

State – Tribal Recreation Impacts Initiative Charter

Review Draft

January 2024

I. Background and Context

For the past several years, many Washington Tribes have advocated for the creation of a collaborative state/Tribal process to develop more sustainable, less impactful, and more culturally sensitive approaches to addressing recreational impacts and management strategies on state lands. These requests were further supported and elaborated upon in a letter sent to Governor Jay Inslee in March 2021 by the Northwest Indian Fisheries Commission on behalf of their twenty western Washington member treaty Tribes requesting that the Governor establish a “...special task force to develop solutions to address recreational impacts to Tribal treaty rights.”

State Agency Budget Requests

Through the course of the pandemic, unprecedented visitation on public lands resulted in numerous examples of overuse. It became apparent that a system was needed for better understanding the condition of state-managed public lands and waters where recreation occurs. Building upon previous cooperation, the Department of Natural Resources (DNR), Department of Fish and Wildlife (DFW), and the State Parks and Recreation Commission (State Parks) worked together to submit complementary operating budget requests to assess the ecological integrity of state-managed lands and waters, develop tools for monitoring resource conditions, and develop a framework for adaptively managing 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 attached requiring DFW, DNR, and State Parks to jointly develop the management system and “...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. The letter acknowledged and affirmed the Tribes’ concerns and the Governor agreed to work 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 agency and Tribal interests and committed to working together to improve management of recreation impacts on natural and cultural resources and on protected Tribal rights across state-managed lands and waters.

State -Tribal Recreation Impacts Initiative (STRII)

Convened by the Governor’s Office of Indian Affairs (GOIA), DNR, DFW, and State Parks, and representatives of federally recognized Tribes with protected Tribal rights in Washington (Tribes) have committed to co-creating a system to improve management of recreation impacts on natural and cultural resources and protected Tribal rights on state-managed lands and waters. The

Recreation and Conservation Office (RCO) in its capacity as administrator of state recreation and conservation grants has also joined the effort. This is a large and complex undertaking that involves agreeing to a general scope of the effort, organizing communication and coordination among independent state agencies and Tribes, and developing the planning and technical tools necessary to objectively assess and manage recreation impacts across millions of acres of state-managed lands and waters.

Charter Development

This charter is a joint product of the state agency and Tribal representatives engaged in this effort. It is intended to describe how work is conducted in pursuit of the purpose and goals of this cooperative effort. Instead of attempting to draft a charter at the outset of this process, work instead focused on reaching agreement on the substance of the elements of the charter (e.g., vision, organizational structure, and work processes). Once agreement was reached on substance, elements were then incorporated into a *working charter*. The working charter was intended to be put into use and refined as initiative participants gained experience working together before eventually seeking its formal adoption. The working charter was presented to Tribal and state agency leaders for initial review at the May 2024 STRII Leadership meeting and has since been in provisional use guiding work of the initiative.

Since May 2024, minor updates reflecting current work practices of the initiative have been incorporated into this draft of the STRII Charter. This updated version will be circulated to Tribes and state agencies for review and comment. Revisions will then be incorporated into a final Charter for adoption by appropriately authorized Tribal and state agency designees at a Leadership meeting tentatively scheduled for May 2025.

The approved charter will guide STRII through current work to organize, build relationships, secure resources, and to develop the policy underpinning and technical methodology for effectively managing recreation impacts on state-managed lands. As STRII transitions into on-going implementation and institutionalization of the initiative, revisiting the charter will be necessary to reflect any structural or procedural changes. Subsequent updates should be initiated as future phases of the initiative warrant.

It should be emphasized that the principal purpose of this effort is to improve management of recreation impacts on state-managed lands and waters. While continuing to develop this charter is important for setting direction, aligning effort, and maintaining productive communication, work on the charter should not come at the cost of improving stewardship of resources on the ground. Striking an appropriate balance will be essential to the ongoing success of this critical undertaking.

I. Vision

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.

II. Principles for Communication

Partnership on the Process: The state agencies and Tribes mutually agree to work through the process outlined in this charter to improve communication, collaboration, and policy and conservation outcomes. We commit to working in good faith to make this process productive, respectful, and mutually beneficial. No single agency or Tribe is leading this effort, and collaboration by independent equals is essential to make durable, lasting joint decisions.

Embracing the Challenge: The state agencies and Tribes acknowledge that jointly addressing issues around the recreational use of public lands and waters by the general public will be inherently complicated. We commit to having these discussions because this topic and related issues are important, and state agency and Tribal communication is required to achieve the best and most sustainable policy and conservation outcomes.

Mutual Transparency: The state agencies and Tribes commit to collaboratively increasing communication and transparency among all participating parties. We will share all pertinent information to support the process. Information will be evaluated and where intellectual property is unavoidably impacted, appropriate permissions will be requested and respected.

Respect for Confidentiality of Sensitive Information: Tribes will rely on participating state agencies showing deference to Tribal concerns regarding information security and safeguarding sensitive Tribal information from public disclosure. Information about cultural and archaeological sites in Washington is covered by the Public Records Act (Chapter 42.56 RCW) and specific components of the records are exempt from disclosure (RCW 42.56.300) to avoid the looting or depredation of such sites. The Tribes are aware of the State's statutory public disclosure responsibilities and will identify information about cultural and archaeological sites. Tribes will work with the state agencies to navigate those responsibilities in a way that does not unintentionally disclose this type of information.

Acknowledgment of Tribal Standing: Tribes are sovereign governments that have a unique legal and policy standing with the State of Washington as government-to-government partners. Tribes are not stakeholders. Tribes can participate in conversations with non-Tribal stakeholders and the state agencies without diminishing their standing or foreclosing on other communication modes.

Acknowledgment of State Agency Standing: In service to the public, each state agency is accountable to a unique mission, mandate, and set of statutory directions. Each maintains unique government-to-government relationships with Tribes. State agencies can participate in this multi-party effort without diminishing their standing, commitment, and obligations with individual Tribal governments reached through other means.

Unity, Not Division: To the extent possible, we will work on recreation management issues that are recognized and prioritized as critical among Tribes and the state agencies. In addressing issues that cause division and controversy, we are committed to actively listening to each other to understand and address our collective concerns, ensure continued progress, and build trust. This process is a mutual, collaborative process between multiple governments with unique and overlapping interests, and it will take patient, ongoing effort to work together successfully. We will develop a shared process to fully examine areas of disagreement and explore every opportunity for resolution.

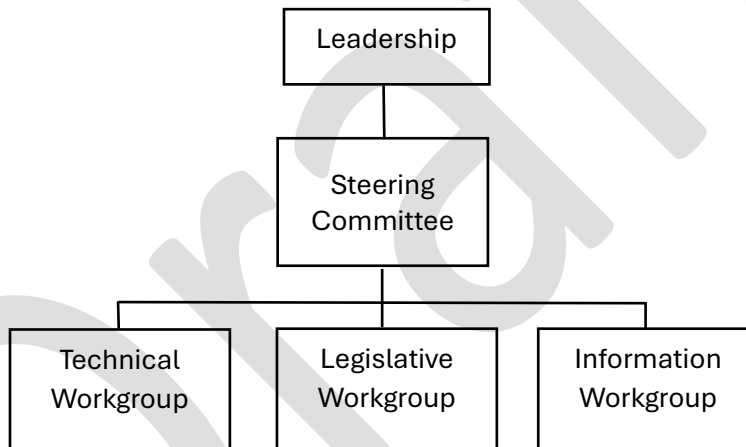
If the Steering Committee broadly concludes that a disagreement is irresolvable and arresting progress, we will document that issue and agree on a path forward that allows for advancing other priorities.

Follow Through: Significant agreements will be appropriately documented, and the onus will be on each independent entity to act upon them in good faith.

III. Organizational structure, participants, meetings, and assignments

This cooperative effort uses a tiered structure to plan and direct the overall effort, coordinate work tasks, develop recommendations, make decisions, report progress, and otherwise manage the flow of information (Figure 1). The three tiers include Leadership, Steering Committee, and three functional workgroups.

Figure 1: Organization Structure



Leadership Group

Purpose: Sponsor overall effort, authorize participation and work, commit resources, discuss high-level issues, make joint agreements, address areas of disagreement, and provide direction to the Steering Committee.

Participants: Active participants in Leadership meetings include elected Tribal leaders and their designated representatives, together with the Commissioner of Public Lands, and directors of the Governor’s Office of Indian Affairs, Department of Fish and Wildlife, State Parks and Recreation and Conservation Office. Tribal or state agency leaders may designate authorized representatives to participate in Leadership meetings. All interested Tribal and state staff may attend or watch Leadership meetings but are typically not asked to participate in discussions.

Meetings: Leadership is anticipated to meet as a group once or twice per year (hybrid in-person/zoom).

Tasks:

1. Hear progress reports, make collective Tribal-state agency agreements, and provide joint direction to the Steering Committee.
2. Consider further action for areas of disagreement (e.g., no decision, remand to Steering Committee, refer for potential G2G consultation).

Steering Committee

Purpose: The function of the Steering Committee is to oversee and help facilitate development of a process for cooperatively managing recreation-related impacts on natural and cultural resources and on protected Tribal rights across state-managed lands and waters. Responsibilities include developing a vision, general scope of work, and policy level guidance for the overall effort; discussing and troubleshooting issues as they arise; and assisting with selecting, contracting, and supporting a professional facilitator. The Steering Committee also establishes workgroups, assigns them tasks, considers their recommendations, and advances their recommendations to Leadership for consideration and decision making as necessary.

Participants: The Steering Committee is a joint group of state agency and Tribal leaders and staff that are authorized by their respective state and Tribal decision-makers to participate. We anticipate a relatively informal, self-selection of committee members where participation is open and fluid and all are welcome to attend meetings when they are able.

Meetings: The Steering Committee will meet virtually once or twice per month as needed. Hybrid in-person/zoom meetings will be considered as needed.

Tasks:

1. Develop organization structure, general process, and timeline for the effort
2. Establish workgroups, assign tasks, monitor their progress, and consider and advance recommendations to Leadership for decision-making as necessary.
3. Develop charter to guide the cooperative State-Tribal initiative for improving management of recreation impacts across state-managed lands and waters.
4. Develop integrated plan and principles to guide state-Tribal cooperation on managing recreation impacts on resources and Tribal protected rights across state-managed lands and waters.
5. Support selection of an independent consultant to facilitate Steering Committee meetings

Technical Workgroup

Purpose: The principal function of the Technical Workgroup is to develop technical processes and products and complete technical work and analytical tasks to inform and support decision-making by the Steering Committee and Leadership. This primarily includes developing tools and processes to assess and adaptively manage recreation impacts on natural and cultural resources and on

protected Tribal rights; prioritizing and recommending demonstration efforts in which to apply the developed tools; and guiding and supporting assessment and planning activities in the selected demonstration efforts.

Participants: The Technical Workgroup is a joint group of state agency and Tribal technical staff who are authorized by state and Tribal decision-makers to participate in the scientific and other technical aspects of this effort.

Meetings: The Technical Workgroup will develop a specific work schedule to suit their work tasks, with periods of higher and lower frequency of meetings thereafter depending on the needs of the project. Meetings will occur as in-person hybrid, or virtual as determined by the committee.

Tasks:

1. Coalesce Tribal and state agency proposals into a single technical framework for assessing, prioritizing and adaptively managing recreation impacts on natural and cultural resources and on protected Tribal rights across state-managed lands and waters.
2. Prepare and maintain an updated scientific literature review as well as compile relevant case studies regarding assessment and management of recreation impacts on natural and cultural resources.
3. Develop an ongoing glossary of technical terminology used in this effort.

Legislative Workgroup

Purpose: The Legislative Workgroup is intended to consider and discuss legislative issues, including specific policy and budget recommendations in support of this effort. The workgroup is also intended to communicate requests to recreation and conservation organizations and other legislative stakeholders, as needed.

Participation: Workgroup participants will typically include Tribal policy staff and lobbyists and state agency policy staff and legislative liaisons.

Meetings: The Legislative Workgroup will determine an appropriate meeting schedule. Meetings are anticipated to be more frequent prior to and during legislative sessions and may meet only occasionally during interim periods.

Tasks:

1. Provide a forum to review and discuss relevant pending legislation during legislative sessions.
2. Review and assist in coordinating state agency and Tribal budget requests and request legislation in furtherance of this state-Tribal process.
3. Inform the Steering Committee and others, when applicable, of legislative issues and opportunities.

Information Sharing Workgroup

Purpose: The principal function of this workgroup is to develop recommendations to improve the flow of information between the state agencies and Tribes concerning expansion of recreation and anticipated impacts to natural or cultural resources or protected Tribal rights. The intent is that a regularly updated inventory of recreation planning efforts, projects, programs, and initiatives will provide a complete picture of potential recreation expansion and allow Tribes to assess and direct their attention to where it is needed most. This workgroup also participates in drafting and reviewing documents in support of the facilitator and at the direction of the Steering Committee. Future functions may include coordinating ongoing periodic conferences to which Tribes and state land management agencies bring issues and opportunities for discussion and resolution.

Participants: The Information Sharing Workgroup is a joint group of state agency and Tribal policy, program, and administrative staff who are authorized by state and Tribal decision-makers to participate in information management and sharing aspects of this effort.

Meetings: The Information sharing Workgroup will initially meet twice per month but may adjust meeting frequency to suit completion of its assigned work.

Tasks:

1. Draft a charter to guide this cooperative State -Tribal initiative to improve management of recreation impacts across state-managed lands and waters.
2. Draft an integrated plan and principles to guide Interagency-Tribal cooperation on managing recreation impacts on resources and Tribal protected rights across state-managed lands and waters.
3. Develop recommendations for improving information sharing between state agencies and Tribes concerning management of recreation impacts.
4. Prepare and draft meeting agendas for Steering Committee meetings.
5. Draft and review documents (e.g., charter and integrated plan) in support of the facilitator and at the direction of the Steering Committee.

IV. Decision-Making

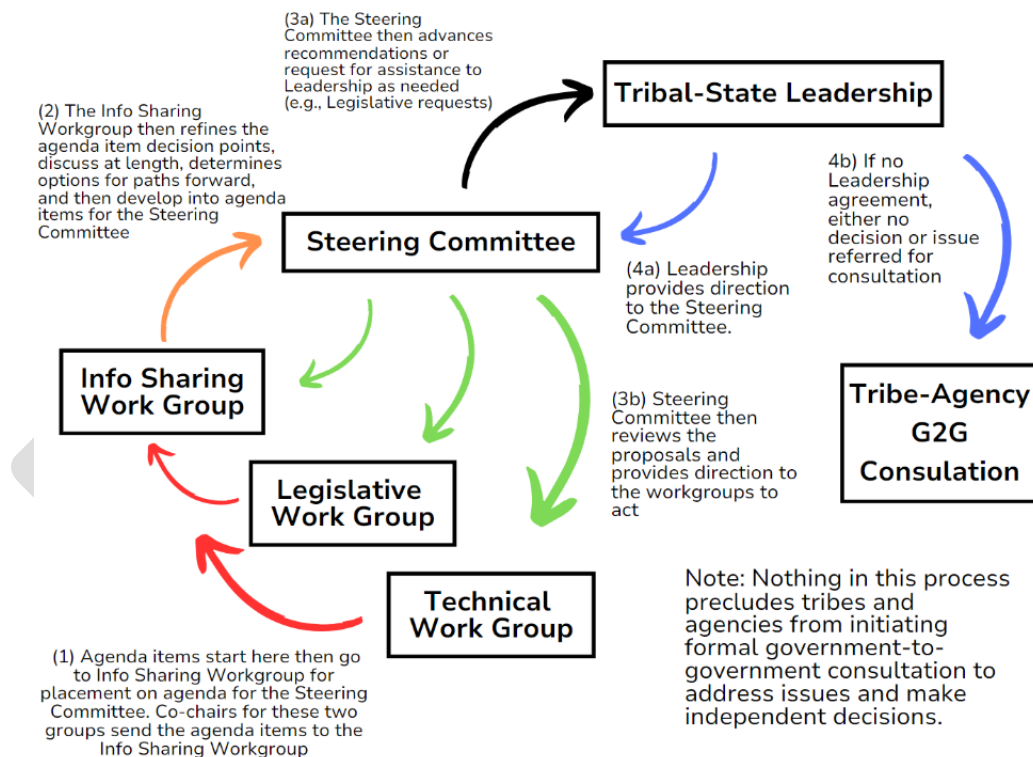
This cooperative state-Tribal effort is intended to develop proposals and recommendations to state agency and Tribal leadership for improving communication and management of recreation impacts on natural and cultural resources and protected tribal rights on state-managed lands and waters. The following flowchart, steps, and caveats are intended to guide the process through which proposals and recommendations are initiated, developed, vetted, and advanced to decision-makers for consideration and action.

This process uses the organization structure described in the previous section and details the flow of information between the Steering Committee and its established workgroups and from the Steering Committee to state agency and Tribal leadership for consideration and action. Decision-making made by the Steering Committee typically involves agreements on Steering Committee

processes, workgroup products, and whether proposals or recommendations have been sufficiently developed and vetted. With general agreement on any proposals or recommendations, the Steering Committee then decides how and when to appropriately advance them to state agency and Tribal leadership for consideration and action.

It should be noted that proposals or recommendations involving changes to management of state agency-managed lands and waters, policy or rule development, and legislative proposals may require a more formalized process than what is described in this section. Such a process may be developed in the future as necessary and appropriate. It should also be noted that enacting proposals and recommendations may require additional formal action by tribal governments or state agencies through existing governance and decision processes and must comply with procedures mandated in tribal and state law (e.g., State Environmental Policy Act and Administrative Procedures Act).

Decision-Making Flowchart



Decision-Making Steps

- *Raise issue or proposal:* Participants are encouraged to raise issues or make proposals during all Workgroup meetings.
- *Discuss and debate:* Fully hear facts, perspectives, opinions, and preferences (caucus if necessary) with the intention of reaching agreement. Time limitations on discussion will be avoided, when possible, to allow necessary time for thorough discussion.

- *Reach general agreement:* Decisions do not require unanimous support, but at minimum are acceptable to regular participants. *Record agreement:* Significant decisions are recorded in the form of a resolution, meeting notes, or other appropriate document.
- *Institutionalize agreement:* Responsibility lies with each tribe and state agency to independently act upon decisions in good faith.
- *Agreements become norms:* Decisions will ultimately be incorporated into the way tribes and agencies interact and cooperate within this process.
- *Disagreements:* Any areas of disagreement are fully examined and given every opportunity for resolution. Disagreements that are irresolvable and arresting progress will be documented and a path forward agreed upon that allows other priorities to advance.

Decision-Making Caveats

- The Steering Committee determines the sphere of matters that will be considered and directs the appropriate pathway for decision making (e.g., workgroup-steering committee-leadership).
- The facilitator supports decision-making by creating a safe space for honest discussion, ensures as many participants as possible are included, and gives advice on navigating difficult discussions.
- Decisions and agreements will be put into practice, evaluated, refined as needed, and incorporated into ongoing practices when satisfactory.
- Nothing in this process precludes tribes and agencies from initiating formal government-to-government consultation to address issues and make independent decisions.

V. Process, Milestones, and Deliverables

This charter will serve as on-going procedural guidance for the State-Tribal Recreation Impacts Initiative. Time-limited information regarding process, milestones, and deliverables of the initiative have been included in a stand-alone work plan. A current STRII work plan is available on request.