

**Industry-Funded Monitoring (IFM) Omnibus Amendment  
Public Hearing Summaries  
October – November 2016**

<b>Schedule of Public Hearings</b>			
<b>Date</b>	<b>Time</b>	<b>Location</b>	<b>City/State</b>
Tuesday, October 4, 2016	6:00 – 8:00 p.m.	Greater Atlantic Regional Fisheries Office 55 Great Republic Drive	Gloucester, MA
Monday, October 17, 2016	5:00 – 7:00 p.m.	Internet webinar, connection information is available at ( <a href="http://mafmc.adobeconnect.com/ifm-hearing/">http://mafmc.adobeconnect.com/ifm-hearing/</a> )	
Thursday, October 20, 2016	6:00 – 8:00 p.m.	Double Tree by Hilton Hotels 363 Maine Mall Road	Portland, ME
Thursday, October 27, 2016	5:00 – 7:00 p.m.	Congress Hall 200 Congress Place	Cape May, NJ
Tuesday, November 1, 2016	6:00 – 8:00 p.m.	Corless Auditorium - Watkins Building University of Rhode Island Graduate School of Oceanography 218 Ferry Road	Narragansett, RI

**October 4, 2016 – Gloucester, MA**

**Attendance:**

Peter Kendall - Hearing Officer and NEFMC Member  
Deirdre Boelke - NEFMC Staff  
Carrie Nordeen - NMFS Staff  
Dan Luers - NMFS Staff  
Nichole Rossi  
Doug Cristel  
Laura Warch  
Kristen Gustafson  
Morgan Wealti  
Michelle Klein  
Shaun Gehan  
Thomas Balf  
Glenn Chamberlain

Greg Wells – PEW Charitable Trusts  
Peter Nugen

**Carrie Nordeen:** *(General Info and Omnibus Presentation)*

**Shaun Gehan**

Just a quick question about prioritization. If a herring and mackerel alternative are selected now, the omnibus portion of the prioritization would apply as between those two programs, correct?

**Carrie Nordeen:**

That is correct, they would be the first programs into the prioritization process, as other new IFM programs were added, they would also go into the same mix, the same prioritization process.

**Shaun:**

And that process would have to be developed in a separate rulemaking, or would the details of that be developed as part of this process?

**Carrie:**

The details would be developed as part of this amendment, so with the 2 deliberative processes, 2.1 and 2.2, there are 2 weighting schemes that are discussed in the document. One was taken from the Mid-Atlantic Council, how they sort of look at their research project, that's a fairly length weighting scheme that's described in there. We did have (I think it was the) Observer Committee go through the process and fill it out to see how it would work, and that selects sort of big categories of monitoring programs, maybe stock status, economic value, things like that, and those criteria are then weighed against each other. That's one option that is considered in the document, the other one is just an equal weighting scheme. The Councils have already selected 2.2 as their preliminary preferred omnibus alternative, that's the Council led process. The Mid-Atlantic Council did select an equal weighting scheme, meaning that all programs would be allocated the same amount of money initially. New England has not weighed in yet on what their recommendation for the weighting scheme is. So those are the details of the 2 deliberative, and then the other 3 are formulaic, so they would just go in as a formula, but the process would definitely be developed as part of this action.

**Shaun:**

Ok, but it would either be one of the two, equal weighting or Council led. Just I'm not clear, is there an answer between the two fisheries of which will get funded first or second under the Council led, because I thought there was a lot of discretionary stuff that had to go into that, so it would take another action, that's kind of what my confusion was...

**Carrie:**

Oh, sorry, I misunderstood what you were asking, so yes, if it is a deliberative, there would likely be a rulemaking, not so much another action, because it is discretionary, you are correct, there would likely be a rulemaking, unlike the formulaic, which probably would not require a rulemaking.

**Carrie** (*Herring Alternatives*):

**Shaun Gehan:**

I guess one of the things I really haven't been clear, I didn't finish the 600 pg. EA yet, if one of the alts that require EM was selected, would the amendment require purchase of necessary equipment upon some transition date, or ahead of the funding year in which funding was available for NMFS to actually accept the data, so in other words would you have to buy the cameras etc., right away, or would you say "next year we are going to have funding, so you've got to gear up"?

**Carrie:**

That is a good question. In the omnibus section, there is a discussion about what is the time line for doing the prioritization process. That sort of would be dictating- at some point NMFS would need to be making a determination of whether or not it had funding, and if it did, how would that prioritization process work? So it's a two year process that's laid out in the document, our fiscal year starts in October, as you well know we get a lot of information as the SBRM year also is starting, so especially with this past year, I think that timeline for when SBRM coverage was allocated for the coming year might probably be the time when we were determining whether NMFS had any additional funding. Again, sbrm funding would need to fund sbrm first, but if there was any left over, it could be used for IFM programs. Also, we are hoping that because these alternatives are diverse- EM, portside- we can also access other funding lines, not just sbrm, but we would need to make a determination in the previous year for the following year whether or not there was money available to start the prioritization process and give the industry the heads up on whether or not there would be monitoring that year. So my guess is it would be probably the March/April time period that NMFS would be determining whether or not it had money, so I think at the point the decision would be made, and let the industry know whether or not- what requirement it would be subject to for the following year starting in January.

**Shaun:**

So that requirement would be triggered sometime early in the year before the next year's money was available?

**Carrie:**

Yes and there are sort of two tiers to that money. First off nmfs would have to determine whether they had any available money, and then if the answer is yes, then it may not have enough to cover all of the programs, then there would be a prioritization process. But the decision as to whether there was

money to meet the IFM requirements would need to be made in time to give the industry the heads up of what the requirements were.

**Shaun:**

Ok, I think I get that. The other thing, just to make sure I am clear on it, Alt. 2.6 is coverage for the groundfish closed areas the same as everywhere else, is this really a standalone alternative, or more of a suboption? Because you're looking at 2.5-100% NEFOP coverage in GCAs- you could just do that, sbrm 100% everywhere else, but you can't really do-so am I conceptualizing that right, is it more of a sub-option to- do we treat the GCAs like the whole fishery, or do we take the sub-option that is 100% NEFOP and, which could actually be done in conjunction with anything else too, so there is sort of options, they are kind of outliers right?

**Carrie:**

We had thought that 2.6 would be selected along with another alternative. Again, that was a fairly recent alternative that was added, it was trying to give options to not just have the 100% coverage in groundfish closed areas. But you are correct, it would likely be chosen with another alternative.

**Greg Wells (Pew):**

I am assuming the presentation that is next is about the Mackerel Alts, so anything that is related to herring specifically?

**Carrie:**

Yes

**Greg:**

We have heard in previous meetings that running 2 monitoring programs might be more costly for the agency? I don't know if that is still an issue, because we have alternatives that are for NEFOP observers, for sbrm, and the GCAs, and then we also have the asm, so I don't know if there is any of that discussed in the document, so is that still a consideration?

**Carrie:**

I think that is still an issue, the ASM alternatives were sort of an... (end of tape\*)

\*Note: This tape stopped recording at this point. This occurred near the end of the question/answer period for the herring alternatives section. Greg was the last to comment during this section, although the scope of his comments were not captured completely. Things missing from this transcript include the Mackerel alternatives section, the Mackerel question/answer period (there were no clarifying questions during this period), and the open public comment period (no public comments were made).

## **October 17, 2016 – Webinar**

### **Attendance:**

Libby Etrie – Hearing Officer and NEFMC Member  
Jason Didden – MAFMC Staff  
Carrie Nordeen – NMFS Staff  
Dan Luers – NMFS Staff  
Fiona Hogan – NEFMC Staff  
Greg Wells – PEW Charitable Trusts  
Katie Almeida – The Town Dock  
Pam Lyons Gromen – Wild Oceans  
Pete Benoit  
Joyce R

**Carrie Nordeen** (*Introduction and Background*): (No comments/questions)

**Carrie** (*Omnibus Amendment Presentation*) :

**Katie Almeida:**

I have a question, this is Katie Almeida from the Town Dock. So if the option to have the monitoring set-aside program, if that goes through, if a vessel is selected for monitoring, they automatically are able to bring in “X” amount of fish to offset the price? Or do they have to sign up for that?

**Carrie:**

So the selection of alternative 2.6 in this amendment just means that in the future, an FMP could establish a monitoring set-aside for IFM programs. The next step would be that that individual FMP would have to go through a framework adjustment process to set up the monitoring set-aside, and then in that framework adjustment would be the details of how the set-aside would work.

**Katie:**

Ok, thank you.

**Carrie:** (*Herring Alts Presentation*)

**Katie:**

For herring alt. 2.2- or for any of them really. When you have the coverage targets for 25, 50, 75, or 100% for ASMs, who determines what level of coverage is picked, the 25,50, or 75%?

**Carrie:**

That's a good question, and I'll go back to the slide that shows the range of alternatives. So for 2.1 it's set, it's 100%. For alternatives 2.2, 2.3, 2.4, so these specify a coverage target that would be selected, the Councils would be selecting-in this case the New England Council would be selecting one coverage target, and that would apply to the different gear types. So for example, one coverage type would be selected for 2.2, for 2.3 the Council would select one coverage target for EM and PS for the MWT vessels, and would select another coverage target for ASM on purse seine and on bottom trawl. And that holds true for 2.4, again the Council would select 50 or 100% for MWT- 2.5 is set, that's 100% coverage. 2.6 is a little different, this is one of the more recently added alternatives. What that means is that whatever coverage target and monitoring type was selected for this fishery would apply to the MWT vessels fishing in the groundfish closed areas. And lastly 2.7, this was just added in June by the New England Council, and this operates a little differently from the other alternatives. What this means is that if they select this, ASM coverage would initially be on Cat. A&B vessels. The Councils would be selecting what coverage target it was, 25, 50, 75, or 100%. Then, once the Council determines that EM/PS is a sufficient substitute for ASM, vessels would be able to choose whether they did ASM or EM/PS. And the other wrinkle that makes this slightly different is that the Councils would be able to specify a different coverage target amount- meaning 25, 50, 75, or 100% coverage for MWT vessels, purse seine vessels, or SMBT vessels. Did that answer your questions, or maybe you have a follow up?

**Katie:**

Quick follow-up. So once the coverage level is selected- say it is 25% for alternative 2.2- is that it, and that is it for years to come? Or could it possibly change from year to year?

**Carrie:**

It would be selected for a period of time, perhaps indefinitely. There are 2 sub-options that could affect this. One of them is that IFM coverages would expire after 2 years. Another sub-option is that they will be re-evaluated after 2 years. So if the Council does select either of those, that would affect what those would be.

**Katie:**

Okay, thank you.

**Carrie (Mackerel Alts Presentation):**

**Libby Etrie:**

Carrie, this is Libby. I see one question on the chat, it's from Greg Wells. It says "Does HVF certification factor into the cost estimates associated with training ASMs?" I'm not sure if this was written during the mackerel portion, I am just seeing it now.

**Carrie:**

That's a good question, Thank you Greg. During the development of the range of alternatives, the Councils- both Councils- did recommend that ASMs have the High Volume Fishery certification. This certification is similar to what NEFOP observers are required to have if they are going to be observing in any of the high volume fisheries, including mackerel and herring. It may have some impact on the cost for ASMs, it was difficult to tease that out from the cost estimate that we used, which was the \$710, so we didn't factor that into our economic analysis, because it was too difficult to tease out what that cost might be as compared to the overall training costs. So it did not change our economic analysis. Overall, the cost estimates that we use for the economic analysis are estimates, so it is likely that what the industry will ultimately be paying as the programs are first implemented and when they evolve will be different from the economic costs in the analysis- they could be higher, they could be lower. But we were not able to adjust the number we used for the economic analysis to factor in the HVF certification.

**Libby:**

I have hopefully the last question. For the sub-option of a 2 year sunset, if that is selected, what happens?

**Carrie:**

So after the IFM requirements would be in place for 2 years, they would sunset after that. If the Councils wanted to change something or do something different, it would be in a subsequent action.

**Libby:**

Ok, thanks

**Jason Didden:**

Carrie, Pam has a question.

**Pam Lyons Gromen:**

Hi. Carrie can you hear me ok? (Yes). Okay, so my question is about mackerel alternative 2.1 and 2.2. So 2.1 most closely mirrors what the Council chose, when they did Amendment 14 to the SMB plan, so I'm curious why there wasn't a coverage level alternative for the at-sea-monitors that would be less expensive that would have the same percent of coverage for Tier 2 and Tier 3? Is it a qualification issue for the ASMs, that that alternative wasn't developed- it just seems like that would be a more cost effective way in this amendment for the Councils to do what they tried to do in Amendment 14.

**Carrie:**

I think that is a good question. I'll take a shot at answering and then pass it off to Jason, who might do a better job. I think 2.2 was sort of intended to mirror the herring alternative 2.2- that alternative was focusing coverage on Cat. A&B vessels. I think the mid-atlantic Council was targeting MWT vessels and

Tier 1 SMBT vessels with this coverage, because they harvest the greatest amount of mackerel. That is my recollection, Jason, can you correct me, or do you have something to add?

**Jason:**

So the question is, why is there not a similar ASM on 2.2 and 2.3 like there is for NEFOP?

**Pam:**

That's correct, it would just seem like a more cost effective way to get at what the Council was trying to do, you know there is a lot of uncertainty with the SMBT, because of the historically low coverage on that gear in the Mid-Atlantic, so I believe the Council if they did that tiered structure in their final selection of alternatives, that they could actually get some information about the bycatch retained and discarded- gear types, and that is one of the only alternatives- and more costly ones- that would give you information about the Tier 2 and Tier 3 vessels, and there is actually some pretty large vessels in Tier 2. At least back in Amendment 14, I remember there were, things could have changed by then, but I remember that there were. It make sense to change it Jason.

**Jason:**

Yeah, these alternatives have kind of been developed over the past several years, I think the general idea was to kind of create- to structure some of the alternatives, the ASM alternatives, around something that will be as cost effective as possible. I think the focus was on the the MWT and SMBT vessels Tier 1, even though there are some large SMBT Tier 2 and Tier 3 vessels, I think when you get the MWT and the SMBT Tier 1, you are accounting for most of the mackerel landings. So I think as Carrie said it was kind of mirroring some of the herring alternatives, and trying to focus on which groups of vessels accounted for most of the catch.

**Pam:** OK, I think I understand how things evolved, thank you.

Jason: I'll just note, since that is going to be less expensive than mackerel alternative 2.1, I'm not sure that that is something that the Council could come back with as a final option, I think you could argue that it was in the range, and thus not have to go back out for public hearings again- that would be a NEPA question that NEPA folks would have to answer. You know it might be- that could potentially be something that the Council could do at final action, I'm not quite positive.

**Carrie:** Any more questions or comments? (*None- Meeting Adjourned by Libby Etrie*).



**October 20, 2016 – Portland, ME**

**Attendance:**

Peter Kendall - Hearing Officer and NEFMC Member  
Fiona Hogan - NEFMC Staff  
Carrie Nordeen - NMFS Staff  
Jeff Kaelin - Lund's Fisheries  
John Haran - Groundfish Sectors 10 and 13  
Cate O'Keefe - MA Division of Marine Fisheries  
Mary Beth Tooley - O'Hara Corporation  
Emily Tucker - Maine Coast Fishermen's Association  
Pam Thames - NMFS Staff

**Carrie Nordeen:** *(General Presentation and Omnibus Alternatives)*

**Cate O'Keefe:**

Carrie, this is just a clarifying question. If no action was taken on Omnibus Alt. 1, would that mean that the herring/mackerel alts would not go forward at all?

**Carrie:**

I think they would go forward on a case by case basis. I think they could still continue, but the decisions on the standardized pieces of those would have to be made- I think we would just have to make decisions based on that. But I think we could proceed.

**Cate:**

So just as a follow up, would that be a different action potentially, in the herring plan?

**Carrie:**

I'm not sure about that, I can look into that and get an answer for you.

**Jeff Kaelin:**

I'll just say this. Philosophically, I am totally opposed to this amendment. I worked on the Hill back in the 80's, and for decades, it has always been a government responsibility to monitor the fisheries. Congress of course allowed the West Coast to do something different, and the East Coast- Congress- decided not to do that. So I kind of come from that perspective philosophically, but I realize that having been in the herring fishery since the mid-80's, that that's not going to be enough to satisfy members of the public, so we are going to have to go ahead with some kind of additional monitoring that probably is going to cost our company some money. 2 or 3 years ago in Amendment 4, we agreed to the 100% coverage at 325\$ per day. And I think what we've learned over the last few years in this committee is that the Agency just cannot provide the services that members of the public want, whether it's 100% observer coverage, or whatever some of the other options are. So I think the preferred alternative is the

way to go, I know both Councils have talked about that in terms of standardized structure for IFM, so I think we would support that generally. And similarly, Alt 2.2 the Council led prioritization process is extremely important for both Councils, because it give the Councils the ability to work with the Agency to determine just what kind of costs are going to be asked of the different sectors or different fisheries on a case by case basis. So I think we would speak in favor of those alternatives when we finally write up our comments. And similarly, I like the idea of keeping the monitoring set-aside option in there although, right now, we are closing at 92%, so we are leaving 8%, we are leaving 3% for shoreside monitoring, so that is 11%. So maybe the 3% is allowing us to pay for the shoreside monitoring program today, I don't know what those costs will be in the future so I would like to keep the (set-aside monitoring?) option on the list. Thanks.

**Carrie:** (*Presentation on herring alternatives*):

**Peter Kendall:**

On herring alt. 2.5, right now, herring vessels need a nefop observer to go into the GCAs and as Ryan was saying earlier, that is kind of few and far between. So if the industry was paying for the observer, does that give you greater access to the closed areas?

**Carrie:**

That was the thinking under that, with including this alt. in the amendment. If NeFOP coverage that is funded by nmfs is limited, it would be an opportunity for vessels to obtain an observer to go into those areas. Or in comparison to 2.6, any other type of monitoring, what 2.6 says is that any type of monitoring that was selected in the other alternatives would also apply in the GCAs.

**Peter:**

Another question, on the EM pilot project, that is going to be 100% video footage, is it not?

**Carrie:**

Correct, and what that means is that EM will be on all of the vessels involved, and that video footage will be collected. The vessels will go out, and the first time they deploy the gear, the video will begin recording and will record until the vessel gets to port. And then in terms of video review, 100% of that video will be reviewed.

**Peter:**

So I assume that we would have better cost estimates for EM monitoring when that project is complete, because this says EM 172-325\$ per day. Will there be costs estimates for that when that project is done?

**Carrie:**

We are hopeful that the project will help clarify some of the costs associated with EM. The range that you see in there is actually driven by the coverage target. For example, the \$325 is for 100% coverage, we estimate something less-\$202 is actually what we used in the economic analysis for 75%, we used \$187 for 50% coverage, and we use \$172 for 25% coverage. That's covered in the Public Hearing Document, but that is because EM review is one of the main cost drivers for the EM cost estimate.

**Mary Beth Tooley:**

Just a question, I forget, I should know the answer to this, but the cost estimates for the portside sampling, and cost would be the \$5 and whatever for a ton of fish, and the \$3, you're still going to have the same amount of fish come across the dock. How is that calculated? I mean if someone shows up, they are going to portside sample, it's going to be one cost for that day, so how do you get the difference there?

**Carrie:**

It's a good question; part of this is just how this action evolved. If you think back, when we first proposed portside, it was 100% coverage, and we were basing some of our cost estimates on the existing programs. Because the existing programs with the states have contracts, we couldn't provide all of the details of those existing programs and what the actual cost was. The \$5.12 was based on the MA program and included costs for administration; it was sort of the package deal. We didn't have a way to parse that out without providing too much information on existing contracts. And then the Council asked us to think about something less expensive for portside sampling, so we went back and generated initially a 50% coverage option, and when we were thinking of that, the \$3.84 came up because we subtracted the administrative costs, so that is the difference between \$5.12 and \$3.84. The \$5.12 number has administrative costs wrapped into it; the \$3.84 number does not, so the \$3.84 would apply whether it was 75% coverage, 50%, or 25% coverage.

**Mary-Beth:**

So I think that was my question, it's not tied to the range of coverage; it's tied to the administration...?

**Carrie:**

Correct, and so your comment- once an alternative is selected, it would be one amount tied to the metric ton and that would be applied to whether it was 25%, 50%, 75%, so it was rather a convoluted process to get at those estimates, but that is where we landed after the evolution.

**Mary-Beth:**

Yeah, I've been driving around with the copy of the amendment in the back seat but I haven't hauled it into the house yet. And one other thing that I noticed on one of the tables on what you get under each alternative, and it did say for the portside sampling for the biological data it was just age and length; for

at-sea monitoring it was just length, and for NEFOP I think it was age and length, that must be based on the current protocol, because it doesn't seem like it would be necessary for someone to be taking otoliths at the dock, which would be really time consuming, so we could perhaps amend that part.

**Carrie:**

That is true, the only one that the Council specifically weighed in on was ASM, and that they collect length data, however, at the recent meeting, there was the provision that ASMs may collect additional information as needed or requested, but you are correct that the age/length came from existing programs.

**Mary-Beth:**

Okay, good to note. I don't have any other questions.

**John Haran:**

Do you have a breakdown for EM costs for the groundfishing industry? I noticed you gave quite a breakdown for this industry.

**Carrie:**

Are you asking for cost estimates for the sort of EFP that is being done in the groundfish fishery, or...? The costs I showed are for herring fishery. You're asking about groundfish fishery?

**John:**

Yes

**Carrie:**

We don't have those costs in this amendment, right now we don't have any electronic monitoring alternatives proposed for the groundfish fishery. In the background information, we did use some of that to derive some of these costs, but in general, we don't have specifics on groundfish costs associated with EM, I do believe that the groundfish team has recently produced a report that does look at costs for the groundfish fishery, it's not part of this action, but it is available.

**John:**

OK, I think the initial first year, the \$15k dollars, you are attributing most of that to the cost of installing the cameras; I think that is a little misleading. We have been told that the first year is going to be a learning year for the monitoring companies, and that industry was going to pick up that learning experience so that anyone that is going to be using EM is going to pay more for monitoring as the people on shore learn... how to monitor electronically.

**Carrie:**

I think it could be, there is variability around our cost estimates, we've heard that it might be something higher than 15k, we have also heard that it could be something lower, so there is some variability around the cost estimates. And the situation you describe could be likely. For herring and mackerel, we are doing an EM pilot project over the next year, so hopefully we will get some of that learning out of the way, and NMFS is funding that pilot project for herring and mackerel.

**Cate O'Keefe:**

Thanks, Carrie another question for you, so if any of the alternatives that include EM and PS are chosen and moved forward as preferred, what would happen if the pilot project suggested that this is potentially not a viable tool to monitor the fishery. Where would that leave the fishery in terms of coming up with the tool that they need to monitor the fishery for the omnibus?

**Carrie:**

If the Council does choose to take final action before the completion of the pilot project, I think we could put a clause in there about what are the criteria if this doesn't prove fruitful or appropriate, I think that consideration would be with alternatives 2.3 and 2.4. Alt. 2.7 kind of has that consideration built into it, ASM would be on the vessels initially, then once the Councils determine that EM/PS are a suitable substitute for ASM, then the vessels would be able to choose. I suspect that the Councils would wait until the pilot project had concluded to make that determination. So I think 2.7 kind of builds that determination into it.

**Cate:**

And just a follow up if I can quickly. For 2.7, If, and I'm not suggesting that I think it will fail or want it to fail, but if the pilot project suggests that EM is not a viable tool, then would the ASM level that was chosen for 2.7 be, by default, the kind of level that the fleet would be stuck with?

**Carrie:**

I think that would continue. One of the sub-options-well we have two sub-options that would affect whether IFM options were continued or re-evaluated. We have one sub-option that says they would sunset in two years, we have another sub-option that says they would be re-evaluated in two years. I suspect there may be some support for the re-evaluating in two years. That was also part of A5- that once coverage was in place, we would re-evaluate in two years- so that is also a tool to revisit once we've had coverage in place for a little while.

**Jeff Kaelin:**

Carrie, first of all I want to say thank you for all of the hard work you have put into this amendment, it has been difficult to be clear about what these options mean and how they all fit together. I think your PowerPoint would be helpful after the fact; it would be nice for the public to have the PowerPoint to

kind of work their way through the amendment. In fact, I'm thinking of asking you to send it to me before I write mine up. Then I would be unfair to everyone else, but this is really because there are so many sections to this thing, you have to flip through the 500 page document, so I thought your PowerPoint did a great job of laying out all of these competing options.

**Carrie:**

So we have the audio files for each of the hearings. What about posting the audio files with the PowerPoints, the PowerPoints have been slightly different for each of the hearings, but we could make those available on our webpage.

**Jeff:**

I think that would be great, because we've got until November 7<sup>th</sup> to finalize comments. But I wanted to thank you for the work you have done. Like I said before, as a company, and having been through this process since the beginning having been a member of the committee, because from the beginning, from our perspective, the cheapest way out of this likely will be the EM- the cameras- and the shoreside monitoring combination, and if you look at the return on investment, the lowest cost seems to be with those options. So again, like I said earlier, I think it is very premature to launch this until we can analyze this pilot project- whether it is going to work- I think both Council members asked me very good questions about how this is all going to fit together. So that is sort of a general comment, I hope that we can slow the train down until we have a little better idea of what we are getting into, not only as the companies are going to pay the bills, but as managers to make sure that the CVs and the estimates of accuracy and precision are reasonable, and really equate to some of the standards that we are using in some of the other fisheries too. You know, I guess in a perfect world, the sbrm would be enough, but I think we are well beyond that, so I'm not going to speak in favor of the no action alternative, I don't think that is logical, but I wanted to go through the alternatives and make a couple of comments based upon my understanding of how this is going to work. Reserving the right to write up and submit some comments down the road after I have talked to some other people. I think number one, the allowance of a waiver, is incredibly important here, and I think actually not granting waivers may be contrary to NS1, it would allow us to realize OY; NS2 because the best scientific information available shows that we already collect timely and accurate information; NS8 because it doesn't give the chance to minimize detrimental impacts on fishing communities; and NS9 because it is not practicable to leave sustainable herring yield in the ocean when adequate bycatch information is already being collected. So we got some real concern with the "no waiver" option, in the end we don't think that it is a legal option. The wing vessel option makes a lot of sense, and realistically I think a two year re-evaluation is better than a sunset, because I really think we are trying to get to a place where the industry is providing the information that the public and the managers need to fish and so we have a duty to go beyond the status quo and for that reason, I think we would support the two year re-evaluation, in addition to maybe halting the whole train until we can get through the pilot program. On the 25 mt threshold, I think that makes sense, I believe the reason that is in here is to give a little bit of a break to the SMBT fleet that has a bit of a different cost structure than we do as larger boats, even though the little boats and the big boats aren't making any money. But I think that is fair. The 100% NEFOP coverage, we did

agree to that some time ago at a lower cost than is being projected today, but I think Wendy Gabriel is doing an excellent job as a member of the committee in explaining that the Agency just cannot commit to providing funding for levels of coverage that high, and I am not convinced that we need 100% observer coverage to have good accurate and precise estimates of catch and bycatch. Maybe ASM coverage in the neighborhood of 25% could be a reasonable target, and again, I'm thinking about what are the estimates of precision and CVs that we use right now in the scallop fishery, which we are in, thank God, or we would probably not be able to afford to be in the herring fishery, honestly. Scallops is subsidizing everything on the East Coast- we have four full time scallop permits and a couple of part time scallop permits, some limited access general category quota, and if we didn't have that, I think we would be in serious trouble. So the 25% target seems to be in the neighborhood of fairness, something that is fair and equitable, my question is how would that level of coverage compare to the accuracy and precision that are coming out of the estimates made for the scallop fleet and the groundfish fleet. The level of coverage in both of those fleets is 25% or less. So if we ever go down the asm road, I don't see how the Council can justify a level of coverage and the costs higher than that. On alts 2.3, a combination of coverage on A&B vessels and the MWT fleet, a 50% target on the EM and on PS seems to be a good place to start, because that is what it is in the voluntary program, but as we discussed earlier today, the agency hasn't been able to explain to us or the Council how precise those estimates are for the 50% coverage rate, so I don't know why we would go to 100% before we know whether we are getting good, accurate and precise data from the 50% target that exists right now in the voluntary program, so 50% seems like a reasonable target to start with, and 25% maybe for the at-sea. Our preferred alternative as a company, I think right now, given the information we have, would be 2.4- EM and PS coverage for the MWT fleet, with sbrm being adequate for the other group, but I am going to jump down to alt. 2.7, which provides an option for A&B vessels to use either shoreside or at-sea. I think that is probably the fairest option because it would not give the seiners a pass, so you have to be aware of the cost structures in the two fisheries in the way that we compete, and I think I'm leaning towards 2.7 as the best approach, because it basically spreads the pain around, and creates an option for people that want to go to asm-whatever the target is- or shoreside monitoring. It doesn't allow a particular fleet that we compete with in the MWT fleet to get away with no additional costs, if that's what the public wants. So I guess right now, 2.7 is probably our preferred option at the moment, but I think it is premature to go ahead at all before the pilot project has been completed. I'll leave it at that, thank you very much.

**Mary-Beth Tooley:**

I don't know how coherent comments are going to be at this hour, but I will give it a shot. Under the sub-options, we would support 1,2,4, and 5. And as just stated, the waivers are particularly important. The prospect of reducing the fishery because of a lack of observers or funds is definitely not acceptable, I don't know how we could achieve OY. I'm not going to go through each one, other than to say, that the one I excluded from that list was the one where the program would expire after two years, I think the review is a better alternative in that case. In looking at the various alternatives in the document, we would not support alt. 2.1 because of the additional cost associated with nefop observers. It does seem like alts 2.2 and 2.3 are not currently viable options in the document because of the EM requirements and the lack of a current program. Umm, 2.3 and 2.4, that would be correct. Alternative 2.5 relative to

the GCAs we would not support. We would support alt. 2.6 which would take whatever comes out of this amendment across the fleet and require it in GCAs. We talked about this a little bit earlier today at the committee meeting, and for some reason, probably wishful thinking, I just thought that if the GCAs go away, and if you have a req for fishing in a GCA that no longer exists, that that would be the end of that, but it sounds like we need to take a little bit of a more proactive action here, and this would do that, so that certainly seems wise. I'm not sure, alt. 2.6- it's a little bit redundant of alt. 2.7? So I think 2.7 is preferred over 2.6, which allows the combination and choice. The only problem I see with 2.7 is that there is not that option there for purse seining. It seems like clearly for a purse seiner to choose EM, there would need to be some sort of pilot project that goes on, and we have a project that is going on now that seems mostly to be MWTing, and there may possibly be some information that comes out of that on purse seining, but not to the same extent, but I think we should at least have in the amendment that option so we don't have to repeat this in the future. It really could move the council looking at purse seine in a much quicker fashion regardless of whether the pilot work is done under the current program. In general, the O'hara corporation as a whole has been very supportive of increasing coverage in the fishery with the caveat that it be affordable, and we have been since A5 and continue with that position. I do have some concerns about the economic data given the current circumstances in the fishery and other interaction that are going on, certainly with haddock this year our fishing activity was much reduced, significantly reduced, in area 3 and then now we have A8 which looks to possibly reduce the overall catch of the fishery, and exclude the fishery from many of their historic fishing grounds, so I am not sure that the economic data in the amendment, although looking back it's probably as accurate as it could be, but looking forward it could be totally inaccurate and make the entire program no longer affordable, no matter what you choose. That's a significant concern, and as for how all of the parts and pieces fit together, the estimates for the shoreside monitoring program-well, you have to look at what you have and what you have done, and we don't have a program like that in maine, and certainly if the council would choose one method of monitoring the fishery for one gear type, and another for another gear type, we could end up in Rockland, ME as the only facility required to have a portside monitoring program. My understanding is that it will make it much more expensive to implement that program in that port. Everyone else is landing with purse seine gear, and additionally, we have vessels that will move back and forth between the two gear types, and it's not clear to me how if we invest in the equipment under the EM program how one of our vessels landing to an offshore island that is not feasible for shoreside monitoring, what happens to that vessel? It is not acceptable for us to say "Oh, you'll have to find other business arrangements," there are no other business arrangements that could be made to get the vessels catch to that port, and 50% of that vessel is not owned by the O'hara corporation, it is owned by a resident of that island community. So I probably could say more, but I think that will have to do it for today. Thank you.

**Jeff:**

Can I add one thing? (yes). I talked about 2.4, then I jumped up to 2.7 and our interest in having additional monitoring and monitoring costs added to herring seiners and the MWT fleet, but relative to the GCAs, I think 2.6, if I remember correctly when the committee created that alternative, the idea was that- let's say EM and portside were applied across the board for the MWT fleet, that that would suffice



and that the groundfish closed area 100% observer requirement would go away. And I wanted to speak in support of that, because as you looked at it today in the committee Mister Chairman, there's an awful lot of activity that takes place outside of those groundfish closed areas, and 100% observer coverage does eliminate- if we can't get an observer right away, we lose access to 15-20% of the fish, which doesn't seem to make any sense, so hopefully we can evolve a set of alternatives across the board that can eliminate that 100% observer requirement, because I don't think the agency is in a position to have the resources available after sbrm to give us the resources that might be needed, so I hope that will go away, and that was the added comment that I wanted to make, was about 2.6 which I think accomplishes what I just described, and is certainly a better option than 2.5. Thank you.

**Peter Kendall:**

I have another one, Carrie on page 10 of your report there, it says the NEFOP observer costs will be \$818 per day and asm is \$710 per day. So when you go back and do a comparison of costs on page 8, it looks like the only reason the NEFOP is more expensive is because they take the otoliths and do age data. Is that correct? If you look at the columns, that is the only thing that is different. Is that what is associated with an extra \$108 per day?

**Carrie:**

Right now the qualifications to be an observer and to be an asm are different, there is a college requirement to be a NEFOP observer, and if you are a NEFOP observer and if you are an observer observing in the high volume fisheries, you need an HVF certification. Initially the difference between NEFOP and ASMs was that ASMs would be collecting info on discarded catch only, not retained. That sort of has changed over time, so the ASM option has sort of morphed to look more and more like a NEFOP option. What we used for the cost estimates were the existing NEFOP costs over a few years. We also looked at the existing groundfish ASM program to get a cost estimate. Those two estimates vary from between year to year, so we're trying to average from \$818 and \$710, so currently there is different criteria to become the different types of monitors and then maybe what you can do as that type of monitor. There's also- NEFOP observers collect whole fish samples, other biological samples, they collect sighting data on marine mammals- that is slightly different than the ASMs. Although recently the Councils added the option that ASMs could collect biological information if requested. So you're right, those two options are starting to look more and more like each other. When the Council recommended changes to the ASMs most recently, we had a look at that \$710 value to see if we could change it. We just didn't have a basis for parsing out things like additional training for just a small piece, so we ended up leaving the \$710 in the economic analysis, but there is variability around each of those cost estimates, and the Council may want to consider that those two options are starting to look very much like each other. And is there any difference in having two types of similar data collection in the herring and mackerel fisheries.

**Carrie:** *(Mackerel Alts. Presentation)*

**Jeff:**

I do have a question because I remember that the committee decided to use the incidental catch allowance of 20k lb of mackerel as the threshold for these alternatives so that if you landed less than 20k lb, the alternatives would not apply to that trip. But at the same time, because the 25 mt threshold came up on the herring side, we've also got language in here that says the 25 mt threshold will be the threshold for not being required to live with any of these alternatives, so there's a conflict there I think. At one point it says that the exemption limit is 25 mt, like it is in herring, but at the same time the matrix also says that the exemption is 20k lb which is the incidental catch allowance. So I think it is unclear what the threshold would be.

**Carrie:**

Just as a point of clarification, for the herring alternatives, we have two options as well. IFM alts would apply to trips that land more than 1 lb of herring, that is the first option, and the sub-option is that they wouldn't apply on trips that land more than 25mt. So we do have two threshold amounts for herring. We have the same two threshold amounts for mackerel. IFM reqs would apply on any trips that land more than 20k lb of mackerel, unless that Council selected sub-option 5, the 25 mt threshold.

**Jeff:**

Okay, well that helps explain that discrepancy to me. And I won't go down the full list, I think our comments at Lunds fishing will be very similar to what I provided on herring. We are in both fisheries, but I do think it would be interesting to have Jason tell us how many mackerel trips were over 25 mt in the last 5 years, I bet there's not that many of them, it would be interesting to know that- I didn't know whether Jason would be here or not- just because I'm not sure this is a big priority for the mackerel fishery, because we don't really have a mackerel fishery. So the rubber really meets the road in the herring fishery, and we are spending a lot more time in the herring fishery than in the mackerel fishery, the mackerel just seem to have disappeared, but they might come back. So I won't go down the full list, the comments will be similar to those I provided for the other fishery. Okay, thank you very much.

**Carrie:**

And to answer your questions about the trips landing more than 25 mt, we do, its not in the public hearing document, we have additional economic analyses in the appendices to the EA, we look at fleet level data and that does have trip- so I'll look at that and then get back to you.

**Jeff:**

I have the whole document- from when I used to sit up there with you guys- that is probably pretty accurate, so I'll look at that, I didn't check it out but I've got it with me.

**Carrie:**

It's only 600 pages, I'll have a look at it and email you, because it should have the trip level data in those tables.

**Jeff:**

I'm parked here to start writing this, and our coral amendment comments too, so thanks very much.

**Peter K:** Any other questions for the Mackerel alternatives? (*None*). Any other questions or comments on any of the other draft amendment?

**John Haran:**

As a point of reference, sector 13 forecasted last year that we would have only one boat fish if IFM was implemented. Sector 13 last year had 50 permits in the sector, and the forecast has come true. The "Buzard's Bay" is the only boat fishing for groundfish. This year I was fortunate to have 10 more permits join sector 13, out of permits, only 2 are fishing for groundfish. So that is 3 permits out of 60 that are fishing for groundfish. Is the cost driving it? Yes. Will they be able to continue to fish in the future? No. It's very expensive for them. Sector 10 has 20-some permits, only 1 boat is fishing for groundfish. We're having problems with the allocation of trips for groundfish- it's all done randomly. Yet some of the boats are being picked on over 60% of the time. Economically, it's not feasible. One of the biggest problems that we're going to have, and that they will have with EM, is that we do not have a board that we can go to for disputes. This year, the "Illusion" went out for a fishing trip- the ASM misrepresented the species, came in with the wrong weights, it was a total disaster trip, such that Amy met the boat at the dock. They threw out several tows, however, as a sector we lost. The "Illusion" is one of the cleanest boats on the coast for fishing, such that we lost one valuable trip that would have lowered our discard rate. Once again, we had no board to go to for disputes, no arbitration board- we need an arbitration board going forward. EM may be even more of a reason to have an arbitration board. Someone will be sitting at a desk that has never been to sea, doesn't know species, and they will be making determinations that will cost fishermen severely. With the amount of quota that we have today- which is 90% for some species of what we started with in 2010- we cannot afford mistakes. This year with the "Illusion", the biggest issue was cod, and the gentleman on that boat misrepresented species, and it was going to cost us dearly on discards. Once again, as Jeff said, I ask you to go slowly. This is a very touchy situation that will cost fishermen a lot of money in the future. Thank you.

**Peter:**

Any other comments? (*None*).

**Carrie:**

Thank you all for your questions and comments, please sign the signup sheet before you leave.

**October 27, 2016 – Cape May, NJ**

**Attendance:**

Howard King – Hearing Officer and MAFMC Member

Jason Didden – MAFMC Staff

Carrie Nordeen – NMFS Staff

Chad Power

Josh O'Connor – NMFS Staff

Greg DiDomenico - Garden State Seafood Association

Bill Bright – F/V Retriever

Wayne Reichle – Lunds's Fisheries

**Carrie Nordeen:** *Introduction and Background Information Presentation.*

**Greg DiDomenico:**

Carrie, could you explain again the issue of costs and funding from the agencies perspective on how this will work?

**Carrie:**

We talk a little bit about that in the omnibus alternatives section. Do you want to wait for that, I'll go through that and see if that answers your question? We can talk about it at that point, does that make sense?

**Bill Bright:**

Can I ask a question? Because I have a vested interest in this and this is really hard for me to swallow. The New England Council is interested in more data. Has anyone ever looked at the tax returns on these vessels? There is a lot of money, not scallop money or anything, I invested heavily in the mackerel industry and herring, but this is a hard pill to swallow. It's very easy when you're sitting on that side, but when you're sitting here and you are already working- we're working with the study fleet, we're working with Dartmouth, counting our catch. I can just see this, this is coming, and I certainly don't have to like it. But now, if this the a precedent for here, I'm just going to say that if you are going to take somebody with you, and you're not only going to pay that with your house, you're also going to watch you and force you- this is really hard to swallow. Not just financially, when you're looking at it from here, because now you are going to have the squid fishery, we say this is ok, the govt. is broke just like everywhere else... But now because of perception, because of everywhere else- I'm sure what the problem is is that people that think this is a good idea, people that are pushing the council- all the environmental groups- let's use up some of their money, let's use up some of their funding. I'm not against the observer, I'm not against the camera, but when I'm looking at the thing here, I'm barely holding on by a thread. We've dropped mackerel down from 300k tons, and they said it's a good idea to invest \$4 million, (inaudible), even the herring, we're getting shoved in all directions. I mean, where do

you think this money is going to come from, that is my biggest question, I'm not against observers. I'm actually- I believe we've got to be responsible for what we catch. But if we don't catch enough to survive, it's all in vain. Everybody here loses, I lose- if we do not figure out a way. In my personal opinion, this is pretty close to put this (inaudible)... when we say 350, that's no different than when we go back to NJ and that would take a little more. Sooner or later, I'm very close to not surviving at all. It's a little hard to swallow. If there was many people in here, they would be- this is sick- I mean, I'm just telling you the way that I feel. It's a hard pill to swallow- no wait a minute- because of the environmental- we're raising all this money to save the ocean- now we want those guys to pay. Well if you're that worried about the ocean, let them fork out some of the money, but anyway, that is just my opinion, that's what I have to say to the...

**Carrie:**

I appreciate your comments. We are- a lot of this- in New England, we've had discussions, and a lot of this has been brought up. It's very much the dialogue of what information, what is the value of the information, versus what is the cost. So all of the points that you are raising have definitely been part of the (conversation?), I haven't been at Mid-Atlantic meetings, but I'm assuming it is much of the same. The Councils have been taking a very long time to do this amendment, I think in part because of the concerns about the costs. Ultimately, it's the costs- the industry isn't opposed to monitoring- but they want something that is affordable. That is what we have heard the whole time. And also what is the need for (this?). So all of the points you are raising have definitely been part of the dialogue, and I think that's why this has been a very difficult amendment for the councils to grapple with.

**Bill Bright:**

Well okay, I can see this is something (inaud.), so this is okay for now, but now we move into the next (inaud.), which would be, off here, when we've had a lot of observer coverage on small mesh on the edge in the summertime. I just think, you know, it's a (bad?) feeling on our side to be honest with you. Because then the only people are the scallop industry are really good and it's really easy for them to say we have (inaud.) or whatever, because if we're \$16 a pound it's on the bottom you can go catch. So now even if you said, ok, I'll give you 100k lb of mackerel or 5k tons, that's still not an easy thing to go out there and catch. It's a totally different scenario, so my personal opinion is that as an industry we have to tread lightly going in this direction because once we take that step, we are never going back, because you know how the rules are- it will never go back. You will never change that train of thought once we go there, that is my concern. I'm in it for the long term, I've already been in it for 35 years, I mean we invested in mackerel and we're still- we can make a profit. But I don't see how that is going to help us to (keep our long term goal?) of staying in business, feeding our family... All of the people that are you know, the cowboys at the industry, they're all gone. You know the people that are in it now with vested interest that have far more money in it- and I know you cannot harvest anything- there is only so much you can take out of (anything?), so we understand the situation, but it's a tough precedent to set, because now you are setting that for everything. That's my point.

**Greg :**

Carrie, there's really, there's two issues here. One is scale, so what Billy's saying is that whatever the cost is, you have to just consider that scallops are worth \$16 a pound, what he catches is worth 16 cents a pound.

**Bill Bright:**

In the areas where I'm allowed to catch it, when I can catch it- its not so much the population but the availability to catch that product at any given time. When you start drawing all of the boxes we contend with, you know if we can't go- it's pretty tough, you know our season is so short to start with.

**Greg:**

So there's the other part, how this is no one's fault. The herring issues, RH issues, mackerel issues, have been going on since I got here 11 years ago. It has been very hot and contentious for the last 9 years. Looking back on it, this is probably the first thing we should have done. Because we have already suffered, in some cases needlessly, from restrictions by (inaud.). We know we have bycatch issues, we know there is haddock, we know all this stuff, we know. But this problem we should have done 1<sup>st</sup> to understand what the scale of the problem really is. So the only thing I can say at this point, and I hope Billy agrees and maybe I'm trying to make the point he's trying to make, is that if this goes through, or when this goes through, at whatever rate we are talking about- If it's proven that some of the regulations on RH, on herring, on mackerel, were unnecessary. Whether it's spatially, temporally, whatever it is, then it's really going to have to be up to the council to use the information that's taken from this observer coverage, and reverse what has been done in the past. Because there have been things that have been done wrong. Now don't put that in our comments, I know that can't be part of the amendment, I know amendments don't make promises, but that really has to happen here. You know it has gone on, (Jason?) knows what is going on, between the restrictions- the ability to catch, whether they are even there at this point is irrelevant, but the ability to catch the fish- it's too restrictive. So if we could reverse that, after we get more information, that would be the best of both worlds.

**Carrie:**

There are options in the herring and mackerel alternatives. One sub-option is that the herring/mackerel alternatives would sunset in two years, another is that they would re-evaluate in two years. That re-evaluation was part of amendment 5 for herring, I think it was part of amendment 14 possibly (for mackerel?). I suspect there is a lot of interest in selecting that sub-option and having a re-evaluation.

**Greg:**

Well then as part of that motion, you should say the previous motions done by the Council- both Councils- need to be revised as well. They've likely done 3 or 4- just for river herring, and if this information proves that this is not a problem, whether it is haddock, or river herring, whatever it may be. Then it is incumbent upon the agency to say "okay, now we (put to rest?) some of that because we

had observer coverage. Whether or not it sunset at this point, whatever, the important part is that some of the other rules need to sunset.

**Audience 3:**

So when you are going to revisit this, basically what you are saying is that if there wasn't a bycatch issue, we would do away with the amount of coverage for the IFM? You know that is not realistic. We've never seen a turn of direction- Are you saying bycatch revisit or bycatch issues, or...

**Jason Didden:**

I think we have two options. One is that it automatically goes away after 2 years, unless the Council takes positive action to keep it. The other, the flip side, is that the council will take a look at it, but it stays in unless they do some action... so both of those options are in the document, and may be useful- again I think Carrie was just trying to go through the timeline and the process, but she will walk through the other alternatives and maybe (inaud) through one of these discussions after she goes through it.

**Carrie:**

We have been hearing a lot that people want this information used in some sort of a re-evaluation on whether- are current management measures necessary? Is anything recommended in this amendment- does it need those IFM coverage targets to continue, so that's where part of the re-evaluation comes in.

**Carrie:**

Anything else on background... (*Omnibus section presentation*)

**Greg:**

Well I think you have a range of what possible costs would be, right?

**Carrie:**

Oh, you mean actual costs related to herring and mackerel? We do have those coming up in the next section.

**Greg:**

Okay.

**Audience 4:**

Just looking at this- must be pretty clueless. How is the economic impact a low positive economic impact to us in alternative 2? Because we are going to get more fish in the long term, is that why it would be?

**Carrie:**

Well that is part of it, the thought is, so right now there is a perception of uncertainty around catch estimates. If somehow additional monitoring helped to address that uncertainty we could (inaud.) that limit, or management measures, that sort of thing. If overly cautious management because of uncertainty continues to restrict and overly restrict, if that is what happens, than this could have a low positive effect.

**A4:**

Somebody actually calculated this out that we are going to end up with more money paying out of our pocket, that is a positive. I'm just asking?

**Carrie:** These are more sort of indirect or qualitative, we don't have any numbers attached to this...

**Jason Didden:**

And these are just on the process side of things, when we get to the alternatives...

**A4:**

Ok, ok , it was just a question.

**Jason:**

When we consider the costs of some of the actual coverages, those are all negative for economic impacts. So we are not trying to say that the program overall has some rosy positive economic impact. It that this processing, compared to the other process alternatives- but when we get to actually what happens when you put 50% coverage or some kind of monitoring on some fishery, all of those are negative impacts to the fishery.

**Carrie:**

And part of this low positive, again this is sort of setting up a process, so we think there is probably some value having standardized observer provider requirements, that will maybe help the industry make economically feasible relationships with service providers. It does have (inaud.) options, that may work for some fisheries, and may not work for other fisheries. It is also prioritizing how to use federal funding, so our funding- you know we have federal funding sort of on an annual basis. If we don't have something in place in order to use it, often we can't use it for monitoring. So this sets up the process that whenever we have available money, that we use it to try to address monitoring issues. So that is kind of what is all part of the low positive. That if you have a standardized process for IFM programs in the future, it should be easier to run, implement... so that is part of it.

**Carrie:**

Any other questions on omnibus... (*Mackerel Alts Presentation*)



**Audience 5:**

Ok, just a question, with the mackerel fishing how would you know if you are going to catch more than 25 mt? If there is any mackerel, you are going to catch more than that, so what you are saying is that in that situation, you would not be able to bring in any more than 25 tons?

**Carrie:**

Well I think there is a discussion that some vessels only do less than 25 mt as a matter of course, so this is really only a discussion for those boats. However, you would have to make a determination before you left on your trip. If you are likely to land more than 25, than it would be a good idea to be compliant with whatever IFM requirements are for that trip. It seems like there were a handful of vessels that never really make 25 mt, these have the same alternatives in the herring alternatives.

**Audience 6:**

If you go with the intention of catching mackerel...

**Audience 7:**

Yeah, because anybody who is going with less than 25 ton, unless it's a small jigger vessel is not going to make any, that's not the way the fishery is set up.

**Carrie:**

Yeah so it is really for the vessels that as a matter of course typically don't harvest that much.

**Carrie:**

*(Mackerel Alts Presentation Continued)*

**Audience 8:**

I just had a question, is that gross or is that net? Would you calculate that- you're calculating net? I don't know how you can call that net, we've been operating 20 years and have never even had a profit, so I'm just curious how you come out with that when we haven't even seen a profit. If it wasn't for our ability to steal from everywhere else to keep the boat going- I'm very questionable how you can take that as a net when there isn't a net. If you look at most of these guys- if you look at the herring at the purse seine- if you disguise it, or go on midwater trawling, that margin is very small- that's what I'm saying, the margin is small so if you are looking at taking, even with us, 10% but with 10%, the net is so small- it mathematically doesn't add up in my head, that is all I am saying.

**Jason:**

This is based on the information that was submitted by the participants, we didn't have all of the participants, but a pretty good chunk of them participated. And comparing that to whatever their

revenues were through dealer data, but we can flag that as a concern that it is not matching your experience.

**Carrie:**

And that last bit of comment we have heard, we tried to do the economic analysis a different way, because we heard that a lot of people feel that it doesn't reflect their situation- that is something we heard.

**Audience 9:**

See the problem is when you are operating a vessel like this, everyone is like, oh your only gonna lose 10%, but one line, when you drop below this line, you can't operate much longer. I'm not crying- we survived this long but only out of, I don't know, persistence and stupidity- but if you do start actually dropping that line at one point, it all goes away. In my other boats- I'm going to take the Bluefin, I'm going to lose 15%, all of that comes out of the bottom line- it comes out of the gross but all of that other has already been taken up by all of these other costs, so when you take that small bit- it takes a bigger bite than everyone that is sitting here- it's hard for you to imagine, but it would be like me coming to you after you get done feeding the kids and everything else, and say give me the leftovers- that's not there anymore. That's what I'm saying it's hard to- It's easy to sit there and put up them numbers but- it's still a big thing, somewhere between 35% and 1%. That's still a lot, that's a big margin. Even 12% of a company's profit and 4%, that's still a big margin, I mean when you look at our's- 1/3<sup>rd</sup> to 1%, that's a wild ass guess. And you wonder why I am skeptical, if you had most of the other guys, I don't even though that they could bear to come, a lot of the others. But that's a big difference.

**Jason:**

And I think that those numbers are associated with specific coverage levels. So it's not saying for one particular coverage level that the range is that. So on page 25- 11.9- of the different coverage levels, NEFOP there are- so some of the ranges, whether you are talking about paired MW, single MW, some of it is whether you have that exemption for the 25mt so some trips don't have to do it, but its more...

**A9:**

But you are going to tie this and the herring together so if we're going, we're going for one or the other, it's across the board, so it doesn't matter, it's not going to matter, not for my situation. It's not going to matter for most of the guys in the same way, mackerel and herring, that's tied together so for most of us in that situation, it's not going to matter.

**Greg D:**

Jason, how many Tier 1 mackerel vessels are there?

**Jason:**

I think it is about 25, but I'd have to double check.

**Audience 10:**

And active it is about half that right? Well active meaning fishing or they could fish for the herring or mackerel...

**Greg:**

If all the mackerel showed up tomorrow, what would we have for it?

**A10:**

(Inaud.) Half those people are gone, so (Inaud.)

**Jason:**

It's just a handful of vessels that account for most of the mackerel revenues in recent years...(inaud)... and even in the late 2000s, there were only 10 or 20 vessels that were accounting for all most all of the landings.

**Carrie:**

And I think some of the big cost drivers are what kind of coverage is it and what is the coverage target. I think there has been a lot of dialogue about having the least expensive type of monitoring, which right now, is sort of between ASM and EM/Portside, and also, what can be the lowest coverage target to get the information and still be (inaud) so those are some of the discussions that we have been having in New England (...inaud...).

**Carrie:** *(Resume Mackerel Alts Presentation)*

**Audience 11:**

Who decides how many days we're gonna have coverage, and right now we're part of the... And if we already EM and have cameras which I have already had for a few years in the longline industry- who decides how many days and what coverage we get?

**Jason:**

That is what the Council will be picking in this amendment is that level of coverage.

**A11:**

So there is a lot to this amendment. They would still pick whichever one, they wouldn't have to pick how many days or what percent coverage they want? Even with the EM?

**Jason:**

So with the EM, the monitoring is 100% but then there is a range of review. And whether or not there is 100% review of the tapes, or 50% review of the tapes that obviously impacts the costs. That's part of some of the alternatives, right Carrie, about what percentage of the trips get reviewed.

**Audience 12:**

That is where the \$172 to \$325 dollars per day comes in?

**Carrie:**

yes

**A12:**

And the industry would fund that?

**Carrie:**

Yes, there is a couple (inaud) of the costs of EM, like Jason said EM would be on every vessel. If it is 100%, if that is what is selected by the Council, that means video would be collected throughout the duration of the trip. If the Council selects 75%, 50%, or 25%, then video would be collected only around haulback. That is the big difference in the amount of video collected. And then as Jason said, there is different review. There is 25%, 50%, 75%, and 100%, again, review is a big cost driver for EM. So the idea is how can you collect the least amount of footage to target what you are interested in, and what coverage target for review is adequate, but can help to minimize costs. So the Councils will be selecting how much footage will be collected and what the video review rate is.

**Audience 13:**

Well shouldn't that be an hourly thing or something, because we ride for a week sometimes without ever setting the net out, it could be tied to the hydraulics. I mean, to pay for the day for someone for the camera when it's not even running, that seems ridiculous. Because most, I mean, that camera's only going to be on for a small amount of time when the hydraulics are on. When we're looking for mackerel, we will sit there for a week, and look- I mean that just seems ridiculous.

**Jason:**

And that's why this- 2.5, so like 2.4 and 2.5- we used some of the EM, that's one of the reasons the low ends of those are low, if it's only on at haulback, if it is only 25% or 50% of what is recorded, even if it is just haulback, gets reviewed- that kind of drives the price down. And that's part of why the Council put in those alternatives, say, if you are only recording the haulback; if you are only recording- if you are only looking at 25-50% of the time the camera was on during haulback, that drives the price down. There is still a certain amount of startup cost, and sending in the tapes, and maintaining the equipment- those costs are there no matter how much the equipment is running, so it doesn't totally make the cost

get tiny, but it does drive the cost down to some degree. As, if you only record during haulback, or you only review a certain chunk of what you do record.

**Carrie:**

Similarly with PS, the higher coverage target you have, the more expensive. So what is the lowest coverage target you could have to minimize costs while still getting the information that you want.

**Audience 14:**

So if you are looking at the camera across (the board?) they got an observer, obviously they got an observer on the boat and it's like, (...inaud...), but it doesn't matter if you have a 25% camera- if it's random- you're still putting that tape out there, you know what I am saying? I can understand your point about having an observer, of course I am not going to break the rules, my kids aren't going to break the rules when I'm home, same way. But with a camera even if it's 25%, your still getting a (random sample?) of the whole thing, it's a total difference, I just think we have to look at all of the options here. That's the reality of the situation.

**Jason:**

So what are you suggesting exactly?

**A14:**

No, no, I'm saying with a camera, versus an observer, everyone would like to see 100% observer coverage because people act differently whether they are monitored or not monitored, no different than when you are driving down in a car and (inaud)... or anything else. But with a camera, if you are looking at 25% but it is random and you don't know which 25% you're looking at, you're still going to act different with a camera on than without. Whether you are monitoring 25% of it or 100% of it, it is a totally different thing, like an observer on the boat- obviously everybody is going to be towing the line.

**Carrie:**

And that is an important point and that has been talked about a lot in the New England meetings. That it's not for an observer effect, and even if it is a low review rate, you still don't know when it is so you get a better bang for your buck.

**A14:**

For the EM, yes.

**Audience 15:**

A lot of the boats have electronic logbooks on them too, so that should be able to help reduce the costs of monitoring, by just knowing when the vessels are starting their tows and stopping their tows, rather than reviewing the whole video, I would think that would drop costs down considerably.

**Carrie:**

I would definitely affect when video was collected.

**Audience 16:**

The video is going to be turned on by the hydraulics.

**A15:**

Yeah I know that, but it's not like someone has to sit there and watch the whole video of when these guys fish- when they have your electronic logbook, you are starting your tow, you're stopping your tow. Start your haulback at 1 o'clock, end at 2 o'clock, that is all they have to look at.

**A16:**

But there won't be any footage until you start the hydraulics and the (spool string?), but it actually only goes one way, when we are hauling not setting. I would think it would be the same thing, so you are not wasting all of that tape. So that would be, that's what I'm saying is that you would cut that down a lot. So it should be by the hour and not the day, figure that in there, that we spent very little time on a trip, even to GB, four or five tows would be a lot. So the time you are actually bringing the fish on the boat- 5 hours?

**Jason:**

And I think some of our EM costs may be high, because of that. When we were trying to ballpark the EM, we obviously didn't want to underestimate it, so some of the EM costs may be high. And I think the main idea of the EM, the real monitoring of the bycatch would be occurring with portside sampling. The EM is really just to figure out- is the fish coming back to be observed portside. That is really what the EM will be used for, isn't that right Carrie?

**Audience 17:**

You see in the longline fishery, we'd be hauling back sometimes for 8 or 10 hours. That's not the scenario, and you're not like doing a tow every hour, that's not what we do. You spend most of your time riding and looking.

**Carrie:**

And EM is definitely a new technology for these fisheries. We are doing a pilot project right now, most of you if you have MWTers, you are involved. So we are putting cameras on MWT vessels for the next year, to see if EM can be an effective tool to monitor. This is really just trying to get the bugs out, trying to set up the most effective system. It is also to get more accurate cost estimates, if possible, see if our cost estimates are too high or too low. So I believe we have data coming back from one or two vessels already. We anticipate time lines running through October of next year, and then we finish up the project in November or December. So hopefully that would be informative for the Councils to select EM,

we'll have that trial period to get the kinks out. And the states already have, ME and MA already have PS programs. So a lot of lessons were learned there already for PS programs.

**Carrie:** *(Herring Alternative Presentation)*

**Greg D:**

Did you mention something about Purse seine? The purse seine fishery? How will coverage be handled in the purse seine fishery?

**Carrie:**

There are a few alternatives that do have coverage options for the purse seine. There is NEFOP, there is ASM coverage. This last alternative that the Council proposed, they did include EM and Portside, but there is some recognition that there would need to be some evaluation of how EM/PS would be suitable for both purse seine and SMBT. Right now, I mentioned that we do have that pilot program for the MWTers. Because this is a relatively new alternative, we haven't been back in front of the Council since they recommended it. But there would likely need to be something similar, a pilot program, to look at EM/PS for those gear types to see if it is (feasible).

**Greg:**

And that's what you mean by fleets, right?

**Carrie:**

So fleet is only the MWT fleet. So if you look at alternatives 2.3 and 2.4, we have alternatives that look at basing coverage on Cat. A&B vessels, and the MWT fleet. A little different in how to allocate coverage. And for example, 2.4- that is just the MWT fleet. There is no specification within any permit category. That is slightly different from the mackerel alternatives, those are always one of the tiered permits.

## **November 1, 2016 – Narragansett, RI**

### **Attendance:**

Terry Alexander - Hearing Officer and NEFMC Member  
Fiona Hogan - NEFMC Staff  
Carrie Nordeen - NMFS Staff  
Donald E Fox – The Town Dock  
Glenn Goodwin – Seafreeze LTD  
Meghan Lapp – Seafreeze LTD  
Phil Ruhle Jr – F/V Sea Breeze Too  
Jeff Jordan – F/V Prevail  
Joel Hovanesian –F/V Defiant  
Mark S Phillips – F/V Illusion  
John Curzake – F/V Emilia Rose  
Glenn Westcott – F/V Ocean State  
Jerry Cawalhs – RI Fishermen’s Alliance  
John Haran- Sector 13  
Jeff Taylor – Mayforth Group  
Tina Jackson - F/V Skipper  
William Briggs  
Eric Lundvall  
Karen Bradbury – Senator Whitehouse Staff  
Bonnie Brady – Long Island Commercial Fishing Association

**Carrie Nordeen:** *(Section 1: General presentation)*

### **Audience 1:**

I’m curious as to why there wasn’t any public notice about these meetings. I found out about this 2 hours ago, I talked to a gazillion people who can’t make it- they didn’t know anything about it either. My fear is that, as NMFS has a tendency to do, they look around the room and not see any people and think no one cares. Trust me, people care.

### **Carrie:**

The public comment period opened in September, so we did send out our typical emails. The Mid-Atlantic council also sent out an email blast announcing when the public comment period was and when the public hearings were.

### **A1:**

Did that include the portion that included having industry funded people on all fishing trips, or was that for the herring/mackerel plan?



**Carrie:**

Well we tried to send it out for everyone, because while there are things in here for herring and mackerel, it also has the ability to affect other FMPs. So we tried to disseminate widely to all fmps, not just herring and mackerel.

**A1:**

Because what I took from it is that it affected fisheries that I wasn't really concerned about, although I was concerned about the people that were involved in them, but this is so broad based now, this is out of control, but anyways...

**Carrie:**

I appreciate your comment, I do think we have had fairly good turnout for the public hearings, but clearly this is an issue that people are very interested in and concerned about.

**Carrie:** (*Section 2: Omnibus Alts. Presentation*)

**Audience 2:** (Mid-Presentation):

So this is starting with herring right?

**Carrie:**

This option is in the omnibus alts, so it has the potential to apply to any NE or Mid-Atlantic FMP.

**A2:**

Alright, well let me get to my point then. So if a vessel is selected for monitoring, the vessel may harvest a certain amount above the possession limit. If there's no possession limit- and there isn't on herring; there isn't on squid- how does that help you?

**Carrie:**

A monitoring set-aside is going to be a good option for certain fisheries, like it is for scallops. It's not going to be for other fisheries. Any fishery that doesn't have a possession limit; it does make it a more difficult fit. So for herring and mackerel, it is not as good of a fit as for scallops or something that does have a possession limit.

**A2:**

Exactly, every fish that I fish for- I don't think it would help me with any of them. It wouldn't help with whiting, I mean, there's a 40k lb possession limit. It's not like scallops where you basically know what you are going to get for them before you leave. I don't see that helping at all in the fisheries- the seven boats I manage, the fisheries that they do do, I don't see that helping at all.

**Carrie:**

And I think a lot of individuals share that concern, again this is just a tool available to the Council, it might work for some fisheries and it won't work for others.

**A2:**

But for all the fisheries that we are talking about here, I can't think of one that it will work for. So it's basically the rusty tool in the bottom of the tool box that you never use. You know I don't see that helping at all... At all.

**Carrie:**

And right now the Councils have selected it as a preferred option, they ultimately wouldn't need to select this. Then it does take away that option for if there is some fishery that it would work for. But I understand your point.

**Audience 3:**

In the event that it does work for a particular species for cost offsets, my assumption is that the extra fish allowed by the boat being monitored would be taken from the overall quota, therefore, putting everyone at a disadvantage, because we are going to let the government allow us to harvest more fish, yet at the end of the day, we're going to be able to harvest less fish.

**Carrie:**

Those are choices that would need to be discussed if and when this tool is used or if a monitoring set-aside is...

**A3:**

This is out-of-control. This has got to stop. This stuff has to stop.

**Audience 4:**

How do they plan to allocate how a boat gets selected and everything? I mean, I'm a groundfish boat, and multi- other boats, but when went seven trips in a row carrying an observer. And I call up Amy, and she says "Oh, it's completely random." It's not random. There's virtually no randomness in it. They say "Nobody will get an observer if they are going to catch yellowtail on Georges Bank. We know you catch yellowtails, so we hope you'll make a yellowtail trip" when we're chasing haddock. There's no way we're going to go chase yellowtails when I got a TAC of, I don't know what it was at the time- 10, 20 thousand pounds for the whole year, and I go catch 40-50 thousand pounds of haddock. Who in their right mind is going to go and catch something that they are going to lose money on, and they said "well we got to put an observer on you anyway, because you might just go for that." Seven trips in a row, and it didn't stop until I complained.

**Carrie:**

Well for herring and mackerel, we will be talking about coverage targets.

**A4:**

But I'm talking about for all fisheries, and I know how it works. Certain boats are selected, certain boats are not selected. If the captain has a hard time with the observers, they get a low priority. If MRAG likes a boat, or AIS likes a boat, he is going to get selected more. They have the option, every one of the providers has the option to say "we don't want to put an observer on that boat." And there's a lot of reasons why a boat doesn't get selected, so the burden usually falls on a handful of boats. And you know I can count the groundfish boats in New Bedford that get observers, more than others- "well, you know the cooking's better on these boats, so we like these boats. We don't like to eat fish every trip, so we're not going to put an observer on that. He might get sick of eating fish, or some other reason. We don't like listening to Portuguese that whole time. So we're not going to put an observer on there." And this is going to happen to every single fishery, and that's going to put an onus on boats that get selected to pay a much higher cost.

**Carrie:**

Well, we will definitely note your concerns, it sounds like you have concerns with the existing program.

**A4:**

I have a lot of concerns with the existing program, I'm currently carrying close to 500 observers in my lifetime, I've carried the first or second most amount of observers. That's a long time though. I carried an observer every single trip when I was tuna pair trawling. Every trip. Six days, every trip was. Yeah, and I got put out of business on tuna pair trawling. But 3 years, or four years- I don't remember how long I did it- I carried an observer on every single trip. And it got me nowhere, it just came up and they throw more regulations at them. And then they just took "oh wait, let's see. Let's just throw this at them next year and maybe that will put them out of business." And that's how they put us out of business, the cleanest fishery I have ever been in. And we were put out of business because politics wants us out of business. And that is really all this is. They're going to keep looking for something to put us out of business. Maybe we're going to catch a "blue snue" or something, some fish that has never been seen before and we're going to have to put a management program in on it.

**Audience 5:**

I just wish the government would say "you know what guys, you are all done." I wish they would just say it and be done with it. Just think of all of the money the country could save. You wouldn't have a job, we wouldn't have a job, we could all go on welfare, the people who had a job could support us. And all everything would be wonderful.

**Carrie:**

Well this is a decision that is in front of the Councils, the Councils do not have to select...

**A5:**

Well who put it in front of the Councils?

**Carrie:**

The Councils requested additional monitoring for the fisheries...

**A5:**

NMFS!

**A4:**

We've got less and less boats in the industry every year. And yet we want more and more monitoring. New Bedford has over 200, probably close to 250 boats in groundfish. There's less than 30 full and part time groundfish boats in New Bedford. That's an 80-some percent reduction in the fleet.

**Carrie:**

I understand that you have some concerns about IFM. I think you need to make sure that the Councils are aware of this. NMFS is not putting this in front of the Councils saying "Councils, we need more monitoring." This is something the Councils have come up with on their own. Entirely their decision.

**A5:**

At whose behest?

**Carrie:**

So all of these concerns about existing programs and the ability to afford future IFM programs; definitely make these concerns known to the Councils.

**Audience 6:**

So the government, all they do is make up rules and regulations, they've created a whole cottage industry now to employ more government people. Every time there is a new regulation now, the expand on it, and expand on it, and they have created a whole cottage industry now to hire more people. And you talk about crony capitalism, how about the former regional administrator owning one of the observer companies? And while he was the regional administrator, he was the one that put the act into place.

**Carrie:**

Definitely, if you have concerns about IFM, it's good to submit them to the Councils and we'll just continue on to the omnibus alternatives.

**A6:**

This is Bullshit!

**Terry Alexander:**

I understand all of your concerns with this stuff, because I am a fisherman too and I'm paying for my observers right now, but that isn't what this (action) is doing, so direct your comments to what is on the board.

**Audience** (previous but unidentified):

It's gonna make everybody (..unheard). If I were you I would be looking at it and saying "if I have to pay, then why shouldn't they?"

**Terry A:**

Well I don't say that, I'm the last one to say that. Just direct it towards there please.

**Audience 7:**

Well how big is NOAA's budget now, just off the top of your head? In 2009, it was about 7.5, 7.8 billion. I think it is something like 9 billion, 9.5 billion now is NOAA's budget. They can't find the money to pay for observers?

**Carrie:**

Well right now what's being funded is what's required by existing regulation. The Councils expressed interest in monitoring above existing requirements, that is what this amendment is doing. It is above anything that is required Federally or through NMFS. In NMFS's budget there are certain things, certain budget lines, so there is only so much money for monitoring, you can't take from other budget lines for monitoring.

**Audience 8:**

Excuse me, that is completely untrue, because in the Saltenstall Kennedy Act, NOAA stole 540-some-odd million dollars out of the (Saltentall) Kennedy money, and they never repaid it. And they were supposed to – under Jane Lubchenko, so why doesn't NOAA, NMFS get there little butts together and find out where they stashed all of that cash outside of buying a luxury yacht that they were all partying on down in Virginia all these years, all the nice little trips they took over to Dubai and, God, and taking all the judges and everywhere else it went, from 2007-2013. Tell them to find the money, put it back, and spend that on observers, because quite frankly, it ended. I know everybody in this room is

frustrated, if you are a fisherman and own a boat, you're frustrated. And I haven't been around for a long time, but this is ridiculous. Nobody has the money to pay for observers. They don't have it. You bankrupted us under Catch Shares. You bankrupted us. NMF bankrupted everybody on the basis of a few people owning all of it, and then they got screwed on it the year after. So what does NMF- what does the Council want us to do?

**Carrie:**

Well back to your first point there, recently the SBRM amendment, there are very strict guidelines for how funding is to be used for monitoring. That was implemented I think in 2015. So I understand that you have concerns about how money has been handled in the past, it is different now...

**A8:**

No, No, No; No! Quite frankly, I'd beg to differ with you, it is not different now. NOAA took the money, they were legally bound to put that money back, and they never did. They never did. They put a portion of it back- I think 60 or 70 million dollars- took that off the top of my head because it was a long time ago but, so were short 400 and some-odd million dollars of that. Quite frankly, NOAA owes the fishing industry all over the country. So put that in the public opinion, use that- for John Bullard and tell him to stop screwing everybody in the fishing industry.

**Carrie:**

Well it also sounds like you have general concerns about affordability, those are comments for the Council, this is a Council amendment, the Councils are deciding whether or not to have IFM.

**A8:**

So basically what I'm telling you is that we need to tell the Council no. It's about time we told them no. No, no,no; no.

**Terry A:**

Exactly, nobody comes, nobody comes when we have the IFM, nobody comes...

**Audience 9:**

Speaking of the comments, I just walked in. Written comments must be submitted by November 7<sup>th</sup>? Today is the first, what kind of joke is that? And I didn't even know about this meeting, I just heard about this last minute.

**Terry A:**

So I just want to say, I'm a Councilman, and I'm a fisherman, so I definitely feel your pain. But when we have these discussions with the Council, nobody comes.

**A8:**

But we're tired of it.

**Audience 10:**

It comes at great cost to us personally with no regard, complete ignorance. Let me give you an example. The monitoring program, a day boat registered in the state of RI had monitors come down and demand to get on that boat or they were going to get fined for \$50k. Went out on a day boat that never left Narragansett Bay, and they go on at 4 o'clock, and at 12 o'clock, they'd get the next day too. So they'd get two day's pay, abusing these people with threats and innuendos, on a fishery that's not even supposed to be monitored- day boating in Narragansett Bay. I mean, when you get this kind of abuse, and then your presentation says they'll be able to harvest more fish- if it comes out of the port- but in effect, what you are saying is that we could take the quota and use the quota to fund the monitoring program. That's what you're saying. Because still, the fishermen are going to pay for it any way you look at it or present it. I remember when we started the RSA program, and what a debacle that turned into. When they realized corruption, both government-wise and private-wise, that got implemented through that program- they had to do away with that entire program. Nobody is here to express their anger at you personally, both of you. But it's because of these programs and the government imposing itself on the people- People say we don't want this and the government says you are going to do it anyway. An when they go up there to object to it, and take their time/money/effort- I went down to Atlantic States Marine Fisheries Commission, and two meetings in one year cost me a loss of \$15k in stock, because I captained my vessel. And what did I get out of it? They did it anyway. Now this is what you're up against in this room, and all of these men and women feel the same way. You've got the government dictating their lives to them, and then telling them "you have to pay for this dictation." You're not going to get a positive response out of it.

**Audience 11:**

We'd welcome them with open arms if they could ever show us something beneficial. I mean we'll throw in seabass, we'll throw in fluke, we'll throw in everything we're wide open, wide open! Wide Open! And they've observed it, why aren't we allowed to harvest these things?

**Audience 12:**

That's a mid-atlantic thing, that's not a New England thing...

**A11:**

It's the Federal government! They're the ones that need to be monitored, not us. If anyone needs to be monitored, it's them. The corruption that takes place- I mean they destroyed emails while under subpoena- does that sound familiar? The OLE is corrupt, the whole system is corrupt. You talk about draining the swamp, they ought to start right up there in Gloucester.

**Terry:**

Okay, lets move on (Gerry?)

**Audience 13:**

We apologize for the hostility, but you have to understand what these men have been through.

**Carrie:**

I do understand, I think these comments are very important for the Council to hear, these questions are in front of the Council right now. Do they move ahead with IFM programs- new ones- or not? I think your comments are critical in shaping how they move forward, or choose not to.

**Audience 14:**

Is the Regional Administrator hanging the Sword of Damocles over their neck?

**Carrie:**

This is a Council amendment, there are no requirements NMFS has not said that additional monitoring is required, this is a Council decision, the Councils are wanting additional monitoring.

**Audience 15:**

I don't understand why they would want additional monitoring. Last week, three trips in the same area doing the same thing for 3 days. I took monitors on the first 2 days and on the 3<sup>rd</sup> day they called and they said we could take another (observer?). I was doing the same thing, I wasn't getting any better information than on the first day, any better information on the second day, and on the 3<sup>rd</sup> day I was, I told the kid I mean basically, you're a beggar. You're not doing anything, you're just doing the same data day after day after day. If they called and asked "are you going to the same place, are you going to catch the same thing?" I would have said yes. If you want to send one on one day, that's fine but three days in a row? He called and said he got approval for three days in a row on your boat. But why? There was nothing different on day 3 than there was on day one. It's 9300 lb of skates, I mean, with what we have, we're lucky if we get \$1400 a day with a deckhand and fuel. And now you're telling me that if NMFS has enough money to cover their portion, I'm gonna have enough to cover my \$500? Take that out of the stock, and then take the fuel, and then tell the deckhand what he's gonna come home with after he picks up 9000 lb of bait, while this other kid is scraping scales off of fish. It's not, I mean, he's going to make more than my deckhand, who is working very hard. Now that's what I don't understand, why do you have to monitor- even for the herring- if we are all fishing in the same area, why do you need a monitor if you are all catching the same thing? And we all are, we are all catching the same thing. Why not put a monitor on one boat to see what everybody's catching instead of every boat. You can see why this is a waste of my time and money. Not to mention that I don't have a very big boat, and I am falling over these guys no matter what I do.



**Audience 16:**

And he needs the money.

**Carrie:**

Sir you had a question?

**Audience 17:**

Unfortunately, I think, you kind of get the sense that the monitoring companies are the tail that wag the dog, and if I sat in an office and if every time I put an observer on a boat it pays 250\$ or whatever it is towards our expenses, then guess what? The more I do, the more I make. And unfortunately I hope we're close to the herring/mackerel, because I would really like to see what the whole idea is, the whole dockside monitoring, what the impetus is for herring and mackerel.

**Carrie:**

Well we are just going to wrap up the omnibus, then move into herring next.

**Audience 18:**

Could I just ask, are all of these comments being looked at as comments specifically to the omnibus amendment, or after we get through this, do you want us to go "point 1: xyz; point 2: abc," what is the preferred method to do so? Also, two weeks from now, Newport, which day Terry? Are they going to be discussing this?

**Terry:**

For groundfish? I'm not sure what the agenda is.

**Audience 18:**

Ok but if you go to the public comment period... I don't know which day it is... It is in Newport when? Do you know Meghan?

**Meghan Lapp:**

I'm not sure.

**A18:**

I can check it out, but the Council is going to be right in Newport. So as long as somebody goes with (Joel?)

**Audience 19:**

Well the only other thing that I was going to say is that history shows us that even when we have monitors, all the information that monitors collect- whether we're paying for it or they're paying for it- sits in a box. They never even use it. So that is another waste of money as far as a lot of us are concerned. Over the last 10 years that I have been dealing with it myself, I don't understand why bother? And what Joel was referring to with one of the monitoring programs, they even announced they had the contract before the federal govt. announced that they had the contract so being the prior regional administrator and knowing you had the contract and that you outbid everyone else, obviously that was a big inside deal. That was a bad taste in everyone's mouth and you can understand why people get very frustrated over things like this, you know what I mean, so please understand we're not taking it out on you, but the Council needs to understand. And maybe this is a good thing for everybody. We're all going to go to the meetings. We all have to start going again and saying no, and mean it- No, no more.

**Audience 20 (John?):**

But I fish, I can't go to meetings every day, if I wasn't in the boatyard today, getting ready to launch, I wouldn't be here tonight.

**A19:**

I know, I hate to say it, believe me, I understand, but...

**Audience 20:**

I can't go to all these meetings, I run my own vessel too. How do I get to these meetings and keep my vessel running and keep my deckhand. What do I tell him- "we're not going tomorrow, I have another meeting"? He's got 3 kids, I have 3 kids, I can't go to meetings, I don't have that kind of a schedule.

**A19:**

That brings up my other point... The other point I was going to make is that history has shown us that we could attend every meeting under the sun, and give the Council every bit of our side of the story, and they still would just do whatever they want anyway, 'cause it has already been settled. This is already a done deal. We're already going to pay for it. You can sit down there and tell me to my face that this is a public comment and that the Council is going to consider our comments. But that's not reality. And that comes from basically some of the school classes, education classes that I have taken, that many of us have taken. So when it comes to Council and fishermen getting together, they have already told us. This is a done deal. That is what is sad about this, and that is why John doesn't go to meetings. That's why so and so doesn't go to meetings. And you want us to go, but it doesn't do us any good. So that is the other thing the Council needs to understand.

**Terry:**

Send us an email. Send us an email and let us know how you feel about that. Send the Council an email. We'll make sure you get the address in you get me your number. I make sure you get the address so you can send us an email. We pay attention to that stuff.

**Audience 21:**

You know, what he was saying about getting covered by monitors, I run a clean family boat. I was getting 80 to 90%, and when I called I got the same thing. It's not you, it's a lot of (things?). I had to get a lawyer. A lawyer! He fixed it for a week. The next week after I got 100% coverage, I called the lawyer back, and then all of a sudden my name did not appear more than any other name. I like these kids, they're good kids, and we have a good time when we are out there. But it's my boat, you know what I mean, and to be told I got to take- I told them before- you know guys, let me see their resume. Let me see who they are before I let them on my boat, because you wouldn't want me in your house. You wouldn't want me standing in your house. I had a kid on my boat with my sons on there when they were young who was such a freak. I had to call the monitoring company and say "you just can't send this guy" and the guy said "we'll send who we want to send." "You take them out on the boat with your kids"- my boys were young then. And you know what he said? "You're right, he shouldn't go out," he was weird, this was back when they were giving us guys who were on alcoholics anonymous, this was quite a few years back, and I can't say anything about that in the last few years, seems like they are all good kids now. But it's my boat. Don't tell me what to do and what I can't do on stuff like that. I paid for it, it's mine. And again, I have a good time with these kids usually, but lately, I've been the other way, I've had enough. And that's what happens, if you're a good guy, and you're good to these guys, you're going to get a lot of coverage. Because even when I'm trying to be a jerk, I only make it a half a day and you know what the kid said? You started out with... (?) but you failed me and...

**Carrie:**

To answer your question about comments, comments discussed in the hearing or in the discussion under the different sections, we were just compiling them under the different sections. So a lot of this discussion is overall concerns about IFM, that's sort of what the omnibus alternatives are.

**Audience 22:**

So would you prefer we wait until...

**Audience 23:**

It's November 17<sup>th</sup> and 19<sup>th</sup> (Bonnie?). The date is Wednesday, the public comment period is noon for the Council meeting, I believe it is the 16<sup>th</sup>. If anyone wants to talk about this, I'm trying to find out if there is an opportunity for this at the mid-atlantic.

**A22:**

Do you want to hear our comments now? Wait for them at the end?

**Carrie:**

Do you plan to submit written comments?

**A22:**

I will submit written in addition to this, but I have some comments in general. We had no meeting in Long Island, and Montauk is the state's largest fishing port, but luckily I'm here for the groundfish advisory panel meeting.

**Carrie:**

So if you have mackerel specific or herring specific comments, those sections are coming up.

**A22:**

No, I have other regarding the overall fisheries and how it pertains to the future fisheries issues.

**Carrie:**

So we are in the omnibus section now...

**A22:**

So I'm on? Great. So New York, recently, for you guys that aren't always in Montauk, apparently New York has gotten it out of the mailing that Sara Weeks sent me, who is from NEFOP, there are a total of 9,945 sea days that were given for SBRM for 13 states from NC to ME, and NY for some unknown reason, lucky us, has been given 2,961 of those sea days for 2016, which according to the handout that I didn't bring a copy of, but I can send it to anyone- Mark, I know you got a copy- of those 2961 sea days under SBRM, 1968 are trawl trips of small, medium, large, or XL mesh, and a couple of twin trawls, although it's minute by comparison. That's out of a total- it's a third. I did a little math, and under the concept that eventually under IFM that industry would be required to pay, and I used the average as \$800 per day- is that right Carrie, that was the number they floated originally? Do you know?

**(Crowd):**

\$710, \$720.

**A22:**

We'll add inflation in. That would mean for New York alone, for the trawl fleet, that would mean a cost of \$1.5 million to pay for observers, and that's according to- I've spoken to Wendy Gabriel who does pop dy, I've spoken to John Hare who is looking more into it, I've spoken to Sara Weeks, I've spoken to Amy Martins. Apparently, part of the reason New York has the preponderance of sea days is because of the

variability of the bycatch that is caught in the fishery, and that apparently if you got out and catch the same one fish, two fish, red fish, blue fish, they give you the same sea days, but when you have variability in the type of species, they need more coverage in order to flesh out whatever the answers are. I'm having a look into is it regulatory bycatch, are we looking at two different states. Obviously like New Jersey you can catch 5000 lb of fluke, RI catches 5000, NY catches 70. Is it because we in southern New England have a mixed trawl fishery- it's referred to sometimes as a shopping cart.

**Carrie:**

It sounds like you have questions about SBRM coverage, is that correct?

**A22:**

Well no I don't actually. The point is that...

**Carrie:**

The numbers you are giving though are related to SBRM coverage.

**A22:**

I know we're going past that, we're going beyond and above...

**Carrie:**

But if I could just explain for one second, when we are looking at IF, it is not IF for SBRM. It's for selecting a different coverage target. So those are the questions in front of the Council whenever they develop an IFM program, or a new fishery, so I think you have a good point, but the question of a coverage target is not...

**A22:**

I understand that, but I'm getting to my point. The point being that anything above it, whether they determine they want the small mesh fishery, the level of bycatch of windowpane flounder for example or something like that. The fleet in NY, in RI, in southern New England has been traditionally for years a mixed bag, a mixed fishery. And the majority are owner/operators. They are not large conglomerates. They do not have the ability to fund above what is already being required through SBRM and NEFOP. If there were to be any omnibus alternative, you could scratch 1 and scratch 2 and go straight to 2.6 which would require a standardized structure for funding has to be approved prior to any further implementation. Doesn't matter if you're talking about cameras, that's 50 grand as soon as they hit the deck, or the extra fees that are associated with it, whether it's \$800 a day or anything like that. The mechanism must be in place for it to not affect industry, which means whether it is Senator Whitehouse or Senator Schumer's office has decided to pass a bill that puts a tax on imports so that fisher observer coverage is paid for that way, and that way it doesn't have to affect industry. And whether anything gets done past that, a funding mechanism that is not an industry tariff or tax... You know we did the RSA, and there were problems with it, there were also non-problems with it. It was the only way to -actually in

New York, there were a couple of egregious errors with it- it was the only way to buy into a fishery, that we were basically sold down the road with the fluke amendment. And that was the way for New York to make regulatory discards into landings, was through buying RSA. Now we know scenarios happened with (Tony Josephs?) and with (Charlie?). But in spite of that, it is the only way to fund it, but everyone can't afford some of the prices when they've done the auction. You know it's one thing if you're a charter or a rec guy and you're buying quota, you can pass that on to the consumer. You can't through industry, and especially not where you would have to have- so there would have to be a regulated system where there is a base price that is determined, and it would have to come either through (shoreside?) or through some bill that creates tariffs from imports to be able to pay for what we do domestically. There is just no other way it can be done.

**Carrie:** (*Finishes omnibus presentation*)

**Audience 23:**

I was involved in a fishery with 100% observer coverage, and the observer coverage proved that we were clean. Cleanest fishery I have ever been in, and we were still put out of business. Not because of what we caught, but because the government, and they even wrote a report, it said they didn't believe the observers. And I walked away from the Council process because of this fishery, because when they wrote the report up about us- this was pair trawling for tuna fish, and it was pretty lucrative for us, and it was super clean. We had 400-1 bycatch, we had less bycatch, less sharks, less turtles- compared to the longline industry. But we were put out of business for all of the rumors that the observer program did not dispel. They put down in their report that we must have been catching birds, because other fisheries caught birds, even though there was never a bird caught. They took that from the west coast fishery. They put down things that were, even though we didn't catch them, they put them down anyway in their report. So the observer stuff, it doesn't mean a hill of beans. When we were (work?) fishing, because we only fished for tuna at nights, the observers were required to do mammal counts, but when we were steaming in the daytime. We steamed all day, 8 knots, 6 pairs of us, every direction you could see, as far as you could see, were common dolphins. We went through millions. I go to the bycatch meetings and say "well there is only 600k of them in the whole Atlantic ocean from the US to Africa. We saw probably 10 or 20 times that amount in one day. "Oh but we can't use that, because the people on the *Albatross* or the *Bigelow*, they didn't see them." So if the two guys in the crow's nest, they don't see them, and the guy on deck, they see them, they're not counted, because the two guys in the crow's nest were seasick. So they don't exist. We steamed through millions, and the gillnetters, the swordfish gillnetters, they had the same thing, where they couldn't get out of the mammals. They'd steam and steam and steam. And we're supposed to believe all this stuff that comes out from these observer programs. Now I got a thing going- Terry, you got a copy of my letter- about an observer that falsified data, literally falsified data. And I'm waiting for the council to say something about it. I do write letters to the Council, I do write letters to NMFS, me and John Bullard go round and round and round quite a bit. And I got a letter from- John's letter- saying that I was satisfied with the result from Amy's office. I'm not satisfied- he should have been kicked out of the observer program for falsifying data. If I falsify data, I get a notice from OLE, maybe I get a fine from OLE, or I get a permit sanction. This guy knowingly falsified data, and he gets a pat on the back "don't do it again." I'm sorry if I don't trust what you are

trying to tell me comes out of the observer program, because it is total bs. I just carried a NEFOP observer, her first NEFOP trip. She didn't even know what some of the fish were we caught. She'd been doing this for 2 years. I'm squid fishing right now, we had a total of about 1200-1300 pounds of everything. She put down that I caught 1000 lb of haddock, baby haddock. There might have been a couple of baskets. I haven't renewed the information yet because it just came in the mail yesterday and I haven't been home to get it. And I want to see what it is. But again, she falsified the data. You know, she got out there with her little stick, there's plenty of water sloshing around there in the squid bag, she sits on deck, goes out there with her stick. "Oh, well, that's what the calculations say." There's 1200 lb in the whole tow for everything, and I got a 1000 lb of haddock discards? I don't think so. But her word will be gospel, and mine won't. The one day I sent you a letter about- or the Council a letter about- I got 51 years of experience fishing. That kid didn't have 51 days. And he knows so much more than I do. He put down so many codfish discards- I was out of business- that we didn't catch. He put down one tow I caught 77 lb of ocean pout with his extrapolation. There was one ocean pout caught for the whole trip, it was pulled out of the chafing matt. They don't stay in a 6.5 inch square bag. He should have been hung by OLE for what he did. He falsified data, and he tried to put me out of business. Yet nothing will happen to him. If I do the same thing- I was in Cape May, NJ, last year, I was sick as a dog. I came in, NMF came on the boat, I said yeah, I don't have much. They went down in my fish hold, they looked at my VTR, they said "you got one John Dory." It's not on your VTR, I can write you a ticket for that. Yet this guy can falsify data, and nothing happens to him.

**Audience 24:**

We've asked for an arbitration board for 5 years now for situations like this. And every time that sector 13 has had a problem, it has always been with the cleanest boats in the fleet. The 3 boats we've had problems with, the cleanest boats. Mark volunteers for scientific research. He's taken observers, he'll take them, no questions. And he gets hammered. The other two boats are similar, the *Heritage* and the (*James and Matthew?*). Three boats that everyone in this room knows fishes cleanly. We need an arbitration board, we need somewhere we can go. It's Amy's laws, Amy's students, Amy's rules, and we have no recourse. Going back to the omnibus, Sector 10 has one boat fishing right now. They have 25 permits in the sector. One boat fishing. He lands maybe 5-6-700 lb per day. He's been charged travel fees when the observer came to his boat. He cannot afford it. He's been hit over 60% of the time for monitoring, because he is the only one fishing. He cannot afford this, the small dayboat fleet cannot afford this. NOAA knows this, they just sit on it. Sector 13, when we started years ago, we had 77% participation in the groundfish fleet. Not every day, every 2 or 3 trips, but now it's down to 31%, by the end of the year it will probably be 25%. Since 2010, it's been a losing transaction for these boats. Something has to change, as Joel says, we have to clean the swamp.

**Carrie:**

Meghan do you have comments about this?

**Meghan Lapp:**

I just have a few comments about the omnibus part. Really the only alternative that is viable for the fishing fleet is no action. And I do want to make the point that there has not really been a lot of outreach to the fleet on the omnibus portion of this amendment. Most people that are in the industry thought that this had only to do with herring and mackerel because it has been discussed at herring and mackerel committee meetings, AP meetings- I'm on the AP. The only input through APs for the Council have been through herring and mackerel APs, there has not been any input from anyone else for the omnibus part of this. And for that reason, I think most people were under the impression that this only applied to herring and mackerel. So I don't think that people are aware that this could apply to every fishery, and I don't think there has been enough outreach on that. I don't think it has gone out through all of the appropriate venues, I understand there have been emails sent out through Council list serves or NOAA list serves. But a lot of this has been under- even if you go on the Council webpage- it's under herring and mackerel, you know. It's all connected to herring and mackerel, and the omnibus part of this, that's not the case, so I do think that does need to be corrected. I would also like to point out that in the amendment, the purpose- under the heading of "what is the purpose of the amendment"- it says the omnibus alternatives would allow the Councils to develop industry funded monitoring programs for the collection of information in addition to SBRM. One thing that the amendment does not address at all is that the Magnuson Act has a specific section called "Information Collection Programs." And it specifically mentions observer coverage and extra monitoring. It discusses when the council wants to have an additional monitoring for a fishery for more information or whatever, whatever issue they may be wanting more information on, there is a legislative way that they are directed to do so. And none of that is in this amendment. It's very clear, it talks about how these programs can be funded. It specifically talks about how these can be funded- observer coverage, monitoring coverage, what can be done with that... In fact this amendment doesn't even mention any of the legal provisions that are in the law – to be a vehicle for what this amendment is designed to do is pretty disturbing. The other thing that I would like to point out, that is an inherent problem with this going forward, the way that it is going forward through IFM, because the way the Act discusses it is not IFM. You know it could be done through a Senators office, it could be done through a legislators office. It's actually through the secretary's office, but if there was a need, there could be grants and money given to certain issues if that was a concern of the Councils'. It is directed that when the Councils have a concern about a particular fishery, that this is what they are supposed to do for additional information collection, including additional observer coverage. The problem with the way that this amendment is going and the way that it is designed, is that this amendment was initiated because of a public perception problem in the herring fishery- in the herring MWT fishery. There were certain groups that were telling the Council that you need to look at certain aspects of this fishery because of low observer coverage. And quite often, we sit at Council meetings- I sit at council meetings- and say well, we are going to initiate this action because we have received public input, and the public said we want to see a certain outcome or whatever. That allows- that is how the Councils operate- the Councils do operate in response to what the public says. You've heard from a lot of people here tonight that the fishing industry, at large, is unable to participate in this process to a large degree because of their jobs. But what you will see at the Council meetings is a lot of special interest groups, with a lot of money backing them, pressuring the Council for certain things at



certain times, and this amendment allows them to pressure- to force private vessels to pay for monitoring. And that's not right- even when they can. At this point, the thing you have heard about tonight is the asm program in groundfish fishery, and that is not being addressed by this amendment, but it has a lot of lessons that we can learn from it. Recently, the Councils voted to suspend the ASM program because the vessels could not pay. They absolutely could not pay, and it showed that it would bankrupt the vessels that were left. And that Council vote was disallowed by the Agency, because they said this is already in place, and this is what is going to happen. So that is unsettling to know that if there is an omnibus part of this amendment that goes or if it's an Act in a specific FMP in the future, it doesn't matter if the industry can't pay, it only matters if the Agency can't pay. And that's a problem so as far as the omnibus alternatives, the only thing we can support is no action.

**Carrie:**

Ok thank you for your comments. (*Start of Herring Alt. Presentation*)

**Carrie:**

You had a question?

**Audience 25:**

Yes, for the administrative costs, do they have an idea, and maybe you already answered this, do they have an estimate of what industry costs would be, on top of sampling and the financial (?) to the industry?

**Carrie:**

We do, I don't have it in any of the slides, it is in the EM- Portside/EM sections of the EA. Typically the administration costs are NMFS costs. It was a little difficult for us to get PS costs. We were looking at existing programs, but existing programs have contracts, and as a way to not divulge private contract information, that's the way we came up with the \$5.12 cost to the program. To get the lower cost estimate of \$3.84, rather than use any existing programs, we just made some assumptions, and we subtracted out 25% for administration.

**A25:**

You know what they say about assumptions don't you... That actually leads me to another point about contracts, specifically speaking, administratively, with the 3 observer programs that we are contracted with to provide the observers for boats to go out.

**Carrie:**

You mean the ones that currently have contracts with NMFS?

**A25:**

Yes.

**Carrie:**

We did look at those, we also looked at other contracts that the states have for their sampling.

**A25:**

Is that included for state... observer...

**Carrie:**

Yes, Maine and MA have portside sampling programs for herring, and we did use their existing program information to help generate cost estimates.

**A25:**

Maybe I'm missing something, but I guess my question was- these costs are not inclusive, they don't include administrative costs for programs that are already contracted out for the herring industry. But you said that was NMFS responsibility, it didn't really fall on industry, correct?

**Carrie:**

I guess it depends on what you are talking about when you refer to administrative costs. I can go back to what are industry responsibilities, and what are NMFS responsibilities, we talked about that earlier in the omnibus.

**A25:**

Well you mentioned that administrative costs were not included in this, that's what piqued my interest. So I'm asking is it something that is going to be transferred over to the industry? Because everything else is being pushed off on us, so again, maybe it's a stupid question, but...

**Carrie:**

No, those are generally NMFS costs.

**A25:**

Generally, but is it going to NMFS responsibility or is it going to be ours?

**Carrie:**

Again, depending on what particulars you are talking about, it goes back to the slide on what was in the industry column and what was in the NMFS column. As far as the 25% that I am talking about here with the cost estimates, those are NMFS costs. We included them in the \$5.12 because we couldn't strip those out for privacy and confidentiality arrangements, but what is a better cost estimate for PS, if you look at the \$3.84...

**A25:**

Why is it private? Those contracts should be public knowledge, that is taxpayer dollars, there shouldn't be any privacy issues regarding taxpayer dollars being spent regardless. That information should be full available, whatever administrative costs are. Whether it is the president of the company getting a salary, whether it is the person under him- his secretary- is getting paid. All of that should be public knowledge, that's tax dollars.

**Carrie:**

Well there are requirements for what is private under Magnuson, so we were just trying to be consistent with what is required under the act. But for a better cost estimate, as we were revamping this, the \$3.84 per mt do not have the administration, and that would apply to if the Council selected 25%, 50%, or 75% coverage.

**Audience 26:**

Are those observer rates carved in stone, or is that just a...

**Carrie:**

These- good question- these are just estimates that we did, there is variability from year to year- what is paid for observer coverage, what is paid for ASMs, for this program under the standardized service providers, we would put out the contract requirements if you wanted to be a service provider for any of these fisheries. Any company that applied and met those reqs could be a provider and the industry could select from approved providers. So I think what happened with groundfish- you can correct me- is that some groups were able to negotiate better rates by working together, so the idea was to allow the industry to do the same thing, to negotiate with the companies themselves. For rate.

**Audience 27:**

And we did in the groundfish fishery, in our sector.

**A25:**

So since your sector negotiated with a provider, and another sector didn't, how this is being thrown at us now, we may be out of luck?

**Audience 28:**

Every sector has negotiated.

**A25:**

Okay.

**Audience 29:**

So how would it work in this industry? Who would negotiate that price?

**Carrie:**

So again, if you were a vessel, you would have a list of service providers that were approved, you could contact them. There aren't really sectors or anything equivalent in the herring fishery, but there are groups that work together, so it may be an advantage to work as a group to negotiate a price.

**A29:**

That would all be on us though? NMFS isn't going to negotiate?

**Carrie:**

Correct, the idea was to allow the vessels as much flexibility as possible to select companies and the rates.

**Audience 30:**

There's only 13 boat, MWT, right?

**Audience:**

Correct

**Audience 31:**

I have a question on the EM. Why so much cheaper as compared to the EM on groundfish?

**Carrie:**

I think that EM in the herring fishery is being used for a different purpose. We are using it in herring to verify catch. I believe in groundfish it is being used as an audit model, I think it is being used to identify fish, so it is a very different model. EM here is really just being used to verify catch retention, the catch is brought back and sampled portside, those 2 are paired together. A bulk of what drives EM costs is how you use it, and also the video review you have- those are the two...

**A31:**

Well, you were just saying it could be 100% video review. If we went to 100%, it could be- I don't have the figures with me- but it could be well over \$100k for a groundfish boat with EM in the groundfish fleet for 1 year. If you base it on 200 days per year, it's astronomical how much EM will cost us, it's not even feasible.

**Carrie:**

Well, we had started out looking at 50% and 100% coverage options, in an effort to make it more affordable, the Council had asked us to look at that again. Which is why we have 25,50, 75, and 100%.

**Mark S Phillips:**

I understand that, but what I'm looking at, just the \$15k startup costs for year 1 for the groundfish fleet, I might be wrong, but I think we were looking at \$40-50k just for startup costs, and then I think it was another \$30-40-50k for training captains on how to use it in the first year.

**Audience 32:**

So I put one on my boat Mark, and the initial cost was less than \$5k, that's a gillnet boat though, one of my boats.

**A31:**

Well I think it works best actually on the gillnet boats. Hopefully it works terrible...

**A32:**

They've been trying to get me to put one of them on my trawler, but how they going to do it? What are they going to tell the guys they got to shoot everything...

**A31:**

Like a what's his name... a... (Bryant?) said, well you just hold every fish up to the camera. I'm getting 20 thousand pound tows of skates every 45 mins and picking 1000 lb of flounder out of it, I'm going to hold up every single skate? I'd have to put 10 more men on the boat.

**Carrie:**

We are not proposing that you hold every herring up to the camera. Again, how EM is being used is just to verify retention. It is to identify discard events. And I think your points are good ones. The first year of an EM project there is a big learning curve with EM, so NMFS is actually testing EM on the MWT fleet this year. I think there are 12 vessels involved, I think most of the vessels have EM equipment installed on them and we're just starting to get data. So for this year, until this time next year, NMFS will be testing- again it will be paid for by NMFS- to get the testing, get the learning curve, get everyone familiar with it, get a better idea of what things cost. And hopefully- NMFS is leasing all of the equipment- at the end of this year- the idea is the vessels could resume those lease relationships with the providers if they so chose. So there has been some effort to try to get some of the learning done that the groundfish industry has with EM, and have NMFS pay for it.

**Audience 33:**

I would like to say that sector 13 and sector 10 are against EM monitoring. Once again, we're having a 3<sup>rd</sup> party view the data, view the catch, and once again we can't dispute that, we have no process for an appeal. And going forward with EM, there is no program set up for an appeal. We have to go back to the same program that reviewed the tape the first time. Again, it is not workable for us. And also, the cost for the appeal, who pays for that, it will be very expensive.

**Audience 34:**

I agree, I agree with that.

**Audience 35:**

Well they already said that any extra monitoring, any extra review if you question the data, fishermen pay for it. And so I assume that is going to happen in every other fishery.

**Audience 36:**

Also, portside sampling doesn't work. We experienced that in the groundfish fishery, It was a waste of taxpayer dollars.

**Audience 37:**

Lawyers don't even want to get involved with this, it is such a nightmare. The number of fishermen appealing different cases in the state of RI, and they can't even get a lawyer. They say I don't want nothing to do with this. DEM, this problem, this is the same thing. They'll have a hard time getting a lawyer to represent them.

**Terry:**

With this, all this is going to be looking at is the amount of river herring in the catch, and the amount of bycatch in the catch- the portside part of it. It's not like our groundfish catch.

**Audience 38:**

But it's not just one boat, there is a trickle down effect, and we have to stop it.

**Terry:**

But this particular program is set up just to look at river herring and shad bycatch, and for haddock bycatch, am I right Carrie?

**Carrie:**

Primarily. I mean because herring and mackerel is high volume, basket sampling at sea for those species is not always the best platform, and that's why there has been support, and I think industry support too for portside sampling. And those are the data that are used to track haddock against the catch cap, as well as river herring and shad, because you have the opportunity for a larger sample rather than basket sampling.

**Audience 39:**

At the meeting, Jeff (Kaelin) asked the Council to please slow down, do not go forward with this, slow down. I think you should listen to what he said.

**Audience 40:**

Ok, quick question, so how would the portside sampling work, so you are taking out your- so you got 100k lb of herring, you're taking out 1000 lb here or there?

**Carrie:**

Yes, so currently ME and MA do sample these fisheries. And so when the vessels come into port, the catch is pumped out through a dewatering box, samples are taken at the dewatering box, usually basket samples.

**A40:**

That's the same as dockside monitoring that we have had.

**Audience 41:**

We have it in RI too. You can't participate in the herring unless you participate in the dockside monitoring, is that right?

**Audience 42:**

No, you can.

**A40:**

But the problem is if that is what you are looking for is RH/S, these prices seem ridiculous. Way to high.

**Terry:**

So the initial electronic monitoring is looking for slippage events, these guys dumping big bags of haddock or whatever, so that is the initial thought about it, looking for slippage events in the MWT fishery.

**Carrie:**

Then similar to NEFOP sampling there would be some looking at, whether it be mackerel or herring, but it is right now largely because NEFOP data is used to track the catch against the catch caps, and it would be portside data used for that.

**A41:**

I, I am just totally... There is a name for this, for all of this. It is called tyranny. This is what this is, this is tyranny. What's next? Putting policemen in our vehicles to make sure we don't speed? This is government tyranny at its finest. It is out of control. I think this is something that ought to be brought up to the ACLU, let them play with it. This is insanity! Where does it end? Where does it end? Where does the nanny state stop getting into our lives? This isn't what I signed up for.

**Audience 42:**

Next Tuesday (Laughter)

**Carrie:** (*Resumes Presentation of Herring Alts*)

**Glenn Goodwin:**

I'm Glenn Goodwin, I represent about 30 guys on the water, 30 in a freezer storage building, 30 more in a wet operation we have in Point Judith, and I can just say that we don't want any part of (IFM?) observers. We're not in the business of padding some college kid's resume. We don't need anyone standing around and watching us work we got plenty of that going on already. This is all about the erosion of profitability, we've got closed areas coming at us, we've got new marine monuments, we've got people on Nantucket screaming at us because they can see boats on the horizon, we've got aquariums and universities picking off new places to close next, already, after we just closed down 34,000 square miles of ocean to deepwater corals in the Mid-Atlantic. This is just more of the same coming at us, we've got 92% imports right now, in an industry, sitting in this room, that it looks like the agency is steamrolling and hoping to make it 100% as fast as possible. And you don't have too far to go before you won't have an industry to monitor, like you said, how many pair trawlers are working now? And there is probably 10 boats in Point Judith or on this side of the Cape that actually go do that. We have Tier 1 permits in mackerel and herring. I'm not interested in paying an observer for the 12 days I'm going to spend out squid fishing because I stopped right outside this window and caught 50 or 80k lb of herring on the way out so the boat could be a little more stable while we bounced around 100 miles offshore for the next two weeks. We're just not interested in paying that fee. I can sit in this room and see 2 NOAA buildings, and plus there's another one that just got rolling on the other side of the bay, that just got rolling with dozens of people. We have one, a facility, in North Kingston, and I can't figure out what they are doing in there. The parking lot is full of cars, I never see anyone, all we get now is complaints because we have trucks now that are loading product coming and going from all over the place, complaining about noise and exhaust fumes that they might be exposed to, so I just wanted to get that out there and get my comment in.

**Audience 43:**

That's their job is to put you out of business, that is what they do. And they are good at it.

**Donald Fox:**

Donald Fox from the Town Dock. I have one boat that does this, and he is just getting into it, he's not great at it yet. I support everything that Glen said, the most important thing to realize is that they can't afford any of this. We punched all the numbers from his trip, he basically did it for about 4 or 5 weeks last year. That's all it is for most of the guys at Point Judith, some of the guys go out at the most for 2 months, most of them are 4-6 weeks. In that 4 weeks that he did it, he got into it a little late, it was 1200 dollars per man less, they were made to pay for that at \$700, if it's \$800, do the math. We don't need any more observer, we can't afford it, we just can't afford it.



**Meghan Lapp:**

One thing I would like to point out is this amendment, like I said prior, was designed to address a public perception problem in the MWT fishery. This was never addressed at the SMBT fishery. The boats that fish out of RI, the SMBT boats, including our boats, we have the daily capacity that is like 1/10<sup>th</sup> of a MWTer. Pair trawler, or even a purse seiner. Our daily capacity is a lot less, which means we get a lot less profit per day. Which means that the impact to us is a lot greater, and I have asked for this amendment to look at daily capacity- it has not. One thing that I will say is that in a PDT memo, a herring PDT memo from January 2016, said that SMBT boats on herring catch cap trips for river herring had 26% observer coverage, and for 2015 preliminary estimates between January and June showed 31% coverage. We have very high coverage. That is a higher coverage rate than is in the groundfish fishery, which is monitoring 19 species at one time. And the RH catch cap CVs in the SMBT fishery is above 30%- we don't need increased coverage on the SMBT fishery, and the SMBT fishery cannot afford it. As you have heard. Another thing that I hear quite frequently at Council meetings is the idea that for small mesh bottom trawl fisheries, we should put ASMs on them, and that seems to be the prevailing talk at the table, and when I look at the costs of the ASMs, they are extremely high. And at the same Council meeting where the Council voted to discontinue the ASM program, they also voted to conduct a cost/benefit analysis of the ASM program because the costs were so high for the information they were getting out of it. Which doesn't seem right, we'd like to investigate this further, I haven't seen this cost/benefit analysis, and I'm uncomfortable moving forward with any amendment that talks about ASM in other fisheries, when that analysis has not been conducted. Um, another thing that was put up on the slide about the RTO estimates- the RTO estimates done for this amendment were only for trips landing herring. And I have also raised it for SeaFreeze vessels, for our two freezer vessels, our concerns have not been addressed. We fish for multiple species at one time, so some species- sometimes we declare into herring because we want the option to retain it, and we don't catch it, so all of those trips went unanalyzed in the economic analysis. The economic impact to our vessels are extremely high. Because we declare into herring and mackerel fisheries all winter long, November through April, we're declared in, because we might see some, and we might need to catch it, because we are steaming around and we are doing a different type of fishery that is typical in the herring fishery.

**Carrie:**

So we did add a table in the EA that looked at the economic impacts of trips that did not land herring, so in that table- you're saying that table does not assess economic impacts?

**Meghan:**

Did it look at the VMS declarations?

**Carrie:**

I'm not sure what it used to assess trips, but it used trips that did not land herring. It might have been vms, I'm not sure what else they would have used. But there is economic analysis in there.

**Meghan:**

I was told that they couldn't look at it, that they wouldn't look at it.

**Carrie:**

Well we do have, we did recently add information in there on trips that didn't land any herring, I can check with the PDT about what was used, whether it was the VMS declarations but there is an economic analysis of trips that didn't land herring.

**Audience 44:**

I think I read somewhere that more river herring were just killed in the shallow rivers than the whole trawl fleet catches? And I think that the cranberry bogs have a small problem with river herring compared to... yet, the only ones being targeted, are the fishermen. Because technically, it could become an overfishing problem. We've gone down this road before on other species, where multiple other industries, but because they're not towing a net, don't technically meet the definition of overfishing, or causing overfishing, they're not addressed, because they don't use the net.

**Phil Ruhle:**

I own the Sea Breeze out of Newport. And I operate a 90 foot vessel, the *Prevail*, not 90- 105- out of... The Sea Breeze is 55 ft, we have a Cat. A (herring) permit. I mean, obviously I don't support this. The difference between a Cat. A permit, that's the Western Venture, which is no longer here, but the challenge for any of those type of boat and what we have, for earning in a day, is completely two total ends of the spectrum, we do not catch enough fish in a day. Just because we have a permit that I paid a lot of money for- I can't catch what they catch, I can't warrant paying for that. And even on the 90 ft boat, we have an A permit on that, it's not even close, not even close to being able to do that. And I've been herring fishing down in SNE for about 12 years. Last year I did the numbers it was about 1.34% river herring. What's the problem? There is no problem. The problem is the environmentalists and I know the MW boats want more coverage so that when they have an event that is massive, it doesn't look so massive if it was observed. Let them pay for it, you know, there is just no way.

**Audience 45:**

Can I ask you a question Phil, do you have a midwater trawl?

**Phil:**

Yes. That's why a pair trawl- don't lump me in with them. Don't lump me in with them. I've been saying that for 10 years.

**Carrie:**

Do you normally run a single MWTer? Or is it...

**Phil:**

Yeah always single. For the most part.

**Audience 46:**

The biggest problem is- I fish Georges a lot, I fish haddock a lot- two of the worst actors are out of business right now, and that was the lobster guy –shaftmaster- and Peter Mullin. But that is an issue, they make 4-5-6 hour tows, and none of the boats around here make... if they tow an hour, that's a long time, most of them are making 25 min tows.

**Audience 47:**

You know you just can't make these laws with a roller, or with a straight (?), I'm not them. We work hard not to be them and it's not easy. But we are very, very proud of that. Now you get penalized for that? Steamed away from fish I don't know how many times and came home with nothing, just because I can't fish here. Everybody else is but I can't do it. We can't do it, not going to. And we get penalized. Again, we just can't do it, it's absurd.

**Tina Jackson-**

Commercial fishing: I think one of the things that the Council needs to be aware of is the safety issue that will be (encountered) when forcing smaller boats with \$1400 a day (income), just making that small, minimal amount of money, you're going to force everybody to forego maintenance, to forego safety issues. That's a really big problem, you need to be aware of that, and that needs to be an issue that maybe we can use to stop all of this. It is something for them to seriously think about. You know, it's already happened in a lot of the other fisheries that were forced to pay for observer coverage, and I think our lives are far more valuable at any point and time, then the federal govt. or some environmentalist telling us that we need to have increased observer coverage in any of the fisheries. And their dollar bill, why don't they pay for it? Pew is worth billions of dollars. EDF is worth billions of dollars. They want it so bad, let them do it. You know it just becomes very frustrating after a while, especially when you attend meeting after meeting..... and everything everyone says in here may be on a piece of paper, and it may be recorded, but it goes unheard. Because it's not cared about. And I think that is a real, a valid point. You know, you force the hand. When catch shares were put into place in 2010, all these boats- the Northeast lost in one fell swoop. The costs that were incurred upon small guys, and the fact that you have to go through daily limits and more stricter limits- they cut back on this, they don't do the science for that- it would be different if all of this observer coverage and all of this information was utilized in some way, shape, or form. But I'm going to repeat myself from before, it never is. So what is the point? You know if they can, and another point you brought up, if everybody is fishing in the same area, and they are going back day after day after..... doing the same thing over and over again, what is the point of increasing observer coverage if you are coming back with the same information? At least utilize it, you know? And again safety, I think it is one of the biggest points and maybe somebody has said it before but I know it was always an issue with me. You know when you consolidate, and you have corporate people overseeing a portion of any fishery, and it becomes a

monopoly, and say three people own a particular resource, the loss of life triples. And it's already been proven in the surfclam industry, you know you're forcing guys to go out and fish, and they don't want to go out and fish, and what ends up happening? You know, is it going to force everybody's hand, ask these guys to put out \$15k right off of the top of the bat for a portside system, that first of all is not going to show how many pounds of fish they had in their net. You're going to guess- you're going to assume, and then, you're not even going to be able to look at bycatch because it is not even going to be accounted for. So what is the sense of even asking these guys to incur \$15k for portside and EM monitoring, when you're not even going to get a valid picture of what you are looking to get. You know, that's another issue as far as I am concerned. I think all of it stinks, I think everyone in this room is going to agree with me, maybe I haven't been around for a while but I got to tell you, this is sad.

**Meghan:**

I can just make one more comment, I know that as far as the SMBT fleet is concerned, there has been a lot of discussion about the 25% coverage level because coverage rates are already very high, but they thought that might not impact the fishery. It might not impact the fishery this year, it may not next year, but if for some reason SBRM coverage gets cut and we are still held to that, it would impact the fishery. It would be very devastating, and we may end up in the situation that groundfish was in, where "oh, it's already in, and even though you can't afford to pay, it's legal now, and you will pay." The only thing that we can afford is SBRM. For this, that is the only thing that we can support.

**Carrie** (*Mackerel Alt. Presentation*):

**Meghan:**

Again, similar to for herring, the only thing that we can support for the SMBT fleet is SBRM. One thing that I would like to make is a comment specific to mackerel. Right now, there is very little directed mackerel fishing that is occurring. It is not a very big fishery at this point and time, and forcing the vessels to pay for monitoring for that fishery, will just shut it down completely. Nobody is going to look at it. You will shut down the directed mackerel fishery, and it will become a bycatch fishery only, and that is not going to (inaudible). So in this fishery, this should definitely be left at SBRM. And I would like to address a statement that is made in the document. And it's actually, it's in the herring section as well, it says "a positive impact is associated with sub-option 1, a waiver allowed for IFM requirements not being selected, if fishing effort is limited either due to funding or logistics, and the reproductive potential of mackerel, non-target species, and protected species is (inaudible)." I find that very offensive. Because this document is saying if the fishing industry can't go because NMFS can't fund it's side of this and fishing doesn't happen, that is a positive impact. And that is not correct, and if that is the theory underpinning some of this, that needs to be (removed?), because it is not a positive impact not having a fishery. And not having people be able to go, because they can't afford to pay for it, or because NMFS doesn't have their side of the cost responsibilities. We're supposed to be achieving optimum yield in these fisheries, and to say that "Well, they can't go, because we can't afford it" is not a positive impact, that is a very negative impact.

**Phil Ruhle:**

What she said is correct, with the mackerel fishery you won't go. Basically the same as with the groundfish fishery, both the boats that I am on, have I been? Nope. I'm not paying for an observer. The other boat, not paying for an observer, it's not happening. Obviously we're going to run out of things to catch but the flexibility of the fleet- we all leave from down here in the winter, and we go, you know, now that you have to clock in for stuff, which is absurd- I'll clock in for everything, I'm going fishing! Whatever gets in the way I'm getting it, then coming home. As fast as I can do it. You know, I'll never clock in for mackerel, you can forget it. Never going to clock in for squid with the option to catch herring, because now I got to carry an observer for that. But you know, we got to pay for it, forget it. Before if you wanted to put an observer on me, that's fine, go ahead. But not if I'm going to have to pay for it, so now we're all going to go catch squid and then once it goes to squid, then forget it, right? But I mean all of this stuff takes all of the flexibility out of the fleet, where it forces people to do the same thing at the same time. Reap little rewards, so. I don't support any of it, it's stupid.

**Audience 48:**

I have a question about the process here, this is a public hearing? Is this being monitored, do you have a recording going on?

**Carrie & Terry:**

Yes

**A48:**

So all of this testimony will be reviewed?

**Carrie:**

We do compile comments from the public hearing.

**A48:**

So someone reviews it and compiles comments? A third party?

**Carrie:**

Probably me and other staff...

**A48:**

Do you like us? It's going to have an effect on which comments you take.

**Carrie:**

I think you are all making very good comments, I think all of these comments need to be in front of the Council when they make their decision, so I appreciate you coming here tonight, taking your valuable time, and making a comment. And I will do my best to accurately reflect what you have said tonight.

**A48:**

Well this process is a little bit different than the administrative process that we use in RI, at least for a public hearing. This more resembles a work session. But I'm on a RI level, I suppose this is your federal level public hearing process.

**Carrie:**

So the Councils do the public hearing process, we're trying to closely follow what the Councils use for their public hearing process. I think this is maybe a little different than the usual public hearings, I think there is a little bit more discussion at these public hearings than in the past, and I think that's good, it's public comment.

**A48:**

Well it allows for flexibility, if you like us you're going to record the comments that really express the views of the group here. But I've seen this type of... where, a summary was given where it didn't naturally reflect the sentiments of the public that attended. Hopefully, you...

**Carrie:**

Well I will do my best, Fiona is here, we'll work together, and Terry has been here, he has heard everything, he will look at it. We will try to accurately reflect the comments.

**Terry:**

I will be at the Council meeting

**Audience 49:**

One of the things that would be nice, if you know, Terry you mentioned it, you know we need to go to more Council meetings. A bunch of us in this room have to go to Council meetings, so have gone to Council meetings. But one of the big complaints, and you're a fisherman so you fully know it- is the one you are going to hold in Newport- if I'm not in Point Judith or New Bedford- and I got to travel there, that motel is \$350 a night, where you guys are going to hold that meeting. If you gotta fly there, you are looking at close to \$3000 for an industry member to go to one of these meetings. When I went to a lot of these meetings, it was \$1500 to \$2000 per trip, for every single meeting. When you are from NY or RI, you're dealing with 2 Councils. You look at what Meghan does, or Town Dock's Katie. They are on the road 50% of the month going to meetings, and no fishermen can afford that, and that's why you don't see the fishermen at the meetings. You know it's pure economics, I can't afford \$3000 a month to go to basically 12 meetings a year. That's without going to any committee meetings or anything. And also, for

the owner/operators, you are losing that trip too. You're losing, if you go to just the Council meetings, you are losing 12 trips a year roughly.

**Audience 50:**

I told you before, it cost me \$15,000 to go to 2 meetings, and lost stock, as an owner operator. I mean, you can only do that for so long, and eventually, your good-heartedness gets dried up.

**Terry:**

Before I was on the Council, I used to struggle with that, so I know exactly where you are coming from. I was just, I knew it affected a lot of guys in this area, and we're in Newport- it's the closest shot that you're going to have to get there. If you're in, please come and show up. I understand, trust me. Out of my own back pocket, I wasn't being paid by anyone. I would go, and I always was there.

**Audience 51:**

Terry, I used to participate in a lot of NEFMC meetings, and I haven't been gone, well one, because I sold my boat- the bigger one, have a small boat now- but the reason I stopped going was that I felt that it was a foregone conclusion and that it was an exercise in futility for myself and for other fishermen. And the decisions had already come down. My question was, and I'm not even sure who was on the Council anymore- what is the makeup of the Council today? Fishermen versus NGOs?

**Terry:**

There's some fishing boats, real fishing boats, there's me, (Vincent Malzano?), Peter Kendall, Eric Reed. Then we have two recreational boats (inaudible) out of RI, (Mark Godfrey?) out of New Hampshire. Then we have five state directors. Then we have Matt McKenzie from CT. I mean, the fishing folks are there, and nothings dead until we- nothing is cast in stone. This Council can make the decision not to go ahead with this.

**Audience 52:**

Well if the Council came up with this...

**Audience 53:**

NMFS came up with it, according to the document that they have on the Mid-Atlantic site...

**Terry:**

No, it was a Council decision to explore additional monitoring to take away some of the uncertainty surrounding some fisheries, and catch efforts. It was a Council decision.

**Audience 54:**

Right, but it says this amendment is being done jointly to insure consistency for IFM across NE and Mid-Atlantic FMPs. NMFS has taken the lead in developing this action, so we know who is driving the bus, and everyone is coming along for the ride. I have a question though. 4 meetings, one webinar, 3 meetings, and 6 days later, boom, it's over? I mean, as far as the comment period. It started October 4<sup>th</sup> with the meeting in Gloucester, there's a webinar, there's a meeting in Cape May, there is a meeting here, and then boom, 6 days from now it is over and comments are done. That is really not effective, especially when there is an omnibus. Let's face it, there are a lot of people out there that don't know what omnibus means, and that's the reality. And this is kind of hurry up and let's get it done, and since it is going to be industry wide there should really be a response from NMFS to make sure, you know, I'm looking at documents from 2014 from the PDT where, if we go with 2.1 vs. 2.5, well the ability to NEPA it out might work better so then we don't have to look at this and we don't have to look at that. It's fast tracked, and it shouldn't be. There should be a more open process, even if you guys have to drag this show along down to Montauk, and...

**Terry:**

So what, on the fast track, is the herring and mackerel alternatives...

**A54:**

Right

**Terry:**

Nothing else, so each FMP will do its own IFM under the omnibus. So that's...

**A54:**

Right but the bottom line is it's still an omnibus, here is our template but we're going to let it go to all of the other fisheries with the concept "you buy, you pay, you go". That's not really acceptable.

**Terry:**

Each one of these FMPs are going to come up with a different...

**Audience 55:**

We all know where this leads, I was told 3-4 months ago, I was talking to Meghan, about the Monuments, said "Aww that's not going to happen, it can't happen, it's not going to happen." It's going to happen because they want it to happen, and right and wrong doesn't mean anything anymore. They wanted it to happen, it'll happen, and it happened. Well we can sit here and say we're going to fast track the herring and the mackerel but the other stuff isn't on... it's gonna happen.



**Terry:**

I didn't say it wasn't, I said we are going to go through another process for each individual FMP.

**A54:**

But why go to the meeting and say something when you are already telling us that it is going to happen? It's basically why vote? It's like the whole thing, why vote? She's ahead by 15 points, so why go out and vote because the other guy ain't going to win. This is almost an oppression issue, do you know what I mean? But that is so disheartening. That's not what you are meant to do. Not you personally but the council as a whole. It's tyranny.

**Audience 56:**

What are the chances that the Council says no? They have to do herring and mackerel, why? I mean, what would happen if the Council said "no, no, no. We're not going to go any further. We are done"?

**Terry:**

They could say that.

**A56:**

And then what would happen?

**Terry:**

It would go away.

**A56:**

So completely over and done, like community based... size of the fleet one?

**Terry:**

Right.

**Audience 57:**

Is this it?

**Carrie:**

So typically when the council goes out for public comment, they have already selected a preferred alternative. You saw they did for the omnibus, there is nothing selected for either herring or mackerel. I think that is because the difficulty of the decision, the committee members and the council weighing the value of the information collected vs. the cost. I think that decision is weighing heavily on everyone that is involved, for all of the reasons that you have raised. So they haven't selected a preferred alternative.

**A54:**

Will the secretary through an action if the Council doesn't choose to do this, who is looming, who is the lawsuit chute? There's got to be somebody, who Oceana? What has been... those on high, is this going to come through secretarial action if it's not done through the council process, or is it just going to go off and away until the next round. Do we know?

**Carrie:**

So there is no NMFS req, I know you were saying that NMFS is driving the bus on this. NMFS is taking the technical lead because a lot of the issues have to do with the legality of cost sharing. That is really why NMFS agreed to do the technical piece of this amendment. Also, there has been a series of disapprovals related to industry funded, so nmfs was trying to help – number one, legality on how to sort out sharing costs with the industry, and also to help the workload. But again, this really is the Council's amendment. It is the Council's choice, it's the council's desire to have more monitoring. So there is no nmfs requirement. If the councils decide not to do it, there likely would be litigation, and maybe a court would decide.

**A54:**

Is that going to be discussed in Baltimore in December by the Mid-Atlantic council? Is that when this is coming up?

**Carrie:**

Yes, final action by Mid in December.

**A54:**

That is December 4-7 in Baltimore. I got the mini-van Mark, you don't have to spend 3 grand!

**Audience 58:**

The other thing that boggles my mind is why didn't the council consider more observership when they were paying for it. When it was coming out of the government's pocket, you know what I mean? Why now? And again, they never used it. So this is just a fight to the death anyway, I am probably just sitting here talking until I am blue in the face so it doesn't matter, but it's a point.

**Terry:**

The Council has (inaudible).

**A58:**

Yeah but then they ran out of money, and then they stopped it, but they stopped it because you ran out of money, not because I ran out of money.

**Terry:**

I don't have any of that money.

**A58:**

Well how are you going to vote when the time comes, are you going to vote for...

**Terry:**

I'm a very big advocate for the fishery...

**A58:**

No Action...?

**Terry:**

I'm a very big advocate for the fishery, and I try to make things as best I can. As bad as some of our stuff sucks for fisheries- excuse my French if you are offended-

**A58:**

Well if you are really for the fishery right now, you're not going to care what anyone else in that room is voting, you are going to vote "No Action", and you're going to talk to...

**Terry:**

You want me to (inaudible), you think I'm stupid? (laughter) I didn't get to where I am being stupid, they're not going to nail me for that. Absolutely not, I will do the best I can for the fishing industry, because you read the votes around the table, and see where votes are going. Your strategy is to read the people around the table and see what is going to happen, but you try to make it the best that you can make it for the fishing industry. I mean, that's what I think I do, I think that is what a lot of people do.

**A58:**

I don't know where you were back in 2010, but that wasn't happening when we were sitting at the table.

**Audience 59:**

If this is a joint effort, then what if one Council approves and the other does not? What happens then, just it becomes moot, or what? What happens, like when the ASMFC approves something and the Council doesn't, what's the conciliatory process?

**Carrie:**

I guess it depends on what is approved, if there are no omnibus alternatives, if there is no agreement- there could be a disagreement on herring and mackerel, they are different fisheries.

**A59:**

So they could disapprove all parts of the omnibus amendment, they could just approve whatever components of the mackerel and herring fishery.

**Carrie:**

I think we would have to talk about what that would look like...

**A59:**

Could you split it, in other words?

**Carrie:**

Yeah, possibly. Yes. We haven't played out all of the scenarios for how it would go, but we do need to do that before the Mid meeting, because there is likely going to be many questions like that.

**Terry:**

Well like monkfish, if we don't both approve it, then it dies, right?

**Audience 60:**

But that's in the regs, because we have to agree between the two, but we don't necessarily have the same requirement here in this case.

**Carrie:**

In herring and mackerel, the FMPs are made individually, nothing is joined about those, even though a lot of people have said that they think they should be.

**Eric Lundvall:**

I have a question, it's jointly managed- this list of public hearings here, is there public hearings that the mid-Atlantic is going to do in front of the Council, or is this for both the Mid-Atlantic and New England Council?

**Carrie:**

So there was a Mid-Atlantic meeting last week in Cape May, NJ...

**Eric:**

I see that, but that is the furthest port south that there was any type of public hearing?

**Carrie:**

Yes.

**Eric Lundvall:**

What about NC, VA? Delaware? MD?

**Carrie:**

No.

**Eric:**

Ok, that was my question. Eric Lundvall by the way.

**Audience 62:**

I just have a comment for people in the room. A lawyer, for cause of action, he said we made a mistake over the years by not writing in our comments, and he begged us to please write in any comment that we can, it would help in any case going forward. He said we were at a loss because we didn't have as many comments as we should have in the public record, so please, put a comment in.

**Audience 63:**

What are you talking about, all that should have been...

**A62:**

No, no, no, we don't put enough in. He wants more.

**Audience 64:**

That applies if it's a legal challenge, you want the data backing you. The problem is, most of us don't have the money- the combined resources- to come up with legal challenges.

**Terry:**

I'll give it to you that we are going to get 10k letters on this. I'll guarantee it.

**Audience 65:**

Terry, can I ask one groundfish question? We've taken basically an 80-85% cut on GB cod. Given rec cod boats, they can do whatever they want, they haven't taken a single cut since sectors went into effect.

**Terry:**

Where, on Georges?

**A65:**

For GB cod, GB cod basically goes all the way to NC. Which about is- it's stupid. But leaving that alone, (Penobscot?) probably has the largest amount of GB cod of any boat. It might not be exactly the highest, but he's one of the top boats, he's got 20k for the year. One of these head boats does that in 2 days. Yet there has been zero cuts, right in the regulations it says "10 fish, per person, for recreational, no limit on the charter boat/headboats." Right in the regulations, I brought this up to John a few times, and I get zero answer. So is anything being done to address- we get an 80% cut, or an 85% cut, I think he actually said we got a 90-some% cut in one of his things that he wrote. But why is one group get all the cuts, and another group gets zero cuts, and to me it appears that it's reallocation, that they're going to take what they caught in the last 10 years, and say "Oh they've been taking so much more than you guys, so we have to reallocate so the recreational charter/party industry gets a much larger share."

**Audience 66:**

They just discussed that today Mark, the AP discussed it today to bring it up tomorrow.

**Terry:**

So we talked a little bit about this at the council, but we took it off of our priority for groundfish this year...

**A65:**

It's not important?

**Terry:**

It is important for most of us groundfish- we all fish Georges. It's an important issue, but, with our ASM problems, with our halibut problem, trying to move the AM area, which by the way is going to screw up on Georges too, it's all (inaudible) in closed area 1, you're going to be required to (inaudible) that. When we use that area to fish for monkfish, or hake, or cod, or haddock, or anything- it's not like eastern Georges where you can, kind of, work on a trip of haddock. So it is important, and I'll be interested to see what happens tomorrow, in the groundfish.

**Audience 67:**

Yes, they brought up today in the AP, Peter, "the Hooker guy", not Baker, the other guy, whose the guy who used to work for the Hookers?

**A65:** Paul Parker?

**A67:**

Yes, Paul Parker brought it up at the meeting as a recommendation to address and put a sub-ACL on the GB recreational sector 2 match regarding overages of their fishery, and...

**Audience 68:**

Well they would have to go to a 2 fish limit to get the same percentage cuts that we've taken.

**Terry:**

Right, so we actually don't know how many fish they catch, absolutely don't because there is no record of it anywhere, there's no...

**A67:**

105 mt according to records of today.

**Terry:**

Okay, when we were talking about priorities, we didn't have any idea what they thought, I hadn't seen that number yet, so... We'll be talking about it tomorrow, and then it will be in priorities discussion I'm assuming if it got through to the AP...

**A67:**

Groundfish Committee is tomorrow and I think Wednesday, right behind the southern windowpane.

**Audience 69:**

You know it's funny, I said something in Providence a few months ago about this, and my son has a facebook page, and he got attacked on facebook for what I said about the recreational charter/party boat, and one of the guys put his name- he put enough information so I went online, and I found who he was, and I called him up.

**A67:**

You are being taped here Mark, just remember that.

**A69:**

It's okay. So I called him up and I asked him, he says "Why are you attacking us?" I says "I'm not, I'm just putting out the facts, I read right from NOAA's document what the regulations were." I says "I'm not allowed to do that? I put the facts out. The facts are that I've taken an 80% cut. One headboat goes out and catches more than all of sector 13 has in 1 or 2 days. So I don't consider that equitable." It's, I don't know, maybe there is something wrong with me.

**Terry:**

Alright so we're in a... one more? Okay, last one.

**Donald Fox:**

One the Mackerel- Donald Fox from the Town Dock- I also would like to support "No Action" on this. We just can't afford it, we can't afford it, and again what Phil said, it's like taking one more option away from us, and putting us into a smaller and smaller and smaller little box. RI has lost groundfish, there is nobody, I have 7 boats that I manage, there enough if I add up all of the fish from the 7 boats, there is enough for maybe one boat to make two trips. We can't afford for the same thing to happen in herring or mackerel.

**Terry:**

We've got time for one more, if it hasn't been said. No... Ok, thank you guys for coming.

**Carrie:**

Thank you very much.