



# Pacific Whiting Conservation Cooperative

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

February 12, 2009

The Honorable Patty 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

**RECEIVED**

**FEB 27 2009**

**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.

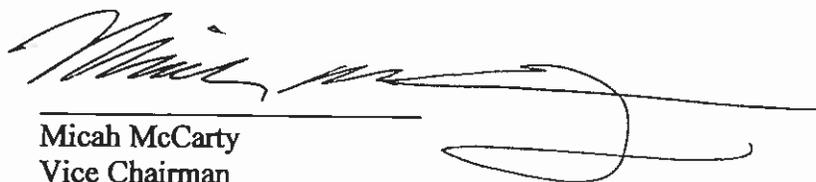
The Makah Tribe has participated in the Pacific Whiting fishery since 1996 and Makah fishermen currently harvest between fifteen and seventeen percent of the U.S. annual catch limit. The Tribe actively participated in the negotiation and development of the Hake Agreement with Canada, which provides improved 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

Good morning Council members

My name is Larry Collins and I am president of the Crab Boat Owners of San Francisco. My members have traditionally fished a portfolio of fisheries including Crab, Salmon and Rock Cod.

I am here this morning to comment on the Great Groundfish Give-away.

The fishermen at the San Francisco's Fisherman's Wharf stood down along with everyone else. Because of over-fishing in the trawl sector my hook and line open-access guys were shut down. We have stood on the sidelines watching the shelf rock cod stocks rebuild expecting to fully participate when the stocks were healthy. Imagine our surprise when we learned that wasn't the plan at all. The draggers would be given ownership of the groundfish and the open access hook and line fishermen would be managed right out of existence.

First off, there are enough fish in the ocean for everyone to make a living. Fleet reduction has already happened. There are fewer boats working out of my harbor than there have ever been and more rock cod right out front than there's been in 40 years.

These amendments are going to be a disaster for every fishing town on the coast. These amendments will tear the fishing community apart. These amendments don't happen in a vacuum. You create wealth in one sector and poverty in another. It isn't equitable. And once you reduce the number of boats down lower, we'll lose what's left of our infrastructure. This 90/10 split is a dragger's wet dream and a hook and liner's nightmare. We need 50% of the shelf rock TAC saved for open access and community fishing associations which you can be sure will be increasing in number.

There's been a lot of new economic science saying that ITQs are not the cure-all they've been represented to be. This council needs to slow down and look at the new data.

If you're going to do this private ownership of public resources which I think is totally unnecessary and immoral then the initial allocations need to go to all sectors including community fishing associations at the same time. Everyone needs to start out with enough fish. Not windfall profits, but enough to make a living.

I know the salmon fleet is late to this discussion and I know you have put a lot of work into this plan. This plan may work well for dozens of draggers but doesn't work at all for hundreds of trollers.

# It's Time to Ask a Fisherman

- 1) Proposals are being put forward to privatize fishery resources by dividing the total allowable catch into individual quotas or shares to a limited number of fishermen; the quotas would be based on an individual's catch sometime in the past. In New England fishermen are allowed a referendum to vote on whether they approve such a system, but the law does not require it elsewhere. These "catch share" programs will radically change our fisheries. Shouldn't fishermen be allowed a say about their future? Shouldn't they be allowed to vote in a referendum on such plans? **Ask a fisherman.**
- 2) Some fishermen and fish processors stand to make a substantial financial gain by being awarded publicly-held fishery resources giving these individuals a share each year in the total catch of a fishery; they can then fish these shares or simply lease or sell them profiting from this gift of a public resource. Should there not be transparency and a full disclosure of what how much these individuals will profit from being given shares to a fishery now and in the future as these stocks bounce back? How much do those being awarded quota, or shares, stand to gain from this gift of a public resource? **Ask a fisherman.**
- 3) Many fishermen will be cut out through a manipulative process to limit issuance of catch shares only to individuals or companies operating certain types of gear (unrelated to conservation) during a limited window period. Ask how many fishermen who participated in these fisheries will be cut-out. Ask how many young fishermen/women will be cut out of fisheries. Ask what this will do to these dispossessed fishermen. Will they be able to continue fishing? What will happen to their communities? **Ask a fisherman**
- 4) Catch shares or individual quotas typically lead to massive consolidation in a fishery, resulting in fewer boats, fewer fishermen with increased profits for those awarded quota shares, but lower pay for crew and massive debt loads for new entrants having to purchase or lease quota. In many instances publicly-funded programs have had to be created for individuals to buy quota to what once was a public resource. How do fishermen feel about this? **Ask a fisherman**
- 5) Proponents of "catch shares" or individual quotas claim these are needed for conservation. Yet these programs do not limit overall fish catch, all they do is divide up – virtually permanently – the total catch among a limited number of individuals. In New Zealand, Australia, even now in the U.S. with surf clams, these programs have overfished stocks. Ask how large firms, created by quota consolidation, have lobbied for less restrictive catches that have put fish stocks at risk. Where is the evidence – not the rhetoric from proponents – that these systems in themselves prevent overfishing? Where is the evidence that "catch shares" or individual quotas create any greater conservation incentives the community fisheries or simple limited entry programs? **Ask a fisherman**
- 6) "Catch shares" or individual quotas lead to consolidation and a migration of catch harvesting from ports. What affect will this have on processors in smaller ports? What affect will this have on consumers wanting to buy locally-caught seafood? **Ask a fisherman**