

**From:** Michael Pierdinock [<mailto:sbcbamp@gmail.com>]  
**Sent:** Sunday, April 05, 2020 4:20 PM  
**To:** Tom Nies <[tnies@nefmc.org](mailto:tnies@nefmc.org)>; Michael Pentony <[michael.pentony@noaa.gov](mailto:michael.pentony@noaa.gov)>; [NMFSCOVID-19@noaa.gov](mailto:NMFSCOVID19@noaa.gov)  
**Cc:** Chris Oliver <[chris.w.oliver@noaa.gov](mailto:chris.w.oliver@noaa.gov)>; [dan.mckiernan@state.ma.us](mailto:dan.mckiernan@state.ma.us); [ronald.amidon@state.ma.us](mailto:ronald.amidon@state.ma.us); [william.duffy@noaa.gov](mailto:william.duffy@noaa.gov); Richer, Claire (Markey) <[claire\\_richer@markey.senate.gov](mailto:claire_richer@markey.senate.gov)>; [andrew.nelson@mail.house.gov](mailto:andrew.nelson@mail.house.gov); [sarah.peake@mahouse.gov](mailto:sarah.peake@mahouse.gov); [patrick. Kearney@mahouse.gov](mailto:patrick. Kearney@mahouse.gov)  
**Subject:** Corona Virus Impacts to the Recreational Anglers & For Hire Fleet

Mike/Tom:

On behalf of the SBCBA that represents the for hire fleet and recreational anglers that fish our Massachusetts state and federal waters beyond, the corona virus has shut down the for hire fleet with haddock trip cancellations associated with the opening April 15th as well as the May 18 black sea bass trips. We are also having problems with marinas having staff available to have our boats ready to be placed in the water for the upcoming season. We are concerned the entire upcoming season may be at risk with clientele having lack of funds to go on for hire trips. Many captains have already used their clienteles deposits to pay for insurance, dockage and vessel repair and are at further risk if things don't turn back to normal soon. The state and federal financial relief to obtain unemployment insurance as well as SBA loans is a step in the right direction but depending upon the duration of restrictive measures many may just close shop.

Prior to the state/town restrictions a OUPV 6 pack vessel could leave the dock and follow the CDC social distancing measures, washing hands and surfaces and other measures but in reality few were leaving the dock. Party boat operators have no options unless they limited the trip to ten or less people in total on the boat that financially makes no sense. If one follows the CDC measures and if there was a cost effective mechanism to corona test all essential employees and/or patrons with a 15 minute corona test daily the comfort level would be such that it would then be safe to leave the dock.

We need to maintain the ability for recreational anglers, clammers, etc to fish and put food on the table. There have been many inquiries with those concerned that ability to do such may stop. Follow CDC recommended measures when conducting such activities.

There are no MRIP interviews presently being conducted and few are fishing other than select recreational anglers. We hope that the fall season can be opened for those species where there are fall closures such as black sea bass, summer flounder, etc. This will provide us some financial relief and would provide a mechanism for recent MRIP fall landing data for species of concern that is lacking in our waters due to ongoing fall closures.

We anxiously await the details concerning financial relief for the for hire fleet for losses greater than 35% that will be administered by NOAA later in the year.

Be safe, be healthy and maintain the CDC distances and implement the CDC measures so we can get back in running in early May or sooner.

If you have any questions or comments please email or give me a call.

Thanks

***Capt. Mike Pierdinock***

SBCBA, President

(617) 291-8914

Stellwagen Bank Charter Boat Association

P.O. Box 1230

Marshfield, MA 02050

[www.stellwagenbank.org](http://www.stellwagenbank.org)

**From:** Marc [<mailto:ijigcod@mindspring.com>]

**Sent:** Saturday, April 18, 2020 10:44 AM

**To:** Tom Nies <[tnies@nefmc.org](mailto:tnies@nefmc.org)>

**Cc:** Cheri Patterson <[cheri.patterson@wildlife.nh.gov](mailto:cheri.patterson@wildlife.nh.gov)>; Peter Kendall <[peter.kendall@comcast.net](mailto:peter.kendall@comcast.net)>; Michael Pentony <[michael.pentony@noaa.gov](mailto:michael.pentony@noaa.gov)>; John Quinn <[jquinnfish@gmail.com](mailto:jquinnfish@gmail.com)>

**Subject:** RE: Groundfish Emergency Action

Hi Tom,

Thank you and the Council for taking this on. I never fished under DAS since I am Handgear HA fisherman but from a HA perspective we would be left out if only DAS are allowed to carryover. I would guess years ago before Sectors the "currency" was DAS but now it's a different world (on so many levels). If I remember correctly just about all the closures in the common pool were related to some choke species reaching 90% that closed the Trimester to all fisherman capable of catching more than de minimis quantities of that stock. Looks like not much going on now in this trimester and nothing more than 50% caught so far with 12 days left in the year (see link below). Carrying over GOM cod and some other species would really help. Maybe the answer is to carry over both fish stocks and DAS for the common pool.

Very respectfully,

Marc

## Summary Table Common Pool 3rd Trimester Catch Monitoring

Report run on:  
For data reported through:  
Quota Period:  
Quota Period Dates:

April 16 2020  
April 14 2020  
2019  
Jan. 1, 2020 to Apr. 30, 2020

Stock	Cumulative Kept (mt)	Cumulative Discard (mt)	Cumulative Catch (mt)	Overage (mt)*	Adjusted Catch (mt)**	Sub-ACL (mt)	Percent Caught
GB Cod	0.4	0	0.4	-32.0	-31.6	20.4	0
GOM Cod	0.4	0	0.4	-4.2	-3.8	2.0	0
GB Haddock	0.5	0	0.5	-506.0	-505.6	337.7	0
GOM Haddock	1.9	0	1.9	-44.0	-42.2	45.1	0
GB Yellowtail Flounder	0.0	0	0.0	-1.2	-1.2	1.7	0
SNE/MA Yellowtail Flounder	0.1	0	0.2	-2.9	-2.7	5.9	0
CC/GOM Yellowtail Flounder	0.3	0	0.3	-13.5	-13.2	3.6	0
Plaice	0.2	0	0.2	-22.1	-21.9	5.6	0
Witch Flounder	0.6	0	0.6	-15.0	-14.4	5.8	0
GB Winter Flounder	0.0	0	0.0	-10.1	-10.1	21.7	0
GOM Winter Flounder	0.2	0	0.2	-12.2	-12.0	4.5	0
Redfish	0.0	0	0.0	-31.6	-31.6	25.2	0
White Hake	0.1	0	0.1	-7.9	-7.8	6.5	0
Pollock	0.2	0	0.2	-141.7	-141.5	91.8	0

Stocks with trimester TACs only. For others see full year table below.

\*Net overage rolled over from previous trimesters. Negative values represent a net underage.

\*\*Catch may appear negative due to underages from previous trimesters.

## Summary Table Common Pool Full Year Catch Monitoring

Report run on:  
For data reported through:  
Quota Period:  
Quota Period Dates:

April 16 2020  
April 14 2020  
2019  
May 1, 2019 to April 30, 2020

Stock	Cumulative Kept (mt)	Cumulative Discard (mt)	Cumulative Catch (mt)	Sub-ACL (mt)	Percent Caught
GB Cod East	0.0	0.0	0.0	6.5	0.0
GB Cod	1.6	0.2	1.8	53.8	3.3
GOM Cod	3.9	1.2	5.1	10.9	47.0
GB Haddock East	0.0	0.0	0.0	237.7	0.0
GB Haddock	1.0	0.0	1.0	844.3	0.1
GOM Haddock	8.7	0.1	8.8	96.1	9.2
GB Yellowtail Flounder	0.0	0.0	0.0	2.9	0.0
SNE/MA Yellowtail Flounder	0.4	0.0	0.4	9.0	4.1
CC/GOM Yellowtail Flounder	3.8	0.8	4.6	21.4	21.5
Plaice	3.6	0.4	3.9	31.4	12.5
Witch Flounder	2.8	0.1	2.9	23.1	12.5
GB Winter Flounder	0.0	0.0	0.0	31.8	0.0
GOM Winter Flounder	1.5	0.0	1.6	18.1	8.8
SNE Winter Flounder	8.1	0.1	8.2	73.9	11.1
Redfish	0.4	0.0	0.4	57.2	0.7
White Hake	6.8	0.0	6.8	21.1	32.2
Pollock	14.8	0.0	14.8	248.1	6.0
Northern Windowpane	0.0	0.0	0.0	63.0	0.0
Southern Windowpane	0.0	2.5	2.5	53.0	4.7
Ocean Pout	0.0	0.2	0.2	94.0	0.2
Halibut	1.0	0.0	1.0	75.0	1.3
Wolffish	0.0	0.0	0.0	82.0	0.0

### Notice

The 2019 Quota Period began on May 1, 2019, therefore this report does not contain any landings reported prior to May 1, 2019.

This report include estimates of missing landing reports.

Management actions for the Common Pool Program, under the authority of the Regional Administrator (such as closures and possession limits) are based upon Vessel Monitoring System (VMS) reports and other available information.



**National  
Oceanic and  
Atmospheric  
Administration**

These data are the best available to NOAA's National Marine Fisheries Service (NMFS) when this report was compiled. Data for this report may be supplied to NOAA Fisheries Service (NMFS) from the following sources: (1) vessels via Vessel Monitoring System; (2) Vessel Trip Reports; (3) fish dealer purchase reports; and the (4) NOAA Fisheries Service Observer Program, through audited observer reports submitted by the Northeast Fisheries Science Center. Data in this report are for landings made through April 14 2020 and may be preliminary. Differences with data from previous reports are due to corrections made to the database and updates to observer data.



## 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*

April 20, 2020

Mr. Michael Pentony  
Regional Administrator  
Greater Atlantic Regional Fisheries Office  
National Marine Fisheries Service  
55 Great Republic Drive  
Gloucester, MA 01930

Dear Mike:

On April 15, 2020, the Council passed the following motion:

That the Council requests that NMFS use its authority under section 305(d) of the M-S Act to extend the eVTR requirement to for-hire vessels issued permits for NEFMC managed species.

The motion *carried* on a roll call vote (16/0/1).

Consistent with the Council motion and the recommendation put forth in your letter to the Council on April 2, 2020, I ask that the requirement to submit vessel trip reports electronically be extended to for-hire vessels with permits for species managed by the Council. Extending the eVTR requirement to include New England for-hire vessels that are not currently subject to it is consistent with the Council's discussion on eVTRs in June 2019. Addressing this matter under 305(d) authority will streamline the rulemaking process and ensure that reporting requirements are consistent across all Council-managed species in the Greater Atlantic Region.

Thank you for considering this request. Please feel free to call me with any questions.

Sincerely,

Thomas A. Nies  
Executive Director



800 North State Street, Suite 201, Dover, DE 19901  
Phone: (302) 674-2331 | FAX: (302) 674-5399  
Michael P. Luisi, *Chairman*  
Christopher M. Moore, Ph.D., *Executive Director*



50 Water Street, Newburyport, MA 01950  
Phone: (978) 465-0492 | FAX: (978) 465-3116  
John F. Quinn, J.D., Ph.D., *Chairman*  
Thomas A. Nies, *Executive Director*

April 22, 2020

Mr. Mike Pentony  
Regional Administrator  
National Marine Fisheries Service Greater Atlantic Region  
55 Great Republic Drive  
Gloucester, MA 01930-2276

Dear Mike:

The New England Fishery Management Council and the Mid-Atlantic Fishery Management Council reviewed the draft regulatory text for the eVTR Joint Omnibus Framework in order to deem whether it is consistent with the action's text and the Councils' intent. The review was based on the draft regulatory text provided to the Council staffs by email on April 16, 2020. As a result of discussion with your staff, several clarifications were made to the text provided to the Councils, which were incorporated in the updated version sent to the Councils by email on April 22, 2020. The regulatory text is consistent with the Councils' intent for the measures proposed in the eVTR Joint Omnibus Framework, and we deem them to be necessary and appropriate for the purposes of implementing this action.

Please reach out with any questions.

Sincerely,

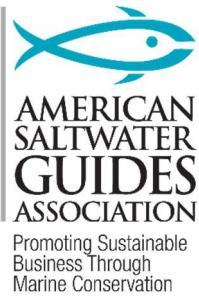
A handwritten signature in black ink, appearing to read "Michael P. Luisi".

Michael P. Luisi  
Chairman  
Mid-Atlantic Fishery Management Council

A handwritten signature in black ink, appearing to read "John F. Quinn".

John F. Quinn  
Chairman  
New England Fishery Management Council

cc: Chris Moore, Warren Elliott, Tom Nies, Eric Reid, Sam Asci, Moira Kelly, Karson Coutré



April 30, 2020

The Honorable Charles D. Baker  
Governor of the Commonwealth of Massachusetts  
Massachusetts State House, 24 Beacon St.  
Office of the Governor, Room 280  
Boston, MA 02133

Dear Governor Baker:

Thank you for everything you are doing to lead Massachusetts through the COVID-19 pandemic. We are writing on behalf of Massachusetts' saltwater fishing guides and charter boat captains to request that they be allowed to resume operations at the time of Phase One reopening of the state.

We are supportive of the actions you have taken thus far to reduce the spread of the virus. We recognize that we are living in an unprecedented crisis and that it is your responsibility to take every action that is in the best interest of public health. That being said, the recreational fishing for-hire industry stands to suffer profoundly following your suspension of charter fishing operations on April 27.

In Massachusetts, spring is a critical time for our community. After a winter of investing in boat maintenance and equipment, insurance, and marina fees, these small business owners rely on the spring months to gain back those losses and begin to earn income for the year. With charter fishing now prohibited in Massachusetts, two weeks after the April 15 opening of haddock season and prior to the May 18 black sea bass opening date, revenue from the spring season will be severely compromised. Without the ability to take clients fishing, many guides and charter boat captains may soon face the reality of being forced out of business.

We are hopeful that in the coming weeks the number of new COVID-19 cases will begin to decrease, and that with that decline and other positive indicators you will consider reopening parts of the economy. We are not public health professionals and do not intend to provide input on when such a reopening should occur. However, given the open-air nature of the for-hire industry and the economic devastation the virus has inflicted upon it, it is our sincere hope that the for-hire fleet will be considered among the first businesses able to resume operations.

Should we be allowed to operate, we are confident that our businesses can adhere to the directives from both the Centers for Disease Control (CDC) and the Commonwealth of Massachusetts to inhibit further spread of COVID-19.



Examples of preventative actions that our industry members are prepared to take include:

- Requiring completion of a COVID-19 prescreening questionnaire 24 hours prior to charter departure, and maintaining these records for state collection and audit;
- Requesting that all clients who are feeling ill or showing any signs of being infected cancel the trip prior to arrival with no penalty for cancellation;
- Limiting the number of clients on board so as to maintain recommended social distancing guidelines;
- Requiring clients to provide their own food and drink stored in personal containers rather than a communal cooler;
- Wearing approved face coverings and gloves;
- Carrying cleaning and disinfecting materials, soap, water, and hand sanitizer on board;
- Regularly cleaning and disinfecting all areas of the vessel at the beginning and end of each trip; and
- Cleaning frequently touched surfaces such as handrails and fishing equipment over the course of each trip.

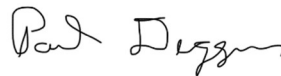
The saltwater fishing guides and charter boat captains who live in Massachusetts are hard-working American entrepreneurs who, like so many others, have been left with little economic recourse during the pandemic. We implore you to consider their plight and to take action that lets them resume their work as soon as possible.

Thank you for your consideration.

Sincerely,



Tony Friedrich  
Vice President and Policy Director  
American Saltwater Guides Association  
[tony@saltwaterguidesassociation.org](mailto:tony@saltwaterguidesassociation.org)



Capt. Paul Diggins  
Vice President  
Stellwagen Bank Charter Boat Association  
[captain\\_paul@bostonfishing.com](mailto:captain_paul@bostonfishing.com)



Capt. Chris Valaskatgis  
President  
Northeast Charterboat Captains Association  
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Capt. Don Cianciolo  
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Cape Cod Charter Boat Association  
[captaindonc@comcast.net](mailto:captaindonc@comcast.net)



Capt. Barry Gibson  
Massachusetts Chapter  
Recreational Fishing Alliance  
[barrygibson6@aol.com](mailto:barrygibson6@aol.com)

Cc:

Kathleen A. Theoharides, Secretary, Massachusetts Executive Office of Energy and  
Environmental Affairs

Daniel J. McKiernan, Acting Director, Massachusetts Division of Marine Fisheries

May 27, 2020

Michael Pentony  
Regional Administrator  
Greater Atlantic Regional Fisheries Office  
55 Great Republic Drive  
Gloucester, Ma 01930

Re: Comments to NOAA-NMFS-2020-0028

Dear Mike,

Please accept the following comments to the FY 2020 Allocation of Northeast Multispecies Annual Catch Entitlements and Modifications to Regulatory Exemption for Sectors Interim Final Rule.

As an initial matter, we are aware and mindful of the various challenges that prompted the Agency to issue this rule as an interim final rule. We agree this decision was necessary to ensure that the Groundfish Fishery could successfully begin operations at the start of the 2020 Fishing Year. However, any attempts to minimize and dismiss our comments and concerns highlighted here and previously under the guise of this decision ignores the underlying issues many of us in the Groundfish Sector program have been feeling and expressing for years. The Agency's inability to communicate and collaborate effectively with members of the Sector program on issues and improvements that could facilitate more efficient and effective Sector management. The frustrations we express here are not new nor are they an anomaly in the Sector system. They are yet another example of the failure of the Agency's treatment of the sector system which is not collaborative unless it is convenient for the Agency or furthers a larger policy objective selected by the Agency.

**Gear Stowage Requirements for Redfish Exemption:**

We support the gear stowage requirement modification to the redfish exemption.

**Modifications to the existing Redfish Exemption Area:**

We strongly disagree with the Agency's modification of the Redfish Exemption Area, and we are struggling to understand exactly what the Agency felt they were accomplishing when they embarked on this endeavor void of any communication or collaboration with the members of industry and sectors who rely on this exemption.

**We urge the Agency to immediately reinstate the Redfish Exemption Area to its pre FY 2020 state, and instead focus on ensuring compliance with the exemption on a Sector by Sector basis and work collaboratively with the Sectors and their members who are actually using this exemption and have the expertise in redfish fishing to foster improvements and make adjustments accordingly.**

The Redfish Exemption has gone through multiple iterations to get it to the point where it was finally a workable exemption that addresses not only the needs and concerns of the Agency but also the needs and concerns of industry. Leading into the 2015 fishing year, key industry members who were heavily involved in the REDNET research project worked collaboratively with their managers, industry representatives and key Agency staff to develop a redfish exemption area and thresholds for compliance. For many of us, this experience represented what the Sector program was envisioned and communicated to be, a collaboration of co-management designed to foster efficient and sustainable fishing. It also represents the ideal, not the norm in how the Sector system is operating. A key concern in previous iterations of the Redfish Exemption was the potential for vessels using smaller mesh to target other species combined with the documented mixing that occurs at times with species like pollock. This led to a carefully crafted set of thresholds that were agreed upon. These thresholds were the guideposts managers used to monitor their members fishing activity within the Exemption, and if they are not being met they serve as the basis for corrective action by the Sector. The Agency acknowledged that is exactly what happened in both 2018 and 2019. The Interim Final Rule states, *“In fishing years 2018 and 2019, several Sectors failed to meet the 50-percent redfish landings threshold for at least one month; no sectors exceeded the 5-percent groundfish discard threshold. We notified each sector by letter that they were out of compliance, one in April 2019 and the others in February 2020. All of the Sectors took steps to improve compliance with the thresholds and were able to restore compliance with the 50-percent threshold.”* **Sectors took proactive steps to bring their members and their sector back into compliance. In short, the exemption as designed worked as intended.**<sup>1</sup>

The Agency in late January 2020 invited managers to begin a discussion on “ideas for potential revisions to the redfish exemption to improve performance against the monitoring thresholds, at sea operations etc.”<sup>2</sup> In hindsight that meeting appears to be a token at best; the participants

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<sup>1</sup> For context, the two sectors in NESSN that utilize the Redfish Exemption are II, Northeast Fishery Sector Inc. (NEFS 2) & VI, Northeast Fishery Sector Inc. (NEFS 6). In the fall of FY 2019 NEFS 2 began to see that fishing activity was beginning to get closer to the threshold level established for the Exemption, they took corrective action and by December of 2019 they were well above the threshold level. NEFS 2 updated NMFS of the corrective actions they were taking in their weekly trip issue report. NMFS officially notified NEFS 2 of their monthly threshold levels in February 2020. During FY 2018, NEFS 6 did not meet their 50% threshold for four out of the seven months when at least one redfish exemption trip was taken. In each of these four months the activity of one vessel conducting one redfish trip brought the overall catch threshold down. NEFS 6 actively worked with these members and in FY 2019 NEFS 6 did not have one month where their thresholds fell below 50%.; NMFS officially notified NEFS 6 in October of 2019 that their 2019 fishing year to date average threshold was 89%. Neither sector exceeded the 5% threshold for observed trips.

<sup>2</sup> Email from Kyle Molton, January 21, 2020 to David Leveille and Hank Soule.

## Northeast Sector Service Network

1 Blackburn Center, 2<sup>nd</sup> floor

Gloucester, MA 01930

offered numerous ideas about the exemption, none of which included any discussion about an area modification. Equally, the Agency staff tasked to work on this gave no indication that area modifications were under consideration. No other communication or discussion occurred after that meeting and sectors and their members were blindsided by the Agency with this modification days leading up to the start of the fishing year.

The interim final rule offers ambiguous and at times contradictory explanations for this decision and raised concerns that the Agency **did not** analyze data consistent with the exemption as written for FY 2015-2018. To better understand the Agency's action, we conducted an analysis of overall fishery data and Sector-specific data based on information provided by the Agency which confirmed concerns and raised questions about the approach the Agency applied to justify the modifications to the Redfish Exemption Area. Please note that the data we requested was finally received prior to the start of the holiday weekend. But even with the abbreviated timeframe afforded, we have been able to compile the following considerations before the comment period deadline.

- The Agency did not analyze activity consistent with the Redfish Exemption requirements. The interim Final Rule states, *"Under the exemption, vessels may fish with a 5.5 inch (14.0 cm) codend, are subject to standard at-sea monitoring coverage, and are required to fish in the Redfish Exemption Area. Sectors are further required to meet a 50-percent redfish catch threshold (50 percent of all groundfish catch on the small-mesh portion of trips must be redfish) and, on observed trips, discards of groundfish may not exceed 5 percent of groundfish catch on the small-mesh portion of the trip."* The interim Final Rule describes that the exemption program's performance was reviewed by examining VTRs and haul-level catch from observed trips and concluded that observed hauls with more than 50% redfish were rare or only occasionally observed in several statistical areas in the Redfish Exemption Area. This analysis combined observed hauls from all sectors for fishing years 2015-2018 by statistical area. The threshold for redfish catch in the exemption regulations is 50% of all groundfish catch on the small-mesh portion of the trip, which is not the same as the percent redfish by haul or statistical area. The Agency's analysis did not look at sector fishing activity consistent with the exemption.
- The Agency did not refine its data to trips in which the Redfish Exemption was used. A vessel using or considering using the Redfish Exemption on a sector trip must indicate its intention when they submit their Trip Start Hail. This notification serves as the "flag" that identifies whether a trip is a Redfish Trip and therefore subject to threshold monitoring requirements as well as exemption specific discard rate calculation. It should be noted, we have suggested multiple times alternative methods to identify a Redfish Exemption trip but they have never been taken up by the Agency. The Agency appears to have made no effort to limit its analysis of the Redfish Exemption to those trips actually utilizing the Redfish Exemption; this raises concerns which will be

## Northeast Sector Service Network

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Gloucester, MA 01930

discussed in more detail below. The Agency's analysis did not look at sector fishing activity consistent with the exemption.

- We were provided data for four of the Northeast Fishery Sectors (NEFS), and we examined percent catch of redfish, cod, haddock, pollock, and white hake by sector, year, area, trip, and haul. Catch by species by area varied over time between fishing years 2015-2018 within and among sectors. These variations may be related to a range of factors including changes in ACLs, decisions affecting fishing behavior, seasonal distribution of stocks, and climate change. Our analysis agreed with the Agency review for statistical areas 465, 511 and 512. Overall effort was low in these areas and redfish catch was proportionately lower than other areas within the Exemption Area. Our analysis also agreed with the Agency review for statistical areas 513 and 515. These areas had consistent high redfish catch for all years and the majority of observed hauls between 2015-2018 had greater than 50% redfish. We did not make the same conclusions as the Agency about statistical areas 514, 521, 522, and portions of 513. The Interim Final Rule states that hauls occasionally achieved 50% or better redfish catch in statistical areas 521 and 522, and that haddock dominated the catch on many hauls. It further states that there were many hauls observed where cod approached or exceeded 50% of the catch. According to the data provided by GARFO, approximately 70% of the total catch in these areas was comprised of allocated groundfish stocks. Redfish catch was 22% and 26%, respectively for statistical areas 521 and 522 of total groundfish catch. Haddock catch was the same as redfish and cod catch in these statistical areas was 11% and 12%, respectively (Table 1). However, this % of catch by stock by trip included trips that were NOT fishing within the Redfish Exemption in those statistical areas. By including data from trips that may not have been fishing under the Redfish Exemption, it is not possible to accurately interpret the results as related to the Redfish Exemption threshold criteria or performance of the overall program. Similarly, for statistical areas 513 and 514, the combined catch of redfish, cod, haddock, pollock, and white hake only comprise 58% and 79%, respectively of the catch of all allocated groundfish. It is not clear from the data provided or the Agency's review whether or not vessels that fished under the Redfish Exemption in these statistical areas met the 50% redfish catch per trip threshold.

Table 1. NEFOP-ASM observed groundfish trawl trip fishing 4.9”-6” mesh landing greater than or equal to 1,000 pounds of allocated groundfish for Fishing Years 2015-2018.<sup>3</sup>

	Proportion Allocated Groundfish Mean					
	Cod	Haddock	Pollock	Redfish	Hake	Total of 5 Species
<b>464</b>	1%	4%	54%	32%	7%	98%
<b>465</b>	1%	37%	3%	7%	40%	88%
<b>511</b>	0%	28%	2%	4%	49%	83%
<b>512</b>	0%	30%	5%	5%	44%	84%
<b>513</b>	2%	16%	5%	30%	5%	58%
<b>514</b>	8%	19%	21%	28%	4%	79%
<b>515</b>	1%	8%	15%	69%	4%	96%
<b>521</b>	11%	23%	9%	22%	6%	71%
<b>522</b>	12%	26%	5%	26%	5%	74%
<b>561</b>	11%	27%	18%	5%	12%	73%

- By its own explanation, the Agency looked at observer data where mesh size ranged from 4.9 to 6.0 inches to accommodate the fact that observers are using a different method to measure the codend mesh size than prescribed in the regulations and onboard conditions. While we agree with the Agency’s approach to use a range of codend measurements from the observer data, we do not agree with an approach that did not further refine the data set to reflect those trips that actually were using the Redfish Exemption. Based on fishing behavior and gear regulations this approach may not be as problematic for statistical areas in the Gulf of Maine broad stock area (BSA) since there currently are no other mesh size exemptions. However, this approach has huge consequences for the decisions put forward by the Agency for the Georges Bank BSA, especially considering the rationales provided in the Interim Final Rule. As noted above, we focused our analysis on four Sectors. NEFS 2 and NEFS 6 represent Sectors in our Network that participated in the Redfish Exemption. However, NEFS 8 has never participated in the Redfish Exemption and did not have any activity in the Gulf of Maine statistical areas that were included in the Agency analysis, but over 200 hauls from NEFS 8 are included in the data provided. NEFS 9 has not had any activity at all in these areas since 2017. Some of the data provided appears to be for trips that were participating in the 6 inch exemption with Haddock Separator/Rhule Trawl on Georges Bank.
- We find it highly problematic that the Agency appears to be using trips participating in another exemption, and trips that had no connection to the Redfish Exemption to justify its decision to remove the portion of the previous Redfish Exemption area that occurred within the Georges Bank BSA. The Interim Final Rule states, *“In portions of the Redfish Exemption Area that overlap the Georges Bank BSA, we found significant haddock and cod catch; as a result, we are concerned that including any portion of Georges Bank in*

<sup>3</sup> summary\_asm-nefop\_areas\_evaluated\_non-confidential.xlsx

*the Redfish Exemption Area may reduce the incentive for vessels to fish under the universal sector exemption allowing vessels to fish with a 6.0-inch (15.2-cm) mesh codend when using a haddock separator or Rhule trawl.”* Our analysis showed a distinction between codend mesh sizes used by sectors that were participating in the Redfish Exemption program and those that were not (Figure 1). Average codend mesh size for NEFS 2 and 6 in statistical areas 521, 522, and 561 were ~5.6 inches, whereas average size for NEFS 8 and 9 were 5.9 inches. This furthers our concerns that data from two distinct separate exemptions were used when analyzing the Redfish Exemption in the Georges Bank BSA.

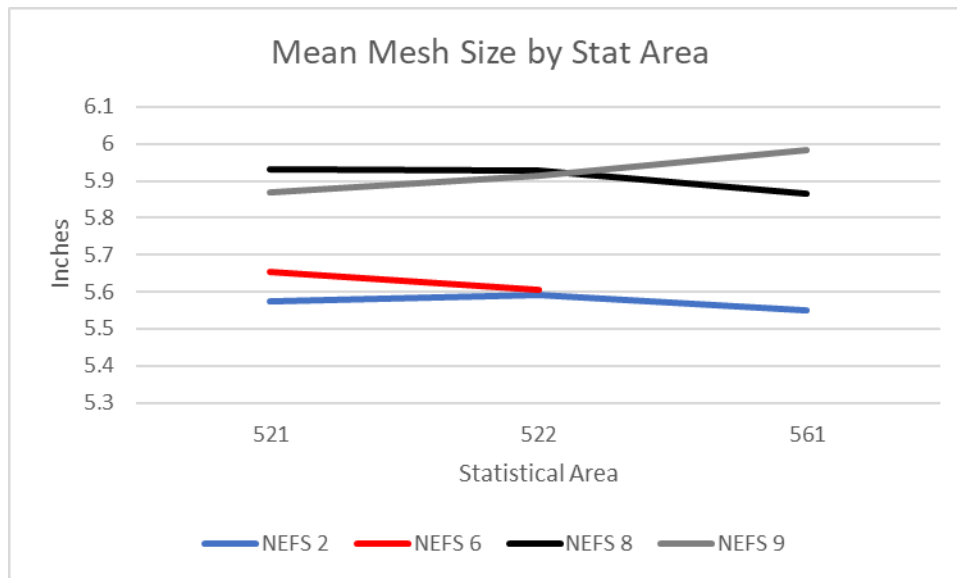


Figure 1. Mean codend mesh size by statistical areas in the Redfish Exemption outside of the Gulf of Maine BSA for Sectors NEFS 2, 6, 8, and 9 for Fishing Years 2015-2018.

- We appreciate the Agency’s desire to incentivize use of the haddock targeting gear, but we truly believe it should be done with a clearer understanding of the exemption at hand. We will note, had any consideration been paid to the REDNET project and the data collected one would have known that a significant portion of tows within the project occurred in the Georges Bank BSA previously included in the Redfish Exemption area. While we are the first to acknowledge the need to evaluate, learn and adjust based on lessons learned and changes in fishing conditions we feel more consideration and understanding should have been paid not only to this specific element but to the entirety of the program developed in collaboration in earlier years. From our review of the analysis, all the consideration, knowledge and uniqueness of redfish fishing went out the window with the area instituted by the Agency.

We do not have any confidence in the analysis or rationale put forward by the Agency with their area modification. We are confident that had a similar collaborative constructive approach



Northeast Sector Service Network

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been pursued as seen previously with this exemption we could have worked collectively with the Agency, industry members knowledgeable about this exemption and other sectors to develop modifications we could be confident maintained the purpose of the Redfish Exemption.

**We urge the Agency to immediately reinstate the Redfish Exemption Area to its pre FY 2020 state. We recommend the Agency work in coordination with the Sectors to ensure compliance with the exemption on a Sector by Sector basis and work collaboratively with the Sectors and their members who are using this exemption and have the expertise in the redfish fishery to foster improvements and make adjustments accordingly in subsequent fishing years.**

Finally, we would like to highlight our concerns that the Agency seems consistently to be focused on management decisions in groundfish that limit the industry's ability to participate in the groundfish fishery. While we have highlighted what we consider flaws in the Agency's analysis, we will note that the Agency's justification for severely shrinking the Redfish Exemption Area is predominantly centered on catch of pollock and haddock, both of which, like redfish are considered underutilized. This decision appears even more ill-advised based on directive from the Executive Order to remove regulatory barriers and increase production in sustainable commercial fisheries across the nation.

We urge the Agency to follow a more appropriate course of action that would identify opportunities to help the groundfish fishery focus effort on more underutilized species through a final Sector action. We strongly encourage the Agency to do so in collaboration with those Sectors that are knowledgeable of the redfish fishery.

The members who are enrolled in the Sectors that are Members of NESSN represent a majority of businesses that continue to make the majority of their revenue groundfish fishing. We urge the Agency to listen to those active members of the groundfish fishery who have asked repeatedly for years for the Agency to work with us collaboratively and collectively for the betterment of the groundfish fishery.

Sincerely,



Elizabeth "Libby" Etrie,  
Program Director, Northeast Sector Service Network  
Mobile: (978) 491-1848  
Email: [Libby.Etrie@gmail.com](mailto:Libby.Etrie@gmail.com)

**Northeast Sector Service Network**  
**1 Blackburn Center, 2<sup>nd</sup> floor**  
**Gloucester, MA 01930**

Cc: Jackie Odell, Executive Director, Northeast Seafood Coalition  
Tom Nies, Executive Director, New England Fishery Management Council



May 27, 2020

Michael Pentony  
Regional Administrator  
55 Great Republic Drive  
Gloucester, MA 01930

Re: Comments on the 2020 Sector Interim Final Rule

Dear Mike,

The Northeast Seafood Coalition (NSC) supports the 2020 Sector Interim Final Rule comments as submitted by the Northeast Sector Service Network (NESSN).

As requested by NESSN, NSC urges the Agency to immediately reinstate the Redfish Exemption Area to its pre-fishing year 2020 state. The Agency should focus on ensuring compliance with the exemption on a Sector by Sector basis and work collaboratively with the Sectors and their members who are using this exemption and have the expertise in the redfish fishery to foster improvements and make adjustments accordingly.

The preliminary analysis conducted by NESSN clearly details the flaws and inadequacies underlying the Agency's decision to modify the exemption areas. These modifications were absent any substantive collaboration with the Sectors. In fact, as the NESSN comments point out, it diverges from feedback offered by the sector managers earlier this year. The inability of the Agency to work in cooperation with the sectors runs contrary to co-management principals of the sector management program and this action conflicts with the Agency's reported efforts to improve communication and rebuild trust with the fishing industry.

Furthermore, the redfish exemption modification is at complete odds with the policy and intent of Executive Order 13921 and other Congressional efforts to provide opportunities for the fishing industry in light of the global pandemic. On May 7, 2020, the Trump Administration offered clear directive in Executive Order 13921 to reduce the burdens on domestic fishing and to increase production within sustainable fisheries. Redfish is an underutilized stock. Redfish, along with other underutilized groundfish stocks, will be the key focus of the New England Fishery Management Council in the coming weeks.

Sincerely,

A handwritten signature in blue ink that reads "Jackie Odell".

Jackie Odell  
Executive Director

Cc: Chris Oliver, Assistant Administrator for NOAA Fisheries  
Tom Nies, Executive Director, New England Fishery Management Council  
Libby Etrie, Program Director, Northeast Sector Service Network

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# SUSTAINABLE HARVEST SECTOR

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May 27 2020

Michael Pentony, RA  
GARFO  
55 Great Republic Ave.  
Gloucester, MA 01930

Re: NOAA-NMFS-2020-0028

Dear Mike,

We comment on the NMFS' analysis used to inform reductions to the redfish exemption program fishing zone for FY20. You provided our two active fishing sectors (SHS1 and SHS3) with historical observed catch data for FYs 2015-2018. We believe the reductions are largely prompted by catch data from vessels not participating in the exemption, and quite possibly should be reversed pending recompilation of the supporting analysis.

## SHS1

NMFS provided a short list of trips which allegedly used sub-6" gear in pursuit of redfish. Not only did none of those trips declare into the redfish exemption program, but no SHS1 vessel declared into the exemption program for the entire four years examined by the NMFS. Furthermore, the fishing coordinates provided to us for half of the trips' hauls fall outside the exemption area entirely.

It is unclear why NMFS would analyze the efficacy of an exemption program using data from trips that neither participated in the program, nor fished in its defined fishing zone. This is somewhat akin to analyzing the efficacy of the old CAI Hook Gear Haddock SAP by using data from trips jigging for pollock in the Gulf of Maine.

As to the implication that these trips used gear  $\leq 6$  inches, we believe this speaks more to the validity of mesh measurement than the possibility the operators were using illegal gear. Have a look at the history of the operators involved – your staff will recognize the names - and ponder the odds of those persons towing illegal gear around for four years with observers on board.

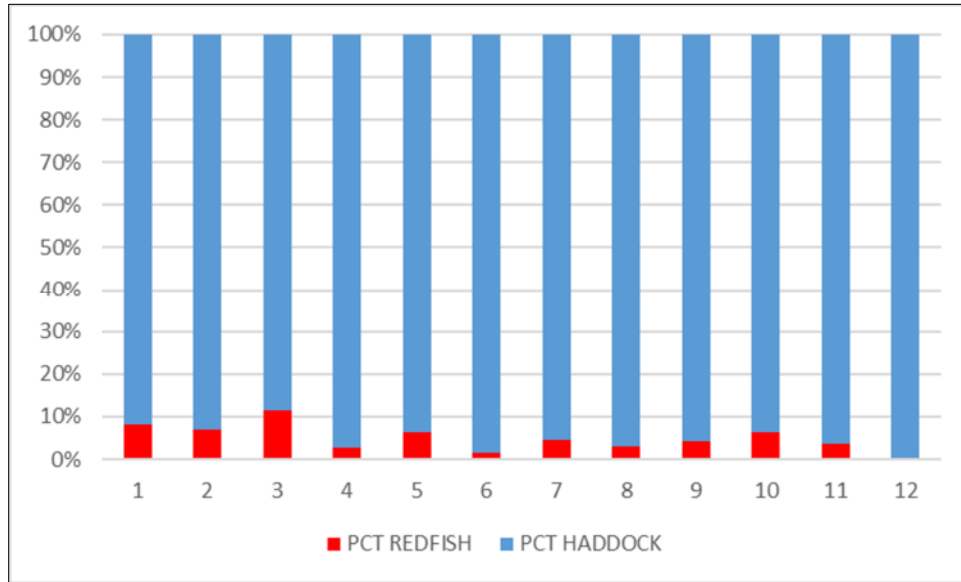
In short, the SHS1 data should be discarded entirely from the exemption analysis.

## SHS3

The SHS3 dataset is also interspersed with trips from vessels which did not declare into the redfish exemption program at all (e.g. permit 410212 during FY16, permit 410527 during FY17, and permit 330519 during FY18). Well over 200 observed hauls are shown as made south of 42°00' latitude, outside the (previous) exemption zone.

The dataset contains dozens of trips using OHS gear which is typically used to target haddock, not redfish. For example, define a directed haddock subtrip as one that caught 40,000 or more pounds of that species using OHS gear. The dataset identified 12 directed subtrips for one of

our vessels that historically spends most of its effort directing on haddock<sup>1</sup>. Following are the observed ratios of haddock to redfish on those 12 subtrips:



These trips are neither indicative nor representative of redfish exempt fishing at all (nor did the vessel declare into the exemption on any of them) and should not be included in the analysis.

### Conclusion

We regret the decision to conduct a covert analysis and abrupt modification of the redfish exemption program absent participation of industry. The dataset appears to be diluted with so many extraneous hauls and trips that its utility is indeterminate, and not sufficient to upend a fishery which usually achieves the exemption's performance metrics.

Should the NMFS revert to its more typical process of engaging industry regarding sector exemptions, we can help inform the trip selection process to better reflect trips which were actually engaged in exempted redfishing. And our captains have a wealth of hands-on knowledge which might prove valuable to the Agency.

Sincerely,

Hank Soule  
Sector Manager

cc: New England Fishery Management Council

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<sup>1</sup> Data from the DMIS file provided by NMFS to the sector. For NMFS' reference, this is the vessel that conducted trip 12506363 in FY18.



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June 10, 2020

Mr. Michael Pentony, Regional Administrator  
National Marine Fisheries Service  
55 Great Republic Drive  
Gloucester, Massachusetts 01930

**RE: Comments on the Proposed Rule for  
Groundfish Framework Adjustment 59**

Dear Mr. Pentony:

On behalf of the Stellwagen Bank Charter Boat Association that represents the for hire fleet and recreational anglers that fish in the Gulf of Maine we strongly support the proposed Framework 59 adjustment of the allocations of the total quota between the commercial and recreational fishery for Gulf of Maine cod and haddock. The proportion of quota allocated to the recreational fishery would increase from 33.7% to 37.5% for Gulf of Maine cod, and from 27.5% to 33.9% for Gulf of Maine haddock. This reallocation better reflects the complete data that should have been used, such as the inclusion of release mortality/dead discards in the recreational fishery, when the original allocations were developed.

The detrimental impact of COVID 19 to the for hire fleet is such that we request that GARFO consider liberalization of seasons and bag limits for Gulf of Maine cod and haddock this fall.

GARFO has the ability to close recreational seasons but not the ability to open, if appropriate. We request that GARFO be provided the ability to open recreational seasons when presently closed in the event that



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favorable projections for cod and/or haddock is such that future opening are possible in 2020 and beyond.

If you have any questions or comments, please email or give me a call.

Thanks

Very truly yours,

*Capt. Mike Pierdinock*

Capt. Mike Pierdinock  
SBCBA, President  
[sbcbamp@gmail.com](mailto:sbcbamp@gmail.com)

Cc: Dan McKiernan, MassDMF  
Ron Amidon, MassF&G

## **ASSOCIATED FISHERIES OF MAINE**

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PO Box 287, South Berwick, ME 03908

June 11, 2020

Mr. John Quinn, Chair  
New England Fishery Management Council

VIA ELECTRONIC MAIL

Dear Dr. Quinn:

The Associated Fisheries of Maine urges the Council to support the emergency action request, endorsed by the Groundfish Advisory Panel, to allow U.S. trawl fishermen deploying cod excluder trawls to use the same coded mesh (5" square) used by Canadian fishermen in the eastern U.S. Canada area to target the eastern Georges Bank haddock resource.

This action would be one appropriate response to the negative impacts on New England fishermen from the COVID-19 pandemic and would be helpful in meeting the supply demands of the USDA for haddock, pollock and redfish. Moreover, this action would increase utilization of this healthy resource which currently is a small fraction of the eastern GB haddock ACL (5% in 2019) and would have minimal impact on the eastern GB cod ACL (35% in 2019).

U.S. fishermen are disadvantaged by the requirement to use gear that is less efficient/effective than that used by Canadian fishermen fishing on the same resource.

Sincerely,

*M. Raymond*

Maggie Raymond,  
Executive Director