Quinault Indian Nation

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May 26. 2015

Will Stelle
Regional Administrator
NMFS West Coast Region
7600 Sand Point Way Northeast
Seattle, WA 98115

Dear Administrator Stelle,

The Quinault Indian Nation has led the way along with our fellow coastal treaty tribes in building recognition of our treaty rights, management ability and quality representation in fisheries management venues. We have built that level of respect based on our expertise and the knowledge that the United States government has a trust responsibility to defend the treaty rights to our fisheries resources and the habitats that support them. The government to government relationship is clearly defined in President Obama's reissue of Executive Order 13175 on consultation with tribes including, "*Agencies shall respect Indian tribal self-government and sovereignty, honor tribal treaty and other rights, and strive to meet the responsibilities that arise from the unique legal relationship between the Federal Government and Indian tribal governments.*" As our federal trustee for these treaty rights we expect NOAA-NMFS to defend them within the Pacific Fisheries Management Council (PFMC) process.

Quinault Nation and our fellow coastal treaty tribal members were instrumental in the PFMC process from its beginnings. One of our great leaders, Guy McMinds, was part of that Council as an "at-large" member before becoming the first to be assigned to a voting Tribal Seat. Another of our leaders, Jim Harp, held that Tribal Seat for 9 years before terming out. Most recently, Dave Sones, of the Makah Tribe has held the Tribal Seat. Representatives of all the coastal treaty tribes have been part of the PFMC processes including Quinault members and employees on the Salmon Technical Team (Gary Morishima), Salmon Advisory Subpanel (Calvin Frank), Coastal Pelagic Species Management Team (Alan Sarich) and the Groundfish Essential Fish Habitat Review Committee (Joe Schumacker). Quileute and Makah representatives have also been very active on the Groundfish Advisory Subpanel and the Essential Fish Habitat Review Committee among others.

We and our fellow treaty tribes have worked long and hard to be respected in this process and have come far from the days when tribes would be outvoted on the floor in complete disregard of their treaty rights to fish. With the trust support of NMFS along the way we had come to a point where we expected that treaty rights would be upheld on the Council floor but this, sadly, came to an end at the most recent PFMC meeting.

A recent vote on the geographic scope of EFH proposals for the west coast was held at the PFMC meeting held in Rohnert Park, California (April, 2015). The original motion by Washington State referred to the work being conducted by the coastal treaty tribes and NMFS to develop a Habitat Framework to better characterize habitats and species dependence on them within the treaty Usual and Accustomed ocean areas (U&A's). That motion asked that the treaty ocean areas north of Grays Harbor, Washington be removed from consideration for EFH proposals while the tribes and NMFS developed the Habitat Framework. An amendment to the motion was made by Oregon striking exclusion of the U&A's which passed by a margin of 8 to 5. We were disappointed by all of the Council members that supported this amendment and though it may not have changed the outcome, we were further disappointed when the NMFS representative, our treaty resource trustee, voted in favor of the amendment that would allow EFH proposals by any parties to be considered within the U&A areas. It was apparent to us at that meeting that there was a concerted effort behind the scenes to circumvent the Habitat Framework effort being conducted by the treaty tribes and NMFS and push through what we believe is a flawed EFH review process in its place.

The Quinault Indian Nation has a mandate to protect and sustain the resources within our treaty areas. We are required to manage responsibly for the present and the future for this is the only area our rights exist in. We therefore take the responsibility, as called out in the Magnuson-Stevens Act (MSA), for maintaining groundfish EFH very seriously. However we have the right to make decisions regarding protections of that habitat using the best possible science. The current process combines minimal scientific information on bottom substrate and biogenic habitat with the interests of conservation groups and the fishing industry to develop what can best be described as "feel good" areas that fulfill the requirements for EFH under the MSA. EFH areas designated in this manner are not scientifically assessable for their effectiveness. We have chosen a science-based approach founded on work conducted by NOAA and others using the Coastal and Marine Ecological Classification Standard (CMECS) to best analyze the finite area of our treaty U&A's and be able to say with greater certainty which areas of the sea are important for groundfish life history. To achieve this goal, Quinault and our fellow coastal treaty tribes have teamed with experts from the Olympic Coast National Marine Sanctuary (OCNMS) and NMFS that have volunteered their time to work with us in developing CMECS classifications for the U&A's. With this pioneering work off the coast of Washington State, the coastal treaty tribes and NMFS would set a standard for ecosystem based management that could lead the entire west coast.

To that end a team from the OCNMS and NMFS has been working with the coastal treaty tribes on a regular basis to help develop a CMECS framework for the U&A areas. This NOAA-Tribal EFH group has met in-person and numerous times by phone to push forward our mutual goal for better management and integrate it into the PFMC Groundfish EFH review process.

A key NMFS member of that team and a driving force for its establishment in respect of treaty rights and treaty trust responsibility was Steve Copps. We were dumbfounded and extremely disappointed when we found that Mr. Copps had been reassigned by NMFS. We strongly believe that Mr. Copps was reassigned because of his good working relationship with the treaty tribes, his respect for our rights within the process we were working together on and his criticism

of the current EFH process. There can be no other explanation when the one NMFS staffer most experienced with groundfish EFH on the west coast and the one NMFS staffer that was accepted by and trusted by all the treaty tribes is reassigned in such an obvious and ill-timed manner. Whatever the reasons stated by you in response, we feel that this NMFS decision is a blow to the trust relationship we have worked so hard to establish and we hold you accountable for it.

We find a blatant and obvious pattern in this NMFS action towards Mr. Copps combined with the lack of support for allowing our Habitat Framework to go forward unmolested by the Council's EFH process. We are not blind to bureaucratic processes and will not let these actions go without suitable further explanation by all parties involved. Regretfully, both of these recent actions by the West Coast Region comprise a giant step backwards in our relations.

We await your response.

Sincerely,

Ed Johnstone

Ed Johnstone
Fisheries Policy Spokesperson
Quinault Indian Nation

cc: NMFS – Bob Turner, Frank Lockhart, Barry Thom
PFMC – Don McIsaac, Dorothy Lowman