

COASTAL TREATY TRIBES' STATEMENT ON
GROUNDFISH ESSENTIAL FISH HABITAT ALTERNATIVES FOR ANALYSIS

The Coastal Treaty Tribes are the Hoh, Makah, and Quileute Tribes and the Quinault Indian Nation. Since the development and adoption of Amendment 19 to the Groundfish Fishery Management Plan (FMP), we have raised objections to the ecological closed areas within our usual and accustomed fishing grounds and stations (U&As). We object because the development and subsequent adoption of Amendment 19 is in violation of our treaty rights, sovereignty and self-determination.

The right to manage and harvest in our U&A areas was secured by representatives of the Coastal Treaty Tribes in both the Treaty of Olympia and the Treaty of Neah Bay in 1855. Treaty rights are the highest law, are held in perpetuity and are directly tied to place (i.e. the U&A areas). Non-tribal regulatory and management actions, such as no fishing areas that are located adjacent to or within the U&As, can in fact serve to erode treaty rights even though they do not apply to treaty harvest. One example of this impact on treaty rights is through a shift in effort of non-tribal fisheries to areas where treaty fisheries occur. The federal government, in this case through NOAA Fisheries, has an obligation to us to protect these rights through a trust responsibility relationship defined by treaties, law and executive orders.

In our role as managers of ocean resources off the Washington Coast, we have sought to work with and improve the Pacific Fishery Management Council (PFMC) Essential Fish Habitat (EFH) review process through participation by tribal staff in Council Committees, written communications and direct testimony to the Council. However, we remain frustrated by the lack of a scientific basis in the EFH review process or as the justification in the submitted EFH modification proposals. Without scientific review to tell us what the effective difference is in our understanding of groundfish habitat since the last review, it is impossible to have a scientifically-grounded review. Clearly as an advisory body to NOAA Fisheries, the stakeholder process of the PFMC is not designed to respond to our concerns in this regards.

Appropriately so, we are calling upon NOAA Fisheries to work with us to develop a process and schedule which fully incorporates our concerns and objections into any proposed regulatory or management action that we determine will impact treaty secured rights of the Coastal Treaty Tribes. It is our expectation that the range of alternatives to be produced and analyzed for the EFH NEPA analysis will include options for no changes in Groundfish EFH regulations within the U&As.

Habitat Framework

We wish to clarify to the Council and others that the Habitat Framework process, ongoing with the Coastal Treaty Tribes, Washington State and NOAA, is a long-term project meant to compile the ecological information needed by Tribes and others to better manage the resources of the Washington coast north of Point Chehalis. This effort will better characterize the habitats within

our treaty areas and lead to better decision making in the future. We wish to make it clear that our work is not meant to produce any EFH proposals for the treaty ocean areas in the current Groundfish EFH Review. Rather, it is a completely separate process that will improve management of our treaty ocean areas - areas that we must manage responsibly and sustainably in perpetuity.