

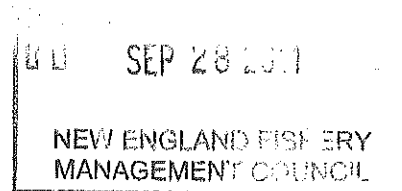
Correspondence



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

SEP 23 2011

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



Dear Rip:

As you are aware, the regulations require that I evaluate recreational catch at the end of the fishing year (FY), and determine if any of the recreational sub-annual catch limits (ACLs) were exceeded. FY 2010 recreational catch data recently became available, and we have completed recreational catch estimates for Gulf of Maine (GOM) cod and GOM haddock, which are currently the only stocks with a recreational allocation. Attached are the FY 2010 recreational catch estimates by wave period for these two stocks.

For FY 2010, approximately 62 percent of the GOM cod recreational sub-ACL was harvested, and approximately 122 percent of the recreational sub-ACL for GOM haddock was harvested. When there is an overage of a recreational sub-ACL (such as with GOM haddock in this case), the regulations require that I develop accountability measures (AMs), after I consult with the Council, to prevent the recreational fishery from exceeding its sub-ACL in the future. AMs identified by the Council in Amendment 16 include adjustments to the fishing season, possession limits, or minimum fish sizes. The regulations also specify that, if possible, final measures should be published in the Federal Register by January to ensure the AMs are in place by the end of FY 2011. This letter, therefore, is to request that the Council provide input to me on its preferred AMs for GOM haddock.

Recreational catch estimates for other stocks, which do not have a recreational allocation, will be included in our updated FY 2010 year-end catch estimates. Updated FY 2010 year-end catch estimates are expected to be available by the end of September.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia A. Kurkul".

Patricia A. Kurkul
Regional Administrator

Attachment



cc: TN, GF Cte (10/3)

Fishing Year 2010
Gulf of Maine (GOM) Cod and GOM Haddock
Recreational Harvest

MRFSS Wave	GOM Cod					
	Wave Harvest			Cumulative Harvest		
	mt	lb	% of sub-ACL	mt	lb	% of sub-ACL
2010 Wave 3	1,007.6	2,221,378	37.7	1,007.6	2,221,378	37.7
2010 Wave 4	302.3	666,457	11.3	1,309.9	2,887,835	49.0
2010 Wave 5	250.1	551,376	9.4	1,560.0	3,439,211	58.4
2010 Wave 6	7.5	16,535	0.3	1,567.5	3,455,746	58.6
2011 Wave 1	0.0	0	0.0	1,567.5	3,455,746	58.6
2011 Wave 2	86.5	190,700	3.2	1,654.0	3,646,446	61.9

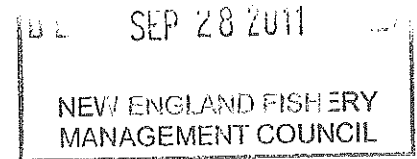
MRFSS Wave	GOM Haddock					
	Wave Harvest			Cumulative Harvest		
	mt	lb	% of sub-ACL	mt	lb	% of sub-ACL
2010 Wave 3	192.7	424,831	59.5	192.7	424,831	59.5
2010 Wave 4	89.4	197,093	27.6	282.1	621,924	87.1
2010 Wave 5	60.5	133,380	18.7	342.6	755,304	105.7
2010 Wave 6	0.1	220	0.0	342.7	755,524	105.8
2011 Wave 1	0	0	0.0	342.7	755,524	105.8
2011 Wave 2	53.6	118,168	16.5	396.3	873,692	122.3



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



Dear Rip:

Please consider the two issues I have summarized in this letter regarding groundfish catch in the scallop fishery. Both pertain to recent updated estimates of catch that we have completed.

Issue 1: Update of Groundfish Catch in the Scallop Fishery

At the August 2011 Groundfish Committee Meeting, my staff provided preliminary estimates of groundfish catch in the scallop fishery for fishing year (FY) 2010. We have recently updated this information, and attached you will find the updated estimates of FY 2010 groundfish catch in the scallop fishery.

This updated information indicates that the scallop fishery caught 259 mt of southern windowpane flounder in FY 2010. The FY 2010 catch of this stock by scallop vessels exceeded both the FY 2010 total annual catch limit (ACL) and the FY 2010 total acceptable biological catch for this stock. Combined with catch by groundfish vessels, and other non-groundfish vessels, the FY 2010 total catch of southern windowpane flounder also exceeded the FY 2010 overfishing limit (OFL) of 317 mt.

In August 2011, the Groundfish Committee passed a motion to request that the Groundfish Plan Development Team (PDT) recommend a sub-ACL for southern windowpane flounder for the scallop fishery. I urge the Council to adopt this motion and continue to pursue alternatives to reduce bycatch of southern windowpane flounder in the scallop fishery to prevent exceeding the ACL and OFL in the future.

In FY 2010, the scallop fishery also caught 73 mt of Southern New England (SNE)/Mid-Atlantic (MA) winter flounder. Catch of this stock by scallop vessels exceeded the "other sub-component" value of 32 mt, and was also twice the amount caught by the commercial groundfish fishery in FY 2010, although the total ACL for this stock was not exceeded. Given the status of this stock, I recommend that the Council also consider measures to reduce bycatch of SNE/MA winter flounder in the scallop fishery.

Issue 2: Updated Estimate of Yellowtail Flounder/Development of Framework 23 Measures

Since our April 21, 2011, letter updating you on the level of yellowtail flounder catch in the scallop fishery during FY 2010, we have worked closely with the Scallop PDT, Council Staff, and Center staff to refine this estimate.



We have made two changes to bring this estimate in line with the assessment for yellowtail flounder: 1) Pooling open and access area (Nantucket Lightship, Elephant Trunk, Delmarva) observer data for SNE/MA; and 2) stratifying the discard rate by fleet (i.e., separate discard rates for limited access vs. scallop individual fishing quota (IFQ) vessels). We also stratified the IFQ fleet by gear type (dredge vs. trawl) to account for the high discard rate in the LAGC trawl fishery that scallop industry reported during the September 12 and 13 Scallop Advisory Panel and Committee meetings. Finally, January and February 2011 observer recently became available, allowing us to calculate yellowtail catch with observer data for the full scallop fishing year. Previously we had used January and February 2010 observer data to account for a full year of data.

The table below outlines the revised Georges Bank (GB) and SNE/MA yellowtail flounder sub-ACLs for the scallop fishery for FY 2010 and the estimated FY 2010 harvest.

Estimated YTF Catch (lb) by the Scallop Fishery in FY 2010

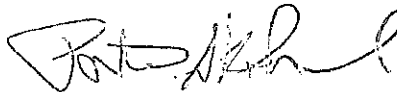
YTF Broad Stock Area	YTF sub-component allocated to the scallop fishery	Estimate of YTF catch in scallop fishery	Percent of YTF sub-component
GB	321,875	38,884	12.1%
SNE/MA	297,624	249,196	83.7%

The GB yellowtail flounder catch estimate is based almost entirely on the limited access fishing activities in that area. The scallop IFQ fleet accounted for only 38 lb of yellowtail flounder bycatch. As for the SNE/MA yellowtail flounder catch, the limited access fleet accounted for 199,303 lb of yellowtail flounder, while the scallop IFQ fleet accounted for 49,893 lb. Of this amount, the majority of estimated discarded yellowtail flounder (42,551 lb) was caught by the IFQ trawl fishery.

As outlined in Scallop Amendment 15, we will project the scallop fishery's FY 2011 yellowtail flounder catch in mid-January 2012. At that time, we will announce whether any accountability measures related to a yellowtail flounder sub-ACL overage will be triggered in FY 2012.

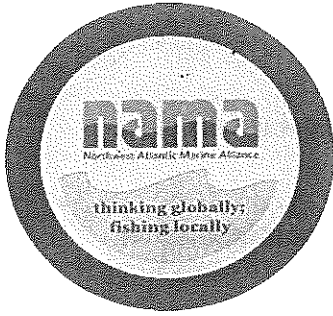
Thank you for considering these comments. If you have any questions regarding this letter, my staff is available to discuss the attached estimates, as well as these comments, with your staff.

Sincerely,



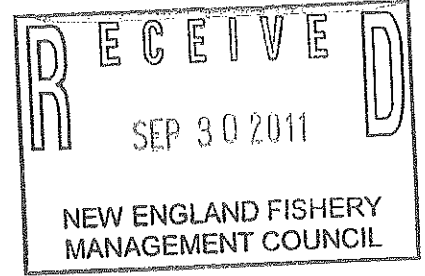
Patricia A. Kurkul
Regional Administrator

Attachment



September 30, 2011

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



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Science & Policy Coordinator

Brett Tolley
Community Organizer

Sean Sullivan
Marketing, Development and Outreach Associate

RE: Amendment 18 Scoping document and process

Dear Mr. Cunningham,

At its September meeting, the Council voted unanimously in support of moving the Fleet Diversity Amendment 18 scoping document forward. **On behalf of the Northwest Atlantic Marine Alliance we congratulate the Council on taking this important step forward. We urge the Groundfish Committee to maintain the September 15 draft of the Fleet Diversity Amendment 18 scoping document as it now reads. We further ask that the scoping process include 8-10 scoping meetings to be scheduled within a reasonable timeframe that will maximize public participation.**

The Fleet Diversity Amendment 18 will define the future of sector management in New England and how it will impact fishing communities and fishermen from throughout the range of the fishery who are able to participate in it. Therefore, we urge you to encourage as much public input as possible by distributing meetings widely throughout the region and providing enough time for thoughtful and effective comments to be provided.

To provide adequate geographical coverage for the scoping process, we suggest that the scoping meetings be held in communities in the following general areas:

- Downeast Maine
- Midcoast Maine
- Southern Maine
- New Hampshire
- Cape Ann
- South Shore of Massachusetts
- Cape Cod and Islands
- New Bedford, MA/Newport, RI
- Point Judith, RI /Mystic, CT
- Eastern Long Island

To maximize public participation for the scoping process, we suggest that scoping meetings not take place around the December holiday season. Many families are busy during this

time of year and often cannot attend meetings. We recommend that scoping take place sometime between January - March.

Thank you for taking on the work of ensuring that New England's fishing communities remain a diverse fishing fleet to match the diversity and scope of the marine ecosystem.

Thank you again,

A handwritten signature in black ink, appearing to read "Brett Tolley", written over a horizontal line.

Brett Tolley
Community Organizer



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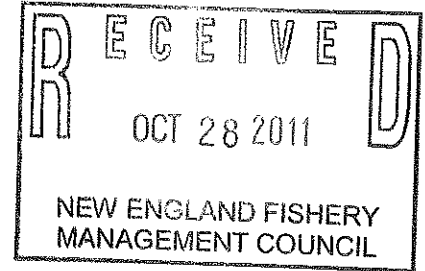
Boyce Thorne Miller
Science & Policy Coordinator

Brett Tolley
Community Organizer

Sean Sullivan
Marketing, Development and Outreach
Associate

October 28, 2011

Mr. Terry Stockwell, Chair
Groundfish Oversight Committee
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950



RE: Prioritize Amendment 18

Dear Mr. Stockwell,

On behalf of the Northwest Atlantic Marine Alliance I am writing to support the timely continuation of the process that has been put in motion for groundfish Amendment 18 as a path to address concerns fishermen have raised about protecting diversity in the groundfish fleet. We believe, as the Council and Committee have indicated, that this amendment offers a clear path toward achieving currently unmet goals and objectives of Amendment 16 and to address concerns raised by many fishermen about the health of the fish stocks and the viability of their businesses within the context of sectors. Issues that have arisen and remain serious, such as localized depletion of near shore stocks and excessive consolidation of the fleet. These issues can be addressed through separate measures for inshore and offshore fleets, accumulation caps, and other possible strengthening provisions that can be explored during the Amendment 18 process and deserve to be fully discussed in a timely scoping process. We urge you to begin this process in a timely manner by holding 8 or more scoping meetings throughout the region as suggested at the last Council meeting.

The need for the fixes Amendment 18 can offer was made clear by the social and economic issues highlighted in the recently released reports, some of which were discussed at the recent Sector Workshop. These reports showed:

- 20% of vessels accounted for about 80% of the gross nominal revenues from groundfish sales.
- Clear consolidation of the fleet, which was agreed by agency and sector fishermen's comments alike.
- Uneven impacts on different parts of the fleet that resulted from economic burdens associated with sectors and cost of leasing quota.
- The number of boats actively fishing was clearly down.
- Net revenues for small boats were down even though overall revenue was up.
- Consolidation of fishing effort was reported by most sectors.
- Sectors comprised of predominantly larger boats reported increased economic efficiency of operations.
- Only a few sectors reported success at timing fishing with market peaks,

tn, ah, cfe

so that purported objective of sectors is unmet and many felt is unlikely to be met – especially for smaller boats because other factors play such a large role in when effort is greatest.

Despite the information at hand, the recent Sector Workshop was disappointing in the lack of detailed comparative data that could shed light on how different sectors work (due to the lack of transparency caused by concessions to “proprietary information”). Nevertheless, the Workshop was informative as to the general effects on the fleet, including clear evidence in both the yearend report by NMFS and the economic and social analysis by the Science Center. We also noted the clear and disproportionate impacts on smaller (30-50 feet), day boat fishermen whose revenues were down nearly 20% between 2009 and 2010 while revenue of vessels over 75 feet was up 35%. We ask the Committee to be sensitive to the issues impacting fleet diversity, and to value the formal process of airing these issues and discussing possible solutions. The scoping process for Amendment 18, if conducted in a thorough manner, will allow this.

The dramatic split between the sector experience of small dayboat fishermen and that of large trip boat fishermen, especially those operations with several affiliated vessels, became more and more apparent as the workshop progressed, which led some to suggest there should be a distinction in how quota based management is implemented in inshore and offshore fleets. This is an issue included in the scoping document for Amendment 18 and deserves a full-fledged discussion in that context. Similarly, other measures should be discussed that could stabilize fleet diversity and enable a fishery with operational scales and yields that are consistent with and as diverse as the ecosystem that supports it.

Fishermen who feel threatened by Amendment 18 suggest that rather than focus on changes to the current system we need to stabilize management and fishing operations. They fear Amendment 18 is going to change everything, again, and they will have to adopt yet another new system, which they feel is unfair to the businesses they have successfully established within the current structure of Amendment 16. We disagree and believe improving sectors will not disrupt how they are set up but rather will provide fairness and stability to all sector members over the long term.

There was mention at the Workshop that we now see winners and losers emerging and that adding constraints to the system would merely change who are the winners and who are the losers. What this doesn't address is the biggest loser appears to be the ocean. Reports by fishermen of localized depletion due to trip boats fishing inshore are on the rise. And recent concerns that the cod fishery is once again in trouble, despite reports within the last year that some of the sub stocks had almost fully recovered, are alarming. New measures offered through Amendment 18 can address the risks of localized depletion by matching vessels to the ecosystems appropriate for their scale of operation. In addition, it would help achieve optimum social, economic, and ecological stability. We know from other fisheries that allowing initial winners in rapid consolidation does not result in a diverse fleet. And we also know that diversity is key to long-term ecological, social and economic stability.

As long as the resource is in danger of depletion due to disproportion fishing impact as we have seen over the past year with the migration of the offshore fleet into inshore waters, the ecosystem cannot sustainably support large winners, and TACs and catch will fluctuate

as stressed fish populations do regardless of attempts to achieve stable business plans.

The best we can hope for is maintaining viability and stability across the fleet while groundfish continue to recover, and maintaining a level playing field for business in environmentally, socially and economically sound fisheries. Amendment 18 offers the path for achieving this. The vision for the future should include a diverse fleet that operates with restraint under a quota system with rules that permit the resource and fishermen to thrive. We are very concerned that continuing the current trends of sector management will not only drive out the small boat fleet, but in the end will further deplete the resource. Amendment 18 offers an opportunity to pay attention to the ecosystem as well as the fleet, without changing the fundamental principles set out in Amendment 16 – in fact, as we've said many times, it should enable the achievement of the original goals and objectives, which continue to be supported by the Council.

The Fleet Diversity Amendment 18 will refine, not upset, the future of sector management in New England. It will benefit the fleet as a whole as well as the health of the groundfish populations, individual fishermen and their communities. We need a diverse fleet to fish in the diverse ecosystems of the region. **We strongly urge you, at the upcoming Committee meeting, to move the Amendment 18 scoping process forward with a full complement of scoping meetings designed to encourage broad, open, and respectful participation throughout New England fishing communities.** The Council has voted to move forward and we trust the Committee is eager to make that happen. And now, in addition, we urge the Council to continue keeping this in motion by once again prioritizing Amendment 18 for the upcoming year.

We look forward to the scoping process as a means of establishing both short and long-term visions for the fleet and a process for airing concerns about how sectors are working and to enact measures that would enable them to work better and more predictably. We do not see this as an attempt to change the management structure but to improve it for the ultimate benefit of all fishermen in the system.

We hope you will revisit the Fleet Diversity Pledge, submitted to the Council September 2011, to see that moving forward with this amendment has the support of fishermen from throughout the region as well as seafood consumers, marine conservation advocates, and fishing community leaders. Over 1,200 of them signed the petition asking you to make Amendment 18 process a high priority. We urge you to listen to their voices and move forward on fixing the sector management system by giving Amendment 18 its due process, proper staff attention and appropriate opportunity be developed.

As always, we look forward to working with you and the rest of the Council on this process.

Sincerely,



Brett Tolley
Community Organizer

