

JOINT TESTIMONY FROM THE MAKAH TRIBE, QUILEUTE TRIBE, HOH TRIBE AND
QUINAULT INDIAN NATION ON THE SRKW ESA CONSULATION UPDATE

Treaty-Reserved Fishing Rights

The Makah Tribe, Quileute Tribe, Hoh Tribe and Quinault Indian Nation have supported and participated in the Southern Resident Killer Whale (SRKW) Ad-Hoc Workgroup (Workgroup) meetings and development of the SRKW Risk Assessment throughout the past year. Following the completion of the SRKW Risk Assessment, there has been an effort to proceed with the development of management recommendations. On the June 1 Workgroup webinar, several variations of a low abundance Chinook threshold for the North of Falcon (NOF) management area were proposed, which (if triggered) could subsequently affect treaty and non-treaty NOF Chinook quotas. Chinook management recommendations are not consistent with the findings in the Workgroup's SRKW Risk Assessment, which states the "*analyses did not clearly identify any specific areas or seasons that were highly correlated to SRKW demographic indices*".

In addition, the Workgroup analyses concluded NOF impacts to Chinook abundance are small compared to the year-to-year variation in Chinook salmon abundance. The reductions to Chinook abundance attributed to NOF ocean fisheries also show a decreasing trend (*e.g.*, 1992-2016 average is 4.5%, whereas the most recent 10-year average is 3.3%).

The Makah Tribe, Quileute Tribe, Hoh Tribe and Quinault Indian Nation have treaty-reserved rights to fish in their usual and accustomed fishing areas off the Washington coast. Therefore, the coastal treaty tribes do not support a North of Falcon low abundance Chinook threshold or any restrictions on treaty harvest unless there is a conservation necessity, meaning "*the restriction is reasonable and necessary for conservation of the species at issue*" and "*the conservation purpose of the restriction cannot be achieved by reasonable regulation of non-Indian activities*" (Secretarial Order #3206). Our position doesn't preclude states from taking additional voluntary measures, but discussion of proposals for management actions should pertain exclusively to non-treaty fisheries and not affect court-ordered sharing agreements between the state of Washington and the Western Washington Treaty Tribes.

Our Recommendations

Chinook salmon and orcas have significant cultural and spiritual importance to the coastal treaty tribes. We want to see thriving ecosystems that support their biological needs and, in turn, our way of life. We offer the following recommendations to support recovery initiatives.

Facilitate multi-agency federal protection for salmon and SRKW. Salmon is a federal trust resource, meaning the federal government has a legal responsibility and obligation to fulfill the treaty commitments made with tribal nations. This responsibility extends to all federal agencies. Recognizing the complexities of salmon management and orca recovery, we request the National Oceanic and Atmospheric Administration (NOAA) coordinate the multi-agency effort that will be required to ensure adequate protection for salmon and SRKW. In regard to the SRKW ESA consultation, we urge NOAA to evaluate the cumulative effects of U.S. West Coast, British

Columbia and Alaska salmon fisheries using a consistent evaluation method. The evaluation should address the cumulative impacts of major threats, including but not limited to, untreated sewage, toxic chemicals and impact from sound and vessels.

Maintain and restore healthy, resilient, interconnected watersheds. We recommend prioritizing habitat recovery actions that will provide near-term increases to salmon production in the Columbia River, Washington Coast and Puget Sound.

Increase hatchery production. We recommend hatchery production increases that would provide additional foraging opportunity for SRKW based on the current understanding of seasonal distribution and seasonal prey diversity.

Prioritize long-term coastwide SRKW research and monitoring. Most of the scientific research on SRKW is conducted in the inland waters of Washington and British Columbia, yet the focus of the SRKW Workgroup has been on ocean fisheries. We recommend NOAA develop and fund a long-term, coastwide SRKW research and monitoring plan to address the uncertainties identified in the SRKW Risk Assessment. If possible, it should differentiate threats and impacts to individual pods.

For additional information, please read the statements from the Quinault Indian Nation, the Hoh Tribe, Quileute Tribe and the Makah Tribe, that were submitted under the June 2020 Supplemental Materials.