

ADDITIONAL CORRESPONDENCE



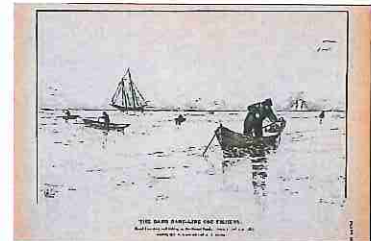
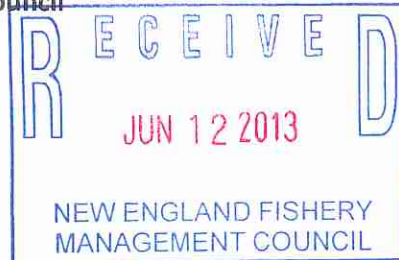
91 FAIRVIEW AVE
PORSTMOUTH NH 03801

**NORTHEAST HOOK
FISHERMAN'S ASSOCIATION**

June 12, 2013

New England Fishery Management Council

50 Water Street, Mill 2
Newburyport, MA 01950
Phone: (978) 465-0492
Fax: (978) 465-3116



Dear NEFMC:

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.

Due to the recent stock assessment for cod, the NEHFA decided to scale back several proposals in our initial submission to the NEFMC. We left the options in the document for viewing purposes (lined out) and are placing these options in abeyance until such a time when the cod stocks are increasing to a point to expand the handgear fishery.

The number of active Handgear fishermen catching groundfish has significantly fallen off as has the catch thru various fishery management plans. If the NMFS wishes to have a diverse fleet, changes must be made to preserve and rejuvenate this method of fishing. We are requesting that the NEFMC included in Amendment 18, the attached proposal, to restore and rejuvenate this traditional small boat fishery to expand fleet diversity:

There are very few active Handgear fishermen left. The handgear jig fishery was the first in New England and if nothing is done it will be the first to be eliminated.

Respectfully,

Marc Stettner /s/

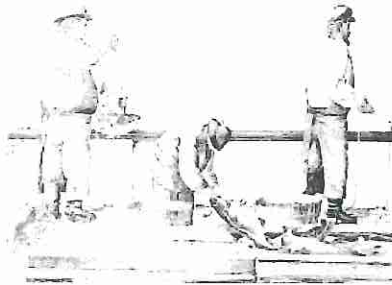
NEHFA MEMBERS: Marc Stettner, Hilary Dombrowski, Paul Hoffman, Christopher DiPilato, Ed Snell, Scott Rice, Roger Bryson, Brian McDevitt, Anthony Gross, Doug Amorello

If you are a holder of a groundfish HA permit and wish to join the NEHFA, please contact the NEHFA at the address above.

See FHJC, RF, Council (6/13)

NORTHEAST HOOK FISHERMEN'S ASSOCIATION

AMENDMENT 18



Gaffing and cleaning cod on the deck of a handlining schooner off the North American east coast, ca. mid nineteenth century.

"Prior to the introduction of steam trawling in 1906, groundfish were caught exclusively with baited lines, fished from schooners and their dories."

<http://www.nefsc.noaa.gov/history/stories/groundfish/grndfsh1.html#st>

This proposal is fully supported by the Handgear fishermen of the NEHFA:

Marc Stettner, Hilary Dombrowski, Paul Hoffman, Christopher DiPilato, Ed Snell, Scott Rice, Roger Bryson, Brian McDevitt, Anthony Gross, Doug Amorello

TABLE OF CONTENTS

Section 1	Summary of proposal with management measures.
Section 2	Status of the Handgear fishery.
Section 3	Why change?
Section 4	Specifics of proposal and discussion.
Section 5	Why current HA fishermen should support this.
Section 6	Why Fishery Managers should support this.
Section 7	Sample HA permit waiting list.

RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

Section 1 Summary of proposal with management measures.

#	PROPOSAL	CHANGE FROM CURRENT MANAGEMENT MEASURES	BENEFITS TO HANDGEAR FISHERY RESTORATION FOR FLEET DIVERSITY
1	Allocate the handgear HA permit cod history (PSC) from 1996-2006 as a specific Sub ACL only to be used by Handgear HA fishermen. Include a stairstep allocation provision as the fishery increases	Yes	<ul style="list-style-type: none"> a. All gear types are fishing on cod handgear history in the common pool. b. Race to fish for handgear fishermen against other gear will be eliminated. c. Specific management measures for handgear fishermen will be made. d. Preserves a traditional fishery and gear type.
2	Specify handgear cod Sub ACL history can only be used by HA fishermen, using Handgear, if fishing in a sector.	Yes	<ul style="list-style-type: none"> a. Currently Handgear Cod PSC can be moved into sectors and this history may be fished by gear other than handgear. b. <u>Eventually all handgear PSC may be used by non handgear vessels and the fishery will be lost.</u> c. Preserves all the cod history from moving away from the handgear fishery.
3	Handgear permit holders can sever their HA permit from other fishery permits to sell or transfer it.	Yes	<ul style="list-style-type: none"> a. This will allow fishermen who have other permits (lobster, scallop, etc) on their vessel to sell or transfer their permits without loss of their primary permit. b. This would be a way to increase the number of handgear fishermen.
4	Waiting list for new entrants into the handgear fishery	Yes	<ul style="list-style-type: none"> a. Will provide a fair way for new entrants into the fishery who do not have resources to buy a permit. b. This will be a way for HB permit holders to upgrade to a HA permit.
5	Use it or lose it rules	Yes	<ul style="list-style-type: none"> a. This will keep the permits with active fishermen who will use it and allow fishermen off the waiting list to get a HA permit.
6	Removal of March 1-20 Handgear fishing closure	Yes	<ul style="list-style-type: none"> a. Not necessary under ACLs.

RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

Section 1 Summary of proposal with management measures continued.

#	PROPOSAL	CHANGE FROM CURRENT MANAGEMENT MEASURES	BENEFITS TO HANDGEAR FISHERY RESTORATION FOR FLEET DIVERISTY
7	Cod trip limit increased from 300lbs to 400lbs.	Yes	<ul style="list-style-type: none"> a. Modest increase is necessary due to increases in operating expenses (fuel, bait, etc. b. Will provide further incentive for new entrants.
8	Access to fish in all permanent and rolling closures except the cod spawning closures.	Yes	<ul style="list-style-type: none"> a. Fishery under a hard ACL. b. Access should be the same as is for Recreational Fishermen who also use hook gear. c. Gear does not disturb bottom habitat.
9	LOA letter not required to fish either on a commercial groundfish trip or a Charter/Party trip	Yes	<ul style="list-style-type: none"> a. Flexibility needed on a day by day basis to choose what type of trip will be done. b. Many handgear commercial fishermen are also Charter boat operators.
10	LOA letter required when fishing in the Georges BSA .	No	<ul style="list-style-type: none"> a. The effectively makes sure the correct cod Handgear Sub ACL is accounted for.
11	Up to 20% unused Handgear HA cod ACL may be transferred to the following fishing year	Yes	<ul style="list-style-type: none"> a. This is allowed in other fisheries. b. Better use of unused cod allocation.
12	Eliminate Trimester accountability measures for HA permit holders developed in A16	Yes	<ul style="list-style-type: none"> a. Catch rates are low. b. Catch of other primary handgear species in the common pool (haddock and Pollock) are not significant. c. Eliminate the race to fish under each Trimester. d. Separate cod sub ACL for Handgear fishermen.
13	Automatic triggers to not exceed Handgear cod Sub ACL	Yes	<ul style="list-style-type: none"> a. Required by MSA. b. Developed specific to Handgear fishing practices and effort.

RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

Section 1 Summary of proposal with management measures continued.

#	PROPOSAL	CHANGE FROM CURRENT MANAGEMENT MEASURES	BENEFITS TO HANDGEAR FISHERY RESTORATION FOR FLEET DIVERISTY
14	IVR call in not required unless 85% of the cod Handgear SUB ACL harvested. Call in modified to streamline what is needed for this fishery.	Yes	<ul style="list-style-type: none"> a. Catch rates in this fishery are slow enough to loosen this reporting requirement. b. Repetitive information is gathered that is not needed. c. Current IVR call in requirements too complicated for this fishery.
15	Fish size limits per existing commercial regulations.	No	<ul style="list-style-type: none"> a. Size limits are an effective management tool especially for hook caught fish.
16	Discard mortality for hook caught cod will be set at 6-10%.	Yes	<ul style="list-style-type: none"> a. Current concept of 100% discard mortality is 100% wrong for this fishery. b. Best available science says 6-10%.
17	One HA permit per fisherman. One time sell provision for existing HA permit holders	Yes	<ul style="list-style-type: none"> a. Prevents corporations or NGOs from removing permits from the fishery. b. Allows new entrants into the fishery.
18	Removal of requirement for HA fishermen to carry a tote.	Yes	<ul style="list-style-type: none"> a. Handgear fishermen keep their fish in coolers. Totes take up needed deck space in small boats.
19	VTRs for reporting catch	No	<ul style="list-style-type: none"> a. Primary means of reporting catch.
20	Changes to handgear input controls	Yes	<ul style="list-style-type: none"> a. More flexibility needed to harvest cod Sub ACL b. Encourage more fishermen to participate in this fishery.

RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

Section 2 STATUS OF THE HANDGEAR FISHERY

Current Commercial Cod Handgear Fishery:

(HA) Handgear A: Limited Access permit (limited number of permits)

A vessel with a valid open access multispecies handgear permit is allowed to possess and land up to 300 lb (136.1 kg) of cod, one Atlantic halibut per trip, and the daily possession limit for other regulated NE multispecies, provided that the vessel did not use or possess on board gear other than rod and reel or handlines while in possession of, fishing for, or landing NE multispecies, and provided it has at least one standard tote on board. A Handgear permit vessel may not fish for, possess, or land regulated species from March 1 through March 20 of each year and the vessel, if fishing with tub-trawl gear, may not fish with more than a maximum of 250 hooks.*

(HB) Handgear B: Open Access permit (open to any fisherman, unlimited in number of permits issued)

The vessel may possess and land up to 75 lb of cod and up to the landing and possession limit restrictions for other NE multispecies. Same gear and seasonal restrictions as HA permits.*

*Cod trip limit changes automatically proportional to cod trip limit changes for DAS vessels with Management actions.

Current Participation (2008/2009) data:

# Handgear HA Permits :	140
# HA fishermen who are active in the Cod fishery:	<10 (estimate)
# HB Permits:	1,137

Amendment 16 Data & Information:

Table 58 - Total number of multispecies vessels landing groundfish by permit category, FY 2004-FY 2007

Year	2004	2005	2006	2007
Individual DAS	691	637	590	530
Fleet DAS				
Small Vessel Exemption	2	1	2	4
Hook Gear	34	32	20	18
Combination Vessel	16	16	10	16
Large Mesh Ind. DAS	27	22	16	10
Large Mesh Fleet DAS	1			
Handgear Open Access	0			
Handgear - A	44	32	26	23
Handgear - B	75	63	59	73
Other Open Access	65	57	64	65
Total	955	860	787	739

RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

Section 3 WHY CHANGE?

1. The current handgear rules and multiple layers of restrictions have resulted in a handgear fishery that is not profitable. The average revenue for handgear HA permits has plummeted to less than \$5000 per year when at one time this was the primary New England method of catching cod in New England. The MS fishery act requires that there be diverse fisheries with different gear types.
2. Amendment 16 (A16) EIS (Environmental Impact Study) states “Vessels less than 30 feet saw the biggest decrease in revenue, with an 88.8% change between FY 2001 and FY 2007”. If no action is taken to invigorate the small boat fisheries, we will have been regulated off the water, due to fishery Management Actions, even as fish stock rebound.
3. Fishing under Sectors is not a viable option considering the high costs compared to the low PSC (Potential Sector Contribution) that the Handgear fishermen received. The overwhelming majority of Handgear fishermen did not join sectors. Those who have PSC are not likely to fish in the sectors but are more likely to lease or sell their PSC. A16 estimated that it will cost fishermen \$17,000 per vessel to participate in sectors. The allocation of Cod (primary species) to Handgear fishermen is not enough to make it a profitable option to join a sector. There is no guarantee that even if a Handgear fisherman leased additional cod that the fisherman will be able to land the fish since they must first bite the hook. Once all the current Handgear permits and PSC history is bought up vessels not using Handgear, it will be extremely hard for new entrants into the fishery.
4. The current Handgear (HA and HB permits) Cod trip limits are tied to increases in the Cod trip limits for vessels fishing under DAS. At the time of Amendment 13 this rationale made sense. The idea was to have an automatic adjustment as the cod fishery rebound. With the majority of fishermen in Sectors, and the Handgear fishermen in the Common Pool, there is the very real possibility the cod TAC for the common pool will be harvested before the Handgear fishery will have had a chance to harvest their traditional percentage of the fishery. There is no possible way for the Handgear fishery to harvest cod at the rate of modern fishing methods such as trawls or gill nets. In the race to fish Handgear fishermen will lose every time.
5. There is no way for a person who wishes to become a commercial fisherman, to obtain a viable groundfish permit without substantial financial resources. The future generations need a way to be commercial ground fishermen with minimal startup costs.
6. Handgear fishermen can selectively fish with little or no bycatch. New England handgear fishermen primarily only catch Cod, haddock and Pollock with practically no appreciable quantities of other groundfish that are not considered rebuilt.
7. The fishery is very easy to manage if the management measures are kept to a minimum. The primary management measure proposed for this fishery will be trip limits with an Annual Catch Limit (ACL).
8. Similar Hook gear fisheries are successful such as the Hook Gear Halibut fishery in Alaska and the commercial Striped bass fishery in Maryland.

RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

Section 4 Specifics of proposal and discussion.

- #1 Permanently allocate the handgear HA permit cod history (PSC) from 1996-2006 as a specific Sub ACL only to be used for Handgear HA fishermen. ~~Institute a stairstep provision to increase the HA cod allocation by 1%, if 90% of the allocation is harvested in any given year. Step down provision to decrease the HA cod allocation by 1%, if 90% of the previous allocation (prior to the most recent stairstep increase) is not harvested during two consecutive years. The allocation would not drop below its initial permanent allocation level.~~**

Discussion: Currently the majority of the cod allocated to the common pool is the history of the handgear fishery. All gears can fish on this history which in turn leads to a race to fish where other gear types can harvest the cod Sub ACL before handgear have had the chance to catch their historical percentage of the fishery. It is fair to allocate this small percentage to the Handgear fishery as what was done for the recreational fleet and for other commercial fisheries. Once this allocation is made, management measures can be developed to eliminate the race to fish and to reestablish of this traditional fishery in New England. ~~The stairstep provision would be a means to expand the fishery as more fishermen are fishing with handgear as it hopefully becomes popular again~~

- #2 Specify handgear cod Sub ACL history can only be used by fishermen using handgear.**

Discussion: Currently under Sectors, it is possible for a Handgear fisherman to join a sector and lease their cod PSC to other sector members who do not use Handgear. A Handgear fisherman can also sell their HA permit with attached PSC to a Boat owner who transfers it to a skiff and then the Handgear PSC is transferred into the Sector. Unless this practice stops, all the historical handgear PSC will be lost to other gear types and the handgear fishery will be lost. This practice, if continued will severely affect the sustainability of those wishing to fish using handgear by lowering the cod Sub Handgear ACL. This would not prevent a Handgear fisherman from fishing in a sector but if they choose to then they must use handgear.

- #3 ~~Handgear permit holders can sever their HA permit from other fishery permits to sell or transfer it.~~**

Discussion: ~~Many HA permits are tied to boats in other fisheries such as lobster. This would allow these fishermen to sever the HA permit off and sell it to anyone wishing to buy the HA permit. This would hopefully allow new entrants seeking a handgear HA permit into the fishery. Currently a lobster fisherman, for example, would have to sell his combined lobster and handgear permit to someone at the combined price that may be significantly higher if it was just a handgear permit.~~

RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

Section 4 Specifics of proposal and discussion.

#4 ~~Waiting list for new entrants into the handgear fishery.~~

~~Discussion:—The current HA permit holders will only be able to sell their permit. The buyer will know up front that he/she will not be able to sell the permit in the future and the market price will determine the price of the existing permits when they are sold. Current handgear fishermen may have purchased their permit or invested heavily in the fishery with the intent of selling it which is why they must be allowed to sell their permits. The only way to obtain a permit after the sale of the initial HA permits will be off the waiting list. The waiting list will have two categories with one being current fishermen with DAS permits with some cod PSC and the second category will be open access Handgear B permits. When a permit is retired for failure to renew or under the “use it or lose it terms”, fisherman off the waiting list will be offered the permit.~~

List rules:

- ~~a.—The order of the DAS fishermen list will be by highest cod PSC that would be transferred into the HA total sub ACL for cod. The higher the cod PSC attached to the permit the higher on the list the fisherman would be. A minimum of cod PSC (5,000 lbs, 10,000 lbs, 15,000 TBD) will be required to get on the DAS HA permit waiting list. The exact pounds of cod TBD by the NEFMC for this proposal with the intent that they would be bringing in about the cod they would catch under this permit. This would bring more cod quota into the handgear fishery that is very much needed. Once this fisherman obtains a HA permit their DAS permit is retired from the fishery.~~
- ~~b.—The order for the HB permit will be by the date they initially obtained a HB permit.~~
- ~~c.—The selection for new entrants will start with a fisherman from the DAS category and will alternate between the two as permits as permits become available. See the enclosure for how the waiting list will be generated and the order.~~

#5 ~~Use it or lose it rules~~

~~Discussion:—In order to retain a HA permit fisherman must land (250 lbs, 500 lbs or TBD) cod in any one year out of three. Failure to land #lbs (TBD by NEFMC) will result in being ineligible to renew their permit. This will result in some way for new entrants into the fishery. A fisherman who loses their HA permit may petition the NMFS for reasons that include military service where they are stationed overseas or with a note from a Physician that states they were unable to fish for the last year of the three and that they can now fish. Failure to petition the NMFS within 3 months (postmarked letter) after May 1st of the 3rd year will result in the loss of the permit.~~

RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

Section 4 Specifics of proposal and discussion.

#6 Removal of March 1-20 Handgear fishing closure

Discussion: No longer needed with a specific cod Sub ACL. Catch of other species is not significant enough to warrant this closure.

~~#7 Cod trip limit increased from 300lbs to 400lbs.~~

~~Discussion: Handgear fishermen prefer a self imposed trip limit as a management tool. This will help spread out the small cod quota among the coast where the cod show up in abundance at various times. Those HA fishermen who wish to have unlimited cod trip limits may join a sector. This trip limit may be adjusted by future groundfish Frameworks or Amendments depending on the use of the HA cod Sub ACL and the status of the cod stocks. This modest increase in the cod trip limit is intended to offset the skyrocketing costs of fuel and other expenses since the 300lb trip limit was implemented. A higher trip limit and potential profit will help draw more fishermen into this fishery.~~

#8 Access to fish in all permanent and rolling closures except the cod spawning closures.

Discussion: Handgear fishermen would now be fishing under a cod Sub ACL and no longer need this effort control imposed under previous management measures. Handgear fishermen use small boats that mostly limit them to inshore waters. They do not disturb essential fish habitat. They should have the same access as the recreational fishery that also use hook gear.

#9 LOA letter not required to fish either on a commercial groundfish trip or a Charter/Party trip.

Discussion: Many handgear fishermen also are Charter/Partyboat operators. Flexibility is needed more than ever so a fisherman can choose if they wish to charter for the day or fish under their Handgear permit commercially. This LOA letter is not need when Handgear fishermen have access to the permanent and rolling closures. Enforcement will be similar to the BF tuna fishery where they are limited by the trip limits. Once a recreational trip limit is exceeded the trip is automatically becomes a commercial trip and a VTR would be filled out prior to returning to the dock as a commercial trip.

#10 LOA letter required when fishing in the Georges BSA.

Discussion: Existing measure. By default a fishermen without this LOA is fishing in the GOM. This makes sure the cod Sub ACL for handgear fishermen is deducted properly.

RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

Section 4 Specifics of proposal and discussion.

#11 Up to 20% unused HA cod ACL Quota may be transferred to the following fishing year.

Discussion: This would provide some stability from a poor fishing year into a good fishing year for quota management. Roll over provisions currently exists in other fisheries. This is a conservation positive provision since there is no guarantee the extra 20% will be caught.

#12 Eliminate Trimester accountability measures for HA permit holders developed in A16.

Discussion: Catch rates are low and this is not warranted because of a specific cod sub ACL. The primary catch is Cod with some haddock and pollock. The catch of other species is not significant.

#13 Automatic triggers to not exceed Handgear Sub ACL.

Discussion: The following automatic trigger will be applied to make sure the cod Sub ACL (per BSA) will not be exceeded. NEFMC shall choose between choices a & b below. The choice shall be made with input from the PDT and the Handgear fishermen.

- a. Cod trip limit initially set at 300 lbs. When 85% of the Handgear ACL is harvested, the trip limit will be reduced to 200 lbs. When 95% of the Handgear ACL is harvested the trip limit will be reduced to 100 lbs.
- b. Cod trip limit initially set at 300 lbs. When 90% of the Handgear ACL is harvested, the NMFS will reduce the trip limit (in increments of 100lbs but no less than 100lbs) to spread the cod fishery out over the remainder of the fishing year.

#14 IVR call in not required unless 85% of the cod Handgear SUB ACL harvested. Call in modified to streamline want is needed for this fishery.

Discussion: Catch rates in this fishery are slow enough to loosen this reporting requirement. Repetitive information is unnecessarily gathered such as (phone number, BSA, gear used, ect). **Only end of trip IVR call in with permit number and VTR # is needed when 85% of the cod Sub ACL is reached.** The dealer reports the catch within 24 hrs. via the dealer reporting. The current call in & out system is too complex for this simple fishery.

#15 Fish size limits per existing commercial regulations.

Discussion: Handgear fishermen may choose to implement higher size limits as a management tool thru fishery Management plans. The 100% discard mortality number would have to change before this can be considered.

RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

Section 4 Specifics of proposal and discussion.

~~#16 Discard mortality for hook caught cod will be set at 6-10%.~~

~~Discussion: Discard mortality for hook caught cod will be set at 6-10%. "Survival of Discarded Sublegal Atlantic Cod in the Northwest Atlantic Demersal Longline Fishery", HENRY O. MILLIKEN, 2009 is the best available science and must be used.~~

~~#17 One HA permit per fisherman. One time sell provision for existing HA permit holders~~

~~Discussion: This is to be a one boat, one permit one Captain Fishery. No banking of the permits is permitted by entities, companies, organizations or NGOs. Only the fishermen using the permit will be able to obtain and keep this permit. This is a permit to harvest fish commercially, by fishermen, and is not to be a commodity to be traded or bartered by investors. All initial Handgear HA permits will be able to be sold 1 (one) time only. After this one time transfer, the permit can't be transferred to another person, corporation or NGO. See #4 above how this relates to the waiting list and for further information.~~

~~#18 Removal of requirement for HA fishermen to carry a tote.~~

~~Discussion: Handgear fishermen keep their fish in coolers. Totes take up needed deck space in small boats. Fish are often unloaded from coolers into totes at point of sale or at the dock where the fish are transferred off the vessel. Other commercial fisheries do not require totes to be onboard. Transferring the fish at sea from iced coolers to totes, spoils the quality of the fish. Since the quantity of fish is small, Handgear fishermen must maximize the quality. The dealer report will list the precise quantity of fish in pounds and this is reported to NMFS.~~

~~#19 VTRs for reporting catch.~~

~~Discussion: No change from existing regulations.~~

~~#20 Changes to handgear input controls~~

~~Discussion: Electric assist reels will be allowed on fishing rods. Small winches typically found as lobster haulers or line haulers may be used to bring in the 250 hooks (# hooks may increase in future fishery actions) tub trawl. Under a hard Sub ACL for cod these input controls are warranted. This is requested to allow an easier harvest of the cod Sub ACL but is keeping in line with the type if fishery this is. Electric assist reels are very popular in the recreational fishery for deep water fishing and this would help handgear fishermen target larger cod. Small winches for hauling the tub trawl is for safety reasons and well as easing the input controls.~~

RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

Section 5 Why current HA fishermen should support this.

1. HA cod is now part of the Amendment 16 common pool. If the other fishermen in the common pool catch the cod TAC early, the handgear cod fishery may be shut down before HA permit holders had a chance to harvest any cod. This is the race to fish that handgear fishermen will lose.
2. Removing the Handgear historical cod catch from the common pool cod measures Handgear fishermen will not be under a race to fish and can fish when it best suites their business plan.
3. Currently with the rolling closures small boat fishermen do not have access to the fishery when the weather is best suited and safe to fish.
4. Existing permits who decide to leave the fishery can sell/transfer their permits, to recoup any costs associated with their participation in the fishery, if they choose.
5. As the cod fishery rebounds, the cod trip limits will increase that will lead to much better profits per fisherman.
6. Exemptions from the rolling/permanent area closures (except cod spawning closures) which in some cases reduced Handgear cod catches by 75% and made the cod fishery inaccessible to many when cod are historically most plentiful. Handgear fishermen can't fish offshore or around rolling closures.
7. Future generations of fishermen will be able to actively once again participate in a historical fishery and be profitable.
8. **Once again a 17yr old HS student can borrow his parent's skiff and go commercially cod fishing in the summer instead of flipping burgers. The only cost to fish is the fuel to run the boat for the day and some ice. Eventually this fishery could lead to a way for new entrants into larger scale commercial fishing ventures for groundfish.**

Section 6 Why Fishery Managers should support this.

1. MSA requires a diverse commercial fleet with different gear types.
2. This is hard cod Sub ACL fishery.
3. This is basically a one species fishery that is easily managed.
4. Many layers of outdated Handgear management measures are removed.
5. Easy enforcement. The only enforcement necessary would be size limits and trip limits.
6. At sea monitoring is not required since handgear fishermen do not harvest many species nor do they move between management areas. Marine Mammal interactions do not occur in this fishery.

RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

7. Double monitoring for quota purposes at point of sale (dealer) and via the traditional VTR. It is anticipated that Handgear will be able to enter their VTR trip data electronically at home via the internet after a trip.
8. Sustainable fishery to match the fishery stocks.
9. Catch rates are slow due to the gear used.
10. Reinvigoration of the handgear cod fishery fleet that has fallen to its lowest level ever.
11. Enable new entrants into a fishery without the unknowns of an open access fishery.

Section 7 — SAMPLE HA PERMIT WAITING LIST

#	DAS FISHERMAN NAME	DAS FISHERMAN PSC COD	HANDGEAR HB NAME	HANDGEAR HB DATE FIRST APPLIED
1	JOHN CODFISH	25,800	JAMES CONGER	1/15/2013
2	STEVE CUSK	12,700	JIM BLUEFISH	2/21/2013
3	TIM CUNNER	11,200	CHET SEABASS	7/8/2013
4	JOE BLOWFISH	10,350	BOB TUNA	1/10/2014
5	ANTHONY TUNA	8,560	TRACY YELLOWTAIL	3/21/2015
6	MARK TAUTOG	6,250		
7	PHIL FLUKE	5,100		

John Codfish would be picked first followed by James Conger and so on alternating between the two types of fishermen. Fishermen would declare their intent to remain on the waiting list or be added to the list with their permit application every year.

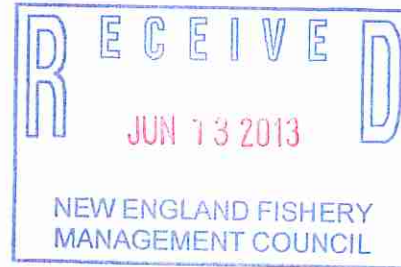
ASSOCIATED FISHERIES OF MAINE

PO Box 287, South Berwick ME 03908

June 13, 2013

Mr. Rip Cunningham, Chair
New England Fishery Management Council

VIA ELECTRONIC MAIL



Dear Rip:

I write on behalf of Associated Fisheries of Maine (AFM) with regards to the June 12 Amendment 18 recommendations of the Groundfish Oversight Committee.

First, AFM supports the revision of the goals of Amendment 18 as recommended by the Groundfish Advisory Panel, and we are pleased that the Groundfish Oversight Committee has agreed with that recommendation.

However, we disagree with the Committee's position that "controlling excessive shares" should be a goal of the amendment. Rather, controlling excessive shares could be one potential management strategy of the Amendment, should the Council agree that such a measure would achieve the overarching goals of the Amendment.

It is conceivable that the Council could decide that controlling excessive shares is not a preferred mechanism to achieve the Amendment goals. Therefore establishing that particular management strategy as a goal may tie the Council to adoption of that management strategy, or render the Agency vulnerable to litigation for not achieving the goal.

Furthermore, we are confused by the NMFS assertion that consideration of excessive shares in Amendment 18 is required by National Standard 4. National Standard 4 in its plain language refers to "excessive shares" in the context of allocating fishing privileges (emphasis added):

*Conservation and management measures shall not discriminate between residents of different States. **If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be***

- (A) fair and equitable to all such fishermen;***
- (B) reasonably calculated to promote conservation; and***
- (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.***

In response to comments on the Amendment 16 proposed rule contending that NMFS should "retain the existing 20-percent cap (on sector allocation), or develop suitable alternatives to avoid excessive shares in the fishery", and that "Amendment 16 is inconsistent with National Standard 4 because it fails to prevent an entity from acquiring an excessive share of the resource", NMFS responded as follows (emphasis added):

“National Standard 4 Guidelines provide useful guidance on whether removal of the allocation cap is inconsistent with the ‘excessive share’ provision of National Standard 4. National Standard 4 Guidelines state that an ‘allocation’ or ‘assignment’ of fishing privilege is a direct and deliberate distribution of the opportunity to participate in a fishery among identifiable, discrete user groups or individuals. Any management measure (or lack of management) has incidental allocative effects, but only those measures that result in direct distributions of fishing privileges will be judged against the allocation requirements of Standard 4.”

Amendment 16 does not directly or deliberately allocate any fishing privileges. Instead, Amendment 16, in addition to removing the allocation cap, establishes several new rules for sectors and identifies specific sectors that have been formed to operate under the revised sector rules. Sectors themselves are merely vehicles for allowing individual fishermen to voluntarily enter into an arrangement to fish under certain exemptions to the FMP based on their individual fishing histories. Nothing in Amendment 16 or the related actions of Framework 44 or the sector operations plan proposed rule actually allocate directly or even indirectly any new fishing privileges to individual fishermen, and, sectors themselves do not acquire any privileges that were not already in existence based on fishermen’s preexisting histories. Therefore, sectors are not “acquiring” excessive shares of fishing privileges, as contemplated by National Standard 4.

Having said that, and should the Council agree to include alternatives for ownership or accumulation limits in Amendment 18, AFM offers suggestions to improve the following motions advanced by the Committee:

1. *Motion as friendly amended: The committee recommends that the PDT develop an option for ownership cap that would limit multispecies permit ownership by any individual or entity with the exception of permit banks to 5 percent of the total of the limited access permits issued. This option should grandfather ownership levels to the individual or entity ownership level that exists prior to the control date.
(Alexander/Kendall) 8/0*
2. *Motion: To task the PDT to develop regulatory definition for permit banks as well as alternatives to establish appropriate permit caps for permit banks commensurate with their value in protecting diverse fishery access and supporting the goals of this amendment
(Dempsey/Alexander) 7/0*

AFM suggests that permit banks (as yet to be defined) should be included in motion 1 above, in the likely event that it is not feasible to determine an “*appropriate cap commensurate with their value in protecting diverse fishery access and supporting the goals of the amendment*”. Furthermore, should either or both motions prevail, we suggest that both be amended to subject permit banks to the same control date and grandfathering provisions applied to individuals and entities in the first motion.

Should the Council endorse the development of ownership caps, AFM strongly suggests that a new alternative be developed to consider a limit on the number of multispecies permits that can be owned by permit banks in total. Existing permit banks currently own a total of 95 multispecies permits, or roughly 6 % of the total pool of limited access permits. By way of example only, we suggest that ownership by permit banks in total be limited to a no more than X # permits or a X % of the total pool of limited access permits.

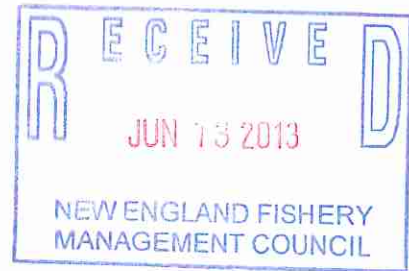
As always, we appreciate your consideration of our views.

Sincerely,

M. Raymond

Maggie Raymond
Executive Director
Associated Fisheries of Maine

Mr. Tom Nies
New England Fisheries Management Council
50 Water Street
Newburyport, MA 01950



Dear Mr. Nies:

I am writing to you as an owner and operator of a charter boat fishing out of Green Harbor, MA regarding the proposed habitat protection measures that have been drafted and are being considered by the New England Fisheries Management Council. I strongly oppose any changes to the Western Gulf of Maine closed area and strongly support Alternative 1, No Action.

Additional closed areas for the charter/party and recreational angler 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. If the SERA II is put into place the charter/party boats fishing out of the South Shore of Massachusetts will be forced to transit greater distances up to 40 NM to locate cod and haddock for anglers to take home for dinner. Currently we are already fishing over 28 NM from our homeport and the additional distances we are now running has resulted in a loss of customers who can fish out of other ports with less time transiting. The SERA II will result in a major disadvantage to the charter party fleet from our area. We have already lost a major number of cod charters to the boats fishing out of Rhode Island and New York in the winter while we are tied to the dock.

I also have major concerns this will affect our tuna and shark charters as we often fish for ground fish while drifting to allow customers a chance to go home with a few cod and haddock. There will also be new regulations regarding to enforcement. I presume boats would be required to remove all bait and hooks from fishing rods and have all fish on board gutted and stowed when transiting from outside of the area (similar to the seasonal closure on Whale Back). This will create additional hardships for boats fishing to the northeast which need to transit through this area on the way back to homeport.

It is my understanding the Vessel Trip Reports (VTR) data used to determine where the SERA would take place was from over three years ago

when the cod stock was healthier and boats were able to locate fish on Stellwagen Bank on the shoal water (15-25 fathom). Since going to catch shares where a concentration of large draggers fishing 24/7 on the bank in the winter and spring, the charter/party and recreational anglers have been forced to fish east of the bank (WGOM) in order to locate cod and haddock. An analysis of the past two years of VTR data would clearly indicate this change in fishing locations.

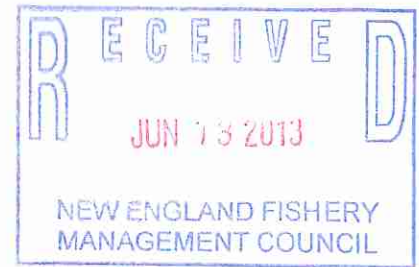
The recreational angler has little impact on the bottom using weights, cod jigs and hook and line to harvest fish for personal consumption. Creating a SERA and shutting out the recreational angler will have no benefit to the protection of juvenile cod compared to the massive amount of juvenile fish eaten daily by spiny dog fish and seals in the area. Any changes other than Status Quo, Alternative 1, No Action will virtually be the end of the charter/party industry from the South Shore of Massachusetts which fish Stellwagen Bank. It will also be a domino effect resulting in a loss of revenue to the local hotels, tackle shops, marinas, boat dealers etc. in the local area. If you have any questions please feel free to contact me anytime.

Respectfully,

David Waldrip
Charter Boat Relentless, Green Harbor, MA
captdave@relentlesscharters.com

Copy: Mr. John Bullard, Administrator, NMFS, NERO
Mr. RIP Cunningham, Chairman NEFMC
Mr. Barry Gibson, Chairman, Recreational Advisory Panel
Mr. Stephen James, President, Stellwagen Bank Charter Boat Assoc
Mr. Paul Diodati, Director, Massachusetts Division of Marine
Fisheries
Dr. David Pierce, Massachusetts Division of Marine Fisheries
Mr. Dave Preble, New England Fisheries Management Council

Mr. Tom Nies
New England Fisheries Management Council
50 Water Street
Newburyport, Massachusetts 01950



RE: Proposed Stellwagen Bank Sanctuary Ecological Research Area

Dear Mr. Nies:

The proposed Stellwagen Bank Sanctuary Ecological Research Area ("SERA") has been the subject of discussion and ongoing change the past few years. As a recently appointed member of the NEFMC Enforcement Advisory Panel I was made aware of the recent SERA recommended by the NEFMC Groundfish and Habitat Committees. Over the past several years the proposed extent of the SERA and charter/head boat and recreational fishing limitations in this area has changed ranging from complete shutdown to tuna and shark fishing only that has concerned me and others since its inception.

As an owner and operator of a charter boat fishing out of Green Harbor, Massachusetts I strongly oppose any changes to the Western Gulf of Maine closed area and strongly support Alternative 1, No Action. The proposed SERA is located within our prime fishing grounds that will have a significant detrimental impact on charters and could put me as well as other charter/head boat operators out of business. The closure would require that we travel further distances east that will be cost prohibited. We are already traveling significant distances to land cod and bottom fish east of Stellwagen Bank.

The recreational angler has little if at all no detrimental impact on the sediment and bottom dwelling life in this area using weights, cod jigs and hook and line to harvest fish for personal consumption. Any changes other than Status Quo, Alternative 1, No Action will virtually be the end of the charter/party industry from the South Shore of Massachusetts which fish Stellwagen Bank. This will also have a detrimental impact as a result of loss of revenue to the local hotels, tackle shops, marinas, boat dealers etc. in the local area.

The challenges associated with the enforcement of this closed area were well presented before the Enforcement Oversight Committee.

In conclusion, I strongly support Alternative No. 1, No Action. If you have any questions please feel free to email or give me a call at (617) 291-8914.

Very truly yours,

Capt. Michael J. Pierdinock
CPF Charters, Charter Boat "Perseverance", Green Harbor, MA
www.cpfcharters.com
cpfcharters@yahoo.com

cc: Council, AA, MB (6/14)

Copy: Mr. John Bullard, Administrator, NMFS, NERO
Mr. RIP Cunningham, Chairman NEFMC
Mr. Barry Gibson, Chairman, Recreational Advisory Panel
Mr. Frank Blount, Chairman, Enforcement Oversight Committee
Mr. Stephen James, President, Stellwagen Bank Charter Boat Assoc
Mr. Paul Diodati, Director, Massachusetts Division of Marine
Fisheries
Dr. David Pierce, Massachusetts Division of Marine Fisheries
Mr. Dave Preble, NFMC

Email received to Council office

From: "JC Flooring" <jcflooring@hotmail.com>
Sent: June 14, 2013 10:19 AM
To: joleary@nefmc.org
Subject: Habitat Protection Proposal Comments

To Mr. Tom Nies
C/O New England Fisheries Management Council
50 Water Street
Newburyport
MA 01950



Dear Mr. Nies,

I am writing to you as a recreational fisherman who fishes Stellwagen Bank regarding the proposed habitat protection measures that have been drafted and are being considered by the New England Fisheries Management Council. I strongly oppose any changes to the Western Gulf of Maine closed area and strongly support Alternative 1, No Action. Additional closed recreational angler 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. If the SERA II is put into place boats fishing out of the South Shore of Massachusetts will be forced to transit greater distances up to 40 NM to locate cod and haddock for anglers to take home for dinner. The recreational angler has little impact on the bottom using hook and line to harvest fish for personal consumption. Creating a SERA and shutting out the recreational angler will have no benefit to the protection of juvenile cod compared to the massive amount of juvenile fish eaten daily by spiny dog fish and seals in the area. Any changes other than Status Quo, Alternative 1 will hurt both recreational and commercial fisherman.

P.S. this information is public knowledge and not a guesstimate please listen to the people.

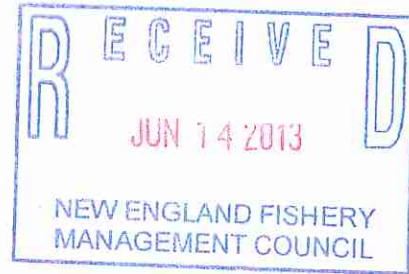
Sincerely

Justin Cockx
JC Flooring
Upper hudson river and mohawk vally fishing community

cc: Council, AA, MB (6/14)

June 14, 2013

Mr. Tom Nies
New England Fisheries Management Council
50 Water Street
Newburyport, MA 01950



Dear Mr. Nies:

I am writing to you as a recreational fisherman who fishes Stellwagen Bank regarding the proposed habitat protection measures that have been drafted and are being considered by the New England Fisheries Management Council. I strongly oppose any changes to the Western Gulf of Maine closed area and strongly support Alternative 1, No Action.

Additional closed recreational angler 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. If the SERA II is put into place boats fishing out of the South Shore of Massachusetts will be forced to transit greater distances up to 40 NM to locate cod and haddock for anglers to take home for dinner. **This well beyond the SAFE round trip distance limits for most of the recreational fleet, especially considering weather conditions that far out to sea.**

The recreational angler has little impact on the bottom using hook and line to harvest fish for personal consumption. Creating a SERA and shutting out the recreational angler will have no benefit to the protection of juvenile cod compared to the massive amount of juvenile fish eaten daily by spiny dog fish and seals in the area. Any changes other than Status Quo, Alternative 1 will hurt both recreational and commercial fisherman.

Sincerely,

Philip R Buzby
31 Harlan Drive
Brockton, MA 02301

cc: Cornall, AA, MB (6/14)

