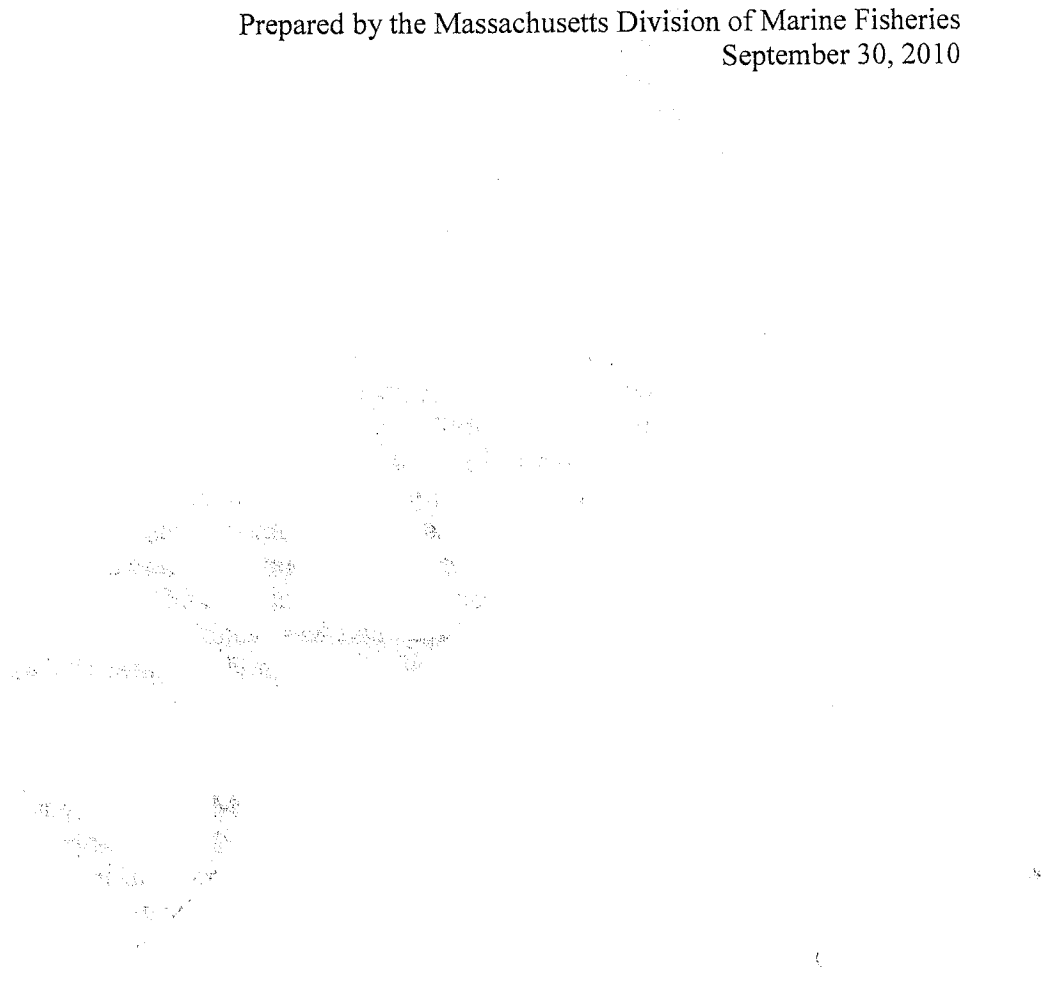


Correspondence

1. MA Permit Banking Program Sector draft EA
2. MA Permit Banking Sector OP Plan
3. Christopher Brown
4. Capt. Kevin Twombly
5. Capt. Michael Pierdinock
6. Capt. Kevin Scola
7. Capt. Charles Crocker
8. Capt. Kevin Scola
9. Capt. Curt Maxon
10. Capt. Steven James
11. Capt. Pete Murphy
12. Capt. Stewart Rosen
13. G. Grant Flowers
14. Capt. Matthew Merrick
15. Permit Holder Letter – Sector extention
16. Capt. C.S. Holt
17. Michael Hogg
18. Joe Carpino
19. Steve Schott
20. Richard Bonander
21. Vito Giacalone
22. Maggie Raymond – Assoc. Fisheries of Maine
23. Chris Odlin
24. Hank Soule – Sustainable Harvest Sector
25. Terry Alexander
26. Brett Tolley, NAMA

Commonwealth of Massachusetts Permit Banking Program Sector
Preliminary Environmental Assessment

Prepared by the Massachusetts Division of Marine Fisheries
September 30, 2010



1.0 Introduction:

1.1 Sector Background

The Magnuson-Stevens Act establishes a regime for the management of fishery resources that occur in the U.S. Exclusive Economic Zone and establishes the New England Fishery Management Council (Council) as the body responsible for the development of fishery management plans for fisheries in the Atlantic Ocean seaward of the states of Connecticut through Maine.

The Council has developed, and NMFS has approved and implemented, Amendment 16 to the Northeast Multispecies Fishery Management Plan (FMP), which expands a catch-share program known as “sectors” for the Northeast multispecies fishery. Catch-share management programs, when designed correctly, may help to prevent overfishing, eliminate the race to fish, reduce overcapacity and bycatch, and improve economic efficiency. However, catch-share programs may also result in the consolidation of fishing effort, reduce community involvement in local fishing, decrease access by small-scale fishermen to local fishery resources, create barriers to entry into the fishery by increasing the demand for capital to participate, and create competition among fishermen for access rights.

The sector management program allows groups of Northeast multispecies permit holders to pool their individual potential sector contribution (PSC) to share among the sector members while fishing under quotas limited by the sum of the members’ individual PSCs in the form of a sector’s Annual Catch Entitlement (ACE). Northeast multispecies permit holders who do not join a sector would fish in the “common pool” under individual allocations of days-at-sea (DAS). With the implementation of Amendment 16, sectors may receive a transfer of additional ACE from other sectors to supplement their members’ contributions, and members of the common pool may lease additional DAS from other common pool members to supplement their individual DAS allocations. Under Amendment 16, members of sectors may also lease additional DAS from other members of sectors (but not from common pool vessels) for the purpose of fishing for monkfish and/or skates.

1.2 Permit Banks as a Management Tool:

Both the Massachusetts Division of Marine Fisheries (MA DMF) and National Marine Fisheries Service (NMFS) have an interest in promoting the effective implementation of catch-share programs in New England, while minimizing any potential adverse socio-economic impacts to rural fishing communities and small-scale fishing businesses that are sometimes attributed to catch-share programs. State-operated permit banks may be useful to mitigate some of the adverse impacts associated with catch-share programs. Permit banks can be used to preserve fishing opportunities for small-scale fishermen operating in small fishing ports that may otherwise be disproportionately negatively affected by the consolidation of fishing effort that often follows implementation of catch-share programs.

2.0 Purpose and Need for the Massachusetts Permit Bank Sector (MA PBS)

Permit banks can be used to preserve fishing opportunities for small-scale fishermen operating in small fishing ports that may otherwise be disproportionately negatively affected by the consolidation of fishing effort that often follows implementation of catch-share programs. Permit banks may help ease the transition to catch-share programs by:

- Providing options to fishermen with little access to capital;
- Helping fishermen to improve cooperation and operating efficiencies;
- Maintaining small-boat enterprises through the combination of a variety of permit attributes (e.g., DAS, PSC) to meet the needs of fishermen and fishing communities for access to fishery resources; and
- Helping fishing communities achieve stable access to local fishery resources for local fishermen.

The MA PBS is a NOAA-sponsored, state-operated permit bank that seeks:

- To provide continued access to fishery resources for local, small-scale fishermen from small fishing communities throughout Massachusetts;
- To supplement existing access privileges held by fishermen in small Massachusetts communities; and
- To mitigate the effects of fishing effort consolidation on small-scale fishermen and fishing communities in Massachusetts.

3.0 Proposed Action and Alternatives

3.1 Alternative 1 – Implementation of the Commonwealth of Massachusetts Permit Bank Sector Operations Plan for FY 2011 & 2012

3.1.1 Description of the MA PBS and Proposed Operations

Working collaboratively with the National Marine Fisheries Service (NMFS), DMF has developed a Memorandum of Agreement (MOA) to implement a pilot permit banking program in order to preserve and provide fishing opportunities to Massachusetts' fishermen and communities. This MOA sets forth a series of terms and conditions that differentiate the MA PBS from those sectors previously authorized by the New England Fishery Management Council, including lease-only sectors. DMF will act as the operating agent for the MA PBS. All permits acquired through the MA PBS will be owned by the Commonwealth of Massachusetts and placed in Confirmation of Permit History (CPH); no permits will be acquired through leasing.

The MA PBS will function to lease out ACE and or DAS to qualifying sectors or to lease out DAS to qualifying vessels for purposes of cooperative research. Qualifying vessels must be no more than 45' in overall length and must be operated from (or owned by individual who resides in) a community with either a population of no more than 30,000 residents or a population density of no more than 700 residents per square mile.

These aspects of proposed NOAA-sponsored, state-operated permit banks are reflected by the Groundfish Committee's motion that "a state-operated permit bank sponsored by

NOAA shall be considered a sector for the exclusive purpose of transferring ACE to qualifying sectors. Such permit banks will be allocated ACE for a fishing year based on the PSCs of permits owned by the permit bank that are declared as ACE permits for that fishing year. All or a portion of a permit bank's ACE for any NE multispecies stock may be transferred to a qualifying sector at any time during the fishing year. Permit banks may only act as the transferor in an ACE transfer."

The proposed operations plan is copied in Appendix I.

3.1.1.1 Location / Timeframe and Gear of the MA PBS

There will be no active vessels in the MA PBS. Recipients of MA PBS ACE will be required to land their catch within the Commonwealth of Massachusetts. It is anticipated that vessels that lease quota from the MA PBS will utilize primarily otter trawls, gillnets and hook gear.

3.1.1.2 Fishing Year 2011 & 2012 (May 1, 2011-April 30, 2013) MA PBS Operations Plan Harvesting Rules

The MA PBS will be a lease-only sector. Harvesting rules associated with vessel operations, monitoring and gear restrictions will be based on the NMFS-approved harvesting rules of the sectors that receive ACE and/or DAS from the MA PBS. Those harvesting rules may not conflict with the terms and conditions outlined in the MOA.

3.1.1.3 Consolidation of ACE and Redirection of Effort

The MA PBS will operate under the terms and conditions of a MOA, which includes a goal to mitigate the effects of fishing effort consolidation on small-scale fishermen and fishing communities in Massachusetts. Permit banks can be used to preserve fishing opportunities for small-scale fishermen operating in small fishing ports that may otherwise be disproportionately negatively affected by the consolidation of fishing effort that often follows implementation of catch-share programs.

The MA PBS will be a lease-only sector and will not engage in active fishing. Any measures to limit potential redirection of effort into other fisheries will be identified by the sectors to which ACE and/or DAS are distributed.

3.1.2 Requested Exemptions from Northeast Multispecies Fishery Management Plan Regulations and Rationale

Per the MOA, the MA PBS agrees to abide by all applicable federal regulations, however the following regulatory exemptions are requested:

- (a) *that a sector be composed of three or more persons 50 CFR 648.87(a)(4).* This provision was implemented to address concerns "that sectors may be used as a means to circumvent the individual transferable quota referendum required by the Magnuson-Stevens Act, and minimize the administrative burden associated with implementing a large number of very small sectors" (*Federal Register* 75 (9 April 2010): 18262 – 18353). State government should not be considered an individual for purposes of holding quota. Under the public trust doctrine, the MA DMF acts as a

trustee of the Commonwealth's commonly held living marine resources. It could be argued therefore that a state-operated permit bank does meet the “rule of three”, but for the sake of clarity an exemption should be provided.

- (b) *length and horsepower restrictions of the DAS Leasing Program.*
The MA PBS will abide by the terms and conditions of the MOA, which establishes vessels which harvest ACE or receive a transfer of DAS have a maximum overall length of 45’ or less. Existing sectors have also requested, and received, exemption from these restrictions.

3.2 Alternative 2 – No-Action Alternative

The No-Action Alternative is the disapproval of the operations plan, which would result in federal funds being re-allocated to neighboring states for purchase of eligible permits to be re-distributed through their state-operated permit banks.

While the No-Action Alternative would not meet the purpose and need of the Proposed Action, it is required by NEPA (40 CFR 1502.14[d]) as a baseline for comparison of impacts anticipated by the Proposed Action.

4.0 Affected Environment

5.0 Impacts of the Proposed Action and Alternatives

6.0 List of Preparers and Points of Contact

7.0 Persons and Agencies Consulted

8.0 Compliance with Applicable Laws and Executive Orders

9.0 References

10.0 Appendices

10.1 Appendix I – MA PBS Operations Plan for FY 2012

FY2011 & 2012 Sector Operations Plan for the Massachusetts Permit Banking Sector

PURPOSE

This Operations Plan is submitted in accordance with 50 CFR 648.87(b)(2), which states that “To be approved to operate, each sector must submit an operations plan and sector contract to the Regional Administrator no later than September 1 prior to the fishing year in which the sector intends to begin operations.” This Operations Plan will remain valid from May 1, 2011 through April 30, 2013 (Fishing Years 2011 & 2012).

The Massachusetts Division of Marine Fisheries (DMF) requests approval from the Council and NMFS of the FY 2011 & 2012 MA PBS Operations Plan and that the MA PBS be assigned an annual catch entitlement (ACE) of those stocks managed under the Northeast Multispecies Fisheries Management Plan (FMP) for the 2011 & 2012 Fishing Years.

BACKGROUND

Both DMF and National Marine Fisheries Service (NMFS) have an interest in promoting the effective implementation of catch-share programs in New England, while minimizing any potential adverse socio-economic impacts to rural fishing communities and small-scale fishing businesses that are sometimes attributed to catch-share programs. State-operated permit banks may be useful to mitigate some of the adverse impacts associated with catch-share programs. Permit banks can be used to preserve fishing opportunities for small-scale fishermen operating in small, rural fishing ports that may otherwise be disproportionately negatively affected by the consolidation of fishing effort that often follows implementation of catch-share programs.

The goal to maximize economic and social benefits to Massachusetts groundfishermen and communities recognizes a need to focus support on small fishing operations. In order for the Commonwealth of Massachusetts to operate a permit bank under current regulations it must request status as a sector. Although the Commonwealth is pursuing regulatory amendments through the Council to recognize state-operated permit banks as a unique entity, the Commonwealth of Massachusetts is submitting this operations plan to form a NOAA Sponsored, State-operated Permit Bank Sector by 2011 under existing regulatory requirements.

The Massachusetts Permit Bank Sector (MA PBS) will differ significantly from those sectors previously authorized by the New England Fishery Management Council, including lease-only sectors, primarily due to a series of terms and conditions put forth in a Memorandum of Agreement (MOA) with NOAA Fisheries. The Massachusetts Division of Marine Fisheries (MA DMF) will act as the operating agent for the MA PBS. All permits acquired through the MA PBS will be owned by the Commonwealth of Massachusetts and placed in Confirmation of Permit History (CPH); no permits will be acquired through leasing.

The MA PBS will function to lease out ACE and or DAS to qualifying sectors or to lease out DAS to qualifying vessels for purposes of cooperative research. Qualifying vessels must be no more than 45' in overall length and must operated from (or owned by individual who resides in) a community with either a population of no more than 30,000 residents or a population density of no more than 700 residents per square mile.

These aspects of proposed NOAA-sponsored, state-operated permit banks are reflected by the Groundfish Committee's motion that "a state-operated permit bank sponsored by NOAA shall be considered a sector for the exclusive purpose of transferring ACE to qualifying sectors. Such permit banks will be allocated ACE for a fishing year based on the PSCs of permits owned by the permit bank that are declared as ACE permits for that fishing year. All or a portion of a permit bank's ACE for any NE multispecies stock may be transferred to a qualifying sector at any time during the fishing year. Permit banks may only act as the transferor in an ACE transfer."

OPERATIONS PLAN REQUIREMENTS

The following elements are included in this Operations Plan as required by 50 CFR 648.87(b)(2):

(i-iii) Roster of participants, vessel and permits & sector contract.

The Commonwealth of Massachusetts Division of Marine Fisheries, as the holder of all permits in the MA PBS, will be the sole, voluntary participant in the MA PBS. The MA PBS has yet to purchase permits, which will then be leased out to participants in other sectors or the common pool.

A list of federal and state permits, associated vessels & distribution of ACE held by the MA PBS will be provided as an appendix to this Operations Plan before September 1, 2011 in time for the MA PBS to be operational during FY 2011 & 2012. At that time the DMF will also submit any necessary contracts indicating the Commonwealth's agreement to abide by the operations plan. Note that *per* the MOA lessees will be required to sign a contract with DMF agreeing to fish in a responsible and sustainable manner and DMF shall operate the permit bank such that all transactions involving DAS and/or ACE associated with the fishing vessel permits held by DMF for use in the permit bank fully comply with all applicable federal regulations.

(iv) Sector Contact:

David Pierce, Ph.D.
Massachusetts Division of Marine Fisheries
251 Causeway St., Suite 400
Boston, MA 02114

Tel: 617.626.1532
Fax: 617.626.1509
Email: David.Pierce@state.ma.us

The MA PBS does not intend to have a board of directors.

(v) *Consolidation Plan.*

The MA PBS will operate under the terms and conditions of a MOA, which includes a goal to mitigate the effects of fishing effort consolidation on small-scale fishermen and fishing communities in Massachusetts. Permit banks can be used to preserve fishing opportunities for small-scale fishermen operating in small fishing ports that may otherwise be disproportionately negatively affected by the consolidation of fishing effort that often follows implementation of catch-share programs.

For FY 2011 & 2012, none of the permits to be enrolled in the MA PBS are anticipated to actively fish for NE multispecies. This is not expected to change year-to-year as the MA PBS will operate as a lease-only sector.

(vi) *ACE Management.*

The MA PBS will be a lease-only sector and will not engage in active fishing. Sectors to which ACE and/or DAS are distributed will be responsible for managing harvest of ACE by their sector participants.

(vii) *Corrective Actions.*

The MA PBS will be a lease-only sector and will not engage in active fishing. Corrective actions will be as established by the sectors to which ACE and/or DAS are distributed.

(viii) *ACE Allocation.*

Per the MOA, at least 30 days prior to any Permit Bank transactions, the MA DMF shall notify NERO, in writing, how it plans to allocate available DAS and/or ACE from the Permit Bank to fishing vessel owners and/or Sectors from among those applicants that qualify for access to said DAS and/or ACE according to the terms and conditions of this Agreement, as well as any additional terms and conditions imposed by MA DMF. Any changes to the allocation proposal will be submitted to NERO in writing prior to implementing the revised allocation plan.

Per the MOA, the MA DMF shall operate the Permit Bank such that no individual, Sector, corporation, non-profit organization, or government entity may be granted, or have access to, the rights and privileges associated with any federal fishing vessel permits held and/or obtained by the MA DMF using funds from a federal grant award for the purposes of the Permit Bank (including, but not limited to DAS and/or ACE), unless that individual, Sector, corporation, non-profit organization, or government entity meets all of the following criteria:

- a. Owns and materially participates in the operation of a fishing vessel permitted to fish in the federal limited access Northeast Multispecies Fishery that is not more than 45 feet in registered length overall, according to the vessel baseline specifications as documented in the NMFS vessel permit database at the time the transaction application is submitted;

- b. Has, for the current fishing year and at least the preceding 3 fishing years, no record of substantial federal or state permit sanctions or major violations of any federal or state fishing regulations;
- c. Resides in, and/or operates his/her fishing vessel from, a community with either a population of no more than 30,000 residents or a population density of no more than 700 residents per mile²; and
- d. Agrees to and signs a contract with MA DMF agreeing to fish in a responsible and sustainable manner.

Per the MOA, the MA DMF shall operate the Permit Bank such that no fishing vessel shall be utilized to fish under DAS leased and/or ACE transferred from the Permit Bank in accordance with this Agreement unless that fishing vessel meets all of the following criteria:

- a. Is permitted to participate in the federal limited access Northeast Multispecies Fishery;
- b. Is not more than 45 feet in registered length overall, according to the vessel baseline specifications as documented in the NMFS vessel permit database at the time the transaction application is submitted; and
- c. The vessel owner resides in, and/or operates the vessel from, a community with either a population of no more than 30,000 residents or a population density of no more than 700 residents per mile².

Per the MOA, the MA DMF shall operate the Permit Bank such that no Sector shall be granted, or have access to, the rights and privileges associated with any federal fishing vessel permits held and/or obtained by the MA DMF using funds from a federal grant award for the purposes of the Permit Bank, unless that Sector meets all of the following criteria:

- a. That the Sector includes qualifying Massachusetts fishing vessels as members; and
- b. That the Sector agrees to sign a contract with the MA DMF stipulating that the ACE transferred and/or DAS leased from the Permit Bank will be used only by qualified Massachusetts vessels.

Per the MOA, the MA DMF shall obtain, from any qualifying Sector selected to receive ACE transferred from the Permit Bank, an agreement signed by the manager of said Sector identifying the specific fishing vessels enrolled in the Sector that are intended to utilize the transferred ACE, prescribing the amount of ACE, in pounds and by stock, to be assigned to each vessel.

Per the MOA, the MA DMF shall ensure that that sub-transferring of ACE and/or sub-leasing of DAS initially provided to a qualifying fishing vessel or Sector does not occur, with the following exception: Sub-transferring of ACE by a Sector to another Sector may occur in the last 2 weeks of the fishing year for which the

initial transaction was processed, or in the first 2 weeks of the subsequent fishing year.

(ix) Need for Supplemental NEPA Analysis.

The need for a supplemental NEPA analysis has not been identified at this time.

(x) Overage Penalties.

The MA PBS will be a lease-only sector and will not engage in active fishing. All overage penalties will be established by the sectors to which ACE and/or DAS are distributed.

(xi) Monitoring & Reporting.

The MA PBS will be a lease-only sector and will not engage in active fishing. All monitoring requirements will be met by the sectors to which ACE and/or DAS are distributed.

The MA PBS will conduct transfers of ACE and DAS to qualifying sectors, and will report to NMFS when this occurs as required by the MOA. The sectors to which ACE and DAS are transferred will report all fishing activity, enforcement issues, and ACE status on a weekly basis *per* their approved Operation Plans. Requiring the MA PBS to report these data will result in unnecessary duplicate reporting.

Per the MOA, MA DMF shall prepare, and submit to NMFS, annual reports documenting the performance of the Permit Bank. Such reports shall be due to NMFS on June 1 of each year following the calendar year in which this Agreement first becomes effective, and shall include, at a minimum, the following information:

- a. For each Permit Bank transaction in the preceding fishing year:
 - 1) The federal permit numbers of permits held by the Permit Bank and whether the fishing access rights associated with the permits were used for (1) DAS leasing or (2) ACE transfers;
 - 2) The number of DAS leased or amount of ACE transferred (by stock);
 - 3) The federal fishing vessel permit number(s) of the fishing vessel(s) that received the lease of either DAS lease or ACE transfer associated with the subject Permit Bank permit(s);
 - 4) For ACE transfers to a Sector, the name of the Sector and a copy of the transfer agreement with that Sector (see item 11 under section VI);
 - 5) The price paid, if any, by the recipient for the transaction (by DAS or, for ACE, by stock);
 - 6) The effective date of the transaction.

- b. Summary information for the preceding fishing year, including:
- 1) The total number of transactions;
 - 2) The total number of DAS leased;
 - 3) The total amount of ACE transferred, by stock;
 - 4) The number of unique vessels receiving the transactions;
 - 5) The total program income generated by MA DMF from the DAS leases and ACE transfers; and
 - 6) Total costs incurred by MA DMF associated with the operation and administration of the Permit Bank, delineated by type (personnel, documentation, travel, facilities, etc.).
- c. An evaluation of the impact of the Permit Bank program, including:
- 1) The degree to which the operation of the Permit Bank achieved the purposes and objectives of the Permit Bank identified in section IV above;
 - 2) Issues, concerns, or problems related to the operation of the Permit Bank; and
 - 3) Suggestions/recommendations to improve the operation of Permit Bank to more fully achieve the purposes and objectives.

(xii) ACE Thresholds.

The MA PBS will be a lease-only sector and will not engage in active fishing. Any ACE threshold provisions will be met by the sectors to which ACE and/or DAS are distributed.

(xiii) Redirection of Effort.

The MA PBS will be a lease-only sector and will not engage in active fishing. Any measures to limit potential redirection of effort into other fisheries will be identified by the sectors to which ACE and/or DAS are distributed.

(xiv) Bycatch Avoidance

The MA PBS will be a lease-only sector and will not engage in active fishing. Any measures to avoid bycatch of regulated species and ocean pout while participating in other fisheries will be described by the sectors to which ACE and/or DAS are distributed.

(xv) Regulatory Exemptions.

Per the MOA, the MA PBS agrees to abide by all applicable federal regulations, however the following regulatory exemptions are requested::

(a) that a sector be composed of three or more persons 50 CFR 648.87(a)(4).

This provision was implemented to address concerns “that sectors may be used as a means to circumvent the individual transferable quota

referendum required by the Magnuson-Stevens Act, and minimize the administrative burden associated with implementing a large number of very small sectors” (*Federal Register* 75 (9 April 2010): 18262 – 18353). State government should not be considered an individual for purposes of holding quota. Under the public trust doctrine, the MA DMF acts as a trustee of the Commonwealth's commonly held living marine resources. It could be argued therefore that a state-operated permit bank does meet the “rule of three”, but for the sake of clarity an exemption should be provided.

(b) length and horsepower restrictions of the DAS Leasing Program.

The MA PBS will abide by the terms and conditions of the MOA, which establishes vessels which harvest ACE or receive a transfer of DAS have a maximum overall length of 45’ or less. Existing sectors have also requested, and received, exemption from these restrictions.

(xv) Confidentiality

All MA PBS permits will be owned by the Commonwealth of Massachusetts. The MA PBS, as a government entity, will be subject to all Freedom of Information Act requests and is therefore not eligible to keep data confidential.

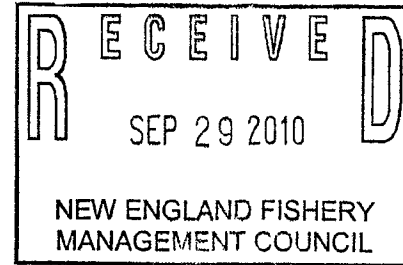
Signature:



David Pierce
Deputy Director
Massachusetts Division of Marine Fisheries

September 22, 2010

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



Dear John and Council Members,

I write on behalf of the Northeast Fishery Sector V Board of Directors in support of the Groundfish Committee's September 9, 2010 motion to recommend the removal of the dockside monitoring program for fishing year 2011.

This program, intended to verify the sale of fish to a federally reported dealer and to ensure accurate reporting by dealers, is a redundant requirement, demanding financial resources from both the agency and the industry that would be better spent elsewhere. The program, as currently structured, does not provide any additional information not provided by dealer data, and relies on dealer scales for weights.

We are deeply concerned about the apparent intent of NOAA Fisheries to increase the enforcement aspects of this program by asking dockside monitors to board vessels and inspect the hold. This raises liability concerns for the industry despite assurances that the monitoring company would adequately insure their monitors.

Of greater concern, however, is the idea that a part-time employee being paid \$12/hour is able to be an effective enforcement agent. We urge you to consider alternative approaches if increased enforcement is deemed to be the primary goal of the dockside monitoring program.

Thank you for your attention and thoughtful consideration on this issue.

Sincerely,

A handwritten signature in cursive script that reads "Christopher Brown".

Christopher Brown, Board President
Northeast Fishery Sector V

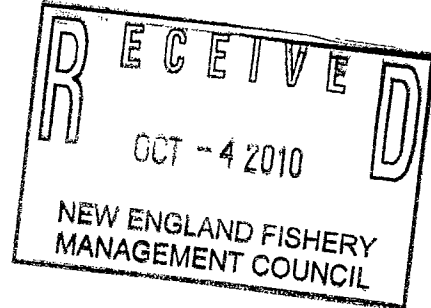
cc: TN Council (10/4)

KAYMAN CHARTERS

PO Box 252
Gloucester MA 01931
capt@kaymancharters.com

October 1, 2010

Paul Howard
Fishery Management Council
50 Water St
Newburyport, MA 01950



Comments for control date of Charter/ Party

Dear Mr. Howard,

My name is Kevin Twombly owner and operator of Kayman Charters in Gloucester MA. I have been in business in Gloucester as a full time Charter boat operator for 19 years. I am one of the few who have this occupation as a full time job and 100% of my income is from Charters.

In 2007 I added a larger vessel to accommodate my older clients for comfort and need for a larger smoother ride. The vessel was permitted in 2007 and I currently do over 100 trips a year with this vessel.

I Strongly oppose the 2006 control date of Charter boats. This control date would put me out of business to support my family and take away the fishing trips for many great people as well as money to areas hotels, restaurants , tackle shops etc.

Thank you in advance for your consideration and cooperation on this important issue.

Sincerely,

Capt. Kevin Twombly

W:TN, AH (10/6)

“Perseverance”

CPF Charters

P.O. Box 732, Brant Rock, MA 02020

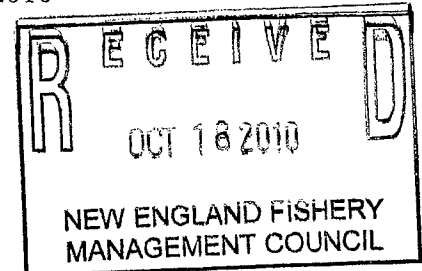
Mobile Phone (617) 291-8914

cpfcharters@yahoo.com

www.cpfcharters.com

October 15, 2010

Mr. Paul J. Howard
Executive Director
New England Fisheries Management Council
50 Water Street, Mill 2
Newburyport, Massachusetts 01950



RE: “Comments – Multispecies Charter/Party Control Date”

Dear Mr. Howard:

I would like to state my opposition to any action that would restrict access or limit the number of participants in the Open-Access Charter/Party Ground Fishery. Regarding the Control Date for Charter/Party boats (March 30, 2006) I ask that you refrain from implementing any form of action that would give preferential treatment to a select group of Charter/Party Operators.

It is my belief that we have an obligation to maintain a level and fair playing field among all Charter/Party Operators irrespective of when they acquired their Open-Access Permit. I feel that Government sanctioned permit exclusivity is both inappropriate and unfair in this situation.

The only apparent reason to implement restricted access to the current open-access ground fishery would be to limit the overall catch of ground fish. With that said, I don't see a direct correlation between retracting the recently issued permits (after March 30th 2006) and restricting any new permits with the number of trips that target ground fish. I suspect that those of us that make the control date (and I'm one of them) would exploit any Limited Access Permit by focusing more effort on ground fishing. Subsequently, a Limited Access Charter/Party Permit would only serve to encourage Operators to market their permit exclusivity and exploit the resource more so. The end result would be less Operators providing more ground fishing trips which ultimately defeats the very purpose of a Limited Access Permit.

I'm confident that you are acutely aware that anyone that is proposing limited access for the Charter/Party Open Access Multispecies Permit is doing so with pure self serving financial interests in mind.

Enjoy your day of fishing aboard the “Perseverance” on a fully equipped Pursuit 3000 Offshore with a Marlin Tower and Outriggers. Go to www.cpfcharters.com for details.

W: Council, TN, AA (10/18)

“Perseverance”

CPF Charters

P.O. Box 732, Brant Rock, MA 02020

Mobile Phone (617) 291-8914

cpfcharters@yahoo.com

www.cpfcharters.com

If you have any questions or comments please call me at (617) 291-8914.

Very truly yours,



Capt. Michael J. Pierdinock
CPF Charters

Stellwagen Bank Charter Boat Association Member
Green Harbor Tuna Club Member
Recreational Fishing Alliance Member

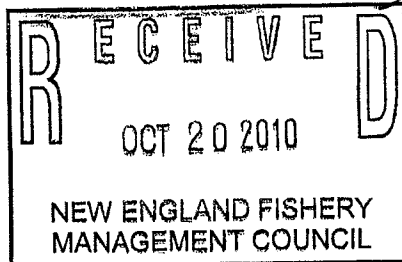
Enjoy your day of fishing aboard the “Perseverance” on a fully equipped Pursuit 3000 Offshore with a Marlin Tower and Outriggers. Go to www.cpfcharters.com for details.

HARD
TO B.

J.M.A.

October 15, 2010

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



Dear Mr. Howard:

This letter is in regards to the control-date (March 30, 2006) and possible limited access into the Charter/Party ground fishery.

Given the current level of participants in this fishery, and the fact that there really hasn't been any dramatic increase in effort or participants, I strongly disagree with the need of a limited access fishery. As with any business, this fishery will see good years and not so good years. This generally translates into more charters or less; that in itself is a large controlling factor concerning effort into the fishery. To the best of my knowledge and from what I can see from the statistics, the overall participants in the Charter/Party fishery has been fairly flat lined.

If there is a lot more fish being caught then the government would like or the overall mortality rate is higher then the fishery can maintain, then there are a lot of other reasons and fixes other than limiting the Charter/Party fishery.

Over the last six years, we have seen a huge increase in private recreational boats fishing on Stellwagen bank; most of these boats are trailered & come from out-of-state, i.e., RI, CT, NY, & NJ. All you have to do is drive around local harbors from mid April-July that has launching ramps and look at the license plates on the trailers. The idea that these boats come all this way to catch 10 codfish is very pie-in-the sky thinking.

If there is a need for some type of limitation in the ground fish fishery, then I propose other avenues that would have a far better result than limiting participants in the Charter/Party fishery, which is a revenue generating service business. There are three possibilities that immediately come to mind.

1. Have a closed season for just recreational participants (non charter boats).
2. Increase the size limit to 28 inches for recreational participants when the season is open.
3. Lower the bag limit to 5 fish per person when the season is open for recreational participants.

These are just a few examples of possible options other than limiting the number of participants in the Charter/Party fishery. Given the tough economic times that the country

cc: Council, TN, AH (10/20)

is now in, I think it only prudent to try and help businesses and **increase** revenue other than eliminate businesses and **decrease** revenue.

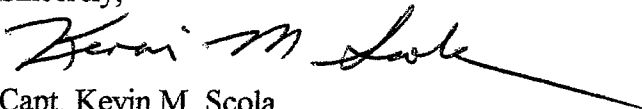
I believe this push for limited access in the Charter/Party fishery is being initiated by a very small group of individuals who are actually looking to retire from the charter boat industry and are trying to create a big value for what is now a valueless permit. This belief is further reinforced by the fact that 95 percent of the charter boat captains that I have spoken to do not agree with or see the need for limited access. As soon as you limit the number of licenses you increase the value of the remaining licenses!

I have held a Captain's license & been chartering on & off since 1974. The amount of effort that is exerted in the charter boat industry is directly related to the amount of trips you take and not the amount of fish you catch!

If the council went forward and made this fishery limited access, in the end, it would create a lot more effort than it would eliminate. Permits would now be worth big money; allocations or das would now be leased for large amounts of money & that would translate into more effort. All you have to do is look at what is going on with the ground fish sectors with codfish now being leased for up to \$1.50 a pound. Boats are going to HAVE to go fishing in order to pay for their leased fish. All boats would have to have VMS's. There would have to be sectors for charter boats. There would be all the requirements that go with the formation of sectors i.e. fisheries observers doing safety inspections in the morning while charters **sit & wait**, dockside monitors, participation fees, discard rates, etc, ect. This would not be good for the charter boat industry it doesn't work that way.

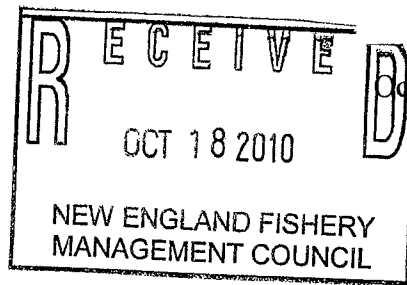
As stated above, I strongly disagree with this course of action. Effort has not increased. There are a number of boats that have limited access, multi-species permits that did charters under those licenses and was told by NMFS they were covered under those licenses as long as they sent in VTR's & a copy of their captains license. I am one of those individuals. To enact this control date back to March 30, 2006, I strongly feel would be unfair & not wise. I also know how this all works and would hope that if you do pursue this line of thinking, (limited access) that you will take into account a persons' past history in the fishery. Given the high level of reporting requirements (VTR's) for the last 15 yrs. or so, this would be an easy thing to do. At the very least, the council should revise this control date to now (Oct. 15, 2010) in order to establish a fair baseline for all active participants if they go limited access.

Sincerely,



Capt. Kevin M. Scola
Survival Fishing Co. &
Bluewater Charters

Paul Howard
Executive Director
N.E. Fish Management Council



Dear Mr. Howard,

This letter is to inform you about the possible control date and limited entry in the Charter Head Boat multi species permits. Sir, I have been a licensed operator of charter boats for 25 years. In April of 2009 I was interested in buying my own 6 passenger boat to do charters. I have been saving for the last ten years to do so. Before I put money down on this boat. I knew permits would be very important, so I called NMFS and asked them if I could get the permits needed to do my charter business. I was told by NMFS that it would not be a problem. I was never told that category may some day become limited entry. I was also not aware that I could lose my permit in the future.

The charter boat business is a large part of my income to support my family. I don't think I should be singled out because I have recently saved enough money to purchase my own boat. I have a large loan on my boat and am concerned about this issue. I don't know how I can pay for my boat without operating my seasonal charter business. I have worked very hard to get where I am today and it could all be taken away.

Please reconsider the way the council is going about this matter. People should not be singled out just because they received there permit after March 2006. In my case, NMFS should not have issued me a permit after March 2006. Many people hold one of these permits that do not use them and I am not one of them. I make a living carrying passengers for hire. I believe you should look at the persons history, and how long he or she has been in the charter business. I'm sure I am not alone in this matter. Many charter boat captains operate a vessel that they do not own and the permits are not in there name. I appreciate your attention in this matter and look forward to a positive outcome for everyone.

Sincerely,

Captain Charles Crocker
8 South Pond Street
Newbury, MA 01951-1217

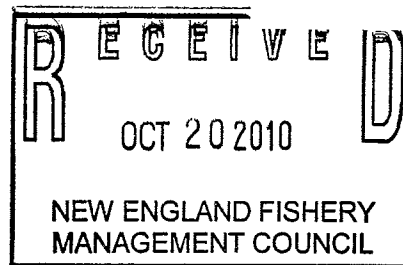
License #1155937
Issue #5

cc: Council, TN AH (10/18)

3. GROUND FISH (November 16-18, 2010)-M

October 19, 2010

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



Dear Paul:

I wish to submit this follow-up comment concerning the Charter/Party permit control date. I sent in written comment a few days ago but forgot to add one important fact. Tom King who is the Secretary of the Stellwagen Bank Charter Boat Association (SBCBA), of which I am a member brought up one important fact. I quote "NMFS issued 673 open-access Charter/Party permits in 2005, which was 5% fewer than it issued in 2002, the year these permits hit their peak." I find this interesting given the fact that the control date was put in place a year later. Why was there a need for this control date and possible future limitation if the issuance of this open access permit was going **down**? Any spike in the issuance of permits after March 2006 could only be attributed to speculative entry into the fishery just because of the control date alone. In a way **creating** the problem, which limited access, is suppose to eliminate.

I hope you & the council will take this into consideration and eliminate and lift this control date.

Sincerely,

Capt. Kevin M. Scola
Survival Fishing Co. &
Bluewater Charters

cc: Council, TN, AH (10/20)

(No Subject)

From: **c.maxon@hotmail.com**

Saved: Sun 10/17/10 2:23 PM

To:

OCT 19 2010

NEW ENGLAND FISHERY
MANAGEMENT COUNCIL

Re: "Comments – Multispecies Charter/Party Control Date"

Dear Mr. Howard:

As both a commercial charter boat captain and a longtime recreational fisherman I would like to state my opposition to any action that would restrict access or limit the number of participants in the Open-Access Charter/Party Ground Fishery.

Regarding the Control Date for Charter/Party boats (March 30, 2006) I ask that you refrain from implementing any form of action that would give preferential treatment to a select group of Charter/Party Operators.

It is my belief that we have an obligation to maintain a level and fair playing field among all Charter/Party Operators irrespective of when they acquired their Open-Access Permit. I feel that Government sanctioned permit exclusivity is both inappropriate and unfair in this situation.

The only apparent reason to implement restricted access to the current open-access ground fishery would be to limit the overall catch of ground fish. With that said, I don't see a direct correlation between retracting the recently issued permits (after March 30th 2006) and restricting any new permits with the number of trips that target ground fish.

I suspect that those of us that make the control date would exploit any Limited Access Permit by focusing more effort on ground fishing. Subsequently, a Limited Access Charter/Party Permit would only serve to encourage Operators to market their permit exclusivity and exploit the resource more so. The end result would be less Operators providing more ground fishing trips which ultimately defeats the very purpose of a Limited Access Permit.

I'm confident that you are acutely aware that anyone that is proposing limited access for the Charter/Party Open Access Multispecies Permit is doing so with pure self serving financial interests in mind.

Thank you for taking the time to read this and thank you for your consideration.

Respectfully

Capt. Curt Maxon

Relentless Charters

Green Harbor Marshfield Ma.

cc: Council, TN, AH (10/20)

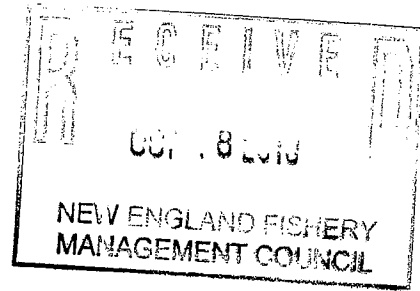
October 15, 2010

Mr. Paul J. Howard

New England Fisheries Management Council

50 Water Street, Mill 2

Newburyport, MA 01950



Re: "Comments – Multispecies Charter/Party Control Date"

Dear Mr. Howard:

I would like to state my opposition to any action that would restrict access or limit the number of participants in the Open-Access Charter/Party Ground Fishery.

Regarding the Control Date for Charter/Party boats (March 30, 2006) I ask that you refrain from implementing any form of action that would give preferential treatment to a select group of Charter/Party Operators.

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I'm confident that you are acutely aware that anyone that is proposing limited access for the Charter/Party Open Access Multispecies Permit is doing so with pure self serving financial interests in mind.

Thank you for taking the time to read this and thank you for your consideration.

Sincerely Yours,

Capt. Steven James

A handwritten signature in black ink that reads "S. James". The signature is written in a cursive style with a large, stylized initial "S".

President, Boston Big Game Fishing Club

NMFS HMS Advisory Panel Member

Stellwagen Bank Charter Boat Assoc. Member

Green Harbor Tuna Club Board of Directors

Marshfield Waterways Committee

Stellwagen National Marine Sanctuary Archeology Work Group Member

NMFS MRIP Project Member

Dear Mr. Howard,

I respectfully request that you and your colleagues seriously reconsider the entire concept of ever implementing "LIMITED ACCESS" fishery for the following reasons:

- # 1. I submit this action would be counter productive to maintaining our quota in this region .
- #2. Ounce this action is implemented, an immediate unfair and perhaps illegal bias is created and encourages a class action tort.
- #3. Cconclusive hard data clearly indicates that our entire NE fishery is diminishing as statistics show C/HB permits are down 5 % from 2002-2005.
- #4. The demographics indicate that fewer younger applicants for permits are even entering this fishery due to regulations, restrictions, days at sea and a diminishing profit margin.
- #5. A reassessment of the Spiny Dogfish population will clearly reveal they are having a devastating impact on all juvenile groundfish and in fact impacting the entire eco system.
- #6. Perhaps most important to consider is the devastating financial hardship to all of us that have made huge financial investments in purchasing boats since 2006 (now worth 30 % of purchase price) ,coupled with all the collateral expenses, to wit obtaining Coast Guard licenses, establishing web sites etc. etc. I respectfully submit there are many other alternatives available to manage groundfish and in fact all fisheries. In closing sir, any implementation of Limited Access Groundfishing permits is unfair and predicated on a glaringly stale and archaic five year old and perhaps illegal decision.

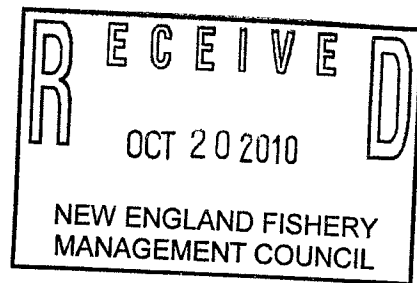
Very truly yours,

Captain Pete Murphy

Stellwagen Bank Charter Boat Association

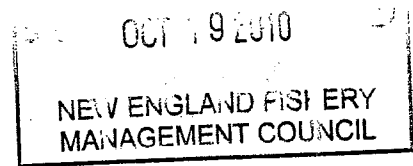
B.O.D. Green Harbor Tuna Club

Boston Big Game Fish Club



W. Council, TN, AH (10/20)

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



Re: "Comments – Multispecies Charter/Party Control Date"

Dear Mr. Howard:

I would like to state my opposition to any action that would restrict access or limit the number of participants in the Open-Access Charter/Party Ground Fishery.

Regarding the Control Date for Charter/Party boats (March 30, 2006) I ask that you refrain from implementing any form of action that would give preferential treatment to a select group of Charter/Party Operators.

It is my belief that we have an obligation to maintain a level and fair playing field among all Charter/Party Operators irrespective of when they acquired their Open-Access Permit. I feel that Government sanctioned permit exclusivity is both inappropriate and unfair in this situation.

The only apparent reason to implement restricted access to the current open-access ground fishery would be to limit the overall catch of ground fish. With that said, I don't see a direct correlation between retracting the recently issued permits (after March 30th 2006) and restricting any new permits with the number of trips that target ground fish.

I suspect that those of us that make the control date (and I'm one of them) would exploit any Limited Access Permit by focusing more effort on ground fishing. Subsequently, a Limited Access Charter/Party Permit would only serve to encourage Operators to market their permit exclusivity and exploit the resource more so. The end result would be less Operators providing more ground fishing trips which ultimately defeats the very purpose of a Limited Access Permit.

I'm confident that you are acutely aware that anyone that is proposing limited access for the Charter/Party Open Access Multispecies Permit is doing so with pure self serving financial interests in mind.

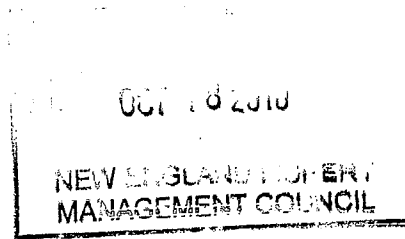
Thank you for taking the time to read this and thank you for your consideration.

Captain Stewart Rosen

cc: Council, TN, AH (10/20)

October 18, 2010

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



Re: "Comments – Multispecies Charter/Party Control Date"

Dear Mr. Howard:

I would like to state my opposition to any action that would restrict access or limit the number of participants in the Open-Access Charter/Party Ground Fishery. Regarding the Control Date for Charter/Party boats (March 30, 2006) I ask that you refrain from implementing any form of action that would give preferential treatment to a select group of Charter/Party Operators.

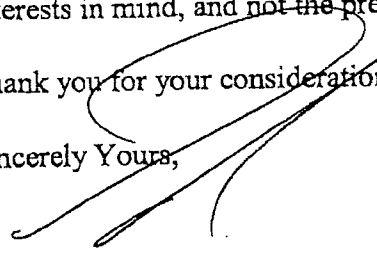
It is my belief that we have an obligation to maintain a level and fair playing field among all Charter/Party Operators irrespective of when they acquired their Open-Access Permit. I feel that Government sanctioned permit exclusivity is both inappropriate and unfair in this situation and I do not feel that spirit of the control date is one in which is directed to the health and welfare of the fishing stocks.

I suspect that those that make the control date would exploit any Limited Access Permit by focusing more effort on ground fishing. Subsequently, a Limited Access Charter/Party Permit would only serve to encourage Operators to market their permit exclusivity and exploit the resource more so. The end result would be less Operators providing more ground fishing trips which ultimately defeats the very purpose of a Limited Access Permit.

It is also my belief that some of the parties proposing and supporting the limited access for the Charter/Party Open Access Multispecies Permit are doing so with pure self serving financial interests in mind, and not the preservation and conservation of the fisheries

Thank you for your consideration in this matter.

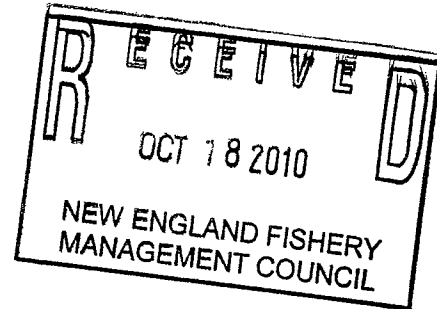
Sincerely Yours,


G. Grant Flowers, III

Stellwagen Bank Charter Boat Assoc. Member

cc: Council, TN, AH (10/20)

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



Re: "Comments – Multispecies Charter/Party Control Date"

Dear Mr. Howard:

I would like to state my opposition to any action that would restrict access or limit the number of participants in the Open-Access Charter/Party Ground Fishery.

Regarding the Control Date for Charter/Party boats (March 30, 2006) I ask that you refrain from implementing any form of action that would give preferential treatment to a select group of Charter/Party Operators.

I believe we have a responsibility to support competition in the Charter/Party Operators industry and to enhance the level of service and livelihood of hundreds of local business owners. Any effort to limit the entry and access to Charter/Party Operator permits is unfair, irresponsible, and anticompetitive.

The only apparent reason to implement restricted access to the current open-access ground fishery would be to limit the overall catch of ground fish. With that said, I don't see a direct correlation between retracting the recently issued permits (after March 30th 2006) and restricting any new permits with the number of trips that target ground fish.

I suspect that those of us that make the control date (and I'm one of them) would exploit any Limited Access Permit by focusing more effort on ground fishing. Subsequently, a Limited Access Charter/Party Permit would only serve to encourage Operators to market their permit exclusivity and exploit the resource more so. The end result would be less Operators providing more ground fishing trips which ultimately defeats the very purpose of a Limited Access Permit.

I'm confident that you are acutely aware that anyone that is proposing limited access for the Charter/Party Open Access Multispecies Permit is doing so with pure self serving financial interests in mind.

Thank you for taking the time to read this and thank you for your consideration.

Sincerely Yours,

Capt. Matthew Merrick

Captain – Black Rose Fishing Charters

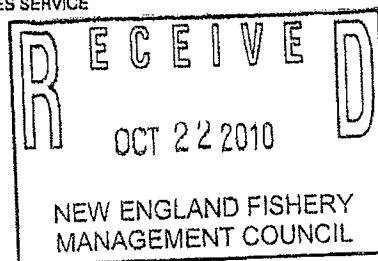
Stellwagen Bank Charter Boat Assoc. Member

a:TN, Council (10/18), AH



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

OCT 21 2010



Small Entity Compliance Guide

Subject: Extended Opportunity to Join a Sector for Fishing Year (FY) 2011

Dear Limited Access Northeast (NE) Multispecies Permit Holder:

This letter announces an extension to **December 1, 2010**, for permit holders to sign a sector contract and for sectors to submit rosters for fishing year (FY) 2011 (May 1, 2011, through April 30, 2012). This letter supersedes the sector roster deadlines of September 1 and September 10 included in previous letters from NOAA's National Marine Fisheries Service (NMFS) dated July 29, 2010, and August 18, 2010.

Amendment 16 to the NE Multispecies Fishery Management Plan established a September 1 deadline for sectors to submit an operations plan and sector contract for operations in the following fishing year. Due to a delay in notifying permit holders of their FY 2011 potential sector contributions, NMFS, in a permit holder letter dated August 18, 2010, extended the deadline to September 10, 2010 for permit holders to sign a sector contract and for sectors to submit rosters for FY 2011.

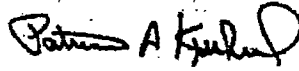
Based on industry request, NMFS is setting a new deadline of **December 1, 2010**, for sectors to add permits to their rosters for FY 2011. This deadline extension is being offered to permit holders that have not yet enrolled in a sector for FY 2011, as well as permit holders that have previously signed a sector contract but wish to change sectors prior to the start of FY 2011. Interested permit holders must contact individual sector managers to join. Please note that each sector may decide whether or not members may leave the sector and whether or not to accept new members. No permit may be enrolled in more than one sector during FY 2011.

Each sector must provide an updated sector roster, including copies of signed sector contracts for each new member, to NMFS no later than **December 1, 2010**. Sectors may remove permits from their rosters through April 30, 2010; however, based on this deadline, permits withdrawn from a sector after December 1, 2010, would not be allowed to join another sector and would be restricted to fishing in the common pool for FY 2011.



If you have any questions about this letter or other regulations, please contact the Sustainable Fisheries Division at (978) 281-9315.

Sincerely,

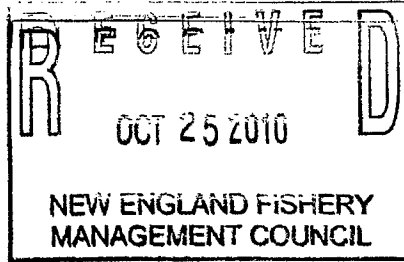
A handwritten signature in black ink, appearing to read "Patricia A. Kurkul". The signature is fluid and cursive, with a large initial "P" and "K".

Patricia A. Kurkul
Regional Administrator

This small entity compliance guide complies with section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996.

RECEIVED

OCT 25 2010



October 19, 2010

Mr. Howard

I would like to voice my opposition to the cut-off date for groundfishing, permits or any other exclusionary action by our government to groundfishing.

This sets a precedence toward the limited access of all fishing, except for a select few. This can only be a political, bias decision that limits any open access by our citizens and does not represent any sound, scientific management practice.

It does not appear to me that this is a fair, sound practice in any management plan for the future of our fishery.

Respectfully,

Capt. C. S. Holt

Marshfield, MA

cc: tn, ah, etc.

Joan O'Leary

From: michael.hogg@comcast.net
Sent: Sunday, October 24, 2010 3:36 PM
To: Joan O'Leary
Subject: whaleback closure

U U OCT 24 2010 U
NEW ENGLAND FISHERY
MANAGEMENT COUNCIL

A complete closure of the Whaleback area is absurd. I am not opposed to increasing restrictions on fishing this area during the spawn season however a complete is not needed.

I own Crossroads Bait and Tackle and the Cod and Haddock reports this year were very good indicating the fishery is not in need of a complete closure. Especially when a lot of my ethical customers keep a couple of the smaller cod and take pictures of the big breeders right before releasing them back into the waters. If the goal of the closure is to protect the big breeders put a maximum size limit on the species that focuses on protecting the breeder size cod from being pulled from the waters or decrease the box limit for all fisherman. This would help a replenish the stock and keep charter boats, and bait shops in business during this very tough economy.

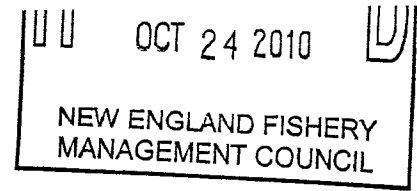
Many business' rely on the early season cod and haddock fishing to start their seasonal business. Since we are already seasonal it will be a lot harder to stay in business if our bait season starts late. The last few years we have seen a drastic decrease in how much people spend on fishing and boating and this will add financial stress to bait, fishing retail, and charter business'. We need to be rational and find a happy medium that satisfies the environment and the people that live for fishing both mentally and financially.

Do not allow a complete closure of this area, it is not needed and will hurt those that make a living off of fishing, and penalize the responsible angler.

Michael Hogg
Crossroads Bait and Tackle

Joan O'Leary

From: joe carpino [carpinojoe@yahoo.com]
Sent: Sunday, October 24, 2010 7:22 PM
To: Joan O'Leary
Subject: whaleback closure



to who it may concern,

my name is joseph carpino, i am a recerational fisherman out of new hamshire. i attend last thursday nights meeting in newburyport.

well i think that closing this area to all fishing is a terrible idea. you state it is to save the spawning cod. i dont think you realize the impact it has on all fishing.. i am a big game fisherman that target sharks and tuna. by closing that area you are impacting the people that do that type of fishing..

i strongly beleive one year of data is a poor reason. ever fisherman knows that 2 weeks b4 memorial day and 2 weeks after is when the cod fish bite.. i would like to you rethink what you are doing and ask you to change it to a closure for ground fish only or the same type as Mass Bay. there is no reason for having several areas with different rules. everything should be the same.

the 1st version is horrible and ugly. i agree with saving the spawning cod fish and closing ground fishing only.. for the 2 months that they are there and biting(may and june) i would like to see it open for us big game fisherman that look for tuna and sharks in that area. there are other types of fish that are in that area that people can target with out using cod gear or even bottom fishing.. so please let us still fish that area. please do more then 1 season of research.. you want to save the cod.. lower the limit of posstion of cod fish to only 2 per person

thank you

joe carpino
603-370-8408

Joan O'Leary

From: Steve Schott [SteveSchott@comarkcorp.com]
Sent: Monday, October 25, 2010 11:08 PM
To: Joan O'Leary
Subject: Whaleback Closure
Attachments: 13278 PORTSMOUTH TO CAPE ANN NH-MA-ME with keep out proposed cropped.jpg

NEW ENGLAND FISHERY
MANAGEMENT COUNCIL

Joan,
I am a recreational fisherman with home port of Newburyport. I support the action of the committee to close the spring Cod spawning grounds.

I offer the following comments to the proposal.

1. The extents of the closure are in Loran. Of the many recreational fisherman I know and fish with, none have Loran. Everyone has GPS. Having the closure extents based on Loran will make it very difficult to comply with.
2. The area proposed by "version 1" is approximately 32 square miles and goes almost as far south as halfway hump. The spawning grounds have historically been small areas within a 4 x 5 mile square (20 square miles). The proposed area covers many rocky areas where spawning Cod do not aggregate, but mackerel fisherman do. Limiting the area to an area formed by the 42° 55'N, 70° 40'W, 42°51' N, and 70°33' W lines would results in a more focused closure area and will a) ease compliance, b) ease enforcement, c) reduce the number of vessels that have to transit the closed area on the way to Jeffery's ledge and d) reduce the number of fisherman in the area targeting other fish. See attached diagram.

Thank you for your attention.

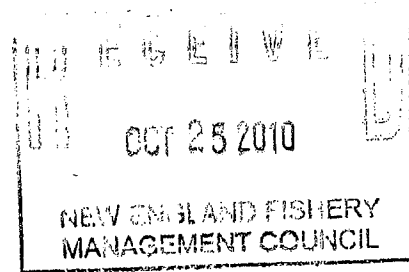
Steve Schott

<<13278 PORTSMOUTH TO CAPE ANN NH-MA-ME with keep out proposed cropped.jpg>>

Richard Bonander
90 Van Buren Ave
West Hartford, CT 06107

10/21/2010

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



Dear Council

Issue: Closing of Whaleback off the Isle of Shoals to Party Boats

I oppose closing the area known as Whaleback to Party-boat Anglers. We rod and reel anglers cannot devastate Cod Stocks like the no discriminatory methods of Commercial interests ie, draggers, netters and long liners. Commercial fisherman should be restricted from the area like they are from Jeffery Ledge when Haddock are spawning (now there was a success story.

I suggest a 1 baited hook or just a jig with no teaser 18inch above it when party boaters are fishing that area. I also recommend not just keeping commercials out of there but outling an avenue of escape to the offshore grounds when they leave in 2-3 weeks so they are not all picked off right away by the commercials. If this had been done back in the 1970s around Block Island, RI maybe we would still have 30lb Cod in February and March.

It has been since 1980 since I have caught 40lb Cod and Whaleback is the last area where the average Joe can still catch such fish from a party boat to bring home from as far away as Albany, NY. Most of us can only afford to party boat fish and can only wave at \$10/lb Cod or Haddock in the market. Please do not take Whaleback away from us. Once gone we will Never get it back.

Please consider about the public use

Richard Bonander



New England Fishery Management Council

Announcement

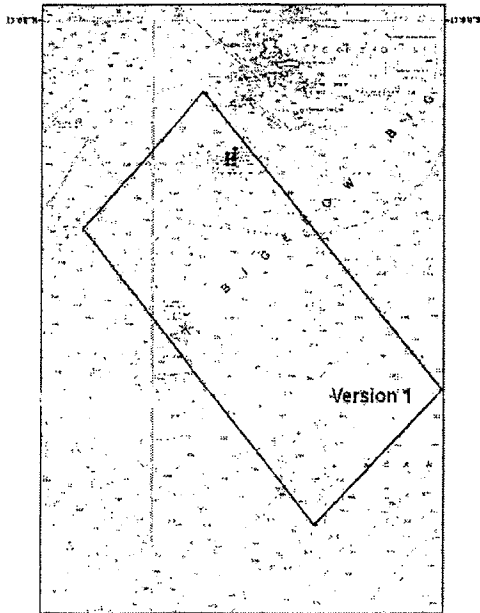
FOR IMMEDIATE DISTRIBUTION
October 7, 2010

Contact: Anne Hawkins
978.465.0492, ext. 35

RECREATIONAL FISHERMEN NOTICE OF PUBLIC INFORMATIONAL MEETINGS

An area in the Gulf of Maine is being proposed to protect spawning aggregations of Gulf of Maine cod. The action could limit fishing at times and in areas when cod catch rates are high, by reducing opportunities to target large spawning fish and by preventing fishing from interfering with spawning activities.

October 19, 2010 from 6-8 p.m. – Urban Forestry Center, 45 Elwyn Road, Portsmouth, NH
October 21, 2010 from 6-8 p.m. – Parker River NWR Visitor Center, 6 Plum Island Tpk, Newburyport, MA



The New England Fishery Management Council will conduct two public informational meetings to describe the measures being considered to limit commercial and recreational fishing activities in an area just south of the Isles of Shoals, referred to as “Whaleback”, where large cod are heavily targeted by both groups of fishermen. Council staff will provide details about the specific management measures proposed for inclusion in Framework Adjustment 45 to the Northeast Multispecies Fishery Management Plan. The Council is intending to finalize this measure at its meeting on November 16-18 in Brewster, MA.

There will be a question and answer period. Anyone wishing to submit individual comments to the Council should provide them in writing or attend an upcoming Groundfish Committee meeting or the full Council meeting in November. See the Council’s website www.nefmc.org for further information about submitting comments and the meeting schedule.

Directions to Urban Forestry Center:

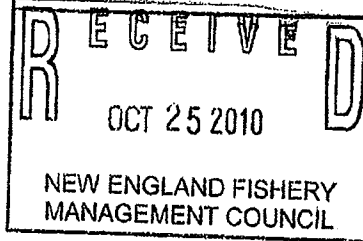
From Interstate 95 North/South: take Exit 5 to the Portsmouth Traffic Circle. From the Circle, take Route 1 Bypass South. This will merge into Route 1 South. Proceed about 2 miles thru a series of five lights. At the next set of lights you should be in the left turn only lane (Market Basket will be on your right). Turn left onto Elwyn Road. Take the first left turn (approximately 500 feet) into the Urban Forestry Center road to the parking lot

Directions to Parker River National Wildlife Refuge Visitor Center:

The visitor center is located ~35 miles north of Boston near the City of Newburyport. From Route 95 take exit 57 and travel east on Route 113, then continue straight onto Route 1A South to the intersection with Rolfe’s Lane for a total of 3.5 miles. Turn left onto Rolfe’s Lane and travel 0.5 miles to its end. Turn right onto the Plum Island Turnpike. The visitor center is on the right (directly across the street from the Massachusetts Audubon Joppa Flats Education Center).

NORTHEAST FISHERY SECTOR IV

10 WITHAM ST., GLOUCESTER, MA 01930 Phone: 978-281-1770 Fax: 978-281-1779



To: Patricia Kurkul
Paul Howard
Cc: Jonathan Labaree

October 20, 2010

Dear Pat & Paul,

The Gulf of Maine Research Institute held a sector manager meeting at the Sheraton in Danvers in July. One of the topics discussed by the group was the "Next round of Federal Funding for Sector Start-up Costs". During this discussion I offered, on behalf of Northeast Fishery Sector IV, to forego acceptance of this next round of funding so that the other sectors shares would be increased. As you know, NEFS IV is operating as a lease-only sector in 2010. I made this gesture for two deliberate reasons:

1. To acknowledge that the management burden and associated costs of operating a sector that is actively conducting fishing activity exceeds that of a lease only sector.
2. To assist the managers present toward reaching consensus agreement to recommend that the full amount of Federal Funds available for this round be distributed in equal shares to the remaining 16 sectors.

Please accept this communication as reaffirmation of NEFS IV wishes to decline eligibility / acceptance of Federal Funding for this next round of direct assistance monies conditional upon the full amount of Federal Funds available for this round be distributed in equal shares to the remaining 16 sectors.

The transition to sector management is a monumental operations burden to the active fleet. Direct assistance funding is especially essential in the initial years. NEFS IV and the Gloucester Fishing Community Preservation Fund hope our gesture will help the active sectors by increasing the remaining allocations of federal funding.

Sincerely,

A handwritten signature in black ink, appearing to read "Vito Giacalone".

Vito Giacalone
Northeast Fishery Sector IV, Sector Manager
Gloucester Fishing Community Preservation Fund, President

cc: Council, TN, AH, PMF (10/24)

ASSOCIATED FISHERIES OF MAINE

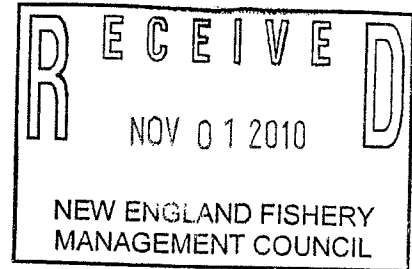
PO Box 287, South Berwick, ME 03908

207-384-4854

October 30, 2010

Mr. John Pappalardo, Chair
New England Fishery Management Council

VIA ELECTRONIC MAIL



Dear John:

I write, on behalf of our membership, to thank the Council for continued support of the Multispecies Framework 45 recommendation to relieve the groundfish industry of the costs for at-sea monitoring in 2012.

We are grateful that the Council has recognized the industry's inability to shoulder this expense, as well as the broad based support from the industry for this decision making by the Council.

Sincerely,

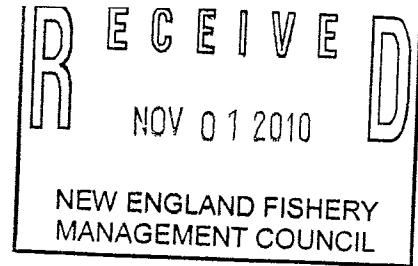
M. Raymond

Maggie Raymond

cc: to ah

Joan O'Leary

From: Amanda Odlin [aodlin@maine.rr.com]
Sent: Saturday, October 30, 2010 10:33 PM
To: John Pappalardo
Cc: Joan O'Leary
Subject: At-Sea Monitoring and Dockside Monitoring in 2012



10/30/10
NEFMC

To: Chairman, John Pappalardo,

I am writing to you as a stakeholder in the commercial groundfishery to urge the NEFMC to vote in favor of elimination of industry funding for At-Sea-Monitoring and Dockside Monitoring in 2012. I know I cannot afford the expense, nor have I talked to anyone that can bare the burden. I also feel that dockside monitoring is absolutely redundant and unessential, considering the dealer and sector manager are gauging our landings as well as the fact that I send the fishing reports in on a weekly basis.

Thank You,
Chris Odlin
Amanda Odlin
F/V Lydia & Maya
F/V Bethany Jean

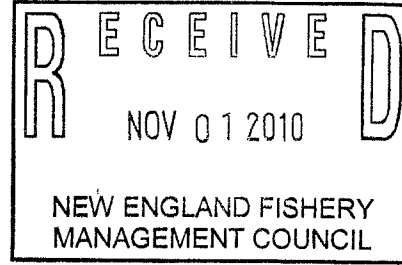
Handwritten signature or initials

SUSTAINABLE HARVEST SECTOR

PO Box 356, So. Berwick ME 03908 | 207-956-8497 | www.groundfish.org

October 31 2010

John Pappalardo, Chair
New England Fishery Management Council
50 Water St. Mill 2
Newburyport, MA 01950



Dear John,

We write to request the NEFMC eliminate the requirement for sectors to fund at-sea monitoring costs in FY2012. We do not believe the industry is profitable enough to pay for those costs at this time.

Over the last few years, groundfish landings have averaged about \$80 million per year. Sector management requires the industry to bear significant new costs:

Item	Approximate Annual Cost
Dockside monitoring	~\$0.5 million
Sector administration	~\$1.5 million
At-sea monitoring	~\$4.5 million
TOTAL	~\$6.5 million

This additional \$6.5 million in expense equals an 8% reduction in vessel net revenue. Though industry profitability data is not readily available, it seems unlikely the fleet is making less than an 8% profit margin at current harvest levels and fleet size.

In recent years the groundfish fleet has harvested around 25% of its total allowable catch. Though sector management does present opportunity to increase that percentage (and thus presumably increase revenue), it is too early to assess the result. Additionally, increased revenues to harvesters will be offset – perhaps dramatically – by the cost of acquiring quota.

Sector vessels are also shouldering additional costs in the form of new fishing gears designed to help avoid bycatch of limited-quota stocks. And the Federal Reserve’s policy of quantitative easing will increase fuel costs. Fuel consumes 20%-30% of our sector vessels’ revenue, and continued weakening of the dollar is likely to drive prices upward.

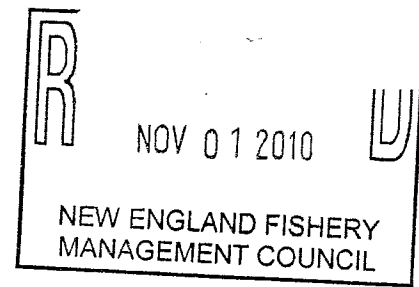
In summary, we believe the immediate future presents the groundfish fleet a possibility of increased revenue, versus an absolute certainty of increased operating expenses. Until ex-vessel revenues increase and the economics of sector management stabilize, we believe the NMFS should pay for the monitoring it has mandated for sectors.

Sincerely,

Hank Soule
Manager, Sustainable Harvest Sector

cc: tn, ah

F/V Jocka
F/V Rachel T
Terry Alexander
67 Grover Lane
Harpwell, Maine
04079
207-729-2538



October 31, 2010

Mr John Pappalardo, Chair
New England Fisheries Management Council

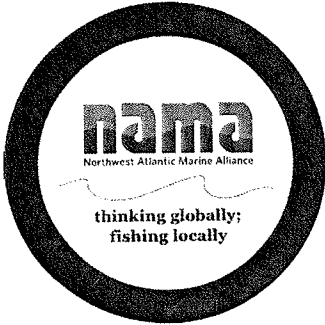
Dear John,

I am writing to encourage the council continue to support the Framework 45 recommendation that the groundfish industry not bear the cost of at sea monitoring in 2012.

The industry is far from profitable under the current allocations and cannot afford to pay for it. It appears the at sea monitoring costs will be in the neighborhood of 10% of the gross of the fishery. That's more than the average profit in the business.

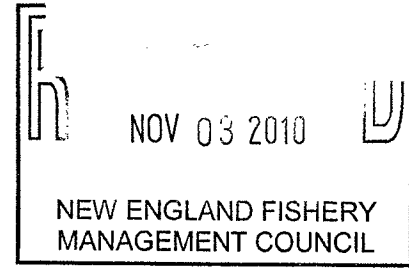
Thank You

Terry Alexander



November 2, 2010

Mr. John Pappalardo
Chair, Executive Committee
New England Fishery Management Council



Dear Chairman Pappalardo,

We are glad to know the Executive Committee is recommending that fleet diversity, fleet consolidation, and the Council Staff's White Paper titled, "*Fleet Diversity, Allocation, and Excessive Shares in the Northeast Multispecies Fishery*" be part of the Council's priorities for the upcoming year.

We believe this priority will direct the Council towards achieving as of yet unmet Goals and Objectives in Amendment 16 intended to ensure fleet diversity and minimize impacts to fishing communities. We believe it is important to ensure that work to achieve fleet diversity is grounded in a long-term vision and acknowledges that if we care about protecting our oceans then Who Fishes Matters.

To that end, we believe the council should include, amongst other possible options, the following ways to ensure fleet diversity and prevent excessive consolidation:

1. Quota set-asides that invest in fishing communities
2. Leasing policies that foster an affordable fishery
3. Owner-Operator incentives
4. Accumulation limits

We look forward to participating in these discussions with the groundfish committee, and the council as this process moves forward.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brett Tolley'.

Brett Tolley
Community Organizer

BOARD OF TRUSTEES

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