

**New England Fishery Management Council**  
Amendment 16 to the Northeast Multispecies FMP  
Public Hearing Summary  
South Kingstown, RI  
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 Vice Chair Mr. Terry Stockwell, assisted by Council staff Mr. Tom Nies and Ms. Anne Hawkins. Council member Mr. Frank Blount was also present. There were approximately twenty-five people in attendance, seventeen 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:

Dave Aripotch, Dragger (Montauk, NY): Wouldn't this whole thing be considered an accountability measure? On the trip limits chart on page 14 of the public hearing document, you said there was a big difference by species for each of the effort control options, but several of them, including winter flounder, seem to be the same under each option. You're closed from fishing it, whether you are in a sector or not. As far as the sectors go, I'm totally against them. It's nothing but a ploy by the environmental groups, which I consider to be filth, to consolidate the groundfish permits. I'm so against sectors that I can't even begin to go into how I would want the DAS or baselines to be allocated. I will only say that if I'm going to be in the common pool, and I have three percent of yellowtail and winter flounder, why am I precluded from catching that? Why would I want to share it with someone who caught less just because they have a bigger boat? As for non-sector DAS, trip limits, and other things – you have us at three to one DAS counting. Why not make it twenty to one? It's two to one now. Where did that come from, if we're not allowed to have any winter flounder anyway? You got Long Island back on the map you use in the document, that's good. The giant drop chain area map didn't have Long Island on it. For the restricted gear areas map on figure 2, what area does the map refer to? Is it referring to the drop chain net or something else?

Mr. Nies: It's an area where you're towing a net that won't catch flounders. There are a few proposed restrictions in the document in addition to the drop chain net.

Mr. Aripotch: So if I was whiting or squid or scup fishing, I wouldn't be bound by that?

Mr. Nies: That is correct. You would be bound by the drop chain requirement, but not the restricted gear area.

Mr. Aripotch: Did they have data poor workshop for winter flounder? Because scup was overfished last August, and then they determined that it wasn't and that the stock size was at least 138% of the original estimate. Was that part of the workshop?

Mr. Nies: No. Winter flounder was assessed in the GARM III.

Mr. Aripotch: Moving on to the additional fishing rules and special programs – my wife went to the Groundfish Committee meeting in NH to talk about the proposed drop chain. You've basically eliminated groundfishing down here to a great extent. If discards are occurring on winter flounder, they're occurring in a directed fishery where you're looking for winter flounder. I look at this as nothing more than a "screw you" from New England. Another thing is that the price of whiting is in the toilet. I'm totally against this raised footrope or 24-inch net. If people want to try it, fine, but you have no scientific basis for that. I guarantee that issue will cause a lawsuit. As for the catch reporting of VMS, the southern area has moved quite a bit into the channel. When I was an advisor that area wasn't in that location. I thought that the Southern New England/Mid Atlantic area has moved east.

Mr. Nies: The reporting areas that are in here capture the way the stocks are identified. The SNE/MA reporting area matches the stock area for SNE/MA yellowtail, which doesn't match up with the regulated mesh area.

Mr. Aripotch: Moving on to DAS transfer and leasing, here is another thing you should look at. I have two permits with squid, fluke, mackerel, and butterfish. If I transfer the DAS I lose a very valuable part of that permit. The SNE/MA winter flounder special area has obviously been done away with. As for AMs, I consider all this an AM and by saying that there will be further measures, I think there's not much faith in this thing you're planning on using and sending out to us. I'm totally against the sectors. The environmentalists have a lot of money and for some reason that I don't know, they're trying to squeeze everybody out of the fishery. We have high fuel prices and boats are being tied up left and right. When it's all lost, it's never coming back. Something I find unbelievable is that in October they were doing demolition in the Woods Hole channel because some congressman's son couldn't get his boat into the harbor. NMFS can dynamite a channel into Woods Hole, but I'm towing a raised footnet around here? That's absurd. What's next? We'll be getting exemptions from running over whales at 30 knots. You've eliminated commercial fishing down here – this is devastating.

Tina Jackson, Commercial Fisherman (RI): Mr. Aripotch is right – this is disgusting and none of it makes sense. That addendum reads like a joke. You have to be a rocket scientist to understand it. I could pick apart the science they have in the amendment. I got a copy of it and I was pretty overwhelmed. I had a big speech prepared about all the regulations and what NMFS has done to the fishing industry, but I'm not even going to talk about that. I'm not going to talk about the dogfish population, or overfishing in our regulated country where we import 85% of our fish from other countries that have no regulation whatsoever and yet still manage to catch fish and export it. I've only been on the water 3 years, so I'm not of these guys' caliber. This man is right, the regulators have

completely destroyed commercial fishing in this country, and I'm completely disgusted. If the taxpayers knew that their money was being used to put people out of work, they'd be outraged. Not once have I seen a NOAA boat towing on the water. Where do they get their data from? The one time I saw one in Narragansett Bay, it was the only boat out there, and I thought, 'what are they doing in February that close to shore?' NMFS has earmarked \$2 million for an observer program. Observing what? Nobody is fishing. None of that money is being given as relief to the fishermen and their families. We are continuing to reduce DAS when all species are on a catch limit, and that makes absolutely no sense. There's no need to have a DAS program when everything is on an ACL. When you reach the limit, it's over, and you move on to another species. With 250 lbs. per day of yellowtail flounder, most of the guys aren't going to go out and catch that. Fortunately our boat did, so we have history, but that's not fair to guys that chose not to because they have a bigger boat, higher fuel costs, or for whatever reason. It's pretty scary when you think about everything that is going on. Let's move on to talk about sectors. Sectors are no good. At an average cost of \$18,000+ per vessel, who in their right mind can afford that? Scaring guys into joining a sector, what the hell is that? The amount of idiocy that went into this planning is mind-boggling. None of these are good choices. Not only are they poor choices because they fail to prevent overfishing, but they actually promote it because they force you to target a species all at once, shut it down, and then move to another species. Why were haddock allowed to be kept while cod were being thrown over dead when they all came in the same net together? The split net made a big difference, but why wouldn't you allow those species to be caught together? That's one of the most sickening things I have to deal with on a day to day basis. I didn't realize until recently how much commercial fishermen have suffered. I can't even give that discarded fish to a food bank or a homeless shelter or anybody. If you don't join sectors, you're forced to take the 18% DAS reduction or whatever the other three options were. That makes no sense to me. There were 65 guys in Chatham who were in a sector in 2007, and now they're down to 20 guys. They don't want to pay the cost. We already have at-sea observing. We have observers on our boat all the time. Nobody can afford to do more. I'm also not going to talk about the fact that I didn't find any research in the amendment into the toxicity in the ponds where winter flounder spawn. I mean chemical runoffs and fertilizer runoffs. You went to having a zero catch level – you didn't know five years ago that there was a problem coming? And now we have to suffer. You can't talk about any of these problems. These guys know how to fish. Scientists are not fishermen and vice versa. Jane Lubchenco made a statement that she wants to mend the rift between fishermen and NOAA. Instead, she couldn't have made a bigger rift. She put 250 people out of business, and not just fishermen – ice guys, and dock guys, dealers, you name it. The president should know what is going on. NMFS hasn't taken care of the fishing industry. It has become an issue of preservation, not conservation. NMFS is putting smaller boats and Americans out of business, and they should be ashamed of themselves – Pat Kurkul in particular. I'm sorry if I'm insulting people today, but I'm insulted. I have kids and a family to feed, just like everyone else in this room. There is no overfishing anymore, there is just a joke and a smokescreen for justification from NMFS. We can write all our representatives – every senator you can get in touch with, every state, every one of them, and the President. He seems to know what is going on in this country. If every person did that, and if we stopped being competitive between

lobstermen, draggermen, and gillnetters, we would really get somewhere. They've used that competition to their advantage and they've beaten us. Everybody that has lost their job – we really do need to come together. You only need to write one letter and send it out to all those people. It's as simple as that. And in regard to Ms. Kurkul – not only do we have the ability as thinking people to write these letters and send them out, but we have the right to file civil lawsuits against Ms. Kurkul and NMFS individually. She has violated Article 14 of the U.S. Constitution, which gives us the right to life, liberty, and prosperity. We don't even have to pay the \$350 filing fee in federal court, because we are all now indigent.

Dick Grachek, Owner, 80 ft. Dragger (Mystic, CT): My first comment is that the difficulty that I'm having with this meeting is the same as with all of them. All these people have a lot to say, but nobody is listening. You're not looking or listening,

Mr. Nies: The Council staff has to transcribe all public testimony to relay it to Council members.

Mr. Grachek: It's not your fault then, but the frustration is that nobody is listening. It comes down to a question of which of these options we would like. As far as I'm concerned, the whole idea of sectors is atrocious. If you take a public resource and put it into private ownership, you end up with the same problems that currently exist on Wall Street. Privatization isn't the answer for everything. It leads to more concentrated wealth. My main concern is that I have a pretty good history, and I'll make out fine with this, but it will be the end of the fishery. The process of setting the TACs will remain the same, and that's where we're having problems. What we are told is out there and what we see every day are different things. None of these problems will be solved by sectors. It's just an economic scheme that has nothing to do with conservation. All you're doing is jeopardizing a 400-year old coastal tradition. I'm having a hard time paying my bills. I'm 64 years old, everything I own is wrapped up in this boat, and I'm on the verge of going under. I do the right thing, I work hard, I do everything by the book, and I'm on the verge of going out of business. I'm not a scientist, but we have to work together. You need to have more meetings like this and listen to us. Come out on the boat with us. I'll stop now because this is very emotional. I appreciate you taking the energy, but we need to do more of this.

Harold Loftes (Point Judith, RI): I have been a fisherman for 48 years, and until this year I've been very successful. That is, I was successful until May 1<sup>st</sup>. I'm not in favor of sectors based on poor science. NMFS has a secret plan. Most of the boats that were bought recently were bought based on DAS, and people paid big money paid for a lot of them. Those boats that were sold were failing and had poor catch history. There should be more alternatives based on the size of the boat, days at sea, catch history, or a combination of those factors. You're going to take the little boats and put them out of business. I'm forced to fish by myself, and at my age I shouldn't have to do that. I don't make enough money to hire a crewman, and I'm working harder than I ever did. Now, as of May 1<sup>st</sup> I can't afford to go fishing. Something is wrong. I believe that sector implementation is a done deal. It has already been decided behind the back door. We

have no choice. If that's so, the boats must be bought out. Either that or send out food stamps and tents, because you're destroying a lot of people. They will lose their homes, some of the families will break up, and a lot of these were successful people. NMFS, if you have to, if you're going to get rid of us, buy these boats out. Ms. Kurkul can put it in her yard for a planter if she wants to, but you can't destroy people. It's happening, and it already has happened. This is a poor situation based on poor science. If we're going to go down this path with sectors, people should be aware of the secret plan, and there is one. That plan is conquer and divide. United we may stand. Divided we will fail. It's my opinion that sectors are another form of genocide, and everybody should know what genocide is. Thank you.

Emilie Litsinger, Project Manager, Environmental Defense Fund: Read from prepared statement (copied at the end of this summary).

John Kurzack (Point Judith, RI). I have some questions. I know we got sent a questionnaire about our expenses and stuff, but maybe someone from NMFS should come to us and ask how we would you make a go of it. How will we wake up at 3 a.m., go outside for 250 lbs. of yellowtail, and make the crew happy? Did anyone go out and ask how we are going to make a day's pay and keep a crew? Now they're going to send a questionnaire and tell us what the impact of this is, instead of asking us before? You say these numbers aren't right, so I have no idea what my percentages are. It's very hard to make a business decision, because I'll have to buy a permit. When all you know is a percentage of nothing, would you make a business plan? It's very hard to make a plan when all of a sudden you wake up and have no allocation of something. Right now in RI, much of the fleet was fishing on flounder, baitfish, and bluefish. Now you have 20 boats chasing squid. They're going to sell for nothing. You have to diversify, or you're ruining markets. I have a friend who is a chef at a high-end restaurant, and they told him he can't serve certain local fish, because they are only around 2-3 weeks a year. He has to buy foreign fish. It has to be spread out through the year, so people can buy it and have a steady supply year-round. I don't know if there are any business-oriented people at NMFS. If there are, they should come down to my house and I'll explain this to them. If they can make a go of it, then they should go ahead and do that.

Richie Antonino, Black Rose Charter Boat (MA): The biggest thing that affects us is the choice of years on which to base the allocation. In 1996-2001, the fishery was different than the one we have now. During the 2001-2006 timeframe we had essentially the same fishery as now. There wasn't even a haddock fishery back then, and it's fantastic that there is one now. The first thing to figure out is what we're going to choose for years. If you're going to base a future catch on a group of years, it has to be a group that's comparable to today. In terms of what I see as the economic impact of each of these effort control options – you guys know the impact on the cod, but what does this do for our business? The lottery is the most successful business in the world, because it gives people hope. Right now there is no hope if the bag limits are too low. If you talk about cod, for instance, a bad option is Option 2, bringing the bag limit to six fish. That will keep people off the water. They don't want to spend the gas money to go out 20-30 miles to catch six fish. We have people driving from other states for the hope of going out and

having a great day on the water. For cod, people know that most of the fish kept are 24-26 inches long, so if you make a 26-inch minimum size people will not want to come, and therefore that's a terrible option too. You don't want to take cod out of the mix of stocks we can fish. Option 3 for cod is the best option. It gives us extra time in April. People aren't going to change their thinking if there's a two-week period where they can catch haddock but avoid cod. No problem. If a choice has to be made, Option 3 is a no-brainer. With Options 1 and 2, the economic impact will be extensive for the entire year. People won't fish in New England anymore. They'll take their money elsewhere. We have fees that don't go away, and our customers want an option of hope. With haddock, you have it completely backward with what you think the economic impact is. Option 1 is the best for haddock. People won't miss a 19- or 20-inch fish. They know they can fish as many fish as they are able if there is no bag limit. A lot of people are involved off the water with the fishing industry. Having a limit of seven smaller fish doesn't even make sense. Option 2 for cod will have the greatest economic impact. People won't make a trip for six fish, period. Option 1 is in the middle, but for Option 3, I don't see where the impact will hurt us. People will keep coming, will keep fishing, and will keep their hope alive. I don't understand why you think that will have the greatest impact. The same is true for haddock. As someone who's on the water a lot, I don't agree with the order you chose. I know people. Option 1 will not be a problem for people. Option 3 you think will have the least economic impact, but without question it will have the greatest. I don't know where your thought process comes into play. It is a given that jobs will be lost if the wrong choice is made. The first mistake would be choosing the wrong set of years to base the data on. The proper years are 2001-2006. I want to keep rambling to a minimum. You should choose the right years, and cod Option 3, and raise haddock to 21 inches. Thanks for listening and I appreciate it.

Richard Allen (Westerly, RI): I support the general intent of A16 to move toward output controls and clear accountability, but I want to talk about some of the troublesome issues I see. First, on ACLs, which represent a major shift in the way fishery is managed – A16 doesn't include any of the actual calculations. It is troublesome to go to public hearings with a major plan change, and considering the impact the ACLs will have, when people don't know what the numbers will actually be. That contrasts with Amendment 15 and the monkfish amendment, where they're trying to give people a greater understanding of the ACLs and the numbers they'll have to work with. This issue is particularly important in A16 because people will have to choose whether to join sectors or not. I would hope the Council would find a way to accelerate the process and get those numbers out before the September 1<sup>st</sup> deadline for joining sectors. I also suggest the Council use the ACL-setting process to explain the discrepancy between having catches that are generally lower than the target TACs and mortality below what it's supposed to be, when stock sizes are not increasing. I would think, in the process of establishing ACLs, that might be better explained. If the restructuring of the fleet allows people to catch more of the TAC than they have in the past, and yet the TAC is too high already, we have the potential to have worse overfishing. The other thing that concerns me is that the ACLs will most likely reduce the allowable catch below the TACs that have been established to meet the rebuilding targets. The effect is to accelerate the rebuilding schedule and set a target that is higher than that in the rebuilding schedule. I think people need to understand if that's

the impact of the ACLs. I have another timing issue with the sectors. There is a lot of uncertainty about how the different sectors will operate, and they don't have to submit operations plans until September, but they have to submit their rosters and contracts with the fishermen before that time. Without seeing the operations plan, it will be hard for me to evaluate which sector I might want to join. Also, there is the possibility that someone could sign up for a sector, but when the plan submitted it will be disapproved, and where would that leave the fisherman that signed up for that sector? I suggest you request the sectors to submit preliminary operations plans before September 1<sup>st</sup>, that you publish them as soon as possible, offer preliminary approval or disapproval by October 1<sup>st</sup>, and require final rosters by November 1<sup>st</sup>. The other point I want to make is about the allocation options with regard to Georges Bank haddock and redfish. We're talking about more fish being allocated than the recent catch history has been. It doesn't seem right to me to allocate eight to ten times as much fish as anyone has ever caught to people with only a minimal catch of those stocks, when people that have primarily caught other stocks are having their allocations reduced dramatically. I would recommend looking at stocks that are far in excess of recent catches and use those to make good on reductions in other areas of the fishery by allocating those stocks to everyone. Yet if A16 is approved the way it is now with any of the allocation options that are in there, there is no more chance that anybody else could come into this fishery. Those large stocks are a way to create opportunity for a wider group of people. I'll probably submit more detailed comments, but those are the key points I wanted to address.

Eric Brazer, CCCHFA Policy Analyst and Manager of Two Existing Sectors: I am here to offer initial comments, and will submit complete written comments by the deadline. I would like to reiterate what was said at a previous public hearing. With respect to allocation, it's one of the most important decisions the Council will make. We don't support a system that takes away fish from fishermen who have caught it. We support consistent standards for the existing and future sectors. Once you make an allocation, you don't reshuffle the deck. We need some stability and the opportunity to put together a long-term business plan. By freezing these allocations and histories we have an opportunity to do that. Therefore we support PSC Options 1 and 5. We also support separate allocations for the US/Canada area and transferability of quota between sectors. We need this to allow fishermen to achieve their quotas and prevent stranded capital. We support implementation of the expanded Area I Hook Gear Haddock SAP, and also support reauthorization of the Eastern US/Canada Haddock SAP and yellowtail flounder SAP for the same reasons. We clearly support sectors and sector management. I represent over 50 small boat fishermen in Chatham. It has taken us almost two decades to get to where we are today, with our two sectors each with one allocation. It allows our community to operate as a community and to get exemptions from regulations they found to be failing. A notable regulation was the one that forced fishermen 150 miles offshore to use the same number of hooks as those fishing ten miles offshore. We also got an exemption from the trip limit. It was tough for the sectors to come about and took a lot of hard work. It was difficult to come together as a community. It took money, time, and countless meetings, but it worked. It's not a silver bullet, but it's a constantly evolving program. For those that want it, it gives them a chance. This has meant the difference between fishing and bankruptcy for many in the sector. I am not here to convince people

to join a sector, but to ask that our traditional fishing community continue doing what it's doing. We therefore support renewing the existing sectors and authorizing the 17 additional sectors. Thank you.

Mike Love (N. Yarmouth, ME): A couple things I was curious about on page 19 of the public hearing document. Would the tax be eliminated for leasing or just the transfer program?

Mr. Nies: There are a slew of options. There's no tax on leasing now, just on transfers. The preferred alternative is to get rid of the tax on transfers. There is also an alternative to tax leasing the same as transfers.

Mr. Love: There is a part in the interim rule that says they will take away the incoming leasing prohibition.

Mr. Nies: There is no option like that. You're talking about the cap on how many days you can lease.

Mr. Love: I'd like to see the cap go away completely. In general my thought would be that the sectors are a poor idea. The reason people are looking at sectors is because of the conglomeration over time of many poor management measures that would make the sectors seem palatable or already in the book so to speak. The NGOs that seem so enamored of these would never stop to think that people like myself that have fished for three generations in the interest of making money and having a sustainable business, and a lot of things in sectors fly in the face of that. For allocation, I guess I'd have to go with Option 2. A bunch of people I've spoken with have gotten a different mix of permits over time. In my case I'd have history, but it's based on a lot of Southern New England and a lot of haddock on Georges Bank. Even though I don't fish down there, I've bought permits with history down there. If we don't have that, I foresee that the end of Maine's groundfishing will progress that much further. I will say that, with what I've received this far from NOAA, it is tough to see where you come out anyway and how much you can catch in the future. I don't understand where the idea that it's a big savings is coming from. I'm a middle of the road boat, 65 ft, and we're really not throwing that much over. It doesn't help the market to come in with a huge load of one type of fish, it just tends to depress the prices. As I understand, we can trade amongst the various sectors. What is the stranded capital of fish that doesn't get caught or something along those lines. I see a system getting set up of people swapping ACE, and it seems like a lot of extra complexity. A lot of folks think about sectors the way they do, and when it runs itself out a lot of people are going to be very surprised. Will a minimum fish size and similar regulations still apply?

Mr. Nies: There are only four or five regulations that sectors are required to adhere to. Minimum fish size and mesh size are not included. A sector could request an exemption from those things, and would have to justify to NMFS why that's appropriate to them and NMFS would approve or disapprove that request.

Mr. Love: Will we still have all the restrictions about which permits can work together and not?

Mr. Nies: Once the permit is in a sector, anyone can catch the fish within the sector. You can't put a big permit on a small boat, for example, but you could take it into the sector and then we don't care which boat catches it.

Mr. Love: Of course, sectors are just a one year contract. So if you get in and it's not working, you're just stuck there for the year, right?

Mr. Nies: It is up to the sector to decide how long they want you to sign a contract for, but it would be a minimum of one year.

Mr. Love: Has anyone thought about the downsides if this doesn't work very well – what the impacts will be to the infrastructure? With the king crab fishery in Alaska, the price got so high that people stopped buying it, and even after the price came down, it was a long time before there was a market for it again. I support the PSC Option 2, even though I think the whole thing is a rather misguided experiment.

Pat Kavanagh (Falmouth, MA): My family has a groundfishing company, K&K fishing. We have two 100-ft. draggers that fish primarily for groundfish. As for the allocation, I would like to see it based on an ITQ. When this all started almost 20 years ago, at my first public comment I asked for ITQs. Here we are almost 20 years later, and what a damn mess it's in now. Just give it to us and get it over with. The second thing is the level of monitoring (I'm going by your helpful focus questions). Waiting for a dockside monitor to meet the boat can be very troublesome for getting weighed out. In Canada, on the East Coast, you can give 6 hours notice for a weighmaster, but anything more than that would be tough. If he's not available, I don't think you should be required to wait an inordinate amount of time. I have heard of people not even being able to go fishing because they didn't have the right monitors available. Which PSC formula do you prefer and why? You probably figured out that I'm looking for the 100% history. Although it's pretty different than it was back before we started getting regulated heavily with all these output controls, our family had four boats and we basically fished 250 days/year and totaled 1000 days for four of them. Here we are now, a couple of the boats were scrapped, and we have two boats with about 75 days/each allocated. We have to lease the difference to get to 150-175 day a year to make it in and out, and I hesitate to say profitable because there's been no profit for a couple of years. If you could use more recent years for the allocation time frame, it would be more reflective of our current fishing practices. Besides 100% history, the only option that's anywhere near acceptable would be Option 2. Options 3 and 4 are totally unacceptable. We've already given up so much as groundfish boats with the fleet days and giving out permits for 1 lb./fish, a lot of those boats came in since and caught more than 1 lb./year. Also a lot of boats came in that didn't even qualify for permits in the beginning. I don't want to get personal about it, but they made room for people to come in, and since then we've been on the same daily trip limit as a 30-ft. boat. In other words, with the history we've been building, we've had our legs and hands tied while the smaller boats are fishing on the same trip limits. To

dilute that any further with a formula is totally unacceptable. The common pool options all look to be a disaster, but my preference would be for Option 3A. The differential days areas are just a nightmare. Lastly, no hard TAC accountability measures please. This is going to make a derby, and it ruins markets and I'm really worried about how that is all going to come down. Thank you very much.

Mike Love: I'd much prefer to have ITQs than the sectors. This just jogged my memory. Instead of having sectors and having to pay more money for monitoring and other jobs the government should be doing, we should just have the government monitor the catch and have ITQs or IFQs or however you want to slice it up. It should be managed by poundage and therefore avoid the liability issues of having other people in my sector. Say some guy has most of the quota share in my sector, and his boats are doing something wrong, are we going to go against this guy who has a large number of voting shares in the sector? It's not going to happen. We will keep our mouths shut, and if he does get caught I'll get shut down with him. Go to ITQs directly and skip the sector drama. I'd much appreciate that. Thank you.

Pat Kavanagh: I forgot to say that I think the reason there are any sectors at all is that they were invented to get around the ITQs being outlawed for a while. But now you can have the ITQs again and the sectors are a completely unnecessary thing. As Mr. Love said, there are a lot of complications that are unnecessary if you go to straight ITQs. Thank you.

## Attachment: Comments from Ms. Litsinger

My name is Emilie Litsinger and I am a project manager for Environmental Defense Fund. Thank you for allowing me the opportunity to speak to you today. I have attended each of the five public hearings and my testimony reflects the concerns I heard. Environmental Defense Fund is a national organization with over 500,000 members. Our motto is “finding the ways that work.” Experience has shown us that environmental solutions are most successful when they make economic sense, which is why we advocate for catch shares. Designed correctly, catch shares align fishermen's profitability with conservation goals. In Amendment 16, the path forward to sustainable fisheries is sector management, a type of catch share. Hundreds of fishermen in New England have lost their jobs under Days-at-Sea management, as many groundfish stocks remain depleted despite significantly reduced days at sea allocations. The Council should approve the 19 sector proposals in Amendment 16 and ask NMFS to implement this approach. It is also important that these sectors be designed well in order for fishermen, fishery managers, the public and the resource to realize the benefits of this system. There are three critical decisions that the Council will make in June on Amendment 16 that will determine the success of sectors: monitoring, transferability and a hard TAC on the common pool.

### **Monitoring**

I heard several speakers had concerns about the high cost of monitoring. We certainly share those concerns, and are actively lobbying in Washington to secure public funding to help cover costs while the fishery transitions to sectors and fish stocks rebuild. We applaud Dr. Lubchenco's commitment to allocate \$16 million to New England groundfish this year and propose an additional \$18.6 million for next year. Pat Kurkul has committed to using some of those funds to cover 100% of dockside monitoring costs in fishing year 2010. As noted in the Amendment 16 document, 100% at-sea monitoring doesn't mean a body on every boat; costs can be cut dramatically by using cameras and a third-party monitoring provider. The costs mentioned in the presentation represent only the high end estimates and don't reflect the infusion of millions of dollars of new federal funding dedicated to sector management. With public funding to significantly defray costs for monitoring during this transition time, it is in the best interests of fishermen and managers to require 100% dockside monitoring AND 100% at-sea monitoring in Amendment 16 for sectors AND common pool vessels. 100% monitoring levels the playing field and supports individual accountability for meeting the fleet-wide TAC. It is also essential for vessel operators and sector managers to properly manage their allocation and coordinate transfers of ACE in a timely manner. Real-time, accurate monitoring is critical to making catch shares work. The current combination of unreported and misreported information and lack of real-time data significantly impairs fishery managers' ability to intervene to prevent overfishing from occurring. Real-time, accurate data collection on catch at sea, including discards and mortality rates will decrease the uncertainty of stock assessments and allow managers to more properly set the TAC and rebuild stocks. NOAA has put nearly \$35 million on the table to drastically improve this system, decreasing costs and increasing performance for both fishermen and fishery managers. The success of sectors and meeting the new MSA requirements for

ACLs and AMs really depend on this. We urge the Council to adopt Option 2 to require 100% dockside monitoring in year one and Option 2 to require the phasing in of 100% at-sea monitoring by 2012.

### **Trading- Transfer of ACE**

We also heard a lot of support for being able to transfer ACE among sectors to make sure fishermen have the allocations they need to catch targeted stocks. Catch share systems work best when fishermen have the flexibility to match their quota to what they are catching. It is essential that the Council allow transfer of ACE between sectors to prevent stranded allocations in sectors lacking ACE for limiting stocks. This also allows sectors that overshoot their ACE to balance the books by using quota from sectors with underages. Other catch share fisheries have developed third-party, transparent, real time brokerages to quickly and efficiently connect fishermen interested in leasing quota from each other. Picture on-line "Craig's Lists" for quota. We urge the Council to adopt Option 2 to allow ACE to freely be leased among groundfish sectors.

### **Hard TAC on the Common Pool**

The New England groundfish fishery is among the last in the United States not to fish under a hard TAC. We share the concern with other speakers that hard TACs without individual or sector allocations can cause fishing derbies. However, Option 1 has overlaid a number of controls such as trimester TACs and effort control measures, including many that are already in place, to prevent derbies. Given that the Magnuson-Stevens Act requires Amendment 16 to prevent overfishing through effective ACLs and AMs, we believe that only through a hard TAC can the common pool achieve fully enforceable catch limits in line with statutory requirements. However, we also believe that the level of effort controls required to ensure an end to overfishing by the common pool will make it difficult for fishermen to be profitable. That is why we support a transition to sectors as a way to end overfishing while providing fishermen the maximum level of flexibility to fish as profitably as they can. We urge the Council to approve Option 1 and require a "hard" TAC accountability measure for the common pool to ensure that overfishing does not occur and that the groundfish fishery is managed in compliance with the Magnuson-Stevens Act. In closing, I want to draw on a real-world example of another groundfish fishery—British Columbia--that has moved to integrated, catch share management. British Columbia went to catch shares under duress, after overfishing had forced managers to close the fishery entirely for several months. In the twelve-plus years of their catch share program, not a single TAC has ever been exceeded. They manage more than 60 groundfish stocks in eight management areas! Bycatch has been reduced by up to 80% for a number of stocks. And because they require 100% at-sea and 100% dockside monitoring, data is collected on every fish touched, making this fishery one of the best understood fisheries in the world. The TACs they set don't require large buffers for scientific and management uncertainty, so fishermen can catch a higher percentage of the available fish. These results could never have been realized if this fishery wasn't operating under a well designed catch share program. We are glad to see the New England groundfish fishery take similar steps to recover stocks and fishermen's profitability. Thank you for your time. We will be submitting written comments as well.