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U. S. Commission on Ocean Policy
1120 20th Street, NW
Suite 200 North
Washington, D.C. 20036

Dear Honorable Members of the Commission:

Subject: U.S. Commission on Ocean Policy –Comments and Draft Final Report Status (Memorandum to Tribal Leaders)

Ocean Policy developments and comments presented for the Governors comment period are commendable however they still fail to adequately address the Tribal involvement in the Nations natural resources. Admiral Watkins in his “An Ocean Blueprint for the 21st Century” provides five points that are priority areas:

- (1) Meeting financial commitments associated with Treaty obligations;
- (2) Enhancing communication, coordination and collaboration among U.S. Government agencies to strengthen U.S. performance at international negotiations;
- (3) Finding appropriate global mechanisms to ensure that emerging international ocean-related issues, marine protected areas, the loss of ice cover, and carbon sequestration in the ocean are addressed in accordance with sound ecosystem based management practices;
- (4) Integrating scientific expertise into the nations foreign policy, particularly the Department of State;
- (5) Strengthening international scientific partnerships for the purpose of deepening the world’s understanding of the oceans..

Ocean Policy Developments in Relationship to Tribal Interests

The Lummi Nation supports the creation of a comprehensive and coordinated national ocean policy however the failure of the policy to address Treaty obligations that were key to the formation of our Nation need to be addressed. Tribal responsibilities through those Treaties for management of natural resources is key to the long term outlook and survival of Native Americans and the oceans. Executive Orders, pending resolutions of apology, and Department directives all point to the need for recognition of Tribal rights and diversity in the solving issues surrounding the water. The right direction for proper development of the Ocean Policy and inclusion of tribal governments from the start is by

enhancing communication, coordination, and collaboration among Tribal government agencies and U.S. government agencies. The unique legal status of Tribes and presence of Tribally reserved rights and cultural interests creates a special relationship between Tribes, States, and Federal governments, and agencies responsible for managing and protecting the natural resources. Tribes and Tribal members possess property and self government rights that predate the formation of the United States and are guaranteed under treaties and federal law. At the same time, Tribal members are citizens of the United States. Due to federal laws and inherent Tribal sovereignty, each reservation constitutes a bordering jurisdiction for environmental purposes. Environmental actions outside the reservation affect the Tribe and the residents of the reservation just as the actions within the reservation affect the neighboring state and its citizens.

Tribal relations with the Federal government have always been at the highest levels of government to government and developed from the Treaties that were written by the U.S. Federal Government in direct negotiations with the Tribal government representatives. As a result of the Treaties and this special relationship, Tribes are involved in governance, resource allocation, resource planning, environmental planning, water rights, water quality, air quality, use of waterways, sustainability, international negotiations, education, and health issues of all aspects of the ocean, its tributaries, and its uses.

Creating a strong role for the Tribes in the Ocean Policy structure, at a level equal to the States ensures participation by the Tribes in resource management in areas that are already defined. The following general areas of concern are:

Governance Structure: - establish the Tribal levels of participation at a level equivalent to the States and with the appointment of a Native American to the President's Advisory Council. Strengthen the relationship of the Tribal governments and the Federal government through enhanced partnerships along with the States for full development of the guiding principles of the plan. The Tribal input to the Presidents Advisory Council would be the result of regional Tribal Councils that reflect the grassroots needs of Native Americans and the diversity of tribal interests. In order to truly represent Tribal interests the Tribal Workgroups must be large enough to represent the diversity of Tribal interests.

Recommendations:

1. Appoint a Tribal representative to the Presidents Council of Advisors on Ocean Policy. Recommendations for that appointment will be from coastal Tribes.
2. Enhance Tribal partnerships with Federal agencies and provide strong roles for Native Americans at the same level as the states to ensure consideration of Tribal interests.
3. Provide a National Native American Marine Advisory Agency (NAMAA). Branches of that Agency to be established at Tribal institutions with ocean ties (Sea Grant type operation).
4. Provide for regional Tribal Councils.
5. Provide an open invitation for consultation on all decisions that may affect tribal rights and interests.

6. Build durable on-going relationships with tribal governments to effectively communicate, collaborate, and coordinate mutual priorities and programs.
7. Conflicts that may arise will be disclosed and a means to mitigate or neutralize that conflict will be proposed.

Science in Decisions: Native Americans must have research capabilities in order to properly participate in ecosystem based management and sustainable fisheries. Fully funded Tribal institutions directed at the needs of tribal members and tribal governments are required. Both water and air quality monitoring and control of fish and shellfish disease require special attention because Tribal members rely on the health of the water for their own health.

Recommendations:

1. Build a Tribal institution in a Tribal setting (e.g., an Indian Reservation) that will meet the science, agricultural and natural resource requirement of coastal tribal people including forest management and habitat restoration.
2. Provide extension service capabilities for the Tribal institution for outreach to all the coastal Tribes.
3. Provide line item funding for the institution.
4. Provide a water and air quality lab for research and monitoring of water/air quality with health capabilities at the institute including participation in Ocean Monitoring programs.

Build Sustainable Fisheries: Sustainable fisheries practices are not new to Tribal fishermen and tribal governments who are the most reliant of any group on the resource. To shift from best catch tactics to best sustainable tactics requires changing the behavior of fishermen. Value added products, handling, processing, and business sense will all contribute to a successful Tribal fishermen in the 21st century. Consistent with national goals for sustainable fisheries, allowance must be made for flexibility in fisheries management for Tribal fisheries that have special needs such as ceremonial and subsistence harvests. Tribal Fisheries management must be fully funded. To ensure that Tribal fishermen can continue to participate in our ocean harvest and sustainable aquaculture, hatchery facilities must also be provided (including fish and shellfish). Environmental maintenance and restoration through innovative habitat restoration projects must be developed in order to stop and reverse the downward trends in fisheries, wildlife and water quality.

Recommendations:

1. Provide funding for Tribal management biologists and scientists on a level that is consistent with their needs.
2. Provide for flexibility of special Tribal needs such as ceremonial and subsistence.
3. Provide Tribal fishermen assistance in product development, marketing, handling, and business development.

4. Provide assistance in aquaculture ventures to transfer technology to Tribal fishermen.
5. Provide resources for conservation hatcheries to build and maintain stocks that need support.
6. Build and/or update Tribal processing facilities.

Education: Education is the capstone to strengthening the ability of tribal governments and their memberships to participate in many aspects of ocean policy development and implementation including ocean research, harvest planning, resource allocation, and government to government relations. Tribal governments can contribute to a better understanding of the relationships of the Tribal community to the environment and provide diversity in the work force. The education process must begin early on with ocean programs in the K-12 environment as well as the Tribal institutes of higher education. The Tribal community and the environment are intertwined and a coalition of elders, community and Indian scholars will design and create Tribal roles in the ocean environment.

Recommendations:

1. Support the development of a Tribal Institutions of higher education at a Tribal location (through doctorate levels) that will serve coastal Tribes and Nations.
2. Provide funding for K-12 ocean education programs in Tribal schools.
3. Provide extension opportunities for Tribal members in their own setting to assist students, fishermen and communities to be aware of and solve ocean related problems and issues.
4. Form collaborative relationships with other land grant colleges (1862, 1890 and 1994's), universities for the development of best education opportunities for tribal members.

Initiation of these recommendations will ensure tribal members and tribal governments participate in the oceans health and long term use. The goal of an ecosystem that includes humans must certainly not disregard Native Americans. The importance of cultural heritage (includes all aspects) in connection with the ocean must be fully recognized.

Sincerely,

Darrell Hillaire, Chairman
Lummi Indian Business Council