

***Coos Bay Trawlers' Association, Inc.***

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*A Non-Profit Organization Since 1997*

March 21, 2007

**Whiting Emergency Rule  
Public Comment**

Frank Lockhart  
Assistant Regional Administrator  
NMFS/NWR  
7600 Sand Point Way NE, Bin C15700  
Seattle, WA 98115-0070

Dear Mr. Lockhart

I have testified many times before the Council of the need to think outside the box when it comes to the whiting resource. I have described how one vessel owner I represent has figured out a way for any fishermen in our rural coastal communities, that have been unable to harvest whiting because of waste disposal concerns, could land whiting products in their port. I have explained that our port infrastructures would not be vanishing if some whiting were landed in our ports to support the loss of fishing grounds and diminished groundfish landing revenues. I have detailed how a resource we encounter almost every time we fish, right out our doors, is caught by vessels from another locale that leave with not only the resource but also the revenues they generate, without benefit to our local rural communities or the state of Oregon. I have challenged the Council to think outside of the box on this resource to do something different, to end the required discarding of this product. Fishing laws demand an end to discards and discards that are caused by regulations should be top priority to the Council, the NMFS, NOAA, the Department of Commerce and Congress. Management should manage fisheries by the laws passed by congress to avoid lawsuits filed by environmental groups and angry taxpayers. Perhaps, fishermen and rural communities, that are adversely affected by laws not being enforced, should join the list of suits filed against the government.

While we support the Council's concept to control Alaskan AFA boat entry into fisheries on the lower forty-eight, we can not support the elimination of our local fleet from this resource. Is this control of AFA boats going to regulate how a fishermen chooses to add-value to his catch? The F/V Stormie C has history in whiting and will receive quota shares if/when the ITQ program is implemented. In 2006, the 69 foot Stormie C harvested 700,000 pounds of headed and gutted whiting and received an ex-vessel price five times greater than other whiting landings. This was accomplished by thinking outside the box with a desire to reduce the discards encountered while fishing. Short tows with a small net have far less impact on by-catch and habitat than the giant nets of a factory trawler. Short tows also allow the crew to feed the fish into head and gut machines discharging the waste at sea, places the product in thick slurry ice before rigor even sets in, assuring the highest quality product. Concerns from our niche markets (foreign) about

the tail weight, exposed spine bones, shipping costs and profit margins last year have lead the Stormie C to modify its production plan for 2007. It includes clipping the exposed spine bones at the freezing facility, to remove the tails at sea and to add an additional h&g machine to keep up with the catch rate. So, now, to stop the AFA and other boats from fishing whiting, the Stormie C will again be forced to modify its 2007 production plan just months before deployment. Should the Council and NMFS control how fishermen can add value to their whiting catch, or any other catch?

The Stormie C has invested a considerable amount of capital in head/gut and tailing technology, research, refrigeration systems, conveyors and an observer data gathering center in preparation for the 2007 season. This emergency rule will adversely affect this operation. The shoreside processing facility that freezes and ships the product, has invested additional capital into its plant to prepare for this season. It is ready to buy other boats' whiting "by-catch" to help reduce the discards we all encounter. Additional freezer plates were manufactured in speculation of the increased "by-catch" turned back into my-catch, and to deal with a "whiting in the round" product. The plant was also planning to employ 40 to 50 extra workers for 3 months, to handle the production flow which would help our depressed area immensely.

All this took years of careful planning and investment for a program to be implemented. The owner of the F/V Stormie C created a project agreement with the owner of a shoreside processing facility. The production plan's mainstay product was to be headed/gutted/tailed whiting from the Stormie C and whole round whiting from other non-whiting boats that currently discard 100% of their whiting catch. Many man hours were used to develop the plan and to make sure every requirement was addressed. Market development, products to produce, weight conversion factors to cover our operations, plant tail weights and length experiments, observer contracts and accommodations, plant freezer capabilities and storage facilities, all ready to go.

The new and improved Magnuson-Stevens Act spoke loud and clear that the nation does not want our fisheries to be controlled by some big conglomerates putting our resources in the pocket of a few rich individuals. The dedicated access language clearly intends our fisheries to have the same characteristics it has today and does not want consolidation controlled by large corporations. As it is right now, 80% of the whiting caught on the west coast is controlled by two individuals. To go forward with any regulations that would write that in stone is against the spirit of the law. THE REDUCTION OF DISCARDS is an important factor to our industry's image, a demand by modern law, a way to turn "by-catch" into "my-catch", to turn waste into revenue, to turn raper of the ocean into stewards of the resource.

We ask for exemptions to the Emergency Whiting Limitation Rule for any vessel that is under 80 feet long that has a west coast trawl groundfish permit. These vessels should be encouraged to find innovative ways to reduce discards because that is the demand of the New Magnuson-Stevens Act.

Sincerely,

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Steve Bodnar,  
Executive Director

signed letter sent via US Postal Service

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Dennis Cutting,  
F/V Stormie C

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Mike Erdman  
Oregon Brand Seafoods