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ADDITIONAL
CORRESPONDENCE

91 FAIRVIEW AVE
PORSTMOUTH NH 03801

**NORTHEAST HOOK
FISHERMAN'S ASSOCIATION**

September 13, 2016

New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
Thomas A. Nies, *Executive Director*



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

Dear Executive Director Tom Nies & Council Chairman Terry Stockwell:

We recently submitted the attached letter to Mr. John Bullard, NMFS Regional Administrator. In this letter we assumed incorrectly that the NMFS can make adjustments to the percentages of total TAC allocated to each trimester in the Common Pool without any actions by the Council.

We are requesting that the NEFMC include a provision in FW 56 to adjust the percentages of total TAC allocated to each trimester per Amendment 16 as discussed in our letter to Mr. John Bullard. We understand that FW 56 has numerous items already included in this action. However, if it is possible to fix this re-occurring problem (common pool closures) in FW 56, this would help the common pool fishery harvest their TAC and healthy fish stocks.

One idea we propose would be to approve changes to the common pool trimester percentages (for all groundfish) with the witch flounder specifications at the January council meeting. Witch flounder along with some other groundfish like GOM cod have caused closures of the common pool because we believe the percentages of total TAC allocated to each trimester does not reflect the current state of the fishery.

Your consideration and action on our request would be greatly appreciated. Waiting to fix this in another fishery action would cause an additional year of closures that will continue to harm the common pool fishery.

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

If you are a holder of a groundfish HA permit and wish to join the NEHFA, please contact the NEHFA at the address above.

91 FAIRVIEW AVE
PORSTMOUTH NH 03801

**NORTHEAST HOOK
FISHERMAN'S ASSOCIATION**

September 8, 2016

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



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

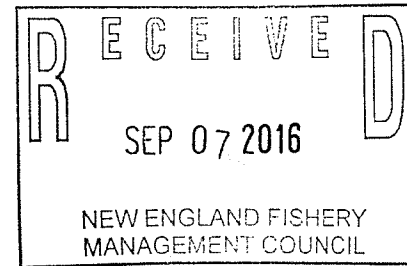
The target TACs, or percentages of total TAC allocated to each trimester, are shown in Table 27. The initial distribution was developed by the Council after taking into account the influence of regulatory changes on recent landings patterns. Subsequent calculations will use the most recent five year 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	Trimester3
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%

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



September 6, 2016

Dear Mr. Bullard:

We are writing to request that you use your authority under 50 CFR 648.80(a)(8) and (50 CFR 648.80(a)(17) to expand the existing Gulf of Maine scallop dredge exemption area and the Great South Channel scallop dredge exemption areas to encompass the entire Gulf of Maine and Georges Bank regulated mesh areas, not including habitat closed areas, or year round closed areas except when allowed under the Scallop Access Areas Program.

The original rationale behind restricting General Category access to these areas is no longer relevant. At the time, "the harvesting and discarding of groundfish [was] potentially significant...[and t]he Council believe[d], and NMFS concur[red], that without any limitations on this practice, it will escalate."¹ Since that time, the General Category scallop fleet has transitioned from an open access fishery to a limited access ITQ fishery, which has resulted in a significant reduction in participants.

Furthermore, observer collected data and studies conducted by UMass Dartmouth's School for Marine Science & Technology and the Gulf of Maine Research Institute have repeatedly shown that General Category gear results in minimal bycatch levels. In GMRI's 2008 study of the Great South Channel Scallop Dredge Exemption Area, researchers found "consistent bycatch rates of less than 3% of the total catch" for monkfish and individual flounder species.² SMAST's 2013 project with the Cape Cod Fisheries Trust, which studied bycatch in the General Category fleet off the outer Cape, found D:K ratios averaging between 0.003 and 0.015, depending on the time of year.³ And as recently as 2016, General Category scallopers participating in an SMAST study in Nantucket Lightship averaged a D:K ratio of 0.0002 for yellowtail and 0.002 for windowpane.⁴

We understand that it may not be feasible for the Council to overturn these closures wholesale at the moment. However, it is within your power to extend the scallop dredge exemption areas that have provided some much-needed opportunities to General Category boats in the past. Under current regulations, your decision to modify existing exemption areas for the General Category fleet must be based on the

¹ Northeast Multispecies Fishery; Framework 9, 60 Fed. Reg. 19366 (April 18, 1995).

² Daniel J. Salerno, An Evaluation of Finfish Bycatch Rates Inside the Great South Channel Scallop Dredge Exemption Area for the General Category Scallop Fishery (May 29, 2008), available at http://archive.nefmc.org/research/cte_mtg_docs/090806/report%208%20An%20evaluation%20of%20fin%20fish%20bycatch.pdf.

³ Steve Cadrin and Cate O'Keefe, Cape Cod Fisheries Trust Scallop Research Project (April 30, 2013), available upon request.

⁴ Steve Cadrin and Brooke Wright, final results forthcoming.


je, jrc - 9/7/16

determination that the by-catch of regulated species is less than 5%, by weight, of total catch.

Typically, information to support that determination would be based on by-catch data collected on experimental fishing trips. However, based on the studies cited above, we contend that there is sufficient data to support a determination that the mandated small dredge used by this fleet meets the 5% bycatch standard. Observer collected bycatch of regulated species by the limited access fleet, which enjoys access to the entire Gulf of Maine and Georges Bank regulated mesh areas (when fishing under open area days at sea), should be conclusive regarding the bycatch of regulated species in general by (albeit larger) scallop dredges.

Please contact us should you require additional information.

Maggie Raymond



Associated Fisheries of Maine

Nick Muto, Chairman



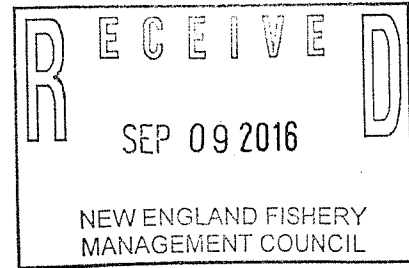
Cape Cod Commercial Fishermen's Association

CC: Tom Nies



September 9, 2016

Terry Alexander, Acting Chairman
Groundfish Committee
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950



Dear Terry,

NSC is writing to request the Groundfish Committee include provisions under Framework 56 to the Northeast Multispecies Fisheries Management Plan for Atlantic halibut that would be adopted for the 2017 fishing year and beyond. Specifically, measure /s that refine the accountability measure (AM) adopted under Framework 48 as well as a revision to the OFL / ABC specifications for the Atlantic halibut for fishing years 2017-2018.

Although final catch information has not been released for the 2015 fishing year, over the past few months, the Groundfish Committee and Groundfish Plan Development Team have been discussing potential increases in Atlantic halibut catch in the 2015 fishing year by the state subcomponent of the ACL.

It is known the commercial groundfish fishery did not exceed their portion of the sub-ACL in fishing year 2015. But Framework 48 contains area-based AMs that apply only to the federal commercial groundfish fishery regardless of the source of an overage. This includes a large gear restricted area above Groundfish Closed Area 1 on Georges Bank for trawl vessels and two fishery closures in the Gulf of Maine for fixed gear (sink gillnet and longline). Possession may also be reduced from one fish per trip to zero. These AMs, if triggered for the 2017 fishing year, will impose significant economic hardships upon the commercial groundfish fleet.

Fortunately, Framework 48 also contains language that allows AMs to be reviewed in a future groundfish action. *NSC strongly urges the Committee to use this authority to reevaluate and modify the AMs under Framework 56.*

Aside from the AM, it is apparent the present signals of abundance for Atlantic halibut greatly differ from assumptions that led to the specifications adopted for the 2016-2018 OFL / ABC for Atlantic halibut. *This is consistent with the contrary signals being seen over the past few years for many groundfish stocks.*

You'll recall the 2015 Operational Assessment held for all groundfish stocks did not accept the results from the assessment model as a basis for scientific advice for management for Atlantic halibut. There were many diagnostic issues identified. If the model had been accepted abundance estimates would have been much greater. Alternatively, another approach was used when establishing the OFL / ABC for Atlantic halibut. The catch advice generated from this alternative approach holds to a highly conservative OFL and ABC that is held constant from 2016 through 2018 (OFL 210 and ABC 158).

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Gloucester, MA 01930
Tel: (978) 283-9992

The most recent information available concerning the abundance of Atlantic halibut is not being accounted for in the present OFL / ABC. The signals differ greatly from the assumptions accepted. NSC strongly urges the Groundfish Committee to recommend the New England Fishery Management Council direct the Science and Statistical Committee to revisit the OFL / ABC for 2017-2018 based upon the most recent information.

To conclude, disproportionate treatment is not what was intended by the Magnuson Reauthorization 2006 for ACLs and AMs. With this in mind, NSC supports Committee and Council efforts to encourage, and where possible regain, management consistency between the various subcomponents of the groundfish ACLs. For Atlantic halibut, NSC supports Council efforts to ensure catch is controlled to current requirements so federally permitted fishermen are not negatively impacted by groundfish catch exceeded by another subcomponent of the ACL.

Sincerely,

A handwritten signature in cursive script that reads "Jackie Odell".

Jackie Odell
Executive Director