



April 3, 2017

Honorable Wilbur Ross
Secretary
U.S. Department of Commerce
1401 Constitution Ave., NW
Washington, D.C. 20230

Dear Secretary Ross,

On March 15, Governor Inslee submitted to your office the following slate of nominees for Washington's obligatory seat on the North Pacific Council (Council): Kenny Down (cod freezer longliner), Dave Little (cod freezer longliner) and John Crowley (halibut longliner). The list submitted by the Governor ignored constituent support for a more diverse slate of nominees. As a result, the nomination process fails to meet Magnuson Stevens Act requirements (MSA) for meaningful consultation with commercial fishing interests in the State. And by submitting a slate of nominees representing only one sector of the fishing industry, it precludes Secretarial compliance with the Act's requirements to ensure a fair and balanced apportionment of active participants in the fisheries under the Council's jurisdiction.

We are writing to request that you exercise your authority under the MSA to return the nomination list to the Governor with instructions to fulfill the Governor's obligation to meaningfully consult with commercial fishing interests and to provide you with a slate of candidates that allow you to meet your statutory obligation to ensure a fair and balanced apportionment of active participants in the fishery. We outline below the deficiencies in the Governor's stakeholder consultation and nomination process.

1. Upon receipt of the Department of Commerce's (DOC) January 23 letter to Governor Inslee, the Washington Department of Fish and Wildlife (WDFW) circulated to the public a nominations announcement. WDFW's notice indicated that applications for nominations closed on February 23. On February 24, WDFW informed Kenny Down, Stefanie Moreland, and Mark Fina by e-mail that those three individuals comprised the list for the position at the close of the application period. Neither Mr. Little nor Mr.

Secretary Wilbur Ross

April 3, 2017

Page 2.

Crowley, whose names appear on the Governor's final list, filed applications by the deadline identified in the public process. Their applications were submitted March 10. The Department of Commerce should be concerned about the lack of public trust in the Council process if states are not going to follow their own clearly identified public processes.

2. The DOC letter highlighted MSA requirements for Governor Inslee to consult with fishery constituents in developing his slate of nominees. The list of those consulted in the attachment provided in Governor's Inslee's letter is not an accurate representation of stakeholder interests. This list appears to suggest these groups either support the list of candidates forwarded by the governor or had meaningful input to this decision. That is not the case. In fact, one of the organizations that is claimed to have been consulted on this nomination has not existed for over four years. The two largest fishing and fish processing trade associations representing broad-based Washington interests, the At-Sea Processors Association and the Pacific Seafood Processors Association, formally endorsed Ms. Moreland's candidacy by written letter. At no time in this process prior to Governor Inslee's letter being submitted to the SOC did we know that other candidates were being considered or requested to submit applications. Thus, it was not possible to provide input on two of the three candidates ultimately forwarded to the SOC. We know that other North Pacific fishery trade associations and stakeholders were told Ms. Moreland, Mr. Down, and Dr. Fina would all be nominees, so were also not given the opportunity to provide input on the alternative list that emerged from Governor Inslee's office.
3. The DOC letter of January 23 instructed Governor Inslee to document efforts to recruit women candidates. Despite Governor Inslee's letter to DOC stating that 'particular efforts were made to recruit qualified women and minority candidates', no actual documentation of Governor Inslee's efforts were included his letter to the SOC. Moreover, Ms. Moreland, a highly-qualified candidate who was initially notified that she was among the list of three applicants who met the filing deadline, was replaced by two male candidates. DOC should follow up its instruction to the Governor to be proactive in recruiting and considering female candidates. There was significant disconnect in the communication leading up to this decision and the final list of candidates as conveyed by Governor Inslee. Historically constituent participation has been valued by the State of Washington; this process has called into question the desire of the State to promote constituent participation as well of the value of that participation.
4. The list submitted by the Governor provides the Secretary no opportunity to consider fair and balanced user group representation on the Council. Council seat apportionment has been the subject of reform efforts in past MSA reauthorizations. In

Secretary Wilbur Ross

April 3, 2017

Page 3.

fact, Congress has directed DOC to report regularly on the apportionment of Council seats. Of the seven private citizen seats on the North Pacific Council, five are held by individuals with longline fishing interests, including Mr. Down. All three of Governor Inslee's nominees are longliners.

Ms. Moreland is employed by Trident Seafoods, a diversified company that is engaged in both the onshore and at-sea processing sectors and that also operates vessels employing various gear types that participate in groundfish and crab fisheries under the jurisdiction of the North Pacific Council. Dr. Fina works for U.S. Seafoods, which operates a fleet of vessels that harvest and process at-sea a number of commercial groundfish species under the management jurisdiction of the North Pacific Council. NOAA's 2016 report to Congress on Council seat apportionment reads:

"Pursuant to Section 302(b)(2)(B), the Secretary, to the extent practicable, shall "ensure a fair and balanced apportionment...in the commercial and recreational fisheries under the jurisdiction of the Council." The consideration of balance and fairness between commercial and recreational fishing sectors is a required element in the Secretary's appointment of Council members.

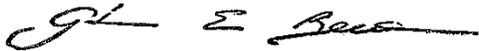
The Governor's list, by choosing only longline sector representatives, attempts to deny your office the tools to meet the mandate to ensure a fair and balanced apportionment.

In summary, Governor Inslee's submission falls short of meeting an established state public process statutory requirements for consideration of stakeholder input, and statutory requirements to ensure fair and balanced apportionment of fishing interests affected by Council actions. The Governor's letter submitting his nominees is misleading in that it lists entities who may have been consulted, though those entities were not made aware of the Governor's intent to deviate from the State of Washington's stated process for selecting nominees. Several of those entities submitted input specifically counter to the Governor's action and many did not take any position on potential Washington nominees. The Council process will only benefit from more broad representation and expertise, and the SOC should be aware of the detriments to fishery management when a robust public process is not followed and only a very narrow perspective and group of interests are represented.

Thank you for considering this request to return Governor Inslee's list of nominees. Please do not hesitate to contact us if you need additional information.

Secretary Wilbur Ross
April 3, 2017
Page 4.

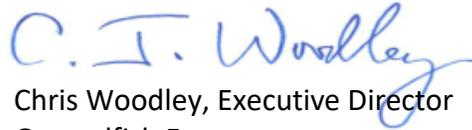
Sincerely,



Glenn Reed, President
Pacific Seafood Processors Association
Glennr@pspafish.net



Stephanie Madsen, Executive Director
At-sea Processors Association
smadsen@atsea.org



Chris Woodley, Executive Director
Groundfish Forum
Chrisw@seanet.com



Brent Paine, Executive Director
United Catcher Boats
bpaine@ucba.org

cc:

Senator Patty Murray
Senator Maria Cantwell
Congresswoman Suzan DelBene
Congressman Rick Larsen
Congresswoman Jaime Herrera Beutler
Congressman Dan Newhouse
Congresswoman Cathy McMorris Rodgers
Congressman Derek Kilmer
Congresswoman Pramila Jayapal
Congressman Dave Reichert
Congressman Adam Smith
Congressman Denny Heck
Governor Inslee
Mr. Sam Rauch, NOAA Fisheries