

**DRAFT 2011 MANAGEMENT PRIORITIES
(November 5, 2010)**

#3

Committee	Action	Staff
Groundfish	<ol style="list-style-type: none"> 1. Prepare Framework 46 - Specs (OFLs/ABCs/ACLs) for 20 stocks 2012-2014, address outstanding AMs for ocean pout, windowpane flounder, and halibut, consider eliminating GB access areas YT flounder 10% cap, consider allocating 100% of scallop fishery estimated YT flounder catch to scallop fishery. 2. Prepare Amendment to address state permit bank issues. (NMFS Lead) 3. Prepare Amendment to consider fleet diversity and accumulation caps. 4. Conduct a "lessons learned" review/workshop of the first year of sector operations with Sector representatives. 	Tom, Anne, Jess
Monkfish	<ol style="list-style-type: none"> 1. Complete Framework 7 – specs for 2011-2013. 2. Prepare Monkfish Amend 6 for catch shares (sectors and IFQs). 	Phil
Whiting/Skates	<ol style="list-style-type: none"> 1. Prepare Amendments to set ACLs, AMs and Spec Packages (2012-2014). Whiting Data Poor Workshop in Dec 2010. 2. Prepare skate specs for 2012-2013. 	Andy
Scallops	<ol style="list-style-type: none"> 1. Prepare Framework 23 – to address requirement for turtle excluder dredge and review/revise YT AM in A15. 	Deirdre, Demet
Habitat	<ol style="list-style-type: none"> 1. Continue Omnibus Habitat Amendment 2. Conduct EBFM Planning 	Michelle
Herring	<ol style="list-style-type: none"> 1. Continue Amendment 5 to include monitoring, mackerel, river herring bycatch, criteria for access to closed areas, and protection of spawning aggregations. 	Lori, Talia
RSC	<ol style="list-style-type: none"> 1. Continue to steer research to support NEFMC plans 	Pat
SSC	<ol style="list-style-type: none"> 1. Support SSC activities such as recommending ABC and making recommendations in the FMP development process. 	Pat, Chris
Enforcement/Safety	<ol style="list-style-type: none"> 1. Review management actions and provide comments on safety and enforceability. Make timely reports to Council. 	Lou
Catch Shares Workshop	<ol style="list-style-type: none"> 1. Conduct workshop to develop a strategy and blueprint for catch share programs development in New England fisheries, including goals and objectives, issues and recommendations for each type of program including CFAs and Private/State Permit Banks. 	Staff

Below the Line:

Interspecies:

1. Develop Goals and Objectives, issues and recommendations to consolidate our FMPs. Also examine our joint plans with MAFMC and complimentary plans with ASMFC. (Wednesday, April 28, 2010: Mr. Blount moved on behalf of the committee: to pursue consolidation of multispecies, skate and monkfish FMPs and to reach out to the MAFMC for consultations on monkfish. The motion carried unanimously on a show of hands (17/0/0).
2. Deal with the issue of sector annual catch share entitlements as they relate to the FMP social and economic objectives to our sector management policy and the National Policy on catch share management and National Standard 4.
3. Develop a strategy including goals and objectives, issues and recommendations to improve monitoring in all FMPs.

Groundfish:

1. Define the general category IFQ fishery as an "other subcomponent" of the groundfish catch/ACLs.
2. Revise/eliminate the Georges Bank closed areas for both groundfish fishing by sector vessels and for access by scallop vessels. Coordinate this action with the Habitat Amendment. Consider whether this should be part of the Habitat Omnibus Amendment or a separate Groundfish Amendment.
3. Eliminate the Category B (regular) DAS program.
4. Develop Limited Entry in the Party/Charter Boat Fleet.
5. Delayed from A16 for future Amendment: point system, area management and IFQ proposals.

Hagfish:

1. Prepare new Hagfish FMP

Whiting:

1. Prepare Amendment for Limited Entry

Recent Motions related to potential Scallop Priorities

Scallop Committee Meeting – November 4, 2010

Motion 7. Fair/Tooley: That the Committee recommend to the Council that the separation of state waters and federal waters management in the Northern Gulf of Maine be considered as a priority for a future scallop management action.

Vote: 7:0:1, motion carries.

Scallop AP Meeting – November 3, 2010

Motion 7. Welch/Hughes; The AP recommends that a future action use data to limit or redirect open area effort on concentrations of small scallops instead of a closure. Data should include VMS effort showing recent distribution compared to model projections of effort.

Rationale: The AP is not in favor of closing the South Channel and viewed this as a better way to optimize yield and reduce effort on small scallops in open areas. The AP envisions that vessels would always have an option to fish in an area or acquire more DAS via trading and never be completely closed out of the area. This may even be better than access areas in that it does not follow the “use it or lose it” approach.

Vote 5:2:0, motion carries.



October 26, 2010

Mr. John Pappalardo, Chairman
The New England Fishery Management Council
50 Water Street, Mill 2
The Tannery
Newburyport, MA 01950



Dear Chairman Pappalardo:

The Scallop Capacity Reduction Coalition and its supporters requests the NEFMC consider a motion to include a 2-year pilot leasing program in Amendment 15 at its upcoming November meeting. We currently represent more than 115 limited access scallop permits and employ hundreds of workers on our vessels and in our plants from Maine to Virginia. Members and supporters of the Coalition include the following permit holders:

Frank O'Hara Corporation	Atlantic Cape Fisheries	Bill Wells Family
Ray Starvish	Harbor Blue Seafood	Benavidez Family
Ray Starvish, Jr.	Charles Quinn Fisheries	Araiza Family
Future Fisheries	Mar-Lees Seafood	Nordic Fisheries
Atlantic Shellfish	Carlos Seafood	Constellation Fisheries
Fleet Fisheries		

During consideration of A15 at the October Council meeting, a motion to establish a permanent leasing program in the scallop fishery was very narrowly defeated. One of the major reasons given for opposing the motion was the increase in vessel efficiency resulting from leasing, even though fishing power and mortality adjustments would have been applied. Impacts on vessel owners that do not lease were also cited by opponents as well as impacts on communities.

The Coalition was deeply disappointed that the Council did not endorse stacking or leasing, especially after almost 3 years of developing a very reasonable program. However, we believe that a 2-year leasing pilot project would be a reasonable and fair way to proceed. During those two years the PDT and Council would have the opportunity to evaluate the effects of the program. Future decisions about leasing could then be made on actual, real world experiences, not on allegations or hypothetical's. Unless the Council acts to extend the pilot program, it would automatically expire.

As you know, the Coalition supported the fishing power adjustment in addition to the 11% mortality adjustment. The PDT concluded that a mortality adjustment between 7-11% would provide a 95% confidence level that vessel efficiency would not increase. By supporting the

highest recommended adjustment at the Council meeting, we believed that the confidence level would be even higher and ensure conservation neutrality.

We have talked with many Council members and believe that they would be willing to support a pilot program. This same pilot approach was adopted by the Council when it established the leasing program in the groundfish fishery. We sense that Council members are more comfortable with a 2-year pilot project which will provide them with real data on potential impacts.

I am including a draft motion for your information. If allowed, we would expect a Council Member to offer a motion similar to this draft. Since a significant amount of the A15 leasing analysis has already been completed by the staff we believe this is a reasonable request, especially since it is unlikely that the Council will address capacity reduction in the scallop fishery for a number of years. We also do not believe approval of a pilot project should delay submission and approval of A15.

Attached for your information is a partial list of vessels supporting this request. We will provide you with a full roster prior to the Council meeting.

Thank you in advance for your consideration of this request and we would be happy to provide any additional information you may require.

Sincerely,

Jeffery R. Pike

DRAFT MOTION

Council Member _____ offered the following motion:

The Council include as a preferred alternative in A 15, a 2-year leasing pilot project that would include the following measures:

- Permits can lease DAS and access trips, provided there is a fishing power and mortality adjustment applied to the leased DAS (Sec. 3.3.3.1.1);
- 11% shall be used as the mortality adjustment factor;
- Fishing power and mortality adjustments can be changed through a framework action;
- Catch history and DAS usage history go to the lessor (Sec. 3.3.3.1.2);
- Ownership cap restriction of 5% applies, however, an individual at the 5% ownership cap would be allowed to lease out but not lease in (Sec. 3.3.3.4);
- Leasing is restricted to vessels within the same permit category and no vessel can lease more than 1 full permit in the same category, as adjusted by the fishing power; adjustments (Sec. 3.3.3.3 & 3.3.3.5);
- Leasing from CPH is authorized (Sec. 3.3.3.7); and,
- No sub-leasing would be authorized.

The intent of the motion is to authorize a leasing pilot project for the LA scallop fishery. The pilot project would be virtually identical to the leasing program developed by the AP and Scallop Committee over the past 2 ½ years. Only those measures that required a decision by the Council, as identified by the A15 decision document (#5) presented to the Council at the October meeting, have been included in the motion so that there could be one up or down vote.

The pilot project would commence as soon as possible and would expire after two full fishing years of implementation. The PDT would evaluate the effectiveness of the adjustments and report back to the Council. The pilot project could be extended or made permanent through a framework action.

**Limited Access Scallop Vessels Supporting NEFMC/NMFS Implementing a Two-year Pilot
DAS and Access Trip Leasing Plan by Framework Action**

(Partial List 11/15/10)

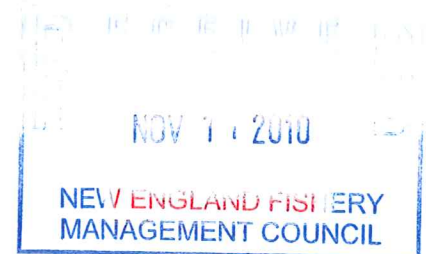
F/V Abigail & Myles	F/V Decisive	F/V Karen I	F/V Ocean Pride
F/V Acores	F/V Defiant	F/V Karen Nicole	F/V Ocean Princess
F/V Adrianna	F/V Defiant (VA)	F/V Karina	F/V Ocean Prowler
F/V Adventuress	F/V Determination	F/V Kathy Ann	F/V Ocean Wave
F/V Alaska	F/V Diane Marie	F/V Kathy Ann	F/V Orion
F/V Alexandra-L	F/V Eileen Marie	F/V Kris & Amy	F/V Pacer
F/V Amanda Ashley	F/V Eileen Rita	F/V Lady Evelyn	F/V Pamela Ann
F/V Amber Nicole	F/V Elizabeth	F/V Lady Lorraine	F/V Patience
F/V Ambition	F/V Elizabeth Amber	F/V Lady Roslyn	F/V Perola do Corvo
F/V Apollo	F/V Expectation	F/V Lauren & Matthew	F/V Polaris
F/V Araho	F/V Explorer	F/V Leader	F/V Pursuit
F/V Arcturus	F/V F Nelson Blount	F/V Linda	F/V Ranger
F/V Ashley Gail	F/V Fishermen's Dream	F/V Lindsay I	F/V Relentless
F/V Athena	F/V Fishermen's Dream B	F/V Lori I	F/V Resolute
F/V Atlantic Bounty	F/V Fjord	F/V Madison Kate	F/V Resolution
F/V Atlantic Girl	F/V Foremost	F/V Makayla Jane	F/V Rost
F/V Avenger	F/V Francis M. Lee, Sr.	F/V Master James	F/V Saga
F/V Barbara Anne	F/V Freedom	F/V Miss Alma B.	F/V Sequest
F/V Brittany Eryn	F/V Friendship	F/V Miss Crockett	F/V Silver Sea
F/V C. Boy	F/V Frontier	F/V Miss Georgie	F/V Stacy Lee
F/V C. Capes	F/V Generation	F/V Miss Juanita B.	F/V Starbrite
F/V C. Girl 111	F/V Grand Larson III	F/V Miss Maddy	F/V Stephanie B.
F/V C. Queen 11	F/V Harvester	F/V Miss Shauna	F/V Stephanie Vaughn
F/V Cape May	F/V Hawk	F/V Miss Stevie B.	F/V Tenacious
F/V Capt Billy Haver	F/V Helen Louise	F/V Miss Sue Ann	F/V Thunder Bay
F/V Capt DJ	F/V Heritage	F/V Miss Vertie Mae	F/V Tradition
F/V Capt Peabody	F/V Horizon	F/V Miss Wilma Ilene	F/V Tyler n Noah
F/V Capt. Bob	F/V Ilhavrava	F/V Miz B.	F/V Va. Queen
F/V Capt. Jeff	F/V Incentive	F/V Monomoy	F/V Va. Clipper
F/V Capt. Kenny	F/V Instigator	F/V My Girl	F/V Va. Dare
F/V Captain Bucky Smith	F/V Italian Princess	F/V Nadia Lee	F/V Va. Wave
F/V Captain Jeff	F/V Italian Princess (VA)	F/V Nashira	F/V Vaud-J
F/V Celtic	F/V Jane Elizabeth	F/V Neskone	F/V Vila Nova do Corvo
F/V Challenge	F/V Janice Lynell	F/V Nordic Pride	F/V Vila Nova do Corvo I
F/V Collin & Warren III	F/V Jeffery Scott	F/V Norreen Marie	F/V Vila Nova do Corvo II
F/V Corsair	F/V Jersey Girl	F/V Norseman	F/V William Lee
F/V Couragous	F/V John & Nicholas	F/V North Queen	F/V Wisdom
F/V Cove	F/V K.A.T.E.	F/V Ocean Boy	F/V Yvonne Michelle
F/V Crystal & Rebecca	F/V K.A.T.E. 2	F/V Ocean Gold	F/V Zeus
F/V Crystal Girl B	F/V Karah D	F/V Ocean Lady	

Current Total: 159 vessels



November 11, 2010

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



Dear Mr. Howard:

Thank you for informing me of the Executive Committee's decision not to consider a motion to include a two-year leasing pilot program in Amendment 15 (A-15) at the November meeting. We understand and support the Council staff's goal of not delaying implementation of A-15. We continue to believe, though, that a leasing option would be in the best interest of all participants. This is reinforced by the continued reductions in scallop DAS projected over the next few years, announced after the last Council vote not to include leasing in A-15.

We respectfully request the Council to include in their 2011 priorities a future scallop Framework action, not linked to A-15, to consider development and implementation of a two-year leasing pilot program for the limited access scallop fleet. As you are aware, Amendment 7 (A-7) to the Scallop FMP included leasing as a frameworkable item, subject to public hearings.

We believe a two-year leasing pilot program involving DAS and access area trips could be included in either the scallop framework for fishing year 2013 or could be implemented by a standalone framework, possibly for the fishing year 2012. A pilot leasing program would provide the industry, the PDT, and the Council with the opportunity to evaluate the effects of leasing so that future decisions could then be made on actual, real world experiences and impacts.

We believe a number of Council members would be more comfortable and support the approach of implementing a pilot program. As you are quite aware, significant staff and Committee work has already analyzed a permanent leasing program for A-15 so we believe a two-year leasing pilot program would not require substantial additional staff resources. If our request is granted, we would pledge to vigorously engage vessel owners to assist the Scallop Committee and staff in developing the pilot program.

Since the NEFMC vote not to include leasing as the preferred alternative in A-15, I have been contacted by many vessel owners who supported the concept of leasing, but did not realize that their voices were not being heard by the NEFMC. These vessel owners are not formal members of our coalition and most were not actively attending the NEFMC A-15 meetings.

Attached for consideration by the Executive Committee and Council is an updated list of more than 150 limited access vessels supporting this request. You will note the significant number of vessel owners who put their vessel's names on this list supporting a pilot leasing program. We believe this request is consistent with the intent of Amendment 7 but also understand that a pilot program could not be implemented until fishing year 2012 or even 2013, depending upon the



NEFMC staff's time and Framework schedule. Additional vessel owners are continuing to contact us to express their support and we will provide an updated list to you as they are added.

If you think it would be helpful, I can be available to discuss this request at the upcoming Council meeting. In the meantime, I would like to thank you for your consideration of this request to include a two-year pilot leasing program for the limited access scallop fleet in the 2011 priorities and the next scallop Framework.

Sincerely,

Jeffery R. Pike

cc: Vessel owner's on the attached list supporting a two-year leasing pilot program.

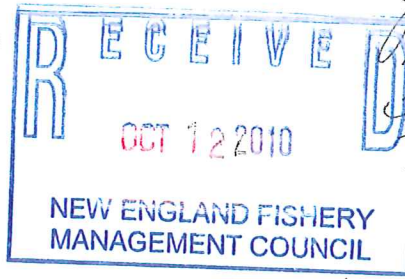
**Limited Access Scallop Vessels Supporting NEFMC/NMFS Implementing a Two-year Pilot
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(Partial List 11/11/10)

F/V Abigail & Myles	F/V Defiant (MA)	F/V Karina	F/V Ocean Prowler
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F/V Ambition	F/V Expectation	F/V Leader	F/V Pursuit
F/V Apollo	F/V Explorer	F/V Linda	F/V Ranger
F/V Araho	F/V F Nelson Blount	F/V Lindsay 1	F/V Relentless
F/V Arcturus	F/V Fishermen's Dream	F/V Lori 1	F/V Resolute
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F/V Celtic	F/V Jane Elizabeth	F/V Nordic Pride	F/V Vila Nova do Corvo I
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F/V Corsair	F/V Jersey Girl	F/V North Queen	F/V Wisdom
F/V Couragrous	F/V John & Nicholas	F/V Ocean Boy	F/V Yvonne Michelle
F/V Cove	F/V K.A.T.E.	F/V Ocean Gold	F/V Zeus
F/V Crystal & Rebecca	F/V K.A.T.E. 2	F/V Ocean Lady	
F/V Crystal Girl B	F/V Karen 1	F/V Ocean Pride	
F/V Decisive	F/V Karen Nicole	F/V Ocean Princess	

Current Total: 157 vessels

Raymond Starvish
P.O. Box 231
Fairhaven, Ma. 02719



10-8-10
John Pappalardo, Chairman
N.E.F.M.C.
50 Water Street
Newburyport, Ma. 01950

Dear John,

I was very disheartened that capacity reduction in the form of leasing didn't pass. That I believe, was due to the input of two elected officials who opposed leasing. That being said does the Council agree that leaving boats tied to the dock 290 days a year is truly over Capacity? It was easy to reject a good leasing plan that had most of the bases covered up front. There is no perfect plan out of the box.

This is the time of the year when N.E.F.M.C. sets its priorities for 2011.

Now I am asking the Executive Committee and the entire Council if not leasing; what is your plan?

Best Regards,

Ray Starvish

Patricia Kurbul, Regional Administrator
NOAA/N.M.F.S.
55 Great Republic Drive
Gloucester, Ma. 01930

10-8-10

Dear Pat,

It's the time of the year for the Council to set their priorities for 2011. I'm again asking you to repeal the Small Dredge Exemption program. I am enclosing the P.D.T. sheet showing the landing data through 2009, this will show that the small dredge fleet is overfishing their intended allocation by 5.2 million lbs.

With the scallop fishery very close to overfishing, it is critical the part-time and occasional fleet receive their intended allocation as set out in amendment 4.th When the S.D.E.P. was put in, it was to be conservation mutual, it clearly missed the mark by 5.2 million lbs and should be repealed.

Best Regards,
Ray Starvish

F.T. - 256 - BOATS

$$\begin{array}{r} 38\text{-DAYS} \\ \times 2222\text{ LBS.} \\ \hline 84,436 \end{array}$$

$$\begin{array}{r} 4\text{-TRIPS} \\ \times 18,000\text{ LBS} \\ \hline 76,000 \end{array}$$

TOT. 160,436-LBS

P.T. - 63 - BOATS

$$\begin{array}{r} 15\text{-DAYS} \\ \times 2222\text{-LBS} \\ \hline 33,330 \end{array}$$

$$\begin{array}{r} 2\text{-TRIPS} \\ \times 14,400\text{-LBS} \\ \hline 28,800 \end{array}$$

TOT- 62,130-LBS

O. - 35 - BOATS

$$\begin{array}{r} 3\text{-DAYS} \\ \times 2222\text{-LBS} \\ \hline 6,666 \end{array}$$

$$\begin{array}{r} 1\text{-TRIP} \\ \times 6,000\text{-LBS} \\ \hline 6,000 \end{array}$$

TOT- 12,666-LBS

F.T. S.D. - 63 - BOATS

$$\begin{array}{r} 38\text{-DAYS} \\ \times 1279\text{-LBS} \\ \hline 48,602 \end{array}$$

$$\begin{array}{r} 4\text{-TRIPS} \\ \times 18,000\text{-LBS} \\ \hline 76,000 \end{array}$$

TOT- 124,602-LBS

P.T. S.D. - 35 - BOATS

$$\begin{array}{r} 15\text{-DAYS} \\ \times 1279\text{-LBS} \\ \hline 19,185 \end{array}$$

$$\begin{array}{r} 2\text{-TRIPS} \\ \times 14,400\text{-LBS} \\ \hline 28,800 \end{array}$$

TOT- 47,985

$$\begin{array}{r} PT-63 \times 62,130 = 3,914,190 \\ O-35 \times 12,666 = 443,310 \\ \hline 4,357,500 \end{array}$$

5,171,901-lbs.

OVER

$$\begin{array}{r} FTS D-63 \times 124,602 = 7,849,926 \\ PTS D-35 \times 47,985 = 1,679,475 \\ \hline 9,529,401 \end{array}$$

Table 4. LPUE estimates for all full-time dredge vessels, i.e. does not include small dredge and trawl vessels.

AREAGRP	Fishing_year	Average of LPUE (of individual vessels) (A)	Sum of LAND_ (B)	Sum of DAYSFISH (C)	Average LPUE for the fleet (B/C)
ACCESS	2003	1,975	2,571,560	1,324	1,942
	2004	2,201	11,551,063	5,444	2,122
	2005	1,878	7,275,890	4,460	1,631
	2006	2,834	7,725,268	2,980	2,592
	2007	2,620	11,412,757	4,900	2,329
	2008	2,822	9,621,763	3,580	2,688
	2009	2,147	7,427,100	3,543	2,096
OPEN	2003	1,952	28,773,849	14,710	1,956
	2004	2,453	18,449,330	7,551	2,443
	2005	2,338	13,788,692	5,709	2,415
	2006	1,801	12,779,839	6,852	1,865
	2007	1,517	9,613,606	6,224	1,545
	2008	1,760	7,815,981	4,414	1,771
	2009	2,222	9,910,245	4,411	2,246

Table 5. LPUE estimates for all full-time small dredge vessels.

AREAGRP	Fishing_year	Average of LPUE (of individual vessels) (A)	Sum of LAND_ (B)	Sum of DAYSFISH (C)	Average LPUE for the fleet (B/C)
ACCESS	2003	1,281	373,593	295	1,265
	2004	1,437	1,478,912	1,034	1,430
	2005	1,663	1,327,043	826	1,607
	2006	2,359	1,528,930	689	2,218
	2007	2,191	2,647,545	1,338	1,978
	2008	2,172	1,913,370	905	2,114
	2009	1,833	2,079,775	1,137	1,829
OPEN	2003	1,086	1,399,137	1,268	1,104
	2004	1,405	1,874,149	1,299	1,443
	2005	1,225	1,333,068	1,044	1,277
	2006	1,004	1,028,512	962	1,069
	2007	921	708,262	744	952
	2008	934	845,184	892	947
	2009	1,279	1,435,795	1,086	1,323

submit a broken trip adjustment form, including a dealer receipt if scallops were landed from the terminated trip, to NMFS within 30 days of the vessel's return to port from that terminated trip.

Access Area Trip Allocations and Possession Limits

Framework 21 implements the following access area trip allocations and possession limits for FY 2010, subject to the conditions and provisions noted below the table:

DAYS		lb/trip	Total Trips	ETAA (Closed September through October)	DMV (Closed September through October)	NLAA
<u>38</u>	Full-time	18,000	4	2†	1†	1
<u>15</u>	Part-time*	14,400	2	Up to 2	Up to 1	Up to 1
<u>3</u>	Occasional**	6,000	1	Up to 1	Up to 1	Up to 1
	LAGC	400	N/A	1,377	714	714

* Part-time scallop vessels have the following access area trip options: 1 trip in ETAA and 1 trip in NLAA; 1 trip in ETAA and 1 trip in DMV; 1 trip in NLAA and 1 trip in DMV; or 2 trips in ETAA.

** Occasional scallop vessels have the following access area trip options: 1 trip in ETAA; 1 trip in DMV; or 1 trip in NLAA.

† Operators of full-time vessels are restricted to taking two of their three Mid-Atlantic access area trips from June 15 through August 31.

- Note that Framework 21 replaces the previous trip allocations and possession limits that were implemented on March 1, 2010. These trips are not additive: If a full-time, part-time, or occasional vessel has already taken its allocated access area trips in a particular area and has landed the equivalent or more than the Framework 21 possession limit, it can't take any further trips in that access area.
- Note that the access area possession limits for part-time and occasional DAS vessels implemented on March 1, 2010, in lieu of Framework 21 measures, were higher: Part-time, 18,000 lb/trip and Occasional, 7,500 lb/trip. Full-time vessels were allocated a total of 3 trips into the ETAA on March 1, 2010. Overages that may have incurred during the interim between the March 1 start of FY 2010 and final Framework 21 measures will be deducted from a vessel's FY 2011 allocation if vessel owners are not able to account for the overage during the remainder of FY 2010, as follows:
 - If a part-time vessel landed more per-trip between March 1, 2010, and June 28, 2010, than is allocated under Framework 21 for FY 2010, and still has one trip remaining (or has a compensation trip available), that vessel may avoid having an overage applied in FY 2011 by accounting for the difference in a future FY 2010 trip. For example, if a part-time vessel landed 18,000 lb on a trip taken prior to Framework 21's implementation, that vessel may choose to take its second access area trip and land 10,800 lb, rather than 14,400 lb. By doing so, the vessel would be accounting for the 3,600-lb difference between the March 1 possession limit and the Framework 21 possession limit (i.e., 18,000 lb – 14,400 lb) and no overage would be applied towards the vessel in FY 2011. However, if the vessel has no other access area trips or compensation



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

AUG 26 2010

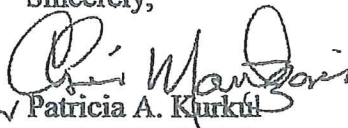
Mr. Ray Starvish
P.O. Box 231
Fairhaven, MA 02719

Dear Ray:

Thank you for your letter regarding the Atlantic Sea Scallop Small Dredge Program. I have forwarded your letter to the New England Fishery Management Council for consideration at a future Council meeting. I understand that when you raised this issue to the Scallop Committee at its August 11, 2010, meeting, NOAA General Counsel advised that changing or eliminating this program should be analyzed and considered through a Fishery Management Plan (FMP) amendment. Although it is too late to consider this issue in Amendment 15 to the Scallop FMP (Amendment 15), the Council may choose to address your concerns in future action.

Separately, I have forwarded your letter as a public comment on Amendment 15 because you have suggested creating annual catch limits for each permit type.

Sincerely,


for Patricia A. Klurki
Regional Administrator

cc: Paul Howard, Executive Director, NEFMC
John Pappalardo, NEFMC Chairman





New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
John Pappalardo, *Chairman* | Paul J. Howard, *Executive Director*

August 26, 2010

Mr. Atchan Tamaki
Processor
ISF Trading Company, Inc.
PO Box 772
Portland, ME 04104

Dear Mr. Tamaki:

Thank you for your letter of August 24 regarding hagfish resource management.

Your letter has been distributed to our Council members as the development of a hagfish fishery management plan will be discussed at our November Council meeting as we prepare for priorities in 2011.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul J. Howard".

Paul J. Howard
Executive Director

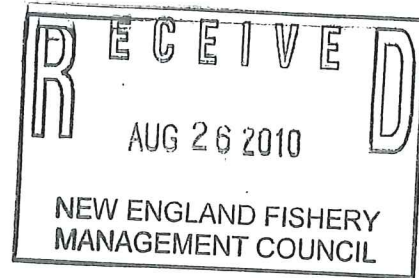
cc: NEFMC Council members

I.S.F. TRADING, INC.

HOBSON'S WHARF
POST OFFICE BOX 772
PORTLAND, MAINE 04104 U.S.A.
207-879-1575
FAX 207-761-5877

Aug. 24, 2010

Director; Paul Jay Howard
New England Fishery Management Council
50 Water St. Mill 2, Newburyport, MA 01950



Dear Director Paul Jay Howard:

My name is Atchan Tamaki and I own the company called ISF Trading Company Inc. in Portland, Maine. We process sea urchin, sea cucumber and hagfish. I'd like to discuss about hagfish resource management this time. As you know, there is no regulation for hagfish now. We started hagfish business last year. Fishermen brought all kinds of size of hagfish to our plant. Currently, marketable size is 0.22 lb (100 g) and up or 16 inches (40 cm) and up. So we separated all the hagfish under size and threw them as gurty to the ocean last year. About 40 ~ 80 % of hagfish, fishermen caught, were just thrown away. The resources of hagfish are critical. If we keep doing this, sooner or later the hagfish resources will be gone.

This year we asked our hagfish suppliers to cull hagfish on boat and any hagfish under size they caught must be released into the ocean while they are alive. This is one way to protect hagfish resources. But all other companies are still doing the same old way. They separate hagfish undersize at their plant and kill them and throw them away. In order to keep stock and protect resources:

I would suggest:

1. Always cull the marketable size of hagfish on boat. Any hagfish undersize that market won't take should be released into water while they are alive.
2. Any hagfish landed should be kept in market. Of course, some small size of hagfish will be mixed in with others. But never kill and throw them away.

If we take certain actions on hagfish harvest regulation, we could protect hagfish resources. This will benefit both fishermen, seafood processors and Fishery Management. This will benefit seafood market as well.

Thank you very much for your time and kind consideration.

Yours truly,

Atchan Tamaki
Processor
ISF Trading Company Inc.

Hansen Chau
Hagfish, Captain
F/V Meridian

Timothy Bellancea
Hagfish, Captain
F/V Sugarfoot

Bi Thach
Hagfish, Captain
F/V Morning Star

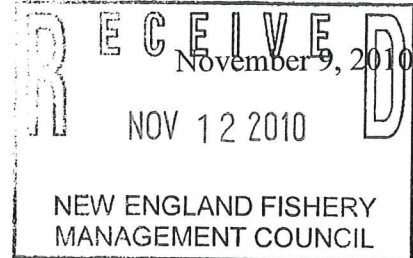


Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201
703.842.0740 • 703.842.0741 (fax) • www.asmf.org

Robert H. Boyles, Jr. (SC), Chair Paul Diodati, (MA), Vice-Chair John V. O'Shea, Executive Director

Healthy, self-sustaining populations for all Atlantic coast fish species or successful restoration well in progress by the year 2015



Paul Howard, Executive Director
New England Fishery Management Council
50 Water Street
Newbury Massachusetts

Dear Captain. Howard,

Paul

The Atlantic States Marine Fisheries Commission's Atlantic Herring Section (Section) discussed the haddock bycatch cap during its meeting on 8 November 2010 and is concerned that a premature closure to the Gulf of Maine herring fishery will have significant economic impacts to the fishery and its supporting industries. In the interest of preventing any unnecessary hardships to a herring fishery whose TAC's were reduced by 40% in 2010, the Section passed the following motion:

Move the Section, in the interest of our continuing partnership with the NEFMC on management of Atlantic sea herring and our shared concerns about bycatch in the herring fishery, request the Council determine: (1) if the percentage of the haddock TAC for the sea herring fishery haddock bycatch cap can be increased in response to a recent increase in observer coverage and (2) whether the boundaries of the area(s) to which the bycatch cap applies can be modified to prevent a closure of the Gulf of Maine fishery when the cap is reached.

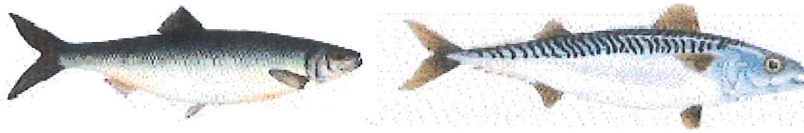
The Section is aware that the Council has limited staff time and funds and we thank you for considering this request.

Sincerely,

Vince

John V. O'Shea

Cc: Atlantic Herring Section



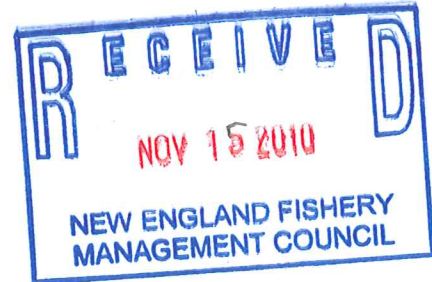
SUSTAINABLE FISHERIES COALITION

www.fisheriescoalition.org

P.O. Box 440 Winterport, Maine 04496-0440

November 8, 2010

John Pappalardo, Chairman
New England Fishery Management Council
Mill
Newburyport, MA 01930



RE: Haddock Sub-ACL for the Herring Fishery

Dear John:

We are writing to you on behalf of the Sustainable Fisheries Coalition whose members range from Maine to New Jersey and represent both the harvesting and processing sectors of the Atlantic herring and mackerel fisheries. We are extremely concerned with the management of the herring fishery in 2010 and the resulting loss of income and fishing opportunities that resulted. We have had to deal with an unprecedented number of changes in a very short period of time: reductions in the herring TAC, a complete redistribution of historic removals from the fishery (less inshore – more offshore), a reduction in the haddock catch Cap, a change in monitoring in Area 3 and the combined state/federal effort controls that resulted in a extreme derby fishery inshore with a 48 hour notice of a closure with a final 12 hour landing window in a full blown gale.

We do not expect the Council to be able to take immediate action to address all of these concerns. However, the insufficient haddock catch Cap that prevents full access to the offshore fishery is an area that the Council can recommend desperately needed relief for this fishery in 2011 and 2012.

We request:

1. That the Council recommend the National Marine Fisheries Service (Agency) take Emergency action to increase the Haddock Catch Cap for the herring fishery in 2011; and
2. That the Council prioritize a framework action to adjust the method of determining the haddock sub-ACL for the herring fishery and evaluate decoupling the Gulf of Maine (GOM) and Georges Bank (GB) under this allocation.

HISTORY

Framework 43

In 2006 the Council recommended Framework 43 to the Multispecies Plan to establish a **catch Cap for GOM/GB haddock** in the herring fishery. The catch Cap is calculated

annually as 0.2 percent of the total US target TAC for haddock. The Regional Administrator monitors the Cap through landings observed by NMFS approved observers, law enforcement reports, VTRs and dealer reports. If the Cap is fully caught the directed herring fishery must be closed in the GOM/GB Herring Exemption Area through the remainder of the groundfish fishing year. The Herring Exemption Area covers 90% of the GOM/GB haddock stock area and encompasses almost the entire herring management areas 1 and 3. Although the haddock incidental catch Cap applies just to haddock caught by vessels with Category A and B permits, the closure of the herring fishery would apply to all herring vessels, including those with limited access Category C and open access Category D herring permits. A closure is also likely to impact the mackerel fishery.

In 2006, the Council considered alternatives that would allocate 1-2% of the US haddock TAC to the herring fishery. However, since the Cap was not to be extrapolated across the fishery in these areas, the measures chosen to allocate were based on the 2006 target observer coverage rate of 20% of the fishery – even though the monitoring program was inclusive of other data and reports. Thus, the herring fishery receives the fraction of 0.2 of 1% of the TAC through the groundfish specification process.

Herring Fishery Performance under the Cap

The herring industry has taken a number of measures to avoid incidental catch of haddock in the fishery. In June of 2005 Captains and vessel owners from the vast majority of active participants in the midwater trawl fleet traveled to the flume tank at Memorial University in St. Johns, Newfoundland to explore possible gear modifications. Many participants in the fishery modified their nets, increasing the forward mesh size of the net and some continued with experiments in modifying the top sheet as well. Today, plans are in development to explore grids and other methods that may further reduce haddock interactions. In addition, vessels continue to share information and communicate haddock interactions among the fleet.

As indicated in Table 1, the herring industry successfully managed the Cap from 2006-2009, staying under 20% of the Cap in these years. However, in 2010 a combination of management changes drastically changed the percent of the Cap attained, which significantly impacted the fishery: a reduction in the inshore herring TAC, a reduction in the haddock TAC (which corresponds to a reduction in the Cap) and the greatest change – the implementation of new regulations for Closed Area I that required 100% observer coverage to access the area. These actions resulted in a defacto closure of the Georges Bank herring fishery in late September as vessels voluntarily left the area 4 months into the season when the Cap reached 80% to avoid the total closure of Area 1 and 3. As of October 30, 60% of the Area 3 TAC remains unharvested.

Table 1: Haddock Catch Cap in the Herring Fishery 2006-2010¹

Year	Catch Cap (lbs)	Caught (lbs)	% of Cap
2006	161,377	18,067	11.2
2007	404,991	13,496	3.3
2008	541,925	37,126	6.8
2009	316,218	52,382	16.5
2010	189,597	152,722	80.7 *

¹ Haddock Catch in the Herring Fishery, [http:// www.nero.noaa.gov/ro/fso/reports/reports_frame.htm](http://www.nero.noaa.gov/ro/fso/reports/reports_frame.htm)

* (as of 11/6/10)

Observer Coverage in Area 3

On November 2, 2009, the Agency published a final rule that modified the LOA under which herring midwater trawl vessels operate in Closed Area I. Under the new regulations, vessels are now required to declare their intent to fish in Closed Area I and must have a federal observer on board to access the area. Table 2 reflects the coverage that resulted from this action in herring management Area 3 from May of this year through October.

Table 2: 2010 Preliminary data May-October - Area 3 ²

Area	#trips IVR	A. Herring lbs IVR	# Observed trips	Observed A. herring lbs	Observed Haddock lbs	Coverage rate
3	70	29,443,912	100	30,605,202	150,804	104%

Underutilizing OY in US Fisheries

Since 2004 GOM/GB haddock stocks have greatly increased in abundance and both stocks are healthy. The resource is not overfished and overfishing is not occurring. In fact, the resource on Georges Bank is well under-harvested, primarily due to controls placed on the groundfish fishery. The harvest area that is relevant to the incidental catch of haddock in the herring fishery is Georges Bank as indicated in the October 27, 2010, Permit Holder Letter from the Agency *“The vast majority of observed haddock bycatch has been caught on GB (in Herring Area 3), specifically along the northern edge of GB.”* Table 2 provides a comparison of catch to available TAC for GB haddock for the directed groundfish fishery. The implementation of Amendment 16 in 2010 is expected to allow for increased harvest of the GB haddock ACL for the groundfish fleet; however, limitations on “choke species” are expected to continue to significantly hamper the harvest of this resource. There is sufficient biomass of haddock to allow for the groundfish and herring fisheries to operate in a responsible and sustainable manner on GB.

Table 3: Comparison of Catch to TAC in the Directed Fishery³

Year	GB Haddock
2006	11%
2007	5%
2008	5%
2009	10%
2010	20%*

* Projected track

Reduction in the Haddock Sub-ACL for the Herring Fishery

The Sub-ACL for haddock specified for the herring fishery in 2010 is 84 metric tons, a 40% reduction from the 2009 level. Projections from Draft Groundfish Framework 45 seen in Table 3 indicate these specifications will be further reduced to 64 metric tons in 2011 and 54

² Northeast Federal Fisheries Observer Program

³ 2006-2007, NE Multispecies FMP A16, Table 51, p 311, 2008-2010, Personal Communication, Groundfish PDT member

metric tons in 2012. These extremely low allocations will severely limit the herring fishery on GB and if attained will close the entire fishery, including the GOM during the height of the bait season.

Table 4: GB Haddock Specifications (metric tons)* ⁴

Year	US ABC	ACL	Groundfish ACL	MWT/PS ACL
2010	44,903	42,768	40,440	84
2011	34,244	32,840	30,840	64
2012	29,016	27,609	26,132	54

* 2011-2012 – preliminary, do not include CA catch and may change due to future TMGC recommendations, final recommendations by NEFMC pending

Atlantic Herring Specifications

As Council members are aware, the specifications for the herring fishery have been dramatically reduced for 2010-2012. In addition, the allocations to the subcomponents of the resource have been dramatically shifted from historical removal rates by area, with the significant redistribution of available TAC from the GOM to GB (herring management Area 3). The fishery anticipated significant impacts from the reduced inshore TAC. We did not expect the severe limitations the haddock Cap would impose on the fishery in 2010, or that the amount of the Cap would be further reduced to levels that will not allow the fishery to operate in any meaningful way in coming years.

ACTION NEEDED

Emergency Action

The Atlantic Herring fishery is faced with an emergency situation on many levels in 2010 that will be exacerbated by additional restrictions in 2011-2012. The significant reductions in the haddock catch Cap have resulted in the fishery moving off the portion of the herring resource that is considered the most abundant. In addition, the management of the reduced inshore TAC has created a chaotic scheme between the states and federal regimes that has resulted in extreme derby style openings and closures that we have never seen before. The industry is faced with severe economic hardship through lost fishing opportunities that are compounded by numerous actions. The most immediate action the Council can take is to request the Agency implement an Emergency Action to allow the fishery to operate on GB by increasing the Cap to a reasonable amount.

Correspondence from Secretary Locke to Representative Frank dated October 4, 2010:

Under the NOAA policy applying this authority, I may take economic factors into account in determining whether to promulgate an emergency rule so long as those factors are based on “recent, unforeseen events or recently discovered circumstances.” In addition, pursuant to the Act, any exercise of the authority must be based on the best scientific evidence available that indicates doing so will not undermine the conservation mandates of the Act and any action must give priority to conservation measures. See *NRDC v. Daley*, 209 F.3d 747 (D.C. Cir. 2000).

⁴ Draft Multispecies FW 4,5 10/22/10

An Emergency Action is warranted in this instance. The issues we are facing with the Cap were unforeseen when FW 43 was recommended by the Council in 2006. Primarily, the Council could not have anticipated observer coverage rates in Area 3 to increase from the 20% target (the rationale provided for the small amount allocated) to 100% coverage. In addition, herring specifications which reduced and redistributed available resource to the fishery had not been developed at that time.

The best available science supports this action as both GB haddock and herring resources are healthy, under-harvested species. A reallocation of a small portion of the haddock ACL will not undermine the conservation mandates of the Act.

Framework Action:

As the Council is aware, an Emergency Action is a short term fix for the fishery. There is a need for the Council to prioritize an action for 2011 to ultimately remedy the problem. We request a review of the adequacy of the allocation of haddock to the herring fishery and the appropriateness of decoupling the GOM from GB.

Equity in the system

We request the Council consider a consistent methodology or policy in regard to allocation of incidental catch or bycatch of other species in our fisheries in the region. We do not believe that it should be so proscriptive as to not allow the flexibility for the Council to consider variations among our fisheries. However, some consideration should be given to the status of these resources and dependence and need of those who rely upon access to them.

SUMMARY

The Atlantic herring fishery is a limited access permitted fishery (44+ Category A/B permits) comprised of approximately twenty dedicated vessels, including midwater trawl and purse seine. The fishery supports three dedicated processing plants, and is the primary supplier of bait to the region's \$319.9 million (2009 value) lobster fishery. Direct investment in the fishery is well over \$100 million, resulting in employment estimated at over 500 tax paying citizens.

The remaining processing plants and fleet are barely coping with the reduction in quota. Area 1 has been reduced to an annual "race-to-fish" managed by the ASMFC via "days out" of the fishery that is intensified by the 50% reduction in the area quota. This summer, warm surface water in the Gulf of Maine reduced availability of fish to the gear, which increased the fleet and market reliance on the offshore area. As in recent years we have encountered haddock on these fishing grounds.

It is difficult to quantify the losses that could be incurred by the herring fishery if the haddock cap is attained. But, we currently have about 75% of the total quota, with an approximate ex-vessel value of \$22 million dollars, locked up in areas that would be affected by the closure. Losses to the lobster fishery are also difficult to quantify, but would affect many thousands of fishermen throughout New England.

We request the Council take action in an expedite manner as possible to address the significant problems in the herring fishery. Action on increasing the haddock catch Cap will not have negative impacts on the resource or participants in the groundfish fishery, but will provide us an opportunity to remain viable in this industry.

Thank your consideration of our concerns.

With best regards,

Jeff Kaelin

SFC Clerk; Lund's Fisheries Inc.

Dave Ellenton

Cape Seafoods, Inc.

Peter Mullen

Irish Venture, Inc.

Jeff Reichle

Lund's Fisheries, Inc.

Peter Moore

NORPEL

Brady Schofield

NORPEL

Jerry O'Neill

Western Sea Fishing Co., Inc.