

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

The Hoh, Makah, and Quileute Tribes and the Quinault Indian Nation have supported and participated in the PFMC's Southern Resident Killer Whale (SRKW) Ad-Hoc Workgroup (Workgroup) and development of the SRKW Risk Assessment throughout the past year. Following the completion of the SRKW Risk Assessment in June 2020, the Workgroup developed a preliminary range of alternatives and non-treaty Chinook management recommendations (Agenda Item H.3.a, SRKW Workgroup Report 1). Similar to our testimony at the June 2020 Council meeting, we would like to address the preliminary alternatives and provide potential recommendations to consider.<sup>1</sup>

### **Treaty-Reserved Fishing Rights**

The Hoh, Makah, and Quileute Tribes and the 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 will not support 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 continue to 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**

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 West Coast recovery initiatives. Recognizing these recommendations are outside the Council's purview, we hope the National Oceanic and Atmospheric Administration (NOAA) will review and seriously consider how it might help achieve each recommendation. When appropriate, we would like the Council to incorporate these recommendations when writing letters about proposed actions that may affect salmon or SRKW.

*Facilitate multi-agency federal protection for salmon and SRKW.* Recognizing the complexities of salmon management and orca recovery, we request NOAA continue to facilitate a multi-agency (federal, tribal, state) effort to ensure adequate federal protection for salmon and SRKW. We also suggest compiling all federal actions that may have impacted SRKW into a living document and for such compilation to be referenced in all future SRKW ESA consultations.

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<sup>1</sup> Agenda Item E.2.a, Supplemental Joint Tribal Report 1, June 2020;  
<https://www.pcouncil.org/documents/2020/06/e-2-a-supplemental-joint-tribal-report-1.pdf/>

*Maintain and restore healthy, resilient, interconnected watersheds.* The continued loss of habitat is a major threat to treaty rights and the tribes' efforts to recover salmon. We recommend prioritizing habitat restoration actions that will provide both near-term and long-term increases to salmon health and production along the West Coast and Puget Sound.

*Increase adult salmon abundance using hatchery best practices.* We recommend applying hatchery best practices to increase adult salmon abundance to provide additional foraging opportunity for SRKW based on the current understanding of seasonal distribution and seasonal prey diversity.

All watersheds and their salmon populations are unique. The management of hatchery and naturally produced salmon will be most successful when hatchery programs consider the complexity of each watershed and its salmon populations, as well as other actions taken in harvest management, habitat restoration, and habitat protection so that they work together toward specific short-term and long-term management objectives. For example, the role of hatcheries will depend on the health of the watershed and the salmon populations they produce. Watersheds that are heavily degraded are likely to require long-term or permanent hatchery production to support salmon populations. Watersheds where habitat can be restored to produce salmon may be able to reduce hatchery production as the habitat recovers and naturally produced salmon become more abundant.

*Prioritize long-term coastwide SRKW and Chinook research and monitoring.* As described in the PPMC SRKW Risk Assessment, most of the scientific research on SRKW has been conducted in the inland waters of Washington and British Columbia, yet the focus of the PPMC SRKW Workgroup was Chinook fisheries in the ocean from California to Washington.<sup>2</sup> We recommend NOAA support the following West Coast research and monitoring. The findings should be readily available to the public.

- As ocean conditions continue to change we would expect variable SRKW movement, therefore, we would like to see more information regarding coastal distribution for all three pods, especially during the fall, winter and spring months.
- As described in the Shelton et al 2019 paper, we recommend continuing efforts to integrate Chinook coded-wire tag data and genetic stock identification for hatchery and natural-origin fish into a single framework to provide estimates of seasonal Chinook ocean distribution and abundance.<sup>3</sup>
- NOAA shared the unpublished results of 55 coastal SRKW prey samples collected between Northern California and Northern Washington across five years. We recommend continuing this effort to document dietary Chinook stock preferences and the composition of other salmon and groundfish in the SRKW diet.

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<sup>2</sup> Agenda Item E.2.a, Pacific Fishery Management Council Salmon Fishery Management Plan Impacts to Southern resident Killer Whales Risk Assessment, June 2020, <https://www.ppcouncil.org/documents/2020/05/e-2-srkw-workgroup-report-1-pacific-fishery-management-council-salmon-fishery-management-plan-impacts-to-southern-resident-killer-whales-risk-assessment-electronic-only.pdf/>

<sup>3</sup> Shelton et al. 2019. Using hierarchical models to estimate stock-specific and seasonal variation in ocean distribution, survivorship, and aggregate abundance of fall run Chinook salmon. *Can. J. Fish. Aquat. Sci.* 76: 95–108. [dx.doi.org/10.1139/cjfas-2017-0204](https://doi.org/10.1139/cjfas-2017-0204).