

**New England Fishery Management Council**  
Amendment 16 to the Northeast Multispecies FMP  
Public Hearing Summary  
New London, CT  
June 1, 2009

A public hearing was held to receive comments on the Draft Amendment 16 to the Northeast Multispecies Fishery Management Plan and the accompanying Draft Environmental Impact Statement (DEIS). The meeting was chaired by Groundfish Oversight Committee Chair Mr. Rip Cunningham, assisted by Council staff Mr. Tom Nies and Ms. Anne Hawkins. Council members Ms. Sally McGee and Mr. Mark Alexander were also present. There were approximately five people in attendance, four of whom signed the attendance sheet.

After introductions, Council staff provided an overview of the amendment documents (including the public hearing document and the measures matrix), summarized the measures considered in the amendment, and described the comment process and future actions. The public then provided comments on the proposed rule. The comments (with staff responses where given) were:

Matt Stommel, Fisherman (Cape Cod, MA): I have questions as well as comments. What is the ABC? Is that a new way of establishing catch limits?

Tom Nies: In the past we set a target TAC. Now, because of revisions to the Magnuson Stevens Act, we must be more precautionary than using a target TAC approach. The scientists set an ABC and the maximum catch has to be at or lower than that number.

Mr. Stommel: That sounds dangerous. I don't like it. Also as far as the science goes, the new management schemes – effective or not – will greatly increase the uncertainty. Scientists like to blame management schemes for uncertainty, and this is a great opportunity to continue to do that. Also, the pollock assessment is terrible, and there are plenty of reasons to revisit that, including the assessment done by the DFO. I'm not in favor of sectors, and would much prefer to go to ITQs and bypass sector management. It seems like this approach will make things more uncertain in the future, and it creates a tremendous financial burden on industry members. I would much prefer to go straight to ITQs. I don't know how you'd want to deal with vessels that would be in a common pool. The sector argument is to isolate the common pool boats, but in a fair catch system you might be able to get rid of the common pool altogether. I am concerned with the costs that are piling up. The sector idea is reminiscent of early 1990's fisheries management, when a lot of bad decisions were made that we continue to live with today. I have a question about observer coverage. Will the ACE assigned to a sector be based on some kind of estimate of what bycatch would be for that sector?

Mr. Nies: The ACE would include landings and discards for the sector. Until a sector establishes at-sea monitoring, there will be an assumed discard rate applied to its landings. After at-sea observing is implemented, what is actually observed will be applied

to the sector. There are a couple options on how to calculate the rate, and the number will also depend on how NMFS decides to apply the discard rate. They like to calculate it based on total landings. It is difficult for sectors to know in advance what the discard rate will be. There is a meeting scheduled for next week where NMFS will talk about that and other issues with the sectors.

Mr. Stommel: I don't see how you could choose to be in a sector if you don't know what NMFS is going to do. How are these discard rates handled with the existing sectors?

Mr. Nies: The discard rates are not used at all. But they will be applied to all sectors in 2010.

Mr. Stommel: Is it reasonable to think there will be different discard rates for different sectors?

Mr. Nies: I think there will be different rates by gear initially, and eventually by sector. There is one option in the amendment which bases discard rates for each sector on observed trips from each boat in the previous year. If that is selected, there would be a different rate for each sector. I'm not convinced they have observed enough trips to make that option viable.

Mr. Stommel: I am concerned about different fleets getting different levels of coverage. This is beside the point, but I would like to bring up that the NMFS observer program has never been OMB-certified. It has never followed the Paperwork Reduction Act, and is probably violating the Data Quality Act. I am upset and concerned with that, and NMFS has never made any public statements, nor sent permitholder letters telling the fleets, captains, and boat owners what their responsibilities are toward the observers. As of Friday, no submissions have been made by the Department of Commerce to get the program OMB-certified. That process takes 9-12 months, so I'm concerned that observers are tricking boat owners into answering questions that they don't need to answer by law. One of the things I've noticed is that you could conceivably have sectors with large and small vessels in them. I don't see any of the types of distinctions made that you would find in the DAS leasing program. Is it true that large vessels can use quota that's assigned to small vessels?

Mr. Nies: Effectively, yes. Once the quota goes to a sector, we don't have any control over who catches it.

Mr. Stommel: Isn't that against everything the Council has done to protect diversity in the fleet? Isn't that kind of a big problem that everyone is overlooking? I own a relatively large boat. It might make sense to buy small boat permits pretty cheap and use that quota myself. This in itself is a demonstration that you should skip sectors and go to ITQs. I would like to see monkfish included in sectors, or ITQs, or both. You're setting this up for a lot of complications in how vessels in groundfish sectors will catch monkfish. The species go hand in hand – it's a mixed fishery – and it seems that monkfish ought to be included in this. For the joint and several liability issue, I prefer to go with Option 1.

We've been getting sheets from NMFS, including those from May 1<sup>st</sup>, which told us our landings history for the 10-year and 5-year period. Then other mailings gave us the percentages of what our individual catch shares would be. It would be very helpful if all of that would be translated into pounds, since they have all the data now. It would just be very useful and a lot of people would like to see that information. Lastly, a comment on permit transfers. Currently, when you get the information from NMFS regarding the DAS allocation and the formula to determine the three options that use A days, NMFS is not taking into consideration any of the permit transfer activity. Even though there is not much transfer activity, if you have combined 2 permits, you only get the DAS from the existing permit, not the transferor permit. I spoke to people at NMFS this morning and they admit it's a mistake. We should be untaxed as well.

Sidney Smith, Fisherman (Long Island, NY): I don't belong to any fishing organization, and there are limited opportunities to do so on Long Island and New York. When I tried to make phone calls to find out who the sectors are and how I can join them, I was basically told that I have to find a group of people that might like me in their group. I oppose using data from the last 5 years considering that down in Southern New England we were allowed less fish per trip or per day during that time period, so there's no way you can have a higher catch rate or percentage of what you've done. The expense of fuel, which brought down the catch rate, was never considered. I would oppose the high cost of how something like a sector would be monitored. In your presentation, you stated that you expect the revenue to be lower from fish anyway. Why would anybody pay more money for coverage to be involved in something where you know the outcome of money is going to be less. The document is not clear on the days at sea counting. There seems to be some sort of offset control you mentioned, but there's no set option on how it will be done because it hasn't been decided. You have until September 1<sup>st</sup> for your final sector operations plans, and you have until May 1<sup>st</sup> to even begin. Especially in Southern New England now that we have no flounders until May 1<sup>st</sup> of next year. I bought a boat thinking the whole value I owned was a groundfish permit. Now it's almost worthless, except about 250 lbs./day of yellowtail flounder. You are also suggesting a small-mesh fishery which is basically what's left here, but there's no scientific data that it's even effective. I'm not sure how that got introduced or accepted, with no proof that it's going to work or who it's going to help. If this implementation of sectors is just a stepping stone to go to ITQs, this is just a waste of time. Nobody disagrees that DAS has not worked. It's very unclear and there's not enough information for a typical fisherman like me to absorb to know where to go, especially when there's not even a sector for my area. We all want to have the fish with less fishing time, and I'm sure we all want less discards, but going through sectors is not the way to get there. It's too complicated and a separation of groups again. Thank you.

Bonnie Brady, Executive Director, Long Island Commercial Fishermen's Association: We will be submitting written comments, but there is one issue other than the sector issues which creates its own problem in Southern New England – the SNE/MA small mesh fisheries gear. It is the position of LICFA that this is in no way a necessary requirement and, at the expense of sounding like kabuki theater, I'll state this for the record. When I asked the question at the February meeting of the New England Council

as to whether anyone knew where the science was to support this proposal, Mr. Nies said that was a legitimate question and that we don't have any science to support it. Most of the experiments on related gear took place in Northern New England. I don't think an untested gear modification without any data to support it should be inflicted on Southern New England since we've lost dollar value as a result of losing winter flounder. Yellowtail flounder are not there 12 months out of the year when these guys are fishing. I don't think it was flushed out because nobody uses that mode for squid. We need some appreciation for how the gear interacts with those other fisheries. And we need to not count on this in any way as a mortality reduction for groundfish. It potentially would provide some unquantifiable benefits, but would not aid in achieving the desired mortality reductions. Everyone knows it won't work to catch squid or for the other fisheries in Southern New England, which are all we have left. I know we don't have a New York representative on the Council. We can't be thrown this curveball, it will destroy the tenuous grasp we have. Without science, don't do this. Please. Regarding sectors on Long Island: we box at sea. The cost to create a sector on Long Island, specifically because New York doesn't have weighout data relayed to the docks the way other states do, would require a revamping of infrastructure in a way that's virtually impossible. I'm ignorant of the history of sectors and how this idea came to roost. I think they arose under the guise of sustainability, when the idea is really decreasing capacity. Thank you very much for your time.