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Title:

Comments: Please see attached Tulalip Tribes comments on the Draft EIS NWFP Amendment from Tulalip Tribes Chair, Teri Gobin.

Jacque Buchanan, Regional Forester, Pacific Northwest Region Jennifer Eberlien, Regional Forester, Pacific Southwest Region 333 SW pt Avenue

PO Box3623

Portland, OR 97208-3623

March 17, 2025

Re: Northwest Forest Plan Amendment (2024) - Draft Environmental Impact Statement

Dear Ms. Buchanan and Ms. Eberlien:

We appreciate this opportunity to review the Northwest Forest Plan (NWFP) Draft Amendment.

The Tulalip Tribes (Tulalip) is a federally recognized sovereign Indian government in Washington state, successor in interest to the Snohomish, Snoqualmie, Skykomish, and other allied tribes and bands signatory to the 1855 Treaty of Point Elliott. Members of Tulalip, together with other Coast Salish tribes, have strong historical and spiritual ties and treaty reserved rights to hunt, fish and gather on the forest lands and waters that comprise what is now a part of the National Forest system managed by the U.S. Forest Service (USFS). The Mt. Baker-Snoqualmie National Forest (MBS) lies entirely within the Treaty of Point Elliott area. Tulalip is one of several tribes with reserved treaty rights within the MBS.

As their original stewards, we have nurtured these forest landscapes for millennia, maintaining balance and resilience through our deep connection to and reliance on these lands. Lands within the MBS constitute some of the last undeveloped areas within the Pt. Elliot Treaty tribes ceded territory, where tribes like Tulalip, can exercise our treaty fishing, hunting, and gathering rights. These lands continue to provide the water, foods, medicines and places that sustain our people. As such, we have a profound interest in how these federal forest lands are managed and protected for future generations.

In 2007, Tulalip and the Mt. Baker-Snoqualmie National Forest (MBS) entered into a Memorandum of Agreement (MOA) to serve as an ongoing framework for our government-to

-government relationship and partnership in the stewarding of the forest. Through an amendment to this MOA, we most recently incorporated Tulalip's Uplands Strategic Plan (2023), which speaks to our historical and continued connection to and reserved treaty rights on these forest lands, our vision for their future, and the strategic actions we believe are needed to sustain them. It is through this lens that we reviewed the draft NWFP

amendment and offer our comments.

## 1. Background

Tribal rights in the United States are governed by treaties, executive orders, and statutory rights. Several tribes in the NWFP area, including The Tulalip Tribes, maintain treaty rights under the Treaty of Point Elliott (1855). The Treaty recognizes certain rights to hunt, fish, and gather within their Usual and Accustomed and Open and Unclaimed lands. These rights are referred to as "treaty-reserved rights. While the Forest Service has a trust obligation to all federally[shy] recognized Indian tribes, the Forest Service has a unique fiduciary duty to Treaty Tribes to protect tribal rights reserved by treaty. The collective goal of the NWFP amendment is to modernize and ensure the protection, enhancement, and restoration of natural resources and mature and old growth stands on national forest lands, ensuring tribal access to and involvement in the stewardship of those resources. It is important to note, however, that the historical and legal contexts shaping each tribe's rights are not uniform. Accordingly, our position is that nothing stated in this Plan shall be construed to allow the Forest Service to take any action, including those actions that may be intended to benefit another Tribe, to infringe upon Tulalip's treaty-reserved rights.

The Tulalip Tribes is very pleased to see an amendment to the 30-year-old NWFP, and especially welcomes the USFS work to integrate, in the revision, perspectives and needs from tribes with reserved treaty rights on national forest lands in the planning area. However, we want to be sure that the recommended language and provisions tribes provided are not merely performative but will enable real change and management flexibility critically needed on the ground. This is especially important given the USFS decision not to change the existing Land Use Allocations (LUAs) boundaries, leaving as the only option changes to the standards and guidelines for each of the designated LUAs to provide more flexibility and better support tribal treaty rights and resources.

Tulalip has been involved in the Northwest Forest Amendment process since its beginning when we were interviewed for the Science Synthesis to Inform Plan Revisions within the Northwest Plan (NWFP) Area and later provided our review and comments on the draft. We have also been involved in early tribal consultation with the Forest Service and have served on the NWFP Federal Advisory Committee (FAC). Together with the significant time that was needed to discern the intent and impact of this large, complex, multi-tiered draft amendment, Tulalip has made a very substantial commitment of staff resources to the formulation of this draft. We believe this speaks to our stake in its outcome, and its ability to address sorely needed revisions to protect tribal treaty rights and resources on national forest lands going forward.

## 1. General Key Positions

As a result of the limited inclusion of tribes in the 1994 NWFP, the Plan has inadvertently imposed hurdles to steward these lands for treaty purposes and has led to impairment of Tulalip's treaty-reserved rights. These hurdles were caused not just by the lack of plan components dedicated to tribes, but by land management policies too narrowly focused on single species or habitats and inflexible LUAs, making the needed holistic responses to support treaty-protected resources challenging or impossible. Often what was required to create or restore healthy, resilient, biodiverse forests, more characteristic of the mosaic landscape of our ancestral forest lands, was not possible. For example, on the Mt. Baker-Snoqualmie National Forest over 50 % of the forest is

designated wilderness. Much of the remaining forest land is in designated Late Successional Reserve (LSR). Over the past 30 years, these designations have significantly altered our ability to manage the spectrum of natural and cultural resources and habitats our treaty rights depend on. Numerous attempts by Tulalip and other treaty tribes during landscape planning processes to integrate habitat needs for important plant and wildlife treaty resources were met with obstacles. For example, mountain huckleberry, elk, and deer, all require forest openings of appropriate sizes, as suitable habitat for growth and/or foraging. LSR designations, or even Adaptive Management Areas (AMAs) where 'themes' were also geared to LSR continually hampered our ability to manage these critical treaty resources.

We hope that this Amendment will effectively address these barriers, both in its implementation and through directives for follow-up implementation on the forest unit scale, ensuring that it does not perpetuate or further complicate challenges to managing our treaty rights and resources.

Toward this end, we call out specific opportunities to add greater flexibility where needed within the different land use allocations (LUAs) to better support tribal treaty resources, and the tribes' cooperative management with the Forest Service consistent with federal trust obligations.

Below is our general feedback on the draft Amendment alternatives. More detailed comments and concerns are found in the table that follows, along with our suggested remedies.

1. Purpose and Need: The Purpose and Need Statement, as presently written, excludes critical language outlining the Forest Service trust and treaty obligations when developing any plan or plan amendment with potential impacts on how the USFS will meet these obligations.

- \* Add explicit language on treaty rights obligations to the Purpose and Need Statements.
- \* Explicitly state that timber and non-timber commercial and public harvesting, and recreation must align with the Forest Service's treaty and trust responsibilities.
- \* Incorporate provisions from 36 CFR 219.1 to address multiple-use, ecological sustainability, recreation, and protection of cultural and treaty resources.
- \* Emphasize the need for infrastructure and management practices that support and protect treaty-reserved resources, and partnerships with tribal co-managers.

2. Tribal Inclusion: The Forest Service must honor tribal sovereignty and treaty rights through ongoing and future co-stewardship agreements, consultation, and incorporating indigenous knowledge into forest management, as foundational to and included in any alternative selected. To ensure this inclusion, key suggestions are:

- \* Incorporate all Tribal Inclusion Plan Components from Alternative B, and the additional Plan Components from Alternative D.
- \* Enumerate support for treaty rights, treaty resources, and federally recognized tribal access by working collaboratively with tribal co-managers; identifying and supporting fish, plant and wildlife conservation, recovery, and enhancement efforts needed, protecting important tribal cultural areas, and access to ensure the meaningful exercise of tribal reserved treaty and cultural rights.
- \* Address the need for Standards and Guidelines and include a directive to identify and manage "Areas of Tribal Importance" under the 2012 Planning Rule within each Forest Unit (including within standards and guidelines respect for tribal data sovereignty and co[shy] stewardship).

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- \* Address the unique legal contexts and protections of treaty-reserved rights, differentiating tribal interests across forest units and ensuring management with respect to these rights.
- \* Formalize tribal treaty access and co-management/stewardship.
- \* Expand flexibility in land use allocations to support cultural practices, co-stewardship, and the exercise of treaty-reserved rights.
- \* Prioritize treaty gathering of timber and non-timber products over commercial and recreational gathering; monitor and account for resources being removed from the forest to ensure treaty rights are being met and harvests are ecologically sustainable.

1. Forest Stewardship: Tulalip advocates for greater flexibility in forest land use designations to allow expanded tribal use and stewardship practices essential to the protection of treaty resources. Forest management should:

- \* Keep Land Use Allocation designations flexible, especially but not limited these instances: (1) In areas with more-restrictive uses through local LRMPs; (2) tribal co[shy] stewardship and practices; and (3) allowing non-forest habitats can occur across designations in all stand ages for treaty and ecological health.

\*

- \* Prioritize adaptive management frameworks that responds to ecological and cultural needs.
- \* Integrate tribes and Indigenous Knowledge into restoration practices such as thinning, cultural and prescribed burning.
- \* Support the restoration of ecological conditions, including non-forested habitat, that enable treaty hunting, fishing, and gathering by using traditional knowledge alongside western scientific data
- \* Incorporate effects analysis on critical indicator species and important subsistence and cultural/ceremonial species including but not limited to: Mountain goat, elk, deer, cedar, and salmon.

1. Wildfire Resilience and Resistance: Cultural fire practices are a cornerstone of tribal stewardship and forest ecological health in the NWFP Area. The Forest Service should:

- \* Incorporate effects analysis and information about recreation as the cause of wildfires
- \* Explicitly accommodate cultural and Tribally-led fire in forest management across all land use allocations and stand age classes.
- \* Include the FAC's full Tribal Inclusion recommendations, including acknowledgment of the impact of fire suppression policies on important treaty resources.
- \* Ensure that the Amendment supports Indigenous fire practices to restore ecological balance and resilience to forests, particularly for species that rely on early successional habitats.

S. Recreation: Tulalip, along with other treaty tribes in Washington have been expressing concerns about the growing impacts of recreation on forest ecosystems and treaty-reserved rights, therefore:

- \* The Forest Service must seek to monitor and understand recreation patterns and recreation impacts on forest

health and associated treaty resources and the exercise of treaty-reserved rights.

\* Working in collaboration with tribes, take a science-driven approach on recreation to minimize the ecological impacts on forest lands and treaty resources.

\*

\* Recreation economies should not infringe upon treaty rights, and continuation and/or expansion of recreational activities should be based on ecological sustainability

The Draft Environmental Impact Statement (DEIS), as written, does not currently meet the goal of ensuring a healthy, ecologically resilient, and species-rich ecosystem. However, of all the alternatives, Tulalip believes that a combination of Alternative B, the Proposed Action, and Alternative D offers the greatest potential to achieve these objectives, with specific modifications to Alternative B plan components, as well as limited inclusions from Alternative A and C. Tulalip does not support implementing Alternative A (No Action) or Alternative C in their entirety. Through our comments, we highlight where Alternative D's components better align with the Plan's goals or should be integrated with Alternative B.

Below you will find our detailed comments and suggested remedies in tables separated by subject, with our rationale. These comments include those general in nature, revisions to Plan Components, and requests for clarifications, with our remedies underlined.

Again, we appreciate the continued opportunity to be engaged in the Northwest Forest Plan Amendment and would be happy to provide any additional information if helpful. Feel free to contact my staff, Tulalip-USFS MOA Administrator,

Sincerely,

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Chairwoman Tulalip Tribes

[Table of comments]

PURPOSE AND NEED

Topic: Purpose and Need

Comments and Remedies: The information that is in the Notice of Intent (NOi) should be placed with the Final EIS and the Amendment itself in order to give a comprehensive look to the Purpose and Need in one place.

Rational: This is particularly important because it allows readers to have a full understanding of the issues in one place, rather than having to look in multiple places to understand the issues.

Topic: NOI "Need to Change": Fire Resistance and Resilience

Comments and Remedies: The FS states that "more clarity is needed to ensure that managers can implement the beneficial use of fire ... appropriately across varying landscapes ... "

Remedy: The FS shall look at the plans of/work with federally recognized tribes and engage in an exchange of technical information to properly facilitate this in a manner that has been traditionally and historically successful.

Rational: Given the gov-to-gov relationship with federally recognized tribes and the fact that tribes have practiced this method of forestry since time immemorial, it is essential to seek tribal knowledge and partnerships. This will be essential so as not to harm "areas of tribal importance" as noted in the 2012 Planning Rule and to appropriately

bring back a fire regime that created the lands and ecosystem complexity the public now enjoys and benefits from.

Topic: NOI "Need to Change": Mature and Old Growth Ecosystems General Comments and Remedies: The Plan does not meet the "central tenet of the NWFP, and the 2012 Planning Rule's focus on ecosystem integrity."

Remedy: this section of the Purpose and Need (and the Plan) should be based on a heterogeneous environmental outlook including creating, maintaining, and/or expanding early seral stage habitats, forest openings that support wildlife forage and a variety of species, and improving forest health and vigor to meet multiple resource objectives.

Rational:

In moist forests new plan directions must include utilizing a variety of seral stages, forest openings, and improving habitat diversity to effectively steward lands to create resilient ecosystems. Likewise, it needs to ensure that the Amendment is rooted in adaptive management and looks not just to the past and present but the future conditions and the implications of those conditions on all species.

Topic: NOI "Need to Change": Tribal Inclusion - Incorporation of treaty rights/federal trust responsibility

Comments and Remedies: Both the NWFP and the NOI (through reference) do not talk about the need for the plan, all actions in its implementation, and all plan components must be compatible with treaty-reserved rights and federal trustee responsibilities.

Remedy: The "Need for Change" enumerates support for treaty rights, treaty resources, and federally recognized tribal access by working collaboratively with tribal co-managers; identifying and supporting fish, plant and wildlife conservation, recovery, and enhancement efforts needed, protecting important tribal cultural areas, and access to ensure the meaningful exercise of tribal reserved treaty and cultural rights. Further, establishing that the Amendment will also consider impacts of agency decisionmaking on treaty rights and resources that currently, or may in the future, limit, displace or preclude tribal access and/or negatively affect the practice of treaty recognized rights on national forest lands through engaging federally recognized tribes, as natural resource co-managers in project implementation, as this was not incorporated or considered in the original Plan.

Rational: The Forest Service (FS) must be explicit in stating that the extraction of timber and non-timber products must be compatible with meeting treaty and trust responsibilities, taking a science-driven approach to the use and extraction of the materials, so as not to impair or impede these treaty-reserved natural resources. This not only keeps the FS accountable but educates the public on this responsibility.

Topic: Additions to "Need to Change" in NOI

Comments and Remedies:

An Amendment is necessary to meet these planning requirements under the current Plan.

Remedy: incorporate substantive requirements from 36 CFR 219.1 O's call for multiple use, as a support for the preliminary identification of the need to change the plan.

Specifically: [bullet] 219.10(a)(3) requiring appropriate placement and sustainable management of infrastructure, such as recreational facilities and transportation and utility corridors; [bullet] 219.10(a)(7) Reasonably foreseeable risks to ecological, social, and economic sustainability;

and [bullet] 219.10(b)(1)(ii) protection of cultural and historical resources and (iii) management of areas of tribal importance.

Rational: An Amendment is necessary to meet these planning requirements under the current Plan. Further, they are not only required to be incorporated under the statute, but these elements are crucial to the

success of the plan given the increasing pressures that recreation is placing on our public lands and treaty resources. Topic: NOI "Need to Change": Climate Change Impacts on Treaty Rights Comments and Remedy: The section on climate change fails to talk about how changing environmental conditions will affect both plant and animal habitats, either by shrinking their range substantially or eliminating them altogether. This occurs not just because of wildfire, but reduced snowpack, effects on reproduction, and warming waters among others, affecting plants, wildlife, people, and infrastructure.

Remedy: Incorporate these considerations in the effects analysis, considerations for management under LUAs, and in the Tribal Inclusion section. Rational: This migration or complete elimination of resources is an infringement upon treaty reserved rights which are inherently placebased. As animals migrate to preferable habitat, they leave their historic range, that is the "usual and accustomed" and "open and unclaimed" lands for which treaty exercise is permissible. By

facilitating a plan and environmental conditions that allow this to happen, is an impairment of those rights. Topic: NOI "Need to Change": Climate Change Recreation Impacts Comments and Remedies: The climate change section discusses access to recreation but fails to tie in the need for evaluating recreational uses to ensure they are ecologically compatible and not impeding treaty rights and federal trust responsibilities to tribes.

Remedy: Highlight, acknowledge, and educate on the nexus between climate change Rational: All forms of recreation have impacts on our public lands and resources. To help ensure that these lands and resources will be around for future generations and that recreational access does not impact treaty resources and impede the exercise of treaty reserved rights, as acknowledged in various Plan Components. This concept is explained more in depth in the "VI. Recreation" section of this comment. Topic: NOI "Need to Change":

Communities Comments and Remedies: The Forest Service, in line with its trust responsibility and supporting Plan Components by maintaining sustainable ecological processes for all natural resources in the NWFP area and establishing monitoring mechanisms. Remedy: Incorporate language that any economic opportunity for communities related to national forests are compatible with treaty and trust responsibilities. Rational: This is

essential to consider and coordinate as there will be competing resources and priorities. However, there is an obligation to federally recognized tribes as our federal trustee. TRIBAL INCLUSION Topic: Treaty Rights Comments and Remedies: We appreciate all the work that went into creating the Tribal Inclusion section. We note that the FS must recognize the difference between rights and responsibilities of trustees to tribes and tribal entities. Within any given national forest, there may be tribal interests and rights that vary amongst various tribes and/or tribal entities that the Forest Service will be forced to reconcile when implementing plan components and creating co-stewardship agreements with tribes.

Remedy: The Forest Service needs to differentiate appropriately and manage competing tribal interests over time. PAGE # Rational: Tulalip possesses Treaty-reserved rights which are unique and subject to certain protections and obligations upon trustees under federal law. Treaties are not discretionary; a treaty comes with reservation of resources, re: the Boldt decision. Under the Treaty of Point Elliott, tribes reserved their rights to hunt and gather within the MBS lands. As recognized by the Ninth Circuit, treaty signatory tribes reasonably understood that not only did they retain access to exercise rights in these areas, but also that resources would be sufficient to sustain them. Accordingly, as a federal agency bound to the Treaty of Point Elliott, the FS may not take actions that diminish or destroy these resources. Topic: Tribal Inclusion Plan Component

Additions Comments and Remedy: We recognize the Proposed Action/Alternative B includes a robust suite of Tribal Inclusion plan components, however, all of the Tribal Inclusion plan components in Alt. D should be incorporated into the final Amendment as well as all plan components in B. Page #: Volume 2 pgs A2-5 & A2-6 Rational: The Proposed Action/Alternative B offers the FS the necessary opportunity to meet fiduciary duties required under treaty rights and protect and restore natural resources on FS lands, however, it is imperative for the health of our public lands and natural resources and the meet legal fiduciary requirements, that the FS incorporate all Tribal Inclusion so as not to infringe upon or impair the exercise of treaty reserved rights as they relate to tribal forest stewardship Topic: Huckleberry RE: TRIBAL-FORSTW-ALL-PMAC Comments and Remedy: We appreciate the focus on huckleberries, however, in relation to TRIBAL-FORSTW-ALL-PMA-D, we believe it is necessary to use a hybrid between D and B. Therefore, we suggest the following revision (inclusion in italics, removal in strikeout):

"To promote long-term abundance of [start italics] tribal foods, medicines, [end italics][start strikeout] first foods

[end strikeout] and culturally significant botanical species, [start italics] including but not limited to huckleberries, flora, fauna, and fungi, work with interested [ed italics] and relevant tribes to determine annual restoration actions at a scale meaningful to the tribes, within the NWFP area. Complete restoration actions through coordination, consultations, and/or co-stewardship agreements with tribes

Page #: Vol. 1 - Pg 2-11, 3-13, Vol. 2 - Pg. A2-6

Rational: Though huckleberries are extremely important to Tulalip and deserve their own focal point in our region, as is noted in our MOU with the MBS and our Co-stewardship Area, we believe that this PMA should an expansive approach to annual restoration actions for first foods and culturally significant botanical species at a scale meaningful to tribes. This is necessary not to take a single species approach, or to view tribes and our cultural resources as a monolith. To have healthy vibrant ecosystems, there must be plan components supporting more than annual restoration of one plant species.

Topic: TRIBAL-FORSTW-ALL-OBJ-03

Comments and Remedy: For restoring dry, serpentine, and wet meadow-associated culturally significant species, we prefer the use of TRIBAL-FORSTW-ALL-OBJ-03-D rather than from Alt B.

Page #: Vol. 1 Pg 2-10

Rational: Using projects as a metric rather than acres better allows for different scales of stewardship as defined by tribes, which may be necessary for the implementation of Indigenous Knowledge practices.

Topic: Enforceability of Vital Tribal Inclusion Plan Components

Comments and Remedy: Although we appreciate the Tribal Inclusion Plan components, they should be enforceable under the plan beyond Forest Services' federal trust responsibility.

Remedy: Many Plan Components should be reclassified from PMAs and Goals to Standards and Guidelines so that they are These Include:

- \* TRIBAL-BIO-PMA-4, Make Standards
- \* TRIBAL-COSTW-GDL-01, Make Standard
- \* TRIBAL-COSTW-PMA-2, Make Standard
- \* TRIBAL-FORSTW-ALL-GOAL-03 &
- \* TRIBAL-FORSTW-ALL-GOAL-05, make Guidelines
- \* TRIBAL-FORSTW-ALL-GDL-02, Make Standard
- \* TRIBAL-TPTR-DC-02, Make Standard
- \* TRIBAL-AWA-GOAL-01, Make Standard
- \* TRIBAL-WRKFOR-PMA, Make Guideline

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Rational: Although we find that all the Tribal Inclusion elements should be included in the final Amendment, we are concerned that their plan component designations will keep the FS from holding themselves accountable to their responsibilities as our trustees and should change plan components designations to give themselves a tangible way to work on meeting this responsibility.

Topic: TRIBAL-TPTR- STD-06

Comments and Remedy: We appreciate this Standard but it should be more in line with protecting federally recognized tribes.

Remedy (additions in italics, removals in strikeout): Work collaboratively with relevant [start italics] federally recognized Tribes, [start strikeout] tribal communities, and tribal organizations [end strikeout] to monitor effects of recreational access to traditionally important access points for those Tribes [start strikeout] and tribal communities, [end strikeout], identify funding avenues or opportunities that can support capacity for related tribal issues of concern, and create and implement solutions.

Page #: A1-11

Rational: Suggested a revision of wording of Plan Component to be more aligned with federal trust obligations.



Topic: Commercial and Recreational Gathering

Comments and Remedy: For all these prominent non-timber resources (huckleberry, camas, etc.) our culture relies upon the FS, as our federal trustee must actively manage lands and habitats to ensure their availability. As such, we appreciate that multiple Plan Components laid out this issue. As such, we are inclined to agree with the following Plan Components (and others in support of this issue) however, we suggest some component modifications:

Remedy:

\* TRIBAL-FORSTW-ALL-DC-10-make Standard.

\* TRIBAL-TPTR-DC-02- make Standard.

Page #: A1-6, A1-10, A1-7/8  
Rational: These Plan Components must be in the final Amendment to ensure the Forest Service meets their legal trust obligations.  
Topic: TRIBAL- FORSTW-ALL- GOAL-07-C/D  
Comments and Remedy: We appreciate the option to select between Plan Components for this goal. We would prefer the incorporation of TRIBAL-FORST W-ALL-GOAL-07-C/D over B into the final Amendment.  
Page #: Pg 2-10  
Rational:

It is imperative that the FS "through engagement and consultation with interested Tribes, develop techniques and approaches to implement forest restoration, enhancements, fuels reductions, or maintenance actions in areas of tribal importance, as jointly determined by Tribes and national forests in the NWFP area"

Topic: 2012 Planning Rule 36 CFR 219.10 (b)(1)(iii)

Comments and Remedy: All Alternatives to the NWFP fail to meet, and are therefore in violation of, the 2012 Planning Rule requirements for Plan Components related to "areas of tribal importance." There are neither standards nor guidelines as required under 36 CFR 219.10 (b)(1).

Remedy: The FS MUST create "standards" (plural) or "guidelines" (plural) that concern the "management of areas of tribal importance"

Point of Clarification: Whether FS' interpretation of the 2012 Planning Rule implies that they must not use the specific language "areas of tribal importance" but can use other terms as "areas of traditional cultural significance" which is not the same thing as "areas of tribal importance" though it is inclusive of such language.

Page #: Pg 3-2/3-3, Pg 3-6

Rational: When looking for all Plan Components that reference the words "area of tribal importance" the following are included:

- TRIBAL COSTW-PMA
- FIRE-ALL-PMA-D
- TRIBAL-FORSTW-ALL-OBJ-02

- TRIBAL-FORSTW-ALL-GOAL-07-C

None of these plan components that use the "areas of tribal importance" as it is called in the Rule, are Standards or Guidelines, as required.

When broadening search terms to find similar provisions, the following are found:

- \* TRIBAL-COSTW-STD-02: "sacred places and Traditional Cultural Properties... sacred site areas"
- \* TRIBAL-COSTW-STD-03: "areas of traditional cultural significance... and sacred places"
- \* TRIBAL-AG-OBJ- 01: "important cultural places"
- \* TRIBAL-TPTR-STD-02: "sites... with traditional cultural significance"
- \* TRIBAL-FORSTW-ALL-GOAL-09-D "culturally important sites"
- \*
- TRIBAL-FORSTW-ALL-PMA "sacred places... elements of the landscape identified as culturally important"

Although there are two Standards which would meet the requirements of the statute, they are too narrow in application

to satisfy the requirements of the Rule. Topic: 2012 Planning Rule 36 CFR 219.10 (b)(1)(iii)  
Implementation Comments and Remedy: The Rule calls for identifying "places of tribal importance" but the plan does not do so and does not call upon local units to do so. Remedy: The NWFP must establish a Directive for all local forest units to work with federally recognized tribes to identify the "areas of tribal importance" within the NWFP area to accomplish the requirements under the 2012 Planning Rule because the Plan has not, as required. The identification and documentation of these "areas of tribal importance" must respect data sovereignty and keep locations and documentation private in a manner to be determined with each relevant tribe. Further, the Forest Service should develop a management plan, including monitoring protocols, around protection of and ongoing co-stewardship of identified "areas of tribal importance." This plan must ensure that management of these "areas of tribal importance" are allowed in LSR land designation areas

Page #: Pg 3-2/ 3-3 Pg 3-6

Rational: Given the number of tribes in the NWFP and the fact that some of the National Forests are rooted completely with treaty or ancestral land, there will be copious amounts of "areas of tribal importance" and a mechanism should be put in place to ensure that the requirements of the 2012 Planning Rule and treaty and tribal rights are adequately upheld. Further, given the change in plan direction allowing for co-stewardship, and decreasing FS funding, this will become imperative to the success of the NWFP and the health of our public lands and resources

Topic: Effects Analysis: Although we appreciate the Tribal Inclusion section, we are deeply concerned that the effects analysis in the DEIS focuses almost entirely on the proposed Objectives and provides insufficient discussion of the other Tribal Inclusion plan components.

Remedy: An effects analysis should be done for all Plan Components

Rational: These additional components collectively form the necessary framework for advancing tribal access

and gathering, improving biodiversity, facilitating co-stewardship, incorporating Indigenous Knowledge, honoring treaty, protected treaty and other tribal rights, and improving interagency coordination on these issues. Further, this will help capture the scope of tribal priorities and the impacts of the proposed amendments on tribes

Topic: Commercial and Recreational Gathering

Comments and Remedy: We appreciate that multiple Plan Components lay out this issue although it is inherently protected and required as a treaty-reserved right. However, the FS, as our federal trustee must actively manage lands and habitats to ensure the availability of resources such as huckleberries, bear grass, cedar and fungi, and other non-timber forest products.

Remedy: This should be determined through consultation through active and ongoing assessment and monitoring and prioritizing tribal use and gathering over that of commercial and public gathering as is necessary for treaty-reserved resources. Further, allowing for ample opportunity of co-stewardship agreements for these resources and their habitats.

Page #: Pg 3-145 Pg ES-4

Rational: Many non-timber products on National Forest lands are incredibly important resources to the culture of tribes such as Tulalip. Our culture depends on their ability to thrive, and our ability to access them at sustained levels. However, the impacts of growing public use, commercial practices, and recreation are taking their toll on these significant cultural resources and properties, and thus, tribal member access for the exercise of treaty and other tribal rights and traditional, cultural, and religious practices

Topic: Commercial and Recreational Gathering

Comments and Remedy: With the Plans framework, treaty resources will not be adequately protected from commercial and recreational gathering.

Remedy: Adopt and implement of the Draft Recommendation language from December 2024 Federal Advisory Committee Meeting titled "Improve Conditions for Tribal Harvest of Huckleberries and Other Culturally Important Species."<sup>1</sup> Specifically, to adequately meet its trust responsibilities and ensure the ability to exercise treaty reserved rights for the gathering of non-timber forest products, the Forest Service must:

Before issuing commercial permits for the 2025 huckleberry harvest season, a comprehensive review should be conducted to improve harvest conditions for Tribes, potentially eliminating or phasing out commercial harvest permits over three years. Additionally, evaluate the timing, number of permits, and fee structure for culturally significant species, considering Tribal needs and harvest windows. Key actions include engaging with Tribes on cultural harvesting challenges, enhancing education for USFS staff, increasing law enforcement coordination, and conducting environmental reviews to assess the impact of commercial harvest on treaty resources.

(<sup>1</sup> [https://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/fseprd1219552.pdf](https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd1219552.pdf))

Page #: Pg AI-1 AI-6 AI-7 AI-8 AI-10

Rational: Although the Draft Recommendation provides necessary opportunity to implement the Plan Components in the Proposed Alternative (specifically, TRIBAL-AG-STD; TRIBAL-FORSTW-ALL-DC-10; TRIBAL-

TPTR-DC-02; TRIBAL-TPTR-STD-01; TRIBAL-FORST W-ALL-STD-05; TRIBAL-FORSTW-ALL-GDL-03; TRIBAL-FORSTW-ALL-GDL- 04-as well as other related Plan Components). However, they do not go far enough. They must be supported by the Draft Recommendation to give the Plan Components any teeth.

Topic: Tribal Inclusion Adaptive Management

Comments and Remedy: The Plan does not incorporate adaptive management practices as it pertains to tribes and treaty resources.

Remedy:

- Enable Tribes to implement their own land management standards and guidelines, with provisions allowing these standards to supersede NWFP components where necessary to fulfill treaty rights and cultural obligations.
- Allow Tribal-led adaptive management practices, including experimental projects such as culturally guided thinning, beaver reintroduction, and ecological engineering of riparian systems

Rational: Utilizing and maintaining adaptive management practices in the NWFP is extremely important in the face of environmental uncertainty, advancing technologies, changing western scientific understandings, and incorporating Indigenous Knowledge.

In failing to use an adaptive management approach, the FS will stay in a place to which they cannot respond to changing conditions on the landscape, a detriment to forest health and treaty rights

Topic: Tribal Forestry

Comments and Remedy: The Plan has a lack of mention of cedar and its tribal cultural importance.

Remedy: A new STD or GDL should be created for its restoration, use, and protection from public use/gathering.

Rational: Cedar is becoming increasingly threatened and hard to find on FS lands. The Cedar tree holds significant importance to tribes, in accordance with treaty-reserved rights, it must be considered

## FOREST STEWARDSHIP

Topic: Forest Stewardship

Comments and Remedy: Although we appreciate all the work that has gone into the Plan, we believe that the DEIS Forest Stewardship section insufficiently addresses ecological impacts and impacts on treaty resources on National Forest System lands.

This stems from the inflexible nature of LUAs, which disables the ability to enact Tribal Inclusion components. Our comments below discuss how to remedy this for different LUA's.

Rational: We recognize that changing the boundaries of LUAs is beyond the scope of the Amendment, however, this should further push the FS towards flexibility with LUAs so as not to infringe upon or impair the exercise of treaty rights and ensure the sustainability of the natural resources they rely upon.

Topic: Forest Stewardship

Comments and Remedy: Although we recognize that much work has gone into this section, we feel the need to recognize that dense, overstocked forests act as fuel for frequent and severe fires. They also lead to decreased richness of plants, animals, and fungi for which the health of forests depends on.

Remedy: Increasing active management practices- such as strategic science-driven thinning, wildland fire, and sustainable harvesting, can significantly reduce these risks

Rational: By creating healthier forest conditions based on western and indigenous science and data, we not only protect our natural landscapes and resources but also safeguard traditional ways of life and nearby communities from the devastating impacts of wildfires.

Topic: Meadow Grasslands

Comments and Remedy: For meadow-grassland habitat types, we prefer a hybrid of Alternative B, C, and D. To adequately restore ecosystems for resiliency there should be "[i]ncreased meadow-grassland restoration especially via tribal partnerships and including full opportunity within both moist and dry LSR and Matrix" as stated under Alternative D. Further, as stated in Alternative C, there should also be restoration opportunities, especially via tribal partnerships, within young stands in moist forests and dry old forests

Page #: pg. 3-67

Rational: This interpretation of meadow-grassland habitats is consistent with 36 CFR 219.9 (a) and 219.8 (a) for National Forest Land Management Planning. Meadow-grassland habitats are incredibly important for forest health and biodiversity. This habitat is preferred by ungulates which are rapidly declining in the NWFP area and are sites that have been stewarded by tribes since time immemorial for First Foods, ecosystem resilience, and devastating wildfire resiliency. These partnerships and co-stewardship opportunities across ALL land use allocations are paramount to ecological health and supporting treaty rights.

Topic: Aquatic Riparian Wetlands - Beaver

Comments and Remedy:

We are particularly in favor of "Increased watershed and beaver habitat restoration especially via tribal partnerships" Particularly we appreciate the Proposed Action's Plan Components on the matter such as:

\* TRIBAL-81O-DC-01

\* CLIMATE-GOAL-02:

\* TRIBAL-BIO-PMA, however, this should become a Guideline or Standard.

However, the plan should go further in talking about the importance of beavers in restoration and ecological integrity, and in including beaver assessments and population predictions, due to their key role in the ecosystem.

Remedy: Methods to designate active and potential habitat should be outlined

Page #: pg 3-67

Rational: The Plan does not meet the requirements under 36 CFR 219.8 (3) on riparian areas, as well as 36 CFR 219.9 (a) and 219.8 (a) for ecological integrity. The relationship between beaver and fall- spawning and rearing coho salmon and other fish species is an incredibly important relationship. Beavers should be seen as a viable tool for restoration of headwater habitat.

We have also suggested this in our Chapter 7 Comments on the Science Synthesis in 2019. By which we also mean that beavers should be considered an alternative to LWD and logjam projects.

Topic: Non-forest Habitat Generally

Comments and Remedy: FORSTW-ALL-GDL-03 under Alternative BID, is particularly important to include in the Amendment, specifically, the sub bullet point which will consider "the presence of current or historical non-forested areas, such as meadows and grasslands, or unique forest and non-forest plant communities and the history of land management, including stewardship by Indigenous communities when designing and implementing projects."

Page #: pg 3-72; pg 2-11

Rational: This Plan Component speaks directly to returning the land to stewardship by traditional methods for traditional needs. As such, it is one of the strongest ways the Forest Service can meet its federal trust obligations to tribes

Topic: Non-forest Habitat Generally

Comments and Remedy: To comply with 36 CFR 219.9(a), we think the following are a first step, however, they largely lack Standards or Guidelines, though we appreciate them:

- \* TRIBAL-COSTW-GOAL-02:
- \* TRIBAL-B1O-OBJ-01
- \* TRIBAL-FORSTW-ALL-DC-02/07
- \* FORSTW-ALL-DC-ALL
- \* FORSTW-ALL-GDL-ALL
- \* CLIMATE-DC-02/03
- \* FIRE-ALL-PMA: specifically sub-bullet points 1 & 3.

Remedy: The FS should consider making these key components into Standards and Guidelines.

Page #: A1-3, A1-2

Rational: Focusing on non-forest habitats, creating mosaic habitat, across land use allocations, is the most effective way to create resilient forest ecosystems, protecting resources and our public lands, and is necessary to support treaty-reserved rights. This type of active forest management has shown to be effective in these goals for thousands of years. It is also essential to meet the goals of the Purpose and Need overall. Focus on two species and their habitat will inevitably lead to the peril of ecosystem health and the loss of habitat for those species the Plan aims at protecting.

Topic: Non-forest Habitat Wildlife/ Habitat Generally

Comments and Remedy: In general, we think that the protection of the Northern Spotted Owl and other ESA listed, and non- listed species are very important, however, the Forest Service should not manage effectively when taking a single species approach.

To support a healthy and resilient ecosystem, wildlife

habitat, and treaty rights, we are inclined to agree with:

- \* TRIBAL-FORSTW -ALL-GOAL-05-D:
- \* TRIBAL-FORSTW-ALL-OBJ-03-D
- \* TRIBAL-COSTW-STD-01
- \* TRIBAL-BIO-DC-01
- \* TRIBAL-B1O-PMA
- \* TRIBAL-FORSTW-ALL-DC-01/02
- \* TRIBAL-FORSTW-ALL-GOAL-02
- \* CLIMATE-DC-01/02/03
- \* CLIMATE-GOAL-02/03
- \* CLIMATE-PMA

Page #: VI Pg 1-4/5 Rational: The preferred habitat for Northern Spotted Owls and the Marbled Murrelet (as frequently referenced) excludes most of the floral and faunal biodiversity that exist on these lands and is required for a healthy resilient ecosystem. Having a forest that is only old growth would lead to significant loss of habitat for plants and animals at devastating scales TRIBAL-FORSTW-ALL-OBJ-03-D, rather than B is preferred. It is paramount to support restoration of priority culturally relevant species, which may include species found in meadow and grassland habitats and wet meadow-associated culturally significant species. However, we feel that this is still not significant enough to ensure that these types of ecosystems are improved across all land use allocations and that treaty resources and rights are protected in accordance with the federal trust responsibility. This will help the FS comply with To comply with 36 CFR 219.9(a) and 36 CFR 219.10(b)(1)(ii) on cultural resources. Topic: Non-forest Habitat Wildlife Comments and Remedy: Although we appreciate the Plan Components that do discuss species and habitats or tribal importance, the Plan misses the mark when it comes to considering the importance of species richness and the need for thoughtful Plan Components and effects analysis. The Need section states that a core need is to address "... supporting regional biodiversity." Further, the NOI's Need to Change expands in stating that the plan will be used for "[d]eveloping and maintaining mature and old growth forest conditions, hetero- geneous and complex forest structures, biodiversity, habitat, and cultural ecosystem services..." that "[m]ature and old growth ecosystems are critical components of biodiversity ..." and that a "[m]ore nuanced direction would support mature and old growth ecosystems with management strategies that recognize biophysical and cultural variability in forests and the importance of future forest adaptation and resiliency."

Remedy: Therefore, the FS must do an effects analysis on these key cultural resources.

Page#: NOI

Rational: In stating that ecosystem and cultural keystone species will not be considered in this plan, but rather in the NEPA process as individual projects are proposed, fails to meet the Plan's own stated needs. It also does not comply with 36 CFR 219.9(a) or 219.10(b)(1)(ii). The PS failing to acknowledge the incredible decline and impact on species and habitats such as mountain goat, deer, bear, elk, and wolves among others, disregards a core component of ecosystem resiliency and biodiversity and dismisses the impact and importance of this Plan on tribes' treaty- reserved rights to access them.

We brought this to the attention of the FS in our 2019 comments on the Draft Synthesis of Science on Chapter 6: Other species and Biodiversity of Older Forests. We pointed to the lack of concern and management plan for the status of the elk and deer populations across FS lands. From a subsistence standpoint, deer and elk are the most important species for hunters on forested mountain uplands within the range of those "open and unclaimed lands" under the Treaty of Point Elliott.

Topic: Non-forest Habitat Wildlife

Comments and Remedy:

It is concerning that one of the largest landowners of these "open and unclaimed lands" for which we practice our hunting and gathering treaty-reserved rights, does not have specific management goals for these species and their habitats. We are equally concerned with the lack of attention to mountain goats as they are critical to our cultural lifeways and are rapidly declining in our place-based treaty- reserved rights.

Remedy: They must be considered in the effects analysis and in creating habitat conditions within all LUAs.

Rational: Active forest management and habitat consideration of these species has profound benefits for wildlife, particularly for species that rely on early successional habitats. Mountain goats, deer, bear, elk, wolves, and other browse species thrive in the open, diverse environments created through practices such as thinning and controlled burns. These activities can enhance forage availability, improve habitat quality, and support the biodiversity that sustains the resilient ecosystems needed for old growth forests.

Topic: Survey & Manage Species

Comments and Remedy: Although we appreciate that Alt. D includes an exception for Survey & Manage surveys within 0.25 miles of community protection zones; this does not go far enough to resolve current issues. The Survey & Management framework from the Plan leads to outdated biological data, it is inefficient and stresses an already thin workforce.

Remedy: The Amendment should build in flexibility for the time requirement of surveys, allowing for them to occur after a decision has been made but before implementation.

Remedy: Forcing surveys to occur before a decision is rendered and not at the time that the project is going to occur, leads to incorrect and uniformed biological data for which the project is based upon.

Oftentimes, in these landscape scale plans, it can take more than a decade until treatment occurs in a stand while the survey was done at plan/project inception. Ecological and biological conditions have variances in such



large time frames. The more biologically sound option would be to allow surveys to occur at implementation of the stand treatment. This leads to unintended ecological consequences and bans.

Topic: TRIBAL-FORSTW-ALL-STD-01

Comments and Remedy: To meet its federal trustee responsibilities, it is paramount that TRIBAL-FORSTW-ALL-STD-01 be in the final Amendment to give a framework for which to meet these responsibilities under this Plan

Page #: A1-7

Rational: Ensuring that land management activities are developed in collaboration and consultation with relevant Tribes to avoid, minimize, or mitigate potential conflict with forest resources used for traditional and cultural practices or used in the exercise of treaty-reserved and other tribal rights, and ensuring tribal cultural-use species are prioritized for conservation and ongoing forest health management

Topic: FORSTW- LSR-MOI- DC-01 & TRIBAL- FORSTW- ALL-PMA- D

Comments and Remedy: We are inclined to agree with FORSTW-LSR-MOI- DC-01 & TRIBAL-FORSTW-ALL-PMA-D. However, this does not substitute for ensuring that there is flexibility throughout all LUAs and age classes. We have suggested otherwise to achieve this in other comments.

Page #: A1-17/18, A1-8/9

Rational: The LSR designation has been a significant roadblock to tribal stewardship and cultural practices; an impairment and infringement upon treaty reserved rights and degrades the health of the ecosystem. This DC ensures that LSR's in moist forests are "interspersed with non-forest habitats, including meadows and oak woodlands and forested habitat with a range of successional conditions from complex early-successional to old-growth forest that reflect fire regimes and local conditions, will re-implement an active management regime which will reflect the strategies used since time immemorial, ensuring its longevity and ecological health." As stated, this is essential for forest health and would provide opportunities for the FS to engage tribes in co- stewardship agreements, as discussed in other plan components

Topic: LUA Designation

Comments and Remedy: We appreciate the implementation of: FORSTW- ALL-OBJ--01 as we strongly encourage the incorporation of flexibility in the LUA designations.

For tribes, flexible designations also create an opportunity to exercise treaty rights and integrate traditional ecological knowledge and practices, such as controlled burns or sustainable harvesting, into forest management, in line with Plan Components. We urge the Plan to adopt a flexible, adaptive management approach that supports both environmental protection and tribal cultural practices.

Rational: Flexibility in these designations allows for a more adaptive approach to forest management that can respond to changing environmental conditions, such as climate change or shifts in wildlife populations. This adaptability ensures that forest ecosystems remain healthy and resilient over time. This not only strengthens the

connection between tribes and their ancestral lands but also promotes long-term ecological health and sustainability.

Topic: LSR's Moist Forest FORSTW- LSR-MOI- STD-01

Comments and Remedy: We are supportive of the change in Plan direction under FORSTW-LSR-MOI-STD-01 (Alt. BID) changing the age of timber harvest to 120 years, with exceptions for tribal co-stewardship and cultural uses (as well as to reduce wildfire risk to communities, as stated in the Plan Component). As well as FORSTW-LSR-MOI-GDL-01 supporting activities for maintaining or restoring habitat for species that depend on younger stands and tribal co-stewardship and cultural use. However, we want to ensure that, along with other Plan Components this allows for the creation of meadow-type habitats as well. (See relevant comment(s) below)

Page #: A1-18

Rational: Changing the age of timber harvest to 120 years from 80 years will allow for the creation of mosaic habitat, allow for tribal stewardship and cultural use, and begins to work to bring down the road blocks in LSR's that tribes have faced in being able to practice our cultural conditions in our ancestral homelands as we have done since time immemorial, and have been kept from accessing our treaty-reserved resources. Further, in allowing timber harvest up to 120 years, the door is now open for science- driven approaches to forestry to create forest stands of varying ages and seral stages that are necessary for the health and survival, of the forest and various species and habitats, creating a healthy ecosystem at the landscape scale

Topic: LSR Designation Interpretation

Comments and Remedy: Although we appreciate and support the changing of old growth in LSR to 120 years and making exceptions for tribal and cultural use, we believe that what constitutes the characteristics of LSR should be changed and outlined in the Standards and Guidelines.

Remedy: Add explicit language indicating that 'LSR encompasses a balance of age classes and have gaps in forest cover; stands should include early seral progressing to old growth forest, and all stages in between'.

Rational: Having a balanced age class within LSR designations will ensure healthy, fire-resilient ecosystems that align with trust responsibilities. Achieving this balance not only benefits the long-term health of the forests but also enhances species richness, improves habitat quality, and increases resilience to environmental changes and wildfire. Collaboration with tribes is essential in managing and restoring forest stands effectively, promoting both ecological health and cultural sustainability while strengthening the overall integrity of LSRs.

Topic: LSR Moist Forests

Comments and Remedy: Varying habitat types and seral stages are necessary to the success and health of the NWFP area, and this is not thoroughly considered in the Plan.

Remedy: Include FORSTW-LSR-MOI-GDL-02-B, allowing for the restoration of non-forested habitats in LSRs within moist forest landscapes or vegetation types.

Further, Late-successional and old-growth forest conditions are developed and maintained through active and natural processes and therefore FORSTW- LSR-MOI-DC-03-D must also be incorporated into the final Amendment.

Finally, FORSTW-LSR-MOI-DC-01-B allowing for LSRs interspersed with non-forested habitats, including meadows and oak woodlands where appropriate, and forested habitat with a range of successional conditions from complex early- successional to old-growth forest that reflects fire regimes and local conditions is essential.

Page #: A1-17

Rational: These three plan components are necessary to support ecological resilience and uses important to Tribes. Specifically, this will allow for the creation, restoration, and improvement of habitat and habitat connectivity for the various wildlife in the NWFP that have had a mutually beneficial relationship for thousands of years. This will also support access to First Foods, the ability to practice cultural traditions, and help build up tribal cultures that have been dwindled by the impairment of treaty-reserved rights, through lack of access and ability to find such plants, animals, and fungi that we have had since time immemorial.

Topic: FORSTW- LSR-MOI- DC-03-D, Clarification & Concern

Comments and Remedy:

Although we appreciate FORSTW-LSR-MOI-DC- 03-D and the tribal inclusion elements and exceptions, on its face (as stated in the previous comment), we would like to request a point of clarification on a concern.

The plan component states "LSOG forest conditions are developed and maintained through active and natural processes that include... (6) tribal co-stewardship and cultural use

Our concern is that there is no clarity on how tribal interests will be applied within some of the LSR objectives, such as this one, where there may be differences in objectives, and how they will be addressed. Will these tribal/cultural projects be allowed in old growth or are they allowing for flexibility and the ability to have a balanced age classes within LSR to allow for tribal cultural practices? Please clarify to ensure tribal needs will be allowed.

Page #: Pg 2-15

Rational: We believe that there should be flexibility within LUA designations. As stated in our previous comment on LSR designations, we believe that LSR's should allow for a variety of age classes to improve ecological sustainability and meet federal trust responsibilities, as well as putting Tribal Inclusion Plan Components in action.

To support differences of the six listed development and maintenance activities/treatments, we believe that local Forest Supervisors should be able to make the determinations. This is aligned with our MBS MOA, in which we have a dispute resolution section. We believe that having more MOA agreements within the NWFP area will benefit the LSR designated land in that local Forest Supervisors most familiar with the actual conditions on the ground can determine whether the suggested activity/treatment will lead to meeting the desired conditions as they evaluate it. Having more methods of dispute resolution on the ground will help work out discrepancies between the NWFP and local LRMPs when applying treatments

Topic: FORSTW- LSR-PMA- D

Comments and Remedy: Although we generally find Alternative B to be the best approach, some decisions and discretion need to be given to the local Forest Supervisor at forest unit level.

Remedy: FORSTW-LSR-PMA-D should be incorporated into the selected alternative.

Page#: Pg 2-13

Rational: As previously stated, we believe that review, decisions, and assessments are better left to local Forest Supervisors as those individuals who are most informed about conditions on the ground and the ability to have a frame of dispute resolution in place. Knowing the conditions on the ground allows for a more effective implementation of the Plan Components of the Plan.

Topic: FORSTW- LSR-MOI- GDL-01

Comments and Remedy:

We would like to request the following clarification: The description for FORSTW-LSR-MOI-GDL-01 on pg 3-69, states "Alternatives B, C, and D would all expand the types of forest management activities allowed in moist forest stands in LSRs with guidelines requiring that forest management activities in these stands be designed to: improve and maintain LSOG forest conditions; restore (Alternatives B and C) or improve (Alternative D) habitat for species that depend on younger stands; or achieve other desired conditions such as fostering old-growth development and supporting tribal cultural use and co-stewardship."

However, Table 1 for the same Plan Component shows no such difference in laying out the difference of plan characteristics.

If the difference between Alternatives B and D is that B is for restoration and improvement, we suggest that the Plan should allow for both restoration and improvement of "habitat for species that depend on younger stands; or achieve other desired conditions such as fostering old-growth development and supporting tribal cultural use and co-stewardship." Regardless of the discrepancy, we suggest that the plan include both in the Amendment

Page #: Pg 3-69/3-77 Pg A2-10

Rational: Allowing for both restoration and improvement of habitat for these species (and other desired conditions and tribal co- stewardship) is necessary to achieve desired conditions and to create a variety of habitats that are needed for plants and wildlife for the health of the NWFP area. Further, this is necessary to facilitate effective tribal co-stewardship and to lessen the impairment on treaty-reserved rights and resources.

Topic: FORSTW- LSR-MOI- DC-02

Comments and Remedy: For Desired Condition FORSTW-LSR-MOI-DC-02, in accordance with the way that lands have been stewarded since time immemorial, an additional element should be added that states: "old growth forests generally have meadows and grasslands and varying seral stages."

Further, the element that states that "Moist forest stands accumulate and maintain significant levels of biomass

over extended periods of time" should be edited to include "as is necessary to the overall health of the ecosystem at landscape and local scale, with considerations for culturally relevant or traditional plant, animal, and fungi species" to the end of the sentence

Page #: A1-18

Rational: As previously stated, without the use of meadows, these large old growth stands run a significant risk of uncharacteristic wildfire as environmental conditions rapidly dry and change. In order to conserve old growth and the species that depend on it, varying habitat types must be dispersed throughout. Significant accumulation of biomass without treatment has led to many of the problems that have occurred in recent decades leading to the loss of old growth, habitat for the NSO and Marbled Murrelet, as well as many tribally importance species, and species for which the land has had a mutually beneficial relationship with for thousands of years

Topic: LSR Salvage

Comments and Remedy:

While we appreciate that Alternative B, the preferred Alternative, allows salvage in LSR for tribal cultural use, Alternative D allows for salvage in LSR for tribal co-stewardship and cultural use.

Remedy: Incorporate Alternative D into the Amendment

Page #: 3-32

Rational: We believe that LUAs should remain flexible so that the FS can meet its tribal inclusive plan components, federal trust responsibilities, and effectively approach forest health/forest ecology issues. Further, salvage helps wildlife in allowing for connectivity and habitat support. Salvage is done in conjunction with a biologist/wildlife biologist from the local forest and will ensure that it is done ecologically. This salvage can also be used for timber sales, bringing money to the FS.

Topic: Moist Matrix

Comments and Remedy: While we appreciate that the Plan acknowledges tribal inclusion and co-management, we are concerned the Plan does not fully integrate considerations of what actual land area and designations are available to implement these measures. In many cases, matrix areas where tribal management of landscapes should be easier, are minimal to begin with across the MBS (close to only 3%), and can be further constrained by current LRMP conditions, leaving even less acreage for active management.

Remedy: USFS should review how the Matrix LUA impacts tribal uses and resource management opportunity at the local level with an 'effects analysis'. Further, the FS should allow for flexibility and tribal treaty management exemptions within the Matrix LUA to implement co-stewardship projects, the exercise of treaty rights, and the ability to improve forest health in support of treaty-protected resources

Rational: Under the Matrix LUA, there is, in general, a paring down of land that is allowable to manage for harvest and other interventions given how local land management plans interact on matrix areas. On the MBS, a

significant amount of the designated Matrix areas are subject to additional constraints under the MBS LRMP, such as: semi-primitive, non-motorized, roadless, and visual management areas, for example. The NWFP places restrictions upon old growth, while the MBS LRMP imposes significant restrictions on mature trees. Together, the amount of land for which we can implement those Tribal Inclusion Plan Components, and to exercise our treaty reserved rights is almost non-existent.

Topic: AMA

Comments and Remedy: Although we appreciate FORSTW-MTX-MOI- DC-04, allowing for "ecological forestry approach and treatments [that] contribute to the goals of accelerated restoration and tribal co-stewardship..." and the landscape support projects that it can be used for such as restoration of non-forested habitats and tribal co-stewardship, we are concerned about the plan direction that some Adaptive Management Areas are themed LSRs in the DEIS.

AMAs were intended to accommodate experiential management and harvest approaches, representing a key opportunity to manage with tribes, for tribal treaty rights. By placing Matrix restrictions on all AMAs (except those in LSR), this critical tool to learning how to respond to unique and ever increasing challenges facing our public lands and resources is taken away. It also takes away a means to exercise tribal treaty rights and the ability to participate in co-stewardship.

Remedy: As such, we recommend that, as it relates to AMAs, the Amendment maintain the No Action alternative or update the action alternatives to give these AMAs strong language that provides for the commitment to maintaining experimental forestry and outline an actionable process to give local forests the ability to change AMA themes.

Page #: Pg A1-19 Pg A1-14, Pg 3-20

Rational:

It is very important to keep these AMA opportunities for experimental forestry as we experience rapid environmental changes, innovations in technology, advancements in western science, and in the incorporation of Indigenous Knowledge as the Tribal Inclusion Plan Components state.

Further, in effectively taking away these AMA LUAs by attaching them to LSR or Matrix, tribes are losing a key opportunity to utilize traditional forestry methods and exercise treaty rights.

The MBS in particular, is largely designated LSR which is critically restrictive in favor of old growth. Because of this, in conjunction with the inflexibility of LSRs and AMAs as amended, there is no flexibility to protect treaty rights or resources, or create the habitat to sustain them, in the area for which we can exercise our place-based treaty rights.

Further, on the MBS all Matrix lands are subject to significant restrictions from the local forest-level LRMP, which requires the most restrictive use to take precedence. This overlay stifles the exercise of treaty-reserved rights and access to treaty resources, and other cultural lifeways as it creates inflexibility to create conditions for these practices.

This is inconsistent with the federal trust responsibility to tribes, and shows that special uses and Tribal Inclusion Plan Components are not sufficiently integrated into the Plan. Maximizing the land available for flexible approaches within every LUA is critical to tribes, as is maintaining the one designation that inherently allows for

such flexibility

Topic: Restoration

Comments and Remedy: We acknowledge that CLIMATE-DC-OS gets at the resiliency of the transportation network, it does not go far enough to protect treaty-reserved resources. The effects analysis should consider how to do this more deeply. The plan fails to consider many types of restoration, including road restoration.

Remedy: Much of the "restoration" focuses on timber management, though road associated "restoration" is just as important. This restoration includes fish passage and sediment delivery from unstable slope road construction, heavy public use, lack of maintenance, and chronic erosion and sedimentation. Other "restoration" or enhancement options include increasing water quality/quantity through wetland enhancements utilizing beaver, etc. This will also aid in resiliency from environmental- related changes.

Page #: Pg A1-28

Rational: We first brought this to the attention of the FS in our comments on the Synthesis of Science in 2019. However, the Plan does not reflect consideration of these types of restoration through Plan Components or any other tangible way. This is important because of the impact roads and water quality/quantity have not just on the health of old growth forests and the species that rely upon it, but the immense impact they have on the ability to exercise treaty-reserved rights through dictating the availability or impact on these resources

## WILDFIRE RESISTANCE & RESILIENCE

Topic: Wildfire Resistance and Resilience

Comments and Remedies: Although we view Alternative B as the overall better strategy, we believe that, in relation to the Wildfire Resistance and Resilience Plan Components (FIRE), many Alternative D plan components must be fully incorporated, in addition to Alternative B

Therefore, we are largely inclined to agree with:

- \* FIRE-ALL-OBJ-D-01/02
- \* FIRE-ALL-GDL-D-05/06
- \* FIRE-ALL-DC-D
- \* - FIRE-ALL-GOAL-D-02/03/04/05/06/07/10
- \* FIRE-ALL-STD-D
- \* FIRE-ALL-GDL-D-01/03/
- \* FIRE-ALL-PMA
- \* MA-GWPZ-GOAL-D-02
- \* MA-WRZ-DC-D
- \* MA-WRZ-GOAL-D
- \* MA-WRZ-PMA-D
- \* MA-WMZ-DC-D
- \* MA-WMZ-GOAL-D

Page #: A2-14 thru 16, A2-19 thru 25  
Rational: It is important that the Plan Components specifically listed

incorporated into the final Amendment because they are the more ecologically sound choices, in treating more acres with mechanical and wildland fire treatments, the risk of devastating wildfires to communities and critical resources and habitat is significantly decreased. Further, the ability to treat for habitat creation and to protect tribally significant locations and resources, is necessary to meet federal trust obligations by the FS. This will allow for practicing cultural traditions, restoring landscapes to flourishing resilient landscapes with varying wildlife, plants, and fungi, for the exercise of treaty-reserved rights, and overall ecosystem health. Topic: FIRE Tribally-led Comments and Remedy: Under the NWFP Amendment, it is essential that National forests explicitly accommodate both cultural fire and Tribally-led prescribed fire. Rational: Allowing Tribes to define their management techniques to meet their ecological and cultural objectives. This is crucial for restoring the ecological balance that Indigenous fire practices once ensured. Topic: FIRE Comments and Remedies: The DEIS falls short by not addressing existing bureaucratic barriers to fire use and failing to disclose where and how beneficial fire will be allowed and applied.

Remedy: This can be done through a variety of plan components, and well as through LUA designations and their Standard and Guidelines. Rational: This is especially important as we move from a fire-depressant regime to one that restores fire to the landscape. There will be various barriers, both bureaucratic and in public opinion, and the FS must think about how to approach these. Topic: FIRE & Recreation Comments and Remedies: More in depth comments on Wildfire and Resilience can be found in the "VI. Recreation" section, due to the nexus between recreation and wildfire both on the land, and the incorporation of the concepts within Plan components.

Remedy: The Wildfire Resistance and Resilience section should do more to incorporate the considerations of recreation and wildfire, through Plan Components, such as educating the public of the nexus between them. Rational: This is incredibly important because both wildfire and recreation significantly impair the exercise of treaty-reserved rights through lack of access and availability. As our rights are place-based, it is paramount that those in place now are maintained, and that they are restored to as close to treaty time level. RECREATION Topic: Recreation General Comments and Remedies: Tribes have witnessed increasing recreational pressure across the landscape, and continuing impacts to our treaty rights, natural resources and access on public lands. We are currently working with all federal agencies and western Washington treaty tribes to address this issue through the "Treaty Rights at Risk Task Force."

Remedy: Recreation and its implications for tribes and treaty rights, forest health and plant and wildlife habitat, richness and abundance, impacts on endangered and threatened, survey and manage species, fire, should be outlined appropriately where recreation is addressed. The Forest Service must explicitly state in the NWFP and work within the framework that recreation cannot infringe upon the exercise of treaty reserved rights or impair the natural and cultural resources and habitat quality on which they depend; this amendment should ensure consistency with the Treaty Rights at Risk goals, and not create additional challenges. Rational: A mounting body of scientific literature reinforces what tribal members are observing: that the impacts associated with recreation, both motorized and non-motorized, can and does have a significant environmental impact. Cumulatively, recreational activities can influence the range and health of fish and wildlife species and habitat, degrade vegetative communities, and result in human presence and disturbance throughout even the most remote areas of public lands and treaty areas, regardless of season. Researchers report that outdoor recreation is a leading cause of species endangerment on public lands in the United States, and on at-risk bird species worldwide (Losos et al. 1995, Steven and Castley 2013). (The "Recreation Boom" on Public Lands in Western Washington: Impacts to Wildlife and Implications for Treaty Tribes, Tulalip Tribes, 2021). Topic: FIRE & Recreation Comments and Remedies: Despite visitation tracking being of some consideration in the Plan, as presented through Table 3-23, it does not go far enough to contend with the impacts these numbers of visitors have and omits entirely forecasts of increasing population and likely associated increasing visitation and projected impacts. Proactive planning, rather than reactive measures, is essential to equip us to handle the pressures on state public lands. Remedy: Forest Service must incorporate preliminary forecasts on future population growth and anticipated increases in recreational use of public lands, and their implications within the Amendment. Page #: Pg 3-131/132 Rational:

The FS Pacific Northwest Research Station projects continued increases in the total number of people recreating



outdoors due to continued regional population growth. (White, 2023). Washington is facing unprecedented population growth and a surge in recreation on public lands, trends that have persisted and intensified since the end of COVID-19 restrictions. However, the Plan focuses on past and present conditions, failing to address future projections in population and recreational demand

Topic: FIRE & Recreation

Comments and Remedies: Below in italics you will find suggested language edits and strike out for suggested language removal

FIRE-ALL-GOAL-D-02 Manage fuel accumulations, help maintain and protect habitat for a variety of species, reduce smoke from larger and longer duration fires, provide added protection for communities [start italics]and tribes, [end italics]and restore fire on the landscape. These actions are also an integral part of achieving sustainable recreation [start italics] that is compatible with treaty rights and science-driven natural resource management [start strikeout] by [end strikeout] while [end italics]maintaining scenic attractiveness, integrity, and character.

FIRE-ALL-GOAL-03: Resources, planning, infrastructure, training, and workforce development strengthen the capacity [start italics] of tribes [end italics] and communities to prepare for, respond to, manage, and recover from wildfire. This includes proactive management for ecological restoration, biodiversity, fuels reduction, cultural burning where desired by tribal partners, and wildland fire. Recognize and include diverse perspectives including but not limited to, tribal, timber-based economy, underrepresented, and recreation communities [start italics] with acknowledgement that public/private group engagement does not supersede those perspectives from sovereign government such as federally recognized tribes. [end italics]FIRE-ALL-PMA-12: [start strikeout] Promote [end strikeout] rehabilitation of recreation infrastructure [start italics] shall occur [end italics] where [start strikeout] desirable and feasible [end strikeout] in consultation with tribes and where [start italics] compatible with tribal access and science-based natural resource recovery and restoration, [end italics] during post-disturbance management. Within disturbed areas, prioritize forest and ecosystem health, hazardtree and vegetation removal near trails, and slope stabilization around trails. [start strikeout]and restore affected outdoor recreation facilities [end strikeout]Page#: Pg A2-19, Pg A1-25, Pg A1-26Rational: Although we appreciate that the FS has taken countless hours to involve tribes throughout the NWFP Area and has likely thought deeply about their incorporation, we have suggested revisions of wording of Plan Components to be aligned with federal trust obligations as it relates to meeting recreation-use mandates. Recreation use is a primary threat to tribal access and use; therefore, it is paramount that the FS think deeply and critically how even the rehabilitation of recreation infrastructure invites continued use that degrades the land and resources for which we rely upon to sustain our culture. In many cases, it keeps us from exercising our rights, even if the resource is there.

We feel that the Tribal Inclusion elements of the Proposed Alternative are great, but that needle should be threaded in Plan Components such as these as well in order to meet federal trust responsibilities.Topic:

Recreation & ClimateComments and Remedies: The largest consideration of recreation in climate arises in CLIMATE-DC-04, however, there is no effects analysis on the nexus of climate change and recreation and how climate change exacerbates the

impacts on treaty resources and lands in the face of changing conditions.Remedy: The Amendment must incorporate recreation considerations more thoroughly into the climate section.Page #: A1-28Rational: The impacts of both a changing environment and recreation are placing a significant impairment upon the exercise of treaty-reserved rights and resources.Topic: Recreation & ClimateComments and Remedies: The Bioregional Assessment explicitly addresses the need for updated landscape-level land management plan direction related to climate change impacts on outdoor recreation: "Land management plans need proactive direction to address the potential effects of climate change and other landscape-altering events on recreation and its infrastructure." It goes on to say: "Land management plan direction needs to address the connection between resilient landscapes and sustainable recreation and prioritize when and how management activities apply to

desired conditions related to recreation."

Remedy: The Plan must incorporate proactive direction with outlined example events, and which management activities apply. The FS should also educate the public on why this is important.

Page #: Bioregional Assessment, page 65.

Rational: The DEIS falls short on explaining how the Forest Service will achieve this, while making sure that any recreation is "compatible with protecting natural resources in order to meet its fiduciary responsibilities to treaty tribes as their federal trustee.

Topic: Recreation & Wildlife

Comments and Remedy: The Forest Service intends to retain original NWFP language which states that "Dispersed recreational uses, including hunting and fishing, generally are consistent with the objectives of Late-Successional Reserves." While tribal hunting, gathering, and fishing is not recreational, the LSR designation has created roadblocks for tribes before doing these same cultural, treaty reserved exercise of rights, and dispersed camping has a significant impact on resources, the land, and treaty rights and access.

Remedy: Therefore, the interpretation of LSR should be consistent with the exercise of these rights and the impacts of recreation on them

Page #: V2 Page, B-31- ID-71/, Page C-18

Rational: Dispersed recreational uses have significant impact on both plants and animals within forested lands. It has been found that increased dispersed recreation may spread noxious weeds into backcountry areas which can lower forage quality and reduce nutritional condition, making animals more vulnerable during winter and other critical times during the year (Canfield et al., 1999). Additionally, road use and elevation can affect black bear denning chronology and den site selection in the Cascade Mountains. Denning disturbance can have large energetic costs and result in den abandonment, especially when activity occurs within 200m (656 ft) of den site (Linnell et al., 2000). We are further aware that the elk, grizzly, wolves, and wolverines are sensitive to human disturbance.

Topic: Recreation

Comments and Remedies: We assume that "sustainable recreation" as used in FIRE-ALL-GOAL-D-03 is pulled from the 2012 Planning Rule.

Concern/Request: We request that the FS make an additional requirement of sustainable recreation, that it must be compatible with ecological sustainability in such that it does not impair the exercise of treaty- reserved rights

Page #: A2-19

Rational: It is important to know what the FS considers to be "sustainable recreation." We would like to know what metrics, data, and science (western and indigenous) will be used to determine sustainability in this context. Further, it MUST be compatible with treaty-reserved resources, access, and availability.

Topic: FIRE

Comments and Remedies: It is clear that the plan components within the Wildfire Resilience section aims to include fire resilience planning into this plan, however, it silos fire resilience planning away from mitigating recreation-caused emergencies that are exacerbated by changing weather patterns and environmental conditions, and does not explicitly make the connection between recreation as the cause of wildfires. It is crucial to plan not only for the impacts of wildfire on recreation, but more importantly, how recreation is a major driver of those wildfires, leading to the destruction of natural and cultural resources that the Forest Service is required to protect as a federal trustee.

Remedy: The FS should use this section to educate the public on the nexus of recreation, wildfire, and the impact on natural resources. The FS should also plan for continuing unsustainable recreation impacts these treaty resources. Further, FS must account for this avenue of fire in their analysis and explain how it will be managed in this Plan.

Page #: AI-24 thru AI-27 A2-19 thru A2-25  
Rational: It is especially crucial to make the links between climate change, recreation, and wildfires because nearly 85 percent of wildland fires in the United States are caused by humans. Generally, these human-caused fires result from campfires left unattended, equipment use and malfunctions, negligently discarded cigarettes while recreating, operating firearms, and fireworks, among others. (U.S. Forest Service Research Data Archive & Short, 2022). Half of all these recreation-caused ignitions occurred on lands managed by the Forest Service. (Jenkins, 2023). By incorporating this discussion, the FS can better inform the public about the broader consequences of their recreational activities and the critical need for responsible behavior to mitigate wildfire risks. Education is a particularly powerful tool to accomplish this because education of recreational impacts to recreational users has been shown by research as a successful means for improving visitor behavior and lessening impacts on natural and cultural resources. (See review in Tulalip Tribes "Recreation Boom", 2021).

Topic: FIRE & Recreation  
Comments and Remedies: Due to our concerns with recreation, we therefore are inclined to agree with:

- FIRE-ALL-GOAL-OJ- TRIBAL-FORSTW-ALL-GDL-02- TRIBAL-TPTR-DC-02- CLIMATE-GDL-02  
However, they are still not far enough to ensure compliance with federal trust obligations.

Remedy: The FS must actively mitigate, enforce, and educate, on their own and with tribes.

Page #: Pg. AI-25, Pg. AI-8, Pg. AI-10, Pg. A-29

Rational: These Plan Components generally support ensuring that the FS, as well as visitors, are educated about the issues; they are planned for and mitigated in advance.

Topic: ECONSUST Generally &

ECONSUST- DC-02  
Comments and Remedies: Although we understand that many communities rely upon recreation economies after the departure of timber industries, the Forest Service must ensure that all recreation-based economies and activities are compatible with treaty-reserved rights, access, and availability.

Remedy: The FS should monitor, consult with tribes, and enforce rules and/or restrict such activities where needed to ensure consistency with their trust obligations to tribes.

Page #: Pg A1-30

Rational: We understand that the Forest Service has multiple use criteria that it must meet, including allowing recreational opportunities. However, these opportunities, facilitated by the Forest Service or allowed by the Forest Service cannot infringe upon or impair treaty rights. It is the Forest Services' duty, our federal trustee, to prevent this from happening through monitoring, educating, and enforcing.

ATTACHMENT-LETTER TEXT: Tulalip Tribes Comments on NWFP Amendment DRAFT EIS 03172025.pdf; this is the same content that is coded in text box; it was originally included as an attachment