August 16, 2006

The Honorable Ted Stevens
United States Senate
522 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Stevens:

The Pacific Fishery Management Council (Pacific Council) appreciates the opportunity to comment on S. 2012, the *Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005*. The Pacific Council and its Legislative Committee recently met June 12-16, 2006 in Foster City, California and requested that I convey the following comments supplemental to my letter to you dated May 15, 2006. This letter first speaks to a correction in the May, 15, 2006 letter and then offers comment to the content of S. 2012. The Pacific Council has not reviewed S. 2012 as passed by the U.S. Senate on June 19, 2006. However, it appears the thrust of these comments applies to the staff working draft, Committee and full Senate S. 2012 versions.

Language in the Pacific Council’s May 15, 2006 letters to yourself and Congressman Richard Pombo (R-California) regarding U.S. representation under the Western and Central Pacific Fisheries Convention (WCPFC) did not properly describe the intent of the Pacific Council. The proper intent was to ensure Pacific Council and WPFC interests in the region were both represented under the WCPFC. The Pacific Council regrets any misunderstanding and requests the position conveyed in this letter supplant the May 15, 2006 language regarding this matter. Specifically, the Pacific Council is concerned with those provisions in the December 13, 2005 staff working draft S. 2012, Title V, the *Western and Central Pacific Fisheries Convention Implementation Act* which adds a Western Pacific Fishery Management Council member as a United States Commissioner but, not a Pacific Council member. The Pacific Council notes significant West Coast interest in the WCPFC because 1) the fish stocks caught under Pacific Council jurisdiction also migrate into WCPFC waters and 2) many of the vessel owners, fisherman, and processors who participate in these fisheries or who maintain fishery support facilities in the Western Pacific are based on the West Coast. The Pacific Council recommends legislative language making it clear there is Commission-level representation for both the Pacific and Western Pacific Fishery Management Councils.

The Pacific Council would like to emphasize two omissions from S. 2012, and provide more detailed comment on the catch overage penalty provision in S. 2012. The omissions are (1) not removing the arbitrary ten-year rebuilding time frame for overfished species and (2) clarification on fishery management authority in national marine sanctuaries. In short, the rationale for these two omissions are as follows: (1) the ten-year rebuilding provision is inappropriately short for long lived species, inappropriately long for short lived species, and can cause fishery havoc for
species on the cusp of 10 year longevity biology; in any case a 10 year provision is arbitrary, and
(2) Councils need to have authority for fishing regulation throughout their jurisdiction to provide
for consistent and contiguous fishery management throughout the ecosystems of their
jurisdiction. More detailed recommendations on these two omissions can be found in the
Magnuson-Stevens Fishery Conservation and Management Act reauthorization positions on
these matters adopted by Regional Fishery Management Council Chairs in April 2005,
previously provided to you.

Beyond what is described above, the Pacific Council comments previously submitted stand. We
have also sent, under separate cover for your consideration, an August 16, 2006 letter to U.S.
Congressman Pombo which clarifies the Pacific Council’s comments on H.R. 5018.
Thank you again for providing the Pacific Council an opportunity to provide comments on these
important matters. If you or your staff have any questions about this letter, please contact me or
Mr. Mike Burner, the lead Staff Officer on this matter at 503-820-2280.

Sincerely,

[Signature]

D. O. Melisac, Ph.D.
Executive Director

MDB:ckc

c: U.S. Congressman Barney Frank
U.S. Congressman Wayne Gilchrest
U.S. Congressman Richard Pombo
U.S. Congressman Nick Rahall
U.S. Congressman Don Young
U.S. Senator Barbara Boxer
U.S. Senator Maria Cantwell
U.S. Senator Dianne Feinstein
U.S. Senator Daniel Inouye
U.S. Senator Patty Murray
U.S. Senator Gordon Smith
U.S. Senator Olympia J. Snowe
U.S. Senator David Vitter
U.S. Senator Ron Wyden
Pacific Fishery Management Council Members
Regional Fishery Management Council Executive Directors
Mr. Drew Minkiewicz, Senate Committee on Commerce, Science and Transportation
Mr. Matthew Paxton, Senate Committee on Commerce, Science and Transportation
Ms. Margaret Spring, Senate Committee on Commerce, Science and Transportation
Mr. Dave Whaley, House Subcommittee for Fisheries Conservation, Wildlife, and Oceans
Ms. Elizabeth McDonnell, Legislative Assistant, Senator Gordon Smith
Mr. Casey Sixkiller, Environment Legislative Assistant, Senator Patty Murray
Dr. John Coon, Deputy Director, Pacific Fishery Management Council
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