



# MUCKLESHOOT TRIBAL COUNCIL

39015 172nd Avenue S.E. • Auburn, Washington 98092-9763  
(253) 939-3311 • Fax (253) 931-8570



July 17, 2015

Director Jon Jarvis  
National Park Service  
1849 C Street NW  
Washington, DC 20240

National Park Service, Joe Watkins  
Office of Tribal Relations and American Cultures  
1201 Eye Street NW, Washington DC 20005

By email to: [joe\\_watkins@nps.gov](mailto:joe_watkins@nps.gov)  
[OIRA\\_Submissions@omb.eop.gov](mailto:OIRA_Submissions@omb.eop.gov)  
[madonna\\_baucomm@nps.gov](mailto:madonna_baucomm@nps.gov)

RE: Regulation Identifier Number 10224-AD84  
National Park Service Proposed Gathering Regulation

Dear Director Jarvis (and others concerned):

The Muckleshoot Indian Tribe takes this opportunity to comment upon the National Park Service proposal to amend regulations regarding tribal harvests of traditionally important plant resources in the Parks. We appreciate that the proposed regulations clearly acknowledge (in part 2.1 (d)) that certain tribes like the Muckleshoot Tribe have reserved treaty rights which pre-exist the formation of National Parks. The proposed regulations are clear that they do not purport to and cannot by law define or delimit those treaty rights. However, the revised regulation should also make it clear to the Park Supervisors and Regional Directors that the Park Service is required to implement treaties but, if the parties deem it mutually beneficial, the Supervisors and Regional Directors are authorized to negotiate agreements for access to Park resources with treaty tribes, consistent with applicable treaty terms and tribal regulation of members in regard to treaty harvests.

We understand that by modifying outdated prohibitory language, the National Park Service intends to better fulfill its trust responsibility to federally recognized tribes, formally acknowledge the practices that Indian people sustained on lands now within the Parks over many millennia, and recognize that traditional plant harvests can be consistent with other Park purposes and uses.

For those tribes subject to the proposed regulations, extremely detailed reporting of plant materials harvested is required. The requirements are burdensome without providing a clear benefit. Moreover, the reporting requirements do not appear to advance responsible co-management or actual monitoring of conditions of plant communities on Park lands.

It would be appropriate for each Park Supervisor to incorporate mutually agreed reporting requirements that are responsive to local needs and conditions and cultural practices, or cooperative scientific research within the individual tribal agreements. Detailed and overly burdensome blanket reporting requirements will not deter scofflaws, who will ignore them, but may alienate potential tribal partners if they are understood to reflect a presumption on the part of the Park Service of poor practices and management by their traditional harvesters.

As former Superintendent of our Mt. Rainier National Park, you and your successors are aware that maintaining access to Park lands and promoting sustainability of resources on Park lands is deeply embedded in heritage and remains important today for every tribe, whether like the Muckleshoot Tribe with reserved treaty rights, or as the proposed regulations frame it, all tribes with "a traditional relationship" with the National Parks.

Thank you for the opportunity to comment upon these proposed regulations.

Sincerely,

A handwritten signature in black ink, appearing to read "Virginia Cross". The signature is fluid and cursive, written in a professional style.

Virginia Cross  
Chairperson