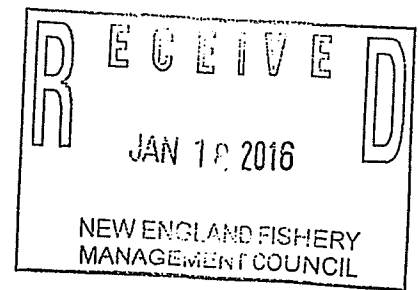


2a.

ADDITIONAL WHITING AMENDMENT 22 COMMENTS

Received VIA email: Monday, January 18, 2016



I am writing this comment to oppose the proposed changes to the whiting fishery.

First, there is no biological reason to travel down this road. The whiting resource is not being over exploited and at first appearance this seems to be an attempt to take the control of this fishery from the hands of the many who depend on the flexibility to pursue this fishery and put it into the hands of the few in order to gain control of this fishery. Here in Pt. Judith whiting has been a staple of this fleet since I have been around and well before. I can remember lumping small day boats with whiting back in the late 60's.

What this seems to be is yet another case of the council pitting fisherman against fisherman. It sickens me to watch what has happened to the fishing industry in New England using this tactic.

Diversity and flexibility has always been the cornerstone into the success and viability of the fleet here in RI. The precedent that this resource grab would set would be yet another step in the downward spiral of the fishing industry and food supply of this nation. We don't need to have Pt. Judith turn into Gloucester with yet another misguided management plan that does nothing but eliminate another fishery from those who depend on it.

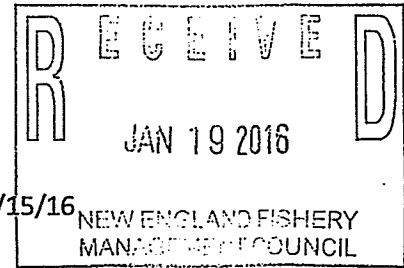
Thank you for your consideration

Joel Hovanesian

F/V Defiant, Pt. Judith RI

COMMENTS ON AMENDMENT 22 SCOPING HEARING

Submitted by Fishermans Dock Co-op point pleasant NJ 1/15/16



Following are the comments/ opinions of the members of the Fishermans dock Co-op in regard to the possible proposed regulations regarding the Whiting fishery. Point Pleasant NJ has at times been the leading port in the country in the volume of Whiting landed annually, as has the state of New Jersey itself. In the 1970's and 1980's we averaged over 10 million pounds of Whiting a year, with point pleasant accounting for 3/4 of that. In the late 1980's our landings started to decline as states to the east of us entered the fishery. The Point Judith Co-op [RI, traded places with NJ as the leading state for Whiting landings in this time period], secured 7 million dollars of Government money to expand their operations to enter the international Headed and gutted market at which they failed miserably leaving a huge pool of publicly secured debt, and a decimated stock as they kept fishing and brought in a lot of inferior product that ended up being sold as animal feed. When the Co-op dissolved many of those boats left RI and relocated to long Island and Connecticut, where they then invented another stock killer the juvenile whiting fishery targeting small immature Whiting with a desired length of 5 to 7 inches. Really responsible fishing. Kill the babies.

With the decline of groundfish stocks the NEFMC created the Cultivator Shoal whiting fishery which as I wrote in a letter to the council from the mid 90's created a giant sucking sound of the Whiting that we targeted in the winter months being captured during the summer months in their summer grounds before they migrated south to New Jersey for the winter. Consequently these circumstances have contributed to New Jersey no longer having much of a Whiting fishery. We have watched as through the last few decades species after species have been leaving our waters due to global warming, leaving us with very few of our traditional groundfish species such as Blackback Flounder, Yellowtail Flounder, Cod, Whiting, and Ling. Every new regulation passed by the NEFMC punishes us for not have landings of those species usually by using a shortened time frame so they can weed out as many fishermen as possible. Our Whiting landings during the last decade are lucky if they average 300,000 pounds a year. This is not for lack of trying. The only fish we get now show up in the late spring in drips and drabs from late april to june. We used to self limit our vessels to a 10,000 pound trip limit daily, in which Point Pleasant, Belford, and western Long Island vessels all abided. Now I can count on one hand the amount of 10,000 pound trips landed in New Jersey in the last 15 years. But does that mean it will not happen again? Whiting may very well retake their geographical habitat off of New Jersey in the future, it would be especially ironic if the New Jersey vessels that actually cared about the stocks health by creating their own trip limits back in the 70's were not allowed to participate in the fishery any longer. As the Whiting AP chairman during the creation of amendment 12 I fought for and got consensus from the rest of the panel and industry to have limited assess included in that original small mesh plan. It was denied by the RA, and we have had problems ever since with a segment of the industry that has continually feared new entrants into the fishery. The panel and Whiting committee desired that the amendment go back as far as possible so that everybody who had a history in the fishery would be included, we wanted the early 1980's as the date, so that fisheries in North Carolina,

and Maine that had disappeared in the late 1980's and 1990's would not be kicked out of the fishery if the stocks reappeared in their waters.

The whiting fishery has always been labor intensive and the prices fluctuate widely which has been the historical detriment that discourages new entrants. This has been true for decades, and I know of nothing that has changed on either the marketing end, or the fishing aspect, it's a tough labor intensive fishery that's pretty specialized. The fishery itself is said by NMFS to be in a very healthy condition, although they ignore the fact that the main biomass has moved over 80 miles to the east. So it appears that the driving force behind this amendment is not one of fishery rebuilding, but of fishery reallocation, or the protection of a few over the interests of the many. So following are our concerns about what is proposed.

1. New Jersey does not have representation on the AP and has not since I was removed for unexplained reasons in 2007 while I was still the chairman of the panel. Despite my history as the only chairman ever for the panel, and my years as a MAFMC member, I was given a dear John letter, for both Whiting and Groundfish AP's. Joe Branin was left on as an advisor despite a spotty attendance record. Joe sent a letter of resignation into the council 3 years ago, but he is still listed as an advisor and has not made a meeting in close to 10 years. We support Roy Dehl of Belford to take his position as soon as possible.
2. We support limited access for the fishery using the last control date for new entrants, and support going back as far as possible for inclusion of as many historical participants as possible, to the first control date in 1994.
3. We support a 20,000 pound qualifier in any one year within that time frame, [1994 to 2012] so as to include as many historical participants as possible recognizing that many historical participants would not be able to show landings in a shortened time period due to climatical conditions beyond their control.
4. We felt left out of the scoping process as there was no hearing held in New Jersey, when previously Whiting hearings here have seen 50 to 100 people attend them back in the 1990's. We request that a public hearing be held in New Jersey when the amendment goes out for public hearings in the future. Webinars may work for policy wonks and advocates but they do not work for Fishermen, who have trouble figuring it out, and would rather speak and listen in person.
5. We oppose any type of tiered management system which is advocated by a very select few fishermen who wish to turn the fishery into their own private property, at everybody else's expense. We understand that a small group of fishermen now account for the majority of Whiting landings, and feel that they are still protected by the fishing and market conditions that have limited the expansion of the fishery in the past. By approving a limited access provision into the management plan these fishermen will be protected, by creating a tiered system they will be rewarded at many other fishermen's expense, The creation of a tiered system could present a legal challenge as it would appear the only purpose of the amendment was an economic consideration [reallocation] for a few industry participants.

If a tiered system was put into place using recent landings data about 80 % of the resource could be allocated to the top tier consisting of about a dozen vessels. If in the future the fishery needed to be rebuilt, all the other historic participants would be left fighting over a few crumbs and would be screwed over once again losing access to another historic fishery.

We support the retention of the present mesh sizes and their trip limit triggers for the various mesh sizes which were put into place to address the difference in catching rates between large high horsepower vessel, and smaller vessels with less horsepower. If it's not broke don't fix it, until it is.

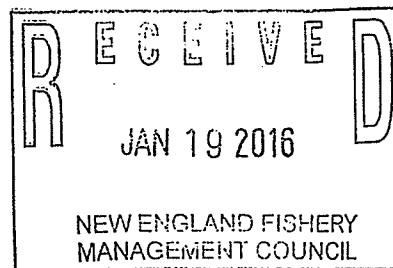
In regards to research needs, we need more information on what has driven the migration of whiting to the east out of their historical grounds, and what has happened to the ling population which should be in excellent health as they spend their most vulnerable life stage inside of live scallops for protection from predators. With the scallop population so healthy the ling population should be also. So there is something else eating the ling, and my bet is its Dogfish, so we need a REAL examination of the effects of dogfish predation on every stock in the Atlantic waters and what are the cascading effects down the foodchain from it. This should include the economic impacts of NMFS protecting these voracious sharks and why they have done so, including the cozy relationship of the Dogfish plan's instigator, Sonia Fordham and the Council staff and former RA. How could one person persuade the NMFS and NEFSC that this stock was in such dire trouble that they were in danger of becoming extinct, with virtually no chance of the stock recovering for a minimum of at least 30 years, unless NMFS themselves wanted to use Dogfish for another ulterior motive. As you know within 5 years of the rebuilding plan the fishery was declared completely recovered.

We also need a complete review of what the general category scallop plan did to all fisheries as it has created a have/ have not industry on the east coast with those who were gifted quota are millionaires while those who got the shaft are struggling to stay in business. Many of those have nots participate in the Whiting fishery, so its understandable they seek some kind of protection. Meanwhile the larger scallop quota owners are busy buying up every fluke permit they can find that they want to speculate on and push their scallop vessels into, causing even more harm to the have nots. Since the plan's implementation two scallop boat owners in Point went from owning 1 boat to 4 and 5, while one also bought his own dock. Other have's are just sitting back collecting ill gotten rent from the share croppers that the council created.

Thanks for your consideration,
Jim Lovgren Board of Directors FD Co-op

Rianda S. Fisheries

Chuck Weimar
P.O. Box 2017
Montauk, NY 11954



I am a commercial fisherman from Montauk, New York. I am the owner and operator of the fishing vessel Rianda S. and part owner of Inlet Seafood which is a commercial shore side fish packing facility in Montauk. As a full time commercial fisherman since 1973, I have seen the coming and going of the foreign fishing fleets from around the world fishing right off our shores, putting tremendous pressure on the natural resources.

I would like to submit my comments to the Small-Mesh Multispecies Amendment 22 Scoping document.

Small-Mesh Multispecies Amendment 22 Scoping Comments

1. Limited Access Qualification Criteria

- If the intent of this amendment is to keep the displaced groundfish fleet out of the whiting fishery then it only makes sense to use the same 10 qualifying years as were used for the groundfish quota allocation that we all received.
- If the boats that were groundfishing got the groundfish allocation for the 10 qualifying years, the same years should be used for the whiting qualifying criteria.
- The majority of the boats were built in the 1980s and have been fishing since. Now after the groundfish crisis, the reallocation to the whiting fishery should not be given to the displaced groundfishermen who have been whiting fishing for the past 10 years unless they meet the qualifying criteria for the same years as the groundfish.
- We are not in favor of the tiered fishery allocation for whiting.
- VTRs matched to Dealer reports should be used. VTRs have been around since 1996-2006 that are the same qualifying years as the groundfish quota. If VTRs cannot be matched to dealer reports, that should act as a disqualifier.
- Other small mesh fish landings should NOT be considered in the red hake and whiting fishery.

2. Limited Access Permit Characteristics and Conditions

- We have always been in the mixed trawl fishery so our groundfish allocation is not what it would be if we were a groundfish boat. Our scallop permit was taken away because of

qualifying criteria. The precedent has been set. I agree that there should be a limited access permit.

- I do not support a mechanism to allow new entries in the fishery if not achieving OY. It is not allowed in other fisheries (i.e. scallops, tilefish).

3. Permit Categories and Associated Measures

- I do not support multi-tiered limited access. It monopolizes the fishery with a few big boats, displacing hundreds of traditional smaller boats that land whiting.

I have been a commercial fisherman for over 40 years fishing out of Montauk NY.
Thank you for consideration of my comments.

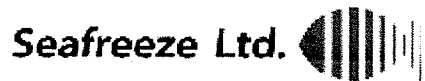
Sincerely,

Chuck Weimar

F/V Rianda S

Email: star2017@aol.com

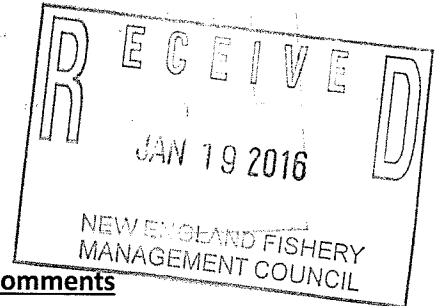
Phone: 516-971-1706



100 Davisville Pier
North Kingstown, R.I. 02852 U.S.A.
Tel: (401)295-2585

January 19, 2016

Thomas A. Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill #2
Newburyport, MA 01950



Re: Small mesh Multispecies Amendment 22 Scoping Comments

Dear Executive Director Nies,

The Amendment 22 Scoping Document clearly states that the “purpose of this action is to implement measures that would prevent unrestrained increases in fishing effort by new entrants to the fishery” and that the “need for the amendment is to reduce the potential for a rapid escalation of the small mesh species fishery”. The Council has attempted, since the initial 1996 control date used to develop Amendment 12, to establish a limited access program. However, there is no evidence in the scoping document that over the past 20 years that “unrestrained increases in fishing effort” or a “rapid escalation” of the fishery has occurred or been a real threat.

On the contrary, particularly for whiting, southern stock whiting catches have been below 20% of the ACLs since 2013, and northern stock whiting catches shown similar trends. Since limited entry was first proposed in 1996, landings data demonstrates an overall decrease in landings, as well as number of vessels participating in the fishery. Without solid evidence to justify undertaking such an action, it would seem that the Council may best direct its resources towards more pressing issues.

Rhode Island vessels have been historic participants in the whiting fishery, and have relied on access to multiple fisheries to remain viable. This flexibility is essential to the success of the Point Judith fleet and shoreside infrastructure. To potentially deny historic participants access to a fishery that does not even achieve 20% of its ACL is nonsensical and could have extremely negative consequences to Rhode Island vessels in particular.

If the Council chooses to move forward with this Amendment, we support using a qualifying period that spans the time series of Council efforts to create a limited access fishery, from 1996- 2015, since VTRs have been mandatory during this time. At a minimum, the qualifying years should cover a 15 year span. We also support minimal qualifying poundage to ensure that historic participants do not lose access to the whiting fishery. However, rather than move forward, we would instead suggest that measures be introduced to lower trip limits if/when 80% of the whiting ACL is harvested.

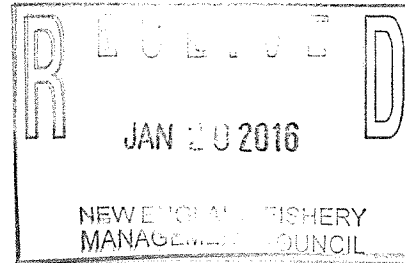
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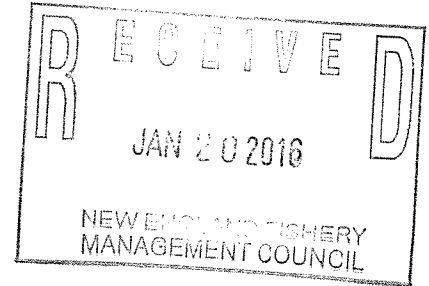
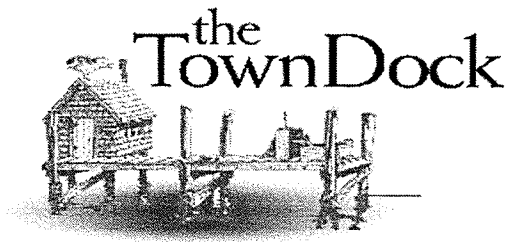
Meghan Lapp
Fisheries Liaison, Seafreeze Ltd.

Amendment 22 Comment Received – January 19, 2016

I would like to put in writing that I am opposed to any changes in the management of this fishery. And as far as privatization is concerned I am strongly opposed. There is currently zero overfishing occurring according to your own statistics therefore other than putting the resource into the hands a few boats there is zero need for this action.

Sincerely, Brent Loftes
F/V Asher & Ariana
Point Judith, Rhode Island





January 20th, 2016

Thomas A. Nies,
Executive Director New England Fishery Management Council
50 Water Street, Mill #2
Newburyport, MA 01950

Dear Director Nies,

I'm writing to provide our Small Mesh Multispecies Amendment 22 Scoping comment.

The Town Dock is one of Rhode Island's largest seafood dealers. With over 100 employees, two processing plants, and seven owned fishing vessels we purchase millions of pounds of seafood each year from both local and out of state vessels (around 62 vessels) and dealers.

Because we rely on a diverse fleet, we at the Town Dock will only support a Limited Access whiting fishery as long the program is as inclusive as possible with a reasonable qualifier. We suggest a qualifying landings measure low enough so that it would cover those fisherman that have any landings history over the past 15 years.

We think that it's vital that people who have fished for whiting in the past be allowed to continue to participate in this fishery and not be pushed out of it for diversifying their catch over the years.

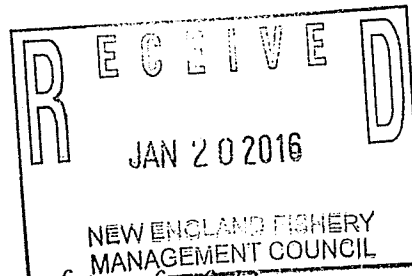
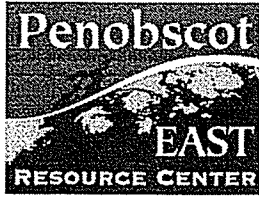
At this point we are not in support of a tiered system. We believe that anyone who qualifies for a whiting permit should be treated equally within the fishery. Since the TAC hasn't been met and a Limited Access fishery will prevent new entry into the fishery, we feel that equal access within the fishery is appropriate.

We support setting an incidental landing limit for whiting for those who would not qualify for a Limited Access permit.

Thank you for the opportunity to comment on this issue and for adding a scoping hearing in Rhode Island.

Sincerely,

Katie Almeida
Fishery Policy Analyst



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Securing a future for fishing communities

January 20, 2016

Thomas A. Nies
Executive Director
New England Fishery Management Council
50 Water Street, Mill #2
Newburyport, MA 01950

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CHRISTINA FIFIELD

GRANT SPECIALIST
DEBORAH SMITH

RE: Small-Mesh Multispecies Amendment 22 Scoping Comments

Dear Director Nies,

I write to comment, on behalf of Penobscot East Resource Center in Stonington, Maine, regarding the scoping period for Amendment 22 to the Northeast Multispecies Fisheries Management Plan regarding access to the small mesh multispecies fishery. Penobscot East works with community fishermen throughout eastern Maine to foster diversity in fishing opportunities, sustainable fishing, and to build vibrant fishing communities. Most fishermen we work with are owner operators and many participate in a variety of state and federal fisheries. We also manage the Northeast Coastal Communities Sector, representing 23 fishermen from Maine and Massachusetts and 26 federal groundfish permits. Thank you for the opportunity to submit our comments.

We do not believe it is necessary for the Council to limit access to the small mesh multispecies fishery and that other actions would improve sustainable utilization of this resource with a lower risk of social and economic impacts on coastal communities and small scale fishermen. Moving toward limited access in this fishery is a solution in search of a problem and an unnecessary step that will only serve to further consolidate access to federal fishery resources that are managed in the public trust.

The scoping rationale states that the purpose and need for this action are to "prevent unrestrained increases in fishing effort by new entrants to the fishery" citing the potential for a "rapid escalation" of the fishery due to transition from other fisheries, including large mesh multispecies and northern shrimp. However, NMFS data shows that the number of permitted vessels actually fell from over 700 in 1996 to fewer than 400 in 2013, a year after a disaster was declared in the New England large mesh multispecies fishery and significant declines in the northern shrimp fishery. In fact, the number of permitted vessels has been stable around

400 vessels since 2004, despite failures in other fisheries, which raises further questions about the fundamental rationale for limiting access. Why would there be a drive toward limiting participants from other struggling fisheries ability to transition into an otherwise healthy fishery? It would appear that fishermen shifting effort into a healthier fishery from one that needs to rebuild is a more logical goal to support healthy resources as well as positive social and economic outcomes.

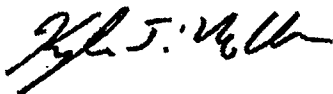
We do acknowledge that this fishery has very high discard rates for managed species and interactions with other fisheries. Red hake discard rates in the northern area have been as high as 40 to 80 percent since 2004 according to NEFMC, but it is unclear how moving to limited access would address this problem. Although getting a handle on discards and interactions with other fisheries are laudable and important priorities for the management of this fishery, encouraging fishermen and dealers to pursue new markets for catch; encouraging better fishing practices, and/or restricting at sea operations through trip limits seem like approaches that could better address these concerns.

Lastly, we are concerned that moving toward limited access is a step that will limit the ability of fishermen and communities to respond to climate change. In the 2015-2017 specification document for this fishery it is stated that *"climate change is already impacting fishery resources by shifting distributions, abundances, and phenology of species and the communities that depend on them. For example, cold water species are shifting northward."* It also cited Nye et al. 2009 and 2011, which document shifts in red and silver hake distribution, but despite this work showing climate impacts on these exact species nowhere in the scoping document is climate change mentioned. Moving toward limited access is simply the wrong response to climate change. In other fisheries with limited access, work is already beginning to emerge on how difficult limited entry systems make climate adaptation for communities and individual fishermen. Locking in participants based on historical fishing practices and historical resource patterns fails to acknowledge what we do know for certain, that resources will change thus communities and fishermen will need to adapt.

To summarize, we do not support Council actions that would limit access to the small mesh multispecies fishery to historical participants. The transition to limited access in other federal fisheries, including large mesh multispecies, and particularly allocation of quota based on fishing history has proved disastrous for small fishing communities in Eastern Maine and beyond. However, should the Council move forward with limited access in this fishery, it must include steps to retain open access opportunities for community fishermen, perhaps by creating a lower tier open access permit that is not limited by any allocation scheme and allowing the landing of hake and whiting as bycatch in other groundfish fisheries. Steps to preserve meaningful open access will provide flexibility for communities and fishermen to respond to changing resource distributions, changing markets, and changes in other fisheries that necessitate diversifying fishing portfolios.

Thank you for the opportunity to provide our comments. We look forward to working with the Council and NOAA toward a sustainable fishery for small mesh multispecies and other groundfish resources, while maintaining meaningful access for community fishermen across the region.

Sincerely,



Kyle J. Molton
Policy Director
Penobscot East Resource Center