

Valerie Bline  
New Hyde Park, NY 11040-2712  
September 14, 2011

Capt. Paul Howard, Executive Director  
New England Fishery Management Council  
50 Water Street, Mill 2  
Newburyport, MA 01950

RE: Amendment 5 Atlantic Herring Fishery Reforms

Dear Mr. Howard,

I am concerned by the toll the Atlantic herring midwater trawl fleet is taking on our river herring, Atlantic herring, groundfish, and other marine species, including those species that depend upon Atlantic herring and river herring for food.

I support the reforms being proposed in herring "Amendment 5" but am concerned that lobbyists for the midwater trawl industry will push hard to eliminate some key monitoring and bycatch reduction measures before a full analysis is completed and the public is given the opportunity to comment.

Please ensure the Council continues to demonstrate its commitment and support of meaningful reform of the Atlantic herring fishery by approving for public comment the full range of management options developed in Amendment 5, including:

- \* 100 percent at-sea monitoring on all midwater trawl fishing trips (i.e., one observer per vessel to sample all catch) in order to provide reliable estimates of herring catch, and bycatch of river herring, shad, groundfish, seals, whales, and other non-target species.
- \* No herring fishing in areas designated as river herring bycatch "hotspots" to protect river herring and the predators that depend on their coastal migrations.
- \* No herring midwater trawling in areas established to protect groundfish populations.
- \* No release or dumping of uninspected/unsampled catch except under exceptional circumstances, such as mechanical failure or when safety is a concern.
- \* Consequences to discourage the wasteful dumping of catch, including an accountability system to ensure the exceptions are not abused, including a fleetwide limit the number of dumping events, after which any dumping event would require a return to port.

Thank you for considering my comments. Reform of this fishery is needed and overdue.

Sincerely,

Valerie Bline

*Example of 1193 late  
Comments received*





**Massachusetts  
Striped Bass Association**

Since 1950



September 22, 2011

Dear Chairman Cunningham

cc: NEFMC Members

I am writing to encourage you to stay focused and vigilant with regard to the final development of Amendment 5 to the Atlantic Herring FMP. Over three years ago the NEFMC was justified in beginning what is now AM 5. The Atlantic herring fishery still needs updated regulations with a focus on monitoring and by catch. Hundreds of days and thousands of hours of participation by NEFMC, NEFMC staff, stakeholder representatives and the public at large have resulted in the DEIS finally being presented for your approval. I suggest to you that this meeting is not the time to make substantial changes, rather it is time to send this document to the public for comment, after which the NEFMC should have all info needed to make final decisions.

Of course there is always room for improvement and we believe a few specific sections are lacking and could use your input and direction.

The **Potential Impacts Table** found early in the document is missing one quarter of its content. Because of the blank EFH & Protected Resources Section; to include this incomplete guide in the front of a public document presents a very slanted view of the alternatives. It seems clear the incomplete sections contain many of the "positive" effects on the scale and without their inclusion the table highlights the negative. This seems against the intent of rulemaking and I believe NEPA requires a balanced analysis of the alternatives. I suggest you consider removing these table pages from the public comment document.

Section 3.3 is **Management Measures to Address River Herring By Catch**. I want to remind you (again) that the citizens of RI and MA have been under a complete moratorium on the harvest of river herring for over six years. What was true when AM 5 began is still true today. The largest source of actual known mortality or more simply put, the largest number number of known dead river herring by any single source is the by catch in the Atlantic herring fishery. We request that the river herring sections of the DEIS remain as is, if not strengthened. The public deserves the opportunity to comment on more than one alternative that will protect, not just monitor River Herring by catch. Admittedly, the alternatives in the DEIS will not solve the river herring issue, but they will achieve the goal of the Amendment and address the river herring

mortality in the Atlantic herring fishery along with clearly meeting National Standard 9 of the MSA. .

Finally section 5.6 is the **Cumulative Effects Analysis**. This section completely ignores the effects of this fishery (and this amendment) on the commercial Bluefin Tuna, Party Charter and Private Recreational fisheries. Furthermore, the analysis also ignores the service industry jobs that are related to these fisheries. There is no attempt to summarize information presented at the NEFMC Meeting in Newport RI concerning 2010 when intense effort by the herring fleet adjacent to the Nauset area of Chatham MA ended an ongoing recreational fishing bonanza having an easily proven financial effect on multiple businesses.

This section goes as far as to describe effects on children of some employees of the herring industry but mentions nothing about effects on children of displaced local purse seine or weir operators that can not compete with industrial operations. Where are the statistics to support the claims this section does make? Without supporting data I urge you to conclude that this section is made up of speculation and rhetoric. With no quantifiable or qualitative data, we humbly suggest this section be removed from the public comment document.

In conclusion, Even though we feel the document fails to analyze effects on some fishing communities, natural resources and the environment, we feel even stronger that any further delays will accomplish nothing positive. Please send this document to the public as soon as possible.

On behalf of many recreational fishing organizations and businesses.



Capt. Patrick Paquette  
Recreational Fishing Community Organizer  
Honest By Catch, Executive Director  
MA Striped Bass Association, Gov't Affairs Officer  
RFA MA Acting Chair

## American Bluefin Tuna Association

P.O. Box 447, Salem N.H. 03079  
(603)898-8862 Cell 490-4715

September 22, 2011

Doug Grout, Chairman  
Herring Oversight Committee  
New England Fishery Management Council  
50 Water Street, Mill 2  
Newburyport, MA 01950



**Through:** Paul Howard, Executive Director

**Re:** Herring Amendment 5 Draft Environmental Impact Statement

Dear Doug,

On behalf of the American Bluefin Tuna Association (ABTA) I would like to offer the following comments in regards to the Draft Environmental Impact Statement (EIS) for Herring Amendment 5.

Our fishery has been greatly impacted by herring management, or lack thereof, over the last fifteen years. It is an accepted fact that bluefin only come to this part of the ocean to eat and there is no more important forage species they migrate here for than Atlantic herring. While our fishery has seen great improvements in the wake of recent herring management actions, many concerns still remain.

The Council initiated amendment 5 in 2007 in order to address a number of issues, but most importantly the inadequacy of the monitoring system in the midwater trawl fishery. Lack of observer coverage and the problem of dumping have long been central concerns for those in the bluefin fishery and so we were pleased to see the Council take on this critical issue in this amendment.

Over the past three years, all parties involved have spent countless hours in developing this amendment. We have watched this process closely and have been happy to see the Council working hard to develop a wide range of alternatives that could lead to a strong final amendment. We have been particularly happy to see the Council include alternatives to increase observer coverage, improve sampling, reduce dumping (or "slippage") and weigh all fish. All of these are important steps that must be taken to improve management and control in the herring fishery.

While much good work has been done, and many good alternatives have been crafted, it will all be for not if the Council decided to start picking apart this document at it's meeting on September 29<sup>th</sup>. The measures currently included in the document have been

the result of years of work and they deserve to be forwarded to the public for consideration. Only by sending out a comprehensive document with a full range of alternatives will the Council eventually be able to produce an effective final amendment.

Lastly, we understand that the Council staff and PDT have worked very hard to produce the current documents that will be discussed on the 29<sup>th</sup> and applaud them for their work completing this difficult task. We also understand that the Council hopes to get this document out the door and into the next stage of development as soon as possible. While we would also like to see this happen, we would also encourage the Council to take the time to get this document right. While any delay would be unfortunate, what would be even more unfortunate is to see measures being inappropriately and arbitrarily removed in order to get the document approved at this meeting.

Thanks for your time,

Rich Ruais, Executive Director

## Joan O'Leary

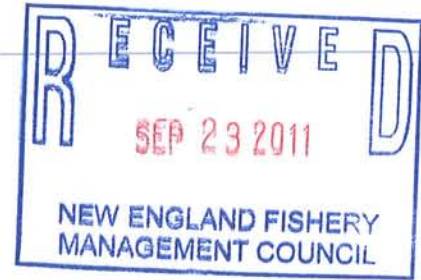
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**From:** Lori Steele  
**Sent:** Friday, September 23, 2011 2:07 PM  
**To:** Joan O'Leary  
**Subject:** FW: Draft EIS to Ammendment 5 letter

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**From:** Steven James [<mailto:bostonbiggame@hotmail.com>]  
**Sent:** Friday, September 23, 2011 11:11 AM  
**To:** Lori Steele  
**Subject:** Draft EIS to Ammendment 5 letter

Hello Lori!



Please include my letter below as correspondence for the meeting on September 29th, NEFMC draft EIS to Amendment 5.

Best Regards,

Steven James

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September 23, 2012

Mr. Doug Grout

Chairman, Herring Oversight Committee

NEFMC

50 Water Street, Mill 2

Newburyport, MA 01950

Re: Herring Amendment 5

Dear Doug;

I believe the lack of forage fish in our area can largely be attributed to the relentless pursuit and over harvesting by midwater trawlers. As a concerned big game fisherman, Charter Boat Operator and Tournament Director, I ask that you help facilitate measures to ensure that our forage fish are rebuilt and managed with the goal of sustainability.

Since the arrival of midwater trawlers just over a decade ago, there appears to have been a steady decline in herring stocks and subsequently a drop in bluefin tuna, porbeagle and mako shark availability. While I understand that many other factors impact the abundance of big game fish in our area, there can be little doubt that a significant drop in forage fish has impacted the abundance of apex predators.

While my observations are purely antidotal, it only stands to reason that any stock rebuilding plan for apex predators will be predicated upon an adequate abundance of the very forage fish that sustains them. With this said, I ask that you and the Council continue to take immediate and direct measures to protect the forage stocks. Further, I ask that the full suite of measures identified in the Draft EIS be retained for consideration and that NO alternative measures be dismissed by Council at this time.

Thank you for time and consideration.

Best Regards,

Capt. Steven James

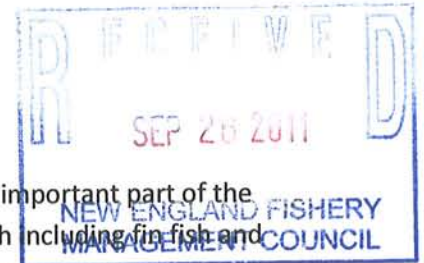
President, Boston Big Game Fishing Club

President, Stellwagen Bank Charter Boat Association

NMFS HMS Advisory Panel Member



Council members and interested parties:



I'm concerned about herring as a forage fish. These have been and are a very important part of the ecosystem in New England waters [The Gulf of Maine & Georges bank]. All fish including fin fish and marine mammals that live in New England waters need herring as an important part of their diet. The ecosystem also includes our coastal economies, and long-term health of the herring is critical to that too. These fish [herring] are the preferred fish used to fish for lobster and are important for ground fish and tuna fisheries, both as bait and as food in the water to sustain healthy populations for us to fish on.

The most immediate task at hand is to keep moving forward on Amendment 5 to the Herring plan. We've been working on this for almost 4 years and taking the options at hand out so fishermen and other members of the public can comment is long overdue. Everything in there now was heavily debated and is in there for a reason and I ask that you keep all the measures intact next week. Most important to my business and my inshore Maine waters are options to put observers on the largest herring vessels all the time, to stop dumping fish before observers can properly sample them, and to get midwater trawlers out of the groundfish closed areas.

In the long-term, forage wise, there is more to do. There has been a recent confirmation from scientists that fish maybe eating eggs of other species, specifically that haddock are eating a lot of herring eggs. I believe this is true for many fish because I have in the past seen herring show up to eat the eggs of shrimp after the shrimp have dropped their eggs. This is just part of natural mortality in the ocean. This is why there is a need to protect herring including sea herring, river herring [alewife] and blue back herring- there's a lot we don't know yet but we know they're critical as food for other fish in many ways. The protection of forage fish should extend to fish like menhaden [pogie], and shad as other important parts of our ecosystem in New England.

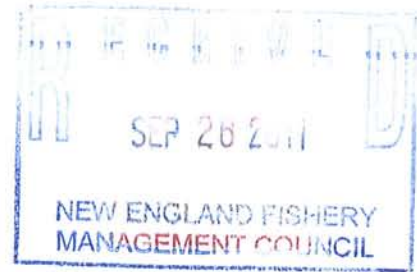
Ongoing fisheries like lobster, tuna and groundfish also rely on the herring stock for their success. These fisheries are very important to the New England economy and we need to do a better job protecting these fish. This would also help in the rebuilding of the groundfish stocks near shore. Not all areas of the Gulf of Maine are doing well, some are doing poorly. In Eastern Maine what is left of the groundfish fleet is barely surviving, and the forage fish are also hard to find along the Downeast coast of Maine. Protecting these forage fish is a very important part of the near shore fisheries everywhere throughout the Gulf of Maine.

We need to protect what we have left for fisheries, perhaps by protecting the forage fish we can restore the near shore fisheries everywhere in New England. My hope is that we can fix this and have a robust fishery once again that will help restore local economies and local fishing. Amendment 5 is a critical first step, because we need to do a better job monitoring herring fishing and reducing the harmful impacts of midwater trawlers on herring and on the species that eat them.

Respectfully submitted,

Captain Gary S Libby

Port Clyde, Maine



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

September 23<sup>rd</sup>, 2011

Doug Grout, Chairman  
Herring Oversight Committee  
New England Fishery Management Council  
50 Water Street, Mill 2  
Newburyport, MA 01950

Re: Draft Environmental Impact Statement for Amendment 5

Dear Doug,

I am writing on behalf of CHOIR to comment on the Draft Environmental Impact Statement (DEIS) for Herring Amendment 5 and the decisions that will be made at the Council meeting on September 29<sup>th</sup>. CHOIR is an industry coalition made up of over 440 commercial and recreational fishing organizations, fishing and shore side businesses, researchers and eco-tourism companies. We will first offer our general thoughts on the DEIS, followed by several specific points.

CHOIR has been an active participant in the development of this document since the process first began back in 2008. Our three main concerns today are the same as they were then: inaccurate accounting of catch, inadequate levels of monitoring, and the potential for dumping of unsampled catch. While it has been a long and often frustrating process for all involved, we believe that due to this hard work, the current Amendment 5 document contains a full range of alternatives that could potentially be pieced together to form a strong monitoring system in the herring fishery.

But in order for that to be possible it is very important that the Council does not begin prematurely removing measures before the public is given a chance to comment. Therefore we urge yourself and the rest of the Council to refrain from picking apart this document when you meet to discuss the DEIS on the 29<sup>th</sup>. This is the time to approve a document to send out to the public, not the time to start making final decisions.

We would also like to offer three specific comments. First, we would like to see the Council staff and PDT break down the various alternatives in a manner that separates Category C permits from Categories A and B as requested by the Council (by a 17-0 vote) at its meeting on January 26<sup>th</sup>. There are major differences between vessels in Categories A and B and vessels in Category C, and we feel strongly that Council made the right decision in requesting for the analysis to be done in such a manner.

Secondly, as mentioned above, we feel very strongly that any future monitoring system must include measures that put an end to dumping of unsampled catch, or slippage. As such, the Measures to Address Net Slippage in Section 3.2.3 are of the utmost importance to CHOIR. In addition to reaffirming our support for the original measures in this section, we would also like to fully support the additional measures produced by the PDT, namely Options 4B, 4C and 4D, and encourage the Council to move these forward into the next stage of development.

Lastly, we are concerned by comments that have been made recently by some regarding the observer data from the 2010 season. As you know, NMFS implemented a rule last year that required midwater trawlers to carry observers when planning on fishing in Closed Area I and to bring all catch aboard for sampling unless one of three exceptions were met (safety, mechanical, dogfish). Based on some of the most recent data, it appears that this new rule led to a decrease in dumping of catch and it did so without causing any safety issues. Yet some have pointed to this reduction and implied that it shows that dumping may not be a problem, thereby ignoring the very important role that new rule had on that reduction. It is clear to us that the new data serves to prove the very real need for both high levels of coverage and strong rules to reduce dumping, not the opposite.

In short, we believe that outside of the need to split Category C permits from the Category A and B permits in the analysis, this document contains all the measures needed to move forward into the next stage of development. We again encourage the Council to keep it intact and to move it into the public comment stage this winter intact and to not start pulling any measures out on the 29<sup>th</sup>.

Thanks for your time,

A handwritten signature in blue ink that reads "Stephen B. Weiner". The signature is written in a cursive style.

Steve Weiner, Chair

## Joan O'Leary

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**From:** Earthjustice <info@earthjustice.org> on behalf of Michael Schena <schenam@gmail.com>  
**Sent:** Monday, September 26, 2011 8:30 AM  
**To:** comment  
**Subject:** RE: Amendment 5 Atlantic Herring Fishery Reforms

Sep 26, 2011

Executive Director Paul Howard  
50 Water Street, Mill 2  
Newburyport, MA 01950

Dear Executive Director Howard,

I am concerned by the toll the Atlantic herring midwater trawl fleet is taking on our river herring, Atlantic herring, groundfish, and other marine species, including those species that depend upon Atlantic herring and river herring for food.

I support the reforms being proposed in herring "Amendment 5" but am concerned that lobbyists for the midwater trawl industry will push hard to eliminate some key monitoring and bycatch reduction measures before a full analysis is completed and the public is given the opportunity to comment.

Please ensure the Council continues to demonstrate its commitment and support of meaningful reform of the Atlantic herring fishery by approving for public comment the full range of management options developed in Amendment 5, including:

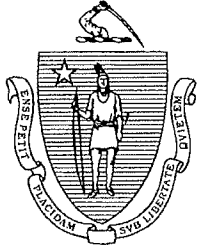
- \* 100 percent at-sea monitoring on all midwater trawl fishing trips (i.e., one observer per vessel to sample all catch) in order to provide reliable estimates of herring catch, and bycatch of river herring, shad, groundfish, seals, whales, and other non-target species.
- \* No herring fishing in areas designated as river herring bycatch "hotspots" to protect river herring and the predators that depend on their coastal migrations.
- \* No herring midwater trawling in areas established to protect groundfish populations.
- \* No release or dumping of uninspected/unsampled catch except under exceptional circumstances, such as mechanical failure or when safety is a concern.
- \* Consequences to discourage the wasteful dumping of catch, including an accountability system to ensure the exceptions are not abused, including a fleetwide limit the number of dumping events, after which any dumping event would require a return to port.

Thank you for considering my comments. Reform of this fishery is needed and overdue.

Sincerely,

Mr. Michael Schena  
308 Greenview Dr  
Park City, IL 60085-4740



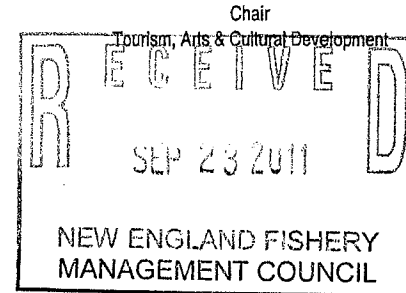


*The Commonwealth of Massachusetts*

HOUSE OF REPRESENTATIVES  
STATE HOUSE, BOSTON 02133-1054

**SARAH K. PEAKE**  
**STATE REPRESENTATIVE**  
4TH BARNSTABLE DISTRICT

ROOM 195, STATE HOUSE  
TEL: (617) 722-2015  
FAX: (617) 722-2160  
Sarah.Peake@MAhouse.gov



September 22, 2011

His Excellency Deval Patrick  
Office of the Governor  
Massachusetts State House  
Boston, MA 02133

Re: Amendment V of the Atlantic Herring Fishery Management Plan

Dear Governor Patrick,

I am writing to respectfully request through you, that the Division of Marine Fisheries members who represent the Commonwealth on the New England Fishery Management Council support Amendment V of the Atlantic Herring Fishery Management Plan.

Atlantic River Herring have played an important role in sustaining local coastal economies since colonial times. River Herring are an essential part of the food web and as forage fish play a vital role in sustaining other fish populations. The once abundant river herring population has plunged to a record low with population declines of 99% or more. Communities throughout the Commonwealth have worked to help recover the herring population through clean up and restoration of traditional herring runs, many of which are located on Cape Cod; however, these efforts are being compromised because there are no effective protections from at-sea by-catch in federal waters. Vessels fishing for Atlantic Sea Herring catch over three million river herring unintentionally every year.

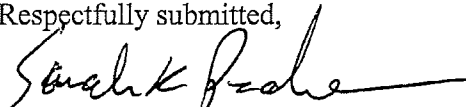
The herring run is an annual event that I, and many people in my district look forward to. The decline in population is disturbingly visible. Instead of seeing countless herring racing through Paine's Creek, the fish population is sparse with only the occasional herring passing through.

Adoption of Amendment V will result in a reduction of river herring by-catch and allow the rebuilding of this important species. The amendment calls for the following reasonable measures:

1. 100% at-sea catch monitoring on all industrial mid water trawl fishing trips and vessels.
2. A prohibition on herring fishing in areas and at times identified for river herring protection.
3. A requirement to bring all catch aboard fishing vessels (no slippage) to ensure accurate sampling by the independent on-board monitor.

Thank you for your consideration of this request. If you have any further questions please do not hesitate to contact me.

Respectfully submitted,



Sarah K. Peake

Cc: Secretary Rick Sullivan  
NEFMC Executive Director Paul J. Howard  
DMF Director Paul Diadoti  
DMF Deputy Director David E. Pierce



## Joan O'Leary

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**From:** Lori Steele  
**Sent:** Wednesday, September 28, 2011 3:31 PM  
**To:** Joan O'Leary  
**Subject:** FW: Can you please submit my comment for the meeting on 29th.

Late comments

**From:** Michael DiStefano [<mailto:michael.distefano@gmail.com>]  
**Sent:** Wednesday, September 28, 2011 3:26 PM  
**To:** Lori Steele  
**Subject:** Can you please submit my comment for the meeting on 29th.

Doug Grout, Chairman  
Herring Oversight Committee  
New England Fishery Management Council  
50 Water Street, Mill 2  
Newburyport, MA 01950

Re: Herring Amendment 5 Draft EIS

Dear Doug,

I am a recreational fisherman and am submitting this comment in regards to the herring discussion that will take place at the Council meeting on September 29, specifically the approval of the Draft EIS for Herring Amendment 5.

Management of herring is critical to myself and almost every other fisherman in the region. For too long there has been concerns over the monitoring of the herring midwater trawl fishery and it is time for the Council to finally address this issue.

Over the last three years much work has been done on Amendment 5 and there are numerous measures in the current document that could fix many of the problems in this fishery. I strongly urge the Council to keep this document intact at the meeting on the 29th. It is important that the Council allows for the many current measures in the document to be analyzed further and then sent out to the public. Now is not the time to be removing any of these measures. Please do what is right and send out a strong document with a full range of management alternatives.

Thanks for your time,  
Mike DiStefano



## Joan O'Leary

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**From:** Lori Steele  
**Sent:** Wednesday, September 28, 2011 3:32 PM  
**To:** Joan O'Leary  
**Subject:** FW: Herring Amendment 5 Draft EIS

Another late one

-----Original Message-----

**From:** Showcase Consignments [<mailto:marty@showcaseconsignments.com>]  
**Sent:** Wednesday, September 28, 2011 3:29 PM  
**To:** Lori Steele  
**Subject:** Herring Amendment 5 Draft EIS

While i work 60 plus hours a week myself I thank you for your time and effort on a subject near and dear to my heart. I read the admittedly cut and paste letter but it does seem to cover my personal concerns. I have seen a decline in a number of bait fisheries personally over the last few years and it does concern me very much. please save the resources and the game fish that depend on them and use my ever growing recreational dollar. I am willing to accept more costs and restrictions myself to guarantee I can take my grandchildren fishing. Anything you can do to help towards this is highly appreciated and while I do not have time I do have a vote and a checkbook!! Tell me how to use it!!

Doug Grout, Chairman  
Herring Oversight Committee  
New England Fishery Management Council  
50 Water Street, Mill 2  
Newburyport, MA 01950

Re: Herring Amendment 5 Draft EIS

Dear Doug,

I am a recreational fisherman and am submitting this comment in regards to the herring discussion that will take place at the Council meeting on September 29, specifically the approval of the Draft EIS for Herring Amendment 5.

Management of herring is critical to myself and almost every other fisherman in the region. For too long there has been concerns over the monitoring of the herring midwater trawl fishery and it is time for the Council to finally address this issue, in addition to the many other important issues in the amendment.

Over the last three years much work has been done on Amendment 5 and there are numerous measures in the current document that could fix many of the problems in this fishery. I strongly urge the Council to keep this document intact at the meeting on the 29th. It is important that the Council allows for the many current measures in the document to be analyzed further and then sent out to the public. Now is not the time to be removing any of these measures. Please do what is right and send out a strong document with a full range of management alternatives.

Thanks for your time, \_\_\_\_\_

