

# Correspondence





# ATLANTIC OFFSHORE LOBSTERMEN'S ASSOCIATION

54 Chatham Drive Bedford New Hampshire 03110  
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3

April 26 , 2012

Mr. Paul Howard, Executive Director  
NEFMC  
50 Water Street  
Newburyport, MA 01950



Dear Paul;

I am writing on behalf of the Atlantic Offshore Lobstermen's Association (AOLA) regarding the Habitat and Groundfish Committee's discussions concerning groundfish closed areas. I know you are aware, as per our many discussions; AOLA members are not against the opening of groundfish closed areas. Members of AOLA are instead, very concerned only with the recent deliberations regarding the opening of Groundfish Closed Area II in the area that lies above 43° 10', and only from June through October.

At the public session on February 24<sup>th</sup>, 2012, a number of offshore lobster fishermen expressed their concerns to the Council and to Sam Rauch, Deputy Assistant Administrator for Regulatory Programs at NOAA. One individual described the situation, "**between June 1 and October 31, in the area we fish, it's almost like a switch,"** he said, "**beginning in June, the area is full of big female lobsters, and most of them have eggs; come the end of October they're gone, kind of like here today, gone tomorrow."**

AOLA has been conducting random lobster sampling of size, sex, eggs and if so, early or late stage, along with presence of shell disease. An analysis of AOLA data for the area within CAII, along with VTR copies, validates the fishermen's statements regarding an enormous population of female lobsters and an extremely high percentage of those females bearing eggs, during the months of June through October.

A number of years ago, offshore lobstermen and scallop fishermen negotiated these areas within Closed Area II, allowing both gear sectors to fish, thus avoiding issues associated with safety, gear conflict and hundreds of thousands of dollars wasted, due to lost gear and time lost fishing. Should NMFS open groundfish CAII, we are hoping that a spatial and temporal agreement such as this can be established among all fishermen who anticipate fishing there between June 1 and October 31 of each year. It is extremely important for the entire lobster fishery to protect these egg bearing females.



The lobster fishery in Southern New England is already facing a critical situation, and scientists have commented that the Gulf of Maine inshore area, while currently yielding record catches, sustains itself on only one year class. The eastern Gulf of Maine and George's Bank fisheries are likely the healthiest lobster fisheries in the Northeast, exhibiting not only a phenomenal number of eggers, but also a healthy population and size distribution. That being the case, you can understand our serious concerns about causing damage to the females and/or the egg populations within CAII. Extremely important in this decision, also, is that scientists are still unaware of where the lobsters, populating the inshore Gulf of Maine fishery, originate, and there is no definite data as to where, within the lobster resource, eggs and larvae are dispersed; it is entirely possible this population could be credited for the sustainability of this species.

We realize there are particular situations that have created a great deal of stress for the mobile gear fleet and it is clear that something must be done to assist them through this challenging time. It is understandable they would want to analyze any and all options available to them, including the opening of the present groundfish closed areas. I reiterate that the offshore lobster fleet fully understands this need; we have not asked for any other area presently open only to lobster fishing remain closed. We do, however, believe it is vital to bring this very important data to the forefront, as it would be **terribly wrong** to make one fishery available when it may be responsible for the utter destruction of another.

I have a significant amount of data that I will be sending to you under separate cover, via the U.S. Postal Service, as the file is much too large to send via e-mail. Please feel free to call me should you have any questions. I will be available, at any time, to discuss the issue as the process moves forward.

With Regards,

*Bonnie Spinazzola*  
Bonnie Spinazzola  
Executive Director

Cc: Senator Jean Shaheen  
Senator Kelly Ayotte  
Senator John Kerry  
Senator Scott Brown  
Senator Jack Reed  
Senator Sheldon Whitehouse  
Dave Preble, Chairman  
NEFMC Habitat Committee

Congressman Frank Guinta  
Congressman Barney Frank  
Congressman Jim Langevin  
Congressman David Cicilline  
Paul Howard, Ex. Dir NEFMC  
Vince O'Shea, Ex. Dir. ASMFC  
Terry Stockwell, Chairman  
NEFMC Groundfish Committee







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



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

Dear Paul:

Thank you for your January 20<sup>th</sup> letter regarding a carryover policy. We have carefully considered your questions with respect to the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (MSA) and the National Standards (NS) guidelines. I regret it has taken a while to get a response to you, but we have been looking at this issue from a national perspective to ensure consistency to the extent possible. A few of your questions overlap, but I have tried to address each of them separately below.

(1) *The analysis is based on the primary constraint that "...the realized fishing mortality rate could not exceed the overfishing threshold of  $F_{MSY}$ ." It is often the case, however, that due to scientific uncertainty or rebuilding requirements the Acceptable Biological Catch (ABC) for multispecies stocks are usually based on a fishing mortality rate that is less than  $F_{MSY}$ . The constraint used in the analysis thus implicitly acknowledges that the carry-over levels suggested could lead to catches that exceed the ABC recommendation of the [Scientific and Statistical Committee (SSC)]. Is it consistent with the provisions of the [MSA] to authorize a carryover amount that results in allocating an amount of fish that is greater than the ABC? Is it consistent with the [NS] guidelines to allow a carryover amount that reduces the buffer for scientific uncertainty between the Overfishing Level (OFL) and ABC to zero without explicit SSC concurrence?*

The analysis by the Northeast Fisheries Science Center that we forwarded to you was only intended to be an initial analysis of the potential biological implications of a carryover policy and, as such, used  $F_{MSY}$  as an example threshold that cannot be exceeded. As acknowledged in the draft paper, the analysis did not address the larger policy questions that would need to be considered in designing any carryover program (e.g., harvest policies). However, your letter raises legitimate questions as to whether a carryover policy, in general, is consistent with the MSA and NS guidelines.

The NS guidelines do not explicitly discuss carryover programs. However, we believe that a carryover policy could be consistent with the guidelines and the MSA, in principle, provided it does not result in exceeding the Annual Catch Limit (ACL) or ABC in the fishing year in which the carryover applies. Some small amount of carryover, where under-harvest in year 1 would not be expected to result in an appreciable change in biomass in year 2, could be



allowed for safety or operational reasons (e.g., to prevent vessels from fishing to their last pound of allocation and increasing the likelihood of an overage). Such a policy could be consistent with the guidelines if analysis showed that this small amount of carryover would likely be offset by under-harvest by other participants in year 2 for the same reasons the year 1 catch was below the catch limit and, thus, would not be expected to increase the likelihood that total catch would exceed the ACL or ABC in year 2. This small amount of carryover, even if not expected to be offset by under-harvest by other participants in year 2, could also be explicitly accounted for in management uncertainty when specifying ACLs so that the ACL or ABC is not exceeded.

To justify larger amounts of carryover where under-harvest in year 1 may result in an appreciable increase in stock biomass in year 2, the impact of the year 1 under-harvest on the year 2 biomass would need to be evaluated and the year 2 ABC and ACL updated, to ensure they are not exceeded. Ideally, this could be done through an assessment update, or by re-running the assessment model with revised catch estimates and then applying the ABC control rule to arrive at an updated ABC recommendation and subsequent ACL for year 2. This method is currently used in the Alaska groundfish fishery to determine the amount of additional harvest that may be allowed in year 2 following an under-harvest in year 1. Alternately, the ABC control rule could be revised to explicitly consider under-harvests. This method may be timelier, if it could be done formulaically or through an abbreviated SSC and New England Fishery Management Council (Council) process. We recognize that some of these methods may be more feasible than others, depending on data availability and resource and timing constraints. Therefore, the Council may want to keep in mind other ways of achieving the same flexibility. For example, a carryover program that would rely on regular under-harvest by other fishery components to offset carryover landings could be achieved by redistributing the ABC to shift the unused allocation to the fishery in need of a carryover buffer.

An additional consideration is the potential for the carryover program to impact the effectiveness of accountability measures (AM) in place for different fishery components. In the case where an AM is triggered only when the overall ACL is exceeded, the system already relies on under-harvest by some fishery components to offset over-harvest by others. Thus, unless there is still a net under-harvest of the ACL, there would be no additional biomass in year 2 to account for carryover by the under-harvesting component.

- (2) *The analysis is based on assuming an equilibrium age structure under a constant recruitment assumption. Many multispecies stocks are at low levels of abundance and in rebuilding programs, and recruitment is often highly variable and, for some stocks, recent recruitment is at low levels. How do these deviations from the underlying assumptions affect the amounts of permissible carryover?*

Whatever method is used, the amount of carryover allowed must be based on the best available information regarding the expected impact of the year-1 under-harvest on the stock's biomass in year 2. As you correctly point out, this may require taking into account a number of factors, such as stock characteristics (e.g., natural mortality), uncertainty in the assessment model or other method used to set catch advice, and trends in stock indicators



(e.g., recruitment). The carryover policy should also consider the potential reasons for under-harvest (e.g., depressed stock condition vs. reduced effort).

- (3) *If carryover amounts are allowed to result in catches that exceed the ABC for a rebuilding program, how would that affect the prospects for rebuilding?*

Any carryover policy must be consistent with the stock's rebuilding program, if applicable. Furthermore, a carryover program should be monitored using the performance standard outlined in the guidelines (50 CFR 600.310(g)(3)). If catch exceeds the ACL for a given stock more than once in a 4-year period, the system of ACLs and AMs should be re-evaluated and modified where appropriate.

- (4) *In some cases ABCs decline due to expected fluctuations in the stock; in other cases it may be due to change in assessment results. This creates the possibility that the proposed carryover amounts may result in allocating an amount of fish greater than the OFL. Is this consistent with the [MSA]? Does a declining ABC affect the amount of permissible carryover? Do these fluctuations need to be considered when setting carryover levels?*

As discussed in the response to question 1, the amount of allowable carryover should be based on the impact of year 1 under-harvest on year 2 biomass. A carryover policy should take into account the possibility of changing stock status and ABCs, and the amount of allowable carryover should be able to be modified to account for such changes. The Pacific Fishery Management Council has attempted to address this issue by incorporating a provision for an automatic downward adjustment to the amount of allowable carryover when there is a decline in the ACL from year 1 to year 2, and by giving NMFS the discretion to implement carryover to the extent allowed by the MSA. The carryover policy should never allow OFL to be exceeded.

I recognize the Council already has carryover programs in place for the Atlantic sea scallop and Northeast (NE) multispecies fisheries. In light of the guidance provided in this letter, it may be necessary to review and clarify those programs. With respect to the Atlantic sea scallop limited access fishery DAS carryover and compensation trip program, Amendment 15 to the Atlantic Sea Scallop Fishery Management Plan (FMP) addressed carryover by establishing a buffer between the fleet's sub-ACL and sub-ACT. This buffer reduces the risk that carryover would cause the ACL to be exceeded, and ensures any carryover catch is taken into account when setting the ABC. In addition, an AM would be triggered if this fleet exceeded its sub-ACL, so carryover is explicitly considered in the decision to trigger an AM. In this way, the limited access scallop fishery carryover program appears to be adequately addressed in the ACL and AM system, consistent with the guidance provided above.

Amendment 15 also implemented a carryover provision for the scallop IFQ fishery, allowing carryover of up to 15% of an individual's IFQ allocation into the following year. However, unlike the limited access fishery, the IFQ fishery sub-ACT is set equal to the sub-ACL, and no deduction is made for management uncertainty. As a result, the current accounting system could potentially exceed the SSC's recommended ABC. This is unlikely, as the total of all IFQ carryover is very small when compared to the overall ACL and it was expected that not all

vessels would carryover the full 15%. Recognizing that the IFQ carryover provision has only been in place since fishing year 2011, it would be beneficial for the Council to gain more information in order to see if the amount of carryover varies widely from year to year. However, we recommend that the Council consider establishing a management uncertainty buffer to account for carryover in the scallop IFQ fishery as it has done with the limited access fishery.

Regarding the NE multispecies fishery Annual Catch Entitlement (ACE) carryover program for sectors, it does not appear that this potential additional catch was taken into account in establishing management uncertainty buffers for the commercial groundfish or sector sub-ACLs in Amendment 16 to the NE Multispecies FMP or subsequent framework adjustments. Given the large participation in sectors in the last 2 years, the allowable carryover can be a large portion of the ABC, particularly when the ABC declines from year 1 to year 2. If caught, this amount of carryover risks exceeding groundfish ACLs and sub-ACLs and potentially triggering an AM for the sector that fished its carryover. We do not think this was the Council's intent, but it is not clear from the regulations or Amendment 16 how else overages of the sector sub-ACL or total ACL due to sector carryover should be handled. Therefore, we recommend the Council review and clarify the existing sector carryover program, in order to ensure it is consistent with the NS guidelines and the FMP. In the meantime, we are currently monitoring catch of a sector's carryover separately from catch toward an ACL, to ensure sectors are not unfairly penalized for using their allowable carryover.

The DAS carryover program for the NE multispecies common pool fishery does not appear to have the same issues. Although it is not clear whether carryover DAS were explicitly taken into account in the management uncertainty buffers, trimester TACs and the Regional Administrator's inseason authority greatly reduce the likelihood that this particular measure will cause a common pool sub-ACL to be exceeded.

My staff will be available to provide support and further guidance as the Council addresses this topic in the coming months. If you have any further questions regarding this letter, please contact Melissa Vasquez at the Sustainable Fisheries Division at (978) 281-9166.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Morris', with a long horizontal line extending to the right.

Daniel S. Morris  
Acting Regional Administrator



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116  
C. M. "Rip" Cunningham, Jr., *Chairman* | Paul J. Howard, *Executive Director*

January 20, 2012

Mr. Dan Morris  
Acting Regional Administrator  
NOAA/NMFS  
55 Great Republic Drive  
Gloucester, MA 01930

Dear Dan:

Thank you for your recent letter forwarding an analysis of permissible sector carry-over. You requested that we forward this letter to the Science and Statistical Committee (SSC) for review at its January 25, 2012 meeting. Unfortunately, there is not time available for a review at that meeting and the review will have to be scheduled for a later date. As you know, we are about to begin a framework action to improve the operation of sectors and one of the issues the Groundfish Oversight Committee plans to consider in this action is the carry-over provisions. The analysis you provided will help our Plan Development Team as it works on this framework. There are a few questions that, if answered, will help the Committee and PDT's work:

(1) The analysis is based on the primary constraint that "...the realized fishing mortality rate could not exceed the overfishing threshold of  $F_{MSY}$ ." It is often the case, however, that due to scientific uncertainty or rebuilding requirements the Acceptable Biological Catch (ABC) for multispecies stocks are usually based on a fishing mortality rate that is less than  $F_{MSY}$ . The constraint used in the analysis thus implicitly acknowledges that the carry-over levels suggested could lead to catches that exceed the ABC recommendation of the SSC. Is it consistent with the provisions of the Magnuson-Stevens Act to authorize a carry-over amount that results in allocating an amount of fish that is greater than the ABC? Is it consistent with the National Standard Guidelines to allow a carry-over amount that reduces the buffer for scientific uncertainty between the Overfishing Level (OFL) and the ABC to zero without explicit SSC concurrence?

(2) The analysis is based on assuming an equilibrium age structure under a constant recruitment assumption. Many multispecies stocks are at low levels of abundance and are in rebuilding programs, and recruitment is often highly variable and, for some stocks, recent recruitment is at low levels. How do these deviations from the underlying assumptions affect the amounts of permissible carry-over?

(3) If carry-over amounts are allowed to result in catches that exceed the ABC for a rebuilding program, how would that affect the prospects for rebuilding?

(4) In some cases ABCs decline due to expected fluctuations in the stock; in other cases it may be due to a change in assessment results. This creates the possibility that the proposed carry-over amounts may result in allocating an amount of fish greater than the OFL. Is this consistent with the M-S Act? Does a declining ABC affect the amount of permissible carry-over? Do these fluctuations need to be considered when setting carry-over levels?

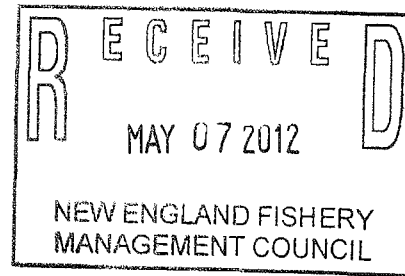
As always, please call me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Paul J. Howard". The signature is written in a cursive style with a large, stylized initial "P".

Paul J. Howard  
Executive Director

New England Fishery Management Council  
Recreational Advisory Panel  
Tuesday May 15 Meeting



Dear Sir,

The stock assessment reflect a failure to account for dogfish both male & female. Perhaps 300 thousand mt. to 900 thousand mt. perhaps a million mt of male dogfish are in the ecosystem. **NEW RUN IN THE DOOR SCIENCE.** Dogfish are continuously spawning perhaps one pup every two to four weeks.

Recreational advisors should adapt Atkinson's 1903 & 1907 advice & let the American Public put a fork to the dogfish problem.

Recreational fishermen should instructed in preparation of dogfish in the fish & chip form.

Recreation pamphlets on correct method of dressing dogfish should be distributed to all recreational fishermen. The proper method of dressing dogfish would aid the recreational fisherman in obtaining fish for food.

Four step dressing process to allow the recreational to quickly dress & process to obtain the best flavor & quality. Chipfish were sold in North Carolina for several years until commerce invented mislabeling! Pushing the fish & chips would allow recreational fishermen sport & food. Thus addressing the over population of dogfish.

Dogfish are not feeding on adult cod, mackerel, weakfish, squid or menhaden, instead on juvenal of all species. Thus the two to six million mt. per day of food consumed by male dogfish equals millions of juvenals.

Time has come for the advisors to take action & recommend the reduction of both male & female dogfish to 1870 percentages of the biomass.

The recreational sector needs instruction on methods to dress & prepare dogfish for food! Dogfish advisors should act on their knowledge of dogfish question the dogfish reproduction as one pup every three or four weeks changes the numbers so much that the science is totally incorrect. Recreational advisor's need to step up & help solve fisheries problems along the entire East Coast Help "put a fork to the problem" "Demand Better Science"

James Fletcher United National Fishermen's Assoc 123 Apple Rd Manns Harbor North Carolina 27953 252-473-3287

May 7, 2012

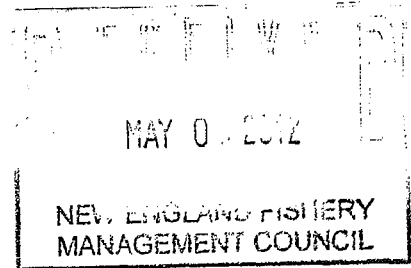
*cc: Conrad, PH (5/7), JN, JH*





David Waldrip  
Charter Boat Relentless  
80 Green Street  
Rockland, MA 02370

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



Dear Mr. Howard:

I am submitting these comments to be taken into consideration at the scheduled Recreational Advisory Panel Meeting on Tuesday, May 15<sup>th</sup>. I have owned and operated a charter boat fishing for Northeast Multi Species since 2001. The past seven years I have been fishing out of Green Harbor in Marshfield, MA. There are over twenty charter boats which fish out of Green Harbor for cod, haddock and other species of ground fish. I have been active in fishery management issues, donated our vessel to the School for Marine Science and Technology (SMAST), University of Massachusetts, Dartmouth cod tagging program for research. During the past several years we have tagged over three thousand cod fish to obtain more accurate data on the movement and growth rate of GOM cod.

During the past twelve years I have personally observed the cod and haddock fishery drastically improve each year on Stellwagen Bank. The last three years we have seen a large increase in the catch of pollock with schools so thick they were actually chasing sand lance on the surface and hitting jigs ten feet under the boat.

Charter and recreational fisherman were finally seeing the results from years of sacrifices such as increase in the minimum cod size, reduced bag limits and seasonal closures. Fisherman, both commercial day boats, charter and private vessels had no problem finding cod, haddock and pollock each trip. Our customers were eager to book fishing trips, often booking multiple trips each season.

Last summer and fall we were finding less fish on Stellwagen Bank and this year the catch rate is only a fraction of what it should be. Many of the charter boats are struggling locating not only cod but haddock and pollock

*cc: tn, fh*

also in the GOM, especially on Stellwagen Bank. Our catches are down by over seventy percent this spring while fishing the same waters and using the same methods we have used the last decade.

Presently with large schools of mackerel and herring on the bank and there is absolutely no reason vast amounts of cod and pollock should be feeding on these piles of bait. There are very few fish to be found under or near the bait.

There is no doubt in my mind and based upon my experience that the lack of ground fish on Stellwagen Bank is a direct result of the catch share system that is now in place. Prior to catch shares, small commercial day boats would go out, catch their daily trip limit and return to port to offload. The situation we have now is very large draggers, some in excess of one-hundred feet which historically in the past fished Georges Bank are fishing around the clock, day and night sweeping Stellwagen Bank clean of all species of Groundfish.

We did not have any problem finding and catching groundfish with a rod and reel prior to the implementation of catch shares. The fishing was significantly better when daily trip limits were in place along with the rolling closures in the GOM.

A single charter with fare, tip, local hotels, vehicle fuel, food and other items is well over two thousand dollars to the local economy. With sixty trips out of one small harbor by twenty or thirty boats on a three day weekend, it translates to over \$100K to the local economy. Multiply this for three months and it is a loss of millions of dollars to the local economy.

I am respectfully requesting NEFMC and NMFS seriously look into this situation and develop measures to protect the charter fleet. This could include limiting the size of the vessels within the 100 fathom curve, daily trip limits, seasonal or rolling closures. Without any change in regulations there will be no fish left to catch.

I appreciate your time and please take this request seriously.

Respectfully,

Captain David Waldrip  
Charter Vessel Relentless

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**From:** Robert Odlin  
**Sent:** Tuesday, May 08, 2012 11:55 AM  
**To:** Joan O'Leary  
**Subject:** RAP

I'd like to send written comments on the next advisory meeting regarding RAP.

I feel that the bag limit for cod should be reduced to 5 fish. And fishery At Sea Monitors should be on recreational boats 38% of the time just like commercial boats.

No one should be allowed to fish for cod in the closed areas. What's good for one user group is good for the other.

Especially head boats who really put a serious dent in the cod quota. They should have 100% observer coverage. Also Lobster boats catch a lot of cod, they should be burdened with Observer coverage just like the rest of the Commercial Groundfish fleet.

This is no time to be letting people have a free ride.

Rob Odlin  
Scarborough, Maine





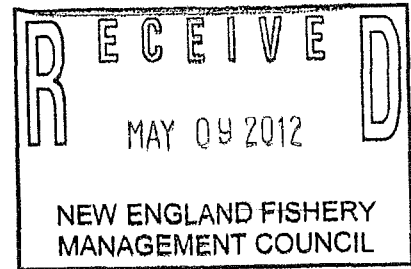
May 9, 2012

Mr. Paul Howard

New England Fisheries Management Council

50 Water Street, Mill 2

Newburyport, MA 01950



Dear Mr. Howard:

I am writing to express my concerns regarding the localized cod stock depletion and the apparent need for more effort controls among large Commercial ground fish trawlers which are tirelessly hammering the Stellwagen Bank area and its' immediate waters. I ask that my comments be considered during the scheduled Recreational Advisory Panel Meeting on Tuesday, May 15<sup>th</sup>.

By all accounts made to me on behalf of the Charter Boat Captains that regularly fish the Stellwagen Bank area, there seems to be a severe decline in the cod stocks in what had been a healthy and productive fishing grounds for the past decade. The recent and severe cod stock depletion problem appears to reflect the increased localized fishing effort by these large ground fish trawlers.

In my opinion, our inshore stocks need more protection from large Commercial trawl vessels as too many fishermen are simply fishing on too confined an area. This situation, which I believe is largely a spinoff of the recent catch shares program, is having an adverse effect on a non-intended user group and ultimately destroying the livelihood of Charter boat operators. Localized cod stock depletion is further reducing the chances that the fishery will return to a sustainable level any time soon.

I ask on behalf of the 130 members of the Stellwagen Bank Charter Boat Association, that you and the NEFMC put forth emergency effort controls that will restrict the large trawlers from further destroying the fragile and highly depleted cod stocks on and around the vicinity of Stellwagen Bank.

Thank you for your time and consideration in this urgent matter.

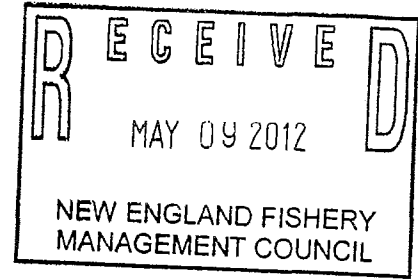
Respectfully Yours,

Steven E. James

President, SBCBA

*cc: tn, fh*

**From:** Michael Colleary  
**Date:** Wednesday, May 9, 2012 2:28 PM  
**To:** Rip Cunningham  
**Subject:** GOM and Stellwagen Bank



Mr. Rip Cunningham,

I am writing as a concerned recreational fishermen regarding the current lack of ground fish on Stellwagen Bank. I regularly join shared charters for groundfish and wanted to express the experience of fishing last week. Aboard Relentless Captain Shaun Waldrip ran his dads boat and finding fish has never been as difficult in my experience.

Six men fishing for ten hours yielded only 28 fish. We saw giant mid-water trawlers on Stellwagen. These commercial factory vessels are devastating a treasure in my opinion. How is it this is going on? Many of the fishermen I meet are from the mid Atlantic states, they drive for hours and stay at local lodging establishment eat at local restaurants buy tackle from local bait shops buy fuel locally to drive home with local ice.

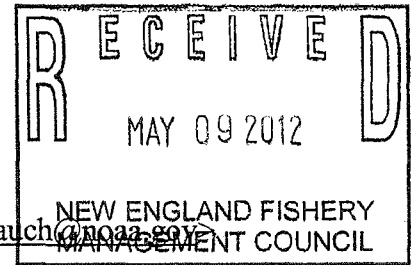
Local Captains and the economy are suffering by the mismanagement of the resource we have off our coast. Often when I tell co-workers or friends about a fishing trip it warms my heart to say this asset of Stellwagen is World Class Fishing. However I am loosing that enthusiasm after my day on the water last week.

Thank you

Michael Colleary

*cc: tn, fh*

**From:** Skip DeBrusk  
**Date:** May 9, 2012 9:15:24 AM HST  
**To:** Paul Howard <[phoward@nefmc.org](mailto:phoward@nefmc.org)>  
**Cc:** Daniel Morris <[daniel.morris@noaa.gov](mailto:daniel.morris@noaa.gov)>, Samuel Rauch <[samuel.rauch@noaa.gov](mailto:samuel.rauch@noaa.gov)>  
**Subject:** Recreational Advisory Panel Meeting depleted cod stocks



Dear Mr. Howard:

Because I am unable to attend the Recreational Advisory Panel Meeting scheduled for May 15th, and therefore I am writing to express my concerns regarding the localized cod stock depletion and the apparent need for more controls of large commercial ground fish trawlers which have depleted the local cod stock of Stellwagen Bank area and its' immediate waters. I ask that my comments be considered as if I were present on Tuesday, May 15<sup>th</sup>.

There is a severe decline in the cod stocks in what had been a healthy and productive fishing grounds for the past decade. The recent and severe cod stock depletion problem appears to reflect the increased localized fishing effort by these large ground fish trawlers who, in the past, were fishing further offshore.

Our inshore stocks need more protection from large commercial trawl vessels as too many fishermen are simply fishing on too confined an area. This situation, which I believe is largely a spinoff of the recent catch shares program, is having an adverse effect on a non-intended user group and ultimately destroying the livelihood of charter boat operators. Localized cod stock depletion is further reducing the chances that the fishery will return to a sustainable level any time soon.

My request is for the NEFMC to put forth emergency effort controls that will restrict the large trawlers from further destroying the fragile and highly depleted cod stocks on and around the vicinity of Stellwagen Bank.

Thank you for your consideration in this urgent matter.

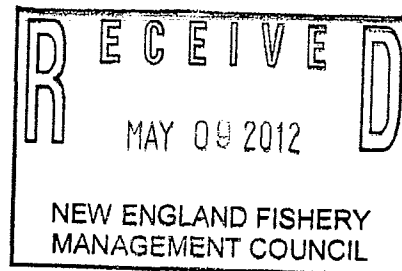
Sincerely,

Capt. Skip DeBrusk

Codfish, Dogfish, Mermaids, and Frank  
By Capt. Skip DeBrusk  
18 Michael Ave.  
Scituate, MA 02066 781-545-1353

*cc: tn, fh*

From: "Capt. Rich Antonino"  
Reply-To:  
Date: Wednesday, May 9, 2012 1:10 PM  
To: Rip Cunningham <ripcham@verizon.net>  
Subject: Conservation and cod



Rip,

Wow. The fix is in. Remember my words. The deck is stacked and here is how it is going to play out. I want to throw up I'm so disgusted at the current affairs of our government and the fisheries department.

1. The fishing on Stellwagen Bank over the past several years has gotten better and better for the spring bite when the fish are in the shallow water. Last year was so incredible that words couldn't describe it. I had fish slamming into my boat (literally) on several occasions. Yes, cod on the surface. As the fish moved into deeper water, the fishing has remained excellent through the fall when the season is closed for us.
2. The old regulations of 800 pounds per day disappeared and the catch shares program allowed unlimited daily catches of cod. So the draggers and longliners lined up on Stellwagen and went to work. 40,000 and 50,000 pounds/day/boat catches reported and conga lines of boats working Stellwagen verified.
3. Reports of boats hammering Stellwagen Bank and then moving offshore to George's Bank afterward...reporting catch as occurring on George's to get through loophole in reporting laws.
4. Now there is hardly a cod on Stellwagen Bank!!! It is as bad as you could imagine in the shallow water on top of Stellwagen. The bait is everywhere and the fishing should be incredible.

My crystal ball prediction...

Emergency closure coming for next year... this will wipe out the small draggers and hook-and-line guys. Companies with many boats will "sacrifice" a 1/3 of their fleet (the boats that they don't want anyways) and put their company-wide losses on those boats. They'll make money through tax losses and trim their fleet in the process. It'll be a three year closure. Very few commercial boats will survive and only the biggest/ones with political clout will emerge. Recreational fishing will resume, but with a 5-fish limit. In light of being shut down completely, we'll "be happy" with the scraps that are being thrown our way. Charter boats and tackle stores will suffer tremendously. I bet 30-40% of charter boats are out of business, with overall trips reduced in the fleet by 50-60%. The "sliver" of closed area on Stellwagen Bank will show great signs of life, so the sliver will grow. Fishing pressure outside of the sliver will increase, so the fishery outside the sliver will be seen to suffer...The population inside the sliver will look more vibrant, so it'll get expanded even larger.

Rip, the foot is in the door big time and it really sickens me to see it happen. I say that "the fix is in" because it's so clearly obvious that allowing that much pressure in such a small area would wipe out the fish population. Now that it's happened, the government can run in and "save the day". They can also argue to keep us off of the water!

At one of the meetings this winter, Rhode Island I believe, I was told that the charter boat/recreational fleet is having good years because we were very mobile and could keep our boats on the schools of fish, but "that the population was greatly diminished, but showed signs of localized concentrated populations" that allowed us to have great catches. Yes, this is what I was told....Because that is what the Govt. believes, allowing widespread concentrated commercial pressure on such a population is CRIMINAL. The results that we're seeing now were completely predictable.

I'm really fed up with the current state of affairs here.

Sincerely,

Capt. Rich Antonino

Black Rose Fishing Charters

cc: fu lh

**Date:** May 9, 2012 8:06:29 PM PDT

**To:** <phoward@nefmc.org>, <danielmorris@noaa.gov>, <samuel.rauch@noaa.gov>

**Cc:** <Paul.Diodati@state.ma.us>

**Subject: 2013 Cod/Hadd Regulations: GOM: Recreational Fisheries**

I am a charterboat captain operating out of Massachusetts. I have fished for many years on Stellwagen Bank and never have seen such devastation as has been caused in the last year by **Sector Draggers** on Stellwagen Bank in one year. Last year the fishing was Fabulous. We caught our limit of 80 cod by 9:30-10:00am. Customers were happy and we went for haddock and pollock the rest of the day. Today, we barely catch any cod, usually skinny 19" fish that escaped the draggers nets. We have to go 250' to 390' to maybe catch some haddock and a few small cod.

"Catch Shares" and "Sectors" is the cause of this disaster and I blame Jane Lubchenco and her relentless push for "Catch Shares" for this disaster. It is criminal what she has done to our groundfishing in New England. Please stop this Massacre of our precious groundfish now. Re-establish the 800 lb. daily trip limit to commercial vessels fishing within GOM and the 2,000 lb. daily trip limit on vessels fishing GB.

Keep big draggers 50' or bigger zoned out beyond the 100 fathom line. Prohibit commercial boats with no previous history from fishing Stellwagen Bank ie. Cape Cod Hooker's Association.

I am a charterboat operator and feel that any further restrictions on recreational fisheries should take into consideration the socio-economic needs of charter/headboats as compared to general recreational anglers. The charter/headboat customer from Pennsylvania or New Jersey who only fishes one time each year deserves to catch his share of cod compared to the guy in Massachusetts who has a boat and fishes 10-20 times a year for cod.

Thank-you for your consideration.

Yours truly,

Capt. Debra Richardson  
Bigfish II Sportfishing Charters





Mr. Paul Howard  
NEFMC  
50 Water Street, Mill 2  
Newburyport, Ma 01950



Dear Mr. Howard,

I am certain that by now you have heard and read enough anecdotal evidence to realize that the biomass of GOM codfish and other ground fish in the Stellwagen area is seriously diminished. The Charter boat industry reliant upon these fish, myself included, are experiencing some of the worst catches ever while expanding the area we are fishing. I definitely expect to lose business next year based upon the sparse catch so far this year.

From Dec. 2011 through the winter of 2012 there was much discussion regarding the scientific validity of the 2010 stock assessment. As an interim measure you instituted a 22% reduction in allocation for 2012 with the strong possibility of more draconian cuts in 2013.

During the course of this discussion and the sorting out of the scientific assessment process large Georges Bank draggers were allowed to fish the Stellwagen area all winter under the catch share program. This meant no daily limits and no days off. Hook boats with up to 50 tubs set tub trawls consisting of tens of thousands of hooks in areas previously fished by rod and reel commercial boats. This combined with the Gill netters put more pressure on our ground fish stocks than we have seen. As the small boats were pushed out the larger interests purchased the catch share. New England ground fish may well become the "poster child" of the failure of catch shares.

There is hope that the GOM and GB stock are somehow related and that new fish will move onto the bank. Hopefully, if this happens the fish will be able to settle in and spawn before the assault of the factory draggers resumes. I have heard that the Georges fleet did poorly on Georges and is headed back to Stellwagen.

I hope that you will consider keeping the large draggers and tub trawl boats out of the area.

Regards,

Rodger Ballou  
712 Ferry Street  
Marshfield, Ma. 02050





**From:** John Richardson  
**Sent:** Thursday, May 10, 2012 2:51 PM  
**To:** Paul Howard  
**Cc:** Dan Morris; [samuel.rauch@noaa.gov](mailto:samuel.rauch@noaa.gov)  
**Subject:** GOM Cod and Haddock

Capt. John Richardson  
10 Ringbolt Road  
Hingham, MA 02043

Dear Mr. Howard,

Beginning in the summer of 2011, ground fishing on Stellwagen Bank has declined at an alarming rate. Just from spring to fall of 2011 catches dropped by more than 75%.

The east side of Stellwagen Bank is a long ride for recreational fishermen with today's fuel prices. Some fishermen group together and charter which is also expensive. In the past 25 years, conservation efforts seemed to keep stock levels to where recreational and charter fishermen could justify the expense. Fishing was great just last spring.

Large draggers moved onto the Bank last summer. We saw them day and night. They were still there in the fall and they are there now. These are offshore boats, over 100 feet, we have seldom seen boats this size and never in concentration.

My goal today is to tell you that this is happening and that the results have been catastrophic. Recreational and charter fishing can do so much more for a local troubled economy than what ever regulation change has allowed a shorter trip for these big boats. I don't believe that this inshore local fish stock can take this kind of pressure without collapsing. From my one trip this spring which produced no fish, it looks like it could be too late.

Very truly yours,

John Richardson





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**From:** Michael Pierdinock  
**Sent:** Thursday, May 10, 2012 3:38 PM  
**To:** Paul Howard; Dan Morris; [samuel.rauch@noaa.gov](mailto:samuel.rauch@noaa.gov)  
**Subject:** Comments for Recreational Advisory Meeting

I am writing to express my concerns regarding the localized cod stock depletion and the apparent need for more effort controls among large commercial ground fish trawlers which are hammering the Stellwagen Bank area and its' immediate waters. I ask that my comments be considered during the scheduled Recreational Advisory Panel Meeting on Tuesday, May 15<sup>th</sup>.

As a Charter Boat Captain that regularly fishes the Stellwagen Bank area, there seems to be a severe decline in the cod stocks in what had been healthy and productive fishing grounds at sustainable levels the past few years. The recent and severe cod stock depletion problem appears to reflect the increased localized fishing effort by these large ground fish trawlers.

Our inshore stock needs more protection from large commercial trawl vessels as too many fishermen are simply fishing on too confined an area. The cod fishery was at sustainable levels prior to the implementation of the catch share program. The catch share program is having a detrimental impact on the fishery and ultimately destroying the livelihood of Charter boat operators. Localized cod stock depletion is further reducing the chances that the fishery will return to a sustainable level any time soon.

I ask that you and the NEFMC put forth emergency effort controls that will restrict the large trawlers from further destroying the fragile and highly depleted cod stocks on and around the vicinity of Stellwagen Bank. If you have any questions, please email or give me a call.

Thanks

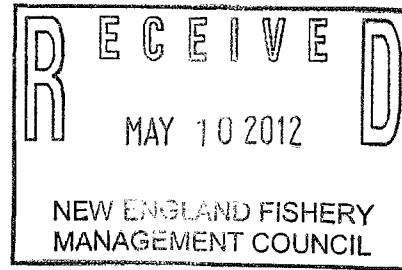
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**Capt. Mike Pierdinock**  
**CPF Charters "Perseverance"**  
**P.O. Box 732**  
**Brant Rock , Massachusetts 02020**  
**(617) 291-8914**  
[www.cpfcharters.com](http://www.cpfcharters.com)  
[cpfcharters@yahoo.com](mailto:cpfcharters@yahoo.com)





New England  
Ground Fish Advisory Panel  
May 23 Meeting  
C/O New England Fishery  
Management Council



Dear Sir,

Discussion of Sectors, Monitoring by dock side or at sea & Annual Catch Limits will do absolutely nothing to help Ground fish recover of fishermen provide food to Americans!

The science has miscalculated the male dogfish population which may be between 300 thousand mt. to 900 thousand perhaps one million mt, Not counting the female dogfish population estimated at 170,000 mt. closer to 400 thousand mt. Fish House math 250,000,000 male fish are eating small commercially important species at a size from one to 5 ounces, thus how many small fish are being consumed per day?  
Virginia Marine Institute {run through door "new" science is dogfish have one pup every two to four weeks this is vastly different from the science used in the plan which states 18 to 24 month gestation 80% of dogfish diet is ctenophores {AKA jelly fish}  
The Ground fish advisory Panel could recommend a unlimited harvest of male dogfish & doubling the proposed 44.868 million female dogfish harvest for 2013.

Advisors should ask for the affects of dogfish predation on ground fish.  
What percentage of the 1907 eco-system was elasmobranches {dogfish & skates} { The percentage exist in old documents} in 1907 Atkson suggested letting the American public put a fork to dogfish to solve the declining stock of ground fish.  
Rebuilding ground fish first requires correcting dogfish science & removing dogfish from the environment.  
Advisors should ask the environmental groups "how paid science missed the reproduction cycle of dogfish," Missed the East west migration of dogfish instead of North South" where is credibility of environmental paid science now?  
Question: 250 million male dogfish eat how many 4 ounce fish per day? How can ground fish or any commercial important stocks rebuild?  
Advisors know dogfish eat commercially important species, use & believe "LOGIC"  
Question the science that thought females spawned once 18 to 24 months.

Thank You,

James Fletcher United National Fishermen Assoc. 123 Apple Rd. Manns Harbor North Carolina 27953.  
PS ask no acronyms be used in any papers presented to advisors.  
May 10, 2012

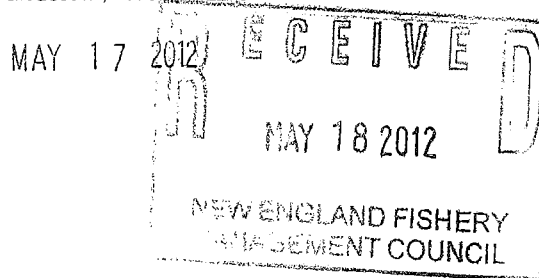






UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
NORTHEAST REGION  
55 Great Republic Drive  
Gloucester, MA 01930-2276

Paul J. Howard  
Executive Director  
New England Fishery Management Council  
50 water Street  
Newburyport, MA 01950



Dear Paul:

Your letter of May 1, 2012, requested, on behalf of the New England Fishery Management Council, that we immediately reconvene the Harbor Porpoise Take Reduction Team (TRT) to develop alternatives to the TRT's consequence closure area strategy. Your letter stated that the Council believes that the consequence closures proposed for the fall of 2012 would have very serious negative social and economic impacts on small boats and fishing communities in New England at a time when these vessels already are facing severe economic hardship from other fishing restrictions.

We appreciate your concerns and want to provide more information to clarify the situation. First, the regulations implementing the consequence closure strategy are not "proposed" regulations as your letter states. The consequence closure strategy was developed and implemented as part of the 2010 amendment to the Harbor Porpoise Take Reduction Plan (TRP), which became effective on March 22, 2010 (75 FR 7383, February 19, 2010). The consequence closure strategy was based on a consensus recommendation by the TRT. As you are aware, the TRT is a multi-stakeholder group established under the Marine Mammal Protection Act (MMPA) that includes fishermen, scientists, representatives from the Fishery Management Councils, the states, and environmental organizations. The TRT serves as an advisory body for the development of the TRP, which addresses incidental harbor porpoise bycatch resulting from commercial gillnet fishing operations. Members of the TRT agreed that the plan should include strong incentives for compliance with acoustic deterrent (pinger) requirements to ensure that New England gillnet fishermen would use and maintain pingers. Rather than punitively implementing immediate closures due to past poor compliance with the pinger requirements, the measures provided gillnet fishermen with another opportunity to operate in compliance with the pinger requirements. Since pingers are known to be highly effective at reducing harbor porpoise bycatch, the TRT decided that a rate of observe bycatch would serve as an indicator of pinger compliance.

At the April Council meeting, my staff presented data that showed harbor porpoise bycatch associated with commercial gillnet fisheries had exceeded the threshold established under the TRP. Further analysis indicated that the increase in harbor porpoise bycatch was attributed to inadequate compliance with the pinger requirements; it was found that only 41% of the observed hauls had fully complied with the pinger requirements (i.e., correct number of pingers affixed to their nets and all pingers were functioning). As a result of these findings, existing regulations under the MMPA required that we implement the Coastal Gulf of Maine Consequence Closure Area for gillnet vessels during the months of October and November.



cc: fw, fh, ck, ad, CBK (sta) Council

The closure will remain in effect until bycatch levels achieve the MMPA's zero mortality rate goal established for harbor porpoises or until we and the TRT develop and implement new measures.

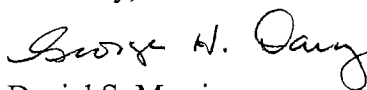
As is the case with all of our regulatory actions, we considered the impacts that would result from all of the measures contained in the 2010 amendment to the TRP, including the consequence closure strategy. Given the alternatives available to us, we crafted the final regulations to minimize such impacts while still achieving the MMPA requirements. Nonetheless, we understand the economic concerns raised by the Council and, as I stated at the April Council meeting, we are already planning to reconvene the TRT.

Although the Council has expressed a desire to have us convene the TRT immediately, convening the TRT before the data are collected and analyzed would not be productive. During the upcoming months, we will be assessing not only the harbor porpoise bycatch within the areas associated with the consequence closure strategy, but also the areas throughout the species' entire range. In addition, we are also analyzing the 2011 harbor porpoise survey data to generate a new harbor porpoise abundance estimate. The harbor porpoise bycatch and abundance estimates are critical components of the TRP process and essential to evaluate the effectiveness of the TRP toward achieving its requirements under the MMPA. Consequently, we are not planning to reconvene the TRT until the harbor porpoise bycatch and abundance estimates are complete and available for the TRT's deliberations. As I stated at the Council meeting, we expect the harbor porpoise bycatch and abundance estimates to be completed and available to the TRT by this fall.

In addition, I would like to remind the Council that, should the TRT, through its consensus process, recommend that we take action to remove or replace the consequence closure strategy, we must fully evaluate the biological and socio-economic effects of the requested action on the resource and the human environment. Therefore, any such action would be required to follow the Federal rulemaking process, including, but not limited to, the procedures set forth in the Administrative Procedure Act (APA), National Environmental Policy Act (NEPA), and the MMPA.

I appreciate your concern for the fishermen affected by the implementation of the Coastal Gulf of Maine Consequence Closure. We will continue to monitor the status of harbor porpoise bycatch and abundance and will reconvene the TRT when the data become available this fall. If we learn that the analyses will be completed and available to the TRT sooner, we will adjust our plan to meet with the TRT accordingly. To that end, we look forward to continuing to work with the Council and other members of the TRT in achieving the TRP's goals and objectives.

Sincerely,



DS Daniel S. Morris  
Acting Regional Administrator

cc: David Gouveia



# Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201  
703.842.0740 • 703.842.0741 (fax) • www.asmf.org

Paul J. Diodati, (MA), Chair      Dr. Louis B. Daniel, III, (NC), Vice-Chair      John V. O'Shea, Executive Director

*Healthy, self-sustaining populations for all Atlantic coast fish species or successful restoration well in progress by the year 2015*

May 17, 2012



Captain Paul Howard, Executive Director  
New England Fishery Management Council  
50 Water Street  
Newburyport, Massachusetts 01950

Dear Captain Howard, *Paul*

The Atlantic States Marine Fisheries Commission's American Lobster Board (Board) has recently been made aware of potential action by the New England Fisheries Management Council (NEFMC) that could impact the lobster resource. The Board is concerned there could be negative impacts on the lobster resource if during future management actions the Groundfish and Habitat Fishery Management Plans end the prohibition on bottom tending mobile gear in Closed Area II.

At the Spring Commission Meeting, the Board was presented with data that showed a significant number of egg-bearing female lobsters within Closed Area II for several months of the year. There is some concern that opening this closed area could have a negative impact on the lobster resource if large concentrations of egg-bearing female lobster are subject to bottom tending mobile gear. The Board has tasked the Lobster Technical Committee to review the data, explore additional data and report to the Board on possible impacts to lobster if Closed Area II were open to bottom tending mobile gear. I will share the Technical Committee report with the NEFMC once it has been presented to the Lobster Board.

On behalf of the Board, I would like to request the opportunity for the Commission to comment prior to any action by the NEFMC to open Closed Area II to bottom ending mobile gear. The Board looks forward to working with NEFMC on this important issue.

Sincerely,  
*Vince*  
John V. O'Shea

cc: American Lobster Management Board

MAINE • NEW HAMPSHIRE • MASSACHUSETTS • RHODE ISLAND • CONNECTICUT • NEW YORK • NEW JERSEY • DELAWARE  
PENNSYLVANIA • MARYLAND • VIRGINIA • NORTH CAROLINA • SOUTH CAROLINA • GEORGIA • FLORIDA

*cc: TN, FH, BFA, OFC, Council (5/24)*



## Joan O'Leary

---

**From:** Amy Van Atten <amy.van.atten@noaa.gov>  
**Sent:** Wednesday, May 30, 2012 5:34 PM  
**To:** Jim Ford  
**Cc:** Paul Howard; hank; Joan O'Leary; Pat Fiorelli; nefsc.ptns@noaa.gov  
**Subject:** Re: Lisa Ann II  
**Attachments:** PTNS\_overview\_Linearselection.pdf

Hi Jim -

Thanks for your email. I'll try to respond to your concerns that you have mentioned below.

ISSUE 1: I will start by explaining how the selection is working right now and why you are resulting in a lot of observer selections.

I do see that you have entered 30 trips into the PTNS since May 1s, and they have resulted in: 10 Waivers, 14 Cancellations, and 6 Observed. According to the PTNS trips, you have 37.5% coverage (6 trips out of 16).

The order of Waivers (W), Cancellations (C), and Observed (O) trips are the following:

W-1, C-2, W-2, C-1, O-1, W-1, C-1, W-2, C-2, W-2, C-1, W-2, C-2, O-2, C-1, O-2, C-2, O-1, C-2

You have taken a string of trips with observers (5), but also had a string of waivers (7) prior to that. It looks like the last couple of cancellations were observer assignments as well. Two points are described further below:

1. the selection is done when you input the trips;
2. canceled trips with observer assignments result in a higher re-selection rate until a completed observed trip has been posted.

A confounding issue with the selection is for day-boats, such as yours, is that they notify for a batch of trips all at once, and they naturally have a high cancellation rate. Within that week's of trips, if selected for an observer for one trip, they likely will continue to be selected for an observer in that batch (because not much information has changed between entering the trip data). If they cancel one of those trips that has an observer assignment (which often happens for legitimate reasons like tearing up a net or engine repairs or weather), they have a higher likelihood of being selected again.

Once the vessel has taken the observer though, it breaks that cycle, for the next week or batch of trips entered. The PTNS is making the selection when the vessel notifies, based on the most recent information at that time. It stores that notice and sends it to the vessel 24-hours prior to the sail time. So, if the vessel is notifying for a series of days - say they notify on Friday for trips Sunday through Saturday, the PTNS computer is selecting those trips and assigning an observer or waiver based on the current need at the time that the trip is entered into the system (and whether the vessel's last trip was a canceled observer assignment). Say the vessel is selected for Sunday, Monday, and Thursday. The vessel will know on Saturday about the trip on Sunday, will know on Sunday about the trip on Monday, etc. So even though the vessel is told of the selection status on Wednesday for the trip on Thursday (that they need an observer), that selection was made before the observer trips were completed for Sunday and Monday. If the vessel doesn't like those odds with doing 6-7 trips in a row as one batch, an alternative would be to notify for trips in smaller batches, such as 3 or 4 trips at a time.

Also, please note that the coverage accomplishments are measured by the information that is in the PTNS - the number of trips entered by the fishermen and the number of trips completed by the providers. As we have time, the PTNS coordinator will compare the trips entered into PTNS against VMS and will cancel trips that didn't sail to the system is not over-representing effort. If we over-estimate effort, we will over assign observer coverage. The fishermen are encouraged to maintain their notification of trips and cancel those that didn't sail. For the coverage accomplishments, it doesn't count how many selection notices you have received - it measures the completed observed trips. Then the random selection is assigned to the fleet strata, which is sector, gear type, and area fished. It is not vessel specific, although some may want this change to be made in subsequent council actions.

Your sector currently has an approximate coverage accomplishment of 18% (the target is 25% - and at the beginning, when there is no coverage and all trips sail and land at relatively the same time, it front-loads that coverage - i.e. as we have low coverage, it is seeking a high volume of observed trips to reach the target). The 18% combines ASM and groundfish NEFOP coverage. The 25% is composed of 17% AMS and 8% NEFOP. I have attached a slide that visually describes how the linear selection process works and you can see that the coverage goes up and down wildly early in the year, and then evens out after the boat has made 20 trips or so.



It's not that some boats are being covered and some are not - all are being covered in the Sustainable Harvest Sector. In your sector, you are one of two boats fishing as much as you are. All other boats have 0-2 trips (with 0%, 50%, or 100% coverage). The providers are also more aware now that we track this very closely and there have been industry complaints and concerns of biases - so they are paying more attention too.

It has been noted that vessels don't like to be covered by multiple trips in a row and we have not yet been able to build that feature into a selection model - although I know that you'd like us to still consider that. The selection does not currently look at individual vessel history, nor a time series of recent trips, nor a built in comparison to VMS.

Our program has suggested that these modifications be considered by the programming team. Your complaints do not go unheard and they do matter. This is a complex change and is taking some time to get implemented, if it even can be. It is still very much on our radar.

ISSUE 2: "Another issue is we kill more fish than ever before having observers on board they sit in baskets or totes waiting to be tallied up and thrown over dead..."

We train the observers to be considerate of this issue, and we will remind them again. They need to work as fast as they can, gathering accurate weights, and prioritizing the live and commercially valuable discards. This is particularly important as the summer months are approaching. It is important to get actual weights, as you know, however our policy is to work with the crew and get the best information as we can, without holding up the fishing operations. If you rather the observer do a tally count and use an average weight per fish, if that would get the fish back in the water faster, they have that option available too - it just opens up more of a challenge if the weight is brought into question.

ISSUE 3: "how many times to we get counted for the fish we throw over as discard and recapture the following tow since the fish are thrown over why we tow? We were tagging wolffish the last few trips and getting recaptures, I'm sure some of our discards are recaptured to?"

I think there needs to be a study done on recapturing discards."

NEFOP and ASM observers have an "Individual Animal Log" to record tag-recaptures, so they should be writing those tags down (the data are easier to retrieve on NEFOP trips as there are more fields to accommodate this situation than in the ASM database). There is also a catch disposition code for "previously discarded" and if noted as such, would not be counted again as discards. As far as I know, in the stock and quota assessments, there are no adjustments for the probability of recaptures. But I can pass along your concern to the stock assessment and cooperative research folks.

ISSUE 4: "take me off the list for doing shadow trips".

This has been done. We do sincerely appreciate your participation in the program and thank you for your involvement thus far.

ISSUE 5: "I am not map quest and am not giving anymore directions ,its not my job its yours!!"

A notice has gone out to the providers already to remind them to use the information provided in the PTNS and pass that along clearly to the observer assigned to the trip. The observer does not have direct access into the PTNS, but the provider area coordinator does. Also, they were reminded that they should be training observers and providing support on port locations, parking, etc. We've added port orientations into our training, but the providers should do the regular map quest support. This must have been a communication oversight. Sorry for the added inconvenience and time that took.

I know my response has not resolved many of your frustrating problems, but I did want to provide a timely reply.

Amy

On Wed, May 30, 2012 at 2:12 PM, Jim Ford- F%2FV Lisa Ann II <captainjim1@comcast.net> wrote:

>  
> Amy,  
> I have emailed you with concerns how observers are not being assigned  
> randomly and so far it doesn't seem to matter. I have been selected 14  
> days in a row and have canceled some of them but still have taken them  
> 5 trips in a row and the 1st will be 6 days. There is no need to stack  
> observers day after day. I fully support sectors but, its time to get  
> the observer program in order, There is no reason to have vessels





> selected more than 2 trips in a row. If you really want to make this  
> system work you need to work with fisherman ,something needs to  
> change. I do this job because I love the ocean and being out there  
> alone is peace full and most of us fisherman want to protect the ocean  
> since it is our lively hood.. Another issue is we kill more fish than  
> ever before having observers on board they sit in baskets or totes  
> waiting to be tallied up and thrown over dead "what a waste" I thought  
> we were here to try to protect the fish??? The other issue is how many  
> times to we get counted for the fish we throw over as discard and  
> recapture the following tow since the fish are thrown over why we tow?  
> We were tagging wolffish the last few trips and getting recaptures,  
> I'm sure some of our discards are recaptured to?? I think there needs  
> to be a study done on recapturing discards. Please take me off the  
> list for doing shaddow trips until they want to get this system ironed  
> out. Another issue is that I have always let the program know if we  
> are in Newburyport or Glou. and where we are tied up, for some reason  
> it doesnt get to the observers??? I am tied up at the commercial fish  
> pier in Newburyport from June 1st to December. It should show on the  
> PTNS website for observers,I had a observer call me today and ask me  
> on where I am tied in Gloucester and he needed directions ,on the website it shows I am in Newburyport. I am not map  
> quest and am not giving anymore directions ,its not my job its yours!!  
> Thanks,Jim Ford F/V Lisa Ann II  
>  
>

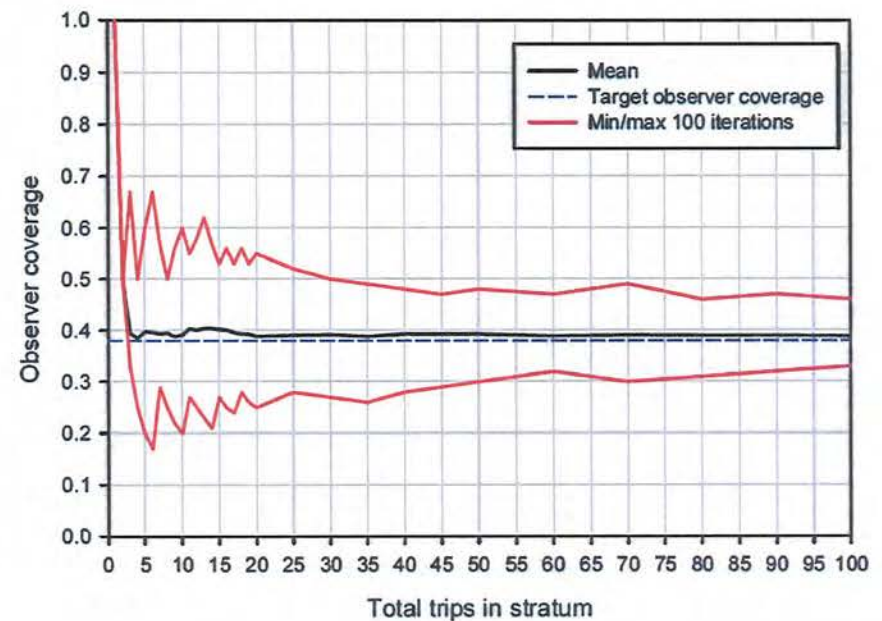
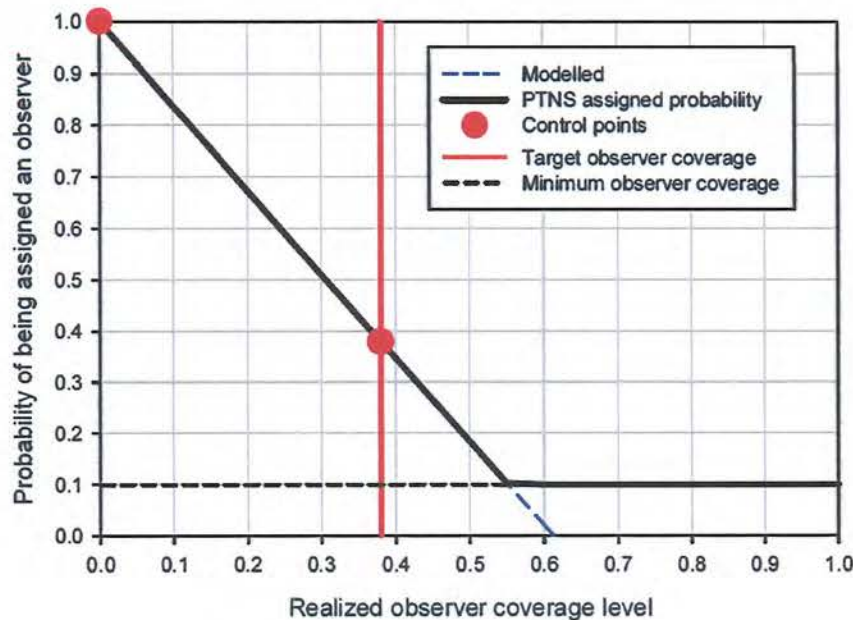
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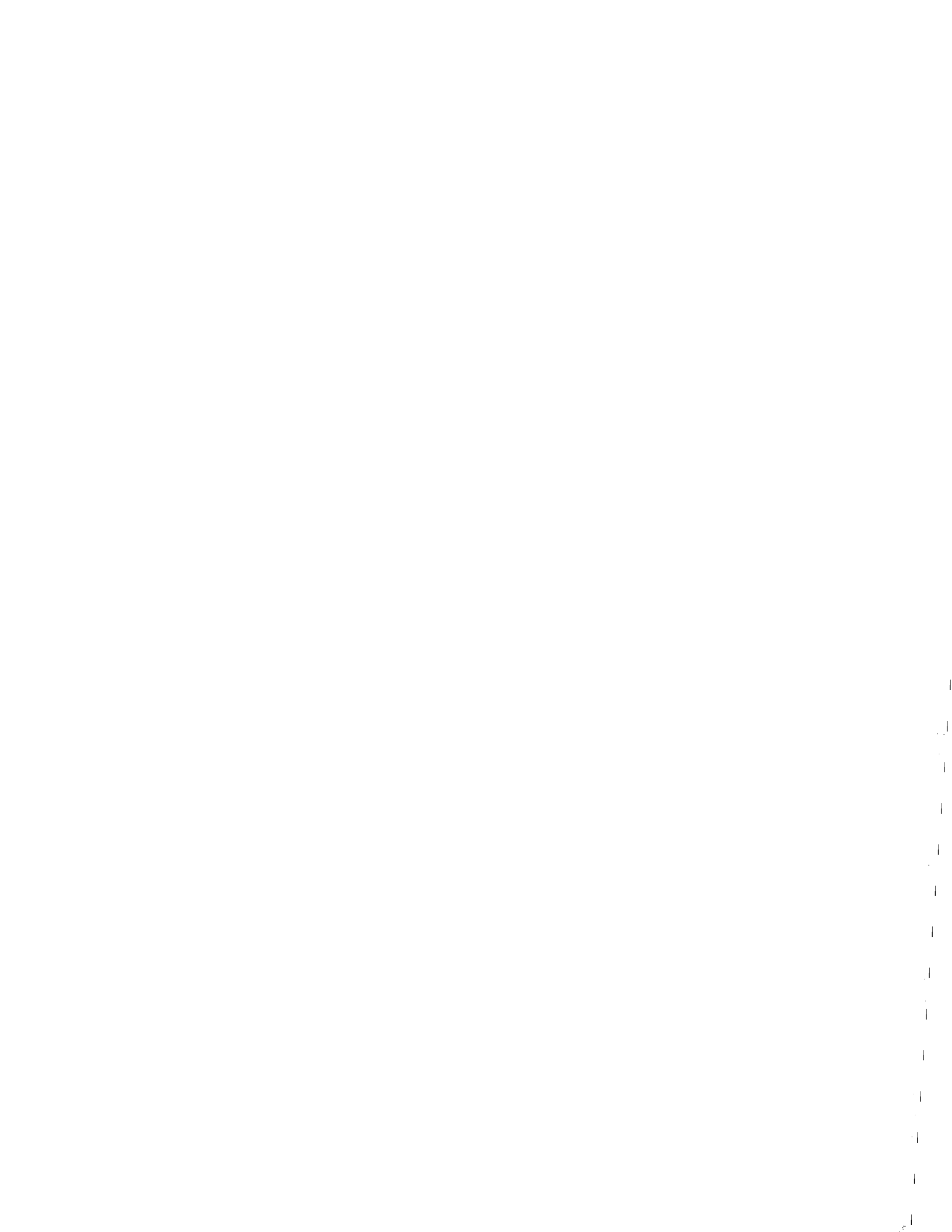
Amy Sierra Van Atten  
Fisheries Sampling Branch, Chief  
NOAA Fisheries, Northeast Fisheries Science Center  
166 Water Street, Woods Hole, MA 02543  
Tel: 508-495-2266



## II. PTNS design and implementation

- **Linear:** Front-loaded selection probability where the initial probability is 100% with the selection probability of subsequent trips being a linear function of the target coverage rate and the current realized coverage rates for the stratum.
  - **Advantages:** Contains a mechanism to auto-adjust selection rates if the realized coverage drift from the target coverage. Moves to the target coverage rate quickly.
  - **Disadvantages:** Moderately difficult to implement. For each tier and stratum, it requires the system to maintain within stratum counts of the total number of trips taken in addition to the number of observed trips and then calculate the linear-based probability for each trip.









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

June 4, 2012



Mr. Daniel Morris  
Acting Regional Administrator  
National Marine Fisheries Service  
55 Great Republic Drive  
Gloucester, MA 01930

Dear Mr. Morris:

We offer just a few comments on the National Marine Fisheries Service's (NMFS) temporary rule implementing interim Gulf of Maine (GOM) cod management measures for the 2012 fishing year. We understand NMFS' hesitancy or refusal to follow our advice detailed in our February 29 letter to Sam Rauch that also made mention of sector operations plans. Nevertheless, some of your decisions require a response.

NMFS uses our DMF research by Dean et al. published in the *North American Journal of Fisheries Management* (32:124-134, 2012) as a basis for denying Sectors' exemptions to the April, May, and June GOM Rolling Closure Areas. You cite concerns that "disrupting spawning aggregations can adversely impact the reproductive potential of a stock. As shown in the information cited by DMF in its comments, fishing activity disrupts spawning aggregations, causing impacts to the stock beyond the mortality of the individual fish caught." The implications of this research on GOM cod rebuilding are significant indeed given the stock's status: overfished with overfishing still occurring.

However, despite understanding the importance of protecting spawning aggregations, NMFS decided to continue to provide "greater operational flexibility to sector vessels deploying gillnet gear" because "this measure [limit on number of gillnets] was designed to control fishing effort and, therefore, is no longer necessary for sectors because their stock ACEs limit overall fishing mortality..." This gillnet restriction was linked to fishing effort, but considering "impacts beyond the mortality of the individual fish caught," we had hoped NMFS would engage in a more comprehensive and meaningful consideration of GOM cod rebuilding through the interim action.

We suggest waiting for the Council (or sectors) to do more to protect spawning cod may seem desirable, but it likely will not happen. The Council continues to rely on fishermen and NMFS to manage the groundfish fishery, especially for cod, through sector operations plans and exemptions to current rules. This approach that NMFS seems to support places a heavier burden on NMFS to make wise management and regulatory

W.T.N., C.B.K. (6/4), P.M.F.



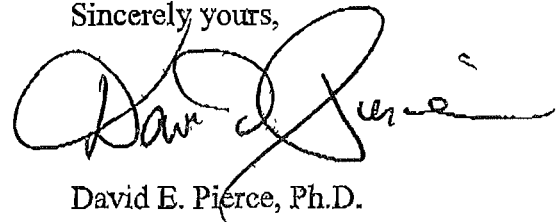
choices made in cooperation with sector fishermen and supported by the states, especially the Commonwealth. Therefore, we urge NMFS to give more thought to the impacts of fishermen's freedom and flexibility through sector management on cod spawning aggregations that currently are afforded inadequate protection detrimental to DMF's steps to protect spawning cod through our state waters' cod conservation zones. NMFS is relying on initiatives that may or may not be taken by sectors or by the Council in the future. Time is of the essence for GOM cod, and while none of us can afford a wait-and-see attitude NMFS has an opportunity to provide invaluable leadership.

Finally, we continue to believe that NMFS' position on sector monitoring is seriously flawed. NMFS "*...believes that the current level of monitoring is sufficient to monitor sector fishing activity for purposes of calculating when ACLs have been achieved...analyses of FY 2010 show that the 25-percent coverage rate proposed for FY 2012 would be sufficient to accurately monitor sector operations and meet the 30-percent C.V., as specified in the SBRM.*" We appreciate NMFS' need to consistently defend the SBRM, but with NMFS continuing to believe that a C.V. of 25% is sufficient in the face of selection bias, observer effects, and very low ACLs this year and certainly for next, we are skeptical of NMFS' ability to attain accurate albeit precise information. Coefficients of Variation (C.V.s) have nothing to do with accuracy, only precision and in this case solely the precision of discard estimates. Further assessments continuing to be based on inaccurate and misleading information will only result in poor management decisions and unsuccessful rebuilding strategies.

We all operate under constraints but must continue to strive to do more. DMF urgently awaits NMFS' completion of analysis relevant to evaluating sector performance and how sector management has changed fishermen's fishing behavior. DMF stands ready to assist with these requested analyses (see April 4 letter to Susan Murphy), but NMFS' direct management and information collection role with sectors necessitates the agency's leadership in these and other fishery analyses.

As always, we continue to work with your agency for improved management decisions and better data for useful stock assessments.

Sincerely yours,

A handwritten signature in black ink, appearing to read "David E. Pierce". The signature is fluid and cursive, with a large initial "D" and "P".

David E. Pierce, Ph.D.

cc

Paul Diodati  
Samuel Rauch  
Rip Cunningham  
Paul Howard





ASSOCIATED FISHERIES OF MAINE

PO Box 287, South Berwick, ME 03908

June 5, 2012

Mr. Rip Cunningham, Chair  
New England Fishery Management Council

VIA ELECTRONIC MAIL

Dear Rip:

I write, on behalf of the Associated Fisheries of Maine, to ask the Council to provide sector vessels the flexibility to fish in the Eastern US/CA haddock special access program (SAP) beginning on May 1 of each fishing year.

When the Eastern US/CA haddock SAP was established in Framework 40A, seasonal access was allowed from May 1 through December 31. Framework 42 shortened the season to August 1 through December 31 to reduce the catch of cod.

For the 2012 fishing year, the industry requested an exemption from the delayed opening of the SAP arguing that sector catch is controlled by ACE. The National Marine Fisheries Service (NMFS) denied that request and provided the following commentary in the sector operations plan final rule:

*"Amendment 16 prohibits sectors from being granted exemptions from year round closed areas. NMFS requested comment on whether it is appropriate to exempt sectors from a SAP season, given that the portion of the SAP in the closed area is already open part of the year, or if the Council's current prohibition on allowing exemptions from closed areas applies to SAPs. No comment was received from the Council regarding its intent. This exemption is denied because it is unclear whether the Council meant for sectors to be allowed exemptions from SAP seasons or if their intent was to prohibit such exemptions because it is a year-round closed area."*

We request that the Council support our request for access to this SAP beginning May 1 and communicate that support through letter to the NMFS, and/or through the next regulatory action,

This will provide the opportunity for vessels to utilize the SAP during some good weather months and to increase catch of Georges Bank haddock, and will provide an incentive to shift effort away from inshore areas.

As always, we appreciate your consideration of our request.

Sincerely,

*M. Raymond*

Maggie Raymond





# New Bedford Seafood Consulting



**Captain James M. Kendall**

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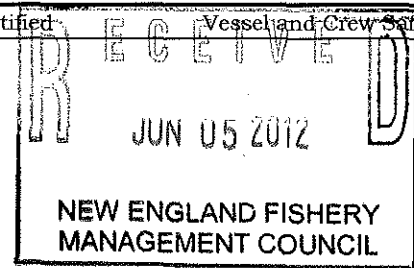


Fisheries Management

Seafood Quality Control Assurance - HACCP Certified

Vessel and Crew Safety

Captain Paul Howard, Executive Director  
Mr. Rip Cunningham, Chairman  
New England Fishery Management Council  
50 Water Street  
Newburyport, MA 01950



June 3, 2012

Gentlemen,

I would like to request that this letter be distributed to the Groundfish Committee members, Groundfish PDT members, Council members, & appropriate staff for consideration as a method for alleviating the consequences resulting from the recently announced Yellowtail Flounder (YTF) allocations.

These consequences will inevitably terminate the fishing year for many, if not all, of the New England groundfish fisheries that have the likelihood of taking YTF as either a directed fishery, or as a bycatch species. While the allocated amount of YTF quota to the US fishermen remains strongly in question, the dire nature of the resulting consequences, are not. Already there are groundfish fishermen who are being constrained in their fishing efforts, or even the ability to make further trips, for their directed species, due to the lack of sufficient quota to meet the estimated amounts of YTF bycatch that will be attributed to them.

Above & beyond the long term impacts to fishermen, resulting from the dramatically lower YTF allocation, are the concerns that we must address the immediacy of those impending impacts in dramatically different ways. Perhaps the most problematic issue, for many groundfish fishermen, is the sub-ACL that was allocated to the scallop fishery for their 2012 fishing year. This, coming at a time when the ACL for the groundfish fishery was severely reduced, is causing alarm that while they are suffering due to those reductions, some of them feel that the scallop fishermen are getting more than they seemingly require.

In the interest of brevity, let me put forward the outline of a concept that I feel deserves consideration for an action that could be adopted for immediate implementation through a Secretarial Emergency Interim Action. If it does meet enough acceptance for consideration, I expect that the appropriate measures would be developed to protect the future interests of the scallop fishermen & their industry! Many scallopers have already proposed similar considerations in an attempt to lessen the impact, to groundfishermen, that we all know will be forthcoming due to the reduced ACL for YTF. Such a compassionate reaction must not come back to harm them by future developments or measures.

As I stated to the YTF working group committee on May 23, & to the Groundfish committee on May 30, 2012, these are my thoughts on how we might deal with this issue. I have discussed them with quite a few members of both fisheries & industry, & while they have expressed agreement or interest of the concept, I am speaking for myself, & not as a representative of any particular group or organization at the moment.

I believe that YTF, at least at this point in time, are of minimal value to the scallop industry as a targeted viable product. They are a necessity to them however, in order to account for bycatch limits which are a part of their FMP. The scallop industry has taken great effort to reduce their YTF bycatch, & all other forms of bycatch with great results, & they continue to do so.

If industry has to wait until some point later in the fishing year to supplement the Groundfish Industry's ACL with any unused portion from the scallopers, it will be too late! I suggest that 100MT of the scallopers current sub-ACL be accounted for as the scallopers' YTF bycatch, & that the remaining 207MT be reallocated to the groundfish fleet. This in turn would provide some much needed increase in their ACL to be utilized by both the directed YTF vessels, & as critical bycatch for others.

At that point, YTF would become a "zero-retention species" for scallopers. They would neither retain it nor have it counted against them as a bycatch, thus relieving the need for AMs for the foreseeable future (at a minimum for the duration of the Secretarial Action period).

Zero-retention is already an approved & adopted method utilized in Amendment 16, & elsewhere in various fisheries both here, & in fishery regions throughout the US. Here in the Northeast, we have these regulations in place for; Atlantic wolffish, SNE winter flounder, windowpane, & ocean pout.

I really believe that this would offer some relief to the fishermen, while not causing any additional jeopardy to the YTF stock. This would allow us additional time to review the questions that have been raised by some of the most recent stock surveys, & the resulting reductions in ACLs.

As I stated previously, this is admittedly only a concept which if it meets approval, would only be the beginning of the final plan. However, I believe it would meet the requirements of the Magnuson Act, while affording some relief & protection to both the fishermen as well as the stock.

Thank you for your consideration.

Jim Kendall  
New Bedford Seafood Consulting