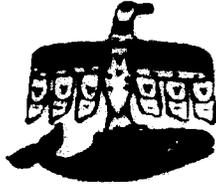
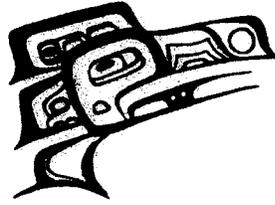




Hoh Indian Tribe
2464 Lower Hoh Rd.
Forks, WA 98331



Makah Tribe
PO Box 115
Neah Bay, WA 98357



Quileute Tribe
PO Box 279
La Push, WA 98350



Quinault Indian Nation
PO Box 189
Taholah, WA 98587

June 20, 2005

Mr. Daniel J. Basta, Director
National Marine Sanctuary Program
National Oceanic and Atmospheric Administration
Office of Ocean and Coastal Resource Management
Silver Spring, MD 20910

RECEIVED

JUN 27 2005

PFMC

Dear Mr. Basta:

Thank you for meeting with us in February of this year to discuss our concerns regarding the Olympic Coast National Marine Sanctuary (OCNMS). We appreciated the opportunity to meet with you directly and were encouraged by your recognition of the importance of involving tribal governments in the development and implementation of the management plan for the OCNMS. Strengthening the government-to-government relationship with the staff and the national program remains our objective and, it is comforting to know, one of your highest priorities.

As we discussed, we are convinced that the organizational structure for the OCNMS should be built on a foundation of participatory involvement of governments with primary regulatory authority over the biological resources and activities occurring within its boundaries. We propose that a Policy Council be formally established for the OCNMS. The Council would be comprised of representatives from the Coastal Treaty Tribes, NMFS, USFWS, the PFMC, and the State of Washington (e.g. WDFW) to provide a meaningful opportunity for all the affected management entities in the region to be a part of, and guide, the direction of the OCNMS.

The Policy Council would facilitate dialog and better coordination of efforts and activities regarding resource management issues by providing a forum where unified priorities can be established and collaborative efforts undertaken both for the involved management entities and the OCNMS. The Council would serve as the principal forum for the respective entities to expedite the reconciliation of policy perspectives and facilitate the exchange of information and technical advice. The Council's functions would include the development and implementation of a management plan for the OCNMS, reviewing on-going activities, integrating regional research, public education, and conservation programs, and providing guidance to the OCNMS manager and staff.

We believe formation of a Policy Council is essential for the Department of Commerce to fulfill its trust responsibilities to the Coastal Treaty Tribes. The Tribes have a treaty rights to use and manage the harvest of resources that are within the OCNMS. (*U.S. v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974); *Washington v. Washington State Commercial Passenger Fishing Vessel Assn*, 443 U.S. 658, (1979); *U.S. v. Washington* 157 F.3d 630 (9th Cir. 1998) The Department has a fiduciary obligation to honor and protect those rights. *Seminole Nation v. United States*, 316 U.S. 286, 296 (1942). In addition, the Department also has the procedural duty to consult with us on matters affecting our treaty

rights. Executive Order 13175 Consultation and Coordination with Indian Tribes, American Indian and Alaska Native Policy of the U.S. Department of Commerce, dated March 30, 1995.

The involvement of local resource managers to provide policy guidance for marine sanctuaries is not without precedent. Florida's legal authority and management role in Sanctuary waters is recognized in the organizational structure for the Florida Keys National Marine Sanctuary.

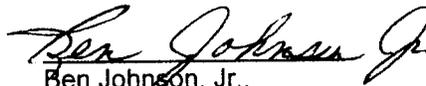
We agree with your suggestion that one method for increasing tribal participation is through funding support. To be successful, this funding support should extend beyond the current management plan review process. The initial allocation of twenty-five thousand dollars per tribe will assist work associated with management plan development, but this funding level would need to be increased and stabilized with the transition to plan implementation. Attachment 1 is an example of a work plan to illustrate the anticipated level of future policy and technical involvement of the Coastal Treaty Tribes with NMSP and OCNMS. This work plan will be further developed by each individual Coastal Treaty Tribe.

We look forward to working with you and your staff to develop the details for formation of a Policy Council for the OCNMS. Thank you again for your personal attention to improving the communication and interaction between the national program, OCNMS staff, and the coastal treaty tribes. We are confident that with our joint efforts that we can develop strong and meaningful working partnerships.

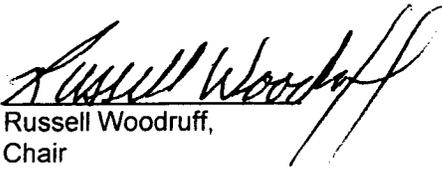
Sincerely,



Mary Letka,
Chair
Hoh Indian Tribe



Ben Johnson, Jr.,
Chair
Makah Tribe



Russell Woodruff,
Chair
Quileute Tribe



Pearl Capoeman-Baller,
Chair
Quinault Indian Nation

cc w/ att.: Robert Lohn, NMFS
David Allan, USFWS
Don Hansen, PFMC
Rick Cook, BIA
Billy Frank, NWIFC
Carol Bernthal, OCNMS

Attachment 1: Work Plan Template Coastal Treaty Tribes

Program Summary:

This project is proposed as the first phase in the development of a collaborative program between the (TRIBE NAME) and National Marine Sanctuary Program (NMSP) for the purpose of strengthening government -to- government relationship as well as creating an organizational structure for the Olympic Coast National Marine Sanctuary (OCNMS) which provides meaningful opportunity for all affected resource management entities to guide and provide policy direction.

Key Work Plan Objectives for FY 05/06:

- 1) Collaboratively develop long-term strategies and processes for government –to- government relationship between the NMSP and (TRIBE NAME).
- 2) Develop a Policy Council as a means for integrating existing authorities to govern the management of the OCNMS.
- 3) Develop scientifically based planning strategies, processes and action plans for OCNMS programs to improve understanding of local coastal ecological processes and guide the development of recommendations for potential actions to protect or enhance the resources that depend on them.
- 4) Provide a prioritized list of information needed to fill the gaps in existing knowledge.

Policy Work plan Components:

The majority of the Policy tasks will be performed by a Tribal Council designee, with the possibility of a few tasks (such National Program issues) being performed by a member of Tribal Council.

Estimated Work Years: __ FTE Timeline: 07/01/05 -07/01/06 Amount: \$

- 1) Establish a clear government to government process consistent with the trust responsibility of the United States to the (TRIBE NAME) Indian Tribe and the principles articulated in the Secretarial Order on American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, National Marine Sanctuaries Act, the Endangered Species Act, treaties, statutes, executive orders, and judicial decisions.
 - a) Provide for (TRIBE NAME) representation on a Policy Council to include management and planning authorities around and within the OCNMS (Coastal Treaty Tribes, NMFS, USFWS, PFMC, and Washington State (e.g. WDFW)); Preliminary work will include a legal analysis and development of specific MOA (Enforcement, Artifacts etc.) between National Marine Sanctuary Program and (TRIBE NAME):
:
 - b) Work jointly with OCNMS to develop a protocol for coordination of procedures, roles, and responsibilities of the (TRIBE NAME) and the National Marine Sanctuary Program regarding planning processes associated with the management, conservation and scientific study of the marine resources within the Olympic National Marine Sanctuary:

Attachment 1: Work Plan Template Coastal Treaty Tribes

- c) Provide the (TRIBE NAME) the opportunity to consult as equal partners with Regional and National Sanctuary Program forums:

- d) Work with OCNMS staff to develop a Communication and education strategy for Olympic Coastal communities:

Technical Workplan Components (Under NMSP/OCNMS funding support):

The technical tasks will be performed by tribal technical staff.

Estimated Work Years: __ FTE Timeline: 07/01/05 -07/01/06 Amount: \$

- 1) The (TRIBE NAME) technical staff will function to provide assistance to the Tribal representative to the Policy Council and participate in the development of Sanctuary documents.
- 2) Collaboratively develop with OCNMS, science based research priorities.
- 3) Assist in the development of a comprehensive OCNMS permit review process which includes all resource managers.
- 4) In partnership with OCNMS staff, coordinate a "Annual Washington Coast Research Workshop" with Primary Investigators conducting research in and around OCNMS
- 5) Provide the Tribal representative to the Policy Council with technical assistance in the review and development of long term programs and short term projects for resource conservation strategies that are consistent with the OCNMS Management Plan: