

## **PACIFIC FISHERY MANAGEMENT COUNCIL**

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March 17, 2006

Ms. Margaret Spring  
U.S. Senate Committee on Commerce, Science, and Transportation  
508 Dirksen Office Building  
Washington, DC 20510

Re: Pacific Fishery Management Council recommendations on potential amendment of the American Fisheries Act.

Dear Ms. Spring:

The Pacific Fishery Management Council (Council) appreciates the opportunity to comment on legislative proposals regarding modifications of the American Fisheries Act (AFA). I provided some initial comments to U.S. Senate staff on February 2, 2006 in order to meet the then presumed deadline on conference committee action on the U.S. Coast Guard authorization bill. Because of that timing constraint, those comments were made without the full Council having the opportunity to review them. Please take the content of this letter as a supplementation of the prior comments provided on the behalf of the Council.

On March 6, 2006, the Council's Legislative Committee (Committee) undertook a formal review of proposed AFA amendments and considered how they might affect fisheries under the Council's jurisdiction. The Committee's primary focus was on the effect of potential new entry into the Pacific whiting fishery by AFA vessels. After public comment and Committee discussion, the Committee recommended to the Council that our initial comments be amended to request that all AFA qualified vessels (original or replacement) - not just catcher/processor vessels - without West Coast landing history prior to June 29, 2000 be prohibited from participating in the Pacific whiting fishery. This would conform with the statutory obligations of the Council to prevent increasing capacity as a result of enactment of the AFA and would be consistent with the control date adopted by the Council in 2000. The Committee's recommendation was adopted unanimously by the Council on March 10, 2006.

Currently, it appears that the owners of a large catcher/processor vessel with no history in the West Coast groundfish fishery is acquiring the permits required to enter the catcher/processor sector of the West Coast whiting fishery. If this were to occur, it could be very disruptive to the existing whiting cooperative that has so responsibly fished cleanly with regard to the incidental catch of depleted rockfish species and salmon; these boats may abandon the cooperative and once again participate in a derby-style race for fish if a new entrant does not join the cooperative. This in turn would almost inevitably lead to higher bycatch of the depleted rockfish that have stringent quotas (canary, widow, and darkblotched rockfish) and salmon, which would

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consequently shut other fisheries down, including shore based whiting, non-whiting groundfish, and even recreational fisheries. This is a potentially catastrophic scenario that has generated great concern on the West Coast given the razor-thin margins of incidental take of depleted species in the various groundfish fisheries and the recent U. S. Ninth Circuit Court decision on minimizing those incidental takes.

Please let me know if you have any questions regarding the Council's actions on this matter or if there are other issues on which Council comment is requested.

Sincerely,

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

MDB:rdd

c: Council Members