



New England Fishery Management Council

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Ernest F. Stockwell III, *Acting Chairman* | Thomas A. Nies, *Executive Director*

**MEMORANDUM**

**DATE:** September 18, 2013  
**TO:** Groundfish and Habitat Committees  
**FROM:** Thomas A. Nies  
**SUBJECT:** **Meeting with Stellwagen Bank Charter Boat Association (SBCBA)**

1. On 17 September, 2013 I met with the SBCBA in Marshfield, MA to provide an overview of the Omnibus Habitat Amendment. The meeting was well-attended, with over 110 members of the organization present, as well as several representatives of state and federal legislators. There were also representatives from lobster and tuna fishing organizations. This was the largest group I have seen at a groundfish information session held over the last four or five years, including Amendment 16 public hearings.

2. I gave an overview of the amendment alternatives for habitat management areas, spawning areas, and dedicated habitat research areas (DHRA) in the Central and Western Gulf of Maine. The presentation explained the rationale for the DHRA and the reference area, and emphasized that the measures were being adopted through the Council's M-S Act authority and not the sanctuary regulations. Attendees were provided advice on how to participate in the Council process for the amendment's review and approval.

3. The presentation was followed by a question and comment session that lasted nearly two hours. Every question and comment was on the proposed reference area in the DHRA. There was unanimous opposition to the proposed research area, which as drafted would include a prohibition on recreational/party/charter fishing.

4. The following bullets are provided to give a flavor of the comments received. They are not all inclusive. In many cases, similar comments were made by more than one person, so each bullet may reflect the opinions of more than one person. This summary is not an endorsement of any of the comments.

- The restrictions considered for the reference area will put the party/charter (p/c) fleet out of business. This group is already subject to a long seasonal closure to protect cod; the catch share system has ruined fishing on Middle Bank; and this option would close the one location that is still producing fish for the p/c fleet. This area is at the extreme range for daytrips with customers from the South Shore ports, longer trips to other areas are not feasible. This will have huge ripple effects in the economy of the state.
- The possible restrictions on recreational fishing are not consistent with the Stellwagen Bank National Marine Sanctuary (SBNMS) designation document. The proposed restrictions also are contrary to promises made to the fishing industry when the sanctuary was designated. This comment was made repeatedly throughout the meeting.
- The possible restrictions reflect the Council ceding management authority to the SBNMS administration, and set a dangerous precedent which will allow the SBNMS to further restrict fishing activities in the future.
- By extending the DHRA and reference area outside the boundaries of the SBNMS, the SBNMS has successfully expanded its management authority without appropriate process. In essence the SBNMS has taken over the Council process.
- The DHRA and reference area largely implement the SERA alternative originally developed by the SBNMS. In effect this means the SBNMS is regulating fishing activity, contrary to the designation document.
- The Council does not have any identified research experiments funded or planned. It does not make sense to close an area just for the possibility that research will occur, when such a closure will cause great economic harm to the recreational and p/c fisheries. There is little confidence in the sunset provision actually working – some researcher will make sure an experiment is conducted just to make sure the area is kept closed.
- The original SERA proposal would have allowed hook and line fishing in the area – when did this change?
- If recreational and p/c fishing is excluded because of possible impacts on benthic communities, why is lobster fishing allowed? That gear is known to catch cod and lobsters are benthic animals.
- The recreational and p/c fisheries have not had enough opportunities to comment on these alternatives.