



Pacific Whiting Conservation Cooperative

American Seafoods • Glacier Fish Co. • Trident Seafoods
A Partnership to Promote Responsible Fishing

February 12, 2009

The Honorable Páttý Murray
United States Senate
Washington, DC 20510

The Honorable Maria Cantwell
United States Senate
Washington, DC 20510

Dear Senators Murray and Cantwell:

I write on behalf of the Pacific Whiting Conservation Cooperative (PWCC) to express our support for amending a provision of the implementing legislation for the U.S./Canada Pacific Hake Agreement, which is contained in Title VI of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006. A technical change is required to the original implementing legislation in order to enact provisions relating to creation of several committees charged with carrying out obligations under the treaty. We ask for your support for passage of a technical amendment as soon as possible that will allow for full implementation of this important fisheries conservation agreement.

The PWCC is comprised of the Seattle-based companies that operate in the catcher/processor sector of the Pacific whiting fishery. The PWCC was formed to promote rational harvest, optimal utilization, and minimal waste in the whiting fishery. We strenuously supported negotiation and development of the Hake Agreement. We respectfully request your support for this non-controversial, technical change that will enable final implementation of the Agreement.

The Hake Agreement was carefully negotiated to end disagreements between the U.S. and Canada over conservation and management of Pacific whiting. It specifies joint committees and management protocols to ensure the long-term health of the whiting stock and sustainability of these critically important U.S. fisheries. However, the implementing legislation contained language that effectively nullifies the advisory committees established by the legislation. While section 606 of the Act establishes an Advisory Panel composed in part of fishing industry representatives, conflict of interest language under section 609 prohibits such representatives from serving on the Panel. The language in section 609 is provided below.

"Administrative Matters. (a) Employment Status—Individuals appointed under section 603, 604, 605, or 606 of this title who are serving as such Commissioners, other than officers or employees of the United States Government, shall be considered to be Federal employees while performing such service, only for purposes of— (1) injury compensation under chapter 81 of title 5, United States Code; (2) **requirements concerning ethics, conflicts of interest, and corruption as provided under title 18, United States Code**; and (3) any other criminal or civil statute or regulation governing the conduct of Federal employees" (emphasis added).

The section in bold is problematic because it bars any stakeholder with an interest in the fishery from serving on any of the four joint committees.

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We understand that Senate Commerce Committee staff is working with NOAA General Counsel on an amendment to address this problem. The PWCC respectfully urges your support for this effort. Your past leadership in support of Washington state commercial fishing interests is greatly appreciated. We look forward to your continued support and thank you for your attention to this matter.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel A. Waldeck". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

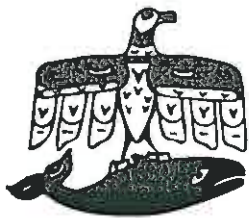
Daniel A. Waldeck
Executive Director

Cc: Amanda Hallberg, Senate Commerce Committee
Frank Lockhart, NMFS-Northwest Region
Elizabeth Clarke, NMFS-Northwest Fisheries Science Center
Donald McIsaac, Pacific Fishery Management Council

Kenyon Hensel
871 Elk valley rd
Crescent City Ca.
95531

VMS,

The council must rescind the current VMS regulations. They are too much of a burden to small boat fishermen. They should be rescinded until the time when small boats (under thirty six feet) can fish back on the shelf with high enough catch limits to support the current expensive units, or until there are acceptable low cost alternatives. Even if the first units are free, they draw too much current and are not built to withstand small boat conditions. No small boat fishermen can afford to replace \$3500 units. The most expensive electronics I have on my boat are under \$600. The monthly bill is too high and disconnect and reconnect fees should be not be almost as much as a year of monthly payments. Right now Google is offering to track people with cell phones for free. In a few years, technology will have a suitable system for small boats users. The council should rescind the current law until better-suited units and systems are available, or shelf catches support the more expensive units.



MAKAH TRIBAL COUNCIL

P.O. BOX 115 • NEAH BAY, WA 98357 • 360-645-2201

The Makah Tribe is an equal opportunity employer.



February 17, 2009

The Honorable Patty Murray
United States Senate
Washington, D.C. 20510

The Honorable Maria Cantwell
United States Senate
Washington D.C. 20510

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PFMC

Dear Senators Murray and Cantwell:

I am writing on behalf of the Makah Tribe to seek your support for amending a provision of the implementing legislation for the U.S. – Canada Pacific Hake/Whiting Agreement, which is contained in Title VI of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006. A technical change is required to the original implementing legislation in order to enact provision establishing the joint committees charged with carrying out obligation under the treaty. We ask for your support for passage of this technical amendment as soon as possible, to allow for full implementation of this important fisheries conservation agreement.

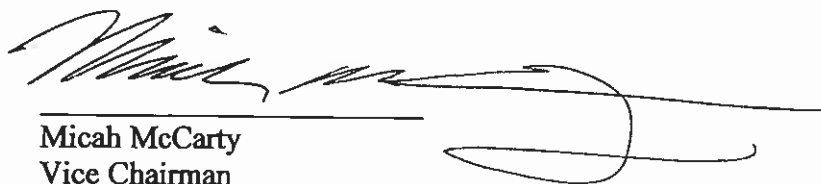
The Makah Tribe has participated in the Pacific Whiting fishery since 1996 and Makah fishermen currently harvest between fifteen and seventeen percent of the U.S. annual catch limit. The Tribe actively participated in the negotiation and development of the Hake Agreement with Canada, which provides improved conservation and management of transboundary stocks of Pacific whiting. This agreement is particularly important to the Makah Tribe, which shares the productive fishing grounds at the entrance of the Strait of Juan de Fuca with Canada. Final implementation of the Agreement will provide the best opportunity for conserving and managing Pacific whiting that annually migrate from California to Canada.

A critical provision in reaching the final agreement with Canada was the establishment of the joint committees including the Advisory Panel. The intent of the Agreement was to have representatives of the fishing industry serve on the committees, including the Advisory Panel. However, the implementing legislation in Section 609 of the Act contained conflict of interest language that effectively prevented the Panel from being established. We understand that the Senate Commerce Committee staff is working with NOAA General Council on an amendment to resolve this problem.

Completing this effort and final implementation of our agreement with Canada is a great concern to the Makah Tribe, the U.S. whiting industry and our counterparts in Canada. We ask you to actively support this legislative solution and look forward to your continued support. Thank you for your attention to this matter.

Sincerely,

MAKAH TRIBAL COUNCIL



Micah McCarty
Vice Chairman

cc: Frank Lockhart, NMFS Northwest Region
Don McIssac, Pacific Fishery Management Council
Makah Fisheries Management