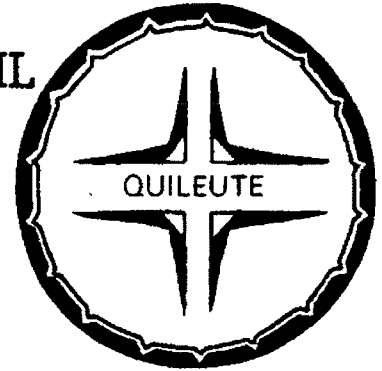


QUILEUTE TRIBAL COUNCIL

POST OFFICE BOX 279
LA PUSH, WASHINGTON 98350-0279
TELEPHONE (360) 374-6163
FAX (360) 374-6311



March 4, 2010

Karen Gustin, Superintendent
Olympic National Park
600 East Park Avenue
Port Angeles, WA 98362

Re: Acquisition of land in Umbrella Creek area

Dear Superintendent Gustin:

It is always a challenge to implement a complex document, and certainly the MOU that the National Park Service signed with 8 affected treaty tribes on July 10, 2008 is complex. Further, we realize that you came in at the end of the negotiations and did not "live" through the lengthy discussions we had over several meetings, which surely would have impressed on your memory the issues most sensitive to the tribes. However, the document has been in place for over a year now, and we are concerned about how it may be implemented. Some of the paragraphs that we believe relevant to this letter are attached so you can reference them.

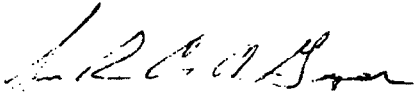
We believe that affected tribes (any tribe whose treaty rights overlap with a transaction) should be noticed at the very inception of a potential purchase of land by the Park. Once that land becomes part of the Park, the treaty rights are impacted and reduced. The Park should offer government-to-government meetings to the affected tribal government(s), at the earliest stage of land transactions. The tribe(s) should timely be made aware of the land description and the conditions of the sale. We do not believe it relevant whether the Park initiated the acquisition, or whether the land was offered to the Park (be it a gift or for a price).

The Umbrella Creek property (T30N, R15W, Sections 3 and 4, Willamette Meridian, Clallam County) lies within the Ceded Lands of the Treaty of Olympia. (See the map attached after the page with the MOU language. This map was prepared by the state of Washington from treaty language. Treaty of Quinault River was changed to Treaty of Olympia by reauthorization in January of 1856. No boundaries were changed. Signatories were added.) Actually, hunting rights exist for Quileute, Hoh, and Quinault on that land. Surely the Park knew of the Cascadia Land Trust offer well in advance of

the February 10th fax to our tribal office. While we are glad to know Park management funds will not be drawn from to make the purchase (based on your phone call with Katie Krueger on February 21st), we still have access concerns and need to have a government-to-government meeting with you before this transaction proceeds further.

Please contact me [REDACTED] so we can arrange for this meeting. Thank you for your attention to this matter.

Sincerely,



Anna Rose Counsell-Geyer, Chair
Quileute Tribal Council

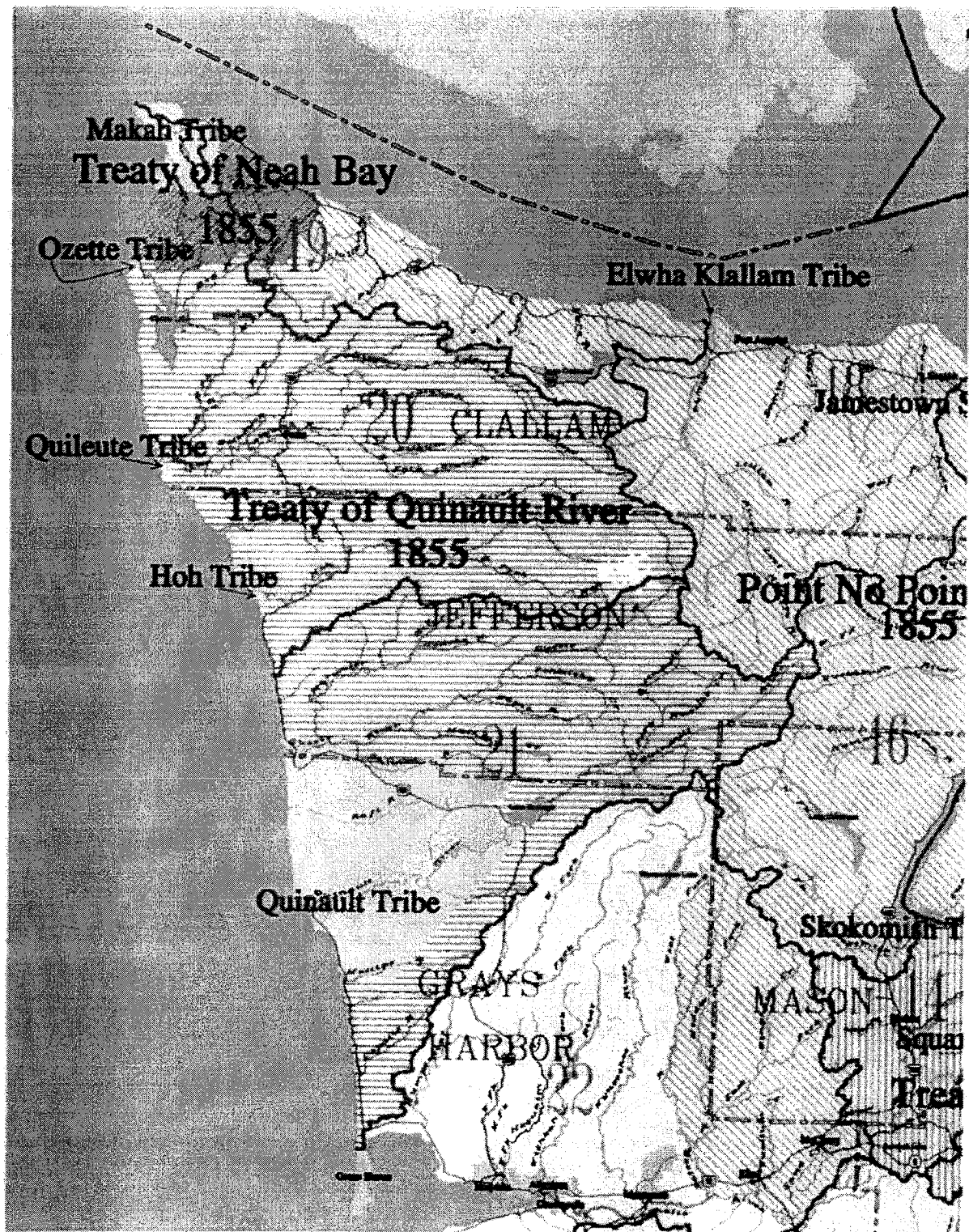
Sections from MOU: National Park Service and Eight Treaty Tribes, 2008

5.1.4 The Parties will collaboratively develop general protocols to ensure consistent, early, timely, and frequent communication between the Parties, including:

- (a) Identification of activities, events, processes, or conditions that require notification of the Parties according to agreed protocols (e.g., initiated by responsible Party via email, phone call, FAX, letter, etc.);**
- (b) Identification of activities, events, processes, or conditions that would initiate review/consultation by the Parties (specify staff responsible for consultation). The Parties will determine what activities, events, processes, or conditions are of concern for review/consultation and request participation in decision-making processes or consultation;**

5.2.2. The NPS will provide timely notice to affected Tribes of any proposed NPS permit, or action that requires notice per 5.1.4 that potentially affects reserved treaty rights or tribal interests in resources within the ONP and on the peninsula. The NPS will ensure that Tribes have an opportunity for consultation and consideration in addition to any public notice and comment provided for under federal law including, (i) NEPA processes, including pre-scoping notification of tribes and monitoring; (ii) NHPA Section 106 Consultation; (iii) Revision of ONP Management Plans; (iv) Rule making, permitting or actions, including, but not limited to, stream restoration, road and culvert maintenance, fire management, wildlife management, fisheries management, hazard tree reduction, cultural resource protection and research; (v) NPS policies or guidelines that may affect or relate to reserved treaty rights or tribal interests in resources within ONP and on the peninsula.

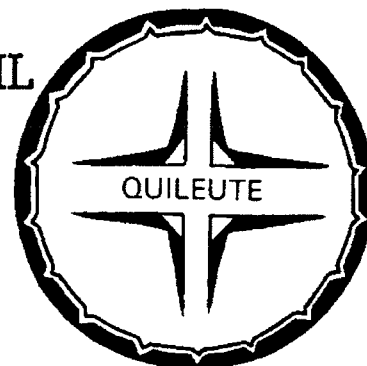
5.2.8 The NPS will provide affected Tribes with copies of agreements with other entities pertaining to matters that may affect tribal rights or interests.





QUILEUTE TRIBAL COUNCIL

POST OFFICE BOX 279
LA PUSH, WASHINGTON 98350-0279
TELEPHONE (360) 374-6163
FAX (360) 374-6311



March 29, 2010

National Park Service
Columbia Cascades Lands Resources Program Center
168 South Jackson Street
Seattle, Washington 98104

Attn: Wayne Hill

Re: Quileute Tribe's Opposition to Proposed ONP Acquisition of Land in
Tribal Treaty Rights Area -- Lake Ozette Umbrella Bay

Dear Mr. Hill:

In response to the Park's request for comments, I am writing on behalf of the Quileute people to strongly oppose ONP's acquisition of 240 acres in the Umbrella Bay area of Lake Ozette (T30N, R15W, Sections 3 and 4, Willamette Meridian, Clallam County). The Quileute Tribal Council expressed this opposition in a letter dated March 4, 2010 to Superintendent Karen Gustin, as well as in a letter dated March 18, 2010 to members of the Washington State Congressional Delegation copied to the Superintendent. Both these communications are attached, and I ask that those letters be made part of the Park's record on this proposal.

On behalf of the Quileute Tribal Council, I would like to express my appreciation to Superintendent Gustin for her prompt response to the Tribe's concerns. The Superintendent met personally with our Council to discuss the Tribe's Treaty rights to the Umbrella Bay area, and to hear our deep feelings about this proposal. It is vitally important that we sit down face to face, government to government, to have a full discussion of the issues on potential transactions such as this.

The first and most important point I wish to make for the record is that the Tribe was not properly consulted about this proposal. Approximately two years ago, the Tribal Council had a meeting with the Cascade Land Conservancy (CLC), but the CLC did not disclose its intentions to sell the Umbrella Bay parcel to the Park. Had the CLC disclosed its intentions to sell the land to Park at the time, then the CLC would have heard the same strenuous objection that the Tribe has been registering with Superintendent Gustin. The Quileute Tribal Council will be meeting with the CLC on April 2nd, and we will be asking why the CLC did not disclose its intentions before this proposal went so far forward. It is our Tribe's firm view that both the CLC and the Park (under the 2008 MOU with the 8 Peninsula Tribes, sections attached) had the obligation to consult with the Tribe at the earliest stage of any discussion about potential acquisition of Treaty rights lands by the Park. Given our Treaty rights, it should be obvious to any private organization that the sale of the Umbrella Bay parcel to the Park would have a permanent impact on the Tribe.

The following are the Tribe's primary objections to this proposal:

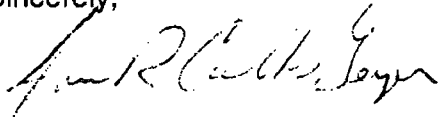
- (1) Lake Ozette area has always been and will continue to be an area of extreme importance culturally and historically to the Quileute people. The Quileute people have hunted and gathered in this area since their beginnings. They have many culturally sacred and religious sites in the Lake Ozette area. For example, my uncles have told me many stories of the times that they journeyed up the coast to fish sockeye in the Ozette river and lake and how they had camps along the shores. Many times they would come home with not only fish but game that they had encountered during their times there. They would also tell me how they made shelters from the cedar trees in the area. We Quileutes continue to exercise our Treaty rights through hunting and gathering around Lake Ozette, and specifically at Umbrella Bay. The Tribe will **NEVER** agree to a land acquisition that extinguishes Treaty rights.
- (2) The inclusion of the Umbrella Bay parcel will immediately and forever impact the Tribe's ability to exercise their Treaty rights on this ground. See our March 4th letter attached. Superintendent Gustin indicated that hunting at Umbrella Bay could be prohibited as soon as the Park takes title to the land, and there are many other restrictions that the Park imposes on its land that directly conflict with Tribal Treaty rights.
- (3) The Umbrella Bay parcel is not old growth or ancient forest land, but rather recently harvested (12-15yrs) private timberland. Inclusion of this land into the Park will require that additional funds be spent by the Park to appropriately manage for invasive species and for other costly management practices necessary to accelerate the progression

towards pristine old growth forest characteristics. It is well-recognized that the Park does not have sufficient funds to manage its existing lands for invasive species – trying to protect and rehabilitate another recently-harvested area will require significant taxpayer dollars with no significant benefit to those taxpayers.

(4) I have seen various statements that restoration of the Umbrella Bay parcel and its creek would help the sockeye salmon population. We all know that Lake Ozette salmon face a huge number of challenges, from predatory species to past land use practices impacting spawning locations within the lake and its tributaries. While the Tribe supports salmon restoration efforts, these efforts are very costly and the outcome unfortunately is very uncertain. The Park's ownership and management of the Umbrella Bay parcel could have only a marginal positive impact on Lake Ozette salmon stocks, and the costs of such ownership and management in terms of taxpayers dollars and destruction of Treaty rights are simply too high.

We strongly oppose this potential transaction and believe that our opinion is common with the other Peninsula area tribes. On behalf of the Quileute people, I want to be very clear: we will use all legal and political means to stop this affront to our Treaty rights. As I stated before the Ozette lake area is too important to the culture, tradition, and history of the Quileute people to allow this to happen.

Sincerely,



Anna Rose Counsell-Geyer, Chair
Quileute Tribal Council

Attachments: Tribal letters dated March 4, 2010 and March 18, 2010
2008 Park MOU (selected portions)

cc w/ att: Karen Gustin
Cascade Land Conservancy
Pete Modaff, Office of Congressman Dicks

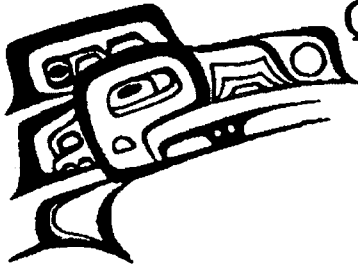
Sections from MOU: National Park Service and Eight Treaty Tribes, 2008

5.1.4 The Parties will collaboratively develop general protocols to ensure consistent, early, timely, and frequent communication between the Parties, including:

- (a) Identification of activities, events, processes, or conditions that require notification of the Parties according to agreed protocols (e.g., initiated by responsible Party via email, phone call, FAX, letter, etc.);
- (b) Identification of activities, events, processes, or conditions that would initiate review/consultation by the Parties (specify staff responsible for consultation). The Parties will determine what activities, events, processes, or conditions are of concern for review/consultation and request participation in decision-making processes or consultation;

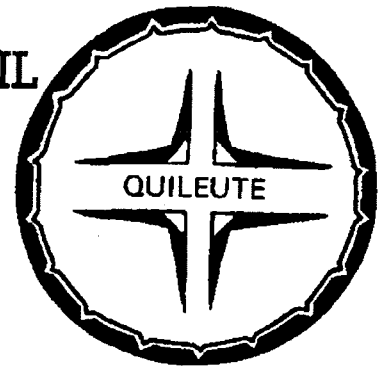
5.2.2. The NPS will provide timely notice to affected Tribes of any proposed NPS permit, or action that requires notice per 5.1.4 that potentially affects reserved treaty rights or tribal interests in resources within the ONP and on the peninsula. The NPS will ensure that Tribes have an opportunity for consultation and consideration in addition to any public notice and comment provided for under federal law including, (i) NEPA processes, including pre-scoping notification of tribes and monitoring; (ii) NHPA Section 106 Consultation; (iii) Revision of ONP Management Plans; (iv) Rule making, permitting or actions, including, but not limited to, stream restoration, road and culvert maintenance, fire management, wildlife management, fisheries management, hazard tree reduction, cultural resource protection and research; (v) NPS policies or guidelines that may affect or relate to reserved treaty rights or tribal interests in resources within ONP and on the peninsula.

5.2.8 The NPS will provide affected Tribes with copies of agreements with other entities pertaining to matters that may affect tribal rights or interests.



QUILEUTE TRIBAL COUNCIL

POST OFFICE BOX 279
LA PUSH, WASHINGTON 98350-0279
TELEPHONE (360) 374-6163
FAX (360) 374-6311



March 18, 2010

By Fax and Email

Senator Maria Cantwell
511 Dirksen Senate Office Building
Washington, DC 20510-4705

Dear Senator Cantwell:

The Quileute people want to express their strong opposition to the Olympic National Park's proposed acquisition of 240 acres of land in the Umbrella Creek area. The Umbrella Creek portions of Lake Ozette area are historic Quileute lands with traditional rights and uses protected forever in the Treaty of Olympia. The Tribe has a deep, passionate feeling for these lands, which include many sacred sites and cultural resources of our Tribe. Our peoples have lived, hunted, fished and gathered in these areas for centuries, and the Park proposal would result in the immediate and permanent destruction of some of the most vital and treasured Treaty rights that the Quileutes possess. We urge you to hear our concerns, talk with other Tribes and protectors of Native American rights, and communicate your strong opposition to the Park's proposal.

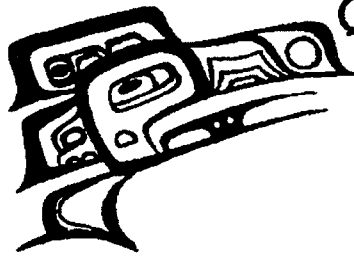
The Tribal Council is also concerned that the Park's consideration of the Umbrella Creek proposal has violated the letter and the spirit of July 10, 2008 Memorandum of Understanding (MOU) between the Park and eight Peninsula Tribes. There has not been consultation (as defined in the MOU) with the Tribe on this proposal before today, when the Tribal Council was able to express its views to Superintendent Gustin.

The Park is seeking formal comments on its proposal, and the Tribe will be providing these comments, but we wanted you to know immediately the depth of the anger and pain that our Tribe feels about this proposal.

Sincerely,

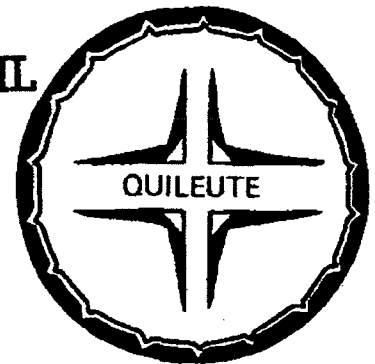

Anna Rose Counsell-Geyer, Chair
Quileute Tribal Council

cc: Karen Gustin
Cascadia Land Conservancy
Senate Committee on Indian Affairs
Office of Indian Affairs, House Committee on Natural Resources



QUILEUTE TRIBAL COUNCIL

POST OFFICE BOX 279
LA PUSH, WASHINGTON 98350-0279
TELEPHONE (360) 374-6163
FAX (360) 374-6311



March 18, 2010

By Fax and Email

Senator Patty Murray
173 Russell Senate Office Building
Washington, DC 20510-4704

Dear Senator Murray:

The Quileute people want to express their strong opposition to the Olympic National Park's proposed acquisition of 240 acres of land in the Umbrella Creek area. The Umbrella Creek portions of Lake Ozette area are historic Quileute lands with traditional rights and uses protected forever in the Treaty of Olympia. The Tribe has a deep, passionate feeling for these lands, which include many sacred sites and cultural resources of our Tribe. Our peoples have lived, hunted, fished and gathered in these areas for centuries, and the Park proposal would result in the immediate and permanent destruction of some of the most vital and treasured Treaty rights that the Quileutes possess. We urge you to hear our concerns, talk with other Tribes and protectors of Native American rights, and communicate your strong opposition to the Park's proposal.

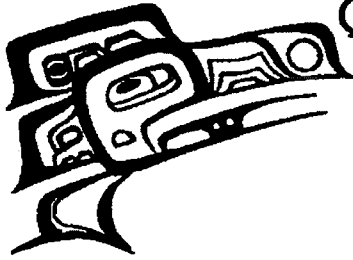
The Tribal Council is also concerned that the Park's consideration of the Umbrella Creek proposal has violated the letter and the spirit of July 10, 2008 Memorandum of Understanding (MOU) between the Park and eight Peninsula Tribes. There has not been consultation (as defined in the MOU) with the Tribe on this proposal before today, when the Tribal Council was able to express its views to Superintendent Gustin.

The Park is seeking formal comments on its proposal, and the Tribe will be providing these comments, but we wanted you to know immediately the depth of the anger and pain that our Tribe feels about this proposal.

Sincerely,

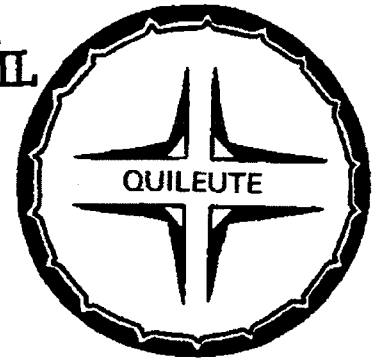

Anna Rose Counsell-Geyer, Chair
Quileute Tribal Council

cc: Karen Gustin
Cascadia Land Conservancy
Senate Committee on Indian Affairs
Office of Indian Affairs, House Committee on Natural Resources



QUILEUTE TRIBAL COUNCIL

POST OFFICE BOX 279
LA PUSH, WASHINGTON 98350-0279
TELEPHONE (360) 374-6183
FAX (360) 374-6311



March 18, 2010

By Fax and Email

Congressman Norm Dicks
2467 Rayburn House Office Building
Washington, DC 20515-4706

Dear Congressman Dicks:

The Quileute people want to express their strong opposition to the Olympic National Park's proposed acquisition of 240 acres of land in the Umbrella Creek area. The Umbrella Creek portions of Lake Ozette area are historic Quileute lands with traditional rights and uses protected forever in the Treaty of Olympia. The Tribe has a deep, passionate feeling for these lands, which include many sacred sites and cultural resources of our Tribe. Our peoples have lived, hunted, fished and gathered in these areas for centuries, and the Park proposal would result in the immediate and permanent destruction of some of the most vital and treasured Treaty rights that the Quileutes possess. We urge you to hear our concerns, talk with other Tribes and protectors of Native American rights, and communicate your strong opposition to the Park's proposal.

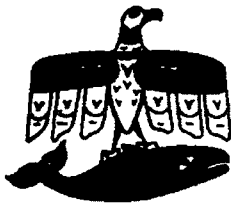
The Tribal Council is also concerned that the Park's consideration of the Umbrella Creek proposal has violated the letter and the spirit of July 10, 2008 Memorandum of Understanding (MOU) between the Park and eight Peninsula Tribes. There has not been consultation (as defined in the MOU) with the Tribe on this proposal before today, when the Tribal Council was able to express its views to Superintendent Gustin.

The Park is seeking formal comments on its proposal, and the Tribe will be providing these comments, but we wanted you to know immediately the depth of the anger and pain that our Tribe feels about this proposal.

Sincerely,


Anna Rose Counsell-Geyer, Chair
Quileute Tribal Council

cc: Karen Gustin
Cascadia Land Conservancy
Senate Committee on Indian Affairs
Office of Indian Affairs, House Committee on Natural Resources



MAKAH TRIBAL COUNCIL

P.O. BOX 115 • NEAH BAY, WA 98357 • 360-645-2201



IN REPLY REFER TO:

March 17, 2010

Wayne Hill
National Park Service
Columbia Cascades Lands Resources Program Center
168 South Jackson Street
Seattle, WA 98104

Re: Makah Tribe's comments on Proposed Minor Boundary Revision at Ozette Lake Area, Olympic National Park (addition of 240 acres in Umbrella Bay area) and request for consultation

Dear Mr. Hill,

The Makah Indian Tribe submits the following comments and request for consultation on the National Park Service's proposed purchase of approximately 240 acres near Umbrella Bay of Ozette Lake in Olympic National Park. The proposed purchase and boundary revision would occur under the Park's Final General Management Plan/Environmental Impact Statement ("Final GMP/EIS"), which was completed in 2008. The Tribe commented on the draft management plan and specifically requested consultation with the Park regarding the effects of the boundary expansion on the Tribe's treaty gathering and hunting rights secured by the 1855 Treaty of Neah Bay. Moreover, the Tribe requested that the Park evaluate the effect of the proposed boundary expansion on the Tribe's ability to exercise such rights.

Although consultation meetings were held with Makah (and other tribes) following the submission of its comment letter, the Final GMP/EIS failed to include any meaningful analysis of the effects of the boundary expansion on treaty hunting and gathering rights. Indeed, after recognizing tribal treaty rights to hunt and gather, the Park completely sidestepped the issue of the effects of the proposed boundary expansion on such rights: "Defining the application of tribal treaty rights is beyond the scope of a general management plan, and it is not the intent to diminish treaty rights or otherwise resolve unadjudicated treaty rights in this document." Final GMP/EIS at 5. Instead of substantively addressing this issue, the Park acknowledged that it is obligated to honor numerous legal responsibilities to the Tribe under the Constitution, treaties, federal statutes and court orders, Final GMP/EIS at 15-17, including its obligation to "ensure that treaty reserved rights are not impaired or abrogated by the action of federal agencies," Final GMP/EIS (Vol. II) at 88. Finally, the Park committed to government-to-government consultation to "ensure that existing treaty rights are not affected by actions within the plan." Final GMP/EIS at 27, 33, 42, 54, 79.

For the reasons stated in the Tribe's December 20, 2006, comment letter and discussed further below, the Tribe is extremely concerned that the proposed 240-acre boundary expansion, as well as the long-term plan under the Final GMP/EIS to acquire up to 12,000 acres in the Ozette Lake watershed (by far the greatest portion of the lands proposed for expansion), will permanently prevent the Tribe from exercising its treaty rights on these lands. Accordingly, the Makah Tribe requests consultation regarding the proposed boundary expansion *before* any further steps are taken to complete this transaction so that the Tribe and Park may work together to "avoid[] impairment of treaty protected rights" by an action under the Final GMP/EIS. Final GMP/EIS (Vol. II) at 88.

Makah Concerns Regarding Hunting and Gathering Treaty Rights.

The proposed boundary expansion – the first under the Final GMP/EIS – is of particular importance because the Tribe and the Park have never addressed the boundary expansion issue in the context of a specific land purchase or with respect to the Tribe's concerns about treaty hunting and gathering. Because the Park's handling of the current expansion proposal has the potential to set precedent for future boundary expansions, this issue is particularly well-suited to consultation so that the Park is fully informed about the Tribe's concerns and its proposals for preventing the potential impairment of its treaty rights.

As the Park is aware, the Tribe reserved the right to hunt and gather on "open and unclaimed lands" in the 1855 Treaty of Neah Bay. The land proposed for expansion, located on the northeastern edge of Ozette Lake and in close proximity to the Tribe's historic village at Ozette, falls within the territory ceded by the Tribe in the Treaty. In addition, the total proposed expansion of 12,000 acres in the Ozette Lake watershed also falls within the Tribe's traditional hunting and gathering areas. It is well known that Makahs fished throughout the Lake, but this area was also used for other important subsistence activities. For example, James Swan documented an 1864 Makah hunting expedition that originated from a hunting camp on the lake. After his group followed two hunters from the Ozette Village to the lake, Swan reported:

Here we found an old hut made in the rudest manner with a few old splits of cedar showing evidence of having been used as a frequent camping ground by Hosett (Ozette) hunters. An old canoe split in two was lying in front and bones and horns of elk were strewn about. An Indian water box and a kettle made of bark were the only cooking implements we found. . . . We had a nice supper of broiled halibut napes which we brought with us and made ourselves very comfortable. Our two hunters took a small canoe which was on the lake and went to kill an elk but they returned with out getting anything.

Diaries of James G. Swan (July 22, 1864).

As the Tribe discussed more fully in its December 20, 2006, comment letter, a federal court ruling has called into question whether Makah hunters would be permitted to hunt on these traditional lands surrounding Ozette Lake because such lands, when under Park ownership, are no longer be considered "open and unclaimed." *United States v. Hicks*, 587 F. Supp. 1162 (W.D. Wash. 1984). Indeed, while failing to address treaty hunting issues, the Final GMP/EIS did confirm that under the Park's enabling legislation and federal regulations, it is unlawful to hunt within Park boundaries. Final GMP/EIS (Vol. II) at 61, 108.

The lands affected by the proposed boundary expansion in the Umbrella Bay area and in the Ozette Lake watershed generally provide Makah Tribal members particularly important hunting opportunities. These lands, which contain substantial lowland and wetland habitat, are home to several elk herds currently hunted by the Tribe. A four-year Tribal study utilizing radio-collared cows from herds that utilize the northern part of the watershed demonstrated that the lands proposed for expansion (including the specific Umbrella Bay parcel) are rich in elk abundance. In calculating the herds' core home range, the Tribal study determined that the proposed expansion would potentially cut off tribal hunter access to two of the herds. Thus, it is clear that the proposed 12,000-acre expansion would result in a major impairment of the Tribe's treaty hunting right. In addition, other known herds utilize habitats within the proposed boundary expansion to the southeast and south of Lake Ozette and could similarly be off-limits to tribal hunting.

Gathering in the area of the proposed expansion would also be significantly impacted. It is well-established that the areas around Ozette Lake were important gathering locations for Makah tribal members. In a recent publication, M. Kat Anderson thoroughly documented Makahs' reliance on the several prairies and other wetlands at Ozette, including Ahlstrom's Prairie and Roose's Prairie adjacent to the Ozette Reservation.¹ The report documents the importance of wetlands for gathering because of the great diversity and dense populations of edible plants, basketry materials and medicinal plants found in such areas. Current practice confirms the value of plant materials in this area to Makah gatherers. Tribal members currently gather a wide range of plant species in the Ozette Lake watershed, including Indian (Labrador) tea, wild mint, tule reeds, chub-pup (slough sedge), cattails, devil's club, nettles, various ferns, cedar, bear grass, berries, lily bulbs and watercress.

As the Tribe has observed with respect to gathering at traditional places within the current Park boundary, the proposed expansion will likely impair treaty gathering rights on the additional lands in question. Gathering in the Park is subject to strict regulation under federal law, and the Park does not appear to have any exceptions established to protect the exercise of treaty gathering rights. See 36 C.F.R. § 2(a)(1)(ii), 2(c); Olympic National Park Superintendent's Compendium of Designations, Closures, Permit Requirements and other

¹ M. Kat Anderson, *The Ozette Prairies of Olympic national Park: Their Former Indigenous Uses and Management* (Winter 2009).

Wayne Hill
Re: Olympic National Park Boundary Expansion
March 17, 2010
Page 4 of 5

Restrictions Imposed Under Discretionary Authority (4/15/09) (establishing limits on gathering fruits, nuts, berries and mushrooms).

Makah Request for Consultation and Proposed Solution to Preserve Treaty Rights

Given the significance of this first proposed boundary expansion under the Final GMP/EIS, Makah requests government-to-government consultation with the Park in order to ensure that treaty hunting and gathering rights are not impaired by the purchase of the Umbrella Bay property and the subsequent expansion of the Park boundary to incorporate this property.

In order to protect the Tribe's treaty rights on the lands encompassed by the proposed expansion, Makah requests that the required Congressional legislation include a treaty savings clause that preserves the Tribe's existing treaty rights on the lands in question. In addition, it would be appropriate to delay any legislation approving boundary expansion in the Ozette Lake area until title to all parcels that will be added to the Park is secured through the processes described in the Final GMP/EIS. Piecemeal legislation would be inefficient and would not serve the interest of a comprehensive evaluation and protection of the Tribe's treaty rights through a management plan or other agreement between the Park and Tribe.

Treaty savings clauses are commonly incorporated in legislation regarding national parks to preserve subsistence and ceremonial use of natural resources found on national park lands. For example, Olympic National Park's implementing legislation contained a treaty savings clause. See 16 U.S.C. § 255 (June 29, 1938, enabling act). More recently, legislation establishing numerous national parks and preserves in Alaska provides that "[s]ubsistence uses by local residents shall be permitted in the park, where such uses are traditional, in accordance with the provisions of [ANILCA, 16 U.S.C. § 3111 *et seq.*]." E.g. 16 U.S.C. § 410hh(4)(a). Grand Teton National Park's enabling legislation also provides for limited, elk management hunts.

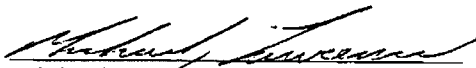
The concept of preserving treaty rights is expressly mentioned in several parts of the Final GMP/EIS. In the section discussing the "zoning" for user capacity, the Park describes the various zones, but makes clear that "nothing in this zoning would diminish existing tribal treaty rights." Final GMP/EIS at 140-42. Finally, in committing to government-to-government consultation to address issues regarding treaty rights, the Park stated that it would "ensure that existing treaty rights *are not affected by actions within the plan.*" Final GMP/EIS at 8 (emphasis added). Consultation with the Tribe and the appropriate treaty savings measures are necessary to fulfill this commitment.

We ask that the Park Superintendent contact me at your earliest convenience to schedule a consultation meeting on the treaty rights issues raised in this letter. We respectfully request that the Park not move forward with the Umbrella Bay land transaction and boundary expansion until such consultation has resolved these issues.

Wayne Hill
Re: Olympic National Park Boundary Expansion
March 17, 2010
Page 5 of 5

Sincerely yours,

MAKAH TRIBAL COUNCIL


Michael Lawrence, Chairman

cc: Karen Gustin, Superintendent, Olympic National Park
Representative Norm Dicks
Senator Patti Murray
Senator Maria Cantwell
Larry Echo Hawk, Assistant Secretary - Indian Affairs
Peter Monson, Department of Justice