



## New England Fishery Management Council

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John Pappalardo, *Chairman* | Paul J. Howard, *Executive Director*

May 10, 2011

Ms. Patricia A. Kurkul  
Regional Administrator  
National Marine Fisheries Service  
55 Great Republic Drive  
Gloucester, MA 01930

Dear Pat:

The Final Rule implementing Framework Adjustment 45 included a requirement that dockside monitors inspect the fish hold for any trip assigned a dockside or roving monitor. At the April Council meeting, the following motion was passed without an opposing vote (12/0/2):

*“request that the Council write a letter to NMFS expressing our concerns on the requirement to have dockside monitors go down in the fish hold.”*

The Council is concerned that this requirement poses an unacceptable safety risk for dockside monitors. There are no generally accepted standards that describe access from an offloading site to a fishing vessel. While at some locations there may be a boarding platform or gangway between the dock and the vessel, it is far more common for access to be by jumping or clambering from one to the other. Given the high tides in some areas of New England there may be a large vertical distance between the pier and the vessel, and as a result access may be via a poorly maintained, slippery, and, in winter, ice-encrusted ladder. There are numerous examples of experienced fishermen falling in the water between the vessel and the pier, often with tragic results. To expose dockside monitors to these risks without a clear benefit is unacceptable.

Once on-board a vessel the number of hazards does not decrease. Dockside monitors are being asked to inspect fish holds; access to a hold can be nearly as hazardous as that between the dock and the vessel. There are also safety concerns with entering fish holds do to the possibility of poor or non-existent ventilation. These personnel operate independently, with no safety observer or backup should they encounter a problem. There is a very real possibility that an accident could be undetected for a considerable length of time.

These safety issues are likely to increase the potential liability for both dealers or dock owners and the fishing vessels. As a result insurance companies may increase premiums. These increased costs will only dissipate the economic benefits of the catch share system.

Even if the safety issues can be resolved, there are other questions concerning the role of the monitors that have not been addressed. Are they to move ice or other gear to ensure all fish has been offloaded?

How do they respond if they do find catch that is not offloaded, since they do not have enforcement authority? Will this requirement delay the offload of multiple vessels at busy offload sites? What will be the response if a vessel captain does not give permission to board their vessel? Can a dealer refuse to allow a monitor to board from its dock because of safety issues?

In sum, the Council believes its concerns warrant revisiting this requirement. We urge you to reconsider this decision in light of the serious safety and practical issues that have been raised. Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul", written in a cursive style.

Paul J. Howard  
Executive Director