

From: [Scott Chitwood](#)
To: [Dexter, Nathan L](#); [BrownScott, Jennifer](#)
Subject: LOA between S'Klallam Tribes and NWR
Date: Friday, September 4, 2015 10:36:06 AM
Attachments: [Letter of agreement NWR.pdf](#)
Importance: High

Nathan and Jennifer – I know you probably have this letter of agreement in your files but I thought I could just send it out again as part of the record.

This agreement was signed in 1983 and we have been abiding by its terms since then. The language was crafted based on S'Klallam treaty rights to salmon and steelhead which were in place at the time. However, with the shellfish case concluding in 1994 the same principles apply regarding treaty rights and shellfish.

Just something to keep in mind as we prepare for our meeting.

Scott Chitwood
Natural Resources Director
Jamestown S'Klallam Tribe
1033 Old Blyn Highway
Sequim, WA 98382
360-681-4616

"I love any discourse of rivers, and fish and fishing." Izaak Walton

This email may contain the confidential and/or proprietary information of the Jamestown S'Klallam Tribe and Point No Point Treaty Council. If you receive this message in error, or are not the intended recipient, please erase it and notify the sender immediately.

LETTER OF AGREEMENT
FOR MANAGEMENT OF THE TRIBAL FISHERY
ON DUNGENESS NATIONAL WILDLIFE REFUGE

Purpose

During the past few years there has been considerable confusion over the interpretation of treaty fishing activities of the tribes, which were parties of the Point No Point Treaty (PNPT), on Dungeness National Wildlife Refuge (NWR). The U.S. Fish and Wildlife Service (USFWS) is proposing this Letter of Agreement to clarify the areas of confusion and provide guidelines for the orderly management of the Tribal fishery on Dungeness NWR.

The USFWS recognizes that the Indian treaty fishing rights include the right of access to National Wildlife Refuge lands. This is a treaty right against land owned by the United States. The Tribes (Lower Elwha Klallam, Jamestown Klallam and Port Gamble Klallam) of PNPT have the right to fish, in Dungeness Bay and Harbor, by set nets or other traditional methods, or by modern or improved fishing techniques.

Principles of Agreement

To promote mutual understanding and cooperation between the USFWS and the Tribes (Lower Elwha Klallam, Jamestown Klallam, and Port Gamble Klallam) of the PNPT and to provide for orderly conduct of the fishery on the Dungeness NWR the USFWS is proposing the following principles:

1. During the prescribed fishing seasons, established by the Tribes and the Washington Departments of Game and Fisheries, the Tribes (Lower Elwha Klallam, Jamestown Klallam, and Port Gamble Klallam) of the PNPT may conduct their fishery in Dungeness Bay and Harbor in compliance with tribal and applicable state regulations.

2. Access by tribal members and fish buyers to the Refuge areas, which are the usual and accustomed fishing grounds and stations of the Tribes (Lower Elwha Klallam, Jamestown Klallam and Port Gamble Klallam), is limited to boat and foot.
3. Leaving equipment (boats, nets, etc.) on the Refuge lands is discouraged. The owner assumes all risks associated with unattended equipment.
4. The Tribes (Lower Elwha Klallam, Jamestown Klallam and Port Gamble Klallam) of the PNPT may set fires for camping and curing fish and construct temporary shelters as has been done traditionally. Fires should not be left unattended. Camp sites should be totally removed and fire pits extinguished and covered with sand at the conclusion of the fishing season.
5. The USFWS prohibits firearms, pets, and littering while on Refuge lands.
6. The Tribal enforcement division will be responsible for assuring compliance with the above principles and with Tribal fishery regulations and will respond to complaints from USFWS personnel for reasons of non-compliance.
7. The Tribes will notify the USFWS of opening and closing dates of the fishing seasons on Dungeness NWR.
8. The USFWS agrees to discourage visitors to the Dungeness NWR from vandalizing fishing gear or otherwise disturbing Indian fishing activities on Refuge lands.

The above principles will provide for continuity, orderly conduct, and mutual understanding of the Tribal fishery on Dungeness NWR. This agreement will remain in effect until cancelled by either party. It is hoped that any points of disagreement that may arise in the future would be mutually worked out and added as amendments to this agreement rather than cancelling the document.

Both parties agree to the principles as stated.

Chairman, Lower Elwha Klallam Tribe

Assistant Regional Director,
Refuges & Wildlife Resources, USFWS

X Chairman, Jamestown Klallam Tribe

2/22/83
Date of Agreement

Chairman, Port Gamble Klallam Tribe

Principles of Agreement

To promote mutual understanding and cooperation between the USFWS and the Tribes (Lower Elwha Klallam, Jamestown Klallam, and Port Gamble Klallam) of the PMPT and to provide for orderly conduct of the fishery on the Dungeness NWR the USFWS is proposing the following principles:

1. During the prescribed fishing seasons, established by the Tribes and the Washington Departments of Game and Fisheries, the Tribes (Lower Elwha Klallam, Jamestown Klallam and Port Gamble Klallam) of the PMPT may conduct their fishery in Dungeness Bay and Harbor in compliance with tribal and applicable state regulations.