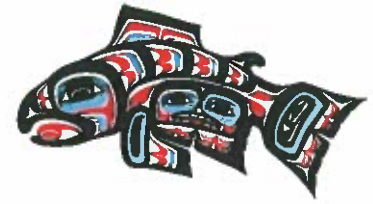




Quileute Natural Resources

QUILEUTE INDIAN TRIBE

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The Quileute Indian Tribe of the Washington coast finds that the proposals put forth by Oceana to expand two existing Groundfish Essential Fish Habitat areas (Olympic 2 and Grays Canyon), one of which is located within our treaty fishing area lack adequate foundation from a scientific standpoint. The Oceana proposals, brought forth with a premature urgency, should not be grounds for a decision on fishing practices at this time.

Within the collective Usual and Accustomed harvest areas (U&As) of the coastal tribes extending north from Pt Chehalis to the Canadian border, four treaty tribes (Makah, Quileute, Hoh, and Quinault) co-manage their 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 timing, gear and area restrictions developed in consultation with NOAA. Habitat management is not just considered in the context of the Essential Fish Habitat review process developed by the Council, but in the biennial management cycle and in-season tribal regulations as well.

Oceana met briefly 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 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" Marine Conservation Series NMSP-07-04 and: "Grays Canyon Glass Sponge Reefs", 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. The data from both of these efforts is still undergoing analysis and has not yet been published in peer review reports. Also noteworthy is that the survey conducted in Olympic 2 occurred during the same year that it was designated as such, this clearly does not provide time for this management action to have an effect. While the proposal proponents have expressed these data as if they describe the areal extent of coral and sponge assemblages, by design these efforts cannot provide that information. 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. Neither of the proposed boundary changes are substantiated by datasets that are rigorously populated. Further, as described, they potentially contain areas not likely to have these species present, due to substrate types. This characterization of the data highlights the need to design research that can provide

information useful to management decisions. 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 “snapshot science”.

Every survey will discover more coral and sponge resulting in more cries for protecting them. If management decisions are to be based on individual “discoveries” then managers will quickly be locked into cycles of reacting to each new data point instead of working towards creative solutions that take into account not only the ecological needs of sustainable fisheries but also the socioeconomic needs of human populations. The appropriate time frame for bringing a proposal forward is the (five-year) EFH periodic review scheduled for 2011. Instead, Oceana is presenting its case with only interim data, before actual numbers, occurrence, and habitat needs can be demonstrated. This is not an acceptable process.

While supporters of this proposal have pointed out that “fishery management councils (FMC) nationwide have not utilized their authorities to recommend designating zones to prevent interactions between deep sea corals and fishing gears” (e.g., MCBI May 26, 2009), that is simply not the case. NOAA in their 2008 report to Congress (“Implementation of the Deep Sea Coral Research and Technology Program”) cited numerous actions by regional FMC to protect deep sea corals. Specific to our region, more than 130,000 square miles of habitat are protected through marine protected areas; bottom trawling being limited to discreet areas; and the overall fishing effort has been reduced (“NOAA Report to Congress”, 2008). This is a result of federal, tribal, and state regulatory actions 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 these past activities. Presumed evidence of coral rubble presented by Oceana in the Olympic 2 area cannot be definitely attributed to bottom trawls and as revealed by sanctuary scientists the rubble could be the result of changes in ocean chemistry or currents (http://olympiccoast.noaa.gov/research/research_feat/coral_graveyard.html). The 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 EFH interim review process.

The coastal treaty tribes of Washington State have only those areas north of Point Chehalis to maintain their cultural, subsistence and commercial fisheries. They are restricted to these areas as a matter of law (*United States v. Washington*). They cannot fish outside of these waters, unlike the non-Indian fishers. But tribes will be questioned by the general public if forced to fish in those expanding closed areas to exercise their reserved treaty rights. Native Americans have witnessed time and again groups and governments drawing new boundary lines within their areas, for a variety of purposes. The Oceana proposal may be well- intended but does not consider the restricted condition of treaty fishing under which the tribes must operate. It is especially for that reason that the Quileute Indian Tribe requires sound science and due process as bases for any decision impacting treaty fishing. Coastal Treaty Tribes are engaged in conservation practices with methods effective to their respective fisheries compositions.

Quileute Indian Tribe
Statement to PFMC: EFH modification proposals

In a letter of May 27, 2009, to Donald K. Hansen, Chair of the PFMC, Oceana and others cited the Olympic Coast National Marine Sanctuary survey of 2006 as providing “greatly increased scientific knowledge of the importance, distribution and sensitivity of coral habitat in the Juan de Fuca Canyon area.” The coastal treaty tribes are well aware of this survey, and had several subsequent discussions with Sanctuary staff about it. This information was not definitive, and therefore should not be the premise for policy or rule-making. The series of pictures do not show scale and often show matters out of context to “make a point” (e.g., some fishing gear near a broken coral, but no stated frequency of such occurrences.) Samples are seen in isolation, in the absence of context, and the data have yet to be fully correlated. Work must be done to detail the distribution, density and diversity of the organisms and habitats throughout the coastal area. The coastal tribes in conjunction with the state of Washington have developed the strategies to collect the necessary information through our Ocean Initiative. We will continue to work with our co-managers in the state and federal governments to do the scientific work necessary to map the seafloor and catalog the marine life present off our coast. With this information it will be possible to develop comprehensive management and conservation plans to protect our fisheries and the habitats that support them forever.

In closing, Quileute Indian Tribe believe it is critical that the PFMC not formulate policy reactively as being requested, as this will set the precedent for fisheries management recommendations and/or decisions to be based on each data point. Reactive management will only hinder the collective creative process that takes into account both the results of fisheries management actions and the knowledge of marine ecosystems functions and processes. We urge the PFMC to follow due process and the technical protocols already guiding management of other marine resources.