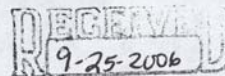




September 25, 2006

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Quinault Indian Nation

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Olympic National Park General Management Plan
National Park Service
Denver Service Center
P.O. Box 25287
Denver, Colorado 80225

RE: Quinault Indian Nation comments on Draft Olympic National Park General Management Plan

The Quinault Indian Nation ("Nation") has reviewed the Draft Olympic National Park General Management Plan ("Plan") and submits the following comments for your consideration.

We first take this opportunity to remind the Park of the Nation's keen interest in protecting and preserving the fish, wildlife, habitat, and plant resources within the Park boundaries.

The Nation is signatory to the 1855 Treaty with the Qui-nai-elt, signed on the Qui-nai-elt River July 1, 1855, ratified by Congress March 8, 1859, and signed by President Buchanan April 11, 1859. In its Treaty, the Nation reserved the right to fish, hunt, gather, and harvest shellfish. In exchange for these and other rights, the Quinault people ceded vast lands on the Olympic Peninsula, including the land now known as the Olympic National Park. Treaties are the highest law of the land. The Boldt decision affirmed the Nation's treaty fishing rights, and in doing so, established co-management obligations by the Nation and the State of Washington over fisheries resources. *United States v. State of Washington*, 384 F. Supp. 312 (W.D. Wa. 1974). The Park lies within the Nation's usual and accustomed fishing areas, as identified in the Boldt decision. Activities in the Park directly impact the Nation's treaty areas within the Park and downstream on its Reservation. As such, the Nation relies on Park actions as defined in the Management Plan to protect the habitat critical to its federally-guaranteed treaty fishing rights. Additionally, the Park has a trust responsibility to the Nation, and accordingly, has a fiduciary obligation to protect the Nation's interests, its Reservation land, and its treaty fishing rights. The Plan should more specifically explain the nature of the Nation's treaty rights and the special trust relationship between the Park and the Nation. Additionally, the proximity of the Quinault Indian Reservation to the Park and the Nation's strong cultural and spiritual ties to the Park should be more thoroughly infused throughout the Plan.

We also provide the following specific comments:

Page 19: *There is enough flexibility in the following to allow poor practices:*

“Natural floodplain values are preserved or restored. Long-term and short-term environmental effects associated with the occupancy and modification of floodplains are avoided when practicable. When it is not practicable to locate or relocate development or inappropriate human activities to a site outside the floodplain, the National Park Service

- prepares and approves a statement of findings in accordance with Director’s Order #77-2
- uses nonstructural measures as much as practicable to reduce hazards to human life and property while minimizing impacts on the natural resources of floodplains
- ensures that structures and facilities are designed to be consistent with the intent of the standards and criteria of the National Flood Insurance Program (44 CFR 60)”

This section should be written to ensure environmental protection within floodplains.

Page 23: States, “Promote harvest and management practices that protect wild salmonids. Work with area fisheries managers to implement escapement levels necessary to achieve the full role of anadromous fish in the ecosystem.” *The Nation disagrees that the ONP has any role to implement escapement goals. This second sentence should be deleted.*

Page 23: States as a strategy to protect native species, “Promote harvest and management practices that protect wild salmonids. Work with area fisheries managers to implement escapement levels necessary to achieve the full role of anadromous fish in the ecosystem.” *This section should more specifically state: In cooperation with tribal governments, preserve and promote sustainable, harvestable levels of fish populations.*

Page 24: States, “• Control or eliminate exotic plants and animals, exotic diseases, and pest species where there is a reasonable expectation of success and sustainability. Base control efforts on

- the potential threat to legally protected or uncommon native species and habitats
- the potential threat to visitor health or safety
- the potential threat to scenic and aesthetic quality
- the potential threat to common native species and habitat”

The Nation strongly supports these measures.

Page 27: States, “Park operations and wilderness functions are coordinated in the park to manage and protect natural and cultural resources in wilderness and preserve wilderness character. Management is coordinated with the U.S. Forest Service to provide consistency in regulations, standards, and guidelines to the extent feasible, and work will continue to be done with other local and regional groups, communities, and agencies to preserve wilderness values.” *This section does not mention coordination with Tribes but should.*

Page 28: States, "Monitor shell middens and petroglyph sites in the at-risk coastal areas on monthly, annual, or biannual basis." *This statement is vague and defaults to biannual monitoring in light of perennial budget shortfalls. The Nation requests monitoring on at least an annual basis.*

Page 28: States, "Treat all archeological resources as eligible for listing on the National Register of Historic Places pending a formal determination by the National Park Service, the state historic preservation office, and associated Indian tribes as to their significance." *This approach does not address sensitivity of potential sites to the Nation, nor does it acknowledge or address the probability of looting (or other desecration) of these sites. In order to protect the integrity of such sites, and given the history of looting publicly known historical sites, the Park should defer to the Nation's wishes whether to include such sites on a public register.*

The treatment of cultural resources would be improved by better addressing inadvertent discoveries and NAGPRA items. An example of a project with the potential for inadvertent discovery is a proposal to relocate Highway 101 this would involve rerouting and excavation of the road system. Cultural items may be uncovered during these activities, and these types of discoveries should be more thoroughly covered in the document. Also, on NAGPRA issues, is the ONP assessing the current inventory for repatriation? The ONP also proposes to house all new findings in an ONP facility. The Nation and other interested Indian tribes should be considered for housing cultural items pertaining to their people.

Page 28: Strategies to protect archeological resources include gathering field data regarding rock shelters, lithic scatters, and hunting camps; surveying and inventorying sites parkwide; and monitoring shell middens and petroglyph sites. *Consultation with tribes is only indicated if disturbance or deterioration are unavoidable. The Nation requests coordination regarding these activities,*

Page 36: States, "The south park boundary upstream of Lake Quinault would be adjusted to include the full meander width of the Quinault River for protection of elk habitat." *While this might benefit fish, it may negatively affect the Nation's elk hunting. The Plan must address these potential impacts.*

M40: States that Preferred Alternative D includes: "The unpaved [Queets River R]oad would be retained and moved as needed in response to river meandering, using methods that minimize adverse effects on river processes and aquatic and riparian habitats, to the extent possible." *The Plan should include government-to-government consultation with the Nation prior to moving the road in the event the Park determines the road needs to be moved.*

M44: States that Preferred Alternative D includes: "Relocations of the roads [North Fork, Graves Creek, Finley Creek] might be necessary due to river movement." "Year-round road access would be retained using methods that minimize adverse effects on river processes and aquatic and riparian habitats to the extent possible." *The Plan should*

include government-to-government consultation with the Nation prior to moving road in the event NPS determines road needs to be moved.

Page 41: *The purpose of the General Management Plan (GMP) is to provide a framework for decision making by National Park Service (NPS) staff regarding issues and resources in and around the Olympic National Park (ONP). An important element the NPS must bring into any decision making process is how the decision will affect the rights and interests of the Indian tribes that surround the ONP. Therefore, this section is incomplete. Part of the decision making framework must include recognition of the NPS trust responsibilities and the rights and interests of the Nation and other Indian tribes. The section should be revised to include the following question: What are the ways and to what extent can the Park work with the Tribes to protect their established rights and interests regarding issues and resources affected by ONP?*

Page 55: States, "There is currently no management zoning in Olympic National Park that meets current NPS management zoning standards. However, for purposes of the comparison, zoning reflective of the current conditions was included in the no action alternative." *The no-action alternative should include those steps the ONP would be expected to take to bring it into compliance with the NPS management zoning standards.*

Page 64: *The Plan is vague regarding how costs were considered in the "choosing by advantages" approach to evaluating the alternatives. An objective measure of the likelihood of funding should have been a factor used in the evaluations.*

Page 76: States, "• Designate river and stream access/crossing points, and use barriers and closures to prevent trampling and loss of riparian vegetation." *This might affect fishing access for Quinault fishers, which should be addressed so as not to impair treaty-protected fishing rights.*

Page 76: States, "Implement a noxious weed control program." *The Nation applauds this activity and requests the Park coordinate with the Nation on eradication of noxious weeds to maximize the efficiency and effectiveness of controlling noxious weeds upstream and downstream of the Reservation boundaries.*

Page 77: *The section on Management of Fish and Wildlife does not, but should, include consultation with affected tribal governments regarding projects within essential fish habitat.*

Page 81: States, "A vegetation management plan would be developed. Topics could include the management and monitoring of rare plants and the control and eradication of exotic vegetation." *This sentence should read, "Topics would include... eradication of exotic vegetation." There is no reason to create a vegetation management plan that does not eradicate detrimental exotic vegetation.*

Page 81: States, "A North Shore Road/Finley Creek development concept plan would be developed to address the hydrologic and geomorphic issues associated with maintaining year-round vehicle access in this unstable environment and to return Finley Creek to a more naturally functioning and stable condition." *The Nation agrees this should occur.*

Page 84, Table 3: *The preferred alternative does meet NEPA Section 101(b) goal A in the Quinault watershed. In fact, the preferred alternative will result in continuation of the current trends of deteriorating hydrologic processes and loss of associated fish and wildlife habitats.*

Note: The delineation of alternatives into extreme choices is an unfortunate approach that does not allow for balancing the purposes of the Park and the interests of its users and neighbors. The only way to achieve NEPA goal A in the Quinault drainage is to implement the River Zone. However, the River Zone is only included in the extreme Alternative B that does not allow sufficient public use and support. The preferred alternative should allow for application of the River Zone in drainages that are in particular need of restoration and/or protection; especially where, as in the case of the Quinault River, actions and facilities of the ONP are contributing to the degradation of hydrologic processes.

The preferred alternative does not meet NEPA Section 101(b) goal B. The current condition of the Upper Quinault River floodplain is not aesthetically or culturally pleasing, and under the preferred alternative it will continue to deteriorate.

The preferred alternative does not meet NEPA Section 101(b) goal C. Continuing the current alignments and uses of the ONP road system in the Quinault drainage does not provide beneficial uses without environmental degradation.

The preferred alternative does not meet NEPA Section 101 (b) goal D in the Quinault Watershed. Under Alternative D, the hydrologic processes in the Upper Quinault River will continue to deteriorate.

The preferred alternative does not meet NEPA Section 101(b) goal E in the Quinault Watershed. A balance between population and resource use is not currently in place and nothing in the suggested actions for the Quinault will achieve that balance. Under Alternative D, the hydrologic processes in the Upper Quinault River will continue to deteriorate.

Page 103: *Table 5 lists the Quinault River as "non-glacial" which is incorrect. The east fork is glacial and the north fork is non-glacial.*

Page 109: *Lists Olympic mudminnow (Novumbra hubbsi) as only occurring within the ONP and this is incorrect. They are quite common outside of the Park. We believe the Olympic torrent salamander is also present outside of the ONP, though it is listed as only being present within the ONP. Additionally, the Plan also lists the jumping slug as exclusive to the ONP and this is incorrect as well based on information received from National Forest staff.*

Page 109: *States, "The migratory herds that reside on the north, east, and south sides of the park, and some resident herds on the western boundary, often cross out of park boundaries where they are hunted. Because they have no hunting pressure or fear of*

humans inside the park, the animals are easy prey outside the boundary." *This is a misleading statement. The Nation's elk tagging has not indicated this to be true, and the contrary may be more correct where the elk use the Park out of proportion to the available habitat in order to avoid hunting pressure.*

Page 110: States, "Introduced hatchery stock, overfishing, and degraded habitat have resulted in the destruction of wild, native strains of fish and altered aquatic systems." *This is a generic statement that is not truly applicable to all ONP stocks of salmonid fishes and should be restated to identify where this has occurred and also identify that the remaining stocks have little or no hatchery influence. This information is available should be used rather than a generic statement that is more applicable to the State of Washington than to the ONP.*

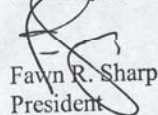
Page 111: States, "Olympic National Park has jurisdiction over shellfish harvest within the park's intertidal area, including Kalaloch Beach. Shellfish harvest is allowed only in accordance with seasons and limits set by Olympic National Park in cooperation with the Washington Department of Fish and Wildlife which has jurisdiction over the other non-reservation coastal areas of Washington." *The Nation asserts that the ONP is not a co-manager of the fisheries resource, and accordingly, does not have such jurisdiction. In addition, the statement does not even acknowledge the treaty-reserved right to fish (including shellfish).*

Page 111: States that mountain goats are non-native. *Based on the Nation's review of the ONP management plan EIS, we believe the Plan discredits the goat sightings and artifact items provided by the Nation, but used these same sources to claim that wolves were native.*

Page 315: In the conclusion of the analysis of hydrologic impacts of Alternative D, the report states, "This alternative **would** improve floodplains in the Hoh and Quinault areas" *The justification for this statement is not clear. In fact, the Plan makes no commitment to altering the current status regarding road placement, maintenance, or protection in the Quinault floodplain. In addition, the Plan does not mention the Park Service bridge across the Quinault River, a structure that causes major impairment to hydrologic processes on the floodplain. (The report does say that, "Relocation of the roads in the Quinault floodplain and watershed, including North Fork and Graves Creek roads, and the North Shore Road at Finley Creek, **could** occur under this alternative." This is hardly a commitment to restoring hydrologic integrity of the Quinault floodplain.)*

Thank you for your consideration of these comments. We will submit further comments prior to the end of the comment period. We look forward to working with the Park toward implementing the Plan and improving our working relationship in the process.

Sincerely,


Fawn R. Sharp
President