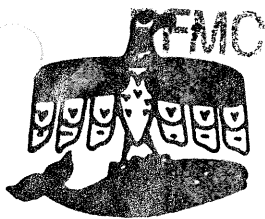


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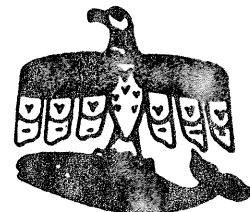
SEP 11 2001

Exhibit C.3.c
Supplemental Treaty Indian Harvest Levels
September 2001



MAKAH TRIBAL COUNCIL


P.O. BOX 115 • NEAH BAY, WA 98357 • 360-645-2201



IN REPLY REFER TO:

MEMORANDUM

TO: Donna Darm
Acting Northwest Regional Administrator
National Marine Fisheries Service

FROM: Dave Sones, Director of Natural Resources
Makah Tribe 

RE: Treaty Groundfish Fisheries for 2002

DATE: September 7, 2001

Pursuant to 50 C.F.R. § 660.324(d), the Makah Indian Tribe requests that provision be made for harvest of groundfish by Pacific coast treaty Indian tribes in 2002 as follows:

1. **Sablefish.** The Indian treaty allocation of sablefish should continue to be 10% of the U.S. harvest guideline.
2. **Pacific Whiting.**
 - a. **Whiting Allocation.** If Makah is the only tribe seeking an allocation of Pacific whiting, the Indian treaty allocation of Pacific whiting should continue to be governed by Makah's allocation proposal, which was approved by the Court in *United States v. Washington*, Subproceeding 96-2. If other tribes seek an allocation of Pacific whiting, the allocation should accommodate the needs of each tribe, consistent with treaty allocation principles.
 - b. **Incidental Catch.** Except for prohibited species, all fish incidentally harvested by Makah tribal members in the Makah treaty fishery for Pacific whiting should continue, to the extent required by Tribal law, to be forfeited to the Makah Tribe. The Makah Indian Tribe and the Northwest Regional Office of the National Marine Fisheries Service should continue to implement appropriate mechanisms to account for all fish sold and all fish discarded or forfeited to the Tribe under this provision.
3. **Black Rockfish.** Treaty harvests of black rockfish should continue to be subject to the regulations at 50 C.F.R. § 660.324(j).
4. **Slope Rockfish.**
 - a. **Incidental Harvests During Directed, Fully Competitive Fisheries for Halibut and Sablefish.** To provide for full retention and full utilization during directed, fully competitive treaty fisheries for halibut and sablefish, there should be no limit on retention of incidental harvests of slope rockfish by treaty fishermen.

treaty fishermen from targeting lingcod, but to permit them to retain incidental harvests, including harvests on multiple-day trips.

9. **Bottom Trawl.** To accommodate a limited evaluation fishery using bottom trawl gear, with up to 3 vessels, the Tribe proposes the following regulations:
 - a. **Sablefish Allocation.** The Tribe should be permitted to allocate a portion of its individual tribal share of the overall treaty allocation of sablefish to the Tribe's bottom trawl evaluation fishery. Once Makah treaty fishermen using bottom trawl gear have harvested the sablefish allocated to the fishery, the Tribe's treaty bottom trawl fishery should close.
 - b. **Trip Limits for Targeted Species.** Treaty fishermen using bottom trawl gear should be subject to the trip limits applicable to the limited entry fishery for Pacific cod, Petrale sole, English sole, Rex sole, Arrowtooth flounder, and other flatfish.
 - c. **Gear.** The Tribe will require that treaty fishermen use Council-approved bottom trawl gear.
10. **Observer Program.** The Tribe will develop and implement an observer program to monitor and enforce the limits proposed above.

