



## New England Fishery Management Council

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### SUMMARY REPORT

#### Listening Sessions to Consider a Limited Access Program in the Recreational Groundfish Party/Charter Fishery

August 23, 2019

#### 1. INTRODUCTION

The New England Fishery Management Council (Council) held a series of listening sessions to solicit public comment on whether it should develop a limited access program for the recreational party/charter boat fishery for the Northeast Multispecies (Groundfish) Fishery Management Plan, under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). The Council accepted oral and written comments between March 11, 2019 and May 17, 2019. Oral comments were invited during seven in-person listening sessions and one webinar. Table 1 summarizes the schedule for these meetings.

This report provides a summary of demographics of the commenters and the key themes and comments that emerged from the listening sessions. Detailed meeting summaries are included in Appendix A to this report.

**Table 1–Listening Session Meeting Schedule (2019).**

<b>Date</b>	<b>Location</b>	<b>Venue/Time</b>
Thursday, April 4	Seabrook, NH	Seabrook Public Library, 5:45 pm
Monday, April 8	Avalon, NJ	ICONA Golden Inn (MAFMC meeting), 6 pm
Thursday, April 18	Wells, ME	Wells Public Library, 5:45 pm
Tuesday, April 23	Narragansett, RI	University of Rhode Island, 6 pm
Tuesday, May 7	Chatham, MA	Chatham Community Center, 6 pm
Wednesday, May 8	Plymouth, MA	Hampton Inn, 6pm
Thursday, May 9	Gloucester, MA	Sawyer Free Library, 5:45 pm
Friday, May 10	Webinar	1 pm

The following questions were presented during each listening session and in handouts:

- **Goals and Objectives** – What would the goals and objectives of a limited access program be?
- **Definitions**- Would limited entry apply to all or a portion of the fleet? How would groundfish recreational for-hire be defined?
- **Permits/Vessels** -What would happen to the permits? Should the for-hire fleet be all limited access, or should there be an open access component with other constraints? Should there be vessel upgrade restrictions?
- **Measures**- What range of management measures would be considered for limited entry?
- **History**- How will history be used – would it be simple or complex?
- **New Entrants** -What opportunities will there be for new entrants?

## 2. BACKGROUND

### Why is the Council seeking input?

The Council sought public input on the possibility of initiating an amendment to develop a limited access program for the recreational groundfish party and charter fishery. In the years leading up to the listening sessions, the Council heard from some recreational fishery participants indicating interest in developing a program, while others in the fishery did not agree with pursuing a program. Given this split in views, the Council sought feedback from the public on interest in developing a program, in order to assist the Council in deciding how to proceed.

### What actions have already been taken?

In January 2018, the control date in the party/charter fishery was refreshed to March 19, 2018 (from March 30, 2006).<sup>1</sup> The current “control date” is March 19, 2018 and may be used for establishing eligibility criteria for determining levels of future access to the charter/party fishery, subject to Federal authority. The control date is intended to discourage speculative entry into the party/charter Northeast multispecies (groundfish) fishery while controlled access restrictions are considered by the Council.

The control date will help to distinguish established participants from speculative entrants to the fishery. Although entering the fishery before the control date will not ensure fishing vessels of future access to the Northeast multispecies resource as the Council may apply additional and/or other qualifying criteria. The Council may choose different and variably weighted measures to qualify participants based on the type and length of participation in the party/charter Northeast multispecies fishery.

Consideration of a control date does not commit the Council or the National Marine Fisheries Service (NMFS) to develop any particular management system or criteria for participation in this fishery. The Council may choose a different control date, or may choose a management program that does not make use of such a date. Fishers are not guaranteed future participation in the

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<sup>1</sup> <https://www.gpo.gov/fdsys/pkg/FR-2018-03-19/pdf/2018-05505.pdf>

fishery, regardless of their entry dates or level of participation in this fishery before or after the control date.

The Council may choose to give variably weighted consideration to fishers active in the fishery before and after the control date. The Council may also choose to take no further action to control entry or access to the fishery, in which case the control date may be rescinded. Any action by the Council will be taken pursuant to the requirements for the development of fishery management plan amendments established under the MSA.

For additional information on recent trends in landings and effort, recreational allocation, recreational catch performance, stock status (groundfish), and a summary of current management measures, review the '*Background Document for Public Listening Sessions for Possible Limited Access Program for the Recreational Party/Charter Fishery in the Northeast Multispecies (Groundfish) Fishery Management Plan*', which is included in Appendix B and is available on the Council's website: [https://s3.amazonaws.com/nefmc.org/190311-GF\\_Party\\_Charter\\_Limited\\_Access\\_Background-Document-with-Attachment.pdf](https://s3.amazonaws.com/nefmc.org/190311-GF_Party_Charter_Limited_Access_Background-Document-with-Attachment.pdf)

### 3. DESCRIPTION OF COMMENTERS

A total of 64 unique stakeholders attended the listening sessions, including five individuals who attended 2-3 meetings, raising the total attendees to 72 including the duplicates. Of these attendees, 30 individuals offered oral comments (Table 2). Twelve people registered for the Webinar, although only six people attended, and are included in the totals.

There was a diversity of stakeholders represented at the meetings, from the following categories:

- **Recreational:** For-hire owner/operator, for-hire captain/crew, planning to be a for-hire owner/operator, recreational angler, and industry association
- **Commercial:** Commercial fishermen
- **Management:** New England Fishery Management Council (NEFMC) representatives, Mid-Atlantic Fishery Management Council (MAFMC) representatives, NMFS staff, and state fishery management agency/commission representatives
- **Congressional:** U.S. Senate staff

Figure 1 depicts stakeholder primary affiliation percentages for listening session attendees. The largest percentage of attendees represented for-hire owner operators (36%, n=21), followed by NMFS staff (14%, n=8), and then interested parties<sup>2</sup> (12%, n=7). These categories represent an individual's self-identified primary affiliation. Many attendees have multiple affiliations, for example, a for-hire owner/operator that also serves as a member of the NEFMC's Recreational Advisory Panel and/or represents an industry association.<sup>3</sup> Figure 2 depicts the stakeholder primary affiliation percentages for written commenters. The largest percentage of written

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<sup>2</sup> If a commenter did not mention their affiliation orally or in the sign-in sheet and is otherwise unknown, the interested party category is assigned.

<sup>3</sup> Primary affiliation was derived from the first affiliation printed on the sign-in sheet or mentioned during comments at the listening sessions, and as written in comment letters. Secondary affiliations were noted for the record, but are not described in this report.

commenters represented for-hire owner/operators (43%, n=9), followed by industry associations (19%, n=4) and interested parties (14%, n=3).

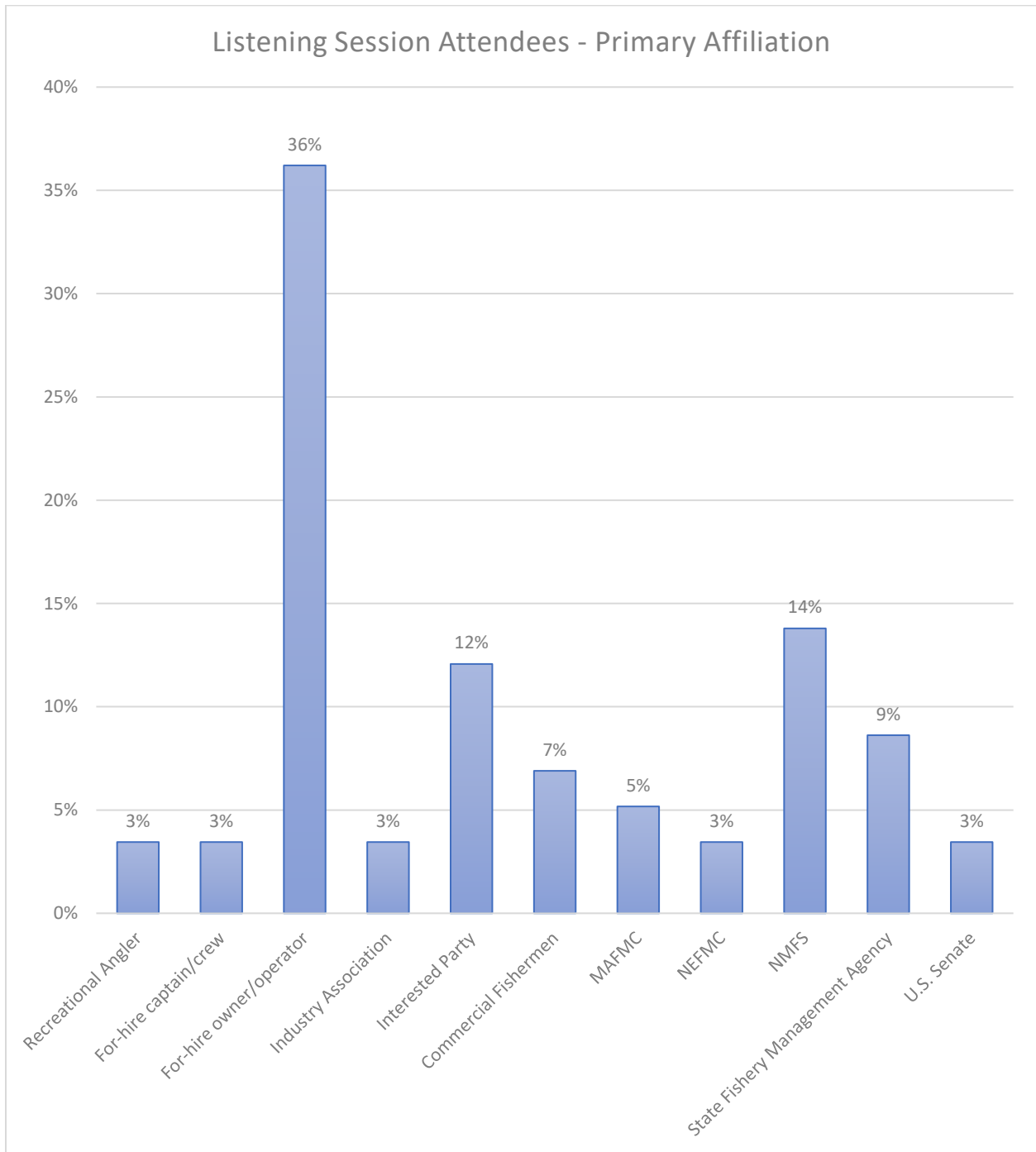
Meeting attendees and commenters represented the following states: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey. The largest percentage of meeting attendees were from Massachusetts, followed by New Hampshire, and Maine (Table 2).

**Table 2– Listening session attendance.**

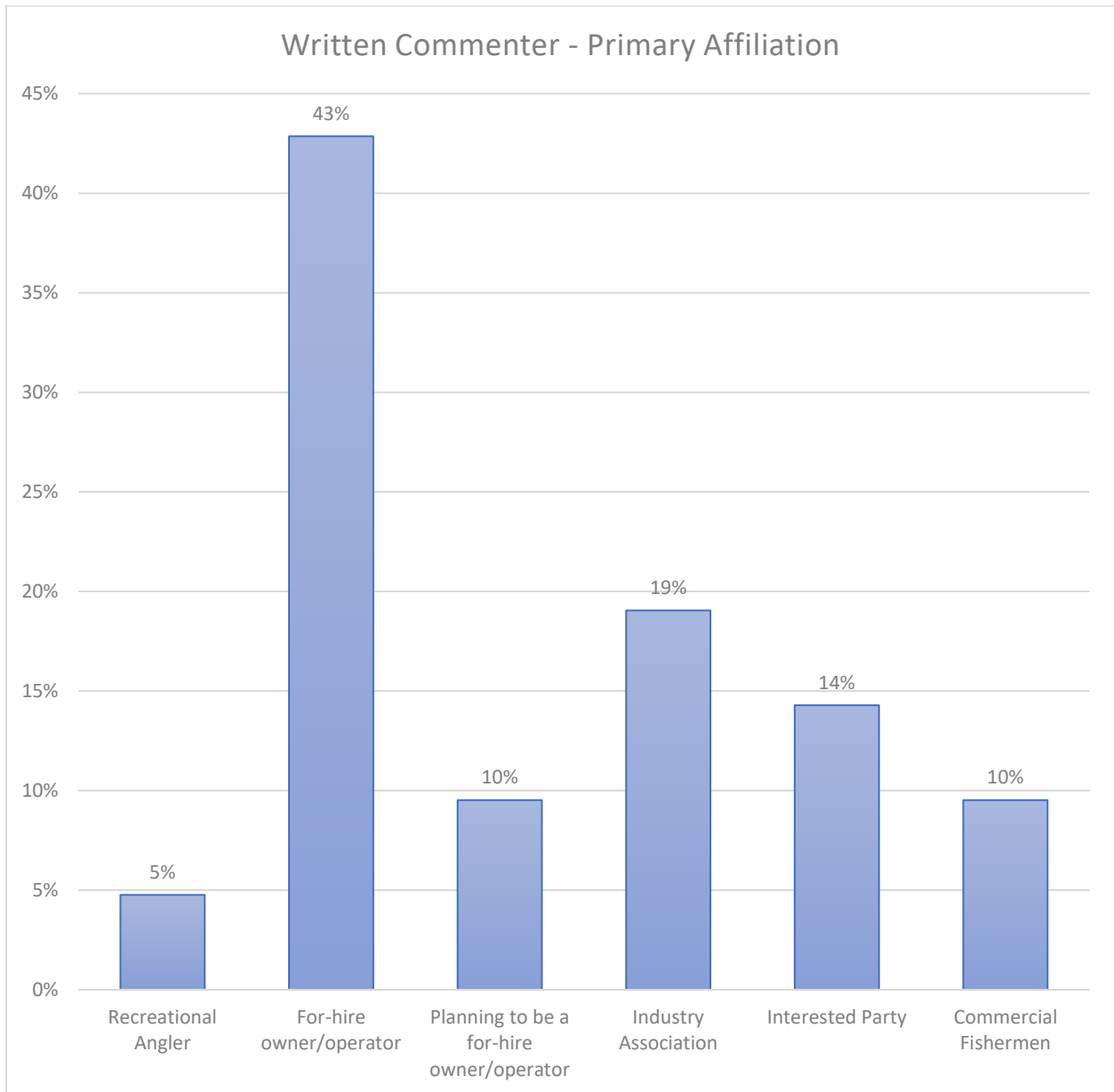
<b>Location</b>	<b>Attendees<sup>1</sup></b>	<b>Speakers</b>
Wells, ME	12	5
Seabrook, NH	15	8
Avalon, NJ	11	5
Narragansett, RI	11	6
Chatham, MA	1	0
Plymouth, MA	10	4
Gloucester, MA	6	1
Webinar	6 <sup>2</sup>	1
Total	72 <sup>3</sup>	30

1. Not including Council members or staff who facilitated the meeting.  
 2. Number of attendees registered for *and* attended the webinar.  
 3. Total unique attendees = 64 total with duplicates removed.

**Figure 1– Affiliation of listening session attendees.**



**Figure 2 – Affiliation of written commenters.**



***Oral Commenters***

There were 30 unique individuals who offered oral comments at the listening sessions. Of these commenters, over half (57 %, n=17) were for-hire owner/operators. The largest percentage of comments from for-hire owner operators (47%, n=8) were offered at the Narragansett, RI meeting.

***Written Commenters***

There were 21 individuals who submitted written comments for the record. Five of these individuals submitted both written comments and provided oral comments at the listening

session. Similar to the listening sessions, the highest proportion of written comments were submitted by for-hire owner operators (43%, n=9). Of the written comments where states were identified, the majority (38%, n=8) hailed from Massachusetts.

Several of the written comments were submitted by industry associations that represent various stakeholders. While each association represents more than one individual, this summary counts association letters as one comment. For example, the American Sportfishing Association letter mentions that they represent sportfishing manufacturers, retailers, wholesalers, angler advocacy groups, and the interests of America's 49 million recreational anglers. The Rhode Island Party and Charter Boat Association submitted comments on behalf of their 60 members. The Rhode Island Saltwater Anglers Association letter mentions they represent over 7,500 recreational fishermen in RI, CT, and MA, and their members fish on private boats as well as party and charter boats. The Connecticut Charter and Party Boat Association submitted comments representing their 40 professional charter boat members.

#### ***Oral and Written Commenters Combined***

A total of 51 comments were received, though five individuals submitted both written comments and provided oral comments at the listening session, therefore there were 46 unique commenters.

### **4. COMMENT SUMMARY**

This section provides qualitative and some quantitative analysis of all comments (both oral and written). Comments were summarized as they were spoken or written, and have not been edited for accuracy or terminology. A detailed summary of each listening session and the webinar is included in Appendix A. Copies of all written comments are included in Appendix C.

#### **4.1 Overall Summary**

Accounting for all 51 comments, 20 comments opposed a limited access program, 18 were neither for nor against, and 13 offered support. There are five individuals who provided comments orally during listening sessions and in writing. When these duplicates are removed, there are 46 unique commenters, though content from all 51 comments is summarized in this section.

In summary, of the 46 unique commenters, 17 were neither for nor against, 17 were opposed, and 12 supported a limited access program. At the listening sessions and webinar, 14 commenters were neither for nor against, 9 opposed limited access, and 7 offered support. In written comments, 8 opposed limited access, 5 offered support, and 3 were neither for nor against.

Comments in this section provide an executive summary, and are organized according to the level of support. Section 4.2 organizes specific comments in themes, and provides more detailed information.

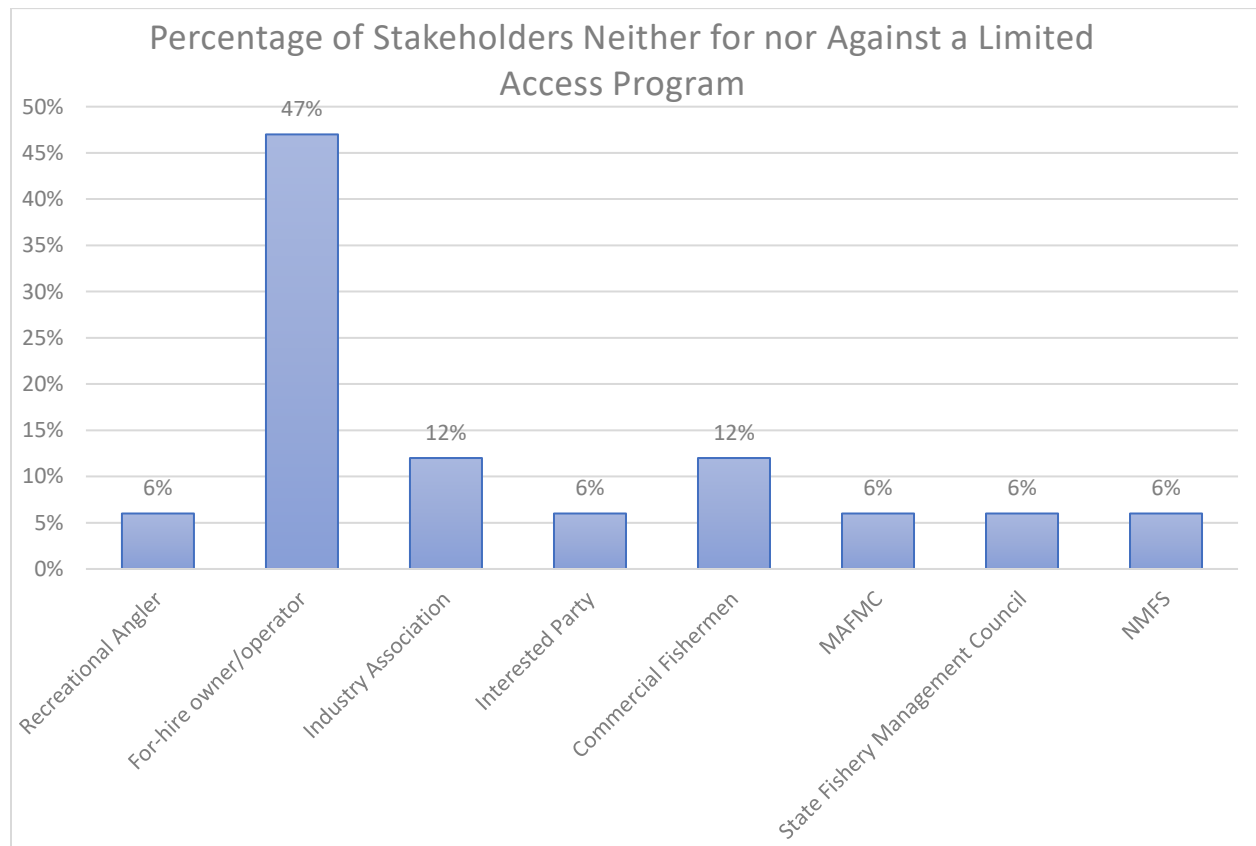
### 4.1.1 Neither Oppose nor Support

Many commenters were unsure whether they would oppose or support a limited access program, pending details on the implications of a control date, and other specifications of the program. Regarding the process, a few industry members (for-hire owner/operator, and representatives from the MAFMC and an industry association) suggested having more information on the parameters would be helpful before holding meetings and asking for support. Some are hinging support on whether or not there would be a one cod per trip allowance in a limited access program.

There were several commenters who have permits, but have little or no history, either due to selling boats and getting a new boat and permit (without history) or because they recently acquired permits. These individuals are unsure whether they would be able to keep their permits. Others who are planning to become for-hire owner/operators are in the process of obtaining their captain's license and have yet to apply for a permit, and would not be allowed into a limited access program under the current control date.

Figure 3 depicts the percentage of stakeholders who neither support nor oppose a limited access program. The highest percentage is represented by for-hire owner/operators (47%), followed by both commercial fishermen (12%) and industry associations (12%). Note: due to rounding, the total percentage in Figure 3 equals 101%.

**Figure 3– Percentage of stakeholders who neither support nor oppose a limited access program.**





#### 4.1.2 Opposition

Commenters who opposed development of a limited access program had varying justifications for their stances. One portion of those opposed were people who previously worked as hired crew or captains in the recreational party/charter fleet or are commercial fishermen who would like to start a for-hire business. Some of these individuals were in the process of obtaining the necessary permits, captain's licenses, building or purchasing fishing vessels, and others had future plans to build businesses. At least one of these individuals switched from working on party boats to commercial fishing because it was becoming too hard to make a living. The general sentiment is that a limited access program would be prohibitively expensive to purchase a permit if they did not meet the qualifications before the control date.

Some commenters opposed a limited access program on the basis that the commercial fishery and/or recreational anglers caused the current poor stock status of Gulf of Maine cod, and these sectors would not be affected by a limited access program.

A recreational angler raised concerns about the various situations that can affect an individual's ability to fish, and might compromise one's ability to qualify for or remain in a limited access program. For example, if the operator is sick, injured, takes time off, or changes boats.

Those opposed expressed the sentiment that a limited access program eliminates people from the fishery, and that businesses leaving the fishery should occur naturally as the market fluctuates due to resource conditions and/or consumer preferences.

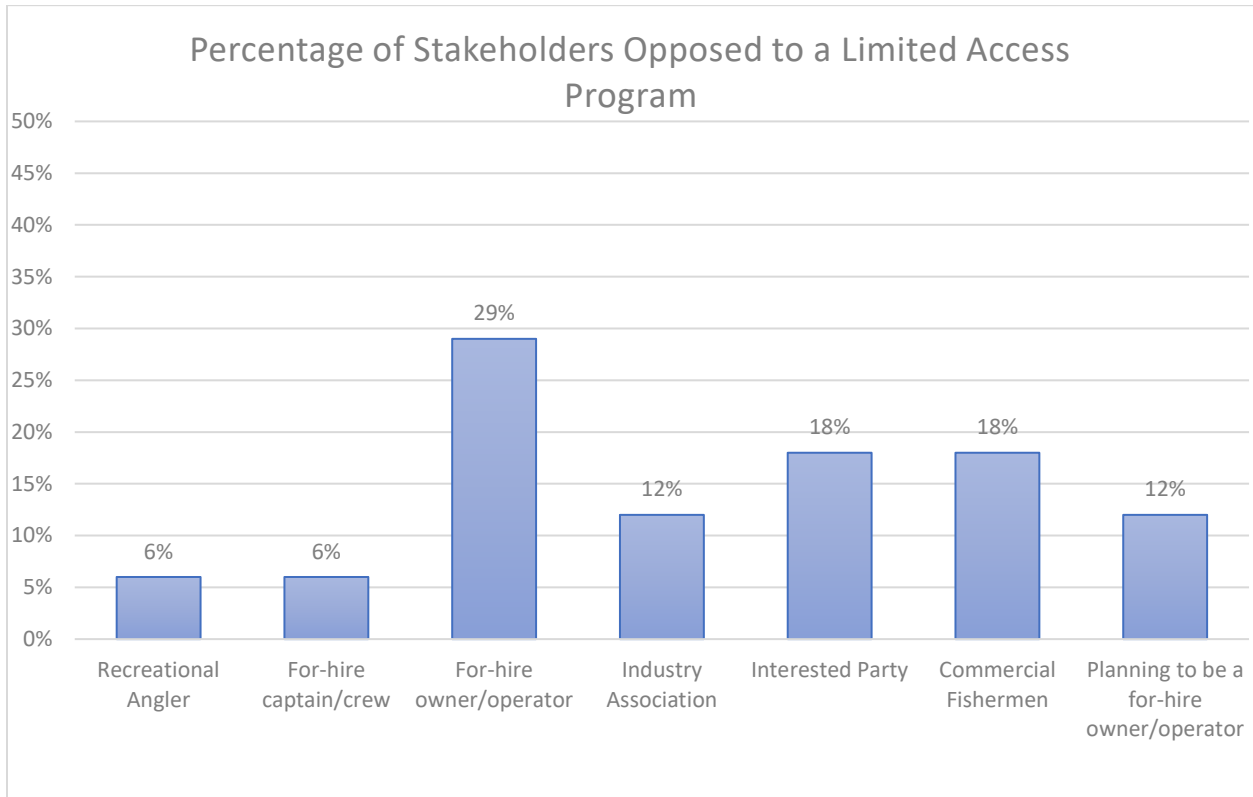
A handful of commenters were opposed to a limited access program at this time, due to the lack of specificity with the control date, how history will be determined, what data will be utilized, and what the parameters would be.

Others, including one commercial fisherman who is planning to be a for-hire owner/operator were opposed on the premise that a limited access program would be developed to limit competition, and has not been based on data that indicate a limited access program would offer a conservation benefit the resource.

Several commenters, including an industry association representative were opposed on the basis that a limited access program would only benefit a small portion of the recreational fishery – charter/party boat operators.

Figure 4 depicts the percentage of stakeholders who oppose a limited access program. The highest percentage represents for-hire owner/operators (29%), followed by both commercial fishermen (18%) and interested parties (18%). Due to rounding, the total percentage in Figure 4 equals 101%.

**Figure 4– Percentage of stakeholders who oppose a limited access program.**



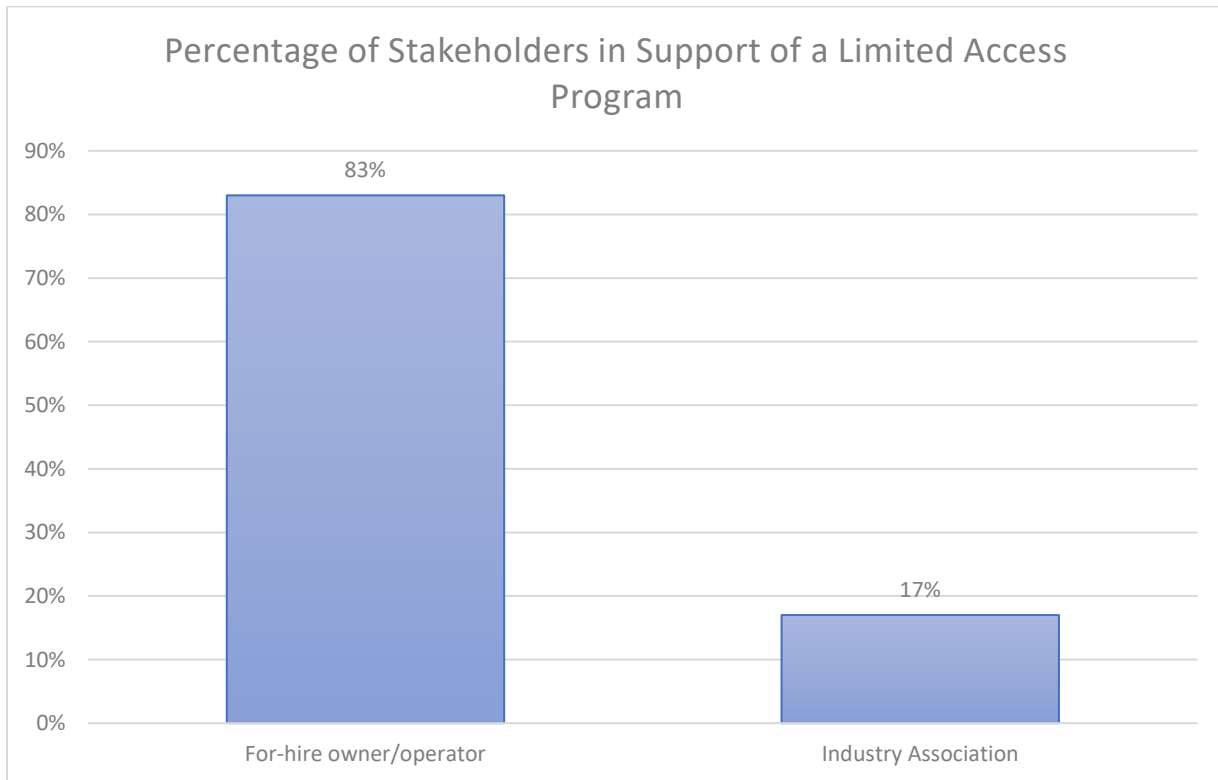
#### 4.1.3 Support

Commenters who support development of a limited access program see this proposal as an opportunity to address the quota overages from the recreational fishing sector. One for-hire owner/operator offered conditional support if a limited access program helps long time industry members. Several for-hire owner/operators commented that development of a limited access program will improve the professionalism, political standing, and accountability of the charter/party fleet. Limiting permits and transferring them would also allow for the resource to recover, potentially increasing business profitability down the line if annual catch limits (ACLs) increase. Further, a limited access program would allow for permanent public access to the resource for individuals who don't own boats, keeping access in line with recreational anglers who are boat owners.

One for-hire owner/operator commented that a limited access program would bring more accountability and information on catch and effort as the charter/party boat industry utilizes vessel trip reports (VTRs).

Figure 5 depicts the percentage of stakeholders who support a limited access program. Only two categories of stakeholders offered support: for-hire owner/operators (83%) and industry associations (17%).

**Figure 5– Percentage of stakeholders who support a limited access program.**



#### **4.2 Specific Comments and Themes**

The Council received a diverse array of stakeholder comments orally and in writing, as summarized in Section 4.1 Overall Summary. These comments fit into the following categories:

1. Goals and Objectives
2. Regulations
3. New Entrants
4. Control Date
5. Size of the Fleet Relative to the Resource
6. Differentiating the For-Hire Fishery in Management
7. Business Profitability and the Market
8. Alternative Management Focus to Address Declines in the Cod
9. Equity Across Modes
10. Specific Alternatives for a Limited Access Program
11. Other Comments

### 1) *Limited Access Program Goals and Objectives*

A few commenters offered suggestions around the goals and objectives of a limited access program:

- A goal should be increasing the stability of fishing regulations, including providing advanced notice of the regulations.
- The basis for developing a limited access program should be a scientific objective (e.g., improved fishery data) rather than a socio-economic objective (e.g., reducing competition among charter boat businesses).
- If the goal of a limited access program is to reduce pressure on groundfish resources, then this proposal should focus on recreational anglers and not the party/charter modes.
- An industry association commented that the goal of an action to define and secure a set number of recreational party and charter groundfish permits should be to achieve stability for this fishing mode while ensuring permanent access to the recreational fishery for private anglers (e.g., members of the public who do not own for-hire boats).
- An objective should be to define the party/charter groundfish fleet in order to develop specific management and accountability measures that both fit the needs of the fleet and avoid overfishing.
- A for-hire owner operator stated that the size, daily and seasonal catch limits for the for-hire fleet should maximize profitability while remaining under the ACL, adding that this segment of the fleet has been better at avoiding restrictive species than recreational anglers.

### 2) *Regulations*

Commenters at several meetings remarked that the recreational groundfish fishery already has restrictions (e.g., minimum sizes, bag limits, and seasonal closures, prohibited possession).

Two industry association representatives expressed concern about the effects of the zero-possession regulations for cod on a vessel's history, especially for individuals fishing north of the 42-degree North latitude in the Gulf of Maine.

A recreational angler commented that if the number of party/charter boats operating is to be regulated that it should be regulated at the state rather than the federal level, and feels that a limited access program is outside the scope of NEFMC as it doesn't have a sound environmental or economic benefit.

### 3) *New Entrants*

Many commenters stated that new entrants should be allowed into the charter/party boat industry. Even if a limited access program is established, commenters expressed interest in creating an equitable and affordable mechanism for new entrants. One for-hire owner/operator suggested that consideration should be given to hired captains who run

boats for the owners and wouldn't have any individual history, but have experience in the fishery.

Several for-hire owner/operators suggested a pool of permits should be created from operators who no longer use their permits. One for-hire owner/operator suggested careful consideration of how a pool of licenses would be developed and accessed by new entrants in a limited access program to maintain affordability. An industry association recommended that entry/exit strategies could be developed to allow new entrants.

Several recreational and commercial fishermen commented that a limited access program would result in expensive permits that will impede the ability of the next generation of fishermen to enter the fishery and start a business. One recreational angler commented that a limited access program protects businesses that are currently operating, and mentioned that this process does not include input from the next generation of potential operators who may still be in school and are unaware of this management process that would affect them.

A for-hire owner/operator commented that the costs of permits increase as they are sold and traded, and younger people would incur financial losses to gain entry into the fishery.

One commercial fisherman commented that he recently purchased a six-pack permit and planned to diversify his business, and is concerned that he would not qualify under the current control date.

One for-hire owner operator suggested that new entrants should only be able to purchase a permit from existing permit holders unless they can show previous participation in the fishery.

#### **4) *Control Date***

There is a general concern about the current control date and how allocation will be determined. A for-hire owner/operator commenter recommended that the control date should be refreshed during development of a limited access program as to not exclude individuals who purchased a permit after the current control date.

#### **5) *Size of the Fleet Relative to the Status of the Resource***

There were several comments concerning the size of the fleet relative to the resource, both in historical context, under the current resources, and the potential for the resource (primarily cod) to rebound in the future. When the fish populations start to rebound, there might be an influx of charter boat operators without a limited access program in place. In the past, the size of the recreational for-hire fleet has fluctuated based on the status of the resource, with more boats when the fish stocks are healthy, and less boats under the current stock status. One industry association representative stated that without proper controls, there is concern that if the cod population comes back, and the number of fishing vessels increases back up to over 500 (similar to 2010), the fishery may face cutbacks or another shutdown. However, one for-hire owner/operator does not believe the

Gulf of Maine (GOM) cod resource will rebound in the near future to a number that would support the current for-hire participants, let alone an increase in boats.

Another individual commented that a limited access program would stabilize the charter/party industry by preventing overcapitalization, and providing new entrants with the ability to plan for the future. Limiting permits and the transfer of permits to the next generation should allow for the resource to rebuild, and profitability to increase over the long-term as ACLs are increased.

**6) *Differentiating the For-Hire Recreational Fishery in Management***

Creating a limited access program would give the recreational fishing industry more standing in the management process. Two for-hire owner/operators commented that a limited access program creates a long-term segment of the fishery that can develop management measures to specifically address business needs and public access to the resource. Further, a limited access program would also create a permanent level of public access to the fishery that provides access to individuals who do not own private boats. If this sector's catches remain within the annual allocations (even with reductions), it allows for more political standing and professionalism, which is important to the long-term sustainability of the fleet.

A for-hire owner/operator commented that charter boat owners who make their living based on the availability of the resource should not be required to rely on the same regulations as the private angler, and forming a limited access program would set them apart with their own management measures. Further, he stated that the charter/party boat fleet is dismissed when it comes to new regulations or changes to help the industry, in part due to the increasing number of recreational anglers.

**7) *Business Profitability and the Market***

A for-hire owner/operator commented that the current regulations and resource conditions are already making it challenging for party/charter boat operators to stay in business, without the addition of competition from new entrants. In addition to regulations, one for-hire owner/operator stated that overhead costs (e.g., fuel and bait) are making it challenging for party/charter boat operators to stay in business. Without a limited access program, new entrants to the fishery will add more competition to operators who have been struggling.

A commercial fisherman and recreational angler both commented that the free market system of consumer supply and demand should be the driving force behind competition and whether a business succeeds or fails, and not a limited access program. A recreational angler commented that a limited access program violates the natural shifts in supply and demand in the market, which typically regulates the number of businesses operating in a given industry. This situation, he feels, could create a bottleneck in supply, proving unfair to customers, potentially raising rates, and discouraging innovation that comes from businesses adapting to stay ahead. Therefore, he suggests that supply should be determined by the market and not regulated by the government. He further stated that it is

self-serving for current for-hire owner/operators to support limited access as it will decrease competition.

A recreational angler commented that the party/charter owners who are innovating by offering a variety of types of trips or moving their boats to different ports for more opportunities are the businesses that are surviving, while other are struggling.

Two for-hire owner/operators commented that a limited access program would create stability for the charter/party industry, providing an opportunity to plan for the future, and increase profitability in their businesses.

A recreational angler commented that a limited access program prevents other new businesses from starting up, even if their focus is on non-groundfish species. Without permits, charter boats that typically target tuna, sharks or stripers, would be affected by zero groundfish possession, either when they encounter species by chance or the opportunity to take occasional offshore trips.

**8) *Suggesting an Alternative Management Focus to Address Declines in the Cod Stock***

A for-hire captain/crew member commented that the recreational anglers have been identified as the primary cause of the cod overages, and the limited access program is not addressing this mode, and instead focuses on party/charter boats that have proven they can avoid cod. Others, including a for-hire owner/operator attribute the decline in the cod stock to the commercial fishery.

**9) *Equity Across Modes in the Recreational Fishery***

Several commenters expressed a desire to keep a level playing ground between open access for recreational anglers and access to affordable permits in the party/charter boat fleet. A commercial fisherman pointed out the inequity of potentially limiting party/charter boats on Jeffreys Ledge, for example, when there are hundreds of recreational anglers targeting the same resource who wouldn't be affected by a limited access program.

One commenter compared the differences between recreational anglers and the charter/party industry, in terms of different motivation (e.g., having fun verses making a living running a business), different numbers (e.g., hundreds of party/charter boats verses millions of anglers), and suggested that these differences should be accounted for and the fishery should no longer be managed as one user group.

In addition, a for-hire owner/operator recommended the development of a limited access program should consider the availability of accurate VTR reports from the party/charter fleet whereas private anglers currently don't have a thorough reporting system.

There were also comments regarding the difference between part-time and full-time operators, with one example from a for-hire owner/operator of part time at 30-days on the water verses 200-250 days on the water, and how these operations could get the same limited access permit.

A national industry association commented that this approach focuses on only one sector, which would create separate management measures and could be difficult to enforce. Further, all sectors are seeking stability, and there are other less restrictive actions that would offer long-term solutions. An industry association commented along the same lines, that all recreational fishers should be treated the same, adding that party/charter boats are recreational vessels, and should be treated as such.

A recreational angler commented that all recreational fishermen should have the same opportunity to access groundfish, and party/charter boats should not be compared to commercial fisheries, where limited access programs are typical. He stated that party/charter boats sell trips, and not fish (which are necessary for commercial fisheries to profit), and thus demand for party/charter businesses should be based on interest from recreational fishermen, which cannot be regulated. Further, the general public should have access to this resource, and it is unfair that recreational fishermen would be able to retain groundfish on one boat but not another.

An industry association commented that a limited access program could create a situation where the only way the public could access cod would be to hire a party or charter boat, which is unfair to other members of the public who would be unable to fish with private boats.

#### ***10) Recommendations for Limited Access Program Alternatives***

Many commenters offered specific alternatives for a limited access program. These commenters spanned several affiliations: for-hire owner/operators, recreational anglers, industry associations, MAFMC representatives, and commercial fishermen. These recommendations are grouped into categories:

##### History

- Catch history should be developed carefully, acknowledging discrepancies in the Marine Recreational Information Program (MRIP) and logbook (VTR) data, considering the number of trips, permits, and how regulations affected history.
- Utilize VTRs to determine an individual's catch history.
- Qualifying history for a limited access program should utilize VTR data, and set a minimum number of trips for at least 5 years. This history period should precede the moratorium on harvesting GOM cod, and provide a range from 2009-2014. Further, to qualify, applicants should demonstrate at least 50% of their current income is derived from fishing.
- MRIP data should not be used to allocate catch history in a limited access program.

##### New Entrants

- Consideration of an allowance for a family member who works on a parent's boat to qualify for a permit under a limited access program.
- Create a pool of permits to maintain access for new entrants.
- Create an apprentice program where crew can work on a boat, and then work with a permit bank to get a permit and start a business.



- A limited access program should prohibit individual transfer of permits, and instead establish a wait list for new entrants, with minimum eligibility requirements. Parameters could be added for a maximum waiting time for new permits, for example, if an individual is on the list for 2 years and no permits are available, then new permits would be added to the fishery.

#### Permits/Vessels

- Six-pack permits (Charter boats) should remain open access, while head boat permits should be limited access.
- Six-pack fishery should be open access and limit access on party boats (7+), as the head boats hold up to 50 fishermen and are harvesting more.
- Consideration of a two-tiered system where party/charter boats are split from private anglers, and each tier addressed the needs of the respective user group.
- There were questions about whether vessel size and horsepower would be considered as part of a limited access program, but no specific comments were offered on what these specifications should consider.
- Consideration of different tiers of permits for part-time and full-time for-hire operators.
- Cap the number of permits at the height of the fishery, which would allow permits to be available to new entrants.
- A limited access program should be inclusive of all active party/charter permit owners.
- There should be separate permits and regulations for party boats and charter boats, as they are two different industries.
- A limited access program should allow different levels of permits with various access structures, for example, an open access permit that allowed a set number of groundfish trips a year (e.g., less than 10) for boats targeting other species to capitalize on occasional groundfish access.

#### Measures

- A limited access program should only cover groundfish species that are currently allocated to the recreational fishing sector, and should not include species that are currently open access, like silver hake and white hake.
- A limited access program should not consider allocating sub-ACLs to various sectors within the recreational fishery, and should focus on specific management measures.
- The Council should consider use of VTRs by the party/charter sector to provide accurate and timely catch and effort data.
- Charter boat catch should be calculated from electronic VTRs (e-VTRs) rather than MRIP data.
- A limited access program should include parameters to monitor the use of permits and revoke unused permits, to guarantee turnover and access for new entrants.
- A limited access program should include a process to add new permits to the pool based on performance of the industry and average number of trips per vessel.

- A limited access program should include more parameters than simply limiting the number of permits, for example, consideration should be given to the density of boats operating in a particular port or area of coastline.

#### Process

- The process should be open and transparent, with the appropriate level of analyses around eligibility and other specifications.
- Develop a procedure where the Council can provide opportunities for new participants to enter into a limited access fishery as the fisheries recover.
- The Council should make limited access a priority for 2020.
- Establish a sunset for the limited access program in an effort to assess the benefits after a set period (e.g., 5-years).

### ***11) Other Comments***

Many stakeholders offered comments that relate to other measures in the groundfish fishery or other fisheries, and do not specifically address development of a limited access program:

- Several for-hire owner/operators at the Wells, Maine meeting mentioned that the proposed regulations for the recreational groundfish fishery that include two-week open seasons for Gulf of Maine Cod (September 15-30 and April 15-30) will not benefit the Maine industry. This is due to boats not getting into the water until May and customers leaving after Labor Day, with the Maine season generally running from June 15-September 1.
- Two commenters, including a recreational angler, suggested the GOM cod possession limit should increase from zero to one-to-three cod fish so sport fishermen have more than haddock to target.
- Several individuals commented that the zero cod possession limit significantly impacted the recreational for-hire fleet.
- One commenter who is a commercial fisherman and a for-hire owner/operator recommended that NMFS Office of Law Enforcement address illegal charter operations in Gloucester and Green Harbor, Massachusetts, and elsewhere, rather than develop a limited access program.
- An industry association commented that enforcement in New England should be increased, especially with respect to larger party boat operators in Maine and New Hampshire.
- An industry association representative in southern New England recommended a change in wolffish possession to one fish per person.
- A head boat operator in New Jersey recommended a measure to allow recreational fishermen the ability to possess some ocean pout to allow access to other fish like red hake that are found in the same areas.
- There was one comment specific to the general Council and committee process, in that evening meetings are preferred to allow those who work on the water during the day time to attend meetings.

- An industry association commented that MRIP surveys significantly underrepresent recreational catch and VTR data are more accurate.
- A charter boat operator recommended allowing a bag limit for GOM cod for the charter boat fleet.
- A national industry association recommended using a multi-year specification process and accountability measures would increase stability and consistency without restricting access for one mode (charter/party).
- A national industry association offered support for the recreational fishing workshops in October 2019 to assess management approaches and long-term goals, and mentioned that this information will help inform the Council's priority setting discussion in December 2019.
- A for-hire owner/operator suggested implementation of a 5- to 6-year moratorium on cod to protect the fishery as an alternative to a limited access program for charter and party boats.
- A for-hire owner/operator recommended that instead of a limited access program, efforts should be initiated to reduce the number of participants, perhaps through a permit buyback to reduce latent effort, and limiting vessel upgrading (e.g., length, engine power, and gear).
- A for-hire owner/operator recommended an alternative to cancel for-hire multispecies permits that are non-active, which would be based on non-performance criteria using VTR data over a set period of time.
- A for-hire owner/operator commented that if the for-hire fleet is reduced, then the private recreational sector should also have a separate allocation, otherwise the limited access program would be ineffective and would not protect for-hire participants.

## **5. NEXT STEPS**

The Council will review these comments at a future Council meeting and decide whether or not to pursue an action on limited access program in the recreational groundfish party/charter fishery.



## 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*

### LISTENING SESSION SUMMARY

#### Recreational Groundfish Party/Charter Fishery - Limited Access Program

April 4, 2019

Seabrook Public Library

25 Liberty Lane

Seabrook, NH

The Council held a series of listening sessions to solicit public comment on whether it should develop a limited access program for the recreational party/charter boat fishery for the Northeast Multispecies (Groundfish) Fishery Management Plan, under the authority of the Magnuson-Stevens Fishery Conservation and Management Act.

**Meeting Attendance:** Paul McInnis, Nate Ribblet (For-hire crew), Mark Godfroy (Head boat owner/NEFMC), David Deimen, Les Eastman (Party boat owner), Doug Grout (NH Department of Fish and Game), George French (Charter permit owner), Pete Oldak, Earl Meredith (NMFS), Jon Sterritt (Recreational Angler/NEFMC Recreational Advisory Panel), Greg Ardini (NMFS), Cory Gauron (Charter boat owner), Chris Charos (Captain's Fishing Parties), Tracey Godfroy (Party boat owner), and Joshua Godfroy (For-hire crew). The following NEFMC members and staff were also in attendance: Terry Stockwell (Groundfish Committee Chair), Jamie Cournane, PhD (Council Staff), and Jessica Joyce (Contractor, Tidal Bay Consulting).

*The listening session began at approximately 5:50 pm.*

Terry Stockwell, Chair of the Groundfish Committee, began the meeting with a brief introduction, explaining the purpose of this listening session and options on how to provide comments. Dr. Jamie Cournane gave a brief presentation reviewing *why* the Council is taking action, *what* action has already been taken (control date of March 19, 2018), *what* comments should address, *how* to submit public comments, and next steps.

#### **Comments:**

**Mr. Godfroy**, a party boat owner and member of the Council, commented that he is in favor of limited entry due to the need to control new entrants and address fishing quotas that have been exceeded year after year. However, as to not exclude party or charter boat operators who bought a permit after the March 19, 2018, control date, refreshing the control date should be part of this management process.

**Mr. Eastman**, a party boat fleet owner, commented that he comes from a fishing family, and that party/charter boat operators in New Hampshire and Salisbury, Massachusetts have been struggling to make money under the current regulations, while covering operational costs like

fuel, bait, etc. He said it's unfair to those who have been working in the fishery for years, to allow new entrants to compete with those already struggling. He supports limited access if it helps the industry members who have been working over the long term.

**Mr. Ribblet**, works for Mr. Eastman, commented that he's against limited access. He feels that a limited access program will make it impossible for the next generation of fishermen to get into recreational fishing because the permits will be too expensive. Mr. Ribblet stated that private anglers are the issue with overfishing cod, and not the charter boats, which is what a limited access program would regulate.

**Mr. Oldak**, a recreational fisherman and charter boat customer from South Hampton, NH, commented about his concern that cod fishing [in federal waters] has been closed to sport fishermen for two years, but open [in state waters] around Cape Cod, Massachusetts. He recommends that the zero-possession federal limit should be increased to one- to three- cod fish as an incentive for sport fishermen, which only have haddock to target. Mr. Oldak commented that there are a lot of market cod out there because of research and regulations under the Magnuson-Stevens Act, and there is room to take a few cod.

**Mr. French** is unsure whether he's for or against limited access. He bought a permit last year and drummed up business; however, he wouldn't qualify for the March 19, 2018 control date. Mr. French would potentially support limited entry if he was able to maintain his permit, although doesn't have history before the control date and is unsure how this would affect him.

Mr. French commented further that if a choice is made to explore limited access, he suggests separating six-pack permits (keeping them open access) from head boat permits (limited access).

**Mr. Gauron** is neither for or against a limited access program, as he understands the pros and cons. He knows several people who bought permits for the 2019 season, and understands that more boats equate to less dockage. He sold a boat last year and bought a new one, which NMFS required purchasing a new permit for in June 2018 (after the control date). Mr. French inquired about how the existing control date would affect his situation.

**Mr. Sterritt**, a member of the Council's Recreational Advisory Panel, from Newburyport, NH, commented that one reason to not support limited access is consideration of all the situations that can affect your ability to fish and compromise your ability to remain in a limited entry program, including getting sick, injured, taking time off, or changing boats. He feels limited entry is about protecting businesses that are fishing today, and it isn't fair to the next generation who would be affected by this but aren't aware of this management process because they are in high school now. Mr. Sterritt stated there should be fair competition between the party/charter boat fleet [having access to buy affordable permits] and recreational anglers [open access].

**Mr. Charos**, Captain's Fishing Parties, Newburyport, NH asked a question on what specifications the limited access program would be based on, for example, vessel size and horsepower.

*The listening session adjourned at approximately 6:20 pm.*



## 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*

### LISTENING SESSION SUMMARY

#### Recreational Groundfish Party/Charter Fishery -Limited Access Program

April 8, 2019

Icona Golden Inn

7849 Dune Drive

Avalon, NJ

The Council held a series of listening sessions to solicit public comment on whether it should develop a limited access program for the recreational party/charter boat fishery for the Northeast Multispecies (Groundfish) Fishery Management Plan, under the authority of the Magnuson-Stevens Fishery Conservation and Management Act.

**Meeting Attendance:** Eric Reid (NEFMC), Dick Herb (NJ Marine Fishery Council), Steve Heins (MAFMC Groundfish Committee), Rick Bellavance (Priority Fishing Charters/RI Party and Charter Association/NEFMC), Carl Forsberg (Viking Fleet/MAFMC AP), Jeff Gutman (Head boat Voyager/MAFMC AP), Tony DiLernia (MAFMC), Laurie Nolan (MAFMC), Steven Cannizzo (NY Recreational & For-Hire Fishing Alliance), Michael Pentony (NMFS), and Doug Potts (NMFS). The following NEFMC members and staff were also in attendance: Terry Stockwell (Groundfish Committee Chair) and Jamie Cournane, PhD (Council Staff).

*The listening session began at approximately 6:05 pm.*

Terry Stockwell, Chair of the Groundfish Committee, began the meeting with a brief introduction, explaining the purpose of this listening session and options on how to provide comments. Dr. Jamie Cournane gave a brief presentation reviewing *why* the Council is taking action, *what* action has already been taken (control date of March 19, 2018), *what* comments should address, *how* to submit public comments, and next steps.

#### **Comments:**

**Mr. DiLernia**, member of the Mid-Atlantic Fisheries Management Council (MAFMC) from NY, commented that his assumption is that vessel trip reports (VTRs) would be used to determine an individual's level of participation or history for a particular vessel. He inquired whether there are any other methods to determine history, and whether there had been any discussions of how to consider inactive permits.

Mr. DiLernia later commented that current vessel operators with recreational groundfish permits have made sacrifices towards rebuilding stocks and would like to keep their permits and benefit from those measures in the future. He stated that the number of fish the Marine Recreational Information Program (MRIP) survey attributes to the recreational groundfish fishery is a

significant underrepresentation of catch when compared with actual catch reported on VTRs. He would not support a limited access program that allocates catch based on data from MRIP surveys. Mr. DiLernia suggested that the parameters to create a limited access program (e.g., what information is used to determine catch levels) should be defined before asking captains whether they support such a program.

**Mr. Cannizzo**, Vice President of the NY Recreational & For-Hire Fishing Alliance, commented that he is opposed to change. He is concerned with the validity of the MRIP harvest data, especially as it indicates NY state has the highest cod harvesting in all the mid-Atlantic and New England regions. He stated that the 2018 estimate for cod catch among charter boats in NY was nine fish, and we know from captains that the number is over 1,000 fish. There are a lot of questions around the control date, limited access, what data to use, and what percentage of the fish will be allocated to the for-hire sector. We need to know more before making a final decision.

Mr. Cannizzo later commented that enforcement in New England needs to be prioritized, especially with some of the larger party boat operators in Maine and New Hampshire.

Mr. Cannizzo stated that in New England, especially north of the 42-degree latitude, there are no regulations for certain inshore species, including: redfish, white hake, silver hake, red hake, cusk and mackerel. He recommended that wolffish possession should change to one fish per person.

Mr. Cannizzo shared some examples around historical management decisions and trust over the process. He feels that if the Council reduced sizes, seasons and bag limits, and that individuals shouldn't be penalized for not having as much history because of complying with these regulations. Mr. Cannizzo provided an example around summer flounder in the mid-Atlantic, where the acceptable biological catch (ABC) increased 49%, although the recreational harvest limit (RHL) was not changed/liberalized. The MAFMC Advisory Panel (AP) raises these issues twice a year, every year, and nothing comes from it, and thus he feels that if the NEFMC moves forward with a limited access program, there is going to be a lot of resistance.

Mr. Cannizzo inquired whether you could initiate a Council action for a limited access program without having an amendment.

**Mr. Gutman**, member of the MAFMC AP, head boat operator – Voyager, NJ, commented that in southern NY and NJ ocean pout are a nuisance, and they seem to be in great abundance. While unsure of the assessment numbers for ocean pout, he recommends a measure to keep some ocean pout to be able to target other fish (e.g., red hake) in those areas.

Mr. Gutman later inquired what the Council's goals and objectives are for this initiative. He agrees with Mr. DiLernia to some extent and feels there are so many unanswered questions and that these sessions are premature. He does not support the concept of catch shares nor does he support the potential for a limited access umbrella to cover groundfish species that are currently open access (and without size or bag limits), like silver and white hake. Mr. Gutman is concerned that if limited access does move forward with scoping, a white paper, and a document, that something will need to be done to justify these resources (rather than no action). He

commented that due to MRIP data, they have a smaller piece of the pie, which gets closed when quotas decrease. Catch history depends on how you look at it, and people fish what is available to them. He does not support moving forward with a limited access program.

Mr. Gutman inquired how the situation is typically handled where a head boat owner has owned several boats with different history, and whether that history would be attributed back to the owner?

**Mr. Forsberg**, member of the MAFMC AP, Viking Fleet, Montauk, NY, inquired about how detailed an amendment for limited access would be, and whether there would be different tiers.

Mr. Forsberg agrees with Mr. Gutman. He does not support a limited access program and believes something is being created that isn't necessary. There are too many questions now, especially around the history, landings, and how they can be skewed.

**Mr. Herb**, Chair of the New Jersey Marine Fishery Council, is at this meeting listening as well, and getting background information to inform state decisions.

*The listening session adjourned at approximately 6:45 pm.*





## New England Fishery Management Council

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

### LISTENING SESSION SUMMARY

#### Recreational Groundfish Party/Charter Fishery - Limited Access Program

April 18, 2019

Wells Public Library

1434 Post Road

Wells, ME

The Council held a series of listening sessions to solicit public comment on whether it should develop a limited access program for the recreational party/charter boat fishery for the Northeast Multispecies (Groundfish) Fishery Management Plan, under the authority of the Magnuson-Stevens Fishery Conservation and Management Act.

**Meeting Attendance:** Mark Godfroy (Party boat owner/NEFMC), Tracey Godfroy (Party boat owner), Capt. Shawn Tibbett (Charter boat operator), Capt. Marco Lamotte (Charter boat operator), Pam Thames (NMFS), Capt. Chris Perkins (Commercial fisherman), Chuck Civiello, Pauline Civiello, Paul Hood, Bryan Tufts (Commercial fishermen), Shelley Wigglesworth, and Michael Perkins. The following NEFMC members and staff were also in attendance: Terry Stockwell (Groundfish Committee Chair), Jamie Cournane, PhD (Council Staff), and Jessica Joyce (Contractor, Tidal Bay Consulting).

*The listening session began at approximately 5:55 pm.*

Terry Stockwell, Chair of the Groundfish Committee, began the meeting with a brief introduction, explaining the purpose of this listening session and options on how to provide comments. Dr. Jamie Cournane gave a brief presentation reviewing *why* the Council is taking action, *what* action has already been taken (control date of March 19, 2018), *what* comments should address, *how* to submit public comments, and next steps.

Attendees asked a number of clarifying questions throughout the listening session, including the definition of limited entry, the inclusion of head boats in a limited entry program, and the effects of a limited entry program on vessel owners who charter fish part of the year and fish commercially the remainder of the year.

#### **Comments:**

**Ms. Wigglesworth** from Kennebunkport, ME, does not support a limited access program. She commented that the fishery has enough restrictions with haddock and cod, and she doesn't support the addition of more restrictions. She doesn't see why recreational anglers who aren't being affected are able to weigh in on this proposal that does affect the party/charter fishermen doing this to make a living.

**Mr. Lamotte**, a Charter boat captain from Saco, ME, inquired about differences in cod quotas in Maine and Massachusetts. Council staff offered an explanation of the two stocks, Gulf of Maine (GOM) cod and Georges Bank (GB) cod, to clarify the ability for MA fishermen to retain ten cod for the GB stock. In response to information around the proposed two-week open cod seasons for GOM next fall (2019) and spring (2020), he commented that they can't put their boats into Wells harbor until early May and that most customers are gone after Labor Day, so Maine would not benefit from the proposed open cod seasons in GOM. Mr. Lamotte commented that the small boat recreational charter/party fishery is doing the right thing and self-imposing restrictions, and that it's the commercial vessels that got the fishery into the current status. He thinks limited entry is a bad proposal that does not address the problem, and won't change the status of the fishery.

**Mr. Tibbett**, a Wells resident that operates a charter boat out of Saco, commented that people fishing in MA and southern New England are the only ones who would benefit from the new cod seasons. The Maine season starts around June 15, picks up after July 1 and runs through September 1, so the spring and fall cod openings would not help Maine.

**Mr. Tufts**, a lobsterman from Kennebunk, commented that he has been thinking about getting a recreational party/charter boat license, but does not currently have a license and does not support a limited entry program. He has been working on party boats in Kennebunk for 25 years, and commented that all the trips used to be full, and now you can't fill a boat with customers. He got out of working on recreational fishing vessels because it was getting too hard to make a living, and now he lobsters. Mr. Tufts feels it is not the recreational fishermen who hurt the fishery.

**Mr. Chris Perkins**, a commercial tuna fisherman, inquired about the goal of a limited entry program, and whether it is to put less pressure on the resources. He commented about the inequity of limiting charter/party boats when there are hundreds of recreational anglers pounding the same resources on Jeffreys Ledge who wouldn't be affected by limited entry.

*The listening session ended at approximately 6:30 pm.*



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### LISTENING SESSION SUMMARY

#### **Recreational Groundfish Party/Charter Fishery - Limited Access Program April 23, 2019**

University of Rhode Island, Coreless Auditorium  
215 South Ferry Road  
Narragansett, RI

The Council held a series of listening sessions to solicit public comment on whether it should develop a limited access program for the recreational party/charter boat fishery for the Northeast Multispecies (Groundfish) Fishery Management Plan, under the authority of the Magnuson-Stevens Fishery Conservation and Management Act.

***Meeting Attendance:*** Scott Lunberg (Reel to Reel Sportfishing, Galilee), Randell Bagwell (River Rebel Charter, Bristol), John Lake (RI DEM), Frank Blount (Frances Fleet, Chair of the Recreational Advisory Panel), Rick Bellevance (Priority Fishing Charters, Pt. Judith), Richard Chatowsky (Drifter Charters, Pt. Judith), Karen Bradbury (Senator Whitehouse), Chris Albert (Senator Reed), Charlie Donilon (Snapper Charters, Pt. Judith), John Williamson (Sea Keeper Charter, Maine), and John Rainono (Lil Toot Charter, Pt. Judith). The following NEFMC members and staff were also in attendance: Terry Stockwell (Groundfish Committee Chair) and Jamie Cournane, PhD (Council Staff).

*The listening session began at approximately 6:05 pm.*

Terry Stockwell, Chair of the Groundfish Committee, began the meeting with a brief introduction, explaining the purpose of this listening session and options on how to provide comments. Dr. Jamie Cournane gave a brief presentation reviewing *why* the Council is taking action, *what* action has already been taken (control date of March 19, 2018), *what* comments should address, *how* to submit public comments, and next steps.

Several clarifying questions were asked about the criteria for party/charter boat inclusion into a limited access program, and how recreational anglers would be separated.

#### **Comments:**

**Mr. Chatowsky**, Drifter Charters of Pt. Judith, commented that he supports access for the charter/party fleet across the coast. He has a lot of history with his business and a lot of others present today have been in the fishery for a long time. Mr. Chatowsky is wondering how history would be divided up, and would like to maintain opportunities for new entrants.

Later, Mr. Chatowsky responded to Mr. Rainono's comment, and stated that we need to be careful about how you would enter a pool for licenses, which could become cost-prohibitive, similar to some of the multi-purpose RI permits. He feels a limited entry program would be beneficial for RI and would be an important part of their business model.

Mr. Chatowsky later commented on how different the for-hire boats are from private boats, especially with respect to insurance and licensing requirements.

**Capt. Belvance**, Priority Fishing Charters of Pt. Judith, commented that he owns a third-generation business that operates two fishing vessels, and he is in favor of a limited entry program. He read the following statement into the record:

*1) Creates a specific user group that becomes a **long-term** manageable sector that can develop its own unique fishery management plan that suits the businesses and public access needs of its customers.*

*2) A moratorium on federal permits establishes and ensures a permanent level of access to the fishery for the non-boat owning public. Doing this is important, especially in mixed use fisheries where you have multiple stakeholders all vying for an annual use of the resource.*

*3) In fisheries such as ground fish, that are stressed or overfished with potential reductions on the horizon, having a recognized sector that has a specific and capped level of access gives that sector political and ecological standing when they, as a sector, do not over fish and stay within their annual allocations. This is critical for the long-term sustainability of the fleet.*

*4) A Charter/Party limited access program (LAP) will also ensure the generational transfer of the industry as those permits will prevent over capitalization from that point forward. It will create a value and stabilization of the Charter/Party industry that allows the future new entrants to know that they will have an ability to plan for the future, show value to their business model when financing their business and most importantly increase their long term profitability as the resource rebuilds, ACL's are increased, and more access is granted to their anglers. LAP's essentially raise the bar on the overall professionalism of the Charter/Party industry.*

*5) The federal permitted Charter/Party sector has not fared well against the sheer number and political power of private recreational anglers. The Charter/Party industry has been and will continue to be the red headed step child in recreational fisheries unless change is made. Our anglers are recreational anglers, but we are professional fishermen making a living off the resource by providing access to the non-boat owner. The Charter/Party operator's daily motivation is to prosper by catching your client's fish, in return for money. That fact alone creates a disdain within private angler lobby groups because it is not in line with those who daily motivation is to fish for fun. The Charter/Party industry should not find comfort in relying on managing the recreational*

*fishery as one user group. "Let's all stick together" is a promise..., A theory..., that has failed us repeatedly over time.*

*6) The Gulf of Mexico Charter/Party is a great example of how LAP's can stabilize the industry, turn it around, and make it more profitable. They went from a basically closed season for Red Snapper to a 62-day season when they were able to cap permits, acquire a sub annual catch limit (ACL), become more accountable through better data collection, and prove themselves as a professional industry. NOAA and Gulf of Mexico & South Atlantic councils recognize the benefit of having a manageable sector that not only can provide accountable catch and effort reports but also recognized that the general public saltwater anglers who access the resource on Charter/Party vessels deserve a set access level and not just for private boat owners.*

*7) Although the documents available for this meeting are necessarily incomplete and raise many questions, I strongly support the NE Fishery Management Council moving forward with an Amendment to create a Limited Access Program for Charter/Party Groundfish Permits. An open and transparent amendment process and the analysis that goes along with the process will enable the Charter/Party fleet to offer guidance on how to develop a program that will be best for the future of our industry.*

Following his written statement, Capt. Bellevance further commented that the Council needs to do more analysis to understand what the regulations would look like and who would be eligible. He suggested that they look at data from the height of the fishery, and use those numbers as a guide to cap permits at that level, which he believes would still allow open permits for new entrants. He also suggested having an apprentice program where crew can work on a boat first, and then can start their business and work with a bank to get a permit.

Later, Capt. Bellevance shared some analysis he conducted with the number of salt water angler licenses and number of trips, and feels the for-hire fleet can provide access to the 40,000+ salt water angler license holders.

**Mr. Donilon**, Snapper Charters of Pt. Judith, inquired about how the pre-requisites would be determined for party and charter boats. He commented that some people are only going out on weekends, using their business as a write-off while others have full-time businesses, and wondered who would qualify.

**Mr. Blount**, Frances Fleet of Pt. Judith, agrees with Rick Bellevance's comments. He is in favor of limited access, and mentioned it's been discussed for years in New England and many commercially fisheries in the U.S. are now limited access. Mr. Blount stated that history is difficult to determine, because of the discrepancies in Marine Recreational Information Program (MRIP) data and logbook data (and offered several examples around fluke and cod). The Gulf of Maine (GOM) cod closure will also affect history. He cautioned that history needs to be used carefully, looking at the number of trips, permits, and how regulations affect the ability to fish and gain history.

Mr. Blount recommended that the goal of the program should be stability with fishing regulations, which should be known in advance and not be crippling. He suggested a two-tiered system where party and charter boats would be split from private anglers, and each tier considers the needs of the user groups. He feels that better reporting and improved accountability measures will go further with a limited access program. Mr. Blount would like to maintain opportunities for new entrants, and suggested a pool to get into the limited access program, but is not in favor of the catch share model. He feels the program should be as simple as possible, though is weary that it could become complex.

**Mr. Rainono**, Lil Toot Charters, agrees with Rick Bellevance and Frank Blount. He commented that the RI fleet fluctuates with people leaving and coming into the fishery. He would like to give new people the opportunity to get in as currently the youngest captain in the fleet is 52 years old. Mr. Rainono provided an example of a pool that was created in the lobster fishery for new entrants and is concerned the industry will be gone if something isn't done.

Later, Mr. Rainono commented that people liked the RI fluke sector when it started because they knew they had fish for their customers, and managed the set-aside. The for-hire fleet knew what was available, and they were able to keep access for customers. However, there was opposition from recreational anglers.

**Mr. Lundberg**, Reel to Reel Sportfishing of Galilee, agrees with what others said today, and commented that the party/charter fleet has been submitting vessel trip reports (VTRs) for over 20 years, and has accurate numbers while the private recreational anglers don't have a good reporting system.

*The listening session adjourned at approximately 6:40 PM*



## New England Fishery Management Council

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

### LISTENING SESSION SUMMARY

#### **Recreational Groundfish Party/Charter Fishery - Limited Access Program**

**May 7, 2019**

Chatham Community Center

702 Main Street

Chatham, MA

The Council held a series of listening sessions to solicit public comment on whether it should develop a limited access program for the recreational party/charter boat fishery for the Northeast Multispecies (Groundfish) Fishery Management Plan, under the authority of the Magnuson-Stevens Fishery Conservation and Management Act.

***Meeting Attendance:*** Melanie Griffin (MA DMF)

The following NEFMC members and staff were also in attendance: Terry Stockwell (Groundfish Committee Chair), Jamie Cournane, PhD (Council Staff), and Jessica Joyce (Contractor, Tidal Bay Consulting).

***Meeting Transcript:*** *Good evening, this is Terry Stockwell Groundfish Committee Chair, along with Jamie Cournane, Jessica Joyce, and Melanie Griffin. We are the sole attendees of the Chatham listening session. At 6:20 we are going to open and close the hearing.*



## New England Fishery Management Council

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### LISTENING SESSION SUMMARY

#### Recreational Groundfish Party/Charter Fishery -Limited Access Program

May 8, 2019

Hampton Inn

10 Plaza Way

Plymouth, MA

The Council held a series of listening sessions to solicit public comment on whether it should develop a limited access program for the recreational party/charter boat fishery for the Northeast Multispecies (Groundfish) Fishery Management Plan, under the authority of the Magnuson-Stevens Fishery Conservation and Management Act.

**Meeting Attendance:** Rick Bellavance (Priority Fishing Charters/RI Party and Charter Association/NEFMC), Scott Steinback (NMFS), Greg Ardini (NMFS), Melanie Griffin (MA DMF), Justine Grassey (Commercial Fisherman), Doug Bankert (Commercial Fisherman), Tim Brady (Capt. Tim Brady and Sons/MA Marine Fisheries Advisory Commission), Michael Pierdinock (Stellwagen Bank Charter Boat Association), Libby Etrie (NEFMC), and Mark Grant (NMFS). The following NEFMC members and staff were also in attendance: Terry Stockwell (Groundfish Committee Chair), Jamie Cournane, PhD (Council Staff), and Robin Frede (Council Staff).

*The listening session began at approximately 6:05 pm.*

Terry Stockwell, Chair of the Groundfish Committee, began the meeting with a brief introduction, explaining the purpose of this listening session and options on how to provide comments. Dr. Jamie Cournane gave a brief presentation reviewing *why* the Council is taking action, *what* action has already been taken (control date of March 19, 2018), *what* comments should address, *how* to submit public comments, and next steps.

One attendee asked a clarifying question about the number of permitted for-hire vessels in 2010 and today, and how many are fishing north of the 42-degree line/western Gulf of Maine. Table 2 in the background document only includes active permits that both hold a groundfish party/charter permit *and* have taken at least one groundfish trip (as indicated by vessel trip report [VTR]). There were 511 and in 2010, and 346 in 2018; however, these are not separated by geography.

#### **Comments:**

**Mr. Pierdinock**, board of directors, Stellwagen Bank Charter Boat Association, commented that some head boat captains who fish in the western Gulf of Maine (GOM) would like to see



something done, and others do not. It is the zero cod possession that is driving decisions, especially those fishing north of 42-degrees in western GOM who have been affected by zero cod possession. He provided an example of what happened with the commercial groundfish vessels in the south shore [of Massachusetts] to demonstrate how zero cod possession affected their history, and when the quotas were allocated, they were on the wrong side of the fence. He is concerned this might happen to the recreational for-hire fleet. Mr. Pierdinock commented that if cod come back, and the fishery goes back up to 511 boats, the fishing pressure will be too great, and then we may face significant cutbacks or another shutdown. He recommended trying to do something to prevent this scenario.

Later, Mr. Pierdinock commented that many valid points have been presented tonight, and this is why Stellwagen Bank Charter Boat Association has not taken a position. There are members who are for it, and those who are against.

**Mr. Brady**, operates a small head boat out of Plymouth, and is a member of the Massachusetts Marine Fisheries Advisory Commission, commented that the fleet has been decimated by zero cod possession. He has seen how implementation of individual transferable quotas (ITQs) and catch shares have affected the spawning biomass of cod when the commercial fleet no longer had trip limits. He has been fishing for over 40-years, and in the last 8-10 years since ITQs, they have been hanging on by a thread. His constituency of the Massachusetts for-hire fleet is split as far as establishing limited access, and there are questions about whether they will be able to keep one cod or not. Mr. Brady commented that north of the Chatham line needs help or there won't be any charter boats left.

**Ms. Grasse**y, runs a boat out of Plymouth, commented that she just got her captain's license and would like to run her own charter boat business, though she is concerned that the control date and a limited access program might affect her ability to start a business. She does not support a program that introduces further restrictions. Ms. Grasse commented that this decision should be focused on scientific data, and not just reducing competition among charter businesses. The consumers should have the right to make a choice about which business they support.

**Mr. Bankert**, commercial fishermen, commented that he has seen charter/party boats out there for the last 40-years, and they are using cod as a reason for why the fleet size has decreased. He said charter boat companies should diversify their businesses and target other species, like haddock, hake, bass or bluefish, of which, there are plenty. He has seen this coming since 2000 when cod were being hammered and there weren't many charter vessels in the south shore of Massachusetts, and then the number of vessels increased and now there are no cod.

*The listening session adjourned at approximately 6:30 PM*



## 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*

### LISTENING SESSION SUMMARY

#### Recreational Groundfish Party/Charter Fishery - Limited Access Program

May 9, 2019

Sawyer Free Library

2 Dale Ave

Gloucester, MA

The Council held a series of listening sessions to solicit public comment on whether it should develop a limited access program for the recreational party/charter boat fishery for the Northeast Multispecies (Groundfish) Fishery Management Plan, under the authority of the Magnuson-Stevens Fishery Conservation and Management Act.

**Meeting Attendance:** Mark Godfroy (Head boat owner/NEFMC), Melanie Griffin (MA DMF), Caleb Gilbert (NMFS), Kalil Boghdan, Jeffrey Klein (Charter boat operator/commercial fisherman), and Kevin O'Maley (CB Charters). The following NEFMC members and staff were also in attendance: Terry Stockwell (Groundfish Committee Chair), Jamie Cournane, PhD (Council Staff), and Robin Frede (Council Staff).

*The listening session began at approximately 6:00 pm.*

Terry Stockwell, Chair of the Groundfish Committee, began the meeting with a brief introduction, explaining the purpose of this listening session and options on how to provide comments. Dr. Jamie Cournane gave a brief presentation reviewing *why* the Council is taking action, *what* action has already been taken (control date of March 19, 2018), *what* comments should address, *how* to submit public comments, and next steps.

One attendee asked a clarifying question about how the control date works, and when the last control date was before the March 2018 refresh.

#### **Comments:**

**Mr. Klein** has been fishing for 35 years, in both the commercial and charter/head boat fisheries, and is against limited access. He commented that limited access presents a financial issue for new entrants, as permits get sold and traded. Younger people (less than 30) can't gain entry into the fishery without a large financial loss. He recommended NMFS address this issue by enforcing illegal charters in Gloucester, Green Harbor and elsewhere.

Limited access eliminates people from the fishery, which already happens naturally when people leave if they can't make money. While Mr. Klein would be grandfathered into a limited access

program, he knows people who worked previously on their father's boat, who would have to give their own permits away if their family permits don't qualify as part of a limited access program. He shared an example of being eliminated from the Alaska halibut and sablefish individual transferable quota (ITQ) because the program did not include captain or crew shares (only owner shares).

Mr. Klein commented that he speaks for a dozen boat owners in Gloucester, and has encouraged them to submit comments. He attends many Council meetings and prefers evening meetings as he can still work during the day, and commented that many others cannot afford the time off or the travel involved with attending meetings. He further commented that there is a difference between those fishing part-time (30 days on the water) vs. those fishing full time (200-250 days on the water), yet everyone could potentially get the same limited access permit. Mr. Klein mentioned he would take his comments up with the Recreational Advisory Panel.

*The listening session adjourned at approximately 6:20 PM*



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

### LISTENING SESSION SUMMARY

#### Recreational Groundfish Party/Charter Fishery - Limited Access Program May 10, 2019 Webinar

The Council held a series of listening sessions to solicit public comment on whether it should develop a limited access program for the recreational party/charter boat fishery for the Northeast Multispecies (Groundfish) Fishery Management Plan, under the authority of the Magnuson-Stevens Fishery Conservation and Management Act.

**Meeting Attendance:** Michelle Duvall, Earl Meredith, Dan Caless, Julia Beaty, John Maniscalco, and Barry Gibson<sup>1</sup> (Vice Chair of the Recreational Advisory Panel). The following NEFMC members and staff were also in attendance: Terry Stockwell (Groundfish Committee Chair), Jamie Cournane, PhD (Council Staff), and Jessica Joyce (Contractor, Tidal Bay Consulting).

*The listening session began at approximately 1:00 pm.*

Terry Stockwell, Chair of the Groundfish Committee, began the webinar with a brief introduction, explaining the purpose of this listening session and options on how to provide comments. Dr. Jamie Cournane gave a brief presentation reviewing *why* the Council is taking action, *what* action has already been taken (control date of March 19, 2018), *what* comments should address, *how* to submit public comments, and next steps.

#### **Comments:**

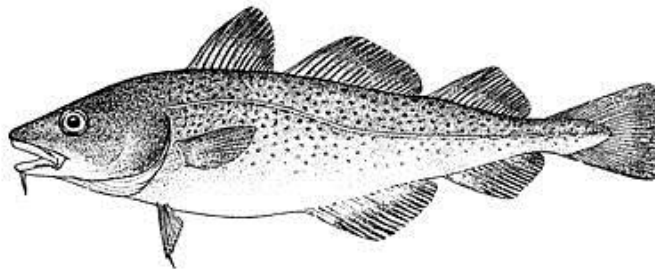
**Mr. Meredith** commented that he hopes the Council has a policy or procedure that provides opportunities for new participants to enter into a limited access fishery as fisheries recover. He mentioned that a control date may block new participants, and it's important to allow new people to participate as the fisheries recover.

*The listening session adjourned at approximately 1:14 pm.*

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<sup>1</sup> Mr. Gibson wrote to Council staff that he had technical difficulties with the webinar. This could have impacted his ability to comment during the webinar.

**BACKGROUND DOCUMENT**  
**for**  
**Public Listening Sessions for**  
**Possible Limited Access Program for**  
**the Recreational Party/Charter Fishery**  
**in the**  
**Northeast Multispecies (Groundfish)**  
**Fishery Management Plan**



Prepared by the  
New England Fishery Management Council

## Schedule of Public Listening Sessions for the Recreational Northeast Multispecies (Groundfish) Party and Charter Fishery

The Council scheduled 8 listening sessions, one of which is a webinar (see below).

<u>Date and Time</u>	<u>Location</u>
<b>Thursday, April 4, 2019</b> <b>5:45 p.m. – 7:45 p.m.</b>	Seabrook Public Library, 25 Liberty Lane, Seabrook, New Hampshire, Telephone: (603) 474-2044
<b>Monday, April 8, 2019</b> <b>6:00 p.m. – 8:00 p.m.</b>	Icona Golden Inn, 7849 Dune Drive, Avalon, New Jersey Telephone: (609) 368-5155 (same location the Mid-Atlantic Fishery Management Council Meeting is being held)
<b>Thursday, April 18, 2019</b> <b>5:45 p.m. – 7:45 p.m.</b>	Wells Public Library, 1434 Post Road, Wells, Maine Telephone: (207) 646-8181
<b>Tuesday, April 23, 2019</b> <b>6:00 p.m. – 8:00 p.m.</b>	Corless Auditorium, University of Rhode Island, Graduate School of Oceanography, 215 South Ferry Road, Narragansett, RI 02882 Telephone: (401) 874-6222
<b>Tuesday, May 7, 2019</b> <b>6:00 p.m. – 8:00 p.m.</b>	Chatham Community Center, 702 Main Street, Chatham, Massachusetts 02633 Telephone: (508) 945-5175
<b>Wednesday, May 8, 2019</b> <b>6:00 p.m. – 8:00 p.m.</b>	Hampton Inn, 10 Plaza Way, Plymouth, Massachusetts Telephone: (508) 747-5000
<b>Thursday, May 9, 2019</b> <b>5:45 p.m. – 7:45 p.m.</b>	Sawyer Free Library, 2 Dale Avenue, Gloucester, Massachusetts Telephone: (978) 281-9763
<b>Friday, May 10, 2019</b> <b>1:00 p.m. – 3:00 p.m.</b>	Webinar Session Register to participate: <a href="https://attendee.gotowebinar.com/register/8873736532644639746">https://attendee.gotowebinar.com/register/8873736532644639746</a> Call in info: +1 (213) 929-4232 Access Code: 494-243-526

You may attend any of the above listening sessions to provide oral comments, or you may submit written comments by:

- Fax: (978) 465-3116;
- Email: [comments@nefmc.org](mailto:comments@nefmc.org)
- Mail at the address below.

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

The comment deadline is 5 p.m. EST, Friday, May 17, 2019.

Please note on your correspondence; “Listening Sessions for the Recreational Northeast Multispecies (Groundfish) Party and Charter Fishery”



**NEW ENGLAND FISHERY MANAGEMENT COUNCIL**  
**SEEKS YOUR COMMENTS ON THE MANAGEMENT OF THE**  
**NORTHEAST MULTISPECIES (GROUNDFISH) FISHERY**

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***Your comments  
are invited***

The New England Fishery Management Council (Council) is considering the possibility of developing an amendment to the Fishery Management Plan (FMP) for Northeast Multispecies (Groundfish) under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

The Council seeks comments from the public on the management of the recreational groundfish fishery.

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***Why is the  
Council seeking  
public input?***

The Council is seeking public input on the possibility of initiating an amendment to develop a limited access program for the recreational groundfish party and charter fishery. The Council heard from some recreational fishery participants indicating interest in developing a program, while others in the fishery did not agree with pursuing a program. Given this split in views, the Council seeks feedback from the public on interest in developing a program, in order to assist the Council in deciding how to proceed.

This background document is to inform you of the Council's intent to gather information necessary to help decide if the Council would initiate an amendment for recreational fisheries management in the groundfish fishery. At this stage in the process, the Council is undecided on how to proceed.

***What actions have already been taken?***

In January 2018 at its first meeting of the year, the Council recommend refreshing the control date in the party/charter fishery. The control date in the party/charter fishery was refreshed to March 19, 2018 (<https://www.gpo.gov/fdsys/pkg/FR-2018-03-19/pdf/2018-05505.pdf>).

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***Background***

The following section summarizes some background information regarding: 1) the control date in the recreational fishery, 2) recent trends in landings and effort, 3) recreational allocations, 4) recreational catch performance, 5) stock status of groundfish stocks, and 6) summary of current management measures.

## **Background Information**

### ***1. The control date in the recreational fishery***

The control date in the party/charter fishery was refreshed to March 19, 2018 (from March 30, 2006). Briefly, the current “control date” is March 19, 2018 and may be used for establishing eligibility criteria for determining levels of future access to the charter/party fishery subject to Federal authority. The control date is intended to discourage speculative entry into the party/charter Northeast multispecies (groundfish) fishery while controlled access restrictions are considered by the Council.

The control date will help to distinguish established participants from speculative entrants to the fishery. Although entering the fishery before the control date will not ensure fishing vessels of future access to the Northeast multispecies resource as the Council may apply additional and/or other qualifying criteria. The Council may choose different and variably weighted measures to qualify participants based on the type and length of participation in the party/charter Northeast multispecies fishery.

Consideration of a control date does not commit the Council or NMFS to develop any particular management system or criteria for participation in this fishery. The Council may choose a different control date, or may choose a management program that does not make use of such a date. Fishers are not guaranteed future participation in the fishery, regardless of their entry dates or level of participation in this fishery before or after the control date. The Council may choose to give variably weighted consideration to fishers active in the fishery before and after the control date.

The Council may also choose to take no further action to control entry or access to the fishery, in which case the control date may be rescinded. Any action by the Council will be taken pursuant to the requirements for the development of fishery management plan amendments established under the MSA.



## 2. Recent trends in landings and effort

**Table 1- Number of fish kept for groundfish and non-groundfish by state for groundfish party and charter permitted vessels, for fishing years 2010 to 2018. \*Other includes CT, DE, MD, NC, SC, and VA. Source: Vessel trip reports, FY2010 to in-season FY2018 (as of February 15, 2019).**

<b>Year</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
<b>Groundfish</b>	<b>585,055</b>	<b>431,127</b>	<b>372,032</b>	<b>379,231</b>	<b>219,028</b>	<b>217,113</b>	<b>283,852</b>	<b>273,773</b>	<b>265,046</b>
MA	250,289	172,998	153,877	160,739	86,233	62,449	126,234	107,572	84,155
ME	60,111	31,784	31,239	38,461	27,225	24,720	30,718	27,043	20,161
NH	183,345	168,040	164,410	168,350	85,212	88,796	99,621	122,295	125,782
NJ	12,255	14,049	2,339	2,677	9,570	11,532	6,140	6,800	7,537
NY	58,538	17,726	11,216	6,343	6,822	15,936	13,043	6,550	6,893
OTHER*	2,873	16,460	946	249	900	2,514	1,717	1,400	19,341
RI	17,644	10,070	8,005	2,412	3,066	11,166	6,379	2,113	1,177
<b>Non-Groundfish</b>	<b>1,766,237</b>	<b>2,030,042</b>	<b>2,215,307</b>	<b>1,788,746</b>	<b>1,906,441</b>	<b>1,877,429</b>	<b>1,965,914</b>	<b>2,030,761</b>	<b>1,991,327</b>
MA	212,417	198,148	238,709	205,638	232,583	202,353	96,487	119,527	115,278
ME	11,568	9,174	9,087	10,724	12,651	13,546	15,375	11,438	5,540
NH	86,450	177,879	171,167	103,990	150,096	116,442	107,424	128,782	54,295
NJ	545,502	650,710	726,793	474,129	443,121	475,863	440,475	538,273	511,673
NY	533,660	566,798	638,721	588,674	599,190	690,615	810,556	839,570	664,640
OTHER*	280,142	327,725	331,209	323,368	378,037	285,801	406,237	329,862	561,157
RI	96,498	99,608	99,621	82,223	90,763	92,809	89,360	63,309	78,744
<b>Grand Total</b>	<b>2,351,292</b>	<b>2,461,169</b>	<b>2,587,339</b>	<b>2,167,977</b>	<b>2,125,469</b>	<b>2,094,542</b>	<b>2,249,766</b>	<b>2,304,534</b>	<b>2,256,373</b>

*Table 2 - Count of the number of active party and charter groundfish permits by homeport state, fishing year 2000 to 2018. Other includes DE, NC, and SC. "Active" is defined as taking any party or charter trip among those groundfish party or charter permit holders independent of what was caught. Source: Vessel trip reports and permit database. A vessel is included if they 1) have a groundfish party or charter permit (Category I) and 2) took at least 1 party or charter trip, as indicated on the vessel trip report (as of February 8, 2019).*

<b>Fishing Year</b>	<b>MA</b>	<b>ME</b>	<b>NJ</b>	<b>NY</b>	<b>RI</b>	<b>CT</b>	<b>MD</b>	<b>NH</b>	<b>VA</b>	<b>OTHER</b>	<b>GRAND TOTAL</b>
2000	78	16	107	101	29	10	3	13	17	36	<b>410</b>
2001	90	14	113	89	32	15	5	21	18	26	<b>423</b>
2002	107	17	97	94	32	14	3	23	19	27	<b>433</b>
2003	111	18	101	95	29	14	5	27	17	23	<b>440</b>
2004	107	17	100	95	30	12	4	24	15	23	<b>427</b>
2005	105	16	95	90	30	14	8	17	15	50	<b>440</b>
2006	98	22	119	82	46	16	14	20	18	52	<b>487</b>
2007	92	22	117	91	48	17	12	22	17	56	<b>494</b>
2008	95	22	115	93	47	17	20	21	19	52	<b>501</b>
2009	93	23	112	104	48	17	13	22	16	49	<b>497</b>
2010	103	23	124	100	48	17	14	21	18	43	<b>511</b>
2011	95	23	107	92	40	16	12	20	13	36	<b>454</b>
2012	88	22	105	97	39	15	13	19	11	35	<b>444</b>
2013	79	24	97	93	39	14	10	23	9	38	<b>426</b>
2014	68	23	93	93	35	12	10	24	9	33	<b>400</b>
2015	58	24	94	91	30	11	12	20	11	28	<b>379</b>
2016	51	19	78	84	31	11	10	16	12	25	<b>337</b>
2017	52	17	74	83	29	13	12	14	13	24	<b>331</b>
2018	54	18	89	82	30	12	4	16	12	29	<b>346</b>

### ***3. Recreational allocations***

Amendment 16 (A16) allocated Gulf of Maine cod and Gulf of Maine haddock between the recreational and commercial fisheries. The allocation of Gulf of Maine cod and Gulf of Maine haddock was based on data from 2001-2006 for numbers of fish landed, resulting in 33.7% and 27.5% of the acceptable biological catch (ABC) to the recreational fishery, respectively.

Briefly, A16 established that when an allocation is made between to commercial and recreational groundfish fisheries:

- An allocation will be made of certain regulated groundfish stocks to the commercial and recreational components of the fishery.
- An allocation will be determined after accounting for state waters catches taken outside of the fishery management plan.
- An allocation will not be made in the case of stocks that are not fully harvesting the annual catch limit (ACL).
- An allocation will also not be made if the recreational harvest, after accounting for state waters catches outside the management plan, is less than five percent of the removals.

The steps for determining an allocation are also outlined in A16, such that:

- A defined time period will be used to calculate the allocation.
- When possible, the shares will be determined by using the numbers of fish in the years caught (as used by the assessment: harvested, landed, or discarded) by each component. The shares determined in this manner will be applied to the ACL to determine the weight of catch available for each component.
- If the number of fishes caught by each component is not available, the shares will be calculated based on weight.
- The proportion for each year will be calculated, and then the average proportion over the time period will be the share for each component of the fishery.
- The proportions will be reviewed consistent with the periodic assessment cycle, and if determined necessary, changes can be implemented through a framework action.

Separate management measures by fishing mode (e.g., private, charter, party) are also allowed.

### ***4. Recreational catch performance***

The following table summaries recreational catch performance and management history for Gulf of Maine cod and Gulf of Maine haddock, since A16.

*Table 3- Summary of Gulf of Maine cod recreational catch performance and federal management (fishing years 2010–2018).*

<b>Fishing Year</b>	<b>Sub-Annual Catch Limit (mt)</b>	<b>Catch (mt)</b>	<b>Percent of catch limit taken (%)</b>	<b>Minimum Size (inches)</b>	<b>Bag Limit Fish per angler - daily</b>	<b>Season Open</b>	<b>Season Closed</b>	<b>Additional Measures/Notes</b>
2010	2,673	1506.9	56.4	24	10	5/1/10 to 10/31/10 and 4/16/11 to 4/30/11	11/1/10 to 4/15/11	First year of sub-ACL 33.7% of ACL  <b>Groundfish Regulations:</b> Only one line per angler, and Fillets landed by private recreational and charter/party vessels must have at least 2 sq. inches (5.08 sq. cm) of contiguous skin that allows for the ready identification of the fish species. Such fillets are required to be from legal-sized fish, but the fillets themselves would not need to meet the minimum size requirements in the regulations.
2011	2,824	1640.3	58.1	24	10	5/1/11 to 10/31/11 and 4/16/12 to 4/30/12	11/1/11 to 4/15/12	First Year: Gulf of Maine (Whaleback) Cod Spawning Protection Area: From April 1 through June 30 of each year, all recreational vessels, including private recreational and charter/party vessels, may only use pelagic hook-and-line gear, as defined below, when fishing in the Whaleback Cod Spawning Protection Area. <sup>1</sup>

<sup>1</sup> **Pelagic hook-and-line gear** is defined as handline or rod and reel gear that is designed to fish for, or that is being used to fish for, pelagic species. No portion of this gear may be operated in contact with the bottom at any time.

**Possession Restrictions:** Any vessel fishing in the Gulf of Maine Whaleback Cod Spawning Protection Area, or the Winter Massachusetts Bay Spawning Protection Area, including pelagic hook-and-line gear by recreational vessels, is prohibited from possessing or retaining regulated species or ocean pout from April 1 through June 30 of each year.

**Transiting:** Recreational vessels are allowed to transit the Gulf of Maine Cod Spawning Protection Area, and Winter Massachusetts Bay Spawning Protection Area provided all gear is stowed in accordance with the regulations.

<b>Fishing Year</b>	<b>Sub-Annual Catch Limit (mt)</b>	<b>Catch (mt)</b>	<b>Percent of catch limit taken (%)</b>	<b>Minimum Size (inches)</b>	<b>Bag Limit Fish per angler - daily</b>	<b>Season Open</b>	<b>Season Closed</b>	<b>Additional Measures/Notes</b>
2012	2,215	937.4	42.3	19	9	5/1/12 to 10/31/12 and 4/16/13 to 4/30/13	11/1/12 to 4/15/13	
2013	486	639.3	131.5	19	9	5/1/13 to 10/31/13 and 4/16/14 to 4/30/14	11/1/13 to 4/15/14	
2014	486	623.3	128.3	21	9	5/1/14 to 8/31/14 and 4/15/14 to 4/30/14	9/1/14 to 4/14/15	Replaced by interim action on 11/15/14
				n/a	0	closed	11/15/14 to 4/30/15	2014 interim action: Seasonal 30-minute block closures, no recreational gear capable of catching groundfish in closures
2015	121	84.5	69.8	n/a	0	Closed year-round		Interim action Seasonal closures removed on 5/1/16
2016	157	280.9	178.9	24	1	8/1/16 to 9/30/16	5/1/16 to 7/31/16 and 10/1/16 to 4/30/17	
2017	157			24	1	8/1/17 to 9/30/17	5/1/17 to 7/31/17	Replaced by final rule effective on 7/27/17

<b>Fishing Year</b>	<b>Sub-Annual Catch Limit (mt)</b>	<b>Catch (mt)</b>	<b>Percent of catch limit taken (%)</b>	<b>Minimum Size (inches)</b>	<b>Bag Limit Fish per angler - daily</b>	<b>Season Open</b>	<b>Season Closed</b>	<b>Additional Measures/Notes</b>
		245.4	156.3	n/a	0		and 10/1/18 to 4/30/18	
2018	220			n/a	0	Closed year-round	Closed year-round	First Year: Winter Massachusetts Bay Spawning Protection Area: From November 1 through January 31 of each year, all recreational vessels, including private recreational and charter/party vessels, may only use pelagic hook-and-line gear, as defined below, when fishing in the Winter Massachusetts Bay Spawning Protection Area. <sup>1</sup>
2019	220			n/a	0	<i>Closed year-round</i>		<i>Previous year's regulations stay in place unless replaced through Council/NMFS recreational management measure process</i>

*Table 4 - Summary of Gulf of Maine haddock recreational catch performance and federal management (fishing years 2010–2018).*

<b>Fishing Year</b>	<b>Sub-Annual Catch Limit (mt)</b>	<b>Catch (mt)</b>	<b>Percent of catch limit taken (%)</b>	<b>Minimum Size (inches)</b>	<b>Bag Limit Fish per angler - daily</b>	<b>Season Open</b>	<b>Season Closed</b>	<b>Additional Measures/Notes</b>
2010	324	297.4	91.8	18	no limit		n/a	First year of sub-ACL 27.5% of ACL  Groundfish Regulations: Only one line per angler, and Fillets landed by private recreational and charter/party vessels must have at least 2 sq. inches (5.08 sq. cm) of contiguous skin that allows for the ready identification of the fish species. Such fillets are required to be from legal-sized fish, but the fillets themselves would not need to meet the minimum size requirements in the regulations.
2011	308	238.5	77.4	18	no limit	5/1/11 to 1/5/12	n/a	First Year: Gulf of Maine (Whaleback) Cod Spawning Protection Area: From April 1 through June 30 of each year, all recreational vessels, including private recreational and charter/party vessels, may only use pelagic hook-and-line gear, as defined below, when fishing in the Whaleback Cod Spawning Protection Area. <sup>1</sup>
				19	9	1/6/12 to 4/19/12	n/a	Accountability Measure (AM) for 2010 overage
				18	no limit	4/20/12 to 4/30/12	n/a	AM lifted after re-evaluation of data showing no 2010 overage
2012	259	280.7	108.4	18	no limit		n/a	
2013	74	231.5	312.2	21	no limit		n/a	

<b>Fishing Year</b>	<b>Sub-Annual Catch Limit (mt)</b>	<b>Catch (mt)</b>	<b>Percent of catch limit taken (%)</b>	<b>Minimum Size (inches)</b>	<b>Bag Limit Fish per angler - daily</b>	<b>Season Open</b>	<b>Season Closed</b>	<b>Additional Measures/Notes</b>
2014	173	658.6	380.7	21	3	5/1/14 to 8/31/14 and 11/1/14 to 2/28/15	9/1/14 to 10/31/14 and 3/1/15 to 4/30/15	<i>See Cod interim action</i>
2015	372	381.9	102.7	17	3	5/1/15 to 8/31/15 and 11/1/15 to 2/29/16	9/1/15 to 10/31/15 and 3/1/16 to 4/30/16	
2016	928	887.0	95.6	17	15	5/1/16 to 2/28/17 and 4/15/17 to 4/30/17	3/1/17 to 4/14/17	
2017	1,160			17	15	5/1/17 to 2/28/18 and 4/15/18 to 4/30/18	3/1/18 to 4/14/18	Replaced by final rule effective 7/27/17



<b>Fishing Year</b>	<b>Sub-Annual Catch Limit (mt)</b>	<b>Catch (mt)</b>	<b>Percent of catch limit taken (%)</b>	<b>Minimum Size (inches)</b>	<b>Bag Limit Fish per angler - daily</b>	<b>Season Open</b>	<b>Season Closed</b>	<b>Additional Measures/Notes</b>
		795.0	68.5	17	12	5/1/17 to 9/16/17 and 11/1/17 to 2/28/18 and 4/15/18 to 4/30/18	9/17/17 to 10/31/17 and 3/1/18 to 4/14/18	
2018	3,358			17	12	5/1/18 to 9/16/18 and 11/1/18 to 2/28/19 and 4/15/19 to 4/30/19	9/17/18 to 10/31/18 and 3/1/19 to 4/14/19	First Year: Winter Massachusetts Bay Spawning Protection Area: From November 1 through January 31 of each year, all recreational vessels, including private recreational and charter/party vessels, may only use pelagic hook-and-line gear, as defined below, when fishing in the Winter Massachusetts Bay Spawning Protection Area. <sup>1</sup>
2019	3,194			17	12	5/1/19 to 9/16/19 and 11/1/19 to 2/28/20 and 4/15/20 to 4/30/20	9/17/19 to 10/31/19 and 3/1/20 to 4/14/20	<i>Previous year's regulations stay in place unless replaced through Council/NMFS recreational management measure process</i>

5. *Stock status of groundfish stocks*

<b>Regulated Groundfish Stock</b>	<b>Overfishing</b>	<b>Overfished</b>
Georges Bank cod	<i>Yes</i>	<i>Yes</i>
Gulf of Maine cod	<i>Yes</i>	<i>Yes</i>
Georges Bank haddock	No	No
Gulf of Maine haddock	No	No
Georges Bank yellowtail flounder	<i>Yes</i>	<i>Yes</i>
Southern New England/Mid-Atlantic yellowtail flounder	<i>Yes</i>	<i>Yes</i>
Cape Cod/Gulf of Maine yellowtail flounder	<i>Yes</i>	<i>Yes</i>
American plaice	No	No
Witch flounder	Unknown	<i>Yes</i>
Georges Bank winter flounder	No	No
Gulf of Maine winter flounder	No	Unknown
Southern New England/Mid-Atlantic winter flounder	No	<i>Yes</i>
Acadian redfish	No	No
White hake	No	No
Pollock	No	No
Northern windowpane flounder	No	<i>Yes</i>
Southern windowpane flounder	No	No
Ocean pout	No	<i>Yes</i>
Atlantic halibut	No	<i>Yes</i>
Atlantic wolffish	No	<i>Yes</i>

6. *Summary of current management measures*

See attachment #1 – Northeast Multispecies Information Sheet: Charter/Party and Recreational Fishing, GARFO, May 1, 2018.

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***Why should I comment?***

The listening sessions are an opportunity for members of the public to raise issues and concerns for the Council to consider for a possible limited access program for the recreational party/charter fishery. The Council needs your input to identify important issues. Your comments will help the Council address your concerns more thoroughly and ensure consideration to address this important issue.

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***What should my comments address?***

Management measures developed by the Council and implemented by NMFS must comply with all applicable Federal laws and Executive Orders. In particular, management measures must comply with ten National Standards specified in the MSA.

During the listening sessions, the Council is particularly seeking comments regarding a possible limited access program for the recreational party/charter fishery. While your comments may address any aspect of a possible limited access program, the Council is seeking your input on the following:

- **Goals and Objectives** – What would the goals and objectives of a limited access program be?
- **Definitions-** Would limited entry apply to all or a portion of the fleet? How would groundfish recreational for-hire be defined?
- **Permits/Vessels** - What would happen to the permits? Permits are attached to the vessel. Would the permits/vessels have value or no value when sold? Would there be any restrictions placed on permits/vessels? Can a vessel have two limited access permits at the same time – i.e., a commercial limited access permit and a for-hire limited access permit? Current regulations only allow one multispecies limited access permit per vessel. Should the for-hire fleet be all limited access, or should there be an open access component with other constraints? Should there be vessel upgrade restrictions? If so, what should they be based on: vessel characteristics (e.g., vessel horsepower, gross tonnage, or number of passengers)?
- **Measures-** What range of management measures would be considered for limited entry? Would the range include catch shares? Will there be a separate party/charter allocation?
- **History-** How will history be used – would it be simple or complex? For example, history could be based on the number of trips, the number of passengers, or the amount of catch – by species/stock. History could be based on permit or permit holder. For example, if my permit #1 fished before the control date but I let that lapse and now have permit #2 that only fished after the control date, can my permit #1 history be used to qualify permit #2? How will changes in management be considered (e.g., no possession of Gulf of Maine cod)? What other qualifying criteria may be considered?
- **New Entrants** - What opportunities will there be for new entrants?

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***What is the process?***

The Council, its Recreational Advisory Panel, Groundfish Committee, and Groundfish Plan Development Team have held preliminary public discussions on a possible limited Access program for the recreational party/charter fishery. With the publication of this listening session document and an announcement in the *Federal Register* of the Council's intent to consider a possible limited access program for the recreational party/charter fishery, public comment will be accepted until May 17, 2019, and 8 listening sessions will be held to provide additional opportunity for input from the public (see meeting dates and locations on the back of the cover page).

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***What is the process (cont.)?***

After information is gathered through the listening sessions, the Groundfish Committee will consider possibly recommending to the Council an initiation of an amendment, with input from the Recreational Advisory Panel and Groundfish Plan Development Team, through a series of public meetings during 2019.

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***How do I comment?***

The Council is scheduling 8 listening sessions, including one webinar (see location and dates of meetings on the back of the cover page). You may attend any of the listening sessions to provide oral comments, or you may submit comments by email to [comments@nefmc.org](mailto:comments@nefmc.org), or written comments by 5 p.m. EST, May 17, 2019:

Thomas A. Nies, Executive Director  
New England Fishery Management Council  
50 Water Street, Mill #2  
Newburyport, MA 01950  
Fax: (978) 465-3116

Please note on your correspondence; "Listening Sessions for Possible Limited Access Program for the Recreational Party/Charter Fishery." Comments may also be accepted via fax at the above fax number.

If you wish to be on the mailing list for future meetings of Groundfish Committee, please contact the Council office at 978-465-0492.

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## Northeast Multispecies Information Sheet Charter/Party and Recreational Fishing



This summary provides a broad overview of restrictions and requirements; it is not a substitute for the regulations. You are strongly encouraged to read the regulations in conjunction with this information sheet to fully understand how this fishery is managed. Most measures described here may be found at 50 CFR 648.88 and § 648.89. Others are set annually.

### Introduction:

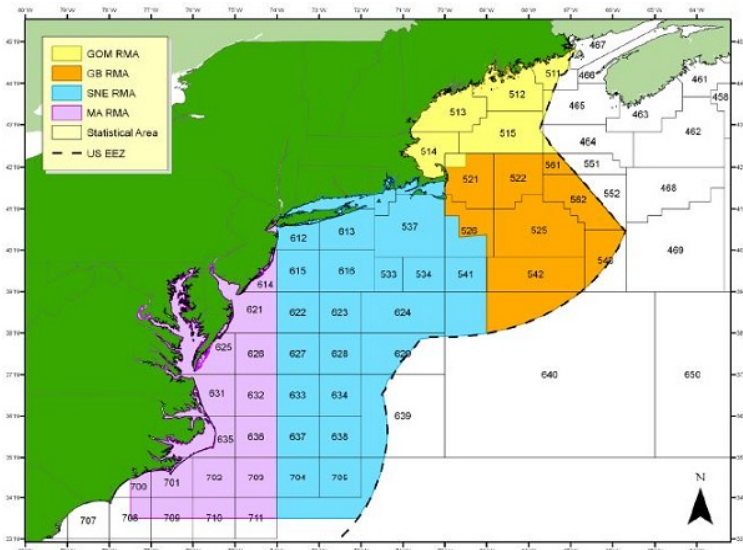
The following measures apply to private recreational fishing vessels in the exclusive economic zone (EEZ, typically 3-200 miles from shore), Federal charter/party permitted vessels, and Federal Northeast (NE) multispecies permitted vessels fishing under the charter/party or recreational regulations (not fishing under a NE multispecies day-at-sea).

### Federal Minimum Fish Sizes and Possession Limits for Recreational and Charter/Party Vessels:

Species		Possession Limit	Minimum Size <sup>2</sup> (inches)	Open Season
Atlantic cod	Inside GOM RMA <sup>1</sup>	<b>NO RETENTION</b>	<b>N/A</b>	<b>CLOSED</b>
	Outside GOM RMA <sup>1</sup>	Private Boat: 10 fish per person per day Charter or Party Boat: <b>10 fish per person per day</b>	<b>23</b>	All Year
Haddock	Inside GOM RMA <sup>1</sup>	Private Boat: 12 fish per person per day Charter or Party Boat: 12 fish per person per day	17	May 1 – September 16 November 1 – February 28 and April 15 – April 30
	Outside GOM RMA <sup>1</sup>	Private Boat: Unlimited Charter or Party Boat: Unlimited	18	All Year
Atlantic halibut		1 fish per <b>vessel</b> per trip	41	All Year
Pollock		Unlimited	19	All Year
Witch flounder (gray sole)		Unlimited	14	All Year
Yellowtail flounder		Unlimited	13	All Year
American plaice (dab)		Unlimited	14	All Year
Winter flounder (blackback)		Unlimited	12	All Year
Redfish (ocean perch)		Unlimited	9	All Year
Offshore hake, red hake, white hake, and silver hake (whiting)		Unlimited	None	All Year
Atlantic wolffish, windowpane flounder, ocean pout		<b>NO RETENTION</b>	<b>N/A</b>	<b>CLOSED</b>

<sup>1</sup>Gulf of Maine (GOM) Regulated Mesh Area (RMA): See figure below. <sup>2</sup>Minimum size is measured as total length.

### Regulated Mesh Areas



The GOM RMA is bounded on the east and south by a line connecting the following points:

Point	N. Latitude	W. Longitude
G1	(1)	(1)
G2	43° 58'	67° 22'
G3	42° 53.1'	67° 44.4'
G4	42° 31'	67° 28.1'
CII3	42° 22'	67° 20'
G6	42° 20'	67° 20'
G7	42° 20'	69° 30'
G8	42° 00'	69° 30'
G9	42° 00'	(2)

<sup>1</sup>The intersection of the shoreline and the U.S.-Canada Maritime Boundary.

<sup>2</sup>The intersection of the Cape Cod, MA, coastline and 42°00' N. lat.

## **ALL VESSELS:**

### **Federal and State Regulations:**

State recreational fishing regulations may differ from the Federal regulations. Please consult with your state to determine its regulations. When Federal and state regulations both apply, vessels are bound by the most restrictive requirements.

### **Restrictions on Sale:**

It is unlawful to sell, barter, trade, or otherwise transfer for a commercial purpose, or to attempt to sell, barter, trade, or otherwise transfer for a commercial purpose, NE multispecies caught or landed by recreational fishing vessels fishing in the EEZ, or charter/party vessels not fishing under a day-at-sea.

### **Annual Catch Limits**

For two groundfish stocks (GOM cod and GOM haddock), a portion of the Annual Catch Limit (ACL) is allocated to the recreational fishery. Each year, NMFS, in consultation with the New England Fishery Management Council, adjusts management measures to ensure the recreational fishery achieves, but does not exceed its allocation.

### **Gear Restrictions:**

Each angler is limited to one line. There is no limit to the number of hooks per line per person. All other fishing gear must be properly stowed as described in the regulations.

### **Possession Restrictions:**

Fillets, or parts of fish, must have at least 2 square inches of contiguous skin that allows for identification of fish species, while possessed on board and at the time of landing.

- Vessels may possess fillets less than the minimum size specified if the fillets are taken from legal-sized fish.
- For purposes of counting fish, fillets will be converted to whole fish at the place of landing by dividing the number of fillets by two. If fish are filleted into a single (butterfly) fillet, such fillet shall be deemed to be from one whole fish.
- Haddock and cod harvested by recreational and charter/party vessels with more than one person aboard may be pooled in multiple containers. Compliance with possession limits will be determined by dividing the number of fish on board by the number of persons aboard. If there is a violation of a possession limit on board a vessel carrying more than one person, the violation shall be deemed to have been committed by the owner or operator.
- Recreational and charter/party vessels may not fish for, possess, or land any cod from the GOM. Recreational and charter/party vessels may not fish for, possess, or land any haddock from the GOM from March 1 – April 14, and September 17 – October 31. (Cod or haddock caught outside of the GOM RMA during these periods may be on board a vessel transiting the area, but only if all bait and hooks are removed from fishing rods and all cod on board have been gutted and stored, in accordance with the regulations).
- Cod and haddock must be stored so as to be readily available for inspection.
- Any trip covering 2 calendar days, and over 15 hours in duration, may possess 2 daily possession limits worth of cod or haddock. Likewise, any trip covering 3 calendar days, and over 39 hours in duration, may possess 3 times the daily limit of cod or haddock, and so on.

## **CHARTER/PARTY VESSELS:**

### **Permit Requirements:**

Charter/party vessels without a limited access NE multispecies permit that fish for or possess NE multispecies in the EEZ must obtain an open access NE multispecies charter/party permit. Vessels with a limited access NE multispecies permit do not need to obtain a charter/party permit. Such vessels, when fishing under the charter/party rules, must stow all fishing gear except rod & reel or handline gear unless further restricted by a closed area letter of authorization (LOA) described below, and must abide by the restrictions on sale described above.

### **Reporting Requirements**

All NE multispecies charter/party vessels are required to submit a vessel trip report (VTR) to the Greater Atlantic Regional Fisheries Office for each trip. You are **not** required to submit a "Did Not Fish" VTR for weeks that you do not fish.

### **Charter/Party Vessel LOA to Fish in Closed Areas:**

Vessels fishing under charter/party regulations may not fish in the GOM Cod Protection Closures, Cashes Ledge Closed Area, or the Western GOM Closed Area unless the vessel has on board the appropriate LOA issued by the Greater Atlantic Regional Fisheries Office. Restrictions apply, as stated in the LOA. LOAs are available upon request by calling the Regional Office at (978) 281-9370. Additional details on closed areas are available in a separate information sheet.

As a condition of these letters (LOA), the vessel owner must agree to restrictions, including the following:

- Fish managed by either the New England Fishery Management Council or the Mid-Atlantic Fishery Management Council that are harvested or possessed by the vessel may not be sold, bartered or traded or intended for sale, barter or trade, regardless of where caught. Species such as tuna and striped bass may be landed for sale provided the vessel has the proper permits;
- The vessel has no gear other than rod and reel or handline gear on board;
- The LOA must be carried on board the vessel during the participation period;
- Other restrictions, specific to the LOA, are explained in the LOA.

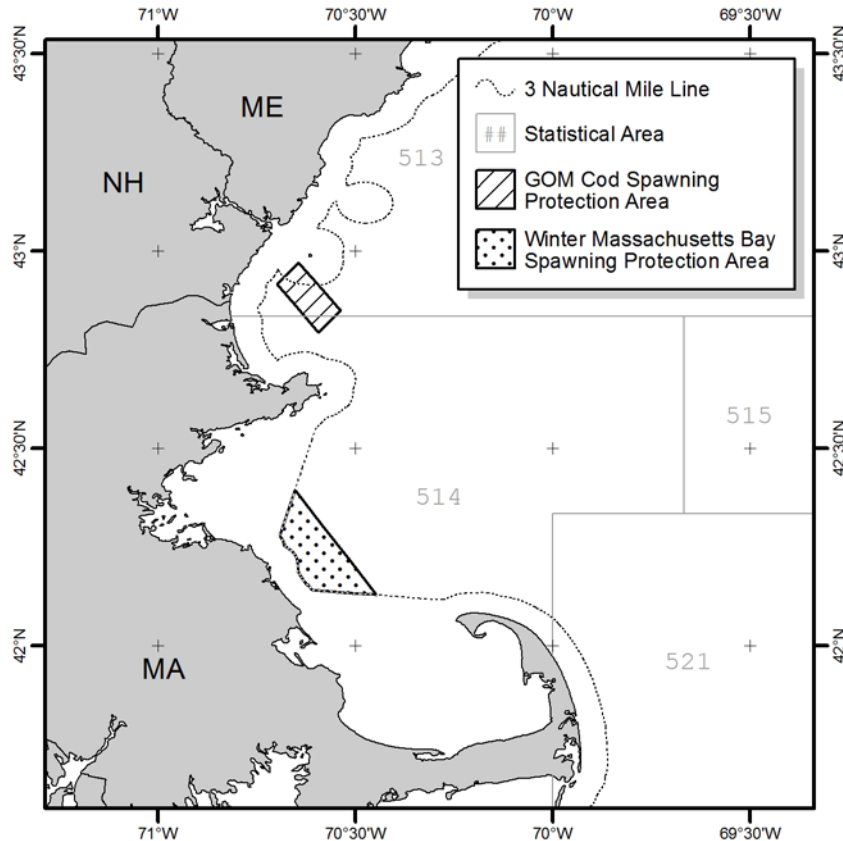
### **Prohibition on Fishing Under a Day-At-Sea While Taking Passengers for Hire:**

Charter/party vessels with a limited access NE multispecies permit are prohibited from fishing commercially when carrying passengers for hire. This provision is intended to more clearly distinguish between vessels carrying passengers for hire and other commercial fishing vessels.

### **Control Date:**

Charter/party vessel owners should be aware that a control date of March 19, 2018 has been published for the NE multispecies charter/party fishery. This date may be used for establishing eligibility criteria for determining future access to the charter/party fishery.

## SPAWNING PROTECTION AREAS



**Gear Restrictions:** The following gear restrictions apply to recreational fishing vessels fishing in the GOM Cod Spawning Protection Area and Winter Massachusetts bay Spawning Protection Area .

- GOM Cod Spawning Protection Area: From April 1 through June 30 of each year, all recreational vessels, including private recreational and charter/party vessels, may only use pelagic hook-and-line gear, as defined below, when fishing in the GOM Cod Spawning Protection Area.
- Winter Massachusetts Bay Spawning Protection Area: From November 1 through January 31 of each year, all recreational vessels, including private recreational and charter/party vessels, may only use pelagic hook-and-line gear, as defined below, when fishing in the Winter Massachusetts Bay Spawning Protection Area.

Point	N. Latitude	W. Longitude
CSPA1	42° 50.95'	70° 32.22'
CSPA2	42° 47.65'	70° 35.64'
CSPA3	42° 54.91'	70° 41.88'
CSPA4	42° 58.27'	70° 38.64'

Point	N. Latitude	W. Longitude
WSPA1	42° 23.61'	70° 39.21'
WSPA2	42° 07.68'	70° 26.79'

Pelagic hook-and-line gear is defined as handline or rod and reel gear that is designed to fish for, or that is being used to fish for, pelagic species. No portion of this gear may be operated in contact with the bottom at any time.

**Possession Restrictions:** Any recreational vessel fishing in the GOM Cod Spawning Protection Area or Winter Massachusetts Bay Spawning Protection Area is prohibited from possessing or retaining regulated species or ocean pout during the time periods defined above.

**Transiting:** Recreational vessels may transit the GOM Cod Spawning Protection Area, and Winter Massachusetts Bay Spawning Area provided all bait and hooks are removed from fishing rods. Any regulated species on board caught outside the GOM Cod Spawning Protection Area must be gutted and stored.

**LIMITED ACCESS PARTY CHARTER**

**WRITTEN COMMENTS**





May 17, 2019

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

Dear Executive Director Nies,

The American Sportfishing Association (ASA) appreciates the opportunity to provide comments to the New England Fishery Management Council (NEFMC) on the possible development of a limited access program for the recreational party/charter fishery in the Northeast Multispecies (Groundfish) Fishery Management Plan (FMP).

ASA is the nation's recreational fishing trade association and represents sportfishing manufacturers, retailers, wholesalers, and angler advocacy groups, as well as the interests of America's 49 million recreational anglers. ASA also safeguards and promotes the social, economic, and conservation values of sportfishing in America, which results in a \$125 billion per year impact on the nation's economy.

ASA is supportive of both the party/charter and private modes of this fishery because these modes work in tandem to bring sportfishing access and participation to multiple Atlantic states across the northeast. However, at this stage, ASA opposes moving forward with the development of a limited access program for the party/charter mode because we believe it will negatively impact the recreational sector without a true conservation benefit to the resource.

Developing a limited access program for the party/charter mode will require a substantial amount of time and effort given the complexity of the fishery, regulatory history, and permitting structure. Also, this approach only focuses on a fraction of the sector, and both modes are seeking more regulatory stability. It also has the likelihood to create divisiveness because of its potential to lead to separate management measures within the sector which will be extremely difficult to enforce. As a result, ASA believes other less restrictive actions could be employed to bring longer term solutions to the fishery.

For example, using a multi-year specification process that has accountability measure triggers would be a way to bring stability and consistency to the fishery without directly restricting access and future participation to the party/charter mode. Longer term specifications would enable the party/charter businesses to plan for potential regulatory changes and would help inform the private mode as well. This and other creative fishery management approaches are needed, and ASA supports efforts by the Council to host regional recreational fishing workshops in October 2019 to more thoroughly investigate long term goals and management approaches for this fishery. The outcome of the recreational fishing workshops will help the Council's

AMERICAN SPORTFISHING ASSOCIATION

1001 N. Fairfax Street, Suite 501, Alexandria, VA 22314 • 703-519-9691 • Fax: 703-519-1872  
Web: [www.ASAFishing.org](http://www.ASAFishing.org) • Email: [info@ASAFishing.org](mailto:info@ASAFishing.org)

priority setting discussion in December and can more thoroughly identify mechanisms for improving management of this fishery, and especially the recreational sector.

Overall, restricting or potentially reducing the size of the party/charter fleet is unnecessary, sets a dangerous precedent and will decrease opportunities for anglers who depend on those operators to access a public resource. In conclusion, ASA encourages the Council to explore other options besides a limited access program to achieve its goals.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Waive".

Michael Waive  
Atlantic Fisheries Policy Director  
American Sportfishing Association



R.I. Party and Charter Boat Association  
P.O. Box 171  
Narragansett, RI 02880  
401-741-5648  
[www.rifishing.com](http://www.rifishing.com)



President  
Vice President  
Treasurer  
Secretary  
Director

Capt. Rick Bellavance  
Capt. Steve Anderson  
Capt. Andrew D'Angelo  
Capt. Paul Johnson  
Capt. Nick Butziger

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May 16<sup>th</sup>, 2019

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

RE: Listening Session for the Recreational Northeast Multispecies (Groundfish) Party and Charter Fishery

Dear Mr. Nies,

On behalf of the 60 members of the RI Party and Charter Boat Association, I would like to offer the following comments relative to the NE Fishery Management Council's recently held Listening Session's for the Recreational Northeast Multispecies (Groundfish) Party and Charter Fishery.

We feel the goal of an action to define and secure a set number of recreational party and charter groundfish permits should be to achieve stability for the recreational party/charter groundfish fishery as well as to ensure a permanent level of access for the non-boat owning public to the groundfish fishery. A recreational groundfish party/charter limited access program (LAP) should be as inclusive as possible of all active party/charter permit holders. The LAP should also consider reasonable options to allow for new entrants into the fishery through exit/entry strategies. A LAP amendment should be simple in nature with an objective of defining the party/charter groundfish fleet in order to develop specific management and accountability measures that fit the needs of the fleet while avoiding overfishing. Consideration should be given to the unique ability of the party/charter sector of the recreational fishery to provide accurate and timely catch and effort data through current Vessel Trip Reporting requirements.

We do not believe this LAP amendment, if initiated, should consider allocating sub ACL's to the various sectors within the recreational fishery. It is our belief that a LAP for the party/charter groundfish fishery would make it easier for the NEFMC to recommend and more likely NOAA fisheries will approve specific management measures for the charter/party groundfish fishery.

We urge the NEFMC to make a limited access amendment a priority for 2020. We look forward to the analysis of information and availability of data to help us add comments to the specific alternatives as they develop.

Respectfully Submitted,  
Capt. Steven Anderson, Vice President

Dear Mr Neis and NEFMC.

There are plenty of Cod in MA and Cape Cod Bays.

Some by-catch dies due to air bladder on reel in or on takes from nets.

Please allow charter boat a bag limit this season

Work on eradicating the seal population and the COD will again flourish

Open Cod, open Cod, open Cod!

Sincerely,

**Captain Brad White**  
**White Cap Charters**

149 Old Main St, PO box 489, Marshfield Hills, MA 02051

Cell: (617) 966.1986, Office: 781.834.0112, Fax 781.834.0113

Email: [OceanBurial@aol.com](mailto:OceanBurial@aol.com) [www.NewEnglandBurialsAtSea.com](http://www.NewEnglandBurialsAtSea.com)

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**Memberships:** National, Northeast and Stellwagen Charterboat Captains and Operators associations, Gulf South Resources Crew Drug Free member, Chambers of Commerce, Sea Tow, Boat US

-----Original Message-----

From: Jeff DePersia <jeffchasintail@gmail.com>

Sent: Thursday, May 16, 2019 3:24 PM

To: comments <comments@nefmc.org>

Subject: Listening session for the recreational Northeast multi species groundfish party and Charters Fisheries

My name is Jeff DePersia. I support limited access for the party and charter fisheries. I am a full time fisherman and depend on charters for my living. I own Chasin Tail charters out of Green Harbor. Before owning my own charter company I mated and captained trips for my father and his business Tom DePersia/Bigfish Charters. We have ran charters through the good and bad. I feel that a limited access fishery will provide security to access the fishery I have been involved in for so long. There are many unused for hire permits, as well as many barely used ones. When the cod stocks reduced and the charter/headboat fishery was forced to zero retention we needed to make it work. One way I did this was to go lobstering. When I wanted to go lobstering I needed to buy a permit it should be the same for chartering for groundfish. Thanks Jeff DePersia  
Sent from my iPhone

My name is Thomas DePersia and I own and operate Bigfish II Sportfishing Charters out of Green Harbor, MA. I have been an active RAP member for the last 20 years. I currently own the F/V Bigfish III but have owned and operated as many as 3 charter vessels at one time in the past. I have been a full time charter captain for almost 50 years now. I strongly recommend the council should develop a limited access program for the for-hire ground fish fleet for the following reasons, First let me state that I expect 95+% of the comments for this actions will be against the proposal. The reason is that most charter operations are now part-time operators with some other form of income. Most previously successful groundfish charterboats, fishing in the Gulf of Maine, are now out-of-business because of the current restrictive regulations and the influx of new participants back when regulations were less restrictive. While participation in this fishery has been falling, things will change when the regulation restrictions are loosened up. For 30 years when I first started this business I was able to support my family and 6 children. I am 75 years old now and will soon be out of this industry. I cannot take on a new profession at this point of my life and will not profit from this action if you do develop a limited access program. This will primarily benefit those younger fishermen with a for-hire groundfish history that have been holding on to their charter businesses hoping for a positive change.

#### Limited access could allow participants to become profitable again

Qualified limited access charterboats need different regulations than the private recreational angler. Look at the current state of affairs with the groundfish recreational regulations. Charterboats in the Gulf of Maine cannot retain any cod, are limited to 12 haddock per person with many seasonal closures. The reason is that they are lumped together with all the private recreational fishermen whose catches are calculated by MRIP data that has been shown to be unreliable and over exaggerated. Qualified limited access charterboat catch data should be calculated by E-VTRs instead of MRIP and size, daily catch and seasonal limits should be controlled by for-hire participants to maximize profitability while staying within their ACL. This can only happen if you separate these boats from the general private recreational anglers. For-hire boats have been proven to be better able to avoid more restrictive species than the private recreational angler. Private anglers are not required to report their catches while for-hire boats are required to report via E-VTRs. For-hire boats are the taxis and buses that take the general public, who don't own their own boats, to access this public resource. Most for-hire customers are sportsmen that like fishing and want to bring their catch home to their families to eat. If the bag limit is too low to make the trip seem worthwhile, they will not book.

Applicants to the for-hire limited entry program should have to show historical performance through VTRs for past years with some minimum number of trips for 5 years or more. To make this fair for Gulf of Maine boats, the historical period should be prior to the current moratorium on cod in the Gulf of Maine ; perhaps 2009-2014. Applicants should also have to show at least 50% of their current income is from some kind of fishing.

New entrants to the fishery should have to buy their permit from an existing permit holder or show some kind of intern participation

There is not a lot of for-hire charter operators who have been around for the last 10 years or more but they should be first to do limited access. Perhaps, if this issue was looked at 13 years ago when it was first proposed a lot of the problems in today's ground fishery could have been avoided. Please develop a limited access program for groundfish for-hire boats now.

Thank you

Capt Tom DePersia

Bigfish II Sportfishing Charters

[Hugetuna@aol.com](mailto:Hugetuna@aol.com)

Rec'd [comments@nefmc.org](mailto:comments@nefmc.org) at 11:38 a.m. on May 17, 2019

Mr. Thomas Nies,

My name is Charlie Donilon. I have owned and operated the charter boat Snappa out of Pt. Judith, RI for the last 48 years. During this time period I have witnessed a steady decline in most species. The one I would like to comment on today is the cod fishery. Off the coast of Rhode Island we used to catch on average between 50 and 100 cod on a daily basis for a group of 6 passengers. Cod fishing could be targeted during almost any month. Now we may see a few months where you can find a few fish. I see fishing reports where pictures of cod are being displayed where they are just 23 inches. Years ago these fish would be thrown back but today they are showing off a 4 lb cod. If the NMFS continues to allow cod to be caught off the RI coastline there will be no cod in the future.

My suggestion would be to implement a 5 or 6 year moratorium on cod to protect the fishery and its future and scrap the idea of having a limited access for charter and party boats. If any member of the NMFS has ever read the book "Cod" you will find that history has repeated itself time after time. When fishing pressure has been taken off the cod fishery for a generation or so of approximately 6 years, the stock has rebounded with increased numbers and size. I know that most fishermen would highly disagree with my view, but in the long run both fishermen and the fish would benefit from my proposal. Not fishing for a 5 or 6 year period would be costly for everyone involved but that would be the price we would have to pay to bring back the cod fishery.

Thanks for allowing my comment.

Charlie Donilon  
401-487-9044

**From:** Jeffrey Fontes <twocaptainscharters@gmail.com>

**Sent:** Wednesday, March 27, 2019 2:11 PM

**To:** comments <comments@nefmc.org>

**Subject:** Limited access multi-species

Dear *New England Fishery Management Council*,

I wanted to comment on the proposed limited access charter/party boat multi species permit.

I have grown up in the charter fishery including this ground fish fishery.

Making a public resource limited access is wildly offensive. Currently recreational fisherman only need to possess a state issued salt water license to fish in federal waters and they do not have any reporting criteria. There are far more private vessels fishing for ground fish than there are charter boat and party boats. My point being that this limited access fishery only would hurt those who have done their due diligence to start or build a business facing higher regulation and reporting requirements.

This is a move to protect aging charter boats and their captains from new competition.

As a younger captain running a vessel for an owner my experience gets erased when the fishery becomes limited access. I would be ineligible if I decided to get my own vessel or if my owner decided to get a second vessel. What about our children will they be stonewalled from becoming charter boat operators in the ground fish fishery?

Businesses need to compete, making charter boat/ party boat permits limited access only protects people currently in the fishery from new business whether they are good at it or not. It prevents folks who have a right to operate a business from being successful.

Making this permit limited access benefits few and hurts many.

At the end of the day creating a limited access permit does not reduce the fishing effort as the current ground fish regulations are written per angler.

I strongly oppose making this fishery limited access as it hurts the future of charter ground fishing, our children's future and the future of growing businesses.

Thank You,

Capt. Jeff Fontes Two Captains Charters 978-360-3245



All Con,

I DISAGREE with any limited access program for the Multi-species Party boat, Charter or Recreational fishery. An unintended consequence of a limited access program would also be limiting public access and choice to this fishery as well as make it difficult for newer boats and captains from getting into the market.

sincerely,

Rick Gaguski

732-904-2465

[ECMO2007@gmail.com](mailto:ECMO2007@gmail.com)

As a longtime commercial boat owner and commercial fishermen out of Massachusetts's Recent changes in our primary fishery has made it imperative for us to diversify our business in order to make a profit, in an effort to do this we have recently this year purchased a "charter head boat" 6 pack ground fish permit, and are hoping to develop a for hire business in addition to our other fishing activities in order to add to our revenue, If this fishery is made limited access based upon the control date or other means, we will loose our ability to do this and will likely no longer be able to operate our business profitably. There are many other fishermen in our exactly circumstances I feel that it is unfair and unjust to take a traditionally open access fishery and limit it. How ever if it is absolutely necessary to do so perhaps limiting the "party boat 7 plus fishermen for hire" access and leaving the 6 pack fishery open would be best, as it is without a doubt that the vast majority of fish harvested come from the large party boats holding sometimes 50 fishermen, not the small boats with 6 fishermen on board

How every let me make this clear I a completely against limiting access to the north east multi species charter head boat fishery

This is my two cents on this issue  
-George French

Sent from my iPhone

## Points to Consider Re an LEP in the NE Multispecies For-Hire Sector

1. An LEP that would increase the current universe of participants (approx. 300 currently) would likely extend the draconian limits on seasons/possession of GOM cod well into the future. There is not enough overall rec cod sub-ACL for the current participants to conduct any meaningful groundfish business, let alone an increase in participants.
2. The challenge, actually, should be to winnow down the current number of participants. This was done in the commercial multispecies fishery years ago when fishing effort exceeded available resource. Although permits were not lifted for non-performance, there was so much latent effort that NOAA received funding for a permit buyout program, a reverse-bid process based on a vessel's size/fishing power. Hundreds of permits were sold back to the government, with the stipulation that the vessels could not be re-sold or transferred back into the multispecies fishery. In addition, vessel upgrading (i.e. length, engine power, gear used) was limited to a certain small percentage of the specifications of the then-currently permitted vessel.
3. A similar program could be explored for the for-hire sector, although it is doubtful that funding would be appropriated by Congress. The other alternative could be a cancellation of for-hire multispecies permits due to non-performance in the fishery. Non-performance could be based on whether VTRs (or a set number of VTRs) were submitted over a defined window of time. No VTRs (or less than a set minimum number) submitted for X-period of time would constitute non-performance and thus the lifting of the permit. This would reduce the number of permits to those who were actively in the for-hire NE Multispecies fishery. This would, at the same time, eliminate latent effort. Precedent for this was, among others, the revocation of federal EEZ lobster permits for non-performance in the 1980s. Remember, these permits were, and are, all issued for free. There is no requirement for the government to "buy" them back.
4. Basically, it is doubtful that the GOM cod resource will rebound to a point in the near future that would allow the number of current for-hire participants, let alone any sort of increase, to retain enough cod to make the fishery anywhere near as viable as it was in the past. Obviously, however, the for-hire sector would need its own allocation of GOM cod, and how this would be calculated and implemented may prove to be difficult and perhaps contentious. However, to reduce the for-hire fleet and do little or nothing to constrain the catch by the private recreational sector without separate allocations would render an LEP ineffective and provide no protection for the for-hire participants.

-Barry Gibson

Received via [comments@nefmc.org](mailto:comments@nefmc.org) at 2:03 p.m. May 17, 2019

### Limited Access Program for Charter/Party Groundfish Fishery

- A long-term solution that creates a specific group and fishing management plan that would be suitable to businesses and the needs of their customers
- Charter/party is dismissed when it comes to any new regulations or changes that would help the industry. This is mainly due to the increasing number of private recreational anglers. As a charter boat captain my livelihood is based on the availability of the resource. We should not be required to rely on the same regulations as the private angler.
- This program will be able to create some stability for the charter/party industry. They will have the ability to plan for the future, be able to show a stable business model and be able to increase profitability in their business.
- In a fishery that consistently exceeds its quota, nothing has been done to limit the number of entrants into this fishery. It is managed solely by season closures, bag limits, and size of fish. This would be the first step to limit the number of entrants into the for-hire sector.

Thank you,

Mark Godfroy

Lady Tracey Ann II/Seabrook, NH

Justine Grasse  
Captain – Lee Anne II  
28 Miller Street  
Franklin, MA 02038  
(508) 446-1131  
Jgrasse3@yahoo.com

March 31, 2019

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

Dear Mr. Niles,

I am writing this letter in response to the *Proposed Limited Access into Party & Charter Groundfish Fishery* post on the Downeast Boat Forum posted on March 26, 2019 which brought this issue into the light. While reading this post and the attached background document, I found myself in disagreement of the proposed limits.

A little background about myself may explain why I am in disagreement. As of today, I am a 26-year-old female who recently got into the commercial fishing business. In 2016, I had the opportunity to work part-time on a lobster boat that also commercially fished several species. The following year, I not only continued to participate in lobstering and fishing, I myself applied for and purchased a student commercial lobster license. The summer of 2017 truly began my pursuit to grow and focus on a career on the water. I have held my student commercial license through this coming season of 2019 and I have also recently completed a 56-hour Operator of Uninspected Passenger Vessels course. My goal for this coming season was to obtain my Merchant Mariner Credential for an OUPV license and open my own charter business on top of continuing my other commercial pursuits.

With this proposed limit, it would impede my chances, as well as many others after me, to fulfill the goals that we have had for creating an enjoyable livelihood and business. I hold an extreme interest in our ocean's sustainability and ecosystems. With this group of operators who support this proposal not basing their concerns on science, but solely on competition of business, this

proposal should be shut down due to their being no supportive evidence that recreational fishing is hurting the fishery. In fact, in Massachusetts, the number of active party and charter groundfish permits declined from 103 in 2010 to 54 in 2018.

This group of supporters, who are only concerned with new businesses intruding on what they consider their “turf” is irrelevant to the fishery and of no concern of the government. The ocean does not belong to a set group of fishermen who have claimed tenure in a category of business that is open to anyone. The American dream states that the ideal of this country is to give equal opportunity to any American allowing their aspirations and goals. Competition comes with having a business. Just as much as individuals having the right to start their own business, the people have the right to shop around and choose a business that best fits them.

Being a motivated, hard-working, young female interested in the beginnings and future in the fishery business, this proposal would eliminate that equal opportunity to start my own business as well as those behind me. I hope that my comments aid with the dismissal of this proposal and I hope to meet you at the meeting in Plymouth on May 8, 2019.

Thank you.

Best regards,

Justine Grasse

Captain – Lee Anne II

-----Original Message-----

From: bluefish1260 <bluefish1260@aol.com>

Sent: Wednesday, March 27, 2019 7:54 PM

To: comments <comments@nefmc.org>

Subject: Listening Sessions For The Recreational Northeast Multi species (Groundfish) Party and Charter Fishery;

I am 100% Against ANY Limited Access for the Northeast Party/Charter industry. The Free Market MUST prevail.

Thank you

Sent from my iPhone

-----Original Message-----

From: Tom Johnson <tjohnsononfly@yahoo.com>

Sent: Thursday, April 4, 2019 4:32 PM

To: comments <comments@nefmc.org>

Subject: "listening sessions for Recreational Northeast Multispecies (Groundfish Party and Charter Fishery"

On several recreational fishing trips last summer we caught and released 20-30 Cod in Muscongus Bay off Monhegan Island, Maine at each outing. The fish were caught in about a 3 hr period in several locations. There is now a healthy population of Cod in these waters and hence allowing one or two fish to be harvested per day would do no harm to Cod populations. Pursuing limited access to this species is a good idea for 2019 and be welcomed by sport fisherman.

Sincerely,

Tom Johnson  
Cushing, Maine

Sent from my iPhone



Received via [comments@nefmc.org](mailto:comments@nefmc.org) at 11:46 a.m. on May 17, 2019

My name is Jon Sterritt; I'm a recreational fisherman from NH; I've been on the RAP for something beyond 10 years. During my time on the RAP I've seen proposals for Limited Access arise, namely from a small number of Charter boat operators, making statements such as "Well if things get good we do not want a bunch of new guys jumping in". Prior to the control date for Limited Access being changed to 2018, there was less support in the industry for Limited access, currently there is more (for obvious reasons).

In the past recommendations for Limited Access were unable to pass a vote, currently these recommendations to prioritize Limited Access are passing after heated arguments by a very narrow margin, where the chairman has been breaking the tie, with some voting in favor because they say they "just want to see this through and put it to bed". I think it's an unjust idea in this fishery, with no benefit to anyone except for potentially a handful of Party/Charter operators, and I strongly disagree with the proposal and rationale for Limited Access in the groundfish Charter/Headboat industry.

Thank you for attention to my comments.

**1. It violates ideals of a free economy, potentially creates a bottle neck in supply, and encourages a lack of innovation in the industry.**

The first obvious topic to point out is generally in the United States, natural demand regulates the number of businesses operating in a given industry; the ability of a business to compete determines who succeeds, and the same goes for nearly all professions. Sometimes of course exceptions are made but they should not be made lightly, especially when it's happening on a federal level (which is the case in this proposal), and especially when it is going to dictate whether an otherwise qualified individual is able to legally pursue happiness in the form of their desired career path.

In our economic system, those who are the best at what they do tend to be successful, supply and demand in most industries shifts and the focus and competition within a given businesses fluctuates as time goes on. What the Charter/Party boat operators who support Limited Access are asking for is to contradict this cornerstone policy such to help assure their own individual future success – it is not hard to understand why they support it, however even if every single operator in this business supports it (which they do not), it does not mean it's the correct/fair action to be taken. Of course, everyone would enjoy less competition in their business/profession – such feedback supporting Limited Access from currently operating Charter/Headboat businesses has almost no credibility in this matter.

To add to that, the idea that a business which has been operating for decades can be unfairly threatened by a new competitor does not make any sense; such things only happen when an established business fails to innovate or adjust to the landscape of the current times, is unable to endure normal fluctuations in revenue, or makes mistakes so that they fail to compete. We

should not be establishing a system of tenure, especially in this challenged fishery, where if anything we want to see innovation: We want business who are able to survive well within the bounds of current day environmental considerations (ie finding ways to sell trips under the angler daily limits we have today) and not those who's merit is based on a limited access permit and who are attempting to make things work the same as they did 30 years ago (continually asking for unsustainable daily limits that are needed to support a particular dated business model). It's also unfair to the public, ie those who are paying customers of these businesses, to potentially bottle-neck the supply of boats as it could potentially decrease their opportunity and raise rates artificially.

Last on this subject, there is no giant influx of boats to the fishery that should be raising concern, rather the operators pushing for this are citing that "some day" new operations might cause a problem for them. To that I would state that if the market improves to allow an increase in such boats, then such boats are probably needed anyway to meet the demand of the public in accessing this public resource.

- 2. There are no environmental or economic benefits to Limited Access in this fishery; it is out of scope for NEFMC or any federal government agency to be regulating it in such a manner. There is nothing stopping individual states from imposing limited access within their ports based on their own local ideology.**

As we know in this fishery, today all recreational anglers, regardless of what boat they are fishing on, share a single allocation and for the most part (at least in the GOM) they all fish under the same regulations. You can have 1 or 1000 Party/Charter boats operating and the regulations stay the same; effort and associated environmental impact (including mortality in related fisheries but not limited to it) is purely driven by the whims of the recreational fishermen, who create demand on Party/Charter and Private boat trips alike. The supply of such boats operating should simply be dictated by the market and should not be artificially choked by government regulation.

Economically there is ample opportunity for the best businesses to survive today – and they do. In some areas there is more room for additional boats operating than others, ie for instance demand for another boat in a port in ME versus some port in MA could be much different. Some businesses are also struggling, and that is normal in any industry; there are winners and losers. Overall businesses in the Party/Charter industry can be profitable, however those who are innovating (for instance offering a variety of types of trips, moving their boats to different ports to capitalize on opportunity) stand a better chance of success.

Regulating the number of Party/Charter boats operating, if done at all, would be much better done at the state level and not federally: for instance if the state of Massachusetts sees it fit to regulate industry in this manner they could create their own regulations around it without such ideals being forced on other locations (and mind you a new business operating out of Maine does not compete with someone operating out of the South Shore of Massachusetts).

Without a sound environmental and economical benefit, Limited Access in this fishery falls outside the scope of fishery management and therefore for the NEFMC.

- 3. Groundfish Party/Charter is not a commercial fishery, it's a part of the overall recreational fishery. All boats and recreational fishermen should have the same opportunity to access groundfish.**

Some of the arguments for imposing Limited Access in this fishery contain statements concerning likeness to commercial fisheries, citing that limited access exists in many commercial fisheries. The first thing to point out is this is not a commercial fishery, rather Party/Charter boats are at a most busses and taxi's who take anglers to the fishing grounds while also providing a guided service, using their expertise to find the fish for the enjoyment of the angler. Simply put - trips are sold, fish are not sold, and the number of fish that are retained has no bearing on the rates that these boats charge.

In commercial fisheries, the fish retained are the source of income as they are sold, and the number of entrants sometimes needs to be limited as to allow the business to profit off of a set allocation and the trips they make. Similarly, in commercial fisheries, real estate becomes an issue, ie the number of lobster pots we can allow on a given stretch of coastline or the amount of gear an environment can withstand: there are legitimate reasons for such in a commercial fishery. Party/Charter boats do not sell fish, nor are they constrained by considerations of real estate, nor are they constrained by allocation, rather the demand for the businesses is purely based on the interest of recreational fishermen – and such cannot be directly regulated.

Also along these lines – a recreational fishermen should be able to keep groundfish no matter what boat they are fishing on. It is inconsistent and unfair to tell a recreational fisherman, who are the general public with rightful access to this public resource, that they can retain groundfish on one boat but not another.

- 4. Limited Access for Groundfish Party/Charter prevents other new businesses from starting up, even if they do not focus on groundfish trips.**

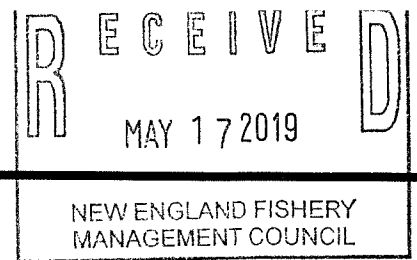
In the northeast it's very difficult for a Charter boat of any type to survive if they cannot target groundfish – even if a Charter boat generally targets tuna or sharks, clients should not be barred from possessing groundfish on those trips should they encounter them, and those businesses may not be able to exist if they cannot occasionally retain groundfish. Barring a boat from retaining groundfish also creates a more challenging business model for those who might generally target inshore species like stripers but would normally round their business through occasional offshore trips.

- 5. I disagree with Party/Charter Limited Access in any form, but if such actions must be taken, create a fair method for entrants, consider the scope of the coastline, and the details of the industry.**

1. Prohibit the transfer of permits and establish a waiting list for new entrants. These permits had no real monetary value prior and should be kept that way. By prohibiting the transfer of permits and establishing a waiting list, new entrants can obtain a permit in a straight forward fair manner when a permit becomes available. The eligibility of receiving a permit should be based on only minimum requirements, ie captains license. Additionally, regulation could be put in place such to create a maximum wait time of new permits, for instance if no permits become free for an individual for 2 years then new permits will be added to the fishery; such would also help "right size" the number of permits naturally based on demand.
2. Monitor the use of permits and revoke unused permits: Like what we see with moorings in crowded harbors, people tend to hang onto limited access permits regardless of whether they are in use. If such a system is put in place, permits which are not being used to a reasonable extent (ie say for less than 5 trips per year) should be revoked. Such will help guarantee turnover so that new entrants, or those who have quit the business but wish to re-enter it, have opportunity to receive a permit. It's a viscous cycle, the more difficult it is to get a permit the more people will try to hang onto them; by forcing fast turnover and creating a maximum wait time, it would reduce the tendency for such to happen.
3. Establish a set process for adding new permits to the pool based on performance of the industry, as an example if on average > 40 trips per permitted vessel are achieved then add permits to the fishery until the average would have been 40 trips per vessel.
4. Separate Party & Charter permits: these are two different industries in many aspects, they should be regulated with a different set of permits and rules for receiving them.
5. Establish a sunset of the system unless if it is not re-approved, ie if after 5 years the system seems to be of no benefit then it is sunset without special consideration/process. It is always better to remove senseless regulation rather than to keep it in place and pre-establishing the change will make it easy to remove without cumbersome process.
6. The system should be more complex than simply limiting the number of permits; specific location matters in this context. For instance, Gloucester MA might have a large number of boats operating in possession of a permit, with many choices for the public, but Biddeford ME might have very few (if any) choices. Potentially it might make sense to regulate Party/Charter boats based on the saturation in a given port or area of coastline.
7. Allow for different levels of permits with different access structures; for instance, a Charter boat which primarily targets stripers might occasionally get a request from repeat customers for a groundfish trip or a boat which tends to target tuna may sometimes be in an area where numbers of groundfish exist. An open access permit that allowed some set number of groundfish trips per year (ie for example less than 10) would allow such businesses to operate without directly competing with boats that specialize in groundfish.

**Joan O'Leary**

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**From:** Tom <tl454c@gmail.com>  
**Sent:** Friday, May 17, 2019 12:52 AM  
**To:** comments  
**Subject:** Listening Sessions for the Recreational Northeast Multispecies (Groundfish) Party and Charter Fishery.

Comment for limited access program for the recreational party and charter fishery.

Dear Mr. Nies,

I respectfully submit my comment for limiting access to the Recreational Northeast multispecies party and charterboat fishery.

I have been operating a charterboat in Rhode Island for over 12 years and I do recognize a need for limiting the access to this fishery.

With this limited entry there does need to be an equitable way for new entrants to gain access to the fishery, as long as they are legitimate charter, party boat operators, by either purchasing an existing permit from an operator that will no longer use the permit or be able to obtain a permit from a pool of permits that have been surrendered from operators that will no longer use them.

With limiting the access there will be more accountability with how much the charter and party boat industry is utilizing the fishery via the VTR's.

Thank you

Capt. Thomas Logan

**From:** Steve Medeiros <stevem@risaa.org>  
**Sent:** Wednesday, May 1, 2019 7:31 AM  
**To:** comments <comments@nefmc.org>  
**Subject:** Limited Access Program for the Recreational Party/Charter Fishery

Dear Dr. John Quinn & Council members:

I am writing on behalf of the Rhode Island Saltwater Anglers Association (RISAA) to oppose the idea of instituting a Limited Access Program for the Recreational Party/ Charter fishery.

We represent over 7,500 recreational fishermen in the RI, CT, and MA areas including many members who actively fish for cod and other ground fish from Block Island to Coxes Ledge, to Stellwagen Bank. Our members fish on private boats and also fish on party and charter boats for ground fish.

We believe that all recreational fishers should be treated the same and there should not be special regulations for Party & Charter boats. They are recreational vessels and should be treated as part of the recreational sector. If special regulations are written for Party and Charter boats it will start a cascade of special rules and provide yet another source of disagreement among fishermen trying to get more favorable rules for their group.

Further, if such rules were passed it could create a situation where the only way individuals are allowed to catch cod would be to hire a party or charter boat. The public would not be allowed to fish on private boats even though they would be fishing the same way, in the same place, for the same fish. This situation would be **unfair and would give an unfair advantage to a small group** who document history in this fishery.

Further, we say now and have said in the past that it is just a bad idea to set aside fish just for one group of fishermen.

Thank you for listening to our comments.

Stephen Medeiros, Executive Director  
Rhode Island Saltwater Anglers Association  
P.O. Box 1465, Coventry, RI 02816  
office: 401-826-2121  
<http://www.risaa.org>

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

Good Morning Mr Nies,

My name is Nick Novello, I have been fishing the waters off Gloucester for over 20 years as a recreational bottom fisherman, commercial Tuna and Commercial Striped bass as well.

I am in the process of taking delivery of a 38' Downeast sportfish boat that I was fortunate enough to have built. My goal and plan was to someday promote the New England fishery and tourism and perform 6 pack charters. I worked on the Yankee Fleet as a kid and the sight of having someone reel up their first fish from the depths and seeing the look on their face is fantastic.

To create a 'limited access' fishery for Charter boats would be a huge mistake in my opinion. There have already been lots of charter folks who have given up with the inability to keep Cod. To further squeeze people and create a demand for licenses doesn't make sense to me.

Can you help me understand the thought process behind this? Who is driving this?

I don't think there are any 'full time' charter companies in the North East – There isn't enough days to fish with the weather and also days to fish. 4.5 Months during the peak of the New England Tourism season is limited as it is. Why more control and more restrictions?

I strongly disagree with any type of limited access to this fishery.

Respectfully Submitted,

Nick Novello  
10 Lloyd St  
Gloucester, MA



President Capt. Marc Berger, V.Pres. Capt. Bob Wadsworth, Treasurer Capt. TJ Karbowski, Secretary Capt. Mike Pirri

Thomas A. Nies, Executive Director,  
New England Fishery Management Council,  
50 Water Street, Mill 2,  
Newburyport, MA 01950;  
Fax (978) 465-3116.  
Email: [comments@nefmc.org](mailto:comments@nefmc.org)

Dear Mr. Thomas A. Nies

The Connecticut Charter and Party Boat Association (CCPBA) is comprised of 40 professional charter boats sailing from ten different Connecticut ports covering the Western, Central and Eastern Long Island Sound. Our Professional Captains have verified credentials, are held to the highest ethics standards and are out on the water everyday often acting as the sheppard's of their areas.

Our Charter Boats provide access to Connecticut Residents that seek an offshore ground fishing experience using Rod and Reel. Our vessels that do participate in this fishery mostly do so during fair weather windows in the early spring and again in the late fall. With this fishery boats and crews continue to earn instead of sitting at the dock as other species are usually unavailable at that time.

The CCPBA finds value in limited access program for the recreational groundfish party and charter fishery. We frequently lobby for our own sector in inshore fishery management, were data shows our harvest makes up 10% or less of the RHL. This amendment will help managing these species, knowing the number of users will be consistent for years to come. At the time of this letter we don't have any members negatively impacted by the refreshed control date of March 19, 2018. We would ask for future framework to hold a small sum of permits for future Charter operators to apply for.

Respectfully Submitted,  
Connecticut Charter and Party Boat Association  
President- Capt. Marc Berger  
Vice President- Capt. Robert Wadsworth  
Treasurer- Capt. Ted Karbowski  
Secretary- Capt. Michael Pirri



**From:** Michael Tero <tero.michael269@gmail.com>

**Sent:** Wednesday, April 24, 2019 8:28 AM

**To:** comments <comments@nefmc.org>

**Subject:** LIMITED ACCESS TO CHARTER PERMITS

Dear folks ,

it has come to my attention that there is a motion to limit the number of charter/headboat permits. As a fishermen , and a person who has started the process of going for his six-pack license i strongly oppose this as unfair .

this will only benefit the ones already permitted and is not based on science for the benefit of the fisheries.

Thank you , Michael Tero .

**From:** Bob Wilson <rmwilson01@comcast.net>

**Sent:** Monday, April 1, 2019 1:49 PM

**To:** comments <comments@nefmc.org>

**Subject:** Limited access party boat regulation.

To Whom it May Concern,

I am writing to express my displeasure with this new limited access permit program for party/charter boats. I myself have invested a lot of time and money in what I was hoping would be form of income for my family. I am currently completing the requirements for my captains license. I would hate to think that after all this work and investment, that when I do start my business, I will have to pay an exorbitant price for a permit off a private seller as has happened in the commercial lobster industry. Let the free market dictate the supply and demand of vessels that want to engage in this type of business. It is inherently unfair for those who already have their permits to now say close it to all others.

Thank you for your consideration in this matter.

Sincerely ,

Robert Wilson  
1 Amidon Ave  
Amesbury MA  
01913