

IN THE MATTER OF THE
SWINOMISH INDIAN TRIBAL COMMUNITY’S COMMENTS REGARDING
THE UNITED STATES’ PROPOSAL TO CONSENT TO LEASE LANDS FOR
GEOTHERMAL DEVELOPMENT (SEPTEMBER 10, 2025)

DECLARATION OF VALENTINO VILLALUZ

VALENTINO VILLALUZ makes this declaration on behalf of the Swinomish Indian Tribal Community and declares as follows:

Background and Qualifications

1. I am Valentino “Tino” Villaluz. I am an enrolled member of the Swinomish Indian Tribal Community (“Swinomish”), an Indian tribe recognized under the laws of the United States government. My tribal name is Hik^w sa yil. I was born and raised on the Swinomish Reservation, currently reside on the Reservation, and have lived on or near the Reservation for almost all of my life.

2. The Swinomish Reservation is located on Fidalgo Island in Puget Sound, in Skagit County, Washington. Swinomish has approximately 1,200 tribal members, most of whom live on or near the Reservation. The Reservation is located just north of the mouth of the Skagit River, the only river in Washington that still supports wild populations of all six species of Pacific salmon and steelhead in the lower 48 contiguous states.

I have reviewed the maps included with a letter sent to Swinomish Chairman Steve Edwards from the Mt. Baker District Ranger dated 9/10/2025, regarding a proposal to consent to lease 57,241 acres of United States Forest Service (“USFS”) managed lands (the “Proposal”). The majority of these lands appear to be located in the Skagit River watershed. Geothermal exploration, construction, and operations in the Skagit River watershed would adversely affect these salmon and steelhead populations.

3. The Proposal areas within the Mt. Baker Snoqualmie National Forest, particularly in the Skagit River Watershed, encompass numerous Traditional Cultural Properties (“TCPs”), sacred sites, and cultural landscapes integral to Swinomish identity and spiritual practices. These areas include (1) ceremonial and prayer sites, (2) traditional gathering areas for medicines, foods, and materials, and (3) cultural landscapes that embody our stories and oral traditions.

4. I am one of the Tribe’s hunters and gatherers and exercise the Tribe’s Treaty hunting and gathering rights when the Swinomish wildlife program opens areas to hunt and gather on open and unclaimed lands. I began hunting and gathering as a young child with my father and have participated regularly in these activities since the 1980s. Using bow-and-arrows and firearms, I hunt for deer, elk, bear, cougar, ducks, geese, grouse, and other game. I gather mushrooms, berries, roots, bark, and other traditional resources.

5. I am also one of the Tribe’s fisherman and exercise the Tribe’s Treaty fishing

rights all year round when the Swinomish fisheries department opens areas to fish for finfish and shellfish in the Tribe's usual and accustomed fishing areas. I began fishing as a child, in the early 1980s, with my father and uncle. I first operated my own boat from the late 1980s until approximately 1994. From that point until 2017, I continued to participate in Treaty fishing as a deckhand on other Tribal boats. In 2017, I resumed operating my own boat. I currently own and operate three boats: a river skiff (21 ft) and two combination boats (26 ft). I fish for crab, shrimp, halibut, and salmon.

6. I am currently employed by Swinomish as the Wildlife Program Manager, a position I have held since 2015. I am responsible for the overall management and operation of the Wildlife Program, which is tasked with resource conservation and management informed by both science and traditional knowledge. Swinomish is a co-manager of the lands and natural resources within the Skagit River watershed. I coordinate Swinomish's co-management activities with the State of Washington and other Point Elliott treaty tribes, as well as federal agencies, on matters ranging from harvest limits to hunting season dates. I also advise the Swinomish Fish and Game Commission, the Swinomish governmental body responsible for the regulation of Treaty fishing, hunting, and gathering. In coordination with the Fish and Game Commission, the Wildlife Program issues regulations, issues and collects game tags, gathers scientific data for conservation and management, and educates Swinomish hunters with respect to safety and harvest limits.

7. In my capacity as Wildlife Program Manager, I negotiate for hunting access and watershed-wide balanced harvest with all management jurisdictions, including other Treaty tribes, USFS, and Washington's Department of Natural Resources ("DNR") and Department of Fish and Wildlife ("WDFW"). I also negotiate separate access agreements with industrial timber entities, although such opportunities are extremely limited.

8. As Wildlife Program Manager for Swinomish for the past 10 years, and in light of my experience working directly with USFS as a federal co-manager and Washington's DNR and WDFW as state co-managers, I am very familiar with and knowledgeable about Swinomish hunters, Swinomish hunting, fishing, and gathering activities, Swinomish history regarding these Treaty resources, the role of resource gathering in Tribal subsistence and the Tribal economy, the regulation and management of Swinomish hunting and gathering, the legal and governmental framework in which hunters and gatherers operate, and the environmental and habitat threats to fish, game, and the natural environment.

Swinomish Treaty Hunting and Gathering Rights

9. In a series of treaties with the U.S. government in 1854 and 1855, the Indian tribes of Puget Sound and the Washington coast from Gray's Harbor north ceded their aboriginal lands to the U.S. and retained reservations of land along with fishing, hunting, and gathering rights. These treaties are commonly referred to as "Stevens treaties" because the U.S. negotiator was Washington Territorial Governor and Indian Agent Isaac Stevens.

10. The treaties guaranteed signatory tribes the right to continue fishing, hunting, and gathering as they had since time immemorial. The treaties also established reservations,

including the Swinomish Reservation. Importantly, because these reservations represent a fraction of the tribes' ancestral territories, the Treaty right to fish, hunt, and gather extends far beyond reservation boundaries. With respect to fishing, the treaties guaranteed tribes the right to continue fishing at their "usual and accustomed grounds and stations." With respect to hunting and gathering, the treaties guaranteed tribes the right to continue to hunt and gather on "open and unclaimed lands."

11. From a tribal co-manager's perspective, the main rules pertaining to treaty hunting and gathering rights that affect the resource relate to land access, conservation, tribal self-regulation, and co-management. These principles will aid in understanding the tribal harvest data that is shared below.

a) Land access. Under the Stevens Treaties, the Treaty tribes' hunting rights extend to all "open and unclaimed lands." These lands include both national- and state-owned forest lands and private industrial timberlands.

b) Conservation. Managers must ensure that the needs of conservation—the propagation of plants and animals for the future—are met, and only the harvestable surplus after conservation needs are met may be harvested.

c) Tribal Self-Regulation. As sovereigns, tribes have the right to regulate their own hunting and gathering activities. Although not all tribes choose to do so, self-regulation is a right derived from the treaties and the tribes' status as co-managers. Swinomish self-regulated its own hunting and gathering for over 40 years. Operating under the legal umbrella of Code adopted by the Swinomish Senate and regulations enacted by the Fish and Game Commission, Swinomish self-regulation promotes hunter safety, prohibits waste, and ensures sustainable harvesting.

d) Co-management. The landmark decision in *United States v. Washington*, commonly known as the Boldt decision, led to the evolution of a co-management process under which the Treaty tribes and State of Washington work cooperatively to reach agreement on conservation goals and harvestable surplus and manage their respective fisheries, hunts, and gathering to stay within agreed limits.

Swinomish Treaty Hunting and Gathering—Subsistence and Ceremonial

12. Treaty Tribes have a right to engage in subsistence hunting and gathering, meaning hunting and gathering for personal or household consumption and not for sale. Hunters often reserve some or all of their harvest for their families and to distribute to extended family, elders, and others in need in the community. Sharing the bounty of the Tribe's lands and waters is a deeply engrained cultural tradition of the Coast Salish tribes. It is particularly strong at Swinomish.

13. Swinomish has a system of issuing permits and tags to Tribal members for the subsistence harvest of game. These harvests are small due to conservation needs and the dwindling availability of many species for harvest, but are nonetheless very important to

Tribal members' health, tradition, and cultural practices.

14. In the 2024-2025 subsistence and ceremonial hunting season, Tribal hunters harvested 16 deer (approximately 800 pounds), 27 elk (approximately 7,290 pounds), one bear (approximately 100 pounds), and an estimated 200 geese (approximately 1200 pounds) and 500 ducks (approximately 1500 pounds).

15. Subsistence hunting and gathering is much more important to Swinomish and other Treaty tribes than it is to the general population. Game and harvested foods like berries, in addition to fish and shellfish, have been a major part of the Swinomish diet since time immemorial. All of these foods, and in particular game, have declined as a share of Swinomish member's diets due lack of access, fragmented habitat, falling abundance due largely to inadequate or degraded habitat, and harvest time restraints. Post-Treaty, the declining overall health of tribal populations mirrors the declining availability of traditional foods.

16. The Treaty hunting and gathering right also includes the right to hunt and gather for ceremonial purposes. This harvest directly addresses the ceremonial, religious and spiritual values of the Treaty hunting and gathering right. As Wildlife Program Manager I manage these activities too. They take place under permit and the take counts toward our total harvestable share. I also participate directly. I have hunted ceremonially since the late 1980s, and am currently one of the primary designated and ceremonial hunters for Swinomish. Designated hunting, in which one Tribal member hunts on behalf of another or their family, is an act of community. I always hunt for others before hunting for myself. Ceremonial hunts occur for many types of events and ceremonies of community, cultural, and religious significance, as discussed further below.

17. Feasting on the bounty of our ancestral lands is a central feature of almost every Swinomish ceremony or gathering, as is true throughout the whole Coast Salish culture. Some of the ceremonies mark important events for an individual or family—birth, death, naming ceremonies, marriage, and the like. The sharing of traditional foods also features prominently as the core of community events, such as the Coast Salish Gatherings and the Canoe Journey. This includes events on other reservations, meaning the harvest is shared between tribes. Ceremonies and gatherings are an integral part of our culture, and the ceremonial food is essential to the ceremonies.

18. The act of hunting and gathering, circulation of the harvest within the community, dietary reliance upon the harvest, and the importance of game and other traditional foods to the Swinomish culture and spiritual life, give Treaty hunting and gathering rights a value that far exceeds and transcends the economic value of game and plants as a commodity. Treaty fishing, hunting, and gathering rights were meant to preserve our culture and way of life. As Wildlife Program Manager, I am mindful of the need to preserve and recover these resources in order to preserve our identity as a tribe and our cultural lifeways.

Swinomish Treaty Hunting and Gathering—Commercial

19. As a result of dangerously declining native plant and animal populations, largely due to habitat destruction, degradation, fragmentation and over-harvest by the general population, Swinomish does not currently provide Treaty hunting and gathering opportunities for commercial purposes.

Treaty Hunting and Gathering Rights on the Brink

20. In my 10 years as the Wildlife Program Manager, I have seen the continued struggle to exercise our Treaty-protected hunting and gathering rights. Today, Swinomish can harvest far fewer plants and animals than previous generations, which impacts my and the Tribal Community's ability to feed our families and practice our cultural lifeways. Recovering native plant and animal populations is high on the Tribe's list of priorities because we are starting to lose hunters and gatherers as opportunities to hunt and gather decline. This loss breaks the generational cycle that has existed for millennia. Before, our earliest thoughts were on the water, with our parents, uncles and grandparents catching salmon, and also on the land, hunting and gathering. If our children are no longer following in our footsteps, we—as a Tribe, as a people—are threatened with losing a way of life that has been with us for thousands of years.

21. I am familiar with the entire Proposal area in the Skagit River basin, which includes extensive Inventoried Roadless Areas (IRAs) in the Mt. Baker – Snoqualmie National Forest, especially the areas surrounding Baker Lake. I have regularly practiced my Treaty rights to hunt, gather and practice spiritual ceremonies in these Proposal areas. I am seriously concerned that I, as well as numerous Swinomish tribal members who also engage in the exercise of their Treaty rights in these areas will be substantially harmed by the Proposal and resulting geothermal exploration, construction, and operations.

22. Project-level consultation cannot replace landscape-level protection of interconnected cultural resources.

23. The TCPs within the Proposal area are irreplaceable cultural resources. The letter accompanying the Proposal does not provide any information on impacts or mitigation, and fails to address how the TCPs would be protected from:

- a) Physical destruction through road construction, clearing, exploration, construction, and geothermal operations;
- b) Desecration through increased public access and industrial activity;
- c) Loss of privacy and sanctity necessary for ceremonial practices;
- d) Looting, vandalism, and unauthorized artifact collection;
- e) Increased wildfire risk from human-caused ignitions that threaten cultural and sacred sites and culturally modified trees.

24. The prospect of increased development in the lands in the Proposal is particularly concerning given that the Tribe's hunting and gathering practices are already under significant pressure. Declines in the Tribe's hunting and gathering opportunities are due to multiple factors, the most obvious of which is access. The Swinomish Reservation is too small to provide for hunting opportunities of any significance, and the population density and agricultural practices of the surrounding area strictly limit hunting opportunities close to home. This makes

Swinomish hunters and gatherers extremely dependent on the “open and unclaimed” lands held by the State and federal government agencies in the Upper Skagit Watershed.

25. In addition to access restrictions, habitat degradation, fragmentation and destruction already represent an existential threat to the plants and animals that form part of the foundation of our Treaty rights. Simply put, our fish, plants, and animals are experiencing a homelessness crisis. After more than a century of population growth, recreational impacts and resource extraction in the greater Skagit River watershed, as well as the Mt. Baker Snoqualmie National Forest overall the remaining habitat does not come close to meeting conservation needs, much less meeting the Tribe’s needs in terms of access to and availability of multiple species. Geothermal development, along with associated access and transmission infrastructure, would make a natural area industrial and also facilitate increased access for ever-increasing recreation pressures. The Proposal would bring more impacts, which has direct and indirect, as well as individual and cumulative, impacts to the Tribe’s ability to exercise Treaty rights to hunt and gather. It all comes down to limited and impaired habitat—supply simply does not equal demand.

26. In addition, the habitat that remains is often not ideal for the species that the Tribe has depended upon since time immemorial, making conservation and recovery a challenge. Conservation is extremely difficult in a settled landscape. For example, monoculture timber practices and management of invasive species with herbicides significantly degrades habitat quality.

27. This level of habitat degradation is also harmful on a cultural level to a people whose teachings and beliefs are so tied to the land. From an early age Swinomish youth are taught that life begins in the Upper Watershed—fishing, hunting, and everything else depends on the cold, clean water of the Skagit River flowing downstream from the Cascade Mountains. We have a saying that our existence occurs “from whitecap to whitecap”—meaning, from the snow and glaciers atop the Cascade mountains to the whitecaps of waves breaking in the Salish Sea. We may be the “People of the Salmon,” but we are not just that—for example, the Swinomish story pole features a mountain goat, a species only found in the alpine and sub-alpine areas of the Upper Watershed.

28. Swinomish has been dedicated to habitat restoration in particular, knowing that it is a primary limiting factor to plant and animal recovery. A large part of the Tribe’s leadership in this area is connected to our work with the Skagit River System’s Cooperative (SRSC), a joint tribal consortium between SITC and the Sauk-Suiattle Indian Tribe.

29. Particularly given the level of habitat degradation, fragmentation and destruction that has already occurred, I and the entire Swinomish community are extremely concerned about increasing industrial development in the Skagit river basin. Further development would only accelerate degradation and development of the watershed. Geothermal access would facilitate more logging, recreation, and other uses, and I fear our wild areas will be lost.

30. In addition to the obvious and direct negative impacts of constructing

new roads through pristine habitat, clearing, grading, and construction, habitat fragmentation is a major concern. This is particularly true at higher elevations—the higher you go, the more fragile the habitat, with shorter growing seasons. Even minimal interference with high elevation habitat can have negative, multi-generational impacts. Fragmentation is harmful at any elevation because it forces animals to move from habitat fragment to habitat fragment in search of enough food to survive, the act of which burns additional calories, necessitating more food and more movement in a vicious cycle. And for species already restricted to and dependent on micro climates, including the mountain goat, fragmentation of one habitat can leave them without another fragment to go to for food and needed rest.

31. If sensitive areas and micro-climates are privatized or industrialized through geothermal exploration and development—the impacts are exponentially worse. As you scale up operations and interference, the likelihood of species numbers rebounding to provide the same level, or greater, of harvest access go down. That is because industrialization and the associated infrastructure result in both intentional and unintentional direct, indirect and cumulative impacts.

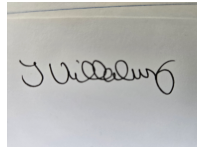
32. Geothermal development also increases fire risk. Humans are the main cause of wildfires. The more accessible an area is, the greater the risk of a catastrophic wildfire. Given how few protected areas remain, losing any (more) to fire would be devastating. This is particularly true given that the wetter climate of the Upper Skagit River in the Cascade Mountains is not suited for quick fire recovery. Fires in this area have a different impact than they do in dryer areas. A wetter climate makes fires less frequent, but as a result, when fires do happen they are more likely to fully obliterate the area (known as a “stand reset”). Habitat recovery from fires of this type can take multiple generations.

33. Geothermal exploration, construction, and operations also present serious risks to water quality, and by extension, fish. At a minimum, erosion and sediment runoff would increase turbidity and temperature and decrease water quality in fish bearing streams currently carrying vitally needed cold and clean water throughout the watershed. This negatively impacts fish, including ESA-listed threatened and endangered salmonids, that both animals and humans depend on.

34. In addition, geothermal exploration and operations can adversely and permanently affect groundwater, surface water, and springs. Aquifers can be interconnected in unpredictable ways, and I am aware of devastating loss of springs from geothermal projects. We attempt to keep the location of springs secret to avoid their degradation. However, the same geothermal resources that private developers may pursue also help to create springs of varying temperatures that are very important to the Tribe and its members.

35. In sum, the decline of fish and game populations is already a problem across almost all of our harvests. I think we have reached a tipping point, and the Proposal will further harm and injure the game and plants that our Tribal members, ancestors, and entire culture have depended upon since time immemorial by allowing the further degradation and destruction of the habitat these species need to recover and thrive.

Signed this 10th day of October, 2025, at La Conner, Washington.

A photograph of a handwritten signature in black ink on a white piece of paper. The signature is written in a cursive style and appears to read "V Villaluz".

Valentino "Tino" Villaluz
Wildlife Program Manager