

## PACIFIC FISHERY MANAGEMENT COUNCIL

7700 NE Ambassador Place, Suite 200  
Portland, Oregon 97220-1384

CHAIRMAN  
Donald K. Hansen

EXECUTIVE DIRECTOR  
Donald O. McIsaac

Telephone: 503-820-2280  
Toll Free: 866-806-7204  
Fax: 503-820-2299  
[www.pcouncil.org](http://www.pcouncil.org)

May 15, 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 (Council) appreciates your request for Council review of S. 2012, the *Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005*. The Council and its Legislative Committee recently met March 6-10, 2006 in Seattle, Washington and again on April 28, 2006 and requested that I convey the following comments regarding the December 13, 2006 staff working draft of S.2012. In a letter dated December 12, 2006, I enclosed for your consideration, a Council approved report on recommended changes to S.2012 prepared by the Legislative Committee during a full-day session devoted largely to a section-by-section review of the bill. On March 6 and April 28, 2006, the Legislative Committee reviewed the December 13, 2005 staff working draft of S.2012 and noted where Council recommended changes to S.2012 were not addressed in the staff working draft. Additionally, the Council recommends two new changes to S.2012, the removal of term limits for the Tribal Obligatory seat on the Council.

Regarding the Tribal Obligatory seat, tribal representation plays a vital role in the Council process and the tribal seat functions in a similar capacity as the official Washington, Oregon, and California state representatives. The Council recommends that, like the State government seats, the Tribal Obligatory seat should not be limited by term limits. The Council recommends Magnuson-Stevens Fishery Conservation and Management Act (MSA), Section 302(b)(3) (16 U.S.C. 1852 (b)(3)), be amended by striking "paragraphs (2) and (5)" and inserting in lieu thereof, "paragraph (2)".

The Pacific Council is concerned with those provisions in S. 2012, Title V, the *Western and Central Pacific Fisheries Convention Implementation Act* which add a Western Pacific Fishery Management Council (WPFMC) member as a United States Commissioner and add the chair of the WPFMC's Advisory Committee to the WCPFC Advisory Commission. The Pacific Council believes this action would give undue influence to the WPFMC and undermine West Coast interests in Western and Central Pacific Fisheries. The Pacific Council notes that 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 would support the removal of the proposed WPFMC representation or the addition of similar representation for the Pacific Council.

The Honorable Ted Stevens

May 15, 2006

Page 2

As in December 2005, the Council emphasizes two omissions from S. 2012, a removal of the arbitrary ten-year rebuilding time frame for overfished species and clarification on fishery management authority in national marine sanctuaries. These two important matters continue to be omitted from the staff working draft of S.2012. The 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.

In addition to the two key issues previously mentioned, other important Council recommendations, conveyed in December 2005, have not been addressed in the staff working draft. Notable Council recommendations not addressed include:

- Remove language providing stipends for members of the Scientific and Statistical Committee.
- Include language to prevent disruption of the Council's ongoing effort to develop a groundfish trawl individual quota program.
- Include clarifying language on the competing statutes of MSA and the National Environmental Policy Act.
- Strengthen access to vessel monitoring system data by State enforcement entities for real-time monitoring and prosecution of violations in State courts.
- Remove Section 209 pertaining to the Capital Construction Fund because improvements to the fund are best addressed under separate legislation.

I have enclosed a copy of the Council approved Legislative Committee report of December 2005 for a complete description of Council recommendations for your consideration. We have also sent, under separate cover for your consideration, a May 15, 2006 letter to U.S. Congressman Richard Pombo which includes detailed Pacific Council comments on H.R. 5018, the *American Fisheries Management and Marine Life Enhancement Act*.

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

Enclosure

The Honorable Ted Stevens

May 15, 2006

Page 3

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