

**New England Fishery Management Council**  
Amendment 16 to the Northeast Multispecies FMP  
Public Hearing Summary  
Portland, ME  
May 28, 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 Mr. Terry Stockwell, Mr. James Odlin, and Ms. Mary Beth Tooley were also present. There were approximately thirty people in attendance, twenty-two 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:

Terry Alexander, F/V Jocka: I am going to comment on the effort control alternatives. Option 3A would be the one I'd like to go with in case we get stuck in the common pool. For the PSC allocations, I support Option 1, history only. I was wondering if there was any way to add a few years to that to include people that bought permits recently. ITQs, not sectors, is what I'd really like to see, and also that the recreational allocation uses the same time frame as the sectors, whether it's 1996-2006 or 2001-2006. The discard rate is extremely high on most of the stocks, and our history is based on landings that we received, so the discards were already in there. Yet they're going to take them away from us, so I don't understand why they are being counted twice. The monitoring doesn't need to be anywhere near 100%. I have no idea what the best level of monitoring coverage is, but the minimum they would accept would be my choice. Thank you.

Chris Odlin, F/V Lydia & Maya: I agree with a lot of what Mr. Alexander said. I don't think sectors will work. Maybe when we get done with sector implementation, we can get started right away on the ITQs. There is a lot of work involved with sectors that doesn't have to be there. They are saying monkfish are rebuilt, but maybe there should be an action to increase the trip limit for sectors right off the boat to get rid of the discards. I look through my history provided by NMFS, and I see errors that I can't do a thing about until 2011, and I have no idea why. Try to do something on the monkfish, and move to ITQs as quickly as possible. Thanks.

Dan Long, Operations Manager, Atlantic Trawlers (Portland, ME and New Bedford, MA): Read from submitted written comment.

Knut Nieuwkerk, F/V Hannah Jo: I guess I would support any of the PSC options that would include the longest time frames, so 1996-2007. For everyone I talked to, the longer

the time frame they had, the better chance they had of qualifying for as many species as possible, particularly in the Gulf of Maine where the later years make a big difference. I am really unclear on the common pool options. The common pool could be helpful to the small boat sector. I wanted to clarify what the different TACs were for the options, but it would be helpful if they could stabilize it out so the ACE wouldn't be caught too quickly and cause the fishery to be shut down, or we could get some sort of warning when that may happen to know how to make plans for the rest of the year. People with little or no allocation on their permits will be clustered up in the common pool, so they need some sort of business plan. Thank you.

Allyson Jordan, F/V Theresa and Allyson: There are too many uncertainties involved with sectors. The sectors are driven by NGOs with no investment in the fishery. Monitoring costs are extremely unattainable. There is no way our vessels can afford to pay such costs. I believe we should go directly to ITQs based on 100% history. Your formulas are too complicated and you just add one formula on top of another. I do not believe we should go to hard TACs in any way shape or form.

Sam Viola, F/V Jamie Lee: I look at what's going on in the industry and the country today, and I can't have anyone in the industry tell me why we're going through this. I'm not going to be in any pool. I'm selling out, and it's because of situations like this. Any constructive criticism I have is to vote on what the fishermen really want. Why can't we see what is the percentage of the people in the industry who want this policy? I don't think it would be very many. You should see if you have any industry backing. How can you force people to do something they really don't want to do? Do you think it will work? Do you think at the end of this program, there will be any fishermen left standing? Ask the fishing people here if they want sectors, or if they want to go directly to ITQs. Throw the 20 million dollars back at Pew, and say they don't want this, they want ITQs. Thank you.

Maggie Raymond, Associated Fisheries of Maine: In your presentation, you said that you think sectors can help achieve mortality targets. Our concern is that mortality targets have not been properly set over a number of years, and even though the industry has underachieved – on many stocks we haven't even caught one-third or one-half of the TAC – when the next assessment comes around it turns out we're overfishing anyway. It is hard to believe this system will be any better at achieving targets until we can figure out how to set the TACs properly. When you look at any of the allocation options, the basic problem is that there isn't enough fish to share up for everybody who is currently in the fishery. Our association has been working toward developing a sector. We developed a proposal for ITQs and still believe that's the best way to go. Under the circumstances where we will be held to a hard TAC, it's better for individuals to manage that TAC on their own. For allocation, the longest time frame possible is best and we support Option 1 based on history only. We believe it will be the least disruptive of any of the options on the table. We say “absolutely no” to Options 3 or 4. If you look at today's Georges Bank cod estimate and share that between 800 or more people, there isn't enough to go around, so it must be based on the history of the people that have caught GB cod. That is just one of many examples. In order for sectors to work at all there must be full transferability

between the sectors. The joint liability issue must also be resolved, and we support Option 2 for resolving that problem. Also, under sectors it was a mistake for the Council to not provide a universal exemption to the rolling closures. It's a critical exemption for our small vessels to be able to fish their allocation in those areas. It will be very difficult to justify in our operations plan why we should be able to fish there under sectors because it's difficult to find a rationale for why those were closed other than to restrict mortality. If we're under a hard TAC, we should be able to fish there. Under the common pool we support Option 3A, and in no way support a hard TAC accountability measure. That will create a derby fishery, market gluts, and safety issues. It will result in NMFS prematurely closing down the trimester to prevent exceeding the TAC because they are not able to effectively add up the landings. It is impossible to imagine how they will track quota for the common pool. We will be submitting written comments and appreciate your interest in our views. Thank you.

Aaron Dority, Project Director, Penobscot East Resource Center (Stonington ME):  
Thanks for taking our comments. I have a few things to say about the amendment. One piece that's not in it is an opportunity for community fishing associations (CFAs). In essence, CFAs would be a Council-sanctioned permit bank in recognition of a community's right to hold quota. Also, to protect the investment that all boats have, we need a catch history freeze. I am concerned about high monitoring costs, especially for small boats landing a small volume of fish. (Comments repeated from 5/27/09 public hearing).

?? I didn't make any comments because I'm still trying to get my arms around this. I encourage you, if you haven't already done so, to set up a hotline where we can ask clarification questions.

?? There has been no mail for the general category or any information on how they will deal with the TACs. We need to know both sides of it. We can't make a proper analysis about which way we are going to fish without that information. I found that very frustrating.