

Federation of Independent Seafood Harvesters

PO Box 352
Bridgewater Corners, VT 05035

May 15, 2006

Donald Hansen
Chairman
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, OR 97220-1384

RECEIVED

MAY 16 2006

Dear Don,

The Federation of Independent Seafood Harvesters (FISH) extends its heartfelt thanks for the Council's forward thinking March decision to approve the exempted fishery permit (EFP) we proposed for the HMS driftnet fishery (DGN).

We believe that the regulation enacted in 1997 requiring DGN nets to be a minimum distance of 36 feet below the sea surface—allowing a space for surface swimming marine mammals to pass over a net—also reduces sea turtle interactions. Such a reduction is supported by available data: The observed take rate for leatherbacks from 1998 to 2004, the time during which the minimum net depth regulation was in effect, is 0.015 per set. The take rate for the period 1990 to 1997, when the minimum net depth requirement was not in effect, is 0.088 per set. The observed leatherback take rate before the minimum net depth requirement was enacted is 5.9 times greater than after this regulation was implemented. However, since leatherback take is such a rare event, the above referenced data is insufficient for producing a statistically significant comparison of before and after take rates. We believe that this DGN EFP will eventually produce sufficient data to provide a statistically significant answer to the question of whether or not the 36-foot minimum net depth regulation reduces sea turtle entanglement, and give the Council a more robust scientific basis to structure appropriate protective measures.

Of course, a single season's EFP fishing effort will not generate a sufficient amount of data. It is for this reason that the DGN EFP is proposed to run for the 2006, 2007, and 2008 DGN fishing seasons. Under the terms of the approved DGN EFP, the Council would consider DGN fishery performance under the 2006 EFP, in advance of approving the EFP for 2007. Since results of the 2006 DGN EFP will not be available until after the November 15 termination of EFP fishing activity, the Council will not have this information before their April or March 2007 meetings. We suggest scheduling this issue for the March 2007 Council meeting, which will give the HMSMT and HMSAP sufficient time to review the 2006 EFP outcome—recommend any adjustments, or

modifications for Council consideration—and give NMFS sufficient time to complete NEPA and ESA requirements.

As you may not know, over the past two years FISH has donated \$20,000.00 to ASUPMATOMA, a Mexican organization dedicated to sea turtle conservation work, in support of their efforts to increase survivability of eastern Pacific leatherbacks nesting at Aguas Blancas beach in southern Baja. FISH continues to be actively involved in the implementation of marine resource conservation measures, and we are excited about the resource conservation benefits the DGN EFP may produce. We thank you again for supporting FISH in this effort and we look forward to a successful outcome from this work.

Respectfully,

A handwritten signature in cursive script that reads "Janisse".

Chuck Janisse, on behalf of the Federation of Independent Seafood Harvesters