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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

JAN 17 2014

Thomas A. Nies
Executive Director
New England Fishery Management Council
50 Water Street Mill 2
Newburyport, MA 01950

Dear Tom:

As you know, we recently completed year-end accounting for groundfish for fishing year (FY) 2012. At the November 2013 Groundfish Committee meeting, my staff presented the results of the year-end report and the final evaluation of the FY 2012 annual catch limits (ACLs). The total ACLs for both northern and southern windowpane flounder were exceeded in FY 2012 by more than 25 percent (Table 1). As a result, the accountability measures (AMs) for these stocks, which were adopted in Framework 47 to the Northeast Multispecies Fishery Management Plan (FMP), will be triggered on May 1, 2014. For both windowpane flounder stocks, the small and large AM areas will be triggered, and commercial groundfish trawl vessels will be required to use selective gear in these areas for FY 2014. As a reminder, sectors cannot request an exemption from these AMs. We are working on outreach to commercial groundfish vessels to make sure industry is aware of the pending AMs.

Table 1. FY 2012 Windowpane Flounder ACLs and Catch (mt)

Stock	Total ACL	Catch				
		Total	Groundfish Fishery	State Waters	Other sub-Component	% of ACL Caught
Northern windowpane flounder	163	209	130	2	77	128%
Southern windowpane flounder	381	521	107	34	380	148%

Last year, Framework 48 to the FMP adopted a sub-ACL for southern windowpane flounder for the scallop fishery, as well as a sub-ACL and AM for southern windowpane flounder for the other sub-component. These measures became effective for FY 2013, so the AM triggered as a result of the FY 2012 overage does not affect these fisheries.

At the November 2013 Groundfish Committee meeting, my staff also reported on the current FY 2013 catches of northern windowpane flounder by the commercial groundfish fleet, which at that time were nearing the total ACL for the stock. Based on updated data through January 14, 2014, the commercial groundfish fleet has caught 211 mt of northern windowpane flounder, which exceeds the FY 2013 overfishing limit (OFL) for this stock of 202 mt. Although there are no inseason AMs for this stock, the current FY 2013 catch estimates should give pause.



As you know, the AM for this stock is triggered in the year immediately following the overage if we know before the end of the fishing year, based on reliable data, that an overage has occurred. Because the commercial groundfish fishery alone has exceeded the FY 2013 OFL, this would trigger the AM beginning on May 1, 2014. In this case, however, the AM has already been triggered due to the FY 2012 overage. Regardless of what ACL overage triggered the AM, though, FY 2014 is the first time the AM for this stock will be implemented, so I urge the Council to closely evaluate its effectiveness next year in preventing overfishing for northern windowpane flounder.

At the December 2013 Council meeting, FY 2013 recreational catches of Gulf of Maine (GOM) cod and haddock were also raised. We were able to generate inseason FY 2013 catch estimates based on data available to date, which includes Marine Recreational Information Program Waves 2-5, or May 1-October 31, 2013. This information is summarized in Table 2 below. Based on these estimates, it appears that the recreational measures we implemented for FY 2013 did not reduce recreational removals enough to prevent overages of the recreational sub-ACLs.

Table 2. FY 2013 Recreational Catch Estimates of GOM Cod and Haddock (mt), May 1 – October 2013.

Stock	FY 2013 Recreational sub-ACL	Total Catch ¹	% of sub-ACL Caught
GOM cod	486	706	145%
GOM haddock	74	256	246%

¹ Consistent with the most recent assessment for each stock: 1) A mortality rate of 30% has been applied to GOM cod discards; and 2) recreational discards for GOM haddock are not included.

The proactive AM for the recreational fishery gives me authority to adjust measures for the upcoming fishing year, in consultation with the Council, to prevent the recreational fishery from exceeding its sub-ACL. The FY 2014 recreational sub-ACL for GOM cod is the same as FY 2013, and is only increasing by 13 mt for GOM haddock compared to FY 2013. So, based on the FY 2013 estimates to date, we will need to adjust recreational measures for FY 2014 to ensure the recreational sub-ACLs are not exceeded. We will work with you and your staff to coordinate development of alternatives for the FY 2014 recreational measures, including any potential input from the Council, or its Recreational Advisory Panel.

If you have any questions on the FY 2012 year-end report, or the FY 2013 catches we summarized in this letter, please contact me at 978-281-9200, or my staff in the Sustainable Fisheries Division at 978-281-9315.

Sincerely,

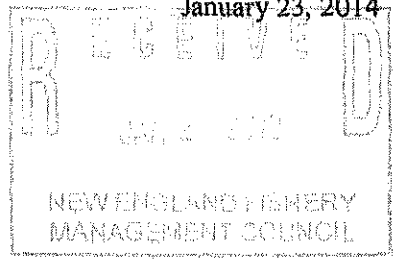


for John K. Bullard
Regional Administrator

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Brian McDevitt
6 Carter St
Woburn, Ma 01801

January 23, 2014



New England Fisheries Management Council
50 Water St, Mill 2
Newburyport, MA , 01950

Dear Sir/Madam:

I am a limited access Handgear A permit holder. I am extremely concerned with the current approach to managing this gear type. Permit holders in this category are primarily small boats with only a 300lb limit. The categories impact on the total catch is truly negligible. The vessels in this gear type fish only until their exact limit is reached and then immediately cease fishing. The gear type has no overage or bycatch. Any shorts or non targeted species encountered during fishing operations are released alive. Given all the efforts being made to restore our cod fishery, I am truly confused why this sustainable gear type is not being promoted instead of being destroyed.

Most hand gear permit holders have been relinquished to the common pool given their lack of historic catch which would make them attractive to a sector. As part of the common pool, they have just been shut out entirely of the winter cod fishery. This is the one time of year when many boats hope to cover expenses. Many of these boats are on the verge of financial collapse and this closure takes away their one chance to try and stay afloat. With out some type of immediate intervention, many of these vessels will not be fishing next year. They will be out of business.

As the fishery managers, it is your delegated responsibility to ensure the success of our fisheries. Putting these small boats out of business is not a success story. The impact on local economies will be felt. These boats will no longer be buying fuel, bait, gear, insurance, dockage etc.

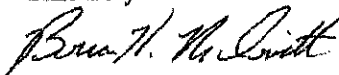
To avert this disaster, I would like to propose that a portion of the overall ACL be allocated as specifically Handgear only. This would afford those smaller boats an opportunity to compete. The vessels are not looking for a handout but simply a chance to compete for the resources. When lumped in the common pool, the vessels are forced to compete with the large volume vessels that can quickly fill the quota.

cc: Council, FH, JC, RF (1/24)

In closing, our proud New England fisheries were founded on small boat sustainable fishing. I implore you to acknowledge your roles as the fishery managers and please take the steps necessary to ensure this legacy does not die.

Thank you for consideration of my comments.

Sincerely

A handwritten signature in cursive script, appearing to read "Brian K. McDevitt".

Brian K. McDevitt

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From: Lisaann#2 [<mailto:captainjim1@comcast.net>]
Sent: Friday, January 24, 2014 4:01 AM
To: John Hoey; John Bullard; David Pierce; Bill Hoffman; Johanna Thomas
Cc: Tom Nies
Subject: Lisa Ann II

NOAA, DMF Mass, Council,

I'm not sure if you are taking comments on the relief money yet? I think everyone is going to have their hand out, I really think that a IBS survey (based around the IBS cod survey that was done by Mass DMF) inshore and offshore survey using commercial boats utilizing flounder nets and rock Hopper nets preferably on the same boat to save money would be a good start to gain Commercial Fisherman support. This would be a way to keep observers going and learning on an IBS boat would be good practice. I don't think any money besides an IBS survey should go to the observer program.

The environmental group (Oceana) seems to want 100 percent coverage let them pay for it. The rest of the money should go directly to fishermen to get out of debt. Many of us have big boat payments, dockage, insurance, maintenance and so on. We are having a hard time making money with lease price high and returns low, some days we are losing money after fuel and lease and other days we are making 25 to 50 cent a lb., if fishing is slow it just doesn't work. We are one of the top producing inshore vessels and we can't make it if this continues on this path. I really don't think there will be enough money to have a buyback with the money that was appropriated unfortunately, and an industry funded one would put too much burden on the fishermen that are having a hard time making it. I hope that this can get done quickly to help some of our less fortunate fishermen.

Thanks, Jim Ford

Sent from my BlackBerry 10 smartphone.

cc. Council, FH, JC, RF (1/24)

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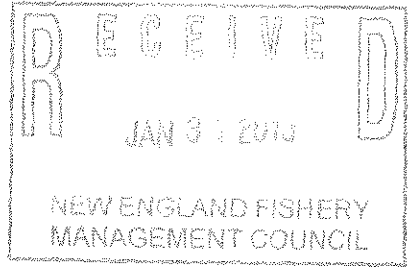
F/V LYDIA & MAYA, INC.

47 DRESSER RD., SCARBOROUGH, ME 04074

207-885-1335

aodlin@maine.rr.com

To: Terry Stockwell (Chairman, NEFMC)
50 Water St., Newburyport, MA 01950



We write to the Council Chairman of the NEFMC in regard to severe concern over implementation of the proposed accumulation caps that are in discussion currently. We have questions...very relevant questions that I will subject you to in the following...on exactly how this will cripple anyone that wishes to exit the industry!

First, Who are we supposed to sell our permits to if the only ones that can afford it are the ones that will already be capped off and cannot purchase? This is significant for those of us that no longer wish to be subjected to the torcher that has become commonplace in fisheries management in the Northeast (ie. The massive pilings of regulation and modifications to the regulations...)! What do we do when we want to exit our position as stakeholder and sell off our permits?

Secondly, what will become of Permit Banks then...with accumulation caps in place? The bank would not be able to purchase a stakeholder's permit since it too would be at its accumulation. Where does a state permit bank's money come from to purchase the permits if it is authorized? One cannot really believe that it is expected that our govt. contribute to the fiasco of purchasing permits....the govt. is broke! The govt. cannot even meet the requirements of disaster relief let alone maintain a balanced budget. Also, govt. money is tax payer money....we are tax payers....thus, does the Council believe that we should all pay more taxes to give the govt. to buy permits...what would be the point???? We would still be on

the short end of the stick since all tax payers would be paying for their own buyout! That is ridiculous and ignorant! Again, I do not understand how we can have these accumulation caps and expect that things will be improved ! In actuality, our industry will be that much more crippled with no way out!!!

Third, if we the stakeholders are permanently stuck in the industry, are we to simply lease our fish into perpetuity? What if no one can afford to go fishing, who do we lease the quota to? What if the intelligent folks at Woods Hole decide to choke another species? Who do we lease fish to if everyone or most everyone (except bigger vessels) are 'choked' out of fishing for the year?

We have publically commented on this before and it's funny how the same questions come forward and the same lack of answers are still the mainstay! Why would any of you even consider such a move without these answers at your fingertips? If this is allowed...by the Council's support...to become law, then you will have really made an extremely injurious condition... one that no one can afford in the Northeast. We were declared a disaster 2 years ago and that has yet to be resolved. Hence, why would the Council endorse anything that creates further injury? We, the stakeholders are at your mercy to do what is non-injurious to our plight, and that is to eliminate this talk of accumulation caps or at least to create a system that allows any stakeholder to exit in the private market (ie no tax payer financing!).

In closing, those that have pushed so hard for these accumulation caps have not thought out the big picture on how to exit the industry, since most of us are trying to deal with the present. The future is difficult at best for most of us when survival of the here-and-now is forever at the forefront of the present day. Please do not let this be our folly. The answers to our questions need to be addressed before any further regulation is set forth.

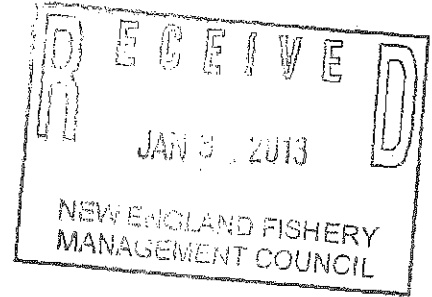
Sincerely,

Chris and Amanda Odlin



Paul J. Turek

295 Park Street
Madison, ME 04950
207-696-8289
pauljturek@gmail.com



January 26, 2014

Mr. Tom Nies
New England Fishery Management Council
50 Water Street
Newburyport, Massachusetts 01950
Fax: 978-465-3116

Dear Mr. Nies:

Regarding the proposed habitat protection measures being considered by the New England Fishery Management Council (NEFMC), I strongly oppose any changes to the Western Gulf of Maine closed area and strongly support Alternative 1, No Action.

Any additional closed areas for the charter/party and recreational anglers will create an adverse effect on a sector that is already operating under rules with strict bag limits, minimum size limits, a hard TAC and a five-and-a-half month closed season on GOM cod.

The type of research that the Stellwagen Bank National Marine Sanctuary wishes to conduct in the proposed 55-square-mile "reference area" is unnecessary. There has been plenty of research conducted all over the world on unfished populations and the resulting fish sizes and stock structure, so there is likely very little new data that we will learn by closing this area to recreational bottom fishing. Furthermore, this proposed closure clearly does not justify the future socioeconomic impact on the recreational fishing sector.

As a saltwater angler, I do not personally fish for profit, though my fishing participation supports many local businesses, from tackle shops and for-hire captains to owners of restaurants and lodging facilities. If the SERA II and the "reference area" is put into place, anglers will be forced to transit greater distances up to 40 NM to find a few cod and haddock for the dinner table. We are already fishing over 28 NM from port, which has severely restricted our angling opportunities...this latest proposal will have a devastating impact on our recreational fishing community.

I would also point out that since catch share management was implemented, a concentration of large draggers fishing 24/7 on the bank in the winter and spring has

MR (2/1)

forced the charter/party and recreational anglers to fish east of Stellwagen Bank in order to locate cod and haddock. A simple analysis of the past two years of vessel trip reporting data would clearly indicate this change in fishing location, much of which is now taking place in the proposed "reference area."

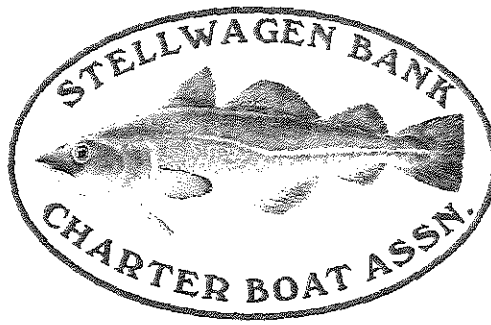
Our recreational sector always seems to be left out of focus when it comes to spotlighting NEFMC issues and initiatives; in reality, the socioeconomic importance of recreational fishing cannot be ignored in this critically important vote. I strongly support Alternative No. 1, No Action, and ask that the NEFMC recognize the significance of our recreational fishing industry in supporting this winnable solution.

Respectfully,

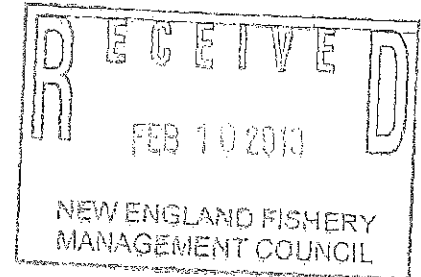
Paul J. Turek (Yankee Fleet Patron)

Paul J. Turek

PJT/rit



P.O. Box 1230
Marshfield, MA 02050



February 5, 2014

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

Dear Mr. Nies:

I'm writing on behalf of the Stellwagen Bank Charter Boat Association (SBCBA), which comprises 130 members and small businesses. We are very concerned that proposed SERA II (DHRA) closed areas will have a significant negative financial impact on our businesses, and we urge the Council to vote "No Action" as it relates to these proposed closures.

As you know, the for-hire fleet already faces significant financial hardships due to the 5 ½ month seasonal closure imposed on our activities. In April, when our season reopens, our customers look forward to taking home some cod and haddock fillets. If we're denied access to 55 square nautical miles on Stellwagen Bank in areas where we currently find fish, we'll have to travel further east. That prospect introduces increased cost, time, and safety concerns for more than 190 charter boats with NE multispecies permits that operate from ports in this area. And this additional restriction on our ability to make a living is simply untenable.

Frankly, it's difficult to imagine what possible research benefit could justify denying public access to an area that's been fished for centuries and jeopardizing the livelihoods of hard working fishermen. And if the research is that important, why not move it further offshore – out of the Sanctuary and off the historical fishing grounds that are so important to our financial future?

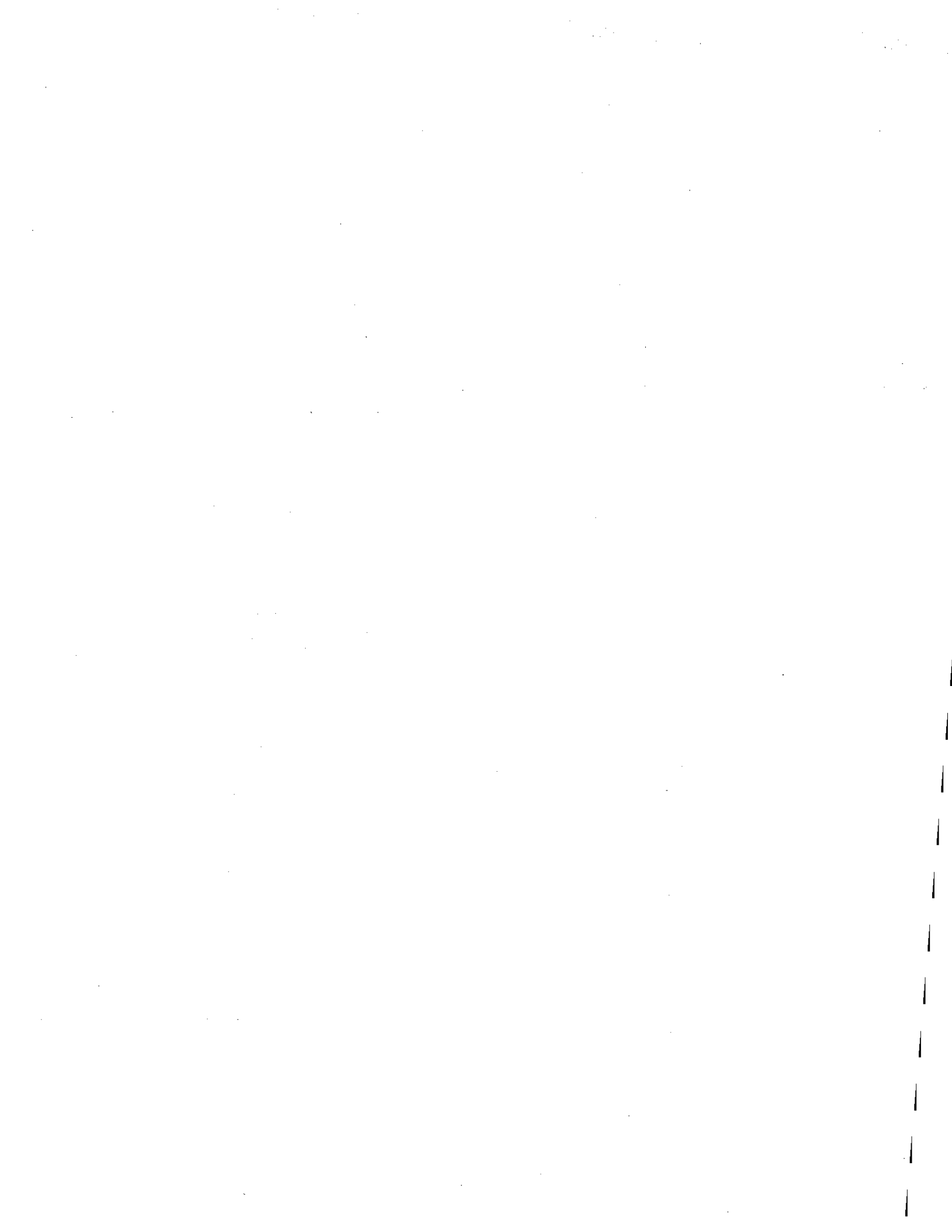
In conclusion, the members of the SBCBA ask the New England Fishery Management Council to reject the proposed reference areas as part of the habitat protection measures and to vote for "No Action" in the Western Gulf of Maine.

Thank you.

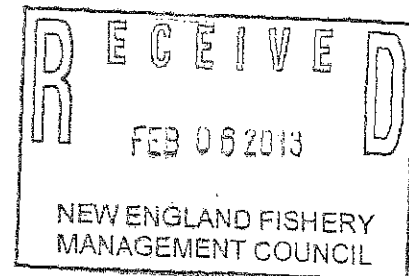
A handwritten signature in cursive script that reads "Charlie Wade".

Charlie Wade
President
Stellwagen Bank Charter Boat Association

CC:
Paul Diodati, Director, MA Division of Marine Fisheries
David Pierce, Deputy Director, MA Division of Marine Fisheries
John Bullard, Northeast Regional Administrator, NMFS
Barry Gibson, Chair, Recreational Fishing Advisory Panel



Wade
384 Neck Road
Rochester, MA 02770
508-763-0559



February 3, 2014

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

Dear Mr. Nies:

As the operator of a Green Harbor for hire vessel, Ghillie, I'm writing to express my opposition to the proposed SERA II (DHRA) reference area(s) that would deny public fishing access to a 55 square NM area in places we depend on for charter fishing.

I'm also incensed to learn that a key criterion used to select these proposed areas is based on Vessel Trip Report (VTR) data. These "data" have been erroneously interpreted to claim that very little fishing activity occurs in the proposed reference areas. Nothing could be further from the truth, other than the nearly 6 month seasonal closure already in place. On a typical groundfishing trip to NMFS statistical area 514, where both of the proposed closed (reference) areas are located, I may fish eight to ten different locations. Anyone familiar with the VTR log sheets knows that only a SINGLE SET of Lat/Lon coordinates is allowed. The instructions in my VTR log book state that fishermen are requested to use the "center point" of all the locations they fish when multiple locations are involved. How then can anything be inferred about where a fisherman actually fished? ***Especially if decisions about regulatory closures are involved!*** VTR data are intended to be macro, not micro.

In reality, the south shore fleet depends on these areas in the spring when we start fishing again after a seasonal closure of almost half a year. This is especially true since the catch share system has been implemented. Regrettably, the large sector boats working on the bank have virtually wiped out groundfish in what had been a dependable and thriving ecosystem that supported our artisanal hook-and-line fishery for years. Now, when spring rolls around, we're forced to fish further east than in past years just to find a few fish for our clients. And that puts us in the proposed reference area or the rockpile area, just to the north. If we're denied access to these areas, where will we go? Further east in April? That's a real safety concern, not to mention the extra fuel burn. Keep in mind that groundfish is the only game in town for us in April. We can't switch to tuna, shark, or striped bass until later in the year. Our clientele is from out-of-state and can fish for those other species closer to homes in NJ and NY. They travel to this region for the single purpose of landing groundfish, especially cod and haddock.

Ironically, the members of my association are zealous supporters of sound scientific research. Nothing would make us happier than supporting efforts that ensure a lasting and sustainable fishery. For example, we actively tag cod, wolffish, shark, tuna, and billfish (on canyon trips) to support various government cooperative research programs. It's a real stretch, however, to understand what possible incremental research benefit can come from denying public access to such a large area when weighed against the economic losses we stand to incur if this reference area is implemented. Don't forget, this is already one of the most studied stretches of ocean in the world. And our clients are already balking about the long trips east due to catch share. This will be a tough if not impossible sell...

I urge you to take no action with respect to the reference area(s) in the SERA II (DHRA) proposal. Denying public access and forcing the for hire boats into economic uncertainty cannot possibly outweigh the "research" benefits that would accrue. Especially when the selection of these areas is based on badly flawed VTR assumptions.

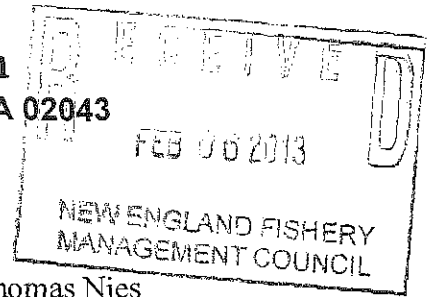
Yours Truly,

A handwritten signature in cursive script that reads "Capt. Charlie Wade". The signature is written in dark ink and has a fluid, personal style.

Captain Charlie Wade

Cc: Paul Diodati, Director, MA Division of Marine Fisheries
John Bullard, Northeast Regional Administrator, NMFS
Barry Gibson, Chair, Recreational Fishing Advisory Panel
Senator Elizabeth Warren
Congressman William Keating

John E. Richardson
10 Ringbolt Road, Hingham, MA 02043
jerinc@comcast.net



February 5, 2014

Mr. Terry Stockwell
Council Chairman
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Mr. Thomas Nies
Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Mr. Frank Blount
Chair, Groundfish Oversight Committee
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Mr. Barry Gibson
Chair, Recreational Fishing Advisory Panel
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Re: Stellwagen DHRA Reference Area

Dear Mr. Stockwell, Mr. Nies, Mr. Blount, and Mr. Gibson:

Immediately after gaining support of local fisherman by promising that fishing restrictions would not be part of Sanctuary business and before the Stellwagen Bank National Marine Sanctuary was actually created, the proponents of today's Stellwagen Bank DHRA began the process of breaking the promise by requesting of the council an opportunity to draft fishing regulations within the Sanctuary. (*1) In the face of such an embarrassingly disingenuous power grab, the Council determined that "fishing regulations were not necessary to fulfill the goals and objectives of the designation", Sanctuary.

But today the Council, although not quite independently in my opinion, is considering getting into the business of habitat research. This is a noble goal if it can be done without the influence of the power grabbers and also if it can be done in a form consistent with the Magnuson Act, which does not provide for regulation for the sake of regulation, but rather requires making every effort to minimize impact on the fishing industry.

It is the Council that is charged with weighing the possible benefits of increasing restrictions against the loss to fishing-related businesses in the South Shore. This is clearly the wrong time, wrong place.

Beginning in 2011, charter and private recreational boats were forced further offshore by increased large dragger activity on Stellwagen Bank. This group of small boats must now fish east of 70-15 W to escape the impact of draggers. East of 70-15W, and in the range of most charter boats, there exists few areas for adequate ground fishing; two of them are the Southern and Northern Reference Areas, just recently proposed as Option A and Option B for hook-and-line closure.

This is where these guys fish. Using VTR data to locate where fisherman actually fish is nonsense. Using data from before charter boats were forced to move into the reference areas to fish is deliberately providing misinformation. Misinformation is a common policy in the practice of power grabbing, but not nearly as offensive as Dr. MacDonald's appalling suggestion: "They have other area and species options" (* 2) On the South Shore this quote is now known as the latest version of "let them eat cake".

The charter and recreational boats need these areas to fish. The local fishing-related communities need the economic benefits, which go way beyond the value of landings, as you are aware.

Adopting Option C establishes a DHRA without adding restrictions. It allows the greater majority of the prospective research to be possible without impacting the recreational and charter industry at their weakest point in history. Just as importantly, adopting Option C establishes, once again, the precedent that the Council determines the most effective measures for conserving and managing resources in this region.

Very truly yours,

John E. Richardson
Stellwagen Bank Charter Boat Association
Member and Director

(*1) Stellwagen Bank FEIS/MP Appendices, Appendix F: New England Fishery Management Council response to NOAA consultation under Section 305(b)(5) of Title III

(*2) MacDonald to Stockwell, Nies, Blount, and Gibson: January 14, 2014



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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 10, 2014

Ms. Maggie Raymond
Associated Fisheries of Maine
PO Box 287, 14 Sewall Road
So. Berwick, ME 03908

Mr. John Pappalardo
Executive Director
CCCHFA
1566 Main Street
Chatham, MA 02633

Mr. Vito Giacalone
Northeast Seafood Coalition
4 Parker Street
Gloucester, MA 01930

Dear Maggie, John and Vito,

As you know, recently \$75 million in federal funds have been identified to address commercial fishery disasters that were declared in recent years. The Council staff received several inquiries concerning the best way to estimate the economic consequences of the New England groundfish fishery disaster. I would like to share with you my thoughts on the issue.

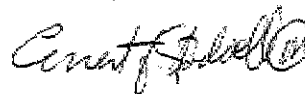
Estimating the economic impacts of the New England groundfish fishery natural resource disaster is a difficult task. There are a number of factors that could be considered, such as those listed below. This list is not meant to be all-inclusive.

- Vessels fishing on groundfish trips also land other species, such as monkfish, skates and dogfish. Reduced opportunities to fish for groundfish also reduce the opportunity to land these species on groundfish trips. Any evaluation that considers the loss in revenues from the resource disaster should consider not just the loss in groundfish revenues, but the loss in total revenues on groundfish trips. This should include losses in the revenues that result from other species caught on groundfish fishing trips. Neglecting to include these revenues will reduce the nominal revenue losses by about 25 percent, based on recent revenue data.

- Because of the links between the Northeast Multispecies plan and the scallop, skate, dogfish and monkfish plans, it is possible that reduced groundfish fishing opportunities may also reduce a fisherman's ability to take trips in those fisheries. This possibility should be examined and any revenue losses that result included in the calculation. For example, the scallop fishery has a bycatch of yellowtail and windowpane flounder and an allocation is made to that fishery. Since allocations declined as a result of the groundfish disaster, then the opportunities to fish for scallops may be reduced as well. At a minimum it may increase the risk these allocations will be exceeded and result in the triggering of accountability measures for the scallop fishery.
- Declines in revenue represent direct losses to the fishing industry but do not account for the indirect effects on the regional economy of these losses. While an economic multiplier can be used to approximate these impacts, a better approach would be to use a regional input-output model such as the IMPLAN® model used by the Northeast Fisheries Science Center. This model takes into account that declines in fishing revenue in one state can impact businesses in other states. These linkages are not captured by the use of a simple multiplier.
- Other economic losses from the disaster may be unrelated to reduced commercial fishing revenues. A natural resource disaster can affect the recreational fishing industry. This could lead to direct revenue losses by the recreational for-hire sector and indirect losses for businesses that supply, or provide services to, the for-hire and private boat recreational fleets.
- Losses may persist for more than one year. If this is the case, the losses for each year should be compared to the same baseline period. The losses in year two should not be based on the actual revenues in year one, for example. Such an approach uses a different baseline period for calculating the revenue losses and will under-estimate the effects of the disaster. In essence, it treats the first year affected by the disaster as the "new normal".
- The finding of a fishery disaster for FY 2013 means that revenue estimates are needed for a fishing year that will not be completed until April 30, 2014. Analyses in the draft Framework Adjustment 51 estimates FY 2013 groundfish revenues will be \$55 million, while total revenues will be \$74 million. This model-based groundfish revenue estimate appears generally consistent with a prediction of revenues based on landings through February 4, 2014.
- Revenues should be calculated using real (i.e. inflation adjusted) dollars, not nominal dollars. While in recent years inflation has been low, it has not been completely absent. If recent revenues are to be accurately compared to revenues before the disaster, an adjustment is necessary. If an adjustment is not used, the revenue losses are likely to be under-estimated as they will not take into account the loss of purchasing power due to inflation. It cannot be assumed that neglecting this adjustment will affect all regions in the same way since the impact of inflation over time will depend on a specific revenue stream.

Clearly, estimating economic impacts of the commercial fishery disaster will be a complicated task. Please do not hesitate to contact me if the Council can be of further assistance.

Sincerely,



E.F. "Terry" Stockwell III
Chairman



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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 11, 2014

Mr. John Bullard
Regional Administrator, GARFO
NMFS/NOAA Fisheries
55 Great Republic Drive
Gloucester, MA 01930

RE: Data Confidentiality

Dear John:

As we continue to develop the catch share programs in New England, a number of questions have arisen within the Council staff regarding data confidentiality. Your clarification on these issues would help ensure that the Council staff meets its responsibilities under the Magnuson-Stevens Act (MSA).

Catch history. Council staff understood that all catch history information is considered confidential, because it falls within the data confidentiality provisions of MSA, Section 402(b). This understanding was reinforced by your letter dated March 21, 2013 regarding monkfish landings history, indicating that landings data for specific permits may only be made public with the written permission of all current and former entities with landings history associated with a given permit. However, NMFS indicated at the January 2014 Groundfish Oversight Committee meeting, and through subsequent emails with Council staff, that the Potential Sector Contribution (PSC) data of Northeast multispecies permits is considered public due to an exception to the data confidentiality provisions made when PSCs were first generated. PSC can be easily manipulated to determine a permit's landing history during the qualification period. Your letter regarding monkfish did not indicate that exceptions to the MSA data confidentiality provisions were possible in that case.

*Why was a data confidentiality exception made in the case of groundfish catch history?
Why is this not possible in the case of monkfish? Please articulate why the stock-specific
PSC held by specific multispecies permit holders may be released to the public.*

Value of ACE/quota trading. NMFS has indicated that data within the annual reports submitted by groundfish sectors is confidential, except data which is used for the determination of limited access allocation, such as sector-level Annual Catch Entitlement (ACE) allocation, catch, the weight of ACE transfers between sectors and any sector overage or carryover. In the past, Council staff has been told that information that shows specific ACE trades between sectors is confidential. However, the FY2012 Final Report on the Performance of the Northeast Multispecies Fishery includes data on the value of ACE trading by specific sectors. This data is not necessary for a limited access determination.

Can information be released on the extent of ACE or quota trading between individual sectors or vessels? Is the value of ACE trading by specific sectors public? If so, please explain why an exception to the MSA data confidentiality provisions applies.

Annual reports. Through the development of Amendment 18 to the Northeast Multispecies Fishery Management Plan, the Groundfish Oversight Committee is currently considering whether to recommend a regulatory definition of a non-profit permit bank. The alternative, as currently drafted, would require a non-profit permit bank to enroll in a sector, as they currently do, but submit to NMFS an annual report that would be considered public, separate from the confidential sector annual reports. Staff-level discussions with NMFS have indicated that the non-profit permit bank reports would be subject to the same data confidentiality requirements as the sector annual reports. However, MSA Section 402(b) indicates that an exception to the provisions could be made when “the Secretary has obtained written authorization from the person ... and such release does not violate other requirements of this Act.” In addition, Section 402(b)(1)(G) of the MSA allows for the release of information submitted to the Secretary if such information is required to be submitted “for any determination under a limited access program”; does this language authorize release of information that is collected to ensure that an entity is meeting the management goals and objectives?

Could formal recognition as a non-profit permit bank be conditioned on an agreement that the permit bank’s annual report would be made public and contain data that would otherwise be confidential? What data could be released under such an exception, consistent with the exceptions provided in the MSA? What are the limits to the types of determination that would authorize a release of data under section 402(b)(1)(G) of the MSA? Does this apply to data collected to verify management measures are meeting the objectives of the management plan? Please explain the rationale.

Monitoring costs. In 2011, NMFS indicated through staff-level communications, that sector-specific monitoring costs can be released publicly, so long as information is not released that would create a competitive disadvantage for monitoring provider companies, such as their specific billing rates. However, it is unclear whether the number of trips or days monitored by a specific vessel or sector is confidential.

Can sector-specific monitoring costs be released to the public? Is the number of trips or days monitored by a specific vessel or sector confidential? Please articulate the rationale why or why not.

Thank you for considering this request for clarification. As several of these questions impact what information can be provided to the Council to inform their discussions expected to occur in April, a timely reply would be appreciated. Please contact me if you have questions.

Sincerely,



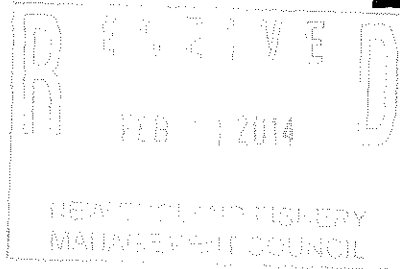
Thomas A. Nies
Executive Director

February 10, 2014

91 FAIRVIEW AVE
PORSTMOUTH NH 03801



NOAA Fisheries Service
Greater Atlantic Regional Fisheries Office
Regional Administrator
55 Great Republic Drive
Gloucester, Massachusetts, 01930-2276
Phone: (978) 281-9300
Fax: (978) 281-9333



Dear John Bullard:

We represent a small group of Commercial Fishermen with the Limited Access Handgear HA Permits, employing the use rod and reel, handlines or tub trawls to catch Cod, Haddock and Pollock along with small quantities of other regulated and non-regulated marine fish. Historically and currently our fishermen account for a small percentage of the groundfish landed in New England. However, the monetary gains obtained by the participants in this fishery are very important to us. We are very concerned that the NMFS recently closed the whole 3rd Trimester for the Common Pool fishery from January 1, 2014, through April 30, 2014. This closure was required because of the regulations governing the Northeast (NE) multispecies fishery that are found at 50 CFR part 648, subpart F.

This letter is a follow up request subsequent to our letter submitted on January 1st 2014. We understand that the NMFS is considering our requests made on January 1st 2014 but at this time has not taken any action while internal procedures are followed. If the NMFS chooses to implement some or all of the proposals contained in our initial letter, this action may not come soon enough to provide relief for the fishermen in to common pool for the fishing year that ends April 30, 2014.

Per section 553 (e) of the Administrative Procedures Act we are also requesting that the NMFS issue and or amend the fishery regulations as follows if the common pool fishery is no longer regulated by a Trimester quota system:

- a. **For the FY 2014 fishing year only**, allow 100% of the quota that was not caught in FY 2013 Trimester 3 (common pool) to roll into the FY 2014 common pool quota. Any particular stock where the total ACL (combined common pool & sectors) was caught in FY 2013 would be exempt from this roll over provision.

The rationale for this additional request is that the fish not caught in Trimester 3 were already deemed by the Agency to be acceptable removals from the ground fishery for the 2013 fishing year. This specific request for FY 2014 only would provide some relief to any fishermen in the common pool who planned to fish in Trimester 3 and were prevented because of the closure of Trimester 3 in its entirety. These fish would now be added to the total FY 2014 common pool quota if Trimesters are eliminated. This change for FY 2014 would provide some further stability in the FY common pool fishery if the Agency chooses to adopt this rulemaking request when combined with our initial request submitted on January 1st 2014.

This letter provides the NMFS with a means to change fishery regulations. Without this change (and the changes requested by our earlier correspondence) significant economic harm will happen to the common pool fishery. These changes will not compromise any rebuilding plans. We are requesting that these changes are made as soon administratively possible.

Respectfully,
Marc Stettner /s/

CC: NEFMC Council Members, Letter with NMFS response to various lawmakers, NEHFA MEMBERS: Marc Stettner, Hilary Dombrowski, Paul Hoffman, Christopher DiPilato, Ed Snell, Scott Rice, Roger Bryson, Brian McDevitt, Anthony Gross, Doug Amorello, Timothy Rider, Karl Bay

additional correspondence

From: LLOYD Chenoweth <bamboosavefish@gmail.com>
Date: February 17, 2014 at 10:05:23 AM EST
To: Karen Roy <KRoy@NEFMC.ORG>
Subject: Please Forward to Recreational Advisory Panel

Advisory Panel Please Consider & Discuss:

To Prevent any waste from recreational fishing: Recreational Harvest limits are a total length limit, All fish caught regardless of size must be retained and count toward total Length retained.

Recreational Accountability Measures: When Accountability measures are triggered: Recreational & party charter vessels MUST HAVE BARB LESS HOOKS OR BAIT KEEPER HOOKS ONLY ON BOATS! and apply total length retention.
Panel should discuss why allowing dead discards is acceptable fishery management.
Panel could discuss why total length retention of any size fish to prevent discarding is not SOUND FISHERY MANAGEMENT!
AM SHOULD PREVENT WASTE {DISCARDS OF ALL FISH} Total length Retention & barb less hooks can & will prevent dead discards.

Thank You,

United National Fisherman's Association 123 Apple Rd. Manns Harbor NC