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6406 Marine Dr
Tulalip, WA 98271-9694

360-716-4500
Fax 360-716-0628

The Tulalip Tribes are federally recognized successors in interest to the Snohomish, Snoqualmie, Skykomish, and other allied tribes and bands signatory to the Treaty of Point Elliott.

Martie Schramm, District Ranger
Snoqualmie Ranger District
902 SE North Bend Way
North Bend, WA 98045

RE: Middle Fork Snoqualmie and Pratt Wild and Scenic Rivers Comprehensive River Management Plan

November 13, 2020

Dear Ms. Schramm,

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 reserved treaty rights throughout the Mt. Baker-Snoqualmie National Forest, encompassing all of the project area. Tulalip appreciates the opportunity to comment on the draft *Middle Fork Snoqualmie and Pratt Wild and Scenic Rivers Comprehensive River Management Plan*. Our comments today represent an expansion of the previous comments for this planning process, which remain relevant, and are attached again here for the record.

We were glad to engage in this process, and appreciated having the opportunity to submit, for your consideration, language describing the importance of the treaty resources for our people and the solemn responsibility of the Forest Service to uphold its trust obligation to treaty tribes.

The sections included in this plan containing language regarding the trust responsibility and the treaty reserved rights of tribes and their members is crucial to the survival of our people, of our culture. That being said, we would like to see that language appear repeatedly throughout the plan. From management directions to guidelines, the trust responsibility is truly only fulfilled once it has been meaningfully addressed in all aspects of planning and implementation.

Traditionally, the rivers served as our freeways and transportation to hunting grounds, fishing areas, spiritual areas and a means to travel to the east side and our trade routes. Many of these rivers and lands contain sacred legends of our tribal origin and represent how we got the name for our people.

The water is very important to our culture and spirituality. The river pools, lakes, ponds, and serene areas within the CRMP area and throughout the MBS are valuable to our religion and the retention of spiritual freedom, as was passed on from our ancestors.

Archaeological sites are equally important. They represent tangible connections to our past generations and cultural identity. In a western sense, these sites validate what we already know. The protection of these sites is of the utmost importance. As more of these areas are disturbed, other sites may be revealed. A plan should also be included to protect future archaeological sites.

We continue to have concerns about recreation as a growing industry, leading to increased volumes of people in the area, and the associated impacts on the environment, including to tribal use and connection to these, our ancestral homelands. Already we are experiencing impacts to treaty rights and natural resources on which our people depend, including in the project area. As we have said before, the area was once an important treaty hunting area for our members. Over the last 20 years, with increasing population and the recent paving of the Middle Fork Snoqualmie road, the growing number of visitors has led to a situation where our people feel that they have been displaced, along with the wildlife, and treaty hunting has diminished. Recreation has created conditions that can be unsuitable for hunting and challenging for wildlife management and recovery. Yet, listed as an “outstandingly remarkable value” (ORV) for the Middle Fork Snoqualmie, we are concerned that recreation will remain a driving factor moving forward in the management of this area.

Particularly concerning is the lack of consideration for wildlife in determining carrying capacity for how much recreation an area can sustain without adverse impacts. Tribes are experiencing these impacts on wildlife now, yet without recognition of wildlife as a designated ORV for this planning purpose, we are concerned that wildlife will not receive the emphasis and consideration that is needed to conserve and recover wildlife in the project area, and protect and support our treaty rights. This is particularly concerning when other designated ORVs, like recreation, may be in conflict with wildlife protection and recovery.

We have said earlier in this project that we believe wildlife should be an ORV, which would recognize the critical role wildlife have in this ecosystem, even if their populations have been diminished, and help to guide management and wildlife recovery in this area going forward. Our comments below specifically address enhancement of wildlife forage opportunity and restoration of historic populations, which we believe is incumbent upon the USFS in their trust responsibility to treaty tribes.

For this CRMP to be successful in the long term, it must address the ecological pressures from global climate effects. There is no focused discussion of the implications of climate change on these river systems and associated lands. Climate change will cause lower flows during the snow-free season due to reduced early melt of the snow pack and extended summer drought. Warmer summer days and lower flow will result in increased water temperature, which is already a concern today. Extended summer drought will increase fire risk. All of these changes have ecological implications and affect human use. Management of the area will need to take these changes into account. A complete discussion of climate change and its implications should be included in this document.

Please see our specific comments below:

Page	Language	Comment
4	The Federal Trust Relationship – “Tulalip Tribes of Washington and Snoqualmie Indian Tribe have consulted throughout the development of the draft plan.	We would like to see language added specifying that ‘the entire project area lies within the Tulalip Tribes primary “Usual and Accustomed” Area (U&A), as decided in US v. Washington (1974).’ In addition, note that the entire project area lies within “Open and Unclaimed Lands” for purpose of treaty-reserved hunting and gathering.
11	Baseline Conditions	Language should be added to the narrative that describes the importance of tribal hunting in this area, and its decline over the last few decades. The relationship between increased recreation and decreases in elk and other wildlife populations should be explained.
13	“...known as <i>dx^wlilap</i> , signatories to the 1855 Treaty of Point Elliott.”	Strike “...known as <i>dx^wlilap</i> ,” and must read “...The Tulalip Tribes of Washington, who is the treaty 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.” This speaks directly to our treaty rights and our sovereign authority as co-managers of the resource.
22	Standards	Treaty Rights should be listed in this section as a factor for management. Language should be included that protects treaty rights and resources against adverse impacts.
22	Standards – point 4	Include language here that treaty rights will not be degraded by visitor use and recreation expansion. This includes wildlife habitat, water quality and aquatic habitat, and downstream salmon habitat.
22	Guidelines – treaty rights	Treaty rights and trust obligations should be specifically called out in this section as a management guideline.
22	Guidelines – Wildlife	Wildlife specific guidelines should be added such as improving ungulate foraging opportunities and recovering ungulate species across the forest.
23	Guidelines – 4 “...mountain goat habitat features exist near the Taylor River,”	This is a general term that probably shouldn't be used to quantify management. Mountain goat habitat is modeled in Taylor river, however there are other areas within the plan that currently have mountain goat that may not be modeled or noted mountain goat habitat features. So these should extend to other areas as well within plan area.
24	Recreation (Middle Fork Snoqualmie) – “...considers the	Traditional uses and rights of tribes is ambiguous. Treaty rights are however a legal term that carry certain legal

	traditional uses and rights of local tribes.”	definitions and responsibilities. We suggest, “...considers treaty rights, and other rights of federally-recognized tribes.”
25	Other Applicable Management Direction	While this is a management direction, we would like to see this in above sections to show specifically how the trust responsibility may affect plans for infrastructure, recreation, carrying capacity, etc.
27	Visitor Use Management and Capacity	At the end of the second paragraph, we would like to see language explaining existing mandates, including the trust responsibility to tribes and treaty rights. Specific consideration should be given for adverse impacts to treaty rights here, as is given to ORVs, in determining a sustainable recreational capacity.
27	Visitor Use Management and Capacity – Third Paragraph	Data on recreational use and changing conditions should be collected here. Recreation has impacts to treaty rights which have been observed over recent decades. This area would offer a controlled sampling to collect from and better quantify results. This would increase utility for on-the-ground management.
34	Estimated Capacity Range	The capacity range does not take into account negative impacts to wildlife, only an estimation of use. The estimated capacity range does not account for negative impacts to treaty rights at all. These estimated capacity ranges also do not consider the negative impacts that have already occurred to the resource. Determining the current degraded state to the treaty resource should be a goal, and a plan for recovery for the affected treaty resources should be included in these sections.
43	Estimated Capacity Range – third bullet	Trail-based recreation activities are not thought to negatively affect river values, however they do have a negative impact to treaty rights. Adverse impacts to treaty rights must be accounted for as well. Already, increased trail use and trail expansion has pushed elk off of public lands. The volume of use together with changing use continues to drive all wildlife away, not only elk. The treaty guarantees the right to hunt and gather on all open and unclaimed lands. As we saw with fishing in the Boldt decision, that also means a right to have a resource, a right to protect the habitat, and a right ensuring that these areas would not be infringed upon. Habitat and resources have already suffered degradation and damage from recreation. The right to hunt is impeded as a result.

47	Estimated Capacity Range – fifth bullet	Encouraging boat launches will force management problems/concerns with the amount of in stream wood years down the line. We consider this to be at odds with earlier management directions regarding placement of woody debris to improve stream fish habitat.
59	Cultural Values & Treaty Rights	We support the language of this first paragraph, especially with regard to ORVs not outweighing these rights. We need to see this demonstrated throughout the document.
59	Cultural Values & Treaty Rights – Last two sentences	“Tribes who signed the Point Elliot Treaty of 1855...” should read, “Tribes signatory to the 1855 Treaty of Point Elliott maintain treaty rights on these ceded lands.”
64	Wildlife – <i>Middle Fork Snoqualmie & Pratt Rivers</i>	<p>A lot has changed with recreation and access to this drainage since 1990. Using an outdated study might underrepresent the species today and importance they may have to tribes.</p> <p>Furthermore, the occurrence or expected occurrence of certain species described as not outstanding from surrounding areas should not disqualify wildlife as an ORV, for purposes of management directions. Finally, the baseline for wildlife should account for habitat degradation in recent decades and set the baseline for restoration to historic upland species numbers.</p>

Our people are inextricably tied to the land and water. As told in this CRMP, this area is the ancestral homelands of many of our families, and our stories and identity can still be seen across the landscape. The opportunity to comment is appreciated and appropriate as we work to preserve these lands for future generations.

If you wish to discuss these comments, feel free to contact Tulalip-MBS MOA Administrator Libby Nelson (360) 716-4639, or Andrew Gobin (360) 716-4589.

Thank you,



Teri Gobin
Chairwoman
Tulalip Tribes

CC: Tulalip Board of Directors, Ryan Miller, Jason Gobin, Tim Brewer, Libby Nelson, Andrew Gobin, Kurt Nelson, Brett Shattuck, Mike Sevigny, David Bailey, Richard Young, Russel Moses, Ray Fryberg, Joe Neal.

