

OCT 24 2011

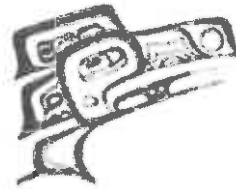
PFMC



Hoh Indian Tribe
2464 Lower Hoh Road
Forks WA 98331



Makah Tribe
P.O. Box 115
Neah Bay, WA 98347



Quileute Tribe
P.O. Box 279
LaPush, WA 98350



Quinault Indian Nation
P.O. Box 189
Taholah, WA 98587

October 11, 2011

Mr. Dan Basta
Director
Office of National Marine Sanctuaries
1305 East-West Highway
Silver Spring, MD 20910

Dear Director Basta:

Recently, while in attendance at the September Pacific Fisheries Management Council, the Hoh, Makah, Quileute Tribes and the Quinault Nation (Coastal Treaty Tribes) became aware of initiatives under development in at least two Sanctuaries that cause us great concern. It appears there is a planned effort within the National Marine Sanctuary system to close areas to fishing and or multiple uses under the pretext of ecosystem-based management (EBM) or ecological research areas. Each of these current initiatives has cited the respective "updated management plans" as a reason for justifying these proposed management areas or access closures. It is also our understanding that these sanctuaries are utilizing the Fishery Management Councils' requirement under the Magnuson-Stevens Act (MSA) for developing essential fish habitat data as further justification to modify access to these areas. To be clear, the Coastal Treaty Tribes contributions to the modification of the Olympic Coast National Marine Sanctuary's (OCNMS) current Draft Management Plan as well as our direct dialogue with you cannot be interpreted as our endorsement for the Office of National Marine Sanctuaries (ONMS) to develop proposals limiting access to areas within the sanctuary system at this time.

The new National Ocean Policy is meant to harmonize agencies with management authority in the ocean, yet initiatives such as these appear to be prime examples of inconsistency and lack of harmony within NOAA's ocean management goals. Currently, within the Pacific Fisheries Management Council (PFMC) processes there are several examples of strategies that are committed to incorporate EBM in future management strategies. Fisheries Management Plans will integrate ecosystem components utilizing tools being developed by the Northwest Fisheries Science Center. Another example is the Essential Fish Habitat review process and updating the data and information relative to PFMC managed species. Having Sanctuaries develop their own EBM initiatives on parallel tracks rather than incorporating the findings and tools developed within the larger NMFS wide process is not only duplicative, but confusing and contradictory. We have commented in the past on the unnecessary duplication of efforts between NMFS and ONMS regarding regulation of fisheries within Sanctuary boundaries, and the need for each of the Sanctuaries to honor their commitment not to regulate fishing activities, particularly within OCNMS.

The proposals being developed by Stellwagen Bank National Marine Sanctuary (SBNMS) to designate an ecological closure area and Monterey Bay National Marine Sanctuary (MBNMS) to develop an EBM Initiative, both with potential fishery management aspects, are troubling for several reasons. First, we believe that NMFS is the federal agency responsible for regulating fishing and houses not only the scientific expertise necessary for this function but also has a well-developed and transparent process for the inclusion of data to inform management measures. The regional fishery management councils are the proper place to identify fisheries issues and concerns and recommend action to the Secretary of Commerce through NMFS. The Sanctuaries do not have the infrastructure, expertise, transparency or the engagement of potentially affected public to effectively identify and manage fishery practices. Here in the northwest, the Tribes as co-managers of resources in our respective Usual and Accustomed Area's (U&A's) recognize NMFS as the proper office within NOAA to discuss management measures specific to our shared fishery resources.

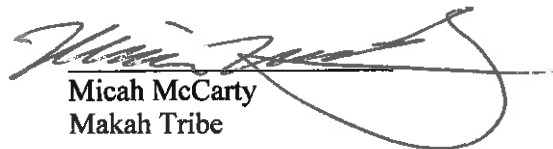
Indeed we continue to work with NOAA as resource trustees for our treaty resources both locally and nationally. For example the Coastal Treaty Tribes continue to have representatives serving on several Federal Advisory Committees. We remain actively committed to working with state and federal partners to help enact the National Ocean Policy and ensure that ocean governance is coordinated both nationally and in our region to secure sustainability for our communities. Closer to home we have developed our Ocean Ecosystem Initiative with both state and federal partners such as NOAA, including NMFS. This Initiative highlights our approach to collective research needs in order to better inform management by our individual governments and as outlined within the broader PFMC context rather than proposing to craft a management regime to aid ecosystem understanding.

Finally, OCNMS lies entirely within the U&A's of the Hoh, Makah, and Quileute Tribes and the Quinault Indian Nation. The fishing rights retained in our treaties are protected under the U.S. Constitution as the supreme law of the land. Further, the sovereignty of the tribes requires that any federal action be developed in consultation with each of us and at the earliest stages. To date we have not heard of such an action being proposed for OCNMS but, similar to the trend in the 1990's to develop Marine Protected Areas, we remain aware and cautious of proposals to restrict access in other sanctuaries in the national system. In our view, closing access to areas of the ocean as experiments for their own sake without full regard to potentially impacted communities is a solution looking for a problem.

Sincerely,



Dave Hudson
Hoh Tribe



Micah McCarty
Makah Tribe



Ed Johnstone
Quinault Indian Nation



Lonnie Foster
Quileute Tribe

Cc:

Don McIsaac, Executive Director, Pacific Fishery Management Council
Nancy Sutley and Dr. John P. Holdren, Co-Chairs, National Ocean Council