August 16, 2006

The Honorable Richard Pombo
Chairman, Committee on Resources
United States House of Representatives
2411 Rayburn House Office Building
Washington D.C. 20515

Dear Congressman Pombo:

The Pacific Fishery Management Council (Pacific Council) and its Legislative Committee met June 12-16, 2006 in Foster City, California and reviewed my verbal and written testimony from the May 3, 2006 hearing on H.R. 5018, the American Fisheries Management and Marine Life Enhancement Act and H.R. 1431, the Fisheries Science and Management Enhancement Act of 2005, as well as H.R. 5018 as amended by the U.S. House Committee on Resources on May 17, 2006. The Pacific Council approved the reports of its Legislative Committee, which includes a section-by-section review of H.R. 5018, and directed me to convey the following comments.

The Pacific Council was discouraged by the removal of language in H.R. 5018, Section 10 regarding the competing statutes of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and the National Marine Sanctuaries Act (NMSA). The Pacific Council would like to reiterate its recommendation that the positions on these matters adopted by Regional Fishery Management Council (RFMC) Chairs in April 2005 be included in MSA reauthorization legislation. The Council notes that prior to amendment on May 17, 2006, H.R. 5018 was the only proposed MSA reauthorization legislation addressing fishery management authority in national marine sanctuaries. The Council strongly recommends this issue be resolved through Federal legislation in the very near future via reauthorization of both the MSA and NMSA.

Upon review of the Legislative Committee comments contained in my May 15, 2006 letter regarding H.R. 5018, the Pacific Council notes that many of the detailed comments have not been addressed in the latest version of the bill. It is assumed that the May 17, 2006 U.S. House Committee on Resources meeting was focused on broader issues during the immediate time frame of moving a legislation out of Committee. Therefore, the Council would like to reiterate the Pacific Council's detailed comments on H.R. 5018 previously submitted.
Additional Input
We understand you will consider the content of S. 2012, the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005 and other proposed legislation as you proceed with development of H.R. 5018. We have also sent, under separate cover for your consideration, an August 16, 2006, letter to U.S. Senator Ted Stevens which includes Pacific Council comments on S. 2012 included in the Council concerns about S. 2012 is the catch overage penalty provision.

Language in the Pacific Council’s May 15, 2006 letters to yourself and U.S. Senator Ted Stevens (R-Alaska) 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 WPFMC 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 add 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.

In addition to WCPFC representation, the Pacific Council and its Legislative Committee discussed inequitable burdens placed on U.S. fisheries to rebuild depleted stocks harvested at the international level. The Pacific Council is encouraged by language in S. 2012 Section 406, International Overfishing and Domestic Equity regarding this manner and recommends similar language be included in final legislation to reauthorize MSA.

Thank you again for providing the 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,

D. O. McIsaac, Ph.D.
Executive Director

MDB: rdd
c: U.S. Congressman Barney Frank
    U.S. Congressman Wayne Gilchrest
    U.S. Congressman Nick Rahall
    U.S. Congressman Don Young
    U.S. Senator Barbara Boxer
    U.S. Senator Maria Cantwell
    U.S. Senator Daniel Inouye
    U.S. Senator Gordon Smith
    U.S. Senator Olympia J. Snowe
    U.S. Senator Ted Stevens
    U.S. Senator David Vitter
Pacific Fishery Management Council Members
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Mr. Matthew Paxton, Senate Committee on Commerce, Science and Transportation
Ms. Margaret Spring, Senate Committee on Commerce, Science and Transportation
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