

Northwest Indian Fisheries Commission

NEWS



Vol. XVIII Number 1

Winter 1998



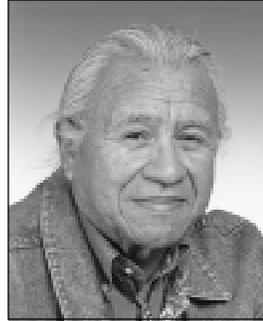
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Gorton Again Assaults Tribal Sovereignty

**By Billy Frank Jr.
NWIFC Chairman**

Senate Bill 1691, the so-called “American Indian Equal Justice Act”, recently introduced by U.S. Senator Slade Gorton, is an affront to tribal sovereignty which would, among many other things, do great harm to natural resource management in this state.



Technically speaking, the bill would remove all tribal sovereign immunity and subject tribal governments to endless lawsuits in non-tribal and non-federal courts. By destroying tribal sovereign immunity across the board, the legislation would erase the federal/tribal relationship protected in treaties, break our contractual agreements and undermine the ability of tribal governments to function *as* governments.

In effect, this bill would strip tribal governments of their constitutionally-protected self-government rights and responsibilities. Yet it comes at a time when the tribes are finally starting to emerge from a century of poverty and repression. Unemployment rates as high as 80 percent have been cut in half on some reservations in recent years, due to the increased ability of tribes to govern themselves. In their self-governance, tribes have commenced public hearings and processes, established Indian/non-Indian planning committees and zoning boards, set up and participated in cooperative planning programs on virtu-

ally every river and taken a leadership role in the overall protection and enhancement of natural resources and habitat.

Senate Bill 1691 is based on the false premise that sovereign immunity is not important to state and federal governments. It is, in fact, critical to any government. Government simply cannot function without it. Tribal governments exercise a form of sovereign immunity similar to that exercised by the federal and state governments. To unilaterally change this would discard the treaties and the United States Constitution.

One of the basic principles of democracy is the exercise of government without judicial interference or distortion by the fear of personal liability. These things undermine the “public good” by interfering with the rights of the people to representation in the democratic process. Like other governments, many tribes have restricted their sovereign immunity. But, like other governments, the use of such exemptions has been at their own option. Senate Bill 1691 unilaterally and unjustly proposes an across-the-board abandonment of the policy. It proposes an end of the tribes.

Let there be no doubt. An attack on tribal sovereignty is not only an attack on the ability of tribes to feed and clothe their own children; it is an attack on the thousands of jobs and millions of dollars that the tribes contribute to local communities. It is an attack on the ability of the tribes to co-manage natural resources and protect the environment in a way that benefits Indian and non-Indian alike.

On the cover: Lummi tribal member Marcus George hauls a morning’s harvest of manila clams from the Lummi Nation’s sea ponds. Western Washington tribes are hailing the U.S. Ninth Circuit Court of Appeals’ ruling in January reaffirming their shellfishing rights. See story on next page. *Photo: L. Harris*

Northwest Indian Fisheries Commission News

The NWIFC News is published quarterly on behalf of the treaty Indian tribes in western Washington by the Northwest Indian Fisheries Commission, 6730 Martin Way E., Olympia, WA 98516. Complimentary subscriptions are available. Articles in NWIFC News may be reprinted.

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Appeals Court Upholds Shellfish Ruling



A Squaxin Island Tribe shellfish harvester gathers clams. *Photo: T. Meyer*

The U.S. Ninth Circuit Court of Appeals on Jan. 28 reaffirmed the tribes' rights to harvest all species of shellfish from all usual and accustomed areas throughout Puget Sound, Hood Canal, and the Strait of Juan de Fuca, including privately owned and state owned tidelands, as well as deepwater and free-swimming species.

The unanimous ruling by the three-judge panel also provides the tribes with access to portions of commercial growers' beds. Specifically, the court said the tribes have a right to 50 percent of the shellfish from growers' beds that would be naturally present if the growers had not enhanced the beds. The court placed the burden of proof on the growers to demonstrate what percentage of shellfish on their property resulted from their efforts.

The Ninth Circuit upheld most of the time, place and manner of access and harvest restrictions that Federal District Court Judge Edward Rafeedie's August 1995 decision placed upon tribal harvests of shellfish from private tidelands. The court upheld limitations on tribal rights to cross privately owned uplands to reach shellfish areas. It said, however, the meaning of Rafeedie's decision on crossing private uplands was not entirely clear and remanded it for clarification.

The appellate court has sent the case back to the district court level for a re-trial to determine what density defines a natural bed of manila clams, and how to calculate the natu-

ral production versus artificial production on growers' beds.

The favorable ruling still has flaws, and attorneys for western Washington Indian tribes have petitioned the appellate court for reconsideration of a portion of its decision. Appeals were due March 16.

The tribes have asked the appellate panel for reconsideration on one narrow issue of the time, place, and manner restrictions placed upon tribal harvesting of natural clam beds below commercial oyster beds.

Attorney Phil Katzen of Columbia Legal Services, the tribes' co-lead counsel, said it's likely the defendants will seek a much wider review of the decision, and ask for an "en banc"

rehearing before an 11-member panel of Ninth Circuit judges. A majority of all the judges on the Ninth Circuit would have to vote in favor of such a rehearing.

Another option is that the appellate court could deny a rehearing request but modify its Jan. 28 ruling.

"There is still a long way to go. This case is far from being settled," Katzen said.

"This most recent ruling clearly affirms the tribes' treaty rights to an equal sharing of shellfish resources in western Washington," said Billy Frank Jr., chairman of the Northwest Indian Fisheries Commission. "Through the treaties, the tribes gave up most of the land in what is today western Washington, so that we could continue to fish, hunt, and gather shellfish as we always have. This ruling upholds our treaty rights and brings about equity in western Washington shellfish management.

"It is important to clearly note what this ruling *does not* do," Frank said. "This ruling does not preclude commercial shellfish growers from making a living. And it does not prevent recreational shellfish harvesters from enjoying these resources," he said.

The final appeals clock starts ticking once all Ninth Circuit appellate court rehearing issues are decided. Parties to the case have 90 days from the date of the final rehearing decision to petition the U.S. Supreme Court for a hearing.

— D. Williams

Salmon Stocks Recommended For ESA Listing

The National Marine Fisheries Service's recent recommendation that 13 West Coast salmon and steelhead populations be protected under the Endangered Species Act should come as no surprise to anyone, tribal officials say.

"We have known for years that the salmon and their homes are in bad shape," said Billy Frank Jr., chairman of the Northwest Indian Fisheries Commission. "We can't ignore the warnings any longer."

In western Washington, Puget Sound chinook, Lake Ozette sockeye, Hood Canal summer chum and lower Columbia River steelhead have been recommended for protection as "threatened" under the ESA. Of the four populations, Puget Sound chinook are receiving the most attention because they make their home in the most heavily urbanized region in the state. A recent average run size for Puget Sound chinook was estimated at 240,000, compared with an historic peak run size of nearly 700,000.

A listing under the ESA could require significant changes in urban development, pollution control and farming for example, as well as reduced fishing and changes in hatchery operations.



NWIFC Chairman Billy Frank Jr. talks fish with Gov. Gary Locke, left, and King County Executive Ron Sims following a joint press conference on the listing of some Washington salmon stocks. *Photo: D. Preston*

"It is loss and degradation of habitat that is at the heart of the problem," said William Stelle, NMFS regional administrator. "We won't recover salmon until we recover the health of our watersheds," he said in announcing the ESA listing recommendations.

Under the ESA, the federal government can take a wide range of actions to prevent the extinction of a species. Tribal, state and local governments, industry, fishing groups and others hope to avoid further federal intervention by developing a recovery effort designed to address local conditions and greater flexibility for governments, industry and landowners.

Work already is well under way on recovery efforts for some depressed wild salmon runs, such as Hood Canal summer chum. "We are working closely with state fisheries managers and federal and county agencies to develop a comprehensive rebuilding plan for summer chum," said Randy Harder, director of the Point No Point Treaty Council, a natural resource consortium representing tribes on Hood Canal and the Strait of Juan de Fuca. "While we have seen success with an increased number of summer chum returning to some Hood Canal streams, we know that much more must be done to strengthen weak stocks," Harder said.

"The salmon need help from you and me," said Gov. Gary Locke. "There is no facet of life that will not be touched if we are to have an effective recovery plan," he said. Locke said the recovery effort probably will be comprised of a series of plans designed to address problems in watersheds.

Adequate federal funding will be key to the recovery effort, Frank said. "We need Congress to step up to the plate and put money forward for our great Pacific salmon. We can't do it alone," he said. "If wild salmon are allowed to disappear, can we — all of us — be far behind?"

Over the next year, NMFS will review public comments and any new scientific information before making final decisions on any listings under the ESA in 1999. Tribal, state and local governments and other partners in wild salmon recovery do not expect to prevent any listings under the ESA, officials say. Instead, they hope to develop a local recovery effort that would protect, preserve and restore threatened or endangered salmon runs and stave off federal intervention. A locally-developed recovery plan could be implemented in place of a federal plan if it safeguards fish, is adequately funded, and if its results are measurable, according to Stelle.

It would be a mistake to rely solely on the ESA's species-by-species approach to preventing extinction, Frank said. "We must do more than just delay the extinction of salmon by preserving remnant runs. We must restore our wild salmon runs to levels that can once again support fisheries. This is the true measure and true test. Anything else should be unacceptable to everyone."

— T. Meyer

Longhouse Again Center Of Sauk-Suiattle Life

More than a century ago, eight Indian longhouses dotted picturesque Sauk Prairie at the confluence of the Sauk and Suiattle rivers. Cuddled under spectacular Whitehorse Mountain, these longhouses were where the Sauk-Suiattle Tribe's ancestors lived and where children were taught tribal traditions.

The tribe and its cultural identity were dealt a near death blow in the late 1800s, when white settlers laid claim to tribal lands and destroyed the large cedar buildings.

Now, 100 years later, the Sauk-Suiattle Tribe is completing major strides in reclaiming its identity and heritage. Standing in monument to this effort is a newly-completed cedar and fir longhouse — the first on the prairie since the original eight were burned down — at the entrance to the small reservation near Darrington.

"This will greatly benefit cultural awareness for the tribal community," said Ernie DeCoteau, cultural director for the Sauk-Suiattle Tribe. "It's been a long time coming."

The 1,500-square-foot building — its front decorated with an eagle head carved by tribal members Dave Moses Sr., and Dave Moses Jr. — is a great source of pride for the tribe.

"We'll use it for drum groups, story telling, pow wows, social dances, elders-youth gatherings, training and workshops — anything we can think of," said James Lawrence Joseph Jr., Sauk-Suiattle natural resources director and a former tribal chairman.

Now, on top of providing enough room for tribal gatherings that all 200 members can attend, Joseph said the new longhouse will allow the tribe to re-instill cultural values to its children, and also serve as an educational tool for the non-Indian community to learn about tribal culture and history.

The tribe expects the new longhouse will boost efforts to revive tribal teachings even if it's not the rough-hewn

longhouse of centuries past. The longhouse will include more modern amenities to make it functional for a wide variety of tribal activities and, importantly, accessible to elders sensitive to heavy smoke. The longhouse features gas stoves, a cement floor and carpeted seating areas.

"It's a smokeless smokehouse," said Joseph with a laugh, "but it replicates the design of the traditional longhouse."

The Sauk-Suiattle longhouse construction began in 1989 with a \$25,000 Centennial grant, but it stood as an open wood frame for years, allowing only intermittent use, then was eventually taken apart and moved.

Phase two of the project, completed in the last year, used U.S. Forest Ser-



Sauk-Suiattle Cultural Director Ernie DeCoteau stands before the tribe's recently-completed longhouse near Darrington. Photo: L. Harris

vice matching funds and involved rebuilding and essentially finishing the longhouse on its present site. The last phase of construction, for which the tribe is seeking funding, will include the addition of a kitchen, restrooms, and much-needed office space.

"The longhouse was once the center of tribal life," Joseph said. "Now it will be again."
— L. Harris

Passages

Paul Harvey Sr.

Paul Harvey Sr., a former chairman of the Sauk-Suiattle Indian Tribe, died Feb. 22 at the age of 67. He was born Dec. 8, 1930 in Darrington and was a lifetime resident of Snohomish County.

Mr. Harvey served on the tribal council, including time as chairman in the 1960s and 1970s. He was active in his tribe for his entire life and was an instrumental figure in the tribe's lands settlement cases, in establishing a housing program and in helping the tribe gain formal recognition.

"He served on our hunting and fishing committees, too, back when we had real fish instead of paper fish," said James Lawrence Joseph, natural resources director for the Sauk-Suiattle Tribe and a longtime friend. "He was very active for the tribe on many important committees."

Mr. Harvey enjoyed hunting, fishing, and playing the traditional bone games. He was raised by his grandparents, and from them he learned to speak the Sauk-Suiattle language. His knowledge of the Lushootseed language, spiritual and cultural ceremonies, and stories were invaluable to his tribe.

"He could speak our language perfectly. He spent a lot of time with the elders, so he could communicate with them in our own language," Joseph said.



Paul Harvey Sr.

Steelhead Returns In Most Areas Described As ‘Grim’

For most tribal fishermen and tribal hatchery managers in western Washington, it was a forgettable year for steelhead. Poor returns of native and hatchery fish throughout much of the region all but eliminated most tribal fisheries this season. Some tribal hatcheries managed to meet egg-take goals, but for the most part, tribal fishers had a tough time finding fish.

From the Nisqually River in southern Puget Sound, to the Nooksack River in the north, and the Elwha on the Olympic Peninsula, treaty fisheries for the prized steelhead were drastically curtailed in an effort to get as many of the scarce fish as possible to their spawning grounds.

There are a few bright spots, particularly on the Pacific coast. Fishing was reported to be quite good on the Quinault River, where the steelhead came in late, but in strong enough numbers for egg takes. Hatcheries on the Queets River and at Makah were expected to achieve their egg-take goals, too.

The wild steelhead run on the Quillayute River is good, according to Enrique Patino, fish biologist for the Quileute Tribe.

“The fish are there. We have about half the (tribal) fishing effort, but the catch is good.”

The tribe’s hatchery stock still appears to be a no-show, and biologists are wondering if perhaps there was a one-year stock failure. Through the end of February, only about 800 hatchery brood had been collected. Normally, about 2,000 fish would have made it back to the hatchery.

Tribal catches in the Elwha River this season only totaled about 100 fish, down substantially from the pre-season expectation of more than 1,200 fish.

“Things have been looking pretty grim as far as the sport fishery and our gillnetters,” said Reggie Williams, assistant hatchery manager for the Lower Elwha Klallam Tribe. “But we’re doing OK for our hatchery.”

High water in the Skokomish River at the southern end of Hood Canal kept the Skokomish Tribe’s test fishery on the beach for all of February. Prior to heightened flows, just one steelhead had been caught in about two months of test fishing.

A similar story was being told in southern Puget Sound.

“It’s been grim,” said Russ Ladley, Puyallup fisheries biologist.

The Nisqually Tribe, which had to cut its normally successful chum salmon fisheries short because of poor returns, noted that only two steelhead had been caught during the season.

Light fishing effort and poor returns were the stories in northern Puget Sound, where most of the low tribal fishing effort was targeted almost exclusively at ceremonial and subsistence fishing.

Low returns were noted on the Skagit River system, too, where state hatcheries relied upon help from the Skagit System Cooperative for a part of its egg take.



A Quinault tribal fisherman checks his net near the mouth of the Quinault River.

Nooksack Tribal Harvest Manager Gary MacWilliams said a fishery on hatchery steelhead from mid-December to mid-January provided some harvest for tribal fishers, but the overall return rate of fish to the region has been very poor for several years.

Tulalip Tribes Harvest Management Biologist Kit Rawson said only about 200 fish were taken during the six-week subsistence fishing season.

“It’s been a subsistence fishery only for a number of years,” Rawson said. “It used to be a big commercial fishery, but the numbers just haven’t supported that for quite a while.”

Hatchery runs were extremely poor this year, Rawson said, and biologists won’t get a good idea on how the wild runs fared until the conclusion of spawner surveys in June.

Nisqually Tribe Experiences Lowest Harvests In Decades

A near non-existent steelhead fishery followed one of the lowest chum salmon harvests in 20 years for the Nisqually Tribe this fall, and the situation doesn’t look like it will be getting better any time soon.

Nisqually tribal fishermen landed just two steelhead in a fishery that not long ago would result in catches of more than 2,000. For the past five years, tribal fishermen have been limited to an incidental harvest of steelhead during normally healthy chum fisheries. That incidental steelhead harvest had totaled about 100-200 fish until last year, when tribal fishermen landed fewer than 50 steelhead.

This year’s chum salmon fishery was extremely poor, said Georgiana Kautz, Nisqually tribal fisheries manager. The tribe harvested about 4,000 fish, compared with about 20,000 fish in recent years. “This was the lowest catch in 15-20 years,” she said. “The community took it real hard.”

Floods, siltation from landslides and poor ocean survival are all believed to have contributed to the recent poor returns, said tribal natural resources director David Troutt.

“This is the only year in the past four years that there hasn’t been a flood,” he said. The floods usually hit in February when chum eggs are hatching and fry are emerging. Juvenile coho and chinook are also rearing in the river system at that time. “They tend to get blown out of the tributaries and into



Quinault Tribal member Anthony Hobucket transfers a steelhead into a tank at the Quinault Fish Hatchery on Lake Quinault. The hatchery had a good return of steelhead, unlike most areas of Puget Sound. Photos: D. Preston

the mainstem by the floods — and sometimes into farmers’ fields,” Troutt said.

Next year’s returns of coho, chinook and chum were especially hard-hit by recent severe flooding as juveniles, and steelhead returns are expected to be down again, too.

Adding insult to injury this year was the appearance of as many as 80 California sea lions off the mouth of the river this winter. Not surprisingly, the sea lions arrived at the same time as the chum and steelhead. And the problem is growing.

“We don’t have an exact estimate on the damage they are causing to the runs, but each of them can eat upwards of 100 pounds of fish a day. We’ve seen more and more sea lions moving into southern Puget Sound during the last five years,” Troutt said.

The sea lions are moving upriver, too. Several years ago, a pair was spotted at the LaGrande Dam about 45 miles upstream.

“The Nisqually Tribe will take an active role in population management for these sea lions,” Troutt said. “We will work with the appropriate agencies to take appropriate action to get these sea lion populations under control. These sea lions are an invasive species. They are not native.”

“With salmon being listed under the Endangered Species Act, we have to look at controlling these animals,” Kautz said.

— T. Meyer

Another Hard Year Ahead For Salmon And Fishermen

The tune is a familiar one: El Nino and degraded freshwater habitat are making things difficult for many western Washington salmon stocks. And as a result, another year of limited coho and chinook salmon fisheries is anticipated for much of the region.

That was the preliminary message from western Washington fisheries managers when they began their annual preseason meetings in the federal Pacific Fishery Management Council process. The panel met in early March with tribal, state, commercial, and recreational fishing interests, to establish a range of chinook and coho salmon harvest level options for Indian and non-Indian fisheries 4 miles to 200 miles out.

Three fisheries options for both Indian and non-Indian ocean fisheries were adopted for further study by the PFMC and fisheries managers. The Treaty troll options were: 38,000 coho and 16,400 chinook; 12,500 coho and 16,400 chinook; or 0 coho and 7,000 chinook.

The non-Indian troll options were: 25,000 coho and 12,000 chinook; 16,000 coho and 12,000 chinook; or 0 coho and 0 chinook.

The final ocean fisheries regimes were expected to be adopted by the PFMC at its second series of meetings in April. The panel’s recommendation will be passed on to the Secretary of Commerce for final approval.

“The forecasts for this year’s coho runs are very poor for many stocks, particularly the natural stocks that drive our fisheries. Most of the key natural stocks from the Washington coast continue to be low, as they have been in the past few years,” said Jim Harp, tribal representative to the PFMC and fisheries policy adviser for the Quinault Nation. Harp also noted that most hatchery forecasts for both coho and chinook are down dramatically. “These hatchery fish are important contributors to our fisheries and often act as buffers limiting impacts to our natural stocks,” he said.

“For chinook stocks, several important components continued to be depressed,” Harp added. “Obviously, we will have, at best, only limited possibilities for ocean fisheries this year if we are to meet all the various constraints indicated by these forecasts.”

Once again, the weather phenomenon known as El Nino is being tabbed as a main culprit for the anticipated poor returns.

— D. Williams

Nature Provides Design To Help Protect Habitat

The Hoh Tribe is balancing a desire for a naturally-functioning Hoh River with a need to protect a road from erosion.

Using a combination of experimental and conventional technology, the tribe and Jefferson County cooperated to design a bank stabilization project on the Hoh River to protect the Oil City Road from erosion. The road is located south of Forks on the north side of the Hoh River.

The finished product is a 450-foot-long rock wall incorporating logs and large woody debris into traditional rip-rap rock used to protect the bank. To provide fish habitat and help deflect the river flow away from the road and the bank, two engineered log jams were also constructed based on designs by Tim Abbe of the University of Washington. The engineered log jams mimic natural wood structures that collect in rivers. They reduce water speed, collect gravel and more wood to form sediment deposits, pools, and side channels that provide refuge for fish. The estimated cost of the project was \$329,000.

The tribe prefers use of the wood structures because rip-rap rock increases water speed, reducing that area's value as fish habitat.



Jill Silver, Hoh tribal Timber/Fish/Wildlife biologist, discusses ways of using "engineered log jams" to prevent flooding. Photo: D. Preston

"Rip-rap takes the place of a natural river bank with vegetation such as trees and shrubs that help stabilize the bank. The natural bank provides roughness to slow water and allows sediment to drop out of the water. Where you have rip-rapped banks, large trees can't fall into the river to create fish habitat," said Jill Silver, Hoh habitat biologist. "We've lost a lot of the important fish habitat such as pools and side channels in the Hoh River because the sources of large wood are disappearing and the smaller-sized wood washes through because it isn't as stable. Traditional tribal family fishing spots have disappeared in the last decade because the big wood isn't there anymore to create deep pools."

— D. Preston

Makahs Travel To Alaska For Whaling Convention

Experience is the best teacher and it's whaling experience that a group of Makah tribal members sought recently at the annual Alaska Eskimo Whaling Captain's Convention in Barrow, Alaska.

"The main purpose for going was to talk to some 250 whaling captains at the convention. We were looking forward to all the experience and knowledge they have. It was really beneficial, especially from a safety standpoint," said John McCarty, Makah Whaling Commissioner.

The Makah Tribe plans to exercise its treaty right to hunt whales this fall as approved by the International Whaling Commission at its annual meeting last year. The Makahs received an average of four gray whales for five years from the Russian Chukotka people's quota of an average of 124 whales. There will be no commercial sale of the Makah whale meat.

At the end of the year, the Russian and U.S. govern-

ments will meet and exchange information about the numbers of whales taken and make the 1999 quota allocations based on those numbers.

While attending the Alaska convention, Makah representatives hoped to observe a whale hunt.

"We are very interested in the whole process from the kill to how they get it to the village as well as how it is distributed to members of the whaling boat and to members of the community. They probably have a similar process to the way we did it years ago," McCarty said.

McCarty comes from a long family tradition of whaling and relishes the chance for his tribe to re-establish this part of their cultural identity. The tribe has contracted with a tribal member to carve the 32-foot to 36-foot-long whaling canoe and some training for crew members is under way.

"Safety is the most important thing and it's the thing we really emphasize in our plan," McCarty said.

— D. Preston

Quileutes 'Bug' Streams For Research



Zach Warner, QNR habitat technician, uses netting to trap bugs in Bear Creek. *Photo: K. Boysen, Quileute Tribe*

The Quileutes are one of just three tribes in the United States selected for an Environmental Protection Agency (EPA) scientific research grant to evaluate stream health by sampling for bottom-dwelling invertebrates. The presence of insects is a key indicator of water quality in the federal Clean Water Act (CWA).

The two-year research project conducted by Quileute Natural Resources (QNR) helps to fulfill the CWA directive to measure physical, chemical and biological criteria to test water quality. It will also give a clearer picture of stream health affected by varying kinds of human activity. The funds provided by EPA allowed the tribe to hire a renowned consultant, Leska Fore, to design the study.

QNR staff collected and identified insects, worms and other invertebrates that live on stream-bottom gravel. Their presence provides a snapshot of stream health at a locality, for a particular time. Bear Creek, a tributary of the Sol Duc River, was one of 15 area sites designated for a recent training session.

"The skills acquired in this research project will enhance our ability to assess stream health throughout the Quillayute River System," said QNR director Mel Moon. "The study builds upon previous watershed analysis and water quality work accomplished by our staff for Timber, Fish & Wildlife (TFW) and a current Department of Ecology grant. It's part of our overall commitment to the health of the stream habitat."

During the training session in Bear Creek, EPA biologist and project coordinator Gretchen Hayslip walked QNR staff through each step of the water quality research protocol. QNR technicians Zack Warner and Rueben Flores were the first to try their hand at the new technique. They set a special sampling net in the stream bed behind a riffle in the center of the channel. As Flores held the net down, Warner gently scrubbed the larger rocks to free the bugs. Then, the bottom was stirred with a tool to free bugs from the smaller gravel. The collection was poured into a sieve to separate bugs from debris. The bug samples were then preserved for later identification.

"This research is being tied in with a Department of Ecology grant to evaluate the effectiveness of certain prescriptions initiated under watershed analysis of the TFW process," said Ed Von Grey, tribal habitat biologist. "It involves collection at 15 sites to determine if prior logging affects the size and diversity of the insect population. With Leska Fore's assistance, we will analyze the data and publish a research paper of the results."

QNR Grant Coordinator Katie Krueger is enthusiastic about the outcome of the project. "The abundance and distribution of bugs in a watershed will provide us with one more diagnostic tool for assessing water quality in this watershed," she said. "This data is essential for evaluating the health of water resources, tribal and non-tribal alike."

— K. Boysen, QNR

Shi Shi Beach Trail Improvements Near Completion

The easiest access to Shi Shi Beach, closed for the past six years, could be open this fall.

A Makah tribal project to complete a permanent trail to Shi Shi, a popular wilderness beach, has received final approval and a \$167,110 grant from the state's Aquatic Lands Enhancement Account.

The access to Shi Shi, formerly a U.S.

Coast Guard road constructed in the 1950s over about 3 miles of tribal lands, was closed in April 1991. The tribe had concerns about liability to several private landowners and maintenance problems on the deteriorated trail. The only other access to the beach, which formerly saw more than 7,000 visitors annually is from the south and requires a long hike and often-impassable crossing of the Ozette River.

"The trail will still be about 3 miles long and there is money in the grant for improving the road and parking lot and installing a concrete gate. I'm optimistic we can get this done ahead of schedule, even though we have until 1999 to use the grant," said Alice Langebartel, Makah realty coordinator.

— D. Preston

Sometimes, The Best Way To Protect Habitat Is To Buy It

Lummi Nation, Nature Conservancy Buy Arlecho Creek Old-Growth Forest

After a decade-long effort, the Lummi Indian Nation and the Nature Conservancy of Washington have successfully purchased the largest known privately-held stand of old-growth forest left in the Puget Sound region.

Backed by a record grant from the Paul G. Allen Forest Protection Foundation, the tribe and Conservancy were able to buy the 2,240-acre Arlecho Creek Forest in Whatcom County from timber company Crown Pacific.

The Lummi Nation and the Nature Conservancy will manage the area as a reserve for natural ecosystems, wildlife and Lummi traditional cultural values. The site includes 656 acres of old-growth forest and critical habitat for the federally-protected marbled murrelet, a bird species that nests in old-growth trees. It also protects a stream important for salmon. The forest includes Douglas fir, western red cedar and Pacific silver fir trees up to eight feet in diameter and 500 years old. Forests of this type are now extremely rare in the low and mid-elevations of western Washington due to the region's long history of timber harvest.

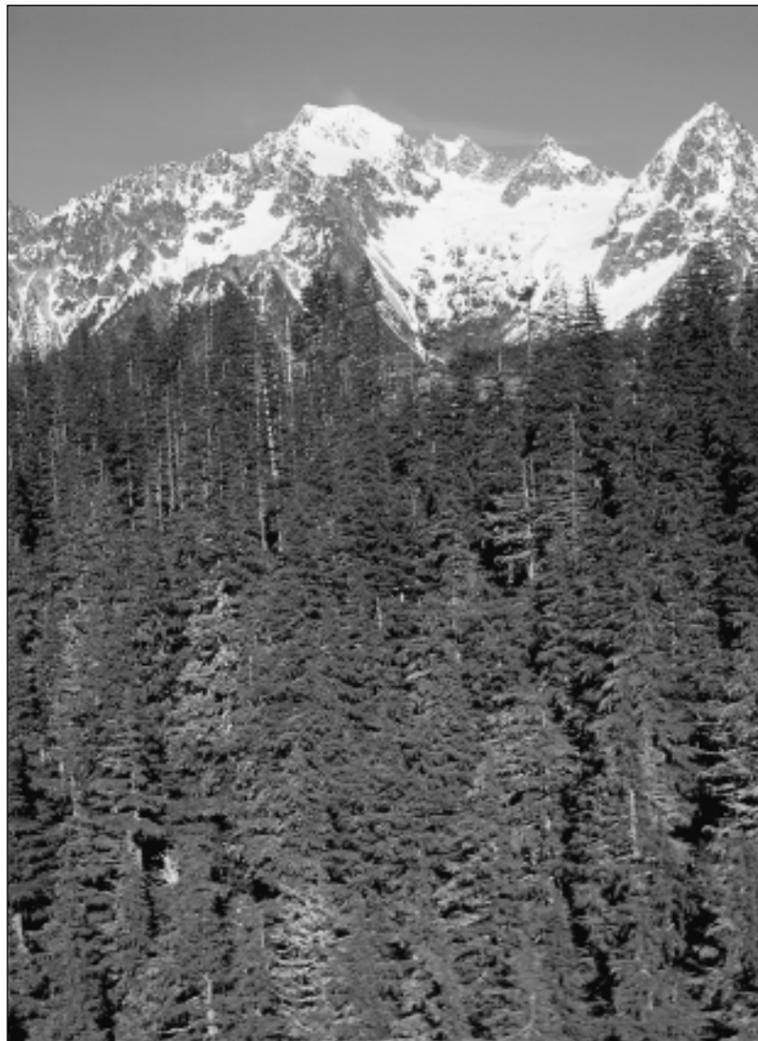
Arlecho Creek has tremendous cultural, archaeological and spiritual importance for the Lummi people, who for generations have visited the area for purposes such as renewal and healing. The basin, known as *T'sak* to the native people, was used for traditional cultural practices of the *seyown* (the Spirit Dancers), including questing and cleansing activities.

"It is extremely pleasing that the Nature Conservancy, Paul Allen, Crown Pacific and the Lummi Nation could come together to protect and enhance this special place," said Darrell Hillaire of the Lummi Nation. "Arlecho Creek has been a sacred, spiritual place for many generations of Lummi people and now we know future generations will be able to experience this treasure of nature."

The protection of Arlecho Creek Forest ensures a continued source of clear, cool water essential for the health of salmon downstream. Arlecho Creek is an important tributary to Skookum Creek and the major source of water for the Lummi Nation's salmon hatchery where Skookum Creek flows into the South Fork Nooksack River.

Microsoft co-founder Paul Allen donated \$3.75 million to the Conservancy to pay for most of the first phase of the project, entailing 520 acres of old-growth forest at a cost of \$4.25 million. The donation is part of a record-setting \$5 million challenge grant Allen made to the Conservancy last year, the largest private gift to conservation in the state.

The Lummi Nation, which has been trying to save this area from logging for nearly a decade, is currently raising the \$2.85 million needed to acquire the second phase of the



After a decade-long effort, the Lummi Indian Nation and The Nature Conservancy joined forces in January to purchase and preserve this unique 2,240-acre old-growth forest. *Photo: Nature Conservancy*

project, entailing 1,720 acres. Crown Pacific, a Portland-based timber company, has been cooperating with the Lummi Tribal Council and the Nature Conservancy for several years to protect the property. In a unique arrangement, Crown Pacific has deeded the second-phase land to the Lummi Nation, which has three years, interest free, to raise funding needed to pay Crown Pacific for the land. The Packard Foundation has already pledged \$500,000 toward this effort.

Arlecho Creek Forest will be managed by the Lummi Nation for cultural and education purposes in cooperation with the Nature Conservancy, which will retain a conservation easement over the watershed. Plans include construction of interpretive signs and a nature trail for public use.

— L. Harris

Coalition Purchases Critical Habitat Along Hood Canal Salmon Streams

If regulations won't protect critical freshwater salmon habitat, maybe money will.

That's the approach taken by a coalition of state, tribal, county and environmental representatives in key Hood Canal watersheds. So far, 180 acres of prime salmon habitat have been purchased for the specific purpose of saving it for the fish.

The work is being done by the Hood Canal Salmon Sanctuary group, which includes representatives from the Port Gamble S'Klallam Tribe, the Point No Point Treaty Council, Washington Department of Fish and Wildlife (WDFW), the state Department of Natural Resources, and the Hood Canal Coordinating Council.

The group has secured \$2 million in state Interagency Committee for Outdoor Recreation funding to purchase parcels in the Big Beef and Stavis creek watersheds. Additional funding sources are being sought to continue the habitat buyout program.

Some salmon habitat experts believe the problem with most salmon stream preservation and restoration programs is that recovery plans take too narrow a view when it comes to what's important to the fish. The habitat buy-out program takes a broader approach.

"You can't just look at the streams and ignore what's going on in the hillsides when you develop a recovery plan," said Carol Bernthal, habitat coordinator for the Point No Point Treaty Council, a natural resources consortium of the

Skokomish, Port Gamble S'Klallam, Jamestown S'Klallam and Lower Elwha Klallam tribes.

When possible, the salmon sanctuary group has tried to acquire steep slopes, springs, and adjacent wetlands. Bernthal said habitat management plans are designed with specific objectives for each parcel of land acquired in the program.

"The problem with land-use regulations out there today is that they are not biologically-based standards. We're trying to get back to that."

The salmon sanctuary group first set its sights on preserving Big Beef Creek because it is already a productive coho salmon stream, and the lower portion of the creek is protected from development by the University of Washington's salmon research station.

Combined with the UW's land holdings, nearly 3 miles of Big Beef Creek habitat has been preserved for perpetuity. Negotiations are continuing on an additional 80 acres of critical habitat in the watershed.

WDFW will hold the title to all lands purchased through the program. Kitsap County will manage the properties consistent with a natural processes-based management plan — essentially a hands-off approach.

"This program gives us a chance to go in and say (to property owners): These aren't good places to live, unless you're four-legged or have fins," said Keith Folkerts, a land-use planner with Kitsap County and a member of the salmon sanctuary group. "Yes, it is expensive in the short term, but it will probably be worth it in the long run."

Bernthal said the group looks at the Big Beef Creek effort as the prototype for additional purchases in Hood Canal.

"With salmon listings under the Endangered Species Act, you need to start looking at these kinds of innovative approaches," she said.

— D. Williams

Quinalts Welcome Rare Visit By Candlefish

An infrequent fish visitor to the Queets River is proving to be a light in an otherwise dark fishing picture.

Candlefish, or Columbia River smelt, were caught in significant numbers at the mouth of the Queets River for the second time in five years in late January. "This fishery has really helped some members of the community during what has been a tough fishing season," said Jim Harp, Quinalt tribal natural resources liaison.

"No one really knows why they come here. They are basically off course. The speculation is that it has to do with the warm water currents associated with El Nino, but there's no absolute proof of that," Harp said.

Candlefish are members of the surf smelt family. Surf smelt in Olympic Peninsula coastal rivers spawn in the summer. Candlefish, normally found in the Columbia River, are winter spawners and tend to spawn farther upriver.

Candlefish acquired their name when

it was discovered that the oily Columbia River smelt could be processed and their oil used in lanterns. "The story is that if you were in a real bind, you could take a dried candlefish and burn it for light," Harp said.

Recently, the value of smelt as a commercial fish has skyrocketed thanks to its use as bait fish in a large sturgeon sport fishery in the Columbia River and growing sport fishery in the Grays Harbor area, Harp said.

— D. Preston

Eagles Bind Culture, Science On Skagit

Each year thousands of bird-watchers descend on the Skagit River to see majestic bald eagles perching on mossy branches of cottonwoods and big-leaf maples, or feeding on chum salmon on the river's gravel bars.

And while the high concentrations and incredible beauty of the large birds on the Skagit is breathtaking to tourists, it merely scratches the surface of the bald eagles' importance to the Indian tribes in the river system.

Above all else, the Upper Skagit, Sauk-Suiattle and Swinomish tribes are tied to the eagle spiritually. One of the most sacred of all animals to tribal religion, the bald eagle has a prominent place in ceremonies, said 74-year-old Upper Skagit Chairman Floyd Williams. He said the eagle is always placed on top when displayed on carvings and drawings on totem poles, drums, paintings and more. Williams said an eagle feather is so sacred to tribal members that it must not touch the ground.

"The eagle brings spiritual healing and has spiritual powers — we pray to this great spirit to provide the things that the Indian people need, like the return of the salmon, so the Indian people can survive. It is that important to us," Williams said. "We have always been taught to respect and honor those things that have to do with the eagle."

The three tribes in the Skagit watershed are also fundamentally tied to the great bird through science. The robust



A mature bald eagle soars along the Skagit River tree line.
Photo: D. Preston

chum salmon returning in the cold waters of the Skagit provide the nation's symbol with one of the best-known feeding areas in the country. It is believed as many as 600 eagles, some travelling from as far away as Alaska, take advantage of the massive chum returns.

Skagit System Cooperative (SSC), the fisheries management consortium of the three tribes, is involved in countless habitat improvement and

restoration projects in the basin that help chum salmon with spawning and rearing. The tribes also release hundreds of thousands of chum fingerlings each year from their hatchery facilities, and the tribes conduct chum carcass surveys to monitor the size and health of the stocks.

"We're managing the chum the best way we know how and the eagles are responding to it," said Larry Wasserman, environmental services director for SSC. "The fact that the eagles are here would indicate we're doing a pretty good job of managing those stocks."

But the Skagit's large gatherings of eagles also mean large gatherings of people.

The state Department of Fish and Wildlife is conducting research to determine how human activities are affecting the health of the Skagit River bald eagles. Eagles are trapped, banded and affixed with satellite transmitters to monitor their movements. The tribes helped out with the project this year by supplying the steelhead researchers used to bait the eagles.

— *L.Harris*

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