

#11

Correspondence



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August 08, 2011

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

RE: Amendment 18 Scoping Document

Dear Rip Cunningham,

In June the Council tasked its Groundfish Committee to develop a Scoping document and proceed with an amendment to address fleet diversity and excessive consolidation. **On behalf of the Northwest Atlantic Marine Alliance we would like to support the Committee approving the Amendment 18 scoping document.**

We applaud the Council for acknowledging the fact that, as stated in the scoping document, current sector management leads to consolidation and lack of diversity in the groundfish fishery. We know the Council recognized these threats as demonstrated by its stated objectives in Amendment 16. But we also know that the Council was not successful to meet these objectives during the Amendment 16 development.

Amendment 18 is an opportunity to address the goals and objectives of Amendment 16 while ensuring the Council acts to prevent excessive consolidation, which has created problems with Catch Share programs elsewhere as well as land based food systems including:

- Loss of biodiversity.
- Undermining the Council's ecological goals.
- Hurting infrastructure as well as access to local fish.
- Creating a fishery that is unaffordable for independent fishermen.
- Leading to an unstable marine based food system.
- Leading to loss of direct and indirect employment in fishing communities.
- Discouraging young fishermen from entering the fishery.

We want to emphasize that the impacts of consolidation extend beyond shifting the historical make-up of the fleet to include ecological, social, and economic consequences that may threaten the Council's goals heading into the future.

Over the past year NAMA has provided the Council with information about how uncontrolled consolidation in Catch Share programs leads to a lack of fleet diversity and excessive ownership.^{1 2} We have also provided testimony and information about how excessive consolidation has led to an unstable food system. This is an important point as fisheries are meant to feed our communities therefore lessons from the land based food system are critical to this process.

Overall, we recommend that:

- 1) The Amendment 18 Scoping document provide a clear problem statement.
- 2) The Amendment 18 Scoping document include the slate of goals voted on by the Council at its June 2010 meeting. (see below)

The comments below address three sections of the draft Scoping document.

Section 1: What Actions Have Already Been Taken

Council members and staff have devoted significant time and resources to the critical issue of fleet diversity and consolidation. In June 2010 the Council voted on four specific goals related to fleet diversity and consolidation. In September 2010 the Council staff created a white paper on fleet diversity and consolidation. In November 2010 the Council voted to prioritize an amendment to address fleet diversity and accumulation limits. In June 2011 the Council organized a fleet diversity and accumulation limits workshop.

We recommend that these actions also be included in the Scoping document. By providing a fuller array of actions the public will have a greater understanding of the issues and will therefore be able to provide stronger feedback.

Section 2: Two Objectives for this Amendment

The Scoping document currently has two primary objectives: to address fleet diversity and excessive accumulation.

We recommend that the Scoping document objectives also include the list of objectives from the Council vote on June 23, 2010:

1. Maintain inshore and offshore fleets;
2. To the extent possible, maintain a diverse groundfish fishery, including different gear types, vessel sizes, geographic locations, and levels of participation;
3. Maintain a balance in the geographic distribution of landings to protect fishing communities and the infrastructure they provide; and
4. Prohibit any person from acquiring excessive access to the resource, in order to prevent extraction of disproportionate economic rents from other permit holders.

¹ "Addressing the Ecological Implications of Consolidation and Quota Accumulation Under Amendment 16", submitted by NAMA to the Council September 2, 2010.

² "Maintaining Fleet Diversity in the New England Groundfish Fishery" submitted to the Council June 5, 2011.

By aligning the June 23 objectives with the Amendment 18 objectives the Council will ensure this amendment heads in the direction the Council voted to go. Also, by having more clear Scoping objectives the public will be able to engage on a more practical level and have a clearer understanding for what the Council wants to achieve. Any proposed solutions may then be measured up against a set of clear goals.

Section 3: What Issues May be Addressed in this Amendment?

We applaud the Council for including bullet point number four:

- Other measures to promote diversity within the fleet such as new entrant set-asides, owner-onboard requirements, and community quotas.

We stress that no single option can achieve all of the stated Council goals. Rather, like a toolbox, each option may help to reach one or more goals, each will do some jobs better than others, and they will prove more effective if implemented jointly.

The scoping document is a starting point to inform the public and begin the scoping process. The goal of the process is to identify the range of issues surrounding fleet diversity and excessive consolidation. The Council has devoted significant time and resources to the issues and there is no justification at this point to delay the process any further. We urge the committee to consider our recommendations, approve the Scoping document, and begin the formal process as soon as possible.

Thank you,



Brett Tolley
Community Organizer

Take the Fleet Diversity pledge to support a healthy ocean!

HERE'S WHAT WE KNOW AND THESE ARE THE FACTS:

- Fleet consolidation and affordable access are major threats to the future of New England's groundfish fishery.
- The top three entities in Massachusetts control 36% of George's Bank Winter Flounder.
- Last year the New England groundfish fleet lost 458 crew positions.
- Last year vessels > 50 ft. had landings up 8.4% and revenue up 21.5%.
- Last year vessels < 50 ft. had landings down 51.7% and revenue down 34.2%.
- Who fishes matters to the health of our ocean and our communities.

BY SIGNING THE PLEDGE I PROMISE TO:

- Support officials and politicians who promote fleet diversity and an affordable fishery.
- Support policies that anchor fishing privileges to fishing communities, limit the share of the catch of any one fisherman or fishing operation, incentivize and reward owner operators, and ensure affordable access for new fishermen.
- Stand opposed to any decision-makers that seek to further consolidate the fleet and squeeze out the independent community based fishermen.
- We, in order to support a healthy ocean, fishing communities and our local food system, make this pledge and invite our fellow community members to join us in exerting our influence to do the right thing – end industrial consolidation of our ocean.

TO SIGN: Email Brett Tolley with your name and info. at brett@namanet.org

Local Fishermen. Local Seafood. Local Control. Local Communities.

Who Fishes Matters.

August 8, 2011

Mr. Rip Cunningham, Chair, Groundfish Oversight Committee

Dear Mr. Cunningham,

In June the New England Fisheries Management Council tasked the Groundfish Committee to develop a Scoping document and proceed with an amendment to address fleet diversity and excessive consolidation.

The undersigned group of fishermen and community leaders urge the Council members to include the following issues:

- Anchor fishing privileges to fishing communities.
- Limit the share of the catch of any one fisherman or fishing operation.
- Incentivize and reward owner operators.
- Ensure affordable access for new fishermen.

The undersigned are committed to support all policies that promote a more diverse fleet. The undersigned are committed to oppose all policies that seek to further consolidate the fleet and disproportionately squeeze out the independent community based fishermen.

Sincerely,

Doug Maxfield
Commercial Fisherman
Gloucester, MA

Ed Barrett
President Sector X
Commercial Fisherman
Plymouth, MA

Jay Driscoll
President Sector XI and XII
Commercial Fisherman
Rye, NH

Phil Karlin
Commercial Fisherman
Mattituck, NY

Lou Frattarelli
Narragansett Bay
Seafood Coop
Commercial Fisherman
Bristol, RI

Ken Tolley
Commercial Fisherman
Chatham, MA

Brian Pearce
Commercial Fisherman
North Yarmouth, ME

Kathi and Jim Turner
Turner's Seafood Corp.
Gloucester, MA

Eat Local Foods
Coalition of Maine

Billy Chaprales
Commercial Fisherman
Sandwich, MA

Ed Snell
Commercial Fisherman
Portland, ME

Tom Dority
Commercial Fisherman
Nantucket, MA

Greg and Todd Mayhew
Commercial Fishermen
Martha's Vineyard, MA

Mike Pratt
Commercial Fisherman
Canton, MA

Aaron Dority
NCCS Sector Manager
Director, Downeast
Groundfish Initiative,
Stonington, ME

Hannah Mellion
Farm Fresh Rhode Island
Providence, RI

Mike and Padi Anderson
Commercial Fisherman
Rye, NH

David Martins
Fishery Biologist
UMASS at Dartmouth
SMAST Program

Naz Sanfilippo
Commercial Fisherman
Gloucester, MA

Marc Stettner
President
Northeast Hook
Fisherman's Association

Tina Jackson
President
American Alliance of
Fishermen
Wakefield, RI

Rob Odlin
Commercial Fisherman
Portland, ME

Carolyn & Eddie Eastman
Eastman's Fish Market
Commercial Fisherman
Seabrook, NH

Rev. Dr. Robert Ross
Minister
New Bedford First
Unitarian Church
New Bedford, MA

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Belize Fishermen's
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Plymouth, MA

Chuck Etzel
Commercial Fisherman
Montauk, NY

Mark McDonough
Serenitee
Restaurant Group
Gloucester, MA

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Commercial Fisherman
Eliot, ME

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Andrus Family Fund

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Lobsters on the Fly
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Teddy Diggs
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Northeast Organic
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Fishing family
Port Clyde, ME

Northwest Atlantic
Marine Alliance (NAMA)

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Cape Cod CSF
Harwich, MA

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Greenwich, NY

Thomas Guild
Local food supporter
Braintree, MA

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Women of Fishing Families
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NAMA Board Member
Chatham, MA

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Commercial Fisherman
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Tad Miller
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Tenants Harbor, ME

Katie Reed
Gourmet Raw Chef
and Educator
FarmAid Foods

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Commercial Fisherman
Marblehead, MA

Jay Michaud
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Tri-State Coalition for
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Scituate, MA

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Fishing family
Sandwich, MA

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Local food supporter
Plymouth, MA

Brain Connolly
Local food supporter
Waltham, MA

Paul Welch
Fishing family
Scituate, MA

Brendan and Jason
Stephanie
Fish family
Sandwich, MA

Russ Burgess
Local food supporter
Plymouth, MA

Mike McQuarrie
Fishing family
Scituate, MA

Judy Keating
Fishing family
Plymouth, MA

Geoffrey Day
Seafood Research
Associates
Cambridge, MA

Ron Spencer
Local food supporter
Nadic, MA

Weslie Welch
Fishing family
Plymouth, MA

Dorothy Baldini
Local food supporter
Brookline, MA

Sharon Bauer
Local food supporter
Watertown, MA

Zoya Benjamin
Local food supporter

Ginny Nickerson and
Shareen Davis
Nickerson Art Gallery
Chatham, MA

Stephanie Berk
Local food supporter
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Niki Bogin
Cape Ann
Farmers Market
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Jen Brooks
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Health Care Practitioner
Gloucester, MA

Beth Germain
Fishing family
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Author
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Josh Churchman
Local food supporter
San Francisco, CA

Anne and John Connolly
Local food supporters
Boston, MA

Katie Connolly
Local food supporter

Laurie Higgins
Local food supporter
Brewster, MA

Dena Hoff
Northern Plains Council
Helena, MT

Jan DeKenis
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Sheila Garzoni
Local food supporter

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Local food supporter

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Jennifer Riley
Local food supporter

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Multimedia Storyteller
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Local food supporter
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President
Southern CA Trawlers
Association

Kate OSullivan
Local food supporter

Craig Pendleton
Saco, ME

Mustafa Varoglu
Commercial fisherman
British Columbia, CND

Andrew Vidockler
Local food supporter
New York, NY

Ken Warnock
Recreational Fisherman

Maggie Russell
Local food supporter

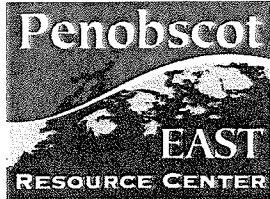
Todd Sievel
Local food supporter

Theresa Smith
Local food supporter

Elizabeth Sullivan
Local food supporter
Brighton, MA

Nancy Sullivan
Local food supporter

Suska Matsik
Local food supporter



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Securing a future for fishing communities

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

August 8, 2011

Dear Rip Cunningham and members of the Groundfish Committee,

The accumulation limits workshop held on June 9th in Danvers was a valuable step forward, and welcome change from Council gridlock regarding fleet diversity discussions. The forward thinking comments from this event should guide the Amendment 18 scoping document. The workshop allowed participants to share their viewpoints regarding the urgency of accumulation limits, and the types of additional fleet diversity measures that the Council may explore. As should be expected, there was no consensus regarding definitions of "excessive share" since insufficient analysis has been done regarding the degree of consolidation in the groundfish fishery. Instead, participants discussed policies that may be used to achieve the goals set out in Amendments 13 and 16, and those stated most recently in a Council motion passed over a year ago:

1) maintain inshore and offshore fleets; 2) to the extent possible, maintain a diverse groundfish fishery, including different gear types, vessel sizes, geographic locations, and levels of participation; 3) maintain a balance in the geographic distribution of landings to protect fishing communities and the infrastructure they provide and 4) prohibit any person from acquiring excessive access to the resource, in order to prevent extraction of disproportionate economic rents from other permit holders.

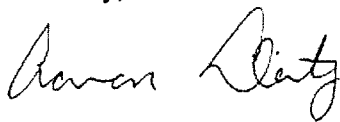
I encourage the Groundfish Committee to re-state these goals in the Amendment 18 scoping document, and to include additional detail from the Accumulation Limits Workshop summary so that readers can understand the continuity between the various Council actions related to fleet diversity and accumulation limits over the past two years.

The Committee should clarify the second objective in the draft scoping document which currently reads, “to consider issues associated with fleet diversity.” Instead, a clearer and appropriate objective may read, “to examine management options that may be used to preserve fleet diversity including gear types, vessel size classes and geographic locations. Such management actions may include, but are not limited to; ACE set-asides, incentives to preserve owner-on-board businesses, and an examination of policies to control the excessive costs of leasing ACE.”

Workshop on Reconciling Spatial Scales and Stock Structures for Fisheries Science and Management

Building on the findings from a similar workshop focused on fine scale fisheries science held in 2009 in York, Maine, roughly 120 people including fishery managers, scientists, and fishermen attended this year’s management workshop in Portsmouth, NH to discuss management implications of fine scale stock structure. While the workshop included presentations on multiple fisheries, considerable information was presented on groundfish, particularly cod. Simon Thorrold, fisheries biologist from Woods Hole Oceanographic Institute, appropriately captured one of the workshop’s defining themes when he said that natal homing among marine species “is the rule, not the exception.” With this information in mind, the importance of protecting spawning fish cannot be overstated. A failure to protect spawning fish will lead to local extirpation. All evidence shows that this is exactly what has happened in parts of the Gulf of Maine including the coastal shelf in midcoast and eastern Maine, as well as areas in southern New England and the Great South Channel. Mike Armstrong from the Massachusetts Division of Marine Fisheries presented his research on commercial fishing in formerly closed areas in Mass state waters which showed that fishing on spawning aggregations immediately dispersed the fish. He cited tremendous, unsustainable harvest on localized spawning aggregations, and he concluded with a clear recommendation to fishery managers, “don’t open areas once you close them until the fish are done spawning.” These highlights are a small sample from this two day event. A full summary as well as a special edition of *Fisheries Research* with papers from researchers who presented at the workshop will be available shortly, and I look forward to sharing this information with each of you.

Sincerely,



Aaron Dority
Sector Manager, Northeast Coastal Communities Sector
Downeast Groundfish Initiative Director, Penobscot East Resource Center

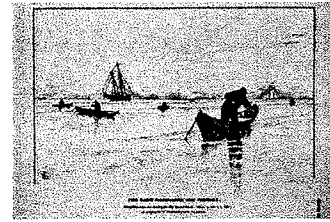
91 FAIRVIEW AVE
PORSTMOUTH NH 03801

**NORTHEAST HOOK
FISHERMAN'S ASSOCIATION**

August 8, 2011

New England Fishery Management Council

50 Water Street, Mill 2
Newburyport, MA 01950
Phone: (978) 465-0492
Fax: (978) 465-3116



Dear NEFMC Council Members:

We represent a small group of Commercial Fishermen with the Limited Access Handgear HA Permits, employing the use Rod and Reel or Handlines to catch Cod, Haddock and Pollock along with small quantities of other regulated and non-regulated marine fish. Historically and currently our fishermen account for a very small percentage of the groundfish landed in New England. However, the monetary gains obtained by the participants in this fishery are very important to us.

We request that a specific allocation of cod (GOM & Georges Bank) be allocated to the Handgear fisheries in the next groundfish Amendment. We are asking that this allocation be equal to the percentage of the cod fisheries that represents the total combined "Potential Sector Contribution" for the HA & HB permits. This allocation, based on the history of the handgear cod fishery, will achieve the following:

1. Eliminate the current "race to fish" situation where Handgear fishermen in the common pool are competing with modern fishing vessels to catch cod before the common pool sub ACL is caught.
2. Allow the development of specific management measure for the Handgear cod fishery.
3. Rejuvenate a traditional small boat Handgear fishery to expand fleet diversity.

There are very few active Handgear cod fishermen left. The cod jig fishery was the first in New England and if nothing is done it will be the first to be eliminated at a time when cod stocks have rebound.

Respectfully,

A handwritten signature in cursive script, appearing to read "Marc Stettner". The signature is written in dark ink and is positioned above the printed name.

Marc Stettner

NEHFA MEMBERS: Christopher DiPilato, Paul Hoffman, Hilary Dombrowski, Scott Rice, Ed, Snell, Marc Stettner

If you are a holder of a groundfish HA permit and wish to join the NEHFA, please contact the NEHFA at the address above.



New England Fishery Management Council

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

August 15, 2011

Dr. Frank Almeida
Acting Director
Northeast Fisheries Science Center
166 Water Street
Woods Hole, MA 02543

Dear Frank:

This year the Council will be setting FY 2012-2014 Acceptable Biological Catches (ABCs) for the Northeast Multispecies stocks. Many of these stocks were last assessed in GARM III. The Council's Science and Statistical Committee (SSC) recently reviewed the methods proposed for determining the ABCs and concluded that for the GARM III stocks they did not have sufficient information to recommend ABCs for FY 2013 – 2014.

We understand the NEFSC is now offering to update assessments this winter for eleven stocks. This offer was discussed by the Groundfish Oversight Committee at its August 11, 2011 meeting. The Committee passed the following motion with a vote of nine in favor, one opposed, and one abstained:

The Committee requests the Northeast Fisheries Science Center perform updated assessments for GARM III stocks, but not limited to updates if other methods are available and can be applied for the setting of ABCs.

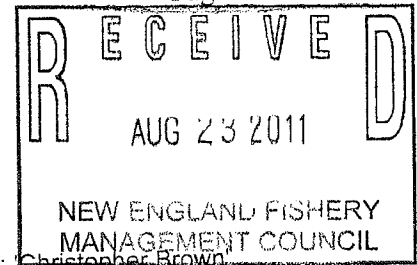
The Committee motion will be considered by the full Council at our September 26-29, 2011 meeting. I expect the full Council will accept the Committee recommendation. I suggest our staffs coordinate planning for these updates.

Please contact me if you have questions.

Sincerely,

C.M. "Rip" Cunningham, Jr.
Acting Chairman

cc: Patricia Kurkul



Maggie Raymond

From: Eric Schwaab [Eric.Schwaab@noaa.gov]
Sent: Monday, August 01, 2011 12:42 PM
To: Maggie Raymond; Jackie Odell; tdempsey@ccchfa.org; 'Ben Martens'; Christopher Brown
Cc: Emily Menashes; Kelly Denit; Pat Kurkul; Frank Almeida; Melissa Vasquez
Subject: Re: Industry letter regarding monitoring costs
Attachments: Eric_Schwaab.vcf

Thank you for your cosigned email regarding the Northeast Multispecies Amendment 16 requirement for industry to shoulder fishery monitoring costs beginning in fishing year (FY) 2012. I appreciate your time and interest in this matter and your continued collaboration with the New England Fishery Management Council (Council) and NOAA's National Marine Fisheries Service (NMFS) NE Region staff throughout implementation of this important amendment.

Differences in how various fisheries are prosecuted can contribute to differences in monitoring costs. For example, a fishery where vessels leave from numerous ports throughout a large region can result in higher costs compared to a fishery where vessels are leaving from a limited number of ports. Regarding your requests for analysis of the burden of this requirement on the groundfish fishery, the Amendment 16 Final Environmental Impact Statement contained an analysis of such projected costs based on comparable programs, and this analysis was updated in the Environmental Assessment accompanying Framework Adjustment 45, when the Council considered further delaying the requirement for industry to pay the costs of monitoring.

Interested groundfish stakeholders in the Northeast have already begun initiatives to assess the performance of the groundfish fishery in FY 2010, including the dockside monitoring program, and to work with NMFS staff to begin developing standards for individual sector at-sea monitoring programs for FY 2012. My staff in the Northeast Region will continue to support these stakeholder initiatives and to collaborate with sector managers to develop standards for streamlined and effective at-sea monitoring programs in FY 2012. We will also consider the outcomes of the first year of the ongoing pilot study by the Northeast Fisheries Science Center on the use of electronic at-sea monitoring in this fishery. This technology could reduce the cost of at-sea monitoring and we will continue to work with the Council, sector managers and stakeholders regarding its implementation, where appropriate. In addition, on July 18, 2011, we announced our plans to redirect roughly \$1 million in federal funding for the groundfish dockside monitoring program to help sectors defray some of their costs.

There are numerous catch share programs throughout the country with varying models for covering the cost of monitoring. For example, in Alaska, industry has paid the cost of monitoring from the beginning of the Bering Sea King and Tanner Crab Program. The Pacific Trawl Rationalization Program was developed with a transitional approach to monitoring costs, with NMFS providing almost full support for monitoring in the first year, with costs shifted to industry over the course of a few years. To date, NMFS has fully supported the monitoring costs under Amendment 16 in the Northeast and we will continue to try to secure funds to support at least some level of coverage of at-sea monitoring in FY 2012. We will also work with the Council on the development and analyses of alternatives if the Council considers a further delay in the requirement for industry to pay for monitoring, or alternative funding options. However, as you note, these monitoring programs are key to ensuring that accurate landings and discard data are used for monitoring annual catch limits and in stock assessments and, as such, they cannot be entirely dependent on NMFS funding, which is variable and at the discretion of Congress.

I appreciate your involvement in this important issue. If you have further questions, please contact the NMFS Northeast Regional Office Sustainable Fisheries Division, at (978) 281-9135.

Sincerely,

Eric C. Schwaab
Assistant Administrator
for Fisheries

June 20, 2011

Mr. Eric Schwaab, Assistant Administrator
NOAA Fisheries

VIA ELECTRONIC MAIL

Dear Eric:

We represent active participants in the New England groundfish fishery concerned with the Amendment 16 requirement for industry to shoulder fishery monitoring costs beginning in 2012. We have two significant concerns with this policy:

First, the monitoring systems in the Northeast region have higher costs than other similar systems in United States fisheries. We seek a transparent analysis of the costs and a comparison with other monitoring systems. We also request that as part of this analysis, a thorough determination of how to streamline the functions of the system, and how to tailor monitoring to the different vessel sizes and gear types.

Second, we are concerned about the notion that at some arbitrary point in the economic and biological recovery of the fishery that the groundfish industry – regardless of its financial status – should carry the full cost of monitoring. We reject the arbitrary nature of this policy and request that NMFS, in collaboration with affected industry members and the New England Fishery Management Council conduct a transparent economic analysis of the impacts of transitioning the cost of management burden to the fleet. There must be a meaningful, realistic basis for determining when harvesters can feasibly pay for the costs without leading to undue financial hardship and otherwise avoidable consolidation.

The active groundfish industry recognizes the need for comprehensive monitoring to improve management, but continued federal funding is critical to building more effective programs.

We look forward to your reply and direction from NMFS on this topic, and will also bring this to the attention of the NEFMC.

Chris Brown
Rhode Island Commercial Fishermen's Association

Tom Dempsey
Cape Cod Commercial Hook Fishermen's Association

Jackie Odell
Northeast Seafood Coalition

Ben Martens
Midcoast Fishermen's Association

Maggie Raymond
Associated Fisheries of Maine

CC: New England Fishery Management Council

concerns may be mitigated as a sector may be able to transfer the ACE to other sectors. Permit holders could also choose not to take such permits into a sector but could leave them in the common pool and either fish or lease the DAS.

7.5.1.2.3.4 Monitoring and Enforcement

7.5.1.2.3.4.1 Enforcement

This measure clarifies several sector enforcement provisions. Two options were adopted by the Proposed Action.

Option 2 limits liability to only three categories of offenses (basically offenses related to accurate reporting of catch). This further limits the liability of permit holders, but also constrains the ability of NMFS to enforce sector provisions.

Option 3 merely restates the liability of sectors for catch overages and makes it clear every permit holder is responsible for any overage.

7.5.1.2.3.4.2 Sector Monitoring Requirements

Because of the necessity to accurately monitor sector catch – both landings and discards - this action adopts changes to sector monitoring requirements. These requirements are phased in over a three-year period. Initially sector landings will be inflated by an assumed discard rate, but ultimately the plan is for all sectors to implement an at-sea observer program that is adequate to monitor sector catches.

Section 7.2.1.2.3.3 discusses the assumed discard rates that may be applied to sector catches. If the rates are based on the most recent assessment, as is proposed, assumed discards will be based on a very different management program. By the implementation of this action, the most recent discard information from an assessment will be based on catches in calendar year 2007 and will be three years old. Many discards that result from the effort control system are a result of trip limits. Since sectors are exempt from trip limits, removing this cause for discard should result in lower discard rates than were previously observed. By using the assumed discard rates from a different management program, sectors will sacrifice yield and revenues. Additional losses in revenue could result from the very different stock conditions that were observed in 2007. For example, GB haddock discards in 2007 were observed at a very high rate due to the tremendous size and slow growth of the 2003 year class. This rate would be applied in 2010, even though these same conditions will probably not exist in the fishery. As a result, GB haddock yield could be sacrificed. Some improvements can be expected if the discard rates are based on actual observations of vessels in the sector in a more recent time period.

A key economic impact of sectors is that sector members are required to fund the costs for an enhanced monitoring program. The proposal in this document is that sectors will have to implement a dockside monitoring program in the first two years of operation, followed by an at-sea observer program in the third year. In the first year, dockside monitoring must cover 50 percent of trips, declining to 20 percent of trips in subsequent years. At-sea monitoring levels will be less than 100 percent of trips. This is an extensive expansion of the Amendment 13 requirement that sectors must accurately monitor and report their catch, and the costs described below can be viewed as a comparison to the No Action alternative.

The Council was provided two reports that examined the issues and costs associated with the proposed monitoring programs (Turriss and McElderry 2008; McElderry and Turriss 2008). With respect to costs, McElderry and Turriss (2008) provided the estimates shown in Table 249. There are a number of assumptions that need to be noted when reviewing this table:

- The authors assumed that sectors would form with 50 percent of the active fleet and would harvest 80 percent of the available ACE;
- The number of sea days and trips is based on recent averages and does not take into account higher catch rates or other efficiencies that may be obtained under sector provisions;
- The cost estimates assume that all at-sea observer costs are borne by sectors
- Baseline data collection is included as an additional cost for sectors and common pool vessels even though many of these elements are collected through existing data systems.

At the high end, the total estimated costs to sector vessels for 100 percent dockside and at-sea monitoring is \$11.1 million, or about \$35,700 per vessel. The low end estimate is \$8.7 million, or about \$27,000 per vessel. These costs are probably high estimates. As described in section 7.2.1.2.3, the sea days for trawl vessels fishing in sectors will likely be less than recent observations because of the increased efficiencies for sectors. A rough estimate is that the sea days will be 60 percent of current values. A second factor that will reduce at-sea observer costs is the expectation that the NMFS federal observer program will continue at something approaching current levels. In recent years sea days observing groundfish trips have been on the order of 2,500 – 3,500 sea days. There is no anticipated requirement that sector observer programs will replace all of these sea days. When these two factors are taken into account, the number of needed at-sea days changes from 28,000 estimated by McElderry and Turriss (2008) to about 14,000 days. If the levels of at-sea observer and electronic monitoring coverage remain in the same proportion as shown in Table 249 then at-sea observer costs could be half those estimated in the report and would average about \$13,500 to \$17,800 per vessel. Dockside monitoring costs would also be less than the report estimated, since the authors assume that the number of trips is roughly half the number of sea days. Cutting sea days by 60 percent should result in a similar reduction in dockside costs; in addition, when coverage declines to 20 percent, dockside costs should be 40 percent of the report's lowest estimate, or roughly \$160,000 to \$240,000.

One factor that could result in costs higher than these estimates is that McElderry and Turriss (2008) assume that electronic monitoring will replace the need for at-sea observers on a large number of days. If this equipment is not adopted in this fishery, the number of days requiring at-sea observer coverage will increase and costs will be higher than they estimated.

The costs associated with the proposed revisions are clearly higher than those of No Action. Some of these costs may be deferred or avoided if funding is provided from other sources. NMFS announced that monitoring costs for sectors will be provided by the agency in FY 2010. It is unclear if this funding will remain available in future years. If it does, this will reduce sector operating costs but shifts the burden to taxpayers. If funding is not available in FY 2011, then the difficult decision sectors will face is whether the losses in yield caused by using an assumed discard rate are large enough to promote early adoption of an at-sea observer program funded at sector cost. By FY 2012, sectors will be required to provide an at-sea monitoring program; at that time, the issue facing vessel owners is whether sector operations can support the monitoring program expense.

Environmental Impacts of the Management Alternatives
Economic Impacts

Table 249 –Sector monitoring cost estimates from McElderry and Turriss (2008b)

	Active Vessels	Trips (Landings)	Seadays	Cost per Unit		Total Cost	
				Low	High	Low	High
Option 1 - Baseline Data Collection							
Sector	325	15,200	28,000	25	45	380,000	684,000
Common Pool	325	3,800	7,000	25	45	95,000	171,000
						475,000	855,000
Option 2 - Dockside Monitoring Program							
2a - 50% DMP	325	7,600	14,000	60	80	456,000	608,000
2b 100% DMP	325	15,200	28,000	50	70	760,000	1,064,000
Surcharge for EM Based Monitoring							
2b w/ 50% EM	325	5,928	14,000	25	35	148,200	207,480
2b w/ 100%EM	325	11,856	28,000	25	35	296,400	414,960
Option 3 - At-Sea Monitoring (ASOP and EM)							
3a - 50% ASOP	75	760	4,200	800	1000	3,360,000	4,200,000
3a - 50% EM	250	6,840	9,800	180	200	1,764,000	1,960,000
3a Total						5,124,000	6,160,000
3b - 50% ASOP	75	760	4,200	800	1000	3,360,000	4,200,000
3b - 100% EM	245	13,680	19,600	150	170	2,940,000	3,332,000
3b Total						6,300,000	7,532,000
3c - 100% ASOP	75	1,520	8,400	600	800	5,040,000	6,720,000
3c - 100% EM	245	13,680	19,600	150	170	2,940,000	3,332,000
3c Total						7,980,000	10,052,000

7.5.1.2.3.5 Transfer of ACE

Two options are being considered which allow ACE to either be transferred between sectors or between time periods.

The Proposed Action (Option 2) allows sectors to carry forward a portion of unused ACE into the following fishing year and also allows transfers of ACE between sectors. Up to ten percent of a stock's ACE can be carried forward into the next fishing year. This reduces the risk that a sector will sacrifice yield in any given year the full ACE is not harvested as a limited opportunity exists for the sector to harvest the underage in the subsequent year. Similar provisions are common in fisheries that are managed through catch shares. In concept, allowing ACE carry-forwards are similar to the DAS provision that allows DAS vessels to carry-forward a percentage of the DAS allocation if not used.

Option 2 also allows sectors to transfer ACE to other sectors, or to acquire ACE. This provision will make for more efficient sector operations in several ways. First, if sectors are allocated ACE for stocks they cannot catch, they can transfer that ACE to other sectors and receive compensation for the ACE. The reverse is also true: they can acquire ACE from other sectors if there are stocks that they wish to target, or that are caught incidentally while targeting other stocks, and for which they did not receive ACE. Second, in those instances that the catch of a stock may result in a premature closing of the sector's fishery, this provision provides an opportunity for the sector to acquire additional ACE to allow them to keep fishing. Finally, this provision provides limited opportunities for quota balancing at the end of the fishing year, so that sectors may be able to avoid losing ACE in the following year should they inadvertently exceed an assigned ACE.

Environmental Consequences – Analysis of Impacts of the Proposed Action
Social Impacts

The fact that several of the proposed new sectors are state-operated permit banks could have distinct social impacts, but those impacts are impossible to predict at this time. Since the Memoranda of Understanding for these permit banks require that ACE accrue to specific ports and vessels of a specific size, localized impacts to particular participating communities could occur. While the social impacts to communities that qualified for the programs would be expected to be positive due to increased fishing opportunities, impacts to non-qualifying communities would be negative. In addition to decreased fishing opportunities, there could be concerns over equity and changes in community infrastructure.

8.5.2.2 Monitoring Requirements for Handgear A and Handgear B Permitted Vessels and Small Vessel Exemption Vessels

Option 2: Dockside Monitoring Exemption for Handgear A and Handgear B Permits and Small Vessel Exemption Permits

This option removes the requirement that Handgear A, Handgear B, and Small Vessel Exemption vessels fishing in the common pool have 20 percent of their trips monitored by dockside monitors beginning in FY 2012. The requirement would remain for Handgear A and Small Vessel Exemption Vessels that fish in sectors (Handgear B vessels are not eligible to join sectors).

This option would have positive social impacts for the portion of the fleet to which it is directed. If these small vessel operators are not required to pay for dockside monitoring, they can run more profitable trips and have more occupational opportunities. For the fleet as a whole, however, this option could create the perception of inequity across the fleet. The removal of dockside monitoring requirements for only these types of vessels may seem unfair to other operators that land similar or slightly higher amounts of groundfish with different permit types.

8.5.2.3 Monitoring Requirements for Commercial Groundfish Fishing Vessels

Option 2: Removal of Dockside Monitoring Requirements

This option removes the requirement for dockside monitoring of 20 percent of commercial groundfish trips (for sector vessels beginning in FY 2011 and for all other vessels beginning in FY 2012). As a result, landings from these trips will not be independently verified, though dealer reports and vessel reports will still be required.

Similarly to the removal of the requirement for dockside monitoring for handgear and small vessel exemption permits, this option would have positive social impacts for the portion of the fleet to which it is directed in comparison to the No Action alternative. If the entire fleet is not required to pay for dockside monitoring, they can run more profitable trips and have more occupational opportunities. Unlike that option, however, this one is directed toward the entire fleet and therefore does not raise concerns of equitability.

Option 3: Removal of Requirement for Industry Funding of At-Sea Monitoring in FY 2012

This option removes the requirement for industry funding of at-sea monitoring in FY 2012. While this does not have direct biological impacts, at-sea monitoring is essential to provide accurate information on discards. Discard information is needed so that assessments are based on total catch. Without this information there is more uncertainty on fishing mortality estimates and as a result a greater likelihood that rebuilding targets and mortality goals may not be met.

It is not possible to accurately estimate the impacts of this measure since it is not known what coverage levels would be in the absence of industry funding. Assuming that coverage would decrease as a result of this, there are several negative social impacts associated with that decreased coverage. As noted, it will lead to increased uncertainty in mortality estimates; including that uncertainty adjustments may change ACLs more greatly from year to year, rendering long-term occupational planning difficult. Also, the degree of trust among participants in the fishery, and between fishermen and managers, may be diminished if catches are not verified and some industry members are seen as able to “cheat” the system. This can lead to loss of community cohesion and a decreased feeling of stewardship for the fishery.

However, the simple fact of removal of the requirement for industry to pay for at-sea monitoring, divorced from the impacts on coverage levels is expected to have largely positive social impacts. The monitoring is expected to be a large percentage of revenues for at least some boats in the fleet, and these vessels are currently struggling to adapt to sector management and a flagging economy. The industry is very supportive of this measure, and the extra profits they can earn if they are exempt from this payment would be able to go toward long-range planning, decreased disruptions in living and vessel operations, and would create positive attitudes about the willingness of the managers to make sector management effective.

Option 4: Trip-end Hail Requirement

Should dockside monitoring requirements be eliminated, commercial vessels will still be required to provide a trip-end hail via VMS. This measure should not have considerable impacts in comparison to the No Action alternative. While it does take time to submit a hail report, the expense is the same as that associated with the No Action alternative, as discussed above, and the extra effort is minimal. Vessels are already making this hail as part of dockside monitoring requirements in FY 2010, so the system and methods for doing so are already in place. It is generally regarded as a useful tool for enforcement and its purpose is well understood and accepted by some members of the fishing industry. This option should not affect attitudes or cause significant disruptions to fishing practices.

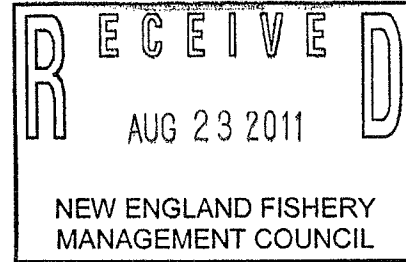
8.5.2.4 Distribution of PSC from Canceled Permits

Option 2: Even Redistribution Among All Remaining Permits

Unlike the No Action alternative, in this option if a permit is cancelled the associated PSC is redistributed proportionally to all other permit holders. This option will impact *formation of attitudes* by leading to a more positive perception of fairness in the fishery in comparison to the No Action alternative. Since the PSC of all participants is calculated as a percentage of the total

August 23, 2011

Mr. Rip Cunningham, Acting Chair
New England Fishery Management Council



VIA ELECTRONIC MAIL

Dear Rip:

We write to raise awareness of the pending requirement for the groundfish industry to shoulder the cost of at-sea monitoring (ASM) in 2012 and beyond.

In 2010, the ASM program for all sectors cost over \$4 million, or approximately 5% of the ex-vessel value of the fishery. That 5% likely reflects the current profit level of the fishery. If the industry is required to pay the cost of ASM, it is reasonable to assume that many currently active vessels will cease fishing, crew wages will plummet, and availability of capital to lease ACE from inactive vessels will substantially decrease, leaving those inactive vessels with reduced or no income from leasing.

Recently, we wrote to Assistant Administrator Schwaab asking for a projection of how and when industry responsibility for these costs could be realistically phased in. Attached are copies of our correspondence and his response.

It is clear from Mr. Schwaab's response that the NMFS is not going to provide the analysis we asked for. Mr. Schwaab references the economic analysis of this issue by citing Amendment 16 and Framework 45. We enclose those pages that reflect the analyses he references. These analyses are estimates, are incomplete, and do not provide the information required to determine if/when the industry can pay for ASM.

The NEFSC will report, in October, an analysis of the first year of catch share management of groundfish. We are writing to ask the NEFMC to request that the NEFSC also provide projections of the industry's ability to pay existing costs, and how the industry responsibility may be phased in over time.

You will note that the cost estimates provided by McElderry and Turriss (included in Amendment 16) assume that electronic monitoring will replace the need for ASM on a large number of sea days. However, the NEFSC and NMFS are years away from recommending approval of electronic monitoring for the fishery.

It is not possible to overstate the urgency of this issue. Even if the cost of ASM were to magically be reduced by half, the industry is not in a position to pay the bill.

cc: tn, ah

We also need the NEFMC to insist that the NEFSC expedite the evaluation and approval of an electronic monitoring program.

Adequate monitoring of groundfish will ultimately result in better stock assessments and less uncertainty in setting annual catch limits. That is a goal we share with the NEFMC. Understanding that adequate monitoring will result in more catch for the industry over time, we are willing to assume reasonable levels of cost sharing. We simply are not financially prepared to assume the full cost today, nor any time in the near future.

As always, we appreciate your consideration of our views.

Chris Brown
Rhode Island Commercial Fishermen's Association

Ben Martens
Midcoast Fishermen's Association

John Pappalardo
Cape Cod Commercial Hook Fishermen's
Association

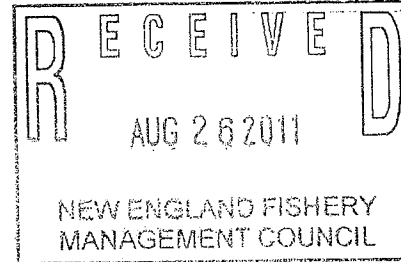
Jackie Odell
Northeast Seafood Coalition

Maggie Raymond
Associated Fisheries of Maine



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northeast Fisheries Science Center
166 Water Street
Woods Hole, MA 02543-1026

August 22, 2011



C. M. "Rip" Cunningham, Jr.
Acting Chairman
New England Fishery Management Council
50 Water Street
Newburyport, MA 01950

Dear Mr. Cunningham, *RP*

Thank you for your letter regarding the FY 2012-2014 Acceptable Biological Catches for the Northeast Multispecies stocks. The Northeast Fisheries Science Center plans to provide updates in the early winter 2012. Assessment advice for the 20 stocks included in the Northeast Multispecies FMP will be provided as follows:

- GB yellowtail, pollock, SNE, GB, & GOM winter flounder, and GOM cod stocks will rely on their most recent TRAC or SAW/SARC assessments
- Ocean pout and the two windowpane flounder stocks will use index-based assessments
- Atlantic halibut will have an updated replacement yield analysis
- Atlantic wolffish will use the most recent estimate of stock size
- The remaining nine stocks (GB cod, GB & GOM haddock, GB & CC/GOM yellowtail flounder, American plaice, witch flounder, redfish and white hake) will have updates to their GARM III analytic assessments prepared, which will follow the process outlined in the ACL WG white paper presented to the NRCC this spring. [White hake remains a problem because the GARM assessment was performed using a consultant's proprietary code/model; staff will recreate this model using the assessment toolbox.]

Updates for the nine stocks will have fairly narrow Terms of Reference. We will:

- Update the data
- Use the existing model formulation to estimate B, F, R and OFL
- Review and if possible, address/adjust for retrospective patterns
- Compare results to reference points and rebuild schedules
- Conduct a 3-year projection (2012-2014)

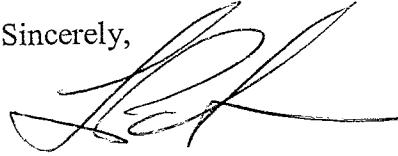


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The updates will be restricted to 2010 catch data. Inclusion of 2011 is not feasible in the narrow window of time when we can accomplish the assessments. The Assessment Oversight Panel will review the individual stocks TORs with the assessments themselves reviewed by an integrated peer review including an SSC representative and an external reviewer.

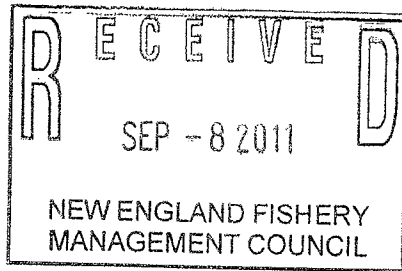
If you have any additional questions or concerns, please don't hesitate to contact me.

Sincerely,



Frank P. Almeida
Acting Science and Research Director

cc: F. Serchuk
R. Merrick
R. Brown
J. Weinberg
P. Rago
P. Kurkul (NERO)



Frank Mirarchi
67 Creelman Drive,
Scituate, Ma 02066
September 6, 2011

Mr. Colin "Rip" Cunningham, Acting Chair
New England Fishery Management Council
50 Water Street, Mill 2,
Newburyport, MA 01950

Dear Rip,

I am writing to express my concern over both the conclusions and tone of the peer review summary of the study's 2010 annual report.

This review, published on August 19, 2011, by NMFS NEFSC finds "A more robust EM system is required to provide the high quality data needed for allocation accounting and sub-Annual Catch Limits (ACL) monitoring. EM is also not sufficiently effective at monitoring weights of discarded fish by species." The review continues, "System reliability improvements and catch handling modifications..... will be considered to minimize lapses in monitoring....."

While these are reasonable criticisms of a start up project using unfamiliar technology in a complex and diverse fishery, they fail to acknowledge the tremendous dedication and energy contributed by both fishermen and project coordinators during this initial year. There were no templates for installation nor for revised catch handling protocols. Cameras were moved and adjusted. Power supplies were installed to insure uninterrupted operation. Catch handling procedures were devised and adopted. NEFOP observers and ASMs became familiar with the systems and began to adapt their sampling procedures. By the end of year one, the systems had begun to function reliably and consistently.

On May 1st, 2012 New England groundfish fishermen will face an economic crisis when they are expected to bear the cost of at sea monitoring. Today there is probably no small fishing vessel in New England which has the

cc: TN, AH, PMF (9/12)

margin to cover this cost. Electronic Monitoring is potentially a way of using technology to mitigate this crisis.

I have reviewed the language of Amendment 16 and the implementing regulations thereof, and have concluded that the Council's intent at that time was to provide a placeholder to encourage and accommodate an EM program to supplement At Sea Monitoring. To the extent that we now have a functioning EM pilot project this encouragement has been successful. However, for this pilot to become an integral component of a comprehensive catch monitoring program for New England, more Council guidance is required.

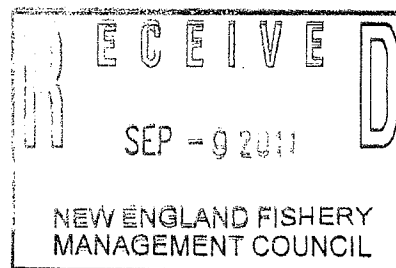
Recognizing the heavy agenda which the Council already has for its September meeting, I request no more than ten minutes in which to make a brief presentation. My principal objective is to have the Council develop a more definitive statement on the technical objectives for an EM program to become operational on May 1st, 2012.

Thank you for your consideration. Sincerely,


Frank Mirarchi

August 29, 2011

Patricia Kurkul
Northeast Regional Administrator
NMFS
55 Great Republic Drive
Gloucester, MA 01930



Dear Administrator Kurkul,

On August 22, 2011, sector managers learned that the Northeast Regional Office (NERO) will not be providing the Northeast multispecies fishery any opportunity to use electronic video monitoring (EM) as an approved monitoring tool in fishing year (FY) 2012.

This decision is, quite frankly, unacceptable. EM is a tool that has proven itself repeatedly in other fisheries throughout the United States and the world, yet the Northeast Fisheries Science Center (NEFSC) and NERO have chosen to ignore these results. Furthermore, EM programs have been fully-implemented in 12 fisheries with multiple gear types and are currently undergoing development in an additional 22 fisheries throughout the world. But that doesn't seem to matter here in New England.

For some reason, regulators appear to be hanging their hats on the results of this four year pilot program which will determine "if" EM can provide accurate catch accounting in New England. This short-sighted view fails to recognize the existing success of these programs and just furthers the belief by many in the industry that NMFS appears to be invested in the *process* (developing a pilot program) while fishermen remain invested in the solution (approved EM systems onboard their vessels).

New England fishermen want to know why EM works for catch accounting in other fisheries but for some reason it can't (yet) in New England. They want to know what obstacles to implementation NMFS has identified and how other fisheries (using EM) undoubtedly addressed them.... and why NMFS isn't using those solutions. They want to know what makes the New England groundfish fishery so unique that a tool used in over two dozen fisheries throughout the world can't be used here. New England's groundfish fishermen cannot foot the bill of at-sea monitoring 2012, and will not stand idly by while NMFS keeps a viable solution just out of reach.

Those fishermen in New England that survive the financial at-sea monitoring burden in 2012 don't want to know *if* EM can be used in the future. They want to know *how* NMFS plans on implementing EM in 2013.

Thank you for your commitment to EM implementation 2013.

A handwritten signature in black ink, appearing to read "Eric Brazer".

Eric Brazer
Manager, GB Cod Fixed Gear Sector

cc: Rip Cunningham, Chairman, NEFMC

cc: An. ah

