

**MAKAH, QUILEUTE, HOH, AND QUINAULT TRIBES'  
COMMENTS ON OCEANA'S PROPOSALS  
TO MODIFY GROUND FISH EFH CLOSURES**

The treaty tribes of the Washington coast (Makah, Quileute, and Hoh Tribes and Quinault Indian Nation) are deeply offended by the proposal put forth by Oceana to expand two existing Groundfish Essential Fish Habitat (EFH) areas within our treaty fishing areas. The Oceana proposals, brought forth with a false sense of urgency, are nothing less than an assault on the treaty rights of the Washington coast tribes.

Within the Usual and Accustomed harvest areas (U&As) of the coastal tribes extending north from the mouth of Grays Harbor to the Canadian border, the four treaty tribes co-manage our fishery resources with the U.S. government and the state of Washington. The tribes continue to work with NOAA and WDFW to develop comprehensive habitat mapping, data compilation, and management strategies to ensure that habitat, including groundfish EFH, is maintained as an integral part of healthy ecosystems in perpetuity. Treaty fisheries managers utilize a number of habitat conservation measures including gear and area restrictions developed in consultation with NOAA. Habitat management is not just considered in the context of the EFH review process developed by the Council, but in the biennial management cycle and inseason tribal regulations as well.

Oceana met with representatives of the four coastal tribes in Lacey, Washington on April 28, 2009 and shared their proposal for expansion of the two areas, Olympic 2 and Grays Canyon two days before the submission deadline to the PFMC. The tribes were shocked to discover the proposal was for extraordinary expansions of both of these areas based on photo evidence of corals and sponges gathered since 2006. This piecemeal approach for protectionism is unacceptable to the coastal treaty tribes. The tribes are fearful that this will set a precedent for taking action based on each additional data point, rather than managing based on distribution, density, and abundance. Every summer, surveys will discover more coral and sponge resulting in more cries for protecting them. Bringing this proposal forward in the interim rather than the five-year EFH review period is nothing less than a test case for Oceana to determine if this strategy will work within the Council process.

The proposal was for extraordinary expansions of both of these areas, based primarily on two studies: "Observations of Deep Coral and Sponge Assemblages in Olympic Coast National Marine Sanctuary", in Marine Conservation Series NMSP-07-04 and "Grays Canyon Glass Sponge Reefs", by P. Johnson PhD, both undertaken since 2006. Both of these studies were limited in their design to simply document the presence of corals and sponges. Specific to the Grays Canyon research, a large part of that effort was focused on the presence of methane production from the earth's crust and not the distribution or abundance of sponges. These data highlight the need to design research specific to management decisions on habitat. At a minimum, the distribution, condition, abundance

and the ecological role of coral and sponge assemblages needs to be described based on rigorous science and not “snapshots”.

In recent years, bottom trawling on the west coast has been limited to discreet areas through federal, tribal, and state regulatory action to protect species and habitats. Because of these relatively new restrictions following decades of unrestricted bottom trawling, it is highly unlikely that there is an urgent need to protect every new coral and sponge finding that has survived this past activity. According to Olympic Coast National Marine Sanctuary scientists who collected the data, the occurrence of coral rubble presented by Oceana in the Olympic 2 area cannot be definitely attributed to recent bottom trawls. The additional glass sponge findings in the Grays Canyon area have also survived decades of activity yet are now being presented as needing urgent protection using the interim review process.

The coastal treaty tribes of Washington State have only those areas north of Grays Harbor to maintain their cultural, subsistence and commercial fisheries. Continuing expansions of regulatory closures in those areas is simply painting the tribes into a corner. They have nowhere else to go. If forced to fish in those expanding closed areas, the tribes will be vilified for exercising their reserved treaty rights. It is inevitable. Any perception that the Oceana proposal for expansions of closures within the tribes’ U&As does not affect us is completely false. Native Americans have witnessed time and again groups and governments drawing new boundary lines within our areas some with good, some with bad intentions. The Oceana proposal is yet another example of well-meaning individuals forgetting about the importance of the limited areas left to the tribes and neglecting to work with them on protecting necessary habitat. The tribes are disappointed in Oceana and this proposal for these reasons.

Pretty pictures are not science. Work must be done to detail the distribution, density and diversity of the organisms and habitats throughout the coastal area. This data should then be examined in light of the state of fisheries and other management measures in place, including all area closures and the level of protection they afford habitat. The coastal tribes in conjunction with the state of Washington have developed the strategies to collect the necessary information through our Ocean Research and Monitoring Initiative. We will continue to work with our co-mangers in the state and federal governments to do the scientific work necessary to map the seafloor and catalog the corals and sponges present off our coast. With this information we will develop and refine comprehensive management and conservation plans to protect our fisheries and the habitats that support them forever.