

TRIBAL HALIBUT REPORT

The Hoh, Jamestown, Lower Elwha, Lummi, Makah, Nooksack, Port Gamble S'Klallam, Quileute, Quinault, Swinomish, Suquamish, Skokomish, and Tulalip are the 13 tribes with treaty-reserved rights to Pacific halibut. All of these tribes unanimously continue to support the status quo fishery constant exploitable yield (FCEY) of 1.33 Mlbs for Area 2A (equal to a total CEY of 1.47 Mlbs). The conservation necessity principle under treaty rights permits only those conservation measures reasonable and necessary "to the perpetuation of a particular run or species of fish." *United States v. Washington*, [384 F.Supp. 312](#), 342 (W.D.Wash.1974). Last year and again this year, the tribes proposed this harvest level based on our analysis of weight per unit effort (WPUE) and fishery performance (Attachment 1). The WPUE in the survey is essentially the same now as it was when we were taking 1.33 Mlbs on average in directed catch. We also note that the trawl fishery in Area 2A cut bycatch significantly (i.e. over 400,000 lbs/year) through the use of individual bycatch quotas. We deserve to reap the benefits of that conservation effort. The WPUE in our tribal fisheries is currently the highest it's ever been.

We were supported by both the Conference Board and the Processor Advisory Board (the two advisory bodies to IPHC). They recognized that 2A is unique compared to other areas. There is no conservation concern posed by keeping the directed harvest at 1.33 Mlbs. Furthermore, the hypoxic event significantly impacted our survey results last year. So, even if survey catch was an appropriate tool for apportioning the available harvest among statistical areas (and we maintain that it is not), there would be a serious concern with using the 2017 survey results to determine the 2A harvest level in 2018.

For these reasons, the 13 halibut tribes are supporting an FCEY of 1.33 Mlbs. We have also requested formal consultation with the federal government through the Secretary of Commerce to ensure that our concerns and the treaty law are included in the decision-making on harvest for 2018 and beyond.