

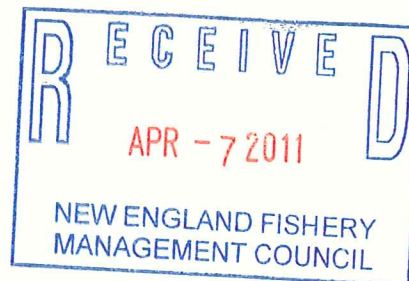
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April 6, 2011

John Pappalardo, Chairman
New England Fisheries Management Council
50 Water Street
Newburyport, MA 01950

SENT VIA FEDEX

Re: Scientific and Statistical Committee's meeting April 12, 2011

Dear Mr. Chairman:

I am submitting this letter and the attached documents, on behalf of Sustainable Fisheries Association, Inc., for consideration by the New England Fisheries Management Council's Scientific and Statistical Committee ("SSC") for their meeting on April 12, 2011.

The members of the Sustainable Fisheries Association raise the following three issues to the SSC which are of paramount importance:

- A. The SSC should consider social and economic data when setting the scientific uncertainty buffer as required by the Magnuson-Stevens Fishery Conservation and Management Act (amended) ("MSA");
- B. When setting the Acceptable Biological Catch ("ABC"), the SSC should not take a precautionary approach; and
- C. When setting the ABC, the SSC should reduce the percentage of discards.

A. The SSC should consider social and economic data when setting the scientific uncertainty buffer as required by the MSA.

The National Standards for Fishery Conservation and Management require the SSC to take into account the importance of fishery resources to fishing communities by utilizing economic and social data. (16 U.S.C. § 1851) The SSC should consider events in the skate-wing fishery during the past year in order to fully appreciate how a reduction to the scientific uncertainty buffer makes a positive social and economic impact by increasing Total Available Landings (“TAL”).

On September 3, 2010 the skate-wing fishery effectively closed as the trip limit was reduced to 500 pounds per trip. The immediate and direct consequences were:

- Approximately 300 people who were working for seafood processors in New Bedford and Gloucester were laid-off.
- Boats in New Bedford, Gloucester, Chatham, Point Judith and elsewhere, holding federal permits who were actively involved in the directed skate-wing fishery – stopped fishing.
- Sales people (most of whom receive income based solely on sales) were unable to fill orders for their European customers in the fall when demand for skate-wing is at its highest and tens of thousands of dollars in sales were lost to processors in other countries.
- Companies with direct co-dependent business relationships who provide vital goods and services to skate-wing harvesters and processors include: fuel; ice; gear; provisions; packaging; trucking; tire recyclers; and many, many others, all either laid-off personnel or reduced their workers’ hours.
- International air cargo allocations were lost by the processors because they had no product to ship.

It is impossible to calculate the domino-effect the loss of jobs and income had on fishing communities struggling with: double-digit unemployment; and business failures and home and boat foreclosures at all-time record-high numbers. What is possible however, is for the SSC to reduce the scientific uncertainty buffer, thereby increasing the TAL and extending the length of the fishing year.

B. When setting the ABC, the SSC should not take a precautionary approach.

The skate fishery is considered to be a data-poor in nature and means to establish the status of the stock is through the survey biomass index with a three-year rolling average of the biomass. In setting the ABCs for 2011-2013 the SSC will have the results of the surveys that were conducted in 2008-2010.

The Aggregate 2008-2010 trawl survey data clearly show a significant increase in the skate biomass over the prior three-year survey (2006-2008). Additionally, the trawl survey data clearly shows that the two (2) targeted species: winter skate and little skate, are not overfished and overfishing is not occurring on them.

The New England Fisheries Management Council Skate Plan Development Team (“PDT”) presented three different calibration methods of the *FSV* Bigelow for use by the SSC in setting the ABC for the Northeast Skate complex for 2011-2013. The PDT spent months working with the Aggregate trawl survey data to develop the two length-based methods, both of which are unreasonably precautionary and do not have scientific merit.

The impact of the SSC choosing either of the two overly-cautious length-based methods will result in an unnecessary reduction in Total Available Landings (“TAL”) from what the Aggregate method would allow. The reduction in TAL is unnecessary as the biomass nearly doubled for winter skate and little skate from the prior three-year survey as the Aggregate data shows. (See Exhibit “A” – letter and attachment from Nancy B. Thompson dated 1/13/11)

The members of the Sustainable Fisheries Association respectfully suggest that when the SSC is analyzing the three methods presented by the PDT, the SSC avoid taking a precautionary approach by choosing the Aggregate method in setting the ABC.

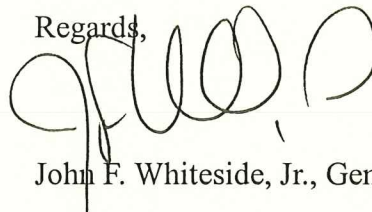
C. When setting the ABC, the SSC should reduce the percentage of discards.

National Marine Fisheries Service data shows that 243 of 500 commercial fishing vessels that qualify for sectors were inactive in 2010 and that the New England groundfish landings are down 15% from 2009. It is logical for the SSC to conclude that since fishing efforts have been reduced, the numbers of discards must also have been reduced.

Therefore, the SSC should reduce the percentage of discards due to the decrease in discard rates resulting from numerous factors including reduced fishing efforts, sector management and catch shares and thereby increase the TAL.

Thank you for your consideration of and attention to these issues.

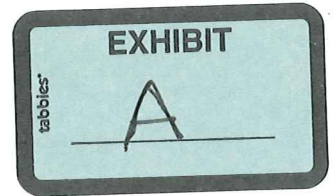
Regards,

A handwritten signature in black ink, appearing to read "John F. Whiteside, Jr.", written over the printed name below.

John F. Whiteside, Jr., General Counsel,
Sustainable Fisheries Association, Inc.



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



January 13, 2011

Mr. John F. Whiteside
Mickelson Barnet, PC
30 Cornell Street
New Bedford, MA 02740

Dear Mr. Whiteside,

As a follow-up to the letter sent by Eric Schwaab in response to your request for 2010 bottom trawl survey skate indices, attached is an undated table including the autumn 2010 index. As you remember the data from the autumn survey were not audited in time for the December 23 response.

I'm also aware that Dr. Russ Brown has been contacted regarding access to the full time series of data. We will continue to work with UMass/Dartmouth and MFI staff on that portion of your request.

Sincerely,

Nancy B. Thompson
Science and Research Director

cc: Schwaab
Kurkul



Table 1. Summary of bottom trawl survey indices (kg/tow) used in stock assessment of skates.

All estimates are expressed in R/V Albatross equivalents.							
Year	Skate Species						
	barndoor (fall)	clearnose (fall)	little (spring)	rosette (fall)	smooth (fall)	thorny (fall)	winter (fall)
1963	2.633				0.498	5.371	
1964	1.212				0.326	4.403	
1965	1.822				0.475	4.474	
1966	0.811				0.323	7.971	
1967	0.438			0.019	0.152	2.712	2.159
1968	0.285			0.003	0.385	4.421	1.865
1969	0.054			0.002	0.290	5.715	1.315
1970	0.066			0.009	0.232	7.347	2.996
1971	0.170			0.001	0.157	5.357	1.078
1972	0.096			0.016	0.332	4.119	2.958
1973	0.004			0.012	0.311	4.564	4.686
1974	0			0.012	0.123	3.038	2.097
1975	0.017	0.237		0.004	0.076	2.474	1.315
1976	0.047	0.302		0.024	0.039	1.720	2.655
1977	0	0.768		0.020	0.376	3.221	4.095
1978	0	0.156		0.007	0.450	4.291	4.989
1979	0.009	0.419		0.010	0.182	3.612	5.121
1980	0	0.685		0.090	0.343	4.601	6.233
1981	0	0.171		0.079	0.119	3.339	5.668
1982	0	0.213	3.627	0.006	0.039	0.646	8.306
1983	0	0.141	5.718	0.001	0.146	2.409	12.852
1984	0.010	0.178	4.094	0.029	0.199	2.887	13.323
1985	0.004	0.306	6.265	0.005	0.210	2.877	9.182
1986	0.029	0.545	2.753	0.003	0.209	1.629	15.800
1987	0.014	0.320	4.625	0.028	0.095	0.944	11.063
1988	0.007	0.335	5.083	0.021	0.284	1.488	7.564
1989	0.005	0.273	6.634	0.018	0.128	1.883	5.081
1990	0.028	0.402	4.993	0.023	0.194	1.704	7.145
1991	0.031	0.922	5.990	0.005	0.167	1.632	4.724
1992	0.002	0.345	5.297	0.035	0.126	0.962	3.582
1993	0.141	0.495	7.524	0.021	0.227	1.658	1.905
1994	0.035	0.938	3.622	0.073	0.099	1.509	2.120
1995	0.111	0.331	2.872	0.039	0.189	0.783	1.985
1996	0.042	0.430	7.574	0.043	0.176	0.814	2.276
1997	0.105	0.614	2.708	0.013	0.232	0.849	2.455
1998	0.089	1.121	7.471	0.050	0.028	0.648	3.753
1999	0.300	1.053	9.978	0.067	0.070	0.479	5.089
2000	0.288	1.032	8.596	0.033	0.154	0.832	4.378
2001	0.543	1.614	6.835	0.121	0.287	0.332	3.887
2002	0.778	0.891	6.444	0.052	0.111	0.436	5.600
2003	0.553	0.661	6.486	0.033	0.190	0.742	3.386
2004	1.295	0.709	7.219	0.048	0.214	0.710	4.031
2005	1.036	0.524	3.241	0.065	0.131	0.224	2.615
2006	1.168	0.533	3.323	0.058	0.211	0.726	2.484
2007	0.798	0.853	4.459	0.070	0.089	0.316	3.705
2008	1.092	1.725	7.339	0.029	0.098	0.209	9.500
2009	1.128	0.894	6.553	0.064	0.205	0.253	11.334
2010	1.104	0.676	10.565	0.028	0.176	0.282	8.095