



December 13, 2005

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

Dear Bill:

We appreciate today's NMFS action in lifting the RFDs for this weekend. That prudent action is not only consistent with the "reasonable opportunity" requirement of the Magnuson-Stevens Act, it will also help prevent our fishermen from feeling extreme financial pressure to fish in potentially dangerous sea conditions like those out there today.

Our dealer and fisherman counts show about 50 bluefin tuna were landed yesterday, with an estimated total for yesterday's catch of **6.9 metric tons**. That should bring the remaining General Category bluefin quota down to about 533.2 metric tons.

It's blowing 25-33 knots from the North today with 7 foot seas every 5 seconds on the Diamond Shoals buoy, so only a few of the larger boats and/or risky fishermen are out there today. Tomorrow and Thursday morning (not afternoon) should be marginally fishable for most tuna boats based on the latest NWS forecast, but you never know with unstable winter weather systems. As a recent example, today's blow was not forecast to be over 20 knots until late yesterday, and early this morning local, privately owned wind meters had gusts to 34 knots from the North. Pressure to fish these marginal weather days due to RFDs could cost fishermen lives and boat damage due to rough seas. Elimination of RFDs would allow fishermen more flexibility in fishing safe vs. unsafe days while still earning enough money to generate the income they need for their families and expenses. Consequently, we appreciate the elimination of RFDs for this coming weekend, and continue to feel they should be eliminated for the remainder of the season until there is a legitimate numerical threat that the 545 ton quota may be exceeded without RFDs.

Further, we have heard that NMFS may at some time eliminate RFDs for the balance of the season but drop the catch rate to 1 fish per day per boat. That would increase allowable fishing

time by 43% but would reduce allowable catch rate by 50%, thereby further reducing the probable total catch weight during the Winter Bluefin Fishery when compared to the existing regulations. Thus, as with RFDs, we believe any reduction of the allowable daily catch rate would not be consistent with the Magnuson-Stevens Act “reasonable opportunity” requirement, given the current quota availability and actual catch rate.

Thanks again for lifting the RFDs this weekend. We will continue to keep you updated on the 2005-2006 Winter Bluefin Fishery as it progresses.

Sincerely,

Pete Manuel  
Executive Director