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*Coalition for the Atlantic Herring Fishery's Orderly, Informed and Responsible Long-Term Development*

April 2<sup>nd</sup>, 2009

John W. Pappalardo, Chairman  
New England Fishery Management Council  
210 E. Orleans Road  
No. Chatham, MA 02650

Re: Midwater Trawl Access to Groundfish Closed Areas

Dear Chairman Pappalardo ,

I am writing on behalf of the CHOIR Coalition to ask that you rescind access by midwater trawlers into Closed Groundfish Areas. While it has long been suspected that these vessels have high levels of haddock bycatch, recent analysis of data from the 2008 fishing year show that the 1% threshold has been exceeded and for this reason alone action should be taken.

But there is another reason for why these boats should lose access: fairness. When the Council and NMFS allowed these vessels in based on a small number of tows (13), none of which were actually found to have been in the closed areas, they did so for an exempted gear during a time when standards were very different. Revelations about the bycatch of that gear and new standards for access that others must now adhere to have created an inequality today. That is, midwater trawl access today is unfair based on what a groundfisherman (or anyone else) would have to do to gain access. No other fishery can gain access to closed areas in such a manner. The normal process for gaining access is to formally apply for an Exempted Fishing Permit (EFP). When groundfishermen wanted to gain access to Closed Area 1, they had to spend a lot of their own time and money in applying for an EFP and paying for monitoring.

Because of the fact that the 1% threshold has been surpassed and because of the issue of fairness, we urge the Council to remove the midwater boats from the closed areas as soon as possible. These boats can then apply for an EFP with 100% catch sampling and try to gain access in the same manner that anyone else would if they wanted to be fishing in those areas. If the EFP were successful, access would then be granted based upon a Special Access Program (SAP) with similar monitoring levels and hard catch and bycatch limits.

Thanks for your time,

Steve Weiner, Chair

