

Summary of records from WDFW Public Records request on tribal hunting violations

1) 5/12/06 Memo to the file from an agent but contains an email to Kim on 5/5/06 asking about a hound dog found on the west fork of the White River. He returned the dog to the (Muckleshoot Indian Tribe) MIT hound handlers and said it was way too thin and was being underfed. He was approached that year by a vet's assistant who wanted to report neglect of the hound dogs that the MIT handlers bring in. He talked to Steve Fuscher, a King Country animal control officer who had picked up one of their hounds and was disgusted with the condition of the animal. On 4/9/05 Richards found a MIT hound on the Grass Mt. Truck road. He took it to the vet and was told it was 7 – 10 pounds underweight. She also said the dog had been neglected and wounds on its head. On 5/2/05 another hound wandered into the residence of a trooper – it was sick, underfed and its food infected.

2) 5/10/06 Memo to the file from an agent. Since 3/15/06 when the all-citizen's fishery closed the tribe has been observed fishing the Green every time he's run the river to keep people from fishing. He has no idea how many caught but heard from the son of one MIT that his dad had caught 8 wild fish as of 4/15. He never saw any tribal checkers on the river so he's not sure how any legitimate numbers of fish are kept.

3) Email train starting 4/7/06 – Cropp email to Mike Mahovlich (MIT). Asking for an update on the wild steelhead caught. Response from Mike saying he thought Mike Leslie told him. He says that there is no limit set on wild fish and that amount take has been very small 0 – 10. Catch to date 15 fish total, 4 hatchery, 4 LV's, 1 RV and 6 wild. Cropps response to Mike: He explains that there is concern because of the forecast being less than the escapement goal...and from a PR standpoint because non-tribal fishermen are extremely resentful of the tribe's seeming lack of concern for the wild Green River steelhead stock. He compliments Mike on his commitment to monitor but points out several competent tribal fishermen have been on the river nearly every day since the first March that he can't help but doubt the accuracy of only 6 wild fish. He cuts to the chase and ask why he's so confident the C&S fishery is only harvesting a few wild fish and wonders if there isn't a certain number of deal wild fish that would begin to concern him and why not set the number there.

The final email is to agent Richards. 4/18/06 Response from Tom Cropp to the above email. "I wrongly assumed that if they actually decided to allow a directed harvest fishery on wild fish that I would at least be informed of their intentions." "Given the forecast of 1,800 wild fish, I'm not overly concerned, from a biological standpoint, if 10 or 20 wild fish are harvested in this fishery. I am concerned about the potential harvest of a much higher number than Mike anticipates, lack of accurate accounting of the catch and negative PR generated by this fishery." He then says if he doesn't get a satisfactory response he'll turn the whole mess over to the IRG folks to decide if they want to press the issue in court.

4) 4/7/06 An email from Agent Richards to Hebner expressing a growing concern about why WDFW are letting the MIT fish for wild steelhead in the Green River after it's been closed to save wild steelhead. "The Muckleshoot fish counsel open it against all recommendations, he's amazed because they specifically opened it day after the all citizen season closed. We contact Muckleshoot fishermen every day now on the Green, and they take great delight in expressing that the fishery is mainly for wild fish, and from what they've told me, there is no limit. Regardless, from what I remember about the Boldt decision, a conservation closure is for everyone, and the includes the tribe!"

5) 1/9/06 Memo from Rocky Spencer and Gary Koehler to Donny Martorello. Subject: Profession/Ethical Conduct – Muckleshoot Tribe. In 9/05 they were made aware and discussed concerns that the MIT chased, treed, and immobilized at least two radio-equipped cougars that were previously captured, ear tagged, and being monitored as part of Westside Project CAT. On 10/22/06 a hunter killed one of these cougar and they learned it had two radio collars. Neither the Project CAT research team nor WDFW were notified that the tribe recaptured this cougar and attached a second collar. This event prompted them to write to 10 colleagues prominent in cougar research, management and conservation to seek advise on whether they had experienced similar actions. The response clearly recognized the lack of scientific and ethical standards associated with these events. The document includes the comments. Four suggestions for action regarding MIT came from discussion with Donny and other management staff. 1) arrange a meeting with MIT Chief or Tribal Council, 2) rescind the scientific collection permit for MIT to conduct cougar research 3) write the landowner and outline concerns, including the rescinding of the permit and ask them not to allow the tribe access to their land for cougar research and 4) prepare an agency letter to the Council of the Wildlife Society Ethics Committee. They comment that there has been no progress on any of these and want advise on a timetable to proceed with this important issue.

Attached is their 11/2/05 letter to the 10 colleagues with a photo of the dead cougar. Attached are their responses. – phrases like inappropriate and unprofessional behavior and a blatant disregard to the welfare of those animals are used. Also recommends prohibiting these researchers from conducting further studies.

Final attachment is dated 3/18/06 from the Agent Richards to Captain Hebner. He discusses Dave Vales (MIT senior biologist) unprofessional behavior in double collaring the cougar and picks apart Vales excuses for doing so.

6) 10/1/05 Agent Krenz found 3 adults and 6 juveniles fishing salmon during the closed season. The 3 adults arrested and cited for the violations. The 6 juveniles were MIT members. They were taking turns snagging salmon with two fishing poles. When they didn't have a pole, each one would throw large stones at the spawning fish or club them or spear hem with large sticks. When they saw a salmon they would chase it down in the water attempt to kill it. In a period of 30 minutes he observed one snag three salmon and kill three more by clubbing and spearing.

7) 8/8/05 Email from the agent to Donny Martorello regarding a letter from Dennis Anderson (MIT) concerning bear. He proceeds to state the facts. There have been no bear releases on the White River this year, or many years. The only bear taken into the White was an orphaned cub that PAWS rehabbed several years ago. The cub was taken from the White River drainage so it wasn't a relocation. He states the letter from the tribe is based on one thing. Hamilton, the MIT Wildlife Officer, saw the agent in Enumclaw pulling a bear trap. Rather than talking to the agent he made an assumption and communicated to his supervisors who decided he was releasing bear in the White. He rebuts many points in the MIT letter and says...

“Paragraph 7...I guess the tribe has forgotten why the elk populations in the White and Green rivers declined. Unparalleled tribal hunting almost decimated that herd in the 90's, and even though I continued to try to get that tribe to reduce their seasons and number of elk they were killing, not one of them would listen to me. One hunter killed at least 40 elk himself for several years, and Mr. Anderson could tell you his name. That herd was within two years of annihilation before anyone finally spoke up for the elk. This was after three years of emergency closures by us to stop the slaughter in the White and several years of 'asking' them to reduce their seasons, because 'emergency closures' mad their seasons 'look bad'. “ There's much more...

8) 1/27/05 email train. From Melissa Calvert to Captain Hebner. The agent was in one of the Tribal housing areas yesterday and neither the tribal enforcement folks were contacted. The agent was attempting to contact person who might be illegally selling shellfish. She asks that Fisheries or Wildlife enforcement should be contact each time the agent is within the Reservation as a courtesy.

An email from Hebner to the sergeant says he wants to know the details behind this request. Thinks it looks petty and picky at first blush but maybe there's more to the story. He suggests 5 reasons why issuing a directive for WDFW Officers to contact the tribal government before entering the reservation is unreasonable...including it's not legally required, may compromise the investigation, unnecessarily delay the investigation...etc.

9) Multi documents about starting with aPierce County Sheriff Incident Report 12/20/04. Officer Turner assisted Officer Watton with a traffic stop of two subjects in a vehicle that had warrants. Starr was a convicted felon and hand several hunting rifles. A large amount of cash was found in his pocket along with a knife and colored glass pipe. The search turned up a bag of marijuana and cocaine along with a dead juvenile Bald eagle.

A PCDDC booking and special identification processing form 12/20/04 is included and the Eatonville Police record and evidence in photos of all the evidence. Also is WDFW report by Prater on the being called to the incident by the responding police. The case and report was to be forwarded to the USFWS. Also attached are

handwritten statements by the suspects. On top is a 3/21/05 memo that says the case is closed...no idea how it was resolved.

10) 4/12/04 Received info about elk being sold to members of the Muckleshoot by the Puyallup member. Contacted Dave Hamilton (enforcement officer for MIT) to get a copy of the report. Took a week to get a hold of him. Set up meeting with Hamilton and the witness but she was a no show. Tried to contact another witness – wouldn't talk. Set up a meeting with the Puyallup and invited Hamilton. He didn't respond. Meeting with the Puyallup went well and they took the case.

Subsequently Captain Hebner emailed the agent (not dated) calling him out for not picking up the file but offering other ways to get that didn't involve going by the offices. Hebner directed to meet personally with Hamilton. He seems frustrated with the agent and is very specific in describing his expectation and directives.

The agent responded on 4/14/04 to the email and replied strongly.

“I feel like we have been on two different planets for you to not have a feel for why I might be “reluctant”. It makes me feel like you have not read one thing I have ever written about what has happened up the White River. I gave you about a 25-page pamphlet about the first years of the tribal hunt, and how that herd was butchered, and mean BUTCHERED! I know in my heart that if I had not been up there during those years, the White River elk herd would not be huntable even to this day. I got taken to the director and the governor during that time on some tribal issues, all of which involved illegal animals, one time I was in trouble because the tribal check-station person told me to stop a Muckleshoot rig that did not stop and ended up having an illegal Mt. Goat. I did the job you people paid me to do in impossible situations and did the best I could with virtually no help from this state. The White River was the first and worst “killing field” from the beginning of the tribal hunts and now I'm to blame for all that happened because no one else worked it.”

He closes with...“I have worked an area unlike any other place in the state, a place where the tribal elk take exceeds the all citizen hunt. I have seen a great elk resource get butchered... I have worked an area hunted more tribes than anywhere in the state, and quite frankly, I have done it with very little help or supervision from the top down. This tribe has castigated me continuously because.... Because I've BEEN DOING MY JOB. It's strange I've never heard a complaint from any of the other 8 tribes.”

11) 1/24/04 Agent received a call on 1/21/04 about a poached elk. He confiscated the elk and several days later the head was taken from his residence. Attached is a document entitled Receipt for donated fish and wildlife. He donated the portions that were eatable to the MIT.

12) 1/12/03 stopped Lozier and Rodrique out with rifles and no tribal permits. They drove off and later (30 minutes after dark) he ran into their truck and only Rodrique was with it. Heard many shots. Last page of document is missing.

13) 12/9/02 Copies of the 12/9/02 and 12/3/03 reports on the cougar without the tag. Also attached is a 12/24/03 memo to the agent from the agency entitled Personnel Conduct Report. The agency questions him why he took a year to file this and other details. He comes back with a stinging rebuttal to their questions and points out in the 12 years he's been working for them and writing up offenses and told only to write one ticket. There has been no support on tribal matters.

14) 12/3/03 – Follow up to clear the investigation of the above incident – agent took information to the Muckleshoot court administrator to have it send to the tribal prosecutor to see if he thought there had been a violation of tribal hunting law. Turns out that the people investigated got word before the prosecutor had a chance to look at the case.

15) 12/9/02 Agent at a taxidermist and saw lion on the floor in the back room. Was told that a Muckleshoot brought it in that morning – Leroy Courville. He asked to see the tag – there wasn't one. Was told that the cougar belonged to Melissa Calvert. Agent returned later and the tag was there. He later spoke to several hunters and was told that their animals had to be tagged. Talked to Dennis Anderson, head of the Muckleshoot hunting committee, and he told me the tags were supposed be on the animal before it gets off the hill. Agent read the hunting regs and could find no reference to tagging.

16) 4/6/02 Received information about a cougar that had been skinned and left by the road to be wasted. It was in the 100 lb class. Area is on the Muckleshoot reservation on the White River.

17) 4/5/02 Puyallup ceremonial hunt – not notified of it and called out by a citizen with concerns over a car parked in the middle of the road and hair and blood. He found drag marks and the remains that included a well-developed fetus.

18) 3/1/02 Letter to the record entitled: A Decade of Abuse and Deception. This is seven pages long and discusses the last ten years about the abuse of wildlife in this state brought on by tribal members – all in the name of treaty rights. It seems at the time of writing this he was under attack by the tribe for an incident related to a cougar kill and opening gates that are in place to protect elk – a population in decline. He talks about how the tribe doesn't inform him of the seasons or rules. How they attack WDFW's people and data but hold themselves accountable to no one. He mentions that fishing and hunting violations are from people on the MIT hunting committee. He compares the tribes hunting of elk to the buffalo carnage more than 100 years ago. He says it's shameful for tribes to be hunting elk through the end of February in snow five feet deep or more. He cites many problems and attaches picture of dead and wasting animals.

19) Email from Phil Anderson 2/13/02 Summarized a meeting held that day with the MIT and Hebner, Everitt and Stone.

Agreed to 1) Herd Plan/Augmentation – tribe frustrated with the need to complete the North Rainier Herd Plan. They have \$40K for augmentation activities which would be for 75-100 elk. Response – final draft ready in about two weeks

2) Cougar Removals – tribe frustrated with restrictions on the removal of three cougars in the Green River Watershed. Specifically – why allow the three cougars to be taken from animals feeding on carcasses of radio tagged elk. They believe such a restriction is to insure no cougars are taken. Provided data indicating cougars are a major contributor to the herd's inability to rebuild. Response – WDFW would discuss this and get back to them. They don't want to invest in augmentation if animals are going to be eaten.

3) Access/USGS Road Closure Agreement: tribe wants access for religious and gathering in the area closed in winter to protect elk. Response – will discuss – concerned about elk's safe harbor but acknowledged federal law and policy that requires accommodation for access to religious sites.

4) depredation/hot spot hunts: vague

5) Double standard: Concern that augmentation done by Rocky Mtn Elk Fd would have proceeded without delay and without the need to finish the plan first. When they offered money the plan had to be completed. They believe the difference is whether it's Indian money or non-Indian money. (This seems to be an example – there is no indication that RMEF is involved with any augmentation here.)

The Email from Bob Everitt re Muckleshoot meeting 2/13/02 – responding to Phil. Prepping for a meeting on the 22nd. Concerned about tribal grant – over how or if to accept the monies offered.

Cougar removal He didn't understand the “cougar over a dead collared elk” requirement – need to check to see if there is a written agreement.

Road closure: agreed to develop a new agreement with USFS and the tribe

Concern with staff working relationships.

20) 2/9/02 A long report about coming across a Muckleshoot truck and hearing dogs treeing a cougar. The agent asks them many times if they “did any good” – appears to be a term hunters use to ask if someone has been successful. They don't answer. Finally he gets one to admit that they did get a cougar. He sees it in the truck. Later he conveys his annoyance with not being informed. Leroy Courville and Jeff Sheldon seemed to be hiding the cougar despite the season still be on – although the agent doesn't really know because the tribe hasn't sent the hunting pamphlet out this year.

21) 1/6/01 Found a party of 13 Swinomish hunters by Midnight Creek Gate – they were elk hunting and had a cow. When he returned home agent found Swinomish Ceremonial hunting regs came in the mail – document says “over” but there next page is missing****

22) 1/1/00 Illegal netting above the MIT reservation in violation of tribal and state rules. Went out the next morning early and saw two men pull up to check he illegal net. One

man spotted a red-tailed hawk and shot at it. It got away. The driver, Del Courville, a Muckleshoot, and the shooter, a tribal member, were in violation of netting law and shooting protected wildlife. Information was given to tribal enforcement. Results are unknown.

23) 2/8/95 Response from Director Turner – WDFW shares his concerns regarding unethical hunting practices. He said that Captain Latimer recently met with the Medicine Creek Tribal Enforcement Chiefs to discuss concerns. They are going to establish a hunting enforcement unit. There is a note that says this never happened.

24) Letter from officer to Director Turner 1/4/95. Agent discusses a bloody trail of an elk he came across on 11/23/94 and how the cow had a fractured leg and had been left to die. Then he explains how this is not an isolated event and that the hunting is tribal.

25) 1/13/89 Received a call from State Patrol 873 that several native Americas were hunting in Federated State Park. 873 cited Melodie George for having a loaded 22 and no license. Park had no hunting signs posted. Told them to head east to the National Forest.

26) 1/11/89 Vicki Houghan (Port Orchard)/Donald and Ivy Cheyney (Bremerton) hunting on private property. Folks left, officer followed elk tracks and found blood in the snow. Left to die. Also 12/29 call saying poaching going on in the Greenwater. Two people had gone behind the gate at Midnight Creek – Posted as a non-vehicular road. The woman who called said she had seen several elk in the back of Phillip Hamilton (MIT) truck.

27) 11/16/88 Daniels, Puyallup Indian, shot and wounded a deer – never recovered it. Hunting with MIT on land up the White River. That land had been ceded to other tribes not his tribe's.