

CORRESPONDENCE



New England Fishery Management Council

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

April 5, 2016

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

Dear John:

On March 21, 2016, a Proposed Rule was published that requests comments on Framework Adjustment 55 (FW 55) to the Northeast Multispecies (Groundfish) Fishery Management Plan (81 *Federal Register* 15003). In general, the Proposed Rule matches the Council's intent. However, there are some exceptions and this letter provides comments to clarify some of the provisions included in the Proposed Rule.

Status Determination for Georges Bank Cod and Atlantic Halibut

The Proposed Rule states that 2015 peer review of the groundfish assessments concluded that overfishing is occurring for Georges Bank cod and Atlantic halibut and includes this information in Table 2- Summary of Changes to Stock Status in the Proposed Rule (see pp. 15005). However, these statements are inaccurate and conflict with the information that the Council used to select its Preferred Alternatives in FW 55 in section 4.1.1 Revised Status Determination Criteria. The peer review concluded that the overfishing status for these stocks is considered unknown.

Specifically, the peer review wrote for Georges Bank cod¹:

The Panel agreed to provide results from the updated assessment as one interpretation of the available information. However, the panel concluded that stock status and catch advice should be based on an alternative approach. The SAW55 benchmark assessment concluded that the stock was overfished and overfishing continued in 2011. All information available in the update assessment indicates that stock size has not increased. Therefore, the Panel recommends that the SAW55 assessment is the best scientific information available for determining overfishing definitions, and the stock is still overfished. In the absence of an acceptable assessment and fishing mortality estimates that can be compared to the overfishing threshold, the overfishing status is currently unknown.

¹ See pp. 39 of *Northeast Fisheries Science Center. 2015. Operational Assessment of 20 Northeast Groundfish Stocks, Updated Through 2014. US Dept Commer, Northeast Fish Sci Cent Ref Doc. 15-24; 251 p*

For Atlantic halibut, the peer review wrote²:

The GARMIII benchmark assessment and the 2012 update assessment concluded that the stock was overfished but overfishing was not occurring. All information available in the update assessment indicates that stock size has not substantially increased. Therefore, based on the long-term exploitation history and survey trends, the Panel concludes that the stock is still overfished. However, the overfishing status is unknown. Considering the instability of the assessment model, the overfishing threshold was not updated.

Specifications

In reviewing the specifications in the Proposed Rule, we found that the Georges Bank cod specifications include a mistake for the groundfish sub-ACL for FY 2017 and FY 2018. This mistake was due to a transcription error made in our submission of FW 55 on February 19, 2016. The values should be 997 mt (not 608 mt) for the groundfish sub-ACL and commercial groundfish sub-ACL for FY 2017 and FY 2018. The default specifications for FY 2019 in the Proposed Rule for Georges Bank cod may need to be corrected as well. We note, however, that Georges Bank cod FY 2017 and FY 2018 specifications would be adjusted accordingly based on US/Canada quotas determined in future actions. The correction to the sub-ACLs will be made when we resubmit FW 55. The mistake does not affect the environmental impact analysis.

The Proposed Rule indicated that a deduction from the ABC was made to account for Canadian catches of Georges Bank winter flounder and Atlantic halibut. The Proposed Rule does not indicate the same for white hake. To clarify for FY 2016- FY 2018 specifications of white hake, a deduction from the total ABC was made to account for expected Canadian catch using recent Canadian catch information in the stock assessment. The amount of this deduction is 62 mt in each year. The information is summarized in Appendix III to FW 55.

We also note that default specifications for Georges Bank yellowtail flounder are missing for FY 2018 from the Proposed Rule.

Process for Approving New Sectors

The Proposed Rule does not match the process for approving a new sector developed by the Council in FW55. The current language in the proposed rule does not specify that the Council would be notified in writing of a sector's intent to form at the same time as NMFS. The alternative reads in Section 4.2.2.2 Revised Process for Approving New Northeast Groundfish Sectors:

The process for approving new groundfish sectors would be changed, such that new sectors would not need to be approved through a Council action. A sector would be required to notify the Council and NMFS in writing of its intent to form a new sector no later than 30 days prior to the deadline to submit an operations plan for the following fishing year.

Common Pool Trip Limits for Georges Bank Cod

The Proposed Rule for FW 55 includes changes in trip limits for groundfish stocks for the common pool. The common pool trip limit is proposed to decline by 50% for Gulf of Maine cod. However, the GOM cod ACL is proposed to be increased from FY 2015 to FY 2016. We do not understand this apparent inconsistency.

² See pp. 174 of NEFSC 2015

Lastly, we urge you to approve all the measures included within FW 55 as proposed by the Council.

Thank you for considering these comments. Please feel free to call me with any concerns.

Sincerely,

A handwritten signature in black ink that reads "Thomas A. Nies". The signature is written in a cursive style with a small flourish above the 'i' in "Nies".

Thomas A. Nies
Executive Director

cc: Sarah Heil, GARFO
Aja Szumylo

Dear NOAA/New England Fishery Management Council,

All the groundfish cuts have been born on the backs of commercial fishermen, with the exception of GOM cod which has seen recreational cuts. I personally, since the inception of sectors, have taken an 80% cut in my GB codfish quota- from over 16,000 pounds per year to just 2500 pounds for the next fiscal year. This is while the recreational and charter/party have gone unregulated and unaffected. While I have taken continual cuts, charter/party vessels have not even been given a bag limit.

The regulations for GB cod for recreational and party/charter boats are as follows:

Private Anglers - 10 fish per day. **Party/Charter Anglers - unlimited.** For American Plaice no limit, Cusk no limit, Haddock no limit, White Hake no limit, Pollack no limit, Redfish no limit, Winter Flounder no limit, Witch Flounder no limit, Yellowtail Flounder no limit. ¹

The only restrictions on the party/charter boats is in the Gulf of Maine. Ironically the codfish off Rhode Island and New York are more likely GOM cod, and not GB cod (tagging and DNA studies). But management continues to allow a recreational free for all. These boats catch more in one day then I am allowed in an entire year, yet the Council and NOAA have decided that the party/charter vessels are the CHOSEN FEW and should go unregulated.

Every year, we hear about continuous party/charter boat trips out of Montauk and Rhode Island of 10,000- 18,000 pound cod trips during the spawning months for cod. The boats stopped putting the amounts in the papers and websites, because people were getting upset at the tonnage. But still NOAA blessed the CHOSEN FEW.

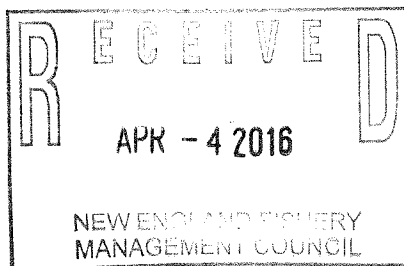
When does NOAA decide that regulations are in order for the recreational industry? A 2-5 fish bag limit is in order at a minimum, and a spawning closure for April, May and June. Where is the 80% cut for an industry with no regulations? There is not one commercial vessel that catches as much codfish in one trip as some of these party boats catch in a day.

Thank You,

Mark S Phillips

F/V Illusion

Greenport, NY 11944

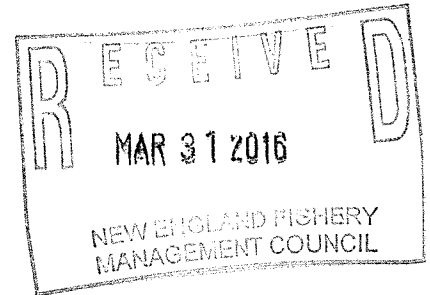


¹ Federal Recreational Fisheries Regulations for the Greater Atlantic Region



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

MAR 28 2016



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

RE: Comments on Framework Adjustment 55 to the Northeast Multispecies Fishery
Management Plan

Dear Tom:

We completed our review of the draft Framework 55 document that the Council submitted on February 19, 2016. Attached are substantive comments that must be addressed to ensure the document is consistent with applicable law, as well as suggestions that may clarify the text and improve the document. Our staffs have already discussed the attached comments, and have coordinated on how to incorporate the necessary changes. If you have additional questions on the comments provided, or on the review of Framework 55, please contact Aja Szumylo at (978) 281-9195. We appreciate your quick turnaround of this document, given the compressed timeline for this action.

Sincerely,

John K. Bullard
Regional Administrator

Attachment



Framework Adjustment 55 Comments

Section		Page	Comment	Substantive or Suggested
Global		N/A	<ul style="list-style-type: none"> Adjust section heading for Fishery Performance Criteria throughout document, as noted by Regional Office Staff. Adjust section heading for U.S./Canada TACs by inserting “Georges Bank Cod” to reflect measures. 	Substantive
1.0	Executive Summary	5	<ul style="list-style-type: none"> Throughout section, provide rationale for the magnitude/directionality of impacts. Example text is provided by Regional Office staff. Incorporate revisions to text on at-sea monitoring (ASM) coverage levels under Economic Impacts. 	Substantive
1.0	Executive Summary	8	<ul style="list-style-type: none"> Under Biological Impacts of Alternatives to the proposed action, distinguish between likely impacts from the catch limit reductions, and likely impacts from the increases in ASM coverage levels. 	Substantive
3.2	Purpose and Need, Table 1	24	<ul style="list-style-type: none"> Include “modify the at-sea monitoring program” as a purpose of this action 	Substantive
3.5	Fishery Data Sources	32	<ul style="list-style-type: none"> Note the inclusion of partial 2015 fishing year data. 	Suggested
4.1.2	Annual Catch Limits	39	<ul style="list-style-type: none"> Expand the rationale for the No Action alternative relative to Magnuson-Stevens Fishery Conservation and Management Act Requirements. Example text is provided by Regional Office staff. Adjust rationale for Option 2 to clarify that only one alternative to the No Action is considered for all stocks except for witch flounder and SNE/MA yellowtail flounder. 	Substantive
4.1.2.2.1	Scallop Fishery Sub-ACL for SNE/MA Yellowtail Flounder	50	<ul style="list-style-type: none"> Clarify that there are existing regulatory provisions to prevent loss of available yield. Suggested revisions are provided by Regional Office staff. 	Substantive

Section		Page	Comment	Substantive or Suggested
4.1.2.2.2	Witch Flounder ABCs	51	<ul style="list-style-type: none"> Clarify the witch sub-option descriptions to explain the genesis of each alternative. Suggested revisions are provided by Regional Office staff. 	Substantive
4.3.1	Groundfish Monitoring Program	55	<ul style="list-style-type: none"> Adjust description of No Action to match regulations, Amendment 16 and Framework 48. Suggested revisions are provided by Regional Office staff. Better distinguish break from No Action to at-sea monitoring alternative discussion. 	Substantive
4.3.1.2	Clarification of Groundfish Monitoring Goals and Objectives	57	<ul style="list-style-type: none"> Add further clarifying text to match deemed Framework 55 regulations. Additional suggestions provided by Regional Office staff. 	Substantive
4.3.1.3	Clarification of methods used to set sector coverage rates	57	<ul style="list-style-type: none"> Add additional description about standards currently in place for the ASM program. 	Substantive
4.3.1.5	Fishery Performance Criteria	61	<ul style="list-style-type: none"> Adjust language to indicate that performance criterion regarding discards refer to the sector sub-ACL. Suggested revisions are provided by Regional Office staff. 	Substantive
4.3.3.1	Modify GOM cod recreational possession limit	63	<ul style="list-style-type: none"> Reword alternative to better reflect the regulatory basis of this measures. Suggested revisions are provided by Regional Office staff. 	Substantive
6.5	Affected Environment – Protected Resources	99	<ul style="list-style-type: none"> Throughout entire section, incorporate revised language provided by Regional Office staff. 	Substantive
7.0	Environmental Consequences – Analysis of Impacts	166	<ul style="list-style-type: none"> Throughout section, both direct and indirect impacts need to be assessed for each alternative. Revised language is provided by Regional Office staff. 	Substantive
7.1	Biological Impacts	166	<ul style="list-style-type: none"> Incorporate revised language and table provided by Regional Office staff. 	Substantive
7.1.1.2.1	Annual Catch Limits	169	<ul style="list-style-type: none"> Incorporate revised language provided by Regional Office staff. Expand qualitative discussion of likely effect of sub-ACL on herring stock. 	Substantive

Section		Page	Comment	Substantive or Suggested
7.1.1.2.2	Revised Annual Catch Limits	173	<ul style="list-style-type: none"> • Incorporate suggested discussion regarding development of SNE/MA yellowtail flounder ABC. • Incorporate suggested text regarding biological impacts of witch flounder ABCs. • Under impacts to other species, expand qualitative discussion of likely effect of sub-ACLs on scallop stock, small-mesh species stocks, and herring stock. 	Substantive
7.1.2.1	Implementation of Additional Sector	187	<ul style="list-style-type: none"> • Add discussion that this alternative does not impact stocks because the overall catch for each stock is constrained by the ACL. 	Substantive
7.1.3.1.2	Clarify Groundfish Monitoring Goals and Objectives	196	<ul style="list-style-type: none"> • Expand discussion of impacts on other species. 	Substantive
7.1.3.1.3	Clarify methods used to set sector coverage rates	196	<ul style="list-style-type: none"> • Clarify whether discussion on Georges Bank haddock is meant to be an example of the performance of different estimators. • Clarify discussion of stock level CV vs sector/gear/stock CV. • Incorporate minor text adjustments provided by Regional Office staff. 	Substantive
7.1.3.1.5	Fishery Performance Criteria	206, 213	<ul style="list-style-type: none"> • Revise description of alternative to better reflect the nature of this measure. Suggested revisions are provided by Regional Office staff. • Under "Combination of Options," expand discussion on the expected changes in CVs and variability in monitoring strata under reduced coverage. 	Substantive
7.1.3.2.1	Management Measures for U.S./Canada TACs	214	<ul style="list-style-type: none"> • Revise discussion of No Action alternative to describe impacts, as indicated in discussion offered by Regional Office Staff. 	Substantive

Section		Page	Comment	Substantive or Suggested
7.2	Essential Fish Habitat Impacts	216	<ul style="list-style-type: none"> • Add additional discussion from results of the quota change model to support the conclusion that fishing effort will only expand marginally despite increases in allocations for certain stocks. • Revise description of Fishery Performance Criteria alternative to better reflect the nature of this measure. Suggested revisions are provided by Regional Office staff. 	Substantive
7.4	Economic Impacts	239	<ul style="list-style-type: none"> • Add a table to clearly outline the runs of the quota change model that relate to the full target ASM coverage levels and witch flounder ABC alternatives. 	Substantive
8.3	Endangered Species Act	320	<ul style="list-style-type: none"> • Incorporate revised language provided by Regional Office staff 	Substantive

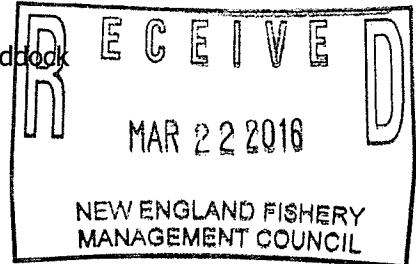
From: Tom Depersia [mailto:hugetuna@aol.com]

Sent: Tuesday, March 22, 2016 5:40 PM

To: John Bullard

Cc: Elizabeth warren@warren.senate.gov; David Pierce; eileen.sobeck@noaa.gov; alan.reisenhoover@noaa.gov; ralph.pratt@verizon.net; Rich Ruais; Barry Gibson; JimDRFA@aol.com; Terry Stockwell; Tom Nies; douglas.christel@massmail.state.ma; Rich Ruais; Dave Waldrip; Bruce.Tarr@senate.ma.us; Michael Pierdinock; Tom DePersia

Subject: Proposed 2016 Recreational Groundfish Measures for Cod & Haddock



March 18, 2016

Mr. John Bullard
Greater Atlantic Region Fisheries Office
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

Re: Proposed 2016 Recreational Groundfish Measures for Cod & Haddock

Dear Mr. Bullard,

My name is Thomas DePersia and I own and operate two charter boats out of Marshfield, MA. I have been a full time charter captain for over 37 years and built my business by targeting and catching groundfish for my customers. I have been a RAP member of the NEFMC for many years. In addition, 3 of my children are licensed charter captains and they share my concerns about your draconian regulations that penalize fishermen like us who make a living from this for-hire groundfish fishery.

These are my comments on the proposed FY 2016 recreational fishery management measures for Gulf of Maine Cod & Haddock:

Proposed 2016 Haddock Regulations: Partial Support. While I strongly feel this proposal should have been for **unlimited Haddock**, it is certainly better than the 3 fish bag limit of 2015. In 2015 the Haddock population was so strong and the 3 fish limit was so unreasonable that we suffered tremendously from our long-time customers not booking charters last year. We will continue to suffer financially even more in the future because our loyal customers won't ever come back, since the NMFS did not, and will not, let them keep enough fish to make a trip worthwhile the stocks were the best I have seen in 37 years of fishing Stellwagen.

For-hire boats need different bag limits than general Recreational Fisherman and need to be separated from the incorrect MRIP statistics. While I truly believe the bag limit should be unlimited, the 15 fish per person Haddock limit at 17" will be an improvement that will possibly help to attract new groundfish customers after losing most of them in 2015.

I don't support the closure from March 1st through April 14. Historically, since 1979, my charters started on March 1st to target groundfish through June. Our customers come to New England waters from NY, NJ, PA, OH, DE and other parts of the country to target groundfish because there are no other fishing options then, and they have cabin fever. Many of them have their own boats and fish for Striped Bass, Tuna, Scup, Sea Bass, and other species after June 1st. We need to open the Haddock fishery before May 1st to attract and retain these early season customers. Please allow at least 15 Haddock per person for 2016. Based on my 37 years of fishing experience, and the huge number of Haddock we saw last year, the stocks are the strongest I have ever seen.

Proposed 2016 Cod Regulations: Do Not Support.

I do **Not Support** the one Cod recommendation, minimum size 24", for August 1st through September 30th 2016.

First: Massachusetts charter boats have historically attracted Cod fishing customers early in the spring, not August and September. I recommend at least a May and June 2016 opening (April 1st for 2017), and ideally it should remain open through October 31st. If only 2 months can be open it should be May 1st through June 30th 2016.

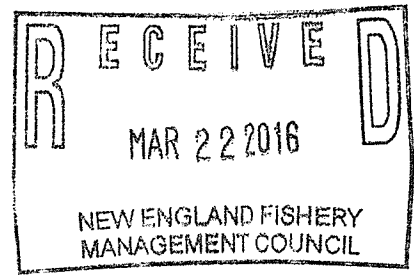
Second: A one Cod bag limit will attract very few, if any, customers for for-hire charter businesses. We need a larger bag limit than general recreational fisherman because our geographically dispersed customers come to Massachusetts only once a year to fish here. Conversely most local recreational fishermen, with boats, fish many weekend and vacations allowing them the chance to keep many more Cod throughout the season, which our charter customers can not . Please start our 2016 Cod season on May 1st. and extend it beyond the current proposal. Please increase the bag limit for for-hire charter boats to 5 fish per person at 24" to increase the opportunity, and perception, for our customers that they can catch and keep enough Cod to make their trip worthwhile

In light of NEFMC and NMFS approving regulations for very large draggers and other big scale commercial operations to fish Stellwagen Bank with **No Daily Bag Limit**, and rape our fishery when the for-hire charter operators, and small commercial draggers, adhered to strict conservation measures for 15 years. Our conservation measures, like days-at-sea rules and 10 fish bag limits for for-hire brought tremendous gains to the Cod fishery that since have been eradicated by these huge, efficient, commercial vessels and their greedy owners. The NMFS owes us some compassion for destroying our gains and the recovery of the Cod fishery. You destroyed the Stellwagen Bank Cod stocks by allowing these fish slobs to fish there with no daily limit. The impact on the Cod fishery, from increasing the Cod bag limits for small for-hire operators, would be minimal yet would allow us to stay in business. I'm asking the NMFS for compassion and to please raise the Cod bag limit to at least 5 fish per person per day and to extend the season.

Rhode Island, Connecticut, New York, and New Jersey fishermen are still allowed to catch 10 Cod per person. The 2015, and the proposed 2016 Cod regulations have, and will, handcuff Massachusetts Charter Fishermen to the dock. I am not asking you to punish the other states but rather show compassion and give Massachusetts charter businesses an equal chance to fish and stay in business. We are losing our customers to these other states solely based on your regulations. Your New Bedford, big sector, dragger buddies have screwed all of us hard working, conservation minded, law abiding fishermen. Please give us some compassion and Cod bag limits, seasons, and size limits that will allow us to keep our existing customers and attract new customers so we can stay in business.

Thank You,
Captain Thomas DePersia

cc: Senator Elizabeth Warren
Governor Charles Baker
representative Bruce Tarr
Director Dave Pierce
Eileen Sobeck
Alan Reisenhoover
Thomas Nies
Terry Stockwell
Douglas Christel
Capt. Ralph Pratt
Rich Ruais
Barry Gibson
Jim Donofrio
Donald Trump
Capt. Dave Waldrip
Mike Pierdinock



When I was a kid 30 years ago, the winter flounder was plenty in Boston Harbor. As a young adult the flounder population was depleted. I recall flounder fishing and not catching anything for a period of about 15 years. The past five or so years the flounder came back slightly, and you could catch a couple. It's obvious the daggars and nets are killing all the fish (look at the data). This need to stop until the fish come back strong.

Eat chicken for a couple years. Pay the Draggars early retirement (I'd rather pay them then undeserved welfare recipients).

Michael Hendrickson
70 Old Colony Ave

Joan O'Leary

From: clydejazz@aol.com
Sent: Thursday, March 17, 2016 4:27 PM
To: comments
Subject: Commercial Flounder quota

Dear fisheries managers,

The GOM Commercial Flounder "TAC"- "Total Allowable Catch" has been raised by 500% over the past 15 years.

Surely, stocks have not increased by a similar amount. Let's not wreck the flounder population the way we did with cod.

Fishing ports in Newfoundland are now ghost towns.

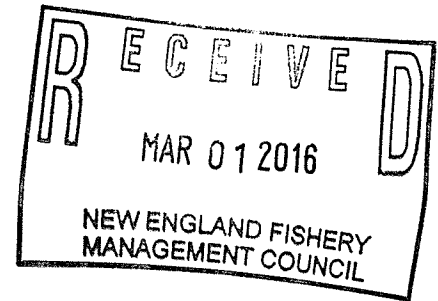
Sincerely,
Clyde Cortright
74 Beach St. #5-5
Woburn , MA 01801

jc, 3/18/16

NORTHEAST SEAFOOD COALITION

March 1, 2016

Eileen Sobeck
Assistant Administrator for Fisheries
NOAA Fisheries
1315 East-West Highway
Room 14636
Silver Spring, MD 20910



Dear Ms. Sobeck,

Today NOAA Fisheries will begin requiring our groundfish fishermen to pay the cost of the at sea monitoring (ASM) program for the northeast groundfish sector management program.

On behalf of Northeast Seafood Coalition (NSC) fishermen that are members of the Northeast Fishery Sectors, NSC wants to make sure you are acutely aware that the NSC does not support the industry funding requirement. NSC believes such a requirement at this present time when the fishery is facing a groundfish disaster declared by your Department, with historically low quotas, will exacerbate, not mitigate, the disaster. In addition, we do not support the design of the existing program which utilizes an outdated method for calculating coverage rates.

NSC acknowledges that in order to operate through the remainder of this current 2015 fishing year, and likely next fishing year, the sectors will need to establish and submit to the Agency pre-negotiated contracts with an ASM provider. We want to make sure you are aware that when a sector complies with these requirements, such compliance should not be construed by the Agency as indicating the fishermen's ability to cover such costs or their support for the current ASM program.

Lastly, the NSC has been actively engaged in recent policy discussions to reform the inefficient ASM program that has been in existence now since sectors were implemented in 2010. During the current 2015 fishing year the Agency continues to use an outdated process to calculate coverage rates. However, the upcoming 2016 fishing year offers an opportunity to learn from the previous five years of sector operations to make crucial improvements to the ASM program. NSC strongly encourages the Agency to approve and implement these policy changes as recommended by the Council in Framework 55 for the 2016 fishing year, and we strongly encourage the Agency to work collaboratively in the coming days on administrative and policy improvements that are still needed for the program.

Sincerely,

Jackie Odell, Executive Director

Cc: John Bullard, Regional Administrator, NOAA Fisheries Northeast Regional Office
Tom Nies, Executive Director, New England Fishery Management Council
Elizabeth Etrie, Program Director, Northeast Sector Service Network (NESSN)

4 PARKER STREET, STE. 202, GLOUCESTER, MA 01930
62 HASSEY STREET, NEW BEDFORD, MA 02740
TEL: 978.283.9992 | FAX: 978.283.9959
NORTHEASTSEAFOODCOALITION.ORG

Northeast Fishery Sector II
Northeast Fishery Sector III
Northeast Fishery Sector V
Northeast Fishery Sector VI
Northeast Fishery Sector VII
Northeast Fishery Sector VIII
Northeast Fishery Sector IX
Northeast Fishery Sector X
Northeast Fishery Sector XI
Northeast Fishery Sector XII
Northeast Fishery Sector XIII



New England Fishery Management Council

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

February 29, 2016

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

Dear John:

Consistent with the consultation requirements of 50 CFR 648.89(f)(3), the Council developed recommendations for proactive accountability measures (AMs) for Gulf of Maine (GOM) cod and GOM haddock for FY 2016 at its December 2015 Council meeting. These AMs require development by the Regional Administrator (RA) in consultation with the Council, because the appropriate suite of measures (e.g., bag limit, minimum fish size, season) depends on the Annual Catch Limits (ACLs) specified for the upcoming fishing year. The RA may adjust measures to ensure the recreational fishery will achieve, but not exceed, its sub-ACL.

The Council took final action on Framework Adjustment 55 in December 2015 and January 2016, which included among its preferred alternatives increasing ACLs for GOM cod and GOM haddock based on the results the most recent assessments for these stocks. The Council also included a measure to allow the RA to once again adjust measures for GOM cod.

The Recreational Advisory Panel (RAP) met on November 17, 2015 to discuss potential AMs. The Groundfish Committee discussed the RAP's recommendation on November 18, 2015. The Council then reviewed the RAP and Committee recommendations, several AM scenarios, and the expected impacts of those scenarios. Based on these discussions, the Council passed the following motions on December 2, 2015.

Motion 1: That the Council recommends to NMFS that the FY 2016 GOM haddock bag limit be 15 fish, with all seasons open (except in Wave 2 – March and April in which only April 15-30 would be open), and a 17 in minimize size.

The motion carried on a show of hands (15/0/1).

Motion 2: That the Council recommends to NMFS that the FY 2016 GOM cod bag limit be one cod, with a minimum size of 24 inches, and August - September open.

The motion carried on a show of hands (13/3/1).

The Council wishes to thank NMFS staff for working to address information needs in advance of the RAP meeting and for holding AM consultations with the RAP and Committee prior to the December Council meeting so that Council input could be provided.

Thank you for considering these comments. Please contact me if you have questions.

Sincerely,

A handwritten signature in cursive script that reads "Thomas A. Nies".

Thomas A. Nies
Executive Director

cc: Dr. Bill Karp, NEFSC



New England Fishery Management Council

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

February 25, 2016

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

Dear John:

In accordance with provisions of the Magnuson-Stevens Act, I have reviewed the draft regulatory text for Framework Adjustment 55 to the Northeast Multispecies FMP in order to deem whether it is consistent with the framework text and the Council's intent. The review is based on the draft regulatory text provided to the Council on February 12, 2016, further modified through discussions between our staffs. I have concluded that the agreed upon revised draft regulatory text implementing Framework 55 measures is consistent with Council intent. I am not commenting on the regulation corrections that were provide in the same correspondence.

Please feel free to call me with any concerns.

Sincerely,

Terry Stockwell
Chairman

enclosure

**Draft Reg Text
NE Multispecies FW 55**

For the reasons stated in the preamble, 50 CFR part 648 is proposed to be amended as follows:

PART 648--FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 648.14, revise paragraph (k)(16)(iii)(B) to read as follows:

(k) * * *

(16) * * *

(iii) * * *

(B) Fail to comply with the requirements specified in §648.81(f)(5)(v) when fishing in the areas described in §648.81(d)(1), (e)(1), and (f)(4) during the time periods specified.

3. In § 648.85, revise paragraph (a)(3)(iii)(A) to read as follows:

§ 648.85 Special management programs.

(a) * * *

(3) * * *

(iii) * * *

(A) *Haddock Separator Trawl*. A haddock separator trawl is defined as a groundfish trawl modified to a vertically-oriented trouser trawl configuration, with two extensions arranged one over the other, where a codend shall be attached only to the upper extension, and the bottom extension shall be left open and have no codend attached. A horizontal large-mesh separating panel constructed with a minimum of 6.0-inch (15.2-cm) diamond mesh must be installed between the selvages joining the upper and lower panels, as described in paragraphs (a)(3)(iii)(A) and (B) of this section, extending forward from the front of the trouser junction to the aft edge of the first belly behind the fishing circle. The horizontal large-mesh separating panel must be constructed with mesh of a contrasting color to the upper and bottom extensions of the net that it separates.

(1) Two-seam bottom trawl nets—For two seam nets, the separator panel will be constructed such that the width of the forward edge of the panel is 80-85 percent of the width of the after edge of the first belly of the net where the panel is attached. For example, if the belly is 200 meshes wide (from selvedge to selvedge), the separator panel must be no wider than 160-170 meshes wide.

(2) Four-seam bottom trawl nets—For four seam nets, the separator panel will be constructed such that the width of the forward edge of the panel is 90-95 percent of the width of the after edge of the first belly of the net where the panel is attached. For example, if the belly is 200 meshes wide (from selvedge to selvedge), the separator panel must be no wider than 180-190 meshes wide. The separator panel will be attached to both of the side panels of the net along the midpoint of the side panels. For example, if the side panel is 100 meshes tall, the separator panel must be attached at the 50th mesh.

* * * * *

3. In § 648.87, revise paragraphs (a)(1) and (2), (b)(1)(i)(B)(2), (b)(1)(v)(B), (b)(1)(v)(B)(I)(i), (d), and (e)(3)(iv) to read as follows:

§ 648.87 Sector allocation.

(a) Procedure for approving/implementing a sector allocation proposal.

(1) Any person may submit a sector allocation proposal for a group of limited access NE multispecies vessels to NMFS. The sector allocation proposal must be submitted to the Council and NMFS in writing by the deadline for submitting an operations plan and preliminary sector contract that is specified in paragraph (b)(2) of this section. The proposal must include a cover letter requesting the formation of the new sector, a complete sector operations plan and preliminary sector contract, prepared as described in paragraphs (b)(2) and (b)(3) of this section, and appropriate analysis that assess the impact of the proposed sector, in compliance with the National Environmental Policy Act.

(2) Upon receipt of a proposal to form a new sector allocation, and following the deadline for each sector to submit an operations plan, as described in paragraph (b)(2) of this section, NMFS will notify the Council in writing of its intent to consider a new sector allocation for approval. The Council will review the proposal(s) and associated NEPA analyses at a Groundfish Committee and Council meeting, and provide its recommendation on the proposed sector allocation to NMFS in writing. NMFS will make final determinations regarding the approval of the new sectors based on review of the proposed operations plans, associated NEPA analyses, and the Council's recommendations, and in a manner consistent with the

Administrative Procedure Act. NMFS will only approve a new sector that has received the Council's endorsement.

* * * * *

(b) * * *

(1) * * *

(i) * * *

(B) * * *

(I) * * *

(2) *Re-allocation of haddock or cod ACE.* A sector may re-allocate all, or a portion, of a its haddock or cod ACE specified to the Eastern U.S./Canada Area, pursuant to paragraph (b)(1)(i)(B)(I) of this section, to the Western U.S./Canada Area at any time during the fishing year, and up to 2 weeks into the following fishing year (i.e., through May 14), unless otherwise instructed by NMFS, to cover any overages during the previous fishing year. Re-allocation of any ACE only becomes effective upon approval by NMFS, as specified in paragraphs (b)(1)(i)(B)(2)(i) through (iii) of this section. Re-allocation of haddock or cod ACE may only be made within a sector, and not between sectors. For example, if 100 mt of a sector's GB haddock ACE is specified to the Eastern U.S./Canada Area, the sector could re-allocate up to 100 mt of that ACE to the Western U.S./Canada Area.

(i) *Application to re-allocate ACE.* GB haddock or GB cod ACE specified to the Eastern U.S./Canada Area may be re-allocated to the Western U.S./Canada Area through written request to the Regional Administrator. This request must include the name of the sector, the amount of

ACE to be re-allocated, and the fishing year in which the ACE re-allocation applies, as instructed by the Regional Administrator.

(ii) *Approval of request to re-allocate ACE.* NMFS shall approve or disapprove a request to re-allocate GB haddock or GB cod ACE provided the sector, and its participating vessels, is in compliance with the reporting requirements specified in this part. The Regional Administrator shall inform the sector in writing, within 2 weeks of the receipt of the sector's request, whether the request to re-allocate ACE has been approved.

(iii) *Duration of ACE re-allocation.* GB haddock or GB cod ACE that has been re-allocated to the Western U.S./Canada Area pursuant to this paragraph (b)(1)(i)(B)(2) is only valid for the fishing year in which the re-allocation is approved, with the exception of any requests that are submitted up to 2 weeks into the subsequent fishing year to address any potential ACE overages from the previous fishing year, as provided in paragraph (b)(1)(iii) of this section, unless otherwise instructed by NMFS.

* * * * *

(v) * * *

(B) *Independent third-party monitoring program.* A sector must develop, implement, and pay for, to the extent not funded by NMFS, an independent at-sea/electronic monitoring program that is satisfactory to, and approved by, NMFS for monitoring catch and discards and utilization of sector ACE, as specified in this paragraph (b)(1)(v)(B). The primary goal of the at-sea/electronic monitoring program is to verify area fished, as well as catch and discards by species and gear type, in the most cost-effective means practicable. All other goals and

objectives of groundfish monitoring programs at §648.11(l) are considered equally-weighted secondary goals. The details of any at-sea or electronic monitoring program must be specified in the sector's operations plan, pursuant to paragraph (b)(2)(xi) of this section, and must meet the operational standards specified in paragraph (b)(5) of this section. Electronic monitoring may be used in place of actual observers if the technology is deemed sufficient by NMFS for a specific trip type based on gear type and area fished, in a manner consistent with the Administrative Procedure Act. The level of coverage for trips by sector vessels is specified in paragraph (b)(1)(v)(B)(I) of this section. The at-sea/electronic monitoring program shall be reviewed and approved by the Regional Administrator as part of a sector's operations plans in a manner consistent with the Administrative Procedure Act. A service provider providing at-sea or electronic monitoring services pursuant to this paragraph (b)(1)(v)(B) must meet the service provider standards specified in paragraph (b)(4) of this section, and be approved by NMFS in a manner consistent with the Administrative Procedure Act.

(I) * * *

(i) *At-sea/electronic monitoring.* Coverage levels must be sufficient to at least meet the coefficient of variation specified in the Standardized Bycatch Reporting Methodology at the overall stock level for each stock of regulated species and ocean pout, and to monitor sector operations, to the extent practicable, in order to reliably estimate overall catch by sector vessels. In making its determination, NMFS shall take into account the primary goal of the at-sea/electronic monitoring program to verify area fished, as well as catch and discards by species and gear type, in the most cost-effective means practicable, the equally-weighted secondary goals and objectives of groundfish monitoring programs detailed at §648.11(l), the National

Standards and requirements of the Magnuson-Stevens Act, and any other relevant factors. NMFS will determine the total target coverage level (i.e., combined NEFOP coverage and at-sea/electronic monitoring coverage) for the upcoming fishing year using the criteria in this paragraph. Annual coverage levels will be based on the most recent 3-year average of the total required coverage level necessary to reach the required coefficient of variation for each stock. For example, if data from the 2012 through 2014 fishing years are the most recent three complete fishing years available for the fishing year 2016 projection, NMFS will use data from these three years to determine 2016 target coverage levels. For each stock, the coverage level needed to achieve the required coefficient of variation would be calculated first for each of the 3 years and then averaged (e.g., (percent coverage necessary to meet the required coefficient of variation in year 1 + year 2 + year 3) / 3). The coverage level that will apply is the maximum stock-specific rate after considering the following criteria. For a given fishing year, stocks that are not overfished, with overfishing not occurring according to the most recent available stock assessment, and that in the previous fishing year have less than 75 percent of the sector sub-ACL harvested and less than 10 percent of catch comprised of discards, will not be used to predict the annual target coverage level. A stock must meet all of these criteria to be eliminated as a predictor for the annual target coverage level for a given year.

(ii) A sector vessel that declares its intent to exclusively fish using gillnets with a mesh size of 10-inch (25.4-cm) or greater on a sector trip in either the Inshore GB Stock Area, as defined at § 648.10(k)(3)(ii), and/or the SNE Broad Stock Area, as defined at § 648.10(k)(3)(iv), is not subject to the coverage rate specified in this paragraph (b)(1)(v)(B)(I) provided that the trip is limited to the Inshore GB and/or SNE Broad Stock Areas and that the vessel only uses gillnets with a mesh size of 10-inch (25.4-cm) or greater. When on such a trip, other gear may be on

board provided that it is stowed and not available for immediate use as defined in § 648.2. A sector trip fishing with 10-inch (25.4-cm) mesh or larger gillnets will still be subject to the annual coverage rate if the trip declares its intent to fish in any part of the trip in the GOM Stock area, as defined at § 648.10(k)(3)(i), or the Offshore GB Stock Area, as defined at § 648.10(k)(3)(iii).

* * * * *

(d) *Approved sector allocation proposals.* Eligible NE multispecies vessels, as specified in paragraph (a)(3) of this section, may participate in the sectors identified in paragraphs (d)(1) through (25) of this section, provided the operations plan is approved by the Regional Administrator in accordance with paragraph (c) of this section and each participating vessel and vessel operator and/or vessel owner complies with the requirements of the operations plan, the requirements and conditions specified in the letter of authorization issued pursuant to paragraph (c) of this section, and all other requirements specified in this section. All operational aspects of these sectors shall be specified pursuant to the operations plan and sector contract, as required by this section.

(1) *GB Cod Hook Sector.*

(2) *GB Cod Fixed Gear Sector.*

(3) *Sustainable Harvest Sector.*

(4) *Sustainable Harvest Sector II.*

(5) *Sustainable Harvest Sector III.*

(6) *Port Clyde Community Groundfish Sector.*

(7) *Northeast Fishery Sector I.*

(8) *Northeast Fishery Sector II.*

(9) *Northeast Fishery Sector III.*

(10) *Northeast Fishery Sector IV.*

(11) *Northeast Fishery Sector V.*

(12) *Northeast Fishery Sector VI.*

(13) *Northeast Fishery Sector VII.*

(14) *Northeast Fishery Sector VIII.*

(15) *Northeast Fishery Sector IX.*

(16) *Northeast Fishery Sector X.*

(17) *Northeast Fishery Sector XI.*

(18) *Northeast Fishery Sector XII.*

(19) *Northeast Fishery Sector XIII.*

(20) *Tristate Sector.*

(21) *Northeast Coastal Communities Sector.*

(22) *State of Maine Permit Banking Sector.*

(23) *State of Rhode Island Permit Bank Sector.*

(24) *State of New Hampshire Permit Bank Sector.*

(25) *State of Massachusetts Permit Bank Sector*

* * * * *

(e) * * *

(3)

(iv) *Reallocation of GB haddock or GB cod ACE.* Subject to the terms and conditions of the state-operated permit bank's MOAs with NMFS, a state-operated permit bank may re-allocate all, or a portion, of its GB haddock or GB cod ACE specified for the Eastern U.S./Canada Area to the Western U.S./Canada Area provided it complies with the requirements in paragraph (b)(1)(i)(B)(2) of this section.

* * * * *

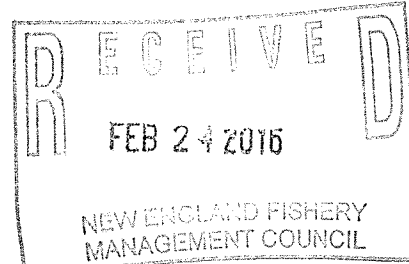
4. In § 648.89, remove paragraph (f)(3)(ii).



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

FEB 18 2016

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



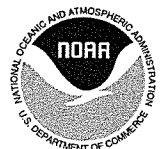
Dear Tom:

Thank you for your February 2, 2016, letter regarding the Fiscal Year 2016 Appropriations Act and corresponding report language from the Senate and House of Representatives. Both the at-sea monitoring (ASM) program for groundfish sectors and the development of electronic monitoring (EM) are key priorities for us.

The Standardized Bycatch Reporting Methodology (SBRM) Amendment requires observer funds from four specific budget lines to be used first to meet the requirements of SBRM for the purposes of monitoring bycatch before allocating such resources for additional observer needs, including at-sea monitors in the groundfish fishery. As you know, appropriated observer funds are not sufficient to meet the requirements of the SBRM, so we do not have sufficient funds to continue to cover all of the at-sea costs associated with the groundfish ASM program. We have been able to cover part of the at-sea costs for the 2015 fishing year through funds left in existing contracts. However, these funds will be fully expended by the end of this month, and sectors will be required to pay at-sea costs for the ASM program, beginning on March 1, 2016.

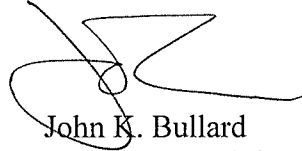
In anticipation of the transition to industry funding, we worked closely with the Council throughout the development of Framework Adjustment 55 to the Northeast Multispecies Fishery Management Plan to identify improvements to the ASM program. As soon as the Council submits this action to us, we will review it and implement approved measures for the 2016 fishing year. If the Council chooses to initiate another ASM action, we will provide staff support on the Groundfish Plan Development Team and help the Council identify appropriate changes to the ASM program. We also intend to continue working with sectors to ensure a smooth transition to industry funding later this month and explore future administrative improvements to the ASM program that may be possible.

We continue to take significant steps towards the implementation of EM in the groundfish fishery along with the Nature Conservancy, the Gulf of Maine Research Institute, and several groundfish sectors. For the 2016 fishing year, we are developing an exempted fishing permit that would use EM for discard monitoring on groundfish trips that would otherwise have an at-sea monitor. This approach is similar to ongoing EM efforts on the West Coast, and will allow us to further advance the use of EM technology and identify additional opportunities to improve vessel accountability.



Groundfish monitoring programs are an essential component to the success and sustainable management of the fishery, and we are committed to continue working with the Council on ASM and EM. If you have further questions about any of these issues, please contact Michael Pentony, Assistant Regional Administrator for Sustainable Fisheries, at (978) 281-9283.

Sincerely,

A handwritten signature in black ink, appearing to be 'John K. Bullard', written over a circular stamp or mark.

John K. Bullard
Regional Administrator

cc: Terry Stockwell, Chair, New England Fishery Management Council
Frank Blount, Chair, Groundfish Oversight Committee



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

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

MAR 14 2016

Dear Tom:

Thank you for your March 7, 2016, letter regarding the proposed rule for the 2016 Gulf of Maine (GOM) cod and haddock recreational management measures. Our intent was to propose the measures that were recommended by the Council. However, as you noted, the proposed rule contained errors in the dates that GOM haddock possession would be prohibited. The Council recommended that GOM haddock possession be prohibited from March 1 through April 14, but we inadvertently proposed a closed season from April 15 through April 30. The draft supplemental environmental assessment also had the incorrect closed season listed in the alternatives; however, the analyses are based on the correct closed season.

We will publish a new proposed rule with the correct measures, as recommended by the Council, before the current comment period closes on March 18, 2016, and will also extend the comment period for an additional 7 days, until March 25, 2016, to allow public comment on the corrected measures.

If you have further questions about the proposed 2016 recreational groundfish management measures, please contact Sarah Heil, Groundfish Team Lead, at (978) 281-9257.

Sincerely,

John K. Bullard
Regional Administrator

cc: Terry Stockwell, Chairman, New England Fishery Management Council
Frank Blount, Chair, Groundfish Oversight Committee
Barry Gibson, Chair, Recreational Advisory Panel





New England Fishery Management Council

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

March 7, 2016

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

Dear John:

On March 4, a Proposed Rule (*81 Federal Register 11168*) was published outlining the proactive accountability measures (AMs) for the recreational fishery for Gulf of Maine (GOM) cod and GOM haddock for FY 2016. The Proposed Rule states that the measures included match those recommended by the Council. However, we believe an error was made in the Proposed Rule for the season in which recreational fishing for GOM haddock would remain open. The motion the Council passed in December 2015 reads:

Motion: That the Council recommends to NMFS that the FY 2016 GOM haddock bag limit be 15 fish, with all seasons open (except in Wave 2 – March and April in which only April 15-30 would be open), and a 17 in minimize size.

The motion carried on a show of hands (15/0/1).

Therefore, the open dates for GOM haddock in the Proposed Rule for FY 2016 should read: May 1, 2016 – February 28, 2017 then April 15, 2017 – April 30, 2017. March 1, 2017 – April 14, 2017 would be closed to GOM haddock fishing by the recreational fishery.

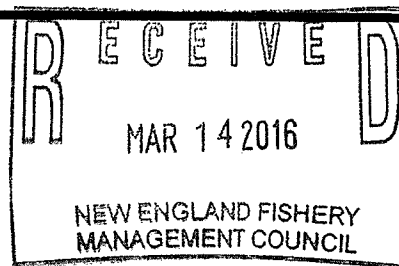
Thank you for considering these comments. Please contact me if you have questions.

Sincerely,

Thomas A. Nies
Executive Director

Joan O'Leary

From: Eugenio, Joe <Joe.Eugenio@bmc.org>
Sent: Monday, March 14, 2016 10:06 AM
To: comments
Subject: Observer Coverage



To whom it may concern,

As an avid offshore fisherman for close to 30 years, I have seen the best of times and the worst of times. We are, undoubtedly, in the worst of times. It is sad to think someday I will not be able to take my kids out to catch a cod or 2 for dinner, like I was able to do with my father for many years.

I write to ask you simply, please help us require 100% observer coverage on our big dragger fleets. We all know what these big draggers do to the ecosystem, never mind the fish stocks. Wasted by-catch is a normal thing, never mind hi-grading in which we all knows happens on every boat. I can write 100 stories from watching these ocean killers work, including setting on top of a huge school of Black sea bass, just to try and get the bigger fluke below them. I watched 1000's of pounds of black sea bass ruined, and with the electronic equipment these days, the captain knew what he was doing. This is 1 of many, many instances I have witnessed with my own eyes...one simple measure changes all of this: 100% observation

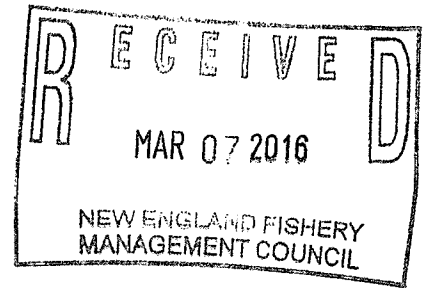
What we are asking these large draggers to do is police themselves, when any sensible person realizes that that is impossible. By "policing themselves" they are hurting their pockets, why in the world would they ever willingly hurt their own wages?! For sustainability? To follow the rules? Lets try and be honest with ourselves, not for us, not for our fish, but for the generations ahead that may look at our codfish like I look at our halibut...mysterious, elusive, and destroyed. We need to protect our stocks, and our future, PLEASE MAKE THESE DRAGGERS ACCUONTABLE FOR THEIR DESTRUCTION.

Thanks,
Joe Eugenio
978-273-3416

This electronic transmission may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient, please notify me immediately as use of this information is strictly prohibited.

jc - 3/18/16

From: Michael Pierdinock [<mailto:cpfcharters@yahoo.com>]
Sent: Friday, March 04, 2016 10:13 AM
To: John Bullard
Cc: Tom Nies; Barry Gibson; Dave Waldrip; Dave Pierce
Subject: Groundfish Fishery; Recreational Management Measures



Dear John:

I wish I had better news to report but am not surprised with the outcome. Our patrons want to fish for cod and the proposed increase in haddock has not resulted in an increase in charter boat bookings for the upcoming season. Cod is the key to get them back on the boat. The same can be said for private recreational anglers.

Charter boat/for hire vessels and recreational anglers in our waters target cod and haddock April and May and can fish for other species the rest of the season. Without offering cod during this period and such a low bag limit of 1 cod per 24 inches paid patrons and recreational anglers are not interested in leaving the dock.

Consistent with previous correspondence our observations are inconsistent with the emergency measures and proposed 1 cod per 24 inches. The detrimental impact on the charter boat and fore hire community, marinas and other business that rely on recreational fishing to make a living has been felt for those businesses north of the 42 degree line.

Please consider easing restrictions on the recreational cod bag limits and timeline.

Capt. Mike Pierdinock

CPF Charters "Perseverance" - New Bedford

Recreational Fishing Alliance - Massachusetts Chairman

Stellwagen Bank Charter Boat Association - Board of Directors

NMFS - Atlantic Highly Migratory Species Advisory Panel

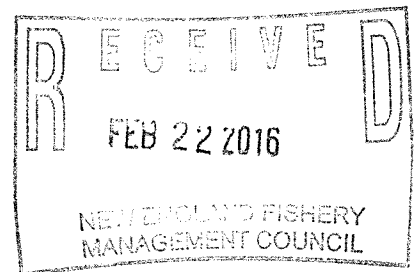
New England Fishery Management Council - Recreational & Enforcement Advisory Panels

(617) 291-8914

je, jp - 3/8/16

And they say that the Georges Bank stock of codfish
below the 42° latitude line is in worse shape than the
Gulf Of Maine stock.

LMAO



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Doubling-up with cod aboard the Black Hawk!



Anthony DiRenzo from Glastonbury, CT with the teen-size cod aboard the Gail Frances with Capt. Rich.



Another hefty cod landed near Block Island this winter. (Image courtesy of the Black Hawk)

activities. Hard water in the northeast corner of the state, on the other hand, was much thicker, five or six inches on such spots as Winchester Lake, Doe Pond, Tyler Pond, and W... The only...

tinutube
ig
Harbor



Pedro Davosa from Taunton, MA with the 16-pound pool winning cod he caught aboard the Lady Frances with Capt. Mike.

pickrel and bass on tip ups and shiners. Hood Pond in Topsfield has been excellent for bass and pickrel as well. Quarter Mile and Dark Hollow Ponds in Medford have also been very productive. The store has a good supply of suckers for pike fishing as well as medium-large and extra-large shiners. If the cold continues, trout ponds like Horn, Walden, White and Sluice Ponds will be seeing nice rainbows and salmon eggs. PowerBait and

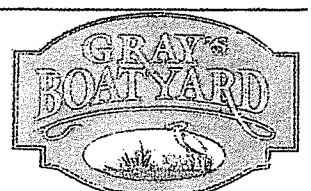
EVERY
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FISHI

Lemiglas **PENN**

401-596-7217
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Cardinal

— A FULL SERV
664 Atlantic Ave. • Mis
401-3



Big Game
Big Game Sport Fishing Charters
Shug Harbor, RI



Pedro Davosa of Taunton, MA with the 25-pound steaker cod fish that he jigged up aboard the Gail Frances with Capt. Rich.

excellent when they were away from the dock this past week. Friday was so good in fact that everyone was... best was back

ough A-1 Site in Westborough, an

Your #1 Fis

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TRACK

NOW BOO

860-739

Sign



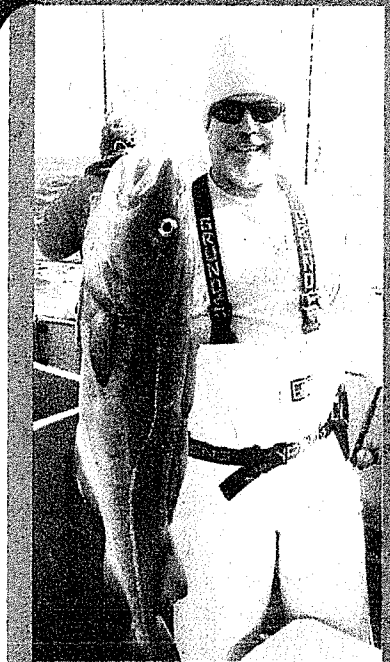
A solid brace of keeper cod landed aboard the Black Hawk sailing out of Niantic, CT.

Pond had five or six inches of solid ceiling ice off the water (D) and the hard

on ponds and lakes and should be reduced by fifteen percent for clear ice; ff;

nows. Two weeks later DB e-mailed his second report, this one having to do with fishing the Oxbow January 22.

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Guy Hesketh from Granby, CT with the steaker cod around 25 pounds that he caught on fresh shucked sea clam bait aboard the Gail Frances with Capt. Rich

when the weather conditions allow them to



New England Fishery Management Council

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

February 19, 2015

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

Dear John:

Today, my staff electronically sent the formal submission of Framework Adjustment 55 (FW 55) to the Northeast Multispecies (Groundfish) Fishery Management Plan (FMP), including the Environmental Assessment (EA), and associated Appendices (3 total) to your staff in the Sustainable Fisheries Division at the Greater Atlantic Regional Fisheries Office.

The measures proposed in FW 55 are intended to incorporate status changes for groundfish stocks, set specifications for all groundfish stocks for FY 2016- FY 2018, update fishery program administration, and adjust management measures for commercial and recreational fisheries that catch groundfish stocks.

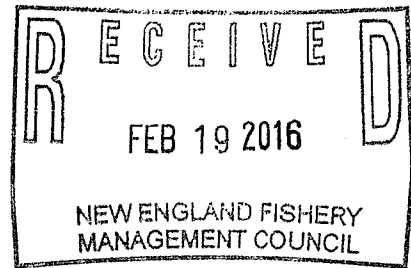
This framework incorporates the results of the most recent peer reviewed stock assessments into status determination, the setting of specifications, including catch limits for the U.S./Canada Resource Sharing Understanding and the distribution of ACLs to various components of the fishery. FW 55 would also implement an additional sector for operation in FY 2016, change the process for approving new sectors, revise the definition of the haddock separator trawl, modify the sector at sea monitoring (ASM) program, allow for sectors or state-operated permit banks to convert Eastern George Bank (GB) cod ACE to Western GB cod ACE, and allow the Regional Administrator to once again change the possession limit of Gulf of Maine cod for the recreational fishery. The Council requests the measures proposed in this framework adjustment be implemented as expeditiously as possible.

Upon review of the Framework 55 document, please communicate any comments and/or need for further document revision directly to me. Please contact me if you have questions.

Sincerely,

Thomas A. Nies
Executive Director

Research Set Aside Program
Mid Atlantic Fisheries Council
800 North State St. suite 201
Dover DE 19901



Research set aside MONEY!

The United National Fishermen's Associations offers to collect all research moneys; FOR fisheries with state based landing limits based on pounds. {LANDING LIMITS BASED ON POUNDS THAT A VESSEL CAN LAND PER TRIP.

The question: Can the Mid Atlantic Fisheries Management Council Contract with private organizations to collect research set aside monies. {YES} Based on past history: Mid Atlantic Fishery Management Council Contracted with Garden State Seafood & others to collect Research Set Aside funds through an so called auction that ONLY GSFA & NFI MEMBERS WERE ALLOWED TO BENEFIT & PARTICIPATE IN THE SYSTEM!

The proposed system to collect Research Set Aside is designed to allow ALL FISHERMEN LANDING FISH WITH A STATE QUOTA TO BENEFIT PROVIDED THE FISHERMAN & DEALER ARE ENROLLED IN THE COLLECTION OF Research Set Aside FUNDS.

PROPOSED SYSTEM IS FAIR TO ALL FISHERMEN. It allows all participants to land the entire quota amount without fear of penalty for poundage over the state quota. The participant fisherman will have on board a catch slightly higher than the quota. Participant fishermen will Boat Tracs NMFS they have over the limit of the species and that they are participants in the Research Set Aside collection system. NMFS will then contact UNFA that boat X is going to dealer Y to pack RSA fish. Dealer will pack the fisherman's quota & the overage. Dealer will write fisherman a check. Dealer will write separate check to a bank specified by UNFA. The specified bank CAN NOT RELEASE ANY OF THE ORIGINAL FUNDS TO United National Fisherman's Association or it's members.

The specified bank can only release money to the Mid Atlantic Fishery Management Council for research set aside funds WHEN COSIGNED BY UNFA.

All law enforcement concerns will be addressed.

UNFA will verify RSA is landed because check is sent to bank, IF no RSA funds are deposited then fisherman & or dealer made false statement to NMFS. Fisherman is subject to prosecution. For making false deceleration / statement.

All RSA money will be available to the Council for RSA projects as soon as approved by Council & NMFS or what ever agency.

KISS [KEEP IT SIMPLE STUPID] principle is applied. 1. FISHERMAN NOTIFIES NMFS & UNFA HE HAS OVER QUOTA TO BE APPLIED TO RSA. 2. DEALER PACKS RSA & SENDS CHECK TO BANK. UNFA VERIFIES DEALER SENT CHECK TO BANK. & NUMBER OF POUNDS TO BE SUBTRACTED FROM RSA.

MONEY IS THEN AVAILABLE TO COUNCIL TO PAY RSA PROJECTS.

Should Mid Atlantic Fishery Management Council require further explanation it will be provided.

THIS SYSTEM ALLOWS ALL FISHERMEN TO LAND ENTIRE TRIP QUOTA WITHOUT FEAR OF BEING OVER. THUS RECEIVING A TICKET.

SYSTEM COULD ALSO BE CONSIDERED A BY CATCH REDUCTION PLAN.

James Fletcher 2/19/ 2016



Gulf of Mexico Fishery Management Council

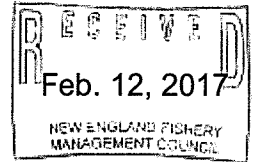
Managing Fishery Resources in the U.S. Federal Waters of the Gulf of Mexico

2203 N. Lois Avenue, Suite 1100

Tampa, Florida 33607 USA

Phone: 813.348.1630 • Toll free: 888.833.1844 • Fax: 813.348.1711

www.gulfcouncil.org



1

February 12, 2016

Mr. Alan Risenhoover
Director, Office of Sustainable Fisheries
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
1315 East-West Highway, Room 14743
Silver Spring, MD 20910

006525 FEB 20 16

Dear Mr. Risenhoover:

During its January 25-29, 2016, meeting in Orange Beach, AL, the Gulf of Mexico Fishery Management Council (Council) received a NMFS presentation on the draft guidance for conducting reviews of catch share programs (CSP). The Council appreciates the opportunity to provide comments.

The Council is committed to improving the performance of catch share programs established in the Gulf of Mexico. The Council has already completed the initial review of its red snapper individual fishing quota (IFQ) program and has begun its initial review of the grouper and tilefish IFQ program. The Council welcomes the release of the draft guidance and appreciates the development of a set of guiding principles to assist in streamlining the review process and improving the review documents. However, the Council would like to express its reservations relative to several aspects of the proposed guidance. In general, the Council finds the draft guidance to be too broad in its scope, too prescriptive in some of its guidelines, and burdensome on current staff resources and budgets. Specifically, the Council offers the following comments:

1. The guidance indicates that the review team should be created when the program is being developed, and maintained thereafter to the extent possible. Given the time interval between the development of the program and the initial review, it would be challenging to meet this recommendation. Instead, we suggest that the review team be assembled during the planning phase of the review.

The guidance also notes that the review team should have representation from the Council, Regional Office, Science Center, and Office of Law Enforcement. The guidance further indicates that Regional Office staff should ensure, in consultation with NOAA General Counsel that the review complies with all legal requirements and policy guidance. We suggest that a

sc, jp, rfd, db - 2/16/16

NOAA GC representative be on the review team which would ensure a more efficient review process.

2. Generating annual or bi-annual interim reports containing all the elements listed in the guidance could be time-consuming. We feel the annual reports developed by the Southeast Regional Office are sufficient for our needs.

3. The guidance notes that drafts of the program review should be made available to stakeholders and advisory panels in a manner comparable to the process used for providing comments on and reviewing draft NEPA/Amendment documents. The guidance further recommends that opportunity to provide feedback on interim reports be provided. We feel the guidance document should recognize that review documents are not NEPA documents and, therefore, should not be subjected to similar public comment requirements. In addition, interim reports, which should be considered as annual reports providing summary information on the program, should not necessarily be subject to comments except as warranted by a particular Council.

4. The guidance suggests that the Council, Regional Office, Science Center, Office of Law Enforcement, and NOAA GC should sign off on or otherwise approve the review before it is considered final. Although the Council has developed past reviews in collaboration with the parties mentioned in the guidance and will continue to seek their input, the final decision on the review of a Council catch share plan rests and should continue to rest with the Council. We feel a review should be considered final once the Council approves it.

5. Because Council and NMFS are familiar with creating NEPA/Amendment documents, the guidance recommends that the CSP review document adopt a similar structure. The structure of the review documents should be determined by the review team set up by the Council because review documents are not NEPA documents.

6. The guidance suggests reviews use a baseline period of three years prior to the CSP implementation for comparing and analyzing the effects on the fishery since a program's implementation. With ever changing conditions in several fisheries, e.g., changes in stock status, annual catch limits, and other management measures implemented by the Council, the review team should determine the baseline it deems appropriate for a given review.

7. The guidance suggests that the review only look at the effects of the CSP that was actually implemented and not the various alternative CSPs that were considered but not implemented. However, the guidance further indicates that net benefits to the Nation should be maximized under the program relative to any alternative CSPs or variants of the existing program. The Council notes the contradiction between these two statements. In addition, it would be unfeasible to evaluate net benefits for any alternative CSPs or variants of the existing program.

8. Although the performance indicators developed at a national level can be useful, we feel the review team set up by the Council should determine the performance indicators that are deemed suitable for the review of a particular CSP program.

The Council suggests that the draft guidance for conducting reviews of CSPs be simplified and that the scope of the guidance be narrowed. The Council also recommends that the guidance makes clear to the reader that a review is mainly intended to evaluate whether the goals and objectives of a particular CSP have been met. The guidance could also make distinctions between minimum elements that should be included in reviews and those that are suggested or optional.

The Council is looking forward to continued discussions to improve the guidance on conducting reviews of catch share programs. Thank you for the opportunity to submit comments on this important issue.

Sincerely,

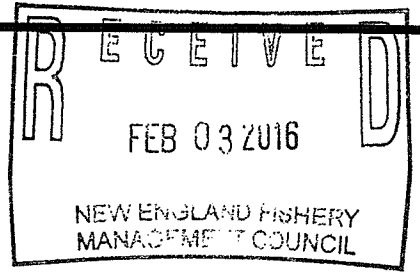
Kevin M. Anson for:

Kevin Anson
Chair

cc: Gulf Council
Council Staff
Regional Fishery Management Council Executive Directors
Kelly Denit
Jessica Stephen
Mike Travis

Joan O'Leary

From: Jeffrey Humber <jhumber@midcape.net>
Sent: Wednesday, February 03, 2016 4:23 PM
To: info info
Subject: Fish monitors



I am speechless. First let me say that I am not a commercial fisherman. Nor do I make my living in any way on fisheries. I have no dog in this fight. Today I heard a report that you are now demanding NE fisherman pay \$800 per day for your monitors. I'm speechless. On top of everything you have already done to them (yes you have done to them. Your inept quota calcs are as much to blame as anything else The only difference is that no NOAA employees are paying the human price, you have levied all of that on the fishermen). You are now imposing an \$800 per day additional expense on them making your monitors the only people on the boat making a living. Indescribably shameless

I used to feel that fisherman who said you were trying to drive them out of business and harm their families were way out of line. I am not at all sure they are wrong now!

From: Tom Nies
Sent: Monday, February 08, 2016 3:55 PM
To: 'jhumber@midcape.net'
Subject: Fish Monitors

Mr. Humber

Thank-you for your email about at-sea monitors. First, the cost of at-sea monitors only applies to the actual days that an observer is on board. We expect the targeted coverage rate will be roughly 20 percent, or an observer on 1 of every 5 days. This reduces the cost per day fished by a factor of five. Second, the vessels that will be required to carry observers are organized into cooperatives. My understanding is that most cooperatives have negotiated a price of between \$475-\$575/day for a 24 hour day, and at least some have negotiated a half day rate that is just over half the full day rate.

With these changes, the actual cost per 24 hour day is closer to \$100-\$125 when spread over all days fished, and about half that for shorter days, rather than the \$800/day that you cite. This is still an additional cost that many vessels may have trouble paying.

<http://www.southcoasttoday.com/article/20160129/NEWS/160129352>

Tom Nies
Executive Director
New England Fishery Management Council
tnies@nefmc.org
978-465-0492 ext 113



Subject: N.O.A.A."S FISH ALLOCATIONS OUT, FOR NEW ENGLAND'S FISHING FLEET FOR THE NEW FISHING YEAR 2016

TO WHOM IT MAY CONCERN,

FISHERMEN, TALK ABOUT THE FINAL NAIL IN THE COFFIN , WITH THESE RIDICULOUS LOW FISH ALLOCATIONS , THIS WILL PUT KNIFE IN THE HEART OF SMALL FAMILY FISHING BOATS AND IT'S GOING TO BE END, OF A LONG TRADITION OF FAMILY FISHING BOATS !!!

MY BOAT'S ALLOCATION HAS BEEN REDUCED BY 50% FOR YEAR 2016 !!
EXPECT FOR HADDOCK WHICH WAS 3300 LBS. LAST YEAR TO 10,000 LBS. FOR YEAR 2016
. TALKING ABOUT HADDOCK , THEY ARE EVERY WHERE ,MOST HADDOCK IN OUR WATERS FOR LAST 50 YEARS .
PROBABLY , MY BOAT CAN CATCH MY HADDOCK QUOTA IN ONE DAY FISHING , AND FOR REST OF MY 37,000 LBS. COULD BE CAUGHT IN WEEKS TIME .

SINCE , THE 1990'S , MY THOUGHTS WERE, FISHING'S REGULATIONS WOULD GET BETTER , BOY HOW WRONG I WAS
????
NOW , MY THOUGHTS ARE WHEN WILL IT END, I HOPE IN MY LIFETIME!!!

SAM NOVELLO GLOUCESTER FISHERMAN

jcl/jp - 1/29/16

Joan O'Leary

From: SALVATORE NOVELLO <snovello@verizon.net>
Sent: Sunday, January 24, 2016 10:53 AM
To: Joan O'Leary
Subject: Fw: N.O.A.A."S FISH ALLOCATIONS OUT, FOR NEW ENGLAND'S FISHING FLEET FOR THE NEW FISHING YEAR 2016

----- Forwarded Message -----

From: SALVATORE NOVELLO <snovello@verizon.net>
To: Facebook Inc. <security@facebookmail.com>
Sent: Sunday, January 24, 2016 10:51 AM
Subject: Fw: N.O.A.A."S FISH ALLOCATIONS OUT, FOR NEW ENGLAND'S FISHING FLEET FOR THE NEW FISHING YEAR 2016

----- Forwarded Message -----

From: SALVATORE NOVELLO <snovello@verizon.net>
To: Good MorningGloucester <goodmorninggloucester@yahoo.com>
Sent: Sunday, January 24, 2016 10:48 AM
Subject: Fw: N.O.A.A."S FISH ALLOCATIONS OUT, FOR NEW ENGLAND'S FISHING FLEET FOR THE NEW FISHING YEAR 2016

----- Forwarded Message -----

From: SALVATORE NOVELLO <snovello@verizon.net>

Sent: Sunday, January 24, 2016 10:47 AM

Subject: Fw: N.O.A.A."S FISH ALLOCATIONS OUT, FOR NEW ENGLAND'S FISHING FLEET FOR THE NEW FISHING YEAR 2016

----- Forwarded Message -----

From: SALVATORE NOVELLO <snovello@verizon.net>

To:

Sent: Sunday, January 24, 2016 10:46 AM

Subject: Fw: N.O.A.A."S FISH ALLOCATIONS OUT, FOR NEW ENGLAND'S FISHING FLEET FOR THE NEW FISHING YEAR 2016

----- Forwarded Message -----

From: SALVATORE NOVELLO <snovello@verizon.net>

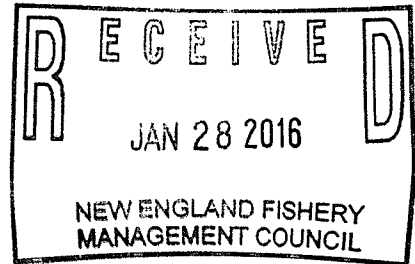
To:

Sent: Sunday, January 24, 2016 10:44 AM

NORTHEAST SEAFOOD COALITION

January 29, 2016

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



Dear Tom,

The Northeast Seafood Coalition offers the enclosed document for consideration and inclusion into the Terms of Reference (TORs) for the benchmark assessment for witch flounder scheduled for the fall of 2016.

NSC greatly appreciates the Northeast Regional Coordinating Council's (NRCC) acknowledgement that a benchmark assessment is necessary for witch flounder in 2016.

This benchmark offers a real opportunity to closely evaluate the data sources being used, those that are not being used, and the treatment of data sources to evaluate trends in abundance as well as measurements of scale. It also provides a real opportunity to closely examine models or other analytical tools to be used to assess abundance and reference points in light of the ocean environment today.

NSC, on behalf of our fishing members enrolled in the Northeast Fishery Sectors, has continuously voiced our grave concern that a serious disconnect exists between the reported status for many groundfish stocks and the true state of abundance for these stocks as witnessed daily by our active fishing members. NSC has engaged in many workshops and meetings since 2012 to discuss and address this disconnect, which has been echoed by many fishermen and industry organizations across the northeast.

This witch founder assessment presents an opportunity for NOAA Fisheries, the Northeast Fisheries Science Center, and independent reviewers chosen, to carefully evaluate the information used and the treatment of information used to assess stocks.

Sincerely,

Handwritten signature of Jackie Odell in cursive.

Jackie Odell
Executive Director

Handwritten signature of Vito Giacalone in cursive.

Vito Giacalone
Policy Advisor, Board of Directors

cbk, pmf 2/1/16

Draft Stock Assessment Terms of Reference for SAW/SARC-62
(file vers.: 12/3/2015)

B. Witch flounder

1. Estimate catch from all sources including landings and discards. Describe the spatial and temporal distribution of landings, discards, and fishing effort to reveal stock contraction, expansion or shifting patterns to evaluate consistency with abundance signals from fishery independent data sources. Characterize the uncertainty in these sources of data.
2. Present the survey data being used in the assessment (e.g., survey tow locations and frequencies in areas of known concentrations per historical fishery dependent data, indices of relative or absolute abundance, recruitment, state surveys, age-length data, etc.). Characterize the uncertainty and any bias in these sources of data.
3. Investigate effects of environmental factors on recruitment of witch flounder. If appropriate, consider incorporating this into the stock assessment.
4. Estimate annual fishing mortality, recruitment and stock biomass (both total and spawning stock) for the time series (integrating results from TOR-3 if appropriate), and estimate their uncertainty. Include a historical retrospective analysis to allow a comparison with previous assessment results and previous projections.
5. Re-examine retrospective adjustments made for both the determination of stock status and for projections of catch in previous assessments.
6. Examine measures of trend used in the assessment and explore opportunity to incorporate a CPUE indices (notably for years prior to 2012 – before steep reductions in the allowable catch were implemented)
7. State the existing stock status definitions for “overfished” and “overfishing”. Then update or redefine biological reference points (BRPs; point estimates or proxies for BMSY, BTHRESHOLD, FMSY and MSY) and provide estimates of their uncertainty. If analytic model-based estimates are unavailable, consider recommending alternative measurable proxies for BRPs. Comment on the scientific adequacy of existing BRPs and the “new” (i.e., updated, redefined, or alternative) BRPs.
8. Evaluate stock status with respect to the existing model (from previous peer reviewed accepted assessment) and with respect to a new models developed for this peer review. In both cases, evaluate whether the stock is rebuilt (if in a rebuilding plan).

- a. When working with the existing model, update it with new data and evaluate stock status (overfished and overfishing) with respect to the updated BRP estimates.
 - b. Then use the newly proposed models and evaluate stock status with respect to “new” BRPs and their estimates (from TOR-5).
9. Develop approaches and apply them to conduct stock projections.
- a. Provide numerical annual projections (3 years) and the statistical distribution (e.g., probability density function) of the OFL (overfishing level) (see Appendix to the SAW TORs). Each projection should estimate and report annual probabilities of exceeding threshold BRPs for F, and probabilities of falling below threshold BRPs for biomass. Use a sensitivity analysis approach in which a range of assumptions about the most important uncertainties in the assessment are considered (e.g., terminal year abundance, variability in recruitment).
 - b. Comment on which projections seem most realistic. Consider any corresponding or conflicting signals in the fishery dependent data. Consider the major uncertainties in the assessment as well as sensitivity of the projections to various assumptions.
 - c. Describe this stock’s vulnerability (see “Appendix to the SAW TORs”) to becoming overfished, and how this could affect the choice of ABC.
10. Evaluate the validity of the current stock definition, taking into account what is known about migration among stock areas. Make a recommendation about whether there is a need to modify the current stock definition for future stock assessments.
11. Review, evaluate and report on the status of research recommendations from the last peer reviewed benchmark stock assessment. Identify new research recommendations.

An overarching comment is that the draft TOR’s do not provide a directive to seek to reconcile relative abundance signals in the fishery independent data with fishery dependent data and the signals coming from each independently. Not doing so continues to ignore that the trawl survey information is too coarse and therefore too highly variable to be utilized within the assessments as the primary / exclusive data source for cohort strengths and relative changes in abundance. At the very least, a TOR should be included to explicitly direct the assessment to seek this comparative evaluation and to consider accounting for conflicting signals.