



New England Fishery Management Council

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PUBLIC HEARING SUMMARY

Amendment 23 to the Northeast Multispecies Fishery Management Plan August 10, 2020, 6-8pm Webinar Hearing

The Council held public hearings to solicit comments on the alternatives under consideration in the Draft Amendment 23 to the Northeast Multispecies (Groundfish) Fishery Management Plan. The amendment will adjust the groundfish monitoring program to improve the accuracy and accountability of catch reporting in the commercial groundfish fishery.

Hearing chairman: Terry Stockwell (Groundfish Committee Chair)

Council staff: Jamie Cournane, Robin Frede, Melissa Errend, Chris Kellogg, Janice Plante, and Tom Nies

Attendance: 32 audience members (including six Council members); 8 commenters

The hearing began at 6:02 pm.

Mr. Stockwell opened the hearing, introduced Council staff in attendance, and commented on the Amendment 23 process. This included updates to the Amendment 23 timeline resulting from recent Council decisions to reschedule final action and schedule additional public hearings due to the COVID-19 pandemic. Ms. Frede and Ms. Errend briefed the audience on the purpose of the amendment, alternatives under consideration, draft impacts analysis, and amendment timeline and next steps. This hearing was geographically focused on New Hampshire and Maine. Council staff presented example fishing vessel profiles as part of the economic impacts that are specific to these states. After an opportunity to ask questions for clarification, public comments were taken on the measures proposed in the amendment.

Questions:

David Goethel (commercial groundfish fisherman) asked a question on the economic analysis to confirm that cost estimates were done in 24-hour increments, so for a day boat that fishes typically eight hours a day, this would combine three of their trips into one day. He said that if the cost is \$710, that's for every day we go fishing. So for example, if he goes fishing 100 days a year, his costs are going to be \$71,000, and not \$24,000 as is suggested in the analysis. And he asked to explain why the analysis is not using time absent instead of turning things into 24-hour days. Staff clarified that the presentation looks at the cost estimates at aggregate levels of days

absent, that is total time spent fishing on groundfish trips, and is not looking at the cost of each individual trip, and the time elapsed of those trips [the analysis itself uses sector-specific information on ASM contracts to estimate costs at the trip level]. Mr. Goethel said he thinks this is lowballing the numbers for a day boat, since every day he goes out, regardless of how long, he would have to pay for an observer. He said he thinks the analysis needs to be redone and would include this in his comments.

Hank Soule (sector manager) asked several questions. First, he asked to confirm that the Social Sciences Branch estimates for the total approximate amount of sector membership dues in 2018 was about \$1.7 million. Staff answered that while unable to speak on behalf of the Social Sciences Branch, that this is an approximate number that came from the dynamic model which allows for effort to change, but that the total estimate is between \$1.5- 2 million for industry sector fees in 2018. Mr. Soule asked about the cost estimates for Maine vessels, and for the low engagement category of 5 to 20 days where monitoring costs estimates appear to be about 20% of the average annual groundfish trip revenue, if these vessels would be predicted to not engage in the groundfish fishery. Staff answered that as clarified in previous presentations, the model doesn't predict which vessels would not operate, but instead selects which trips will continue to be taken, and so there isn't a precise answer to that about which vessels will continue to fish or not. Staff explained that while this could be a level that would be cost prohibitive, the analysis doesn't seek to make those conclusions on behalf of vessels in their operations, and that vessel operator decisions are expected to depend more on their businesses and engagement in other fisheries.

Mr. Soule asked why the Council believes the dockside monitoring costs would fall upon the crew to pay, but wasn't concerned about that for at-sea monitoring costs. Staff answered that the Council had discussed concerns that the labor of needing to work with the dockside monitor to verify the catch and the extra work of sorting the catch could potentially be passed on to the crew. Staff also clarified that this concern was more about the costs being passed onto the crew regardless of whether it's the vessel or the dealer that's paying for dockside monitoring, the feeling that even if the dealer is paying for dockside monitoring they would be incorporating that cost into the fees they charge, and that this is more about who's really bearing those costs, if it's being distributed equally across processors and dealers and vessels. Mr. Soule asked whether the DEIS estimate factors in the cost of verification and review of dockside monitoring data, since the Council has some concerns that there might not be funding to conduct the dockside monitoring data review. Staff answered that the stand-alone dockside monitoring cost analysis does not include any estimate of data review. Staff also explained that the concerns about not having sufficient resources for data review are not just about costs, but also the effort and time, and that those concerns are reflective of the experiences with the previous dockside monitoring program and how there may not be resources to actually verify any information collected by dockside monitoring program and compare to the dealer and vessel estimates.

Willie Viola (commercial groundfish fisherman) asked for an update on the testing of electronic monitoring. Specifically, he said he has concerns and questions about whether the cameras can handle rough seas and what happens if the system breaks down. Staff answered that testing of

electronic monitoring in the region has been conducted for several years through pilot projects/Exempted Fishing Permits, and explained that there are two models of EM that have been tested: the audit model which has been operating in a pilot phase for 3-5 years, and the maximized retention model which has been running for about two years. Staff explained that through these EFPs project partners are working with participating fishermen to test and answer questions such as the one posed today about cameras working in rough weather or what minimum level of video footage is needed to verify catch information, and offered to follow up with Mr. Viola to provide more information on EM programs in the region and contact information for GARFO staff and project partners familiar with these issues.

Mr. Viola also asked where they will find people to have enough monitors to go out if vessels are all leaving at once at 100% coverage, since we have problems now with 30% coverage. Staff answered that NMFS will work through this during implementation once the Council identifies its final preferred alternative for the coverage level, adding that this is a challenge NMFS has had to work through the past few years with higher coverage levels than previous years, to work with the observer program and the providers to recruit more observers to help make sure there are enough monitors. Staff also explained there is a waiver process if a monitor is not available and that procedure wouldn't change with this amendment, as these coverage rates will continue to be target coverage levels. So the agency will work with sectors and the vessels to try to achieve these levels, but they understand that there could be a number of factors, including not having monitors available, that could have some differences between what coverage levels are realized. Lastly, Mr. Viola asked why the dockside monitoring program ended, and noted that they kind of have a monitor now because the wardens come down about every trip to check the catch, though not at 100% coverage. Staff answered that with the previous dockside monitoring program in place in 2010 and 2011 there were many issues identified by the Council and industry and that while the program was intended for secondary verification, there was an overall feeling that the program was a duplicative effort, and lacked the resources in place to be verifying the information collected by dockside monitors alongside landings estimates provided by dealers and vessels. The decision was made to discontinue the program as long as spot checks continue with OLE which were considered sufficient as long as there is not misreporting of landings occurring.

Comments:

David Goethel (commercial groundfish fisherman, New Hampshire): I am the owner and operator of the Ellen Diane in Hampton, NH. I have been in the fishing industry for 53 years and I am a former three term Council member. I am currently a groundfish advisor and member of NTAP. In all my years of fishery management, I have never seen a Council action go so far off the rails as Amendment 23. Because I have had a good working relationship with a the various people involved in this process, I want you to know my harsh comments are not directed at any individual, but rather at the organism which has completely failed New England groundfish fishermen and their communities. In general, this amendment does not meet its stated goals and objectives or purpose and need. It confuses biology and enforcement setting up a police state in

the process. The Council preferred alternative will create massive mortality on both fish and shellfish resources in the false name of science and be directly responsible for crimes against nature. It will waste enormous sums of money and bankrupt all but the largest boats.

I will go through the document and detail its shortcomings and possible remedies. The list is lengthy. The goals and objectives and purpose and needs section will have to be rewritten if the Council approves monitoring levels above status quo. Suggested language could be: The goal of this amendment is to remove as many fishing boats and communities as possible while setting up a command and control police state administered by NOAA Fisheries. The need for this action is because numerous NOAA employees believe all fishermen are cheating and cannot be trusted. Further NOAA does not wish to be embarrassed nationally or internationally by a future Carlos Rafael. Since defending the true goals and objectives and purpose would be legally impossible, lets focus on highlighted existing statements that are not met.

Goal 4: minimize adverse effects on communities and infrastructure. 100% monitoring will eliminate entire communities and infrastructure.

Objective 1: Maintain optimum yield. Impossible with the number of vessels that will be bankrupted.

Objective7: Maintain a diverse groundfish fishery. 100% monitoring will only allow a handful of very large vessels to remain.

Objective 10: minimize mortality of bycatch. 100% monitoring leads to nearly 100% mortality of everything that comes on board. Any coverage level beyond NEFOP, which is biologically damaging enough, is unnecessary mortality and a crime against nature.

The Council and NOAA have apparently confused improving accuracy of the existing system with a belief that 100% monitoring will be 100% accurate and precise. Nothing could be further from the truth. The current system is inaccurate for three major reasons, which despite numerous requests for discussion, have not been addressed by the Council or NOAA Fisheries observer staff. First, only one observer goes on trip boats and a number of tows go unobserved while the observer sleeps. Second, a number of observers use volume to volume extrapolations which should be banned in the groundfish fishery. They produce fantastic discard estimates. Fish are not randomly distributed in a haul. I had a recent tow where 1 windowpane became 21 lbs. and one 2.5 lb. summer flounder became 43 lbs. I could write at length why overestimating discards is very dangerous for assessments, but your scientists should be able to tell you why. Third, is the issue of measuring error. Weighing fish on a wildly moving vessel is nearly impossible even with gravity compensated scales, never mind spring scales. Matters are made worse by not taring the scale after the measuring basket is wet and muddy. It is further eroded by introducing measuring error over and over as a couple of small fish are weighed at a time instead of waiting to measure them all together. I have raised these issues with both the Council and observer program to no avail. I will not consider this amendment complete until these issues are researched and addressed by the Council. At the moment, you are both precisely wrong and inaccurate.

Uncounted catch: Council staff and NOAA Fisheries have spent an inordinate amount of time trying to prove observer bias and uncounted catch when industry members could have agreed to both. The current observer program has morphed into a beast that is hardly recognizable to

fishermen and observers from years past. From the invasive and totally unnecessary daily safety inspection to the killing of vast numbers of live crabs and lobsters, as well as prohibited species like thorny skates and wolffish, the current ASM program has demoralized captains and crews with this disastrous increase in mortality of creatures that are returned to the sea alive on unobserved trips. Many captains cut their trips short in disgust and I cut my fishing year short after a month and half of continuous coverage. My crew threatened to quit in disgust at the increased workload and frequent disregard for the resource. During that period four separate observers picked up live lobsters and crabs with fish picks and virtually all left lobsters in baskets for extended periods of time in subfreezing weather causing either mortality or claw dropping. Would the folks who want 100% monitoring submit to having a fish pick put through their head or chest? I think not!

The Council needs to create a section in the document to remove observers from the safety business. This is the domain of the Coast Guard and a current CG safety sticker should be sufficient. Further, another section should be created to have ASM's only deal with groundfish discards. Prohibited species, lobsters and crabs should be returned to the ocean as fast as possible as is currently done on unobserved trips.

The government appears obsessed with uncounted catch as the sole source of assessment error and has even concocted a fantastic calculation which is on pgs. 39-42 of the biological impacts statement. It concludes by stating that up to 1,100 tons of cod are illegally discarded. I read this analysis while standing in line at the king of fantasy, Disneyland. After letting out a very audible WTF which caused my wife to immediately disarm me of her smart phone, I had plenty of time to reflect on the fact that old Walt had been bested in fantasy by NOAA. Why a fantasy, because in case no one noticed dead cod float. I am sure someone would have noticed over 2,000,000 lbs. of cod floating around the ocean. But seriously, there is uncounted catch of cod and it is probably substantial. The New England lobster fishery currently deploys upwards of 5,000,000 traps and take 3-400,000 trips per year. Cod and other groundfish go into traps for both food and shelter. If each trap caught only one 3lb. cod per year this would amount to about 660 metric tons of uncounted cod bycatch. Do you know how many observed trips were targeted for lobster boats and what the assumed discard rate for cod is? Targeted trips are 17 (SBRM) and the assumed discard rate is zero lbs. (January council correspondence NOAA 2018 year end accounting tables 7-9, no estimated discards)!

So, in light of these outstanding issues what could I support? I could only support status quo after all the aforementioned deficiencies are addressed and corrected. At least status quo is based on science! The fixed percentage ASM rates are arbitrary and capricious. I will never support cameras because they violate captains and crews' civil liberties. I do not support dockside monitoring because it is a duplication of functions covered by the JEA with the states and uniformed and plain clothes NOAA enforcement.

Finally, I want to go through the DEIS and address some statements. First the economic analysis may be comprehensible to economists, but it is indecipherable to lay people. The analysis needs to be simple and straightforward for the public. For example, if a boat fishes 100 days and grosses \$100,000 then its observer cost is \$71,000. Construct a table with gross on one axis and

number of days fished on the other, populate the table with observer costs and the public can easily see the cost. If you want to go further put in assumed other costs by size and days absent and the true costs of this program will be readily apparent.

Below is a list by document number of issues that are in need of further clarification or inaccurate statements.

7.4.2.3 Not true, Boats that can move to other fisheries have already done so. Those of us that are left groundfishing inshore are only doing so because we have no choice. Increased monitoring costs equal decreased revenue until bankruptcy.

7.4.2.4.1 Higher monitoring rates will decrease costs. Not true, both observers and their companies are here to make money. Both the companies and observers make money by deploying from a distance. The observer gets a travel stipend and the company gets to bill for more hours. I have seen numerous cases where observers living in the seacoast were not deployed to local vessels and those vessels received observers based in southern New England or even upstate NY!

7.4.2.6 Compliance is high and enforcement is unnecessary when fishermen believe the quotas and biological reference points represent what they see on the grounds. Enforcement is not enhanced by monitoring. If enforcement is the goal get rid of the biological pretense and send a guy with a gun. It would be cheaper and less detrimental to the resource. The tens of millions of dollars to be wasted on 100% monitoring could be put to far better use investigating the numerous outstanding issues with groundfish assessments.

In conclusion, it should be obvious now that Amendment 23 has numerous substantial, fatal flaws. I would suggest it be withdrawn from a final vote and sent back to committee and advisors for further work. Absent this, three things will occur. Sectors will collapse because a number of boats will either retire or join the common pool. This will leave insufficient fish for those who remain in sectors to balance their books. The common pool is grossly prejudicial to day boats because you are charged 24 hours for each day absent even if you only fish a fraction of that time. Most dayboats do not have sufficient ice capacity to be gone 24 hours and it is often unsafe for them. Even so, some will try. The second thing that will occur is the discard of massive amounts of fish in the common pool as vessels fish up to the individual species limits. The final problem will be how NOAA fisheries explains to Congress how it wasted north of \$100,000,000 on a failed management system. All that will occur against a backdrop of lawsuits against NOAA over wanton disregard for the resource and failure to protect people's civil liberties. If you think the questions were hard over Mr. Rafael, wait until you see what occurs as fallout from this amendment.

So, what has occurred since I wrote my previous statement in March for public hearings that were never held? Well, COVID-19 has swept and continues to sweep the land, commercial fishing was declared an essential industry to feed America, observers were withdrawn, fish and shellfish prices dropped substantially, and fishermen had to come to grips with trying to operate safely when social distancing and mask wearing are impossible. Also, the study fleet fishermen continue to provide the only reliable estimates of catch and discards from the fishery on 100% of their trips at a fraction of the cost of ASM proving once again you get more with carrots than

with sticks. What did not occur, the ocean has not been littered with dead fish absent observers and NOAA has not performed its essential function of the trawl survey. How do these developments effect comment on Amendment 23? Well, the amendment has become entirely irrelevant to life today. The Council should just cancel it and move on to issues related to life in the pandemic. Consider the following: NOAA and the NGOs, from the safety of their homes are demanding a return of the observers, which in an act of utmost hypocrisy, they have declared essential. Meanwhile NOAA will not do the trawl survey on their state-of-the-art giant ship, because it would be too dangerous for government employees to go to sea during the pandemic. However small fishing boats are being required to take observers starting August 14 during the pandemic because discard information is more important than people's lives. So, I would ask that the following be done. Take all NOAA leadership, NGOs and Council members and PDT who think observers are essential and have them all be monitored by observers for 60 days and see who catches the virus. After all you lead by example, not from the safety of your house. Fishermen should not be the guinea pigs for your COVID transmission experiment. We all know this will never happen because fishermen are expected to do as we say not as we do. So, if the people forcing observers on captains and crew in this pandemic will not lead by example, let's try 100% monitoring on other segments of society. I would propose, following the Amendment 23 logic, that heroin addicts and felons released from prison, be monitored 100% of the time because they are a danger to the resources of the United States. How long do you suppose it will be before they find a dead junkie despite 100% monitoring or a felon robs a 7/11 while a monitor sleeps in the car? My somewhat facetious point is that monitoring will not stop bad behavior. But worse than that, junkies and felons will never have 100% monitoring because they have civil rights and civil liberties. So where does that leave fishermen? We are not even second-class citizens, we are something lower.

To help understand how fishermen feel about 100% monitoring it would help to understand how people of color fear and loath the police. Time magazine had an essay in July entitled "We are always in crisis" which stated "We were a community that was over policed, under constant surveillance. To them we were dangerous. Born into poverty, most of us Black and brown, we needed to be controlled, to be kept in line." The essay goes on from there but this quote sums up how fishermen feel about monitoring. You may get us to fear you, but you will never earn cooperation or respect with these tactics.

So, if blatant hypocrisy and social injustice are not enough to convince you to pull the plug on this amendment how about some science. In his paper entitled "Catch shares drive fleet consolidation and increased targeting but not spatial effort concentration nor changes in location choice in a multispecies trawl fishery" Kuriyama and multiple co-authors in the Canadian Journal of Fisheries and Aquatic Science found that increasing monitoring to 100% in the West Coast groundfish fishery changed neither where people fished or discard rates from prior spot monitoring. It just wasted 100's of millions of dollars. Wasting the money once in one fishery may have been unavoidable, but doing it again is just a massive waste of scarce resources. Finally, the Council and NOAA should consider that final approval of this amendment by the Secretary of Commerce may not happen. President Trump has issued an executive order that regulators decrease regulatory burden and increase productivity in essential businesses. This amendment grossly increases regulatory burden and will cause productivity to drop dramatically

as fishermen retire or join the common pool. This is the wrong amendment at the wrong time. Pull the plug in September, but in the meantime before August 14, send NOAA a letter requesting no deployment of observers until there is a vaccine or a cure for this pandemic. Do not play Russian Roulette with fishermen's lives. We are not third-class citizens. Since fishermen could not have an in person public hearing, where all my documentation could be presented in person, I will provide by mail all written comments and reference documents. Thank you for your time and I would be happy to answer any questions about the issues I have raised.

Willie Viola (commercial groundfish fisherman, Maine): I run the fishing vessel Black Beauty. We are concerned, since we fish probably 200 days a year, so at \$700 a day we're talking \$140,000 a year. And right now we're worried about a \$1,000 food bill when we go out and that's for a whole trip. You know, you've taken \$700 a day. That's not enough to get crew members right now to go on the boats. We have a pretty good crew. I mean, there have been a lot of problems in the past. If they're not gonna make money, they aren't gonna go out. Luckily, I'm approaching the age where I can go any day if I want to, if I decide things get too bad, I can pick up and get out of the business. I know I've seen a lot of boats come and go because I started in 1973 and there's an awful lot of fishing vessels that are gone now. Just like Commercial Street there in Portland, it's going to be all condominiums and hotels now, restaurants, not many fishing vessels. I watch the Portland Fish Exchange. In this week, there was zero every day there. Zero fish landed. I could see there wasn't any landings. When I was there, when you started this Amendment 23, and we were down in Massachusetts, and you were talking about cutting the codfish 95% or something in and the haddock in Gulf of Maine at 85% or 90%, whatever it was, there must have been 100 fishermen there or better. Right here now there's only probably five or six fishermen. Every fisherman I know was there. And it didn't make a difference what we said it was. They went right ahead and cut the 95% cod, 90% Gulf of Maine haddock, or whatever it was at that time. But since then, they've given us the Gulf of Maine haddock back and right now we don't go west of the 70 degree line because we might catch some codfish. We'd love to go over there because the haddock move in there in the wintertime and the spring to spawn. We'd love to go in and catch them, but we can't go there because we're worried about catching codfish, so we don't even go there. So to put observers on us, east of that 70 degree line, and where you don't catch many codfish, to have 100% observer coverage, this doesn't seem right. It costs a lot of money and like I said a lot of boats aren't going to make it. That's about all I have to say.

David Osier (commercial groundfish fisherman, Maine): I live in Bremen, Maine. I have five small trawlers, four that are active and fish out of Portland, Maine. And even with the sector program, which has been a big help, we're still struggling. We're not getting rich I'll tell you that. With this pandemic that's going on the price of food has gone through the roof, so the grub bill is high. And I just found out from the last dockside inspection by the Coast Guard that I have to buy satellite phones now for every boat because they won't accept my side bands as part of the inspection. So that's an added cost and a monthly cost, that's coming down with every vessel. And I have four active vessels now. I'm against the 100% monitoring. And I'm for the status quo or less. I believe 25% is enough, and I believe the cost should never be paid by the fishermen. In my mind, this is enforcement and I think the government should continue paying this as long as they think we need to be monitored. The costs should be paid for the government, just like they pay for all other enforcement like the Coast Guard, whatever. That's about it, short and sweet.

Ken Hunt (commercial groundfish fisherman, Maine): I'm a commercial fisherman from Maine, a small boat fisherman, I guess what you're calling low effort. This electronic monitoring is absolutely no benefit for a low effort boat. It's gonna cost \$700 a day no matter how you look at it. It's just a simple deathblow for a small operation. I think if National Marine Fisheries wants observers, they should pay for it. 100% coverage is fine, as long as they're footing the bill. The presentation made a comment that the small boat makes \$48,000 years and it didn't seem like \$48,000 a year was that important to them, that could easily be made in other fisheries. Well, that's not the case. For a small operation every \$48,000 is important. So if National Marine Fisheries wants the coverage, they should pay for it. Thank you.

Maggie Raymond (Executive Director of Associated Fisheries of Maine): We have reviewed the Amendment 23 DEIS and we have some concerns about the assumptions and analyses, and we will be submitting written comments detailing those concerns. Just to make it clear that we believe that the groundfish fishery is the most accountable fishery in the entire Northeast. We have the highest level of monitoring coverage of any fishery in the region and that's been for ten years of the sector program. The sector system provides weekly catch reporting to the agency. The sector system imposes conservation restrictions on itself that go beyond those mandated by the FMP. The sector investigates and punish non-compliance by participants. And we have actually taken steps to protect and maintain fleet diversity. And there are no other fisheries in the Northeast that have done even one of these things. Amendment 23 is a discretionary action that will impose costs on the fishery that cannot be absorbed. We know that the infrastructure cannot produce 100% monitoring with either humans or cameras for several years. So some phasing of increases is going to need to occur. We need to know what that phase in timeline will be, and what incremental increases will be phased in over time, and as well as what is the economic analysis that reflects that phasing. It appears that the DEIS analysis of increased operating cost shows that the entire increase in operating profits comes from removing the uncertainty buffer. And therefore, if there is a phase in, there will be no increase in operating profits during that phase in period. The groundfish fishery was declared a disaster in 2012 and revenue and participation has decreased ever since. Now we are reeling from the impacts of the pandemic. If the fleet must pay \$650 a day to go groundfishing and that is the current contract cost for our sector, the only small-scale fishermen left standing will be those whose monitoring costs are gifted by wealthy foundations.

The projections that increased monitoring will produce a healthy fishery or better stock assessments is not proven by the facts. The two healthiest fisheries in the Northeast, lobster and scallops, have virtually no monitoring in the case of lobster, and certainly less than groundfish in the case of scallops. More importantly, even though the groundfish fishery has had high levels of coverage over the past ten years, the retrospective patterns have increased, more and more stock assessments have failed. So we urge the Council to abandon this misguided single focus on increased monitoring as the solution to a healthy fishery because it simply will not produce that result. The combination of continuously reduced ACLs and increased monitoring costs will only spur the loss of more groundfish businesses. I recall that we heard a lot of these same projections about increased revenue and better stock assessments in the discussion of Amendment 16. NOAA leadership, several environmental organizations, all made these claims that the sector

system along with the ACLs and AMs were the answer to a healthy fishery. And again, the fishery is a fraction of what it was in terms of participating vessels and the stock assessments have not improved. Thank you very much.

Marshall Alexander (commercial groundfish fisherman, Maine): I've been fishing since 64, and you do the math. And I'm 74 years old now. And this amendment, if you put 100% observers, you aren't going to get any more than you are now. And you will drive the fishermen out of business, I guarantee you. Because we can't find anybody now, with the unemployment as high as it is. And I won't take druggies on my boat. I have a small fishing boat. It's 54 foot long, and it draws eight and a half feet of water, she's quite an able boat. And I just don't know if the cost is passed on to us, you're going to see all the little boats go out. In fact, with putting monitors aboard the 14th, I can't stay six feet away from anybody. We live in the bow of the boat and there's only 2.5, 3 feet between us and the monitor. Yeah, and it's ridiculous. I refuse to take a monitor right now. And you've got to look at the fishery. Big conglomerates. And we had all the coast. We had Rockland. We had several places in between Portland that we had fishing. And I don't see anybody now out of these ports, except David and two other guys. But it's like David Goethel says, you're three years behind the science, when they gave us more dabs, that's gone. Everything rotates in the fishery and it has for as long as I've been in the business. This amendment should be s***canned. And that's a true story, when I was in the Navy. Thank you very much.

Ian Mayo (commercial groundfish fisherman, Maine): My name is Ian Mayo. My family owns the Captain Jake out of Portland, Maine and I'm also a director on the Sustainable Harvest Sector. I just wanted to also make this short and sweet, and I agree with everybody else that I'm against 100% monitoring. We fish about 120 to 150 days a year, and at \$675 per day fished, at 100% monitoring that's \$80,000 to \$100,000 in costs, and that would be really, really detrimental to us. I'm also concerned about the initial costs of the cameras being roughly \$10,000 to purchase them on top of a trial period, trying to figure out whether they would work, coming in and out, trying to fix them, and how everything would go. Thank you.

Dan Salerno (Sector manager, Sector 11, New Hampshire, providing comments gathered from sector members): Thank you for the opportunity comments on behalf of my members from New Hampshire. The comments were cobbled together from various discussions from the active members of Northeast Fishing Sector 11, or NEFS 11. NEFS 11 is a New Hampshire based groundfish sector with 45 permits enrolled with nine active groundfish vessels. Our activity is mostly exclusively in the Gulf of Maine, with gillnets and otter trawl gear. The effort in this sector has been in the last five years we've averaged 542 trips per year. The comments I want to put forward to today are directly in response to the preferred alternatives that have been selected, on behalf of the members of NEFS 11. 100% monitoring, the sub-option 2D. My discussions with the various members of the sector said this level of coverage will be devastating to most of the remaining groundfish vessels in New Hampshire, because few will be able to afford the cost of this level of coverage. Based on the feedback, we're looking at roughly another 30% to 50% reduction in activity compared to just recent history. Mostly guys will just retire, or some may just switch into their other fisheries that they participate in, but pretty much they will not be participating in groundfish. The guys have said that they feel that the cost analysis presented for

Amendment 23 was woefully inadequate. They feel that it underestimates the costs associated with monitoring, both humans and electronic monitoring. It overestimates gross revenues generated on the groundfish trips. Additionally, the guys thought that gross revenue was the wrong metric to be looking at, and instead the analysis should have presented more of net revenue analysis, and net revenue that includes not only typical costs associated with groundfishing, but also the costs associated with being enrolled in a sector. Members have looked at some of the various analyses that were conducted by NMFS and Council staff and agree that maybe there are some issues going on within the sector system that need to be addressed, but none of the findings showed that this bias or cheating, or illegal reporting was across the entire groundfish fishery. Yes, it appears that there was a subset of vessels doing something incorrectly, but 100% coverage level across the whole entire groundfish sector fishery is overburdensome and unnecessary. It is basically using a sledgehammer to swat a fly. We feel that the Council and NMFS should start by taking a look at and learn what sectors really are and working with them to correct these issues. Now, the question was, wasn't that the point of sectors, co-management and self-policing. Give us detailed information and allow the sectors to discipline the individual and not the entire fleet. On behalf of the sector entity itself, 100% monitoring will basically put the groundfish sector vessels in trouble but also the sector itself. NEFS 11 relies on fees collected from its members' groundfish activity to offset our operating costs. And with 100% monitoring voted in, NEFS 11 will most likely fail, much as many of the other smaller sectors.

The sector monitoring tools option of the audit model and the max retention model, some guys are kicking the tires and asking questions about it. Some may be interested, but don't expect that everyone is going to be making this choice. We see EM as just another tool that has both pros and cons like any other tool. There has been a lot of effort to show that EM is cheaper than onboard humans. However, we feel it is really only cheaper on paper. Since neither the audit model or the max retention program have yet to be approved for use in an operations plan by NOAA, with all the required specifications, any projections of cost at this point is basically just a guess, in our opinion. Additionally, none of the cost estimates have taken into account the unpaid cost of EM which is not only the fishermen doing the work of an at-sea monitor but also at a higher standard of quality than the monitor. As to the review process for sector monitoring coverage, NEFS 11 fully supports this option. The guys think that any monitoring program put in place should have some type of review on a regular basis to determine whether or not it's meeting its goals. The dockside monitoring, I got quite a few laughs about that one when I asked about it. Basically, the guys lived through dockside monitoring in 2010 and 2011. It was a huge waste of money, effort, time, and there was really no benefit whatsoever. There isn't anything that can be accomplished with the dockside monitoring program that cannot already be accomplished with the federal and state enforcement officials meeting vessels at the dock. If there are concerns about vertically integrated companies, there are much cheaper and easier ways to address this than a mandatory dockside monitoring program across the whole entire fishery. The guys looked at the funding and operational provisions of the groundfish monitoring program. NEFS 11 fully supports this option. If NMFS doesn't have the funds, there's no way that the industry could be able to pick up not only the at-sea costs but also the shoreside costs as well. In reference to the management uncertainty buffers, there were a few chuckles about that one. It's basically thanks but no thanks. A 3% to 5% increase in individual stocks across

individual members is really a pittance. Most likely whatever you give us, that 3% to 5% buffer, probably will go uncaught in this sector. Our five-year average is only used 13.8% of its initial allocation in NEFS 11. Removing commercial groundfish monitoring requirements for vessels fishing west of 71 30, the at-sea monitoring and dockside monitoring program. NEFS 11 members said they support this even though there will be no direct benefit to the NEFS 11 vessels. The guys feel that at least this option will allow some of the industry to survive under the overburdensome, 100% monitoring requirements selected under the preferred alternative Amendment 23. And to be clear the days of transient vessels moving from port to port on a seasonal basis are pretty much over. And no NEFS 11 groundfish vessels that are currently operating will consider relocating to Southern New England just to fish within these boundaries to take advantage of this option. Overall, the NEFS 11 members feel that the Amendment 23 process has been hijacked from its original purpose. And it's more now trying to catch the next Carlos Rafael. The members of NEFS 11 implore the Council and NMFS to adopt policies that work directly with sectors to mitigate concerns of bias and cheating, and not select options that will gut the remaining groundfish industry. Thank you on behalf of the active members of NEFS 11.

Additionally, **Maggie Raymond**, thanked Maine DMR for providing the opportunity for fishermen to participate in the session tonight. The Chair echoed these sentiments.

The public hearing closed at approximately 7:57 pm.

**Amendment 23/Groundfish Monitoring
Public Hearing
Webinar**

Audience List

Date	Aug. 10, 2020
Start time	6:02 PM
End time	7:57 PM
Number of participants	32

Groundfish Committee Chair: Terry Stockwell

Council Staff (6): Jamie Cournane, Robin Frede, Melissa Errend, Janice Plante, Tom Nies, and Chris Kellogg

Participants (taken from webinar list during presentation)

	<u>Name</u>	<u>Affiliation (based on email address)</u>
1	Alix Laferriere	The Nature Conservancy
	Allison Lorenc	Conservation Law Foundation
	Cheri Patterson	NEFMC/NH F&G
	Daniel Salerno	Sector Manager – Sector 5 and Sector 11
	David Goethel	Fishing Vessel Owner/Operator
	Geoffrey Smith	The Nature Conservancy
	Heather Cronin	Gulf of Maine Research Institute
	Heather Leeman-Kenyon	University of Maine
	Ivy Frignoca	Friends of Casco Bay
10	Jackie Odell	Northeast Seafood Coalition
	Jeff Taylor	Mayforth Group
	Joshua Dampf	
	Katie Almeida	The Town Dock
	Libby Etrie	NEFMC
	Liz Moore	Gulf of Maine Research Institute
	Maria Fenton	NOAA Fisheries
	Mary Hudson	Maine Coast Fishermen’s Association
	Matthew Lavigne	
	Megan Ware	NEFMC/Maine DMR
20	Meredith Mendelson	NEFMC/Maine DMR
	Scott Olszewski	NEFMC/RI DEM
	Stephanie Sykes	Cape Cod Commercial Fishermen’s Alliance
	Vito Giacalone	Northeast Seafood Coalition
	Maggie Raymond*	Associated Fisheries of Maine
	Hank Soule*	Sector Manager – Sustainable Harvest Sector
	Terry Alexander*	NEFMC

	David Osier*	Fishing Vessel Owner/Operator
	Willie Viola*	Fishing Vessel Owner/Operator
	Debbie Viola*	
30	Ken Hunt*	Fishing Vessel Owner/Operator
	Marshall Alexander*	Fishing Vessel Owner/Operator
32	Ian Mayo*	Fishing Vessel Owner/Operator

*Attended an in-person session organized and hosted by Maine DMR. Megan Ware and Meredith Mendelson were the Maine DMR support staff.