



Diana Dupuis
Director

STATE OF WASHINGTON

WASHINGTON STATE PARKS AND RECREATION COMMISSION

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January 25, 2024

Item E-4: Interagency-Tribal Recreation Impacts Management - Report

EXECUTIVE SUMMARY: This item provides the Washington State Parks and Recreation Commission an overview of the interagency effort of the Department of Natural Resources, Department of Fish and Wildlife, Governor’s Office of Indian Affairs, and State Parks to engage with the 31 federally recognized tribes with territories in Washington to co-develop systems to improve management of recreation impacts on natural and cultural resources and protect tribal rights on state lands. This item advances the Commission’s strategic goal: “Resource Protection: Protect and conserve park system resources for the future.”

SIGNIFICANT BACKGROUND INFORMATION:

Rising state population and growing interest in outdoor recreation are placing ever-increasing pressure on the state’s public lands and the ability of land management agencies to effectively manage and sustain the condition of natural, social, cultural, and tribal resources and recreation infrastructure investments in their care. The pandemic and the public’s renewed appreciation of the outdoors as a vital part of physical and mental health has accelerated this pressure and placed the sustainability of these resources at greater risk. Staff has undertaken an expansive effort to work with other state natural resource agencies and tribes with treaty rights or other protected rights in Washington to develop a statewide system for assessing and adaptively managing recreation impacts on natural and cultural resources and on protected tribal rights across state lands.

Managing Recreation Impacts in State Parks

State Parks’ investment in understanding the impacts of recreation on natural resources can be traced back to the early 2000s with the agency’s efforts to conduct vegetation surveys to better understand the plant communities and rare species present in our parks. This developed into the Natural Heritage Initiative under which stewardship staff have sought to gain a greater understanding of the quality and conservation significance of the park system’s natural resources and develop a systematic approach to identifying priority habitats for restoration and protection. Since 2017, we have used Ecological Integrity Assessments for these condition assessments.

Ecological Integrity Assessments measure the ecological condition of a site relative to the natural range of variation observed in that plant community. These assessments not only give us an overall score for the assessed plant community, but also a scorecard for multiple metrics that indicates the issues that need to be addressed, which can help guide the management and restoration actions.

We anticipate that Ecological Integrity Assessments will form a core component of the assessment tools measuring the impacts of recreation on natural resources across state lands. Additional tools will need to be developed to identify specific stressors, as well as responses that are not measured by these assessments. For example, Ecological Integrity Assessments will not be able to provide information on how wildlife responds to recreation. However, State Parks has already initiated a wildlife camera study that will provide valuable data to inform this question.

Interagency Management System

In 2015, the Legislature directed a series of audits of state natural resource agencies regarding land acquisition and management practices and their ability to effectively manage land holdings and protect the interests of neighboring landowners. Introduction of weeds, vandalism, theft, fire and loss of local property tax base were among the concerns frequently raised. The series of audits culminated with a requirement that the Department of Fish and Wildlife (DFW), Department of Natural Resources (DNR), the Recreation and Conservation Office (RCO) and State Parks to work together to design a unified system for assessing the condition of state lands, identifying deficiencies, and determining appropriate measures and costs to address the deficiencies.

The agencies were heartened that their efforts had helped shift the narrative from “why are you buying more land if you can’t take care of what you have?” to “what will it really take to appropriately manage state lands?” During the 2020 session, the Legislature passed a budget proviso with a small amount of funding for the agencies to take initial steps toward developing such a system, and the agencies had already begun discussions of how Ecological Integrity Assessments might be used for this purpose. However, the onset of the pandemic as the state budget was being finalized, led the Governor to veto the proviso as a cost saving measure.

Tribal Concerns About Recreation Impacts

For several years, Native American tribes in Washington have demanded action related to recreation impacts on public lands, calling these impacts today's most serious threat to tribal treaty rights and other protected tribal rights. In March 2021, the Northwest Indian Fisheries Commission on behalf of their twenty western Washington treaty tribes, sent a letter to Governor Inslee requesting that he establish a “special task force to develop solutions to address recreational impacts to tribal treaty rights” (Appendix 1). Tribal leaders made similar requests during Centennial Accord meetings with the Governor dating back to November 2020.

State Agency Budget Requests

Through the course of the pandemic, as visitors flooded to public lands and numerous examples of overuse were clearly in evidence, it became apparent that a system for understanding the condition of parks and other recreation lands was needed more than ever. Building upon previous cooperation, staff worked with DFW and DNR to submit complementary operating budget requests to fund Ecological Integrity Assessments and develop additional tools for assessing and monitoring resource conditions and developing a framework to adaptively manage recreation impacts across state lands. The Governor included the three requests in his 2023-25 budget proposal and the Legislature ultimately funded about half of each of the state agency requests. A

proviso was also attached requiring DFW, DNR, and State Parks to work jointly to develop the management system and to "...collaborate with tribal governments to ensure cultural resources and cultural practices are considered and incorporated into management plans."

Governor's Letter to Tribal Leaders

In February 2023, the Governor sent a letter to Washington tribes responding to their requests that he take action to reduce recreation impacts on the ecological condition of state lands and to reduce interference by recreation on treaty-related activities by tribal members (Appendix 2). The Governor's letter acknowledged and affirmed the tribes' concerns and committed to working together with the state agencies to address them. The letter also invited tribal leaders to meet with State Parks Director Dupuis, DFW Director Susewind, and Commissioner of Public Lands Franz to discuss ways in which the state agencies and tribes might work together on the issue of recreation impacts. The state and tribal leaders met in April 2023, where they acknowledged shared state and tribal interests and committed to co-developing a system to improve management of recreation impacts on natural and cultural resources and on protected tribal rights across state lands.

Tribal-State Recreation Impacts Management Effort

For the past nine months, staff has been working with an expanded group that now includes the Governor's Office of Indian Affairs (GOIA), DFW, DNR, RCO, Governor's policy staff, and representatives of the thirty-one federally recognized tribes with treaty rights or other protected tribal rights in Washington. Work has focused on agreeing to a general scope and process for the effort, organizing communication and decision-making among the many independent state agencies and tribes, engaging a professional facilitator, and laying the foundation for the planning and technical tools necessary to objectively assess and satisfactorily manage recreation impacts across millions of acres of state managed lands.

The effort has been organized into a three tier structure that includes a state agency and tribal leadership group, a joint state-tribal steering committee, and three functional workgroups (technical, legislative, and information sharing). The Leadership group includes state agency directors and tribal councilmembers and elders who met in April 2023 and is responsible for considering high-level recommendations and making joint decisions. The Steering Committee includes authorized state and tribal leaders and staff and has met ten times to initiate the effort, share interests and concerns, craft a vision, establish the organizational and decision-making structure, discuss management planning frameworks, and assign initial tasks to the workgroups. The Steering Committee's vision states:

"Tribes and state agencies working together to co-develop recreation management tools and an adaptive management framework that effectively coordinates cooperative stewardship of natural and cultural resources and preserves protected tribal rights on state lands."

Next steps for the Steering Committee will focus on assembling the vision and organization work and the products of discussions into a charter document to serve as a durable guide for the on state-tribal recreation impacts effort.

The Technical Workgroup includes state and tribal technical staff and has been tasked with developing an assessment and adaptive management framework to manage outdoor recreation in a manner that is ecologically sustainable and consistent with state obligations to tribes. The Legislative Workgroup has been tasked with developing a legislative strategy and exploring potential funding requests for the 2024 state supplemental budget and the 2025-27 biennial budget. The purpose of the Information Sharing Workgroup is to draft documents for the Steering Committee and to develop a system for informing the Committee of pending recreation-related projects and initiatives, improve transparency, and help facilitate appropriate engagement with tribes. The Legislative and Information Sharing workgroups are expected to begin meeting in January 2024.

Initial Technical Workgroup Meeting

The principal function of the Technical Workgroup is to support development of tools to assess and adaptively manage recreation impacts on natural and cultural resources and on protected tribal rights; recommend demonstration sites in which to apply the tools; and support application of tools in selected demonstration sites.

The Technical Workgroup met for the first time on November 30, 2023. The meeting included participation by nineteen tribal representatives and nine state agency staff. Dr. Andrea Thorpe (State Parks) presented a framework that was a blend of those that had previously been presented by the state and the tribes. The framework describes a general process for data collection, tool development and refinement, and the development of adaptive management actions. The framework was well received. In addition, the group decided to lead with development of the tools for assessing recreation impacts on natural resources in order to use the lessons learned from this effort to refine the process before tackling cultural resource considerations, due to the higher level of sensitivity and complexity of the latter.

The next step for the Technical Workgroup will be a day-long, in-person workshop hosted by the Tulalip Tribes. The purpose of the workshop will be determining the key questions / resources of concern, compiling natural resources and recreation data and identifying data gaps, identifying what data and how best to measure priority questions, and designing the risk assessment (including identifying existing tools, such as Ecological Integrity Assessments). This workshop is anticipated to be held in February.

Facilitation

A pivotal step in the joint state agency-tribal process has been engaging a professional facilitator with experience working both with tribes and with state government. The Whitener Group, a tribal member-owned consulting firm, was selected to provide independent facilitation and to serve as a direct liaison with tribal leaders. Bob Whitener, the firm's CEO is an accomplished tribal governance expert and trusted facilitator and consultant among tribes in both the US and Canada. His efforts and guidance have been invaluable in moving this effort forward.

Tribal Technical and Financial Support

Through discussions to date, it has become clear that tribes lack the capacity necessary to provide consultation and otherwise participate in the many state government processes at any given time. This lack of capacity has been identified as the principal barrier to the success of this

effort. In November, the state agencies, with DFW in the lead, secured a \$1 million America the Beautiful Challenge grant from the National Fish and Wildlife Foundation to fund additional facilitation services and to provide technical and direct financial assistance to tribes in support of participation in this effort. While these funds are a good start, tribes have indicated that more funding is needed to ensure the success of this work. It is anticipated that tribes will seek additional state funding for capacity building during the 2024 legislative session.

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Email: andrea.thorpe@parks.wa.gov

Reviewer(s):

Kira Swanson, SEPA REVIEW: Pursuant to WAC 197-11-704, staff has determined that this Commission agenda item is a report and therefore is not subject to State Environmental Policy Act (SEPA) review.

Van Church, Fiscal Impact Statement: Report only, no fiscal impact.

Owen Rowe, Policy and Government Affairs Director

Andy Woo, Assistant Attorney General: Reviewed January 2, 2024

Approved for Transmittal to Commission



Diana Dupuis, Director

Appendix 1



Northwest Indian Fisheries Commission

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www.nwifc.org

FAX # 753-8659

March 8, 2021

The Honorable Jay Inslee
Governor of Washington
P.O. Box 40002
Olympia, WA 98504-0002

Re: Request for a Special Task Force to Develop Solutions to Address Recreational Impacts to Tribal Treaty Rights

Dear Governor Inslee:

On behalf of the Northwest Indian Fisheries Commission (NWIFC) I write to reiterate our concern over the increasing recreation across the region and its negative and accumulating effects on the environment and our ability to access and exercise our treaty-reserved rights, and our cultural lifeways. We made a formal request at the Centennial Accord meeting on November 19, 2020 to designate a special task force for the State to work with the treaty tribes to address recreation concerns and develop solutions. Since that time, the treaty tribes in western Washington formed a special working group on recreation through the NWIFC.

We are now respectfully requesting your office and state agencies schedule a time to meet with tribes. The purpose of this meeting would be to continue the discussions concerning impacts to tribal treaty rights from recreational activities. Our hope is that we can help facilitate a pathway forward for state agencies to work with tribal co-managers at the earliest stages of policy-making and planning for new recreation and to also address changes to existing recreation on lands and waterways. At the Centennial Accord meeting, and in the spirit of government-to-government and co-management, we requested that these discussions be conducted through the establishment of an appropriate forum- such as a workgroup or task force- to best address tribal concerns and to develop mutual solutions.

As you are aware, the NWIFC is composed of the 20 tribes in western Washington¹ that have treaties with the federal government. Our tribes possess treaty-reserved rights to take fish and shellfish at our usual and accustomed areas, as well as to hunt and gather

¹ The NWIFC member tribes are the Lummi, Nooksack, Swinomish, Upper Skagit, Sauk-Suiattle, Stillaguamish, Tulalip, Muckleshoot, Puyallup, Nisqually, Squaxin Island, Skokomish, Suquamish, Port Gamble S'Klallam, Jamestown S'Klallam, Lower Elwha Klallam, Makah, Quileute, Quinault, and Hoh.

plants and wildlife throughout open and unclaimed lands, including state and federal public lands.

Rapid population growth over the last two decades has led to unprecedented levels of recreation across public lands and waters in western Washington. The pressures on public lands were made all too clear this past summer as numerous news articles and stories described extreme crowding, environmental degradation, and the near total lack of enforcement in many public recreational areas on national forests, monuments and parks, and on state forests and waterways in our area².

A mounting body of research confirms what tribal members and resource managers are seeing across the landscape: recreational activities, both motorized and non-motorized, as well as recreational fisheries in marine and freshwaters, can and do have significant impacts on the environment and on the resource itself³. Cumulatively, recreational activities directly and indirectly impact the range and health of fish and wildlife, degrade upland, riparian and coastal habitats, damage vegetative communities, and compromise cultural and spiritual sites. The impacts from these activities have also resulted in human presence and disturbance throughout even the most remote areas of public lands and treaty areas across all seasons. Although we understand the many benefits outdoor recreation provides to numerous residents and visitors to our State, these same areas constitute treaty areas, and the fish, wildlife, plants and habitat that these rights depend upon need further and improved protection.

Treaty tribes in Western Washington describe these recent examples of impacts on public lands and waters in their areas:

²"Recreation becomes 'wreckreation' as careless outdoor adventures turn destructive, spark wildfires", Seattle Times, September 10, 2020. [The Seattle Times](#)

"Overcrowding forces closure of Lake Cushman access, Staircase entrance to Olympic National Park", Seattle Times, Aug. 21, 2020. [The Seattle Times](#)

"Crowds flock to beaches, hiking trails despite Inslee's plea to stay home", King 5 News, March 23, 2020. [King5](#)

"National Forest trailheads close after 'stay-at-home' prompts rush to the outdoors" Crosscut, April 1, 2020.

[Crosscut](#)

"A population explosion on popular trails: One more impact of growth" Seattle PI, Sep. 24, 2019. [Seattle PI](#)

³ Larson, Courtney L et al. "Effects of Recreation on Animals Revealed as Widespread through a Global Systematic Review." PLoS one vol. 11,12 e0167259. 8 Dec. 2016, doi:10.1371/journal.pone.0167259;

Knight, Richard L, and Kevin J. Gutzwiller. *Wildlife and Recreationists: Coexistence through Management and Research*. Washington, D.C: Island Press, 1995. Print;

Wisdom, M. J. et al. 2018. *Elk responses to trail-based recreation on public forests*. Forest Ecology and Management, ISSN: 0378-1127, Vol: 411, Page:223-233.

- Dramatic increases in sport fishing and recreational boaters, which has increased displacement of tribal fishers through limiting use of and access to fishing grounds.
- Rivers overcrowded by tubers and beach goers during sensitive spawning seasons.
- Beaches and forests contaminated by:
 - Excessive human waste
 - Drug use
 - Drug paraphernalia
 - Litter
- Removal of large woody debris from rivers essential to salmon recovery because of perceived recreational safety concerns.
- Degradation of culturally sensitive areas and cultural and natural resources such as:
 - Sacred cultural sites
 - Religious sites
 - Sensitive areas
- Theft of old growth cedar and maple.
- The risks of unattended fires, and other actions closely tied to recreation.
- Greatly increased disturbance from camping, high volumes of backcountry users, crowded trails, dogs off leash, and degradation of sensitive areas and vegetation.
- Increased disturbance to wildlife from habitat fragmentation, increased vehicular use, vehicular collisions, noise and human presence.
- Tribal members feeling displaced from areas they previously used for exercising treaty rights and for cultural/spiritual purposes.
- Absence of enforcement staff.

The diminishment of our treaty reserved resources and challenges to access them, and the uncertainty associated with a changing climate, are especially concerning. Our cultural and treaty-reserved rights depend on the long-term ecological health of our lands and our waters. We are watching with alarm as federal, state and local governments continue to plan for, fund and expand recreation without adequate evaluation of its cumulative impacts, without providing the necessary enforcement, and in many cases, without consultation with tribal co-managers.

It is critical that treaty tribes, as sovereign governments and natural resource co-managers, be involved early in the planning, funding, and development and management of any new and existing recreation opportunities. Tribes should also be engaged with any expansion or improvement of existing recreational infrastructure and the development of recreation policy.

While 'over-recreation' is a matter of concern to treaty tribes, all Washingtonians should be concerned about our increasingly heavy footprint on the landscape. We need to approach recreation cooperatively, responsibly, and in a thoughtful and sustainable way for the benefit of our environment and for our future generations.

We look forward to working with your office and state co-managers on this critical issue. If you have any questions, please contact Cecilia Gobin, Conservation Policy Analyst, at (425) 508-3058, or cgobin@nwifc.org.

Sincerely,



Lorraine Loomis
Chairperson

cc: Hilary Franz, Commissioner of Public Lands, Washington Department of Natural Resources
Kelly Susewind, Director, Washington Department of Fish and Wildlife
Laura Watson, Director, Washington Department of Ecology
Kaleen Cottingham, Director, Washington State Recreation and Conservation Office
Don Hoch, Director, Washington State Parks
Laura Blackmore, Executive Director, Puget Sound Partnership
Roger Millar, Secretary, Washington State Department of Transportation
Dr. Umair Shah, Secretary, Washington State Department of Health
Lisa Brown, Director, Washington State Department of Commerce
Derek Sandison, Director, Washington State Department of Agriculture
Carol Smith, Executive Director, Washington State Conservation Commission
Allyson Brooks, Director, Department of Archaeology & Historic Preservation
David Schumacher, Director, Office of Financial Management
Craig Bill, Director, Governor's Office of Indian Affairs
JT Austin, Senior Policy Advisor, Natural Resources, Office of the Governor
Erik Neatherlin, Executive Coordinator, Governors Salmon Recovery Office

Appendix 2



STATE OF WASHINGTON
— OFFICE OF GOVERNOR JAY INSLEE —

February 6, 2023

Dawn Gomez
Chairwoman
Hoh Indian Tribe
P.O Box 2196
Forks, WA 98331

Dear Chairwoman Gomez:

I am following up regarding concerns raised by tribal leaders that higher numbers of people recreating on state waters and public lands are interfering with the exercise of reserved tribal treaty rights. This issue was raised during our 2021 and 2022 Centennial Accord meetings and I understand that tribal leaders have again asked for action by the state on this issue. While you and your fellow tribal leaders have indicated your appreciation for individual state agency efforts to address recreation planning, I also acknowledge that you are requesting I establish an interagency task force to work with tribes to evaluate and better coordinate agency recreation strategies across state lands.

With this recognition, I first want to affirm that, along with the state agencies responsible for managing public lands, I hear and share your concerns about the impacts of recreation use of our public lands on cultural and natural resources. I can assure you that I am committed to working with you to ensure that recreation in Washington state respects the needs of those resources.

I want to update you on actions I have taken on this critically important issue and invite tribes to participate in efforts to address recreation impacts on state lands, including impacts on tribal treaty rights. The envisioned course of action relies on tribal participation at both the staff level and through intergovernmental consultation.

As part of the 2023-25 state budget development process, the Department of Natural Resources (DNR), Department of Fish and Wildlife (DFW), and the State Parks and Recreation Commission (State Parks) have each submitted funding requests to refine and augment an existing methodology for assessing the ecological condition of lands, measuring impacts from recreation, and applying adaptive management principles to restore and maintain lands. The agency requests also include funds for initial application of this methodology to high-priority sites.

I have incorporated these requests into my proposed budget and have added a proviso requiring the three agencies to establish a workgroup to coordinate development of the management methodology; apply the methodology in at least three demonstration areas; consult with interested tribes at the beginning of their work and at key decision points thereafter; and to provide opportunities for public stakeholders to comment and otherwise assist with the workgroup process. The workgroup will be co-sponsored by Hilary Franz, Commissioner of Public Lands, Kelly Susewind, Director of the

The Honorable Dawn Gomez
February 6, 2023
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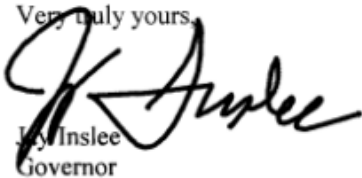
Department of Fish and Wildlife, and Diana Dupuis, Director of the Washington State Parks and Recreation Commission. Senior staff in these three agencies will lead the workgroup, with assistance from staff in my office, and invite technical advisors from their agencies, tribes, and other recreation, conservation, and cultural resource organizations to participate throughout this effort.

Perhaps most significantly, I am requiring the state agencies to integrate assessment and protection of tribal treaty-related resources and other culturally significant landscape features into development of the management methodology. Of course, management of any treaty-related resources and other culturally significant resources will require tribal coordination and consultation, both in the development of methodology and in its application to specific areas. This includes technical assistance from tribes to help develop impact assessment tools, identify priority places to apply them, and to help guide their application at the site level. In short, the agencies and I see integration of tribal perspectives at every step as essential to the success of this effort.

As a next step, I would like to invite you and other interested tribal leaders to meet with Commissioner Franz, and Directors Susewind and Dupuis, to hear your perspectives and suggestions about how best to involve tribal leaders and technical experts in this process. This includes tribal participation in developing the technical assessment and management tools, selecting appropriate demonstration areas, carrying out assessment and monitoring activities, and applying adaptive management prescriptions on the ground. I have asked the Governor's Office of Indian Affairs to work with state agencies and tribal chairs to set an initial virtual meeting by March 31, 2023. Please look for communication from the Governor's Office of Indian Affairs very soon.

While I am encouraged by the thoughtfulness and care with which DNR, DFW, and State Parks are approaching the issue of recreation impacts on public lands, I know their efforts will not succeed without the benefit of tribal knowledge, values, perspective, and expertise at every stage in the process. I ask that you consider my invitation and join with the state agency leaders in this critically important effort.

Very truly yours,



Jay Inslee
Governor

cc: Ruth Musgrave, Senior Policy Advisor for Natural Resources, Office of the Governor
Jon Snyder, Senior Policy Advisor for Outdoor Recreation and Economic Development
Hilary Franz, Commissioner of Public Lands
Kelly Susewind, Director, Department of Fish and Wildlife
Diana Dupuis, Director, State Parks Commission
Craig Bill, Director, Governor's Office of Indian Affairs