

COMPATIBILITY DETERMINATION

Station Name: Dungeness National Wildlife Refuge

Date Established: January 20, 1915

Establishing and Acquisition Authorities:

The Dungeness National Wildlife Refuge, located in Clallam County, Washington, was established by Executive Order 2123. Additional lands were added in later years from the Refuge Recreation Act Fund resulting in a total acreage of 631 acres.

Purposes for Which the Refuge was Established:

For lands acquired under the Executive Order dated January 20, 1915, the purpose of the acquisition is "... as a refuge, reserve, and breeding ground for native birds."

For lands acquired under the Refuge Recreation Act (16 U.S.C. Section 460k-1), the purpose of the acquisition is "... suitable for (1) incidental fish and wildlife-oriented recreational development, (2) the protection of natural resources, (3) the conservation of endangered species or threatened species."

Management Goals and Objectives:

Attachment 1: Mission, goals, and purposes of the National Wildlife Refuge System.

Attachment 2: Objectives of the Dungeness National Wildlife Refuge.

Applicable Laws, Regulations and Policies:

National Wildlife Refuge System Administration Act of 1966 as amended (16USC 668dd-668ee)

Endangered Species Act of 1973 as amended (16USC 1531-1543).

Refuge Recreation Act of 1962 (16USC 460k-460k-4)

Description of Proposed Use: Commercial Fishing (Tribal Fishing)

The Lower Elwha, Jamestown, and Port Gamble S'Klallam Tribes have the right to fish, in Dungeness Bay and Harbor, by set nets or other traditional methods, or by modern or improved fishing techniques according to the Point No Point Treaty of 1855. The Bay and Harbor is adjacent to the Dungeness National Wildlife Refuge. The U.S. Fish and Wildlife Service recognizes that the Indian treaty fishing rights include the right of access to National Wildlife Refuge lands. Access to the Refuge is only open to Tribal members involved in fishing. They may camp, set fires, and construct shelters on the Refuge while fishing which usually occurs September-October.

Anticipated Impacts on Service Lands, Waters or Interests:

Although the Refuge is open to access, Tribal members usually camp for short periods of two or three days. Impact is minimal since the camps are small and only involve one or two people.

Determination: (Check one)

This use is compatible X This use is not compatible

The following stipulations are required to ensure compatibility:

The U.S. Fish and Wildlife Service has issued a Letter of Agreement for Management of the Tribal Fishery on Dungeness National Wildlife Refuge to the Tribes involved (see Attachment 3).

Justification:

Tribal fishing is permitted on the Dungeness National Wildlife Refuge in accordance with the Point No Point Treaty of 1855.

Project Leader: William B. Henelbut Date 7/11/94
(Name of Project Leader)

Concurrence:

Refuge Supervisor Date _____

Assistant Regional Director, Refuges and Wildlife Date _____

USFWS MISSION STATEMENT

TO CONSERVE, PROTECT, AND ENHANCE THE NATION'S FISH AND WILDLIFE AND THEIR HABITATS FOR THE CONTINUING BENEFIT OF PEOPLE.

MISSION OF THE NATIONAL WILDLIFE REFUGE SYSTEM

TO PROVIDE, PRESERVE, RESTORE, AND MANAGE A NATIONAL NETWORK OF LANDS AND WATERS SUFFICIENT IN SIZE, DIVERSITY AND LOCATION TO MEET SOCIETY'S NEEDS FOR AREAS WHERE THE WIDEST POSSIBLE SPECTRUM OF BENEFITS ASSOCIATED WITH WILDLIFE AND WILDLANDS IS ENHANCED AND MADE AVAILABLE.

GOALS OF THE NATIONAL WILDLIFE REFUGE SYSTEM

- A. TO PRESERVE, RESTORE, AND ENHANCE IN THEIR NATURAL ECOSYSTEMS (WHEN PRACTICABLE) ALL SPECIES OF ANIMALS AND PLANTS THAT ARE ENDANGERED OR THREATENED WITH BECOMING ENDANGERED.
- B. TO PERPETUATE THE MIGRATORY BIRD RESOURCE.
- C. TO PRESERVE A NATURAL DIVERSITY AND ABUNDANCE OF FAUNA AND FLORA ON REFUGE LANDS.
- D. TO PROVIDE AN UNDERSTANDING AND APPRECIATION OF FISH AND WILDLIFE ECOLOGY AND MAN'S ROLE IN HIS ENVIRONMENT, AND TO PROVIDE REFUGE VISITORS WITH HIGH QUALITY, SAFE, WHOLESOME, AND ENJOYABLE RECREATIONAL EXPERIENCES ORIENTED TOWARD WILDLIFE TO THE EXTENT THESE ACTIVITIES ARE COMPATIBLE WITH THE PURPOSES FOR WHICH THE REFUGE WAS ESTABLISHED.

PURPOSES OF THE NATIONAL WILDLIFE REFUGE SYSTEM

1. TO PROVIDE PRODUCTIVE AND ENDURING FOOD, WATER, AND SHELTER TO FISH, WILDLIFE, AND PLANT COMMUNITIES AND TO ENSURE IN PERPETUITY MANAGED AND NATURALLY DIVERSE POPULATIONS OF FISH, WILDLIFE AND PLANTS AND THE ECOLOGICAL PROCESSES THAT SUSTAIN THEM;
2. TO PRESERVE, RESTORE, AND ENHANCE SPECIES OF FISH, WILDLIFE AND PLANTS THAT ARE LISTED AS THREATENED OR ENDANGERED OR ARE CANDIDATES FOR LISTING UNDER SECTION 4 OF THE ENDANGERED SPECIES ACT;
3. TO PERPETUATE MIGRATORY BIRD POPULATIONS, MARINE MAMMALS, AND ANADROMOUS OR INTER-JURISDICTIONAL FISH RESOURCES;
4. TO FULFILL THE INTERNATIONAL TREATY OBLIGATIONS OF THE UNITED STATES WITH RESPECT TO FISH, WILDLIFE, AND PLANTS AND THEIR HABITATS; AND
5. TO PROVIDE, CONSISTENT WITH THE PURPOSES FOR WHICH AN INDIVIDUAL AFFECTED REFUGE WAS ESTABLISHED, COMPATIBLE WILDLIFE-ORIENTED ENVIRONMENTAL EDUCATION.

OBJECTIVES OF THE DUNGENESS NATIONAL WILDLIFE REFUGE

To provide and preserve habitat for the enhancement of wintering waterfowl and other migratory birds with emphasis on black brant.

To protect and maintain natural habitats capable of supporting a diversity of wildlife.

To provide public information, interpretation and education on the wildlife resources of the refuge.

To provide wildlife-oriented recreation.

To cooperate with other agencies, educational institutions, and private organizations and individuals in providing technical assistance and research opportunities consistent with refuge objectives and management needs.

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

Purpose

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

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

Principles of Agreement

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

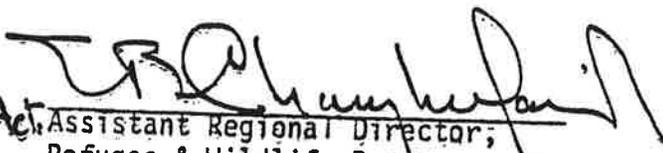
1. During the prescribed fishing seasons, established by the Tribes and the Washington Departments of Game and Fisheries, the Tribes (Lower Elwha Klallam, Jamestown Klallam and Port Gamble Klallam) of the PNPT may conduct their fishery in Dungeness Bay and Harbor in compliance with tribal and applicable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

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

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

Both parties agree to the principles as stated.

Chairman, Lower Elwaha Klallam Tribe


Act. Assistant Regional Director;
Refuges & Wildlife Resources, USFWS

Chairman, Jamestown Klallam Tribe

12/9/83
Date of Agreement

Ronald G. Chelver
Chairman, Port Gamble Klallam Tribe

