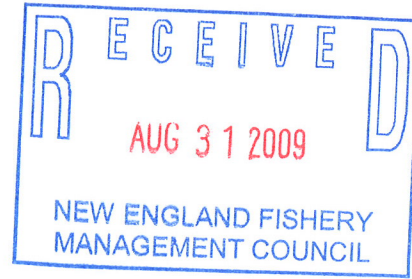


#5b

Donald E. Fox
615 South Road
Wakefield, RI
02879



August 23, 2009

Paul Howard
Executive Director
The New England Fishery Management Council
50 Water Street Mill 2
The Tannery
Newburyport, MA 02543-1026

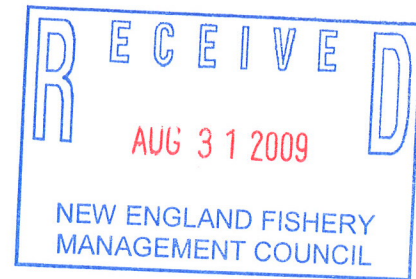
Dear Mr. Howard:

I am a commercial fisherman from Pt. Judith, R.I. and I am requesting some changes to the interim action on winter flounders in the SNE/MA winter flounder area. Enclosed are some packets explaining my proposal for distribution to council members. I would like to see it on the agenda for the September meeting as the Interim Action comes up for renewal in October. Thank you for your time.

Sincerely,

Captain Donald Fox
F/V Lightning Bay

615 South Rd
Wakefield, RI
02879



August 23, 2009

Ms. Patricia Kurkul
Regional Administrator NMFS
Northeast Region
55 Great Republic Drive
Gloucester, MA 01930-2276

Dear Ms. Kurkul:

I recently ran into a problem that I feel needs to be addressed. I wanted to go monk fishing in the southern monk area in 150 fm and then go to Georges Banks. The April interim action in SNE/MA Winter Flounder Stock Area does not allow me to go into this area and retain winter flounders on G. Banks. I was planning on fishing in 150fm where historically and by NOAA survey tows flounders have never been caught. I enclosed a chart with the survey tows from 1999-2008 where flounders were caught (o) and where there was no presence of flounders(x).

The monkfish fishery in the deep water is a viable fishery but we need to be able to catch something else to make a trip. The last time I was out there (March-April 2009) I caught 2200-2500 cut tails in 6 hours. We used to go inshore and work on yellow tails and winter flounders but that is no longer possible because of the April action. In addition, the DAS counting was changed so that if you set in the SNE Differential DAS Area at all, the whole trip counts as 2:1.

If you choose to address this problem, the easiest solution is to make the 0 retention area the same as the 2:1 area. This would still protect winter flounders and yt. flounders and allow access to the deepwater monk fish. The long term solution is to redraw the SNE/MA Winter Flounder Stock Assessment Area to more accurately reflect where these fish are caught. Area 537 runs from Nantucket Island to roughly 200 fm. The southern border of area 624 is 1500fm. Areas 629 and 639 are even deeper and about half of each of them is outside the EEZ. The blocks from bathymetric charts could be an option instead of the areas now in use.

I was hoping something could be done about this problem before the Interim Action was renewed so I can fish in the deepwater next spring.

Sincerely,

Captain Donald Fox
F/V Lightning Bay



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NOAA FISHERIES SERVICE
166 Water Street
Woods Hole, MA 02543-1026

August 19, 2009

Donald Fox
615 South Road
Wakefield, RI 02879

Dear Donald;

Thank you for your phone call the other day to discuss the Southern New England winter flounder closure regulations. I indicated that we would generate some survey distribution plots for you and these are enclosed. The distributions were pretty much what we both expected, based on our discussions and knowledge of the prevailing distributions for this species. We included the three digit statistical area grid on the plots to assist you in making your point. The x's on the plot indicated stations where we sampled and did not detect the presence of winter flounder (zero catch tows).

I also emailed Dr. Mark Terceiro and relayed your concerns about the closure. His initial response is that to his knowledge, the Northeast Fisheries Science Center was not contacted by the Regional Office to provide input concerning the size and configuration of the closure. If we had been contacted, the request likely would have gone to Mark since he has been responsible for the winter flounder stock assessment for a number of years. As I indicated to you on the phone, the stock area definition is based on the large 3-digit statistical areas because we are unable to determine more exact locations for commercial landings, particularly in historical years before Vessel Trip Reports and Vessel Monitoring Systems. The survey strata that are included in the stock assessment are more refined and include strata that cover the primary distribution of winter flounder in each stock area.

I suggest that you proceed as you had planned by contacting New England Fishery Management Council members representing Rhode Island (David Preble and Mark Gibson) with your concerns about the configuration of the closure. Please do not hesitate to contact us if we can be of assistance in the future.

Sincerely;

Russell W. Brown

Russell W. Brown, Ph.D.

