

on-going negotiation process. Over-capitalization of commercial fishing fleets is a phenomenon that results in increased harvest by individual fishers. Investing in more expensive, and more technologically sophisticated, gear requires an increase in individual gear harvest in order to cover the increased expenditures—often as high as 80 percent of the gross yield. The post-1974 build-up of the Lummi fleet illustrates this problem.

In 1974 there were thirty-five to forty Lummis who gill netted with small skiffs on or near the reservation. Two Lummis operated purse seine vessels. Suddenly faced with the opportunity to harvest many more fish than in previous years the Lummi fleet was physically incapable of expanding their take. Nevertheless, by 1985 the Lummi were the strongest fishing tribe in western Washington, taking, in some years, close to half of the entire treaty allocation. The Lummi fishery after the Boldt decision used three vessel types. The common method of fishing at the time of the Boldt decision was the gill net skiff, which was used for river and in-shore fishing. These boats are about seven meters in length, are powered by twenty-five to forty horsepower outboard motors and use hand-pulled nets. Such skiffs are operated by one person, although the fisher will sometimes take along a family member for crew. These fishing boats represent a capital investment of from under US\$1,000 to as much as US\$5,000, with the nets costing another US\$2,000 to US\$5,000. The most significant post-Boldt buildup was of the Lummi power gill net boats. These boats range between seven and 14 meters in length and represent a capital investment of US\$35,000 to US\$50,000, with the nets costing from US\$10,000 to US\$25,000. The power gill netters use large inboard/outboard engines and hydraulic reels to work the nets. They are large enough so that the fisher