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**PACIFIC COAST FEDERATION
of FISHERMEN'S ASSOCIATIONS**

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26 January 2009

Mr. Donald Hansen, Chair
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 97220-1384

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JAN 27 2009

PFMC

RE: Groundfish Allocation Committee

Dear Chairman Hansen:

The Pacific Coast Federation of Fishermen's Associations (PCFFA), representing working men and women in the West Coast commercial fishing fleet, wishes to bring the following two issues to your attention and the attention of council staff and NOAA General Counsel as the Pacific Council's Groundfish Allocation Committee prepares to begin meeting Tuesday, the 27th, in Portland.

Fishing Communities/Regional Fishing Associations

As you are aware, Congress in its reauthorization of the Magnuson-Stevens Fishery Conservation & Management Act provided under its Limited Access Privilege Programs (§303A.) the establishment of Fishing Communities (303(c)(3)) and Regional Fishing Associations (303(c)(4)). However, we note that the Council failed to consider either Fishing Communities (FC) or Regional Fishing Associations (RFA) in its deliberations on the groundfish trawl IFQ program at its November meeting where initial action was taken on establishing a "catch-share" program for the trawl fishery. Now we note there is a failure to include any discussion of either FCs or RFAs on the Groundfish Allocation Committee's agenda. The 10 percent set-aside of OY is not specific to FCs or RFAs, nor would that amount necessarily be sufficient if it were for set aside specifically to address FC or RFA needs

This effort by the Council to basically "blow-off" Congress by failing to establish guidelines for establishment of either FCs or RFAs, to prevent discussion of such groups as part of the Council discussion and, now, to withhold from consideration by your allocation committee consideration of allocation to either FCs or RFAs, is clearly contrary to the spirit, if not the letter, of the reauthorized MSA.

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PCFFA respectfully requests no recommendation be accepted by the Pacific Council from its Groundfish Allocation Committee until such time as 1) guidelines are established for creation of FC's and RFA's by the Pacific Council; and 2) there is a survey made to determine the interest and likely allocation need for FC's and RFA's for groundfish in order that a fair and equitable allocation can be made to these groups as Congress directed

Given the sweeping changes being enacted by the new Administration in Washington, we suggest the Council should be in no great hurry to act on policy directive issued under the previous regimes, as those directives are likely soon to be changed or reversed

Groundfish Allocation Committee Membership

Second, PCFFA requests the Pacific Council to revise the membership of its Groundfish Allocation Committee (GAC) 'sto eliminate the non-voting committee members. The non-voting panel consists of industry members, all of whom have a direct interest, or represent interests with a direct stake, in determining who is eligible for allocation and how much they are allocated. Although these non-voting members have no direct say in who is eligible for allocation or how fish are to be allocated to a particular sector, they certainly have sway and special influence, over and above the public, with voting members of the Allocation Committee.

PCFFA has long fought for fishermen's - commercial, recreational and tribal - membership on the regional fishery councils, along with fish processors and conservation interests. That is because fishermen have special expertise on fishing operations and a practical knowledge of the oceans and catching of fish. It is also why we've fought allowing association attorneys, lobbyists, executive directors or any others with no first-hand fishery expertise on the councils. Having fishermen on the regional councils, or other members of industry, was never intended by us to allow for self-dealing. Yet, your GAC with members from industry who will directly benefit from the committee decisions allows for self-dealing that a "non-voting" label cannot hide.

FACA, we should note allows for interest groups to serve on bodies such as the Regional Council where the individuals are representing a class of individuals and not their personal interest. On the GAC, however, it is clear the non-voting members are either representing either their own interest or a very narrow group, not a broad class as FACA intended.

We would remind you, too, the GAC is not the same as the Groundfish Advisory Subpanel or your other groundfish panels. Its job is solely to allocate the fish - that requires no special knowledge and certainly no representation on that body of those who stand to have a greater, and will, directly benefit from the decisions made by that committee. As the GAC is currently construed, industry members, even if non-voting, have a greater sway over the decisions made as to who will get allocation and how much, over individuals and groups that are not members of the Allocation Committee. That is clearly self-dealing and must be ended

PCFFA requests that no recommendations made from the GAC be made to the Pacific Council until such time as the membership of that committee is changed.

Sincerely,

Dave Bitts
Dave Bitts
President

W.F. Zcker Grader, Jr.
W.F. Zcker Grader, Jr.
Executive Director