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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.

Pacific Northwest Regional Forester's Office  
Attention: Pacific Northwest National Scenic Trail Comprehensive Plan Comments  
1220 SW 3rd Avenue  
Suite 1700  
Portland, OR 97204

RE: Draft Environmental Analysis for the Pacific Northwest National Scenic Trail (PNT)  
Comprehensive Plan

April 17, 2023

Dear Ms. Blanchard,

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

The PNT passes through the Point Elliott Treaty ceded territory, thereby having an impact on Tulalip's treaty reserved rights and resources. The draft EA fails to adequately consider the impacts from the development of this trail to the environment, and in turn to our treaty rights and resources, and our exercise of those rights. In that regard, the EA fails to meet the trust obligation of the federal government to ensure the rights to hunt and gather on all open and unclaimed lands are upheld.

- **Trust Responsibility to Tribes as pertains to the PNT:** As outlined in the Forest Service Manual, "the Federal Indian trust responsibility is defined as a legally enforceable fiduciary obligation, on the part of the United States; to protect tribal lands, assets, resources, and reserved rights... This responsibility requires that the Federal Government consider the best interests of the Indian tribes... when taking actions that may affect them." (FSM 1563.8b, heading 2 – Trust Responsibility). We wish to see treaty rights and the federal trust responsibility acknowledged in the beginning of the plan, and the protections of treaty rights and cultural resources demonstrated, and impacts to them evaluated throughout the Comprehensive Plan.
- **Baseline Information enabling future evaluation of impacts:** The EA does not include adequate baseline data on current fish and wildlife presence, abundance and habitat conditions.

The EA does not include any data on current impacts from recreation in the area, current impacts to tribal treaty uses, and other impacts to the environment. This baseline data must be collected and included to track impacts as trail use grows over time.

- **Trail Capacity:** It appears that user capacities were tied more to trail user abilities and preferences, as well as impacts on trail enjoyment, solitude and aesthetics. The determination of user capacity is devoid any scientific analysis of ecosystem resilience, protection of natural resources, or ecological services. The capacity does not account for treaty rights or cultural and archeological resources and activities.
- **Wildlife Impacts:** We appreciate the inclusion of our language “Wildlife constitutes critical treaty and cultural resources in the planning area.” However, wildlife will be affected in areas not only on the trail and immediately adjacent areas, but well beyond it, leading to fragmentation of wildlife habitat and affecting their behaviors. The EA continues to lack analysis of:
  - a. How this trail will affect or intersect with important wildlife corridors, reproductive areas, summer/winter range, wilderness areas? How use will be monitored specifically for impacts to wildlife?
  - b. Existing impacts to wildlife when user capacity numbers were estimated? How users would impact wildlife and their habitats. Why was the carrying capacity raised from the original annual user numbers (went from 80 users in 2021 to a capacity setting of 552-1748)?
  - c. How this trail will intersect with hunting and gathering areas for Tribal members?
- **Ongoing Monitoring, Mitigation and Enforcement:** Who will be responsible for managing permits and conducting monitoring? Who will be responsible for monitoring impacts from trash/waste on and around the trail? Erosion, invasive species, diminished water quality? User numbers, types, seasonal patterns, dogs on trails, etc.? The EA does not address what mitigation measures will be considered and implemented to offset the impacts that this trail and it’s users will inevitably have.

We again ask that the USFS review and integrate further the findings that are part of the recently published Tulalip report on wildlife impacts from recreation. (Referenced below and attached)

The “Recreation Boom” on Public Lands in Western Washington: Impacts to Wildlife and Implications for Treaty Tribes A Summary of Current Literature

<https://nr.tulaliptribes.com/Base/File/NR-Tulalip-Recreation-Impacts-to-Wildlife-2-28-21-v2>

Again, we appreciate the opportunity to share our comments. In addition to our above summary, we have included some specific comments and examples of the concerns we raise above in the attached table. Ultimately our hope is to see Forest Service ensure, first and foremost, conservation of public lands. The PNT must be ecologically sustainable and meet federal obligations to treaty tribes like Tulalip, consistent with the agency’s trust responsibility to tribes. Thank you and we look forward to engaging with you further going forward.

Sincerely,



Ryan Miller  
Director of Treaty Rights and Governmental Affairs  
Tulalip Tribes  
(360) 716-4632

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Page 5	<p>Purposes:</p> <p>The nature and purpose statements were developed by drawing from the basic intent of the National Trails System Act, subsequent executive orders, and elements of legislative history. They are informed by the vision for the Pacific Northwest Trail described in historic documents from Ron Strickland and the Pacific Northwest Trail Association and in the feasibility study. They are also informed by the results of public sensing that occurred prior to the development of this plan, through sensing meetings with stakeholders and the managing agencies in communities across the trail in 2012-14 and with the Pacific Northwest National Scenic Trail Advisory Council (Advisory Council) in 2015-16.</p>	<p>These statements lack input from all affected tribes. As we stated in our earlier scoping comments, Tulalip does not recall having been consulted in the development of the Comprehensive Plan. As a result, the nature and purpose statements do not anticipate nor consider treaty rights of tribes nor impacts to these communities that the project will have. If tribes were consulted, their input does not appear to us to have been adequately integrated.</p>
Page 6	<p>Significant Natural, Historical, and Cultural Resources:</p> <p>5. Iconic wildlife and fish Species 6. Places of importance to Tribes</p>	<p>Calling out of the significance of these resources as “treaty rights” is not included and must be. Wildlife and fish support treaty rights, as does places of importance to tribes. However, treaty rights and geographical areas defined by the treaties, such as U&amp;A, are legally defined and protected, with existing frameworks for management.</p>

Page 6-7	Identifying Carrying Capacity  2. Review existing direction and knowledge.	This section of the IVUMC visitor capacity guidebook includes a process for reviewing existing knowledge and direction, part of which specifically calls for a review of all applicable law and policy. This should include a review of treaty rights and resources in the project area which is missing in this EA.
Page 6-7	Identifying Carrying Capacity  Limiting Factors	The limiting factors discussed are too narrow, identifying only existing management directions and policies. The guidebook allows for a broader analysis, and gives an example of visitor use and impacts to vegetation. Similar attributes should be included as limiting factors. Expanding the limiting factors to include and consider treaty rights and the trust obligations of respective agencies, impacts to wildlife, habitat, and vegetation is essential, and is currently missing entirely, or is inadequate in this EA.
Page 7	Thru-hiker capacity: The proposed action includes an estimated carrying capacity for thru-hiking for the Pacific Northwest Trail of 552 to 1,748 thru-hikers per high use season (June 15th to September 15th). This is based on the most limiting passages of the trail, which are in the Cabinet-Yaak and Selkirk Mountains Grizzly Bear Recovery Zones and Olympic National Park's Wilderness Coast.	The determination of this carrying capacity does not follow the IVUMC visitor capacity guidebook cited as the process for determining carrying capacity. For federal lands, of which a majority of the project falls on, treaty rights exist in addition to the trust obligation of federal land managing agencies to ensure treaty rights are fulfilled. This EA is missing critical information as there is no analysis of existing or potential recreational impacts on treaty resources, nor on impacts to vegetation or wildlife. There are no thresholds identified for determining sustainable use.
Page 16	Culturally Significant Plants: A wide variety of culturally significant plants occur along the recommended national trail planning	In order to protect the plants and the traditional knowledge associated with them, we formally request that plants termed culturally significant not be

	corridor. The list of valued species varies by tribe, use, location, and ecological conditions. These species could occur in a wide range of habitats from exposed ridgelines for species such as bitterroot ( <i>Lewisia rediviva</i> ) in Montana to Camas ( <i>Camasia quamash</i> ) in valley bottoms	named specifically. Naming them jeopardizes treaty harvest opportunities. (see authorities to withhold sensitive tribal information under the Farm Bill). Furthermore, for tribes with treaty rights, these plants should be protected and maintained for treaty harvests.
Page 25	Recreation	EA fails to adequately evaluate recreational impacts on the landscape. Specifically, in botany, fisheries, and wildlife, recreational use on the PNT may result in increased forage harvest, fishing, or hunting, especially by thru-hikers.