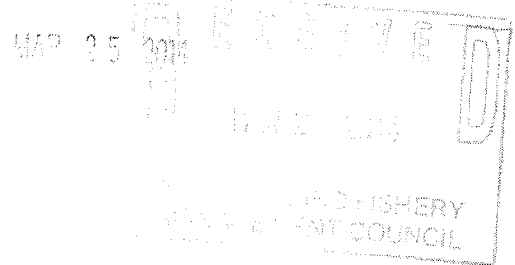


#3

Correspondence



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276



Thomas A. Nies, Executive Director
New England Fishery Management Council
50 Water Street
Newburyport, MA 01950

Dear Tom:

Staff of the Greater Atlantic Regional Fisheries Office (GARFO) and the Northeast Fisheries Science Center (NEFSC) have discussed the Council's February 10, 2014, request for the addition of more specific gear codes in the vessel trip report systems. They agree that it would be appropriate to add gear codes to distinguish standard scallop dredges (with and without chain mats) from turtle deflector dredges (with and without chain mats). This distinction would be consistent with the scallop dredge information currently collected by the NEFSC Observer Program, and can be incorporated into analyses, including those related to catch monitoring and the Standardized Bycatch Reporting Methodology (SBRM).

They do not recommend adding a low profile dredge gear code at this time. We have not yet established a clear regulatory definition of the gear, and there is additional research work being done to specify dredge ring and twine top hanging configurations. We would consider this when the gear is clearly defined; we will also consider further the proposed code for "other scallop dredge."

You asked specifically if additional codes would affect the definition of fishing mode in SBRM analyses. The establishment of these gear codes does not of itself affect the definition of fishing mode that is done in the SBRM analyses. One of the preferred alternatives selected by your Council's ad-hoc SBRM committee would allow the NEFSC to define fishing modes for the purpose of SBRM analysis, rather than requiring formal Council action. Under this alternative, the NEFSC would notify the Council and explain their reasoning for any changes.

The gear code changes will not take place immediately, as they will be coordinated with other data users though the Atlantic Coastal Cooperative Statistics Program's (ACCSP's) Standard Codes Committee. The Codes Committee works to ensure that all state and federal partners who are users of the ACCSP dealer and vessel electronic reporting systems are aware of changes and can raise concerns, if any. Our members on the Sea Scallop Plan Development Team and Advisory Committee will keep your staff informed as this discussion proceeds.

Sincerely,

John K. Bullard
Regional Administrator, Greater Atlantic Region

Cc: Karp, Brown, Morris, Darcy, Goodale



cc: Council, DB (3/27)



11

New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
E.F. "Terry" Stockwell III, *Chairman* | Thomas A. Nies, *Executive Director*

February 7, 2014

Mr. John Bullard
Regional Administrator, GARFO
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

Dear John:

The Council voted, at its January 30, 2014 meeting, that no additional laws, regulations or amendments of MSA are needed relative to hidden compartments at this time. Furthermore, the Council supports the use of all current laws, rules and regulations by law enforcement officials to enforce violations of current fisheries laws which use hidden compartments [concealment of fish] for purposes of violating any laws, rules or regulations. The Council passed the following motion:

"that it is the Council's belief that no additional laws, regulations or amendments of MSA are needed relative to hidden compartments at this time. Furthermore, the Council supports the use of all current laws, rules and regulations by law enforcement officials to enforce violations of current fisheries laws which use hidden compartments [concealment of fish] for purposes of violating any laws, rules or regulations."

The amended motion **carried** on a show of hands (14/0/0).

At the June 2013 VMS/Enforcement Committee Meeting, the Coast Guard proposed adding a prohibition to the Magnuson-Stevens Act to address the use of hidden compartments on fishing vessels. Since that time, General Counsel (GCES) was in close contact with USCG on this issue. They desired further discussions with the VMS/Enforcement committee during its January 17, 2014 meeting.

Joe Heckwolf (GCES) reviewed hidden compartment language based on 19 U.S.C. 1703, federal smuggling statute and made some general recommendations. At the end of the discussion, the Committee agreed that there are currently regulations in place that address the underlying issue which is failing to make all catch available for inspection to an authorized officer and making false statements regarding the total catch on board a vessel. Both of these violations are currently addressed in the regulations.

If you have any questions, please contact me.

Sincerely,

Thomas A. Nies
Executive Director

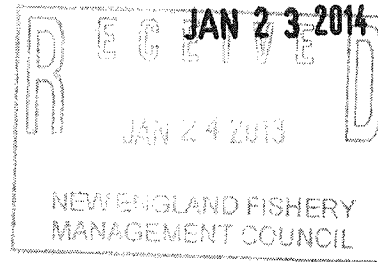
cc: Coast Guard & state Directors of Marine Fisheries



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3130

New England Fishery Management Council
Attn: Thomas A. Nies, Executive Director
50 Water Street
Newburyport, MA 01950



Dear Mr. Nies,

Thank you for your letter dated November 25, 2013 expressing your concerns regarding the Vessel Monitoring System (VMS) and Emergency Indicating Radiobeacons (EPIRBs). The VMS system was not developed with the consideration that it serve as a means of distress notification, and, as such, it does not provide sufficiently reliable data to serve as an accurate indicator of distress. A 2006 NOAA report addressed VMS reliability in the Northeast and found that we see more than 1,000 late or missed VMS polls daily in the Northeast Region. There are no indications that the reliability rate has improved. As it was not designed as a distress alert system, VMS is not actively monitored, and its systemic reliability issues would rapidly overwhelm the Coast Guard's SAR system. VMS has, however, been used in the past as an investigative tool to corroborate cases of possible distress. Please continue to encourage your members to properly maintain and monitor the status of their VMS transponders underway.

Regarding EPIRBs, with the exception of a VHF-FM distress call, they remain the most reliable and expeditious method for the Coast Guard to receive notification of distress at sea. We have consulted with Coast Guard Headquarters, Office of Search and Rescue, and they have no data to suggest that there has been a decrease in EPIRB reliability. The Coast Guard responds to hundreds of EPRIB alerts annually, with the vast majority being inadvertent activations. In many cases, the activated EPIRBs are unregistered or have out of date information, making the Coast Guard's SAR response more challenging and less efficient. My Commercial Fishing Vessel Safety Specialists inspect EPIRBs when conducting courtesy examinations, but we could use your help encouraging vessel masters to properly register their EPIRBs and to inspect the beacon and mounting hardware on a regular basis, as well, before getting underway and at regular intervals when as sea. Guidance on inspecting an EPIRB can be found at http://www.sarsat.noaa.gov/EPIRB_inspecting.pdf. Hydrostatic release units (HRU) undergo rigorous testing before being Coast Guard approved, but, due to its inherent design, there is no viable field procedure to test an HRU. A properly serviced and maintained EPIRB registered with a vessel's most up to date information significantly increases the Coast Guard's ability and effectiveness in responding to an EPIRB alert and saving lives at sea.

The Coast Guard and the men and women of the First District remain committed to improving safety of life at sea for all mariners. In that same spirit, I thank you for the Council's continued dedication to the safety of the fishing fleet throughout New England.

Sincerely,

D. B. ABEL
Commander, First District
U.S. Coast Guard

cc: Conrad, LG, DB (1/27)

