UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930

October 23, 2020

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

Dear Tom:

On July 6, 2020, you sent us a letter on behalf of the Council requesting that we issue a rule reverting the Redfish Exemption Area to its fishing year 2019 Redfish Exemption Area. Your letter also asks that we work collaboratively with sectors to understand the nature of the redfish fishery and develop modifications for future rulemaking. We have reviewed the Council's request, sector and industry representatives' comments, and the redfish fishery's performance under the new exemption area.

We have determined that the Council did not provide sufficient justification to revise the Redfish Exemption Area this fishing year. Notably, the Council's request to revert to the fishing year 2019 Redfish Exemption Area relied solely on sectors' and industry representatives' critique of the process we used, but did not provide any new analysis to support its request. We are therefore maintaining the Area as modified through the 2020 interim final rule.

In your letter, the Council encouraged us to collaborate with sectors in the exemption review process. We understand that sectors are disappointed with the approach that we took to implement the changes for 2020. My staff and I are committed to working closely with sectors in the upcoming months to address the sectors' concerns about the Redfish Exemption and find solutions for fishing year 2021 and beyond. We plan to engage sector managers to learn more about their members' experiences in the redfish fishery, to identify additional data and analyses to help review the exemption, and to evaluate potential revisions to the exemption. We hope to engage with vessel owners and operators who use, or wish to use, the exemption to learn more about their redfish operations and interest in the redfish fishery. Any changes that result from these efforts would be implemented through the 2021 sector rulemaking process.

The Council notes in its letter that the redfish stock is rebuilt, and it urges us to allow sectors to access a healthy resource to help feed the American public. The Council further states that allowing sectors to continue accessing healthy stocks is consistent with a U.S. Department of Agriculture Section 32 food purchase in response to the COVID-19 National Emergency. The Council also notes that the Council's recommendation to revert the Area is consistent with Executive Order 13921, Promoting American Seafood Competitiveness and Economic Growth. We share the goal of enabling fishermen to target healthy fish stocks and maintain a supply of sustainable U.S. seafood. Our adjustment of the Redfish Exemption Area has not hindered this

goal. The revised Redfish Exemption Area is intended to give fishermen the flexibility to target redfish while more effectively avoiding catch of other groundfish stocks, consistent with the FMPs goals and objectives. It does that effectively currently. Since we revised the Redfish Exemption Area, average redfish efficiency (redfish to other groundfish) has increased fifteen percent to 87 percent, all sectors remain in compliance with monitoring thresholds, and redfish catch on exemption trips has remained high. Nevertheless, we are committed to continuing to monitor the Redfish Exemption's performance and consider changes that remain consistent with the goals of the Redfish Exemption and improve its overall performance.

We appreciate the Council's comments regarding the Redfish Exemption Area. If you have further comments or questions on the Redfish Exemption Area, please contact Pete Christopher, Groundfish Branch Chief, at (978) 281-9288.

Sincerely,

Michael Pentony
Regional Administrator

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*

July 6, 2020

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

Dear Mike:

On April 27, 2020, GARFO published an interim final rule to allocate Annual Catch Entitlement (ACE) to sectors and approve sector exemptions (*Federal Register* Vol. 85 No. 81, pp. 23229-23240), with a comment period closing on May 27, 2020. Among the sector exemptions approved was a reduction in the size of the redfish exemption area. Unfortunately, the announcement of the rule did not overlap well with the April Council meeting (April 14-16) and the comment period closed before the June Council meeting (June 23-25). The Council respectfully requests GARFO consider its enclosed recommendations.

At its June Council meeting, the Council discussed the commercial groundfish sectors' opposition to recent changes to the boundaries of the redfish exemption area and the process for reducing the area. The Council was informed of the Groundfish Advisory Panel's request for reinstatement of the fishing year 2019 area and the Groundfish Committee's tasking of the Plan Development Team (PDT) to examine the data used by GARFO.

The PDT received a presentation by GARFO staff on June 17 on the redfish area exemption analysis to better understand the approach and data used. The PDT provided the following feedback:

- Comparison of only redfish-declared trips to the completed analysis would be helpful.
- Additional maps adjusted for confidentiality showing where redfish targeted (observed) hauls have occurred and additional statistics may be informative (but may not show a different conclusion).
- The PDT did not draw conclusions of the analysis. A written, methodological summary document prepared by GARFO would facilitate deeper review, if a more detailed evaluation of the analysis is requested by the Council for the PDT to review.

Council Request

The Council made the following motion:

> To write a letter to GARFO requesting that the Agency immediately issue a rule reverting the Redfish Exemption Area back to its FY 2019 state and urge the agency to work collaboratively with Sectors and their members to understand the nature of the fishery,

the exemption as refined in FY 2015 and if necessary develop modifications for future rulemaking.

(13 supporting /1 against /2 abstentions).

The redfish stock is rebuilt and is an under-utilized species. The Council strongly urges GARFO to reinstate the boundaries of the redfish exemption area to allow sectors to access a healthy resource and help feed the American public, including through a recent USDA program developed in response to the COVID-19 National Emergency. The Council's recommendation is also consistent with the recent Executive Order on Promoting American Seafood Competitiveness and Economic Growth (issued May 7, 2020). Going forward, the Council encourages collaboration with the sectors in the exemption process.

While the Council heard that redfish landings in fishing year 2020 appear to be higher than those in fishing year 2019 – even with the smaller area – it is possible that this is because different vessels are fishing for redfish this year. Opportunities to sell redfish to the USDA, and the early 2020 sale of vessels and permits belonging to Carlos Rafael, may have restored some effort to the fishery.

Please contact me if you have questions.

Sincerely,

Thomas A. Nies

Thomas A. Nies
Executive Director

ASSOCIATED FISHERIES OF MAINE
PO Box 287, South Berwick, ME 03908

October 6, 2020

Mr. Tom Nies, Executive Director
Mr. John Quinn, Chair
Mr. Terry Alexander, Groundfish Committee Chair
New England Fishery Management Council

VIA ELECTRONIC MAIL

Dear Tom/John/Terry:

Thank you for the July 6, 2020 letter to GARFO on behalf of the Council's position that GARFO "immediately issue a rule reverting the Redfish Exemption Area back to its FY 2019 state." Unfortunately, we learned today that GARFO has denied the Council's request. Rationale for this disappointing decision has not been provided but we expect to learn more in a forthcoming letter of response to the Council.

We hope the Council shares our concern that full access to the exemption area developed through extensive cooperative research is being denied. GARFO has committed to work with the groundfish sectors to make changes to the redfish exemption in the 2021 operations plans. Given that GARFO chose to significantly shrink the boundaries of this area less than one week before the start of the 2020 fishing year, without consulting the sectors that utilize this exemption, we frankly do not have faith in the exemption process.

Therefore, we write to ask the Council to convene the Groundfish Advisory Panel to work with the Council's groundfish staff to develop a universal exemption that could be implemented through Framework 61. The analytical work to support the exemption area has already been accomplished through the RedNet program, and the industry stands ready to address any concerns raised by GARFO about the 2019 exemption boundaries.

Sincerely,

M. Raymond
Maggie Raymond
Executive Director

Northeast Sector Service Network
1 Blackburn Center, 2nd floor
Gloucester, MA 01930

October 9, 2020

Mr. John Quinn, Chairman
New England Fishery Management Council
50 Water Street
Newburyport, MA 01950

Dear John,

We greatly appreciate the Council decision, made during the June Council meeting, to send a letter to GARFO requesting the Sector Redfish Exemption for the 2020 fishing year be reverted back to its 2019 state. Until this week, we had been hopeful that GARFO would acknowledge the shortcomings in their analyses, interpretations, and non-collaborative decision making. Unfortunately, GARFO just announced this week during a Sector Manager call that they denied the request made by the Council and intend on proceeding with the same flawed process for reconsideration for the 2021 fishing year

This spring, NESSN submitted extensive comments to the 2020 Interim Final Sector Rule (see attached). In light of the ongoing actions by GARFO, NESSN continues to remain highly concerned with the unilateral decision making, lack of sincere collaboration and limited understanding of fishing operations as well as the history behind this exemption. This exemption plays a critical role to many within the groundfish fishery and the fishery cannot afford to have this discussion drawn out any longer.

Due to this late public notice made by GARFO, we are writing to request that the Council convene the Groundfish Committee to discuss inclusion of codifying the FY 2019 version of the Redfish Exemption as a universal exemption under FW 61. We are forced to make this extraordinary request, due to the timing of this latest GARFO announcement, which took place after the recent Groundfish Committee and Council meeting.

The members who are enrolled in NESSN Member sectors continue to make the majority of their revenue groundfish fishing. Up until these actions by GARFO, the Redfish Exemption provided numerous vessels opportunity to focus their fishing behavior on an underutilized species. It had been a positive example of how research can inform management and how collaborative engagement between industry and GARFO can foster positive advances under the sector management program. Now, the industry is at a point where codification via Framework 61 is the only way to return this exemption back to a state beneficial to all historical users of this exemption.

Thank you in advance for your time and consideration.

Sincerely,

William McCann
President, Northeast Sector Service Network

Attachment: NESSN May 27, 2020 Comments to the FY 2020 Sector Interim Final Rule
Cc: Jackie Odell, Executive Director, Northeast Seafood Coalition
Michael Pentony, Regional Administrator, Greater Atlantic Region Fisheries Office

Northeast Sector Service Network
1 Blackburn Center, 2nd floor
Gloucester, MA 01930

May 27, 2020

Michael Pentony
Regional Administrator
Greater Atlantic Regional Fisheries Office
55 Great Republic Drive
Gloucester, Ma 01930

Re: Comments to NOAA-NMFS-2020-0028

Dear Mike,

Please accept the following comments to the FY 2020 Allocation of Northeast Multispecies Annual Catch Entitlements and Modifications to Regulatory Exemption for Sectors Interim Final Rule.

As an initial matter, we are aware and mindful of the various challenges that prompted the Agency to issue this rule as an interim final rule. We agree this decision was necessary to ensure that the Groundfish Fishery could successfully begin operations at the start of the 2020 Fishing Year. However, any attempts to minimize and dismiss our comments and concerns highlighted here and previously under the guise of this decision ignores the underlying issues many of us in the Groundfish Sector program have been feeling and expressing for years. The Agency's inability to communicate and collaborate effectively with members of the Sector program on issues and improvements that could facilitate more efficient and effective Sector management. The frustrations we express here are not new nor are they an anomaly in the Sector system. They are yet another example of the failure of the Agency's treatment of the sector system which is not collaborative unless it is convenient for the Agency or furthers a larger policy objective selected by the Agency.

Gear Stowage Requirements for Redfish Exemption:

We support the gear stowage requirement modification to the redfish exemption.

Modifications to the existing Redfish Exemption Area:

We strongly disagree with the Agency's modification of the Redfish Exemption Area, and we are struggling to understand exactly what the Agency felt they were accomplishing when they embarked on this endeavor void of any communication or collaboration with the members of industry and sectors who rely on this exemption.

We urge the Agency to immediately reinstate the Redfish Exemption Area to its pre FY 2020 state, and instead focus on ensuring compliance with the exemption on a Sector by Sector basis and work collaboratively with the Sectors and their members who are actually using this exemption and have the expertise in redfish fishing to foster improvements and make adjustments accordingly.

The Redfish Exemption has gone through multiple iterations to get it to the point where it was finally a workable exemption that addresses not only the needs and concerns of the Agency but also the needs and concerns of industry. Leading into the 2015 fishing year, key industry members who were heavily involved in the REDNET research project worked collaboratively with their managers, industry representatives and key Agency staff to develop a redfish exemption area and thresholds for compliance. For many of us, this experience represented what the Sector program was envisioned and communicated to be, a collaboration of co-management designed to foster efficient and sustainable fishing. It also represents the ideal, not the norm in how the Sector system is operating. A key concern in previous iterations of the Redfish Exemption was the potential for vessels using smaller mesh to target other species combined with the documented mixing that occurs at times with species like pollock. This led to a carefully crafted set of thresholds that were agreed upon. These thresholds were the guideposts managers used to monitor their members fishing activity within the Exemption, and if they are not being met they serve as the basis for corrective action by the Sector. The Agency acknowledged that is exactly what happened in both 2018 and 2019. The Interim Final Rule states, *"In fishing years 2018 and 2019, several Sectors failed to meet the 50-percent redfish landings threshold for at least one month; no sectors exceeded the 5-percent groundfish discard threshold. We notified each sector by letter that they were out of compliance, one in April 2019 and the others in February 2020. All of the Sectors took steps to improve compliance with the thresholds and were able to restore compliance with the 50-percent threshold."* **Sectors took proactive steps to bring their members and their sector back into compliance. In short, the exemption as designed worked as intended.**[1]

The Agency in late January 2020 invited managers to begin a discussion on "ideas for potential revisions to the redfish exemption to improve performance against the monitoring thresholds, at sea operations etc."[2] In hindsight that meeting appears to be a token at best; the participants

[1] For context, the two sectors in NESSN that utilize the Redfish Exemption are II, Northeast Fishery Sector Inc. (NEFS 2) & VI, Northeast Fishery Sector Inc. (NEFS 6). In the fall of FY 2019 NEFS 2 began to see that fishing activity was beginning to get closer to the threshold level established for the Exemption, they took corrective action and by December of 2019 they were well above the threshold level. NEFS 2 updated NMFS of the corrective actions they were taking in their weekly trip issue report. NMFS officially notified NEFS 2 of their monthly threshold levels in February 2020. During FY 2018, NEFS 6 did not meet their 50% threshold for four out of the seven months when at least one redfish exemption trip was taken. In each of these four months the activity of one vessel conducting one redfish trip brought the overall catch threshold down. NEFS 6 actively worked with these members and in FY 2019 NEFS 6 did not have one month where their thresholds fell below 50%.; NMFS officially notified NEFS 6 in October of 2019 that their 2019 fishing year to date average threshold was 89%. Neither sector exceeded the 5% threshold for observed trips.

[2] Email from Kyle Molton, January 21, 2020 to David Leveille and Hank Soule.

offered numerous ideas about the exemption, none of which included any discussion about an area modification. Equally, the Agency staff tasked to work on this gave no indication that area modifications were under consideration. No other communication or discussion occurred after that meeting and sectors and their members were blindsided by the Agency with this modification days leading up to the start of the fishing year.

The interim final rule offers ambiguous and at times contradictory explanations for this decision and raised concerns that the Agency **did not** analyze data consistent with the exemption as written for FY 2015-2018. To better understand the Agency's action, we conducted an analysis of overall fishery data and Sector-specific data based on information provided by the Agency which confirmed concerns and raised questions about the approach the Agency applied to justify the modifications to the Redfish Exemption Area. Please note that the data we requested was finally received prior to the start of the holiday weekend. But even with the abbreviated timeframe afforded, we have been able to compile the following considerations before the comment period deadline.

- The Agency did not analyze activity consistent with the Redfish Exemption requirements. The interim Final Rule states, *"Under the exemption, vessels may fish with a 5.5 inch (14.0 cm) codend, are subject to standard at-sea monitoring coverage, and are required to fish in the Redfish Exemption Area. Sectors are further required to meet a 50-percent redfish catch threshold (50 percent of all groundfish catch on the small-mesh portion of trips must be redfish) and, on observed trips, discards of groundfish may not exceed 5 percent of groundfish catch on the small-mesh portion of the trip."* The interim Final Rule describes that the exemption program's performance was reviewed by examining VTRs and haul-level catch from observed trips and concluded that observed hauls with more than 50% redfish were rare or only occasionally observed in several statistical areas in the Redfish Exemption Area. This analysis combined observed hauls from all sectors for fishing years 2015-2018 by statistical area. The threshold for redfish catch in the exemption regulations is 50% of all groundfish catch on the small-mesh portion of the trip, which is not the same as the percent redfish by haul or statistical area. The Agency's analysis did not look at sector fishing activity consistent with the exemption.

- The Agency did not refine its data to trips in which the Redfish Exemption was used. A vessel using or considering using the Redfish Exemption on a sector trip must indicate its intention when they submit their Trip Start Hail. This notification serves as the "flag" that identifies whether a trip is a Redfish Trip and therefore subject to threshold monitoring requirements as well as exemption specific discard rate calculation. It should be noted, we have suggested multiple times alternative methods to identify a Redfish Exemption trip but they have never been taken up by the Agency. The Agency appears to have made no effort to limit its analysis of the Redfish Exemption to those trips actually utilizing the Redfish Exemption; this raises concerns which will be

discussed in more detail below. The Agency's analysis did not look at sector fishing activity consistent with the exemption.

- We were provided data for four of the Northeast Fishery Sectors (NEFS), and we examined percent catch of redfish, cod, haddock, pollock, and white hake by sector, year, area, trip, and haul. Catch by species by area varied over time between fishing years 2015-2018 within and among sectors. These variations may be related to a range of factors including changes in ACLs, decisions affecting fishing behavior, seasonal distribution of stocks, and climate change. Our analysis agreed with the Agency review for statistical areas 465, 511 and 512. Overall effort was low in these areas and redfish catch was proportionately lower than other areas within the Exemption Area. Our analysis also agreed with the Agency review for statistical areas 513 and 515. These areas had consistent high redfish catch for all years and the majority of observed hauls between 2015-2018 had greater than 50% redfish. We did not make the same conclusions as the Agency about statistical areas 514, 521, 522, and portions of 513. The Interim Final Rule states that hauls occasionally achieved 50% or better redfish catch in statistical areas 521 and 522, and that haddock dominated the catch on many hauls. It further states that there were many hauls observed where cod approached or exceeded 50% of the catch. According to the data provided by GARFO, approximately 70% of the total catch in these areas was comprised of allocated groundfish stocks. Redfish catch was 22% and 26%, respectively for statistical areas 521 and 522 of total groundfish catch. Haddock catch was the same as redfish and cod catch in these statistical areas was 11% and 12%, respectively (Table 1). However, this % of catch by stock by trip included trips that were NOT fishing within the Redfish Exemption in those statistical areas. By including data from trips that may not have been fishing under the Redfish Exemption, it is not possible to accurately interpret the results as related to the Redfish Exemption threshold criteria or performance of the overall program. Similarly, for statistical areas 513 and 514, the combined catch of redfish, cod, haddock, pollock, and white hake only comprise 58% and 79%, respectively of the catch of all allocated groundfish. It is not clear from the data provided or the Agency's review whether or not vessels that fished under the Redfish Exemption in these statistical areas met the 50% redfish catch per trip threshold.

Table 1. NEFOP-ASM observed groundfish trawl trip fishing 4.9”-6” mesh landing greater than or equal to 1,000 pounds of allocated groundfish for Fishing Years 2015-2018.[3]

	Proportion Allocated Groundfish Mean					
	Cod	**Haddock**	**Pollock**	**Redfish**	**Hake**	**Total of 5 Species**
464	1%	4%	54%	32%	7%	98%
465	1%	37%	3%	7%	40%	88%
511	0%	28%	2%	4%	49%	83%
512	0%	30%	5%	5%	44%	84%
513	2%	16%	5%	30%	5%	58%
514	8%	19%	21%	28%	4%	79%
515	1%	8%	15%	69%	4%	96%
521	11%	23%	9%	22%	6%	71%
522	12%	26%	5%	26%	5%	74%
561	11%	27%	18%	5%	12%	73%

- By its own explanation, the Agency looked at observer data where mesh size ranged from 4.9 to 6.0 inches to accommodate the fact that observers are using a different method to measure the codend mesh size than prescribed in the regulations and onboard conditions. While we agree with the Agency’s approach to use a range of codend measurements from the observer data, we do not agree with an approach that did not further refine the data set to reflect those trips that actually were using the Redfish Exemption. Based on fishing behavior and gear regulations this approach may not be as problematic for statistical areas in the Gulf of Maine broad stock area (BSA) since there currently are no other mesh size exemptions. However, this approach has huge consequences for the decisions put forward by the Agency for the Georges Bank BSA, especially considering the rationales provided in the Interim Final Rule. As noted above, we focused our analysis on four Sectors. NEFS 2 and NEFS 6 represent Sectors in our Network that participated in the Redfish Exemption. However, NEFS 8 has never participated in the Redfish Exemption and did not have any activity in the Gulf of Maine statistical areas that were included in the Agency analysis, but over 200 hauls from NEFS 8 are included in the data provided. NEFS 9 has not had any activity at all in these areas since 2017. Some of the data provided appears to be for trips that were participating in the 6 inch exemption with Haddock Separator/Rhule Trawl on Georges Bank.

- We find it highly problematic that the Agency appears to be using trips participating in another exemption, and trips that had no connection to the Redfish Exemption to justify its decision to remove the portion of the previous Redfish Exemption area that occurred within the Georges Bank BSA. The Interim Final Rule states, *“In portions of the Redfish Exemption Area that overlap the Georges Bank BSA, we found significant haddock and cod catch; as a result, we are concerned that including any portion of Georges Bank in*

[3] summary_asm-nefop_areas_evaluated_non-confidential.xlsx

the Redfish Exemption Area may reduce the incentive for vessels to fish under the universal sector exemption allowing vessels to fish with a 6.0-inch (15.2-cm) mesh codend when using a haddock separator or Rhule trawl." Our analysis showed a distinction between codend mesh sizes used by sectors that were participating in the Redfish Exemption program and those that were not (Figure 1). Average codend mesh size for NEFS 2 and 6 in statistical areas 521, 522, and 561 were ~5.6 inches, whereas average size for NEFS 8 and 9 were 5.9 inches. This furthers our concerns that data from two distinct separate exemptions were used when analyzing the Redfish Exemption in the Georges Bank BSA.

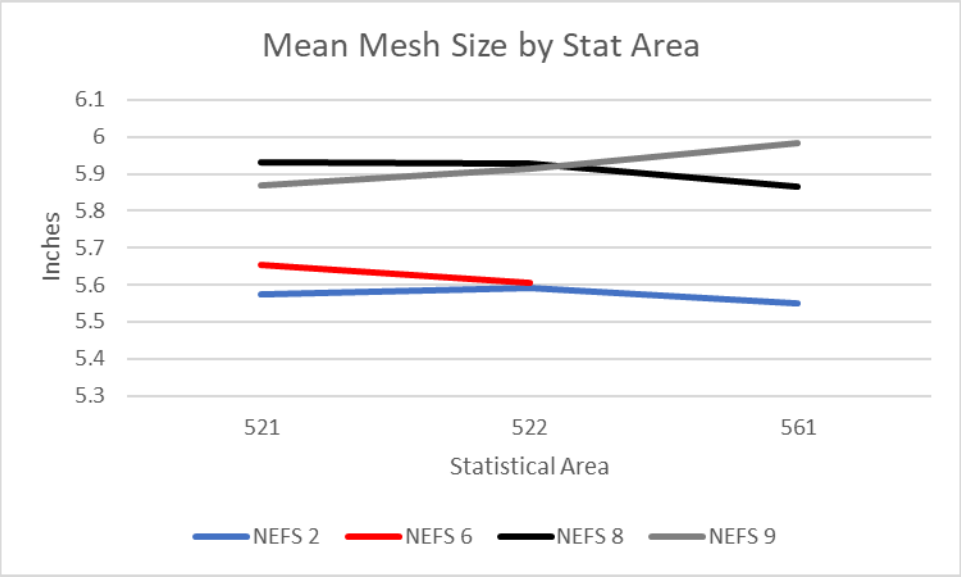

Figure 1. Mean codend mesh size by statistical areas in the Redfish Exemption outside of the Gulf of Maine BSA for Sectors NEFS 2, 6, 8, and 9 for Fishing Years 2015-2018.

- We appreciate the Agency's desire to incentivize use of the haddock targeting gear, but we truly believe it should be done with a clearer understanding of the exemption at hand. We will note, had any consideration been paid to the REDNET project and the data collected one would have known that a significant portion of tows within the project occurred in the Georges Bank BSA previously included in the Redfish Exemption area. While we are the first to acknowledge the need to evaluate, learn and adjust based on lessons learned and changes in fishing conditions we feel more consideration and understanding should have been paid not only to this specific element but to the entirety of the program developed in collaboration in earlier years. From our review of the analysis, all the consideration, knowledge and uniqueness of redfish fishing went out the window with the area instituted by the Agency.

We do not have any confidence in the analysis or rational put forward by the Agency with their area modification. We are confident that had a similar collaborative constructive approach

been pursued as seen previously with this exemption we could have worked collectively with the Agency, industry members knowledgeable about this exemption and other sectors to develop modifications we could be confident maintained the purpose of the Redfish Exemption.

We urge the Agency to immediately reinstate the Redfish Exemption Area to its pre FY 2020 state. We recommend the Agency work in coordination with the Sectors to ensure compliance with the exemption on a Sector by Sector basis and work collaboratively with the Sectors and their members who are using this exemption and have the expertise in the redfish fishery to foster improvements and make adjustments accordingly in subsequent fishing years.

Finally, we would like to highlight our concerns that the Agency seems consistently to be focused on management decisions in groundfish that limit the industry's ability to participate in the groundfish fishery. While we have highlighted what we consider flaws in the Agency's analysis, we will note that the Agency's justification for severely shrinking the Redfish Exemption Area is predominantly centered on catch of pollock and haddock, both of which, like redfish are considered underutilized. This decision appears even more ill-advised based on directive from the Executive Order to remove regulatory barriers and increase production in sustainable commercial fisheries across the nation.

We urge the Agency to follow a more appropriate course of action that would identify opportunities to help the groundfish fishery focus effort on more underutilized species through a final Sector action. We strongly encourage the Agency to do so in collaboration with those Sectors that are knowledgeable of the redfish fishery.

The members who are enrolled in the Sectors that are Members of NESSN represent a majority of businesses that continue to make the majority of their revenue groundfish fishing. We urge the Agency to listen to those active members of the groundfish fishery who have asked repeatedly for years for the Agency to work with us collaboratively and collectively for the betterment of the groundfish fishery.

Sincerely,

Elizabeth "Libby" Etrie,
Program Director, Northeast Sector Service Network
Mobile: (978) 491-1848
Email: Libby.Etrie@gmail.com

Cc: Jackie Odell, Executive Director, Northeast Seafood Coalition
Tom Nies, Executive Director, New England Fishery Management Council

October 21, 2020

Mr. John Quinn, Chairman
New England Fishery Management Council
50 Water Street
Newburyport, MA 01950

Dear John,

We are writing to express our strong support to include codification of the Redfish Exemption as a universal exemption under Framework 61. We understand that it is a tremendous request to ask the Council, but we strongly believe this is the best course of action at this time.

NEFS 2 is a Gloucester, Massachusetts based sector whose members are almost entirely comprised of full time commercial groundfish vessels. The majority of the fishing activity in this sector is comprised in the Gulf of Maine and the Georges Bank area, and the Redfish exemption has provided critical opportunities for our vessels to focus their attention on an underutilized stock while avoiding constraining stocks.

Vessels in NEFS 2 that have historically participated in the redfish fishery had worked hard to build a market for redfish and were beginning to see that effort show promise with stronger markets going into Fishing Year 2020. However, the modifications adopted by GARFO in FY 2020 has significantly impacted this progress.

In Fishing year 2019, 9 NEFS 2 vessels routinely targeted redfish under this exemption. The fishing activity as of October 2019, resulted in 89 redfish trips with landings of 4.2 million pounds total and 3.1 million of that was redfish. Sadly, since the changes made to this exemption NEFS 2 has seen a dramatic decrease in activity and landings by these vessels. In FY 2020 under the new exemption area 4 vessels have conducted 28 redfish trips with 18 of them from a single vessel that has tried to make it work while others have given up. These trips have produced landings of only 1.1 million pounds total of which 910,000 pounds were redfish that equates to a 66% reduction in redfish landings compared to the same time in FY 2019.

The Redfish Exemption is a complex exemption that has specific notification, catch thresholds and fishing requirements above and beyond the area under discussion. Once a vessel chooses to enter the "redfish exemption area" they are constrained within that area for the remainder of their fishing trip. By reducing the redfish exemption area, the Agency has narrowed the geographic range in which sector vessels can potentially put a trip on board which has resulted in a dramatic reduction in trips this year. Further, by pushing the redfish exemption area further offshore, our mid-sized vessels that had been using this exemption to focus their effort on an underutilized stock versus low ACL stocks like GOM Cod will be shut out of the area completely this fall and winter as safety concerns are raised due to winter storms.

We had hoped that GARFO may have seen the Council's June request as a unique opportunity to "reset" and to work with us over the summer to come to a common understanding on the exemption, perceived problems and effective solutions. Sadly, that did not occur. We are not and never have been opposed to discussing ways this exemption could or should be modified to address agreed upon issues with the exemption. However, we strongly believe that at this point the best course of action is to work within the transparent council process and have this exemption codified in Framework 61.

Thank you in advance for your time and consideration.

Sincerely,
President, II Northeast Fishery Sector

Cc: Jackie Odell, Executive Director, Northeast Seafood Coalition

SUSTAINABLE HARVEST SECTOR
PO Box 667, Somersworth NH 03878 | 207-956-8497 | www.groundfish.org

October 21 2020

Tom Nies, Executive Director
New England Fishery Management Council
5 Water St. Mill 2
Newburyport, MA 01950

Dear Tom,

Thank you for your letter of July 6, on behalf of the Council, requesting GARFO revert the redfish exemption area to its FY2019 boundaries pending work with industry to identify bycatch concerns and craft solutions. On a recent sector manager conference call, GARFO informed us they were denying that request; to date we have not been informed of the reason(s) why.

As noted in our prior correspondence to GARFO (cc'd to the Council), we have substantive concerns about the nature and substance of the initial analysis used to justify a boundary reduction (we've not been provided any subsequent analysis pursuant to your request). The exemption area was developed over years of collaborative research with scientists and industry; it has never been fully explained to sectors why NMFS's analysis this past spring superseded that work.

We are also very disturbed that a >50% reduction in the exemption area was announced with no warning one week before the start of the fishing year. Fishermen and processors make certain assumptions and plans based on their expectation of quotas and areas expected to be open to fishing. By necessity quotas can be reduced and areas closed to protect a resource, but there was no apparent pressing need to warrant such a sudden and drastic action.

Therefor to improve transparency, stability, and process we request the Council craft a universal redfish exemption to be implemented in Framework 61.

Sincerely,

Hank Soule
Sector Manager

October 21, 2020

Mr. John Quinn, Chairman
New England Fishery Management Council
50 Water Street
Newburyport, MA 01950

Dear John,

We are writing to express our strong support to include codification of the Redfish Exemption as a universal exemption under Framework 61. We understand that it is a tremendous request to ask the Council but we strongly believe this is the best course of action at this time.

NEFS 6 is a Boston, Massachusetts based sector whose members are almost entirely comprised of full time commercial groundfish vessels. The majority of the fishing activity in this sector is comprised in the Gulf of Maine and the Georges Bank area, and the Redfish exemption has provided critical opportunities for our vessels to focus their attention on an underutilized stock while avoiding constraining stocks.

The REDNET project pursued the goals listed below, and these goals should continue to be the driver behind the Redfish Exemption.

- Redirecting fishing effort in the multispecies fishery away from stocks that are overfished to stocks that are considered rebuilt
- Achieving optimum yield, by increasing commercial landings of redfish through development of a directed fishery under the adaptive management ability of groundfish sectors.
- Increasing the economic viability of groundfish sectors by providing access to the ACL of a recovered species and thus generating much-needed revenue for the industry.

Members of NEFS 6 were engaged in the original REDNET project and have always been willing to work with the agency collaboratively to improve this exemption. This active engagement between the agency and industry over the years has helped established this exemption and made it successful. Regretfully, NEFS 6 members can no longer agree with any assertions that the process adopted by Agency in the winter of 2020 for this exemption was transparent or collaborative. We were completely blindsided by the last-minute area change to the exemption, and do not feel GARFO has made any effort to acknowledge that fact.

As reflected in data below, and when comparing the two fishing years it is clear that the goals of this exemption are no longer being met since the FY 2020 area modification.

In Fishing year 2019, 3 vessels routinely targeted redfish under this exemption. The fishing activity as of October 2019, resulted in 14 redfish trips with landings of 433,000 pounds total and 335,000 thousand of that was redfish. Sadly, since the changes made to this exemption NEFS 6 has seen a dramatic decrease in activity and landings by these vessels. In FY 2020 under the new exemption area 3 vessels have conducted 6 redfish trips. These trips have produced landings of only 119,000 thousand pounds total of which 109,000 pounds were redfish that equates to a 68% reduction in redfish landings compared to FY 2019.

These vessels are not sitting on the sidelines, they continue to fish. Where over the past few years they would quite often be focusing on redfish they are now focused more on other allocated stocks.

The Redfish Exemption is a complex exemption that has specific notification, catch thresholds and fishing requirements above and beyond the area under discussion. Once a vessel chooses to enter the "redfish exemption area" they are constrained within that area for the remainder of their fishing trip. By reducing the redfish exemption area the Agency has narrowed the geographic range in which sector vessels can potentially put a trip on board which has resulted in a dramatic reduction in trips this year. Further, by pushing the redfish exemption area further offshore, our mid-sized vessels that had been using this exemption to focus their effort on an underutilized stock versus low ACL stocks like GOM Cod will be shut out of the area completely this fall and winter as safety concerns are raised due to winter storms.

We had hoped that GARFO may have seen the Council's June request as a unique opportunity to "reset" and to work with us over the summer to come to a common understanding on the exemption, perceived problems and effective solutions. Sadly that did not occur. We are not and never have been opposed to discussing ways this exemption could or should be modified to address agreed upon issues with the exemption. We have always been willing to bring our experience as fishermen and REDNET participants to the table for this exemption. However, we strongly believe that at this point the best course of action is to work within the transparent council process and have this exemption codified in Framework 61.

Thank you in advance for your time and consideration.

Sincerely,

President, VI Northeast Fishery Sector

Cc: Jackie Odell, Executive Director, Northeast Seafood Coalition

October 21, 2020

Dr. John Quinn
Chairman
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Dear Dr. Quinn,

The Northeast Seafood Coalition (NSC) supports the inclusion of the Redfish Exemption as a Universal Sector Exemption under Framework Adjustment 61.

NSC is grateful for the request made by the Council (July 6, 2020) to GARFO for this Exemption to be reverted back to its 2019 state. The Council's request supports the many comments made by the fishing industry to the 2020 Sector Interim Final Rule.

Redfish is an underutilized stock. Maintaining continued access to redfish is consistent with Executive Order 13921 and other recent Congressional efforts to provide opportunities for the fishing industry in light of the global pandemic. There is clear directive from the Executive Order to reduce the burdens on domestic fishing and to increase production within sustainable fisheries. Harvesting of redfish, along with other underutilized groundfish stocks, is not only essential to meeting this mandate but it should also be an overarching priority of the Council and GARFO.

Sincerely,

Jackie Odell

Jackie Odell
Executive Director

Northeast Seafood Coalition
1 Blackburn Center, 2nd floor
Gloucester, MA 01930
Tel: (978) 283-9992
www.northeastseafoodcoalition.org

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October 21, 2020

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

Dear Mr. Nies:

Blue Harvest Fisheries urges the New England Fishery Management Council to make restoring the redfish exemption area to the boundaries that were in place in 2019 and prior years a 2021 priority. There are multiple reasons for this request. The first is the NMFS 2020 change is having a negative effect on efficiency and on total catch. Another is that the current productivity of the fishery is insufficient to meet market demand for this abundant fish resource. Lastly, the NMFS 2020 change was made using data from outside of the catch area and without industry or Council input.

The redfish exemption area boundary adjustment included in the 2020 Interim Final Sector Plan by NOAA Fisheries is negatively impacting fishermen targeting redfish, including vessels of Blue Harvest Fisheries. Fishing companies, including Blue Harvest Fisheries, used the larger exemption area to target redfish in the most efficient manner possible, maximizing redfish catch and minimizing bycatch by repositioning within the redfish exemption area. The reduction in the exemption area results in vessels targeting redfish being tied to a smaller fishing area which has often resulted in lower trip catches and less efficient fishing. This less efficient fishing is directly caused by the inability to follow redfish as they move since the area is too restrictive. Instead of being able to follow redfish once located captains instead are stuck going over the same small area hoping that it will coincide with redfish swimming through it. Lower catches and less efficient fishing runs counter to the efficiency goals in fishery management and to the Administration's goal of maximizing US catch of abundant fish resources and to Executive Order 13291 which the Council will be discussing at the October 27th special meeting.

Blue Harvest Fisheries is built on the idea of targeting abundant, sustainable stocks and redfish is one of the species that we concentrate on. The reduction in fishing flexibility that came along with the reduced redfish exemption area this fishing year makes our company's vessels less efficient and less able to target redfish to meet

Massachusetts: 4 Washington St., Fairhaven, MA 02719 • Phone: (508) 997-7100 • Fax: (508) 997-7111
40 Herman Melville Blvd, New Bedford, MA 02740: (508) 997-0031 • Fax: (508) 991-6490
Virginia: 675 Jefferson Ave., Newport News, VA 23607 • Phone: (757) 245-3022 • Fax: (757) 745-3401

market demand. It is hard to believe that this decrease in efficiency is purely a Blue Harvest Fisheries problem, it is surely a story repeated across the industry for companies and vessels that focus on redfish.

An important part of current market demand is the USDA program to bring US fish to US markets. Blue Harvest Fisheries is an active participant in this program with a $4.5 million contract to supply redfish, haddock and pollock to child nutrition and other related food assistance programs around the United States. Meeting this market demand for sustainable fish products, such as the USDA program, will be made easier by re-establishing the redfish exemption area to the FY 2019 boundaries through Framework 61.

The other concern that prompts this urgent request is the adjustment of the redfish exemption area was done by NOAA Fisheries with no input from the Council or fishing community. Further this change to the redfish exemption area relied on data from outside the exemption area. Blue Harvest Fisheries believes that including the redfish exemption area in Framework 61 will allow the Council and industry as a whole the ability to access the data and analyses used in assessing the boundary of the redfish exemption area.

The 2020 change to the redfish exemption area has had a negative effect on efficiency and total catch which directly negates the Administration's goal to maximize catch of abundant fish resources. The impact of the shrinking of the exemption area calls into question the ability to meet market demand which has only been increased due to USDA programs. The modification of the area was done without input from the Council or fishing community and was implemented due to data collected outside of the exemption area. For these reasons the restoration of the redfish exemption area to the boundaries of 2019, and years previously, should be a priority of the Council for 2021.

Please contact me if you have any questions.

Sincerely,

Gene Bergson
Executive VP, Fleet & Marine Services