

September 26, 2011

Rip Cunningham

Acting Chairman, New England Fisheries Management Council (NEFMC)

50 Water Street, Mill 2

Newburyport, MA 01950



Dear Mr. Cunningham and members of NEFMC:

I am writing to support alternative 2.3.2 (Require that if a vessel with a federal NGOM permit wishes to fish in state waters and not have that catch applied to the NGOM TAC, that vessel is restricted to fish in state waters only for that trip) in FW 23. However I believe this alternative should be extended to include all General Category (GC) fishermen, rather than being limited to NGOM vessels.

Current management threatens GC fishermen's ability to participate in Maine's state water fishery because although the NGOM TAC is based exclusively on the federal resource, state water landings of GC fishermen are applied against it. This was problematic when landings were split 50/50 between state and federal waters, because it meant the TAC was set at approximately half what it should have been. The problem is now worsening: in 2010, 84% of GC vessels' landings from the NGOM were from state waters.

Alternative 2.3.2 provides a solution for vessels with NGOM permits. However unless it is amended, GC IFQ vessels will *still* have their state landings applied against the NGOM TAC, and will be required to stop fishing in the NGOM (state waters included) once that TAC is reached. I suspect the issue was not addressed for GC IFQ vessels because of confusion over another alternative, which would have allowed GC IFQ vessels to fish in state waters and not have their landings applied to their individual allocations. NOAA Counsel determined that this alternative could only be accomplished through an amendment. However, it was confirmed at the September 13 scallop committee meeting that an amendment would be needed in reference to the individual allocations: a FW *could* be used to allow IFQ vessels to fish on state-water only trips and not have their landings applied to the NGOM TAC.

It does not make sense to set a TAC for the entire NGOM based on an area that represents 16% of landings. Alternative 2.3.2 addresses this issue for NGOM vessels. Although I strongly support offering NGOM vessels the same option that DAS vessels have had for years, I do not believe it is equitable to leave IFQ boats out of that solution.

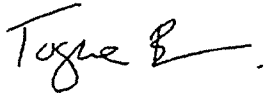
In terms of the NGOM TAC, an RSA-funded 2009 survey suggested a conservative TAC for the federal portion of the NGOM of 31,000 pounds. FW 22 approved a TAC of 70,000 pounds in recognition of the fact that a "substantial portion" (84% in 2010) of landings come from state waters. Some now suggest reducing the NGOM TAC to 31,000 pounds if alternative 2.3.2 is approved, because an "overage to account for state water landings would no longer be needed". Supporters of this option have failed to recognize that 2.3.2 applies only to NGOM vessels. An overage to account for IFQ vessels landings from state waters would still be required.

The Council has acknowledged that the NGOM management program is not perfect, and I appreciate their efforts to correct some of the inconsistencies in FW 23. I would respectfully request that as many of the inconsistencies as possible be addressed in this FW. Including IFQ vessels in option 2.3.2 would correct the most pressing inconsistency.

As you may realize, the state of Maine has made significant improvements to the management of its state waters resource in recent years. I hope all Maine's fishermen are able to benefit from the more sustainable and profitable fishery resulting from these changes. The best way to accomplish this is to include IFQ vessels in alternative 2.3.2. However, if they are not included, I urge you to leave the NGOM TAC at 70,000 pounds for FY 2012 rather than reducing it, in recognition of the fact that IFQ vessels' state water landings will still be applied against it.

I thank you for your consideration of this important matter.

Yours truly,

A handwritten signature in black ink, appearing to read "Togue Brawn". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Togue Brawn  
Maine Dayboat Scallops, Inc.