



Quinault Indian Nation

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Mr. Rod McInnis
Regional Administrator
Southwest Region, NMFS
501 W. Ocean Blvd. Suite 4200
Long Beach, CA 90802

August 31, 2011

Dear Mr. McInnis,

Per Title 50 of the Code of Federal Regulations (CFR), part 660, the Quinault Indian Nation intends to exercise its treaty right to enter into the Pacific Sardine fishery in 2012.

§ 660.518 **Pacific Coast Treaty Indian Rights**

(a) Pacific Coast treaty Indian tribes have treaty rights to harvest CPS in their usual and accustomed fishing areas in U.S. waters.

(b) For the purposes of this section, "Pacific Coast treaty Indian tribes" and their "usual and accustomed fishing areas" are described at §660.324(b) and (c). [NOTE: the updated, current citation for the "usual and accustomed fishing areas" is § 660.50(c)]

(c) Boundaries of a tribe's fishing area may be revised as ordered by a Federal court.

(d) *Procedures*. The rights referred to in paragraph (a) of this section will be implemented in accordance with the procedures and requirements of the framework contained in Amendment 9 to the FMP and in this Subpart.

(1) The Secretary, after consideration of the tribal request, the recommendation of the Council, and the comments of the public, will implement Indian fishing rights.

(2) The rights will be implemented either through an allocation of fish that will be managed by the tribes or through regulations that will apply specifically to the tribal fisheries.

(3) An allocation or a regulation specific to the tribes shall be initiated by a written request from a Pacific Coast treaty Indian tribe to the NMFS Southwest Regional Administrator at least 120 days prior to the start of the fishing season as specified at §660.510 and will be subject to public review according to the procedures in §660.508(d).

(4) The Regional Administrator will announce the annual tribal allocation at the same time as the annual specifications.

(e) The Secretary recognizes the sovereign status and co-manager role of Indian tribes over shared Federal and tribal fishery resources. Accordingly, the Secretary will develop tribal allocations and regulations in consultation with the affected tribe(s) and, insofar as possible, with tribal consensus.

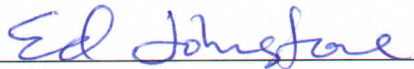
[66 FR 44987, Aug. 27, 2001]

Accordingly, Quinault anticipates a total of three treaty fishing vessels participating in the 2012 Sardine Fishery. At this time Quinault seeks 3,000 metric tonnes per vessel for a total of 9,000 metric tonnes to meet the needs of our fishers. However, this does not set precedent for determination of our treaty share of Pacific Sardines in the Quinault Indian

Nation's Usual and Accustomed (U&A) marine fishing area which we believe to be 50% of the harvestable tonnage of fish available in any given year in our U&A. We anticipate the majority of our harvest will occur in the late spring and summer of 2012.

The Quinault Department of Fisheries will regulate our fishery and we look forward to working with NMFS to facilitate our entry into the Sardine fishery in an orderly manner consistent with Pacific Fisheries Management Council (PFMC) and NMFS management. We thank you for your assistance and stand ready to answer any questions you may have. Please contact me directly if you need further information at 360-276-8215 ext. 368.

Sincerely,

A handwritten signature in blue ink that reads "Ed Johnstone". The signature is written in a cursive style and is positioned above a horizontal line.

Ed Johnstone,
Quinault Fisheries Policy Spokesperson

c.c. Dan Wolford, Chair, Pacific Fisheries Management Council
Phil Anderson, Director, Washington Department of Fish and Wildlife
Mark Helvey, Asst. Regional Administrator for Sustainable Fisheries
Judson Feder, Regional Counsel, Southwest Region