

Public Comments on the U.S. Commission on Ocean Policy's Preliminary Report

Topic Area: Tribal Interests

Comments Submitted by:

- Bruce Cain, Native Village of Eyak
- James H. Schlender, Great Lakes Indian Fish and Wildlife Commission
- Richard Langseth, Warwick, Rhode Island
- Darrell Hillaire, Lummi Nation
- Michael Donofrio, Keweenaw Bay Natural Resources Department



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10,000 years in our Traditional Homeland, Prince William Sound, the Copper River Delta, & the Gulf of Alaska

U.S. Commission on Ocean Policy
1120 20th Street, NW
Suite 200 North
Washington, D.C. 20036

To Whom It May Concern:

Please accept our comments regarding the Critical Recommended Actions outlined in the U.S. Commissions Executive Summary Report on U.S. Ocean Policy.

The Native Village of Eyak is the largest federally recognized Native tribe in our region with a tribal membership of approximately 500 individuals. Our traditional Tribal Territory extends throughout PrinceWilliam Sound, the Copper River and the Gulf of Alaska.

In 1997 the Native Village of Eyak, or NVE, began a formal environmental program within our region. We have focused our attention mainly on Marine issues and resources, and indeed our highest environmental priority as a tribe is water quality. We have considered ourselves stewards of the sea in our area since time immemorial, and continue to be involved.

Our tribe utilizes marine resources as a primary source of subsistence foods, travel within the region, commercial fishing livelihoods, recreational, and spiritual values. Therefore, it is in our tribe's best interest to be involved to the highest extent possible with any policy changes to the Oceans which gave us life and continue to sustain us economically, nutritionally and spiritually.

A New National Ocean Policy Framework: Our comment regarding this component of the report have to do mainly with the increased involvement of tribal organizations as it relates to decision making at the state and federal levels. Our tribe is increasingly involved with marine policy and fisheries management concepts, and we have government to government relationships with various entities that control marine resources. These relationships are documented in the

form of MOU's and MOA's with the State of Alaska, EPA, Forest Service, BIA, and the City of Cordova, among others. We conduct our own Tribal fisheries research, and have been called upon to provide our expertise cleaning up oil spills. Due to the fact that many of our Tribal members are commercial fishermen, subsistence users, and rely heavily upon Marine resources, we request that we be involved as a stakeholder in this process, and request a seat on the Presidential Advisory Committee that is formed due to this policy. We agree that improving federal leadership and coordination is essential as the World's oceans become more impacted by human use, and we would like to provide our centuries of Ocean stewardship experience, and take an active role in reforming the way that various management agencies and management tools are utilized in our area. We have already come a long way in developing regional goals and priorities, improving response to critical issues, and building capacity to protect our resources from degradation. Building a new framework for policy -making fits very well with our continued effort to become increasingly involved with Marine issues.

Strengthen Science and Meet Information Needs: As previously mentioned we are involved with many aspects of marine science. Our tribe conducts studies related to the commercial and subsistence use of salmon; life history, abundance estimates, early season indexing using state of the art sonar, tagging and tracking, and water quality issues as they relate to the health of salmon habitat. We have one of the most viable and sustainable commercial fisheries in North America, and indeed the Copper River salmon are sought after worldwide. Any science that is conducted regarding the status of our marine environment is of interest to us, and we are in a strong position to facilitate and encourage an increase in high quality information that will help us and other managers of these resources when making decisions at a regional level. We would like to see money allocated to tribes and other local governments who already study these precious resources, and an opportunity to work directly with the federal government in crafting new research protocols for studying the marine environment in our area. An increase in funding to study the impacts to fish, shellfish, and other marine resources from other development, is necessary as the World's oceans become increasingly utilized.

We agree with the commitment to spend 138 million initially on an Integrated Ocean Observing System, and would like to support the U.S. Ocean Commission in its request to Congress to allocate funds to observe, monitor, and forecast ocean conditions. We believe that this action in itself will be a positive step in the right direction towards a more ecosystem-based approach to Ocean management.

Enhance Ocean Education: Traditional knowledge of resource use and life histories of marine species is often overlooked when creating curriculum for education regarding ocean ecosystem science and management. Native Village of Eyak requests that Native knowledge be included in this component of the Commissions new Policy, and we will offer what information we can in order to facilitate this process.

One of the goals we have developed regionally is to provide better scientific understanding of our resources to the various decision makers and managers, and this has been successful with our salmon science projects. We would be very interested in being involved at a higher level in regards to increasing collaboration between our tribe and the federal government when it is appropriate. Our tribal youth need resources available to them to become educated on regional and international ocean issues, and funding to facilitate that process in the form of increased scholarships and financial aid to Native youth interested in marine science is a long-term goal of ours. In order to cultivate a broad public ethic of stewardship on the oceans, we need to start with

youth in each region, and provide them with what they need to become and stay involved with issues in their own ecosystems.

In conclusion, the Native Village of Eyak respectfully requests that we be involved as a partner in this worthwhile endeavor, and we would like a seat at the table when the Presidential Committee is formed. We are key participants in the management and protection of our local resources, and believe that our experience would be a valuable addition to this effort. We hope that Congress realizes the importance of this process, and we would like to commend the Ocean Commission on their foresight and initiative.

Thank you for allowing us the chance to participate as a tribal government in your visionary mission to monitor, protect and restore the Earth's oceans.

Sincerely,

Bruce Cain
Executive Director
Native Village of Eyak

GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION

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·Member Tribes·

MICHIGAN
Bay Mills Community
Keweenaw Bay Community
Lac Vieux Desert Band

WISCONSIN
Bad River Band
Red Cliff Band
Sokaogon Chippewa
Lac Courte Oreilles
Band Lac du Flambeau
Band
St. Croix Chippewa

MINNESOTA
Fond du Lac Band
Mille Lacs Band

June 4, 2004

Via Electronic Mail

Admiral James D. Watkins, Chairman
U.S. Commission on Ocean Policy
1120 20th Street, NW
Washington, DC 20036

Re: Comments on Draft Preliminary Report

Dear Admiral Watkins:

The Great Lakes Indian Fish and Wildlife Commission (GLIFWC) submits these comments on the U.S. Commission on Ocean Policy's draft Preliminary Report (draft report). GLIFWC is an intertribal agency exercising delegated authority from 11 federally recognized Ojibwe, or Anishinaabeg, Tribes in Wisconsin, Michigan and Minnesota.¹ Those tribes retain hunting, fishing, and gathering rights, and associated governmental management and regulatory authority, in territories ceded to the United States in various treaties.² Specifically, portions of the

¹ GLIFWC member tribes are: in Wisconsin – the Bad River Band of the Lake Superior Tribe of Chippewa Indians, Lac du Flambeau Band of Lake Superior Chippewa Indians, Lac Courte Oreilles Band of Lake Superior Chippewa Indians, St. Croix Chippewa Indians of Wisconsin, Sokaogon Chippewa Community of the Mole Lake Band, and Red Cliff Band of Lake Superior Chippewa Indians; in Minnesota – Fond du Lac Chippewa Tribe, and Mille Lacs Band of Chippewa Indians; and in Michigan – Bay Mills Indian Community, Keweenaw Bay Indian Community, and Lac Vieux Desert Band of Lake Superior Chippewa Indians.

² See *People v. Jondreau*, 384 Mich 539, 185 N.W. 2d 375 (1971); *State of Wisconsin v. Gurnoe*, 53 Wis. 2d 390 (1972); *United States v. Michigan*, 653 F.2d 277 (6th. Cir. 1981); *Lac Courte Oreilles v. Voigt (LCO I)*, 700 F. 2d 341 (7th Cir. 1983), cert. denied 464 U.S. 805 (1983); *Lac Courte Oreilles v. State of Wisconsin (LCO III)*, 653 F.Supp. 1420 (W.D. Wis. 1987); *Lac Courte Oreilles v. State of Wisconsin (LCO IV)*, 668 F.Supp. 1233 (W.D. Wis. 1987); *Lac Courte Oreilles v. State of Wisconsin (LCO V)*, 686 F.Supp. 226 (W.D. Wis. 1988); *Lac Courte Oreilles v. State of Wisconsin (LCO VI)*, 707 F.Supp. 1034 (W.D. Wis. 1989); *Lac Courte Oreilles v. State of Wisconsin (LCO VII)*, 740 F.Supp 1400 (W.D. Wis. 1990); *Lac Courte Oreilles v. State of Wisconsin (LCO VIII)*, 749 F.Supp. 913 (W.D. Wis. 1990); *Lac Courte Oreilles v. State of Wisconsin (LCO IX)*, 758 F.Supp. 1262 (W.D. Wis. 1991); *Lac Courte Oreilles v. State of*

Lake Superior, Lake Michigan, and Lake Huron basins are within territory ceded by the Treaties of 1836, 1837, 1842, or 1854.³

Please note that these comments are submitted from the ceded territory perspective and are from that aspect of the tribes' sovereignty and retained rights. They should not be construed as precluding comments by GLIFWC's member tribes pursuant to their individual sovereign prerogatives, particularly from an on-reservation perspective.

For the reasons set forth more fully below, GLIFWC is pleased that the draft report calls for an ecosystem approach to Great Lakes environmental and natural resource management. However, it is disappointed that the draft report does not specifically affirm tribal rights and governmental authority or the federal government's obligations regarding those rights. The final report must do so to ensure that tribes are properly integrated as full governmental partners and participants in the draft report's recommendations. GLIFWC calls upon the Commission on Ocean Policy to embark upon the requisite proper and thorough consultation process with affected tribes across the country before finalizing the report. This government-to-government process is required by the federal government's specific treaty obligations to GLIFWC's member tribes as well as the government's general trust responsibility of good faith and fair dealings toward tribes.

Wisconsin (LCO X), 775 F.Supp. 321 (W.D. Wis. 1991); *Mille Lacs Band v. State of Minnesota*, 861 F.Supp. 784 (D. Minn. 1994); *Mille Lacs Band v. State of Minnesota*, 952 F.Supp. 1362 (D. Minn. 1997); *Mille Lacs Band v. State of Minnesota*, 124 F.3d 904 (8th Cir. 1997); *Minnesota v. Mille Lacs Band*, 199 S.Ct. 1187 (1999).

In affirming the Anishinaabeg's treaty rights, the courts, including the United States Supreme Court, relied on a number of key principles regarding treaty interpretation. Indian treaties, like treaties with other any other nation, are the supreme law of the land as provided in the United States Constitution. They take priority over state laws, cannot be abrogated or terminated by implication, and the rights that they guarantee to the Indians are considered constitutional rights.

³ Treaty of 1836, 7 Stat. 491; 7 Stat. 491; Treaty of 1837; Treaty of 1842, 7 Stat. 591; and Treaty of 1854, 10 Stat. 1109.

For a better understanding of the ceded territory rights retained by GLIFWC's member tribes and of GLIFWC's role and programs carried out on the tribes' behalf, I have attached a copy of GLIFWC's testimony to the Senate Committee on Indian Affairs at a June 3, 2003, hearing on the status of tribal fish and wildlife management programs. This testimony explains the nature and extent of the tribes' rights, as well as the nature of their retained sovereign management and regulatory authority regarding those rights. It also offers numerous examples of successful Great Lakes intergovernmental cooperative management entities and processes relevant to the draft report in which GLIFWC and its member tribes already participate, some of which (such as the Binational Program to Protect and Restore Lake Superior) the draft report fails to mention.⁴

The historical record is clear – GLIFWC's member tribes would not sign the treaties referenced above until the United States agreed that they could continue their way of life on the ceded lands to meet their subsistence, economic, cultural, spiritual and medicinal needs.⁵ As a number of federal courts have found, one of the primary purposes of these treaties is to provide a permanent right for the tribes to make a moderate living off of the ceded territory lands and waters by engaging in hunting, fishing and gathering as they had in the past.⁶ Nothing that the Commission on Ocean Policy does or recommends can or should undermine these treaty rights. Rather, the Commission and its final report must specifically uphold and honor these rights as well as the tribes' associated sovereign authority and responsibility.

⁴ GLIFWC asks that the entire record of this Hearing (contained in Senate Hearing Report 108-121 which is available from the U.S. Government Printing Office on-line at <http://www.gpo.gov/congress/senate/senate13ch108.html>) be included in the administrative record for the draft report and that the Commission on Ocean Policy fully consider the information presented at the Hearing before finalizing the report. The information contained in the Hearing record supports GLIFWC's recommendation, laid out more specifically below in the body of these comments, that the final report must fully recognize the proper roles and authorities of tribes to participate as full governmental partners in any of the recommended entities, processes, or funding that affect tribal rights.

⁵After carefully examining considerable historical evidence surrounding the treaty negotiations, the courts have concluded that GLIFWC's member tribes intended to reserve, and the United States intended to guarantee, the right to continue the Anishinaabeg's traditional way of life. See, e.g., *Lac Courte Oreilles Band (LCO III)*, *supra* note 2, at 1426; *Mille Lacs Band v. State of Minnesota*, 952 F. Supp. 1362, 1393. The courts also have looked at the historical record since the treaties were signed and found that there has been no action by Congress or the President to terminate these rights, and that "statehood" by itself does not take away the rights. See, e.g., *Minnesota v. Mille Lacs Band*, 199 S.Ct. 1187 (1999).

⁶See, e.g., *Lac Courte Oreilles Band (LCO III)*, *supra* note 2, at 1426 (a "permanent" guarantee "to make a moderate living off the land and from the waters . . . by engaging in hunting, fishing and gathering as they had in the past. . . ."); *Mille Lacs Band v. State of Minnesota*, 952 F. Supp. 1362, 1393 ("[T]he 1837 treaty provides the Bands the *right* to continue a way of life based on hunting, fishing and gathering") (emphasis in original).

In proper perspective, this reservation of sovereign rights is part of the Anishinaabeg's ongoing struggle to preserve a culture – a way of life and a set of deeply held values – that is best understood in terms of the tribes' relationship to *Aki* (earth) and the circle of the seasons. The Anishinaabeg are closely tied to the natural environment by a system of beliefs and practices that organize everyday life. This environmental human relationship involves a notion of geographic place that embodies the Anishinaabeg's human origin and historical identity, as well as the way the Anishinaabeg conceive their cultural reality in the modern world.⁷

In accordance with these types of traditions and teachings, the Anishinaabeg seek to preserve a balance between the human being and the natural resources that humans rely upon, as well as between the natural world order and the supernatural world order. They understand the need to match human needs with *Aki*'s capability to produce and sustain, and the need to nourish the body as well as the spirit.

Thus, for GLIFWC and its member tribes, the exercise of retained sovereign authority to manage natural resources and to regulate tribal members in the exercise of treaty rights is a necessary element of Anishinaabeg cultural preservation. Simply stated, ecological sustainability equates to Anishinaabeg sustainability. GLIFWC and its member tribes are committed to natural resource management programs that sustain *Aki*'s bounty for present and future generations. They recognize that perpetuation, enhancement and restoration of the natural resources upon which they rely are essential to sustaining tribal sovereignty, culture and society.

The court decisions affirming the Anishinaabeg's treaty rights serve as a reminder that tribes and tribal governments have a legal status not only in their own right but also under the United States Constitution. In exercising their treaty rights to harvest and manage natural resources, the tribes carry out sovereign powers of self-government and undertake a wide array of activities that perpetuate their culture. This means that other governments, particularly states, cannot maintain exclusive control of natural resource use and management in the ceded territories.

Against this backdrop and consistent with Anishinaabeg teachings, GLIFWC and its member tribes are committed to the protection and sustainability of the Great Lakes. For example, resolutions adopted by GLIFWC's Board of Commissioners recognize the Lake Superior ecosystem as providing important natural resources that are at the heart of Anishinaabeg life ways and culture. Board resolutions also support the principle of "zero discharge" into Lake Superior and encourage the designation of Lake Superior as an Outstanding National Resource Water. GLIFWC member tribes already view the Lake as such, and exercise their retained sovereign prerogatives accordingly. They also expect the United States government and all federal agencies

⁷In addition to the court decisions themselves, other sources documenting the essential role that natural resources play in Anishinaabeg culture include: *FISH IN THE LAKES, WILD RICE, AND GAME IN ABUNDANCE* (James M. McClurken et al. eds., (2000); and *RONALD N. SATZ, WISCONSIN ACADEMY OF SCIENCES, ARTS, AND LETTERS, CHIPPEWA TREATY RIGHTS: THE RESERVED RIGHTS OF WISCONSIN'S CHIPPEWA INDIANS IN HISTORICAL PERSPECTIVE* (1991).

(including the Ocean Policy Commission) also to do so as they carry out the federal government's treaty obligations and trust responsibility toward tribes. Thus, GLIFWC is encouraged that the draft report calls for an ecosystem approach to Great Lakes environmental and natural resource management.

Nevertheless, GLIFWC is disappointed that the draft report neither acknowledges tribal rights and retained sovereignty nor affirms the federal government's unique and specific obligations toward tribes, particularly regarding the ceded territory treaty rights of GLIFWC's member tribes that exist in three of the Great Lakes. While the draft report generally includes tribes in listings of consultative and collaborative "stakeholders" in various sections, GLIFWC's concern is that, by failing to explicitly acknowledge and affirm tribal rights, governmental interests, and cultural values in the Great Lakes, the Commission on Ocean Policy and other governmental authorities involved: i) may not properly recognize and integrate tribes as sovereigns and as full governmental partners; and thus ii) ultimately may not adequately include tribes as full participants in the various interjurisdictional entities, processes, and funding arrangements recommended.

GLIFWC presumes that these oversights are the result of inadequate consultation with affected tribes rather than from an intent to exclude tribes. Indeed, it appears that the outreach effort to solicit specific tribal input on the draft report, both from the Department of Interior and from the Commission on Ocean Policy, took place only as an afterthought upon the draft report's release as a "Governor's" draft. This circumstance cannot be corrected simply by the opportunity to submit written comments; rather, the Commission on Ocean Policy should engage in a dynamic, interactive process with affected tribes before the report is finalized. This Nation's treaty commitments to GLIFWC's member tribes and the federal trust responsibility require nothing less.

As to the Great Lakes more generally, GLIFWC is concerned that the draft report fails to acknowledge a number of on-going successful programs, thus creating uncertainty as to how the report's recommendations are intended to relate to these programs. For example, GLIFWC, several of its member tribes, state governments and the federal government already participate in the Binational Program to Restore and Protect Lake Superior, and its related intergovernmental bodies and processes. Under this program, substantial progress already has been made toward comprehensive Lakewide Management Plans (or LaMPs) for each of the Great Lakes.

GLIFWC shares the draft report's call for regionally appropriate interjurisdictional mechanisms and wants to ensure that recommendations strengthen successful Great Lakes processes and committees in which tribes already are involved. Structures recommended by the draft report should not undermine, duplicate or replace the successful structures already in place. In fact, the existing intergovernmental structure on each Great Lake that is responsible for developing LaMPs may well serve as models for the regional ocean councils that the draft report recommends. GLIFWC is concerned that the draft report's has not fully reviewed and considered the full range of key Great Lakes intergovernmental programs and that certain recommendations may not be appropriate in light of those programs. For example, GLIFWC is unclear about the relevance of the recommendation for regional ocean councils in the context of the Great Lakes Water Quality Agreement and the existing Bi-National Executive Committee and the U.S. Policy Committee that are charged with its implementation. GLIFWC wants to ensure that recommendations that may be appropriate in the oceans context are carefully considered before being applied to the Great Lakes.

GLIFWC also is concerned how the draft report might relate to emerging initiatives, such as President Bush's recently established federal Great Lakes Interagency Task Force. GLIFWC's primary concern here is that all parts of the federal government work together to accomplish appropriate and successful intergovernmental coordination to properly protect and sustain the Great Lakes ecosystem. Without proper coordination, GLIFWC fears that the final report will be treated as irrelevant by the federal government itself.

In conclusion, while GLIFWC supports the draft report's overall goal and vision of protecting and sustaining the Great Lakes through an ecosystem-based approach involving regionally appropriate intergovernmental coordination, the report should not be finalized without proper government-to-government consultation with affected tribes and without ultimately recognizing retained tribal sovereignty and integrating tribes as full governmental partners. Tribal natural resource management programs touch the very core of federal Indian law and policy – the preservation of historically and culturally significant activities of Indian people, the fulfillment of federal promises made to the tribes by treaty, the protection of significant Indian subsistence and economic activity, the enhancement of self-government by the tribes, and the encouragement of government-to-government dealings between tribes, the federal government, and other governments. The Commission on Ocean Policy carries an important obligation to promote and support these programs upon which tribes rely to maintain their sovereignty, culture and society.

GLIFWC looks forward to further dialogue toward this end. Please contact James Zorn of GLIFWC's staff (715/682-6619, ext. 101, or jzorn@glifwc.org) if you have questions or need further information, and as to how you wish to proceed in consulting with GLIFWC and its member tribes.

Sincerely,
/s/ James H. Schlender
James H. Schlender
Executive Administrator

Attachment

Comment Submitted by Richard Langseth, Warwick, Rhode Island

My name is Richard Langseth, Warwick, Rhode Island

Here are my comments on Chapter 31 Summary Recommendations of the Preliminary Report of the U.S. Commission on Ocean Policy.

I am currently engaged in a lively effort to provide citizen input to the Greenwich Bay Special Area Management Program funded by a NOAA Grant administered by the Ocean Center of the University of Rhode Island. I have also been involved with tribal initiatives including environment education and economic development on reservations that are connected directly to the ocean or tidal estuaries.

Here are several recommendations that I feel are necessary to educate the people about nitrate problems and to ensure that tribal interests are protected.

EPA Recommendation 14-2 should include a reference to educating people about groundwater nitrate discharge from properly maintained septic systems.

It is good that some of the recommendations address tribal issues. Presidential recommendation 4-11 includes tribal interests. The same should apply to other recommendations including:

Recommendations to Congress:

Recommendation 10-4 "Congress should increase financial and technical assistance to state and local entities" for developing hazards mitigation plans..." This should include tribes.

Recommendation 19-13 "reflect a broad range of interests" should be changed to "reflect a broad range of interests including Indian tribes and similar dependent nations"

Recommendation 22-3 should include tribal stakeholders.

Recommendations 24-1 and 30-1 should include Indian tribes and similar dependent nations in addition to states.

Presidential recommendations:

Presidential Recommendation 4-5 should specifically include people from Indian tribes and similar dependent nations.

Ocean Council recommendation 24-1 should include tribal interests in the call for a management regime of private industry access to methane hydrates so that tribal interests are not encroached upon through the private or tribal corporation mining of methane hydrates. This is especially important to tribes in New England, the Pacific Northwest and the North Slope.

Assistant to the President Recommendation 4-4 should include tribes.

Presidential Council on Advisors should include tribal interests.

Section F U.S. Department of the Interior Recommendations should encourage tribal participation including but not limited to the "Buy Indian Act" 25 USC 47. See DOI Department Manual (218 DM 5)

Section J Health and Human Services Recommendation 23-1 should encourage tribal participation including but not limited to the "Buy Indian Act" 25 USC 47. (Various references)

In addition to the above, I find that the Congressional Recommendation 7-4 "The legislation should preclude Congress from amending the President's proposal" to be quite distasteful. Many Indian people view their governments as being co-equal with the administration. Indian people have traditionally reached out to Congress for redress, rather than the president. For them to be cut off from legislative discourse because of language of this sort is objectionable.

**Comments to Governors Edition
of
U.S. Commission on Ocean Policy Report**



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Darrell Hillaire,
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The Lummi People have lived by the sea and from the sea for thousands of years. The value of the water as a source of food, transportation and even our existence is constantly on our minds. Totally reliant on the water around us, the Lummi Nation has continued to place the highest value on traditions that involve the oceans. The identity of the Lummi People as a distinct group has depended on our relationship to the sea. In reality all Northwest Natives are tied to the oceans with inseparable bonds and permanent relationships.

In 1855 our Treaties were written around natural resources that guaranteed to us we would have a continued use and responsibility to those waters.

Specifically, the Treaties granted to the Lummi People 50 percent of natural resources and those rights were later affirmed by Judicial decisions, the Lummi People felt secure. In those early days of the Treaty, Lummi People totally relied on the waters that surrounded them. Today that reliance has been reduced by changes in the waters, views of management, pressures of population and what appears to be climate changes. However our values continue to be directed at the sea and maintenance of our rights. They all point to the reality that we must all be better stewards of the sea and its resources.

The Lummi People have had minimal input into the development of the Ocean Policy

Document now presented and represented by the more than 1000 pages of actions, recommendations, testimonials and background. **In reality the Lummi Nation and other coastal Tribes have a very large presence in these issues.** The Lummi Nation reacts daily to issues that impact the environment, their jobs, Puget Sound and the connecting Pacific Ocean and their existence. We continue to place emphasis on aspects of our water-oriented background, including our diminishing fishing fleet, shellfish harvests, cultural needs, and successful aquaculture program. The Aquaculture Project beginning in 1969, was a vision of continued reliance on the water and tidelands. Today after 35 years, the fish and shellfish aspects of that project continue to supply valuable jobs and income to the Tribe and a gateway to aquaculture potential through Northwest Indian College programs.

The roots of the Tribally owned community college at Lummi, the Northwest Indian College (NWIC), actually started in 1969 as an Aquaculture Training Program, a collaborative effort by the Federal government, the State government and the Lummi Nation. The College continues today as Northwest Indian College, with a native enrollment of more than 1600 students from throughout the United States. In 1999 the College was designated as the location for the **National Indian Center for Marine Environmental Research and Education (NICMERE)**. The College was chosen for this center as it is the only Native college located on marine waters and the only college with a marine program that works collaboratively with the Lummi Aquaculture program in research, technical training and educational opportunity. The thirty-five member American Indian Higher Education Consortium of Colleges and Universities recognized the unique position of the Northwest Indian College and designed NWIC and NICMERE as the Center for marine studies for that group. Presidential Executive Orders for American Indians and Alaska Natives Education opportunities also direct collaborative efforts to be developed and enhance the capacity of Tribal Governments to provide education opportunities. NWIC and NICMERE also provide a resource for Puget Sound Tribes and West Coast Tribes for educational opportunities at a Native institution.

NICMERE's strategic plan was developed to provide a larger presence of Native scientists in the management of natural resources, including all the marine sciences.

Through the use of grants, NICMERE is providing research efforts that are contributing to the marine community. As a 1994 Land Grant College, Northwest Indian College can participate in Sea Grant programs and provide additional input to the marine environment through Native-oriented research efforts. NICMERE has a Memorandum of Understanding with the Department of Commerce (NOAA, NMFS, Northwest Fisheries Science Center) to collaborate and provide the college with cutting edge technology from their staffs and facilities for students and faculty in the ocean sciences. Native American Tribes benefit from such an endeavor by pooling their efforts in science projects.

Lummi Nation has a vision of incorporation of ocean studies in their K-12 programs that includes a new high school. Early high school development of an ocean program will insure the higher education aspects of the water oriented community will be provided with people that can relate to the water through Indian eyes.

Our request at this point is to insure that Native interests are recognized by any plan or policy proposed by the Federal, State and local governments for marine waters on a government to government basis. Lummi has been developing facilities that can make such a plan successful by including us in the groundwork of this plan. NICMERE is a perfect vehicle to disseminate and collect information regarding the inclusion of the Native groups and Tribes that will be directly impacted by the National Ocean Policy Report.

Funding of facilities for The Northwest Indian College and NICMERE will insure the aspects of this program are available to all Natives and provide an education basis and proven science that will enable Natives to participate in research and education and will guarantee protection of our resources and full use of our waters for all people.

Examples of funding to enhance Native input in the marine sciences, aquaculture and fisheries management include:

- Marine Science Research and Education Center (NICMERE) at Northwest Indian College
- Permanent staff for research and education (NICMERE)

- Education and research equipment needed for full participation in the ocean efforts of management and conservation
- Enhancement of Aquaculture facilities
- K-12 ocean science program
- Fishermen assistance in catch/value added products
- Transfer of aquaculture techniques to fishermen (mussels, clams, oysters, fish rearing techniques)
- Innovative habitat restoration projects involving the community
- Community education programs on individual and collective efforts for pollution control
- Tribal tourism, land management, forestry
- Salmon issues, ESA policies, including ocean survival
- Shellfish disease and propagation
- Hatchery reform and use to insure fish enhancement meets the needs of Tribal fishermen
- Mass marking techniques

Lummi Nation and Northwest Indian College appreciates the opportunity to provide input into the U. S. Commission for Ocean Policy. Development of a policy that includes grass roots participation in every area of the oceans use, conservation and development will help insure success.

Darrell Hillaire, Chairman
Lummi Nation

Cheryl Crazy Bull, President
Northwest Indian College
Bellingham, Washington
www.nwic.edu

Comment Submitted by Michael Donofrio, Keweenaw Bay Natural Resources Dept

Good afternoon! I became aware of this report through a presentation by Dr Sandifer at the Great Lakes Commission conference. While I won't be able to read the entire report, I wanted to make you aware that the Keweenaw Bay Indian Community, residing on Lake Superior, truly hopes the Great Lakes will be an integral aspect of the final report. I also remind you to include tribes as equal to states in regards to eligibility. You'll find that including Tribes will provide for additional partners and allow the federal trust responsibility for us as promised by the President. Please contact me about related questions. Mike

Michael Donofrio
Keweenaw Bay Natural Resources Dept
L'Anse, Michigan