



September 23, 2022

Via E-Mail

Robert Bonnie
Under Secretary of Agriculture for Farm Production and Conservation
United States Department of Agriculture
1400 Independence Avenue, S.W.
Washington, D.C. 20250

RE: Notice of Withdrawal of Support for the Forterra NW Partnerships Climate-Smart Commodities Grant Application; Request for Government to Government Meeting

Dear Under Secretary Bonnie,

The Snoqualmie Indian Tribe, a federally-recognized sovereign Indian tribe and signatory to the Treaty of Point Elliott of 1855 with reserved rights thereunder, provides this notice of the Tribe's formal withdrawal of support for the Forterra NW Partnerships Climate-Smart Commodities grant application and rescission of Snoqualmie Tribal Resolution #79-2022 which had approved the Tribe's inclusion in Forterra's grant application. For the reasons explained below, the Tribe further requests that United States Department of Agriculture ("USDA") perform a full review and audit of the representations made by Forterra in the grant application as well as the process that led to its authorization.

The Tribe has not come to this decision lightly; however, we provide this notice based on the information currently available to the Tribe through its review of the apparent Forterra grant application, which the Tribe was forced to obtain through a third party. Forterra has refused to provide the grant in which it is listed as the main partner to the Tribe unless we signed a Non-Disclosure Agreement. This unprecedented ask of a so-called partner in the grant application raised significant concerns for the Tribe.

Upon receipt of the apparent grant application from the third party, the Tribe's worst fears were realized. Based on this document, the Tribe reasonably believes that Forterra has knowingly made material misrepresentations of fact in the grant application to receive federal dollars upon which the USDA relied in authorizing the grant. The Tribe was broadly misled about the content of the grant application and the claims made within it by Forterra. We have serious concerns that Forterra's grant application contains multiple unauthorized misrepresentations of fact, as well as false representations of commitments allegedly made by our Tribe, and apparently impossible claims made regarding promised outcomes from the resources invested.



The grant application authored by Forterra listed the Tribe as a key partner, and predicated its viability for the commodity grant on the use of wood from our Tribe's Ancestral Forest. The Tribe was extremely excited about the opportunity to be included in the grant application as it would provide much needed financial support for the Tribe to realize conservation thinning activities within its recently acquired Ancestral Forest. As you are no doubt aware, our Tribal ancestral lands have been stolen, exploited, and mistreated by outsiders, including the federal government and Forterra. It was only last year that the Tribe reclaimed ownership and management of over 12,000 acres of forest within our ancestral homelands, a culturally significant tract of land now known as the Snoqualmie Ancestral Forest.

The resources requested in this grant to help steward the Ancestral Forest are very important to the Tribe, as the grant would address serious concerns that affect our ability to restore and successfully steward our lands. All of the resources requested in the grant pertaining to the management of our ancestral land are seriously needed. This background is important because the Tribe is willingly jeopardizing its ability to receive these financial resources by speaking out about Forterra's actions. The Tribe's concerns are serious enough that we feel we not only have to withdraw from the grant application, but also that we have an ethical and legal duty to report our concerns immediately to the grant partners and to the USDA.

The Tribe does not believe it can or should speak about aspects of the grant application that do not pertain to the Tribe. Therefore, we focus solely on the misrepresentations of fact made by Forterra to the USDA about the Tribal commitment without our knowledge or prior consent.

First, Forterra told the UDSA that it would use timber harvested from our Ancestral Forest "to manufacturer 20,000 cubic meters of carbon-sequestering mass timber commodity elements per year." Application at 5. Not only was this volume never discussed with the Tribe, such a harvest would be unsustainable and irresponsible. Twenty thousand cubic meters is equivalent to 8,475,520 board feet. At present, the Tribe is scaled to harvest, at maximum capacity, 1 million board feet in one year – one-eighth of the number suggested by Forterra. Forterra refers to the 20,000 cubic meters as "lightly harvest[ing]" from the Ancestral Forest. *Id.* at 6. This claim could not be further from the truth. The Tribe has never made any commitments to Forterra or anyone else to entirely strip our Forest of important cultural resources which the Tribe will only steward in a manner that is in alignment with our Tribal values.

Second, Forterra represents to the USDA that the Tribe has agreed to certain forest management standards. *Id.* at 7. This was never discussed with the Tribe, and it was never agreed to by the Tribe. Similarly, Forterra never asked, and the Tribe never agreed, to share data related to harvest activities. *Id.* at 8. Forterra makes additional promises about forest management of the Ancestral Forest on page 11 of the application that it has no ability or authority to make. The Tribe owns the Ancestral Forest and has regulatory control over all forest activities on the land.



Third, the Tribe is concerned that Forterra has misrepresented the manner and mechanism with which the Tribe was able to reacquire our Ancestral Forest. None of the “tools” listed at page 12 in the application were involved in the acquisition, and it is offensive and completely inaccurate for Forterra to say that the “Coalition” played this role.

Fourth, and perhaps most significant, the budget detail in the grant application outlines nearly \$1.5 million in “match funding” allegedly promised by the Tribe. The Tribe had no knowledge of any match requirement, and the Tribe did not agree to provide any match contribution.

Lastly, it is important to stress at no point in the preparation of this grant was the Tribe made aware that the dominant narrative would be that the harvesting of the Tribe’s timber would provide both the raw material and predicate action necessary for rebuilding multiple disadvantaged or suffering communities to whom Forterra had made unilateral promises. Seeing those deserving communities’ restoration and revitalization tied to commitments from the Tribe that the Tribe was never asked to make, and resource extraction from Tribal land the Tribe never agreed to and could never deliver, caused our Tribe great distress. As a people who have suffered greatly from unfulfilled promises, we have compassion and empathy for everyone who may have been misled by Forterra.

Given the multiple materially false and seriously misleading statements made by Forterra in the grant as to the Tribe, we are gravely concerned that other aspects of the grant application may have been written in a manner that is misleading, as well as logistically, financially, and technologically impossible with the resources contained within the grant and the infrastructure currently in existence.

In addition to our concerns regarding how the Tribe and Tribal resources have been misrepresented in the grant application by Forterra without our knowledge or consent, the Tribe has serious concerns that the claims within the grant application regarding benefits for the other “partners” may too be misleading. It would be highly disrespectful if the disadvantaged communities publicly elevated as the main beneficiaries of this grant would, in actuality, receive little or no benefit from the proposal made by Forterra. We are very concerned these communities were “tokenized” in order to better position Forterra and its related entities to receive financial resources from the USDA.

As you know, representatives of the Tribe recently attended the press conference you spoke at in Hilltop, a culturally significant and historically disadvantaged community in Tacoma, Washington. At that time, the Tribe was unaware that this community had been made promises by Forterra using our Tribe’s forest resources and found out at the same time as the media. Given how both the Tribe and the residents of Hilltop appear to have been treated in this process, the conduct of Forterra in misleading both alleged grant “partners” is reprehensible.



The Tribe appreciates your consideration of this letter. Trust that we would only jeopardize receiving much needed grant resources if our concerns were of the utmost seriousness. The Tribe hopes that the USDA will seek a pathway to provide these resources directly to the Tribe without Forterra. The Tribe is willing to work with USDA and other governmental partners to address the very real needs of our Tribe included in this grant. We do not feel the Tribe, and other partners, should suffer due to Forterra's actions. We request a government-to-government meeting to discuss a way forward as soon as possible.

Please contact our legal counsel Rob Roy Smith at rrsmith@kilpatricktownsend.com or the Tribe's Executive Director of Governmental Affairs and Special Projects, Jaime Martin, at jaime.martin@snoqualmietribe.us if you have any questions. We look forward to a future meeting.

Sincerely,

Snoqualmie Indian Tribe

Robert M. de los Angeles

Robert M. de los Angeles
Chairman

cc: Yakama Nation
Quinault Indian Nation
Representative Derek Kilmer
Representative Marilyn Strickland
State Senator Yasmin Trudeau
Mayor of Tacoma Victoria Woodards
Tacoma City Council
City of Roslyn
Snohomish County
Town of Darrington
Port of Portland
Town of Hamilton
Abu Bakr Islamic Center
Roslyn Downtown Association
Forterra Board of Directors
Michelle Connor
Tobias Levey