



Jacque Buchanan, Regional Forester
Pacific Northwest Region
United States Forest Service
1220 SW 3rd Avenue
Portland, OR 97204

2 February 2024

Dear Ms. Buchanan:

On behalf of Sustainable Northwest, we write to provide scoping comments in response to the US Forest Service's (USFS) notice of intent to prepare an Environmental Impact Statement (EIS) for the amendment for planning and management of northwest forests within the range of the northern spotted owl¹.

Our organization supports the USFS's action and intention to amend the Northwest Forest Plan (NWFP) to include the best available science, including climate smart forestry. USFS units, Tribal Nations, rural communities, and stakeholders cannot plan and implement effective restoration projects based on the best available science without an amendment of the current NWFP to account for fire-prone forests and climate change among other pressing issues. The original plan is 30 years old, and our scientific understanding of forest ecology and ecological processes and functions has grown tremendously in that time. Please see our comments below to inform your agency's efforts on the draft environmental impact statement (DEIS).

USFS Trust Responsibility, Indigenous Knowledge, and Tribal Rights

As self-reported by Dr. K. Norm Johnson and Dr. Jerry F. Franklin, Tribal voices and representatives were not included in the drafting of the original NWFP. This is reiterated in your agency's July 2021 report, *Strengthening the Federal-Tribal Relationship: 25-Year Report on Monitoring Consultation under the Northwest Forest Plan*. The NWFP includes ceded land, ancestral territory, former reservation land, and usual and accustomed areas of more than 89 federally recognized Tribes. The DEIS and the amendment to this plan must include Tribal voices and integrate Indigenous Knowledge as a critical part of best available scientific information (BASI). Further, the amendment must include direction to local units to support Tribal Nations to exercise their Treaty and Tribal rights within the NWFP area, including the USFS and Tribes co-

¹ United States Forest Service Region 5 and Region 6; California, Oregon, and Washington; Forest Plan Amendment for Planning and Management of Northwest Forests Within the Range of the Northern Spotted Owl, Notice of Intent to Prepare an EIS (88 FED. REG. 87,393; 18 December 2023).

managing and co-stewarding the land to manage for the natural and cultural resources upon which those Treaty and Tribal rights depend.

The USFS is currently managing lands that have been stewarded by Tribal Nations since time immemorial (>10,000 years). Under treaties, federal policies, executive orders, federal law, court decisions, and the USFS's own direction, the agency is obligated to meet its treaty, tribal, and trust responsibilities to the Tribes who have rights within the 24 million acres of the NWFP boundary.

Your agency's own definition and approach to Trust Responsibility states that tribal inclusion should happen long before government-to-government consultation. As such, the agency should be working directly with Tribes from pre-NEPA to implementation to monitoring. Thus, we encourage and remind you that the USFS should develop specific plan components with your tribal partners that address Tribes' rights, needs, and requests. This includes a framework and clear guidance at the NWFP amendment and plan level, along with guidance for until-level planning and management, to include: emphasis and encouragement of tribal co-management; tribal co-stewardship; indigenous and cultural burning; prescribed and managed burning for cultural outcomes; access to and protection of cultural and religious sites; prioritization of Indigenous hunting, fishing, trapping, and gathering on National Forest land; inclusion of Indigenous Knowledge; respect for Tribal knowledge and data sovereignty; permitting Treaty and Tribal rights granted to tribal members without charge (i.e., Tribal Membership Card equates a USFS permit for gathering plants and firewood); among many other issues daylighted by the 89 Tribes within the NWFP area.

We reiterate that consultation with Tribes does not meet your own agency's definition of Trust Responsibility. The Trust Responsibility means that the USFS should not be taking action towards scoping or planning without first meeting with and including Tribes or Tribal Representation. Only each Tribe can represent the obligation of your agency to meet that specific Trust Responsibility. Consultation with Tribes after the USFS has already written a DEIS will have failed to include Indigenous Knowledge at its base, and therefore failed to allow the plan amendment framework to be set up to meet the procedural and substantive components of the Trust Responsibility.

The NWFP amendment will provide a new legal and management framework to allow each USFS unit to work with Tribes to meet your Trust Responsibility. As such, Tribal voices and representatives must be part of each step of the way, separate from and in addition to consultation.

There are many Tribal Nations in each part of the NWFP area. We encourage the USFS to recognize that each Tribal Nation is unique, and in many cases, within one federally recognized

Tribe, there may be many Bands and Tribes with their own unique culture. For a plan amendment to cover 24 million acres, it must have the inclusion of Tribal and Treaty Rights at its core, and it must have the ability to support those rights across diverse Tribal cultures and diverse ecosystems and landscapes.

Climate Smart Forestry

Sustainable Northwest is funded by the USDA to help define and lead the way on Climate Smart Forestry with private landowners and Tribal Nations in the PNW. We encourage the USFS to include climate smart forestry (e.g., climate resilient forestry) in your NWFP amendment. Ecological forest management along with climate adaptation and climate mitigation, that are all defined and informed by weaving Western and Indigenous Knowledge, provide the core components of climate resilient forestry. As climate change is addressed globally, the NWFP amendment must plan for functioning forest ecosystems to continue to provide water, habitat, and biodiversity for fish, wildlife, plants, and humans alike under a changing and shifting climate. Indeed, the environmental envelope in which forest ecosystems can function is being pushed and modified by climate change. Adapting forest ecosystems within the NWFP area to persist and to continue function under climate change is critical. While carbon sequestration is one of many components of climate resilient forestry, a functioning forest that continues to provide for fish, wildlife, plants, and the Tribal and rural communities is paramount. We cannot retain all living trees in all forest types to sequester carbon when the cost is losing old growth forests and the complex ecosystem functions, processes, and services they provide. We encourage the USFS to integrate ecological forest management and climate adaptation into the NWFP. Sustainable Northwest would be happy to work with you on climate smart and climate resilient forestry criteria that we are developing with Tribal and private forest partners.

Prescribed, Managed, and Cultural Fire

The NWFP area is now recognized as having fire-prone forests separate from wet forests with disparate disturbance ecology and history. Implementing effective restoration within the dry and fire-prone forest systems inside the NWFP area under the current plan has been challenging due to plan restrictions that do not allow the BASI to inform the ecological restoration requirements. Sustainable Northwest supports a plan amendment that allows ecological restoration via active and passive management so that dry and fire-prone forests can absorb wildfire without uncharacteristic behavior such as stand replacement of old growth trees. This restoration should explicitly include the components for the use of Indigenous fire by Tribes for cultural outcomes, prescribed and managed fire by the USFS and Tribes for cultural and natural resource outcomes, and prescribed and managed fire by the USFS and Tribes to help restore forest ecosystems. Specifically, we offer that tribal authorities allow Tribal Nations to manage fire on ceded lands

managed by the USFS, and therefore offer a unique option to help the agency get fire to scale. The amendment should include plan components addressing this.

Drought, wildfire, and other drivers of old growth tree mortality that come from overstocking and encroachment of conifers into seasonally dry and fire-prone forests, and that are exacerbated by anthropogenic caused climate change, must be addressed in the amendment. We support the USFS making changes to the NWFP that emphasize restoration of fire return intervals and fire regimes that were part of the ecological processes and indigenous stewarding of the land for thousands of years.

Thank you for the opportunity to provide comments in response to the USFS notice of intent to prepare an EIS for a climate-smart forestry amendment to the Northwest Forest Plan. As an organization helping create a pathway for climate smart and climate resilient forestry, we look forward to working with your agency on this opportunity to improve the management of forest ecosystems within the NWFP area.

Sincerely,

Greg Block

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Greg Block, President
Sustainable Northwest