

Good morning,

The fisheries committee met yesterday. We had 14 people in the room and six people on the phone. Those individuals covered Pacific Northwest and Atlantic North East as well as Gulf of Mexico.

Stephen Ouellette from Gloucester, Massachusetts lead a lively discussion about NOAA observer coverage on ground fish vessels. Last year, the decision from the First Circuit in the *Goethel v. I OAA* matter upheld a NOAA requirement that fishermen must pay \$750 per day when a NOAA observer was on board. The First Circuit questioned this requirement and basically stated that Congress needed to clarify who should be paying for these observers. In March of this year, National Marine Fisheries Service announced that it would pay for the observers as funding was provided in a bill.

Sandy Welte of Camden, Maine gave an update on the litigation filed by various commercial fishing groups to challenge the Northeast Canyons and Seamounts Marine National Monument enacted by President Obama that closes commercial fishing in a 5000 square mile part of the ocean on and adjacent to George's Bank. This area is viewed as a vital part of our Ocean's eco system. The authority for this enactment comes from the Antiquities Act. That Act preserves things if they have historical or scientific significance. The case is moving forward

after a brief stay that was granted for President Trump to study this enactment.

More to come on this in the future.

Kevin Thorton from Atlantic City, New Jersey spoke of a case where a whale washed up on a beach in Ocean County, New Jersey. It was determined that the whale had a bullet wound in its mouth. The wound was infected and resulted in its death. A confidential informant provided pictures of a fishing boat that had a Russian rifle on board. NOAA enforcement officers pursued the boat and ended up charging a crew member with one count of conspiracy to violate the Marine Mammal Protection Act. After forensic testing, the bullet in the whale's mouth could not be positively identified as being shot from the Russian rifle. The crew member claimed that it was common practice to shoot at the water near the whales to scare them away from the catch and the gear. NOAA was not buying that practice until the defense team provided an expert Linda Greenlaw who is a captain and author, to explain that such a practice of shooting at the water to scare the whales for the purposes of avoiding whale entrapment does happen in the commercial fishing industry. As a result, the crew member was given pretrial diversion.

This lead to a further discussion of another boat that was set up with video monitoring where the Captain was shooting seals. The video also showed the

NOAA observer standing next to the Captain taking shots at the seals. All of which is a violation of the Marine Mammal Protection Act.

Robert Bocko of Seattle told us of the great fish escape. The Atlantic farmed Salmon were kept in pens on the Columbia river. The pens failed allowing hundreds of thousands of Atlantic Farmed Salmon being suddenly released into the wild. The state has taken away the permits and is not likely to allow such activity in the future.

Kirby Aarsheim of Boston, Massachusetts gave a presentation on the Cod Father. The Cod Father — Carlos Rafael was a commercial fisherman out of New Bedford. he owns twenty groundfish and scallop boats. The boats and permits are valued at \$93 Million dollars. His groundfish permits represented 25 percent of the industry quota groundfish stock in the Northeast. He plead guilty and was sentenced last fall to 46 months in prison for falsifying fishing quotas and bulk cash smuggling. The US District Court judge took away four of his boats and the permits associated with those boats as a penalty.

NOAA has initiated proceedings to take away all his remaining permits. NOAA will not allow the permits to fish until those proceedings have been resolved. More to come on this in Miami.

Finally, I'd like to thank Scott Gunst of Ann Arbor Michigan who provided a case summary which will be on our Committee's page for those that are

interested. I would also like to thank Judge Walter Brudzinski who described the types of matters the Coast Guard Administrative Law Judges decide.

Mr. Chairman that concludes my report.