



Quinault Indian Nation

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March 12th, 2025

USDA Forest Service
Attn: Northwest Forest Plan Amendment DEIS Comments
1220 SW 3rd Avenue
Portland, OR 97204

INTRODUCTION

The Quinault Indian Nation (Quinault) submits this letter in response to the Northwest Forest Plan (NWFP) Amendment Draft Environmental Impact Statement (DEIS). This process is an opportunity to correct the historical exclusion of Tribes from the original NWFP and to implement meaningful commitments to Tribal sovereignty and co-stewardship. The federal government's trust responsibility, as enshrined in treaties such as the Treaty of Olympia, Secretarial Order 3403, U.S. Department of Agriculture Departmental Regulation (DR) 1350-002, and the U.S. Forest Service Manual (FSM 1563), obligates the U.S. Forest Service (USFS) to ensure that Tribes are full partners in managing the lands and resources that are our ancestral inheritance.

ACKNOWLEDGMENT OF TRIBAL SOVEREIGNTY AND RIGHTS

The Quinault Indian Nation is signatory to the Treaty of Olympia (1856) by which it reserved, among other things, the right of "taking fish, at all usual and accustomed fishing grounds and stations" and the privilege of hunting and gathering on open and unclaimed lands, among other rights, in exchange for ceding lands it historically roamed freely. In a landmark court case known as the "Boldt decision," a federal court confirmed Quinault's treaty fishing rights and established the Nation and other plaintiff tribes as co-managers of off-Reservation fisheries resources entitled to half of the harvestable number of fish returning to Washington waters. *United States v. Washington*, 384 F. Supp. 312 (W.D. Wn. 1974), *aff'd* 520 F.2d 676 (9th Cir. 1975), *cert. denied*, 423 U.S. 1086 (1976). Based on the evidence provided, the court determined the usual and accustomed areas of the Quinault Nation include "the waters adjacent to their territory" and "Grays Harbor and those streams which empty into Grays Harbor." *Id.* at 374-75; *see also United States v. Washington*, 459 F.Supp. 1020, 1097 (W.D. Wn. 1978), *aff'd* 645 F.2d 749 (9th Cir.1981). It is these rights and interests that form the basis of these comments.

TECHNICAL COMMENTS

Importance of Consultation

Meaningful, government-to-government consultation is not merely a procedural requirement but a cornerstone of federal trust responsibilities and the protection of Tribal sovereignty. Executive Order

13175, Secretarial Order 3403, and U.S. Department of Agriculture Departmental Regulation (DR) 1350-002 stipulate that consultation must be timely, transparent, and substantive, with the intent to reach mutual understanding and agreement.

Quinault acknowledges that there have been both positive and negative experiences with the USFS regarding consultation. As a co-manager of the resource, we recognize the need for amendments to the NWFP, as this change has been overdue for some time. However, we were disappointed that the comment period was truncated from two years to one year, as one year is not sufficient time for proper dialogue with affected tribes. The entire amendment process was rushed, eliminating critical feedback from Tribes that are directly impacted by its consequences. While on paper the NWFP amendment incorporated Tribal concerns, in reality, it was nothing more than a checked box.

The NWFP amendment process shall ensure consultation is comprehensive, ongoing, and respectful. In order to accomplish that, we would expect the following by the USFS:

- Engaging Tribes at the earliest stages of decision-making and maintaining regular communication throughout all phases of planning, implementation, and monitoring,
- Providing adequate time for Tribal review and feedback on management proposals, respecting Tribal schedules and resource constraints,
- Ensuring consultation outcomes are actionable and enforceable, with commitments formalized through agreements and protocols co-developed with Tribes, and
- Accountability in consultation by requiring written records of consultation outcomes, timelines, and actions to ensure accountability.

Considering the Olympic National Forest is within Quinault's Usual and Accustomed area, Quinault would like early engagement with the USFS when they revise the Olympic National Forest (ONF) Management Plan. Further, we expect revisions to the ONF Management plan since a portion of the ONF, the Quinault Special Management Area (QSMA), was designated to provide additional compensation to the Quinault Nation, and this effort has been compromised by the NWFP.

Need for Full Revision

Quinault believes there is a need for a full revision to the NWFP Amendment, such as redrawing of the Late-Successional Reserve (LSR) boundaries, and revisions to the "Survey and Manage" provisions.

The current LSR boundaries do not fully reflect changes in forest conditions caused by wildfires, climate change, and other ecological disturbances over the past few decades. Additionally, advances in scientific research and mapping technology now provide a better understanding of forest dynamics, which should inform adjustments to ensure LSRs are effectively protecting critical habitats. Furthermore, some areas currently designated as LSRs may benefit from active management strategies, such as thinning or restoration treatments, to improve forest resilience while maintaining conservation objectives.

Similarly, the "Survey & Manage" provisions were left unchanged in this Amendment, when it would have benefited from revision, or removal altogether. While the goal of these provisions is to prevent species from becoming threatened or endangered due to habitat loss, implementation has been challenging due to funding constraints, the complexity of surveys, and legal challenges over the years. These provisions slow down forest management projects. Without adequate funding, the Survey & Manage requirements will continue to impede implementation for forest management. At a minimum, the USFS should streamline the process and provide a mechanism for abundant, common species to be removed.

Funding Concerns

A major concern is the availability of federal funding for the implementation of treatments outlined in the NWFP amendment. Without adequate resources, including funding for federal staff to move projects

forward through the NEPA process, the proposed plan changes will not be effectively implemented. The responsibility for securing and allocating funding for these efforts rests with the federal government. Tribes should not bear the burden of advocating for the necessary financial and staffing resources to carry out these actions. While we support tribal involvement and co-management in implementation, the federal government must take full responsibility for ensuring these efforts are properly funded. The DEIS acknowledges tribal inclusion in implementation but fails to address whether the government will provide the necessary funding and support to make co-management a reality.

Inadequate Economic and Market Assessment

There are missing variables that weren't considered in the economic and market assessment for the DEIS. For instance, there was a significant assumption that lumber mills and positions in those industries in the affected communities would be open and able to keep pace with increased timber production. Changes in forest management could affect the demand for local infrastructure (e.g., roads, utilities) due to increased logging, recreation, or fire prevention activities. There is a shortage of loggers and log truck drivers in the region with little recruitment into the profession. Timber prices have been depressed for many years, which has resulted in inability to provide competitive wages. Including these impacts could refine the economic analysis. For instance, including future market projections within specific communities would be a more helpful input in the assessment models.

Another variable to include in the market assessment are the effects of climate change. Given that climate change is expected to significantly alter forest ecosystems, the economic analysis may be more accurate to include projections about how climate impacts—such as drought, pest outbreaks, and fire risk—might alter timber yields and other forest products over time. Additionally, logging and transport vehicles on the road also increase the risk of oil spills, accidents, and an increase in greenhouse gas emissions.

Another aspect of the economic assessment for the DEIS that was not adequately addressed is a need for a plan to manage and mitigate litigation. Resource management has been significantly stifled under the current NW Forest Plan due to ongoing legal challenges and the persistent threat of litigation. Without a clear strategy to address and minimize these legal barriers, the implementation of the NWFP amendment plan will continue to be hindered, preventing effective resource management and delaying critical forest restoration efforts.

Preference for Alternative D

Quinault's preferred alternative is Alternative D for three main reasons. First, Alternative D provides greater flexibility in active restoration, allowing for increased fuel reduction treatments and vegetation management. However, we require to have the full range of silvicultural management options available for all resource management, particularly in the "Moist Forests". Secondly, in terms of wildfire resilience, Alternative B includes fire risk reduction but maintains more restrictions on how and where treatments can occur, while Alternative D significantly increases the acres available for fuel reduction, particularly near communities and critical infrastructure. Lastly, Alternative D expands opportunities for tribal co-stewardship and provides more predictable timber outputs. The emphasis on co-management with tribes is a necessary step in ensuring that Indigenous Knowledge is incorporated into decision-making, as well as recognizing tribal sovereignty in land stewardship efforts. Quinault would accept Alternative B, but does not support Alternative C nor the No Action alternative.

Olympic National Forest - Quinault Special Management Area (QSMA)

The Quinault Special Management Area (QSMA) is contained within the Olympic National Forest in Region 6. The QSMA, as identified in Public Law 100-638 Section 2, was designated by the United States Congress in 1988 to provide additional compensation to the Quinault Nation due to an erroneous boundary designation of the Quinault Reservation and to specifically generate funds needed to reacquire lands taken from the Quinault Nation due to the Dawes Act. However, since the inception of the NWFP, there has been a lack of activity in the QSMA to generate expected revenues for the outlined purpose of buying back land

within the Reservation. Quinault is concerned about the lack of USFS staffing and funding to implement necessary treatments in the QSMA. To uphold the QSMA's intended purpose, we require the immediate prioritization of active management in this area to support Quinault's economic and ecological goals. We expect to have the full range of silvicultural management options available for resource management, not only variable density thinning and variable retention harvesting. If the USFS is unable or unwilling to meet this obligation, then the title to the QSMA should be transferred to the Quinault Indian Nation to be managed under the federally approved Reservation Forest Management Plan. This would ensure that the land is managed according to our priorities, expertise, and longstanding commitment to stewardship. Otherwise, the USFS should compensate the Nation annually in perpetuity, including retroactive pay plus interest for lost fund opportunities. Continued federal inaction is unacceptable and directly undermines the intent behind the QSMA designation.

Additionally, the Tribal Forest Protection Act (TFPA) applies in this case, as the Quinault Reservation directly abuts U.S. Forest Service lands. The TFPA provides a legal pathway for tribes to propose and enter into agreements for the restoration and management of federal lands that pose a threat to tribal lands and resources. Given the QSMA's location and the history of federal inaction, we urge the U.S. Forest Service to work directly with the Quinault Indian Nation under the TFPA framework to ensure that necessary treatments are implemented without further delay.

Addressing Impacts of Recreational Activities

Across U.S. National Forests, and including Olympic National Forest, we have seen significant increases in negative impacts to Quinault's hunting and fishing areas and its cultural lands due to recreation. Without proper management and education, Quinault is concerned about the continued degradation of these resources including treaty-reserved rights for hunting, fishing, and gathering. Quinault was disappointed to see a lack of plans to mitigate the impacts of activities on resources of tribal concern in this DEIS. Future co-management discussions regarding the ONF should address recreation impacts to these critical resources. Management strategies must address these concerns and protect tribal resources.

CLOSING STATEMENT

The Quinault Indian Nation thanks the U.S. Forest Service for the opportunity to participate in this critical process. We appreciate your attention to our concerns and your willingness to collaborate to protect and sustain the lands and resources that are our ancestral inheritance.

As stewards of these sacred landscapes, we remain committed to ensuring their health and vitality for generations to come. We look forward to working together to create a Northwest Forest Plan that reflects our shared values and responsibilities.

Sincerely,

A handwritten signature in blue ink, appearing to read "Guy Capoeman", is written over a light blue circular stamp.

Guy Capoeman
President
Quinault Indian Nation