

An aerial photograph of a coastal area. In the foreground, a dense, dark green forest covers a hillside. Below the forest, a sandy beach is visible, bordered by rocky cliffs on the left. The ocean extends to the horizon, featuring several rocky islands and a small peninsula. The sky is overcast with soft, grey clouds.

Co-Management in 2016

Quileute Natural Resources Operations

Most Treaty Tribes these days have sophisticated Natural Resources Departments, with funding, staffing, and diverse programs to manage the resources, and collaborate with federal/state/tribal governments.

Intergovernmental Policy Council signing...2007



Before addressing our programs, let's look at some history.



➤ How did co-management evolve?

Seal Hunt 1896

A large, dark, weathered rock with a prominent carved design of a ship's hull and a grid-like structure above it. The rock is surrounded by smaller, light-colored stones and pebbles. The text "Wedding Rock, Cape Alava" is written in red in the top left corner.

Wedding Rock,
Cape Alava

Quileute have been here since
“time immemorial”.

Circa 1855 Isaac Stevens negotiated treaties with western tribes on behalf of USA

- Peacetime, arms-length negotiations with sovereigns
- Reservations created for exclusive tribal usage/governance*
- Off-reservation, *reserved (not granted back by USA)* usage of lands and waters to harvest natural resources
 - Usual and accustomed fishing grounds and stations
 - Open and unclaimed lands (hunt/gather plants)
 - (apple grove analogy)
- Off-reservation, shared these NR with non-Indians
- All used Chinook jargon (a few hundred words at best).

* “domestic dependents”

Interpretation of the Treaties:

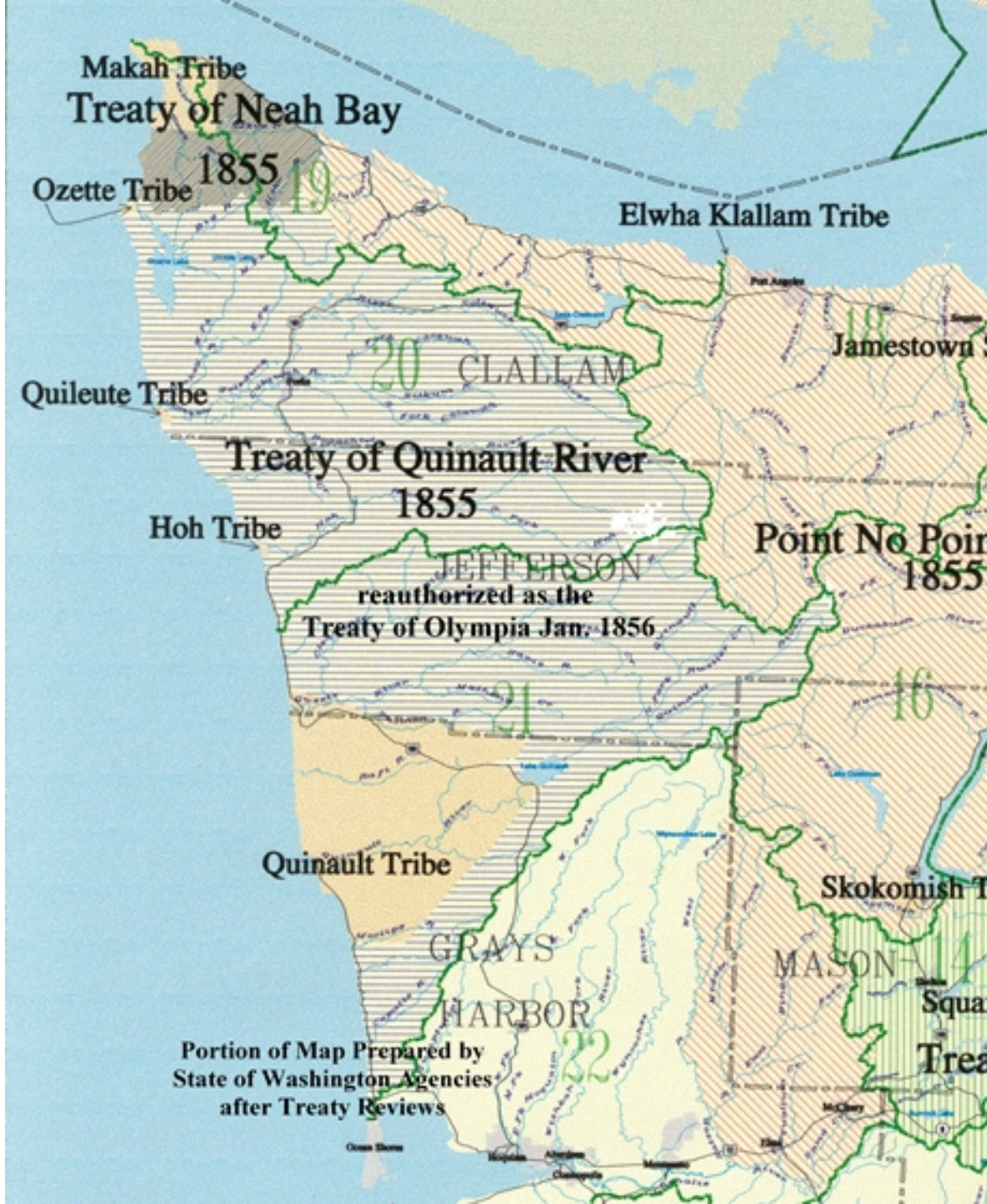
- Article VI Sec. 2 U.S. Constitution re treaties
- Dominant case in WA: *United States et al. vs. Washington*
- What did the Indians understand treaties to mean? (in 1855)
Anthropology is critical to answer this.
- What resources could they access?
- What does holding them “in common mean” [Sharing usage *and governance* with the non-Indians]
- After U.S. v. WA., Congressional funding followed to manage.

United States v. Washington, seminal case re harvest of aquatic animals (U&A clause)

- Involved western WA tribes and later in part, Yakima (now Yakama)
- Initially only addressed wild salmon and steelhead
- Assured tribes had 50-50 rights to fish (tenants in common with WA)
- Assured tribes can be self-regulatory if prove capacity
- Only allows state intervention for demonstrated *conservation* need
- Set up co-manager relationship specifically
- Par. 25 at end keeps case open for ongoing treaty interpretation

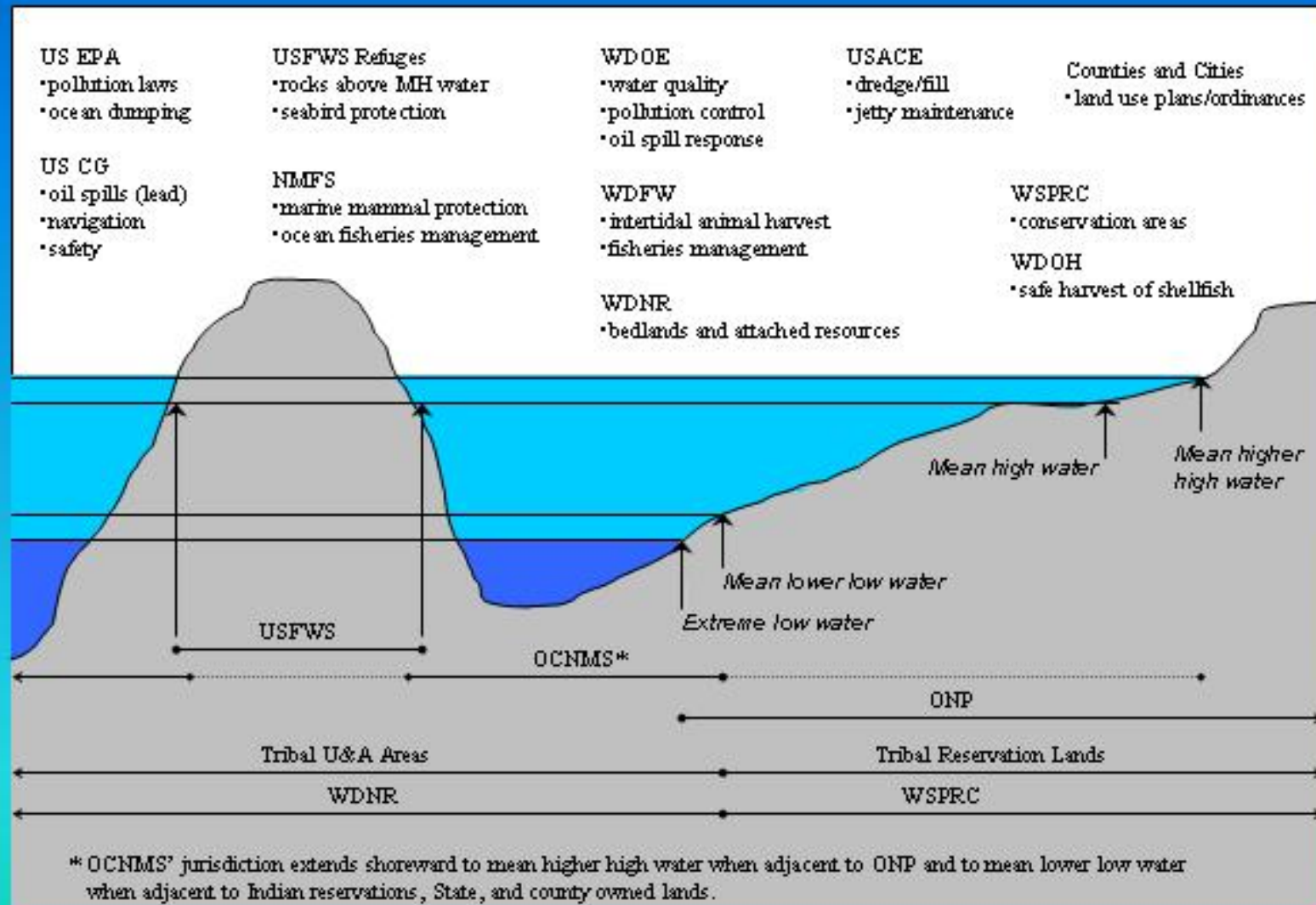
United States v Washington, continued

- Later enlarged to include hatchery fish
- Later enlarged to include modern gear
- Later enlarged to include “all aquatic animals” (nickname: shellfish case)
- Later enlarged to assure habitat protection; narrowed to fish passage issues
- Later enlarged to affirm use of sea mammals to ascertain scope of treaty fishing



Two Treaties on Pacific Coast:
Treaty of Neah Bay (Makah)
and Treaty of Olympia
(Quileute/Hoh/Quinault)

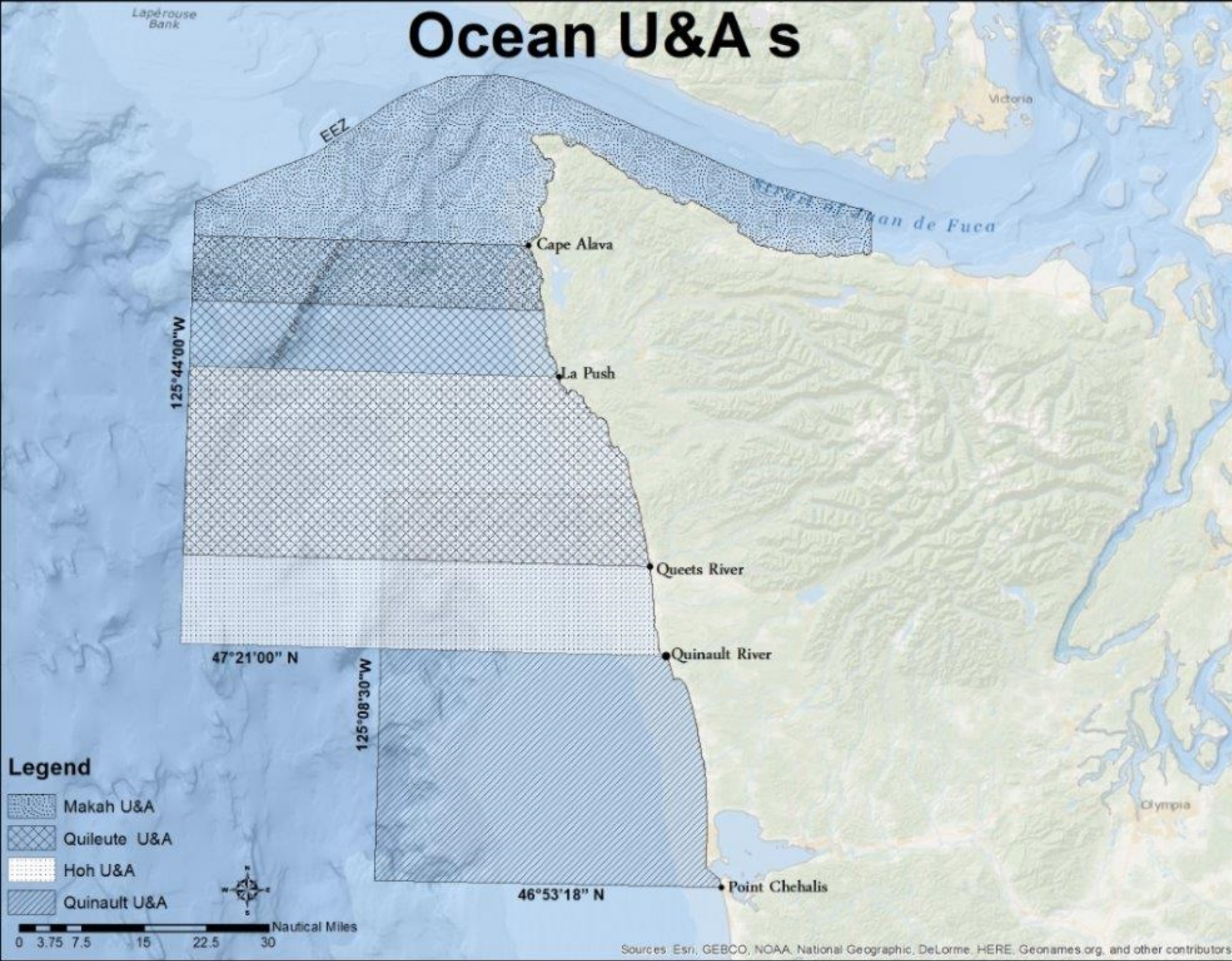
Complex jurisdiction offshore



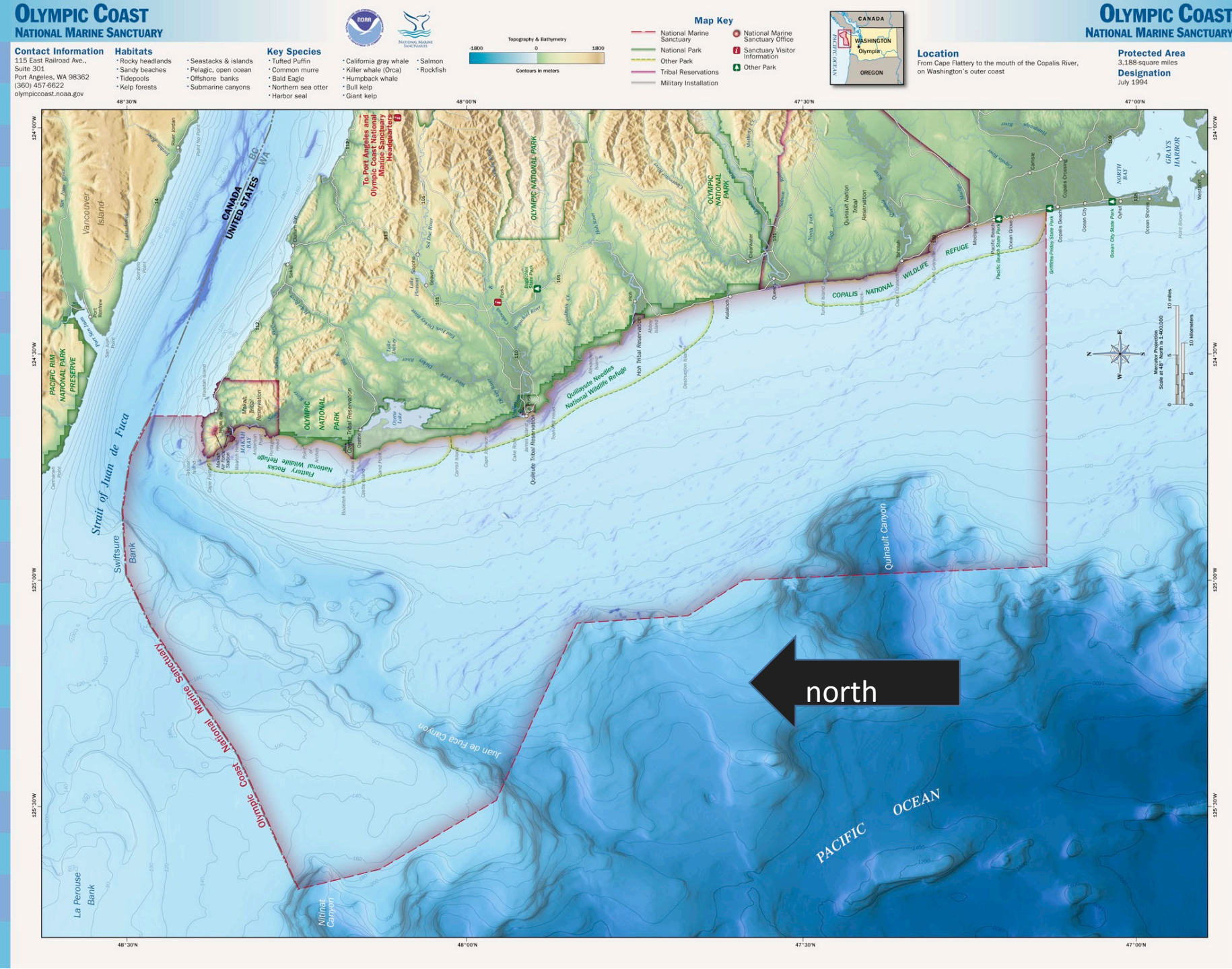
Graphic in need of update but still conveys extreme state of overlap.

Not shown, for example: Military activity (Navy Training and Testing), or Essential Fish Habitat Areas for rockfish, or scope of counties for Shoreline Management

Ocean U&A s

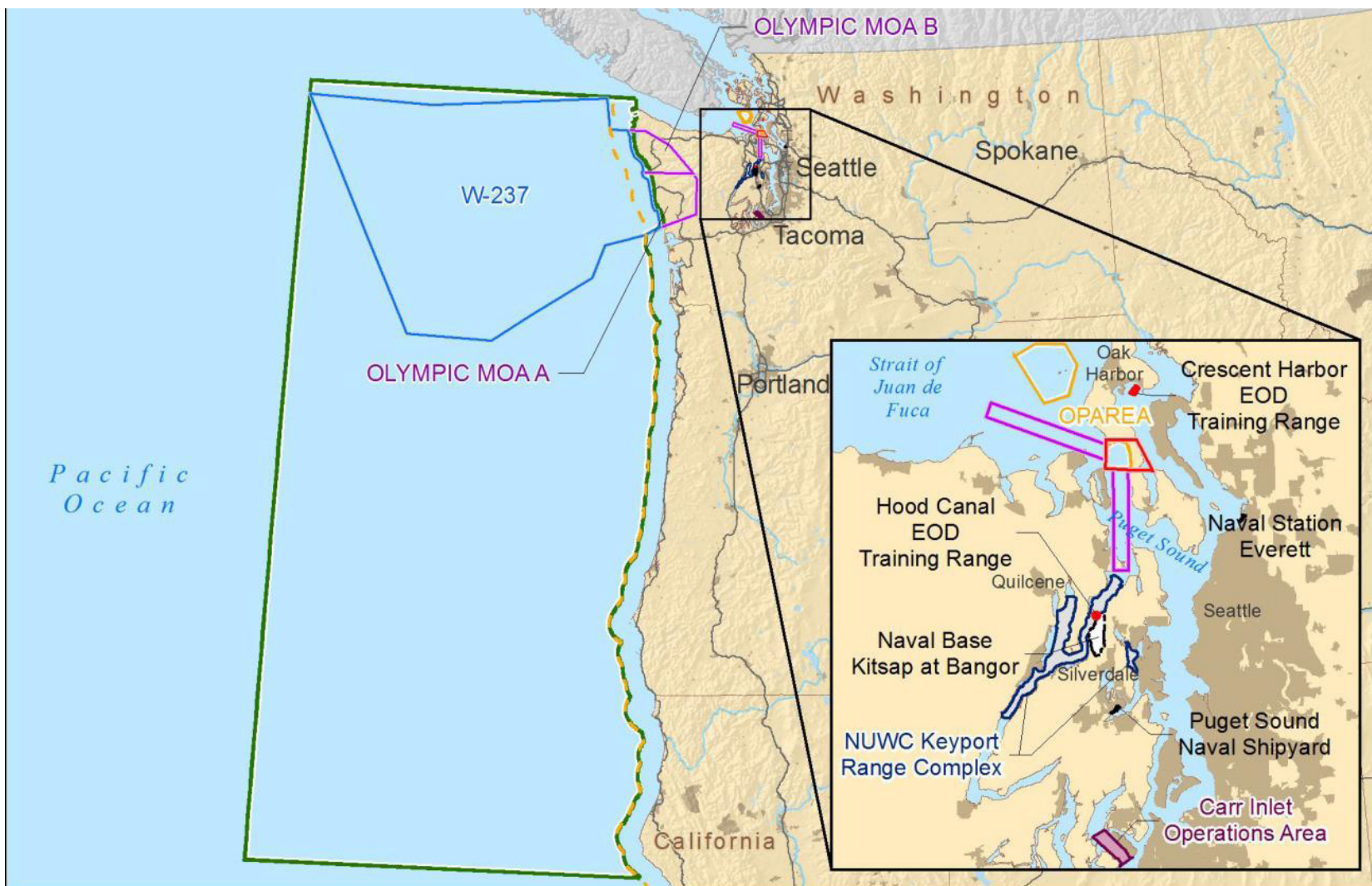


Per most recent *US v Washington* federal court decision (2015) and federal regulations.



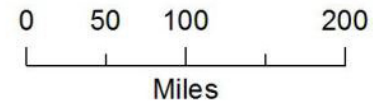
The Sanctuary is a major federal overlay in the area of the tribal treaties.

Map fit better tipped on side!



- Territorial Sea Boundary (12nm)
- Populated Area
- Military Installation
- Navy Operating Area (OPAREA)
- Northwest Training and Testing (NWT) Offshore Area
- Naval Surface Warfare Center Operational Area
- Naval Undersea Warfare Center (NUWC) Keyport Range Complex

- Explosive Ordnance Disposal (EOD) Underwater Training Range
- Southeast Alaska Acoustic Measurement Facility
- SEAFAC Static Site
- SEAFAC Underway Site
- Special Use Airspace**
- Military Operations Area (MOA)
- Warning Area
- Restricted Area



Projection:
WGS84, UTM 10N

Sources:
ESRI, ManTech
Map Document: NWT00138v5



One more overlap:

From Exec. Sum.
Final EIS 10/2015

NWTT Olympic
Coast. USN

(cropped off above
Strait)

Since US v WA, tribes receive funding for co-management—like the states!

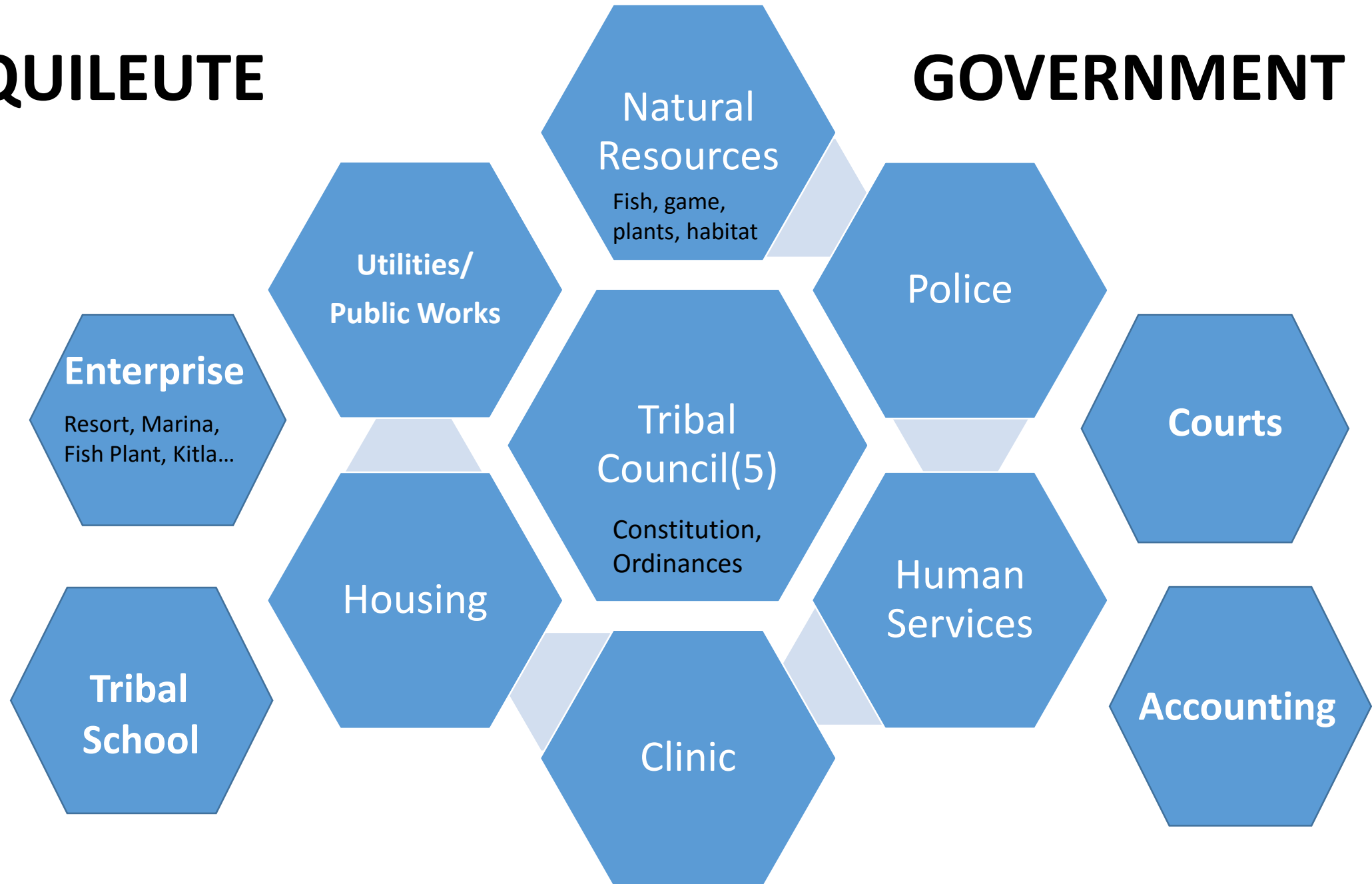
- Line item appropriations (BIA, NOAA, EPA) for staff: field work and planning, research
- Competitive grants—field work, planning, research
- In-kind sharing of projects (time on vessels or flights, e.g.)

Program challenges

- Fixed appropriations or grant levels, but rising costs
- More travel comes with more committees
- New software and methods mean new equipment and training

QUILEUTE

GOVERNMENT



Quileute co-manages for marine and freshwater fisheries, game, and plant resources.

Quileute is self-regulatory (time, place and manner), but reaches agreements with state and federal agencies as to harvest levels, listed species to protect, etc. The location is governed by treaty rights.

The following part of this Presentation (Jennifer Hagen) will illustrate some of our marine activities.