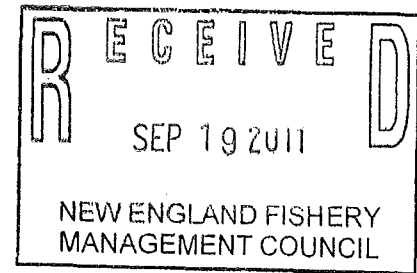


CORRESPONDENCE
RECEIVED AFTER
SEPTEMBER 15, 2011



Received via email 9/19/11

New England Fishery Management Council
The Tannery Mill 2
Newburyport MA 01950



Dear Sir,

The proposed turtle dredges have not been industry tested in all types of bottom. Construction specifications as presented are not enforceable.

The Turtle dredge as proposed do little or nothing to reduce yellowtail mortality.

I offer an alternative regulation to protect turtles while reducing yellow tail flounder interactions / by catch / regulatory discard. The proposal was rejected by the Scallop Plan Development Team, The Scallop Advisors, The scallop Committee.

The proposed regulation TO PROTECT YELLOW TAIL FLOUNDER & SEA TURTLES:

Dredges "MUST" be stopped for two minutes or more; between Two & Five Fathoms off the bottom. {all areas north of New York or 42 -- 20 line.} to protect Yellow Tail Flounder all year.

South of 42 line to protect Sea Turtles May 31 to November 1 each year dredges must be stopped.
Enforcement: First time offence, Loss of permit 3 years, 5 years second offence.

Crew \$10,000.00 reward for reporting Captain; Funds collected from Research Set Aside Money by United National Fishermen's Association Method.

Crew fined \$20,000.00 for providing false information to Law Enforcement.
Scallop Plan Development Team would need to add two days more of less to open area days to compensate for time lost by hauling gear & flipped dredged associated with dredge retrieval method. Closed areas would not need time Compensation.

Expected 95% to 98% reduction in yellowtail by catch. 100% reduction in turtle interaction. No need for turtle dredges.

Change all regulations to turtle mats instead of {turtle Chains} to allow industry the use of more turtle friendly gear to construct mats.

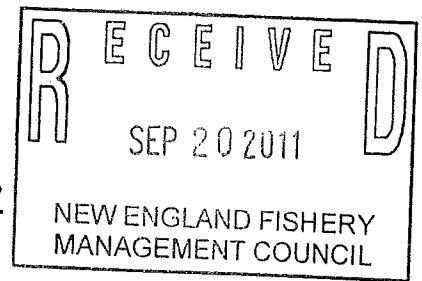
Under EMERGENCY ACTION to protect yellow tail flounder; the council can request the Secretary of Commerce; enact the regulations immediately.

Under EMERGENCY ACTION to protect Sea Turtles; the council can request the Secretary of Commerce; enact the regulations immediately.

I Trust the Council will request Emergency Action to implement the above regulations.

Thank you,

James Fletcher
United National Fisherman's Association



IN RESPONSE TO MR. PIKE'S "WHITE PAPER"

Recently, many members in the scallop fishery and the New England Fisheries Management Council received a "White Paper" from Mr. Jeffery Pike on behalf of an unnamed individual who proposes to eliminate the Single Drag Exemption and reduce those vessels to forty percent of what a "qualified Full Time" vessel would receive. Due to the anonymity of the person Mr. Pike represents we will address the issues in response to the letter as the White Paper or Mr. Pike's letter. Mr. Pike went to great lengths to make his points in his nine page White Paper, however, we would like to make a few arguments as to why this proposal is a bad idea and probably illegal.

4 f.

The argument Mr. Pike raises is that Small Dredge vessels should be given only forty percent of what a full time two dredge vessel gets. Our arguments with that are:

1. It would increase drag time on the bottom and exceed the Total Allowable Catch limit causing an automatic Accountability Measures for the entire fleet.
2. It would be economically impossible to operate a Full Time One Drag vessel if the Single Dredge Exemption was repealed.
3. It violates Magnuson – Stevens Act National Standards 5 and 8.

In 1994 Amendment 4 was passed which changed the way scallopers were allowed to fish. Under the old Amendments scallopers were under a "count" system where 'x' amount of scallops must equal one pound. Amendment 4 scrapped that system in favor of a Limited Access program. Basically what Amendment 4 did was put a moratorium on new vessels from entering the fishery while creating three categories of permits based on the landing histories of the participants. Amendment 4 created a "Full Time" permit which was awarded to vessels that fished an average of 150 days at sea or more between 1985 – 1990, the "Part Time" permit, created for vessels that fished between 37 days at sea and 150 days at sea during the same period and the "Occasional" permit which was for vessels that averaged 37 days at sea or less. A fourth permit called the "General Category" was established for vessels that did not qualify for a Limited Access permit. Amendment 4 also allowed for a one time upgrade in permit classification if the permit holder was willing to reduce two drags with a 30' span to one drag with a 10.5' span and reduce the amount of men on board to a five men maximum crew.

It has been nearly two decades since the passage of Amendment 4 and the scallop fishery has continued to evolve. Since 1994 ten amendments and nineteen framework adjustments have passed. The structure of the three Limited Access permit categories has remained the same throughout the passage of these amendments and framework

adjustments despite some very difficult years for all. However, now that we as a fishery have achieved our goals and are enjoying the success of our shared sacrifices some people in the fishery are still not satisfied and want more of the biomass for themselves at the expense of others.

The current proposal to reduce the days at sea, access area trips and the allowable catch in the access areas to forty percent of “qualified Full-Time” vessels is not a conservation measure but an economic one. Under Mr. Pike’s proposed theory if the Full Time One Drag permit allocations were to be reduced sixty percent then the Full Time Two Drag permit holders would be able to reap the benefit of being able to harvest more of the biomass. This in turn will lead to more drag time on the bottom and a higher catch level than what is currently anticipated.

Currently there are about 63¹ one drag full time vessels each with the allotted 32 days at sea; 63 vessels times 32 days at sea equal 2,016 fleet days at sea. Under Mr. Pike’s proposal, if NMFS were to reduce the days at sea 60% then the one drag vessels would have only 13 days at sea for a fleet total of 819 days at sea. The difference between today’s days at sea versus Mr. Pike’s proposal would be 1,197 days at sea available for “qualified” full time vessels.

A one drag vessel is limited to a drag that is only 10.5’ whereas a two drag vessel can have two drags with a total length of 30’; almost three times what a one drag vessel can carry. Giving the “qualified” full time vessels an extra 1,197 days at sea with each one towing 20’ more in drag surface than a one drag vessel without significantly adjusting the Total Allowable Catch would trigger Accountability Measures throughout the fishery regardless of whether the vessel is directly or indirectly involved in this proposal such as those in the General Category.

According to the analysis presented by the New England Fisheries Management Council Full Time Dredge vessels account for almost 80% of all scallop landings since 2007 with the remaining 20% divided between Full Time Small Dredge, Part Time Small Dredge and Full Time Trawl vessels.² Apparently for some Full Time Dredge permit holders landing 80% of the resource isn’t enough.

Reducing the Full Time Small Dredge vessels Days at Sea and closed area trips by 60% would have grave consequences for the boat owners, crewmen, shore support facilities and the banks who financed them. Fishing is a business and like any business if their earning capabilities were reduced 60% then the business would be forced into bankruptcy, the employees laid off, vendors would not get paid and banks would lose money on worthless assets.

¹ There appears to be some confusion as to how many Full Time Small Drag permits are issued. Amendment 15, DEIS, June 2010, p. 172, table 32 lists 53 Full Time Small Drag vessels for 2007, whereas Amendment 15 FEIS, December 6, 2010, p90, table 8 and p. 225 table 51 list 63 Full Time Small Drag vessels. I have used 63 vessels.

² Amendment 15 DEIS, June 2010, p. 173, Table 34.

If 60% of the Small Dredge vessels' Days at Sea and Access Area trips were to be reduced, then the Small Dredge vessel would have about 13 Days at Sea and 2 Access Area trips. In other words the Small Dredge vessel would have one open area trip and two access area trips, at which point they are done for the year. After paying the crew, fuel and gear bills, there would not be enough money for the Small Dredge vessels to pay for insurance, mortgage, maintenance or any other necessary bill such as VMS, communications and dockage.

The Small Dredge exemption has not been changed since 1994. Since 1994 the price of permits has gone up substantially. Banks have loaned the money against these permits in good faith because of almost 20 years of historical landings of these permits. Mr. Pike's proposal if enacted could cost the banking industry millions of dollars at a time when the banks could least afford it.

With only three trips to catch scallops, the Small Dredge vessels would have to resort to fishing for species they targeted prior to the 1994 passage of Amendment 4 in order to survive. In order to do that the Small Dredge vessels must be allowed to catch fish under the groundfish management plan or any other management plan the Small Dredge boats qualified for before 1994. One of the main reasons why the Small Dredge vessels are classified as such was because prior to 1994 they fished for groundfish and other species in addition to fishing for scallops. By arbitrarily diminishing the Small Dredge vessels scallop fishing capacity to pre 1994 levels then the New England Fishery Management Council would have to allocate groundfish and other fish species permits, allocations and quotas to the 63 Small Dredge vessels or any other vessel that would be affected by Mr. Pike's proposal and allow said vessels to freely move into and out of sectors depending on what species the vessel was fishing for.

Shifting the Small Dredge vessels away from the abundant scallop fishery would put increased pressure on the fragile groundfish fishery and other fisheries struggling to rebuild as the Small Dredge vessels would be forced into their fishery in order to survive. As we are all aware the groundfish fishery along with most other fisheries are undergoing a profound change in how their fishery is managed and we all know many good, hard working people who may not be able to survive the changes. Forcing Small Dredge vessels back to pre 1994 fisheries management plans from an abundant scallop resource is an unwise and poorly thought out proposal.

Due to the recent debacle regarding the recent permit stacking/leasing issue, we have become far more familiar with the Magnuson – Stevens Act than we have wanted to but once again we feel we must remind members of the industry and the Council of National Standards 5 and 8. National Standard 5 says "Conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose." National Standard 8 says in part, "Conservation and management measures shall, consistent with the conservation requirements of this Act... take into account the importance of fishery resources to fishing communities".

Mr. Pike's proposal is solely an economic proposal where he takes allocation in the form of Days at Sea and Access Area trips from one group of permit holders to give to another, whereby one is enriched while the others are bankrupted. No where in Mr. Pike's nine page White Paper does he mention the effects of his proposal on the resource. It is our belief that this White Paper proposal was written solely for the economic gain of the many at the expense of the few, thereby in violation of Magnuson – Stevens Act National Standard Five.

National Standard 8 of the Magnuson – Stevens Act requires the New England Fisheries Management Council to consider the economic impact a new management action would have on the fishing communities. It is our belief that Mr. Pike's White Paper proposal would have a long term negative economic impact on various fishing communities along the east coast with New Bedford MA. being the hardest hit.

Recently NOAA published its Fisheries of the United States, 2010 edition and once again New Bedford, MA. ranked number one in value of landings even though the pounds of fish landed decreased by 36.6 million pounds. While reviewing the NOAA's Fisheries of the United States, 2010 edition we became truly aware of how vital the scallop industry is to New Bedford. While the scallop fleet only landed 22 percent of the volume of fish the value of that catch accounted for 77 percent of the value of fish brought into the city. In other words, of the approximately \$306 million landed in New Bedford, about \$235 million was from the scallop fleet.

The City of New Bedford depends heavily on the fishing industry for survival and the scallop industry shoulders most of that burden. With the groundfish industry in turmoil many shore support facilities depend on the scallop fleet in order to stay in business and any adjustment to the scallop fleet would impact them negatively.

While we do not have the statistics of how many Small Dredge vessels there are in the City of New Bedford I think it would be safe to assume that because New Bedford has the largest concentration of scallop vessels it would also have the largest concentration of Small Dredge vessels. If the Small Dredge vessels were to lose 60 percent of their Days at Sea and Access Area allocations then the larger Full Time two drag vessels would have more time to fish thereby increasing the amount of scallops landed. However, that would be a temporary glitch because when the large Full Time two dredge vessels exceed the Allowable Catch then the New England Fisheries Management Council would be forced to enact Accountability Measures to decrease fishing effort in order to conserve the scallop biomass.

With the passage of this proposal most Small Dredge vessels would be forced to fish for other species if they were able to or go out of business. For each scallop vessel that went out of business there would be one less vessel that would hire crew, buy insurance, gear, fuel; do repair work or any other type of economic activity that helps the City of New Bedford, its businesses and citizens. While the Full Time two drag vessels would be able to offset some of the losses expected with the elimination of the Small Dredge vessels there will still be a negative impact due to the reduction of crewmen, insurance policies,

dockage fees, ice, gear, repairs and other expenses an individual vessel creates. Because New Bedford is so heavily dependant on the fishing industry and on the scallop industry in particular and Mr. Pike's proposal does nothing to protect the scallop biomass, and in fact may actually increase the scallop mortality rate for an unknown amount of time, it is our belief that this White Paper proposal violates National Standard 8 of the Magnuson – Stevens Act.

During the Scallop Advisory Panel meeting on September 12, 2011 and the Scallop Committee Meeting on September 13, 2011 the Fisheries Survival Fund, the largest association of scallop permit holders, addressed to the Panel and Committee members their opposition to Mr. Pike's proposal to eliminate the Small Dredge Exemption.

We would ask all permit holders regardless of permit category, captains, crewmembers and people in the shore support industry to speak out against this proposal. During this difficult economic time we should all be thankful we have steady employment and should stand together to ensure everyone has the same opportunities they've had for the past twenty years.

We request the Scallop Committee and the full Council remove any consideration of repealing the Small Dredge Exemption program from Amendment 16.

Sincerely,

Erik Orman



John Murray



Warren Alexander



