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From: **john qualls** <[jlqualls@olympen.com](mailto:jlqualls@olympen.com)>

Date: Sat, May 12, 2018 at 1:34 PM

Subject: halibut opener was terrible after commercial tribal fisherman wiped out the halibut during the week prior to may 11th. Why are the tribal fisherman given 1st shot at halibut every year. Sport fisherman don't stand a chance anymore in the state of washington

To: "[pfmtc.comments@noaa.gov](mailto:pfmtc.comments@noaa.gov)" <[pfmtc.comments@noaa.gov](mailto:pfmtc.comments@noaa.gov)>

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From: terry <[terrymontonye@msn.com](mailto:terrymontonye@msn.com)>

Date: Wed, May 16, 2018 at 7:59 PM

Subject: Restoration of Kings, Silvers & Sockeyes

To: "[pfmtc.comments@noaa.gov](mailto:pfmtc.comments@noaa.gov)" <[pfmtc.comments@noaa.gov](mailto:pfmtc.comments@noaa.gov)>

Suggest two pages stapled together, the first with the middle attachment on its back side.

James Terrence Montonye  
Captain USCG (ret)

DRAFT

Coast Guard Academy Alumni Association members,

History shows that saturation/keep all fishing due to 'larceny in the hearts of all fishers' -- page 14 PAC NW 'Reel News' May, 2018! -- must be checked or salmon & other species here in the North Pacific will join Atlantic Salmon, Pacific Ocean Perch and Puget Sound herring in becoming extinct (King of Fish, David R. Montgomery/Sea Cop, Wayne C. Lewis). Today, Northwest, Canadian, Alaskan & Asian wild salmonoids, cohos & chinooks especially, are close to suffering the same fates basically due to saturation interceptions during their body-building 3-6 year ocean sojourns into the North Pacific Ocean and/or the Bering Sea.

But, newly created watch room satellite monitoring of UN-required VHS transponders on offshore fisheries vessels guiding, say two high endurance cutters and plus two or three other UN enforcement vessels 365 days per year, should be able to save them!

U.S. Coast Guard cutters serving as destroyer escorts during wartime and as contraband enforcement vessels in peacetime fit the role perfectly! However, from what I can tell, two or three more high endurance cutters would have to be stationed in the North Pacific in order to match the 365day/yr criteria! Western Pacific UN satellite watch room guidance primarily of Asian and Russian enforcement vessels complementing the NOAA Fisheries watch room in Washington, D.C., too, probably would be necessary.

I am basically unaware of current inter-agency financing, planning and capability realities within this domain, but I offer two additional considerations based on my 1970s enforcement experiences along Alaska's 100-fathom curve. First, via the Trump administration, how about two or three less destroyer escorts in the U.S. Navy to offset two or three additional wartime-equipped high endurance cutters stationed in the North Pacific? Also, how about classes -- Academy on down -- instilling fisheries, too, as an enforcement culture while expediting, too, the inter-agency agreements necessary to achieve and sustain efficiency and effectiveness in restoring and maintaining salmon and other natural species throughout the North Pacific?

James T. Montonye  
CAPT (Ret)  
Class of '59

## ILLEGAL DISCRIMINATION DESTROYING OUR FISH?

**BASIC ISSUE:** Undisclosed tribal campaign contributions creating politicians unwilling to discuss saturation fishing enforcement by WDFW over tribals and legitimacy of tribal rights in general.

**ASSOCIATED ISSUES:** Marysville & Slater land trusts; City water to 'high water' Slater trust; 2 Fed fishing rights opinions; trashy reservations tough on kids; fish cops prior to upriver culvert fixes.

April 11, 1859: "1855 Treaty of Point Elliott" ratified! It, like all other Washington Territory and State treaties was a cession treaty. In exchange for a sum total payment, 22 Indian groups assigned to four Point Elliott reservations in western Washington ceded all rights, interests and title to those reservations. 'Tribal rights' for any of the Point Elliott groups thereafter never happened!. Only fee land property rights or options for individual natives remained, natives not to be relocated becoming owners of 'restricted fee patent' lands issued to them with provisos that they were never to be pulled out of 'public domain' & made into 'federal trust reservations' ruled by tribal governments.

1863: A 'donation claim' of 160 acres straddling the Nooksack River was assigned to white settler John Hedge.

1897: Fed. Judge Hanford ruled "no special privileges" under Treaty of Point Elliott for native fishermen!

1908: Nooksack mouth dynamited from Lummi to Bellingham Bay way east of the pre-treaty reservation!

1934: *The Indian Reorganization Act* (IRA) restored to 'trust' some reservations which had been trust. All recognized Indian groups voted whether they wanted to be organized under the Act. The Federal Dept. of Interior determined later which tribes would qualify. The Lummi rejected the Act, the Nooksacks & Tulalips later told they did not qualify.

1946: *The Indian Claims Commission* found remaining Point Elliott treaty groups 'currently organized either as social groups or for business' (Vol.15 of Indian Claim Commission findings as it pertains to Snoqualmies), state enforcement authority over all 'common-property fishing regulations' from 3 miles offshore to uppermost rivers thereby confirmed!

1953: *83rd U.S. Congress:* 'No special rights for Indians'. Also, a BIA Land Status Record footnote: "Lummi, Tulalip & other Point Elliott Treaty tribes are not trust reservations." Litigating attorneys & BIA, since, however, persist in recognizing 'aboriginal & time immemorial rights' that never did exist (*Slumbering Thunder Ch. 26*) while overlooking tax base sufferings due 'fee land conversions to trust' -- Marysville & 164-acre 'Salish Village' on Slater -- plus 10-14 year old male suicide rates & other worse indigenous sufferings on reservations (*2/21/18 WSJpA17!*)

1968 U.S. Supreme Court "McCoy" decision (Vol 392): state regulation of 'off-reservation fishing' authorized!

Feb. 12 1974: *Federal Judge Boldt*, via 'false' State/Fed pre-court agreement statements, decided all Indian reservations are aboriginal reservations with un-ceded lands & sovereignty, the false pre-court agreement being that all the treaty tribes had received "exclusive title" to certain lands in cession for others. In fact, all Point Elliott tribes had ceded all title, interest & rights in return for sum total payment as verified in the third paragraph of Solicitor Opinion M-36161. By mis-informing, Boldt illegally sub-divided the state commercial fishery into *all-citizen* & *treaty tribe* segregated fisheries, WDFG day & night enforcement more than half reduced (*1976 American Nightmare, p.73!*)

July 2, 1979: *Bold decision upheld (6 to 3) by US Supreme Court*, -- "without abrogating the Treaty of Point Elliott". 1988 *IGRA:* "untaxed" casinos exempt from Sherman AT, Clayton, RICO Acts -- 2 by Gov Locke on non-trust lands!

1998 *Clinton Executive Order 13084:* 'an Indian office' in 25 federal agencies, non-trust 'Class IIIs' abounding since!

May, 2000 *FEC:* Unlike states, counties, & municipalities, "566 tribes & 400 casinos may contribute to campaigns"!

2002 *McCain-Feingold:* "Campaign contributions by tribes & casinos need not be disclosed"

2007-2008: *JUDGE ZILLY* j, in a groundwater adjudication suit: "**Lummi have no exclusive 'on reservation' fishing rights!**" Simultaneously, he refused to recognize either a primary or secondary water right for purposes of fisheries, explaining that the Treaty of Point Elliott makes no mention of exclusive fisheries. His finding, however, was deleted upon 'mediated settlement' between Washington State & the '22 Point Elliott indian groups' in January 2008!

Nov. 27, 2017: *Judge Clarence Thomas* reaffirmed that the 1934 IRA did not authorize taking of land into trust!

**2018 Bottom Line:** 'Aboriginals in the commodity community' -- a la the Klamaths -- means salmon for cash vice 'barter, subsistence, & ceremonial usage' plus WDFW fish enforcers, county water rights & state taxed casinos. But, **THE BEAT GOES ON**, discrimination, affirmative action & victim status cumulatively destroying fish, farms, water rights, tax bases & native kids, **1897 Hanford & 2008 Zilly rulings never ever even discussed!**

North Puget Fish & Fishers Back!

**FIRST: WDFW ENFORCEMENT** of 50%+ escapement openings only @ strait & river mouths (*King of Fish p241*) & of the Lacey Act (*Sea Cop p124,130*) -- tribes included (see reverse).

**SECOND: Two large Coast Guard Cutters** on North Pacific rim fish patrols 365 days/yr. and guided by watch room satellite monitoring of UN-required VMS transmitters on all fishing boats!

**THIRD: TERMINATE SALMON FACTORIES** to stop hatchery smolts eating wild fry & parr, wipe outs of coastal ocean foods by pinks, & infection & interbreeding dilution of gene pools vital to wilds adapting to change (*King of Fish p164-176*)/*Araki Science 318/Salmon, People & Place p29*!

**FOURTH: MORE HABITAT SPENDING ONLY AFTER ESCAPEMENT INCREASES DUE TO THE ABOVE** and no gill, tangle or pelagic nets, stiffer penalties for anglers, more Dolly & cut-throat angling on sockeye lakes, a **clean-coal GPT** pre-serving arctic ice, copepods salmon prey eat & farmed shellfish due to reduced acid rain out of Asia, & some marine mammal kills!

**FIFTH: "RIVER WATCHERS"** (*King of Fish pg 235*), one per Nooksack half reach, Cherry Point north, Cherry Point south & Squalicum Creek south, who, say at \$9.99K/yr, pollution test, spot poachers & -- via 1-2 page quarterly reports -- pigeonhole key upgrades while 'keeping things whole locally' via NSEA, MRC, PIC, REAL, farmers, tribes, tests for micro-plastics, etc. **Vice culvert fish passage remediations & consumptive guesstimates for wells, they'd focus on river & aquifer gages (most latter yet to be sited & dug) in effecting summer flow duration curves' via onsite water recharges from aquifers, City of Bellingham & V-notch weirs in upper drainage exits.** And, via commercial 'graveling outs' of deeper/colder/narrower bottoms (e.g., Nooksack mouth), 30 ft, 66% open riparian zones free of water-absorbing cotton-woods, slough & marsh upgrades for summer-rearing habitats + slow-water refuges during winter floods, riparian setbacks in lower reaches feeding insects & shaded oxalis plants to wild parr, side channel extensions, farmland nitrate-grabbing trenches, fertilized ovum boxes, + (upper rivers mostly) silt-binding weed-roots via day lightings, barrier removals, & 'pools & ripples', **they'd maximize outbound king, silver & sockeye smolts, their 3-6 yr. escapements back to 'spawn where born' & all of our fisheries -- minimal fundings wasted along the way!**

**BACK ONTO TABLES, THEN, AS WELL** steelheads, pinks, smoked chums, caviar & shellfish -- due to Victoria's new secondary sewage treatment plants, DOE's MTCA grant "half-fundings" to City & Port for waterfront clean-ups, & 'eco upgrades' due to pollution testings by river watchers & monitorings for pesticides in ground water by Whatcom County. Tastiest wild kings, silvers & sockeyes will become larger & cheaper due to more nutrient upwellings by more whales plus fewer harbor seals, sea lions & hatchery fish to compete with. In ten years or so, too, halibut, herring & other bottom & forage feeders would return as new eelgrass- & herring-enhancing docks at Cherry Point, septic fixes due to PIC & river watchers, bay toxin & north shore feces & trash removals due to fundings by Sen. Ericksen's 'environment committee' & PAH, zinc & copper filters in city storm drains (due RE Sources) all occur!

**BOTTOM LINE:** light crude & LNG exports added to heavy crude imports via buoyed one-way routes to & from Cherry Point, plus the above -- in place of local 'dysfunctional insitutional structure' (*Salmon, People & Place p76*) -- & salmon, orcas, fishers, farms, tribes, refineries, factories, canneries, jobs, tax bases, & new jail will benefit maximally as Asians no longer process 94% of seafood Americans eat!

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