

#11

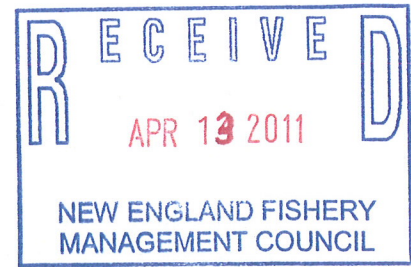
Correspondence

#112



April 13, 2011

New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950



RE: Amendment to Address Fleet Diversity and Accumulation Limits

Dear NEFMC Groundfish Oversight Committee,

BOARD OF TRUSTEES

Bill Adler
Massachusetts Lobstermen's
Association

Niaz Dorry
NAMA Coordinating Director

Madeleine Hall-Arber, Ph.D.
Board Vice President
IT Center for Marine Social Sciences

Ted Hoskins
Saltwater Network

Sarah Pickell
Board Treasurer
Institute for Local Self Reliance

Curt Rice
Board President
Commercial Fisherman

Neil Savage
Aquaculture Education and Research
Center

STAFF

Niaz Dorry
Coordinating Director

Boyce Thorne Miller
Science & Policy Coordinator

Brett Tolley
Community Organizer

Sean Sullivan
Marketing, Development and Outreach
Associate

On March 17, 2011 the Groundfish Committee passed a motion: To recommend to the Council to postpone further Committee discussion of accumulation caps until after the July sector workshop. (8-3)

On behalf of the Northwest Atlantic Marine Alliance (NAMA) **we strongly encourage the Committee to continue discussion regarding goals and objectives for an amendment to address both fleet diversity and accumulation caps.**

The Council has already outlined general goals and objectives. For example, on June 23, 2010, the Council passed a motion stating the following goals related to the issues of fleet diversity and consolidation:

- 1) Maintain inshore and offshore fleets;
- 2) To the extent possible, maintain a diverse groundfish fishery, including different gear types, vessel sizes, geographic locations, and levels of participation;
- 3) Maintain a balance in the geographic distribution of landings to protect fishing communities and the infrastructure they provide; and
- 4) Prohibit any person from acquiring excessive access to the resource, in order to prevent extraction of disproportionate economic rents from other permits holders.

Further discussion on goals and objectives must continue if there is to be a meaningful analysis following the July workshop. It is critical that the evaluations of fleet consolidation during the first year of sector management be based on criteria that have been decided well ahead of time. Continuing council discussions during the April and June council calendars will permit agreement on clear goals and criteria for measuring success.

Otherwise, how will you know if sector management has been successful? What are the socio-economic indicators? Yet the committee motion from March 17 seeks to postpone the discussion until the numbers around fleet consolidation are out. This is not responsible management.

In conjunction with the information from the workshop, there should be a

clear idea of what actions might be effective and necessary under a variety of management scenarios that may play out now or in the future. In other words, you can plan ahead.

Based on the Council Staff's strawman report titled, "Considerations for Goals and Objectives Related to Fleet Diversity" there are several tools that may be appropriate in order to address fleet diversity. The report highlights that tools be determined based on clear goals and objectives. The report includes the following tools:

1. Control limits
2. New entrant set-asides
3. Owner-onboard requirements
4. Community development set-asides
5. Usage limits

As we have said on other occasions, we support Council consideration of all these potential measures for ensuring fleet diversity and reducing consolidation, and we note that they are often more effective when applied together rather than one being singled out. We also strongly recommend including in the list: "Transferability policies that foster an affordable and diverse fishery."

The Council staff has worked to provide Council members with a thoughtfully prepared report. Now is the opportunity to clarify the stated goals and to answer questions from the staff report such as:

"Does the Council want to add any clarification to goals that are vague, or is there any order of preference amongst the stated goals?"

"Is there any baseline the Council would like to consider to guide their definition of diversity? If so, what would it be? If not, how can the upcoming and any future sector performance reports account for adaptive management and still provide useful information?"

These questions deserve thoughtful answers. Postponing further discussion on these issues will risk losing any staff and council momentum that may be building; and it will surely do a disservice to all the communities, families, and individuals experiencing the effects of fleet consolidation.

We recognize the tremendous amount of time and effort that Council members and Council staff have already contributed to the analysis of Fleet Diversity and Accumulation Limits and we look forward to working with the Council as you move forward in this process.

Thank you,



Brett Tolley
Community Organizer

will be available for public inspection on <http://www.regulations.gov> at Docket No. FWS-R2-ES-2010-0041, or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**). You may obtain copies of the proposed rule on the Internet at <http://www.regulations.gov> at Docket Number FWS-R2-ES-2010-0041, or by mail from the New Mexico Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT** section).

Background

It is our intent to discuss only those topics directly relevant to the proposed rule to list the dunes sagebrush lizard as endangered in this document.

On December 14, 2010, we published a proposed rule (75 FR 77801) to list the dunes sagebrush lizard, a lizard known from southeastern New Mexico and adjacent west Texas, as endangered under the Act. For a description of previous Federal actions concerning the dunes sagebrush lizard (formerly known as the sand dunes lizard), please refer to the proposed rule. In response to comments received during the initial public comment period, we have decided to allow the public more time to submit comments and to hold informational sessions as described previously.

If we finalize the rule as proposed, it would extend the Act's protections to this species. We have determined that critical habitat for the dunes sagebrush lizard is prudent but not determinable at this time. The final decision on whether to list the dunes sagebrush lizard as endangered will be based on the best scientific data available, including information obtained during the comment period.

Authors

The primary authors of this notice are the staff members of the New Mexico Ecological Services Field Office, Region 2, U.S. Fish and Wildlife Service.

Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: March 11, 2011.

Will Shafroth,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2011-7339 Filed 4-6-11; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 110311194-1193-02]

RIN 0648-BA88

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Notice of a Control Date for the Purpose of Limiting Excessive Accumulation of Control in the Northeast (NE) Multispecies Fishery; NE Multispecies Fishery Management Plan (FMP)

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Advance notice of proposed rulemaking (ANPR); request for comments.

SUMMARY: At the request of the New England Fishery Management Council (Council), this notification announces that the Council and NMFS is considering and seeking public comment on, potential changes to the Northeast Multispecies Fishery Management Plan that would be implemented through proposed rulemaking, under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), to limit the accumulation of excessive control or ownership of fishing privileges in the NE multispecies groundfish fishery. The date of publication of this notification, April 7, 2011, shall be known as the "control date," and may be used as a reference date for future management measures related to such rulemaking. In particular this notification is intended to promote awareness of this possible rulemaking; provide notice to the public that any current or future accumulation of fishing privilege interests in the NE multispecies fishery may be affected, restricted, or even nullified; and to discourage speculative behavior in the market for fishing privileges while the Council considers whether and how such limitations on accumulation of fishing privileges should be developed. This notification also gives the public notice that interested participants should locate and preserve records that substantiate and verify their ownership or control of groundfish permits and other fishing privileges in the NE multispecies fishery in Federal waters. **DATES:** April 7, 2011, shall be known as the "control date" and may be used as

a reference date for future management measures related to the maintenance of a fishery with characteristics consistent with the Council's objectives and applicable Federal laws. Written comments must be received on or before 5 p.m., local time, May 9, 2011.

ADDRESSES: You may submit comments, identified by RIN 0648-BA88, by any one of the following methods:

- Written comments (paper, disk, or CD-ROM) should be sent to Paul J. Howard, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950. Mark the outside of the envelope, "Comments on Multispecies Accumulation Limits Control Date."
- Comments also may be sent via facsimile (fax) to (978) 465-3116.
- Submit all electronic public comments via the Federal e-Rulemaking Portal: <http://www.regulations.gov>.

Instructions: Comments will be posted for public viewing as they are received. All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Travis Ford, Fishery Management Specialist, 978-281-9233; fax 978-281-9135; *e-mail:* travis.ford@noaa.gov.

SUPPLEMENTARY INFORMATION: The NE Multispecies FMP manages 20 individual stocks comprised of the following species: Cod, haddock, white hake, pollock, Acadian redfish, yellowtail flounder, winter flounder, witch flounder, American plaice, windowpane flounder, Atlantic halibut, ocean pout, and Atlantic wolffish. The Council has managed most of these species as a unit under the FMP since 1985. Many of these stocks remain overfished, and strict regulations have been adopted to control catch and promote stock rebuilding. Current management measures include limited and open-access permit categories, limits on fishing time through days-at-sea (DAS) allocations, gear requirements, closed areas, retention limits, and sector allocation. These

measures have been adopted through a series of amendments and adjustments to the original FMP. The most recent amendment, Amendment 16, implemented on May 1, 2010 (75 FR 18262), expanded the use of sectors to manage the fishery. Sectors are voluntary, self-selected groups of fishermen that are allocated a portion of the available catch. Amendment 16 also implemented Annual Catch Limits (ACLs). Exceeding these limits triggers responsive management actions referred to as Accountability Measures (AMs).

In the most recent specification process (Framework Adjustment 44 (75 FR 18356)), ACLs for many NE multispecies stocks were set at very low levels. For certain stocks, catch limits are expected to remain low for the near future. Some members of the fishing industry and the Council have expressed concern that the low catch limits, in conjunction with expanded sector management, will lead to excessive consolidation of fishing privileges and lack of diversity in the groundfish fleet. For example, for several stocks, the potential sector contribution (PSC) associated with a small number of vessel owners enrolled in a sector represents a large percentage of the total allocation to the fishery. In addition, NMFS, in its letter to the Council partially approving Amendment 16, requested the Council to consider developing measures that would mitigate potential negative impacts stemming from the consolidation of permits, both within sectors and among individual permit holders, as they relate to some of the social and economic objectives established in the NE multispecies FMP.

In light of these concerns, the Council, at its January, 2011 meeting, requested that "NMFS publish in the **Federal Register** as soon as possible a control date to establish accumulation limits in the groundfish fishery." The Council also indicated at the time that Council staff should coordinate with NMFS in drafting the "control date" so that it reflected Council concerns about accumulation limits. Based on this coordination, this notification announces that the Council is considering management measures that would address, but would not be limited to, concerns related to preventing excessive control or ownership of fishing privileges, maintaining the diversity of the fleet, addressing impacts of market forces on a highly regulated industry, and maintaining fishery infrastructure and fishing ports throughout New England. Fishing privileges include, but are not limited to, vessels, fishing permits, DAS, fishing quotas, PSCs, annual catch entitlements, sector allocations and any other type of catch share.

The date of publication of this notification, April 7, 2011, shall be known as the "control date," and may be used as a reference date for future management measures in determining how to treat fishing privileges acquired before this date and those acquired after this date, depending on the Council's determinations on limiting control and ownership of such privileges. The establishment of a control date, however, does not obligate the Council to use this control date or take any action, nor does it prevent the Council from picking another control date or imposing limits on permits acquired prior to the control date.

Accordingly, this notification is intended to promote awareness that the Council may be developing management measures to address these concerns, to provide notice to the public that any current or future accumulation of fishing privilege interests in the NE multispecies fishery may be affected, restricted, or even nullified, and discourage speculative behavior in the market for fishing privileges while the Council considers whether and how such limitations on accumulation of fishing privileges should be developed. Any measures the Council is considering may require changes to the NE multispecies FMP. Such measures may be adopted in a future amendment to the FMP, which would include opportunity for further public participation and comment.

This notification also gives the public notice that interested participants should locate and preserve records that substantiate and verify their ownership or control of groundfish permits and other fishing privileges in the NE multispecies fishery in Federal waters. This notification and control date do not impose any legal obligations, requirements, or expectation. This ANPR has been determined to be not significant for purposes of Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

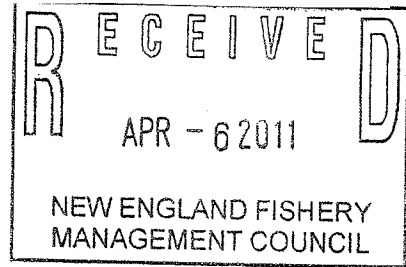
Dated: April 4, 2011.

John Oliver,

Deputy Assistant Administrator for Operations, National Marine Fisheries Service.

[FR Doc. 2011-8353 Filed 4-6-11; 8:45 am]

BILLING CODE 3510-22-P



April 1, 2011

Dear Skate and Groundfish Committee Members,

Northeast Fishery Sector V, on behalf of several of our members, respectfully requests the consideration of your committee and the New England Fishery Management Council on an exempted fishery request for the directed bait skate fishery in Southern New England.

Our request for this exempted fishery proposes a seasonal limit to this exempted fishery, encompassing the dates June 1 through December 1 annually; and an area defined by straight lines connecting the following points, in order:

- (1) The shoreline where 40°40' latitude meets Long Island;
- (2) 40°40'N 71°40'W;
- (3) 41°00'N 71°40'W;
- (4) 41°00'N 71°00'W;
- (5) The shoreline where 71°00' longitude meets southeastern MA.

The purpose of this exempted fishery is to relieve sector vessels from the obligation to use a Multispecies Day-at-Sea and in turn, from having the sector discard rate applied to a high volume fishery with very little groundfish bycatch.

The Southern New England bait skate fishery is prosecuted by a subfleet of vessels homeported in Point Judith, RI and Stonington, CT. These vessels typically have very low groundfish history and ACE for the stocks included in the Southern New England stock area, and accumulate assumed discard pounds rapidly given the frequency and volume of their landings. Although they fish under a Multispecies DAS in accordance with the skate plan, their actual groundfish bycatch is almost nonexistent during the months of June—December.

NEFS V, with assistance from Steve Eayrs at the Gulf of Maine Research Institute, has analyzed the At-Sea Monitoring Data at the tow-by-tow level for three NEFS V vessels who fished under the Bait Skate Letter of Authorization in fishing year 2010. Their groundfish catch was well below the 5% threshold typical for an exempted fishery request during these six months.


We believe this request could be readily incorporated into the annually issued Bait Skate Letters of Authorization, and would be happy to collaborate with you and the agency to address whether a unique trip declaration through VMS or IVR is required.

We understand that the agency is obligated to conduct its own analysis of the observer data, but offer to assist in any way we are able to support this request. We have sent a letter directly to the agency on this issue as well, but would appreciate

cc. AA, TN, Council (4/12)

your support and leadership in the exempted fishery approval process. Please do not hesitate to call upon us to provide additional information.

Thank you for your attention to this issue.

A handwritten signature in black ink, appearing to read 'Mendelson', with a stylized, cursive flourish extending to the right.

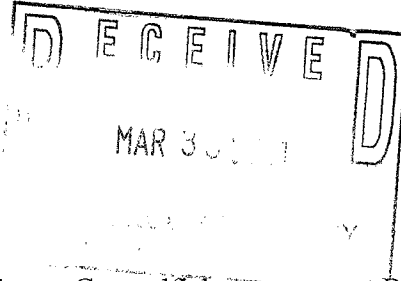
Meredith Mendelson, NEFS V Sector Manager

#11d



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
 NATIONAL MARINE FISHERIES SERVICE
 NORTHEAST REGION
 55 Great Republic Drive
 Gloucester, MA 01930-2276

MAR 28 2011



John Pappalardo
 New England Fishery Management Council
 50 Water Street, Mill 2
 Newburyport, MA 01950

Dear John:

This letter officially affirms the determination made in the latest Groundfish Assessment-Review Meeting (GARM III) and documented in the Amendment 16 Final Supplemental Environmental Impact Statement that the Gulf of Maine (GOM) haddock stock is considered to have been rebuilt for the purposes of managing U.S. fisheries under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). As you are aware, the GARM III concluded that, between 2000 and 2006, the GOM haddock spawning stock biomass exceeded the proxy level of biomass at maximum sustainable yield (B_{MSY}) of 5,900 mt, with biomass estimated to be 98 percent of B_{MSY} in 2007. Accordingly, based on the updated status of this stock, the rebuilding program for this stock that was originally adopted in 2004 as part of Amendment 13 is no longer necessary to achieve the conservation objectives of the FMP and the Magnuson-Stevens Act, as outlined in Amendment 16 in 2010.

I look forward to continuing our efforts to effectively manage the Northeast groundfish fishery and to further successes in rebuilding overfished stocks.

Sincerely,

Patricia A. Kurkul
 Regional Administrator

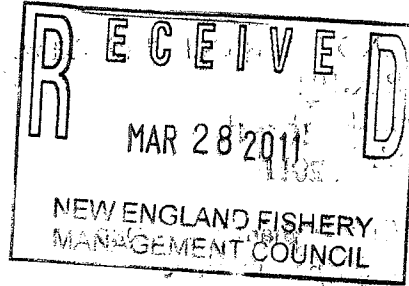
cc: TNIAH (4/9)



5 #110

ISLAND CURRENT FLEET
City Island, NY / Snug Harbor, RI
www.islandcurrent.com
Capt. Chris 917.417.7557

ISLAND CURRENT FLEET, Inc.
PO Box 194
Bronx, NY 10464
March 21, 2011



Rip Cunningham, Chairman
Groundfish Committee
New England Fisheries Management Council
50 Water Street
Newburyport, MA 01950

Dear Mr. Cunningham,

I would like to take this opportunity to reiterate a few critical points made on the March 17, 2011 meeting regarding the codfishing stocks in southern New England. I am in total agreement with the council that a bag limit is necessary in order to preserve the codfish stock, and would support measures to implement a reasonable bag limit, perhaps 10 fish.

As for the number of vessel trips taken, please understand that sailing in the winter is completely up to Mother Nature. Vessels at times are only getting out once or twice a week due to weather related issues.

The southern New England codfishing has seen more participation over the past several years due to closed seasons on both tautog and black sea bass. These closures have made party/charter businesses seek other venues along with anglers. These operations are generally successful and thriving because they bring their own clientele to their new locations. Party/charter boats have loyal customers that will drive many hours to support the vessels that they fish on regularly.

This season, the Island Current Fleet brought several scientists conducting tagging research out to the grounds and would like to volunteer our services this upcoming winter. We would appreciate it if you could forward this correspondence to members of your technical committee or applicable agency that might wish to conduct "at sea" tagging operations.

I am also compelled to once again state that Mr. Frank Blount's overbroad comments in reference to transient vessels operating illegally were totally false. Furthermore, Mr. Blount should not use his status as a council member to specifically defame a direct competitor with his own fleet. All responsible fishermen oppose illegal fishing operations, and there are many more "good apples" than "sour apples."

cc: Council, TN, AH (3/28)

In conclusion, thank you for your support and insight into this thriving fishery.

Respectfully,

A handwritten signature in cursive script that reads "Christopher Cullen". The signature is fluid and extends to the right with a long horizontal stroke.

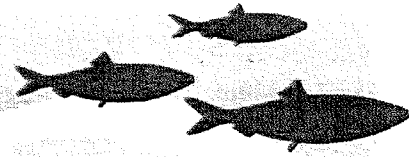
Capt. Chris Cullen

ISLAND CURRENT FLEET

www.islandcurrent.com

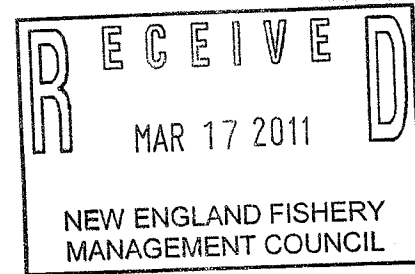
captchris@islandcurrent.com

917.417.7557 / Fax 347.964.6045



March 16, 2011

Mr. Rip Cunningham, Chairman
Groundfish Oversight Committee
New England Fishery Management Council
50 Water Street Mill 2
Newburyport, Massachusetts 01950



RE: Framework Adjustment 46 to the Northeast Multispecies Fishery Management Plan

Dear Chairman Cunningham:

I am writing on behalf of the Herring Alliance (member list appended¹) to express concern about the narrow scope, relative to the Council-approved goals for the action, of the proposed management measures in Framework Adjustment 46 to the Northeast Multispecies (Groundfish) Fishery Management Plan. This Framework Adjustment was initiated by the Council in November 2010 to "address issues associated with the haddock bycatch cap in the sea herring fishery" in response to ongoing concerns related to bycatch of haddock by midwater herring trawlers.²

Expanding upon this broad directive to consider new approaches to managing haddock bycatch by herring trawlers, the Council approved a set of specific goals for this Framework Adjustment in January 2011. These goals were also broad and comprehensive, including one to "provide incentives to fish in a manner and at times and in areas when and where haddock bycatch is none to low" and another to "provide incentive to fish offshore."³ The proposed measures, however, which would all simply increase bycatch, are incongruous with the goals of the Framework Action.⁴ These goals require that bycatch reduction strategies be analyzed and considered, but none are included at this time.

In addition, the Council has not been provided with, and therefore has not incorporated, important data and information on the nature, scope and causes of ongoing haddock bycatch problems. This information is necessary for informed decisions related to modifications, if any are to be made, to the haddock bycatch cap regulations.

¹ The Herring Alliance has 37 member organizations representing nearly 2 million individual members committed to protecting ocean ecosystems by reforming the Atlantic herring fishery.

² See New England Fishery Management Council list of motions from the November 2010 meeting at <http://www.nefmc.org/actions/motions/motions-nov10.pdf>

³ See New England Fishery Management Council list of motions from the January 2011 meeting at <http://www.nefmc.org/actions/motions/motions-jan11.pdf>

⁴ See New England Fishery Management Council, Draft Framework 46 Management Measures dated 3/8/11 at http://www.nefmc.org/nemulti/cte_mtg_docs/110317/2_110308_FW46_Measures.pdf

59 Temple Place, Suite 1114, Boston, MA 02111

www.herringalliance.org | PewTrusts.org

A Project of the Pew Environment Group

rec'd 3/17/11 OS ok mtg. - m. a. l. im

If there is a problem, bycatch reduction is the solution, not bycatch expansion

The Herring Alliance also continues to question the need for this Framework Adjustment, and these concerns are amplified by the failure to consider bycatch reduction strategies in favor of simply liberalizing bycatch controls. As we have pointed out before⁵, the midwater trawl herring fleet has never reached the existing haddock bycatch cap and 2010 was the only year in which they caught more than half of the allotted haddock.⁶ As the Herring Alliance has communicated to the Council, ongoing haddock bycatch by midwater trawl vessels likely reflects fishing practices that are creating unnecessary bycatch problems, such as fishing in areas of high haddock abundance, including areas closed to protect groundfish,⁷ and fishing on or near the seafloor where groundfish are found.⁸

The Herring Alliance maintains that the new information on closed area bycatch⁹ and seafloor contact¹⁰ outlined in our previous letters demonstrates that the haddock bycatch cap is actually functioning as intended by the Council. Specifically, the cap increasingly incentivizes midwater trawl vessels to avoid haddock as haddock bycatch increases and ultimately backstops haddock bycatch when avoidance measures fail. For example, the cap backstopped an apparent failure by NMFS in 2010 to track and enforce the existing groundfish bycatch limit for closed areas, instead allowing haddock bycatch in Closed Area II at levels well above the threshold for action by the Regional Administrator.¹¹

Identifying bycatch reduction strategies requires a more complete analysis of past data

The Herring Alliance previously outlined a number of bycatch reduction strategies that warrant consideration.¹² We also explained that more extensive and robust analysis of haddock bycatch data is the key to verifying the need for bycatch reduction approaches and for informing Council choices on the issue.¹³ We stand ready to assist with this work, although we may be hampered by NMFS data confidentiality policies that sometimes prevent us from accessing needed data.

To date, the Council has still not reviewed the basic data available that show the extent of haddock bycatch in the closed areas in 2010. The Council has also not reviewed data showing that midwater trawl fishing takes place almost entirely during the day when herring aggregate near the sea floor,¹⁴ a critical oversight considering that the Groundfish Committee was urged to not consider measures to restrict bottom contact based on incorrect arguments that most haddock bycatch was taking place during the night and resulted from haddock irruptions up into the water column. These failures are inconsistent with Magnuson Act requirements to base decisions on the best available science (National Standard 2).

⁵ See Herring Alliance letter to NEFMC Executive Director Paul Howard dated 12/27/10

⁶ For data reported through 2/26/11, haddock bycatch in the herring fishery was 153,514 pounds (80.9% of the 2010 cap allowance of 189,597 pounds). Source: NMFS Office of Fishery Statistics Weekly Quota and Landings Reports

⁷ See Earthjustice letter on behalf of Herring Alliance to NEFMC Groundfish OSC Chairman Rip Cunningham dated 1/17/11 and appended letter from Earthjustice on behalf of Herring Alliance to Commerce Secretary Gary Locke dated 12/27/10

⁸ See Herring Alliance letter to NEFMC Executive Director Paul Howard dated 12/27/10

⁹ The Earthjustice letter on behalf of Herring Alliance dated 1/17/11 included new information from the Northeast Observer Program showing haddock bycatch in Georges Bank Closed Areas I and II was a significant problem in 2010, and in fact exceeded threshold levels identified by the Council for these areas.

¹⁰ The Herring Alliance letter dated 12/27/10 relayed new information from herring industry representatives and vessel owners about the degree of bottom contact in the fishery. Also see transcript of NEFMC Herring OSC meeting on 9/1/2010 pages 185-190 at http://www.fishtalk.org/rc/nefmc/species/herring/transcripts/20100901_herring_am5_nefmc_os.pdf

¹¹ See Earthjustice letter on behalf of Midcoast Fishermen's Association to NMFS RA Pat Kurkul dated 3/1/11

¹² See Herring Alliance letter to NEFMC Executive Director Paul Howard dated 12/27/10

¹³ Ibid

¹⁴ Presentation by Northeast Observer Program Chief Amy Van Atten to the NEFMC Herring Oversight Committee 5/22/08, page 29 at http://www.nefmc.org/herring/cte%20mtg%20docs/NEFOP_Overview_Herring_Committee_0508_36pgs.pdf

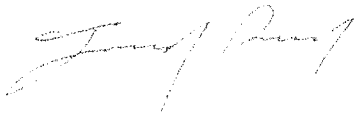
Framework 46 has an incomplete set of proposed measures

The Council has a responsibility to reduce bycatch (National Standard 9). Despite a statement of goals for this action that explicitly recognizes this responsibility, the Groundfish Committee will meet on March 17th to consider a suite of new measures that would all increase bycatch. The proposed changes currently in the document would all simply raise the haddock bycatch limit for midwater trawlers. In fact, Option 4 in the Draft Framework 46 Management Measures would actually dispense with the cap altogether, eliminating all constraints on haddock bycatch by shifting midwater trawl haddock catch into the “Other Sub-Components” category for catch limit calculations. There is some misconception that Option 4 would be an increase in the cap from the current 0.2% of the overall haddock catch limit to a cap of 5%, which would be bad enough, but the actual measure is far worse. The 5% would be a “soft” target and the actual catch could far exceed 5% with no way to control or mitigate it. This measure is clearly not a feasible option and should be eliminated. Any time or resources spent on this, especially at the expense of developing meaningful measures to satisfy the actual goals of the action, does not make sense.

In summary, the absence from the Committee discussion or the Framework document of comprehensive data on haddock bycatch in recent years, especially 2010, has hampered the Council’s efforts to address the issue of cap modification in a holistic and informed fashion. In addition, the narrow scope of the current options will weaken the current incentive to avoid haddock bycatch and increase bycatch in this fishery. The Committee should also carefully consider possible localized impacts of raising or eliminating the cap without any alternative bycatch reduction strategies. Such a course may result in dramatic increases in haddock bycatch in narrow temporal and spatial windows to the detriment of other users of the haddock resource.

Thank you for your consideration of our comments.

Sincerely,



Tom Rudolph
Policy and Research Manager, Forage Fish Conservation Initiative
Pew Environment Group

Cc: Paul Howard, Executive Director, New England Fishery Management Council
John Pappalardo, Chairman, New England Fishery Management Council
Pat Kurkul, Regional Administrator, National Marine Fisheries Service

Herring Alliance Member Organizations

Alewives Anonymous
Rochester, Massachusetts
www.plumblibrary.com/alewives.html

Blue Ocean Institute
Cold Spring Harbor, New York
www.blueocean.org

Buckeye Brook Coalition
Warwick, Rhode Island
www.buckeyebrook.org

Chesapeake Bay Foundation
Annapolis, Maryland
www.cbf.org

Conservation Law Foundation
Boston, Massachusetts
www.clf.org

Delaware River Shad Fishermen's Association
Hellertown, Pennsylvania
www.drfsfa.org

Earthjustice
Washington, DC
www.earthjustice.org

Environmental Entrepreneurs (E2)
Boston, Massachusetts
www.e2.org

Environment America
Washington, DC
www.environmentamerica.org

Environment Maine
Portland, Maine
www.environmentmaine.org

Environment Massachusetts
Boston, Massachusetts
www.environmentmassachusetts.org

Farmington River Watershed Association
Simsbury, Connecticut
www.frwa.org

Float Fishermen of Virginia
Roanoke, Virginia
www.floatfishermen.org

Friends of the Rivers of Virginia
Roanoke, Virginia
www.forva.giving.officelive.com

Great Egg Harbor National Scenic and
Recreational River Council
Newtonville, New Jersey
www.gehwa.org/river.html

Greater Boston Trout Unlimited
Boston, Massachusetts
www.gbtu.org

Greenpeace
Washington, DC
www.greenpeace.org

Ipswich River Watershed Association
Ipswich, Massachusetts
www.ipswichriver.org

Island Institute
Rockland, Maine
www.islandinstitute.org

Jones River Watershed Association
Kingston, Massachusetts
www.jonesriver.org

Juniata Valley Audubon
Hollidaysburg, Pennsylvania
www.jvas.org

Lowell Parks & Conservation Trust
Lowell, Massachusetts
www.lowelllandtrust.org

National Coalition for Marine Conservation
Leesburg, Virginia
www.savethefish.org

Neponset River Watershed Association
Canton, Massachusetts
www.neponset.org

Neuse Riverkeeper Foundation
New Bern, North Carolina
www.neuseriver.org

New England Coastal Wildlife Alliance
Middleboro, Massachusetts
www.necwa.org

NY/NJ Baykeeper
Keyport, New Jersey
www.nynjbaykeeper.org

Oceana
Washington, DC
www.oceana.org

Ocean River Institute
Cambridge, Massachusetts
www.oceanriver.org

Parker River Clean Water Association
Byfield, Massachusetts
www.businessvision.info/parker_river

Natural Resources Defense Council
Washington, DC
www.nrdc.org

Peconic Baykeeper
Quogue, New York
www.peconicbaykeeper.org

PennEnvironment
Philadelphia, Pennsylvania
www.pennenvironment.org

Pennsylvania Organization for Watersheds and
Rivers
Harrisburg, Pennsylvania
www.pawatersheds.org

Pew Environment Group
Washington, DC
www.pewenvironment.org

Riverkeeper
Ossining, New York
www.riverkeeper.org

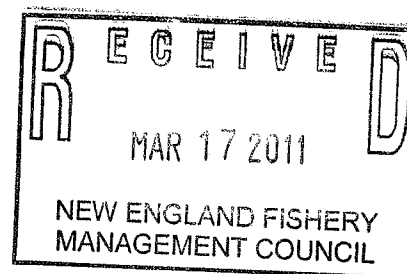
Rivers Alliance of Connecticut
Litchfield, Connecticut
www.riversalliance.org

③ #119

Congress of the United States
Washington, DC 20515

March 17, 2011

The Honorable Gary Locke
Secretary
U.S. Department of Commerce
Fourteenth Street and Constitution Avenue, N.W.
Washington, D.C. 20230



Dear Secretary Locke:

As you now well know, the New England groundfish fishery is embedded into the cultural fabric of Massachusetts and we are committed to sustaining our unique and iconic fishing industry and the fish stocks on which they depend.

Amendment 16 of the Northeast Multispecies Fishery Management Plan has been rife with controversy. Course aggregate data show increases in revenues, including in Massachusetts ports, yet, it is abundantly clear that some of our fishermen are suffering economically and it is critically important that we provide them with assistance to ensure a healthy coastal community. We are hopeful that the May implementation of proposed Framework 45, which increases catch limits for twelve stocks, will benefit our fishermen, but clearly help is needed now.

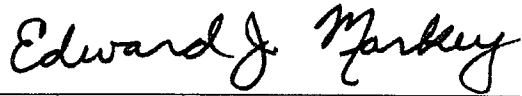
We commend you for your recent announcement to deploy Economic Development and Assessment Teams to assess economic impacts in our New England fishing communities. Similar steps were taken during the Administration's Gulf Recovery Efforts, where we saw how high-level interagency coordination, through the White House Economic Solutions Team (EST), could rapidly organize to design, develop, and implement tangible economic recovery solutions following the Deepwater Horizon oil spill, including providing access to capital to small businesses via loan assistance, and developing links to existing business assistance and workforce training programs. We respectfully urge you to take similar steps to coordinate with the Department of Treasury, the Department of Labor, the Department of Housing and Urban Development, the Small Business Administration, and other appropriate agencies within the Administration to assess and evaluate all options to provide assistance to the fishing communities negatively impacted by the implementation of Amendment 16.

We thank you for your attention to this matter and look forward to your prompt response.

Sincerely,

cc: Council, TN, AH, JM (3/18)

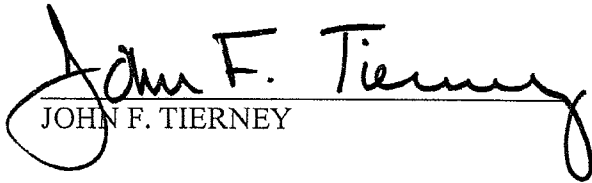
Secretary Locke
March 17, 2011
Page 2



EDWARD J. MARKEY



BARNEY FRANK



JOHN F. TIERNEY



WILLIAM KEATING

cc: The Honorable Tim Geithner, Secretary, U.S. Department of the Treasury
The Honorable Hilda L. Solis, Secretary, U.S. Department of Labor
The Honorable Shaun Donovan, Secretary, U.S. Department of Housing and Urban
Development
The Honorable Karen G. Mills, Administrator, U.S. Small Business Administration

③

H/k

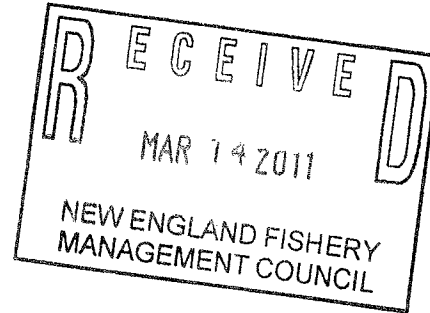


Northeast Charterboat Captains Association

P.O. Box 7 ⚓ Sturbridge, MA 01566 (800) 526-8152
66 High Road ⚓ Newbury, MA 01951 (978) 465-2307

March 14, 2011

Mr. Rip Cunningham
Chairman, Groundfish Committee
New England Fishery Management Council
50 Water St. Mill 2
Newburyport, MA 01950



Dear Rip:

On behalf of the Northeast Charterboat Captains Association (NCCA) I would encourage the Groundfish Committee to begin collecting data on the aggregations of cod off Block Island, RI. As you know, these aggregations have spurred a large-volume and high-effort party/charter and recreational fishery during the past several winters. The NCCA is concerned that these fish may be spawning (or pre-spawn) and that unregulated catches could affect cod stocks in other areas since it is not yet well known where these fish are coming from or going to, and with what stock or management until they may be associated.

The NCCA is not asking for the implementation of restrictive measures. Rather, we are asking for data collection and analysis that might support management actions in the future that could help protect these fish, if warranted.

Thank you very much for your consideration of our request.

Sincerely,

Capt. Barry Gibson
VP/Corresponding Secretary

cc: tn, ah, jm, Council (3/17)

③ #11

Capt Bradford D. White

149 Old Main St, PO Box 489, Marshfield Hills, MA, 02051-0489

Direct: (781) 834.0112, cell: (617) 966.1986,

toll free (877) 897.7700, fax (781) 834.0113

www.CharterWhiteCap.com

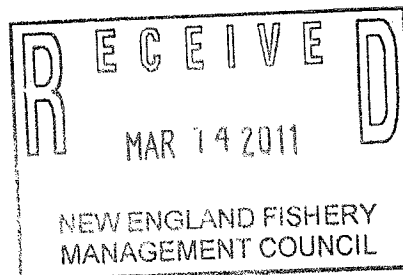
March 11, 2011

Mr. Rip Cunningham

New England Fishery Management Council

50 Water Street

Newburyport, MA 01950



Dear Mr. Cunningham:

Good morning to you. I am writing to express my concern about the Atlantic Cod population outside the GOM RMA and the lack of a daily bag limit for Charter/Party vessels.

It is my understanding that a large aggregate of Atlantic Cod, south of Block Island, is being targeted by the Charter/Head Boat Fleet with an unrestricted daily bag limit and I feel that conservation measures should be imposed immediately. It is not fair as is.

While the current situation may present a lucrative business opportunity for Charter/Head Boat Operators, I fail to see how targeting a highly concentrated aggregate of codfish with an unlimited daily bag limit can do anything but harm the fragile stocks.

In light of the current fact that NMFS lacks adequate scientific information to determine the origin of this aggregate of Codfish, I ask that you initiate scientific study and data collection to determine their source immediately. In addition, I respectfully request that you undertake an investigation to determine why these codfish have amassed in a great numbers in this area. If it is for the purpose of spawning, I ask that you take protective measures to ensure that these stocks are given the chance to do just that. We need that assistance to protect the species.

Thank you for your immediate consideration in this matter.

Most Sincerely,

A handwritten signature in black ink, appearing to read "Brad White".

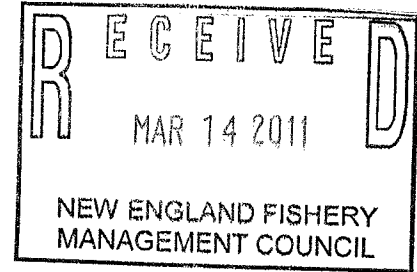
Capt Brad White

Web: www.BradWhite.com, email: Brad@BradWhite.com

cc: tn, ak, jm, Council (3/17)

(3)

#115



Date 3/14/2011

Mr. Rip Cunningham, Chair
Groundfish Committee
New England Fishery Management Council

Dear Rip:

I am writing to express my concern over the possibility of accumulation limits in the multispecies sector program.

As I've commented publicly at past committee meetings, consolidation is nothing new in the fishery. I believe the bulk of the consolidation occurred during A13 and today the sale of permits is actually stagnant (except for the inflated sales taking place with the State of Maine permit bank).

Sector management allows a participant the choice to engage in the fishery and either fish or temporarily lease the allocation attached to a permit. Leasing one's allocation to another is not consolidation from my perspective. The permit holder still retains his right to be in the fishery when conditions become favorable.

In regards to "ownership caps", I believe that will only constrain the ability of existing businesses to make changes to their operations as they see fit. If a limit was passed I would argue that permit banks, both public and private should be held to the same standard as individual permit holders.

There's an assumption that attaching the DAS [input control] leasing baseline to transfer of allocation in sector management [output control] will somehow save the "small boats". I happen to own and operate a "small boat" and I believe that length/hp restrictions on allocation transfers will actually reduce the amount of allocation that would be available to my business, not increase it.

For example, this year GB cod simply was not available to the inshore GB fleet. I moved my fishing operation to Provincetown, and needed to lease GOM cod. I traded, with offshore boats, some of my GB cod for GOM cod. If the DAS leasing restrictions were imposed, I would not have been able to make that trade. The offshore boats with the allocation of GOM cod would, instead, have to fish in the inshore GOM.

One only has to look at the groundfish fishery in Nova Scotia to see that limits on leasing between vessel sizes has not done much but create a lot of paperwork and is in the process of being removed in that fishery.

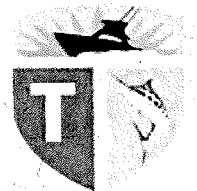
Sincerely,

Mike Russo

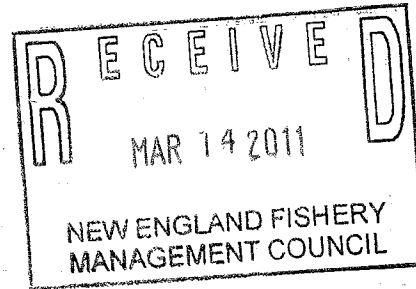
cc: tn, ah, jm, Council (3/17)

#116

March 10, 2011



Mr. Rip Cunningham
New England Fishery Management Council
50 Water Street
Newburyport, MA 01950



Dear Mr. Cunningham:

I am writing to express my concerned about the Atlantic cod outside the GOM RMA and the lack of a daily bag limit for Charter/Party vessels.

It is my understanding that a large aggregate of Atlantic cod, south of Block Island, is being targeted by the Charter/Head Boat Fleet with an unrestricted daily bag limit and I feel that conservation measures should be imposed immediately.

While the current situation may present a lucrative business opportunity for Charter/Head Boat Operators, I fail to see how targeting a highly concentrated aggregate of codfish with an unlimited daily bag limit can do anything but harm the fragile stocks.

In light of the fact that NMFS lacks adequate information to determine the origin of this aggregate of codfish, I ask that you initiate scientific study and data collection to determine their source immediately. Further, I ask that you undertake an investigation to determine why these codfish have amassed in a great numbers in this area. If it is for the purpose of spawning, I ask that you take protective measures to ensure that these stocks are given the chance to do just that.

Thank you for your consideration in this matter.

Respectfully Yours,

Steven E. James

President, Boston Big Game Fishing Club



BOSTON BIG GAME FISHING CLUB

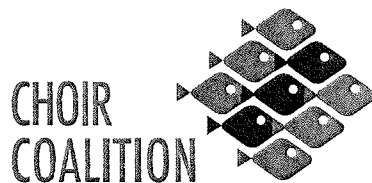
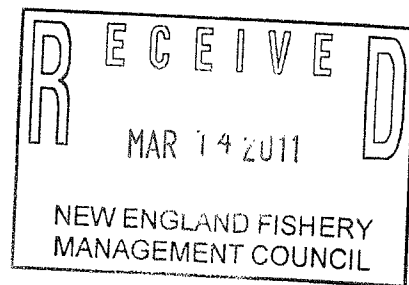
57 CALYPSO LANE, MARSHFIELD, MA 02050

781-834-2899

EMAIL: BOSTONBIGGAME@HOTMAIL.COM

cc: tn, ah, jm

#11m



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

March 14, 2011

Rip Cunningham, Chair
NEFMC Groundfish Committee
75 Wilsondale Street
Dover, MA 02030

Re: Dumping accountability in Framework 46 options

Dear Rip,

I am writing on behalf of CHOIR to comment on the potential management options included in Framework 46 (FW 46). 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 working together to ensure proper management of the Atlantic herring resource.

One of our main concerns in the herring midwater trawl fishery is the dumping of catch. As long as bags are being dumped at seas without being accounted for, there will be a lack of accurate data in this fishery. We urge the Committee to include measures in Management Options 2 and 3 to deal with this issue as it pertains to the issue of haddock bycatch. If you are going to be managing haddock bycatch with the use of bycatch caps, you need to be accounting for all haddock that is caught, whether landed or dumped.

There are multiple tools the Committee could use to address dumping in FW 46. First, it could apply rules similar to those enacted recently for fishing in Closed Area I (CAI). This includes the requirement to sample all catch other than when certain strict exceptions are met. It would make sense that if you are going to be requiring those rules in one closed area, that you should apply them in other closed areas, especially Closed Area II (CAII). Or the Committee could choose to apply CAI rules to all of Herring Area 3, since the majority of haddock landings appear to be occurring offshore. A second tool that the Committee could use to account for dumping would be count an estimated/assumed amount of haddock to cap for each recorded dumping event. And a final tool would be to initially adjust the cap to account for estimated levels of dumping.

While it is up to the Committee to choose which tools to use, we hope that you will ensure that dumping is addressed in some fashion in the framework. It does not make any sense to be using a bycatch cap if you are going to simply overlook a potentially large amount of that bycatch.

Thanks for your time,

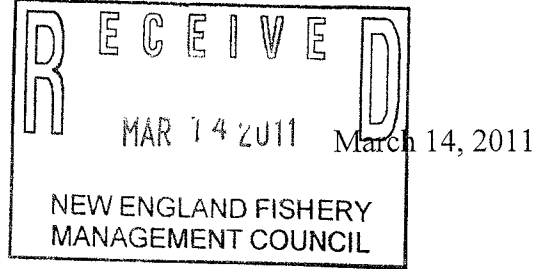
Steve Weiner, Chair

cc: m, ah, jin

#112



BOZEMAN, MONTANA DENVER, COLORADO HONOLULU, HAWAII
 INTERNATIONAL JUNEAU, ALASKA OAKLAND, CALIFORNIA
 SEATTLE, WASHINGTON TALLAHASSEE, FLORIDA WASHINGTON, D.C.



Via electronic mail

Mr. Rip Cunningham, Chairman
 Groundfish Oversight Committee
 New England Fishery Management Council
 50 Water Street Mill 2
 Newburyport, Massachusetts 01950

RE: Framework Adjustment 46 to the Northeast Multispecies Fishery Management Plan

Dear Chairman Cunningham:

I am writing on behalf of the Midcoast Fishermen's Association and Curt Rice (together MFA) regarding Framework Adjustment 46 to the Northeast Multispecies Fishery Management Plan. The MFA continues to be concerned about the midwater trawl fleet's ongoing bycatch of groundfish, particularly inside groundfish closed areas, and the slow response of the Council and NMFS to address this issue.¹ As you know Amendment 5 contains alternatives that could help address groundfish bycatch by this fleet, yet this Amendment has been delayed for years longer than anticipated or necessary.

Despite this, at the request of the midwater trawl industry, the Council has rushed to address the industry's request for an increase in the haddock bycatch cap, even though the fleet has never reached the cap and has failed to demonstrate implementation of a voluntary groundfish bycatch avoidance program as promised in Amendment 1.² It is the MFA's view that the current set of alternatives proposed for consideration in Framework 46 do not meet the requirements of the Magnuson-Stevens Act's National Standards and the National Environmental Policy Act (NEPA), and that it should not move forward unless one or more alternatives that would reduce bycatch are added for consideration.³

¹ In 2007 the Midcoast Fishermen's Association and Curt Rice filed a rulemaking petition seeking a rule that would exclude midwater trawlers from fishing inside groundfish closed areas. This petition was filed because data and information available to the MFA since access was authorized in 1998 showed that the assumption that formed the basis for the rule, specifically that midwater trawlers would catch little or no groundfish due to the spatial separation of their gear from groundfish in the water column, is incorrect. A federal magistrate judge issued a recommended opinion on the MFA's appeal of NMFS denial of the petition asking NMFS to reexamine available data and its rationale for the Petition denial, however, the parties currently have stayed the litigation.

² See Final Amendment 1 to the Atlantic Herring Fishery Management Plan, Section 7.4.1.5.9, *Industry Initiatives – Voluntary Bycatch Reporting/Avoidance Program in 2005*, pp 371-3 (industry program to avoid groundfish bycatch by the East Coast Pelagic Association).

³ The original motion initiating framework 46 was changed to not just consider increases in the cap, but instead “to address issues associated with the haddock bycatch cap in the sea herring fishery for implementation in 2011.” Consistent with this motion and National Standard 9, among the goals for the action was to “provide incentives to fish in a manner and at times and in areas when and where haddock bycatch is none to low.”



Specifically, the narrow range of proposed alternatives would all simply increase bycatch, especially inside groundfish closed areas, and therefore does not comply with National Standard 9's requirement to minimize bycatch. 16 U.S.C. § 1851(a)(9). Moreover, because the Council has not analyzed and incorporated the most recent data on haddock bycatch, including data showing it has occurred primarily inside groundfish closed areas including the HAPC, the current set of alternatives and analysis fail to comply with National Standard 2's requirement that actions rely upon the best scientific information available. 16 U.S.C. § 1851(a)(2). NEPA requires that agency actions consider a broad range of alternatives and that the environmental impacts, including the direct, indirect, and cumulative impacts of an action, be considered. *See* 42 U.S.C. § 4332(C)(iii); 40 C.F.R. 1502.14, 16; 40 C.F.R. 1508.7, 8.

The MFA continues to contend that midwater trawl vessels should be excluded from fishing inside groundfish closed areas. Such an alternative must be considered as part of a range of alternatives addressing the haddock cap since closed areas were established to both protect groundfish spawning grounds and because they are areas of high groundfish abundance. When viewed in the context of the most recent data from NMFS showing that approximately one-half of the haddock bycatch observed last year occurred inside groundfish closed areas,⁴ it becomes clear that such an alternative would decrease bycatch and likely alleviate the "need" to increase the haddock bycatch cap. Other alternatives including measures that would require (and monitor) that midwater trawl gear be fished at a significant distance from the bottom should also be considered.

Thank you for your attention to this important matter.

Sincerely yours,

/s/ Roger Fleming
Roger Fleming
Attorney

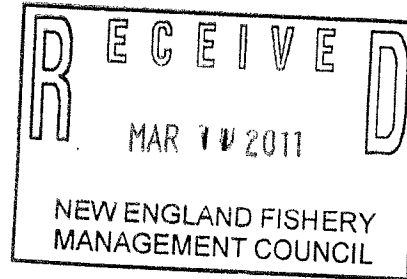
Cc Mr. John Pappalardo, Chairman, NEFMC
 Mr. Paul Howard, Executive Director, NEFMC
 Ms. Pat Kurkul, Regional Administrator, NMFS
 Mr. Glen Libby, President, Midcoast Fishermen's Association
 Mr. Curt Rice, Commercial Fisherman

⁴ Northeast Fisheries Observer Program, Observed Trips That Fished in Closed Areas 1 & 2 - 2010 (Dec 22, 2010)(enclosed).

#110



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
OFFICE OF GENERAL COUNSEL
55 Great Republic Drive
Gloucester, Massachusetts 01930



March 10, 2011

Paul J. Howard
Executive Director
New England Fishery Management Council
50 Water Street, Mill Bldg. # 2
Newburyport, Massachusetts 01950

Dear Paul:

In response to your letter dated February 16, 2011, requesting an explanation of the confidentiality rules with respect to releasing individual sector annual catch entitlement (ACE) transfer information to the public, I am attaching a letter from Secretary Locke to Senator Kerry. The letter reflects the agency's decision with respect to the public availability of ACE trading information and provides a clear explanation of the applicable confidentiality restrictions.

As you can see from the attached letter, all of the ACE trading information, except for the monetary value of any trade, has now been posted on the NERO website. Please don't hesitate to contact me if I can be of further assistance.

Sincerely,

Joel G. MacDonald / JGD

Joel G. MacDonald
Northeast Regional Counsel



cc: tn, ah, jm



UNITED STATES DEPARTMENT OF COMMERCE
The Secretary of Commerce
Washington, D.C. 20230

March 10, 2011

The Honorable John F. Kerry
United States Senate
Washington, DC 20510

Dear Senator Kerry:

Thank you for your letter supporting Paul Diodati's request to access Northeast multispecies sector data, specifically the Annual Catch Entitlement (ACE) trading information.

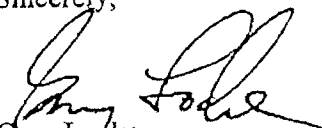
Since 1991, the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) has had a Memorandum of Understanding with the Commonwealth of Massachusetts that provides complete access to our vessel trip report and dealer databases. This Memorandum is being modified to include the complete ACE transfer data. In the meantime, Massachusetts Division of Marine Fisheries staff who have signed confidentiality agreements have been provided access to this information.

I agree that transparency and data sharing are essential to identifying and solving social and economic problems in the groundfish fishery. To this end, and in consultation with legal counsel, NOAA has made most of the ACE transfer information publicly available on the NMFS Northeast Regional Office Web site at www.nero.noaa.gov/acetransfer/. This information includes the identities of each sector involved in an ACE transfer, the amount of allocation transferred, and the dates on which the transfer was initiated and completed.

The only data element not posted publicly is the monetary compensation for allocation transferred. Under the Magnuson-Stevens Fishery Conservation and Management Act, as amended, this information is confidential and cannot be released to the public. However, Massachusetts Division of Marine Fisheries staff already have access to all this information, pursuant to their signed confidentiality agreements.

We look forward to continuing to work with the Commonwealth to prioritize, gather, and analyze ACE and other biological and economic data to help identify specific fishermen and communities that may be in need of targeted assistance as a result of recent changes in the fishery. If you have any questions, please contact April Boyd, Assistant Secretary for Legislative and Intergovernmental Affairs, at (202) 482-3663.

Sincerely,


Gary Locke

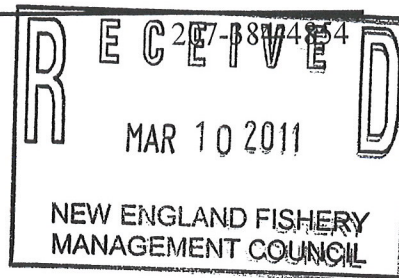
#112

ASSOCIATED FISHERIES OF MAINE

PO Box 287, South Berwick, ME 03908

March 9, 2011

Mr. Rip Cunningham, Chair
Groundfish Committee
New England Fishery Management Council



Via Electronic Mail

Dear Rip:

In January, Associated Fisheries of Maine (AFM) submitted comments on the draft scoping document for an amendment to establish accumulation limits and fleet diversity.

At that time, AFM expressed concern that the scoping document did not articulate a problem statement. The document did include a statement that the Council is concerned about excessive consolidation, but unfortunately the document did not define excessive consolidation. The document also noted a desire by the Council to maintain fleet diversity, and implied a link between the desire to maintain fleet diversity and the adoption of accumulation limits, but no clear link was established.

At the January Council meeting, the following motion carried nearly unanimously:

That the Council determine the degree to which the groundfish fleet has consolidated and fishing privileges have accumulated for individual permit holders under Amendment 16 and to include the social and economic impacts of permit banks. ***The analysis would commence after one year of Amendment 16 implementation.*** Continued scoping on accumulation limits will occur ***after*** the council receives the requested report. The main motion, as amended, carried on a show of hands (14/0/1). (emphasis added)

Given that the motion specifically references an analysis that should take place after one year of Amendment 16 implementation, AFM is surprised that the agenda for the March 17 meeting of the Groundfish Committee includes this item:

Discuss goals and objectives for an amendment that may consider adopting accumulation limits and/or ownership caps for the multispecies fishery.

How can the Committee begin developing goals and objectives for solving a problem that has yet to be defined? How can the Committee have a reasonable discussion of this topic prior to the analysis that was requested by the full Council?

AFM respectfully requests that prior to development of goals and objectives for "adopting accumulation limits and/or ownership caps", the Groundfish Committee first define the problem that requires such action .

Sincerely,

M. Raymond

Maggie Raymond

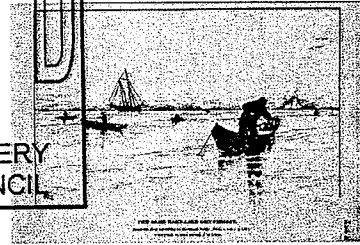
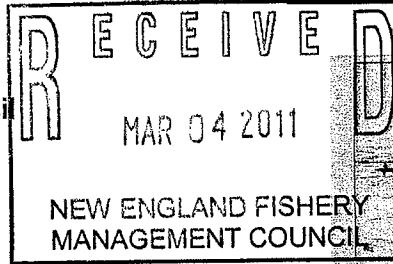
cc: M, ah, jm

91 FAIRVIEW AVE
PORSTMOUTH NH 03801

**NORTHEAST HOOK
FISHERMAN'S ASSOCIATION**

March 7, 2011

New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950
Phone: (978) 465-0492
Fax: (978) 465-3116



Dear NEFMC GROUND FISH OVERSIGHT COMMITTEE:

We represent a small group of Commercial Fishermen with the Limited Access Handgear HA Permits, employing the use Rod and Reel or Handlines to catch Cod, Haddock and Pollock along with small quantities of other regulated and non-regulated marine fish. Historically and currently our fishermen account for a very small percentage of the groundfish landed in New England. However, the monetary gains obtained by the participants in this fishery are very important to us.

We request that a specific allocation of cod (GOM & Georges Bank) be allocated to the Handgear fisheries in the next groundfish Amendment. Please address this during the discussion on "goals and objectives for an amendment that may consider adopting accumulation limits and/or ownership caps for the multispecies fishery."

We are asking that this allocation be equal to the percentage of the cod fisheries that represents the total combined "Potential Sector Contribution" for the HA & HB permits. This allocation, based on the history of the handgear cod fishery, will achieve the following:

1. Eliminate the current "race to fish" situation where Handgear fishermen in the common pool are competing with modern fishing vessels to catch cod before the common pool sub ACL is caught.
2. Allow the development of specific management measure for the Handgear cod fishery.
3. Rejuvenate a traditional small boat fishery to expand fleet diversity.

There are very few active Handgear cod fishermen left. The cod jig fishery was the first in New England and if nothing is done it will be the first to be eliminated at a time when cod stocks have rebound.

**Respectfully,
/Marc Stettner/**

NEHFA MEMBERS: Christopher DiPilato, Paul Hoffman, Hilary Dombrowski, Scott Rice, Marc Stettner

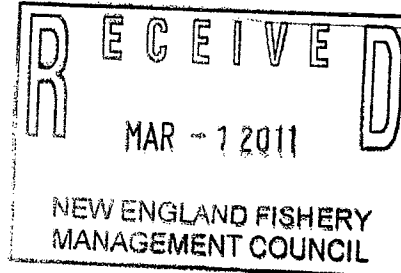
If you are a holder of a groundfish HA permit and wish to join the NEHFA, please contact the NEHFA at the address above.

cc: to ah .im



UNITED STATES DEPARTMENT OF COMMERCE
 National Oceanic and Atmospheric Administration
 NATIONAL MARINE FISHERIES SERVICE
 NORTHEAST REGION
 55 Great Republic Drive
 Gloucester, MA 01930-2276

FEB 28 2011



Lester Eastman, Jr.
 Eastman's Fishing Fleet
 PO Box 1301
 Seabrook, NH 03874

Dear Mr. Eastman:

Thank you for your February 7, 2011, letter regarding the regulations pertaining to the groundfish charter/party fishery in New England. Current regulations outlining the recreational and charter/party vessel restrictions for groundfish are specified at 50 CFR 648.89.

As noted in your letter, a vessel fishing on a private recreational or charter/party trip within the Gulf of Maine (GOM) Regulated Mesh Area (RMA) is subject to the following requirements for cod: A minimum fish size of 24 inches; a bag limit of 10 cod per person, per day; and a prohibition on retaining cod between November 1 and April 15 of each year. For such vessels fishing outside of the GOM RMA, the following requirements for cod apply: A minimum fish size of 22 inches; and a bag limit of 10 cod per person, per day, for private recreational vessels only. When fishing outside of the GOM RMA, there is no bag limit for cod for charter/party vessels, and there is no seasonal possession restriction for private recreational or charter/party vessels.

The different management measures inside and outside the GOM RMA reflect the fact that cod is split into two distinct stocks (GOM and Georges Bank (GB)), based on biological information, for management purposes. Therefore, the different measures between management areas are due to the health of each stock based on the best scientific information at the time these measures were developed. A number of organizations, including the Gulf of Maine Research Institute, are conducting cod tagging studies and have found there to be movement patterns within and across current cod stock boundaries. However, while some cod migrate for any number of reasons across stocks (e.g., spawning, forage), a large majority of cod are tagged and recaptured within the same stock area. Any new information from these studies would need to be considered by the New England Fishery Management Council (Council), based on the best scientific information.

NOAA's National Marine Fisheries Service (NMFS) works with the Council to end overfishing and rebuild groundfish stocks through the Northeast (NE) Multispecies Fishery Management Plan (FMP). Past regulatory actions have implemented effort and mortality controls on the fishery, with the most recent action, Amendment 16 to the FMP, extending the seasonal closure in the GOM RMA to its current restriction. In order to make changes to the



a: Council, TN, AH (3/3)

current private recreational and charter/party vessel regulations, the Council would need to initiate a management action, should it have information to warrant such an action.

Thank you for your interest in the management of the groundfish fishery. I am sending a copy of your letter and this response to Paul Howard, Executive Director of the Council, to notify the Council of your concerns. If you have further questions, please contact the Sustainable Fisheries Division at (978) 281-9315.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patricia A. Kurkul', written in a cursive style.

Patricia A. Kurkul
Regional Administrator

Cc: Paul Howard, New England Fishery Management Council

#1166

Framework 45 Comments - March 12, 2011

- It is most unreasonable to have fishermen decide whether to join the common pool or sector by December 1, 2010 and then change the common pool trip limits in March 2011. If this is the case then sector rosters should be reopened after the common pool trip limits are posted.
- The proposed common pool trip limits finish the common pool as it will not be possible to generate enough income to pay expenses, crew share and \$600-800 per day fuel and cause large discards while trying to fill the low individual species trip limits.
- The proposed trip limits might stretch out the season but what good is it if fishermen cannot make a days pay. It would be far better to have 3 to 1 counting and proportionate increases in the trip limits so that at least a boat would show a profit on the few days it does fish, and turn discards into landings. For Example:
 - 3 to 1 counting

GOM Cod	1250 per day
GOM Haddock	1875 per day
GOM Winter Flounder	625 per day
Witch Flounder	625 per day
GOM Yellow Tail	625 per day

This assumes that the proposed trip limits are based on a 1.2 to 1 DAS counting rate.

- Reopen sector rosters now that fishermen know of the proposed trip limits.

Carl E Bouchard
 F/V Stormy Weather
 PO BOX 219
 EXETER, NH 03833-0219

CELL: 603-231-9797

rec'd 3/17/11 - OS ct. mtg.

