



Quinault Indian Nation

POST OFFICE BOX 189 □ TAHOLAH, WASHINGTON 98587 □ TELEPHONE (360) 276 - 8211

Chairwoman, Dorothy Lowman
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 97220

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QUINAULT INDIAN NATION COMMENTS ON PROPOSALS TO MODIFY EFH

The Quinault Indian Nation has treaty-reserved rights to the fishery resources in our usual and accustomed fishing grounds and stations (U&A) as well as co-management authority with the state of Washington and the federal government. We continue to oppose the establishment of new essential fish habitat (EFH) closures, or any other marine protected areas (MPAs), without clear objectives or standards for measuring whether previous closures have successfully achieved their intended purpose.

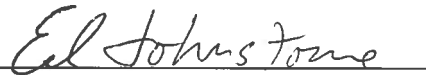
Currently there are proposals for new or expanded EFH closures in our tribal U&A. One of the proposers consulted with us during development but all of the proposals have been developed independently from us and incorrectly assume that they will have no impact on our fisheries management, regulations, or treaty rights now or in the future. These closures do have an impact on treaty rights. Large portions of our U&A are not surveyed by the NWFSC Trawl Survey. Likewise, many of the stocks within the Pacific Groundfish FMP have not been assessed. Should a tribe or tribes wish to develop a fishery for any of these stocks in the future, how will the treaty share (i.e. 50 % of the harvestable surplus in the U&A) be measured when vast swaths of U&A are also closed to commercial fishing? Commercial catch statistics have been vital in determining the treaty share or equitable allocations within the treaty share for a number of important species including halibut and sablefish.

Without clear objective criteria to measure the success of EFH closures, the PFMC and the public are left to more subjective reasoning on when to trigger an adjustment to a closure, add a new closure, or remove a closure. While one could argue that a given expansion or new closure would protect more of a known groundfish habitat (e.g. rocky reef) or vulnerable biogenic structure (e.g. corals/sponges), we will never know how much protection is enough. There are no targets for the amount of any habitat type that will be protected from fishery impacts. There is no comprehensive goal for the areal

extent of fishing grounds that will minimize the impact of fishing to EFH to the extent practicable while also allowing for the optimum yield from the fishery.

The lack of clear objective measures of success leaves the process ripe for closures to achieve allocation purposes (e.g. between states or sectors) by shifting effort or to arbitrarily make concessions to environmental NGOs that have a history of suing the agency in an attempt to limit legal liability. We believe that the lack of a measurable problem or clear objectives makes action to change EFH closures a lower priority given the other major groundfish undertakings that the Council and NMFS are embarking on in the near future (e.g. Individual Quota trailing actions, groundfish process improvements for 2015-2016 and beyond under the Tier 1 document, upcoming PIE regulations, the sablefish permit stacking review, etc.). These examples of process improvements represent adaptive management with clear goals designed to remedy specific identified issues. The existing review process for EFH revisions has no clear standards by which to measure success.

For the reasons stated here, the Quinault Indian Nation will continue to oppose EFH closures, particularly within their U&A areas until there are clear, objective criteria for what they are meant to accomplish and methods to measure whether they have done so successfully.



Ed Johnstone, Fisheries Policy Spokesperson
Quinault Indian Nation