Bill as Introduced

SCR 2 - AS INTRODUCED

2003 SESSION

03-1087
10/09

SENATE CONCURRENT RESOLUTION ***2***

A RESOLUTION urging the United States Congress to act to rectify the science, research funding, and restrictions governing the Northeast multispecies fishing industry and its impact on New Hampshire fishermen.

SPONSORS: Sen. Cohen, Dist 24; Rep. Gillick, Rock 85; Rep. Norelli, Rock 86; Rep. Kelley, Rock 85; Rep. Pantelakos, Rock 86

COMMITTEE: Wildlife and Recreation

ANALYSIS

This senate concurrent resolution urges the United States Senate and House of Representatives to review the science and restrictions governing the Northeast multispecies fishing industry and urges increased federal funding for quality research.

SCR 2 – AS INTRODUCED

03-1087
10/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

A RESOLUTION urging the United States Congress to act to rectify the science, research funding, and restrictions governing the Northeast multispecies fishing industry and its impact on New Hampshire fishermen.

Whereas, the New England fishing industry, including New Hampshire fishermen, have worked tirelessly over the last decade to rebuild the fishing stocks off New England and have increased their community effort to work towards better conservation practices and sustainability; and

Whereas, the new federal fishing restrictions imposed by the National Marine Fisheries Service have severely curtailed fishing opportunities open to New Hampshire fishermen and may well put these small commercial fishermen out of work; and

Whereas, the methodology for estimating fish populations, which became the basis for these new federal fishing restrictions, might be based on faulty science due to the fact that the federal government's research vessel used mismatched tow wires for more than 2 years, possibly painting a more dire picture of fish stocks than might exist; and

Whereas, a recent federal court ruling required the Secretary of Commerce to publish an interim rule to be in compliance with the overfishing, rebuilding, and bycatch provisions of the Sustainable Fisheries Act; and

Whereas, the proposed interim rule proposed additional restrictions to include a freeze on days at sea at the highest annual level used from fishing years 1996 to 2000 and a 20 percent cut from that level; and

Whereas, the head of stock assessment for the National Marine Fisheries Service has stated faulty gear on a trawler used to collect data about groundfish stocks may have led to inaccurate findings and New Hampshire fishermen have suspected the federal fisheries stock assessments were seriously flawed; and

Whereas, New England fishermen, including New Hampshire fishermen, have readily complied with voluntary conservation measures only to be penalized by this "good faith" compliance; and

Whereas, the goals to allow the regeneration of groundfish stocks in the waters off the New England coast while protecting those individuals who make their living harvesting this resource are not mutually exclusive; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring:

That the United States Senate and House of Representatives seek legislation requiring the Secretary of Commerce not to implement any new federal restrictions on the New England multispecies fishery until the following conditions have been met, and not before May 1, 2006:

I. All regulations now and in the future must be adjusted based on fairness and equity, and social and economic needs of communities in accordance with the national standards;

II. All collection and analysis of scientific information must be sound and apply the best methods and technology available;

III. All National Oceanic and Atmospheric Administration trawl survey vessels should be independently reviewed for stock status reference points, definitions for all stocks should be implemented, the incorporation of video and acoustic survey devices should be made on these research vessels, and a independent review made of trawl survey protocol; and

That the Secretary of Commerce be allowed to relax federal regulations on an emergency basis for the 2003 fishing year to address issues of fairness and equity within the Interim Final Rule; and

That greater federal funding be made for cooperative research within the fishing industry and the scientific community; and

That copies of this resolution be forwarded by the senate clerk to the governor, the executive director of the fish and game department, the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Secretary of Commerce, the administrator of the National Oceanic and Atmospheric Administration, and the members of the New Hampshire congressional delegation.

Amendments

State-Federal Relations and Veterans Affairs
April 15, 2003
2003-1285h
10/09

Amendment to SCR 2

Amend the resolution by replacing all after the title with the following:

Whereas, the New England fishing industry, including New Hampshire fishermen, have worked tirelessly over the last decade to rebuild the fishing stocks off New England and have increased their community effort to work towards better conservation practices and sustainability; and

Whereas, the new federal fishing restrictions imposed by the National Marine Fisheries Service have severely curtailed fishing opportunities available to New Hampshire fishermen and may well put these small commercial fishermen in financial jeopardy in the present and in the future; and

Whereas, the methodology for estimating fish populations, which became the basis for these new federal fishing restrictions, might be based on faulty science due to the fact that the federal government's research vessel used uncalibrated scientific fishing equipment for more than 2 years, possibly painting a more dire picture of fish stocks than might exist; and

Whereas, a recent federal court ruling required the Secretary of Commerce to publish an interim rule to be in compliance with the overfishing, rebuilding, and by catch provisions of the Sustainable Fisheries Act; and

Whereas, the proposed interim rule proposed additional restrictions to include a freeze on days at sea at the highest annual level used from fishing years 1996 to 2000 and a 20 percent cut from that level; and

Whereas, the use of days at sea from the fishing years 1996 to 2000 as a vessel's new "baseline" fails to take into account a number of factors, including participation in formerly "exempted fisheries," creates inequitable results and thereby unfairly penalizes fisherman who were encouraged to enter these "exempt fisheries"; and

Whereas, the head of stock assessment for the National Marine Fisheries Service has stated faulty gear on a trawler used to collect data about groundfish stocks may have led to inaccurate findings and New Hampshire fishermen have suspected the federal fisheries stock assessments were seriously flawed; and

Whereas, New England fishermen, including New Hampshire fishermen, have readily complied with voluntary conservation measures only to be penalized by this "good faith" compliance; and

Whereas, the goals to allow the regeneration of groundfish stocks in the waters off the New England coast while protecting those individuals and their significant investments who bring that resource to the public are not mutually exclusive; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring:

That the United States Senate and House of Representatives seek legislation requiring the Secretary of Commerce not to implement any new federal restrictions on the New England multispecies fishery until the following conditions have been met, and not before May 1, 2006:

I. All regulations now and in the future must be adjusted based on fairness and equity, and social and economic needs of communities in accordance with the national standards;

II. All collection and analysis of scientific information must be sound and apply the best methods and technology available;

III. All National Oceanic and Atmospheric Administration trawl survey vessels should be independently reviewed for stock status reference points, definitions for all stocks should be implemented, the incorporation of state-of-the-art survey devices should be made on these research vessels, and a independent review made of trawl survey protocol; and

That the Secretary of Commerce be allowed to relax federal regulations on an emergency basis as appropriate to address issues of fairness and equity within the Interim Final Rule; and

That greater federal funding be made for cooperative research within the fishing industry and the scientific community; and

That copies of this resolution be forwarded by the senate clerk to the governor, the executive director of the fish and game department, the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Secretary of Commerce, the administrator of the National Oceanic and Atmospheric Administration, and the members of the New Hampshire congressional delegation.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # SCR 2 Date 4/8/03

Committee State - Federal

** Please Print All Information **

Name	Address	Phone	Representing	(check one) Pro	Con
Rep. Thomas Gillick	#85		HAMPTON	X	
Rep Russell	BRIDGE #85		Hampton	X	
REP EALBERT	WEARE	# 84	SEABROOK	X	
KRIS LANG	25 Shaw Circle		New Castle	X	
MICHAEL O'NEIL	#85		HAMPTON	X	

Hearing Minutes

HOUSE COMMITTEE ON STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

PUBLIC HEARING ON SCR 2

BILL TITLE: urging the United States Congress to act to rectify the science, research funding, and restrictions governing the Northeast multispecies fishing industry and its impact on New Hampshire fishermen.

DATE: April 08, 2003

LOB ROOM: 306 **Time Public Hearing Called to Order:** 10:01am

Time Adjourned: 11:45am

(please circle if present)

Committee Members: Reps. Coughlin, Guay, D. Fields, Priestley, Albert, Balcom, Lessard, Marple, Eaton, Hawkins, Headd, Kenney, Kerns, McCann, McElroy, McDonough-Wallace, Heon, Batchelder, Shaw, P. Sullivan and Sweeney.

Bill Sponsors: Sen. Cohen, Rep. Gillick, Rep.Norelli, Rep. Kelley, Rep. Pantelakos

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Sen. Cohen, prime sponsor, spoke in support. He stated that this resolution helps to keep our heritage of fishing industry for commercial resource.

Rep. Marple asked Sen. Cohen asked if this resolution would help Congress to regulate commercial fishing. Sen. Cohen responded by stating that Congress needs to look at this.

Rep. Sheila Francoeur spoke in support. She stated that commercial fishing brings money into working ports for New Hampshire. Fishermen/Lobstermen are a valuable resource.

Rep. Guay asked what the impact would be to New Hampshire if this resolution does not pass. Rep. Francoeur responded by stating that the purpose of this resolution is to allow fishermen to control the catch of fish/lobster.

* **Rep. Norelli, co-sponsor**, spoke in support and provided written testimony. She stated that the statistics are based on false statistics and that the fishing industry on seacoast is a local source of economy.

Rep. Guay asked Rep. Norelli if we needed a new committee for ME/NH/MA coastline. Rep. Norelli responded in the affirmative by stating that it would be in our best interest to work with other states on the coastline of New England.

Andy Lang, New Castle, spoke in support. He stated that he is a small fleet and in January, February and March the fish are scarce. It's a large investment for little return. Not many fishing days in a year. He stated that it should be based on local community, stock and needs based on exact

stock. Three years of research not backed up. Mr. Lang asked the committee to stand behind the fishermen.

Rep. Sweeney asked how many communities are involved. Mr. Lang responded by stating Yankee, Seabrook, co-op fishing. Mr. Lang noted that there are probably about 100 full-time fishermen. He stated that the fishermen could regulate their own commercial fishing without federal interference.

Rep. Albert asked Mr. Lang if he had contact Congressman Jeb Bradley. Mr. Lang stated that Congressman Bradley was interested and has been up the seacoast learning.

Rep. Fields asked if this was in the courts. Mr. Lang responded in the affirmative.

* **David Goethrel, Hampton**, spoke in support and provided written testimony. He stated that there are 97 federally permitted ships in New Hampshire. He stated that the fishermen work hard with others for protection of certain fish and stocks are rebuilding.

Rep. Guay asked Mr. Goethrel about the conservation groups suing Feds. Mr. Goethrel responded by stating that the law is not being obeyed.

Rep. Easson asked if the 3-month stoppage was for all fishermen. Mr. Goethrel responded by stating fifty (50) miles north or south.

Rep. Fields asked if the fishermen can get out-of-state permits. Mr. Goethrel responded in the affirmative but further stated that they could not take 97 boats out.

Rep. Marple asked who gave the authority and signed on behalf of New Hampshire. Mr. Goethrel responded by stating that what the fishermen needed they did not get.

James Willwerth, Hampton, spoke in support. He stated that he has been a fisherman for twenty-three (23) years and he lost 80 days of the 88 days at sea.

* **Bob Nudd, Hampton**, spoke in support and provided written testimony. He stated that everyone has permits for 88 fleet days at sea. Fishermen are good at what they do and access affects everyone.

Respectfully submitted,

Dennis H. Fields, Clerk

Testimony

SCR 2
Testimony of Rep. Terie Norelli
House State & Federal Relations and Veterans' Affairs Committee
April 7, 2003

Good afternoon Mr. Chairman and members of the committee. For the record, I am Rep. Terie Norelli, District 86, serving Portsmouth and Newington, and I appear before you today as a co-sponsor of SCR 2.

Let me say first that I believe that it is important to protect our environment, including fish stocks, not just for our own benefit, but also for our children. During my three-term tenure as a member of the House Science, Technology and Energy Committee I came to realize the importance of good sound science and data collection as an appropriate tool for making policy decisions. Unfortunately, it seems likely that the current stricter federal regulations may have been based on faulty data collection methods. This is unacceptable. Good science must be the basis for policy decisions that require balancing the needs of our environment and our economy.

The ST&E Committee was also required to make policy decisions that involve the economy of low-grade wood. Like the low-grade wood market in the North Country, the fishing industry on the Seacoast is a localized economy that is also part of the local culture. It is important for us, as legislators, to consider this when formulating our policies. We must protect the fish AND the fishing community.

Larry Gray

Sheila

For these reasons, I ask your support for the passage of SCR 2.

Margie strong voice from NH — absent rel to Mass, ME
Snow, Kennedy:

Hello my name is Ellen Goethel. I am a marine biologist from Hampton, NH. My husband is also a fisheries biologist and has been fishing in the State of New Hampshire since he was 13 years old, over 35 years. He is the Owner-Captain of the Fishing Vessel Ellen Diane, a 44-foot stern trawler, fishing out of Hampton Harbor. I'd like to begin with a little information about the fishing industry on our seacoast. There are 97 federally permitted commercial fishing vessels in New Hampshire. This does not include the hundreds of vessels that fish for lobster within state waters. There are 2 fishermen's coops where fish are unloaded and sold. The Portsmouth Fishermen's Co-op and the Yankee Co-op in Seabrook. Between these 2 co-ops there were over 5million lbs of groundfish landed in 2001 worth about $4million. This is less than ½ of the number of groundfish landed in New Hampshire during the early 1990's before the restrictions began. So although the stocks are much higher than they were in the 90's, we are allowed to land much less even though the stocks are rebuilding at an incredible rate. This does not meet the commonsense measure even to a biologist. The combined value of landings from commercial fishing vessels in NH in 2001 (this includes not only the groundfish stated above but also the lobster, herring, whiting, spiny dogfish, shrimp, monkfish, etc.) was 25 million dollars. Along with the services required by these vessels and their

shore side support, the fishing industry is worth $100's of millions of dollars to the New Hampshire economy. (New Hampshire Fish and Game study from the late 1990's)

Before I give you my testimony I would like to add that our Congressional delegation especially Sen. Gregg and Sen. Sununu have consistently worked with the fishing industry to come up with viable alternatives to our predicament. And we do appreciate their support.

I am here today because of the inequities which have been forced on the small family owned fishing fleet. By nature the small boat fisherman is a conservationist. It is in their vested interest to maintain healthy fish stocks for their children. With that goal in mind the fishermen of this state have participated in projects to protect and preserve the fish and the environment. Pingers, raised footrope trawls, etc. I have a list of these to be submitted with my written testimony. I put to you that preserving the fish stocks and the fishermen are not mutually exclusive.

The restrictions that are in place are working. The cod stocks in the Gulf of Maine have nearly tripled in biomass in the last 3 years. This in spite of the fact that the principal measuring tool for these cod stocks, the NMFS research vessel Albatross IV, has used improperly calibrated gear in two of the past three years, leading to an underestimation of all stocks of fish off of

the coast of the Northeastern United States. More stringent restrictions are not necessary to increase the fish populations; they will continue to grow with the present regulations. The only logical reason to increase restrictions would be to destroy the infrastructure and the day boat family owned fishing fleet.

New Hampshire has been impacted more severely than any other state due to the nature of our small boat fleet. We are the only area that has a 3-month continuous closure (April, May and June) when the groundfish are near our shore and the fleet cannot fish around this closure. We are tied to the dock for 3 months. This is the time frame when most of the boats historically have made 50% of their annual income.

The stocks are rebuilding at a faster rate than anyone had previously dreamed, but if the environmental industry in Washington have their way in a few years when the seas are teaming with fish, there will be no fishing boats to harvest them. The National Marine Fisheries Service, who control the regulations implemented on the fleet, have in recent years been ruled by lawsuits filed by the environmental industry. The current groundfish situation is a direct result of environmentalists seeking out a federal judge sympathetic to their cause to mandate public policy and circumvent the legislative process. Although the state of New Hampshire signed on to the

agreement with the litigants of the lawsuit, they did so with a proverbial gun held to their head. Not once has one of these groups sat down with the fishing industry and listened to their proposals to protect the environment and the fish. The environmental industry's underlying goal has not been a responsible interest in the environment but the destruction of the fishing industry. We have offered numerous alternative solutions for the management of groundfish that would maintain the viability of the fish stocks and still allow the family fleet to survive but other states with large vessel fleets and the environmental industry have consistently blocked our efforts leading to the current situation. As a biologist I have been frustrated by the lack of understanding of basic ecological principles by the environmental industry. These groups loudly complain about bycatch and destruction of habitat but endorse regulations that leave thousands of dead fish in their wake and cause more deleterious effects on habitat. Yet despite this, stocks are still rebuilding. Let me be perfectly clear, we do not endorse a return to the era of over fishing, but endorse a common sense, biologically sound approach to maintaining the fish and the fishermen. This will only be achieved when biologists, fishermen and environmentalists work together.

Due to these restrictions we are forced to use what few groundfish days we have been allotted either in the summer, when vast schools of spiny

dogfish inhabit our coastal waters, or in the winter when groundfish move away from the coastal waters causing us to fish in areas that are unsafe for these small boats and in weather that they would have historically stayed in port. As an example, many of the New Hampshire boats fished this past Saturday and Sunday in below zero temperatures in 25 to 30 miles per hour winds because this is the only time of year that they are allowed to fish.

I implore you to pass this resolution. It shows an understanding of the problems our industry is facing and compassion for the families affected.

My family settled in Hampton in 1643. Like most of the families who settled in New Hampshire back then they were fishermen and farmers. Since then my family has had at least one person in every generation who has been directly involved with fishing or with coastal trade.

As for myself, I have spent the majority of my life on the ocean engaged the commercial fisheries. I remember when the fish were plentiful and the regulations were few. I remember when you could count the number of draggers in this state on one hand and the entire ground fish fleet in this state on two. I remember bailing codfish into a skiff, so many that the rails would be close to going under and rowing them ashore because there were no commercial docks to use. I remember the boat loads of 18 cent haddock in the spring and 10 cent pollock in the fall. Certainly I knew the fishing industry in some of its best times. And certainly also, I have known that same industry in some of its worst times.

In the late 70's the concern started and in the 80's the stocks started to decline and the regulations began. The first step was licensing and reporting. Then came larger mesh nets, landing quotas, closed areas, and seasonal closures. In the middle of all this came the infamous Days at Sea allocation. The majority of fishermen opted for the category of Fleet Days at Sea. All of those permits were equal and all had 88 days.

In addition to the regulations came the cry from the National Marine Fisheries Service to do something else. "Fish for something else! Help the ground fish stocks by focusing on other species!" In the early 90's, faced with the harsh choice of mortgage payment or food on the table, I chose to focus all my efforts in the lobster fishery until ground fish stocks became healthy again. When I put the dragging and gillnet gear in the back yard, the idea of not going ground fishing ever again never crossed my mind. But at that time the last thing that the resource needed was one more fisherman chasing the last codfish in the ocean.

If it wasn't for fisherman like me, fisherman who chose to do what was asked of them, there would be no ground fishery today. We are Fisherman, we are good at what we do, we would have caught the last codfish in the ocean. That would have been wrong. Just as wrong as denying us access now to a fishery because we did the right thing.

Days at Sea Allocation is a very emotional and political topic. It is the essence of fisheries access and it affects not just individuals and families but communities and future generations as well. It is not just about today's income. It is about future income. It's about present and future value of assets. It's about infrastructure and related jobs. And it's about the financial stability of whole communities.

Scientists and managers tell us that, based on the best available data, the groundfish resource can only support a certain number of fishing days. But they don't tell us at what level of exploitation. They tell us that latent days must be removed. But they don't tell us what portion of that effort, that is currently allocated as used days at sea, were not used at all. They don't tell us that fishermen who used less time to catch their daily codfish quota are being penalized for being conservative.

What are some of the things that we do know? We know that the trawl data used to evaluate the health of the resource has been flawed for years. We know that the agreement that resulted in Judge Kesselers decision involving the base line Days at Sea Allocation was the result of a back room agreement, without due process, by a handful of people now sworn to secrecy. We know that the management measures currently in place are working even without days at sea reduction. We know that diversification has helped this resource rebound.
We know that fishermen themselves are fishing more conservatively. We know that there is still work to be done. And finally we know that you do not need to devastate fishing families by reducing their Days at Sea to a point where they cannot survive.

There are some that have said I had the opportunity sell my permit and didn't. So I have no complaint. A permit has many values. We are all Fishermen. It's not just about today's dollar value, it's about the income that permit will generate in the future. It's about not being able to split permits. If I sell may multispecies permit I must sell all my permits including my lobster permit. I will no longer be able to fish for anything. It's about the value of boats with 8 days at sea as opposed to 88. It's about not needing 88 days or 72 days but needing enough days to survive and 8 is not enough. And most of all its about sons and daughters and grand children and family.

Over the years there has been one fundamental flaw in fisheries management. Those who take the most from the resource have been rewarded and those who conserve the most have been punished. Believe me when I say that I do not condemn or begrudge any fisherman for trying to survive. Given the past condition

of the resource every fisherman has had to look long and hard into his or her conscience and individual situation. Decisions were made and no fisherman should be punished for their choices.

There are many more issues and there are many more arguments. For me, as someone who has made a living from the sea for the majority of his life, A Fisherman is a Fisherman and Fleet Days at Sea Permits are all equal. And yet, with the drop of a judges gavel and the vote of a council, my right to fish, that right which was the same as everyone else's, is no longer equal. And the punishment for doing what was asked of me, the punishment for doing what was right is the end of a 360 year heritage. Thank You.

Bob Nudd
531 Exeter Road
Hampton, New Hampshire 03842-1014

House State-Federal Relations &
Veterans Affairs Committee

Tuesday, April 8, 2003

Testimony on SCR 2

A resolution urging the United States Congress to act to rectify the science, research funding, and restrictions governing the northeast multispecies fishing industry and its impact on New Hampshire fishermen.

Sen. Cohen, Dist. 24
April 3, 2003
2003-1124s
10/01

Amendment to SCR 2

Amend the resolution by replacing all after the title with the following:

Whereas, the New England fishing industry, including New Hampshire fishermen, have worked tirelessly over the last decade to rebuild the fishing stocks off New England and have increased their community effort to work towards better conservation practices and sustainability; and

Whereas, the new federal fishing restrictions imposed by the National Marine Fisheries Service have severely curtailed fishing opportunities available to New Hampshire fishermen and may well put these small commercial fishermen in financial jeopardy in the present and in the future; and

Whereas, the methodology for estimating fish populations, which became the basis for these new federal fishing restrictions, might be based on faulty science due to the fact that the federal government's research vessel used uncalibrated scientific fishing equipment for more than 2 years, possibly painting a more dire picture of fish stocks than might exist; and

Whereas, a recent federal court ruling required the Secretary of Commerce to publish an interim rule to be in compliance with the overfishing, rebuilding, and by catch provisions of the Sustainable Fisheries Act; and

Whereas, the proposed interim rule proposed additional restrictions to include a freeze on days at sea at the highest annual level used from fishing years 1996 to 2000 and a 20 percent cut from that level; and

Whereas, the use of days at sea from the fishing years 1996 to 2000 as a vessel's new "baseline" fails to take into account a number of factors, including participation in formerly "exempted fisheries," creates inequitable results and thereby unfairly penalizes fisherman who were encouraged to enter these "exempt fisheries"; and

Whereas, the head of stock assessment for the National Marine Fisheries Service has stated faulty gear on a trawler used to collect data about groundfish stocks may have led to inaccurate findings and New Hampshire fishermen have suspected the federal fisheries stock assessments were seriously flawed; and

Whereas, New England fishermen, including New Hampshire fishermen, have readily complied with voluntary conservation measures only to be penalized by this "good faith" compliance; and

Whereas, the goals to allow the regeneration of groundfish stocks in the waters off the New England coast while protecting those individuals and their significant investments who bring that resource to the public are not mutually exclusive; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring:

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II. All collection and analysis of scientific information must be sound and apply the best methods and technology available;

III. All National Oceanic and Atmospheric Administration trawl survey vessels should be independently reviewed for stock status reference points, definitions for all stocks should be implemented, the incorporation of state-of-the-art survey devices should be made on these research vessels, and a independent review made of trawl survey protocol; and

That the Secretary of Commerce be allowed to relax federal regulations on an emergency basis as appropriate to address issues of fairness and equity within the Interim Final Rule; and

That greater federal funding be made for cooperative research within the fishing industry and the scientific community; and

That copies of this resolution be forwarded by the senate clerk to the governor, the executive director of the fish and game department, the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Secretary of Commerce, the administrator of the National Oceanic and Atmospheric Administration, and the members of the New Hampshire congressional delegation.

SCR 2

A RESOLUTION URGING THE UNITED STATES CONGRESS TO ACT TO RECTIFY THE SCIENCE, RESEARCH FUNDING, AND RESTRICTIONS GOVERNING THE NORTHEAST MULTISPECIES FISHING INDUSTRY AND ITS IMPACT ON NEW HAMPSHIRE FISHERMEN

CHRONOLOGICAL BACKGROUND

1976 The Magnuson-Stevens Fishery Conservation and Management Act was passed by the U.S. Congress in 1976. It created a 200-mile limit of U.S. control over waters once heavily fished by foreign fleets. It also set up a federal management system for fishing between three and 200 nautical miles. States continue to manage gfishing out to about three miles but now must coordinate what they do with federal management. It has been amended, most recently in 1996 when it also changed from "Magnuson" to "Magnuson-Stevens."

5/19/2000 Lawsuit brought by the Conservation Law Foundation (CLF), Center for Marine Conservation, National Audubon Society and Natural Resources Defense Council against NOAA Fisheries (Conservation Law Foundation, et al., v. Evans, Case No. 00CVO1134, (D.D.C., December 28, 2001)). The lawsuit alleged that Framework Adjustment 33 to the Fishery Management Plan (FMP) violated the overfishing, rebuilding and bycatch provisions of the Magnuson-Stevens Act (16 U.S.C. 1801, et seq.), as amended by the Sustainable Fisheries Act (SFA).

12/28/2001 Court granted Plaintiffs' Motion for Summary Judgment on all counts ruling that the National Marine Fisheries Service (NMFS), the National Oceanic and Atmospheric Administration, and the secretary of commerce violated the Sustainable Fisheries Act (SFA) by approving Framework Adjustment 33 to the groundfish plan, which used Amendment 7 as the rebuilding standard instead of the more stringent and SFA-compliant targets in Amendment 9. However, the Court did not impose a remedy but instead asked the parties to the lawsuit to propose remedies consistent with the Court's findings. Shortly thereafter, several additional parties were allowed to intervene in the lawsuit for purposes of proposing the appropriate remedy. These parties (``Intervenors") included the States of Maine, New Hampshire, Massachusetts, and Rhode Island, and three industry groups.

1/22-4/22/02 Case enters "remedy" phase. Judge Kessler holds status conferences, establishes briefing schedules, and issues orders.

4/5-4/9/02 Plaintiffs, Defendants and Intervenors engaged in Court-sponsored mediation to try to agree upon mutually acceptable short-term and long-term solutions to present to the Court as an appropriate remedy. Although these discussions ended with no agreement, several of the parties continued mediation and filed a Settlement Agreement with the Court on April 16, 2002.

4/16/2002 Settlement Agreement filed with Court. Parties signing the agreement include NOAA, NMFS, State of Maine, Commonwealth of MA, State of NH, State of RI, Associated Fisheries of Maine, Inc., City of Portland, ME, City of New Bedford, MA, Trawlers Survival Fund, Northwest Atlantic Marine Alliance, Inc., Stonington Fisheries Alliance, Saco Bay Alliance, Cape Cod Commercial Hook Fishermen's Association, Inc. Objections to the joint proposal were filed by Plaintiffs National Audubon Society, Natural Resources Defense Council, The Ocean Conservancy and Intervenor Northeast Seafood Coalition.

4/25/2002 In order to ensure the implementation of protective management measures by May 1, 2002, NOAA Fisheries, notwithstanding that the Court had not yet issued its Remedial Order, filed an interim final rule for publication on April 29, 2002 implementing measures identical to the short-term measures contained in the Settlement Agreement filed with the Court.

4/26/2002 Court issued a Remedial Order that ordered the promulgation of two specific sets of management measures--one to be effective from May 1, 2002, to July 31, 2002, and the other from August 1, 2002, until promulgation of Amendment 13 to the FMP. The Court-ordered measures for the first set of measures were, in the majority, identical with those contained in the Settlement Agreement and the measures contained in NOAA Fisheries' April 29, 2002, interim final rule. However, the Court-ordered measures included additional provisions and an accelerated schedule of effectiveness for all measures, which were not contained in either the Settlement Agreement or the April 29, 2002, interim final rule. According to the Court, these additional provisions were included to strengthen the Settlement Agreement provisions ``in terms of reducing overfishing and minimizing bycatch without risking the lives of fishers or endangering the future of their communities and their way of life." Remedial Order, p.13. Further, the Court ordered that NOAA Fisheries publish in the Federal Register, as quickly as possible, an ``amended interim rule and an amended second interim rule" that would ``include the departures from the Settlement Agreement incorporated in the Remedial Order."

4/26-5/22/02 All parties to the settlement agreement, including the plaintiff Conservation Law Foundation and NMFS, ask Kessler to reconsider. Plaintiffs National Audubon Society, Natural Resources Defense Council, and The Ocean Conservancy file a brief opposing reconsideration.

5/6/2002 To comply with the Court Order, NOAA Fisheries published a second interim final rule (``amended interim rule") to modify the measures implemented through the April 29, 2002, interim final rule and to accelerate the effectiveness of the gear restrictions, as required by the Remedial Order.

5/23/2002 Judge Kessler grants the motions for reconsideration on the basis that ``the important changes made by the Court in the complex and carefully crafted Settlement Agreement Among Certain Parties would produce unintended consequences." She vacated her April 26 order, and replaced it with the measures and terms outlined in the original April 16 settlement agreement and ordered the Secretary of Commerce (Secretary) to:

> publish an interim rule, effective no later than June 1, 2002, to reduce overfishing in the first quarter of the 2002-2003 fishing year;
> publish another interim rule to be effective no later than August 1, 2002, to reduce overfishing beginning with the second quarter of the 2002-2003 fishing year, and continuing until implementation of Amendment 13 to the FMP, which complies with the overfishing, rebuilding, and bycatch provisions of the SFA; and no later than August 22, 2003, promulgate such an amendment to the FMP.

The opinion states that "the present action is temporarily stayed pending such further proceedings as may be required with respect to each of three administrative actions" and "the Court retains jurisdiction until promulgation of Amendment 13."

6/5/2002 NOAA Fisheries published an interim final rule (67 FR 38608) to amend the regulations governing the Northeast multispecies fishery to bring them into compliance with the Court Order. The rule implemented regulations for the June 1 through July 31, 2002, period, consistent with the Settlement Agreement.

7/1/2002 Proposed interim rule published (67 FR 44139) for this action, requesting public comment through July 16, 2002. This rule proposes additional restrictions specified in the Settlement Agreement to include a freeze on days-at-sea (DAS) at the highest annual level used from fishing years 1996-2000 (beginning May 1, 1996 through April 30, 2001) and a 20-percent cut from that level.

8/1/2002 Interim final rule published (67 FR 50292)

Authority: Section 305(c) of the Magnuson-Stevens Act.

Purpose: Bring the regulations governing the NE multispecies fishery into compliance with the Settlement Agreement Among Certain Parties which was ordered to be implemented by the U.S. District Court for the District of Columbia in May 23, 2002 Remedial Order issued on May 23, 2002 and reduce overfishing on species managed under the Northeast Multispecies Fishery Management Plan (FMP).

Restriction Implemented: A freeze on days-at-sea (DAS) at the highest annual level used from fishing years 1996-2000 and a 20-percent cut from that level.

9/15/2002 Head of stock assessment for NMFS said faulty gear on a trawler used to collect information about groundfish stocks may have led to inaccurate results. Problem discussed at a two-day meeting of NEFMC this past week. Since more stringent fishing guidelines were imposed this spring, fishermen have suspected the federal fisheries stock assessments were flawed. Federal officials at meeting agreed to share new information with U.S. District Court Judge Gladys Kessler.

1/15/03 Dr. Bill Hogarth, Assistant Administrator for Fisheries at NOAA, releases public statement in support of the New England Fishery Management Council consideration of alternatives that use 2004 as the start of the rebuilding clock for appropriate species. The rebuilding clock refers to the period within which overfished stocks must be rebuilt under the Magnuson-Stevens Fishery Conservation and Management Act. Hogarth indicates that NOAA will continue to work with the Council as it develops alternatives under Amendment 13 and determine which species are appropriate candidates for the various alternatives for the new rebuilding schedule.

SCR 2

A RESOLUTION URGING THE UNITED STATES CONGRESS TO ACT TO RECTIFY THE SCIENCE, RESEARCH FUNDING, AND RESTRICTIONS GOVERNING THE NORTHEAST MULTISPECIES FISHING INDUSTRY AND ITS IMPACT ON NEW HAMPSHIRE FISHERMEN

POINTS OF CONSIDERATION

FISHING INDUSTRY IS ONE OF NEW HAMPSHIRE'S OLDEST INDUSTRIES

* As one of New Hampshire's oldest industries, it would be unfortunate for New Hampshire to allow the elimination of commercial fishing. Much of the heritage of New Hampshire has been lost in the last 50 years as small farms and manufacturing companies have been forced to shut down. If federal restrictions are not relaxed on commercial fishermen, New Hampshire's fishing industry is headed to a similar fate.

* There are 97 Federally-permitted commercial fishing vessels, most of them small family-owned vessels, in New Hampshire. This does not include the hundreds of vessels that fish for lobster within State waters.

* New Hampshire has two commercial fishing cooperatives – one in Seabrook (Yankee Coop) and one in Portsmouth (Portsmouth Fishing Coop) and processed over 5 million pounds of groundfish at a value over $4 million dollars.

* The economic benefit from New Hampshire's commercial fishing industry has been estimated over $100 million dollars according to the State's Fish & Game Department.

THE PROBLEM: OVERFISHING STRESSING OUT FISH STOCKS

* New Hampshire's fishing industry have been facing a growing number of restrictions, some court-ordered restrictions, as fish stocks have become stressed over the past decade. New restrictions set to become effective by August, 2003, may cut current fishing opportunities by more than 50%.

* It is important to note that fishermen have a vested interest in maintaining healthy fish stocks and have worked in voluntary compliance with some restrictions in order to protect and preserve fishing stocks and their business operations.

* New Hampshire commercial fishing fleet are faced with a 3-month continuous closure during the months of April, May and June. This comes at a bad time considering groundfish are near our shore and the fleet is unable to fish. Historically, most boats make 50% of their annual income during this timeframe.

* Fish populations will continue to increase without further federal restrictions. In fact, the cod stocks in the Gulf of Main have nearly tripled in biomass in the last 3 years.

FAULTY SCIENTIFIC DATA LEADS TO UNREASONABLE PUBLIC POLICY SET BY COURTS

* The methodology for estimating fish populations was based on scientific data provided by the federal trawler, the Albatross. It was discovered that the Albatross used mismatched cable net lines for more than two years, possibly tainting a clear picture of fish stocks that exist.

* Due to the uncertainty caused by new federal and court-ordered regulations, which extreme environmental groups have driven, planning and operating a fishing business in New Hampshire is near impossible. New regulations are brought upon the industry with little warning and with no grace period.

IMPACT TO NEW HAMPSHIRE'S SMALL FISHING FLEET SEVERE

* New Hampshire fishermen have been impacted more severely than any other state due to the nature of our small boat fleet.

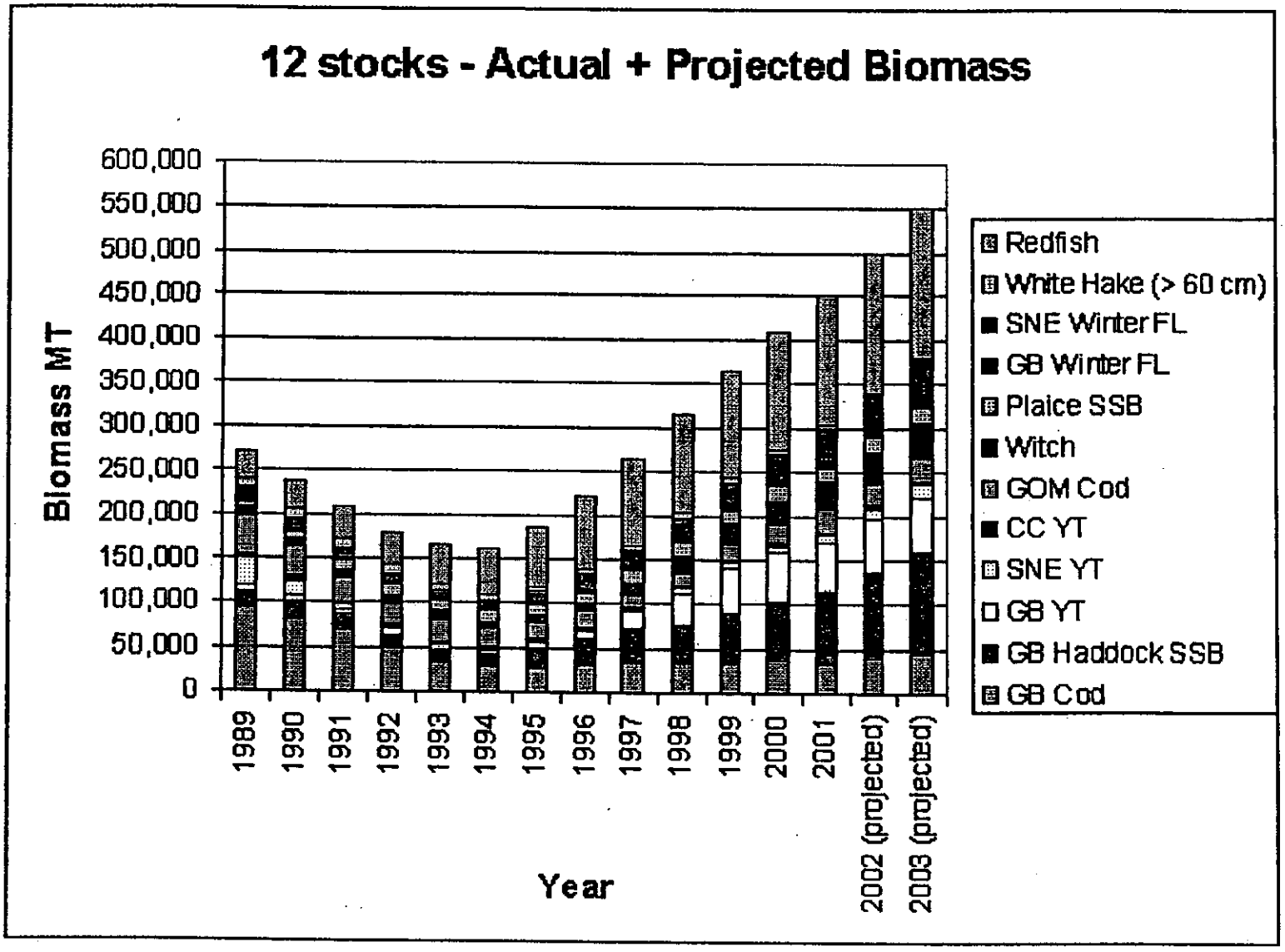
* New Hampshire is the only area that has a three month continuous closure (April, May, June) when the groundfish are near our shore and the fleet cannot fish around this closure. Vessels are tied to the dock for three months during a time when most boats historically have made 50% of their annual income.

NEW HAMPSHIRE'S FISHING INDUSTRY AT CROSSROADS

* New Hampshire's small fishing industry fleet is at a crossroads regarding the future of the commercial fishing industry. Fish stocks are rebuilding to levels not seen in a number of years. If sensible regulations are put in place, this recovery will continue without destroying the commercial fishing industry.

* New Hampshire fishing community have offered numerous alternative solutions for the management of groundfish that would maintain the viability of the fish stocks and still allow the family fleet to survive but other states with large vessel fleets have consistently blocked our efforts leading to the current situation.

* More stringent restrictions are not necessary to increase certain fish populations, they will continue to grow with the present regulations. Some of the rebuilding schedules for New England groundfish can only be met by virtually eliminating the commercial and recreational fisheries. Conserving the resource and maintaining the viability of the fishing industry are not mutually exclusive. Over fishing has gone on for hundreds of years – we don't need to be 100% rebuilt in 10 years.



This chart was put together by the staff of the New England Fisheries Management Council using data from the National Marine Fisheries Service Data collected with the faulty trawl gear in 2000 through 2002. Even with the faulty gear the increases in biomass are staggering.

Submitted by :
Ellen Goethel
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Member Northeast Seafood Coalition
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Summary of Current Fishing Restrictions

Items put into place since the Magnussun/Stevens Act implemented Amendment I in 1978:

1. Increased minimum fish size to allow fish to spawn at least twice before the possibility of capture. Most spawn 2 or 3 times before reaching a size retained by 6½ inch mesh.
2. Increased mesh size from 4½ inch mesh to 6 ½ inch mesh. No one in the world uses mesh this large. The North Sea uses 3 inch mesh and Canadians use 5 ½ inch mesh to fish for the same groundfish.
3. Limits have been set on "Days at Sea". These are the number of days a vessel is allowed to actually fish. Most vessels in the Gulf of Maine have less than 67Days at Sea as oppose to an unlimited number prior to 1995.
4. Most of the most productive grounds for catching ground fish have been closed in three of the major ecosystems. Four permanently closed areas probably protect 30% of the fish year round. In addition the "rolling closures" close areas of highest concentrations of fish when they occur.
5. Very restrictive landing limits have been set for cod and haddock far below what any given boat could catch on any given day even when fishing was very poor.
6. Installation of bycatch reduction devices such as the Nordmore Grate in the Northern Shrimp trawl fishery and the raised foot rope trawl in the Gulf of Maine silver hake fishery which eliminate catch of groundfish as bycatch.
7. The elimination of habitat destructive sweeps from trawl nets such as the "street sweeper" to protect juvenile fish habitat and invertebrates.
8. Installation of "pingers" on gillnets to stop the capture of harbor porpoise.
9. A 12" limit on rock hopper sweeps which were up to 30 inches in size, in the Western Gulf of Maine to reduce capture of cod, haddock and pollack.

NEW ENGLAND MARINE AND INDUSTRIAL, INC
200 Spaulding Turnpike, Portsmouth, NH 03801 USA 603-436-2836 800-492-0779 Fax 603-433-2239
E-Mail info@newenglandmarine.com www.newenglandmarine.com

Dear Andy,

I am sorry we will be unable to attend your meeting on Friday. We strongly support your efforts to get the State of New Hampshire to increase their support of the commercial fishing industry. Our elected officials have been much too silent on the issues regarding the fishing regulations. The time has come for New Hampshire to take a leading role in assuring that future fishing regulations are fair and equitable for everyone.

The past several years have been a very difficult time for anyone involved in the commercial fishing industry. Due to the uncertainty caused by the new regulations, planning and operating our business has been near impossible. New regulations are brought upon the industry with little warning and no grace period allowed before the rules go into effect. NMFS has shown a callous disregard for the effects these new regulations will have on the industry. In 2002, our company alone lost close to $50,000 due to obsolete inventory caused by the mesh size reduction. You would be hard pressed to find another industry where regulations go into effect almost immediately after they are finalize.

Extreme environmental groups have become the driving force for many of the new regulations. Their financial resources along with a working knowledge of how to manipulate the system, has given them the upper hand on the commercial fishermen. Although they state their goals are the preservation of the fishing industry, the facts do not bear this out. They have asked for almost unobtainable levels for the fish stocks along with an incredible short recovery time. In many cases, a complete shutdown of the industry would still not meet their goals. It is almost undeniable that their ultimate goal is the elimination of the commercial fishing industry.

We are at a crossroad regarding the future of the commercial fishing industry. Fish stocks are rebuilding to levels not seen in a number of years. If sensible regulations are put in place, this recover will continue without destroying the commercial fishing industry. The recovery of the fish stocks and the survival of the commercial fisherman are not mutually exclusive. Both can be accomplished if all involved parties are reasonable with their demands.

It is time for New Hampshire to step up and be heard regarding future regulations. As one of the oldest industries in New Hampshire, it would be a tragedy for us to allow the elimination of commercial fishing. Much of the heritage of New Hampshire has been lost in the last 50 years as small farms and manufacturing companies have been forced to shutdown. If we do not stop this assault on the commercial fishermen, the industry is doomed to a similar fate. Let's stop this before the only place for our children to learn about commercial fishing is in a museum.

Sincerely,

Michael Richardson
General Manager

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Wednesday, January 15, 2003 E-mail This Article

Fisheries official says rebuilding alternatives possible

BOSTON (AP) — The National Marine Fisheries Service would support "alternative" timelines for rebuilding overfished groundfish stocks that begin in 2004, according to a service official.

Bill Hogarth, an assistant administrator with the fisheries service, wrote in a statement summarizing a Monday briefing on Capitol Hill that he would support using 2004 as the "start of the rebuilding clock for appropriate species."

In December, U.S. District Judge Gladys Kessler delayed the deadline for the new groundfish regulations — called Amendment 13 — from August 22, 2003 to May 1, 2004.

Scientists will use the time to further assess the impact of a highly publicized mistake collecting samples used in fish counts and review its projections about stock health and social impacts of the new rules.

Once finalized and instituted, the Amendment 13 regulations could give up to 10 years or longer for the various groundfish species, such as cod, haddock, flounders, to regenerate.

Previously, 2009 had been a target date for rebuilding stocks. Timelines that begin in 2004 would mean that federal regulations could allow rebuilding up to 2014.

"(National Oceanic and Atmospheric Administration) Fisheries will continue to work with the New England Fishery Management) Council as it develops alternatives under Amendment 13 and determines which species are appropriate candidates for the various alternatives for the new rebuilding schedule," Hogarth wrote in the letter.

Hogarth did not specify which species those could include, or what the alternative timelines would be.

Sen. Edward Kennedy, D-Mass., welcomed the National Marine Fisheries Service for demonstrating flexibility.

"The fishermen have sacrificed greatly during the rebuilding restrictions that have been put on them, and this will help to insure that we will still have a ground fishing fleet in years to come," Kennedy said in a statement Tuesday.

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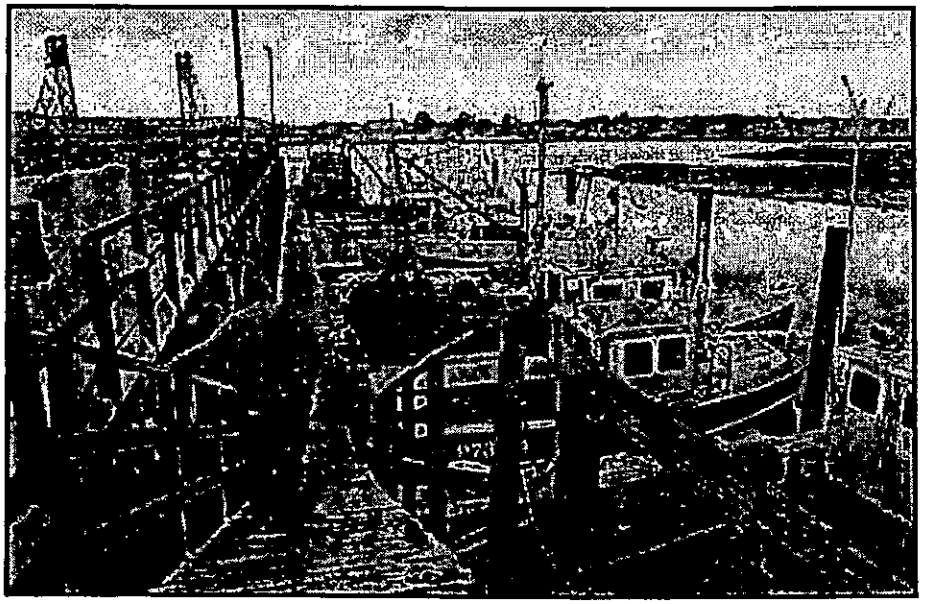
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Fishing boats at the Fisherman's Co-op sit at the docks Wednesday.

Staff photo by Deb Cram

Commercial fleet afloat

By Michelle Firmbach
mfirmbach@seacoastonline.com

PORTSMOUTH - New England fishermen were granted a reprieve this week from tough new restrictions on their livelihood when federal regulators agreed to allow up to five additional years for some decimated fish populations to replenish.

The National Marine Fisheries Service announced Tuesday it would reset the clock for rebuilding stocks of cod and other groundfish species to 2014, rather than the 2009 deadline established earlier - in effect allowing more time for the fish stocks to rebuild.

That means that the New England Fishery Management Council, as it develops the latest set of regulations for stocks under its purview, could allow extra time for rebuilding certain species. That would likely translate into more leeway for

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fishermen, but it's too early to say exactly how.

Local fishermen praised the delay, but environmental groups who have pushed for stricter catch limits accused the National Marine Fisheries Service of bending to political pressure from fishermen.

"This is a major problem. They're flying in the face of the law and breaking their own promises," said Eric Bilsky, a senior attorney with the conservation group Oceana.

Bilsky said the substance of the government action relayed to him by the press is plainly illegal.

"It is completely outrageous," Bilsky said. "It is in complete defiance of the law and the 10-year deadline."

Hampton resident Ellen Goethel, a marine biologist whose husband is a fisherman, said her family's initial reaction to the news is positive. However, she added, it still isn't known which stocks are going to be extended.

"If the Gulf of Maine cod are not included in this extended rebuilding period, then this latest extension will have absolutely no effect on the New Hampshire fleet," said Goethel, whose husband, David Goethel, is the captain of the F/V Ellen Diane. "If they include the Gulf of Maine cod, it will have a very positive impact on the ability of the inshore fleet to continue fishing."

Goethel said the move is reasonable considering that the National Marine Fisheries Service tripled the original target goal for Gulf of Maine cod last year, but did not allow for any more time to rebuild the stocks.

The Boston-based Conservation Law Foundation led a coalition of environmental groups in suing the federal government in 2000, charging that it allowed stocks of cod and other commercially valuable species to be overfished. Two years ago, a federal judge ruled in favor of the environmental groups, ordering the tough new restrictions.

Those rules have since been relaxed twice, most recently in December when U.S. District Judge Gladys Kessler delayed the deadline for the new groundfish regulations - called Amendment 13 - from Aug. 22, 2003, to May 1, 2004.

Following a Monday briefing on Capitol Hill, Bill Hogarth, an assistant administrator with the federal fisheries service, issued a statement that he would support using 2004 as the "start of the rebuilding clock for appropriate species." Previously, 2009 had been a target date for rebuilding stocks. Timelines that begin in 2004 would mean that federal regulations could allow rebuilding up to 2014.

"Look at the stocks; we're making progress," Hogarth told The Boston Globe. "We changed the goal posts, however. This is the responsible way to go." Scientists will use the extra time to further assess the impact of a highly publicized mistake in collecting samples used in fish counts and to review their projections about the health of fish stocks and the social consequences of the new rules.

Once finalized and instituted, the Amendment 13 regulations could give up to 10 years or longer for the various groundfish species, such as cod, haddock, flounders, to regenerate.

Bilsky said the 10-year limit provided under the law is a means to prevent overfishing that may cause a population to crash, a situation already transpiring in Europe and Canada. Furthermore, he said, there hasn't been any proposal to consult the New England Fishery Management Council - the group charged with creating the rules. The council writes fishing regulations subject to review by NMFS, which is part of the U.S. Commerce Department.

"For the federal government to come in and step all over the council process and say in advance it is going to select an alternative that is not even before the council, it is just a breathtaking statement. Words fail."

Bilsky, who at various stages of the litigation has represented all of the plaintiffs, said the announcement was made to members to the New England congressional delegation and the press, but the plaintiffs in the lawsuit were not even notified of the decision.

"What a remarkable adversarial action," Bilsky said. "The point of rebuilding those fishing populations is so in the future we can catch three times more fish year in and year out.

"I am trying to contact the government, who again did not have the courtesy to speak to me and find out what exactly they are doing," Bilsky said.

Bilsky said he will then consult with his clients and his colleagues to figure out their next course of action.

"It's wonderful news," Angelo Sanfilippo, of the Gloucester Fishermen's Wives Association, said of the extension. "This is a fairer way to rebuild the stocks."

Sen. Edward Kennedy, D-Mass., also praised the National Marine Fisheries Service for demonstrating flexibility.

"The fishermen have sacrificed greatly during the rebuilding restrictions that have been put on them, and this will help to ensure that we will still have a groundfishing fleet in years to come," Kennedy said in a statement Tuesday.

Material from The Associated Press is included in this report.

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Long road yet before local fishing industry is secure

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To write a letter to the editor please email opinion@seacoastonline.com

We have been consistent advocates for reaching a compromise that will allow the regeneration of groundfish stocks in the waters off the New England coast while protecting those who make their living harvesting this resource. It now appears that may have been accomplished.

Federal regulators have evidently seen the light and allowed five more years for the regeneration of cod, haddock and other groundfish stocks in the area to specific levels, by moving the replenishment date from 2009 to 2014. The assumption is that this decision will either remove completely or diminish the impact of additional restrictions previously planned for New England fishing fleets.

However, no one should rest easy just yet.

The environmental groups whose lawsuit against the National Marine Fisheries Service initially prompted the proposal for additional restrictions are not at all happy with this most recent decision by regulators. It is quite possible - listening to the rhetoric of the lawyers for these groups - that additional court action could soon be initiated to overturn this latest decision.

Also, local marine biologist and fishermen's advocate Ellen Goethel has warned that the devil will be in the details of this decision. She noted that if Gulf of Maine cod - one of the most threatened of the groundfish species the government is trying to protect - is not included in the extension, the consequences for local Maine and New Hampshire fishing fleets could still be disastrous.

What all this means is that advocates for maintaining a viable fishing industry, particularly here in New Hampshire and southern Maine, need to remain vigilant. There is still a long way to go before this industry is secure and its

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long-term survival is guaranteed.

It still must be determined how the mistake research scientists made in setting their collections nets in their attempt to assess current groundfish populations will affect the results of their initial study. Local fishermen and even many scientists have contended that substantial progress has been made in rebuilding those fish stocks, but there is still no solid evidence available to either refute or confirm those statements.

Once again, it is our position that groundfish stocks must be allowed to replenish themselves in order to have a resource that is renewable for generations to come. However, the fishing industry, which has been a mainstay of the local economy as well as part of the local culture since well before the Revolutionary War, must be protected in the process.

It is our belief that these two goals are not mutually exclusive and that reasonable people can come up with reasonable ways to save both the fish and the fishermen.

- Portsmouth Herald

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Kennedy, Snowe to seek delay on new fishing regulations

Plan follows questions on scientific data

By Beth Daley
GLOBE STAFF

Two powerful New England senators will file a bill calling for a possible two-year delay in harsh new fishing restrictions scheduled for this summer, saying federal regulators may be using faulty science to put hundreds of fishermen out of work.

Senators Edward M. Kennedy of Massachusetts and Olympia Snowe of Maine also want the US Inspector General's office to examine the National Marine Fisheries Service methodology for estimating fish populations. Last month, scientists acknowledged that researchers on their boat Albatross IV used mismatched cable net lines for more than two years, possibly painting a more dire picture of fish stocks than exists.

"We owe it to the hundreds of fishing families in New England to freeze any further implementation of [the strict new regulations] until previous errors are corrected and future stock assessments are accurate," said Kennedy who plans to file legislation with Snowe after the election.

Their announcement joins a growing chorus by legislators to delay the court-ordered restrictions on fishing because of questions about the science. Senator Susan Collins of Maine called for a delay in the regulations, and US Representative William D. Delahunt of Quincy, among other legislators, has also called for a "time-out" in plans to reduce the allowable catch of cod and other New England fish.

But conservation groups said yesterday that the restrictions should go ahead as planned. They say the need for them is based on a long-term trend of overfishing and stock rebuilding, not the two years involved in the trawl data problems.

"We believe that our nation's legislators are moving very prematurely here," said Priscilla Brooks of the Conservation Law Foundation. "The jury is still out, [the National Marine Fisheries Service] has not completed their analysis of the trawl survey problem and until they do, there is nothing concrete and compelling to suggest we should put a freeze on [the fishing plan]."

The fishery agency is set to release a report today in part assessing how much the cable lines affected fish catches. That report, a fishery source said, is expected to show that the trawl problems had a negligible impact on fish counts.

Anticipating the report, six fishermen resigned from their job aiding National Marine Fisheries Service in fixing the fish-counting problems.

"We cannot at this time continue to participate in what is an effort to paper over the systemic problems, and white-wash results," the group wrote to the Undersecretary of Commerce for Oceans and Atmosphere, the head of National Marine Fisheries Service, and the regional fishery administrator. "Until we see a better plan, a better protocol, and frankly a better attitude, we have regretfully determined that we cannot continue to help you grope for the easiest possible out."

One of the fishermen, Matt Stommel, discovered the equipment problem on the Albatross more than two years ago, but said he was ignored by the fishery agency after pointing it out.

National Marine Fisheries Service officials said they regretted the fishermen's decision, but were committed to working with the fishing industry.

"We are working really hard with everyone who is willing to work with us," said Teri Frady, a spokeswoman for National Marine Fisheries Service. "It's new territory for a lot of people and we are having the usual tortuous path when you try to understand each other's language. But we are committed to it and hope others are, too."

> **'We believe that our nation's legislators are moving very prematurely.'**
>
> PRISCILLA BROOKS, *Conservation Law Foundation*

New England fishermen have faced a growing web of restrictions in the last decade as fish stocks collapsed. But the ones set to take effect next August are by far the most severe, slicing the amount of commercial fishing by more than 50 percent.

A federal judge ordered the reduction after the Conservation Law Foundation and other environmental groups filed a lawsuit in 2000 saying fish stocks were not recovering fast enough under a 1996 law. Fish stocks, after years of devastating decline, are inching up again. Fishermen doubt there is a need for tighter restrictions now.

Beth Daley can be reached by email at bdaley@globe.com

Voting Sheets

HOUSE COMMITTEE ON STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

EXECUTIVE SESSION on SCR 2

BILL TITLE: **urging the United States Congress to act to rectify the science, research funding, and restrictions governing the Northeast multispecies fishing industry and its impact on New Hampshire fishermen.**

DATE: April 15, 2003

LOB ROOM: 303

Amendments:

Sponsor: State-Federal Committee	OLS Document #:	2003	1285h
Sponsor: Rep.	OLS Document #:		
Sponsor: Rep.	OLS Document #:		

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Hawkins

Seconded by Rep. McElroy

Vote: 11-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Hawkins

Seconded by Rep. McElroy

Vote: 11-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 11-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Dennis H. Fields, Clerk

HOUSE COMMITTEE ON STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

EXECUTIVE SESSION on SCR=2

BILL TITLE:

DATE: 4/15/2003

LOB ROOM: 303

Amendments:

Sponsor: ~~Rep.~~ State-Federal OLS Document #: 2003-~~HAWS~~ 1285h Adopted/Failed

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. HAWKINS

Seconded by Rep. MCELROY

Vote: 11 - 0 (Please attach record of roll call vote.)
YEAS NO

Motions: OTP, ~~OTP/A~~, ITL, Interim Study (Please circle one.)

Moved by Rep. HAWKINS

Seconded by Rep. MCELROY

Vote: 11 - 0 (Please attach record of roll call vote.)
YEAS NO

CONSENT CALENDAR VOTE: YES

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Dennis H. Fields

Rep. Dennis H. Fields, Clerk

OFFICE OF THE HOUSE CLERK 2003 SESSION

STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

Bill #: SCR = 2 **Title:**

PH Date: 4 / 8 / 2003 **Exec Session Date:** 4 / 15 / 2003

Motion: OTP as amended **Amendment #:** 2003-1124S

MEMBER	YEAS	NAYS
Coughlin, Pamela D. Chairman		
Guay, Lawrence J. V Chairman	/	
Fields, Dennis H	/	
Priestley, Anne K	/	
Albert, Russell A	/	
Balcom, John L	ABSENT	
Lessard, Rudy	ABSENT	
Marple, Richard	/	
Easson, Timothy E	ABSENT	
Hawkins, Ken	/	
Headd, James F	/	
Kenney, Bettie D	ABSENT	
Kerns, J Edward	ABSENT	
McCann, Richard A	/	
McElroy, Henry W	/	
Heon, Richard F	/	
McDonough-Wallace, Alice T	ABSENT	
Shaw, Barbara E	ABSENT	
Sweeney, Cynthia P	/	
Sullivan, Peter M	ABSENT	
Batchelder, Robert C	ABSENT	
	11	0

TOTAL VOTE:
Printed: 1/6/2003

OFFICE OF THE HOUSE CLERK 2003 SESSION

STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

Bill #: SCR-2 Title: _____

PH Date: 4 / 8 / 2003 Exec Session Date: 4 / 15 / 2003

Motion: OTP ON AMENDMENT. Amendment #: 2003-1245

MEMBER	YEAS	NAYS
Coughlin, Pamela D. Chairman		
Guay, Lawrence J. V Chairman	/	
Fields, Dennis H	/	
Priestley, Anne K	/	
Albert, Russell A	/	
Balcom, John L	ABSENT	
Lessard, Rudy	ABSENT	
Marple, Richard	/	
Easson, Timothy E	ABSENT	
Hawkins, Ken	/	
Headd, James F	/	
Kenney, Bettie D	ABSENT	
Kerns, J Edward	ABSENT	
McCann, Richard A	/	
McElroy, Henry W	/	
Heon, Richard F	/	
McDonough-Wallace, Alice T	ABSENT	
Shaw, Barbara E	ABSENT	
Sweeney, Cynthia P	/	
Sullivan, Peter M	ABSENT	
Batchelder, Robert C	ABSENT	
	11	0

TOTAL VOTE:
Printed: 1/6/2003

Committee Report

COMMITTEE REPORT

COMMITTEE: **State-Federal Relations and Veterans Affairs**

BILL NUMBER: **SCR 2**

TITLE: urging the United States Congress to act to rectify the science, research funding, and restrictions governing the Northeast multispecies fishing industry and its impact on New Hampshire fishermen.

DATE: April 15, 2003 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☒ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

The committee felt that the New Hampshire fishermen have been unfairly penalized for voluntarily reducing their fishing days to help the stocks rebuild. They now are being forced to cut 20% of their 5-year average of days fished. This has resulted in a large number of fishermen being allowed only 10 days or less to fish out of the maximum of 88 days allowed.

Vote 11-0.

Rep. Ken Hawkins
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

State-Federal Relations and Veterans Affairs

SCR 2, urging the United States Congress to act to rectify the science, research funding, and restrictions governing the Northeast multispecies fishing industry and its impact on New Hampshire fishermen. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ken Hawkins for State-Federal Relations and Veterans Affairs: The committee felt that the New Hampshire fishermen have been unfairly penalized for voluntarily reducing their fishing days to help the stocks rebuild. They now are being forced to cut 20% of their 5-year average of days fished. This has resulted in a large number of fishermen being allowed only 10 days or less to fish out of the maximum of 88 days allowed. **Vote 11-0.**

COMMITTEE REPORT

COMMITTEE: State Fed - Veterans Affairs

BILL NUMBER: SCR-2

TITLE: -SCR-2

DATE: 4/15/2003 CONSENT CALENDAR: YES ☑ NO ☐

☐ OUGHT TO PASS

☒ OUGHT TO PASS W/ AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ INTERIM STUDY (Available only 2nd year of biennium)

Amendment No. 2003-1125

STATEMENT OF INTENT:

The Committee Felt that N.H. Fisherman have been unfairly Penalized For Volentarily reducing their Fishing days to help the Stocks rebuild. They now are being Forced to Cut 20% of their 5 yr Average of Days Fished. This has resulted in a larger Number of Fisherman being Allowed only 70 Days or less to Fish out of the Maximum of 88 Days Allowed.

COMMITTEE VOTE: yes 11-0

- Copy to Committee Bill File
- Use Another Report for Minority Report

RESPECTFULLY SUBMITTED,

Rep: _____ For the Committee

Rev. 07/30/99

pde