



Groundfishermen file herring lawsuit

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PORTLAND — Recreational and commercial fishermen have filed separate actions against the National Marine Fisheries Service seeking to close loopholes in the way it monitors the industrial Atlantic herring midwater trawl fleet and bring accountability to this fishery.

Recreational fishing advocate Patrick Paquette of Hyannis, Mass., filed a complaint under the Freedom of Information Act to obtain a NMFS video previously shown at a public meeting of the New England Fishery Management Council Herring Oversight Committee, which showed footage of federal observers on board a midwater trawl ship.

The council is in the process of developing a comprehensive monitoring system for the herring fishery.

The complaint says that the video provides insight into the sampling procedures of federal observers and loopholes in the monitoring program.

Paquette, who represents multiple recreational fishing organizations including the 60-year-old Massachusetts Striped Bass Association, said he has been unable to obtain a copy of the video, "so my only option is to ask a federal judge."

"The agency's refusal to provide Mr. Paquette with a copy of the video after showing it as part of a public policy-making meeting is a baffling move by NMFS," said Roger Fleming, attorney with Earthjustice. "It begs the question: 'What is it they are trying to hide?'"

In a separate filing also related to monitoring in the herring fishery, Captain Peter Taylor of Chatham, Mass., filed suit against NMFS for creating a loophole in a rule to allow herring vessels to dump uninspected bycatch when fishing in an area closed to most fishermen for the specific purpose of protecting troubled groundfish stocks.

The area southeast of Cape Cod, known as Closed Area 1, has been identified as a spawning ground and nursery area for juvenile cod and haddock. These waters are currently off-limits to nearly all other fishing vessels. Taylor requested that the court require NMFS to reconsider the loophole.

"This comes down to fairness," said Taylor. "I just want herring trawlers held to the same standards when they fish in that area as I am, and that means they shouldn't be allowed to discard fish that the observers haven't inspected properly. When I am observed, all the fish in my gear is counted, and I still fish with hooks. But herring trawl nets are massive, with way more impact, and to only observe part of their catch just isn't right."

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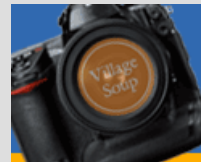


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