



Nooksack Indian Tribe Natural Resources Department

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July 2, 2020

Erin Uloth, District Ranger
Mt Baker Ranger District
810 State Route 20
Sedro-Woolley, WA 98284-1263

Re: North Fork Nooksack Vegetation Management Project

Dear Erin,

Thank you for the opportunity to meet with you and provide comments on the scoping for the North Fork Nooksack Vegetation Management Project over the last several years. We appreciate working closely with you and your staff on a range of habitat restoration, resource protection, fisheries management and cultural resource issues. As a sovereign nation with a long history of use of the forest lands affected by this project, we have a strong interest in seeing a successful management plan developed for the North Fork and its tributaries that avoids or mitigates the impacts of forest management on Treaty resources while maintaining access and opportunities for cultural use for tribal members. The exercise of Treaty rights is a trust responsibility of the Forest Service and must be a primary consideration of the North Fork Vegetation Management Plan. We understand that opportunities to improve wildlife habitat exist on forest lands and that revenue could be generated from forest management that is needed for local projects. However, we have several concerns that have yet to be addressed in the public scoping materials:

Tribal review:

- It is clear that the general prescriptions and the broadly identified stands will be substantially revised as a result of the NEPA process. We recognize that analysis will be at a high level and explicit involvement of the Nooksack Tribe in the evaluation of stands and treatments during the NEPA process is important for us to evaluate impacts on treaty resources.
- Since it will not be possible to review all of the potential harvest areas during the NEPA process, it will be critical to have expert tribal review of selected sales and opportunities to adjust sale boundaries and prescriptions based on review of the individual units. A review and input process for the Nooksack Tribe needs to be developed at the harvest unit scale and built into the vegetation management plan.

Projects in proposed action:

- Generally, we support the projects that will reduce the impact on treaty resources. We support decommissioning the Excelsior Campground and expanding the Douglas-Fir Campground outside of the riparian zone. We also support replacing the Thompson Creek bridge to reduce negative water quality impacts on salmon. We do not support using timber revenue for the trailhead expansion projects that will increase the impact of recreation on the watershed and strongly oppose additional bank protection in Glacier Creek to protect an unnecessary road associated with the Glacier Compound because that action is detrimental to Treaty fisheries resources.

- We strongly encourage the Forest to adopt a Stewardship Contracting approach to this project so that revenue can be used on local projects to directly benefit resources in the North Fork Nooksack planning area. The Nooksack Tribe would like to participate in project identification through this process and would like to reemphasize the need for resource protection projects, such as forest road improvement to provide reliable access for tribal members to exercise treaty rights on the Forest.
- Several instream habitat improvement and fish passage projects have been identified on the Forest by USFS representatives as a part of the WRIA 1 salmon recovery planning process for ESA Threatened chinook salmon. These projects are on the salmon recovery 4-year workplan and should be considered as priorities in the project list that is included in this proposal.
- The Forest has yet to implement the North Fork Access and Travel Management (ATM) Plan and revenue generated from this project should be targeted at projects identified in that plan and in the supporting analysis that informed that plan, including the assessment of Maintenance Level 1 and 2 roads that was funded with local salmon recovery funding. We supported the ATM and would like to see the Forest make a focused effort at implementing the plan and assessment recommendations. This will likely require revenue beyond the Legacy Roads program and revenue from timber harvest in the watershed seems like an appropriate source of funding to supplement the existing road budget.

Maintaining Access:

- Maintaining road access for cultural practices and hunting is a primary concern for the Nooksack Tribe. Loss of access due to road closures, wash-out and gates substantially limits the opportunities for tribal members to exercise their Treaty rights. Tribal members carrying out cultural activities have adapted to using these roads to reach the resources just as modern society has adapted to the usage of roads in general. After the signing of the Point Elliot Treaty, Tribal access to open and unclaimed lands has become more restricted, limiting the ability to obtain the cultural resources as guaranteed. We strongly feel that these challenges will need to be met to minimize the Forest's impact on water quality and fisheries resources, while providing for cultural and public access.
- We see the proposed plan as a potential step toward reducing the impact of forest roads on water quality and habitat. If older roads that are sub-standard can be brought up to a modern standard to facilitate timber haul, then there is a potential benefit. These roads could then be evaluated in the context of the Forest's maintenance budget and access plan and either abandoned or maintained to a modern standard. In many cases, it is assumed that this will be the last entry into the stand for management, so the roads will need to be treated to ensure there are no legacy effects from poor road drainage or unstable road cuts or fills.

Habitat enhancement:

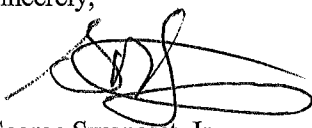
- We generally support stand improvement for birds and terrestrial wildlife. It is evident that many of the stands that have been identified in the plan could benefit from more active management. That said, it is important that the prescriptions are driven by habitat improvement rather than revenue generation in Late Successional and Riparian Reserve areas. We understand that a timber sale will need to be economically viable, but the overarching goal needs to be improving habitat function while protecting aquatic resources.
- Following timber harvest, reforestation and management needs to occur to ensure that stands are on the desired trajectory, either for forest production on Matrix lands or for late-successional habitat.
- For riparian areas that are proposed for thinning or patch cutting, adequate no-cut buffers will need to remain in-place to protect aquatic resources. Limited information is available on the effects of thinning and small patch cutting on stream temperature, so erring on the side of resource protection will be important. Several streams on the forest already do not meet water quality standards for temperature and this will need to be considered as prescriptions are developed.
- We would like the prescriptions to consider tribal wildlife species and habitat priorities. We support enhancement of huckleberry habitat in consultation with tribal cultural staff. We would like the Forest to work with tribal staff to identify opportunities for habitat enhancement for other culturally important plants and to discuss how harvest prescriptions are tied to specific habitat enhancement goals.

Potential impacts of timber harvest:

- Clearly, timber harvest and road construction has the potential to degrade water quality and instream habitat. It will be important to be able to evaluate the impacts of individual harvest units for a combination of Treaty resource impacts.
- As previously mentioned, gap cuts and thinning within the riparian area can impact water quality by increasing stream temperature and sediment delivery to the channel. It will be critical to design harvest prescriptions that ensure that riparian functions will be maintained on the forest and be consistent with the intended purpose of protecting the Riparian Reserve areas.
- Much of the proposed harvest area lies within the transient snow zone. This is an area where run-off is particularly sensitive to changes in forest cover. Assessing the impacts of the proposed harvest units on peak flow timing and magnitude will be important to protecting aquatic resources and road infrastructure. Much of the remaining area lies in the snow-dominated zone, where changes in forest cover can affect snow accumulation and summer flow conditions. There may be opportunities to include goals for managing hydrology into the plan.
- As stated above, surface erosion from the road system can be a major impact to water quality- particularly during wet weather timber haul. It will be critical to ensure that the haul routes are adequately improved to limit sediment delivery to surface water, including streams and wetland areas.
- Lastly, steep and convergent landforms that are commonly associated with shallow debris slides are present throughout the proposal area and will need to be identified in the field and avoided during harvest. There are also very large, active deep-seated landslides (Jim Creek and Bald Mountain) present in the proposed analysis area and the impacts of timber harvest on the rate of movement of these features will need to be evaluated by a geotechnical specialist before harvest or road construction. It is likely that other field indicators of slope instability are present and will need to be assessed for potential delivery of sediment to streams. This again underscores the importance of being able to review individual harvest units.

We look forward to working closely with the Forest on implementing the proposed plan and appreciate the opportunity to stay involved in this planning effort as it moves through NEPA analysis and final project development. We see a potential for improving forest conditions in the planning area, but want to ensure that treaty rights and resources are protected. We strongly feel that including meaningful Nooksack tribal participation and review are key to success.

Sincerely,



George Swanaset, Jr.
Director Nooksack Natural Resources Department

