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Shellfish Settlement Summary & Tribal Aquaculture Activities

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Shellfish Settlement & Tribal Aquaculture Activities

- In 1974, after failed efforts to negotiate a settlement and a Federal court case that went all the way to the Supreme Court, the treaties were concluded to have reserved to the tribes, the right to 50% of the surplus salmon in Washington waters. With this right, went the responsibility for 50% of the management effort.
- Though Judge George Boldt, had been asked to rule on both finfish & shellfish rights, the shellfish component was separated for a later date, envisioning complications due to the state's privatization of its shorelines, following the signing of the treaties.
- The Northwest Indian Fisheries Commission (NWIFC) was formed as a result of Boldt's ruling, to bring technical expertise and a coordination ability to tribal governments, for fisheries purposes.
- In 1989, as a result of legal actions taken against tribal members attempting to exercise their treaty rights to shellfish, 17 NWIFC member tribes filed with the Federal court system, seeking to determine the extent of that right.
- Subsequent negotiations efforts failed and in 1994, Judge Edward Rafeedie found that the tribes had retained the right to 50% of the naturally occurring harvestable shellfish in Washington. This right included responsibility for fisheries management.

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- Judge Rafeedie realized that the state and federal governments had allowed many of the best shellfish areas to be sold to the flourishing non-tribal shellfish industry without informing buyers that the tidelands might be subject to tribal shellfish harvesting.
- To help protect non-tribal growers, while respecting the tribal right, the judge imposed a number of conditions on tribal harvest on grower property. Exercise of this right would be possible, but very difficult. Growers still felt that tribal harvests would adversely impact their operations.

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- In 2007, Puget Sound commercial shellfish growers and 17 treaty Indian tribes in western Washington reached a landmark agreement that addressed treaty shellfish harvest rights, preserved the health of the shellfish industry and provided greater shellfish harvest opportunities for everyone in the state.



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- Key pieces of the agreement include:

- The tribes forgo their treaty right to harvest an estimated \$2 million worth of naturally occurring shellfish annually from commercial growers' beds.
- Each year, for 10 years, growers provide \$50,000 worth of shellfish enhancement on public tidelands of the state's choosing.
- A \$33 million trust is established for the 17 treaty tribes to acquire and enhance other tidelands to, which they will have exclusive access.

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Settlement money:

- The State of Washington will distribute \$11 million by September 3, 2007.
- Payments from the United States government will be made as follows:
 - \$2 million by September 3, 2007
 - \$5 million by September 3, 2008
 - \$5 million by September 3, 2009
 - \$5 million by September 3, 2010
 - \$5 million by September 3, 2011

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- To achieve these goals, the settlement agreement was supported on a number of fronts:

- Congress passed legislation sponsored by Rep. Norm Dicks and co-sponsored by nearly all members of the Washington Congressional delegation resulting in \$22 million being included in the President's budget, for this purpose
- The state legislature, with support from Gov. Chris Gregoire provided \$9 million from the state's general fund
- \$2 million worth of funding was set aside by Commissioner of Public Lands Doug Sutherland and the Washington State Department of Natural Resources.

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- As settlement talks proceeded, a strong concern voiced by tribal members throughout Puget Sound, was that this in no way become a buy-out of their right to shellfish. The only way this settlement could be palatable would be to ensure that the money be directed toward production of shellfish elsewhere. After more than a decade of talks, the settlement is now completed and the tribes are looking forward to fulfilling that commitment.

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Tribal Shellfish Aquaculture

- ✓ Part of this expansion of shellfish culture activities includes growth of the Lummi hatchery, which was established in 1972. The hatchery employs 7 full time workers and fills orders up and down the coast. While oyster and clam seed culture will continue, in the future, geoduck seed production will likely be its main focus.
- ✓ Tribes around Puget Sound seed and culture oysters for commercial, ceremonial and subsistence purposes, using various techniques.

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Tribal Shellfish Aquaculture

- ✓ The Squaxin Island and Jamestown tribes have already conducted small pilot projects, culturing geoducks. Also, the Jamestown and Port Gamble tribes (Point No Point Treaty Council) are currently negotiating with the Navy to establish a large scale geoduck culture project near Hadlock, in the Strait of Juan de Fuca. Other tribes are similarly looking into geoduck culture.
- ✓ Tribal gravelling and seeding of beaches to increase manila clam production also occurs. The Suquamish tribe, for example, harvests and reseeds a beach in Dyes inlet, in a joint venture with the private property owner.

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- Differences between tribal and non-tribal shellfishing interests have virtually been eliminated. All efforts can now be focused on both increasing product and protecting the water quality of Puget Sound, since pollution is the one threat that crosses all boundaries.

