

Federation of Independent Seafood Harvesters

PO Box 352
Bridgewater Corners, VT 05035



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JUN 18 2007

PFMC

June 7, 2007

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

Dear Don,

I was recently informed by Mark Helvey that NMFS will not authorize the exempted fishery permit (EFP) for the drift gillnet (DGN) fishery.

In particular, my extreme disappointment, dismay, and frustration with this decision is based on the enormous amount of effort, time, and money—over a 4 year period—that was devoted to developing the DGN EFP. During this time, I was led to believe that use of an EFP was the Southwest Region's preferred management vehicle for addressing the Pacific Offshore Cetacean Take Reduction Team's (POCTRT) 2003 recommendation to: "consider revisiting the extent and timeframes in the northern leatherback sea turtle closure in order to identify areas that could be re-opened."

It is noteworthy that the POCTRT, an advisory body convened under the Marine Mammal Protection Act to advise NMFS regarding methods to reduce marine mammal mortality or serious injury in the DGN fishery, was provided with sea turtle expertise and allowed to devote a substantial portion of the June, 2003 annual meeting to discuss and make recommendations regarding measures to reduce mortality and entanglement of sea turtles. To its credit, the Southwest Region took the initiative to go beyond the scope and purpose of this marine mammal specific MMPA process and include sea turtles. I believe that the Southwest Region took this step after a meeting with Tony West and a group of DGN fishermen the previous month in which Rod McInnis heard firsthand how the leatherback closure imposed an extreme hardship on DGN fishermen, and he agreed to work with the fishery to explore options for re-opening the leatherback closure. However, the HMS FMP was being developed at this time, and it was not clear whether or not jurisdiction for the leatherback closure, which was implemented under the ESA, would be transferred to the M-SA.

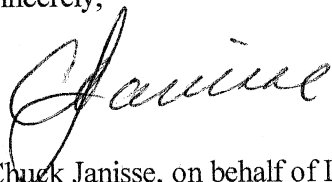
In 2005, Southwest Region personnel notified FISH and some DGN fishermen in an email that the Pacific Fishery Management Council was now in charge of the leatherback

closure and the DGN fishery should pursue the exploration for re-opening the leatherback closure with the Council.

As you well know, FISH sought Council direction, and worked with the HMS management team and the HMS advisory sub-panel in a lengthy, and at times excruciating, dialogue before it came back before the Council in the form of an EFP that, in the end, allowed a minimal level of DGN fishing within the leatherback closure under specified safeguards and protections, beyond what the law requires, in order to ensure that, in a worst case scenario, sea turtle and/or marine mammal populations would not be significantly impacted.

However, regardless of NMFS's unconscionable disregard for the DGN fishery, I want to personally thank the Council, its staff and advisors for its commitment of time and resources in the development and support of the DGN EFP. It was good work done responsibly.

Sincerely,

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

Chuck Janisse, on behalf of DGN fishermen

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JUN 18 2007

June 12, 2007

PFMC

Dear Don,

Since my letter to you of June 7, I received a copy of NMFS's June 5 letter to the Council denying authorization to conduct the DGN EFP because of the: "potential for leatherback sea turtle mortalities." In other words, NMFS says that the DGN EFP cap of 2 leatherback interactions is an unacceptable impact; yet NMFS has no problem with the Hawaii longline fishery cap of 16 leatherback interactions. Clearly, NMFS's decision is not based on the concern for leatherback recovery claimed in their letter.

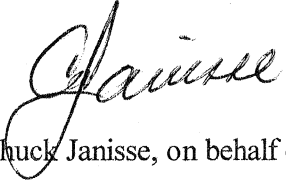
In their letter, NMFS makes it sound like the referenced "recent scientific article" by Benson, et.al. had something to do with their decision. The fact is that the information in that article cited by NMFS was also contained in the DGN EFP's Environmental Assessment. This information is not something NMFS had not previously considered. Additionally, NMFS's own contrary finding contradicts their claim that there is no direct evidence suggesting that regulations enacted in 1997 requiring a drift gillnet to be set a minimum distance of 36 feet below the sea surface have successfully reduced leatherback bycatch:

"Thirty-three percent (5 out of 15) of the leatherbacks were entangled in the upper one-third of the net during the drift gillnet observer program between July 1990 and December 1995 (NMFS unpublished data). Because 7 leatherbacks were observed entangled during the sets that deployed <36 foot extenders, the estimated entanglement rate with <36 foot extenders is 0.005 leatherbacks/set (7/1,337). Furthermore, since 10 leatherbacks were observed entangled during sets that deployed extenders \geq 36 feet during the same period, the estimated entanglement rate on sets that used \geq 36 foot extenders is 0.004 leatherbacks/set (10/2,648). Therefore, one less leatherback turtle is entangled every 1,000 sets that use extenders that are \geq 36 feet in length....For these reasons, requiring that the floatline be set at least 6 fathoms below the surface of the water should allow some leatherbacks to swim over the net and avoid entanglement and, therefore, average take levels are expected to decrease."

--1997 Formal Section 7 Consultation on Final
Regulations to Implement the Pacific Offshore
Cetacean Take Reduction Plan

NMFS's spurious denial of the DGN EFP sends a clear message to the men, women, and families that take part in and depend on the DGN fishery that if they want help from the government, they should apply for welfare. It's unfortunate that the credibility of the Council's management processes is unalterably linked to NMFS's whimsy. I don't know if the Council can do anything for the DGN fishery at this point, but I know what the DGN fishermen would say—we're dying here, please help us.

Respectfully,

A handwritten signature in cursive script that reads "Janisse". The signature is written in black ink and is positioned above the typed name.

Chuck Janisse, on behalf of DGN fishermen