



September 11, 2024

Linda Walker, Director
Ecosystem Management Coordination
U.S. Forest Service
201 14th Street SW, Mailstop 1108
Washington, DC 20250-1124

SENT VIA CARA:

<https://cara.fs2c.usda.gov/Public//CommentInput?Project=65356>

RE: Land Management Plan Direction for Old-Growth Forest Conditions Across the National Forest System (65356)

Dear Director Walker:

Thank you for the opportunity to comment on the Draft Environmental Impact Statement for *Land Management Plan Direction for Old-Growth Forest Conditions Across the National Forest System, EIS No. 20240110* (89 Fed. Reg. 52,040 (June 21, 2024)).

The Cowlitz Indian Tribe is a federally recognized Indian Tribe of southwest Washington and northern Oregon. The Cowlitz People have inhabited this landscape since Time Immemorial. Tribal members have an enduring cultural and spiritual connection with the rivers, valley, and ridges of the western Cascades, based on thousands of years of continuous occupancy and a strategic seasonal round of resource acquisition. Mount St. Helens, or *Lawetlat'la*, and what is now the Gifford Pinchot National Forest are central to our identity and heritage. We have always been stewards of these lands and waters, and we remain committed to protecting and restoring culturally relevant species and habitat types.

We support the direction of Executive Order 14072 *Strengthening the Nation's Forests, Communities, and Local Economies* and the intent of this National Old-Growth Amendment “to foster the long-term resilience of old-growth forests and their contributions to ecological integrity and ecosystem services across the National Forest System” (Draft EIS, p. S-1). A paradigm shift is needed given increasing threats to old-growth forests, especially those driven by climate change. We are encouraged to see elements of the amendment that protect and restore old-growth forests while empowering Tribal stewardship of ancestral lands. This amendment is a step in the right direction, but there is much more work to do.

The Forever People

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The forced removal of Indigenous Peoples and traditional stewardship practices from many areas has unduly harmed Tribal communities, native species, and ecosystems. We see evidence of this all around us, from once-common plants and animals now at risk of extinction to catastrophic forest fires, degraded air and water quality, and more. We invest considerable resources into habitat restoration and focal species recovery projects across our ancestral lands, including on the Gifford Pinchot National Forest. We are hopeful that this amendment will further these stewardship efforts.

We offer several comments and questions below on the proposed amendment:

- 1) Part of the rationale for Goal 1 (NOGA-FW-GOAL-01) is “to foster [T]ribal inclusion in the interpretation and implementation of all aspects of the old-growth amendment, and to create consistent expectations for land managers to prioritize and enable co-stewardship when implementing this amendment” (p. 20). While we support Goal 1 as written, we are concerned by the explanation in Section 3.3.3 (Tribal Rights and Interests Impacts) that seems to emphasize treaty rights over other Tribal rights and interests. Treaty rights should not diminish other Tribal rights, and the U.S. Forest Service should maintain a government-to-government relationship and fulfill its trust responsibility to all federally recognized Tribes, regardless of treaty status.
- 2) Management Approach 1.a (NOGA-FW-MA-01a) requires development and adherence to an *Adaptive Strategy for Old-Growth Forest Conservation* to “[e]ffectively incorporate place-based Indigenous Knowledge and other forms of Best Available Scientific Information as equals to inform and prioritize planning and decision-making for the conservation and recruitment of old-growth forests through proactive stewardship (...)” (p. 21). However, the amendment is silent on how this will be accomplished.

We support the concept of incorporating Indigenous Knowledge into Forest Service planning and decision-making processes but underscore the importance of doing so in ways that respect free, prior, and informed consent and protect confidentiality of sensitive information. Tribes should determine if/when they choose to share such information, and Indigenous Knowledge should be applied consistent with Tribal direction. Data-sharing or similar agreements may be appropriate in some circumstances. Tribes may wish to retain ownership over some or all this information. We agree with the assessment in Section 3.3.3 (Tribal Rights and Interests Impacts) that “there is a need for the agency to consult with Tribes to develop guidance and best practices” (p. 125) around this issue. We note that what this looks like may be different for each Tribe, and the Forest Service should allow adequate time to ensure effective consultation.

- 3) Objective 3 (NOGA-FW-OBJ-03) requires that “at least one co-stewardship project with interested Tribes” will be initiated “within two years of completing the *Adaptive Strategy for Old-Growth Forest Conservation*” (p. 27). Many Tribes may want to participate in planning efforts and co-stewardship projects. However, funding and staff capacity can be barriers to meaningful engagement. Additional workload could also present challenges for Forest Service staff. How is the agency considering these factors in the implementation of the proposed amendment? What funding or additional resources may be available to Tribes?

Thank you for considering our comments. Ensuring that Tribes are treated as partners in stewardship of old-growth forests on what are now National Forest System lands is critical to the success of this amendment and to the overall health of our forests and communities.

For questions concerning this letter, please contact Christina Donehower, Natural Resources Policy Analyst, at cdonehower@cowlitz.org or (360) 506-1848.

Sincerely,

COWLITZ INDIAN TRIBE



Bill Iyall (Sep 11, 2024 14:23 MDT)
William B. Iyall, P.E.
Tribal Chairman

CC: Johanna Kovarik, Forest Supervisor, Gifford Pinchot National Forest
Jody Nickerson-Powell, Community Engagement Staff Officer, Gifford Pinchot National Forest