

#6

CORRESPONDENCE

SETH MOULTON
SIXTH DISTRICT, MASSACHUSETTS

COMMITTEE ON ARMED SERVICES
SUBCOMMITTEE ON SEA POWER
AND PROJECTION FORCES

SUBCOMMITTEE ON STRATEGIC FORCES

COMMITTEE ON THE BUDGET



UNITED STATES
HOUSE OF REPRESENTATIVES

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WASHINGTON, D.C. 20515
202.225.8020



Mr. Michael Pentony
Regional Administrator
NOAA Greater Atlantic Fisheries Office
55 Great Republic Drive
Gloucester, MA 01930

Dr. John Quinn
Chairman
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

September 5, 2019

Dear Mr. Pentony and Dr. Quinn:

I am writing in support of the Northeast Seafood Coalition's requests for both full funding of the At-Sea Monitoring (ASM) Program and the inclusion of fishery dependent data in Amendment 23, due to the potential impact of both initiatives on ground fishermen in the 6th Congressional District.

The NSC recently shared with me the attached letter, which they had sent to you on July 31, 2019. In it, the NSC notes that Congress directed NOAA, in accordance with the \$10.3 million included in FY 2019 Commerce, Justice, Science appropriations, "to fully fund the ASM costs in the New England groundfish fishery." Thus, the NSC requests that NOAA's FY 2019 spend plan commits funds to reimbursing sectors for expenses under the current ASM system and does not divert them to pay for other initiatives.

In addition to fully funding ASM, the NSC believes that Amendment 23 must utilize both independent and dependent fishery data to bridge the widening gap between abundance estimates made by bottom-trawl surveys and actual fishermen on the water. Accordingly, the NSC states that developing a comprehensive plan to incorporate fishery dependent data in stock assessments is critical.

I value NOAA and the Council's efforts to ensure that sustainable monitoring systems and sound science underpin the stock assessments conducted for the Northeast Fishery. In order to both promote science-based stewardship of our marine resources and preserve New England's local, independent fishing fleet — whose captains and crews have a vested interest in maintaining a healthy biomass in the North Atlantic — please review and comment on the specific requests outlined by the NSC.

If you have any questions, please contact my Regional Director, Kelly Bovio, at 978-531-1669. Thank you in advance for your consideration.

Sincerely,

Seth Moulton
Member of Congress



July 31, 2019

Michael Pentony
Regional Administrator
Greater Atlantic Regional Fisheries Office
55 Great Republic Drive
Gloucester, MA 01930

Dr. John Quinn
Chairman
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Via Email

Dear Mike and John,

We are writing in regards to Amendment 23, the federal monies that have been appropriated for At-Sea Monitoring (ASM) and to share our concerns regarding the lack of a comprehensive plan to utilize monitoring data (fishery dependent data) to enhance stock abundance estimates by focusing on reducing uncertainties in the underlying biomass rather than focusing only on uncertainties in removals (catch).

As explained below, the absolute reality is that the high ASM coverage rate options presented in Amendment 23 are simply not viable under either the current federal funding regime or any future industry funded regime. Furthermore, Amendment 23 does nothing to advance the utility of ASM data for improving estimates of stock abundance by reducing uncertainties in the underlying biomass, or for addressing the impact of those biomass uncertainties on observer bias.

ASM Expenses and Limits on Available Federal Funds

Prior to the Council meeting held in June, NSC sent Council members a cost table that identifies preliminary industry expenses that will be incurred under the ASM coverage levels proposed under Amendment 23. NSC populated the table with the same dataset utilized by Plan Development Team analyses to date. Absent any metrics to quantify accuracy, it was our intent to better inform Council members, which may be relying on federal appropriations to offset costs of increased monitoring, on the limitations of federal monies under those different coverage levels.

At the time, the table did not factor in additional expenses to be incurred by the Agency for shoreside ASM expenses, nor did it factor in additional expenses associated with a dockside monitoring program. Since the Council meeting, we have updated the table to incorporate shoreside cost information obtained by the Agency. Please find the updated cost table below.

A few notables from the industry cost table, based on Fishing Year 2018 activity:

- The \$586 cost per day absent is a conservative estimate. It does not factor in the actual cost of that trip based on the ASM contract, which is likely to exceed the total trip cost at just the day rate. In reality, both the Multi-Day and Day boat categories would be billed far greater than the sum of their days absent.
- Based on 2018 fishing activity, only 221 vessels accounted for groundfish catch.
- Out of the 221, 41 vessels represented the majority of the activity (“days absent”), the majority of the groundfish catch (61%) and majority of the groundfish revenue (68%) generated by the fishery.
- Out of the 221, 146 vessels represent the majority of vessels in the fishery and they are fishing the least. These vessels contribute 25% of catch and 18% of revenue.
- At 100% ASM, the estimated annual cost to industry would be \$6,228,594. This represents roughly \$420,748 to the 146 vessels and \$5,010,886 to the 41 vessels as noted.
- When considering Agency shoreside costs, the total annual industry and Agency expenses would be \$12,083,472 at 100% ASM coverage.

It is important to note that fishing activity in 2018 was very low. Very few vessels have been active in the groundfish fishery as compared to the start of sectors in 2010. The fishery has consolidated considerably from ACL reductions, and those businesses that remain are highly susceptible to changes in management.

In its May 30, 2019, letter to the Council, the Agency indicated that only \$6,263 million of the \$10.3 million appropriated for FY2018 was set aside to reimburse sectors for ASM expenses. Roughly \$615,000 was actually spent in the 2018 fishing year based on the 15% coverage level requirements, while the balance of roughly \$5,613,594 is left to spend moving forward; including the 31% coverage level requirement for the 2019 fishing year.

The Agency is now working on a spend plan for the \$10.3 million appropriated for groundfish monitoring programs in FY2019. ***Based on our estimates, at 100% ASM coverage, these federal appropriations could be spent in as little as two years at which time the industry, which is still operating under historically low ACLs, will be required to cover these expenses.*** Obviously, that would bankrupt the entire fishery.

Of even greater concern is that the NOAA FY19 spend plan may substantially exacerbate this funding reality by diverting FY19 funds specifically intended by Congress to cover ASM expenses to instead fund activities related to implementing electronic monitoring. This, notwithstanding the reality that EM technology remains years from being proven as a viable alternative to ASM for that portion of the fleet catching the majority of the fish and contributing the most to the value of the fishery.

Stock Abundance and Observer Bias

As noted in NSC's Amendment 23 scoping comments in 2017, the gap is widening between abundance estimates derived from assessments of some key stocks and the abundance encountered first hand by fishermen on the water. NSC is gravely concerned that this stark disparity has increased significantly over the past few years. Unfortunately, the failure to correct current biomass estimates causes a problem far more challenging and important than simply monitoring "low" quotas - *it is about monitoring quotas that do not reflect reality.*

As continuously reported through letters and written and oral testimony, fishermen are spending more time and money at sea *avoiding* fish rather than *catching* fish.

NSC continues to see an irrational inconsistency in a process that on one hand accepts historically low abundance estimates based on stock assessments, while on the other hand it expresses concerns over the potential for fishermen to interact with these "scarcely" populated species at a phantom CPUE rate that would be more consistent with a much larger stock size.

From any ASM program that will have any measurable value to industry we need to be able to extract a reliable signal of stock size from fishery dependent data for the explicit purpose of providing a comparative measure to the stock sizes derived primarily from fishery independent data.

NSC points to a glaring omission and failure of Amendment 23 in its present form to even acknowledge the plausibility of significantly underestimated stock sizes for some key stocks. Amendment 23 completely fails to analyze or even consider the impacts from an ACL that could be based upon a stock size that has been underestimated at an order of magnitude.

The impacts of such a scenario are not limited to socio-economic impacts to the industry. The omission of the plausible scenario where there could be significant levels of "missing biomass" within the assessments for some key stocks; will have direct and significant impacts on the "observer effect" and bias concerns that are apparently the fixation of those responsible for the present content of Amendment 23 except, of course, the stakeholders who will be billed for every dollar of the costs for the ASM program.

We would hate to think that the failure of Amendment 23 to improve the utility of fishery dependent data suggests there is a 'management bias' within the New England groundfish management system. But, it is difficult to escape reaching this conclusion if one reads our public comments and listens to our oral testimonies since the Amendment 23 scoping hearings, and then one reads the Amendment 23 analyses and alternatives. Frankly, our industry sees a cruel irony in the claims and analysis of "observer bias" coming from those who are apparently biased against the serious consideration of the effects of significantly underestimated stock sizes.

Given the many serious concerns we have raised, NSC requests that the following actions be taken:

1. Ensure that the FY19 spend plan faithfully reflects the express Congressional directive to utilize the FY19 \$10.3 million appropriations *"to fully fund the At-Sea Monitoring costs in the New England groundfish fishery, including sea and shoreside infrastructure costs"*.
2. Include in Amendment 23, analyses of the impacts of underestimates of stock size on ACLs and on the 'observer effect'.
3. Include in Amendment 23, a cost-benefit analysis of the monitoring alternatives in this Amendment in the context of the reality that the ASM program is, in fact, an industry-funded program in a fishery operating under a fishery disaster declaration.
4. Develop a comprehensive plan to utilize monitoring data (fishery dependent data) to enhance stock abundance estimates by focusing on reducing uncertainties in the underlying biomass rather than focusing only on uncertainties in removals (catch).

Thank you for your consideration. We look forward to the opportunity to discuss this further.

Sincerely,



Jackie Odell, Executive Director



Vito Giacalone, Policy Advisor

cc: Chris Oliver, Assistant Administrator for Fisheries, NOAA Fisheries
Sam Rauch, Deputy Assistant Administrator for Regulatory Programs, NOAA Fisheries

FISHING YEAR 2018

Categories of Sector Groundfish Vessels ANNUAL Days Absent (DA)	Number of Vessels	Total Days Absent (group)	Average Days Absent per vessel	Proportion of fleet groundfish CATCH by weight	Porportion of fleet groundfish revenue	2019 ASM provider daily rate provided by a sector	Annual Industry Funded Costs @ 25% coverage rate	Annual Industry Funded Costs @ 50% coverage rate	Annual Industry Funded Costs @ 75% coverage rate	Annual Industry Funded Costs @ 100% coverage rate
<20 DA	146	718	5	25%	18%	\$ 586	\$ 105,187	\$ 210,374	\$ 315,561	\$ 420,748
20-50 DA	25	789	32	10%	10%	\$ 586	\$ 115,589	\$ 231,177	\$ 346,766	\$ 462,354
50-80 DA	9	571	64	3%	5%	\$ 586	\$ 83,652	\$ 167,303	\$ 250,955	\$ 334,606
>80 DA	41	8,551	209	61%	68%	\$ 586	\$ 1,252,722	\$ 2,505,443	\$ 3,758,165	\$ 5,010,886
TOTALS	221	10,629	TOTAL ANNUAL INDUSTRY COST				\$ 1,557,149	\$ 3,114,297	\$ 4,671,446	\$ 6,228,594
			TOTAL ANNUAL SHORESIDE / NOAA COST				\$ 1,463,720	\$ 2,927,439	\$ 4,391,159	\$ 5,854,878
			TOTAL COSTS (INDUSTRY + SHORESIDE)				\$ 3,020,868	\$ 6,041,736	\$ 9,062,604	\$ 12,083,472

Received from Maggie Raymond



**Additional Operator Reporting Requirements
Case No. NE1707582, Carlos Rafael, et al.**

For all fishing trips in Federal waters during their probationary periods the persons listed in the chart below are required to:

- Notify the NOAA Office of Law Enforcement before the start of the trip at nmfs.ole.ne@noaa.gov or (978) 281-9213.
- Maintain a haul-by-haul log documenting the species and hail weights of fish caught and discarded on each haul, while serving as an operator.
- Report electronically through VMS the species and hail weights of fish caught every 12 hours, during all fishing trips where VMS is required, while serving as an operator.
- Set the VMS for 15-minute polling during all fishing trips where VMS is required, while serving as an operator.
- Not act as an operator on a fishing trip when the person who owns or controls the fishing vessel, also owns or controls the Federally permitted seafood dealer where the fish from the trip will be sold, without prior written authorization from the NOAA Office of the General Counsel, Enforcement Section.

Operator Permit Sanctions
Case No. NE1707582, Carlos Rafael, et al.

Respondent	Permit	Permit Sanction	Dates of Suspension¹	Probationary Period
Joao Abreu	10001234	Suspended for 80 days	-August 25, 2019 to September 23, 2019 -March 1, 2020 to March 20, 2020 -August 25, 2020 to September 23, 2020	24 Months
Amilcar Esteves	10006182	Suspended for 80 days	-80 consecutive days beginning on the date NOAA signs the Agreement	24 Months
Luis Fidalgo	10002784	Suspended for 60 days	-40 consecutive days beginning the date NOAA signs the Agreement -March 1, 2020 to March 20, 2020	18 Months
Jose Janardo	10006190	Suspended for 80 days	-August 24, 2019 to October 2, 2019 -December 15, 2019 to January 23, 2020	24 Months
Brian Jannelle	10001269	Suspended for 80 days	-October 15, 2019 to November 23, 2019 -December 25, 2019 to February 2, 2020	24 Months

¹ The dates of suspension run through and include the final date of each suspension period.

Respondent	Permit	Permit Sanction	Dates of Suspension¹	Probationary Period
Manuel Magalhaes	10006504	Suspended for 120 days	-120 consecutive days beginning on the date NOAA signs the Agreement	30 Months
Virgilio Martins	10006267	Suspended for 40 days	-40 consecutive days beginning on the date NOAA signs the Agreement	16 Months
Manuel Medeiros	10002900	Suspended for 40 days	-40 consecutive days beginning on the date NOAA signs the Agreement	16 Months
Joao Oliveira	10008934	Suspended for 40 days	-August 15, 2019 to September 3, 2019, unless NOAA signs the Agreement after August 15, 2019, then 20 consecutive days beginning on the date NOAA signs the Agreement -September 15, 2019 to October 4, 2019	16 Months
Rogério Paulino	10005918	Suspended for 40 days	-January 1, 2020 to February 9, 2020	16 Months
Manuel Pereira	10002055	Suspended for 160 days	-40 consecutive days beginning on the date NOAA signs the Agreement -December 20, 2019 to January 8, 2020 -September 1, 2020 to December 9, 2020	34 Months

Respondent	Permit	Permit Sanction	Dates of Suspension¹	Probationary Period
Carlos Pereira	10002057	Suspended for 100 days	-40 consecutive days beginning on the date NOAA signs the Agreement -December 20, 2019 to January 8, 2020 -September 1, 2020 to October 10, 2020	28 Months
Paul Preivity	10012200	Suspended for 20 days	-January 1, 2019 to January 20, 2019	12 Months
Darren Quimby	10009167	Suspended for 40 days	-August 15, 2019 to September 23, 2019, unless NOAA signs the Agreement after August 15, 2019, then 40 consecutive days beginning on the date NOAA signs the Agreement	16 Months
Robert Scammon	10000662	Suspended for 140 days	-November 1, 2019 to March 19, 2020	32 Months

Respondent	Permit	Permit Sanction	Dates of Suspension¹	Probationary Period
Thomas Simpson	10004117	Suspended for 200 days	<p>-August 15, 2019 to September 3, 2019, unless NOAA signs the Agreement after August 15, 2019, then 20 consecutive days beginning on the date NOAA signs the Agreement.</p> <p>-September 25, 2019 to October 14, 2019</p> <p>-November 3, 2019 to November 22, 2019</p> <p>-December 12, 2019 to December 31, 2019</p> <p>-January 21, 2020 to February 9, 2020</p> <p>-March 2, 2020 to March 22, 2020</p> <p>-April 12, 2020 to May 1, 2020</p> <p>-May 22, 2020 to June 10, 2020</p> <p>-July 1, 2020 to July 21, 2020</p> <p>-August 9, 2020 to August 29, 2020</p>	36 Months
Saverio Viola, III	10001318	Suspended for 40 days	<p>-September 4, 2019 to September 23, 2019</p> <p>-October 14, 2019 to November 2, 2019</p>	16 Months

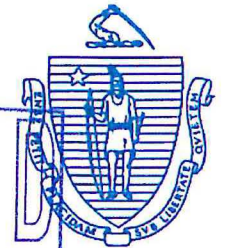


David E. Pierce, PhD.
Director

Commonwealth of Massachusetts

Division of Marine Fisheries

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Charles D. Baker
Governor
Karyn E. Polito
Lieutenant Governor
Kathleen Theoharides
Secretary
Ronald S. Amidon
Commissioner
Mary-Lee King
Deputy Commissioner

August 26, 2019

Mr. Thomas Nies
Executive Director
New England Fishery Management Council
50 Water Street, Mill2
Newburyport, MA 01950

Dear Mr. Nies:

The recent NOAA decision about the disposition of Carlos Rafael’s groundfish fishing permits and vessels [and sea scallop permits/vessels] along with media coverage about possible buyers raises questions about consolidation and excessive shares dealt through the Council’s Amendment 18 to the Northeast Multispecies FMP and the April 21, 2017 Final Rule for Amendment provisions. I’m pleased to read and hear about GARFO’s attention to this important matter that occupied the Council for many years before reaching a decision – one I thought was unrestrictive, but I was in the minority.

The Council had concluded: “*stock specific limits may be overly restrictive given the current circumstances in this fishery and not necessary at this time,*” and “*more restrictive limits [permit caps] could have forced divestiture by reallocating PSC from large businesses to smaller.*” At the time, I thought stock-specific limits were important and reallocation was logical and consistent with concern about excessive shares and smaller businesses being replaced with those having greater financial resources and more control over leasing markets.

Now with the Rafael groundfish permits and allocations being for sale and with a potential buyer(s) already with substantial numbers of permits and allocations, application of Amendment 18 decisions is expected to prevent excessive shares and giving the buyer(s) market power over the fishery. Amendment 18 concluded: “*...analysis showed that the accumulation limits and the associated measures established in this action should sufficiently prevent an entity from acquiring an excessive share of fishing permits and exerting market power over the fishery...*”

Reminding myself and the reader of Amendment conclusions and requirements, I list the following:

- *This action limits an entity to holding no more than an aggregated average of all allocated groundfish stocks to 15.5 PSC.*
- *With 15 groundfish stocks currently allocated to the fishery, the total PSC across all stocks used by an individual or an entity can be no more than 232.5 (an average PSC of 15.5 percent per stock multiplied by 15 stocks).*
- *This allows an entity to hold PSC for a single stock in excess of 15.5 percent, so long as the total holdings used do not exceed 232.5...As of February 21, 2017, no entity holds*

more than 141 PSC. Based on this information, the PSC limit is unlikely to immediately restrict any entity.

- *Compared to other PSC limits that the Council considered, this option is the least restrictive because there is no stock-specific limit (my emphasis).*
- *Further, an entity would be permitted to purchase a vessel permit during a fishing year that would result in exceeding the aggregate 232.5 PSC limit. In this case, the entity must render at least one permit unusable (or “shelve” the permit) so that the entity is not operating above the PSC limit the following fishing year.*
- *Any permit that is shelved may not be enrolled in a sector, fished, or leased, but could be sold. An entity is prohibited from purchasing additional permits once it exceeds the PSC limit. This is intended to provide operational flexibility for permit holders while still restricting them to the overall accumulation limit. This measure balances restrictions that are expected to sufficiently prevent excessive shares while avoiding adverse effects on market efficiency and flexibility.*

Also, regarding holding limited access groundfish permits, the Amendment states:

- *This action limits an entity to holding no more than 5 percent of all limited access groundfish permits.*
- *An entity is prohibited from acquiring a permit that would result in it exceeding the 5-percent permit cap.*
- *As of February 21, 2017, there were 1,335 limited access permits in the fishery; a 5-percent cap would limit an entity to 67 permits. The most permits held by any entity was 50.*
- *Based on this information, this permit cap is unlikely to immediately restrict any entity (my emphasis).*

With about 4 years having passed since Amendment 18 decisions, does any entity command a substantial share of any particular stock that might cause the Council to re-examine the consequences of no stock-specific limit(s)? With the selling of the Rafael permits/allocations will the Council know if any particular entity has acquired high and commanding shares? I realize that “substantial, high, and commanding” will be in the eye of the beholder. Nevertheless, it will be informative to know the numbers and shares, as well as the decision-making process to be followed and who will make those decisions. I suggest all analyses be conducted in a public and transparent manner with a presentation to the Council.

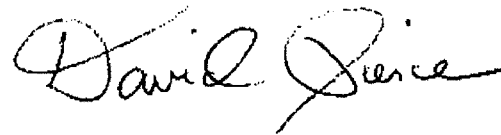
I ask these questions due to curiosity, my Council-member responsibility, and the fact that the buyer of the Rafael permits/allocations very well could be a company (Blue Harvest) backed by a private equity firm (Bregal Partners) that already has a vested interest in the Atlantic Trawlers Fishing permits/allocations. I understand the purpose of private equity firms is to buy and sell companies so I wonder if this firm will control the permits/allocations.

I simply wonder how the complexion and character of our New England groundfish fleet might change with permits and allocations being commodities to be moved around and between buyers seeking to maximize profit. To some extent that already has been happening. But now the extent of that movement is increasing. Having been involved in groundfish management since 1978 and having great appreciation and respect for our groundfish fishing industry, I’m concerned about its fate under catch-share management.

I realize the die has been cast for our groundfish fishing industry (for good or bad), and substantial change in its management and regulation is unlikely. However, if nothing else, the

Council and public need to know the recent consequences of groundfish catch-share management. The on-going review will help with that assessment, but as I noted in my earlier comments on the Council's catch share program, excluding most recent years including the recent sales of permits and allocations is a critical part of this important evaluation as to whether the Council is meeting its goals and objectives.

Sincerely yours,

A handwritten signature in black ink that reads "David E. Pierce". The signature is written in a cursive, flowing style with a prominent initial "D".

David E. Pierce, PhD
Director

cc
Daniel McKiernan
Melanie Griffin
Gregory DeCelles
Catherine O'Keefe
John Quinn
Michael Pentony
Sarah Heil
NEFMC members



Opinion

100% fishing monitoring is unnecessary

Posted Aug 13, 2019 at 1:16 PM

To the Editor:

I would like to correct some misconceptions and rebut some of the statements made by Ms. Johanna Thomas in her Aug. 2, 2019, opinion in the Seacoast Newspapers. Ms. Thomas sites the West coast Groundfish fleet as a success story. That is not the case as told by the fishermen on the West coast. She also fails to mention that 50% of the fleet was bought out in a \$60 million-plus dollar buy out prior to the implementation of catch shares. This alone should have rebuilt stocks.

Ms. Thomas extolls the virtue of cameras on vessels but fails to point out that the fish must be placed, one at a time, on a measuring board in front of the camera which makes them just as dead as the at-sea monitoring program. She also fails to point out that this system is just as costly as at-sea monitoring but with one added detraction. Our vessels are our bathroom, bedroom and boardroom. The camera records everything and is a massive invasion of privacy and civil liberties. The city of Manchester, N.H. has been sued by the ACLU over this issue and courts in British Columbia ruled that fishermen could not be constantly recorded in the name of fishery management.

I would suggest that Ms. Thomas read George Orwell's 1984 as the road to a police state is paved with good intentions and cameras.

100% monitoring is unnecessary to conduct stock assessments. Former NOAA Science Center director, Dr. Steve Murawski, taught fishermen, in a course I moderated that 4-7% coverage of all boats in all fisheries gave scientists all the information they need. That program already exists. It is called the Northeast Fishery Observer Program, and I support it.

Finally, Ms. Thomas claims that 100% monitoring will help rebuild “crashing fish stocks.” This is factually incorrect. No stocks are crashing, some like haddock, redfish and pollack are at record levels of abundance. Others are at high levels of abundance and a few are at low but stable and increasing levels of abundance. This Environmental Non-Governmental Organization (ENGO) hyperbole is one of the major problems fishermen and managers have here in New England providing the American public accurate fishery information.

David Goethel

Hampton

Opinion

Monitoring will help improve New England's fisheries

Posted Aug 5, 2019 at 6:56 PM

Updated Aug 5, 2019 at 6:56 PM

Aug. 2 -- To the Editor:

We share fisherman David Goethel's commitment to conservation that he describes in his op-ed about fishery monitors ("The hidden cost of fishery monitoring," 8/1/19), but want to provide another perspective.

Monitoring is not the enemy. The lack of good data is. Just look at the West Coast groundfish fleet, where they've implemented 100 percent onboard monitoring. What was once declared a federal disaster is now providing a bounty for fishermen with greater catch, greater profit and healthier stocks. That fishery is a comeback story precisely because of monitoring - not despite it.

We recognize that fishermen are worried. That's why it's so important to adopt electronic monitoring as part of the management toolkit that New England can use to help rebuild its crashing stocks.

Without the trusted information that comes from monitoring, fishermen and government have been in a pitched battle over the true status of fish stocks - because a key data element is missing: accurate catch information. Simply put, you can't manage what you don't measure.

A monitoring system should be as unobtrusive, efficient and flexible as possible. Modern electronic technologies can serve as a crucial source of real-time information about fish populations and our oceans. Many groundfish fishermen in New England are strong proponents of electronic monitoring, because they see the importance of investing in better information. Many say that it has improved their fishing opportunities.

The transition to comprehensive electronic monitoring will play an important part in rebuilding depleted groundfish stocks, improving fisheries science and enhancing management. And done right, it will improve the prospects for fishermen as well.

Johanna Thomas, EDF Oceans Program

New England Regional Director

Kittery Point, Maine

August 8, 2019

Michael Pentony, Regional Administrator
Greater Atlantic Fisheries Office
55 Great Republic Drive
Gloucester MA 01930



Dear Mr. Pentony: *Mike*

I was contacted in 2016 by then RA John Bullard who was actively seeking new applicants to participate in the yellowtail fishery in the NAFO area. In response, I purchased the F/V Tremont in 2017, after receiving a commitment letter from GARFO, and developed a plan to fish in the NAFO area. The F/V Tremont did fish for yellowtail in the NAFO area in 2017.

In February 2019 your staff (Shannah) notified me that Tremont Fisheries was the only applicant for a 2019 permit for yellowtail fishing in the NAFO area, and that once Canada had transferred fish to the US, that Tremont Fisheries would have access to the entire amount of yellowtail transferred, as well as the access to the halibut resource.

In response to that conversation with your staff, I developed a plan which included putting the F/V Tremont in the shipyard for extensive and expensive repairs to improve the viability of the vessel and the safety of my crew. I have also been working to secure markets for at least 450 mt of yellowtail, and plan to begin fishing in the NAFO area in the Fall of 2019.

To date, Canada has not transferred to the US an anticipated allocation of yellowtail.

I am concerned that a transfer may not happen in time to meet my Fall fishing plans or that a transfer may not happen at all this year. If at least 450 mt of yellowtail is not transferred soon, I will not be able to recoup the considerable expense I have already incurred in developing my NAFO fishing plan. There are limited fishing opportunities in New England for vessels the size of the Tremont and fishing in the NAFO area is crucial to the economic viability of my company.

I am writing to urge you to aggressively continue requests to Canada to transfer 450 mt of yellowtail immediately. I cannot overstate the importance of this fishing opportunity to the viability of my company.

I look forward to your response.

Sincerely,

Michael Walsh

Cc: John Quinn, Chair, NE Fishery Management Council
Chris Oliver, Assistant Administrator, NOAA Fisheries

jc 8/12/19

The hidden cost of fishery monitoring

Recently my crewman came into the wheelhouse with a complaint. I am a commercial fisherman and we were on our third consecutive day of carrying At Sea Monitors, which we are required to do in 2019 on at least 31% of trips. This is like having your own state policeman ride with you to work to make sure you do not exceed the speed limit. They watch you to make sure you do not throw over any fish that are part of your quota. Because the government wants their monies worth, they have them weigh everything you bring on board. My crewman's complaint was about the number of fish and shellfish being killed that would have been returned alive to the ocean on unobserved trips.

My crewman did not come from a fishing background. He was a restaurant chef. In restaurants you do not waste anything. Unsold fresh catch becomes tomorrow's fish chowder. In fisheries we waste lots of fish, and after a while become hardened to government regulations that require the practice. Fishermen know that most fish survive the capture process if handled correctly and returned quickly to the ocean. We teach our crew to rapidly return things like oversized or egg bearing lobsters, and fish like wolffish, or thorny skates that we are prohibited from retaining.

On observed trips we are prohibited from doing this. The object of my crewman's scorn was 100lbs. of thorny skates dead in a fish box awaiting weighing. Now thorny skates have a unique life history. They do not breed until they are 15-18 years old and die at about age 22. The box contained mostly fish of that age that had probably been captured and returned numerous times only to die in some misdirected government bean counting exercise. The total body count for that three-day period was approximately 1000lbs. of thorny skates, three individual wolffish, and an undetermined amount of lobsters because the lobsters were weighed first and some probably survived.

Lest you think the government is entirely responsible for this lunacy remember that many of the policies are the result of environmental non-government agencies (ENGO's) suing and settling out of court with NOAA Fisheries, to get what they want plus their legal expenses. The problem is exacerbated by the revolving door at the upper echelons of NOAA between government service and an ENGO job. President Obama's NOAA Administrator and chief architect of this current program, Jane Lubchenco, went from Environmental Defense Fund (EDF) to head NOAA and former Assistant Administrator for Fisheries, Eric Schwab, went from government service to being a vice president of EDF. Cozy Huh? Oceana has sued the government 3 times over observer coverage and wants 100% coverage so fishermen can kill 100% of what they catch to measure it. Conservation Law Foundation got retention of wolffish prohibited under a threatened sue and settle. We killed a wolffish that day too. The ASM could not get an accurate length while it was alive, so it was kept in a basket until dead.

If you, as the American public, feel an urge to help the oceans please do two things. When you get a brochure with a request for donations from an ENGO conserve your check book and keep it locked in your desk. The fish will thank you. Also contact the New England Fishery Management Council (978-465-0492), and NOAA Fisheries (978-281-9300), and ask them to end this ridiculous At-Sea Monitoring program. Killing all the fish to weigh them creates overfishing where it would not exist. Finally, request that Congress stop the revolving door between ENGO's and government service.



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