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Comments: Thank you for the opportunity to provide our comments related to scoping for the PNT

Comprehensive Plan. The Tulalip Tribes of Washington is a sovereign Indian government, successor in interest to the Snohomish, Snoqualmie, and Skykomish tribes as well as other allied tribes and bands signatory to the 1855 Treaty of Point Elliott. We have treaty-reserved rights and resources, as well as historical/archaeological resources in national forest lands and other public federal and state lands, and other areas through which the Pacific Northwest Trail (PNT) traverses.

Tulalip does not recall having been consulted by our federal partners and trustees in the early consideration of this trail's designation-- assuming such discussions took place. Nor do we recall having input into the development of its proposed route and the eventual congressional designation under the National Trails Act. Our staff is just now developing some understanding of the trail, and beginning to identify those important issues and actions with tribal implications, including potential impacts to tribal treaty and cultural rights and interests. Given this as background, we offer some of our initial thoughts for consideration in scoping for the trail plan. We ask that we may be afforded the opportunity to offer additional comments as planning moves forward and we become more familiar with the trail and proposed comprehensive plan.

\* Trust Responsibility to Tribes as pertains to the PNT: As outlined in the Forest Service Manual, [Idquo]the Federal Indian trust responsibility is defined as a legally enforceable fiduciary obligation, on the part of the United States; to protect tribal lands, assets, resources, and reserved rights[hellip]This responsibility requires that the Federal Government consider the best interests of the Indian tribes[hellip]when taking actions that may affect them.[rdquo] (FSM 1563.8b, heading 2 [ndash] Trust Responsibility). We wish to see treaty rights and the federal trust responsibility acknowledged in the beginning of the plan, and the protections of treaty rights and cultural resources demonstrated throughout the Comprehensive Plan. This may include

\* Baseline Information enabling future evaluation of impacts: Collect data as needed to support this planning effort current and future evaluation of impacts to biodiversity, plants and vegetation communities, fish and wildlife habitat, abundance, and distribution, soils and erosion, water quantity and quality, treaty rights and cultural rights, wildfire patterns, etc.[ndash] all of which are affected by this trail and its users. Data should include, for example, current levels of trail users, Types of users, trail behaviors, baseline data on current fish and wildlife presence, abundance and habitat conditions, and current impacts from recreation in the area, current impacts to tribal treaty uses, and other. This baseline data will allow for tracking impacts as trail use grows over time.

\* Trail Capacity: How was this determined? It appears that user capacities were tied more to trail user preferences and impacts on trail enjoyment, solitude and aesthetics, rather than on ecosystem resilience, and the protection of natural resources, ecological services, and what is required to sustain and protect treaty rights and cultural and archeological resources and activities .

\* Permits for Trail Use and Education It appears that currently no permit system or other requirement for trail users to register is anticipated. We concur that use is likely to continue to increase as the attractiveness of this relatively little-used, long-distance trail becomes increasingly better known. How will this trail affect already overrun/high demand recreation areas along it's path? The USFS should consider developing a permit system early on in the further development of this trail, and consider opportunities to require education on trail use and etiquette, rules and regulations, recreation impacts, and ways to mitigate them. How will users be educated on Tribal history/sovereignty prior/existing tribal rights and implications for how the trail may be managed? Developing an educated user group should help to mitigate some impacts of trail use [ndash] consider several successful programs where this is currently happening on public lands (i.e., Denali NP [Idquo]Hiker

Certification Program[rdquo]) .

\* Wildlife Impacts: Wildlife constitutes critical treaty and cultural resources in the planning area. Wildlife will be affected in areas not only on the trail and immediately adjacent areas, but well beyond it, leading to fragmentation of wildlife habitat and affecting their behaviors.

1. How are wildlife being taken into account? Is this trail being considered on a landscape scale and not limited to the trail and immediate areas adjacent? How will this trail affect or intersect with important wildlife corridors, reproductive areas, summer/winter range, wilderness areas? How will use be monitored specifically for impacts to wildlife? Are seasonal or diurnal closures and other means being considered to mitigate these impacts?
2. How were impacts to wildlife considered when user capacity numbers were estimated? It appears that user capacities are based more on aesthetic values to trail users, and not how users would impact wildlife and their habitats. Why was the carrying capacity raised from the original annual users number (went from 80 users in 2021 to a capacity setting of 552-1748)?
3. How will this trail intersect with hunting and gathering areas for Tribal members?

1. Can this exercise be a way in which neighboring landowners can work together to create wildlife management decisions on a landscape scale rather than at the property ownership scale?

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1. Specific Wildlife Impacts West Cascades: This trail will pass through GMU 418 of The North Cascades Elk Herd. Tulalip and other Point Elliot Treaty tribes and WDFW worked hard to rebuild this elk herd. How will use be monitored so elk will not be negatively impacted by more visitors being drawn to this recovering elk herd?

\* Impacts generally and to treaty rights and tribal cultural properties and uses:: What measures are being considered to keep the footprint of this trail as small as possible? What measures are being considered specifically to address treaty rights exercise and protection of tribal member access, privacy, and resource abundance needed?

\* Ongoing Monitoring, Mitigation and Enforcement: Who will be responsible for managing permits and conducting monitoring? Who will be responsible for monitoring impacts from trash/waste on and around the trail? Erosion, invasive species, diminished water quality? User numbers, types, seasonal patterns, dogs on trails, etc.? What mitigation measures will be considered and implemented to offset the impacts that this trail and its users will inevitably have?

\* Unscheduled Trails Impacts: For the North Cascades Grizzly Bear Recovery Zone [ndash] It is mentioned that [ldquo]interim guidance for no net loss of core habitat[rdquo] and that (pg 10 of the DRAFT Carrying Capacity Report) [ldquo]Where the PNT is currently located on roads, the use is not influencing the calculation of core habitat, however if the trail were to be moved off the roads, impacts of trail use on core acres would need to be considered,[hellip][rdquo]. How will the USFS make sure that unscheduled trail networks do not branch off the main trail and start to negatively impact the Grizzly Bear Recovery Zone? How will this type of illegal activity be addressed and monitored? USFS may wish to consider monitoring off trail use such as is done currently in the Mt Rainier National Park using volunteer [ldquo]Meadow rovers[rdquo] to ensure

\* Direct Tribal Educational Messaging to Users: In partnership with affected tribes, develop appropriate signage and social media messaging that promotes trail user understanding of tribal history, rights and tribes[rsquo] current roles in land stewardship, and tribal concerns. Toward that end, consider for different trail areas supporting/funding tribal capacity to develop direct messaging, such as [ldquo]What Tribes want you to Know[rdquo] as trail passes through different tribal ancestral and/or treaty-protected areas.

\* Funding and Enforcement: What sustained funding is available for ongoing management and enforcement needs associated with the PNT? What are these sources of funding? How will the variety of landowners this trail passes through afford its upkeep, management, and enforcement?

We ask that the USFS review and integrate findings that are part of the recently published Tulalip report on wildlife impacts from recreation, as well as two additional reports listed below and attached to this comment letter.

1. The [ldquo]Recreation Boom[rdquo] on Public Lands in Western Washington: Impacts to Wildlife and Implications for Treaty Tribes A Summary of Current Literature <https://nr.tulaliptribes.com/Base/File/NR-Tulalip-Recreation-Impacts-to-Wildlife-2-28-21-v2>
2. RECREATION AND WILDLIFE IN WASHINGTON: CONSIDERATIONS FOR CONSERVATION A REPORT ON CURRENT KNOWLEDGE [https://conservationnw.org/wp-content/uploads/2022/09/Recreation-and-wildlife-in-Washington-Considerations-for-conservation\\_FINALreduced.pdf](https://conservationnw.org/wp-content/uploads/2022/09/Recreation-and-wildlife-in-Washington-Considerations-for-conservation_FINALreduced.pdf)
3. Low levels of outdoor recreation alter wildlife behavior (publication attached)

Again, we appreciate the opportunity to share our scoping comments for this PNT planning process. Ultimately our hope is to see an ecologically sustainable trail that meets federal obligations to treaty tribes like Tulalip, and is consistent with the agency[rsquo]s trust responsibility to tribes. Thank you and we look forward to engaging with you as possible going forward.