

Ocean/ENVIR 260, Winter 2006 Discussion 1, Governing Puget Sound Salmon	Name _____
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Below are study questions concerning the laws and government agencies that regulate salmon in the Puget Sound area. They are grouped by governmental jurisdiction. Each group of questions is referenced to a portion of the assigned reading.

For purposes of discussion, we will divide the class into groups that focus on each of these three jurisdictions. We will have representatives from each of these jurisdictions in class next Tuesday, January 17.

Your task is to study the reading material and these questions for class on Thursday, January 12. We will spend the beginning of class on Thursday in groups to finalize answers to the study questions. Then your groups will present their answers to the rest of the class.

Your groups also will be responsible for preparing questions to be posed to the guest speakers during the Tuesday forum. These questions will be your homework (to be detailed Thursday). We will take the second part of class time Thursday to begin preparing these questions.

Federal Government

Group 1A: Federal Government Questions based on JNRC

- 1) What are the respective roles of science and economics in the Endangered Species Act (ESA)? (p. 2)
- 2) What is the goal of the ESA? (p. 2)
- 3) What federal agency is responsible for enforcing ESA requirements regarding Puget Sound salmon? (p. 3)
- 4) What are the roles of this federal agency in the ESA? (p. 3)
- 5) What are the key regulatory mechanisms of the ESA? (p. 3)
- 6) How do the provision of the ESA affect other federal agencies? (p. 4)

Group 1B: Federal Government Questions based on JNRC

- 7) How does this lead federal agency interact with other federal agencies? (p. 6–7)
- 8) What are the definitions of “endangered” and “threatened?” (p. 2)
- 9) **What are three legal pathways by which private parties and state, tribal, and local governments can seek to comply with the ESA if they propose activities that may impact ESA-listed salmon? Give an example of such an activity. (p. 4)

- 10) *Describe the provisions of Section 4(d) of the ESA. What is a “take?”
Under what circumstances is a “take” allowed? (p. 6)

Group 2A State Government Questions based on JNRC

- 11) What is the JNRC? (p.1)
12) What is the state’s policy on salmon recovery? (p.1–2)
13) What is required to have a functioning habitat for salmon to recover? (p. 2)
14) What are the elements of the state government’s strategy to recover salmon? (p. 7)

Group 2B State Government Questions based on JNRC

- 15) *How does the state plan to ease the burden of complying with ESA requirements? (p. 7–8)
16) **List several programs that have been formulated to foster & support cooperation among local & regional parties for Puget Sound salmon recovery. (p. 8-10)
17) *List three primary legal tools for regulating land development in order to comply with the ESA. What government entities have the main responsibility for implementing these legal tools? (p. 11)

Group 3A Questions from Bish Ch. 7 pp. 75–83 and Montgomery Ch. 4 pp. 54–58

- 18) What are is the central provision of the Stevens treaties, which regulate tribal vs. non-tribal fisheries?
19) How were tribal salmon fishers disadvantaged by this treaty? What was the result?
20) How did the state government manage salmon fisheries to the disadvantage of the tribes?
21) Describe the key elements of the “Boldt Decision.”

Group 3B Questions from Bish Ch. 7 pp. 75–83 and Montgomery Ch. 4 pp. 54–58

- 22) Describe the key elements of the “Boldt Decision.”
23) What was the response of the state government to the Boldt Decision? How did Judge Boldt and the U.S. Supreme Court counter this response?
24) What issues were left undecided by the Boldt Decision? How were these issues later decided?
25) What is the status of the tribes’ legal authority to enforce habitat protection as well as harvest limits?