



OREGON FISHERMEN'S CABLE COMMITTEE, INC.®

March 2020
Volume 8, Issue 1

OFCC Version 10.2
Thumb Drives will be available at the Port Meetings. They include plotter info for Maptech, Coastal Explorer, P-Sea WindPlot, ECC-Globe, OLEX, Nobeltec and TimeZero; route plotting extended for trap boats; no new cables since 2018.

UNDERSEA CABLE UPDATE

2020 Port Meetings

TRAWLER OWNERS, CAPTAINS AND CREW
(Draggers, Shrimpers & Whiting Fleet)

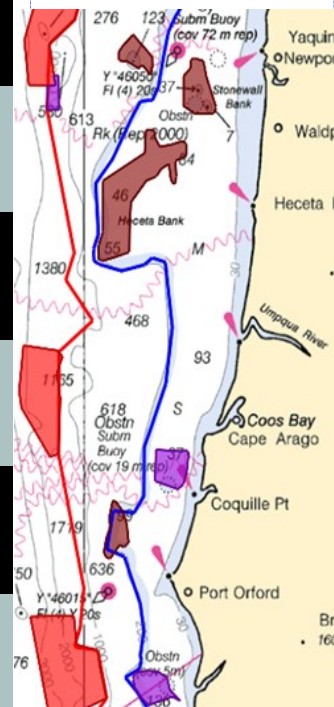
You are invited to an **OFCC Noon Luncheon Meeting** at any of the following locations — lunch is provided:

Warrenton	El Compadre Restaurant 19 S. Main Ave.	Thurs. March 19
Brookings	Blue Water Café & Lounge 97900 Shopping Center Ave.	Mon. March 23
Charleston	Fisherman's Grotto 91149 Cape Arago Hwy	Tues. March 24
Newport	Englund Marine Supply 880 SE Bay Blvd.	Wed. March 25

Take your crew to lunch—on us. See the new OFCC training and promo videos and get a quick update on Oregon submarine cables while you eat. Attendees can enter a drawing for **one \$200 Cabela's** gift card, and **four \$50** gift cards from **Englund Marine Supply**. This year we are also giving out a **\$50 cash prize at each location**. Gift card drawings held on March 25 include all entries. Thumb drives with cable routes (**Ver 10.2 has new layers for OLEX and TimeZero**), new **2020 EFH Coordinates**, and **2019 Crabber Towlanes** will be available — as will copies of updated printed Chart 18520 (Yaquina Hd to Columbia R.) **Scott will be available for several hours after each Port Meeting to help you back up your data and install routes on your plotters.** You should have a high capacity thumb drive (32-64 GB or higher) to back up your fishing information.

Our 2019 Port Meeting Prize Winners:

Randy Smith, F/V Mistasea, \$100 Cabela's card
Travis Hunter, F/V Fishwish, \$200 Englund Marine card
Jason Ficken, F/V Pacific Wind, \$300 Englund Marine card
Duane Hudnall, F/V Stillwater, GPS EPIRB Grand Prize, donated by SubCom



Section of 2020 EFH, effective January 1, 2020. Shown in TimeZero. Red is unchanged, **purple is NEW**, brownish is revised. 2020 EFH thumb drives at Port Meetings, OFCC, ODF&W, Midwater Trawlers Coop, OR Trawl Commission.

A thumb drive can be used numerous times and on different boats. For help loading, please call Scott McMullen at 503.440.3569.

<https://www.fisheries.noaa.gov/west-coast/sustainable-fisheries/west-coast-groundfish-closed-areas>



Duane Hudnall, winner of 2019 GPS EPIRB

Jupiter Cable

Facebook joined the OFCC on June 20, 2018. Facebook is one of the consortium owners of the Jupiter cable system. The Jupiter system will land in California and in Oregon, near Pacific City. Jupiter will cross the Pacific Ocean to Japan and the Philippines. SubCom is manufacturing and installing the Jupiter cable. Facebook worked with the Oregon fishing industry to get the best route crossing the shelf and slope. Timing of installation off Oregon is not set.

OFCC member vessels will be needed for patrol and possibly guard boat services during the installation process. **Patrol vessels** run in front of the installation vessel, keeping a watch for any fixed gear and letting fishing vessels and other mariners know about the installation and safe passage. Member vessels that have submitted a *Statement of Interest* are entered in a random drawing for each cable project. Vessels must be in seaworthy condition as determined by the OFCC and required equipment needs to be in good working order and on board prior to mobilization. Patrol vessel charters are usually 10 days and the rate is typically \$57.50/foot/day up to a maximum of \$4887.50 per day (85 ft). *Contact our office to see if you are signed up.*

To become a member, the owner or captain of a trawler signs an *Individual Fisherman's Agreement* (IFA) form on behalf of the vessel. There is no cost or fee. Every vessel that has a West Coast Federal Groundfish permit, or an Oregon, Washington, or California Shrimp permit is eligible

A Note About Marine Insurance

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You are liable for everything that happens to anybody and anything to do with your boat.

For instance, crew liability – the vessel is responsible for ANY illness or injury that occurs or manifests while hired crew are in the duty of the vessel. The liability extends to on or off the vessel 24/7 when out of your home port. You have the same liability to crew whether they are at sea engaged in fishing operations or on shore working on gear... or driving to get provisions or parts for the vessel, whether in your vehicle or theirs.

Hiring a contractor to do some rewiring or refrigeration? You have liability to them as a business invitee. You want to make sure they have their own coverage when they come onboard, but many small marine repairers may have liability coverage for their work but not their personnel or themselves.

Damage to a port facility? You could be liable if your boat accidentally hits old, worn out docks or pilings even if the port had plans to replace them.

Predatory salvage. There are companies who monitor

radio calls to the USCG listening for grounding or stranding calls. By accepting a line or offer of assistance, you are in a position of being charged for 'salvage' of the vessel, where the assisting company charges a portion of the vessel's market value for saving it, even if you didn't need their help.

Physical damage to other's property. This includes cables and anchored or floating equipment, docks and bridges, buoys and other boats that are moored – even derelict boats.

Frustratingly, our industry settles most claims out of court. The cost to defend the claim is usually calculated to exceed the cost of settling the claim.

We want and need our crews and reputations protected. Buy all the insurance you want– from an insurance pool, local broker, Club or Consortium, but make sure you invest in your relationship with your Marine Insurance partner. There's no extra cost. Work with someone you trust to know the industry and your business--someone seasoned and salty with the experience to maneuver these changing seas on your behalf.



Training Video Available

We are excited to share the new OFCC Training and Promo videos at our March Port Meetings. It was suggested by a fishing vessel owner that we produce a training video we could provide to those who can't attend our meetings. The training video will allow vessel owners to get the information about safely fishing around cables to skippers and crew that are unable to attend our port meetings. While we would prefer fishermen attend the meetings, the video will provide some basics about the OFCC protocols which are designed to reduce fishermen's liability as well as increase safety for fishermen and cables.

Our thanks to Elevation 0m who filmed and produced the videos, Capt. Chris Retherford, Capt. Kyle Retherford and the crew of the FV Excalibur, Capt. Jon Stevenson and the crew of the FV Tauny Ann, and the crew of Alaska Communications (ACS) Network Operating Center (NOC) for their tremendous help and support.

You can find both videos at **OFCC VIDEO—YouTube**.

Trawl Buyback Loan Relief Finally a Reality

By: Heather Mann, Midwater Trawlers Cooperative
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Tucked into the FY2020 Appropriations bills passed in December 2019 was a short paragraph that will have a huge impact on the West Coast groundfish trawl fleet. When President Trump signed the bill into law, he paved the way for long sought after Buyback Loan relief.

Background

After the Secretary of Commerce declared the West Coast groundfish fishery a disaster in 2000, the trawl industry led an effort to reduce the number of vessels in the groundfish trawl fleet. Congress authorized a federal buyout in 2003 and subsequently 91 trawl vessels were retired from the fleet. The remaining industry participants had agreed to repay the \$28.4 million Buyback loan over thirty years. Unfortunately, something went terribly wrong. National Marine Fisheries Service delayed implementing the repayment regulations for almost two years after the loan proceeds were expended – this meant that the interest began accruing when the loan was executed even though the industry was prevented from making loan payments. Over \$4 million in interest was added to the original loan balance as a direct result of the NMFS delay and that \$4 million has compounded to almost \$13 million over the last fifteen years. Case in point: the trawl industry borrowed \$28.4 million. As of December 31, 2019, trawl vessels had made over \$38.5 million in loan payments to the government, but incredibly still owed over \$19 million!

Many of the trawl vessels that were bought out were also involved in other fisheries and those permits were also surrendered in the process. This created six additional sub-loans that totaled \$7.2 million. All of the sub-loans besides trawl groundfish have been paid off by the remaining participants in those fisheries. And while the number is much less, it is estimated that the NMFS delay caused approximately \$1 million in extra interest to be paid by the subloan fishery participants—OR, WA, and CA Pink Shrimp, OR, WA, and CA Dungeness Crab.

From 2005 through 2017 every west coast trawl groundfish vessel was required to contribute 5% of their ex-vessel value to NMFS on an annual basis as loan payments – that's off the top of every groundfish delivery and that's a huge amount of money to fishing business. In 2018 the annual fee dropped to 4.5% and the fee has dropped .5% each year since then, with fishermen currently having to contribute 3.5% of the value of each delivery to the government.

2014 REFI Act

With help from Congress, in 2014 the industry was

successful in securing federal legislation to refinance the loan. The refinance was aimed at achieving a better interest rate and changing the terms of the loan. President Obama signed the legislation into law, but the REFI Act was never implemented. This was because the Office of Management and Budget (OMB) determined that the government would lose money on the refinance and an appropriation was needed to make up for the \$10 million the government would lose. There was no appropriation and the refinance was never realized.

Current Success

In 2018 a broad industry coalition including Midwater Trawlers Cooperative, Fishermen's Marketing Association, United Catcher Boats, the Oregon Trawl Commission and others worked together with K&L Gates to seek an appropriation that would forgive all the accrued interest that was a result of the original NMFS delay. For close to two years the industry worked tirelessly to achieve success and the FY2020 spending bill contained the provision that forgives the accrued interest all the way back to the beginning when the loan was executed in 2003.

NMFS is currently in the process of figuring the amount of interest to forgive and the trawl industry is involved in that process to ensure it is transparent and fair. Once the amount is officially determined the outstanding loan balance will be reduced by that amount. We are expecting at least \$10 million to be deducted from the \$19.5 million outstanding balance. Once the balance is reduced, NMFS will take into account the current loan terms and reduce the annual fee percentage so that the loan still pencils in the 30-year term. We expect the annual percentage fee to drop below 1% of ex-vessel value and we are working on making whatever the fee is retroactive to January 1, 2020 since the law was passed at the end of 2019. There are many fishermen who would like to see the annual rate remain at 3.5% or even go back up to 5% so that the remaining loan can be paid off as soon as possible. The first order of business, however, is to determine the correct amount of interest to be deducted from the outstanding balance. This process could take several months but because the amount of accrued interest continues to grow on a daily basis, it is in the best interest of NMFS to implement the law as soon as possible.

Updated NOAA Chart 18520

Chart #18520, **Yaquina Hd to Columbia River**, will be available at the March Port Meetings. The OFCC worked with NOAA to add Hawaiki and Microsoft cables, correctly show the out of service North Pacific cable with two sections removed, and print cable names. Now for the first time, all charted subsea cables in Oregon have cable names shown on NOAA charts — a first for the US and possibly the world.



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The Oregon Fishermen's Cable Committee Inc. is an organization of trawl fishermen and representatives from companies that operate fiber optic cables off the Oregon coast. Membership is free of charge and open to all west coast trawl fishermen that have either a west coast federal groundfish permit or an Oregon, Washington or California Pink Shrimp permit. Members that follow operating protocols receive replacement gear and compensation for lost time and catch if asked to sacrifice fishing gear to protect an undersea cable. In addition, such members may receive a release of liability for accidental damage to an undersea cable. Members also are eligible to participate in drawings for patrol vessel charter opportunities during undersea cable installations. To join, contact the OFCC office.

The OFCC tries to monitor an email address and phone number for use in a submarine cable emergency:

OFCC Emergency phone #: (503) 440-3569 Email: 911@ofcc.com

Emergency Contacts for Possible Cable Hang-ups			
CABLE	EMERGENCY EMAIL	CABLE OWNER	EMERGENCY #
	<i>When you can't call the Emergency #</i>		
AUFS-W	nocc2@gci.com	GCI	(888) 442-8662
TGN SEGMENTS 1, 5, 6	nmcwall@tatacommunications.com	TATA	(732) 282-4001
RSN SEG 1, 2, 3, 4, 5	ooi-ofcc@uw.edu	WOODS HOLE	(855) 665-1424
NORTHSTAR AKORN	acscsnocc@acsalaska.com	ACS	(888) 734-1888
TRANS-PACIFIC EXPRESS (TPE)	acscsnocc@acsalaska.com	VERIZON	(888) 734-1888
SOUTHERN CROSS	acscsnocc@acsalaska.com	VERIZON	(888) 734-1888
JUPITER	JupiterOregon@fb.com	FACEBOOK	
NEW CROSS PACIFIC (NCP)	NCPSubsea@Centurylink.com	MICROSOFT	(844) 278-6966
HAWAIKI (HAW)	ofcc@hawaikicable.co.nz	HAWAIKI	(877) 242-9245
TPC-5		AT&T	(866) 466-2288, prompt 5
FASTER	FASTER-NOC@kddia.com	GOOGLE	(877) 520-0800