CORRESPONDENCE

March 26, 2018

Council Meeting Public Comment: Atlantic Mackerel and Squid Issuebew England Fishery

APR 1.6 2018

LISSUEBIEW ENGLAND FISHERY MANAGEMENT COUNCIL

Dear Dr. Moore,

My name is Michael Pratt, and I am a full-time commercial fisherman, and the owner and operator of the 42' F/V PERFECT C's out of Marshfield, MA.

Thank you, and the other council members for giving me the opportunity to share my concerns.

One hundred percent of my income is from commercial fishing. Over the last seven years, approximately 75% of my earnings are from hook and line fishing for mackerel. From May 1st through the end of December, the only species we target are mackerel. We work hard to provide a steady daily supply of sushi grade mackerel to a large number of small markets. Generally, September through December are my most profitable months, this is due to the availability of mackerel in near shore waters and the fat content of the mackerels flesh.

The potential early closure of the mackerel fishery would have a devastating affect on me, my crew, and, also those that I do business with.

My vessel has undergone significant changes to be outfitted exclusively for mackerel. Specifically, the boat has modified fish holds that are capable of holding large amounts of refrigerated seawater, a deck-mounted diesel driven RSW system, and a deck-mounted Trans-Vac fish pump. In addition to this, the boat has an array of electronic jigging machines. The downfall to this system is that the equipment is custom and specific for our mackerel fishery, thus making the vessel impractical to use in other fisheries.

One important highlight of the hook and line mackerel fishery is that it is such a clean and sustainable fishery. This is something I am proud to be part of and truly support. We have zero by-catch, zero discard, and zero impact on the seabed. The National Marine Fisheries Service Observer data taken from my vessels dedicated mackerel trips will support this important fact. The latest observed trip on my vessel is recorded under trip id N25042.

My vessel profitably operates on mackerel for a full fishing year on less pounds than a large mid-water trawler lands per trip. We target quality before quantity and we command a higher return price because of that.

There are a lot of conversations about the 2015 year-class supporting the whole fishery. Undoubtedly, the 2015 year-class is huge, and it is for that reason that it is the target for the majority of the high capacity fleet. The fish of this year class have been too small for us to work on, due to the fact that most of our markets want only

fish over 300 grams. My point is that there are definitely other older strong year classes of fish available other than 2015. But because of the sheer amount available in the 2015 year-class, they become the most efficient target for the mid-water trawl fleet. It alarms me to think that these may be the only fish sampled and included in the data used to make stock assessments.

Managing a pelagic fishery is very complicated, let alone a fishery like this that has taken a 90% total allowable catch reduction (TAC) over the last eight years. With all of the technology available to the fleet, such as electronic monitoring and electronic catch reporting, we should have been able to avoid a handful of boats landing a years worth of quota in only 8 weeks. It seems quite possible that if the fishery was not closed because of the river herring allowance being reached, we would have exceeded the mackerel TAC with a few more fishing days. This could have potentially ruined the herring fishery for the remainder of 2018, and would have also had a huge impact on the lobster industry as well. The removal of so much forage from one area so quickly leads to the problem known as localized depletion.

As a fisherman I am naturally skeptical of scientific stock assessments. Recently, I learned that managers believe that the recreational fleet may have landed up to 6 million pounds of mackerel last year, and that there is a substantial shore fishery in Massachusetts. I am not aware of any significant shore fisheries in any states. I also believe the data that indicates the recreational sector is responsible for a 6 million pound harvest needs to be examined. I can only account for what I see, and at present, it is a large healthy biomass of all sized mackerel that continue to return year after year. I hope the council and other managers will be able to find a solution to the problem we are facing, something that will satisfy the large and small boat mackerel fisherman. My livelihood depends on this.

The businesses I provide fresh mackerel to count on a steady supply of quality fish. If I am prevented from landing mackerel, they will find a steady supply somewhere else, possibly using farmed fish or buying from Canada. Either way, once I lose my customers, it could be permanent. I have not had a chance to catch my first mackerel for the 2018 season yet, and I am hearing a lot of discussions about setting quota aside to cover dead discards in other fisheries. I really hope managers will make sure that the small amounts of quota I depend on are available to me before setting aside allocations that allow for dead discarded mackerel in other fisheries.

Thank you again for your time and for giving me a voice. Please feel free to contact me directly to discuss this further.

Sincerely,

Michael Pratt F/V PERFECT C's 781-760-0718 Michaelpratt1@verizon.net

at Projects Favoring Shad and River Herring in Connecticut, 2014-2018

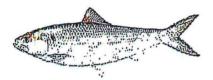
		•			Miles	
Year	Project Name	Stream	Sponsor	Style	Connected	Cost*
2014	Tingue Dam Fish Bypass Channel	Naugatuck River	CT DEEP	nature-like	. 23	\$4,000,000
2014	Nev/man's Fishway	Aspetuck River	The Nature Conservancy	pool-and-weir	0.7	\$100,000
2014	Tiley-Pratt Fishway	Falls River	The Nature Conservancy	pool-and-weir	2.5	\$25,000
2014	Karp Family Dam Removal	Stony Brook	Northern CT Conserv. Dist	removal	0.75	\$60,000
2015	Pond Lily Dam Removal	West River	Save the Sound	removal	2	\$600,000
2015	White Rock Dam Removal	Pawcatuck River	The Nature Conservancy	removal	5.85	\$1,500,000
2015	Hyde Pond Dam Removal	Whitford Brook	Save the Sound	removal	4.1	\$400,000
2015	Straight Pond Dam Removal	Hallville Brook	Eastern CT Conserv. Dist	breach	1:3	\$25,000
2016	Ed Eilis Dam Removal	E. Branch Eightmile R.	The Nature Conservancy	removal	7	\$400,000
2016	Upper Pond Dam Fishway	Goodwives River	Town of Darien	steeppass	1	\$300,000
2016	Clark Brothers Dam Removal	Quinnipiac River	Save the Sound	removal	5	\$250,000
2016	Clark Brothers Dam Removal	Quinnipiac River	Save the Sound	removal	3	\$300,000
2016	Chapmans Pond Dam Fishway	Menunketesuck R.	CT River Coastal Cons Dist	steeppass/eelpass	2.5	\$400,000
2016	Norton Dam Removal	Jeremy River	The Nature Conservancy	removal	17	\$400,000
2017	Springborn Dam Removal	Scantic River	CT DEEP	removal	2.6	\$5,000,000
2017	Papermill Dam Removal	Hammonasset	The Nature Conservancy	breach	4.5	\$400
2017	Konolds Pond Dam Fishway	West River	CT DEEP	nature-like		\$100
2018	Noroton Culvert Fishway	Noroton River	Save the Sound	nature-like	4.7	\$300,000
8,028	Scotland Dam Fishway	Shetucket River	FirstLight Power	fish lift	12	\$2,000,000
2018	Blackledge Dam Removal	Blackledge River	Town of Glastonbury	removal	2.1	\$400,000
	Konolds Pond reconnected to 67.5 acres of alewife spawning habitat.			Totals	101.6	\$16,460,500



Ed Bills Pond Dam Removal



Chapmans Pond Fishway & Eel Pass

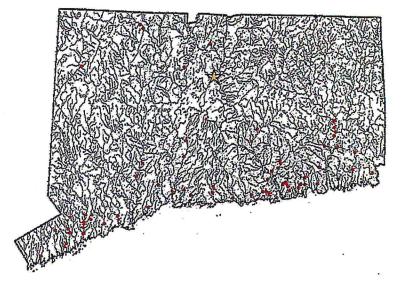


0/10 4/23/18

Steve Geomart

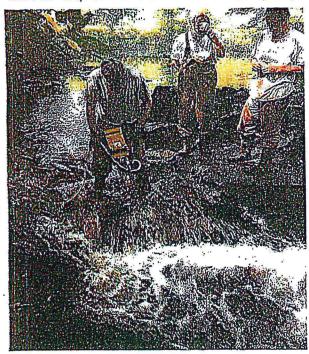
Miles of Stream Restored by Fish Passage Projects-Connecticut

Fishways in Connecticut, December 2017



AM REMOVALS- range from the very small to the very large

Papermill Dam, Hammonasset River, Madison, CT Year-2017. Miles reconnected= 4.5; Sponsor= TNC, Species= American Shad, Alewife, Blueback Herring. Style= partial breach. This breached dam was still a migratory barrier at some flows. Work crews with TNC and DEEP deepened the notch to allow fish better passage. \$400.



Springborn Dam Removal, Scantic River, Enfield, CT Year-2017. Miles reconnected= 2.6; Sponsor= DEEP, Species= American Shad, Alewife, Blueback Herring. Style= Removal. \$5 million- largest dam removal in state to date.

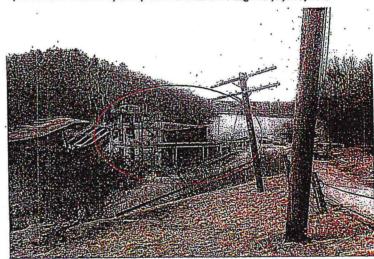


FISHWAYS- range from the very small to the very large

Konold's Pond Fishway, West River, Woodbridge, CT Year-2017. Acres reconnected= 67.5; Sponsor= DEEP, Species= Alewife. Style= nature-like fishway and water control changes. Very small dam. Flashboards were added to allow more water to flow down nature-like fishway below. Work done by DEEP staff. Cost= \$100.



Scotland Dam Fishlift, Shetucket River, Windham, CT Year-2018. Miles reconnected= 12; Sponsor= FirstLight Power, Species= American Shad, Alewife, Blueback Herring. Style= Fish Lift. This was required as part of FERC relicensing due to intervention by the CTDEEP, USFWS, and NOAA. In photo below, the entrance is obscured by the bush but the lift superstructure is seen along with the long discharge pipe to the headpond. Just completed and operational. Cost not yet reported but in the range of \$2,000,000.



Woneta Cloutier

From:

John Reynolds <jreyn57871@aol.com>

Sent:

Wednesday, May 16, 2018 8:37 AM

To:

comments

Jack Reynolds Why don't the fish "managers" show a little "profile in courage" behavior and do what the data shows is needed. Each population of river herring is a separate population that returns to it's river of origin and is vulnerable to extirpation if enough of that population is removed or otherwise unable to carry on the population. If in fact the data shows these river herring are being removed, how is that any different than obstruction by dams? The southern NE populations are in trouble!



Jim Gilmore NYSDEC Bureau of Marine Resources 205 Belle Meade Rd E. Setauket, NY 11733 jjgilmore@gw.dec.state.ny.us

Stephen Heins NYSDEC Bureau of Marine Resources 205 Belle Meade Rd E. Setauket, NY 11733 swheins@gw.dec.state.ny.us

September 25, 2013

Dear New York Council Members:

Dr. Anthony DiLernia
Kingsborough Community College
Maritime Technology
2001 Oriental Boulevard
Brooklyn, NY 11235-2398
Anthony DiLernia@kbcc.cuny.edu

Captain John McMurray 2887 Alfred Ct Oceanside, NY 11572 johnmcmurray@optonline.net

MAY 2 7 2018

NEW ENGLAND FISHERY

We represent 45 organizations and are writing to request that the Mid-Atlantic-Fishery-Management Council (MAFMC) take the lead on federal management of river herring and shad by including these species as "stocks in the fishery" in the Mackerel, Squid, Butterfish (MSB) Fishery Management Plan (FMP) through Amendment 15. The MAFMC has taken some positive first steps to address the ocean catch of these depleted species by passing improved monitoring and authorizing a catch cap through MSB Amendment 14. However, river herring and shad are in need of stronger protection through full federal conservation and management. We ask that you continue development of the Draft Environmental Impact Statement and proceed through final rulemaking to implement Amendment 15, adding river herring and shad as "stocks in the fishery" in the MSB FMP.

River herring and shad spawning runs historically supported a wealth of life in New York, particularly in the Hudson River, Long Island Sound and their tributaries. As prey for ecologically important predators, these little fish underpinned thriving ocean and river ecosystems, and the coastal economies of New York with the fishermen who have depended on them for centuries.

Our state and local governments have devoted millions of dollars, countless hours and significant energy towards restoring our coastal estuaries and rivers by regulating pollution, monitoring water quality and improving access to spawning sites. Downstate, the Peconic Estuary Program has worked in recent years to raise at least \$1 million for fish passage in Long Island, while the Hudson River Estuary Program has identified the 100 most important fish blockages on that important river and is working to orchestrate removal projects. The removal of the American Legion dam in Norwich has opened access to six miles of anadromous fish habitat, and New Yorkers continue to identify and capitalize on opportunities to improve inshore access for these species. Furthermore, New York has imposed severe restrictions on fishing for river herring, including complete closures in parts of the Delaware River, and a complete moratorium on fishing for American shad in NY since 2010.

In light of our state's commitment to bringing river herring and shad back, we are counting on you to lead and ensure that the Council does everything it can to stop the wasteful incidental catch of these fish in the ocean, including full support for Amendment 15. NOAA Fisheries' Northeast Fisheries Science Center estimates that millions of river herring and shad are caught and killed every year by industrial mackerel and Atlantic herring trawlers operating in federal waters, where these fish spend most of their lives. Taking juveniles and sexually mature fish at sea before they have the chance to spawn impedes the recovery that New Yorkers have worked hard to achieve.

Including river herring and shad as stocks in the Mackerel, Squid, Butterfish FMP will ensure that:

- River herring and shad are protected from overfishing through science-based annual catch limits and accountability measures
- · Fisheries managers can provide input on land-based projects that could affect essential fish habitat
- · Managers collect and use better data about the biological status of these species to inform decisions

We all strive for healthy, thriving aquatic ecosystems—for the good of New York's environment, economy and culture. We thank you, in advance, for representing New York's coastal and estuarine communities and urging the Council to bring river herring and shad under full federal protection.

Thank you for your consideration,

Urban Fly Guides Brendan McCarthy, Captain Brooklyn NY

Coastal Research and Education Society of Long Island
Arthur H.: Kopelman, Ph. D., President
Oakdale, NY

Operation SPLASH Rob Weltner, President Freeport, NY

Coastal WG Charters Ralph Towlen, Captain Hampton Bays, NY

New York Coalition for Recreational Fishing William A. Young, President Massapegua, NY

Fishermen's Conservation Association John Malizia, Vice President and Staten Island Chapter President Staten Island, NY

Staten Island Tuna Club John Malizia, Director and past president Staten Island, NY

WESPAC Foundation Nada Khader, Executive Director White Plains, NY

Huntington Oyster Bay Audubon Society Stella Miller, President Huntington, NY North Fork Environmental Gouncil Bill Toedter, President Mattituck; NY

Citizens Campaign for the Environment Adrienne Esposito, Executive Director Farmingdale, NY

Seatuck Environmental Association Enrico G. Nardone, Esq., Executive Director Islip; NY

Rise Fishing Steve Bechard, Owner East Hampton, NY

Point to Point Charters Bryan Goulart, Captain East Hampton, NY

Shark Angels
Julie Andersen, Executive Director
New York, NY

Salty Flyrodders of NY Joel Filner, Director New York, NY

League of Women Voters of Brookhaven Judith Bird, Secretary Brookhaven, NY

Nautical Adventures Don Harris, Captain Freeport, NY

Friends of the Bay Paul DeOrsay, Executive Director Oyster Bay, NY New York Whale and Dolphin Action League Taffy Williams, Executive Director Yonkers, NY

Environment NY Eric Whalen, Field Organizer New York, NY

Southampton Oyster Company William Pell; Owner Southampton, NY

Brooklyn Urban Anglers Assoc Michael Louie, Blog Editor Brooklyn; NY

Paumanok Recovery Group, Inc.
Christopher Toften, Corporate Secretary/
CIO of IT and Communications
Freeport, NY

Riverkeeper, Inc. Phillip Musegaas, Esq., Director Hudson:River Program Ossining, NY

Long Island Chapter of Trout Unlimited John Eischer, Conservation Chair Hicksville, NY

Gateway:Striper Club Louis J.: DeRicco, Treasurer Maspeth, NY

North Shore Flyrodders Jerry Kessler, President Huntington, NY

Blue Ocean Institute Carl Safina, Founding President Stony Brook, NY

Mark Susinno Gamefish, Fly Fishing and Angling Artist Harrisburg, PA

Atlantic White Shark Conservancy Cynthia Wigren, Executive Director Cape Cod, MA

Wild Trout Flyrodders Glenn Erikson, PhD, President Long Flat, NY North East Council Federation of Fly Fishers Leslie Wrixon, President Manchester-by-the-sea; MA

International Federation of Fly Fishers Dr Rick Williams, Board of Directors, Chair of Conservation Committee Boise, ID

Trout Town Adventures and Guide Services
Philip Eggleton, Co-Owner and
New York State Licensed Guide
Roscoe, New York

Sierra Club El Group Diane Ives, Coastal Waterways Chair West Sayville, NY

Tie One On Charters John Tondra, Captain Sherman, CT

Joey Charters Vinny Catalano, Captain Brooklyn, NY

Blitzbound Charters Jason Dapra, Captain Middletown, NY

Frequent:Fly-er Ken Courilangus, Captain Levittown, NY

Long Island On The Fly www.flylifemagazine.com Andrew Derr, Captain and editor Greenport, NY

Mike Fox, Fisherman York, PA

Mike Hiss, Fisherman Stowe, VT

Bruce Eberle, Fisherman Clarksville, MD

Dennis Omahen, Fisherman Flanders, NJ



May 25, 2018

MAY 25 2018

NEW ENGLARD FISHERY MANAGEMENT COUNCIL

Via Electronic Mail

Mr. Peter Kendall
Chairman, Atlantic Herring Committee
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

RE: Decision on Adding River Herring and Shad as a Stock in the Atlantic Herring

Dear Chairman Kendall:

The Sustainable Fisheries Coalition ("SFC") represents participants in the Atlantic herring fishery, including the F/V Darana R, Lund's Fisheries, Seafreeze, Inc., The Town Dock, Irish Venture, Cape Seafoods, Western Sea Fishing Co., Ocean Spray Partnership, and O'Hara Corporation. In advance of the Herring Committee's upcoming meeting and, especially in light of claims that some environmental groups and others have been making, SFC wanted to resubmit our legal analysis of the "stocks in the fishery" question. That letter is attached.

We continue to encourage the Committee and the Council to maintain the status quo in terms of river herring and shad management. That is to say, management of these many stocks by the Atlantic States Marine Fisheries Commission and minimization of their bycatch in federal waters, consistent with the requirements of the Magnuson-Stevens Act.

Thank you very much for considering these comments.

Sincerely,

/s/ Shaun M. Gehan

Counsel to the Sustainable Fisheries Coalition

ATTACHMENT



April 6, 2018

Via Electronic Mail

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

RE: Decision on Adding River Herring and Shad as a Stock in the Atlantic Herring Fishery

Dear Dr. Quinn:

The Sustainable Fisheries Coalition ("SFC") represents participants in the Atlantic herring fishery, including all the mid-water trawl vessel owners and processors. We are writing to express our strong opposition to the idea of either developing a federal fisheries management plan ("FMP") for river herring and shad ("RH/S") or to adding these as "stocks in" the Atlantic herring fishery. Such action would not improve management of these fisheries, nor is there any legal mandate to do so.

No one disputes the importance of these stocks. However, federal management would duplicate and detract from current cooperative state/federal conservation efforts. Under the status quo, both the New England and Mid-Atlantic Councils have taken steps conserve RH/S under the appropriate Magnuson-Stevens Act ("MSA") bycatch minimization provisions. (We are not aware of steps taken by the South Atlantic Council, but as the White Paper notes, it has a similar interest in these stocks.) Notably, these caps are not scientifically derived because the data on these stocks does not exist in which to set annual catch limits. In essence, virtually nothing would change in terms of management measures if an FMP were developed, but doing so would likely drain resources from other Council-managed stocks, particularly those available for stock assessments.

Nothing of substance has changed since the last time the Council decided not to manage RH/S stocks. Indeed, the Mid-Atlantic Council has twice come to this determination. As a reminder, this is what the National Marine Fisheries Service ("NMFS") said about the issue last time it arose in response to a court order to justify the decision not to add RH/S as a stock in the herring fishery as part of Atlantic Herring Amendment 4:

In light of the existing management of directed fisheries for river herring and shad in state waters through the [Atlantic States Marine Fisheries Commission's ("ASMFC") Interstate FMP], and the information available

because they are drawn from the requirements of the MSA itself and specifically focus on the "stocks in the fishery" question.

For instance, the question of whether all RH/S species and stocks can be managed as a unit derives directly from the law's definition of a fishery (i.e., "one or more stocks of fish which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics"⁴). Similarly, the question of whether this fishery is "under the authority of" the New England Council, as well as whether they would benefit from "conservation and management" under a federal FMP, are inextricably linked to questions about the existing cooperative management structure. Currently, the ASMFC has the lead because it governs all states in which these stocks breed, as well as having jurisdiction over state waters where directed fishing and substantial bycatch occurs. Finally, the question as to whether federal management is "unnecessarily duplicative" is drawn directly from National Standard 7. 16 U.S.C. § 1851(a)(7).

In sum, the law does not compel this Council to undertake primary responsibility for managing RH/S, and there are strong practical and policy reasons for not doing so. In the end, there is no new compelling new information to suggest the Council should change its prior decision not to manage these stocks under an FMP. It should follow its prior precedent, as well as that of the Mid-Atlantic Council, and stay on the path of cooperation with the ASMFC and NMFS, working to minimize bycatch of these stocks in the fisheries it does manage.

Thank you for your time and attention to this important matter.

Sincerely,

/s/ Shaun M. Gehan

Counsel to the Sustainable Fisheries Coalition

^{4 16} U.S.C. § 1802(13)(A).

Woneta Cloutier

From:

Ethan Chase <emc8877@gmail.com> Wednesday, June 06, 2018 8:20 PM

Sent: To:

comments

Subject:

FV Western Sea Comment

JUN -7 2018

MANUAL COUNCIL

All of us on the Herring Purse Seiner FV Western Sea and our affiliates would like to convey our knowledge of Midwater trawling as well as our recommendations for the future of this fishery.

Herring midwater trawling is a process reminiscent of the over fishing that the original 1976 Magnuson-Stevens Fishery Conservation and Management Act helped reduce. The Magnuson-Stevens Act is the principal law governing marine fisheries in the United States. It was originally adopted to extend control of U.S. waters to 200 nautical miles in the ocean; to phase out foreign fishing activities within this zone; to prevent overfishing; to allow overfished stocks to recover; and to conserve and manage fishery resources.

Herring is one of the oceans most important food chain resources.

Midwater trawling is herring trawling or pair trawling. The term 'midwater' is deceiving because the trawling nets actually do touch bottom. This occurs in areas where potential damage to the nets is minimal such as soft, sandy bottom. Putting chafing gear on the lower foot rope of their midwater trawl nets is a sign they are prepared to touch bottom. Thick layers of spawn herring and herring eggs can be found on these soft bottom areas. In many zones this has depleted herrings' future.

Other types of dragging nets also have a long history of towing many species eggs up into their nets, including shrimp, haddock and red fish. This process disrupts the bottom as well as future generations of fish.

When there are signs of eggs, fishing should be stopped immediately.

Herring Purse Seiners rarely touch bottom and make small, inefficient circles around tight bunches of surface herring. Many herring are missed and other species have many opportunities to swim out and over the float line. All life in the seine is alive until late in the pumping process. Less then 1% by-catch is the result. Touching bottom destroys fragile purse seines and is avoided at all costs, leaving fish near bottom to thrive and lay eggs.

Other countries have banned trawling. It destroys most things in its long path. Including lobster gear. Especially midwater pair trawling, where a larger net is pulled between two large boats. Some of these are the size of small ships. It is a highly efficient, very lucrative process that requires less men then seining and can be performed year round, leaving sparse amounts of herring remaining. Midwater trawlers can catch large amounts of fish in areas where Purse Seiners can hardly detect them. Miles of ocean can be covered like mowing a lawn. Over fishing until there are no signs of fish is easily achieved. All life caught in a trawl net is killed by the pressure of towing. During pumping their catch, large amounts of by-catch are separated in many ways.

We are certain that more spawning closures in ALL zones must be implemented.

In Area 1a during the summer months, only Purse Seining is allowed. Trawlers can and have converted into seiners. Since the recent survey, more boats with old permits are preparing to, and have, begun purse seining in Area 1a. It is only fair to the long term existing 1a Herring seiners that a limited entry of permitted seiners that have fished at least two years in the last twelve, be eligible for a Fair Tiered Permit System. This would include converted trawlers that meet this criteria. In addition, only small carriers with a long history be allowed to be participants in this fragile Herring Fishery.



We appreciate your time and consideration. From all of us on the FV Western Sea, as well as those who depend on this Herring Fishery and want to see it preserved for us and the sea life that Herring sustains.

Thank you for all your work preserving our fishery and the families it supports.

Sincerely, Glenn Robbins, Shaun Rockett, Jeff Mclean, Ethan Chase, Andrew Banow, Neal Herrick, Steven Little, Jason Parent, Paul Judkins, Shane Percy, Ryan Anderson, Glenn Lawrence, Ben Banow, Glenn Hall, Cindy Hall, and many more including all of our beloved family members.

This has great effect on all the Herring Seiners, multitudes of bait dealers and all the New England lobsterman. And many, many others.

FV Western Sea 17 Alden Lane Eliot Maine 03903

Sent from my iPhone