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April 10, 2006

Mr. Nick Licata
Council President
Seattle City Council
P.O. Box 34025
Seattle, WA 98124-4025

Dear Mr. Licata:

Public Employees for Environmental Responsibility (PEER) monitors natural resource management agencies by serving as a "watch dog" for the public interest. We are highly concerned that the proposed settlement agreement between the City of Seattle (City) and the Muckleshoot Indian Tribe (Tribe) is insufficient to guard the natural resources to benefit the public trust. We acknowledge the significance of this agreement as an important step in furthering beneficial relations with Tribes and providing for improved water quantity and quality for both people and fish in the region and laud the efforts to that end. Despite this, we have numerous concerns about the management of the hunting rights conferred.

We are specifically concerned that the agreement does not acknowledge the Washington Department of Fish and Wildlife's (WDFW) responsibility to manage state game. WDFW should be party to the development, implementation and management of the Cooperative Plan (Plan). It is unclear why that agency has been excluded from any mention in the proposed settlement agreement since they are the experts on state wildlife. PEER believes that this oversight severely undermines the protection the state's natural resources.

Furthermore, PEER believes there are several issues that need to be considered to create a healthy settlement agreement that will protect the resources within the watershed.

1. The Plan should expressly address the four large mammal populations within the watershed and therefore clearly articulate that cougar and bear will be hunted. The guidance for the development of the Plan focuses on deer and elk populations. Data should be accumulated and management guidelines developed for cougar and bear in addition. All information collected on these animals should be available to the public. The support and development of species-specific habitat for only two species of mammals could severely and negatively impact the other large game species that reside in the Cedar River Watershed.
2. The Deer and Elk Research Program is poorly expressed as very little detail is provided about how the \$250,000 will be expended annually and what actual information will be collected, how it will be managed and its accessibility. Considering that the City is providing the Tribe \$2.5 million over ten years, it seems far more guidance should be provided for the expenditure of these funds. We also suggest that this amount of funding may be excessive for the task.
3. The development of the Deer and Elk Research Program should include the involvement of WDFW.
4. The proposed agreement allows the Tribe to commence hunting *prior* to the completion the Plan. Although, it is expected that the Plan will be completed within eighteen months after the proposed settlement is entered by the Court, there is no guarantee that that will be the case. We strongly recommend that no hunting occur prior to the development of a comprehensive management plan that involves the City, Tribe and WDFW.
5. “Limited amounts” of traditional natural resources are allowed to be collected. There is no definition of “limited” and therefore no constraints on the magnitude of collection. Further there is no discussion of how this will be monitored or evaluated for impact on the habitat. We believe that should be defined.
6. Neither the City nor WDFW should abrogate its responsibility to regulate the activities within the watershed. The current language merely allows the “City the opportunity to comment on the regulations applicable to the watershed.” This is insufficient protection for the natural resources.
7. The Plan and any regulations should be developed in partnership with the City, Tribe and WDFW.

The City of Tacoma has undertaken just such a process in the development of its management of tribal hunting in the Green River Watershed. PEER strongly suggests that the Seattle use Tacoma’s document as a model for its process to allow tribal hunting within its watershed. The Agreement between the

Muckleshoot Indian Tribe and the City of Tacoma regarding the Green/Duwamish River System (MTA) was finalized in 1995 and Section 6, "Access and Use of the Upper Watershed of the Green River", is attached.

The MTA provides for an annual, exclusive tribal hunt for deer and elk that is separate from the citizen hunt. The timing of the tribal hunt is determined by the Tribe, WDFW and the City of Tacoma. Harvest numbers for elk and deer are set by an agreement between WDFW and the Tribe based on sound biological principles. The City of Tacoma reserves the right to limit the number of people entering the watershed to ensure water quality and safety. Inspections and monitoring occur during the hunt. The Tribe provides the City of Tacoma's inspectors biological data and specimens of the animals taken. Data and specimens will be shared with WDFW. Reasonable year round access will be provided for ceremonial hunts but the tribe must provide a two-day notice for access. Guidelines are developed in consultation with the Tribe, WDFW and the City of Tacoma. There is controlled access of tribal hunts. A mere \$15,000 is provided annually to study the herd. (This is 6% of the amount specified in the City of Seattle's proposed settlement agreement for research on the game population.) Regarding gathering, cultural and education activities, the Tribe has year around access and the City of Tacoma agrees to respect and not disrupt the exercise of spiritual practices.

8. The massive distribution of keys to the Tribe creates a management burden that in effect severely complicates the protection of water quality, the ecosystem and sustainable wildlife populations within the watershed. We strongly recommend that the Tribe contact watershed managers for access so that accurate data can be collected when entering and exiting the Watershed. Providing a record of the general purpose for access without specifics about the results of a hunt deprives the public of knowledge of the impact of tribal hunting on the populations within the watershed.
9. The "exigent circumstances when Tribal staff need immediate access" are not defined or characterized in any fashion. A description of the nature of such an emergency should be outlined.
10. The reporting requirements are insufficient for big game animals. The filing of reports "from time to time" strongly suggest an indifference to the impact of hunting on the wildlife population. Watershed managers should know daily what big games animals have been extracted from the park. Monthly or quarter reports for the gathering of plants would appear to be sufficient.
11. Law enforcement activities should be developed jointly between parties who are authorized to enforce wildlife laws in the state of Washington.

In the interest of a successful, long-term working relationship between the City, Tribe and WDFW and to safeguard all parties, we strongly that no hunting begins prior to the completion of the Plan.

Sincerely,

Sue Gunn, Ph.D.
Washington State Director

Enclosure: Section 6 – Agreement between the Muckleshoot Indian Tribe and the City of Tacoma regarding the Green/Duwamish River System 1995

cc: Richard Conlin, Chair-Environment, Emergency Management and Utilities
Committee
Jeff Koenig, WDFW Director
Bob Everitt, WDFW Regional Director
Phyllis Shulman, Committee Staff