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Comment 598-Makah Tribe

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MAKAH TRIBE

P.O. BOX 115 • NEAH BAY, WA 98357 • 360-645-2201



December 20, 2006

Carla McConnell
Olympic National Park – GMP
National Park Service
Denver Service Center-Planning
P.O. Box 25287
Denver, CO 80225

Re: Comments on Draft General Management Plan / Environmental Impact Statement
for Olympic National Park in Washington State.

Dear Ms. McConnell,

Thank you for the consideration of the comments listed below at this late date.

The Makah Indian Tribe hereby provides the following comments on the Olympic National Park Draft General Management Plan/Environmental Impact Statement (GMP/EIS). The Makah Tribe's principal concern over the Draft GMP/EIS relates to the proposed expansion of the Park boundary in the Lake Ozette area. The Tribe also has concerns regarding the effects of the GMP/EIS on other Treaty protected uses of natural resources, the Ozette portion of the Makah Reservation, and cultural resources.

I. Park Boundary Expansion.

With the exception of the no action alternative, all of the alternatives evaluated in the GMP/EIS propose significant expansions of the Park boundary around Lake Ozette. The Tribe has serious concerns about the effect of these proposed boundary expansions on the Tribe's ability to exercise its Treaty hunting and gathering rights.

Under the Treaty of Neah Bay, the Tribe's right to hunt and gather may be exercised only on "open and unclaimed lands." In *United States v. Hicks*, 587 F. Supp. 1162 (W.D. Wash. 1984), the Court held that lands included within Olympic National Park are not "open and unclaimed lands" and are therefore closed to Treaty hunting. In *State v. Buchanan*, 138 Wn. 2d 186, 978 P.2d 1070 (1999), it was held that the hunting rights reserved by the Stevens Treaties are limited to each Tribe's traditional hunting areas. Because the Makah Tribe has one of the smallest traditional hunting areas of any Western Washington Tribe, any loss of access to "open and unclaimed lands" could have a serious impact on Tribal hunting and gathering.

The Ozette area is within the traditional hunting territory of the Makah Tribe and the lands affected by any of the proposed boundary expansions in the Ozette area currently provide Tribal members particularly important hunting opportunities. A four-year Tribal study that

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actively studied two elk herds utilizing radio-collared cows from each herd between 2000 and 2004 indicates that the property proposed for expansion in the Preferred Alternative is "rich" in elk abundance. The proposed Park expansion would greatly reduce hunting opportunities for Makah Tribal members in regards to the two studied herds as well as other known herds that utilize habitats within the proposed boundary expansion to the southeast and south of Lake Ozette.

The draft GMP/EIS contains inadequate discussion regarding the effect of the proposed boundary expansions on Tribal hunting or other Treaty protected uses of natural resources. In the affected environment chapter of the document, there is a brief discussion of Tribal treaty rights, which concludes with the inaccurate statement: "Nothing in this plan diminishes reserved treaty rights." (Page 133). No discussion of the effect of the boundary expansion on the Makah Tribe's treaty right to hunt and gather can be found in the environmental consequences chapter of the GMP/EIS. In the past, Tribal elk hunting has not been allowed within the Park. Indeed, Park rangers have even prohibited Tribal members from salvaging road-killed elk within Park boundaries.

As a federal agency, the Park Service has a trust responsibility to protect Treaty rights, not just ethnographic and archaeological resources. The Tribe requests government-to-government consultation on the potential effects of the proposed boundary expansions on Treaty hunting and gathering.

The GMP/EIS should carefully analyze the effect the Park boundary expansion would have on Treaty hunting and gathering opportunities and discuss measures that could reduce or mitigate these effects. Such mitigation measures should include a Memorandum of Agreement involving the Park Service, the Tribe and the Washington Department of Fish and Wildlife guaranteeing that any lands acquired under the GMP/EIS would remain open to Tribal hunting and gathering.

The Tribe has other concerns about the Park boundary expansion. In Appendix B of the GMP/EIS it is revealed that under the Preferred Alternative approximately 44,000 acres of land in the Lake Ozette watershed would be acquired outside the Park boundaries and exchanged with the State of Washington Department of Natural Resources to be managed under the "Legacy Forest" concept. (Page 372). There is no further discussion in the document concerning the Legacy Forest concept and it is unclear what goals and objective would apply to the management of Legacy Forest lands. It is also unclear whether these lands would be open to Treaty hunting and gathering. The GMP/EIS should explain the Legacy Forest concept in greater detail and analyze its effects on Treaty hunting and gathering activities and other Tribal rights and interests. Furthermore, the GMP/EIS should discuss measures that can be taken to accommodate Treaty hunting and gathering in this area should the Legacy Forest concept be implemented.

The GMP/EIS should also analyze the effect of the Park boundary expansion on road access to and from the southern portion of the Makah Reservation. Would newly acquired Park lands be managed as Wilderness, and if so, how would this affect road access to and from the Makah Reservation?

Additionally, the GMP/EIS should analyze the social and economic effects of the proposed Park boundary expansion. No discussion of the social and economic effects of the boundary expansion is found in the draft document. Over the years, the Tribe has acquired

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several thousand acres of forest lands south of the original Makah Reservation and has plans to purchase additional lands. If the Tribe is unable to acquire additional commercial forest lands, this could have a negative effect on the Reservation economy. How would the Park Service's acquisition plans affect the Tribe's ability to acquire lands for economic development?

II. Ozette Reservation.

The GMP/EIS contains little discussion of the effect of Park management on the Ozette Reservation which was transferred by Congress to the Makah Tribe in 1970. The Ozette parcel is completely surrounded by Olympic National Park and is heavily used by Park visitors. Recently, the Tribe has implemented a recreational permit program that requires visitors using Tribal lands to obtain a permit for a nominal fee. Non-members using the Tribe's lands at Ozette are subject to this requirement. However, due to the Tribe's limited resources and the Ozette parcel's geographic isolation, the Tribe has been unable to enforce this requirement with respect to the Ozette parcel, despite heavy non-member visitation.

The Tribe would like to work with the Park Service to develop a mechanism that encourages Park visitors who intend to use the Ozette parcel to obtain the proper Tribal permits in addition to Park Service permits. In addition, the Tribe would like to discuss with the Park Service the possibility that Tribal members can be hired as Park Service employees to provide interpretive services to Park visitors in the Ozette area. It is our understanding that few if any Tribal members are employed as Park rangers despite the extremely important traditional cultural properties located in this area.

III. Tribal Whaling.

The GMP/EIS states that whaling "was" an important activity for the Makah, but should also acknowledge the current importance of whaling to the Tribe. (Page 136). Additionally, the GMP/EIS should acknowledge that the Tribe's whaling rights includes the right to use the shore for the purpose of landing and harvesting whales and the right to utilize whales that become stranded on beaches within its usual and accustomed whaling area. Park beaches are clearly within the Tribe's usual and accustomed whaling grounds. The Tribe asks the Park Service to acknowledge the Tribe's whaling rights in the GMP/EIS so that issues do not arise in the future when the Tribal members seek to exercise their rights to use Park beaches for whaling purposes.

IV. Cultural Resources.

The following comments were prepared by the Makah Tribal Historic Preservation Office (THPO) and relate to the protection and preservation of cultural and archaeological resources directly related to the Makah Tribe. In 2000, the Makah Tribe entered into agreement with the National Park Service to assume the responsibilities of the State Historic Preservation Officer within the boundaries of the Makah Indian Reservation. As discussed above, the Makah hold a satellite reservation at Ozette, which is surrounded by Park lands.

The Makah people have occupied the area on the northwest tip of the Olympic Peninsula for millennia as evidenced in both the oral record and supported by archaeological evidence studied over the past decades. Therefore the comments formulated by the THPO office pertain to the continuation of customs and practices of Makah tribal members within the affected area of the draft GMP/EIS. As a general matter, it is worth emphasizing state that any action taken by

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the Park that impedes the Tribe's ability to continue cultural practices such as hunting, fishing, gathering, etc., including ceremonial practices, erodes the cultural continuity and causes an adverse effect to the Tribe. Specific issues of concern are listed below:

- Cultural landscape definitions seem to exclude prehistoric landscape features. Prehistoric features such as the Ozette prairies are being lost due to the conflict with wilderness designation and management. These prairies are important cultural resources as they provide a source of medicinal plants. Limitations on fire use prevent the long-term maintenance of these cultural landscapes. The GMP/EIS should evaluate the effects of current and proposed future management on the survival of historical prairies at Ozette and other locations with the Park.
- Where ethnographic resources are described the plan speaks to the protection and preservation of traditional cultural properties yet leaves out the discussion of the Tribe's traditional use of these properties. While natural resources need to be protected, the significance of the properties can only be preserved by traditional use, which in many cases involves harvesting. (See page 327 paragraph 3)
- The draft GMP/EIS does not mention documentation/ tracking/prosecution of violations of cultural resource laws. This is a vital part of cultural resource management.
- The Museum Collections plan in the draft GMP/EIS does not include tribal consultation for appropriate handling and or restrictions. Consultation is a valuable tool that can enhance interpretation from a tribal perspective and lends to overall respectful relationships between the Park and Tribes.
- Where Memoranda of Agreement are prescribed regarding impacts to cultural resources, appropriate Tribes should be invited signatories.

The Tribe appreciates the opportunity to comment on the GMP/EIS and requests consultation with the Park Service on the proposed expansion of the Park boundary.

Sincerely,

MAKAH TRIBAL COUNCIL



Ben Johnson, Jr.
Chairman

Comment 531-Port Gamble S'klallam Tribe



PORT GAMBLE S'KLALLAM TRIBE
31912 Little Boston Road NE • Kingston, WA 98346

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September 18, 2006

Olympic National Park General Management Plan
National Park Service
Denver Service Center,
PO Box 25287
Denver, CO 80225

Thank you for the opportunity to comment on the Olympic National Park Draft General Management Plan / Environmental Impact Statement. The Port Gamble S'Klallam Tribe maintains a special interest in the Olympic National Park as it makes up most of the western extent of the tribe's Usual and Accustomed areas. The park is generally treated by the tribe as a fish and wildlife sanctuary that provides critical habitat for many of the species of fish and game that our tribal members depend on as a significant element of their livelihood.

To begin with, The Port Gamble S'Klallam Tribe shares the concerns outlined by Quileute Natural Resources Director, Mel Moon Jr. in his letter dated August 30, 2006 and addressed to Olympic National Park General Management Plan, National Park Service, Denver Service Center, PO Box 25287, Denver, CO 80225.

Furthermore, I have noted two elements that I felt were missing from the Draft General Management Plan / Environmental Impact Statement. They are as follows:

1. Any Olympic National Park Management Plan that is adopted by the National Park Service should include a plan for identifying and addressing the impacts of climate change, with particular attention given to species inhabiting areas on the edge of their temporal range. It will be important for the park management to understand the additional stresses that such species will face while they are making decisions on the location and kind of public access the park should provide.

In areas where stressed species exist, such as alpine plant communities, increased effort should be placed on educating the park goers about the potentially devastating impacts unsanctioned activities may have on those species.

2. The Olympic National Park Management has a responsibility to understand and avoid significant environmental impacts associated with maintenance and construction of roads leading to and within park boundaries.

This is of particular concern to our tribe with regard to the Dosewallips River Road washout which occurs outside of park boundaries, but is directly associated with the park

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because the road provided primary access to the park's east side. Currently the Forest Service is identifying plans to reopen the road. All of the current options for reopening the road will have significant negative impacts on fish and or wildlife habitat. It is our belief that the park should engage the National Forest Service in identifying alternatives to reopening the road. For example there may be an opportunity for the National Forest Service to provide parking on the downriver side of the washout and for the National Park Service to maintain a transit / bus (flown in) on the upriver side which could be used to ferry park goers to some of the park attractions to which current access has been reduced.

An alternative to reopening the road, such as a flown in bus, would allow the river to continue to eat away at the feeder bluff located at the washout. That particular bluff is of significant importance to the Dosewallips River system because it is a plentiful source of gravel for the river that is otherwise largely void of such sources. (gravel provides critical habitat to salmonids species). Further if the washout is allowed to continue it will likely provide large woody debris to the Dosewallips River system further enhancing the quality of the river's habitat for fishes.

Sincerely,

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Comment 311-Quileute Indian Tribe

PERC 190788-311



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Mel Moon, Jr., Director
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August 30, 2006

Olympic National Park General Management Plan
National Park Service
Denver Service Center,
PO Box 25287
Denver, CO 80225

Re: Draft General Management Plan for Olympic National Park
Comments by Quileute Tribe's Natural Resources Department

These comments are only those of Quileute Natural Resources, which has responsibility for protection and management of the treaty-reserved resources of the Quileute Tribe. As you are aware, the Quileute Tribe has been involved for decades in a boundary dispute with Olympic National Park, specifically, and with the National Park Service over all, and to our knowledge, those issues are not resolved, to date. Attorneys with outside counsel are working with the Quileute Tribal Council to develop appropriate remarks on that complex issue, and our remarks are not intended to cover or in any way displace such comments. They focus on natural resource department issues and how your stated dual goals of visitor access and resource management impact the tribe's natural resources.

1. Concurrent jurisdiction. Noticed parties are listed at the end of your plan (p. 354-359) but jurisdiction bears discussion at the front. The Park is not "master of its domain." In fact, it shares jurisdiction with the eight tribes listed throughout the document, throughout its entire area. Further, it has overlapping jurisdiction with Washington's DNR (Natural Resources) and DFW (Fish and Wildlife) along the coastline and with its DOE (Ecology) for water quality standards in its inland water bodies. It shares jurisdiction on the coast with Olympic Coast National Marine Sanctuary. Inland, we expect it shares jurisdiction with the USEPA on a number of issues. US Fish and Wildlife has jurisdiction over its listed birds, amphibians, and bull trout. NOAA has jurisdiction over its listed salmonids. This multiple jurisdiction deserves a full discussion in your opening sections. These governmental entities have a different role from the noticed "interested stakeholders" who may be affected by your plan, such as business owners and adjacent landowners.

You have a standard statement on page 355 of the trust relationship to the eight (8) treaty tribes listed there, and describe meetings with tribal councils and representatives. *This duty does not stop with notice and consultation. It is ongoing. It is our hope that Olympic National Park in particular and the National Park Service overall will be responsive to these comments and integrate the needed changes.*

2. Usual and Accustomed Area, Ceded Lands: These are terms for the lands and waters beyond the reservation boundaries, in which all Stevens Treaty Tribes *reserved* (never gave to the US) use and access to their fish, game, and plants. Throughout the document this off-reservation right of the tribes is inadequately and sometimes erroneously described. Only at page 133 is the discussion adequate. *Yet there are numerous references to tribes well before page 133, and no explanation of why these 8 tribes should matter, within Park boundaries.* We hope it is because the sections were drafted by different persons with varied levels of education on this matter. However, it is important for staff and the public who read this document to fully grasp just why tribes are involved. It is because the treaty tribes' rights extend into the Park, beyond their reservations, throughout the extent of their respective treaty boundaries. *The entire Park is overlain by treaty rights of the various tribes on the Olympic Peninsula.*

We refer you page 4, where the drafter briefly discusses the tribes' relation to lands in the park (and we would add "waters"). It is more than a relationship. It is shared ownership of the resources, off-reservation. It is vital the public and the staff know this. See also p. 12, first column. As you engage in all the processes discussed in Alternative D (or any other alternative selected), please recognize the duty to consult with the affected tribe(s) with U&A in your boundaries.

On page 48 the author describes affecting trust assets on the reservation. This author does not grasp the unique situation of Washington Treaty Tribes with off-reservation reserved rights. It is possible that the Park, although mostly wilderness and not managed land, may impact *trust assets* (tribally owned lands) perhaps with fire or a spill in the upper reaches of a creek, or some event that impacts adjacent ownership. However, the bigger issue is the *Usual and Accustomed Areas*. Olympic National Park lies *entirely within tribal Usual and Accustomed Area where the eight tribes have off-reservation rights to treaty resources.* The way the Park relates to the tribes and gives or does not give them access to harvest their treaty resources is the far bigger issue. Most of the treaty tribes are having access disputes with the Park and this issue needs to be corrected.

Under *US v Winans*, 198 U.S. 371, 25 S.Ct. 662, 1905, a case which is still cited favorably by the US Supreme Court and federal district courts when addressing treaty rights, the right of tribes to harvest fish on private lands as well as public ones, throughout their U&A, was affirmed. Olympic National Park's enabling statute never abrogated this right (and only Congress can abrogate treaty rights). This right continues to this day and is a huge reason why the tribes have a relationship with the Park. That needs to be addressed up front on page 48, not just potential impact on neighboring trust lands external to Park boundaries.

See p. 142 where the author states that “fishing is regulated.” Only non-treaty fishing is regulated. The treaty fishing in the rivers, lakes, and tidelands is not, or at least, not by the Park. (Treaty Tribes have their own fishing regulations and are recognized by state and federal authorities as self-regulatory.) This needs to be clarified for the public and staff and the paragraph on pa. 142 is a good place to do it.

3. The Treaty Fishing Right Includes Rivers and Lakes, Not Just Intertidal Zones.

Throughout the document, where intertidal zones are discussed, the treaty right to rivers (and lakes) is not recognized. (See, e.g., Table 1, page 57; zone discussion on pp. 72-73 where no treaty rights are mentioned under “Rivers”). Yet the treaty use of the rivers and lakes for fishing must be fully acknowledged and spelled out for staff and public eyes, as well. We are uncertain why authors only focused on the intertidal fishing. Perhaps it is because the Park and the Olympic Coast National Marine Sanctuary worked together on a committee for intertidal zoning on behalf of the latter entity. However, tribal access to rivers and lakes for treaty fishing is absolute. Further, the tribes have marine rights in the ocean parts of their Usual and Accustomed Areas, well beyond the intertidal zones. We refer the Park’s authors of this document to *US v. Washington*, 384 F. Supp. 312 (W. D. Wash. – 1974), affirmed by the Supreme Court in 1979, and left open for subproceedings to further define treaty fishing rights. Those are the primary source documents but a host of articles may also serve to explain the issue further.

4. Treaties Are the Highest Law of the Land—Article VI, US Constitution. The drafters of the document do not discuss treaties in the same section as the laws (statutes) that govern the Park. Treaties are discussed only in sections regarding Native American rights and relations with the Park. Yet treaties are right up there with the statutes, and unless they are at least mentioned in the same breath with them, even if discussed later, Park management and the public will fail to appreciate their rank and role. See, for example, pages 11, 40, 78,

On page 135, there is an error in citation of the Treaty of Olympia, which was signed in January of 1856, not in 1855. It was the predecessor document, Treaty of Quinault River, which was signed in 1855. The Treaty of Olympia was a reauthorization of the prior one to correct signatory omissions of the member tribes. There is also an omission in description of the Quileute Tribe’s jurisdiction over islands. Not only James Island, but also, all the smaller islands near it that are connected to the reservation during periods of low tide (because the land bridges are entirely exposed), are part of the Quileute reservation.

5. Environmental Justice. The Park discusses environmental justice at page 47, 48, and page 163. There should not be adverse health or environmental effects on a particular minority or low-income group because of agency policy. This concept derives from the equal protection clause of the US Constitution. We ask the Park to heed this when the tribe seeks to exercise its treaty rights within Park boundaries, throughout the Quileute U&A. Further, the Park might consider the safety issues when planning what parking lots to enlarge. We found not a word about improving the Third Beach facility, for example. Yet in the summer cars not only fill that lot but park all over the roadside of

State Highway 110, and create a traffic risk for passing cars en route to and from La Push. See, e.g., pages 328 and pages 336-347. While other parking lots within the Park might need improvement, we doubt any of them creates as much of a traffic hazard as the one at Third Beach. This is because those lots are off the main highway. The one for Third Beach is not—it is adjacent to 110. For public safety reasons of visitors to the Park and the Tribe, consider improving that lot as well. [While the lot for Second Beach is part of the Quileute-Park boundary dispute at present, should that be resolved, know that Second Beach's parking is as much a traffic hazard as that for Third Beach.]

6. Archeology, Ethnology, and Native vs. European Definitions; or, Not All Tribal Culture Fits in a Museum. Throughout the document, discussions of tribal culture are focused on artifacts and religion, without apparent acknowledgement that the fish, plants and wildlife living in the Park are every bit as much of the tribal culture as the bones, basket fragments, lithographs, and sacred places. If the Park, like many other federal and state agencies, chooses to confine itself to certain specific statutes related to archeology, it will continue to run aground with tribal relations. How, in the face of public ceremonies like Seattle's Salmon Homecoming, and those more confined to reservations such as welcoming the return of the first salmon runs, agencies fail to grasp such ideas, is puzzling. (We note that many tribal funerals and important celebrations also include elk. Selection of cedar trees for canoes is another sacred process. *The list is extensive, of how living things are integral not only to past, but also to modern-day, tribal culture.*) The Park participated in the Pilot Watershed Analysis of the Sol Duc Watershed in 1995-1996, and should recall that an appendix to that published document (by USDS FS) includes a lengthy list of plants important to the Quileute Tribe.

We recommend that you do a global search throughout the document wherever "culture", "ethnology", and "archeology" are discussed and include a discussion of how important the living resources are to the 8 tribes of the Peninsula, who use the resources for subsistence, ceremony, medicine, clothing, and in the case of fisheries—commerce. All of the above have ceremonies, song, and dance involving their use and are integral parts of the living (not dead, not artifacts) culture. Pages 28, 31, 40, 45, 80, 127, 130, 132, 213, and 249 are some of the places where this broad subject is discussed. While we can appreciate that a full discussion of the issue cannot occur in every section of the document, some cross-referencing or footnotes to show the subject is fleshed out elsewhere will be instructive.

7. Education and Outreach. Most of the discussion on these topics, with respect to visitors, does not include tribal participation. The public would probably enjoy learning about tribal use of resources from tribal elders and leaders. This would also be an opportunity for the Park to make use of supplemental staff via natural resources biologists and other experts, who may have knowledge of specific regions within the Park or just outside its boundaries. We note the subject discussed at pages 33, 67 and 148, to name just some. One time a few years back the Park invited tribal representatives to help train its staff. This is not a bad idea and could be revived. However, improved signage throughout the Park regarding tribal treaty rights would also be welcome, as would tribal participation in the Park's outreach centers. We also note that some of the Park

volunteers misunderstand their role as enforcement and have on some instances acted as if “police” with tribal members within the Park. All volunteers need to be properly trained as to the limits of their role.

7. Regarding Fish Species within the Park: On page 110 native species are mentioned. Not until page 320 are invasive exotics discussed (we omit Options A-C which are unlikely to prevail). In any discussion about what species are in the Park it is important to mention the invasive species and how they impact the native ones. The public is probably the offender and needs to be informed about this up front. The Management Plan might be the only document about the Park that is widely reviewed.

8. Management of Invasive Species. While the Park discusses the need to manage invasive species in a number of places (see, e.g., p. 75), it has not addressed that rivers are often the vectors of such species, such as knotweed, a plant group that the Park has already spent a great deal of money and effort to eradicate in the Upper Sol Duc and Lower Dickey Rivers (estuary near Rialto Beach). More attention needs to be given to river management than Plan D provides. Further, there is only brief mention of exotic fish at page 320. Warm water species are being brought in by members of the public and are out-competing the native juveniles in the streams and lakes. The Park would do well to actually name the invasive species on the same page as it names the native species of fish; and it would be illustrative to see how many invaders are now in Park waters. Finally, we find it unnecessary for the Park to introduce non-native plants for ‘cultural’ reasons as stated on page 318. That is how knotweed got started—as a decorative plant. There are many attractive native plants. The Park has made good use of them in the gardens surrounding its primary tourist center on Race Street. It should avoid use of any decorative plants that are non-native and only use native ones.

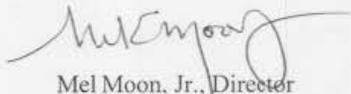
9. Park Expansion of Area/ Local Economy. Boundary expansion is discussed at pages 34, 36, 48, 81, and 245 to list just some sites. Before engaging in any expansion, or firming it up in a “Plan”, the Park should initially engage in consultation about the feasibility and impact of such expansion. Formalizing it before these steps are taken is inappropriate. For tribes, Executive Order 13175 should be implemented *well before* purchase of property in the respective tribe’s treaty area is noticed publicly. All potential impacts on the tribe should be explored, and alternatives considered. We also note that removing property from the public tax rolls has a negative impact on the rural counties involved and they are acutely aware of it. Grey’s Harbor is impacted adversely, for example, by Park purchases of homes along Lake Quinault. Clallam County will be hurt by purchases on Lake Ozette. Hurting a county’s economy impacts all its citizens in a number of ways, such as cutting back on services. The Park should have a compelling reason for its expansion and not take it as a matter of right.

10. Hazards. The Park discusses hazardous trees on page 180 but does not discuss hazardous rocks. Along US 101 are several places where curtains have been put up to protect passing cars from falling rocks. We notice some ominous boulders on the highway as it goes through Lake Crescent. The Park should pay attention to this hazard as well as trees.

Further, at the risk of overlapping with Quileute Tribe boundary issues, we notice very little mention of tsunami risk to visitors and protection from this hazard. There is brief reference at pages 263, and 330, for example, discussing what might happen to access to Rialto Beach. The word "tsunami" is not used. It should be. There should be signage, visitor advice, and directions. The Park does this for cougars and bears. It should also do this for tsunamis.

Summary: Tribes often have the sense that agencies receive the comments and then do as they planned anyway. We remind the Department of Interior that it has a trust relationship with the treaty tribes. Our comments should be considered with the highest level of care for our welfare, in a true trustee-beneficiary relationship. They have been made with the expectation that the Park will receive them that way and we look forward to improvement in the relationship between the Park and the Quileute Tribe.

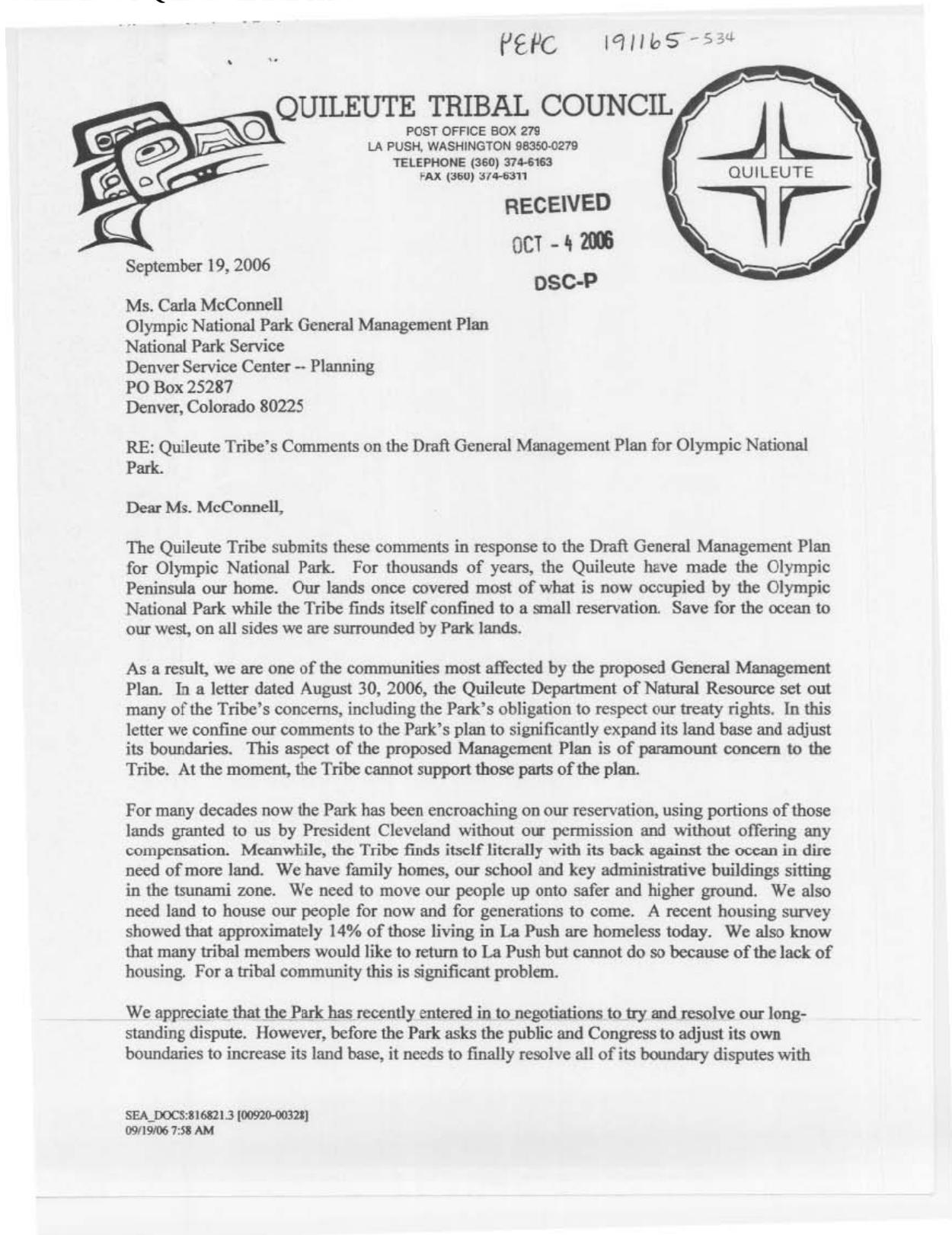
Sincerely,



Mel Moon, Jr., Director
Quileute Natural Resources
(360) 374-3133
mel.moon@quileutenation.org

cc: Richard Laitner, Superintendent, Olympic National Park
Senator Patty Murray
Senator Marie Cantwell
Congressman Norm Dicks
Governor Christine Gregoire
State Senator James Hargrove
State Rep. Lynn Kessler
State Rep. Jim Buck
Bureau of Indian Affairs, Portland
Quileute Nation Council
Quinault Indian Nation Council/NRD
Hoh Tribal Council/NRD
Makah Tribal Council/NRD
Jamestown S'Klallam Tribal Council/NRD
Lower Elwha Klallam Tribal Council/NRD
Port Gamble S'Klallam Tribal Council/NRD
Skokomish Tribal Council/NRD
Point No Point Treaty Council
Northwest Indian Fisheries Commission
Cmr. Mike Doherty, Clallam County
Mayor of Forks Nedra Reid

Comment 534-Quileute Indian Tribe



PEPC 191165-534



QUILEUTE TRIBAL COUNCIL

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September 19, 2006

Ms. Carla McConnell
Olympic National Park General Management Plan
National Park Service
Denver Service Center -- Planning
PO Box 25287
Denver, Colorado 80225

RE: Quileute Tribe's Comments on the Draft General Management Plan for Olympic National Park.

Dear Ms. McConnell,

The Quileute Tribe submits these comments in response to the Draft General Management Plan for Olympic National Park. For thousands of years, the Quileute have made the Olympic Peninsula our home. Our lands once covered most of what is now occupied by the Olympic National Park while the Tribe finds itself confined to a small reservation. Save for the ocean to our west, on all sides we are surrounded by Park lands.

As a result, we are one of the communities most affected by the proposed General Management Plan. In a letter dated August 30, 2006, the Quileute Department of Natural Resource set out many of the Tribe's concerns, including the Park's obligation to respect our treaty rights. In this letter we confine our comments to the Park's plan to significantly expand its land base and adjust its boundaries. This aspect of the proposed Management Plan is of paramount concern to the Tribe. At the moment, the Tribe cannot support those parts of the plan.

For many decades now the Park has been encroaching on our reservation, using portions of those lands granted to us by President Cleveland without our permission and without offering any compensation. Meanwhile, the Tribe finds itself literally with its back against the ocean in dire need of more land. We have family homes, our school and key administrative buildings sitting in the tsunami zone. We need to move our people up onto safer and higher ground. We also need land to house our people for now and for generations to come. A recent housing survey showed that approximately 14% of those living in La Push are homeless today. We also know that many tribal members would like to return to La Push but cannot do so because of the lack of housing. For a tribal community this is significant problem.

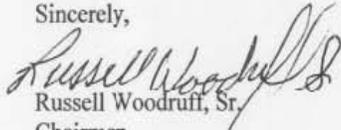
We appreciate that the Park has recently entered in to negotiations to try and resolve our long-standing dispute. However, before the Park asks the public and Congress to adjust its own boundaries to increase its land base, it needs to finally resolve all of its boundary disputes with

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~~EXPANSION OF THE PARK~~

The Quileute Tribe will remain an active opponent of the Park's expansion efforts until the Park reaches a fair settlement with the Tribe. We look forward to working with the Park to make that happen soon.

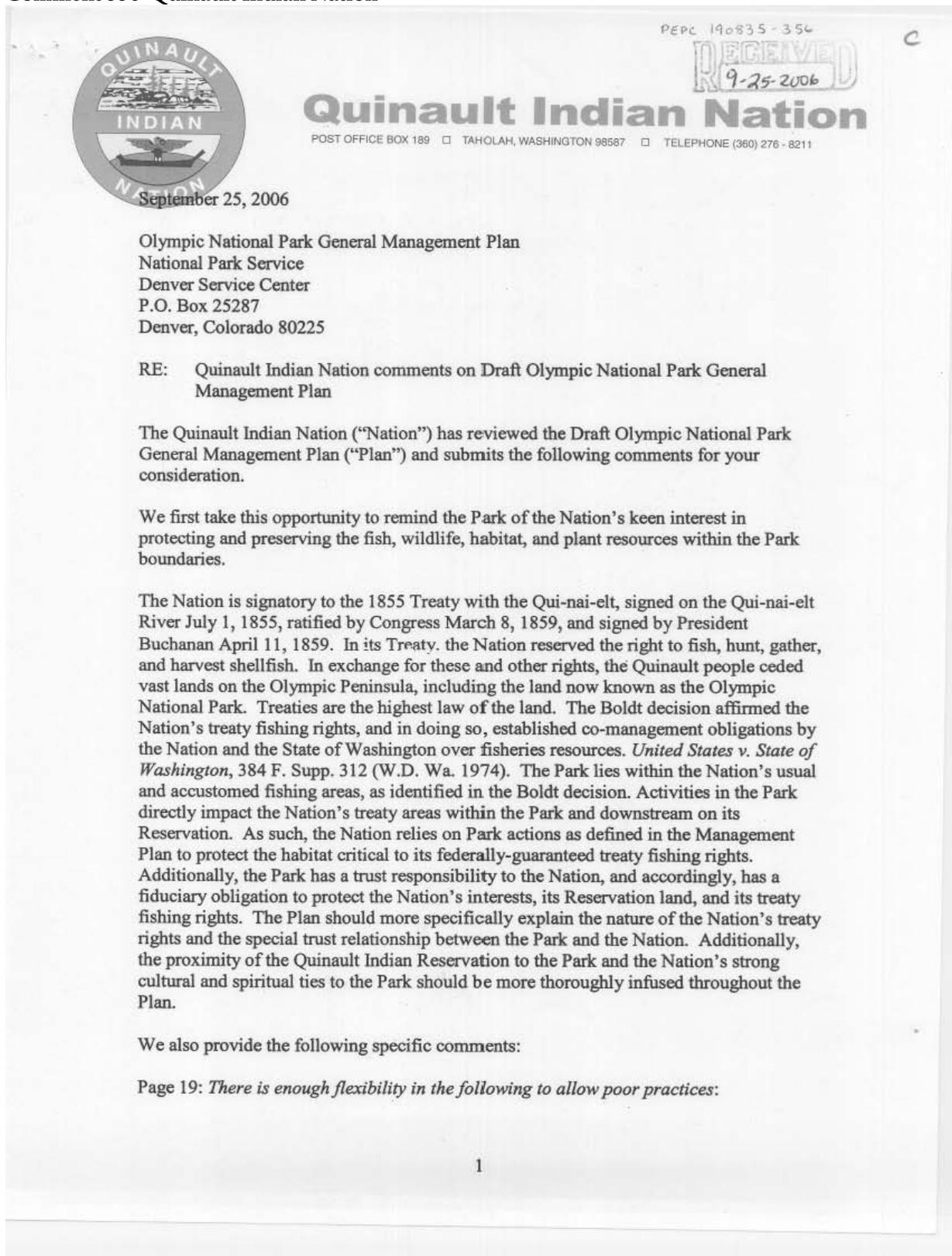
Sincerely,



Russell Woodruff, Sr.
Chairman
Quileute Tribal Council

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Comment 356-Quinault Indian Nation



“Natural floodplain values are preserved or restored. Long-term and short-term environmental effects associated with the occupancy and modification of floodplains are avoided when practicable. When it is not practicable to locate or relocate development or inappropriate human activities to a site outside the floodplain, the National Park Service

- prepares and approves a statement of findings in accordance with Director’s Order #77-2
- uses nonstructural measures as much as practicable to reduce hazards to human life and property while minimizing impacts on the natural resources of floodplains
- ensures that structures and facilities are designed to be consistent with the intent of the standards and criteria of the National Flood Insurance Program (44 CFR 60)”

This section should be written to ensure environmental protection within floodplains.

Page 23: States, “Promote harvest and management practices that protect wild salmonids. Work with area fisheries managers to implement escapement levels necessary to achieve the full role of anadromous fish in the ecosystem.” *The Nation disagrees that the ONP has any role to implement escapement goals. This second sentence should be deleted.*

Page 23: States as a strategy to protect native species, “Promote harvest and management practices that protect wild salmonids. Work with area fisheries managers to implement escapement levels necessary to achieve the full role of anadromous fish in the ecosystem.” *This section should more specifically state: In cooperation with tribal governments, preserve and promote sustainable, harvestable levels of fish populations.*

Page 24: States, “• Control or eliminate exotic plants and animals, exotic diseases, and pest species where there is a reasonable expectation of success and sustainability. Base control efforts on

- the potential threat to legally protected or uncommon native species and habitats
- the potential threat to visitor health or safety
- the potential threat to scenic and aesthetic quality
- the potential threat to common native species and habitat”

The Nation strongly supports these measures.

Page 27: States, “Park operations and wilderness functions are coordinated in the park to manage and protect natural and cultural resources in wilderness and preserve wilderness character. Management is coordinated with the U.S. Forest Service to provide consistency in regulations, standards, and guidelines to the extent feasible, and work will continue to be done with other local and regional groups, communities, and agencies to preserve wilderness values.” *This section does not mention coordination with Tribes but should.*

Page 28: States, "Monitor shell middens and petroglyph sites in the at-risk coastal areas on monthly, annual, or biannual basis." *This statement is vague and defaults to biannual monitoring in light of perennial budget shortfalls. The Nation requests monitoring on at least an annual basis.*

Page 28: States, "Treat all archeological resources as eligible for listing on the National Register of Historic Places pending a formal determination by the National Park Service, the state historic preservation office, and associated Indian tribes as to their significance." *This approach does not address sensitivity of potential sites to the Nation, nor does it acknowledge or address the probability of looting (or other desecration) of these sites. In order to protect the integrity of such sites, and given the history of looting publicly known historical sites, the Park should defer to the Nation's wishes whether to include such sites on a public register.*

The treatment of cultural resources would be improved by better addressing inadvertent discoveries and NAGPRA items. An example of a project with the potential for inadvertent discovery is a proposal to relocate Highway 101 this would involve rerouting and excavation of the road system. Cultural items may be uncovered during these activities, and these types of discoveries should be more thoroughly covered in the document. Also, on NAGPRA issues, is the ONP assessing the current inventory for repatriation? The ONP also proposes to house all new findings in an ONP facility. The Nation and other interested Indian tribes should be considered for housing cultural items pertaining to their people.

Page 28: Strategies to protect archeological resources include gathering field data regarding rock shelters, lithic scatters, and hunting camps; surveying and inventorying sites parkwide; and monitoring shell middens and petroglyph sites. *Consultation with tribes is only indicated if disturbance or deterioration are unavoidable. The Nation requests coordination regarding these activities,*

Page 36: States, "The south park boundary upstream of Lake Quinault would be adjusted to include the full meander width of the Quinault River for protection of elk habitat." *While this might benefit fish, it may negatively affect the Nation's elk hunting. The Plan must address these potential impacts.*

M40: States that Preferred Alternative D includes: "The unpaved [Queets River R]oad would be retained and moved as needed in response to river meandering, using methods that minimize adverse effects on river processes and aquatic and riparian habitats, to the extent possible." *The Plan should include government-to-government consultation with the Nation prior to moving the road in the event the Park determines the road needs to be moved.*

M44: States that Preferred Alternative D includes: "Relocations of the roads [North Fork, Graves Creek, Finley Creek] might be necessary due to river movement." "Year-round road access would be retained using methods that minimize adverse effects on river processes and aquatic and riparian habitats to the extent possible." *The Plan should*

include government-to-government consultation with the Nation prior to moving road in the event NPS determines road needs to be moved.

Page 41: The purpose of the General Management Plan (GMP) is to provide a framework for decision making by National Park Service (NPS) staff regarding issues and resources in and around the Olympic National Park (ONP). An important element the NPS must bring into any decision making process is how the decision will affect the rights and interests of the Indian tribes that surround the ONP. Therefore, this section is incomplete. Part of the decision making framework must include recognition of the NPS trust responsibilities and the rights and interests of the Nation and other Indian tribes. The section should be revised to include the following question: What are the ways and to what extent can the Park work with the Tribes to protect their established rights and interests regarding issues and resources affected by ONP?

Page 55: States, "There is currently no management zoning in Olympic National Park that meets current NPS management zoning standards. However, for purposes of the comparison, zoning reflective of the current conditions was included in the no action alternative." The no-action alternative should include those steps the ONP would be expected to take to bring it into compliance with the NPS management zoning standards.

Page 64: The Plan is vague regarding how costs were considered in the "choosing by advantages" approach to evaluating the alternatives. An objective measure of the likelihood of funding should have been a factor used in the evaluations.

Page 76: States, "• Designate river and stream access/crossing points, and use barriers and closures to prevent trampling and loss of riparian vegetation." This might affect fishing access for Quinault fishers, which should be addressed so as not to impair treaty-protected fishing rights.

Page 76: States, "Implement a noxious weed control program." The Nation applauds this activity and requests the Park coordinate with the Nation on eradication of noxious weeds to maximize the efficiency and effectiveness of controlling noxious weeds upstream and downstream of the Reservation boundaries.

Page 77: The section on Management of Fish and Wildlife does not, but should, include consultation with affected tribal governments regarding projects within essential fish habitat.

Page 81: States, "A vegetation management plan would be developed. Topics could include the management and monitoring of rare plants and the control and eradication of exotic vegetation." This sentence should read, "Topics would include... eradication of exotic vegetation." There is no reason to create a vegetation management plan that does not eradicate detrimental exotic vegetation.

Page 81: States, "A North Shore Road/Finley Creek development concept plan would be developed to address the hydrologic and geomorphic issues associated with maintaining year-round vehicle access in this unstable environment and to return Finley Creek to a more naturally functioning and stable condition." The Nation agrees this should occur.

Page 84, Table 3: *The preferred alternative does meet NEPA Section 101(b) goal A in the Quinault watershed. In fact, the preferred alternative will result in continuation of the current trends of deteriorating hydrologic processes and loss of associated fish and wildlife habitats.*

Note: The delineation of alternatives into extreme choices is an unfortunate approach that does not allow for balancing the purposes of the Park and the interests of its users and neighbors. The only way to achieve NEPA goal A in the Quinault drainage is to implement the River Zone. However, the River Zone is only included in the extreme Alternative B that does not allow sufficient public use and support. The preferred alternative should allow for application of the River Zone in drainages that are in particular need of restoration and/or protection; especially where, as in the case of the Quinault River, actions and facilities of the ONP are contributing to the degradation of hydrologic processes.

The preferred alternative does not meet NEPA Section 101(b) goal B. The current condition of the Upper Quinault River floodplain is not aesthetically or culturally pleasing, and under the preferred alternative it will continue to deteriorate.

The preferred alternative does not meet NEPA Section 101(b) goal C. Continuing the current alignments and uses of the ONP road system in the Quinault drainage does not provide beneficial uses without environmental degradation.

The preferred alternative does not meet NEPA Section 101 (b) goal D in the Quinault Watershed. Under Alternative D, the hydrologic processes in the Upper Quinault River will continue to deteriorate.

The preferred alternative does not meet NEPA Section 101(b) goal E in the Quinault Watershed. A balance between population and resource use is not currently in place and nothing in the suggested actions for the Quinault will achieve that balance. Under Alternative D, the hydrologic processes in the Upper Quinault River will continue to deteriorate.

Page 103: Table 5 lists the Quinault River as "non-glacial" which is incorrect. The east fork is glacial and the north fork is non-glacial.

*Page 109: Lists Olympic mudminnow (*Novumbra hubbsi*) as only occurring within the ONP and this is incorrect. They are quite common outside of the Park. We believe the Olympic torrent salamander is also present outside of the ONP, though it is listed as only being present within the ONP. Additionally, the Plan also lists the jumping slug as exclusive to the ONP and this is incorrect as well based on information received from National Forest staff.*

Page 109: States, "The migratory herds that reside on the north, east, and south sides of the park, and some resident herds on the western boundary, often cross out of park boundaries where they are hunted. Because they have no hunting pressure or fear of

Page 110: States, "Introduced hatchery stock, overfishing, and degraded habitat have resulted in the destruction of wild, native strains of fish and altered aquatic systems." *This is a generic statement that is not truly applicable to all ONP stocks of salmonid fishes and should be restated to identify where this has occurred and also identify that the remaining stocks have little or no hatchery influence. This information is available should be used rather than a generic statement that is more applicable to the State of Washington than to the ONP.*

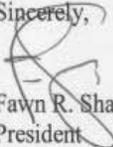
Page 111: States, "Olympic National Park has jurisdiction over shellfish harvest within the park's intertidal area, including Kalaloch Beach. Shellfish harvest is allowed only in accordance with seasons and limits set by Olympic National Park in cooperation with the Washington Department of Fish and Wildlife which has jurisdiction over the other non-reservation coastal areas of Washington." *The Nation asserts that the ONP is not a co-manager of the fisheries resource, and accordingly, does not have such jurisdiction. In addition, the statement does not even acknowledge the treaty-reserved right to fish (including shellfish).*

Page 111: States that mountain goats are non-native. *Based on the Nation's review of the ONP management plan EIS, we believe the Plan discredits the goat sightings and artifact items provided by the Nation, but used these same sources to claim that wolves were native.*

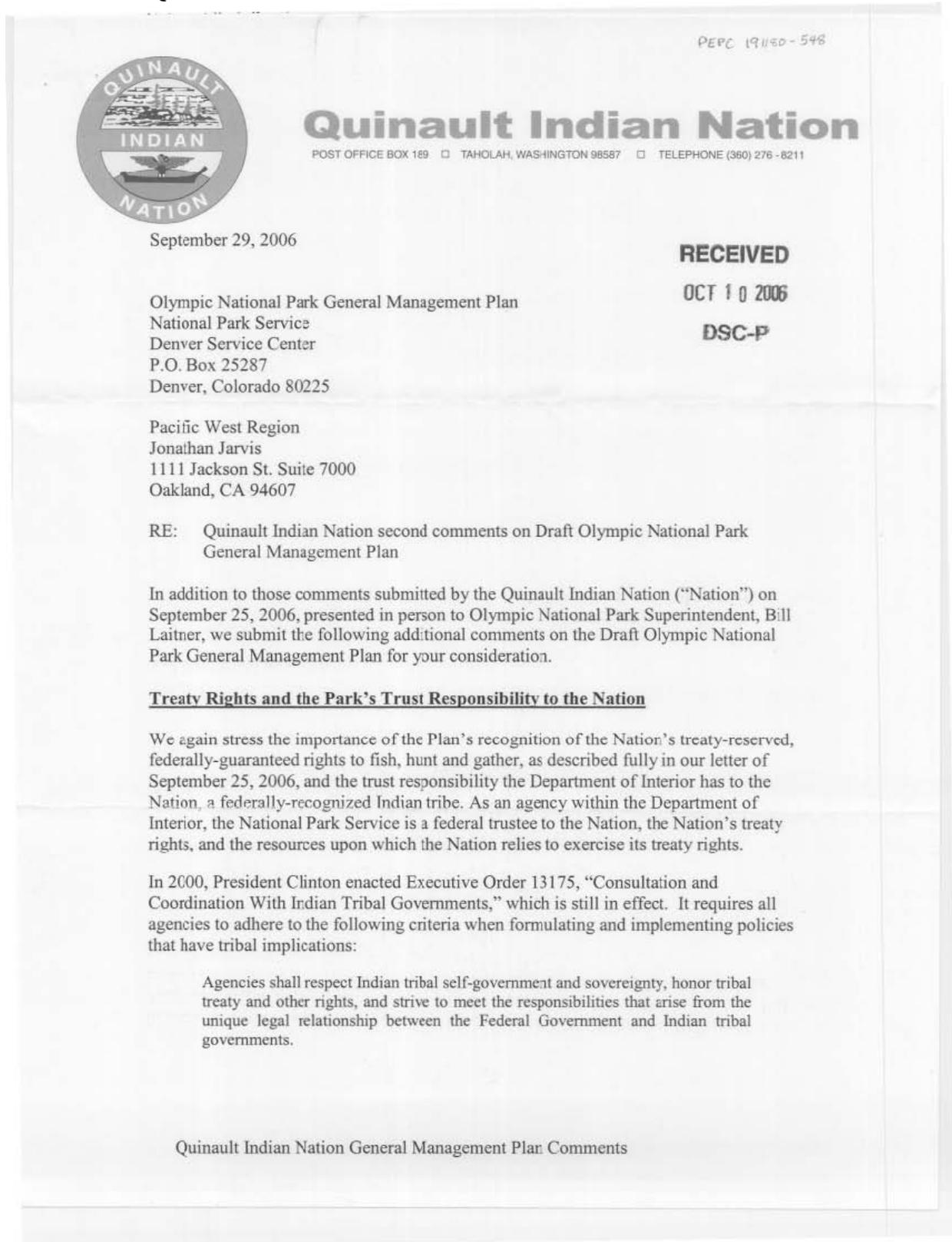
Page 315: In the conclusion of the analysis of hydrologic impacts of Alternative D, the report states, "This alternative **would** improve floodplains in the Hoh and Quinault areas" *The justification for this statement is not clear. In fact, the Plan makes no commitment to altering the current status regarding road placement, maintenance, or protection in the Quinault floodplain. In addition, the Plan does not mention the Park Service bridge across the Quinault River, a structure that causes major impairment to hydrologic processes on the floodplain. (The report does say that, "Relocation of the roads in the Quinault floodplain and watershed, including North Fork and Graves Creek roads, and the North Shore Road at Finley Creek, **could** occur under this alternative." This is hardly a commitment to restoring hydrologic integrity of the Quinault floodplain.)*

Thank you for your consideration of these comments. We will submit further comments prior to the end of the comment period. We look forward to working with the Park toward implementing the Plan and improving our working relationship in the process.

Sincerely,


Fawn R. Sharp
President

Comment 548-Quinault Indian Nation



b. With respect to Federal statutes and regulations administered by Indian tribal governments, the Federal Government shall grant Indian tribal governments the maximum administrative discretion possible.

c. When undertaking to formulate and implement policies that have tribal implications, agencies shall:

1. encourage Indian tribes to develop their own policies to achieve program objectives;
2. where possible, defer to Indian tribes to establish standards; and
3. in determining whether to establish Federal standards, consult with tribal officials as to the need for Federal standards and any alternatives that would limit the scope of Federal standards or otherwise preserve the prerogatives and authority of Indian tribes.

(See Attached, Section 3.)

Similarly, the Secretary of the Interior issued Secretarial Order #3206 on June 5, 1997, regarding "American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act," also still in effect. It states that, "This Order shall be implemented by all agencies, bureaus, and offices of the Departments, as applicable." (See Attached, Section 10). Among other provisions, the Order requires the Park to "work directly with Indian Tribes on a government-to-government basis to promote healthy ecosystems."

The Nation's adjudicated usual and accustomed treaty fishing and shellfishing areas include the Olympic National Park. Therefore, the General Management Plan and subsequent plans, including implementation of this General Management Plan, must protect, and not conflict with, the Nation's treaty rights.

We pointed out in our letter dated September 25, 2006, and during a government-to-government consultation meeting with Superintendent Bill Laitner, that statements in the General Management Plan, on their face, conflict with the Park's fiduciary obligation to the Nation as a trustee. Specifically, explicit and implicit assertions that the Park has co-management responsibilities over fish and shellfish harvest are unacceptable and must be stricken from the Plan. The Nation and the State of Washington, through its Department of Fish and Wildlife ("WDFW"), share these obligations. The Park has no legal role over harvest management. The Nation understands the Park is currently negotiating a second agreement with the WDFW regarding Intertidal Harvest Management of razor clams and other intertidal species within the Park. As a trustee to the Nation, with a fiduciary responsibility to protect the Nation's treaty rights to these resources, **the Park must cease these negotiations immediately and have further government-to-government consultation with the Nation on this specific issue.** The Park's assertion of co-management responsibilities in the Plan harms the Nation's treaty-protected interests and it must engage in further consultation on this issue. The Park cannot fulfill its role as trustee while in the role of co-manager as there is an inherent conflict of interest between

the two roles. To support this position, we attach correspondence from the WDFW to the Park explaining the respective roles of the two agencies.

Mr. Laitner requested specific comments on pages 133-136 relating to Olympic Peninsula Tribes. We recommend adding language that specifically acknowledges that Tribes' treaty shellfishing rights. We also recommend the Plan explain the nature of the Park's trust responsibility to the affected Tribes. **The Park has a heightened duty and fiduciary obligation to not only acknowledge these treaty rights, but to take clear, meaningful steps to protect them throughout the Plan.** The Nation's interests must be elevated above those of the general public and the Plan should explicitly state this. Therefore, the statements by Park representatives that they must balance the need for access by the public with the goal of resource protection are misguided. The balance must weigh in favor of resource protection when treaty rights are implicated.

As we pointed out in our meeting, although the Plan explicitly recognizes and discusses treaty rights between pages 133 and 136, the Plan falls short of adequately protecting the Nation's treaty interests. Acknowledgement of the Nation's treaty rights is not a three-page endeavor. Rather, the Nation's treaty rights, and the Park's trust responsibility to protect them, are fundamental facts that must become philosophically foremost in the Park's activities.

Additionally, on page 48, the Plan states the National Park Service does not manage Indian assets and that the overriding mandate is to manage the park consistent with park laws and regulations. This statement disregards the Park's responsibility to protect Indian assets within the Park—the fish, shellfish, wildlife, and other natural resources upon which the Nation relies to exercise its treaty rights.

Preferred Alternatives

By choosing Preferred Alternative D, the Plan document asserts that a balance of the Park's objectives to allow for public access and protect natural resources has been achieved. Nowhere in the alternatives evaluations does the document state how the Park considered tribal interests in seeking this balance. This omission has caused the Park to choose an alternative approach that is harmful to the interests of the Nation and its treaty-protected resources. For example, selection of Alternative D will perpetuate practices in the Quinault River floodplain that have contributed to disrupted and degraded physical natural habitat forming processes that are causing significant loss of the Nation's salmon resources. Adoption of Alternative D in the General Management Plan will restrict the Park to activities that will not fully protect the natural resources of the Park. We believe the Plan must allow maximum flexibility for the Park to act in its role as Trustee in protecting resources of particular interest to the Nation.

By selecting alternative D, the Park retains the option to maintain and protect infrastructure and access over fish and wildlife habitat. The selection of Preferred Alternative D is therefore inappropriate as it fails to maintain, protect, and restore the most basic natural processes that support healthy forested river valley ecosystems and

critical habitat for fish and wildlife. In addition, Alternative D conflicts with many of the Park's own desirable conditions that were identified in the draft general management plan.

As an acceptable alternative, the Nation will require consultation with the Park to develop as partners, "specific" management plans for the Quinault and Queets River watersheds in lieu of both the General Management Plan and if deemed necessary, subsequent plans such as the Wilderness Management Plan.

Harvest Management

One area the Nation disagrees with the Plan is with regard to the no-harvest restrictions. This approach is justifiable for conservation needs, but may not be the best approach overall. First, the Nation takes issue with the lack of scientific basis for the no-harvest decision. Both the State and Nation, as co-managers, dispute the Park's rationale for such a stringent limitation.

The Nation manages fish and wildlife for harvest of these traditionally harvested species and expect to continue to do so. A basic requirement of any successful species is the presence of surplus reproductive capacity. All successful species must be able to reproduce at levels in excess of replacement (i.e., greater than one progeny per reproducing adult) in order to recover the population following natural reductions in the population (e.g. disease outbreaks). The presence of surplus reproductive capacity provides opportunity for harvest in most years. This same surplus is essential for the support of other fish-eating species such as eagles and bears. Sustainable long term human harvest of salmonid fishes is documented by several thousand years of utilization by the Tribes combined with the documented abundance of these species when settlement by non-Indian people began over 150 years ago. The tendency of the Park to stop all human harvest within the Park is counter to this biological reality. It is inappropriate to address population reductions that are not due to human harvest through restrictions on human harvest. As an example, stopping all human harvest in the Puyallup River Basin will not correct the huge damage done to the river's productive capacity by dikes and other actions to protect human intrusions into the floodplain.

This is probably best illustrated with ungulates (elk and deer) in that the creation of "no harvest" zones alters their behavior. When elk discover an area where they are not subject to predation, they spend too much time in those areas degrading the habitat through overgrazing. The Nation has a tagged herd of elk that spends over 90% of its time in the Park, emerging only in the late winter and early spring when the forage is gone in the Park and they are nearly starving. These elk are gaunt and display reduced reproduction compared to those animals living most of the time outside of the Park. These animals respond to both tribal and non-tribal hunting seasons by migrating into the Park. This over utilization of a small part of their habitat is detrimental to the elk, their habitat, and the ecosystem.

By eliminating non-tribal harvest of various species, the Plan unnecessarily creates the perception by non-Indians that Indian harvest is improper or unfair. The Nation does not want to be put into a position appearing to have “special rights,” which often generates more hatred and prejudice. Also, it would be helpful to create an opportunity to educate the public on the Treaty-reserved harvest as well as tribal culture. We encourage the Park to consider limited access for non-tribal harvest. We agree that unlimited access may be an inappropriate approach, but alternatively the Park should consider some form of limited access/limited harvest. The Park could provide a certain number of permits per year for non-Indian harvest activities. These access permits would be available at the ranger stations, and this would allow an opportunity for education on why the permits are required and an explanation of the Tribal culture and harvest management. The permitting process could also be used to provide education on the life history of targeted species and how these coastal resources are managed. These permits could be issued on a first come – first served basis or through an annual application approach with random allocation.

Roads Management

The Park has acknowledged that roads can be detrimental to ecological processes, but does not plan any measures to reduce or eliminate those detrimental effects. The road systems within floodplains are the most damaging through their effects on riverine processes, but roads on unstable landforms can be very damaging as well. To a certain extent, some type of road system is necessary to access the Park, but given the known ecological risk of roads, the GMP must include actions to move the road systems outside of the floodplains. The Plan should describe the use of a cooperative strategy with the State, Counties, and Tribes to accomplish this task while protecting the treaty right interests of the Nation.

Public Education

The Nation is very interested to work with the Park to display our tribal culture in the Park so Park visitors can learn about the cultural and spiritual significance of the incredible lands we traditionally lived on and used within the Park’s boundaries. We recommend creating a longhouse to be used explain traditional ceremonies and customs. We offer to work with the Park to this end and to bring tribal members to the Park to assist with interactive education.

Additionally, we recommend the Park begin the education process now by putting up informational signs around the lodge describing the unstable slopes and the ocean erosion would lay the ground work for the relocation. In addition, this educational system needs to provide information on the detrimental effects any actions to retain the existing sites would cause. It needs to be explained that hard surfaces along the ocean will degrade the sand beach to the detriment of the razor clams and other sea life dependant on the current sand beach.

Collaboration Between the Nation and Park

The Nation is interested to form a long-term working relationship to address our ongoing concerns over the Plan, its implementation, and other issues affecting the Nation as a neighbor to the Park. We want to establish a meaningful consultation process that will result in meeting both the Park's goals and the Nation's goals. From the Nation's perspective, consultation means respectful, effective communication in a cooperative process that works toward a consensus, before a decision is made or an action is taken. Consultation can be contrasted with two other forms of communication: notification and obtaining consent. Notification focuses on providing information, so potentially affected parties have the chance to respond to a pending action. In our experience, the Nation is often notified after basic decisions have already been made and there is generally no formal follow-up. The Navajo Nation made the distinction very clear in a 1993 memorandum: "The majority of agencies with which we are familiar do not distinguish between 'notification' and 'consultation,' and consider the former as adequate to meet their mandates for the latter. This neither meets the letter or spirit of the consultation requirements of the laws mandating consultation." We agree and hope this explanation is useful in structuring our future consultation discussions.

To that end, we propose setting up a process for regular, ongoing government-to-government consultation that includes bi-monthly meetings that include technical staff and appropriate policy representatives from each government. The Nation proposes to work together with the Park to prioritize issues to discuss and actions to pursue using the following framework for our government-to-government consultation discussions:

1. The Park and Nation meet on the basis of political equality to discuss, negotiate, and mutually agree on:
 - A. Principles and procedures for dealing with one another,
 - B. An agenda of issues and concerns which each party believes requires intergovernmental cooperation and action,
 - C. The idea that both parties accept the basic notion of mutual respect, cooperation and compromise, sovereign equality and reciprocity.
2. The definition of government-to-government relations requires that each party accept the sovereignty of the other, unconditionally.
3. Internal interference is strictly prohibited by either party.
4. Good faith may serve as the foundation for agreement, but a third party observer or arbitrator may be necessary to ensure agreement compliance.

5. Government-to-government relations between Indian Governments and the U.S. government or agencies thereof are, by definition, bilateral unless multi-lateral relations or negotiations are first formalized.

Finally, the Nation requests additional government-to-government consultation regarding the next iteration of the General Management Plan. Specifically, we request to review and provide comments on, and discuss through government-to-government consultation, the final draft Plan **prior to** its becoming formally Final.

The Nation looks forward to establishing a clear path of communication with the Park and regular government-to-government consultations on these and other Park issues of concern to the Nation rather than invoking other legal remedies. As a starting point, we believe it is imperative that the concerns we have raised are addressed through additional discussions and action by the Park. Of utmost importance is addressing the Park's assertion of harvest management responsibilities. We look forward to the Park's written response to our comments and concerns and further discussions on this matter.

Sincerely,



Fawn R. Sharp
President

cc: Richard Laitner, ONP Superintendent
Senator Patty Murray
Senator Maria Cantwell
Congressman Norm Dicks
Governor Christine Gregoire
State Senator James Hargrove
State Rep. Lynn Kessler
State Rep. Jim Buck
Bureau of Indian Affairs, Portland
Quileute Nation Council
Quinault Indian Nation Council/QDNR
Hoh Tribal Council/NRD
Makah Tribal Council/NRD
Jamestown S'Klallam Tribal Council/NRD
Lower Elwah Klallam Tribal Council/NRD
Port Gamble S'Klallam Tribal Council/NRD
Skokomish Tribal Council/NRD
Point No Point Treaty Council
Northwest Indian Fisheries Commission
Cmr. Mike Doherty, Clallam County
Mayor of Forks, Nedra Reid

Quinault Indian Nation General Management Plan Comments