

# CORRESPONDENCE



## New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116  
John F. Quinn, J.D., Ph.D., Chairman | Thomas A. Nies, *Executive Director*

February 17, 2021

Mr. Michael Pentony  
Regional Administrator  
Greater Atlantic Regional Fisheries Office  
National Marine Fisheries Service  
55 Great Republic Drive  
Gloucester, MA 01930

Dear Mike:

Consistent with the consultation requirements of 50 CFR 648.89(f)(3), the Council developed recommendations for proactive accountability measures (AMs) for Gulf of Maine (GOM) cod and Gulf of Maine haddock for fishing year 2021. The Council requests that you implement our recommendations as detailed below. These measures will enable the recreational fishery to achieve, but not exceed, their sub-ACLs for Gulf of Maine cod (193 mt) and Gulf of Maine haddock (5,295 mt).

The Recreational Advisory Panel (RAP) met on January 20, 2021 to discuss potential measures. The Groundfish Committee discussed the RAP's recommendation on January 26, 2021. The RAP's recommendation was for status quo measures for GOM cod and more liberal measures (increased bag limit and decreased minimum fish size) for GOM haddock. The Committee recommended status quo measures for GOM cod and GOM haddock. The Council then reviewed the RAP and Committee recommendations. Based on these discussions, the Council passed the following motion on January 26, 2021, which is identical to the recommendation from the Groundfish Committee:

*That the Council recommend "status quo" measures for Fishing Year 2021, as:*

*Gulf of Maine cod*

*Private mode: Open Season: September 15-30 and April 1-14*

*Party/Charter: Open Season: September 8-October 7 and April 1-14*

*Bag Limit: 1 fish*

*Minimum Size: 21 inches*

*Gulf of Maine haddock*

*Open Season: May 1 – February 28 and April 1-30*

*Bag Limit: 15 fish*

*Minimum Size: 17 inches*

*The motion carried on a roll-call vote (15/1/1).*

The Council's rationale for this recommendation is two-fold. First, the for-hire recreational groundfish fleet continues to be impacted by the emergency public health response to COVID-19. State-specific workplace safety guidelines continue to limit vessel capacity, and travel restrictions for the public remain in place. For example, Massachusetts continues to limit

capacity on inspected for-hire vessels and requires out-of-state visitors to quarantine for ten days upon arrival (with some exceptions). Similar restrictions in 2020 justified the short cod open seasons in the fall. The Centers for Disease Control estimate that conditions will not approach normal until during the third-quarter of this year, which would mean at least half of the recreational season would continue to be constrained by COVID-19 measures. Second, catches in FY2021 can be expected to be similar to catches in the most recent two fishing years. Although the limited, data collection efforts through the Marine Recreational Information Program (MRIP) in 2020 and 2021 remain a source of uncertainty, recent estimates from the Northeast Fisheries Science Center presented to the Council in January suggest FY2019 and FY2020 catch limits for recreational GOM cod and GOM haddock are unlikely to be exceeded. Therefore, maintaining the measures at status quo would address these concerns – balancing recreational fishery access with data uncertainties.

The Council expresses its continued appreciation to NMFS staff for addressing information needs in advance of the RAP, Groundfish Committee, and Council meetings.

Thank you for considering these recommendations. Please contact me if you have questions.

Sincerely,

A handwritten signature in cursive script that reads "Thomas A. Nies".

Tom Nies  
Executive Director

cc: Dr. Jon Hare, NEFSC



## North Pacific Fishery Management Council

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Simon Kinneen, Chair | David Witherell, Executive Director  
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February 24, 2021

Scott de la Vega  
Acting Secretary of Interior  
1849 C Street, NW, MS 5311  
Washington, DC 20240

Dear Acting Secretary de la Vega:

On behalf of the North Pacific Council, I am writing to offer our assistance and perspective as you develop a report to the Climate Change Task Force, as required by Executive Order 14008 [Tackling the Climate Crisis at Home and Abroad](#), which was signed on January 27. Section 216 of the E.O. (Conserving Our Nation's Lands and Waters) requires consultation with key stakeholders in developing recommended steps that should be taken, and in identifying strategies that will encourage broad participation in achieving the goal of conserving 30 percent of our lands and waters by 2030. We request an opportunity to be involved in the implementation of the E.O., in determining how 'conserving' the marine environment is defined and measured, and to share detailed information about conservation areas established by the North Pacific Council to ensure they are properly categorized.

The Regional Fishery Management Councils have direct authority in conserving marine waters off of the United States and take that responsibility very seriously. The eight regional councils were established in 1976 by the Magnuson-Stevens Fishery Conservation and Management Act to conserve and manage fisheries resources in the U.S. EEZ, through a regionally-driven, science-based, participatory, and transparent public process. The councils, working with NOAA Fisheries, have established a system considered to be the gold standard for sustainable fisheries and marine conservation throughout the world. The council process would provide broad stakeholder participation in the efforts to identify strategies to achieve the goals and intent of the Executive Order.

The North Pacific Council develops conservation and management measures for the fisheries operating in the EEZ off Alaska; the foundation for our fishery management is preservation of the healthy, productive marine ecosystems in our EEZ. The EEZ in our region is expansive, covering over 1 million square nautical miles, and includes the large marine ecosystems of the Gulf of Alaska, Bering Sea, Aleutian Islands, and the Arctic. These areas support subsistence, sport, and commercial fisheries, and subsistence harvests of marine mammals. The Council develops management plans to achieve ecosystem-based management goals and envisions sustainable fisheries that provide benefits for harvesters, processors, recreational and subsistence users, and fishing communities, which (1) are maintained by healthy, productive, biodiverse, resilient marine ecosystems that support a range of services; (2) support robust populations of marine species at all trophic levels, including marine mammals and seabirds; and (3) are managed using a precautionary, transparent, and inclusive process that allows for analyses of tradeoffs, accounts for changing conditions, and mitigates threats.

The North Pacific Council has a successful record of science-based, sustainable fisheries management, including identifying and managing thousands of nautical miles of conservation areas. Critical to our success has been identifying a specific conservation objective and tailoring a closure or restriction to that particular objective, while analyzing and considering the tradeoffs to the affected fishing community.

We adopted an ecosystem policy, including an ecosystem vision statement in 2014, and ecosystem considerations are incorporated into the analysis and development of all fishery management measures. In addition, the North Pacific Council approved a Bering Sea Fisheries Ecosystem Plan in 2018, which includes a Climate Change Taskforce undergoing a five-year effort with the goal 'to facilitate the Council's work towards climate-ready fisheries management that helps ensure both short- and long-term resilience for the Bering Sea'.

The North Pacific Council has invested in this approach and process while continuing to support the fishermen, processors, and communities dependent on fisheries under its jurisdiction. Nearly all of the fisheries in the North Pacific are certified as sustainable by the Marine Stewardship Council and the Responsible Fisheries Management Certification Program. Each year, vessels homeported in coastal communities in Alaska, Washington, and Oregon harvest over 2,200,000 metric tons of groundfish in the North Pacific, worth approximately \$2.5 billion first wholesale. This is a fraction of the biomass that could be harvested sustainably in the Alaska EEZ. Fish harvests off Alaska annually account for about 60% of the total U.S. catch, and are critical to ensuring food security for the nation. These fisheries support over 90,000 jobs and provide economic opportunities in coastal communities that are particularly vulnerable to the effects of climate change. The abundance of groundfish stocks is high, and most stocks are well above the abundance levels that produce maximum sustainable yield. In the past 40 plus years, no groundfish stocks have been overfished or have been subject to overfishing.

To achieve this conservation success, the Council relies on a mix of conservation tools that provide flexibility to adapt to environmental change. Some of the major tools include:

- Precautionary harvest limits – Scientifically established annual limits on harvests that incorporate ecosystem concerns provide food security and economic activity for the long-term, while protecting marine ecosystems from adverse impacts. The total annual catch of all species in the Bering Sea is also capped as an ecosystem conservation measure.
- Ecosystem policy – An explicit policy that fisheries management take into account environmental variability and uncertainty, changes and trends in climate and oceanographic conditions, and fluctuations in productivity for managed species and associated ecosystem components, such as habitats and non-managed species, and relationships between marine species.
- Conservation areas – Over 65% of the Alaska EEZ is closed to some or all fisheries to conserve habitat, sustain fisheries and coastal communities, and protect marine mammals. These closures were carefully established through the Council's public process to protect ecosystem productivity and integrity while still providing for sustainable fisheries and viable coastal fishing communities. These areas can be modified as new scientific information becomes available, fish stocks shift their distribution, the environment changes, or other reasons as needed to adapt to unforeseen events.
- Effective monitoring, accounting, and enforcement – A comprehensive observer and electronic monitoring system ensures that all harvesters follow the requirements for fishing in areas protected by Council action, catch is accounted towards the annual catch limits to prevent overfishing, and potential impacts on seabirds and marine mammals are monitored.
- Strong scientific base and adherence to scientific advice – Scientific information underpins all management decisions. Fisheries surveys and environmental data collection are critical and used for stock assessments and development of models to understand, prepare for, and be resilient to climate change in the North Pacific.

Our experience demonstrates that conservation of the productivity, diversity, and integrity of marine ecosystems can be achieved without establishing extensive areas with “no commercial extractive use.” Marine scientists have noted many times that, in the context of climate change, adaptive and flexible management is critical. A policy that creates large-scale permanent marine reserves will greatly restrict the ability of managers to react to changes in the marine environment, which does not promote resiliency for the marine or human environment. By contrast, the conservation areas established by the North Pacific Council achieve important conservation objectives while providing management flexibility and a public process to modify actions in the future in response to new information. We look forward to ensuring that this proven approach to area-based conservation is fully recognized as part of the Administration’s 30x30 process.

In sum, we recommend that the steps developed to implement the EO include enlisting the North Pacific Council as a partner, and that some of your recommended strategies are modeled on the process the North Pacific Council has used successfully to provide conservation measures for over 65% of the Alaska EEZ. The North Pacific Council has experience and expertise in preparing for and adapting to climate change, and we would be very interested in providing immediate advice on how to implement the Executive Order.

Thank you,



Simon Kinneen  
Council Chair

Cc:

Benjamin Friedman, Deputy Under Secretary for Operations and Acting Administrator, NOAA  
Paul Doremus, Acting NOAA Assistant Administrator for Fisheries  
Regional Fishery Management Councils



## New England Fishery Management Council

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John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

March 15, 2021

Prof. Michael Triantafyllou  
Director, MIT Sea Grant College Program  
Massachusetts Institute of Technology  
12 Emily Street  
Cambridge, MA 02140

Dear Professor Triantafyllou:

I write to offer strong support for an application from the Cape Cod Commercial Fishermen's Alliance to continue their work to address and mitigate COVID impacts on seafood resources, fishermen, industry participants, and our communities facing food insecurity. The "Small Boats, Big Taste" initiative, as it is called, pays small-boat, independent fishermen to target haddock. Those haddock are landed at Massachusetts ports, filleted in Boston, and made into chowder in Lowell. The chowder is distributed to food banks and pantries across Massachusetts, New England, and soon into the mid-Atlantic. I believe this grant will help the Fisherman's Alliance transition this program toward long-term sustainability. Given their track record, I believe this would be a feasible and important effort, an opportunity to transform the damage created by this COVID pandemic into a positive, broad outcome.

The impacts of the pandemic on the fishing industry are well-documented. In New England, 60% of commercial harvesters experienced a lack of markets and low prices last year; over three-quarters stopped fishing for a period of time (half for more one to three months)<sup>1</sup>. At the same time, the need for food support increased. This program addresses both concerns, creating another market for small-boat fishermen, supporting jobs throughout the supply chain, and supplying delicious, nutritional food to those in need.

To date this effort has been funded primarily by philanthropic support, intended to accomplish the goals of keeping fishermen on the water, and supporting food banks during a time of crisis. The nutritional and health benefits of this delicious, nutritious food are well documented. Massachusetts food banks report that the chowder is very popular; given demand, they can distribute as much as they receive. Approval of this grant request will build on this success.

Thank you for your consideration, and please feel free to contact me if I can provide any further insights or information.

Sincerely,

Thomas A. Nies  
Executive Director

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<sup>1</sup> Updated Impact Assessment of the COVID-19 Crisis on the U.S. Commercial Seafood and Recreational For-Hire Industries January – July 2020. Northeast/Mid-Atlantic COVID-19 Impact Snapshot. National Marine Fisheries Service. <https://media.fisheries.noaa.gov/2021-02/Northeast-COVID-19-Impact-Snapshot-webready.pdf>

March 15, 2021

Mike Pentony  
Regional Administrator  
NMFS, Greater Atlantic Region Fisheries Office  
55 Great Republic Drive  
Gloucester, MA 01930

Dr. Jon Hare  
NMFS, Northeast Fisheries Science Center  
166 Water Street  
Woods Hole, MA 02543

Mr. Pentony & Dr. Hare,

We write to highlight issues that have recently come to our attention and request improvements to the Pre-Trip Notification System (PTNS) to ensure that sectors can work with their ASM providers to achieve GARFO's target ASM trip coverage rate if possible. There is a heightened level of awareness on the sectors' ability to meet the rate; but we continue to be hampered in our efforts to achieve it because of the inherent design of PTNS.

Until recently, the sectors misunderstood how the PTNS "selection frequency knobs" functions. Until recently we believed individual sectors could adjust the "selection frequency knobs" of the ASM providers they contracted with to maximize the potential for trips to be selected for coverage. We believed this was a sector- specific feature that could be tailored based on the needs of the sector.

However, recently we learned that the selection frequency function does not operate at the sector level. Instead, the "selection frequency knobs" are set at the fleet level, meaning that sectors using multiple ASM providers cannot "dial in" selection rates for the provider most likely to have staff available to cover trips. We now understand each click of the knob has a direct effect on the other sectors and indirectly on other providers. All sectors are not equal, all providers are not equal, and each sector needs to be able to adjust based on its internal makeup and provider performance. Systems adjustable only at the fleet level, sets sectors who are trying to ensure they hit target coverage levels up for failure.

Many sectors contract with multiple ASM providers to maximize their potential to achieve the target coverage level. This was done under the assumption that the sector could adjust the "selection frequency knobs" to ensure the ASM provider most likely to accept a trip for coverage was offered the majority of trips selected. Trips offered to a provider that does not perform well in a sector or has a high rate of non-acceptance of trips offered, leaves little opportunity for other providers to pick up and cover due to time constraints and other issues



involved in setting up a trip to be covered. This is particularly true with the day boat fleet which have a high rate of canceling particularly during the winter months. It is critically important that sectors be able to internally control the percentage of trips offered to each provider they have contracted with. It would create incentive for the provider to do a better job, direct trips to providers that have higher acceptance rates, and improve the coverage rate of the sector.

As noted earlier, we realize that it is a sector's responsibility to do all that is **within its power** to strive to hit the target coverage rate; but many of the challenges impacting a sector's ability to fulfill the target coverage rate are completely outside of our control. To improve performance, it is imperative to understand that every sector is different and that what works for one sector may not work for another. Some sectors have members who conduct the entirety of their groundfish fishing in the summer, while others do not start groundfish fishing until the winter. Having a PTNS that is unable to adjust to these sector-specific realities is a major design flaw. We feel that the fixation on "random selection" quite often leads to inefficiency such as this and leaves major gaps in the coverage of activity that occurs in specific stock areas at specific times of the year. The PTNS system should have the capability to fill these gaps manually. We hope you agree with us and will prioritize working with us to better ensure sectors have the tools to achieve target coverage levels.

In summary,

- These changes should provide the ability to address individual sector needs based on their fishing history, fishing behavior, and time of year when they are most active in the multi species fishery.
- Give sectors that contract with multiple providers the control within the sector to tweak the knobs based on the providers capacity to accept the trips offered.
- Offer scheduled, sector based, automated reports to analyze the performance of all providers you have contracted with.
- The ability to address stock areas that may lack coverage.

Thank you and we look forward to working with you on these improvements.

Sincerely,

FGS

Maine Coast Community Sector

Sustainable Harvest Sector 1

Sustainable Harvest Sector 3

II Northeast Fishery Sector

V Northeast Fishery Sector

VI Northeast Fishery Sector

VIII Northeast Fishery Sector

X Northeast Fishery Sector

XI Northeast Fishery Sector  
XII Northeast Fishery Sector  
XIII Northeast Fishery Sector

cc: New England Fisheries Management  
Glenn Chamberlain  
Peter Christopher  
Katherine McArdle  
Mike Palmer



## New England Fishery Management Council

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John F. Quinn, J.D., Ph.D., Chairman | Thomas A. Nies, *Executive Director*

March 29, 2021

Mr. Michael Pentony  
Regional Administrator  
Greater Atlantic Regional Fisheries Office  
National Marine Fisheries Service  
55 Great Republic Drive  
Gloucester, MA 01930

Dear Mike:

Today, my staff electronically sent the preliminary submission of Framework Adjustment 61 (FW61) to the Northeast Multispecies (Groundfish) Fishery Management Plan, including the Environmental Assessment and Appendix I, to your staff in the Sustainable Fisheries Division for review. As our staffs agreed, the executive summary, applicable laws, and reference/index sections, along with the additional supporting appendices will be sent to your staff upon completion this week.

The measures proposed in FW61 would:

- Set 2021 total allowable catches for US/Canada management units of Eastern Georges Bank (GB) cod and Eastern GB haddock, and 2021-2022 specifications for the GB yellowtail flounder stock,
- Set 2021-2023 specifications for 9 other groundfish stocks: GB winter flounder, Southern New England/Mid-Atlantic winter flounder, Gulf of Maine winter flounder, Acadian redfish, Atlantic halibut, Northern windowpane flounder, Southern windowpane flounder, Atlantic wolffish, and ocean pout,
- Develop a revised rebuilding plan for white hake, and
- Add a universal sector exemption allowing fishing for redfish.

The Council requests that GARFO review this submission as expeditiously as possible.

Upon review of the document, please provide a “track changes” version of the document to me and my staff that identifies suggested revisions and contact me if you have questions.

Sincerely,

Thomas A. Nies  
Executive Director

Previously sent last Sept. and requested that it be brought to April Council meeting.

September 9, 2020

To: Dr. John Quinn, Council Chairman

From: James Bramante

29 Lawndale Road

Stoneham, MA 02180

Dr. Quinn,

I am a retired ground fisherman, however I would like to express my concern over the catch leasing program. Over the years, we have been restricted to the replacement rule of 10% O.A.L. and 20% HP and I now see a potential for bypassing this rule and doing harm for future rebuilding of the groundfish stocks. For example, let us say any boat that holds a quota can lease his quota to any other regardless of this rule. This makes a small horsepower boat turn into a large boat such that a boat with 200 HP and any overall length can sell quota to any boat, any HP. This is a way around the regulations and it puts more pressure on the regulated groundfish stocks and habitat. As you know, a lot of scallop boats that have high HP and O.A.L. and see this as an opportunity to go groundfishing in the off season. May I suggest we hold to the 10-20 rule for the groundfish industry leasing and D.A.S. program.

Thank you,