

Cedar Bouta
Department of Ecology
PO Box 47600
Olympia, WA. 98504

RE: SARC Process

Dear Cedar,

As you may know, tribal representatives and NWIFC staff was closely involved in the SARC rule making process for the past two years. Those who have participated in the process have expressed both a positive and negative experience working through the issues. Although the Committee did not reach a full consensus, the tribal participants felt that a fair balance was struck by the SARC Committee's final report suggesting rule-making language for DOE to consider.

However, we are concerned about subsequent DOE action to strip nearly all the language proposed by the SARC Committee. Not only did the language change contradict the consensus made by the committee, the changes were announced without any prior notification to SARC Committee members.

Specific reasons for our objections are as follows;

The proposed changes are contrary to the direction given by HB2220, which was to have SARC guide the process and propose agreeable language in the DOE rule-making process. Two years work by the SARC Committee was disregarded by the subsequent DOE action.

Some significant protections to aquaculture, which was in the existing language, have been removed in the new DOE proposed language. The explanation given was to bring the language more in line with existing language for other uses. These other uses include bulkheads, piers, etc. which have never proven to be of any environmental benefit. Aquaculture, if regulated and sited properly to avoid impacts to critical habitat, forage fish and juvenile salmon species, may well have more benefits than those activities mentioned before. We believe this new language does not reflect the effort to balance aquaculture activity and salmon habitat protection, which is a desired goal of the tribes.

Since this language would have the most impact on the siting of new farms, tribes would be disproportionately impacted. Though the proposed changes would also impact existing aquaculture activities, since the siting of new activities would be affected, this language would disproportionately impact tribal opportunities. Some tribes expect to increase shellfish aquaculture activities in light of a court settlement that provide funds to recover lost opportunities on specific shellfish grower properties.

The NWIFC and its member tribes are concerned with action taken by DOE to strip the original language, without advance notice or consultation with SARC Committee members. It also calls into question whether it is reasonable for tribes to enter into public forums when DOE ultimately ignores the work of the committee. Tribes may choose to enter into direct governmental consultations when DOE seeks tribal input on issues like SARC and other processes.

We hope that this clarifies the tribal position. Please do not hesitate to call David Fyfe, NWIFC Shellfish Biologist, or Tony Forsman, NWIFC Policy Analyst for Shellfish and Wildlife if you have any questions or concerns.

Sincerely,

Mike Grayum, Executive Director
Northwest Indian Fisheries Commission