

QUINAULT INDIAN NATION
TESTIMONY RE: MSA RE-AUTHORIZATION

Thank you madam Chair and members of the Council for the opportunity to comment on the changes proposed for the tribal seat on the Pacific Fishery Management Council as part of a re-authorization of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). My name is Ed Johnstone. I'm the Fisheries Policy Spokesperson for the Quinault Indian Nation.

I am here to propose that the following modifications be made to the proposals regarding the tribal seat:

Regarding the three nominee requirement for the tribal seat, we support that nominations be solicited from tribal governments with fishing rights in the area under the Council's jurisdiction at the end of every term. So long as adequate time and notice are given for tribes to submit nominations, there should be no minimum number of nominees required. However, a maximum of three nominees is a reasonable limit to the number of nominees that should be officially considered by the Administration. The tribal seat does not represent one tribal government; rather it represents all of them. Therefore, tribal governments must be afforded the opportunity to comment on the individuals nominated before selection.

Regarding term-limits, we see no need for the arbitrary three term limit on the tribal seat. The tribal seat should serve at the pleasure of the tribes the same as state agency appointees currently serve. The tribal seat represents in excess of 25 tribes across the Council fisheries and, while a term limit may reduce the chance for long-term relationships to affect the performance of individuals occupying the tribal seat, we believe that selection should be based primarily on qualifications. The MSA requires that the tribal seat be rotated, but the MSA and implementing regulations are unclear as to the manner in which the rotation is to be administered. Our primary concern is that the individual occupying the tribal seat must fairly represent the interests of all tribes with fishing rights affected by the Council's decisions; the individual must not vote in a manner that favors the interests of the individual or his/her tribe. A provision that establishes conflict of interest standards would be helpful.

The Quinault Indian Nation has a long history of multi-term tribal representation on the PFMC. Before an official tribal seat was required, my brother, Guy McMinds, was selected to sit on the Council by the Governor of the State of Washington. Jim Harp, a Quinault member and Mr. David Sones from the Makah Tribe have also been appointed to fill the tribal seat. Each of these individuals was often placed in the difficult position of having to reconcile differences among tribes when voting in the Council process. But all were able to put aside the parochial interests of their own tribes, and successfully shoulder the responsibility to work hard to protect the fishing rights of all tribes affected by Council decisions.

Thank you. I'm happy to respond to questions should you wish additional clarification.