

Centennial Accord Executive State/Tribal Work Session on  
Environment & Natural Resources

October 24, 2022

2:30-5:00 Orca Ballrooms

Opening Prayer

**Tribal Lead:** TBD

Opening Remarks

**Tribal Lead:** Honorable Teri Gobin, Chair, Tulalip Tribes

**State Lead:** Honorable Jay Inslee, Governor, State of Washington

Introductions: Roll Call of Tribes and Agencies Represented

**State Lead:** Craig Bill, Executive Director, Governor's Office of Indian Affairs

Progress Report on 2021: Centennial Accord Environment & Natural  
Resources and Other Emerging Issues

**Tribal Lead:** Justin Parker, Executive Director, Northwest Indian Fisheries  
Commission (NWIFC)

**State Lead:** Ruth Musgrave, Senior Policy Advisor for Natural Resources,  
Governor's Office

Salmon Recovery: New Approaches and Use of Executive Authorities

**Issue:**

Recent tribal, state and federal reports clearly demonstrate that salmon and steelhead listed under the Endangered Species Act are predominantly not showing a trend toward recovery. This crisis is not new, but the ongoing negative trend is extremely alarming as we face the unfortunate inevitability of climate change and population growth.

The state previously declared a salmon emergency through the passage of an initiative in 1984 (see RCW 77.110.010). Sadly, this state initiative also included a law (RCW 77.110.040) declaring that tribal treaty rights were terminated, demonstrating the ongoing blame of tribes for the peril of salmon. Moreover, no substantive changes were put into effect through this empty and ill-conceived gesture.

Similarly, Washington's Extinction is Not an Option salmon recovery plan promised regulatory back stops that were never realized. Absent meaningful regulatory reform, tribes are forced to compete for voluntary grant programs as the primary means of implementing Salmon Recovery, while still enduring blame for diminishing fisheries.

In May of 2022, the Affiliated Tribes of Northwest Indians (ATNI) adopted resolution #22 – 25, establishing a salmon recovery policy statement. The policy statement is a demonstration that “tribes are united in our sacred cultural commitment and obligation to protect salmon, and...call for the protection and restoration of salmon and other native anadromous fish to all rivers and streams where they historically returned...”

In this new day – where thankfully issues of equity are becoming a top concern – the tribes ask the Governor to respond to this crisis and set a new course for salmon recovery that partners with tribes.

**Request:**

We ask that the Governor evaluate the use of his executive powers and other actions to advance a new salmon recovery approach that will prioritize partnerships with tribes and immediately address the level of emergency for salmon. For example, consider executive authorities to put in a place a process to recover salmon and implement actions that are based on the agreed upon priorities of state and tribal co-managers. Consideration could also be given to collaborate on legislation and other actions.

**Tribal Lead:** Honorable Lisa Wilson, Council, Lummi Nation, and Vice-Chair, NWIFC

**State Leads:** Ruth Musgrave, Senior Policy Advisor for Natural Resources, Governor's Office and Erik Neatherlin, Director, Governor's Salmon Recovery Office

## Fish Passage at Chief Joseph and Grand Coulee Dams

Fish Passage is a critical issue to salmon recovery statewide. On August 25<sup>th</sup> Senator Murray and Governor Inslee released their evaluation of the future of the Snake River Dams. In that report Senator Murray and Governor Inslee committed to the authorization and completion of the “design and engineering work for new fish passage at the Chief Joseph and Grand Coulee dams.” Once complete this work will result in over 1000 miles of additional salmon and steelhead habitat. The majority of this habitat has characteristics that will provide global warming resiliency for salmon and steelhead in the Columbia.

The Upper Columbia River United Tribes (“UCUT”) in collaboration and coordination with other Columbia Basin Tribes, the state of Washington, and several federal agencies have made progress on the UCUT’s Phase 2 Implementation Plan (“P2IP”) for the reintroduction of salmon above Grand Coulee and Chief Joseph Dams. In support of this effort, the state provided roughly 3 million dollars last session to assist with equipment purchases for use in the P2IP which will help move the P2IP forward. wat

This \$3 million investment by the state brought to light two needs. The Upper Columbia River reintroduction needs concerted policy support from the Governor’s Office, and consistent investment by the state over the coming years.

**Request:** (1) The Governor's Office develop a list of Executive Actions to take in the next 6-12 months to ensure support for reintroduction and the above commitments move forward. (2) The Governor work the Legislature to participate in funding this project through the completion of the Phase 2 Implementation Plan timeline.

**Tribal Leads:** Honorable Carol Evans, Chair, Spokane Tribe

**State Leads:** Ruth Musgrave, Senior Policy Advisor, Governor’s Office and Michael Garrity, Energy, Water & Major Projects Division Manager, WDFW.

## Riparian Protection and Restoration

**Issue:** In 2019 important leadership towards achieving broad salmon recovery objectives, attainment of water quality standards, and improved climate resilience was found through Centennial Accord commitments to engage the current best available science of ‘1 Site Potential Tree Height’ riparian buffer standard uniformly across the landscape.

Respondent to last year’s legislative session, tribes are participating in the Govs. roundtable process as called for through budget proviso - not to debate “the what”, but openly discussing “the how” – we know we need functioning riparian buffers – the conversation is to how to get them most effectively in place.

Meanwhile, still today, more than 2,000 miles of anadromous salmon habitat in the *US v. WA* case area are not meeting water quality standards for stream temperature. This number is growing and covers only a small portion of waters that have been tested. When stream temperatures are higher than Ecology’s federally approved water quality standards, it can result in increased disease and impaired biological functions for salmon – all of which can elevate total mortality and decrease both natural and hatchery production of salmon. One essential management practice to decrease thermal pollution and broadly improve stream habitat resiliency to climate change is to ensure that streams have adequate riparian conditions.

WDFW developed riparian guidance based on the current science of 1 site potential tree height at 200 years, but tribes still have no assurances that this guidance will be implemented by all state agencies and programs. Also, of continued concern is the lack of regulatory mechanisms to ensure riparian protections are in place, where voluntary programs are unsuccessful.

All state agencies should be reinforcing consistent science-based management practices, whether it’s through WSCC voluntary grant programs/technical assistance, state review of SMPs, BMP guidance protecting water quality standards, or the Hydraulic Project Approval.

Governor Inslee committed to addressing this lack of agency consistency and has raised significant concerns about the lack of a regulatory backstop during the 2020 and 2021 Accords. However, at this time no substantive changes (as opposed to process) have been implemented to address the issues originally identified.

The consultants for the two riparian provisos, one for review of riparian programs, and one for interviewing tribes, stakeholders and government representatives about what is needed for successful riparian protection and restoration, will present their results and progress thus far

**Requests:**

Identify immediate next steps for focused action. Progress will require steadfast, visible leadership through 1) clear administrative / policy declarations (set the course), 2) legislation (regulatory backstops and strengthened incentive programs), and 3) budget priorities (supporting purpose, transition, and outcomes).

**Tribal Leads:** Honorable Willie Frank, III, Chairman Nisqually Tribe and Dave Herrera Policy Representative, Skokomish Tribe

**State Leads:** Ruth Musgrave, Senior Policy Advisor for Natural Resources, Governor's Office, Kelly Susewind, Director and Jeff Davis, Director of Conservation Policy, Department of Fish and Wildlife, Laura Watson and Vince McGowan, Water Quality Program Manager, Department of Ecology

**Presentation:** Billy Plauche and Peter Dykstra, Plauche and Carr, LLP

## Recreational Impacts to Tribal Natural and Cultural Resources

**Issue:** This agenda item is not intended to focus on recreational fishing, but rather the many other forms of recreation that impact both terrestrial and aquatic environments. Rapid population growth over the last two decades has led to unprecedented levels of recreation across public lands and waters in western Washington. 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 result is human presence and disturbance throughout even the most remote areas of public lands and treaty areas across all seasons. Although there are many benefits that outdoor recreation provides to people, these same recreation areas are home to sacred sites and important tribal cultural and natural resources that need more protection in face of this increased use. Through previous Accord meetings and formal correspondence, tribes requested that the Governor's Office develop a task force to address emerging recreational issues, but the task force was never convened.

**Request:** The tribes appreciate that WDFW and DNR have begun processes to better plan for recreation, but respectfully request that Washington develop a more coordinated approach to its various statewide recreational strategies. Tribes recommend developing a cross-agency task force that works closely with tribes to evaluate the various planning components, data, baselines, and policies of each agency's plans and policies. Tribes also request additional enforcement resources in the Governor's proposed 2023-2025 biennial operating budget, by including DNR's budget request for 10 additional officers and other resources. Tribes also request that the execution of enforcement assures equitable treatment of tribal hunting, fishing and gathering.

**Tribal Leads:** Honorable Doug Woodruff, Chair, Quileute Tribe and Honorable Kadi Bizyayeva, Council, Stillaguamish Tribe

**State Leads:** Jon Synder, Senior Policy Advisor for Recreation and Economic Development, Governor's Office, Owen Roe, Parks & Recreation Commission Policy & Gov't Affairs Director, Cynthia Wilkerson, Lands Manager, Department of Fish and Wildlife, Kristen Ohlson-Kiehn, Recreation Division Manager, Department of Natural Resources.

### Washington Update on Tire Dust and 6PPD

**Issue:** After years of study, researchers at the University of Washington and Washington State University learned that an ingredient in tires (known as 6PPD) creates a toxic by product that is released into the environment and is especially toxic to Coho salmon in very small amounts. 6PPD is so toxic to coho that it can kill them within hours of exposure. 6PPD is slower acting on chinook and chum salmon, but it is still considered toxic.

Although studies are ongoing, it is unknown what impact tire dust has on other aquatic species or on humans. Tire dust collects on roads and escapes into waterways through street drainage.

The Departments of Ecology and Fish & Wildlife have been studying this toxin and have submitted budget requests to continue their work. The agencies believe more study is needed to:

- further determine the impacts on salmon and other aquatic species such as shellfish and orcas;

- identify the most effective ways to remove 6PPD from stormwater runoff; and
- reduce or eliminate the use of 6ppd in tires, as to prevent its release into the environment.

Governor Inslee is committed to taking a proactive approach on the difficult issue of tire dust and is actively exploring whether regulatory measures are timely and necessary to accelerate the work of finding safer alternatives to this toxic chemical. He looks forward to working with tribes to find solutions to this overlooked but important issue for salmon and other marine species.

**State Leads:** Carrie Sessions, Senior Policy Advisor for Environment & Water, Laura Watson, Director, and Vince McGowan, Water Quality Program Manager, Department of Ecology

#### Tribal Natural Resource Round Table

**Issue:** To the extent time allows, this agenda item will be used by tribes to discuss additional natural resources issues that are not covered by the agenda.

**Tribal Moderator:** Justin Parker, Executive Director, NWIFC

#### Closing Remarks

**Tribal Lead:** TBD

**State Lead:** Honorable Jay Inslee