

TO: New England Fisheries Management Council:
FROM: Ellen Tyler
RE: Amendment to Address Fleet Diversity and Excessive Consolidation
DATE: April 22, 2011

I am writing today in support of continued effort toward the Council's stated goals and to urge the Council to continue the discussion and research on this vital issue. NEFMC decisions affect the health our region, the natural resources on which they depend, the quality of our food, and how fairly the fishermen who catch it are paid.

In June 2010 the Council voted to:

1. Maintain inshore and offshore fleets, 2. Maintain a diverse groundfish fishery, including different gear types, vessels 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 permit holders.

This is commendable and requires action- particularly investment in research including gathering input from fishermen and fishing based communities. Continued discussion and research will help managers to achieve their own goals and objectives as well as the goals stated above.

Inaction is unacceptable, especially in light of the Council's recent report that states already 3 individuals own 41% of the George's Bank Winter Flounder. This is excessive consolidation, and to prevent further consolidation, a number of options exist.

A group of fishermen recommended the following potential solutions:

1. Leasing Policies - Under Days at Sea baseline leasing policies protected fleet diversity as well as made leasing/buying more affordable. Now there exists no such tool. There needs to be a tool in place that serves the same purpose as baseline leasing. 2. Owner-Operator - Policies that increase the ability and opportunities for owner-operators to succeed will help prevent excessive consolidation and lead to a more diverse fleet. 3. Initial Allocation - There exists inequities in the initial allocation that must be addressed. Tools such as quota-set aside programs can help to achieve the state goals above. 4. Accumulation Caps - Meaningful caps must be in place to prevent any one entity from acquiring an excessive amount of quota.

The Council has a duty and responsibility to address these issues- to research them and bring them back for discussion. I urge you to work in good faith to deeply consider all of these options, and weigh in with your constituents as often as possible. I look forward to being in touch.

Sincerely,
Ellen Parry Tyler
Ellen Parry Tyler
Candidate, MS '11
Agriculture, Food & Environment
Friedman School of Nutrition Science and Policy

4/20/11 Council Mts

RE: FLEET DIVERSITY

Dear Council,

I am not a commercial groundfisherman, but I am deeply connected to the fishing community of Chatham, MA, and have concerns for my community and other small coastal fishing communities like it that rely on fleet diversity for economic vitality. I urge the council not to postpone discussion to address groundfish goals and objectives related to fleet diversity, consolidation, and community protections.

As a board of directors member of the Women of Fishing Families (non-profit organization in Chatham that supports fishing families through scholarships and emergency assistance, and education/community resources) over the past 6 years, it has become increasingly evident in my communications with fishing families that your decisions greatly affect the economic conditions of their livelihoods on the Cape. NEFMC decisions affect the overall health of our communities, employment rates in our communities, our food prices, the corporate structures and entities that are trusted with the ocean's health, and employment. For these reasons alone, it is imperative that the Council keep the fleet diversity conversation in the forefront of their decision-making process.

Your decisions also greatly affect the livelihoods of shore-side supporters in the fishing community. My family owns and operates one of the last remaining private commercial fishing docks in the state of Massachusetts, which is in Stage Harbor, Chatham. Over the past several years, we have experienced a significant decline in landing activity. Historically, all ports in our town have been host to a bevy a fish landing activity, from local Cape fishing vessels and folks around New England and beyond. In June 2010, the Council voted on a goal and objective to "Maintain a balance in the geographic distribution of landings to protect fishing communities and the infrastructure they provide." Postponing the discussion on fleet diversity will only further this epidemic in our community, and others like it, and contribute to factions in fishing communities which are already in crisis.

We need all the protection and advocacy we can get in order to, as stated in an objective in the June 2010 Council vote, "Maintain a diverse groundfish fishery, including gear types, vessels sizes, geographic locations, and levels of participation...and Prohibit any person from acquiring excessive access to the resource, in order to prevent extraction of disproportionate economic rents from other permit holders." If the Council decides to postpone the discussion on fleet diversity, it will become increasingly difficult (more so than it already is) for independent fishermen to sustain a way of life, and contribute meaningfully to their community's economic health.

A management program that cannot meet its own goals and objectives must be addressed. Specifically, the Council can address meeting its goals by initiating "policies that increase the ability and opportunities for owner-operators to succeed in the fishery, which will help prevent excessive consolidation and lead to a more diverse fleet," a possible route proposed by a group of concerned fishermen from many coastal communities in New England.

Thank you for considering these comments in your decision-making process as a Council. It is my right and my choice to lend voice in support of my community.

Thank you,

Shannon Eldredge
Stage Harbor, Chatham

rec'd Stage Harbor Council 11/15

Dear New England Fisheries Management Council,

I've been fishing for 44 years and I've owned my own business for 35 years.

I built up a legacy that should be handed down to my son, but instead of thinking how we're going to make that transition I'm now thinking about how we're going to stay in business.

The Council needs to work to keep the fishing industry in the hands of the fishermen who've sacrificed the most and helped the fish to rebound. Consolidation must be stopped before we lose the infrastructure, the waterfront community, and more importantly a unique way of life that started in Gloucester 400 years ago.

I believe the short-term answer is to make sure we have opportunities for the small, medium, and large boats in the groundfish fishery.

Respectively yours,
Naz Sanfilippo
F/V Cat Eyes

rec'd 4/20/11 - Council Mtg

April 22, 2010
RE: Fleet Consolidation and Fleet Diversity

To the New England Fisheries Management Council,

My name is Stuart Tolley and I have been fishing out of Chatham, MA for 41 years.

Belonging to a small boat community, the fishermen in Chatham struggled with Days at Sea and trip limits management. To avoid the excessive daily discards, the CCCHFA initiated the first sector management for cod. In 2006, the gillnetters in Chatham followed suit and started the George's Bank Cod Fixed Gear Sector. With sector management came a variety of issues including the purchasing of permits, protections for the small boat fleets in New England, and fleet diversity quickly consolidating toward the larger vessels.

The small boat fisheries and their communities have had an accumulation of fishing history for decades. Beginning in 2005, this history began to shrink with the purchasing and accumulation of fishing permits, mainly by large vessel owners, fish buyers and other interested buyers. I had always thought that fishing permits were given or purchased for people who fished. I had not realized that fishing permits, which were under a moratorium in 1992, would become investments that could be purchased by any doctor, lawyer, banker or anyone who wanted to make a quick buck. I strongly believe that fishing permits were intended for fishermen and that protections should have been enacted to insure the viability of all the diverse fleets. The distribution of allocation is shifting largely toward the large-scale operations and disabling many of the small boat fishermen.

Consolidation of allocation could have been prevented by protections put in place by the DAS management (vessel size and horsepower limits). The elimination of these management controls has taken the accumulation of small boat fisheries history landings and given it to the larger-scale fish businesses who never caught it.

I believe the Management Council should review fleet diversity and consolidation and insure that protections are enacted for all fishermen and their communities.

Thank You,

Stuart Tolley

rec'd 4/26/10 - Council

March 12, 2011

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

Dear Mr. Cunningham,

My name is Phil Karlin. I've been a small-scale Commercial Fishermen for over 40 years, in multiple fisheries, based out of Mattituck, NY.

I am pleased to know that the New England Fisheries Management Council (NEFMC) voted to make Fleet Diversity a priority and is now considering tools to achieve a more diverse fleet. As the Council explores safeguards like accumulation caps I urge you to keep in mind the Surf Clam Ocean Quahog fishery.

I have witnessed first hand the "excessive consolidation" of various fisheries and can say that it is most definitely one of those disastrous changes that allows big money operations to eat up and buy out the independently owned small family business at the expense of our local communities as well as the conservation of our oceans.

In my experience, I have seen this happen with the consolidation of the NY State inshore Surf Clam and Ocean Quahog Fishery that has allowed the industry to pretty much become a monopoly. This has made it near impossible for a small business fisherman to enter or even re-enter the fishery. I urge the New England fisheries managers not to make the same mistakes.

With safeguards in place like accumulation caps we could have prevented monopolizing our industry. We could have protected our community-based fishermen along with our local infrastructure. Instead we now have the resource owned and controlled by a few who care more about profit than about community and our oceans.

Again, I recommend that you learn from our Surf Clam/Ocean Quahog fishery and the mistakes that were made. Create safeguards before its too late.

Sincerely,
Phil Karlin

Rec'd 4/20/11 Council Mtg.

April 21, 2010

RE: Fleet Diversity

To the New England Fisheries Management Council,

My Name is Ed Snell. I'm starting a commercial jigging operation out of South Portland Maine. Under the new catch share system, I'm concerned that without a cap on quota and without addressing the leasing of quota, it will make more sense for fishermen to lease quota then to fish.

In this system those with capital to invest control access to the entire fishery. It is my hope that in the case of fleet diversity, as in all items considered by the council, that you all legislate in such away that promotes sustainability in the Gulf of Maine and provides opportunity for independent fishermen.

Thanks for your consideration and hard work on behalf of the fishery,

Ed Snell

Rec'd 4/20/10 - Council Mtg



CITY OF NEW BEDFORD

SCOTT W. LANG, MAYOR

April 27, 2011

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

Dear Chairman Pappalardo:

I am writing to you to once again strongly advise the members of the New England Fishery Management Council that the fishing regulations that you promulgate have very real impacts on the economic health of fishing communities.

I know you agree that the loss of even one job without scientific merit is one too many. The shutdown of NORPEL, a leading commercial fishing business in New Bedford, with the loss of 120 jobs, because of a policy that has no conservation or scientifically-based justification, is unconscionable in this economy, and I believe unlawful under the Magnuson-Stevens Act.

The New England Fishery Management Council is required under the law to ensure that its actions "to the extent practicable, minimize adverse economic impacts on [fishing] communities." Magnuson-Stevens Act Sec. 600.345; National Standard 8. The current haddock by-catch allocation to the mid-water trawling vessels in the herring fishery, which resulted in the closing of NORPEL, is a clear example of inflexible regulations enacted with neither a scientific basis nor full consideration of the ensuing devastating economic impact to fishing communities.

It is difficult to comprehend how Georges Bank haddock could be considered a choke species. Artificially low haddock by-catch has already led to the shutting down of a significant part of the herring fleet, which caught only 80% of their haddock allocation, leaving approximately 30,000 tons of herring unharvested. Framework 43, adopted by the New England Fishery Management Council, established a haddock by-catch cap in the sea herring fishery. The cap was established by the New England Fishery Management Council based on the recommendation of the Science Center's groundfish

rec'd 4/29/11 Council Mtg

biologist, who suggested a 2% cap would not jeopardize the haddock stock.

During past Council deliberations, it was stated that given the low herring fishery observer coverage at the time (<5%), the by-catch cap should be lower. The Council then proposed 0.2%. There was no scientific basis for reducing the 2.0% cap proposed by the Science Center's groundfish biologist down to only 0.2%. This number was completely arbitrary, and has caused significant harm to the individuals who work in the herring industry.


Given the chronic underfishing of the haddock stock and the economic harm caused by the recent shutdowns of part of the herring fleet, an increase in the haddock cap is justified for the herring industry. This adjustment of the cap will have a positive effect on jobs and the economy in Massachusetts. Increasing the haddock by-catch cap to ensure that the herring fishery achieves its allocation would have a negligible effect on other fisheries. Specifically, the multispecies fleet has caught less than 25% of the haddock quota for the past several years. Even if the midwater trawl fishery were to reach an appropriate cap, the overall catch of haddock would remain significantly below the overfishing level.

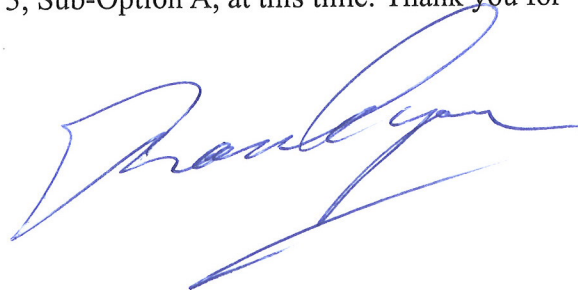
More specifically, Option 3, Sub-Option A, which includes haddock by-catch in the "other subcomponents" category, would lead to fairer treatment of Mid-Water Trawlers, would lessen the economic hardship, and would allow the fleet to operate more efficiently. It is clear that adopting this option, and lessening the restrictions on haddock by-catch limits, would not significantly affect haddock Annual Catch Limits, and would help return the herring fishery to economic health, and thus begin to restore employment within the fishery.

As you deliberate Framework 46, I ask that you take a common-sense approach that reflects the true intent of the Magnuson-Stevens Sustainable Fisheries Act. Sacrificing the ability of the herring fishery to achieve optimal yield based on a by-catch cap that is, for all intents and purposes, insignificant, is counter to the tenets of the Magnuson-Stevens Act. I believe it is your responsibility to promulgate frameworks that make economic, socioeconomic, and conservation sense. As this is not a conservation issue, please consider making the fishing families and the port communities as your first priority in this matter. By raising the cap on haddock by-catch, the Council will save a viable and important industry for our ports.

I respectfully request that you adopt Option 3, Sub-Option A, at this time. Thank you for your consideration.

Sincerely,


Scott W. Lang
Mayor





Response to Mayor Lang's request summarizing:

Framework Adjustment 46 to the Northeast Multispecies FMP Working Draft

This document will be updated occasionally until completed for the Council's review.

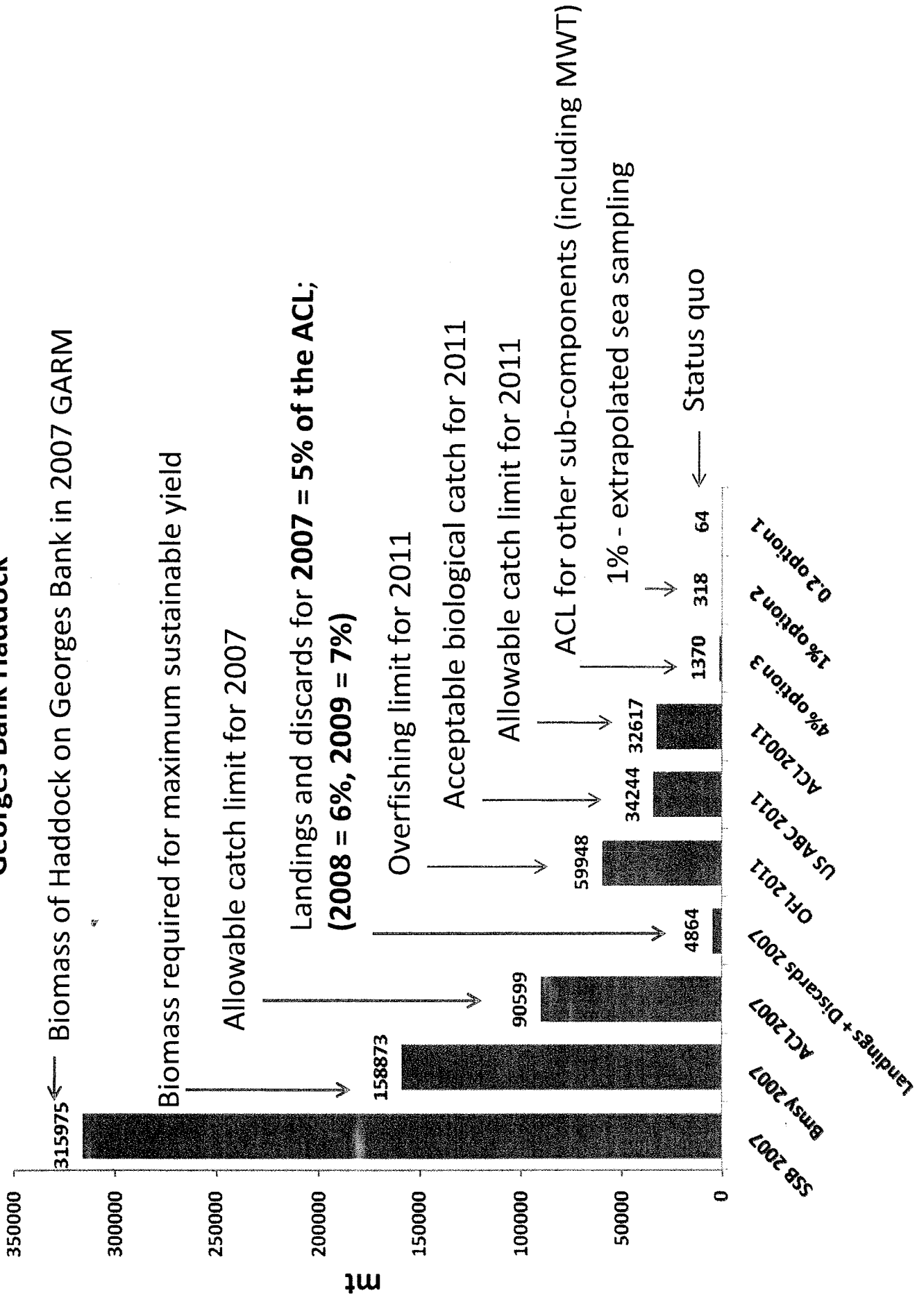
By Kevin D. E. Stokesbury
Department of Fisheries Oceanography
School for Marine Science and Technology
University of Massachusetts, Dartmouth

Note: The numbers presented are taken directly from FW 46, found on pages 23, 30, 35, 75 and 136; the quote is from page 164 paragraph 2. The Haddock Catch in Herring Fishery graph and information is from NMFS fisheries statistics report.

MCC'd 4/28/11 - Council 10/11

Georges Bank Haddock

← Biomass of Haddock on Georges Bank in 2007 GARM



How many Haddock would be necessary to catch the TAC of herring based on observer data?

$$\frac{\text{Observed Haddock}}{\text{Observed Herring}} \times \frac{\text{Haddock necessary?}}{\text{Herring TAC}}$$

Area 3 - Georges Bank

Observed Haddock: 66.5 mt

Observed Herring: 10,944.5 mt

Area 3 TAC: 38,146 mt

Haddock necessary using ratio: 232 mt

If this is a straight relationship 232 mt of haddock might be sufficient, however as shown on the following slide this is not a straight relationship.

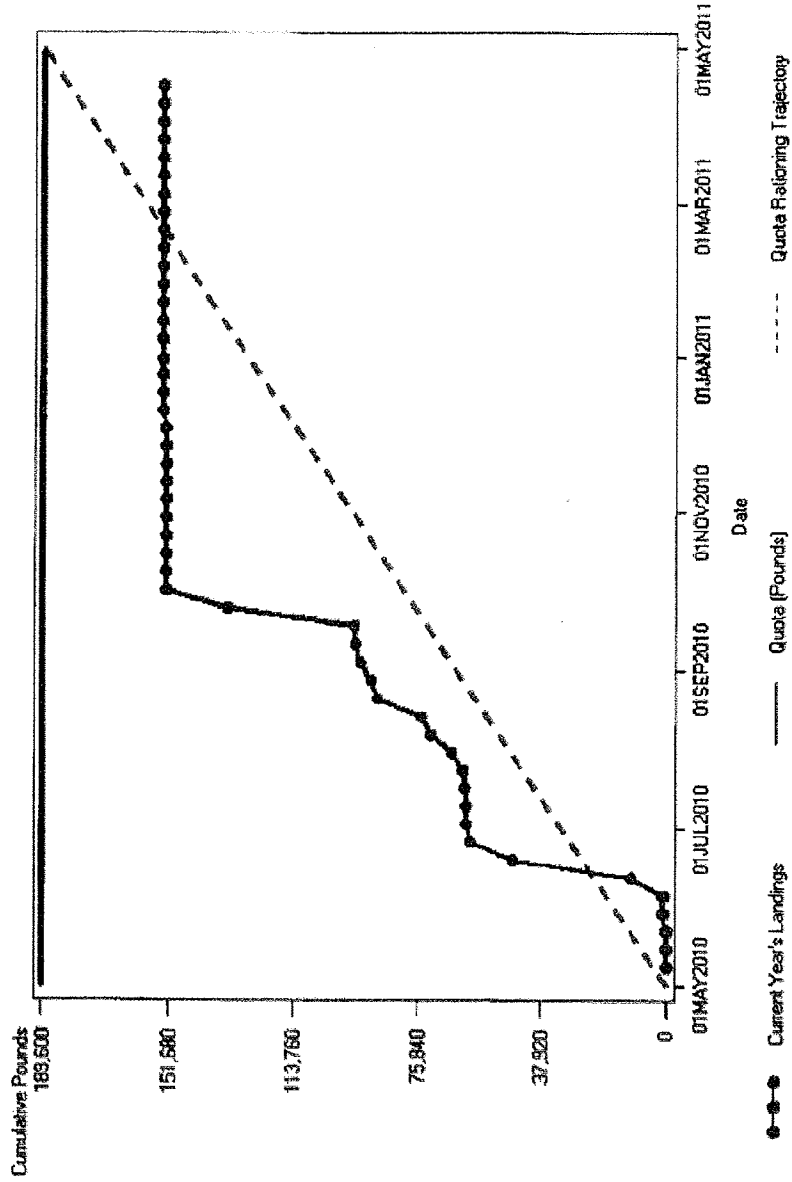
Note: In Area 3 = 203 tows observed, 3 tows (1.5%) accounted for about 31 mt (47%)

**Haddock Catch in Herring Fishery
by Limited Access Vessels issued
All Areas and Areas 2 and 3 Permits**

Quota Period: May 1, 2010 - April 30, 2011
Report run on: April 21, 2011
For data reported through: April 16, 2011

Cumulative Landings Summary Report

Live Pounds of Quota	Percent of Quota	Quota (Live Pounds)
153,564	80.9	189,597



“Determining the biological impacts of the haddock catch cap is something of an academic exercise for GB haddock. Because of the large difference between current ACLs and actual catch (in FY 2010 nearly 80 percent of the groundfish ACL will not be caught), the impacts of small changes in the catch of GB haddock by any component of the fishery are not likely to result in a measureable impact on fishing mortality for this stock.” FW 46 page 164 paragraph 2.



SUSTAINABLE FISHERIES COALITION

Contacts:

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

RE: Groundfish FW 46 and the haddock catch cap: Option #3A

April 27, 2011

Dear Council members,

The member companies of the Sustainable Fisheries Coalition represent the majority of active sea herring vessels fishing on Georges Bank. All these vessels use midwater trawl gear when fishing on Georges Bank. The only other gear type suitable for landing sea herring from Georges Bank is bottom otter trawl but landings by this gear type are miniscule.

Relative to Framework Adjustment 46 (FW 46) to the Northeast Multispecies FMP, we urge you to support Option #3A (which includes the midwater sea herring fishery incidental haddock catches with all other incidental catches of haddock in the "other subcomponents" category of FW 46). This is the only option presented in the FW 46 analysis that meets the MFCMA National Standards. We have provided details of our rationale below, and believe once you have considered our points you will agree that to not include our fishery in Option #3A is in violation of Magnuson National Standards.

Incidental amounts of groundfish caught in a variety of fisheries are included in the "other subcomponents" category of the Multispecies FMP. These gears are primarily using small mesh (3 inch or 7.6 cm, square or diamond) and include whiting bottom trawl, squid

bottom trawl, and northern shrimp bottom trawl. These gears are allocated 4 % of the GB-GOM haddock TAC caught in federal waters. They are subject to relatively low levels of federal fishery observer coverage and their haddock and other groundfish bycatch is not accounted for in "real-time" but rather NMFS NERO will perform an accounting sometime after the close of the fishing year to determine what the groundfish bycatch was for the previous year.

By contrast, according to the FW 46 document under consideration by this Council, midwater trawl sea herring vessels are currently allocated only 0.2% of the GB-GOM haddock TAC; in 2010 the midwater herring vessels had 100% federal at-sea observer coverage on trips to Georges Bank; MA DMF dockside monitors observe 50% of trips landed in Massachusetts; and,

all haddock bycatch and sea herring landings must be reported weekly via IVR with these landings (and observer and dealer reports) posted on the NMFS NERO website. In addition, incidental catches of haddock in herring MWT operations are not allowed to be sold.

No other federal fishery catching incidental and biologically insignificant amounts of haddock is subject to this level of accountability and scrutiny. It is fair to say that relative to all other federally managed fisheries in the Northeast, the midwater trawl sea herring fishery on Georges Bank (Area 3) is the most closely observed and accounted for, and remarkably “clean” relative to incidental catches.

Option #3A would allow the Council to improve the monitoring and accounting of these “other subcomponents” by requiring them to report their groundfish bycatch and landings with the same degree of precision and timeliness as the midwater trawl sea herring fishery currently does.

Option #3A is the only option that will allow fishery managers to advance these other fisheries to the near “real-time” management that is currently in place in the midwater trawl sea herring fishery.

Option #3A will finally put the midwater trawl sea herring fishery on an equal basis as all other fisheries that have some haddock bycatch.

Sea herring fishery performance 2010

The sea herring fishery is a federally managed fishery and is based on a January 1-December 31 fishing year. In 2010, the performance of the fishery was mixed. The total catch of sea herring in 2010 was only 74% of the available quota. The inshore fishery over harvested its quota (Area 1 A by 1,200 mt = 105% and Area 1B by 1,700 mt = 138%) but the offshore fishery was nowhere near its allowable catch (Area 2 fishery landed only 82% of its quota and Area 3 was a shocking 60% BELOW its allowable quota). **On Georges Bank (Area 3) alone, 22,713 metric tons of herring was left unharvested, worth in excess of \$23 million ex-vessel and ex-plant.**

This underharvest on Georges Bank was the direct result of an unnecessarily low and biologically unjustified haddock bycatch cap coupled with a non-responsive management system that would not react to and change an absurd and unnecessary regulatory burden in a timely fashion.

Federal law applies

The Small Business Administration (SBA) Office of Advocacy has advised the public that the Regulatory Flexibility Act and Executive Order 13272 was enacted precisely to eliminate the occurrence of these impediments to our businesses and the jobs and exports they generate. Since it was passed in 1980, the law has been amended several times, most notably by the Small Business Regulatory Enforcement Fairness Act in 1996. Under the RFA, federal agencies are required to consider the effects of their proposed and existing regulations on small entities and to examine alternatives that would minimize the impacts on small entities while still meeting the regulations' purposes.

The FW 46 document makes clear that there is no conservation difference (no impacts on herring or haddock stocks) between Options #1, 2, or 3. Further, the FW 46 documents states very clearly the Purpose and Need (*NEFMC FW 46 Discussion document page 13-14*):

“Need: Given the current large biomass of haddock on GB, the current fixed 0.2% cap on haddock catch by the herring fleet risks creating a gross constraint on herring catch despite the fact that overall haddock catches are far below the ABC for that stock. The overarching need for this framework is because unless action is taken to modify the provisions adopted in FW 43 to reflect current conditions in the fishery, it appears likely that herring midwater trawl vessels may be prevented from fishing on GB for a large portion of the year after the cap is reached.

“Specifically, this action is needed because such an interruption in the herring fishery would have negative impacts on the fishery participants and is necessary to avoid potential impacts to the supply of herring used as bait for the lobster fishery. It is also needed to avoid reducing opportunities for the herring TAC in Area 3 (and OY) to be fully utilized.”

MFCMA requirements apply

OPTION #3A would provide the fleet a better chance to achieve OY (Nat Std 1), is fair and equitable (Nat Std 4) and allows the fleet to operate efficiently (Nat Std 5).

Including Midwater trawl fishing (MWT) vessels in this “other subcomponents category” also minimizes ACL reductions of the directed haddock fishery ACL by eliminating an additional and separate allocation to the herring MWT fishery.

The NEFMC staff had this to say (page 34) about Option #3A:

“Rationale: This option creates the greatest likelihood that there will be no loss of herring yield due to the haddock cap. It is also consistent with the treatment of other fisheries with small groundfish catches. At the same time, it does not allow for unfettered catches of haddock. Under the basic option, if catches of haddock from all other sub-components exceed five percent (sic, presumably staff meant 4 percent) of the ABC the Council will consider taking actions to control those catches.

“Option #3A (page 37) “Rationale: the federal waters other sub-components portion of the ACL totals four percent of the ABC. As long as catches by all these subcomponents remain below four percent there is little risk of exceeding ACLs. The risk increases if the opposite occurs.

“This sub option does not trigger additional measures of the midwater trawl fishery unless both criteria are met (midwater trawl catches exceed 1% of stock specific haddock TAC and all other sub-components catches exceed 4% of stock specific haddock TAC). This option also provides an incentive for midwater trawl vessels to catch less than one percent of the haddock ABC in order to avoid adopting an ACL/AM system that could result in in-season closures. This option would require an evaluation of the catches of haddock by other fisheries”

Option #3A is the only option in the FW 46 document that meets requirements of the **MFCMA National Standards**. As well, the **Regulatory Flexibility Act and Executive Order 13272** require you to consider the effects of your proposed and existing regulations on small entities and to examine alternatives that would minimize the impacts on small entities while still meeting the regulations’ purposes.

Because much of the economic activity of the sea herring fishery is focused on Gloucester and New Bedford, we developed the attached supporting documentation help the Governor of MA better understand the gravity of the sea herring industry's economic situation, and of the negative Economic Impact of the haddock catch cap on the MA sea herring industry. It is instructive to see how damaging the current regulations have been on our businesses. Option #3A will help our industry recover and finally put the midwater trawl sea herring fishery on an equal basis as all other fisheries that have some haddock bycatch.

Thank you for your consideration.

Jeff Reichle
Lund's Fisheries, Cape May, NJ

Brady Schofield
NORPEL, New Bedford, Ma

Peter Mullen
Irish Venture, Inc., Gloucester, MA

David Wechsler
Maritime Terminal, New Bedford

Gerry O'Neill Jr.
Western Sea Fishing Company, Gloucester, MA

Dave Ellenton
Cape Seafoods, Gloucester, MA

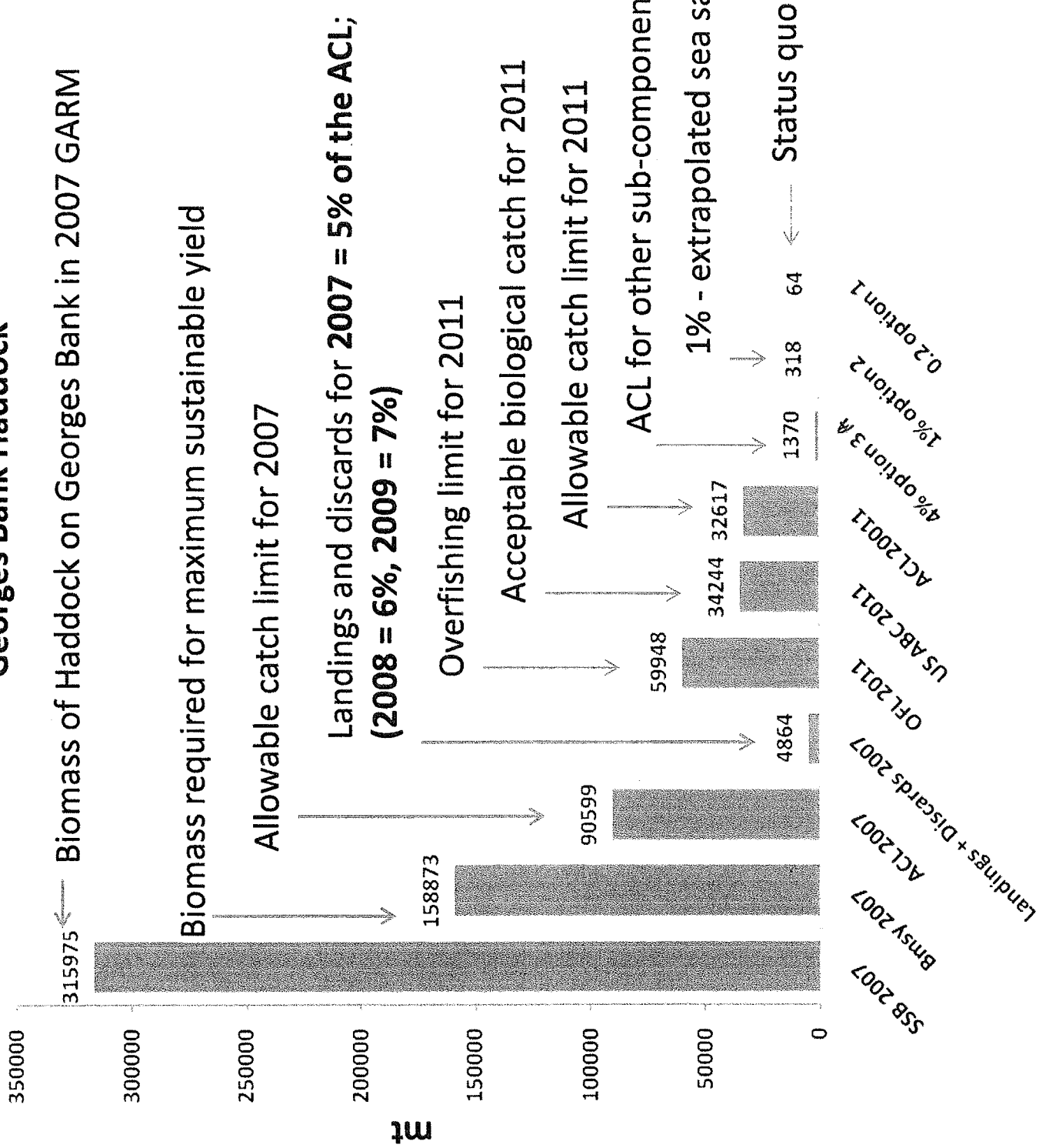
Jon Shafmaster
Shafmaster Fishing Co., Newington, NH

Cc: Jennifer Smith, US SBA Office of Advocacy
Eric Schwab, NOAA NMFS Assistant Administrator
Patricia Kurkul, NMFS NERO Regional Administrator
Governor Deval Patrick, MA
Secretary Rick Sullivan, MA
Mayor Scott Lang, City of New Bedford
Mayor Carolyn Kirk, City of Gloucester
Congressman Barney Frank
Senator John Kerry
State Senator Mark Montigny, New Bedford
State Rep. Tony Cabrillo, New Bedford

attachments

Georges Bank Haddock

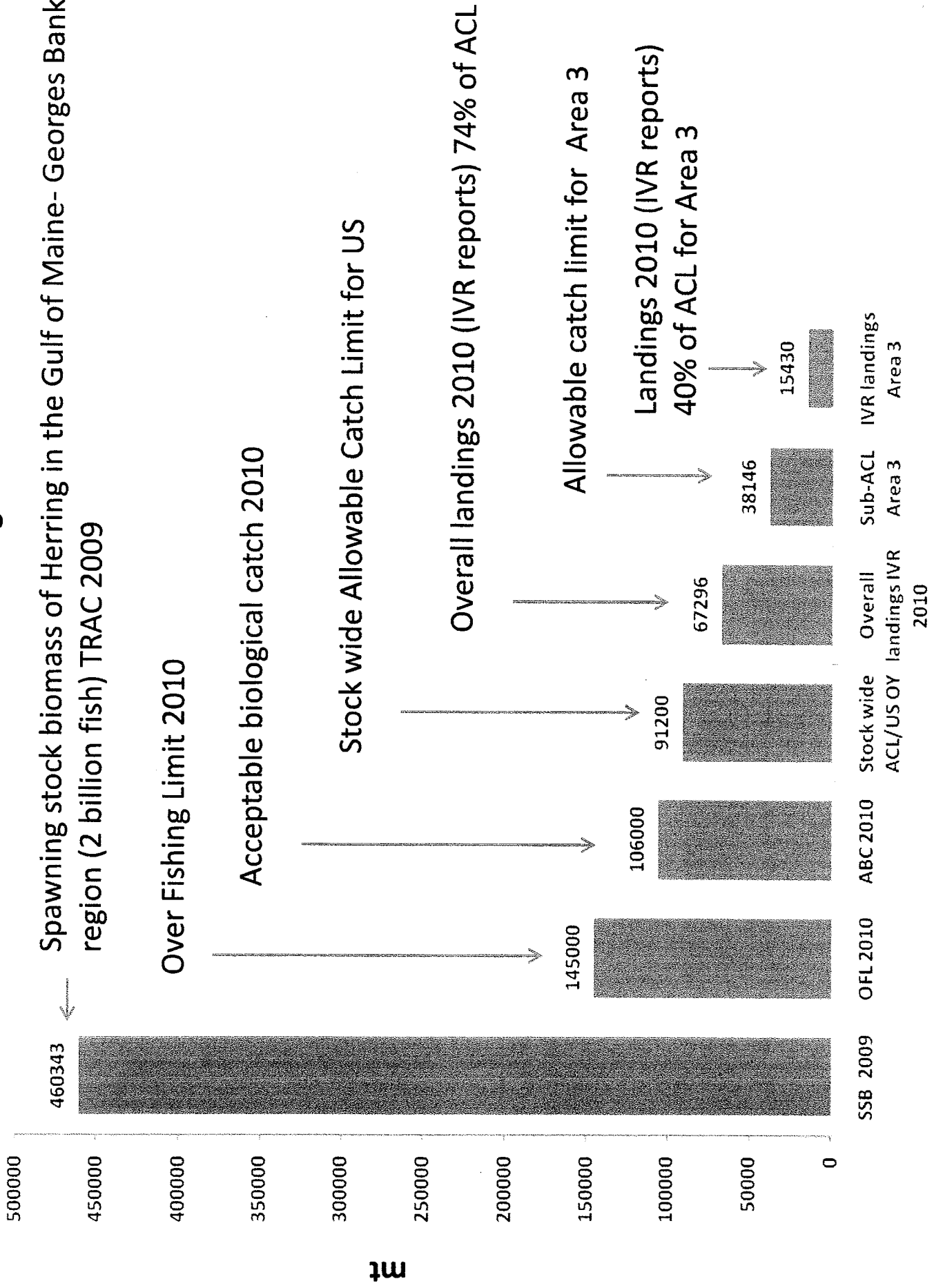
Biomass of Haddock on Georges Bank in 2007 GARM



SSB 2007
 Bmsy 2007
 ACL 2007
 Landings + Discards 2007
 OFL 2011
 US ABC 2011
 ACL 2011
 4% option 3
 1% option 2
 0.2 option 1

Atlantic Herring

Spawning stock biomass of Herring in the Gulf of Maine- Georges Bank region (2 billion fish) TRAC 2009



BARNEY FRANK
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April 28, 2011

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

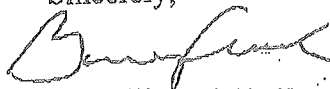
Dear Mr. Pappalardo & Mr. Howard:

I am writing to you regarding a very important issue that the Council will be voting on with respect to the haddock bycatch allotment to be given various fisheries through Framework Adjustment 46 to the Northeast Multispecies Fishery Management Plan. Specifically, I am writing to ask that the Council support Option 3A that would include the midwater sea herring fishery in the "other subcomponents" category of the Multispecies FMP which will be allocated 4% of the Georges Bank-Gulf of Maine (GB-GOM) Haddock total allowable catch. As you are aware, the inability of the mid-water trawl fleet to access their total allowable catch (TAC) of herring in the Georges Bank area is the direct result of an artificially low haddock bycatch allocation of only .2% of the GB-GOM Haddock. This low allocation resulted in 22,713 metric tons of herring left unharvested on Georges Bank. The economic effect of this unharvested herring has resulted in the shutdown of NORPEL which is a processor of herring within the city of New Bedford and provides more than one-hundred quality jobs which are dearly needed in our current economy.

Back in November, I requested the Secretary of Commerce take emergency action to address this situation. In his response, the Secretary denied this request due to the Council deliberation of this Framework which was intended in part to find a permanent solution to this allocation issue. Therefore, I hope the Council will take into account the economic harm that would result in an allocation of haddock bycatch that did not allow full access to the of herring which has been allocated to this fishery in the Georges Bank area.

Thank you for your consideration of these concerns, and I request that you approve Option 3, sub-Option A and provide the flexibility that is necessary to fully realize the economic and social benefit that this fishery provides to so many businesses within your jurisdiction.

Sincerely,


BARNEY FRANK
Member of Congress

THIS STATIONERY PRINTED ON PAPER MADE OF RECYCLED FIBERS



April 22, 2011

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

RE: Amendment to Address Fleet Diversity and Accumulation Limits

Dear New England Fisheries Management Council,

In March the Groundfish Oversight Committee voted to postpone discussion related to Council goals and objectives for maintaining fleet diversity, preventing excessive consolidation, and addressing impacts to fishing communities. Postponing this discussion further exacerbates a management plan that currently has no strategy to achieve its own goals and objectives. **On behalf of the Northwest Atlantic Marine Alliance we urge Council members to continue the discussion and research needed to ensure the stated goals and objectives are met.**

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.

Current indicators show many of the goals and objectives are not being met. For example, the Council staff's report, "Fleet Diversity and Accumulation Limits in the Groundfish Fishery" states that the top three MA quota holders own 10-20% of 11 different stocks, 20-25% for one stock, and 41% of George's Bank Winter Flounder. Clearly, there already exists excessive consolidation yet there is no plan to 'prohibit any person from acquiring excessive access to the resource'. In addition, it's no secret that many smaller scale fishermen concerned about their allocation opted to lease all or most of their 2010 allocation further homogenizing the fleet instead of diversifying. In the face of all these facts, the groundfish committee has voted to postpone discussion around fleet diversity and consolidation without any safeguards to ensure those who already own excessive amounts of the resource will not acquire more. The question still remains: How does the Council expect to meet it's own goals and objectives?

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rec'd 4/28/11 - Council Mtg

Considering how hard the council and the staff have worked on the current fishery management plans, it compels you to ensure you are meeting all your goals and objectives.

Therefore, we are asking the Council to continue the conversation and further develop the research needed to meet your stated goals. Regardless of the management system in place the ability for managers to discuss and meet their own goals and objectives must be a priority.

The Council Staff created a strawman report titled, "Considerations for Goals and Objectives Related to Fleet Diversity". The report lays out several tools that may be appropriate in order to address fleet diversity. 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

We recommend a sixth tool: "Transferability policies that foster an affordable and diverse fishery."

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 to meet your goals and objectives you need to use all these tools not single out any one.

The Council is planning a sector "lessons learned" workshop in the near future. Yet on the draft agenda there is no indication there will be an effort to match the information to existing management goals and objectives. It is our recommendation that prior to the collection of data the Council clearly state that the lessons will be applied to correct the current course and meet the yet unmet goals and objectives of Amendment 16. In addition, the council needs to agree to how you will measure success at the onset of data collection. For example there are goals and objectives to prevent excessive consolidation yet the Council has not agreed what excessive consolidation means. How will you know if you've been successful in preventing excessive consolidation?

In the Council staff's paper, "Strawman Workshop Agenda" it includes a series of questions for sector managers. One of the questions is, "What did sector representatives feel was successful about their operations in FY 2010?" We recommend the same question be asked of Council members. What do you feel was successful about sector management in FY 2010? In order to answer this question there must be a thoughtful discussion about the stated goals and objectives.

Continuing council discussions during the April and June council calendars will permit agreement on clear goals and criteria for measuring success. Yet the committee motion from March 17 seeks to postpone the discussion until the numbers around fleet consolidation are out. In the meanwhile, consolidation and homogenization continue taking the Council further away from meetings its goals.

Postponing further discussion on these issues is not responsible management and erodes confidence in the Council's ability to live up to its own expectations. It will also 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. This impact isn't limited to people, as we know consolidation and homogenization will also lead to degradation of the environment and the food systems into which fisheries contribute.

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

Dear New England Fisheries Management Council,

I've been fishing for 44 years and I've owned my own business for 35 years.

I built up a legacy that should be handed down to my son, but instead of thinking how we're going to make that transition I'm now thinking about how we're going to stay in business.

The Council needs to work to keep the fishing industry in the hands of the fishermen who've sacrificed the most and helped the fish to rebound. Consolidation must be stopped before we lose the infrastructure, the waterfront community, and more importantly a unique way of life that started in Gloucester 400 years ago.

I believe the short-term answer is to make sure we have opportunities for the small, medium, and large boats in the groundfish fishery.

Respectively yours,
Naz Sanfilippo
F/V Cat Eyes

April 22, 2010

RE: Fleet Consolidation and Fleet Diversity

To the New England Fisheries Management Council,

My name is Stuart Tolley and I have been fishing out of Chatham, MA for 41 years.

Belonging to a small boat community, the fishermen in Chatham struggled with Days at Sea and trip limits management. To avoid the excessive daily discards, the CCCHFA initiated the first sector management for cod. In 2006, the gillnetters in Chatham followed suit and started the George's Bank Cod Fixed Gear Sector. With sector management came a variety of issues including the purchasing of permits, protections for the small boat fleets in New England, and fleet diversity quickly consolidating toward the larger vessels.

The small boat fisheries and their communities have had an accumulation of fishing history for decades. Beginning in 2005, this history began to shrink with the purchasing and accumulation of fishing permits, mainly by large vessel owners, fish buyers and other interested buyers. I had always thought that fishing permits were given or purchased for people who fished. I had not realized that fishing permits, which were under a moratorium in 1992, would become investments that could be purchased by any doctor, lawyer, banker or anyone who wanted to make a quick buck. I strongly believe that fishing permits were intended for fishermen and that protections should have been enacted to insure the viability of all the diverse fleets. The distribution of allocation is shifting largely toward the large-scale operations and disabling many of the small boat fishermen.

Consolidation of allocation could have been prevented by protections put in place by the DAS management (vessel size and horsepower limits). The elimination of these management controls has taken the accumulation of small boat fisheries history landings and given it to the larger-scale fish businesses who never caught it.

I believe the Management Council should review fleet diversity and consolidation and insure that protections are enacted for all fishermen and their communities.

Thank You,

Stuart Tolley

April 21, 2010

RE: Fleet Diversity

To the New England Fisheries Management Council,

My Name is Ed Snell. I'm starting a commercial jigging operation out of South Portland Maine. Under the new catch share system, I'm concerned that without a cap on quota and without addressing the leasing of quota, it will make more sense for fishermen to lease quota then to fish.

In this system those with capital to invest control access to the entire fishery. It is my hope that in the case of fleet diversity, as in all items considered by the council, that you all legislate in such away that promotes sustainability in the Gulf of Maine and provides opportunity for independent fishermen.

Thanks for your consideration and hard work on behalf of the fishery,

Ed Snell

March 12, 2011

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

Dear Mr. Cunningham,

My name is Phil Karlin. I've been a small-scale Commercial Fishermen for over 40 years, in multiple fisheries, based out of Mattituck, NY.

I am pleased to know that the New England Fisheries Management Council (NEFMC) voted to make Fleet Diversity a priority and is now considering tools to achieve a more diverse fleet. As the Council explores safeguards like accumulation caps I urge you to keep in mind the Surf Clam Ocean Quahog fishery.

I have witnessed first hand the "excessive consolidation" of various fisheries and can say that it is most definitely one of those disastrous changes that allows big money operations to eat up and buy out the independently owned small family business at the expense of our local communities as well as the conservation of our oceans.

In my experience, I have seen this happen with the consolidation of the NY State inshore Surf Clam and Ocean Quahog Fishery that has allowed the industry to pretty much become a monopoly. This has made it near impossible for a small business fisherman to enter or even re-enter the fishery. I urge the New England fisheries managers not to make the same mistakes.

With safeguards in place like accumulation caps we could have prevented monopolizing our industry. We could have protected our community-based fishermen along with our local infrastructure. Instead we now have the resource owned and controlled by a few who care more about profit than about community and our oceans.

Again, I recommend that you learn from our Surf Clam/Ocean Quahog fishery and the mistakes that were made. Create safeguards before its too late.

Sincerely,
Phil Karlin

RE: FLEET DIVERSITY

Dear Council,

I am not a commercial groundfisherman, but I am deeply connected to the fishing community of Chatham, MA, and have concerns for my community and other small coastal fishing communities like it that rely on fleet diversity for economic vitality. I urge the council not to postpone discussion to address groundfish goals and objectives related to fleet diversity, consolidation, and community protections.

As a board of directors member of the Women of Fishing Families (non-profit organization in Chatham that supports fishing families through scholarships and emergency assistance, and education/community resources) over the past 6 years, it has become increasingly evident in my communications with fishing families that your decisions greatly affect the economic conditions of their livelihoods on the Cape. NEFMC decisions affect the overall health of our communities, employment rates in our communities, our food prices, the corporate structures and entities that are trusted with the ocean's health, and employment. For these reasons alone, it is imperative that the Council keep the fleet diversity conversation in the forefront of their decision-making process.

Your decisions also greatly affect the livelihoods of shore-side supporters in the fishing community. My family owns and operates one of the last remaining private commercial fishing docks in the state of Massachusetts, which is in Stage Harbor, Chatham. Over the past several years, we have experienced a significant decline in landing activity. Historically, all ports in our town have been host to a bevy a fish landing activity, from local Cape fishing vessels and folks around New England and beyond. In June 2010, the Council voted on a goal and objective to "Maintain a balance in the geographic distribution of landings to protect fishing communities and the infrastructure they provide." Postponing the discussion on fleet diversity will only further this epidemic in our community, and others like it, and contribute to factions in fishing communities which are already in crisis.

We need all the protection and advocacy we can get in order to, as stated in an objective in the June 2010 Council vote, "Maintain a diverse groundfish fishery, including gear types, vessels sizes, geographic locations, and levels of participation...and Prohibit any person from acquiring excessive access to the resource, in order to prevent extraction of disproportionate economic rents from other permit holders." If the Council decides to postpone the discussion on fleet diversity, it will become increasingly difficult (more so than it already is) for independent fishermen to sustain a way of life, and contribute meaningfully to their community's economic health.

A management program that cannot meet its own goals and objectives must be addressed. Specifically, the Council can address meeting its goals by initiating "policies that increase the ability and opportunities for owner-operators to succeed in the fishery, which will help prevent excessive consolidation and lead to a more diverse fleet," a possible route proposed by a group of concerned fishermen from many coastal communities in New England.

Thank you for considering these comments in your decision-making process as a Council. It is my right and my choice to lend voice in support of my community.

Thank you,

Shannon Eldredge
Stage Harbor, Chatham

TO: New England Fisheries Management Council:
FROM: Ellen Tyler
RE: Amendment to Address Fleet Diversity and Excessive Consolidation
DATE: April 22, 2011

I am writing today in support of continued effort toward the Council's stated goals and to urge the Council to continue the discussion and research on this vital issue. NEFMC decisions affect the health our region, the natural resources on which they depend, the quality of our food, and how fairly the fishermen who catch it are paid.

In June 2010 the Council voted to:

1. Maintain inshore and offshore fleets, 2. Maintain a diverse groundfish fishery, including different gear types, vessels 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 permit holders.

This is commendable and requires action- particularly investment in research including gathering input from fishermen and fishing based communities. Continued discussion and research will help managers to achieve their own goals and objectives as well as the goals stated above.

Inaction is unacceptable, especially in light of the Council's recent report that states already 3 individuals own 41% of the George's Bank Winter Flounder. This is excessive consolidation, and to prevent further consolidation, a number of options exist.

A group of fishermen recommended the following potential solutions:

1. Leasing Policies - Under Days at Sea baseline leasing policies protected fleet diversity as well as made leasing/buying more affordable. Now there exists no such tool. There needs to be a tool in place that serves the same purpose as baseline leasing. 2. Owner-Operator - Policies that increase the ability and opportunities for owner-operators to succeed will help prevent excessive consolidation and lead to a more diverse fleet. 3. Initial Allocation - There exists inequities in the initial allocation that must be addressed. Tools such as quota-set aside programs can help to achieve the state goals above. 4. Accumulation Caps - Meaningful caps must be in place to prevent any one entity from acquiring an excessive amount of quota.

The Council has a duty and responsibility to address these issues- to research them and bring them back for discussion. I urge you to work in good faith to deeply consider all of these options, and weigh in with your constituents as often as possible. I look forward to being in touch.

Sincerely,
Ellen Parry Tyler
Ellen Parry Tyler
Candidate, MS '11
Agriculture, Food & Environment
Friedman School of Nutrition Science and Policy