



LUMMI INDIAN BUSINESS COUNCIL

2665 KWINA ROAD BELLINGHAM, WASHINGTON 98226 (360) 312-2000

DEPARTMENT _____ DIRECT NO. _____

September 9, 2016

Forest Supervisor, Objection Reviewing Officer
Mt. Baker-Snoqualmie National Forest,
Attn. 1570 Appeals and Objections,
2930 Wetmore Ave., Suite 3A,
Everett, WA 98201

Re: Friendly Objection to Upper North Fork Nooksack River Access and Travel Management Project (ATM)

Dear Ms. Kingsbury:

With this notice, we register our formal, friendly objection with you, the named Objection Reviewing Officer, to the Upper North Fork Nooksack River Access and Travel Management Project. Our objection is registered, in part, to secure our option for continued participation, including the resolution process, and also to lend a continuing voice to our concerns about the fulfillment of the ongoing trust responsibility of the USDA Forest Service to the Lummi Nation on behalf of the federal government of the United States per the conditions of the Point Elliott Treaty of 1855 and the American Indian Religious Freedom Act (AIRFA) enacted into law in 1978 and amended in 1994.

We are generally supportive of much of what is contained in the project, including:

- The total closure of some roads to eliminate or reduce the possibility of use-driven deterioration with concomitant impacts to treaty-reserved resources; and,
- The periodic (seasonal) closure of some roads to reduce their maintenance needs and protect fisheries and other aquatic resources against the consequences of their deterioration; and,
- The selective opening of some roads for the specific intention of providing opportunities for treaty tribal members to engage in traditional practices free from outside interference.
- The use of an adaptive management approach in implementing the project such that lessons learned and feedback received are available for in-practice adjustments as needed to address the needs of resource protection and access.

Nevertheless, we remain concerned that the provisions in the project (plan) specific to the protection of our treaty-reserved rights, as also re-affirmed in the AIRFA, to practice our religious and other cultural traditions, practices, customs, and uses are insufficient to accomplish their stated intent. Moreover, we are aware that the State of Washington, through its Department of Fish and Wildlife (WDFW) and possibly other of its agencies, is attempting to intervene in the adoption and implementation of the plan with the specific intent of eliminating those measures it contains that provide specific opportunities for tribal members to enjoy the practice of the

traditional customs and practices that constitute part of our *sche lang en* (way of life) in the unfettered privacy necessary for their practice in authenticity.

In summary, we find value in the Upper North Fork Nooksack Access and Travel Management Project (ATM). We also find that while it is not perfect, its adoption is an essential step in assuring the continuing use and enjoyment of the forest and also in the protection of treaty-reserved resources and culture practices that are part of the Service's trust responsibility. It toward those ends that we look forward to our continued work with the Service in addressing the outstanding issues.

Sincerely,

A handwritten signature in blue ink, appearing to read "Merle Jefferson, Sr.", written in a cursive style.

Merle Jefferson, Sr., Executive Director,
Lummi Natural Resources Department