3.11 American Indian and Alaska Native Traditional Resources

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3.11 AMERICAN INDIAN AND ALASKA NATIVE TRADITIONAL RESOURCES

AMERICAN INDIAN AND ALASKA NATIVE TRADITIONAL RESOURCES SYNOPSIS

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

- Impeding access to Tribal usual and accustomed (U&A) fishing grounds and stations
- Changes to the availability of marine resources or habitat
- Loss or damage to tribal fishing gear

Preferred Alternative (Alternative 1)

- Navy training and testing activities in the Offshore Area are not likely to impede access to U&A fishing grounds. Navy training and testing activities in Inland Waters could temporarily impede Tribal access to portions of their U&A fishing grounds. The potential for impeded access would increase compared to the No Action Alternative.
- Training and testing activities are not expected to have a measureable effect on the availability of marine resources for harvest by Tribes.
- The potential for loss of or damage to fishing gear from Navy training and testing activities in the Offshore Area is low, but the potential would increase slightly compared to the No Action Alternative. The potential for loss of or damage to fishing gear in Inland Waters would increase compared to the No Action Alternatives as a result of Transit Protection System training events. The potential for loss of or damage to fishing gear from Navy testing activities in Inland Waters is low under Alternative 1, but the potential would increase compared to the No Action Alternative.

3.11.1 INTRODUCTION AND METHODS

3.11.1.1 Introduction

The Northwest Training and Testing (NWTT) Study Area (hereinafter 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 (including Hood Canal and Carr Inlet), and Western Behm Canal in southeastern Alaska (Figure 2.1-1). The Study 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) (Figure 2.1-2); the Naval Undersea Warfare Center (NUWC) Division, Keyport Range Complex (Figure 2.1-3); Carr Inlet Operating Area (OPAREA) (Figure 2.1-3); and the Southeast Alaska Acoustic Measurement Facility (SEAFAC) (Figure 2.1-4). 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. In the Study Area, American Indian and Alaska Native traditional resources are located within state territorial waters (0–3 nautical miles [nm] of the coast), within United States (U.S.) territorial waters (0–12 nm of the coast) and within the global commons (more than 12 nm from the coast). The 56 federally-recognized Tribes and Nations (hereinafter referred to as Tribes) with traditional resources in the Study Area are identified in Tables 3.11-2 through 3.11-4.

Several types of traditional resources are present in the Study Area, including various plants and animals as well as Tribal marine resource gathering areas (e.g., traditional fishing areas; whaling areas; and seaweed-, mussel-, abalone-, and clam-gathering grounds).

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 (EOs), including Tribal trust resources." Tribal trust resources are defined as "Indian lands or treaty rights to certain resources." These resources include plants, animals, and locations associated with hunting, fishing, and gathering activities for subsistence or ceremonial use. For the purposes of this section, the term "traditional resources" will be used to encompass protected Tribal resources.

American Indian and Alaska Native traditional cultural properties (i.e., historic properties eligible for listing in the National Registry of Historic Places [NRHP] under the National Historic Preservation Act) are discussed in Section 3.10 (Cultural Resources).

3.11.1.2 Policy and Legal Requirements

In October 1998 and as amended in 1999, the DoD promulgated its Native American and Alaska Native Policy, emphasizing the importance of respecting and consulting with Tribal governments on a government-to-government basis. The policy requires an assessment, through consultation, of the effects of proposed DoD actions that may have the potential to significantly affect traditional resources (including traditional subsistence resources such as shellfish), Tribal rights (such as fisheries), and American Indian lands before decisions are made by the agencies. In addition, the DoD issued its *DoD American Indian and Alaska Native Policy: Alaska Implementation Guidance* (December 19, 2007) to consider situations and issues unique to Alaska Native Tribes.

In 2005, the Navy updated its policy for consultation with federally-recognized American Indian Tribes. The Secretary of the Navy Instruction (SECNAVINST) 11010.14A, *Department of the Navy Policy for Consultation with Federally Recognized Indian Tribes*, implements DoD policy within the Navy and encourages ongoing consultations and communications.

Commander, Navy Region Northwest (COMNAVREGNW) Instruction 11010.14, *Policy for Consultation with Federally-Recognized American Indian and Alaska Native Tribe*s (November 10, 2009), sets forth policy, procedures, and responsibilities for consultations with federally-recognized American Indian and Alaska Native Tribes in the Navy Region Northwest area of responsibility. The goal of the policy is to establish permanent working relationships built upon respect, trust, and openness with Tribal governments.

EOs requiring consultation with Tribes include EO 13175, *Consultation and Coordination with Indian Tribal Governments*; the Presidential Memorandum dated November 5, 2009, emphasizing agencies' need to comply with EO 13175; and the Presidential Memorandum dated April 29, 1994, *Government-to-Government Relations with Native American Governments*. Laws requiring consultation with Tribes include the National Historic Preservation Act of 1966 as amended in 2006; the American Indian Religious Freedom Act of 1978; and EO 13007, Indian Sacred Sites.

3.11.1.3 Government-to-Government Consultation

In January 2014, the Commanding Officers of Naval Air Station Whidbey Island (NASWI) and NAVBASE Kitsap invited 56 Tribes with traditional resources in the Study Area to evaluate the Navy's draft analysis in the NWTT Draft Environmental Impact Statement (EIS)/Overseas EIS (OEIS) and to consider whether they desired government-to-government consultation regarding the Proposed Action. Consultations with the Tribes who have requested government-to-government consultation are ongoing.

Based on SECNAVINST 11010.14A, government-to-government consultations are confidential; consultation documents are maintained in the Navy's administrative record and are not included as an attachment to this document. However, comments submitted by Tribes and Tribal organizations during the public comment period and Navy's response to comments are provided in Appendix I (Public Participation).

3.11.1.4 Federal Trust Responsibility and Federally Secured Off-Reservation Fishing Rights

American Indian and Alaska Native Tribes are dependent sovereign nations. This unique relationship provides the basis for legislation, treaties, and EOs that define unique rights or privileges of Tribes. Accordingly, the United States has a trust relationship with 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 (Alaska Native Tribes do not have 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 American Indian treaty rights. EO 13175, *Consultation and Coordination with Indian Tribal Governments,* affirms the trust responsibility of the United States and directs agencies to consult with Tribes, and to respect Tribal sovereignty when taking actions affecting such rights.

Treaties with American Indian 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). Language in treaties and other federal laws securing off-reservation fishing and hunting rights has been construed as preserving aboriginal rights that Indians traditionally exercised before the treaties were executed. Treaty fishing and hunting clauses are 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 Tribes retain rights not specifically surrendered to the United States.

Between 1854 and 1856, the United States negotiated five treaties—the treaties of Medicine Creek, Point Elliot, Point No Point , Neah Bay, and Olympia—with the Northwest Tribes to acquire great expanses of land. 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 acknowledged that the Tribes living in western Washington maintained the right to fish at off-reservation "usual and accustomed" grounds and stations (hereinafter referred to as U&A fishing grounds) (Table 3.11-1).

Although representatives of the current Confederated Tribes of the Chehalis Reservation, Cowlitz Indian Tribe, and Shoalwater Bay Tribe attended the treaty council for the Treaty of Olympia, these Tribes did not sign the treaty because they preferred separate reservations in their traditional Tribal territories rather than removal to the Quinault reservation (*Confederated Tribes of Chehalis Indian Reservation v. State of Washington* 1996, 96 F.3d 334, 340 [Ninth Cir. 1996]). The Chehalis Reservation was established in 1864 by order of the Secretary of the Interior and the Shoalwater Bay Reservation was established by executive order in 1866 (*Confederated Tribes of Chehalis Indian Reservation v. State of Washington* 1996).

The Treaty with the Yakima was signed by the federal government and representatives who are now the Confederated Tribes and Bands of the Yakama Nation on 9 June 1855 (Table 3.11-1).

One of the primary legal cases in Washington state that interprets the Stevens-Palmer Treaties is *United States v. Washington* (1974), which is known as the Boldt Decision after the presiding U.S. District Court Judge George Boldt. *United States v. Washington* (1974) affirmed the rights of Washington Tribes that were party to the various treaties to harvest fish in their U&A fishing grounds, identified the U&A locations of various Tribes, and allocated up to 50 percent of the available salmon and steelhead harvest to treaty Tribes. In a later proceeding in *United States v. Washington* (1995) (known as the Rafeedie Decision), the court determined that the treaty rights also included the right to take shellfish. As a result of these decisions, it is generally understood that Tribal treaty rights include access and up to 50 percent of the available fin and shellfish harvest in a Tribe's U&A fishing grounds. A recent court decision in *United States v. Washington* (2013) (known as the Culvert Decision) determined that Tribal treaty rights include habitat protection. Specifically, culverts under roads owned by the State of Washington that block fish passage to and from Tribal U&A fishing grounds must be remedied to provide fish passage. This case is presently on appeal to the Ninth Circuit Court of Appeals. The parameters of this component of Tribal treaty rights will be developed in this litigation and subsequent court decisions. The ruling in *United States v. Oregon* (1969) enforces and implements the Columbia River treaty Tribes' fishing rights reserved by the Stevens-Palmer treaties.

Many adjudicated U&A fishing grounds overlap, and some are designated as primary or secondary. The primacy of Skokomish fishing rights in the waters of Hood Canal over those of other Tribes that retained U&A rights under the treaties was affirmed under a 1985 ruling by the Ninth Circuit Court of Appeals (*United States v. Skokomish Indian Tribe* 1985). As a result of the ruling, the Suquamish Tribe has secondary rights and requires the permission of the Skokomish Tribe to exercise its U&A rights south of the Hood Canal Bridge. Since the 1985 court decision, this permission has not been granted.

In 1994, the United States formally recognized that the Hoh Indian Tribe, Makah Indian Tribe, Quileute Indian Tribe, and the Quinault Indian Nation, have treaty rights to fish for groundfish in offshore areas (50 Code of Federal Regulations [C.F.R.] 660.50). U&A fishing grounds were established in offshore areas beyond U.S. territorial waters (greater than 12 nm). In 2015, the United States District Court for the Western District of Washington in Seattle, Washington determined that the western boundary of the Quinault Indian Nation's U&A in the Pacific Ocean is 30 miles from shore, and the western boundary of the Quileute Tribe's U&A in the Pacific Ocean is 40 miles offshore (*United States v. State of Washington* 2015).

Table 3.11-1: **Treaty Rights for Usual and Accustomed Fishing Grounds in Washington**

Treaty	Date Signed	American Indian Tribes Signatories	Tribal Usual and Accustomed Treaty Text
Treaty of Medicine Creek	December 26, 1854	Representatives of who are now the Nisqually Indian Tribe, Puyallup Tribe, and Squaxin Island Tribe	The right of taking fish, at all U&A grounds and stations, is further secured to said Indians in common with all citizens of the Territory, and of erecting temporary houses for the purpose of curing, together with the privilege of hunting, gathering roots and berries, and pasturing their horses on open and unclaimed lands: *Provided, however*, That they shall not take shellfish from any beds staked or cultivated by citizens, and that they shall alter all stallions not intended for breeding-horses, and shall keep up and confine the latter.
Treaty of Point Elliot	January 22, 1855	Representatives of who are now the Lummi Tribe, Muckleshoot Indian Tribe, Samish Indian Nation, Snoqualmie Tribe, Stillaguamish Tribe, Suquamish Tribe, Swinomish Tribe, Tulalip Tribe, and the Upper Skagit Tribe	The right of taking fish at U&A grounds and stations is further secured to said Indians in common with all citizens of the Territory, and of erecting temporary houses for the purpose of curing, together with the privilege of hunting and gathering roots and berries on open and unclaimed lands. Provided, however, that they shall not take shell-fish from any beds staked or cultivated by citizens.
Point No Point Treaty	January 26, 1855	Representatives of who are now the Jamestown S'Klallam Tribe, Lower Elwha Klallam Tribe, Port Gamble S'Klallam Tribe, and Skokomish Tribal Nation	The right of taking fish at U&A grounds and stations is further secured to said Indians in common with all citizens of the Territory, and of erecting temporary houses for the purposes of curing, together with the privilege of hunting and gathering roots and berries on open and unclaimed lands. Provided, however, that they shall not take shell-fish from any beds staked or cultivated by citizens.
Treaty of Neah Bay	January 31, 1855	Representatives of who are now the Makah Tribe	The right of taking fish and of whaling or sealing at U&A grounds and stations is further secured to said Indians in common with all citizens of the United States, and of erecting temporary houses for the purpose of curing, together with the privilege of hunting and gathering roots and berries on open and unclaimed lands: *Provided, however*, That they shall not take shell fish from any beds staked or cultivated by citizens.
Treaty with the Yakima	June 9, 1855	Representatives who are now the Confederated Tribes and Bands of the Yakama Nation	The exclusive right of taking fish in all the streams, where running through or bordering said reservation, is further secured to said confederated Tribes and bands of Indians, as also the right of taking fish at all U&A places, in common with the citizens of the Territory, and of erecting temporary buildings for curing them; together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land.
Treaty of Olympia	July 1, 1855 and January 25, 1856	Representatives of who are now the Hoh Indian Tribe, Quileute Indian Tribe, and the Quinault Indian Nation	The right of taking fish at all U&A grounds and stations is secured to said Indians in common with all citizens of the Territory, and of erecting temporary houses for the purpose of curing the same; together with the privilege of hunting, gathering roots and berries, and pasturing their horses on all open and unclaimed lands. Provided, however, That they shall not take shell-fish from any beds staked or cultivated by citizens; and provided, also, that they shall alter all stallions not intended for breeding, and keep up and confine the stallions themselves.

In 1996, the Confederated Tribes of the Chehalis Reservation and Shoalwater Bay Tribe filed suit against the State of Washington to claim off-reservation fishing rights (*Confederated Tribes of Chehalis Indian Reservation v. State of Washington* 1996). The Tribes asserted that they are entitled to fishing rights as a result of the EOs which created their reservations and that they are entitled to the treaty fishing rights of the Quinault Indian Nation. The 1996 ruling concluded that the Tribes did not have sufficient foundation to claim off-reservation fishing rights and, therefore, have no U&A fishing grounds beyond the boundaries of their reservations (*Confederated Tribes of Chehalis Indian Reservation v. State of Washington* 1996).

Treaties with the Oregon Tribes were negotiated and ratified by the United States between 1853 and 1864. These treaties established reservations in exchange for lands ceded by the Tribes although no off-reservation fishing or hunting rights were secured. The Cow Creek Umpqua Treaty, signed by the federal government and representatives of who are now the Cow Creek Band of Umpqua Indians and the Confederated Tribes of the Grand Ronde Community on September 19, 1853, secured the Tribe a reservation in exchange for ceded lands; no treaty rights for off-reservation fishing were secured. The treaties with the Rogue River Tribes, signed by the federal government and representatives of who are now the Confederated Tribes of Siletz Indians and the Confederated Tribes of the Grand Ronde Community on September 10, 1853 and on November 15, 1854, secured the Tribe a reservation in exchange for ceded lands; no treaty rights for off-reservation fishing were secured. The Treaty of 1855, signed by the federal government and representatives of who are now the Confederated Bands of the Warm Springs Reservation on June 25, 1855, secured these Tribes the following:

> That the exclusive right of taking fish in the streams running through and bordering said reservation is hereby secured to said Indians; and at all other usual and accustomed stations, in common with citizens of the United States, and of erecting suitable houses for curing the same; also the privilege of hunting, gathering roots and berries, and pasturing their stock on unclaimed lands, in common with citizens, is secured to them.

The Treaty with the Klamath, signed by the federal government and representatives of who are now the Klamath Tribes on October 14, 1864, secured the Tribe the following:

> The exclusive right of taking fish in the streams and lakes, included in said reservation, and of gathering edible roots, seeds, and berries within its limits, is hereby secured to the Indians aforesaid.

A treaty with representatives of who are now the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians was negotiated in 1855, but never ratified by the United States. Anson Dart, original superintendent of Indian Affairs in Oregon, negotiated nineteen treaties with Oregon Tribes in 1851. This included representatives of the present-day Coquille Indian Tribe. However, Dart's authority to negotiate treaties was revoked by the United States Senate and his treaties were never acknowledged or ratified.

Although 18 treaties were negotiated with the California Tribes by 1852 that established reservations in exchange for ceded lands, all were rejected by the United States. In 1856, four reservations were established including on the Klamath River and in Round Valley; however, these early reservations were abandoned in the 1860s as a result of poor environmental conditions, land title laws, political conditions, and enslavement of native peoples. The Hoopa Valley Reservation was established in 1864 but fishing and hunting rights were not specifically defined.

3.11.1.5 Alaska Native Tribes: Reservations and Subsistence Hunting and Fishing

The Alaska Statehood Act of 1958 stipulated that the United States hold and retain 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 Tribes, Eskimo, or Aleut populations or held by the United States in trust for said groups (Jones 1981).

On December 18, 1971, Alaska Native aboriginal claims were settled and extinguished by the Alaska Native Claims Settlement Act (ANCSA). 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 the Metlakatla Indian Community, Annette Island Reserve. 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. Sections 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 who reside in Alaska, including Alaska Native Tribes. 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 Alaska Native villages as well as for segments of the Alaska Native population residing in many shoreline cities and towns. Salmon is an important source of spiritual and physical sustenance for Northwest American Indian and Alaska Native 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).

3.11.1.6 Previous Environmental Documents

Previous environmental documents used for general information include the *Southeast Alaska Acoustic Measurement Facility (SEAFAC), Behm Canal, Ketchikan Gateway Borough: Environmental Impact Statement* (U.S. Department of the Navy 1988), *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).

3.11.1.7 Previous Coordination with American Indian Tribes

The Navy previously consulted with the Western Washington Treaty Tribes for the training and testing activities included in the No Action Alternative. This coordination was completed for activities at the NUWC Division, Keyport Range Complex, and the NWTRC, and serve as a basis for ongoing consultation with the American Indian Tribes for this project.

3.11.2 AFFECTED ENVIRONMENT

3.11.2.1 American Indian and Alaska Native Tribes and Traditional Resources

This section identifies the 56 federally-recognized Tribes that have traditional resources in the Study Area. These traditional resources include off-reservation treaty U&A fishing grounds, some of which extend beyond 12 nm.

3.11.2.1.1 Offshore Area

Eighteen federally-recognized Tribes are currently or historically associated with the Offshore Area: four Tribes in Washington have off-reservation Treaty U&A fishing grounds, and 14 Tribes in Oregon and Northern California have traditional resources in co-use navigable water areas where the Navy conducts training and testing the Offshore Area (Table 3.11-2).

In Washington, there are four Tribes that have off-reservation Treaty U&A fishing grounds in co-use navigable waters area where the Navy conducts training and testing activities in the Offshore Area:

- Hoh Indian Tribe, Washington
- Makah Indian Tribe of the Makah Indian Reservation, Washington
- Quileute Indian Tribe of the Quileute Indian Reservation, Washington
- Quinault Indian Nation, Washington

These four Washington coastal Tribes helped designate the Olympic Coast National Marine Sanctuary and continue to support Sanctuary operation by serving on the Advisory Council, and helping to shape Sanctuary policy, education, and research priorities (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. This Council serves 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 14 Washington, Oregon, and California federally-recognized Tribes have traditional resources (e.g., migratory fish species, specifically salmon, that migrate upstream into the inland waters) in co-use navigable water areas where the Navy conducts training and testing activities in the Offshore Area:

- Confederated Tribes of the Chehalis Reservation, Washington
- Cowlitz Indian Tribe, Washington

- Shoalwater Bay Indian Tribe of the Shoalwater Bay Indian Reservation, Washington
- Confederated Tribes of Coos, Lower Umpqua, and Siuslaw 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

Also, 15 federally-recognized Tribes with traditional use areas inland of the Oregon and California coast may have traditional resource habitat in Offshore Areas; these migratory marine resources (e.g., salmon, steelhead, lamprey eel, and sturgeon) travel the rivers upstream into the Tribes' traditional territories and are part of the local subsistence and ceremonial activities of the Tribes.

- Confederated Tribes of the Warm Springs Reservation, Oregon
- Cow Creek Band of Umpqua Indians, Oregon
- Klamath Tribes, California
- Cahto Indian Tribe of the Laytonville Rancheria, California
- Coyote Valley Band of Pomo Indians, California
- Hoopa Valley Tribe, California
- Hopland Band of Pomo Indians of the Hopland Rancheria, California
- Karuk Tribe, California
- Pinoleville Pomo Nation, California
- Potter Valley Tribe, California
- Redwood Rancheria of Pomo Indians, California
- Robinson Rancheria of Pomo Indians, California
- Round Valley Indian Tribes, California
- Scotts Valley Band of Pomo Indians, California
- Sherwood Valley Rancheria of Pomo Indians, California

Table 3.11-2: Offshore Area - American Indian Tribes and Traditional Resources

Resource Type in Study Area	Tribe	Brief Profile
U&A Fishing Grounds and Traditional Resources	Hoh Indian Tribe, Washington	The Hoh Indian Tribe is a band of the Quileute Indian 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). U&A fishing grounds include the Dickey, Quilayute, Soleduck, Calawah, Bogachiel, Hoh, Clearwater, Queets, and Quinault rivers on the Olympic Peninsula, and offshore areas from the coastline to beyond 12 nm between the Quilayute River and the Quinault River (Freedman et al. 2004).
U&A Fishing Grounds and Traditional Resources	Makah Indian Tribe of the Makah Indian Reservation, Washington	The Makah Indian Tribe of the Makah Indian 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 Nooktan 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, the “fishing industry represents the most important aspect of the Makah’s economy” (Tiller 2005t). However, Tribal income is broadly based on agriculture, livestock, forestry, construction, services and retail, transportation, and tourism and recreation. 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. U&A fishing grounds associated with the Offshore Area include Ozette and Sooes rivers emptying into the Pacific Ocean and offshore areas from the coastline to beyond 12 nm north of Norwegian Memorial (Freedman et al. 2004).
U&A Fishing Grounds and Traditional Resources	Quileute Indian Tribe of the Quileute Indian Reservation, Washington	Quileute Indian Tribe culture is centered on the ocean, river, and forest, and the Quileute are 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. U&A fishing grounds include the Dickey, Quilayute, Soleduck, Calawah, Bogachiel, Hoh, Clearwater, Queets, and Quinault rivers on the Olympic Peninsula, and offshore areas from the coastline to beyond 12 nm between Sand Point and the Queets River (Freedman et al. 2004) extended to 40 nm (*United States v. State of Washington* 2015).
U&A Fishing Grounds and Traditional Resources	Quinault Indian Nation, Washington	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. U&A fishing grounds include the Clearwater, Queets, Quinault, and Moclips rivers on the Olympic Peninsula, and offshore areas from the coastline to beyond 12 nm between Destruction Island and Point Chehalis (Freedman et al. 2004). In 2015, the United States District Court for the Western District of Washington in Seattle, Washington determined that the western boundary of the Quinault Indian Nation's U&A in the Pacific Ocean is 30 miles from shore (*United States v. State of Washington* 2015).

Table 3.11-2: Offshore Area - American Indian Tribes and Traditional Resources (continued)

Resource Type in Study Area	Tribe	Brief Profile
Traditional Resources	Confederated Tribes of the Chehalis Reservation, Washington	The Confederated Tribes of the Chehalis Reservation is located near the confluence of the Black and Chehalis rivers south of Puget Sound in the state of Washington 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 (chum, Chinook, 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).
Traditional Resources	Cowlitz Indian Tribe, Washington	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).
Traditional Resources	Shoalwater Bay Indian Tribe of the Shoalwater Bay Indian Reservation, Washington	The Shoalwater Bay Indian Tribe of the Shoalwater Bay Indian Reservation resides on Willapa Bay at North Cove on the coast of Washington. Tribal members consist 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).
Traditional Resources	Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians, Oregon	The Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians, Oregon live on Coos Bay in southwestern Oregon, and the Tribal members consist 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).
Traditional Resources	Confederated Tribes of the Grand Ronde Community of Oregon, Oregon	The Confederated Tribes of the Grand Ronde Community of Oregon reside in the Willamette Valley in northwestern Oregon, and Tribal members consist 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).
Traditional Resources	Confederated Tribes of Siletz Indians of Oregon, Oregon	The Confederated Tribes of Siletz Indians of Oregon live near Siletz in western Oregon, and Tribal members consist 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).

Table 3.11-2: Offshore Area - American Indian Tribes and Traditional Resources (continued)

Resource Type in Study Area	Tribe	Brief Profile
Traditional Resources	Confederated Tribes of the Warm Springs Reservation, Oregon	The Confederated Tribes of the Warm Springs Reservation is located on the eastern slope of the Cascade Range about 100 miles southeast of Portland, Oregon. The Confederated Tribes of Warm Springs includes eight Tribal groups: the four Sahaptin speaking groups (Tenino, Wyampan, Ta-ih, and Dock-spus), three groups speaking Kiksht or Upper Chinook known as the Wasco, and the Northern Paiutes (Hunn and French 1998).Traditionally, subsistence was based on salmon, suckers, and trout (along major rivers), root plants, berries, nuts, seeds, deer and elk in the upland areas (Hunn and French 1998). Currently, the economy is based on forestry, agriculture, fisheries, commercial development, gaming, and tourism (Tiller 2005ap)
Traditional Resources	Coquille Indian Tribe, Oregon	The Coquille Indian Tribe resides near Coos Bay and North Bend, Oregon, and Tribal members are 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).
Traditional Resources	Cow Creek Band of Umpqua Indians, Oregon	The Cow Creek Band of the Umpqua Indians live near Roseburg in southwestern Oregon. Traditionally, subsistence was based on acorns, root plants, seeds, berries, deer, salmon and other fish (Kendall 1990). Currently, the economy is based on agriculture, commercial development and gaming (Tiller 2005aq).
Traditional Resources	Klamath Tribes, Oregon	The Klamath Tribes live near Upper Klamath Lake in south central Oregon, and the population is composed of members of the Klamath Tribe, Modoc Tribe, and Yahooskin Band of the Snake River Indian Tribe. Traditionally, subsistence was based on suckers, trout, whitefish, salmon, root plants such as camas, berries, seeds, deer, and elk (Stern 1998). Currently, the economy is based on commercial development, gaming and tourism (Tiller 2005ar).
Traditional Resources	Big Lagoon Rancheria, California	The Big Lagoon Rancheria is located in northern California, and Tribal members consist of the Tolowa and Yurok Tribes. Traditional Tolowa subsistence was seasonally based and focused on salmon and smelt, hunting, acorn collecting, and plant gathering (Gould 1978); Yurok subsistence included shellfish, salmon, sturgeon, eel, candlefish, surffish, deer, elk, sea lion and acorns (Pilling 1978). Current practices include fishing and shellfishing (Tiller 2005e). The present economy is based on tourism.
Traditional Resources	Cahto Indian Tribe of the Laytonville Rancheria	The Cahto Indian Tribe resides on the Laytonville Rancheria in northwest California. Traditionally, subsistence was based on acorns, salmon, deer, and various plant resources (Myers 1978). Currently, the economy is based on agriculture, forestry, gaming, and tourism (Tiller 2005as). The Tribe is a member of the InterTribal Sinkyone Wilderness Council that is comprised of 10 federally-recognized North Coast Tribes in California. The Council is a non-profit land conservation consortium that owns and manages the 3,845-acre parcel of redwood forestland (InterTribal Wilderness land) along the Lost Coast north of Fort Bragg, California.

Table 3.11-2: Offshore Area - American Indian Tribes and Traditional Resources (continued)

Resource Type in Study Area	Tribe	Brief Profile
Traditional Resources	Cher-Ae Heights Indian Community of the Trinidad Rancheria, California	The Cher-Ae Heights Indian Community of the Trinidad Rancheria live in northern California; Tribal members consist of the Wiyot, Yurok, and Tolowa Tribes. Traditional Wiyot subsistence included harvesting shellfish, hunting 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 shellfish, salmon, sturgeon, eel, candlefish, surffish, deer, elk, sea lion, and acorns (Pilling 1978). Traditional Tolowa subsistence was seasonally based and focused on salmon and smelt, sea lions, acorns, and plant resources (Gould 1978). The present economy is based on tourism and gaming (Tiller 2005j).
Traditional Resources	Coyote Valley Band of Pomo Indians, California	The Coyote Valley Band of Pomo Indians live near Ukiah in northwestern California. The Tribal members are descendants of the Shodakai Pomo. Traditionally, subsistence was based on acorns, nuts, seeds, root plants, deer, elk, antelope, seal, sea lion, and lake, stream, and sea-going fish (McLendon and Oswalt 1978; Bean and Theodoratus 1978). Currently, the economy is based on tourism and gaming (Tiller 2005at). The Tribe is a member of the InterTribal Sinkyone Wilderness Council that is comprised of 10 federally-recognized North Coast Tribes in California. The Council is a non-profit land conservation consortium that owns and manages the 3,845-acre parcel of redwood forestland (InterTribal Wilderness land) along the Lost Coast north of Fort Bragg, California.
Traditional Resources	Elk Valley Rancheria, California	The Elk Valley Rancheria is located in northern California, and Tribal members consist 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).
Traditional Resources	Hoopa Valley Tribe	The Hoopa Valley Tribe (Hupa people) resides along the Trinity River in Humboldt County, California, and their reservation covers half of their traditional territory. Traditionally, subsistence was based on acorns, salmon, steelhead, sea-going trout, deer, and elk (Wallace 1978). Currently, the economy is based on forestry, fisheries, commercial development, gaming, and tourism (Tiller 2005au).
Traditional Resources	Hopland Band of Pomo Indians of the Hopland Rancheria	The Hopland Band of the Pomo Indians resides in northwestern California south of Ukiah. Traditional territory includes Humboldt County to San Pablo Bay; fishing and gathering trips to the Pacific Ocean were seasonally based. Traditionally, subsistence was based on acorns, nuts, seeds, root plants, deer, elk, antelope, seal, sea lion, and lake, stream, and ocean fish ((McLendon and Oswalt 1978; Bean and Theodoratus 1978). Currently, the economy is based on agriculture, commercial development, and gaming (Tiller 2005av). The Tribe is a member of the InterTribal Sinkyone Wilderness Council that is comprised of 10 federally-recognized North Coast Tribes in California. The Council is a non-profit land conservation consortium that owns and manages the 3,845-acre parcel of redwood forestland (InterTribal Wilderness land) along the Lost Coast north of Fort Bragg, California.

Table 3.11-2: Offshore Area - American Indian Tribes and Traditional Resources (continued)

Resource Type in Study Area	Tribe	Brief Profile
Traditional Resources	Karuk Tribe	The Karuk Tribe resides in northwestern California. Traditional territory followed the watersheds bordering the Klamath River. Traditionally, subsistence was based on salmon, deer, elk, root plants, acorns, seeds, and nuts (Bright 1978). Currently, the economy is based on commercial development and tourism (Tiller 2005aw).
Traditional Resources	Pinoleville Pomo Nation	The Pinoleville Pomo Nation resides in northern California in Mendocino and Lake Counties (Tiller 2005ax). Traditionally, subsistence was based on acorns, nuts, seeds, root plants, deer, elk, antelope, seal, sea lion, and lake, stream, and sea-going fish (McLendon and Oswalt 1978; Bean and Theodoratus 1978). Currently, the economy is based on agriculture. The Tribe is a member of the InterTribal Sinkyone Wilderness Council that is comprised of 10 federally-recognized North Coast Tribes in California. The Council is a non-profit land conservation consortium that owns and manages the 3,845-acre parcel of redwood forestland (InterTribal Wilderness land) along the Lost Coast north of Fort Bragg, California.
Traditional Resources	Potter Valley Tribe	The Potter Valley Tribe resides in northern California northeast of Ukiah and Tribal members are of the Little Lake Pomo Band (Tiller 2005ay). Traditionally, subsistence was based on acorns, nuts, seeds, root plants, deer, elk, antelope, seal, sea lion, and lake, stream, and ocean fish ((McLendon and Oswalt 1978; Bean and Theodoratus 1978). Currently, the economy is based on commercial development. The Tribe is a member of the InterTribal Sinkyone Wilderness Council that is comprised of 10 federally-recognized North Coast Tribes in California. The Council is a non-profit land conservation consortium that owns and manages the 3,845-acre parcel of redwood forestland (InterTribal Wilderness land) along the Lost Coast north of Fort Bragg, California.
Traditional Resources	Redwood Rancheria of Pomo Indians	The Redwood Rancheria of Pomo Indians resides northeast of Redwood Valley in Mendocino County along the northeastern side of the Russian River valley. Members of the Redwood Rancheria belong to the Northern Pomo Band (Tiller 2005az). Traditionally, subsistence was based on acorns, nuts, seeds, root plants, deer, elk, antelope, seal, sea lion, and lake, stream, and ocean fish ((McLendon and Oswalt 1978; Bean and Theodoratus 1978). The Tribe is a member of the InterTribal Sinkyone Wilderness Council that is comprised of 10 federally-recognized North Coast Tribes in California. The Council is a non-profit land conservation consortium that owns and manages the 3,845-acre parcel of redwood forestland (InterTribal Wilderness land) along the Lost Coast north of Fort Bragg, California.
Traditional Resources	Resighini Rancheria, California	The Resighini Rancheria is located in northern California on the south shore of the Klamath River, and Tribal members are 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).

Table 3.11-2: Offshore Area - American Indian Tribes and Traditional Resources (continued)

Resource Type in Study Area	Tribe	Brief Profile
Traditional Resources	Robinson Rancheria of Pomo Indians, California	The Robinson Rancheria of Pomo Indians is located northwest of Sacramento, California. Traditionally, subsistence was based on acorns, nuts, seeds, root plants, waterfowl, and lake and stream fish such as suckers, pike, and carp (McLendon and Oswalt 1978; McLendon and Lowy 1978). Currently, the economy is based on commercial development, gaming and tourism (Tiller 2005aaa). The Tribe is a member of the InterTribal Sinkyone Wilderness Council that is comprised of 10 federally-recognized North Coast Tribes in California. The Council is a non-profit land conservation consortium that owns and manages the 3,845-acre parcel of redwood forestland (InterTribal Wilderness land) along the Lost Coast north of Fort Bragg, California.
Traditional Resources	Round Valley Indian Tribes, California	The Round Valley Indian Tribes reside on the Round Valley Reservation located in the northeastern portion of Mendocino County, California. The Round Valley Reservation was established in 1858 as the Nome Cult Farm. The Round Valley Indian Tribes include Yuki, Concow Maidu, Little Lake, Pomo, Nomlaki, Cahto, Wailaki, and Pit River Groups (Tiller 2005aab). Traditional territory included coastal and inland riverine areas. Traditionally, subsistence was based on deer hunting, salmon fishing, and harvesting acorns (Miller 1978). Currently, the economy is based on commercial development, gaming, and tourism (Tiller 2005aab). The Tribe is a member of the InterTribal Sinkyone Wilderness Council that is comprised of 10 federally-recognized North Coast Tribes in California. The Council is a non-profit land conservation consortium that owns and manages the 3,845-acre parcel of redwood forestland (InterTribal Wilderness land) along the Lost Coast north of Fort Bragg, California.
Traditional Resources	Scotts Valley Band of Pomo Indians, California	The Scotts Valley Band of Pomo Indians resides on the Sugar Bowl Rancheria in northern California (Tiller 2005aac). Traditionally, subsistence was based on acorns, nuts, seeds, root plants, deer, elk, antelope, seal, sea lion, and lake, stream, and sea-going fish (McLendon and Oswalt 1978; Bean and Theodoratus 1978). The Tribe is a member of the InterTribal Sinkyone Wilderness Council that is comprised of 10 federally-recognized North Coast Tribes in California. The Council is a non-profit land conservation consortium that owns and manages the 3,845-acre parcel of redwood forestland (InterTribal Wilderness land) along the Lost Coast north of Fort Bragg, California.
Traditional Resources	Sherwood Valley Rancheria of Pomo Indians, California	The Sherwood Valley Rancheria of Pomo Indians is located in northwestern California. Their traditional territory included coastal areas (Tiller 2005aad). Traditionally, subsistence was based on acorns, nuts, seeds, root plants, deer, elk, antelope, seal, sea lion, and lake, stream, and sea-going fish (McLendon and Oswalt 1978; Bean and Theodoratus 1978). The Tribe is a member of the InterTribal Sinkyone Wilderness Council that is comprised of 10 federally-recognized North Coast Tribes in California. The Council is a non-profit land conservation consortium that owns and manages the 3,845-acre parcel of redwood forestland (InterTribal Wilderness land) along the Lost Coast north of Fort Bragg, California.

Table 3.11-2: Offshore Area - American Indian Tribes and Traditional Resources (continued)

Resource Type in Study Area	Tribe	Brief Profile
Traditional Resources	Smith River Rancheria, California	The Smith River Rancheria is located 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).
Traditional Resources	Wiyot Tribe, California	The Wiyot Tribe resides near Eureka in northern California and Tribal members are 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).
Traditional Resources	Yurok Tribe of the Yurok Reservation, California	The Yurok Tribe of the Yurok Reservation is along the Klamath River in northern California, and Tribal members are 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).

Notes: nm = nautical mile(s), U&A = usual and accustomed

3.11.2.1.2 Inland Waters

Nineteen federally-recognized American Indian Tribes are currently or historically associated with the Inland Waters. In Washington, the following Tribes have off reservation Treaty U&A fishing rights in co-use navigable waters where the Navy conducts training and testing in the Inland Waters (Table 3.11-3).

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

Table 3.11-3: Inland Areas - American Indian Tribes and Traditional Resources

Resource Type in Study Area	Tribe	Brief Profile
U&A Fishing Grounds and Traditional Resources	Confederated Tribes and Bands of the Yakama Nation	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). Treaty U&A fishing grounds include the east shoreline of Puget Sound from Everett to Olympia (Freedman et al. 2004).
U&A Fishing Grounds and Traditional Resources	Jamestown S'Klallam Tribe	The Jamestown S'Klallam Tribe is part of the Klallam Tribal groups that also include the Lower Elwha Tribal Community and the Port Gamble S'Klallam Tribe. The Tribal reservation is on the northern Olympic Peninsula near Sequim, Washington. 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). U&A fishing grounds include the Hoke, Elwha, Dungeness, Dosewallips, and Skokomish rivers, Dabob Bay, Hood Canal, and the Strait of Juan de Fuca from Cape Flattery to the Admiralty Inlet and north to encompass the San Juan Islands (Port Gamble S'Klallam Tribe 2010). As signatory to the Treaty of Point No Point, the Tribe along with the Port Gamble S'Klallam Tribe and Lower Elwha Tribal Community created the Point No Point Treaty Council to work together to co-manage treaty-protected natural resources.
U&A Fishing Grounds and Traditional Resources	Lower Elwha Tribal Community	The Lower Elwha Tribal Community is part of the Klallam Tribal groups that also include the Jamestown S'Klallam Tribe and the Port Gamble S'Klallam Tribe. The Tribal reservation is on the northern Olympic Peninsula near Port Angeles, Washington. 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 present economy for the Lower Elwha Tribal Community includes salmon hatcheries, retail industries, and gaming (Tiller 2005r). U&A fishing grounds include the Hoke, Elwha, Dungeness, Dosewallips, and Skokomish rivers, Dabob Bay, Hood Canal, and the Strait of Juan de Fuca from Cape Flattery to the Admiralty Inlet and north to encompass the San Juan Islands (Port Gamble S'Klallam Tribe 2010). As signatory to the Treaty of Point No Point, the Tribe along with the Jamestown S'Klallam Tribe and the Port Gamble S'Klallam Tribe and Lower Elwha Tribal Community created the Point No Point Treaty Council to work together to co-manage treaty protected natural resources.
U&A Fishing Grounds and Traditional Resources	Lummi Tribe of the Lummi Reservation	The Lummi Tribe of the Lummi Reservation 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). U&A fishing grounds include northern Puget Sound from the Canadian border, on the west side of the San Juan Islands to Port Townsend to the north border of King County, Washington, and inland watersheds such as the Nooksack River (Freedman et al. 2004).

Table 3.11-3: Inland Areas - American Indian Tribes and Traditional Resources (continued)

Resource Type in Study Area	Tribe	Brief Profile
U&A Fishing Grounds and Traditional Resources	Makah Indian Tribe of the Makah Indian Reservation	The Makah Indian Tribe of the Makah Indian Reservation was described previously. U&A fishing grounds associated with Inland Waters includes the Hoke, Pysht, West Twin, East Twin, Lyre, and upper Elwha rivers emptying into the Strait of Juan de Fuca, and the Strait of Juan de Fuca from Cape Flattery to the Admiralty Inlet (Freedman et al. 2004).
U&A Fishing Grounds and Traditional Resources	Muckleshoot Indian Tribe	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. U&A fishing grounds include the east side of Puget Sound from the north border of King County to the east side of Maury Island near Tacoma and inland watersheds such as the Cedar, White, and Puyallup rivers (Freedman et al. 2004).
U&A Fishing Grounds and Traditional Resources	Nisqually Indian Tribe	The Nisqually Indian Tribe resided in the woodlands and prairies of the Nisqually River basin. Traditional subsistence was based on salmon, fish, shellfish, waterfowl, and plant foods such as berries, nuts, bulbs and roots, and sprouts. Today, its reservation is in western Washington, east of Olympia. It operates two major fish hatcheries on the Nisqually River and derives other income from gaming enterprises (Tiller 2005v). U&A fishing grounds include the south portion of Cedar Inlet and inland watersheds such as the Nisqually River (Freedman et al. 2004).
U&A Fishing Grounds and Traditional Resources	Nooksack Indian Tribe	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. U&A fishing grounds include northern Puget Sound from Canadian border, on the east of San Juan Islands to the north border of Skagit County, Washington, and inland waters such as the Nooksack River (Freedman et al. 2004).
U&A Fishing Grounds and Traditional Resources	Port Gamble S'Klallam Tribe	As signatory to the Treaty of Point No Point, the Tribe along with the Jamestown S'Klallam Tribe and the Lower Elwha Tribal Community created the Point No Point Treaty Council to work together to co-manage treaty protected natural resources.
U&A Fishing Grounds and Traditional Resources	Puyallup Tribe of the Puyallup Reservation	The Puyallup Tribe of the Puyallup Reservation 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. U&A fishing grounds include the south Puget Sound from north tip of Vashon Island to Tacoma and inland watersheds such as the White and Puyallup rivers (Freedman et al. 2004).
U&A Fishing Grounds and Traditional Resources	Samish Indian Nation	The Samish Indian Nation is currently landless with the national 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 economy is based on tourism and recreation, and retail enterprises (Tiller 2005an). Original territory included Samish Island, Guemes Island, eastern Lopez Island, Cypress Island, and Fidalgo Island (Samish Indian Nation 2014).

Table 3.11-3: Inland Areas - American Indian Tribes and Traditional Resources (continued)

Resource Type in Study Area	Tribe	Brief Profile
U&A Fishing Grounds and Traditional Resources	Sauk-Suiattle Indian Tribe	The Sauk-Suiattle Indian Tribe lives in the Sauk Prairie area east of Puget Sound. Historically, its members fished the 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. U&A fishing grounds include the Sauk and Suiattle Rivers in Skagit and Snohomish Counties (Freedman et al. 2004).
U&A Fishing Grounds and Traditional Resources	Skokomish Indian Tribe	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 descendants 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 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 (U.S. Department of the Navy 2002). The Tribe operates several businesses, including a fish hatchery, a fish processing plant, gas station, convenience store, and casino. U&A fishing grounds include Dabob Bay and Hood Canal and inland watersheds such as the Quilcene, Dosewallips, Duckabush, Skokomish, Tahuya, and Union rivers (Freedman et al. 2004).
U&A Fishing Grounds and Traditional Resources	Squaxin Island Tribe of the Squaxin Island Reservation	Squaxin Island Tribe of the Squaxin Island Reservation (people of the water) includes descendants 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). U&A fishing grounds include Case Inlet, Totten Inlet, Eld Inlet, Hammersley Inlet, and inland watersheds such as the Deschutes River (Freedman et al. 2004).
U&A Fishing Grounds and Traditional Resources	Stillaguamish Tribe of Indians of Washington	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. U&A fishing grounds include from north Port Susan inland along the Stillaguamish River in Skagit and Snohomish Counties (Freedman et al. 2004).

Table 3.11-3: Inland Areas - American Indian Tribes and Traditional Resources (continued)

Resource Type in Study Area	Tribe	Brief Profile
U&A Fishing Grounds and Traditional Resources	Suquamish Indian Tribe of the Port Madison Reservation	The Suquamish Indian Tribe of the Port Madison Reservation occupies the Port Madison Reservation, which is on the Kitsap Peninsula and was set aside as part of the Point Elliot Treaty of 1855. Traditional subsistence was based on salmon, fish, shellfish, waterfowl, and plant foods such as berries, nuts, bulbs and roots, and sprouts. 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). U&A fishing grounds include northern Puget Sound from the Canadian border; on the west side of the San Juan Islands to Port Townsend; on the east side south of Seattle, Dabob Bay, and Hood Canal; and inland watersheds on the Olympic Peninsula such as the Quilcene, Dosewallips, Duckabush, Skokomish, Tahuya, and Union rivers (Freedman et al. 2004).
U&A Fishing Grounds and Traditional Resources	Swinomish Indian Tribal Community	The Swinomish Indian Tribal Community 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. U&A fishing grounds include northern Puget Sound from the Canadian border, on the west side of the San Juan Islands to Port Townsend to the north border of King County, Washington, and inland watersheds such as the Nooksack River (Freedman et al. 2004).
U&A Fishing Grounds and Traditional Resources	Tulalip Tribes of Washington	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). U&A fishing grounds include from south Port Susan to Port Townsend and south of Whidbey Island and inland watersheds such as the Skykomish and Snoqualmie Rivers (Freedman et al. 2004).
U&A Fishing Grounds and Traditional Resources	Upper Skagit Indian Tribe	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. Traditional subsistence was based on salmon, fish, shellfish, waterfowl, and plant foods such as berries, nuts, bulbs and roots, and sprouts. 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). U&A fishing grounds include along the Skagit River in Skagit and Whatcom Counties (Freedman et al. 2004). 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.

Note: U&A = usual and accustomed

3.11.2.1.3 Western Behm Canal, Alaska

Four federally-recognized Alaska Native Tribes are currently or historically associated with the Western Behm Canal in co-use navigable waters where the Navy conducts testing (Table 3.11-4).

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

Table 3.11-4: Alaska Native Tribes and Traditional Resources

Resource Type in Study Area	Tribe	Brief Profile
Traditional Resources	Central Council of the Tlingit and Haida Indian Tribes	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.
Traditional Resources	Ketchikan Indian Corporation	The Ketchikan Indian Corporation 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 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).
Traditional Resources	Metlakatla Indian Community, Annette Island Reserve	The Metlakatla Indian Community, Annette Island Reserve, lives within and controls the Annette Island Reserve—the only Native reserve (or "Indian Land") 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.
Traditional Resources	Organized Village of Saxman	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).

3.11.2.2 Tribal Fishing Areas and Use

Many of the marine species found within the Study Area are culturally significant to the Tribes of coastal Washington, Oregon, California, and Alaska. Tribes harvest traditional resources for ceremonial and subsistence uses as well as for commercial enterprises (i.e., Tribal fisheries). Procurement of traditional resources, such as marine invertebrates and fish, is regulated by geographical area (e.g., U&A fishing grounds), fishing methods, season, and species limits per day or per size. Tribal fisheries are place-oriented, limited to the adjudicated U&A fishing grounds. This results in immobile fisheries that cannot move to a new location if the resources or habitats are depleted. Most of the following discussion is derived or excerpted from the Marine Resources Assessment for the Pacific Northwest Operating Area (U.S. Department of the Navy 2006).

Salmon are important to many coastal Tribes in Washington, Oregon, California, and Alaska. This species is treated ceremoniously by providing a core symbol of Tribal identity, individual identity, and enabling the Tribal culture to endure as well as being of nutritional and economic importance. Their ceremonial and subsistence salmon fishery refers to a non-commercial fishery that Tribal members catch and use for either ceremonial or subsistence purposes. Tribal fishermen engaged in commercial fisheries may take a portion of their catch for ceremonial and subsistence use, and designate that as "take home fish." A Tribe may also open a fishery specifically to catch fish for a ceremony or other community use when there is no concurrent commercial opening (U.S. Department of the Navy 2006).

Most Tribes in western Washington maintain the right to fish at U&A fishing grounds as stated in the Stevens-Palmer Treaties (Medicine Creek, Point Elliot, Point No Point, Neah Bay, and Olympia). Specific U&A fishing grounds are identified by Tribe in Tables 3.11-2 and 3.11-3 and presented below.

Tribes in Oregon and California, with no treaties or treaties that did not acknowledge off-reservation fishing rights, had traditional territories that included coastal areas or were inland based but relied on migratory marine resources (e.g., salmon, steelhead, lamprey eel, and sturgeon) travelling upstream into their traditional territories. Habitat for traditional marine resources occurs in the Offshore Area of the coasts of Oregon and California.

Alaska Native Tribes do not have specifically designated Tribal fisheries but have use of state fisheries for commercial, subsistence, and ceremonial activities. However, the Western Behm Canal is located within the Ketchikan Nonsubsistence Use Area (Alaska Department of Fish and Game 2011), which precludes subsistence uses of resources in Western Behm Canal by both Alaska Native and non-Native fishermen.

3.11.2.2.1 Offshore Area

As stated in Section 3.11.2.1.1 (Offshore Area), the U&A fishing grounds for the Hoh Indian Tribe, Makah Indian Tribe, Quileute Indian Tribe, and the Quinault Indian Nation include Olympic Peninsula rivers and watersheds, and offshore areas. U&A fishing grounds were established in offshore areas beyond U.S. territorial waters (greater than 12 nm), including the Olympic Coast National Marine Sanctuary, from the following locations on the Washington coast west:

- Makah Indian Tribe- north of Norwegian Memorial,
- Quileute Indian Tribe- between Sand Point and Queets River extended to 40 nm,
- Hoh Indian Tribe- between Quillayute River and Quinault River, and
- Quinault Indian Nation- between Destruction Island and Point Chehalis

In addition, coastal areas include:

- Grays Harbor, Quillayute, and Cape Flattery, where the Makah Tribe conducts a marine gillnet fishery (National Oceanic and Atmospheric Administration 1993),
- Willapa Bay used by the Hoh Indian Tribe, Makah Indian Tribe, Quileute Indian Tribe, and Quinault Indian Nation (National Oceanic and Atmospheric Administration 1993), and
- Grays Harbor used by the Quinault Indian Nation for commercial fishing fleet (National Oceanic and Atmospheric Administration 1993).

The Tribes utilize the Northwest Indian Fisheries Commission (NWIFC), which was established to coordinate fisheries management of these Tribes for implementation of orders arising from the 1974 U.S. v. Washington decision. This commission provides technical support to American Indian Tribes assisting in intertribal coordination on harvest policy.

3.11.2.2.1.1 Salmon Fisheries

Commercial, ceremonial and subsistence fishing for the Hoh Indian Tribe, Makah Indian Tribe, Quileute Indian Tribe, and the Quinault Indian Nation takes place in offshore areas and along Olympic Peninsula rivers and drainages.

The Makah Indian Tribe has ceremonial and subsistence salmon fisheries in the Sooes River, the Quinault Indian Nation in Grays Harbor system and its tributaries as well as the Quinault and Queets river systems, the Hoh Indian Tribe in Hoh River, and Quileute Indian Tribe in the Quillayute River and its tributaries. These fisheries use primarily gillnets, but other gears can be used, as regulated by the Tribe. They occur at any time of the year round when harvestable fish are present. Catch limits are determined by the status of the individual run, but are typically one or two fish per day of a certain size (U.S. Department of the Navy 2006).

In the offshore areas along the coast, trolling gear is utilized by all four Tribes conducting commercial fishing. Since 1983, Tribal regulations allow all-except-coho fishing in May and June and all-salmon fishing for portions of the summer depending on stock abundance. The duration of the summer all-salmon fishing has varied from 12 to 92 days with most years running between 20 and 42 days. At the entrance to the Strait of Juan de Fuca, the Makah Indian Tribe has troll fishing.

Commercial fishing methods and seasons along the Olympic Peninsula rivers consist of: the Quinault Indian Nation fishes with primarily gillnets for spring, summer, and fall Chinook, chum, sockeye, and coho salmon from spring through early summer on the Quinault and Queets rivers. Both the Hoh and Quileute Indian Tribes harvest coho salmon and spring, summer, and fall Chinook salmon with commercial gillnets from spring through early winter in the Hoh and Quillayute rivers, respectively. The precise timing and harvest levels vary and are determined by stock status and agreements with the State of Washington.

3.11.2.2.1.2 Groundfish Fisheries

In 1994, the U.S. government formally granted the Hoh Indian Tribe, Makah Indian Tribe, Quileute Indian Tribe, and the Quinault Indian Nation treaty rights to fish for groundfish, and concluded that, in general terms, the quantification of those rights is 50 percent of the harvestable surplus of groundfish available in the Tribes' U&A fishing grounds (described at 60 C.F.R. 660.324). These Tribes have formal allocations for sablefish, black rockfish, and Pacific whiting and participate in ceremonial and subsistence and commercial fisheries off the Washington State coast. All Tribes participating in

groundfish fisheries use longline vessels in their fleet, but only the Makah Indian Tribe has trawlers. Groundfish fishing occurs primarily with hook and line and pots (U.S. Department of Navy 2006). Only the Makah Indian Tribe has fished on the Tribal Pacific whiting allocation which takes place from May through September (U.S. Department of the Navy 2006).

3.11.2.2.1.3 Pacific Halibut Fisheries

The Hoh Indian Tribe, Makah Indian Tribe, Quileute Indian Tribe, and the Quinault Indian Nation possess and exercise treaty fishing rights to Pacific halibut. Specific halibut allocations began in 1986 with the Tribes in 1989 harvesting their full allocation in the offshore areas. In 1993, judicial confirmation of treaty halibut rights occurred and treaty entitlement was established at 50 percent of the harvestable supply of halibut in the Tribes combined U&A fishing grounds. Tribal allocations are divided into a commercial component and a year-round ceremonial and subsistence component (U.S. Department of the Navy 2006). Tribal ceremonial and subsistence begins on 1 January and continues through 31 December, whereas Tribal fisheries (commercial) use very narrow time windows of two days or less, beginning in the first part of March. There are three successive seasons set by agreement. Active fishing on a commercial basis continues into May. Dates are sometimes changed at the last minute because of weather, per conferencing and agreement.

3.11.2.2.1.4 Shellfish Harvests

Along the Pacific coastal sandy beaches from the Columbia River to Kalaloch, federal management plans are signed each year between Washington Department of Fish and Wildlife and Tribal governments with razor clam harvest rights. Razor clam harvests are set and monitored within each of the five management beaches: Long Beach Peninsula from the Columbia River north to the mouth of Willapa Bay, Twin Harbors from Willapa Bay north to the south jetty at the mouth of Grays Harbor, Copalis Beach from the north jetty at the mouth of Grays Harbor to the Copalis River, Mocrocks from the Copalis River to the Moclips River (south boundary of the Quinault Indian Reservation), and Kalaloch from the South Beach campground to Olympic National Park Beach Trail 3 (U.S. Department of the Navy 2006).

3.11.2.2.2 Inland Waters

As stated in section 3.11.2.1.1 (Inland Waters), 19 Tribes have U&A fishing grounds (including the Strait of Juan de Fuca, Puget Sound, and inland rivers) (Table 3.11-3). The Western Washington Treaty Tribes created the NWIFC to coordinate fisheries management of these Tribes for implementation of orders arising from the 1974 *United States v. Washington* decision. This commission provides technical support to American Indian Tribes assisting in intertribal coordination on harvest policy. The Columbia River Treaty Tribes created the Columbia River Intertribal Fish Commission.

3.11.2.2.2.1 Salmon Fisheries

Salmon regulations in Puget Sound for the harvest of ceremonial and subsistence fish generally allow fishing year round with one or two fish per day of a certain size. Ceremonial salmon are generally taken in special fisheries that allow a certain number (e.g., 50) to be harvested by a group for use in a particular ceremony.

In the Strait of Juan de Fuca, Puget Sound, and Hood Canal, the primary commercial harvest means are drift gillnets, set gillnets, purse seine, trap, hook and line, trolling gear, dip nets, round haul, and beach seine by Tribal fishermen. Gear preference may vary by Tribe and location. The primary salmon species targeted are sockeye, coho, chum, Chinook, and pink salmon in the Strait of Juan de Fuca. In north Puget Sound, sockeye, chum, and pink salmon are targeted for harvest, whereas the coho, chum, and Chinook

salmon are harvested in central/south Puget Sound and Hood Canal. Fishing occurs primarily from summer through late fall in Puget Sound, but can extend through the winter months in the Strait of Juan de Fuca. In freshwater areas, fisheries can occur in any month year round when harvestable salmon are present. Each Tribe regulates its own fisheries including allowable gear and locations individually within its U&A fishing grounds. A coordinated management approach is dictated if these areas overlap the U&A fishing grounds of other Tribes.

3.11.2.2.2.2 Pacific Halibut Fisheries

Nine western Washington Indian Tribes (Jamestown S'Klallam Tribe, Lower Elwha Tribal Community, Lummi Tribe of the Lummi Reservation, Nooksack Indian Tribe, Port Gamble S'Klallam Tribe, Skokomish Indian Tribe, Suquamish Indian Tribe of the Port Madison Reservation, Swinomish Indian Tribal Community, and Tulalip Tribes of Washington) possess and exercise treaty fishing rights to Pacific halibut. In 1993, judicial confirmation of treaty halibut rights occurred and treaty entitlement was established at 50 percent of the harvestable supply of halibut in the Tribes combined U&A fishing grounds. Tribal allocations are divided into a commercial component and a year-round ceremonial and subsistence component. Tribal ceremonial and harvesting begins on 1 January and continues through 31 December, whereas Tribal fisheries (commercial) begin between 1 March and 1 April and continues through 15 November or until Tribal allocation is taken, whichever is earlier (U.S. Department of the Navy 2006).

3.11.2.2.2.3 Shellfish Harvest

The Tribes have two distinct types of shellfish harvests: ceremonial and subsistence, and commercial. Ceremonial and subsistence procurement of shellfish, which have a central role in Tribal gatherings (e.g., weddings, funerals, etc.) and daily nutrition, are utilized for Tribal use only. Shellfish harvested during the commercial fishery are sold directly to licensed shellfish buyers who either sell shellfish directly to the public or to other commercial entities.

The Tribes with U&A fishing grounds in the Inland Waters are able to harvest intertidal shellfish (e.g., clams: Manila, butter, native little neck, horse, geoduck, eastern soft shell and cockles and oysters: Pacific and Olympia) in accordance with the 1995 ruling (United States v. Washington 1995, known at the Rafeedie Decision). Each of these Tribes has U&A harvest areas that reflects the historical region in which the harvest of shellfish occurs on public lands and privately owned tidelands. The harvestable amount of clams and oysters on all public beaches is shared equally among sport harvesters and treaty Tribes, whereas on private tidelands, the private owner and treaty Tribes are each limited to taking up to 50 percent of the harvestable surplus of shellfish.

On private-owned tidelands, Tribal shellfish procurement involves: conducting shellfish population surveys/estimates to determine Tribes' share of naturally occurring population, notifying the tideland property owner and Washington Department of Fish and Wildlife of the harvest dates/times, and acquiring a valid harvest identification card.

According to Judge Rafeedie's implementation plan, the Tribes are allowed to harvest no more than five days on any beach with one additional day granted for every additional 50 feet of beach over 200 feet in length. By agreement, Tribal commercial clam and oyster harvest must be scheduled for certain days on certain beaches. The Tribal fishery is closed on these beaches when the Tribal share of clams and oysters is reached for the year.

3.11.2.2.3 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 by both Alaska Native and non-native fishermen.

3.11.3 ENVIRONMENTAL CONSEQUENCES

This section evaluates how and to what degree the activities described in Chapter 2 could impact Tribal 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, Appendix A (Navy Activities Descriptions), and Appendix E (Training and Testing Activities Matrices) describe the warfare areas and associated stressors that were considered for analysis of Tribal traditional resources. The activities vary in intensity, frequency, duration, and location within the Study Area. Based on comments received from Tribal governments for this EIS/OEIS and past Navy actions, the concerns to Tribal traditional resources include:

- Impeding access to Tribal U&A fishing grounds or other traditional fishing areas in co-use navigable waters
- Changes to the availability of marine resources or habitat
- Loss or damage to Tribal fishing gear

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 Tribal traditional resources. 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.

3.11.3.1 Impeding Access to U&A Fishing Grounds or Traditional Fishing Areas

Many Tribes and the Navy depend heavily upon co-use navigable waters within the Study Area and have mutual interests in sustainable use of these waters. The Study Area includes U&A fishing grounds in co-use navigable waters where the Navy conducts training and testing activities. For some activities in co-use areas, the Navy must temporarily restrict public access to ensure that safety, security, and operational requirements are met. These intermittent restrictions could temporarily impede access to U&A fishing grounds and result in lost fishing opportunities. Some Tribal fisheries are only open for short time periods (days or weeks). Therefore, even intermittent, temporary access restrictions have the potential to result in reduced harvest and income, if they coincide with Tribal fishing activities. Likewise, the Navy could find it necessary to delay, relocate, or cancel training or testing events because of ongoing Tribal fishing activities. Several Tribes and the Navy are engaged in ongoing government-to-government consultation to help ensure that co-use navigable waters continue to meet both Tribal and military needs.

As discussed in Section 3.11.2.1 (American Indian and Alaska Native Tribes and Traditional Resources), U&A fishing grounds are located in the Inland Waters portion of the Study Area and in portions of the Offshore Area located off the coast of Washington. No U&A fishing grounds exist in Western Behm Canal or portions of the Offshore Area located off the coasts of Oregon or California. Traditionally, some Oregon and California Tribes procured marine resources directly from coastal and nearshore areas (less than 12 nm). These traditional fishing and harvesting areas are outside the Study Area and access to these areas would not be affected by the Proposed Action. 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 by both Alaska Native and non-Native fishermen.

3.11.3.1.1 No Action Alternative

3.11.3.1.1.1 Training

Offshore Area

The U&A fishing grounds in the Offshore Area (Section 3.11.2.1.1 [Offshore Area]) are located off the coast of Washington and extend up to 35 nm from shore. The Tribes harvest fish in the areas for commercial, ceremonial, and subsistence purposes with gear ranging from hook and line to trawlers.

Under the No Action Alternative, training activities would continue at current levels and within established ranges and training locations (see Table 2.8-1). When planning a training event in the Offshore Area, the Navy considers maritime traffic, ocean use patterns, and other factors when choosing a location. Most training activities are conducted greater than 12 nm offshore and some are normally conducted more than 50 nm offshore (e.g., Air-to-Surface Bombing Exercises and certain Anti-Submarine Warfare Exercises), where the likelihood of interactions with other ocean users is relatively low. When training or testing activities are scheduled that require specific areas to be free of other vessels, the Navy requests that the U.S. Coast Guard (USCG) issue Notices to Mariners (NTMs) to inform the public. Units conducting training activities ensure that the appropriate safety zone is clear of other vessels before engaging in certain activities, such as firing weapons. As discussed in Section 3.13 (Public Health and Safety), inability to obtain a "clear range" could cause an event to be delayed, relocated, or cancelled. Firing exercises are suspended if visual or radar warning indicates the presence of any vessel or aircraft within firing range.

Given the vast size of the Offshore Area, the Navy normally has the ability to obtain a clear range without asking other vessels to leave the area and would not prevent the use of an area by fishing or other vessels, absent unusual circumstances. For example, the Navy may request a vessel to redirect if it is attempting to enter an established safety zone during ongoing activities or if it approaches too close to a Navy vessel. The USCG has published a final rule establishing protection zones extending 500 yards (yd.) (457 meters [m]) around all Navy vessels in navigable waters of the U.S. and within the boundaries of Coast Guard Pacific Area (32 C.F.R. Part 761), where all vessels must proceed at a no-wake speed. Nonmilitary vessels are not allowed to approach within 100 yd. (91 m) of a U.S. naval vessel, whether underway or moored, unless authorized by an official patrol.

Based on the factors discussed above, Navy training activities in the Offshore Area under the No Action Alternative are not likely to impede access to U&A fishing grounds except in rare instances where a vessel attempts to enter an established safety zone during ongoing activities or if it approaches too close to a Navy vessel.

Inland Waters

Tribes with U&A fishing grounds in Inland Waters are identified in Section 3.11.2.1.2 (Inland Waters). These Tribes harvest fish and shellfish for ceremonial, subsistence, and commercial purposes using hook and line, gillnets, and traditional Tribal gear. In addition, some types of shellfish are harvested by divers. Most of the Inland Waters portion of the Study Area consists of co-use navigable waters that include one or more Tribes' U&A fishing grounds.

Under the No Action Alternative, training activities would continue at current levels and within established ranges and training locations (see Table 2.8-1), and would include Mine Neutralization – Explosive Ordnance Disposal (EOD), Personnel Insertion/Extraction, and Search and Rescue. The EOD training takes place at the Crescent Harbor and Hood Canal EOD Training Ranges. This training includes underwater detonation of high-explosives. A 700 yd. (640 m) radius exclusion zone must be established around the detonation site during this training activity to ensure public safety. The Navy requests the USCG to issue NTMs to inform the public of EOD training activities. In addition, the Navy provides advanced notification directly to Tribes with treaty resources in the area to de-conflict schedules where possible. Four EOD training events would be conducted annually (two at each EOD range) under the No Action Alternative and each event could last up to 4 hours.

Establishing the exclusion zone for EOD training could temporarily impede Tribal access to portions of their U&A fishing grounds. However, the exclusion zones would be temporary (up to 4 hours per event) and infrequent (4 times per year), and would affect a relatively small area. The Navy would also communicate with potentially affected Tribes in advance to de-conflict schedules where possible.

3.11.3.1.1.2 Testing

Offshore Area

The potential for testing activities to temporarily impede access to U&A fishing grounds in the Offshore Area under the No Action Alternative would be similar to that described above for training activities in the Offshore Area. Testing activities in the Offshore Area under the No Action Alternative would take place in the Quinault Range Site and NTMs would be used to inform the public of activities. Unlike training in the Offshore Area, testing would not include use of high-explosives or weapons firing (other than non-explosive torpedoes) under the No Action Alternative. However, some testing activities could require a clear range and temporary establishment of safety zones to ensure public safety, security, or integrity of testing data. As discussed above for training, the Navy normally has the ability to obtain a clear range in the Offshore Area without asking other vessels to leave the area and would not prevent the use of an area by fishing or other vessels, absent unusual circumstances. Navy testing activities in the Offshore Area under the No Action Alternative are not likely to impede access to U&A fishing grounds except in rare instances where a vessel attempts to enter an established safety zone during ongoing activities or if it approaches too close to a Navy vessel.

The Navy is engaged in ongoing consultation with Tribes that have U&A fishing grounds that overlap the Quinault Range Site to exchange range and fishing schedule information to de-conflict schedules where possible.

Inland Waters

As discussed above for training, most of the Inland Waters portion of the Study Area consists of co-use navigable waters that include one or more Tribes' U&A fishing grounds. Under the No Action Alternative, testing activities would continue at current levels and within established ranges and testing locations (see Tables 2.8-2 and 2.8-3) and NTMs would be used to inform the public of activities. Some testing activities require restrictions on marine vessel traffic to ensure safety and security, or to eliminate acoustic interference during noise-sensitive testing.

The Keyport Range Site is charted as a restricted area on National Oceanic and Atmospheric Administration (NOAA) Navigation Chart 18446. The Dabob Bay and Hood Canal restricted areas are charted as Naval Operating Areas on NOAA Navigation Chart 18458. These designations help ensure public safety by promoting public awareness to avoid training and testing areas. The Navy maintains

yellow, white, and red lights to warn nonmilitary craft of the status of Navy activities within the Dabob Bay portion of the Dabob Bay Range Complex (DBRC) Site. Red or alternating white and red lights indicate that range activities involving critical measurements are in progress, engines should be stopped until red beacons have been shut off to indicate the test is completed, and advice of Navy personnel on guard boats should be followed when in or near the range site. Typically, boat passage is permitted between tests when the yellow beacons are operating. The descriptions of the lights are posted at local boat ramps and marinas and are clearly indicated on NOAA Nautical Chart 18458.

Based on previous consultation with the Jamestown S'Klallam Tribe, the Lower Elwha Klallam Tribe, the Port Gamble S'Klallam Tribe, the Skokomish Indian Tribe, and the Point No Point Treaty Council, the Navy has implemented an information exchange with the Tribes affected by some activities at the DBRC Site. The Navy provides site use scheduling information (weekly schedule of activity and estimated usage time) and the Tribes provide fisheries regulations with the understanding that the Navy will not schedule test events that conflict with fishery openings. 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 Navy. The Council also notifies the Navy of any emergency regulations that are made during the year. In addition, the Navy and the Suquamish Tribe exchange information for the Keyport Range Site.

When required to accomplish a test safely and efficiently, the Navy may restrict marine traffic and request the USCG to issue NTMs. Restrictions placed on marine traffic during testing activities in Inland Waters under the No Action Alternative could temporarily impede Tribal access to portions of their U&A fishing grounds. However, information exchange between the Tribes and Navy help to ensure schedules are de-conflicted where possible.

Western Behm Canal, Alaska

During operations, the Navy can close the Navy's test site 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 by both Alaska Native and non-Native fishermen. Because traditional resources in the Western Behm Canal are not available for subsistence uses by Alaska Native Tribes, no impact on Alaska Native accessibility of traditional fishing areas would occur as a result of testing activities.

3.11.3.1.2 Alternative 1

3.11.3.1.2.1 Training

Offshore Area

Training activities under Alternative 1 would increase compared to the No Action Alternative (see Table 2.8-1). However, the increase in training activity is not expected to impede access to U&A fishing grounds. As discussed for the No Action Alternative, the Navy normally has the ability to obtain a clear range in the Offshore Area without asking other vessels to leave the area and would not prevent the use of an area by fishing or other vessels, absent unusual circumstances. Navy training activities in the Offshore Area under Alternative 1 are not likely to impede access to U&A fishing grounds except in rare

instances where a vessel attempts to enter an established safety zone during ongoing activities or if it approaches too close to a Navy vessel.

Inland Waters

Under Alternative 1, training activities would increase compared to the No Action Alternative and some new activities would be introduced (see Table 2.8-1). The number of EOD training events at the Crescent Harbor and Hood Canal EOD Ranges would increase from two per year at each site to six per year at each site under Alternative 1. As discussed for the No Action Alternative, an exclusion zone must be established around the detonation site during this training activity to ensure public safety. Establishing the exclusion zone for EOD training could temporarily impede Tribal access to portions of their U&A fishing grounds. The exclusion zones would be temporary (up to 4 hours per event) and infrequent (12 times per year), and would affect a relatively small area. The Navy would continue to provide advanced notification directly to Tribes with treaty resources in the area to de-conflict schedules where possible.

Surface ship sonar maintenance would be performed under Alternative 1 at NAVBASE Kitsap Bremerton in Sinclair Inlet, NAVBASE Kitsap Bangor Waterfront in Hood Canal, and Naval Station Everett. Existing security restrictions prevent public access at Navy pierside locations; therefore, access to U&A fishing grounds would not change as a result of these maintenance activities.

Alternative 1 includes Maritime Security Operations (MSO), which encompasses various components. One component of MSO is Transit Protection System (TPS). Each TPS event includes up to nine security escorts moving within Puget Sound and the Strait of Juan de Fuca. USCG personnel and their ancillary equipment are involved in these events. Every 2 years, a TPS training event occurs that involves up to 16 vessels transiting from Hood Canal to Admiralty Inlet. During this biennial event, boat crews train to engage surface targets by firing small-caliber (blank) weapons. Generally, the escorts establish a moving perimeter (security zone) around a larger naval vessel to prevent other vessels from entering that security zone. Depending on the type of vessel escort being conducted and other conditions, the security zone could be from a 100-yd. to a 1,000 yd. radius around the escorted vessel. If present, all other vessels would be required to exit the security zone in accordance with general regulations in 33 C.F.R. Section 165, Subpart D until the convoy passes. Most often, this would mean temporarily relocating to a point closer to the shoreline. The impact to other vessels would typically last no more than 15 minutes, until the transiting vessels have passed.

Alternative 1 also includes similar maritime security escort training with Coastal Riverine Group (CRG) boat crews conducting force protection for designated naval vessels and movements. Using up to four vessels per event, these CRG boat crews train to protect naval vessels while entering and leaving ports. Other missions include ensuring compliance with vessel security zones for ships in port and at anchor, conducting patrols to counter waterborne threats, and conducting harbor approach defense.

For national security reasons, NTMs are issued in advance of TPS events only on a case-by-case basis. However, the USCG Maritime Force Protection Unit (MFPU) provides notification of TPS events to Tribal Fisheries Enforcement Officers prior to the vessels departing Bangor. All vessels (Tribal, commercial or private), which are on the water during a TPS event would be required to move immediately from the security zone established by the convoy. In some cases, fishermen might find it necessary to leave gear in place to comply with this requirement. Although the vessel can return to the site after convoy passage, the vessel may have used more fuel than expected, damage or loss of fishing gear is possible if left in the security zone (see Section 3.11.3.3, Loss of Fishing Gear), and fish or shellfish harvest may be

reduced for that day. If a TPS event coincides with a limited opening of a particular fishing season (e.g., fishing for Coho salmon using gillnets in Hood Canal north of NAVBASE Kitsap Bangor occurs from September 25 through October 11 [Washington Department of Fish and Wildlife and the Northwest Indian Fisheries Commission 2014]), a potential loss of harvest could occur in that season.

Training activities in the Inland Waters under Alternative 1 have the potential to impede Tribal access to U&A fishing grounds; increase economic costs for maintaining and operating fishing equipment (e.g.., fuel costs during relocation and damage or loss of fishing gear); and reduce ceremonial, subsistence, and commercial harvests.

3.11.3.1.2.2 Testing

Offshore Area

Under Alternative 1, testing activities would increase compared to the No Action Alternative (see Tables 2.8-2 and 2.8-3). However, the increase in testing activity is not expected to impede access to U&A fishing grounds. Alternative 1 would include testing of explosive torpedoes. However, this activity would be conducted greater than 50 nm off the cost of Washington, outside of U&A fishing grounds. Testing events using aircraft in the Offshore Area under Alternative 1 would not affect access to U&A fishing grounds. As discussed for the No Action Alternative, the Navy normally has the ability to obtain a clear range in the Offshore Area without asking other vessels to leave the area and would not prevent the use of an area by fishing or other vessels, absent unusual circumstances. Navy testing activities in the Offshore Area under Alternative 1 are not likely to impede access to U&A fishing grounds except in rare instances where a vessel attempts to enter an established safety zone during ongoing activities or if it approaches too close to a Navy vessel.

Inland Waters

Under Alternative 1, testing activities would increase compared to the No Action Alternative and some new activities would be introduced (see Tables 2.8-2 and 2.8-3). The Navy is retaining the Carr Inlet OPAREA and infrequent operational and acoustic research studies could be conducted there under Alternative 1. No explosives would be used at Carr Inlet OPAREA. Public use restrictions associated with Carr Inlet OPAREA are codified in U.S. Code (U.S.C.) Title 33 §334.1250. These restrictions were established for the level and type of activity that existed when the Navy's Fox Island Laboratory was in place. Since the dis-establishment of the shore lab in 2009, the nature of activity and the in-water infrastructure has changed. Fixed buoys and hydrophones are no longer in place. As such, the restrictions that were in place that pertained to this equipment are expected to be relaxed in an upcoming revision to the C.F.R. The area is open to navigation at all times. Maritime traffic to points within Carr Inlet and through Carr Inlet to adjacent waters is permitted free access. Some restrictions may be instituted when the range is in use under Alternative 1. The public would be notified via published announcement in local newspapers and in the local USCG NTM if the Navy plans testing activities in the Carr Inlet OPAREA. The Navy would continue to communicate with Tribes that have U&A fishing grounds that overlap the Carr Inlet OPAREA to de-conflict schedules where possible.

Pierside sonar and acoustic testing would be performed under Alternative 1 at NAVBASE Kitsap Bremerton in Sinclair Inlet, NAVBASE Kitsap Bangor Waterfront in Hood Canal, and Naval Station Everett. Existing security restrictions prevent public access at Navy pierside locations; therefore, access to U&A fishing grounds would not change as a result of these testing activities.

As discussed for the No Action Alternative, restrictions placed on marine traffic during testing activities in Inland Waters under Alternative 1 could temporarily impede Tribal access to portions of their U&A fishing grounds.

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 by both Alaska Native and non-Native fishermen. Because traditional resources in the Western Behm Canal are not available for subsistence used by Alaska Native Tribes, no impact on the accessibility of Alaska Native traditional fishing areas would occur as a result of testing activities.

3.11.3.1.3 Alternative 2

3.11.3.1.3.1 Training

Offshore Area

Training activities under Alternative 2 would be the same as Alternative 1 (see Table 2.8-1) and represent an increase compared to the No Action Alternative. Therefore, the analysis presented for training activities in the Offshore Area under Alternative 1 also applies to Alternative 2. Navy training activities in the Offshore Area under Alternative 2 are not likely to impede access to U&A fishing grounds except in rare instances where a vessel attempts to enter an established safety zone during ongoing activities or if it approaches too close to a Navy vessel.

Inland Waters

Training activities under Alternative 2 would increase compared to the No Action Alternative and would be the same as Alternative 1 (see Table 2.8-1). Therefore, the analysis presented for training activities in the Offshore Area under Alternative 1 also applies to Alternative 2. Training activities in the Inland Waters under Alternative 2 have the potential to impede Tribal access to U&A fishing grounds; increase economic costs for maintaining and operating fishing equipment (e.g., fuel costs during relocation and damage or loss of fishing gear); and reduce ceremonial, subsistence, and commercial harvests.

3.11.3.1.3.2 Testing

Offshore Area

Testing activities under Alternative 2 would increase compared to the No Action Alternative and Alternative 1 (see Tables 2.8-2 and 2.8-3). As discussed for Alternative 1, the increase in testing activity is not expected to impede access to U&A fishing grounds. As discussed for the No Action Alternative, the Navy normally has the ability to obtain a clear range in the Offshore Area without asking other vessels to leave the area and would not prevent the use of an area by fishing or other vessels, absent unusual circumstances. Navy testing activities in the Offshore Area under Alternative 2 are not likely to impede access to U&A fishing grounds except in rare instances where a vessel attempts to enter an established safety zone during ongoing activities or if it approaches too close to a Navy vessel.

Inland Waters

Testing activities under Alternative 2 would increase compared to the No Action Alternative and Alternative 1 (see Tables 2.8-2 and 2.8-3). As discussed for the No Action Alternative and Alternative 1, restrictions placed on marine traffic during testing activities in Inland Waters under Alternative 1 could temporarily impede Tribal access to portions of their U&A fishing grounds. However, information exchange between the Tribes and Navy help to ensure schedules are de-conflicted where possible.

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 by both Alaska Native and non-Native fishermen. Because traditional resources in the Western Behm Canal are not available for subsistence uses by Alaska Native Tribes, no impact on the accessibility of Alaska Native traditional fishing areas would occur as a result of testing activities.

3.11.3.2 Changes in the Availability of Marine Resources or Habitat

The availability and health of marine resources is a concern for Tribes with U&A fishing grounds in the Study Area, as well those with U&A fishing grounds in inland areas outside the Study Area. In many cases the main traditional resources harvested in these inland U&A fishing grounds are species such as salmon, steelhead, or sturgeon that complete a portion of their life-cycle in marine environments. The availability of harvested traditional resource species could be affected if training and testing activities resulted in the following:

- A measurable reduction in a population or stock caused by direct impacts such as mortality or indirect impacts to water quality and habitat,
- Bioaccumulation of contaminates to levels where fish or shellfish would be unhealthy to consume, or
- Mobile species avoiding U&A fishing grounds or altering their migratory patterns in response to disturbances.

When resource population levels dip, it becomes more likely that the Tribal and state co-managers will close a fishery to harvest, reduce the duration of open seasons, or reduce the catch quota. Furthermore, when there are less fish, more effort and time must be expended to catch the same number of fish. Where fish populations are low, greater effort means more commercial fishermen may give up fishing as their main source of income.

The Navy has analyzed potential impacts of the No Action Alternative, Alternative 1, and Alternative 2 on resources harvested by Tribes and associated habitat in the following sections of the EIS/OEIS: 3.1 (Sediments and Water Quality), 3.3 (Marine Habitats), 3.7 (Marine Vegetation), 3.8 (Marine Invertebrates), 3.9 (Fish). Based on the analyses in these sections, the Proposed Action could directly affect individuals of some species harvested by Tribes, including mortality in a relatively small number of individuals. However, there would be no population- or stock-level impacts and there would be no measurable change in availability. Impacts on water quality and habitat would be localized and negligible, and would not be expected to affect availability of resources for harvest by Tribes. The Proposed Action is not expected to contribute to bioaccumulation in fish and shellfish species harvested by the Tribes based on the types and quantities of potential contaminates released and their fate and transport in the environment. Disturbances associated with the Proposed Action would be intermittent, of short duration, and widely dispersed, and are not expected to cause harvested species to avoid U&A fishing grounds or alter their migratory patterns.

Chapter 5 (Standard Operating Procedures, Mitigation, and Monitoring) describes protective measures the Navy implements within the Study Area. Although some of the measures specifically address species listed under the Endangered Species Act, many of them would also benefit species harvested by Tribes.

The Proposed Action is not expected to have a measureable effect on the availability of marine resources for harvest by Tribes.

3.11.3.3 Loss of Fishing Gear

As discussed in Section 3.11.3.1 (Impeding Access to U&A Fishing Grounds or Traditional Fishing Areas) Tribal fishing activities and Navy training and testing activities occur in co-use areas in the Inland Waters portion of the Study Area and in portions of the Offshore Area located off the coast of Washington. Consequently, the potential exists for interactions between naval vessels and equipment and Tribal fishing gear. Loss or damage to gear is a concern for Tribal fishermen because it can result in lost fishing opportunities and increase the cost of fishing, which could ultimately reduce harvest and income.

Tribal fishermen use many types of fishing gear in the Study Area, including hook and line, gillnets, longline gear, troll gear, trawls, seines, traps or pots, and traditional Tribal fishing gear. In general, any gear that is designed to be fished unattended, either in the water column or on the bottom (e.g., gillnets, longlines, pots), would be most susceptible to snagging by a vessel or mobile in-water device. However, Tribal fishermen mark their gear in accordance with fishing regulations and the Navy uses standard navigational practices to avoid potential interactions with fixed gear. In-water devices include unmanned vehicles such as remotely operated vehicles, unmanned surface and undersea vehicles, and towed devices. These devices are self-propelled and unmanned or towed through the water from a variety of platforms, including helicopters and surface ships. Before deploying an in-water device, it is standard operating procedure to search the intended path of the device for obstructions that could damage the device, including other vessels, buoys or markers (possibly associated with fishing gear), and floating debris (e.g., driftwood, trash).

Interactions between mobile fishing gear such as a trawl (i.e., a net towed by a vessel along the bottom or in the water column) and naval vessels is unlikely because the vessels involved would avoid each other. Interactions between mobile gear and a fixed in-water device such as testing equipment would also be unlikely because fixed devices would be clearly marked on the surface with a buoy. Mobile gear fished on or near the bottom could encounter military expended materials that the Navy was unable to recover. These 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 (e.g., sonobuoys), so they would not represent an entanglement risk to fishing gear. As discussed in Section 3.1 (Sediments and Water Quality), a west coast study categorized types of marine debris collected by a trawler during a groundfish survey. Military expended materials categorized as plastic, metal, fabric and fiber, and rubber accounted for 7.4, 6.2, 13.2, and 4.7 percent, respectively, of the total count of items collected. The footprint of military expended materials in the Study Area is discussed in Section 3.3 (Marine Habitats), which concludes that if all military expended materials were placed side by side in the Study Area, the footprint would be approximately 0.04 square nautical miles. Because this footprint is so small relative to the size of the Study Area, fishermen probably would not encounter military expended materials.

As discussed in Section 3.11.1.3 (Government-to-Government Consultation), the Navy and several Tribes with U&A fishing grounds in the Study Area are engaged in ongoing government-to-government consultation. The potential for interactions between Tribal fishing gear and naval vessels and equipment is a topic of mutual interest addressed through the consultation process. As discussed in Section 3.11.3.1 (Impeding Access to U&A Fishing Grounds or Traditional Fishing Areas), several Tribes and the Navy have implemented or are continuing formal communication procedures to de-conflict schedules where possible. These communications, in addition to standard NTMs issued by USCG, help to avoid and minimize the potential for lost or damaged Tribal fishing gear associated with Navy training and testing activities. Any claims for loss or damage to fishing gear related to Navy activities are addressed through

the Navy's claims adjudication process. Information on admiralty claims can be found at the Navy Judge Advocate General's Corps website: http://www.jag.navy.mil/organization/code_11.htm.

3.11.3.3.1 No Action Alternative

3.11.3.3.1.1 Training

Offshore Area

Section 3.11.3.1 (Impeding Access to U&A Fishing Grounds or Traditional Fishing Areas) describes the potential for Tribal fishing and Navy training activities to overlap in the Offshore Area. The potential for interaction would be limited to areas off the coast of Washington out to the western limit of U&A fishing grounds (35 nm). Given the vast size of the Offshore Area, the Navy normally has the ability avoid areas that are actively being used by other vessels, which reduces the potential to encounter and damage fishing gear. Some Tribes use trawlers in the Offshore Area and could potentially encounter military expended materials when bottom trawling. Many individual items are small and would not likely cause damage if encountered. Large items such as sonobuoys would be more likely to cause damage, but the probability of encountering one would be low. As discussed above and in Section 3.3 (Marine Habitats), the overall footprint of military expended materials in the Study Area is relatively small and fishermen probably would not encounter military expended materials. Therefore, damage to fishing gear from Navy training activities in the Offshore Area would be rare under the No Action Alternative.

Inland Waters

Under the No Action Alternative, training activities would continue at current levels and within established ranges and training locations (see Table 2.8-1), and would include Mine Neutralization – EOD, Personnel Insertion/Extraction, and Search and Rescue. Small boats, which have good maneuverability and visibility, would be used to support these activities. Small boat crews would be expected to see and avoid any marked fishing gear in the area during these exercises. EOD training requires establishment of a 700 yd. (640 m) radius exclusion zone; therefore, no fishing gear would be in the area during this activity. Submersible and non-submersible in-water devices would be used during Personnel Insertion/Extraction. Before deploying an in-water device, it is standard operating procedure to search the intended path of the device for obstructions that could damage the device, including other vessels, buoys or markers (possibly associated with fishing gear), and floating debris (e.g., driftwood, trash). No military expended materials that present a risk of snagging or damaging fishing gear would be used during training activities in Inland Waters under the No Action Alternative (see Section 3.0.5.3.3.3 [Military Expended Material]). Therefore, damage to fishing gear from Navy training activities in Inland Waters would be rare under the No Action Alternative.

3.11.3.3.1.2 Testing

Offshore Area

Section 3.11.3.1 (Impeding Access to U&A Fishing Grounds or Traditional Fishing Areas) describes the potential for Tribal fishing and Navy testing activities to overlap in the Offshore Area. The potential for interaction would be limited to areas off the coast of Washington out to the western limit of U&A fishing grounds (35 nm). Given the vast size of the Offshore Area, the Navy normally has the ability avoid areas that are actively being used by other vessels, which reduces the potential to encounter and damage fishing gear. Various in-water devices would be used during testing in the Offshore Area. Before deploying an in-water device, it is standard operating procedure to search the intended path of the device for obstructions that could damage the device, including other vessels, buoys or markers (possibly associated with fishing gear), and floating debris (e.g., driftwood, trash). Sonobuoys are the only military expended materials associated with testing in the Offshore Area that present a risk of

damaging fishing gear under the No Action Alternative (see Section 3.0.5.3.3.3 [Military Expended Material]). As discussed above for training in the Offshore Area, the likelihood of a bottom trawl encountering a sonobuoy is low. Therefore, damage to fishing gear from Navy testing activities in the Offshore Area would be rare under the No Action Alternative.

Inland Waters

Section 3.11.3.1 (Impeding Access to U&A Fishing Grounds or Traditional Fishing Areas) describes the potential for Tribal fishing and Navy testing activities to overlap in Inland Waters; standard procedures used to ensure safety, security, and testing data integrity; and procedures for communicating with Tribes that have U&A fishing grounds in testing areas. The specified procedures effectively avoid and minimize the potential for damage to fishing gear during testing activities in Inland Waters. Most of the materials and items used during testing are recovered after use. However, some items such as sonobuoys (about six per year), subsurface targets (up to eight per year), guidance wires, and ballast weights may not be recoverable (see Section 3.0.5.3.3.3 [Military Expended Material]). These items could present a risk to gear fished on the bottom, but the probability of encountering these items would be low. Therefore, damage to fishing gear from Navy testing activities in Inland Waters would be rare under the No Action Alternative.

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 by both Alaska Native and non-Native fishermen. Because traditional resources in the Western Behm Canal are not available for subsistence uses by Alaska Native Tribes, loss or damage to Alaska Native fishing equipment would not occur as a result of testing activities resulting in vessel or in-water device strikes. No testing activities resulting in the deposition of military expended materials occur in the Western Behm Canal (see Table 2.8-1 and 2.8-3).

3.11.3.3.2 Alternative 1

3.11.3.3.2.1 Training

Offshore Area

Under Alternative 1, training activities would increase compared to the No Action Alternative (see Table 2.8-1). As discussed for the No Action Alternative, the Navy normally has the ability avoid areas that are actively being used by other vessels, which reduces the potential to encounter and damage fishing gear in the Offshore Area. The number of military expended material items, including sonobuoys, would increase under Alternative 1. Therefore, Tribal fishermen using bottom trawls may be more likely to encounter these materials, but as discussed for the No Action Alternative the probability would remain low. Damage to fishing gear from Navy training activities in the Offshore Area would be rare under Alternative 1, but risk would increase slightly compared to the No Action Alternative.

Inland Waters

Under Alternative 1, training activities in Inland Waters would increase compared to the No Action Alternative (see Table 2.8-1). New training activities would also be conducted in Inland Waters under Alternative 1. The number of EOD training events at the Crescent Harbor and Hood Canal EOD Ranges would increase from two per year at each site to six per year at each site under Alternative 1. As discussed for the No Action Alternative, an exclusion zone must be established around the detonation site during this training activity to ensure public safety. Therefore, no fishing gear would be in the area during this activity. The number Personnel Insertion/Extraction – Submersible events would not change

and the number Personnel Insertion/Extraction – Submersible events would decrease under Alternative 1. No military expended materials that present a risk of snagging or damaging fishing gear would be used during training activities in Inland Waters under Alternative 1 (see Section 3.0.5.3.3.3 [Military Expended Material]).

Under Alternative 1, the Navy proposes to conduct MSOs, which includes TPS and CRG escort activities. These activities, associated security requirements, and notification procedures are discussed in Section 3.11.3.1 (Impeding Access to U&A Fishing Grounds or Traditional Fishing Areas). As noted above, if present, all other vessels would be required to exit the security zone in accordance with general regulations in 33 C.F.R. Section 165, Subpart D until the convoy passes. In some cases, fishermen might find it necessary to leave fishing gear in place to comply with this requirement, thus increasing the potential for damage or loss. For national security reasons, NTMs are issued in advance of TPS events only on a case-by-case basis. However, the USCG MFPU provides notification of TPS events to Tribal Fisheries Enforcement Officers from potentially affected Tribes prior to the vessels departing Bangor.

Surface ship sonar maintenance would be performed under Alternative 1 at NAVBASE Kitsap Bremerton in Sinclair Inlet, NAVBASE Kitsap Bangor Waterfront in Hood Canal, and Naval Station Everett. Existing security restrictions prevent public access at Navy pierside locations; therefore, fishing gear would not be affected by these activities.

The potential for loss or damage to fishing gear would increase under Alternative 1 as a result of MSO and TPS events. Loss or damage to Tribal fishing gear could reduce fishing opportunities while the gear is being replaced or repaired, and could increase the amount of effort and resources required to catch the same amount of fish. The USCG MFPU would provide notification of TPS events to Tribal Fisheries Enforcement Officers. Information exchange between the Tribes and Navy help to ensure schedules are de-conflicted where possible.

3.11.3.3.2.2 Testing

Offshore Area

Under Alternative 1, testing activities in the Offshore Area would increase compared to the No Action Alternative (see Tables 2.8-2 and 2.8-3). However, the increase in testing activity is not expected to increase damage to fishing gear. New activities under Alternative 1 would include testing of explosive torpedoes. However, this activity would be conducted greater than 50 nm off the cost of Washington, outside of U&A fishing grounds and would not damage Tribal fishing gear. As discussed for the No Action Alternative, the Navy normally has the ability avoid areas that are actively being used by other vessels, which reduces the potential to encounter and damage fishing gear in the Offshore Area. The number of military expended material items, including sonobuoys, chaff, and flares, would increase under Alternative 1. Therefore, Tribal fishermen using bottom trawls may be more likely to encounter these materials, but as discussed for the No Action Alternative the probability would remain low. Damage to fishing gear from Navy testing activities in the Offshore Area would be rare under Alternative 1, but risk would increase slightly compared to the No Action Alternative.

Inland Waters

Under Alternative 1, testing activities would increase compared to the No Action Alternative (see Tables 2.8-2 and 2.8-3). The Navy is retaining the Carr Inlet OPAREA and infrequent operational and acoustic research studies could be conducted there under Alternative 1. As discussed in Section 3.11.3.1 (Impeding Access to U&A Fishing Grounds or Traditional Fishing Areas), the nature of activity and the in-water infrastructure at Carr Inlet OPAREA has changed since the dis-establishment of the shore lab in

2009. Fixed buoys and hydrophones are no longer in place. Use of this area under Alternative 1 may include temporary placement of underwater testing devices. Appropriate safety procedures and temporary marine traffic restrictions would be used to avoid interactions with fishing gear. The public would be notified via published announcement in local newspapers and in the local USCG NTM if the Navy plans testing activities in the Carr Inlet OPAREA. Information exchange between the Tribes and Navy help to ensure schedules are de-conflicted where possible.

Pierside sonar and acoustic testing would be performed under Alternative 1 at NAVBASE Kitsap Bremerton in Sinclair Inlet, NAVBASE Kitsap Bangor Waterfront in Hood Canal, and Naval Station Everett. Existing security restrictions prevent public access at Navy pierside locations; therefore, fishing gear would not be affected by these activities.

As discussed for the No Action Alternative, most of the materials and items used during testing are recovered after use. The only change in military expended materials under Alternative 1 would be one additional subsurface target per year. Military expended materials could present a risk to gear fished on the bottom, but the probability of encountering these items would be low.

Standard procedures used to ensure safety, security, and testing data integrity; and procedures for communicating with Tribes that have U&A fishing grounds in testing areas would continue to be implemented under Alternative 1 and would minimize the risk of fishing gear damage. Damage to fishing gear from Navy testing activities in Inland Waters would be rare under Alternative 1, but risk would increase slightly compared to the No Action Alternative.

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 by both Alaska Native and non-Native fishermen. Because traditional resources in the Western Behm Canal are not available for subsistence uses by Alaska Native Tribes, loss or damage to Alaska Native fishing equipment would not occur as a result of an increase of testing activities resulting in vessel or in-water device strikes. No testing activities resulting in the deposition of military expended materials occur in the Western Behm Canal (see Tables 2.8-2 and 2.8-3).

3.11.3.3.3 Alternative 2

3.11.3.3.3.1 Training

Offshore Area

Training activities under Alternative 2 would be the same as Alternative 1 (see Table 2.8-1) and represent an increase compared to the No Action Alternative. Therefore, the analysis presented for training activities in the Offshore Area under Alternative 1 also applies to Alternative 2. Damage to fishing gear from Navy training activities in the Offshore Area would be rare under Alternative 1, but risk would increase slightly compared to the No Action Alternative.

Inland Waters

Training activities under Alternative 2 would be the same as Alternative 1 and represent an increase compared to the No Action Alternative (see Table 2.8-1). Therefore, the analysis presented for training activities in Inland Water under Alternative 1 also applies to Alternative 2. The potential for loss or damage to fishing gear would increase under Alternative 2 as a result of MSO and TPS events. Loss or damage to Tribal fishing gear could reduce fishing opportunities while the gear is being replaced or repaired, and could increase the amount of effort and resources required to catch the same amount of

fish. The USCG MFPU would provide notification of TPS events to Tribal Fisheries Enforcement Officers. Information exchange between the Tribes and Navy help to ensure schedules are de-conflicted where possible.

3.11.3.3.3.2 Testing

Offshore Area

Testing activities in the Offshore Area would increase under Alternative 2 compared to the No Action Alternative and Alternative 1 (see Tables 2.8-2 and 2.8-3). As discussed for Alternative 1, the increase in testing activity is not expected to increase damage to fishing gear and the new testing of explosive torpedoes would be conducted greater than 50 nm off the cost of Washington, outside of U&A fishing grounds. The Navy normally has the ability avoid areas that are actively being used by other vessels, which reduces the potential to encounter and damage fishing gear in the Offshore Area. The number of military expended material items, including sonobuoys, chaff, and flares, would increase under Alternative 2. Therefore, Tribal fishermen using bottom trawls may be more likely to encounter these materials, but as discussed for the No Action Alternative the probability would remain low. Damage to fishing gear from Navy testing activities in the Offshore Area would be rare under Alternative 2, but risk would increase slightly compared to the No Action Alternative and Alternative 1.

Inland Waters

Testing activities in Inland Waters would increase under Alternative 2 compared to the No Action Alternative and Alternative 1 (see Tables 2.8-2 and 2.8-3). As discussed for Alternative 1, use of the Carr Inlet OPAREA may include temporary placement of underwater testing devices. Appropriate safety procedures and temporary marine traffic restrictions would be used to avoid interactions with fishing gear. Existing security restrictions prevent public access at Navy pierside locations; therefore, fishing gear would not be affected by these activities. The only change in military expended materials under Alternative 2 would be three additional subsurface target per year compared to the No Action Alternative. Military expended materials could present a risk to gear fished on the bottom, but the probability of encountering these items would be low. Standard procedures used to ensure safety, security, and testing data integrity; and procedures for communicating with Tribes that have U&A fishing grounds in testing areas would continue to be implemented under Alternative 2 and would minimize the risk of fishing gear damage. Damage to fishing gear from Navy testing activities in Inland Waters would be rare under Alternative 2, but risk would increase slightly compared to the No Action Alternative and Alternative 1.

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 by both Alaska Native and non-Native fishermen. Because traditional resources in the Western Behm Canal are not available for subsistence uses by Alaska Native Tribes, loss or damage to Alaska Native fishing equipment would not occur as a result of testing activities resulting in vessel or in-water device strikes. No testing activities resulting in the deposition of military expended materials occur in the Western Behm Canal (see Tables 2.8-2 and 2.8-3).

3.11.3.4 Summary of Potential Impacts on American Indian and Alaska Native Traditional Resources

Potential impacts on American Indian and Alaska Native traditional resources under the No Action Alternative, Alternative 1, and Alternative 2 are summarized in Table 3.11-5.

Table 3.11-5: Summary of Impacts of Training and Testing Activities on American Indian and Alaska Native Traditional Resources

Alternative and Concern	Impacts of Training and Testing Activities
No Action Alternative	
Impeding Tribal Access to U&A Fishing Grounds	Navy training and testing activities in the Offshore Area under the No Action Alternative are not likely to impede access to U&A fishing grounds except in rare instances where a vessel attempts to enter an established safety zone during ongoing activities or if it approaches too close to a Navy vessel. Navy training and testing activities in Inland Waters under the No Action Alternative could temporarily impede Tribal access to portions of their U&A fishing grounds. The Navy would communicate with potentially affected Tribes in advance to de-conflict schedules where possible.
Change in the Availability of Marine Resources	Training and testing activities under the No Action Alternative are not expected to have a measureable effect on the availability of marine resources for harvest by Tribes.
Loss of Fishing Gear	Loss of or damage to fishing gear from Navy training and testing activities in the Offshore Area would be rare under the No Action Alternative. Loss of or damage to fishing gear from Navy training and testing activities in Inland Waters would be rare under the No Action Alternative.
Alternative 1 (Preferred Alternative)	
Impeding with Access to Tribal U&A Fishing Grounds	Navy training and testing activities in the Offshore Area under Alternative 1 are not likely to impede access to U&A fishing grounds except in rare instances where a vessel attempts to enter an established safety zone during ongoing activities or if it approaches too close to a Navy vessel. Navy training and testing activities in Inland Waters under Alternative 1 could temporarily impede Tribal access to portions of their U&A fishing grounds. The potential for impeded access would increase compared to the No Action Alternative because of Maritime Security Operations, such as Transit Protection System training events and increases in testing activities. The Navy would communicate with potentially affected Tribes in advance to de-conflict schedules where possible. The U.S. Coast Guard Maritime Force Protection Unit would provide notification of Transit Protection System events to Tribal Fisheries Enforcement Officers.
Change in the Availability of Marine Resources	Training and testing activities under Alternative 1 are not expected to have a measureable effect on the availability of marine resources for harvest by Tribes.
Loss of Fishing Gear	Loss of or damage to fishing gear from Navy training and testing activities in the Offshore Area would be rare under Alternative 1, but would increase slightly compared to the No Action Alternative. The potential for loss of or damage to fishing gear would increase under Alternative 1 as a result of Maritime Security Operations, such as Transit Protection System training events. Loss of or damage to fishing gear from Navy testing activities in Inland Waters would be rare under Alternative 1, but risk would increase compared to the No Action Alternative.

Table 3.11-5: Summary of Impacts of Training and Testing Activities on American Indian and Alaska Native Traditional Resources (continued)

Alternative 2	
Impeding with Access to Tribal U&A Fishing Grounds	Navy training and testing activities in the Offshore Area under Alternative 2 are not likely to impede access to U&A fishing grounds except in rare instances where a vessel attempts to enter an established safety zone during ongoing activities or if it approaches too close to a Navy vessel. Navy training and testing activities in Inland Waters under Alternative 2 could temporarily impede Tribal access to portions of their U&A fishing grounds. The potential for impeded access would increase compared to the No Action Alternative because of Maritime Security Operations, such as Transit Protection System training events and increases in testing activities. The Navy would communicate with potentially affected Tribes in advance to de-conflict schedules where possible. The U.S. Coast Guard Maritime Force Protection Unit would provide notification of Transit Protection System events to Tribal Fisheries Enforcement Officers.
Change in the Availability of Marine Resources	Training and testing activities under Alternative 2 are not expected to have a measureable effect on the availability of marine resources for harvest by Tribes.
Loss of Fishing Gear	Loss of or damage to fishing gear from Navy training and testing activities in the Offshore Area would be rare under Alternative 2, but would increase slightly compared to the No Action Alternative. The potential for loss of or damage to fishing gear would increase under Alternative 2 as a result of Maritime Security Operations, such as Transit Protection System training events. Loss of or damage to fishing gear from Navy testing activities in Inland Waters would be rare under Alternative 2, but risk would increase compared to the No Action Alternative.

Note: U&A = usual and accustomed

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