



#12

New England Fishery Management Council

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Scoping Comments
Received for Groundfish Amendment 18



gary Libby <portclydecowboy@gmail.com>

scoping comments amendment 18

2 messages

gary Libby <portclydecowboy@gmail.com>

Sun, Jan 22, 2012 at 10:41 AM

To: groungfishamendment18@noaa.gov

Thank you for this opportunity to comment on this issue, it is my opinion that we need to address the accumulation of ownership in the groundfish fishery in New England. To me this is a very concerning, we have to define excessive or what is excessive. If a person a sector or business has worked to build up catch to improve their financial situation and have followed the rules under the law it's very hard to ask them give up what in most cases is away of life. I don't support removing accumulation from some to benefit others.

I also see a need to keep a diverse fleet that gives right to a public resource I think it a issue of commons. Basically the fish belong to the people and what we are talking about is the right to harvest the resource for the people. We also need to protect these fish that belong to our citizens so that they benefit the nation.

This fishery is in a Constance state of instability, if we talking about adding people to catch limited resource this needs to be done carefully so that the traditional harvesters can remain in if they choose. Maybe the only way to address this issue is though a buy back or the use of permit banks or setting aside a percent of the catch for future harvesters. But doing something like taking from one group to benefit another doesn't seem right at this time.

Good luck with sorting this out

Captain Gary Libby
Never stop fighting till the fight is done.
Live long, live strong, eat seafood.

The E-mail failed and the Fax Failed Please let me know

Mail Delivery Subsystem <mailer-daemon@googlemail.com>

To: portclydecowboy@gmail.com

Sun, Jan 22, 2012 at 10:41 AM

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February 7, 2012

Colin Cunningham
Chair, New England Fishery Management Council
50 Water Street
Newburyport, MA 01950

RE: AMENDMENT 18, SCOPING COMMENTS

The following individuals being employed by Atlantic Trawlers Fishing, Inc. or as captain and or crews of the F/V Nobska, F/V Morue, F/V Harmony, F/V Teresa Marie III and F/V Teresa Marie IV are completely opposed to any further development of Amendment 18 at this time.

We recognize that there are millions of pounds of fish that are uncaught in the New England Groundfish region worth up to \$200 million dollars or more and any scheme to reduce flexibility will only exacerbate this problem. The industry has to be able to adjust to the available stocks of fish, the industry needs to be able to right size itself and adjust on an ongoing basis. We see no signs of any sort of "extreme consolidation" over what has been on going because of lower catch limits of chock stocks over time. In fact, in 2010 it appears that the number of permit sales is well below the long term average. Nor is there any evidence that any kind of caps will allow fishing to increase the catch of the healthier stocks of fish. Any effort to move Amendment 18 forward needs to reconcile how each measure will address National Standard #1, #5, #6, #7 and most important #10.

We feel the council should spend their time and resources on achieving optimum yield on a continuing basis that action would do much more to promote fleet diversity, before the council spends any time on Amendment 18.

Names on following page

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This was originally written on 1/27/2012. For whatever reason the email address provide by the scoping document is invalid?

I attended a meeting in Hyannis Yesterday of the NEFMC. The purpose of this meeting was to get comments on Amendment 18 of the northeast multispecies fishery:

I didn't have much to say, as I only found out about this meeting one day earlier. Some of the others attending did though, and what they said was that they couldn't catch what wasn't there and that the system of catch shares had already devastated the last bit of inshore fishing opportunity they had left, namely Stellwagen Bank. They told the council that in just 2 years, the fish they have been waiting for 15 years to be able to catch were all gone, at the hands of a handful of 90?+ vessels, which had literally wiped out the area.

Sad. We keep repeating the same mistakes, over and over and over.

Catch shares did exactly the opposite of what they were supposed to do for the fish. They provided the large scale vessels the opportunity to fish in places they never should have, displacing the vessels/fishermen who cannot fish farther offshore. It furthered the divide between the haves and the have nots, it made it easier for the guys who already had made a lot of money to make more than ever and it eliminated any future opportunities for those who had not. I will say, that it probably wasn't the intention of the folks who came up with the catch shares plan to sweep the little guys off the playing field, maybe it was, I can't say, but it did, clearly it did. Now, 2 years later, they (NEFMC) realize there may be a problem and there may be a need to limit the accumulation of quota? 2 years too late? Or, in my opinion, more like 20.

When the NMFS allowed people to own more than one vessel, allowing them to own 5 or 10 or more, that is when the problem began. The problem they have now is made more complicated by this. Going into the catch shares system there was already a tremendous disparity in so much as there were already people who owned a large percentage of the fishery, by default, through ownership of so many permits/vessels, coupled with the fact that the folks who owned these had been fishing them to the maximum they could be fished, therefore bringing into the new system more catch history, which translated into more quota, or annual catch entitlement, to use the present nomenclature.

Now....they think there might be a problem?

I just sat there taking this all in and realizing just how incredibly dysfunctional this council is. We were told that this amendment would likely be 2 years in the making, 2 more years for the folks with all the quota now to keep accumulating more and in doing so, catching more and making more money, money they can use to make sure they keep what they

cc: Council, AH, TN (2/15)

have, regardless of what happens to the rest of us?

This is a broken system.

RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

NORTHEAST HOOK FISHERMEN'S ASSOCIATION

AMENDMENT 18



Gaffing and cleaning cod on the deck of a handlining schooner off the North American east coast, ca. mid nineteenth century.

"Prior to the introduction of steam trawling in 1906, groundfish were caught exclusively with baited lines, fished from schooners and their dories."

<http://www.nefsc.noaa.gov/history/stories/groundfish/grndfsh1.html#st>

This proposal is fully supported by the Handgear fishermen of the NEHFA:

Marc Stettner, Hilary Dombrowski, Paul Hoffman, Christopher DiPilato, Ed Snell, Scott Rice, Roger Bryson, Brian McDevitt, Anthony Gross, Doug Amorello

cc: tnah

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RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

Section 1 Summary of proposal with management measures.

#	PROPOSAL	CHANGE FROM CURRENT MANAGEMENT MEASURES	BENEFITS TO HANDGEAR FISHERY RESTORATION FOR FLEET DIVERISTY
1	Allocate the handgear HA permit cod history (PSC) from 1996-2006 as a specific Sub ACL only to be used by Handgear HA fishermen.	Yes	<ul style="list-style-type: none"> a. All gear types are fishing on cod handgear history in the common pool. b. Race to fish for handgear fishermen against other gear will be eliminated. c. Specific management measures for handgear fishermen will be made. d. Preserves a traditional fishery and gear type.
2	Specify handgear cod Sub ACL history can only be used by HA fishermen, using Handgear, if fishing in a sector.	Yes	<ul style="list-style-type: none"> a. Currently Handgear Cod PSC can be moved into sectors and this history may be fished by gear other than handgear. b. <u>Eventually all handgear PSC may be used by non handgear vessels and the fishery will be lost.</u> c. Preserves all the cod history from moving away from the handgear fishery.
3	Handgear permit holders can sever their HA permit from other fishery permits to sell or transfer it.	Yes	<ul style="list-style-type: none"> a. This will allow fishermen who have other permits (lobster, scallop, etc) on their vessel to sell or transfer their permits without loss of their primary permit. b. This would be a way to increase the number of handgear fishermen.
4	Waiting list for new entrants into the handgear fishery	Yes	<ul style="list-style-type: none"> a. Will provide a fair way for new entrants into the fishery who do not have resources to buy a permit. b. This will be a way for HB permit holders to upgrade to a HA permit.
5	Use it or lose it rules	Yes	<ul style="list-style-type: none"> a. This will keep the permits with active fishermen who will use it and allow fishermen off the waiting list to get a HA permit.
6	Removal of March 1-20 Handgear fishing closure	Yes	<ul style="list-style-type: none"> a. Not necessary under ACLs.

RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

Section 1 Summary of proposal with management measures continued.

#	PROPOSAL	CHANGE FROM CURRENT MANAGEMENT MEASURES	BENEFITS TO HANDGEAR FISHERY RESTORATION FOR FLEET DIVERISTY
7	Cod trip limit increased from 300lbs to 400lbs.	Yes	<ul style="list-style-type: none"> a. Modest increase is necessary due to increases in operating expenses (fuel, bait, etc. b. Will provide further incentive for new entrants.
8	Access to fish in all permanent and rolling closures except the cod spawning closures.	Yes	<ul style="list-style-type: none"> a. Fishery under a hard ACL. b. Access should be the same as is for Recreational Fishermen who also use hook gear. c. Gear does not disturb bottom habitat.
9	LOA letter not required to fish either on a commercial groundfish trip or a Charter/Party trip	Yes	<ul style="list-style-type: none"> a. Flexibility needed on a day by day basis to choose what type of trip will be done. b. Many handgear commercial fishermen are also Charter boat operators.
10	LOA letter required when fishing in the Georges BSA .	No	<ul style="list-style-type: none"> a. The effectively makes sure the correct cod Handgear Sub ACL is accounted for.
11	Up to 20% unused cod ACL may be transferred to the following fishing year	Yes	<ul style="list-style-type: none"> a. This is allowed in other fisheries. b. Better use of unused cod allocation.
12	Eliminate Trimester accountability measures for HA permit holders developed in A16	Yes	<ul style="list-style-type: none"> a. Catch rates are low. b. Catch of other primary handgear species in the common pool (haddock and Pollock) are not significant. c. Eliminate the race to fish under each Trimester. d. Separate cod sub ACL for Handgear fishermen.
13	Automatic triggers to not exceed Handgear cod Sub ACL	Yes	<ul style="list-style-type: none"> a. Required by MSA. b. Developed specific to Handgear fishing practices and effort.

RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

Section 1 Summary of proposal with management measures continued.

#	PROPOSAL	CHANGE FROM CURRENT MANAGEMENT MEASURES	BENEFITS TO HANDGEAR FISHERY RESTORATION FOR FLEET DIVERISTY
14	IVR call in not required unless 80% of the cod Handgear SUB ACL harvested. Call in modified to streamline what is needed for this fishery.	Yes	<ul style="list-style-type: none"> a. Catch rates in this fishery are slow enough to loosen this reporting requirement. b. Repetitive information is gathered that is not needed. c. Current IVR call in requirements too complicated for this fishery.
15	Fish size limits per existing commercial regulations.	No	<ul style="list-style-type: none"> a. Size limits are an effective management tool especially for hook caught fish.
16	Discard mortality for hook caught cod will be set at 6-10%.	Yes	<ul style="list-style-type: none"> a. Current concept of 100% discard mortality is 100% wrong for this fishery. b. Best available science says 6-10%.
17	One HA permit per fisherman. One time sell provision for existing HA permit holders	Yes	<ul style="list-style-type: none"> a. Prevents corporations or NGOs from removing permits from the fishery. b. Allows new entrants into the fishery.
18	Removal of requirement for HA fishermen to carry a tote.	Yes	<ul style="list-style-type: none"> a. Handgear fishermen keep their fish in coolers. Totes take up needed deck space in small boats.
19	VTRs for reporting catch	No	<ul style="list-style-type: none"> a. Primary means of reporting catch.
20	Changes to handgear input controls	Yes	<ul style="list-style-type: none"> a. More flexibility needed to harvest cod Sub ACL b. Encourage more fishermen to participate in this fishery.

RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

Section 2 STATUS OF THE HANDGEAR FISHERY

Current Commercial Cod Handgear Fishery:

(HA) Handgear A: Limited Access permit (limited number of permits)

A vessel with a valid open access multispecies handgear permit is allowed to possess and land up to 300 lb (136.1 kg) of cod, one Atlantic halibut per trip, and the daily possession limit for other regulated NE multispecies, provided that the vessel did not use or possess on board gear other than rod and reel or handlines while in possession of, fishing for, or landing NE multispecies, and provided it has at least one standard tote on board. A Handgear permit vessel may not fish for, possess, or land regulated species from March 1 through March 20 of each year and the vessel, if fishing with tub-trawl gear, may not fish with more than a maximum of 250 hooks.*

(HB) Handgear B: Open Access permit (open to any fisherman, unlimited in number of permits issued)

The vessel may possess and land up to 75 lb of cod and up to the landing and possession limit restrictions for other NE multispecies. Same gear and seasonal restrictions as HA permits.*

*Cod trip limit changes automatically proportional to cod trip limit changes for DAS vessels with Management actions.

Current Participation (2008/2009) data:

# Handgear HA Permits :	140
# HA fishermen who are active in the Cod fishery:	<10 (estimate)
# HB Permits:	1,137

Amendment 16 Data & Information:

Table 58 - Total number of multispecies vessels landing groundfish by permit category, FY 2004-FY 2007

Year	2004	2005	2006	2007
Individual DAS	691	637	590	530
Fleet DAS				
Small Vessel Exemption	2	1	2	4
Hook Gear	34	32	20	18
Combination Vessel	16	16	10	16
Large Mesh Ind. DAS	27	22	16	10
Large Mesh Fleet DAS	1			
Handgear Open Access	0			
Handgear - A	44	32	26	23
Handgear - B	75	63	59	73
Other Open Access	65	57	64	65
Total	955	860	787	739

RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

Section 3 WHY CHANGE?

1. The current handgear rules and multiple layers of restrictions have resulted in a handgear fishery that is not profitable. The average revenue for handgear HA permits has plummeted to less than \$5000 per year when at one time this was the primary New England method of catching cod in New England. The MS fishery act requires that there be diverse fisheries with different gear types.
2. Amendment 16 (A16) EIS (Environmental Impact Study) states **“Vessels less than 30 feet saw the biggest decrease in revenue, with an 88.8% change between FY 2001 and FY 2007”**. If no action is taken to invigorate the small boat fisheries, we will have been regulated off the water, due to fishery Management Actions, even as fish stock rebound.
3. Fishing under Sectors is not a viable option considering the high costs compared to the low PSC (Potential Sector Contribution) that the Handgear fishermen received. The overwhelming majority of Handgear fishermen did not join sectors. Those who have PSC are not likely to fish in the sectors but are more likely to lease or sell their PSC. A16 estimated that it will cost fishermen \$17,000 per vessel to participate in sectors. The allocation of Cod (primary species) to Handgear fishermen is not enough to make it a profitable option to join a sector. There is no guarantee that even if a Handgear fisherman leased additional cod that the fisherman will be able to land the fish since they must first bite the hook. **Once all the current Handgear permits and PSC history is bought up vessels not using Handgear, it will be extremely hard for new entrants into the fishery.**
4. The current Handgear (HA and HB permits) Cod trip limits are tied to increases in the Cod trip limits for vessels fishing under DAS. At the time of Amendment 13 this rationale made sense. The idea was to have an automatic adjustment as the cod fishery rebound. With the majority of fishermen in Sectors, and the Handgear fishermen in the Common Pool, there is the very real possibility the cod TAC for the common pool will be harvested before the Handgear fishery will have had a chance to harvest their traditional percentage of the fishery. There is no possible way for the Handgear fishery to harvest cod at the rate of modern fishing methods such as trawls or gill nets. **In the race to fish Handgear fishermen will lose every time.**
5. There is no way for a person who wishes to become a commercial fisherman, to obtain a viable groundfish permit without substantial financial resources. **The future generations need a way to be commercial ground fishermen with minimal startup costs.**
6. Handgear fishermen can selectively fish with little or no bycatch. New England handgear fishermen primarily only catch Cod, haddock and Pollock with practically no appreciable quantities of other groundfish that are not considered rebuilt.
7. The fishery is very easy to manage **if the management measures are kept to a minimum.** The primary management measure proposed for this fishery will be trip limits with an Annual Catch Limit (ACL).
8. Similar Hook gear fisheries are successful such as the Hook Gear Halibut fishery in Alaska and the commercial Striped bass fishery in Maryland.

RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

Section 4 Specifics of proposal and discussion.

#1 Allocate the handgear HA permit cod history (PSC) from 1996-2006 as a specific Sub ACL only to be used for Handgear HA fishermen.

Discussion: Currently the majority of the cod allocated to the common pool is the history of the handgear fishery. All gears can fish on this history which in turn leads to a race to fish where other gear types can harvest the cod Sub ACL before handgear have had the chance to catch their historical percentage of the fishery. It is fair to allocate this small percentage to the Handgear fishery as what was done for the recreational fleet and for other commercial fisheries. Once this allocation is made, management measures can be developed to eliminate the race to fish and to reestablish of this traditional fishery in New England.

#2 Specify handgear cod Sub ACL history can only be used by fishermen using handgear.

Discussion: Currently under Sectors, it is possible for a Handgear fisherman to join a sector and lease their cod PSC to other sector members who do not use Handgear. A Handgear fisherman can also sell their HA permit with attached PSC to a Boat owner who transfers it to a skiff and then the Handgear PSC is transferred into the Sector. Unless this practice stops, all the historical handgear PSC will be lost to other gear types and the handgear fishery will be lost. This practice, if continued will severely affect the sustainability of those wishing to fish using handgear by lowering the cod Sub Handgear ACL. This would not prevent a Handgear fisherman from fishing in a sector but if they choose to then they must use handgear.

#3 Handgear permit holders can sever their HA permit from other fishery permits to sell or transfer it.

Discussion: Many HA permits are tied to boats in other fisheries such as lobster. This would allow these fishermen to sever the HA permit off and sell it to anyone wishing to buy the HA permit. This would hopefully allow new entrants seeking a handgear HA permit into the fishery. Currently a lobster fisherman, for example, would have to sell his combined lobster and handgear permit to someone at the combined price that may be significantly higher if it was just a handgear permit.

RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

Section 4 Specifics of proposal and discussion.

#4 **Waiting list for new entrants into the handgear fishery.**

Discussion: The current HA permit holders will only be able to sell their permit. The buyer will know up front that he/she will not be able to sell the permit in the future and the market price will determine the price of the existing permits when they are sold. Current handgear fishermen may have purchased their permit or invested heavily in the fishery with the intent of selling it which is why they must be allowed to sell their permits. The only way to obtain a permit after the sale of the initial HA permits will be off the waiting list. The waiting list will have two categories with one being current fishermen with DAS permits with some cod PSC and the second category will be open access Handgear B permits. **When a permit is retired for failure to renew or under the “use it or lose it terms”,** fisherman off the waiting list will be offered the permit.

List rules:

- a. The order of the DAS fishermen list will be by highest cod PSC that would be transferred into the HA total sub ACL for cod. The higher the cod PSC attached to the permit the higher on the list the fisherman would be. A minimum of cod PSC (5,000 lbs, 10,000 lbs, 15,000 TBD) will be required to get on the DAS HA permit waiting list. The exact pounds of cod TBD by the NEFMC for this proposal with the intent that they would be bringing in about the cod they would catch under this permit. This would bring more cod quota into the handgear fishery that is very much needed. Once this fisherman obtains a HA permit their DAS permit is retired from the fishery.
- b. The order for the HB permit will be by the date they initially obtained a HB permit.
- c. The selection for new entrants will start with a fisherman from the DAS category and will alternate between the two as permits as permits become available. See the enclosure for how the waiting list will be generated and the order.

#5 **Use it or lose it rules**

Discussion: In order to retain a HA permit fisherman must land (250 lbs, 500 lbs or TBD) cod in any one year out of three. Failure to land #lbs (TBD by NEFMC) will result in being ineligible to renew their permit. This will result in some way for new entrants into the fishery. A fisherman who loses their HA permit may petition the NMFS for reasons that include military service where they are stationed overseas or with a note from a Physician that states they were unable to fish for the last year of the three and that they can now fish. Failure to petition the NMFS within 3 months (postmarked letter) after May 1st of the 3rd year will result in the loss of the permit.

RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

Section 4 Specifics of proposal and discussion.

#6 Removal of March 1-20 Handgear fishing closure

Discussion: No longer needed with a specific cod Sub ACL. Catch of other species is not significant enough to warrant this closure.

#7 Cod trip limit increased from 300lbs to 400lbs.

Discussion: Handgear fishermen prefer a self imposed trip limit as a management tool. This will help spread out the small cod quota among the coast where the cod show up in abundance at various times. Those HA fishermen who wish to have unlimited cod trip limits may join a sector. This trip limit may be adjusted by future groundfish Frameworks or Amendments depending on the use of the HA cod Sub ACL and the status of the cod stocks. This modest increase in the cod trip limit is intended to offset the skyrocketing costs of fuel and other expenses since the 300lb trip limit was implemented. A higher trip limit and potential profit will help draw more fishermen into this fishery.

#8 Access to fish in all permanent and rolling closures except the cod spawning closures.

Discussion: Handgear fishermen would now be fishing under a cod Sub ACL and no longer need this effort control imposed under previous management measures. Handgear fishermen use small boats that mostly limit them to inshore waters. They do not disturb essential fish habitat. They should have the same access as the recreational fishery that also use hook gear.

#9 LOA letter not required to fish either on a commercial groundfish trip or a Charter/Party trip.

Discussion: Many handgear fishermen also are Charter/Partyboat operators. Flexibility is needed more than ever so a fisherman can choose if they wish to charter for the day or fish under their Handgear permit commercially. This LOA letter is not needed when Handgear fishermen have access to the permanent and rolling closures. Enforcement will be similar to the BF tuna fishery where they are limited by the trip limits. Once a recreational trip limit is exceeded the trip is automatically becomes a commercial trip and a VTR would be filled out prior to returning to the dock as a commercial trip.

#10 LOA letter required when fishing in the Georges BSA.

Discussion: Existing measure. By default a fisherman without this LOA is fishing in the GOM. This makes sure the cod Sub ACL for handgear fishermen is deducted properly.

RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

Section 4 Specifics of proposal and discussion.

#11 Up to 20% unused cod ACL may be transferred to the following fishing year.

Discussion: This would provide some stability from a poor fishing year into a good fishing year for quota management. Roll over provisions currently exists in other fisheries. This is a conservation positive provision since there is no guarantee the extra 20% will be caught.

#12 Eliminate Trimester accountability measures for HA permit holders developed in A16.

Discussion: Catch rates are low and this is not warranted because of a specific cod sub ACL. The primary catch is Cod with some haddock and pollock. The catch of other species is not significant.

#13 Automatic triggers to not exceed Handgear Sub ACL.

Discussion: The following automatic trigger will be applied to make sure the cod Sub ACL (per BSA) will not be exceeded. NEFMC shall choose between choices a & b below. The choice shall be made with input from the PDT and the Handgear fishermen.

- a. Cod trip limit initially set at 400 lbs. When 85% of the Handgear ACL is harvested, the trip limit will be reduced to 200 lbs. When 95% of the Handgear ACL is harvested the trip limit will be reduced to 100 lbs.
- b. Cod trip limit initially set at 400 lbs. When 85% of the Handgear ACL is harvested, the NMFS will reduce the trip limit (in increments of 100lbs but no less than 100lbs) to spread the cod fishery out over the remainder of the fishing year.

#14 IVR call in not required unless 80% of the cod Handgear SUB ACL harvested. Call in modified to streamline want is needed for this fishery.

Discussion: Catch rates in this fishery are slow enough to loosen this reporting requirement. Repetitive information is unnecessarily gathered such as (phone number, BSA, gear used, ect). **Only end of trip IVR call in with permit number and VTR # is needed when 80% of the cod Sub ACL is reached.** The dealer reports the catch within 24 hrs. via the dealer reporting. The current call in & out system is too complex for this simple fishery.

#15 Fish size limits per existing commercial regulations.

Discussion: Handgear fishermen may choose to implement higher size limits as a management tool thru fishery Management plans. The 100% discard mortality number would have to change before this can be considered.

RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

Section 4 Specifics of proposal and discussion.

#16 Discard mortality for hook caught cod will be set at 6-10%.

Discussion: Discard mortality for hook caught cod will be set at 6-10%. "Survival of Discarded Sublegal Atlantic Cod in the Northwest Atlantic Demersal Longline Fishery", HENRY O. MILLIKEN, 2009 is the best available science and must be used.

#17 One HA permit per fisherman. One time sell provision for existing HA permit holders

Discussion: This is to be a one boat, one permit one Captain Fishery. No banking of the permits is permitted by entities, companies, organizations or NGOs. Only the fishermen using the permit will be able to obtain and keep this permit. This is a permit to harvest fish commercially, by fishermen, and is not to be a commodity to be traded or bartered by investors. All initial Handgear HA permits will be able to be sold 1 (one) time only. After this one time transfer, the permit can't be transferred to another person, corporation or NGO. See #4 above how this relates to the waiting list and for further information.

#18 Removal of requirement for HA fishermen to carry a tote.

Discussion: Handgear fishermen keep their fish in coolers. Totes take up needed deck space in small boats. Fish are often unloaded from coolers into totes at point of sale or at the dock where the fish are transferred off the vessel. Other commercial fisheries do not require totes to be onboard. Transferring the fish at sea from iced coolers to totes, spoils the quality of the fish. Since the quantity of fish is small, Handgear fishermen must maximize the quality. The dealer report will list the precise quantity of fish in pounds and this is reported to NMFS.

#19 VTRs for reporting catch.

Discussion: No change from existing regulations.

#20 Changes to handgear input controls

Discussion: Electric assist reels will be allowed on fishing rods. Small winches typically found as lobster haulers or line haulers may be used to bring in the 250 hooks (# hooks may increase in future fishery actions) tub trawl. Under a hard Sub ACL for cod these input controls are warranted. This is requested to allow an easier harvest of the cod Sub ACL but is keeping in line with the type of fishery this is. Electric assist reels are very popular in the recreational fishery for deep water fishing and this would help handgear fishermen target larger cod. Small winches for hauling the tub trawl is for safety reasons and well as easing the input controls.

RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

Section 5 Why current HA fishermen should support this.

1. HA cod is now part of the Amendment 16 common pool. If the other fishermen in the common pool catch the cod TAC early, the handgear cod fishery may be shut down before HA permit holders had a chance to harvest any cod. This is the race to fish that handgear fishermen will lose.
2. Removing the Handgear historical cod catch from the common pool cod measures Handgear fishermen will not be under a race to fish and can fish when it best suites their business plan.
3. Currently with the rolling closures small boat fishermen do not have access to the fishery when the weather is best suited and safe to fish.
4. Existing permits who decide to leave the fishery can sell/transfer their permits, to recoup any costs associated with their participation in the fishery, if they choose.
5. As the cod fishery rebounds, the cod trip limits will increase that will lead to much better profits per fisherman.
6. Exemptions from the rolling/permanent area closures (except cod spawning closures) which in some cases reduced Handgear cod catches by 75% and made the cod fishery inaccessible to many when cod are historically most plentiful. **Handgear fishermen can't fish offshore or around rolling closures.**
7. **Future generations of fishermen will be able to actively once again participate in a historical fishery and be profitable.**
8. **Once again a 17yr old HS student can borrow his parent's skiff and go commercially cod fishing in the summer instead of flipping burgers. The only cost to fish is the fuel to run the boat for the day and some ice. Eventually this fishery could lead to a way for new entrants into larger scale commercial fishing ventures for groundfish.**

Section 6 Why Fishery Managers should support this.

1. MSA requires a diverse commercial fleet with different gear types.
2. This is hard cod Sub ACL fishery.
3. This is basically a one species fishery that is easily managed.
4. Many layers of outdated Hangear management measures are removed.
5. Easy enforcement. The only enforcement necessary would be size limits and trip limits.
6. At sea monitoring is not required since handgear fishermen do not harvest many species nor do they move between management areas. Marine Mammal interactions do not occur in this fishery.

RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

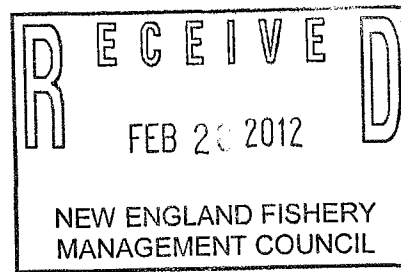
7. Double monitoring for quota purposes at point of sale (dealer) and via the traditional VTR. It is anticipated that Handgear will be able to enter their VTR trip data electronically at home via the internet after a trip.
8. Sustainable fishery to match the fishery stocks.
9. Catch rates are slow due to the gear used.
10. Reinvigoration of the handgear cod fishery fleet that has fallen to its lowest level ever.
11. Enable new entrants into a fishery without the unknowns of an open access fishery.

Section 7 SAMPLE HA PERMIT WAITING LIST

#	DAS FISHERMAN NAME	DAS FISHERMAN PSC COD	HANDGEAR HB NAME	HANDGEAR HB DATE FIRST APPLIED
1	JOHN CODFISH	25,800	JAMES CONGER	1/15/2013
2	STEVE CUSK	12,700	JIM BLUEFISH	2/21/2013
3	TIM CUNNER	11,200	CHET SEABASS	7/8/2013
4	JOE BLOWFISH	10,350	BOB TUNA	1/10/2014
5	ANTHONY TUNA	8,560	TRACY YELLOWTAIL	3/21/2015
6	MARK TAUTOG	6,250		
7	PHIL FLUKE	5,100		

John Codfish would be picked first followed by James Conger and so on alternating between the two types of fishermen. Fishermen would declare their intent to remain on the waiting list or be added to the list with their permit application every year.

Jordan Lynn Inc.
F/V Jocka
R/V Rachel T
67 Grover Lane
Harpwell, ME 04079
H:207-729-1850
C:207-729-2538



Mr. Paul Howard, Executive Director
New England Fishery Management Council
50 Water Street
Newburyport, MA

Dear Paul,

Please accept my comments on Amendment 18

Accumulation Caps

The Council's decision to publish a new control date for groundfish, along with the suggestions in Amendment 18 scoping document that the Council is considering accumulation caps, has created great uncertainty in the industry. I have had several phone calls from my bank {Farm Credit of Maine} expressing concerns about the fate of the investments they have made in my company. Farm Credit is one of the largest lenders to the Groundfish fleet in Maine. They are very concerned that the money they have invested through their customers will once again be devalued.

To ease the concerns of industry and marine lenders, the Council should make it clear that the people who invested in the groundfish business before the control date 4/7/11 will be grandfathered and not forced to sell.

Most of the vessels left in the fishery either own more than one permit or the lease fish from someone who owns more than one permit in order to stay in the business. We need people in the business that own a few permits in order to keep the leasing rates at a lower level.

I have a permit that has been on my vessel during the entire qualifying period for the allocation. In all those years we fished every day we were allocated every year and we still didn't get anywhere near enough quota to fish that boat. Luckily I had bought some permits in the mean time and I still have to lease quota.

The bottom line is with the low ACLs no one has sufficient allocation enough fish so why are we wasting the councils time talking about this when we have so many pressing issues to deal with. Paying for a monitoring program, getting access to the closed areas to make us as efficient as possible especially with \$4 a gallon fuel hanging over our heads.

Fleet Diversity

cc: tn, ah

I think someone needs to define fleet diversity before we can comment on it.

The historic fleet in my harbor was 15, 60 foot vessels that rarely left the sight of land and towed shrimp nets year round. Is that what people are looking for in fleet diversity?

The Council's attempts to social engineer this fishery will surely backfire. Layering input controls on a hard TAC management system will wreak havoc on the entire fleet.

Thank You
Terry Alexander
Jordan Lynn, Inc.

F/V Lori B
Michael P Leary
3 Orchard Drive
Hampton Falls, NH 03844-2410

3

Friday, February 10, 2012

Captain Paul Howard
New England Fishery Management Council
50 Water Street
Newburyport, Ma 01950



Re: Amendment 18 comments:

Dear Captain Howard,

Thanks for the opportunity to comment on amendment 18. As of May 2010, Amendment 16 brought a change in the multispecies fishery and vessels have been adapting to these changes. I will say that there were more opportunities for vessels of all sizes to catch their given ACE during the first full year of sectors. Lease prices varied greatly throughout the year and have seemed to smooth out this current fishing year, very similar to the lease prices paid to lease DAS.

This current fishing year, landings have been very unstable, whether it was the effect of the mild weather or the secular moon phase but landings have not been as consistent as fishing year 2010. Smaller inshore vessels had no problem catching their allocation of GOM cod in 2010. Smaller vessels were in the market to lease **in** GOM cod to continue to fish throughout the year. This year with the decreased catch of the smaller inshore vessels they are in the opposite position of leasing **out** their allocation of GOM cod. Every year is different and if the smaller vessels were restricted in how they could lease their fish by vessel size class then they will be back before the council trying to undue these restrictions. Flexibility is needed.

My comments on issues addressed in the amendment are below:

Accumulation limits: **No Action** on all accumulation caps: Until excessive is quantified then this is a difficult issue to comment on. History in the multispecies fishery has shown that a small percentage of the vessels catch the majority of the fish, this was true when there were no restriction as well under DAS. As for the fishery management side of fishing, mortality is mortality whether a hundred vessels catches the fish or four hundred vessels harvest the fish.

Fleet Diversity: **NO Action**: As fuel cost rise and fix cost continues to increase it is very hard to have a profitable fishing business. Ex-vessel prices might have increased during the first year after amendment 16 was established but they too have leveled out. All the predictions of increased prices paid to vessel in the amendment 16 document have not come true. The fear that outside investors will come in and buy up all the permits does not make sense. Return on investment in the fishing industry is a long term gamble.

Set Asides: **NO Action**: ACE set asides for new entrants or communities are a socialistic idea that will never work, why do people believe that there is some entitlement into the ground fishery? New entrants need ground fish to get started? Why not start these new entrants off in the lobster industry or better yet the scallop industry?

Usage caps: **No Action:** The reason there are fewer vessels fishing is because under the DAS system vessel had limited amount of days to fish as well a low trip limits. Many fishermen had to have two or three vessels in order to make it profitable, now owners have moved to a single vessel to fish to minimize expense. Usage caps are a backward step.

Inshore and Offshore Fleets: **No Action:** If a vessel has to enroll in an area for the year or a shorter time period then they will be limited to where they can fish and if there are no fish there during that time then boats have to look around and push the bottom and gear conflicts will result. 90% of GOM cod is caught west of 70 degrees 15 minutes and south of 43 degrees to Cape Cod. If any vessel has GOM cod they should be able to access this area without restriction.

Additional Reporting: **No Action:** Reporting now is redundant. VTR and dealer reports are enough.


Fishing businesses are still trying to figure out how to be profitable under Amendment 16. If a vessel owner has very little Ace they should be able to lease that out to the highest bidder and make as much as they can for that permit. The average age of vessel owners has to be in the mid 50s range. If that owner decides that it is time to come ashore and lease out their whole permit ACE they should be able to do that without restrictions. If there are trading restrictions added that restricts trading between vessel size classes that will significantly lower the lease values for those boats.

Every year is different, no two years are alike. There has been abundant GOM cod on Stellwagon bank for the last 6-8 years, how about before that? Will that continue?

I think the council should spend its time trying to figure out how the industry will come up with the funding for the observers we are required to take and pay for in the upcoming years. All this data from the observers and we are no closer to knowing what is going on, having the industry be responsible for paying for the cost of observers and at sea monitors will consolidate the fleet to 125 vessels in two years.

Thank you for your time and consideration into this matter.

Sincerely,



Michael P Leary,
F/V Lori B MRI 441
F/V Pamet MRI 653

----- Forwarded message -----

From: **Robert Odlin** <rodlin1@maine.rr.com>

Date: Sun, Mar 18, 2012 at 3:01 AM

Subject: Fleet diversity

To: "daniel.morris@noaa.gov" <daniel.morris@noaa.gov>

I'm a struggling groundfishermen

Catch shares are not working

I was better under days at sea

Bring back fleet diversity

Bring back baseline criteria for leasing

Rob Odlin

Sent from my iPhone

--

Daniel Morris

Acting Regional Administrator

NOAA Fisheries Service

Northeast Regional Office

ph: 978.281.9311

F/V Lori B
Michael P Leary
3 Orchard Drive
Hampton Falls, NH 03844-2410

3

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New England Fishery Management Council
50 Water Street
Newburyport, Ma 01950



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cc: Council, AH, TN (2/15)

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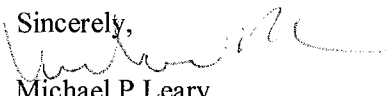
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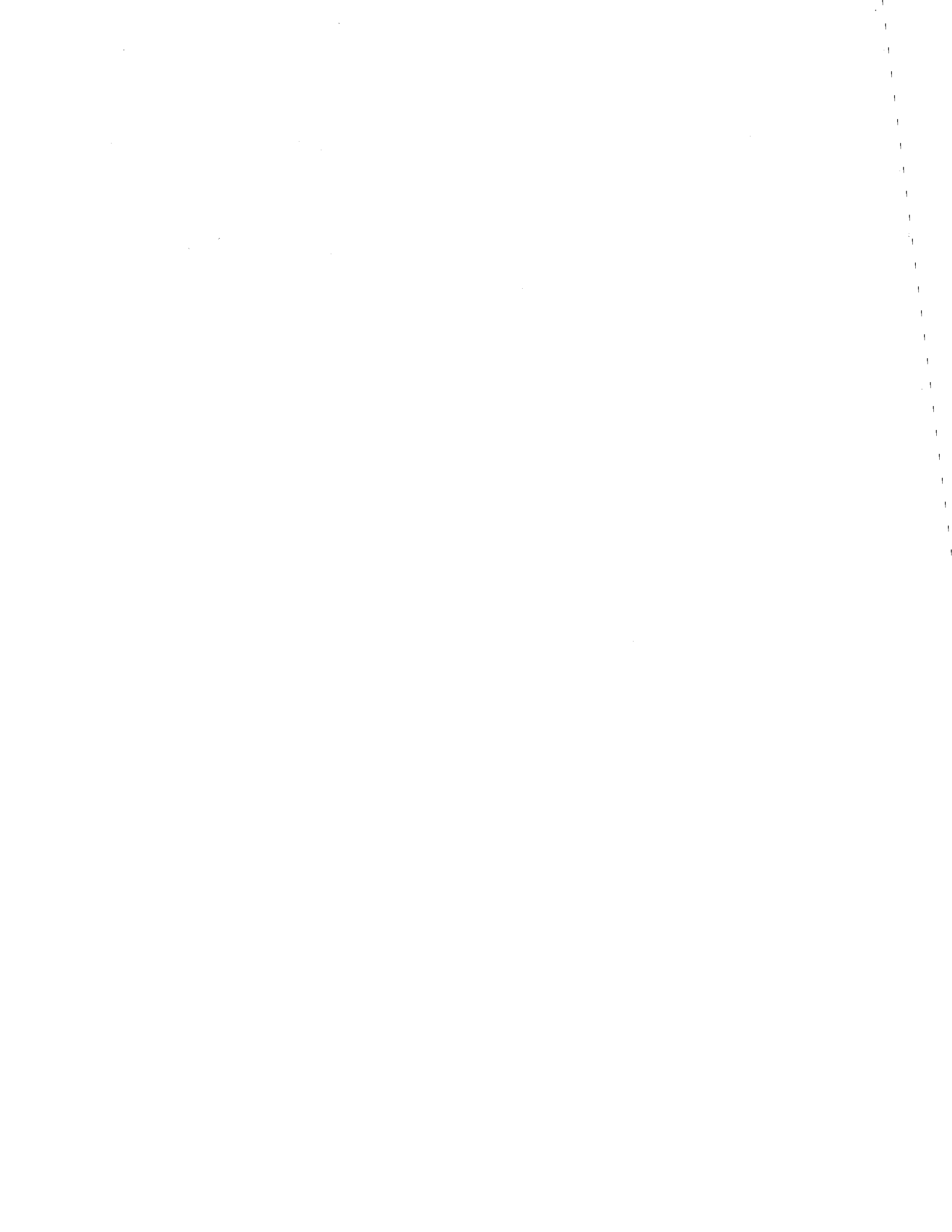
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Michael P Leary,
F/V Lori B MRI 441
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Jordan Lynn Inc.
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67 Grover Lane
Harpwell, ME 04079
H:207-729-1850
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50 Water Street
Newburyport, MA

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cc: tn, ah, Council (2/29)



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Thank You
Terry Alexander
Jordan Lynn, Inc.

March 19, 2012

Mr. Terry Stockwell, Chair
Groundfish Oversight Committee
New England Fisheries Management Council
50 Water Street
Newburyport, MA 01950



Re: Sector framework monitoring goals

Dear Mr. Stockwell,

The Gulf of Maine Research Institute has been convening a monitoring working group (MWG) on and off since summer 2011. The MWG most recently met on February 8 in Peabody, MA. Members of the MWG include fishermen, industry association leaders, sector managers, researchers, and representatives from shoreside support services and an NGO. Representatives from NERO, NEFSC, and the Council (staff) were also in attendance. This letter communicates one of the outcomes from this meeting in light the Council's development of the sector framework, and recent motions from the Groundfish Committee, where the "*Committee recommends that the council adopt the following goals for sector monitoring:*

- *Improve documentation of catch*
- *Reduce cost of monitoring*
- *Enhance safety of the monitoring program*
- *Incentivize reducing discards*
- *Provide additional data streams for stock assessments*" (January 18, 2012)

Given that the full Council's discussion of the Groundfish Committee's motions concerning the sector framework have been postponed until the April 2012 Council meeting, the MWG had a brief discussion on monitoring goals and objectives for consideration at the PDT and Committee meetings leading up to the next Council meeting.¹ The agenda for the day did not permit a lengthy discussion that encompassed all goals, and rather focuses on a few overarching goals and items for consideration. These goals are:

¹ A copy of this letter was initially sent to the Chair of the PDT on February 21, 2012, as the PDT was the first group to discuss the sector framework following the MWG meeting on February 8. However, as the PDT is a not a policy body, and typically does not receive formal correspondence, the MWG was advised to forward the letter to the Groundfish Committee.

Goal 1: For the monitoring program to collect the most robust data possible.

Outcomes:

1. To allow for the best data to be integrated into stock assessments.
2. To decrease the gap between the ABC/ACL (management/science uncertainty).
3. To allow for the greatest allowable amount of fish to be allocated to fishery.
4. To develop a monitoring program where confidentiality of data is paramount, regardless of how data is collected (*i.e.*, human observer or video camera).

Goal 2: Create a monitoring program to account for groundfish catch (by area fished/gear type) for the purpose of ACE monitoring at optimized levels of accuracy and precision, and in the most cost effective approach.

Actions:

- Demonstrate that Electronic Monitoring can meet monitoring goals and be implemented as an option for the 2013 fishing year.
- Allow for full retention (*of allocated stocks only*) as an option to meeting these goals for the 2013 fishing year.
- Demonstrate the feasibility of applying a fixed discard rate, and allow this approach as an option to meeting monitoring goals for the 2013 fishing year.
- Recognizing the diverse nature of sectors, allowing the flexibility within each sector to meet the optimized levels of accuracy and precision in the most efficient and cost effective method(s). For example, one approach to minimize costs could be to have the ASM program account for *discards only*, while the DSM program or dealer reports would account for *catch kept*.

The MWG will closely follow the work of the PDT, Groundfish Committee, and Council with respect to the development of monitoring goals and objectives for the sector framework. If there is any way the MWG can support any analyses to this end, or any other matters concerning monitoring, please do not hesitate to let the group know.

Sincerely,

Monitoring Working Group member attendees at 02/08/12 meeting:

Eric Brazer, Sector Manager – Fixed Gear Sector

John Our – member of Fixed Gear Sector and participant in EM pilot study

Nina Jarvis - Cape Ann Seafood Exchange

Aaron Dority, Sector Manager – New England Coastal Communities Sector

Libby Etrie, Northeast Sector Services Network

John Haran, Sector Manager – NEFS 13, New Bedford

Cate O’Keefe – UMASS School for Marine Science and Technology (SMAST)

Emilie Litsinger – Environmental Defense Fund

Ben Martens – Maine Coast Fishermen’s Association & Port Clyde Sector Manager

Frank Mirarchi – member of NEFS 10, South Shore, and participant in EM pilot study

Mark Phillips – member of NEFS 13, New Bedford

Maggie Raymond – Associated Fisheries of Maine
Hank Soule – Sector Manager, Sustainable Harvest Sector

CC (February 21 version of letter addressed to the PDT):
Amy Van Atten, Branch Chief, Fisheries Sampling Branch
Bill Karp, Acting Director, Northeast Fisheries Science Center
Dan Morris, Acting Director, Northeast Regional Office
Tom Nies, Fishery Analyst, New England Fisheries Management Council
Paul Howard, Executive Director, New England Fisheries Management Council
Rip Cunningham, Chairman, New England Fisheries Management Council

From: Robert Odlin [<mailto:rodlin1@maine.rr.com>]

Sent: Tuesday, April 17, 2012 10:38 AM

To: Anne E. Hawkins

Subject:

We need a diverse fleet.

We need the quota to be re allocated and divided more fairly

Bring back baseline criteria for leasing. This will bring lease price down for smaller operations.

The history only method of quota distribution was very unfair. You must factor in DAS, length and HP.

Rob Odlin

Scarborough Maine

Joan O'Leary

From: Sara Randall <s_f_randall@yahoo.com>
Sent: Friday, April 20, 2012 3:05 PM
To: Anne E. Hawkins; Joan O'Leary
Subject: please keep amendment 18 on the priority list

Dear Anne and Joan-

As a concerned Maine citizen I support keeping Amendment 18 on the priority list for the Council.

Sara Randall
329 14th St. Bangor, ME 04401

BOARD OF TRUSTEES

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NAMA Coordinating Director
Gloucester, MA

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Madeleine Hall-Arber, Ph.D.
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Massachusetts Lobstermen's Association
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Antioch College, NH

Shannon Eldredge
Fishing Family
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Louis Frattarelli
Commercial Fisherman
Bristol, RI

Karen Masterson
Owner, Nourish Restaurant
Lexington, MA

Neil Savage
Educator
Exeter, NH

Ed Snell
Commercial Fisherman
Portland, ME

STAFF

Niaz Dorry
Coordinating Director

Boyce Thorne Miller
Science Coordinator

Brett Tolley
Community Organizer

Cynthia Bush
Finance Coordinator & Program Assistant

Rip Cunningham, Chairman
New England Fishery Management Council
50 Water Street
Newburyport, Massachusetts 01950

RE: Keep Amendment 18 a Priority

Dear Rip,

We urge that the New England Fishery Management Council maintain Amendment 18 as a top priority for the 2012 fishing year.

Fleet diversity is extremely important for ecological, social, and economic reasons and we know the Council recognizes this because it voted to include goals and objectives related to fleet diversity in its groundfish fisheries management plan. NAMA has referred to these goals in our past comments citing that current evidence suggests that the New England groundfish fleet is moving away from a diverse fleet in terms of scale, geographic location, and gear type. In order for the Council to achieve its own stated goals and objectives we believe that action must take place immediately.

Loss of fleet diversity is happening and will likely become exacerbated in light of recent stock assessments and low catch limits. The 2010 Northeast Fisheries Science Center report titled 'Report for Fishing Year 2010 on the Performance of the Northeast Multispecies Fishery' showed that landings were significantly down for the smaller-scale boats and up for the larger-scale. The report also showed that in 2010 the top 20% revenue earners controlled 86% of the total revenue, which was a significant increase in concentration compared to previous years. In addition, the 2011 Massachusetts Division of Marine Fisheries report 'Comparative Economic Survey and Analysis of Northeast Fishery Sector 10' concluded that there is evidence of a fisheries disaster with disproportionate impacts to small-scale owners. We believe that any delay in action to protect fleet diversity will certainly result in the Council failing to achieve its own goals and objectives.

During the A18 scoping process fishermen and stakeholders from around New England expressed the dire need to address loss of fleet diversity and the concentration of fishing rights into the hands of the few. Several testimonies exposed a new shift in fishing effort that is resulting in offshore boats concentrating heavy amounts of fishing pressure around inshore areas that cannot be sustained. These problems must be dealt with immediately and Amendment 18 is poised to help find solutions.



Any delays or de-prioritizing of these issues will surely send a signal of bad-faith to the many fishermen and stakeholders who stressed the urgency of dealing with this issue during the Amendment 18 Scoping process. The willingness of the Council to follow through on its own goals and objectives is fundamentally key to establishing trust stakeholders have in the process.

There is a broad range of opinions, with one extreme supporting leaving Amendment 16 alone and the other extreme asking that it be abandoned altogether. Amendment 18 offers a way to keep Amendment 16 and make it more effective. It is the opportunity to find the middle ground and establish protections for a diverse fleet that enables the greatest variety of boats and fishermen to keep fishing and that in turn is compatible with a more diverse fishery and ecosystem. Please do not let this opportunity slide, for the sake of the marine ecosystem, jobs, and fishing communities.

Again, we appreciate the Council having already made this issue a priority and look forward to working across stakeholder groups and together with the Council to build upon solutions to these problems.

Thank you,



Brett Tolley
Community Organizer

Joan O'Leary

From: Ted Hoskins <tedhoskins44@myfairpoint.net>
Sent: Friday, April 20, 2012 4:04 PM
To: Joan O'Leary
Subject: Amendment 18

ABSOLUTELY !!! Keep amendment 18 on the priority list!!!
Ted Hoskins

Ted Hoskins
PO Box 931 Blue Hill ME 04614
207-374-2028 (US)
011-501-633-6282 (Belize)
tedhoskins44@myfairpoint.net

NORTHEAST SEAFOOD COALITION

April 30, 2012

TO: Capt. Paul Howard
New England Fishery Management Council
50 Water Street
Newburyport, MA 01950



RE: Groundfish Amendment 18 Scoping Comments

The Northeast Seafood Coalition is pleased to provide the following comments on the Amendment 18 scoping document. This cites 2 objectives identified by the Council for Amendment 18:

- 1) *"To consider the establishment of accumulation caps for the groundfish fishery; and*
- 2) *To consider issues associated with fleet diversity in the multispecies fishery."*

The document further states that the resulting *"rules are intended to reduce the likelihood that the groundfish permit holders will control excessive shares of the resource and that over-consolidation will occur within the fleet."*

NSC will address these two objectives and the issue of excessive shares and consolidation in greater detail below, but provides the following overarching points:

- The groundfish fishery is presently faced with an overwhelming number of threats which have grown in number and severity since this scoping process began including—
 - massive reductions in the ACLs of a number of core stocks including GOM cod, GB yellowtail flounder, and GB cod, CC/GOM yellowtail flounder, GOM haddock, witch flounder and plaice;
 - potential closures or other regulatory restrictions associated with protected species interactions (harbor porpoise and sturgeon); and
 - the continuing challenges associated with the transition to sector management.

Thus, any discussion of "next steps" for groundfish management must be highly sensitive to unintended consequences and disruptions to a fragile fishery economy trying to adapt to the sector management system.

NORTHEAST SEAFOOD COALITION

- Consequently, the financial viability and future of this fishery is in serious jeopardy as never before. If implemented, the concepts contemplated by Amendment 18 have the strong potential to add further uncertainty and instability for business owners and increase costs by reducing efficiencies(such as through input controls). Such stresses could prove fatal to many small businesses.
- The management responses to these reductions in groundfish stock ACLs and protected species interactions present a set of powerful stresses to fishing businesses that may force significantly greater changes in the demographics and diversity (and consolidation) of the overall fishery than any aspect of the sector management system ever can or will.
- NSC deliberately structured the Northeast Fishery Sectors (NEF sectors) to represent the full diversity of the fishery throughout the region, and provided each of these sectors with the necessary administrative and operational tools to protect and preserve their unique diversity within the context of sector management.
- NSC believes that legitimate goals concerning diversity, excessive shares and consolidation should and will be most effectively addressed by the individual Sectors rather than through a Council regulatory process.

Accumulation Caps

NSC is very sensitive to the need to prevent the accumulation of excessive shares of groundfish resource as well as to the practical effects of mechanisms designed to achieve this objective. NSC calls the Council's attention to two critical points.

- 1) While the issue of excessive shares is a valid concern within a LAPP or a non-LAPP management system, the agency has made a definitive legal determination that the sectors are not LAPPs as defined in the MSA and that sector allocations are not permanent.

Underlying this reality is that sector membership is voluntary and so fishermen can choose between two alternatives—sector management or the 'common pool'. Thus, any decision to address excessive shares through an accumulation cap must consider the effect of such a cap on both alternatives.

NSC notes that the allocation currency in the "common pool" alternative are Days At Sea (DAS) and that the application of an accumulation cap would limit the number of allocated DAS any individual fishermen might accumulate. With this in mind, NSC calls on the Council to consider what level of DAS allocations it would take for a fisherman to break even and survive in the common pool.

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The advent of ACLs and AMs has resulted in a suite of common pool measures including differential DAS counting. As was seen following FW42, the need for vessels to accumulate additional DAS to survive differential counting is well documented. This reality cannot be overlooked when considering accumulation limits.

- 2) NSC is concerned that the consideration of accumulation limits and other concepts being discussed in the context of this amendment may be driven by the desire by some to ‘backfill’ Amendment 16 sector management to qualify as a LAPP under the Magnuson-Stevens Act (MSA). NSC notes that the agency has made a definitive legal determination that the sectors are not LAPPs as defined in the MSA and that sector allocations are not permanent. With these points in mind, NSC has adopted the following position:

“It is NSC’s position that a LAPP should not be developed unless and until fishermen themselves develop and propose a LAPP through the petition process set forth in section 303A(c)(6)(B) of the Magnuson-Stevens Act (MSA), (rather than being developed from the “top-down” through a Council-initiated process), and that all elements of the Amendment 16 sector system including the allocation formula are on the table for reconsideration in that process. If Amendment 18 develops into an effort to retrofit the current Amendment 16 allocations and the sector system to qualify as a LAPP, then NSC must oppose it.”

Fleet Diversity

NSC is also extremely sensitive to the need to preserve fleet diversity and has invested deeply in achieving this objective. The NSC has played a pivotal role in the “Northeast Multispecies” (groundfish) fishery and its management as the sponsor of 12 of the 19 sectors now operating in the fishery including one serving as a ‘lease-only’ sector. In fishing year 2011, 254 entities with 514 groundfish permits are members of the NSC-sponsored “Northeast Fishery Sectors” (NEF sectors); operating in ports from Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York and New Jersey.

Consistent with its longstanding support for family-owned businesses and a diverse fishery, NSC sponsored and designed the NEF sectors to be inclusive of the full diversity of fleet and community demographics that were representative of the entire groundfish fishery. This included vessel size, gear, target stocks and home ports throughout the full range of the fishery. The opportunity to join NEF sectors was open to all groundfish permit holders regardless of the size of their initial allocations or whether they were members of NSC.

In addition, NSC restructured the initial sector membership fee for all active sector members to accommodate the financial challenges faced by many fishermen in order to make it possible for

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a greater diversity of fishermen to participate. While the collection of sector membership fees was essential to cover the administrative and legal costs associated with sector establishment and development, NSC was able to reduce these fees in part through securing state and federal funds to help cover these necessary costs. In all respects, NEF sectors were developed with a deliberate and unique commitment to openness and inclusiveness.

Further, NSC developed the NEF sectors to be community-based and to have an internal self-governance system designed specifically to empower each sector (through its operations plans and associated contractual documents) to protect and preserve its unique demographic and economic integrity. Each sector was established as an individual 501(c)(5) corporation with the ability to exercise independent, sovereign control over its allocations and internal decision-making process involving such operational issues as catch management, trading, reporting, enforcement and joint and several liability.

In anticipation that sector operational costs and efficiencies would become a significant challenge to the viability of individual sectors and the sector system as a whole, NSC further developed the Northeast Sector Service Network (NESSN) to provide the NEF sectors with the benefits of administrative and operational economies of scale in performing the many sector functions required under Amendment 16. NSC now serves as the policy voice for the NEF sectors; providing all NSC members with a collective, more effective voice in the fishery management process.

The NSC designed the NEF sectors so as to foster a diverse, small-scale, locally-owned and operated fishery. Each sector is rooted in a particular community, with communities defined by localities, fishing styles, and other commonalities. Some of the NEF sectors are internally diverse; examples are NEF sector 2 whose members' active vessels range in size from 36 feet to 97 feet, and NEF sector 13 whose members' primary ports span four states. Others are more internally homogenous; examples are NEF sector 12 whose members' active vessels vary in size by a maximum of 7 feet, with a median size of 46 feet, and NEF sector 8 whose members' active vessels vary in size by a maximum of 10 feet, with a median size of 75 feet. (An "active" vessel is one declared active in a given fishing year.) Taken together, the 12 NEF sectors contain and represent the full range of diversity in the groundfish industry, along numerous dimensions: locality, business size, vessel size, gear, and others. Some indication of this full range of diversity can be gleaned from the following tables:

NORTHEAST SEAFOOD COALITION

Permits per entity, NEF Sectors 2-13 combined, FY 2011 (254 entities, 514 permits)			
	number of entities	percent of entities	cumulative percent of entities
1 permit	168	66.1%	66.1%
2 to 5 permits	74	29.1%	95.3%
more than 5 permits	12	4.7%	100.0%

Permits per business for all businesses in NEF sectors 2-13 with one or more permits DECLARED ACTIVE ("active businesses"), FY 2011 (174 active businesses, 378 permits among them)			
	number of active businesses	percent of all active businesses	cumulative percent of all active businesses
1 permit	99	56.9%	56.9%
2 to 5 permits	65	37.4%	94.3%
more than 5 permits	10	5.7%	100.0%
Totals	174	100.0%	

Vessel Length Data for Vessels in NEF Sectors 2-13 that Made Sector Trips in FY 2011 (through 4/7/2012)				
<i>Length</i>	<i>Number of vessels</i>	<i>Percent of all vessels</i>	<i>Cumulative number</i>	<i>Cumulative percent</i>
small (0 to 50 ft)	94	48.0%	94	48.0%
medium (>50 to 75 ft)	59	30.1%	153	78.1%
large (>75 to 100 ft)	43	21.9%	196	100.0%
Totals	196	100.0%		

Given NSC's investment in preserving fleet diversity within the NEF sectors, NSC closely monitors important aspects of sector operations and composition. As our preliminary analysis presented in Appendix 1 suggests (see below), dramatic changes to fleet diversity have not occurred and there appears to be a relatively healthy and balanced flow of fish traded among the various demographics of the fleet. Preliminary analysis suggests that individual fishing businesses are working hard to develop business plans and portfolios that enable them to fish for the types and numbers of fish required to operate effectively and in compliance with the regulations. ACE trading has been and will continue to be a vital component in the fishery.

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With this information in mind, many of our fishermen are concerned that Amendment 18 might place additional layers of fishery input controls and constraints on sector operations including their essential ability to trade or lease their ACE as described above. Such external controls might undermine the intended benefits of 'output control' management including the individual ability of each NEF sector to pursue economic viability and preserve their unique demographic identities. As explained above, NSC went to great lengths to ensure that NEF sectors were provided with a critical level of local, small business control and the tools for sector self-determination as a deliberate alternative to imposing rigid external fishery input and sector operational controls. NSC urges very careful consideration of these issues and general caution for any unintended if well-intentioned consequences of such controls. Indeed, sector management has been characterized as an opportunity for fishermen to have greater control over the manner in which they harvest and manage their ACE. The Council should maximize opportunities/flexibility for sector and fishermen 'self-determination' in Amendment 18.

In addition to addressing the intense challenges associated with new stock assessments and protected species interactions, NSC intends to remain focused in the coming year on enhancing the tools and opportunities for sectors and our fishery to achieve economic viability, not on restricting them. Perhaps the greatest priority will be those actions that lead to greater utilization of the Optimum Yield (OY) in the fishery in part by increasing access to groundfish stocks through the reevaluation of current mortality closures and other 'input control' artifacts of the previous DAS system. Equally important is to continue efforts to improve stock assessments and all aspects of groundfish science including especially the data used in such assessments. Increasing the value of landed fish; reducing discards and associated observer costs; and reducing other sector monitoring and operational costs are also central to improving the economic viability of sectors and the fishery overall.

NSC appreciates the opportunity this opportunity to provide input to the Council on these important issues. NSC has discussed these and other related issues extensively and may provide more specific input on additional issues in the future if and when the actual draft Amendment 18 is issued. Thank you for your consideration.

Sincerely,

Jackie Odell

Jackie Odell,
Executive Director

NORTHEAST SEAFOOD COALITION

Appendix 1:

Sectors, Vessel Lengths, and ACE Trades, FY 2011 (through 4/20/2012)

(Initial allocation and trade data downloaded from www.nero.noaa.gov/acetransfer/ on 4/20/2012)

Sectors listed in order of highest % increase, over initial allocation, in GOM cod, from ACE trading, FY 2011 (thru 4/20/2012)

Sector	Vessel Length Data for Northeast Fishery Sectors' Vessels DECLARED ACTIVE in FY 2011 (in feet, rounded to the nearest whole foot)				Net Increases and Decreases Due to ACE Trades, GOM Cod and All Stocks, FY 2011 (thru 4/20/2012)		GOM Cod Data, FY 2011 (thru 4/20/2012) (lbs, live weight)		ALL Stocks Data, FY 2011 (thru 4/20/2012) (lbs, live weight)	
	min	max	mean	median	GOM cod: net trades as % of initial allocation	ALL STOCKS: net trades as % of initial allocation	GOM cod: Initial ACE Allocation	GOM cod: net trades (in - out)	ALL STOCKS: Initial ACE Allocation	ALL STOCKS: net trades (in - out)
Fixed Gear Sector					120.0%	-16.2%	229,995	275,930	11,752,908	-1,900,265
NEFS 6	62	87	72	70	59.3%	28.6%	281,266	166,793	5,925,195	1,693,909
NEFS 2	36	97	55	48	39.8%	13.4%	2,296,950	915,175	21,515,728	2,874,619
NEFS 10	35	61	45	44	20.5%	19.3%	639,572	131,110	2,502,343	483,470
NEFS 9	68	88	77	76	8.6%	19.1%	191,443	16,378	17,361,663	3,317,595
NEFS 12	43	50	46	45	2.9%	6.8%	270,966	7,902	1,626,826	110,035
Port Clyde Sector					2.2%	28.6%	471,297	10,554	2,861,131	817,752
NEFS 3	30	56	40	40	-3.8%	-3.3%	2,012,022	-76,023	6,498,831	-213,716
NEFS 8	72	82	76	75	-7.5%	2.4%	53,171	-4,004	7,108,971	168,318
Sustainable Harvest 1					-14.0%	-3.7%	2,132,631	-298,959	57,417,461	-2,099,504
NEFS 11	32	51	41	42	-14.2%	-4.7%	1,470,657	-209,199	4,547,797	-213,773
Tri-State Sector					-23.7%	-17.4%	94,090	-22,314	1,751,912	-304,485
Northeast Coastal Comm.					-30.7%	-23.5%	85,613	-26,257	567,149	-133,319
NEFS 7	45	83	66	71	-50.3%	-5.9%	51,902	-26,100	5,205,516	-309,308
NEFS 13	62	90	75	77	-58.5%	1.9%	81,531	-47,732	15,578,523	297,748
NEFS 4	no active vessels				-79.1%	-32.6%	864,614	-684,253	10,354,123	-3,370,405
Sustainable Harvest 3					-98.8%	-24.5%	71,864	-70,995	2,428,129	-595,555
NEFS 5	45	80	65	67	-99.4%	-10.7%	13,731	-13,643	4,272,053	-458,014
Maine Permit Bank Sector					-100.0%	-78.0%	44,363	-44,363	211,747	-165,102
Grand Total					0.0%	0.0%	11,357,676	0	179,488,006	0

Joan O'Leary

From: Ted Hoskins <tedhoskins44@myfairpoint.net>
Sent: Friday, April 20, 2012 4:04 PM
To: Joan O'Leary
Subject: Amendment 18

ABSOLUTELY !!! Keep amendment 18 on the priority list!!!
Ted Hoskins

Ted Hoskins
PO Box 931 Blue Hill ME 04614
207-374-2028 (US)
011-501-633-6282 (Belize)
tedhoskins44@myfairpoint.net

Joan O'Leary

From: Sara Randall <s_f_randall@yahoo.com>
Sent: Friday, April 20, 2012 3:05 PM
To: Anne E. Hawkins; Joan O'Leary
Subject: please keep amendment 18 on the priority list

Dear Anne and Joan-

As a concerned Maine citizen I support keeping Amendment 18 on the priority list for the Council.

Sara Randall
329 14th St. Bangor, ME 04401

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Science Coordinator

Brett Tolley
Community Organizer

Cynthia Bush
Finance Coordinator & Program Assistant

Rip Cunningham, Chairman
New England Fishery Management Council
50 Water Street
Newburyport, Massachusetts 01950

RE: Keep Amendment 18 a Priority

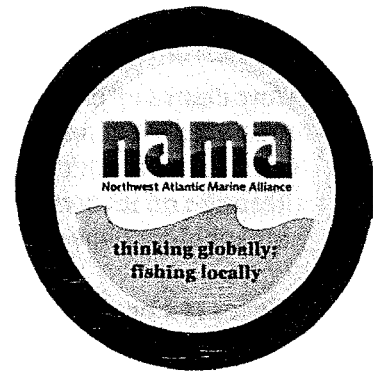
Dear Rip,

We urge that the New England Fishery Management Council maintain Amendment 18 as a top priority for the 2012 fishing year.

Fleet diversity is extremely important for ecological, social, and economic reasons and we know the Council recognizes this because it voted to include goals and objectives related to fleet diversity in its groundfish fisheries management plan. NAMA has referred to these goals in our past comments citing that current evidence suggests that the New England groundfish fleet is moving away from a diverse fleet in terms of scale, geographic location, and gear type. In order for the Council to achieve its own stated goals and objectives we believe that action must take place immediately.

Loss of fleet diversity is happening and will likely become exacerbated in light of recent stock assessments and low catch limits. The 2010 Northeast Fisheries Science Center report titled 'Report for Fishing Year 2010 on the Performance of the Northeast Multispecies Fishery' showed that landings were significantly down for the smaller-scale boats and up for the larger-scale. The report also showed that in 2010 the top 20% revenue earners controlled 86% of the total revenue, which was a significant increase in concentration compared to previous years. In addition, the 2011 Massachusetts Division of Marine Fisheries report 'Comparative Economic Survey and Analysis of Northeast Fishery Sector 10' concluded that there is evidence of a fisheries disaster with disproportionate impacts to small-scale owners. We believe that any delay in action to protect fleet diversity will certainly result in the Council failing to achieve its own goals and objectives.

During the A18 scoping process fishermen and stakeholders from around New England expressed the dire need to address loss of fleet diversity and the concentration of fishing rights into the hands of the few. Several testimonies exposed a new shift in fishing effort that is resulting in offshore boats concentrating heavy amounts of fishing pressure around inshore areas that cannot be sustained. These problems must be dealt with immediately and Amendment 18 is poised to help find solutions.



Any delays or de-prioritizing of these issues will surely send a signal of bad-faith to the many fishermen and stakeholders who stressed the urgency of dealing with this issue during the Amendment 18 Scoping process. The willingness of the Council to follow through on its own goals and objectives is fundamentally key to establishing trust stakeholders have in the process.

There is a broad range of opinions, with one extreme supporting leaving Amendment 16 alone and the other extreme asking that it be abandoned altogether. Amendment 18 offers a way to keep Amendment 16 and make it more effective. It is the opportunity to find the middle ground and establish protections for a diverse fleet that enables the greatest variety of boats and fishermen to keep fishing and that in turn is compatible with a more diverse fishery and ecosystem. Please do not let this opportunity slide, for the sake of the marine ecosystem, jobs, and fishing communities.

Again, we appreciate the Council having already made this issue a priority and look forward to working across stakeholder groups and together with the Council to build upon solutions to these problems.

Thank you,

A handwritten signature in black ink, appearing to read 'Brett Tolley', with a stylized flourish above the letters.

Brett Tolley
Community Organizer

From: Bonnie McCay [mccay@AESOP.Rutgers.edu]
Sent: Saturday, April 28, 2012 7:22 AM
To: Anne E. Hawkins
Cc: Bonnie J McCay
Subject: Comment on Amendment 18 and Fleet Diversity

To Anne Hawkins and the New England Fishery Management Council:

I urge the Council to keep the issue of Fleet Diversity at the center of current (and future) groundfish deliberations. We know that socio-economic diversity is the cornerstone of healthy economies and communities, and there is increasing evidence that it may be an essential component of ecosystem-based fisheries management as well.

Thank you,

Sincerely,

Bonnie McCay

Bonnie J. McCay, Ph.D
Member of Mid-Atlantic Fishery Management Council Scientific & Statistical Committee
Board of Governors Distinguished Service Professor
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Member of Mid-Atlantic Fishery Management Council Scientific & Statistical Committee



Paul J. Diodati
Director

Commonwealth of Massachusetts

Division of Marine Fisheries

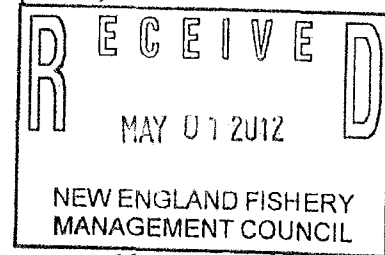
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Deval Patrick
Governor
Richard K. Sullivan, Jr.
Secretary
Mary B. Griffin
Commissioner

April 30, 2012



Mr. Paul J. Howard
Executive Director
New England Fishery Management Council
50 Water St, Mill#2
Newburyport, MA 01950

Dear Paul:

We offer the following comments on the Council's intent to address groundfish consolidation issues stemming from groundfish sector management and the Council's history of action on this issue such as our June 2010 motion (vote 16:0:1) on goals related to accumulation limits. We repeat these goals here: (1) maintain inshore and offshore fleets; (2) to the extent possible, maintain a diverse groundfish fishery, involving different gear types, vessel sizes, geographic locations, and levels of participation; (3) maintain a balance in 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. Regarding the latter, National Standard #4 requires councils to ensure "...no particular individual, corporation, or other entity acquires an excessive share..."

Before providing specific comments as to what should be in Amendment 18 (Fleet Diversity and Accumulation Limits), we emphasize that all is not well with the groundfish fleet for many reasons of which the Council is fully aware. This ill-health for a seeming majority of fishermen will contribute to further consolidation and loss of fleet diversity. As a reminder, DMF working collaboratively with NOAA Fisheries and relying on the expertise of our Statistic's Program staff, the University of Massachusetts School for Marine Science and Technology (SMAST), and NOAA's Office of Science and Technology Economics and Social Analysis Division, completed a *"Break-Even Analysis of the New England Groundfish Fishery for Fishing Years 2009 and 2010."* Fishing year 2010 was the first year of implementation of Amendment 16 to our Multispecies Groundfish Fishery Management Plan.

We concluded that far fewer vessels participated in the groundfish fishery during fishing year 2010 than in 2009 (111 fewer). Some stopped fishing in New England federal waters and others left to enter other fisheries. On a fleet-wide basis large numbers and percentages of vessels did not break even in 2009 or 2010 (including non-groundfish

cc: Council, TN, PMF (5/1)

revenue). The number of vessels above break even during 2009 tended to be larger than in 2010 for nearly all vessel categories except for longline vessels (same) and trawl vessels greater than 65 feet (more broke even in 2010, including sector costs). We can only imagine what happened in 2011 and what will happen throughout the rest of this year as we approach the fateful date of May 1, 2013.

Our purpose was to evaluate the financial performance of the multispecies fishery in FY 2009 and 2010 while recognizing the cumulative impact of many factors affecting the fishery's viability. Some of those factors were: (1) Amendment 16 allocations of groundfish to many sectors comprised of commercial fishermen joining those sectors to pool their individual allocations thereby creating sector annual and tradable catch entitlements (ACEs); (2) the Magnuson-Stevens Act-required setting of annual catch limits interpreted as hard quotas for all groundfish stocks; (3) high fuel prices; (4) a trend of consolidation in the fishery; and (5) our nation's troubled economy affecting all industries and certainly the New England groundfish fishery. All these factors made it difficult for us to untangle the effects and account for specific reasons for the fishery's mix of financial successes and woes.

Our 2010 break-even analysis could not include leasing costs or revenues due to lack of data on intra-sector ACE trading as well as uncertainty in price data submitted for inter-sector trades. Nevertheless, 357 vessels included in the 2010 break-even data needed to lease or trade in-kind for 13.5 million pounds (23% of total catch) over initial quota allocations. Importantly, Gulf of Maine cod represented the largest need for gillnetters, small longline vessels and small otter trawl vessels.

Definitive conclusions about financial performance *between* years were difficult to make due to data shortcomings. Therefore, we said in the report and we reiterate here that the Council should require those data – such as overhead and leasing costs – to correctly judge the success of groundfish management, determine socioeconomic impacts, and accurately assess the financial performance of the fishery.

We recommend this information be required as soon as possible. Waiting will greatly hinder if not seriously impact the Council's ability to develop, adopt, and implement Amendment 18. The industry is at risk because the Amendment won't be in place perhaps for 2-3 more years to the great misfortune of many fishermen and potential gain for those with the financial resources to remain in the fleet even after the likely loss of support services through our coastal fishing communities.

To acquire this information the Council must take the following action: *that a groundfish sector not be considered a "person" for reporting purposes thereby: (1) making sector inter- and intra-sector ACE trading transparent; (2) enhancing the Council's ability to analyze socioeconomic impacts of current and future management measures; and (3) facilitating the development and adoption of Amendment 18 to the Northeast Multispecies Fishery Management Plan.*

We understand sectors will oppose this transparency, and some Council members may feel we're intruding into Sector affairs. Nevertheless, the Council gifted groundfish allocations to individual fishermen based on their catch histories. Those gifts were not permanent, and in order for us to properly evaluate what we have done and determine what we should now do regarding our objectives pertaining to consolidation and fleet diversity, we require an open and transparent process. Currently, the Council sees through a glass darkly. Although sectors theoretically can determine how to reallocate

their member fishermen's PSCs in the interest of fairness, equity, preventing excessive shares, etc., the Council cannot really believe that will ever happen.

Regarding excessive shares, the Council has yet to even comment on the distribution of 2010 PSC based on individuals with an ownership interest (Table 3 of Groundfish Fleet Composition Fact Sheet). For example, the table indicates that in 2010 and presumably today *three* people "possess" and have a potentially dominant influence through "ownership" and control of Georges Bank haddock (25.9%), yellowtail (17.8%), cod (20.5%), and winter flounder (36%). Does the Council believe this sequestering of PSC into the hands of a few can be defined as excessive especially when the PSC is applied to current and future ACLs giving the owners more than their historical annual landings? In other words, they have or will receive a tremendous windfall they can parlay into large landings or leased-away fish to those who didn't make out very well due to the Amendment 16 allocation approach.

Even without a clear definition of "excessive," we consider this top-3 share to be excessive. How might this concern be addressed, assuming the Council agrees with our assessment? Allocation is the key, and does not necessarily mean a return to how ACLs were allocated through Amendment 16. By the time Amendment 18 is developed and implemented, the year will be 2015 or 2016, perhaps. That's 5-6 years after implementation of Amendment 16. We wonder what the groundfish fishery will look like then and how port infrastructure will have changed. Dealing with excessive shares and consolidation should have occurred years ago before our implementing a catch share management regime to which we are now wedded. Circumstances being the way they were, the Council could not address these important issues before May 1, 2010.

We suggest the Council could consider an approach similar to the one used to allocate Pacific halibut and sablefish through IFQs. Not all of the fish available for allowable catch is allocated to those who benefit from the initial allocation. Specific amounts are reserved for allocation consistent with Plan objectives pertaining to important considerations such as entry opportunities.

Furthermore, that IFQ program has owner-on board requirements and leasing prohibitions to maintain the small-vessel, owner-operated character of the fleet. Our Council has none of these considerations despite our previous record of restricting the way DAS can be leased between vessels of different size. Granted, groundfish sectors are not LAPPs, and it will be argued that sectors are not individuals but collectives of fishermen who have voluntarily banded together. But why have they coalesced? The answer is clear: to acquire individual allocations based on their catch (landings) history – shares they are then free to lease (transfer) with some limitations on between sector transfers.

The halibut/sablefish fishery has quota shares and vessel IFQ caps limiting the amount of IFQ a person can hold. If the Council finds these sorts of caps unacceptable because by 2014 or 2015 (2016?) the dust will have settled on groundfish catch-share management, perhaps an option would be to set aside a portion of every ACL for reallocation to current fishermen according to a new formula, such as the other favored but not adopted allocation formula in Amendment 16. This set-aside might be used to provide entry opportunities. This approach could be considered sooner rather than later.

The above are just a few ideas and concepts and ideas we offer for discussion. We hope that when scoping comments are reviewed by the Groundfish Committee and

the full Council that we focus on our objectives and what must be done to achieve those objectives. We also hope the Council can find a way to achieve some or all of those objectives before undesirable changes in the groundfish fishing industry become irreversible.

Sincerely yours,

A handwritten signature in cursive script that reads "David Pierce". The signature is fluid and elegant, with a large initial 'D' and a long, sweeping tail on the 'e'.

David Pierce, Ph.D.
Deputy Director

cc
Paul Diodati
Mary Griffin
Rip Cunningham
Paul Howard
Samuel Rauch

From: Rip Cunningham [ripcham@verizon.net]
Sent: Tuesday, May 22, 2012 8:10 AM
To: Tom Nies; Terry Stockwell
Subject: FW: Correspondence

On 5/21/12 11:49 PM, "Robert Odlin" <rodlin1@maine.rr.com> wrote:

>Consolidation is still a problem and needs to be addressed in tandem
>with low stock assessments, monitoring costs, etc. 2) Committee members
>should make fixing the problem and A18 a higher priority and 3) many
>medium and small boat fishermen are confirming this is a problem.
>Status quo is not an option.

>

>Rob Odlin

>

>Sent from my iPhone

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Boyce Thorne Miller
Science Coordinator

Brett Tolley
Community Organizer

Cynthia Bush
Finance Coordinator & Program Assistant

Terry Stockwell, Committee Chairman
New England Fishery Management Council
50 Water Street
Newburyport, Massachusetts 01950

RE: Amendment 18 and Fleet Diversity

Dear Terry:

The public scoping period for proposed Amendment 18 recently ended on April 30. The Northwest Atlantic Marine Alliance submitted comments articulating four critical fleet diversity protections to address the social and ecological problems stemming from consolidation:

- 1) Measures to reduce offshore fishing effort on inshore fishing grounds.
- 2) ACE leasing categories to ensure that fishermen in all size categories have access to affordable ACE,
- 3) Support for owner-operator fishermen, and
- 4) Individual quota accumulation limits.

Council members are now scheduled to review A18 scoping documents, develop measures and analysis, and expand the A18 white paper by September 2012. By November 2012, the Council is scheduled to select preferred alternatives. **Council members must begin taking action immediately in order to stay the course of this timeline.**

The New England groundfish fishery faces urgent challenges such as dramatic cuts in allowable catch, impacts of harbor porpoise protections, and observer costs. Staff time and items on the groundfish agenda are tight. In light of these issues, fleet diversity protections are needed now more than ever. Low catch limits may likely exacerbate consolidation and the Council has the responsibility to ensure that the region's groundfish fleet maintains diversity now, as well as heading into the future as stocks begin to rebuild.

The true challenge facing managers is to create a comprehensive approach to address fleet diversity and develop a long-term vision. A18 is critical to this approach and therefore must not be sidelined, but rather continue moving forward.

Additional issues remain a threat to the Council's ecological and social goals. Recent public comments by both lobstermen and charter boat associations described a major problem related to offshore fishing effort on inshore fishing grounds. These issues have been reiterated by many commercial groundfish fishermen and present a legitimate threat to rebuilding of the stocks, which ultimately is the most critical element to securing fleet diversity. Amendment 18 is poised to address these issues and we must act now to limit individual accumulation of quota, to protect



existing fleet diversity, and to ensure that affordable opportunities exist for young people who want to enter the fishery as stocks continue to rebuild.

We look forward to working with the Council as A18 moves forward.

Thank you,



Brett Tolley
Community Organizer

From: Howdy Houghton <hhoughton@coa.edu>
To: groundfish.amendment18@noaa.gov
Subject: Groundfish Amendment 18 Scoping Comments
Date: 04/30/2012 11:50:31 PM

To the New England Fisheries Management Council,

I oppose the no-action alternative option under A18 because the loss of fleet diversity is a major problem facing the New England fleet. I live in Bar Harbor Maine which had a thriving groundfish fleet throughout the 80's that gradually diminished in the 90's because the local stocks dried up and the fishermen primarily fished locally. Boats here had little history after the control date in 1996 and today most fish available in Bar Harbor comes from out of state, *none* from east of the Penobscot river and not much from Port Clyde either. If management continues on it's present path it's highly unlikely we will ever again see any amount of fish landed in eastern Maine, due to lack of access and lack of seasonal stocks. I can't imagine the local stocks replenishing while pulse fishing by absentee owner vessels, landing in fewer ports so dominate the fishery and the management strategies.

I recommend that the council consider *owner operator* incentives and *equitable geographic distribution* of stocks and landings in Amendment 18. Without these fresh local fish will never again be available in any quantity on most of the Maine coast. Or only supply will be commodity sources from a very few large ports dominated by Roving Bandits who,s owners are not even aboard.

Throughout the 70's and 80's I caught groundfish sesonally primarily out of Bar Harbor. Much of the fish landed here was cut at a fishmarket a few blocks from The Bar Harbor town pier and sold to the public and our many restaurants.

Thank you, I think?

James "Howdy"
Houghton

Bar Harbor, Maine

Listen to Wendell Berry and pay close attention to his references to "Boomers" and "Stickers"

<http://spaceknit.tumblr.com/post/21866364180/plantedcity-wendell-berry-it-all-turns-on>

<<http://spaceknit.tumblr.com/post/21866364180/plantedcity-wendell-berry-it-all-turns-on>>

From: James Wilson <jwilson@maine.edu>
To: groundfish.amendment18@noaa.gov
Subject: Groundfish Amendment 18
Date: 04/30/2012 7:57:22 PM

Attachment N1: Wilson, Hayden and Kersula draft 4-12.pdf

April 30, 2012

Mr. Paul Howard
New England Fishery Management Council 50 Water Street
Newburyport, MA 01950

Dear Paul,

I have attached an article currently in its second round of review for Fish and Fisheries Research. The article is all about matching ecological and management scale. The principal point of the article is that a large body of scientific evidence points to the importance of finer scale ecological processes and the need to address these processes if we hope to sustain our fisheries. When we don't do this, as has been the case over the history of the FCMA, management creates fishing incentives and strategies that lead to the loss of local ecological structure and sub-populations; this in turn leads to consolidation and the loss of fleet diversity.

I don't believe we can legislate diversity. By diversity I mean a fleet of different sized boats with different kinds of ownership and different kinds of marketing arrangements. Diversity in a fleet is a reflection of diversity in the environment which is a reflection of successful management. When ecosystems are healthy there are places where big boats are most efficient and there are places where small boats are best. At these times and in places, fleet diversity is a reality because it is economically efficient. Places that still have relatively healthy ecosystems - Iceland, Japan, NZ, Chile - also have diverse fleets. Historically, this was true here, it was true next door in Canada and elsewhere around the world.

The consolidation that has happened here and elsewhere is the result of poor management that has depleted the ocean. The economics of a depleted environment force consolidation. When fish are scattered and very patchy, successful fishermen have to be mobile and work with large boats. A depleted environment can only support a small number of these kinds of operations.

The reason for most management failure, here and around the world, appears to be a serious mismatch between the ecological scale at which we manage, i.e., the boundaries fishermen have to observe and the actual boundaries the fish observe.

Strong and growing scientific evidence, here, in the Atlantic Provinces of Canada and elsewhere, shows that ocean fish populations are spatially diverse, mix a lot and operate at a much finer scale than our current management assumes.

The idea that we have to match management and ecological scale is not new. We have always known that we should independently manage different stocks of the same species; when the distant water fleets ravaged the North Atlantic we realized the need for boundaries that would allow us to conserve our fish resources. When we did implement sovereign management, we realized we had to treat large ecological zones separately, e.g., the Mid-Atlantic and New England. What is noteworthy about recent scientific developments is what they

tell us about the appropriate ecological scale for management; namely, we have to take much finer scale ecological structure into account if we hope to sustain our fisheries. This strongly argues for finer scale management boundaries.

If we ignore this science and don't match management scale to biological scale, we create fundamental scientific issues and economic incentives that work against conservation. Consider what happens when managers and assessment scientists act as if there were only one stock of a species – e.g., cod in the GOM – when, in fact, there might be several. Estimates of abundance, growth and all the other indices that might be used to assess the health of the species are averages taken over all those local stocks. Those averages, especially when stocks are depleted, are likely to be meaningless or very misleading. One local stock might be healthy while one or several are in poor shape. A TAC derived from these kind of misapplied averages is likely to be too high for the healthy stock and far too high for those in poor shape. Fishermen can be expected to usually target the more abundant stock but if other stocks aggregate in ways that make for good fishing, they will target them as well. Occasionally, a stock will get pushed below its minimum viable size and extirpated. The evidence seems to be strong that local extirpations only recover after several decades – a much more serious form of overfishing than management usually considers. The current cod problem is an almost perfect example of the difficulties that arise when management and the science backing it up takes place at a scale that is too broad.

A basic principle of fisheries management is to manage over the range of the stock AND not to manage multiple stocks as if they were one. When this principle is combined with the new scientific evidence about the spatial diversity of populations and of the ecosystem, the message is very clear: Fleet diversity is dependent on management adopting policies that lead to a diverse and healthy ecosystem. Best science says those policies have to adjust the spatial scale of management.

I know that the points I am making here and that appear in the attached paper require fundamental changes, but I think that if we don't make those changes we run a grave risk of long-term, indefinite depletion of our fisheries with the large economic and social losses that entails.

Yours,

James A. Wilson
Professor of Marine Science and Economics
School of Marine Sciences
University of Maine

From: Aaron Dority <aaron@penobscoteast.org>
To: <groundfish.amendment18@noaa.gov>
Subject: Penobscot East Resource Center, Amendment 18 comments
Date: 04/30/2012 6:23:29 PM

Attachment N1: [image001.jpg](#)

Attachment N2: [Amendment 18 comments_Penobscot East Resource Center.docx](#)

See the attached comments,

Aaron Dority

Downeast Groundfish Initiative Director

Penobscot East Resource Center

13 Atlantic Avenue

PO Box 27

Stonington, ME 04681

O: 207.367.2708

C: 207.479.9677

F: 207.367.2680

PERC_LHtop

Securing a future for eastern Maine fishing communities

*Please "Like" us on Facebook!

<<http://www.facebook.com/Penobscot-East-Resource-Center>>
<http://www.facebook.com/Penobscot-East-Resource-Center>

From: jackie odell <jackie_odell@yahoo.com>
To: Groundfish.Amendment18@noaa.gov <Groundfish.Amendment18@noaa.gov>
Subject: Groundfish Amendment 18 Scoping Comments - Revised Final NSC
Date: 04/30/2012 5:51:30 PM

Attachment N1: [NSC COMMENTS A18 Scoping 4 30 2012 Final.pdf](#)

Attached please find a revised final version which corrects minor oversights.

Thank you,

Jackie Odell

From: jackie odell <jackie_odell@yahoo.com>
To: "Groundfish.Amendment18@noaa.gov" <Groundfish.Amendment18@noaa.gov>
Cc: Paul Howard <phoward@nefmc.org>; Tom Nies <tnies@nefmc.org>; Glenn Delaney <grdelaney@aol.com>; Vito Giacalone <vitofish@earthlink.net>
Sent: Monday, April 30, 2012 5:04 PM
Subject: Groundfish Amendment 18 Scoping Comments

Attached please find NSC comments for Amendment 18 scoping.

Thank you ~ Jackie

Jackie Odell
Northeast Seafood Coalition
Tel: (978) 283-9992

From: jackie odell <jackie_odell@yahoo.com>
To: Groundfish.Amendment18@noaa.gov <Groundfish.Amendment18@noaa.gov>
Subject: Groundfish Amendment 18 Scoping Comments
Date: 04/30/2012 5:04:41 PM

Attachment N1: [NSC COMMENTS A18 Scoping 4 30 2012 Final.pdf](#)

Attached please find NSC comments for Amendment 18 scoping.

Thank you ~ Jackie

Jackie Odell
Northeast Seafood Coalition
Tel: (978) 283-9992

From: Caitlin Cleaver <ccleaver@islandinstitute.org>
To: groundfish.amendment18@noaa.gov <groundfish.amendment18@noaa.gov>
Subject: Groundfish Amendment 18 Scoping Comments
Date: 04/30/2012 4:42:00 PM

Attachment N1: IslandInstitute_A18_Comments.pdf

To the New England Fisheries Management Council -

Please find comments from the Island Institute regarding Amendment 18 attached.

Thank you!

- Caitlin

| Caitlin Cleaver | Policy Coordinator | Island Institute | 386 Main
Street | P.O. Box 648 | Rockland, ME 04841 | 207.594.9209 x 153 |
www.islandinstitute.org<<http://www.islandinstitute.org>>

www.workingwaterfront.com<<http://www.workingwaterfront.com/>>

ÿ

From: Mary Kavanagh <m84pat@aol.com>
To: groundfish.amendment18@noaa.gov
Subject: Groundfish Amendment 18 scoping comments
Date: 04/30/2012 4:36:28 PM

Attachment N1: Amendment 18 scoping comments.doc

Please include the attached scoping comments.

From: Brett Tolley <brett@namanet.org>
To: groundfish.amendment18@noaa.gov
Subject: Groundfish Amendment A18 Scoping Comments
Date: 04/30/2012 3:58:19 PM

Attachment N1: [NAMA Comments A18 Scoping.pdf](#)

Please see the attached comments regarding scoping comments to the proposed Groundfish Amendment 18.

Thank you,
Brett Tolley

Brett Tolley
Community Organizer
Northwest Atlantic Marine Alliance
blog | facebook | youtube
donate | web site
718-570-2377

From: Emilie Litsinger <ELitsinger@edf.org>
To: Groundfish.Amendment18@noaa.gov <Groundfish.Amendment18@noaa.gov>
Subject: Groundfish Amendment 18 scoping comments
Date: 04/30/2012 3:00:58 PM

Attachment N1: [EDF A18 Scoping Comments.pdf](#)

Hello-

Please find EDF's comments on groundfish Amendment 18 attached.

Thanks,

Emilie

Emilie Litsinger
Groundfish Project Manager, Oceans

Environmental Defense Fund
18 Tremont Street, Suite 850
Boston, MA 01915
T 617-406-1823
C 617-756-2972

elitsinger@edf.org<<mailto:email@edf.org>>
blogs.edf.org/edfish

This e-mail and any attachments may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal.

From: Katharine Deuel <KDeuel@pewtrusts.org>
To: Groundfish.Amendment18@noaa.gov <Groundfish.Amendment18@noaa.gov>
Subject: Comment from Pew Environment Group on Amendment 18
Date: 04/30/2012 2:42:44 PM

Attachment N1: [2012_04_24_PEG_A18_scoping.pdf](#)

Attached please find a written comment from Peter Baker of the Pew Environment Group in response to the Notice of Intent to Prepare an Environmental Impact Statement for Groundfish Amendment 18.

Best regards,

Katharine Deuel
Northeast Fisheries Program
Pew Environment Group | The Pew Charitable Trusts
59 Temple Place, Suite 1114 | Boston, MA 02111
p: 617.728.0300 | e: kdeuel@pewtrusts.org<<mailto:kdeuel@pewtrusts.org>>
www.newenglandfishing.org | www.herringalliance.org
Twitter: [herringalliance](http://twitter.com/herringalliance)<<http://twitter.com/herringalliance>>

From: Geoffrey Smith <geoffrey_smith@TNC.ORG>
To: Groundfish.Amendment18@noaa.gov <Groundfish.Amendment18@noaa.gov>
Subject: Groundfish Amendment 18 scoping comments (TNC)
Date: 04/30/2012 1:38:45 PM

Attachment N1: TNC Comments A-18 Scoping comments FINAL_docx.doc

Please confirm receipt via e-mail

Geoffrey S. Smith
Marine Program Director

geoffrey_smith@tnc.org<mailto:geoffrey_smith@tnc.org>
(207) 373-5219 (Phone)
(207) 729-4118 (Fax)

nature.org<<http://nature.org/>>

The Nature Conservancy
in Maine
14 Maine Street
Suite 401
Brunswick, ME 04011

From: Josh Miller <jmiller10000@hotmail.com>
To: <groundfish.amendment18@noaa.gov>
Subject: comments on amendment 18 to NE multispecies FMP
Date: 04/29/2012 9:14:42 PM

To the NEFMC, I would like to express my support of accumulation caps for the NE multispecies FMP. Without accumulation caps, excessive shares may be accumulated, and this can lead to market control and price fixing. Excessive shares would also likely significantly diminish fleet diversity, both geographically and pertaining to vessel size. Market forces alone are not enough to ensure fleet diversity as a large multinational corporation can afford to take a long view on an investment in catch shares, seeing that more shares equals more control of supply and thus more control of market prices, while a sole proprietor/owner/operator most likely needs to worry about just keeping what he or she has, making the next trip profitable, and putting food on the table for family. Fleet characteristics need to be considered in this as well. There needs to be both a healthy large boat-offshore fleet, and a healthy small boat-inshore fleet. It pains me to say that I am in favor of differentiating between the two, and there needs to be some consideration given to an "inshore/offshore" boundary line. Although I have many other suggestions on how to maintain fleet diversity, I am trying to keep this comment short and to the point. In closing let me ask the NEFMC a question. When the decision was made to transition to catch shares as the management philosophy for the Northeast, was the prevailing reason to try and at least keep what we have left of the fleet in place (as opposed to pushing the rest of the small time guys into selling out)? If yes, then accumulation caps must be put in place to try and at least keep what remains of the Northeast groundfish fleet, intact.

Thank You

Josh Miller Tenants Harbor, Maine

From: Ben Martens <ben@midcoastfishermen.org>
To: groundfish.amendment18@noaa.gov
Subject: A18 Scoping Comments
Date: 04/29/2012 5:09:07 PM

Attachment N1: [MCFA A18 Scoping Comments.pdf](#)

Please see the attached document for MCFA scoping comments.

thanks you

--

Ben Martens
MCFA Executive Director & PCS Sector Manager
Phone: 207-619-1755
Fax: (866) 876-3564

Find us on *Facebook<<http://www.facebook.com/MaineCoastFishermensAssociation>>
*

From: Richard Allen <rballen63@gmail.com>
To: <Groundfish.Amendment18@noaa.gov>
Subject: Groundfish Amendment 18 Scoping Comments
Date: 04/26/2012 2:50:12 PM

Attachment N1: [History and fleet diversity for submission.pdf](#)

To Whom It May Concern:

I am submitting my comments on potential fleet diversity measures in the form of the attached history of the New England groundfish fishery, researched and written to address commonly expressed concerns about potential changes in the groundfish fleet and industry. This brief history covers the following topics:

- . Inshore and Offshore Fleets
- . Fishing Ports
- . Gear Types
- . Owners & Captains
- . Crew Considerations
- . Fishing Grounds
- . Species Mix
- . Protection and Encouragement of the Fishing Industry

I began the compilation of this history of the groundfish fishery out of frustration arising from repeated public testimony regarding fleet structure and ownership patterns that conflict with my knowledge of the fishery. I wanted to learn more about the history of the fishery and make sure that my perceptions were supported by the factual record before I offered my comments on Amendment 18. What I learned was that the groundfish fishery has undergone almost continual evolution since the first Europeans established summer drying stations along the Maine coast in the early 1600s. I was amazed at the in-depth research that has been done on the region's fishing industry and fishing families.

I was not surprised to come to the conclusion that if fleet diversity measures had been enacted at any previous point in time, the groundfish fleet that we know today would not exist. Every one of the issues listed above has seen major multiple changes over time. The history of the groundfish fleet is fascinating in part because some of the developments that we have seen in recent years have been repeated in one form or another many times over.

I hope that those who might consider rules to freeze the fleet in time will

consider the lessons of history. Changing circumstances required the fleet to adapt in the past and will continue to do so in the future. Attempts to protect certain segments of the fleet or geographical areas are just as likely to trap them in untenable economic positions.

Thank you for your consideration of my views and of the historical record that I have compiled.

Sincerely,

Richard B. Allen

145 High St. # A

Westerly, RI 02891

From: Robert Odlin <rodlin1@maine.rr.com>
To: groundfish.amendment18@noaa.gov <groundfish.amendment18@noaa.gov>
Subject: No subject
Date: 04/22/2012 8:39:09 AM

Help save 1000 jobs keep small boat fleet and infrastructure

Re allocate quota more fairly
Use length HP and DAS

Sent from my iPhone

From: Robert Odlin <rodlin1@maine.rr.com>
To: groundfish.amendment18@noaa.gov <groundfish.amendment18@noaa.gov>
Subject: Need diverse fleet
Date: 04/22/2012 8:38:02 AM

Quota not awarded fairly

Re distribute the quota
Us baseline criteria for leasing!!!!

Sent from my iPhone

From: tom kelly <ajmarineinc@yahoo.com>
To: groundfish.amendment18@noaa.gov <groundfish.amendment18@noaa.gov>
Subject: Groundfish Amendment 18 scoping comments
Date: 03/06/2012 6:45:53 PM

Attachment N1: 2-28 letter.docx

Please see attached letter regarding Amendment 18.

Thank you,

Thomas P. Kelly
A.J. Marine, Inc.
32 Clinton St.
Portland, ME 04103
USA
888-886-5400(toll free)
207-775-9835(office)
207-879-0007(fax)
207-671-8984(cell)
ajmarineinc@yahoo.com

From: Meredith McCarthy <mmccarthy@fwwatch.org>
To: groundfish.amendment18@noaa.gov
Subject: Groundfish Amendment 18 scoping comments
Date: 03/01/2012 5:51:08 PM

Attachment N1: [Food and Water Watch - Comments on NE accumulation limits March 2012.pdf](#)

Please see the attached comments on Amendment 18 from Food & Water Watch.
Thank you for the opportunity to comment.

Sincerely,
Meredith McCarthy

From: Emily Becker <emily@foodsecurity.org>
To: <groundfish.amendment18@noaa.gov>
Subject: Groundfish Amendment 18 Scoping Comments
Date: 03/01/2012 2:34:42 PM

To the New England Fisheries Management Council,

I oppose the no-action alternative option under A18 because the loss of fleet diversity is a major problem facing the New England fleet. Loss of fleet diversity affects me because my family lives on Cape Cod. I see consolidation as a problem because we care about where our food comes from and prefer to buy fish from owner-operators. We also want to preserve jobs and supporting our local fishermen.

A range of actions can be implemented that can address alternatives B-F. I recommend that Amendment 18 include measures to achieve the following goals related to fleet diversity: Prevent heavy concentration of fishing effort around inshore areas.

1. Foster an affordable fishery through incentive programs and leasing policies that do not disproportionately impact portions of the fleet including owner-operators, independently owned businesses, and potential new entrants.
2. entrants.
3. Limit the concentration of quota for any one entity.

Thank you,
Emily Becker

--

Emily Becker
Membership Coordinator & Conference Planner
Community Food Security Coalition
503-954 - 2970 ext 202 (o)
503-954-2959 (f)

3830 SE Division St
Portland, OR 97202
www.foodsecurity.org

From: Michelle Mascarenhas-Swan <michellems3@gmail.com>
To: groundfish.amendment18@noaa.gov
Subject: Groundfish Amendment 18 Scoping Comments
Date: 03/01/2012 2:10:19 PM

To the New England Fisheries Management Council,

I oppose the no-action alternative option under A18 because the loss of fleet diversity is a major problem facing the New England fleet. Loss of fleet diversity affects me because I eat fish and I care where the food my family eats comes from. I see consolidation as a problem because it reduces our resilience, which in a time of climate change, increases rather than decreases our risk.

A range of actions can be implemented that can address alternatives B-F. I recommend that Amendment 18 include measures to achieve the following goals related to fleet diversity:

1. Prevent heavy concentration of fishing effort around inshore areas.
2. Foster an affordable fishery through incentive programs and leasing policies that do not disproportionately impact portions of the fleet including owner-operators, independently owned businesses, and potential new entrants.
3. Limit the concentration of quota for any one entity.

I also recommend that the Council explore the following potential solutions in order to achieve the goals:

- Establish mechanisms to keep offshore boats offshore for example restrictions from fishing in multiple broad stock areas.
- Establish quota set-aside programs to reward sectors that are able to meet certain benchmarks in order to promote fleet diversity.
- Incentivize fishermen who are primarily owner-operators.
- Establish policies that ensure quota is fished by fishermen and not used solely as an investment tool.
- Dis-incentivize fishermen who decide to lease 100% of their quota.
- Establish leasing and permit trading constraints that maintain affordability for smaller fishing operations and new entrants.
- Establish leasing and permit trading rules that prevent consolidation into larger fishing operations.
- Set PSC accumulation caps -e.g. somewhere between 2-5% for each species for any one entity.

Thank you,

Michelle Mascarenhas-Swan

Berkeley, CA 94703

From: Lorrie Clevenger <lorrieclevenger@gmail.com>
To: groundfish.amendment18@noaa.gov
Subject: Groundfish Amendment 18 Scoping Comments
Date: 03/01/2012 12:43:37 PM

To the New England Fisheries Management Council,

I oppose the no-action alternative option under A18 because the loss of fleet diversity is a major problem facing the New England fleet. Loss of fleet diversity affects me because I live in a coastal community, I eat fish, and I care where my food comes from. I see consolidation as a problem because fleet consolidation, unaffordable access to the fishery, and a heavy concentration of inshore fishing effort by offshore boats are major threats to the future of New England's diverse ground fish fishery and rebuilding efforts. Following one year of 'Sector Management':

- The largest boats' landings increased by nearly 10%
- The smallest boats decreased landings by over 50%
- 165 crew jobs were lost
- Three entities control nearly 40% of the allowable catch for one fish stock (GB winter flounder)
- Concentration of fishing capacity increased around inshore areas like Stellwagen Bank
- Significant misreporting occurred of catch between broad stock areas

A range of actions can be implemented that can address alternatives B-F. I recommend that Amendment 18 include measures to achieve the following goals related to fleet diversity:

1. Prevent heavy concentration of fishing effort around inshore areas.
2. Foster an affordable fishery through incentive programs and leasing policies that do not disproportionately impact portions of the fleet including owner-operators, independently owned businesses, and potential new entrants.
3. Limit the concentration of quota for any one entity.

I also recommend that the Council explore the following potential solutions in order to achieve the goals:

- Establish mechanisms to keep offshore boats offshore for example restrictions from fishing in multiple broad stock areas. (1)
- Establish quota set-aside programs to reward sectors that are able to meet certain benchmarks in order to promote fleet diversity. (2)
- Incentivize fishermen who are primarily owner-operators. (2)
- Establish policies that ensure quota is fished by fishermen and not used solely as an investment tool. (2)
- Dis-incentivize fishermen who decide to lease 100% of their quota. (2)

- Establish leasing and permit trading constraints that maintain affordability for smaller fishing operations and new entrants. (2)

- Establish leasing and permit trading rules that prevent consolidation into larger fishing operations. (2)

- Set PSC accumulation caps -e.g. somewhere between 2-5% for each species for any one entity. (3)

Thank you,

Lorrie Clevenger

From: Michelle Gottlieb <mbgottlieb@comcast.net>
To: groundfish.amendment18@noaa.gov
Subject: Groundfish Amendment 18 Scoping Comments
Date: 03/01/2012 10:34:33 AM

To the New England Fisheries Management Council,

We, Health Care Without Harm's Healthy Food in Healthcare Programs, oppose the no-action alternative option under A18 because the loss of fleet diversity is a major problem facing the New England fleet. Loss of fleet diversity affects the network of hospitals we work with, who are engaged in efforts to purchase local and sustainable seafood. The healthcare sector understands that a diverse and local fleet is essential to implement this goal. Hospitals across the region have signed a Pledge to serve healthy and sustainable foods to their patients, and many of them recently gathered in Gloucester, MA to hear directly from fisherman about the challenges they face. Some of these hospitals are now exploring how they can purchase seafood through Community Supported Fisheries. Fleet consolidation and concentration of the rights to fish will undermine the efforts of the healthcare sector to support local fishing communities.

HCWH's mission is to transform the health care sector worldwide, without compromising patient safety or care, so that it is ecologically sustainable and no longer a source of harm to public health and the environment.

From: Robert Odlin <rodlinl@maine.rr.com>
To: groundfish.amendment18@noaa.gov <groundfish.amendment18@noaa.gov>
Subject: Groundfish ammendment scoping comments
Date: 03/01/2012 4:47:49 AM

Hello

I am a lifelong commercial fishermen

Please allow me to fish
Catch shares are horrible

The quota was not divided fairly

I'm an owner operator, single boat single
Permit.... It's almost possible to make it under catch shares

Do not allow 100% leasing

Do not allow quota allocation to be determined by 100% history
Factor in baseline and DAS

Bring back baseline criteria for leasing!!! This will make a diverse
fleet

Do not open closed areas
If anything do not allow sport fishing to be continue in closed areas

Thank you for reading my comments

Rob Odlin

Sent from my iPhone

From: bg brown <wgbvbrown@yahoo.com>
To: Groundfish.Amendment18@noaa.gov <Groundfish.Amendment18@noaa.gov>
Subject: amendment 18 comments
Date: 02/29/2012 11:09:03 PM

To Whom It May Concern,

>
>

> My name is BG Brown. I am a second generation fisherman out of Gloucester. I currently own and operate a 31' gillnet/longline boat. I am 40 years old, yet I'm considered one of the younger captains on the water today.

Unfortunately for me, even though I have been fishing my whole life, I didn't buy my own boat and permit until 2004 and it took a few years of learning and building up my business (ie. buying gear and altering my boat) to really be successful. Needless to say, I did not really have any of my own landings on my one and only permit. My future in the business was determined by someone else's ability to catch fish, yet I'm scared to fight for a reallocation for fear of an even worse allocation. My choices were to either sell out or reinvest, and of course I am a stubborn fisherman who loves what he does so I chose to buy my father out at a fair market value which was 3 times what he had paid for his permit. I

stretched myself thin but the cod stocks were thriving at the time, it did not seem like too much of a gamble.

> Well, my biggest fear came true, the big offshore boats had a field day fishing inshore again as they did in the 1970's and 1990's. All the stock rebuilding from the catch limits and 2:1 DAS counting the many inshore boats suffered through from the mid 1990's to 2010 benefitted the few offshore boats that caused the stock depletion in the first place. Ten years of rebuilding down the drain in a year and a half of this new catch share system. If something doesn't change for the next fishing year to keep these offshore boats for pounding the inshore waters there will be not inshore fleet anymore and therefore no fleet diversity. It is really no surprise it happened in every other catch share managed fishery around the world.

> It shocks me that NMFS would let this happen. The catch share system as it is now is not good for the stocks or the majority of the fleet. The technology these days is far too great. I don't see how our diverse ecosystem can be managed with strictly CPUE in mind. There needs to be a certain degree of inefficiency in the fishery to allow some fish to survive and repopulate.

This December when the spawning cod should be hard to get away from, you could hardly find any at all in their traditional spawning grounds (this to me gives me no hope for the future). The further into the catch share system we go the harder it is to find any fish at all.

> I don't have the answer that would make every fisherman out there happy, but there has to be better way to protect the stocks and the diversity of our fleet. I don't think that any fisherman out there would argue that under the DAS system with catch limits both the GOM yellowtail flounder and GOM cod make a remarkable recovery. I don't believe that hard catch limits are the answer, but why couldn't we have target limits with penalties for multiple violations or something in place to limit how much fish is taken out of the ocean at a time by any one individual. The fish market is so volatile these days that if one boat lands over 20,000lbs of fish at a time the prices for everyone crash. We can not afford anything less than top dollar for the limited amount of fish we can land.

> We need to learn from our mistakes we made in the 70's and 90's and not repeat them.

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Thank You,

BG Brown

From: Shannon Eldredge <shaneldredge@gmail.com>
To: groundfish.amendment18@noaa.gov
Subject: Groundfish A18 Scoping Comments
Date: 02/29/2012 1:51:44 PM

To the New England Fisheries Management Council,

Fleet diversity is an absolute must in order to sustain the fishing communities that fuel the economy of New England. I oppose no-action under A18 because of this reason. If the fleet continues toward a path of consolidation, JOBS will be LOST, infrastructure will fall giving way to coastal ghost towns, shore-side support industries will be negatively impacted (including marine service businesses, boat builders, ice making companies, rope & net suppliers), and a secure food system of local fish to its community will be essentially ERASED.

I care because I am an educator, teaching the importance of marine trades, small-boat sustainable fisheries, and bio-diversity in our oceans to children on Cape Cod.

I care because I live in a fishing village, and my family owns & operates an off-loading facility that has seen a dramatic decline in activity over the last decade.

I care because I fished my way through college, and want children growing up in my community to have the opportunity to do the same, if not own a boat & permits to make a living from the sea, and provide for their own families as they grow & mature.

I care because I EAT FISH that is caught by my hard-working friends, family and neighbors. Who these people are matters.

I recommend the council take into consideration the great number of people that will be affected by a few decision-makers--YOUR decisions. I recommend the council weigh the impacts on future generations in coastal communities. I recommend the council think about WHO caught the fish that lands on your dinner plate, in your community market.

When you make these decisions, picture in your mind what my community of Chatham, or Hyannis & Barnstable would look like if the fleet became increasingly consolidated. Include fleet diversity in A18 in order to prevent a wide-spread community economic depression across the New England coastline.

Thank you,
Shannon Eldredge
Co-Proprietor: Cape Cod Community Supported Fishery
Family weir business: Chatham Fisheries, Inc.
Educator: Cape Cod Maritime Museum
Board Member: NAMA & Women of Fishing Families

--

Shannon Eldredge
508-958-6580

From: Joan O'Leary <joleary@NEFMC.ORG>
To: 'Groundfish.Amendment18@noaa.gov' <Groundfish.Amendment18@noaa.gov>
Subject: Test
Date: 02/29/2012 1:08:59 PM

Attachment N1: [image001.jpg](#)

Joan O'Leary
New England Fishery Management Council
50 Water Street, Mill #2
Newburyport, MA 01950
978/465-0492 Ext. 101
[Description: clip_image002_0003]

From: Jessica Powers <Jessica@whyhunger.org>
To: groundfish.amendment18@noaa.gov <groundfish.amendment18@noaa.gov>
Subject: Groundfish Amendment 18 Scoping Comments
Date: 02/29/2012 12:39:09 PM

To the New England Fisheries Management Council,

I oppose the no-action alternative option under A18 because the loss of fleet diversity is a major problem facing the New England fleet.

My grandfather was an independent fisherman, and as he watched stocks deplete off the coast of Long Island, he emphasized that accumulation caps and dis-incentivizing large operations are necessary steps in order for the ocean to replenish itself. As a former chef and lover of fish, I believe that uncontrolled consolidation is a huge problem that will result in our having even fewer options to enjoy fish in the near future. Please support the Northwest Atlantic Marine Alliance's stewardship recommendations.
Best regards,

Jessica

Jessica Powers
National Hunger Clearinghouse Director
WhyHunger
505 Eighth Avenue, Suite 2100
New York, NY 10018
direct: 212.629.3121
fax: 212.465.9274
www.whyhunger.org<<http://www.whyhunger.org/>>

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From: Tristan Quinn-Thibodeau <tristan@whyhunger.org>
To: groundfish.amendment18@noaa.gov <groundfish.amendment18@noaa.gov>
Subject: Groundfish Amendment 18 Scoping Comments
Date: 02/29/2012 12:30:50 PM

To the New England Fisheries Management Council,

I oppose the no-action alternative option under A18 because the loss of fleet diversity is a major problem facing the New England fleet. Loss of fleet diversity affects me because I grew up along the coast of Southern Maine, and I do not want to lose more of the already small fishing industry in the seacoast area. My town, York, Maine, has taken great lengths to preserve the local farming tradition, and I do not want to see the local fishermen put out of business because fishing regulations are out of my town's jurisdiction.

I see consolidation as a problem because, in general, local economies keep wealth in communities and ensure that our neighbors prosper along with us. Local businesses are also better stewards of our natural resources than large, consolidated conglomerates. Finally, coastal communities are healthier and stronger when there are a diversity of careers and role models for young people; further consolidation in the fishing industry would make becoming a fisherman impossible and shrink job possibilities for many young people.

A range of actions can be implemented that can address alternatives B-F. I recommend that Amendment 18 include measures to achieve the following goals related to fleet diversity:

1. Prevent heavy concentration of fishing effort around inshore areas.
2. Foster an affordable fishery through incentive programs and leasing policies that do not disproportionately impact portions of the fleet including owner-operators, independently owned businesses, and potential new entrants.
3. Limit the concentration of quota for any one entity.

I also recommend that the Council explore the following potential solutions in order to achieve the goals:

- * Establish mechanisms to keep offshore boats offshore for example restrictions from fishing in multiple broad stock areas. (1)
- * Establish quota set-aside programs to reward sectors that are able to meet certain benchmarks in order to promote fleet diversity. (2)
- * Incentivize fishermen who are primarily owner-operators. (2)
- * Establish policies that ensure quota is fished by fishermen and not used solely as an investment tool. (2)
- * Dis-incentivize fishermen who decide to lease 100% of their quota. (2)
- * Establish leasing and permit trading constraints that maintain affordability for smaller fishing operations and new entrants. (2)
- * Establish leasing and permit trading rules that prevent consolidation into larger fishing operations. (2)

* Set PSC accumulation caps -e.g. somewhere between 2-5% for each species for any one entity. (3)

Thank you,

Tristan Quinn-Thibodeau
Outreach and Partnerships Coordinator
Global Movements Program, WhyHunger
505 Eighth Avenue, Suite 2100
New York, NY 10018
Tel: 646-380-1162
Fax: 212-465-9274
www.whyhunger.org

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From: Ceci King <ceciking23@gmail.com>
To: groundfish.amendment18@noaa.gov
Subject: Stated opposition to Amendment 18
Date: 02/29/2012 6:43:38 AM

Attachment N1: To the New England Fisheries Management Council.doc

Please read my attached statement of opposition to Amendment 18 and proposed alternative solutions.

--

Each one, teach one.
Make it a good day,
[image: Smileys] <<http://www.freemileys.org/>>
C. L. Charles-King (Ceci)
Voices of African Mothers (VAM), NY Rep
Community Food Projects, Consultant
INTACT, CDC., Project Dir.
Rio+20 UN Women's Major Group Steering Committee

"Whatever befalls the earth, befalls the people of the earth. Man did not weave the web of life; he is merely a strand in it." -Chief Seattle

If your vision is for one year, plant rice~
If your vision is for 10 years, plant trees~
But if your vision is for 100 years, educate children."
African proverb

Think of possibilities.

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From: Marc S. <ijigcod@mindspring.com>
To: <Groundfish.Amendment18@noaa.gov>
Subject: Groundfish Amendment 18 Scoping Comments RIN 0648-BB69
Date: 02/29/2012 12:09:40 AM

Attachment N1: NORTHEAST HOOK FISHERMANS AMENDMENT 18 HANDGEAR PROPOSAL.pdf

Dear NEFMC,

The Northeast Hook Fisherman's Association (NEHFA) is pleased to submit the attached proposal for consideration to be included in Amendment 18. The members of the NEHFA believe this proposal will restore a traditional handgear fishery. Our proposal fits in well with one of the key components of Amendment 18 with regard to preserving fleet diversity.

Marc Stettner

NEHFA

91 Fairview Avenue

Portsmouth NH 03801

From: Kathleen M Reside <kreside@friars.providence.edu>
To: groundfish.amendment18@noaa.gov <groundfish.amendment18@noaa.gov>
Subject: Groundfish Amendment 18 Scoping Comments
Date: 02/28/2012 4:09:42 PM

To the New England Fisheries Management Council,

I oppose the no-action alternative option under A18 because the loss of fleet diversity is a major problem facing the New England fleet. Loss of fleet diversity affects me because I care where my food comes from. I see consolidation as a problem.

A range of actions can be implemented that can address alternatives B-F. I recommend that Amendment 18 include measures to achieve the following goals related to fleet diversity:

1. Prevent heavy concentration of fishing effort around inshore areas.
2. Foster an affordable fishery through incentive programs and leasing policies that do not disproportionately impact portions of the fleet including owner-operators, independently owned businesses, and potential new entrants.
3. Limit the concentration of quota for any one entity.

I also recommend that the Council explore the following potential solutions in order to achieve the goals:

- * Establish mechanisms to keep offshore boats offshore for example restrictions from fishing in multiple broad stock areas. (1)
- * Establish quota set-aside programs to reward sectors that are able to meet certain benchmarks in order to promote fleet diversity. (2)
- * Incentivize fishermen who are primarily owner-operators. (2)
- * Establish policies that ensure quota is fished by fishermen and not used solely as an investment tool. (2)
- * Dis-incentivize fishermen who decide to lease 100% of their quota. (2)
- * Establish leasing and permit trading constraints that maintain affordability for smaller fishing operations and new entrants. (2)
- * Establish leasing and permit trading rules that prevent consolidation into larger fishing operations. (2)
- * Set PSC accumulation caps -e.g. somewhere between 2-5% for each species for any one entity. (3)

Thank you,

Kathleen Reside

From: Joe Grafton <somervillelocalfirst@gmail.com>
To: groundfish.amendment18@noaa.gov
Subject: Comment on Amendment 18
Date: 02/28/2012 2:14:09 PM

To the New England Fisheries Management Council,

I oppose the no-action alternative option under A18 because the loss of fleet diversity is a major problem facing the New England fleet. Loss of fleet diversity affects me because, as an advocate for strong and sustainable local economies, I believe that our local fisherman should be supported, not squashed. I see consolidation as a problem, the results of which benefit only large scale fisheries and leave New Englander's struggling to survive.

A range of actions can be implemented that can address alternatives B-F. NAMA has developed a strong series of alternatives which I implore you to evaluate and implement.

Thank you,
Joe Grafton

*Joe Grafton
Executive Director
(617) 682-0763
**somervillelocalfirst.org <<http://www.somervillelocalfirst.org>>
Conference Line // Access Code (Long distance may apply)
1 (218) 862-6420 // 9772719#
21 Properzi Way, Suite O Somerville MA 02143*
Connect [image: Facebook]
<<http://www.facebook.com/somervillelocalfirst>> [image:
Twitter] <<http://www.twitter.com/Local1st>>
Latest SLF blog post: Local is a Two-Way
Street<<http://www.somervillelocalfirst.org/2012/02/local-is-a-two-way-street/>>

From: Gmail <susanogilpin@gmail.com>
To: groundfish.amendment18@noaa.gov <groundfish.amendment18@noaa.gov>
Subject: Fleet diversity
Date: 02/28/2012 12:20:35 PM

I am writing to encourage you to do everything you can to maintain diversity in our fishing fleet. A shrimp fisherman came and talked to a group at our church in Cumberland which is studying the sources of food. One thing we learned is the importance of fishing to our neighbors. Also we learned that local food tends to be healthier and more sustainable. Now our church is starting a CSA. Some day we would like to include local meat and fish. We need fleet diversity to make this work.
Thank you.
Susan Gilpin, 18 Heron Point Rd., Falmouth ME 04105

From Susan. Sent from my iPhone

From: anitaccmaui@aol.com
To: groundfish.amendment18@noaa.gov
Subject: Groundfish Amendment 18 Scoping Comments
Date: 02/28/2012 11:54:15 AM

To the New England Fisheries Management Council,

I oppose the no-action alternative option under A18 because the loss of fleet diversity is a major problem facing the New England fleet. Loss of fleet diversity affects me because my family are fishermen, I live in a coastal community, I eat fish, I care where my food comes from. I see consolidation as a problem because

165 crew jobs were lost

Three entities control nearly 40% of the allowable catch for one fish stock (GB winter flounder)

165 crew jobs were lost

Three entities control nearly 40% of the allowable catch for one fish stock (GB winter flounder)

A range of actions can be implemented that can address alternatives B-F. I recommend that Amendment 18 include measures to achieve the following goals related to fleet diversity: Foster an affordable fishery through incentive programs and leasing policies that do not disproportionately impact portions of the fleet including owner-operators, independently owned businesses, and potential new entrants.

I also recommend that the Council explore the following potential solutions in order to achieve the goals: Establish leasing and permit trading constraints that maintain affordability for smaller fishing operations and new entrants.

Thank you,

Anita Regan
7 Wamponoag Dr
Fairhaven, MA

From: Jlinc1000@aol.com
To: groundfish.amendment18@noaa.gov
Subject: Groundfish Amendment 18
Date: 02/28/2012 10:01:56 AM

Attachment N1: [Amendment18.doc](#)

Paul sorry if you got this 3 times i was typing in the wrong address and wasn't sure if they would get to you either without getting to NOAA. Terry

From: MICHAEL PRATT <michaelpratt1@verizon.net>
To: <groundfish.amendment18@noaa.gov>
Subject: Groundfish Amendment 18 Scoping Comments
Date: 02/28/2012 8:46:34 AM

Attachment N1: Mikemeeting2.doc

2/28/12

Please see the comments below. The comments are also attached to this email.

My name is Michael Pratt. I am a Hook Fisherman from Green Harbor. I would like to share a few major concerns that I have relating to how catch shares have already caused an excessive amount of Fleet consolidation.

New problems the small inshore Fleet, like myself, are being faced with are the large 100 foot plus boats working day and night in spots once made up of small day draggers in the thirty to fifty foot range.

Another problem is another Fleet of boats that has already exploited their local resource are being able to just lease their way into the Gulf of Maine and continue their unsustainable Fishing practices.

The area I have historically fished is now experiencing what I believe to be at least double the fishing effort that it can withstand.

Without some immediate emergency intervention from National Marine Fisheries, it may be too late.

Even as we sit here today, a basically uncontrolled, unsustainable fishery is taking place on a resource that local fisherman have worked in vain for over a decade to restore.

One example of how consolidation is affecting this area is that this new fleet of large offshore boats has been allowed to come in and harvest so much of the local resource- that some small boat fisherman have been unable to catch their quota and opted to lease it out. Most of this quota is getting leased to the bigger boats.

This strategy of attack and exploit the resource- and then buy out the struggling day boat, is quickly paving the road to a big boat only fishery.

The Massachusetts south shore -and especially sector 10, due to such low quota allocations can not survive the effects of consolidation much longer.

One idea the council needs to consider is dividing the Gulf of Maine Cod Population into eastern and western areas. This would effectively put big boat effort back where it belongs while allowing for a sustainable inshore fishery to continue on for small boat businesses.

To compliment this - I believe it would be necessary to implement a baseline leasing restriction on Gulf of Maine and Georges Bank cod only. Such restrictions would prevent large vessels from buying up small vessels quota and vice-versa, resulting in a diversified fleet.

This would also help eliminate the problems of the new fleet of small boats leasing their way into the Gulf of Maine fishery by trading quota with larger vessels.

With these restrictions in place, much of the burden soon to be caused from the new cod stock assessment could be lightened.

Another benefit of these requirements would also help new entrants in the small boat fishery by allowing more affordable quota.

Currently, small boats relying on cod only, can not afford to purchase quota due to the fact that larger vessels landing several valuable species will pay a premium to ensure they have enough cod ace to harvest their other species.

I will end by thanking you for holding these scoping meetings and ask that great weight be added to what you have heard. This community has suffered and is suffering the most under past and current fisheries management plans. Any further consolidation will certainly be the end.

Thank you for your time.

Michael Pratt

F/V PERFECT C's

F/V Lisa Marie

781-760-0718

michaelprattl@verizon.net

From: Nicola Williams <nicola@thewilliamsagency.net>
To: groundfish.amendment18@noaa.gov
Subject: Groundfish Amendment 18 Scoping Comments.
Date: 02/28/2012 8:23:17 AM

To the New England Fisheries Management Council,

I oppose the no-action alternative option under A18 because the loss of fleet diversity is a major problem facing the New England fleet. Loss of fleet diversity affects me because I eat fish, I care where my food comes from and I believe in sustainable fishing. As a supporter of local businesses, I see consolidation as a problem because we need affordable fishery through incentive programs and leasing policies that do not disproportionately impact portions of the fleet including owner-operators, independently owned businesses, and potential new entrants. It is imperative that we support a diverse and local fleet for sustaining local jobs and economies.

A range of actions can be implemented that can address alternatives B-F. I recommend that Amendment 18 include measures to achieve the following goals related to fleet diversity:

1. Prevent heavy concentration of fishing effort around inshore areas.
2. Foster an affordable fishery through incentive programs and leasing policies that do not disproportionately impact portions of the fleet including owner-operators, independently owned businesses, and potential new entrants.
3. Limit the concentration of quota for any one entity.

I also recommend that the Council explore the following potential solutions in order to achieve the goals:

- Establish mechanisms to keep offshore boats offshore for example restrictions from fishing in multiple broad stock areas.
- Establish quota set-aside programs to reward sectors that are able to meet certain benchmarks in order to promote fleet diversity.
- Incentivize fishermen who are primarily owner-operators.
- Establish policies that ensure quota is fished by fishermen and not used solely as an investment tool.
- Dis-incentivize fishermen who decide to lease 100% of their quota.
- Establish leasing and permit trading constraints that maintain affordability for smaller fishing operations and new entrants.
- Establish leasing and permit trading rules that prevent consolidation into larger fishing operations.

- Set PSC accumulation caps -e.g. somewhere between 2-5% for each species for any one entity.

Thank you,
Nicola Williams
Board Member. Sustainable Business Network of Greater Boston

--

Nicola A. Williams
President
The Williams Agency
144-A Mount Auburn Street
Cambridge, MA 02138
USA
+1-617-395-7680 (USA)
(0) 208- 1506758 (UK)
www.thewilliamsagency.net
nicola@thewilliamsagency.net
LinkedIn:<http://www.linkedin.com/in/thewilliamsagency>
Tweet:@williamsagency

From: Matthew Young <matteogiacomoyoung@gmail.com>
To: groundfish.amendment18@noaa.gov
Subject: Groundfish Amendment
Date: 02/27/2012 9:09:36 PM

To the New England Fisheries Management Council,

I oppose the no-action alternative option under A18 because the loss of fleet diversity is a major problem facing the New England fleet. Loss of fleet diversity affects me because (ex: I am a fisherman, I live in a coastal, community, I eat fish, I care where my food comes from, etc.). I see consolidation as a problem because (add your thoughts)., A range of actions can be implemented that can address alternatives B-F. I recommend that Amendment 18 include measures to achieve the following goals related to fleet diversity: (include goals here), I also recommend that the Council explore the following potential solutions in order to achieve the goals:

- Establish mechanisms to keep offshore boats offshore for example restrictions from fishing in multiple broad stock areas.
- Establish quota set-aside programs to reward sectors that are able to meet certain benchmarks in order to promote fleet diversity.
- Incentivize fishermen who are primarily owner-operators.
- Establish policies that ensure quota is fished by fishermen and not used solely as an investment tool.
- Dis-incentivize fishermen who decide to lease 100% of their quota.
- Establish leasing and permit trading constraints that maintain affordability for smaller fishing operations and new entrants.
- Establish leasing and permit trading rules that prevent consolidation into larger fishing operations.
- Set PSC accumulation caps -e.g. somewhere between 2-5% for each species for any one entity.

Thank you,
Matthew "Mateo" Young

--

Matthew J. Young
Master's Candidate, M.S. Environmental Studies-Advocacy for Social Justice
and Sustainability
Antioch University-New England, Keene, N.H.
matteogiacomoyoung@gmail.com
myoung6@antioch.edu

(802)-272-6662 (Mobile Phone)

From: Food Chain Workers Alliance <info@foodchainworkers.org>
To: groundfish.amendment18@noaa.gov
Subject: Groundfish Amendment 18 Scoping Comments
Date: 02/27/2012 6:50:16 PM

To the New England Fisheries Management Council,

I am writing on behalf of the Food Chain Workers Alliance, a national coalition of organizations representing 160,000 workers throughout the food system. More than a third of our membership is in the greater New York area into New England.

I am writing to oppose the no-action alternative for Amendment 18 <<https://namanet.org/files/documents/A18%20scoping%20document.pdf>> and urge the Council to consider every reasonable alternative in order to protect fleet diversity because the loss of fleet diversity is a major problem facing the New England fleet. Loss of fleet diversity affects our membership because many of the workers live in coastal communities and we all care about where our food comes from. We see consolidation as a problem because, as we have seen in land-based agricultural systems, consolidation has led to fewer farmers, ecological devastation, lower quality and unsafe food, and exploitation of workers.

A range of actions can be implemented that can address alternatives B-F. I recommend that Amendment 18 include measures to achieve the following goals related to fleet diversity:

1. Prevent heavy concentration of fishing effort around inshore areas.
2. Foster an affordable fishery through incentive programs and leasing policies that do not disproportionately impact portions of the fleet including owner-operators, independently owned businesses, and potential new entrants.
3. Limit the concentration of quota for any one entity.

I also recommend that the Council explore the following potential solutions in order to achieve the goals:

- * Establish mechanisms to keep offshore boats offshore for example restrictions from fishing in multiple broad stock areas. (1)
- * Establish quota set-aside programs to reward sectors that are able to meet certain benchmarks in order to promote fleet diversity. (2)
- * Incentivize fishermen who are primarily owner-operators. (2)
- * Establish policies that ensure quota is fished by fishermen and not used solely as an investment tool. (2)
- * Dis-incentivize fishermen who decide to lease 100% of their quota. (2)
- * Establish leasing and permit trading constraints that maintain affordability for smaller fishing operations and new entrants. (2)
- * Establish leasing and permit trading rules that prevent consolidation into larger fishing operations. (2)

* Set PSC accumulation caps -e.g. somewhere between 2-5% for each species for any one entity. (3)

Thank you for your attention,

Joann Lo

Executive Director

Food Chain Workers Alliance

634 S. Spring St. #614

Los Angeles, CA 90014

EndFragment

From: Stephen Bartlett <sbartlett@ag-missions.org>
To: <groundfish.amendment18@noaa.gov>
Subject: Groundfish Amendment 18 Comment
Date: 02/27/2012 2:12:14 PM

To the New England Fisheries Management Council,

I oppose the no-action alternative option under A18 because it would lead to a loss of diversity in the fleet. This is a problem for many reasons but the most obvious one is fairness and equality of opportunity. People lose their jobs when unfair restrictions or an uneven playing field is imposed in their area of livelihood. Fishing should be a job that is done profitably by as many small scale fisherfolk as possible.

Loss of fleet diversity affects me because "loss of fleet diversity" is really a code for exclusion and concentration of the industry into fewer hands. Such economic inequality impacts on everyone. I have faith that organized small scale fisherfolk have the knowledge and motivation to protect their fisheries and not overfish them. Having the industry concentrated into fewer hands actually threatens rather than protects fisheries. As someone who loves to eat fish, this is also a threat to me and my family. Will my grandchildren have healthy, wild fish to eat? Possibly not if the industry continues to favor the large scale over the small scale, and massive overfishing continues.

I also agree with the following solutions for the council to explore!!

Stephen Bartlett

Farmer

Davenport, New York

SOLUTIONS FOR COUNCIL TO EXPLORE

- . Establish mechanisms to keep offshore boats offshore for example restrictions from fishing in multiple broad stock areas. (1)
- . Establish quota set-aside programs to reward sectors that are able to meet certain benchmarks in order to promote fleet diversity. (2)
- . Incentivize fishermen who are primarily owner-operators. (2)
- . Establish policies that ensure quota is fished by fishermen and not used solely as an investment tool. (2)
- . Dis-incentivize fishermen who decide to lease 100% of their quota. (2)
- . Establish leasing and permit trading constraints that maintain

affordability for smaller fishing operations and new entrants. (2)

. Establish leasing and permit trading rules that prevent consolidation into larger fishing operations. (2)

. Set PSC accumulation caps -e.g. somewhere between 2-5% for each species for any one entity. (3)

From: Wesley Brighton <wcbrighton@yahoo.com>
To: groundfish.amendment18@noaa.gov
Subject: Menemsha a small yet effective working harbor, please vote to ensure fleet diversity
Date: 02/27/2012 11:52:17 AM

I am writing to plead with you that you may take our owner operator fishing families into consideration when voting on amendment 18. We are a hard working community that has a long fishing history. We sustain ourselves by the water boundaries that surround us. Over the past years, our federal regulations have whittled us down to hardly a fraction of our access to the historical fisheries. Without access to capital, we are not able to buy back into the historical fisheries. We are unable to compete with the larger corporations that are speculating on the permits that remain and likewise have been stripped from us. We plead with you that a portion of these permits be designated "Owner Operator" thus the only fishermen that could compete for the permits would in fact actually be fishermen. This will ensure fare and balanced diversity in both fishing effort as well as fishing ports. Further, the folks that are on the boats fishing will maintain a stronger sense of stewardship because it will be them who's future's rely upon the success of the fisheries. Please vote to ensure fleet diversity. Wesley Brighton

From: Andy Burt <annedburt145@gmail.com>
To: groundfish.amendment18@noaa.gov
Subject: Groundfish Amendment 18
Date: 02/27/2012 11:10:20 AM

Attachment N1: [annedburt145.vcf](#)

To the New England Fisheries Management Council,

I am writing to oppose the no-action alternative for Amendment 18 <<https://namanet.org/files/documents/A18%20scoping%20document.pdf>> and urge the Council to consider every reasonable alternative in order to protect fleet diversity.

For more than a decade the Maine Council of Churches <<http://www.maineCouncilofchurches.org/>> has engaged congregations in environmental and economic justice projects that are designed to foster sustainable and resilient local communities. For the past six years that work has involved linking congregations to their local foods system, initially connecting the local congregations with nearby farms and farmers, and more recently with their neighbor fishermen. I would like to share a few stories about why fleet diversity is important to our local communities that are working to reclaim and revitalize their working waterfront and fishing traditions as they rebuild local markets for fresh-caught seafood and commit to more sustainable ways of fishing and eating.

In the winter of 2007, when fuel prices were out of sight and the Midcoast Fishermen's Association's <<http://www.midcoastfishermen.org/>> (MFA) small groundfish fleet had tied up, despite there being plenty of local shrimp to harvest, some of the fishermen approached a Rockland congregation about becoming a Community Supported Fishery <<http://www.localcatch.org/>> site. The congregation had a history of working with local farmers, having bought into Hatchet Cove Farm's Community-Supported Agriculture farm in its infancy and watched the number of shares bought by church members grow from 15 the first year to now over 200.

The church felt deep concerns about their community's working waterfront heritage and the alarming reports of declining fish stocks, a degrading ocean environment, and, as a result, disappearing small fishing fleets up and down the coast. So when MFA approached the church and said fishermen would need to sell church members 100 pounds of shrimp/week (10 shares at 10 pounds/share) to make the project viable, some members of the church stepped forward, timidly at first, and promised to meet the MFA requirement. Together they launched Maine's first CSF, which has grown to include whole groundfish, cut and filleted fish, and more. MFA members showed the church members, mostly neophytes when it came to cleaning fish and shrimp, how to process the seafood, store it, and even cook it! MFA, meanwhile, has opened a new fish processing plant in Port Clyde, and helped to meet Maine communities' appetite for locally caught fresh seafood by establishing several other similar sites in nearby communities. First Universalist members are deeply grateful for the fresh fish and seafood that comes to their doorstep every Sunday during the fishing seasons.

Rockland is not an isolated community and that is not the only story. Over the past year Maine Council of Churches <<http://www.maineCouncilofchurches.org/>> partnered with congregations in

Kennebunk, Topsham, and Bar Harbor to study the changing ocean environment, fishing management, and what those on the land could do to preserve their local fishing communities and the ocean's flora and fauna. A four-week study called "Fishes and Loaves" <http://www.maineCouncilofchurches.org/fishes> concluded with a community dinner featuring local seafood. In all three communities, the participating faith communities and local fishermen are now pursuing next steps to establish CSF's that will benefit both local fishermen and local consumers. We will continue these local studies/suppers in other communities like York, Cumberland, Lincoln, and most recently Washington county where we can anticipate similar results.

We are confident because in February 2009, with Maine Organic Farmers and Gardeners Association <http://www.mofga.org/>, we conducted a survey of the public at our annual CSA/CSF fairs in 12 communities and had enthusiastic responses from the local attendees to increase the amount and diversity of seafood that they could purchase locally, including interest in getting CSFs off the ground. We believe, with our partners, that we can help to galvanize that interest into sustainable markets that would support small and diverse local fishing fleets in communities where they have traditionally thrived.

However, the growing support for locally caught seafood must be matched by policies that support a diverse and local fleet. *Fleet consolidation and concentration of the rights to fish* <http://namanet.org/facts-fleet-consolidation> into fewer hands threatens our source of local seafood. These challenges require us to seek a bold new vision for caring for our food resources, their environment, and each other. We think that there is growing evidence that small, diverse and local food product (yes, how it was traditionally done) is the sensible approach. Small local farms and fleets, using methods that are least harmful to the ecosystems in which they produce food, can adapt more easily to fluctuations in climate and fish availability, and the relationships that have traditionally bonded us together as communities of farmers, fishermen, small businesses and churches can sustain us through the hard times.

Again, I urge you to please consider all available tools to protect fleet diversity.

Thank you,

Anne D. Burt

Environmental Justice Consultant

Maine Council of Churches
156 High Street
Portland, ME 04101
207-8-772-1918

From: lwill1582@aol.com
To: groundfish.amendment18@noaa.gov
Subject: fleet diversity
Date: 02/25/2012 10:21:15 AM

I have been an inshore groundfisherman for close to 40 years .The biggest problem i have seen in catch shares has been the effort of the offshore fleet come back inshore. This is nothing new to me .This will be the fourth time this has happened in my life Every time this has happened the stocks get severly depleted and harsher restrictions are put forward.To think we can do the same thing again and for some reason people think the result will be differant is complete foolishness.I remeber the last time when g.o.m. cod were 30 pounds per day .I lived through that and the offshore flee just went back to were they belong offshore.If we have learned nothing else from the past we know one thing for sure the inshore is not as resilient as some people think.If fleet diversity is truly something that noaa is interested in doing this problem has to be solved. Because if you continue down this path the inshore fleet in 2013 will super consolidate into the hands of the larger players in this industry and fleet diversity will be a mute point.Many inshore fisherman feel that noaa wants this to happen. Prove us wrong and correct this problem best regards Lou Williams f/v Pretty Girl

From: dougmaxfield@comcast.net
To: groundfish.amendment18@noaa.gov
Subject: Groundfish Amendment 18 Scoping Comments
Date: 02/24/2012 1:03:05 PM

To the New England Fisheries Management Council,

I understand that the council has an extremely full plate at the moment, but a no-action vote on A18 will only postpone actions that will inevitably be needed to save this industry. I oppose the no-action vote on A18 because fleet diversity will and is changing the historic New England groundfish fleet and its communities forever. The longer we wait to address these problems the harder they will be to fix. I have been working in the industry for 12 years as a stern-man and a captain and the dream of one day owning a fishing boat is becoming a pipe dream. I don't want a 100' boat. I don't want 2 million pounds of fish to catch. I want to do what fishermen have been doing for generations: work a small boat; employ one or two local people; support local infrastructure; supply the freshest product in a sustainable manner.

Consolidation, as we are seeing right now with GOM cod, will not solve the sustainability problems that sector management aimed to do. It's costing the industry jobs while depleting the fish populations at an alarming rate. And try as they might, no fisherman in the northeast believes that claiming the 2008 stock surveys were wrong is a valid explanation as to why our most recent stock survey was so dire.

As far as actions, there are many ideas floating around...and most of them seem to be focused on one issue: stop offshore boats from catching inshore fish. The GOM is just a thumbprint on the map of George's bank and cannot handle the fishing power that it is currently faced with. Many of these large vessels acquired their GOM allocations through the process of consolidation. It seems to me that this increase in inshore fishing power is not the goal of allocations in the first place. Some baseline requirements must be put in place to protect this fragile broad-stock area. Look at the successes of the past in the GOM.

Also, with the demand for allocation at an all-time high, prices are making it impossible for the next generation of fishermen to get their foot in the door. So much of this allocation has been tied up in various permit banks to be leased, why couldn't there be requirements for permit banks to return allocation to the fishermen's hands once the initial costs have been covered and a set profit made? This re-sale of allocation would be available to fishermen who meet a set list of requirements (i.e. Owner/operator; new entrant; etc.) and would allow the permit banks to continue to operate while giving fishermen an opportunity to catch 'their own' fish. The current system has created a first in the industry: people making a profit from fish that they did not catch. These leasing costs are killing the day-boat fleet who cannot absorb the extra expenses given the volatility of fish prices. That is not what being a fisherman is supposed to be about.

Actions taken to confront the current issues in this industry will shape the face of the New England groundfishery for years to come. We will all have our fingerprints on the results. Our legacy should not be to

increase profits for the 'winners' under the guise of environmentally conscious action. I only hope that the quiet voices of the many can defeat the loud voices of the few.

Thank you,

Doug Maxfield

F/v Ashley & Anthony

From: Megan Rynne <megbrynn@gmail.com>
To: groundfish.amendment18@noaa.gov
Subject: Groundfish Amendment 18 Scoping Comments
Date: 02/23/2012 10:54:31 AM

To the New England Fisheries Management Council,

I oppose the no-action alternative option under A18 because the loss of fleet diversity is a major problem facing the New England fleet. Loss of fleet diversity affects me because I am a New England Coastal resident, I care about working class families more than cost-cutting corporations who focus on only bottom-line and are blind to the resources from which they base their bottom-lines, and I respect the oceans and the marine life that support humans. I see consolidation as a problem because the big will get bigger and the fish will deplete and the autonomy of fishermen will disappear.

A range of actions can be implemented that can address alternatives B-F. I recommend that Amendment 18 include measures to achieve the following goals related to fleet diversity: large corporate fishing boats be limited to specific areas separate from smaller fishing boats and fish caught locally by small boat fishermen be supported by marketing programs highlighting their local, small business catch.

Thank you,

Megan Rynne

Boston, MA

From: Ed Snell <edsnell112@gmail.com>
To: groundfish.amendment18@noaa.gov
Subject: Amendment 18 Comments, Ed Snell
Date: 02/22/2012 5:06:11 PM

Attachment N1: Amendment 18 testimony Final.docx

I've attached a copy of my comments regarding Amendment 18.
Thanks for your consideration,
Ed Snell

From: Theodore Diggs <td74341@yahoo.com>
To: groundfish.amendment18@noaa.gov <groundfish.amendment18@noaa.gov>
Subject: Groundfish Amendment 18 Scoping Comments
Date: 02/22/2012 2:36:10 PM

To the New England Fisheries Management Council,

Locally-caught seafood impacts my personal and professional life. I am writing to oppose the Council taking no action on Amendment 18 and encourage Council members to explore a variety of alternatives that can protect our regions diverse fleet as well as our marine ecology.

I am the executive chef at the Homeport restaurant in Menemsha on Martha's Vineyard. Through care, ability and hard work we are lucky enough to run a business that we believe should be the standard for how to operate a restaurant. Sustainability has become a tired buzz word that pertains to many schools of thought. It is my view that sustainability extends well beyond the number of fish removed from the ocean. It includes how the fish are removed, who removes it, how the fish gets to consumers, and how well it feeds people, which ultimately is the purpose of fishing. To my point, sustainable fishing includes the fishermen and their communities. Purchasing locally-caught fish not only sustains a way of life but also helps to supports (read: sustain) a particular family or community.

We, as chefs, should look at our ocean the same way. Purchasing sustainable sea life should extend to the benefit of fishermen and our harbor communities. With that sense we should buy sustainably, but with a deeper thought in mind. Are we purchasing, serving and eating sea life that is restorative in nature? Meaning how and where was my fish caught? For the every day consumer this is difficult. That is why we choose to serve specific species on our menu at the Home Port. We encourage our customers to ask the questions, where and how was my food caught, and why did you choose this particular fish over another one.

It has become a passion of mine to study fish populations and their resources in hope that my daughters' generation may see a resurgence of many fish species that are no longer available in the waters off Martha's Vineyard and elsewhere in the world.

Trends begin to influence the public. If a restaurant can make it a standard in their operation to support the local community, both with food and finance, and also support the re-growth of our damaged ocean eco system, we all would benefit. The word movement can be defined as "a series of actions taking place over a period of time working to foster a new standard." What we strive to do at The Home Port restaurant should be thought of as an effort that may enable growth and prosperity for the ocean and our community.

However, in order for us to achieve this standard we need regional policies that support a thriving diverse fleet where the people and method at which they harvest fish is factored into policy decisions and fleet diversity is protected.

Please do what you can to preserve fleet diversity. The Council should explore every option possible. This includes: supporting owner-operators, quota set-aside programs, limiting quota accumulation, preventing heavy concentration of fishing effort around inshore areas, considering new entrants, and leasing constraints that prevent smaller business operations from being forced out.

Thank you,

Teddy Diggs

From: Theodore Diggs <td74341@yahoo.com>
To: groundfish.amendment18@noaa.gov <groundfish.amendment18@noaa.gov>
Subject: No subject
Date: 02/22/2012 2:27:45 PM

To the New England Fisheries Management Council,

Locally-caught seafood impacts my personal and professional life. I am writing to oppose the Council taking no action on Amendment 18 and encourage Council members to explore a variety of alternatives that can protect our regions diverse fleet as well as our marine ecology.

I am the executive chef at the Homeport restaurant in Menemsha on Martha's Vineyard. Through care, ability and hard work we are lucky enough to run a business that we believe should be the standard for how to operate a restaurant. Sustainability has become a tired buzz word that pertains to many schools of thought. It is my view that sustainability extends well beyond the number of fish removed from the ocean. It includes how the fish are removed, who removes it, how the fish gets to consumers, and how well it feeds people, which ultimately is the purpose of fishing. To my point, sustainable fishing includes the fishermen and their communities. Purchasing locally-caught fish not only sustains a way of life but also helps to support (read: sustain) a particular family or community.

We, as chefs, should look at our ocean the same way. Purchasing sustainable sea life should extend to the benefit of fishermen and our harbor communities. With that sense we should buy sustainably, but with a deeper thought in mind. Are we purchasing, serving and eating sea life that is restorative in nature? Meaning how and where was my fish caught? For the every day consumer this is difficult. That is why we choose to serve specific species on our menu at the Home Port. We encourage our customers to ask the questions, where and how was my food caught, and why did you choose this particular fish over another one.

It has become a passion of mine to study fish populations and their resources in hope that my daughters' generation may see a resurgence of many fish species that are no longer available in the waters off Martha's Vineyard and elsewhere in the world.

Trends begin to influence the public. If a restaurant can make it a standard in their operation to support the local community, both with food and finance, and also support the re-growth of our damaged ocean eco system, we all would benefit. The word movement can be defined as "a series of actions taking place over a period of time working to foster a new standard." What we strive to do at The Home Port restaurant should be thought of as an effort that may enable growth and prosperity for the ocean and our community.

However, in order for us to achieve this standard we need regional policies that support a thriving diverse fleet where the people and method at which they harvest fish is factored into policy decisions and fleet diversity is protected.

Please do what you can to preserve fleet diversity. The Council should explore every option possible. This includes: supporting owner-operators, quota set-aside programs, limiting quota accumulation, preventing heavy concentration of fishing effort around inshore areas, considering new entrants, and leasing constraints that prevent smaller business operations from being forced out.
Thank you,

Teddy Diggs

From: Kaitlin M Khoury <kmkhoury@gmail.com>
To: groundfish.amendment18@noaa.gov
Subject: I support fleet diversity
Date: 02/21/2012 10:53:00 PM

To the New England Fisheries Management Council,

I oppose the no-action alternative option under A18 because the loss of fleet diversity is a major problem facing the New England fleet. Loss of fleet diversity affects me because I eat fish and I care about where my food comes from and about the community of fisherman who depend on fishery health for their livelihood. Years of conservation efforts have been wasted as consolidation has wreaked havoc on fish stocks, and denied small, local fisherman the ability to reap the rewards of all those years of conservation effort.

I believe that Amendment 18 should prevent concentration of fishing effort in inshore areas and limit the concentration quota of all leasing policies that affect fishery affordability.

Thank you,

Katie Khoury

From: Maggie Raymond <maggieraymond@comcast.net>
To: <groundfish.amendment18@noaa.gov>
Subject: Groundfish Amendment 18 scoping comments
Date: 02/19/2012 1:33:17 PM

Attachment N1: [AFM comments on A18 scoping.pdf](#)

From: Sara Randall <s_f_randall@yahoo.com>
To: groundfish.amendment18@noaa.gov <groundfish.amendment18@noaa.gov>
Subject: Groundfish Amendment 18 Scoping Comments.
Date: 02/18/2012 8:05:26 PM

Attachment N1: NEletter_amendment18.pdf

Dear NEFMC-

Attached please find my comments regarding Amendment 18.

Thank you for your consideration,

Sara Randall
Bangor, ME

From: Kenneth Hunt <kenhunt04562@yahoo.com>
To: groundfish.amendment18@noaa.gov <groundfish.amendment18@noaa.gov>
Subject: Amendment 18
Date: 02/17/2012 10:02:38 PM

October 20, 2011

Mr. Rip Cunningham, Chair
New England Fishery Management Council

Dear Mr. Cunningham:

I am not able to attend the workshop on sectors in Portland next week, but I do want to give you my opinion on sector management.

I am the owner/operator of a 60' groundfish boat and a member of the Sustainable Harvest Sector.

Sector management has been a big change, and it hasn't been easy, but we are figuring out how to make it work. We have a pretty big sector, so we are able to spread the cost of management around.

I don't know how we will continue to make it work though if we are forced to pay observers. The Council must change the regulations so that we are not responsible for this unreasonable cost.

The rolling closures make it real hard for small and mid size boats to catch all of our allocation. For example, there are a lot of dabs in those closures, but we can't get at them when they are there. It would be real helpful, if the Council could get rid of those closures, and get rid of the Western Gulf of Maine closed area while you are at it.

I heard some people talking about things like set-asides and restrictions on trading, and I think those are lousy ideas. No one has enough allocation so there is really nothing to give away. Besides, I worked for my allocation, so I don't think it is fair for someone else to get allocation for free. Right now I have to compete with boats that get cheap quota from the Maine permit bank, and that is not fair. I don't want any restrictions on trading. That makes no sense at all.

Please get this monitoring thing straightened out right away, and let us fish in the closed areas.

Thanks

Ken Hunt
F/V Cavalier
Phippsburg, ME

From: Bob Steneck <steneck@maine.edu>
To: Groundfish.amendment18@noaa.gov
Subject: Groundfish Amendment 18 Scoping Comments
Date: 02/17/2012 4:22:19 PM

17 February 2012

Dear New England Fisheries Management Council,

I am a professor in the University of Maine's School of Marine Sciences who has worked with numerous fisheries for nearly 30 years. I am very concerned about Amendment 18 because the no-action alternative will contribute to the loss of fleet diversity which is, in my opinion, one of the gravest problems facing the New England fleet and its fisheries.

When I served on the Fisheries Task Force that recommended Catch Shares, my primary concern was that it could result in consolidation. With consolidation, smaller owner operators are squeezed out. This segment of the fleet is most attuned to changes in fish stocks and has the capacity to fish most adaptively and sustainably.

Please do what you can to preserve fleet diversity. I think as part of that there should be quota accumulation limits. I think for the health of the fishing community and the community of fishes, you should work to prevent a heavy concentration of fishing effort around inshore areas. Where possible foster owner-operators and independently owned business. It will also give new entrants into the fishery a chance of surviving.

Along with keeping the offshore boats offshore, it is a good idea to establish quota set-aside programs to reward sectors that meet specific benchmarks that promote fleet diversity. Fishermen should not be allowed to lease 100% of their quota. Leasing and permit trading should be constrained so the smaller fishing operators are not forced out. These actions are necessary because, in my opinion, the small boat subset of fisheries stakeholders is our best chance for improving and sustaining our inshore groundfish stocks.

If you have any questions, please contact me via e-mail (steneck@maine.edu).

Sincerely,

Bob Steneck

Robert S. Steneck, Ph.D
Professor of Oceanography, Marine Biology and Marine Policy
School of Marine Sciences
University of Maine
Pew Fellow in Marine Conservation
Darling Marine Center
193 Clarks Cove Road
Walpole, Maine 04573

207 563 3146 ext 233 (voice)
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207 563 3119 (Fax)

steneck@maine.edu

Darling Marine Center: <<http://server.dmc.maine.edu>>

School of Marine Sciences:

<http://www.umaine.edu/marine/people/directory.php/profile/robert_steneck>

From: Amanda Odlin <aodlin@maine.rr.com>
To: <groundfish.amendment18@noaa.gov>
Subject: Groundfish Amendment 18 Scoping Comments
Date: 02/07/2012 11:07:49 AM

To NOAA:

The following are our comments with regard to Groundfish Amendment 18:

1. We agree that 2ND Right of First Refusal should BE Eliminated.
2. While we feel it appropriate for there to exist a CAP of Permit Ownership for an individual or entity to own/control, we feel STRONGLY that the permits in ownership PRIOR to Catch Shares/Sectors
NEED to be grandfathered if such ownership/control was in place Prior to the new system of Catch Shares/Sectors.
3. Any Cap on Allocation of each stock that an individual/entity can own/control is redundant and Overly restrictive for the intention/workings of the 'sector' theory that the sector can and must self-govern, and thus such restrictions could and would cause undue overregulation into sector operations which is thus counter to the theory of the sector's ability to self-govern.
4. We Agree that owners currently above a cap need to be 'grandfathered' so that they may retain ownership (see #2 above).
5. We ardently do not agree that any owner should be 'forced divestiture' if currently above a cap.
6. We Do Not accept a proposal that there should be a cap on ACE usage by vessels! Again, this would restrict the flow of what a 'sector' is and how it is supposed to operate (ie. self-govern) by hindering the
sectors with an unnecessary and overregulatory rule that is at the heart of sector theory.
7. WE Do Not Agree with Any form of 'Re-Allocation'. Plans have been made for current allocations and any such 're-distribution' will be certain to cause UNDUE economic hardship in a fleet that cannot afford any further experimentation of our economic viabilities.
8. Any talk of 'Set Aside Ace' for 'New Entrants' is a complete SLAP in the face of every Struggling fisherman that is trying to maintain their economic viability! Beyond that, 'new entrants' can enter the same way any existing industry member has entered----by purchasing their permits from an individual that wishes to sell their hard earned permit via sweat, perserverance and budgeting!
9. We disagree with any further 'set-asides' for the 'community', since Permit Banks take care of that facet. The banks can always purchase more permits from existing permit owners that wish to exit the
industry as they earn funds from the leasing of their present fishes.
10. We disagree that there should exist any 'incentives for owner-operators'. We fail to see the purpose in such an incentive and feel this proposal again reaches beyond what the 'sector' theory of self-governance is designed to do (overregulation that preserves/conserves nothing in the objective of rebuilding stocks).

11. Again, we Disagree with the requirement of an 'owner' to be on board. For so many reasons, this is Ridiculous and counter to the 'Sector' theory of self-governance and not an aspect of the Goal of fishery management (ie. balance of conservation and economics).

12. We Disagree with any restriction of ACE trading among different vessels that had been used under the DAS program. Again, this is Counter to the intention of the 'Sector' theory of self-governance.

13. We disagree that any restriction of ACE trading of fish for fish only and no leases for cash. This is blatantly STUPID!!! Whoever came up with this suggestion either does not understand/operate in a sector! It is essential that fish can be leased for cash in order to seek what the boat owner requires to make their business viable! Sometimes we can trade fish for fish and sometimes we cannot. This is another violation of the Sector theory.

14. We Disagree that a 'price control' be established on ACE trading. The Sector and free market (capitalism which our country operates on) will care for this aspect. Any undue interference on this aspect will cause trouble as it usually does when such restrictions are placed on a free market. This again oversteps any boundaries on the Sector theory of self-governance.

15. We Disagree that vessels be required to sign into one Broad Stock Area for any required amount of time. This is another Ridiculous and Stupid suggestion. Do we really want to lock a pile of vessels into one area for 30 days???? This utterly runs counter to the entire premise of 'Sector' management. We are regulated via catch and we report where the fish are caught, thus, this proposal has absolutely no basis under current management regulations.

Some of these suggestions in Amendment 18 are very dangerous and counter to the entire theory of Sector Management. We have discussed 15 recommendations that are circulation for Amandement 18. Please be very careful in utilizing these suggestions. The Sector Management is very new. We are just getting a grasp of the rules and details and any disruption to this fragile new system may lead to very dire consequences for the masses. Unfortunately, the minority has already undergone such tragic economic hardship, but the majority seems to have accepted and turned the new system into one that offers Stability and Viability in an industry that has struggled under many different management plans. Thus far, this new management plan has the makings of something that can conserve fishermen and fish, so let us let this work as it is intended and make intelligent adjustments as we move along. We do not need any earthquakes in this industry, and we see many of the suggestions in Amendment 18 as being 'earthquakes' that will unnecessarily harm the masses.

Chris and Amanda Odlin
F/V Lydia & Maya
F/V Bethany Jean
47 Dresser Rd.
Scarborough, Me 04074
Sector: SHS

From: Sean Sullivan <winterwaterman@gmail.com>
To: groundfish.amendment18@noaa.gov
Subject: Amendment 18 Scoping Comments
Date: 01/27/2012 4:17:56 PM

Mr. Paul Howard
New England Fishery Management Council
50 Water Street
Newburyport, MA 01950

To the New England Fisheries Management Council,

Fishing is the oldest industry in New England and the only thing that can keep our waters from returning to abundance is mismanagement of the catch. The current debate on Fleet Diversity is really a debate about *how* we propose to rebuild abundance. On the one hand we hear that we should let free markets and the best available science determine the size and shape of the catch as well as who catches what. Free markets are quite good at many things, but unfettered markets have zero history of fostering the re-birth of ecosystems. In fact they have a tremendous track record of destroying ecosystems - from rainforests to the oceans, from mining to fossil fuels, the examples are beyond numerous.

Furthermore, in an industry as heavily regulated as fisheries, arguments for a free market are specious at best. We are already dealing with perhaps the most regulated industry in the country! No one wants regulations, but very frankly, the lack of regulations is at least partly responsible for the current lack of abundance. Why would anyone want to go back to that? Free markets are a good solution once we've restored historical abundance, but not until then.

While fisheries science continues to improve, the track record is similarly spotty up to and including the latest cod assessment. As time goes on, science will improve, but for now it remains a tantalizingly inconsistent tool.

Yet, free markets and science are still valuable tools in our search for abundance.

A third tool in our ability to develop a fleet that is not only prosperous, sustainable - and it should be said - competitive with cheap foreign imports (higher quality catches and better prices are a fundamental requirement of a healthy fleet) is a *diverse, nimble, safe fleet*. A fleet composed of only large vessels, or of no diversity of gear is reminiscent of the adage, "When all you have is a hammer, everything looks like a nail."

The no-action alternative (Alternative 1) will only ensure that more small vessels make less money and are driven from the fleet or become armchair captains who lease allocation. It will continue the trend of larger vessels fishing inshore grounds with drastically negative results. And lastly it will severely limit the Council's ability to react to changing assessments. As a former hook fisherman, boat captain, seafood lover, and a fan of 400 years of fishing history that is vibrant diverse and integral to our own sense of who we are as a people and a country, no-action seems to me to border on criminal neglect.

The primary action the council can take to ensure a diverse fleet is to

*create

separate inshore and offshore fishing areas* (Alternatives 4 and 6). This can be done through sector management plans or simply by vessel length and history.

The council should also take action to *support an affordable and safe fishery* (Alternatives 2,3 and 4). Affordability and safety go hand in hand and we play with men's lives when we reduce their ability to make money fishing. Small vessels having to lease of quota (share-cropping really) will lead directly to cutting corners in safety and taking chances in marginal weather. Measures to achieve these alternatives can and should include:

- Quota set asides for crew and new entrants,
- When overall quota increases, allocations favor owner/operator and discourage those who lease more than 75% of their quota.
- Penalties for leasing 100% of your quota - e.g., if you lease your entire quota for more than one year you lose 25%
- Baseline leasing restrictions similar to those used under days at sea. Quota cannot be leased up, but can be leased down.
- Allow for unrestricted fish for fish trading

Lastly, the council must *prevent excess consolidation of allocation* (Alternatives 2,3 and 6). We are already seeing this happening and it would

be unfair and very difficult to un-do, therefore:

- set accumulation caps on any given species to somewhere less than 5%. If a current holder has more than that of any given species, give them a fair amount of time to divest, say 5 years.
- Allow sectors to re-allocate quota above that threshold or penalize the sector by the amount any members exceeds the 5%.

I look forward to the day when once again our communities are enriched by our heritage of fishing and making a living from the sea, when our reputations for the highest quality most sustainable seafood is known throughout the world. I strongly believe a comprehensive fleet diversity amendment can and will be the first effective step in that direction. If we do it now and do it right, all current participants should prosper, and we'll be setting the stage for the long term prosperity of our fishermen and the ocean.

Regards,

Sean Sullivan
21 Village St
Marblehead, MA 01945

From: kaminc <kaminc@comcast.net>
To: <Groundfish.Amendment18@noaa.gov>
Subject: Scoping Comments
Date: 01/27/2012 9:23:00 AM

Attachment N1: Testimony of Frank Mirarchi A18.docx

Attached are A.18 scoping comments from Frank Mirarchi, 67 Creelman Drive,
Scituate, MA 02066

From: usacitizen1 usacitizen1 <usacitizen1@live.com>
To: <steven.thur@noaa.gov>,
<paul.howard@noaa.gov>,<groundfish.amendment18@noaa.gov>, <info@oceana.org>,
<info@seashepherd.org>,<info@peta.org>, <info@idausa.org>,
<foe@foe.org>,<americanvoices@mail.house.gov>
Subject: opublic comment on federal register FW: noaa excuse to letcommercial
fish profiteers keep overfishing for yeas while they work ontheir eis
Date: 12/21/2011 5:55:52 PM

prepare the eis in one month so that the quotas can be reduced for the rapacious killing commercial fish profiteers in short order. one has to wonder if this proposal, which noaa can stretch out to 3 years, is another example of the way noaa consistently sits on its butt and does nothing to stop the rapacious slaughter of all fish in this region by profiteering. the greedy rapacious take it all commercial fish profiteer\s in this region are stealing the fish that belong to all 300 million americans. they overtake quotas and they steal. it is not a pretty sight to see the extermiknation and extinction of species after species after species by these unregulated commercial fish profiteers. this govt agency is corrupt and skanky. this agency has been regulatorily captured by the industry it was created to regulate and now it does not regulate honestly or fairly at all. this agency allows the general public to be stolen from by these rapacious gun toting commercial fish profiteers. these fish profiteers are stealing the american public blind. noaa sits there and lets it happen, working with these thieves.
jeanpublic

To: usacitizen1@live.com
Subject: noaa excuse to let commercial fish profiteers keep overfishing for yeas while they work on their eis
From: bk1492@aol.com
Date: Wed, 21 Dec 2011 08:00:34 -0500

[Federal Register Volume 76, Number 245 (Wednesday, December 21, 2011)]
[Notices]
[Pages 79153-79155]
>From the Federal Register Online via the Government Printing Office
[www.gpo.gov]
[FR Doc No: 2011-32694]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-BB69

New England Fishery Management Council; Notice of Intent To Prepare an Environmental Impact Statement (EIS); Northeast Multispecies Fishery; Notice of Public Scoping Meetings

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

ACTION: Notice of Intent To Prepare an Environmental Impact Statement; notice of public scoping meetings; requests for comments.

SUMMARY: The New England Fishery Management Council (Council) announces its intention to prepare, in cooperation with NMFS, an EIS in accordance with the National Environmental Policy Act to assess potential effects on the human environment of alternative measures to address management and conservation measures for the Northeast (NE) multispecies fishery. This action is necessary to provide analytical support for an amendment to the Northeast Multispecies Fishery Management Plan (FMP) examining potential rules to reduce the likelihood that groundfish permit holders will acquire or control excessive shares of fishing privileges in the fishery and that over-consolidation will occur within the fleet.

This notice announces a public process for determining the scope of issues to be addressed, and for identifying the significant issues related to fleet diversity and the implementation of accumulation limits for this fishery. This notice is to alert the interested public of the scoping process, the development of the Draft EIS, and to provide for public participation in that process.

DATES: Written comments must be received on or before 5 p.m., EST, on March 1, 2012. Eleven public scoping meetings will be held during this comment period. See SUPPLEMENTARY INFORMATION section for dates, times, and locations.

ADDRESSES: Written comments may be sent by any of the following methods:

Email to the following address:
Groundfish.Amendment18@noaa.gov;

Mail or hand deliver to Mr. Paul Howard, New England Fishery Management Council, 50 Water St., Mill 2, Newburyport, MA 01950. Mark the outside of the envelope ``Groundfish Amendment 18 Scoping Comments''; or

[[Page 79154]]

Fax to (978) 465-3116.

The scoping document may also be obtained from the Council office at the previously provided address, by request to the Council by telephone (978) 465-0492, or via the Internet at <http://www.nefmc.org>.

Comments may also be provided orally at any of the 11 public scoping meetings. See the SUPPLEMENTARY INFORMATION section for dates, times, and locations.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Howard, New England Fishery Management Council, 50 Water St., Mill 2, Newburyport, MA 01950, (telephone (978) 465-0492).

SUPPLEMENTARY INFORMATION: The NE multispecies fishery targets cod, haddock, white hake, pollock, Acadian redfish, yellowtail flounder, winter flounder, witch flounder, American plaice, windowpane flounder, Atlantic halibut, ocean pout, and Atlantic wolffish. These species are managed as 20 individual stocks and are termed ``regulated species''. The Council has managed these species as a unit under the NE Multispecies FMP since 1985. (The NE Multispecies FMP also manages silver hake, red hake and offshore hake, which are called ``small mesh species,'' and which would not be directly affected by Amendment 18.) Many of these stocks are overfished and/or overfishing is occurring. As a result, strict regulations have been adopted to control catch and

promote stock rebuilding. 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) expands 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 implements annual catch limits (ACLs); exceeding these limits triggers additional management actions called accountability measures (AMs).

At the request of the Council, NMFS published a control date of March 7, 2011. The control date is intended to alert the fishing industry and the public that any present or future accumulation of fishing privileges may be limited or may not be allowed after or prior to the published control date. It also is intended 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. However, in establishing this date, the Council is not obligated to take any further action. No limits or restrictions have been imposed on the groundfish fishery by establishing this control date. However, fishermen are encouraged to preserve any documents relating to their ownership or control of fishing privileges in the event that the Council does decide to take a future action.

In the most recent specification process (Framework Adjustment 44 to the NE Multispecies FMP), catch limits for many multispecies stocks were set at very low levels, and these restrictions are anticipated to remain for the near future. Currently, there are no specific controls on the excessive accumulation or control of fishing privileges in the multispecies fishery. There is concern that the low catch limits, in conjunction with expanded sector management, will lead to excessive consolidation and lack of diversity in the groundfish fleet. Likewise, there is concern regarding consolidation and diversity in the groundfish fleet as stocks rebuild and acceptable biological catches (ABCs) increase.

Because of these concerns and in light of the National Standards and other requirements of the Magnuson-Stevens Act related to maintaining the diverse makeup of the fleet, as well as an interest in keeping active and thriving fishing ports throughout New England, the Council is considering measures that may limit or cap the amount or type of fishing privileges that individuals or groups of individuals may acquire or control. The Council may also create other incentives for maintaining diversity and fishery infrastructure. The Council has identified two objectives for an amendment to achieve these objectives:

1. To consider the establishment of accumulation caps for the groundfish fishery; and
2. To consider issues associated with fleet diversity in the multispecies fishery.

Meetings

Eleven scoping meetings to facilitate public comment will be held on the following dates and locations:

City and date	Location
Ellsworth, Maine Tuesday, January 17, 2012 6-8 p.m.	Ellsworth City Hall, 1 City Plaza, Ellsworth, ME, Phone:

Portland, Maine Wednesday, January 18, 2012 5-7 p.m.	(207) 667-2563. Holiday Inn by the Bay, 88 Spring Street, Portland, ME, Phone: (207) 775-2311.
Fairhaven, Massachusetts Friday, January 20, 2012 12 a.m.-2 p.m.	Seaport Inn, 110 Middle Street, Fairhaven, MA, Phone: (508) 997-1281.
So. Kingstown, Rhode Island Friday, January 20, 2012 5-7 p.m.	Holiday Inn, 3009 Tower Hill Road, So. Kingstown, RI, Phone: (401) 789-1051.
Riverhead, New York Monday, January 23, 2012 7-9 p.m.	Hotel Indigo East End, 1830 Route 25, Riverhead, NY, Phone: (631) 369-2200.
Manahawkin, New Jersey Tuesday, January 24, 2012 12 a.m.-2 p.m.	Holiday Inn, 151 Route 72 East, Manahawkin, NJ, Phone: (732) 571-4000.
Hyannis, Massachusetts Thursday, January 26, 2012 1-3 p.m.	Holiday Inn, Hyannis, 1127 Route 132, Hyannis, MA, Phone (508) 775-1153.
Plymouth, Massachusetts Thursday, January 26, 2012 5-7 p.m.	Radisson Plymouth, 180 Water Street, Plymouth, MA, Phone: (508) 747-4900.
Gloucester, Massachusetts Monday, January 30, 2012 6-8 p.m.	MA DMF Annisquam River Station, 30 Emerson Avenue, Gloucester, MA, Phone: (978) 828-0308.
Portsmouth, New Hampshire Tuesday, January 31, 2012 6-8 p.m.	Sheraton Harborside, 250 Market Street, Portsmouth, NH, Phone: (603) 431-2000.

[[Page 79155]]

Issues Identified for Discussion Under This Amendment

This action will consider measures that require changes to the NE multispecies FMP. Measures may be developed and adopted in a future action. The Council may consider several types of management measures, including, but not limited to:

- No action; no additional measures would be adopted;
- Establishing individual accumulation caps, or sector accumulation caps, on a stock-specific or fishery-wide level;
- Establishing limits or caps of fishing privileges limit measures fleet-wide or separately for inshore and offshore fleets;
- Establishing usage caps for vessels fishing on a NE multispecies permit;
- Other measures to promote diversity within the fleet; and,
- Establishing performance indicators relating to the two objectives identified for the amendment (in addition to or instead of limits or caps).

The Council may deviate from these examples and develop additional approaches, consistent with their description in the Magnuson-Stevens Act and National Standard Guidelines. The above issues under consideration are described in greater detail in the scoping document itself; copies may be obtained from the Council (see ADDRESSES) or via the Internet at <http://www.nefmc.org/>.

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

Dated: December 16, 2011.

Steven Thur,
Acting Director, Office of Sustainable Fisheries, National Marine
Fisheries Service.
[FR Doc. 2011-32694 Filed 12-20-11; 8:45 am]
BILLING CODE 3510-22-P

32 Clinton St.
Portland, ME 04103

3/6/12

Mr. Paul Howard
New England Fishery Management Council
50 Water Street
Newburyport, MA 01950

Dear Mr. Howard:

The purpose of this letter is to provide you with comments on Amendment 18 to the Multispecies Plan.

In recent years the fishing industry has successfully transitioned from a Days at Sea management system to Sector management system. Many agree that the new system is much better than the old one and that under the Sector management system, fishermen are, for the first time, able to balance their books properly. Fishermen now know exactly how, when, where, and what they can fish.

Whenever a new system replaces an old one it is common to fall into old habits. This is exactly what is happening with Amendment 18. It is more important that we continue to move forward with the Sector management system and any necessary changes be best suited to our current management needs and not over-regulate according to socialistic agenda. Ultimately, this is the only way to ensure the success of the Sector management system.

With this in mind, I am requesting that you **NOT** consider the following suggestions:

- ✓ Cap on number of permits individual or entity can own or control
 - ✓ Cap on allocation of each stock that individual or entity can own or control
 - ✓ Force divestiture of owners currently above a cap
 - ✓ Cap on ACE usage by vessels (e.g. a vessel can catch/land or lease no more than x lbs of fish/year)
 - ✓ Re-allocate ACE (e.g. reduce share of GOM cod to recreational fleet; redistribute ACE equally among vessels)
 - ✓ Set aside¹ ACE for new entrants
 - ✓ Set aside ACE for communities
 - ✓ Establish “incentives” for owner operators
 - ✓ Require owner onboard
 - ✓ Restrict ACE trading between vessels of like size (similar to DAS leasing program)
 - ✓ Allow ACE trading of fish for fish only – no leases for cash
 - ✓ Establish price controls on ACE trading
-

- ✓ Vessels must sign into one broad stock area for a minimum of 30 days in order to document where fish are caught

In order for our industry to grow, it needs to be made up of both big and small fishing operations and allow for diversity. Trading without restrictions will ensure profitability for vessels of all sizes and types and undoubtedly lead to investments in more efficient, newer and most importantly safer vessels. The above suggestions would only stunt the industry. Federal money has established permit banks to accommodate new entrants and communities. Forcing owners on board vessels would only limit job opportunities. At the very least current ownership levels should be grandfathered.

Thank you for reading my comments as we all work together to ensure that the Sector management system yields healthy fish populations and a viable livelihood for fishermen for many years to come.

Sincerely,

Thomas P. Kelly

Peter W. Kelly III

F/V Shannon Kristine



THE
PEW
ENVIRONMENT GROUP

April 24, 2012

Mr. Paul Howard
New England Fishery Management Council
50 Water Street
Newburyport, MA 01950

Subject: Groundfish Amendment 18 scoping comments

Dear Mr. Howard:

I am writing on behalf of the Pew Environment Group to support a thorough and rapid development of Amendment 18 to the New England Multispecies Fishery Management Plan. The Council should continue work on Amendment 18 in order to meet the stated goal of implementation in May 2014.¹ The objectives identified by the Council for this amendment are critically important and need to be addressed:

- Quota accumulation caps for the groundfish fishery
- Maintenance of fleet diversity in the multispecies fishery²

The importance of these issues to the future of fishing in New England was clear during the development of Amendment 16 in 2009, and we commented on these issues at that juncture.³ As reflected in our nation's anti-trust law,⁴ in any sector of our economy, excessive control of the market is undesirable and does not serve the broader public interest. Fishing is no exception in this regard. Moreover, in the case of fisheries, we are dealing with resources held in public trust that belong to all of us, whether engaged in fishing or not. Steps should be taken to guard against excessive accumulation of quota by individuals in harvesting these public trust resources.

Accumulation limits

Limiting quota share is one of the mechanisms that will help preserve some level of fleet diversity in New England. In particular, smaller-scale, community-based fishing businesses are at risk of extinction without a commitment to limiting quota shares. The persistence of these businesses operating near shore is in the best interest of resource stewardship and conservation, and that of our coastal communities.

Recent research⁵ suggests that a better way to achieve sustainability of fishing resources and ecosystem-based management is to combine input controls (vessel size, gear types, geographic considerations, etc.) with output controls (catch limits) rather than using only output controls.

The Council has provided a comprehensive review of the many fisheries where accumulation limits are an integral part of quota-based management systems.⁶ This analysis shows that nearly all the fisheries operating under a type of catch share management adopt a cap on individual ownership. The Council's

¹ NEFMC (April 2012) New England Fishery Management Council Timelines

² Federal Register / Vol. 76, No. 245 / Wednesday, December 21, 2011 / Notices 79153

³ Letter to Paul J. Howard from Pew Environment Group, June 9, 2009.

⁴ See e.g., Sherman Antitrust Act of 1890, 15 U.S.C. §§ 1 et seq.

⁵ Timothy J. Emery, et al. Are input controls required in individual transferable quota fisheries to address ecosystem based fisheries management objectives? *Marine Policy* 36 (2012) 122–131.

⁶ NEFMC (2010) Fleet Diversity, Allocation, and Excessive Shares in the Northeast Multispecies Fishery. White Paper, dated September 17, 2010

own white paper on this topic should provide an excellent foundation for the DEIS and for developing alternatives for accumulation caps. A broad range of alternatives for caps should be examined through the amendment process, including ownership limits, usage limits, and sector limits.

Fleet diversity

Without appropriate steps taken, the future of the New England fleet may well be driven to a consolidated state that is not part of anyone's vision, and not good for communities, the stocks, or the ecosystem. Amendment 18 must develop a robust set of alternatives that will preserve and promote a diverse fleet that includes community-based fishing. The following measures should be developed for the DEIS:

- Owner-operator provisions that provide strong incentives for fishermen who operate the vessels they own.
- Provisions that limit access to near-shore waters to smaller vessels, and restrict operation of larger boats to the offshore waters.
- Mechanisms that prevent fishing in multiple stock areas of a species in a single trip.
- Leasing and permit trading opportunities favorable to smaller fishing operations and new entrants, including limits on transferring quota based on criteria such as vessel size and power.
- Rules for handling quota currently held by existing permit banks, and the creation of new permit banks, under accumulation limits.

National Standard 4 (NS4) provides some guidance in this regard:

If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such a manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.⁷

Amendment 18 is a crucial vehicle for addressing National Standard 4. We urge the Council to make completion of the DEIS a highest priority for 2012, before the problems it seeks to address become even more severe.

Sincerely,



Peter Baker, Director
Northeast Fisheries Program
Pew Environment Group

⁷ 16 U.S.C. § 1851(a)(4).

ASSOCIATED FISHERIES OF MAINE

PO Box 287, South Berwick, ME 03908-0287 207-384-4854

February 19, 2012

VIA ELECTRONIC MAIL

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

Dear Paul:

Associated Fisheries of Maine (AFM) responds to the request for comments on the pending Amendment 18 to the Multispecies Fishery Management Plan.

On January 18, 2011, AFM wrote to the New England Fishery Management Council (Council) to comment on what was then a draft scoping document for amendment 18, and we argued that the objectives, as stated in the document, were not clearly defined. Unfortunately, we find no additional clarity on the objectives in the final scoping document.

The scoping document describes objective 1 as - *“to consider the establishment of accumulation caps for the groundfish fishery”*.

An accumulation cap is not in itself an objective, but rather a tool that might be used to achieve some social objective. The current scoping document provides no guidance on what social objective(s) the Council seeks to achieve by imposing accumulation caps on the fishery, and no rationale for why accumulation caps are necessary for this fishery.

The lack of specified objectives to be achieved through accumulation caps, along with the April 7, 2011 control date, is creating an atmosphere of instability within the industry and is chilling lender confidence. The scoping document provides no information about what vested holders of multiple limited access permits, or the banks who have financed those permits, can expect. Will permits be voided? How many? Will there be forced divestiture? The Amendment 18 scoping process has not answered these questions. Instead the process continues to create broad uncertainty without providing permit holders or lenders any means of assessing risks.

To reduce uncertainty, the Council should immediately, and at a minimum, provide assurance that current ownership levels will be grandfathered.

The scoping document states that the Council is concerned that *“low catch limits, in conjunction with expanded sector management, will lead to excessive consolidation ...”*, but does not define “excessive consolidation”.

At the fishery's current rebuilding stage, there remains a large mismatch between allowable harvest levels and the number of active vessels. This was true under days-at-sea management and the current requirements of annual catch limits and accountability measures have exacerbated that mismatch.

Furthermore, the concept of accumulation caps is not consistent with the Council's recognition that the groundfish fishery is overcapitalized, and is in direct contradiction with the actions the Council has already taken to encourage consolidation. The Council has been encouraging and promoting consolidation in the fishery for more than 10 years.

In May 2010 the Council wrote to Secretary Locke requesting a permit buyback. In the absence of a federal buyback program (whether taxpayer or industry funded), the only mechanism to allow some vessel owners to become profitable, while providing a humane exit mechanism for those who are not viable, is continued consolidation within the industry.

Amendments 13 and 16 were designed to allow fishermen to make economic arrangements to remain viable during rebuilding. Amendment 13 included a number of programs intended to promote capacity reduction and consolidation. Amendment 16 expanded sector management to (among other things) "provide a mechanism for capacity reduction through consolidation", to allow sector members "to consolidate operations in fewer vessels (reducing the cost of operations and possibly facilitating the profitable exit of some individual vessel owners from the fishery)"; and Amendment 16 modified the DAS transfer program to "encourage owners of multiple limited access groundfish permits to consolidate their permits on one vessel".

Objective 2 of Amendment 18 is described as – "*to consider issues associated with fleet diversity in the multispecies fishery*".

AFM shares the Council's "concerns related to *maintaining the historical makeup of the fleet, as well as an interest in keeping active and thriving fishing ports throughout New England*". However, we do not understand, nor does the document describe, how "*limits on the amount of allocations that individuals or groups of individuals may control*" will address those concerns or will "promote diversity".

While AFM assumes that the Council is interested in preserving some vessels in all vessel sizes, the Council has not even succinctly defined the phrase "fleet diversity". This makes it enormously difficult for stakeholders to provide constructive suggestions for how to achieve a "fleet diversity" objective.

Discussions to date by certain members of the Council and some "stakeholders" seem to imply there is some link between accumulation caps and promoting or protecting fleet diversity, but the scoping document provides no evidence of that cause and effect.

At various Amendment 18 scoping hearings, the Council has received suggestions that fleet diversity can be accomplished through: caps on ownership of permits, caps on ownership/control of potential sector contributions, caps on annual catch entitlement (ACE) usage by vessels, broad re-allocation based on options considered and rejected in Amendment 16, reallocation of the recreational portion of the annual catch limit, restrictions on trades of ACE between vessels of like size, price controls on ACE transfers, set-asides for certain individuals, vessel types, or communities, and area restrictions for certain vessel sizes.

But proponents of these suggestions have not explained how these restrictions will result in stability or prosperity to the fleet. AFM argues that the above suggestions will do little more than continue to prevent fishermen from achieving the profitability that is crucial to replacing the aged and unsafe vessels that dominate the fleet.

To achieve a diverse fleet and healthy fishing communities, AFM implores the Council to focus its efforts and limited resources on

- removing the outdated restraints on fishing inherent in the days at sea management system, and
- closing the large gap between landings and the scientifically allowable catch limits.

Access to existing closures will optimize quota utilization and more fish will go a long way towards protecting vessels of all sizes. Access to the year round closed areas will also divert fishing effort by vessels capable of fishing offshore from inshore fishing grounds.

In the immediate term, the Council should develop a cost effective monitoring program for New England groundfish. A program that phases-in industry responsibility over a 5-10 year time frame, is critical to the profitability of the entire fleet, and particularly to the day boat component, and must be implemented before federal funding expires.

The groundfish industry needs stability, flexibility and profitability. We urge the Council to keep that in mind when developing future actions to affect the fishery.

As always, we appreciate your consideration of our views.

Sincerely,

M. Raymond

Maggie Raymond
Associated Fisheries of Maine



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ANGIE ADAMS

Mr. Paul Howard
New England Fishery Management Council
50 Water Street
Newburyport, MA 01950

April 30, 2012

Dear Mr. Howard,

Penobscot East Resource Center submits the following comments on Amendment 18 of the Northeast Multispecies Fishery Management Plan. We support the establishment of accumulation caps and fleet diversity protections in this fishery. Catch share fisheries across the country and around the world have successfully implemented appropriate controls that foster healthy competition, promote stability, and ensure diversity of vessel size classes, gear types, and geographic locations. The halibut and sablefish fisheries in the North Pacific, for example have implemented low accumulation limits to ensure the continuation of an owner-on-board/ owner-operator fleet. The Pacific Fishery Management Council has developed quota set-asides to achieve fishery management goals. Icelandic fishery managers preserve access for small vessels operating in inshore waters. These and numerous other controls from around the world provide examples that New England can draw upon and tailor to meet our regional needs.

The New England groundfish fishery faces unique challenges because of 1) historically low catch limits, and 2) the unique structure of our sector system – as distinct from limited access privilege programs. However, all catch share systems promote fleet consolidation, and New England's sector management is not unique in this regard. The challenge for this region is to ensure that consolidation does not become extreme – eliminating entire demographic components of the fleet, and that opportunities remain for future fishermen as stocks begin to rebuild. Fleet diversity protections are more urgently needed in New England groundfish management *because of* the low catch limits. Reduced catch limits combined with our new management approach will dramatically



change this fishery. The New England Fishery Management Council has the opportunity to ensure that the region's groundfish fleet maintains diversity even after the crises presented by low catch limits are past and stocks begin to rebuild.

Penobscot East Resource Center's mission is to secure a future for fishing communities in eastern Maine. Historically, fishermen from the communities between Penobscot Bay and Eastport caught lobster, groundfish, scallops, herring, shrimp, and numerous other species, as thousands of small boat fishermen throughout New England have until the very recent past. While the groundfish fishery once supported hundreds of fishermen in this region catching moderate amounts of fish seasonally, this highly productive fishery collapsed as a result of a lack of sufficient protection of three critical components: spawning fish, the forage base, and critical habitat. Insufficient resource protections due to poor management completely eliminated fleet diversity in this region. Numerous, highly-efficient vessels caught fish that should have stayed in the water to spawn. Bottom habitat became degraded, and catch per unit effort declined until the fishery disappeared. Eastern Maine's fishery collapsed nearly 20 years ago. Today, there are no longer any fishermen from ports east of Port Clyde on the western edge of Penobscot Bay who fish for groundfish. As a result of eastern Maine's groundfish fishery collapsing prior to the qualifying period for sector allocation, fishermen in this region have virtually no quota. Therefore, even as the stocks begin to recover, there is no mechanism to ensure that communities that once depended on these stocks will experience the benefits of rebuilt fisheries. The same is true for all of New England as this fishery consolidates in a winner-takes-all system. Soon, groundfishing may only be limited to a very few, highly mobile vessels operating from large ports.

Fishermen who attended scoping hearings throughout New England voiced their concerns over the threats that they saw to a) productive inshore fishing grounds, b) affordable access to the fishery, and c) profitability. We urge the Council to carefully consider all of the comments submitted verbally at scoping meetings, as well as in writing. These comments clearly articulate a complex array of threats to fleet diversity, including:

- excessive effort on inshore fishing grounds,
- high cost of quota,
- no opportunities for new entry,
- reduced employment,
- financial incentives to lease quota rather than fish it, and
- an inequitable distribution of fishing rights in the initial allocation.

Fishery managers in other regions have enacted strict controls to address these problems and preserve fleet diversity while also fostering appropriate competition and promoting stability. Market forces combined with reduced catch limits are highly destabilizing, particularly for inshore, small boat fishermen. The Council should examine whether the following tools could reduce the consolidating pressure on the most vulnerable components of the fleet:

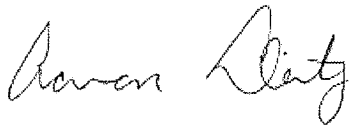
- quota set asides for owner-operator fishermen,
- separate size classes for leasing to prevent one size class from dominating the lease market,

- an inshore/ offshore line to reduce fishing pressure on productive inshore spawning grounds,
- incentives to encourage fishermen to catch their quota rather than lease it for profit,
- creation of community fishing associations, as described in the Magnuson Stevens Act,
- individual accumulation caps.

Finally, fishermen repeatedly cite the cost of monitoring as an additional burden on the fleet. We support an effective monitoring system to provide accountability and ensure compliance with catch limits and sector regulations. However, the cost of this monitoring system needs to be applied proportionally to the volume of catch in the fishery. Furthermore, the cost of monitoring both at-sea and dockside needs to come down dramatically to be viable. Camera-based monitoring, and full retention of legal catch are some options that may begin to reduce costs.

Productive fish stocks are the first step to securing fleet diversity, and New England fishery managers have enacted bold, dramatic changes to rebuild depleted groundfish stocks. However, if the New England region loses the small boat, inshore component of the groundfish fishery during the difficult rebuilding process, we will have lost numerous jobs, infrastructure, the majority of the fresh fish market, and a vital component of New England's coastal communities. Managers need to act now to limit individual accumulation of quota, to protect existing fleet diversity, and to ensure that affordable opportunities exist for young people who want to enter the fishery as stocks continue to rebuild.

Sincerely,



Aaron Dority
Downeast Groundfish Initiative Director
Penobscot East Resource Center

K & K FISHING CORP.

84 Front Street
New Bedford, MA 02740
Phone (508) 548-8226
Fax (508) 548-2629
pkavanagh5@aol.com

May 17, 2012

Subject: Groundfish Amendment 18 Scoping comments

Because sector management plans are approved by NOAA it is entirely appropriate that NOAA Enforcement assures that ACE transactions both within and among sectors are carried out according to those management plans. I am requesting that NMFS enforce such trades to that end.

This is necessary to ensure that quota is not concentrated by any individual or entity (National Standard 4: "no particular individual, corporation, or other entity acquires an excessive share of such privileges"). Nearly 40% of one stock is already concentrated by three entities. Contributing to that and interfering with the ability of fishermen to access quota available for trade is the current trend subjecting trades to the "right of first refusal" for sectors that are in an "umbrella" group. The sectors were designed with limits in mind to make free and open trade possible. "Umbrella sectors" is nothing but an end run around those necessary limits and must not limit free trade among sectors by means of a "right of first refusal" above the sector level. By means of a "second" right of first refusal one "umbrella" currently controls 2/3 of all groundfish, clearly this is not acceptable.

Sincerely,

Lawrence P. Kavanagh, Jr.
President, K & K Fishing corp.

Dear New England Fisheries Management Council,

I am writing to support Amendment 18 and urge the Council to develop protections for fleet diversity.

As a young commercial fisherman and a person who grew up in New England, I'm proud of our region's tradition of individualism and independence. I'm also excited by the opportunities provided by the region's natural resources. Stories of the 'Good Old Days' of commercial groundfishing in the Gulf of Maine are a painful reminder of such opportunity, wasted. Imagine the fish resource of yesterday coupled with the marketing networks of today- charter boats, restaurants, fish markets, boatyards, chandleries—small businesses thriving as a direct result of careful and effective management—an economy celebrating conservation with its success. The realization of this vision depends directly on the leadership and political courage of today's fisheries managers to overcome the influence of the self interested few who defend their stake in the dysfunctional status quo by blocking solutions to the problems thus hindering a more expedient and meaningful recovery of groundfish in the Gulf of Maine.

We know how it all went wrong; over fishing, destructive gear, failure to protect spawning fish and spawning areas—these are the mistakes that contributed to today's relatively low abundance. I'm not interested in repeating these mistakes. I'm interested in creating and seizing the moment where it all starts to go right. Amendment 18 can be that moment. Fleet diversity measures provide opportunity to those who want to transcend the status quo and hold a stake in the successful future of sustainable groundfishing.

Today, smaller scale, more sustainable fishing operations are challenged by the fact that their fishery is increasingly less affordable. To begin with, the way catch shares were distributed was unfair and not in the interest of sustainability; those who historically caught the most fish, in other words, those most responsible for depleted fish stocks, were rewarded with the most quota.

When too few people control the right to fish, they are able to manipulate the cost of quota leasing to a point where those who own permits with significant quota, and lease to other fishermen, are the only ones who can make money. This modern form of marine sharecropping is a losing proposition. The everyday challenges that smaller scale fishermen face—high fuel prices, inconsistent fish prices, weather, etc. are increasingly compounded by the artificially high price of quota. Quota is increasingly expensive because of speculative hoarding and trading of unfairly distributed fishing rights. In the same way that there are laws preventing businesses from forming monopolies, the amount of quota that a single person can control should be limited too. For this reason I strongly support quota accumulation caps.

Higher fuel prices and the removal of trip limits have concentrated much of the fishing effort of the largest offshore boats in relatively small areas. This is detrimental as much research suggests that groups of fish that spawn together also travel together. Thus even when not technically spawning, that entire spawning population is vulnerable to the same extreme and lasting depletion we've seen in areas of coastal downeast Maine. These sub populations' loyalty to their spawning grounds makes the sort of concentrated effort on Stellwagen bank akin to blocking a salmon river with a gill net. In order to remedy this systematic depletion of inshore fish, we must separate the fishery into an inshore and

an offshore fishery. Small boats, under 50 feet in length, lack mobility. As a result these fishermen have a vested interest in their specific fishing grounds. This vested interest lends itself to the sort of area and ecosystem based management that leads to meaningful and effective regulations matching the scale of fishing to the scale of the ecosystem.

To date, fisheries managers have ignored the impact of fisheries on one another. Recovering fish stocks that are starved by mid-water trawlers and plagued by dogfish predation will not recover in the ways that they could and should. It's essential that scientists and fisheries managers better understand and acknowledge the interaction of different fisheries and establish inter-fishery goals that are achieved through thoughtful and meaningful regulation in order to better facilitate the recovery of the ecosystem as a whole.

Today we are faced with a clear choice: Do we want to be the folks who stood by while the largest boats fished in our backyards and forced these most sustainable and traditional operations out of business? Or, do we want to be the folks who stood up for independent fishermen—for small businesses that, as a result of what those who favor consolidation call “inefficiencies,” generate the most prosperity for the most people per pound of fish harvested? We have the opportunity to bring common sense back into the realm of fisheries management, to foster a meaningful recovery of Groundfish, and to return to the good old days. This is our moment, this is when we take the positive and meaningful steps toward rebuilding the ‘Good old Days.’

K & K FISHING CORP.

84 Front Street
New Bedford, MA 02740
Phone (508) 548-8226
Fax (508) 548-2629
pkavanagh5@aol.com

May 17, 2012

Subject: Groundfish Amendment 18 Scoping comments

Because sector management plans are approved by NOAA it is entirely appropriate that NOAA Enforcement assures that ACE transactions both within and among sectors are carried out according to those management plans. I am requesting that NMFS enforce such trades to that end.

This is necessary to ensure that quota is not concentrated by any individual or entity (National Standard 4: "no particular individual, corporation, or other entity acquires an excessive share of such privileges"). Nearly 40% of one stock is already concentrated by three entities. Contributing to that and interfering with the ability of fishermen to access quota available for trade is the current trend subjecting trades to the "right of first refusal" for sectors that are in an "umbrella" group. The sectors were designed with limits in mind to make free and open trade possible. "Umbrella sectors" is nothing but an end run around those necessary limits and must not limit free trade among sectors by means of a "right of first refusal" above the sector level. By means of a "second" right of first refusal one "umbrella" currently controls 2/3 of all groundfish, clearly this is not acceptable.

Sincerely,

Lawrence P. Kavanagh, Jr.
President, K & K Fishing corp.

Jordan Lynn Inc.
F/V Jocka
R/V Rachel T
67 Grover Lane
Harpwell, ME 04079
H:207-729-1850
C:207-729-2538

Mr. Paul Howard, Executive Director
New England Fishery Management Council
50 Water Street
Newburyport, MA

Dear Paul,

Please accept my comments on Amendment 18

Accumulation Caps

The Council's decision to publish a new control date for groundfish, along with the suggestions in Amendment 18 scoping document that the Council is considering accumulation caps, has created great uncertainty in the industry. I have had several phone calls from my bank {Farm Credit of Maine} expressing concerns about the fate of the investments they have made in my company. Farm Credit is one of the largest lenders to the Groundfish fleet in Maine. They are very concerned that the money they have invested through their customers will once again be devalued.

To ease the concerns of industry and marine lenders, the Council should make it clear that the people who invested in the groundfish business before the control date 4/7/11 will be grandfathered and not forced to sell.

Most of the vessels left in the fishery either own more than one permit or the lease fish from someone who owns more than one permit in order to stay in the business. We need people in the business that own a few permits in order to keep the leasing rates at a lower level.

I have a permit that has been on my vessel during the entire qualifying period for the allocation. In all those years we fished every day we were allocated every year and we still didn't get anywhere near enough quota to fish that boat. Luckily I had bought some permits in the mean time and I still have to lease quota.

The bottom line is with the low ACLs no one has sufficient allocation enough fish so why are we wasting the councils time talking about this when we have so many pressing issues to deal with. Paying for a monitoring program, getting access to the closed areas to make us as efficient as possible especially with \$4 a gallon fuel hanging over our heads.

Fleet Diversity

I think someone needs to define fleet diversity before we can comment on it.

The historic fleet in my harbor was 15, 60 foot vessels that rarely left the sight of land and towed shrimp nets year round. Is that what people are looking for in fleet diversity?

The Council's attempts to social engineer this fishery will surely backfire. Layering input controls on a hard TAC management system will wreak havoc on the entire fleet.

Thank You
Terry Alexander
Jordan Lynn, Inc.



Mr. Paul Howard
New England Fishery Management Council
50 Water Street
Newburyport, MA 01950

RE: Amendment 18 Scoping Comments

04/28/12

Dear Mr. Howard,

Thank you for the opportunity to provide comments on the Amendment 18 Scoping Document to the Multispecies (groundfish) Fishery Management Plan to consider the establishment of accumulation limits and issues associated with fleet diversity.

Environmental Defense Fund (EDF) understands that addressing these complex issues will continue to be an extraordinarily difficult undertaking with many divergent and deeply held opinions, and we appreciate the willingness of the Council to continue seeking ways to address these issues.

By any measure, in order for the groundfish fishery to move forward in ways consistent with the values and needs of a multi-vessel fishery and the communities supporting them, the ground rules must be clarified and established with transparency and balance.

EDF recommends the Council consider a wide range of alternatives to reduce the likelihood that groundfish permit holders have excessive ownership and control over the groundfish resource that both recognize fishermen’s previous investments and takes into account the importance of maintaining options for fleet improvements and for smaller scale fishing operations to expand their businesses.

Accumulation Limits

Ownership and control of fishing opportunities in the New England groundfish fishery has continuously evolved. Decades of decline in the fishery have fostered consolidation of vessel ownership and catch history. Similar to most fisheries in the US, 20 percent of the vessels have consistently accounted for 80 percent of the groundfish landings for at least the last decade.

Before the Council embarks on accumulation limit development or other management alternatives to address ownership and issues related to fleet diversity, it is important for the Council to establish clear goals and objectives for these management alternatives. On June 23, 2010, the New England Fishery Management Council passed a motion stating the following goals related to the issues of 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.

Establishing accumulation limits and other management measures can be done in several different ways to achieve a number of the aforementioned goals and the Council should consider a wide range of alternatives. These include: vessel catch limit (restricts the amount of catch per vessel), quota control limit (restricts the amount of long term quota a single entity can control), permit limit (restricts the numbers of permits a single entity can control), and a sector catch limit (restricts the amount of catch per sector).

Most catch share programs in North America have established accumulation limits to control fleet consolidation and to make sure that quota ownership is spread across a large enough number of participants in order to limit market power and expand fishing opportunity.

There is no single way to set accumulation limits, and in fact, they are typically tailored to the characteristics of individual fisheries and the management goals of each fishery. Some fisheries have set high limits (4% cap on Mid-Atlantic tilefish ITQ), while others are low (1% cap for Alaska halibut). The Council needs to take into account the important social and biological attributes of the fishery when developing accumulation limits. For example, offshore fisheries that require lots of expensive gear and capital investment may tend to have a higher limit than near shore fisheries that are easily accessed by smaller boats, less capital intensive operations.

Allow for Flexibility and Case by Case Review

When considering establishing accumulation limits or other alternatives to address accumulation of excessive shares, the Council may want to allow for flexibility and a case by case review for exemptions to occur if it is in the public interest. One approach would be for the Council to establish guidelines for quota ownership and fleet diversity that would establish a presumption that a transfer was either in the public interest or not likely to be in the public interest. Transfers that met the presumption of beneficial public interest would be routinely approved. Transfers that were presumed to be not in the public interest would require further review. The factors that would be considered in the review process would be specified by the Council in advance and would themselves be subject to review and modification by the Council on a regular basis. The factors to be considered might be the effect of the transfer on the

maintenance of inshore and offshore fleets, gear diversity, vessel size across the fleet, geographic distribution of quota ownership, diversity of levels of participation, gains and losses to fishing communities, and potential detrimental market control over landings or quota resulting from the proposed transfer.

The publication of the criteria that would be used to separate routine transfers from those requiring more intense scrutiny would provide the certainty that most businesses need for their normal business operations while providing protection for the public interest in a way that recognizes the unique circumstances of each major transaction.

Evaluate Current Rules Governing Permit and PSC Transfers

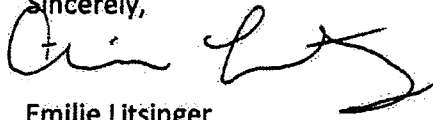
We also note a list of current rules governing permits and PSC transfers and sector membership that the Council may need to revisit when developing alternatives to establish accumulation caps and issues associated with fleet diversity. These include:

- **Inseparability of quota and permit:** Potential sector contributions (PSC) for multiple stocks are bundled together and attached to a permit. If accumulation limits are applied on a stock by stock basis, a permit holder will be challenged to have the right balance of PSC, and will be encumbered with a great deal of inefficiency.
- **Inseparability of fishery permits:** The owner of a vessel with a groundfish permit often has permits for other fisheries on the same vessel. Permits can't be "split," or separated, meaning that all of the federal permits for other fisheries that are associated with a groundfish permit must be sold together with the groundfish permit.
- **Inseparability of permits and vessel:** Permits can't be sold unless they are attached to a vessel. Technically, the seller sells a boat with its attached permits; he does not sell the permits. If the seller only wants to sell his permit, not his boat, the common work-around for this restriction is for the seller to transfer his permits onto a "replacement vessel" which he owns, most often a dinghy. He then sells the dinghy to the buyer with the permits attached. Prior to the days of leasing DAS and ACE, the buyer would then transfer the permits to his "replacement vessel," which would be the boat he wanted to fish with. Now, with the ability to lease from an inactive permit to an active vessel, the new owner simply keeps the permits on the dinghy and leases the ACE to another boat that he owns or to anyone else within his sector or for whom he has his sector approval.

Modifying the rule to allow PSC for individual stocks to be permanently transferred independently of a permit may allow PSC to be restored to geographic locations where it was originally accumulated but subsequently transferred out of the area through a permit transfer. In addition, separating PSC from permits would also make it possible for crew members to become quota owners in a graduated process. In the Pacific halibut fishery, for example, it is common for crew members to buy quota shares which they then lease to the vessel on which they fish.

EDF appreciates the opportunity to comment on these important measures and recommend management alternatives for the Council to consider in developing Amendment 18. We urge the Council to continue to push forward on this development of Amendment 18.

Sincerely,

A handwritten signature in black ink, appearing to read "Emilie Litsinger". The signature is fluid and cursive, with a long horizontal stroke at the end.

Emilie Litsinger
Groundfish Project Manager



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

March 1, 2012

RE: Groundfish Amendment 18 scoping comments, RIN 0648-BB69, 76FR79153

Food & Water Watch (FWW) is a national consumer action organization that defends and advocates for robust public management of natural resources, including fish, and we appreciate this opportunity to comment on the establishment of accumulation limits in the Northeast groundfish fishery.¹ We urge the New England Fishery Management Council (NEFMC) to reject the option of "No action" and instead prioritize implementation of strong accumulation and consolidation limits in the Northeast Multispecies Fishery Management Plan (FMP). While we strongly feel that these measures should have been considered before Amendment 16 to the Northeast Multispecies FMP was adopted, in order to mitigate the proven negative consequences of fishery privatization on communities, we consider establishing these limits as soon as possible to be a pressing responsibility for the NEFMC. We would add that the need for these limits is particularly pressing given the dramatic state of the most recent Gulf of Maine cod stock assessment, which could exacerbate the pressures already causing consolidation in the groundfishery.

The first full year of sector management for New England groundfish clearly displayed the sort of consolidation that makes accumulation limits necessary to preserve fleet diversity:

- The number of vessels making groundfish trips declined from 566 in 2009 to 450 in 2010, a loss of 116 vessels representing a fleet reduction of 20.5%. This reduction is much greater than that the 7% reductions that occurred between 2007-2008 and 2008-2009, and should not be conflated with these smaller reductions as if part of an already-occurring trend.²
- 2010 showed a "pronounced increase" in the number of vessels making \$1 million and greater, while the number of vessels in the six lowest revenue categories declined.³
- In 2010, revenue from groundfish became increasingly consolidated in the highest-earning 20% of vessels, increasing from 67% in 2007 to 80% in 2010. Most of this increase occurred in 2010.⁴
- Smaller vessels came to rely more heavily on non-groundfish trips. Their nominal

¹ National Marine Fisheries Service. "New England Fishery Management Council; Notice of intent to prepare an Environmental Impact Statement (EIS); Northeast Multispecies Fishery; Notice of public scoping meetings." 76FR79153. December 21, 2011.

² National Marine Fisheries Service. "2010 Final Report on the Performance of the Northeast Multispecies (Groundfish) Fishery (May 2010 - April 2011) 2nd edition. October 2011 at 9 and 37.

³ Ibid. at 23-24.

⁴ Ibid. at 24.

revenues were among the lowest in the past 4 years. In contrast, larger vessels had higher average revenues in 2010 than in the last 3 years.⁵

- The number of crew positions declined from 2,687 in 2007 to 2,277 positions in 2010, a 15% decline. The decline that resulted from implementing catch shares was higher than in previous years – 165 jobs were lost in one season, representing an almost 7% decline.⁶

In the Federal Register publication of this notice of intent, NMFS stated: “There is concern that the low catch limits, in conjunction with expanded sector management, will lead to excessive consolidation and lack of diversity in the groundfish fleet. Likewise, there is concern regarding consolidation and diversity in the groundfish fleet as stocks rebuild and acceptable biological catches (ABCs) increase.”⁷ As discussed in detail in the following comments, catch share systems have a proven track record of causing this exact excessive consolidation that concerns the Council and NMFS. Strong measures must be taken to counteract the trends currently taking place in the groundfishery, as they will not improve on their own, putting the diversity of New England’s fishing fleet in jeopardy.

Catch share systems, as implemented throughout the United States and the world, have typically resulted in an unfair giveaway of public resources to private entities. The gains in economic efficiency hailed by supporters of catch shares have come at the expense of the livelihoods of thousands of smaller-scale, traditional fishermen and their communities, and the claims of increased fishery sustainability and safety are often overblown. The design of catch share programs has violated the Magnuson-Stevens Fishery Management Act, and has been found to violate human rights in international court.

While FWW believes that allocating total allowable catch to fishermen can be one of many effective tools in addressing the modern challenges of fishery management, these programs must be rigorously designed to ensure that they retain public control of fishery resources and return a portion of the value of each fishery to the public. Allocations to fishermen must be fair and equitable, and the programs should include incentives to maintain a diverse fleet, minimize damage to the environment, and allow new participants in the fishery. FWW considers accumulation limits to be a critical component of a well-designed catch shares program and urges the NEFMC to develop and adopt strong measures to prevent consolidation and the resulting economic hardship to fishermen and fishing communities.

The initial distribution of catch shares can create windfall profits for a select few and moves the fishery towards rapid consolidation that further disadvantages smaller-scale fishermen.

Catch share programs are justified by the idea of maximizing the economic efficiency of a fishery. Unfortunately, this “optimization” or “rationalization” comes at the cost of excluding large numbers of people from the system entirely. Shares in a new catch share fishery are

⁵ Ibid. at 11.

⁶ Ibid. at 68.

⁷ National Marine Fisheries Service. “New England Fishery Management Council; Notice of intent to prepare an Environmental Impact Statement (EIS); Northeast Multispecies Fishery; Notice of public scoping meetings.” 76FR79153. December 21, 2011.

typically distributed proportionally to fishermen's historical catch. Those who receive the largest initial distribution of shares — or have the most capital to buy and lease shares — often gain control over an entire fishery, pushing smaller fishermen out of fishing and even into bankruptcy.⁸ These privileged few may sell their quota and gain an instant profit,⁹ or use the expected value of quota as collateral to get loans from a bank.¹⁰ Anticipation of a new catch shares program can distort these statistics, as it prompts new fishermen to enter the fishery and current fishermen to increase their catch, a behavior termed "fishing for history."¹¹

Once quotas are distributed, the fishery moves rapidly toward consolidation. In 2010, revenue from groundfish became increasingly consolidated in the highest-earning 20% of vessels, increasing from 67% in 2007 to 80% in 2010. Most of this increase occurred in 2010.¹² In another example, the ocean quahog fishery in the mid-Atlantic became so consolidated that one firm controlled 35 percent of the available quota two years after the program began.¹³ In Alaska's Bristol Bay king crab fishery, only 89 out of 251 boats remained the year after catch shares were implemented.¹⁴

Many quota holders don't even fish themselves. Instead they become "armchair fishermen" or "fishery landlords" by leasing their quota for exorbitantly high prices. The Canadian halibut fishery switched to a privatized catch share system in 1991, and by 2006 a total of 79 percent of the quota was leased out instead of being fished by quota owners themselves.¹⁵ Quota leasing has become the single largest operating cost for these fishermen, pushing them to the margins of profitability,¹⁶ which could drive more fishermen into bankruptcy.¹⁷

Fishermen in Iceland who had been excluded from their country's catch share system took their grievances before the United Nations Human Rights Committee, alleging that privatization violated the International Covenant on Civil and Political Rights by forcing fishermen without quotas to pay money to a privileged group of citizens (the quota holders) in order to pursue their occupation. After reviewing the issue, the Committee ruled that privatized catch-share systems violated international law.¹⁸

⁸ Copes, Parzival and Charles, Anthony. "Socioeconomics of individual transferable quotas and community-based fishery management." *Agricultural and Resource Economics Review*. 33/2. October 2004 at 174-175.

⁹ National Research Council. Committee to Review Individual Fishing Quotas. "Sharing the fish: Toward a national policy on individual fishing quotas." National Academy Press. Washington, DC. 1999 at 142.

¹⁰ Arnason, Ragnar. "Iceland's ITQ system creates new wealth." *The Electronic Journal of Sustainable Development*. Vol 1 Issue 2. 2008 at 36.

¹¹ Macinko, Seth and Bromley, Daniel W. "Who owns America's fisheries?" Center for Resource Economics. 2002 at 18. For an example, see Brandt, Sylvia. "A tale of two clams." *Regulation*. Spring 2005 at 20.

¹² NMFS. "2010 Final Report" at 24.

¹³ National Research Council. *Supra* note 3 at 295.

¹⁴ Alaska Journal of Commerce. "High Pressure Tactics Were in Place at Dutch Harbor." Web posted June 5, 2009. Available at http://www.alaskajournal.com/stories/060509/fis_img37_001.shtml

¹⁵ Pinkerton, Evelyn et al. "The elephant in the room: The hidden costs of leasing individual transferable fishing quota." *Marine Policy*. 2009 at 4.

¹⁶ *Ibid.*, at 2.

¹⁷ Copes, Parzival and Charles, Anthony. *Supra* note 2 at 175.

¹⁸ United Nations, Human Rights Committee, International Covenant on Civil and Political Rights, (91st session) *Communication No. 1306/2004. CCPR/C/91/D/1306/2004*. December 2007, #11 at 20. Available at http://www.bayefsky.com/pdf/iceland_t5_iccpr_1306_2004.pdf

Consolidation of the fleet translates into widespread job losses and reduced wages for fishermen and crew.

As a result of consolidation, many fisheries have lost well over half of their fishing fleets. Despite widespread academic agreement that catch share programs create job loss in communities, NOAA Administrator Jane Lubchenco announced that catch shares are “merely a tool” and “not the cause” of lost fishing jobs.¹⁹ But as can be seen in the table below, fisheries commonly lose three quarters of their fleet after catch shares are implemented, with 3 to 6 jobs lost per boat.

The precise impacts of catch shares on crew are relatively unknown, but the research that has been done belies the claim that crews have safer, better jobs with higher wages.²⁰ Vessel owners are shifting the costs of leasing additional quota onto crew by taking a large percentage of the total catch value before calculating wages. The crew of the Canadian halibut fishery received 10-20 percent of the catch value before catch shares, and now receive only 1-5 percent.²¹ Even the fishermen who own their quota have begun to pay their crew these same low wages, because it is more profitable for quota owners to lease their quota than to fish it themselves while paying their crew the wages they used to receive.²² So, in the Canadian halibut fishery, although the overall value of the fishery has increased by 25 percent over 17 years, the crews’ share of that value has dropped by 73 percent.²³ In the Bristol Bay red king crab and Bering Sea snow crab fisheries, some crew members report that pay has dropped from 5-6 percent of catch value to less than 1 percent,²⁴ while an estimated 1,214 crew members lost their jobs entirely after IFQ implementation in those fisheries.²⁵

¹⁹ Gaines, Richard. “NOAA chief: System not causing job loss.” *The Gloucester Times*. Dec 16, 2010. <http://www.gloucestertimes.com/local/x1707767675/NOAA-chief-System-not-causing-job-loss>

²⁰ For an example of such claims, see: Environmental Defense Fund. “What do catch shares mean for fishing jobs and fishing fleets?” Accessed on Feb 4, 2011; page last updated October 28, 2009; available at <http://www.edf.org/page.cfm?tagid=48874>

²¹ Pinkerton. *Supra* note 9 at 5.

²² *Ibid.*

²³ *Ibid.*

²⁴ Jensen, Andrew. Owners profit, but crew feel the pinch of crab catch shares. *Alaska Journal of Commerce*. June 4, 2010. http://www.alaskajournal.com/stories/060410/fis_img8_001.shtml

²⁵ Calculations performed by Food & Water Watch staff. “Rationalization resulted in an estimated loss of 757 total jobs in the BRR fishery.... And an estimated loss of 457 total jobs in the BSS fishery.” From Knapp, Gunnar. “Economic Impacts of BSAI Crab Rationalization on Kodiak Fishing Employment and Earnings and Kodiak Businesses. A Preliminary Analysis” Institute of Social and Economic Research, University of Alaska Anchorage. May 2006 at 22.

Fleet Reduction Means Job Losses			
"Fleet reduction" — meaning fishermen being cut out of fishing — is often highlighted as a success of IFQ programs. ²⁶ But every time a boat stops fishing, an estimated 3 to 6 jobs are lost, ²⁷ resulting in struggling coastal and fishing communities.			
IFQ Program	Boats in fishery prior to IFQ	Boats in Fishery after IFQ	Boats lost
Alaska Halibut	3450 boats in 1994	1156 boats in 2008	66% in 14 years
Alaska Sablefish	1404 boats in 1994	362 boats in 2008	74% in 14 years ²⁸
Bering Sea and Aleutian Islands Pollock	100 catcher and 30 catcher-processor in 1998	90 catcher and 21 catcher-processor in 2005	10% catcher and 30% catcher-processor in 7 years ²⁹
Bering Sea and Aleutian Islands red king crab	251 boats in 2004	74 boats in 2007-2008	71% in 3-4 years
Bering Sea and Aleutian Islands snow crab	189 boats in 2004	78 boats in 2007-2008	59% in 3-4 years
Pacific Sablefish	328 boats in 2000	87 boats in 2008	73% in 8 years ³⁰
Gulf of Mexico Red Snapper	546 permits in 2007	466 permits in 2008	15% in one year
Wreckfish	91 boats in 1990	Less than 5 boats in 2009	95% ³¹
Surf clam	128 boats in 1990	50 boats in 2005	61% in 15 years ³²
Ocean Quahog	92 permits in 1991	47 permits in 2005	49% in 14 years ³³

²⁶ All from NOAA Fisheries Office of Sustainable Fisheries. Current Catch Share Program Spotlights. Available at http://www.nmfs.noaa.gov/sfa/domes_fish/catchshare/index.htm except for Surf clam, from NOAA's Status of Fishery Resources off the Northeastern US: Atlantic Surfclam.

<http://www.nefsc.noaa.gov/sos/spsyn/iv/surfclam/> and Ocean Quahog, from NOAA's Status of Fishery Resources off the Northeastern US: Ocean Quahog, <http://www.nefsc.noaa.gov/sos/spsyn/iv/quahog/>

²⁷ This number varies between fisheries. For the New England groundfish fishery, each boat is estimated to have 3 to 5 jobs available, while for the Alaska King crab and snow crab fishery, an average of 5 to 6 jobs are available. Saving Seafood, supra note 6. Also, see Knapp, Gunnar. "Economic Impacts of BSAI Crab Rationalization on Kodiak Fishing Employment and Earnings and Kodiak Businesses. A Preliminary Analysis" Institute of Social and Economic Research, University of Alaska Anchorage. May 2006 at 21.

²⁸ Calculation performed by Food & Water Watch staff. NOAA reports a 70% reduction, which does not match the numbers provided.

²⁹ Calculation performed by Food & Water Watch staff.

³⁰ Calculation performed by Food & Water Watch staff.

³¹ Calculation performed by Food & Water Watch staff.

³² Calculation performed by Food & Water Watch staff. NOAA reports a 74% reduction, which does not match the numbers provided.

³³ Calculation performed by Food & Water Watch staff. NOAA reports a 40% reduction, which does not match the numbers provided.

Catch shares can hurt communities and prevent new fishermen from entering the fishery. Catch share programs must be designed to follow all of the guidelines in the Magnuson-Stevens Act to prevent individual and community economic hardship.

The Magnuson-Stevens Fishery Conservation and Management Act specifies that, among other critical safeguards, all fishery management plans must “take into account the importance of fishery resources to fishing communities...in order to (A) provide for the sustained participation of such communities, and (B) to the extent practicable, minimize adverse economic impacts on such communities.”³⁴ And that catch shares programs must provide for “fair and equitable initial allocations” of quota, prevent “excessive” consolidation, and set aside portions of the catch for entry-level fishermen, small vessel owners, and crew.³⁵

But catch share programs have widely failed to meet these criteria. The economic hardship and job loss among fishermen due to catch share programs have widespread impacts — related industries like processors, baiters, and boat repairers also suffer, along with the ports and communities reliant on fishing. As unemployment spreads, people have less to spend at grocery stores, restaurants, and other key community businesses, which can eventually lead to people leaving in search of jobs and opportunity.³⁶ A study of the Nova Scotia mobile gear groundfish catch share program found that transferability of shares resulted in striking regional imbalances in consolidation, as some areas acquired quota at the expense of other towns and ports.³⁷ The increasing fortunes of those able to take advantage of catch shares in these communities have exacerbated disparities of wealth and status and put a strain on the values of hard work and equity that held the communities together.³⁸ In Maine, after one year under the Northeast Multispecies FMP, “[l]andings by boats listing Portland as their principal port increased by 24 percent, and revenue increased by 37 percent. Landings by boats from other ports in Maine dropped by 52 percent, while revenue dropped by 25 percent.”³⁹

Quota leasing and purchasing also prevents new fishermen from entering the fishery. One study estimated that it can cost between \$250,000 to \$500,000 for a new entrant to lease enough quota for a single fishing trip in Alaska’s halibut fishery.⁴⁰ Fishermen who already have quota can use their existing quota as leverage for loans, but fishermen just starting out may have to use personal assets, such as their homes, for the required down-payment (costing between a 25 and 50 percent of the loan, or \$62,500 to \$250,000) before they can even catch

³⁴ Magnuson-Stevens Fishery Conservation and Management Act, as amended through Jan 12, 2007. § 301(a)(8). May 2007, second printing. Available online at http://www.nero.noaa.gov/sfd/MSA_amended_20070112_FINAL.pdf

³⁵ *Ibid.*

³⁶ Copes, Parzival and Charles, Anthony. *Supra* note 2 at 176.

³⁷ McCay et al. “Individual transferable quotas (ITQs) in Canadian and US fisheries.” *Ocean & Coastal Management*. Vol 28, No 1-3. Pp 85-115. 1995 at 104.

³⁸ *Ibid.*, at 105.

³⁹ Hayden, Anne and Conkling, Phillip. “Who gets to fish?” *The Working Waterfront*. April 27, 2011.

⁴⁰ Dory Associates. “Access Restrictions in Alaska’s Commercial Fisheries: Trends and Considerations.” Prepared for the Alaska Marine Conservation Council and Gulf of Alaska Coastal Communities Coalition. January 2009 at page 21. Available online at <http://www.akmarine.org/pressroom/access-restrictions-in-alaska2019s-commercial-fisheries-trends-and-considerations>

any fish.⁴¹ Purchasing the quota outright is out of the reach of most, since widespread leasing drives up the price of quota.⁴²

Strict limits on transferability and accumulation of shares should have been considered prior to NEFMC adopting Amendment 16 to the Northeast Multispecies FMP in order to mitigate the economic damage to fishermen and their communities detailed above. However, the NEFMC should adopt them soon in order to slow the industry privatization and consolidation that is already damaging the fishing communities of New England.

The National Marine Fisheries Service, when partially approving Amendment 16, requested that the NEFMC “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.”⁴³ The NEFMC failed to do so before implementing Amendment 16, and in the agenda for the April 26-28, 2011 meeting of the Council, the Groundfish Committee recommended, “to delay further work on an amendment to consider accumulation limits in the fishery.”⁴⁴

We do not support further delay on the development and implementation of measures to protect fleet diversity and fishing communities from the New England sectors program. We acknowledge that the National Oceanic and Atmospheric Administration is developing a new data collection program to gather and assess social and economic data from fisheries and communities in New England and the Mid-Atlantic,⁴⁵ but we are concerned this program will begin too late to effectively assess the fishing communities in those regions. It may only establish a false baseline, only assessing fisheries after consolidation and share accumulation have already decimated coastal communities.

Thus, the NEFMC should act quickly to ensure that catch share transferability does not result in fishery consolidation, widespread job loss, and the decimation of ports and communities by establishing strong limits on accumulation of control in the Northeast Multispecies Fishery.

Thank you for this opportunity to comment.

Sincerely,



Meredith McCarthy
Researcher, Fish Program

⁴¹ Ibid.

⁴² Ecotrust Canada. “Briefing: A cautionary tale about ITQs in BC fisheries.” Issue 8. 209 at 3. Available online at <http://www.ecotrust.ca/fisheries/cautionarytale>

⁴³ National Marine Fisheries Service. Supra note 1.

⁴⁴ National Marine Fisheries Service. “New England Fishery Management Council (NEFMC); Public Meeting” 76FR19329. April 7, 2011.

⁴⁵ National Oceanic and Atmospheric Administration. “Proposed information collection; Comment request; Socio-economic surveys of vessel owners, permit holders, and crew in New England and Mid-Atlantic fisheries.” 76FR16611. March 24, 2011.

A Brief History of the New England Fishing Industry

As It Relates to Fleet Diversity

By

Richard B. Allen

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Chapter 1 - Introduction

New England's 400-year history of commercial fishing is often invoked to support policies and regulations intended to maintain the current character of the Northeast groundfish fishery. A reading of the historical record, however, makes it clear that the current character of the groundfish fishery would not exist if fleet diversity measures had been implemented at any previous point in time, from the earliest days of the fishery in the 1600s to the 1980s, when gillnets began their climb from less than 10% of groundfish landings to more than 25% in recent years. Whether the issue is owner-operators, crew status, geographic distribution of catches or landings, boat size, gear type, species mix, or profitability¹, the New England fishing industry has at one time or another likely been at

¹ In June 2010 the New England Fishery Management Council voted on these goals and objectives:

the opposite end of the spectrum from where it is today. Continuous change seems to be the only constant characteristic of the New England fishing industry.

While the emphasis today is on the small boat fleet, generally taken to mean boats less than 50 feet, the distinction between inshore and offshore fleets in the readily available histories of the groundfish fishery is less obvious. Fifty-foot boats travelled to all the offshore fishing grounds during the eighteenth and nineteenth centuries, but they and their larger companions generally fished only during the spring and summer. Winter fishing was unusual until the 1800s, and after that created a distinct difference between Massachusetts vessels that did fish in the winter, and Maine vessels that did not, one of the factors that led to the decline of the Maine fishing industry in comparison to Massachusetts in the late 1800s..

The historical record makes it clear that fishing ports have come and gone, risen and fallen. Marblehead, MA was the premier fishing port in the New World for about 200 years, before Marbleheaders turned to shoe-making as a safer and more reliable way to make a living. Prior to the Civil War, Portland, ME was “something of a fisheries backwater compared to other parts of Maine” (O’Leary, 1996, p. 183) such as Castine, Wiscasset, Deer Isle, Boothbay, and other fishing communities further east. After assuming prominence within Maine after the Civil war (and the repeal of the cod bounty), Portland lost many of its fishing companies to Gloucester during the latter part of the 1800s. That process was reversed in the mid-1900s, as large fishing companies moved from Massachusetts to Portland and Rockland. The demise of the large fishing companies during the 1970s took Portland and Rockland down with it. After a brief resurgence in the late 1900s, Portland again lost ground to Massachusetts ports during the early 2000s.

Fishing gear changed little from the earliest days of the fishery until the mid-1800s, when hand-lining was replaced by line-trawling for groundfish and purse seining for mackerel.

-
- 1) Maintain inshore and offshore fleets,
 - 2) 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 permit holders.

Then, as more recently, the introduction of these new fishing gears raised protests from fishermen who favored the traditional gear. Technological change accelerated with the construction of the first otter trawler in 1905. After World War II the pace of change became exponential with the continuous introduction of new electronics, new materials, and new fishing gear designs.

The ownership structure of the fishing fleet underwent many more frequent changes than did the fishing gear, responding to the availability of capital and labor and the profitability of the fishery. Early fishing trips to North America were financed by joint stock companies subscribed to by prominent merchants in England. With the settlement of permanent fishing communities and the shortage of labor to develop the frontier, fishing stations welcomed independent fishermen who owned or rented their own small boats. Then again, with the construction of larger and larger vessels to prosecute the more productive offshore fisheries, fish merchants supplied most of the capital, but often sold shares in the vessels to local investors, including the vessel captains. Until the 1900s, shared ownership of vessels was apparently much more common than ownership by a single entity.

Throughout the history of the fisheries, as now, fishing vessel crews were most commonly paid a share of the catch, sometimes based on their own individual catch, sometimes by dividing the pooled catch among the crew and vessel owner. Beyond that common feature, crew compensation and duties varied between ports and over time. In Marblehead, the common share arrangement returned five-eighths of the trip revenue to the crew after expenses, while in nearby Gloucester the crew share was one-half the revenue. On Cape Cod and in Maine the crew share was initially very generous, with owners taking only one-quarter or one-fifth, respectively, but economic pressures apparently guided all ports toward “fishing on the halves” over time. The share system was reinforced during the period 1789 to 1866 by a requirement in the federal cod bounty law that vessel crews had to be paid a share of the catch to qualify the vessel for the bounty payment. In Gloucester during the late 1800s, vessel owners often helped their captains buy a share in the vessel, to the benefit of both.

Perhaps one of the least acknowledged and most important differences between the current New England groundfish fleet and the historical fleet lies in the fishing grounds available to the fleet. Prior to the widespread adoption of 200-mile fishing limits in the 1970s, the New England fleet roamed the Northwest Atlantic and caught a large percentage of the annual landings from waters that are now Canadian. The loss of fishing grounds suffered by the New England fishing fleet during the 1970s and 80s doesn't necessarily sink in until one reads the history of the fishery, in which the Bay of Chaleur, for example, is mentioned as often as Georges Bank and the Gulf of St. Lawrence appears more than the Gulf of Maine. The loss of fishing grounds following the adoption of the 200-mile fishing limit and the World Court decision to give the Northeast Peak of Georges Bank to Canada coincided with the rapid expansion of the New England fishing fleet, just the opposite of what one might expect.

Consumer tastes and markets have changed dramatically over the 400 year history of the New England fisheries and the species sought by the fleet has followed suit. Cod dominated the fishery during the first 200 years, when salting was the primary method of preserving fish for long-term storage and shipment. With the development of the domestic fresh fish market and the use of ice to preserve the catch in the early 1800s, species such as haddock and halibut became more important. Otter trawling from the early 1900s to the present has resulted in a wider variety of species, including whiting and many kinds of flat fish.

As the first and most important native industry during the Colonial period, the fishing industry was given encouragement and assistance starting as early as 1635. Most importantly during the first 75 years of independence, the U.S. federal government provided direct assistance to the cod fishery through the payment of a cod bounty to vessel owners and crews. In Maine, the cod bounty kept many fishing enterprises in business according to many historians and its repeal, along with other obstacles, led to the "complete collapse" of the Maine fishing industry by 1890. More recently, a variety of financial assistance programs contributed to the doubling of the New England groundfish fleet, soon considered to be heavily overcapitalized. Subsequent vessel buy-outs began the process of matching the fleet size to the available resources. As fishery management

plans required continuing cut-backs in fishing effort and landings, the federal government provided periodic assistance to the industry.

As maritime historian Mary Ellen Chase wrote in “The Fishing Fleets of New England,” (1961, p. 138) “there is perhaps no other industry which has known so many periods of growth or so many of decline as fishing has known...” This brief history of the New England fishing industry attempts to provide an historical context for today’s issues of concern.

Chapter 2 - Inshore and Offshore Fleets

The first recorded fishing trip off the New England coast was made by Bartholomew Gosnold in March, 1602, in the vicinity of Cuttyhunk Island, home to the town of Gosnold, on the south side of Cape Cod. According to McFarland (1911, p. 32), Gosnold “commenced the fisheries on these shores” and “gave to Cape Cod its present name on account of the multitude of fish that he took near it.” Gosnold and other early explorers were equally interested in harvesting the sassafras roots that they found in the New World, but fish turned out to be the more valuable commodity.

Martin Pring followed Gosnold in 1603 and reached the coast of Maine near Penobscot Bay. From there he explored the coast to the south as far as Martha’s Vineyard, remaining in Plymouth Harbor six weeks, gathering sassafras and testing the soil by planting seeds (McFarland, 1911, p. 32). “In 1605, George Waymouth, under the patronage of several Englishmen of rank, came to the Maine coast in the vicinity of Penobscot Bay” (McFarland, 1911, p. 32). These early adventurers reported that the fishing off New England was more profitable than that off Newfoundland, “the fish being so much greater, better fed” (McFarland, 1911, p. 33).

Chase (1961, p. 71) reports that the earliest fisheries in New England were carried out with small “ketches, shallops, and undecked boats” fishing close to shore, delivering fresh fish to the drying stations on a daily basis. The fish were then dried on “flakes” and then loaded on somewhat larger vessels for transport to Europe. Few fishing boats constructed and sailed in New England in the 1600s were over 50-feet in length and capable of carrying twenty to thirty tons of cargo. By the end of the 1600s, merchant owners were building larger ketches and in 1713 Captain Andrew Robinson of Gloucester developed the schooner rig that became famous for its success in fishing on the offshore banks. “In the half-century from 1675 to 1725 the Essex County fishing fleet had been transformed from small, largely undecked shallops to two-masted ketches and schooners of thirty-five to sixty-five feet in length and fully decked with a raised forecastle or cabin aft” (Vickers, 1994, p. 145).

With the passage of time, more and more Marbleheaders consigned their aging boats to the woodpile, and by 1720, if not well before, the majority of professional fishermen were finding berths on deep-sea vessels. Gloucester arrived at a similar point via another route entirely. By 1675, the fishery there had died, and many local residents had turned instead to cutting timber for export. The forests of Cape Ann could not sustain commercial lumbering for long, however, and once the French had been driven from Nova Scotia in 1710, residents of Gloucester returned to the sea in the larger vessels they were able to purchase with their earnings from the timber trade (Vickers, 1994, p. 147).

McFarland (1911, p. 53) reports that: “the fishermen and merchants now began to build more sea-worthy boats and barques” in the 1630s. He writes that a vessel of one hundred and twenty tons was built by the people of Marblehead in 1636 and Salem followed with one of three hundred tons in 1640 and another in 1642.

In 1711 there were no less than 400 fishing vessels owned in Massachusetts with an average size of 50 tons, not counting at least 400 boats of smaller size. Vessels of 55-65’ were the most common offshore vessels at that time. Fishing schooners grew in size to lengths over 100’ by the end of the 19th Century.

Vickers (1994, p. 147) writes that:

Small boats never disappeared from Essex County entirely. Wherever colonists lived within the sound of the surf, they kept shallops, wherries, canoes, and other little craft hauled up on the beach or moored in tidal streams. Youths and older men in particular rowed and sailed the inshore waters – alone or in pairs – fishing for their own tables, for their neighbors, and for nearby markets throughout the period covered in this book [1630-1830].

Between 1675 and 1725, however, serious fishermen shifted their major effort from the employment of small vessels inshore to the launching of ketches and schooners in voyages upon the open sea, beyond the coast of Maine to the offshore banks and across three hundred miles of ocean to the Nova Scotia grounds.

McFarland (1911, p. 287) described the ups and downs of the New England fishing industry during the latter half of the nineteenth century as follows:

From 1845 to 1885 the fisheries of the country were in a prosperous condition...Those were years of abundance of deep-sea fish, and for a decade before and after the beginning of the war there was also a very large body of fish of the herring family on the New England coast...During the last quarter century the fisheries of New England have declined in a remarkable manner. This decline has been most marked with the offshore fisheries...The year of greatest tonnage for enrolled vessels² was 1873, when 1,558 vessels had a total of 99,542 tons. ...The number of enrolled vessels employed in the cod and mackerel fisheries in 1906 was 560 vessels. The average tonnage of vessels of this class is a little above eighty tons.

In contrast to the “decadence” of the deep-sea fisheries, McFarland (1911, p. 288) notes that the “development of several inshore industries and the rise of new enterprises in connection with the fisheries make the value of the fisheries of New England greater today than for the past twenty-five years.” He cites competition of fishery products from other parts of our own country and Canada as primary reasons for the decline of the deep-sea fisheries. He also writes that:

Another contributing cause to the decline of offshore fisheries is found in the social changes that have taken place along the New England coast within the last twenty-five years. A few decades ago a certain place was the site of a fishing station. Today Bar Harbor occupies the spot, a summer city for dwellers of the large towns. What has happened at that place has occurred, on a lesser scale, at hundreds of other places along the coast of New England. The fisherman’s hut has given place to the cottage of the summer visitor. The unsightly fish-buildings must be removed from the neighborhood. The natives turn from the deep-sea industries to find employment in supplying the needs and demands of this transient population.

² McFarland described enrolled vessels as those that engage in the deep-sea fisheries.

The demand for a bountiful supply of fresh fish to feed the summer population of coastal communities had the result that “the long off-shore voyages have been abandoned and a new home-market business has sprung up, important enough to maintain a large percentage of the coast people engaged in inshore fisheries. In place of numerous towns engaged in sending fleets of vessels to the banks forty years ago, we find deserted wharves, buildings in ruins, and fish-stands already past repair. Only one town in Maine now employs vessels in the bank fishery. The business has gradually centered about Boston and Gloucester” (McFaland, 1911, p. 292).

In terms of fishing vessel evolution, the period between 1725 and 1905 was one of continuous increases in the size and speed of sailing vessels used in the offshore fisheries, but without any fundamental change in technology. With the advent of steam power and the otter trawl, then the diesel engine, a new generation of vessels replaced the schooners and became the largest producers of groundfish in New England during the first half of the 20th Century. Vessels like the *Wave*, *Crest*, *Ocean*, *Gale*, *Tide*, and *Surge* measured 147-feet long by 26-feet wide and could ice more than 300,000 pounds of fish. By 1940, one fishery historian reported that “the average catch per trip of large New England offshore boats is less than 150,000 pounds, and few ever land over 300,000 pounds. A 300-ton boat (the most popular size at present) is able to carry about 300,000 pounds” (Ackerman, 1941, p.74).

Judging from the volume of documents written about the deep-sea fisheries compared to the shore fisheries, most fishery historians apparently agree with O’Leary (1996, p. 81) that “it was the more distant fisheries, demanding large vessels and substantial investments of time, effort, and money, upon which the strength of the Maine industry was based.” This despite the fact that O’Leary acknowledges that “the less important but still significant local fisheries within the Gulf of Maine ... added measurably to the state’s annual fish landings.” The same can likely be said of Massachusetts.



Figure 1 – The steam trawler Harvard was built in 1926 and fished New England waters until 1939, when she was sold by the General Seafoods Corporation to the government for \$1.00 to be converted into a fisheries research vessel. Instead, she was taken over by the Coast Guard for patrol duty and was lengthened from 140 feet to 179 feet. She eventually joined the research fleet as the Albatross III. (<http://www.nefsc.noaa.gov/history/ships/albatross3/albatross3.html>)

In 1943, otter trawlers larger than 150 tons landed 56% of New England's cod, haddock, and hake landings. Otter trawlers larger than 50 tons landed 83%, otter trawlers less than 50 tons caught 6% of the regional catch, line trawlers also caught 6%, and gill netters caught 5%.

The New England groundfish fleet was facing another crisis during the 1950s. Lynch et al. (1961, p. 6) described the number and quality of the fleet as follows:

There has been a decline in the number of vessels and their size, and a deterioration in the quality and equipment of the vessels. In the period 1947-57 the number of New England otter trawlers declined 13 percent with a 14 percent loss in net tonnage. The number of trawlers operating out of Massachusetts ports declined 28 percent in number and 32 percent in tonnage. Maine ports experienced a 35 percent increase in numbers of trawlers and a 167 percent tonnage increase, but here, too, there has been a decline since 1954, (table I-8).

The number of active large and medium trawlers at Massachusetts ports has declined from 295 in 1947 to 203 in 1957, (table I-9). The shrinkage in the size and composition of the fleet is most evident in the case of the Boston groundfish

fleet where the number of large trawlers has been halved; medium ones have shown an 18 percent increase; and the smaller ones have been reduced by two-thirds, (table I-10), Not only has the number of vessels in service decreased, but many of the remaining ones have reached an age long past "normal" replacement. As of September 1, 1958 the average age of a Boston otter trawler was 20.8 years. Large Boston trawlers averaged 18 years, medium ones 19, and smaller ones 39 years. Of 64 trawlers in Maine in 1957, 48 were over 11 years old, most of the large trawlers were over 20 years old, and the average age of the entire fleet was slightly more than 19 years. The useful life of a large trawler is reckoned at 25 years and that of a smaller craft at 12 to 15 years. When these standards are compared to the age of the New England vessels, it is readily evident that the New England fleet has arrived at a crisis period.

Lynch et al. (1961, p. 46) calculated the productive capacity of a medium trawler in 1957 as about 44% of the capacity of the larger trawlers. After converting the 36 medium trawlers in Boston to an equivalent 16 large trawlers, they calculated the total Boston trawler fleet at the equivalent of 44 standard large trawlers in 1957. That compared to a 1947 fleet of 71 trawlers, which they considered to be 160 percent of "normal" and "far in excess of need." Using a price of 8.5 cents per pound, Lynch et al. calculated the profit for fishing vessel owners under different levels of fishing effort. They concluded that the point of maximum profit would have been at a level of 50 percent or less of the recent average fishing effort at the time. Considering haddock availability at the time, the authors calculated the break-even point to require a 25 percent reduction in fishing effort. Considering the size of the Boston trawler fleet in 1957, Lynch et al. advised that: "for a fishery to have economic vitality, it is necessary that in the long run something more than a break-even operation be realized," and asked, "what level of effort would provide enough profits to attract the investment required for continuance of the industry?" They reported that industry leaders thought that the 106-foot vessels then typical were larger than optimum and suitable replacement vessels would be about 100-feet in length and would cost about \$500,000 to build.

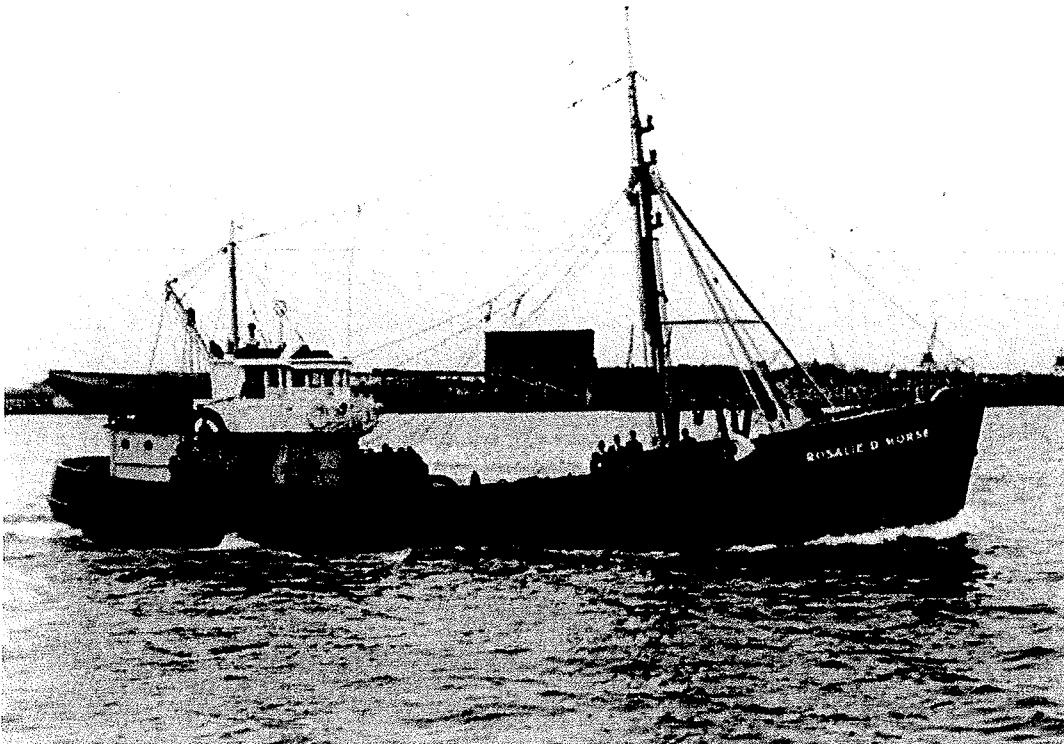


Figure 2 – A typical medium-size eastern-rigged trawler from the middle 1900s. The *Rosalie D. Morse* had a registered length (between perpendiculars) of 89.3 feet, which would have made her approximately 100 feet overall. She was 153 Gross Registered Tons, 77 Net Tons, 315 horsepower, and was built in 1944 in Somerset Massachusetts and owned by John F. O’Hara in 1955. (<http://www.facebook.com/media/set/?set=a.445578766986.237777.81518396986&type=1#!/photo.php?fbid=445579241986&set=a.445578766986.237777.81518396986&type=3&theater>)

The following information on the Maine trawler fleets during the 1950s, 60s, and 70s was provided by Norm Olsen and by veteran fishing Captain George Withers from their personal recollections and memorabilia. Norm’s father, uncle, and neighbors crewed and captained many of the boats that he mentions. Captain Withers skippered the *Quincy*, *Dorchester*, *Winthrop*, *Queen of Peace*, *Dorothy and Ethel*, *Tripolina*, and *Kennebec*, among many others in his five decades at sea.

Throughout the 1950s and 1960s, Maine had at least five corporate-owned or corporate managed fleets of groundfish boats, two home-ported in Portland, and two in Rockland.

In Portland, the Willard-Daggett Company owned by John "Jack Willard, at the time the largest lobster dealer in Maine and a key participant in the 1950s Maine Lobstermen's Association price-fixing court case, owned the steel beam trawlers *Gulf Stream* (formerly the *Lynn*), *Winthrop*, *Dorchester*, *Quincy*, and *Silver Bay*.

The first four were nearly identical at about 110 feet, double side rigged with aft pilothouse. By the early 60s, the *Gulf Stream* had been converted into the first American longline vessel for swordfish, and the *Silver Bay*, which was a early, shorter (at about 100 feet) version of the *Massachusetts*, had been leased to NOAA as a fishery survey vessel.

The *Dorchester*, *Winthrop* and *Quincy* harvested redfish and other groundfish from Georges, the Gulf Maine, the Nova Scotia Shore, the Gulf of St. Lawrence, and the Grand Bank.

In addition to its own boats, the Willard-Daggett Company often had large boats from other ports fishing for its plants. Among those were the double-rigged steel beam trawlers *Medan*, *Ocean Life*, and *Batavia*, all at some 130 feet in length, and among the biggest boats in New England, and the *Theresa R.* and *Thomas D.*, sister-ship double-rigged wooden side trawlers of about 96 feet in length, and the very similar *M. T. Ballard* and *Polaris*, at about 90 feet. The *Theresa R.* later landed in Gloucester for many years.

Also in Portland, the Harris Company, then the largest ship chandlery in Maine, owned a fleet of wood side trawlers consisting of: *Vandal*, at about 90 feet; *Alice Doughty*, at about 75 feet; *Vagabond*, at about 80 feet. The *Elinor and Jean*, at about 75 feet; and the *Ethelena*, at about 100 feet., both owned by Otis Thompson to Willard Daggett Company These boats fished the Gulf of Maine, Georges, and the Nova Scotia shore.

Maine Fisheries Corp. a division of O'Donnell-Usen, was also located in Portland and had long-term relationships with the double-rigged wood beam trawlers *St. George* and *Wawenock* to land redfish primarily, as well as groundfish. Both trawlers were approximately 100 to 110 feet overall.

In addition, Maine Fisheries Corp. enjoyed multi-year relationships with other vessels, including the *Resolute* and the *Lawson*, both home-ported in Hampton, Virginia, and owned by a Capt. Lawson of that city. The *Lawson* was an eastern rig side trawler about 75 feet long, and the *Resolute* was a long narrow former U.S. government patrol boat, 110 feet in length, also rigged as a side trawler. Both fished the Gulf of Maine during the summer, returning to Virginia during the winter.

The riveted-steel-hull *Bobby and Jack*, from somewhere in the southern United States, also fished for Maine Fisheries during the summer. She was reportedly the oldest registered commercial fishing vessel in the U.S. at the time. She had been a civil war prison ship and still had the bars in the hold to divide the hold into prison cells.

Other vessels selling to Maine Fisheries Corp. intermittently included the *Red Jacket* and *Flying Cloud*, both double-rigged, steel beam trawlers of about 120 feet in length.

By the early 70s, Maine Fisheries Corp. had acquired four large steel double-rigged beam trawlers from the former 40-Fathoms plant in Rockland: *Wave*, *Crest*, *Tide* and *Surge*, all of which were about 150 feet in length, as well as the 155-foot *Saint Patrick*, acquired in the 60s, which had previously operated from Boston for the O'Donnell-Usen operation there. These boats operated in the Gulf of Maine, Georges, the Nova Scotia shore, Gulf of St. Lawrence, and Grand Bank, until the 200-mile limit and the Hague Line put an end to those fisheries. The *Saint Patrick* enjoyed some local fame because, when she was rigged for mid-water trawling several years earlier, and under the command of Jimmy Farrell, she had taken 550,000 pounds of redfish in 11 sets in the Gulf of St. Lawrence. Later, she was sold to an Alaska firm and earned notoriety when she iced up heavily, flooded the engine room, and took on a serious list. Most of her crew abandoned her, only to die of exposure, while the vessel itself remained afloat and was salvaged.

In Rockland, F.J. O'Hara and Sons operated a fleet of usually five offshore trawlers. The first generation boats were wood beam trawlers, followed by steel beam trawlers in the 100 to 120-foot range, and later 120-foot steel stern trawlers. The O'Hara fleet operated from Rockland from the 60s through, I believe, the 80s, when the Hague line cut off their prime redfishing grounds. The O'Hara boats included the *Dorothy O'Hara*, *Araho*, *Massachusetts*, *Robert F. O'Hara*, *Bay State*, *J. Bradley O'Hara*, *Defender*, *Ranger*, *Araho II*, and others, fishing in the Gulf of Maine, Georges, the Nova Scotia shore, Gulf of St. Lawrence, and Grand Banks.

The O'Haras have a long history in the fisheries and owned at least two fleets of beam trawlers: a wood fleet in the time around World War I and into the between-wars years, followed by a steel fleet, most of which were taken by the U.S. Government for patrol craft during World War II. Some of these are listed on the Bath Iron Works web site.

Another O'Hara fleet consisted of three 65-footers, in the 60s. Among them were the *Queen of Peace* and the *Evzone*. The *Evzone* was lost on Ram Island, outside Portland Harbor. The *Queen of Peace* and the others of that fleet reportedly were later transferred to the Mid-Atlantic for surf clam fishing.

Also in Rockland was the 40-Fathoms / National Sea Products fleet, which was built and owned by a company known variously as 40 Fathoms, General Seafoods, and other names, but all part of an international conglomerate. These boats caught both redfish and other groundfish. The 40 Fathoms fleet was the biggest, most modern fleet in Maine, and possibly New England from the 50s to the 70s. The vessels were of two classes, one about 135 feet and named the "S" boats because all their names began with the letter S, and the bigger, more modern 150-footers known as the Streamliners for their raked wheelhouses and shapely hulls. These boats operated year-round in the Gulf of Maine, Georges, Gulf of St. Lawrence, Nova Scotia shore, and Grand Banks. This fleet typically numbered a dozen boats.

Among the “S” boats were the *Storm, Spray, Swell*. Others in the 40 Fathoms fleet included the *Ocean, Gale and Surge* (not an S boat despite name), all of which later went to Portland to fish for Maine Fisheries Corp.

There was also a substantial inshore whiting fleet that operated from Maine during the 50s through the 70s. Portland had at least three whiting plants throughout those years, Boothbay had at least one, and Rockland had at least one. The vessel size ranged from 40 feet to typically 65 feet because Maine's legislature passed legislation prohibiting boats greater than 65 feet from fishing inside three miles during the summer. The regulation was designed to prevent boats from Gloucester, which fished off Maine during the summer, from competing against Maine boats. The Gloucester boats were typically bigger than 65 feet. Some Maine boats, such as the wood side trawler *Dorothy and Ethel* (owned by Olsen's Uncle Bill and named for his grandmother and great aunt) were casualties of that legislation, being slightly larger than 65 feet.

Among the Maine-based boats participating in the whiting fishery at its height were the *Challenger, Crescent, LiLo, Esther M, Ariel, Mary and Helen, Vida E., Alton A., Mascot, Lady of the Gulf, Daisy T., Terry and Vicky, Kathleen and Julie, Bonaventure, North Star, Sandpiper, Jerry and Joe, Lucille B., Judy B., Sirius, Dorothy and Ethel, Jeannie R., Liberty, Golden Dawn, Ethel B., Margaret F., Ariel, Kennebec, Tern* (later *Ellen J.*), *St. Jude, Canyon Prince, Duchess, Elizabeth, Anna Lena, Ethel B., Sandra Ann, Molly and Jane, Arnold, April Gale*, and others. Most of these boats also fished for shrimp in the winter, and all but two were side trawlers.

With the decline in the whiting fishery by the mid-70s and the closure of all the whiting plants, many small vessels exited the fishery and were sold out of state. With the rise in numbers of groundfish in the late 70s, those boats still in the fishery and large enough venture away from shore, most of them 65 feet or longer, turned to groundfish. At that time, the transition began in force toward modern steel stern trawlers.

Until the advent of monofilament gill nets, the entire Portland, Maine, groundfish gillnet fleet consisted of the *Maurice Davis*, the *Bonaventure*, a newly-built boat that led the way for the 1970s gillnet enterprise, and the *Hirtshals*, a small, Scandinavian-design gillnetter.

Following introduction of monofilament netting, and the near-simultaneous mass production of 35-foot, 42-foot and then 55-foot fiberglass boats by the Bruno and Stillman Company, the groundfish gillnet fleet increased to at least 20 boats just out of Portland.

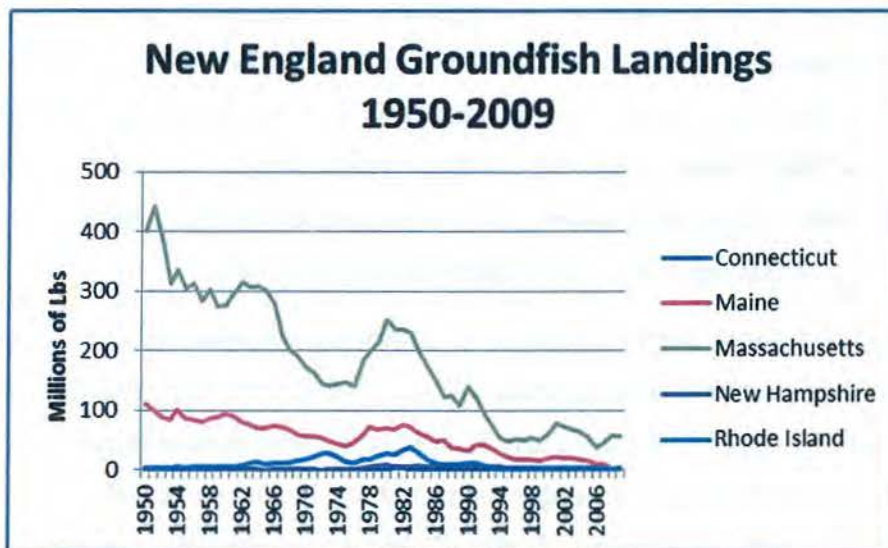


Figure 3 - New England groundfish landings showed a steady decline from 1950 to 2006, with a temporary increase resulting from a doubling of the fleet during the late 1970s, resulting from generous financial assistance programs, easy credit, investment tax credits, and optimism following the 200-mile limit.

As late as 1958, the 40-Fathoms Fisheries³ fleet of six large trawlers operating out of Rockland, ME, landed 20 million pounds of ocean perch in a year, according to National Fisherman magazine. Comparable fleets operated from Portland and Boston. The large eastern rig trawler fleets faded away during the 1960s, 70s, and 80s, after the New England fleet lost access to the Nova Scotia banks and the Northeast Peak of Georges Bank. A few stern trawlers in the 120'+ range were built for New England during the late 1960s, 70s and 80s, including the 295' Seafreeze Atlantic, the first factory trawler built in the United States. It had no success in New England and eventually moved to Alaska,

³ 40-Fathoms Fisheries was a subsidiary of National Sea Products of Canada.

where it still works. The Tremont and the Old Colony came on line just in time to be shut out of the Nova Scotia banks and the Northeast Peak of Georges Bank. The Calvin Stinson was another modern stern trawler that eventually left New England for Alaska.

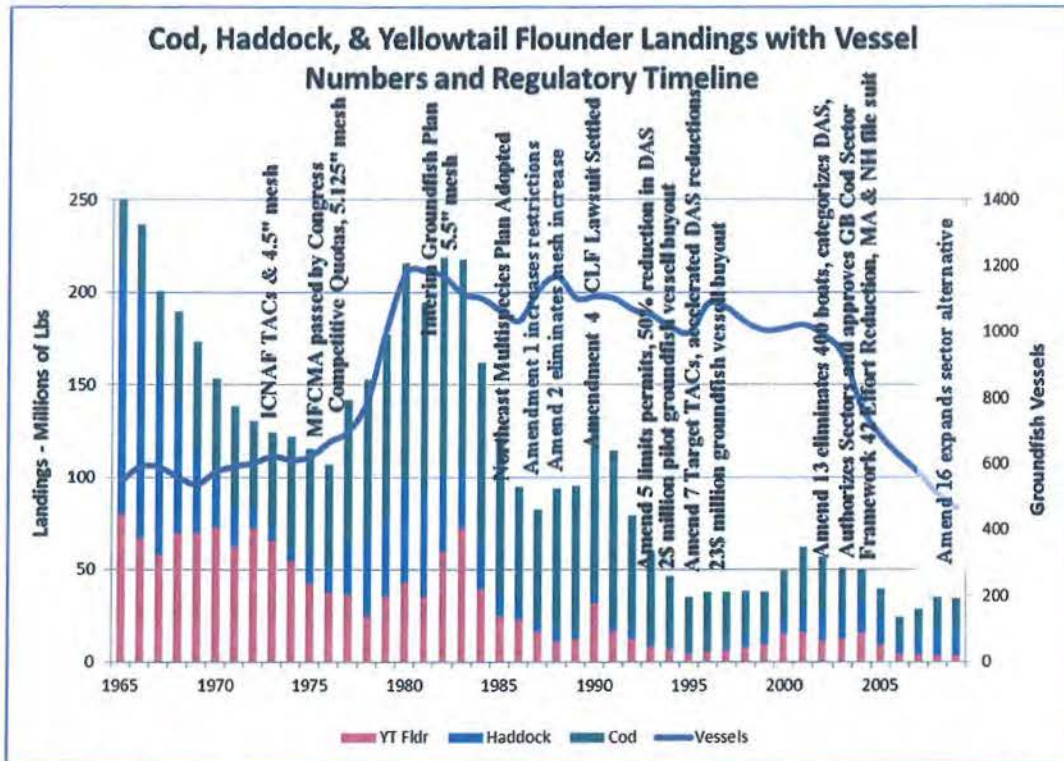


Figure 4 – Active northeast groundfish vessels from 1965 through 2009 together with landings of cod, haddock, and yellowtail flounder and regulatory changes.

As the large trawlers were fading away, a new wave of boat-building was stimulated by the optimism that accompanied the 200-mile limit, financial assistance programs that became readily available to New England fishermen, enthusiastic lenders, and investment tax credits. The New England groundfish fleet doubled in numbers between 1975 and 1980. The new boats were almost all stern trawlers, compared to a fleet dominated by side trawlers prior to 1975. After a brief increase in landings of the three major groundfish species, landings declined dramatically through the 1980s and 90s. Bankruptcies lowered the debt service associated with many of the new boats, but the boats did not leave the fishery as fast as they had entered. After 1980, the active groundfish fleet began a slow decline that accelerated after Amendment 13 eliminated 400 boats from the fishery in 2003 (Thunberg et al., 2007) and provided the remaining boats the option to lease out days-at-sea.

Vessel buyouts during the 1990s were aimed at the larger groundfish vessels (Kitts et al 1998) and they took more large trawlers out of the New England fleet, including fairly new boats like the stern trawler Mandy Ray and others.

Very recently, the fleet diversity discussion has been complicated by the fact that there has been a significant shift of permits onto dinghies and skiffs that do not fish but are simply platforms that hold permits for the purpose of leasing out their allocation. This development began with days-at-sea leasing and likely continues with quota, although quota can be leased from permits in “confirmation of permit history” status, unlike days-at-sea.

The influence of dinghies and skiffs on the size distribution of permitted boats is evident in the differences between the fleet reduction numbers for the small and large boats.

Between 1994 and 2010, the total number of limited access permits declined from 1440 to 1255, a 13% decline. The number of permits on boats over 75-feet declined by 42% while the number of permits on boats less than 75-feet declined only 7%. The number of permits on boats under 20-feet increased by 3163% and the number of permits on boats between 20-30-feet increased by 84%.

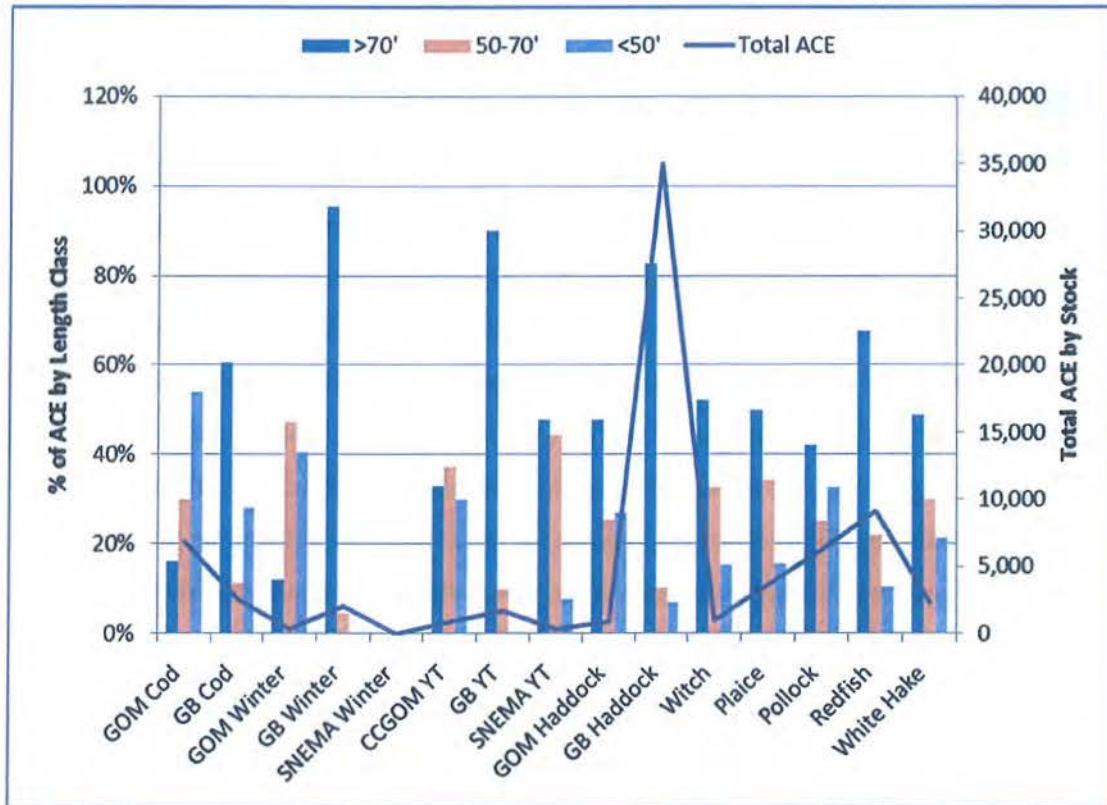


Figure 5 – Percent of ACE allocated to different vessel size categories together with ACE in metric tons by stock. Data from Table 209 in the Environmental Impact Statement for Groundfish Amendment 16.

Chapter 3 - Fishing Ports

The first commercial fishing “ports” in New England were actually seasonal fishing stations that were used to cure fish for transport to Europe. The first recorded attempt to establish a permanent fishing community in New England was initiated in 1607 with a substantial effort at St. George near the mouth of the Kennebec River. That community was abandoned after less than one year. These attempts to establish colonies on the coast of Maine “sprang from a desire on the part of English merchants to have a permanent base in New England for the better prosecution of the shore fisheries (McFarland, 1911, p. 33). Sir Ferdinando Gorges was responsible for much of the investment in American colonization and early fishing business, to the extent that he “has been styled the Father of New England Colonization” (Winsor, cited in McFarland, 1911, p. 34).

“English traders and fishermen appeared on the coast of Maine with a strong force in 1611” (McFarland, 1911, p. 34). Captain John Smith brought two vessels to mid-coast Maine in the spring of 1614, six in 1615, eight in 1616, and predicted that “the fisheries of New England would prove a greater treasure than the gold and silver mines of the king of Spain” (Chase, 1961, p. 25; McFarland, 1911, p. 35.) Fishing stations were scattered along the coast from Monhegan to Cape Ann, Massachusetts, where fishermen attempted to weather the harsh winter in 1623-24. “By 1626, the adventurers at Cape Ann were so greatly discouraged that they dissolved the company on land, and sold their provisions and fishing apparatus. This ‘Fishery Plantation at Cape Ann’ had proved a failure both to the Plymouth fishermen and to the Dorchester Company,” which subsequently moved to Salem under the direction of Roger Conant, whom McFarland calls a “humble overseer of fisheries” who was a “pioneer in establishing the fisheries in the New World” (McFarland, 1911, p. 49).

In contrast to the struggles of the colonists, seasonal fishing ventures sent from England continued to flourish. By 1624, “the New England fishery was so profitable that forty or fifty vessels were employed there from England yearly” (Weeden, cited by McFarland, 1911, p.35). Based on these early ventures, “the commercial and enterprising spirit of

merchants was aroused to venture more capital, to risk life and fortune in the New World” (McFarland, 1911, p. 35).

The first fishing settlement in New Hampshire was established in 1623 by the Laconia Company on the south bank of the Piscataqua River at Little Harbor. “But the enterprise was so poorly managed on this side of the water, after a decade of experience, it afforded the promoters no profit. For years the colony was in an unpromising condition, the growth of Portsmouth was slow, and during the remainder of the seventeenth century this region furnishes little of interest to the subject of fisheries,” despite the fact that by the 1660s the Isles of Shoals off New Hampshire “could boast of fifteen hundred fishermen” (Sabine, cited in McFarland, 1911, p. 51; Chase, 1961, p. 25). The Isles of Shoals enjoyed the general revival of the New England fisheries after the French and Indian War, with three or four ships loading there annually “with cargoes of winter and spring merchantable⁴ fish for Bilboa and other places that demanded fish of the first quality” (McFarland, 1911, p. 86).

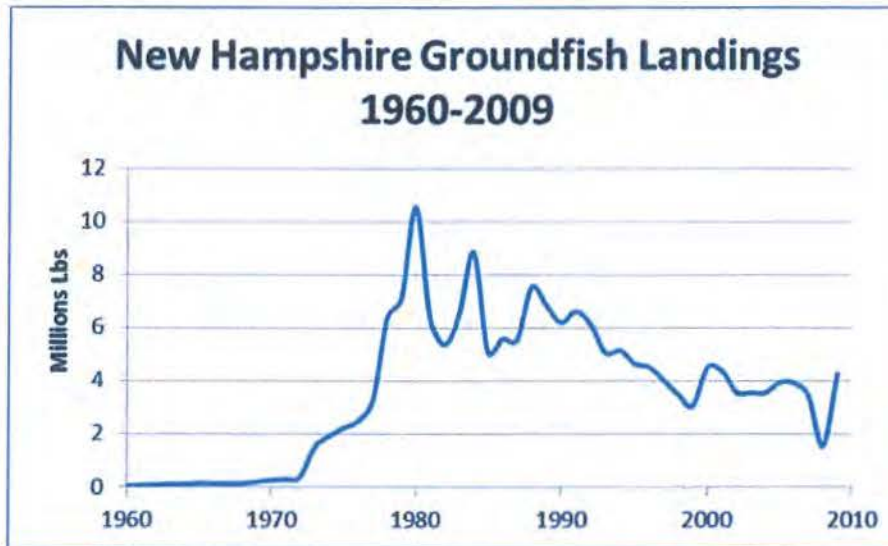


Figure 6 – New Hampshire groundfish landings increased dramatically during the 1970s, reaching a peak in 1980 and starting a steady decline after that. (Source: http://www.st.nmfs.noaa.gov/st1/commercial/landings/annual_landings.html)

Isaac Allerton first established a fishing station in Marblehead, Massachusetts in 1633, but the town did not rise to prominence as a fishing port until the early 1700s, at which

⁴ Merchantable fish were good quality cured codfish that could be sold in Europe. Inferior quality, “refuse” fish, were shipped to the West Indies.

time it quickly became the principal port in the New World, a distinction that it held until fifty years after the American Revolution (McFarland, 1911, p. 85; Kimball 2005, Chase 1961 p. 42). Allerton was reported to have been fishing from Marblehead with eight boats a short time after his arrival there (McFarland, 1911, p. 53) “Mathew Cradock, a wealthy London merchant, though he never came to Massachusetts, established a station at Mystic, and built a house at Marblehead which was occupied by Allerton and fishermen in his employ” (Sabine, cited in McFarland, 1911, p. 53) “Originally, Marbleheaders had fished inshore grounds, and they began to fish George’s Bank, to the east of Cape Cod, between 1720 and 1740. Then, following the fish, they moved farther offshore in larger vessels”⁵ to the Grand Banks, the shallow fishing region of the North Atlantic to the southeast of the island of Newfoundland (Kimball 2005). Marblehead apparently peaked as a fishing port around 1825.

Following the failure of the first fishing station on Cape Ann in 1626, the next fishing venture at Cape Ann was apparently funded by Maurice Thompson, a London merchant who carried on his fishing business through agents stationed on Cape Ann in 1639 (McFarland, 1911, p. 60).

Vickers (1994 p. 191) describes the evolutionary development of the fishing industry in Essex County, MA during the seventeenth and eighteenth centuries:

Throughout its first seventy-five years, the Essex County fishery had been based primarily in the seaport towns of Salem and Marblehead. The major new development of the eighteenth century was the rise to competing prominence of a cluster of semirural communities based roughly around the perimeter of Cape Ann. These included the three deep-sea ports of Beverly, Manchester, and Gloucester on the southern flank of the cape, as well as the villages of Sandy Bay, Pigeon Cove, Annisquam, and Chebacco, which stretched around its northern perimeter. Though fronting on the ocean, none had been seaports of importance in the seventeenth century, and their maritime histories were a matter of subsequent development.

⁵ The search for more productive fishing grounds may have been stimulated by “a hard decade of the 1730s, when a revived Newfoundland fishery had sent world cod prices plummeting,” causing as many as 300 Marblehead families to leave the town and seek subsistence elsewhere. (Vickers 1994 p. 190)

The modest shallop fishery that Gloucester had harbored in the middle decades of the seventeenth century diminished after 1670, and most of the town's inhabitants turned to farming the cape's reluctant soils."

Whatever fishing took place from Gloucester during the 1600s was apparently limited to nearby fishing grounds. McFarland (1911, p. 81) writes that "this plantation ... had as yet gained no importance in maritime affairs" by the opening of the eighteenth century. After 1700, Gloucester vessels began to fish as far east as Sable Island and the fisheries of Gloucester began to develop rapidly after 1720. Gloucester re-established its fishing industry after the Queen Anne's War, this time with larger vessels in the banks fishery. By the 1760s and 1770s, the town was said to be booming again. (Vickers 1994 p. 192)

In nearby Ipswich, the schooner fleet apparently peaked around 1840 and then declined. Beverly's fishing fleet grew substantially during the 1760s to a fleet of 35 schooners in 1775.

In the 1840s the Marblehead fishing industry apparently entered a slump that would result in Gloucester assuming the position of top port in New England. From a postwar peak of 85 schooners in 1839, the Marblehead fleet had declined to 52 by 1846. In that year, a September gale claimed 63 Marblehead fishermen and 11 schooners on the banks. The gale "went far to spoil [the fishermen's] pleasure in the treacherous sea, and gave the fisheries of Marblehead a serious if not fatal shock." (Chadwick 1895 in Kimball 2005 p. 64) "The 1850 census shows only 31 owners engaged in the codfishery in Marblehead (population 6,000) with 1 vessel each." (Kimball 2005) Marblehead fishermen had for some time engaged in shoe-making during the winter and they apparently gravitated toward that occupation during the mid-1800s.

Roads (1897 in Kimball 2005 p. 68) reported that "Various reasons are given for this abandonment of the fisheries [in Marblehead]. The increased expense and diminution of profits to owners, in consequence of modern methods; the absorption of the business by a neighboring port; the greater safety and more remunerative employment offered to young men in the less hazardous calling of manufacturing, are each and all good and sufficient premises upon which to base sound conclusions.... No one regrets the passing away of the industry."

“Meanwhile, Gloucester began to succeed Marblehead as the principal fishing port of the region. It presented a sharp contrast in the composition of its fishing fleet and its practices. In 1834, for example, Gloucester had 46 vessels involved in the codfishery, all under 70 tons, whereas Marblehead had 60 schooners, almost all over 70 tons. The smaller Gloucester vessels had smaller crews (an average of 4-5 men) and sailed less far on more frequent fares [trips] (an average of 4-5 fares per year), compared with Marblehead’s more uniform seven men and one or two fares to the Grand Banks per year. The Gloucester vessels also caught substantially fewer fish per year (about 300 quintals, compared to Marblehead’s roughly 700 quintals), and the earning must have been substantially less per man, especially after the deduction of the uniform owner’s share, which was $\frac{1}{2}$ of the proceeds in Gloucester, compared to the $\frac{3}{8}$ taken by owners in Marblehead....In addition to codfishing, however, Gloucester was involved in the mackerel and halibut fisheries.... It was this willingness to pursue different types of fishery that eventually enabled Gloucester to surpass Marblehead as the principal fishing port. Marbleheaders, meanwhile, pursued more lucrative and dependable options such as shoemaking and factory work.” (Kimball 2005 p. 65)

Gloucester remained the region’s top port until the early years of the 20th century, when Boston attained that position. Since 2002, Gloucester has been the second-ranked port in New England in both volume and value, having regained that position after falling behind Portland, ME, and Point Judith, RI at various points during the 1990s. During the period 1997 through 2006, landings of all species in Gloucester averaged \$37 million and groundfish was Gloucester’s top-valued category at an average of 46% of all yearly landings. Herring, Gloucester’s highest volume species averaged 8% of the value of landings during those years.

“Provincetown was a thriving fishing port by the mid-1800’s, the third most prosperous port in the bustling fisheries of Massachusetts, and one of the most prosperous towns in America.” (Boeri and Gibson 1976 p.19) “Provincetown, during the years from 1870 to 1890, sent a large fleet, most of them vessels of 150 tons, some up to 250 tons, that brought home large trips of 2,000 quintals (approximately 448,000 pounds round weight), on up to 3,500 quintals, from Banquereau and the Grand Banks,” using the hand-line dory fishing method. (Pierce 1934 p. 70)

During 1997 to 2006, Provincetown landings of all species averaged \$3.8 million in value, with large-mesh groundfish the highest valued at 27% of the annual average value, or just over one million dollars.

According to Boeri and Gibson (1976 p.20), the fisheries of Provincetown “and many other quaint ports had either disappeared or faded from national and regional prominence before the industrial revolution ever took hold in the fishing industry.” By the end of the nineteenth century, hotels, cottages, and summer homes had crowded Provincetown as they had the shores of Marblehead, Rockport, and other villages earlier.

Despite the use of Maine landing sites by the earliest fishing operations in the New World, O’Leary (1996, p. 41) writes that “before 1820 the Maine fisheries were negligible,” perhaps when compared to fishing activity in Massachusetts during the 1700s. During the 1800s, however, Maine ports rapidly expanded their fleets and the geographic extent of their fishing. O’Leary (1996, p. 81) reports that “a minimum of thirty-one Maine communities sent schooners to the Grand Banks of Newfoundland for cod. Twenty-four were involved in the Gulf of St. Lawrence cod fishery, and seventeen pursued that species along the coast of Labrador.” Similar numbers of Maine fishing communities sent vessels to the Western (Sable Island) Bank cod fishery, Quereau Bank (Banquereau), the Bay of Fundy, Cape Sable, the Gulf of St. Lawrence, and the Virginia Capes for mackerel and the Magdalen Islands for herring during the nineteenth century. Boothbay, Deer Isle, Bucksport, Castine, Belfast, Camden and the islands of Vinalhaven and North Haven figure prominently in O’Leary’s detailed history of Maine’s sea fisheries. His attention turns to Portland toward the end of the era that he sees as “the high tide of Maine’s fisheries” prior to the Civil War and the repeal of the cod bounty, which “ended three-quarters of a century of public support for the fisheries and ushered in a long, dark period of official neglect (O’Leary, 1996, p. 155).” The end of the bounty in 1866 was only one of many factors that caused Maine’s loss of prominence compared to Massachusetts and the “total industry collapse” that took place in Maine after 1890 (O’Leary, 1996, p. 156).

Before the Maine fishing industry totally collapsed after 1890, it shifted to Portland. “Portland, during the days of the sailing fishing vessel, was the headquarters for about all

the vessels owned along the coast of Maine, in her numerous harbors and among the many islands from Kittery to Eastport. It was there the vessels went to 'fit out' during the spring, summer, and fall, for they could buy salt, bait (salted clams), ice, barrels, food supplies and all kinds of fishing gear, and the merchants did a fine business, selling goods to these outside vessels, as well as supplying their own fleet." (Pierce 1934 p. 269)

"It was the custom for skippers to land their trips in Portland, where the mackerel were packed and sold. They bought their empty barrels and salt there, and also most of their food supplies and fishing gear." (Pierce 1934 p. 268)

Maine's numerous fishing ports declined as the industry moved to the west after the civil war. In addition to Portland, Gloucester offered vessel owners the support services that they could not economically access in the smaller Maine ports. O'Leary (1996, p. 241) reports that "combined with their other shortcomings, the unwillingness or inability of Maine's marine insurers to provide the coverage needed for the safe pursuit of the remunerative winter fisheries was a powerful incentive for the state's merchants to move their enterprises to Gloucester after the middle of the nineteenth century." He cites the case of Benjamin Maddocks, who moved his substantial fleet of schooners from Southport to Gloucester following the Civil War. Maddocks' vessels participated only in the spring and summer fisheries when based in Maine, and converted to year-round fishing under the security provided by Gloucester's comprehensive mutual insurance scheme. "By 1880 several other fish dealers from Maine had set up operations in Gloucester" (O'Leary, 1996, p. 241).

According to O'Leary (1996, p. 241) in the latter half of the nineteenth century Maine's fishing industry faced the choice of moving out of state or "depending on seasonal fishing and gradually falling behind competitors in places like Gloucester. For Maine's native industry, either path led toward economic decline." After 1885, O'Leary writes, "the downeast fleet experienced total eclipse, shrinking to insignificance in terms of vessels and tonnage" (O'Leary, 1996, p. 252).

In addition to all of the other problems to which O'Leary (1996, p. 271) ascribes the demise of Maine's sea fisheries in the latter half of the nineteenth century, he writes that

the failure of Maine's merchants to begin marketing fresh products rather than salt fish "was largely responsible for the ultimate ruin of the state's sea-fishing economy."

O'Leary (1996, p. 273) reports that "not only did Maine's fishing interests continue to process and sell cured varieties of fish in the fresh-marketing era, they actively lobbied to perpetuate the salt fisheries as well," with the result that "while Maine fish merchants fought losing battles, those in Massachusetts captured the modern fresh fishing industry."

Rockland, ME was generally considered to be one of the top five New England fishing ports during the middle of the twentieth century, and fishing was Rockland's leading industry as late as the 1950s (Lynch, 1961, p. 8). The following information on the history of Rockland, ME is taken directly from the "Community Profile of Rockland, ME, prepared under the auspices of the National Marine Fisheries Service, Northeast Fisheries Science Center:

Fishing is Rockland, ME's oldest commercial enterprise. Fishing-related industry dates back to the 1750s, and continued with the development of the first fish processing plant in the 1880s, and the appearance of wholesale lobster businesses in the 1900s. The F.J. O'Hara Company began processing frozen fish products here in the 1940s, supplying the plant with their own fleet (Shore Village Historical Society 1989). "Two offshore fleets based here (O'Hara and National Sea Products) fished in Canadian water until 1984 when the Hague Line, the international boundary established by the International Court of Justice in The Hague, Netherlands, led to the exclusion of U.S. fishermen from Canadian fishing grounds. Groundfish processing plants that relied primarily on Canadian fish continued producing product for U.S. government contracts until the early 1990s. In the 1970's the city also had a major shrimp plant and served as a primary herring-processing center with two sardine plants, the last one of which closed about 12 years ago [quote from 2001]" (Hall-Arber et al. 2001).

In Rockland, as elsewhere in New England, the collapse of commercial fishing took a great toll beginning in the 1980s; Rockland's ground fishing industry virtually ended by 1990.

The value of total landings in Rockland has fluctuated widely in recent years, between \$4 million and \$13 million. Large mesh groundfish ranked fourth in importance in the value of landings in Rockland during the period 1997 through 2006.

In contrast to the practice of “hauling up” vessels for the winter in Maine ports, most of the vessels from Boston and Gloucester went to sea year around. In the early years of colonization, fishing vessels often made cargo trips during the winter months, but by the late 1800s they continued fishing throughout the year (Pierce, 1934, p. 269).

With the advent of the steam trawlers in the early 1900s, Boston overtook Gloucester as the top landing port in New England. In 1933 the total landings in Suffolk County, MA, which would be almost exclusively at the port of Boston, were 224 million pounds, compared to 94 million pounds of all species in Essex County, which includes Gloucester, Beverly, Salem, and Marblehead.



Figure 7 – Trawlers unloading fish at the Boston Fish Pier.
(<http://www.nefsc.noaa.gov/history/timeline/1910.html>)

With the loss of fishing grounds off Canada after 1976 and the decline of the large trawler fleet, Boston landings of 28 million pounds put the port in sixth place in volume in New England by 1981 and Gloucester was back on top with 166 million pounds of all species (Bell, 1936; <http://www.oceaneconomics.org/LMR/topPorts.asp>).

New Bedford was a relative late-comer to New England commercial fishing, as such. New Bedford was the world capital of the whaling industry in the nineteenth century, but commercial fishing did not take hold there until 1920 (Boeri and Gibson, 1976, p. 67). According to Boeri and Gibson (1976), the widespread use of motor trucks in the 1930s opened up markets for New Bedford's fish and led to its growth as a fishing port.

By the 1980s New Bedford had become one of the top fishing ports in the U.S. and was frequently the number one or two port in value in the country. New Bedford has held the position as the top port in value in the nation every year since 2000 and has been the top port in both volume and value of landings in New England at least since 1982, the last year that Gloucester held the top spot for volume of landings. (1981 is the earliest year for which port rankings are readily available on the Internet.) In recent years New Bedford has been landing about 1.5 times the volume of fish landed in Gloucester, and about five times the value (<http://www.oceaneconomics.org/LMR/topPorts.asp>). Sea scallop landings averaged 62% of the total landed value of fish and shellfish in New Bedford during the period 1997 through 2006. Large mesh groundfish averaged 18% during the same years.

The port of Point Judith, RI was the third most valuable fishing port in New England throughout most of the first decade of the 21st century, until increasing lobster landings propelled Stonington, ME into that spot in 2010. Prior to 1910, the port of Point Judith depended on intermittent access to the ocean through a shifting breachway that opened and closed depending on storms and rainfall that filled the ponds behind the barrier beach (<http://www.narragansettri.gov/index.aspx?NID=372>). In 1930 the state of Rhode Island dredged a turning basin and constructed the wharves that made the expansion of the port possible. Further improvements to the port have been made over the years with a combination of state and federal funding. During the period 1997-2006, 6% of the value of landings in Point Judith came from groundfish.

Chase (1961) includes a chapter on "Periods of Growth and Decline," which attempts to explain why the fishing industry and fishing ports declined from their position of prominence in the first three hundred years of European settlement. "When the beautiful coastal regions of New England, particularly those of Maine, began in the late nineteenth

century to be invaded by people desirous of building summer homes, those towns formerly supported by their fishing fleets underwent a momentous change. Fishing piers and fishing flakes fell into disrepair as the offshore deep-sea fishing off the Banks of Newfoundland and in the Gulf of Maine steadily gave way to inshore fishing, to men who laid their trawls and dropped their lines in nearby bays. The owners of summer estates and the occupants of summer hotels wanted fresh fish daily; and the fishermen who had formerly set forth for distant waters could now make a good and far safer living by staying at home and supplying the needs of sojourners and tourists. The shores of literally hundreds of small harbors, which once boasted their fishing fleets, bear witness in their dismantled piers to this change in summer seacoast society.”

Chase (1961, p. 158) describes the chief fishing ports in New England in 1961 as being Boston, Gloucester, and New Bedford in Massachusetts; and Portland and Rockland in Maine. Each of those ports had its fleet of otter trawlers, with the large trawler fleet consisting of vessels over 100 feet in length and the medium trawlers being around 60 feet.

The U.S. Bureau of Commercial Fisheries (Lynch et al., 1961) reported in 1961 that:

The American groundfish industry, centered in New England, far from participating in the general prosperity which has characterized the national economic boom in the post-World War II period, has been in a continual stage of decline during these years. The growing unprofitability of the groundfish industry and its effects on new investment, employment, and vessel construction, are matters of grave concern not only to those whose livelihood depends on the industry, but also to those concerned with the preservation, development, and utilization of the fishery in an area notably short of resource-based enterprises.

The major reasons usually assigned for this decline are the decline of fish populations in local waters to lower but stable levels and the consequent high unit costs of operating, the costs and difficulties of marketing the product in competition with other food items, and the impact of foreign competition, principally from the Canadian Atlantic Provinces.

Portland, ME demonstrates that the ascendancy of one regional port is often mirrored by the decline of one or more others. Bradley (2011, p. 6) reports that:

Consolidation in the New England Groundfish fleet can be tracked as far back as the 1800's. One of the first recorded occurrences of consolidation was in the state of Maine. Portland is known today as having the largest groundfish fleet in the state, however, this was not always the case. Fishing communities in Penobscot, Frenchman's Bay, Waldoboro, and Wiscasset once outnumbered the tonnage landed in Portland during the 1860's [2]. By the 1880's, Portland had substantially increased the numbers of large fishing vessels, as well as housed two-thirds of Maine's fish dealers and three-quarters of its outfitting firms, effectively giving Portland a monopoly over important aspects of the fishery and bringing the city in direct competition with giants such as Gloucester and Boston [2]. This growth came at the expense of fishing communities in other areas in the state. While growth was seen in Portland, a decrease in vessel tonnage was occurring in other fishing communities and transfers of vessels to Portland was a common occurrence [2]. Gradual overfishing of inshore stocks also attributed to the demise of coastal inshore fishing communities in Maine and remains that way today.

Lynch (1961, p. 4) noted that there was a shift of Massachusetts vessels to Maine during the 1950s, which nevertheless did not prevent a decline in the value of Maine groundfish landings.

From the Community Profile of Newport, NEFSC:

Although Newport's port is now mostly dedicated to tourism and recreational boating, it has had a long commercial fishing presence. In the mid 1700s, Newport was one of the five largest ports in colonial North America and until Point Judith's docking facilities were developed it was the center for fishing and shipping in Rhode Island (Hall-Arber et al. 2001; RIEDC 2008).

Between 1800 and 1930, the bay and inshore fleet dominated the fishing industry of Newport. Menhaden was the most important fishery in Newport and all of Rhode Island until the 1930s when the fishery collapsed. At this time the fishing

industry shifted to groundfishtrawling. The use of the diesel engine, beginning in the 1920s, facilitated fishing farther from shore than was done in prior years (Hall-Arber et al. 2001).

The value of landings for home ported vessels in Newport was relatively consistent from 1997-2006, with a high of just under \$8 million in 2003 (see Table 2 [in the original]). The level of landings in Newport was steady from 1997-2004, and then saw enormous increases in 2005 and 2006, to almost \$21 million in 2006.

Most of the published histories of the New England fisheries say little about the multitude of small ports along the coast. Pierce (1934, p. 270) notes that “nearly all the Cape Cod fleet of fifty sail of seiners, from Wellfleet, Harwich, South Chatham, Dennis, and Dennisport, were ‘laid up’ for the winter, during the years from 1870 to 1890, when they prospered during the summer season in the mackerel purse-seine fishery. A few vessels sailed from Plymouth, Scituate and Cohasset in the eighties, mostly Bank fishing.”

McFarland (1911, p. 53) writes that “a fishing station was set up at Scituate in 1633.” The NEFSC Community Profiles report that “Scituate was an important fishing port by the end of the eighteenth century because of its protected harbor, but mud flats and shallow water made the harbor difficult to enter, so the town built Scituate Light here, completing construction in 1811 (D’Entremont, 2006).”

Playfair (2003, p. 31) reports on the recent history of the Scituate, MA groundfish fleet based on the recollections of fishermen Charlie Butman and Frank Mirarchi. In 1963, according to Playfair, “only two fishing vessels hailed out of Scituate. One was Charlie’s *Orca*, the other was Dan Arnold’s *Frances Elizabeth*. She recounts Mirarchi telling her that: “nobody had been fishing these inshore waters, and it just go better and better’ – until 1968 or 1970, when the foreign fleets began to arrive on Georges Bank and then along in toward Cape Cod Bay.” As Playfair reports the status of the inshore fisheries in Cape Cod Bay in 1963, they were “virtually untapped,” owing to the focus on Georges Bank by the fleets from Gloucester, Boston, and New Bedford. By 2003, Playfair (2003, p. 217) reports that a small dragger fishing out of Scituate that supported three families during the years 1976 to 1986 could no longer support even one.

The NEFSC Community Profile for Scituate reports that average annual groundfish landings of \$1.4 million between 1997 and 2006 represented 44% of the value of all Scituate landings during those years.

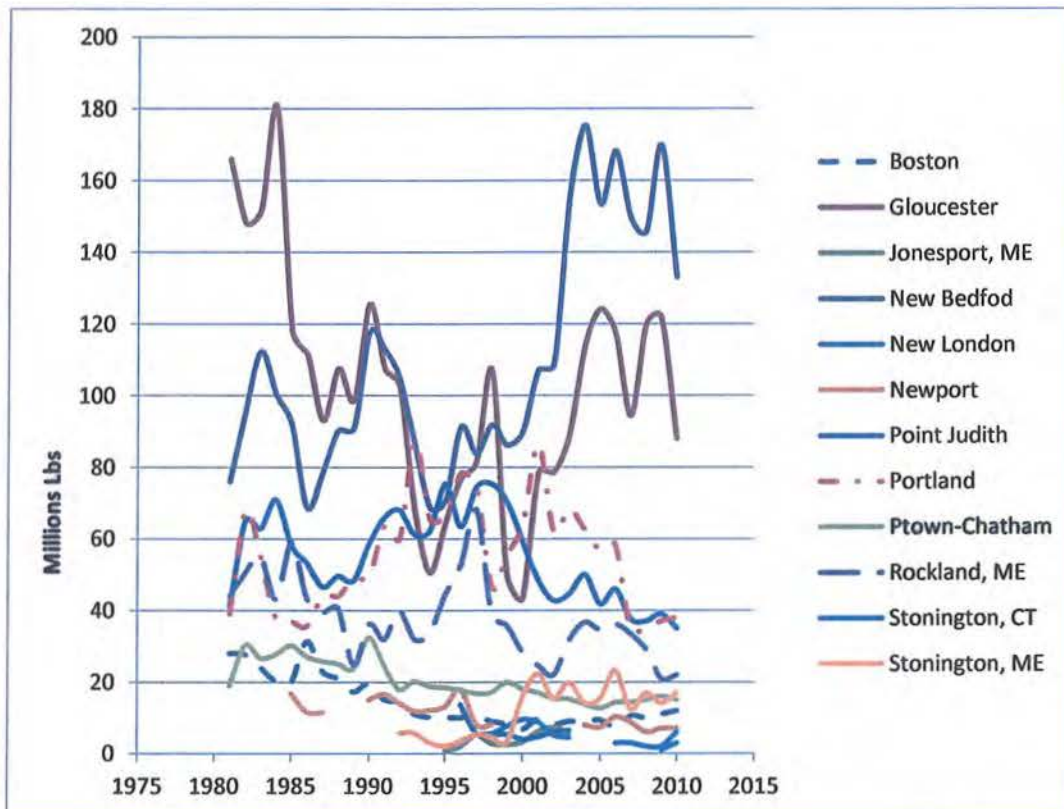


Figure 8 – Status of the top New England ports in total volume of all species landed, 1981-2010. The take-away message from this graph is the variability in the standings of New England ports.

Chapter 4 - Gear Types

For the first two hundred years of New England groundfishing, the target was almost exclusively cod and it was made by hand-lining from the deck of the fishing boat or from an outboard staging hung over the side. Sometime during the early to mid-1800s the schooners began to carry four to twelve dories, depending on the size of the schooner and its crew. The idea that one or two crewmen using handlines from dories would catch more fish than the same number of men fishing from the schooner proved correct (Chase, 1961, p. 93).

Pierce (1934, p. 30) claims that hand-line dory fishing did not begin until the mid-1800s. He writes that the first fishing vessel from Maine to go hand-line dory fishing was the schooner *American Eagle* out of Southport, in 1858. He does acknowledge that a few boats from Marblehead might have tried hand-line dory fishing a year or two previously. He provides an impressive account of the first dory-fishing trip of the *American Eagle*, fishing nearby the schooner *Ceylon*, on which the crew was hand-lining from the deck of the vessel. Both boats sailed from Southport during the first week of April 1858. By June 10th, the *American Eagle* had a full trip of 900 quintals of salt cod (about 200,000 pounds round weight) and the *Ceylon* had only 160 quintals. The skipper of the *American Eagle* lent his dories to the *Ceylon* when he left the fishing grounds, and “her crew soon began to fill her up,” proving the superiority of hand-line dory fishing compared to fishing from the deck of the schooner.

Pierce (1934, p. 63) reports that the first line-trawling, or long-lining, was done in 1843 by a man named Atwood fishing in Massachusetts Bay for halibut. He also claims that the first New England schooner to line-trawl for cod was the *Oneco*, skippered by Charles Aspley. The *Oneco* went to the Grand Banks with the new gear in 1845 and was apparently not very successful, but others soon were. Pierce’s account jibes with that of Jensen (1972, p. 116) who reported that some vessels in the New England schooner fleet adopted the method of line-trawling from the French around 1850. Rather than fishing a few hooks on a vertical line in one place, the line trawl allowed dorymen to lay out

hundreds of hooks over a larger area of sea bottom, bringing the bait to the fish, rather than requiring the fish to come to the bait (Jensen, 1972, p. 116).

Although viewed today as one of the more benign methods of fishing, the line-trawl stirred controversy when it came into use after 1850. As late as 1877, when the line-trawl was in widespread use, “a group of 137 fishermen from Block Island off the coast of Rhode Island submitted a petition of protest to the U.S. Fish Commission, claiming that the cod, ‘suffering from the laceration of the hook, and fearful of becoming again entrapped,... communicate their fears to their sympathizing companions’” (Jensen, 1972, p. 117).

Maine fishermen complained to state officials in 1887 that bottom fish line trawling and mackerel purse seining were depleting the inshore grounds, killing and wasting fish through careless operations, fouling the waters by dumping excess catches, and scaring fish away by overfishing and breaking up schools. Various international experts agreed with the complaining fishermen that the new fishing methods “tended to deplete stocks, particularly by interrupting spawning cycles and taking ‘mother fish’” (O’Leary, 1996, p. 177).

The charge of taking “mother fish” arose from the larger average size of individual cod fish taken by line trawls compared to hand lines. Line “trawlers working in the Gulf of St. Lawrence after 1860 consistently reported that the cod they landed were at least triple the size of those formerly brought in by hand-lining” (O’Leary, 1996, p. 162).

O’Leary (1996, p.179) reports that “the new technology” of dory fishing and line trawling from dories combined with the bounty repeal, wartime inflation, and big capital “to help eliminate the distinctive form those fisheries [the Maine sea fisheries] took before the Civil War – independent entrepreneurship and small-scale capitalism.”

During the latter half of the nineteenth century it was common for vessels to spend part of the year groundfishing and part mackerel fishing. Pierce (1934, p. 206) describes the typical seasonal pattern: “Most Maine fishing vessels, especially those from the small ports, were not sent winter fishing. Many went hand-line, dory cod fishing, sailing about the first week in April for the Western Bank on the spring trip and usually arriving home in June. They were then fitted out for the mackerel purse-seine fishery. A few vessels

went back on the 'second trip' for cod on Banquereau, fishing for the most part on the 'Rocky Bottom' in August, arriving home about September, and then going seining during the fall months."

Some vessels pursued mackerel for the entire eight month season, going south off the Virginia Capes in the spring and following the mackerel north. Most vessels were hauled up for the winter about the last of October because the owners believed that they saved money by doing so (Pierce, 1934, p. 206).

One of the big problems for line-trawlers making salt-fish trips was finding bait for their long-lines. Pierce (1934, p. 70) writes that when bait was hard to find "they often spent a week or more going from one harbor to another at Newfoundland, before they could find any bait." The same industrial developments that spelled the end of the salt-cod fishery also solved the bait supply problem, making frozen bait available to the line-trawlers.

In 1905, the next era in the evolution of the New England fishing fleet began with the steam trawler *Spray* sailing out of Boston for the Grand Banks. This time the trawl was an otter trawl, representing a completely different approach to catching groundfish. By the 1920s otter trawling had almost totally ousted line-trawling from its predominant position as the primary producer of New England groundfish.

"The relinquishment of sail to steam and gasoline, of trawl lines and dories to the nets of otter trawlers, has in its own way added to the decline of the fishing industry even as, at the same time, it has contributed to its growth....each boat brings back to port 75,000 to 150,000 pounds..." (Chase, 1961, p. 143).

The New England fishing fleet underwent another major technological advance in the mid-1970s. Not only did the fleet double between 1975 and 1980, but the new boats were almost all stern trawlers, compared to a fleet dominated by side trawlers prior to 1975. The biggest difference between side trawlers and stern trawlers is the ability of stern trawlers to keep the boat headed into the wind and seas continuously, setting and hauling nets with their hydraulic net reels without having to turn broad-side to the waves and haul and set the nets with considerable need for the manpower required on a side trawler. Stern trawlers pull the net straight ahead, without dissipating power simply to counteract the one-sided pull of the net.

The advent of stern trawlers coincided with continual advances in fishing electronics, primarily more accurate and continuous position tracking plotters and fish finding equipment.

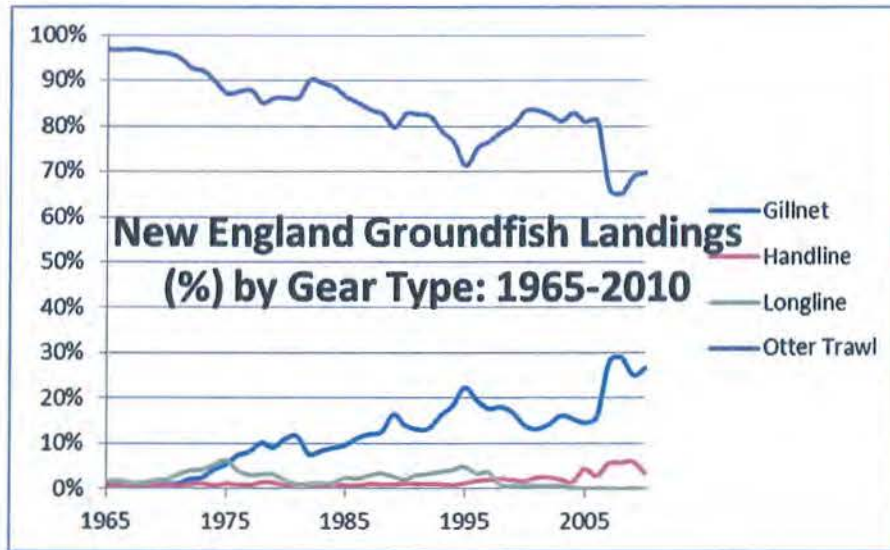


Figure 9 – Groundfish catch by gear type, 1965 to 2010.

Gillnetters also benefitted from new technology, principally monofilament netting. During the period from 1970 to 2010, gillnet landings of groundfish grew from almost nothing to almost 30% of the groundfish catch. Trawler landings declined from more than 95% of the catch to approximately 70%.

Technological advances continued in the 1970s, 80s, and 90s, often originating in Europe and brought to New England with the help of the National Sea Grant College Program, which funded research, extension, and communications activities at designated coastal colleges and universities, modeled after the Land Grant College system that played an important role in the modernization of U.S. agriculture. The introduction of pair trawling for both pelagic and demersal species was a major achievement of the Sea Grant extension service, both of which proved to be highly efficient. Faced with intransigent groundfish overfishing, however, the New England Fishery Management Council banned groundfish pair trawling as part of its overall fishing effort control program.

Chapter 5 - Owners & Captains

Adams (1927, p. 33) suggests that “the American colonies, in their inception, were largely, business ventures of groups of individuals or joint-stock companies, and, as such, were but episodes in the expansion of English commerce.” Most of these companies did not intend to make fishing their main source of income from the colonies, but it often turned out that way, as evidenced by the experience of Captain John Smith and Bartholomew Gosnold.

“By seventeenth-century standards,” writes historian Daniel Vickers (1994, p. 88) a fishing expedition to the New World “was enterprise on a big scale, demanding quantities of capital and labor that could be assembled only in the marketplace. Recruiting the crew could be quite a headache, and the West Country merchants who owned and outfitted a fishing ship usually preferred to delegate that task to the master.”

(Chase, 1961, p. 27; Jensen, 1972, p. 86)

Chase (1961 p. 38) writes that John Winter’s station on Richmond’s Island off Cape Elizabeth, ME was one of the largest and most important of the earliest New England fishing communities. From 1639 to 1645, Winter was the superintendent, or agent in charge, of the outpost and reported frequently to his employer, one Robert Trelawney, a merchant in Plymouth, England. The reports⁶ indicate that Winter kept his boats at sea year round, sometimes employing as many as sixty fishermen.

Independent fishermen apparently began to flourish during the 1640s, when the English Civil War caused the English fishing fleet to withdraw from American waters and simultaneously brought about a dramatic increase in the price of cod. Some fishermen undoubtedly built and owned their own vessels, but many rented vessels from vessel owners who were often fish merchants who secured the fishermen’s catch by supplying them with boats and supplies. Vickers (1994, p. 108) defined the fisherman’s position as one of dependence on others for access to capital. “At no stage of his career, even if he was among the fortunate minority who owned their boats, could he have financed the

⁶ Vickers implies that the fact that their estates went through probate indicates that these fishermen were skippers, rather than crew members, who were unlikely to have estates that would warrant probate.

purchase of the necessary salt, timber, food, liquor, cordage, and canvas for even a single season's operations without credit. Nor could he, without merchant connections, have disposed of his produce overseas."

By the 1660s native New Englanders were "going forth in their home-made boats from scores of thriving fishing settlements on Cape Ann and Cape Cod, at the mouths of the Merrimac and the Piscataqua rivers, on the Isles of Shoals, and on the frontier coast and islands of the Massachusetts province of Maine, at Pemaquid and Cape Porpoise, on the Damariscove Islands and Matinicus, in Falmouth, and as far eastward as Penobscot Bay" (Chase, 1961, p. 42).

Prominent leaders in the Plymouth and Massachusetts Bay colonies recognized the importance of the fisheries to the prosperity of the colonies and the first governors of those colonies not only sought to secure laws to promote the fisheries, but were each actively interested in the business itself as principals or part-owners of fishing vessels (McFarland, 1911, p. 64).

Between 1675 and 1725, the New England fishing industry changed course as "a new generation of entrepreneurs transformed its economic structure by making a clear distinction between capital and labor and exploiting local markets in each" (Vickers, 1994, p. 144). "Merchants discovered that they could recruit fishing hands without the expense of financing them on liberal credit terms; fishermen found that they could obtain provisioning without pledging their catch in advance; and the patron-client relationship that had first organized the industry withered. Merchants now recalled the capital that had supported the boat fishery and reinvested in larger and more productive deep-sea vessels of their own. Fishermen who had once worked the inshore grounds to haul themselves out of indebtedness to patron creditors now sold their labor in a free market to any local fishing employer needing hands."

The price of cod declined after 1675 and merchants tightened their credit limits, with the result that many inshore fishermen went bankrupt (Vickers, 1994, p. 155). As they wiped the slate clean of old debts, merchants re-directed "their assets into the purchase of ketches and schooners that would employ the new men on shares" (Vickers, 1994, p. 160).

“During the last quarter of the seventeenth century and the first quarter of the eighteenth century, Essex County fishermen gradually ceased to be owners or even renters of the vessels they sailed. Before 1676, 40 percent of those who died in mid-career whose estates were inventoried possessed at least a share in some type of craft, but in the period 1676-1725 that percentage fell to 15; in the fifty years before the outbreak of the Revolution it tailed away to 2” (Vickers, 1994, p. 161).

After 1675, “as the industry moved from shallop and shore to schooner and banks, the per capita [per crew] annual landings of cod almost doubled” (Vickers, 1994, p. 153).

Vickers (1994, p. 268) reports a “revival of opportunity” reflected in the increasing percentage of fishermen who owned vessel tonnage when they died in the years following the Revolution. In the period 1783-1812 that percentage had grown to 17. He also notes, however, that the increase in vessel ownership was accompanied by an increase in indebtedness. “The proportion of active fishermen who owed money at their death climbed from 19 percent in 1726-1775 to 46 percent between 1783 and 1812. Credit could be used for many purposes, but generally speaking those who assumed the most debt had done so to purchase or construct their own craft.”

Writing about Marblehead in the early to mid 1800s, Kimball (2005, p. 39) writes that: “Many skippers probably also aspired to part-ownership of a schooner, but less than 17 percent of all skippers (and a like proportion of those in Marblehead), achieved this.” “Most owners owned only one or two schooners. In order for a skipper to finance a voyage on his own, he would need not only to pay about \$2,000 for a vessel, but also to advance about \$500 for great and small generals [supplies] and insurance. Such an investment would represent more than ten years’ earnings as a fisherman.” (Vickers, 1994, cited in Kimball, 2005, p. 39-40)

In 1860, Southport was considered the most prosperous and wealthiest town in Lincoln County, ME, according to fisherman and author Wesley George Pierce (1934, p. 64). Forty-two sail of Bankers and mackerel vessels were owned there at the time. By 1889 there were only 11 vessels left in Southport, six of them owned by the William T. Maddocks fish firm and five were owned by Freeman Orne & Sons. These firms continued in business until about 1893, “and then sold their vessels and closed their doors

for good, chiefly because of the scarcity of both cod and mackerel” (Pierce, 1934, p. 267).

In nearby Boothbay, the fish firm of S. Nickerson & Sons had a fleet of twenty bankers and seiners in addition to a large general store and a ship supply business during the latter half of the 1800s. They sold out in 1903. There were evidently not many independently owned vessels in these ports, because Pierce (1934, p. 268) reports that by the time he wrote his book, “the entire fishing business of Boothbay Harbour, and Southport, Maine is gone, a thing of the past.”

Pierce (1934, p. 120) describes the shared ownership of fishing vessels between fishing firms and skippers that was common in the late 1800s: “when the owners of a fish firm have a new fishing vessel built for one of their skippers, it is customary for him to own a part of the vessel, a sixteenth, an eighth or perhaps a quarter.” He tells the story of skipper Mel McLain, who went to the owners of his vessel at the end of the season with a hull model and a few hundred dollars and asked them to build him a vessel to the lines of his model. The owners were happy to have the skipper invested in the vessel and they immediately took him to the famous Story shipyard in Essex to get started on a new vessel for the following season.

Pierce’s own father was the skipper and part-owner of the schooner *Lady Elgin* with William T. Maddocks, who had a fish-firm in Southport, ME. (Pierce, 1934, p. 43)

O’Leary (1996) provides detailed descriptions of vessel ownership in Maine during the period 1830-1890, drawing sharp distinctions between the “economic democracy” that prevailed in Maine during that time and the capitalism that characterized the Massachusetts fisheries. Interestingly, O’Leary (1996, p. 23) offers a third form of ownership structure that contrasts with both the owner-operator model and the corporate ownership model. In addition to shareholding by crew members and extensive family involvement in vessel ownership, O’Leary points to common shareholding arrangements in which small investors, often local farmers and artisans, owned stock in local vessels. He uses the ownership of the schooner *Mayflower* out of Bucksport as an example of the broad participation of ownership of fishing schooners common in Maine during the mid-1800s. The biggest owner held five/sixteenths of the shares and the seven smallest

owners each held a one-sixteenth ownership. He cites the cod banker *Accumulator* of Castine as another example; two merchants each owned three sixteenths of the vessel, giving them effective operational control, while the remaining shares were held by “five quite ordinary individuals – two farmers, two house joiners, and one fisherman, each of whom owned a one-eighth share.”

O’Leary repeatedly suggests that Massachusetts’ superiority over Maine in various aspects of the fishing industry resulted from the differences in the scale and capitalization of Massachusetts fishing firms. He contrasts Gloucester, MA and Castine, ME as examples. In 1832, O’Leary (1996, p.32) writes, Gloucester had, “by conservative count 96 company-owned fishing vessels. These were controlled by seventeen mercantile firms. The average number for each firm was 6 vessels, and seven of the companies had more than that. The two largest owned 10 schooners each.” By 1868, O’Leary reports that there were 52 fishing firms and 400 vessels in Gloucester. “By then, the top seven Gloucester firms owned 106 vessels between them, and each had more than a dozen. The leader was Joseph Friend, with no fewer than 18 schooners, and the average for all fifty-two companies was 8.”

O’Leary contrasts Gloucester with Castine, Maine, which he calls the “center of the Penobscot Bay cod fishery.” “In 1854, when it was one of the leading fishing ports in the entire state, Castine had eight mercantile firms engaged in fisheries activity, fewer than half the number Gloucester had had twenty-two years earlier. Furthermore, these eight firms owned shares in only 48 schooners, and no more than two-thirds of those can be definitely identified as fishermen. ... Altogether, about two dozen company-owned banks vessels operated out of Castine in 1854.... If only fishing schooners are considered, the average [per company] was closer to 4, and only one company, the firm of Samuel Adams, had more than 6.”

“Maine’s mercantile firms were forced to be somewhat conservative in their approach to the fishing industry” because of their small size and limited capital, according to O’Leary (1996, p. 33). “And what was true for the small fish merchant of Camden, Bucksport, or Castine was doubly true for the independent fisherman in the outports, who lived from year to year and depended on the one small schooner he operated himself.”

Pierce (1934, p. 266), writing about the mackerel fishery, notes the industrious nature of the Italian fishermen of Gloucester, writing that “by the time that Italian lad is twenty-one years old, very likely he will have several thousand dollars saved up in the bank, so that he will be able to buy an interest in a seiner and most likely go skipper of her himself.”

Chapter 6 - Crew Considerations

The share system apparently dates back to the earliest fishing ventures to the American coast, and probably further than that. Vickers (1994, p. 89) called the financial organization of a trip to American fishing grounds “a joint venture between a consortium of merchant investors and the crew. Before the vessel sailed, the parties involved negotiated an agreement determining the price of the fish to be caught and a method of apportioning shares.” The share system served to “diminish the individual risk inherent in an unusually risky industry, but it also gave the fisherman a personal interest in his efforts. Nevertheless, merchants “retained complete ownership of the vessel, provisions, and gear throughout the voyage; and they could do with their capital what they wished once the fish had been sold,” which might mean that the vessel would be sent on a cargo voyage or otherwise employed outside the fishery on its next trip.

“When the New England colonists set about organizing a fishery of their own” they apparently did not use the share system, but “relied in the traditional manner on servants, who were recruited in the fishing ports of the West Country, engaged for the season to work under the supervision of a master appointed by the colonists, and paid in cash or a credit note upon their return” (Vickers, 1994, p. 91). Vickers reports on complaints from colony organizers as late as 1635, that “there was hardly a fisherman – master or servant – settled permanently anywhere in the colony. Any manager of a fishing operation that was short of men in these early years had to look to the mother country for recruits.” “In the West Country,” wrote John Winter of Richmond Island, “it was possible to find fishermen willing to hire themselves out on reasonable terms, but not in New England.”

The scarcity of fishermen and the competition for labor throughout the colonial economy apparently caused the fish merchants in the colonies to return to the share system as a way to incentive fishing crews and to keep them fishing. “In 1641, after a group of fishing hands hired in England at 5 pounds sterling a year refused to renew their indentures in the middle of the following season, Winter finally decided to try a new tack and allow them instead one-third of all the fish they took – a sum amounting that year to more than 9 pounds sterling.” As a result of the problems arising from hiring and

managing fishing crews, colonists like Winter began to concentrate on the establishment of a resident fishery and independent fishermen were encouraged to deliver fish to Winter's wharf (Vickers, 1994, p. 94)

As the seventeenth century came to a close, the scarcity of labor in the New England fishing industry had turned into a surplus and unemployment was common, leading to a poor negotiating position for crew looking to sign-on to the offshore vessels. Vickers (1994, p. 191) explains the plight of the fishermen as arising from the fact that: "from the very beginnings of settlement the seafaringmen of Salem and Marblehead were the only important occupational group in Essex County to depend on others for access to the means of production.... Without property, connections, or any real cultural claim on the colonial establishment, they lacked the power to escape their situation. For this reason, an industry that was a cornerstone in the economic development of Massachusetts benefitted least those who labored within it."

The observation in Kimball (2005, p. 39-40) that the purchase and outfitting of a boat would cost the equivalent of ten years' earnings as a fisherman during the mid-1800s was probably true in the latter half of the twentieth century as well, but financing was much more available, leading to greater upward mobility and widespread ownership of fishing vessels by independent owner-operators.

During the 1800s it was the custom in Maine fishing ports for crews to help get their vessels ready in the spring to go on fishing trips. In Boston and Gloucester the crews preferred to have the skipper hire "lumpers" to ready the vessels and the lumpers' pay was taken out of the expenses (Pierce, 1934, p. 31). The usual time at sea for a spring trip hand-line dory fishing was about ten weeks (Pierce, 1934, p. 33).

During the 1850s, 60s, and 70s, vessels from Southport, ME were able to find local crew to man all of the local vessels. By 1880, however, Pierce (1934, p. 33) reports that "many of the young men had left Southport to find employment in Massachusetts cities, where they would have a better position in life, not wishing to go fishing for a living. So many of the Southport skippers sought fishermen from Nova Scotia as part of their crews," stopping there on their way to the fishing grounds.

The exodus of Maine fishermen to Massachusetts followed the relocation of Maine fishing firms to Gloucester in the latter half of the nineteenth century, but was not entirely caused by it. O'Leary (1996, p. 241) lists multiple advantages that Gloucester held for fishermen compared to Maine, counting the "elaborate system of social security – primarily survivor benefits of various kinds – maintained for fishermen and their families at Gloucester and most other Massachusetts ports."

In 1880, O'Leary (1996, p. 245) reports that:

No fewer than forty of Gloucester's captains were from Maine... These particular individuals had special reasons for migrating to Gloucester. As a class, they tended to be family men with a more than casual interest in survivors' benefits.... Furthermore, most Gloucester merchants firms offered a unique economic inducement to obtain and keep expert skippers. That lure was the chance for partial vessel ownership, an opportunity unavailable to master fishermen at most places after 1865. In the interest of the company, loyal and energetic captains were encouraged to buy one-quarter shares of the schooners they commanded, with the merchants arranging financing if necessary. Such an avenue for advancement made vessel captaincy in Gloucester an irresistible prospect for many of Maine's best professional skippers...

Groundfishing crews were apparently paid in one of two ways: either the fisherman worked "on his own hook," and was paid in proportion to the number of fish that he caught, or he was paid "share and share alike," with each crew member, including the captain in the early days, receiving an equal share of the proceeds of the catch after expenses. By the late 1800s, Pierce (1934, p. 72) writes, the vessel owners were paying the skipper from 5-7% of the owner's share. Pierce also explains how the shares were actually calculated when the crew fished "on their own hook." He reports that "all hand-line fishermen for cod, halibut, mackerel, and pollock, have half the money their fish bring, each man sharing in proportion to his own catch. The other half goes to the owner of the vessel."

Commercial fishing remains a dangerous occupation, but no longer compares to the hazards of fishing in the days when schooners traveled to the Grand Banks and Georges

Bank to set the crew off in 13-foot dories. In the years between 1830 and 1873, 281 vessels were lost from Gloucester alone, together with 1252 men. That's an average of 6-7 vessels per year and 29 crew lost per year, not counting the crew lost when they couldn't find the mothership or their dory succumbed to the weather but the schooner returned home.

The introduction of steam trawling in 1905 changed the nature of work on groundfish vessels dramatically, but would hardly qualify as a luxury cruise, as one old line-trawler called it. In 1915 Massachusetts fishery biologist David L. Belding described a steam trawling trip on Georges Bank on a vessel with a 19-man crew, including a captain, mate, chief and assistant engineer, two firemen, a steward and two deck crews of six Newfoundlanders each. The crew worked watches of six-on and six-off. Fishing took place around the clock for two to three days, with two days of travel time making a typical 4-5 day trip (Jensen, 1972, p. 130).

Interestingly, Jensen (1972) reports that in 1939 only 10 per cent of Boston trawler crews were born in the United States. By the 1960s he says that 20 per cent of trawler crews were born in the United States.

“A 1964 Bureau of Commercial Fisheries study gives a good composite picture of him [the American offshore trawlerman]. He is fifty-five years old or older, and 20 per cent of his fellows are sixty-five years old or older. He was born in Canada – usually in Nova Scotia or Newfoundland – was probably a fisherman there, but came to the United States because ‘times were bad at home.’ His father and grandfather were probably fishermen who practiced their art in a Grand Banks dory. His education is below the national norm: he might have completed grade school but probably did not go on to high school, and a few of his friends (4 per cent) had no formal education at all. He has followed his occupation for over thirty years, and one in five of his companions has at least forty-five years of experience in commercial fishing; two thirds of them have never worked at any other kind of work and are specialists at their trade.... In the early 1960s, the average full-time trawlerman logged 267 days at sea in a typical year's fishing, and for his labors earned \$6,300.... on a par with annual earnings in other

industries. ...The hourly wage rate is down to \$1.98 per hour on vessels with a seventeen-man crew and \$1.71 per hour on thirteen- to fifteen-man vessels” (Jensen, 1972, p. 131).

Jensen (1972, p. 133) reported that “the fisherman’s working conditions is one reason that the industry faces a severe manpower shortage. Fewer and fewer young men care to go to sea aboard trawlers to endure the long hours, hard work, and low pay, so the trawlers are crewed mostly by older men.”

Chase (1961, p. 173) notes the role of the Atlantic Fishermen’s Union in the mid-1900s, and points out that the union negotiated a 60-40 (crew-boat) share agreement with the various fish companies that sent out their trawlers from New England ports.

Lynch et al. (1961, p. 48) studied the economics of the Boston trawler fleet and found that the gross crew share was 57.8 percent of gross revenues and expenses paid by the crew were found to average about \$163 per day out of port. The union contract at that time required the vessel owner to make up the difference if the individual crew share was less than \$12 per day out of port. The captain was paid a bonus of 3.8 percent of gross revenues.

During the mid-1900s, most fishermen in the major ports belonged to one of the active fishermen’s unions, most commonly the Atlantic Fishermen’s Union. The number of union boats declined dramatically after a bitter strike in New Bedford in 1987. Some boats continue to have commitments to the Union to contribute to the pension fund, even if the boat is sold, in which case the owner must pay a lump sum to the Union.

“According to a 2002 newspaper article, fishing vessel owners [in New Bedford] complain of a shortage of crewmen. They attribute this scarcity to low unemployment rates that have kept laborers from the docks. Many choose to bypass work that government statistics place among the most dangerous jobs in the country. Many crewmembers are either inexperienced or come from foreign countries. Both present safety issues, according to one fisherman, because inexperienced crew get hurt more often and foreign crew have significant language barriers that impede communication. ... A community member and former fisherman ... noted that with a decrease in days at sea vessels are allowed

to fish, crew members have been more steady, most working on more than one vessel owned by a single owner.”

(http://www.nefsc.noaa.gov/read/socialsci/community_profiles/MA/newbedford-ma.pdf)

A recent New England Groundfish Crew Rapid Assessment Report (Mendelson and Joyce, 2011, p. 14) provides the following insight into the attitude of crew in 2010:

“Twenty-eight crewmen responded to a question about growth potential. There was little interest from the crew we spoke to in trying to buy a vessel and permit to enter the fishery owning a business. Most cited the uncertainty of the fishing business as the reason for this reluctance. Several had already been in the industry and sold their permits and vessels, going to work for someone else. Still, a few individuals own an interest of some sort in the vessel they worked on or owned all/part of a permit.”

“Permit banks were mentioned generally during a handful of interviews, and the comments were mixed, with about half in support of permit banks, as their boat’s owner leased quota from them. The other half indicated that both private and state permit banks are driving up permit prices and are hard to compete with. This affects business viability for owners and the growth potential for hired captains and deckhands.”

Chapter 7 - Fishing Grounds

“During the first half-century of the colonial period, Massachusetts, Maine, and New Hampshire fishermen stayed on their own fishing grounds, which meant primarily those off the Maine coast, in the Bay of Fundy, off Nantucket shoals, and occasionally even on the dangerous and dreaded Georges Bank, one hundred miles east of Cape Cod” Chase, (1961, p. 45). McFarland (1911, p. 60) reports the expansion of New England fishing efforts beyond the coastal waters as beginning in 1641, “when some merchants of Boston sent twelve men to the Isle of Sable, off the coast of Nova Scotia.” Chase (1961, p. 45) reports that New England fishermen first sailed for the Grand Banks of Newfoundland in 1670. Boston merchants had financed at least one previous trip to the Bay of Islands in Newfoundland and a few earlier trips to Nova Scotia, but these were not notably successful, in fact, McFarland (1911, p. 62) calls them “disastrous,” resulting from the fact that “warring factions in England had partisan adherents in all waters” one of whom “seized vessels, cargoes, and crew” of the New England venture.

Only five years after that first trip to the Grand Banks, there were 665 vessels and over 4,000 New England fishermen on the Grand Banks and the cod catch from the Banks reached 400,000 quintals of salted fish (Chase, 1961, p. 46). A quintal equals 112 pounds and the curing process generally removed about half the live weight (Vickers, 1994), meaning that the U.S. cod catch from the Grand Banks probably approached 90 million pounds in the latter half of the seventeenth century.⁷

In the mid-1700s Marblehead was the top port in the region and her schooners typically made five fares, or trips, as follows: “the first to Sable Island, made in March; the second to Brown’s Bank and other banks near Cape Sable, for spring fish; their third and fourth fares were to George’s Bank for summer fish; the last fare, to Sable Island again for winter cod” (McFarland, 1911, p. 96). These schooners were usually of 50 tons burden, carried a crew of seven, and typically landed six hundred quintals [approximately

⁷ There are obviously conflicting reports about the timing of the development of the Georges Bank and Grand Banks fisheries by New England vessels. There may also be confusion around whether the vessels were from Marblehead or Gloucester.

134,000 pounds of round weight] of fish per schooner (Douglass, cited in McFarland, 1911, p. 96).

Jensen (1972, p. 90) reports that the first catch of cod from Georges Bank was landed in 1748 and in 1757 Gloucester vessels sailed to the Grand Bank off Newfoundland where they joined vessels from England, France, Spain, and Portugal. Trips to Georges Bank were common in the first half of the 18th Century, but declined in favor of trips to the Grand Banks and the Gulf of St. Lawrence after the Revolution (Kimball, 2005). Jensen (1972, p. 112) reports that: “between 1790 and 1810, about 1,232 New England fishing vessels set forth each year, about half of them headed for the Grand Banks and the other half for the north, to the Bay of Chaleur and Labrador.... the vessels that went to the Bay of Chaleur and Labrador ... made only one trip each year.”

According to Pierce (1934, p. 14) both cod and mackerel were very scarce off the New England coast during the 1830s and 40s, causing many New England fishermen to travel 800 miles in their small pinkys to the Bay of Chaleur in the Gulf of St. Lawrence. These vessels were only 25-30 tons burthen and had crews of four men and a boy to serve as the cook.

Pierce (1934, p. 6) reports that Gloucester fishermen started going to Georges Bank after cod and halibut in 1821 and that by 1835 there was quite a large fleet, mostly pinkys.

Pierce's account seems to jibe with Kimball's description of the decline in the Marblehead fleet and the transition of the Gloucester fleet from a near-shore to an off-shore fishery in the early 1800s. The late 1800s were apparently the peak of the hand-line codfishery on Georges Bank, with one trip by the *Samuel R. Lane* landing 123,000 pounds of large cod.

Lynch et al. (1961, p. 45) describe the shift in fishing grounds that resulted from lower haddock catch rates on Georges Bank in the 1930s:

The New England industry has over the years accomodated itself partially and often painfully to the resulting lower catch per day situation. From 1931 to 1936 many of the trawlers deserted Georges Bank for the more distant Nova Scotian banks. During the period 1926-30, New England vessels caught an average of 130 million pounds annually from Georges Bank and only 13 million pounds from the

Nova Scotian banks. By 1934 the fleet was catching 88 million pounds annually on the Nova Scotian banks versus only 40 million pounds on overexploited Georges. Other trawlers deserted the haddock fishery to engage in other groundfishing, particularly the new ocean perch fishery which developed after 1935 in Gloucester.

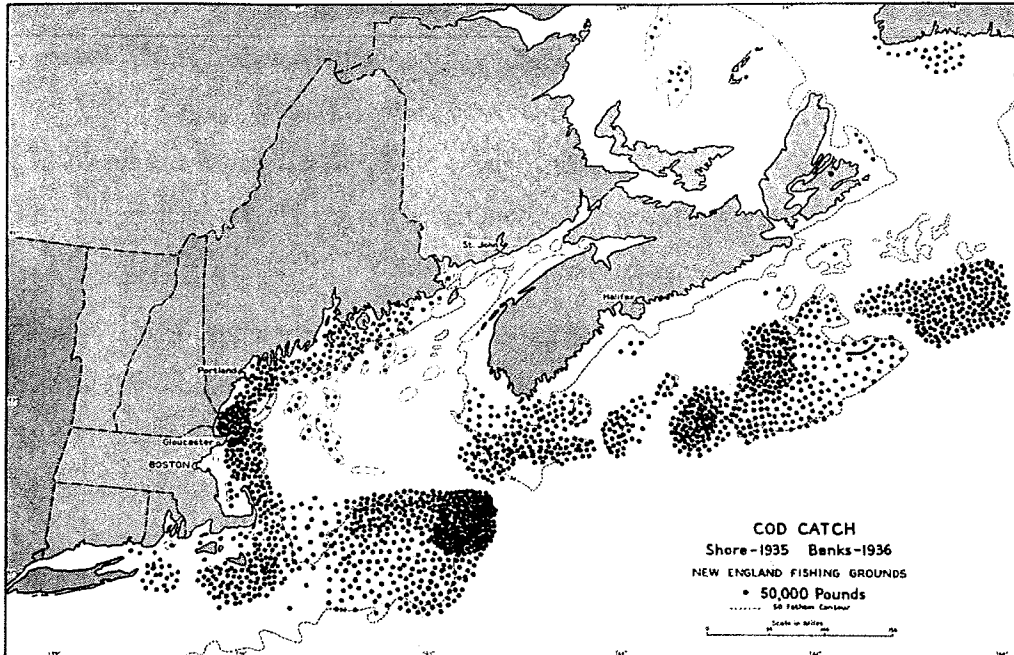


Figure 10 – Locations from which the New England cod catch was taken in 1935 (shore) and 1936 (banks). The locations for the haddock catch are similar with the exception of less intense fishing along the New England coast and a darker band along the Northern Edge of Georges Bank. Chart from Ackerman, 1941, p. 15.

Chapter 8 - Species Mix

Cod was almost the singular species of value at the outset of the New England fisheries in the 1600s, although early settlers provided reports of a wide variety of fishing being caught for local consumption. River herring and bass were mentioned frequently as targets of the shore fisheries. After the Treaty of Utrecht brought peace between England and France in 1713, a new wave of settlement into Maine included a sturgeon fishery on the Kennebec River that produced “many thousands kegs” of cured sturgeon in a season (McFarland, 1911, p. 81). Atlantic and shortnose sturgeon were once significant components of the Atlantic coast fisheries, as reported by the National Marine Fisheries Service: “Colonists’ records indicate exports of sturgeons to Europe as early as 1628. A substantial Atlantic sturgeon fishery existed into the late 1800s, with landings as high as 3500 mt.”

The growing population of the U.S. at the turn of the eighteenth century shifted both the product mix and the market for New England’s fish products. “By the opening decade of the nineteenth century, a haddock trip in the springtime, a pollock voyage in the autumn, and ‘haking’ in the winter were all legitimate alternatives to the traditional cod fares” (Vickers, 1994, p. 276).

Mackerel hand-lining apparently became popular in the 1700s and the advent of the mackerel jig sometime between 1815 and 1820, led to a flourishing fishery and an increasing fleet between 1820 and 1830. In 1831 the mackerel hand-line fishery landed 450,000 barrels, reported to be a record for any hand-line fishery in the region. (Pierce, 1934, p. 13) The mackerel experienced rapid fluctuations, declining to only 50,000 barrels landed in 1840 before expanding again to become the most valuable catch in Gloucester 1847, exceeding the value of the cod catch by one-third (O’Leary, 1996, p. 29). O’Leary (1996, p. 31) describes Massachusetts’ domination of the mackerel fishery compared to Maine with the explanation that during this period, “the mackerel fishery offered a high return to the entrepreneur who could afford to risk the uncertainty of the catch and the vagaries of the marketplace. Massachusetts fish merchants ... were wealthy

enough to survive the bad years and big enough to capitalize fully on the good years. Maine merchants were not.”

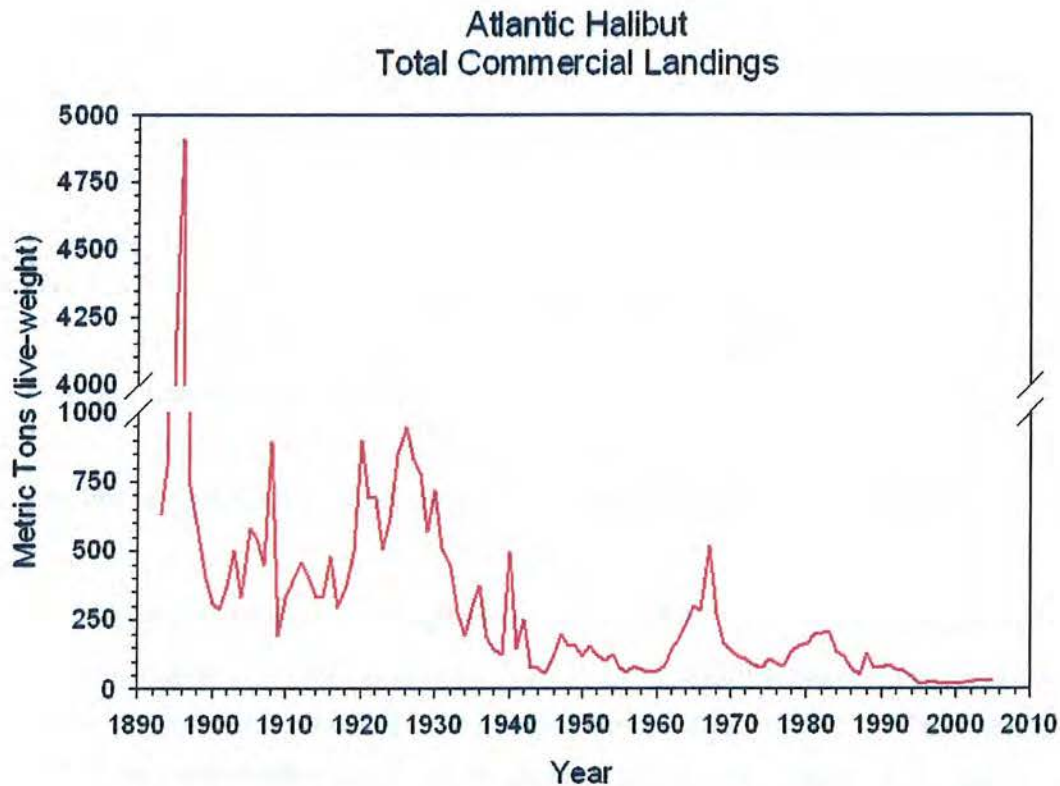


Figure 11 – Total commercial landings of Atlantic halibut from the Gulf of Maine-Georges Bank region, 1893-2005. Halibut abundance had declined throughout the mid-1800s, but accurate landings records are not available prior to 1893. (Source: <http://www.nefsc.noaa.gov/sos/spsyn/fldrs/halibut/>)

Halibut became a major target of the New England fishing fleet after 1830, pursued primarily by fast sailing vessels because halibut were iced down and landed fresh. Pierce (1934, p. 131) reports that “in the early fishery (about 1835) on Georges Bank, halibut were so plentiful that they were often seen on the surface ... Some vessels were able to make a round trip from Gloucester in two or three days, their crews catching a trip of 15,000 to 20,000 pounds of halibut in one day’s fishing between sunrise to sunset. Halibut inhabit a wide range of depths and were found “from the sandy grounds very near shore to the clay banks at 300 fathoms on the edge of the continental shelf.” (Ackerman, 1941, p. 23) Halibut were quickly overfished by men using baited hooks and sailing vessels. “Halibut were pretty well fished out of Cape Cod Bay by 1840, out of

Massachusetts Bay by 1850; and they even dwindled on George's Bank by 1850” (Ackerman, 1941, p. 23).

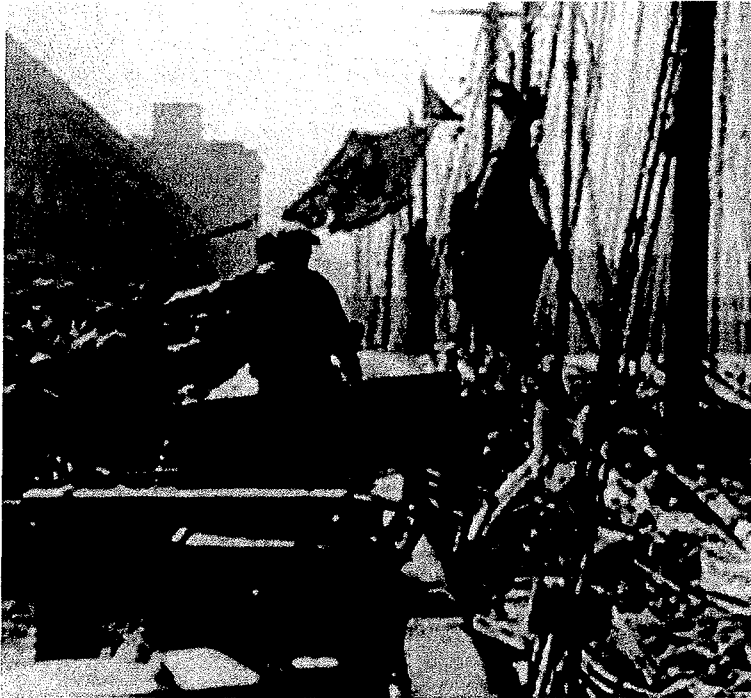


Figure 12 – Offloading halibut. (<http://www.nefsc.noaa.gov/history/timeline/1920.html>)

Because haddock did not salt well, it was often discarded by the hand-liners and line trawlers who sought cod because it kept well when salted and dried. That changed in 1870 when some smart marketer started smoking haddock and selling them as finnan haddie, which had first been cured in Scotland (Pierce, 1934, p. 149). Fresh haddock soon became popular as well. In the 1870s, 80s, and 90s, “many small vessels out of Portland, Maine went [line] trawling for haddock during the winter season ... most of them fishing on ‘shore-soundings’ and the nearby Banks, a few miles off shore.”

With increased availability of ice and faster sailing vessels in the late 1800s, offshore line trawlers began making trips of fresh haddock and cod. “This fishery was at its height from 1880 to 1890,” (Pierce, 1934, p. 152) just before otter trawling became the predominant fish producer.

Haddock continued to increase in popularity, when, “In the autumn of 1921, plants in Boston began to fillet fish and ship the product to retail markets. Before this, only whole

fish were sold in the retail market and they had to be filleted there. Haddock was the first species handled this way and because the species was abundant it soon cut into the market for cod" (Jensen, 1972, p. 135).

The chronic nature of the crisis facing the New England groundfish industry is evident from the description of the haddock fishery (Lynch et al., 1961, 40-41):

1917-26 period annual landings averaged around 66,130,000 pounds, catch per day fished was around 30,000 pounds, fishing effort averaged 2,200 days, and the great proportion of fish landed was large haddock. In the 1927-30 expansion of the fishery, annual landings from Georges Bank averaged about 185 million pounds, catch per day declined precipitously from 44,000 pounds in 1927 to 11,500 pounds in 1930, while fishing effort increased sharply from 2,400 days in 1926 to 16,000 days in 1930.

Since 1931, annual landings from Georges Bank have averaged approximately 91 million pounds, catch per day has averaged 13,400 pounds while effort has been at an annual level of 6,964 days. A comparison of the 1917-26 and 1931-57 eras shows that in the latter period total annual landings are 35 percent higher but at a cost of 212 percent more effort and a reduction of 57 percent in the catch per day. Here, then, is a fact of basic importance: the present fishery is a much higher cost one....

"The stocks of Georges Bank haddock have been fished down to the point where the catches depend upon large numbers of comparatively small fish. ...In terms of age, the fishery was once supported in large part by fish 5-9 years old but in recent years 2-4 year old fish have dominated the catches. The depletion of the large fish has placed the fishery in a precarious position."

Swordfish was another option for the New England fishing fleet from the late 1800s through the 1960s and 70s. Small and medium-sized draggers and lobster boats would mount their topmasts and swordfish pulpits and chase swordfish during the summer.

Flounder fishing didn't begin in earnest until the advent of the otter trawl in the early 1900s. Flounders quickly became a major part of the New England fishery to the extent

that flounders as a group were the largest volume food fish landed in New England in 1971, with 82 million pounds landed. (NMFS, 1971) Yellowtail landings were 49 million pounds in 1971, down from 66 million in 1970. Winter flounder were 19 million pounds.

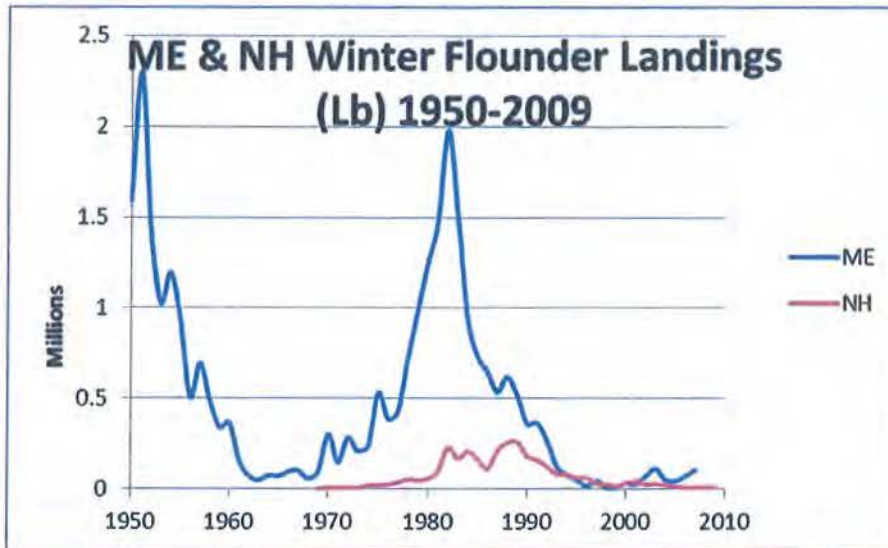


Figure 13 – Winter flounder has been an important component of the Gulf of Maine inshore fisheries at different points in time. Winter flounder landings in ME declined dramatically from 1950 through the mid-1970s, gained again in the early 1980s, along with NH, and dropped to less than 100,000 pounds almost every year after 1993.

(http://www.st.nmfs.noaa.gov/st1/commercial/landings/annual_landings.html)

Ocean perch, or redfish, is another species that only became predominant with the introduction of the otter trawl, and was actually the largest single food fish species landed in 1971, at 59 million pounds. The 1971 catch was actually dramatically lower than earlier redfish landings, which reached 250 million pounds in 1951. Redfish landings showed a steady decline to less than 600,000 pounds in 1997. Since 1997, redfish landings have been growing again and reached 3.6 million pounds in 2010

(http://www.st.nmfs.noaa.gov/pls/webpls/MF_ANNUAL_LANDINGS.RESULTS) .

Overall, cod was the primary groundfish species landed from the 1600s to 1918. Between 1918 and 1947, haddock was the leading species, and from 1947 through the 1970s, ocean perch (redfish) was usually the top species in volume (Lynch et al., 1961, p. 1; http://www.st.nmfs.noaa.gov/pls/webpls/MF_ANNUAL_LANDINGS.RESULTS).

By the late 1950s, landings of the major groundfish species had all declined significantly from their recent highs. In 1957, ocean perch landings were 48 percent below their 1951 level; cod landings were 77 percent below those of 1945 and 57 percent less than the average annual landings of the 1946-48 postwar period (Lynch, 1961, p. 2).

The species mix varied significantly among New England fishing ports throughout their history. In 1961, Lynch (p. 2) reported that the Boston fleet was almost completely dependent on groundfish, which he defined as haddock, ocean perch (redfish), cod, pollock, hake, and cusk, following the definition used by the United States Tariff Commission in its investigations. "In New Bedford," he wrote, "less than 10 percent of fishing revenues comes from groundfish (61 percent from scallops and 25 percent from flounder fishing)." 70-80 boats "whose construction and deck arrangement are similar to that of medium-sized groundfish trawlers" were scalloping in New Bedford during the late 1950s (Lynch, 1961, p. 8). Gloucester relied on groundfish for over 50 percent of its fishery revenue. While groundfish were also the most valuable fish landings in Portland and Rockland, the value of shellfish landed in those ports was higher than fish landings.

Lynch (1961, p. 4) notes that the depression in the primary groundfish industry made itself felt in the haddock and ocean perch ports at different times, which Boston starting to suffer in 1949 and Gloucester, Portland, and Rockland becoming "sore-pressed" after 1952.

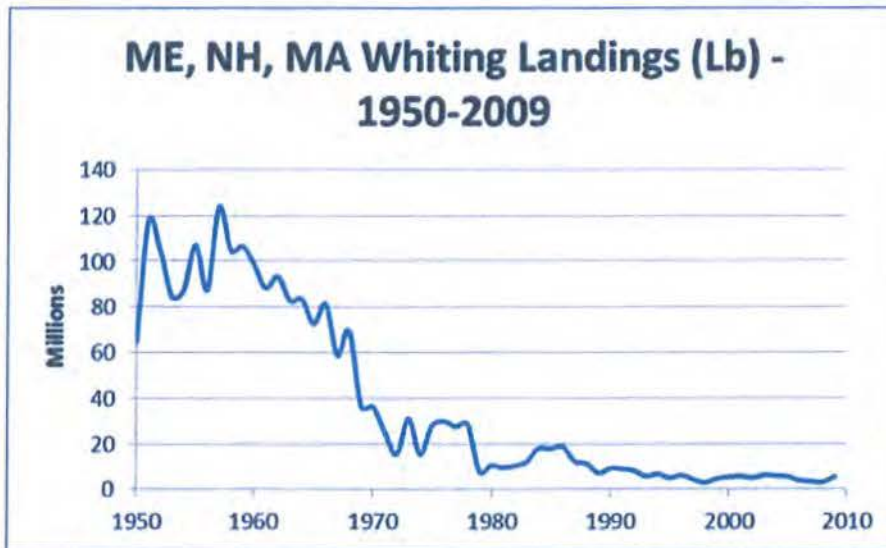


Figure 14 - Whiting landings in ME, NH, and MA averaged around 100 million pounds during the 1950s and declined dramatically after 1960 to less than 10 million pounds since 1990. (Source: http://www.st.nmfs.noaa.gov/st1/commercial/landings/annual_landings.html)

During the 1970s, 80s, and 90s, “underutilized species” were seen as the answer to overfishing of groundfish and other traditional species. Fisheries for squid, butterfish, windowpane flounder, ocean pout, dogfish, skates, and monkfish developed rapidly, to the point where overfishing of those stocks became a threat and required fishery management plans for their protection. Ironically, as of 2012, the most underutilized stocks are the traditional stocks of once overfished Georges Bank haddock, Gulf of Maine redfish, and pollock.

Chapter 9 - Protection and Encouragement of the Fishing Industry

By 1635 the General Court of Massachusetts (the legislature) “was enacting laws for the protection and encouragement of the fishing industry. In that year the Court appointed a commission of six men for the overseeing and management of the ‘fish trade’” (Chase, 1961, p. 44). The General Court also voted to “create a ‘stock’ of public capital for the purpose of organizing a “magazine” that would furnish local seamen with inexpensive supplies and purchase the fish they brought in. In 1639 the General Court “exempted fishing vessels from public taxes for seven years and all fishermen, as well as ship carpenters, from local military training. Other following laws ensured free land for the erection of fish flakes and free meadow acreage for those fishermen who kept cattle and farmed as most of them did between their voyages”

The centerpiece of the program to encourage “our own people to set upon it [the fishery]” was the granting of land to fishermen who settled in coastal towns for the purpose of engaging in farming in the off-season. What the established colonists soon learned, however, was that “those who acquired the means to economic independence on shore rapidly lost their taste for the sea.” The size of the land grants was subsequently reduced to avoid that incentive (Vickers, 1994, p. 95).

Vickers (1994, p. 98) considered the early attempts to turn Puritan families into fishermen to be a failure. Instead, he credits the outbreak in 1642 of the English Civil War with launching the New England fishery on its trajectory of growth. He describes the withdrawal of the English fishing fleet from North America and the dramatic increase in fish prices that were caused by the war.

The first apparent regulation of the New England fishing industry was enacted in 1652 for the purpose of stopping fishermen from taking wood and timber from private lands and preventing fishermen from using inferior methods of curing and packing their fish (McFarland, 1911, p. 64). The law also prohibited the taking of cod, haddock, hake and pollock during December and January, because that was their spawning time. In 1670 the

Plymouth Company required “all profits that should accrue annually from the fisheries at Cape Cod for mackerel, bass, or herring to be employed ‘for and towards a free school in some town in this jurisdiction’” (McFarland, 1911, p. 65). The practice of leasing out herring runs to support public schools and other town expenses became widespread in New England and continues to the present in some localities.

At about the same time, the historical record shows that fishing rights were granted to certain individuals and withheld from others. “The regulations provided for the establishment of two companies only to engage in the fisheries” on Cape Cod. “The fisheries of Cape Cod were carried on by the Plymouth Colony, usually by annual leases, until the union of the colony with Massachusetts Bay in 1692” (McFarland, 1911, p. 64).

“At Boston, in 1753, a sum of money was raised by subscription for the encouragement of the codfishery” in the form of a sixty dollar prize to be given to the crew of the vessel returning the most fish for the season and lesser prizes for crews with lower landings (McFarland, 1911, p. 97).

At the end of the American Revolution, on July 4, 1789, the First Congress of the United States provided assistance to the New England fishing industry in the form of a rebate on the duty on salt used to cure fish for export. The legislation that created the new nation’s tariff schedule added the following language after the duty on salt: “Provided, that there be allowed a bounty of one eighth of a dollar for every quintal of dried fish exported from the United States, and a like sum for every barrel of pickled fish, beef, or pork, to be paid or allowed to the exporter thereof, at the port from which they shall be so exported.” In February 1790, a Committee of vessel owners from Marblehead, MA reported to the First Congress of the United States through the General Court of Massachusetts on the numerous problems faced by the fishing industry, which had led to unprofitable operations in recent years and substantial numbers of vessels leaving the fishery. Among other things, the vessel owners suggested that the bounty granted to the fishery by Congress would not operate as it was intended unless the bounty were paid directly to the vessel owners instead of the exporters. On August 10, 1790, Congress raised the duty on salt and the the bounty on cured codfish. The act itself does not contain any instruction on who would receive the bounty. (Library of Congress Statutes at Large, found at:

<http://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=001/llsl001.db&recNum=305>)

In 1792, the subsidy began to be paid on the basis of vessel tonnage and a minimum threshold of months spent fishing, rather than the amount of exported fish. This Act also raised the duty on salt and the bounty on cod by 20 percent. The bounty was increased another 33 1/3 percent in 1797. By 1819 the bounty was completely detached from the duty on salt and became a straightforward subsidy to the fishing industry.

O'Leary (1996, p. 43) calls the 1819 revisions to the cod bounty the "democratization" of the subsidy, claiming that it had previously favored the owners of large schooners – the "codfish aristocracy." The amended law, however, provided "additional encouragement to the owners of small craft," giving them a "new lease on life."⁸ The increased subsidy for small vessels apparently brought about an increase in their numbers. By 1829, ten years after the democratization of the subsidy, vessels in the Penobscot district in the 20-30 ton class outnumbered large vessels over 30 tons by a two to one margin (O'Leary, 1996, p. 43).

This contrasted sharply with the Massachusetts fishing districts. In 1829 a solid majority of Marblehead's cod-fishing tonnage was in Grand Bankers averaging sixty tons each. Ten years later, only 3 of that district's 98 vessels were smaller than fifty tons, compared to 157 out of 200 in the district of Penobscot. The lopsided emphasis on large schooners was nothing new in Massachusetts. It was a heritage of the first bounty law with its biased system of incentives. As early as 1807, Plymouth Bay had boasted a cod fishing fleet of 62 vessels, the largest a 136-tonner and none of them under thirty-eight tons.

O'Leary credits the cod bounty with allowing marginal operators to continue to function as independent entrepreneurs, thus maintaining Maine's "codfish democracy." O'Leary describes "a variation on the theme" as "bounty catching," which was commonly practiced around Deer Isle. To take advantage of the bounty, "anybody who had an old vessel would let a man take her for nothing," with the fisherman keeping any proceeds

⁸ The 1819 amendments to the bounty law increased payments for boats in the twenty-three ton class, which O'Leary describes as being about forty feet in registered length and capable of visiting some of the inner banks and engaging in limited deep-sea fishing, "an activity closed to smaller boats."

from the catch and the owner taking the bounty. Whereas other authors treat the subject of “bounty catching” as bordering on fraud, based on evidence that many vessels collected the bounty without ever meeting the fishing requirements, O’Leary describes the “salutary effect of permitting those not wealthy enough to own a vessel to function temporarily as entrepreneurs, accumulate capital, and eventually rise to a position of economic independence (O’Leary, 1996, p. 45).”

In 1858, Secretary of the Treasury Howell Cobb reported to Congress that “the grounds upon which the fishing bounty was given by law have ceased to exist. The amounts annually paid out of the treasury on account of this bounty now exceed the entire sums received for duties on salt imported and consumed for all purposes whatever” (Congress, 1858). Pierce (1934, p. 6) describes how the vessels and their fishing strategy revolved around the criteria for collecting “the bounty offered by the Federal Government for the encouragement of the fisheries, amounting to four dollars per ton on vessels of ninety tons and under.” Because of the size restriction on the bounty, “most of the ‘Bankers’ built during the [18] forties and fifties were vessels under ninety tons.” Vessels also had to fish for four months out of the year to qualify for the bounty. The bounty was paid to the vessel owners, who shared it with the crew. The law required that “no bounty shall be allowed to any vessel unless the crew are compensated according to the quantity of fish caught by each man” (Congress, 1858).

By the early 1850s it became apparent that many vessels were collecting the bounty despite the fact that they were landing fresh fish and/or mackerel, neither of which qualified for the bounty. It was also obvious that crews were not being paid according to the quantity of fish landed by each man. The Secretary of the Treasury reported to Congress on January 2, 1858 that “the great change which has taken place of late years in the manner and purpose of the fisheries, has led, not to the encouragement of the cod fishery under the bounty laws, but to the commission of perjuries for the purpose of obtaining bounty under those laws” (Congress, 1858). When the Treasury Department sent around a circular describing the law and regulations regarding the bounty and requiring strict enforcement, “immediately on the promulgation of this circular, a committee from the fishing interest at Gloucester, Massachusetts, one of the principal

fishing districts of the country, appeared here, and represented that, should this circular be rigidly enforced, no bounties could be paid” (Congress, 1858).

In June 2005, The Fishermen’s Voice newspaper

(<http://www.fishermensvoice.com/archives/bounty.html>) described how “the bounty’s support of independent small fishermen was an argument legitimately made in the bounty’s defense, particularly by those opposed to industrial consolidation... The Maine fishery developed in the 1830’s and 40’s and the bounty was important to many with small boats and limited capital... The largest percentage of the money paid out in bounties went to Maine fishermen. Between 1820 and 1857, Maine collected 40% of the bounty money the U.S. paid out, most to Penobscot Bay and further east.” Congress considered multiple attempts to repeal the cod bounty over the seventy-some years it existed. A major debate over the repeal of the bounty took place in 1858, accompanied by extensive commentary and reports from government officials. The Congressional edition, Volume 938, reports the testimony of the Secretary of the Treasury that likely turned the tide against the bounty on cod (Congress, 1858):

Many of the vessels to which bounties are paid upon proofs prepared in conformity with the regulations, beyond all doubt, are manned by crews compensated in a different mode from that required by law; and probably the fishery pursued is not exclusively for codfish for the purpose of dry-curing, as contemplated by all the provisions of the bounty laws. Under this state of things, an important question of morality arises, since these laws, instead of furnishing encouragement for seamen, mainly encourage the commission of multiplied perjuries, and tend to the demoralization of a large class of the community.

The repeal of the bounty in 1866 pushed “hundreds of small fishing firms into bankruptcy” (Woodard, 2004).

An abbreviated history of the assistance provided to the New England fishing industry since the founding of the country includes the following:

- 1789-1856 – Direct payments first enacted to offset duty on imported salt
- 1789-1854 – Impost Act placed a tariff on dried and pickled fish imported into the U.S.

- 1871 – U.S. Fish Commission – Fishery Research, Hatcheries, and Stocking
- 1957 - Fisheries Loan Fund/Fisheries Finance Program – below market lending
- 1960 - Fishing Vessel Construction Differential Subsidy
- 1960 – Vessel Mortgage Insurance Program
- Fishing Vessel Obligation Guarantee Program (FVOG) – below market lending
- 1970 - Capital Construction Fund – tax deferred capital accumulation for vessel construction and upgrading
- 1980 - Saltonstall-Kennedy Grant Program
- 1980s – accelerated depreciation and investment tax credits – not fishery specific but still contributing to overcapitalization
- Sea Grant College Program Research and Extension Services (provided outreach to help fishermen take advantage of financial assistance programs)
- Permit and Vessel Buyback programs
- Fishery disaster grants
- Ad hoc grants
- Working Waterfront Funding and Tax Subsidies
- Foreign trade show sponsorship
- \$56 million for sector start-up costs

In a way, the success of the fishing industry in the early years of settlement and through the early 1800s paved the way for its decline in relative importance in the region. Lynch (1961, p. 1) reports that “capital accumulated in fishing and shipping was used to establish the textile industry... The growth of manufacturing in New England after the Industrial Revolution resulted in the relative decline of the fisheries in the area’s economic base.”

After experiencing a steady upward trend in total groundfish landings from 1939 through 1948, both landings and revenue declined significantly after 1948. Landed values in 1957 (\$18 million) were \$10 million below those of 1948 (\$28 million), in a decade when wholesale prices in general were rising 17 percent, including the cost of fishing gear and equipment. In real dollar terms, New England groundfish revenues fell by 42 percent over the 1948 to 1957 period. The postwar crisis was marked by both a diminishing catch

and a price structure that did not respond to falling supplies until an international groundfish scarcity developed in 1958 (Lynch, 1961, p. 2).

Lynch's 1961 evaluation of the health of the New England groundfish fishery has been repeated on numerous occasions since 1961:

The severity of the crisis in the groundfish industry has been manifested by many indicators. Declines in employment and earnings, lengthening average age of men and ships, and a drastic loss in the domestic industry's share of the United States groundfish fillet market are compelling signals that this industry is rapidly losing its competitive vitality.

Lynch et al. (1961, p. 7) reported on the results of a cost study of the New England trawler fleet. In each year of the study from 1953 to 1957, aggregate losses outweighed aggregate profits. In 1957, 40 vessels in the study had losses and 22 showed profits. Lynch et al. (1961, p. 39) described the implications of resource availability for the profitability of the New England fleet:

One of the determinants of the cost of any good is its relative scarcity or abundance. Only a few goods such as sunshine, air, and water are so plentiful as to be of little or no cost. Indeed, economics has been defined as "the administration or use of scarce resources." Much of the cost of production difficulties that have plagued the New England groundfishery may be attributed to the adjustments that have been necessitated by the relative abundance or scarcity of the raw product, the fish.

Considering the whipsaw nature of stock assessments in recent years, one can't help but wonder whether Lynch et al. were fantasizing or serious when they wrote that: "today, it is possible to predict the following year's catch with substantial accuracy. While much remains to be studied, enough has been done to make possible a cost of production analyses based upon biological fact" (Lynch et al., 1961, p. 40).

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April 30, 2012

Captain Paul Howard
New England Fisheries Management Council
50 Water Street
Newburyport, MA 01950

Re: Amendment 18 to the Northeast Multispecies Fisheries Management Plan

Dear Paul:

Thank you for providing the Island Institute with the opportunity to comment on Amendment 18 to the Northeast Multispecies Fisheries Management Plan. The Island Institute appreciates the Council's commitment to developing an amendment that is focused on maintaining fleet diversity in the New England groundfish fishery, for these issues are critically important to the ecological health of New England's groundfish populations and the socio-economic well-being of the fishing communities that depend on these stocks.

The Island Institute is a community development organization that supports Maine's 15 year-round island communities and working waterfront communities along Maine's coast. The economy of our constituent communities is heavily dependent on the natural resources of the Gulf of Maine, so that our coastal communities, fisheries, and the long-term sustainability of the ecosystem are inextricably linked.

The Island Institute works closely with inshore fishermen in the Gulf of Maine and manages a community permit bank, holding two Northeast Multispecies permits that are enrolled in the Port Clyde Community Groundfish Sector.

Organizationally, we are keenly aware of the difficult situation faced by Maine groundfish fishermen and fishing communities under the current Sector system. Prior to the implementation of Amendment 16, under the Days at Sea program, many Maine fishermen and communities lost access to the New England groundfish stocks. Not just in Maine, but throughout the region, consolidation forced many small boat, inshore fishermen out of the industry. We are therefore strongly supportive of the Council's efforts to ensure diversity within the groundfish fleet going forward.

With respect to Amendment 18, we encourage the Council to build in the flexibility to allow fishermen to return to the fishery when the stocks improve. Access to the fishery

for re-entrants and new entrants is a critical component of ensuring the continued health of our working waterfronts and coastal communities. As groundfish stocks rebuild, it is critical that the benefits flow to coastal communities that have lost fishing vessels, not just to those who are currently in the fishery.

In order to address this issue, it is critical to consider how to create opportunities for re-entrants and new entrants, and growth in the industry, without putting those who currently have successful businesses at a disadvantage. These concerns probably should have been addressed in the A16 process; however, the fact that they were not is not an excuse to avoid these issues now.

We also encourage the Council to put a high priority on maintaining a viable inshore fleet. We encourage the Council to move towards a regulatory environment through Amendment 18 that recognizes the distinct differences between the inshore fleet and the offshore fleet in terms of how fishing occurs and their business needs/models. Recent concerns around Gulf of Maine cod, sturgeon, and harbor porpoises highlight the need to build some flexibility into the regulatory system so managers and fishermen can respond to changing conditions in the fishery, particularly for inshore fishermen who cannot easily re-direct effort to other areas.

Small boat, inshore fishermen are disproportionately affected by consolidation and the increased costs of operating their businesses under sector management. The impact of monitoring costs, sector operation requirements, and other policies on the small boat inshore fleet should be key considerations as this process moves forward.

We also encourage the Council to develop new rules and policies aimed at ensuring fleet diversity within the current regulatory context. By engaging in a process that ensures a level of regulatory certainty, fishing businesses can optimize the new economic opportunities presented by the sector management system.

In particular, the Island Institute believes that changing the allocation formula will not provide the stability and security the industry needs. While the current formula could have been developed in a way more responsive to the concerns raised in this amendment, changing it at this point would introduce too much uncertainty about the reliability and future of one's allocation, and would further inhibit the ability of fishermen to engage in long-term business arrangements. A change now would also set the precedent for continually changing allocations in the future, making business planning and investment even more challenging.

At the same time, it is important to balance new measures with maintaining the success of current business investments. Future measures that allocate increased access to new entrants or other initiatives designed to address preservation of infrastructure and working waterfront could potentially cause disruption to the current scheme. It is important to buffer those who have made significant investments in their fishing ventures against this disruption.

Related to the issue of reallocation is the concept of accumulation caps. The Institute supports accumulation caps in theory, but creating a workable, meaningful, enforceable accumulation cap within the sector system would be challenging. That said, the Institute supports keeping accumulation caps in the Amendment 18 discussion in the hopes of developing a feasible solution.

In order to move forward with Amendment 18, we believe it is critically important for the Council to: 1) articulate a clear set of goals; 2) clearly define key concepts in the Amendment, including excessive consolidation, accumulation limits, and fleet diversity; and 3) develop and analyze a broad range of alternatives to achieve the stated goals of the Amendment.

While 1) and 2) are important, our comments are focused on the third, developing a broad range of alternatives to achieve the goals of the amendment. When developing alternatives for Amendment 18, we request that the Council to evaluate the following approaches:

- **Quota Set-Asides** - For new entrants, vulnerable communities/community development, and small scale or artisanal fishing practices, set-asides should be considered as stocks rebound. Any management option that creates this option should include a mechanism that minimizes impact to existing fishing businesses.
 - For example, any transfer of a permit could include setting aside a small percentage of the fish on the permit to start building the ability to address the critical issues of new entrants and vulnerable communities, and to ensure space for small-scale fisheries in the future. In the near term, this quota could be used to help defray some of the costs of monitoring.
 - As fish stocks recover, a certain percentage of that year's increase could be set aside for these other purposes. Given the poor stock status, excess capacity in the short-term will likely pose a problem, yet, in the future when stocks recover, there will be a need to allow new entrants into the fishery. The Council should explore options that allocate percentages of quota increases to be set aside for new entrants when certain biological rebuilding benchmarks are achieved.

- **Leasing**
 - **Increase transparency in the lease market** – Increased transparency in the lease market between sectors should allow market forces to achieve the most efficient pricing for fish leases. Because of the different operating procedures in the various sectors, transparency in the lease market should be at the sector level and not at the intra-sector level where family, personal relationships, or non-monetary compensation may impact the apparent market rates. At the same time, a more transparent market could encourage people to engage in pure speculation and therefore would require that the Council also use A18 to place controls on the lease market to curb speculation.

- **Prevent Speculation** –A18 should include the development of management options designed to ensure participants in the lease market do not engage in speculation that drives lease prices up. This could be through a mechanism that requires those who lease fish to have the ability to catch the fish they lease or similar controls to make it difficult for non-fishermen to lease quota.
- **Prevent excessive market share and ability to control price-** Create a trigger or mechanism to prevent individuals from exercising control or having a significant impact on the lease market. This trigger should be based on a standard that is less rigorous than anti-trust and involve penalties that are also less than those associated with anti-trust violations.
- **Permit Ownership Controls**
 - **Prohibit permit ownership by non-fishing entities** - unless they are permit banks that meet certain criteria and comply with certain regulations while grandfathering in any existing non-fishing entity permit owners.
 - **Provide the ability to sell permits separately/decouple them** – Allow for the sale of NE Multispecies permits separate from the other endorsements on a federal fisheries permit in order to minimize the transaction costs associated with buying and selling a permit. For example, allow fishermen to sell their NE multispecies permits without also having to sell their offshore lobster or monkfish permits.
 - **Owner-operator** – Promote owner-operator fishing businesses through a variety of incentives including: decreased monitoring requirements, incentives to lease or sell to owner-operators, preference for owner-operators in cooperative research or other efforts paid for with federal dollars.
 - **Prohibit at sea processing or catcher-processor vessels** from participating in the fishery.
- **Permit banks**
 - **Community Permit Banks** – Allow for the formal recognition of community permit banks and encourage permit banks as a mechanism for ensuring fleet diversity. A permit bank is a collection of fishing permits held by a community organization for the purpose of leasing associated quota to qualifying fishermen. The presence of permit banks in New England aids fleet diversity. Existing permit banks are already an important part of the business plans for small boat fishermen and they are essential to their survival. Permit banks should have a well-defined goal and clear set of operating procedures and in return be exempt from any ownership rules and other paper work associated with owning a permit. Oversight discussions around Permit Banks should include whether they should be tied to a specific shore side community or region or sector.

- **Community Fishing Associations** - Allow for the formal recognition of Community Fishing Association-type structures to enable communities to purchase, hold, and disperse quota. Community Fishing Associations are similar to permit banks, but are generally broader in scope and often include fishermen, community leaders, processors, and shore-side businesses within the port. Much like permit banks, these associations can hold permits/quota in order to anchor access to fish in that community and lease quota or other access privileges to qualifying fishermen.
- Any accumulation limit should not apply to permit banks that are operated for the benefit of the public. Accumulation caps on permit banks could hinder their ability to aid the small boat fleet and achieve broader community goals.

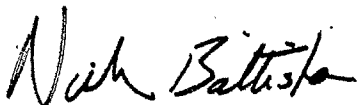
Overall, we urge the Council to craft alternatives for Amendment 18 in a way that recognizes the investments made by existing participants in the fishery while also providing opportunities for new entrants in the future as groundfish stocks recover and rebuild.

At a minimum, the Institute urges the Council to develop alternatives, including permit banks and community fishing associations, in the Amendment. To date, permit banks and community fisheries associations are not explicitly recognized in groundfish regulations. As such, there can be confusion regarding how rules designed for sectors comprised of active fishermen apply to entities whose main purpose is to make fish available to participating fishermen. Formally recognizing permit banks and community fishing associations and clearly articulating the rules under which they operate would greatly enhance predictability as community interests contemplate investing in permits.

Finally, we would urge the Council to consider whether the goals of this Amendment can be accomplished or partially accomplished by allowing sectors to opt into various internal sector operations measures that help promote fleet diversity. If the Council provided a reward or additional benefit for including various “fleet diversity” options in the operations plan, we may be able to achieve the goals of the amendment without inhibiting or preventing existing businesses from operating.

Thank you again for the opportunity to comment on this important issue. The Island Institute looks forward to working with the Council, fishing industry and other stakeholders to ensure the long-term sustainability of our coastal communities.

Sincerely,



Nick Battista
Marine Programs Director



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Mr. Paul Howard
New England Fishery Management Council
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4/30/2012

Dear Paul,

The Maine Coast Fishermen's Association (MCFA) would like to take this opportunity to add our comments in the scoping of Amendment 18 of the Northeast Multispecies Fishery Management Plan. MCFA is a non-profit organization that identifies and fosters ways to restore the fisheries of the Gulf of Maine and sustain Maine's historic fishing communities for future generations. Established and run by Maine community-based fishermen, MCFA works to enhance the ecological and financial sustainability of the fishery through balancing the needs of the current generation of fishermen with the long term environmental restoration of the Gulf of Maine. To this end, we believe that Amendment 18 must continue to be considered as a priority for the New England Fishery Management Council (NEFMC) and is crucial to the protection of our fishermen and the small communities that rely on fishing throughout New England.

Amendment 16 was an important step in the protection of the inshore fleet of Maine as it holds the entire industry to scientifically set catch limits and has offered flexibility in business planning that that has allowed many of our fishermen to stay on the water. At the same time, the move to an allocation-based system has placed the community-based fishermen of Maine at competitive disadvantage as increased costs have outpaced revenue and threatens to further consolidate the industry. Examining some of the documents prepared by the NEFMC and others that have analyzed the sector system thus far, it is apparent that this is not true for the larger businesses and it is our hope that Amendment 18 can further examine why this is taking place and level the playing field. Amendment 16 allocated out the multispecies resource without fully thinking through the long-term ramifications of this action and without developing a strategic plan for how to protect the fishing culture of New England, which is firmly rooted in small boats, small businesses, and small communities. Amendment 18 offers us an opportunity to correct this oversight and the necessity for this cannot be overstated.

The State of Maine has been on the frontline of the industry consolidation battle for some time. What was once a thriving industry has been reduced to a small fraction of its former glory with the majority of fishermen now focusing on fisheries outside of groundfish. This reduction in the Maine groundfish fleet has been happening for some time, but when we start to look at raw numbers of our most recent history the truth we are facing becomes even more frightening. In 1996, 188 vessels left Maine ports to target groundfish supplying the foundation for numerous seaside and shoreside jobs throughout the small communities of Maine. By the time Amendment 16 moved the industry to an allocation based system of management, only 52 boats in Maine still targeted groundfish. This represents a shocking 72% reduction in vessels in Maine which is the largest reduction for any state in New England. We are on the razor's edge of losing Maine's groundfishing fleet and Amendment 18 represents a chance to protect our future and create a management regime that works for both the inshore and offshore fleet.

The NEFMC has identified two objectives for Amendment 18: To consider the establishment of accumulation caps for the groundfish fishery; and to consider issues associated with fleet diversity in the multispecies fishery. As we are still at the very beginning of the Amendment process, we have outlined what we hope will be examined and included in Amendment 18 but have left the specifics to be developed and discussed at a later time.

Accumulation Caps:

- The NEFMC should examine what an allocation cap would look like in the sector system and how it could be enforced. This should be examined at both an individual and sector level. There are numerous examples of caps being used throughout the United States, including some fisheries that are not ITQs.
- The NEFMC should consider:
 - Individual ownership caps
 - Sector ownership caps
 - Individual landings caps
 - Sector landings caps

Fleet Diversity:

- The NEFMC should examine introducing regulations to control the flow of allocation through trades and leases. We have seen instances where “choke” species become prohibitively expensive for smaller vessels to be able to continue to fish. A smaller fishing vessel that is limited in its ability to both prosecute different fishing grounds and land a larger volume of fish is put at a disadvantage when trying to lease in bycatch species. The NEFMC should examine:
 - Capping lease price at a % of average landing price
 - Establishing a base-line for trading or leasing ACE that avoids consolidation
 - Establish diversity standards that require a certain percentage of the catch be caught by certain segments of the industry
- The NEFMC should examine creating tiered monitoring standards based on:
 - Vessel size
 - Catch history
 - Recent catch history
 - Discard rates
 - Percentage of overall catch
 - Percentage of catch of specific species

This system should help defer some of the costs of the Sector Monitoring program which the smaller fishing businesses will never truly be able to absorb.

- The NEFMC should examine the creation of an inshore and offshore fishing fleet with regulations for the inshore area creating incentives for small boats and community based fishermen.
- The NEFMC should establish a “fleet vision” statement to be consider when making future management decisions. Without a long-term goal for what we want our industry to look like, it is hard to ever make informed decisions at the council level. We want a diverse fleet with small, medium, and large boats up and down the coasts from ports small and large alike. Without keeping that in mind and only creating “one size fits all” regulations, the smaller vessels and the small communities are going to lose.
- The NEFMC also needs to consider how new entrants will be able to get into the fishery. It is a cop out by the industry and the Council to suggest that an individual can buy their way in considering the prices of permits as they exist today. There needs to be consideration given to creating the next generation of fishermen.

There has been a significant amount of pushback on this Amendment at the Council level and by many individuals in the industry who fear that Amendment 18 might undermine the value of their business. Instead of seeing this Amendment as an attack on large businesses or the perceived “winners” in the allocation process, I would challenge the members of the NEFMC to look at the big picture and think about what our industry will look like 5, 10, or 20 years down the line if we don’t do something to address these issues today. The culture of New England fishing is at risk if we don’t protect the small communities and the inshore fishing fleet that has been shrinking dramatically for the past 30 years. Amendment 18 offers the chance to ensure New England holds onto its fishing heritage and I hope the Council undertakes the difficult task of creating a meaningful, comprehensive document that will address all of these issues. Thank you for your consideration of these important issues.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ben Martens', with a long horizontal flourish extending to the right.

Ben Martens
Executive Director

My name is Michael Pratt. I am a Hook Fisherman from Green Harbor. I would like to share a few major concerns that I have relating to how catch shares have already caused an excessive amount of Fleet consolidation.

New problems the small inshore Fleet, like myself, are being faced with are the large 100 foot plus boats working day and night in spots once made up of small day draggers in the thirty to fifty foot range.

Another problem is another Fleet of boats that has already exploited their local resource are being able to just lease their way into the Gulf of Maine and continue their unsustainable Fishing practices.

The area I have historically fished is now experiencing what I believe to be at least double the fishing effort that it can withstand.

Without some immediate emergency intervention from National Marine Fisheries, it may be too late.

Even as we sit here today, a basically uncontrolled, unsustainable fishery is taking place on a resource that local fisherman have worked in vain for over a decade to restore.

One example of how consolidation is affecting this area is that this new fleet of large offshore boats has been allowed to come in and harvest so much of the local resource- that some small boat fisherman have been unable to catch their quota and opted to lease it out. Most of this quota is getting leased to the bigger boats.

This strategy of attack and exploit the resource- and then buy out the struggling day boat, is quickly paving the road to a big boat only fishery.

The Massachusetts south shore -and especially sector 10, due to such low quota allocations can not survive the effects of consolidation much longer.

One idea the council needs to consider is dividing the Gulf of Maine Cod Population into eastern and western areas. This would effectively put big boat effort back where it belongs while allowing for a sustainable inshore fishery to continue on for small boat businesses.

To compliment this – I believe it would be necessary to implement a baseline leasing restriction on Gulf of Maine and Georges Bank cod only. Such restrictions would prevent large vessels from buying up small vessels quota and vice-versa, resulting in a diversified fleet.

This would also help eliminate the problems of the new fleet of small boats leasing their way into the Gulf of Maine fishery by trading quota with larger vessels.

With these restrictions in place, much of the burden soon to be caused from the new cod stock assessment could be lightened.

Another benefit of these requirements would also help new entrants in the small boat fishery by allowing more affordable quota.

Currently, small boats relying on cod only, can not afford to purchase quota due to the fact that larger vessels landing several valuable species will pay a premium to ensure they have enough cod ace to harvest their other species.

I will end by thanking you for holding these scoping meetings and ask that great weight be added to what you have heard. This community has suffered and is suffering the most under past and current fisheries management plans. Any further consolidation will certainly be the end.

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Rip Cunningham, Chairman
New England Fishery Management Council
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RE: A18 Scoping Comments

Dear Mr. Cunningham and Members of the
New England Fisheries Management Council:



The Northwest Atlantic Marine Alliance submits these comments to the Council in the context of the Groundfish Amendment 18 (A18) scoping process. Our comments are guided by our support of the health, diversity and fairness of the New England groundfishery; the recovery of the ecosystem and fish stocks; and for the future benefit of New England's fishing communities and locally focused food systems. We believe the decisions made in the context of A18 will have lasting effects on the shape of the New England fishery far into the future. The Council must take this responsibility seriously.

A18 is essential to save New England's fleet diversity from excessive consolidation, and to protect it into the future. It is necessary because there is now consolidation of the fleet as a result of serious flaws in the allocation formula coupled with the lack of fleet diversity protections in Amendment 16. The 2010 Northeast Fisheries Science Center report titled 'Report for Fishing Year 2010 on the Performance of the Northeast Multispecies Fishery' showed that landings were significantly down for the smaller-scale boats and up for the larger-scale. The report also showed that in 2010 the top 20% revenue earners controlled 86% of the total revenue, which was a significant increase in concentration compared to previous years. This is not an anomaly but merely follows a pattern that has been witnessed in other catch share management programs without safeguards -- British Columbia and Iceland are two of the more striking examples of extreme consolidation. Iceland has since reformed its management to support diversity.

We believe that New England's catch share model, sector management, offers potential to ensure the coexistence of a diverse fleet by giving all fishermen a voice in policy decisions. Sectors however, with little incentive to protect fleet diversity and promote transparency in the decision-making process, are in fact defaulting to what now closely resembles an individual quota system. Consequently, it is incumbent upon a responsible Council to set standards and establish fleet diversity benchmarks for sectors and

other protections that stem consolidation and prevent the loss of fleet diversity in the face of existing allocations.

Amendment 18 should clearly define the elements of fleet diversity that are important to maintaining a healthy New England fishery and ecosystem as well as the socio-economic health of fishing communities. In consultation with a number of scientists and social scientists in New England we offer the following definition and elaboration of fleet diversity:

Fleet Diversity for a given region should include the range of types, sizes, and capacities of fishing boats that are well matched to the scales of the ecosystem's structure and functions. In other words, we should guarantee that the ecosystem will dictate the appropriate scales and spatial distribution of fishing operations for any given region.

In addition to vessel and gear characteristics, the following should also be appropriately diverse for the region's biological diversity and human health and social wellbeing:

- *The spatial and geographic distribution of fishing, fishing management, and ports;*
- *The composition of catch -- the variety of species caught by each fisherman throughout the year (including other than groundfish);*
- *The diversity, nature, and spatial distribution of fishing operations and their design – including, dispersal of profits among participants in sectors, cooperative associations (sectors or otherwise), availability of diverse markets, appropriate shore-side infrastructure so fisheries and marketing can remain local, and business plans that promote diversity.*

Historically New England's inshore fishing grounds have supported great abundance in both stocks and inshore boats, and it should be possible to return to that model. It is critical that fishing operations that are too large for the ecosystem structure be prevented from fishing inshore. And the inshore diversity of appropriate sized fishing operations should reflect the spatial and annual diversity of fishable stocks and substocks, so that fishing effort is distributed in a way that does not lead to local depletions.

GOALS OF AMENDMENT 18

In the spirit of limiting consolidation, protecting fleet diversity and fostering healthy fish stocks for the future, we believe Amendment 18, as described by the Council, is well suited to achieve these four primary goals:

- 1. Prevent heavy concentration of fishing effort around inshore areas.**
- 2. Foster an affordable and profitable fishery through incentive programs and leasing policies that do not disproportionately impact characteristic portions of the fleet.**
- 3. Limit the concentration of quota for any one entity.**
- 4. Promote and incentivize owner-operator fishermen.**

OPTIONS TO INCLUDE IN AMENDMENT 18

As we have said in previous comments there are several measures that we believe should be included together in Amendment 18. No single measure alone, such as allocation caps, will successfully protect fleet diversity. To achieve the goals above, we suggest the Council and Plan Development Team begin by exploring various alternatives and we offer the following to be included in the alternatives under each goal:

- 1. Prevent heavy concentration of fishing effort around inshore areas.**
 - Establish mechanisms to keep offshore boats offshore; for example, vessels could be restricted from fishing in multiple broad stock areas, and/or a separation of inshore and offshore fleets could be established as has been done in other regions such as eastern Canada, Iceland and Norway.

- 2. Foster an affordable and profitable fishery through incentive programs and leasing policies that do not disproportionately impact characteristic portions of the fleet.**
 - Establish benchmarks for fleet diversity and incentivize sectors to incorporate measures to reach these benchmarks; for instance, quota set asides could be established to reward sectors for these efforts.
 - Establish leasing and permit trading rules that prevent consolidation into larger fishing operations; such as creating quota bins for three vessel size classes: up to 50', 50' to 75', 75' and over. Quota bins could operate under a time certain period (first 6 or 9 months of the year) to promote flexibility and affordability.
 - Establish quota set-asides for new entrants, crew, and for sentinel research fisheries that contribute to matching fishing scales to ecosystem scales. Such set-asides could be incorporated into a stock rebuilding strategy where the set-aside would begin after reaching a certain 'rebuilt' threshold in the future.

- 3. Limit the concentration of quota for any one entity.**
 - Set Potential Sector Contribution accumulation caps; e.g. between 2-5% for each species for any one entity.
 - Consider 'grandfather' clauses so that if any vessel currently exceeds a potential accumulation limit selected by the Council as of the Amendment 18 control date, then this vessel/these vessels will be grandfathered into the system, but when the permits are sold, all future owners in subsequent generations must comply with the accumulation limits.

- 4. Promote and incentivize owner-operator fishermen.**

- Establish standards for fishermen who are primarily owner-operators.
- Establish policies that ensure quota is fished by fishermen and cannot be used as an investment tool.
- Dis-incentivize fishermen who decide to lease out 100% of their quota; for instance 'drop through' programs in fisheries such as in New Zealand, where a non owner-operator fishermen may lose a small percentage of quota over time.

We do not suggest requiring a change in allocation formulas in the list, because we believe the broader fishing community does not support that. However, we hope such changes would be considered by individual sectors as they strive to achieve fleet diversity benchmarks.

WHY ACTION IS NECESSARY

Amendment 18 is poised to address ecological, social, and economic problems that have not been successfully addressed by Amendment 16 as well as prevent further negative impacts. Almost all other catch share programs have adopted fleet diversity protection measures at the onset of management or in response to resulting consolidation. It is time that the Council act immediately to do the same before the extreme consolidation undermines the character of New England fisheries and threatens the long term health of the stocks and fishery.

Ecological impacts

The current GOM cod crisis (not to mention looming crises in other groundfish stocks) only serves to illuminate the problems with Amendment 16 that will prevent it from solving potential overfishing and stock depletions. While declines in fish stocks detected in current stock assessments are not necessarily the result of the change to sector management, recent observations by fishermen would indicate that such declines are continuing in many areas. Far from fixing the problem, current fisheries management seems to be exacerbating it. This doesn't mean sector management must be abandoned; but it is a dire warning that it should be repaired and enhanced; and A18 can do that.

Scientific evidence increasingly shows us that when the scales of fishing operations and fishery management do not match the scales of ecosystem functions and fish population dynamics, the recovery and maintenance of healthy fish stocks is threatened. * A fishery management design that permits large scale fishing

* see for example: Steneck, R.S. and J.A. Wilson (2010) A fisheries play in an ecosystem theater: challenges of managing ecological and social drivers of marine fisheries at multiple spatial scales. *Bulletin of Marine Science* 86:387-411.

operations in inshore areas, where finer scale ecosystem and fish population processes are at work, is almost guaranteed to hit fish stocks hard.

Social impacts

Under the Magnuson Stevens Act as well as the New England Multispecies Fisheries Management Plan the Council has specific goals and standards related to social outcomes. On June 23, 2010 Council members voted to reaffirm the following goals and outcomes:

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 permit holders.

Rejecting fleet diversity protections will certainly lead to a management plan that fails to achieve its own goals and objectives.

We recognize that stability is critical to fishermen in order to have successful businesses. We also recognize that unconstrained consolidation along with threats to rebuilding stocks are driving instability. The perceived conflict between protections and permit values is the result of not having put the appropriate controls in at the beginning of sector management . A18 is necessary so that fleet diversity protections and rebuilding stocks may bring stability to the industry.

Sector management that includes a more democratic participatory fishery, that promotes fleet diversity, and provides a level playing field, we believe, is possible. Yet unfortunately, there is little incentive for sectors to move in this direction without requirements being imposed. Instead we fear that accumulation of quota is proving to be directly correlated with accumulation of power, so that fishermen with the least are effectively silenced.

Conclusion

Beyond the primary purpose of addressing fleet diversity and preventing excessive consolidation, the measures of Amendment 18 should strengthen Amendment 16 and over the long term make it more successful in accomplishing its goals to recover groundfish stocks, improve safety of fishing, and stabilize the fishery. It is a general rule of nature that diversity fosters stability. This applies to fishing fleets as well as fish ecosystems. It also applies to economics and thus should argue for economic diversity, not economic efficiency. We thank you for prioritizing this issue and look

forward to working together with the Council and other stakeholders as Amendment 18 develops further.

Thank you,



Brett Tolley
Community Organizer



Boyce Thorne Miller
Science Coordinator

Feb. 18, 2012

Mr. Paul Howard
New England Fishery Management Council
50 Water Street
Newburyport, MA 01950

To the New England Fisheries Management Council,

I am a native Mainer that is deeply concerned about the consolidation and loss of access that is occurring in New England's smaller ports, especially Maine. I oppose the no-action alternative "a" because the loss of fleet diversity is a major problem facing the industry and our coastal communities.

I am writing as a concerned citizen and supporter of fishermen and fishing communities. I gained an appreciation of commercial fishermen growing up in the small community of South Freeport, where, according to the Council's data, a groundfish permit resided as late as 2004. As a resident of Maine, I like to buy my seafood as locally as possible. I fear that my fellow Mainers and I will no longer have this option if no action is taken to address the problem of consolidation. As it stands now, locally landed groundfish is conspicuously absent from many coastal communities.

As consolidation disproportionately affects smaller communities, I would like the Council to take definitive steps to preserve New England's fishing heritage through strong fleet diversity measures. These measures should be taken to ensure access stays with actual fishermen (not banks) so the economic benefits stay within the community.

I recommend a range of actions to address alternatives b - f, including the designation of inshore and offshore management areas as well as incentives for owner-operator vessels. Permits should remain in certain length categories, such as 0-50 ft., 50- 70 ft., and 70 ft. and above, similar to what was done in the groundfish management system of eastern Canada. I also support accumulation caps of 2-5% for any one entity.

I also support former Council Member Dana Rice's proposal. He suggests that as groundfish stocks recover, more entrants, including permit holders with no quota and new entrants, should be allowed into the fishery. Additionally, when a permit is sold a percentage of the quota should stay in the corresponding state's permit bank. Fish are a public trust resource, and there should be provisions in place to ensure all fishermen, not just a select few, have continued access to the resource in order to sustain our coastal communities.

The bottom line is that the ocean is diverse and fishing fleets have always been diverse. I am hopeful that the NEFMC will take significant action to ensure diversity in New England's groundfish fleet. Fleet diversity measures that ensure equitable access will lead to increased food security as well as economic stability for our New England communities. Fleet diversity will also ensure an adaptable and truly efficient groundfish fleet.

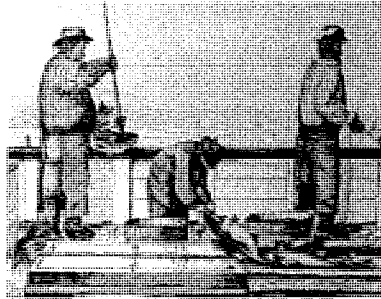
Thank you for your consideration.

Sincerely,

Sara Randall
Bangor, ME

NORTHEAST HOOK FISHERMEN'S ASSOCIATION

AMENDMENT 18



Gaffing and cleaning cod on the deck of a handlining schooner off the North American east coast, ca. mid nineteenth century.

"Prior to the introduction of steam trawling in 1906, groundfish were caught exclusively with baited lines, fished from schooners and their dories."

<http://www.nefsc.noaa.gov/history/stories/groundfish/grndfsh1.html#st>

This proposal is fully supported by the Handgear fishermen of the NEHFA:

Marc Stettner, Hilary Dombrowski, Paul Hoffman, Christopher DiPilato, Ed Snell, Scott Rice, Roger Bryson, Brian McDevitt, Anthony Gross, Doug Amorello

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RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

Section 1 Summary of proposal with management measures.

#	PROPOSAL	CHANGE FROM CURRENT MANAGEMENT MEASURES	BENEFITS TO HANDGEAR FISHERY RESTORATION FOR FLEET DIVERSITY
1	Allocate the handgear HA permit cod history (PSC) from 1996-2006 as a specific Sub ACL only to be used by Handgear HA fishermen.	Yes	<ul style="list-style-type: none"> a. All gear types are fishing on cod handgear history in the common pool. b. Race to fish for handgear fishermen against other gear will be eliminated. c. Specific management measures for handgear fishermen will be made. d. Preserves a traditional fishery and gear type.
2	Specify handgear cod Sub ACL history can only be used by HA fishermen, using Handgear, if fishing in a sector.	Yes	<ul style="list-style-type: none"> a. Currently Handgear Cod PSC can be moved into sectors and this history may be fished by gear other than handgear. b. <u>Eventually all handgear PSC may be used by non handgear vessels and the fishery will be lost.</u> c. Preserves all the cod history from moving away from the handgear fishery.
3	Handgear permit holders can sever their HA permit from other fishery permits to sell or transfer it.	Yes	<ul style="list-style-type: none"> a. This will allow fishermen who have other permits (lobster, scallop, etc) on their vessel to sell or transfer their permits without loss of their primary permit. b. This would be a way to increase the number of handgear fishermen.
4	Waiting list for new entrants into the handgear fishery	Yes	<ul style="list-style-type: none"> a. Will provide a fair way for new entrants into the fishery who do not have resources to buy a permit. b. This will be a way for HB permit holders to upgrade to a HA permit.
5	Use it or lose it rules	Yes	<ul style="list-style-type: none"> a. This will keep the permits with active fishermen who will use it and allow fishermen off the waiting list to get a HA permit.
6	Removal of March 1-20 Handgear fishing closure	Yes	<ul style="list-style-type: none"> a. Not necessary under ACLs.

RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

Section 1 Summary of proposal with management measures continued.

#	PROPOSAL	CHANGE FROM CURRENT MANAGEMENT MEASURES	BENEFITS TO HANDGEAR FISHERY RESTORATION FOR FLEET DIVERISTY
7	Cod trip limit increased from 300lbs to 400lbs.	Yes	<ul style="list-style-type: none"> a. Modest increase is necessary due to increases in operating expenses (fuel, bait, etc. b. Will provide further incentive for new entrants.
8	Access to fish in all permanent and rolling closures except the cod spawning closures.	Yes	<ul style="list-style-type: none"> a. Fishery under a hard ACL. b. Access should be the same as is for Recreational Fishermen who also use hook gear. c. Gear does not disturb bottom habitat.
9	LOA letter not required to fish either on a commercial groundfish trip or a Charter/Party trip	Yes	<ul style="list-style-type: none"> a. Flexibility needed on a day by day basis to choose what type of trip will be done. b. Many handgear commercial fishermen are also Charter boat operators.
10	LOA letter required when fishing in the Georges BSA .	No	<ul style="list-style-type: none"> a. The effectively makes sure the correct cod Handgear Sub ACL is accounted for.
11	Up to 20% unused cod ACL may be transferred to the following fishing year	Yes	<ul style="list-style-type: none"> a. This is allowed in other fisheries. b. Better use of unused cod allocation.
12	Eliminate Trimester accountability measures for HA permit holders developed in A16	Yes	<ul style="list-style-type: none"> a. Catch rates are low. b. Catch of other primary handgear species in the common pool (haddock and Pollock) are not significant. c. Eliminate the race to fish under each Trimester. d. Separate cod sub ACL for Handgear fishermen.
13	Automatic triggers to not exceed Handgear cod Sub ACL	Yes	<ul style="list-style-type: none"> a. Required by MSA. b. Developed specific to Handgear fishing practices and effort.

RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

Section 1 Summary of proposal with management measures continued.

#	PROPOSAL	CHANGE FROM CURRENT MANAGEMENT MEASURES	BENEFITS TO HANDGEAR FISHERY RESTORATION FOR FLEET DIVERISTY
14	IVR call in not required unless 80% of the cod Handgear SUB ACL harvested. Call in modified to streamline what is needed for this fishery.	Yes	<ul style="list-style-type: none"> a. Catch rates in this fishery are slow enough to loosen this reporting requirement. b. Repetitive information is gathered that is not needed. c. Current IVR call in requirements too complicated for this fishery.
15	Fish size limits per existing commercial regulations.	No	<ul style="list-style-type: none"> a. Size limits are an effective management tool especially for hook caught fish.
16	Discard mortality for hook caught cod will be set at 6-10%.	Yes	<ul style="list-style-type: none"> a. Current concept of 100% discard mortality is 100% wrong for this fishery. b. Best available science says 6-10%.
17	One HA permit per fisherman. One time sell provision for existing HA permit holders	Yes	<ul style="list-style-type: none"> a. Prevents corporations or NGOs from removing permits from the fishery. b. Allows new entrants into the fishery.
18	Removal of requirement for HA fishermen to carry a tote.	Yes	<ul style="list-style-type: none"> a. Handgear fishermen keep their fish in coolers. Totes take up needed deck space in small boats.
19	VTRs for reporting catch	No	<ul style="list-style-type: none"> a. Primary means of reporting catch.
20	Changes to handgear input controls	Yes	<ul style="list-style-type: none"> a. More flexibility needed to harvest cod Sub ACL b. Encourage more fishermen to participate in this fishery.

RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

Section 2 STATUS OF THE HANDGEAR FISHERY

Current Commercial Cod Handgear Fishery:

(HA) Handgear A: Limited Access permit (limited number of permits)

A vessel with a valid open access multispecies handgear permit is allowed to possess and land up to 300 lb (136.1 kg) of cod, one Atlantic halibut per trip, and the daily possession limit for other regulated NE multispecies, provided that the vessel did not use or possess on board gear other than rod and reel or handlines while in possession of, fishing for, or landing NE multispecies, and provided it has at least one standard tote on board. A Handgear permit vessel may not fish for, possess, or land regulated species from March 1 through March 20 of each year and the vessel, if fishing with tub-trawl gear, may not fish with more than a maximum of 250 hooks.*

(HB) Handgear B: Open Access permit (open to any fisherman, unlimited in number of permits issued)

The vessel may possess and land up to 75 lb of cod and up to the landing and possession limit restrictions for other NE multispecies. Same gear and seasonal restrictions as HA permits.*

*Cod trip limit changes automatically proportional to cod trip limit changes for DAS vessels with Management actions.

Current Participation (2008/2009) data:

# Handgear HA Permits :	140
# HA fishermen who are active in the Cod fishery:	<10 (estimate)
# HB Permits:	1,137

Amendment 16 Data & Information:

Table 58 - Total number of multispecies vessels landing groundfish by permit category, FY 2004-FY 2007

Year	2004	2005	2006	2007
Individual DAS	691	637	590	530
Fleet DAS				
Small Vessel Exemption	2	1	2	4
Hook Gear	34	32	20	18
Combination Vessel	16	16	10	16
Large Mesh Ind. DAS	27	22	16	10
Large Mesh Fleet DAS	1			
Handgear Open Access	0			
Handgear - A	44	32	26	23
Handgear - B	75	63	59	73
Other Open Access	65	57	64	65
Total	955	860	787	739

RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

Section 3 WHY CHANGE?

1. The current handgear rules and multiple layers of restrictions have resulted in a handgear fishery that is not profitable. The average revenue for handgear HA permits has plummeted to less than \$5000 per year when at one time this was the primary New England method of catching cod in New England. The MS fishery act requires that there be diverse fisheries with different gear types.
2. Amendment 16 (A16) EIS (Environmental Impact Study) states "Vessels less than 30 feet saw the biggest decrease in revenue, with an 88.8% change between FY 2001 and FY 2007". If no action is taken to invigorate the small boat fisheries, we will have been regulated off the water, due to fishery Management Actions, even as fish stock rebound.
3. Fishing under Sectors is not a viable option considering the high costs compared to the low PSC (Potential Sector Contribution) that the Handgear fishermen received. The overwhelming majority of Handgear fishermen did not join sectors. Those who have PSC are not likely to fish in the sectors but are more likely to lease or sell their PSC. A16 estimated that it will cost fishermen \$17,000 per vessel to participate in sectors. The allocation of Cod (primary species) to Handgear fishermen is not enough to make it a profitable option to join a sector. There is no guarantee that even if a Handgear fisherman leased additional cod that the fisherman will be able to land the fish since they must first bite the hook. Once all the current Handgear permits and PSC history is bought up vessels not using Handgear, it will be extremely hard for new entrants into the fishery.
4. The current Handgear (HA and HB permits) Cod trip limits are tied to increases in the Cod trip limits for vessels fishing under DAS. At the time of Amendment 13 this rationale made sense. The idea was to have an automatic adjustment as the cod fishery rebound. With the majority of fishermen in Sectors, and the Handgear fishermen in the Common Pool, there is the very real possibility the cod TAC for the common pool will be harvested before the Handgear fishery will have had a chance to harvest their traditional percentage of the fishery. There is no possible way for the Handgear fishery to harvest cod at the rate of modern fishing methods such as trawls or gill nets. In the race to fish Handgear fishermen will lose every time.
5. There is no way for a person who wishes to become a commercial fisherman, to obtain a viable groundfish permit without substantial financial resources. The future generations need a way to be commercial ground fishermen with minimal startup costs.
6. Handgear fishermen can selectively fish with little or no bycatch. New England handgear fishermen primarily only catch Cod, haddock and Pollock with practically no appreciable quantities of other groundfish that are not considered rebuilt.
7. The fishery is very easy to manage if the management measures are kept to a minimum. The primary management measure proposed for this fishery will be trip limits with an Annual Catch Limit (ACL).
8. Similar Hook gear fisheries are successful such as the Hook Gear Halibut fishery in Alaska and the commercial Striped bass fishery in Maryland.

RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

Section 4 Specifics of proposal and discussion.

#1 Allocate the handgear HA permit cod history (PSC) from 1996-2006 as a specific Sub ACL only to be used for Handgear HA fishermen.

Discussion: Currently the majority of the cod allocated to the common pool is the history of the handgear fishery. All gears can fish on this history which in turn leads to a race to fish where other gear types can harvest the cod Sub ACL before handgear have had the chance to catch their historical percentage of the fishery. It is fair to allocate this small percentage to the Handgear fishery as what was done for the recreational fleet and for other commercial fisheries. Once this allocation is made, management measures can be developed to eliminate the race to fish and to reestablish of this traditional fishery in New England.

#2 Specify handgear cod Sub ACL history can only be used by fishermen using handgear.

Discussion: Currently under Sectors, it is possible for a Handgear fisherman to join a sector and lease their cod PSC to other sector members who do not use Handgear. A Handgear fisherman can also sell their HA permit with attached PSC to a Boat owner who transfers it to a skiff and then the Handgear PSC is transferred into the Sector. Unless this practice stops, all the historical handgear PSC will be lost to other gear types and the handgear fishery will be lost. This practice, if continued will severely affect the sustainability of those wishing to fish using handgear by lowering the cod Sub Handgear ACL. This would not prevent a Handgear fisherman from fishing in a sector but if they choose to then they must use handgear.

#3 Handgear permit holders can sever their HA permit from other fishery permits to sell or transfer it.

Discussion: Many HA permits are tied to boats in other fisheries such as lobster. This would allow these fishermen to sever the HA permit off and sell it to anyone wishing to buy the HA permit. This would hopefully allow new entrants seeking a handgear HA permit into the fishery. Currently a lobster fisherman, for example, would have to sell his combined lobster and handgear permit to someone at the combined price that may be significantly higher if it was just a handgear permit.

RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

Section 4 Specifics of proposal and discussion.

#4 Waiting list for new entrants into the handgear fishery.

Discussion: The current HA permit holders will only be able to sell their permit. The buyer will know up front that he/she will not be able to sell the permit in the future and the market price will determine the price of the existing permits when they are sold. Current handgear fishermen may have purchased their permit or invested heavily in the fishery with the intent of selling it which is why they must be allowed to sell their permits. The only way to obtain a permit after the sale of the initial HA permits will be off the waiting list. The waiting list will have two categories with one being current fishermen with DAS permits with some cod PSC and the second category will be open access Handgear B permits. **When a permit is retired for failure to renew or under the "use it or lose it terms",** fisherman off the waiting list will be offered the permit.

List rules:

- a. The order of the DAS fishermen list will be by highest cod PSC that would be transferred into the HA total sub ACL for cod. The higher the cod PSC attached to the permit the higher on the list the fisherman would be. A minimum of cod PSC (5,000 lbs, 10,000 lbs, 15,000 TBD) will be required to get on the DAS HA permit waiting list. The exact pounds of cod TBD by the NEFMC for this proposal with the intent that they would be bringing in about the cod they would catch under this permit. This would bring more cod quota into the handgear fishery that is very much needed. Once this fisherman obtains a HA permit their DAS permit is retired from the fishery.
- b. The order for the HB permit will be by the date they initially obtained a HB permit.
- c. The selection for new entrants will start with a fisherman from the DAS category and will alternate between the two as permits as permits become available. See the enclosure for how the waiting list will be generated and the order.

#5 Use it or lose it rules

Discussion: In order to retain a HA permit fisherman must land (250 lbs, 500 lbs or TBD) cod in any one year out of three. Failure to land #lbs (TBD by NEFMC) will result in being ineligible to renew their permit. This will result in some way for new entrants into the fishery. A fisherman who loses their HA permit may petition the NMFS for reasons that include military service where they are stationed overseas or with a note from a Physician that states they were unable to fish for the last year of the three and that they can now fish. Failure to petition the NMFS within 3 months (postmarked letter) after May 1st of the 3rd year will result in the loss of the permit.

RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

Section 4 Specifics of proposal and discussion.

#6 Removal of March 1-20 Handgear fishing closure

Discussion: No longer needed with a specific cod Sub ACL. Catch of other species is not significant enough to warrant this closure.

#7 Cod trip limit increased from 300lbs to 400lbs.

Discussion: Handgear fishermen prefer a self imposed trip limit as a management tool. This will help spread out the small cod quota among the coast where the cod show up in abundance at various times. Those HA fishermen who wish to have unlimited cod trip limits may join a sector. This trip limit may be adjusted by future groundfish Frameworks or Amendments depending on the use of the HA cod Sub ACL and the status of the cod stocks. This modest increase in the cod trip limit is intended to offset the skyrocketing costs of fuel and other expenses since the 300lb trip limit was implemented. A higher trip limit and potential profit will help draw more fishermen into this fishery.

#8 Access to fish in all permanent and rolling closures except the cod spawning closures.

Discussion: Handgear fishermen would now be fishing under a cod Sub ACL and no longer need this effort control imposed under previous management measures. Handgear fishermen use small boats that mostly limit them to inshore waters. They do not disturb essential fish habitat. They should have the same access as the recreational fishery that also use hook gear.

#9 LOA letter not required to fish either on a commercial groundfish trip or a Charter/Party trip.

Discussion: Many handgear fishermen also are Charter/Partyboat operators. Flexibility is needed more than ever so a fisherman can choose if they wish to charter for the day or fish under their Handgear permit commercially. This LOA letter is not needed when Handgear fishermen have access to the permanent and rolling closures. Enforcement will be similar to the BF tuna fishery where they are limited by the trip limits. Once a recreational trip limit is exceeded the trip is automatically becomes a commercial trip and a VTR would be filled out prior to returning to the dock as a commercial trip.

#10 LOA letter required when fishing in the Georges BSA.

Discussion: Existing measure. By default a fisherman without this LOA is fishing in the GOM. This makes sure the cod Sub ACL for handgear fishermen is deducted properly.

RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

Section 4 Specifics of proposal and discussion.

#11 Up to 20% unused cod ACL may be transferred to the following fishing year.

Discussion: This would provide some stability from a poor fishing year into a good fishing year for quota management. Roll over provisions currently exists in other fisheries. This is a conservation positive provision since there is no guarantee the extra 20% will be caught.

#12 Eliminate Trimester accountability measures for HA permit holders developed in A16.

Discussion: Catch rates are low and this is not warranted because of a specific cod sub ACL. The primary catch is Cod with some haddock and pollock. The catch of other species is not significant.

#13 Automatic triggers to not exceed Handgear Sub ACL.

Discussion: The following automatic trigger will be applied to make sure the cod Sub ACL (per BSA) will not be exceeded. NEFMC shall choose between choices a & b below. The choice shall be made with input from the PDT and the Handgear fishermen.

- a. Cod trip limit initially set at 400 lbs. When 85% of the Handgear ACL is harvested, the trip limit will be reduced to 200 lbs. When 95% of the Handgear ACL is harvested the trip limit will be reduced to 100 lbs.
- b. Cod trip limit initially set at 400 lbs. When 85% of the Handgear ACL is harvested, the NMFS will reduce the trip limit (in increments of 100lbs but no less than 100lbs) to spread the cod fishery out over the remainder of the fishing year.

#14 IVR call in not required unless 80% of the cod Handgear SUB ACL harvested. Call in modified to streamline what is needed for this fishery.

Discussion: Catch rates in this fishery are slow enough to loosen this reporting requirement. Repetitive information is unnecessarily gathered such as (phone number, BSA, gear used, ect). **Only end of trip IVR call in with permit number and VTR # is needed when 80% of the cod Sub ACL is reached.** The dealer reports the catch within 24 hrs. via the dealer reporting. The current call in & out system is too complex for this simple fishery.

#15 Fish size limits per existing commercial regulations.

Discussion: Handgear fishermen may choose to implement higher size limits as a management tool thru fishery Management plans. The 100% discard mortality number would have to change before this can be considered.

RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

Section 4 Specifics of proposal and discussion.

#16 Discard mortality for hook caught cod will be set at 6-10%.

Discussion: Discard mortality for hook caught cod will be set at 6-10%. **"Survival of Discarded Sublegal Atlantic Cod in the Northwest Atlantic Demersal Longline Fishery", HENRY O. MILLIKEN, 2009 is the best** available science and must be used.

#17 One HA permit per fisherman. One time sell provision for existing HA permit holders

Discussion: This is to be a one boat, one permit one Captain Fishery. No banking of the permits is permitted by entities, companies, organizations or NGOs. Only the fishermen using the permit will be able to obtain and keep this permit. This is a permit to harvest fish commercially, by fishermen, and is not to be a commodity to be traded or bartered by investors. **All initial Handgear HA permits will be able to be sold 1 (one) time only.** After this one time transfer, the permit can't be transferred to another person, corporation or NGO. See #4 above how this relates to the waiting list and for further information.

#18 Removal of requirement for HA fishermen to carry a tote.

Discussion: Handgear fishermen keep their fish in coolers. Totes take up needed deck space in small boats. Fish are often unloaded from coolers into totes at point of sale or at the dock where the fish are transferred off the vessel. Other commercial fisheries do not require totes to be onboard. Transferring the fish at sea from iced coolers to totes, spoils the quality of the fish. Since the quantity of fish is small, Handgear fishermen must maximize the quality. The dealer report will list the precise quantity of fish in pounds and this is reported to NMFS.

#19 VTRs for reporting catch.

Discussion: No change from existing regulations.

#20 Changes to handgear input controls

Discussion: Electric assist reels will be allowed on fishing rods. Small winches typically found as lobster haulers or line haulers may be used to bring in the 250 hooks (# hooks may increase in future fishery actions) tub trawl. Under a hard Sub ACL for cod these input controls are warranted. This is requested to allow an easier harvest of the cod Sub ACL but is keeping in line with the type of fishery this is. Electric assist reels are very popular in the recreational fishery for deep water fishing and this would help handgear fishermen target larger cod. Small winches for hauling the tub trawl is for safety reasons and well as easing the input controls.

RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

Section 5 Why current HA fishermen should support this.

1. HA cod is now part of the Amendment 16 common pool. If the other fishermen in the common pool catch the cod TAC early, the handgear cod fishery may be shut down before HA permit holders had a chance to harvest any cod. This is the race to fish that handgear fishermen will lose.
2. Removing the Handgear historical cod catch from the common pool cod measures Handgear fishermen will not be under a race to fish and can fish when it best suites their business plan.
3. Currently with the rolling closures small boat fishermen do not have access to the fishery when the weather is best suited and safe to fish.
4. Existing permits who decide to leave the fishery can sell/transfer their permits, to recoup any costs associated with their participation in the fishery, if they choose.
5. As the cod fishery rebounds, the cod trip limits will increase that will lead to much better profits per fisherman.
6. Exemptions from the rolling/permanent area closures (except cod spawning closures) which in some cases reduced Handgear cod catches by 75% and made the cod fishery inaccessible to many when cod are historically most plentiful. **Handgear fishermen can't fish offshore or around rolling closures.**
7. **Future generations of fishermen will be able to actively once again participate in a historical fishery and be profitable.**
8. **Once again a 17yr old HS student can borrow his parent's skiff and go commercially cod fishing in the summer instead of flipping burgers. The only cost to fish is the fuel to run the boat for the day and some ice. Eventually this fishery could lead to a way for new entrants into larger scale commercial fishing ventures for groundfish.**

Section 6 Why Fishery Managers should support this.

1. MSA requires a diverse commercial fleet with different gear types.
2. This is hard cod Sub ACL fishery.
3. This is basically a one species fishery that is easily managed.
4. Many layers of outdated Hangear management measures are removed.
5. Easy enforcement. The only enforcement necessary would be size limits and trip limits.
6. At sea monitoring is not required since handgear fishermen do not harvest many species nor do they move between management areas. Marine Mammal interactions do not occur in this fishery.

RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

7. Double monitoring for quota purposes at point of sale (dealer) and via the traditional VTR. It is anticipated that Handgear will be able to enter their VTR trip data electronically at home via the internet after a trip.
8. Sustainable fishery to match the fishery stocks.
9. Catch rates are slow due to the gear used.
10. Reinvigoration of the handgear cod fishery fleet that has fallen to its lowest level ever.
11. Enable new entrants into a fishery without the unknowns of an open access fishery.

Section 7 SAMPLE HA PERMIT WAITING LIST

#	DAS FISHERMAN NAME	DAS FISHERMAN PSC COD	HANDGEAR HB NAME	HANDGEAR HB DATE FIRST APPLIED
1	JOHN CODFISH	25,800	JAMES CONGER	1/15/2013
2	STEVE CUSK	12,700	JIM BLUEFISH	2/21/2013
3	TIM CUNNER	11,200	CHET SEABASS	7/8/2013
4	JOE BLOWFISH	10,350	BOB TUNA	1/10/2014
5	ANTHONY TUNA	8,560	TRACY YELLOWTAIL	3/21/2015
6	MARK TAUTOG	6,250		
7	PHIL FLUKE	5,100		

John Codfish would be picked first followed by James Conger and so on alternating between the two types of fishermen. Fishermen would declare their intent to remain on the waiting list or be added to the list with their permit application every year.

NORTHEAST SEAFOOD COALITION

April 30, 2012

TO: Capt. Paul Howard
New England Fishery Management Council
50 Water Street
Newburyport, MA 01950

RE: Groundfish Amendment 18 Scoping Comments

The Northeast Seafood Coalition is pleased to provide the following comments on the Amendment 18 scoping document. This cites 2 objectives identified by the Council for Amendment 18:

- 1) *"To consider the establishment of accumulation caps for the groundfish fishery; and*
- 2) *To consider issues associated with fleet diversity in the multispecies fishery."*

The document further states that the resulting *"rules are intended to reduce the likelihood that the groundfish permit holders will control excessive shares of the resource and that over-consolidation will occur within the fleet."*

NSC will address these two objectives and the issue of excessive shares and consolidation in greater detail below, but provides the following overarching points:

- The groundfish fishery is presently faced with an overwhelming number of threats which have grown in number and severity since this scoping process began including—
 - massive reductions in the ACLs of a number of core stocks including GOM cod, GB yellowtail flounder, and GB cod, CC/GOM yellowtail flounder, GOM haddock, witch flounder and plaice;
 - potential closures or other regulatory restrictions associated with protected species interactions (harbor porpoise and sturgeon); and
 - the continuing challenges associated with the transition to sector management.

Thus, any discussion of "next steps" for groundfish management must be highly sensitive to unintended consequences and disruptions to a fragile fishery economy trying to adapt to the sector management system.

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- Consequently, the financial viability and future of this fishery is in serious jeopardy as never before. If implemented, the concepts contemplated by Amendment 18 have the strong potential to add further uncertainty and instability for business owners and increase costs by reducing efficiencies(such as through input controls). Such stresses could prove fatal to many small businesses.
- The management responses to these reductions in groundfish stock ACLs and protected species interactions present a set of powerful stresses to fishing businesses that may force significantly greater changes in the demographics and diversity (and consolidation) of the overall fishery than any aspect of the sector management system ever can or will.
- NSC deliberately structured the Northeast Fishery Sectors (NEF sectors) to represent the full diversity of the fishery throughout the region, and provided each of these sectors with the necessary administrative and operational tools to protect and preserve their unique diversity within the context of sector management.
- NSC believes that legitimate goals concerning diversity, excessive shares and consolidation should and will be most effectively addressed by the individual Sectors rather than through a Council regulatory process.

Accumulation Caps

NSC is very sensitive to the need to prevent the accumulation of excessive shares of groundfish resource as well as to the practical effects of mechanisms designed to achieve this objective. NSC calls the Council's attention to two critical points.

- 1) While the issue of excessive shares is a valid concern within a LAPP or a non-LAPP management system, the agency has made a definitive legal determination that the sectors are not LAPPs as defined in the MSA and that sector allocations are not permanent.

Underlying this reality is that sector membership is voluntary and so fishermen can choose between two alternatives—sector management or the 'common pool'. Thus, any decision to address excessive shares through an accumulation cap must consider the effect of such a cap on both alternatives.

NSC notes that the allocation currency in the "common pool" alternative are Days At Sea (DAS) and that the application of an accumulation cap would limit the number of allocated DAS any individual fishermen might accumulate. With this in mind, NSC calls on the Council to consider what level of DAS allocations it would take for a fisherman to break even and survive in the common pool.

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The advent of ACLs and AMs has resulted in a suite of common pool measures including differential DAS counting. As was seen following FW42, the need for vessels to accumulate additional DAS to survive differential counting is well documented. This reality cannot be overlooked when considering accumulation limits.

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"It is NSC's position that a LAPP should not be developed unless and until fishermen themselves develop and propose a LAPP through the petition process set forth in section 303A(c)(6)(B) of the Magnuson-Stevens Act (MSA), (rather than being developed from the "top-down" though a Council-initiated process), and that all elements of the Amendment 16 sector system including the allocation formula are on the table for reconsideration in that process. If Amendment 18 develops into an effort to retrofit the current Amendment 16 allocations and the sector system to qualify as a LAPP, then NSC must oppose it."

Fleet Diversity

NSC is also extremely sensitive to the need to preserve fleet diversity and has invested deeply in achieving this objective. The NSC has played a pivotal role in the "Northeast Multispecies" (groundfish) fishery and its management as the sponsor of 12 of the 19 sectors now operating in the fishery including one serving as a 'lease-only' sector. In fishing year 2011, 254 entities with 514 groundfish permits are members of the NSC-sponsored "Northeast Fishery Sectors" (NEF sectors); operating in ports from Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York and New Jersey.

Consistent with its longstanding support for family-owned businesses and a diverse fishery, NSC sponsored and designed the NEF sectors to be inclusive of the full diversity of fleet and community demographics that were representative of the entire groundfish fishery. This included vessel size, gear, target stocks and home ports throughout the full range of the fishery. The opportunity to join NEF sectors was open to all groundfish permit holders regardless of the size of their initial allocations or whether they were members of NSC.

In addition, NSC restructured the initial sector membership fee for all active sector members to accommodate the financial challenges faced by many fishermen in order to make it possible for

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a greater diversity of fishermen to participate. While the collection of sector membership fees was essential to cover the administrative and legal costs associated with sector establishment and development, NSC was able to reduce these fees in part through securing state and federal funds to help cover these necessary costs. In all respects, NEF sectors were developed with a deliberate and unique commitment to openness and inclusiveness.

Further, NSC developed the NEF sectors to be community-based and to have an internal self-governance system designed specifically to empower each sector (through its operations plans and associated contractual documents) to protect and preserve its unique demographic and economic integrity. Each sector was established as an individual 501(c)(5) corporation with the ability to exercise independent, sovereign control over its allocations and internal decision-making process involving such operational issues as catch management, trading, reporting, enforcement and joint and several liability.

In anticipation that sector operational costs and efficiencies would become a significant challenge to the viability of individual sectors and the sector system as a whole, NSC further developed the Northeast Sector Service Network (NESSN) to provide the NEF sectors with the benefits of administrative and operational economies of scale in performing the many sector functions required under Amendment 16. NSC now serves as the policy voice for the NEF sectors; providing all NSC members with a collective, more effective voice in the fishery management process.

The NSC designed the NEF sectors so as to foster a diverse, small-scale, locally-owned and operated fishery. Each sector is rooted in a particular community, with communities defined by localities, fishing styles, and other commonalities. Some of the NEF sectors are internally diverse; examples are NEF sector 2 whose members' active vessels range in size from 36 feet to 97 feet, and NEF sector 13 whose members' primary ports span four states. Others are more internally homogenous; examples are NEF sector 12 whose members' active vessels vary in size by a maximum of 7 feet, with a median size of 46 feet, and NEF sector 8 whose members' active vessels vary in size by a maximum of 10 feet, with a median size of 75 feet. (An "active" vessel is one declared active in a given fishing year.) Taken together, the 12 NEF sectors contain and represent the full range of diversity in the groundfish industry, along numerous dimensions: locality, business size, vessel size, gear, and others. Some indication of this full range of diversity can be gleaned from the following tables:

NORTHEAST SEAFOOD COALITION

Permits per entity, NEF Sectors 2-13 combined, FY 2011 (254 entities, 514 permits)			
	number of entities	percent of entities	cumulative percent of entities
1 permit	168	66.1%	66.1%
2 to 5 permits	74	29.1%	95.3%
more than 5 permits	12	4.7%	100.0%

Permits per business for all businesses in NEF sectors 2-13 with one or more permits DECLARED ACTIVE ("active businesses"), FY 2011 (174 active businesses, 378 permits among them)			
	number of active businesses	percent of all active businesses	cumulative percent of all active businesses
1 permit	99	56.9%	56.9%
2 to 5 permits	65	37.4%	94.3%
more than 5 permits	10	5.7%	100.0%
Totals	174	100.0%	

Vessel Length Data for Vessels in NEF Sectors 2-13 that Made Sector Trips in FY 2011 (through 4/7/2012)				
<i>Length</i>	<i>Number of vessels</i>	<i>Percent of all vessels</i>	<i>Cumulative number</i>	<i>Cumulative percent</i>
small (0 to 50 ft)	94	48.0%	94	48.0%
medium (>50 to 75 ft)	59	30.1%	153	78.1%
large (>75 to 100 ft)	43	21.9%	196	100.0%
Totals	196	100.0%		

Given NSC's investment in preserving fleet diversity within the NEF sectors, NSC closely monitors important aspects of sector operations and composition. As our preliminary analysis presented in Appendix 1 suggests (see below), dramatic changes to fleet diversity have not occurred and there appears to be a relatively healthy and balanced flow of fish traded among the various demographics of the fleet. Preliminary analysis suggests that individual fishing businesses are working hard to develop business plans and portfolios that enable them to fish for the types and numbers of fish required to operate effectively and in compliance with the regulations. ACE trading has been and will continue to be a vital component in the fishery.

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With this information in mind, many of our fishermen are concerned that Amendment 18 might place additional layers of fishery input controls and constraints on sector operations including their essential ability to trade or lease their ACE as described above. Such external controls might undermine the intended benefits of 'output control' management including the individual ability of each NEF sector to pursue economic viability and preserve their unique demographic identities. As explained above, NSC went to great lengths to ensure that NEF sectors were provided with a critical level of local, small business control and the tools for sector self-determination as a deliberate alternative to imposing rigid external fishery input and sector operational controls. NSC urges very careful consideration of these issues and general caution for any unintended if well-intentioned consequences of such controls. Indeed, sector management has been characterized as an opportunity for fishermen to have greater control over the manner in which they harvest and manage their ACE. The Council should maximize opportunities/flexibility for sector and fishermen 'self-determination' in Amendment 18.

In addition to addressing the intense challenges associated with new stock assessments and protected species interactions, NSC intends to remain focused in the coming year on enhancing the tools and opportunities for sectors and our fishery to achieve economic viability, not on restricting them. Perhaps the greatest priority will be those actions that lead to greater utilization of the Optimum Yield (OY) in the fishery in part by increasing access to groundfish stocks through the reevaluation of current mortality closures and other 'input control' artifacts of the previous DAS system. Equally important is to continue efforts to improve stock assessments and all aspects of groundfish science including especially the data used in such assessments. Increasing the value of landed fish; reducing discards and associated observer costs; and reducing other sector monitoring and operational costs are also central to improving the economic viability of sectors and the fishery overall.

NSC appreciates the opportunity this opportunity to provide input to the Council on these important issues. NSC has discussed these and other related issues extensively and may provide more specific input on additional issues in the future if and when the actual draft Amendment 18 is issued. Thank you for your consideration.

Sincerely,

Jackie Odell

Jackie Odell,
Executive Director

NORTHEAST SEAFOOD COALITION

Appendix 1:

Sectors, Vessel Lengths, and ACE Trades, FY 2011 (through 4/20/2012)

(Initial allocation and trade data downloaded from www.nero.noaa.gov/acetransfer/ on 4/20/2012)

Sectors listed in order of highest % increase, over initial allocation, in GOM cod, from ACE trading, FY 2011 (thru 4/20/2012)

Sector	Vessel Length Data for Northeast Fishery Sectors' Vessels DECLARED ACTIVE in FY 2011 (in feet, rounded to the nearest whole foot)				Net Increases and Decreases Due to ACE Trades, GOM Cod and All Stocks, FY 2011 (thru 4/20/2012)		GOM Cod Data, FY 2011 (thru 4/20/2012) (lbs, live weight)		ALL Stocks Data, FY 2011 (thru 4/20/2012) (lbs, live weight)	
	min	max	mean	median	GOM cod: net trades as % of initial allocation	ALL STOCKS: net trades as % of initial allocation	GOM cod: Initial ACE Allocation	GOM cod: net trades (in - out)	ALL STOCKS: Initial ACE Allocation	ALL STOCKS: net trades (in - out)
Fixed Gear Sector					120.0%	-16.2%	229,995	275,930	11,752,908	-1,900,265
NEFS 6	62	87	72	70	59.3%	28.6%	281,266	166,793	5,925,195	1,693,909
NEFS 2	36	97	55	48	39.8%	13.4%	2,296,950	915,175	21,515,728	2,874,619
NEFS 10	35	61	45	44	20.5%	19.3%	639,572	131,110	2,502,343	483,470
NEFS 9	68	88	77	76	8.6%	19.1%	191,443	16,378	17,361,663	3,317,595
NEFS 12	43	50	46	45	2.9%	6.8%	270,966	7,902	1,626,826	110,035
Port Clyde Sector					2.2%	28.6%	471,297	10,554	2,861,131	817,752
NEFS 3	30	56	40	40	-3.8%	-3.3%	2,012,022	-76,023	6,498,831	-213,716
NEFS 8	72	82	76	75	-7.5%	2.4%	53,171	-4,004	7,108,971	168,318
Sustainable Harvest 1					-14.0%	-3.7%	2,132,631	-298,959	57,417,461	-2,099,504
NEFS 11	32	51	41	42	-14.2%	-4.7%	1,470,657	-209,199	4,547,797	-213,773
Tri-State Sector					-23.7%	-17.4%	94,090	-22,314	1,751,912	-304,485
Northeast Coastal Comm.					-30.7%	-23.5%	85,613	-26,257	567,149	-133,319
NEFS 7	45	83	66	71	-50.3%	-5.9%	51,902	-26,100	5,205,516	-309,308
NEFS 13	62	90	75	77	-58.5%	1.9%	81,531	-47,732	15,578,523	297,748
NEFS 4	no active vessels				-79.1%	-32.6%	864,614	-684,253	10,354,123	-3,370,405
Sustainable Harvest 3					-98.8%	-24.5%	71,864	-70,995	2,428,129	-595,555
NEFS 5	45	80	65	67	-99.4%	-10.7%	13,731	-13,643	4,272,053	-458,014
Maine Permit Bank Sector					-100.0%	-78.0%	44,363	-44,363	211,747	-165,102
Grand Total					0.0%	0.0%	11,357,676	0	179,488,006	0

NORTHEAST SEAFOOD COALITION

April 30, 2012

TO: Capt. Paul Howard
New England Fishery Management Council
50 Water Street
Newburyport, MA 01950

RE: Groundfish Amendment 18 Scoping Comments

The Northeast Seafood Coalition is pleased to provide the following comments on the Amendment 18 scoping document. This cites 2 objectives identified by the Council for Amendment 18:

- 1) *"To consider the establishment of accumulation caps for the groundfish fishery; and*
- 2) *To consider issues associated with fleet diversity in the multispecies fishery."*

The document further states that the resulting *"rules are intended to reduce the likelihood that the groundfish permit holders will control excessive shares of the resource and that over-consolidation will occur within the fleet."*

NSC will address these two objectives and the issue of excessive shares and consolidation in greater detail below, but provides the following overarching points:

- The groundfish fishery is presently faced with an overwhelming number of threats which have grown in number and severity since this scoping process began including—
 - massive reductions in the ACLs of a number of core stocks including GOM cod, GB yellowtail flounder, and GB cod, CC/GOM yellowtail flounder, GOM haddock, witch flounder and plaice;
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- **Consequently, the financial viability and future of this fishery is in serious jeopardy as never before. If implemented, the concepts contemplated by Amendment 18 further have the strong potential to add further uncertainty and instability for business owners and increase costs by reducing efficiencies(such as through input controls). Such stresses could prove fatal to many small businesses.**
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Accumulation Caps

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Jackie Odell

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Executive Director

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NEFS 5	45	80	65	67	-99.4%	-10.7%	13,731	-13,643	4,272,053	-458,014
Maine Permit Bank Sector					-100.0%	-78.0%	44,363	-44,363	211,747	-165,102
Grand Total					0.0%	0.0%	11,357,676	0	179,488,006	0

Testimony of Frank Mirarchi

NEFMC Scoping Hearing, N E Multispecies Amendment 18

January 26, 2012

Thank you for the opportunity to offer my views on the status and direction of groundfish management in New England.

As one who believes in the efficacy of markets to efficiently distribute resources to competing users, I am troubled by where Amendment 16 has left our industry. The problem lies not in the choice of sector management but rather in the unaddressed details.

The region where I have fished for nearly fifty years, Massachusetts' South Shore, was underserved by the choice of allocation formula used to calculate individual PSC. To illustrate, my sector, NEFS X, holds approximately 50% of the Gulf of Maine cod ACE on a per capita basis as do other sectors in the region. A review of allocations throughout New England by the Caplog Group reveals a disproportionately lower level of allocation among smaller vessels and ports throughout the region.

Many fishermen have received ACE allocations which are less than 50% of their 2009 landings under effort controls. Under better circumstances this shortfall could have been compensated by purchase or lease of additional ACE. However the economic recession and banking crisis have rendered that option inaccessible for many. Most fishermen have little home equity or other collateral. In its haste to avoid the LAPP provisions of Magnuson, NEFMC has compromised the collateral value of ACE as well.

The mal-distribution of ACE presents problems for sectors as well as fishermen. For instance, NEFS X must rely on leasing substantial amounts of ACE from other sectors. Without this addition, the allocations alone do not provide sufficient landing fee revenue for the sector to support its overhead costs. If external subsidies are withdrawn, several sectors will probably fail.

While removal of input controls has provided benefits to vessel safety, marketing opportunity and access to underutilized stocks, this freedom has revealed some management inconsistencies. The unimpeded flux of fishing effort throughout a stock range to areas of highest CPUE fails to address the presence of spawning sub-populations and spawning site fidelity exhibited by GOM cod. Moreover, the strong possibility of a coastal migratory pattern of codfish from the GOM to Southern New England, revealed by tagging and genetic studies, leaves these fish vulnerable to effort misattributed to the Georges Bank stock.

Current policy regarding fishing across statistical area boundaries invites misreporting or misidentification of catches. While many of the consequences of effort shifts, such as gear conflicts, are being addressed at the sector level, it is important that the Council recognize the implications these shifts have in a more ecosystem centered management model.

A significant oversight in establishing sector operations standards is the absence of accumulation caps at any level. The success of sector management, particularly given the prevalence of “choke” stocks in every BSA depends upon the free trade of ACE among individuals and sectors. The absence of limits on ACE holdings at a stock level not only invites monopolistic practices detrimental to efficient harvest of all allocated stocks, but also places the economic viability of smaller vessels and fishing communities at risk.

As a final thought, I wonder what the fishery will look like in 15- 20 years. With most groundfish fishermen now in their mid-50s, who will fill our boots?

I worry that any allocation system no matter how carefully developed will impede intergenerational transfer of access to fish. Historically there was an upward mobility from deck hand to pilot house to vessel ownership. That “sweat equity” pathway may be severed due to the high cost of permits and quota.

Many fisheries utilize the concept of “community development” quota, a set aside for social or cultural objectives. NEFMC should consider implementation of program such as this perhaps using existing permit banks as a repository for this reserve quota. Permit banks could, in turn, establish programs whereby qualifying aspiring fishermen could access this quota at favorable terms with repayment then replenishing a revolving fund.

It is critical that the Council objectively assess the functioning thus far, of Amendment 16 and focus on discrete measures to improve both its fairness and function. Sector management has set us on a different course. It is imperative that the Council remain open to constructive change which seeks to balance the mandates of Magnuson with our deeply ingrained fishing culture.

Frank Mirarchi

F/V Barbara L. Peters

Scituate, Mass.

April 27, 2012

Captain Paul Howard
New England Fisheries Management Council
50 Water Street
Newburyport, MA 01950

Dear Paul:

Thank-you for the opportunity to comment on Amendment 18 to the Northeast Multispecies Fishery Management Plan. The Nature Conservancy appreciates the Council's commitment to develop an FMP amendment focused on preventing excessive consolidation and maintaining fleet diversity in the New England groundfish fishery. These issues are critically important to the ecological health of groundfish populations in New England and the socio-economic well-being of the fishing communities that depend on them.

The Conservancy is committed to working with the Council, NMFS, industry representatives, and other interested stakeholders throughout the Amendment process. In doing so, we will strive to help ensure that any new rules or policies are developed in way that is fair and equitable to current participants while also providing opportunities for growth in the fishery as the groundfish populations recover in the future. During the scoping phase of the Amendment, we believe it is critically important for the Council to: 1) articulate a clear set of goals; 2) develop clear definitions for key concepts in the Amendment, including excessive consolidation, accumulation limits, and fleet diversity; and 3) develop and analyze a broad range of alternatives to achieve the stated goals of the Amendment.

Goal Setting

The Conservancy urges the Council to clearly articulate the policy goals and objectives for Amendment 18. Establishing specific goals and objectives are critically important as they provide the criteria against which various management alternatives will be evaluated for effectiveness. The Conservancy supports many of the goals and the objectives regarding excessive consolidation and fleet diversity that the Council has adopted in previous actions, including the following:

- Maintaining a diverse groundfish fishery, including different gear types, vessel sizes, geographic locations, and levels of participation (Amendment 16 the Groundfish Plan).
- Maintaining inshore and offshore fleets; maintaining a diverse groundfish fishery, including different gear types, vessel sizes, geographic locations, and levels of participation; maintaining balance in geographic distribution in landings to protect fishing communities and the infrastructure they provide; and prohibiting any person from acquiring excessive shares to the resource, in order to prevent extraction of

disproportionate economic rents from other permit holders (June 2010 Council motion unanimously approved).

We believe these previously-adopted goals and objectives are consistent with the Magnuson-Stevens Act requirement to ensure no particular individual, corporation, or entity acquires an excessive share when fishing privileges are allocated and provide an excellent foundation for developing a range of management alternatives in the Amendment process. We note, however, that the Scoping Document indicates that the Amendment is being developed to reduce the likelihood that groundfish permit holders will control excessive shares of the fishery resource. While this general description is helpful, we urge the Council to develop a more specific and comprehensive set of goals and objectives, including those detailed above, at the outset of the Amendment process.

Defining Key Terms

Once these policy goals and objectives for the Amendment are adopted, we urge the Council to clearly define the key two key issues the amendment is being developed to address: excessive consolidation and fleet diversity. Clearly defining excessive consolidation is of particular importance. Over the course of the past two years it has become increasingly apparent that fishery stakeholders in New England have a variety of opinions on what constitutes excessive consolidation and whether it is a concern. Some stakeholders believe that current level of consolidation in the fishery is not excessive, and in fact, believe more consolidation is needed to address overcapacity and improve the profitability of existing fishing businesses. At the same time, many others believe the current level of consolidation in the fishery is already too high and that the Council must adopt controls through this Amendment to ensure the situation does not get worse.

A review of data provided in the Scoping Document clearly demonstrates that there has been significant consolidation on the groundfish fishery over the past decade. For example, the number of active vessels in the fishery declined by 61% between 1996-2010, with losses particularly acute in the Maine fleet, where the number of active vessels fell from 188 in 1996 to just 52 in 2010. Moreover, allocations adopted in 2009 through Amendment 16 to the Groundfish Plan have concentrated the control of allowable catch quotas for several stocks to just three individuals with an ownership interest, i.e., 36% GB winter flounder, 25% GB haddock, and 20% GB cod (Table 3 Amendment 18 Scoping Notice).

Given the clear evidence that consolidation is occurring in the fishery, and that stakeholders disagree on what level of consolidation is excessive, it is critically important that the Council clearly define both excessive consolidation and fleet diversity at the outset of the Amendment process. We urge Council to engage a deliberative and inclusive process with a full range of fishery stakeholders to reach a better degree of consensus on these definitions.

Alternative Development

Once goals are more clearly articulated and excessive consolidation is more specifically defined, Council should then develop and analyze a full range of alternatives and approaches to

preventing excessive consolidation in the fishery. We urge the Council to craft these alternatives in a way that recognizes the investments made by existing participants in the fishery while also providing opportunities for new entrants as groundfish stocks rebuild in the future. When developing alternatives to prevent excessive consolidation, we request the Council to evaluate the following approaches:

Ownership/Accumulation Limits: Ownership/accumulation limits cap the amount of quota (or total catch) that an individual own can access or control and have been used in other fisheries to prevent individuals from capturing an unreasonable share of a public resource. The amendment should evaluate setting these limits on individual species and total quota holdings. The amendment should also evaluate a range of alternatives for when the accumulation limit takes effect, including 1) at the time of implementation of the amendment, 2) at some predetermined time after implementation (1-3 years), or 3) upon permit sale or transfer of permits from existing owners.

Vessel Usage Limits: Vessel usage limits cap the total amount of catch/quota and individual vessel is permitted to harvest in a given year. These limits can help to maintain a minimal number of vessels in the fishery and influence the overall character and geographical distribution of the fleet.

Sector Limits: Sector limits cap the total amount of quota than an individual sector can control or harvest. Vessel usage limits can also be applied within a sector to help ensure a minimum number or vessels are active in the fishery.

The Conservancy recognizes that much of the discussion regarding tools to prevent excessive consolidation has focused on some regulatory limit on permit/quota ownership and control. In fact, many believe it is the sole purpose of the Amendment. We recognize these tools have been useful in other fisheries and believe they should be evaluated through this Amendment process. However, we also believe there are other tools for achieving social and economic goals for the fishery. Increasingly, fishery stakeholders in New England and across the country have looked to a community quota ownership model of quota as a means of helping to secure long-term access to the fishery and achieve important social and economic goals. We believe these approaches hold great promise and that alternatives based on permit banks, community fishing associations, and community set-asides should be developed in the Amendment.

Community Permit Banks: In simplest terms, a permit bank is a collection of fishing permits held by a community organization for the purpose of leasing associated quota to qualifying fishermen. Permit banks provide a mechanism for fishermen, community leaders, and others to anchor in fishing communities for the long-term. Once acquired, the access associated with the permits can be distributed to participating fishermen at reasonable rates, helping to stabilize individual fishing businesses, maintain shore-side infrastructure, and support development of more sustainable fishing practices.

Community Fishing Associations: Community Fishing Associations are similar to permit banks, but are generally broader in scope and often include fishermen, community leaders, processors, and shore-side businesses within the port. Much like permit banks, these associations can hold

permits/quota in order to anchor access to fish in that community and lease quota or other access privileges to qualifying fishermen.

Community Set-Asides: Community set-asides can help address problems with excess capacity in the near-term given poor stock status while also providing opportunities for new entrants in the fishery in the future when stocks recover. The Council should explore options that allocate percentages of quota increases to be set aside for new entrants when certain biological rebuilding benchmarks are achieved.

The Conservancy urges the Council to develop alternatives which include permit banks, community fishing associations, and community set-asides in Amendment 18. As you know, the Conservancy has committed significant time and resources to developing permit banks in Maine and we are confident they hold promise for other communities in the region. However, we note that to date, these approaches are not explicitly recognized in groundfish regulations. As such, there can be confusion regarding how rules designed for sectors comprised of active fishermen apply to entities whose primary purpose is to make quota available to participating community fishermen. Formally recognizing permit banks, community fishing associations, and community set-asides and then clearly articulating the rules under which they operate would greatly enhance predictability as community interests contemplate investing in permits.

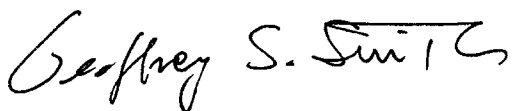
Additionally, while we encourage development of accumulation limit alternatives in the Amendment we recognize that doing so could prevent permit banks and community fisheries trusts from acquiring sufficient quota to achieve broader community goals. Therefore, when establishing Accumulation Limit alternatives, we urge the Council to recognize the distinction between limits established for individuals and those for collaborative, community-based entities.

Conclusion

The Conservancy appreciates the Council's commitment to developing alternatives in Amendment 18 designed to prevent excessive consolidation and maintain fleet diversity in the New England groundfish fishery. These issues are of particular importance now as the fishermen and communities continue to navigate the difficult transition to sector management. Amendment 18 provides an excellent opportunity for the New England Council to be proactive in tailoring its management system to help ensure the groundfish fishery remains a viable component of coastal communities up and down the coast.

Thank-you for considering our comments and please feel free to contact me directly if you would like to discuss them in further detail.

Sincerely,



Geoffrey S. Smith
Marine Program Director

To the New England Fisheries Management Council:

As a native New Englander, my fondest childhood memories include fishing and waiting on the docks for the fishermen to come in so that we could purchase the day's catch. Local community health was good and fish provided an economical healthy food choice. Obesity was a rarity instead of the current national rate of 61%. As a seafood/fish eater I oppose Amendment 18's no action alternative option as a danger to a public resource.

The Fishery Conservation and Management Act of 1976 -- Public Law 94-265, approved April 13, 1976 (also known as Magnuson Fishery Conservation and Management Act) has been amended numerous times because it simply did not do what it was intended to do. **I write to oppose the ratification of Amendment 18.** The concept of a "fishery conservation" zone was abandoned or amended out by changing the language from coverage by *geographical area* into an *EEZ* (a/k/a Exclusive Economic Zone) simultaneously making the inner boundary the seaward boundary of the coastal states. Amendments also provided for regulation of foreign fishing in the management zone under GIFA's (governing international fishing agreements) and vessel fishing permits. In effect, previous amendments provided a mechanism for preemption of State law by the Secretary of Commerce.

Amendment 18 does not support fleet diversity and inadequately provides for protecting ecosystems and resilience to environmental fluctuations. Ignoring that the long term goals of fisheries management are the fundamentally the same as environmental conservation is to repeat history's examples: - the Atlantic halibut fishery collapse, which has never recovered; the consolidation of agricultural businesses destroyed many small family farm(er)s, displaced families, promoted unsustainable agricultural practices, land degradation, undermined the natural ecology and evolution of native plants which in term devastated global food systems AND community health creating global economic, food, and health crises.

"Fishery resources contribute to the food supply, economy, and health of the Nation"(16 USC 1801, sect 2 findings)". The coasts' natural resources are overfished and the ocean's diversity is diminished. Local fishermen face job loss and financial destitution. The human right to food and sovereignty, of knowing where their food comes from and that it is fresh, natural, safe, affordable, culturally appropriate and available is being ignored by those elected to protect our interests and not that of the large fish processing companies.

Proposed alternative solutions: Keep offshore boats OFFSHORE. Fishing quotas should not be incentives for investment, especially as it endangers the economic stability and fleet diversity of domestic local fisheries. Ensure that permits and leasing costs are affordable for local small fishing operations, charging higher prices for larger, out of state/country operations; prevent and dismantle efforts of consolidation to create large or mega-fishing operations; and create stringent policies with heavy financial penalties and sanctions which deter further over-capitalization of the fishing industry and fisheries stocks and the mismanagement or ignoring of current laws. Give incentives to local owner-operators and to those who reach benchmarks which promote fleet diversity. Do not permit our fisheries to be dominated by corporations. Contrary to Supreme Court decisions, corporations ARE NOT PEOPLE! To quote from history: *I hope we shall crush in its birth the aristocracy of our moneyed corporations which dare already to challenge our government to a trial of strength and bid defiance to the laws of our country.* "Thomas Jefferson, 3rd US president 1801-09

Sincerely,
Cecile Charles-King

1 **The Governance of Diverse, Multi-Scale Fisheries in Which There is a Lot to Learn**

2

3 James Wilson, Anne Hayden¹ and Michael Kersula

4 School of Marine Science,

5 University of Maine

6

7 **Abstract**

8 Recent research indicates that fish populations once considered panmictic are in fact me-
9 tapopulations characterized by spatial complexity and comprised of demographically isolated
10 subpopulations adapted to local environmental conditions. A synthesis of the relevance of popu-
11 lation structure for fisheries management is provided, using New England's groundfisheries as
12 an example. Federal fisheries management has been ineffective in conserving or restoring
13 groundfish stocks in the region. Implemented in 1977 based on the understanding of population
14 structure at the time, management has focused on broad-scale restrictions on fishing that fail to
15 protect subpopulations. Under such a regime, competitive fishing strategies involve locating and
16 efficiently harvesting aggregations of fish, resulting in the serial extirpation of subpopulations.
17 Because both fishing and monitoring occur at a broad scale, feedback regarding the effect on fish
18 stocks of harvesting activities and management programs is ambiguous. The need for appro-
19 priately scaled information is a problem faced by all forms of social organization. The principles
20 of cost effective solutions, drawn from the literature on collective action, are identified. The res-
21 toration of groundfish stocks in New England will require reform of fisheries governance to-
22 wards a multi-scale governance structure, including fine-scale institutions that are able to obtain
23 timely and accurate feedback about the effects of fishing at several ecological scales. The failure
24 to address fine-scale population structure in fisheries governance may result in perpetual deple-
25 tion of New England's groundfish stocks.

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26

27

28 **1. Introduction**

29

30 It is clear from ecological theory and fisheries management experience that the ocean is
31 very complex. Nevertheless, the conception of its mechanisms, the analysis of its dynamics and
32 its management proceed as if it was a simple, broad-scale system with multiple non-interacting
33 species whose abundance is driven principally by their own internal dynamics and fishing. Until
34 very recently the science of fisheries management has not actively considered humans as an inte-
35 grated part of the system and has not given much, if any, systematic thought to the idea that
36 management might change human incentives and fishing strategies in ways that confound the
37 intended outcomes of managers. For 34 years the hope has been that these simplifications cha-
38 racterize the ocean with sufficient accuracy so that it can be managed and sustained. Unfortu-
39 nately, the repeated crises since 1977 and the current status of the stocks — which is not very
40 different from 1977 is very strong evidence that these simplifications are inadequate or, worse,
41 have mischaracterized the dynamics of the ocean.

42 The argument we will make in this paper is the current fisheries management paradigm in
43 New England is fundamentally flawed due to its failure to match spatial restraints on fishing to
44 the relevant spatial scales of the ocean ecosystem. The problem is that management of a complex
45 ecosystem at a single, broad scale generates incentives that shift the race to fish to a spatial di-
46 mension that defeats the public interest in conservation. Consequently, the goal of this paper is to
47 explore the ramifications of mismatches of ecological and management scales.

48 The current approach to fisheries management is, for all practical purposes, fundamental-
49 ly single scale in both the social and biological realms; there are occasional *ad hoc* excursions
50 toward finer and multi-scale management such as closed areas and restricted gear access areas,
51 but for all practical purposes the relevant scale is very broad. However, evidence from New Eng-
52 land and around the world points instead to a complex, multi-scale biological and social envi-
53 ronment; this evidence contradicts the underlying assumptions of current practice regarding scale
54 and calls into question the current understanding of the fundamental mechanisms of overfishing
55 and the policies that might be used to address it. Rather than slowly fishing down broadly distri-
56 buted populations, as implied by the assumptions behind current practice, this multi-scale pers-
57 pective suggests fishing has extirpated, one at a time, local components of these populations, the-
58 reby hollowing out the structure of the ecosystem at the same time. The evidence from New
59 England (Ames, 1997; Wirgin et al. 2007; Howell et al., 2008; Kovach et al., 2010) from Atlan-
60 tic Canada (Ruzzante et al., 2000; Green & Wroblewski, 2000; Robichaud & Rose, 2001; Brad-
61 bury et al.; 2008) and from elsewhere around the world (Fevolden & Pogson, 1997; Hutchinson
62 et al., 2001; Karlson & Mork, 2003; Pampoulie et al., 2006; Hauser, 2008; Cardinale et al., 2010;
63 Svedäng et al. 2010; Knutsen et al., 2011; Pulsen et al., 2011), is strongly consistent with this
64 multi-scale perspective of stock structure and leads to an inescapable implication that current
65 policies are seriously misplaced because they simply continue, and may even reinforce, the same
66 incentives and fishing strategies that have led to the current state of fisheries depletion.

67 The serious consequences of these scale mismatches raise a difficult question about how
68 a complex ecosystem might be managed. If one were to add to the current scientific and man-
69 agement requirements the need to learn about and monitor this multi-scale complexity, the extra
70 cost would appear to far exceed the value of the fisheries. This appears to be a common and un-

71 derstandable perception of managers who cannot conceive of how they could ever learn, monitor
72 and manage the ecological detail implicit in this evidence (Murawski, 2007), especially given
73 their current, very limited resources. Their concerns are real. Just as real, however, is the likelih-
74 ood that if the fine scale diversity of the system is continued to be ignored it is possible that a
75 hollowing out of structure of the ecosystem will result, or more likely, that its already hollowed-
76 out structure will be maintained and society will bear the much larger costs of persistently dep-
77 leted fisheries. The problem is to find an economical way to manage the ecological diversity of
78 the ocean.

79 This paper argues that an economical way to manage is most likely to be found in multi-
80 scale institutions that are able to obtain timely and accurate feedback about events at several eco-
81 logical scales. This paper does not lay out a *plan* for these institutions; rather, it clarifies the need
82 for multi-scale governance institutions. As a practical matter, creating multi-scale institutions
83 means developing governance capabilities that are congruent with the ecosystem at a fine scale,
84 where they are now largely absent. It is worth noting here that multi-scale does not mean that
85 every or most Federal and State agencies must be active at every scale (e.g., Murawski, 2007);
86 rather the term is used as it is applied in business and governance — apparently everywhere but
87 fisheries — where it refers to the partitioning of management decisions according to scale and
88 function. (Simon, 1962; V. Ostrom, 1990; Williamson, 1975, 1985, 1996). Almost every com-
89 plex system in the world is organized as a multi-scale, somewhat loose hierarchy of modular
90 units; ecosystems are organized in the same basic structure (Levin, 1992). The reasons for the
91 ubiquity of this organizational form is that it facilitates learning and adaptation (Simon, 2002)
92 and, consequently, is more cost effective than a non-hierarchical, single-scale approach such as
93 used in New England’s fisheries. The large operational question these ideas pose is whether fi-

94 fisheries management can be redesigned so that it incorporates the efficiencies common to other
95 managed, complex systems; that is, so that it can be more economical and successful than the
96 current monolithic approach.

97

98 **2. Experience in fisheries management thus far – what has been learned?**

99 Theories about the effect of fishing on ocean ecosystems reflect the current understanding
100 of the mechanisms at work in the ocean; at the same time, they define what is assumed important
101 to observe and measure and they suggest the appropriate ways fishing activity might be re-
102 strained to sustain the stocks. As practiced in New England since 1977 fisheries management has
103 been based on the understanding that populations of individual species function at a broad scale
104 such as the Gulf of Maine; it assumes the long term dynamic of each managed population is de-
105 termined by the balance of growth and mortality at that broad scale; and, it assumes the cause of
106 overfishing is simply catch rates that exceed the rate of growth of the population. Therefore it is
107 not surprising that the New England Fishery Management Council (NEFMC) might respond to
108 the current cod crisis with a vote to abolish or reduce closed areas because science assures it that
109 a rigorous catch share quota gets the fishery to the right bottom line, i.e., an appropriate limit on
110 fishing mortality (NEFMC Motion 7, January 31-February 2, 2012).

111 But the unsupported inference that the solution to the overfishing problem is simply to
112 reduce catch rates is not necessarily true. If the Council had conceived of the ocean in a way that
113 was consistent with the ecological complexity of the Gulf, it would have viewed the proposals to
114 resume fishing in closed areas with considerable skepticism and would have placed a very differ-
115 ent interpretation on the conflicting claims of fishermen from the southwest corner of the Gulf of
116 Maine — the place where cod are abundant — and the scientific assessment that analyzed the

117 cod population at a very broad scale — where cod are, on average, in very desperate shape. But
118 to act differently than it did the Council would have had to have known what alternatives might
119 better conserve the fishery and, especially, might better align fishermen's incentives with socie-
120 ty's goal of sustainable fisheries?

121 The evidence regarding the ecological complexity of the Gulf of Maine fish stocks argues
122 strongly against the idea that this alignment can be accomplished simply controlling fishing mor-
123 tality. The evidence, in fact, is much more consistent with the ideas associated with the theory of
124 complex adaptive systems, that is, a system that is heterogeneous, modular, multiscale and dy-
125 namic (Levin, 1998) and, as such, is not likely to be responsive to the control of a single variable.

126 The populations of many, maybe most, of the managed species appear to be composed of
127 multiple, local stocks that exhibit complex, but regular spatial patterns. They may mix seasonally
128 but appear to separate into discrete aggregations when spawning (Kovach et al., 2010). There
129 may be a very long term and broader scale genetic connections among the local stocks that com-
130 prise a metapopulation (Kritzer & Sale, 2004) but in the short term (relevant to fisheries man-
131 agement) they appear to be demographically separate (Taggart, 2003; Conover et al., 2006) and
132 to a certain extent genetically distinct (Hauser and Carvalho, 2008). For moderately or even
133 slightly social animals like most finfish, local extirpations may wipe out not just the local stock,
134 but the species' behavioral memory of a good place to spawn (Rose 1993), or perhaps, and even
135 worse, its genetic memory. It's not clear, for example, how local stocks know where to spawn,
136 but it is clear that that knowledge is an important component of their adaptation to particular
137 ocean habitats. If the memory of where to spawn is passed from older to younger fish, there are
138 important implications about the age and size selectivity of fishing gear; if spawning site fidelity
139 is genetic, the size or age selectivity of gear may not be as important as making sure minimum

140 viable local aggregations are maintained. If depleted populations collapse to a preferred location
141 and, when rebuilding or growing, simply know where to spawn when they stumble on a good
142 spot, that has important implications for fishing policy as well.

143 There is a great diversity in the spatial behavior of the locals stocks of different species,
144 but the particulars of those behaviors are not known well. Stocks seem to demonstrate a wide
145 variety of spatial behavior that varies by age including migration, dispersal for feeding and mix-
146 ing with other stocks of the same and different species. Some species, like cod, show both nearly
147 sedentary and highly migratory behaviors but, whatever their migratory behavior, they appear to
148 be faithful to their natal grounds, in a way that is very similar to salmon (Thorrold 2001; Robi-
149 chaud & Rose 2004; Svedäng, et al. 2007; Kovach et al., 2010).

150 Little is known about the degree to which these patterns are dependent on the presence or
151 absence of other species. It seems apparent that the longterm absence of species in locations
152 where they were once known to spawn reflects local extirpations caused by threshold effects. But
153 it is unknown if those thresholds are simple numerical conditions, i.e., not enough fish of the
154 species of concern, or if they reflect the broader context of the system. In other words, as Ames
155 (2012) and also Sherwood et al. (2007) have suggested the spawning potential of gadids might be
156 as much a function of the availability of prey with appropriate lipid content (herring and capelin)
157 as it is a function of the number of spawning gadids.

158 On the eastern Maine coastal shelf, the spawning of cod and haddock has not been ob-
159 served since at least 1990 (Ames 2004). It is apparent that fishing has extirpated local popula-
160 tions (Ames 2004; Roberts 2007),. It can be inferred that the serial extirpation of numerous local
161 stocks of several species has destroyed ecological connections and adaptations that were formed

162 on a much larger time-scale than is consistent with the myopic perception of fishermen, manag-
163 ers and most scientists.

164 There is little known about the process of recolonization (Jackson et al., 2001) and the
165 evidence from Newfoundland and the Grand Banks is that, even left alone, recovery takes a very
166 long time.² The diets of fish are very flexible (Smith & Link, 2010) and it can be conjectured
167 that this creates great resilience for individual fish and species but that resilience also means
168 there are probably no strong tendencies driving the system towards the historical state that pro-
169 vided us with the valuable fisheries of the past.

170

171 **3. Fishing strategies and the mismatch of regulatory and ecological scale**

172 Management of a complex adaptive system as if it was a simple, single-species system
173 results in two very important and unintended human behavioral outcomes. These behaviors are
174 the crux of the current issues facing fisheries management in New England.

175 The first is a function of the spatial variability of fish within a complex ecosystem. In
176 depleted populations (and systems) the patterns of abundance tend to be highly variable. This
177 variability occurs within each year and over longer periods, i.e., hot spots change seasonally and
178 over longer periods. In these circumstances economically viable fishing strategies have to em-
179 phasize the ability to find the fish quickly and to harvest them efficiently when they are found.
180 This strategy, while totally rational for fishermen, is fundamentally perverse to the idea of con-
181 servation. Because broad scale management does not protect local stocks, such a strategy raises
182 the risk of local depletion or extirpations. The problem is in management; not in fishermen's be-
183 havior. When the boundaries governing fishing occur at a single broad scale that encompasses

² Frank et al. (2011) believe they have identified the conditions of incipient rebuilding on the Scotian Shelf.

184 two or more local stocks of the same species, even draconian limits on the amount of fishing,
185 whether implemented as fleet quotas, limits on days-at-sea, ITQs or catch shares, will do little to
186 protect the local components of the meta-population. This is because the total allowable catch
187 that managers determine is appropriate for the (assumed single broad-scale) meta-population ex-
188 ceeds, by definition, what is appropriate for any of its component local stocks. But fishermen's
189 decisions about where to fish are not based on the average abundance of the meta-population.
190 They focus on the components; the spatial structure of those components changes over the course
191 of the year; individual stocks assemble and disperse and mix with other local stocks in response
192 to the availability of forage, weather and the need to reproduce. Fishing mirrors these patterns as
193 much as possible, targeting those aggregations where fishing is most efficient. Fishermen fish
194 where the fish are. Consequently, if local stocks are subject to minimum viable reproductive
195 thresholds (Beverton & Holt, 1957; Larkin, 1977), intelligent fishing raises the possibility that
196 individual local stocks might be depleted and, occasionally, pushed below the minimum size ne-
197 cessary for successful reproduction (, et al., 2010, Smedbol & Stephenson, 2001).

198 Even infrequent local extirpation is a significant problem because it represents a much
199 more serious form of overfishing than is usually imagined. Rather than simply reducing the
200 numbers in a population, local extirpation appears to erase the genetic and/or social memory
201 (Rose, 1993) necessary for local stocks to adapt to the biophysical environment of particular
202 places. Reestablishment of that memory appears to be a long-term process. Consequently, even if
203 repeated only occasionally (and if combined with non-fishing activities that have similar effects,
204 e.g., the of dams construction that cause the loss of runs of diadromous fish) local extirpation
205 raises the specter of cascading failure of the ecosystem. From this perspective, management re-
206 liance on broad scale restraints will simply continue the same incentives that in the past appear to

207 have removed much of the evolved structure in the system (Ames, 1996, 2004; Wilson et al.,
208 1999; Jackson et al., 2001; Wilson 2006). This is an incredibly risky way to manage.

209 The second result of broad scale management is that the fine-scale dynamics of fish
210 stocks are not monitored, unintentionally depriving fisheries scientists and managers of feedback
211 regarding the effect of management actions on fish stocks and the finer scale aspects of the eco-
212 system. Their ability to learn is significantly impaired and the likelihood of ineffective manage-
213 ment increased.

214 Learning about a multi-scale system requires accurate and timely feedback and is neces-
215 sary for good science (Larkin, 1977) and effective stewardship (E. Ostrom, 2009). When data is
216 collected and analyzed at a single broad scale, feedback is very noisy and delayed. Estimates of
217 recruitment, growth and mortality for each (assumed) broad scale population are simply the av-
218 erage of the unseen, or unmeasured, changes in many local stocks. Such averages mask the fine-
219 scale system dynamics that lead to the observed broad scale outcomes (Levin, 2002). The as-
220 sessment of fine-scale dynamics in a complex system presents a challenge for the scientific as-
221 sessment of stock status and trends.

222 Similarly, fishermen need to know the effects of fishing so that they can assess the indi-
223 vidual and collective rationality of restraint, i.e., of stewardship. For fishermen, the absence of
224 good feedback means there is little that allows them to connect their actions with the overall state
225 of the resource. Consequently, the principal reason for compliance with the rules is more a fear
226 of the police power of the state and an interest in protecting one's 'share,' than it is an informed
227 belief that the rules governing fishing are reasonable and likely to lead to a viable biological and
228 economic future.

229 While it is not clear what fisheries management policies might foster recolonization of
230 local stocks, failure to address the perverse incentives that result from broad-scale management
231 will likely result in perpetual depletion of New England's groundfish stocks.

232

233 **4. Strategies for learning**

234 If the complexity of ocean system and the extent of what needs to be known are to be ad-
235 dressed then good science and stewardship will demand a deliberate strategy of learning. Not a
236 great deal is known about the spatial and temporal dimensions of the life history of fish, of the
237 populations they comprise and of the ways they interact with one another, with other stocks, and
238 with the larger ecosystem. The current management and scientific institutions were not designed
239 to acquire this kind of knowledge and, if forced to, might find the costs exceed the value of the
240 fisheries (Murawski, 2007). But the failure to address this diversity could further hollow out the
241 fine scale structure of the system with the prospect of society bearing the costs of a dystopian,
242 permanently depleted future. Avoiding such a consequence will require addressing what is es-
243 sentially a social and economic question, although its answer must be strongly informed by the
244 details of the biological system: how can society afford to learn about a complex ecological sys-
245 tem? In other words, can fisheries management be redesigned to enhance learning about and
246 adapting to the effects of fishing on the ecosystem?

247 We argue that reform of fisheries governance provides the opportunity for creating new
248 methods of learning and adaptation, methods that are efficient, i.e., cost minimizing, and effec-
249 tive. Such forms of governance are evident in almost every type of social organization; they
250 have evolved and survived because they are effective solutions to a vast array of problems re-
251 lated to learning and adaptation.

252 There is a tendency in fisheries to limit the search for solutions to the examination of oth-
253 er fisheries. But there are a multitude of examples in the everyday governance of today's very
254 complex, multi-scale society, in which much better results have been achieved than in fisheries.
255 The successes (and failures) of these other experiences should inform design of fisheries gover-
256 nance. There is a large body of literature in economics and the other social sciences about design
257 principles for complex systems. The work summarized here draws strongly on the work of Her-
258 bert Simon (1996, 2002), Frederich Hayek (1945) and Elinor and Vincent Ostrom (V. Ostrom
259 1991; E. Ostrom 1990, 2009; Williamson, 1975, 1985). It is worth noting that there is a directly
260 analogous line of thought in ecological science, see, for example, Simon Levin (1992), Robert
261 O'Neill and his colleagues (1987), Tim Allen, (Allen & Hoekstra, 1996), Apollonio (2002), the
262 literature about meta-populations and a good part of the rest of biology.

263 The basic question addressed by all these (social science) authors is: how might the insti-
264 tutions of governance be organized that they are better able to guide collective adaptation to a
265 complex natural and social environment? In other words, in a natural resource setting, what
266 forms of governance lead to the restraints on use that sustain resources? These, of course, are
267 very large questions. We focus attention here on the lessons about scale and complexity that are
268 pertinent to the relatively new knowledge about fine scale fisheries phenomena. The organiza-
269 tional structure of almost all complex systems, whether designed or self-organized, is remarkably
270 similar in all known complex systems (Simon 2002). These systems range from self-organized
271 arrangements such as primitive markets, ant hills, and ecosystems, to consciously designed sys-
272 tems such as governments, firms, religious organizations and even computer programs (Mitchell
273 2009). In almost all cases, these organizational solutions consist of nested, nearly independent,
274 persistent modules that tend to coalesce around a particular problem or activity. The interactions

275 among individuals within these modules tend to be much more intense than their interactions
276 with individuals outside their module. This structure is easily observed because it is ubiquitous
277 in the private and public institutions of society. Modules are so much a part of social organiza-
278 tion that a very large vocabulary exists to describe them. A quick glance at any thesaurus reveals:
279 divisions, sections, units, teams, branches, sectors, regions, subdivisions, states, towns, cities,
280 counties, groups, subsidiaries, squads, platoons, companies, bureaus, offices, businesses, agen-
281 cies, departments, committees and probably several dozen other names that apply to these dis-
282 tinct units.

283 These modules are not arranged either haphazardly within a larger system nor are their
284 communications with other modules bound to a rigid hierarchy. Decisions are distributed across
285 the modules of an organization; they take place at multiple scales and tend to devolve to the level
286 and place where the feedback about the effect of decisions is least ambiguous. The head of a
287 manufacturing branch of a company does not decide companywide policy; he or she sticks with
288 manufacturing. A city council sets local not foreign policy; but even a city council delegates
289 snowplowing decisions to the roads department. And the national Congress does not decide
290 when to repair the streets of the cities around the country; it sticks (or should stick) to things that
291 are national and international in scope. Basically, the particular domain of knowledge of decision
292 makers determines their ability to obtain contextually informed, accurate feedback and defines
293 what is most appropriate for them to decide.

294 Consequently, if an organization is not able to observe and acquire knowledge about a
295 particular scale of its system, such as the fine scale aspects of fisheries, it will not be able to learn
296 about and adapt to the dynamics of the system that occur at that scale. For whatever actions (or

297 inactions) it takes at that unobserved scale it must be prepared to put up with the possibility of
298 undesirable and unintended outcomes.

299 Simon, Hayek and the Ostroms also make clear that the flow of information and interac-
300 tions in designed human systems never conforms to a rigid organization hierarchy; instead what
301 is found is an evolving mix of both designed and self-organized activities. Markets, for example,
302 may be largely self-organizing but they could not exist, not even at a very primitive level,, with-
303 out conscious collective agreements about the rules governing exchange, i.e., commercial law.
304 The proper functioning of markets depends upon the continuous evolution of the rules governing
305 exchange (and like any evolutionary process, newly evolved rules may not prove to be adaptive,
306 and may lead to regulatory failure). The courts' continuous reinterpretation of old rules in the
307 light of new technology is an attempt to bring particular rules into alignment with the mass of
308 other rules that constitute a working definition of the constitution (Commons 1924; Hirshleifer
309 2001). Similarly, a government or a firm is also a mixture of both designed and self-organized
310 activity. Individuals within, say, a small town government have responsibilities and decision
311 making power that is strictly described by the designed operating rules of the town government.
312 Within that government there is a hierarchy of who reports to whom and who bosses whom. But,
313 if one looks closely, the information that people and groups gather, the deals they make and the
314 contacts they keep, all spill out of what appear to be the well defined information channels on the
315 organizational chart hanging on the wall outside the town manager's office. The same thing hap-
316 pens in cities, in small firms and in large corporations. What compels people to breach the chan-
317 nels of their hierarchy is their self-interest. They seek out and learn from people who face similar
318 problems; this is not necessarily the people adjacent to them in the hierarchy. The person in
319 charge of road equipment is just as likely to get useful information from someone outside his hie-

320 rarchy, e.g, in another town, as he would from the town manager. And a good town manager
321 would encourage that communication. The result is messy, real organizations that, when dia-
322 grammed, might look as if some kids got into the town hall and drew a bunch of new squiggly
323 lines, mostly near the bottom of the manager's neat and very linear organizational chart.

324 The reasons for the ubiquity of this organizational form are strongly related to its effi-
325 ciency. Hayek (1945) sees modularity arising in economic systems because individuals focus
326 their learning and develop special skills to minimize the large costs of acquiring knowledge
327 about a broad complex environment. Simon (1962, 2002) sees modularity as the evolutionary
328 result of superior problem solving. By partitioning a large problem into many smaller problems it
329 is possible to find aggregate solutions that would otherwise be intractable. This is especially true
330 in patchy environments, i.e., where local conditions are different from place to place. In these
331 environments partitioning the problem works because decision makers have an understanding of
332 the local context, making feedback less ambiguous and generally faster. As a result modular,
333 multi-scale, organizations are able to learn and evolve much faster than non-modular, single
334 scale organizations.

335 Levin (1998, 1999) and O'Neill and his colleagues (1986) see the same connections be-
336 tween scale and adaptability in biological systems; Levin clearly extends the same principle to
337 social systems. Elinor (2004) and Vincent Ostrom (1991) make similar observations about gov-
338 ernment; nearly independent governments or agencies can be fairly efficient if they are allowed
339 to pursue connections with other government units that have experience or other valuable infor-
340 mation helpful to the agency, even if those units are completely outside the hierarchy in which
341 they reside. Additionally, E. Ostrom (1990, 2004) notes that the efficient governance of re-
342 sources depends on the congruence of scale between the resource and its system of governance.

343 This requires nestedness, good boundaries, and small size where feedback, familiarity and trust
344 can grow. In short, the arguments put forth for nested modular organization make clear that the
345 ubiquity of the modular, multi-scale organizational form arises because it achieves efficiency
346 through a reduction in the costs of acquiring and using knowledge. In effect, good governance
347 (and good science) depends on organization that mirrors as closely as possible the multi-scale
348 nature of the resource or system being governed.

349

350 **5. Managing at multiple scales – the U.S. and New England examples**

351 The initial organization of the U.S. fisheries management regime clearly reflected the
352 fundamental need to create a modular, multi-scale management hierarchy. In 1977, the U.S., like
353 so many other countries, reacted to massive overharvesting of fish stocks by establishing terri-
354 torial boundaries in the ocean. Without enforceable boundaries, it was not possible to exercise
355 control of what, at that time, were considered local ecosystems, e.g., Georges Bank or the Gulf of
356 Maine. The lack of boundaries precluded conservation and a very strong possibility of lost re-
357 sources, jobs, incomes and negative effects on fisheries dependent communities. The only incen-
358 tives U.S. fishermen had were to catch the fish before the distant water fleets, but the possibility
359 of competing with technology of that scale at that time was remote for U.S. boats. The U.S. (and
360 many other countries faced with a similar problem) responded by drawing territorial lines at 200
361 miles. U.S. waters were further subdivided into eight very broad scale regions that corresponded
362 with the scientific understanding at the time regarding the nature of ecosystems of each region.
363 The boundaries of each region were meant to separate areas of intense biological and social inte-
364 ractions from one another; in other words, the boundaries fit the contemporary ecological under-
365 standing of the spatial structure of ocean ecosystems. Thus, moving from an international regime

366 with no boundaries, to a national regime with a single boundary and then to regional regimes re-
367 flected a basic understanding of the modularity of ocean systems. The more recent evidence re-
368 garding the fine-scale structure of fish populations and the very poor results of groundfish man-
369 agement for the last 34 years suggest the modular organization of management must be extended
370 to incorporate a third, finer, scale.

371

372

373 **6. Summary**

374 The evidence presented at this conference, as well as extensive complementary evidence
375 from around the world, suggests that a current single, broad-scale assessment and management
376 approach (1) overlooks a fundamentally important scale of the ocean ecosystem making it diffi-
377 cult to understand the biological dynamics of the ocean and (2) creates fishing incentives that
378 lead to serial extirpation of local stocks. The current fisheries management paradigm conceives
379 of the system in terms of individual populations with very broad ranges, e.g., the whole of New
380 England or the Gulf of Maine; however, the recent evidence highlights important fine scale eco-
381 logical structure, including multiple local stocks of each species that interact more with other
382 species in their immediate vicinity, than they do with other local populations of their own spe-
383 cies.

384 The social and management implications of this evidence are important. Broad-scale con-
385 straints on fishing effort are essentially irrelevant to the conservation of fish stocks because they
386 do not respond to the state of local populations or to the state of local ecosystems in which these
387 populations reside. Equally important, broad-constraints create strong economic incentives that
388 shift the race to fish to a spatial dimension, i.e., competitive fishing strategies require mobile,

389 large scale boats that can find and efficiently harvest aggregations of fish. In the past this has led
390 to the occasional, but apparently extensive and long-term, extirpation of local populations as well
391 as the piece by piece loss of ecosystem structure and substantial erosion of the human communi-
392 ties dependent upon that structure.

393 The most recent effort to restore groundfish stocks in New England has been to imple-
394 ment a tradable catch share approach to management, i.e., individuals or groups (a sector) of fi-
395 shermen are given a tradable share of the allowable catch and the responsibility for allocation of
396 the shares and enforcement of the rules governing fishing within their sector. The point of catch
397 shares is to align the incentives of individual fishermen with the social objective of a sustainable
398 resource. In principle this kind of alignment is very desirable; indeed, there is fairly good evi-
399 dence from other programs that catch shares reduce by-catch, improve the enforcement of fishing
400 rules, reduce the variability of catches and improve the economic performance of the fleet. Un-
401 fortunately, there is little evidence that this new management approach also contributes to re-
402 building depleted stocks (Costello et al., 2008; Branch, 2009; Essington, 2009; Chu, 2009; Mel-
403 nychuk et al., 2011). Chu's analysis of 20 catch share fisheries, for example, points to very
404 mixed patterns of stock abundance. Catch share programs, like all quota-based management,
405 sometimes appear efficacious; but in almost all of the already depleted fisheries in which they
406 have been implemented, they do not. The apparent inability of catch share programs to contribute
407 to stock rebuilding should be a cause for concern because the implicit social contract built into
408 the catch share idea is that this kind of privileged private access to a public resource is socially
409 acceptable because that privilege is supposed to align fishermen's incentives with social objec-
410 tives, leading to stock restoration and substantial public benefit. That public benefit has not mate-
411 rialized. In the light of the arguments made here about management scale, the point is not that

412 stock restoration is prevented by tradable rights, rather the point is that catch shares continue the
413 application of broad scale, single species management. Consequently, they continue the incen-
414 tives to pursue large scale mobile fishing strategies that have, in the past, been responsible for
415 local extirpations and the erosion of ecosystem structure and are likely in the future to prevent
416 the restoration of stocks and ecosystem structure.

417 Given the state of New England's fisheries, it appears that enough has been learned by
418 now to know that the original hypothesis about broad-scale populations was not correct; it is time
419 to redesign fisheries governance in light of what has been learned. Perhaps the most important
420 lesson has been how little is known about the ocean; investments in science, while important,
421 will not be sufficient. Governance must be explicitly redesigned with learning in mind. If one
422 looks at the governance arrangements that are successful in other complex systems, not just fi-
423 sheries, one finds that they are multi-scale systems in which governance modules are organized
424 in loose hierarchies; this organization locates decisions at places and levels in the system where
425 knowledge of events and feedback about the effect of human actions is timely and least ambi-
426 guous. This increases the ability to learn and adapt. These systems also provide the maximum
427 flexibility to each modular unit so that it is able to search out and respond to useful knowledge
428 not contained within its hierarchy. The careful matching of governance scale and feedback so
429 that they are better able to acquire and use knowledge of the local system is the source of the ef-
430 ficiency of these other systems. This strongly suggests the *ad hoc* incorporation of fine-scale data
431 and decisions into the current, single-scale approach to management has been and will continue
432 to be very clumsy, ineffective, and expensive. Efficient governance will require substantial
433 movement towards a multi-scale approach that is able to systematically address finer scale
434 events.

435

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443

444

445

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