

## PART 9: EIS COMPLETENESS INFORMATION

### §9.1 List of Preparers

This draft Fishery Management Plan, Environmental Impact Statement, Regulatory Impact Review and Initial Regulatory Flexibility Analysis were prepared by:

Douglas G. Marshall Executive Director	Overall responsibility for FMP development.
Guy Marchesseault, Ph.D. Deputy Executive Director Fishery Science	Principal responsibility for FMP development, including policy, objectives, management program and all supporting analyses.
Howard J. Russell, Jr., M.S. Fishery Analyst Marine Fishery Biology	Responsible for resource condition analysis and resource impact analysis of the management program and its alternatives.
Louis Goodreau, M.S. Fishery Analyst/ Marine Resource Economics	Responsible for fishery operation analysis and economic impact analysis of the management program and its alternatives.
Richard Ruais, M.P.A. Fishery Analyst/ Public Policy	Responsible for policy development, recreational fishery analysis, and user group interactions.
Christopher Kellogg, M.A. Fishery Specialist/ Marine Resource Economics	Responsible for industry analysis, including processing, marketing and foreign trade.
Ann Hochberg, M.S. Fishery Specialist/ Resource Management	Responsible for research and data needs and assisted in socio-economic, resource and industry impact analyses.
Sharon E. Lake Fishery Specialist	Responsible for FMP consistency with other laws and applicable statutes.
Madeleine Hall-Arber, M.A. Anthropologist	Responsible for socio-cultural description of the industry and identification of management impact criteria.

Overseeing and guiding the development of the Northeast Multi-Species Fishery Management Plan and its associated environmental, economic and regulatory impact analyses was the Council's Multi-Species FMP Oversight Committee, composed of: Chairmen James Salisbury and Robert Jones, and members Spencer Apollonio, Joseph Brancalone, James Costakes, John Cronan, Herbert Drake, Thomas Fulham, Robert Smith, Anthony Verga and Barbara Stevenson (MAFMC).

## 9.2

In addition, the following individuals contributed to the overall formulation and preparation of the Northeast Multi-Species Finfish Fishery Management Plan:

Peter Colosi, Northeast Regional Office, NMFS.

Joel MacDonald, Northeast Regional Counsel, NOAA

Dr. Michael Sissenwine, Dr. Wendy Gabriel, Dr. Steve Murawski, Dr. William Overholtz, Joan Palmer, and other staff of the Northeast Fisheries Center, NMFS.

Editorial and production assistance was provided by Laurie Gronski and Marjorie Rose of the Council staff.

### §9.2 Distribution List

#### A. Federal Agencies

U.S. Environmental Protection Agency (Regions I, II, III)  
Department of State  
U.S. Coast Guard  
Department of Interior  
    Bureau of Land Management  
    Fish and Wildlife Service  
    Bureau of Indian Affairs  
Department of Commerce  
    NOAA, Office of Coastal Zone Management  
U.S. Army Corps of Engineers  
Marine Mammal Commission  
Mid-Atlantic Fishery Management Council  
South Atlantic Fishery Management Council  
Atlantic States Marine Fisheries Commission

#### B. State Agencies

Maine Department of Marine Resources  
Maine State Planning Office (Maine Coastal Program)  
New Hampshire Dept. of Fish and Game  
Massachusetts Division of Marine Fisheries  
Massachusetts Office of Coastal Zone Management  
Rhode Island Dept. of Environmental Management - Div. of Marine Fisheries  
Rhode Island Statewide Planning Program  
Connecticut Dept. of Environmental Protection  
New York Division of Marine and Coastal Resources  
New Jersey Division of Fish, Game and Shellfisheries  
Pennsylvania Fish Commission  
Maryland Department of Natural Resources  
Virginia Marine Resources Commission  
Delaware Division of Fish and Wildlife  
North Carolina Division of Commercial and Sport Fisheries

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### §9.3 Response to Public Comments Received

The Council received comments on the proposed Fishery Management Plan for the Northeast Multi-Species Fishery at three sets of public hearings held in August 1984, February 1985, and April 1985. Although comments on the draft EIS accompanying this FMP were only solicited at the April hearings, the Council has nonetheless responded herein to all written comments received. The format that has been followed in this section is to provide responses, both general and specific, to the various comments. Recognizing that there was extensive repetition of concerns and observations across those comments, the numbering that is associated with each of the responses can be cross referenced back to the specific written comments which follow.

#### General Categories

##### 1. Minimum Fish Size

The basic measures which will enable the plan to achieve its objectives are the minimum fish size regulations. In order to enforce these regulations, the same minimum size for any species must exist throughout its range. Unfortunately, because fish of the same species may mature at different sizes throughout their range, minimum fish size regulations often represent a compromise among the biological and economic objectives of different regions. Through the public hearing process, the Council has arrived at the minimum fish sizes which it believes are the best compromise between biological and economic considerations for a number of species. This is particularly true for winter flounder, summer flounder and yellowtail flounder.

The plan includes a different timetable for increasing the minimum size for recreationally caught cod and haddock and an allowance of two undersized fish per recreational fishermen for several reasons. (1) The minimum sizes for recreationally caught cod and haddock are currently less than the commercial minimum size. If recreational fishermen faced the same minimum size increases as the commercial fishermen, they would lose a much greater proportion of their catch. (2) Recreational fishing mortality is much less than commercial fishing mortality. (3) Recreational fishermen have much less control over the size of fish they catch than do commercial fishermen. (4) The allowance of two undersized fish per fishermen recognizes the fact that it is very difficult to enforce minimum sizes on the recreational fishermen and that most recreational fishermen do not catch more than two fish per trip.

##### 2. Mesh Size

The mesh size regulations contained in the plan are intended to reduce the at-sea discard of juvenile fish. They are not a substitute for the minimum size measures but were designed to make the minimum size regulations more effective. Even if they are difficult to enforce, they are valuable in setting a guideline for fishermen to allow adequate escapement of juvenile fish.

The correspondence between fish size and mesh regulations will never be perfect because nets, especially trawl nets, do not have "knife edge" fish retention characteristics. In other words, even the optimum size mesh will catch many fish that are smaller than the minimum size in order to efficiently

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catch fish larger than the minimum size. In a multi-species fishery this problem is compounded by the number of different species that must be considered in setting appropriate sizes for both the net and the fish.

Together with fisheries scientists from the Northeast Fisheries Center, the Council has determined that a six inch minimum size for diamond shaped cod-end mesh (or equivalent measures) would meet its objectives for the cod, haddock and yellowtail stocks on Georges Bank. If it can be adequately determined that a square mesh cod end of a smaller size provides for the same level of escapement for juvenile haddock as the existing diamond mesh size, and is consistent with the overall objective of the FMP, then the Council will allow the smaller square mesh cod end to be used.

Recognizing that many fishermen will face great difficulty in making the change to a larger mesh size because they will suffer initial decreases in landings and revenues, the Council has decided to phase-in any increases in these measures over several years.

The Council has decided that it would be inappropriate to establish minimum mesh sizes for small mesh species because, with the exception of redfish, there is insufficient evidence that such measures are needed to protect these species. It is too difficult to determine or enforce an optimum mesh size for these species, because the exempted fisheries regulations should adequately prevent the catch of a large amount of regulated species and because such regulations would impose inefficiencies on the fishing industry.

### 3. Regulations and Enforcement

The plan includes a new permit system which requires all commercial fishermen to annually renew their permits for operating in the multi-species fishery. The penalty schedule has been substantially revised and penalties have been increased to include higher fines, the revocation of fishing permits and the seizure of vessels in some instances. Under existing and proposed regulations, both the captain and the owner of a vessel are responsible for any fishing violation. In addition, the Council, in cooperation with the National Marine Fisheries Service and the Coast Guard, is working to improve enforcement programs for current and future fishing regulations.

### 4. Measures Concerning Gear, Gear Marking and Gear Conflicts

The Council's policy is to impose the least possible amount of regulatory interference in the fishery. Only gear regulations which have demonstrable biological impact have been considered in order to meet biological objectives. Gear regulations whose main purpose is to resolve conflicts have been considered in a different light. The Council has intentionally rejected gear restrictions which severely limit any individual group's access to the fishery, which arbitrarily lessen the efficiency of any fishing method or which do not adequately solve conflicts between different groups of fishermen.

The Council considered the possibility of requiring gillnet fishermen to continually tend their gear in response to assertions from recreational fishermen that this measure would reduce gear conflicts and minimize wasteful fishing mortality caused by lost or infrequently tended gillnets. The Council ultimately decided against this measure for a number of reasons.

First, there is no clear conservation-related reason why gillnetters alone should reduce their fishing effort because gillnetters alone do not catch enough cod and haddock to account for the low abundance of these species. Therefore the only basis for requiring gillnetters to reduce their fishing effort would be to resolve the conflict between gillnetters and recreational fishermen over access to certain fishing grounds.

Second, the Council learned that it was impossible for a large number of gillnet fishermen to tend their gear, because their vessels are not physically capable of carrying both the fishing gear and the amount of catch necessary for profitable operation. Fishermen from many of the smaller gillnet vessels convincingly explained that such a measure would force them out of business.

Third, the Council views the conflict between gillnetters and party and charter boat operators as stemming from intense competition for limited productive fishing areas and recognizes that allocating fishing bottom is the most practical solution in the event that non-regulatory efforts fail to resolve the conflict. The Council has initiated and is sponsoring a major effort involving party and charter boat representatives and the New England Gillnetter's Association to seek a non-regulatory solution to the conflict. At present, a Council imposed allocation of fishing privileges would be inconsistent with its stated policy for managing the multi-species fishery.

Finally, there is no statistical evidence to indicate that the level of mortality caused by lost or infrequently tended gillnets is excessive in comparison with mortality caused by other fishing gear. Preliminary findings from a major gillnet study by the research vessels Seward Johnson and the Johnson Sea Link do not indicate that fishing by "ghost gillnets" is a serious problem in the the Gulf of Maine.

Certain gear marking requirements, such as the gillnet marking regulations, which do not impose a high cost on any single group, and for which there is an industry consensus, are contained in the plan.

#### 5. Technical Monitoring Group

The technical monitoring group is designed to provide timely scientific and technical information directly to the Council for the purpose of evaluating the effectiveness of the plan. Before the Council implements any changes, whether or not they originate from the recommendations of the Technical Monitoring Group, it will consult industry advisors and the affected public. This process should provide the commercial fishing industry with ample opportunity for input at the Council, committee and advisory level, as well as at public hearings.

#### 6. Data Reporting and Analysis Requirements

The plan makes many recommendations for improving data from the multi-species fisheries. The recommendations include: (1) the improvement of the existing three-tier data system by expanding the NMFS weigh-out landings data collection system in Connecticut and New York; (2) the collection of information about the number of crew members on each trip; (3) the assembly of fishing trip interview data in a consistent manner and its distribution to

the Council on a regular basis; (4) the retention of vessel identification numbers along with vessels landings data on a strictly voluntary and confidential basis; (5) the continuation of a NMFS program to collect vessel cost data; (6) the improvement of production and financial models of the fisheries; (7) the standardization of fishing effort data in order to quantify changes and identify trends in fishing effort by different gear types and size classes; and (8) the development of market models which include the international economy in order to broaden the understanding of market interdependence of fishery products under management.

Other information which is needed includes better socio-cultural information on New England ports, information about the socio-economic impact of the FMP, information about the effects of certain activities on fish habitats, and comprehensive information about the economic importance of recreational fishing in New England.

#### 7. Best Available Data

The plan has made use of the most up-to-date data available. As a result, some parts of the plan may contain more recent information than other parts.

#### 8. Management of Yellowtail Flounder

The Council selected the measures for managing yellowtail flounder in order to meet the objectives for the yellowtail stocks and to be as responsive as possible to the needs of the fishermen, as described by their comments in many public meetings held during the last two years. The result of this process is that there are different management measures for yellowtail in each of the three major fishing areas (Georges Bank, the Gulf of Maine and Southern New England).

Mesh regulations are more appropriate for yellowtail flounder on Georges Bank and in the Gulf of Maine than for Southern New England yellowtail because the complex of species in the Gulf and on the Bank (typically large roundfish and flatfish of commercial importance) lends itself more appropriately to large mesh management. In Southern New England, however, the lack of haddock, the small amount of cod and the dependence on small mesh fisheries makes broad-based mesh management inappropriate. For the Georges Bank yellowtail stock the Council decided to implement a phased-in six mesh requirement, and for the Southern New England stock, a closed area to provide protection for spawning yellowtail and reduce fishing mortality. Because the closed area measure was designed to achieve the Council's objective for the whole Southern New England stock, it is not appropriate to geographically expand the closure area.

#### 9. Experimental Whiting Fishery

In the FMP the Council has provided for experimental fishing under the supervision of the Regional Director, which could permit an experimental fishery for whiting on Cultivator Shoal. The rationale for allowing experimental fishing to take place is to provide fishermen with an opportunity to catch small mesh species such as whiting where it is abundant in the large mesh area. Without careful monitoring, these fishermen might have the incentive to catch regulated species with whiting nets. In recommending that

experimental fishing be allowed, the Council recognizes that there are a lot of operational details that must still be worked out on an experimental basis and that cannot be adequately accounted for in advance. The Council has therefore decided that it is sufficient to describe the general purpose and nature of such a program. It expects that, in cooperation with the National Marine Fisheries Service, it can work out the operational details in a satisfactory fashion in the future.

#### Other Comments

10. Figure 3.6A indicates that most yellowtail caught in Southern New England and on Georges Bank are caught in a directed fishery for yellowtail.

11. Figure 5.4 is based on the latest available assessment information and indicates that only Georges Bank cod is above the long-term median level. All other stocks, including yellowtail, are substantially below their median level.

12. The catch of regulated species was limited to 10% of the total catch instead of 10% of the catch of only exempted species. The reason for the choice of this less restrictive measure was to allow fishermen to earn more revenue from the bycatch of regulated species and have more flexibility in determining their mix of catch. Because of other seasonal and geographic restrictions on the exempted fisheries, the Council does not believe that allowing this type of flexibility will cause a substantial amount of undersized fish of the regulated species to be caught with small mesh nets.

13. The Council decided on the timetable for the mesh size measures on Georges Bank after much debate and consultation with the fishing industry. Although, the Council would ideally like to implement these measures as soon as possible and with perfect compliance from the fishing industry, it recognizes that this is an unrealistic expectation. The Council has heeded the advice of fishing industry representatives that compliance with existing regulations is poor and needs improvement before more restrictive measures are adopted. The Council is also aware that many fishermen could not survive the sudden decrease in revenues that would be caused by an immediate implementation of the proposed mesh size measures on Georges Bank. The phased-in implementation will additionally provide an opportunity to coordinate bilateral management efforts for key Georges Bank stocks.

14. The annual renewal requirement for multi-species permits will not only provide a more accurate estimate of the number of active fishermen but will also reduce administrative costs and paperwork by reducing the number of notices must be sent to permit holders. There are currently thousands of permit holders that are not actively fishing but which must be notified every time there is a change in fishing regulations.

15. The management unit now reflects what was agreed upon between the New England and Mid-Atlantic Councils.

16. The reporting period for fishermen participating in the exempted fisheries is the lesser of 30 days or the length of time they are fishing for exempted species. The exempted fishery reporting regulations do not require fishermen to submit information on their catch from each fishing trip; however, they will be required to maintain their own dealer verified records

for each trip. They may be requested to provide this information to substantiate the more aggregated information they provide the National Marine Fisheries Service on the exempted fisheries reporting form.

17. The plan does not make any recommendations with respect to the National Marine Fisheries Service's Fishery Obligation Loan Guarantee Program or the Capital Construction Fund.

18. The plan does not accommodate the needs of any individual group over any other. All groups affected are represented in an advisory capacity to the Groundfish Committee. While it may be true that longline vessels do not disrupt spawning fish, longline gear will catch fish capable of spawning and the Council believes that allowing longliners into spawning areas would make it very difficult to get other fishermen to agree to extending the duration of the closed spawning areas as a management measure. At a time when the groundfish industry is undergoing many economic problems, and when the Council is having difficulty in getting fishermen to agree on and comply with management measures to reduce fishing mortality, allowing longline vessels, all of which are new to the New England fishing industry, to fish in spawning areas would create such a perception of unfairness, that the Council would lose the willingness of the other fishermen to comply with the management program in general.

19. The redfish area was designed so that fishermen would have a limited opportunity to catch redfish in the most efficient manner and with as little bycatch of the regulated species as possible. Industry advisors have told the Council that using mesh size to control the size of redfish is very difficult because small redfish are so easily emeshed in all but small mesh nets. Given the recent low catches of redfish, the seasonal limitation on the proposed directed fishery for redfish will be more restrictive than the 3500 ton quota.

A minimum mesh size of 4 inches for redfish would create inefficiencies in the harvest of redfish, would not provide adequate protection for juvenile redfish and would increase the catch of juvenile fish of the regulated species.

20. The Council does not have the authority to do anything about this issue.

21. The Council does not have the authority to compensate fishermen for the impacts of its management measures. However, it has carefully considered the management measures proposed in this plan and believes that they will benefit the whole of the fishing industry in the long run.

22. The spawning areas on Georges Bank will close on February 1.

23. In the public hearings held during August 1984, the majority of fishermen opposed any major expansion of closed areas for Georges Bank. In Southern New England, most fishermen preferred having a closed area to protect yellowtail to having mesh regulations and exempted fisheries.

24. The issue raised by this comment is more pertinent to species managed under a fishery management plan other than this one.

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25. Closed area boundaries follow LORAN lines where possible. In cases where the boundaries have been established for some time, the Council has been reluctant to change them for fear of causing unnecessary confusion at a time when many other regulations will be changed. However, the Council will continue to consider these type of comments for possible future modifications to the FMP.

26. Although the plan contains an analysis of the World Court's Canadian boundary decision, it did not include an analysis of how fishing effort will be displaced by the the new boundary because models to predict shifts in fishing effort are not available. In the absence of information on displaced effort, the economic impact data is still useful in helping to evaluate the relative merits of the different management alternatives. Part of the reason the increased mesh size for Georges Bank is being phased-in over several years is to avoid compounding problems caused by the boundary decision.

27. In the past, quotas for major commercial species (cod, haddock and yellowtail flounder) were very difficult to enforce. The only species in the plan which now has a quota is redfish and this quota is a secondary measure which will probably not be triggered to limit the amount of redfish caught.

28. The allegation that the Multi-Species FMP fails to achieve the National Standards by not providing the basis for a regulatory solution to the gillnet/recreational access conflict is unfounded. There are few user group issues which have been more difficult and can rival this issue in terms of Council, Committee and staff efforts to seek an effective and acceptable resolution. Intense competition for limited fishing space and fish, which often leads to conflict, is not unique to the groundfish fishery nor to the New England region. Such competition and conflicts have been in existence for centuries and currently face management agencies throughout this Nation.

The Council is aware that the conflict between primarily commercial party and charter boats and commercial gillnet fishermen over access to prime hard fishing bottom could be technically resolved through several measures including a direct recreational allocation of fishing bottom. Such a resolution would require major modification to the Council's policy not to directly (actively) allocate either resource or ocean bottom to competing user groups. The management measures contained in the FMP were developed to achieve primarily biological objectives and they neither have economic allocation as their sole purpose nor do they discriminate between residents of different states. A number of potential measures have been carefully analyzed and could be implemented should a majority of Council members believe that failure to do so would result in unacceptable impacts on the recreational fishery.

Currently, the Council acknowledges that the presence of gillnets on commonly used fishing grounds creates an inconvenience to party boat operators and recreational fishermen and can result in lost recreational fishing gear and time. The Council is not aware of any data which would indicate a reduction in the number of anglers utilizing party or charter boats or other substantial loss of revenue resulting from occasional conflicts with gillnet gear. (The Council is assisting both user groups to develop a system for the return of recreational jigs fouled in gillnet gear.) Direct observation of

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fishing grounds used by both fishing groups during the spring season did not indicate a situation where recreational opportunities are substantively precluded due to the presence of gillnet gear. The Council understands the physical incompatibility of recreational angling in a drifting mode in the immediate area of fixed gillnet gear. In the Council's judgement however, fishing areas are available even at the peak of the inshore season.

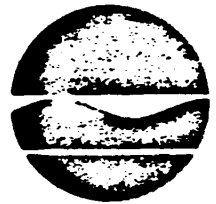
Because the Council is purposefully not supporting direct allocation of resources in this FMP, the particular solution to the gillnet/recreational access conflict of allocating resource areas is not appropriate at this time. Instead, the Council has initiated and is sponsoring meetings between party and charter boat representatives and the New England Gillnetter's Association to find a non-regulatory solution to the conflict. There are no objectives within the plan to support allocation of fishing privileges to any users. Free market forces, open competition, fishing skills, efficiency, and resourcefulness will determine user group shares.

29. Any language referring to the application of the fish size regulations and license requirements throughout the range of a species is not intended to imply that the Council is preempting the states' authority to manage fisheries in the territorial sea or inland waters, but instead describes the general purpose of this measure. The responsibilities of fishermen who have a federal permit and catch regulated species in either state and federal waters are explained in detail in the regulations.

30. By trying to protect fish stocks against possible stock collapse, enhancing spawning stock biomass per recruit and by increasing yield per recruit, this plan does take into account the economic condition of the fishing industry. The plan recognizes that the major stocks of cod, haddock and flounder are subject to very intensive fishing pressure and that steps must be taken to ensure adequate spawning potential for these species. Unfortunately, it is nature of the fisheries management process that such measures are usually needed when the fishing industry is in poor economic condition. Because the Council is aware that many fishermen could not survive the sudden decrease in revenues that would be caused by an immediate increase in the minimum mesh size to 6 inches, it has decided to delay the implementation of the mesh size increase until after the second year the plan is implemented. However, if no steps were taken ensure adequate spawning potential for these species, the condition of these stocks will probably not only fail to improve, but will worsen. Ultimately, the well-being whole fishing industry including wholesalers and marine equipment manufacturers depends on the condition of the major fish stocks.

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New York State Department of Environmental Conservation  
 Division of Marine Resources  
 Bldg. 40, SUNY  
 Stony Brook, New York 11794



Henry G. Williams  
 Commissioner

22 April 1985

Mr. Douglas G. Marshall  
 New England Fishery Management Council  
 Suntang Office Park  
 Route 1  
 Saugus, Massachusetts 01906



Dear Doug:

I am writing on behalf of the New York State Division of Marine Resources to comment on the full Draft Fishery Management Plan for the Northeast Multi-Species Fishery. Please include this information as a part of the official record. We have waited until this time to comment on the Draft FMP since we were aware of many points which were not included in the February 1985 public hearing draft which we knew your Council was considering and which we felt needed comment.

First, I should like to express our appreciation for the New England Council's willingness to try to work together to improve this FMP and solve problems of mutual concern. We are pleased to see the removal of a size limit requirement on the recreational catches of winter flounder. This was of real concern to New York as we expressed at the previous hearing. We are also pleased to see that you have designed the regulatory amendment process to ensure that public hearings will be held along with Mid-Atlantic Council concurrence.

As for the new recommendations of your Council's Oversight Committee, we would like to indicate to the New England Council that we believe most of these are in the best interest of a workable management plan. We support the removal of management of the hakes from this FMP, thus allowing them to continue under the existing PMP for the time being. The hakes are becoming such an important issue that we really must take the time to look at them separately. We also strongly support the new recommendation for the Southern New England/Mid-Atlantic area west of 69°40'W. As was expressed to you in my letter of April 15, 1985, we believed that in working together with the fishermen, we could come up with a workable management regime for this area. The motion passed by your committee on April 18, 1985, does just that in our opinion. The closed area concept proposed and adopted by the Demersal Finfish Oversight Committee from 69°40'W to 72°20'W, meets all the desires of those involved and because with the division of this area at 71°30'W, we have the support of the fishermen concerned, it stands the best chance of being workable. It also makes enforcement much easier and removes all the complex problems which have been recognized for the exempted fishery

Mr. Douglas G. Marshall

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previously proposed for this area. Along with this recommendation, we support the recommendation of your committee to now have the Monitoring Group evaluate the effectiveness of the 5½" minimum mesh size in the Georges Bank and South area before going to 6" mesh. We believe that the alternative of the Group's being able to propose equivalent alternative measures if the mesh size is not working, will make the entire plan much stronger in the long run. Finally, as also stated in my April 15 letter, we agree that the retention of the vessel identification numbers in the data file is necessary.

Please recognize that we realize all of the above is predicated on the Council accepting the Committee's recommendation. Were this not to occur, we would be back to an exempted fishing area south of 41°35'N and west of 69°40'W. If this does occur, winter flounder needs to be excluded from the regulated species list for calculating the 10% exemption in the northern area throughout the year. In addition, for the March 15 to January 15 time period, it should be 10% of landings of all species excluding winter flounder. I would like to point out again, however, that the new closure proposed for the area is far superior to the exempted fishery option.

1 Finally, concerning the minimum fish sizes, it is our policy to not allow retention of undersized fish in New York's marine waters. We believe the minimum sizes selected for cod and haddock are appropriate for the entire fishery and were based on reasonable data. The allowance of retention of undersized fish by recreational fishermen could defeat the purpose of the size limit and we are opposed to it. In addition, for enforcement purposes it is best just to set the limit and use it since it must have originally been arrived at for management.

I am very concerned how the final regulations will be structured to cover your intent that no fish taken subject to this FMP that are smaller than the prevailing commercial size limit may be sold. We must allow for fish which can be lawfully harvested in State waters to continue to be harvested and sold.

We do not believe it is appropriate at this time, to comment on the proposed rule since it cannot yet reflect the actual plan which your Council has yet to finalize. The draft of April 18, 1985, does have some changes which are beneficial. The definition of multi-species finfish is now an appropriate one. The description of vessel permits in section 651-4 makes things much clearer as to your intent. Lastly, the description of the regulatory amendment process clarifies many earlier concerns.

We hope your Council will endorse the recent actions of the Demersal

Mr. Douglas G. Marshall

22 April 1985

Oversight Committee because it appears to us that, with these changes, this plan is now ready for submission to the Secretary.

Sincerely,

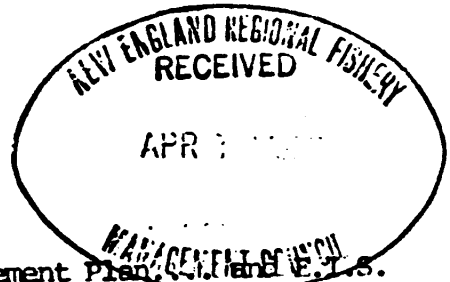


Gordon C. Colvin  
Director  
Division of Marine Resources

GCC/pj

April 18, 1985

New England Fisheries Management Council  
 Sontaug Office Park  
 5 Broadway (Route 1)  
 Saugus, Mass. 01906



Gentlemen:

I read with difficulty the Draft Fishery Management Plan for Northeast Multi Species Fishery prepared February, 1985 by N.E.F.M.C. and wish to submit to council the following comments regarding said plan and portions thereof.

First, my qualifications for commenting on the plan. I am a graduate Industrial (Management) Engineer with significant course work and experience in statistics. Second, I have written planning schemes such as proposed for industrial projects and know of the difficulty involved (and the types of inconsistencies which can creep into studies of this nature). And third, I have worked as a deckhand on large offshore trawlers in at least one of the fisheries considered for regulation under the plan and came very close to purchasing one of the "Jackson Seafood" fleet of DECO style trawlers recently for sale.

As a deckhand my intimate knowledge of various bottoms, etc. is limited. As a management engineer my ability to spot inconsistencies in data is much more refined. I will attempt to limit my comments, where possible, to the Georges Bank Yellowtail Fishery, as a complete review of all species is beyond the scope of time available for plan scrutiny.

I agree with the council's management policy (p.1.3) most wholeheartedly if followed in its entirety. It should provide a workable plan with minimum pain for all concerned.

7 [ Particular emphasis should be paid to council's policy of using the best data available. 1982 data seemed to have been used for part of the draft, 1983 for some other parts, when neither was accurate for the present or even presents the same general picture. From data presented one would assume cod stocks are in great condition yet my personal opinion is that MSY was exceeded in late 1984 and will continue.

26 [ Nowhere within the plan did I notice the simulation or even the mention of effort displacement due to world court decision or due to F.M.P. for N.E. Multi Species Fishery.

Discussions with former crewmates and owners indicate their feelings that due to two topics mentioned above, effort will be displaced from the Gulf of Maine Georges Bank to Southern New England Northern Mid-Atlantic regions.

This factor alone makes the proposed economic impact data meaningless for the various ports listed. My guess is that the more northern the port, the greater the loss to shore-based value added industries while there will be greater growth to the south.

8

The lack of a specific plan of attack for management of yellowtailed flounder south of the 43,500 line is of particular significance to the success or failure of the Yellowtail plan and council's expressed policy (p. 1.3, item 3a, 1b) (p. 4.2). With there being little movement of GB/SNE yellowtail stocks (p. 2.61) and no mesh size limit in effect south of 43,500, these stocks are sitting ducks (for a short time) for 5" or 4½" mesh. When the increased retention factor takes its toll (p. 5.31) the fishery becomes totally dependent upon recruitment of a reduced juvenile population (due to discards, retention curve, tec.) and "scratch that fishery."

With F exceeding F max (p. 2.28) for yellowtail in SNE, protection must be given to SNE/MA yellowtail stocks. In this area I feel the proposed plan is deficient and needs work for redefinition of objectives to meet stated policy. Furthermore, it does not even address economic effects of effort displacement in relationship to stock mortality.

10

I take exception to data (p.3.8) that approximately 47% of yellowtail from GB/SNE is by-catch. The catch in large volume yellowtail ports (New Bedford, Pt. Judith, Newport), shows it to be of such magnitude that it cannot be by-catch and these ports represent 20,000 tons plus of total 27,182 catch. Any philosophy/conclusion based on this by-catch notion should be seriously questioned by council.

7

The graphs of port landings (p. 3.12 - 3.14) do not do justice to council's lofty goal of best data to be used (p. 1.3, #2a).

3

No relevant discussion seems to be present on the effect of usurping states rights to regulate within the 3-mile limit of state territoriality and yet, the council expects states to cooperate more fully (than they now do) with N.E.C. on these regulations. Somehow, I feel that a potential loophole may exist within the State-Federal jurisdiction and smaller fish maybe taken if care is not fully exercised by N.E.C. in drafting exact regulations.

11

The Chart 5.4 is perhaps the most misleading I have seen in some time. From it one could infer that YT/GB (1982?) stocks are in fair shape, yet true data from log scale shows current biomass to be less than 10% of median, perhaps 1% of 1964 peak. Does graph need AXES relabelled?

8

Page 7.33 shows YT/GB yield to increase under any management scheme, with significant discard potential in future. Is it feasible to go with large mesh, keep 11½" YT, to reduce waste of usable fish (dead anyway)?

2 [ The discussion of square versus diamond mesh is a very logical piece. I question the allowance of square mesh, the same size as diamond. The retention factor for smaller yellowtail will be greater, decreasing escapement and forcing more discard of pre-recruits, and in essence, allowing a more deadly net. I believe the council should specifically address the square versus diamond mesh issue with all relevant facts and effects before including both under one blanket statement.

The discussion of impacts leave much unsaid. Who is going to enforce final regulation, under who's direction, with costs to be paid by whom? I would assume that the U.S. Coast Guard will be involved, along with the State Conservation departments. Who pays? Who runs the show?

5 [ The technical monitoring group (p. 7.83) seems to be something that the council has high hopes for. Obviously, I am biased, but I believe that when proposing regulations which effect the livelihood of thousands of people and deployment of many millions of dollars of capital assets that some voice should be given to those with most at stake. The council should give serious consideration to appointment of other than analysts and biologist (fishcrats) to this group.

In regard to enforcement of regulations, experience with previous plans should have made the council fully aware of the devices a person will go to make a living.

Call me a strict "constructionist" if you will, but I believe that if you break the law (regulation) and get caught, the penalty should be so severe that you wish you had never thought about breaking the law.

In the case of the F.M.P. I believe that there can be two types of violations - accidental and purposeful. Accidental violations should not be free but should not unduly penalize the violator. Purposeful violations should create such risk that compliance becomes a given.

3 [ It is my feeling that the major violations will be mesh size. This is premeditated stealing from all others involved in the fishery and the penalty should reflect the potential gain. Using small mesh should result in a fine of at least twice the gross stock of the previous two documented trips. Repeated violations should be at least double the previous fine. I believe that a bond should be posted of at least twice the potential fine before an accused violator is allowed possession of vessel and re-entrance to regulated fishery.

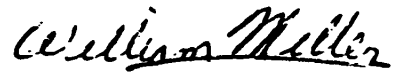
Since the gains of a "big trip" can be substantial, using a small net really amounts to grand theft or grand larceny, a felony, which if convicted, "brings hard time in the slammer." Since we are dealing in civil court, make the penalties appropriately big.

I realize that fish size may be a subjective issue; it must be treated with care. Is 2% of the total catch (by number) of small fish a major violation? I am not sure but I know 10% is purposeful violation and should be subjected to penalties as previously noted.

I believe council should set limits (and appropriate penalties) on what constitutes a major or minor violation and "hang" major violators while not significantly hurting minor violators.

Agreements between State and Federal agencies and N.E.C. should be drawn up with published policies regarding enforcement factors and policies and reporting.

Yours truly,

A handwritten signature in cursive script, appearing to read "William Miller".

William Miller  
2606 Jefferson Ave.  
Claymont, Delaware 19703

## MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

ROOM 2115 FEDERAL BUILDING  
300 SOUTH NEW STREET  
DOVER, DELAWARE 19901-6790

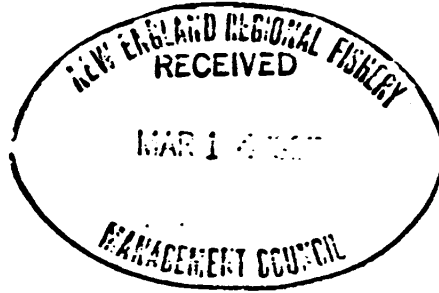
TELEPHONE: 302-674-2331

ROBERT L. MARTIN  
Chairman  
RICKS E. SAVAGE  
Vice Chairman

JOHN C. BRYSON, P.E.  
Executive Director

12 March 1985

Mr. Douglas G. Marshall, Executive Director  
New England Fishery Management Council  
Suntaug Office Park  
5 Broadway (Route 1)  
Saugus, MA 01906



RE: Multi-Species FMP

Dear Doug:

At its regular March 1985 meeting the Council passed a motion to:

a. accept the minimum fish size and minimum mesh size provisions of the hearing draft of the New England Multi-Species FMP with the following exceptions:

1. that the minimum length in the recreational fisheries should be the same as in the commercial fisheries, that is, in particular, that the cod and haddock minimum length should be 17" in year one and 19" in year two, and further, that there should be no allowance for possession of undersized fish in the recreational fishery;

2. that the regulated mesh area should be extended south to a new southern limit generally parallel to Loran 43500 and drawn so as to incorporate, essentially, the entire yellowtail fishery, and

3. that the Council express its opinion that it is important that the FMP be finalized with management measures sufficient to accomplish its objectives and conform to National Standards and be approved and implemented as soon as possible and recommends implementation of all measures necessary to insure expeditious FMP approval and implementation, including consideration of accelerating the phase-in of the proposed final management measures.

b. recommend that the exempted fisheries in the Southern New England area only include the specific species that are mentioned and regulated species can only come in at 10% of the exempted species caught, excluding winter flounder, and not 10% of the total species caught which would go back to the original list which is butterfish, dogfish, herring, mackerel, red hake, scup, squid, and whiting.

c. accept Item 4 as it appears in the hearing draft which reads "The closure period in Area 2 will be determined in consideration of Canadian management regulations."

d. accept Item 5 as its appears in the hearing draft which provides

for further measures to be imposed by using the regulatory amendment process and public hearings being held.

6 e. recommend that reporting requirements in the FMP for the exempted fishery be on a monthly or bimonthly basis, whichever is most suitable to the fishermen and NMFS, but that each trip's catch be logged and reported in this report and each trip, as a separate entity, is recorded in this report.

6 f. endorse incorporation of retention of vessel identifiers in the FMP in accordance with the continued support and cooperation between the New England and Mid-Atlantic Councils on this issue.

4 g. endorse the concept of taking appropriate action in plan development to insure that the list of participants in the fishery is current but that measures be explored to minimize paperwork both on the part of the fishermen and NMFS in meeting that objective.

5 h. maintain its previous position with respect to the composition of the technical monitoring group which is there be two fishermen included.

9 i. recommend that, under Option 2, the exempted fishery for redfish be that redfish be under the same conditions as any other exempted fishery and that the regulation be limited to 10% of the redfish catch if Option 2 is allowed;

9 j. endorse the concept of the conduct of an experimental fishery on Georges Bank provided that the concept be defined in much greater detail than appears in Option 3 and that it include carefully constructed experimental design with objectives that are related to the experimental purpose only and with clearly defined time limits related to that design with the expectation that it could lead to the development of an exempted fishery proposal, if feasible, based on experimental results providing consistent provisions with the other exempted fishery provisions of the proposed FMP; and

15 k. recommend that the definition of multi-species finfish should read as per the agreed upon management unit's specified species exemptions.

If you have any questions, please contact me.

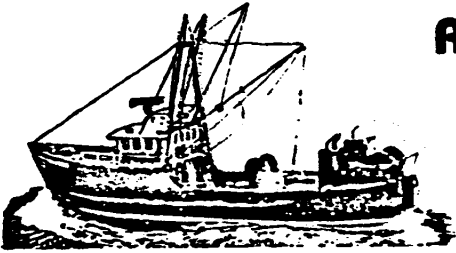
Sincerely,

  
John C. Bryson

JCB/DRK

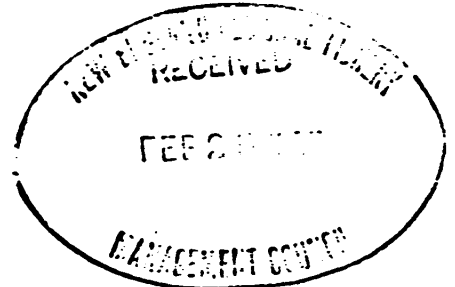
**Atlantic Trawlers Management & Supply Inc.**

P.O. Box 65 DTS  
Portland, Maine 04112



February 22, 1985

New England Fishery Management Council  
Suntang Office Park  
5 Broadway (Route 1)  
Saugus, MA 01906



Re: PROPOSED RULES

Dear Director Marshall,

3 I believe to make the proposed plan work, there should be some provision in it to make the Skipper of each vessel responsible for each violation. There are a lot of vessels in the fisheries today, where as the Skipper does not own the vessel. By fining the owner or taking the owner's permit does not make a Skipper comply with the laws. I think you would find that the biggest violators of the rules would be Skippers who do not have a lot at risk by a violation. I think that if the Skipper shared some of the risk you would see a lot more compliance with the law.

There are a lot of ways in which this could be accomplished. Such as, splitting the fines between the owner and the captain. Also, the possibility of having the captain have to have a license permit. If the captain had a number of violations, he would lose his license and or permit to fish for a period of time. I feel this type of plan in one form or another would greatly enhance the compliance of all the rules, such as mesh regulators-liners-closed areas, ect.

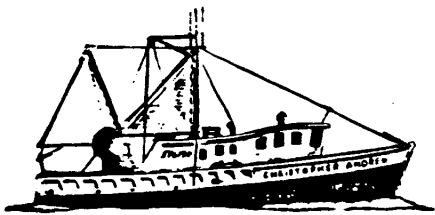
I feel in the past the owner has had most of the burden in the way of fines, and risk of vessel seizes. I hope that in the future these may be shared with the Skipper, because once a vessel leaves the wharf the owner does not have that much control over the way the vessel operates.

Sincerely,

*James A. Odlin*

James A. Odlin

JAO/bh

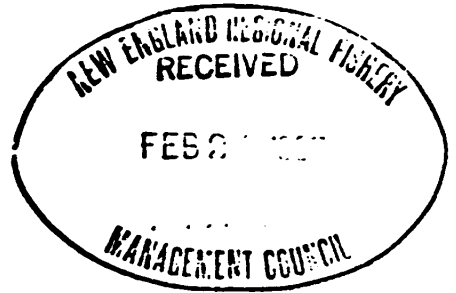


9.21

BOAT KATHLEEN A. MIRARCHI, INC.  
67 CREELMAN DRIVE  
NORTH SCITUATE, MASSACHUSETTS 02060  
(617) 545-3231  
F.V. CHRISTOPHER ANDREW

2-17-85

MR Doug. Marshall  
NERFMC

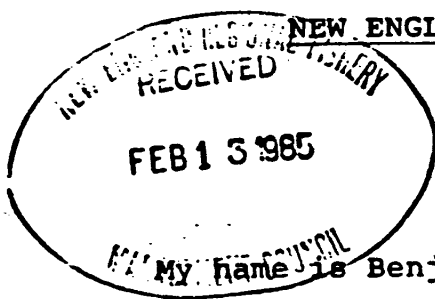


Doug: The enclosed letter was written prior to the ADF Public Hearings. At the time when it was written I erroneously thought that you were still intending immediate imposition of 6" mesh. I was relieved to learn otherwise at the New Bedford hearing.

2 I am ~~still~~ sending my written comments as the points on enforcement and present levels of mesh compliance are still valid. Moreover I still believe we must bring the operative mesh size to something approximating the legal minimum and assess the results before proceeding with any major increases.

Thanks,

Frank Merand.



February 13, 1984

My name is Benjamin Chianciola the Captain of the fishing vessel Serafina II out of Gloucester, Mass. I'm a member of the Gloucester Fisheries Commission; I have also been an advisor to the Regional Fisheries Management Council. In the past couple of years I haven't attended any meetings of the Council because I find that I can't afford to lose a days fishing without adequate compensation; especially when one finds that most everyone else there is either backed by some company or organization, so they are able to wait until their particular subject comes up on the not necessarily in order agenda.

2 We are here tonight to discuss yet another mesh regulation plus closures. I remember a few years back we were told "Gentlemen we have to find a way to have escapement of 17" fish so as to have a first year spawning." We got nothing in return but we went along with the 5½" cod end. As you have seen with Mr. Parisi's presentation, <sup>Let's mention</sup> Not only 17" fish but also 19" fish pass through this size cod end therefore, I would assume that if a 17" fish is in it's first spawning then a 19" fish is going on it's 3rd spawning. If that mesh size didn't do any good and you the Council are recommending a 6" mesh how do we know we won't be back here again discussing a 7" mesh.

I believe part of the problem has been that the only thing the Council has considered is management. I believe that it is way past the time to give us something in return, you can't take all the time and not come up with something substantial to offset what we lose.

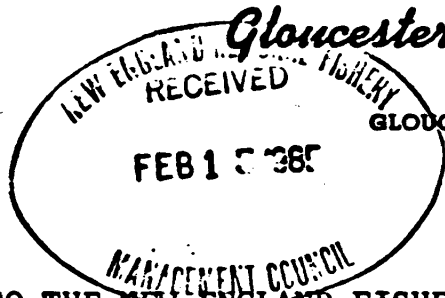
For many years before the 200 mile laws; vessels from this section would go wherever for whatever in order to get a trip of fish. We have lost the wherever because of the greediness of certain factions (some people even blame the State Dept. and mineral rights.)

9 [ For years our vessels would fish alongside of Canadians in each others water's, now it can't be done. I believe we should get this back even if it calls for permits. Another thing that should be done is to find a way to bring back the whiting industry as a means of diversifying. We used to do this before when other fish were scarce, or the prices were down.

20 [ A market for mackerel and herring and other species of fish should be exploited. The price of fuel should be compensated in some way because the larger the mesh the longer the trip. Don't just give us a promise make it something substantial, in most all negotiations there is usually a compromise. As I have mentioned at other meetings I don't believe that there are two ports with the same problems and fishing habits so, I don't see how you can set up a rule and expect it to apply to all, you more or less agree to this in your exception to mesh restrictions to the Rhode Island and southern areas. We also have here some of their same fishing efforts.

I still believe the best plan is a percentage rule such as the old Icnaff plan. I repeat you can't take all the time. You also have to give and before you enforce a 6" cod end. What are you going to give us?

*Benjamin A Chianciola*  
Benjamin Chianciola  
Captain



# Gloucester Fisheries Association

POST OFFICE BOX 839  
GLOUCESTER, MASSACHUSETTS 01930

February 13, 1985

TO THE NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Dear Mr. Chairman and Councilors:

My name is Salvatore (Sam) Parisi, I am part owner of the stern trawler Boat Gloucesterman, Executive Director of the Gloucester Fisheries Association and the Cape Ann Vessels Association.

On February 24th, at your meeting at Kings Grant, I submitted to you a petition with 200 signatures, representing the fishing industry in Gloucester, opposing the change in the mesh size from 5½" to 6" mesh, and the closure of small mesh gear on George's Bank and Cultivator Shoal. *including the Gulf of Maine.*

The petition offered an alternative of 6" to 5½" mesh and the optional yield regarding Whiting Fisheries.

The Whiting Fisheries is very important to our vessels. If you close this fishery on George's Bank, you are putting more pressure on Haddock, Cod, and Flounder stocks.

If you prohibit boats to fish for whiting in this area, then they will be forced to fish for Groundfish during a time that they would be fishing for whiting. Therefore putting a greater strain on our Haddock, Cod and Flounder stocks. You would be defeating your original goal of conserving the groundfish species of fish. Because our boats will be fishing for Haddock, Cod and Flounder when they should be fishing for whiting.

The Whiting Fisheries on Georges Bank and Cultivator Shoals is a CLEAN FISHERIES. In the past 2 years our vessels have only caught 1% of Haddock, Cod and Flounder while fishing in these areas for Whiting. There has also been no discard of small fish while fishing in these areas.

To support our claim, I have attached boat slips from my boat Gloucesterman, when he was fishing for whiting in these areas during July and August. (see attached boat slips). As you can see in July the boat Gloucesterman landed 160,000 lbs of whiting and only 300 lbs of haddock, 2400 lbs. of cod and 3000 lbs. of mixed flounder. This amounts to less than 3% of the total catch and no discard of small fish.

In August we landed 200,000 lbs. of whiting, with only 100 lbs. haddock, 1900 lbs. cod and zero flounder. this amounted to only 1% of the total catch, with no discard of small fish.

## TO THE NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Other vessels that fished in these areas landed about the same amount of groundfish as we did. A very small amount compared to the whiting that was caught.

I hope that you will now be able to understand that this is a clean fishery. Our boats would also be willing to have someone to oversee our whiting fishery, provided that they provide their own insurance.

I am confident that this council will make the right decision, by allowing our fishermen to make a living by allowing us to fish on George's Bank and Cultivator Shoals for whiting and not change the mesh size to 6", and at the same time conserve our Haddock, Cod and Flounder stocks.

Sincerely,

A handwritten signature in cursive script that reads "Sam Parisi".

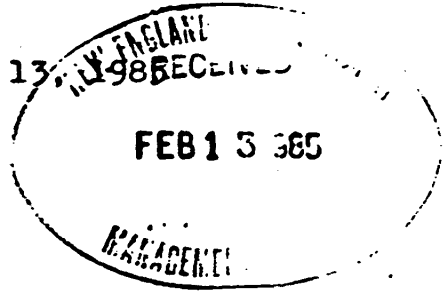
Salvatore (Sam) Parisi  
Executive Director  
Gloucester Fisheries Association  
Cape Ann Vessels Association



# CITY OF GLOUCESTER

GLOUCESTER · MASSACHUSETTS · 01930  
Fisheries Commission

February 13, 1985



New England Fishery  
Management Council  
Suntaug Office Park  
5 Broadway ( Route 1 )  
Saugus, Massachusetts 01906

Council Members,

2 [ The Gloucester Fisheries Commission has been recorded in opposition to the proposed 6" cod-end mesh size and continues to be opposed to it. We feel however, that a 5½" cod-end mesh size is more acceptable and wish to see the 5½" as an alternative.

9 [ The Commission also feels the Whiting Fishery on Cultivator Shoal be encouraged not prevented. The Whiting Fishery however minimal it may seem, would take some fishing effort off the groundfish.

19 [ On the matter of the exempted fishery for Redfish, rather than the use of a 3" mesh size, we recommend a 4" mesh size. We feel the 4" size would give better selectivity to the Redfish size and eliminate the taking of Pinheads. We also object to the 3500 metric ton quota.

3 [ Inevitably, any plan is only as good as its strength of enforcement, so we feel that stricter enforcement is absolutely necessary to accomplish these goals.

Respectfully,

*Francis Lewis*  
Francis Lewis  
Chairman

February 13, 1985

Mr. Doug Marshall, Executive Director  
New England Regional Fishery Management Council  
Suntaug Office Park  
5 Broadway  
Saugus, MA 01906

Dear Mr. Marshall,

My purpose in writing is to comment on the proposed Atlantic Demersal Finfish FMP. I am submitting my comments in writing as I may be unable to attend the forthcoming public hearings on this plan.

For the purpose of inclusion in the record I am submitting the following biographical data: My name is Frank Mirarchi. I live at 67 Creelman Drive, North Scituate, MA 02060. I am 41 years old and have been a full time commercial fisherman for twenty years. Presently, I own and operate the Christopher Andrew, a 62 foot dragger, from Scituate, Mass.

Over the years I have been actively involved in cooperative work with both state and federal fisheries agencies. In 1978 I participated in mesh selectivity trials sponsored by NMFS. In 1982 I worked with the Mass. Division of Marine Fisheries on an investigation of square mesh netting.

I have been a member of the Mass. Marine Fisheries Advisory Commission since 1978. I presently serve as president of the Mass. Inshore Draggersmen's Association and the Scituate Commercial Fishermen's Association.

My comments in this letter are in no way intended to represent positions of any of these groups. These comments reflect only my personal opinion.

Since the inception of federal fishery management in 1977, I have frequently spoken on the public record as being in favor of operational controls, as characterized by the proposed A.D.F. measures. I did, and still do, feel that catch and effort controls are inappropriate to a multi species fishery. On that basis I fully endorse the philosophy underlying the proposed A.D.F. plan.

2

However, I disagree with the plan's intent to immediately implement a six inch minimum cod end mesh size. I take this position for the following reasons:

As you are aware the 'interim' groundfish plan, which has been in effect since 1982, is based on three management measures; minimum fish size, minimum mesh size and time-area closures. In my opinion this plan has failed to protect groundfish stocks. I believe this plan has failed due

Mr. Doug Marshall, Executive Director  
 New England Regional Fishery Management Council  
 Page 2  
 February 13, 1985

to at least two fundamental deficiencies: 1) The plan addresses only three species, and 2) The plan has been so poorly enforced that a virtual open fishery prevails today.

I am aware that A.D.F. encompasses more species and I am confident that this change will improve control over the fishery. Unfortunately, I have no confidence that enforcement will improve under the new plan.

3

Since 1977 I have spent an estimated 1,600 days at sea. During those days I have been boarded exactly twice for purposes of fishery enforcement. One boarding was by the Coast Guard, the other by the Massachusetts Division of Natural Resource Law Enforcement. I have never been inspected at dockside for compliance with any fishery law except for those pertaining to lobsters. Other fishermen report similar low levels of enforcement activity. In view of the widely expressed concern over non-compliance with fishery law I consider these observed levels of enforcement to be totally inadequate.

One result of this lax enforcement has been a steady decline in cod end mesh size. Faced with keen competition from their neighbors and diminishing fish sizes, many fishermen, who often wish they could do otherwise, are being forced to reduce their mesh size.

I am concerned that an immediate increase from 5 1/2 inches to 6 inches minimum mesh size will only serve to exacerbate disrespect for management authority while leading to even higher levels of non-compliance.

2

I question the need for an immediate increase in mesh size. In my opinion there is a serious flaw in your analysis of how mesh selection relates to present day levels of fish mortality. In Section 5.7 (page 5.41) of the A.D.F. draft dated December 4, 1984, there is frequent reference to an assumption that today's operative mesh size is 5 1/8 inches. I believe that this assessment is inaccurate and highly optimistic.

Due to the fact that most illegal meshes are deployed in the form of "liners," consideration must be made for the masking effect of multiple layers of netting. Moreover, substantial activity is taking place as an inappropriate application of the optional settlement program using meshes in the 2 1/2 inch to 3 1/2 inch range. Considering these points it is my guess that the operative mesh ranges from 4" to 4 1/2" rather than 5 1/8 inches.

Full compliance with 5 1/2 inch mesh should, in fact, bring about a 1 inch increase in the operative mesh size. This corresponds to an approximately 2 1/2 inch increase in the 50 percent retention length of most fish.

Mr. Doug Marshall, Executive Director  
New England Regional Fishery Management Council  
Page 3  
February 13, 1985

On the other hand, due to the reduced average size of most groundfish today, an immediate change to 6 inch mesh will increase the 50 percent retention length of most species, particularly flatfish, to the point where the majority of marketable fish will escape. This situation will not be tolerated by fishermen. It will serve to fortify the notion that "the government knows nothing about management" and will lead to higher levels of non-compliance than we now have.

The majority of fishermen today acknowledge that fish stocks are in bad shape. They want to see the imposition of meaningful and effective conservation measures that will allow stocks to rebuild. However, they cannot compete on an uphill playing field which unenforced or unenforceable regulations grant to the scofflaws.

I urge you to direct your efforts toward bringing the effective mesh size to 5 1/2 inches as quickly as possible. Once widespread compliance is achieved you will be in a much better position to assess the need for additional increases in mesh size or the imposition of any additional measures.

I appreciate your consideration in this matter.

Sincerely,

*Frank Mirarchi*

Frank Mirarchi

cc Mr. Phil Coates

Dear Sir

I did not attend the hearing the other night in New Bedford, but I would like give my view on the matter. First of all conservation has got to be a national effort to succeed otherwise we are defeating the purpose. Mesh size and the size of fish have got to stand square with one on other. It is ridiculous to have fish and lobster one size in one state and a different size in the next. That's not conservative.

That my friend in Politics. Anybody that understands mesh sizes knows very well that you cannot catch 200-230 centimeter yellow tail in a legal size cod end, yet very often you see this size fish on the Auction Board in New Bedford.

The fish dealer gets away scot-free while the boat gets penalized. Another case of Politics! I'm afraid this industry has reached the point of no return, unless something meaningful

is not done very soon. I'm afraid we're looking at a golden town in New Bedford as far as the Fishing Industry is concerned. I give it 2 more years.

As far as Tariff is concerned we should have had that years ago and not being talking about it today. There is enough trap dollars going into the Treasury without some even lawyers trying to fatten their pocket books at the expense of an industry that's gearing for air. I think Mr. Kennedy and Mr. Burke and any other Senators & Congressman on the East Coast better start getting their act together before its too late.



# FISHERMAN'S WHARF OF GLOUCESTER, INC.

*Fresh Fish Packed At Sea - The Finest Kind*

R 37 ROGERS STREET  
GLOUCESTER, MASSACHUSETTS 01930  
TELEPHONE 283-6190

January 23, 1985

Dear Sirs:

2

The Fisherman's Wharf Inc., it's Board of Directors,  
and it's stockholders wish to be recorded in opposition  
to the proposed 6" cod end plan.

9

We also request that the cultivator shoals whiting  
fishery not be included in the large mesh area, but be in-  
cluded in the optional settlement program.

Respectfully submitted,



Thomas Aiello  
Clerk

Your Comments:

— 5½ inch Cod-End are too large  
to make a living - 5 inch is  
— Plenty

Thomas Jordan owner + Captain  
of F.V. Ellen J.

Thomas F. Jordan  
61 U.S. RTE #1  
FALMOUTH ME 04105

Your Comments:

The mesh regulations are not reasonable. Further study should be done on square mesh cod ends. It has been proven that square mesh has better escapement and maintains it throughout the tow. If the square mesh was of a reasonable size, more fisherman would get off the optional plan which is generally abused. The square mesh allows good escapement of round fish and maintains a legal size flounder.

It is very easy to say 5 1/2 or 6" cod ends, but it is very difficult to buy one; or after you buy one, to keep it the right size. Most twines shrink or stretch. Too many laws are unenforceable. The jails are full so lets come up with laws that we can make a living with.

Thank you for listening to my gipes.

Sincerely,

Captain Sebastian J. Frontiero  
50 R Witham Street  
Gloucester, MA 01930

Name of boat — Cajon Jet II Inc.

Your Comments:

I am a Gloucester gillnetter who is responding in regards of the Enforcement of Fisheries Regulations. I personally feel that the G.M.B. is for conservation which I agree.

Responding to the following:

Gear marking requirements:

Every boat that I know of in section 1 & 2 have their own buoy design. If all gillnet gear was of the international orange it would only cause more confusion to the recreational fishermen.

Gear conflicts:

Staying with gillnets continuously and at a minimum of 3,000 ft is completely out of the question. This has nothing to do with the conservation.

I agree with Robert Jones, "We're in the business to protect and conserve the fishery for the fishing industry."

Peter M. SHOARES  
13 Highland St  
Gloucester, MA  
01930

Naomi Bruce III

Peter M. Shoares Capt.

Your Comments:

3

Some of these Questions miss the point. IF NMFS can get the Funds, then it should expand its enforcement both on shore and at sea. As for the state, they have enough problems enforcing state ~~reg~~ regulations and probably would be unable to assist much with Federal Reg's. As for some of the proposals;

23

A closed area is probably much more effective than just a 6" mesh restriction mainly because it is so much easier to enforce. For me plan B would be the best. Plan A the boundaries of area I are too complicated and Plan C would meet too much opposition from off shore boats. Also on the seasons for Exempted species; The season for butterflyfish end about a month and a half too soon.

22

As for the spawning Areas, if they are not included in another plan, they should definitely be closed on Feb 1st.

Thank you for the opportunity to comment.

Box 318  
W. Chatham, MA  
02669

Peter S. Horner  
owner/operator F/V Fox Lady II

MICHAEL POLISSON  
F/V BLACK MAGIC

P.O. BOX 600  
PIGEON COVE, MA 01966

Your Comments:

1. 4 Shrimp mesh size should be increased to 2" to improve quality and therefore price to fishermen
  - 2 Whiting nets should be regulated at 3" min. These nets also cause great mortality in reguable species by being fished long past the whiting season.
  - 3 Increased law enforcement will surely curtail or greatly help in gear conflicts between lobstermen and druggers.
  - 4 All offshore & inshore druggers lobstermen should be tested from time to time with dye to catch those who brush eggery. (75% of all druggers)
- I am owner operator of F/V Black Magic 648845 presently fishing Coastal lobster. Michael Polisson

Fred Bennett  
54 Valley Rd  
Chatham, Ma  
02633

Your Comments:

25

R/E Closed Areas - To avoid confusion closed areas should follow specific Loran C lines. For instance western side area 1 follow, 13690 line. For N+S use 43 lines.

Cod ends size - suggest we go to square mesh cod ends size to be determined by NMFS

Gill nets should be no less than  $6\frac{1}{2}$ " preferably 7" and should be attended from October thru April. I was a gill netter for four years.

Black back size - raise to 13"

4 Determine a minimum size cod end for scup & seabass

Your Comments:

Mr. Marshall: I, for one, am behind any and all reasonable(?) efforts to bring back the ever increasingly scarce fish of our North East fisheries. I am writing this during a trip while fishing to the East and South of Cape Cod. In 24 hours we have put less than 1000 lbs. of mixed fish in the boat. 1 year ago we were doing 7,000 lbs. in 12 hours; I only hope you are not too late. In the limited time I have been a commercial fisherman (10 years) and of that time, a draggerman, (2 years) I've been shocked by the decline in 1st Haddock, then cod and now yellowtail and Blackbacks. We are fishing in August where<sup>we</sup> would otherwise be in December because there are simply no fish left in our traditional areas.

Our average tow time is 5 hours. This fishery is but a shadow of its former self. I feel your regulations do not go far enough to do anything but band-aid cure unless you really show force in closure enforcement and Cod-end size, which should be of the SQUARE-MESH style to allow good and undamaged escapement.

I love this industry - I do not want to see it die for too many reasons to list here. I'll do anything I can to help\* (continued)

WILLIAM AMARY  
ORLEANS, MA

a rule that is paramount to the recruitment aspect of the FMP.

The process by which we will rebuild our desimated fish stocks will be a long and difficult one. However if there is evidence that management ideas and fishermen's input directly affect one another, the process will be smoother and more likely to succeed.

Sincerely,

William H. Amara  
Captain-Owner  
F/V. Joanne A III

#236926 F/V Joanne-A III

William Amara

65 Uncle Isaacs Rd.

Orleans, Mass. 02653

Mr. Marshall:

There is one thing I would ask of you and the powers that be:

Would it be possible to change the Western side of closed area I (Haddock Spawning Grounds) from its present but-Lung location to Loren C. line 13700? As is the closed zone very nearly parallels the 700 line and if it could be used it would be easier and faster to patrol and to fish. The change would effect an area of width less than 1,000 yds. Average out of an area of some 50 miles in breadth average.

I encourage this modification because it simplifies both the enforcement and ability to obey

Your Comments:

2 IN MY AREA (MASS. COAST NORTH OF CAPE COD TO 25 MI OFFSHORE) MESH SIZE REGS. HAVE NEVER BEEN ENFORCED. CONSEQUENTLY ALMOST ALL BOATS ARE USING COD ENDS IN THE 4" - 4 3/4" SIZE RANGE FOR GROUND FISH. THE RESULT OF THIS PRACTICE IS THAT FISH SIZES HAVE DECLINED TO THE POINT WHERE A 5 1/2" OR GREATER MESH REQUIREMENT WOULD SUBSTANTIALLY REDUCE FISHERMEN'S CATCHES. IF ENFORCEMENT HAD REQUIRED A GRADUAL (4 1/2" → 5 1/8" → 5 1/2") INCREASE IN MESH SIZE OVER THE YEARS WE WOULD NOT FACE THIS PROBLEM TODAY. MESH SIZE COMPLIANCE WILL BE A MAJOR OBSTACLE TO THE SUCCESS OF THE ADF PLAN.

3 MANY FISHERMEN ARE UNHAPPY ABOUT HAVING TO USE SMALL MESH ON GROUND FISH SPECIES. HOWEVER THEY MUST DO IT TO STAY COMPETITIVE. IF STRICTER ENFORCEMENT WERE TO BRING MOST FISHERMEN INTO COMPLIANCE. THE TIDE OF OPINION WOULD PROBABLY TURN AGAINST VIOLATORS. AS IT STANDS NOW WE ALL MUST VIOLATE MESH SIZE REGS. IN ORDER TO SURVIVE. IN THIS ATMOSPHERE REPORTS OF VIOLATIONS BY OTHER FISHERMEN SHOULD NOT BE EXPECTED

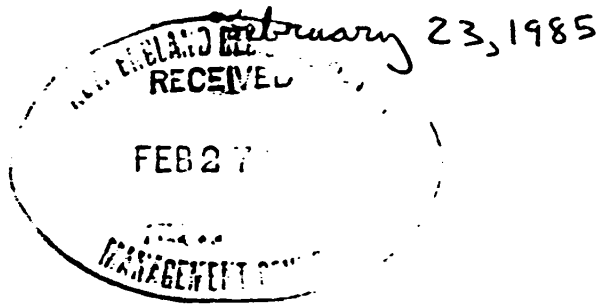
FRANK MIRARCHI  
F.V. CHRISTOPHER ANDREW  
69 CREECHAN DRIVE  
N. SCITUATE MA 02060  
(617) 545-3231



## Shinnecock Marlin &amp; Tuna Club, Inc.

P. O. BOX 9

HAMPTON BAYS, NEW YORK 11946



Mr. Douglas S. Marshall  
Executive Director  
New England Fishery Management Council  
Suntans Office Park  
5 Broadway (Route 1)  
Danvers, Massachusetts 01906

Dear Mr. Marshall:

We would like to make the following comments on the summary for public hearings of the Draft Northeast Multi-Species Fishery Management Plan and the Proposed Rule (50 CFR PART 651) for this plan.

On page 2 of the summary under number 1 in the Operative Measures section it states, "Each recreational fishermen may have in his possession a total of two undersized fish (cod and/or haddock)." Now where in the proposed rule does it state recreational fisherman can possess the fore mentioned undersized cod and/or haddock.

3 In the recreational cod fishery the fish are caught in water deep enough to cause the bends. These fish undersized or not returned to the water are dead or will die. We feel without the two undersized fish in the proposed rule you can not justify the Management Policy and Objectives on page 1 of the summary for the recreational fishery.

In section 651.2 Definitions of the proposed rule we object to the definition of recreational fishing. Every management plan has a different definition of recreational fishing. We feel NMFS' a definition of recreational fishing is a valid one for what is going on out here in the real world.

Under your definition there is no such thing as recreational fishing. At one time or another every recreational fisherman gives a fish to a friend and while at his friend's home he accepts anything like a glass of water, a beer, or a jar of jam. Our recreational fisherman is no longer a recreational fisherman as he has just bartered or traded his fish.

For our files please send us a copy of the FMP, the final environmental impact statement, and the draft regulatory impact review/initial regulatory flexibility analysis. Thank you.

Yours truly,  
Capt. Floyd Carrington  
Chairman  
Regulations and Laws Committee

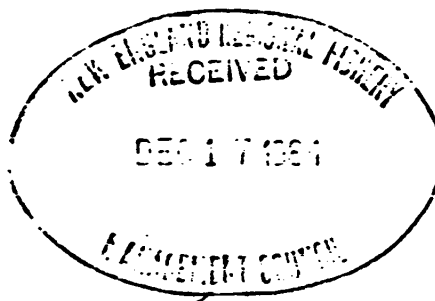
MEMBER: United States Atlantic Tuna Tournament, Inc.  
International Game Fish Association - New York Sportfishing Federation, Inc.



## NATIONAL COALITION FOR MARINE CONSERVATION

December 13, 1984

Mr. Alan Guimond, Chairman  
 New England Fishery Management Council  
 Suntaug Office Park  
 5 Broadway (Rt 1)  
 Saugus, MA 01906



Dear Al:

Further to my undated letter to you delivered December 12 I was somewhat enlightened by the discussion of the Council's intentions with respect to the Demersal Finfish FMP and the gillnet issue, but I do not feel that there was a meeting of the minds.


If I understood Bob Jones correctly, the Council will complete the public hearing process as quickly as possible, address public comments as necessary and submit the FMP to the Secretary. I further understand him to say that if no solutions to the gillnet problem emerged from the meetings or if the factions failed to find a modus vivendi prior to the completion of the public review process, the dispute would be submitted to the Gear Conflict Committee with instructions to find a solution that will be written into the FMP in a subsequent amendment. Bob seemed to be telling us that (1) this is not the equivalent of a recommendation to study the problem further, Les Smith's strong assertions to the contrary notwithstanding; (2) even though no dates for the completion of this procedure were set, this is not the equivalent to ducking the question altogether and (3) by implication at least, resolution of the gillnet question is not central to the plan development process.

28 [ The point which I raised in my letter to you and by commenting at the meeting is that unless the Plan addresses the gillnet issue fully and fairly, consistent with Standard 4 as described by the Guideline relating to Standard 4, the Plan is deficient and must be rejected by the Secretary because it fails to comply with the National Standards. If I am correct in my analysis, resolution of the gillnet problem is not an ancillary issue that can be dealt with by amendment at some unspecified time in the future. Resolution of the gillnet problem is a central issue

Mr. Alan Guimond, Chairman  
New England Fishery Management Council  
December 13, 1984  
Page 2

that the Council simply must face up to now.

. Sincerely yours,



Christopher M. Weld


CMW/nc

cc: Mr. Rip Cunningham  
Mr. Doug Marshall

# Interstate Party Boat Assoc.

founded in 1957

December 12, 1984



Mr. Alan B. Guimond, Chairman  
New England Fishery Management Council  
Suntaug Office Park  
Saugus, MA

Mr. Chairman:

The Interstate Party Boat Association strongly protests the weak and vacillating manner in which the NEFMC handled the gill net gear tending proposal at the November meeting..


4 This issue has been before the Council for many years and both sides of the issue should be well known by any interested Council members. The reason for the inclusion of the tending measure was well presented by Mr. Pat Carroll on the day the Council voted 11 to 2 to include it in the plan.

The tending measure had been derived from a long and agonizing process of gear conflict committee meetings with both sides represented. The measure had also gone through the public hearing process as a possible amendment to this plan with both written and oral comments presented from both sides. All this was available to the Council and should have been known by any responsible member before the favorable vote.

The intense high pressure mob condition that existed in the hearing room on the day of the reversal did not allow for a fair or equitable debate on a most important issue. The Chair had continuously informed the growing audience throughout the morning that the Council had already made its decision on the tending requirement, and the measure was going to public hearing. That hearing would be the proper forum to present their feelings on this issue. The Council's reversal of its position allowed another "might is right" decision.

The IPBA is dismayed and alarmed at the Council's sudden reversal of its position. In the eyes of the recreational community, the creditability of the Council process was severely damaged.

Sincerely,

  
Walter T. Hynes, Sr.  
Executive Director

WH:mh

cc: Mr. William Gordon

THE NATIONAL COALITION FOR MARINE CONSERVATION  
ONE POST OFFICE SQUARE  
BOSTON, MASSACHUSETTS 02109

Dec. 12, 1984

Alan Guimond, Chairman  
New England Fishery Management Council  
Sauntag Office Park  
Route 1  
Saugus, MA

Dear Al:

What I remember best about the first council meeting that I ever attended was the chairman angrily berating the council for its failure to face up to the gillnet issue in the course of trying to develop a management plan for cod, haddock and yellowtail flounder. That was nearly eight years ago.

28 [ Having missed most of the debate on the gillnet issue this time around, I have no idea which aspects of it were discussed and which were not. Therefore, I am curious to know if anyone raised the issue whether failing to deal with gillnets might result in the FMP being judged to be not in compliance with the National Standards, particularly Standard 4.

You will recall that in the Guidelines promulgated by the Secretary there is a discussion of what constitutes an "allocation", as that word is used in Standard 4. The Guidelines state that any management measure has incidental allocative effects, but only those measures which result in direct distributions of fishing privileges will be judged against Standard 4. The Guidelines then go on to say that "adoption of an FMP that merely perpetuates existing fishing practices may result in an allocation, if those practices directly distribute the opportunity to participate in the fishery."

By way of illustration the Guidelines cite the assignment of ocean areas as an example of a direct allocation. When trawler, partyboat and charter boat operators complain to the council that gillnetters are preempting prime fishing areas, they are raising a Standard 4 issue. Ignoring it won't make it go away because according to the Guidelines a plan that preserves the status quo makes an allocation just as much as a plan that changes the status quo, if it results in a distribution of fishing rights. The Guidelines also note that inherent in an allocation is the "advantaging of one group to the detriment of another." Interestingly, the Guidelines continue, "The motive for making a particular allocation should be justified in terms of the objectives of the FMP; otherwise the disadvantaged user groups or individuals would suffer without cause."

For instance, an FMP objective to preserve the economic status quo cannot be achieved by excluding a group of long-time participants in the fishery."

Obviously not everyone will agree that this specific language is directly applicable to the issue of whether or not gillnets should be marked, tended or restricted in size or area of deployment. Nevertheless, one thing should be clear, and that is that the Guidelines require that decisions which result in distributions of fishing privileges (whether the council faces up to the issue or ducks it altogether) must be fair and equitable to all fishermen. Again, not having been present when this matter was debated by the council, I have no idea whether the record will show that the council gave due consideration to the question of fairness and equity. On the basis of what I have been told, however, it seems unlikely.

I served on this council long enough to know that no member deliberately sets out to deprive one individual or one user group in order to enrich another. That this is frequently the perceived result of the councils actions is a truth we are all unhappily aware of. For this reason alone, regardless of what the Guidelines say, it is important that the council carefully consider the public record developed by the hearings as well as the probable result of its actions. The council should also be aware that if I have considered the implications of Standard 4 as they relate to this issue, it is quite unlikely that the same implications will be overlooked by the Secretary.

In the broader context of the anticipated debates in connection with the reauthorization of the MFCMA, it will be argued again, as it has been argued before, that the councils are ducking the hard questions; that there is too much self interest represented on the councils; that councils should be consolidated, reduced in number or terminated entirely as an interesting but unsuccessful experiment. Given the current budgetary environment, these arguments may be pressed with greater determination than ever before. You may be sure that they will be raised again in debates concerning council funding. Trial balloons are already being floated to see who will oppose cutting back council staffs; eliminating salaries for council members; reducing the number of council meetings; and doing away with the councils altogether. There are a lot of disaffected fishermen who will not rise to the councils' defence. It seems like a poor time to create a lot more dissatisfaction among groups who have historically been the councils' strongest supporters.

With warmest personal regards for the Holiday Season,

Sincerely yours,



Christopher M. Weld

# Salt Water SPORTSMAN

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The Voice of the Coastal Sport Fisherman/186 Lincoln St., Boston, Ma. 02111 (617) 426-4074

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December 11, 1984

Mr. Douglas R. Marshall, Executive Director  
New England Fishery Management Council  
Suntaug Office Park  
5 Broadway  
Saugus, MA 01906


Dear Mr. Marshall:

4 [ We feel that the New England Fishery Management Council's reversal of the gillnet gear tending amendment in the current Management Plan demonstrates a total disregard for the recreational fishing community and industry. The Council has consistently evaded the problems of gear conflict and equitable allocation of the resource, which raises serious questions as to the Council's effectiveness in representing all user groups, as well as the future of the fish stocks off our coast.

In upcoming issues of Salt Water Sportsman, we intend to inform our half-million readers of the actions of this council, and we are currently working with journalists in local and regional media to help them make their audiences aware of the proceedings as well.

Finally, we intend to fully cooperate with those organizations that are currently looking into methods of restructuring the council so that representation will be equitably divided among all recreational and commercial user groups and interests.

Sincerely,



Kip Cunningham  
Associate Publisher

RC/LMA

cc: Bill Gordon, NMFS

**THE PORT AUTHORITY OF NY & NJ**One World Trade Center  
New York, N.Y. 10048(212) 466-7000  
(201) 622-6600

November 16, 1984

Mr. Doug Marshall  
Executive Director  
New England Fishery Management Council  
Suntaug Office Park Building  
5 Broadway  
Route One  
Saugus, Mass 01906



Dear Doug:

As you approach another round of hearings on the difficult groundfish management issue I, would like to offer a suggestion for the Council's consideration.

4 [ The closure of eastern Georges will increase fishing pressure elsewhere. Areas previously "free" from effort will now be fished. Of special concern will be increased gear conflicts between mobile and fixed gear operators. Traditionally fixed gear operators have favored the harder bottom areas difficult to tow. With less area available to mobile gear operators we are likely to see much increased use of so-called "roller gear" on this harder bottom. The rapid growth of roller gear in recent years by certain fleet sectors will now expand to the fleet as a whole.

I suggest that as a conservation, gear conflict-avoidance, and enforcement matter you consider imposing a regulation limiting the use of net rollers above a certain size (say, six inches diameter).

This regulation will be first and foremost easy to enforce. A vessel using large rollers can be quickly spotted, either from the air or the water. The rollers are easily seen if the net is wound onto a net reel. They are also easy to spot when on deck. It would be difficult and awkward to hide such equipment.

This regulation would reduce gear conflicts greatly by preventing mobile gear operators from fishing on bottom favored by fixed-gear fishermen. There would be less occasion for mobile operators to move through fixed gear areas; they could do so only at the price of extensive lost fishing time mending twine.

This regulation would serve as a conservation measure by assuring that some portions of the fishing grounds were limited to highly selective gear, reducing fishing mortality. This measure may also, de-facto, avoid your possible need to impose area closures along with the six-inch mesh, which I believe is a possibility once NMFS examines the conservation effects of open fishing with the larger mesh.

4 [ I finally suggest you impose a requirement that the headline of all gillnets be natural manila, which would soon rot if gear were lost. This measure is a requirement elsewhere in the North Atlantic.

Yours sincerely,

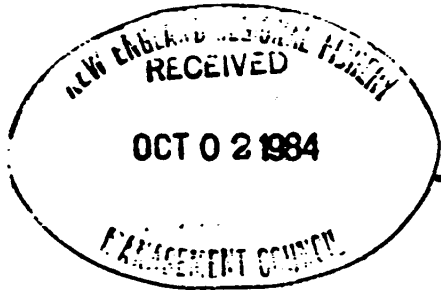
*Charles Sheldon*  
Charles Sheldon  
Fisheries Manager

212-466-4795

Writer's direct dial telephone: \_\_\_\_\_



## NATIONAL COALITION FOR MARINE CONSERVATION



September 28, 1984

Alan D. Guimond, Chairman  
 New England Fishery Management Council  
 Suntaug Office Park  
 5 Broadway  
 Saugus, MA 01906

Dear Al:

4

I am much concerned over lack of action on the part of New England Fishery Management Council members concerning control of gillnets in the FCZ. Not only are interests of recreational fisherman apparently ignored at meetings and public hearings concerning this problem, but also provisions of the Magnuson Fishery Conservation and Management Act (MFCMA) are also ignored in direct contravention of the law.

As you know, I served for three years on the Council and was its first Chairman, so I am fully aware of the problems involved in drawing up a Fishery Management Plan. However, until recently, the Council has listened to and acted upon recommendations from all those involved in any specific fishery. At the last Council meeting during which gillnet problems were to be discussed while considering the Demersal Finfish FMP, several representatives of recreational fisheries, after sitting through hours of presentations by commercial fisheries interests, were not allowed to testify.

The reasons given apparently were that they would contribute nothing new and that Council members had "heard it all before." When it was brought to the attention of Council members that several letters had been written by those representing recreational fisheries, including myself, it was implied that the quantity of such letters was unimportant, but that their quality was. Just how quality is judged, I do not know, but can only say that my own experience in marine fisheries matters has extended for approximately 40 years, and that my testimony, verbal or written, has at least been considered by various bodies dealing with fisheries management. Today the Council apparently is not interested in my comments nor in those of others in this segment of the fisheries industry.

28


Ignoring recreational interests flies in the face of the MFCMA as set forth in Section 2(b)(3) which clearly states that one purpose of the Act is "to promote domestic commercial and recreational fishing under sound conservation management principles." In my opinion, the Council's emphasis while considering the FMP has been weighted heavily in favor of the economic hardships that might follow if gillnets are controlled in any way. Little or no attention has been paid to destruction of the stocks or to pre-emption of the ocean floor. Here again, Section 301(a)(5) reads in part: "...except that no such measure shall have economic allocation as its sole purpose."

It is my understanding that a lawsuit is being prepared by a group of charter and party boat operators in New England against the Council to draw attention to the unfair and unbalanced approach Council members have taken concerning the operation of gillnetters. I assure you that the National Coalition for Marine Conservation is taking further action, namely by drafting a bill to be introduced in the U.S. Congress to overcome this inequity.

7 Before Council members claim that there is no proof that gillnets damage the stocks and that all must wait until present research efforts have been completed perhaps two years hence, let me point out that under Section 301(a)(20) of the MFCMA: "Conservation and management measures shall be based upon the best scientific information available." No provision is made for delay until a specific research program has been completed. Right now, information indicating through underwater photography that gillnets continue to "ghost fish" after they have been lost or abandoned is available. In addition, a wealth of information on damage to stocks done by gillnets right now is available from Canadian sources. The Canadians as Council members should know, have instituted strict regulations concerning use of gillnets. This 180 degree reversal of previous policy in Canada was based upon several resource problems caused by unrestricted gillnet fishing. The Council should take similar action since fisheries in waters of the Maritimes and New England are very similar.

I realize that the Demersal Finfish FMP as previously written was voted down by the Council recently. This letter is for the record to be submitted at the October 10 meeting when the FMP will be discussed further. The stand of the Coalition on this matter was expressed in my letter of September 4, 1984, to Doug Marshall, and a copy of that letter is attached.

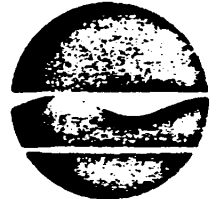
Sincerely yours,

  
Henry Lymab  
Chairman of the Board

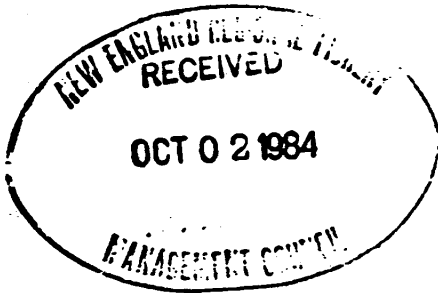
HL/LMA  
Enclosure

cc: W. Gordon  
R. Schaefer  
A. Peterson

New York State Department of Environmental Conservation  
Bldg. 40, SUNY  
Stony Brook, New York 11794



Henry G. Williams  
Commissioner



September 27, 1984

Mr. Douglas G. Marshall  
Executive Director  
New England Fishery  
Management Council  
5 Broadway (Route 1)  
Saugus, Ma. 01906

Dear Doug:

Please find enclosed a written copy of the statements made by the New York State Division of Marine Resources at the ADF public hearing in Riverhead, New York, August 21st. Please make this a part of the official record to support our comments which your staff noted at the hearing itself.

Thank you for considering our concerns.

Sincerely,

Gordon C. Colvin  
Director of Marine Resources

GCC:pd  
Enc.

Testimony of New York State  
Division of Marine Resources  
Concerning the New England Fishery Management  
Council's Multi-Species Fishery Management Plan

The Division of Marine Resources of the New York state Department of Environmental Conservation offers the following comments on the proposed FMP for the multi-species finfish fishery occurring off the northeast coast of the U.S.

Our comments are based on the New England Fishery Management Council's Committee Draft Revision #9 "Possible Management Program Alternatives for Multi-Species FMP" of 7/27/84. Subsequent revisions to this draft have been provided too recently to review them for comment at this hearing.

1. Minimum Size Restrictions

The winter flounder fishery in New York State is a very important one. In 1983 it was the 6th leading finfish in New York's commercial landings records at 1,450,000 lbs. Since 1956 landings averaged 1.5 million lbs. Recreationally it is one of the most popular species ranking 3rd behind bluefish, and scup in the preliminary 1980 results of the recreational anglers survey in our state. Catches in this fishery appear to be fairly stable since work done in the early 1960's by Briggs (1965) showed an average catch of 2,665,619 winter flounder per year in the inshore bays of Long Island. The total catch records demonstrate a stable population of winter flounder over the long term in New York waters.

1 Winter flounder are very localized in their movements (Klein-MacPhee, 1978) and generally are composed of local populations which do not exhibit long migrations or significant mixing (Howe and Coates, 1975; Weber, 1984). Fish tagged off New York remain in the local area as shown in tag returns of flounder tagged and recaptured in Long Island Sound in 1981-83 (Weber, 1984). There is no reason to believe that populations in Long Island Sound and the inshore bays mix with offshore stocks especially on George's Bank.

In addition to the lack of migratory evidence there are different biological characteristics which indicate different subpopulations throughout the range of the winter flounder. Maturity data for winter flounder indicates that in New York fish are entirely mature by age 3 (Weber and Zawacki, 1983), and that 50% are mature at age 2 or 8" in size. Growth rates change from one area to another over the range of the species (Howe and Coates, 1975) and the age at which winter flounder reach maturity varies considerably (Weber and Zawacki, 1983) with the northern flounders older at maturity than the more southerly forms (Kennedy and Steele, 1971). Proposed management measures do not seem to consider the range of the species and the effects of an action on all portions of the population.

The rationale for the management measures proposed in draft #9 is not specified so it is difficult to understand the reasoning behind the recommended 11" winter flounder size limit. Based on our meetings with the New England Council we believe there are 2 major reasons for the proposal:

1. The George's Bank population of winter flounder is declining and needs stabilization, and
2. An 11" size limit in that area would ensure a greater degree of spawning on George's Bank.

We do not feel the 11" size limit is appropriate over the range of the species as it does not recognize the changing conditions throughout this range previously discussed.

In New York waters fish of this size are not usually found, particularly in Long Island Sound and in the inland bays. Length frequency data collected in our area (Briggs, 1965; Weber and Zawacki, 1983) shows that the vast majority of flounder taken are less than 28cm or 11 inches. The impacts of an 11 inch size limit on New York's recreational fishery would be significant and have not been considered in the present plan.

In addition since fish off New York mature at a much smaller size than those on George's Bank (Weber and Zawacki, 1983) and there is no evidence of any mixing of these groups, the 11 inch size limit is not biologically necessary - either for the inshore New York portion of their range, or to manage the George's Bank stock. A population showing stability over 30 years certainly does not need an excessive size limit as an initial management measure.

Because of the differences pointed out above, we do not believe any size limit on winter flounder is appropriate throughout its range. In fact, due to the other management measures recommended for the George's Bank area - minimum mesh sizes and spawning area closures - which will in effect avoid flounder smaller than 11 inches the size limit itself serves no additional purpose in meeting the plan objectives and is detrimental over some portion of the range of the species. We recommend no size limit be adopted for winter flounder.

## 2. Southern New England Management

The management proposal for the Southern New England area which entails only species size limits on mobile trawl operations and a 5 1/2" mesh restriction on bottom-tending gillnets during November through February appears adequate. Our fishermen have indicated a sincere interest in the resource off our coast and a willingness and ability to avoid sub-legal fish. We agree with the plan's recognition of the mixed species nature of our trawl fishery which makes a mesh size restriction inappropriate (Andersen et al, 1983).

The major species of concern in the Southern New England area appears to be yellowtail flounder and we agree with our fishermen that the size limit restriction will adequately address these concerns. The plan, however, does not provide the rationale for the measures proposed.

The yellowtail population in the Southern New England area appears to be revived according to the latest NMFS report (McBride and Clark, 1983). Since this stock of fish has been recognized as one of the somewhat distinct units of this population, we believe the increased biomass for this area indicates adequate recruitment to this stock of fish.

Based on the above, we would not wish to see additional management measures enacted in the Southern New England area as a result of circumstances occurring in the George's Bank area. We recommend that the National Marine Fisheries Service continue reviewing differences in the Southern New England and George's Bank units of yellowtail and collect additional data as needed to clarify this important issue.

### 3. Other Measures

The draft plan calls for a Working Group to determine the need for additional management measures and lists the options they may consider. We do not believe this list should be closed to additional management options nor do we see where the various socio-economic impacts of the proposed options have been examined or evaluated to determine the effects of the use of one or another of the recommendations on the various fisheries. It is also not clear what mechanism the Council intends to use to implement any of these actions. Some of the proposed alternatives such as minimum mesh have potential significant impacts on the New York mixed trawl fishery and are unacceptable. Such changes in this plan must only be considered after full opportunity for public comment and must be based on incontrovertible scientific justification.

In light of the proposed measures we believe a change in the composition of the working group is necessary. It should include an additional biologist designated by the MAFMC chairman and 2 fishermen, 1 each from New England and the Mid-Atlantic.

The need for a biologist is based on the need to ensure a balanced consideration of the Southern New England stock differences mentioned earlier.

The fishermen will insure expert input on the workability and impact of management measures. In addition they will enhance the credibility of the working group in the fishing community. We believe this credibility is critical for such an important plan as this.

Any changes to this plan recommended by the Working Group should only be imposed thru FMP amendment or by regulatory amendment with specific requirements in the regulations for consultation with NEFMC, MAFMC and adequate public hearings. It is necessary to ensure that opportunities for council and public input to the decision making process are preserved.

29 4. Preemption: The proposed size limits and license requirements in Draft#9 appear to be applicable "throughout the species range." This implies the territorial sea, inland waters of a state and intra-and-inter-state commerce. No regulations or other description of implementing mechanisms or legal rationale have been prepared. Such action is totally unacceptable as presented.

Applying such measures in the territorial sea is pre-emptive of a state's regulatory authority. The pre-emption provisions of Sec. 306 of the FCMA have not been followed in this plan. Finally there is no legal basis whatsoever for applying such measure to internal waters of a state.

There are other issues that we feel are problems with this plan but the correspondence from the Mid-Atlantic Fishery Management Council regarding the Council's position on the Multi-Species FMP covers our concerns. The gear marking section and the exempted fisheries section are two specific examples of this concern. In this regard, for the record, the New York Division of Marine Resources concurs with the entire position of the Mid-Atlantic Fishery Management Council concerning the NEFMC's draft FMP for the Multi-Species Fishery of the Northeast.

## Literature Cited

- Anderson, E.D., J.M. Mason, A.M.T. Lange and C.J. Bryne. 1983. Codend mesh selectivity in the Long Island spring trawl fishery for summer flounder and associated species. Woods Hole Lab. Ref. Doc. No.83-33, 65 p.
- Briggs, P.T. 1965. The sport fisheries for winter flounder in several bays of Long Island. New York Fish and Game Journal, V-12, No.1: 48-70.
- Howe, A.B. and P.G. Coates. 1975. Winter flounder movements, growth and mortality off Massachusetts. Trans. Am. Fish. Soc. 104(1):13-29.
- Kennedy, V.S. and D.H. Steele. 1971. The winter flounder (Pseudopleuronectes americanus) in Long Pond, Conception Bay, Newfoundland. J. Fish. Res. Bd. Canada 28:1153-1165.
- Klein-MacPhee, G. 1978. Synopsis of biological data for the winter flounder, Pseudopleuronectes americanus (Walbaum). NOAA Tech. Rep. Cir. 414, 190 p.
- McBride, M.M. and S.H. Clark. 1983. Assessment status of yellowtail flounder (Limanda ferruginea) stocks off the northeast United States, 1983. Woods Hole Lab. Ref. Doc. No. 83-32, 50 p.
- Weber, A.M. 1984. Winter flounder in western Long Island Sound: Preliminary results of the 1981-1983 tagging projects. N.Y.S. Dept. of Environmental Conservation Unpublished report, 34 p.
- Weber, A.M. and C.S. Zawacki. 1983. Winter flounder in western Long Island Sound. Age, length-weight and maturity data. N.Y.S. Dept. of Environmental Conservation. Unpublished report, 30 p.

**MARTIN STILLUFSEN**

1203 COMANCHE AVENUE  
POINT PLEASANT, NEW JERSEY 08742

Sept. 14, 1984

Executive Director  
Doug Marshall



Dear Sirs,

Your plan for 1985 seems to have incorporated sound tactical methods. Strategically it is difficult to separate 'economic criteria (page 1) and 'reproductive capability' also on page 1.

2 Tactically, minimum fish size is useful however more emphasis should be place on minimum mesh size of gillnets and otter trawl codends. Codends should be 5½" when fishing for non exempt species and also hung so the bag fishes square i.e. fastened to the extention on three legged knots. When fishing for exempt species (namely whiting) minimum mesh size should be 3" also hung square. This would enable longer tows and a more effieient and profitable trip. Gillnetters would also benefit from a minimum mesh size of 6" when fishing for non exempt species; however a mandatory formula of 80% of mesh size for hanging the net should also be imposed. These ideas would automatically help regulate fish size and eliminate a lot of unnecessary work on deck.

8  
27 Brief mention is given to Yellowtail Flounder. Your alternative on P.11 V B #3 seems to warrent the most merit. As a stronger measure, a weekly limit of 5,000 lbs. per boat for the spawning period should be considered. During 1982 when this was in effect, smaller boats did well on a weekly basis. Larger boats could cover their trip expenses the first day or so and continue fishing for other species for the remainder of the week. By having the poundage limit, increased dollar value supported the above situations, and conservation of the Yellowtail population was achieved.

# MARTIN STILLUFSEN

1203 COMANCHE AVENUE  
POINT PLEASANT, NEW JERSEY 08742

Page 2

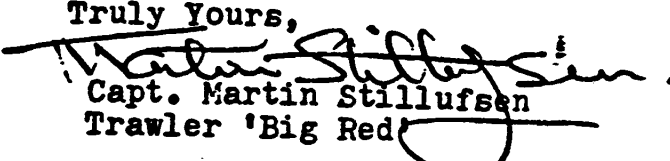
1 Summer flounder (fluke) should also be considered a non-exempt species and limited to a 14" minimum -- throughout the eastern seaboard for both commercial and sport fishermen. This size is now incorporated into many eastern state conservation laws already and should be overshadowed by Federal Legislation-- similar to the federal lobster plan.

24 Lobster gear should be should be marked as section VI P.11 outlines except a double pennant on the western side and a single pennant on the eastern side. (Owners colors optional). This would assist vessels without radar insofar as they could see the easterly end more easily than if it were only to have a single radar reflector on its easterly end. Gear conflict is a difficult issue however in many locations a alternating closure of the grounds may be in order. I'll outline a suggestion for the New Jersey area in a following letter. By each captain knowing his responsibilities a problem could be delt with.

3 A added suggestion is that all fishboat captains be licensed by the Coast Guard. Licensing should include rules of the road, rescue at sea, first aid, seamanship, fire protection, and most importantly, a special endorsement i.e. draggerman, lobsterman, scalloper, gillnetter... one or all of the above. This would create a more respected, efficient , profitable, safer, and most important ; resourceful industry to manage.

Concluding, at our present technology, we can certainly catch fish faster than they can grow. When fish is thrown out for want of customers; no one benefits. By gradually putting the breaks on and easing up occassionally, we can enhance ourselves and our customers and at the same time not do a dis-service to our free enterprise system.

Truly Yours,

  
Capt. Martin Stillufsen  
Trawler 'Big Red'

Copy: Atlantic Offshore Fishermen Association



Al Gauron Deep Sea Fishing, Inc.  
State Pier  
Hampton Beach, NH 03842

Douglas Marshall  
Executive Director  
N.E. Fisheries Management Council  
5 Broadway  
Saugus, MA 01906

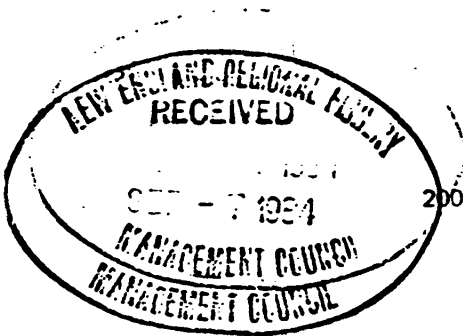
Dear Sir:

4 [ We, the undersigned, are in favor of net tending and the 3,000 ft. spacing between nets. I feel there is no need to bore you with details of the reasons for our thinking, as these items have been discussed for some time now.

1 [ Increasing the size from 15" to 19" seems unfair to recreational fisherman and it doesn't seem necessary to include pollack. It seems more sensible to us old time fishermen to approach the future fish depletion problem by concentrating on the protection of spawning areas.

Capt. Greg Mason  
Capt. Robert Hall  
1<sup>st</sup> Lt. Charles E. Crocker  
Capt. Edmund Gauron  
Capt. John Lagerstrom

Capt. Steve Parker  
Capt. Al Gauron  
Capt. Peter Lagerstrom  
Capt. Mark Gauron  
\_\_\_\_\_



NATIONAL FISHERIES INSTITUTE, INC.

2000 M STREET, N.W., STE. 580 ■ WASHINGTON, D.C. 20036 ■ (202) 296-5090

September 6, 1984

Mr. Douglas G. Marshall  
 New England Fishery Management  
 Council  
 Suntang Office Park  
 5 Broadway (Route 1)  
 Sangus, Massachusetts 01906

RE: Northeast Multi-species FMP Comments

Dear Doug,

The National Fisheries Institute, representing approximately 1,300 companies involved in the harvesting, processing, and marketing of fish and fish products nationwide, would like to submit the following comments on the proposed Northeast Multi-species Fishery Management Plan.

Multi-species fisheries management is an attractive alternative to single stock-oriented strategies. Its implementation, however, creates a new set of problems and challenges that must be considered. For example, as the proposed plan points out, the use of uniform mesh sizes has inherent limitations. A specific mesh size may be appropriate for one species, but not for another. In this regard, NFI is concerned over the application of the 5½ inch mesh size regulation to the redfish fishery.

2

Several of our members have indicated that the large mesh size will not work well in this fishery. According to one fleet manager and processor, the 5½ inch mesh will still gill a 12 inch fish, and as the net fills there will be no escapement of undersized fish. The mesh size regulation will result in high discards and a waste of the fishery resource.

19

NFI also is concerned over the proposed size limit for redfish. We have been advised that a 14 inch redfish is 16-17 years old. Several of our members feel the size limit is unnecessarily large, especially since redfish begin spawning at age 7 and have had many opportunities to reproduce before harvest.

The redfish fishery is different from the other New England groundfish fisheries. Mature redfish stay in deep water, are hard to catch, and normally are harvested without a big by-catch of other species. Because of these characteristics, some NFI members have suggested that a small mesh area for redfish be allowed within the Gulf of Maine. Therefore, instead of using large size limits and large mesh sizes in redfish management, the Council should limit the use of small mesh gear for redfish to deepwater areas only to protect juvenile redfish that migrate into shoal waters.

1 [ NFI also is concerned over the proposed size limit for pollock. Since the plan recognizes that the pollock stocks are currently in a healthy and stable condition, we would encourage the Council not to overly restrict the development of this fishery with a large size limit.

In conclusion, it is important that the Council not lose sight of the individual needs and differences within each fishery. Consideration must be given to the impact these regulations will have on each fishery and on the current overall social and economic conditions within the New England industry.

I look forward to our continued dialogue on this issue. Please call if you have any questions.

Sincerely,

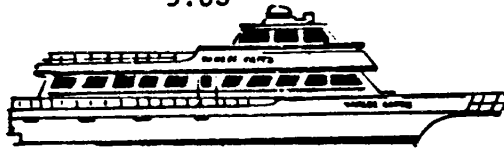


Thor Lassen  
Government Relations Representative

TL/pcf

9.63

APRIL thru OCTOBER  
P. O. BOX 589 or  
75 ESSEX AVE.  
GLOUCESTER, MASS. 01930  
617-283-0313



NOVEMBER thru MARCH  
P. O. BOX 4068  
KEY WEST, FLA. 33040  
305-294-7009

## THE YANKEE FLEET

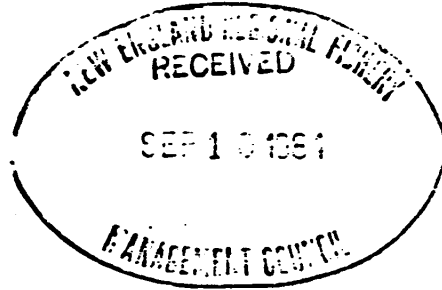
GLOUCESTER, MASS.

&

KEY WEST, FLA.

September 6, 1984

Mr. Douglas Marshall  
Executive Director  
New England Fishery  
Management Council  
5 Broadway  
Saugus, MA



Dear Sir:

Please accept my comments on the proposed changes in the FMT. I strongly disagree with a greater burden on the recreational angler by an increase in fish size for recreational fishermen. To try to meet your overall objectives by treating all users as the same by impact, is grossly unfair. The recreational angler has had to make do with scrod catches as their staple catch as the commercial effort has increased in areas to which they have access. To now place additional restrictions on his rights as a truly clean fisherman with no bi-catch is an injustice to all concerned. In particular, the pollock size would be a particular problem, because they are dependent on the large schools of 15 to 20 inch fish that other fishermen do not target, due to low market value, but present excellent angling and food for the table.

I strongly agree with Alternative C on page 11. This would only replace an impossible situation that exists today in many areas with some sort of order that other users would have a chance of dealing with. In addition, I would strongly advocate all fishermen stand by their gear while it is fishing. To be an absentee landlord in such an important resource is not an acceptable sharing of the responsibility that is required of all fishermen. It has been my experience on our offshore trips to Cashes and the Great South Channel that your proposals would be effective in resolving many of the problems we now face. In these areas, to a large extent, they follow setting guidelines and tend their gear, and I can see this working in all areas. We have success in working in these areas so long as a window is left between sets as proposed. To believe that offshore fishermen can tend their gear while day fishermen contend they cannot, is suspect to say the least.

DEEP SEA FISHING ● CHARTERS ● SIGHTSEEING CRUISES

In closing, I strongly urge the Council to assess the user on an impact basis. To manage the users as one not only flies in the face of logic, but does nothing to encourage the clean user of the resource.

Fair Winds,

A handwritten signature in cursive script that reads "Thomas Hill". The signature is written in dark ink and is positioned above the printed name and title.

Capt. Thomas Hill  
F/V Yankee Cpts.



Phone:  
(617) 675-1551

State Pier  
Fall River, MA 02721

September 6, 1984

Douglas G. Marshall, Executive Director  
New England Fishery Management Council  
Suntaug Office Park  
5 Broadway, Route 1  
Saugus, Massachusetts 01906

Dear Doug,

18

The Northeast Multi-Species Fishery Management Plan understandably gives very little consideration to the problems and potentials of longlining for groundfish. For the past thirty years there has been little large-scale offshore longlining activity.

However, with the advent of reliable mechanization and automation, 100' class longline vessels now have the potential of competing economically with comparable-sized otter trawlers. Furthermore, longlining inherently brings to any groundfish fishery the benefits of very desirable size selectivity, absence of associated mortality or habitat damage, and opportunity for superior product quality. Accordingly, there are now over two hundred automatic longliners operating, most of them over 80' in length. The majority of these vessels are in the Norway-Iceland-Faeroe Islands area. Management plans for groundfish where these vessels operate have for several years given consideration to the unique benefits of longlining. Even spawning and nursery areas closed to mobile gear are left open for longliners, and special care is taken to avoid regulations which would directly or indirectly inhibit the development of economically successful longlining operations. From a marketing point of view, prices paid for longline fish are in some areas literally double those paid for dragger-caught fish.

Recently there have been efforts to introduce automatic longlining to the Gulf of Maine--Georges Bank fisheries. SEA DOG V began the trend in 1981. The expenditure of \$250,000 on the Saltonstall-Kennedy automated longline demonstration project (1980-1982) indicated government recognition of the importance of the technique and helped focus attention on its potentials. Several mechanized Canadian longliners have routinely reported high catch rates on Georges Bank. Sea Bank, Ltd. has three Mustad autoliners under construction. My company, High Seas Corporation,

Douglas Marshall

-2-

September 6, 1984

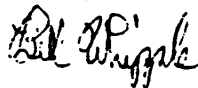
is well along, at a cost of about three quarters of a million dollars, in the conversion and outfitting of a 147' vessel with a Mustad autoline system.

Because of a lack of general understanding of the autoline technique, its relationship to management objectives, and its possible importance in the Gulf of Maine-Georges Bank groundfisheries, I have written, from a longliner's perspective, a reasonably comprehensive set of comments on the Northeast Multi-Species Fishery Management Plan and included an introduction explaining the relevance of autolining to present concerns of those responsible for developing the Plan. These comments accompany this letter. I have also taken the liberty of delivering to the Management Council office twenty-five copies of the comments, which you can use as you see fit. Depending on the availability of further information, I may wish to amend the comments.

I would like to request that there be representation by automatic longliners on the groundfish advisory committee, and on other committees or at appropriate meetings where the formulation of policy relating to offshore longlining takes place.

Thank you for your consideration.

Sincerely,



William D. Whipple  
President

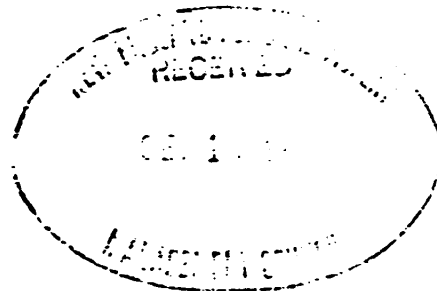
WDW/hmw

Enclosure

cc: Richard H. Schaefer  
Frank Grice

September 6, 1984

Douglas G. Marshall  
Executive Director  
New England Fishery Management Council  
5 Broadway (Route 1)  
Saugus, Massachusetts 01906



RE: Northeast Multi-Species Fishery Management Plan

Dear Mr. Marshall:

I would like to state first that I feel that most fishermen would like to see measures of conservation enacted that would ensure that fish will be there to catch for years to come. I think too, however, that, for them, economic factors must be considered. Fish prices are too low and expenses too high to expect support for programs which will limit their catch. Having said this, I offer the following:

- 21 [ 1. As a conservation measure, I agree that the increase in mesh size is a good step. In order for it to be a viable method though we must ensure that prices for the legal catch will make it worthwhile for the fishermen to pass over the illegal catch.
- 1 [ 2. With the use of the increased mesh size, I do not think that it is acceptable to have a minimum fish size stipulated. The reason is this: If a lobsterman catches an undersized lobster, he can throw it back and that lobster will mature...However, if he brings an undersized cod up in his net, he can't throw it back to mature because it is undoubtedly dead or going to die. The Council will have to count on the mesh size to limit the number of small fish caught and leave it at that. The fish is going to die so why throw it back!
- 16 [ 3. Under the section on "Catch Reports", I would like to suggest that the processors rather than the fishermen keep the necessary records. Processors have access to the necessary information and could provide reports either on an overall or boat by boat basis. I do feel, also, that all such reports should be submitted on an overall - total catch basis unless there is some problem or a significant number of small fish show up on any one report. Then the records could be checked by individual boat. Keeping the reports as general and impersonal as possible might make this section more acceptable to fishermen.
- 4 [ 4. Lastly, I would like to strongly emphasize that I do not feel that fishermen should have to make concessions or alter their fishing methods at all to accomodate

4

the recreational fishermen. Asking a gillnetter, for instance, to put his strings of gear at least 3,000 feet apart is asking him perhaps to cut his catch in half. Many times the fish are only in a very small area and asking him to leave more than half a mile between strings for the sake of the recreational fishing industry is totally unfair. Fishermen have enough restrictions (price, expenses, length of season, etc...) without having to give way to weekend vacationers.

I sincerely hope that these comments are helpful and that they will be seriously considered in making your decision. If you have any questions or would like any additional information, please contact me.

Sincerely,



Pat Schroeder  
F/V Patricia Ann (lost at sea)  
Box 342  
Boothbay, Maine 04537  
(207) 633-4059



# Interstate Party Boat Assoc.

founded in 1957

September 5, 1984



Mr. Douglas G. Marshall  
Executive Director  
New England Fishery  
Management Council  
5 Broadway  
Saugus MA

Dear Mr. Marshall:

The IPBA would like to make the following comments on sections of the new Groundfish Plan:

1 On Page 3, the proposed increase in fish size from 15 to 19 inches would impose an unfair burden on the recreational fisherman. It would, by recent survey data, eliminate from 60 to 99 percent of the present catch. The 15 inch no-sale limit, already in effect, accomplishes the Council's intent for a 20 percent reduction on juvenile fish. We feel that because of our 0 percent discard and clean hook fishery, we should not have the same size limit as a high discard net fishery.

On Page 11, the Gear Marking Requirements: Proposal VI, we agree with the gear marking recommended by the Council and support the proposed marking requirements and the 6000 feet maximum length for a gillnet.

4 On Page 12, Proposal VII, the Additional Alternatives for Addressing Gear Conflicts, Option A (to create a Task Force), we believe the problem of gillnets has already been studied. Options B, C and D were developed from this study. We believe these options should be included in the plan NOW! To wait and further study the problem is a delaying tactic.

Option B, requiring gillnetters to tend their gear in high recreational use areas, would help relieve the intense pressure on the resource in four ways:

1. It would reduce the potential of lost and damaged gear; i.e. If the boat is on its gear, a dragger is less likely to run through it.

- 4
2. It would prevent the present practice of farming gear in separate areas and hauling gear every second or third day. This is a great resource-wasting practice because the only marketable fish are those caught in the last 12 hours. The rest are "scalers", sandflea-infested rotten fish which are picked from the nets and discarded overboard.
  3. By bringing gear home with them, it would give the resource a chance to migrate and move in a more normal pattern, rather than a net continuously blocking a piece of bottom for months at a time.
  4. It would be an effective way to limit effort in a fishery that has seen a dramatic increase in the past few years.

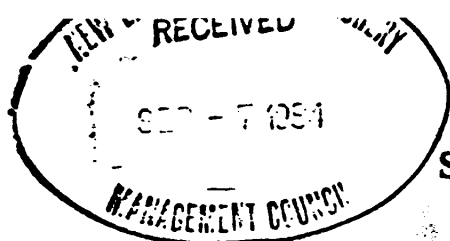
On Option C, requiring 3000 ft. spacing between nets, this spacing (which is only a half net length) would allow a hole in the wall for the fish to pass through, rather than the current situation of mile after mile after mile of continuous nets, causing an impossible wall for a resource which must migrate to survive.

The general feeling for the complete document is that it is going to meet with much resistance and general non-compliance from the commercial sector. We find nothing in the plan that makes it any more enforceable than the interim plan. The result being a higher discard rate than the already criminal discard rate currently being practiced.

Very truly,

*Capt Wally Hynes*  
Walter T. Hynes, Jr.  
President

WTH:mh



9.71

## SEABANK INDUSTRIES LIMITED

One Devonshire Place - Suite 3215  
Boston, Massachusetts 02109  
(617) 227-9415

Sept. 5 1984

Mr. Douglas G. Marshall  
Executive Director  
NEFMC  
5 Broadway  
Saugus MA 01906

Dear Doug,

Further to our June 7 letter concerning the hook fishery and the Council's invitation to comment on the draft Multi-species Fishery Management Plan we would like to re-emphasize our verbal views expressed at the recent Hyannis hearing.

This company anticipates deploying 3 highly mechanized longline vessels in the fishery in the near future. Their operating methods in scope and scale will be unlike any previous similar efforts in these waters. The company goal is to produce the highest quality fish groundfish possible. Also, the resource conservation sensitivity of this fishing method is well documented and known.

Concerning the mechanized long-line position in the fishery our observations are as follows:-

We prefer a 6" mesh and the retention of the existing nursery areas, and to leave as much hard bottom free as possible for long-liners even to the extent of enabling them to fish in the expanded areas of the suggested new sanctuaries during periods of possible closure.

As our fishery relies greatly on winter productivity we would like to leave as much hard bottom area free during the entire winter-spring season, a maximum closure being the present.

## SEABANK INDUSTRIES LIMITED

One Devonshire Place - Suite 3215  
 Boston, Massachusetts 02109  
 (617) 227-9415

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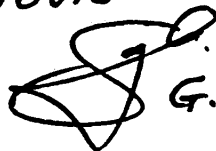
Although we appreciate the reasons for the 6000 foot buoy placement and continuous gear sets, this restriction would severely hamper the efficiency of our fishery and inhibit the attainment of our quality goals. The larger size fish at which our fishery is directed very often inhabit areas where it would be impossible to set as the draft plan alternatives recommend.

17

Eliminating the 'Federally Subsidized Effort' as applied to the investment in more efficient fishing methods and 'development' fisheries would in Seabank's view greatly inhibit our ability to attain the productivity and quality standards the Marine Fisheries Services has spent so much time and effort in encouraging and promoting.

In conclusion we suggest again (our June 7 letter refers) most strongly that representatives of the mechanized long-line segment of the fishery be invited to participate in the long and tedious process of formulating the most workable plan possible under the circumstances. We believe our comments indicate the necessity for this.

Yours sincerely,

  
 G.B. Charles



Director  
New England Fisheries Management Council  
5 Broadway (Route 1)  
Saugus, Mass. 01906

Sept. 5, 1984

Dear Sir,

I own and operate a charter boat out of Menemsha on Martha's Vineyard Island. I am licensed to carry six passengers on the waters between Race Point and Montauk, N.Y. I am therefore directly concerned with any proposed fisheries management plan insofar as it might effect the fish I pursue for my clients.

4 I have a few observations about the recently published Public Hearing Summary. I am concerned about the wildfire proliferation of gillnets along the Massachusetts coast. I understand they are all over the place north of Cape Cod and I have seen some and heard about many more south of the Cape. Gillnetters aren't going to go away - nor should they - but they should at least be held responsible for their gear and what it can do to fishery stocks.

I think gillnets should be tended at all times. This to decrease the danger of the nets becoming lost and going on to fish forever. I also think gillnets should be clearly marked at both ends so that other vessels fishing in the area won't hang up in them. In addition, a substantial distance should be maintained between one gillnet and another so that at least some fish will have a chance to make it through the picket line. I feel that 3,000 feet between nets would be a reasonable distance, but 6,000 feet would be better.

Thank you in advance for considering my opinions.

Sincerely,

Capt. Whit Griswold  
RFD #340  
Chilmark, MA 02535

## Cape Oceanic Corp.

41 Rosary Lane  
 Hyannis, MA 02601  
 617-775-8693



4 September 1984

New England Fishery Management Council  
 Suntaug Office Park  
 5 Broadway  
 Saugus, MA 01906

Dear Chairman,

After reviewing the latest Northeast Multi-Species Fishery Management Plan, I was quite shocked. In general, the proposals that have been made are extreme to say the least.

Due to the lack of fish stocks of all species, the plan cannot possibly go into effect and still allow the fisherman to maintain himself at a reasonable economic level. In my opinion, a sporadic plan such as the proposed management plan, would devastate the majority of commercial fishermen.

Conservation of multi-species that lie off the New England coast is necessary at this date. However to expect an extreme plan to be fair and just, and attain the goals of all interested parties, much more time and consideration certainly must be given to the situation from an economic point of view. The economic effect not only to the fisherman, but also to other immediately related producers and suppliers would be substantial.

In the latest management plan, section IX plans to eliminate federally subsidized effort. To do away with the Capital Construction Fund or other tax support programs, you may as well do away with the private fishing industry in our country. Is this what you want to do? The vessel guarantee loan program, which represents the second part of IX in the new plan, could possibly be eliminated without a great effect on the existing successful fishermen.

From the section of IX, specifically the Capital Construction Fund, from my experience as a multi-boat owner, producer, and fisherman, it is safe to say that 60% to 80% of all money used for new construction, re-construction, and maintenance and upkeep (specifically being the most important in this situation), stems from the use of the Capital Construction Fund. To do away with the Capital Construction Fund essentially would do away with the fishing fleet.

Haste makes waste. Let's give more time and consideration to management plans concerning fish stocks. The consequences are much too great if mistakes are made due to lack of experience in the fishing industry.

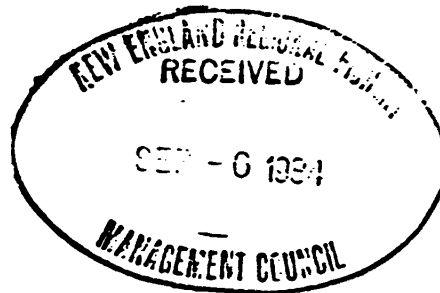
Sincerely,

*James Spalt*  
 James Spalt



Capt. Edward F. 'Spider' Andresen  
Stormy Petrel Fish Co.

Flanders Lane  
Chilmark, Mass. 02535  
617/645-9668



September 4, 1984

Mr. Douglas G. Marshall, Executive Director  
New England Fisheries Management Council  
5 Broadway - Route 1  
Saugus, MA 01906

Dear Mr. Marshall:

**4** I would like to add my comments to the official record on the current hearings on gillnets. First, under subhead B, I feel that it is extremely important that all fishermen tend their gillnets at all times. This would eliminate a great deal of lost gear and the ghost-fishing that results from it. In all other phases of both recreational and commercial fishing, the fisherman must tend his gear. Why should it be any different for gillnetters?

Under subhead C, I think that a minimum of 6,000 feet should be mandatory between gillnets. Lastly, I would just like to say that any further study and any additional task force would be a waste of everyone's time at this point in history. The facts are that gear conflicts exist, overfishing is currently a problem and that continued indiscriminate use of gillnets is detrimental to the fishery and unacceptable.

It seems to me that the council has been ducking this issue long enough. It is time to come to grips with the problem and deal with it.

Thank you for your consideration.

Sincerely,

Captain Edward F. Andresen

EFA/nsm



## NATIONAL COALITION FOR MARINE CONSERVATION

September 24, 1984.



Mr. Douglas G. Marshall  
Executive Director  
New England Fishery Management Council  
5 Broadway (Route 1)  
Saugus, MA 01906

Dear Doug:

As you know, I personally have been concerned about the proliferation of gillnets, particularly those operated by part time fishermen, along the coasts. This concern has also been expressed by the National Coalition for Marine Conservation's officers, directors and members. Publication of the Public Hearing Summary on the Northeast Multi-Species FMP by the New England Fishery Management Council gives me an opportunity to go on record formally on this matter as Chairman of the Board of the Coalition.

Under section VI of the Summary concerning gear marking requirements, we endorse Alternative C, which includes limitations of 6000 feet net length and uniquely identifiable marking of each net. Item C under section VII, which requires a minimum spacing of 3000 feet between gillnets, we also endorse, but would prefer a limit of 6000 feet, the standard length of such nets. This would allow greater escapement of passing fish.

Again under section VII concerning alternatives for addressing gear conflicts, we are strongly opposed to Alternative A, which would appoint a Task Force to investigate the nature, causes and extent of conflicts. Over recent years, these conflicts have become self-evident. Naming a Task Force would simply delay any action -- and action is needed right now. Many now exploiting the resources would be delighted to have such a delay so that uncontrolled fishing could be continued for another season.

Key to the whole problem we feel is expressed in item B of section VII, namely to require gillnet fishermen to continually attend their gear in selected high recreational use fishing areas. Frankly, we would prefer to have this requirement extended to all gillnets. Other commercial operators, such as dragners, must attend their gear at all times and there is no reason why gillnetters should not do the same. The argument against such a provision has been that the gillnetters might be endangered from the safety point of view in foul weather. During such weather is the very time when gillnets break loose and then continue ghost fishing. If weather conditions are such that danger is involved, the gillnetters should retrieve their gear and head for port. Full time fishermen realize this, but many part time operators are willing to take their equipment losses at the expense of the resources of the future.

Note that recreational fishermen obviously tend their gear at all times when fishing. Unmarked and unattended gillnets have caused trouble to party, charter and private recreational fishing boats as well as to the resources. Action is needed immediately to correct this problem. Note also that "high recreational use fishing areas" often change during any given season. To define such areas exactly would simply mean that the gillnets would be set elsewhere and that the problem would continue. It might well be compared to the old days of ICNAF when the Soviets engaged in pulse fishing, shifting from one stock to another as the supply warranted.

I would be glad to elaborate on the above statements at any time.

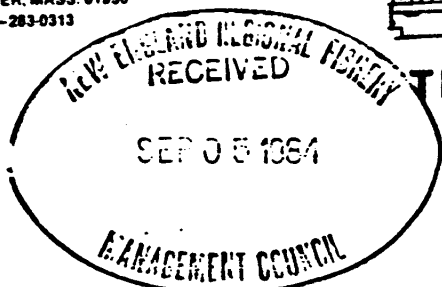
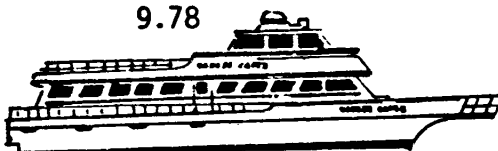
Cordially,



Henry Lyman  
Chairman of the Board

HL/bk

cc: NCMC list



**THE YANKEE FLEET**  
GLOUCESTER, MASS.  
&  
KEY WEST, FLA.

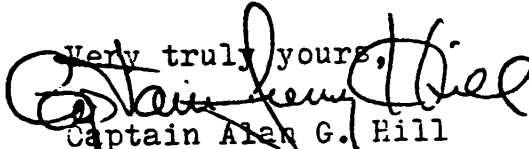
September 2, 1984

Chairman  
New England Fisheries Mgt. Council  
Suntaug Office Park  
5 Broadway  
Saugus, MA 01906

Dear Sir:

In 1984, Yankee Fishing Fleet vessels will have provided over thirty thousand (30,000) individual fishing days to Anglers from all across the U.S.A.. Unfortunately, on many of these days, access to the fisheries was largely denied to our vessels and these Anglers by the usurpation of ever larger areas of the ocean by bottom tending gill nets. Further, by the very fact of this increasing burden of preclusion upon all other fisheries participants, an escalating rate of conflict between these users and gill net users has been created. Coupled with the "walling off" of a considerable portion of the Bay of Maine by an unbroken "lead", or wall of nets from Cape Cod to Cape Elizabeth on occasion, plus an increasing incidence of lost gill nets that we encounter, we believe that an emergency situation has been created by the bottom tending gill net fishery in New England.

Therefore, having polled all of the Captains of the passenger fishing vessels listed below for their approval, I earnestly solicit your Councils favorable response and prompt implementation of Option B and Option C of Proposal VII of the Northeast Multi-Species Fishery Management Plan, I.E. - (require gill net users to tend their nets in areas of high conflict. Note: We believe they should at all times.), and Option C (require a 3000 foot spacing between nets). We request your action as the minimum response we believe is necessary to address the Emergency that exists as a result of gill net fishery practices; practices that are both damaging to the resource, and guarantee escalating conflict as equal access rights are further denied by "might makes right", the usurpation of the sea by bottom tending gill nets.

Very truly yours,  
  
Captain Alan G. Hill

Subscribing to this request for emergency action:

M.V. Yankee Patriot - Capt. Phil Hoysradt	M.V. Miss Gloucester II -
M.V. Yankee Capts - Capt. Tom Hill	Capt. Mark Cunningham
M.V. Dolphin - Capt. Dan Courtemanche	M.V. Island Queen -
M.V. Yankee Spirit - Capt. Tom Orrell	Capt. William Cunningham
M.V. Yankee Pride II - Capt. Tom Lukejord	M.V. Miss Cape Ann -
M.V. Middlebank - Capt. Tom Cain	Capt. Steve Sears
M.V. Wejack - Capt. Joe Arsenault	
M.V. Nautibuoy - Capt. Al Magliozzi	

DEEP SEA FISHING ● CHARTERS ● SIGHTSEEING CRUISES

# National Party Boat Owners Alliance, Inc.

**EXECUTIVE OFFICE**  
181 Thames Street  
Groton, CT 06340  
Phone: (203) 535-2066



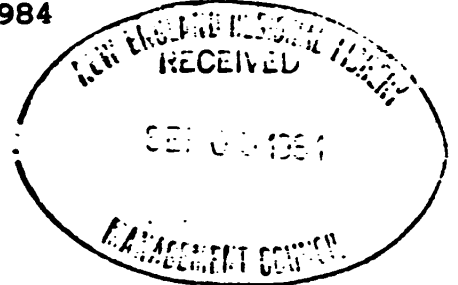
**OFFICE OF SEC'Y. - TREAS.**  
1010 Long Cove Road  
Gales Ferry, CT 06335  
Phone: (203) 464-2412

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**FLORIDA**  
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Capt. Dan Garnsey  
**WEST COAST**  
Capt. Jack Curry  
**KEYS**  
Capt. Ray Jensen  
**GULF COAST**  
Capt. Bill Booth  
**BOOTH BAY HARBOR, ME**  
Capt. Bob Campbell  
**DELAWARE BAY, DEL.**  
Capt. Wm. G. Morris  
**CAPE MAY, N.J.**  
Capt. Ed. Yates

Sept. 1, 1984



Douglas G. Marshall,  
Executive Director  
New England Fishery Management Council  
Suntaug Office Park  
5 Broadway (Route 1)  
Saugus, MA 01906

Dear Sir:

In regard to the proposed Northeast Multi-Species Fishery Management Plan, we wish to submit the following comments for the record:

1. Re: The proposed increase in the minimum size of cod, pollack and haddock from the present 15" to 17", 18" and 19".

The consensus amongst NPBOA members directly affected by this proposal indicates that we could live with a 17" minimum size, but not with a program that would escalate to 19 inches in subsequent years.

2. Re: Limit of 2 undersize fish per angler per day.

a. We feel that this proposed limit is quite restrictive, especially in view of the proposed 2" jump in minimum size. A limit of 4 would be preferable.

b. As in the past, charter/party boats would post minimum size limit placards and also have markers indicating minimum size placed at various locations around the boat. Again, responsibility for complying with minimum size regulations must rest with the individual angler; the captain cannot enforce the regulation.

3. Gillnet regulations

We wish to reiterate our position on the urgent need for effective gillnet regulations.

a. The minimum mesh size requirements for gillnets must be extended from the proposed period of November through February to at least the first week in June. For our members who fish the FCZ area off Block Island, we must emphasize that those waters provide the very basis of the spring fishing business for the charter/party boat fleets from Montauk, Eastern Connecticut and Rhode Island.

## NPBOA Comments

Re: Northeast Multi-Species Fishery Management Plan

b. The area designated as #3 (Pg. 13, Figure 6, Block 3), indicates proposed boundary for gillnet area in which attendance upon gear would be required. However, the northern boundary of this area falls far short of an area that needs protection. We refer you to our previous letter to you in which we proposed the following LORAN coordinates: 14450W to 14600 and everything North of 43800.

And in that same letter, we had proposed that this same area be CLOSED to gillnetting from March 15th through June 1st.

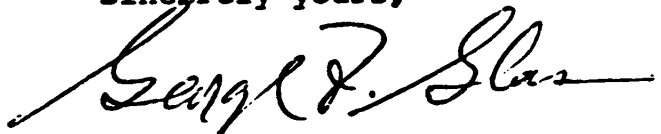
c. We recommend that the length of continuous gillnet sets be no longer than 1500'. The idea of letting one gillnetter lay claim to a nautical mile of bottom fishing territory per one continuous set is hardly equitable, vis-a-vis the hardship such operators have imposed upon our segment of the fishing industry. We further recommend that gillnets shall not be set in a square, rectangular, triangular or similar conformation that would basically close off an area to other vessels.

d. We are opposed to alternative VII A., that is, appointing a "Task Force" to investigate the gillnetting problems. There has already been an Ad Hoc Gillnet Committee studying the problem; and the Council staff has already been on scene, courtesy of the Yankee Fishing Fleet, to observe at first hand how gillnetters usurp entire productive fishing grounds.

The time to checkrein the indiscriminate use of that type of gear is NOW. Council action to curb gillnetting abuses must be taken right away.

4. Proposal to eliminate Federal Vessel Obligation Loan Guarantee/ Capital Construction Fund programs (Pg. 14 IX). This is akin to throwing the baby out with the bathwater. Limited entry could be achieved in a different way if that is the goal of the proposal. However, we oppose cutting off these two programs as a means of achieving such an end.

Sincerely yours,



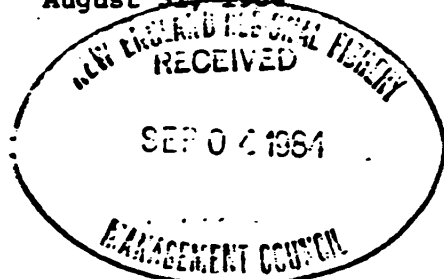
Capt. George F. Glas,  
Executive Director

# Salt Water SPORTSMAN

The Voice of the Coastal Sport Fisherman/186 Lincoln St., Boston, Ma. 02111 (617) 426-4074

Mr. Douglas G. Marshall  
Executive Director  
New England Fishery Management Council  
5 Broadway (Route 1)  
Saugus, MA 01906

August 31, 1984



Dear Mr. Marshall:

I have several comments to make concerning Sections VI and VII of the Multi-Species Fishery Management Plan that stem from last Wednesday's hearing in Gloucester.

Several gillnetters who got up to speak against the idea of marking their nets with anything other than end buoys explained that there was no need to do so because a recreational fisherman or party boat operator need only to call the gillnetter on the radio and ask what sort of pattern his nets were set in so that he (the hook-and-line fisherman) would not get tangled up in it.

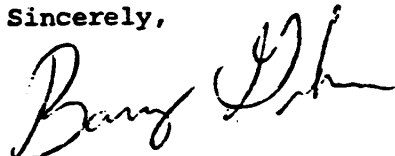
4 Our feeling is that this places an unfair burden on the recreational angler or skipper. Granted communication between users is good and should be encouraged, but it would be so much simpler if the netter would adequately mark his gear, ending the problem once and for all and eliminating the need for radio communication. Furthermore, gillnetters often make sets ten or more miles apart (by their own admission last Wednesday night and which should be on your tape). If a gillnetter is more than a mile away from any given set of nets, how is the angler or party skipper to identify the boat if he can even see it at all? This, as far as I can see, throws the "radio communication" method right out the window anyway. You can't talk to a boat that isn't there. Many days I have been off Boothbay Harbor and have seen dozens of gillnet sets but not a boat in sight.

It would seem, therefore, that the netter would either have to adequately mark his gear as proposed in Subhead C of Section VI, #'s 1, 2 and 3 inclusive, or tend it all the time to prevent conflict, loss and damage of equipment, his and other users'. If it comes to a choice of one or the other, we definitely favor the tending of gear. This is the fairest, most equitable solution for the prevention of conflict between all users -- recreational, trawlers and gillnetters themselves. Many serious and successful gillnetters tend their gear as a matter of choice, so there is little truth to the argument that it would put some netters "out of business."

4

In closing, I would stress that the 3000' spacing of nets -- as a bare minimum with 6000' recommended -- is absolutely essential to allow all users of the resource a chance to catch fish. If this particular item is not incorporated, the currently smoldering emotion concerning pre-emption of the bottom by one user group is sooner or later going to burst into flame. The gillnetter must make a living, but so must the party boat operator and the dragger skipper -- and the 12 million salt water anglers in this country have a right to share in the resource as well.

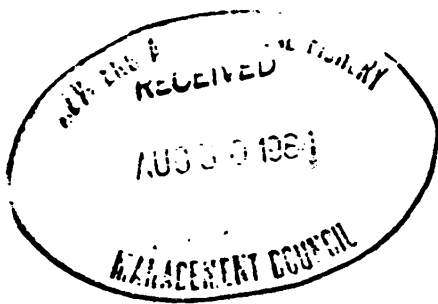
Sincerely,



Barry Gibson  
Editor

Charter Boat Owner/Operator

9.83



August 29, 1984

Douglas Marshall  
Executive Director  
New England Fishery Management  
5 Broadway  
Saugus, Mass 01906

Dear Mr. Marshall,

I am opposed to Section IX (Federally Subsidized Effort) of Northeast Multi. Specs Fishery Plan of August, 1984.

U.S. Fisheries are competing against foreign vessels that are completely subsidized by governments.

The capitol Construction Fund was started to insure the U.S. fishing fleet stayed in good repair and the fleet was kept modern to compete.

The U.S. Government does little as it is to help fishermen.

Sincerely,

Don MacPhee  
P.O. Box 212  
Rye, N.H. 03870

17

August 29, 1984

To: New England Fishery Management Council

Reference: Northeast Multi-Species Fishery Management Plan

My name is Salvatore A. Parisi, I am a native of Gloucester, am part owner of the F/V Gloucesterman and own and operate a Ship's Chandler PARISI PLASTIC FISHING GEAR, INC.

I appreciate the time and dedication you have spent this past year drafting this plan. I also realize your obligation to conserve fishing stocks as your main objective.

7 It is very easy for us to come here tonight and reject part or your whole plan. I realize that your sole source of information is based upon the information you receive from biologist from Woods Hole, who work for the federal government. I do not feel that this source of information is enough for you to make recommendations - to a plan that will work. I prefer that you seek a second opinion from an unbiased biologist, that is not paid by the government. With no offense to the biologist of Woods Hole. I think a second opinion is necessary in order for you to have the necessary information for you to put forward a plan that would be beneficial to the industry as a whole.

At this time I would like to be more specific as to the plan that is being presented tonight.

2 Reference will be given to the Cod End size of  $5\frac{1}{2}$ " mesh that is presently required. I have before me a sample of Cod End of  $5\frac{1}{2}$ " mesh, and will demonstrate that a 19" Cod Fish and Haddock will be able to pass through the  $5\frac{1}{2}$ " mesh Cod End regulation that is now in effect.

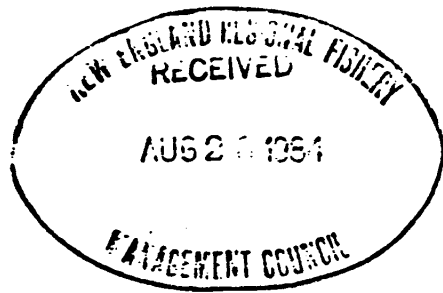
2 I intend to show that the present 5½" mesh Cod End is sufficient and is within conservation measures. I am not without an alternative plan to your goals of preserving fishing stocks.

24 PLAN A: I suggest that we respect the spawning areas rather than increase the mesh size to 6". I would also recommend to the council that they consider the scallop fleet who is now allowed in spawning areas, while our dragger are restricted. Please restrict everyone from these areas. Upon these measures I beleive that you can fullfill your obligation of preserving fishing stocks.

Respectfully submitted,



Salvatore A. Parisi



Dear Sirs.

Apon reading my latest issue of The Fisherman magazine. Pending regulations on gill netting where brought to my attention. These regulations include, a 3,000 foot spacing between nets, netters to stand by their gear in areas of conflict with rod and reelers. Netters would be required to mark their gear better so private boats and charter vessels can tell which way the gear is running. A 6,000 foot limit on individual nets. As an avid sport fisherman and current world record holder i must voice my support in favor of these measures. Although i am still concerned with the problem of lost gear, which continue to fish at no ones gain and every ones loss. I still feel these regulations are a step in the right direction and strongly urge their adoption by the fisheries council. Although i respect the rites of commercial fishermen to make a living, the fishery must be preserved and protected for all of us and generations, to come.

sincerely

Donald Fx Angerlin.  
11 Pleasant St.  
Wayland MA 01778

**MONADNOCK FOREST PRODUCTS**

Prescott Road / Jaffrey, New Hampshire 03452

*Manufacturers / Exporters / Wholesalers*

Brian E. Rohde  
President

Norman S. Hansen, Jr.  
Treasurer



August 28, 1984

Chairman  
New England Fisheries Council  
Suntag Office Park  
5 Broadway  
Saugus, MA 01906

Dear Chairman:

I have read an article on the proposed regulations on the use of gill nets and would like to express my opinion as being in favor of the following regulations:

1. Netters should be required to stand by their gear in areas of conflict with rod and reelers.
2. Netters would be required to better mark their gear so private boats and charter vessels could tell which way the gear was running.
3. There should be a 6,000 foot limit to individual nets.

I hope the New England Fisheries Council will seriously consider passage of these proposed regulations.

Sincerely,

Brian E. Rohde  
President

BER/ac

**Quality Northeastern Hardwoods & Eastern White Pine**

# Salt Water

## SPORTSMAN



The Voice of the Coastal Sport Fisherman/186 Lincoln St., Boston, Ma. 02111 (617) 426-4074

28 August, 1984

Mr. Douglas G. Marshall  
Executive Director  
New England Fishery Management Council  
5 Broadway (Route 1)  
Saugus, MA 01906

Dear Mr. Marshall:

Those of us on the home staff of Salt Water Sportsman, a 45-year-old national sport fishing publication with a readership of over 400,000, have been following the development of the Northeast Multi-Species Fishery Management Plan with interest for some time now. We have gone over the August, 1984 Public Hearing Summary and feel compelled to comment on several items contained therein insofar as they pertain directly to the recreational sport fishery. We are primarily concerned at this time with Section VII, "Additional Alternatives For Addressing Gear Conflicts."

First, under Subhead A, we feel that the appointment of a Task Force to investigate the nature and extent of gear conflicts would be, at this point in time, somewhat redundant and a waste of time and effort. We feel that the nature of the conflicts are readily apparent and have been documented, and that further "study" will simply prolong any sort of resolution. Let's address the problems now, not six months or a year hence.

Under Subhead B, we feel that it is mandatory that gillnet fishermen continuously attend their gear, and should do this at all times and in all areas. "High Recreational Use" areas can change from year to year, even month to month, and recreational fishermen should have the option of being able to fish anywhere with the knowledge that the gillnet operator is nearby so that any conflict or incident can be resolved on site. After all, the recreational fisherman continually attends his gear, as does the trawler operator. It is only fair that the gillnet fisherman be required to do so too.

Under Subhead C, we feel that the 3000-foot spacing between gillnets is an absolute minimum, and that 6000 feet would be far more beneficial to other gear type users. Note that 6000 feet is only the length of a maximum single gillnet set. One net -- and then a spacing of the same distance as that set -- does not seem to us to be at all unreasonable and will allow the recreational fisherman as well as the dragger operator a chance to fish some productive bottom along with the gillnetter.

Under Subhead D, setting patterns should be established and adhered to in all water off New England, not just Georges Bank and Southern New

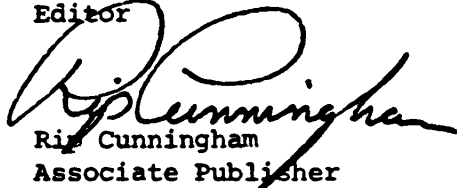
England. Setting patterns are mandatory in order that damaging and costly contact between gear types may be prevented.

Gear conflict between resource users is a problem that cannot be resolved by continued studies and investigations. The problems exist now and are going to increase in the foreseeable future if action that allows equitable access to the resource is not implemented quickly.

Sincerely,



Barry Gibson  
Editor



Rip Cunningham  
Associate Publisher



9.90

STINSON CANNING CO. Prospect Harbor, Maine 04669 - (207) - 963-7331  
Telex 950002 - Answerback STINCANCO PRHA

August 27, 1984

New England Fisheries Management Council  
5 Broadway, Route 1  
Saugus, MA 01906

Attention: Mr. Douglas G. Marshall, Executive Director

Dear Doug:

Just a few brief comments on the multi-species Fishery Management Plan.

The more zones and mesh areas for the various mesh sizes, the more difficult and costly it becomes to enforce and the mortality of the undersized fish increases.

A 5½" mesh in the cod end is far too small. There still will be far too many fish 19" in length and under that will be caught and thrown back dead into the sea. At the present time, these fish have been taken to shore and sold in many cases because of lack of enforcement both at sea and on shore. Personally, I feel the cod end should be at least 6" which would allow the major part of the smaller fish to go free. If the mesh in the large mesh area should go to 6" in the cod end, it would be very interesting to see, after three years, the difference in the large mesh area compared to the small mesh area. Of course, the proper enforcement would be necessary. I have always found it very difficult to accept the fishermen's position in regards to the small mesh area when fishing for the same specie.

Spawn enclosures are absolutely a must in the rebuilding of any fishery. This is where enforcement at sea becomes very important.

2 [ Just to summarize my position, a simplified management plan is preferred, making enforcement more enforceable. The increased mesh size in the cod end to at least 6", spawn closures and the proper enforcement both at sea and on shore.

The fewer fish there are, the more money the fishermen need for their catch to pay their operating costs. The end result, making it very difficult to sell their catch at such high prices because of competition. Furthermore,

August 27, 1984

the market will not accept such prices. It is, therefore, very essential that strong conservation measures be taken to rebuild this multi-specie fishery. Otherwise, the New England fishing industry could end up looking like a ghost town.

I haven't forgotten the New England Fishery Management Council still exists. It is certainly my intention sometime not in the too distant future to attend one of the meetings.

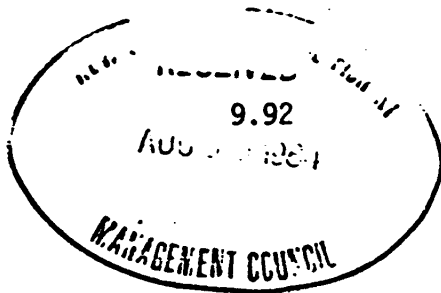
Best regards,

STINSON CANNING COMPANY



Charles B. Stinson, President

CBS/as



40 Ridge Drive  
Old Saybrook, Conn. 06475

August 27, 1984

Chairman, New England Fisheries Council  
Suntag Office Park  
5 Broadway  
Saugus, Mass. 01906

Dear Sir:

I would like to voice my opinons, on your proposed Gill Net Regulations.

I fish with rod and reel for codfish at least 2 days a week, nine months of the year, mostly off Block Island and four or five times a year in Kennebunk Port, Maine. In Maine, we have whole prime fishing areas totally blocked off by poorly marked gill nets in huge squares as to block off the entire ledges.

Off Block Island, they fish their nets in tiers and layers, again poorly marked and in such length as to almost totally block off access to ledges and prime areas.

I would like to suggest that you refer to some of the information available from Canada such as:

- 1) make each skipper responsible for each net, with assigned numbers on each net for verification.
- 2) Find some way to penalize skippers for losing nets (same as Canada)
- 3) Use penalty money to pay searching and dragging operations for ghost nets.
- 4) Set up much tighter regulations (like Canada) to cut down size and number of gill nets.
- 5) Set adequate spacing requirements on distance between nets so as to allow reasonable amounts of fish to reach the ledges.
- 6) Require gill netters to stand by nets, so they couldn't lose them in storms or strong tides.
- 7) Require netters to mark nets to tell which way they are running.

Thank you for your attention in this matter.

Sincerely,

*Robert E. Cobb*  
Robert E Cobb

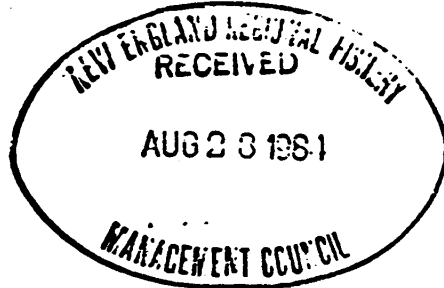
windings  
"Bert" by Sweetland

32 Foster Street  
Arlington, Mass. 02174

Custom Rod Building and Repairing

Aug 26, 1984

New England Fisheries Council  
Sungda Office Park,  
5 Broadway  
Saugus, Mass. 01906  
Attn: Chairman,



Dear Sir:

This letter is in regards to the need for regulations for the use of the gill nets that have been plaguey to the party boat, charter boat, and the sport fishermen for the past few years.

I have been fishing off the New England coast for many years as a sport fisherman, (registered tuna tournaments) and party boat fishing.

I fish out of Kennebunkport, Me., we go out to the gulf of Maine and everywhere you look there are gill net markers and sometimes we find one that isn't marked, which results in a loss of a lot of fishing tackle.

4 We go out of Gloucester to Jefferies or Middlebank or wherever and it is a job to find a spot where you can fish with out getting involved with nets. I sincerely request that the regulations as stated in the article in the N.E. Fisherman, Aug 23, be adopted and put into use as soon as possible.

Yours for better fishing Sincerely,  
"Bert" Sweetland

Aug. 25. 84

Sir,

This winter respectfully requests,  
your council, to give favorable consideration,  
to the new regulations on gill-nets.

The decline of fish, that we, the  
sports fishermen have encountered over  
the past seven years, is very noticeable.

The cost of boat equipment to  
gill nets is also very costly.

The time that is spent going  
from fishing area to fishing area, trying to  
avoid gill-nets, cuts our fishing time  
in half in the spring months.

This winter feels that something  
has to be done, with the gill-net problem,  
before the whole ocean is littered with  
active and gill nets that have been lost  
on the bottom.



Thank you,  
Robert E. Dingler Jr.

23 WARREN ST.  
ARLINGTON MASS.  
02174

Aug 25, 1984

DEAR SIR:

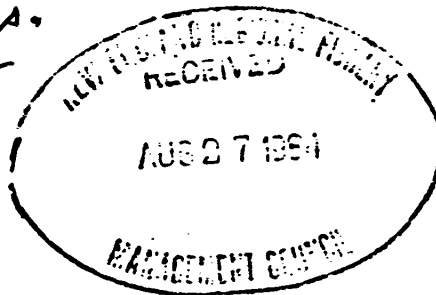
4

I am in FAVOR of the  
NEW REG. FOR GILL NETS.  
It is Tough Fishing Rod &  
REEL ON THE THREE  
PLACES MENTIONED.

Nelson Dionne  
Westfield, Mass

NELSON R. DIONNE  
271ST ST.  
WESTFIELD, MA.  
01085

NELSON R. DIONNE  
271 STREET  
WESTFIELD, MASS.  
01085



AUG 24. 1984

4

DEAR CHAIRMAN:

I AM IN FAVOR OF YOUR  
PROPOSAL ON YOUR SPACING OF NETSTRULY YOURS  
Fred Krowchenko
 || Fred Krowchenko  
 110 Yale Ave.  
 Middlebury, CT 06762  
 6

New