

Joint Testimony of the Coastal Treaty Tribes on Biennial Harvest Specifications and Management Measures

The Hoh, Makah, and Quileute Tribes and the Quinault Indian Nation (collectively the Coastal Treaty Tribes) have treaty-reserved rights to all species that reside within or pass through each collective Usual and Accustomed Fishing Area. The Coastal Treaty Tribes have worked collectively through the Pacific Fishery Management Council process to maintain groundfish set-asides, harvest guidelines and allocations that are justified pursuant to our treaty fishing rights and as co-managers of the resource.

Under this agenda item the Coastal Treaty Tribes support the No Action alternative to maintain the sablefish P* of 0.45 as was adopted through Council action at the June 2020 Council meeting. The Coastal Treaty Tribes provide the following comments in support of their recommendation.

The 2021 update assessment indicates depletion is currently at 57.9% of unfished biomass. Sablefish is managed with the 40:10 control rule, the best scientific information indicates the stock is healthy, and the ten-year prediction under the No Action Alternative is estimated at 49% of unfished biomass. Therefore, the No Action alternative does not trigger the control rule.

Selecting an alternative other than No Action would have substantial impacts within tribal and non-tribal fishing communities. As an example, for the coastwide sablefish allocation, there is a projected reduction of 15,099,763 lbs. and 29,685,390 lbs., respectively, over the next 10 years under Alternative 1 and Alternative 2 when compared to the No Action alternative. The analytical document, ([F.3, Attachment 2](#)) concludes: *“Sablefish are the most valuable species in commercial West Coast groundfish fisheries and the economic benefits of higher ACLs under the No Action alternative comes with few conservation concerns since the stock is projected to remain healthy in the next ten years under all alternatives.”* The Coastal Treaty Tribes cannot support a reduction in allocations of the most valuable groundfish species when there is no biologically justified basis.

As the Council makes this decision, the Coastal Treaty Tribes would like to remind the Council that the courts require that allocations to the tribes must be determined in accordance with applicable law, including the conservation necessity principle, which significantly constrains potential regulatory restrictions on treaty harvest. Therefore, for the reasons stated above, the Coastal Treaty Tribes have determined that the only alternative that fulfills the requirements of *U.S. vs. Washington* and the Tribes' treaty fishing rights is the No Action alternative. Additionally, because the Coastal Treaty Tribe's sablefish set aside is 10% of the coastwide sablefish ACL apportionment north of 36° North, the coastwide ACL must be based on the No Action alternative and current sablefish P* of 0.45.