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Via Email and First-Class Mail

November 13, 2019

Barry Thom
West Coast Regional Administrator
National Marine Fisheries Service
1201 Northeast Lloyd Blvd., Suite 1100
Portland, OR 97232

Re: Makah Treaty Groundfish Fisheries in 2021-2022

Dear Mr. Thom:

We have been asked to write to you on behalf of the Makah Indian Tribe. Pursuant to 50 C.F.R. § 660.550(d), please be advised that the Tribe intends to continue all its existing groundfish fisheries in 2021 and 2022, and requests that, except as noted below, all existing treaty groundfish regulations, allocations and set asides be continued.

The Tribe anticipates that it will have three or four catcher boats participating in the Pacific whiting fishery in 2021 and 2022 and requests an allocation of 17.5 percent of the U.S. Total Allowable Catch for its fishery in each year.

The Tribe requests an increase in the tribal set aside for petrale sole from 290 metric tons (mt) to 350 mt in 2021 and 2022. Petrale is the main target of the bottom trawl fishery and, even with the decline of the groundfish market, buyers need petrale in order to buy other species. Petrale is a high value fish per pound compared to other fish in the bottom trawl fishery. Although, in some years, market conditions may restrict petrale harvests, in general the current tribal set aside can be fully utilized by the Makah Tribe's bottom trawl fleet. However, the Tribe have been informed that the Quinault Indian Nation intends to enter the bottom trawl fishery. Makah anticipates that Quinault will communicate with you and the Pacific Fishery Management Council regarding its anticipated effort and catch in the fishery. Because all current treaty groundfish set asides are "treaty" set asides for all participating tribes, an increase in the current set aside is necessary to accommodate Quinault's entry into the fishery. Absent additional information from Quinault regarding its anticipated effort and catch, Makah is requesting an increase of 60 mt of petrale for a total tribal set aside of 350 mt, which is around 9% of the potential coastwide petrale ACL for 2021-22 cycle, to reflect the needs of the treaty fishery as it understands them.

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The Tribe requests an increase in the tribal set aside for longnose skate from 130 mt to 220 mt. From 2015 to 2017, the harvest of longnose skate increased in the treaty fishery and exceeded the tribal set aside. However, longnose skate was not fully utilized among all sectors and the Tribe's harvest posed no risk of overfishing. The Tribe is requesting an increase in the tribal set aside to a number that is more reflective of the current treaty bottom trawl fishery. Although, due to market constraints, the Tribe harvested significantly less longnose skate in 2018 and 2019 than it did in previous years, it is hopeful that the market will improve and harvests will return to levels that they were a few years ago. Again, absent additional information from Quinault regarding its anticipated effort and catch, Makah believes its request for an increase of 90 mt reflects the needs of the treaty fishery as it understands them.

The Tribe requests an increase in the tribal set aside for yelloweye rockfish from 2.3 mt to 5.0 mt. The Tribe is requesting this increase primarily to allow for additional impacts while targeting lingcod. With the current bleak outlook for salmon in the next few years, the lingcod fishery could become a significant asset in the treaty fishing portfolio. When yelloweye were declared overfished, Makah had to suspend its lingcod fishery and its fishermen have not been significantly targeting them for over a decade. Lingcod is an extremely valuable fish and the tribes currently have a sufficient lingcod treaty set aside to develop new fisheries if there were some additional yelloweye to use as bycatch. Again, absent additional information from Quinault regarding its anticipated effort and catch, Makah believes its request for an increase of 2.7 mt reflects the needs of the treaty fishery as it understands them.

The Tribe requests a set aside for cabezon of 2.0 mt (there is no current set aside). In the last few years some tribal fishermen have been targeting other species and retaining cabezon as part of their catch in the magnitude of 300 to 500 lbs per year combined for all fisheries. Currently the State of Washington fully allocates the Washington cabezon ACL to its fisheries and cabezon is fully utilized within them. There is no additional ACL for the tribes unless the State restricts their current fisheries to accommodate the treaty fishery. However, in the next biennium (2021-2022), the ACL for Washington cabezon is going to go up significantly, from 5.4 mt to 20 mt. The 2.0 mt tribal set aside that Makah is requesting would allow for a treaty harvest of cabezon by the tribes, which would primarily occur in lingcod fisheries that are prosecuted nearshore, without adversely affecting the State.

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

Sincerely,

ZIONTZ & CHESTNUT

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cc (via email only):
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