

**WEST COAST SEAFOOD PROCESSORS ASSOCIATION**

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August 27, 2009*

Mr. Barry Thom  
Acting Regional Administrator  
National Marine Fisheries Service  
1201 NE Lloyd Boulevard, Suite 1100  
Portland, OR 97232-1274

Dear Barry:

It has come to our attention that the Quileute Tribe has yet to commence harvesting the 8,000 mt of Pacific whiting that was made available to them by NMFS under their tribal treaty rights this year. We have also heard reports that the Tribe has no boats available to harvest the whiting and no fishing plan in effect. If this is indeed the case, we request that NMFS promptly pursue with the Tribe a reallocation of the unused whiting to other interested commercial fishing sectors. This would be in accordance with past practice regarding unharvested whiting from both the commercial and the tribal sectors. Any such reallocation would of course be without prejudice to any tribal treaty fishing rights.

For the non-tribal harvesting sectors, the Pacific groundfish regulations at 50 CFR 660.323 provide a reallocation mechanism that includes a survey of interest and a reallocation to be completed by September 15<sup>th</sup> or as soon as practicable thereafter and provides for reallocation based on percentages specified in federal regulations. We believe this is the best process to use in this case. An informal survey of shore-based whiting processors has indicated an interest in harvesting an appropriate share of the tribal fish and the fish remaining unharvested from the regular season opening. Whiting are still available to shore-based boats into the fall (weather permitting) and bycatch rates are traditionally low. A September 15<sup>th</sup> decision would also provide time for consultation with the Pacific Fishery Management Council during the NMFS report agenda item scheduled for September 14<sup>th</sup>. If the Quileute Tribe demonstrates that they intend to exercise their tribal treaty right to take whiting, then that can be clearly indicated so that there is no confusion or anticipation among non-tribal harvesting sectors. If not, then we hope that NMFS will honor the requirements of 16 U.S.C. 1851(a)(1).

Thank you for your consideration of this request.

Sincerely,

Rod Moore  
Executive Director

Cc: NMFS/NWR Sustainable Fisheries  
PFMC