



COMMONWEALTH OF MASSACHUSETTS
THE GENERAL COURT
STATE HOUSE, BOSTON 02133-1053

New England Fisheries Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Dear Executive Director Nies and Council Members,

We are writing to respectfully request that the New England Fisheries Management Council (NEFMC) reject Amendment 23 to the Northeast Multispecies Fishery Management Plan (FMP), as currently proposed through the Council's preferred alternative. This proposal should not advance for a multitude of reasons, set forth below:

- **The Preferred Alternative is inconsistent with, at a minimum, National Standards 7, 8, and 10 as prescribed by the Magnuson-Stevens Act (MSA):**

National Standard 7 §600.340 (b): Management measures should not impose unnecessary burdens on the economy, on individuals, on private or public organizations. Factors such as fuel costs, enforcement costs, or the burdens of collecting data may well suggest a preferred alternative."

The preferred alternative would place an undue economic burden on vessels already struggling with the rising costs of doing business, and relatively low and depressed ex-vessel prices for the sale of groundfish.

National Standard 7 §600.340 (c): The supporting analyses for FMPs should demonstrate that the benefits of fishery regulation are real and substantial relative to the added research, administrative, and enforcement costs, as well as costs to the industry of compliance. This requirement need not produce an elaborate, formalistic cost/benefit analysis. Rather, an evaluation of effects and costs, especially of differences among workable alternatives, including the status quo, is adequate.

The potential benefits stated in the Council's Draft Environmental Impact Statement (DEIS) do not take full account of the uncertainties that have continually plagued groundfish stock assessments and are insufficient to justify the burden 100% at-sea monitoring (ASM) would place on vessels.

National Standard 8 §600.345 (a): Conservation and management measures shall, consistent with the conservation requirements of the Magnuson-Stevens Act take into account the

importance of fishery resources in order to: (1) Provide for the sustained participation of such communities; and (2) To the extent practicable, minimize adverse economic impacts on such communities.

The target of 100% ASM will devastate small fishing businesses, families and fishing communities that hold cultural and economic significance across the Commonwealth.

National Standard 10 §600.355 (a): Conservation and management measures shall, to the extent practicable, promote the safety of human life at sea.

The men and women engaged in commercial fishing are at significant and cognizable risk from infection from COVID-19 due to the inherent conditions of their working environment at sea, which requires them to be close to each other in confined wheelhouses and crew spaces, and working in close proximity to each other on decks to haul and tend gear, sort and stow fish, and maintain and repair the equipment necessary to the operation of a fishing vessel. These facts make this a particularly inopportune time to move forward with the preferred alternative. The introduction of 100% ASM would exponentially increase the threat of increased virus transmission not only to fishing vessel crews, but to the observers themselves.

- **The Preferred Alternative is inconsistent with current Executive Orders (EO):**

E.O. 13840: This Order directs federal regulators to “facilitate the economic growth of coastal communities and promote ocean industries.”

E.O. 13777: This Order directs federal regulators to “‘repeal or replace regulations’ that ‘eliminate jobs or inhibit job creation, are outdated, unnecessary, or ineffective, or that impose costs that exceed benefits.’”

The preferred alternative is in clear contravention of these directives. The most immediate impact would be on commercial fishing fleets, as vessels will struggle to stay in businesses and/or will be forced to reduce crew sizes. Beyond those impacts, related consequences would be borne by ancillary businesses, such as vessel support services, suppliers of goods, and entities downstream in the fishery product supply chain.

- **The Preferred Alternative would have a disproportionate economic impact on the fishing industry:**

Since the groundfish fishery was declared a federal disaster in 2012, effort and revenues have declined significantly in the federal commercial groundfish fishery. The remaining businesses that are active in the fishery today do not have the net revenues to absorb the added costs of 100% monitoring or any blend of the options presented.

The DEIS reports the Council's preferred target will result in increased ex-vessel revenues across the fishery. Yet, to achieve this result, the DEIS acknowledges that fleet diversity will be compromised under the Council's preferred alternative because smaller vessels and those with lower groundfish allocations will be forced to either leave the fishery or lease their quota to more profitable businesses. But the DEIS fails to produce any break-even analysis for those businesses considered by analysts to be more efficient or profitable. Whether or not a few efficient platforms will survive, compromising fleet diversity is not an acceptable, or legal, outcome of the Council's preferred alternative.

The DEIS only evaluates the potential to reduce or minimize monitoring costs in relation to electronic monitoring (EM) options. EM is not presently a viable option that most "multispecies fishing" platforms can simply select or choose. Max retention EM models may be the most suitable for multispecies fishing, but the analysis hasn't considered all the factors associated including fish handling requirements or dockside elements that will incur "costs". There are pilot programs underway, but this option is years away from being approvable by NMFS. It requires substantial development and will ultimately require a lot of work by the groundfish sectors.

The DEIS highlights the Rafael legal case and the potential for incentives to discard GOM cod, observer bias concerns, as justification for increased monitoring. But the DEIS fails to identify the problem with clear metrics and or quantify a realistic magnitude. In fact, when all the analysis is put together, the DEIS itself confirms that unreported discarding is not a fishery wide problem that would justify the Council's preferred alternative.

The Council has failed to consider measures that would be far more cost effective and less destructive to fishing businesses and fishing communities to handle unique issues of compliance than placing the blame on the entire fishery with the preferred 100% monitoring target.

As stated above, the potential scientific benefits outlined in the DEIS do not account for all the uncertainties that plague groundfish stock assessments. Commercial catch is only one piece of the stock assessment puzzle - and for some assessments, like GOM cod, the commercial groundfish sector allocation only represents half of the assumed catch. There is a tremendous amount of variability datasets outside of commercial catch and in the formulation of the assessment models that have impacted assessment results. The DEIS is very one direction when it considers the benefits associated with commercial catch, rebuilding and stock assessment performance.

Whether monitoring is covered by taxpayers or the fishing industry, the preliminary costs included under the DEIS today far exceed any "potential" or perceived gain as alluded to under the DEIS.

This action needs more before being approved by the Council. It needs realistic alternatives with a sound DEIS, that offers clear metrics and quantitative analysis, and the alternatives need to be evaluated based on the goals and objectives identified by the action. It needs to more clearly follow the Council's stated intent in the purpose and need:

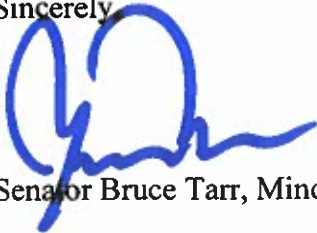
“It is the Council’s intent that the catch reporting requirements are fair and equitable for all commercial groundfish fishermen, while maximizing the value of collected catch data, and minimizing costs for the fishing industry and the National Marine Fisheries Service.”

The Council should be focusing on strengthen fishing businesses during this time to support food security programs focused on harvesting of pollock, redfish and haddock stocks. It should not be undermining groundfish business and groundfish sector viability at a time when fishing communities, the Commonwealth and national are faced with heath pandemic.

A much more effective way than the preferred alternative to secure better data and more information for use in managing fisheries is exploring more promising options such as the expansion of industry-based and collaborative research. Investing in these options is far more likely to deliver comprehensive, cost effective, and useable information than expanding the at-sea monitoring program.

Therefore, we respectfully request that the Council reject Amendment 23 as currently proposed in the preferred alternative.

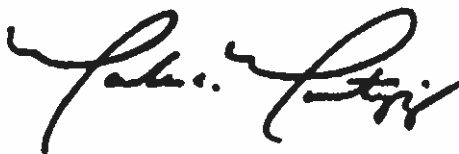
Sincerely,



Senator Bruce Tarr, Minority Leader



Senator Michael Rodrigues



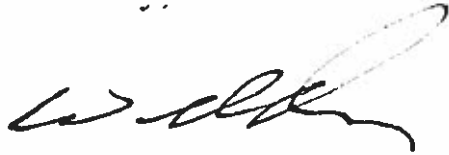
Senator Mark Montigny



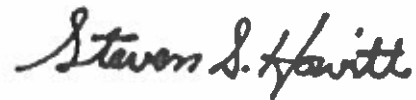
Senator Diana DiZoglio



Senator Patrick O'Connor



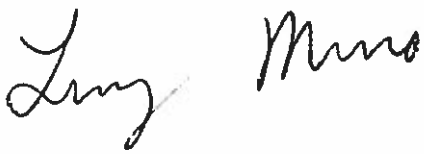
Representative Will Crocker



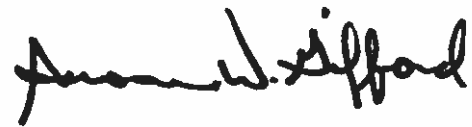
Representative Steven Howitt



Representative Timothy Whelan



Representative Lenny Mirra



Representative Susan Gifford



Representative Mathew Muratore



Representative Joan Meschino



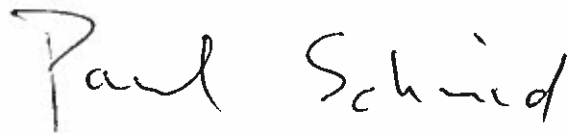
Representative Angelo Scaccia



Representative Ann-Margaret Ferrante



Representative Theodore Speliotis



Representative Paul Schmid

CC:

Governor Baker

Senator Markey

Senator Warren

Congressman Stephen Lynch

Congressman Seth Moulton

Congressman Bill Keating

Massachusetts Coastal Caucus

Mayor Mitchell

Mayor Theken

Mayor Walsh

Boston City Council

New Bedford City Council

Gloucester City Council

The Honorable Neil Jacobs, Ph.D.

Mr. Chris Oliver

Dr. Jon Hare

Massachusetts Director of Marine Fisheries McKiernan

Massachusetts Fisherman's Partnership

Northeast Seafood Coalition