

Tribes Applaud ESA Secretarial Order

Western Washington Indian tribes voiced strong support for an order issued June 5 by the secretaries of Commerce and Interior defining the special relationship between treaty Indian tribes, the federal government and the Endangered Species Act. The order recognizes tribal sovereignty and provides the framework within which the tribes and federal government can work cooperatively to develop holistic recovery plans for species listed under the ESA.

"While we don't fully agree with everything the order contains, we believe it is a good document that we can build upon," said Billy Frank Jr., NWIFC Chairman, at a recent signing ceremony for the order.

"The Endangered Species Act is a powerful tool to prevent additional plant and animal species from slipping into extinction," Frank said. "However, it cannot be used to trample the treaty rights and sovereignty of Indian tribes. We are willing to do our part in conserving and restoring weak species, but we won't shoulder an unfair share of the conservation responsibility."

The signing ceremony was the culmination of a year-long effort involving tribes from across the United States who met several times to develop language for the secretarial order. The resulting policy significantly improves the working relationship between tribes and the federal government, said Interior Secretary Bruce Babbitt.

"We want to substitute affirmative programs for the old-style regulation," Babbitt said. "For too long we have failed to recognize the needs of Indian tribes to be consulted and part of the process from the beginning, and the traditional knowledge they can share about species, habitat and conservation."

The secretarial order says the government "shall give deference to tribal conservation and management plans for tribal trust resources that govern activities on Indian lands and address the conservation needs of the listed species."

It also recognizes tribal concerns regarding access to uses of eagle feathers, animal parts, "and other natural products for Indian and religious purposes."

Some tribes have had traditional fisheries severely curtailed or even eliminated because of weak stock concerns. And although ESA listings of western Washington salmon stocks have not yet occurred, Frank said the tribes have been working hard to strengthen vulnerable stocks.

"The tribes have helped develop many tools to help us



NWIFC Chairman Billy Frank Jr. speaks at the signing ceremony for the ESA Secretarial Order. At right are Interior Secretary Bruce Babbitt and Commerce Secretary William Daley (far right). Photo: D. Williams

rebuild salmon stocks as co-managers with the State of Washington," he said. "We have worked with the state for the past six years developing a Wild Stock Restoration Initiative that takes a holistic approach to salmon restoration. We have developed early action recovery plans for weak salmon stocks. We have demonstrated time and again that we are capable managers of our treaty-protected resources, and that we can work with state and federal governments in efforts to protect weak or endangered species.

"We are not interested in preserving salmon runs as museum pieces," he said. "We are fishermen – we always have been, and we always will be. We need fish to harvest. We

need healthy salmon runs and ecosystems so we can continue to live as we have for thousands of years."

The signing ceremony occurred in the old executive office building, next door to the White House. Tribal leaders from across the nation gathered in the

Indian Treaty Room, an ornate, two-story room with intricately designed stone inlay floors and rich tapestries on the walls. Ironically, Babbitt said his staff discovered that no treaties between an Indian tribe and the government had ever been signed in the room, which was completed in 1880.

"By signing the equivalent of a treaty here today gives new meaning to the name," Babbitt said. "It is my hope from this day on that we will banish forever the traditional treaty process that has been one-sided, overbearing and not infrequently unfair."

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