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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, et al.,

Plaintiffs,

v.

STATE OF WASHINGTON, et al.,

Defendants.

CASE NO. CV 9213  
Subproceeding No. 91-1

ORDER ON MOTION OF CERTAIN  
TRIBES TO ADOPT AN INTERIM  
HALIBUT COMMERCIAL FISHERY  
MANAGEMENT PLAN

This matter is before the Court for consideration of a motion by certain named tribes to adopt an interim plan for the 2005 commercial halibut fishing season. The motion was filed by nine of the tribes having an interest in the halibut fishery, namely the Jamestown, Lower Elwah, and Port Gamble S’Klallam Tribes, the Makah Tribe, the Lummi Nation, the Quinault Tribe, the Suquamish Tribe, Swinomish Tribal Community, and the Tulalip Tribes. In the motion, filed just days before the opening of the 2005 commercial halibut fishery, these Tribes ask the Court to adopt their proposed 2005 interim management plan, provided no other Tribes objected. The Quileute Indian Tribe filed a response to the motion, asking that the Court not adopt the 2005 plan. On March 21, 2005, the Monday following the March 18 noting date for the motion, the Hoh Indian Tribe filed a declaration which the Court construes as an objection. By this time the 2005 halibut season was well underway.

Accordingly, the Court declines to adopt the proposed interim management plan. Instead, a hearing shall be held to address the issues raised in the moving Tribes’ motion, to assess their effect on

1 the current halibut season, and to develop a plan to avoid a recurrence of this dispute in the 2006 season.<sup>1</sup>  
2 The hearing is set on the Court's calendar for Thursday, June 2 at 1:30 pm. The Tribes who are parties  
3 to this subproceeding may file pre-hearing memoranda, including any suggestions for avoiding  
4 recurrence, on or before Friday, May 27, 2005.

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7 DATED this 3 day of May, 2005.

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10 RICARDO S. MARTINEZ  
11 UNITED STATES DISTRICT JUDGE  
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28 <sup>1</sup>The Court notes that similar disputes, resulting in requests by one or more Tribes for the Court's intervention, arose in 2001, 2002, and 2003. Dkt. ## 75, 88, 109.