
Mail Stop 1125  
Washington, DC 20250-1124  
Phone: 202-205-1427  
E-mail: [mkaczor@fs.fed.us](mailto:mkaczor@fs.fed.us)

We look forward to receiving a resubmitted National Register nomination for Rice Bay once the procedural issues have been addressed. If you have any questions, please contact Patrick Andrus of the National Register staff at 202-354-2218 or by email at: [patrick\\_andrus@nps.gov](mailto:patrick_andrus@nps.gov).

Sincerely,



J. Paul Loether, Chief  
National Register of Historic Places and National Historic Landmarks  
and Deputy Keeper of the National Register

Enclosure

cc: Mr. Michael J. Kaczor  
Federal Preservation Officer, Heritage Program Director  
Recreation, Heritage & Volunteer Resources  
Forest Service  
201 14<sup>th</sup> Street, SW  
Mail Stop 1125  
Washington, DC 20250-1124

bcc: 2280 Loether  
Basic File Retained In 2280  
FNP:PAndrus:OP:06/25/2015:S\NR\NR\_correspondence\RiceBayReturn



# United States Department of the Interior

NATIONAL PARK SERVICE  
1849 C Street, N.W.  
Washington, DC 20240

H32(2280)

**JUN 25 2015**

Ms. giiwegiizhigookway Martin  
Tribal Preservation Officer  
Ketegitigaaning Ojibwe Nation  
Lac Vieux Desert Band of Lake Superior Chippewa  
P.O. Box 249  
Watersmeet, MI 49969

Mr. Brian D. Conway  
State Historic Preservation Officer  
Michigan State Housing Development Authority  
702 West Kalamazoo Street  
P.O. Box 30740  
Lansing, MI 48909-8240

Dear Ms. Martin and Mr. Conway:

We have received the National Register of Historic Places nomination form signed by both of you for Rice Bay in Gogebic County, Michigan. While it appears that Rice Bay is significant under National Register Criterion A as a property having traditional cultural significance to the Lac Vieux Desert Band of Lake Superior Chippewa, we are unable to complete our review of the nomination because of procedural questions related to the ownership of the land. The nomination is being returned to Ms. Martin to address the procedural issues.

It is not clear from the National Register of Historic Places Registration Form who owns Rice Bay (the water and the bottomlands). The nominated area includes some 243 acres located in Rice Bay which is part of the larger Lac Vieux Desert Lake which is located in both Michigan and Wisconsin. All of the nominated acreage is located in Michigan. In Section 5 of the form (Ownership of Property) the category "Public-Federal" is checked. The nomination notes that all of the land touching Rice Bay is part of the Ottawa National Forest which is owned by the Forest Service. In an email to the National Register, the nomination preparer explained that his understanding was that "Under Michigan law, lakes (other than the Great Lakes) are owned by adjacent property owners with no definite boundaries" and that is why Public-Federal was checked under ownership. Further, in a letter dated March 13, 2015, from the Office of General Counsel of the Lac Vieux Desert Band of Lake Superior Chippewa Tribal Government, it is stated that "Lac Vieux Desert Lake is owned by multiple private landowners."

The issue of the ownership of a nominated property determines who is the appropriate nominating authority under National Register of Historic Places regulations, 36 CFR Part 60. If the nominated area is owned by the Lac Vieux Desert Band of Lake Superior Chippewa, then the appropriate nominating authority is the Tribal Preservation Officer. If some, or all of the nominated area, includes private property owners, or if some or all of the nominated area is owned by the State of Michigan, then under the National Register regulations the nomination must be processed through the State Historic Preservation Officer and the nomination must be considered by the State Historic Preservation Review Board following notification of the owners of the state's intent to nominate the property, pursuant to National Register regulations 36 CFR Part 60.6. If the nominated area is owned by a Federal agency then the nomination must be processed and approved by the appropriate Federal Historic Preservation Officer, pursuant to National Register regulations 36 CFR Part 60.9. If the nominated area includes both Federal and non-Federal owners, then the nomination should be processed as a concurrent State and Federal nomination, following the procedures in National Register regulations 36 CFR Part 60.10. A failure to follow the appropriate nomination procedures would result in a procedural defect in the nomination process and could form grounds for removing Rice Bay from the National Register were it to be listed.

We recommend that the Tribal Historic Preservation Officer, the State Historic Preservation Officer, and the Federal Preservation Officer for the Forest Service consult to determine who owns Rice Bay. Once ownership is established then it can be determined how to proceed with the National Register nomination for Rice Bay. The Federal Preservation Officer for the Forest Service is Mr. Michael J. Kaczor. He can be reached at:

Mr. Michael J. Kaczor  
Federal Preservation Officer, Heritage Program Director  
Recreation, Heritage & Volunteer Resources  
Forest Service  
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Sincerely,



J. Paul Loether, Chief  
National Register of Historic Places and National Historic Landmarks  
and Deputy Keeper of the National Register



Enclosure

cc: Mr. Michael J. Kaczor  
Federal Preservation Officer, Heritage Program Director  
Recreation, Heritage & Volunteer Resources  
Forest Service  
201 14<sup>th</sup> Street, SW  
Mail Stop 1125  
Washington, DC 20250-1124



Andrus, Patrick <patrick\_andrus@nps.gov>

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## 2360 : Lac Vieux Desert Rice Bay NRHP Nomination

1 message

**FS-Mailroom R9** <mailroom\_r9@fs.fed.us>

Fri, Nov 13, 2015 at 3:51 PM

To: "Jackson, Linda L -FS" <lljackson@fs.fed.us>, "Ferone, Troy J -FS" <tjferone@fs.fed.us>, "Heady, Larry -FS" <lheady@fs.fed.us>, "Rasmussen, Mary K -FS" <mrasmussen@fs.fed.us>, "Kaczor, Michael -FS" <mkaczor@fs.fed.us>, "gmartin@lvdtribal.com" <gmartin@lvdtribal.com>, "jim.williams@lvdtribal.com" <jim.williams@lvdtribal.com>, "Patrick\_andrus@nps.gov" <Patrick\_andrus@nps.gov>, "Conwayb1@michigan.gov" <Conwayb1@michigan.gov>

Link to Work Package FY 2016 - 71275: [https://ems-portal.usda.gov/sites/fs-wo-csa1/Mercury/\\_layouts/15/DocIdRedir.aspx?ID=CV22QSYQPP7S-2-178749](https://ems-portal.usda.gov/sites/fs-wo-csa1/Mercury/_layouts/15/DocIdRedir.aspx?ID=CV22QSYQPP7S-2-178749)

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### 2 attachments



**Lac Vieux Desert Rice Bay NRHP Nomination.docm**

143K



**Lac Vieux Desert Rice Bay NRHP Nomination\_signed.pdf**

1091K

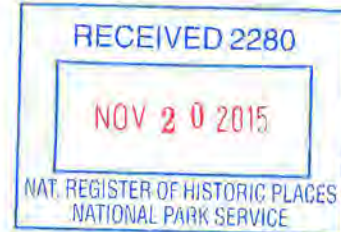


File Code: 2360

Date:

NOV 13 2015

Mr. J. Paul Loether  
Keeper of the National Register of Historic Places  
National Park Service  
1201 Eye Street, NW (2280)  
Washington, D.C. 20005



Dear Mr. Loether:

This re-submittal of the National Register nomination responds to your letter of June 25, 2015, regarding property ownership and procedural issues with listing on the National Register of Historic Places (NRHP) the Rice Bay wild ricing area located in Lac Vieux Desert (LVD), Gogebic County, Michigan. The LVD Band of Lake Superior Chippewa (LVD Tribe) and the Forest Service have resolved your questions over ownership boundaries. Section 5, page 2, of the enclosed Nomination correctly identifies the ownership as Public-Federal.

The LVD Tribe prepared an outstanding Nomination for listing Rice Bay on the National Register. The Forest Service consulted with the LVD Tribal Historic Preservation Office (THPO), and we fully concur with the opinions of both the LVD Tribe and the Michigan State Historic Preservation Office, that Rice Bay is worthy of listing on the NRHP under Criterion A as a property with Traditional Cultural significance to the LVD Tribe.

Michigan laws pertaining to the ownership of inland lakebeds are complicated and unique. However, the Office of General Counsel has addressed inland lakebed ownership issues. Simply put, ownership of the lakebed rests with shoreline owners in proportion and relation to their shoreline ownership. The only shoreline owners within and adjacent to the proposed Rice Bay NRHP boundary are the Forest Service and the LVD Tribe. The LVD Tribal Reservation is immediately adjacent to the extreme western corner of the proposed NRHP listing but the NRHP boundary falls exclusively within Federal ownership and under the administration of the Forest Service. No private, State or local landowners are within or adjacent the proposed area.

It is our intent for this letter to serve as full concurrence for listing Rice Bay on the NRHP as a Traditional Cultural Property. We make this suggestion as both a Federal property owner and partner interested in assisting the LVD Tribal community in remaining connected to their traditional and cultural lands, resources and practices.

We look forward to the listing of Rice Bay on the National Register and commend the outstanding efforts of the LVD THPO, and all consulting parties, in recognizing the traditional and cultural significance of this property.



For further questions or information, please contact the Eastern Region Forest Service delegated Federal Preservation Officer Troy Ferone [tjferone@fs.fed](mailto:tjferone@fs.fed) at (414) 297-3461.

Sincerely,

*Mary Beth Borat*

KATHLEEN ATKINSON  
Regional Forester Eastern Region

*for*

cc: giiwegiizhigookway Martin, Jim Williams, Jr., Brian Conway, Patrick Andrus, Linda Jackson, Mary Rasmussen, Larry Heady, Michael Kaczor, Troy Ferone