

Federation of Independent Seafood Harvesters

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October 28, 2007

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

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OCT 29 2007

Dear Don,

PFMC

FISH supports the Council's efforts to develop management measures to provide the maximum level of swordfish harvest opportunity, and, as is painfully clear for DGN fishermen, recognizes that a fishery's level of protected resource impacts is directly related to the level of harvest opportunity. In this regard, FISH urges the Council to take steps to increase its DGN management options by federalizing the fishery's limited entry status. A simple shift in focus in the development of a high-seas longline limited entry permit to federalizing limited entry for the DGN fishery would provide more swordfish harvest opportunity because a greater range of management options for insuring critical resource protections would be available.

For example, issue a limited entry permit for the harvest of swordfish by DGN gear to current DGN California limited entry permit holders that meet specified qualifying criteria formulated to reduce the latent DGN effort now represented by inactive permit holders. The gear endorsement for this permit could be switched from DGN gear to longline gear, but not the other way around. In this way, the only authorized use of longline gear for the harvest of swordfish (whether its outside the EEZ, or inside the EEZ should that option become available) would arise from the elimination of the DGN fishing option.

Such an approach has the long-term effect of achieving control of longline effort without the potential for an overall effort increase that could result from a longline only limited entry program based on qualifying criteria that would include non-DGN vessels.

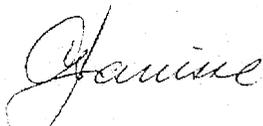
Additionally, this approach has the short-term effect of dramatically increasing the Council's range of management options for the DGN fishery through effort controls that are not now available. For example, with federalized limited entry, framework

management measures could be established that would allow effort quotas, by set certificates or otherwise, for specific times and areas or otherwise, and that could be determined and implemented in much the same way that catch quotas are determined and implemented. If such an approach were applied to the DGN fishery, some fishing might be allowed in the area now completely closed to protect leatherbacks. The Incidental Take Statement for the 2000 Biological Opinion that forms the basis for the current leatherback time/area closure authorizes three leatherback takes per year. With a leatherback take rate in this area of .0077 per set, 389 sets could be allowed in this area without exceeding authorized limits.

As a bonus, the formulation of a limited entry program along these lines might qualify for additional funding under the Limited Access Privilege Program found in section 303A of the Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006.

Hopefully, these suggestions are helpful.

Best regards,

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

Chuck Janisse

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PETER H. FLOURNOY

Mr. Donald O. McIsaac
Executive Director
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 97220-1384

Re: Agenda Item B.1 Comments on Non-Agenda Items:

Dear Don:

I have recently become aware that the Briefing Book for Council meetings often has a section entitled "Informational Report". I am not aware of how these items are chosen, and I am sure the intent is to bring to Council members attention items of constructive interest that they may not have otherwise been made aware. I have comments on two of these items.

Information Report 2: This is a news story which basically follows a press release by a little known group called "Environment California" which announces the publication of a "report" entitled "Net Loss: Overfishing Off the Pacific Coast" The copy of the "report" which I have is five pages long, adds no new information to the subject of "overfishing" which it purports to address, is funded by the Pew Charitable Trusts (an organization known for its generous contributions to any anti-fishing research, writing or group it can find), is written by a person described as an "Oceans Advocate" (whatever that is), and reads like a piece of unmitigated propaganda. Its conclusion is "The council must stop gaming the system and looking for loopholes to allow 'business as usual.'" Unless this "information item" is being used as an example of the worst type of "scientific report", I am seriously offended by its inclusion in the Council's Briefing Book, apparently by Council staff, and I would appreciate an explanation.

Information Report 6: This item is a letter from the Executive Director of the Western Pacific Fishery Management Council which purports to be a response to the legitimate and McIsaac, October 30, 2007

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well reasoned request by the Council to coordinate with the WPFMC on their announced intention to modify their Pelagics FMP with regard to the Pacific, shallow set, swordfish longline fishery. It is my view that instead of this October 18, 2007 letter being buried in the back of the Briefing Book, it should have been conveyed to the HMS-AS and HMS-MT in advance of their scheduled November meetings under their agenda item E.6. The letter, which appears to me to be a refusal to cooperate, needs to be considered by those Council entities so that they can make a report with recommendations to the Council for action at this November meeting. This is particularly important because the WPFMC intends to take action on this matter at their March 2008 meeting, which may occur before the next Council meeting. This item should be considered at the Council's November meeting so that more constructive exchanges can take place between the two Councils. One of the reasons for the Council's adoption of the HMS-FMP (which I opposed) was to coordinate efforts between Councils. This is an example of the apparent inability of the Councils and NMFS to resolve matters of great concern to the fishermen constituents of both councils.

I will apologize in advance if this letter is harsh in tone, however, I, and others, are becoming increasingly frustrated with the apparent inability of the two councils and NMFS to manage the HMS fisheries in the Pacific off the West Coast and Hawaii in the manner which was envisioned by the HMS-FMP.

Sincerely,

Peter H. Flournoy