

Mr. Chairman,

Regarding both the “Preliminary Review Draft” of the Groundfish FMP and the Preliminary Draft of the Groundfish Bycatch Mitigation Program Work Plan, The tribes have serious concerns with proposals to constrain treaty fisheries with total catch limits for overfished species. I am referring primarily to Section 6.5.3.2 of the Draft FMP, Agenda F.5.a, Attachment 1 and Section 3.1.2 of the Draft Work Plan, Agenda F.5.a, Attachment 3.

Tribal fisheries have substantially changed in response to the overfished designation for several rockfish species and lingcod. Time and area management, observer programs to verify catch levels, and restrictive trip limits and gear requirements are just some of these responses. Given the measures taken by the tribes to conserve overfished species, application of total catch limits to treaty fisheries appears to violate the conservation necessity principle as defined in U.S. v. Washington. Therefore, treaty fisheries would not be an appropriate sector for total catch limits on overfished or other bycatch species.