

Tribal Statement on Coastal Pelagic Species Fishery Management Plan Amendment 13

The Treaty Fishing right includes the ability to harvest all species of fish, including forage fish such as smelt and eulachon (U.S. v. Washington, 384 F. Supp. 312, 352). Treaty fishing rights can only be restricted when court-established standards are met to demonstrate that a conservation necessity exists. No analysis has been provided which evaluates the status of these species against these standards; therefore, the tribes cannot support restriction of their rights to take these species.

The tribes recommend that forage fish not be included in the CPS FMP and that the Council's efforts in Amendment 13 focus instead on the time-sensitive requirements of the Magnuson Stevens Act for the species presently managed under the FMP. If inclusion of forage fish in the FMP whether as managed, monitored or EC species is to be considered in the future, an analysis of the condition of each species relative to the conservation standards must be provided and each of the coastal treaty tribes must be formally consulted prior to any action being taken by the Council.

As co-managers, the tribes likewise expect to participate in any analysis on stock status, current harvest levels, or other factors that could result in future regulation of these culturally important species.