Via Telefax and First Class Mail

September 8, 2009

Barry Thom
Acting Regional Administrator
National Marine Fisheries Service
7600 Sand Point Way NE
Seattle, WA 98115-0070

Re: Makah Treaty Groundfish Fisheries in 2010

Dear Mr. Thom:

We have been asked to write to you on behalf of the Makah Indian Tribe. Pursuant to 50 C.F.R. § 660.324(d), the Tribe proposes the following changes for Makah treaty groundfish fisheries in 2010.

1. Increase the black rockfish quota for the area North of Cape Alava to allow minor targeting in a proposed live-fish fishery. The current quota of 20,000 lbs. has been in place for about 20 years and was established in response to increased fishing pressure on black rockfish in the Cape Flattery area in the late 1980's and early 1990's. It was based on expected catch levels by Makah small boat fishermen but has not been achieved in any year. The anticipated live fish fishery should be allowed some level of harvest above the current catch limit. The amount will be determined in consultation with NMFS and WDFW.

2. Retain the current bi-monthly catch limit for petrale sole of 50,000 lbs. per vessel. The total catch by Makah trawlers has not exceeded 100,000 lbs. annually so we want to maintain the opportunity to access petrale when conditions permit (availability of petrale and low bycatch of canary rockfish). If Makah total catch levels approach 50% in the area we will adjust the catch limit accordingly.

3. Modify the landing limit for widow rockfish from the current limit of 10% of the amount of yellowtail rockfish in each landing (by weight) to a cumulative limit of no more than
10% of the cumulative landing weight of yellowtail for a given vessel through the year, e.g. if a vessel has landed 100,000 lbs. of yellowtail for the season it is allowed a total of 10,000 lbs. of widows at that time. A running total catch of each species will be maintained for each vessel through the year. The current limit for widows keeps the overall catch below our annual limit but does not allow for the occasional landings of widow that exceed the per landing limit.

In addition, the Tribe again requests an allocation or set aside of 17.5 percent of the U.S. optimum yield for the Makah whiting fishery in 2010. The Tribe anticipates that it will again have five catcher boats participating in the fishery, making deliveries to a mothership and a shore-side processor. Assuming the Tribe has a separate allocation or set aside, it anticipates and will manage for impacts on rebuilding stocks commensurate with bycatch rates in recent years. The Tribe will work with the GMT to project impacts on such stocks, based on the 2009 scorecard values and 2010 optimum yield levels for whiting and rebuilding stocks. The Tribe will continue the observation and monitoring programs it has employed in 2009, and will continue to utilize time and area restrictions, a full-retention requirement, mandatory salmon excluder devices, and communication among the fleet and with the processors and tribal fisheries management to reduce bycatch.

Makah representatives will be available to discuss any questions you or your staff may have regarding these matters at the upcoming Council meeting.

Sincerely,

ZIONTZ, CHESTNUT, VARNELL,
BERLEY & SLONIM

Marc D. Slonim

cc (via fax):
Frank Lockhart
Eileen Cooney
Russ Svec
Steve Joner