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**Evaluation of ICBEMP SDEIS Alternatives on
Tribal Rights and Interests**

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Introduction

The American Indian communities in the Interior Columbia Basin region are varied in their characteristics and complex in their legal and sociocultural histories. Many communities have their own governments that enjoy a large degree of sovereignty from U.S. society, are land and natural resource managers on tribal lands, and carry on long term relationship to present-day public lands. In some cases the governments hold long-standing, federally recognized legal rights to access and use federal lands and resources. Such self-governed societies are often considered Fourth World nations in today's international post-modern polity. Consequently, the communities have considerable legal, economic, and sociocultural interests in the future management of public lands in particular, and the ecological health and well-being of the region in general.

EVALUATION CRITERIA

The criteria employed to assess potential effects of SDEIS alternatives consist of arbitrarily defined issue categories. The three primary criteria categories are Politico-Legal Relations, Ethno-Habitat Management, and Socioeconomics. The overlap between these major areas is even more pronounced when addressing Fourth World indigenous societies.

Politico-Legal Relations stress the unique relation between the federal government and tribal governments that is distinct from social communities found in the region. Included in this category are Treaty/Federal Trust Responsibility, Intergovernmental Coordination/Collaboration, and Federal Monitoring/Accountability criteria. The Ethno-Habitat Management criteria invokes a broad range of terrestrial and aquatic resource interests, including water quality and quantity. Ethno-habitat issues involve both harvestable levels of resources and access factors. Socioeconomics include the social well-being issues of cultural and historic preservation, and the "bread-and-butter" issues of economic development and employment opportunities.

Identification of criteria for assessing potential effects of proposed ICBEMP management strategies evolved over a several year period. From December 1993 to issuance of a project DEIS in 1996, ICBEMP tribal liaison staff initiated numerous staff-to-staff meetings with all affected tribes and several government-to-government meetings between agency decision-makers and tribal councils. Other information sources included various tribal government and staff written submissions provided through the years by tribal representatives, and project overviews specifically addressing tribal issues (Hanes 1995; Hanes and Hansis 1995).

In assessing the 1996 DEIS alternatives, a socio-cultural evaluation of the alternatives was conducted in part by a panel of representatives of affected American Indian tribes. The panel consisted of representatives from 14 tribes representing interests in both the Eastside DEIS and UCRB DEIS areas (Burchfield, Allen, and McCool 1997). The methods adopted by the panel to assess effects on American Indian tribes were primarily qualitative, based on selected key indicator variables emphasizing topical areas on which tribal issues appear to focus. The emphasis areas were generally weighted toward healthy ecosystems and usable/accessible ethno-habitats, integrity of culturally important places, and provisions

for cultural uses, cultural survival, and social needs. These variables were then used to identify SIT evaluation criteria in terms of the following:

- Landscape ecology conditions that are stable and resilient over time, and/or trend toward the historical range of conditions;
- Aquatic and terrestrial conditions, habitat trends, and species populations trends where there are viability concerns;
- Healthy, sustainable, and usable habitats and culturally significant species populations without viability concerns for tribal needs; and
- Socio-economic conditions or trends that paralleled or addressed components of agency-tribal relations, and social and water-land well-being.

CHANGES SINCE THE FIRST EVALUATION

Since the 1996 evaluation of DEIS alternatives, several key developments occurred. In December 1996, Secretary of Interior Bruce Babbitt traveled to the Pacific Northwest to meet with representatives of the tribes potentially affected by the ICBEMP management decisions. As a result, a Tribal Working Group was initiated to work on incorporating tribal rights and interests into the integrated project land management strategies. In addition, project executives and staff have continued an ongoing dialogue with tribal governments and staff further refining what are essentially evaluation criteria. Commonly at issue was how management direction has progressed or changed since the Draft Environmental Impact Statement (DEIS). New studies of tribal communities in the region also appeared including *Economic Contributions of Indian Tribes to the Economy of Washington State* (Tiller and Chase 1998). New formal guidance addressing government-to-government relations has appeared as well, including the 1996 Executive Order 13007 addressing protection of sacred sites, the 1997 Secretarial Order 3206 addressing tribal rights and the Endangered Species Act, and Executive Order 13084 of May 14, 1998 addressing consultation and coordination with Indian tribal governments regarding development of federal policies.

Evaluation of the Alternatives

POLITICO-LEGAL RELATIONS: TREATY/FEDERAL TRUST RESPONSIBILITY

The federally recognized tribal governments in the region enjoy a special legal relationship with the United States government recognized in the U.S. Constitution, treaties, executive orders, and in various legislative action and judicial decisions. Any land use strategies implemented by the various agencies must honor this complex and long-standing relationship and legal standing. Some tribes have off-reservation reserved treaty rights to natural resources on public lands and water rights associated with reservation lands; all tribes have interests addressed by a suite of federal statutes and executive orders.

Issue: Intergovernmental Coordination/Collaboration.

Background-- The manner in which over 20 federally recognized tribes American Indian tribes would be able to exercise legal rights or use resources will be affected by ICBEMP decisions for which the United States government has a trust responsibility. The BLM and Forest Service, as federal agencies, are compelled to honor these rights and interests. All tribes have off-reservation interests within the Columbia Basin, eight in the form of off-reservation reserved rights recognized through treaty ratified into law by Congress; others through executive order or statutory protections. While agencies, such as the BLM and Forest Service, do not attempt to specifically define their legal obligations under the federal trust responsibility, the commitment to address as fully as possible tribal concerns and interests and provide meaningful participation in agency decisions exists, whether as a legal obligation or a matter of formal departmental policy. A key issue recurrently expressed by tribal spokespersons has been development of a common understanding of the federal government's trust responsibility to ensure land management direction and policy is designed to protect rights reserved by treaties or executive orders.

Just about any land management decision-making, including that posed by the ICBEMP project affects almost all Columbia Basin fish and wildlife restoration efforts, including currently expanding tribal programs. Given the extensive interest tribes have in various fish and wildlife species, Federal land managers have been directed in recent years to thoroughly coordinate federal decision-making with desired tribal salmon harvest, habitat management, and hatchery management. Tribes have stressed ICBEMP decisions be consistent with federal trust responsibilities and Indian treaties, through streamlined, meaningful, and feasible consultation processes that strive to resolve key resource management issues. Tribal representatives have stressed that intergovernmental consultation and collaboration is much more than polite listening and note taking on a project by project basis.

SDEIS Response-- The SDEIS Chapter 3 carried five goals identified in the 1996 DEIS of which Goal 5 states: "Manage natural resources consistent with treaty and trust responsibilities to American Indian tribes." Management intent for Federal Trust Responsibility and Tribal Rights and Interests Section states, "consultation should be substantive reflecting the governmental status of the tribe and consideration of reserved rights, where they exist." The management direction and intent in the ecosystem management strategy specifically speaks to consideration of the rights and interests of tribes in a myriad of ways both in response to tribes who have rights reserved by treaty or executive orders as well as those tribes who do not have off-reservation reserved rights. Because the rights and interests of tribes are unique to each individual tribe, management direction stipulates consultation or collaboration on not only the identification and protection of resources important to tribes, but also in restoration actions and priorities, in analysis, planning and decision making considerations, in mitigation, in economic considerations, and in involvement in monitoring and data collection. Additionally in the SDEIS, where the management direction aimed at protecting and restoring resources and/or natural processes does not specifically address tribal rights and interests, these rights and interests are benefitted as well. In sum, all three SDEIS alternatives reflect the management intent to be responsive, as land management agencies, to the federal trust responsibility and the rights and interests of affected federally recognized tribes.

A management intent expressed by the regional executives from the five federal agencies involved in ICBEMP has been to work with tribal governments to resolve the broad scale issues related to public

land management. While some federal agencies present in the region are not a part of the ICBEMP, their interests are brought to the table through the five agencies. It has been a significant development through ICBEMP that the five federal agencies, with very distinct missions, authorities, and responsibilities, are working together to define and help to implement a decision that applies only to Project lands administered by two agencies - the Forest Service and the Bureau of Land Management. Further, Regional Executives expressed an intent that state, tribal, county governments, as well as other federal agencies be considered intergovernmental partners through collaborative processes. The Draft Record of Decision states, "it is our intent to develop and maintain meaningful government-to-government relationships with federally recognized Tribes so as to understand and incorporate tribal cultural resources, needs, interests, and expectations into federal management decisions and to allow cooperative activities where shared goals are evident. We intend to employ a consistent approach to government-to-government consultation that includes effective Tribal participation in decision making and assures rights are protected. Further, it is our intent that tribal governments be considered intergovernmental partners and their involvement be typified by the definition of intergovernmental collaboration in Part One of the Draft ROD." Part One of the Draft ROD states, "Intergovernmental collaboration describes the relationship between federal agencies, State, tribal and local government officials. Shared understanding of and commitment to implementation of management direction are the goals of this collaboration, and consensus is desired." Such collaborative processes and requirements to work collaboratively are designed to ensure that management approaches and actions are performed in a coordinated and systematic way, i.e. weed management strategy, monitoring protocol implementation, subbasin review, etc.

In response to this management intent for alternatives S2 and S3, the SDEIS in Chapter 3's B-S56 (and B-S54) compels agencies to "Work with tribes to develop a mutually acceptable protocol for government-to-government consultation, which ensures opportunities for effective tribal participation in decision-making, protects rights, and includes provisions for a dispute resolution process in cases of conflicts between agency and tribal positions." As spelled out in objective B-O65 which addresses maintenance of government-to-government relationships, "substantive" collaboration is described as: 1) opportunities for involvement commensurate with the governmental status of tribes; 2) the agencies striving to understand and be responsive to tribal rights, concerns, and interests (more than polite listening); and, 3) documentation discloses how the agency solicited and addressed (responded to) tribal concerns/issues. Management direction also describes assessment procedures for effective consideration of tribal rights and interests.

Alternative S1 addresses cooperative working relations between agencies and tribes in watershed and habitat restoration activities in objectives S1-BO12 and S1-BO-23. More general coordination and protection of treaty rights under Alternative S1 are addressed in objectives S1-O33, O36, and O37.

The three SDEIS alternatives, due to differing degrees of management flexibility, offer various degrees of potential tribal collaboration and involvement. Alternative S2, with inclusion of watershed analyses and more selected areas for special management, poses a greater degree of possible collaboration than alternatives S1 and S3.

Issue: Federal Monitoring and Accountability

Background-- Tribal representatives have requested that federal agencies commit to monitoring and accountability protocols. Actions that are either not subject to direct monitoring, or not adequately covered by other monitoring, are discouraged by some tribal representatives. Similarly, if agency funding is less than would support full implementation, tribes encourage the agencies to scale back activity levels to accommodate adequate monitoring rather than only scaling back monitoring activities and proceeding with unmonitored actions. Other concerns include that when monitoring indicates habitat or populations are not meeting standards or that an improving trend in habitat or populations is being slowed or stymied, then preventative and/or restorative actions be applied. Some tribal representatives have requested the ICBEMP agencies identify an outside auditor to verify whether the federal government is keeping commitments.

SDEIS Response-- Regional executives committed to development and implementation of monitoring protocols/plans which provide accountability in multiple ways. Implementation monitoring is to ensure agencies are implementing management actions and direction as described in the ICBEMP decision document; validation monitoring is to ensure agencies implementation has the intended effect; and effectiveness monitoring is to ensure that progress toward an intended effect is occurring. Further, Regional executives expressed expectations that adaptive management adjustments and refinements to management actions can be based on monitoring results. The executives also agreed that all levels of activity would be scaled back to match the funding levels, rather than focusing unfunded needs primarily on monitoring programs. Management intent for the SDEIS Monitoring section states that "The intent is to present the implementation plan with the ROD and complete the remainder of the monitoring plans within two years of the ROD." This means the agencies will be prepared to conduct implementation monitoring as soon as ROD implementation begins. Effectiveness monitoring and validation monitoring plans is to be completed and ready for use within two years of signing the ROD. The EIS also speaks to the opportunity for tribal involvement in monitoring efforts, and Part One of the ROD references intergovernmental involvement in design of the protocols themselves. Also, the participation of regulatory agencies, as partners in the ICBEMP decision making process, provides greater assurance that legal commitments will be honored as decisions are made. Variation among the three SDEIS alternatives regarding monitoring and accountability is not significant.

Regarding accountability in basin wide objectives, the project leadership sought to develop an integrated ecosystem strategy, including "binding" basin wide objectives which ensure appropriate protection and/or restoration of resources. Many of the principles and objectives for management of resources and associated species in the Project plan are considered consistent with the Columbia River tribes' restoration plan, *Wy-Kan-Ush-Mi Wa-Kish-Wit*.

ETHNO-HABITAT MANAGEMENT

Ethno-habitats are considered here as those portions of the natural habitat range of plant and animal species (including fish and other aquatic species) that play a role in sustaining important sociocultural traditions of tribal communities. The longstanding reliance on natural resources for subsistence, economic, cultural, and ceremonial purposes by American Indian peoples is well documented. Some

tribes even hold legally established reserved rights to resources on public lands that predate the existence of the various state governments in the project area. Ethno-habitat concerns relate to a broad spectrum of terrestrial and aquatic species as well as the water that sustains ethno-habitat health.

For the tribal communities who hold long-term interests in many species stretching back in time for centuries, a crucial consideration in the characterization and analysis of natural resources is the historical presence and/or occurrence of tribally significant species and resources. Concern has been expressed that land managers might consider only areas presently occupied by a species/resource, when a tribe may likely have traditionally used many areas where a species may not currently exist. To provide the long term perspective on habitats, tribal sources of information on habitat capable of providing harvestable resources or species may be available in some cases. As managers of their own land and natural resources, some tribes may have already gathered such data, information, or expertise that could also be useful in informing agency planning and decision-making processes.

Issue: Natural Resource Access and Use

Background--

Plants-- Common knowledge exists that American Indian tribes have used native plants since time immemorial for various uses including food, clothing, medicine, incense, tools, lodging materials, paint, and basketmaking. Many of these traditions continue today with some tribes within the Basin holding reserved rights to gather plant resources the agencies manage (Housley and Hanes 1996). However, science assessments have indicated historical changes in cover types have been substantial over time in some areas within the Basin resulting in a shift in the type of available forbs, many of which the tribes have used over time. Some species have been displaced and are no longer found in traditional gathering sites due to other species migrating in. In some cases, where a particular tribe might not have traditionally found and used a species, a reliance now exists.

Wildlife-- American Indian peoples hunt and use big and small game species for a myriad of purposes, exercising hunting rights reserved by treaty or executive order in some cases. Terrestrial biological data indicates that generally “big game” populations have increased over historic times, typified by moose, deer and elk populations. Black bear and mountain lions have remained stable, while Big Horn sheep and mountain goats have decreased somewhat. Conversely, small animal species (grouse, turkeys, rabbits) have declined. The availability and quality of habitat for these species is a factor influencing the availability of big and small game animals for harvest by the tribes. The degree of reliance on particular species within the Basin varies greatly by tribe.

Fish-- Most federally recognized tribes in the basin have used, and continue to use, fish and other aquatic species. Some species are more critically tied to the culture of individual tribes than others. Salmon is a critical species to Columbia River tribes, as the Lost River and Shortnose suckers are to The Klamath Tribes. The Columbia River tribes with off-reservation rights to take fish at “usual and accustomed places” have a prior existing right that persists on the land, regardless of land ownership status. These species have declined to the point of federal listing in many cases, in large part due to impacts of hydroelectric dam operations. Further, habitat for the seven key salmonids has to some degree been negatively impacted by roads, timber harvest, grazing, and other factors.

Landscape-- Tribal representatives have expressed that the availability of sufficient ethno-habitat for numbers of aquatic, animal, and plant species for harvest by tribes as a part of their culture and for the meaningful exercise of reserved treaty rights should be a critical goal of management strategies. Tribes expressed the desire for the time line to progress from viability to recovery to harvestability be in the shortest possible time frame by intensively managing further risk (avoiding risk from a tribal perspective) to salmon and their habitat. Tribal representatives have also consistently stressed that tribes and federal agencies must agree on a set of binding basin-wide objectives for anadromous fish, freshwater fish, wildlife, and plant species that will ensure restoration of these resources. A key source offered by several tribes for salmon habitat objectives is *Wy-Kan-Ush-Mi Wa-Kish-Wit*.

Degradation factors-- Various historical factors have affected the level of tribal use of natural resources in the region. Noxious weeds, the exclusion of fire, and substantial impacts from grazing, timber harvest and road building, among other factors, have all contributed to declines and dislocations in many of the plant species important to tribes within the Basin. Increased commercialization of many plant species (beargrass, mushrooms, huckleberries, for example) has led to conflict with commercial pickers more frequently competing with tribes for treaty resources. Also of concern to tribes is that non-Indian pickers may not use the resource in a way that ensures its continued productivity. In addition, recreationists and recreational uses of public lands have steadily increased resulting in growing conflicts with tribal uses. Examples of recreational or commercial-type uses commonly in conflict with tribal uses or which can negatively impact resources important to tribes are: commercial raft/float trip rides, new age religion activities, rock climbing, berry picking, gathering of basketry or ornamental plant materials. In some cases, the recreational activity has changed the condition of the resource/site important to tribes, i.e. rock climbers putting pitons in a mountain or rock traditionally used by the tribe, or greater numbers of visitors impacting dispersed camping sites or back country trails commonly used by a Tribe. Recreation fees on public lands are becoming more common place, charging for entry and use of public lands. Tribes, particularly those with reserved rights under treaty or executive order, have taken issue with these fees being applied to tribal members. They considered the fees as an attack on their sovereignty and the exercise of their treaty reserved rights.

Livestock grazing has negatively impacted species associated with some rights and interests of tribes. This is particularly true of riparian-dependent species which have been extirpated or displaced. Livestock and the associated administration of livestock has contributed to noxious weed establishment and spread. Noxious weeds, in turn, have been a major factor in the decline of some native plant species across the Basin. Livestock trample and contribute to the disturbance of cultural and heritage resource sites which are important to tribes, as well as to the destruction of plant species of importance to tribes. The increase of noxious weeds has had a detrimental effect on the availability of native or traditional plants (roots, berries, etc.) used by American Indian tribes. This, in turn, may affect the tribe's ability to exercise their treaty reserved right to gather, where this right exists. The treatment of noxious weeds can also negatively impact species of interest to tribes in the treatment area. The impact may be direct in that the species die from the treatment as well or indirectly in health concerns/effects from ingesting plants which have been treated. The exclusion of fire has contributed to changes in native vegetation.

SDEIS Response – The land management agencies, while not directly responsible for management of species populations, are responsible for the BLM and Forest Service-administered habitat upon which these species depend. Two of the five primary goals carried forward from the DEIS to the SDEIS support

tribal interests in habitat management. Goal 1 states, "Sustain, and where necessary, restore the health of forest, rangeland, aquatic, and riparian ecosystems." Goal 4 states, "Contribute to recovery and delisting of threatened and endangered species." Regional Executives (Forest Service and BLM decision-makers for the Project) expressed the intent in the SDEIS to provide habitat capable of supporting harvestable populations on the lands they administer. Direction addressing this management intent is integrated throughout the management strategies identified in the SDEIS.

Due to the problems in addressing issues specific to each tribe in the broad scale approach offered in the SDEIS, stepdown processes are a primary avenue for addressing harvestability. The B-S43 standard requires that "During EAWS or Subbasin Review, or prior to project implementation, federally recognized tribes shall be consulted to: (1) invite participation, (2) solicit data and information useful in the analysis/review, (3) identify if resources or species of significance to the tribe(s) are present, (4) characterize these resources or species using available information, (5) solicit tribally identified priorities and possible management and monitoring opportunities or indicators, and (6) use this information to provide context for finer scale analysis as well as to inform planning and decision-making processes."

Further, in regard to harvestability B-S45 states, "As part of site-specific NEPA analysis, affected federally recognized tribes shall be consulted to: (1) identify resources or species important to tribal rights and/or interests, (2) assess effects of the proposed action(s) on these resources and/or species, and (3) if it is determined that the project may negatively affect the continued harvestability of these resources or species of significance to tribes, then mitigate accordingly."

The potential contribution of tribal information, qualitative data gained through centuries of observation as well as quantitative data gained through extended wildlife technical staffs in recent decades, is addressed in objective B-O67 for alternatives S2 and S3 in Chapter 3 of the SDEIS. Such information is recognized as unique in reconstructing historic ranges of various species.

For some species associated with the rights and interests of tribes, sufficient FS and BLM habitats are either currently available or can be made available for harvestable populations in the shorter term (10-15 years). However, in the case of anadromous fish, federal habitat accounts for only a portion of one of four factors related to recovery and harvestability. The other three factors (harvest, hydropower, and hatcheries), in addition to habitat on other lands, are considered outside the scope of ICBEMP and the relevant authorities of the land management agencies. BLM and Forest Service management intent, therefore, is expressed to maintain or restore quality habitat on the lands they specifically administer. Whereas tribes, states, and the National Marine Fisheries Service manage the harvest of fish, the habitat on BLM and Forest Service lands is to be available to support species to progress to harvestability over the long-term (100 years). Addressing other limiting factors which influence recovery and harvestability, such as hydro system effects, could potentially shorten the time frame for achieving this objective. Any progress toward achieving the management intent of harvestability would be measured through monitoring. Additionally, tribally identified rights and interests are to be considered in planning and decision-making processes.

Possibly the most distinct difference between *Wy-Kan-Ush-Mi Wa-Kish-Wit* and the project plan is that the Columbia River tribes' plan is a salmon restoration plan and the project plan is a multiple-species, integrated ecosystem strategy. The ICBEMP strategy provides for the conservation and restoration of

habitat for salmon, but it does so in the context of also providing for restoration of imperiled source habitat for terrestrial species, as well as restoration of natural disturbance regimes and processes. Further, social and economic considerations also influence management direction, as well as federal treaty and trust responsibility considerations. However, the management emphasis on salmon restoration and recovery is apparent as ICBEMP still places conservation of at risk species, such as anadromous fish, at the top of a management direction hierarchy. This hierarchy reflects how possible conflicts between management direction should be handled in weighing tradeoffs in implementation.

Regarding management intent, the SDEIS provides direction throughout the prescribed ecosystem strategy to conserve or restore a myriad of resources and habitats, as well as natural disturbance processes/regimes. All of these objectives contribute to overall ecosystem health, which in turn, contributes to the agencies' ability to provide quality ethno-habitat for harvestable populations of species/resources. The SDEIS also expresses management intent and direction specific to harvestability in the Aquatic and Terrestrial sections of the SDEIS. Recognizing that each of the 22 tribes have unique rights and interests, the specified direction tends to be process-oriented, providing managerial focus on the expected outcome. For example, SDEIS management direction describes the process of: 1) collaboratively identifying species and places/resources of interest to tribes; 2) assessing resource status/condition; and, 3) determining restoration, conservation, and further analysis priorities. Process direction also speaks to project level decisions. During subsequent NEPA analyses, opportunities for tribal consultation must be provided and possible effects on tribally identified resources/species must be considered and disclosed. Further, the SDEIS stipulates that resultant decisions must document consideration and resolution of tribal concerns (agreement, mitigation, or why mitigation is not possible and the decision is made withstanding the disagreement). SDEIS further states that "The intent is to present the implementation monitoring plan with the ROD and complete the remainder of the monitoring plan within two years of the ROD".

For the 1996 DEIS alternatives assessment, a general listing of known species of tribal interest was created to examine effects on culturally significant resources. Because tribes have maintained a paramount interest in certain resources and places having cultural (including spiritual) significance, disclosure of such information would constitute a breach confidentiality. Available information was limited to the project for analytical evaluation. Consequently, relevant information was limited to provide a broad-scale analysis of identified species along with a preliminary evaluation of the alternative's effects on tribal interests. A set of project-area-wide culturally significant species was identified using both anthropological literature and input from a few tribes. From this preliminary effort to identify species, approximately 190 plant species, 70 terrestrial animal species, and 35 aquatic species (mostly fish) were identified as having historical or current use. This constituted a list of 'tribal interest' species. Recognition was made that this species listing is preliminary, drawn from scientific literature for purely analytical purposes, not specific to a particular tribe or tribal area of interest, and not strongly founded in tribal consultation. However, the data was considered adequate to begin identifying species' groupings and habitats for habitat trend analysis so as to inform tribes in the project area about habitat conditions and general trends. Such information was considered necessary to address habitats of traditional and social importance (ethno-habitats) and species population trends. The list of culturally significant species was then reviewed to identify core species of importance, for the sole purpose of narrowing the list to a manageable number that could be analyzed. The core list of species of tribal interest was then matched to a list of known species with viability concerns. Aquatic species included 7 salmonids and 18 other

narrowly endemic and sensitive fish with viability concerns and of potential tribal interest. Of the 70 terrestrial wildlife species of tribal interest, 9 had associated viability concerns. For plants of tribal interest, 86 species were identified as a core group of species to be considered, and one was found to have a viability concern. These 35 species of identified tribal interest with viability concerns were examined for habitat trends through viability panel assessments (Marcot and others 1997; Lee and others 1997).

Assessment results for the SDEIS alternatives are provided below.

Fisheries-- Aquatic habitat can be affected by sediment introduction, riparian vegetation and soil, and the nature of stream channel configuration dynamics. Other influential factors affecting the various species to various degrees by highly fragmented spawning grounds, degraded habitats, genetic introgression, decreasing frequency of wild stock with hatchery supplementation, and main stem passage mortality. An evaluation of the SDEIS alternatives potential effect on fish population status and aquatic habitat capacity revealed short and long term trends of improvement described below (Rieman and others 1999).

For some species, such as bull trout and Westslope trout, most habitat occurs on federal lands, so effects posed by management strategies can be substantial. Though short term trends show little change in aquatic habitat capacity over the first decade, the century-long trend projects increases in capacity posed by all three SDEIS alternatives. For bull trout, all alternatives offer positive trends in populations and habitat capacity with the most in Alternatives S1 and S2. However, the study highlights that bull trout populations are substantially isolated due to disruption of mainstem corridors and surrounding habitats. The isolation may put some bull trout populations at risk, even without further habitat loss. For the widespread Westslope cutthroat trout, Alternatives S1 and S2 offer the greatest increases in habitat capacity with Alternative S3 posing a more modest increase. The most widely distributed salmonid in the region, the Redband trout, also are in better condition than others considered in the study. Alternative S2 poses the highest positive trends, with Alternatives S1 and S3 posing weaker improvements. Consequently, for the trout the largest improvement basin-wide is posed by Alternative S2 with Alternative S3 offering the smallest amount of improvement.

In contrast, for some key culturally important species, such as chinook salmon and steelhead, improvements in public land habitat have limited population benefits without improvement in migratory corridor survival. Regarding steelhead, the species is extinct in nearly 60 percent of the potential historic range. Population status and habitat capacity for steelhead improve over the long term in all SDEIS alternatives with the larger gains in Alternative S2. Similarly, Chinook salmon are no longer found in 70 percent of their historic range with most remnant populations severely depressed and influenced by hatchery supplementation. Although over 60 percent of the stronger subwatersheds containing Chinook salmon all federal lands, the remainder on non-federal include migration corridors to the ocean. Prospects for improvement are limited by the generally poor non-federal land habitat conditions in the region, but each alternative offers increased potential habitat capacity with Alternative S2 offering the largest improvement and Alternatives S1 and S3 offering slightly smaller improvements. Habitat capacity improvement is least in Alternative S3. In a related finding, both Alternative S2 and S3 also offer more decreased road densities than Alternative S1, which would reduce the amount of sediment introduced to the fish habitat.

For fisheries in general, the Rieman and others (1999) study demonstrated Alternative S2 is consistently more favorable among the three alternatives. Alternative S3 offers the smallest changes in habitat improvement in general. Habitat for all species show positive long-term trends on federal lands. However, as the study highlights, individual watersheds may vary considerably with some watersheds demonstrating more significant improvement than projected basin-wide. Also, improvements are likely to be more pronounced in areas located on margins of existing strong populations and good habitat, perhaps accentuated by the concentration of restoration efforts in Alternatives S2 and S3.

An integrated analysis of SDEIS alternatives by Quigley and others (1999) assesses the ability of each alternative to address viability for anadromous fish and the management intent of harvestability over time. They find that Alternative S1 may provide some overall habitat improvement due to application of restrictive measures throughout the region. Alternatives S2 and S3 show added improvement in selected areas where active restoration programs are implemented. Regarding tribal interest effects, these results indicate attainment of harvestable populations will be most likely in limited geographic areas selected for restoration emphasis under Alternatives S2 and S3 with Alternative S2 improving more habitat over the long term. Improvement is expected to be greatest in A2 subwatersheds and the integrated restoration subbasins. Because of migratory corridor issues and condition of non-federal habitat, habitat capacity improvements on federal lands is expected to result in more modest population increases.

Given the lack of existing quantification of actual harvestable population levels desired by tribes, the attainment of such levels by the strategies is not readily discernible. However, habitat conditions which support harvestable populations are more likely to improve under Alternative S2.

Wildlife: Terrestrial-- Twenty-eight terrestrial vertebrates of conservation concern (including pronghorn antelope, bighorn sheep, grizzly bear, grey wolf, sage grouse, and sharp-tailed grouse) that depend on upland environments were assessed for possible response to the SDEIS alternatives (SAG 1999). Population values for over 40 percent of the species show a possible increase under all SDEIS alternatives; almost 20 percent decline; and, the remaining 40 percent remain largely unchanged. Species associated with old-forest habitat remained about the same in all alternatives; rangeland dependent vertebrates did not improve under any alternative. Some species of cultural importance that are also threatened and endangered, such as the grizzly bear and gray wolf, also did not improve under any of the alternatives. The analysis did suggest that population densities of terrestrial wildlife would increase on agency lands more than on non-federal. This pattern was more apparent in Alternative S2. However, the regionwide results are that the same relative density of populations are comparable among the three alternatives for most terrestrial vertebrate species. Key terrestrial habitat watersheds are too fragmented to allow for improved population numbers. Analysis of the alternative effects on road densities conclude that alternatives S2 and S3, which reduce road densities to a somewhat greater degree than Alternative S1, would be more beneficial to such species as grizzly bear and caribou.

A second analysis (Lehmkuhl and Kie 1999) on terrestrial species focused on the culturally important "big game" species of elk, mule deer, and white-tailed deer habitat capabilities. Their study identified the following projected trends for the SDEIS alternatives. Regarding mule deer, small improvement in habitat capability was identified for approximately 10 percent of watersheds in the analysis under the three alternatives and 90 percent remained unchanged. Only one percent of watersheds decline in habitat capability. Increases were projected for western Montana, eastern Washington, central Idaho, and

northeastern Oregon. The largest capability declines was projected for the eastern Washington Cascades and northern Idaho. For white-tailed deer, almost 20 percent of watersheds increased in capability under all the alternatives, while 6 percent declined. The increases were focused in the northern Rockies and northeastern Washington and declines primarily in the eastern Washington Cascades, northern Idaho, and the Bitterroot range of Idaho. For elk, habitat capability increases is projected in 20 percent of watersheds and 6 percent show decline. The areas of change are similar to that of the white-tailed deer.

A key factor that enhances habitat improvement in both alternatives S2 and S3 is the conservation focus on certain terrestrial source habitats. These “T” watersheds habitats would directly benefit culturally important species and substantially supplement the more intensive efforts in restoration priority areas. Improved connectivity among such habitats is a prescribed long term goal.

Wildlife: Riparian-- Thirty-four vertebrate species dependent on riparian environments (including various bird and reptile species, including wood ducks) indicate that riparian conditions, which strongly declined in the historical period, generally do not improve under any of the alternatives.

Plants-- An analysis of the potential effect of the three SDEIS alternatives on the availability of native plants of tribal interest for harvesting indicates that only species found “in a broad range of cover types and structural stages” project a future increase in number of plants from historic levels (Croft and Helliwell 1999). The study also indicated that cultural “plants in nonforested habitats are more at risk for decreases in habitat” than forested and riparian/wet meadow habitats. For nonforested habitats, only weedy plants or those that benefit from overgrazing show increasing trends; all others indicate declining habitats in all three alternatives. For riparian habitat plants, including “wet and vernal wet meadows as well as aquatic species,” most plants project to a decline in alternative S1 and almost a third show a decline in S2 and S3 alternatives. The study highlighted the tenuousness of assessing cultural plant trends at the broad scale since broad scale vegetation data routinely underestimates existing riparian habitat and poorly represents the highly important scabland ethno-habitats. Consequently, cultural plant trends are best evaluated during project planning at finer scales. Seven major plant groups of conservation concern show a decline under Alternative S1 compared to current conditions, likely owing to absence of conservation strategies and step-down procedures to the field administrative units. However, the analysis suggests that the occurrence of culturally important native plants may at best remain stable under Alternatives S2 and S3 or actually decline.

Landscape Integration-- An overall look at the implications of the three SDEIS alternatives on the region’s landscape identifies some distinct differences in management applications posed by alternative, but lesser distinctions in actual changes in landscape health and productivity. Changes posed by the alternatives may be greater on the socio-economic well-being of the tribal communities than on harvestability of species and access to culturally important areas.

Effects are greater for the integrated restoration priority subbasins and areas of concern in Alternatives S2 and S3, than in Alternative S1. For example, the impacts of historically uncharacteristic wildfire are expected to be reduced significantly in those special management areas under Alternatives S2 and S3, yet will remain high for all three alternatives on the regional landscape in general. Similarly, alternatives S2 and S3 pose significant reductions in road densities in certain areas (watersheds) of concern, whereas road reductions under Alternative S1 are much less.

Generally, the active restoration strategies for selected areas in alternatives S2 and S3 present changes specifically for those areas, but overall little differences is anticipated between the three alternatives for changes in the landscape on a basin-wide scale. Reversal of basin-wide trends will be largely limited to those selected restoration areas identified in alternatives S2 and S3. Historical trends in landscape changes are expected to continue throughout the basin, but at a slower pace in the selected restoration areas with the pace slower in Alternative S2 than Alternative S3. Differences in forest characteristics presented by the three alternatives are that late seral forests will increase in alternatives S2 and S3, but favoring species in multiple story stands rather than the historical single story stands. Extent of single story stands will increase in restoration priority areas of alternatives S2 and S3, but single story stands will continue to decline in prevalence under Alternative S1.

In respect to tribal interests, improvements of cultural species' habitats will be spotty, concentrated mostly in the special management areas. Consequently, selection of subbasins for active restoration actions becomes critical for assessing the relative effects of the alternatives on tribal interests. An analysis was performed by Karl (1999) to identify priority restoration areas based, in part, on tribal interests. Subbasins in the region were identified as very high priority based on offering the greatest need or greatest opportunity for the restoration of resources important to tribes in addition to enhancing employment and economic development opportunities. In comparison with 53 subbasins rated as high or moderate for landscape restoration measures for SDEIS Alternative S2, 10 corresponded with tribal interest priorities. Similarly, for Alternative S3 of the 51 subbasins identified for priority restoration attention, 16 were influenced by tribal priorities. From this comparison, Alternative S3 could possibly pose greater benefit to tribal communities in the short term.

Other factors studied offer little change for tribal interests. For livestock grazing, use reduction is relatively minor with reduction by 2 percent in Alternative S1, 10 percent for S2, and 11 percent for S3. Also, historically uncharacteristic soil disturbance and vulnerability of forests to insect and disease is projected at current levels for all alternatives.

In sum, no ecological landscape restoration prescriptions are offered by Alternative S1, whereas Alternative S2 includes 35 percent of agency lands and Alternative S3 21 percent of agency lands. Traditional reserve strategies (wilderness, research natural areas, etc.) decline slightly in Alternative S2 to 20 percent of agency lands and increase slightly to 25 percent in Alternative S3, which relies more on passive restoration measures.

Harvestability-- Determination of SDEIS alternative implications for harvestability on a broadscale is less amenable to analysis. Unlike viability, harvestability is composed of both biological and complex socio-cultural factors. The socio-cultural factors will vary across the landscape depending on which specific community is affected, and may vary through time as human populations continue to grow in the tribal communities. To address this added complexity, an appendix to the SDEIS offers outcomes for aquatic and terrestrial species and the process for determining harvestability effects at finer scales. The process is applicable to all SDEIS alternatives.

Issue: Water Quality/Quantity

Reserved rights, in treaty or executive order, often reference the following types of uses: fishing, hunting, trapping, gathering, pasturing of horses and cattle, erecting structures for curing, and include a reservation of water which is an implied right as established in the Winters Doctrine deriving from a Supreme Court decision. Indian case law has served to validate such reservation of water. The quality and quantity of water directly influences the lands and resources associated with the rights and interests of tribes, i.e. instream flows, pools, turbidity. Water diversions (dams or irrigation, for example) greatly influence connectivity and stream flows, as well as water quality and quantity. This, in turn, influences the availability of aquatic resources and ethno-habitat. Roads have also resulted in both positive and negative changes to the current condition of resources important to individual tribes. While roads have increased tribal access to the resources and lands they use, they have also provided greater access to others. Increased access has led to greater disturbance to cultural and historic resources and increased user conflicts. Tribal representative have expressed concerns that sediment from roads has negatively affected the water and resources dependent upon good water quality and quantity.

SDEIS Response– Regarding water quality, standard R-S7 for alternatives S2 and S3 addresses consideration of tribal water quality restoration priorities early in Subbasin Review and EAWS analyses and NEPA planning processes. Partnerships with tribal governments for water quality protection and restoration activities is similarly addressed on objective R-O31 for the two alternatives. Alternative S1 addresses water issues in relation to tribal interests in standards S1-S63, S64, and S65.

Water quantity issues were not directly addressed by the SDEIS because of the fine-scale nature of the issues. Thus, many of the specific outcomes of interest to Indian people concerning lakes, streams, rivers, riparian areas, and wetlands and their relationships to systems and processes that support ethno-habitats and species must be addressed through consultation at the site-specific analysis and multiple-scale management levels. Alternatives S2 and S3 offer more long term restoration and flexibility within riparian and wetland habitats than Alternative S1, by permitting restoration, conservation, and those production activities that would not be expected to degrade habitat conditions. However, these alternatives would place temporary risks on riparian and wetland habitats while providing more provisions to improve degraded ethno-habitat conditions.

Similar to the aquatic habitat capacity analysis, another study focused on water quality by examining projected sediment production and delivery among the three SDEIS alternatives (SAG 1999). Similar to the habitat capacity findings, the largest improvement in sediment delivery was found in Alternative S2 and Alternative S3 offered the smallest improvement. Effects of other factors including point source pollutants, mining, and agriculture on water quality was not performed.

SOCIOECONOMICS

This primary criteria is composed of two parts, both central to community well-being. One is market economy based, addressing economic development and employment. Tribal communities have been particularly vulnerable to U.S. government actions since the concessions of land in treaties and loss of a land base through U.S. and Spanish conquest. These involuntary capital contributions to the U.S. economy came in exchange for certain forms of federal assistance and a long-term legal relationship along with the reservation of certain rights. The trust relationship is one in which the federal government is compelled to consider the best interests of tribes in their actions. The second criteria address non-market economy concerns, cultural and historic preservation which includes access to and protection of sacred sites, traditional use areas, archaeological sites, and burial locations. These factors play a strong role in the maintenance of tribal identity, traditional economies, and community well-being.

Issue: Economic Development and Employment

Background– Reservation communities are some of the most economically depressed areas in the United States with the employment and income levels in tribal communities often substantially lower than state and national averages. Income is typically at or below poverty levels and few businesses are attracted to the reservations because they are usually located in rural, remote areas, with little infrastructure. Consequently, tribes and tribal communities depend on Forest Service and BLM administered lands for economic, as well as cultural, subsistence, religious, and treaty purposes.

Most Tribes within the Basin have established community colleges sparking an upward trend in educational levels. However, the lack of employment opportunities on or near reservations remains an obstacle. Additionally, entrepreneurship has traditionally been low to non-existent on reservations. While Indian people may own land, it is typically held in trust status by the Department of Interior and not available to use as collateral for business or housing loans. Lacking capital, people's ability to start up businesses has been significantly hampered. Though currently changing, the reservation's remote location limits the customer/client base once these Indian-owned enterprises are established.

Also, even when tribal enterprises may be available to perform contracted work, they are often unaware of project availability or how to acquire contracts, including procedures, policies, requirements, etc. Tribal communities have long depended on federal employment (firefighting, contracting, federal jobs) to at least in part address chronic high unemployment rates in their communities. As a result, tribal leaders requested that the regional agency executives, through ICBEMP, provide employment or contracting opportunities in which tribes can participate.

Tribal representatives have expressed desires to continue expanding economic relations with federal and non-federal entities. They encouraged federal land managers to more fully utilize the many authorities available to them through which they may target Indian-owned businesses and to increase the general understanding of federal employees on how tribes are organized and which tribal departments can best assist them in working with tribal businesses/contractors. Similarly, concerns were expressed that non-Indian community leaders do not understand the legal status of tribes and tribal governments, nor understand the validity of any given tribe's rights and/or interest associated with federally managed lands which the tribe often no longer lives near. Sovereignty, treaty reserved rights, federal trust responsibility often become meaningless terms in interactions with non-tribal entities. Often the Federal land managers

are placed in a position to explain and justify to non-Indian interests their efforts to involve tribes in agency decision-making processes.

A recently completed study assessed the economic contribution of tribes to Washington state's economy. Among the study's conclusions are that in 1997 the 27 federally recognized tribes in Washington contributed approximately \$1 billion to the state's overall economy through supplies, equipment, and services expenditures. In addition, tribal enterprises employed over 14,000 state citizens including non-tribal employees. The study demonstrated the importance of tribal economies to the state beginning from the involuntary capital contributions of land cessions through 19th century treaties to diversified economies at the close of the 20th century. Of note, however, the average annual wages for tribal employment was just less than \$19,000, 40 percent below the statewide average of \$32,400. Typical of other Pacific Northwest states, tribal economic activities in Washington include natural resource extraction, residential and non-residential construction, wholesale and retail trade, gaming, services, and government.

Just as natural resource extraction has been the historic mainstay of the Northwest's economy, fishing, hunting, and gathering are the cornerstone of traditional tribal economies. By the late 1990's Washington tribes focused on fishing, shellfish gathering, and timber production for economic profit. Tribal salmon harvest alone in the state Washington had a commercial value of \$6.8 million in 1997 and timber harvest was valued at over \$71 million for that same year. Fish and logs are often marketed to foreign buyers with demand for fish and shellfish growing. The dramatic decline of salmon in recent years has been of paramount economic concern to tribal communities. Harvestable logs had become a cornerstone of tribal economies. Being non-federal timber managers, the value and marketability of tribal timber is directly influenced by timber harvest policies of federal agencies on public lands. As log flow decreases from federal lands, timber value tends to increase on tribal lands.

Despite the highly visible ascent of gaming economies in some tribal communities, a diversification of tribal economies has been more characteristic in the 1990's, in part spurred by the new gaming revenues. The diversity involves a number of industries and market sectors. However, the challenge is how to diversify economies in the relatively remote, rural reservations and communities.

Coupled with this economic trend is the fact that Northwest Indian populations are growing underscoring further need for economic expansion. The U.S. Census Bureau estimates that the Washington Indian population will continue to expand to over 136,000 individuals by 2025 constituting 1.6 percent of the states population.

SDEIS Response– Goal 2 of the five goals carried forward from the DEIS states, “Provide a predictable, sustained flow of economic benefits within the capability of the ecosystem.” Accordingly, the expressed management intent is that tribal economic participation be an important consideration in the future management of agency lands. Through the SDEIS and policy, regional land management executives encouraged their managers to work more with the tribes to evaluate effects of agency actions on tribal economies. The SDEIS contains base-level economic direction specific to tribes as well as applicable to both tribal and economically vulnerable communities. For instance, the base-level restoration strategy contains tribal priority subbasins for consideration in local restoration efforts. These subbasins were used

to influence the basin-wide high priority restoration subbasins, as well.

Direction in Chapter 3 of the SDEIS for S2 and S3 related to socio-economic issues is contained in standards B-S52. Associated objective, B-O55, varies in emphasis between Alternative S2 version and S3 version with Alternative S3 favoring tribal interests to a greater degree. Objective B-O59 addresses tribal economic subsistence needs, standard B-S55 addresses federal agency contracting work within reservation boundaries, and objective B-O62 addressed availability of commodity products for purchase. Objectives R-O32, R-O33, and R-O34 address tribal workforce and collaborative opportunities in federal restoration programs, and commodity products availability with the Alternative S3 version offering somewhat higher priority for tribes in all three. Alternative S1 offers no comparable objectives and standards.

An assessment of SDEIS socio-economic affects on all communities, tribal and non-tribal, was performed by Crone and Haynes (1999). Regarding commodity outputs and their influence on community economies, the study indicates relatively little effects of the SDEIS alternatives on the region's populations. However, typical socio-economic indicators used to characterize specialized communities often do not readily lend themselves to characterization of reservation communities. Similarly, issues differ between Indian peoples and ethnic minorities identified in the region. Indian peoples are indigenous to the region creating a strong attachment to the region and its places. Also, the Indian peoples are frequently members of sovereign governments with longstanding legal relations with the U.S. government. Consequently, economic issues that consider "industry specialization" presupposes that the value of the federal lands and resources is primarily associated with the commodity products they provide relative to these industries. In the case of American Indian tribes and tribal communities, these conditions often do not exist. As the study identifies, benefits to tribes would be gained from participation in restoration activities and protection of places important to Indian peoples.

Issue: Cultural Preservation.

Background-- The cultures, as well as rights and interests of American Indian people, are rooted in the ICBEMP project lands - their traditional homelands. Besides being traditional homelands, today the lands and resources continue to be an integral part of the culture and social fabric providing sustenance for body and spirit. Tribal representatives consider lands administered by the Forest Service and BLM critical to reservation communities and the American Indian people who live there. Typically, tribal teachings are based upon understanding the relationship between themselves, as a people, and the land and its resources.

The cultural significance of many places important to American Indians is often based on socio-cultural values and related to multiple cultural systems. Thus, a place may derive its cultural meaning and value from more than one cultural system (religious, economic, political, and/or social), and its significance is often based on more than important past events or a small group experience(s). As used here, cultural preservation refers to preservation of and access to sacred sites, burial locations, and archaeological sites. Not related to treaties, federal agencies are directed through legislation and executive orders to coordinate and consult with tribal governments, and in some cases American Indian individuals in assessing possible impacts of agency projects and programs on places of tribal interest and to coordinate long-term management goals and strategies.

SDEIS Response– Cultural and historic preservation issues are normally couched in project-management processes involving consultation over potential effects of proposed projects. Exceptions would be where proposals for aggressive site/locale management were adopted. None of the SDEIS alternatives address such active preservation programs or projects but all alternatives include adherence to legislated protections. Chapter 3 in the SDEIS addresses for alternatives S2 and S3 development of agreements in conformance with the Native American Graves Protection and Repatriation Act (NAGPRA) in standard B-S58, and taking into account places of socio-cultural importance in objective B-O66.

Consequently, the primary measure is degree of information exchange and consultation promoted between the agencies and tribes. As discussed in the above criteria on Politico-Legal Relations, Alternatives S2 and S3 provide greater opportunity for effective consultation and collaboration. Alternative S1's strong reliance on existing land use plans and restrictive measures provides a more limiting forum to coordinate protection of culturally important resources and locations, and access to them.

Summation of Effects on Tribal Interests

Assessment of effects on tribal interests at the broad scale level are tenuous. Due to various factors including distinctness of communities, their spatial discreteness, and the sensitivity of resource and economic information, assessments should more appropriately be performed at finer scale levels in coordination with the tribes. However, some trends can be identified and are summarized in the following tables.

POLITICO-LEGAL RELATIONS

Table 1. Relative Effects on Agency-Tribal Relations.

	<u>Alternatives</u>		
	<u>S1</u>	<u>S2</u>	<u>S3</u>
Coordination/Consultation	3	1	2
Monitoring and Accountability	3	1	2
Politico-Legal Relations	3	1	2

1 = most responsive to tribal interests; 3 = least responsive

Table 1 shows a relative ranking of 1, 2, or 3 to indicate a range from most to least, respectively, of how accessible policy and project decision processes would likely be to tribes. Key factors influencing the qualitative rankings of alternatives was the relative degree that alternatives would allow for consistency in interagency, region-wide consultation policies and guidelines, and the relative degree of tribal government access to agency decision-making.

The overall effect of Alternative S1 is that it would promote existing historically based inconsistencies in agency approaches to consultation practiced by the various BLM or Forest Service administrative units. Under existing BLM and Forest Service regional guidance and land use plans, management actions addressing the government-to-government relationship with tribes have little and varying direction to address the complex Federal legal responsibilities toward tribes. When dialogue does occur between agencies and tribes, it typically occurs within the context of agency business and the NEPA process rather than being a government-to-government-driven dialogue process. Agency expectations for tribal responses to their inquiries within specified regulatory time frames, which legally apply only to Federal agencies, maintain stress on agency-tribe relations. In addition, Alternative S1 provides little direct representation of affected tribes' perspectives within agency organizations, since few American Indians with a cultural background or tribal affiliation or a background from the project area work for either the Forest Service or BLM. In sum, Alternative S1 does not provide for a program approach to agency-tribe relations at administrative unit levels.

Alternatives S2 and S3 do provide for more effective consultation processes based on an approach to identify, understand, and work toward resolving conflicts through a relationship characterized by ongoing dialogue between agencies and tribes. As time passes and relations are developed based on effective consultation, and as ethno-habitat trends, access, and ecosystem conditions are addressed, it is expected that agency-tribal relations will improve. If effective consultation occurs concurrently with NEPA-driven processes and outside such legislative processes as intended under Alternatives S2 through S3, this should lead to fewer positioning actions/statements, project appeals, and low risk of vulnerability to Federal legal responsibilities. Alternatives S2 and S3 also would enhance the development of tribal self-governance programs and more effectively support tribal self-determination than Alternative S1. Some differences likely exist between alternatives S2 and S3 as well. Alternative S2 would provide greater opportunities for tribes at the analysis and planning levels, at times involving regulatory agencies, which would later feed into project decisions. However, Alternative S3 may potentially provide greater access to project-specific decisions without the higher order planning processes. For instance, with more restoration subbasins potentially located near tribal lands in alternatives S3 than S2, opportunities for collaboration at the project level may be heightened in Alternative S3 at least for short term beneficial results.

Alternative S2 is considered more responsive than Alternative S3 for the long term due to greater acreage receiving special restoration action and use of watershed analyses or other assessment vehicles, which concomitantly increases opportunities for dialogue in region-wide long term planning.

Regarding monitoring processes, though alternatives S2 and S3 offer significantly more monitoring than Alternative S1, the type of monitoring posed by the two alternatives likely differ. Alternative S3 will focus more on project-specific monitoring. Alternative S2 will address both process monitoring in addition to project level monitoring. No broadscale monitoring strategies, particularly interagency in nature, are currently in place to be carried forward by Alternative S1. Consequently, Alternative S2 potentially offers the most comprehensive monitoring strategy.

Accountability factors also potentially vary by alternative. Though legal responsibilities and requirements are consistent across all alternatives, the emphasis on process in Alternative S2 offers a

greater roles for step-down processes, monitoring, and tribal collaboration. Collaboration would likely become more consistent across the region under Alternative S2 than Alternative S1 or S3.

In sum, Alternative S2 for long term benefits, and Alternative S3 for short term benefits, would likely bring about enhanced agency-tribe relations through more effective approaches in communication and an emphasis on a balance of agency policy, program, and project level participation of tribes.

ETHNO-HABITAT MANAGEMENT

Table 2. Relative Effects on Culturally Important Species.

	Alternatives		
	<u>S1</u>	<u>S2</u>	<u>S3</u>
Natural Resource Access/Use	3	1	2
Water Quality/Quantity	3	1	1
Ethno-Habitat Management	3	1	2

1 = most responsive to tribal interests; 3 = least responsive

Two factors are important for this assessment, (1) health and abundance of ethno-habitats, and (2) American Indian access to ethno-habitats for harvest. Consequently, to provide a *relative ranking of effects on resources associated with contemporary Indian interests*, a qualitative assessment was made as to how alternatives: (a) would allow for the exercise of tribal reserved rights as provided by treaty or executive order; (b) would allow for access to healthy ethno-habitats in traditional use areas as provided by federal statute; and, (3) would provide sufficient water quality and quantity to support the above activities.

Because of the paramount importance of tribal fisheries and their catastrophic demise in recent years, that factor is particularly important for this ranking. Analyses show Alternative S1 would result in a continued decline of resident native species populations due to inadequate protection or restoration of riparian and aquatic ecological processes. Alternatives S2 and S3 would conserve most core population areas and move toward restoration of degraded habitat and improve status of resident native salmonids. Regarding anadromous fishes, Alternatives S2 and S3 are expected to conserve most remaining habitat on public lands and move toward restoration of degraded habitats for steelhead, stream-type chinook, and Pacific lamprey. The greatest potential for improvement of ethno-habitat in proximity to tribal communities is provided in Alternative S3. Alternative S1 would benefit some core areas, but overall population declines would likely continue as habitat became increasingly patchy. None of the alternatives address the needs and opportunities for restoring habitat conditions on other land ownerships, or provide a comprehensive restoration approach for steelhead, stream-type chinook, or ocean-type chinook.

Consequently, none of the alternatives would necessarily provide for complete habitat needs of ocean-type chinook salmon, manage perceived threats, or ensure persistence of populations. For narrow endemic and sensitive fishes, habitat conditions would continue to decline because of the higher levels of timber and grazing uses and low stream and riparian protection measures than found in the other two alternatives. Alternatives S2 and S3 would lead to relative improvement of habitat conditions due to greater protections and increased watershed and riparian restoration emphasis. Alternative S3 would likely provide the greatest protection to areas near tribal communities, and the least risk to aquatic integrity from restoration activities as compared to Alternative S2.

Regarding presence of native plant species at harvestable levels, according to the Croft (1999) habitat analysis, all alternatives pose a decline in the availability of species despite habitat gains on federal lands. This conclusion may, however, be vulnerable to problems of broad-scale analysis of habitats that tend toward micro-environments rather than broad bands of vegetative communities. Analyses at finer scale may resolve these poor results.

The concerns and issues involving water are broad and related to a host of tribal rights, social-economic needs, cultural uses, and property interests. Tribal governments are especially concerned about water quality and quantity, hydrologic functions, aquatic ecosystems' integrity, and soil integrity. Although ICBEMP does not address water quality directly, a potential indicator of project area-wide water quality is suggested by cold water fish habitat trends and the varying overall protection for aquatic resources provided by each alternative. A recent study of cold water fish suggest Alternatives S1 would pose a decrease in aquatic habitat quality. Alternatives S2 and S3 are predicted to have a slight increase in the same trends and are thus expected to help respond to the water quality and aquatic system interests of American Indians/tribes somewhat better. Tribal concerns that agencies contribute to healthy functioning hydrologic systems would be best addressed in Alternatives S2 and S3, and poorly addressed in Alternative S1.

Access is a critical factor to American Indian peoples with regard to harvests of resources. The presence of healthy and sustainable populations of culturally significant species in ethno-habitats is not sufficient if access to such familiar ethno-habitat areas is precluded by physical barriers, sociocultural restrictions, or change in land ownership. Alternatives S2 and S3 may limit access in some areas where roads may be reduced or use restricted. However, in some situations access limitation may be beneficial to tribal interests. Pedestrian access may remain viable in some road closure situations.

For long term region-wide results, Alternative S2 offers the greatest opportunity for addressing ethno-habitat, access, and water issues of interest to tribes as offered by the three alternatives. Alternative 3 would present greater short term benefits in certain locations.

SOCIO-ECONOMICS

Table 3. Relative Effects on Tribal Economic Opportunity.

	<u>Alternatives</u>		
	<u>S1</u>	<u>S2</u>	<u>S3</u>
Economic Development/Employment	3	2	1
Cultural Preservation	3	1	2

1 = most responsive to tribal interests; 3 = least responsive

Both alternatives S2 and S3 accommodate economic needs of the region’s communities beyond current levels. Regarding tribes, priority restoration areas are purposefully located in proximity to tribal lands not only to maximize effects of habitat improvement, but to increase job potential. Jobs created by on-the-ground restoration programs would be much more accessible to tribal members. In addition, commercial as well as traditional subsistence economies would gain from anticipated increases in species population levels resulting from habitat enhancement. However, S3 does focus on more acreage in proximity to tribal lands for restoration activity, therefore economic benefits would likely be greater in the short term. Economies focused around commercial fishing would likely experience greater improvement over the long term under Alternative S2, but that gain would still likely be not enough to offset the short term S3 gains. Consequently, Alternative S3 is rated as most economically favorable.

The importance of shared cultural experiences, values, and information between generations, and the significance of these activities for tribal cultural survival, are at the heart of cultural landscape preservation and tribal access to culturally significant places and resources. Allowance for American Indian elders’ access to important places has implications for cultural survival and social well-being of tribes and for tribal sovereignty. All alternatives recognize the importance of places, including sacred sites, traditional use areas, and archaeological sites, to American Indians through implementation of existing laws such as the National Historic Preservation Act, Executive Order 13007 on Sacred Sites, and regional policies. However, processes for determining local management direction presented in Alternatives S2 and S3 are designed to more thoroughly proceed through the consultation process with tribes than as offered by Alternative S1. Recognition of place attachments across unit and agency boundaries would more likely be achieved. The effect of alternatives S2 and S3 is expected to help bring about greater sensitivity toward and incorporation of tribal rights and interests in agency land management. This result would be achieved through the greater and more consistent consultation and collaboration. Because Alternative S2 focuses on the special management of more acreage through step-down ecological restoration programs, it is ranked most responsive to tribal interests.

CONCLUSION

Each of the three primary criteria indicate that Alternative S2 is the most responsive for the long term of the three SDEIS alternatives to tribal interests. The consistency clearly is based on the pervasive theme of

enhanced consultation and collaboration offered by Alternative S2 along with some economic benefit and the restoration emphasis. The distinction from Alternative S1 is qualitative in the sense that a more aggressive basin wide program of habitat restoration is prescribed which will establish a broader and more consistent forum for intergovernmental dialogue. The distinction from Alternative S3 is more quantitative, in that simply more acreage is prescribed for special long term management, not only addressing ethno-habitat needs, but also more dialogue. A qualitative distinction also exists between alternatives S2 and S3 in that the former alternative allows for subregional assessments prior to implementation of restoration strategies such as subbasin reviews and watershed ecosystem analyses and the latter likely offers more economic and restoration benefit. Consequently, even more dialogue, data sharing, and collaboration is feasible. Any real improvements in dialogue and habitat will, of course, be affected through step-down procedures embraced by local field offices and ensured through oversight monitoring.

In summary, the effects of the three SDEIS alternatives are as follows:

Alternative S1 offers no regionwide consistency in consultation, ecological restoration, economic benefits, and monitoring. The alternative also lacks the step-down processes that address accountability and consistency. Historic trends of decline in habitats and resources of importance to tribes would be less effectively addressed. Protection of treaty-related resources and culturally-important species would continue to be inconsistent across the basin jeopardizing continued access and availability of ethno-habitat patches. The decline in species availability has in the past posed significant socio-economic impacts on Indian societies, disrupting both subsistence and commercial economies. Socio-cultural effects are pervasive, reinforcing high unemployment rates, potentially causing higher substance abuse, injury, and infant mortality rates, and disrupting traditional societal roles of community members. Continued decline in resource access and availability could counter economic gains in tourism, product manufacturing, and other facets of reservation revitalization currently experienced by many tribes.

Alternative S2 includes 11 subbasins in the basinwide restoration strategy that are identified based on tribal factors. The economic strategies emphasize tribal involvement in restoration through use of tribally-owned businesses and contractors. Step-down processes included in the alternative emphasize tribal involvement in restoration priority areas as well as other phases of planning and decision-making. Overall, greater opportunities and consistency for tribal consultation is offered and basin wide issues would be addressed on a basin wide basis. Habitat would be improved in some regions and declining trends would be slowed in most others. Alternative S2 offers more long term protection for current values with less short term risk. Ability to pursue traditional resource and land uses would be best served by S2 as compared to the other alternatives. The long, complex process of habitat restoration would also improve tribal practice of treaty rights on public lands.

Alternative S3 includes restoration emphasis on 16 subbasins based on tribal factors, rather than the 11 identified in Alternative S2. This increase serves to increase greater economic and ecological benefits to the tribes. In addition, consultation is still significant in Alternative S3 as compared to Alternative S2 with continued Subbasin Review, some use of watershed analyses (EAWS), but more NEPA consultations on project-specific work. However, the lesser analysis called for in Alternative S3 decreases the level of certainty in the desired outcomes to the long term. In sum, Alternative S3 may

offer greater short term results by being more responsive to immediate problems in some selected areas, but diminishing long term results from lesser planning and coordination. The goals of harvestability may be approached more quickly on a localized basis. Also, the short term risks would be greater than Alternative S2. The extent of spatial protection falls in between alternatives S1 and S2. Though serving to enhance the exercise of treaty rights and traditional uses, long term recovery of important habitats would be slower and more fragmented. Benefits accrued from the alternative would be variable among the tribes.

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