

Law & Mediation Office of
George Castagnola
MAY 19, 1999

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MAY 24 1999

PFMC

TO: ATTN. MS. JULIE WALKER
C/O PACIFIC MANAGEMENT COUNCIL
2130 SW FIFTH AVE., SUITE 224
PORTLAND, OR. 97201

DEAR MS. WALKER:

While my family has been involved in commercial fishing in California since the 1800's, I am writing this letter on behalf of a number of commercial fishermen who are clients of mine.

There is a "rumor" circulating to the effect that there may be a closure of the open access fishery for rock cod, to those not currently involved.

Once upon a time, a fisherman bought a fishing license and went fishing. Now fishermen have to make choices and specialize. If they don't have a permit for salmon, crab, etc., they are precluded from participating in those fisheries. The problem is that small fishermen, especially those who want to maintain some semblance of a family life and stay local, need to be versatile in order to survive. For example, this year's El Nina, and last year's El Nino, really have put a damper on some traditional fisheries. Consequently, many fishermen who never had to, are contemplating fishing for rock cod. This is a low investment fishery, and with the increase in interest from Asian markets, it may be just what a small operator needs to make ends meet.

The people I am referring to are all "small operators," who intend to fish with hook and line. It is my understanding that this is the most "environmentally friendly" method of fishing, and doesn't seem to generate enough income to interest the corporate owned boats.

In addition, some of my clients belong to the whole generation of deckhands who are the future of this business. These people are already paying their dues, and have made a commitment to the industry. With the most popular fisheries being closed entry, there really are very few places where a beginner can buy a "first" boat, and go to work without finding a permit too.

As an attorney, I am aware that current commercial fishing license holders are currently entitled to participate in the hook and line rock cod fishery, whether they have in the past or not. To take this right away, would constitute a "taking" under the Constitution. This position seems even more egregious

when one realizes that fishermen are retroactively losing a right, because they failed to participate in a fishery in the past, that they surely would have participated in, had they known it would be necessary to preserve the aforementioned right. This will certainly result in legal challenges.

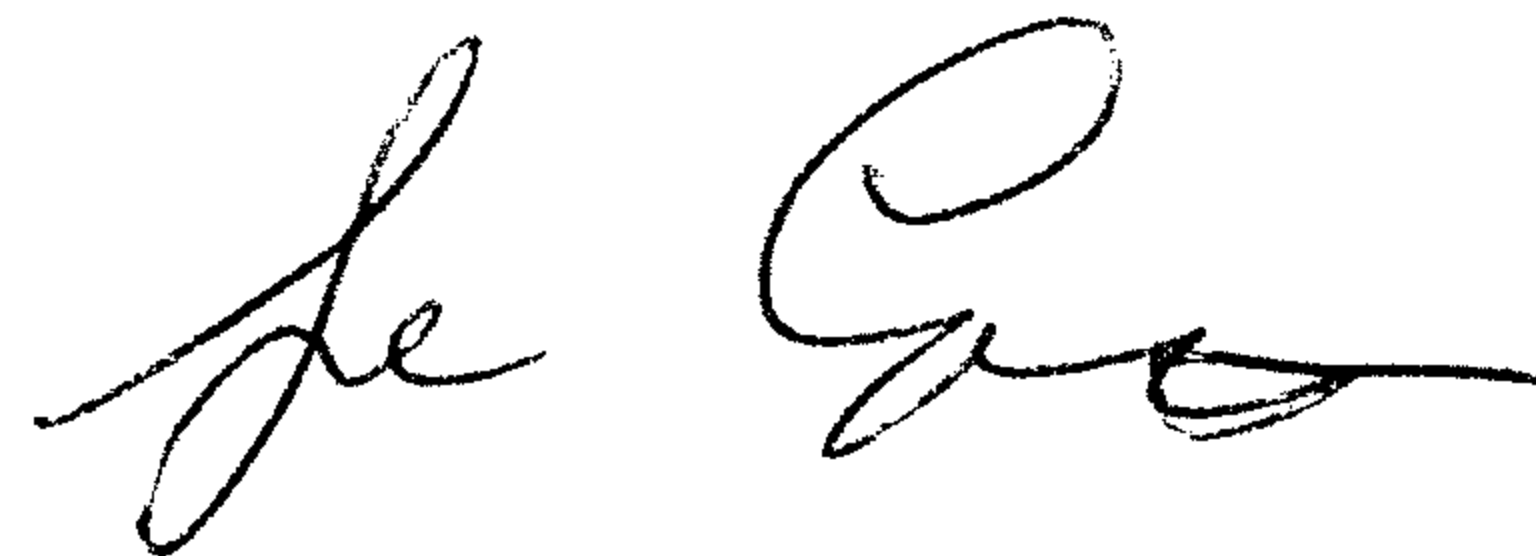
My first suggestion is to continue to monitor this fishery, and if supported by reliable information, continue to impose the necessary quotas.

If a closed entry is being considered let the industry know in advance what the requirements will be so that the "little guy" has an opportunity to keep his options open.

Please continue to keep me informed. While my time is limited, I would certainly make time to relay information from my clients to anyone who will listen.

In closing I would like to apologize if my tone seems a bit hostile, but I am looking people in the eye, who's futures hang in the balance, and the balance hasn't been in their favor for a long time.

Sincerely,

A handwritten signature in cursive script, appearing to read "George Castagnola".

GEORGE CASTAGNOLA, ESQ.