October 17, 2006

Mr. Bob Lohn, Regional Administrator,
National Marine Fisheries Service, Northwest Region
7600 Sand Point Way NE, BIN C15700
Seattle, WA 98115-0070

Re: Pacific Fishery Management Council recommendation for an emergency rule for the 2007 Pacific Whiting fishery.

Dear Mr. Lohn:

At its June 12-16, 2006 meeting in Foster City, California, the Pacific Fishery Management Council (Council) heard testimony regarding concerns of harm to the Pacific Whiting fishery from an influx of vessels qualified under the American Fisheries Act (AFA), and scheduled an agenda item for their September meeting to consider appropriate Council action. At its September 10-15, 2006 meeting in Foster City, California, the Council discussed the previously tabled Amendment 15 to the Pacific Coast Groundfish Fishery Management Plan and other issues relative to the recent seasons, the 2006 season, and the seasons in 2007 and beyond. The purpose of this letter is to notify you of the Council action taken and speak to coordination on when the detailed justification materials on the matter of the emergency rule recommendation action will be provided.

The Council heard considerable testimony that AFA-qualified vessels have entered the Pacific Whiting fishery since the Council tabled Amendment 15 in 2001. The Council concluded additional fishing effort by AFA-qualified vessels in 2006 likely contributed to a shortened season resulting in decreased revenue for traditional fishery participants and their communities. Additionally, the Council has expressed concern that additional fishing effort and shortened fishing seasons can create a ‘race for fish’ in the fishery which could lead to higher bycatch of the depleted rockfish and salmon stocks. The Council is concerned about detrimental effects that have occurred since AFA-qualified vessels with no history in the fishery have entered the West Coast Pacific whiting fishery, and the risk that detrimental effects could intensify in 2007 and future seasons if no action is taken.

Consequently, the Council passed a motion to (1) move forward expeditiously to complete Council action on a simplified Amendment 15 and (2) to recommend National Marine Fisheries Service (NMFS) approve an emergency rule to be implemented for the 2007 season to prohibit participation in the shoreside, mothership, or catcher-processor sectors of the Pacific whiting fishery of vessels with no sector specific catch history in the fishery prior to 2006 (effectively December 31, 2005).
With regard to the Council’s determination that revisiting and completing Amendment 15 represents the best current alternative for permanently addressing potential harm to West Coast groundfish fisheries from vessels qualified under the AFA, the Council determined that completing Amendment 15 and the accompanying rulemaking necessities in advance of the 2007 Pacific whiting fishery is not possible. However, there is the expectation that considerable effort will be expended in 2007 toward the goal completing the full regulatory process in time for the 2008 season. The Council scheduled the next step in the process for their March 4-9, 2007 Council meeting in Sacramento, California.

With regard to the Council recommendation for an emergency rule for the 2007 season, we are not attaching the associated detailed justification and analysis documentation with this letter. Council staff has been informed that the current workload prioritization at NMFS makes it unlikely that considerable work on this proposed rulemaking activity will occur prior to November of this year. Therefore, please expect the complete rationale and justification for the proposed expedited rulemaking process for the 2007 season by November 1. Between now and then, we will strive to assemble the information in a manner as conducive as possible to the necessities of NMFS regulatory review. Please advise should the date change when the most expeditious treatment of the full submission of this Council recommendation can begin.

If you or your staff has any questions regarding this letter, please contact me or Mr. Mike Burner, the lead Staff Officer on this matter at 503-820-2280.

Sincerely,

[Signature]

Donald McIcnae, Ph.D.
Executive Director

MDB:ckc

c: Council Members
    Eileen Cooney
    Mr. Rod McGinnis, NMFS, Southwest Regional Administrator
September 29, 2006

Mr. Robert Lohn, Regional Administrator
NOAA – Fisheries
7600 Sand Point Way NE
Seattle, Washington 98115

Dear Mr. Lohn:

During the week of September 11, 2006, the Pacific Fishery Management Council (Council) passed a motion to recommend that the National Marine Fisheries Service (NMFS) adopt an emergency rule to prohibit participation in the shoreside whiting fishery by American Fisheries Act (AFA)-qualified vessels that did not participate in the shoreside fishery prior to 2006. The purpose of this letter is to express the Washington Department of Fish and Wildlife’s opposition to this action and our recommendation that NMFS deny the Council’s request.

The rationale that was articulated for the motion, which was made by the Oregon Department of Fish and Wildlife (ODFW) representative, is: 1) four AFA-qualified vessels participated in the shoreside whiting fishery in 2006 - one vessel had participated since 2001 in the mothership sector and three new vessels that reportedly had not participated prior to the enactment of the AFA; 2) these four new vessels “contributed to the shoreside fishery closing 7-10 days earlier than the previous year;” 3) two “traditional” shoreside participants in Oregon reported declines of 25-30% in deliveries and revenue from previous seasons; and 4) because of the relatively larger size (harvest capacity) and lack of experience of the four vessels in the shoreside fishery, these new AFA vessels have a higher potential to take rockfish, thereby, increasing the risk of exceeding the hard rockfish bycatch caps that are applicable to the entire whiting fishery (all sectors).

As the discussion ensued on the Council floor, it became clear that in addition to the four new AFA-qualified vessels there were also six additional new vessels that were non-AFA-qualified participating in the 2006 shoreside fishery. We agree that the new harvest capacity represented by the ten new vessels that entered the fishery in 2006 was a primary factor in the season being reduced in time; it is unclear from the data presented whether the shortened season was a direct result of the participation by the AFA vessels. We would also point out that the information in the ODFW report is not an accurate post-season estimate of the impact of the proposed emergency rule on the 2006 season. The information regarding the landings by these targeted AFA-qualified vessels referenced 15,928 metric tons (mt) (17.3%) of the 91,995 mt landed into Oregon and Washington. This harvest total includes the harvest by all four vessels when, in fact,
the emergency rule would only impact three of the vessels. The harvest total of the three AFA vessels affected by the rule is 11,352 mt, which is 12.3% of the Oregon/Washington total.

Washington has two processors that participate in the shoreside fishery, one in Westport and the other in Ilwaco. In 2005, 33.2% of the shoreside non-tribal whiting harvest was landed into Washington; 63.6% was landed into Oregon. In 2006, two of the three new AFA vessels landed into Westport, Washington. However, the proportion of the whiting harvest landed into Washington decreased by 3%, while Oregon’s landings increased by 2%. The third new AFA vessel and five of the six non-AFA vessels all landed into Oregon. It is likely that these vessels had a more direct effect on the number of deliveries and market availability for those “traditional” participants in Oregon than the boats landing in Washington.

With regard to the potential of the new AFA vessels to have higher bycatch of overfished rockfish, the overall amount of bycatch in the shoreside sector in 2006 decreased by about 50% from 2005 for canary, darkblotched, and widow rockfish, which are the primary species of concern for this fishery. Furthermore, these particular vessels had very low individual bycatch rates of these species.

This emergency rule has the potential to significantly impact Washington’s shoreside whiting fishery participants – the two AFA vessels that landed into Washington in 2006 represent about 15% of Washington’s total shoreside whiting landings and over 20% of the amount delivered into Westport. The emergency rule singles out three AFA-qualified vessels, while it is well known that a large portion of the vessels participating in the shoreside fishery are AFA-qualified, some of which have maintained their AFA benefits while becoming full time participants in the West Coast whiting fishery. The emergency rule will not fix the problem associated with new entrants into the fishery and the corresponding negative impacts on the historic participants.

This emergency rule creates a limited access program in the absence of an assessment of the impacts to these participants and due process. The Council adopted two control rules relative to this fishery more than six years ago. These vessel owners made substantial investments to participate in the fishery without any knowledge that their participation would be limited to only one season. In fact, at least one vessel owner purchased a permit from an existing shoreside participant (his vessel did not add a vessel to the fleet, it replaced one). Situations such as this would likely be analyzed through a more deliberative process. From our perspective, to take this action via emergency rule rather than through a full rule making process is indefensible.

Finally, as you know, the Council has begun developing alternatives for a dedicated access program for the West Coast groundfish trawl fishery, including the whiting fishery. If additional effort limitation measures are needed in the shoreside fishery, developing and implementing such measures is more appropriately addressed through that process so that the impacts on those affected can be analyzed and considered by the Council prior to making a final decision.
If you have any questions regarding this matter, please contact Phil Anderson, Assistant Director for Intergovernmental Resource Management, at 360.902.2720.

Sincerely,

Jeff P. Koenings, Ph.D.
Director

cc: Phil Anderson
    Michele Culver
October 12, 2006

Mr. Robert Lohn, Regional Administrator
NOAA - Fisheries
7600 Sand Point Way N.E.
Seattle, WA 98115

RE: PFMC/Emergency Rule to Prohibit New Participation in the Whiting Fishery by American Fishery Act Vessels

Dear Mr. Lohn:

I have been continuously involved in the Pacific Whiting fishery since 1983. I am currently the managing owner of the F/V SEADAWN which is a 124 foot AFA Inshore Catcher Vessel with a hold capacity of 640,000 pounds (285 mt). Also, the SEADAWN has a long term history of participating in the Mothership Whiting Fishery which dates back to the Joint Venture days.

I urge you to approve the Emergency Rule passed by the PFMC to protect the Whiting Fishery from destabilization. An Emergency exists as demonstrated by new AFA vessels blatantly ignoring the intent of the AFA entering the fishery in 2006 and causing an early closure of the Inshore Whiting season. What occurred in 2006 is potentially only the tip of the iceberg. In 2007 even more AFA catcher vessels, a Mothership and the possibility of a new Factory Trawler is on the horizon. These potential entrants are all watching to see whether NOAA/NMFS enforces the intent of the AFA or bends to the pressure of the State of Washington which seems to be representing the new entrants. If NOAA/NMFS does not approve the Emergency Rule total destabilization of the Whiting Fishery is likely to occur.

Prior to AFA, the SEADAWN and other large vessels similarly situated, normally did not participate in the Inshore Whiting fishery because of the low value of the whiting and because the Inshore Whiting fishery extended generally late enough into the summer so a commitment would conflict with participation in the Bering Sea Pollock B Season when it was an Olympic fishery. After adoption of AFA the SEADAWN, and I expect others, did not participate because it appeared quite clear based on the terms of AFA that the Council would be establishing sideboards preventing us from increasing participation in this fishery. The control dates published in the Federal Register seemed to further indicate that NMFS and the PFMC was serious about enforcing the intent of the AFA.

However, in 2006 several large AFA vessels with no prior history in the Inshore Whiting fishery took the gamble of jumping into this whiting fishery. This gamble, of course, includes the assumption that the PFMC and NMFS would be unable to respond to this clear violation of the intent of the American Fisheries Act which was to prevent AFA vessels from causing adverse impacts on other fisheries in which they had no prior history. The harvest total of the three AFA vessels that entered the fishery without prior history caused the early closure of the fishery to those historically dependent thereon, which is a serious adverse impact.
It is very important to realize that this issue is not just about the three AFA vessels that entered the fishery in 2006. There has been an extreme change of circumstances in the last year or so that has added to the creation of the Emergency justifying the rule recommended by the PFMC. It appears the pollock resource is in a decline and quotas will be coming down. In addition, the whiting value has increased tremendously providing incentive for new entrants. If this Emergency Rule is not accepted by NMFS there will be further new entrants into the Inshore Whiting fishery next season including the SEADAWN. The SEADAWN is larger than the other three AFA vessels which entered the fishery and can alone be expected to harvest as much as 11,000 mt if there is a season of similar length to 2006. It can be reasonable to expect more than just the SEADAWN will enter the Inshore Whiting Fishery if NMFS fails to approve the Emergency Rule so it is likely that the season will be compressed to 30 days or less (even though historically it has approximated 60 days before the adverse impact of the new AFA entrants). As AFA vessels, we can now use our co-ops to delay our entrance into the Pollock B Season or even lease our pollock quota so it is easy for many of us who already have West Coast permits to join in the Derby. We will collectively cut the season length in half. This is not consistent with any rational form of management.

Furthermore, it is becoming clear that the risk of destabilization in the whiting fishery extends beyond the inshore fishery. It has been reported that given the increased value in whiting that there is the intent that additional AFA Motherships could enter the Mothership Whiting Fishery. In addition, it is reported that an effort is being made by an AFA Factory Trawler to enter the Factory Trawler sector in the whiting fishery.

The bottom line is what NMFS and the PFMC is facing in the West Coast whiting fishery is the possibility of total destabilization in a very short period of time. Fortunately, the motion by the State of Oregon was amended to include protection for the Mothership fishery and the Factory Trawler fishery as well. It is very clear that an Emergency exists and the proposed rule must be approved if destabilization in the West Coast Whiting Fishery is to be avoided.

It should also be noted that although the new AFA vessels that entered the fishery in 2006 may not have contributed a disproportionate amount of rockfish bycatch species, the risk of disproportionate bycatch of rockfish is extremely likely as new entrants increase. As the Olympic Derby compresses the fishery the pressure to catch will become extreme for every Captain on the grounds and especially those who have the alternative of the pollock fishery to the North the incentive to avoid bycatch will be less.

I am urging you and NOAA/NMFS to approve the Emergency Rule even though economically it would be to the disadvantage of the SEADAWN. This is because I have partners, family and friends invested in some of the traditional vessels that have a long term history and dependency in Inshore Whiting Fishery. I have respected the intent of the American Fisheries Act which was to restrict vessels such as the SEADAWN from adversely impacting the participants of fisheries in which the SEADAWN did not have history prior to the adoption of AFA. The SEADAWN and these other new entrants have stable AFA pollock markets in Alaska that has been very profitable. We do not need to enter into the Inshore Whiting Fishery and destroy it for those who have been historically dependent upon it. It is my hope that NOAA/NMFS will view the subject of this Emergency Rule consistent with the policy and intent of the American Fisheries Act and approve the Rule as presented and recommended by the PFMC. If it does not and others are allowed to ignore the intent of the AFA, I will have no choice as a competitive matter but to enter the Inshore Whiting Fishery with the SEADAWN.

It has been suggested by some, including the State of Washington, that the correct approach is to deny the Emergency Rule and to protect the whiting fishery based on the "Dedicated Access Program" currently being studied for the West Coast groundfish trawl fishery by the PFMC and its committees. That
suggestion is hopelessly flawed because if new AFA entrants are permitted into the whiting fishery it will become impossible for the PFMC committee dealing with rationalization issues to reach any kind of consensus based on history prior to 2006, if at the very time this committee is deliberating NMFS allows new large capacity AFA catcher vessels to enter and destabilize the fishery. These new entrants will participate in the PFMC Council process in order to delay the process that would rationalize the fishery based on history prior to 2006. The only way rationalization discussions will become effective is by NOAA/NMFS approving the Emergency Rule, denying access to the Whiting Fishery by all AFA vessels without sector specific history prior to 2006.

The bottom line is that an Emergency exists and the adverse impacts will become dramatically worse in 2007 unless NOAA/NMFS approves the Emergency Rule as proposed by the PFMC.

Thank you.

Sincerely,

Fred A. Yeck

cc: Dr. William Hogarth  
Assistant Administrator for Fisheries  
National Marine Fisheries Service  
Building SSMC3, F  
1315 East West Highway, SSMC3  
Silver Spring, MD 20910

Mr. Frank Lockhart  
Assistant Regional Administrator  
National Marine Fisheries Service  
7600 Sand Point Way N.E.  
Seattle, WA 98115-0070

Dr. Donald Melsaac  
Pacific Fisheries Management Council  
7700 NE Ambassador Place, Suite 101  
Portland, OR 97220-1384

Mr. Kurt Melcher  
Oregon Department of Fish and Wildlife  
3406 Cherry Ave., NE  
Salem, OR 97303
Wednesday 18, 2006

Mr. Robert Lohn, Regional Director
NOAA-Fisheries
7600 Sand Point Way N.E.
Seattle, Wa  98115

RE: Emergency Rule

Dear Mr. Lohn:

I am writing you today to ask you to support the PFMC decision to put the emergency rule in place for the 2007 whiting season. The council needs this time to analyze amendment 15 and put protective measures in place to stop the over capitalization of the whiting fishery as required by the American Fisheries Act.

I am the Captain and part owner of the F/V Raven. This vessel has been involved in the whiting fishery for 25 years, first in the joint-venture days and since 1991 in the shoreside fishery. Currently large AFA vessels, with no historical shoreside history, are gaining access to the shoreside whiting fishery and having a huge negative impact on it. The 2006 whiting season was shortened by more than 2 weeks compared to the 2005 season which had the same quota, largely due to these new big capacity vessels, who have never fished shoreside whiting before. My vessels income for the whiting season was 25% less this year compared to the 2005 season that was with only 3 large capacity AFA vessels. What is going to happen when more of them show up, as they are already scheduled to do, in 2007.

The PFMC adopted control dates in the Federal Register of Sept. 15, 1999 and June 20, 2000 notifying owners of the AFA vessels that their participation in the west coast fisheries was likely to be limited as required by the AFA. Again in 2003 the Federal Register announced the start of the trawl IQ process. This should not have been a surprise to anyone as the letter from the Washington Dept. of Fish and Wildlife would lead you to believe. EVERYONE had been put on notice concerning the further build up of this fishery.
Please help stop the bleeding of the whiting fishery. This has the potential to turn into a disastrous “derby style” fishery that is already projected to last less than 30 days in 2007 and depending on the quota could be much less than that in the future. It is time to manage the fishery with long term goals in mind that will not cause devastating effects on the communities and fisherman who have relied on it for many years. Please remember those organizations like UCB and its AFA members have everything to gain by creating a derby style fishery and nothing to lose.

It is my hope NMFS will do the right thing and implement an emergency rule in 2007 for the whiting fishery that will give the PFMC time to analyze and implement amendment 15. Please help the council follow the mandate of the American Fisheries Act, as they are required to do, and protect the inshore whiting fishery and its historical participants.

Sincerely,

Robert E. Smith

Cc: Dr. William Hogarth
    Mr. Frank Lockhart
    Dr. Donald McIsaac
    Mr. Kurt Melcher
Wednesday, October 18, 2006

Mr. Robert Lohn, Regional Administrator
NOAA - Fisheries
7600 Sand Point Way N.E.
Seattle, WA 98115

RE: PFMC/Emergency Rule to Prohibit New Participation in the Whiting Fishery by American Fishery Act Vessels

Dear Mr. Lohn:

I urge you to approve the Emergency Rule passed by the PFMC to protect the Whiting Fishery from destabilization. An Emergency exists as demonstrated by new AFA vessels blatantly ignoring the intent of the AFA entering the fishery in 2006 and causing an early closure of the Inshore Whiting season. What occurred in 2006 is potentially only the tip of the iceberg. In 2007 even more AFA catcher vessels is on the horizon. These potential entrants are all watching to see whether NOAA/NMFS enforces the intent of the AFA or bends to the pressure of the State of Washington which seems to be representing the new entrants. If NOAA/NMFS does not approve the Emergency Rule total destabilization of the Whiting Fishery is likely to occur.

In response to the letter written by Dr. Koenings, Director of department of Fish and Wildlife dated September 29, 2006, he is obviously lobbying for these large AFA vessels and clouding the issues by questioning the data’s accuracy. It’s not material if the data is 1 or 2% off, what is clear to any participant in this fisheries is the simple fact that these new AFA vessels are having a direct adverse impact on the whiting fisheries. Dr. Koenings states that the emergency rule will not fix all the problems associated with new entrants, this is true, but it will protect us from the largest threat to our fisheries and give the council more time to deal with all the issues without further destabilizing the fisheries.

I am managing owner of the vessel F/V Raven. The Raven has participated in the whiting fisheries since 1981 in the early joint venture days. We have been fishing the offshore and inshore for the last 20 years. Our primary market has been delivering shoreside to Pacific Seafoods in Warrenton, Ore. The Raven is an AFA vessel that has traditionally fished Alaska in the first part of the year, and then we have returned to Oregon and participated in the Whiting Fisheries. We have been doing this prior to the enactment of the American Fisheries Act.

What concerns me now is the recent participation of new large AFA vessels that had never been engaged in the Inshore Fisheries. These vessels have no historical participation in this fishery. Every one of these vessels, due to their large size, has a very significant impact on the whiting fisheries. When one of these vessels enters the fishery it shortens the season by at least a week. I’ve lost 25% of my whiting catch this year because of these new large vessels entering the
fishery. This loss has occurred with just the new recent participation of a couple of large new AFA vessels. What will it be like with 6 or 8 new boats the size of AFA vessel which packs upwards of 600,000 lbs per trip?

This fishery will become a "whiting opening" for a couple of weeks rather than a reliable fisheries for the historical users if protection is not enacted soon. I have heard that the plants "needed" these vessels. But the truth is that the processors greed to get a little more market share than their competitors is what drives this race for fish. That may work for the processors but does nothing to preserve "market share" for the fisherman.

It is my understanding that the American Fisheries Act required the Pacific Fisheries Management Council to protect fisheries under its jurisdiction and the participants in these fisheries from adverse impacts caused by the AFA fishing Cooperatives. These AFA vessels that have no history in the shore side whiting fishery are causing a direct adverse affect on the historical participants of this fishery. They are using the benefits of AFA & Coops by either leasing Pollock quota or delaying their entry into the Bering Sea Pollock B season to make it possible to be on the West Coast at this time of year.

We ask that you immediately implement regulations as required by the American Fisheries Act that will protect the historical participants. Prohibit entry by these new large AFA vessels that have no pre AFA Inshore Whiting history as required by law.

What we need is rationalization of these fisheries so that we can extract the most and best product out of this fishery rather than the current Olympic system which, by its nature, reduces recovery rates, restricts product forms, encourages waste and makes managing the bycatch difficult. The first step in this rationalization should be restricting new entrants into the inshore whiting fishery by prohibiting AFA catcher vessels without pre AFA history in the fishery from entering and establishing the historical participants. Make no mistake about it; this point is not lost on these new AFA vessels. Most of them politic to rationalize the fisheries their in and then use this advantage to gain entrance into new fisheries. The large AFA catcher vessels are members of a group which with its members have successfully rationalized the Pollock fishery (via AFA) and the crab fishery (via Individual Quotas). Their major fisheries are now in the bank so other fisherman cannot steal it. So now this group and its large AFA vessel owners are on the prowl to steal history from other fisherman who are not protected by their council. The North Pacific Fishery Council protected its non AFA fisheries but the Pacific Fisheries Council has not yet acted. The PFMC needs to be decisive now or the Inshore Whiting Fisheries will be converted to a short Derby.

There are a lot more of these vessels capable of entering this fishery. It may not matter to them if the fishery gets reduced down to a couple of weeks. But for us that have relied on this fishery for years it significantly affects our livelihood.

The truth of the matter is that an Emergency exists and the adverse impacts will become dramatically worse in 2007 unless NOAA/NMFS approves the Emergency Rule as proposed by the PFMC.

Please Help now.
Sincerely,

Lyle C. Yeck

cc: Dr. William Hogarth
Assistant Administrator for Fisheries
National Marine Fisheries Service
Building SSMC3, F
1315 East West Highway, SSMC3
Silver Spring, MD 20910

Mr. Frank Lockhart
Assistant Regional Administrator
National Marine Fisheries Service
7600 Sand Point Way N.E.
Seattle, WA 98115-0070

Dr. Donald McIsaac
Pacific Fisheries Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 97220-1384

Mr. Kurt Melcher
Oregon Department of Fish and Wildlife
3406 Cherry Ave., NE
Salem, OR 97303
October 25, 2006

Donald Hansen, Chairman
Pacific Fishery Management Council
770 Northeast Ambassador Place, Suite 101
Portland, Oregon 97220-1384

Re: Impacts of the Proposed Emergency Rule

Dear Chairman Hansen:

The Swasad family and their partners have been living and fishing in Washington for more than fifty years. Our company, along with a number of other long-time Washington fishermen, own and operate the catcher/processor STARBOUND. Fishing is our way of life and the revenue is our primary source of income.

I know that I speak for me, my family and all of the other owners of the STARBOUND when I say that we are deeply concerned and disturbed by the Pacific Fishery Management Council’s recommendation that the NMFS impose an emergency rule restricting AFA vessels holding valid West Coast Groundfish Permits from participating in the mothership and catcher/processor sector of the 2007 Pacific Whiting Fishery. The exclusion of AFA vessels using permits that are and have regularly and recently been used in the Pacific Whiting fishery is arbitrary, capricious and patently unfair -- particularly given the significant investment required to participate in the fishery and the complete lack of evidence supporting the restriction on the offshore sector. The imposition of this rule on the offshore sector is not supportable by the facts or the law.

We wish to advise the Council that -- in the context of these facts and the elevated standard that must be met to implement an emergency rule -- we vigorously oppose the implementation of the emergency rule as it relates to the offshore sectors. Shortly, we will provide additional factual information accompanied by a legal analysis detailing the many reasons why the emergency rule should not and cannot be implemented. We believe that after the Council considers the correct evidence and completes a comprehensive analysis of the issues, it will agree that the emergency rule should not be implemented.

Thank you for the opportunity to provide these comments and we will remain available should you, the other members of the Council or your staff have further questions.

Sincerely,

Cary K. Swasad

Cary K. Swasad
Date: October 15, 2006

To: Mr. Robert Lohn, Regional Director
NOAA-Fisheries
7600 Sand Point Way N.E
Seattle, WA 98115

From: Hank Kentta

Re: Emergency Rule

I'm the Captain and part owner of the F/V Blue Fox; this vessel has been fishing for Pacific whiting since 1982, and has fished shoreside whiting since 1991. Pacific whiting makes up fifty percent of my annual income, up until this year this has been an adequate income and an enjoyable fishery to participate in. The 2006 shoreside whiting fishery has just ended, 16 days earlier than 2005 while fishing on the same quota as 2005. The shorter season was the result of the Pacific Fisheries Management Council not taking action to protect the long time participants from adverse impacts resulting from rationalized fisheries.

The shoreside whiting fishery needs your help, if action isn't taken to follow the law and protect the fishermen, this fishery will be the worst of derbies with no winners. The losers will be the local fishermen and their families that have depended on and invested in the shoreside whiting fishery for years. Protect us from the spillover from rationalized fisheries, the moving of the overcapitalized pollock fishery into the overcapitalized shoreside whiting fishery is against the law of AFA and needs to be stopped.

I hope that National Marine Fisheries Service will see the urgency to take action on this issue, two more large AFA vessels have already been promised markets for the 07 shoreside whiting season if the emergency is not in place, they will be able to deliver 1.2 million pounds per day. The loss of income to my family and other long time participants in the shoreside whiting fishery is disastrous. We are now dependant on you to stop this nightmare, give the Pacific Council time to solve this problem, please support the Councils decision to put an emergency rule in place for 07. If something isn't done soon this is going to derail all the work that has been done on the trawl individual quota program that we have been pumping money and time into. It's wrong for one State to support the practice of speculation fishing and the purchasing of latent permits and trying to make sure they get into the trawl IQ program. The 2003 Federal Register announcing the start of a trawl IQ process speaks against speculation. How is it that the North Pacific was able to sideboard all the AFA vessels, protect their fisheries from spillover but down here we ignore the law and several Federal Registers and watch a fishery die. Thank you for taking the time to read this letter.

Sincerely,

[Signature]

Hank Kentta
F/V Blue Fox

cc: Dr. William Hogarth
Mr. Frank Lockhart
Dr. Donald McIsaac
Mr. Kurt Melcher