



December 9, 2005

Dr. Bill Hogarth
Assistant Administrator for Fisheries
National Marine Fisheries Service
1315 East West Highway, Room 14555
Silver Spring, MD 20910

Dear Bill:

Due to the NMFS RFDs of Friday, Saturday, and Sunday, we were only allowed to fish Dec 5-8 of this week, a total of 4 days. As we have predicted, weather only allowed us to fish Dec 7-8, two days. During those two days our dealer and fisherman counts show 36 bluefin tuna were landed, with an average live weight of 300 lb. Only one boat caught two fish per day on both days. The largest fish so far dressed at 422 lb. The resultant total for this week's catch is **4.9 metric tons** (one metric ton = 2204.62 lb).

We have a little less than 7 and one half weeks of fishing before January 31, 2006. At this catch rate and with RFDs in place, we will catch 36.7 metric tons of bluefin from now through January 31, 2006. That is less than 7% of the 545 ton quota.

You told us two days ago that you intend to allow all 545 tons of quota to be caught through January 31, 2006 in accordance with existing law and your December 2 announcement. You also told us you would consider lifting the RFDs if the catch rate remained low and there was no threat of exceeding the 545 ton quota. This week's catch rate is further evidence that there is absolutely no threat to the 545 ton quota and that in order to allow us "reasonable opportunity" to catch the 545 ton quota, NMFS should immediately initiate the process of eliminating RFDs in the Winter Bluefin Fishery. We believe the law and logic require no RFDs until there is legitimate statistical evidence from this year's fishery to indicate that our quota may be exceeded, and there is none at this time.

This weekend's weather is 30-35 knots and 10-12 foot seas today, followed by an average of 10-15 knot winds and 2-4 ft seas for Saturday and Sunday. We should be fishing for bluefin on Saturday and Sunday and we will lose a lot of money because of NMFS action and inaction in this matter.

We will continue to update you on the catch data of our Winter Bluefin Fishery via email on a daily basis so that NMFS has reasonably accurate, daily data to manage this fishery on a daily basis. We are doing our part and we expect you to do yours. The livelihood of many commercial fishermen and dealers depends in part on your prompt action in this matter. We would like to see a notice of RFD elimination for the Winter Bluefin Fishery no later than this coming Monday, December 12, 2005.

Please advise me of your position on this matter as soon as possible.

Sincerely,

Pete Manuel
Executive Director