



L.I.G.H.T. FOUNDATION

Elmer City, WA 99124

j.marchand2045@gmail.com contact: (509) 429-3117

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Leadership  Indigenous  Guardian  Honor  Teach

15 May 2024

Cynthia Sandeno, Acting Forest Supervisor
% Meg Trebon
Methow Valley Ranger District
24 W. Chewuch Rd
Winthrop, WA 98862

RE: Midnight Forest Restoration Project (#63933) Draft Environmental Assessment, Okanogan-Wenatchee National Forest

The [L.I.G.H.T. Foundation \(LF\)](#) is an independent, Indigenous-led, conservation 501(c)(3) nonprofit organization established on the Colville Indian Reservation in the traditional territory of the Nespelem Tribe. We support the restoration and cultivation of native plant and pollinator species of Pacific Northwest Tribes and the culturally respectful conservation of habitats and ecosystems which are climate resilient and adaptive.

This letter provides comments on the draft Environmental Assessment (EA) prepared for the Midnight Restoration Project (Project) #63933, by the Okanogan-Wenatchee National Forest (FS).

Indigenous Peoples (IP) and the ecosystems we have stewarded for time immemorial have been adversely impacted by the industrialization and privatization of resources for commodification and extraction. This has manifested in many forms since contact with Euro-Americans and has resulted with fractionated lands, piecemeal protections for environmental and public health, and reduced the resiliency of Indigenous cultural ecologies. The proposed Project EA provides us with an opportunity via public comment to address the negative impacts these structures have had on the human rights, Indigenous food systems, habitats, species, socio-economic, and cultural heritage of IP who recognize the Project area as their homelands: the Confederated Tribes of the Colville Reservation (CTCR) and the Yakama Nation.

Many of the undertakings included in this proposal provide an opportunity to implement impactful climate adaptive restoration for generations to come, and for that LF is supportive and appreciative. For example, LF is in support of returning “Good Fire” to the landscape through the practice of cultural burning informed by Indigenous Knowledges (IK). Any prescribed burning activities undertaken for the Project should be implemented with traditional fire

practitioners and LF would welcome the opportunity to provide input and guidance towards that endeavor. Similarly, LF is in support of thinning small diameter saplings and trees which are associated with the return of Good Fire, acknowledging that these actions may help restore historic forest ecosystem structure to pre-colonial conditions.

LF is also in support of thinning and other forest management activities proposed to only take place on frozen or snow-covered ground in locations of sensitive soils and to reduce the negative impacts to native plant species used for food, medicine, cultural, and religious purposes which are important to IP ("Plant Relatives"). LF is also in support of the decommissioning of 52 miles of roads within the Project area to improve the aquatic conditions and water quality of the watershed/s impacted by this proposal.

There remain, however, ways to improve the EA to make it more substantially inclusive of actions which would better reflect the federal government's responsibility to Tribal Nations, and to address and adapt to the impacts resulting from climate change. Climate stressors and disturbances such as fire, drought, windstorm, and flood events reduce the resiliency of these forest ecosystems and negatively impact IP's relationship with and access to their traditional territories. We encourage the FS to consider the following land management approaches which are climate adaptive, Indigenous Knowledge inclusive, science-based, and which uphold the federal trust responsibility and obligations to Tribal Nations:

Eliminate exceptions for harvesting large diameter trees

LF recommends this project eliminate the exceptions for harvesting "Elder" trees, commonly referred to as mature and old-growth trees. Although it may vary by species, those with a diameter at breast height (dbh) of >21" are considered Elders. They are inordinately important for storing carbon, supporting biological diversity, sustaining the existence of other Plant Relatives, and have grown great resilience in their lifetimes by resisting stress from fire, drought, and other disturbances. Additionally, Elders provide important seed sources genetically attuned to local conditions and robust at adapting to changing conditions over time.

Elders are considered a significant traditional cultural property (TCP) due to their vital importance in these forest ecosystems as a habitat necessary for multiple species and processes necessary for Indigenous exercise of the American Indian Religious Freedom Act (AIRFA). Some of the Elders important to IP in the region may include, but are not limited to: whitebark pine, Douglas fir, grand fir, ponderosa pine, Western larch, Western white pine, Engelmann spruce, low or ground juniper, rocky mountain juniper, Western red cedar, pacific yew, aspen, cottonwood, and birch. Several of these Elders serve as hosts to Plant Relatives like fungi, lichens, and mosses; while also supporting biological diversity and sustaining the existence of pollinators like bees, birds, bats, butterflies, beetles, other insects and small mammals ("Pollinator Relatives").

Center decision-making in land management with the goal to secure healthy ecosystems for the future range of climate variabilities

To effectively adapt to and mitigate climate change, there are a number of actions that can be made to support resilient landscapes. Specifically, LF recommends the following:

1. Reduce the size of the area of potential effect (timber harvest operations, new road construction, etc.). This will also reduce the amount of carbon emissions from logging operations while simultaneously reducing soil disturbance.¹ Keeping inorganic carbon sequestered in soils will prevent the release of more carbon dioxide (CO₂) into the atmosphere.² Additionally, it is important to note that the Project's Draft Climate Change, Greenhouse Gases, and Carbon Sequestration Resource Specialist Report does not address, project, or calculate what the inorganic carbon releases may be for this EA. An analysis of this sort should be provided for the current Project, and future FS undertakings.
2. Implement a robust system of Good Fire application led by the Yakama Nation and the CTCR and informed by IK. This will encourage organic landscape mosaics, reinvigorate huckleberry patch size and productivity, and reduce the spread of invasive species.
3. Prohibit grazing leases/permits and harvest operations in riparian management zones, including headwaters and permanent/ephemeral wetlands and springs, to support water quality, Plant Relatives, and provide climate refugia for aquatic species. Additionally, wetlands and springs may be considered a significant TCP due to their vital importance in cultural and ceremonial activities necessary for Indigenous exercise of AIRFA. Some of the riparian Plant Relatives important to IP in the region may include, but are not limited to: cascara, Indian Tea/Western labrador, foamberry, American silverberry/wolfberry, black camas, tiger lily, devil's club, willow, strawberry, wood's rose, Indian hemp/dogbane, Indian carrots/yampa, Xusxus/Canby's lovage, pacific yew, Western red cedar, aspen, cottonwood, birch, and hazelnut. Several of these Plant Relatives also support biological diversity and sustain the existence of Pollinator Relatives.
4. Align the proposed timber harvest prescriptions, fuel reduction treatments, and road management practices with the standards and guidelines set forth in the current Northwest Forest Plan (NWFP), which are intended to conserve the habitats of the northern spotted owl and bull trout - both of which are listed under the Endangered Species Act³. It is important to note that the outcome of the current NWFP amendment process may have further bearing and impact upon the Project's undertakings, and a reassessment via adaptive management may be necessary at a later date.
5. LF supports the removal of invasive species which threaten the wellbeing (health, communities, and distribution) of Plant Relatives. Some, but not all of these invasives include Scotch thistle, Japanese knotweed, purple loosestrife, yellow starthistle, Russian olive, and cheatgrass. Project design features of herbicide, manual treatments, and

¹ Smith, D., Hanson., C., and Koehler, M. 4 April 2019. "Logging is the Lead Driver of Carbon Emissions from US Forests." Earth Island Journal.

<https://www.earthisland.org/journal/index.php/articles/entry/logging-carbon-emissions-us-forests/>. See also: Climate Forests. n.d. "The Significance of Carbon Emissions from Logging on Federal Forests." <https://www.climate-forests.org/post/the-significance-of-carbon-emissions-from-logging-on-federal-forests>

² Orf, D. 22 April 2024. "Trillions of Tons of Carbon are Missing From Climate Models. Not Ideal." Popular Mechanics.

<https://www.popularmechanics.com/science/environment/a60502570/trillions-of-tons-of-carbon-missing-climate-models/>

³ Northwest Forest Plan Amendment:

https://www.fs.usda.gov/detail/r6/landmanagement/planning/?cid=fsbdev2_026990 and <https://cara.fs2c.usda.gov/Public/CommentInput?Project=64745>

prescribed burning should all be coordinated with the FS botanist and the appropriate staff members and community groups at the Yakama Nation and the CTCR to ensure that TCPs and the Indigenous exercise of AIRFA are protected.

6. Maintain compliance with the protection of culturally important plants, a category of eligible cultural resources identified in the Okanogan National Forest Land and Resource Management Plan (LRMP) at 7-5, 7-11, and 7-15.⁴ This may be achieved in several ways:
 - a. By making reasonable efforts to avoid adverse impacts to Plant Relatives,
 - b. Developing and implementing a procedure, methodology and/or study of Plant Relative wellbeing monitoring to ensure that there will be no substantially significant effects to those heritage resources, or
 - c. By managing to perpetuate Elders, Plant Relatives and Pollinator Relatives of Native American Tribes.

Eliminate timber harvest operations on unstable slopes and on slopes >45%

There is a high probability that implementing harvest operations (ground-based, cable, tethered, yarding, skyline yarding, helicopter, etc.) on slopes >45% will be extremely hazardous to operator safety. Steep areas that are not normally accessed for timber harvest will be naturally less stable and have a higher potential for erosion and runoff. The increase of weight, force, and energies of mechanized systems on these steeper slopes, coupled with more frequent rain-on-snow events, microburst windstorms, and other examples of severe weather experienced in the region may result in additional liability, exacerbated risks, and safety issues for workers. For these reasons, we do not concur with the portion of Design Feature S4 which states: "Thinning or partial cuts on unstable areas may be considered if identified mitigations are deemed likely to be successful."⁵ We provide the following recommendations in the event that timber harvest operations on unstable slopes and on slopes >45% are approved and implemented:

1. Completion of a geotechnical assessment of known and potentially unstable areas by geologists and soil scientists to map out which regions of the Project are too hazardous for harvest operations. Those regions should then be documented with the Methow Valley Ranger District as prohibited from harvest operations.
2. Integrate robust local weather condition assessment and reporting into contract bids and safety requirements for logging contractors. Long-term and site specific weather data could be tiered to the Project areas where proposed unstable slopes and >45% slopes may take place.
3. Identify training cycles and inspection clearance timelines prior to the commencement of harvest operations on unstable slopes and on >45% slopes. Incorporate training credentials of safety standards and operator qualifications as permit and timber sale contract requirements.

Thank you for this opportunity to provide comments to the Midnight Forest Restoration Project EA. Conservation actions such as those outlined here have been shown to effectively improve

⁴ Sweeney, F. M. and Naumann, A. 23 October 2023. "Draft Heritage Resources Report" Midnight Restoration Project Draft EA. Okanogan-Wenatchee National Forest.

⁵ Methow Valley Ranger District. 2 May 2024. "Midnight Restoration Project Soils Project Design Features." Addendum to Midnight Restoration Project, Appendix B: Design Criteria, Monitoring, and Mitigation Measures in Midnight Restoration Project Draft EA. Okanogan-Wenatchee National Forest.

biodiversity.⁶ The LF appreciates your consideration and is committed to working with all government entities, partners, and allies to ensure that the native plant and pollinator species associated with IP's traditional homelands remain resilient and strong along with the traditional food systems, socio-economic structures, and cultural heritages of IP remain resilient and strong for the next seven generations.

Sincerely,



Joaquin J. Marchand, B.A.B.,M.P.A.
Executive Director
[L.I.G.H.T. Foundation](#)

⁶ Bull, J. W. and Bicknell, J. E. 25 April 2023. "Nature Conservation Works, and We're Getting Better at It - New Study." The Conversation. See: <https://theconversation.com/nature-conservation-works-and-were-getting-better-at-it-new-study-228540>