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New England Fishery Management Council

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C.M. "Rip" Cunningham, Jr., *Chairman* | Paul J. Howard, *Executive Director*

## Draft Amendment 19

to the

## Northeast Multispecies Fishery Management Plan

## Written Comments

Comments received after April 13, 2012

Blue Water Fisheries Inc.  
P O Box 2242  
Montauk, N.Y. 11954

4/25/12

Mr. C.M. Cunningham, Jr.  
Chairman NEFMC  
50 Water Street, Mill #2  
Newburyport, MA. 01950

Dear Mr. Cunningham,

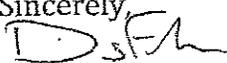
I am writing this letter in regard to the Small-mesh multispecies fishery, other wise known as the whiting fishery. Blue Water Fisheries owns and operates a 95' stern trawler that targets silver hake year round in both the southern and northern management areas.

As you are aware the Council is about to vote on approving Amendment 19 to the Small- mesh multispecies fishery on 4/26/12 in Mystic CT. The preferred alternatives call for an annual TAL for silver hake in the southern area of 27,255 mt or four times what recent annual landings have been. The same goes for the northern area with an annual TAL of 8,973 mt, which is four to seven times what recent landings have been. The current 30,000 lb. possession limit will continue to keep landings at recent levels.

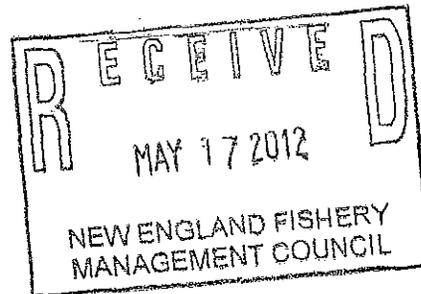
I respectfully ask the Council to immediately consider increasing the possession limit to 40,000 lbs to allow access to the new TAL in both areas. Waiting to incorporate such an increase into the next Amendment that is scheduled to address Limited Access would take several years as we all know. The current 30,000 lb limit was developed as part of a rebuilding strategy for silver hake back in 2000 and disadvantaged only the larger vessels in the fleet at the time, as they were the only vessels that could hold more then 30,000 lbs. These vessels continue to be adversely affected by this limit and have no way to increase their annual catch without increasing the possession limit.

There are less then 10 larger vessels in the whiting fleet and an increase to 40,000 lbs would not have a dramatic effect on landings but would help offset the rising cost of fuel. Additionally, the increase in landings could help us regain our market share in the Hunts Point market that is now being filled by Canadian imports at certain times of the year.

I would like to thank you and the Council for considering my request at this time.

Sincerely,  
  
Dan Farnham, VP  
Blue Water Fisheries, Inc.

rec'd 4/26/12



**From:** Thomas Testaverde  
**Date:** 5/14/2012 4:13:38 PM  
**To:** comment@nefmc.org  
**Subject:** Souther whiting possession limit

I would like to go on record against any whiting possession limits

- 1- the 30,000 limit has been working since we put it in LEAVE IT ALONE IT'S WORKING.
- 2 -I believe using a raised footrope in all areas.
- 3-let the fish come back more heavy so you just go out and make a few tows then go home with your 30,000 limit SAVING FUEL ,TIME ,MONEY.
- 4 -if this should pass it should be at munsons ONLY, you can't go in any other areas because you can say you caught them at munsons??
- 5-if this should pass it should be only in the winters months Jan -June so it does not bother any of the inshore fleets with markets because its like adding boats every 3 is like another boat
- 6-we know the big thing about saving fuel but less fish means higher prices
- 7-we don't want to go back to throwing whiting overboard or into bait or NOT FISHING AT ALL because all these boats come in with 40,000 pounds its bad enough now when a lot of boats come in with 30,000 pounds we get no money and work for NOTHING
- 8-with all the problems with GEORGE'S yellow tails and winter flounders I am a big believer in making the cultivator a RAISE FOOT ROPE AREA ONLY
- 9- Again MAINTAIN (STATUS QUO
- 10- it's not in the best interest of the fisheries for a few to benefit at the cost of others.

Capt TOM TESTAVERDE  
 F/V MIDNIGHT SUN  
 GLOUCESTER MA.

cc: AA, CBK, Council (5/21)

5/14/2012

MAY 16, 2012

DENIS LOVGREN  
306 SUDBURY RD.  
PT. PLEASANT, N.J.  
08742

(6)

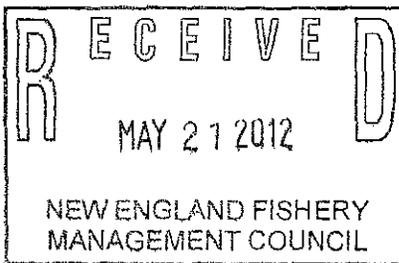
TO FISHERY MANAGEMENT COUNCIL MEMBERS,

I WOULD JUST LIKE TO MAKE A FEW COMMENTS  
ON THE PROPOSED INCREASE IN THE WHITING  
POSSESSION LIMIT.

I CURRENTLY OWN AND OPERATE A 78 FT  
DRAGGER OUT OF PT. PLEASANT N.J. I HAVE  
WHITING FISHED FOR OVER 40 YEARS.

I AM OPPOSED TO ANY INCREASE IN  
THE WHITING POSSESSION LIMIT. IT IS A  
WELL KNOWN FACT THAT THERE IS A LIMITED  
MARKET FOR WHITING. RAISING THE LIMIT  
WILL ONLY RESULT IN CHEAPER PRICES  
AND ADDED PRESSURE ON A STOCK  
THAT DOES NOT NEED IT.

THANK YOU,  
Denis Lovgren

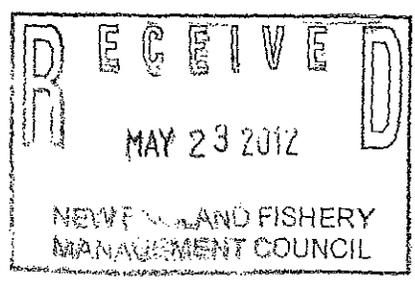


cc: Council, AA, CBK (5/24)

To the N.E.F.M.C.

I started Whiting Fishing in 1972. I've seen good years and also the bad. The regulations in place are working very well. So please don't change anything. The Whiting market is very limited, putting an extra 10,000 pound per boat would flood the market. If you want to turn the Whiting Fisheries into a bait Fisheries then this increase is what you want to do. The market will not handle this extra fish. If you think you need to do this, then make sure every boat uses a raised Footrope trawl and also make the increase only from Jan 1 to July 1. There's enough boats catching bait. You don't need to turn the Whiting Fisheries into a bait Fisheries. This will only benefit a few big boats and it will hurt the numerous small boat fleet.

Respectfully yours  
 Capt. Ignazio Saffino  
 Capt Ignazio "NAZ" Saffilippo  
 F/V Cat Eyes



24 Pine St  
 Gloucester MA 01930

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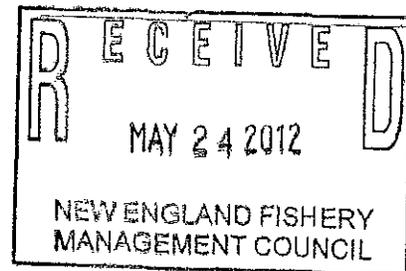
DIRECT LINE: (202) 342-8648

EMAIL: dfruita@kelleydrye.com

May 24, 2012

**VIA ELECTRONIC MAIL**

Mr. C.M. "Rip" Cunningham, Jr., Chair  
New England Fisheries Management Council  
50 Water Street  
Newburyport, MA 01950



**Re: Comment on Small Mesh Multispecies Amendment 19**

Dear Mr. Cunningham:

We represent Blue Water Fisheries, Inc. ("Blue Water"), a small fishing company located in Montauk, New York, that is one of the handful of participants in the fulltime small mesh whiting fishery. Blue Water strongly urges the Committee to consider and adopt, as part of Amendment 19 to the New England Multispecies Fishery Management Plan, an increase in the trip limit for whiting from 30,000 to 40,000 pounds, at least throughout the southern management area. To allay concerns as to a potential increase in effort such a change may have, and to lay the groundwork for the pending limited access amendment, we would also suggest that the Council establish a new control date for the fishery. The existing control date was published in 2003 and is likely "stale," unsuitable as the basis for use in a future limited access scheme.

There are strong social, economic, and management reasons for raising the possession limit now as part of Amendment 19 rather than waiting for the next amendment. As you and the other Council members are aware, fuel prices continue to persist at high levels. This fixed cost is the most important in determining the profitability of a trip. The high fuel costs have been reducing marginal profits, making it much more difficult for fishermen to sustain themselves economically. A higher landing limit will reduce whiting fishermen's marginal costs per trip, leading to higher profits and providing increased benefits for the fishing communities in which we live. That, of course, is an important consideration under National Standard 8.

Likewise relevant to National Standard 8, as well as National Standard 1, the increased trip limit Blue Water proposes is both consistent with the Council's and the National Marine Fisheries Service's ("NMFS") conservation mission and would help the industry obtain optimum

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Mr. C.M. "Rip" Cunningham, Jr., Chair

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yield. Whiting harvests, particularly in the southern area, have been significantly below allowable levels. Importantly, the 30,000 pound trip limit was established as part of a rebuilding program. Currently, the stock is rebuilt, not undergoing overfishing, and allowable catch levels are increasing by a factor of three.

If the mandate to ensure that the goal of "achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry," 16 U.S.C. § 1851(a)(1), means anything, it includes adoption of conservation and management measures that have at least a fair likelihood of ensuring the full measure of sustainable harvest can be "achieved." There is a long track record demonstrating that the 30,000 pound trip limit is too constraining even to allow the industry to harvest lower catch levels. Maintaining the 30,000 pound rebuilding trip limit for a rebuilt stock, as part of a management plan that now provides much higher allowable catch levels, comes very close to applicable legal lines.

The only reasonable concern expressed with regard to this change is that, given that the fishery is still, for the time being, open access, a slew of new participants could be attracted. It is important to note that this is not a conservation issue. The fishery is governed by an annual catch limit that restricts overall harvest. Furthermore, as an economic issue, if the historic whiting fishermen asking for this change seriously considered this a threat, they would not be making this urgent request. They have the most to lose if the fishery were to become quickly over-capitalized and the fishery shut down prematurely.

Currently, the primary fulltime fleet consists of only about ten vessels. If there was going to be an influx of new participants, we would expect to have seen that already with the advent of the groundfish sectors program and the recent harvest limitations on key stocks. In general, this is a difficult fishery to prosecute and a new participant would have to have the expertise and vessel with the capacity and horsepower to prosecute it.

Even though we do not believe that a vast increase in participants is likely in the event the fishery's trip limit were to increase, establishment of a new control date at the next Council meeting would help dampen this effect. (Parenthetically, with catch limits increasing from about 8,900 metric tons to 27,255 metric tons, the fishery could handle extra participants, providing even greater economic benefits.) Re-establishing a control date is, in its own right, an important step in developing the limited access program scheduled for the next amendment. NMFS legal guidance suggests that control dates can become "stale" and should not be relied upon even after periods of time far shorter than the lapse since the whiting control date was published. We would be happy to provide the Committee analysis of this issue, if it would be helpful.

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In conclusion, we hope you seriously consider these comments. Increasing the whiting trip limit will provide a significant measure of economic relief for fishing communities and fishermen struggling to cope with the increasing limitations and bad scientific news in a number of other important fisheries. This change is consistent with good management, the Magnuson-Stevens Act, and sound stewardship of the resource and the people who depend on it. We respectfully ask the Council to include and adopt the trip limit increase as part of Amendment 19. Thank you very much for your time and attention.

Sincerely,

/s/ David E. Frulla & Shaun M. Gehan

Kelly Drye & Warren, LLP  
3050 K Street, NW – Suite 400  
Washington, D.C. 20007

*Counsel for Blue Water Fisheries, Inc.*

