

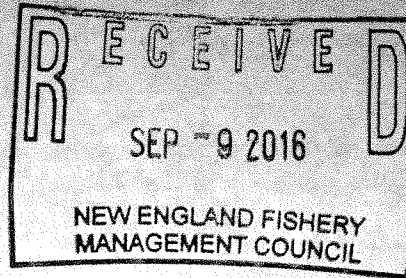
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CORRESPONDENCE

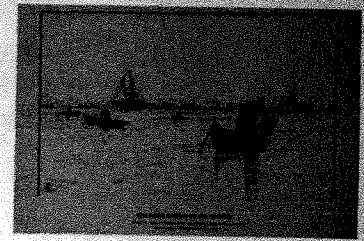
91 FAIRVIEW AVE
PORSTMOUTH NH 03801

September 8, 2016

NOAA Fisheries Service
Regional Administrator
Greater Atlantic Regional Fisheries Office
55 Great Republic Drive
Gloucester, MA 01930-2276



NORTHEAST HOOK
FISHERMAN'S ASSOCIATION



Subject: Northeast Multispecies FMP Amendment 16 Common Pool Vessels Accountability Measures Target (Trimester) TACs

Dear John Bullard,

We represent a small group of Commercial Fishermen with the Limited Access Handgear HA Permits, employing the use rod and reel, handlines or tub trawls to catch Cod, Haddock and Pollock along with small quantities of other regulated and non-regulated marine fish.

Amendment 16 set the initial target TACs, or percentages of total TAC allocated to each trimester, for the Common Pool based regulatory changes and landings patterns that occurred prior to 2009. The Common Pool fishery has significantly changed since 2009. Amendment 16 states "*Subsequent calculations will use the most recent five year periods available when the calculations are performed.*" The Common Pool percentages of total TAC allocated to each trimester has not changed for almost all the groundfish stocks such as GOM cod, GB Cod, haddock, Pollock, Witch Flounder, Plaice etc. since 2009.

Because the percentages allocated to each trimester has not changed this has caused unnecessary closures of the common pool along with the common pool exceeding its trimester quotas for some species. These trimester closures financially harm the Common Pool fishermen in addition to preventing these fishermen from harvesting healthy stocks.

We are requesting that you take action to adjust the percentages of total TAC allocated to each trimester based on the most recent five year period considering regulatory changes and recent landings patterns. These changes should better align the current status of the stocks with the effort in each trimester to preventing unnecessary closures while allowing the common pool to harvest their allocation of each species. We believe the appropriate time to implement changes to the percentages of total TAC allocated to each trimester would be the start of the 2017 fishing year incorporating as much fishery information from the past five years as possible including 2016. We do not believe this request requires an action by the NEFMC. However, please correspond your actions on this matter to the NEFMC which does an excellent job keeping the stakeholders informed.

Respectfully,
Marc Stettner /s/

NEHFA MEMBERS: Marc Stettner, Timothy Rider, AJ Orlando, Hilary Dombrowski, Paul Hoffman, Christopher DiPilato, Ed Snell, Scott Rice, Roger Bryson, Brian McDevitt, Anthony Gross, Doug Amorello

CC: NEFMC

Amendment 16

Target (Trimester) TACs

For each stock, the total annual TAC will be apportioned to trimesters. Each trimester will be four months in duration. The trimesters will be divided as follows:

- 1st trimester: May 1-August 31
- 2nd trimester: September 1-December 31
- 3rd trimester: January 1-April 30

The target TACs, or percentages of total TAC allocated to each trimester, are shown in Table 27. The initial distribution was developed by the Council after taking into account the influence of regulatory changes on recent landings patterns. Subsequent calculations will use the most recent five year periods available when the calculations are performed. For other stocks, the distribution of landings has been heavily influenced by management measures and the distribution shown in the table represents a preferred distribution of landings.

The trimester TAC distribution for Atlantic wolffish was not included in the draft amendment and is added here since this stock was added to the management unit.

Table 27 - Initial apportionment of common pool TAC to trimesters

Stock	Trimester 1	Trimester 2	Trimester 3
GOM Cod	27%	36%	37%
GB Cod	25%	37%	38%
GOM Haddock	27%	26%	47%
GB Haddock	27%	33%	40%
CC/GOM Yellowtail	35%	35%	30%
GB Yellowtail	19%	30%	52%
SNE/MA Yellowtail	21%	37%	42%
GOM Winter	37%	38%	25%
GB Winter	8%	24%	69%
SNE/MA Winter	36%	50%	14%
Witch Flounder	27%	31%	42%
Plaice	24%	36%	40%
Pollock	28%	35%	37%
Redfish	25%	31%	44%
White Hake	38%	31%	31%
N. Windowpane			
S. Windowpane			
Ocean Pout			
Halibut			
Atlantic wolffish	75%	13%	12%



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
E.F. "Terry" Stockwell III, *Chairman* | Thomas A. Nies, *Executive Director*

August 15, 2016

Dr. Matthew Cutler
Social Scientist, Integrated Statistics
NOAA Fisheries, Social Sciences Branch
New England Fisheries Science Center
166 Water Street
Woods Hole, MA 02543

Dear Matt:

This letter is to acknowledge receipt of correspondence to our office that you will no longer be providing technical assistance to our Groundfish Plan Development Team and the five-year review of the scallop fishery's Limited Access General Category IFQ catch share program.

On behalf of the Council, I would like to thank you for your service to the management process. We appreciate your support, specifically your contribution to the social impact analysis for Framework Adjustment 56. Your work improved this section of the document by notably incorporating and interpreting recent survey results from the Surveys on the Socio-Economic Aspects of Commercial Fishing Vessel Owners and Crew in New England and the Mid-Atlantic (SEAS) conducted by the Social Science Branch at the Northeast Fisheries Science Center. As part of the technical working group for the LAGC IFQ five-year review, your analytical skills proved valuable in the interpretation of crew survey data, particularly the comparisons between crew members of IFQ vessels and non-IFQ vessels.

We wish you the best in your future endeavors and look forward to working with you again.

Sincerely,

Thomas A. Nies
Executive Director

cc: Dr. William Karp
Dr. Eric Thunberg

Good luck, Matt!



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E.F. "Terry" Stockwell III, *Chairman* | Thomas A. Nies, *Executive Director*

August 12, 2016

Mr. John Bullard
Northeast Regional Administrator
NMFS/NOAA Fisheries
55 Great Republic Drive
Gloucester, MA 01930

Dear John:

Today, my staff electronically sent the formal submission of the Final Environmental Impact Statement (FEIS) for Amendment 18 to the Northeast Multispecies Fishery Management Plan to your staff in the Sustainable Fisheries Division at the Greater Atlantic Regional Fishery Office.

After reviewing your letter received June 17, 2016, with comments on our preliminary submission of the Amendment 18 FEIS on October 30, 2015, the FEIS has been updated as noted in the table below. I reiterate that it would be helpful if substantive comments could be clearly identified and differentiated from minor or editorial suggestions. However, our staffs have conversed and agreed upon which revisions should be considered substantial, and the document has been updated accordingly.

Upon review of the FEIS, please communicate any comments and/or need for further document revision directly to me. Please contact me if you have questions.

Sincerely,


Thomas A. Nies
Executive Director

Response to GARFO Comments

Section	Comment	Response
Throughout	The cumulative effects/impacts of the 5% and potential sector contribution (PSC) cap, when combined, should be discussed earlier and more often in the document, rather than only in the cumulative effects section.	The cumulative effects of these alternatives are also discussed in the Executive Summary. The GARFO NEPA staff confirmed that no revisions are necessary.
	Describe how the accumulation limits and Handgear A measures meet the goals and objectives of the amendment.	Additional linkages have been added.
	There is no formal definition of an <i>excessive share</i> , but the economic analyses conclude that entities will be unable to acquire excessive shares or market power with both permit caps. Explain more how this conclusion can be made.	Section 6.5.4.4 summarizes the Compass Lexicon report, which defined excessive shares. Section 7.6.2 details how their conclusions were used in the impacts analysis. For clarity, the definition has been included in the glossary and discussion added to Section 9.1.1.
4.4	NEPA requires the identification of a preferred alternative. Because no preferred alternatives were selected by the Council and all of the proposed measures can be implemented in a future framework, no action needs to be taken now. Therefore, the preferred alternative is the no action alternative.	The Council voted against no action as the preferred alternative but voted to develop the concepts through a future framework action. A new (and preferred) alternative has been added to each subsection that would add the concepts to the list of what can be implemented through a framework. Subsequent to the GARFO letter, GARFO staff indicated this approach is acceptable. This section has been updated accordingly.
6.4.1	Update Table 17 to include two new candidate species: Thorny skate and dusky shark (place under the fish category). Also, the paragraph under this table will need to be changed to reflect these two new candidate species.	Subsequent to the GARFO letter, GARFO staff indicated that several changes should be made to the status of protected species to reflect the most recent determinations. This section has been updated accordingly.
6.5.6.1.1	Clarify whether "53% of total catch" is the percentage relative to all species or just groundfish.	It is the percentage relative to groundfish. Document clarified.
6.5.6.7	Table 80: the three columns included under the "% of total trips in fishing year" appear to have a percent of total at the bottom. The table should be adjusted so this is apparent.	The table is clear as is, but a line has been added for increased clarity.

	The subsection that begins on the bottom of 195, "Catch Per Unit Effort" appears to be written to reflect "landings" per unit effort. We recommend re-naming the subsection to "Landings Per Unit Effort"	Paragraph clarified that it is describing landings per unit effort.
	We recommend adding that the decline in landings could also be due to regulations that have reduced groundfish allocations or changes in market prices and input costs.	This note was not added, as evidence of these linkages is not clear in the data.
7.6	Impacts to primary and secondary communities should be more readily identified. Only once, with respect to Handgear A permits, are specific communities mentioned. Any additional connections between data and regulations, especially connections to specific communities that are made in Section 6.5 should be referenced again in this section.	Several connections to specific communities have been added.
7.6.2	The example is given with a monopolist holding 80% of one stock. If there is more than one firm in the industry, it is not a monopoly. The firm with 80% should be referred to as a "dominant" firm.	Clarification made.
7.6.2.2.1	The term "severely damaging" is very loaded. We recommend replacing it with "potentially negative."	Replaced.
7.6.2.2.2	"The ability of individuals to exert market power, which would restrict fishery output below a profit-maximizing level" is not necessarily true. A firm with market power restricts output to increase its own profits. If a dominant firm is able to increase their profits more than any losses associated with the other firms, overall industry profits would not be lowered.	Replaced "would" with "could".
9.1.1	In the last sentence for National Standard 2, explain how the preferred alternative prevents the fishery from becoming a Limited Access Privilege Program.	Clarification made.
9.11.1.4	Table 109: add National Standard 8 to Accumulation Limits	Done.

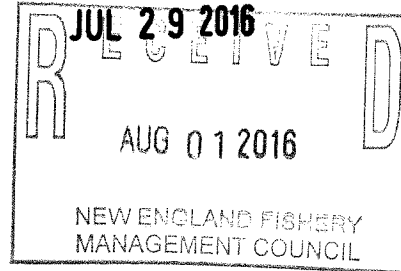
Additional revisions to the FEIS

Section	Revision
Throughout	Minor edits to document format and grammar.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930-2276

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



Dear Tom:

Thank you for your June 27, 2016, letter with comments on the exempted fishing permit (EFP) application for a project titled "Utilization of Electric Rod and Reel to Target Pollock in Western Gulf of Maine [WGOM] Closed Area." A commercial fisherman proposed the privately-funded project as a pilot study to test the economic viability of using electric rod and reel gear to target pollock while avoiding non-target catch.

I issued an EFP to the single vessel on July 27, 2016, allowing it to enter the closure area and target pollock with electric jigging machines. Under the EFP, all trips will be observed by either a Northeast Fishery Observer Program observer, an at-sea monitor, or a Northeast Cooperative Research Program technician. The approach approved under the EFP is limited in scope and scale. The vessel will fish up to 15 days, for approximately 4 hours each trip. The vessel will have four jigging machines on board.

There is precedent for approving EFPs to allow commercial fishing in groundfish mortality closures. In 2011, I issued a very similar EFP to the School of Marine Science and Technology, University of Massachusetts, Dartmouth, to use electric rod and reel in the WGOM Closure Area to target pollock. More recently, in 2014 and 2015, I issued EFPs to commercial fishing vessels to target haddock in Closed Areas I and II. All three of these EFPs were issued without Council objection. Also, issuing these EFPs is consistent with and supports Council policy.

In 2013, the Council developed Framework Adjustment 48 to the Northeast Multispecies Fishery Management Plan (FMP). This framework included a measure that allows sectors to request an exemption from the year-round groundfish mortality closures to facilitate access to healthy groundfish stocks, such as haddock, pollock, and redfish. If a sector were to request an exemption from the WGOM Closure Area for certain gear types, and under certain circumstances, I would require data to support the argument that fishing could be done effectively with minimal bycatch. Issuance of this EFP does not guarantee approval of a future sector exemption, but is a necessary first step to support such a future sector exemption request.

The request for an EFP to gain access to the WGOM Closure Area is based on the hypothesis that there is a higher concentration of pollock in this area than outside, which could allow more effective targeting of this stock while avoiding catch of stocks of concern, such as GOM cod. Before requesting an exemption from the WGOM Closure Area for activities as envisioned



see 8/1/16


through this project, a sector would need to assess whether vessels can catch enough pollock, and that a sufficient market exists for line-caught pollock, to make it economically viable. Additionally, I would require data to support that such a fishery could be conducted with low amounts of bycatch and would be consistent with the goals and objects of the FMP.

Additionally, the recreational fishery is currently allowed to fish in the WGOM Closure Area. This EFP allows a commercial fishing vessel access to the WGOM Closure Area to fish with similar gear to the recreational fishery. Given the small scope of the proposed research project, the expected fishing effort and catch is not enough to have any additional impact on spawning fish in the area that has not already been considered through recreational fishery access to this area.

I support efforts to find additional fishing opportunities and markets for healthy groundfish stocks that can be harvested without harming stocks of concern. If certain methods of fishing are determined to be effective at targeting healthy stocks and improving the market for these stocks, I want to enable fishermen to take advantage of these opportunities. This EFP provides an opportunity to explore the potential for selectively jigging for pollock, and remain consistent with the goals and objectives of the Northeast Multispecies FMP. I welcome other suggestions for how to achieve this goal.

If you have questions about this EFP, please contact Liz Sullivan at (978) 282-8493.

Sincerely,


for John K. Bullard
Regional Administrator

cc: Bill Karp, Director, Northeast Fisheries Science Center