



## L.I.G.H.T. FOUNDATION

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2 June 2024

Attn: Nichelle Barnaby, Code Reviser  
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RE: Comments on Proposed Colville Tribal Code CTC 4-24 Cultural Plants

Dear CTCR Office of Reservation Attorney Code Revisor & Natural Resource Director:

The [L.I.G.H.T. Foundation \(LF\)](#) is an independent, Indigenous-led, conservation 501(c)(3) nonprofit established on the Colville Indian Reservation in the traditional territory of the Nespelem Tribe. We support the restoration and cultivation of native Plant and Pollinator Relatives<sup>1</sup> and the culturally respectful conservation of habitats and ecosystems which are climate resilient and adaptive.

LF supports the inherent authority of the Confederated Tribes of the Colville Reservation (CTCR) to develop jurisprudence and recognizes that active Tribal regulation and enforcement of those laws is the exhibition of true self-determination and sovereignty.

This letter provides comments on CTCR's proposed Colville Tribal Code (CTC) 4-24 Cultural Plants Code (hereafter referred to as "proposed code," or "**CTC 4-24**").<sup>2</sup>

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<sup>1</sup> There are countless terrestrial and aquatic native plant species, fungi, and lichens used for food, medicine, cultural, spiritual, fabric, fiber, artistic, and construction purposes which are important to IP. The LF refers to these inclusively as "Plant Relatives" and recognizes that several of them rely upon the health and abundance of "Elder" trees (commonly referred to as mature and old-growth trees) and "Pollinator Relatives" like bees, birds, bats, butterflies, beetles, other insects, and small mammals.

<sup>2</sup> Proposed Colville Tribal Code (CTC) 4-24 Cultural Plants:  
<https://static1.squarespace.com/static/57b33d10d1758eeaa57d6899/t/660eb9c695df53341b03219a/1712241094769/FINAL+NEW+CODE+Chapter+4-24+Cultural+Plants.pdf>

Indigenous Peoples (IP) and the ecosystems we have stewarded for time immemorial have been adversely impacted by the industrialization and privatization of resources for commodification, commercialization, and extraction. This has manifested in many forms since contact with Euro-Americans and has resulted with fractionated lands, piecemeal protections for environmental and public health, and reduced the resiliency of Indigenous cultural ecologies. The CTCR's proposed code provides us with an opportunity via public comment to address the negative impacts these colonialist and capitalistic structures embedded in Western legal frameworks have had on the traditional food systems, socio-economic structures, and cultural heritages of IP within the Columbia River watershed generally, and the CTCR specifically. Keeping this position in mind, we are honored and humbled to support the advancement of CTCR governance by respectfully requesting the consideration of these comments and recommendations.

Generally, LF is in support of the concept of the proposed code, which exercises Tribal sovereignty to “*restore, preserve, protect and perpetuate the resources on the Colville Indian Reservation, the North Half, and off the Colville Reservation.*”<sup>3</sup> The attempt of the proposed code to prohibit or reduce non-Tribal commodification and commercialization of huckleberry patches (with the potential to implement the same for mushroom harvesting) is an important step in management of huckleberry Plant Relatives within the CTCR jurisdiction.

However, LF believes that substantive improvements could be made to the proposed code itself, for clarity, purpose, and to address existing unmet needs. These are outlined in the sections below.

## Section A. Terminology Clarifications

### 1. “Cultural Plants”

There is no definition of “Cultural Plants” in **CTC 4-24**, and the only plant named in the entire code is huckleberry. While there may not be one specific, formal, or official list of Plant Relatives of the CTCR, there are several resources available to inform guidance, and the amount extends well beyond one species.<sup>4</sup> Thus, it is unclear which Plant Relatives (beside huckleberry) are applicable to the proposed code.

LF recognizes the need and supports the rationale for various forms of Indigenous Knowledges (IK) to be protected as proprietary and confidential information. However, it is important to note that the proposed code contains no specific protections for those Plant Relatives which are

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<sup>3</sup> Ibid **CTC 4-24-2**, Cultural Plants, Policy, at page 1.

<sup>4</sup> Ferguson, J. 2007. Confederated Tribes of the Colville Reservation Upper Columbia River Book of Legends. [https://static1.squarespace.com/static/56a24f7f841aba12ab7ecfa9/t/5e6a98856af1217a65223372/1584044174467/Book\\_of\\_Legends\\_for\\_pdf\\_10-31-11.pdf](https://static1.squarespace.com/static/56a24f7f841aba12ab7ecfa9/t/5e6a98856af1217a65223372/1584044174467/Book_of_Legends_for_pdf_10-31-11.pdf). See also: Confederated Tribes of the Colville Reservation (CTCR). 2015. Integrated Resource Management Plan. <https://www.colvilletribes.com/irmp>. See also: Krosby, M., and H. Morgan. 2018. Colville Tribes Natural Resources Climate Change Vulnerability Assessment. Climate Impacts Group, University of Washington. <https://static1.squarespace.com/static/56f45574d51cd42551248613/t/5f984d2a6b3908559d1e843f/1603816762659/1.+Colville+VA+Report+FINAL.pdf>. See also: Stutzman, H. and K. Hillman. 2024. “Draft Botany Resource Specialist Report.” Midnight Restoration Project Draft EA. Okanogan-Wenatchee National Forest.

sacred, medicinal, nutritional, threatened or endangered. Given that ninety-seven percent (97%) of Colville Tribal citizens state that traditional cultural plants play an important role in their lives and that they desire to protect and preserve them under the CTCR Integrated Resources Management Plan (IRMP), it is worthwhile to have a comprehensive definition of “cultural plants” in the proposed code which expressly states the distinct importance and significance of them to the CTCR.<sup>5</sup> With the inclusion of a “cultural plants” definition, then the proposed code could employ it consistently throughout the remainder of the document. This would reduce confusing or misleading inconsistencies, like those described next.

## 2. “Resources,” “vegetation,” “Plants or plant parts,” and “wildlife”

Several provisions of CTC 4-24 reference with consistency the word “resources” yet there is no definition for it. This term can be off-putting to many IP, as it often is used in ways which reduce, diminish, or exclude the significant reciprocal cultural relationship IP have with the natural world. Its use reinforces the Western legal framework that “resources” are freely available and intended for use and extraction, thereby invoking or inviting overuse, misuse, or abuse. In a similar way, **CTC 4-24-102(a)**, **4-24-300**, and **4-24-302** refers to the harvest, removal, and possession of “vegetation”; which is, again, a diminishment of the cultural significance which IP have for Plant Relatives.

Excluding the term “vegetation” and defining the term “resources” is recommended to align more with how CTCR citizens perceive their worldview about cultural plants: a reciprocal relationship which is a gift bestowed and a responsibility to sustain for future generations.<sup>6</sup>

Additionally, the reference to “Plants or plant parts” and “wildlife” used in **CTC 4-24-505(e)** and **CTC 4-24-509(b)** are attempted to be used interchangeably, where it is clear that wildlife is not the intent or purpose of the proposed code. The nature of Plant Relatives is that they should not be overused, misused, or abused, so the very process of disposing of them if they are seized or forfeited under the proposed code raises cultural sensitivity issues that must be addressed in these provisions.

Also in **CTC 4-24-505**, but at **items (f) and (g)**, there is language about paying a fair market value and selling “any seized property.” This is another reinforcement of the Western legal framework ill-befitting the legislative intent of **CTC 4-24-3(d)**, which states *“Gathering is a spiritual and cultural practice of the Tribes. It is a way of life and part of the Tribes’ community traditions, which are to be preserved and protected for future generations. Gathering is a part of the Tribes’ history, an[ ] exercise of religious freedom, and an important practice.”*

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<sup>5</sup> Center for Applied Research (CAR). 15 April 2015. Confederated Tribes of the Colville Reservation Integrated Resources Management Plan: Results of the 2014 Colville Reservation Community Survey. <https://static1.squarespace.com/static/56a24f7f841aba12ab7ecfa9/t/586ed008893fc0cb3d9ac289/1483657241760/CTCR+Community+Survey+Report+04-15-2015.pdf>

<sup>6</sup> For more information, see: Center for Climate, Society, and the Environment. 19 September 2023. *Rights of Nature, Indigenous and Advocacy Perspectives (Video)*. Gonzaga University. <https://www.youtube.com/watch?v=qB4bb4l30UE>

See also: Inter-American Commission on Human Rights, VIII. Indigenous and Tribal Peoples’ Rights Over Natural Resources. <https://cidh.org/countryrep/Indigenous-Lands09/Chap.VIII.htm>

The culturally appropriate harvesting of Plant Relatives is also a vital aspect of nutritional, medicinal, and food access to IP. In a 2013, fifty-seven percent (57%) of Colville Reservation health survey respondents stated that the lack of financial resources prevented them from eating healthier, while a food security survey from 2022 indicated that sixty percent (60%) of respondents in the Okanogan region (including the Colville Reservation) lacked access and funds for meals, with almost forty-seven percent (47%) of respondents skipping a meal due to lack of food.<sup>7</sup> Thus, the protection, conservation, and equitable sharing of Plant Relatives is not only an exercise of cultural responsibility, but a significant role to address food insecurity within the CTCR jurisdiction.

Furthermore, many Plant Relatives may not actually have a fair market value, and it would appear these provisions are designed specifically to commodify and commercialize Plant Relatives, or begin to regulate those which already have been commodified and commercialized. If either instance were the case, then several other Relatives besides huckleberries would need to be named in this code, including, but not limited to cedar, sage, ponderosa pine, douglas fir, and morel mushrooms (just to name a few). Resolving food insecurity and potential economic incentives of Plant Relatives with this proposed code should be done in a culturally appropriate, sensitive, and inclusive way that currently is not present in the provisions as drafted.

### 3. “Department” and “Director”

At various times, the Parks and Recreation Department or the Fish and Wildlife Department are mentioned briefly, and then frequently only the word “department” is used, but it is unclear which Department is being referred to. The following provisions should be reviewed for clarity and identify the full name of the Tribal Department referenced in each provision: **CTC 4-24-6(g)**; **CTC 4-24-102(a) and (c)**; **CTC 4-24-502** (regarding a “Fish and Wildlife Fund”); **CTC 4-24-505(f)**; and **CTC 4-24-505(g)**. This should also be included at **CTC 4-24-500(a)(3)**, to provide guidance for appropriate Tribal Department location and contact information.

Similarly, **CTC 4-24-102(d)** references a “director,” “committee,” and “Director who may provide recommendations” and “may propose additional requirements necessary to properly manage the resource.” Meanwhile, **CTC 4-24-505(g)** references “Director” and “committee.” It is unclear if these provisions and terms are in reference to the Parks and Recreation Director, Natural Resource Committee (NRC) of the Colville Business Council (CBC), the Natural Resource/Land & Property Director, or the Fish and Wildlife Director, a different director, or a different committee. These discrepancies should be clarified.

### 4. “Appropriate documents” and “identification card”

**CTC 4-24-100** references “appropriate documents” necessary for individuals to have under this code, but does not define or identify what the appropriate documents are. Instead, **CTC 4-24-101** addresses Tribal membership cards as identification, while **CTC 4-24-102** addresses identification cards of Tribal employees. Additionally, there is no guidance or information for

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<sup>7</sup> Okanogan Regional Food Council (ORFC). May 2024. Okanogan Region Local Community Food System Assessment. At pages 15-16.

appropriate documents for “visitors” which are identified in **CTC 4-24-500(a)(3)**. None of these provisions expressly state that identification cards are the appropriate documents allowing for harvest, possession, transport, or other action relating to Plant Relatives.

Additionally, the identification card for Tribal employees in **CTC 4-24-102(a)** “to gather and possess vegetation” does not require vital information for what would normally be considered regulatory enforcement standards. This includes, but is not limited to: the time frame duration (i.e. date issued and date expired), why, what, how, where, and the amount of Plant Relatives the Tribal employee is allowed to harvest, possess and transport.

More often than not, the act of harvesting and processing Plant Relatives is a traditional cultural practice which may include ceremonial songs, prayers, offerings, and the transmission of IK through place-based intergenerational teaching. Omitting these cultural practices as protected and expected acts from the proposed code sterilizes the cultural integrity of traditional harvesting protocols for the twelve Tribes of the CTCR and is yet another example of diminishing ancestral food systems and the IK within them to a Westernized legal and administrative process.

#### 5. Gathering Season Closure

Provision **CTC 4-24-507** states *“If a gathering season or gathering is closed to gathering of any plants or materials thereof, by the Colville Tribes, gathering or attempting to gather will be considered a trespass and a violation of this Chapter.”*<sup>8</sup>

Every IP who engages in gathering traditions with Plant and Pollinator Relatives understands that their harvest is affected by variances in localized phenology, and that “[c]limate change has already affected all areas in the Northwest and will continue transforming the region in consequential ways.”<sup>9</sup> The Status of Tribes and Climate Change Working Group (STACCWG) notes that:<sup>10</sup>

*“Food and medicinal plants are both seasonal and perennial, but for some Tribal communities, notably medicine people and subsistence gatherers, there is a specific timeline and protocol for proper harvesting. [...] If Tribal communities are unable to properly harvest plant species needed for a time-specific ceremony or event, [...] then the Tribal community is in danger of becoming spiritually and economically stressed.”*

Stipulating gathering seasons in the proposed code now, or at some point in the near future, would remain a moving target due to accelerating climate change impacts. Climate vulnerability impacts under various greenhouse gas (GHG) emission scenarios were analyzed for several CTCR Plant Relatives in 2018, projecting their vulnerability into the 2050s and 2080s.

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<sup>8</sup> Ibid **CTC 4-24-507**, at page 6.

<sup>9</sup> Chang, M., L. Erikson, K. Araújo, E.N. Asinas, S. Chisholm Hatfield, L.G. Crozier, E. Fleishman, C.S. Greene, E.E. Grossman, C. Luce, J. Paudel, K. Rajagopalan, E. Rasmussen, C. Raymond, J.J. Reyes, and V. Shandas, 2023: Ch. 27. Northwest. In: *Fifth National Climate Assessment*. Crimmins, A.R., C.W. Avery, D.R. Easterling, K.E. Kunkel, B.C. Stewart, and T.K. Maycock (Eds). U.S. Global Change Research Program, Washington, DC, USA. <https://doi.org/10.7930/NCA5.2023.CH27>

<sup>10</sup> Marks-Marino, D. (Ed.) 2021. *Status of Tribes and Climate Change Report*, Institute for Tribal Environmental Professionals, Northern Arizona University, Flagstaff, AZ. <http://nau.edu/stacc2021>. At pages 114 and 124.

Unfortunately, as a result of limited or nonexistent sensitivity and vulnerability data, it is unknown how ongoing climate changes will impact black camas, bitterroot, western spring beauty (Indian potato), douglas fir, tule, wapato, blue elderberry, black lichen, Indian carrot, and morel mushroom.<sup>11</sup> This lack of data for these Plant Relatives indicates significant unknowns for management and enforcement of the proposed code, particularly in trying to establish a gathering season.

Four of the Plant Relatives assessed (whitebark pine, western redcedar, antelope bitterbrush, and thinleaf huckleberry) were found to be extremely vulnerable to climate change given the ongoing trends of GHG emissions. Five of the Plant Relatives assessed (foamberry, Idaho fescue, ponderosa pine, western larch, and ceanothus) were found to be highly vulnerable to GHG trends. Another ten Plant Relatives were assessed to be moderately vulnerable to the trends. These ten are basin wildrye, bluebunch wheatgrass, fernleaf biscuitroot, lodgepole pine, pacific yew, quaking aspen, serviceberry, paper birch, wood's rose, and devil's club. The remaining three Plant Relatives assessed may be less vulnerable to the GHG trends, but continue to experience other cumulative and adverse environmental impacts. These are arrowleaf balsamroot, scouler's willow, and water birch.<sup>12</sup>

The U.S. Department of Agriculture reports that Pollinator Relatives are responsible for the reproduction of eighty-eight percent (88%) of flowering plants and thirty-five percent (35%) of crops. The decline of Pollinator Relatives in the Northwest is primarily a result of habitat loss, invasive species, pesticide use, and climate change.<sup>13</sup> Loss of Pollinator populations also provides a dramatic negative impact to Plant Relatives in the region, reducing their survivability and reproduction. Within the CTCR traditional territories, there are 101 bee, 97 moth, 69 butterfly, 4 bat, and 4 hummingbird Pollinator Relative species contributing to the health and vitality of Plant Relatives.<sup>14</sup> Currently, there is no strategy or active monitoring of these Pollinator Relatives on the Reservation to inform their health and wellness.

There is simply not enough data documented or available for the variety of Plant Relatives under the rapidly changing climate conditions to establish a gathering season, or to prohibit CTCR citizens from exercising their right to access Plant Relatives for spiritual, nutritional, or medicinal purposes as their health, wellness, cultural practices, and food security requires. Therefore, LF recommends that the entirety of provision CTC 4-24-507 be stricken from the proposed code.

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<sup>11</sup> Ibid Krosby & Morgan 2018 at page 12.

<sup>12</sup> Ibid Krosby & Morgan 2018 at page 12.

<sup>13</sup> Northwest Pollinators and Climate Change. U.S. Department of Agriculture Climate Hub. <https://www.climatehubs.usda.gov/hubs/northwest/topic/northwest-pollinators-and-climate-change>

<sup>14</sup> Downing, J., Hart-Beck, L., Taylor-Manning, L., and Quenemoen, S. 20 August 2021. Pollinators and Climate Change in the Colville Confederated Tribes Traditional Territories. Western Washington University & CTCR Environmental Trust Department. <https://sustain.wvu.edu/csps>. At page 8.



## Section B. Enforcement, Monitoring, and Management

Importantly, the proposed code does not prohibit the damage, destruction, pollution, or contamination of Plant Relatives. It is unclear, then, how the proposed code will advance the primary goal of the Natural Resources Restoration Plan approved by the Colville Business Council in 2013, which is to “[i]mprove the condition of natural resources across the Reservation degraded by past management, including forest, shrub-steppe, cultural plants, and watershed resources,” and the legislative intent of the proposed code “to ensure proper management of and support for these vital resources.”<sup>15</sup>

### 1. Tribal Game Reserves, Wilderness Areas, Mitigation Lands, and Conservation Areas

The proposed code does not identify how Plant Relatives living within specific Tribal management areas will be protected from industrialization, commodification, commercialization, overuse, misuse, abuse, or damage. Ninety-five percent (95%) of Colville Tribal citizens state that the continued management focus of CTCR game reserves, wilderness areas, and mitigation lands are important for wildlife and their habitats, which include these same Plant and Pollinator Relatives.<sup>16</sup> These management areas, identified in Table 1, total 209,871 acres.<sup>17</sup>

TRIBAL MANAGEMENT AREAS	ACREAGE
Hellsgate Game Reserve*	Both total 130,000
Omak Lake Game Reserve*	
Moses Mountain Wilderness Area*	Both total 8,000
Grizzly Mountain Wilderness Area	
Wildlife Mitigation Areas (various names)	62,300
Tunk Block (Figlenski Ranch) Conservation Area	9,243
Hummingbird (Wagner Ranch) Conservation Area	328
<b>TOTAL ACREAGE</b>	<b>209,871</b>

Table 1. Land management areas under CTCR jurisdiction.

\*Alternative references for these management areas include *Hellgate* Game Reserve, Omak Lake *Ridge* Reserve, and Moses Mountain *Natural* Area.

<sup>15</sup> Ibid CTCR 2015 at page 128. See also: Ibid Proposed Code at CTC 4-24-3(a), page 1.

<sup>16</sup> Ibid CTCR 2015 at page 21.

<sup>17</sup> Ibid CTCR 2015 at pages 112-113. See also: Logue, S. 12 October 2021. Keystone tree species planted atop Moses Mountain this fall. Tribal Tribune.

[https://www.tribaltribune.com/news/article\\_d7f116e6-3683-11ec-9555-37246dee7c41.html](https://www.tribaltribune.com/news/article_d7f116e6-3683-11ec-9555-37246dee7c41.html). See also: Moses, S. 22 October 2021. Colville Confederated Tribes gifted 9,243 acres in Tunk Valley. Tribal Tribune.

[https://www.tribaltribune.com/news/article\\_ad8a0458-4849-11ec-998e-435cf1ba130d.html](https://www.tribaltribune.com/news/article_ad8a0458-4849-11ec-998e-435cf1ba130d.html). See also: Palmer, O. 29 June 2022. Confederated Tribes, Conservancy celebrate return of Wagner Ranch. Methow Valley News. <https://methowvalleynews.com/2022/06/29/confederated-tribes-conservancy-celebrate-return-of-wagner-ranch/>

## 2. Agricultural Production and Commercial Forest Lands

In a similar fashion, Reservation lands currently used for agricultural production include 168 farms totaling 1,537,921 acres, with 40 of those farms being operated by IP.<sup>18</sup> The CTCR has also designated certain Reservation lands specifically for *“the cultivation of native produce and culturally significant plants,”* but it is unknown if these properties overlap with the lands currently in agricultural production or the management areas identified in Table 1.<sup>19</sup>

Additionally, *“[n]umerous traditional and cultural activities take place across the forested landscape [of the Reservation], including various ceremonial and gathering activities.”*<sup>20</sup> The CTCR harvests several Plant Relatives and Elders as “forest products” from at least 660,418 acres of Reservation land designated as “Commercial Forest Land.”<sup>21</sup> Plant Relatives and Elders classified as forest products by the Colville Indian Agency of the Bureau of Indian Affairs (Colville BIA) include, but are not limited to: ponderosa pine, douglas fir, grand fir, western larch, spruce, true fir, cedar, and lodgepole pine.<sup>22</sup>

Current and ongoing use of commercial timber harvest and agricultural permitting and leasing on the Reservation may include an *“increased use of chemical fertilizers, pesticides and herbicides, loss of shrub-steppe environments that support wildlife, loss of culturally important plants, and potentially limited supplies of water from smaller surface waters and aquifers.”*<sup>23</sup> As currently drafted, the proposed code does not adequately articulate how its regulation and enforcement will interact with the lands under management for agricultural production and commercial timber harvest. The proposed code also does not adequately articulate how it will interact with other Colville Tribal Codes or federal laws which may result with the damage, destruction, pollution, or contamination of Plant Relatives.

## Section C. Tribal Advisory Group & Plant Relative Initiatives

### 1. Establishment of a Tribal Advisory Group

LF recommends the formation of a Tribal Advisory Group (TAG) of Tribal citizens who are knowledgeable cultural practitioners to fulfill the role of “the committee” identified in **CTC 4-24-102(d)**, but not defined in the proposed code. This TAG could be the same group of individuals identified in **CTC 4-4-4 Cultural Resources Protection, Establishment of the Colville Cultural Resources Board**, but it is unknown if the Colville Cultural Resources Board is in existence or functioning.<sup>24</sup> Ideally, the TAG could incorporate IK keepers and youth so as to facilitate ongoing intergenerational knowledge transfer

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<sup>18</sup> Ibid ORFC 2024 at page 6.

<sup>19</sup> Ibid ORFC 2024 at page 10.

<sup>20</sup> Colville Indian Agency Bureau of Indian Affairs (Colville BIA). 2015. Colville Indian Reservation Forest Management Plan. At page 16.

[https://static1.squarespace.com/static/56a24f7f841aba12ab7ecfa9/t/586eacc5e6f2e1aa3ad766d8/1483648257986/Forest+Management+Plan+5\\_18\\_15+Fire.pdf](https://static1.squarespace.com/static/56a24f7f841aba12ab7ecfa9/t/586eacc5e6f2e1aa3ad766d8/1483648257986/Forest+Management+Plan+5_18_15+Fire.pdf)

<sup>21</sup> Ibid Colville BIA 2015 at page 11.

<sup>22</sup> Ibid Colville BIA 2015 at page 19.

<sup>23</sup> Ibid CTCR 2015 at page 56.

<sup>24</sup> **CTC 4-4-4 Cultural Resources Protection**, at page 3.



## 2. TAG Guidance

Once established, the TAG could provide guidance and advice in natural resource decision-making for the Natural Resources Committee (NRC) and the Cultural Resources Committee (CR Committee) of the Colville Business Council (CBC) and lead the development of a Cultural Plant Management Plan integrating many of the values and recommendations identified in the 2014 Colville Reservation Community Survey of the IRMP. Particularly, the TAG could advise on:

- a. Integrating natural resource protection with an “*emphasis and effort in protecting and restoring traditional cultural plants and associated [plant] communities*” as a food source for the Tribal community managed on “*sound cultural and scientific policies*.”<sup>25</sup>
- b. The development and implementation of a culturally sensitive training program to educate all Tribal employees and contractors to monitor, protect, and conserve roots, berries, medicinal, and other Plant and Pollinator Relatives of importance to Tribal citizens.<sup>26</sup>
- c. Addressing Tribally-significant plant species, state, and federally-listed threatened and endangered plant species, and traditional gathering resources as required by the Bureau of Indian Affairs (BIA) Forestry and Land Operations departments under the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA), and the American Indian Religious Freedom Act (AIRFA).<sup>27</sup>
- d. Educating and empowering Natural Resource Enforcement officers with capability and authority to patrol for misuse and abuse of cultural plants, including poaching, overgrazing by livestock, pollution or contamination of Tribal lands and waters, and other damage or destruction to traditional plant foods and medicines.<sup>28</sup>
- e. The establishment of culturally sensitive and appropriate processes which:
  - i. Establishes ways for Tribal employees and contractors to harvest Plant Relatives if doing so is part of their job duties (thereby replacing **CTC 4-24-102**), and
  - ii. Identifies the monetary fines, costs, monies, penalties, and damages for the misuse and abuse of Plant Relatives or violations of **CTC 4-24** and determines how the funds obtained or resulting actions will support the conservation, restoration and protection of Plant and Pollinator Relatives (thereby replacing **CTC 4-24-502**).

## 3. TAG Collaboration

Integrating the TAG into important aspects of CTCR management would significantly support the proposed code. This would include the collaboration of the TAG with various Tribal and Colville BIA departments, as well as local and regional agencies and organizations to advance Plant Relative initiatives of importance to the CTCR. These collaborations may include:

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<sup>25</sup> Ibid CAR 2015 at page 56 and 70. See also: **CTC 4-7-1 Forest Practices**, Findings, at page 1.

<sup>26</sup> Ibid CAR 2015 at page 80 and 81.

<sup>27</sup> Ibid CAR 2015 at page 56 and 70.

<sup>28</sup> Ibid CAR 2015 at page 59 and 81.

- a. The restoration of sustainable, culturally important native plant species which are of edible, medicinal and spiritual importance, and which provide habitat to important Pollinator Relatives and terrestrial and aquatic species for hunting and fishing subsistence, particularly post-fire.<sup>29</sup>
- b. To reintroduce traditional foods through agriculture and gathering that would educate Tribal citizens and youth to eat healthier, gather, harvest, and store these traditional foods and medicines through community education, tours, and workshops.<sup>30</sup>
- c. To address the threat of non-native, invasive plants, and noxious weeds to cultural plants, biodiversity, and wildlife habitat through non-herbicidal and non-chemical weed control actions, like the use of integrated weed management strategies.<sup>31</sup>
- d. To eliminate or significantly reduce overgrazing by livestock or wild horse populations through better application and enforcement of deferred-rotational or delayed grazing and the implementation and maintenance of wildlife-friendly fencing to protect sensitive water sources and native plant areas.<sup>32</sup>
- e. Through better management of *“agricultural resources consistent with integrated resource management plans in order to reduce adverse impacts to [...] traditional cultural plants[,] maintain compliance with applicable chemical application standards[,]”* and the new **CTC 4-24 Cultural Plants Code**.<sup>33</sup>
- f. Recognize and integrate the tangible and intangible cultural, spiritual, and traditional significance of Plant and Pollinator Relatives into Tribal analyses of the consequences of climate change.<sup>34</sup>

## Section D. Editing and Formatting

There are a few typos and grammatical errors to correct within the proposed code. Below is a list of those most apparent:

1. **CTC 4-24-3(b)**: Last sentence should read “All Cultural Plants found on the Reservation are the property [...].”
2. **CTC 4-24-3(d)**: Last sentence should read “Gathering is a part of the Tribes’ history, an exercise of [...].”
3. **CTC 4-24-6(l)(4)**: Needs to be aligned to the right with the rest of the list.
4. **CTC 4-24-6(s)**: Needs to be aligned to the left with the rest of the list.
5. **CTC 4-24-6(v)(4)**: Needs to be aligned to the left with the rest of the list.
6. **CTC 4-24-6(w)**: Needs to be aligned to the left with the rest of the list.
7. **CTC 4-24-102(c)**: Is an unfinished sentence related to hunting and fishing that is irrelevant to the proposed code and needs to be deleted.

<sup>29</sup> Ibid CAR 2015 at page 45, 58, 69 and 73. See also: CTCR 2015 at page 95. See also: Downing, et al. 2021. At pages 20-21.

<sup>30</sup> Ibid CAR 2015 at page 45, 58 and 70. See also: ORFC 2024 at page 24.

<sup>31</sup> Ibid CAR 2015 at page 14. See also: CTCR 2015 at page 77 and ORFC 2024 at page 24.

<sup>32</sup> Ibid CTCR 2015 at page 66 and 75. See also CAR 2015 at page 53.

<sup>33</sup> Ibid CTCR 2015 at page 61.

<sup>34</sup> Ibid STCCWG 2021 at page 217.

Thank you for this opportunity to provide comments to the Proposed Colville Tribal Code **CTC 4-24 Cultural Plants**. Conservation actions such as those outlined here have been shown to effectively improve biodiversity, which in turn creates health and food security, helps fight disease, grows economies and business opportunities, provides livelihoods, and protects humanity's existence.<sup>35</sup> The LF appreciates your consideration and is committed to working with all government entities, partners, and allies to ensure that the Plant and Pollinator Relatives associated with IP's traditional homelands remain resilient and strong for the next Seven Generations.<sup>36</sup>

Sincerely,



Joaquin J. Marchand, B.A.B.,M.P.A.

Executive Director

[L.I.G.H.T. Foundation](https://www.lighthead.org/)

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<sup>35</sup> Bull, J. W. and J. E. Bicknell. 25 April 2023. "Nature Conservation Works, and We're Getting Better at It - New Study." The Conversation. <https://theconversation.com/nature-conservation-works-and-were-getting-better-at-it-new-study-228540>. See also: Quinney, M. 22 May 2020. "5 Reasons Why Biodiversity Matters - To Human Health, the Economy, and Your Wellbeing." World Economic Forum. <https://www.weforum.org/agenda/2020/05/5-reasons-why-biodiversity-matters-human-health-economies-business-wellbeing-coronavirus-covid19-animals-nature-ecosystems/>.

<sup>36</sup> The Seven Generations Principle is an Indigenous, multigenerational approach to identifying and quantifying how stewardship projects may benefit biodiversity, and therefore humans and nature. It includes looking into, and planning for long-term future generations (70+ years) and identifying how today's decisions may best serve descendants of those the decision impacts today. For more information, see: Einhorn, G., Sangokoya, D., Sanders OAM, D., Williams, G., and A. Bell. 19 September 2022. "This Indigenous Principle Could Transform How We Invest in Nature." World Economic Forum. <https://www.weforum.org/agenda/2022/09/indigenous-principle-invest-in-nature/>.