

Additional Correspondence Correspondence

Joan O'Leary

From: Capt Dave Waldrip <captdave@relentlesscharters.com>
Sent: Friday, December 14, 2012 3:42 PM
To: Joan O'Leary
Subject: Fw: Western Gulf Of Maine Closed Area Potential Opening

From: Capt Dave Waldrip
Sent: Friday, December 14, 2012 3:39 PM
To: joleary@nfmfc.org ; Paul Howard ; Paul.Diodati@state.ma.us ; david.pierce@state.ma.us ; john.bullard@noaa.gov ; aaplegate@nfmfc.org
Cc: Steven James ; Barry Gibson
Subject: Western Gulf Of Maine Closed Area Potential Opening

Good Afternoon,

My name is David Waldrip and I run and own the Charter Boat Relentless fishing for multi species out of Green Harbor, MA. I am a member of both the Stellwagen Bank Charter Boat Association and the National Association of Charter Boat Operators. I oppose the opening of the Western Gulf of Maine Closed Area to commercial fishing vessels for the following reasons. Right up to the introduction of catch shares we had an excellent ground fishery on Stellwagen Bank fishing for cod, haddock and other species. Once catch shares went into effect and the large draggers appeared on these grounds without a trip limit the fishing drastically dropped off to the point customers did not want to return or cancel future trips. We now have to travel over thirty-two miles offshore to find fish for our customers now due to the depletion of cod on Stellwagen Bank. In the summer fishing inside the Western Gulf of Maine has allowed us to pick away at the pollock and redfish along with a few haddock and cod. I am afraid opening up this protective habitat to draggers and gillnetters will continue to deplete the inshore grounds. We have no other bottom fish to target in Massachusetts Bay such as fluke, sea bass, tautog and other species. We rely on northeast multi species (groundfish) for our charters and this is why this area is so important to us. We are only allowed to keep cod for a six and a half month season and once closed our customers go seek other species and locations to fish. We are operating at the end of the line now and opening this up would be the final nail in the coffin.

I have no opposition to opening up the offshore closed areas to commercial fishing. I also understand the reasoning to open up this area is to allow commercial fisherman additional access to harvest more fish for a grater profit. I also have not heard one word on any changes which would help out the charter industry and I find this appalling. Please do not open up the WGOM to commercial fishing.

Respectfully,

Captain Dave Waldrip
Relentless Charters
Green Harbor





Finding the ways that work

December 12, 2012

Mr. C.M. "Rip" Cunningham, Jr., Chairman
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Dear Mr. Cunningham,

Thank you for the opportunity to comment on Framework Adjustment 48 to the Northeast Multispecies Fishery Management Plan. Environmental Defense Fund (EDF) commends the New England Fishery Management Council for its work on developing this framework to set specifications for annual catch limits for fishing years 2013-2015, develop management alternatives to better account for catch of groundfish in other fisheries, modify management measures regulating the sector monitoring program and mitigate economic impacts for the fleet from projected low allocations in fishing years 2013-2015.

EDF hoped this framework would have included additional measures to develop a cost effective sector monitoring program that collects timely and accurate catch and effort data to contribute to improved stock assessments. However, we understand that the Council was under pressure to meet legal deadlines and had limited resources to accomplish all of the tasks.

Please see our comments on each of the management measures below.

Thank you in advance for your time and consideration.

Sincerely,

Sarah Smith
Spatial Policy Specialist

Emilie Litsinger
New England Fisheries Manager

18 Tremont Street
Suite 450
Boston, MA 02108

T 617 723 2959
F 617 723 2969
edf.org

New York, NY / Austin, TX / Greenville, SC / Boston, MA / Boulder, CO / Raleigh, NC
Sacramento, CA / San Francisco, CA / Washington, DC / Beijing, China / Lu, Maz, Mexico
Contact information: 100% recycled paper, 50% recycled content

cc: tn, fh, Council

4.1 Update to Status Determination Criteria, Formal Rebuilding Programs and Annual Catch Limits

4.1.1 Revised Status Determination for GOM cod, GB cod, SNE/MA yellowtail flounder, and White Hake

EDF supports Option 2: to revise the status determination criteria for Gulf of Maine cod, Georges Bank cod, Southern New England yellowtail flounder, and white hake given the new information from the most recent assessments. These revisions are necessary to ensure the fishery management plan is in compliance with the Magnuson Stevens Act and provides the most appropriate mortality and biomass targets to use to base management decisions.

4.1.2 SNE/MA Windowpane Flounder Sub-ACLs

EDF supports Option 2: scallop fishery SNE/MA windowpane flounder and Option 3: other sub-components sub-ACL. It is important to take a comprehensive approach to allocating groundfish sub-ACLs and associated accountability measures to fisheries that catch significant amounts of groundfish so that excess catch in those fisheries does not undermine the efforts made by the groundfish fleet to stay within their catch limits and jeopardize the rebuilding of groundfish. Each fishery should be held accountable for overages in order to create the right incentives for controlling catch and to establish a level playing field that doesn't continue to penalize only the groundfish fishery.

4.1.3 Scallop Fishery Sub-ACL for Georges Bank Yellowtail Flounder

EDF supports Option 3: scallop fishery sub-ACL for GB yellowtail flounder specified based on catch history. It is important for there to be a fixed percentage of yellowtail flounder allocated to the scallop fishery so that scallopers know exactly how much catch they will be held accountable to and can therefore better prepare their harvesting strategies to avoid any overages.

4.1.4 Small-Mesh Fisheries Sub-ACL for GB Yellowtail Flounder

EDF supports Option 2: small-mesh fisheries sub-ACL for GB yellowtail flounder to ensure that each fishery is held accountable to their catch, even bycatch. In addition, this will provide more protection to ensure the overall ACL isn't exceeded for the GB yellowtail flounder stock.

4.1.6 Annual Catch Limit Specifications

EDF supports Option 2: revised annual catch limit specifications that are consistent with the most recent assessment information and best available science. This option will ensure that the FMP is consistent with MSA and that annual catch limits are in place for the start of the 2013 fishing year.

4.2 Commercial and Recreational Fishery Measures

4.2.1 Management Measures for the Recreational Fishery

EDF supports Option 2: revised accountability measures for the recreational fishery, which would allow proactive accountability measures to be applied to the recreational fishery. If managers have information available that predicts the overage, reactive AMs have the potential to escalate if the underlying cause is not corrected.

4.2.2 Groundfish Monitoring Program Revisions

Establishing goals is a critical step in planning for an effective monitoring program to allow fishery managers, scientists, enforcement and industry to identify the purpose of the program and to allow for periodic review of the program's performance to evaluate its effectiveness and make adjustments as needed. EDF prefers Option 2: monitoring program goals and objectives, but has recommendations on how to improve the goals. Here is our list of suggestions to perfect the goals to ensure the sector monitoring program is effective:

Goal 1: Collect timely and accurate catch and effort data

Objectives:

- Determine total catch (retained and released) and effort, for each sector and common pool, of regulated species/stocks
- Achieve coverage levels that minimize the impact of reporting errors for catch and effort data
- Receive and transmit data on a timely basis to allow for responsive in-season management
- Reduce management and/or biological uncertainty
- Perform biological sampling to improve scientific advice

Goal 2: Cost efficient monitoring

Objectives:

- Streamline data management and eliminate redundancy
- Implement monitoring mechanisms and programs that improve efficiency and provide incentives to reduce inefficient practices (i.e. 3rd party contracting, competitive bidding, cost recovery, and new technologies)

Goal 3: Provide incentives to harvest sustainably

Objectives:

- Comply with rules and regulations
- Fish selectively and minimize discards and wastage
- Reduce ecosystem impacts

Goal 4: Provide management flexibility to address sustainability and economic viability

Goal 5: Provide additional data streams for stock assessments

Goal 6: Enhance safety of monitoring program

Goal 7: Perform periodic review of monitoring program for effectiveness

4.2.2.3 Option 3: ASM Coverage Levels

EDF supports Option 3 sub-Option B: removal of requirement for industry-funded at-sea monitoring for fishing year 2013. With the coming cuts in annual catch limits for key groundfish stocks and the current economic state of the fishery, EDF supports removing the industry-funded requirement for 2013. EDF believes that the Council, NMFS, and industry should use this one year reprieve to develop a plan that maps out a gradual process for transitioning some of the monitoring costs to industry and is based on the industry's ability to pay.

4.2.2.4 Option 4: Industry At-Sea Monitoring Cost Responsibilities

EDF supports Option 4: that outlines the monitoring program elements that industry could be required to support. EDF believes that in addition to mapping out a cost transition plan for monitoring costs, it is also critical for industry to have a clear understanding of what their fees will be used for.

4.2.2.5 Dockside Monitoring

EDF supports Option 3: 100% dockside monitoring requirement if full retention is adopted of regulated groundfish for sector vessels. A combination of full retention of regulated groundfish and 100% dockside monitoring facilitates the incorporation of more cost effective electronic technology options for sector monitoring and also allows managers and scientists to quickly detect any changes in size selectivity of fish that are landed so that they may be taken into consideration in setting biological reference points.

4.2.3 Commercial Fishery Minimum Fish Size Restrictions

EDF supports Option 3: full retention to facilitate the adoption of more comprehensive and cost effective monitoring and to reduce the wasteful practice of discarding. Full retention may also increase profits for the groundfish fleet, allow the industry to be more efficient in their use of fuel, labor and other inputs, and increase certainty surrounding total-mortality (if accompanied with higher levels of monitoring), thereby contributing to improved stock assessments.

4.2.4 Georges Bank Yellowtail Flounder Management Measures

EDF supports Option 2: revised discard strata for GB yellowtail flounder and 3: small-mesh fishery bottom trawl gear requirements. Option 2 recognizes that differences in discard rates by area exist and should be used when discards are calculated. This option may also allow boats to target haddock without being charged for yellowtail flounder discards above the number that they are actually experiencing. Option 3 facilitates the adoption of more selective gear.

4.2.5 Allowed Exemption Requests

EDF has supported analysis of the sector exemption alternative, recognizing this alternative as a potential strategy for mitigating economic impacts of looming cuts in ACLs. In addition, analysis of the performance of the existing groundfish closed areas is an important component of the ongoing Habitat Omnibus Amendment (HOA) process that should aim to optimize a closed area network that produces maximum benefits for the ecosystem and the industry. Closed areas can provide a wide range of benefits, including rebuilding population structure, protecting habitats, increasing biodiversity and food web complexity by reducing disturbance, and buffering against scientific uncertainty in stock assessments¹ and in the face of a changing climate. Because of this suite of potential benefits, we believe any decisions to open these areas to additional fishing pressure in advance of the more comprehensive redesign of the network through the HOA should be made very carefully and only following a robust analysis of the costs and benefits of doing so. We maintain that any access granted should be predicated on data demonstrating that healthy stocks can be caught at a high CPUE, while avoiding or minimizing catch of weaker stocks and without unduly diminishing other ecological attributes (e.g., habitat, biodiversity, food webs). At this time, we are not taking a position on access to any particular closed area. We plan to comment to NOAA on the proposed rule to explain our support or opposition to access in each area once we have seen specifics of proposals from each sector for access including details relating to gear use and modification, timing of access, level of effort, etc. This decision cannot be made without those details, for the trade-offs between the expected long-term costs to the productivity of the fishery relative to the near-term economic benefits is entirely dependent upon the extent and nature of fishing impacts to be introduced.

¹ For an analysis of the role of closed areas alongside quotas in an uncertainty management strategy, see: Stefansson, G. and A.A. Rosenberg (2005) Combining control measures for more effective management of fisheries under uncertainty: quotas, effort limitation and protected areas. *Phil Trans, R, Soc, B* 360: 133-146.

The significance of those impacts will depend upon detailed understanding of the stock and ecosystem structure that has evolved inside the closed areas.

The CATT has produced excellent work in a short period of time investigating the ecological and socioeconomic costs and benefits of allowing temporary access to groundfish sector vessels. We expect those analyses to continue, if not by the CATT then by NOAA analysts as this decision moves to the agency, and that the final decision will be informed by information beyond that which is available at present. As described in the FW48 document, analyses done by the CATT, as well as work by Drs. Graham Sherwood and Jon Grabowski, suggest that the groundfish closed areas have produced rebuilt age structures of certain species within their boundaries (e.g., cod, yellowtail flounder). Older, larger females are disproportionately important for reproductive success because they typically spawn more frequently, produce more eggs per unit of body mass, and produce higher quality offspring with higher larval growth and survival². All of these factors are important in the rebuilding of stocks, yet are not addressed directly by our current assessment and management strategies. Closed areas help make up for and buffer against the uncertainties introduced by that omission, as well as the omission of complex spatial structure³. Additionally, even though the areas under consideration for access are not designated as habitat closures, habitat benefits have likely accrued in most, if not all, cases nonetheless. The Council has removed from consideration areas within existing habitat closures, as well as areas within new habitat closures being developed. However, impacts on habitat within areas being considered for access should be an important factor in the final determination.

Similarly, the Council voted to integrate use of closed areas for habitat management with use of closed areas for groundfish management in a single action. However, unlike the series of habitat alternatives currently being reviewed, proposals for new and/or existing areas important to immediate and long-term groundfish management goals have not yet been identified. As those alternatives begin to emerge, the potential for existing areas to remain part of a reconfigured closed area network should be a key consideration in this decision.

If access to any of these mortality closures is ultimately allowed, uncertainties will inevitably remain as to the nature and extent of stock and ecological recovery that has taken place, improvements that might be diminished by access. Therefore, 100% at-sea monitoring should be required on all trips within closures. Concerns about excessively eroding rebuilt age structure in particular are a primary motivation for this requirement. Full monitoring will mean that we may very closely, and in real time, evaluate the extent to which we are affecting rebuilt age structure of cod and other species. Catch and effort in these areas should also be closely tracked to better quantify changes to existing closed areas. Signs that any important benefits of the closures are quickly being undone should be cause to re-close the area. Triggers might include substantial loss of habitat that has regrown since the closure, large numbers of rare species, or disproportionate numbers of old, large spawning females showing up in the catch, indicating that the area is especially important for spawning. Fishery-dependent data should also be accompanied by fishery-independent surveys of these groundfish closed areas to quantify changes to habitat and stock structure as a result of this fishing activity.

Finally, if access is allowed, it would be worthwhile to do so in a phased and controlled manner. In other words, rather than allowing full access to vast areas by all vessels at once, sub-sections of an area could

² For an example from Icelandic cod, see: Marteinsdottir, G.; Begg, G.A. (2002). Essential relationships incorporating the influence of age, size and condition on variables required for estimation of reproductive potential in Atlantic cod *Gadus morhua*. *Mar. Ecol. Prog. Ser.* 235: 235-256

³ Reviewed by: Berkeley, S.A., M.A. Hixon, R.J. Larson and M.S. Love (2004) Fisheries sustainability via protection of age structure and spatial distribution of fish populations. *Fisheries* 29: 23-32.

be opened sequentially. Comparing documented changes in open areas with those in areas left closed initially would provide another approach for gauging impacts. Those insights would be invaluable in the design and evaluation of future closed areas, allowing us to gain both economic and scientific benefits should access be granted.

4.2.6 Commercial Fishery Accountability Measures

EDF supports Option 2: change to AM timing for stocks not allocated to groundfish sectors. This allows the AMs to be implemented more quickly in order to reduce the risk of continued overfishing in consecutive years and allows fishing businesses the time they need to plan out their operations for the following year.

EDF supports Option 4: modifications to the accountability measures for SNE/MAB windowpane flounder, to hold other fisheries responsible for catch of groundfish. The groundfish fishery accounts for a portion of SNE/MAB windowpane flounder catch, therefore the current AM may not be adequate to prevent overages from occurring.



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

Paul J. Howard, Executive Director
New England Fishery Management Council
50 Water Street
Newburyport, MA 01950

DEC 18 2012


Dear Paul:

Thank you for your letter regarding cod discard mortality rates and sector requests for access to the groundfish closed areas. With respect to discard mortality rates, our policy is to use the assessment methodology for quota monitoring. This approach ensures that we monitor catches consistent with the methodology used to set the catch limits each year. The current assessments for Georges Bank and Gulf of Maine cod assume 100-percent discard mortality for all gear types. Therefore, we apply a 100-percent discard mortality rate to commercial discards, and recreational discards where applicable, for catch monitoring. As you know, the Cod Discard Mortality Workshop was held in July 2012 to develop alternate discard mortality rates, and these alternate discard mortality rates are being considered in the ongoing assessments for both cod stocks. If alternate discard mortality rates are approved by the Stock Assessment Review Committee, then we will incorporate the revised rates into our quota monitoring procedures. Since quotas based on the new benchmark assessments are proposed to be set for the first time in fishing year (FY) 2013, we would begin using any revised discard mortality rates in FY 2013, should those quotas be approved, consistent with the assessment methodology.

As we shared with the Council at the November Council meeting, we are continuing to explore the best approach to consider allowing groundfish vessels access to the groundfish closed areas. Whichever approach we ultimately take, the analysis of impacts will be comprehensive, including, but not limited to, the things you suggested, such as gear conflicts, shifts in fishing effort, and impacts on protected species and lobsters. We are approaching this action carefully and purposefully to ensure that any allowed access would have a positive outcome for the fishery, and that will not have unintentional consequences or cause long-term harm. Your comments on this issue are greatly appreciated, and I welcome additional input you may have as this action progresses.

If you have any questions regarding catch monitoring procedures or sector requests for access to the groundfish closed areas, please contact the Sustainable Fisheries Division at (978) 281-9315.

Sincerely,

 John K. Bullard
Regional Administrator

