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The Tulalip Tribes are federally recognized successors in interest to the Snohomish, Snoqualmie, Skykomish, and other allied tribes and bands signatory to the Treaty of Point Elliott.

Gretchen Smith, District Ranger
Darrington Ranger District
1405 Emens Avenue North
Darrington, WA 98241

March 14, 2023

RE: North Fork Stillaguamish Landscape Analysis

Dear Ms. Smith,

The Tulalip Tribes appreciates the opportunity to comment on the *North Fork Stillaguamish Landscape Analysis*. As you know, the Tulalip Tribes of Washington is a federally recognized sovereign Indian government, successor in interest to the Snohomish, Snoqualmie, and Skykomish tribes as well as other allied tribes and bands signatory to the 1855 Treaty of Point Elliott. Pursuant to the treaty, we have reserved rights and authority as co-managers throughout the Mount Baker-Snoqualmie National Forest (MBS), including the Darrington Ranger District and the entirety of the project area. Under Article 5 of the treaty, we reserved our rights to continue to fish in all usual and accustomed places, and to hunt and gather on all open and unclaimed lands, which includes public forest lands. The treaty also created a fiduciary relationship between the United States and the signatory tribes, which established the United States to serve as our trustee, including an obligation to manage the land in a way that protects and sustains the resources and access on which our treaty and cultural rights depend.

With that in mind, we reviewed the draft EA, looking for Forest Service response to our concerns and integration of our recommendations throughout the process leading up to this draft project EA. Tulalip contributed early on through our scoping comments, multiple field visits, and specific recommendations for the "Purpose and Need" language for this project. Beyond that, we look for other indicators that the Forest Service is serving its trustee role for Tulalip through its planned stewardship for our treaty-protected areas, focusing on sustaining the health and supporting the recovery of wildlife and plant habitat, and overall biodiversity of these forest lands. This focus on recovery, sustainability and biodiversity will go a long way in supporting our treaty rights and cultural resources.

In our comments today, we wish to offer some general feedback on the project and planning process, as well as some specific comments by page as outlined in the table at the end. We have also attached previous comments and materials provided to you earlier.

General Comments:

- **Project Timeline:** The project timeline was too fast for us to keep pace with given our current capacity and the many efforts we are attempting to track and contribute to on our off-reservation treaty areas. Based on our past experience with the Snoquera Project in the Snoqualmie Ranger District, we are concerned that the even shorter timeline for this project (NEPA public scoping to decision memo) was inadequate for us to address this large area, and the many likely projects under the planning umbrella that affect tribal interests.
- **“Conditions Based Assessment Approach:** We also have concerns with the ‘conditions based’ assessment approach. Postponing site-specific analysis, may curtail project impact at that later stage, because actions under the umbrella may then fall under a categorical exclusion for NEPA purposes. Development of these large area planning efforts, that may last for ten or more years, are based on outdated plans (1990 and 1994) when tribal input was very minimal, and trust obligations were generally poorly understood or translated into actions on tribes’ behalf. Having to work around dated designations, many of which we feel do not best safeguard tribal interests, hampers the USFS ability to fully address treaty-reserved resources and rights. We are concerned that this project may take a sizeable portion of the MBS off the table for planning under a new forest plan, under a newer planning rule, where plan development would occur in the context of the full MBS forest, and through a process that better reflects and integrates tribal needs.

This is critical to ensuring the tribes interests are represented as this project continues.

- **Access and Travel Management:** We depend on the road network for access to resources and would want to know what, if any, roads are being considered for closure, or conversion to trails, and how that may impact tribal treaty/cultural access. Ideally, we would be consulted with any proposed action regarding roads or access. As is, we would prefer alternative 3, favoring less decommissioned roads.
- **Planning in designated “Adaptive Management Areas” within the project area:** We believe the USFS needs to be using this relatively rare designation on the forest for management flexibility to better meet some of the tribal needs for treaty plant, wildlife and cultural resources and habitat, in support of treaty resources. Since so much of the MBS is in designated wilderness and LSR status where management actions in this EA would be more challenging, where doable, this project should encourage a more resilient, mosaic landscape of complex and diverse stands that support greater biodiversity generally. For example, while forest thinning is outlined, this draft EA over-emphasizes old growth forests, even though not all of the land within the planning unit is LSR-designated. We would like to see more attention to early seral stages and more and larger connected forest openings to support elk and deer forage and movement, and the future forest-wide elk recovery plan.
- **Expand Areas for Beaver and Elk Recovery:** We are curious as to why these areas are so limited given the positive effects these interventions will have for the health of the forest and for supporting tribal rights and stated needs. Given USFS flexibility here to expand these areas

mapped for potential future beaver introduction, and cultural plant gathering habitats, like huckleberry, we ask that this be altered to better support our treaty rights and resources.

- **Recreation:** The EA outlines several alternatives for recreation management, While the alternatives do outline intent to manage some environmental impacts from recreation, such as eliminating and reducing dispersed camping in riparian zones and active stream banks, we believe that a specific assessment of the recreational patterns and their impacts to fish, wildlife and plants and tribal treaty access is critical to understanding the problem and crafting a solution. How the USFS addresses recreation here will likely set a precedent for how it is addressed in other areas of the MBS so we think this is especially important to involve tribal voices, and be science based. We would not support any expansion of recreation at this time unless a new and holistic, landscape level recreation management plan that considered tribal interests and impacts was complete and supported it. In an earlier correspondence, Tulalip attached our report and literature review on recreation impacts on wildlife, and treaty implications that supports our perspective and requests. We think this report should be cited as tribal information and science-based findings in the EA.
- **Special Forest Products:** There is a rise in public use of special forest products. Without a sufficient baseline understanding of the status of resources, their importance ecologically and to treaty tribes, and whether additional use is sustainable, it is impossible. The EA specifically states that already there is not sufficient huckleberry access nor abundance to meet the needs of tribal and recreational gatherers. The rights of tribal gatherers are legally defined and protected, where the recreational harvest is not. Furthermore, you cannot manage for recreational harvest needs without accounting for those impacts on the treaty right, together with the cumulative impacts of recreation on these resources.
- **Discussion of Alternatives:** Beyond our above comments on the proposed actions included in both alternatives 2 and 3, we feel the actions specific to alternative 2 would better promote and support streams, riparian reserves, and various habitats. The treatable acreage is consistently greater in Alt 2 with regard to variable density thinning, huckleberry enhancement, and stand improvement. Alt 2 also preserves opportunities for access using road storage in lieu of decommissioning.

We support restoration, recovery and conservation of deer, elk, salmon, native plants as integrated throughout this project, and in support of tribal treaty rights. We appreciate opportunities to enhance tribal treaty resources (e.g., huckleberry, elk and elk habitat) and access. As mentioned above, given existing "Adaptive Management" designation in the project planning area, we would like to see these efforts expanded beyond what is currently in the alternatives.

We have included additional detailed comments in the table below.

Thank you for the opportunity to provide comments on the *North Fork Stillaguamish Landscape Analysis*. While we appreciate the monthly project meetings with tribes during the development and planning for this project, we ask that the USFS continue this effort, building into the plan many opportunities for tribal co-stewardship and opportunities for plan adjustments needed. If you wish to discuss these comments, or have questions, please call Libby Nelson, MBS-Tulalip MOA administrator (360) 716-4639, or Andrew Gobin (360) 716-4589.

Thank you,



Teri Gobin
Chair
Tulalip Tribes

CC: Libby Nelson, Ryan Miller, Mike Sevigny, Andrew Gobin, Jason Gobin, Richard Young, Kurt Nelson, Brett Shattuck,

Attachment: Tulalip Tribes Detailed Comments

Page 6 – Need For the Proposal	Terrestrial: Enhance the development of late-successional and old-growth forest habitats by improving habitat diversity in young stands, improving spotted owl and marbled murrelet nesting habitat, increase forest biological complexity and resiliency, maintain unique habitats, restore native plant communities, support tribally reserved treaty rights and resources they depend on.	We would like to add “maintain unique habitats, including plant and wildlife habitat”
Page 10	Table 6 indicates beaver habitat enhancement can include up to seven sites.	How was this threshold determined? On average, a family of beavers will occupy 1-2km of wet-woodland habitat (Alakoski et al., 2019). The project area, which is thousands of acres, can potentially accommodate more enhancement sites that will aid in the projects mission to restore the North Fork Stillaguamish landscape by maintaining and restoring the structural diversity of riparian plant communities. We would like to see the opportunity to expand beaver habitat enhancement.
Page 11 – Huckleberry Habitat Enhancement	...opportunities for reasonable access to higher quality harvest sites are not abundant nor sustainable enough to meet the	We support additional efforts to enhance huckleberries on the forest. However, we also feel it is essential that the Forest Service better account

	needs of tribal and recreational gatherers	for the harvest of treaty resources, like huckleberries, by recreational users across the forest, to ensure tribes are able to secure sufficient quantities of these resources reserved by treaty. How this will happen should be spelled out in this plan.
Page 14 and 36	Beaver habitat enhancement	It has been observed and suggested by the scientific community that beavers and beaver dam analogs (BDA's) improve riparian habitat. Despite the push for action, these beaver habitat enhancement mechanisms are only being considered. The EA states that BDA's may create side streams damaging terraces, however, BDA's should not and most likely would not, according to BRAT and critical thinking, be placed near such structures. We would like to see this represented in the EA.
Page 16 – Alternative 2	Section - Cutting and removal of trees between 20"-26" DBH	Thinning activities appear to be entirely focused on stand development, not necessarily on wildlife enhancement. Please consider in treatments and impacts.
Page 19 – Alternative 3	Section - Changes Proposed to System Roads	We ask for continued consultation/collaboration with tribes as individual treatments are proposed
Page 25 – Evaluation of the Forest Plan Amendment	36 CFR 219.9(a)(2) – Ecosystem diversity – "...promote huckleberry habitat, enhance habitat for a variety of wildlife species, promote a more diverse mosaic of forest conditions on the landscape, and provide increased connectivity of limited habitat."	Alternatives say very little about habitat enhancement for wildlife. We would like to see a plan specific to wildlife habitat. The MUSY of 1960 directs that national forests be managed for multiple use and sustained yield of products and services, such as recreation, range, timber, watershed, and wildlife and fish. This plan does not meet the obligation for wildlife conservation through habitat maintenance/enhancement.
Page 27 – Climate Sensitivity	"Additional sensitivities of aquatic habitats to lower stream flows and warmer stream temperatures are	We suggest deleting the highlighted text, and revising to "...warmer stream temperatures are reduced

	reduced fish habitat quality as thermal stress increases on summer runs.	quantity and quality of fish habitat..."
Page 28 – Adaptation Tactics	Transportation – Decreasing road density, repairing and reconstructing roads to accommodate extreme flood events will help reduce sedimentation in streams and climate driven road closures. For trails and bridges at risk from increased peak flows and landslides consider rerouting trails and increasing the height of bridges.	There needs to be long term road maintenance incorporated in the plan in order support the long term effectiveness of the action suggested.
Page 32 – Cultural Resources	The project analysis area encompasses the traditional territories of the Stillaguamish, Tulalip, Upper Skagit, Samish, Swinomish, and Sauk-Suiattle Tribes.	What source supports the inclusion of this tribe having traditional territory in the project area? We find this to be factually inaccurate.
Page 34 – Road Construction and Road Closures	In the case of affected tribes, this right to access is affirmed by the trust relationship between the federal government and the tribes, the American Indian Religious Freedom Act, EO 13007, and the Treaty of Point Elliot.	Add "Treaty of Point Elliott." here.
Page 43 – Fisheries	Critical habitat – "The primary constituent elements (PCEs) of critical habitat identified by USFWS for bull trout are..."	Water temperature should be included. It has a large influence especially on bull trout.