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Comments: 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. As such we have treaty reserved rights and resources throughout the Mt. Baker[Snoqualmie National Forest. Please see the following objection to the Middle Fork Snoqualmie and Pratt Wild and Scenic Rivers Comprehensive River Management Plan Draft Decision, consistent with 36 CFR 218, Forest Service's pre-decisional administrative review process under NEPA.

We believe that the draft decision falls short of fulfilling its purpose under the Wild and Scenic Rivers Act or in meeting the Forest Service's trust obligations to treaty tribes. Specifically, we believe that the USFS erred in excluding wildlife as an "Outstandingly Remarkable Value" (ORV) in the draft management plan.

In our early consultations and in our formal comments (see attached Scoping and Draft CRMP comments), Tulalip has consistently raised the appropriateness of designating wildlife as an ORV for this plan. Wildlife, as an ORV, was included in the 1990 Forest Service ORV eligibility assessment, it was not included in the 2018 assessment, based on different standards cited by the USFS which were later adopted.

In order to be designated as an ORV, the designation must be based on the following, according to the Forest Service and as stated in the CRMP: a river-related value that is unique, rare, or an exemplary feature that is significant at a comparable regional or national scale". Beyond this criteria, the Mt. Baker-Snoqualmie National Forest (MBS) developed additional and specific 'evaluative criteria' specifically for determining ORV eligibility.

Tulalip believes that 'Wildlife' is an ORV for purposes of this CRMP and has raised our rationale throughout the consultation and commenting periods:

- * From a tribal perspective, wildlife, and wildlife habitat in this planning area constitutes a value that is both exemplary and rare for its potential to protect and enhance wildlife, which are diminished, yet critical treaty resources, and to sustaining biodiversity for future generations.
- * Wildlife (as a whole) constitutes critical treaty and cultural resources in the planning area, as a road connected and elder-accessible treaty hunting area in our primary ancestral homelands and watershed.
- * The riparian habitat in this designated Wild and Scenic River area includes valuable habitat needed to protect and/or recover wildlife, including diminished treaty resources like elk, bear and deer, which were present and sought after by Tulalip tribal members in the recent past, but have grown less and less available due to impacts associated with increasing recreational uses and crowding in the area. (See attached Tulalip Recreation Impact on wildlife report and literature review). The habitat in the planning area supports a diversity of wildlife species, and serves as critical recovery habitat for any wildlife that have already been diminished due to previous timber management, recreational or other competing uses.
- * Determining both the 'region of comparison' and the specific 'evaluative criteria' for Wildlife are subjective (e.g., language like: "relative merits") and were not developed with treaty tribes. We believe that if federally recognized treaty tribes as sovereign governments and co-managers over treaty resources, and as designated "important local users", were present with the interdisciplinary team developing these criteria, these determinations would be a better reflection of tribal values and perspectives, and would have led to different outcomes with regard to designated ORVs. (see also FSM 1563.8b, Trust Responsibility re: 'tribal determination of their best interests' through consultation).
- * The management plan itself states that the "River contains nationally and regionally indigenous populations of wildlife".

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 1563.86, heading 2 - Trust Responsibility). As we said in earlier comments, we would like to see the protections of treaty rights and resources demonstrated throughout this plan, including by recognition of Wildlife, a critical treaty resource, as an ORV for purposes of this CRMP.