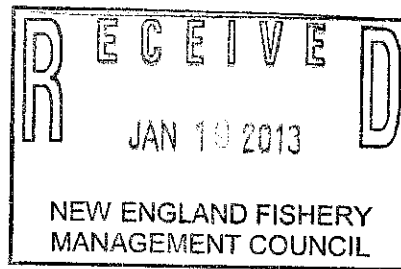


# Additional Correspondence





David Waldrip  
Charter Boat Relentless  
Green Harbor, MA

January, 19, 2013

Dear Paul,

I am writing to you as a charter boat owner and captain who fishes Stellwagen Bank and the Western Gulf of Maine (WGOM) for multi species primarily targeting cod and haddock as requested by our customers. I am very concerned that any further stringent measures including additional seasonal closures and or size limit increases and reduced bag limits will have a detrimental effect on the Charter Boat industry.

We have been abiding by strict regulations making sacrifices for many years going from no bag limit, to ten cod fish, now down to nine. We now have a seasonal closure for GOM cod for over one hundred and sixty-six days a season which has a major effect on booking trips.

The charter and party fishing industry is the taxi for recreational anglers to fish offshore targeting cod and haddock allowing them access to this public resource. The majority of these anglers come to Massachusetts, New Hampshire and Maine not only fishing with us but spending hard earned money in lodging, meals, gasoline, tackle and other places all contributing to our economy. Without reasonable bag these anglers will fish elsewhere devastating a traditional fishery and industry. We are no different than the commercial fisherman with a financial investment as a stakeholder. The customer who travels to Massachusetts from out of state spends over \$500.00 for a day of fishing when all the expenses are added up. Without the opportunity of going home with a nice bag of fillets they will not book as it is the perception of a great day on the water and a large catch that attracts customers.

We understand the law mandates to stop over fishing. The regulations can not be so restricted no one will book a full day trip or we will be tied up at the dock year round.

One of the options which should be considered is allowing a larger bag limit for the party and charter fleet than the private boater. The private boater can fish often where the charter customer may come once a year.

I am not sure exactly how bag limits are determined and feel we are good at putting customers on fish. I averaged out our average catch per person on fifty-three groundfish trips last season. **The average catch per trip was 26 cod which meant 3.25 cod per person. The average catch per trip for haddock was 5.88 resulting in an average of 0.73 fish per person.**

I believe these numbers indicate even with no bag limit on haddock and a nine fish bag limit on cod, we are not landing large numbers of cod and haddock. When we land a few cusk, pollock and redfish during these trips it is enough to keep the customer satisfied.

If the bag limits drop especially below 8 cod and ten haddock we will have a business that is not marketable and no one will charter for GOM fishing trips. They want to have the opportunity or a chance to limit out however it rarely happened last season. Please understand that we depend on these trips to pay mortgages on boats, homes, dockage, required safety equipment and other expenses just like the commercial sector.

I also am requesting additional opportunity for the GOM charter fleet. It is my understanding the council voted to open up the WGOM closed area to commercial fishing if authorized by the administrator for additional opportunity. I am requesting additional opportunity by increasing the fishing season by eliminating the closed season from March 1<sup>st</sup> – April 15<sup>th</sup>. I feel there would not be a tremendous additional effort on the cod stocks and most likely not a lot of fish caught. However it would give the few boats fishing a chance to book additional trips to help get by. You need to remember that even during the last two weeks of April many trips are cancelled due to adverse weather which should be expected during the March 1<sup>st</sup> to April 15<sup>th</sup> period.

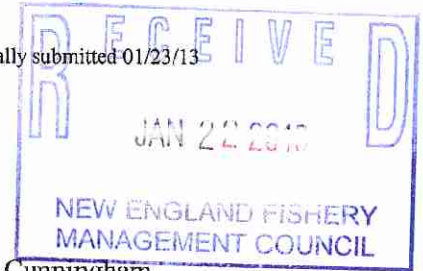
Presently we have very few bookings with customers anxiously waiting to see what the regulations will be for the beginning of the fishing season. It is extremely difficult to manage and plan a business without knowing the new regulations. I am asking that the council adopt the changes sooner than later so we can let our customer base know the changes.

In closing I greatly appreciate your time and look forward to working with you and the members of your staff in fabricating a solution which will allow the charter party industry to continue in a traditional fishery in the GOM for codfish.

Sincerely,

David Waldrip

Electronically submitted 01/23/13



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January 23, 2013

Dear Sirs,

I have addressed this letter to all three bodies because, while basically a science problem, the solution requires multiple actions. The problem is the assumed discard rate and the kept/discard ratio. I am concerned with the discard/kept ratio being applied on sector monitoring trips to all species instead of on a species by species basis. The specific problem in my case is yellowtail, but the issue occurs with all species. I have thought long and hard about why our yellowtail assessments are failing. After observing my own discard numbers, I think I have an answer.

First, by way of background you should know that I come from a very small sector (NEFS XII) with very few draggers. This helps to amplify the problem. Second we fish with different gear at various times of the year for different groups of fish. When flounder fishing I use a seven inch square mesh to cut down on small flounders and in the winter use a six and a half inch diamond to catch cod and spiny dogfish. Now some numbers; I have landed 10,141 pounds of yellowtail flounder with an assumed discard rate of 3,669 pounds. Since I was only gifted half of these yellowtail in my allocation this year I have had to purchase the balance at a cost of 50-60 cents per pound.

I quit fishing for yellowtails in October when my manager told me that my assumed discard rate combined with my landings was near the total of my allocated fish. Immediately I changed nets to use a sweep and codend combination that would minimize yellowtail retention but the amount of dogfish kept determined the amount of yellowtail discarded even though one has nothing to do with the other. This absurd number is being driven by the kept/ discard ratio for the last two months. During this period I have landed cod and dogfish with no yellowtail. However, every day the ratio is creating 50 to 100 pounds of phantom fish. This is because the ratio is applied to all species kept, not on a species by species basis. I have to buy yellowtail allocation to cover discards that never existed and were never killed. You can imagine how phantom fish can bias a stock assessment. An age structure is created from length frequencies on observed trips. On trips where no discards occur, and no observer is on board, this real age structure is applied to the non-existent discards. Further, since it appears that relatively large numbers of sublegal fish exist, when the survey does not find them people assume that fishermen discard even more on non-observed trips. It is like a cat chasing its tail.

Conversely, the program can be run in the other direction. Fishermen could decide taking observers has no benefit, only liability. On observed trips they could go to places with minimal discards or, even more insidious, they could discard fish with observers present without the observer's knowledge. Sublegal fish are under estimated in the catch, and when surveys show relatively high abundance, management assumes good recruitment. When that recruitment never shows up in the catch we assume that our recruitment surveys are in error or natural mortality has changed.

The second issue that feeds into this problem is accurately weighing fish on observed trips. To their credit, the observer program, the observers and observer companies have all worked diligently to solve this problem. However, after years of taking observers and requesting their reports, I have reluctantly concluded that fish cannot be weighed on board. Remember the yellowtail discard rate mentioned at the beginning of this letter? This is largely driven by one high discard event on a very rough day. Three baskets, half full of fish, in one tow had an observed weight of over 200 pounds when it should have weighed closer to 105 pounds. Again this is not the fault of the observer. He was trying keep from falling down while holding a spring scale attached to a half basket of fish. The current program can give you the order of magnitude of discarded catch. It cannot give you an accurate number to use in assessments or charge fishermen.

Now let us consider the effects of staying with the current program. As an individual, I will shop for a sector with more draggers that fish over a larger area which helps lower the rate. As a result sector XII, may be forced to close. Second, as fishermen increasingly understand that they gain no benefit from trying to minimize discards through appropriate mesh size and sweep combinations, because they will be haunted by the kept/discard ratio, we lose the stewardship benefit which was supposed to be the hallmark of sector management. You may as well use whatever gear gets you the highest catch per unit effort because you are going to get charged for discards anyway. The argument that the ratio will correct over time is hollow because you run out of fish and have to stop fishing before this occurs. This will be particularly problematic next year. Finally, to reduce the kept portion of the kept/discard ratio, fishermen may begin discarding low value/high poundage species such as dogfish to drive down the ratio. This may be cheaper for them than trying to lease fish to cover the phantom fish created by the ratio. You cannot penalize people for something they cannot control and expect increased stewardship.

Critics will charge that 100% coverage or cameras or full retention will solve this problem. I disagree. You have to change the entire system by turning a penalty into a reward.

While many good ideas have surfaced to solve this issue including fixed discard estimates, proportional sampling, and stratified discard/kept estimates, I would like to add one more to the discussion. Currently approximately 30% of the ABC is parked in uncertainty. The principle cause of uncertainty is unknown catch. My solution has three components:

- First, move discarded fish from ACL's to scientific uncertainty. Stop penalizing people for discards and maybe they will tell you what they catch.
- Second, revamp the observer program to become a shore side operation. The current program is hideously expensive and inefficient. Assuming, no weather related cancellations, a single observer works for perhaps ten minutes every four hours on one boat. Each observer needs a host of training and equipment that helps make the cost prohibitive. Now imagine that all the discards come to the observer. One observer can do

all the weighing and sampling on land from a number of boats and get accurate weight. You get 100% coverage with far less people in safe working conditions for far less money.

- The third component of this program is to pay fishermen to collect discarded groundfish and bring them to shore. Other non-groundfish and zero possession species would continue to be tabulated through the existing NEFOP's program. The collected groundfish would then become the property of the observer program. This removes the dealers from having to dispose of unmarketable fish. As a member of the enforcement committee there are two elements to enforcement, enforceability and compliance. If you want compliance you have to have rules that benefit fishermen. Paying fishermen, without removing the fish from the annual catch limit, will turn a loss into a reward. Maybe then, we can get accurate information on catch which will benefit the entire process with minimal cost.

Since this problem has elements of both the Standard Bycatch Reporting Methodology issue and Amendment 16 monitoring requirements, I believe it must be addressed through council action with constructive input from both the Regional Office and the Science Center and must be addressed quickly as fishing in 2013 could halt almost immediately from the discard/kept ratio alone. This is because the transition discard rate applied to sectors at the beginning of fishing year 2013 will be higher than fishermen's PSC's. Therefor I request that you convene a meeting to come up with a solution to this problem that can be implemented prior to the 2013 fishing year.

I realize that this letter will be controversial. Numerous groups will rush to defend the status quo. However, it is my firm belief that the current system cannot give us the accurate information required, no matter how much time, effort, money or enforcement is thrown at the problem. We have to find a new way of dealing with old problems. My solution may not be perfect, but hopefully it will start the dialog on dealing with this important issue. I await your respective replies to my request for action.

Sincerely,

  
David T. Goethel

