



## New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116

John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

### **PUBLIC HEARING SUMMARY**

#### **Amendment 23 to the Northeast Multispecies Fishery Management Plan April 15, 2020, 4-6pm 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, Michelle Bachman, Chris Kellogg, Janice Plante, Andrew Applegate, Deirdre Boelke, Jonathon Peros, Jenny Couture, Lou Goodreau, and Tom Nies

**Attendance:** 82 audience members (including 15 Council members); five commenters

*The hearing began promptly at 4:00 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 as a result of recent Council decisions to postpone final action and scheduling 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. After an opportunity to ask questions for clarification, public comments were taken on the measures proposed in the amendment.

#### **Questions:**

**Jackie Odell** (Northeast Seafood Coalition) asked about the information in the presentation that says the public comment period goes through May 22<sup>nd</sup> and why that has not been extended yet, when the Council yesterday voted to postpone final action and public hearings until these can be held in-person. Ms. Odell also referenced a letter NSC sent to the Council requesting an additional 30 days onto the current 63-day comment period, to extend to a total of around 90 days. Staff explained that the Council does plan to extend the comment period to accommodate the changes to the timeline the Council voted on and for extra time for public hearings, and staff will discuss planning these next steps following today's hearing. May 22<sup>nd</sup> is the current deadline

published at the time of this hearing, and a request for extension will be submitted to extend the comment period. Staff will share more information on updates to the comment period once available.

**Eben Nieuwkerk** (small boat fisherman) asked when the amendment might go into effect and what the goal is for the timeline. Staff answered that tentatively implementation could occur in May 2021 and explained that depending on what alternatives the Council selects as final, there could be a phased in approach to implementation (not all requirements implemented right away). Staff also explained that the target implementation of May 2021 had been based on the Council taking final action in June 2020, and it is not clear yet how the postponement of final action might impact whether implementation can stay on track for May 2021.

**Vito Giacalone** (Northeast Seafood Coalition) referring to the conclusions slide in the presentation asked if there is any consideration of the definition of ‘efficient’ operations when discussing the shift to more efficient operations as an impact from the Council’s preferred alternatives, as he felt this was vague. He thought it would be helpful to define what was meant by ‘efficient’ since he could not think of a single dayboat, even efficient ones, that could take on the burden of \$700+ daily ASM costs. Staff answered that they agreed that as it was used the definition was vague, as it refers to the underlying theory of the dynamic model used in the economic impacts analysis, and could work to refine that in future presentations.

**Dan Salerno** (sector manager) asked to confirm that for the option for removing monitoring requirements west of either 71 30 or 72 30 west longitude, that these vessels fishing under the exemption conditions would only be subject to NEFOP coverage. Staff answered that there are two sub-options under each of each of the options for removing monitoring requirements – to exempt from at-sea monitoring and/or dockside monitoring) - and the Council selected as preferred both sub-options, so that yes, these vessels would only be subject to NEFOP coverage. Staff also explained that these exemptions would apply when a vessel is fishing on a trip that occurs exclusively west of either of the geographic lines under consideration.

**Reinier Nieuwkerk** (small boat fisherman, monkfish fishery participant) asked whether the amendment includes a large-mesh exemption from observer coverage in the northeast fishery for monkfish. Staff explained that the exemption alternatives would maintain the current extra-large mesh (ELM) gillnet exemption from ASM coverage for vessels fishing exclusively in the Southern New England or Inshore Georges Bank broad stock areas, but does not contain any current proposals for exempting large mesh from ASM coverage beyond the current ELM exemption.

### **Comments:**

**Eben Nieuwkerk** (small boat fisherman): To look at the picture as a whole for the groundfish industry, I really do think 100% observer or camera coverage would benefit the whole industry, in terms of eliminating any flawed judgement (fish being discarded or observers sleeping). I am a big advocate of 100% coverage and really think it would benefit the fishery a lot. All of the

booming fisheries right now have 100% coverage with observers or cameras, for example in Alaska they are doing well up there, and I think this would really benefit our fishery.

**Allison Lorenc** (Conservation Law Foundation): CLF plans to send more detailed written comments. We appreciate all the work that has been done on the amendment to date. The proposed measures included in Amendment 23 are necessary for proper management of the groundfish fishery, including the most basic mandate of the Magnuson-Stevens Act, to prevent overfishing. Our fisheries are a public resource, yet New England has more overfished stocks than any other region, including many groundfish stocks. Our most iconic stock, Atlantic cod, has been overfished and subject to overfishing for decades. There is major illegal discarding and misreporting problems in the groundfish fishery, and under the current program data for observed trips does not reflect unobserved trips because of bias. With these issues in mind, we support the Council's preferred alternative for a sector monitoring standard that sets fixed monitoring coverage of 100% of sector trips. In our view 100% monitoring is the only option that can provide the data necessary to properly manage our region's fish stocks by removing bias and improving accuracy of catch data including discards, as well as improving accountability at sea. We also support the use of electronic monitoring, especially the Council's preferred alternatives of Sector Monitoring Tool Option 2 – the audit model, and Option 3 - maximized retention. As specified in the DEIS, adding electronic monitoring as additional sector monitoring tools can help improve data quality, reduce uncertainty, and overall help improve catch accounting as long as cameras are running 100% of the time. Also, EM offers more flexibility and can be a more cost-effective option in the long term. Overall right now, the legal requirements under the MSA to prevent overfishing of all stocks, end overfishing and rebuild overfished stocks, accurately set and enforce catch limits, and ensure accountability in the fishery are simply not being met under the current monitoring program. Amendment 23 is the opportunity to greatly improve the groundfish monitoring program, and we hope it does not get stuck in a half measure. Thank you for the opportunity to comment.

**George Lapointe** (representing Blue Harvest Fisheries, a company that catches and processes groundfish and scallops, both from their own vessels as well as buying catch from other vessels; based in New Bedford, MA and Newport News, VA): We appreciate the chance to give comments and will submit written comments, and may adjust some of our comments based on what we hear and learn over the coming months. Overall Blue Harvest supports the basis for Amendment 23, that is, supporting monitoring that we need for sustainable long-term management of the groundfish fishery. Blue Harvest supports Sector Monitoring Standard Option 2 [Fixed coverage based on percentage of trips]. We do, however, question the need for 100% coverage for a couple of reasons. One, we need to better understand the costs associated with 100% coverage compared to 75% and how much statistical strength you lose for that reduction in coverage. Second, we are concerned about the difficulty of putting at-sea monitoring on all trips, particularly for smaller vessels, and are concerned about having enough observers available to allow the fleet to operate under 100% at-sea coverage, and subsequent impacts on fishery operations and fleet monitoring, in particular for smaller and distant ports. We believe strongly in Sector Monitoring Tool Option 2 – allowing sectors to use the audit model, and Option 3 - maximized retention. We think EM is critical for the fleet moving forward, both in terms of cost control and operational flexibility. Under the Review Process for Sector Monitoring

Coverage, we support Option 2 – Establish a Review Process for Monitoring Coverage Rates. We think that moving forward there needs to be a balance between the costs of various monitoring coverage levels and the statistical strength of the data you get out of those various monitoring programs, and that those should be adjusted through adaptive management to make them both efficient and cost effective. We know that the Council did not select dockside monitoring as a preferred alternative, but we do support dockside monitoring. I believe you heard this from some Council members, but we believe that without a dockside monitoring program there is still an opportunity for cheating, and we believe dockside monitoring is an important part of the groundfish monitoring program moving forward. With respect to sector monitoring, we think the RA should have authority to streamline sector reporting requirements. This is an adaptive management requirement that will make the program more efficient over time. Under the Funding and Operational Provisions, we support Option 2 to increase or decrease coverage with available funding. Last, we support Management Uncertainty Buffer Option 2 because it gives the industry an opportunity to get benefits back from reduced uncertainty that will come with 100% monitoring coverage.

**Reinier Nieuwkerk** (small boat fishermen, monkfish fishery participant): I just want to say I support the Council's preferred alternatives for all observer programs.

**Chris McGuire** (The Nature Conservancy; Massachusetts): I want to thank you, Terry, and Council staff for the presentation. It looks like around 90 people tuned in today to listen, even though there haven't been that many commenters, people are still getting information. The Nature Conservancy will submit written comments. Overall, we support the Council's preferred alternatives. We have been working since 2013 with our fishing partners in Maine, New Hampshire, Massachusetts, and Rhode Island to develop EM into a viable tool for collecting important catch information, hopefully at a lower cost than people. We note that costs are difficult to forecast. We put together a report that describes our actual costs of running the program, and I encourage people to look at that. On the forecasting side, we're pretty sure the costs of using humans are unlikely to go down, and based on the costs of every other piece of technology, it seems likely that the costs of EM will continue to go down – the real question being how much and how fast. Lastly, while we of course hope that COVID-19 and social distancing don't continue for a long time, it is interesting to note that right now the only at-sea data being collected in the groundfish fleet is by the 10% of boats that are currently running EM systems. This could be another benefit of EM that could be filed under safety, both safety of the crew and captain and the fisheries observers. Thank you for everybody's work on this. We look forward to participating in future meetings.

*The public hearing closed at 5:15 pm.*

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

**Audience List**

<b>Date</b>	April 15, 2020
<b>Start time</b>	4:00 PM
<b>End time</b>	5:15 PM
<b>Number of participants</b>	82

**Groundfish Committee Chair:** Terry Stockwell

**Council Staff (12):** Jamie Cournane, Robin Frede, Melissa Errend, Michelle Bachman, Chris Kellogg, Janice Plante, Andrew Applegate, Deirdre Boelke, Jonathon Peros, Jenny Couture, Lou Goodreau, and Tom Nies

**Participants (taken from webinar list during presentation)**

	<b><u>Name</u></b>
1	Eric Reid
	Michael Pentony
	Scott Olszewski
	Rick Bellavance
	John Pappalardo
	Peter Kendall
	Libby Etrie
	Mike Sissenwine
	Terry Alexander
10	Kevin King
	Megan Ware
	Peter Hughes
	Melanie Griffin
	Cheri Patterson
	Peter Aarrestad
	Matthew Gates
	Allison Lorenc
	Amanda Coustart
	Andrew D'Agostine
20	Benjamin Martens
	Bonnie Brady
	Brett Alger
	Brooke Wright
	Cate O'Keefe
	Chad Keith

	Christopher McGuire
	Claire Fitz-Gerald
	Corey Endres
	Daniel Caless
30	Daniel Salerno
	Dominick Leskiw
	Doreen Leggett
	Doug Wood
	Drew Minkiewicz
	Eben Nieuwkerk
	Eugene Bergson
	Fiona Hogan
	Geoffrey Smith
	George Lapointe
40	Gerry O'Neill
	Glenn Delaney
	Heather Cronin
	Hilary Kates Varghese
	Jackie Odell
	James Fletcher
	Jason Didden
	Jeff Taylor
	Jocelyn Runnebaum
	Kara Gross
50	Katie Almeida
	KB McArdle
	Keven Niland
	Kristen Gustafson
	Kyle Molton
	Laura Singer
	Lauren Bonatakis
	Lindsey Williams
	Liz Sullivan
	Lucas Curci
60	Luisa Garcia
	Maggie Raymond
	Maria Fenton
	Mark Grant
	Mark Hager
	Mary Hudson
	Matt Cutler
	Matt Cieri
	Melissa Smith
	Meredith Mendelson
70	Michael Pierdinock

	Pat Augustine
	Paul Nitschke
	Peter Christopher
	Raymond Kane
	Rebecca Peters
	Reinier Niewkerk
	Ricky Alexander
	Sarah Bland
	Spencer Talmage
80	Tim Hobbs
	Vito Giacalone
	Wendy Morrison



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John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

### **PUBLIC HEARING SUMMARY**

#### **Amendment 23 to the Northeast Multispecies Fishery Management Plan May 12, 2020, 4-6pm 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, Melissa Errend, Robin Frede, Chris Kellogg, Janice Plante, Deirdre Boelke, and Tom Nies

**Attendance:** 32 audience members (including four Council members); two commenters

*The hearing began at 4:05 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 as a result of recent Council decisions to postpone final action and scheduling 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. After an opportunity to ask questions for clarification, public comments were taken on the measures proposed in the amendment.

#### **Questions:**

**George Lapointe** (representing Blue Harvest Fisheries) asked to confirm that the timeline for public comment had been extended until the end of June, and secondly asked if there were estimates of the percentage of catch by vessel class or other characteristics with respect to the alternative that would eliminate the management uncertainty buffers. Council staff answered that yes, the public comment period has been extended to June 30, for a total of 102 days. Staff also answered that there are analyses in the DEIS that separate economic impacts of the management uncertainty buffers alternative across several vessel-specific measures (sectors, etc.), including tables by stock and vessel class.



## **Comments:**

**George Lapointe** (representing Blue Harvest Fisheries): Blue Harvest Fisheries is generally supportive of the preferred alternatives. We are worried about the costs of 100% monitoring, like everyone else. Blue Harvest doesn't support the preferred alternative of no action for dockside monitoring as we believe there should be a mandatory dockside monitoring program to increase compliance.

**Andrea Tomlinson** (general manager of New Hampshire Community Seafood): New Hampshire Community Seafood is a community-supported fishery and a restaurant-supported fishery. We buy from all the groundfishermen in New Hampshire - all 8 of them – landing between Portsmouth, Rye, and Yankee [Co-Op]. Speaking on behalf of the fishermen who fish in New Hampshire, none of these fishermen would support 100% monitoring, but what I found to be a bit duplicitous is that not a lot of the vessels are sold on EM either. I initially tried to convince them to join the Nature Conservancy program doing collaborative research with EM in which they give a break on quota through their permit bank, and I cannot convince any of these guys except for Tommy Lyons, but he just retired. I can't convince them that EM is a viable alternative for them. They are not convinced even if they can get a break on quota which most of them of course really want, but the caveat of having to install EM is something they're just not interested in. To quote one younger fishermen in his 40s, who said that he would rather go get a job at Walmart than put EM on his boat. I am probably stating the obvious, but being an advocate for small boat fishermen I want to reiterate that I believe this poses a real conundrum for those who hear the cries from 'the endangered species' fishermen in New Hampshire and nationwide, saying they would never survive paying out of pocket for 100% monitoring, but at the same time are very resistant to EM. I just wanted to state this very unfortunate fact.

*The public hearing closed at approximately 4:58 pm.*

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

**Audience List**

<b>Date</b>	May 12, 2020
<b>Start time</b>	4:05 PM
<b>End time</b>	4:58 PM
<b>Number of participants</b>	32

**Groundfish Committee Chair:** Terry Stockwell

**Council Staff (7):** Jamie Cournane, Robin Frede, Melissa Errend, Chris Kellogg, Janice Plante, Deirdre Boelke, and Tom Nies

**Participants (taken from webinar list during presentation)**

	<b><u>Name</u></b>
1	Allison Lorenc
	Amanda Cousart
	Andrea Tomlinson
	Barry Clifford
	Bill Semrau
	Cate O'Keefe
	Corey Endres
	Daniel Caless
	Debra Duarte
10	Geoffrey Smith
	George Lapointe
	Heather Cronin
	Heather Mann
	Jackie Odell
	Joe Beer
	Jeff Taylor
	KB McArdle
	Kyle Molton
	Laura Singer
20	Lauren Bonatakis
	Libby Etrie
	Liz Sullivan
	Maggie Raymond
	Maria Fenton
	Mark Grant
	Matt Cutler

	Melanie Griffin
	Priscilla Brooks
	Scott Olszewski
30	Tammy Murphy
	Terry Alexander
	Wendy Morrison



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### **PUBLIC HEARING SUMMARY**

#### **Amendment 23 to the Northeast Multispecies Fishery Management Plan May 21, 2020, 4-6pm 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, Tom Nies, and Janice Plante

**Attendance:** 24 audience members (including four Council members); one commenter

*The hearing began at 4:04 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 as a result of recent Council decisions to postpone final action and scheduling 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. After an opportunity to ask questions for clarification, public comments were taken on the measures proposed in the amendment.

#### **Questions:**

**George Lapointe** asked if there has been any discussion or examples of how phased implementation would work. Staff answered that there has been some discussion by the Council, and that phased implementation could depend on the coverage level selected, for example, a phased-in approach in coverage towards the selected target coverage level. This could also depend on which programs are selected, for example, if the Council did select a dockside monitoring program the requirement may not be in place right at the implementation of A23 as additional time might be needed to develop and establish the program. Staff explained that these implementation questions will be discussed by the Council and staff as development of A23 moves forward, and also noted that GARFO has an implementation team that will form ahead of final action to think about implementation and bring up any issues to the Council.

**Maggie Raymond** asked a follow-up question about phased implementation, stating that it was her understanding that the Regional Administrator has been talking about phasing in the coverage levels up to the coverage level selected, and asked whether the RA has advised the Council of how this would work and what the timeframe would be for phasing in coverage levels. Staff answered that there has not been specific guidance at this time and would expect more discussion and guidance further on in the development of A23 and by the implementation team. Staff noted that the RA has acknowledged the 2020 coverage level which is a large increase from 2019 and can be an initial idea of what this could look like in terms of phasing in coverage. Ms. Raymond said this would be an important detail for industry to have during public comment, and suggested the Council could inquire of the RA. Ms. Raymond also asked with respect to removing the uncertainty buffer and the potential benefits, if staff could walk through how this would occur, as the selected coverage level is still a target and it won't be known until the end of the fishing year whether or not that target level is achieved, and asked when the management uncertainty buffer would get lifted. Staff answered that the Council has had some initial discussion on this at the January Council meeting, with the thinking being that eliminating the buffers would occur at the beginning of the fishing year and be in place for the full year. Then the Council could evaluate at the end of the fishing year as far as how realized coverage levels met target levels or what impact 100% coverage had on catch data. Staff explained that the management uncertainty buffers alternative does not change the current process by which the Council can consider changes to the buffers as they evaluate any number of the criteria related to management uncertainty, which can be done under specifications or other management actions. Staff said they again would expect more discussion on this to occur with the implementation team to discuss implementation issues as development of the amendment continues.

**Jackie Odell** reiterated that with regard to phased implementation that additional information from the Agency [NMFS] would be helpful, and asked whether the Agency has provided any information as to the metrics that would potentially be used for the option for the three-year review of the coverage level, which is to see if improved accuracy in catch data is being achieved through this action. Staff answered that there has been some initial discussion amongst GARFO and PDT Council staff to understand what the metrics could be, and as discussed in the DEIS staff noted the metrics may depend on the selected coverage as these may be different for 100% coverage vs. a lower coverage, noting that there are some examples and thoughts on this within the DEIS. Staff explained that as currently outlined in the DEIS the metrics would be developed once there is more of an idea of which coverage level the Council will select as its preferred alternative, and said they expect additional discussion on possible metrics would occur further in the development of A23. Staff also noted that as currently outlined in the DEIS the review will be led by the PDT with heavy input from GARFO staff. Ms. Odell asked to confirm that the review does not have any actionable item attached to it. Staff answered that this is correct, that there is no further action connected to the review process, but the review could be used to inform future Council actions.

### **Comments:**

**Geoffrey Smith** (Marine Program Director for The Nature Conservancy in Maine): I want to start by saying that the Conservancy appreciates the effort the Council has made over the last

several years to improve accuracy and reliability in the groundfish monitoring program through development of Amendment 23. We believe timely and accurate information on catch and discards is a critical component of successful and sustainable fisheries management programs, because it provides managers the information they need to ensure catch limits aren't exceeded and it gives scientists the data they need to develop accurate and reliable stock assessments. Accurate catch information is especially needed in output-based management systems like the groundfish sector program, since many of the effort controls that were used historically to limit fishing effort were eliminated in 2010. Unfortunately, the groundfish monitoring program in New England is badly broken right now. The entire program was built on an assumption that we can monitor a relatively small percentage of trips, assume that those trips are representative of unmonitored trips, and then apply the catch and discard rate from the monitored trips to the unmonitored trips to give an accurate picture of total removals in the fishery. I think that the extensive work that has been done by the PDT over the years has really demonstrated that that basic assumption is fundamentally flawed. The numerous studies and statistical analyses that have been done have shown that observed trips are not representative of unobserved trips, that there are differences between trip duration, revenue, catch of groundfish generally, and catch of Gulf of Maine cod specifically, between observed and unobserved trips, and that there are strong economic incentives to misreport catch under the current management program. These analyses really validate what fishermen from Port Clyde to Point Judith have been telling the Council since the early days of sector management – and that is that constraining quotas on key species have created intense economic pressures on fishermen that has resulted in wide spread discarding of legal-sized fish, high-grading, and blatant misreporting of catch. Fishermen and scientists don't often agree on a lot of things, but it's clear that many of them do agree that the monitoring program is not working as intended and that the health of our stocks and fishing businesses are suffering because of it. The ineffective monitoring program is really undermining the sector management system, it is preventing us from effectively keeping catch at sustainable limits, and it's feeding bad information into the stock assessments that can make the issue of choke stocks even more severe. This is the problem that Amendment 23 has been designed to fix, and we can't wait any longer to do it. I have heard a lot of people say that for anyone talking about these problems in the fishery they are saying that everyone is cheating, and I don't believe that's true, and I believe that most fishermen are doing their best to follow the rules. But I think the problem is that the current program is rewarding the fishermen who are willing to break the rules and it's punishing those fishermen who are following them at their own economic peril. And I think that's just wrong, and I think the Council needs to finish the work of Amendment 23 to fix these problems once and for all, and to provide a level playing field so that the fishermen who are following the rules have a fair chance to compete.

As far as the alternatives in the amendment, the Conservancy will be submitting detailed written comments later on, but I would like to touch on a couple of them today. First, we support the preferred alternative for moving away from the current CV standard setting coverage rates and replacing that with a fixed rate, and we also support the Council's preferred alternative of 100% coverage, and removal of the management uncertainty buffers. The analysis that is presented in the EIS has shown that the current monitoring coverage rate of around 25% is allowing for the observer bias and the misreporting that this amendment is trying to fix. And it also shows that increasing coverage rates to 50% may actually make the problem worse by increasing economic incentives to misreport on unobserved trips. So that really leaves the Council with a choice

between 75% and 100% coverage rates, and we support 100% coverage because it does the best job of meeting a key objective in the amendment, which is to minimize the effect of monitoring bias while also providing an actual benefit to the fishermen by removing the uncertainty buffers and giving the fleet more fish to catch. We also support the Council's preferred alternative for formally approving electronic monitoring as a tool to meet FMP monitoring requirements. As you all know, the Conservancy has been working with NMFS and GMRI, and fishermen from Maine to Rhode Island for several years now to field test electronic monitoring systems. Through that work we have demonstrated that electronic monitoring systems can work to identify groundfish species, to determine their lengths and weights, and to estimate catch for quota monitoring. We also support the preferred alternative of approving EM because the analysis in the DEIS has shown that EM is substantially less costly than human at-sea monitors and can help the fleet meet the FMP monitoring requirements for about half the price. Given the economic constraints on the fishery right now, I think the Council should be doing everything it can to provide fishermen with cost-effective tools, and that approving EM is one of them. Through the course of development of Amendment 23, I have heard from a lot of fishermen and other people who say that there is no way they will put cameras on their boat, and I do think it's important to note that there is nothing in this amendment that would force them to do that. The EIS states clearly that each sector will be given the flexibility to choose the at-sea monitoring tools that best meet the needs of its members. And if they choose to deal with the logistics of getting observers to their boats for more and more trips and wanting to pay more money to meet the FMP monitoring requirements, they are welcome to do so. But we believe that fishermen should have a choice of using a more cost-effective tool to meet their monitoring requirements without having to go through the EFP process to do it. The pilot projects have demonstrated that the EM systems can collect the information needed for catch accounting, and we think it's time for the Council and NMFS to formally approve their use.

Lastly, I want to recognize the valid concerns that many have raised throughout this process about the cost of a new monitoring program and the industry's ability to pay. I want the Council to know that the Conservancy recognizes these concerns and that we are committed to helping address them when Amendment 23 is implemented. We have invested a lot of time and money into developing EM systems over the last five years because we knew industry needs a more cost-effective tool to meet monitoring requirements. We have also supported numerous efforts to secure congressional funding to offset monitoring costs ever since the sector program started a decade ago. We are committed to continuing to do what we can to help secure the funds to offset industry costs moving forward. This includes supporting federal funds where appropriate and exploring opportunities for innovative public-private partnerships as a financing option. We just think that if we are going to continue to invest public and private money into the costs of the groundfish monitoring program, we should fix it first so that it actually meets the objectives of the FMP. We think Amendment 23 is our chance to do that, and we urge the Council to finish the work on this amendment as soon as possible. Thank you for the opportunity to speak today, and we look forward to continuing to work with the Council to finalize this important amendment as soon as it can.

*The public hearing closed at approximately 5:08 pm.*

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

**Audience List**

<b>Date</b>	May 21, 2020
<b>Start time</b>	4:04 PM
<b>End time</b>	5:08 PM
<b>Number of participants</b>	24

**Groundfish Committee Chair:** Terry Stockwell

**Council Staff (5):** Jamie Cournane, Robin Frede, Melissa Errend, Tom Nies, and Janice Plante

**Participants (taken from webinar list during presentation)**

	<b><u>Name</u></b>
1	Allison Lorenc
	Amanda Cousart
	Andy Jones
	Brooke Wright
	Cate O'Keefe
	Chris McGuire
	Claire Fitz-Gerald
	Debra Duarte
	Geoffrey Smith
10	George Lapointe
	Gib Brogan
	Jackie Odell
	Jeff Taylor
	John Hoey
	John Pappalardo
	Katherine Dziedzic
	Katie Almeida
	Laura Singer
	Libby Etrie
20	Maggie Raymond
	Mark Grant
	Scott Olszewski
	Spencer Talmage
	Terry Alexander





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### **PUBLIC HEARING SUMMARY**

#### **Amendment 23 to the Northeast Multispecies Fishery Management Plan July 16, 2020, 4-6pm 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, Lou Goodreau, and Tom Nies

**Attendance:** 18 audience members (including two Council members); zero commenters

*The hearing began at 4:00 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. After an opportunity to ask questions for clarification, public comments were taken on the measures proposed in the amendment.

#### **Questions:**

There were no questions.

#### **Comments:**

There were no public comments.

*The public hearing closed at approximately 4:47 pm.*

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

**Audience List**

<b>Date</b>	July 16, 2020
<b>Start time</b>	4:00 PM
<b>End time</b>	4:47 PM
<b>Number of participants</b>	18

**Groundfish Committee Chair:** Terry Stockwell

**Council Staff (6):** Jamie Cournane, Robin Frede, Melissa Errend, Chris Kellogg, Lou Goodreau, and Tom Nies

**Participants (taken from webinar list during presentation)**

	<b><u>Name</u></b>	<b><u>Affiliation (based on email address)</u></b>
1	Amanda Cousart	Cape Cod Commercial Fishermen's Alliance
	Amber Lisi	State of Maine
	Daniel Salerno	Groundfish Sector Manager
	Debra Duarte	NOAA Fisheries
	George Lapointe	Blue Harvest Fisheries
	Heather Cronin	Gulf of Maine Research Institute
	Jeff Taylor	Mayforth Group
	Jocelyn Runnebaum	The Nature Conservancy
	Liz Moore	Gulf of Maine Research Institute
10	Maggie Raymond	Associated Fisheries of Maine
	Mark Grant	NOAA Fisheries
	Michael Palmer	NOAA Fisheries
	Nichole Rossi	NOAA Fisheries
	Sarah Gibbs	Northeastern University
	Scott Olszewski	NEFMC
	Stephanie Sykes	Cape Cod Commercial Fishermen's Alliance
	Terry Alexander	NEFMC
18	Colleen Coogan	NOAA Fisheries



## New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116

John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

### **PUBLIC HEARING SUMMARY**

#### **Amendment 23 to the Northeast Multispecies Fishery Management Plan July 29, 2020, 4-6pm 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:** 13 audience members (including three Council members); one commenter

*The hearing began at 4:03 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 Rhode Island and Connecticut/Mid-Atlantic states as a region. Council staff presented example fishing vessel profiles as part of the economic impacts that are specific to these states and regions. After an opportunity to ask questions for clarification, public comments were taken on the measures proposed in the amendment.

#### **Questions:**

There were no questions.

#### **Comments:**

**Dan Salerno** (sector manager for NEFS 5, providing comments gathered from sector members):  
I would like to thank this opportunity to comment on behalf of my members of NEFS 5, which is

a Southern New England based sector. As you all may be aware, I will be appointed to the Council, but these comments are specific to feedback that I've received from my members, and not anything that I have in my own mind. My members have wanted to put some ideas on the table specific to the preferred alternatives that have been put on the table, so that's what the comments are going to be tailored to. The first one my members had wanted to talk about was 100% monitoring of trips. A lot of my guys said that this would be just devastating to their operations, and many guys feel that they probably wouldn't even participate in groundfish anymore. Based on the feedback, I'm looking at probably a 30 to 50% reduction in sector groundfish activity. There will be less trips, or some guys just may choose not to participate in groundfish anymore, as some of the presentation showed. Most of the guys in Southern New England are very minimally reliant on groundfish, so they just won't even participate anymore. Some of these guys may even retire, some may complete fishing in their other fisheries, and some members may even join the common pool as this is a viable option for Southern New England as opposed to other regions. Some of the concerns that my guys presented was that the analysis that was used to look at the so-called potential cheating bias, illegal reporting, whatever you want to call it, was very Gulf of Maine and Georges Bank specific. My guys do not participate in any of those regions. We are specifically a Southern New England/Mid Atlantic Broad Stock Area sector, and that's pretty much the concern that these guys will be paying for issues that may or may not be occurring in other regions of the fishery. They also want to know if there was supposed observer bias within our sector, who was it. I actually could not have that information provided to me. They were curious as to why that type of information was not put back into the sector system, so the sectors can actually look into this and correct it on their own hands. They always felt that this was one of the points of the sectors, was this co-management and self-policing type system.

The next preferred alternative we wanted to discuss was the options for additional options for monitoring tools. They basically believe that if people want to put cameras on the boats, go right ahead. As some of you may or may not be aware, in Sector 5 we have two members that are participating in the audit model program right now and one member is actually participating in the EM replace human ASM replacement model. The two preferred alternatives, which are the audit model and max retention model, we basically said if people want to do it, go right ahead. The feeling is, however, not many guys would be participating in this because they don't feel that this is something that they'd be interested in. The one member that actually is participating in the EM in place of human ASM model was kind of upset that this was not a preferred alternative. This member has actually been participating in various camera work since prior to the sector program, and he feels that if the Council voted for these two preferred alternatives without the ASM replacement model, he would more than likely just take the cameras off his boat because his operation would not allow him to do this type of audit model work at 100% on every one of his trips. My guys that do participate in EM wanted to also point out that this is not exactly a plug and play type system. There are still issues that come up that need to be addressed. One thing we would like to point out is the hake issue, for some of you may or may not be aware, that we're being charged white hake because we didn't know what they were on the camera system. It took almost three years to come up with a workable solution. Anytime a new problem crops up,

it takes time to work through these issues, and my guys are getting frustrated when these new problems come up and it takes forever. They also wanted to point out that while the cameras may be cheaper on paper, there is an unpaid cost of EM which is basically the industry doing the job of the at-sea monitor. And there's concern that these guys are being held to a higher standard of quality than the monitors.

Moving on to the next preferred alternative we wanted to comment on was the elimination of the uncertainty buffers for a sector allocation if 100% monitoring was selected. We would be for this, but to tell you the truth, this is not really a huge gain, particularly for guys that fish in the Southern New England region. A 3 to 5% increase in individual stock allocations is a pittance, and when you look at an individual member basis, basically the feeling I got was thanks for nothing. Most likely the extra fish would not even be caught anyway. The 10-year average of NEFS 5 usage of their initial allocation is only roughly 24%, so this additional fish would probably mean not much more, if anything, landed for the Southern New England sector of NEFS 5. For the dockside monitoring program, the option of no action as the preferred alternative, we are fully supportive of this. Obviously, you are aware that the sector lived through the dockside monitoring program of 2010-2011, and my guys felt this was a huge waste of time and money, and there was no benefit whatsoever for these guys. They say if there are concerns about vertically integrated companies and supposed cheating and collusion, that there should be cheaper ways to address this than putting 100% dockside monitoring on everyone. Moving on to the next preferred alternative, which was the funding option for the groundfish monitoring program, the preferred of sub option 2B: waivers from monitoring if insufficient funds are available for NMFS. My guys feel that this has got to be the case. We support sub-option 2B basically because if NMFS doesn't have the funds to do the shoreside component, there's no way that the industry is going to be able to pick up the tab on both the shoreside and the at-sea side. That's just a no-win situation for the industry on that for these guys.

And finally, we would like to comment on the exemptions from monitoring requirements. The preferred alternatives of options 3A and 3B, which is removing ASM and DSM from vessels fishing west of the 71 30 line, we are fully supportive of this. That's where the bulk of our activity occurs, on the west side of this area, particularly the vessels that are fishing out of the Shinnecock region. My members are also very appreciative to Councilman Reid for putting this option into Amendment 23. This is one of the few times that we see that the Council has actually recognized the fact that groundfishing in Southern New England is not the same as groundfishing in other regions, such as the Georges Bank or the Gulf of Maine region. Most groundfishing trips in this region are usually directed on other non-groundfish stocks. Specifically talking about guys that are fishing in the bait skate fishery, in the scallop trawl fishery, the monkfish fishery, the fluke fishery. These fisheries all require them for the most part to be fishing on a Groundfish Day, and there's usually very little groundfish to no groundfish as bycatch which they will keep just to keep the day profitable, but it's not like these vessels are targeting groundfish in the Southern New England region. The only drawback we see with this exemption and this preferred alternative is that we really wish it had been for the whole Southern New England/Mid-Atlantic Broad Stock Area or based on more of a statistical area than just a straight line in the ocean, just

for simplicity's sake. It's going to make it a little more for monitoring this at the sector and at the member level to see where the trips should and shouldn't be exempt from monitoring. That pretty much concludes the comments that my members wanted to present. I will also be following up and the sector will be providing more in-depth comments to more discussion points on Amendment 23. Thank you for the opportunity to comment today.

*The public hearing closed at approximately 5:00 pm.*

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

**Audience List**

<b>Date</b>	July 29, 2020
<b>Start time</b>	4:03 PM
<b>End time</b>	5:00 PM
<b>Number of participants</b>	13

**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)**

	<b><u>Name</u></b>	<b><u>Affiliation (based on email address)</u></b>
1	Allison Lorenc	Conservation Law Foundation
	Daniel Caless	NOAA Fisheries
	Daniel Salerno	Sector Manager- NEFS 5
	Elizabeth Etrie	NEFMC
	Eric Reid	NEFMC
	Heather Cronin	Gulf of Maine Research Institute
	Jeff Taylor	Mayforth Group
	Liz Moore	Gulf of Maine Research Institute
	Maggie Raymond	Associated Fisheries of Maine
10	Mark Grant	NOAA Fisheries
	Scott Olszewski	NEFMC / RI DEM
	Stephanie Sykes	Cape Cod Fishermen's Alliance
13	Victor Vecchio	NOAA Fisheries



## New England Fishery Management Council

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John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

### **PUBLIC HEARING SUMMARY**

#### **Amendment 23 to the Northeast Multispecies Fishery Management Plan July 30, 2020, 4-6pm 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:** 41 audience members (including nine Council members); 15 commenters

*The hearing began at 4:03 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 Massachusetts. Council staff presented example fishing vessel profiles as part of the economic impacts that are specific to this state. After an opportunity to ask questions for clarification, public comments were taken on the measures proposed in the amendment.

#### **Questions:**

**Michael Walsh** (commercial groundfish fisherman) asked how you measure improved data, and how do you get more data out of a lot less vessels, since sectors have gone from 299 vessels down to 179. He said we have a lot of missing data because of closed areas where there is no data. Staff answered that regarding more data that it may be more correct to say there would be improved data, and that even if potentially fishing effort is reduced, which is acknowledged, that is a possibility that you might see reduced effort or consolidation among remaining vessels, and the data that will remain will be of higher quality. Staff also offered to have an extended



conversation about this offline to chat more about the analyses, including with others on the PDT who are involved with these.

**Hank Soule** (sector manager) asked several questions. First, he asked if the National Fisheries Service informed the Council that it expects the audit and maximized retention programs to be approved for any vessel that wishes to use them for Fishing Year 2021. Staff answered that the Council received initial guidance provided by NMFS, including that NMFS plans to approve the audit model, and at this stage is not yet ready to approve the maximized retention model for use in sector operations, but sectors can still propose one and continue to be in the experimental phase. Staff also said they would follow up with GARFO staff to confirm. *[Follow-up: Staff confirmed that NMFS intends to approve an audit model EM option for FY2021 sector operations plan, but not the maximized retention model of EM, since this program is newer and needs more time to work through testing. Sectors can, however, propose a max retention model option for their plans.]*

Mr. Soule then asked about the footnote on pp. 29-30 of the public hearing document which says the operating costs include sector fees, asking how those were obtained. Staff answered this cost information was from SSB and would follow up with additional information. *[Follow-up: Staff confirmed that the estimates used in the analysis for sector fees was \$.035/pound for groundfish and \$0.0075 per pound for non-groundfish, acknowledging that this varies across operations.]* Mr. Soule then asked how landing fees and unloading fees were obtained. Staff explained this is a generalized estimate and would follow up with additional information. *[Follow-up: Staff confirmed that the estimate of landing fees used in the analysis was \$0.01/pound, acknowledging that this varies across operations.]* Mr. Soule next asked whether effort shift means a reduction in smaller vessels. Staff answered that the analysis does not suggest a dramatic reduction in the number of vessels, but rather changes in effort, and for small vessels this may mean a reduction in their effort but not necessarily in the number of small vessels. Mr. Soule also asked a question about the statement in the document that under higher monitoring coverage the fishery might see a reduction in other operating costs, asking which of the five – ice, food, fuel, value of sector, etc., that would be. Staff explained that estimates for each of the cost categories was not provided explicitly in the analysis [since several are modelled in another model], but that as effort shifts across operations, decreases in other operating costs may result as trips selected by the model use inputs more efficiently.

Mr. Soule asked if the monitoring cost estimated under the Preferred Alternative [blended, dynamic simulation with removal of the management uncertainty buffer] was \$3.2 million, and in the same alternative that operating profits was estimated to be higher than under No Action by \$1.7 million, and whether this means that the model is stating that there are benefits of around \$5 million. Staff confirmed this is correct *[Follow-up: Revenue is estimated to increase from \$70.8 million under No Action to \$75.6 million under the management uncertainty buffer removal (blended-dynamic specification), however other operating costs increase by approximately \$1 million, reducing net benefits to closer to \$4 million.]* Mr. Soule also asked whether the calculation used for the maximized retention electronic monitoring cost include the cost of the dockside monitoring component to this. Staff answered that it does, but that it's a different calculation than what is used for the larger dockside monitoring alternative. *[Follow-up: DSM*

*costs were estimated to be slightly higher than in the standalone program, due to the extra catch handing procedures as required by the maximized retention program. The estimate was \$1.17 million for fleetwide, static adoption].*

**Jackie Odell** (Northeast Seafood Coalition) asked where in the DEIS does it cover improved ACE lease market performance, which is noted in the presentation. Staff answered that this is discussed qualitatively at the start of the economic impacts section [This can be found at page 380 in the DEIS]. Ms. Odell asked about the list of questions posed to commenters in the presentation, and who put the list together. Staff explained that Council staff put these questions together and that they were designed to give some guidance to commenters, noting that these are simple questions built around the preferred alternatives, but that comments can address any alternatives under consideration.

**Joe Orlando** (commercial groundfish fisherman) said he is a Gloucester day boat groundfisherman who makes about \$1,200 a day, and asked where does 6% (monitoring costs as % of revenue) come from as he does not think it reflects his circumstances. Staff explained that for the example vessel profiles it is important to look at the range of estimates rather than focusing on one number. Mr. Orlando said he felt the analysis is misleading, as his monitoring costs would be more like 90% of his revenue. He also said he did not understand how the analysis could suggest 100% monitoring would result in better data, because under 100% monitoring the fleet will disappear and there will be no data.

**John Haran** (sector manager) asked whether the cost estimates for the EM options include the costs of storage, as they will have to pay for storage of the video for years. Staff clarified that estimate of storage costs are included in the model. Mr. Haran also asked how it is possible the lease market performance would improve with higher monitoring coverage. He said the Council should be looking at why fishing effort diminished, and felt this action is the last nail in the coffin along with wind farms. Mr. Haran asked what will happen if the observer providers cannot provide 100% observer coverage. Staff answered that this is something NMFS would work through for implementation and would work with providers to try to have enough observers. Staff also answered these are target coverage levels and the Council acknowledges there are many factors, including the availability of monitors, that could affect realized coverage levels. Additionally, staff noted that this action would not change the current practice in which a vessel can get a waiver from coverage if there is no observer unavailable.

**Maggie Raymond** (Associated Fisheries of Maine) asked what the Council's rationale is for no action on dockside monitoring. Staff answered that the Council selected no action for dockside monitoring as its preliminary preferred alternative due to concerns about not having enough resources to review to verify landings, concerns about costs being passed to crew [regardless of whether the vessel or dealer pays for dockside monitoring], possible effort shifts or vessels landing in different ports, and that mostly there are many concerns from the previous program. Ms. Raymond also asked in the projection of increased operating profit can you tell what proportion comes from removing the management uncertainty buffers. Staff answered that for the 100% coverage option it is \$49.8 million versus \$52 million, but would follow up with more specific details. [*Follow-up: Table 218 in the DEIS shows the dynamic impacts of monitoring*

*under the blended ASM and EM model with 100% as well as removing the management uncertainty buffers, with or without a subsidy for EM (1, or 0, respectively). You can compare this to Table 169, which is an analogous table looking at the dynamic impacts for the same model (the blended model) and coverage rate (100%) but of course without the management uncertainty buffer. From comparing these tables you can see that in the absence of a subsidy for EM (0, first set of rows) gross revenue is \$75.6 million for the management uncertainty buffer alt and \$72.3 million for the just 100% coverage option, therefore the value of the buffer is an additional \$3.3 million in just revenue. However, the total impact on operating profit is smaller because effort increases under the management uncertainty buffer alternative (increasing operating costs) from \$19.4 million to \$20.5 million, and so does the estimated monitoring cost from \$3.1 million to \$3.3 million—so the net benefit in terms of operating profit is \$1.9 million. This is pretty close to what was estimated on the fly, a little bit different because of rounding. You could similarly compare just the straight human-ASM program estimates as well—instead you would need to compare Table 218 to Table 132 (pg 426).].*

**Vito Giacalone** (Northeast Seafood Coalition) commented that with the EM option right now there are many unknown costs, and since the industry knows about ASM and those costs, they will likely stick with that when the subsidy runs out and costs go from 0 to 100%. He asked if the document includes information on the costs of storage of EM data, and said that for both the audit model and maximized retention model fish handling is a direct trip cost that is not included in the document. He asked if there will be more detailed cost information for the EM options included in the document, otherwise the EM options should be removed. Mr. Giacalone also commented that the industry needs to see estimates for net revenue rather than gross revenue. Staff answered that with respect to data storage costs, these are included in the model, with more detail in the draft Amendment 23 document on pp. 386, and that with respect to catch handling and cost, this is an opportunity cost with crew focusing on catch handling versus other duties, and that this would be hard to estimate as a direct cost. Staff also explained that creating estimates of net revenue without a mandatory economic data collection program is difficult, noting that all U.S. fisheries face this challenge.

### **Comments:**

**David Leveille** (sector manager for NEFS 2 (Gloucester) and NEFS 6 (Boston)): I am the sector manager for Northeast Fisheries Sector 2 and Northeast Fisheries Sector 6, both of which are comprised of predominantly full-time groundfish vessels. NEFS 2 consists of 62 members that hold 133 permits. We have 33 active groundfish vessels, that consist primarily of trawl vessels, two gillnetters, and six part-time longliners. The sector made 1,560 groundfish trips in 2019 and harvested 14.9 million pounds of ACE in 2019. NEFS 6 consists of five members that hold 24 permits. We have seven active groundfish vessels, all of which are trawl vessels. They made 136 groundfish trips in 2019 and harvested 4.3 million pounds of ACE. Both of my sectors are community based, with NEFS 2 located in Gloucester and NEFS 6 located in Boston. Our sectors are entirely industry funded, mostly based on fees on groundfish landings. We do not have grants that offset our operational costs, and we are always mindful that our members' viability in the groundfish fishery is directly tied to our sector's viability. The impacts to the viability of the

groundfish members was seen firsthand in the port of Gloucester, when in 2019 NEFS 2 absorbed the members of NEFS 3 which was Three Northeast Fishery, Inc. NEFS 3 originally had in 2010, 31 active small inshore vessels that primarily used gillnets and longline gear. In 2018, it became evident to NEFS 3 and the members that due to government regulation and quota cuts primarily to Gulf of Maine cod, that the sector could no longer support itself and made the decision to disband and merge with NEFS 2.

Although Amendment 23 may be well intended, the reality is that if the amendment is implemented once federal funding runs out, it will be the end of the industry as we know it. It will bankrupt the independent, small business, family-oriented fishermen. Although NEFS 2 and NEFS 6 are both currently viable, the COVID pandemic has had a big impact on fish prices, which in turn has diminished the profitability of the vessels in both sectors that I manage. The thing about the COVID pandemic is that it will hopefully end, and the prices will return to their previous levels. That can't be said for Amendment 23. If it passes, it will not end, and the burden to pay for 100% monitoring is shifted to the active members that rely on groundfish landings to sustain their business. They will end. Our input includes the following comments on Amendment 23's overarching themes. Amendment 23 is a fleet killer. It will bankrupt my members. As a manager, based on my discussion with members, I anticipate that a majority of my members will stop groundfishing once federal funds expire and the cost of monitoring falls on industry and the sectors. GARFO is very quick to point to sectors and their working relationship with us but neither GARFO nor the Council have ever really have taken the time to understand what we do. The majority of the responsibility of managing this fishery's quota falls on our shoulders, and the implementation of this action will fall on our shoulders also.

It's my job to help my members understand if they can afford this. And it's blatantly clear that small vessels cannot afford to pay 100% monitoring. But the document assumes larger vessels could potentially afford 100% monitoring. But it's unclear how this assumption is drawn since there is no break even or analysis provided. Further, these vessels would be deploying humans for observers at this time, since there are no electronic monitoring options that are suitable for their platforms. My members don't look at their viability in terms of gross profits, and the bottom line is the net profits, and every analysis in this document should be based on net profits. Amendment 23 offers no real benefits to my members. The cost analysis in the EIS is bogus. Groundfish vessels have been functioning on a very fragile and narrow profit margin for years. The conclusion that 100% monitoring will increase profits is illogical, devoid of any real understanding of the fishery. Removing the uncertainty buffers will do nothing to mitigate the impacts of 100% monitoring. If managers understood the fishery, they would know that there are many reasons void of monitoring impacting the current utilization of certain stocks. And this alternative is nothing more than a smoke screen, trying to make it look good on paper. This action does nothing to improve the abundance estimates in the stock assessment, which is actually what the fishery desperately needs. There are a lot of other factors that impact groundfish rebuilding, including and not limited to, the catch from other fisheries; for example, almost 50% of Gulf of Maine cod ACL goes to recreational and state waters fisheries and they have no monitoring. The document is misleading, because if the goal is to improve stock assessments, that cannot happen when a large segment of the mortality occurs outside the commercial sector.

The electronic monitoring options and analysis in Amendment 23 are inadequate. The DEIS is misleading about the cost of EM. EM has an expense to our members and to ourselves that is not considered. EM changes the way catch will be handled on deck and includes human labor and logistics for fishermen catching multispecies. Currently, the data associated with the EM trips is provided separate from other datasets and requires substantial manipulation to incorporate into quota accounting systems. Also, the handholding that occurs with the implementation of EM system and data review with individual members is substantial. And for some sectors with high activity vessels, this may add too much to the daily work responsibility. None of this is acknowledged in the DEIS cost analysis. Not all the EM programs are suitable for all groundfish vessels nor do all sectors have the capability of handling the workload associated with electronic monitoring. Max retention EM programs are not ready. The current max retention EFP cannot even remove the ASM requirement for participants at this time. It's misleading and wrong that it was even included in cost estimates in this document. The Council's and GARFO's assumptions that high levels of monitoring will incentivize sectors and their members to adopt EM options is so far from reality it's comical. Anyone who spends time talking to those industry members who actually go groundfishing, know the majority will opt for humans, as long as federal money is available. When those funds expire, they plan on exiting the fishery.

In reading Amendment 23 we can't help but wonder when did the Council stop caring about fleet diversity? Amendment 16 was full of promises by the Council that never happened. But the fishing business and community devastation that the industry predicted occurred monumentally. The Council and GARFO seem to no longer care about fleet diversity, or the impacts of what this amendment will do and will have on the fraction of the fishery that's barely holding on. Why did we even bother with Amendment 18? As I previously stated, the sector previously known as NEFS 3 could not sustain net viability due to the regulations and quota cuts. Many have joined NEFS 2 or have sold their permits or are looking to sell them. The Gloucester gillnet fleet has been decimated by past regulatory actions and Amendment 23 appears ready to extend that devastation to the few who are remaining. If the Council continues down the current path with Amendment 23, the groundfish fishery is destined to become the haves and the once-upon-a-timers. As currently contemplated in Amendment 23, it is creating exactly the situation that Amendment 18 feared would happen: the opportunity for big corporations to move in and take over the small, independent businesses that remain. It is concerning that the Council appears to either have missed or is not concerned with this reality. If one reads Amendment 23 the analysis is very clear, in the Vessel Characteristics section that those fishing today are a fraction of where they were in 2010. This action will have disproportionate impacts on fishing communities like mine and my members' and my sector's landings. As documented in the DEIS, Gloucester and Boston comprise two of the top three grossing groundfish ports in the region. In both of my sectors, the groundfish activity is where 90% of the member's annual income comes from. Regardless of how some may wish to portray things, most members do not have the luxury of shifting into another profitable fishery if groundfish becomes too expensive to pursue. The Council and GARFO appear to be following the Amendment 16 rulebook, attempting to convince and assure folks that it's not all that bad, EM will solve all the negative impacts of this action, and we can use federal money to offset EM costs. We have not forgotten that Amendment 16 playbook and we will not fall for those false promises this time. 100% monitoring will

destroy almost everyone who continues to participate full-time or close to full-time in this fishery, consolidating down to a handful of big players, which is completely counter with what the Council and GARFO have repeatedly claimed is important, i.e. fleet diversity. This is a multispecies fishery, and not a Gulf of Maine cod fishery, nor are my members Carlos Rafael. The analysis in this document is inadequate because it fails to see the fishery in all of its complexity. Amendment 23 analysis is short sighted in its approach. Everything appears to be centralized on Gulf of Maine cod and the actions of Carlos Rafael. The groundfish fishery is a multispecies fishery and my members actively focus fishing behavior on multispecies like haddock, pollock, and redfish. We're not fixated on cod, and neither should the analysis be. Furthermore, the DEIS rationalizes that 100% monitoring is needed to account for the action of Carlos Rafael. This is wrong. The fishery is not representative of the actions of Carlos Rafael and should not be forced to bear the consequences of what happened with Carlos. My members are not Carlos. They continue to be outraged by his behavior. They now are equally angry that the Council wants to treat them as criminals because of Carlos. The issues highlighted in the Carlos Rafael case are exactly the type of egregious behavior that the agency should be ferreting out in every fishery they manage. Thank you.

**Tim Vinegra** (F/V HUSTLER, commercial groundfish fisherman, New Bedford, NEFS 8): I'm the owner and captain of the fishing vessel Hustler. I purchased the boat five months ago, three partners, forty years later. I set up my boat five months ago, and here we are. If this amendment goes through, I am out of business. I cannot afford to tack on another \$10,000 or so anymore to the vessel between the charges and mortgages. I don't think I'm going to be able to make it. So you're taking the American dream. It was my dream for forty years, working for everybody else, my dad. I had a couple boats. I think I earned it and put in my time to this industry, and now it's virtually gone. And now I'm going to tack on another \$10,000? I'm sorry, I can't. I'm just getting by right now with the pandemic going on now. I think we should be able to look at where this is going. I cannot add another \$10,000 or \$12,000. Plus the cameras and all, that's unheard of. I don't have the \$10,000 to invest in a boat anymore that I've been working on. So please reconsider what you're proposing. Behind your models are people like me who are in this industry who were able to go to college, my grandchildren are able to go to college by me helping them out. And then finally after forty years the American Dream, it's gone. It's all going to be gone. I cannot add another \$10,000 to the \$20,000 I already have in charges. So please reconsider. Thank you very much.

**Mike Walsh** (F/Vs Atlantic Prince, Olympia, Guardian, American Heritage, Flight 1, Boomer Too; commercial groundfish fisherman, Boston, NEFS 6): I want to say one thing. First of all, I am in Sector 6. 35 years I've fished at sea, 46 years I've been in this business. I agree 100% on everything Dave Leveille said. He's the sector manager. I mean, one of the biggest things is Carlos Rafael. Carlos Rafael was our problem. Carlos Rafael was your problem. And National Marine Fisheries for not taking care of law enforcement. If you think you did a good on this I would have to differ. As far as this amendment going here, we were told going into sectors that everything is going to be improved. I went to all the meetings, I guess I drank the kool-aid, when I probably should have drank whiskey. I don't know. I just don't see it as the boats surviving through this. I looked into EM before sectors, and I could see the costs they were talking about back then, having third party people looking at stuff, if somebody points a finger at you you've

got to pay. The boats aren't gonna do that, they can't afford it. One of the things is this whole fleet is aging out. I think you're going to age them right out. I think there's a lot of guys who are borderline there right now, and what is going to happen is if you put 100% monitoring in, I think the fishery is going to disappear. And I'm gonna be honest with you, I'm fourth generation. My son, fifth, and my grandson, sixth generation fishing. If I hadn't been involved in the fisheries here, and I got a couple of brothers that are fourth generation, they wouldn't be involved either. I know the amendment is going to push them right out of this business. 100%, they can't stomach it now that they're working besides somebody who is making more money than them. They're working on pennies now. This COVID is killing us. Everybody is half share, quarter share, nobody is making their share. Like I said, I've been in this business a long time, and I think this is the end. I honestly do. I think you should reconsider your alternatives and start thinking of fishermen. I think fishermen are a dying species, not the fish. I'm one of the Boston boats. I'm one of the guys that go around and move around and do something different. I'm always looking for something different as far as the fish. Talking to the captains, go fishing for pollock, fishing for redfish. But you know what, when it comes to this amendment, it won't matter what they're fishing for. They're done. I'm just saying guys are gonna throw their hands up and leave the fishing industry. That's my comment there, I mean, a lifetime of work gone down the drain. Thank you.

**William Blount** (F/V RUTHIE B, commercial groundfish fisherman New Bedford, NEFS 8): I have groundfished for 58 years, and I've been a captain for 48 years. I been involved with the development of stern trawlers. I love groundfishing. But if this amendment goes through, I'm convinced that I can't make it. If I have a really good trip, maybe my crew member makes a third of what he's making right now during COVID. If I have a poor trip, he won't make anything. I won't even be able to get people to work for me. I'm 75, I can't do it alone. I don't know where you're coming from, but we'll be done. We're not going to make anything working for nothing. I'm sorry, but the truth is you're up in never-never land and we won't be able to survive through all of this. It's crazy. I'm sorry.

**Antonio P. Rico** (F/V LUSO AMERICAN I, captain, commercial groundfish fisherman, New Bedford, NEFS 8): I have captained the Luso American for 17 years now. I have been fishing in America since 1995, and I fished in Portugal for 10 years, so altogether 34, 35 years fishing. We cannot afford Amendment 23. Can you imagine my family, three more crew members and their families, the owner, can you imagine, we go fishing, we have to pay all the expenses, the crew make no money, and we have to pay for the observer? I think it's not right.

**Carlos Alberto** (F/V LUSO AMERICAN I, owner, commercial groundfish, New Bedford, NEFS 8): I own the Fishing Vessel Luso American I. I own four more permits, so altogether we have five permits on the boat. We still don't have enough fish to fish year-round. We have to lease more fish. So right now, with the rise of expenses, every trip is \$25,000. To make money for the crew, to pay for the boat, you see how much you can get from the trip. If you have to pay for 100% coverage, we don't make enough money, nobody makes enough money, to survive in this industry, because every time you go to the shipyard, because it might be how much we pay towards the shipyard. You work all year long to try to pay for the ship, and you don't have

enough money to pay for the boat, and instead have to pay for people to be on the boats for coverage of 100%. So this is my comment. Thank you very much.

**Cassie Canastra** (BASE Seafood Auction and groundfish offload facility in New Bedford): I represent the Seafood Auction New Bedford, BASE, also known as Whaling City Seafood Display Auction in the port of New Bedford. We are an offloading facility. We know what vessels gross, we know what the market is and is not, we know what the margins are for vessels participating in the groundfish fishery, and we know what the costs are to run, maintain and repair vessels. We are acutely aware of the difficulties for vessel owners to find and maintain their crew. Every day, we witness how these realities play out in fishing. We see the results, the limited utility on many stocks, with many groundfish ACLs being underutilized. Many of these stocks were once critical to the port of New Bedford. Under status quo revenue there is not enough profit margin in the fishery for business owners to attempt to recapitalize to absorb the additional expenses associated with monitoring. Our offloading facility has watched the vibrant and plentiful groundfishery wither away to a skeleton of its former self. It has been difficult to see these members of groundfish industry that we view as friends and family exit the fishery with no acknowledgement from fishery managers. It doesn't matter how they may view these options, the groundfish fishery today cannot afford any of these options currently proposed. The cost considered under the proposed alternative of monitoring at 100% is significant and allows us to acknowledge the true state of today's commercial fishery. We are gravely concerned that the DEIS cost analysis includes consideration of a max retention EM program, which is deemed to reduce costs for the fleet, but is not self-ready for the majority of the fleet. The max retention program is in a pilot program. Guidelines and logistics are still being developed, and requirements need to be fleshed out. It is wrong of the DEIS to consider this as an option that will offer cost reductions for the fleet when there is no option has been approved by the agency. Thank you for your time.

**Linda McCann** (Sector manager, Sector 8, New Bedford): I'm the sector manager for Sector 8 in New Bedford. We are a community-based sector with 40 permits enrolled and out of those 40 permits, five active vessels that are full-time single permit groundfish vessels. These vessels are current fishing on Georges Bank and occasionally in the Southern New England area. We do have two members who are gillnetters, who primarily fish for monkfish and skate in the Southern Management area. New Bedford is the Georges Bank flounder capital of the world. But since 2010, the dramatic shifts in ACLs, such as Georges Bank yellowtail flounder and Georges Bank winter founder, forced many of the boats to stop operating. Eventually we merged with Sector 7, which was also a New Bedford sector. I ran both Sectors 7 and 8. They were forced to consolidate the membership into one sector, to align the overhead costs with the potential revenue generated on groundfish sectors. Our sector is entirely industry-funded, mostly based on fees on groundfish landings. We do not have grants that offset our operational costs and so we're mindful that our members' viability in the groundfish fishery is directly tied to our sector's viability. Amendment. 23 is a fleet killer. It's going to destroy my members' business and my sector. I've been the manager nine of these years, and I've been with the sector system since it began in 2010. With this COVID right now, we are not making a lot of money. The prices are way down. We're lucky that they're even taking our fish, the dealers right now. And that's where these funds for monitoring are going to expire, and this happened back in 2018 when the funds



just automatically expired and the next day they just said, the industry will pay for that. And this happened in March, when two of my vessels were charged almost \$6,000. When I finally was allowed to get reimbursement in July, they refused to go back to March, and those two vessels had to incur and pay the \$6,000 in charges that had incurred from at-sea monitoring. We just don't have the money to do this. They are already tapped out, the prices and fees. The DEIS fails to analyze the economic impacts of these alternatives being proposed of sectors. You just haven't looked at the viability of the sector. You haven't looked at the viability of the member. I don't know what you're looking at. And honestly, the benefits, the costs, there is no benefit. The conclusion that 100% monitoring will increase crews' profits. How do you figure out that you're going to increase profits when you're going to put a big amount of money on this fishery? I don't get it. Your action doesn't improve anything with stock assessments, the action doesn't improve any abundance estimates in stock assessments. There is no benefit from the DEIS, and it's misleading the costs of electronic modeling. EM has an expense to our members and to ourselves that has not been considered. EM changes the way fish will be handled on deck and includes human labor and logistics for fishermen fishing for multispecies. Currently, the data associated with the EM trips is provided separate from other datasets and requires substantial manipulation to incorporate into sector accounting systems.

I'm just disappointed that another problem was Carlos Rafael. Carlos Rafael is also here in New Bedford and had his own sector because the gentlemen, the members, would not work with him, so they had four different sectors. They had Sector 7, Sector 8, Sector, 13. Sector 9 was all by himself. And a broad brush is just being flung all over us because of what he did. My members have never displayed any activity as such. And I'm sad to say that the Council and GARFO appear to be following their Amendment 16 playbook. And they forgot that we are going to take all this from one big owner. Carlos Rafael was the big guy in New Bedford and what do they do? They let it happen again. Now Blue Harvest is the big guy in New Bedford. Only Blue Harvest is in a Maine sector, not in a New Bedford sector. That's very disappointing because some of my members might have been able to get financing to be able to buy some of these boats and permits, but they weren't allowed to do so because one big conglomerate got it. And that makes me very sad. And as far as the agency working with the sectors and the Council, I'm really waiting to see that. It's been ten years. I'm not sure when they're going to start. I don't even know if you read my narratives, every year I put out a beautiful annual report from all of what we've landed in the sector, what we've done in the sector. I never hear anything back. I never get any feedback. So it's disappointing, and I really hate to keep beating a dead horse, but I really wish we would stop saying that the Council and GARFO are working with the sectors, because they are not. Thank you.

**Frank Mirarchi** (retired groundfish fisherman): I'm a retired groundfish fisherman. I spent 55 years primarily fishing in the Western Gulf of Maine. I'm here this evening to speak for Sector 12. Sector 12 is a very small sector. It has 18 permits and five active vessels at present all of which are docked in the Port of Scituate, Massachusetts. They're smaller vessels, the largest being about 55 feet in length, and they're almost exclusively day boats. Their daily earnings are in the range of \$2,000 to \$2,500 on an average day trip. So that the cost of at-sea monitoring as proposed of \$700 basically would take away 33% of the gross and 100%, of course, of the net, because the net is a very small percentage of the gross. I'm going to abbreviate my comments

because it's getting late and I don't want to delay other people. So the majority of my comments are going to be submitted in writing. My one comment that I'm going to make tonight is this, that the Council should defer its final vote in September for this reason: that the cost analysis presented in the DEIS is totally out of date. It was done before a lot of events that began in 2019 and accelerated with the COVID-19 pandemic have occurred. Number one, earnings are down. Earnings are down because fish prices are down, not because there's a lack of fish, but because the value of those fish had dropped. The cost analysis doesn't take into consideration the new safety costs that certainly will occur once we begin fishing again under the COVID safety protocols - things like PPE, social distancing, transportation costs, overhead costs that the service providers might have to incur will all be added to that estimated \$700 driving it upward beyond the range that was estimated in the analysis. In addition, disruptions in the supply chain have occurred. It's more expensive to move fish now. The large volume of fish being moved before has been fragmented because of fragmentation in the processing side, and it costs more to move a few pounds of fish in a truck partially loaded than it does to move a lot of pounds of fish in a truck fully loaded. In addition, changes in insurance haven't been incorporated. I fully expect that there's going to be increases in P&I insurance premiums, because of the possibility of infection from other crew members or from observers.

Finally, the cost benefit analysis is very, very irrational. It says a couple of things. Number one, that removal of the uncertainty buffers because of 100% monitoring will improve landings. Well they will; they will improve ACLs. Landings are what people can afford to catch of the fish and our share of the ACL has been steadily declining, and I expect that rate of decline will increase when we begin to look at the 2020 landings to the point where basically we're just leaving more fish in the ocean. It would be wonderful if we could catch those fish, but it's not likely that that's going to happen before the advent of whatever Amendment 23 imposes on us. Finally, the expectation that simply catching more fish is gonna make us more money I think is fallacious because of the disruption in the marketplace. Right now, the loss of the restaurant and food service trades, as well as the reduction in processing capacity because of the difficulty in obtaining labor, is making it more and more difficult to process larger volumes of fish. When that's going to change, I don't know. Neither does the analysis and Amendment 23. So, my expectation is that before any of these benefits occur we'll all be gone. The small boats maybe will lead the parade, but the larger boats will follow until only a vertically integrated business that is able to catch, process, and market fish is going to survive in that environment. I don't want to see that happen. My life has been devoted to fishing in Scituate and most of my friends who still fish feel very strongly about the sanctity and integrity of that port and other small ports like it. So, Sector 12 stands fully in opposition to this amendment as it's presented and objects to the fact that the Council is going to be asked to take a vote before a proper analysis has been done. I'll submit the rest of my comments in writing later on. Thank you very much.

**Vito Giacalone** (Northeast Seafood Coalition): When the scoping for this amendment started, I can't even remember, has it been three years? We went to the very first one at the Maine Fishermen's Forum. The very first thing that we said was, if there's an observer bias, and no one disagrees that there's going to be an observer bias, that's just human nature. The issue is to determine and quantify the magnitude of it. We never did that, used Gulf of Maine cod to do it. But didn't really acknowledge that Gulf of Maine cod had a 95% reduction in its ACL, which

causes all kinds of biases and issues and concerns especially if the stock assessment was off by an order of magnitude, which we're certain it was. But what happened was, the system in place was already so accountable, that, as Dave said and others have testified and your own numbers validate, we've had a loss of not only members in the industry, we've had a dayboat fishery that was focused on cod. One whole sector, actually three sectors have gone out, and have either merged or gone out of the business completely. And Dave talks about 30 active boats, and we run the cost efficiency for the community preservation fund and the demand for leased fish over the last two years has dropped dramatically. Major changes have happened, major players that were normally purchasing fish are not purchasing fish anymore or they're out of the business or they've sold and consolidated. So, that game has changed completely. And, you know, this lease market that is talked about with a 5% management uncertainty being released, and actually applying the monetary revenue values to that, is amazing because I get a spreadsheet from 2010 forward, and if folks were to look at that, you'd be shocked to see the underutilization. And we've mentioned this at every single meeting, and have even talked about that myth of releasing 5% and attempting to apply a nickel of positive revenue to that was amazing to me, but we looked at it. Most stocks are under harvested by 20% or more. Almost the entire complex is, you got a couple of cod stocks that have had serious reductions in effort, as Dave pointed out, and will continue to beat this drum. This amendment has hung its hat on Gulf of Maine cod. Gulf of Maine cod has had an ACL reduction from 5,000 metric tons in a very short period of time to at one point, it was at 200 metric tons for the commercial sector ACL. Of course you're going to have issues that occur there if the stock biomass isn't reflective of the assessment. So back then we said yes, we want better data, but we're not going to go down the Amendment 16 route again because that was the problem with Amendment 16, was we went from 4% monitoring and 3% NEFOP monitoring to 38%. We eliminated the trip limits. The problems with discards were eliminated. They were eliminated in the fishery. And what have we gained from that data? I'll say nothing. This program is only just going to do more of that. That's why everybody's skeptical of it.

The other big problem with this is the glaring obvious fact that you've got a re-engineering of the fleet that will happen the moment people actually have to pay for this. Remember we'll be going from zero to 100% because they're not paying for it now at all. If they were paying even the 13%, 20%, 31%, or now the sheer 40%, if they were paying for that now, most of them will be out of business already. The same people we're expecting to accept, oh you're gonna do better under 100%. And if that money runs out, and the way it looks, we're not allocating the money to the grants as we had hoped and expected, it's being spent on electronic monitoring, who knows what else it will be spent on, if that money runs out in two years, there is no way any of these benefits that folks have listed in bullets here throughout the public documents and elsewhere of all the benefits that are coming to these guys. The reason there are no new boats in this fleet is because we've mismanaged that. There's no new boats being built, there's nothing coming, who is going to invest in that, so you're re-engineering it because \$700 on any dayboat, even the most profitable one, is an enormous proportion of the gross. So they're done. Right now, you're talking about an amendment at 100% monitoring, the cost of it makes every boat with three crew or less counting the captain, insolvent. If they think they're not, they're kidding themselves, just like a lot of the poor guys who are still fishing today because they don't know what else to do, but they really don't have profitable businesses. And that's why the effort keeps going down. The trip

boats, these guys are having a hard time getting through now. As soon as you start taking 6%, 13% when we actually get the real numbers of what it's going to cost us in travel costs. And a lot of that stuff is it's escalating as soon as that happens, and you start losing a few crew there, those guys are going to consolidate.

So, I'm complaining about the analysis. I think it's extremely inadequate. I think the face value re-engineering of the fleet by putting a \$700 plus cost on a group of people that have fishing one, two, or even three men, where the gross revenues could never support that on a daily basis. You're putting them out of business, and the benefits that we look for, because we knew you're going to try to go down this road. We said, let's do something test two hypotheses: the missing catch theory that people seem to be wedded to and the entire analysis group went down that one road, missing catch. We've got to find every bit of that. We said what about missing biomass? What if you're missing half the biomass, ten times the biomass? Can we test both? Let's agree we want better data only this time, let's actually use it to work both sides of the equation. This DEIS does not even acknowledge, not once is there a statement in there that says that could be confounding problems with a monitoring program if any of these stocks that cannot be avoided are underestimated by an order of magnitude. It doesn't even mention it. Now I just told you, it's not happening at any scale that's making any difference right now, it's not because guys just went out of business, is the problem. I've never been more upset with an amendment then this one. And I'm just shocked that the analysis doesn't at least say it that way. So I think it fails on a lot of fronts. Just to testify, I can let you know that the lease market is going to continue to collapse. Throwing 5% in the bucket is going to do absolutely nothing. There will be less and less utility going to happen on these. Thank God for the haddock that showed up inshore. Otherwise the dayboat fleet would be gone already. Thank God there was so many haddock that this system missed, we were at 100 metric tons, don't forget, 100 metric tons of Gulf of Maine haddock is what the science and scientists said, that we were having collapse on Gulf of Maine haddock that almost destroyed the fishery. But the recreational fleet, thank God, were catching a ton of it, and it took two or three years for the science to catch up, and now we have more haddock, or at least a reasonable haddock quota. If it weren't for that haddock being catchable in the inshore, which I've never seen in my career, those codfish would be all over the place. But they're not, they're in certain areas. People know how to avoid them because the regime shift happened. Saint Peter took care of that. Not us, as managers, we didn't. This is a travesty with what's going on right now, because it's cavalier in that we're re-engineering the fleet with an enormous cost, and we did not do a cost benefit that the industry expected to pay for can recognize. I don't recognize any benefit. Everything that you've listed here and the public hearing documents and then the DEIS fall on deaf ears to us. I'm looking at them, I'm saying what fantasy land are they in? These are not benefits to anybody that's in this business right now is going to realize unless they're ready to totally consolidate and go in a whole different direction. So, just say that should be the purpose and need of this amendment, not trying to get better data. That's my comment on this amendment.

**Al Cattone** (Gloucester commercial groundfish fisherman): Good evening everyone. I am a commercial fisherman out of Gloucester and I'm 100% groundfish so this is going to have a great impact on me. And not many groundfish boats will be able to afford the cost of monitoring once funding runs out. And because of cod being off the table and the depressed prices of all the

other groundfish stocks, primarily haddock, it has a very low price right now. It won't even be profitable to leave the dock. I guess everyone else has commented that the cost of monitoring added to the gross income of a dayboat or primarily a dayboat, is just the numbers don't add up. It's true some will fish more, very minimal will fish more. Most people will not fish at all under 100% monitoring. All operations right now that are groundfishing are efficient. We're all doing it. Whoever's left is efficient in making money. But at least 80 to 90% of the current people engaged in the groundfishery will be automatically out of business once funding runs out at 100% monitoring. It's just not going to be profitable to leave the dock. And under the analysis, when you say that increased profits are going to happen with the releasing of the buffer and all that, that's just a fantasy. I don't know. I mean I'm not trying to beat a dead horse here, but with all the other comments, I just can't not say that. The analysis is just so far from reality, it's almost comical. It's unbelievable. And the last thing that I wanted to say and this is what kills me more than anything is that you are opening the door for large corporations to come in and steal this fishery because the sharks are circling. And you're making it so much easier for this to happen that it's sad. I've been doing this for 35 years. I got guys standing alongside of me doing it for over 50 years. And my heart and soul is in this industry and to see it just be given away by something like this is just heartbreaking. The first thing you have to do is go back to the drawing board and redo this analysis with some reality, and some input from the people who are actually doing the work. Because this is a travesty what's happening right now. Thank you.

**Joe Orlando** (Gloucester commercial groundfish fisherman, president of Sector 2, board member of NSC): I'm a commercial fisherman here out of Gloucester. I've been a groundfish fisherman for 46 years. I depend on this groundfish fishery. I'm the president of Sector 2. I'm a board member of the NSC. I've gone through multiple boats, because of the reductions that we've had in these fisheries. Now I have a boat that is 44 feet which I fish, me and one other crew member. I'm 66, he's 68. Now we get up between one o'clock in the morning to three o'clock in the morning. We get in from fishing that same day between 4 and 6 o'clock in the afternoon. We work hard. We work like dogs. And it's just a hard thing. You work for 12 hours a day. You start going between \$1,000 to \$1,500. Sometimes you have a bad day or breakdown or whatever, and you don't make any money. I fished basically 160 days last year. So, if you take that I'm going to start maybe \$180,000 to \$200,000. If I take an observer with me every single day, and it's going to be a \$1,000 a day, it's not going to be any less. That's \$160,000, out of that \$180,000 that I'm starting with. How does that work? They did that analysis, and that 6%, like I was talking about earlier. I can't believe it. I laugh at it.

I'm going to stop at that but now I'm going to tell you a little story. Now the people that are going to vote for this, I want them to put themselves in my shoes or our shoes, okay? So let's just say it's a Council member that's going to vote on this. Let's say he makes \$300 a day. He's going to work, and on the way to work he's got to pick up an observer. He's going to pick up a guy that, he's got to \$280 a day out of that \$300. And he's driving down the highway. Guess what? The car blows a gasket. So now he's got to pull over and call the tow truck. The tow truck is going to cost him \$200, \$300, \$400, whatever it is to get the car fixed. So they go down to the gas station and the guy goes, well, you blew a head gasket and it's going to cost you \$2,000 to fix it. At the same time, he's saying, wait a minute, I still have to pay \$1,000 for the guy that's in the backseat with me. This is what this is about. That's how this thing works, and this is the way I see it. This is

crazy. It's just a crazy, crazy situation. I don't know what to say, to be honest with you. Like I said I've fished 46 years now. And now I look at this guy who's going to come fishing with me, who's going to do maybe 10% of the work that I'm going to do and my crew member, and he's going to make more money than I am. How does this work? How am I gonna pay? Insurance is going up all the time. I pay \$8,000 a year for insurance now, that's cheap. Ice, fuel, water expenses, you got the mechanics now we have to hire for \$160 an hour. How do you make this work? And then I see the analysis. I'm going to make more money. Well how do I make more money if I take a guy fishing with me? How am I going to make more money by taking that guy to fish to me, which I'm going to pay \$1,000 a day? How does that happen? I wish somebody would tell me because I would love to do it right now, if I can make more money. But I don't see it. I don't know what's happening in New England, but it will completely destroy this fishery. Now we know the system hasn't worked for years, take a look at what's happened. When we started this thing, sector stuff in 2010, we were promised the world. Just look at where we're at now. We lost 80% of our participants. Now we're talking about paying people to go fishing with us \$1,000 a day to oversee us what we do. This was terrible. We should all take a break, it is just moving too fast. And the worst part about this is, I've lost two sons to this fishery, I've lost two other boats. And I don't see any young generation benefiting from this. Our sons and daughters benefited from this. We're going to lose it all. And that's terrible. That's on your shoulders, not ours. Thank you very much.

**Angela Sanfilippo** (president of Gloucester Fishermen's Wives Association): Good afternoon everyone. I wear many hats. I'm the president of the Gloucester Fishermen's Wives Association, the assistant director of the Massachusetts Fishing Partnership, board member of the Fishing Partnership Support Service. And I just cannot believe that next month marks my 43<sup>rd</sup> year that I make speeches like this. It was in 1977 when I attended my first Council meeting, and I realized there's something seriously wrong with this process. And I just cannot believe all that I've heard today and from people who were just before me. Thank God for the Northeast Seafood Coalition. They deal more with this than I do. But I deal with this every day, because my work is with the socioeconomic benefits, a loss of the fishing industry. And what kills me is that I've been in that position for 43 years, and not once, not ever has one Council member or NOAA member come to me and said, Angela, what's going on? How are the fishermen doing? How are the fishing families? We have all this stuff documented. But nobody cares. It's so sad. And definitely for myself, personally, and the organization that I represent, we are not going to support the Council's preferred alternative. This is real an insult to the industry. Because they would be made to pay a price for the damage that someone else did [Carlos Rafael], and that person did because the people who were supposed to monitor these things did not do their jobs. He could have been caught way earlier than that. The information was there. But people were afraid or didn't care and now we punish our whole industry because of the action of one person. In addition, the person who did what he did today is a millionaire walking around the streets, no concern if we get 100% monitoring or not. And this is, as I said, is so unfair. In addition, the time that we're in with this COVID-19 situation, and it's not getting any better. I really will say that I would like to see the whole amendment frozen in time and not to move forward until we all come back to normal life, if there would ever be one. In addition to all of this, this month the governor of Massachusetts, Governor Baker, Lieutenant Governor, have put out \$36 million because they want to see food security in the state of Massachusetts. And they have come to us

and say, we want the fishing people to take advantages of these infrastructure grants because we want food security in Massachusetts. Well if this goes on, that is not going to happen. They could make all the money available that they can, but there would not be security of seafood for the people of Massachusetts. There is so much more, all through the years, always been said for every amendment, and I can count them all, we've been through all of them, and always been said that it's good, is going to be good for the stock and is going to be good for the fishermen. I don't remember any of those amendments that were good for the stock and good for the fishermen. So at some point, unfortunately, the people who've been involved in causing these problems, they should take responsibility. And do not blame the fishermen. The management has been terrible for 43 years. And now when they don't want to accept that, they're blaming the fishermen. Shame on all of you. Thank you.

**Jackie Odell** (Executive Director of Northeast Seafood Coalition): The Northeast Seafood Coalition is a non-profit membership organization that represents commercial fishermen, shoreside businesses, and fishing communities that are economically dependent upon the northeast multispecies groundfish fishery. NSC fishing members fish from small and large ports along the northeast coast. They fish small, medium, and large vessels, and they deploy among them all the groundfish gear types. NSC represents over 170 commercial fishing entities, which hold over 300 limited access groundfish permits. Recognizing that Amendment 23 is an industry-funded regulatory action that is proposing sweeping changes to the operations of the New England groundfish fishery, NSC worked with others to contract non-federal experts to conduct extensive economic, scientific, and legal analyses of the DEIS. The work of these experts has brought NSC to the conclusion that the DEIS as has been discussed throughout this public hearing tonight is fundamentally flawed. It does not comply as it must with the National Environmental Policy Act, core Magnuson Act mandates, or even the amendment stated purpose and need. It fails to provide evidence that it will significantly improve stock assessments or management performance, nor is it based on the best scientific information available. Lastly, it fails to document that unreported catches are widespread or a substantial problem for which increased monitoring might be needed or increased costs justified. Much of the Amendment 23 analysis has relied heavily upon qualitative, subjective analyses, has failed to provide any meaningful, quantifiable information that's based on the real activities and fishery facts. This has been a failure of the process and raises a red flag, even in other items that we haven't discussed tonight, which is the Review Process for Sector Monitoring Coverage in Section 6.1.4 in this document. You really have to question how can a future review be based on metrics and indicators as identified and addressed under that section that are not available for the DEIS analysis today. Amendment 23 needs to be re-examined. It cannot move forward with such inadequacies and flaws that do not meet the purpose and need, goals and objectives, or legal mandates. Furthermore, it is not acceptable or legal for the Council to backfill the DEIS with subsequent analyses that are not part of this initial DEIS review now. And I stress that because that is a great concern of those within the NSC, that folks who have supported this action since day one will support that analyses be brought in after the comment period and be used to justify this action. We strongly oppose that, and we will make note of that in our written comments as well. Thank you.

**Pamela Lafreniere** (Deputy Director of the Port of New Bedford): The Port of New Bedford is going to reserve the opportunity to submit written comments, based not only on the stakeholder input given this evening but on stakeholder input derived from now to the time that there is an opportunity to give written comments. But the couple of items that the Port of New Bedford would like to note is that the preferred alternatives, one of which being the 100% observer coverage. The cost for that is simply too expensive for the fleet as it currently exists. In addition, it appears that there has not been an adequate and fully vetted evaluation of the 100% observer coverage that is the preferred alternative. In addition, even if either one of the preferred alternatives, being the electronic monitoring and/or the 100% at-sea observers were to be implemented, neither one could be fully implemented as there are not enough at-sea observers for implementation, nor is the electronic monitoring fully operational and able to be implemented. The Port of New Bedford will limit its comments to those items, but as I said we reserve the opportunity to make written comments, and I thank you for the opportunity to speak to you this evening.

Additionally, **Maggie Raymond** (Associated Fisheries of Maine), thanked Ms. Etrie and Ms. Odell for providing the opportunity for fishermen to participate in the session tonight. The Chair echoed these sentiments.

*The public hearing closed at approximately 6:43 pm.*



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

**Audience List**

<b>Date</b>	July 30, 2020
<b>Start time</b>	4:03 PM
<b>End time</b>	6:43 PM
<b>Number of participants</b>	41

**Groundfish Committee Chair:** Terry Stockwell

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

**Participants (taken from webinar list during presentation)**

	<b><u>Name</u></b>	<b><u>Affiliation (based on email address)</u></b>
1	Albert Cottone*	F/V SABRINA MARIA, Gloucester commercial groundfish fisherman
	Allison Lorenc	Conservation Law Foundation
	Angela Sanfilippo*	President of Gloucester Fishermen's Wives Association
	Bill Blount**	F/V RUTHIE B, commercial groundfish fisherman, New Bedford, NEFS 8
	Carlos Alberto**	F/V LUSO AMERICAN I, owner, commercial groundfish, New Bedford, NEFS 8
	Cassie Canastra**	BASE groundfish offload facility, New Bedford
	Cheri Patterson	NEFMC/NH F&G
	Claire Teylouni	Office of Senator Markey
	Daniel Salerno	Sector Manager
10	David Leveille	Sector Manager for NEFS 2 and NEFS 6
	Elizabeth Etrie	NEFMC
	Eric Reid	NEFMC
	Frank Mirarchi	Retired groundfish fisherman
	George Lapointe	Blue Harvest Fisheries
	Glenn Delaney	
	Hank Soule	Sector Manager – Sustainable Harvest Sector
	Heather Cronin	Gulf of Maine Research Institute
	Jackie Odell	Executive Director of Northeast Seafood Coalition
	Joseph Orlando*	F/V SANTO PIO, Gloucester commercial fisherman, President - NEFS 2 and Board Member of the Northeast Seafood Coalition
20	John Haran	Sector Manager – Sector 13
	John Quinn	NEFMC

	Linda McCann	Sector Manager - NEFS 8, New Bedford
	Liz Moore	Gulf of Maine Research Institute
	Maggie Raymond	Associated Fisheries of Maine
	Mark E. DeCristoforo	MA Senate
	Mark Grant	NOAA Fisheries
	Melanie Griffin	NEFMC/MA DMF
	Michael Walsh**	F/Vs Atlantic Prince, Olympia, Guardian, American Heritage, Flight 1, Boomer Too; commercial groundfish fisherman Boston, NEFS 6
	Pamela Lafreniere	Deputy Director Port of New Bedford
30	Pat Kavanagh	
	Pete Aarrestad	NEFMC/CT
	Antonio Peter Rico**	F/V LUSO AMERICAN I, captain, commercial groundfish fisherman, New Bedford, NEFS 8
	Scott Olszewski	NEFMC/RI DEM
	Sefatia Romeo Theken	City of Gloucester
	Stephanie Sykes	Cape Cod Commercial Fishermen's Alliance
	Terry Alexander	NEFMC
	Tom Vinegra**	F/V HUSTLER, commercial groundfish fisherman, New Bedford, NEFS 8
	Tory Bramante	Atlantic Coast Seafood
	Vincent Balzano	NEFMC
40	Vito Giacalone	Northeast Seafood Coalition
	William McCann**	F/V Pilgrim and Shamrock (New Bedford, NEFS 8)

\* Attended an in-person session organized and hosted by Jackie Odell for Northeast Seafood Coalition (NSC) member fishermen in Gloucester.

\*\* Attended an in-person session organized and hosted by Elizabeth Etrie for NSC member fishermen in New Bedford.



## New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116

John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

### **PUBLIC HEARING SUMMARY**

#### **Amendment 23 to the Northeast Multispecies Fishery Management Plan August 6, 2020, 4-6pm 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, and Janice Plante

**Attendance:** 10 audience members (including two Council members); one commenter

*The hearing began at 4:03 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. After an opportunity to ask questions for clarification, public comments were taken on the measures proposed in the amendment. Additionally, of note this hearing was run using a slightly different format – GoToMeeting instead of GoToWebinar – which allowed participants the option of calling in without registering for the webinar.

#### **Questions:**

There were no questions.

#### **Comments:**

**Tory Bramante** (Atlantic Coast Seafood, vessel owner, Boston): I would like to comment on a lot of what's in the presentation that was discussed tonight, but there's not enough time for that. But one of the things that really sticks out to me is on pp. 24 [of the public hearing document] about how costs vary across vessels, and I look at the Vessel Profile 3 that says there are boats

stocking \$1.4 million and fishing 160 days at sea. I can tell you that you can probably count on one hand the people that are doing that at 160 days. First of all I am a vessel owner out of Boston. I own three offshore draggers. I am a board member of Sector 6. And I also own Atlantic Coast Seafood which is the primary unloading facility in Boston. I am in tune with some of these numbers, and I beg to differ with what's in the document. I'm not sure where they come from. Going further on that highlight, my boats generally fish in excess of 200 days at sea a year. And when I multiply that out by \$600 or \$650 a day, I'm looking at \$120,000 a year. That is a fleet killer. That is an industry killer. The pot of fishermen that are left now is getting smaller and smaller, and added expense is going to be a fleet killer and an industry killer. I look at it and say, where is the proof that improved monitoring will improve stock assessments? We've been doing it for ten years and the stock assessment models continue to fail. I just don't get what 100% is going to do for us.

I do want to comment on the 100% retention. If someone is looking at 100% retention on paper, maybe they are coming up with some good thoughts. But if you really know what happens and know what it takes to retain everything on board in a multispecies fishery, it's impossible. And I say that for a few reasons, and I'll point out a few out, because I see it firsthand as a dealer and a vessel owner. If you've got guys trying to retain sublegal fish, what are we doing with those fish? Are we gutting them? Are we not gutting them? Are we putting them in a different pen? Are we mixing them in that pen with all the different species in one pen? And I ask that because these days in a multispecies fishery, these current vessels that are in our fleet don't have the space in the fish hold anymore. Now we're going to take up prime real estate, meaning another pen in our boat to throw in sublegal fish. I don't know how that's possible. Who's going to get the fishermen to put these fish down in the fish hold, when they're going shorthanded, with the situation that we have with finding crew? Possibly take another guy with us, to help with that stuff down below, and then you have to pay the lumpers to unload it out of the fish hold. And then you have to put it up on the dock and pay the dock workers to separate it and do something with it, and I don't know what that is. What are we gonna do with them? There is no market for sublegal small fish. Nobody wants to cut them, nobody wants to use them. People start using the word bait. You cannot sell haddock or any of these groundfish whole for bait. There is no market. And I wish some people would take this to the next level instead of looking at this on paper, and see the actuality of what the 100% retention is going to do for us, because all it's going to do is increase costs and expenses. I will put all these comments in writing. Thank you for the opportunity to speak.

*The public hearing closed at approximately 4:55 pm.*

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

**Audience List**

<b>Date</b>	Aug. 6, 2020
<b>Start time</b>	4:03 PM
<b>End time</b>	4:55 PM
<b>Number of participants</b>	10

**Groundfish Committee Chair:** Terry Stockwell

**Council Staff (5):** Jamie Cournane, Robin Frede, Melissa Errend, Janice Plante, and Chris Kellogg

**Participants (from a roll call following the presentation, since this hearing was run using GoToMeeting instead of GoToWebinar, and attendees had the option to call in without registering)**

	<b><u>Name</u></b>	<b><u>Affiliation (based on email address)</u></b>
1	Colleen Coogan	NOAA
	Daniel Salerno	Sector Manager
	George Lapointe	Blue Harvest Fisheries
	Mark Grant	NOAA
	Jeff Taylor	Mayforth Group
	Libby Etrie	NEFMC
	Liz Moore	GMRI
	Stephanie Sykes	Cape Cod Commercial Fishermen's Alliance
	Terry Alexander	NEFMC
10	Tory Bramante	Vessel Owner, Atlantic Coast Seafood



## New England Fishery Management Council

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John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

### **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.

Objective 7: 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**

<b>Date</b>	Aug. 10, 2020
<b>Start time</b>	6:02 PM
<b>End time</b>	7:57 PM
<b>Number of participants</b>	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)**

	<b><u>Name</u></b>	<b><u>Affiliation (based on email address)</u></b>
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.



## New England Fishery Management Council

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John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

### **PUBLIC HEARING SUMMARY**

#### **Amendment 23 to the Northeast Multispecies Fishery Management Plan August 26, 2020, 3-5pm Wakefield, MA**

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 Alexander (Groundfish Committee Chair)

**Council staff:** Jamie Cournane, Robin Frede, Melissa Errend, and Tom Nies (in-person); Jenny Couture, Sam Ascii, Deirdre Boelke, Jonathon Peros, Michelle Bachman, Janice Plante, and Chris Kellogg (webinar)

**Attendance:** 47 audience members – 21 in person plus 26 on webinar/listen-only (including XX Council members); 18 commenters

*The hearing began at 3:03 pm.*

Mr. Alexander 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. After an opportunity to ask questions for clarification, public comments were taken on the measures proposed in the amendment.

#### **Questions:**

**Joe Orlando** (commercial groundfish fisherman) asked about where the cost estimates for Vessel Profile 3 were derived from. He felt these estimates were misleading, since his vessel grosses around \$240,000 and not \$1.4 million. Staff answered that these numbers shown are an average for each engagement level, and the information is based on dealer reports. Staff also clarified that the vessel engagement levels use days absent rather than days-at-sea, so as a dayboat fisherman, Mr. Orlando may actually fall under a lower engagement category.

Mr. Orlando also asked why only the commercial groundfish fishermen are being targeted for 100% coverage when they only get 50% of the TAC, and what about the common pool and recreational fisheries that contribute to catches. Staff answered that the Council had identified the purpose of Amendment 23 to focus on improving catch reporting in the commercial groundfish fishery, based on information on specific issues raised regarding inaccurate catch estimates in the commercial fishery. The document does acknowledge there are catches of groundfish in other fisheries, but they are not the focus of this action.

Mr. Orlando also asked about the fish handling protocols for EM and where he could find a list of what fishermen are expected to do. He is concerned that having to show every fish to the camera would be too burdensome. Staff answered that GARFO is working to develop and refine fish handling protocols through the EFPs, and each vessel participating in EM incorporates these into a vessel monitoring plan as a part of the sector operations plan. Staff also answered that there are two main models of EM, one of which, the audit model, does require the captain to place each discarded fish in front of the camera, and has been acknowledged to not be practical for larger volume vessels. There is also the maximized retention model which is a better fit for large volume vessels since the vessel retains all allocated groundfish for a dockside monitor to measure.

**Dave Leveille** (sector manager) asked why the cost estimates for the different vessel profile types didn't show a range rather than an average. Staff answered that there are additional cost estimates that are in the document, based on different categories such as vessel length and home port. Staff explained that these estimates were simplified for the presentation, but encouraged looking at the full document for additional cost estimates.

**Al Cattone** (commercial groundfish fisherman) asked if the cost estimates are based on total time absent (days absent) or total number of days spent fishing, as indicated in staff's response to Joe Orlando. Staff confirmed that the cost estimates presented are by engagement level, which is total time spent fishing on groundfish trips, giving the example that a 7 day trip would likely be less than 7 days absent in terms of total time absent. Mr. Cattone feels this makes a big difference for cost estimates for day boats that would have to pay for an observer each day at sea, and felt this is misleading and skews the estimates for dayboats. [The analysis itself does not calculate costs by days absent. The analysis takes into account sector ASM contracts which does not necessarily charge by days absent. Cost estimates in the DEIS are just displayed in terms of average values for vessels within a given engagement level.]

**Jim Kendall** (New Bedford Seafood Consulting) asked about No Action cost estimates and why there would be a cost estimate if no action is taken. Staff answered that no action is actually the status quo level of coverage, and that there is also an additional estimate that assumes fishermen continue to be reimbursed for monitoring costs. Mr. Kendall also asked about the difference between observers and monitors and whether they are paid the same. Staff answered that there are differences between observers (the NEFOP program) and monitors (the groundfish ASM program) in terms of requirements and specific sampling duties, but clarified that Amendment 23 is only looking at changes to the ASM program and not NEFOP. Staff said they could not answer

with specific information about whether observers or providers are paid the same, and would need to follow up to get this information from the observer providers, but also clarified that industry would be paying for at-sea monitors, while NEFOP observers are funded by the government.

**Jackie Odell** (Northeast Seafood Coalition) asked about the benefits described in the DEIS, where they were derived from and whether there were any discussions asking fishermen for what benefits they would like to see. Staff explained that the benefits described were derived from PDT analyses that examine the expected benefits of accounting for catch in the management system, and that there was input from the Advisory Panel and Committee, but not a process for collecting information directly from the industry. Ms. Odell also asked about what analysis went into the compliance and enforceability scores used in the document, since compliance and enforcement is not an objective of the action. Staff answered that this is a policy analysis approach that is based on opportunity and incentives (which were analyzed quantitatively).

**Paul Vitale** (commercial groundfish fisherman) asked in considering 100% coverage, whether observer or EM, has anyone considered the impact of this on product quality, as this greatly slows down the process to get the fish on ice. He is concerned about the increase in workload with EM for fish handling, especially for day boats with only one or two crew. Staff answered that while this is not directly incorporated into the cost estimates, it is acknowledged as a tradeoff with changes in fishing operations and new tasks for crew. While the analysis does not mention product quality specifically, staff encouraged those with experience to share their perspectives on the impacts of observers and EM on product quality.

**Bill McCann** (commercial fisherman) asked whether there is an analysis on the number of vessels that might go into the common pool and how many sectors might go out of business. Staff answered that the analysis is primarily at the trip level and not at the vessel level, and that the model estimates are based on selecting efficient trips, so it is difficult to estimate what the vessel impacts will be and can't be used to draw conclusions on which vessels may ultimately leave the fishery.

### **Comments:**

**Al Cattone** (commercial groundfish fisherman, Gloucester): I am a Gloucester fisherman, and you're gonna hear from a lot of them. A lot of testimonial from people who study this a lot about the logistics of it and the finances of it, how it's crazy, and I'm just going to give you a personal account of what's going to happen. If this amendment is passed with the preferred alternatives, what you're going to do is you're going to accelerate the expiration date on this fishery. Just to give you an idea of what my situation looks like, if I make 100 trips a year, I'm going to be in that second category, which is 20 to 50 days absent because of my hourly. And I'm earning the second category money, but I'm going to be paying third category observer money. So at 100 trips, I'll be paying \$75,000 a year for observer coverage grossing about \$150,000. So how is that

going to benefit my operation? I would like that explained a little better. So basically, we are alive as long as Congress has the will to pay for it. Once that money runs out, it's over. So, is Congress under today's climate gonna have the will to pay for 100% observer coverage? For a fishery that some people in Idaho might not believe in. That's where we're at, once the money runs out, it's over. At 100%, even at 50%, to be perfectly honest with you. You're accelerating the expiration date of this fishery. It's going to be dwindled down to two big companies. We're going to be totally integrated and that's the only way anyone's going to survive. Thank you.

**Joe Orlando** (commercial groundfish fisherman, Gloucester): I've been fishing since 1974, fishing for 44, 46 years, something like that. And I'm the president of Sector 2. When the Council voted for 100%, I almost went ballistic at the Council meeting. Then everybody calmed me down, saying, look we're all going to agree to this because it's just to talk about it. Well, guess what? Now it's come true. To be 100%, there's no talking about it from what I understand. So I think that's wrong. The second thing is that like I showed you in the slide earlier, I fish, I don't care what the hours are, but I take 160 trips. I go out at two o'clock in the morning, come back between 2 and 5 in the afternoon. I fish at roughly 160 days. I stock around \$250,000. If I have to pay \$750 a day, which I really don't think that's the number, because when we first started this as far as paying for monitors, it was a lot lower. So by the time this gets implemented, if it does, because of this COVID thing, and we don't know how long it's going to last, and people get tested and all that stuff, all that cost is going to be passed on to the fishermen. So I think it's going to be like a \$1,000 a day. So if I fish 160 days, no matter what hours of this, it's going to cost me \$160,000. I only stock \$250,000 by the time I paid for my fuel, my dockage, my insurance, it's \$9,000. For two people, on the boat. How do you expect that? That doesn't work. It just doesn't work.

So I'm totally against this 100% observer coverage. Status quo is the way to go. You have information out there that we've been doing for years. There's so much stuff out there about discards. Who's discarding? Have you had one case yet? Have you prosecuted anybody or anything, or is it all lies? And again, why are the commercial guys the only ones being targeted? Why isn't the recreational, common pool, and so on? Why aren't they being targeted. We only get 50% of the catch. So why are we the only ones? It just doesn't make sense from my perspective. How am I going to keep crew? I tell my crew member, he makes 200, 300 bucks a day. But the observer is going to make \$1,000 a day. Where is the crew gonna come from? There's going to be no crew. It doesn't work, you gotta look into something else. When we went to sectors in 2010, we agreed that when the fishery was fully rebuilt then we will pay for it. Well guess what? The fishery is not fully rebuilt according to science. Because look at our quotas now that we have. I say it all the time, when we first started sectors I had 100,000 pounds Gulf of Maine cod. Now after the last cut, because the states went over and all that stuff, I'm left with 5,000 pounds of Gulf of Maine cod. And yet you want me to pay \$160,000 in observer fees, just to take somebody out with me, so he can make three times as much as me. How is that fair? I'll leave it at that. Thank you.

**Gib Brogan** (Oceana): I appreciate the opportunity to talk. Oceana has been involved in this fishery for a number of years, dating back to before Amendment 16 and the sector program. And when the sector program came online and the monitoring program was developed, we had

objections and said that it wouldn't do the job, that it wouldn't lead to accurate, precise, and timely information, that it would undermine the management of the fishery. And we have challenged it a number of times. And finally, Amendment 23 came along and asked and answered the right questions about the monitoring program for groundfish, what it's gonna take to get accurate, precise, and timely information about the fishery. The catch, not just landings, but also what's being discarded. And also looked at the effects of the monitoring program and the weaknesses, both on compliance, on misreporting, and ultimately on the assessments. And most recently, what came through the SSC, looking at the rebuilding, what good information will do for the rebuilding of the groundfish fishery. And it all shows that good information is going to bring this fishery back, and it's going to lead it on a path to success rather than continuing to be mired in unsuccessful chronic rebuilding. And so we're grateful for the work that the Council has done and look forward to the final action in September.

Specific to the alternatives that are in front of the Council right now, we support the preferred alternative for sector monitoring, the standard, that the Council should set a standard, and among the current options, the 100% monitoring standard is the only one that will do the job, achieve the goals of the amendment, and the purpose and need of the amendment. When it was selected for at the Portsmouth meeting, the understanding was that that was for discussion purposes only, and so, the Council may come back and modify that. We encourage the Council, as you discuss this on the final approach, to do your final vote here. If you select something that's less than 100%, it needs to be very clear that it's going to also achieve the purpose and need, and goals and objectives of the amendment. Right now, the other alternatives, 50%, 75%, as the presentation shows that doesn't do the job. And so, the Council should only select something that will do the job and provide that important information with accuracy. For the sector monitoring tools, we agree with the preferred alternatives that the audit model and the maximized retention model are viable. They are proven, they've been tested, and they will provide high quality information. We object and disagree with Option 1 using EM in place of monitors. That was put in place and was developed as a proof of concept to get EM equipment on the boats, but was never designed to be statistically reliable. So we encourage the Council to reject Option 1. The review process, the Council should absolutely have a set review process. If you're going to put this in place, you should have a time and a mechanism to come back and see whether it's doing the job and see whether there are modifications that can be put in place. What we've seen in other catch share fisheries that have 100% observer coverage is that after they've established a baseline of information after a number of years, they've been able to ratchet down their coverage once they've gotten that reference point. The Pacific groundfish fishery has been able to start ratcheting down their coverage that's still able to achieve their management goals. We disagree with removing the uncertainty buffers. Yes, high levels of coverage and high levels of EM will reduce management uncertainty, but it won't get rid of it. There will always be unobserved tows on trips when the observer has to sleep. And, there will also be misreporting, there will be observer errors that we can't assume that high levels of observer coverage will get rid of management uncertainty. So, it needs to stay in there and removing it right now is based on a flawed assumption. And then finally, on the exemptions, we disagree with any exemptions for monitoring. This amendment is hundreds of pages long, showing that the current information about fishing behavior and catch, that it's flawed, that it's not accurate, precise, and timely. And so, to provide any exemptions based on that flawed foundation of information is unacceptable.



and premature. After the monitoring program has a few years, a good foundation of high quality information, that would be the appropriate time for the Council to consider exemptions for monitoring. But until then, we just don't have the information to inform those exemptions.

We're enthusiastic about the Council moving forward with Amendment 23. We'd like to point out, and I hope that it comes up in the Council conversation about funding, is that in the past few years the Fisheries Service has not been able to achieve its observer goals. And there has been a rollover of money for the last three or four years, there's been a fund that's been available for continued subsidies. And we hope that you ask the agency about the availability of funding and come up with a plan to transition from agency funding to industry funding over a course of time. Use that money, use it effectively to ease the transition. But ultimately, we need to get high quality information and in the near future for this fishery. And we look forward to the Council taking its final action in September. Thanks very much.

**Angela Sanfilippo** (Gloucester Fishermen's Wives Association): I am the president of the Gloucester Fishermen's Wives Association that was founded 51 years ago for one reason, and one reason only, to protect the Atlantic Ocean from foreign boats invasion that were taking all our resources. Today is a sad day to be here, 43 years ago to the moment that I got involved with the fishing industry. And to listen to what I am hearing from people who understand these things more than me probably. Because I'm so lucky I no longer really have to stay on top of it 100%. I'm so glad that Jackie does it. But this is a sad day. Our fishery, our fishing communities, are not what they used to be. We just have a shadow of our fishing community. This amendment will put the final black marks on the industry, because the purpose of the amendment, it's for one purpose only. It's because fishermen are not trusted to be honest people, and that is wrong. The fishermen that are left today have been working hard since they were young. They've survived because they've been honest workers and protectors of the environment of the ocean. This project is not fair to the fishermen and it's not fair to the taxpayers. We haven't been able to protect the whole industry. We only probably have 30% left. But we have plenty of fish in the ocean. Where have we failed that fishermen need to be punished because they can be trusted? I think the blame goes with the regulators because they never have done a good job. They never have done what the fishermen have recommended over and over and over again. This is going to bring this important group of people to an end. And given what we're going through today, as I said, it's a sad day because the state of Massachusetts just started and invested \$36 million to create infrastructure to make sure there is food security in the state of Massachusetts. Because the first day of the coronavirus there were empty shelves in stores. They have come to the fishing industry and say you need to bring food to our docks because meat plants are getting closed, chicken places are getting closed. And we've been so lucky right now that the haddock fishery showed up in really good amounts, and so our fishermen have been working to bring in a good amount of fish to the docks. This is important. We don't know what's going to happen within the next year. We could be in the same thing we are in today a year from now. How do you get the understanding of what this is all about? When we tell people they think we're crazy, or we're obsessed. Then when they find out they say, oh, I'm sorry. I really thought you were obsessed Angela, but it's the truth. For once the fishermen should be respected for what they've done, the sacrifice that they've done. When I started in 1977, some of these people that are sitting behind me, they wouldn't have been 20 years old. So, they were 18. And 43 and 66 years, that's the

average of these people. And once they are gone, there is nobody coming into a situation like this. So we're completely, totally against this amendment. Actually, I believe that because of what's happened with COVID-19, this amendment should be frozen, put on a shelf until we go back to life as it was, if there will ever be life as it was. But this amendment, it's a sad amendment for the New England commercial fisheries. And with no respect to our fishermen who have worked so hard and they are the only one remaining to bring this much needed food at the docks of New England. Thank you.

**Maggie Raymond** (Executive Director of Associated Fisheries of Maine): So first of all, I want to thank the Council staff for this extraordinary effort to hold an in-person hearing on Amendment 23. This version of an in-person public hearing is not what fishermen were hoping for when we requested that the Council members come face to face with fishermen to hear concerns about the amendment and the preferred alternative in particular. Likewise, I'm sure this version of a public hearing is not what was anticipated by those Council members who voted in January for the preferred alternative, in their own words, to draw participation in the process and to hear directly from fishermen. As it turns out, the hybrid in-person sessions organized by the Northeast Seafood Coalition and the Maine DMR and this hearing as well were the ones that have the greatest amount of participation and comments by fishermen. As we expected, few fishermen have participated in the webinars. But for the most part, the fishermen who have spoken at these hybrid sessions are owner/operators who do not have deep pockets and who will not have their monitoring costs paid for by wealthy foundations. Taking the Council for their word that they voted for the preferred alternative to generate participation in the hearings so that they could hear from fishermen, it is important to note for the record that Council member participation in the webinars for this amendment with few notable exceptions has been very sparse. We want to acknowledge the remarkable participation in the webinars by Mr. Alexander Mr. Olszewski, and of course, the Chairman, Mr. Stockwell. But most Council members have participated in only one webinar. At least one Council member has not participated at all. It is unfortunate that many Council members have not taken the opportunity to hear directly from fishermen. When preparing the hearing summaries, we hope that the Council staff will be able to capture the fishermen's fears about the cost of monitoring, the ongoing economic problems caused by the pandemic that will be exacerbated by additional costs for monitoring. And there are concerns about why the groundfish fishery is singled out as the only fishery requiring this high level of monitoring. Thank you.

**Jackie Odell** (Executive Director of Northeast Seafood Coalition): So as I had mentioned, I participated in the Massachusetts webinar and earlier in August and I had said during the time that NSC will be submitting extensive written comments for the August 31st deadline, which is on Monday. Accompanying the NSC comments will be technical reviews of the Amendment 23 DEIS that were completed by an economists, scientists, and lawyers that specialize in statutory requirements of the National Environmental Policy Act and the Magnuson Stevens Act and other applicable laws. NSC does not support the Council's preferred alternative of 100% at-sea monitoring target for the groundfish sectors. Amendment 23 measures and the associated analyses have morphed into an attempt to justify pre-determined political objectives of this amendment. The DEIS appears to be an attempt to provide cover for the many management and enforcement failures of the agency in respect to one very notable legal case. Rather than

correcting the flaws that led to those failures, the amendment will instead punish hundreds of innocent fishermen for the crimes of one man. It is these fishermen, not the Council or the agency that will suffer the tangible damages due to the resource on which fishermen depend and damage to each and every law abiding fishermen that will be subject to the unsustainable burdens imposed by this amendment. This is a draconian, costly, and misplaced solution without a problem. Even worse, the DEIS fails to support the Councils' preferred action that 100% monitoring or electronic monitoring for that matter will be effective in preventing such crimes in the future. The DEIS itself confirms that unreported discarding is not a widespread problem. The analyses include a Gulf of Maine cod analysis that has not been peer reviewed or vetted by the SSC. This analysis does not factor in effort reductions, fishing behavior changes, avoidance, gear modifications, and fleet consolidation that have resulted from significant ACL reductions on Gulf of Maine cod in the commercial fishery. Furthermore, benefits to stock assessments has failed to recognize that the commercial fishery only accounts for roughly 50% of fishing mortality on Gulf of Maine cod and significant variability in data exists for other datasets that are critical elements to stock assessments and impact of rebuilding plans.

The DEIS analysis weighs heavily upon economic theories that are disconnected from reality and it fails to put costs into context. It fails to recognize the difficulties of owners to find and maintain crew. It does not factor in crew shares or the reductions that they will necessarily suffer. There is no breakeven analysis for the limited remaining groundfish vessels considered to be efficient by the DEIS. It fails to recognize what the market is, what it is not, or even what the margins are for those vessels participating in the groundfish fishery after operating, maintaining, and repairing vessels. Although the DEIS somehow missed it, the bottom line reality is that, under status quo revenue there's not enough profit margin in the fishery for business owners to absorb the additional expenses associated with 100% monitoring. The DEIS fails to recognize that electronic monitoring is far from being a viable fleet wide option. Significant details associated with max retention are not yet known. Dockside requirements for max retention are not known, and the efficacy of the audit model cannot be analyzed to meet the goals and objectives of this amendment, because the details of exactly how or what data will be collected and analyzed as the ultimate outputs have only been established as a concept under the EFPs and far too much is being left to GARFO to design and notify fishermen in their respective sectors of the remaining 198 active vessels. And the fishery, as was noted by some and the analysis confirms that the Council's preferred alternative of 100% at-sea monitoring target will dismantle the fleet and undermine fleet diversity. It will undermine goals and objectives of the Northeast multispecies fishery management plans and associated statutes. With this in mind, and the conclusion of our technical reviews and legal analysis, NSC believes the Council should withdraw the DEIS, focused on the numerous flaws, and inconsistency with the applicable laws, and the Council should reconsider the fundamental premise of this amendment. Thank you.

**Nino Randazzo** (commercial groundfish fisherman, Gloucester): I'm a crew member on my brother's boat. With this amendment, if my brother can't go fishing, I'll lose the job. I don't know how to support my family if this thing goes along. That's all I have to say. Thank you.

**Frank Sciortino** (commercial groundfish fisherman, Gloucester): I oppose this universal coverage that you guys are coming up with, or whoever is. Because I think it's going to cripple me completely because we are having a rough time as it is. And that's all I got.

**Joe Randazzo** (commercial groundfish fisherman, Gloucester): I oppose this Amendment 23. It will put us out of business. It's too much for us. Small boats can't handle it. That's it. Thank you.

**Jim Kendall** (New Bedford Seafood Consulting, Massachusetts Fishermen's Partnership): A lot of you know me from the Council activities that I've been involved in for the last 25 years. But prior to that for over 32 years I was a commercial fisherman, when fishermen could fish. A lot of things have changed since then and I've been a part of some of it, some of it I've been afraid to even acknowledge, that it even occurred, let alone under my watch. But this amendment keeps taking it further and further each time we look around. And the only support for it so far has been from the provider companies, NMFS and some of the environmental groups none of whom really have to pay. And most of all, most of them benefit from the cost borne by the fishermen. It's intrusive to take someone into your home. And our fishing boat is a fisherman's home. Don't let anybody treat it as anything other than that. And when someone tells you they're coming into your home, usually, you have the right to say, no you're not. You've got to knock for us to invite you in. In this case, they have no reasonable rights to expect that they can invite someone in. Over the years, 17, 18 years that I was captain of a scalloper, I carried quite a few scientists and observers aboard my boat, either because I was asked to or because we were working on some sort of project that could benefit the industry. This is a different concept. And at any time that I did carry someone, I never had to pay for them. They came aboard willingly, and in some cases they even paid to be bought on our vessel. That whole concept has changed over the years. They keep saying it's for the benefit of the science that's going to improve the fishery. And we've yet to see that in the 20 something years that this has been going on. I asked before, during the questions portion, about a financial breakdown of the costs associated with the observers. I really would like to see what the observer companies are paid. What the various observer coverage is paid. Does an observer get paid the same as a monitor? And if there are changes in that, I'd like to know why. One other thing is, I've never seen a breakdown of the monies that are paid to the observer company from the government, and with their financial yearly benefit is, their profit and loss. I think because the industry is actually the one that's paying for it, they have a right to see what those profit losses are. We hear the environmental groups saying that they really believe strongly in it, but yet they've never offered to help us help us out with the costs.

Something that I'm a little reluctant to bring up, but I think needs to be answered at some point is that New Bedford was famous for some bad happenings with the Carlos Rafael fleet. And I'd like to know what kind of coverage that he had during those years. What was his rate of coverage, observer coverage, monitor coverage? Because each time we see this, they say it's going to benefit the industry. And if they can't show where they went wrong with the Carlos fleet, I don't know how they're going to do that. One other thing was the dockside observer coverage that's supposed to be a fail-safe. And I'd like to know how that was associated with the Carlos fleet as well. What type of coverage did he have? And I know there was some coverage but it was fleeting. In other words, a dockside monitor would come down and then he would depart. There was no other way what he was accused of could have happened if there had been coverage as

these people are saying that they been providing. Right now, the big issue is COVID-19 and forcing someone into someone's home once again, and you have no idea or understanding of what they are or what their association with COVID-19 is that they've been exposed to it or not. God forbid that something were to happen based on that. Where does the liability lie in that case? A vessel comes in, or has to come in, because someone becomes ill during a trip. And if it's suspected that the monitor or the observer was the one who brought it onboard the vessel, who pays for the losses associated with it and the amount of time that the vessel has to tie up, because now the crew has got to go incommunicado for 14 days? There's a lot of things here that you're imposing upon the industry with no final answers, and I don't think it's appropriate. Electronic monitoring, I've understood that there's going to be nine years retention of the files of all the tapes from that process. You don't even have to retain your IRS receipts for nine years, that's seven years. With the coverage that's currently been described, if they expect to monitor maybe an hour or two of a trip on each trip that's made, and then the tapes will be put into storage. If at the time they have to be recalled to be re-reviewed, or review in depth at that point, once again the vessel is expected to be bearing that cost for nine years. And like I say, there were times that this industry carried people aboard the vessels willingly. But it's gotten to the point now where it's a gun that's put up against your head whether they want to go or not. You either take them, or you can't go, and, like I say, in no way has the explanation been made about who's going to bear the responsibility if something should occur. Thank you.

**Frank Mirarchi** (retired commercial groundfish fisherman, Scituate): Thank you for the opportunity to provide comments on this important topic. I am a retired fisherman from Scituate, Mass. I owned and operated a series of vessels from Scituate for fifty-two years. Presently, I serve on the Board of Northeast Fishery Sector 12. Sector 12 consists of eleven individuals holding eighteen multispecies permits. Almost all multispecies landings are derived from five vessels, home-ported in Scituate, Mass. All vessels range from 50 to 55 feet. Two are draggers; three gillnetters. These vessels all operate with crews of 2 or 3, including captain. All are owner operated. These vessels operate approximately 120-150 days per year each, placing them in the "high-moderate" category as identified in the vessel profile section of Appendix 1. Total sector groundfish landings are about 500,000 lbs./ year, making average vessel daily landings of 1,800 – 2,000 lbs./ day.

Today, I wish to comment specifically on the Council's public hearing document. I can identify a number of assertions in the document which I find to be illogical and based on either incorrect or outdated information.

Fallacy 1. Better catch accounting will provide more revenue due to higher ACLs and removal of management uncertainty buffers.

The most recent year analyzed in the document is 2018. In that year, 118 vessels fished for groundfish. In the current fishing year, less than 80 vessels remain in the fishery, with some of these fishing only to catch their own allocated ACE and then seeking an alternative fishery. The percentage of allocated sector ACE caught is dropping as well. Summary reports compiled by NMFS illustrate this with, for example 98% of witch flounder taken in 2018 but only 19% taken during the first 30% of 2020. Similarly, Gulf of Maine Yellowtail was 43% in 2018 and 9% in the first 30% of 2020. This dramatic increase in availability is validated by a precipitous decline in ACE lease prices. With the exception of Gulf of Maine cod, asking prices for ACE lease have

fallen by 50% to 80% from 2018 to 2020. Yellowtails that were \$0.60 are now bringing \$.05, witch flounder that were asking \$.80 in 2018 are now at \$.20.

With these facts in mind, it is unreasonable to expect that increased monitoring will beget higher landings which in turn, will offset the cost of monitoring.

Fallacy 2. The cost of monitoring as a percentage of vessel revenue will only increase marginally.

The estimates of monitoring as a proportion of revenue shown in figure 12 indicate a status quo ratio of 1% to 2% increasing to 3% to 15% under various alternatives. Baseline monitoring costs are derived from fishing years 2016 to 2018. My records indicate an average ASM cost of \$300 to \$350 per day in those years. Not considered in this analysis is the dramatic increase in ASM rates which occurred in 2019 and 2020. When contracts were re-negotiated to include travel and training costs the daily ASM rate increased to \$700. Even that figure probably underestimates costs going forward as COVID 19 detection and prevention costs are added. Even the status quo greatly exceeds the 15% high estimate provided. At \$700 per day and an average revenue of \$2,000 per day, monitoring will consume 35% of revenue, an absolutely unaffordable amount. I wish to add here that ex-vessel prices have fallen about 40% since the restaurant closures of mid-March. Despite good catches, revenue has fallen to levels where crew shares are barely sufficient to support a family and where vessel maintenance is being delayed just to be able to pay fixed and trip costs. Proposing an additional cost burden at this time is irresponsible.

Fallacy 3. Electronic monitoring will remove much of the cost burden, especially for moderate to highly engaged vessels.

The two categories of EM procedures under consideration each have flaws which are not considered in estimating their cost. First, the “audit model” requires additional catch handling to produce a video record of discards. At present, vessels are operating with minimal crews to improve individual shares. It is unreasonable to think that someone can be assigned the task of managing discards under these circumstances. This summer, fishermen have had to deal with lost quality occurring when catches cannot be processed quickly enough to prevent overheating. To provide a realistic comparison, an additional labor cost must be factored into estimates of the audit model’s ultimate cost. Secondly, the “max. retention” model requires a dockside monitor to validate the discards retained on board. Under the preferred alternatives, there is to be no DSM program. Therefore, this cost must be identified and incorporated into estimates of this alternative.

In conclusion, the proposals under discussion fail any reasonable cost-benefit analysis. Even worse, the negative impacts will fall hardest onto the smaller vessels. These impacts will nullify the goal of fleet diversity which so dominated discussions surrounding the development of Amendments 16 and 18. Is it the Council’s intent to eliminate the smaller family operated vessels that have characterized the New England fishery? Council members should carefully reflect on the consequences of this amendment when they vote in September.

**Tory Bramante** (Atlantic Coast Seafood, vessel owner): I am the owner of three draggers out of Boston. I'm a member of the Sector 6 board and I also own Atlantic Coast Seafood in Boston. I've already made my comments on the phone webinar. I'm actually looking to get that slide 24 if

we could actually. So I know some people in the audience have already commented on Vessel 1 category and Vessel 2. I'd like to comment on Vessel 3, which I believe is probably where I fall in with my three vessels. I noticed you guys have up there that there's boats out there that are stocking \$1.4 million and have fished only 160 days or less. I can pretty safely say that you could probably count on one hand how many people are capable of doing that. I know my three vessels can't. I looked up my rosters last year to see how many days I fished. All three of my vessels fished over 200 days. So when I get my 200 days as a minimum, and times that by \$700, whether it's \$700 or \$800 or \$900, whatever the cost of the monitor is going to be. I'll just use \$700, that's \$140,000 in additional expense added to a vessel that is already having difficult times trying to find crew. Additional expenses will make that situation much, much worse, if not put an end to it. That expense, it would become a big burden, along with our fish prices that we are currently getting. These are the same prices that we've gotten 30 years ago. We're not the scallop industry, we're the groundfish industry, still accepting prices from 25, 30 years ago. Haddock was \$1.25 30 years ago. It was less than a dollar last week. We cannot afford another dime.

I just wanted to comment on that 100% retention really quick. 100% retention with our fleet that we have right now, we do not have real estate in our vessels to carry another pen of sublegal fish. We don't have the room to begin with. Now we have to get extra crew to help put this fish down in the fish hold. We have to ice it. We have to pay the lumpers to take it out of the fish hold and then put it on the dock. Where is it going from there? There is no market. First, we are having a hard enough time now selling the smaller species, never mind sublegal fish. In closing, I just hope that this doesn't become something that the Council has done to us in the past over the years where they throw something crazy at us, in putting 100% on the table and think that we can settle for, whether it's 40%, 50%, or 60%, whatever it may be. We can't afford anything. Zero. Thank you.

**Hank Soule** (sector manager, Sustainable Harvest Sector): I am the manager of the Sustainable Harvest sectors. As some other folks have said, first of all, I'd like to thank the Council, along with the Maine Department of Marine Resources for holding these in person meetings. This was a really welcome accommodation for some of our fishermen who prefer to meet in person. And we're grateful for it. We have some issues with the economic analysis in the DEIS, but we'll address those in written comments by the deadline. For today, I just wanted to caution the Council that implementation of 100% groundfish trip monitoring for next fishing year is very unlikely to be possible at all. For background, our sector boats conducted about 900 trips last year. Three of our 35 boats are currently running electronic monitoring systems, and another two will be coming onboard shortly. I've been pretty involved in this process, along with a few other managers, sector managers like Dave Leveille here, with electronic monitoring deployment challenges over the last few years. First of all, the Council should know that joining in an electronic monitoring program is not like flipping a switch. It takes six to eight weeks or more from the time a boat decides that it wants to participate in the program to the time the system is installed. Then NMFS has to approve the boat to use it. And we just learned last week that shipments of cameras from the overseas vendor who currently supplies our electronic monitoring equipment has been delayed by another six weeks, perhaps, eight. So the point for the Council is that these installations at this point take three to four months. It takes some time to get these systems installed. Second of all, the Council should know that the electronic processes for

counting fish are still being refined. And in fact, those of us who are deploying the technology, the fleet, are having some increasing difficulty with the Science Center's metrics on what constitutes a passed vs. a failed trip. Essentially, the Center seems to now want some processes that account for virtually or literally every single fish caught on a trip, while those of us in the field are willing to settle for a system that's mostly perfect today and undergoes continued improvement tomorrow. We think it's important to make this lower cost monitoring option available to our fishermen quickly. This isn't meant to impugn the Science Center who are good partners in this process. But we fear the latest accuracy bar is being set so high that more trips may fail review rather than pass review. Failed trips basically revert to an assumed discard rate, which is just like what we're doing now, and this seems sort of counter to the Council's preferred alternative of faster deployment of more and better monitoring. Those of us in the trenches with this program are trying to accomplish just that, and I hope that the Council and the Science Center are on the same page here. Third, the Council should know that electronic monitoring has yet to be deployed or even tested on any groundfish vessel here in New England who's involved in our high-volume haddock and redfish fisheries. Those deployments of testing is just starting to happen now. These programs, both the audit model and the maximized retention program, are still very much under the development stage. As for human monitors, many sectors had difficulty over the last two years of achieving target coverage rates of 15% to 30%, never mind 100%. The primary reason with staffing difficulties with the observer providers is retaining staff is very difficult in that business. And this problem isn't going to go away, barring some astronomical increase in trip fees, which will create a whole host of other problems, as you've heard today. So in summary, neither the electronic nor human at-sea monitoring programs are currently able to support 100% monitoring the fishery, and it's hard for us to believe that they would by next May. The closer to the Council sets next year's coverage to 100%, I think the less likely it is going to be achieved. In the long run, I've seen the potential of the electronic monitoring systems. It can be far less expensive to count fish as well or better than a human. But if the Council really wants to set the monitoring rate at an upper bound, I believe we'll have to phase that in. The phasing should be enumerated so that fishermen can plan around it, and for those who want to, have adequate time to obtain and migrate to an electronic monitoring system. Please don't assign the fishery a monitoring mandate which is unattainable within its very first year. Thank you.

**David Leveille** (sector manager, NEFS 2 and NEFS 6): I'm the sector manager for Sector 2 and Sector 6. I'm just going to give you some of the insight from one of my members that I talked to that has electronic monitoring in the sector. It's not the be all, end all for monitoring as people told it to be. It's a lot of work on a small vessel. You don't have the luxury of having an extra guy on any vessel. You don't have the luxury of having an extra guy laying around just to put fish in a basket and measure them and make sure their snouts face in this way and you're not standing in front of the camera, and every fish has to go in front of the camera. So that isn't the answer. It may be in the future, but there's a lot of problems with it. And the overhead that comes with it for the sector manager is ridiculous. The number of e-mails that I get for two vessels for electronic monitoring in my sector, it's incredible. It's like, I don't do as much work for the other 31 vessels. It's those two, it's e-mail after e-mail. So this thing has a long way to get perfected to have people adopt it on their vessels. As for any benefits coming from this 100% monitoring, such as quota increases and stuff like that, we can't catch the fish that we have now. So that's not a



benefit. It's not an incentive. I think this is the Carlos Rafael, Gulf of Maine codfish Amendment, not Amendment 23. I think that the perception is that people are throwing fish overboard all the time, I see letters that people write that, in my mind, it's just bull. These guys are honest fishermen. They do their jobs as best they can. They lease Gulf of Maine codfish at \$2.25 a pound, just because it's there and hold it for the entire year. So the incentive to them is to not catch it and throw it overboard. When a guy is left with 600 or 700 pounds at the end of the year, that he paid \$2.25 for, there's no incentive to throw that overboard. Even if you're getting the \$1 a pound for it, the incentive is to go catch it, so they're not thrown overboard. They're just not catching it. There's so much haddock around now and the bycatch so low. We have electronic monitoring that's been going on two vessels in our sector that's been fished alongside of these guys behind me that haven't been getting covered because of the stupid COVID thing. But they're reviewing those films. If that electronic monitored vessel is not catching codfish and throwing it over then neither are these guys. So that perception has got to go out.

If 100% monitoring gets passed, and they ever have to pay for this, it's all over. Big boats, small boats. There's no possible way that they can afford to pay those costs, and those costs that are on there, in my opinion, are so skewed. I remember four years ago the contract we had quarter days, half days, three quarter days, and full days. That's the way those trips are broken down. Now, if you go out for one hour, it's a full day. If you go out for 25 hours, it's two days. If you leave the dock at 11 pm they charge you a full day. That's because the money is free, it's a money grab from the monitoring programs. The governments' reimbursing it, let's charge for everything: training, PPE products, travel. I have people coming from Rhode Island to cover a day boat that goes out for 12 hours. It costs more for the travel than it does to cover the trip. I said, why don't you just fly someone in from California? Where's the cutoff that it's not worth sending somebody? Coming from Rhode Island, New York, coming from all over the place. It's crazy. Those numbers are so skewed, it's not even close. It cost our sector based on the trips that we had last year, it would cost us \$1.9 million divided by 33 boats. Most of them, 20, 25 of them are smaller day boats. Whether they go out for 10 hours, 16 hours, or 23.5 hours, it's a one day fee, that's a full day. Thank you.

**Linda McCann** (sector manager, NEFS 8): I'm the sector manager for New Bedford Sector 8. Sector 8 is a New Bedford community based sector with 40 permits enrolled. And out of those 40 permits, five are groundfish, full-time, single permit owners. These vessels are trip boats that fish mainly on Georges Bank, with trips that usually last ten days. I have two additional members who are gillnetters. These vessels predominantly fish for monkfish and skates, and do so in the Southern Management area. These vessels leased in days-at-sea prior to Amendment 16, which never acquired additional permits under the old management system. When the fishery transitioned to sectors, these vessels maintained all expenses associated with their operations but had only one permit's worth of allocation available to function. Leasing ACE is a critical component for my members to maintain their groundfish operations. My sector is entirely industry funded, mostly based on fees of groundfish landings. We do not have grants that offset our operational costs. And so we're always mindful that our members' viability in the groundfish fishery is directly tied to our sector's viability. Amendment 23 as a fleet killer and that will destroy my members and their businesses, our community and my sector. As a manager, based on my discussions with my members, I anticipate that most of my members will stop

groundfishing when the federal funds expire and the cost of monitoring falls on industry. My members cannot afford this, and therefore, my sector will be forced to close. As I said before, my members fish for ten days, which means an observer cost to them, before they even leave the dock could be as much as \$6,000 or more. Then the fact that they are leasing ACE, fuel, ice insurance, and the mortgages and dockage, and they just won't be able to afford to go fishing. COVID has changed things dramatically. The prices on the auction have been low, due to no demand for fish, due to restaurants closing, so they are freezing a lot of the product. We are thankful that we have not been shut down yet. The recovery could take a while, especially if businesses can't open in full capacity, and with the weather getting colder the outside dining could be a challenge. The DEIS has failed to analyze the economic impacts of the alternatives being proposed on the sectors. A sector's viability is directly linked to the viability of its members and both require detailed breakeven analysis to fully understand the impacts of the alternatives being proposed. The DEIS is silent on this reality. But it's noticeably clear to us in the sector that when the federal funds run out, landings will decrease in, the sector's and the members' viability will be in doubt.

GARFO is very quick to point to the sectors and their working relationship with us, but neither GARFO nor the Council has really taken the time to understand what the sectors do. The majority of the responsibility of managing the fishery's quota falls on our shoulders and the implementation of this action will fall on us as well. I am not confident that this will be a collaborative endeavor. More likely based on past experience, they will think that they can task me with multiple assignments with no recognition of the cost it requires my members to incur. There are so many ways, accuracy and precision could be addressed without even placing a human or camera on a boat. The complexities of quota monitoring and accounting via the reconciliation process shoreside are complicated, but they also present a wealth of opportunities to address concerns raised without bankrupting the fishery. More time and effort should have been paid on this topic. In this document, my members do not look at their businesses' viability and those in terms of gross profits. The bottom line is net profits and the analysis in this document should be based on net profits. It is my job to help my members understand if they can afford this. And it's blatantly clear vessels cannot afford 100% monitoring. But the document assumes larger vessels could potentially afford 100%, but it is unclear how that assumption is drawn since there is no breakeven analysis provided. Further, these vessels would be deploying human observers at this time, since there are no electronic monitoring options that are suitable for their platforms. As a manager of single permit owner trip boats, the conclusions drawn about larger vessels are so far from reality, I can't begin to explain to my members. The cost in this DEIS is bogus. The conclusion that 100% monitoring will increase profits, is illogical, and void of any real understanding of the fishery. Removing the uncertainty buffers will do nothing to mitigate the impacts of 100% monitoring. If managers understood the fishery, they would know that there are many reasons, void of monitoring, impacting the current utilization of certain stocks. And this alternative is nothing more than us smokescreen trying to look good on paper. This action does not improve stock assessments and it does not improve abundance estimates from stock assessments. There is no benefit regarding electronic monitoring, and the DEIS is very misleading when it comes to the cost. Electronic monitoring has an expense to our members and ourselves that has not been considered. The DEIS cost analysis includes maximized retention electronic monitoring which is now nowhere near ready to be utilized by our members. Max

retention is still a pilot program and it is wrong that it is included in this document. This is an industry funded program. The DEIS should have focused on actual monitoring tools that could be adopted day one to truly capture the cost industry will incur with this amendment. Max retention should not have been in the analysis in this document.

Amendment 16 was full of promises by the Council that never happened. But the fishing businesses and the community devastation that industry predicted occurred monumentally. New Bedford has seen a dramatic, direct drastic reduction in our groundfish vessels since 2010, and this action will be the deathblow for the port. It's concerning that the Council seems to downplay this reality. The Council and GARFO appear to follow their Amendment 16 playbook attempting to convince and assure folks that this is not bad because electronic monitoring will solve all the negative impacts of this action. We have not forgotten that playbook, and we will not fall for your false promises this time. 100% monitoring will destroy almost everyone who continues to participate full-time or close to full-time in this fishery, consolidating it down to a handful of big players, which is completely counter to what the Council and the public have repeatedly claimed was important. For example, fleet diversity, the Council and GARFO attempts to blame the entire fishery for Carlos Rafael's actions. The DEIS rationalized as 100% monitoring is needed to account for these actions of Carlos is wrong. The fishery is not representative by the actions of Carlos Rafael, and should not be forced to bear the consequences of what happened with Carlos. Wasn't it odd that back in 2010 when sectors were formed he had his own sector in New Bedford. There were many members that didn't want to have any association with him, and therefore, three other sectors were created, 7, 8, and 13. The issues highlighted and Carlos Rafael's case are exactly the type of bad behavior GARFO should have been ferreting out in every fishery they manage. Amendment 18 articulates concerns about the large vertical integrated businesses taking over the fishery. Ironically, in light of Carlos Rafael's crimes, his entire groundfish operation has been sold to Blue Harvest, another big player in New Bedford. Which supposedly the Council was concerned about, and most likely because of Amendment. 23 will be the only groundfish business left standing in New Bedford. I'm asking the Council to please table this Amendment 23 and let's really dig in and do the right thing for the fishermen. Thank you.

**Kevin Norton** (commercial groundfish fisherman, Scituate): I have to oppose this. As a commercial fisherman, we basically have a few jobs as the commercial fisherman who owns the boats. It's to provide food and make sure that our crew gets paid. Now on my boat, we go three handed. Three families. Just between us eight kids, I have four, both my crew has two each. That's always been my job to make sure that everybody has a paycheck at the end of the week. To make sure that there's enough fish there the next week, the next month, and the next year. So to basically be, as you say, a good steward of the ocean. With this, this just puts us out of business. I can't make my business work. I can't cut any more corners. I cannot take any more money out of the boat. Because you can't take as much as anyone wants to think you can take money from the crew to pay observers. It's not going to happen. Because you're not going to have crew. So the only way it's going to happen is to take money from the boat, to pay the observers. Explain that to the crew, you'll have no crew. And once you do that, there's no money to take care of the boat. So these are the numbers on the wall here. I'm sure you guys did a lot of work to try to work on that and to try to get those numbers. But they're totally wrong. I've been

doing this long enough I consider myself to be able to do a pretty good job fishing. I cannot do numbers like that. And with the way the fish prices are and how COVID has affected us. The fish prices are off, the restaurants are closed. And now we're going into a season where the indoor dining is going to get screwed up, so the price is that, the demand is going to drop again. We're having trouble making it work with what we have right now. This to me, from the minute I read this, all I've seen with this, is this is the penalty. This is the price we pay for Carlos Rafael. And why do we pay it? Management screwed this up. NOAA screwed this up. Anyone could have seen this coming, with someone like Carlos. The guys who are the left fishing right now are doing the right thing. If you're able to continue to hang on, you're an efficient business. To keep people employed through all the cuts we've had, through all the changes we've had since 2010. If you're able to still have a business and still have a boat running and still have crew, you've jumped through the hoops. And you've done a good job. So now what this does is it just cuts you off at the knees. So this basically just says, all the hard work you've done over the last ten years is going to get taken away from you, because somebody got caught stealing fish. And now we think you're all thieves, so we're going to treat you all as thieves. And until we can figure out that you're not all thieves, we're going to drive you out of business. So to me, that's the sad part. I hope the Council can look at it that way and say most of the guys that are left fishing, they're family boats, they're the boats that have been around for a long time. Everyone's doing the right thing. We get boarded all the time, we have observers. Believe me, they're always trying to catch us doing something wrong whether it's the Coast Guard, whether it's the Eps, whether it's a NOAA special enforcement. How many different things do we have to have here? My boat has been boarded I can't tell you how many times over the last couple of years by NOAA special enforcement, by the environmental police at the dock and at sea. They never find anything wrong. Of course they don't because I do the right thing. This is just an across the board penalty, we don't trust you. That's what I get from this, and I would hope that we would get a little bit of respect back from the Council, the same respect that we give to the Council. Thank you.

**Paul Vitale** (commercial groundfish fisherman, Gloucester): I oppose the amendment and I oppose the cost of monitoring ever transferring fully to fishermen. This is something NOAA wants, GARFO, the environmental groups want, and the scientists want. Why should I pay for it? \$700 a day ain't happening, I can't afford that. We're all from the dayboat fleet, we're all one major break down from being put out of business. If my engine goes, I'm screwed. If anything goes, I'm screwed. And to be told because of one person that I'm not trusted and we need to see everything you do. Is every one of us monitored at home because one person is a thief, or do we all have cameras on our cars because one person that has a speeding ticket will cause an accident? This is ridiculous. And I am, as Angie says, I'm one of the youngest captain/owners, in the harbor and probably everywhere. I will be 48 next month. We have discouraged any young people from coming into this business because they read the papers and see what's happening. Nobody wants to do it. Then you want to add in \$700 to over \$1,000 a day for monitoring. That's asinine. All you're doing is devaluing our permits to make it easier for Blue Harvest to come in and buy us all up. Is that the ultimate plan? Because I've felt that way for many, many years. When Andy Rosenburg many years ago said, it'll be easier to manage three boats instead of one thousand little ones. And since that day, every amendment has aimed that way and has reduced the value of us personally, our permits, our vessels, and everything. This crap has got to stop. You guys busted one guy since I've been actively involved in fishing since I was a teenager, for

being real bad. One guy, in the 30 years I've been in this business, and we're all paying for it. I haven't seen anyone since then. No one says, oh well, we got this other guy that we've been watching for the last four years. One guy! This needs to stop and all these environmental groups, if they want it, you can pay for it. I don't want somebody watching me over my shoulder. That's ridiculous. I work my a\*\* off to provide for my family, and to be not trusted by the government and these accusations of we're discarding fish, we're doing this, we're doing that. A few months back, last year, one guy was saying, oh, all the Gloucester guys are throwing codfish away. And I sat at the public meeting thinking, get his VMS track, let's see who he's fishing next to, because I haven't seen that guy in over a year. Never heard nothing about if they even looked at that, because honestly, it was a BS letter, a BS Comment, someone wanted to point fingers at people, just to cause issues. And I'm against monitoring, electronic, people. I'm definitely against paying for it. If NOAA wants it, NOAA can pay for it.

**Vince Taormina** (commercial groundfish fisherman, Gloucester): I'm a captain in Gloucester, Mass. I'm against this 100% observer coverage. I've been fishing for 45 years. They never listen to us, well you should listen up. It's ridiculous. Thank you.

**Joe Orlando** (commercial groundfish fisherman, Gloucester) cont.: Thank you very much for letting me add to my comments. I think this all comes down, because of the Carlos Rafael thing. I keep hearing over and over again, if we have a 100% observer coverage, we're going to get better data. That ain't gonna happen. I used to be a codfish killer. Like I told you before, I had 100,000 Gulf of Maine cod in 2010. Now I've got five. I don't target cod. How are you going to get better data if we put a guy on my boat every single day and I'm not targeting cod? How are you going to get that data? I think that's an insult to the commercial guys because of the Carlos thing that we're all being put in the same category. I'm really surprised, I'll tell you, I can't stop laughing, when I saw your slides earlier about dockside monitoring, the Council voted 100% against it. Whatever Carlos did he did at the dock. Yet we're being crucified at-sea with 100%, and you didn't do nothing at the dock. Are you kidding me? I can't stop laughing. Like I said, you're not gonna get any better data, since I'm not going to target cod. These guys behind me are the only guys left. They ain't gonna target cod. Last year we couldn't catch all the cod. We left 80% of the all other stocks on the table. I double my grey sole catch this year, as far as quota goes. I'm not going to be targeting it, because of the COVID thing, like we said before the restaurants not open. Now I'm leaving my dabs there, leaving my grey sole there, I'm gonna leave my yellow tails there. And I'm just gonna target haddock. So you tell me how you're gonna get better data by putting 100% observer coverage on my boat, and leaving the dock wide open? I can't stop laughing. Thank you.

**Jim Kendall** (New Bedford Seafood Consulting, Massachusetts Fishermen's Partnership) cont.: Actually, it's based on what Joe just said. There's a lot of things being said on some of these amendments that lead you in one direction, but don't end up being quite the whole story, observers versus monitors, for example. But this 100% observer coverage only means that you're going to have one observer or one monitor onboard one vessel. He's not going to monitor for 24 hours a day. So, that's not 100% observer coverage. So now the next day, you're going to have to tell us, well, we need two observers or monitors for a boat to get the full coverage that's required. And I'm sure you'll find some support from the environmental industry or something like that. So

let's be a little more specific when we start describing these issues for the fishermen, more generally for the public. Thank you, Chair.

*The public hearing closed at approximately 5:52 pm.*

**Amendment 23/Groundfish Monitoring  
Public Hearing  
Wakefield, MA**

**Audience List**

<b>Date</b>	Aug. 26, 2020
<b>Start time</b>	3:03 PM
<b>End time</b>	5:52 PM
<b>Number of participants</b>	47 (21 plus 26 on webinar (listen only))

**Groundfish Committee Chair:** Terry Alexander

**Council Staff (11):** Jamie Cournane, Robin Frede, Melissa Errend, and Tom Nies (in person); Jenny Couture, Sam Asci, Deirdre Boelke, Jonathon Peros, Michelle Bachman, Janice Plante, and Chris Kellogg (webinar)

**Participants (taken from attendance list and from the webinar list during presentation)**

	<b>Name</b>	<b>Affiliation (based on email address)</b>
<b>Attended in-person</b>		
1	Gib Brogran	Oceana
	Angela Sanfilippo	Gloucester Fishermen's Wives Association
	Jim Kendall	New Bedford Seafood Consulting
	Hank Soule	Sector Manager – Sustainable Harvest Sector
	David Leveille	Sector Manager – NEFS 2 and NEFS 6
	Linda McCann	Sector Manager – NEFS 8
	Bill McCann	
	Sean Horgan	Gloucester Daily Times
	Maggie Raymond	Associated Fisheries of Maine
10	Jackie Odell	Northeast Seafood Coalition
	Frank Mirarchi	Retired groundfish fisherman
	Kevin Norton	Commercial groundfish fisherman
	Paul Vitale	Commercial groundfish fisherman
	Vince Taormina	Commercial groundfish fisherman
	Tory Bramante	Atlantic Coast Seafood
	Al Cattone	Commercial groundfish fisherman
	Joe Orlando	Commercial groundfish fisherman
	Joe Randazzo	Commercial groundfish fisherman
	Frank Sciortino	Commercial groundfish fisherman
20	Nino Randazzo	Commercial groundfish fisherman
21	Brenda Leeman	

**Attended via webinar (listen-only)**

	Rick Bellavance	NEFMC
	Eric Reid	NEFMC
	Libby Etrie	NEFMC
	Paul Nitschke	NOAA
	Damon Cummings	
	John Pappalardo	NEFMC
	Lynn Colletti	
	Mark Godfroy	NEFMC
30	Melanie Griffin	MA DMF/NEFMC
	Lauren Bonatakis	NOAA
	Scott Olszewski	RI DEM/NEFMC
	Geoffrey Smith	The Nature Conservancy
	Dan Salerno	Sector manager
	Eric Fuller	Conservation Law Foundation
	Liz Moore	Gulf of Maine Research Institute
	Valerie Nelson	
	Wendy Morrison	NOAA
	Stephanie Sykes	Cape Cod Commercial Fishermen's Association
40	Brett Alger	NOAA
	Pete Christopher	NOAA
	Allison Lorenc	Conservation Law Foundation
	Jeff Taylor	Mayforth Group
	Mark Grant	NOAA
	Heather Cronin	Gulf of Maine Research Institute
	Dan Caless	NOAA
47	Kyle Molton	NOAA