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CORRESPONDENCE

- H. ASMFC, Bob Beal
- I. EDF, Sarah Smith
- J. Several letters from different individuals re: Habitat Protection Measures



Atlantic States Marine Fisheries Commission

H.

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

Paul J. Diodati, (MA), Chair

Dr. Louis B. Daniel, III, (NC), Vice-Chair

Robert E. Beal, Executive Director

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

Thomas A. Nies, Executive Director New England Fishery Management Council 50 Water Street Newburyport, Massachusetts 01950

SEP 13 2013 D

September 6, 2013

Dear Mr. Nies,

The Atlantic States Marine Fisheries Commission's American Lobster Board (Board) has recently been made aware of potential action by the New England Fisheries Management Council (NEFMC) to end the prohibition on bottom tending mobile gear in Closed Area II. The Board is concerned there could be negative impacts on the lobster resource and fishery if the Groundfish and Habitat Fishery Management Plan is amended to allow bottom tending mobile gear in this area.

The Board previously commented in May 2012 on the impacts of lifting the prohibition on bottom tending mobile gear in Closed Area II. For several months during the year there are a significant number of egg-bearing female lobsters within Closed Area II. The Lobster Technical Committee (TC) has reviewed data on the possible impacts to lobster if large concentrations of egg-bearing female lobster are subject to bottom tending mobile gear in Closed Area II. A copy of the TC report is attached. This analysis suggests that opening Closed Area II to these types of gear will result in additional incidental damage to lobster. However, additional surveys and studies are needed to more accurately assess the effects of mobile gear on lobster near Georges Bank.

The Board is also concerned with possible gear conflicts between mobile gear and trap fishermen if Closed Area II is opened. In response to NEFMC opening parts of Closed Area II to the groundfish sector in earlier this year, the American lobster offshore trap fleet developed an agreement with the groundfish sector to prevent gear conflicts. If this new area is opened, the Board encourages the Council to consider the use of closed seasons to prevent gear conflicts.

On behalf of the Board, I would like to request the opportunity for the Commission to comment prior to any action by the NEFMC to open Closed Area II to bottom ending mobile gear. The Board looks forward to working with NEFMC on this important issue.

Sincerely.

Robert Bea

enc: Assessment of Trawl-Induced Damage to American Lobster

cc: American Lobster Management Board

John Bullard, NMFS, Northeast Regional Administrator

L13-118

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Atlantic States Marine Fisheries Commission

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Assessment of Trawl-Induced Damage to American Lobster Report to the American Lobster Management Board By the American Lobster Technical Committee August 2012

At the May 2012 Lobster Board meeting the TC was tasked with looking at the effects of bottom tending mobile gear on lobster in response to management actions that could lift a prohibition on this type of gear in Closed Area II on Georges Bank. Lobstermen that fish in this area have reported large congregations of ovigerous females within Closed Area II and they're concerned that opening it to mobile gear will have a negative impact on the local lobster population. The studies cited below document the effects that bottom tending mobile gear have on lobster in their respective areas. These results suggest that opening Closed Area II to these types of gear will result in additional incidental damage to lobster. It's important to note that studies cited below were done in areas where lobster are generally smaller than those found on Georges Bank (ASMFC 2009), and thus incidental damage could be quite different in this area due to gear selectivity and size of lobster. Additional surveys and studies are needed to more accurately assess the effects of mobile gear on lobster near Georges Bank.

When a surge in trawl effort directed toward lobster caused substantial conflicts between the bottom trawl and lobster trap fishery in Long Island Sound in the early 1980s, the Connecticut legislature commissioned the Department of Environmental Protection to examine the impacts of mobile trawl gear on lobster. Agency biologists compared direct and delayed mortality from trawl nets versus trap gear (Smith and Howell 1987). Biologists made monthly trips aboard commercial stern trawlers (n=63 trips, 12-26m vessel size, tow duration 1-3 hrs) and lobster trap vessels (n=12 trips, 12-14m vessel size) from July 1983-January 1985 to examine lobster catches for immediate damage and mortality, and collected animals for transport to laboratory open circulating seawater tanks for extended examination over 14 days. Similar observations were also recorded from cruises made by a research stern trawler (13m vessel size, tow duration 0.5-2 hrs).

Summary of Results

- Monthly incidence of major damage and immediate mortality varied seasonally from 0-14% in the trawl fishery (n=6,174 lobster) and 0-4% in the trap fishery (n=4,762 lobster). There was no difference in damage/mortality rate by vessel size.
- Delayed mortality occurred only in trawl-caught animals and almost exclusively in animals that sustained major damage (broken or crushed body or claws) or were newly molted (new-shell).
- Trawl-induced damage occurred at similar rates in cold-water versus warm-water intermolt periods (2% January-June versus 3% August-September)) and between cooling and warming postmolt periods (12% October-December versus 13% July).

Assessment of Trawl-Induced Damage to American Lobster Report to the American Lobster Management Board By the American Lobster Technical Committee August 2012

- The above results suggest that damage due to trawling is more a function of shell condition than water temperature. The importance of shell condition points to the effects of compression in the trawl net on recently molted animals.
- Sub-legal size new-shell lobster incurred significantly greater damage rates than legalsize lobster caught by trawl. Hard-shell animals, and those captured in traps, showed no size differences in damage rate.
- Trawl-caught egg bearing females (n=909) incurred no greater damage/mortality rates than non-egg bearing females or males. Egg loss attributable to either harvest technique was not examined.

Two other studies also documented similar damage rates and an increase in damage immediately following molting periods with lower rates during intermolt periods. In Rhode Island waters, Ganz (1980) reported an overall 9% major damage rate estimated from biweekly experimental trawl tows (n=105 tows, tow duration 1 hr, 5228 lobster). However, injury rates increased to 16-21% during the molt in June-July and October-November while averaging 0-5% in all other months. Spurr (1978) also found trawl-induced injury to be greater in July than in September based on experimental tows taken in New Hampshire waters.

These damage rates must be expanded by the relevant bottom trawl fishing effort in order to assess the total effect of trawl gear on the affected population. For example, damage to 14% of lobster contacted by bottom trawls (as indicated by the Connecticut study) during the 3-6 month season when lobster are molting and most vulnerable would be of little consequence to the health of the population if trawl effort during the same time period is relatively low. Similarly, damage due to trawling may be minor relative to damage by lobster traps (4% during the period of greatest vulnerability) if effort in the lobster fishery is high. Other factors to consider include: The seasonal distribution of mobile gear fishing effort, trawl/dredge design, mortality of lobster contacted by mobile gear but not landed, and the size selectivity of bottom trawl gear. All of these factors would substantially change the total damage to lobster by these types of mobile gear.

The proposed regulation changes will also include lifting the prohibition on scallop dredges. Jamieson and Campbell (1980) looked at the impacts of scallop dredges on lobster in the Gulf of Saint Lawrence in areas with and without commercial scallop fishing. They found that 1.3% of lobster in the fished areas were either injured or retained and 11.7% of lobster in the non-fished areas were retained/injured by experimental scallop dredge. SCUBA divers followed behind the dredge and observed lobster in the drag path during and after the tow. Injured lobster were not

found in the drag path though some were observed to retreat into burrows in front of a moving dredge and the damage/mortality associated with those animals is unknown.

The authors concluded that damage to American lobster in the research area was minimal from the observed drags of sea scallop dredge. They noted that seabed substrate was generally smooth and most lobster were able to avoid the gear. Though this study provides useful information, one needs to exert caution when trying to draw parallels between this study and interactions of scallop dredges and lobster on Georges Bank . The selectivity of the gear is very dependent on the physical terrain and speed of the tows. Additionally, the mean size of the lobster in this study was 72mm which is less than the 25th percentile for the lobster population around Georges Bank (average 80-115mm, ASMFC 2009). Lobster size will affect damage rates as well as retention rates in the gear.

Applying the results of these studies to assess potential effects of opening a closed area of Georges Bank to bottom tending mobile gear would require 3-5 years of the following information:

- Monthly or seasonal proportion of newly-molted versus hard-shelled lobster for sub-legal and legal size classes from experimental trawls and lobster traps that capture all size classes and sexes present on Georges Bank
- Monthly or seasonal estimates of major damage rates (i.e. broken or crushed body or claws exclusive of culls and old damage) from commercial or experimental trawling and lobster traps on Georges Bank or the Gulf of Maine where shell development is comparable
- Data characterizing tow duration, net size, and deck handling practices for the proposed mobile gear fishery(s) for comparison to data describing fishing effort in the lobster trap fishery.
- Characterization of the amount of spatial overlap between the area exposed to bottom trawling and known lobster habitat.

Literature Cited

Atlantic States Marine Fisheries Commission (ASMFC), 2009. American lobster stock assessment report for peer review. Stock assessment report 09-01.

Gantz, 1980. Otter trawl induced lobster damage evaluation. Final Report to Department of Commerce, NOAA, NMFS, Commercial Fisheries Restoration and Development Activities, RI Project 3-279-R.

Jamieson, G. and A. Campbell, 1980. Sea scallop fishing impact on American lobster in the Gulf of St Lawrence. Fisheries Bulletin US, 83:575-586.

Smith, E. and P. Howell, 1987. The effects of bottom trawling on American lobster, Homarus Americanus, in Long Island Sound. Fisheries Bulletin US, 85:737-744.

Spurr, E., 1978. A assessment of short term effects of otter trawling on large epibenthic invertebrates. Final Report to Department of Commerce, NOAA, NMFS, Commercial Fisheries Restoration and Development Activities, NH Project 3



September 19, 2013

Mr. Ernest F. Stockwell, Acting Chairman New England Fishery Management Council Water Street Newburyport, MA

Dear Mr. Stockwell,



Thank you for the opportunity to comment on the development of the Omnibus Habitat Amendment (OHA). In advance of the September Council meeting, we wish to express our support for the process to date in developing and adopting this amendment. We recognize that presently the groundfishing industry is facing a severe economic crisis as a result of low stock abundance and resulting quota cuts. Environmental variability, including that caused by climate change, is undoubtedly exacerbating the situation, potentially shifting the distribution of some species and changing predator-prey relationships.

The dire situation of the groundfish fishery compounded by environmental shifts is all the more reason to take the Omnibus Habitat Amendment process very seriously. In addition to serving an important role in rebuilding groundfish stocks, closed areas are an important tool in mitigating against the effects of climate change, providing refuge for both larger, older fish and for juveniles as waters warm and distributions shift. A forward-looking OHA process will consider not only where fish appear today, but where they might shift with a changing marine ecosystem. A well-designed network of closed areas will be important for rebuilding New England's groundfish stocks and ensuring a healthy, productive, profitable fishery in the long term.

These factors should be strongly considered as the Council continues their deliberations over this action. We urge the Council to continue to take seriously its charge of developing an amendment that could greatly determine the future of the groundfish fishery, as well as the other fisheries under the Council's purview. For the most part, following the June Council meeting, we are left with some suitable alternatives among which the Council may select to ensure a robust, scientifically-driven closed area network. However, we continue to have grave concerns about the current options, or lack of options, on the table for Georges Bank. The Council has voted in a series of alternatives that either reduce the habitat protection in this area to a small fraction of what is currently protected in Closed Area I and Closed Area II, or in the case of Alternative 5, rely on gear modification for providing habitat protection, despite the fact that the Habitat PDT has consistently recommended against using gear modification measures because of the tremendous uncertainty of relying on this as a means of reducing swept area.

We strongly agree with the rationale provided in John Bullard's letter submitted to the Joint Habitat and Groundfish Committees on August 30 arguing that the options currently available for Georges Bank are too limited. While we recognize the desire of the industry to access healthy fish stocks where they exist, including scallops, the alternatives on the table are entirely unacceptable from the standpoint of the goals of the OHA, which include minimizing adverse impacts to EFH and enhancing groundfish fishery productivity. We also urge the Council to look beyond the Northern Edge in discussing alternatives for

this area and to think more broadly about substantive protection in this region. Georges Bank haddock, one of the few healthy groundfish stocks, have rebuilt to their present abundance levels undoubtedly due in part to the protection afforded by the existing Georges Bank closed areas, and it's important not to undo all of the benefits closed areas have created. Cod and yellowtail stocks on Georges Bank are suffering from low abundance, and the Council has removed the proposed areas, such as those proposed on the Southeast Parts, that would benefit these very species by providing protection to important juvenile habitat. Closed areas can serve as an important safety net for these severely depleted stocks.

Opening nearly the entirety of Georges Bank to fishing activity and not considering implementing some actual measure of protection for Georges Bank stocks at a time when the industry is facing an economic crisis driven by historically low quotas is imprudent at best. Closed areas that are sited and sized appropriately will be an important measure to rebuild stocks and to promote sustainable and profitable fisheries in the long term. We urge the Council to reconsider the alternatives under deliberation for Georges Bank, and to draft a new alternative for this region that better meets the goals of the OHA.

Sincerely,

Dr. Sarah L. Smith

Spatial Policy Specialist

Environmental Defense Fund

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Fax: 978-465-3116

RE: Proposed Stellwagen Bank Sanctuary Ecological Research Area

Dear Mr. Nies:

Regarding the proposed habitat protection measures being considered by the New England Fishery Management Council (NEFMC), I strongly oppose any changes to the Western Gulf of Maine closed area and strongly support Alternative 1, No Action.

Any additional closed areas for the charter/party and recreational anglers will create an adverse effect on a sector that is already operating under rules with strict bag limits, minimum size limits, a hard TAC and a five-and-a-half month closed season on GOM cod.

The type of research that the Stellwagen Bank National Marine Sanctuary wishes to conduct in the proposed 55-square-mile "reference area" is unnecessary. There has been plenty of research conducted all over the world on unfished populations and the resulting fish sizes and stock structure, so there is likely very little new we will learn by closing this area to recreational bottom fishing. Furthermore, this proposed closure clearly does not justify the future socioeconomic impact on the recreational fishing sector.

As a saltwater angler, I do not personally fish for profit, though my fishing participation supports many local businesses, from tackle shops and for-hire captains to owners of restaurants and lodging facilities. If the SERA II and the "reference area" is put into place, anglers will be forced to transit greater distances up to 40 NM to find a few cod and haddock for the dinner table. We are already fishing over 28 NM from port, which has severely restricted our angling opportunities...this latest proposal will have a devastating impact on our recreational fishing community.

I would also point out that since catch share management was implemented, a concentration of large draggers fishing 24/7 on the bank in the winter and spring has forced the charter/party and recreational anglers to fish east of Stellwagen Bank in order to locate cod and haddock. A simple analysis of the past two years of vessel trip reporting data would clearly indicate this change in fishing location, much of which is now taking place in the proposed "reference area."

Our recreational sector always seems to be left out of focus when it comes to spotlighting NEFMC issues and initiatives; in reality, the socioeconomic importance of recreational fishing cannot be ignored in this critically important vote. I strongly support Al ternative No. 1, No Action, and ask that the NEFMC recognize the significance of our recreational fishing industry in supporting this winnable solution.

Respectfully signed.

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Respectfully signed,	
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NEW ENGLAND FISHERY

MANAGEMENT COUNCIL





Mr. Tom Nies New England Fisheries Management Council 50 Water Street Newburyport, Massachusetts 01950

Fax: 978-465-3116

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As a saltwater angler, I do not personally fish for profit, though my fishing participation supports many local businesses, from tackle shops and for-hire captains to owners of restaurants and lodging facilities. If the SERA II is put into place, anglers will be forced to transit greater distances up to 40 NM to find a few cod and haddock for the dinner table. We are already fishing over 28 NM from port, which has severely restricted our angling opportunities...this latest proposal will have a devastating impact on our recreational fishing community.

Recreational anglers have little to no impact on the bottom using weights, cod jigs and hook and line to harvest fish for personal consumption. A hook and line fishery has existed in these waters for hundreds of years, with no adverse effect on cod; in fact, previous landings were larger than what is being reported today. Meanwhile, since going to catch shares management, a concentration of large draggers fishing 24/7 on the bank in the winter and spring has forced the charter/party and recreational anglers to fish east of the bank (WGOM) in order to locate cod and haddock. A simple analysis of the past two years of vessel trip reporting data would clearly indicate this change in fishing locations

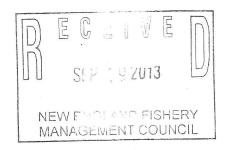
Creating a SERA and shutting me out of the fishery will serve no benefit to the protection of juvenile cod. Any changes other than Status Quo, Alternative 1, No Action will virtually end the charter/party industry from the South Shore of Massachusetts which fish Stellwagen Bank. It will also be a domino effect resulting in a loss of revenue to the local hotels, tackle shops, marinas, boat dealers etc. in the local area.

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Fax: 978-465-3116



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As a saltwater angler, I do not personally fish for profit, though my fishing participation supports many local businesses, from tackle shops and for-hire captains to owners of restaurants and lodging facilities. If the SERA II and the "reference area" initiative is put into place, anglers will be forced to transit greater distances up to 40 NM to find a few cod and haddock for the dinner table. We are already fishing over 28 NM from port, which has severely restricted our angling opportunities...this latest proposal will have a devastating impact on our recreational fishing community.

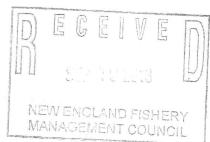
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Respectfully signed,		
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Fax: 978-465-3116



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Respectfully signed,	
(sign name) Mulli-	
(print name) MICHAEL J. PIERDINOCK	
(address, city, state) P.O. BOX 732 BRANT ROCK	M4 02020



RE: Proposed Stellwagen Bank Sanctuary Ecological Research Area

Dear Mr. Nies:

The proposed Stellwagen Bank Sanctuary Ecological Research Area ("SERA") has been the subject of discussion and ongoing change the past few years. As a recently appointed member of the NEFMC Enforcement Advisory Panel I was made aware of the recent SERA recommended by the NEFMC Groundfish and Habitat Committees. Over the past several years the proposed extent of the SERA and charter/head boat and recreational fishing limitations in this area has changed ranging from complete shutdown to tuna and shark fishing only that has concerned me and others since its inception.

As an owner and operator of a charter boat fishing out of Green Harbor, Massachussetts I strongly oppose any changes to the Western Gulf of Maine closed area and strongly support Alternative 1, No Action. The proposed SERA is located within our prime fishing grounds that will have a significant detrimental impact on charters and could put me as well as other charter/head boat operators out of business. The closure would require that we travel further distances east that will be cost prohibited. We are already traveling significant distances to land cod and bottom fish east of Stellwagen Bank.

The recreational angler has little if at all no detrimental impact on the sediment and bottom dwelling life in this area using weights, cod jigs and hook and line to harvest fish for personal consumption. Any changes other than Status Quo, Alternative 1, No Action will virtually be the end of the charter/party industry from the South Shore of Massachusetts which fish Stellwagen Bank. This will also have a detrimental impact as a result of loss of revenue to the local hotels, tackle shops, marinas, boat dealers etc. in the local area.

The challenges associated with the enforcement of this closed area were well presented before the Enforcement Oversight Committee.

In conclusion, I strongly support Alternative No. 1, No Action. If you have any questions please feel free to email or give me a call at (617) 291-8914.

Very truly yours,

Capt. Michael J. Pierdinock

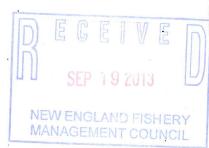
CPF Charters, Charter Boat "Perseverance", Green Harbor, MA

www.cpfcharters.com cpfcharters@yahoo.com





Fax: 978-465-3116



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Respectfully signed,				
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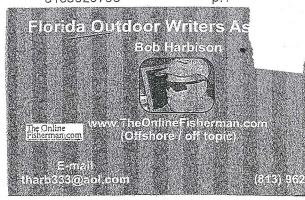
Mr. Tom Nies

New England Fishery Management Council

50 Water Street

Newburyport, Massachusetts 01950

Fax: 978-465-3116



RE: Proposed Stellwagen Bank Sanctuary Ecological Research Area

Dear Mr. Nies:

Regarding the proposed habitat protection measures being considered by the New England Fishery Management Council (NEFMC), I strongly oppose any changes to the Western Gulf of Maine closed area and strongly support Alternative I, No Action.

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Respectfully signed,		
(sign name)		
(print name) Michael Fritz		
(address, city, state) 13 E. Katherine Ave. Seaville	NJ	08230



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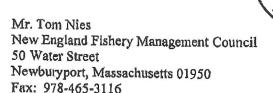
(sign name)

(print name)

(address, city, state)

Victoria Dr.

Dr., Cape May, NT08204





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(sign name) John (sign





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Respectfully signed,	2° I list
(sign name)	Jim Langhorst
(print name)	JIM LANGHORST
(address, city, state)_	I CHIMNEY POT LANE
(SLOATSBURG, N.V. 10974
), , ,



Fax: 978-465-3116

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(sign name)	
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(address, city, state) & Nonsen Of Spring Volley M	log77



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Respectfully signed,	
(sign name)	- 1 h
(print name) ROBERT PALECEN	_ 6,
(address, city, state) 105 14; UCKEST AUR MINE NY	13350



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(sign name)

(print name)

address, city, state) 20 3 FACT VILLA GE ROA

10987



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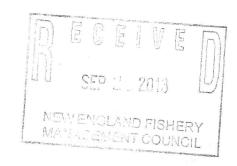
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(address, city, state)	DEUST LANE	NEW PALTZ	M. 12561



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(sign name) (sign name) (print name) (print name) (address, city, state) 2/6) Gregory Place Sea Grit NJ. 08750





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(sign name) With former	
(print name) Steven E. James	
(address, city, state) 57 Calypso Lane, Marshfield My	702050



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Mr. Tom Nies New England Fishery Management Council 50 Water Street Newburyport, Massachusetts 01950

Fax: 978-465-3116



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(print name) THEODORE MAMUNES	
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50 Water Street

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Respectfully signed	1 1		
(sign name) Charles	L. / Ce	mon	
(print name) CHARLES	K. N	EWMA	O, JR
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Fax: 978-465-3116



08:21:48 a.m.

RE: Proposed Stellwagen Bank Sanctuary Ecological Research Area

Dear Mr. Nies:

Regarding the proposed habitat protection measures being considered by the New England Fishery Management Council (NEFMC), I strongly oppose any changes to the Western Gulf of Maine closed area and strongly support *Alternative I*, *No Action*.

Any additional closed areas for the charter/party and recreational anglers will create an adverse effect on a sector that is already operating under rules with strict bag limits, minimum size limits, a hard TAC and a five-and-a-half month closed season on GOM cod.

The type of research that the Stellwagen Bank National Marine Sanctuary wishes to conduct in the proposed 55-square-mile "reference area" is unnecessary. There has been plenty of research conducted all over the world on unfished populations and the resulting fish sizes and stock structure, so there is likely very little new we will learn by closing this area to recreational bottom fishing. Furthermore, this proposed closure clearly does not justify the future socioeconomic impact on the recreational fishing sector.

As a saltwater angler, I do not personally fish for profit, though my fishing participation supports many local businesses, from tackle shops and for-hire captains to owners of restaurants and lodging facilities. If the SERA II and the "reference area" is put into place, anglers will be forced to transit greater distances up to 40 NM to find a few cod and haddock for the dinner table. We are already fishing over 28 NM from port, which has severely restricted our angling opportunities...this latest proposal will have a devastating impact on our recreational fishing community.

I would also point out that since catch share management was implemented, a concentration of large draggers fishing 24/7 on the bank in the winter and spring has forced the charter/party and recreational anglers to fish east of Stellwagen Bank in order to locate cod and haddock. A simple analysis of the past two years of vessel trip reporting data would clearly indicate this change in fishing location, much of which is now taking place in the proposed "reference area."

Respectfully signed,	
(sign name) Stephen Sincker	
(print name) STEPHEN SINCLAIR	
(address, city, state) 37 QUEENS GUARD WAYE	
MARSHFIELD, MA 02050	