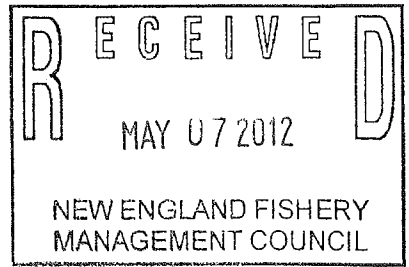


# Correspondence





May 7, 2012

Mr. Sam Rauch  
Acting Assistant Administrator  
NOAA Fisheries

Mr. Rip Cunningham, Chair  
New England Fishery Management Council

Dear Sam and Rip:

Thank you for the rapid response to the recommendation of the New England Fishery Management Council to establish a "Georges Bank Yellowtail Working Group" to address the extremely low annual catch limit (ACL) for the 2012 fishing year. We are grateful for your recognition of the seriousness of this problem.

We write to suggest that NOAA Fisheries, using the authority granted under Multispecies Framework 47, immediately transfer a portion of the Georges Bank yellowtail ACL from the scallop fleet to the groundfish fleet. We believe it was an oversight to allocate 307 mt of Georges Bank yellowtail to the scallop fleet after the scallop plan development team had re-estimated the projected catch by the scallop fleet to be 87 mt.

We argue that NOAA Fisheries could safely transfer at least 150 mt from the scallop ACL to the groundfish ACL immediately, and then make additional transfer later in the fishing year, when NOAA Fisheries has a more real time calculation of the scallop fleet's bycatch of Georges Bank yellowtail. We suggest that this subsequent transfer could be accomplished by early November when it is expected that the scallop fleet will have completed available trips in the Closed Area II access area.

We urge you to act as quickly as possible, so that groundfish fishermen can make reasonable plans for how to make the best use of what will be an extremely small ACL even with transfer from the scallop ACL, and before some fishermen make the irreversible decision to tie-up their vessels due to depletion of Georges Bank yellowtail ACL.

We look forward to working with the Georges Bank Yellowtail Working Group on this and other potential solutions to what will surely be a difficult situation for those groundfish vessels dependent on fishing in the Georges Bank regulated mesh area.

Sincerely,

Jackie Odell  
Northeast Seafood Coalition

John Pappalardo  
Cape Cod Commercial Hook Fishermen's Assoc.

Maggie Raymond  
Associated Fisheries of Maine

*cc: Council, TN, FH (5/7)*





New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116  
C. M. "Rip" Cunningham, Jr., *Chairman* | Paul J. Howard, *Executive Director*

May 7, 2012

Mr. Daniel Morris  
Acting Regional Administrator  
NOAA/NMFS  
55 Great Republic Drive  
Gloucester, MA 01930

Dear Dan:

At the April 2012 Council meeting the following motion was passed by the full Council after consideration of the unforeseen economic impacts of the reduction in allowable cod landings in FY2013:

*"that the Council send a letter to NMFS to formally request 100% federal funding for groundfish monitoring costs in FY 2013."*

This motion carried on a show of hands (15/0/1). Please consider this motion as you review the budget for FY2013.

Sincerely,

Paul J. Howard  
Executive Director





New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116  
C. M. "Rip" Cunningham, Jr., *Chairman* | Paul J. Howard, *Executive Director*

May 7, 2012

Mr. Dan Morris  
Acting Regional Administrator  
NOAA/NMFS  
55 Great Republic Drive  
Gloucester, MA 01930

Dr. William Karp  
Acting Science and Research Director  
Northeast Fisheries Science Center  
166 Water Street  
Woods Hole, MA 02543-1026

Dear Dan and Bill:

At the April 2012 Council meeting, the Council approved a motion to request that a benchmark assessment of Gulf of Maine cod be conducted in late 2012. The motion carried on a show of hands (13/2/1). The motion that passed was:

*"recommend that the Council request a GOM cod benchmark assessment in 2012. That assessment should address the ten priority issues identified by the Massachusetts Fisheries Institute in its April 3, 2012 letter to Sam Rauch."*

Our understanding is that this assessment would be part of the 54<sup>th</sup> Stock Assessment Workshop scheduled for late November or early December, 2012. We would need the results of that assessment in mid-January so that catch advice can implemented by May 1, 2013.

Please contact me if there are any questions.

Sincerely,

Paul J. Howard  
Executive Director

attachment: MFI letter to Sam Rauch dated April 3, 2012





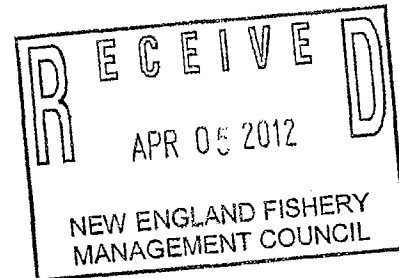


## MASSACHUSETTS MARINE FISHERIES INSTITUTE

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April 3, 2012

Mr. Samuel D. Rauch III  
Acting Assistant Administrator  
for Fisheries  
National Oceanic and Atmospheric Administration  
1315 East-West Highway  
Silver Spring, MD 20910



Dear Sam:

Many thanks for your letter dated February 24, 2012 responding to our request to develop a joint task force to explore the stock assessment of Gulf of Maine cod. We continue to think that such a task force is a good idea and hope you will reconsider.

We understand that the Council and its SSC have developed work plans to pursue four areas they identified as "priorities": 1) catch per unit effort (CPUE) in the commercial fishery, 2) consideration of revised recreational catch estimates, 3) discard mortality assumptions, and 4) stock structure and spatial distribution of the stock.

These are clearly important areas, and their investigation will do much to clarify concerns that have been expressed regarding the assessment. However, we are not certain that the pursuit of these areas will provide the Council with information required to effectively complete the Gulf of Maine cod stock assessment, as required by National Standard 1 and National Standard 2. We think there is much that is unsaid in the assessment and in related activities. It is not clear to us that the present approach will extract the best available information to enable the Council to make the best possible decisions on the cod stocks that inhabit the U.S. waters of the Northwest Atlantic Ocean.

Inasmuch as the clock is ticking and answers to our concerns are not as yet available, we continue to think that convening a joint task force to determine the scope of Council needs makes a lot of sense.

This is not in any way an attempt to bypass the SSC. Because the SSC terms of reference have been narrowly defined by the priority areas, it appears that a parallel effort is necessary.

706 South Rodney French Boulevard  
New Bedford, MA 02744  
508 910 6357 (w)  
508 999 8197 (f)  
[www.mfi.umassd.edu](http://www.mfi.umassd.edu)

Just to exemplify and reinforce our point that the priority areas are incomplete, we have listed ten issues that do not appear to be part of the priority areas but are essential to completing the stock assessment. These are:

Several aspects of trawl surveys need to be examined in the revised assessment:

1. The estimate of survey catchability suggests that stock size is being underestimated by the SAW53 assessment. The 2008 groundfish assessment review panel concluded that survey catchability estimates based on swept-area surveys of abundance are not expected to be greater than 1.0, and this diagnostic should be used for interpreting assessment results (NEFSC 2008, page 1-11). Figure A93 of the SAW53 report shows that survey catchability is greater than 1.0 for age-7, and "considering the calibration coefficients applied to the Bigelow survey years, this would suggest greater than 100% efficiency over the last two years" (NEFSC 2012a, page 52). The sources of this problem should be examined to understand why stock size may be underestimated.
2. Estimates of current stock size and fishing mortality are sensitive to the calibration coefficients used to convert the new Bigelow survey system to the previous Albatross survey system. The calibration coefficients are based on side-by-side experiments in which only 92 stations caught cod, and length-based calibrations are highly uncertain. Further investigation of the calibration is needed to evaluate current stock size and mortality. One alternative would be to estimate the calibration within the assessment model.
3. The spatial extent of NEFSC survey strata do not represent inshore habitats where cod persistently aggregate. For example, Figure A63 of the SAW53 document shows that several important fishing grounds are not sampled by the offshore surveys. The limited extent of the NEFSC survey and the decision to exclude some inshore surveys that were included in the previous assessment (e.g., the Massachusetts inshore autumn survey) leave an important component of the resource un-surveyed. The Massachusetts inshore survey effectively samples cod nursery habitat and provides a valuable index of recruitment to complement the NEFSC offshore surveys. The revised assessment should reconsider the use of all inshore surveys to index stock abundance.
4. The statistical distribution of cod catches in trawl surveys does not conform to the normal distribution assumed in the derivation of stratified means or variances. The aggregating nature of cod produces a patchy or skewed distribution, such that infrequent large catches are 'outliers' when modeled as part of a normal distribution. More advanced statistical treatment of trawl survey data (e.g., generalized models, zero-inflated models) should be considered to inform the assessment on trends in relative abundance.
5. The inference of continued concentration in the Western Gulf of Maine requires further investigation of survey distributions before the inference can be used to interpret trends in stock size or as a justification to exclude fishery catch rates from the assessment.

Several modeling decisions in the SAW53 stock assessment should be reconsidered:

6. The entire fishery is modeled as a single fleet, and a common age-selectivity is estimated for the total fleet. The fisheries that catch cod in the Gulf of Maine (recreational hook, commercial trawl, commercial gillnet, commercial hook) have distinctly different size and age selectivity, and their relative contributions to total catch have changed over the assessment time series. The model framework used for the SAW53 assessment allows for modeling each fleet separately, which would facilitate more accurate modeling of selectivity, offer a more appropriate configuration for including fishery effort and catch rates, and provide fishery managers valuable information on the contributions of each fleet to fishing mortality.
7. The SAW53 assessment assumes a 'flat-topped' survey selectivity in which all large, old cod are fully vulnerable to the trawl surveys. Cooperative research results from MFI conservation engineers and others shows that large cod have the endurance to out-swim the relatively short survey tows. Cod also tend to inhabit hard bottom that cannot be sampled by the trawl surveys, which may lead to lower selection of older cod. Therefore, it would be more appropriate to freely estimate survey selectivity, rather than forcing a flat-topped selectivity pattern.
8. The stock assessment assumes a constant natural mortality rate for all ages and years, despite the increase in many predator populations in the Gulf of Maine. Some scientists are concerned that cod in the Gulf of Maine are exhibiting the low productivity seen in Canadian cod stocks. The SAW53 report does not suggest slower growth, later maturity, or reduced reproductive rate as exhibited by northern cod; and the 2012 update of other groundfish in the region (NEFSC 2012b) does not support a multispecies decline, as seen in Atlantic Canada. However, claims of decreased production should be tested with investigations of increased natural mortality of cod in the Gulf of Maine, similar to the trans-boundary assessment of cod on Georges Bank that assumes a greater natural mortality on older ages since the mid 1990s (TRAC 2011).
9. The overfishing definition and associated rebuilding target recommended by the SAW53 review panel are arbitrary and inconsistent with the definition of overfishing in the Magnuson Act ( $F_{MSY}$  and  $B_{MSY}$ , respectively). The justification for the  $F_{40\%}$  proxy was based on a precautionary approach. However, the precautionary control rule used to manage New England groundfish defines Acceptable Biological Catch as 75% of the Overfishing Limit, so the Overfishing Limit itself should not be precautionary. Furthermore, the rebuilding target associated with the  $F_{40\%}$  proxy is substantially greater than alternatives that are based on direct estimates of  $F_{MSY}$ .
10. The time series of the SAW53 assessment (1982-2010) does not consider all available information (e.g., fishery and survey data back to the 1960s) and ignores valuable information on stock productivity. The longer-term perspective on the stock-recruit relationship suggests that several alternative theoretical relationships should be considered to model stock productivity and MSY reference points.

Mr. Samuel D. Rauch III

Page 4

April 3, 2012

Although we appreciate the willingness of NOAA Fisheries to revise the SAW53 assessment and resolve the issues identified by the SSC, and we trust that those issues can be addressed relatively quickly and easily, the additional scientific issues will require a more extensive end-to-end approach to assessing the Gulf of Maine cod resource and fishery. The Massachusetts MFI (a collaboration of academic and agency scientists, fishery managers, and fishermen) has a productive history in cod research and management including field studies, stock assessment, policy analysis, and innovative management. We feel that the MFI is uniquely suited to lead in the initiative to improve the scientific basis of fishery management for Gulf of Maine cod. We hope to work in collaboration with NOAA Fisheries on this initiative as we continue our work.

Sincerely,



Paul J. Diodati  
Co-chair, MFI

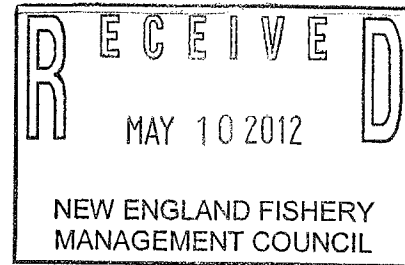


Brian J. Rothschild  
Co-chair, MFI

References

- NEFSC (Northeast Fisheries Science Center). 2008. Assessment of 19 Northeast groundfish stocks through 2007. NEFSC Ref. Doc. 08-15.
- NEFSC (Northeast Fisheries Science Center). 2012a. 53rd Northeast Regional Stock Assessment Workshop (53rd SAW) Assessment Report. NEFSC Ref. Doc. 12-05.
- NEFSC (Northeast Fisheries Science Center). 2012b. Assessment or Data Updates of 13 Northeast Groundfish Stocks through 2010. NEFSC Ref. Doc. 12-06.
- TRAC (Transboundary Resources Assessment Committee). 2011. Eastern Georges Bank Cod. TRAC Status Report 2011/02.

Mr. Paul Howard  
NEFMC  
50 Water Street, Mill 2  
Newburyport, Ma 01950



Dear Mr. Howard,

I am certain that by now you have heard and read enough anecdotal evidence to realize that the biomass of GOM codfish and other ground fish in the Stellwagen area is seriously diminished. The Charter boat industry reliant upon these fish, myself included, are experiencing some of the worst catches ever while expanding the area we are fishing. I definitely expect to lose business next year based upon the sparse catch so far this year.

From Dec. 2011 through the winter of 2012 there was much discussion regarding the scientific validity of the 2010 stock assessment. As an interim measure you instituted a 22% reduction in allocation for 2012 with the strong possibility of more draconian cuts in 2013.

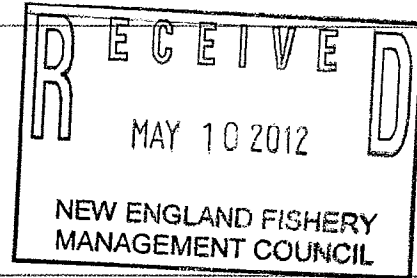
During the course of this discussion and the sorting out of the scientific assessment process large Georges Bank draggers were allowed to fish the Stellwagen area all winter under the catch share program. This meant no daily limits and no days off. Hook boats with up to 50 tubs set tub trawls consisting of tens of thousands of hooks in areas previously fished by rod and reel commercial boats. This combined with the Gill netters put more pressure on our ground fish stocks than we have seen. As the small boats were pushed out the larger interests purchased the catch share. New England ground fish may well become the "poster child" of the failure of catch shares.

There is hope that the GOM and GB stock are somehow related and that new fish will move onto the bank. Hopefully, if this happens the fish will be able to settle in and spawn before the assault of the factory draggers resumes. I have heard that the Georges fleet did poorly on Georges and is headed back to Stellwagen.

I hope that you will consider keeping the large draggers and tub trawl boats out of the area.

Regards,

Rodger Ballou  
712 Ferry Street  
Marshfield, Ma. 02050



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**From:** John Richardson  
**Sent:** Thursday, May 10, 2012 2:51 PM  
**To:** Paul Howard  
**Cc:** Dan Morris; [samuel.rauch@noaa.gov](mailto:samuel.rauch@noaa.gov)  
**Subject:** GOM Cod and Haddock

Capt. John Richardson  
10 Ringbolt Road  
Hingham, MA 02043

Dear Mr. Howard,

Beginning in the summer of 2011, ground fishing on Stellwagen Bank has declined at an alarming rate. Just from spring to fall of 2011 catches dropped by more than 75%.

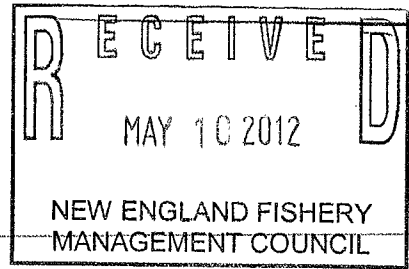
The east side of Stellwagen Bank is a long ride for recreational fishermen with today's fuel prices. Some fishermen group together and charter which is also expensive. In the past 25 years, conservation efforts seemed to keep stock levels to where recreational and charter fishermen could justify the expense. Fishing was great just last spring.

Large draggers moved onto the Bank last summer. We saw them day and night. They were still there in the fall and they are there now. These are offshore boats, over 100 feet, we have seldom seen boats this size and never in concentration.

My goal today is to tell you that this is happening and that the results have been catastrophic. Recreational and charter fishing can do so much more for a local troubled economy than what ever regulation change has allowed a shorter trip for these big boats. I don't believe that this inshore local fish stock can take this kind of pressure without collapsing. From my one trip this spring which produced no fish, it looks like it could be too late.

Very truly yours,

John Richardson



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**From:** Michael Pierdinock  
**Sent:** Thursday, May 10, 2012 3:38 PM  
**To:** Paul Howard; Dan Morris; [samuel.rauch@noaa.gov](mailto:samuel.rauch@noaa.gov)  
**Subject:** Comments for Recreational Advisory Meeting

I am writing to express my concerns regarding the localized cod stock depletion and the apparent need for more effort controls among large commercial ground fish trawlers which are hammering the Stellwagen Bank area and its' immediate waters. I ask that my comments be considered during the scheduled Recreational Advisory Panel Meeting on Tuesday, May 15<sup>th</sup>.

As a Charter Boat Captain that regularly fishes the Stellwagen Bank area, there seems to be a severe decline in the cod stocks in what had been healthy and productive fishing grounds at sustainable levels the past few years. The recent and severe cod stock depletion problem appears to reflect the increased localized fishing effort by these large ground fish trawlers.

Our inshore stock needs more protection from large commercial trawl vessels as too many fishermen are simply fishing on too confined an area. The cod fishery was at sustainable levels prior to the implementation of the catch share program. The catch share program is having a detrimental impact on the fishery and ultimately destroying the livelihood of Charter boat operators. Localized cod stock depletion is further reducing the chances that the fishery will return to a sustainable level any time soon.

I ask that you and the NEFMC put forth emergency effort controls that will restrict the large trawlers from further destroying the fragile and highly depleted cod stocks on and around the vicinity of Stellwagen Bank. If you have any questions, please email or give me a call.

Thanks

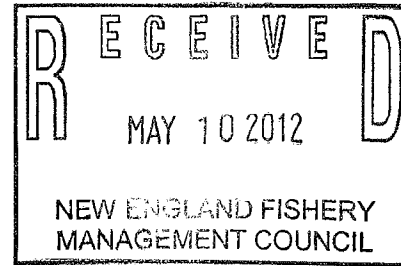
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**Capt. Mike Pierdinock**  
**CPF Charters "Perseverance"**  
**P.O. Box 732**  
**Brant Rock , Massachusetts 02020**  
**(617) 291-8914**  
**[www.cpfcharters.com](http://www.cpfcharters.com)**  
**[cpfcharters@yahoo.com](mailto:cpfcharters@yahoo.com)**





New England  
Ground Fish Advisory Panel  
May 23 Meeting  
C/O New England Fishery  
Management Council



Dear Sir,

Discussion of Sectors, Monitoring by dock side or at sea & Annual Catch Limits will do absolutely nothing to help Ground fish recover of fishermen provide food to Americans!

The science has miscalculated the male dogfish population which may be between 300 thousand mt. to 900 thousand perhaps one million mt, Not counting the female dogfish population estimated at 170,000 mt. closer to 400 thousand mt. Fish House math 250,000,000 male fish are eating small commercially important species at a size from one to 5 ounces, thus how many small fish are being consumed per day?  
Virginia Marine Institute {run through door "new" science is dogfish have one pup every two to four weeks this is vastly different from the science used in the plan which states 18 to 24 month gestation 80% of dogfish diet is ctenophores {AKA jelly fish}  
The Ground fish advisory Panel could recommend a unlimited harvest of male dogfish & doubling the proposed 44.868 million female dogfish harvest for 2013.

Advisors should ask for the affects of dogfish predation on ground fish.  
What percentage of the 1907 eco-system was elasmobranches {dogfish & skates} { The percentage exist in old documents} in 1907 Atkson suggested letting the American public put a fork to dogfish to solve the declining stock of ground fish.  
Rebuilding ground fish first requires correcting dogfish science & removing dogfish from the environment.  
Advisors should ask the environmental groups "how paid science missed the reproduction cycle of dogfish," Missed the East west migration of dogfish instead of North South" where is credibility of environmental paid science now?  
Question: 250 million male dogfish eat how many 4 ounce fish per day? How can ground fish or any commercial important stocks rebuild?  
Advisors know dogfish eat commercially important species, use & believe "LOGIC"  
Question the science that thought females spawned once 18 to 24 months.

Thank You,

James Fletcher United National Fishermen Assoc. 123 Apple Rd. Manns Harbor North Carolina 27953.

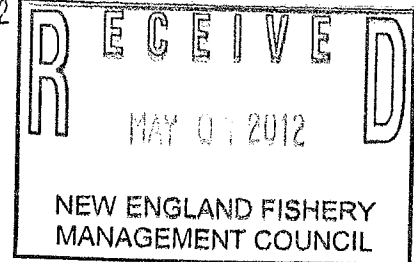
PS ask no acronyms be used in any papers presented to advisors.  
May 10, 2012





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

MAY - 1 2012



Paul J. Howard, Executive Director  
New England Fishery Management Council  
50 Water Street, Mill 2  
Newburyport, MA 01950

Dear Paul:

This letter is to inform you that the Secretary of Commerce has approved Framework Adjustment 47 to the Northeast (NE) Multispecies Fishery Management Plan (FMP) and has filed a final rule implementing the approved measures, effective May 1, 2012.

As you know, a proposed rule to implement Framework 47 published in the *Federal Register* on March 27, 2012 (77 FR 18176), with public comment ending on April 11, 2012. Three comments were received during the proposed rule comment period and considered in making the decision to approve Framework 47. A summary of the comments received and our response to these comments will be published in the final rule on May 2, 2012.

During the development of Framework 47, the Scientific and Statistical Committee (SSC) determined that projections from the 3<sup>rd</sup> Groundfish Assessment Review Meeting (GARM III) completed in 2008 were not a reliable basis for providing catch advice for fishing years (FYs) 2012-2014. As a result, the SSC recommended that the Council specify acceptable biological catches (ABCs) for FY 2012 only based on the ABCs that were previously adopted in Framework 44 or Framework 45 for those stocks last assessed at GARM III. Consistent with the SSC recommendations, the Council adopted the FY 2012 ABCs previously set in Framework 44 and Framework 45 in Framework 47. The Council also requested that the Northeast Fisheries Science Center (NEFSC) complete assessment updates for the stocks last assessed at GARM III in order to set catch limits for FYs 2013-2014.

As you are aware, the NEFSC completed stock assessment updates for 13 groundfish stocks on February 13-17, 2012; the final report for these updates was published on March 14, 2012. Both of these events occurred after the Council finalized and submitted Framework 47 to NMFS for approval. During development of Framework 47, both the Council and the SSC understood that the assessment updates would not be completed in time to be incorporated into Framework 47. There was no practicable way to incorporate this information into Framework 47 without reinitiating the Council process and delaying the action far beyond the start of FY 2012. Therefore, the Council appropriately set the overfishing levels and ABCs in this action based on the best scientific information available at the time it took final action and submitted Framework 47 to NMFS for approval.

Still, we would like to emphasize the importance of acting on this new information as soon as possible. The updated assessments for five stocks in particular (Georges Bank cod, Gulf of



Maine (GOM) haddock, Cape Cod/GOM yellowtail flounder, American plaice, and witch flounder) indicate that the FY 2012 ABCs adopted in Framework 47 are significantly higher than those suggested by the assessment updates. We realize that the Council has already started development of a management action that will incorporate the assessment updates in order to set catch limits for FYs 2013-2014 for the pertinent stocks. However, we recommend that, at its June 2012 meeting, the Council identify how and when the assessment updates will be incorporated and whether that process would affect any existing or planned management measures. As we previously recommended, the Council should incorporate the stock assessment updates as soon as possible, but no later than May 1, 2013.

During the development of Framework 47, there was also ongoing litigation on Amendment 16 to the NE Multispecies FMP. Oceana challenged Amendment 16 partially because it lacked sector-specific accountability measures (AMs) for stocks not allocated to sectors. On December 20, 2011, the U.S. District Court for the District of Columbia upheld most of Amendment 16, but found that the lack of reactive AMs (i.e., an AM that is triggered if a catch limit is exceeded) for those stocks not allocated to sectors violated the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Court remanded this single issue to NMFS and the Council for further action. The Council developed the Framework 47 AMs for these stocks before the Court decided this case, and therefore did not specifically address this litigation in Framework 47. When we proposed Framework 47, we asked for specific comments about the adequacy of sector-specific AMs in light of the Court's decision and remand. We considered the Court decision and public comments received when approving the AMs in Framework 47, and in determining additional action that is required to ensure the NE Multispecies FMP complies with the Court remand and the Magnuson-Stevens Act.

Framework 47 includes a measure that prohibits possession of Atlantic halibut by commercial vessels if the total annual catch limit (ACL) is exceeded. Because commercial groundfish vessels can only land one halibut per trip, and generally do not target this stock, a zero possession limit, by itself, will not likely create a sufficient incentive for vessels to avoid catching this stock if the total ACL is exceeded. Therefore, we have determined that the reactive AM for Atlantic halibut adopted in this action, by itself, is not adequate in light of the Court's remand. In addition, Framework 47 adopts zero possession as a proactive AM for Southern New England/Mid-Atlantic (SNE/MA) winter flounder and Atlantic wolffish. The Council concluded, before the decision in the Amendment 16 lawsuit, that prohibiting possession appears to have kept catch of these stocks within allowable catch levels, and that this is the preferred method for ensuring catch of these stocks does not exceed mortality targets. Although zero possession may be a sufficient proactive AM for these stocks, the Magnuson-Stevens Act requires reactive AMs. Therefore, the Council must develop reactive AMs as soon as possible for these two stocks in order to comply with the Court remand.

We recommend that the Council consider area closures or gear-restricted areas, similar to those adopted for windowpane flounder and ocean pout, as a reactive AM for Atlantic halibut, SNE/MA winter flounder, and Atlantic wolffish. To ensure that appropriate reactive AMs are developed and implemented as soon as possible for these stocks, we request that the Council make significant progress on this issue by its November 2012 meeting. In addition, we also request that the Council consider whether these measures could be applied retroactively to FY 2012. In other words, the Council should consider whether any reactive AMs developed in its

next management action, scheduled for implementation by May 1, 2013, should take into account ACL overages that may have occurred in FY 2012.

Despite our concerns regarding the reactive AMs in Framework 47, we are approving the reactive AM for Atlantic halibut because, should the total ACL be exceeded, it will provide some benefit to the fishery as a conservation measure and will alleviate perceived inequity between sector and common pool vessels. Similarly, we are approving the proactive AMs for SNE/MA winter flounder and Atlantic wolffish in this action because it removes a potential inequity for common pool vessels. The AMs for these stocks adopted in Amendment 16 (i.e., Trimester Total Allowable Catches), which would go into place if we disapproved the Framework 47 AMs, only apply to common pool vessels, even if the overage is caused by sector vessels. Because common pool vessels generally account for less than 10 percent of the total commercial catch of these stocks, there is a potential inequity in only applying the AM to common pool vessels. Until the Council is able to develop sufficient reactive AMs for these stocks, the measures adopted in Framework 47 will provide some conservation benefit and avoid disproportionately penalizing common pool vessels for catch by sector vessels.

If triggered, the Framework 47 reactive AMs for windowpane flounder, ocean pout, and Atlantic halibut would be implemented in Year 3 (2 years after the overage occurs). We recommend that these AMs be implemented as soon as possible after an overage occurs, when catch data, including final discard information, reliably show an overage of the catch limit, and not be restricted to implementation in Year 3. The Council recommended a Year 3 implementation because of concerns that final catch data for these stocks, which include catch from state waters and non-groundfish fisheries, as well as discard estimates, could not be reliably available in time to trigger the AM in Year 2, or earlier. As monitoring improves and discard estimates are more readily available for all components of the fishery, we anticipate that these reactive AMs can, and should, be implemented more quickly. Similar to our recommendation for developing reactive AMs for the stocks mentioned above, should the Council modify the timing of the AMs (i.e., implementation earlier than Year 3), we recommend that the Council consider whether these measures could be applied retroactively to FY 2012.

I appreciate the hard work that you and your staff put into the development of Framework 47 and look forward to working with you and the Council to ensure that the NE multispecies fishery continues to achieve the objectives of the FMP. Please let me know if you have any questions regarding this letter.

Sincerely,



Daniel S. Morris  
Acting Regional Administrator

cc: Rauch, Risenhoover, Karp, Cunningham, Odlin





New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116  
C. M. "Rip" Cunningham, Jr., *Chairman* | Paul J. Howard, *Executive Director*

May 7, 2012

Mr. Dan Morris  
Acting Regional Administrator  
NOAA/NMFS  
55 Great Republic Drive  
Gloucester, MA 01930

Dear Dan:

At the April 2012 Council meeting, the Council approved a draft Notice of Intent (NOI) to prepare an Environmental Impact Statement for the action which will adopt catch specifications for FY 2013. The motion carried unanimously on a show of hands (16/0/0). The motion that passed was:

*"that the Council approve the draft notice of intent to prepare an EIS to address ABCs and Atlantic sturgeon."*

Please publish the attached NOI as soon as you are able. Please contact me if there are any questions.

Sincerely,

Paul J. Howard  
Executive Director

Attachment: Draft NOI





DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-~~XXXX~~

New England Fishery Management Council; Northeast Multispecies Fishery; Notice of Intent to Prepare an Environmental Impact Statement (EIS); Request for Comments

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce

ACTION: Notice; intent to prepare an environmental impact statement; request for comments.

SUMMARY: The New England Fishery Management Council (Council) announces its intention to prepare, in cooperation with NMFS, an EIS in accordance with the National Environmental Policy Act (NEPA).

An EIS may be necessary to provide analytical support for the fishing year 2013-2015 catch allowances and management measures for the Northeast (NE) Multispecies Fishery Management Plan (FMP). Analysis may also be necessary to evaluate alternatives for mitigating FMP interactions with threatened and endangered distinct population segments of Atlantic sturgeon.

This notice is to alert the interested public of the potential development of a Draft EIS, and to outline opportunity for public participation in that process.

DATES: Written comments must be received on or before 5 p.m., EST, on [insert 30 days after publication in the FEDERAL REGISTER].

ADDRESSES: Written comments may be sent by any of the following methods:

DISCUSSION DRAFT—April 18, 2012 GROUND FISH COMMITTEE MEETING

- E-mail: [TO BE DETERMINED]@noaa.gov
- Mail or hand delivery: Mr. Paul Howard, New England Fishery Management Council, 50 Water St., Mill 2, Newburyport, MA 01950. Mark the outside of the envelope “[TO BE DETERMINED]”; or
- Fax: (978) 465-3116.

[The scoping document or Additional information] may also be obtained from the Council office at the previously provided address, by request to the Council by telephone (978) 465-0492, or via the internet at <http://www.nefmc.org>. Comments may also be provided at upcoming Council meetings [include schedule, as needed]. Or Comments may also be provided at the following scoping meetings: [XXXXXXX]

FOR FURTHER INFORMATION CONTACT: Mr. Paul Howard, New England Fishery Management Council, 50 Water St., Mill 2, Newburyport, MA 01950, (telephone 978-465-0492).

SUPPLEMENTARY INFORMATION: The Council, working through its public participatory committee and meeting processes, anticipates development of actions that may be analyzed through an EIS, or analyzed through an Environmental Assessment (EA), dependent on addressing applicable criteria in Council of Environmental Quality regulations and guidance for implementing NEPA. The action may include the following measures:

1. Establishment of catch limits and management measures for certain stocks and species for the 2013, 2014, and possibly the 2015 fishing years, and;

2. Development of measures to minimize take and/or adverse impacts on threatened and endangered distinct population segments (DPS) of Atlantic sturgeon that interact with the NE multispecies fisheries.

These potential measures are described in further detail, as follows:

#### Catch limits and management measures

The development of fishing year 2013, 2014, and possibly 2015 catch allowances and management measures has already been initiated by the Council. It is expected that the action will likely be taken through an FMP framework adjustment process; however, it is possible that an amendment to the FMP may be utilized, dependent on the final scope and scale of the action relative to the authority provided by the FMP for framework adjustment. The action is expected to be further developed throughout 2012. The Council recommendations are designed to be submitted to NMFS for review, approval, rulemaking and implementation in time for NMFS to implement the action by the start of the 2013 fishing year (May 1, 2013). The Council will provide advanced notice of development and decisionmaking meetings where the 2013-15 catch allowance and management measures will be discussed.

The Council may take action including, but not limited to, establishment of annual catch allowances for the commercial and recreational NE multispecies fisheries along with commercial and recreational fishery regulatory changes designed to ensure catch does not exceed the established allowances being concurrently implemented by the action. These catch and fishing measures are anticipated for the following groundfish species either throughout all northeastern U.S. waters, in U.S. waters subject to the U.S./Canada Resources Sharing Understanding, or as specified in broad stock areas, as indicated by parenthesis: Atlantic cod (George's Bank (GB)

DISCUSSION DRAFT—April 18, 2012 GROUND FISH COMMITTEE MEETING

and Gulf of Maine (GOM) stocks); haddock (GB and GOM stocks); yellowtail flounder (Cape Cod/GOM, GB, and Southern New England/Mid-Atlantic Bight (SNE/MA) stocks); American plaice; witch flounder; Acadian redfish; white hake; windowpane flounder (GOM/GB and SNE/MA stocks); ocean pout; Atlantic wolffish; and Atlantic halibut.

The Council anticipates using this action to address requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and its national standards. Specifically, the Council intends to establish Annual Catch Limits (ACLs) based on Acceptable Biological Catch (ABC) advice from its Scientific and Statistical Committee (SSC) for commercial and recreational fisheries that catch these species. ACLs are designed to ensure that stocks do not become overfished, are not subject to overfishing, and, where required, rebuild to target biomass levels. In addition, the Council anticipates taking action to end overfishing for stocks currently subject to overfishing: GOM and GB cod; GOM haddock; Cape Cod/GOM yellowtail flounder; GOM/GB windowpane flounder; and witch flounder. Ending overfishing may require reduction in catch allowances from currently established levels, changes in management measures, or both. The changes in management measures will be focused on those necessary to ensure catch limits are not exceeded.

The Council intends to provide analysis of the positive and negative environmental impacts resulting from various alternatives under consideration for the previously mentioned species and objectives. The interested public is encouraged to participate in the development process and provide input on alternatives designed to achieve the previously described objectives. The Council will begin the catch and management measures specification process by soliciting comments during an initial scoping period, as proscribed in this notice. However, if the ongoing

analysis indicates a Finding of No Significant Impact (FONSI) statement can be supported, the Council may provide notice in the Federal Register indicating that it is not necessary to prepare an EIS and develop an EA to provide the necessary NEPA analysis. It is expected that a new stock assessment for GOM cod will be completed and available for 2013-15 catch and management measures development process. Many of the scientifically controversial components of the most recent assessment, conducted in December 2012, are planned to be addressed by this new assessment. The status of scientific controversy involving the available stock assessment information for GOM cod is expected to be a consideration in whether a FONSI can be supported. One issue is the question of whether the structure of the cod stocks is correctly defined. While work on this issue is planned to occur during 2012, because of the complicated questions that must be resolved the work may not be complete in time to incorporate the results into this assessment. As a result, 2013 cod catch limits will likely be based on the current understanding of stock structure. The Council will keep the public apprised of the ongoing NEPA analysis development as the catch and management measures process moves forward.

#### Atlantic sturgeon related measures

NMFS published a final rule (77 FR 5880; February 6, 2012) to list Atlantic sturgeon under the Endangered Species Act (ESA) as threatened in the Gulf of Maine DPS and as endangered in the New York Bight and Chesapeake Bay DPSs. Atlantic sturgeon within these DPSs are known to interact with the NE multispecies fisheries.

Following the publication of the final listing rule, NMFS has initiated formal consultation under Section 7 of the ESA for the NE multispecies FMP and is developing a comprehensive

Biological Opinion to ascertain the level of impact the fishery may have on these three Atlantic sturgeon DPSs. As part of the Section 7 consultation, NMFS will determine if the NE multispecies fishery jeopardizes the continued existence of any or all of the DPSs, or if the level of interaction may adversely impact but does not jeopardize survival of the species in any or all of the DPSs. These determinations will result in the requirement to develop and implement measures required by the ESA: Either Reasonable and Prudent Alternatives (RPAs) to avert survival jeopardy or Reasonable and Prudent Measures (RPMs) to mitigate adverse impact on the DPSs.

The Council anticipates that some level of action will be necessary to develop and implement either RPAs or RPMs following completion of NMFS' Section 7 consultation process. In anticipation of this action, the Council is soliciting public comment on the types of measures that may mitigate the take and interaction of Atlantic sturgeon by the NE multispecies fishery as well as the positive and negative environmental effects analysis necessary to evaluate these alternatives. The Council may elect to develop Atlantic sturgeon-related measures in conjunction with 2013-2015 catch and management measures in an EIS. However, if a FONSI can be substantiated, the measures needed to implement Atlantic sturgeon mitigation measures may be analyzed in an EA. The Council will keep the public apprised of the level of NEPA analysis being conducted in conjunction with Atlantic sturgeon-related measures, as development of the overall action occurs.

The timing for development and completion of Atlantic sturgeon-related mitigation measures is currently uncertain. Completion of the Section 7 consultation is necessary to determine the magnitude of impact the NE multispecies fishery has on the continued survival of

Atlantic sturgeon from these three DPSs. The consultation is planned to be completed by June XX, 2012; the associated Biological Opinion will result in development of an Incidental Take Statement that will recommend RPAs or RPMs. These may include a process to develop and put in place mitigation measures by a time certain. The Council anticipates continued dialog with NMFS and the interested public regarding what requirements must be satisfied while consultation is ongoing and after consultation has been completed. As a result of those discussions, it is possible the Council may choose to address sturgeon measures in a broad-based action that develops measures simultaneously for several FMPs. If this decision is made the NOI will be revised to reflect this change in approach.

#### Public comment

In addition to soliciting comment on this notice, the public will have the opportunity to comment on the measures and alternatives being considered by the Council through public meetings and public comment periods required by NEPA, the Magnuson-Stevens Act, and the Administrative Procedure Act.

The Council's process for developing ACLs, Atlantic sturgeon-related mitigation measures and NEPA-required analyses, in this case presumably 1 or more EISs, if necessary, will involve development work and meetings of the Groundfish Plan Development Team, the SSC, the Recreational and Commercial fishery Advisory Panels, and the full Council. Information regarding the schedule for meetings, including agendas and meeting-related documents, involving these groups can be found on the Council's web site: <http://www.nefmc.org/> or obtained by calling the Council office at (978) 465-0492.

DISCUSSION DRAFT—April 18, 2012 GROUND FISH COMMITTEE MEETING

Authority: 16 U.S.C. 1801 et seq.

Dated:

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New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116  
C. M. "Rip" Cunningham, Jr., *Chairman* | Paul J. Howard, *Executive Director*

April 30, 2012

Mr. Dan Morris  
Acting Northeast Regional Administrator  
NMFS/NOAA  
55 Great Republic Drive  
Gloucester, MA 01930-2298

Dear Dan:

I would like to advise you of two motions that the Council adopted at its April 2012 Council meeting.

On January 17, 2012, you sent the Council a letter asking for a clarification of the Council's intent when the inshore roller gear area was adopted. The following motion was passed by the full Council to clarify that the intent of rockhopper gear restrictions in inshore areas drafted in 1999 only extended to groundfish vessels:

*"that the Council send a letter to NMFS stating that the intent of the 12-inch rockhopper gear restriction was to apply only to groundfish vessels."*

This motion carried on a show of hands (15/0/2).

The full Council also passed the following motion to remove the following as requirements to the Groundfish FMP:

*"(b) definition of "not available for immediate use." Gear that is shown not to have been in recent use and that is stowed in conformance with one of the following methods is considered to be not available for immediate use:*

*(1) nets —*

*(i) below-deck stowage.*

*(a) the net is stored below the main working deck from which it is deployed and retrieved;*

*(b) the towing wires, including the leg wires, are detached from the net; and*

*(c) it is fan-folded (flaked) and bound around its circumference.*

*(ii) on-deck stowage.*

*(a) the net is fan-folded (flaked) and bound around its circumference;*

*(b) it is securely fastened to the deck or rail of the vessel; and*

*(c) the towing wires, including the leg wires, are detached from the net.*

*(iii) on-reel stowage.*

- (a) the net is on a reel, its entire surface is covered with canvas or other similar opaque material, and the canvas or other material is securely bound;*
  - (b) the towing wires are detached from the net; and*
  - (c) the codend is removed and stored below deck.*
- (iv) on-reel stowage for vessels transiting the Gulf of Maine rolling closure areas, the Georges Bank seasonal area closure, and the conditional Gulf of Maine rolling closure area.*
- (a) the net is on a reel, its entire surface is covered with canvas or other similar opaque material, and the canvas or other material is securely bound;*
  - (b) the towing wires are detached from the doors; and*
  - (c) no containment rope, codend tripping device, or other mechanism to close off the codend is attached to the codend*

The motion carried on a show of hands (16/0/1). This motion was approved based on safety issues and current fleet characteristics. The Coast Guard representative acknowledged it may be more difficult to identify illegal fishing but was not opposed to the motion. The regulations listed in the motion are used in other FMPs. However, this motion removes them solely from the Groundfish FMP and further analysis by the Enforcement Committee should be completed before they are removed from additional FMPs.

Sincerely,



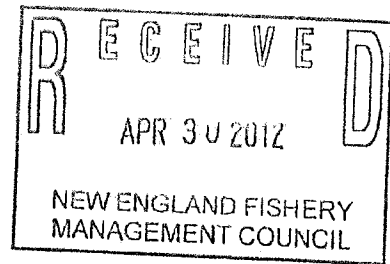
Paul J. Howard  
Executive Director



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

APR 23 2012

Paul J. Howard  
Executive Director  
New England Fishery Management Council  
50 Water Street, Mill 2  
Newburyport, MA 01950



Dear Paul:

Thank you for your letter dated February 3, 2012, regarding the Council's motion calling on NMFS to work with the industry to identify the most effective and timely means for vessel operators to review observer data. The motion called for an administrative, rather than regulatory, solution and asked that it be broadly applicable to all fisheries.

We support the Council's request and would like to work with a representative group of industry members to start discussing what data they would like to have made available. By exploring their specific interests, we can better assess technical capabilities and evaluate the time and resources that would be necessary to meet this requirement. If you could provide us with a list of prospective industry members to help participate in this process, we can cooperatively develop a system to provide vessel owners with access to the observer data more quickly and effectively than the current established protocols.

The Council's motion is timely and welcome, as NMFS has already been working to enable such an exchange of information. NMFS staff have also begun to investigate electronic reports that would facilitate data sharing with industry members. While developing a new system would involve new or revised technology, we believe we have the tools to come up with an effective new system, and we look forward to developing this with industry input. The current policy for requesting observer data is attached to this letter. Observers are encouraged to review critical species catch with the captain throughout the trip and offer to captains and owners the following documentation: A data release form, which is often submitted with the paper logs and copies are generally received within a week; a fishermen's comment card to evaluate the performance of the observer and trip logistics; and a fishermen's comment Log, designed to allow fishermen to add their own comments regarding catch data to the permanent trip record.



cc: Council, TN, DG, CBA (5/1)

We look forward to working on this collaboratively to find an efficient means to keep the fishermen informed, to allow for a transparent and timely review of the data, and to improve the overall accuracy of observer data.

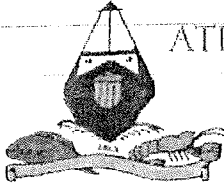
Sincerely,

A handwritten signature in black ink, appearing to read 'D. Morris', with a long horizontal line extending to the right.

Daniel S. Morris  
Acting Regional Administrator

Attachment: Data Release Policy

Cc: William A. Karp, Ph.D., Acting Science and Research Director, NEFSC  
Amy Van Atten, Fisheries Sampling Branch Chief, NEFSC



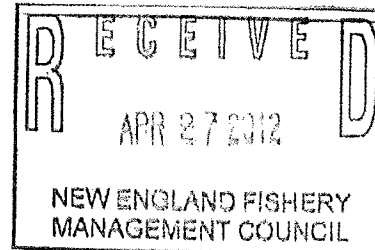
# ATLANTIC OFFSHORE LOBSTERMEN'S ASSOCIATION

54 Chatham Drive Bedford New Hampshire 03110  
office 603.208.5468; fax 603.668.5601; offshorelobster.org

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April 26 , 2012

Mr. Paul Howard, Executive Director  
NEFMC  
50 Water Street  
Newburyport, MA 01950



Dear Paul;

I am writing on behalf of the Atlantic Offshore Lobstermen's Association (AOLA) regarding the Habitat and Groundfish Committee's discussions concerning groundfish closed areas. I know you are aware, as per our many discussions; AOLA members are not against the opening of groundfish closed areas. Members of AOLA are instead, very concerned only with the recent deliberations regarding the opening of Groundfish Closed Area II in the area that lies above 43° 10', and only from June through October.

At the public session on February 24<sup>th</sup>, 2012, a number of offshore lobster fishermen expressed their concerns to the Council and to Sam Rauch, Deputy Assistant Administrator for Regulatory Programs at NOAA. One individual described the situation, "**between June 1 and October 31, in the area we fish, it's almost like a switch," he said, "beginning in June, the area is full of big female lobsters, and most of them have eggs; come the end of October they're gone, kind of like here today, gone tomorrow."**

AOLA has been conducting random lobster sampling of size, sex, eggs and if so, early or late stage, along with presence of shell disease. An analysis of AOLA data for the area within CAII, along with VTR copies, validates the fishermen's statements regarding an enormous population of female lobsters and an extremely high percentage of those females bearing eggs, during the months of June through October.

A number of years ago, offshore lobstermen and scallop fishermen negotiated these areas within Closed Area II, allowing both gear sectors to fish, thus avoiding issues associated with safety, gear conflict and hundreds of thousands of dollars wasted, due to lost gear and time lost fishing. Should NMFS open groundfish CAII, we are hoping that a spatial and temporal agreement such as this can be established among all fishermen who anticipate fishing there between June 1 and October 31 of each year. It is extremely important for the entire lobster fishery to protect these egg bearing females.

[www.offshorelobster.org](http://www.offshorelobster.org)

cc: Cosner, TN (4/30)

The lobster fishery in Southern New England is already facing a critical situation, and scientists have commented that the Gulf of Maine inshore area, while currently yielding record catches, sustains itself on only one year class. The eastern Gulf of Maine and George's Bank fisheries are likely the healthiest lobster fisheries in the Northeast, exhibiting not only a phenomenal number of eggers, but also a healthy population and size distribution. That being the case, you can understand our serious concerns about causing damage to the females and/or the egg populations within CAII. Extremely important in this decision, also, is that scientists are still unaware of where the lobsters, populating the inshore Gulf of Maine fishery, originate, and there is no definite data as to where, within the lobster resource, eggs and larvae are dispersed; it is entirely possible this population could be credited for the sustainability of this species.

We realize there are particular situations that have created a great deal of stress for the mobile gear fleet and it is clear that something must be done to assist them through this challenging time. It is understandable they would want to analyze any and all options available to them, including the opening of the present groundfish closed areas. I reiterate that the offshore lobster fleet fully understands this need; we have not asked for any other area presently open only to lobster fishing remain closed. We do, however, believe it is vital to bring this very important data to the forefront, as it would be **terribly wrong** to make one fishery available when it may be responsible for the utter destruction of another.

I have a significant amount of data that I will be sending to you under separate cover, via the U.S. Postal Service, as the file is much too large to send via e-mail. Please feel free to call me should you have any questions. I will be available, at any time, to discuss the issue as the process moves forward.

With Regards,

*Bonnie Spinazzola*

Bonnie Spinazzola  
Executive Director

Cc: Senator Jean Shaheen  
Senator Kelly Ayotte  
Senator John Kerry  
Senator Scott Brown  
Senator Jack Reed  
Senator Sheldon Whitehouse  
Dave Preble, Chairman  
NEFMC Habitat Committee

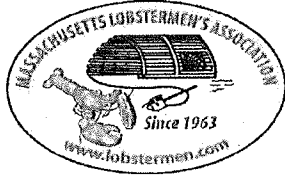
Congressman Frank Guinta  
Congressman Barney Frank  
Congressman Jim Langevin  
Congressman David Cicilline  
Paul Howard, Ex. Dir. NEFMC  
Vince O'Shea, Ex. Dir. ASMFC  
Terry Stockwell, Chairman  
NEFMC Groundfish Committee

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# Massachusetts Lobstermen's Association, Inc.

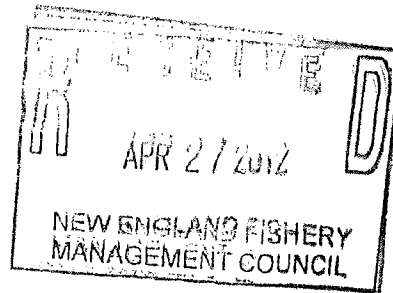
8 Otis Place

Bus. (781) 545-6984 Fax. (781) 545-7837



April 25, 2012

Rip Cunningham, Chair  
New England Fisheries Management Council  
50 Water Street  
Newburyport, MA 01950



Dear Rip,

The 1300 members of the Massachusetts Lobstermen's Association would like to submit the following comments with regard to Amendment 18 to the Groundfish Plan.

1. We support the Council and the NMFS going forward with the Amendment. We believe it is prudent to address issues related to keeping the smaller groundfish vessels in business as opposed to allowing consolidation to occur which could eventually eliminate that part of the fleet. Our concerns revolve mostly from the lobster industry's perspective of how a status quo decision could adversely affect our industry.
2. Should the status quo groundfish plan continue, the possible consolidation of the fleet could result in many of these smaller operations to be forced out of the groundfish industry and into the lobster fishery. Many of these vessels do have lobster permits and would then choose to enter the lobster fishery. This would mean that they could or would decide to purchase traps and put more fishing pressure on our lobster fishery. This would in turn cause the lobster fishery managers to conclude that the lobster fishery has increased its effort and bring about more restrictions on our fishery when our fishermen have basically not increased their effort. We support our groundfish brethren who really would prefer to remain ground fishermen rather than be pushed out of that fishery and forced into the lobster fishery.
3. Our other concern is that we fear that there'll be more gear conflicts between the groundfish fishermen and our fishermen. If the status quo plan allowing consolidation is allowed to continue, the bigger vessels will be able to access areas with heavier gear that the smaller operations can't currently access. These areas are where lobster fishermen now fish. This would result in more gear conflicts. While there is some conflicts between the two sectors, even now, this problem would increase if the larger vessels can push smaller boats out and then push their way into areas where the lobster fleet has moved in its attempt to avoid the groundfish boats and work with them.

W. TN (4/30)

These are our major concerns, redirection into the lobster fishery which we can ill afford at this time and the potential of more gear conflicts which we also can't afford nor do we believe, the groundfishermen want either. For these reasons, we support going ahead with this Amendment from our side of the "big pond" with the hope that you will be able to find a way to protect the smaller fleet which supports many fishing families and fishing communities, many jobs in the fishery and still achieve your goal.

Thank you for your consideration on these points from the lobster industry's perspective.

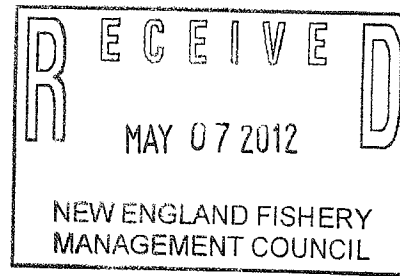
Respectfully yours,

A handwritten signature in cursive script that reads "Bill".

William A. Adler  
Executive Director



New England Fishery Management Council  
Recreational Advisory Panel  
Tuesday May 15 Meeting



Dear Sir,

The stock assessment reflect a failure to account for dogfish both male & female. Perhaps 300 thousand mt. to 900 thousand mt. perhaps a million mt of male dogfish are in the ecosystem. NEW RUN IN THE DOOR SCIENCE. Dogfish are continuously spawning perhaps one pup every two to four weeks.

Recreational advisors should adapt Atkinson's 1903 & 1907 advice & let the American Public put a fork to the dogfish problem.

Recreational fishermen should instructed in preparation of dogfish in the fish & chip form.

Recreation pamphlets on correct method of dressing dogfish should be distributed to all recreational fishermen. The proper method of dressing dogfish would aid the recreational fisherman in obtaining fish for food.

Four step dressing process to allow the recreational to quickly dress & process to obtain the best flavor & quality. Chipfish were sold in North Carolina for several years until commerce invented mislabeling! Pushing the fish & chips would allow recreational fishermen sport & food. Thus addressing the over population of dogfish.

Dogfish are not feeding on adult cod, mackerel, weakfish, squid or menhaden, instead on juvenal of all species. Thus the two to six million mt. per day of food consumed by male dogfish equals millions of juvenals.

Time has come for the advisors to take action & recommend the reduction of both male & female dogfish to 1870 percentages of the biomass.

The recreational sector needs instruction on methods to dress & prepare dogfish for food! Dogfish advisors should act on their knowledge of dogfish question the dogfish reproduction as one pup every three or four weeks changes the numbers so much that the science is totally incorrect. Recreational advisor's need to step up & help solve fisheries problems along the entire East Coast Help "put a fork to the problem" "Demand Better Science"

James Fletcher United National Fishermen's Assoc 123 Apple Rd Manns Harbor North Carolina 27953 252-473-3287

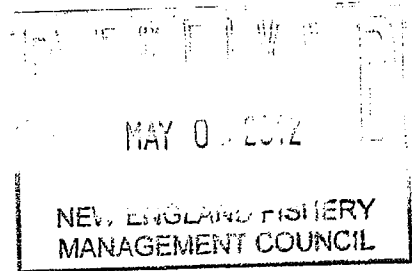
May 7, 2012

cc: Council, PH (5/7), JN, JH



David Waldrip  
Charter Boat Relentless  
80 Green Street  
Rockland, MA 02370

Mr. Paul Howard  
New England Fisheries Management Council  
50 Water Street, Mill 2  
Newburyport, MA 01950



Dear Mr. Howard:

I am submitting these comments to be taken into consideration at the scheduled Recreational Advisory Panel Meeting on Tuesday, May 15<sup>th</sup>. I have owned and operated a charter boat fishing for Northeast Multi Species since 2001. The past seven years I have been fishing out of Green Harbor in Marshfield, MA. There are over twenty charter boats which fish out of Green Harbor for cod, haddock and other species of ground fish. I have been active in fishery management issues, donated our vessel to the School for Marine Science and Technology (SMAST), University of Massachusetts, Dartmouth cod tagging program for research. During the past several years we have tagged over three thousand cod fish to obtain more accurate data on the movement and growth rate of GOM cod.

During the past twelve years I have personally observed the cod and haddock fishery drastically improve each year on Stellwagen Bank. The last three years we have seen a large increase in the catch of pollock with schools so thick they were actually chasing sand lance on the surface and hitting jigs ten feet under the boat.

Charter and recreational fisherman were finally seeing the results from years of sacrifices such as increase in the minimum cod size, reduced bag limits and seasonal closures. Fisherman, both commercial day boats, charter and private vessels had no problem finding cod, haddock and pollock each trip. Our customers were eager to book fishing trips, often booking multiple trips each season.

Last summer and fall we were finding less fish on Stellwagen Bank and this year the catch rate is only a fraction of what it should be. Many of the charter boats are struggling locating not only cod but haddock and pollock

*cc: tn, fh*

also in the GOM, especially on Stellwagen Bank. Our catches are down by over seventy percent this spring while fishing the same waters and using the same methods we have used the last decade.

Presently with large schools of mackerel and herring on the bank and there is absolutely no reason vast amounts of cod and pollock should be feeding on these piles of bait. There are very few fish to be found under or near the bait.

There is no doubt in my mind and based upon my experience that the lack of ground fish on Stellwagen Bank is a direct result of the catch share system that is now in place. Prior to catch shares, small commercial day boats would go out, catch their daily trip limit and return to port to offload. The situation we have now is very large draggers, some in excess of one-hundred feet which historically in the past fished Georges Bank are fishing around the clock, day and night sweeping Stellwagen Bank clean of all species of Groundfish.

We did not have any problem finding and catching groundfish with a rod and reel prior to the implementation of catch shares. The fishing was significantly better when daily trip limits were in place along with the rolling closures in the GOM.

A single charter with fare, tip, local hotels, vehicle fuel, food and other items is well over two thousand dollars to the local economy. With sixty trips out of one small harbor by twenty or thirty boats on a three day weekend, it translates to over \$100K to the local economy. Multiply this for three months and it is a loss of millions of dollars to the local economy.

I am respectfully requesting NEFMC and NMFS seriously look into this situation and develop measures to protect the charter fleet. This could include limiting the size of the vessels within the 100 fathom curve, daily trip limits, seasonal or rolling closures. Without any change in regulations there will be no fish left to catch.

I appreciate your time and please take this request seriously.

Respectfully,

Captain David Waldrip  
Charter Vessel Relentless

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**From:** Robert Odlin  
**Sent:** Tuesday, May 08, 2012 11:55 AM  
**To:** Joan O'Leary  
**Subject:** RAP

I'd like to send written comments on the next advisory meeting regarding RAP.

I feel that the bag limit for cod should be reduced to 5 fish. And fishery At Sea Monitors should be on recreational boats 38% of the time just like commercial boats.

No one should be allowed to fish for cod in the closed areas. What's good for one user group is good for the other.

Especially head boats who really put a serious dent in the cod quota. They should have 100% observer coverage. Also Lobster boats catch a lot of cod, they should be burdened with Observer coverage just like the rest of the Commercial Groundfish fleet.

This is no time to be letting people have a free ride.

Rob Odlin  
Scarborough, Maine



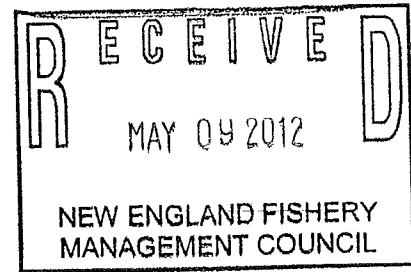
May 9, 2012

Mr. Paul Howard

New England Fisheries Management Council

50 Water Street, Mill 2

Newburyport, MA 01950



Dear Mr. Howard:

I am writing to express my concerns regarding the localized cod stock depletion and the apparent need for more effort controls among large Commercial ground fish trawlers which are tirelessly hammering the Stellwagen Bank area and its' immediate waters. I ask that my comments be considered during the scheduled Recreational Advisory Panel Meeting on Tuesday, May 15<sup>th</sup>.

By all accounts made to me on behalf of the Charter Boat Captains that regularly fish the Stellwagen Bank area, there seems to be a severe decline in the cod stocks in what had been a healthy and productive fishing grounds for the past decade. The recent and severe cod stock depletion problem appears to reflect the increased localized fishing effort by these large ground fish trawlers.

In my opinion, our inshore stocks need more protection from large Commercial trawl vessels as too many fishermen are simply fishing on too confined an area. This situation, which I believe is largely a spinoff of the recent catch shares program, is having an adverse effect on a non-intended user group and ultimately destroying the livelihood of Charter boat operators. Localized cod stock depletion is further reducing the chances that the fishery will return to a sustainable level any time soon.

I ask on behalf of the 130 members of the Stellwagen Bank Charter Boat Association, that you and the NEFMC put forth emergency effort controls that will restrict the large trawlers from further destroying the fragile and highly depleted cod stocks on and around the vicinity of Stellwagen Bank.

Thank you for your time and consideration in this urgent matter.

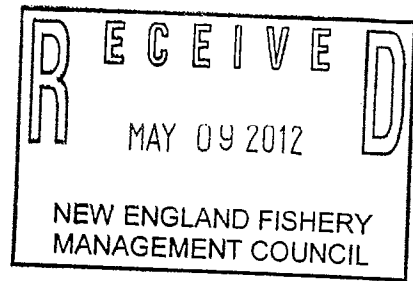
Respectfully Yours,

Steven E. James

President, SBCBA

*cc: tn, fh*

**From:** Michael Colleary  
**Date:** Wednesday, May 9, 2012 2:28 PM  
**To:** Rip Cunningham  
**Subject:** GOM and Stellwagen Bank



Mr. Rip Cunningham,

I am writing as a concerned recreational fishermen regarding the current lack of ground fish on Stellwagen Bank. I regularly join shared charters for groundfish and wanted to express the experience of fishing last week. Aboard Relentless Captain Shaun Waldrip ran his dads boat and finding fish has never been as difficult in my experience.

Six men fishing for ten hours yielded only 28 fish. We saw giant mid-water trawlers on Stellwagen. These commercial factory vessels are devastating a treasure in my opinion. How is it this is going on? Many of the fishermen I meet are from the mid Atlantic states, they drive for hours and stay at local lodging establishment eat at local restaurants buy tackle from local bait shops buy fuel locally to drive home with local ice.

Local Captains and the economy are suffering by the mismanagement of the resource we have off our coast. Often when I tell co-workers or friends about a fishing trip it warms my heart to say this asset of Stellwagen is World Class Fishing. However I am loosing that enthusiasm after my day on the water last week.

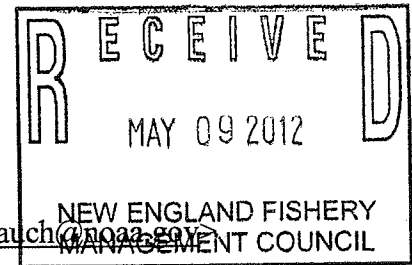
Thank you

Michael Colleary

*cc: tn, fh*



**From:** Skip DeBrusk  
**Date:** May 9, 2012 9:15:24 AM HST  
**To:** Paul Howard <phoward@nefmc.org>  
**Cc:** Daniel Morris <daniel.morris@noaa.gov>, Samuel Rauch <samuel.rauch@noaa.gov>  
**Subject:** Recreational Advisory Panel Meeting depleted cod stocks



Dear Mr. Howard:

Because I am unable to attend the Recreational Advisory Panel Meeting scheduled for May 15th, and therefore I am writing to express my concerns regarding the localized cod stock depletion and the apparent need for more controls of large commercial ground fish trawlers which have depleted the local cod stock of Stellwagen Bank area and its' immediate waters. I ask that my comments be considered as if I were present on Tuesday, May 15<sup>th</sup>.

There is a severe decline in the cod stocks in what had been a healthy and productive fishing grounds for the past decade. The recent and severe cod stock depletion problem appears to reflect the increased localized fishing effort by these large ground fish trawlers who, in the past, were fishing further offshore.

Our inshore stocks need more protection from large commercial trawl vessels as too many fishermen are simply fishing on too confined an area. This situation, which I believe is largely a spinoff of the recent catch shares program, is having an adverse effect on a non-intended user group and ultimately destroying the livelihood of charter boat operators. Localized cod stock depletion is further reducing the chances that the fishery will return to a sustainable level any time soon.

My request is for the NEFMC to put forth emergency effort controls that will restrict the large trawlers from further destroying the fragile and highly depleted cod stocks on and around the vicinity of Stellwagen Bank.

Thank you for your consideration in this urgent matter.

Sincerely,

Capt. Skip DeBrusk

Codfish, Dogfish, Mermaids, and Frank  
By Capt. Skip DeBrusk  
18 Michael Ave.  
Scituate, MA 02066 781-545-1353

*cc: tn, fh*

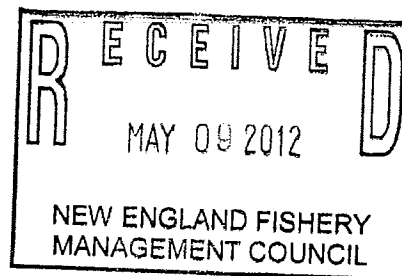
From: "Capt. Rich Antonino"

Reply-To:

Date: Wednesday, May 9, 2012 1:10 PM

To: Rip Cunningham <ripcham@verizon.net>

Subject: Conservation and cod



Rip,

Wow. The fix is in. Remember my words. The deck is stacked and here is how it is going to play out. I want to throw up I'm so disgusted at the current affairs of our government and the fisheries department.

1. The fishing on Stellwagen Bank over the past several years has gotten better and better for the spring bite when the fish are in the shallow water. Last year was so incredible that words couldn't describe it. I had fish slamming into my boat (literally) on several occasions. Yes, cod on the surface. As the fish moved into deeper water, the fishing has remained excellent through the fall when the season is closed for us.
2. The old regulations of 800 pounds per day disappeared and the catch shares program allowed unlimited daily catches of cod. So the draggers and longliners lined up on Stellwagen and went to work. 40,000 and 50,000 pounds/day/boat catches reported and conga lines of boats working Stellwagen verified.
3. Reports of boats hammering Stellwagen Bank and then moving offshore to George's Bank afterward...reporting catch as occurring on George's to get through loophole in reporting laws.
4. Now there is hardly a cod on Stellwagen Bank!!! It is as bad as you could imagine in the shallow water on top of Stellwagen. The bait is everywhere and the fishing should be incredible.

My crystal ball prediction...

Emergency closure coming for next year... this will wipe out the small draggers and hook-and-line guys. Companies with many boats will "sacrifice" a 1/3 of their fleet (the boats that they don't want anyways) and put their company-wide losses on those boats. They'll make money through tax losses and trim their fleet in the process. It'll be a three year closure. Very few commercial boats will survive and only the biggest/ones with political clout will emerge. Recreational fishing will resume, but with a 5-fish limit. In light of being shut down completely, we'll "be happy" with the scraps that are being thrown our way. Charter boats and tackle stores will suffer tremendously. I bet 30-40% of charter boats are out of business, with overall trips reduced in the fleet by 50-60%. The "sliver" of closed area on Stellwagen Bank will show great signs of life, so the sliver will grow. Fishing pressure outside of the sliver will increase, so the fishery outside the sliver will be seen to suffer...The population inside the sliver will look more vibrant, so it'll get expanded even larger.

Rip, the foot is in the door big time and it really sickens me to see it happen. I say that "the fix is in" because it's so clearly obvious that allowing that much pressure in such a small area would wipe out the fish population. Now that it's happened, the government can run in and "save the day". They can also argue to keep us off of the water!

At one of the meetings this winter, Rhode Island I believe, I was told that the charter boat/recreational fleet is having good years because we were very mobile and could keep our boats on the schools of fish, but "that the population was greatly diminished, but showed signs of localized concentrated populations" that allowed us to have great catches. Yes, this is what I was told....Because that is what the Govt. believes, allowing widespread concentrated commercial pressure on such a population is CRIMINAL. The results that we're seeing now were completely predictable.

I'm really fed up with the current state of affairs here.

Sincerely,

Capt. Rich Antonino

Black Rose Fishing Charters

cc: to Lh

**Date:** May 9, 2012 8:06:29 PM PDT

**To:** <phoward@nefmc.org>, <danielmorris@noaa.gov>, <samuel.rauch@noaa.gov>

**Cc:** <Paul.Diodati@state.ma.us>

**Subject: 2013 Cod/Hadd Regulations: GOM: Recreational Fisheries**

I am a charterboat captain operating out of Massachusetts. I have fished for many years on Stellwagen Bank and never have seen such devastation as has been caused in the last year by **Sector Draggers** on Stellwagen Bank in one year. Last year the fishing was Fabulous. We caught our limit of 80 cod by 9:30-10:00am. Customers were happy and we went for haddock and pollock the rest of the day. Today, we barely catch any cod, usually skinny 19" fish that escaped the draggers nets. We have to go 250' to 390' to maybe catch some haddock and a few small cod.

"Catch Shares" and "Sectors" is the cause of this disaster and I blame Jane Lubchenco and her relentless push for "Catch Shares" for this disaster. It is criminal what she has done to our groundfishing in New England. Please stop this Massacre of our precious groundfish now. Re-establish the 800 lb. daily trip limit to commercial vessels fishing within GOM and the 2,000 lb. daily trip limit on vessels fishing GB.

Keep big draggers 50' or bigger zoned out beyond the 100 fathom line. Prohibit commercial boats with no previous history from fishing Stellwagen Bank ie. Cape Cod Hooker's Association.

I am a charterboat operator and feel that any further restrictions on recreational fisheries should take into consideration the socio-economic needs of charter/headboats as compared to general recreational anglers. The charter/headboat customer from Pennsylvania or New Jersey who only fishes one time each year deserves to catch his share of cod compared to the guy in Massachusetts who has a boat and fishes 10-20 times a year for cod.

Thank-you for your consideration.

Yours truly,

Capt. Debra Richardson  
Bigfish II Sportfishing Charters



1



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

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

MAY 17 2012



Dear Paul:

Your letter of May 1, 2012, requested, on behalf of the New England Fishery Management Council, that we immediately reconvene the Harbor Porpoise Take Reduction Team (TRT) to develop alternatives to the TRT's consequence closure area strategy. Your letter stated that the Council believes that the consequence closures proposed for the fall of 2012 would have very serious negative social and economic impacts on small boats and fishing communities in New England at a time when these vessels already are facing severe economic hardship from other fishing restrictions.

We appreciate your concerns and want to provide more information to clarify the situation. First, the regulations implementing the consequence closure strategy are not "proposed" regulations as your letter states. The consequence closure strategy was developed and implemented as part of the 2010 amendment to the Harbor Porpoise Take Reduction Plan (TRP), which became effective on March 22, 2010 (75 FR 7383, February 19, 2010). The consequence closure strategy was based on a consensus recommendation by the TRT. As you are aware, the TRT is a multi-stakeholder group established under the Marine Mammal Protection Act (MMPA) that includes fishermen, scientists, representatives from the Fishery Management Councils, the states, and environmental organizations. The TRT serves as an advisory body for the development of the TRP, which addresses incidental harbor porpoise bycatch resulting from commercial gillnet fishing operations. Members of the TRT agreed that the plan should include strong incentives for compliance with acoustic deterrent (pinger) requirements to ensure that New England gillnet fishermen would use and maintain pingers. Rather than punitively implementing immediate closures due to past poor compliance with the pinger requirements, the measures provided gillnet fishermen with another opportunity to operate in compliance with the pinger requirements. Since pingers are known to be highly effective at reducing harbor porpoise bycatch, the TRT decided that a rate of observe bycatch would serve as an indicator of pinger compliance.

At the April Council meeting, my staff presented data that showed harbor porpoise bycatch associated with commercial gillnet fisheries had exceeded the threshold established under the TRP. Further analysis indicated that the increase in harbor porpoise bycatch was attributed to inadequate compliance with the pinger requirements; it was found that only 41% of the observed hauls had fully complied with the pinger requirements (i.e., correct number of pingers affixed to their nets and all pingers were functioning). As a result of these findings, existing regulations under the MMPA required that we implement the Coastal Gulf of Maine Consequence Closure Area for gillnet vessels during the months of October and November.



cc: fu, fh, etc. ap, COU (str) Council

The closure will remain in effect until bycatch levels achieve the MMPA's zero mortality rate goal established for harbor porpoises or until we and the TRT develop and implement new measures.

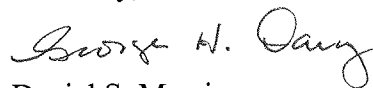
As is the case with all of our regulatory actions, we considered the impacts that would result from all of the measures contained in the 2010 amendment to the TRP, including the consequence closure strategy. Given the alternatives available to us, we crafted the final regulations to minimize such impacts while still achieving the MMPA requirements. Nonetheless, we understand the economic concerns raised by the Council and, as I stated at the April Council meeting, we are already planning to reconvene the TRT.

Although the Council has expressed a desire to have us convene the TRT immediately, convening the TRT before the data are collected and analyzed would not be productive. During the upcoming months, we will be assessing not only the harbor porpoise bycatch within the areas associated with the consequence closure strategy, but also the areas throughout the species' entire range. In addition, we are also analyzing the 2011 harbor porpoise survey data to generate a new harbor porpoise abundance estimate. The harbor porpoise bycatch and abundance estimates are critical components of the TRP process and essential to evaluate the effectiveness of the TRP toward achieving its requirements under the MMPA. Consequently, we are not planning to reconvene the TRT until the harbor porpoise bycatch and abundance estimates are complete and available for the TRT's deliberations. As I stated at the Council meeting, we expect the harbor porpoise bycatch and abundance estimates to be completed and available to the TRT by this fall.

In addition, I would like to remind the Council that, should the TRT, through its consensus process, recommend that we take action to remove or replace the consequence closure strategy, we must fully evaluate the biological and socio-economic effects of the requested action on the resource and the human environment. Therefore, any such action would be required to follow the Federal rulemaking process, including, but not limited to, the procedures set forth in the Administrative Procedure Act (APA), National Environmental Policy Act (NEPA), and the MMPA.

I appreciate your concern for the fishermen affected by the implementation of the Coastal Gulf of Maine Consequence Closure. We will continue to monitor the status of harbor porpoise bycatch and abundance and will reconvene the TRT when the data become available this fall. If we learn that the analyses will be completed and available to the TRT sooner, we will adjust our plan to meet with the TRT accordingly. To that end, we look forward to continuing to work with the Council and other members of the TRT in achieving the TRP's goals and objectives.

Sincerely,



451 Daniel S. Morris  
Acting Regional Administrator

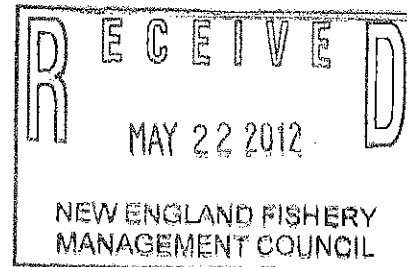
cc: David Gouveia



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

MAY 21 2012

Mr. Paul J. Howard  
Executive Director  
New England Fishery Management Council  
50 Water Street, Mill 2  
Newburyport, MA 01950



Dear Paul:

Following the Council's February 1, 2012, meeting you requested on behalf of the Council that I expedite the approval of a sector exemption request that would enable a targeted redfish fishery by authorizing the use of a 4.5-in. mesh codend. The exemption request was primarily based on the preliminary results of a sub-component of a cooperative research project titled, "REDNET: A Network to Redevelop a Sustainable Redfish (*Sebastes fasciatus*) Trawl Fishery in the Gulf of Maine." At the time of your request, the results of this project, although promising, were preliminary and had not been finalized by the research team or technically reviewed.

We recently received the REDNET final report for the project sub-component that proposed to establish a baseline for catch and bycatch in a directed redfish fishery using a 4.5-in. mesh codend. This report was technically reviewed by the Northeast Fisheries Science Center. Given the Research Steering Committee's traditional role in evaluating cooperative research results applicable to fisheries managed by the Council, I am requesting they also review the results of this project and the technical review comments at their next meeting. Their timely review of these results would help inform our consideration of this sector exemption that, if approved, would enable a targeted redfish fishery using a 4.5-in. mesh codend.

Thank you for your consideration of this request.

Sincerely,

Daniel S. Morris  
Acting Regional Administrator

Attachments (2)



11/11/11

11/11/11



3



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116  
C. M. "Rip" Cunningham, Jr., *Chairman* | Paul J. Howard, *Executive Director*

February 7, 2012

Mr. Dan Morris  
Acting Northeast Regional Administrator  
NMFS/NOAA  
55 Great Republic Drive  
Gloucester, MA 01930-2298

Dear Dan:

During the groundfish discussion at the NEFMC's meeting on February 1<sup>st</sup> 2012, the Council requested two actions that they feel will help mitigate the impacts of low Gulf of Maine (GOM) cod catch levels that are expected in FY 2012. This letter is intended to serve as a request for the following items:

1. The Council requests that NMFS consider the recently revised estimates of recreational GOM catches in FY 2010. The new MRIP data, which has recently been released, shows that the recreational fishery did not exceed its sub-ACL for this stock, as was previously believed when the MRFSS data was used. In light of this new information, we would like to request that recreational accountability measures addressing GOM haddock be adjusted or removed by the most expedient method.
2. The Council would also like to ask that NMFS expedite approval of a sector exemption request that would facilitate targeting of redfish in the GOM. The Council received a presentation on the REDNET project and feels that an increased ability to target the abundant redfish stock will facilitate some fishery participants to be more profitable in the face of reductions in GOM cod ACLs.

Thank you for your consideration of these issues and cooperation on our shared commitment to finding solutions that will sustain our industry through the anticipated reductions in GOM cod catch. As always, please call me if you have any questions.

Sincerely,

Paul J. Howard  
Executive Director



December 1 2011

Patricia Kurkul, RA  
NMFS  
55 Great Republic Ave.  
Gloucester, MA 01930

Dear Pat,

The Sustainable Harvest Sector and Northeast Fishery Sectors submit the following exemption request for FY2012:

**EXEMPTION FROM THE 6.5" CODEND MINIMUM MESH SIZE REQUIREMENT FOR TRAWL GEAR BEING UTILIZED BY SECTOR VESSELS ON A TARGETED REDFISH TRIP:** Sector vessels will be

authorized to utilize a codend mesh size that is 4 1/2" or larger on trawl gear for directed redfish trips. Sector Vessels utilizing this exemption, must notify their Manager a minimum of 48 hours in advance of their trip and are required to have 100% observer coverage for all trips utilizing this gear. Furthermore, Sector Vessels utilizing this exemption will be required to submit daily catch reports to their Sector Manager, to ensure catch is harvested within the sectors ACE.

Justification: The Sustainable Harvest Sector and the Northeast Fishery Sectors were allocated a substantial amount of Redfish ACE for both Fishing Year 2010 & 2011. At the start of the 2010 fishing year, sector members predicted a harvesting efficiency of 40% for redfish using commercial trawl gear allowed under the current federal regulations, §648.80 (a) (3). Final accounting of FY 2010 NE Multispecies Catch shows that the fishery as a whole harvested only 31% of the Redfish ACL. This low harvesting efficiency resulted in a loss in revenue to the individual vessels as well as the Northeast Fishery sectors through operational fees collected on landed catch. Recent codend selectivity research by the Gulf of Maine Research Institute shows this estimation of efficiency to be at the high end. Eayrs (2008)<sup>1</sup> demonstrated that a 6.5" diamond mesh codend only retained 21% of legal sized redfish by weight. The following year, retention of legal sized redfish was only 5% for the same codend configuration and 4% retention was calculated for a 6.5" square mesh codend (Eayrs 2009)<sup>2</sup>. Eayrs concluded that these codend mesh sizes were too large to retain legal sized redfish and that a substantially smaller mesh size would be required to optimally harvest redfish.

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<sup>1</sup> Eayrs, S. 2008. Evaluation of the selectivity of four codends in the New England groundfish fishery. Final Report. Gulf of Maine Research Institute. Portland, Maine.

<sup>2</sup> Eayrs, S. 2009. Evaluation of the selectivity of four codends in the New England groundfish fishery. Draft Final Report. Gulf of Maine Research Institute. Portland, Maine.

Traditionally, the directed redfish fishery was conducted using a small mesh (~3") codends (Mayo et al. 2006)<sup>3</sup>. In 1977 the minimum allowable mesh size increased from 4 ½" to 5" and by 1994, the minimum mesh size had increased to 6". These increasing minimum mesh size restrictions were in part the cause of the elimination of the directed fishery. Northeast Fishery Sectors requested exemption from the 6.5" codend minimum mesh size requirement for trawl vessels targeting redfish for FY 2011 and were denied because the Agency was/is funding a study conducted by the Massachusetts Division of Marine Fisheries in conjunction with SMAST, the Maine Department of Marine Resources, and the Sustainable Harvest Sector to investigate strategies and methods to sustainably harvest the redfish resource. Information from that study is now available, and demonstrates that a directed fishery for Redfish will have minimal impact on undersized Redfish and minimal impact on other groundfish species.<sup>4</sup>

While the Sustainable Harvest and Northeast Fishery Sectors understand the Agency's protective rationale behind denying this request, it is resubmitting it again this year based on the new supporting documentation provided by the "report". Catch share systems such as sectors allow fishermen to plan their businesses better and be more selective about when and how they catch their harvest share because they know their percentage share of the Sectors ACE is secure.

The sector catch share system should enable sector members to plan their fishing schedules in response to market, weather, and individual business conditions thereby improving economic efficiency. Exemptions such as this further the intent and purpose of the Sector catch share system and the much needed flexibility and efficiency touted as a benefit of catch shares.

This exemption will be used throughout the fishing year by vessels in the Sustainable Harvest and Northeast Fishery Sectors.

This exemption if granted will provide positive benefits to the fishing operations of vessels that utilize it. As FY 2010 data shows 69% of the sector redfish allocation was not harvested which resulted in a loss of potential revenue to sector Vessels.

The Sustainable Harvest Sector and Northeast Fishery Sectors expects positive impact to sector operations if this exemption is approved because providing Sector Vessels a mechanism to address the low harvesting efficiency associated with the current regulations and directed redfish trips will not only result in increased revenue to individuals but will also provide additional revenue for the sector to cover its operational expenses by expanding the landings and associated fees of allocated stocks.

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<sup>3</sup> Mayo, R., L. Col and M. Traver. 2006. <http://www.nefsc.noaa.gov/sos/spsyn/pg/redfish/>

This regulation is codified in 50 CFR §648.80 (a) (3).

Additional Supporting Data:

- Kanwit, K, Pol, M., and He, P. 2011. REDNET summary of exploratory fishing (below).
- Redfish catch/discard tally by trip (attached as separate file).

**Summary of REDNET exploratory fishing trips May - September, 2011**

Co-PIs: Kohl Kanwit of ME Department of Marine Resources;  
Mike Pol of the MA Division of Marine Fisheries;  
Pingguo He of UMass Dartmouth School for Marine Science and Technology

"REDNET: A network to redevelop a sustainable redfish (*Sebastes fasciatus*) trawl fishery in the Gulf of Maine" is a collaborative research project funded by the NMFS Northeast Cooperative Partners Program. This project is a multi-faceted effort to explore the potential for a directed redfish fishery by conducting exploratory fishing, identifying the optimum mesh size, developing bycatch reduction devices, studying economics and marketing and conducting outreach.

Results from the first three trips of the exploratory fishing component of the REDNET project show sizable catches of the target species (redfish) and minimal catch of other regulated groundfish. Between May and September 2011, three vessels each went on a five day trip completing a total of 50 individual tows. They explored a large area of historic relevance to the redfish fishery in the middle of the Gulf of Maine at depths between 80 and 140 fm. The participating fishermen used a 4.5" diamond mesh codend to target redfish and identify if catch of other regulated groundfish would be problematic. The three trips resulted in a total catch of 118,323 pounds of kept redfish with 9,583 pounds of other regulated groundfish, the majority consisting of pollock (72%). All catch counted against sector allocations and the percent of regulated groundfish other than redfish by trip ranged from 12-18%. The percent of regulated groundfish other than redfish by tow ranged from 0-55% for tows where the total catch was over 100 pounds. Six tows had less than 100 pounds of total catch, including two 0 tows. Sublegal redfish catch (<9") was also minimal at 9,252 pounds discarded (7% of the total redfish catch). Discards of undersized groundfish, including redfish, ranged from 4 -12% per trip.

These results are promising and seem to indicate that a targeted redfish fishery can occur in the sector management system using smaller mesh codends without significant negative impact on other species of groundfish or the sublegal population of redfish. Additional trips will take place under the Experimental Fishing Permit issued by the National Marine Fisheries Service for the purposes of this work.

Sincerely,



Hank Soule  
for the Sustainable Harvest and Northeast Fishery sectors

