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First name: Mia

Last name: Pisano

Organization:

Title:

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Regional Forester Jacqueline Buchanan

Pacific Northwest Region

U.S. Forest Service

1220 SW 3rd Avenue

Portland, OR 97204

Regional Forester Jennifer Eberlien

Pacific Southwest Region

U.S. Forest Service

1323 Club Drive

Vallejo, CA 94592

Submitted online via <https://cara.fs2c.usda.gov/Public//CommentInput?Project=64745>

Re: Northwest Forest Plan Amendment Draft Environmental Impact Statement

Dear Regional Foresters Buchanan and Eberlien,

I am writing to submit my public comment on the Northwest Forest Plan Draft Environmental Impact Statement. I have lived for decades within the area of the NWFP. I rely on the forest of Mt. Hood for my drinking water. I rely on the forests for clean air, and a climate that can support the continued survival of all beings within the web of life. I frequently work as a volunteer to field-survey proposed actions within Mt. Hood National Forest, and have in-depth on-the-ground firsthand knowledge of the forests and the Forest Service actions. I have been a member for five years of two Forest Collaboratives. In these Forest Collaboratives, I have developed deep and meaningful relationships with individuals with a wide range of perspectives and opinions, and have learned that we agree more than we disagree. I have developed great respect for the knowledge, expertise, and dedication of the federal employees who serve in the Forest Service, even when we disagree. Furthermore, I affirm that the government of the United States is obligated by law to meet trust responsibilities to include Tribal governments as full partners in management of US Forest Service lands.

I applaud the work of the members of the Federal Advisory Committee, who brought together broadly diverse perspectives, and reached a consensus recommendation, Alternative B. I urge the Forest Service to adopt Alternative B, and additionally to advance all of the Tribal Inclusion components included in each of the action alternatives in the Draft EIS, and additionally to adopt all of the Tribal Inclusion components (1-1 through 1-113) included in the FAC Recommendations (FAC Recommendations pp. 10-21).

Thirty years ago when the NWFP was created, the Forest Service failed to meaningfully engage Tribes, and Indigenous Knowledge, values and perspectives were excluded from the final analysis. The agency now seeks to amend the NWFP, and this represents a crucial opportunity to make amends for this foundational flaw in the original NWFP, and make meaningful commitments to respect Tribal sovereignty, honor treaty rights, fulfill trust responsibilities, and facilitate co-stewardship.

The agency's Draft Environmental Impact Statement (EIS) contains wide-ranging plan components to advance Tribal inclusion in national forest management. These were derived from the NWFP Federal Advisory

Committee's (FAC) consensus recommendations, input gathered from roundtables with Tribes, public scoping letters, and participation of Tribal staff on the Draft EIS writing team. While this effort is unprecedented in a Forest Service NEPA process, and the Draft EIS represents a remarkable improvement compared to the development of the original NWFP, the current proposed amendment can and should be improved in response to public comments, especially from Tribal entities.

The issues analyzed within the scope of the amendment process (e.g. fire resistance, climate change, forest stewardship, and community sustainability) are all critically important and will require significant changes in management direction. The inclusion and centralization of Tribal leadership and Indigenous Knowledge in national forest management is undoubtedly profound and goes well beyond undoing past wrongs. Implementing Tribal plan components provides direct solutions to many of the significant issues presented in the DEIS, and coupled with strong public support, it is imperative for the USFS to carry out Tribal inclusion in the Final EIS and Record of Decision.

I call for the Forest Service to advance all of the Tribal inclusion components presented in each of the action alternatives in the Draft EIS, and urge the agency to revise and further expand the Tribal Inclusion section in the Final EIS. The agency needs to provide a more comprehensive analysis that reflects the breadth and importance of the proposed plan components to Indigenous communities, and more accurately discloses the impacts of the proposed amendment on Tribes. The agency needs to utilize the groundbreaking work of the FAC and other Tribal engagement to produce an improved FEIS and amended NWFP that centers Indigenous Knowledge and collaborates with Tribes in forest management policies, programs, and practices in perpetuity.

The federal government has a trust responsibility that is enshrined in Secretarial Order 3403, U.S. Department of Agriculture Departmental Regulation (DR) 1350-002, and the U.S. Forest Service Manual (FSM 1563). This obligates the U.S. Forest Service (USFS) to ensure that Tribes are full partners in managing the lands and resources. However, Tribes were excluded from the original NWFP. This Amendment process and the Final EIS are crucial opportunities to ensure meaningful engagement and recognition for Indigenous Peoples within the NWFP area, and to implement meaningful commitments to Tribal sovereignty and co-stewardship.

Alternative B's Tribal inclusion approach is strongest because it covers the most topics, and has concrete requirements for national forests in specified timeframes. I call for the Forest Service to advance all of the Tribal inclusion plan components from each of the action alternatives. Tribal sovereignty is important to me, a non-Tribal person, because the integrity of any entity, be it an individual person, a government agency, or a federal government, depends on that entity holding up their agreements and obligations to others. The US Forest Service, and the US Federal government have agreements and obligations to engage with Tribal entities in government-to-government level engagement. The integrity of the entire United States is weakened and compromised when the government does not hold up its agreements and obligations. Tribal sovereignty is important to me as a matter of fundamental ethics. There are many, many additional reasons why Tribal sovereignty is important to me, but they are all under the scope of this fundamental ethical obligation.

To ensure that Tribal plant protection, post-disturbance management, and first foods measures are included in the FEIS, I call for the Forest Service to add the Tribal potential management approach and Tribal Goals 8 and 9 from Alternative D into the FEIS.

To ensure that FAC-recommended language on cultural burning as a right is included, I call for the Forest Service to recognize Indigenous cultural burning as a right by including all of the language from the FAC's Desired Conditions 1-16 into the FEIS. ("Cultural burning is recognized as an inherent Tribal right and responsibility that has existed for millennia and is rooted in Tribal laws and Indigenous knowledge, practices, and belief systems. The Forest accommodates cultural burning and coordinates, consults, and collaborates with Tribes in order to create conditions conducive for this Tribal sovereign practice.")

To ensure that the FEIS includes historic language on committing to address past harms to tribes, I call for the Forest Service to include the Federal Advisory Committee's full Tribal Inclusion preamble into the Final Record of Decision and other relevant areas, emphasizing the section on p. 8 of the FAC Recommendations that begins with "Over a century..."

Until a few years ago, it was possible for residents of cities on the west side of the Cascades to imagine that destructive fire was something that happened somewhere else, to other people. The Eagle Creek Fire, in 2017, and the combined Labor Day fires of September, 2020, showed us all that this was not true, and was never true. We now know that destructive fire is possible here, in Portland, Oregon, and have experienced firsthand the impact of destructive fire in our communities. We also know that the forests of the NWFP area are all fire-adapted forests, and that these forests have experienced over a century of fire exclusion, including exclusion of indigenous burning, and a policy of full suppression of all fires. The combined result of these actions, combined with changing atmospheric conditions, has put all our communities at risk of destructive fire. The NWFP amendment is an opportunity for the Forest Service to pivot to evidence-based strategies for fire resilience in Forests and communities. Fire Resilience and Tribal Inclusion are inextricably interconnected, and both must be advanced in the NWFP amendment.

I call for the Forest Service to incorporate the FAC recommendations for Fire Resilience (FAC Recommendations 3-1 through 3-17, FAC Recommendations pp. 26-28) into the FEIS.

Addressing this complex situation requires that the Forest Service advance beneficial fire as a management practice, and also as one part of the restoration of Indigenous land stewardship, including cultural burning.

I call for the Forest Service to retain the beneficial fire language in Alternative B into the FEIS. Alternative B's beneficial fire approach is strongest because of its support of Indigenous cultural burning and co-stewardship agreements.

Fire Resilience is advanced with the inclusion of strong support of Tribal Inclusion. In the DEIS > Proposed Action > Tribal Inclusion > Forest Stewardship > Potential Management Approaches > PMA 3 (Appendix A1, p A1-8), I urge the Forest Service to strengthen Fire Resilience by strengthening Tribal Inclusion, and to adopt the language of the FAC Recommendation 1-57.

DEIS: FORSTW-PMA (3) (Upon a Tribe's request, the Forest shall strive to enter into at least one memorandum of agreement or other formal instrument with each Tribe with treaty or other protected tribal rights on each national forest in the Northwest Forest Plan area pertaining to fire co-stewardship, cultural burning, cultural heritage and resource monitoring, wildfire management, wildfire risk reduction, and post-fire recovery.)

Replace with:

FAC: 1-57 (STD: Upon Tribal request, the Forest shall enter into at least one memorandum of agreement or other formal instrument with each Tribe with reserved and/or unreserved treaty rights on each forest unit pertaining to fire stewardship, heritage monitoring, wildfire management, wildfire risk reduction and management, and post-fire recovery.)

Additionally, the DEIS lacks analysis on how existing bureaucratic barriers to fire use will be overcome. And it lacks disclosure of where and how beneficial fire use will be allowed and applied. This is a warning sign that fuels reduction for fire suppression may continue to dominate Forest Service fire management. Therefore, I urge the Forest Service to require in the FEIS that any/all fuels reduction or fire resilience projects include a fire use component (e.g. prescribed pile burning and/or broadcast understory burning) and specify that the primary objective of these fuels projects is to prepare sites for managing future fire for resource benefit rather than fire suppression.

With regard to post-fire salvage logging (3.3.2.2 Change in Salvage Management), I urge the Forest Service to prohibit post-fire salvage logging in moist-forest LSRs, in light of recent research showing that even after high-severity fire, these areas may still provide suitable habitat for Northern Spotted Owls.

https://westernfieldornithologists.org/publications/journal/journal-volume-55-4/first_record_of_the_northern_spotted_owl_nesting_in_severely_forest_burned_forest/

Additionally, I urge the Forest Service to adapt to changing conditions in the agency's staffing and capacity for research and analysis by making use of the abundance of best available information from organizations that focus on non-forest ecosystems to address gaps in Forest Service capacity to develop comprehensive data. Just two examples include the National Wetland Inventory Data (US Fish & Wildlife), and oak woodlands research conducted by the East Cascades Oak Partnership (Columbia Land Trust).

Finally, throughout the DEIS, the phrase "ecological forestry methods" is used but never defined, described, or referenced. This omission has not gone unnoticed. I urge the Forest Service to clarify, by defining, describing, and/or referencing, what is meant by "ecological forestry methods".

Sincerely,
Mia Pisano