

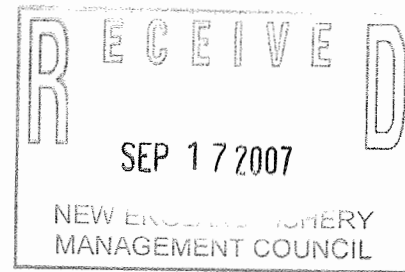
SMALL PELAGIC GROUP

415 Turnpike Drive
Camden, Maine 04843

#6

September 11, 2007

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



Dear Paul:

Actions by the New England Fishery Management Council have a profound impact on fishing families and businesses here in the region. As members of the affected public, fishermen need to be able to participate in the public process in a meaningful way. I am writing to express some recent concerns about providing sufficient notification to the public on agenda items that the Council or its Committee may consider.

The Council issued a meeting notice on August 15, 2007 announcing that the Multispecies Committee would meet on September 5, 2007, in Peabody, Massachusetts. The notice included an agenda item to "review proposals for adjustments to effort controls identified at earlier meetings and develop recommendations for further development of those measures."

Notice of this meeting was published in the Federal Register on August 20, 2007 that stated in part the following:

They (the Committee) will review suggestions for changes to the effort control systems for common pool vessels. They will identify which suggestions will impact fishing mortality and may develop recommendations on those measures that should not be pursued in Amendment 16. The Committee may also discuss other Amendment 16 issues. Committee recommendations will be forwarded to the Council for action at a future date.

Additionally, Rip Cunningham, Chairman of the Multispecies Committee issued a Memorandum to Committee members dated August 28, 2007, that provided an outline of his work plan for the September 5 meeting and a more detailed agenda for the day. The chairman's outline included item as follows:

3. At our May meeting, we developed a list of effort control measures to consider in this amendment. The Council referred the list back to us. We will review this list an additional time to determine if some measures should be eliminated.

On September 3, 2007, it came to the attention of herring industry members that a major letter writing campaign by an interested stakeholder group was being received by the Council requesting the Committee recommend adding measures to Amendment 16 that would consider

eliminating herring midwater trawls from all groundfish mortality closures. Communication with Council staff on September 4, 2007, indicated that the Committee would consider this stakeholder request during its meeting the following day under a 3 PM agenda item - review of effort control measures.

The Council has been the recipient of numerous letter writing campaigns in the past and there are a number of organizations that feel this is a useful tool to impact the public process. And, while the Council has a duty to the public to accept and review all comments received, it also has a duty to provide sufficient notification to affected parties that measures impacting their businesses are going to be considered by the Council.

There was no notification provided to herring fishermen that the Committee would be considering adding any effort control measures to Amendment 16 at its September meeting. In fact, all notifications and meeting materials indicated that the Committee would be reviewing a list of effort control measures referred back to the Committee by the Council to consider eliminating measures. Learning that this new discussion item was being added to the list 24 hours prior to the meeting was extremely disruptive to members of the herring fishery. Some people were able to rearrange their schedules and attend the meeting and others were not.

As you may be aware, the Committee had a very full agenda prior to this late addition and did not discuss any effort control measures, including herring vessels access to closed areas, during this meeting. This issue can now be considered at the next Multispecies Committee meeting with full notification to the public. It is very unfortunate that lives were interrupted in this manner for a meeting slate that was already more than full.

Management of our regional fisheries should be a thoughtful and deliberate process that is not swayed by last minute campaigns. I realize that the Council process is often slowed and constrained by time frames that require notification to interested parties and receipt of public comments. Meeting notices often cover very general items to allow the Council to take into account a broad range of ideas that may take shape prior to meetings. However, consideration of adding significant effort control measures that effect participants managed under a separate FMP at this late date should not have been contemplated.

I am requesting that the Council and your staff develop policy guidelines under which late additions to agendas are considered. Members in the herring fishery have experienced significant disruptions in 2007 with the implementation of amendments to the federal and states FMPs, and unexpected notices of the closure and opening of the fishery. Management of our marine resources should avoid creating a sense of constant chaos. There needs to be much more consideration of the impacts to fishermen in our industry during this process.

Thank you for your consideration of this request.

Sincerely yours,
Mary Beth Tooley