

#6

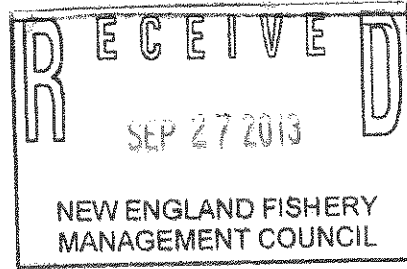
# Correspondence

September 24, 2013

New England Fisheries Management Council

50 Water Street, Mill 2

Newburyport, MA 01950



Dear Council Members,

I am writing about the condition of the groundfish fishery in Massachusetts and New England. First, I am a charter boat owner and captain located in Green Harbor, Mass. My cod trips have been devastated over the past two years, after the implementation of catch shares. Not only am I booking far fewer trips (30-40% fewer trips), but I am having less and less success on the trips that I do run. This is causing me to lose valuable customers to other parts of the country. I have built my business over the past 10 seasons and the management of this fishery is causing my business to fail! Not only are our customers leaving us, but we our expenses are soaring because we are traveling twice as far to fish. Gas is our number one daily expense and closures and fisheries decision failures have caused that part of our expenses to double.

Our entire fleet depends on the groundfish fishery (cod, haddock, Pollock, red fish) for most of our revenue. Let's be clear, however: WE DEPEND ON THE COD FISHERY FOR 100% OF OUR GROUND FISH BUSINESS. The other species are "add-ons". Without the cod, people do not book trips in New England during our season. Don't think that without cod, we can still fish for other species easily. With a vibrant cod fishery, those customer who fish with us in April come back in the summer to fish for stripers, tuna, and sharks. Without cod, they don't fish in April for cod, but they DON'T FISH WITH US FOR OTHER SPECIES EITHER!

Let's talk about season: We can not fish for cod from November 1 through April 15. That is nearly half of our historical season! Before the catch shares CATASTROPHE, we had the promise of 1/2 of April, May, and October in which cod WERE very plentiful on top of Stellwagen bank, in shallow water (65-100'). These areas also represented the shortest run that we could have to take people fishing. Let's not forget, however, that we are still talking about a run of 17-25 miles! This is not another part of the country in which charters travel less than 5 miles to take customers fishing.

Please remember that 17-25 miles is a long run and the weather in the early spring and fall is often unpredictable. Since the catch shares program was implemented, I have caught fewer than 40 keeper cod on Stellwagen Bank in this shallow water! The relentless dragging that is done in that area all winter and spring by huge draggers with no daily limits has wiped out the entire spring and fall fishery for us!!! It was clear to anyone that a sandy area, close to shore for a commercial fleet, would get pounded by a commercial fleet and that the species wouldn't be able to sustain that pressure.

That caused the entire charter, party, and recreational fleet to have to run further and further to find fish. Many of those trips, hardly considered successes, demanded a trip of 35-40 miles each way! And because the fishing is much less predictable, we are making more and more location changes during the

cc: Council, AA, MB, FH, JR, RF (10/13)

day. This costs money in gas, but also makes our days much longer as we try to please the customers. Not only is this putting our entire fleet in harm's way because of weather, but the cost to drive that far is very prohibitive. For the recreational angler, many of them have quit for economic reasons. Do the math: a boat may get 1.5 mpg. Yes, 1.5!! For a total trip of 100 miles, that's 66 gallons of gas! At \$4.00 a gallon, it easily costs a private angler more than \$250 in gas to go catching cod...and there is no "guarantee" that they'll catch a decent amount of fish. When the fish were abundant on Stellwagen Bank before the catch shares program, it was a "lock" that you would catch your limit of nice-sized fish (26-28" fish) and you would do it quickly. And you would spend less than half as much on gas! Everything was great.


Now...we have to run further and further to find ANY fish at all. The majority of the cod caught over the past two years have been 19-21" long...that's less than half the weight of a 26-28" fish and the fillets are about 1/3 the size.

**THE PROPOSED SERA COMES AT US IN TWO PARTS THAT THE CHARTER, PARTY, AND RECREATIONAL FLEET CAN'T ACCEPT: FIRST, DO NOT CLOSE DOWN ANY FISHING AREAS TO US. THE CHARTER, PARTY, AND RECREATIONAL FISHING FLEET CAN NOT SUSTAIN ANY MORE RESTRICTIONS.**

**SECONDLY, DO NOT ALLOW COMMERCIAL FISHING IN THE WESTERN GULF OF MAINE CLOSED AREAS! If history is any guide (AND IT IS), the amount of commercial pressure will wipe out any vestiges of a population IMMEDIATELY!!!!**

Our businesses on the south shore are very dependent on this fishery. The charter businesses are already hurting badly. I see more and more boats tied up when they used to be busy, fishing every day with customers from the entire eastern seaboard. People are no longer interested in traveling to fish for cod because the ride to the fish is getting to be too long and the fishing is not nearly what it was before catch-shares. Do not support any further restrictions on our businesses.

Sincerely,



Capt. Richard Antonino

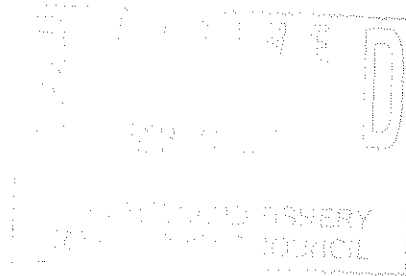
Black Rose Fishing Charters

508-269-1882

4 Sleepy Hollow Drive, Plymouth, MA 02360

Email received to Council office:

From: <jhmods@comcast.net>  
Date: September 22, 2013, 4:08:07 PM EDT  
To: <joleary@nefmc.org>  
Subject: closure



Good Day NEFMC

I am taking a few minutes to forward my opposition to the proposed closure of a huge portion on Stellwagen Bank to all fishing. My opposition comes from really from two perspectives. First, I am a recreational fisherman who regularly fishes on the bank and now expect the government to honor the promise made to the public to never close the sanctuary to fishing when it was created. Simple as that. But the fact is that it really does not matter to me whether you close or don't close. I am going to continue to fish there either way because the promise may mean nothing to the council, but I can assure you that every time I head out there, I will the dock with that promise and a clear conscience.

Given that a yes or no vote means nothing to me, the true reason that I oppose the closure is to give some regulation relief to the commercial fishermen that can only be described at this point as absolutely merciless. As a recreational fisherman, you can believe me when I say that I am no supporter of commercial trawling. That being said, as a disinterested third party looking on, I see little more than a group of people who did nothing more than follow the quota rules given to them. Those quotas now appear to have been deeply flawed and it seems to be the government's perspective that all of the pain to pay for the incompetence should fall on the fisherman. I have no doubt that no government jobs were lost as a result of the stock crisis created. I have grown steadily appalled at the seemingly complete indifference to the human cost of new harsh regulation. It would be impossible to convince me that various regulating agencies that imposed 70+% reductions in fisherman's income to correct their incompetence even once considered how many bankruptcies will be filed, how many homes will be lost, and how many families will be displaced and financially devastated. Now you are on the brink of yet more indifference as you contemplate more income restriction on a group of people whom you have already cut back by 70+% More families would be ruined, by the way, to create a study area that you don't even have any money to conduct a study in. The hope seems to be that when we create a study area, maybe, hopefully, someday possibly, a university or private company may step forward and do a study. For that, we are contemplating devastating more. The entire affair is an appalling example of the abuse of government power.

I oppose the new proposal and I support the latest law suits filed against the federal fisheries agencies by MA and NH. Someone has to consider the lives of those fishermen, and you have clearly demonstrated that it certainly will not be you.

Jeff Humber  
MA

*cc. Cornish, AA, FH, JC, RF, MB (9/27)*

91 FAIRVIEW AVE  
PORSTMOUTH NH 03801

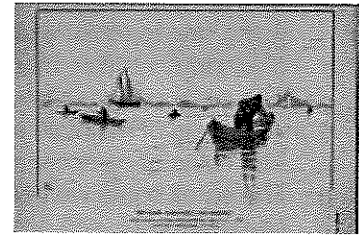
**NORTHEAST HOOK  
FISHERMAN'S ASSOCIATION**

September 12, 2013

New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116

C.M. "Rip" Cunningham, *Chairman* | Thomas A. Nies, *Executive Director*



Dear Groundfish Committee:

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. Historically and currently our fishermen account for a small percentage of the groundfish landed in New England. However, the monetary gains obtained by the participants in this fishery are very important to us.

The purpose of this letter is to address some of the PDT issues that were raised with our plan for A18 and resubmit our revised plan that incorporates some of the latest input from the PDT and Council. The issues are addressed below in the order of the PDT Memo of 8/8/2013:

1. The PDT is correct where we wish to be managed more in line with the Recreational fishery. The commercial Handgear fishery is the same as the recreational fishery where typically a Rod and Reel is used to catch groundfish with the same lures (jigs) or bait. Although we can use a tub trawl (old style method baited up to 250 hook long line), this is rarely used due to the high numbers of dogfish. In some ways the recreational fishery is allowed to use more liberal gear such as electric assisted reels. Recreational fishermen are also able to fish in several areas (Jefferies ledge, rolling closures, etc.) that commercial fishermen cannot. Since we are limited to essentially the same gear and want the same type of management measures, (Trip limits & Size limits), our plan for A18 makes the Handgear fishery as similar as possible. In addition to the limits of our gear, we have the same de minimis effect on the habitat. Since we are managed by quotas there are no needs for the effort controls (area closures such as Jefferies) of the past that no longer make sense for the Handgear fishery. The rolling closures (especially for cod) have been replaced with spawning closures. We do not catch many of the fish (flounders, hakes, monkfish, ect.) that rolling closures were also set up to protect.
2. The PDT is correct where the Handgear HA permit holders would not be given an individual fishing quota (IFQ) and our plan is not intended to be a LAPP. All HA permit holders would share the same sub-ACL just as the Recreational fishermen share the same quotas of cod and haddock.
3. **The Handgear fishermen are not interested in Sectors.** As the PDT stated Sectors is way too complicated for a simple fishery as ours and the costs are prohibitive. In addition this fishery needs to be simple enough so a 17 year old kid can go buy a skiff, some tackle and start fishing. The only way to keep this fishery simple and accessible to anyone is to not have the fishery become a sector. Asking for the numerous exemptions in addition to the administrative issues is not a viable future to restoring this fishery or even maintaining the current fishery. About 100 Handgear permits exist and only 1 HA permit holder has joined a sector. 99 have had the chance and have not unless they are just leasing their quota to other boats in the sectors (dragners, gill netters or long lines). In addition we do not have to continue to watch out for any broad brush administrative actions that would apply to "all sector vessels" that may sneak out of a fishery plan that would harm our method of fishing. The only way to preserve this fishery is to make it distinct and treated differently. It should be noted that just about all the New England state groundfish regulations for using hook gear are just as simple as what we are asking for when we cross the 3 miles line into federal waters.

Sectors will not work for the following reasons:

- a. **To complex and daunting for a 17yr kid to begin earning some income commercially fishing.**
- b. **This will never preserve the handgear fishery history.**
- c. Cod is the primary catch of handgear fishermen and it would not be profitable to lease cod, at the going rate to make a profit. We cannot fish on cod for a loss and compensate with other fish (flounders, redfish, monkfish, etc.) in our catch that handgear fishermen don't catch.
- d. The costs of forming a handgear sector is prohibitive.
- e. The costs of maintain a handgear sector is prohibitive.
- f. The costs of compliance with sector requirements at sea are prohibitive (VMS, at sea Observers, ect).
- g. The small boats we operate (sometimes open skiffs) will not work for sector requirements (VMS, At sea observers, ect).
- h. Handgear fishermen do not possess other fish species to trade ACE for fish we catch such as cod because we never caught these species (flounders, redfish, monkfish, etc.).
- i. Handgear fishermen would constantly be under threat of brush administrative actions that we would have to defend if in a sector.
- j. No handgear fishermen has the time to administer a sector.
- k. Existing handgear fishermen joining a current sector will not stop the bleeding of the handgear history.
- l. Requiring all sectors to prohibit handgear ACE from using handgear history on non handgear boats is unrealistic.
- m. Existing sectors primarily consist of fishermen not using handgear.
- n. No willing active handgear fishermen has the time or interest to be a sector manager.
- o. Not enough profit to hire/pay a sector manager.
- p. Profits from handgear fishing do not support the administration of a sector.
- q. Sector detailed reports to complex and time consuming for the handgear fishery.
- r. Sector Manager Detail Reports to complex and burdensome for handgear fishermen.
- s. Sector Manager Trip Issue Report to complex and burdensome for handgear fishermen.
- t. ACE Status Report too burdensome for handgear fishermen.
- u. Daily ACE Status Report unrealistic for handgear fishermen.
- v. Sector requirements for ensuring zero catch of handgear fishermen with no ACE extremely complex.
- w. Consolidation of ACE plan is too complex for this fishery.
- x. Redirection of effort plans is too complex for this fishery.
- y. At-Sea Monitoring not needed for the handgear fishery due to limited catch.
- z. Detailed information about overage penalties is too complex for this fishery.
- aa. Legal entity provisions for a small skiff fishery is unrealistic for the scale of the handgear fishery.
- bb. A list of specific ports where handgear fishermen fish is unrealistic since some trailer their skiffs to many ports.
- cc. Sector hail requirements are impossible since handgear fishermen do not know if the weather will work until they are sometimes at the dock and test the weather.
- dd. Requesting exemptions are very complex and there is no guarantee the any will be approved.
- ee. Pre-trip notification is impossible since we can't predict if the weather will be ok in advance. Weather is a huge concern because the small size of our boats.
- ff. Handgear vessels are not set up for at-sea monitor requirements due to their small size.
- gg. Reasonable privacy for female At-Sea Monitors is impossible on an open skiff or small boat.
- hh. Many more reasons not mentioned.

4. *Would the Committee prefer to develop fishery regulations for the HA permit holders that are distinct from those governing the common pool and sectors?*

The NEHFA is asking the Committee to accept our plan so we can finally be managed as a Handgear fishery as simply as possible. We are asking the Committee to answer **Yes** to this question.

*Would the Committee prefer to modify the common pool regulations, under which most of the HA permits are fished?*

We are asking the Committee to answer **No** to this question. Very our fishery will cease to exist under the current regulations. We cannot continue to compete for the same fish as draggers and gill netters in the common pool. Also, eventually HA permits with history (PSC) will be sold off to other gear types under the current system. To preserve and restore this fishery the Handgear fishery must be separated as the recreational fishery was for cod and haddock in A16 where they were given their own allocation for the very same reasons.

*Are there specific ideas in the NHFA proposal that the Committee would like to develop further at this time?*

We are asking the Committee to answer **all** to this question with the addition of a small historical allocation of Haddock and possibly Pollock to cover the majority of the species caught. The NEHFA plan was developed over 3 years ago with discussion between many active Handgear fishermen, State fishery representatives and NMFS NERO staff. It is a well thought out plan that keeps the fishery simple and easily managed. This plan may end up being one of the more successful fishery management plans if implemented and it is exactly in line with goals of A18. Doesn't fleet diversity include small Handgear fishermen and their vessels? We would like to work directly with the PDT to resolve any issues in our plan that the PDT has raised if the committee requests.

5. The following comments are in response to the specific issues raised by the PDT when the PDT examined the NEHFA plan:

#12 *Allocate the Handgear HA permit category cod history (PSC) from 1996-2006 as a sub-ACL for use by HA fishermen.*

Response to PDT comments: Not sure how our plan takes quota away since we are asking that Handgear history be separated. **It is Handgear history.** We want to be independent fisherman not attached to sector plans and yes we can wait until A18 does what we are requesting. What we are requesting preserves this fishery for future generations of fishermen. We modified this for cod, haddock and pollock history.

#13 *Specify Handgear cod sub-ACL can only be used by HA fishermen, using Handgear, if fishing in a sector.*

Response to PDT comments: Way to preserve this fishery from Handgear ACE being used by other gear types and lost forever. We modified this for cod, haddock and pollock history.

#14 *Remove March 1-20 Handgear fishing closure.*

Response to PDT comments: Same enforcement as Recreational fishermen is all that is needed. In fact the current VTR reporting in addition to Dealer Reporting is much more conservative than the recreational fishery where the data is not real time and many months out before being processed. Not an issue due to the small percentage of the fishery the Handgear catch.

#15 *Access to fish in all permanent and rolling closures except the cod spawning closures.*

Response to PDT comments: Same access requested as the Recreational fishery. Same gear and methods. Yes we are requesting a small allocation of haddock. There are no closed area issues with the recreational fishery so this would not be a concern.

#16 Do not require LOA to fish on a commercial groundfish trip or a charter/party trip.

Response to PDT comments: We concur with the PDT comments. This provides more flexibility for the Handgear fishermen.

#17 Up to 20% unused Handgear HA cod ACL may be transferred to the following fishing year.

Response to PDT comments: We modified our proposal for 10% to be consistent with other fisheries.

#18 Eliminate trimester AMs for HA permit holders developed in A16.

Response to PDT comments: Concur with PDT. We should have a sub-ACL for all stocks we catch if possible.

#19 Automatic triggers to not exceed Handgear cod sub-ACL.

Response to PDT comments: Trip and size limits should work. Maybe 3 year average like the recreational fishery can be used for the Handgear fishery? We changed our proposal for reactive measures.

#20 Do not require IVR call-in unless 85% of the cod Handgear sub-ACL is harvested. Call in modified to streamline what is needed for this fishery.

Response to PDT comments: Is IVR really necessary with Dealer reporting and VTRs? The catch rates are slow enough and IVR was not required for until recently. Would future Web based VTRs submitted within 48 hrs. suffice instead of IVR? We changed our proposal for 50%.

#21 One HA permit per fisherman. One-time sell provision for existing HA permit holders.

Response to PDT comments: NEHFA put this in abeyance for future fishery actions. This may be too complicated for this fishery amendment.

#22 Removal of requirement for HA fishermen to carry a tote.

Response to PDT comments: Not needed and only Handgear fishermen were ever required to carry a tote. Totes not used takes up deck space that is precious on small boats. Handgear Fish are kept in cooler. When offloaded they are transferred into totes.

#23 Changes to Handgear input controls.

Response to PDT comments: Concur: The method (rod and reel or tub trawl) would remain the same. With quotas the input controls can be relaxed.

There are very few active Handgear fishermen left. The handgear jig fishery was the first in New England and if nothing is done it will be the first to be eliminated.

Respectfully,  
Marc Stettner /s/

NEHFA MEMBERS: Marc Stettner, 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.*

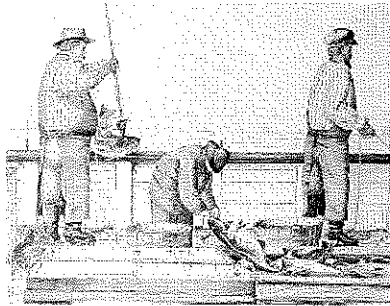


# RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

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## NORTHEAST HOOK FISHERMEN'S ASSOCIATION

### AMENDMENT 18



Gaffing and cleaning cod on the deck of a handlining schooner off the North American east coast, ca. mid nineteenth century.

*"Prior to the introduction of steam trawling in 1906, groundfish were caught exclusively with baited lines, fished from schooners and their dories."*

<http://www.nefsc.noaa.gov/history/stories/groundfish/grndfsh1.html#st>

***This proposal is fully supported by the Handgear fishermen of the NEHFA:***

Marc Stettner, Hilary Dombrowski, Paul Hoffman, Christopher DiPilato, Ed Snell, Scott Rice, Roger Bryson, Brian McDevitt, Anthony Gross, Doug Amorello

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# RESTORING THE NEW ENGLAND GROUNDFISH HANDGEAR FISHERY PROPOSAL

## Section 1 Summary of proposal with management measures.

#	PROPOSAL	CHANGE FROM CURRENT MANAGEMENT MEASURES	BENEFITS TO HANDGEAR FISHERY RESTORATION FOR FLEET DIVERISTY
1	Allocate the handgear HA permit <del>and</del> history (PSC) of all groundfish (cod, haddock & pollock) HA fishermen catch from 1996-2006 as a specific Sub ACL only to be used by Handgear HA fishermen. <del>Include a staircase allocation provision as the fishery increases</del>	Yes	<ul style="list-style-type: none"> <li>a. All gear types are fishing on <del>cod</del> groundfish handgear history in the common pool.</li> <li>b. Race to fish for handgear fishermen against other gear will be eliminated.</li> <li>c. Specific management measures for handgear fishermen will be made.</li> <li>d. Preserves a traditional fishery and gear type.</li> </ul>
2	Specify handgear <del>and</del> Groundfish Sub ACL history can only be used by HA fishermen, using Handgear, if fishing in a sector.	Yes	<ul style="list-style-type: none"> <li>a. Currently Handgear <del>and</del> Groundfish PSC can be moved into sectors and this history may be fished by gear other than handgear.</li> <li>b. <b><u>Eventually all handgear PSC may be used by non handgear vessels and the fishery will be lost.</u></b></li> <li>c. Preserves all the <del>and</del> Groundfish history from moving away from the handgear fishery.</li> </ul>
3	<del>Handgear permit holders can sever their HA permit from other fishery permits to sell or transfer it.</del>	Yes	<ul style="list-style-type: none"> <li>a. <del>This will allow fishermen who have other permits (lobster, scallop, etc) on their vessel to sell or transfer their permits without loss of their primary permit.</del></li> <li>b. <del>This would be a way to increase the number of handgear fishermen.</del></li> </ul>
4	<del>Waiting list for new entrants into the handgear fishery</del>	Yes	<ul style="list-style-type: none"> <li>a. <del>Will provide a fair way for new entrants into the fishery who do not have resources to buy a permit.</del></li> <li>b. <del>This will be a way for HB permit holders to upgrade to a HA permit.</del></li> </ul>
5	<del>Use it or lose it rules</del>	Yes	<ul style="list-style-type: none"> <li>a. <del>This will keep the permits with active fishermen who will use it and allow fishermen off the waiting list to get a HA permit.</del></li> </ul>
6	Removal of March 1-20 Handgear fishing closure	Yes	<ul style="list-style-type: none"> <li>a. Not necessary under ACLs.</li> </ul>

## RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

### Section 1 Summary of proposal with management measures continued.

#	PROPOSAL	CHANGE FROM CURRENT MANAGEMENT MEASURES	BENEFITS TO HANDGEAR FISHERY RESTORATION FOR FLEET DIVERISTY
7	<del>Cod trip limit increased from 300lbs to 400lbs.</del>	Yes	<ul style="list-style-type: none"> <li>a. <del>Modest increase is necessary due to increases in operating expenses (fuel, bait, etc.</del></li> <li>b. <del>Will provide further incentive for new entrants.</del></li> </ul>
8	Access to fish in all permanent and rolling closures except the cod spawning closures.	Yes	<ul style="list-style-type: none"> <li>a. Fishery under a hard ACL.</li> <li>b. Access should be the same as is for Recreational Fishermen who also use hook gear.</li> <li>c. Gear does not disturb bottom habitat.</li> </ul>
9	LOA letter not required to fish either on a commercial groundfish trip or a Charter/Party trip	Yes	<ul style="list-style-type: none"> <li>a. Flexibility needed on a day by day basis to choose what type of trip will be done.</li> <li>b. Many handgear commercial fishermen are also Charter boat operators.</li> </ul>
10	LOA letter required when fishing in the Georges BSA .	No	<ul style="list-style-type: none"> <li>a. The effectively makes sure the correct cod Handgear Sub ACL is accounted for.</li> </ul>
<u>11</u>	Up to <del>20%</del> 10% unused Handgear HA cod ACL may be transferred to the following fishing year	Yes	<ul style="list-style-type: none"> <li>a. This is allowed in other fisheries.</li> <li>b. Better use of unused cod allocation.</li> </ul>
12	Eliminate Trimester accountability measures for HA permit holders developed in A16	Yes	<ul style="list-style-type: none"> <li>a. Catch rates are low.</li> <li>b. Catch of other primary handgear species in the common pool (haddock and Pollock) are not significant.</li> <li>c. Eliminate the race to fish under each Trimester.</li> <li>d. Separate cod sub ACL for Handgear fishermen.</li> </ul>
<u>13</u>	<del>Automatic triggers</del> Reactive AMs to not exceed Handgear cod Sub ACL	Yes	<ul style="list-style-type: none"> <li>a. Required by MSA.</li> <li>b. Developed specific to Handgear fishing practices and effort.</li> </ul>

## RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

### Section 1 Summary of proposal with management measures continued.

#	PROPOSAL	CHANGE FROM CURRENT MANAGEMENT MEASURES	BENEFITS TO HANDGEAR FISHERY RESTORATION FOR FLEET DIVERSITY
<u>14</u>	IVR call in not required unless <del>85%</del> 50% of the cod, haddock or Pollock Handgear SUB ACL is harvested. Call in modified to streamline what is needed for this fishery.	Yes	<ul style="list-style-type: none"> <li>a. Catch rates in this fishery are slow enough to loosen this reporting requirement.</li> <li>b. Repetitive information is gathered that is not needed.</li> <li>c. Current IVR call in requirements too complicated for this fishery.</li> </ul>
15	Fish size limits per existing commercial regulations.	No	<ul style="list-style-type: none"> <li>a. Size limits are an effective management tool especially for hook caught fish.</li> </ul>
16	<del>Discard mortality for hook caught cod will be set at 6-10%.</del>	Yes	<ul style="list-style-type: none"> <li>a. <del>Current concept of 100% discard mortality is 100% wrong for this fishery.</del></li> <li>b. <del>Best available science says 6-10%.</del></li> </ul>
<u>17</u>	<del>One HA permit per fisherman. One time sell provision for existing HA permit holders</del>	Yes	<ul style="list-style-type: none"> <li>a. <del>Prevents corporations or NGOs from removing permits from the fishery.</del></li> <li>b. <del>Allows new entrants into the fishery.</del></li> </ul>
18	Removal of requirement for HA fishermen to carry a tote.	Yes	<ul style="list-style-type: none"> <li>a. Handgear fishermen keep their fish in coolers. Totes take up needed deck space in small boats.</li> </ul>
19	VTRs for reporting catch	No	<ul style="list-style-type: none"> <li>a. Primary means of reporting catch.</li> </ul>
20	Changes to handgear input controls	Yes	<ul style="list-style-type: none"> <li>a. More flexibility needed to harvest cod Sub ACL</li> <li>b. Encourage more fishermen to participate in this fishery.</li> </ul>

# RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

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## Section 2 STATUS OF THE HANDGEAR FISHERY

Current Commercial Cod Handgear Fishery:

(HA) Handgear A: Limited Access permit (limited number of permits)

*A vessel with a valid open access multispecies handgear permit is allowed to possess and land up to 300\* lb (136.1 kg) of cod, one Atlantic halibut per trip, and the daily possession limit for other regulated NE multispecies, provided that the vessel did not use or possess on board gear other than rod and reel or handlines while in possession of, fishing for, or landing NE multispecies, and provided it has at least one standard tote on board. A Handgear permit vessel may not fish for, possess, or land regulated species from March 1 through March 20 of each year and the vessel, if fishing with tub-trawl gear, may not fish with more than a maximum of 250 hooks.*

(HB) Handgear B: Open Access permit (open to any fisherman, unlimited in number of permits issued)

*The vessel may possess and land up to 75\* lb of cod and up to the landing and possession limit restrictions for other NE multispecies. Same gear and seasonal restrictions as HA permits.*

\*Cod trip limit changes automatically proportional to cod trip limit changes for DAS vessels with Management actions.

Current Participation (2008/2009) data:

# Handgear HA Permits :	140
# HA fishermen who are active in the Cod fishery:	<10 (estimate)
# HB Permits:	1,137

### Amendment 16 Data & Information:

**Table 58 - Total number of multispecies vessels landing groundfish by permit category, FY 2004-FY 2007**

Year	2004	2005	2006	2007
Individual DAS	691	637	590	530
Fleet DAS				
Small Vessel Exemption	2	1	2	4
Hook Gear	34	32	20	18
Combination Vessel	16	16	10	16
Large Mesh Ind. DAS	27	22	16	10
Large Mesh Fleet DAS	1			
Handgear Open Access	0			
Handgear - A	44	32	26	23
Handgear - B	75	63	59	73
Other Open Access	65	57	64	65
<b>Total</b>	<b>955</b>	<b>860</b>	<b>787</b>	<b>739</b>

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### Section 3 WHY CHANGE?

1. The current handgear rules and multiple layers of restrictions have resulted in a handgear fishery that is not profitable. The average revenue for handgear HA permits has plummeted to less than \$5000 per year when at one time this was the primary New England method of catching cod in New England. The MS fishery act requires that there be diverse fisheries with different gear types.
2. Amendment 16 (A16) EIS (Environmental Impact Study) states "**Vessels less than 30 feet saw the biggest decrease in revenue, with an 88.8% change between FY 2001 and FY 2007**". If no action is taken to invigorate the small boat fisheries, we will have been regulated off the water, due to fishery Management Actions, even as fish stock rebound.
3. Fishing under Sectors is not a viable option considering the high costs compared to the low PSC (Potential Sector Contribution) that the Handgear fishermen received. The overwhelming majority of Handgear fishermen did not join sectors. Those who have PSC are not likely to fish in the sectors but are more likely to lease or sell their PSC. A16 estimated that it will cost fishermen \$17,000 per vessel to participate in sectors. The allocation of Cod (primary species) to Handgear fishermen is not enough to make it a profitable option to join a sector. There is no guarantee that even if a Handgear fisherman leased additional cod that the fisherman will be able to land the fish since they must first bite the hook. Once all the current Handgear permits and PSC history is bought up vessels not using Handgear, it will be extremely hard for new entrants into the fishery.
4. The current Handgear (HA and HB permits) Cod trip limits are tied to increases in the Cod trip limits for vessels fishing under DAS. At the time of Amendment 13 this rationale made sense. The idea was to have an automatic adjustment as the cod fishery rebound. With the majority of fishermen in Sectors, and the Handgear fishermen in the Common Pool, there is the very real possibility the cod TAC for the common pool will be harvested before the Handgear fishery will have had a chance to harvest their traditional percentage of the fishery. There is no possible way for the Handgear fishery to harvest cod at the rate of modern fishing methods such as trawls or gill nets. In the race to fish Handgear fishermen will lose every time.
5. There is no way for a person who wishes to become a commercial fisherman, to obtain a viable groundfish permit without substantial financial resources. The future generations need a way to be commercial ground fishermen with minimal startup costs.
6. Handgear fishermen can selectively fish with little or no bycatch. New England handgear fishermen primarily only catch Cod, haddock and Pollock with practically no appreciable quantities of other groundfish that are not considered rebuilt.
7. The fishery is very easy to manage if the management measures are kept to a minimum. The primary management measure proposed for this fishery will be trip limits with an Annual Catch Limit (ACL).
8. Similar Hook gear fisheries are successful such as the Hook Gear Halibut fishery in Alaska and the commercial Striped bass fishery in Maryland.

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### Section 4 Specifics of proposal and discussion.

- #1 **Permanently allocate the handgear HA permit and Groundfish history (PSC) of Cod, Haddock & Pollock from 1996-2006 as a specific Sub ACL only to be used for Handgear HA fishermen. ~~Institute a stairstep provision to increase the HA cod allocation by 1%, if 90% of the allocation is harvested in any given year. Step down provision to decrease the HA cod allocation by 1%, if 90% of the previous allocation (prior to the most recent stairstep increase) is not harvested during two consecutive years. The allocation would not drop below its initial permanent allocation level.~~**

Discussion: All gears can fish on HA permit history which in turn leads to a race to fish where other gear types can harvest the cod Sub ACL before handgear have had the chance to catch their historical percentage of the fishery. **It is fair to allocate this small percentage to the Handgear fishery as what was done for the recreational fleet and for other commercial fisheries. This is not a IFQ plan.** Once this allocation is made, management measures can be developed to eliminate the race to fish and to reestablish of this traditional fishery in New England. ~~The stairstep provision would be a means to expand the fishery as more fishermen are fishing with handgear as it hopefully becomes popular again~~

- #2 **Specify handgear Groundfish (cod, haddock & Pollock) Sub ACL history can only be used by fishermen using handgear.**

Discussion: Currently under Sectors, it is possible for a Handgear fisherman to join a sector and lease their PSC to other sector members who do not use Handgear. A Handgear fisherman can also sell their HA permit with attached PSC to a Boat owner who transfers it to a skiff and then the Handgear PSC is transferred into the Sector. Unless this practice stops, all the historical handgear PSC will be lost to other gear types and the handgear fishery will be lost. This practice, if continued will severely affect the sustainability of those wishing to fish using handgear by lowering the cod Sub Handgear ACL. This would not prevent a Handgear fisherman from fishing in a sector but if they choose to then they must use handgear.

- #3 **~~Handgear permit holders can sever their HA permit from other fishery permits to sell or transfer it.~~**

Discussion: ~~Many HA permits are tied to boats in other fisheries such as lobster. This would allow these fishermen to sever the HA permit off and sell it to anyone wishing to buy the HA permit. This would hopefully allow new entrants seeking a handgear HA permit into the fishery. Currently a lobster fisherman, for example, would have to sell his combined~~



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lobster and handgear permit to someone at the combined price that may be significantly higher if it was just a handgear permit.

### #4 **Waiting list for new entrants into the handgear fishery.**

~~Discussion: The current HA permit holders will only be able to sell their permit. The buyer will know up front that he/she will not be able to sell the permit in the future and the market price will determine the price of the existing permits when they are sold. Current handgear fishermen may have purchased their permit or invested heavily in the fishery with the intent of selling it which is why they must be allowed to sell their permits. The only way to obtain a permit after the sale of the initial HA permits will be off the waiting list. The waiting list will have two categories with one being current fishermen with DAS permits with some cod PSC and the second category will be open access Handgear B permits. When a permit is retired for failure to renew or under the "use it or lose it terms", fisherman off the waiting list will be offered the permit.~~

~~List rules:~~

- ~~a. The order of the DAS fishermen list will be by highest cod PSC that would be transferred into the HA total sub ACL for cod. The higher the cod PSC attached to the permit the higher on the list the fisherman would be. A minimum of cod PSC (5,000 lbs, 10,000 lbs, 15,000 TBD) will be required to get on the DAS HA permit waiting list. The exact pounds of cod TBD by the NEFMC for this proposal with the intent that they would be bringing in about the cod they would catch under this permit. This would bring more cod quota into the handgear fishery that is very much needed. Once this fisherman obtains a HA permit their DAS permit is retired from the fishery.~~
- ~~b. The order for the HB permit will be by the date they initially obtained a HB permit.~~
- ~~c. The selection for new entrants will start with a fisherman from the DAS category and will alternate between the two as permits as permits become available. See the enclosure for how the waiting list will be generated and the order.~~

### #5 **Use it or lose it rules**

~~Discussion: In order to retain a HA permit fisherman must land (250 lbs, 500 lbs or TBD) cod in any one year out of three. Failure to land #lbs (TBD by NEFMC) will result in being ineligible to renew their permit. This will result in some way for new entrants into the fishery. A fisherman who loses their HA permit may petition the NMFS for reasons that include military service where they are stationed overseas or with a note from a Physician that states they were unable to fish for the last year of the three and that they can now fish. Failure to petition the NMFS within 3 months (postmarked letter) after May 1<sup>st</sup> of the 3<sup>rd</sup> year will result in the loss of the permit.~~

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### **#6 Removal of March 1-20 Handgear fishing closure**

Discussion: No longer needed with a specific groundfish Sub ACL. Catch of other species is not significant enough to warrant this closure. Spawning areas have replaced the need for this measure along with ACLs.

### ~~#7 Cod trip limit increased from 300lbs to 400lbs.~~

~~Discussion: Handgear fishermen prefer a self imposed trip limit as a management tool. This will help spread out the small cod quota among the coast where the cod show up in abundance at various times. Those HA fishermen who wish to have unlimited cod trip limits may join a sector. This trip limit may be adjusted by future groundfish Frameworks or Amendments depending on the use of the HA cod Sub ACL and the status of the cod stocks. This modest increase in the cod trip limit is intended to offset the skyrocketing costs of fuel and other expenses since the 300lb trip limit was implemented. A higher trip limit and potential profit will help draw more fishermen into this fishery.~~

### **#8 Access to fish in all permanent and rolling closures except the cod spawning closures.**

Discussion: Handgear fishermen would now be fishing under a cod Sub ACL and no longer need this effort control imposed under previous management measures. Handgear fishermen use small boats that mostly limit them to inshore waters. They do not disturb essential fish habitat. They should have the same access as the recreational fishery that also use hook gear.

### **#9 LOA letter not required to fish either on a commercial groundfish trip or a Charter/Party trip.**

Discussion: Many handgear fishermen also are Charter/Partyboat operators. Flexibility is needed more than ever so a fisherman can choose if they wish to charter for the day or fish under their Handgear permit commercially. This LOA letter is not need when Handgear fishermen have access to the permanent and rolling closures. Enforcement will be similar to the BF tuna fishery where they are limited by the trip limits. Once a recreational trip limit is exceeded the trip is automatically becomes a commercial trip and a VTR would be filled out prior to returning to the dock as a commercial trip.

### **#10 LOA letter required when fishing in the Georges BSA.**

Discussion: Existing measure. By default a fishermen without this LOA is fishing in the GOM. This makes sure the cod Sub ACL for handgear fishermen is deducted properly.

### **#11 Up to 20% 10% unused HA cod ACL Quota may be transferred to the following fishing year.**

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Discussion: This would provide some stability from a poor fishing year into a good fishing year for quota management. Roll over provisions currently exists in other fisheries. This is a conservation positive provision since there is no guarantee the extra 20% will be caught.

### **#12 Eliminate Trimester accountability measures for HA permit holders developed in A16.**

Discussion: Catch rates are low and this is not warranted because of a specific cod sub ACL. The primary catch is Cod with some haddock and pollock. The catch of other species is not significant.

### **#13 Automatic triggers to not exceed Handgear Sub ACL and reactive AMs.**

Discussion: The following automatic AMs will be applied to make sure the cod Sub ACL (per BSA) will not be exceeded.

- a. Cod trip limit initially set at 300 lbs. When 50% of the Handgear ACL is harvested, the NMFS will reduce the trip limit (in increments of 100lbs but no less than 100lbs) to spread the cod fishery out over the remainder of the fishing year based on past historical catch rates per season.
- b. Haddock trip limit will be set for the year based on the historical catch rates.
- c. Pollock trip limit initially set at 500 lbs. When 50% of the Handgear ACL is harvested, the NMFS will reduce the trip limit (in increments of 100lbs but no less than 100lbs) to spread the pollock fishery out over the remainder of the fishing year based on past historical catch rates per season.
- d. Any overages in ACL would be subtracted from the next year ACL for each fish species.

### **#14 IVR call in not required unless 50% of the cod, haddock or pollock Handgear SUB ACL harvested. Call in modified to streamline what is needed for this fishery.**

Discussion: Catch rates in this fishery are slow enough to loosen this reporting requirement. Repetitive information is unnecessarily gathered such as (phone number, BSA, gear used, ect). **Only end of trip IVR call in with permit number and VTR # is needed when 50% of the cod Sub ACL is reached.** The dealer reports the catch within 24 hrs. via the dealer reporting. The current call in & out system is too complex for this simple fishery.

### **#15 Fish size limits per existing commercial regulations.**

Discussion: Handgear fishermen may choose to implement higher size limits as a management tool thru fishery Management plans. The 100% discard mortality number would have to change before this can be considered.

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### ~~#16 Discard mortality for hook caught cod will be set at 6-10%.~~

~~Discussion: Discard mortality for hook caught cod will be set at 6-10%. "Survival of Discarded Sublegal Atlantic Cod in the Northwest Atlantic Demersal Longline Fishery", HENRY O. MILLIKEN, 2009 is the best available science and must be used.~~

### ~~#17 One HA permit per fisherman. One time sell provision for existing HA permit holders~~

~~Discussion: This is to be a one boat, one permit one Captain Fishery. No banking of the permits is permitted by entities, companies, organizations or NGOs. Only the fishermen using the permit will be able to obtain and keep this permit. This is a permit to harvest fish commercially, by fishermen, and is not to be a commodity to be traded or bartered by investors. All initial Handgear HA permits will be able to be sold 1 (one) time only. After this one time transfer, the permit can't be transferred to another person, corporation or NGO. See #4 above how this relates to the waiting list and for further information.~~

### #18 Removal of requirement for HA fishermen to carry a tote.

Discussion: Handgear fishermen keep their fish in coolers. Totes take up needed deck space in small boats. Fish are often unloaded from coolers into totes at point of sale or at the dock where the fish are transferred off the vessel. Other commercial fisheries do not require totes to be onboard. Transferring the fish at sea from iced coolers to totes, spoils the quality of the fish. Since the quantity of fish is small, Handgear fishermen must maximize the quality. The dealer report will list the precise quantity of fish in pounds and this is reported to NMFS.

### #19 VTRs for reporting catch.

Discussion: No change from existing regulations.

### #20 Changes to handgear input controls

Discussion: Electric assist reels will be allowed on fishing rods. Small winches typically found as lobster haulers or line haulers may be used to bring in the 250 hooks (# hooks may increase in future fishery actions) tub trawl. Under a hard Sub ACL for cod these input controls are warranted. This is requested to allow an easier harvest of the cod Sub ACL but is keeping in line with the type of fishery this is. Electric assist reels are very popular in the recreational fishery for deep water fishing and this would help handgear fishermen target larger cod. Small winches for hauling the tub trawl is for safety reasons and well as easing the input controls.

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### Section 5 Why current HA fishermen should support this.

1. HA cod (haddock & Pollock) history is now part of the Amendment 16 common pool. If the other fishermen in the common pool catch the cod TAC early, the handgear cod fishery may be shut down before HA permit holders had a chance to harvest any cod. This is the race to fish that handgear fishermen will lose.
2. Removing the Handgear historical cod (haddock & Pollock) catch from the common pool cod measures Handgear fishermen will not be under a race to fish and can fish when it best suites their business plan.
3. Currently with the rolling closures small boat fishermen do not have access to the fishery when the weather is best suited and safe to fish.
4. Existing permits who decide to leave the fishery can sell/transfer their permits, to recoup any costs associated with their participation in the fishery, if they choose.
5. As the cod fishery rebounds, the cod trip limits will increase that will lead to much better profits per fisherman.
6. Exemptions from the rolling/permanent area closures (except cod spawning closures) which in some cases reduced Handgear cod catches by 75% and made the cod fishery inaccessible to many when cod are historically most plentiful. Handgear fishermen can't fish offshore or around rolling closures.
7. Future generations of fishermen will be able to actively once again participate in a historical fishery and be profitable.
8. **Once again a 17yr old HS student can borrow his parent's skiff and go commercially cod (haddock & Pollock) fishing in the summer instead of flipping burgers. The only cost to fish is the fuel to run the boat for the day and some ice. Eventually this fishery could lead to a way for new entrants into larger scale commercial fishing ventures for groundfish.**

### Section 6 Why Fishery Managers should support this.

1. MSA requires a diverse commercial fleet with different gear types.
2. This is hard cod Sub ACL fishery.
3. This is basically a one species fishery that is easily managed.
4. Many layers of outdated Handgear management measures are removed.
5. Easy enforcement. The only enforcement necessary would be size limits and trip limits.
6. At sea monitoring is not required since handgear fishermen do not harvest many species nor do they move between management areas. Marine Mammal interactions do not occur in this fishery.

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7. Double monitoring for quota purposes at point of sale (dealer) and via the traditional VTR. It is anticipated that Handgear will be able to enter their VTR trip data electronically at home via the internet after a trip.
8. Sustainable fishery to match the fishery stocks.
9. Catch rates are slow due to the gear used.
10. Reinvigoration of the handgear cod fishery fleet that has fallen to its lowest level ever.
11. Enable new entrants into a fishery without the unknowns of an open access fishery.

### Section 7 — SAMPLE HA PERMIT WAITING LIST

#	DAS FISHERMAN NAME	DAS FISHERMAN PSC COD	HANDGEAR HB NAME	HANDGEAR HB DATE FIRST APPLIED
1	JOHN CODFISH	25,800	JAMES CONGER	1/15/2013
2	STEVE CUSK	12,700	JIM BLUEFISH	2/21/2013
3	TIM CUNNER	11,200	CHET SEABASS	7/8/2013
4	JOE BLOWFISH	10,350	BOB TUNA	1/10/2014
5	ANTHONY TUNA	8,560	TRACY YELLOWTAIL	3/21/2015
6	MARK TAUTOG	6,250		
7	PHIL FLUKE	5,100		

John Codfish would be picked first followed by James Conger and so on alternating between the two types of fishermen. Fishermen would declare their intent to remain on the waiting list or be added to the list with their permit application every year.