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## 3.11 Native American and Alaska Native Traditional Resources



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### 3.11 NATIVE AMERICAN AND ALASKA NATIVE TRADITIONAL RESOURCES

#### NATIVE AMERICAN AND ALASKA NATIVE TRADITIONAL RESOURCES SYNOPSIS

The United States Department of the Navy considered all potential stressors and analyzed the following for Native American and Alaska Native traditional resources:

- Accessibility (limiting access to the ocean)
- Airborne Acoustics
- Physical Disturbance and Strike Stressors (activities using seafloor devices and deposition of military expended materials)
- Secondary Impacts (from changes to the availability of marine resources)

#### Preferred Alternative (Alternative 1)

- Impacts on Native American and Alaska Native protected tribal resources and other traditional resources would not occur because inaccessibility to areas of co-use would be temporary, use of seafloor devices could create damage or loss to Native American fishing equipment but would not affect the use of the usual and accustomed fishing grounds, and marine species' population levels would not be altered to such an extent that tribes could no longer find their target species.

#### 3.11.1 INTRODUCTION AND METHODS

##### 3.11.1.1 Introduction

Native American and Alaska Native traditional resources are found throughout the Northwest Training and Testing (NWTT) Study Area (hereafter referred to as the Study Area). The approach to assessing these resources includes consulting with tribal governments to identify resources; defining the resource; presenting the regulatory requirements for identifying, evaluating, and treating the resource within established jurisdictional parameters; establishing the specific resource subtypes in the Study Area; identifying the data used to define the current conditions; and describing the method of impact analysis.

Native American and Alaska Native traditional resources are resources associated with beliefs or cultural practices of a living culture, subculture, or community. These beliefs and practices must be rooted in the group's history and must be important in maintaining the cultural identity of the group. Traditional uses may prescribe the use of particular native plants, animals, or minerals from specific places. The community may consider these resources essential for the continuation of their traditional culture.

Protected tribal resources, as defined in Department of Defense (DoD) Instruction 4710.02, *DoD Interactions with Federally Recognized Tribes*, are "those natural resources and properties of traditional or customary religious or cultural importance, either on or off Indian lands, retained by or reserved by or for Indian tribes through treaties, statutes, judicial decisions, or executive orders, including tribal trust resources." This section also addresses Native American and Alaska Native protected tribal resources and other traditional resources that are retained or reserved by or for Native American and Alaska Native Tribes through treaties. These resources include plants, animals, and locations associated with hunting, fishing, and gathering activities for subsistence or ceremonial use.

### 3.11.1.2 Identification, Evaluation, and Treatment of Traditional Resources

To summarize, the Study Area is composed of established maritime operating and warning areas in the eastern North Pacific Ocean region, including the Strait of Juan de Fuca, Puget Sound, and Western Behm Canal in southeastern Alaska. The area includes air and water space within Washington, as well as outside state waters of Oregon and Northern California. It includes four existing range complexes and facilities: the Northwest Training Range Complex (NWTRC); the Naval Undersea Warfare Center (NUWC) Division, Keyport; Carr Inlet Operating Area (OPAREA); and the Southeast Alaska Acoustic Measurement Facility (SEAFAC). In addition to these range complexes, the Study Area also includes United States (U.S.) Department of the Navy (Navy) pierside locations where sonar (sound navigation and ranging) maintenance and testing occurs as part of overhaul, modernization, maintenance and repair activities at Navy piers at Naval Base (NAVBASE) Kitsap Bremerton, NAVBASE Kitsap Bangor, and Naval Station Everett.

Procedures for identifying, evaluating, and treating Native American and Alaska Native traditional resources, within state territorial waters (0–3 nautical miles [nm] of the coast) and U.S. territorial waters (0–12 nm of the coast) are contained in a series of federal and state laws and regulations, as well as in agency guidelines. Traditional resources along with archaeological and architectural resources are protected by various laws and their implementing regulations: the National Historic Preservation Act of 1966 as amended in 2006, the American Indian Religious Freedom Act of 1978, and the Native American Graves Protection and Repatriation Act of 1990. The Advisory Council on Historic Preservation (Advisory Council) further guides treatment of cultural resources through the regulations *Protection of Historic Properties* (36 Code of Federal Regulations [C.F.R.] Part 800). The category of “historic properties” is a subset of cultural resources defined in the National Historic Preservation Act (16 U.S. Code [U.S.C.] § 470w(5)) as any prehistoric or historic district, site, building, structure, or object included on, or eligible for inclusion on, the National Register of Historic Places, including artifacts, records, and material remains related to such a property or resource. Traditional resources may also be listed in or eligible for listing in the National Register of Historic Places.

Scoping letters for this Environmental Impact Statement (EIS)/Overseas EIS (OEIS) were sent on 23 February 2012, to the following Native American and Alaska Native Tribes: Chinook Indian Nation, Confederated Tribes of the Chehalis Reservation, Cowlitz Indian Tribe, Hoh Tribe, Jamestown S’Klallam Tribe, Lower Elwha Klallam Tribe, Lummi Tribe, Makah Tribe, Muckleshoot Indian Tribe, Nisqually Indian Tribe, Nooksack Indian Tribe, Port Gamble S’Klallam Tribe, Puyallup Tribe, Quileute Tribe, Quinault Nation, Samish Indian Tribe, Sauk-Suiattle Indian Tribe, Shoalwater Bay Tribe, Skokomish Tribal Nation, Snoqualmie Tribe, Squaxin Island Tribe, Stillaguamish Tribe, Suquamish Tribe, Swinomish Tribe, Tulalip Tribe, Upper Skagit Tribe, Confederated Tribes of Coos, Lower Umpqua, and Suislaw Indians, Confederated Tribes of Grand Ronde Community of Oregon, Confederated Tribes of Siletz Indians, Confederated Tribes of the Warm Springs Reservation, Coquille Indian Tribe, Cow Creek Band of Umpqua Indians, Klamath Tribes, Cahto Indian Tribe of the Laytonville Rancheria, Cher-Ae Heights Indian Community of the Trinidad Rancheria, Coyote Valley Band of Pomo Indians, Elk Valley Rancheria, Hoopa Valley Tribe, Hopland Band of Pomo Indians of the Hopland Rancheria, Karuk Tribe, Pinoleville Pomo Nation, Potter Valley Tribe, Redwood Rancheria of Pomo Indians, Robinson Rancheria of Pomo Indians, Round Valley Indian Tribes, Scotts Valley Band of Pomo Indians, Sherwood Valley Rancheria of Pomo Indians, Smith River Rancheria, Tolowa Nation, Wiyot Tribe, Yurok Tribe, Central Council of the Tlingit and Haida Indian Tribes, Ketchikan Indian Community, Metlakatla Indian Community, and Organized Village of Saxman. Scoping letters dated 23 February 2012, were also sent to the Northwestern Indian Fisheries Commission, Skagit River System Cooperative, the InterTribal Sinkiyone Wilderness Council, Cape Fox Corporation, and Sealaska.

In January 2014, Commanding Officers of Naval Air Station Whidbey Island and Naval Base Kitsap invited Native American and Alaska Native Tribes with traditional resources in the Study Area to consider the Navy's draft analysis and finding that the Proposed Action does not have the potential to significantly affect protected tribal resources. The Navy invited the Tribes to initiate government-to-government consultation or hold staff level consultations if in disagreement with the Navy's finding. Consultations with the Tribes are anticipated to occur throughout the January to December 2014 time frame.

### **3.11.1.3 Fishing Rights**

Native American and Alaska Native Tribes are dependent sovereign nations. Accordingly, the United States has a trust relationship with Native American and Alaska Native Tribes. The DoD American Indian and Alaska Native Policy states: "Under the federal trust doctrine, the United States—and individual agencies of the federal government—owe a fiduciary duty to Indian tribes. The nature of that duty depends on the underlying substantive laws (i.e., treaties, statutes, agreements) creating the duty. Where agency actions may affect Indian lands or off-reservation treaty rights, the trust duty includes a substantive duty to protect these lands and treaty rights 'to the fullest extent possible.' Otherwise, unless the law imposes a specific duty on the federal government with respect to Indians, the trust responsibility may be discharged by the agency's compliance with general statutes and regulations not specifically aimed at protecting Indian tribes." The trust responsibility has been interpreted to require federal agencies to carry out their activities in a manner that is protective of Native American and Alaska Native treaty rights. Executive Order (EO) 13175, *Consultation and Coordination with Indian Tribal Governments*, affirms the trust responsibility of the United States and directs agencies to consult with Native American and Alaska Native Tribes and to respect tribal sovereignty when taking actions affecting such rights.

Treaties with Native American and Alaska Native Tribes are government-to-government agreements, similar to international treaties, and preempt contrary state laws. Tribal treaty rights are not affected by later federal laws (unless Congress clearly abrogates treaty rights). Treaty language securing fishing and hunting rights is not a "grant of rights (from the federal government to the Indians), but a grant of rights from them—a reservation of those not granted" (United States v. Winans, 25 S. Ct. 662 (1905)). This means that the Native American and Alaska Native Tribes retain rights not specifically surrendered to the United States. Furthermore, the United States has a trust or special relationship with Native American and Alaska Native Tribes. In 1855, the Suquamish Tribe and several other tribes negotiated a treaty that created reservations, including the Port Madison Indian Reservation across Liberty Bay from NUWC Division Keyport. Also in 1855, the Confederated Tribes and Bands of the Yakama Nation ceded to the United States over 12 million acres of land in what is now central Washington (U.S. Government 1855). This treaty established a reservation and ensured fishing rights at all usual and accustomed places.

#### **3.11.1.3.1 Off Reservation Treaty Fishing Rights**

Between 1854 and 1856, the United States negotiated five treaties—the treaties of Medicine Creek, Quinault, Neah Bay, Point Elliot, and Point No Point—with the northwest tribes to acquire great expanses of land (U.S. District Court 1974). These treaties guaranteed tribes fishing rights in common with citizens of the territory. As a result, reservations were established, including the Sauk-Suiattle Indian Tribe, Swinomish Indians, and Jamestown S'Klallam at Port Gamble. The treaties collectively are called the Stevens-Palmer Treaties, after Isaac I. Stevens, the governor of the Washington Territory, and Joel Palmer, the superintendent of Indian affairs for the Oregon Territory, who negotiated the treaties on behalf of the United States (Woods 2005). These federal treaties ensured tribes living in western

Washington the right to fish at “usual and accustomed grounds and stations.” In 1855, the Suquamish Tribe and several other tribes negotiated a treaty that created reservations, including the Port Madison Indian Reservation across Liberty Bay from NUWC Division Keyport. Also in 1855, the Confederated Tribes and Bands of the Yakama Nation ceded to the United States over 12 million acres of land in what is now central Washington (U.S. Government 1855). This treaty established a reservation and ensured fishing rights at all usual and accustomed places.

On 12 February 1974 Judge George H. Boldt issued a landmark federal court decision, now known as the Boldt decision. This decision recognized that 14 western Washington Native American tribes and nations had, in their original treaties, retained for themselves, access to “usual and accustomed fishing grounds and stations.” The case area was “that portion of the State of Washington west of the Cascade Mountains and north of the Columbia River drainage area, and included the American portion of the Puget Sound watershed, the watersheds of the Olympic Peninsula north of the Grays Harbor watershed, and the offshore waters adjacent to those areas” (Boldt 1974).

As a result of the Boldt decision, the court determined that tribal treaty rights include: a right of access to usual and accustomed fishing grounds and stations and a right of up to 50 percent of the fin and shellfish that pass through or are present in a tribe’s usual and accustomed fishing grounds and stations. Most recently the court determined in the “culverts litigation” that tribal treaty rights include habitat protection; however, the court’s decision has been appealed.

Some of the principles established by the court decisions have been applied to other resources, including shellfish. In 1994, the courts ruled that the treaty tribes had also retained the right to harvest half of the shellfish in the treaty areas, commonly known as the Rafeedie decision. The Skokomish Indian Tribe and the Port Gamble S'Klallam, Jamestown S'Klallam, and Lower Elwha Klallam tribes have fully participated in the commercial geoduck clam fishery since 1995. Presently, the tribes partner with personnel from the Washington Department of Fish and Wildlife to manage fishery resources and to protect and enhance the salmon, shellfish, and hunting resources. Salmon are a primary resource for the treaty tribes; salmon are “treated ceremoniously by providing a core symbol of tribal identity, individual identity, and the ability of the Indian culture to endure as well as being of nutritional and economic importance” (U.S. Department of the Navy 2006).

Subpart 50 C.F.R. 660.701 implements the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species. These regulations govern commercial and recreational fishing for highly migratory species in the U.S. economic environmental zones off the coasts of Washington, Oregon, and California and in adjacent high seas waters. The Pacific Coast Treaty Indian Rights (50 C.F.R. 660.706) provides treaty rights to the Makah, Quileute, and Hoh tribes and to the Quinault Indian Nation to harvest highly migratory species in their usual and accustomed fishing areas in U.S. waters (National Oceanic and Atmospheric Administration and U.S. Department of Commerce 2011).

#### **3.11.1.3.2 Western Behm Canal, Alaska Fishing Rights**

The Alaska Statehood Act of 1958 stipulated that the United States holds and retains absolute jurisdiction and control of any lands or other property (including fishing rights), the right or title to which may be held by Alaska Native tribe, Eskimo, or Aleut populations or is held by the United States in trust for said groups (Jones 1981).

On December 18, 1971, after a lengthy history indicating that Alaska Native people had aboriginal claims to ancestral lands and resources, , Alaska Native aboriginal claims were “settled” and extinguished by an

Act of Congress and signed by President Nixon through the Alaska Native Claims Settlement Act (ANCSA), the largest land claims settlement in U.S. history. Rather than designating reservations held in trust by the U.S. Government, as the majority of tribes in the Lower 48 states have, the Alaska Native Claims Settlement Act created 12 regional profit-making Alaska Native corporations and over 200 village, group, and urban corporations to receive approximately 45.5 million acres of land along with a cash payment of approximately \$1 billion. A 13th regional corporation headquartered in Seattle was later established for Alaska Natives who live outside of Alaska who participated in the cash settlement but did not receive land. ANCSA terminated all Indian reservations and reserves in Alaska with the exception of Metlakatla. Tribes that had their reservations terminated had the option of keeping their former reservation land with both surface and subsurface ownership. If they chose that option, they did not receive a cash settlement or participate as shareholders in the regional corporations. ANCSA extinguished aboriginal claims to land and any aboriginal hunting and fishing rights that may have existed. Section 17(d)(1 and 2) of ANCSA provided for withdrawing millions of acres of unreserved public land in Alaska for national and public interests, which resulted in the passage of the Alaska National Interest Lands Conservation Act (ANILCA) in 1980. ANILCA protected over 100 million acres of federal lands in Alaska, doubling the size of the country's national park and refuge system and tripling the amount of land designated as wilderness. ANILCA also addressed issues of Alaska Native land claims, the subsistence lifestyle, energy development, economic growth, and transportation planning by creating solutions that were meant to be compatible with each other. As defined in Title VIII, Section 803, subsistence uses are, "the customary and traditional uses by rural Alaska residents of wild renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption; for barter, or sharing for personal or family consumption; and for customary trade."

Subsistence hunting and fishing are economically and culturally important for many Alaskans. Alaska state law directs the Board of Game and Board of Fisheries to provide a reasonable opportunity for subsistence uses first, before providing for other uses of any harvestable surplus of a fish or game population. State law also requires identification of nonsubsistence areas, which are defined as areas where dependence upon subsistence (customary and traditional uses of fish and wildlife) is not a principal characteristic of the economy, culture, and way of life.

Though a relatively small part of the overall state economy, salmon fishing is the mainstay of several Native American villages as well as for segments of the population residing in many shoreline cities and towns. Salmon is an important source of spiritual and physical sustenance for Northwest and Alaskan Native American tribes, and salmon are culturally important to many other residents of these areas. Subsistence and recreational fishermen use a variety of fishing gear to harvest salmon (National Oceanic and Atmospheric Administration 2012).

#### **3.11.1.4 Methods**

##### **3.11.1.4.1 Approach**

For compliance with Section 106 of the National Historic Preservation Act, the area of potential effects is considered the same as the Study Area defined in Section 2.1 of this document. The Study Area is composed of established maritime operating and warning areas in the eastern North Pacific Ocean region, to include the Strait of Juan de Fuca, Puget Sound, and Western Behm Canal in southeastern Alaska. Within the Pacific region, the approach for establishing current conditions is based on different regulatory parameters defined by geographic location. Within state territorial waters (0–3 nm), the

National Historic Preservation Act is the guiding mandate; within U.S. territorial waters (0–12 nm), the National Environmental Policy Act (NEPA) is the primary mandate. Areas beyond 12 nm in the open ocean are beyond the jurisdiction of NEPA. Usual and accustomed fishing areas for four federally recognized tribes (Hoh Tribe, Makah Indian Tribe, Quileute Tribe, and Quinault Indian Nation) extend beyond 12 nm and will be considered here.

Protected tribal resources and other traditional resources are defined through treaty rights with specific locations and materials identified through consultation with Native American and Alaska Native Tribes. Factors considered when determining if an alternative could have a significant impact on Native American or Alaska Native traditional resources includes whether and to what degree the resource would be affected and whether access by tribal members to the resource would change. Government-to-government consultation will be conducted with potentially affected federally recognized Native American and Alaska Native Tribes to identify affected protected tribal resources and other traditional resources, evaluate the extent of any adverse effects, determine the significance of impacts, and develop mitigation measures, if necessary.

#### **3.11.1.4.2 Data Sources**

Cultural resources information relevant to this EIS/OEIS was derived from a variety of sources, including previous environmental documents, online information repositories associated with State Historic Preservation Offices, online maps and data, and published sources, as cited.

##### **3.11.1.4.2.1 Previous Environmental Documents**

Previous environmental documents used for general information include the *Marine Resources Assessment for the Pacific Northwest Operating Area* (U.S. Department of the Navy 2006), the *Northwest Training Range Complex EIS/OEIS* (U.S. Department of the Navy 2010a), the *NAVSEA NUWC Keyport Range Complex Extension EIS/OEIS* (U.S. Department of the Navy 2010b), and the *Trident Support Facilities Explosive Handling Wharf (EHW-2) Final EIS* (U.S. Department of the Navy 2012). Additional sources included the *Handbook of North American Indians, Volume 7, Northwest* (Suttlers 1990) and *Volume 8, California* (Heizer 1978); *Tiller's Guide to Indian Country: Economic Profiles of American Indian Reservations* (Tiller 2005a); and the *Tribal Leaders Directory Spring 2011* (Bureau of Indian Affairs 2011).

##### **3.11.1.4.2.2 National Register Information System**

The online National Register Information System was reviewed to identify National Register of Historic Places-listed properties, historic districts, and National Historic Landmarks. Appropriate information from repositories associated with the State Historic Preservation Offices was obtained or their online databases were reviewed for information on traditional resources, types, and eligibility for listing on the National Register of Historic Places.

##### **3.11.1.4.2.3 Previous Coordination with Native American and Alaska Native Tribes**

In September 2003, the Navy sent scoping letters to associated Native American tribes regarding the NUWC Keyport Range Complex Extension EIS/OEIS and invited the tribes to government-to-government consultation. Government-to-government was requested by the Hoh Tribe, Jamestown S'Klallam, Lower Elwha Klallam Tribe, Port Gamble S'Klallam, Quileute Tribe, Quinault Nation and Suquamish Tribe. The Navy solicited feedback on the Draft EIS/OEIS in September 2008, and government-to-government consultations occurred as part of Section 106 compliance for the NUWC Keyport Range Complex Extension EIS/OEIS between October 2008 and March 2009. The Navy presented the Proposed Action

and Alternatives of the EIS/OEIS and initiated government-to-government consultations with (listed in alphabetical order): Hoh Tribe, Jamestown S’Klallam Tribe, Lower Elwha Klallam Tribe, Makah Tribe, Port Gamble S’Klallam Tribe, Quileute Tribe, Quinault Nation, Skokomish Indian Tribe, and Suquamish Tribe. Additionally, the Point No Point Treaty Council was notified. Some of the main concerns of the Native American Indian tribes and nations included potential restricted access to beach areas and usual and accustomed fishing (e.g., shellfish) grounds, potential damage to fishing gear, and effects on returning salmon in the streams. The Navy responded to these comments in Appendix G of the Final EIS/OEIS and made appropriate changes to the EIS/OEIS based on the comments received.

In July 2007, the Navy sent scoping letters inviting involvement of associated Native American tribes in public participation efforts associated with the NWTRC EIS/OEIS. Comments were also solicited during public review of the Draft EIS/OEIS from December 2009 to April 2010. In fulfillment of Section 106 obligations for completion of the EIS/OEIS, the Navy considered comments from Native American tribes resulting from communications during the NEPA process. The following Washington tribes were invited to participate in government-to-government consultation (listed in alphabetical order): Hoh Tribe, Jamestown S’Klallam Tribe, Lower Elwha Klallam Tribe, Lummi Tribe, Makah Tribe, Nisqually, Nooksack, Northwestern Indian Fisheries Commission, Point No Point Treaty Council, Port Gamble S’Klallam Tribe, Puyallup, Quileute Tribe, Quinault Nation, Sauk-Suiattle, Skokomish Tribal Nation, Squaxin Island, Stillaguamish, Suquamish Tribe, Swinomish Tribe, Tulalip Tribe, and Upper Skagit Tribe. The following Oregon and California tribes were also invited to participate in government-to-government consultations (listed in alphabetical order): Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians; Confederated Tribes of Grande Ronde; Confederated Tribes of Siletz; Confederated Tribes of the Umatilla Indian Reservation; Confederated Tribes of the Warm Springs Reservation; Coquille Tribe; Cow Creek Band of Umpqua Tribe; Klamath Tribes (Klamath, Modoc, Yahooskin); Tolowa Nation/Trinidad Rancheria; Upper Shoal Water Tribe; and Yurok Indian Reservation. No government-to-government consultation was requested, and all communication with the Navy was conducted through tribal staff. Comments related to several topics of concern, including impacts on usual and accustomed fishing rights, communication protocols between the Navy and tribes, and safety of tribal fishing vessels, were provided by the tribes. The Navy responded to these comments in Appendix G of the Final EIS/OEIS and made appropriate changes to the EIS/OEIS based on the comments received.

In 1997, a cooperative agreement was signed between the Navy and the Skokomish Tribal Nation, the Port Gamble S’Klallam Tribe, the Lower Elwha Klallam Tribe, and the Jamestown S’Klallam Tribe. The parties agreed that during the term of the agreement the tribes would harvest intertidal shellfish at one beach at NAVBASE Kitsap at Bangor. Tribes continue to harvest shellfish at the beach south of Delta Pier, and this beach has been identified as an area of traditional tribal resource use. The species composition and timing of the tribal shellfish harvest is governed by the Point No Point Treaty Council, which develops “annual shellfish management plans for each species and geographic region within the usual and accustomed fishing area of the PNPTC tribes. These plans are developed jointly with the state of Washington” (Point No Point Treaty Council 2010).

In 1998, a memorandum of agreement was signed between the Navy and the Tulalip Tribes of Washington as a result of Homeport-related construction activities and subsequent Navy operations at Naval Station Everett. The agreement included monetary compensation for the loss of access to fishing grounds within a 45-acre area and displacement from fishing grounds (and loss of fish harvest) by Navy activity outside the 45 acres, access to project data and ability to implement tribal monitoring and impacts studies, and further consultation to establish procedures and elements for Navy fish and water quality monitoring and studies.

### 3.11.1.4.3 Cultural Context

Several types of historic properties are present in the Study Area, including Native American and Alaska Native marine resource gathering areas (e.g., traditional fishing areas; whaling areas; and seaweed-, mussel-, abalone-, and clam-gathering grounds). The context within which these types of resources were formed provides an understanding of the overall development of the resource base and information on relative locations.

#### 3.11.1.4.3.1 Offshore Area

Eighteen federally recognized Pacific Coast Native American tribes are currently or historically associated with the Offshore Area. The following federally recognized Washington tribes have usual and accustomed fishing rights in areas where the Navy conducts training and testing in the Offshore Area:

- Hoh Tribe, Washington State
- Makah Indian Tribe, Washington State
- Quileute Tribe, Washington State
- Quinault Indian Nation, Washington State

The Hoh Tribe is a band of the Quileute Tribe, although it is recognized as a separate tribal entity. Their reservation is on the Olympic Peninsula of northern Washington. The tribe retains many of its traditional customs, including practicing the canoe culture. Members dip net for smelt and harvest perch, crab, and razor and butter clams from tidelands, and they operate a fish hatchery program (Tiller 2005p).

The Makah Indian Tribe reservation on the northwestern tip of the Olympic Peninsula was established by the Treaty of Neah Bay in 1855 (Tiller 2005t). The Makah Indian Tribe, of Nootkan origin, practiced a subsistence lifestyle centered on fishing for sea otters, whale, seal, and smaller species such as shellfish, and on trading these products with other tribes (Tiller 2005t). Currently, although tribal income is broadly based on agriculture, livestock, forestry, construction, services and retail, transportation, and tourism and recreation, the “fishing industry represents the most important aspect of the Makah’s economy” (Tiller 2005t). In 1998, approximately 70 percent of the tribal population was engaged in employment in fishing for salmon, groundfish, and sea urchins, while others were employed in a fish-buying and processing plant. The Makah Nation Fish Hatchery is designed for public viewing of migrating salmon.

Quileute Tribe culture is centered on the ocean, river, and forest, and the Quileute are linguistically related to the Hoh. The Quileute Reservation is along Pacific Ocean beaches at the mouth of the Quileute River. They historically practiced a hunting, fishing, and gathering subsistence lifestyle, dominated by the use of seal and whale oil, which also was used as a valuable trading commodity (Tiller 2005aa). Many present-day Quileute derive their livelihood from tourism, small commercial development, logging, and fishing industries.

The Quinault Indian Nation (“canoe people” or “people of the cedar tree”) originally practiced a subsistence lifestyle centered on fishing, hunting, and gathering. Their reservation is in the southwestern corner of the Olympic Peninsula (Tiller 2005ab). The Quinault economy is based on gaming, tourism, media and communications, small commercial development, logging, and fishing industries.

These four Washington coastal tribes helped support designation and ongoing operation of the Olympic Coast National Marine Sanctuary, are members of the Sanctuary Advisory Council, and help shape policy, education, and research (National Oceanic and Atmospheric Administration 2008). In addition to being members of the Olympic Coast National Marine Sanctuary Advisory Council, the four coastal

tribes, with the State of Washington, have formed the Olympic Coast National Marine Sanctuary Intergovernmental Policy Council to better coordinate the needs and rights of the co-managers of the resources within the sanctuary with sanctuary staff and the National Marine Sanctuary Program.

The following Washington, Oregon, and California federally recognized tribes may conduct activities in areas where the Navy conducts training and testing in the Offshore Area. The tribes are as follows:

- Confederated Tribes of the Chehalis Reservation
- Cowlitz Indian Tribe, Washington State
- Shoalwater Bay Indian Tribe, Washington State
- Confederated Tribes of Coos, Lower Umpqua, and Suislaw Indians, Oregon
- Confederated Tribes of Grand Ronde Community of Oregon, Oregon
- Confederated Tribes of Siletz Indians of Oregon, Oregon
- Coquille Indian Tribe of Oregon, Oregon
- Big Lagoon Rancheria, California
- Cher-Ae Heights Indian Community of the Trinidad Rancheria, California
- Elk Valley Rancheria, California
- Resighini Rancheria, California
- Smith River Rancheria, California
- Wiyot Tribe (formerly the Table Bluff Rancheria), California
- Yurok Tribe, California

The Confederated Tribes of the Chehalis Reservation is located near the confluence of the Black and Chehalis rivers south of Puget Sound and consist of the Upper Chehalis and Lower Chehalis tribes. Historically, the Upper Chehalis subsistence was a riverine based economy; the Lower Chehalis subsistence was ocean based. Historically, subsistence was based on fishing for salmon (chinook, chum, and coho) on the Chehalis River, fishing for summer sturgeon in Willapa Bay, collecting shellfish, coastal fishing for halibut, cod, surf smelt, and herring, hunting seals, porpoises, sea lions, and sea otters, hunting elk, deer, and bear in the uplands, and gathering camas, berries, and other plant foods (Hajda 1990). Subsistence and ceremonial fishing are still vital to the tribal culture and the present economy includes livestock raising, small commercial salmon fishing, and gaming (Tiller 2005al).

The Cowlitz Indian Tribe are a part of the southwest coast Salish (including the Quinault, Lower Chehalis, and Upper Chehalis groups), with traditional territory inland along the Cowlitz River, a tributary of the Columbia River. Historically, subsistence was based on fishing for salmon (coho, chum, and fall Chinook) and eulachon on the Cowlitz River, hunting elk and deer in the uplands, and gathering camas, berries, hazelnuts and other plant foods. Currently, the Cowlitz Indian Tribe continues traditional activities including fishing and is pursuing the establishment of reservations lands and building a casino (Hajda 1990; Tiller 2005ak).

The Shoalwater Bay Indian Tribe resides on Willapa Bay at North Cove on the coast of Washington. The population are members of the Chehalis, Chinook, and Quinault Tribes. Traditional subsistence was based on salmon, sturgeon, halibut, cod, surf smelt, herring, trout, shellfish, stranded whales, sea mammals (such as seals, porpoises, sea lions, and sea otters), deer and elk (Hajda 1990). Currently, the economy is based on small commercial development and gaming (Tiller 2005ad).

The Confederated Tribes of Coos, Lower Umpqua, and Suislaw Indians, Oregon live on Coos Bay in southwestern Oregon, and the population are members of the Coos, Lower Umpqua, and Siuslaw Tribes.

Traditional subsistence was based on salmon, herring, smelt, lampreys, saltwater and freshwater fish, shellfish, seals, sea lions, deer, and elk (Zenk 1990). Their current economy is based on tourism and gaming (Tiller 2005l).

The Confederated Tribes of Grand Ronde Community of Oregon reside in the Willamette Valley in northwestern Oregon, and the population are members of the Kalapuya, Clackamas, Molalla, Rogue River, Chasta, Umpqua, Salmon River, and Nehalem bands of the Tillamook Tribes. Traditionally subsistence was based on salmon, lamprey eel, stranded whales, sea lions, seals, shellfish, and elk (Seaburg and Miller 1990). Presently, the economy is based on forestry, mining, commercial development, communications, tourism, and gaming (Tiller 2005n).

The Confederated Tribes of Siletz Indians of Oregon live near Siletz in western Oregon, and the population are members of the Kalapuya, Molalla, Rogue River, Chasta, Umpqua, Calapooia, and Scoton Tribes. Traditionally, subsistence was based on salmon, lamprey eel, stranded whales, sea lions, seals, shellfish, and elk (Seaburg and Miller 1990). Currently, the economy is based on forestry, fisheries, manufacturing, commercial development, communications, tourism and gaming (Tiller 2005o).

The Coquille Indian Tribe of Oregon resides near Coos Bay and North Bend, Oregon, and the population are members of the Coquille Indian Tribe. Traditional subsistence was based on salmon, shellfish, camas root, acorns, roots and berries, deer, and elk (Miller and Seaburg 1990). The current economy is based on agriculture, construction, tourism, and gaming (Tiller 2005m).

The Big Lagoon Rancheria live in northern California, and the population are members of the Tolowa and Yurok Tribes. Traditional Tolowa subsistence was seasonally based and focused on fishing for salmon and smelt, hunting, acorn collecting, and plant gathering (Gould 1978); Yurok subsistence included harvesting shellfish; fishing for salmon, sturgeon, eel, candlefish, and surffish; hunting deer, elk, and sea lion; and collecting acorns (Pilling 1978). Current practices include fishing and shellfishing (Tiller 2005e). The present economy is based on tourism.

The Elk Valley Rancheria reside in northern California, and the population are members of the Tolowa, Yurok, and Kuroki Tribes (Tiller 2005f). Traditional Tolowa subsistence was seasonally based and focused on fishing for salmon and smelt, hunting, acorn collecting, and plant gathering (Gould 1978); Yurok subsistence included harvesting shellfish; fishing for salmon, sturgeon, eel, candlefish, and surffish; hunting deer, elk, and sea lion; and collecting acorns (Pilling 1978). The current economy is based on small commercial development and gaming (Tiller 2005f).

The Resighini Rancheria live in northern California on the south shore of the Klamath River, and the population are members of the Yurok Tribe (Tiller 2005g). Yurok subsistence included harvesting shellfish; fishing for salmon, sturgeon, eel, candlefish, and surffish; hunting deer, elk, and sea lion; and collecting acorns (Pilling 1978). The present economy is based on small commercial development (Tiller 2005g).

The Smith River Rancheria reside in northern California near the Oregon border, and the population are members from the Tolowa Tribe. Traditional Tolowa subsistence was seasonally based and focused on fishing for salmon and smelt, hunting, acorn collecting, and plant gathering (Gould 1978); the current economy is based on tourism and gaming (Tiller 2005h).

The Cher-Ae Heights Indian Community of the Trinidad Rancheria live in northern California, and the population are members of the Wiyot, Yurok, and Tolowa Tribes. Traditional Wiyot subsistence included

harvesting shellfish, using sea mammals such as sea lions and stranded whales, hunting deer and elk, surf and saltwater fishing along the coast, and salmon fishing (Elsasser 1978). Yurok subsistence included harvesting shellfish; fishing for salmon, sturgeon, eel, candlefish, and surffish; hunting deer, elk, and sea lion; and collecting acorns (Pilling 1978). Traditional Tolowa subsistence was seasonally based and focused on fishing for salmon and smelt, hunting, acorn collecting, and plant gathering (Gould 1978). The present economy is based on tourism and gaming (Tiller 2005j).

The Wiyot Tribe (formerly the Table Bluff Rancheria) resides near Eureka in northern California and are members of the Wiyot Tribe (Tiller 2005i). Traditional Wiyot subsistence included harvesting shellfish, using sea mammals such as sea lions and stranded whales, hunting deer and elk, surf and saltwater fishing along the coast, and salmon fishing (Elsasser 1978).

The Yurok Indian Reservation is along the Klamath River in northern California, and the population are members of the Yurok Tribe. Yurok subsistence included harvesting shellfish; fishing for salmon, sturgeon, eel, candlefish, and surffish; hunting deer, elk, and sea lion; and collecting acorns (Pilling 1978). The current economy is based on small commercial development (Tiller 2005k).

In addition, fifteen other federally recognized tribes in Oregon and California may have concerns regarding traditional resources in Offshore Areas. These tribes include the Confederated Tribes of the Warm Springs Reservation, Cow Creek Band of Umpqua Indians, Klamath Tribes, Cahto Indian Tribe of the Laytonville Rancheria, Coyote Valley Band of Pomo Indians, Hoopa Valley Tribe, Hopland Band of Pomo Indians of the Hopland Rancheria, Karuk Tribe, Pinoleville Pomo Nation, Potter Valley Tribe, Redwood Rancheria of Pomo Indians, Robinson Rancheria of Pomo Indians, Round Valley Indian Tribes, Scotts Valley Band of Pomo Indians, and Sherwood Valley Rancheria of Pomo Indians.

#### **3.11.1.4.3.2 Inland Waters**

Nineteen federally recognized Native American tribes are currently or historically associated with the Inland Waters. The following Washington tribes may have usual and accustomed fishing rights in areas where the Navy conducts training and testing in the Inland Waters:

- Confederated Tribes and Bands of the Yakama Nation
- Jamestown S'Klallam Tribe
- Lower Elwha Klallam Tribe
- Lummi Tribe
- Makah Indian Tribe
- Muckleshoot Indian Tribe
- Nisqually Indian Tribe
- Nooksack Indian Tribe
- Port Gamble S'Klallam Tribe
- Puyallup Tribe
- Samish Indian Tribe
- Sauk-Suiattle Indian Tribe
- Skokomish Tribal Nation
- Squaxin Island Tribe
- Stillaguamish Tribe of Indians of Washington
- Suquamish Tribe
- Swinomish Indians of the Swinomish Reservation

- Tulalip Tribes of Washington
- Upper Skagit Indian Tribe

The Confederated Tribes and Bands of the Yakama Nation reside on the eastern slopes of the Cascade Mountains in south central Washington (Tiller 2005ao). The Yakama subsistence pattern was seasonally based and consisted of salmon fishing along the Columbia and Yakima rivers and their tributaries in the spring and early summer and hunting and plant gathering in the upper elevations during the summer and fall (Schuster 1998). The current tribal economy is diverse and includes agriculture, forestry, fisheries, tourism and recreation, gaming, and commercial enterprises (Tiller 2005an).

Klallam tribal groups include the Jamestown S'Klallam Tribe, Lower Elwha Klallam Tribe, and Port Gamble S'Klallam Tribe. Tribal reservations are on the northern Olympic Peninsula and Kitsap Peninsula. Historically, Klallam peoples used the Hood Canal for summer fishing and gathering, especially for shellfish, herring, and salmon (Tiller 2005q; Point No Point Treaty Council 2011). The current economy of the Jamestown S'Klallam Tribe is based on art, seafood industries, commercial development, construction, information technology and communications, and gaming (Tiller 2005q). The present economy for the Lower Elwha Klallam Tribe includes salmon hatcheries, retail industries, and gaming (Tiller 2005r). The current economy of the Port Gamble S'Klallam Tribe includes aquaculture (salmon hatchery, geoduck fishery, fish and oyster growing), commercial enterprises, and gaming (Tiller 2005x).

The Lummi Tribe resides in northwest Washington. Before the Treaty of Point Elliot and reservation establishment, the Lummis occupied the northern San Juan Islands and the adjacent mainland, where they traveled to traditional reef-net locations. Salmon was their primary food source, and many ceremonies, beliefs, and community activities centered on salmon (Tiller 2005s). Presently, the economy is based primarily on salmon and shellfish hatcheries, small commercial developments, and gaming (Tiller 2005s).

The Makah Indian Tribe was described previously.

The Muckleshoot Indian Tribe lives east of the Seattle-Tacoma metropolitan area, but tribal ancestral homelands include areas along the eastern and southern reaches of Puget Sound. Historically, it depended on the abundance of natural resources, especially salmon and red cedar (Tiller 2005u). The foundation of today's tribal economy is based on gaming, fishing, and retail industries.

The Nisqually Indian Tribe resided in the woodlands and prairies of the Nisqually River basin. Today, its reservation is in western Washington, east of Olympia. It operates two major fish hatcheries on the Nisqually River and derive other income from gaming enterprises (Tiller 2005v).

The Nooksack Indian Tribe lives in the upper Nooksack River valley, in northeastern Washington. It is a Coast Salish nation whose traditional means of subsistence included fishing, hunting, clam digging, root gathering, and trading (Tiller 2005w). The present-day tribal economy is supported by enterprises such as service, retail, gaming, and fisheries, including operation of a fisheries laboratory and salmon-rearing pond.

The Puyallup Tribe resides on the Puyallup Reservation, south of Seattle, at the southern end of Puget Sound. Like many other Puget Sound groups, the Puyallup gathered salmon, shellfish, wild game, roots, and berries (Tiller 2005z). It is a major employer in King County, with a wide variety of enterprises such as gaming, a marina, media and communications, international shipping, and seafood ventures.

The Samish Indian Nation is currently landless with the tribal headquarters established on Fidalgo Island on the east side of Puget Sound near Anacortes. Traditional subsistence activities included hunting of deer, elk, seal, waterfowl and shore birds, gathering fruits and other plant foods, harvesting shellfish, and fishing. The current tribal economy is based on tourism and recreation, and retail enterprises (Tiller 2005an).

The Sauk-Suiattle Indian Tribe lives in the Sauk Prairie area east of Puget Sound. Historically, its members fished area rivers for salmon, often traveling down to Puget Sound to harvest fish and shellfish (Tiller 2005ac). Fishing continues to be a vital occupation for the tribe, and as part of the Skagit System Cooperative, the tribe helps to manage the state's salmon and steelhead resources.

The Skokomish Indian Tribe occupies the delta of the Skokomish River where it empties into the Hood Canal; the reservation was created by the Point No Point Treaty (Tiller 2005ae). The territory of the Twana or Skokomish people (whose descendents are now the Skokomish Tribal Nation) runs along both sides of the Hood Canal, where these people had winter villages, including the Quilcene and Dabob grounds near the Dabob Bay. They frequented Dabob Bay and surrounding beaches for seasonal salmon fishing and clam digging. The Twana assigned place names to four shoreline areas in the Dabob Bay area: Whitney Point was a summer campsite; "Pulali," as in Pulali Point, was probably derived from the native name of a wild cherry, *Pulela*; Zelatched Point was a summer campsite; and Sylopash Point was likely named for a probable mythological site. The tribe operates several businesses, including a fish hatchery, a fish processing plant, gas station, convenience store, and casino.

Squaxin Island Tribe (people of the water) includes descendents of the original maritime inhabitants of the seven inlets of south Puget Sound; the Squaxin Island Reservation is in Puget Sound. They are closely related to the Nisqually Tribe. They gathered oysters, clams, smelt, and herring for smoking and year-round consumption (Tiller 2005af). The tribal economy is based on fisheries, tourism, gaming, and small commercial development (Tiller 2005af).

The members of the Stillaguamish Tribe of Indians of Washington are descendants of the Stoluckwamish River Tribe but are referred to as Stillaguamish because of their traditional location along the Stillaguamish River. Their reservation is between the Cascade Mountains and Puget Sound. Historically, harvesting salmon, hunting goats, and gathering vegetative foods provided their subsistence base (Tiller 2005ag). Besides service and retail outlets, the Stillaguamish economy is now based on gaming and fisheries, including a fish hatchery.

The Suquamish Tribe occupies the Port Madison Reservation, which is on the Kitsap Peninsula and was set aside as part of the Point Elliot Treaty of 1855. Commercial fishing and shellfish harvest reflect the tribe's main source of income; other economy ventures include small commercial development, media and communications, tourism, and gaming (Tiller 2005y).

The Swinomish Indians of the Swinomish Reservation live on Fidalgo Island in Washington; the population consists of Swinomish, Kikiallus, Lower Skagit, and Samish tribal members (Tiller 2005ah). Historically, their subsistence lifestyle was based on salmon and other fish, supplemented with game, berries, nuts, and roots. Current income sources include businesses, government, agriculture, forestry, gaming, manufacturing, services, tourism, and fisheries.

Tulalip Tribes of Washington occupy their reservation west of the city of Marysville, on the Puget Sound. The term "Tulalip Tribes" refers to several allied tribes who traditionally made the area their homeland. Salmon harvest is an important part of the historic and contemporary economy (Tiller 2005ai). The

Tulalip Reservation economy is based on gaming, retail outlets, a marina, small commercial development, construction, mining, and a fish hatchery that “produces more than nine million salmon fingerlings annually” (Tiller 2005ai).

The Upper Skagit Indian Tribe resides just northeast of the Puget Sound, in the Cascades foothills. The Upper Skagit are descendants of 11 tribal bands and groups that occupied the Samish Bay and other river drainages in Washington. The tribe owns a fish hatchery at Helmick, and their major sources of tribal revenues are tourism, gaming, federal grants, and retail businesses (Tiller 2005aj).

### **3.11.1.4.3.3 Western Behm Canal, Alaska**

Four federally recognized Alaska Native tribes are currently or historically associated with the Western Behm Canal:

- Central Council of the Tlingit and Haida Indian Tribes
- Ketchikan Indian Community
- Metlakatla Indian Community
- Organized Village of Saxman

The Central Council of the Tlingit and Haida Indian Tribes represent all Tlingit and Haida peoples; the Haida village of Hydaburg is located on the southwest coast of Prince of Wales island, northwest of Ketchikan (Tiller 2005 am). Traditional subsistence practices consist of fishing for salmon, halibut, crab and shrimp; hunting seals, porpoises, sea lions, fur seals, and sea otters; utilizing stranded whales; hunting deer, bear, and beaver; digging clams; and gathering berries and other plant resources (Blackman 1990, Stearns 1990). The current economy in Hydaburg includes fishing and forestry; traditional subsistence practices remain a focus of the Haida culture (Tiller 2005 am). Under the Alaska Native Claims Settlement Act, the Haida Corporation is the village corporation for Hydaburg (Stearns 1990). The village also is a shareholder with Sealaska Corporation, the regional Native corporation.

The Ketchikan Indian Community occupies the southwestern coast of Revillagigedo Island. Ketchikan Creek was originally used as a fishing camp by the Tongass and Cape Fox Tlingits. The Ketchikan Indian Community manages and operates the Deer Mountain tribal hatchery (Tiller 2005b). The hatchery produces more than 450,000 king, coho, steelhead, and rainbow trout annually (Tiller 2005b). The Ketchikan Indian Community was not included in the Alaska Native Claims Settlement Act but is recognized as an “Alaska Native Village” entity by the Bureau of Indian Affairs (Tiller 2005b).

The Metlakatla Indian Community lives within and controls the Annette Islands Reserve—the only native reserve in Alaska—on the Clarence Strait opposite Ketchikan. This community was established by Canadian Tsimshians who migrated in 1887 (Tiller 2005c). In 1891, Congress designated all waters within 3,000 nautical feet of the island as Reserve Waters, to be used exclusively by the members of the Metlakatla Indian Community. Therefore, all management of fisheries within this 3,000 nautical feet, as well as management of all wildlife species within the reserve, is the responsibility of the Metlakatla Indian Community and the Metlakatla Department of Fish and Wildlife. The tribal economy is based on fishing, fish processing, wood products industries, and services (Tiller 2005c). The Metlakatla Indian Community did not participate in the Alaska Native Claims Settlement Act.

The Organized Village of Saxman is south of Ketchikan on the west side of Revillagigedo Island. This Tlingit community was established in 1894 (Tiller 2005d). Under the Alaska Native Claims Settlement

Act, the Cape Fox Corporation is the village corporation for the Organized Village of Saxman. The village also is a shareholder with Sealaska Corporation, the regional Native corporation (Tiller 2005d).

### **3.11.2 AFFECTED ENVIRONMENT**

The Study Area is divided into three distinct regions for Native American and Alaska Native resources evaluation: the Offshore Area, the Inland Waters, and the Western Behm Canal, Alaska. Native American and Alaska Native traditional resources presented in this section include traditional resources within 12 nm and protected tribal resources, such as usual and accustomed fishing areas, which extend beyond 12 nm.

#### **3.11.2.1 Native American Resources Eligible for or Listed on the National Register of Historic Places**

##### **3.11.2.1.1 Offshore Area**

No Native American traditional resources have been identified in the Offshore Area, including the 1-mile surf zone at Pacific Beach.

##### **3.11.2.1.2 Inland Waters**

No Native American traditional resources have been identified within the Inland Waters.

##### **3.11.2.1.3 Western Behm Canal, Alaska**

No Alaska Native traditional resources have been identified within the Study Area.

#### **3.11.2.2 Native American Resources Eligible for or Listed on State Registers**

##### **3.11.2.2.1 Offshore Area**

No Native American traditional resources have been identified in the Offshore Area, including the 1-mile surf zone at Pacific Beach.

##### **3.11.2.2.2 Inland Waters**

No Native American traditional resources have been identified within the Inland Waters.

##### **3.11.2.2.3 Western Behm Canal, Alaska**

No Alaska Native traditional resources have been identified within the Study Area.

#### **3.11.2.3 Treaty Fishing Areas and Subsistence Use**

##### **3.11.2.3.1 Offshore Area**

The Pacific Coast Treaty Indian Rights (50 C.F.R. 660.706) provides treaty rights to the Makah, Quileute, and Hoh Tribes and to the Quinault Indian Nation to harvest migratory species in their usual and accustomed fishing areas in U.S. waters. The Oregon and California tribes practice limited commercial and ceremonial and subsistence fisheries only in freshwater; they do not have any traditional resource collection areas within U.S. waters (within 12 nm). Specific Native Americans use of usual and accustomed tribal fishing grounds in the Offshore Area, including the Olympic Coast National Marine Sanctuary area, are as follows:

- Tribal landings of fish from the Offshore Area are centered on Grays Harbor, Quillayute, and Cape Flattery, where the Makah Tribe conducts a marine gillnet fishery.

- Willapa Bay is a usual and accustomed fishing area for the treaty tribes (Hoh, Makah, Quileute, and Quinault) (National Oceanic and Atmospheric Administration 1993). Chinook, coho, and pink salmon are the primary species taken and, along with steelhead trout, are harvested either by gillnets or troll gear. Coastal tribes (Hoh, Makah, Quileute, and Quinault) participate in a variety of commercial, ceremonial, and subsistence fisheries for groundfish and Pacific halibut, which are taken with a variety of fishing gears in the tribes' offshore usual and accustomed fishing areas off the northern coast of the Olympic Peninsula and the central coast of Washington. Tribes reserve the right to fish for groundfish with any type of fishing gear, including traps and trawl gear.
- The Quinault fishing fleet is based in Westport, Washington, and fishes the open ocean area from there north to Destruction Island. This fleet and a smaller river fleet also fish commercially within Grays Harbor.

The *Marine Resources Assessment for the Pacific Northwest Operating Area* (U.S. Department of the Navy 2006) contains a detailed written description of the usual and accustomed fishing grounds for the treaty tribes. This information is incorporated here by reference. There is overlap between tribal usual and accustomed areas and the locations of Navy training and testing.

#### **3.11.2.3.2 Inland Waters**

Specific Native American use of the usual and accustomed tribal fishing grounds in the Inland Waters, for both subsistence and commercial fishing is as follows:

- Tribes fish in the Strait of Juan de Fuca for Chinook and sockeye salmon. The Suquamish Tribe exercise usual and accustomed fishing rights within the Keyport Range Site portion of the Inland Waters.
- The Tulalip Tribe of Washington has usual and accustomed fishing rights from the Canadian border to Vashon Island, with the exception of 45 acres adjacent to Naval Station Everett.
- The Skokomish Indian Tribe has primary usual and accustomed fishing rights in the Hood Canal. As provided in the Hood Canal Agreement, the Port Gamble S'Klallam, Jamestown S'Klallam, and Lower Elwha Klallam tribes also have fishing rights in the Hood Canal. The Suquamish Tribe has secondary rights in Hood Canal south of the Hood Canal Bridge, which means they are allowed to fish only with the express permission of the Skokomish Indian Tribe, and such permission has not been granted.
- The Skokomish Indian Tribe and the Port Gamble S'Klallam, Jamestown S'Klallam, and Lower Elwha Klallam tribes fish regularly for salmon, geoduck, crab, shrimp, and other shellfish. In particular, beds of shellfish along the shores of Dabob Bay and Hood Canal near NAVBASE Kitsap Bangor are regularly harvested by the tribes.
- The Swinomish Indians of the Swinomish Reservation, Suquamish Tribe, and Upper Skagit Indian Tribe have access to installation beach areas at Crescent Harbor for shellfish harvesting.
- The Jamestown S'Klallam Tribe of Washington, Lower Elwha Klallam Tribe, Lummi Tribe, Makah Indian Tribe, Muckleshoot Indian Tribe, Nisqually Indian Tribe, Nooksack Indian Tribe, Port Gamble S'Klallam Tribe, Puyallup Tribe, Sauk-Suiattle Indian Tribe, Skokomish Tribal Nation, Squaxin Island Tribe, Suquamish Tribe, Stillaguamish Tribe of Indians of Washington, Swinomish Indians of the Swinomish Reservation, Tulalip Tribe of Washington, and Upper Skagit Indian Tribe have access to tidelands around Puget Sound, including Carr Inlet and areas near NAVBASE Kitsap Bremerton for finfish and shellfish harvesting.

The *Marine Resources Assessment for the Pacific Northwest Operating Area* (U.S. Department of the Navy 2006) contains a detailed written description of the usual and accustomed fishing grounds for the treaty tribes. This information is incorporated here by reference. There is overlap between tribal usual and accustomed areas and the locations of Navy training and testing.

### **3.11.2.3.3 Western Behm Canal, Alaska**

Although subsistence hunting and fishing are economically and culturally important for many Alaska Native Tribes, the Western Behm Canal is within the Ketchikan Nonsubsistence Use Area (Alaska Department of Fish and Game 2011), which precludes subsistence uses of resources in Western Behm Canal.

### **3.11.2.4 Current Practices**

The Navy has established protective measures to reduce potential effects on cultural and natural resources from training and testing exercises. Some are generally applicable, while others apply to particular geographic areas during specific times of year for certain types of Navy training activities. These measures are based on environmental analyses conducted by the Navy for coastal waters. While most of these protective measures focus on protection of the natural environment, they also benefit culturally valued natural resources, such as salmon and shellfish. Some of the protective measures include avoidance of known submerged obstructions, use of inert ordnance and passive tracking and acoustical tools, and avoidance of sensitive habitats to ensure that significant concentrations of sea life are not present.

#### **3.11.2.4.1 Reduction of Vessel Traffic in Offshore Tribal Treaty Fishing Grounds**

In 2002, areas along the northwest Washington coastline were designated for avoidance by ships and barges carrying oil or hazardous materials and by all ships of 1,600 gross tons and above that are solely in transit (Puget Sound Harbor Safety Committee 2008). This area to be avoided has helped reduce nearshore vessel traffic and traffic within the tribal treaty fishing grounds and is helping to protect the Olympic Coast National Marine Sanctuary and its resources valued by tribes. This voluntary measure places no new requirements on Navy ships. In the open ocean, most of the Pacific Coast Treaty Tribal Fishing Grounds are within the Olympic Coast National Marine Sanctuary, which is within Warning Areas 237A and 237B (W-237A and W-237B). Navy activities within the Olympic Coast National Marine Sanctuary and military activity exemptions for current activities are established in 15 C.F.R. 922.152, Chapter IX, Subpart O, Olympic Coast National Marine Sanctuary.

#### **3.11.2.4.2 Tribal Coordination for Naval Undersea Warfare Center Division, Keyport Range Site Activities**

At NUWC Division, Keyport, the Navy exchanges information with the Suquamish Tribe to avoid disruption of tribal usual and accustomed fishing patterns. The Navy notifies affected tribes and nations when NUWC Division, Keyport activities are scheduled on the range site.

#### **3.11.2.4.3 Tribal Coordination for the Dabob Bay Range Complex Site Activities**

At the Dabob Bay Range Complex (DBRC) Site, the Navy exchanges information with the Jamestown S'Klallam Tribe, the Lower Elwha Klallam Tribe, the Port Gamble S'Klallam Tribe, and the Skokomish Tribal Nation. The Point No Point Treaty Council was also included in discussions. After some initial information exchange, a draft communication protocol was provided to the tribes and comments were incorporated. NUWC Division Keyport provides a weekly schedule of range activity for the DBRC. As part of this activity report there is an estimated range usage time. This schedule is sent to the points of

contact established by e-mail during consultation. Any significant emergent changes/updates to this schedule are sent to the points of contact via e-mail as they may occur. The affected Tribes provide a copy of the Annual Regulations for the various Tribal fisheries through the Point No Point Treaty Council to the NUWC Division Keyport. The Point No Point Treaty Council also notifies the NUWC Division Keyport of any emergency regulations that are made during the year. Finalization of the DBRC Site environmental assessment and finding of no significant impact established an information exchange between the tribes and the Navy as a mitigation measure; and NUWC Division, Keyport continues to maintain communications about upcoming testing activities to the Tribes.

#### **3.11.2.4.4 Tribal Coordination for Quinault Range Site Activities**

Communications were initiated between Navy representatives from NUWC Division, Keyport and representatives of the affected tribes for the Quinault Range Site. Navy representatives met with the Hoh Tribe on 6 November 2003, the Quileute Tribe on 12 November 2003, and the Quinault Nation on 8 November 2003 to initiate government-to-government consultation. NUWC Division, Keyport would establish a communication process with the Hoh Tribe, Makah Tribe, Quileute Tribe, and Quinault Nation similar to the process established with affected tribes for the DBRC Site. This would establish points of contact to exchange information on NUWC Division, Keyport testing activity and tribal fishing regulations in order to avoid disruption of tribal usual and accustomed fishing patterns.

### **3.11.3 ENVIRONMENTAL CONSEQUENCES**

This section evaluates how and to what degree the activities described in Chapter 2 could impact Native American and Alaska Native traditional resources of the Study Area. Tables 2.8-1 through 2.8-3 present the baseline and proposed training and testing activity locations for each alternative (including numbers of events and ordnance expended). Section 3.0 and Appendix A describe the warfare areas and associated stressors that were considered for analysis of Native American and Alaska Native traditional resources. The stressors vary in intensity, frequency, duration, and location within the Study Area. The stressors applicable to Native American and Alaska Native traditional resources include:

- Accessibility
- Airborne Acoustics
- Physical Disturbance and Strike Stressors (activities using seafloor devices and deposition of military expended materials)
- Secondary Impacts (from changes to the availability of marine resources)

Tribes have expressed concerns that training activities adversely affect fish and other maritime resources. For example, fish could be affected by vessel movement, aircraft overflights, underwater explosions, weapons firing, and large objects hitting the water. Fish habitat could be modified or damaged. Tribes have also suggested there could be direct effects on fish populations and other marine resources from Navy training activities using sonar. However, analysis suggests that Navy training and testing activities would not result in significant impacts on resources valued by tribes. For an evaluation of the effects of Navy training and testing activities, see Sections 3.4 (Marine Mammals), 3.5 (Sea Turtles), 3.6 (Birds), and 3.9 (Fish).

Tribes also have expressed concerns that fish, shellfish, and other marine species could be affected by contaminants from expended materials. Expended materials can build up in sediments, but these generally are transported by tidal and wave action. Eventually, potentially hazardous constituents are dispersed and diluted to a level that would be below a level of water quality that would affect living organisms (see Section 3.1, Sediments and Water Quality).

Some protective measures already put in place by the Navy for endangered and threatened species would help protect species valued by tribes; see Sections 3.4 (Marine Mammals), 3.5 (Sea Turtles), 3.6 (Birds), and 3.9 (Fish). Per 33 C.F.R. 72.01-1-01.35, U.S. Notices to Mariners (NTMs) are prepared with inputs from the National Geospatial-Intelligence Agency, National Oceanic and Atmospheric Administration's (NOAA's) National Ocean Service, the U.S. Coast Guard, and other sources such as the Navy, and provide timely marine safety information for paper and electronic navigation charts and publications. The Navy provides the U.S. Coast Guard with information on the locations of potentially hazardous training or testing activities at sea so the Coast Guard can issue NTMs. In some instances, the Navy has directly notified affected Native American tribes to ensure that their activities in usual and accustomed fishing areas can avoid any potentially hazardous training or testing locations at sea.

Some ethnographic concerns center on limits on access for fishing, including restricted access to tribal usual and accustomed fishing grounds or shellfish procurement areas. Because the Study Area overlaps the tribal usual and accustomed use areas, Navy training and testing activities may be underway at a time when tribes would like to access a particular use area. Some traditionally used areas may be inaccessible because of safety concerns relating to, for example, ordnance storage or testing. Thus, there is potential for conflict in timing and access between Navy training activities and desired traditional uses. The Navy would strive to maintain safety and accommodate, to the extent possible, access to tribes' usual and accustomed areas.

Table 3.11-1 presents quantitative data (number of components or activities) for the analysis of each stressor applicable to Native American and Alaska Native traditional resources. When data is not applicable or available, a qualitative analysis is presented and noted accordingly in the table. The specific analysis of the training and testing activities presented in this section considers relevant components and associated data with the geographic location of the activity and the resource. Training activities are not proposed in the Western Behm Canal; therefore, only the Offshore Area and the Inland Waters will be analyzed under Training Activities.

**Table 3.11-1: Stressors Applicable to Native American and Alaska Native Traditional Resources for Training and Testing Activities**

Components	Area	Number of Components or Activities					
		No Action Alternative		Alternative 1		Alternative 2	
		Training	Testing	Training	Testing	Training	Testing
<b>Accessibility</b>							
Activities including vessels	Offshore Area	996	37	1096	138	1096	162
	Inland Waters	4	337	28	582	28	640
	W. Behm Canal	0	28	0	60	0	83
<b>Airborne Acoustics</b>							
Activities including aircraft	Offshore Area	3,826	2	6,471	74	6,471	84
	Inland Waters	124	2	127	20	127	25
	W. Behm Canal	0	0	0	0	0	0
<b>Physical Disturbance and Interactions</b>							
Activities using seafloor devices	Offshore Area	0	5	0	6	0	7
	Inland Waters	2	210	16	225	16	239
	W. Behm Canal	0	0	0	5	0	15
Military expended materials	Offshore Area	189,668	621	196,888	2,511	196,888	2,764
	Inland Waters	8	446	85	517	85	568
	W. Behm Canal	0	0	0	0	0	0
<b>Secondary Impacts</b>							
Availability of resources	Offshore Area	QUALITATIVE					
	Inland Waters						
	W. Behm Canal						

**3.11.3.1 Accessibility**

Navy training and testing activities have the potential to temporarily limit access to areas of the ocean for a variety of human activities associated with protected tribal resources and other traditional resources of Native American and Alaska Native Tribes in the Study Area. No traditional resources have been identified in the Study Area, and accessibility to such resources would not be affected.

In some instances, marine traffic is halted to eliminate acoustic interference during noise-sensitive testing. Typically, marine traffic is allowed to pass during the interval between test activities. When training or testing activities are scheduled that require specific areas to be free of nonparticipating vessels because of possible hazards to navigation, the Navy may request that the U.S. Coast Guard issue NTMs to warn the public of upcoming Navy activities. Training and testing activities occur in established restricted or danger areas, as published on navigation charts. For most testing activities, halting marine traffic is typically not required because activities run at sufficient depth and have no live warheads that would present a risk to surface vessels. The DBRC Site has unique fixed warning lights that warn nonmilitary craft of the status of Navy activities. The descriptions of the lights are posted at local boat ramps and marinas and are clearly indicated on standard NOAA charts (e.g., NOAA Nautical Chart No. 18458). In accordance with 32 C.F.R. Part 761, a 500-yard (yd.) (457-meter [m]) protection zone is established around all U.S. Navy vessels in navigable waters of the United States and within the boundaries of the U.S. Coast Guard Pacific Area. All vessels must proceed at a no-wake speed within a

protection zone. Nonmilitary vessels are not permitted to enter within 100 yd. (91.4 m) of a U.S. naval vessel, whether underway or moored, unless authorized by an official patrol.

The changes in accessibility to human activities in the ocean or inland waterways would be an impact if they directly contributed to loss of income, revenue, or employment. Disturbance to human activities that result in impacts is quantified by the amount of time the activity may be halted or rerouted or by the ability to move to another location.

### **3.11.3.1.1 No Action Alternative**

#### **3.11.3.1.1.1 Training**

##### **Offshore Area**

The Offshore Area of the Study Area includes established Navy OPAREAs used for military training activities. Native American vessels entering OPAREAs within the Study Area, including established restricted areas, operate under maritime regulations and are not limited by Navy activities. NTMs advise Native American fishermen, among others, that the military will be performing hazardous activities in a specific area, allowing them to plan their activities accordingly. These temporary clearance procedures are established and implemented for the safety of the public and have been employed regularly over time without significant accessibility issues.

Upon completion of training, the range would be reopened and fishermen could return to fish in the previously closed area. To help manage competing demands and maintain public access in the Study Area, the Navy conducts its offshore operations in a manner that minimizes restrictions to Native American fisherman. Navy ships, fishermen, and other users strive to operate within the area together and keep a safe distance between each other, and Navy exercise participants relocate as necessary to avoid conflicts with nonparticipants.

Accessibility, or restrictions to the availability of ocean space, would be a temporary condition. While mariners have a responsibility to be aware of conditions on the ocean, it is not expected that direct conflicts in accessibility would occur because the Navy follows standard operating procedures to visually scan an area to ensure that nonparticipants are not present before initiating any training activity. If nonparticipants are present, the Navy delays, moves, or cancels its activity. Tribal accessibility is no longer restricted once the activity concludes.

Under the No Action Alternative, potential accessibility impacts would be associated primarily with anti-air warfare, anti-surface warfare, anti-submarine warfare, mine warfare, and naval special warfare. Training activities would continue at current levels and within established ranges and training locations (see Table 3.11-1). There would be no anticipated impacts on Native American traditional resources because inaccessibility to areas of co-use, such as usual and accustomed fishing areas, would be of short duration (hours).

##### **Inland Waters**

Subsistence and commercial fishing activities make an appreciable contribution to the overall Native American economy within the Study Area. Since the early 1900s, the Navy has conducted training exercises within the Inland Waters and provided NTMs about the Navy's activities. This helps to circumvent fishing regulations that change almost on an annual basis. The Navy has performed military activities within this region in the past and has not barred fishing uses. The temporary closure of areas within the Study Area due to security, safety, and test requirements to maintain all quiet around the test

vessel or test systems does not limit Native American access to surrounding areas. Areas are temporarily closed only for the duration of the activity and are reopened at the completion of the activity.

The temporary range clearance procedures for safety do not adversely affect subsistence and commercial fishing activities because displacement is of short duration (less than 24 hours). When range clearance is required because of potential navigational hazards, the public may be notified through NTMs. Temporary range clearance is required for training activities that require all-quiet conditions around the test vessel or test systems; fixed warning lights at Dabob Bay are used to warn nonmilitary craft of the status of activities. These measures provide mariners with advance notice of areas being used by the Navy for training activities. This allows the Native American fisherman to select an alternate destination without appreciable effect on their activities.

The Navy does not exclude fishing activities from areas of the Study Area that it is not using. The Navy has been conducting training activities within the Study Area for decades, and it has taken, and will continue to take, measures to prevent interruption of Native American subsistence and commercial fishing activities. To minimize potential military/Native American interactions, the Navy will continue to publish scheduled operation times and locations through U.S. Coast Guard-issued NTMs. Other ways in which fishermen can determine access status is to contact range control and monitor very high frequency channel 16 (VHF-16). These efforts are intended to ensure that subsistence and commercial users are aware of the Navy's plans and allow users to plan their activities to avoid scheduled Navy activities. Therefore, decreases in the frequency of fishing trips or in the availability of desirable fishing locations because of Navy activities are not expected.

For safety reasons, the Navy may restrict access to a specific surface water area through the establishment of an exclusion zone, which would temporarily limit Native American subsistence and commercial fishing in that specific area; however, other areas in the Study Area would remain open to subsistence and commercial fishing. A Navy activity involving the use of explosive ordnance is one example of an activity that could require establishment of a temporary exclusion zone. Typically, an exclusion zone is established only for a few hours and extends over a circular area with a radius of about 2 miles (depending on the activity). Native American subsistence and commercial fishing activities could occur in the area before and after the temporary restriction. Should the Navy find nonparticipants present in an exclusion zone, the Navy would halt or delay (and reschedule, if necessary) all potentially hazardous activity until the nonparticipants have exited the exclusion zone.

Under the No Action Alternative, potential accessibility impacts would be associated primarily with naval special warfare and mine warfare. Training activities would continue at current levels and within established ranges and training locations (see Table 3.11-1). There would be no anticipated impacts on Native American protected tribal resources or other traditional resources because inaccessibility to areas of co-use, such as usual and accustomed fishing areas, would be of short duration (hours).

*No impacts on Native American protected tribal resources or other traditional resources would occur under the No Action Alternative because inaccessibility to areas of co-use, such as usual and accustomed fishing areas, would be of short duration during training activities.*

### **3.11.3.1.1.2 Testing**

#### **Offshore Area**

The Offshore Area of the Study Area includes established Navy OPAREAs used for military testing activities. Native American vessels entering OPAREAs within the Study Area, including established

restricted areas, operate under maritime regulations and are not limited by Navy activities. NTMs advise Native American fishermen, among others, that the military will be performing hazardous activities in a specific area, allowing them to plan their activities accordingly. These temporary clearance procedures are established and implemented for the safety of the public and have been employed regularly over time without significant accessibility issues.

Upon completion of testing, the range would be reopened and fishermen could return to fish in the previously closed area. To help manage competing demands and maintain public access in the Study Area, the Navy conducts its offshore operations in a manner that minimizes restrictions to Native American fisherman. Navy ships, fishermen, and other users strive to operate within the area together and keep a safe distance between each other, and Navy exercise participants relocate as necessary to avoid conflicts with nonparticipants.

Accessibility, or restrictions to the availability of ocean space, would be a temporary condition. While mariners have a responsibility to be aware of conditions on the ocean, it is not expected that direct conflicts in accessibility would occur because the Navy follows standard operating procedures to visually scan an area to ensure that nonparticipants are not present before initiating any testing activity. If nonparticipants are present, the Navy delays, moves, or cancels its activity. Tribal accessibility is no longer restricted once the activity concludes.

Under the No Action Alternative, potential accessibility impacts would be associated primarily with testing, evaluation, and maintenance of systems and platforms. Testing activities would continue at current levels and within established ranges and testing locations (see Table 3.11-1). There would be no anticipated impacts on Native American protected tribal resources and other traditional resources because inaccessibility to areas of co-use, such as usual and accustomed fishing areas, would be infrequent and of short duration (hours).

### **Inland Waters**

Subsistence and commercial fishing activities make an appreciable contribution to the overall Native American economy within the Study Area. Since the early 1900s, the Navy has conducted training exercises within the Inland Waters and provided NTMs about the Navy's activities. This helps circumvent fishing regulations that change almost on an annual basis. The Navy has performed military activities within this region in the past and has not barred fishing uses. The temporary closure of areas within the Study Area due to security, safety, and test requirements to maintain all quiet around the test vessel or test systems does not limit Native American access to surrounding areas. Areas are temporarily closed only for the duration of the activity and are reopened at the completion of the activity.

The temporary range clearance procedures for safety do not adversely affect subsistence and commercial fishing activities because displacement is of short duration (less than 24 hours). When range clearance is required because of potential navigational hazards, the public may be notified through NTMs. Temporary range clearance is required for testing activities that require all-quiet conditions around the test vessel or test systems; fixed warning lights at Dabob Bay are used to warn nonmilitary craft of the status of activities. These measures provide mariners with advance notice of areas being used by the Navy for testing activities. This allows the Native American fisherman to select an alternate destination without appreciable effect on their activities.

The Navy does not exclude fishing activities from areas of the Study Area that it is not using. The Navy has been conducting training and testing activities within the Study Area for decades, and it has taken,

and will continue to take, measures to prevent interruption of Native American subsistence and commercial fishing activities. To minimize potential military/Native American interactions, the Navy will continue to publish scheduled operation times and locations through U.S. Coast Guard-issued NTMs. Other ways in which fishermen can determine access status is to contact range control and monitor VHF-16. These efforts are intended to ensure that subsistence and commercial users are aware of the Navy's plans and allow users to plan their activities to avoid scheduled Navy testing activities. Therefore, decreases in the frequency of fishing trips or in the availability of desirable fishing locations because of Navy activities are not expected.

For safety reasons, the Navy may restrict access to a specific surface water area through established exclusion zones (indicated on nautical charts provided by NOAA and established in consultation with other agencies), which would temporarily limit Native American subsistence and commercial fishing in that specific area; however, other areas in the Study Area would remain open to subsistence and commercial fishing. A Navy activity involving the use of explosive ordnance is one example of an activity that could require establishment of a temporary exclusion zone. Typically, an exclusion zone is established only for a few hours and extends over a circular area with a radius of about 2 miles (depending on the activity). Native American subsistence and commercial fishing activities could occur in the area before and after the temporary restriction. Should the Navy find nonparticipants present in an exclusion zone, the Navy would halt or delay (and reschedule, if necessary) all potentially hazardous activity until the nonparticipants have exited the exclusion zone.

Under the No Action Alternative, potential accessibility impacts would be associated primarily with testing, evaluation, and maintenance of systems and platforms. Testing activities would continue at current levels and within established ranges and testing locations (see Table 3.11-1). There would be no anticipated impacts on Native American protected tribal resources and other traditional resources because inaccessibility to areas of co-use, such as usual and accustomed fishing areas, would be of short duration (hours).

#### **Western Behm Canal, Alaska**

During operations, the Navy can close the restricted area to all vessel traffic, although normally such closures will not exceed 20 minutes. Small craft may operate within 500 yd. (457 m) of the shoreline at speeds no greater than 5 knots during closure periods. These closures minimize ambient underwater sound levels during testing to ensure integrity of the testing and to fully accomplish SEAFAC's mission. They also help protect public safety during testing events.

The Western Behm Canal is within the Ketchikan Nonsubsistence Use Area (Alaska Department of Fish and Game 2011), which precludes subsistence uses of resources in the Western Behm Canal. Because the Western Behm Canal does not contain any Alaska Native protected tribal resources or other traditional resources or fishing areas, no impact on Alaska Native protected tribal resources or other traditional resources would occur as a result of testing activities.

*No impacts on Native American protected tribal resources or other traditional resources would occur under the No Action Alternative because inaccessibility to areas of co-use, such as usual and accustomed fishing areas, would be of short duration during testing activities.*

### 3.11.3.1.2 Alternative 1

#### 3.11.3.1.2.1 Training

##### Offshore Area

Training activities as described under the No Action Alternative would continue, increasing in frequency for some activities within the Study Area as compared with the No Action Alternative (see Table 3.11-1). There would be no changes to the Navy's current protocol to visually scan an area in order to ensure that nonparticipants are not present before initiating any training activity. Under Alternative 1, potential impacts affecting accessibility to areas of the Study Area would be the same as those associated with the No Action Alternative. Despite the increase in frequency of some training activities and the additional areas to be analyzed, no impacts from Alternative 1 activities on the accessibility to Native American protected tribal resources or other traditional resources would occur.

##### Inland Waters

Navy pier-side locations where sonar maintenance and testing occurs as part of overhaul, modernization, maintenance, and repair activities are all within Puget Sound and include NAVBASE Kitsap Bremerton in Sinclair Inlet, NAVBASE Kitsap Bangor Waterfront in Hood Canal, and Naval Station Everett. The nearshore and marine waters of Sinclair Inlet are within the "usual and accustomed" fishing and shellfishing areas of the Suquamish Tribe. The Skokomish Indian Tribe and the Port Gamble S'Klallam, Jamestown S'Klallam, and Lower Elwha Klallam Tribes harvest shellfish south of Delta Pier at NAVBASE Kitsap Bangor Waterfront in Hood Canal. Nearshore and adjacent water areas associated with these pier-side locations are restricted from tribal and general public use.

Training activities would continue, increasing in frequency for some activities and introducing new activities within the Study Area as compared with the No Action Alternative (see Table 3.11-1). Since the early 1900s, the Navy has conducted training exercises within the Inland Waters and provided NTMs about the Navy's activities. This helps circumvent fishing regulations that change almost on an annual basis. There would be no changes to the Navy's current protocol to visually scan an area in order to ensure that nonparticipants are not present before initiating any training activity. Despite the increase in frequency of training activities and the introduction of additional activities, no impacts from Alternative 1 activities on the accessibility to Native American protected tribal resources or other traditional resources would occur.

*No impacts on Native American protected tribal resources or other traditional resources would occur under Alternative 1 because inaccessibility to areas of co-use, such as usual and accustomed fishing areas, would be of short duration during training activities.*

#### 3.11.3.1.2.2 Testing

##### Offshore Area

Testing activities as described under the No Action Alternative would continue, increasing in frequency for some activities within the Study Area as compared with the No Action Alternative (see Table 3.11-1). There would be no changes to the Navy's current protocol to visually scan an area in order to ensure that nonparticipants are not present before initiating any testing activity. Under Alternative 1, potential impacts affecting accessibility to areas of the Study Area would be the same as those associated with the No Action Alternative. Despite the increase in frequency of some testing activities and the additional areas to be analyzed, no impacts from Alternative 1 activities on the accessibility to Native American protected tribal resources or other traditional resources would occur.

### **Inland Waters**

Navy pier-side locations where sonar maintenance and testing occurs as part of overhaul, modernization, maintenance, and repair activities are all within Puget Sound and include NAVBASE Kitsap Bremerton in Sinclair Inlet, NAVBASE Kitsap Bangor Waterfront in Hood Canal, and Naval Station Everett. The nearshore and marine waters of Sinclair Inlet are within the “usual and accustomed” fishing and shellfishing areas of the Suquamish Tribe. The Skokomish Indian Tribe and the Port Gamble S'Klallam, Jamestown S'Klallam, and Lower Elwha Klallam Tribes harvest shellfish south of Delta Pier at NAVBASE Kitsap Bangor Waterfront in Hood Canal. Nearshore and adjacent water areas associated with these pier-side locations are restricted from tribal and general public use.

Testing activities would continue, increasing in frequency for some activities within the Study Area as compared with the No Action Alternative (see Table 3.11-1). Testing at Carr Inlet OPAREA would resume. Since the early 1900s, the Navy has conducted training exercises within the Inland Waters and provided NTMs about the Navy’s activities. This helps circumvent fishing regulations that change almost on an annual basis. There would be no changes to the Navy’s current protocol to visually scan an area in order to ensure that nonparticipants are not present before initiating any testing activity. Despite the increase in frequency of testing activities and the additional areas to be analyzed, no impacts from Alternative 1 activities on the accessibility to Native American protected tribal resources or other traditional resources would occur.

### **Western Behm Canal, Alaska**

The Western Behm Canal is within the Ketchikan Nonsubsistence Use Area (Alaska Department of Fish and Game 2011), which precludes subsistence uses of resources in the Western Behm Canal. Because the Western Behm Canal does not contain any Alaska Native protected tribal resources or other traditional resources or fishing areas, no impact on Alaska Native protected tribal resources or other traditional resources would occur as a result of testing activities.

*No impacts on Native American protected tribal resources or other traditional resources would occur under Alternative 1 because inaccessibility to areas of co-use, such as usual and accustomed fishing areas, would be of short duration during testing activities.*

### **3.11.3.1.3 Alternative 2**

#### **3.11.3.1.3.1 Training**

##### **Offshore Area**

Training activities as described under Alternative 2 would continue, increasing in frequency within the Study Area as compared with the No Action Alternative and matching the number of activities under Alternative 1 (see Table 3.11-1). There would be no changes to the Navy’s current protocol to visually scan an area in order to ensure that nonparticipants are not present before initiating any training activity. Despite the increase in frequency of training activities, no impacts from Alternative 2 activities on the accessibility to Native American protected tribal resources or other traditional resources are anticipated because training activities would place only short-duration (hours) restrictions on use of scheduled training areas.

### **Inland Waters**

Navy pier-side locations where sonar maintenance and testing occurs as part of overhaul, modernization, maintenance, and repair activities are all within Puget Sound and include NAVBASE Kitsap Bremerton in Sinclair Inlet, NAVBASE Kitsap Bangor Waterfront in Hood Canal, and Naval Station Everett. The

nearshore and marine waters of Sinclair Inlet are within the “usual and accustomed” fishing and shellfishing areas of the Suquamish Tribe. The Skokomish Indian Tribe and the Port Gamble S'Klallam, Jamestown S'Klallam, and Lower Elwha Klallam Tribes harvest shellfish south of Delta Pier at NAVBASE Kitsap Bangor Waterfront in Hood Canal. Nearshore and adjacent water areas associated with these pierside locations are restricted from tribal and general public use.

*Training activities would continue, increasing in frequency for some activities and introducing new activities within the Study Area as compared with the No Action Alternative. (see Table 3.11-1). The proposed adjustments to Alternative 1 training activities include increasing the integrated maritime homeland defense/security mine countermeasures exercise frequency to an annual event. Since the early 1900s, the Navy has conducted training exercises within the Inland Waters and provided NTMs about the Navy's activities. This helps circumvent fishing regulations that change almost on an annual basis. There would be no changes to the Navy's current protocol to visually scan an area in order to ensure that nonparticipants are not present before initiating any training activity. Despite the increase in frequency of training activities and the introduction of additional activities, no impacts from Alternative 2 activities on the accessibility to Native American protected tribal resources or other traditional resources would occur. No impacts on Native American protected tribal resources or other traditional resources would occur under Alternative 2 because inaccessibility to areas of co-use, such as usual and accustomed fishing areas, would be of short duration during training activities.*

### **3.11.3.1.3.2 Testing**

#### **Offshore Area**

Testing activities as described under Alternative 2 would continue, increasing in frequency within the Study Area as compared with the No Action Alternative and Alternative 1 (see Table 3.11-1). There would be no changes to the Navy's current protocol to visually scan an area in order to ensure that nonparticipants are not present before initiating any testing activity. Despite the increase in frequency of testing activities, no impacts from Alternative 2 activities on the accessibility to Native American protected tribal resources or other traditional resources are anticipated because testing activities would place only short-duration (hours) restrictions on use of scheduled testing areas.

#### **Inland Waters**

Navy pierside locations where sonar maintenance and testing occurs as part of overhaul, modernization, maintenance, and repair activities are all within Puget Sound and include NAVBASE Kitsap Bremerton in Sinclair Inlet, NAVBASE Kitsap Bangor Waterfront in Hood Canal, and Naval Station Everett. The nearshore and marine waters of Sinclair Inlet are within the “usual and accustomed” fishing and shellfishing areas of the Suquamish Tribe. The Skokomish Indian Tribe and the Port Gamble S'Klallam, Jamestown S'Klallam, and Lower Elwha Klallam Tribes harvest shellfish south of Delta Pier at NAVBASE Kitsap Bangor Waterfront in Hood Canal. Nearshore and adjacent water areas associated with these pierside locations are restricted from tribal and general public use.

Testing activities would continue, increasing in frequency within the Study Area as compared with the No Action Alternative and Alternative 1 (see Table 3.11-1). Since the early 1900s, the Navy has conducted training exercises within the Inland Waters and provided NTMs about the Navy's activities. This helps circumvent fishing regulations that change almost on an annual basis. There would be no changes to the Navy's current protocol to visually scan an area in order to ensure that nonparticipants are not present before initiating any testing activity. Despite the increase in frequency of testing

activities and the additional areas to be analyzed, no impacts from Alternative 2 activities on the accessibility to Native American protected tribal resources or other traditional resources would occur.

### **Western Behm Canal, Alaska**

The Western Behm Canal is within the Ketchikan Nonsubsistence Use Area (Alaska Department of Fish and Game 2011), which precludes subsistence uses of resources in the Western Behm Canal. Because the Western Behm Canal does not contain any Alaska Native protected tribal resources or other traditional resources or fishing areas, no impact on Alaska Native protected tribal resources or other traditional resources would occur as a result testing activities.

*No impacts on Native American protected tribal resources or other traditional resources would occur under Alternative 2 because inaccessibility to areas of co-use, such as usual and accustomed fishing areas, would be of short duration during testing activities.*

### **3.11.3.2 Airborne Acoustics**

Loud noises, sonic booms, and vibrations generated from Navy training and testing activities such as weapons firing, in-air explosions, and aircraft transiting have the potential to disrupt the use of Native American and Alaska Native traditional resources, such as locations of historic and contemporary events or ceremonies, sacred areas, and cultural landscapes in the Study Area. Noise interference would diminish the natural silence which is required by Native American and Alaska Native tribes honoring sacred locations or conducting ceremonies. These impacts would occur on a temporary basis and only when weapons firing, in-air explosions, and aircraft transiting occur.

No Native American traditional resources have been identified in the Offshore Area or in the Inland Waters, and no Alaska Native traditional resources have been identified in the Western Behm Canal. Airborne acoustics will not impact any Native American or Alaska Native traditional resources that would be considered sensitive to noise or vibration intrusions; therefore, no further analysis is needed.

Airborne acoustics would not disrupt protected tribal resources or other traditional resources such as usual and accustomed fishing or shellfish collecting areas; therefore, no further analysis is required.

### **3.11.3.3 Physical Disturbance and Strike Stressors**

The evaluation of impacts on Native American and Alaska Native protected tribal resources and other traditional resources from physical disturbance and interaction stressors focuses on direct physical encounters or collisions with objects resting on the ocean floor (e.g., anchors, mines, targets) or dropped or fired into the water (e.g., non-explosive practice munitions, other military expended materials, and ocean bottom deployed devices), that may damage or encounter Native American or Alaska Native fishing equipment. No traditional resources have been identified in the Study Area, and physical disturbance and interactions to such resources would not occur.

Most Native American commercial fishing occurs beyond 3 nm in Navy training and testing areas and could be affected by proposed activities if those activities were to alter fish population levels in those areas to such an extent that commercial fishers could no longer find their target species. As described in Section 3.9.3 (Fish – Environmental Consequences), the behavioral responses that could occur from various types of physical stressors associated with training and testing activities would not compromise the general health or condition of fish and, therefore, Native American commercial or subsistence fishing resources would also not be compromised.

### 3.11.3.3.1 Impacts from Activities Using Seafloor Devices

Native American commercial fishing activities have the potential to interact with equipment placed in the ocean or on the ocean floor for use during proposed Navy training and testing activities. This equipment could include ship anchors, moored or bottom-mounted targets, mines and mine shapes, and tripods. Many different types of commercial fishing gear are used in the Study Area, including gillnets, longline gear, troll gear, trawls, seines, and traps or pots. Native American commercial bottom-fishing activities that use these types of gear have a greater potential to be affected by interaction with Navy training and testing equipment, resulting in the loss of or damage to both the Navy equipment and the commercial fishing gear.

Damage to fishing gear from Navy mine and submarine warfare activities in the Offshore Area is rare. When damage does occur to tribal and commercial fishing gear due to Navy actions (e.g., net entanglement, destructions of buoys), the fishermen (or the owner of the property damaged) can file a claim and request reimbursement. Forms for filing a claim can be obtained from [http://www.jag.navy.mil/organization/code\\_15\\_packets\\_forms.htm](http://www.jag.navy.mil/organization/code_15_packets_forms.htm). Reimbursement requests must be made within 2 years of incurring damage.

The Navy recovers many of the targets (e.g., mines and mine shapes) and target fragments used in training and testing activities, and it would continue to do so to minimize the potential for interaction with Native American fishing gear and fishing vessels. Unrecoverable items are typically small, constructed of soft materials (such as target cardboard boxes or tethered target balloons), or intentionally designed to sink to the bottom after serving their purpose, so they would not represent a collision risk to vessels, including commercial fishing vessels. Native American commercial fishing activities that drag gear along the bottom could snag unrecoverable items.

### 3.11.3.3.2 No Action Alternative

#### 3.11.3.3.2.1 Training

##### Offshore Area

No training activities using seafloor devices in the Offshore Area are included in the No Action Alternative (see Table 3.11-1). Therefore, Native American protected tribal resources or other traditional resources would not be affected by training activities in the No Action Alternative.

##### Inland Waters

Under the No Action Alternative, training activities using seafloor devices would continue at current levels (see Table 3.11-1). Although Native American subsistence and commercial fishing equipment could be damaged by activities using seafloor devices, these training activities would not affect protected tribal resources or other traditional resources or the use of the usual and accustomed fishing grounds. No impacts on Native American protected tribal resources or other traditional resources from training activities using seafloor devices in the No Action Alternative would occur. A system for filing damage claims against the Navy exists, and obtaining reimbursement for the loss or damage of fishing gear may be possible in certain circumstances.

*No impacts on Native American protected tribal resources or other traditional resources would occur under the No Action Alternative; however, loss or damage to Native American fishing equipment from the use of seafloor devices during training activities could occur. A system for filing damage claims against the Navy exists, and obtaining reimbursement may be possible in certain circumstances.*

### 3.11.3.3.2 Testing

#### Offshore Area

Under the No Action Alternative, testing activities using seafloor devices would continue at current levels and within established ranges and testing locations (see Table 3.11-1). Although Native American subsistence and commercial fishing equipment could be damaged by activities using seafloor devices, these testing activities would not affect protected tribal resources or other traditional resources or the use of the usual and accustomed fishing grounds. No impacts on Native American protected tribal resources or other traditional resources from testing activities using seafloor devices in the No Action Alternative would occur. A system for filing damage claims against the Navy exists, and obtaining reimbursement for the loss or damage of fishing gear may be possible in certain circumstances.

#### Inland Waters

Testing activities using seafloor devices would continue at current levels and within established ranges and testing locations (see Table 3.11-1). Although Native American subsistence and commercial fishing equipment could be damaged by activities using seafloor devices, these testing activities would not affect protected tribal resources or other traditional resources or the use of the usual and accustomed fishing grounds. No impacts on Native American protected tribal resources or other traditional resources from testing activities using seafloor devices in the No Action Alternative would occur. A system for filing damage claims against the Navy exists, and obtaining reimbursement for the loss or damage of fishing gear may be possible in certain circumstances.

#### Western Behm Canal, Alaska

The Western Behm Canal is within the Ketchikan Nonsubsistence Use Area (Alaska Department of Fish and Game 2011), which precludes subsistence uses of resources in the Western Behm Canal. Because the Western Behm Canal does not contain any Alaska Native protected tribal resources or other traditional resources or fishing areas, no impact on Alaska Native protected tribal resources or other traditional resources would occur as a result of testing activities using seafloor devices.

*No impacts on Native American protected tribal resources or other traditional resources would occur under the No Action Alternative; however, loss or damage to Native American fishing equipment from the use of seafloor devices during testing activities could occur. A system for filing damage claims against the Navy exists, and obtaining reimbursement may be possible in certain circumstances.*

### 3.11.3.3.3 Alternative 1

#### 3.11.3.3.3.1 Training

##### Offshore Area

Under Alternative 1, no new training activities using seafloor devices would occur (see Table 3.11-1). Therefore, Native American protected tribal resources or other traditional resources would not be affected by training activities in Alternative 1.

##### Inland Waters

Under Alternative 1, training activities using seafloor devices would increase in the Inland Waters as compared to the No Action Alternative (see Table 3.11-1). Although Native American subsistence and commercial fishing equipment could be damaged by activities using seafloor devices, these training activities would not affect protected tribal resources or other traditional resources or the use of the usual and accustomed fishing grounds. No impacts on Native American protected tribal resources or other traditional resources from training activities using seafloor devices in Alternative 1 would occur. A

system for filing damage claims against the Navy exists, and obtaining reimbursement for the loss or damage of fishing gear may be possible in certain circumstances.

*No impacts on Native American protected tribal resources or other traditional resources would occur under Alternative 1; however, loss or damage to Native American fishing equipment from the use of seafloor devices during training activities could occur. A system for filing damage claims against the Navy exists, and obtaining reimbursement may be possible in certain circumstances.*

### **3.11.3.3.2 Testing**

#### **Offshore Area**

Testing activities using seafloor devices would increase within established ranges and testing locations as compared with the No Action Alternative (see Table 3.11-1). Although Native American subsistence and commercial fishing equipment could be damaged by activities using seafloor devices, these testing activities would not affect protected tribal resources or other traditional resources or the use of the usual and accustomed fishing grounds. No impacts on Native American protected tribal resources or other traditional resources from testing activities using seafloor devices in Alternative 1 would occur. A system for filing damage claims against the Navy exists, and obtaining reimbursement may be possible in certain circumstances.

#### **Inland Waters**

Testing activities using seafloor devices would increase within established ranges and testing locations as compared with the No Action Alternative (see Table 3.11-1). Although Native American subsistence and commercial fishing equipment could be damaged by activities using seafloor devices, these testing activities would not affect protected tribal resources or other traditional resources or the use of the usual and accustomed fishing grounds. No impacts on Native American protected tribal resources or other traditional resources from Alternative 1 testing activities using seafloor devices are anticipated. A system for filing damage claims against the Navy exists, and obtaining reimbursement may be possible in certain circumstances.

#### **Western Behm Canal, Alaska**

The Western Behm Canal is within the Ketchikan Nonsubsistence Use Area (Alaska Department of Fish and Game 2011), which precludes subsistence uses of resources in the Western Behm Canal. Because the Western Behm Canal does not contain any Alaska Native traditional resources or fishing areas, no impact on Alaska Native traditional resources would occur as a result of an increase of testing activities using seafloor devices.

*No impacts on Native American protected tribal resources or other traditional resources would occur under Alternative 1; however, loss or damage to Native American fishing equipment from the use of seafloor devices during testing activities could occur. A system for filing damage claims against the Navy exists, and obtaining reimbursement may be possible in certain circumstances.*

### **3.11.3.3.4 Alternative 2**

#### **3.11.3.3.4.1 Training**

##### **Offshore Area**

Under Alternative 2, there are no new training activities that use seafloor devices (see Table 3.11-1). Therefore, Native American protected tribal resources or other traditional resources would not be affected by training activities in Alternative 2.

**Inland Waters**

Under Alternative 2, training activities using seafloor devices would increase in the Inland Waters as compared to the No Action Alternative and would be the same as Alternative 1 (see Table 3.11-1). Although Native American subsistence and commercial fishing equipment could be damaged by activities using seafloor devices, these training activities would not affect protected tribal resources or other traditional resources or the use of the usual and accustomed fishing grounds. No impacts on Native American protected tribal resources or other traditional resources from training activities using seafloor devices in Alternative 2 would occur. A system for filing damage claims against the Navy exists, and obtaining reimbursement for the loss or damage of fishing gear may be possible in certain circumstances.

*No impacts on Native American protected tribal resources or other traditional resources would occur under Alternative 2; however, loss or damage to Native American fishing equipment from the use of seafloor devices during training activities could occur. A system for filing damage claims against the Navy exists, and obtaining reimbursement may be possible in certain circumstances.*

**3.11.3.3.4.2 Testing****Offshore Area**

Testing activities using seafloor devices would increase within established ranges and testing locations as compared with the No Action Alternative and Alternative 1 (see Table 3.11-1). Although Native American subsistence and commercial fishing equipment could be damaged by activities using seafloor devices, it would not affect protected tribal resources or other traditional resources or the use of the usual and accustomed fishing grounds. No impacts on Native American protected tribal resources or other traditional resources from testing activities using seafloor devices in Alternative 2 would occur. A system for filing damage claims against the Navy exists, and obtaining reimbursement may be possible in certain circumstances.

**Inland Waters**

Testing activities using seafloor devices would increase within established ranges and testing locations as compared with the No Action Alternative and Alternative 1 (see Table 3.11-1). Although Native American subsistence and commercial fishing equipment could be damaged by activities using seafloor devices, these testing activities would not affect protected tribal resources or other traditional resources or the use of the usual and accustomed fishing grounds. No impacts on Native American protected tribal resources or other traditional resources from an increase in testing activities using seafloor devices in Alternative 2 would occur. A system for filing damage claims against the Navy exists, and obtaining reimbursement may be possible in certain circumstances.

**Western Behm Canal, Alaska**

The Western Behm Canal is within the Ketchikan Nonsubsistence Use Area (Alaska Department of Fish and Game 2011), which precludes subsistence uses of resources in the Western Behm Canal. Because the Western Behm Canal does not contain any Alaska Native protected tribal resources or other traditional resources or fishing areas, no impact on Alaska Native protected tribal resources or other traditional resources would occur as a result of testing activities using seafloor devices.

*No impacts on Native American protected tribal resources or other traditional resources would occur under Alternative 2; however, loss or damage to Native American fishing equipment from the use of seafloor devices during testing activities could occur. A system for filing damage claims against the Navy exists, and obtaining reimbursement may be possible in certain circumstances.*

### **3.11.3.3.5 Impacts from Military Expended Materials**

Military expended materials can physically interact with Native American fishing equipment. Almost all training and testing activities produce military expended materials such as chaff, flares, projectiles, casings, target fragments, missile fragments, rocket fragments, decelerator/parachutes, and ballast weights. A remote chance exists that Native American fishermen using nets could recover military expended materials. No military expended materials would be associated with activities at SEAFAC.

### **3.11.3.3.6 No Action Alternative**

#### **3.11.3.3.6.1 Training**

##### **Offshore Area**

Under the No Action Alternative, training activities resulting in the deposition of military expended materials would continue at current levels and within established ranges and training locations (see Table 3.11-1). Although military expended materials could be inadvertently retrieved by Native American subsistence and commercial fishing equipment, such retrieval would not affect protected tribal resources or other traditional resources or the use of the usual and accustomed fishing grounds. No impacts on Native American protected tribal resources or other traditional resources from training activities resulting in the deposition of military expended materials in the No Action Alternative would occur.

##### **Inland Waters**

Under the No Action Alternative, training activities resulting in the deposition of military expended materials would continue at current levels and within established ranges and training locations (see Table 3.11-1). Although military expended materials could be inadvertently retrieved by Native American subsistence and commercial fishing equipment, such retrieval would not affect protected tribal resources or other traditional resources or the use of the usual and accustomed fishing grounds. No impacts on Native American protected tribal resources or other traditional resources from training activities resulting in the deposition of military expended materials in the No Action Alternative would occur.

*Although military expended materials could be inadvertently retrieved by Native American subsistence and commercial fishing equipment, such retrieval would not affect protected tribal resources or other traditional resources or the use of the usual and accustomed fishing grounds. No impacts on Native American protected tribal resources or other traditional resources from training activities resulting in the deposition of military expended materials in the No Action Alternative would occur.*

#### **3.11.3.3.6.2 Testing**

##### **Offshore Area**

Under the No Action Alternative, testing activities resulting in the deposition of military expended materials would continue at current levels and within established ranges and testing locations (see Table 3.11-1). Although military expended materials could be inadvertently retrieved by Native American subsistence and commercial fishing equipment, such retrieval would not affect protected tribal

resources or other traditional resources or the use of the usual and accustomed fishing grounds. No impacts on Native American protected tribal resources or other traditional resources from testing activities resulting in the deposition of military expended materials in the No Action Alternative would occur.

### **Inland Waters**

Under the No Action Alternative, testing activities resulting in the deposition of military expended materials would continue at current levels and within established ranges and testing locations (see Table 3.11-1). Although military expended materials could be inadvertently retrieved by Native American subsistence and commercial fishing equipment, such retrieval would not affect protected tribal resources or other traditional resources or the use of the usual and accustomed fishing grounds. No impacts on Native American protected tribal resources or other traditional resources from testing activities resulting in the deposition of military expended materials in the No Action Alternative would occur.

### **Western Behm Canal, Alaska**

No testing activities resulting in the deposition of military expended materials occur in the Western Behm Canal (see Table 3.11-1). No impacts on Alaska Native protected tribal resources or other traditional resources from testing activities resulting in the deposition of military expended materials in the No Action Alternative would occur.

*Although military expended materials could be inadvertently retrieved by Native American subsistence and commercial fishing equipment, such retrieval would not affect protected tribal resources or other traditional resources or the use of the usual and accustomed fishing grounds. No impacts on Native American protected tribal resources or other traditional resources from testing activities resulting in the deposition of military expended materials in the No Action Alternative would occur.*

### **3.11.3.3.7 Alternative 1**

#### **3.11.3.3.7.1 Training**

#### **Offshore Area**

Training activities resulting in the deposition of military expended materials would continue, decreasing in frequency for some activities and introducing new activities within the Study Area as compared with the No Action Alternative (see Table 3.11-1). Although military expended materials could be inadvertently retrieved by Native American subsistence and commercial fishing equipment, such retrieval would not affect protected tribal resources or other traditional resources or the use of the usual and accustomed fishing grounds. No impacts on Native American protected tribal resources or other traditional resources from Alternative 1 training activities resulting in the deposition of military expended materials would occur.

#### **Inland Waters**

Training activities resulting in the deposition of military expended materials would continue, increasing in frequency for some activities and introducing new activities within the Study Area as compared with the No Action Alternative (see Table 3.11-1). Although military expended materials could be inadvertently retrieved by Native American subsistence and commercial fishing equipment, these training activities would not affect protected tribal resources or other traditional resources or the use of the usual and accustomed fishing grounds. No impacts on Native American protected tribal resources or

other traditional resources from Alternative 1 training activities resulting in the deposition of military expended materials are anticipated.

*Although military expended materials could be inadvertently retrieved by Native American subsistence and commercial fishing equipment, such retrieval would not affect protected tribal resources or other traditional resources or the use of the usual and accustomed fishing grounds. No impacts on Native American protected tribal resources or other traditional resources from training activities resulting in the deposition of military expended materials in Alternative 1 would occur.*

### **3.11.3.3.7.2 Testing**

#### **Offshore Area**

Testing activities resulting in the deposition of military expended materials would increase within established ranges and testing locations as compared with the No Action Alternative (see Table 3.11-1). Although military expended materials could be inadvertently retrieved by Native American subsistence and commercial fishing equipment, these testing activities would not affect protected tribal resources or other traditional resources or the use of the usual and accustomed fishing grounds. No impacts on Native American protected tribal resources or other traditional resources from Alternative 1 testing activities resulting in the deposition of military expended materials are anticipated.

#### **Inland Waters**

Testing activities resulting in the deposition of military expended materials would increase within established ranges and testing locations as compared with the No Action Alternative (see Table 3.11-1). Although military expended materials could be inadvertently retrieved by Native American subsistence and commercial fishing equipment, these testing activities would not affect protected tribal resources or other traditional resources or the use of the usual and accustomed fishing grounds. No impacts on Native American protected tribal resources or other traditional resources from Alternative 1 testing activities resulting in the deposition of military expended materials are anticipated.

#### **Western Behm Canal, Alaska**

No testing activities resulting in the deposition of military expended materials occur in the Western Behm Canal (see Table 3.11-1). No impacts on Alaska Native protected tribal resources or other traditional resources from testing activities resulting in the deposition of military expended materials in Alternative 1 would occur.

*Although military expended materials could be inadvertently retrieved by Native American subsistence and commercial fishing equipment, such retrieval would not affect protected tribal resources or other traditional resources or the use of the usual and accustomed fishing grounds. No impacts on Native American protected tribal resources or other traditional resources from testing activities resulting in the deposition of military expended materials in Alternative 1 would occur.*

### **3.11.3.3.8 Alternative 2**

#### **3.11.3.3.8.1 Training**

#### **Offshore Area**

Training activities resulting in the deposition of military expended materials would continue, decreasing in frequency for some activities and introducing new activities within the Study Area as compared with the No Action Alternative and would be the same as Alternative 1 (see Table 3.11-1). Although military expended materials could be inadvertently retrieved by Native American subsistence and commercial

fishing equipment, these training activities would not affect protected tribal resources or other traditional resources or the use of the usual and accustomed fishing grounds. No impacts on Native American protected tribal resources or other traditional resources from Alternative 2 training activities resulting in the deposition of military expended materials would occur.

### **Inland Waters**

Training activities resulting in the deposition of military expended materials would continue, increasing in frequency for some activities and introducing new activities within the Study Area as compared with the No Action Alternative but matching the number of activities in Alternative 1 (see Table 3.11-1). Although military expended materials could be inadvertently retrieved by Native American subsistence and commercial fishing equipment, these training activities would not affect protected tribal resources or other traditional resources or the use of the usual and accustomed fishing grounds. No impacts on Native American protected tribal resources or other traditional resources from Alternative 2 training activities resulting in the deposition of military expended materials are anticipated.

*Although military expended materials could be inadvertently retrieved by Native American subsistence and commercial fishing equipment, such retrieval would not affect protected tribal resources or other traditional resources or the use of the usual and accustomed fishing grounds. No impacts on Native American protected tribal resources or other traditional resources from training activities resulting in the deposition of military expended materials in Alternative 2 would occur.*

### **3.11.3.3.8.2 Testing**

#### **Offshore Area**

Testing activities resulting in the deposition of military expended materials would increase within established ranges and testing locations as compared with the No Action Alternative and Alternative 1 (see Table 3.11-1). Although military expended materials could be inadvertently retrieved by Native American subsistence and commercial fishing equipment, these testing activities would not affect protected tribal resources or other traditional resources or the use of the usual and accustomed fishing grounds. No impacts on Native American protected tribal resources or other traditional resources from Alternative 2 testing activities resulting in the deposition of military expended materials are anticipated.

#### **Inland Waters**

Testing activities resulting in the deposition of military expended materials would increase within established ranges and testing locations as compared with the No Action Alternative and Alternative 1 (see Table 3.11-1). Although military expended materials could be inadvertently retrieved by Native American subsistence and commercial fishing equipment, these testing activities would not affect protected tribal resources or other traditional resources or the use of the usual and accustomed fishing grounds. No impacts on Native American protected tribal resources or other traditional resources from Alternative 2 testing activities resulting in the deposition of military expended materials are anticipated.

#### **Western Behm Canal, Alaska**

No testing activities resulting in the deposition of military expended materials occur in the Western Behm Canal (see Table 3.11-1). No impacts on Alaska Native protected tribal resources or other traditional resources from testing activities resulting in the deposition of military expended materials in Alternative 2 would occur.

*Although military expended materials could be inadvertently retrieved by Native American subsistence and commercial fishing equipment, such retrieval would not affect protected tribal resources or other traditional resources or the use of the usual and accustomed fishing grounds. No impacts on Native American protected tribal resources or other traditional resources from testing activities resulting in the deposition of military expended materials in Alternative 2 would occur.*

#### **3.11.3.4 Secondary Impacts**

Socioeconomics could be impacted if proposed activities led to changes to physical and biological resources to the extent that they would alter the way industries can use those resources. The secondary impacts on marine resource availability pertains to the potential for loss of fisheries resources within the Study Area.

Native American and Alaska Native protected tribal resources and other traditional resources such as use of usual and accustomed fishing areas could be impacted if proposed activities altered fish and other marine species population levels to such an extent that these tribes could no longer find their target species. Analyses in Sections 3.4 (Marine Mammals), 3.8 (Marine Invertebrates), and 3.9 (Fish) conclude that impacts on marine species to the extent cited above from training and testing activities would not occur. Based on these conclusions, secondary impacts on Native American and Alaska Native protected tribal resources and other traditional resources would not occur.

### 3.11.3.5 Summary of Potential Impacts of All Stressors on Native American and Alaska Native Traditional Resources

Stressors described in this EIS/OEIS would not result in potential impacts on Native American and Alaska Native traditional resources under the No Action Alternative, Alternative 1, or Alternative 2 in accordance with Section 106 of the National Historic Preservation Act. No traditional resources have been identified in the Study Area (Table 3.11-2).

**Table 3.11-2: Summary of Effects of Training and Testing Activities on Native American and Alaska Native Traditional Resources**

<b>Alternative and Stressor</b>	<b>Effects of Training and Testing Activities</b>
<b>No Action Alternative</b>	
Acoustic Stressors	Airborne acoustics during training and testing activities would not affect traditional resources within United States (U.S.) territorial waters because no traditional resources have been identified in the Study Area.
Physical Stressors	Physical stressors resulting from use of seafloor devices and deposition of expended materials would not affect traditional resources within U.S. territorial waters because no traditional resources have been identified in the Study Area.
<b>Alternative 1 (Preferred Alternative)</b>	
Acoustic Stressors	Airborne acoustics during training and testing activities would not affect traditional resources within U.S. territorial waters because no traditional resources have been identified in the Study Area.
Physical Stressors	Physical stressors resulting from use of seafloor devices and deposition of expended materials during training and testing activities would not affect traditional resources within U.S. territorial waters because no traditional resources have been identified in the Study Area.
Regulatory Determination	Alternative 1 increases the number of training and testing activities and introduces these activities in additional areas. Acoustic and physical stressors, as indicated above, would not affect traditional resources within United States territorial waters.
<b>Alternative 2</b>	
Acoustic Stressors	Airborne acoustics during training and testing activities would not affect traditional cultural properties within U.S. territorial waters because no traditional resources have been identified in the Study Area.
Physical Stressors	Physical stressors resulting from use of seafloor devices and deposition of expended materials during training and testing activities would not affect traditional resources within U.S. territorial waters because no traditional resources have been identified in the Study Area.
Regulatory Determination	Alternative 2 increases the number of training and testing activities and introduces these activities in additional areas. Acoustic and physical stressors, as indicated above, would not affect traditional resources within United States territorial waters.

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