



# Northwest Indian Fisheries Commission

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Dr. James Unsworth, Director  
Washington Department of Fish and Wildlife  
P.O. Box 43200  
Olympia, WA 98504-3200

RE: Public Participation and Transparency in North of Falcon

Dear Director Unsworth:

We appreciate being kept apprised of your discussions with various members of the agency's constituency regarding public participation or observation at North of Falcon meetings. However, the Northwest Indian Fisheries Commission's member tribes cannot agree to your request to open the government-to-government negotiations to public participation, observation, or recording. We feel it is important that we provide our perspective regarding this topic as this has been a recurring request.

Our tribal membership represents 20 treaty Indian tribes in western Washington that possess off-reservation rights to hunt and fish. Their tribal sovereignty is recognized and protected by the U.S. Constitution, legal precedent, and treaties. Included in this recognition is the existence of a government-to-government relationship between such tribes and the federal government.

For decades, Washington's fisheries resources have been managed cooperatively on a government-to-government basis between the State of Washington and the treaty tribes. For salmon this involves the North of Falcon/Pacific Fishery Management Council (PFMC) process which represents a government-to-government negotiation between the federal government, two states (Washington and Oregon) and 24 northwest Indian tribes with federally recognized treaty fishing rights. For this process to work in a timely and orderly fashion there is a need for open and frank discussion among all co-managers. Keeping these discussions confidential allows the parties to freely share their viewpoints and to explore various management options without prejudice as we seek consensus on a final comprehensive fisheries plan. We feel opening these government-to-government negotiations to public participation or observation would both stymie progress and constrain the dialog between the co-managers.

The objective of the North of Falcon process is to develop a comprehensive and coordinated fisheries plan that provides for resource conservation, sustainable fisheries, and assures all co-managers are afforded harvest opportunity. This process allows the co-managers to collectively evaluate the biological consequences of options for outside (ocean) and inside (coastal bays, Puget Sound, and in-river) fisheries collectively and with their respective constituencies.

On this last point, each of the 27 co-managers that are part of North of Falcon work through their own internal process with its constituents to develop their annual fishery proposals. The government-to-government component of the process then allows for the 27 co-managers involved to develop a comprehensive and coordinated fishery plan. This requires all co-managers to commit to the process of finding a solution that best meets the needs of all involved. In short, it requires difficult choices on how

to balance the burden of conservation across all fisheries, which is the role of the co-managers - not stakeholders.

We feel that the current North of Falcon/PFMC pre-season planning process already represents an open and transparent regional fishery management process. The annual management objectives and fishery data that our management decisions are based upon are readily available to the public. This material is distributed by the agency and PFMC staff both at the beginning and throughout the process as additional analyses is produced. During the process, each of the FRAM model runs reflect the iterative steps that the co-managers collectively take to shape both treaty and non-treaty fisheries toward a final fisheries plan. These model runs are made available for constituency review and comment. In fact, their feedback is actively solicited. Each of these model runs contains a detailed listing of all fisheries (treaty and nontreaty) and their associated estimated catch and impacts.

The same is true for the final agreed-upon Puget Sound fishing plan. This regional plan accounts for all salmon fishery related impacts – incidental and directed – from ocean to in-river to ensure that ESA obligations are met for listed Chinook salmon, summer-run chum salmon stocks, steelhead (treaty/non-treaty, recreational/commercial) stocks and non-listed Chinook salmon, chum salmon, steelhead, coho salmon, pink salmon, and sockeye salmon stocks. Therefore, all co-manager fishing plans and associated impacts are available for review throughout the entire process. The final plan is summarized in detail to complete the documentation of the annual process.

In terms of public participation, the current meeting structure reflects the co-managers' desire to maximize time with their own constituencies to discuss the annual biological constraints and corresponding management options. I want to reiterate that we cannot agree to your request to open the government-to-government negotiations to public participation. However, we are amenable to your suggestion to re-institute conducting plenary sessions at the meetings throughout the North of Falcon and PFMC process. The tribes would welcome the opportunity to express their conservation issues and management concerns directly to your constituency.

Sincerely,



Lorraine Loomis  
Chairperson

cc: NWIFC Commissioners