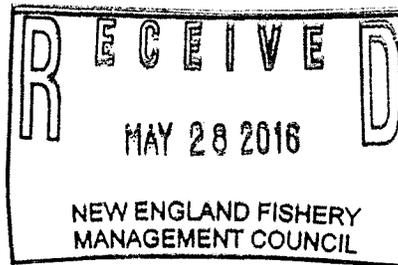


#3

**From:** Dan Farnham  
**Sent:** Saturday, May 28, 2016 4:57 PM  
**To:** Tom Nies  
**Cc:** Terry Stockwell  
**Subject:** Amendment 22

Blue water Fisheries Inc.  
PO Box 2242  
Montauk, NY 11954



5/22/2016

Thomas A. Nies, Executive Director  
NEFMC  
50 Water Street, Mill #2  
Newburyport, MA. 01950

Dear Mr. Nies,

I am writing this letter in response to the Small Mesh Multispecies Amendment 22 update that were published in the Councils April/May newsletter. To quote from the news letter, "[Council] Members' primary concerns were about whether the action justifies further work on limited access given its stated purpose and need, and if the fishery is even performing anywhere near capacity now." I urge the Council to continue with the development of Amendment 22 and will address their concerns below.

The stated purpose and need for this action, according to the scoping document, is twofold. First, the amendment will reduce the potential for a rapid escalation in effort in the fishery, possibly causing overfishing and having a negative effect on red hake and whiting markets, both outcomes having negative effects on fishery participants. Secondly, the amendment will help ensure that catches of directed species and other non-target species will remain at or below specifications, reducing the potential for accountability measures to be triggered and the resulting closure of the directed fishery.

The possibility for an escalation in effort in this fishery is still a valid concern and would no doubt have negative effects on both the red hake and whiting markets and therefore have negative effects on the present fishery participants. The fact that the fishery isn't performing at capacity now should have no bearing on whether or not to develop limited access. Keep in mind that the present fishery participants are still operating under trip limits that were put into place to rebuild this fishery in April of 2000 as part of Amendment 12. The present participants have operated under these restrictive trip limits for 16 years to help rebuild this fishery to where it is now. If these trip limits were eliminated the current participants could fish this fishery at capacity just as they did in the late 1990's. If the Council's concern is that the fishery isn't performing near capacity then the Council should consider relaxing these restrictive trip limits in a gradual manner, along with developing the limited access plan. To keep this fishery open access and to continue to allow new entrants while the present fishery still operates under rebuilding trip limits would be an insult to the fishermen who have made sacrifices to rebuild this fishery. There are no biological reasons for these trip limits to still be in place so I urge the council to consider raising the trip limit in the southern stock area, where by-catch concerns are lower, so that the present fishery participants can have more access to this rebuilt fishery.

Limited access, if developed with the proper qualifiers, would freeze the footprint of the existing fishery which would help ensure the likelihood that catches of non-target species stay below specifications. In recent years the ACL of the northern stock of red hake was exceeded and in the southern area the sub-ACL of yellow tail flounder is so small that a single vessel could catch it if they were fishing in the wrong area. In either case, an increase in effort, especially by new entrants not used to the dynamics of the fishery, would have caused the closure of the fishery or accountability measures to be triggered.

During the scoping process the overwhelming majority of the active small mesh fishermen made comments in support of developing a limited access plan for this fishery. At the September 8th, 2014 Advisory Panel meeting the panel re-iterated their support for a limited access amendment and also helped develop the scoping document with the Whiting Committee. It appears that the voices of fishermen that do not have any recent history in the fishery, and their lobbyists, are being considered more important than the voices of the active whiting fishermen. I also would like to question the lack of input from the Advisory Panel on the development of qualifiers for the limited access plan. At the January 21, 2016 Small Mesh Committee meeting the committee voted to have an Advisory Panel meeting to get their input to help develop Amendment 22 alternatives to be passed on to the PDT for their recommendation and data evaluation. That meeting was never scheduled and the input from the advisors was never asked for or considered by either the PDT or the committee.

After 16 years of operating under a rebuilding schedule to help this fishery recover to its present point it's time to develop a limited access plan for this fishery to protect the present fishery participants

Thank you,

Dan Farnham VP  
Blue Water Fisheries