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1 GERRY E. STUDDS STELLWAGEN BANK
2 NATIONAL MARINE SANCTUARY
3 DRAFT MANAGEMENT PLAN
4

5 HEARING OFFICER: CRAIG MACDONALD
6

7 HILTON GARDEN HOTEL
8 FOUR HOME DEPOT ROAD
9 PLYMOUTH, MASSACHUSETTS
10 WEDNESDAY, JUNE 11, 2008
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1 P R O C E E D I N G S
2 (Presentation by Hearing Officer)
3 HEARING OFFICER: Would Sharon Young, please,
4 come up?

5 MS. SHARON YOUNG: Thank you for allowing me to
6 provide comments on the Draft Management Plan. I was
7 privileged to serve in an advisory capacity for three of
8 the marine mammal-related working groups that led to the
9 development of the plan. My name is Sharon Young. I'm
10 providing these comments on behalf of the more than ten
11 million members and constituents of the Humane Society of
12 the United States. In my brief oral comments I want to
13 address a couple of key areas.

14 First, we support the need to develop and
15 implement regulations to restrain the conduct of boats,
16 recreational and commercial, that are watching whales as
17 addressed under Behavioral Disturbance 1.1 and 1.2 of the
18 Plan. We believe, however, that the Sanctuary needs to
19 do more than just consider action as stated in the Plan.
20 It actually needs to take action by issuing its own
21 regulations to reduce risk. In fact, if the Plan has a
22 major weakness, it is that most of the recommendations
23 are for further study in all of the goal areas rather

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1 than taking definitive regulatory action which we believe
2 the Sanctuary needs for many areas.

3 It is also vital to assure that the resources
4 that attract marine mammals to Stellwagen Bank remain
5 protected. The harvest of sand lance should be
6 prohibited as indicated under 3.3.1 of the Environmental
7 whatever it is, EA abbreviated. If the National Marine
8 Fisheries Service does not act to prohibit the harvest of
9 sand lance in the Stellwagen Bank area, the Sanctuary
10 must act to strictly regulate the harvest of forage fish
11 such as herring and mackerel that are attracting whales
12 to its water.

13 We would also like to praise the Sanctuary at
14 this point for its involvement in developing cutting edge

15 acoustic monitoring for whales. I serve on innumerable
16 task forces and advisory panels, and this research is
17 continually mentioned as a model for monitoring programs
18 that should be adopted elsewhere.

19 Having said that, I would also like to take the
20 opportunity to recommend the Sanctuary extend itself
21 further as a living laboratory for other vital research,
22 including fishing gear research. Bottom trawling
23 dramatically disturbs the benthos and alters habitat to

0004 1 the detriment of diversity in floral and faunal
2 composition which in turn affects research throughout the
3 ecosystem. I believe the Sanctuary should allow itself
4 to serve as refugia for marine life by prohibiting mobile
5 gear, at least larger portions of the Sanctuary, to allow
6 recovery to take place and provide for both the
7 comparison effects as well as the model for other areas.

8 Further, the objectives in the Management Plan
9 specifically address the need to reduce entanglement
10 risks for endangered whales. We support objectives in
11 this section of the Plan in 1 through 3, but believe the
12 Sanctuary should once again give more serious
13 consideration to using its role as a living laboratory to
14 assist marine protection.

15 Scientists on the National Marine Fisheries
16 Service Atlantic Large Whale Take Reduction Team have
17 unanimously declared that the only truly risk-free
18 fishing with trap and pot gear was to fish line-free
19 fishing, but there's little incentive to move in this
20 direction absent litigation. If the Sanctuary prohibited
21 all but line-free fishing gear, fishermen would have an
22 incentive to develop and use this gear in order to gain
23 privileged access to Sanctuary resources, thereby

0005 1 dramatically assisting new research and reducing risk in
2 key feeding areas.

3 We recognize there's a long road ahead to deal
4 with the challenges facing what is essentially a high use
5 and urban sanctuary. This Plan is a very important step
6 forward. Research conducted in the Sanctuary has already
7 greatly assisted conservation, and we look forward to
8 working with you as you move ahead.

9 I'm submitting more extensive written comments
10 at this meeting. Thank you.

11 HEARING OFFICER: Thank you very much.

12 Before I call the next person, I forgot to
13 remind folks, when we get to one minute I'll show the 1
14 and then turn it over to give you some feedback of where
15 we are on the timing.

16 I'm going to apologize before I try to attempt to
17 pronounce this gentleman's name. VLADISLAV MLCH.

18 MR. VLADISLAV MLCH: My name is VLADISLAV MLCH.
19 I'm going to be short. For those who don't understand
20 me, take a break.

21 I'm representing the scuba diving community. I
22 think scuba divers we're put on the wrong side of the
23 fence, so to speak, in this Management Plan because we

0006 1 are not damaging the Sanctuary, but, quite the opposite,
2 we are helping to upkeep it and protect it. For example,
3 we are maybe scuba diving on the sites, we are removing
4 the fishing nets, we are also sometimes when the fish is
5 still alive we are freeing the fish and the marine

6 animals. We are taking pictures of the sites and we are
7 posting them on web sites. This way we are creating an
8 awareness of the Sanctuary. We are also doing
9 presentations at different meetings.

10 We are doing all this at our own expense. So
11 that's why I believe that, instead of looking to push out
12 the divers, the Sanctuary should embrace them as ones who
13 contribute to the protection of all the resources.

14 That's why I don't support any program that
15 implements a permitting process for scuba divers' access
16 to the shipwrecks and to other sites at the Sanctuary.
17 That would make it even more expensive for us, and,
18 again, we are spending our own money, we are doing it for
19 fun, and I think that's what you want, you want to make
20 sure that people enjoy the Sanctuary.

21 The ordinary rules governing scuba diving at
22 the Sanctuary, all we have to do is to follow them, and
23 that's what we have been doing until this point.

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1 Then I've got just one more comment. That is
2 the Sanctuary makes claims that commercial fishing
3 damages the shipwrecks and other sites. Whether it's
4 true or not, I'm not here to say. The Sanctuary does
5 nothing to address this issue in the Action Plan and,
6 instead, singles out the divers as a group needing
7 management.

8 That's all my comments.

9 HEARING OFFICER: Thank you.

10 The next speaker is John Hannon.

11 MR. JOHN HANNON: Hello. Thank you for letting
12 me talk. My name is John Hannon. I live here in
13 Plymouth, Mass.

14 This gentleman basically said everything that I
15 was going to say. I have to agree with him, though, that
16 I don't think that you people should be putting divers on
17 the outside, like I have been hearing. I have been
18 hearing that you want to eliminate diving on all wrecks
19 and I have been hearing that you want to do this to save
20 the wrecks. Well, if you don't let divers on them, who
21 are you going to save the wrecks for? Most of them are
22 going to be gone in a few years anyway. They don't last
23 that long in the shallow water here. I do a lot of deep

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1 diving, over 200 feet. Even those wrecks get destroyed
2 by storms and stuff.

3 Divers aren't doing any damage out there. I
4 think, like this gentleman said, divers contribute a lot
5 to the economy. It costs me probably \$200 a day to go
6 out on the deep wrecks plus thousands of dollars of
7 equipment that I buy in local businesses here. So I
8 don't see -- I don't know if this is true, but I have
9 been hearing that you people want to ban divers from the
10 wrecks. I think that's wrong. I don't think a permit
11 program would work either, like this gentleman said. It
12 would put a lot more costs on the divers who pay for this
13 out of their own pockets. Up in Canada you can't take
14 anything off the wrecks, but you can dive on any wreck
15 that you want. Historic wrecks, I can see you people
16 controlling them, but all wrecks are not historic.

17 What is a wreck? A wreck is a piece of junk
18 that doesn't belong on the bottom of the ocean. It was
19 sunk either by a man or a storm or whatever. I love
20 wrecks, but it's not some sacred thing that has to be

21 protected so you can't let anybody on it. It's a natural
 22 resource. Like the ocean, it belongs to everybody.
 23 I don't really feel that you people have the

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 1 right, especially using my tax money, to say I can't do
 2 something, not allow me to do what's a recognized sport,
 3 a safe, recognized sport, using my tax money to do it. I
 4 hope that is not what you are planning to do.

5 I wish you said what some of your proposals
 6 were tonight. Thank you. Instead of going through all
 7 the things you did, maybe you should have taken a little
 8 more time and said what you people are proposing, so all
 9 these people know what you are really up to. Because all
 10 I'm hearing is rumors. The rumors I'm hearing I really
 11 don't like. It's not liked by a lot of people. Maybe
 12 you should state what action you plan on taking. Because
 13 you must have some plans now on what actions you're going
 14 to take. And they should be made public.

15 Because you people actually work for us. Like,
 16 I'm a retired firefighter. I worked for the public. You
 17 work for the public. I'm not picking on you, but all you
 18 people work for the citizens of this country. We should
 19 actually know what you're up to. It shouldn't be kept
 20 secret to the last minute. Thank you. Appreciate it.

21 HEARING OFFICER: Thank you very much.

22 The next speaker is Tom King.

23 MR. TOM KING: Good evening, everybody. I'm

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 1 Captain John King from Scituate, Mass. I was on one of
 2 your committees in Stellwagen, on the Water Quality
 3 Committee. My concern is basically the pressure that's
 4 being put, that I feel is being put on you by Ocean
 5 Conservancy and the Conservation Law Foundation to turn
 6 Stellwagen into a marine-protected area. If it follows
 7 the pattern of other marine-protected areas around the
 8 country, it basically means no fishing.

9 Now, this Sanctuary is, what, 17 years old,
 10 somewhere around there. It seems to me that I was at
 11 some of them earlier hearings, there was even hearings on
 12 that in Plymouth before that, and it was basically
 13 attended by fishermen. I had no interest in going to
 14 that hearing at all, except that a fishing friend of mine
 15 said you ought to go to that hearing because someday you
 16 may want to fish out there, which I didn't at that time,
 17 because they may try to stop it.

18 Well, when I went there, I distinctly remember
 19 being told that fishing would not be curtailed in this
 20 Sanctuary. One of the reasons they wanted a Sanctuary
 21 was, thinking back to that period of time, there was a
 22 guy who had a plan to build like a Texas platform out
 23 there to locate a gambling casino and people were gravel

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 1 mining off the Bank to get gravel which could be used
 2 ashore. That's basically what they said was the reason
 3 for protecting it. So I'm hoping that the push for
 4 marine-protected areas will not succeed out there.

5 The committee I was on, the chairman was a very
 6 wonderful woman, but she's one of the authors of the
 7 books on marine-protected areas. So some of these
 8 committees that you have had in the past, I think there
 9 are at least a dozen of them, I think were overly
 10 represented by people who wanted the Sanctuary to
 11 basically stop whale watching and stop fishing.

12 That's all I have to say.
13 HEARING OFFICER: Thank you very much.
14 The next speaker is Tom dePersia.

15 MR. TOM DEPERSIA: My name is Tom dePersia. I
16 own and operate three charter boats out of Marshfield. I
17 am here representing Stellwagen Bank Charter Boat
18 Association, an organization of about a hundred members.
19 17 years ago I remember attending a public
20 hearing in Duxbury where, in a large room jammed with
21 pirate fishermen, we were promised by those representing
22 the proposed Sanctuary that they would not interfere or
23 try to regulate any fishing activity. This promise was

0012 made at other public hearings and confirmed by
1 congressional members.

3 In a recent article in the Boston Globe, Craig
4 MacDonald commented that while nothing in this current
5 plan regulates fishing, it sets the stage for future
6 action such as marine-protection areas.

7 I have a question for Craig MacDonald. I know
8 you told me you can't answer them, awful convenient, but
9 anyhow. Are you planning in any way to change the
10 designation document in the future and are you looking
11 for a congressional sponsor for such a move? If you are,
12 we need to know now so we can begin to convince Congress
13 that the fishermen and other user groups were lied to and
14 begin a move to rescind the Sanctuary from existence in
15 Massachusetts.

16 We oppose any direct or back door attempt to
17 interfere with fishing activities such as speed limits,
18 prohibiting squid bars because they might hook a whale,
19 or restricting our commercial fishing brothers from any
20 activity related to their fishing. Recreational and
21 commercial fishermen are united to ensure that this
22 Sanctuary keeps its promise. Thank you.

23 HEARING OFFICER: Thank you. (Applause)

0013 The next speaker, I can't make out the first
1 name. Is it Ryan Holmes?

2 MR. RYAN HOLMES: Three points before I read my
3 thing here. The biodiversity richness in one of those
4 slides was the highest in Mass. Bay or Gulf of Maine or
5 whatever you want to say on Stellwagen without this.

6 Secondly, the man, there it goes, the
7 behavioral disturbances of whales, that phrase in the
8 hands of a government agency, I mean, I'm not even a
9 lawyer, and that's a loaded phrase. What would that
10 entitle the government to do to the average person? But
11 I'll remember my third point on the way home. But I have
12 to write it down.

13 In my opinion, this plan is nothing more than a
14 government land grab. And what crisis was the genesis
15 for this ridiculous plan which amounts to the government
16 through NOAA telling people what, where and when they can
17 enjoy themselves and make an honest living? It amounts
18 to nothing more than unelected, unaccountable bureaucrats
19 stifling the freedom and commerce that made this country.

20 I am angry as hell, but, as usual, people have
21 been fooled into thinking that they're doing it for the
22 children. Well, maybe the children are the hundreds of

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1 government workers who will, no doubt, be employed to
2 administer this monstrosity. Can you imagine declaring

3 an old mud scow an historic landmark? To save our
4 heritage, you say. I say it's because the government's
5 reason for being is to grow, and without control there
6 can be no growth. After all, you're going to need people
7 to see to it that the common folk has to come groveling
8 to someone if they want a permit to visit and view their
9 history. Let's not forget the heavy fees we will need to
10 impose also.

11 Sure, you say that volunteers will monitor the
12 sites and speed limits, but how long do you think that
13 will last. At the very first incident of a catastrophe.
14 Say, a boat strikes a whale in poor visibility or a wreck
15 gets damaged, can you imagine being damaged sitting at
16 the bottom of the ocean? Boy, imagine that happening.
17 Yeah, all right. No matter. Hysteria will ring forth
18 and we'll have mandatory speed limits, and there will be
19 full-time people working out there.

20 My second point. I mean my third point. Boats
21 have been striking whales probably since boats floated.
22 They will be striking them long after they're gone
23 without this. That's my third point.

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1 Thanks.

2 HEARING OFFICER: Thank you. Ronald Bourjeson.

3 MR. RONALD BOURJESON: My name is Ronald

4 Bourjeson, commercial fisherman of 38 years.

5 I find this document seriously flawed. When I
6 say flawed, I say flawed by propaganda. It's self-
7 serving information against the commercial and
8 recreational fishing communities. I'm going to point out
9 in your key finding cliff note magazine, Paragraph 3, it
10 says, "Fishing, especially commercial fishing, impacts
11 and pressures every resource state in the Sanctuary. On
12 an annual basis, virtually every square kilometer of the
13 Sanctuary is physically disturbed by fishing."
14 Disturbed. Pretty strong word. Not accessed, not
15 utilized, but disturbed. This shows a trend.

16 The fourth paragraph, it says that commercial
17 fish landings, 17 to 18 million pounds of fish, and then
18 it cites 23 percent of those fish are discarded. Those
19 discards are due to regulations that, once again, our
20 wonderful agency of NOAA causes. They're called
21 regulatory discards.

22 So my point being this is all propaganda put
23 out by self-serving individuals that are out to hurt the

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1 commercial and recreational fishermen of this fine state.
2 I will leave this piece of propaganda with you.

3 HEARING OFFICER: Thank you very much.

4 Don Hourihan.

5 MR. DON HOURIHAN: I was a member of the
6 Stellwagen Committee, the SAC as they called it, for
7 quite a few years. At one of the meetings Andy Glynn
8 stood up and read some newspaper articles about the
9 forming of the Stellwagen Bank and said they would not
10 affect fisherman. We have all gone through this before.
11 But Mr. MacDonald stood up and says that was then, this
12 is now, things have changed. Well, guys, look out,
13 things will change.

14 Stellwagen Bank is 300 square miles. They
15 intend to put a speed limit out there of 11 miles an hour
16 with green police, the cops watching it, spotter planes.
17 They tried to outlaw spotter planes saying the shadow and

18 the noise disturbed the mammals. They brought in a
 19 doctor from New Zealand who is an expert on mammal
 20 disturbance. He said shadows don't bother them, the
 21 noise of the planes don't, and they still wouldn't let
 22 the article die. What do they do when there is an
 23 eclipse? They go on a nervous breakdown?

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1 Draggers and gill netters, they're against
 2 them. John Shea took some scientists out in his dragger,
 3 they filmed it, and it leaves a two-inch wide scar on the
 4 bottom but an inch deep. I mean, they don't destroy the
 5 bottom. It sounds like, you know.

6 Balloons, they wanted to outlaw using balloons
 7 on tuna fishing because a mammal might swallow it. Ever
 8 see what happens at a wedding or a party? I live on the
 9 beach. They wash up afterwards on the beach. Start
 10 chasing those people, not the tuna fishermen.

11 How many whales have been killed, I asked that
 12 once to somebody, on the Stellwagen Bank? They thought
 13 possibly two to three whales a year. We don't want to
 14 see whales killed, but how many people get killed on the
 15 expressway? You know, this whole thing is a scam.

16 Sorry, guys.

17 HEARING OFFICER: Thank you.

18 The next speaker is Dave Newell.

19 MR. DAVE NEWELL: Every point I was going to
 20 make has already been made, so I'm going to pass.

21 HEARING OFFICER: Thank you very much.

22 Mario Costa.

23 MR. MARIO COSTA: My name is Mario Costa. I

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1 have been in the charter business for 56 years. My
 2 grandson just got his Coast Guard license, which will be
 3 four generations. It sounds to me that my grandson won't
 4 be able to do this fourth generation.

5 You're closing down thousands and thousands of
 6 dollars of boats, draggers, charter boats, lobster boats.
 7 They're going to be completely out of business. I think
 8 your timing is real wrong with the price of fuel going up
 9 to 4.30 and probably \$5 by July, with the draggers with
 10 so many regulations they only can go out so many days a
 11 week. And now my charter business, there's only one
 12 place we can go out and enjoy and get a few fish and make
 13 our customers happy.

14 I'm off right now 30 percent of my business
 15 right off this year so far because of the price of fuel.
 16 This is going to kill me and it's going to kill many
 17 other boaters in the Town of Plymouth, Town of
 18 Marshfield, all over the New England coast.

19 I think you ought to postpone this for at least
 20 five years until we get a new president up here and see
 21 if things are going to come back. Our country is in
 22 deep, deep trouble. We're right around the corner of a
 23 depression. Let's think about the country and our people

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1 who are working for a living. Thank you. (Applause)

2 HEARING OFFICER: Thank you, sir.

3 Stephen Welch.

4 MR. STEPHEN WELCH: Steve Welch, commercial
 5 fisherman from Scituate, Massachusetts. For 29 years I
 6 will be fishing on Stellwagen Bank.

7 I've seen it at its best and its worst, and
 8 it's pretty close to being it's best again from what I've

9 seen in 29 years. Commercial fishing, yeah, it does have
 10 some impacts here and there, whatever, but we are seeing
 11 phenomenal fishing there in the last couple of years, and
 12 that has to do with the regulations proposed by the
 13 National Marine Fisheries Service. A lot of the
 14 hardships we endured, we're starting to reap the
 15 benefits.

16 I don't believe that the Sanctuary needs to
 17 regulate fishing in any form whatsoever. I was a member
 18 of the Fixed Gear Working Group with the Sanctuary, and I
 19 was very disappointed from what was talked about at the
 20 meeting, and what finally came out in the final draft was
 21 nothing that I myself or a couple of the fishermen in the
 22 group agreed upon. We actually laughed about it. It was
 23 like where is the transparency for the Sanctuary. It was

0020 1 supposed to be a transparent process. In my opinion, the
 2 transparency occurred when the meeting was taken, it was
 3 rewritten at the Sanctuary and put out to the public.
 4 That was where the transparency occurred. I'm
 5 disappointed the way this is being brought about and the
 6 way this Sanctuary is being run. Thank you.

7 HEARING OFFICER: Thank you.
 8 Michael Ferrow.

9 MR. MICHAEL FERROW: My name is Mike Ferrow.
 10 Thanks for letting me comment tonight. I have just a
 11 couple of punch list items.

12 Looking over the whole scheme of the budget and
 13 the monies that you're asking for for whoever to manage
 14 this Sanctuary, considering the U.S. dollar and petroleum
 15 prices, you're about 20 to 30 percent low. In that vein,
 16 let's go to revenue.

17 It seems to me the ship strikes that are really
 18 hurting the whales are the big tanker ships and cruise
 19 lines, something they really can't stop. Most small
 20 fishing boats can probably see a whale coming and
 21 whatever, except for the one that just happens to bump up
 22 against the ship. So using the speed, have a toll fee
 23 for like a hundred thousand dollars for the big vessels,

0021 1 and using speed and have them provide whale spotters for
 2 that ship during that time in the Stellwagen Bank. And,
 3 if they comply with any regulation or any other side
 4 rules you want to put, they can have \$75,000 back. If
 5 not, there's a percentage fall down on how much they do
 6 get back. I think this would warrant a good revenue for
 7 the Stellwagen Bank without beating up on the permits of
 8 the fishermen.

9 The last one I have is about the outreach
 10 program. My kids are elementary school. If I wasn't
 11 there talking, they would not know what the Stellwagen
 12 Bank was. In fact, their classmates didn't know. When
 13 they saw the poster, they didn't even know it was in New
 14 England. It could be the state of education, but the
 15 outreach program is not helping them. So I would suggest
 16 that on the libraries on the coast that you're concerned
 17 with in Massachusetts, put a permanent display of
 18 Stellwagen Bank, what it means, what it does for the
 19 industry of fishing, and what it does for activities and
 20 adventurers, and monthly give a suggested reading for
 21 children that is Sanctuary based, so they have a more
 22 understanding what New England was built upon.

23 That's it. Thanks.

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1 HEARING OFFICER: Thank you very much, sir.
 2 Tim Barrett.

3 MR. TIM BARRETT: My name is Tim Barrett. I
 4 own the commercial fishing vessel Odessa. I have been
 5 fishing Stellwagen Bank since 1974.

6 I would like to say it's an absolute disgrace
 7 that we are faced once again with having to defend
 8 ourselves the right to be allowed to fish Stellwagen
 9 Bank. The Sanctuary was put in place to keep ground
 10 mining out of it, keep the giant casino out of it, and it
 11 was always promised to us that we would have access to
 12 Stellwagen Bank. I believe that that access should
 13 extend to all user groups. Any user group that is out
 14 there now should still be allowed to use that.

15 I fish commercially on that Bank. I have long-
 16 lined on that Bank. I have taken charter boats out on
 17 that Bank. I have worked for a number of people sitting
 18 here in this room. I have made -- At the present time I
 19 make 90 percent of my income from Stellwagen Bank. In
 20 the years past I made a hundred percent of my income from
 21 Stellwagen Bank.

22 If this property is taken away from us as an
 23 area that we are allowed to access, what I have to face

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1 is bankruptcy. I haven't worked my entire life as a
 2 commercial fisherman to turn around and come down and
 3 face my family because promises have been broken and this
 4 area has been taken away from us. There is absolutely no
 5 reason for it. The science has not been subject to
 6 public peer review.

7 I think that this is a totally wrong thing to
 8 do. To start limiting access to this area is the wrong
 9 thing to do. Thank you very much. (Applause)

10 HEARING OFFICER: James Keding.
 11 MR. JAMES KEDING: James Keding, commercial
 12 fisherman trawler for the last 24 years on Stellwagen
 13 Bank, a hundred percent of my income.

14 Here we are. How many years later? As a
 15 father, we tell our kids don't lie, it's not right. But
 16 we sit in this room today and look at a couple of liars.
 17 Because I was at the first meeting in Plymouth when Brad
 18 Barr told us we would never shut down commercial fishing
 19 in the Marine Sanctuary. Well, we're on our way.

20 Sunken vessels are sunken commercial fishing
 21 boats. Go down and look at my commercial fishing boat at
 22 the dock. You don't want to see it. You want to see it
 23 when it's on the bottom and tell me not to go near it. I

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1 tell you one thing right now. We are faced with days at
 2 sea two to one reduction every time. Every time I go out
 3 it's two hours to one hour. You think I want to get on a
 4 wreck? I don't want to get anywhere near a wreck.

5 You show these pictures of nets on wrecks.
 6 Look at the twine on the wrecks. It's old twine from the
 7 1920s, 1940s. There's no new twine on there.

8 This is absurd what we are going through right
 9 now. Absurd. You go tell my family that they're not
 10 going to have Christmas or anything else because we are
 11 disturbing the whales, we are disturbing the wrecks.
 12 What are we saving this for? Humans? No. Who? You're
 13 not going to tell me that when I watch a Captain John go
 14 down to watch whales and they sit there and froth all

15 over the boats. They go to the boats.
16 I'm sorry. You're putting a lot of people out
17 of business. Everybody that fishes that area deserves
18 that area. You told me that John Smith found that area
19 for commercial fishing. Well, that sounds like it's a
20 commercial fishing area along with charter boats and
21 whale watch boats. Thank you. (Applause)

22 HEARING OFFICER: Thank you, sir.
23 Kevin Scola.

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1 MR. KEVIN SCOLA: How are you doing today? I
2 used to be a part-time human when it mattered. Now I do
3 a little gardening in my spare time. I find it
4 interesting you're really concerned so much about the
5 bottom destruction and habitat from draggers that drag
6 two center doors across the bottom that make two little
7 tracks. The nets roll, by the way. They don't tear it
8 up quite as bad as you think.

9 But I find it interesting when I go to my
10 garden, I take a roto-tiller and I chop the shit out of
11 the dirt, kill all the bugs, kill all the crab, plant a
12 few seeds, and then I dump shit all over it as
13 fertilizer. It's very interesting. Of course, then you
14 eat what grows. I find that very twisted. That you can
15 do that to a garden but, yet, we're worried about
16 dragging a net on the ocean floor that has been done for
17 three hundred and something years. I don't know where
18 you think the people are going to get fish to eat. From
19 other countries?

20 This is just the tip of the iceberg. This is
21 all part of a master plan. I have a paper at home that
22 was written in 1999 that was given to me. It was 22
23 world renowned scientists that met at the New England

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1 Aquarium. They had the whole ocean cut up into squares.
2 They wanted no human interaction whatsoever. This is a
3 little bit of a prelude to where we're going.

4 I was at those meetings that Tom King was
5 talking about. I was a young, very idealistic human at
6 the time. And that man's name up there would roll over
7 in his grave if he knew what was going on here because
8 that man was very pro commercial fisherman. That was Mr.
9 Gerry Studds, the one that's on top of the Stellwagen
10 Bank Sanctuary. He was pro commercial. He liked the
11 commercial fishermen. He assured us, he himself --

12 I understand I've got a minute. But do you
13 want to know something? It's only a minute out of my
14 life. I don't think we should have a three-minute time
15 frame. This is a very important issue. Is it because
16 you don't want to hear us or is it because you have a
17 dinner meeting? This is an important issue. You're
18 talking about people's livelihood. I would appreciate it
19 if you would give me a little latitude on this time frame
20 because -- I would appreciate that.

21 But this man would roll over in his grave
22 because he assured us and everybody in that room assured
23 us, and this Sanctuary would not be there without our

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1 support at the time, with the assurance that any type of
2 usage, not just commercial fishing, would not be banned.

3 The gentleman, the diver that was saying he's
4 trying to protect himself, and I understand that by
5 saying divers are not damaging things. You don't

6 understand. They're not talking about damage. They're
 7 talking about disturbance. You being there is a
 8 disturbance. That's the point.

9 We should all unite on this, everybody, divers,
 10 fishermen, anybody, pleasure boaters, whale watching
 11 boats. That's an ocean. What good is any natural
 12 resource if we can't use it? What are you saving it for?
 13 The dinosaurs when they come back? You know, everybody
 14 that is using that Bank today is very responsible. Do
 15 you have a few ignorant or uneducated people that get a
 16 little too close to whales? Of course. The same as we
 17 have crazy nuts that eat babies for lunch. But the point
 18 is you don't judge everybody by a few others that quite
 19 don't understand the program. Maybe a little more
 20 education would work. But banning the usage and
 21 restricting the usage is wrong. It's wrong.

22 I am tired of being lied to. We were assured
 23 that this place would be able to be used and was solely
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1 for mining and bottom removal and casino building and all
 2 that other happy stuff.

3 I remember days not long ago when I used to go
 4 fishing one or two days a year, when there was 475 to 550
 5 boats anchored in about four square miles on Stellwagen
 6 Bank with whales all around us. We never had a problem.
 7 I've never seen too many boats getting hooked up and
 8 towed around by whales. Never. Never. I sat there for
 9 years and never saw that. We never had a problem.

10 The whales do go to the boats, by the way. I
 11 have a video that shows us driving away from a whale and
 12 the whale is following us. I stopped the boat, and he
 13 comes up and rubs the boat. That was years ago when it
 14 was legal to do that, by the way. But I have that video.
 15 They come to the sound of certain boats.

16 So we are going down the wrong path. We are
 17 very much going down the wrong path. If fishing only
 18 impacts -- I read somewhere or somebody told me there was
 19 1.5 to 1.8 percent of the Bank usage. Well, then why is
 20 it such a big issue if it's only 1.8 percent?

21 You had the chart up there, and I'm not
 22 directing this at you, but there was a chart up there
 23 that said that a hundred percent of the bank is used all
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1 the time by commercial fishing. It seems like we are
 2 saying what we want at the time to prove a point that you
 3 want to prove at the time, instead of looking at the real
 4 facts.

5 Everybody wants to see -- This beautiful
 6 picture they have of that whale, where did that come
 7 from? Somebody had to go out and take it. Why is that
 8 person privileged to go out and take that picture? Why
 9 can't I go out and take that picture? Am I subhuman
 10 again? There's that word. I have an issue with that.
 11 Is all we want are research boats out there like NOAA or
 12 the Stellwagen Bank doing documentaries to put on TV for
 13 people to watch? Why can't the people go out and see it
 14 themselves. It might actually help the economy.

15 Now, I appreciate you giving me extra time. I
 16 really do think it was very nice of you. But I also
 17 would appreciate if we can stop trying to eliminate the
 18 usage of this word. I was very disturbed with that word
 19 Sanctuary at the time, and I even said that to Mr.
 20 Studds. I said, "Gerry, Mr. Studds," I says, "this word

21 Sanctuary is dangerous." Frank Mirachi, he was in the
 22 room. We're not lying to you.

23 This is wrong. If this goes through, it's
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1 going to be very bad for a lot of reasons because people,
 2 humans, are going to lose faith in what we are being told
 3 because it's only going to be right at the time when it's
 4 told. Everyday after that you can change it for whatever
 5 you want. I appreciate your time. This is wrong, and we
 6 should not be there.

7 As far as this disturbance thing, what about
 8 the disturbance to the humans? What about the
 9 disturbance to people? We have to count at some point.
 10 Thank you for your time. (Applause)

11 HEARING OFFICER: I'm going to have a hard time
 12 with this name. Peter Krzyzewski.

13 MR. PETER KRZYZEWSKI: That's me. How are you
 14 doing? Peter Krzyzewski. I have been out floating
 15 around Stellwagen Bank probably close to 40 years now.
 16 I've seen years when there's been a lot of
 17 whales and years when there was not many whales. A lot
 18 of years when there's been a lot of sand lances, years
 19 when there's not so many sand lances. It goes up and
 20 down. You know, you take one year, they make a model of
 21 it. And, you know, nothing is carved in stone. The fish
 22 are like a bunch of birds. They fly here and there. You
 23 never know. One day there could be thousands of them,

0031 1 the next day there could be none.

2 You know, now they want to make a sanctuary out
 3 of it. Thousands of people make their living off that
 4 Bank one way or the other. Thousands. Like everyone
 5 said, I was right there up at the Aquarium, they promised
 6 us that you guys can always go fishing there. And just
 7 like National Marine Fisheries, everything they told us,
 8 all they do is lie and lie and lie and lie.

9 Like he said, propaganda. That's another
 10 thing. Now they're making a sanctuary, but are they
 11 making a sanctuary after they, you know, let this big
 12 national gas terminal go in there pumping thousands and
 13 thousands of gallons of hot water out, underground lines,
 14 all this stuff? Did they make it a sanctuary after they
 15 put that? There's a lot of issues there.

16 The whales are doing pretty good, if you ask
 17 me. You know, they say they bubble feed in the morning
 18 from four to seven, 7:30. When the sun comes up, they
 19 don't bubble feed anymore. They just go around, swimming
 20 on their way.

21 I just think that, you know, the Stellwagen
 22 Bank, everybody wants to save everything, but I don't
 23 understand what they are trying to save it for. We have

0032 1 been fishing out there, making a decent living out there.
 2 This right here, it says ten percent of the ship strikes
 3 in the world are on Stellwagen Bank. That's absolutely
 4 -- That's impossible. A lot of those other things, you
 5 know, they showed a little slide show, definitely
 6 information is flawed.

7 So, I mean, before they do anything, they
 8 really need to start to get it together and look at the
 9 facts because it's really, I think it's a bunch of lies
 10 just trying to get us off there. I'm done. That's the
 11 end of it. (Applause)

12 HEARING OFFICER: Thank you.
 13 Susan Playfai re.

14 MS. SUSAN PLAYFAI RE: My name is Susan
 15 Playfai re. I'm the author of Vani shing Specie s. I'm
 16 speaking as a board member of the Friends of South Shore
 17 Fisheries.

18 I just have to say that the people I have heard
 19 speak are some of the people I admire most. I'm sorry
 20 I'm following Kevin Scola.

21 But the Friends of South Shore Fisheries
 22 applauds the Sanctuary staff for its work in researchi ng
 23 and compili ng the Stellwagen Bank Draft Management Plan

0033 1 and its accompanying review. However, we have a few
 2 comments and suggesti ons.

3 The stated Sanctuary mission is to conserve,
 4 protect and enhance the biological diversity, ecological
 5 integrity, and cultural legacy of the Sanctuary while
 6 facilitating compatible use. Commercial fishing should
 7 be viewed as the principal compatible use. As the review
 8 points out, fishermen make the Sanctuary water safer. To
 9 deny the importance of the fishermen's contributions is
 10 to deny the commercial fishermen that they provide one of
 11 the healthiest food sources available on the planet.

12 Contrary to the mission, Page 7 of the Plan
 13 Review is highly inflammatory in its tone, in its
 14 outdated data and in its omissions. I would like to see
 15 it rewritten in order to give a more balanced view of the
 16 benefits and interdependent nature of commercial fishing
 17 in the stated mission of Stellwagen Bank.

18 The National Marine Sanctuaries Act requi res
 19 that marine sanctuaries be required to facilitate to the
 20 extent compatible with the primary objective of resource
 21 management, resource protection, all public and private
 22 uses of the resources of these marine areas. At present,
 23 a twelve hundred nautical mile area closed to fishing

0034 1 abuts and overlaps the Sanctuary. Commercial ground
 2 fishing and use of bob tending mobile gear is prohibited
 3 in this area. In addition, areas for ground fishing that
 4 are prohibited through seasonal closures for up to
 5 four months each year overlap the entire Sanctuary.
 6 These restrictions to commercial fishing are not
 7 adequately mentioned until Page 81 of the Draft
 8 Management Plan. We hope this oversight can be corrected
 9 in the final plan.

10 The National Marine Sanctuaries Act also
 11 requi res the plan to create models of and incentives for
 12 ways to conserve and manage these areas, includi ng the
 13 application of innovative management techniques. The
 14 Draft Management Plan for Stellwagen Bank Sanctuary cites
 15 scientific studies indicating the importance of
 16 conservi ng fish species by preserving older and larger
 17 spawning females. We woul d like to suggest an
 18 "innovative management technique" geared towards
 19 accompli shing thi s goal while allowing a healthy
 20 commercial fishing communi ty. Commercial fishing must be
 21 seen as an integral means to conservation of a healthy
 22 resource within a marine sanctuary.

23 I suggest that zones within the Sanctuary be

0035 1 set aside for the growth of large female members of the
 2 various species of ground fish. All human activity woul d

3 be prohibited within these breeding grounds. Commercial
 4 fishing would take place all around the circumference of
 5 the breeding grounds.

6 Commercial fishing cannot have additional
 7 restrictions placed on it other than what it has today
 8 which is far too many. A regulatory by catch must not be
 9 encouraged by any final Sanctuary plan. Thus I propose
 10 that commercial fishermen who are fishing on the
 11 perimeter of the breeding grounds established by any
 12 Sanctuary plan not be ruled by species management. Yield
 13 has increased in other marine sanctuaries where this plan
 14 has been tried.

15 We encourage NOAA, the National Marine
 16 Fisheries Service and others in charge of the Gerry
 17 Studds Stellwagen Bank National Marine Sanctuary to adopt
 18 a similar plan. Thank you for your consideration.
 19 (Applause)

20 HEARING OFFICER: Thank you very much.

21 Steve James, please.

22 MR. STEVE JAMES: I'll be far briefer than my
 23 two predecessors. I'm Stephen James. I'm the president

0036 1 of the Boston Big Game Fishing Club. I represent the
 2 twelve hundred anglers that participate in tournaments
 3 throughout the summer season. I'm also the individual
 4 who was on the Archeology Work Group to represent charter
 5 fishing, recreational fishing, and at some points in time
 6 commercial fishing.

7 I walked into the Stellwagen Marine Sanctuary
 8 having done charters for the Bank, specifically for Dave
 9 Wylie. I thought very highly of the Stellwagen Marine
 10 Sanctuary and held him in very high regard. After
 11 six months of meetings, full-day, drive down, knock out
 12 meetings, I walked away with my confidence shaken to the
 13 core. I walked away with the knowledge that the due
 14 process of the work group was largely a facade. I walked
 15 away realizing that the deck was stacked. It wasn't
 16 stacked in my favor. It was stacked with an inordinate
 17 number of archeologists, environmentalists, and Sanctuary
 18 members.

19 I was on the Archeological Work Group, if you
 20 will, concerned with maritime heritage resources, or the
 21 junk that's on the bottom. I walked away realizing that
 22 the general attitude that was exhibited during the
 23 meeting, during all of the meetings, was one of complete

0037 1 and utter disregard toward recreational, charter, and
 2 commercial fishermen. At no point did we have
 3 representation from the lobstermen, from the gill
 4 netters, from the general category highly migratory
 5 species, the general tuna folks. We had no
 6 representation from the harpoon boats. Instead, we had
 7 representatives that were able to fly across the country,
 8 able to come in from Monterey Bay where the entire bay
 9 has been shut down. We had individuals from Thunder Bay
 10 who also imposed their will upon the entire process.

11 Let me now talk a little bit about the
 12 discovery process or the Plan itself. We've got a
 13 discovery process, we've got a public access to some of
 14 these restricted areas, and then we've got what's known
 15 as just the restricted area itself which is now proposed
 16 to be one square mile.

17 For the last hundred years the Portland and the

18 Palmer Perry wrecks, which are obviously not that old,
 19 have had absolutely no protection whatsoever. The ship
 20 worms, the other parasites that are down there are eating
 21 away at those structures and they're chewing them up
 22 regularly. The idea that cod shakes and commercial
 23 fishermen are going to do anordinate amount of damage

0038 1 to those wrecks is totally false.

2 First and foremost, this whole idea of imposing
 3 restricted areas above these wrecks up to a square mile I
 4 think is ridiculous. I never bought into that as a
 5 member of the Archeology Work Group. That was something
 6 pushed down my throat on that work group, again, because
 7 the deck was stacked.

8 In my opinion, the entire process that I have
 9 seen represents nothing more than a self-serving agenda
 10 from those inside the Stellwagen Bank Marine Sanctuary
 11 who seek recognition and grants to facilitate their own
 12 self-serving purposes. I believe the intent is to do
 13 little more than to provide a private laboratory for
 14 scientists and researchers of the Stellwagen Bank Marine
 15 Sanctuary, and I think you ought to be ashamed of
 16 yourself for what you're doing. (Applause)

17 HEARING OFFICER: Thank you.
 18 Brad White.

19 MR. BRAD WHITE: Good evening. My name is Brad
 20 White. I'm a charter captain operator and a member of
 21 many organizations in the area, from the Scituate Rod and
 22 Gun Club to Ducks Unlimited to New Inlet Boating
 23 Association and Stellwagen Bank Association. I don't

0039 1 speak for anyone in particular, but there are about 650
 2 members of those groups that use the Bank.

3 I have been navigating around the Bank for the
 4 last 35 years, and I can tell you that the conduct of
 5 users of the Bank is probably better than any baseball
 6 game, football game that you've ever been to. It's
 7 clean, well respected. The Coast Guard did 650 boardings
 8 there last year checking on safety and checking to make
 9 sure people were within regulations. There are more
 10 regulations on that Bank than anywhere I know in the
 11 world.

12 Of the 575 species, we probably catch twelve.
 13 It's been the best bluefishing in years, the best tuna
 14 fishing in years. We cannot take the striped bass
 15 because it's in the EEZ zone, and there's regulation
 16 after regulation.

17 I'm kind of a numbers guy. If the whale
 18 watchers in that Bank, there's over one million people
 19 per year that see the whales. That's roughly one-tenth
 20 of the number of people that walk through Faneuil Hall.
 21 Of the one million people that see the whales and the two
 22 hundred thousand people that are in the two thousand
 23 charter boats in the zip code area of our particular

0040 1 geographic region, that generates about \$250 million
 2 worth of revenue from Provincetown to Plymouth to
 3 Scituate and Cohasset to Green Harbor for people to be
 4 able to enjoy that beautiful recreational area.

5 The regulations are very tough. There are no
 6 regulations in the dog fish area, and they're decimating
 7 the species in the cod, haddock and everything else.
 8 Nobody seems to pay attention to that.

9 The boat strikes, I have never seen one. I see
10 people back off. I understand tonight there has not been
11 a reported strike since the year 2002. Quick math tells
12 me seven million people have come through the Bank and
13 enjoyed it and not bothered a whale.

14 This has been a ready -- First, I applaud you
15 folks for all the scientific evidence and empirical
16 evidence you have come up with, but to me, and I think to
17 the 50 people in this room, it's a ready-fire-aim
18 approach. And for my family and my father who taught me
19 how to fish there and his father, it would be a crime to
20 take away the use and the ability for us to go out and
21 maintain the recreational value of that Bank, provide
22 livings for our families, and to catch the fish we feed
23 people with.

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1 In the event that the Bank gets voted on to
2 shut down, the permutations of the number of people who
3 could vote against that are pretty huge. I support Tom
4 dePersia and others in this room that say in the event
5 that that would happen that I would vote to have the
6 Sanctuary withdrawn so that that wouldn't happen because
7 you can change a mission statement, you can amend a
8 mission statement, I should say, but not change it in all
9 fairness to the people in the room. Thank you.

10 (Applause)

11 HEARING OFFICER: Sean Cosgrove.

12 MR. SEAN COSGROVE: My name is Sean Cosgrove.
13 I work for the Conservation Law Foundation. I suspect my
14 comments here tonight will be rather different than most
15 of the speakers.

16 I very much want to thank you for holding the
17 meeting tonight and allowing everybody to come and
18 discuss the Management Plan before us. Obviously,
19 there's a lot of interest in the management and the use
20 of the area. There's a lot of people that make their
21 livelihoods there and enjoy it with their families. I
22 think that's a very important part of the reason why we
23 have the Sanctuary, and it is here to serve people in

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1 their needs.

2 I want to commend you and your staff for the
3 amount of work you have put into the Plan. Obviously,
4 it's taken a lot of time and energy, and a lot of
5 scientific data and research has gone into it. There's a
6 lot of important findings there, but I don't see them
7 coming out in the actual proposals. Everywhere in the
8 action plan, there's not a specific proposal of what
9 would occur, it says an activity should be considered.
10 There's -- And pretty much every case that I saw there's
11 a time delay for actually proposing to do something and
12 do the next plan. We would like to see some actual
13 recommendations come out and see how that's going to play
14 out into the final Management Plan.

15 There are some specific areas we are concerned
16 about. Obviously, the critically endangered North
17 Atlantic Right Whale is a species that needs some pretty
18 strong management addressing. I suspect that the ship
19 strike regulation that we are waiting for to come out of
20 the Department of Commerce will have a large impact on
21 that. There's certainly areas of critical habitat that
22 we would like to see protected inside the Sanctuary.

23 We are very concerned about some of the science

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1 that say now that the challenges with the population of
 2 forage fish such as herring, very interested in the
 3 recommendations of the water quality plan, but, again,
 4 there's not the proposal to make things happen there. So
 5 you have, obviously, done a lot of work in that regard.

6 Once again, I want to say that there's a lot of
 7 strong ideas here, there's a lot of great opportunity to
 8 discuss this, people should stay engaged. We certainly
 9 want to stay engaged and talk to as many stakeholders as
 10 possible.

11 We will be submitting formal comments before
 12 the end of the comment period.

13 HEARING OFFICER: Thank you.
 14 Frank Mirachi.

15 MR. FRANK MIRACHI: Good evening. My name is
 16 Frank Mirachi, a commercial fisherman from Scituate,
 17 Mass. I fished in the waters of Stellwagen Bank for
 18 46 years, so I guess I'm the champion so far tonight in
 19 longevity. I have a few comments. I also have written
 20 comments which I will submit when I finish. I haven't
 21 done that yet.

22 My primary issue is this. It's food. I'm a
 23 fisherman, and I consider myself to be a producer of

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1 food, and I'm proud of it. I'm a small boat fisherman.
 2 I fish from the port of Scituate which is one of a series
 3 of ports which blankets the circumference of the
 4 Stellwagen Bank along the Massachusetts coast, from Cape
 5 Ann through Provincetown. These are small boat harbors.
 6 Most of the boats that fish there are day boats that go
 7 out in the morning and return to their home ports at
 8 night.

9 These boats are absolutely beleaguered by an
 10 absolutely impossible set of regulations that are being
 11 imposed by the National Marine Fisheries Service, your
 12 sister agency. These regulations, in my personal
 13 opinion, are having a profound effect on the way fishing
 14 impacts the waters of the Stellwagen Bank Sanctuary.

15 To the east of the Sanctuary lies 1,200 square
 16 nautical miles of closure. Nobody can go by that western
 17 Gulf of Maine closed area without transiting 20 miles to
 18 get to open waters on the other side. In the days of \$4
 19 plus a gallon fuel oil, double differential counting of
 20 reduced days at sea, and limited trip limits to those
 21 that go that far, it's utterly impossible economically to
 22 conceive of going beyond the Sanctuary. So people
 23 basically stop there. It has actually served to

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1 concentrate an effort in the Sanctuary rather than allow
 2 to disburse which they used to naturally do.

3 In addition, the so-called roving closures that
 4 close periodically for two months at a time the waters in
 5 shore of the Sanctuary and overlapping the Sanctuary
 6 during the spring and fall months have basically a dirty
 7 effect on fishing activity. People swarm out on the
 8 first of June and first of December, having made no money
 9 for two months and are desperate to make money, and,
 10 hence, there's a profound amount of pulse of effort.

11 My challenge to you is this. We need to fix
 12 fishing. We need to fix fishing around the Sanctuary in
 13 order to fix fishing in the Sanctuary. We are trying our
 14 diligent best with the National Marine Fisheries Service

15 to come up with a new paradigm for fishing that the old
 16 input-based system is not working. It has worked to
 17 bring back aggregate biomass of fish. It has not worked
 18 to bring back specific levels of biomass of some under-
 19 fished stock. Hence, they continue to ratchet down the
 20 sea days to the point of economic unsustainability.

21 In addition, as is mentioned in your draft
 22 document, regulatory discarding is at an all time high
 23 and is absolutely appalling. We need to move to a new

0046 1 paradigm of fishing. Basically, the challenge is I would
 2 like to engage the National Marine Sanctuary to try to
 3 develop an alternative management system. I know this
 4 puts you in uncomfortable position. I'm in an
 5 uncomfortable position in trying to deal with the system
 6 we now have. But I am absolutely adamant that simply
 7 trying to lay more restrictions on top of the Sanctuary
 8 will merely bankrupt the fishermen that are barely
 9 hanging on by the skins of their teeth presently. This
 10 will do no good to anyone.

11 I would direct your attention to the fact that
 12 every time that we outsource something to elsewhere
 13 because we find it difficult or unsustainable to do it
 14 within this country, we find ourselves ruin that fact
 15 afterwards. Again, I mention the \$4 plus a gallon cost
 16 of gasoline and the escalating cost of heating fuel as
 17 one of the unfortunate consequences of outsourcing.

18 Fish is food. Let's not do this to food.
 19 Let's come up with a model within our nation where we can
 20 sustainably produce locally produced food that's
 21 wholesome, grown by Americans, harvested by Americans,
 22 and fed to Americans. Let's do that in the Sanctuary.
 23 Thank you.

0047 1 HEARING OFFICER: John Haviland.
 2 MR. JOHN HAVILAND: John Haviland, Green
 3 Harbor, Mass. I would like to thank the National Marine
 4 Sanctuary for having this meeting.

5 But what I would like to talk about right now
 6 is the National Marine Sanctuary's first meeting which
 7 they had that has been touched on a number of times by
 8 various people here. That is that as a commercial
 9 fisherman for 34 years, everybody has a number. Whatever
 10 it means, it means, the point is that the commercial
 11 fishermen have a stake in that, they should always have a
 12 stake in it.

13 But let's get back to the National Marine
 14 Sanctuary system. What I want to try and draw on here,
 15 although I concur with everybody's statement that has
 16 spoken before me, and it's absolutely hard to follow
 17 Frank Mirachi, I feel like a first grader right now, but
 18 let me move forward. That is by saying that when it was
 19 first implemented, commercial fishermen were asked to be
 20 on board to have the marine sanctuary, which we did.
 21 That was with Brad Barr, and that went by, and now we are
 22 here.

23 Now the next phase is to present these possible
 0048 1 things that may happen. Now we have Craig MacDonal d
 2 here. Fine. Five years from now we will have another
 3 face in the front. And what's going to happen is that
 4 every time these statements come up, they're going to
 5 become almost factual or the propaganda, which is in some

6 of these magazines, as Kevin Scola stated and other
 7 commercial fishermen stated, and that is what I find
 8 unheartening.

9 That is because as a commercial fisherman that
 10 has regulations -- The commercial fishing regulations in
 11 New England are probably the most strict in America. Now
 12 you can't get blood out of a stone. I guess my point is,
 13 let me cut this short, that is that each turn every
 14 five years, every seven years, is going to be another
 15 statement, another mission statement, that's going to eat
 16 away at the users of the Bank, the commercial fishermen
 17 of the Bank, and that's going to become true. And then
 18 in the year 2015 or 2023, you pick the date, people are
 19 going to say, oh, that's right, I remember from 2008,
 20 that last hearing.

21 So don't allow this to happen. I want everyone
 22 to have access to the marine sanctuary the way it should
 23 be. Thank you for your time. (Applause)

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1 HEARING OFFICER: Thank you.

2 John Richardson.

3 MR. JOHN RICHARDSON: My name is John
 4 Richardson, currently a recreational fisherman out of
 5 Green Harbor.

6 In the late seventies, eighties, and nineties I
 7 spent quite a bit of time working with the Atlantic blue
 8 fin regulations and spent a lot of time working with
 9 Gerry Studds' office and Jeff Pike, his chief aide for
 10 the Fisheries Committee. I know the life commitments and
 11 attitudes of both of those guys. They're the ones who
 12 convinced me that this Sanctuary should be done. I
 13 believe what is being done with it now is totally
 14 contrary to Gerry Studds' entire existence. I think he
 15 would be ashamed to have his name as part of it.

16 I also worked with Brad Barr. I was one of the
 17 guys at the Brad Barr meeting when we were all promised
 18 that this would not influence restrictions on fishing in
 19 the Bank. I worked with Brad Barr and ECAC regulations
 20 where he promised developers at that time that it would
 21 not increase the restrictions of development directly in
 22 the areas abutting ECAC, and basically they have stuck to
 23 that.

0050

1 I think -- I won't be making comments on the
 2 particular proposals because I think they're far too
 3 vague to warrant comments at this time. But I would like
 4 to say that I think the process is seriously flawed. The
 5 entire idea of creating a sanctuary without saying what
 6 you wish to restrict and then waiting a safe amount of
 7 time and then starting to propose these restrictions and
 8 having them be inconsistent with the proposal for the
 9 Sanctuary in the beginning is so seriously flawed that I
 10 think it possibly is a fairly easy challenge for
 11 rescinding. That's the part that concerns me most.

12 I think for your efforts, what you could be
 13 very well spending a lot of time and spending a lot of
 14 tax money spinning your wheels on this thing if, in fact,
 15 it's thought of to be an unfair process. So my comment
 16 would be, I would take a serious look at the idea of
 17 promising one thing, coming up with another, and also
 18 first creating the Sanctuary and then deciding what you
 19 want to restrict. I think it's a flawed process
 20 entirely. Thank you. (Applause)

21 HEARING OFFICER: Thank you.
 22 Now that's the last of the folks who signed up
 23 to speak this evening. Is there anyone else who would
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1 like to offer a comment? When you approach the mike,
 2 please introduce yourself.

3 THE WITNESS: Frank Papp from Duxbury, Mass.
 4 Vice president of the Green Harbor Tuna Club. I belong
 5 to a lot of local fishing clubs and sportsmen clubs in
 6 the area.

7 Green Harbor Tuna Club is a lot of different
 8 types of fishermen, mostly recreational. We set the club
 9 up with recreational tournaments and we fish a lot at
 10 Stellwagen Bank. One thing I would like to say about
 11 recreational fishing. I take my family there often to
 12 watch the whales, to catch fish. It's a place we can go
 13 to see whales, and it's obviously a fascinating area. I
 14 also take families of my friends, my family out there,
 15 and it's a trip of a lifetime for them. They don't know
 16 what's out there. A lot of them don't know the whales
 17 are there. We continually talk about it at family
 18 events.

19 I'm hearing a lot of stuff about what was
 20 promised, and it's kind of disgraceful what's going on
 21 here. The first person that was up here from the Humane
 22 Society, and everything is geared that I have seen so far
 23 towards non-fishing and disturbances. And we all know
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1 the Humane Society is a huge cash organization. It seems
 2 as though everything is bent towards that way. Even the
 3 fact that the speaker was here first, you let her speak
 4 longer than anyone, and then told us the rules. It
 5 seems, in my mind, that there's some collusion going on.
 6 Maybe someone who hears this who has greater resources
 7 than me can look into that.

8 But when I see National Marine Sanctuary, I
 9 think it should be used as education. A lot of people
 10 don't know about it. That's why maybe it was put out
 11 there in the first place, is to educate people at what's
 12 going on out there, not to shut people down from fishing.
 13 That's it. (Applause)

14 HEARING OFFICER: Thank you very much.

15 MR. ED BARRETT: My name is Ed Barrett. I'm
 16 the mobile gear representative on the Sanctuary Advisory
 17 Council. As you know, I have made comments in Portland
 18 and at the New England Fisheries Management Council. I'm
 19 going to really reserve my comments for tomorrow night in
 20 Hyannis also.

21 But having heard all the comments from people
 22 that are in my organization, Mass. Bay Ground Fish
 23 Association, and from fellow charter and recreational
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1 boaters, and having looked at the document, I have to say
 2 that the science is seriously flawed. I think what we
 3 need, and I'm here to ask this of this public meeting, is
 4 that a review from that Northeast Fisheries Science
 5 Center be made and that that review be made public before
 6 the final Draft Management Plan is put in place.
 7 (Applause.)

8 HEARING OFFICER: Thank you.
 9 Is there anyone else who would like to offer
 10 comment? I guess not.
 11 Then this concludes the formal part of the

12 hearing. As I indicated earlier, if there's any of you
13 who would like to discuss matters further with us, staff
14 are here and I'm here, and we would certainly be happy to
15 spend some time with you. So that's the wrap, folks,
16 unless you would like to sit around and share your
17 thoughts with us. Thank you.

18 (At 8:23 p.m., the hearing was concluded.)

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