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PFMC

*Via Telefax and First Class Mail*

April 1, 2004

Bob Lohn  
Regional Administrator  
National Marine Fisheries Service  
7600 Sand Point Way NE  
Seattle, WA 98115-0070

Re: Treaty Indian Groundfish Fisheries in 2005 and 2006

Dear Mr. Lohn:

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 requests that provision be made for harvest of groundfish by Pacific coast treaty Indian tribes in 2005 and 2006 by continuing, with the exceptions noted below, the treaty regulations and allocations in effect in 2004, including the Makah allocation in the Pacific whiting fishery, with adjustments to reflect changes in Optimum Yields as determined by the Pacific Fishery Management Council and the National Marine Fisheries Service for 2005 and 2006.

The exceptions are as follows. First, in light of the anticipated increase in the Optimum Yield for lingcod, the Tribe requests an increase in lingcod trip limits in tribal longline and trawl fisheries to 600 pounds per vessel per day and 1,800 pounds per vessel per week, and an increase in lingcod trip limits in the tribal ocean troll fishery to 1,000 pounds per vessel per day and 4,000 pounds per vessel per week. Makah representatives will be prepared to address rockfish by-catch issues associated with these increases at the upcoming Council meeting.

Second, the Tribe requests an increase of 100 metric tons in the Harvest Guideline for the directed yellowtail rockfish harvest in the Makah trawl fishery. This reflects the increase in the Optimum Yield for yellowtail since the Harvest Guideline was set. Moreover, the Tribe has

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been able to harvest yellowtail rockfish with a lower incidental catch rate of widow and canary rockfish through time and area restrictions and other management measures, as verified by its onboard observer. Thus, even with this increase, the Tribe expects the same impacts on widow and canary rockfish as projected in the 2004 over-fished species scorecard.

Third, the Tribe requests an increase in petrale sole trip limits for the Makah trawl fishery to 50,000 pounds per vessel per two-month period. The Tribe believes this increase is reasonable since the fishery is not fully exploited and the tribal harvest will remain well below the non-treaty harvest.

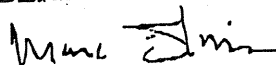
Fourth, if there is a reduction in the Pacific cod Optimum Yield, which necessitates restrictions on the trawl fishery, the Tribe requests a set aside for the Makah trawl fishery, which would be managed by the Tribe. Makah representatives will be prepared to discuss an appropriate set aside level at the upcoming Council meeting.

The Tribe also requested that we advise you that it is exploring options for a pollock fishery. The Tribe will coordinate the possible development of the fishery with the National Marine Fisheries Service, the Washington Department of Fish and Wildlife, and the Canadian Department of Fisheries and Oceans.

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

Very truly yours,

ZIONTZ, CHESTNUT, VARNELL,  
BERLEY & SLONIM



Marc D. Slonim

cc (via fax):

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Eileen Cooney  
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Steve Joner