



REGULATORY PROPOSAL 2020
TITLE: REVISING DEFINITION OF IPHC REGULATORY AREA 2A-1

SUBMITTED BY:
UNITED STATES OF AMERICA
NOAA-FISHERIES
AFFILIATION: NMFS, WEST COAST REGION
USA

Explanatory Memorandum

All Regulatory Areas All Alaska Regulatory Areas All U.S. Regulatory Areas

2A 2B 2C 3A 3B 4A 4B 4C 4D 4E

Purpose

To update IPHC regulatory language regarding the usual and accustomed fishing areas of Indian tribes with treaty fishing rights to Pacific halibut.

Background

This proposal would revise the current definition of Subarea 2A-1, which currently includes specific coordinates to a definition with a more general description.

Discussion

The regulatory text describes the usual and accustomed (U&A) fishing area for Treaty tribes and lists coordinates for the western boundary. On 5 March 2018, the United States District Court for the Western District of Washington revised the western boundaries of the U&A fishing areas for the Quileute Indian Tribe and the Quinault Indian Nation. *United States v. Washington*, 2:09-sp-00001-RSM, (W.D. Wash. March 5, 2018) (Order Regarding Boundaries of Quinault and Quileute U&As). This regulatory proposal suggests revising the subarea definition to be more general.

Benefits/Drawbacks

The benefit is a broader description of the usual and accustomed fishing areas for treaty tribes with fishing rights to Pacific halibut, and makes the definition consistent with the recent court decision. No known drawback.

Suggested Regulatory Language**23. Fishing by United States Treaty Indian Tribes**

- (1) ...
- ~~(2) Subarea 2A-1 includes all waters off the coast of Washington that are north of the Quinault River, WA (47°21.00' N. lat.), and east of 125°44.00' W. long; all waters off the coast of Washington that are between the Quinault River, WA (47°21.00' N. lat.), and Point Chehalis, WA (46°53.30' N. lat.), and east of 125°08.50' W. long.; and all inland marine waters of Washington.~~
- (2) Subarea 2A-1 includes the usual and accustomed fishing areas for Pacific Coast treaty tribes off the coast of Washington and all inland marine waters of Washington north of Point Chehalis, including Puget Sound. Boundaries of a tribe's fishing area may be revised as ordered by a United States Federal court.

Attachments

None