

# CORRESPONDENCE

### **Individual Correspondence from Herring AP members**

For the November 20, 2017 Herring AP meeting the Committee Chair requested input from Herring AP members to help the Herring PDT complete draft analyses of the measures under development in Amendment 8 to address potential localized depletion and user conflicts in the herring fishery. The questions were focused on potential effort shifts (seasonal, temporal, or gear type) as well as potential costs associated with possible fishing behavior changes that may occur as a result of the various alternatives under consideration. Impacts on the ecosystem (bycatch, protected resources, EFH, etc) depend on where effort will shift to and how fishing behavior will change as a result of new measures being adopted. The PDT plans to consider this input into future drafts of the potential impacts of Amendment 8 alternatives.

The full AP discussed some of these questions during the meeting, and several individual AP members submitted written responses that have been included as a package of AP correspondence on Amendment 8 (AP members: Gerry O'Neill, Jeff Kaelin, Meghan Lapp, Jim Ruhle, and John-Paul Bilodeau).

1. If MWT vessels are prohibited in an area, how will their fishing behavior most likely change? Is it more likely that vessels will shift seasonally and fish in the same area, or is it more likely that vessels will shift effort to a new area? How will this change in fishing behavior vary for the different seasonal and spatial alternatives?

We will be forced to fish in a different area initially. The problem with the regulations we are forced to fish under now is that there are not too many areas left that we can consistently look for fish. We have a 1A ban in effect until October first every year which is getting extended further and further out with every change to the spawning regulations. We have to have 100% observer coverage for the groundfish closed areas and we can’t get coverage. We have catch caps that are way lower than they should be for both haddock and river herring and we can’t get observer coverage. If these buffer zones become a reality, any one of them, it is very likely that we will go out of business. We will be forced onto Georges to scratch up trips to supply bait to the market. Scratchy trips equates to more bycatch. I have no doubt that if this happens there will be way more bycatch issues. Prior to the midwater trawl ban and the requirement to have 100% coverage in the groundfish closed areas we had much less issues with bycatch. It wasn’t that the haddock weren’t there, it’s simply that if there was a lot of it around the boats would just go somewhere else to get the trip. We have no flexibility left on when and where we can fish and the buffer zones will create even more issues. For my boats alone the area between 3 and 12 miles off the cape that overlaps 3 and 1B accounts for at least 60% of the herring we land every year and I would say close to 85% of the mackerel we catch. The mackerel number would be even higher if the seasonal closure in 1B hadn’t been put in place. My guess is that if there’s a midwater trawl exclusion whether seasonal or year round we will have to go to the expense of switching to bottom trawling. Is that supposed to be better than midwater trawling? I don’t think it is.

2. How many MWT vessels currently switch gear types during the year, less than five? Is it only MWT to purse seine and vice versa? How many more vessels could reasonably convert? What is the initial cost of rigging a MWT vessel with a purse seine? After the initial cost, what is the cost to switch gears back and forth? Any input on potential costs between switching from MWT and bottom trawl?

So far I would say there are only 3 midwater trawlers that switch gear to seining during the year. I think there will be more with the way management decisions keep changing access. You will not catch fish anywhere outside of 1A with a seine, not consistently anyway. To my knowledge it’s been tried and has failed. For me to rig over one of my vessels it would be approximately \$1.2 million. That’s just for one boat. Then I think we would go at least two seasons of lost income and building fuel expenses to get it right. It’s just not feasible. The cost would put us under. I would guess that for us to buy gear and make some small changes on the boats I could be bottom trawling in a couple of weeks for about \$200,000 for both boats. One of the biggest factors in going seining is the expertise and crew to do it. I already have the knowledge base and most of the equipment to go bottom trawling. It wouldn’t take more than a week to change over from one gear type to another I would guess. That’s once the initial conversion has been done of course.

3. Is there a threshold that would change the current incentives to switch gear types? Is it more likely that MWT vessels would convert to purse seine or bottom trawl if faced with LD measures with large potential impacts? Rather than switch gear type, is there a threshold that a MWT vessel would likely stop fishing, or potentially consider re-location?

We are at that threshold now. One more change will force me to switch gears. Any buffer zone certainly will. I will be left with no choice. I know due to the reasons I mentioned above that I will be looking at bottom trawling. These boats are not suitable for most other fisheries. If we can't make it here then we will go out of business. I need to be clear here, all of the alternatives in the document have the potential in any given year to have large impacts and I don't think we will ever see optimal yield being achieved in almost any of the areas except 1A. The midwater trawlers contribute a significant amount of fish to the bait market and these areas within the buffer zones contribute the lion's share of that fish. This year and last I would say that between 70% and 80% of the fish landed in September and October was caught within 12 miles.

4. How likely is it for a MWT vessel to become a carrier vessel under the various alternatives under consideration? When a MWT vessel acts as a carrier for the PS fishery, how is the carrier vessel paid, by the PS vessel or the dealer, is it a flat fee per day/trip or a fraction of total revenues from the trip?

Under the current rules in 1A no-one is going to become a carrier. The carriers that are doing it now are few and far between. There are weekly limitations that will prevent this. These boats are too costly to run to be carriers only. My understanding is that split is 50% for carrier and catcher for some operations and some are 60% to catcher 40% to carrier. I'm not that familiar with it. Maybe someone else on the AP can better answer the question.

5. How has the purse seine fishery changed since Amendment 1 was implemented? How has capacity changed for those vessels (have vessels been upgraded, has use of carriers changed)? Why is the PS fleet primarily located in Area 1A and active primarily in the summer and early fall only? Are there operational barriers to fishing purse seines in the winter or other areas (e.g. weather, sea conditions, water depth), or is it primarily driven by regulations and demand for bait?

The simple answer is that the seiners control all the fishing in 1a. There have been 4 boats catching the majority of the fish in 1A for the last decade and through pressure and restrictions on midwater trawling they have succeeded in bringing the price up to a historic level. There are 3 more boats seining now and that is primarily due to changing management on midwater trawlers. It's basic supply and demand. The midwater trawlers provide stability to the bait supply. If you restrict their access to fish then you have less coming to shore which allows the boats that are consistently catching fish to set the price. The use of carriers has changed with the onset of the weekly landing limits. If you can catch the fish yourself and land within the allowed days why would you give up 40% or 50% to a carrier. There has only been one replacement vessel in the seine fleet that I am aware of. I am not sure what the capacity of that boat was but I believe it's now 200MT. I could be wrong though. The seine fleet is active primarily in 1A because they have never had much luck that I am aware of outside of 1A. They are smaller boats so weather is more of a factor for them than for trawlers whether it's midwater or bottom trawling. The capacity of the seiners doesn't really matter. I could go out with my boats and get one trip a week and come in with four or five hundred ton. If a boat that carries 160 ton and go out 5 days a week and land 5 days a week when the fishing's good that's 800 ton. The other reason they fish primarily in the summer and fall is obviously bait market the price and demand is consistently high at that time of the year.

6. If MWT vessels are prohibited from an area (seasonally or year round), how will other herring vessels that use purse seines or bottom trawl gear respond? Is it likely for other gears to enter from other areas, or will the same number of vessels remain in the area as in previous years? Would effort increase, decrease, or stay the same?

I would assume effort would increase on the part of bottom trawlers especially. There will be a significant drop in supply but the demand for bait will still be high. The price will remain high if not even higher so it only makes sense that someone who can will try to supply that market. You could be replacing vessels that have low discard rates based on observer data with boats that have high rates.

7. Alternative 9 is considering a removal of the current January-April seasonal closure of Area 1B. How is effort likely to shift if that area is open during those months? Would opening the area earlier impact the market? If so, how?

I firmly believe that the shift in midwater trawl effort from the winter months in 1B to the opening in May is what started this whole amendment. We were catching a good percentage of the quota in January and February and then mostly at the tail end of the year in November and December. Plus that closure has put a stop to any possibility of a mackerel fishery at that time of the year in that area. It's virtually impossible to catch mackerel and stay under 2,000Lbs of herring. Now you have the entire midwater trawl fleet descending on 1B as soon as it opens. It has made what was already a derby fishery even worse. It could impact the bait market but June 1<sup>st</sup> when 1a opens is just a month later besides which there would still be fish left in 1b for the bait market if it needs it. There has only been 1 year that I am aware of when 1b was closed by May and that year we were working on almost half the quota due to an overage two years earlier.

8. What drives bait preference in the lobster fishery and why? For example, is it primarily a lobster's preference for certain species, whichever bait type is cheapest, fresh vs. frozen, salted vs unsalted, geography/port region, fishing location (inshore vs offshore, mud vs hard bottom)? Does the market prefer fresh herring year-round?

There is more and more frozen alternatives for bait every year but herring and menhaden are still by far the preferred baits. The reason we are seeing more frozen alternative is mostly down to consistency in supply of bait and price. If a hard bait last 3 times longer in your trap and is the same or similar price as herring or menhaden then that's what you are most likely to buy. From what I have seen over the years herring is by far the preferred alternative. The last think I want to see is a shift to importing fish when we have the boats and the capacity here to supply that market.

1. If MWT vessels are prohibited in an area, how will their fishing behavior most likely change? Is it more likely that vessels will shift seasonally and fish in the same area, or is it more likely that vessels will shift effort to a new area? How will this change in fishing behavior vary for the different seasonal and spatial alternatives?

If the midwater fleet is restricted from areas where we now fish, we will have no choice but to fish other areas although the likelihood is that catch will be dramatically reduced. The PDTs analysis demonstrates this fact. These boats fish where the herring are and most catches are within the six and twelve mile buffers being proposed in Area 1A, 1B and Area 3, particularly from May through October. Area 2 catches tend to be concentrated during the months of December through April. Any further expansion of closed areas would come close to eliminating the fishery for these vessels. Current restrictions, including the MWT ban and extensive fall spawning closures in 1A, the requirement for 100% observer coverage in the groundfish closed areas – with observers unavailable – and the Georges Bank (GB) haddock catch limits – which are not biologically justified given the extent of the GB haddock resource – already places the MWT fleet in truncated areas of the Atlantic, reducing the potential to realize OY and the chance to be profitable.

Buffer zones being proposed, further reducing the fleet's flexibility, will leave bottom trawling as the only option for the MWT fleet to attempt to stay in business. Seines cannot be used offshore, in any of these areas, due to the combined effects of tide, wind, weather and the location of fish not on the surface but lower in the water column.

This has been proven in the past by the failure, for example, of the 135 foot Calvin L. Stinson, owned by Stinson Canning, which was rigged for offshore seining, midwater fishing and bottom trawling during the late 1970's and early 1980's. This boat never became profitable and was sold to the west coast after being depreciated by the company. The crew never became effective at midwater fishing, seining proved to be impossible offshore and, other than bottom trawling for haddock and pollock, the boat never made any money. I know this because I was a crewman on that boat at that time.

Forcing the MWT fleet to go bottom trawling will result in more bycatch and discards, turning a fleet with the lowest discard rates in the region into a fleet with bycatch equal to today's other bottom trawl fleets. Why would the Council want to create this outcome?

Unfortunately, the PDT has not provided the Committee or Council with information about the sustainability of MWT pelagic fleets in other areas of the world, including the North Sea, as certified by the Marine Stewardship Council. See, for example: <https://www.msc.org/healthy-oceans/sustainable-fishing/fishing-methods-and-gear-types/pelagic-midwater-trawls>

2. How many MWT vessels currently switch gear types during the year, less than five? Is it only MWT to purse seine and vice versa? How many more vessels could reasonably covert? What is the initial cost of rigging a MWT vessel with a purse seine? After the initial cost, what is the cost to switch gears back and forth? Any input on potential costs between switching from MWT and bottom trawl?

We believe there are two. These boats convert to seining, seasonally, to stay in the 1A fishery when midwater fishing is restricted. The majority of midwater boats are not rigged for seining and the change-over would be cost-prohibitive. Booms, cranes and other modifications would have to be added to get the power block and gear overhead, which could also have the effect of raising the righting moment and causing an individual vessel to become unsafe. Winches would have to be modified or replaced, with seines purchased and deck configurations changed. We estimate the cost at over \$1 million, per vessel, for an existing pair trawling operation to be converted to seining. Another factor is the need to find crew with seining experience. It could take a complete season to find crew and become efficient fishing this gear. There is not enough money in the fishery for this outcome to be practicable. In addition to these conversion costs, \$300-500,000 in MWT gear would have to be discarded with each pair trawl configuration outlawed.

On the other hand, a permanent conversion to bottom trawling; purchasing a high-rise bottom trawl net similar to those used for squid fishing, purchasing pelagic doors, reconfiguring winches and wire capacity would likely cost a quarter of this amount, perhaps \$250,000 per vessel. Existing midwater crews could reasonably switch to bottom trawling with a limited loss of fishing efficiency although crew size would have to be increased, likely negatively affecting existing crews' level of compensation.

3. Is there a threshold that would change the current incentives to switch gear types? Is it more likely that MWT vessels would convert to purse seine or bottom trawl if faced with LD measures with large potential impacts? Rather than switch gear type, is there a threshold that a MWT vessel would likely stop fishing, or potentially consider re-location?

If the Council moves ahead with buffer zones to eliminate MWT fishing for herring and mackerel, owners will have no other choice than attempting to absorb the costs of changing over to bottom trawling to try to stay in business. Each company's level of income necessary to remain profitable is unique. We know that several vessels have already left the fishery in recent years, with the vessels going to the West Coast groundfish or pollock fisheries. There does seem to be a market there for the larger class of vessels so it is likely the fleet will shrink further and the potential to realize herring and mackerel OY will be similarly limited, contrary to NS1 and other aspects of the MSA, including the Section 303 (a)(1)(A) requirement "to protect, restore and promote the long-term health and stability of the fishery." Converting to seining is not a viable option, from either a financial or operational perspective.

4. How likely is it for a MWT vessel to become a carrier vessel under the various alternatives under consideration? When a MWT vessel acts as a carrier for the PS fishery, how is the carrier vessel paid, by the PS vessel or the dealer, is it a flat fee per day/trip or a fraction of total revenues from the trip?

In recent years, some MWT vessels have been used to carry fish in the 1A summer fishery, to defray the cost of being shut out of the directed fishery there. The value of the herring caught by the seiner is shared with the carrier, at a ratio of 50/50 or 60/40 (seiner/carrier). Using these larger vessels as carriers is not economical. Further, the ASMFC herring section has acted to limit the amount that U.S. carriers can handle in the 1A fishery, although Canadian carriers have

not been similarly restricted from taking 1A fish from fishermen harvesting herring in Federal water. This situation further limits any carrying opportunity by illegally restricting the rights of carriers to carry an unlimited amount of fish under the authorizations provided by their existing Federal A & B permits. To date, neither the Council nor the Agency have acted to restore these fishing rights to this portion of the MWT fleet.

5. How has the purse seine fishery changed since Amendment 1 was implemented? How has capacity changed for those vessels (have vessels been upgraded, has use of carriers changed)? Why is the PS fleet primarily located in Area 1A and active primarily in the summer and early fall only? Are there operational barriers to fishing purse seines in the winter or other areas (e.g. weather, sea conditions, water depth), or is it primarily driven by regulations and demand for bait?

The 4 or 5 seiners harvesting the majority of the catch in the 1A fishery have expanded their catching and carrying capacity in recent years, which further limits the potential for MWT-vessel carrying to be economical. These seiners' permits are realizing much high CPUE since the MWT fleet was eliminated from the summer fishery, which transferred value from other federal permits on MWTs, to a limited number of individuals operating seiners. The PDTs analysis demonstrates this clearly (Page 23, Figures 8 & 9 Appendix X). As stated above, there are absolutely operational barriers to fishing seines offshore and year-round. The only realistic option the MWT fleet will have, if the Council imposes any of the proposed buffer zones, will be to convert to bottom trawling. This is the case even with regional restrictions on bottom trawling that exist today in the region, we believe, although MWT owners are unable, at this time, to fully analyze this trade off as we are not aware the PDT has provided a clear comparison of catch potential v. areas opened to these 2 gear types.

Relative to allegations of localized depletion effects of midwater trawling or seining for herring, we note the PDTs statement in their March 25, 2016 memo, that "(T)he method of removal, however, should not be relevant to the evaluation of localized depletion. If predators are responding only to herring abundance in an area, then given the same amount of catch, the same level of depletion occurs regardless of gear type and would subsequently have the same effect on predators...(B)oth gear types can be used to harvest similar amounts of herring...(I)ssues of gear conflict should be kept distinct from issues of localized depletion." Nothing has changed, since that time, relative to this particular issue.

Also, the PDT has uncovered no evidence that MWT fishing for herring and mackerel in the region is having any negative effect on other fishermen's ability to catch groundfish, striped bass, or Bluefin tuna. In fact, according to a November 6, 2017 article in the Bangor Daily News, "Fishermen up and down the New England coast say it has been decades since they've been able to catch so many Atlantic Bluefin tuna, so fast."  
(<http://bangordailynews.com/2017/11/06/business/atlantic-bluefin-tuna-stocks-are-rebounding-but-raising-quote-proves-controversial/>) Also, the November 14 New York Times reported that ICCAT is considering increasing the Atlantic Bluefin quota, from 24,000 to 36,000 tons a year by 2020. (<http://www.ourmidland.com/news/world/article/Increase-in-Atlantic-Bluefin-tuna-catches-top-12355459.php#photo-14543963>) We would ask in these contexts, "What is (are) the problem (s) the Council is attempting to solve?"



6. If MWT vessels are prohibited from an area (seasonally or year round), how will other herring vessels that use purse seines or bottom trawl gear respond? Is it likely for other gears to enter from other areas, or will the same number of vessels remain in the area as in previous years? Would effort increase, decrease, or stay the same?

Bottom trawling effort would be expected to increase in all areas with bycatch and discards also increasing and supply likely decreasing, given the loss in efficiency of MWT fishing for herring and mackerel and the restriction on the ability of this environmentally-benign catching method to locate pelagic fish in the water column rather than fishing on the bottom with bottom-tending gear. Bait prices can be expected to continue to increase in the region as demand would continue to outstrip supply, as has been the case since the imposition of the Amendment 1 (A1) gear exclusion and subsequent quota restrictions a decade ago. During this time, herring prices at the dock have increased from \$.05 cents a pound to \$.40 cents a pound (Page 20, Figure 3, Appendix X)

7. Alternative 9 is considering a removal of the current January-April seasonal closure of Area 1B. How is effort likely to shift if that area is open during those months? Would opening the area earlier impact the market? If so, how?

This may be the only supportable option in the document, other than the status quo control rule, and would allow winter fishing for mackerel and herring at a time when other ocean users are tied up at the dock. The PDT has done a good job in recognizing the need for the amendment, in this context, to allow an increase in the incidental catch of herring (from 2,000 pounds to some other amount – the incidental catch of mackerel is 20,000 pounds, for example) to allow for catches of mackerel to occur during the winter months and considering the persistent mixing of the two stocks on the fishing grounds. Opening this area in January would keep the fleet from jumping into the area in May when the recreational angling public is gearing up for the summer season.

8. What drives bait preference in the lobster fishery and why? For example, is it primarily a lobster's preference for certain species, whichever bait type is cheapest, fresh vs. frozen, salted vs unsalted, geography/port region, fishing location (inshore vs offshore, mud vs hard bottom)? Does the market prefer fresh herring year-round?

Atlantic herring has been the preferred bait in the Maine and Massachusetts lobster fishery for decades, perhaps as long as 100 years, since the days when sardine cuttings were widely available and inexpensive to use to catch lobsters as they became in greater demand to tourists and "rusticators" traveling to Maine by train to get away from it all in New York, Philadelphia, etc. The same holds true today.

Herring hold up well in bait pockets when salted and the fishes' oil allows lobsters to feed and grow while the animal is in the trap. Some suggest that the lobster fishery, utilizing 70-80,000 MT of herring each year, is the world's largest aquaculture industry for this reason.

In addition to the regular availability of herring to the northeast lobster fishery, the periodic availability of Atlantic menhaden is increasing demand for this fish as bait for lobsters, particularly since the restrictions on catching herring by MWTs brought about by A1 and subsequent quota

cuts there. In fact, combining herring and menhaden in the bait bag seems to be becoming the bait of choice since menhaden is “harder” than herring and at least as oily. Menhaden prices at the dock have also increased in recent years as herring catches in the GOM have decreased with the reduction in Area 1A quota, “from ~ 60,000 MT in 2005 to ~27,000 MT by 2010.” (Page 10, Appendix X).

Fresh bait is cheaper and frozen bait ensures a year-round supply. Frozen bait logically costs more but its convenience can balance that added cost to the lobsterman. Atlantic herring is also used for longline bait on the West coast and in blue crab, stone crab and crawfish traps throughout the south Atlantic and Gulf of Mexico. Some zoo food and aquarium food markets are also served by frozen Atlantic herring, and food markets exist in Europe, although the lobster demand drives availability and price today.

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Respectfully submitted to the NEFMC Atlantic herring Advisory Panel and Oversight Committee:

Jeff Kaelin, for Lund’s Fisheries, Inc.  
November 20, 2017

1. If MWT vessels are prohibited in an area, how will their fishing behavior most likely change? Is it more likely that vessels will shift seasonally and fish in the same area, or is it more likely that vessels will shift effort to a new area? How will this change in fishing behavior vary for the different seasonal and spatial alternatives?

The PDT needs to consider that herring are not just everywhere, all the time. They are migratory. For example, if MWTs are excluded from 114 or other areas in summer, they can't just relocate to Area 2. Area 2 only has fish in the winter- they migrate through in winter. So even if Area 2 is "open" it doesn't mean that the fish are there. Fishing takes place in both space and time. Affected vessels can't just necessarily "relocate". MWT already under pressure on Georges with haddock, but are forced there because of other restrictions and seasonal availability. There are unintended consequences of previous actions. MWT can't shift to 1A because of all those regulations, unless they convert to PS. The reason we have haddock bycatch actions now is because the MWT fleet was forced out of the GOM and onto GB. 1B only opens in May. Also, read the ASMFC spawning regs for 1A now, which just came into effect this year. (The extended spawning closures, [http://www.asmfc.org/files/AtlHerring/MA\\_NH\\_SpawningClosureSept2017.pdf](http://www.asmfc.org/files/AtlHerring/MA_NH_SpawningClosureSept2017.pdf) and [http://www.asmfc.org/files/AtlHerring/MA\\_NH\\_SpawningClosureExtended\\_oct2017.pdf](http://www.asmfc.org/files/AtlHerring/MA_NH_SpawningClosureExtended_oct2017.pdf). Closed 1A from Oct. 1- Nov. 11. ) Another exclusion will just create problems somewhere else. And more regulation to deal with new problems. What happens to any possible mackerel fishery in the area?

2. How many MWT vessels currently switch gear types during the year, less than five? Is it only MWT to purse seine and vice versa? How many more vessels could reasonably convert? What is the initial cost of rigging a MWT vessel with a purse seine? After the initial cost, what is the cost to switch gears back and forth? Any input on potential costs between switching from MWT and bottom trawl?

There are not only costs to consider- there is expertise. Purse seining is very different than bottom trawling or MWT. Also, purse seining requires more men on board to boat (and to pay) than trawling. If MWT vessels converted to bottom trawl, then we need to have the MWT % of river herring bycatch converted to bottom trawl also. The bycatch caps are based on estimates of historic catch of RH/S per gear type. If the number of boats in bottom trawl increases, there may not be enough to go around for that gear type, and then the whole fishery gets shut down. That isn't fair for historic bottom trawl vessels who could potentially get shut out of their own fishery by new entrants from the MWT fishery. There is 122.3 mt for bottom trawl, 129.6 mt for MWT in SNE. All the Cape Cod and GOM MWT would have to get switched to bottom trawl also.

3. Is there a threshold that would change the current incentives to switch gear types? Is it more likely that MWT vessels would convert to purse seine or bottom trawl if faced with LD measures with large potential impacts? Rather than switch gear type, is there a threshold that a MWT vessel would likely stop fishing, or potentially consider re-location?

Changing to bottom trawl means that the vessels would be basically completely excluded from Georges. You can't go to most of GB/GOM with a small mesh bottom trawl because of groundfish regulations. Then the MWT herring boats converting to bottom trawl would be allowed only basically in the small mesh exemption whiting areas on GB/GOM. Which would create user conflict there with whiting boats, plus probably bycatch issues with whiting, red hake, and other species. Again, they could bottom trawl in Area 2, but that would be only in winter, when the fish are there, and not year round. But that could also cause user conflicts, if that relocation to Area 2 intensified to a greater degree than normal, which has occurred before. That is why now RI has a state herring license.

Another potential impact is the shift of effort from the herring MWT fishery into the illex fishery. Many of the alternatives have summer month-only options, and are in general very far reaching and may put MWT completely out of their current fishery, or at least in the summer months. Some of the current MWT herring vessels also have illex permits. The illex fishery is a seasonal fishery occurring in summer and fall only. If restrictions are placed on those vessels that make summer/fall herring fishing impossible or unprofitable, the MWT with illex permits may shift all effort completely into the illex fishery. This year the illex fishery reached its quota and closed early in mid-September. That has caused Seafreeze vessels to be tied to the dock for the remainder of the fall. If that occurred frequently, or if other issues arose due to such an effort shift, it could have serious repercussions for our vessels.

4. How likely is it for a MWT vessel to become a carrier vessel under the various alternatives under consideration? When a MWT vessel acts as a carrier for the PS fishery, how is the carrier vessel paid, by the PS vessel or the dealer, is it a flat fee per day/trip or a fraction of total revenues from the trip?

? It's a lot of money, even for modification. This would assume vessels will convert to PS, but from what I understand more would be looking at going bottom trawling.

5. How has the purse seine fishery changed since Amendment 1 was implemented? How has capacity changed for those vessels (have vessels been upgraded, has use of carriers changed)? Why is the PS fleet primarily located in Area 1A and active primarily in the summer and early fall only? Are there operational barriers to fishing purse seines in the winter or other areas (e.g. weather, sea conditions, water depth), or is it primarily driven by regulations and demand for bait?

Need to clarify between carriers and harvester vessels. Carriers are regulated now in 1A under ASMFC. You can't have more than 120,000 out of 1,000,000 lbs go to a carrier from a harvester per week in 1A. (See [http://www.asmfc.org/files/AtlHerring/AtlHerringDaysOutTri2\\_Tri3\\_Sept2017.pdf](http://www.asmfc.org/files/AtlHerring/AtlHerringDaysOutTri2_Tri3_Sept2017.pdf)). So pure carriers have been shot dead in the water. The carrying vessel now needs to be the harvesting vessel to be viable. That is my understanding of the new ASMFC regs.

6. If MWT vessels are prohibited from an area (seasonally or year round), how will other herring vessels that use purse seines or bottom trawl gear respond? Is it likely for other gears to enter from other areas, or will the same number of vessels remain in the area as in previous years? Would effort increase, decrease, or stay the same?

Bottom trawl effort from RI would stay the same, but the amount of MWT vessels (or MWT vessels switching to bottom trawl) coming down for the winter could increase depending on the alternative chosen by the Council. If MWT vessels were to relocate here to RI in greater force than normal during the winter, we could have user/gear conflicts. It has happened in the past. That's why Alternative 9 would be good. It potentially alleviates two areas of possible conflict.

7. Alternative 9 is considering a removal of the current January-April seasonal closure of Area 1B. How is effort likely to shift if that area is open during those months? Would opening the area earlier impact the market? If so, how?

? Flexibility is necessary for survival. Anything that allows flexibility area-wise is good, because otherwise people get shoved into a corner and that's when gear conflicts with other users start. Undoubtedly,

some people will go there earlier in the year. See Gerry's comments. Would also give MWT fleet area to spread out and somewhere else to go in winter other than Area 2, which is good.

8. What drives bait preference in the lobster fishery and why? For example, is it primarily a lobster's preference for certain species, whichever bait type is cheapest, fresh vs. frozen, salted vs unsalted, geography/port region, fishing location (inshore vs offshore, mud vs hard bottom)? Does the market prefer fresh herring year-round?

It's probably what makes most economic sense for the lobstermen. If fresh or salted is cheaper, they probably will go with that. They typically don't buy our herring- frozen at sea is too expensive. They have to make a profit, just like everyone else.

Think the Council also needs to keep in mind that there is a herring benchmark next year, and we don't know if that is going to influence quota, and therefore bait supply. If the Council chooses something that makes fishing more difficult, restricts flexibility, and the quota comes down at all next year as a result of the assessment, the herring fishery is in trouble, never mind the lobster fishery or other dependent uses. The more spatial restrictions exist, the more concentrated fishing effort will be forced to become, which seems to be the opposite of what this amendment is intending.

- Need to bring out the point that the "midwater trawls" used by RI boats have cookie sweeps, etc., and are not "midwater trawls" per the regulatory definition. But if those vessels declare in "midwater", they need to not be penalized. The PDT pointed out this issue in one of the documents.
- The PDT also pointed out that you can't have localized depletion in areas where the fish are migrating. Aka Area 2 and off backside of Cape.
- Fishermen fish on localized abundance. Can there be a discussion of areas of localized abundance?
- Has there been any study- other than the economic tradeoffs between whale watching/herring vessels paper by Min- Yang Lee that I referenced in my scoping comments- that has looked at the impact of the MWT exclusion from 1A in a scientific manner? Are purse seine landings up (aside from MWT vessels who have converted) - have they increased since that time? There's a lot of language in the A8 document using terms such as "may", "could" and "possibly" but has anyone actually looked at it? "May" "could" and "possibly" are not enough scientific justification for this action.
- The established court cases show that an action cannot be based just on political compromises or user agreements. It has to be based on science also. At the February Committee meeting, I asked had any of these A8 alternatives been developed with scientific data. The answer was no. Not so sure this amendment is legal.
- I would support Alternative 9, because it gives some flexibility. It could also allow a mackerel fishery to be prosecuted. That is the only alternative I would support. More flexibility is necessary, not less.

1. If MWT vessels are prohibited in an area, how will their fishing behavior most likely change? Is it more likely that vessels will shift seasonally and fish in the same area, or is it more likely that vessels will shift effort to a new area? How will this change in fishing behavior vary for the different seasonal and spatial alternatives?

Herring are a migratory species. There is no area that has a resident year-round population that would allow vessels to shift to new areas and have a successful fishery. If MWTs are excluded from 114 or other areas in summer, they can't just relocate to Area 2. Area 2 only has fish in the winter, they migrate through in winter. So even if Area 2 is "open" it doesn't mean that the fish are there. Fishing takes place in both space and time. Affected vessels can't just necessarily "relocate". MWT already under pressure on Georges with haddock, but are forced there because of other restrictions and seasonal availability. There are unintended consequences of previous actions. MWT can't shift to 1A because of all those regulations, unless they convert to PS. The reason we have haddock bycatch actions now is because the MWT fleet was forced out of the GOM and onto GB. 1B only opens in May.

2. How many MWT vessels currently switch gear types during the year, less than five? Is it only MWT to purse seine and vice versa? How many more vessels could reasonably convert? What is the initial cost of rigging a MWT vessel with a purse seine? After the initial cost, what is the cost to switch gears back and forth? Any input on potential costs between switching from MWT and bottom trawl?

To the best of my knowledge only 3 vessels have the ability to switch from MWT to PS. These vessels were designed/ /built specifically for this purpose. The economics for MWT not designed to convert to PS would be impractical, while converting from MWT to BT would be far cheaper, where would the fishery take place?

3. Is there a threshold that would change the current incentives to switch gear types? Is it more likely that MWT vessels would convert to purse seine or bottom trawl if faced with LD measures with large potential impacts? Rather than switch gear type, is there a threshold that a MWT vessel would likely stop fishing, or potentially consider re-location?

Changing to bottom trawl means that the vessels would be basically completely excluded from Georges. You can't go to most of GB/GOM with a small mesh bottom trawl because of groundfish regulations. Then the MWT herring boats converting to bottom trawl would be allowed only basically in the small mesh exemption whiting areas on GB/GOM. Which would create user conflict there with whiting boats, plus probably bycatch issues with whiting, red hake, and other species. Again, they could bottom trawl in Area 2, but that would be only in winter, when the fish are there, and not year round. But that could also cause user conflicts, if that relocation to Area 2 intensified to a greater degree than normal, which has occurred before. That is why now RI has a state herring license.

4. How likely is it for a MWT vessel to become a carrier vessel under the various alternatives under consideration? When a MWT vessel acts as a carrier for the PS fishery, how is the carrier vessel paid, by the PS vessel or the dealer, is it a flat fee per day/trip or a fraction of total revenues from the trip?

The economics and current landing regulation make this option unfeasible.

5. How has the purse seine fishery changed since Amendment 1 was implemented? How has capacity changed for those vessels (have vessels been upgraded, has use of carriers changed)? Why is the PS fleet primarily located in Area 1A and active primarily in the summer and early fall only? Are there operational barriers to fishing purse seines in the winter or other areas (e.g. weather, sea conditions, water depth), or is it primarily driven by regulations and demand for bait?

The number of participating PS vessels has increased significantly while the allowable weekly landing limit has decreased.

1A is the only area that has had historical and present success in fishing. Water depth as well as tides and weather issues associated with other areas prevent the successful utilization of PS gear.

I have strong concerns as to the performance of the PS fishery. Considering much lower weekly landing limits I fully believe that a very large number of herring are caught and released with a high mortality rate. It is very difficult for experienced fisherman to on a school of fish and know beforehand the amount of fish in the area. Historically any overages could be transferred to other vessels, however Current regulations prohibit this resulting in a lot of fish being dumped (discarded) out of PS gear with a high mortality rate.

6. If MWT vessels are prohibited from an area (seasonally or year round), how will other herring vessels that use purse seines or bottom trawl gear respond? Is it likely for other gears to enter from other areas, or will the same number of vessels remain in the area as in previous years? Would effort increase, decrease, or stay the same?

Further prohibiting vessels from any areas would result in an effort shift to Bottom Trawl in other volume fisheries if applicable permits can be procured. Due to the capacity of these vessels, the negative impacts to other fisheries would be substantial as demonstrated in the recent performance of the Illex fishery.

7. Alternative 9 is considering a removal of the current January-April seasonal closure of Area 1B. How is effort likely to shift if that area is open during those months? Would opening the area earlier impact the market? If so, how?

I seconded the motion at the Nov 2017 AP meeting to provide access to 1B during Jan – April because I believe that this action would enable the Mackerel fishery far more opportunity at a time of year when user conflict due to warmer water fisheries would be at a minimum.

Any actions that prevent MWT from fishing can only have significant negative consequences on both the Herring rescore as well as other fisheries. MWT have consistently proven that is a clean fishery which is supported by the NEFOP reports.

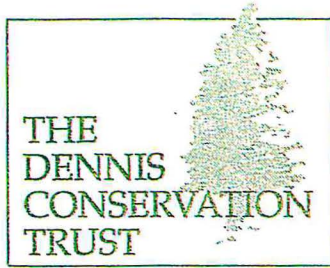
8. What drives bait preference in the lobster fishery and why? For example, is it primarily a lobster's preference for certain species, whichever bait type is cheapest, fresh vs. frozen, salted vs unsalted, geography/port region, fishing location (inshore vs offshore, mud vs hard bottom)? Does the market prefer fresh herring year-round?

Bait performance is a reflection of both economics and performance of the Lobster fishery.

- The Take home message is any MWT vessel forced to switch gear types would result in negative impacts for the Atlantic Herring as well as other fishery rescors. The council must consider the effects on the resource before the effects on any type of user groups.

- 1) Boats will fish in open areas where fish are present. With less areas opened, MWT boats will be forced to concentrate efforts to the only open areas with fish. This will create a race to fish.
- 2) It cost ~\$3million to convert boat to duel gear types. Another big cost is maintenance 150,000-200,000 to store and maintain the gear. Switching gear types can be done 3-5 days. It is not the smooth of a process. There can be easily 20-30000 in surprise costs during the process. Not to mention, there is no fishing during conversion.
- 3) No ground fishing. We cannot switch to third gear type.
- 4) Fraction of catch, usually half. **However**, carriers have been limited to two trucks a weeks. The Providian cannot carrier for two trucks.
- 5) Less quota – weekly limits – four new purse seiners 3 displaced from trawling. The capacity per boat is up. Price is up.
- 6) Will not change purse seine effort.
- 7) Availability of bait.
- 8) Not much difference salt and fresh. Each lobstermen uses their own combination of hard and soft baits.

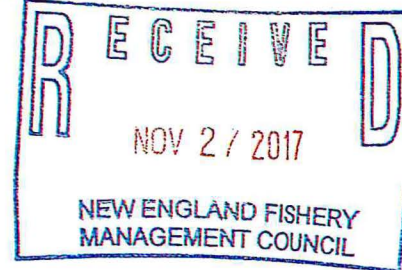




A private non-profit land trust founded in 1988

November 7, 2017

Thomas A. Nies, Executive Director  
New England Fishery Management Council  
50 Water Street, Mill #2  
Newburyport, MA 01950  
Fax: (978) 465-3116



Attn: Atlantic Herring Localized Depletion Alternative

Dear Mr. Nies;

Thank you for the opportunity to comment on Amendment 8 to the Atlantic Herring Fishery Management Plan. The Dennis Conservation Trust is a private, non-profit 501(c) 3 organization that seeks to preserve open space within the Town of Dennis. Since its establishment in 1988, the Trust has acquired ownership of nearly 400 acres of diverse land types, and also holds perpetual conservation restrictions on another 208 acres. We have several properties containing herring runs.

The concept of localized depletion on Cape Cod is an issue that has been felt significantly among the towns and communities who strive to preserve the natural heritage of the region. While many species have been impacted (such as bluefin tuna, cod, and striped bass), one species, river herring, has suffered from midwater trawls near our shores. The river herring fishery is one of the oldest documented fisheries in North America, dating back more than 350 years. After river herring complete their freshwater spawning runs, they return to the ocean, where they reside with other forage species – and where they are unintentionally captured in the gear of midwater trawlers targeting Atlantic herring.

For the past 12 years, the state has enforced a moratorium on fishing river herring, and the species currently resides on NOAA's Species of Concern list. While numbers of river herring have increased slightly during that time, perhaps due to moratoria and costly restoration efforts, the population of river herring is not stable (based on historical landings data).

One example is the Bound Brook Herring Run in East Dennis. In 2012, the estimated run size was 34,580 fish. By 2016, the estimated run size had dropped to 1,453 fish. This trend has been echoed in herring runs across Cape Cod. If river herring continue to be caught in large numbers by federally permitted midwater trawlers, how can they return to their freshwater spawning grounds?

In Dennis, we rely on a network of dedicated local volunteers to monitor herring runs to demonstrate the success of our restoration projects. But any success may be fleeting if the nearshore bycatch from midwater trawls is not stopped.

The significant irony is that restoration projects that seek to improve habitat are funded in no small part by federal grants. We urge the council to vote in favor of implementing a buffer zone that protects river herring and other species vulnerable to the impacts of midwater trawl gear.

Sincerely,

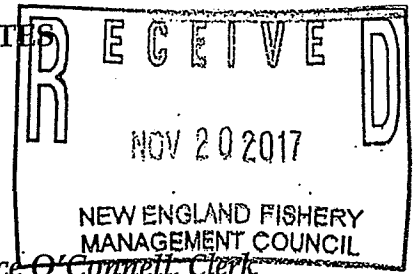
Joseph Masse  
Dennis Conservation Trust, President Office Box 67 · East Dennis, Massachusetts 02641

Pursuant to Internal Revenue Code requirements for substantiation of charitable contributions, no goods or services were provided in return for the Tax Deductible contributions.

010 11/27/17

CAPE COD REGIONAL GOVERNMENT  
BARNSTABLE COUNTY ASSEMBLY OF DELEGATES  
First District Courthouse - Route 6A  
Barnstable, MA 02630  
(508) 375-6761  
Fax (508) 362-6530  
E-mail: aofd@barnstablecounty.org

*Office of the Clerk*



*Janice O'Connell, Clerk*

New England Fisheries Management Council  
Attn.: Dr. John F. Quinn, Chairman  
50 Water Street, Mill 2  
Newburyport, MA 01950

November 16, 2017

Dear Dr. Quinn:

Resolution 17-06 adopted by the Barnstable County Assembly of Delegates on November 15, 2017 is enclosed for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Janice O'Connell".

Janice O'Connell, Clerk  
Assembly of Delegates  
Barnstable County

Enclosure

db 11/20/17

## BARNSTABLE COUNTY

In the Year Two Thousand and Seventeen

### RESOLUTION 17-06

**Whereas**, two species of herring (river and ocean) school together in waters surrounding Cape Cod, and

**Whereas**, herring are an intermediate “link” in the ocean’s web of life; they eat plankton and in turn serve as “forage fish” sought by larger ones like codfish, bluefish, striped bass, tuna and others, and

**Whereas**, river herring fisheries have been depleted causing the Commonwealth to prohibit the taking of a single herring from Cape Cod’s waterways, and

**Whereas**, large commercial fishing vessels called mid-water trawlers scoop millions of pounds of river herring unintentionally as they trawl for *ocean* herring, leaving the river herring dead, and

**Whereas**, mid-water trawlers may currently trawl as close as three miles from shore, and

**Whereas**, when these trawlers remove entire schools of herring from near-shore areas, cod, tuna and other large fish must move farther offshore to search for food, and

**Whereas**, the movement of the larger fish farther offshore disrupts the entire marine food-chain and leaves small-boat fishermen challenged to find sufficient catch, and

**Whereas**, this disruption due to herring depletion has environmental, economic and recreational fishing consequences, and

**Whereas**, a commercial trawling buffer zone could be implemented that would require mid-water trawlers to operate farther offshore, and

**Whereas**, the Cape Cod Commercial Fisherman’s Alliance and the Association to Preserve Cape Cod are advocating for implementation of a buffer zone, and

**Whereas**, there is historical precedent for such action; when foreign commercial fleets were decimating local fisheries in the 1960s and 1970s, the U.S. Congress passed the Magnuson-Stevens Act banning foreign fishing fleets from operating within 200 miles of the U.S. coast, and

**Whereas**, the New England Fishery Management Council is the regional council charged by Federal law with conserving and managing fishery resources from three to 200 miles off the coast of Massachusetts and the other New England states, and

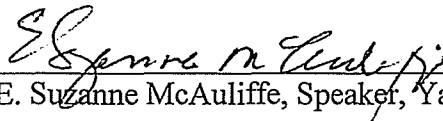
**Whereas**, the Council is weighing implementation of a buffer zone and will take action on the matter in December 2017,

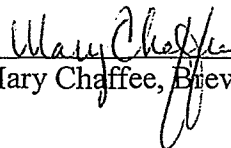
*NOW, THEREFORE,*

**BE IT HEREBY RESOLVED** that the Barnstable County Assembly of Delegates:

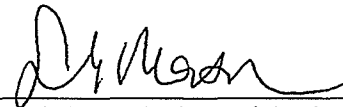
Supports the establishment of a Federally-designated buffer zone around Cape Cod that would prohibit mid-water trawlers from operating near the Cape's shores.

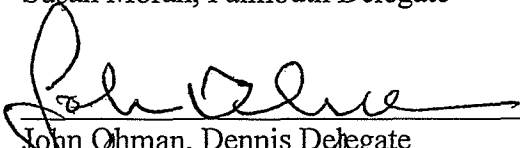
The foregoing Resolution 17-06 was adopted by the Barnstable County Assembly of Delegates, by a roll call vote of 73.93% voting "yes", 18.73 % voting "no", 7.34% "absent" at the regular meeting held on November 15, 2017.

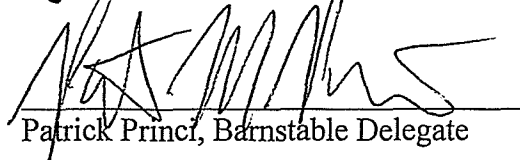
  
\_\_\_\_\_  
E. Suzanne McAuliffe, Speaker, Yarmouth Delegate

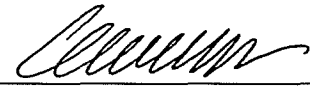
  
\_\_\_\_\_  
Mary Chaffee, Brewster Delegate

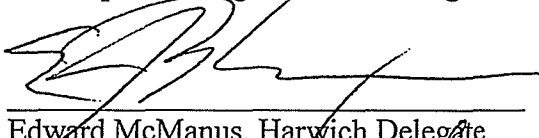
\_\_\_\_\_  
James Killion, Sandwich Delegate

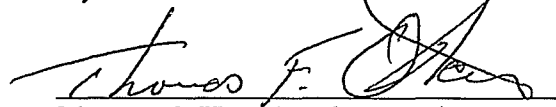
  
\_\_\_\_\_  
Susan Moran, Falmouth Delegate

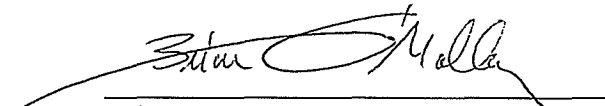
  
\_\_\_\_\_  
John Ohman, Dennis Delegate

  
\_\_\_\_\_  
Patrick Princi, Barnstable Delegate

  
\_\_\_\_\_  
Christopher Kanaga, Orleans Delegate

  
\_\_\_\_\_  
Edward McManus, Harwich Delegate

  
\_\_\_\_\_  
Thomas O'Hara, Mashpee Delegate

  
\_\_\_\_\_  
Brian O'Malley, Provincetown Delegate

\_\_\_\_\_  
Linda Zuern, Bourne Delegate

Absent: Edward Atwood, Eastham Delegate  
Ronald Bergstrom, Chatham Delegate  
Lilli-Ann Green, Wellfleet Delegate  
Deborah McCutcheon, Truro Delegate

605 Commercial St.  
Provincetown MA  
02657 Nov 16, 17

Mr. Tom Niss  
Exec. Dir. NEFMC  
50 Water St. Mill 2  
Newburyport, MA 01950

Dear Mr. Niss:

I have lived in Provincetown for over 50 years & I have seen the demise of our fishing fleet & the heroic growth of our town as a tourist destination.

My hope is that some day the fish will return, I write to ask you to support the near shore hovering buffer zone and any other measures that may help fishing by shore based fishermen.

Yours Truly  
Barbara Kushnere

RECEIVED

NOV 20 2017



## Herring Ponds Watershed Association

Preserving our Ponds and Watershed

PO Box 522, Sagamore Beach, MA 02562

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

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

16 November 2017

Attn: Atlantic Herring Localized Depletion Alternative

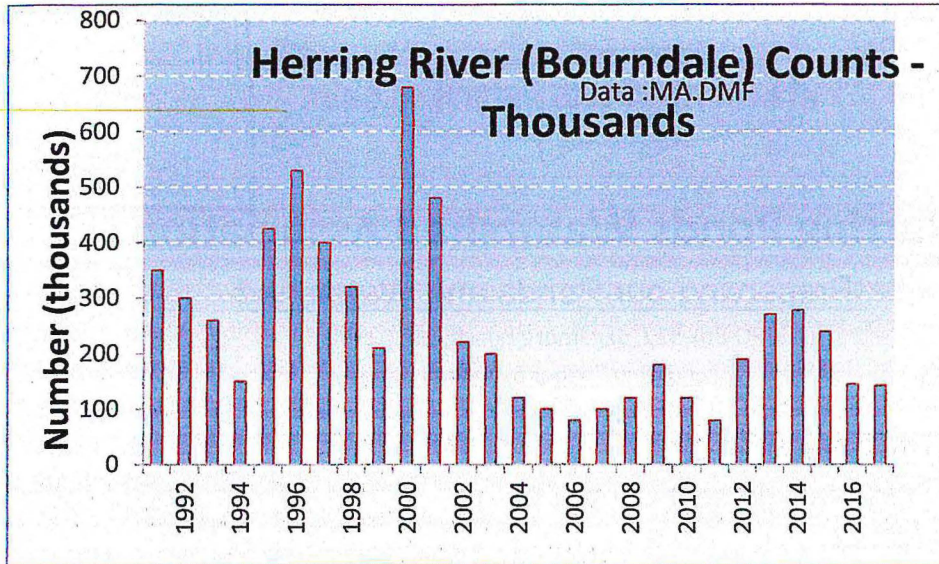
Dear Mr. Nies:

Thank you for the opportunity to comment on Amendment 8 to the Atlantic herring fishery management plan. The Herring Ponds Watershed Association includes a major herring run, one that is important and designated as a "sentinel" herring run by the Commonwealth. Its importance dates back to Native American uses pre-dating European settlement of our region.

Our Herring Ponds Watershed Association is deeply concerned that the depletion of herring has impacted the richness of this run (and many others), with consequent effects on the ecology of our watershed, but also other valuable resources in our region. Our southern New England communities depend on a healthy fisheries ecosystem as a vibrant part of our regional economy; herring are at the heart of this.

Midwater trawlers are breaking our local food web by removing millions of pounds of herring and in turn harming everyone from cod fishermen to whale boat operators. Here in Plymouth and Bourne, river herring are managed by the towns' natural resource divisions, who must enforce the statewide regulations on river herring. Year after year, we continue to observe and report low and decreasing numbers of returning river herring at the Herring River watershed, this despite serious conservation initiatives.

tb 11/20/17



It has become increasingly clear that the issue goes beyond our own spawning runs into the nearshore waters around the entire Cape. To protect the peninsula, and our own local herring run, we fully support the New England Fishery Management Council's efforts to establish a localized depletion alternative that creates a no-fishing zone to protect the inshore waters near Cape Cod from the impacts of mid-water trawling.

The significant decline in numbers of river herring, which are caught as bycatch by the mid-water trawl fleet, has resulted in a statewide moratorium of harvest in our fresh waters. Residents of Plymouth and Bourne are penalized for harvesting, possessing or selling herring, yet the industrialized fleets are not. Meanwhile, Cape Cod mid-water trawls are authorized to land more than 32 metric tons of river herring/shad (approximately 238 metric tons for all midwater trawls), and our residents are prohibited from taking so much as a single fish. This is unacceptable.

Finally, we recognized that the work done to develop a buffer zone in the near-shore regions around Cape Cod represents an important step in the transition to an ecosystem-based fisheries management approach.

The Council has advocated for this over the last decade and Amendment 8 will provide the Council with the opportunity to identify the path that will get us there. We urge the Council to consider the big picture throughout this process, and to consider input from the public to achieve the best possible outcome, starting with establishing a buffer zone around Cape Cod.

We look forward to continuing our work to support the Council and the agency to advance these important developments in fisheries management, and we look forward to your upcoming decision. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Brian A. Harrington". The signature is written in a cursive style with a large initial "B".

Brian A. Harrington, President

Cc: William Keating, Representative, 9<sup>th</sup> Congressional District



**From:** Peter Moore  
**Sent:** Sunday, November 19, 2017 5:41 PM  
**To:** Deirdre Boelke  
**Cc:** HerringCte; HerringAdvisors; Jason Didden; Janice Plante; [Douglas.Christel@noaa.gov](mailto:Douglas.Christel@noaa.gov); Ryan Silva; Woneta Cloutier; Sherie Goutier; Tom Nies  
**Subject:** Re: Meeting materials for Nov 20/21 meeting



Hello Deirdre, Chairman Kendall, Bert, and Jason,

I will attend tomorrow's Herring AP meeting.

I have reviewed the documents, including the correspondence.

I have not been in the fishery recently, and so cannot give qualified responses to the questions.

However, I must ask: What is the problem the Council is trying to solve? It is one thing to be responsive to constituents. It is entirely another to allow a constituency to drag out an alleged problem ("Localized Depletion") for more than 10 years without any scientific evidence to support their claims and prove or disprove a negative effect unique to the gear type.

In fact, relative to allegations of localized depletion effects of midwater trawling or seining for herring, the PDT itself stated in their March 25, 2016 memo, that "(T)he method of removal, however, should not be relevant to the evaluation of localized depletion. If predators are responding only to herring abundance in an area, then given the same amount of catch, the same level of depletion occurs regardless of gear type and would subsequently have the same effect on predators...(B)oth gear types can be used to harvest similar amounts of herring...(I)ssues of gear conflict should be kept distinct from issues of localized depletion."

Here is a Youtube video of the F/V Ruth and Pat with a wonderful purse seine catch in Area 1A:  
<https://www.youtube.com/watch?v=1SFCuSJ1ypY>

One comment: There must have been one hell of a pile of herring in the seine. By my count they loaded 4 boats and topped off the Reliance.

Nothing has changed, since that time, relative to this particular issue. Also, the PDT has uncovered no evidence that MWT fishing for herring and mackerel in the region is having any negative effect on other fishermen's ability to catch groundfish, striped bass, or Bluefin tuna.

I must state that it is confounding to me that even after more than a decade of allegations surrounding "localized depletion" by MWT, there is no new science-based information to prove or disprove this phenomenon. Further, even more confounding is that, even with all the hoops and requirements and restrictions placed on the MWT fleet by the NEFMC and NMFS, the same regulatory bodies have continued to tolerate the non-existent catch reporting by the Bluefin fleet, and spotty (at best) catch reporting of other species by the Cape Cod recreational community. These are the very same special interest groups who are the loudest critics of the MWT fleet. I won't even mention the environmental industry (including Cape Cod Commercial Hook) which has been paid fortunes by Pew Charitable Trusts and other NGO funders since 2002 to shut the

db 11/20/17

MWT gear type down through rhetoric and email campaigns, but lacking any scientific basis for their claims.

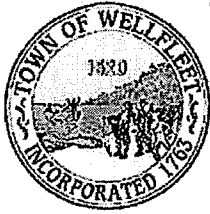
I will leave you with these very recent news reports. According to a November 6, 2017 article in the Bangor Daily News, "Fishermen up and down the New England coast say it has been decades since they've been able to catch so many Atlantic Bluefin tuna, so fast."

(<http://bangordailynews.com/2017/11/06/business/atlantic-bluefin-tuna-stocks-are-rebounding-but-raising-quote-proves-controversial/>) Also, the November 14 New York Times reported that ICCAT is considering increasing the Atlantic Bluefin quota, from 24,000 to 36,000 tons a year by 2020. (<http://www.ourmidland.com/news/world/article/Increase-in-Atlantic-Bluefin-tuna-catches-top-12355459.php#photo-14543963>)

Again, what is the problem the Council is attempting to solve? Evidence needs to be based on "Best Available Science", and the actions need to achieve OY to the best practicable ability of the Council. Without a science-based approach to management, and following Magnuson tenets, email campaigns and mis-information from well-funded special interests can run over the fishery management process. What fishery is next for buffer zones due to alleged "localized depletion"? Squid?

Respectfully,

Peter Moore  
NEFMC Herring AP member



# TOWN OF WELLFLEET

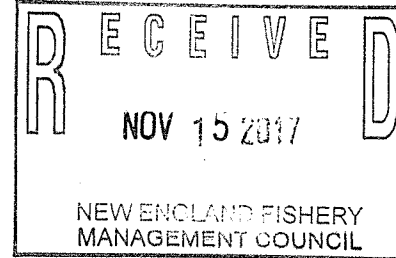
300 MAIN STREET WELLFLEET MASSACHUSETTS 02667  
Tel (508) 349-0300 Fax (508) 349-0305  
www.wellfleetma.org

BOARD OF  
SELECTMEN

TOWN  
ADMINISTRATOR

November 14, 2017

Thomas A. Nies, Executive Director  
New England Fishery Management Council  
50 Water Street, Mill #2  
Newburyport, MA 01950  
Fax: (978) 465-3116



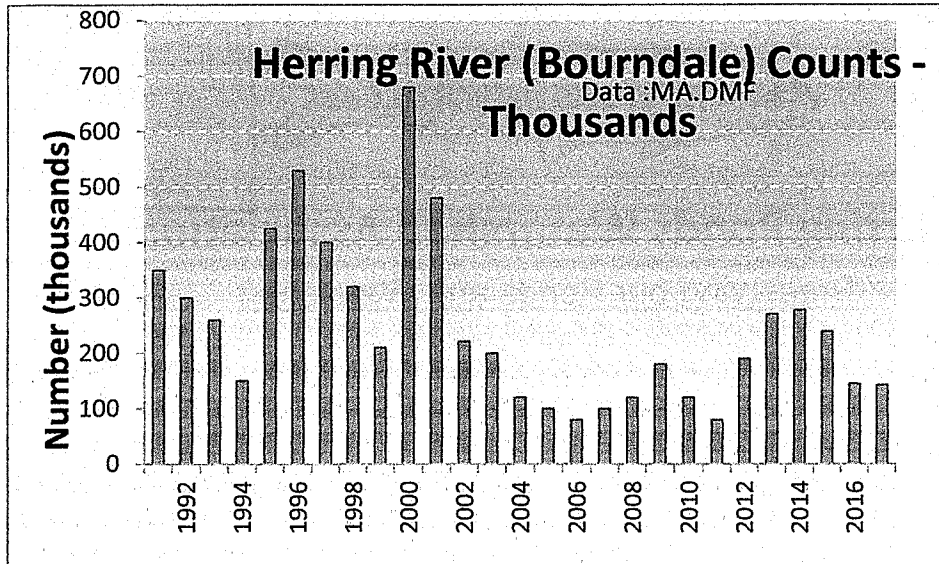
Attn: Atlantic Herring Localized Depletion Alternative

Dear Mr. Nies,

Thank you for the opportunity to comment on Amendment 8 to the Atlantic herring fishery management plan. The Town of Wellfleet and nearby communities have relied upon the abundance of herring and other forage fish to support commercial and recreation fisheries for hundreds of years, and are deeply concerned that the depletion of forage species has impacted the previously abundant resources in our region. The communities on the Cape depend on a healthy ecosystem and a vibrant economy, and herring is at the heart of each. Now, midwater trawlers are breaking our local food web by removing millions of pounds of herring and in turn harming everything from cod fishermen to whale boat operators. Year after year, concerned Wellfleet volunteers observe and report low numbers of returning river herring. It has become increasingly apparent to us that the issue goes beyond our own spawning runs into the nearshore areas around the entire Cape. To protect the peninsula, we fully support the New England Fishy Management Council's (Council) efforts to establish a localized depletion alternative that creates a no-fishing zone and protects the inshore waters near Cape Cod from the impacts of midwater trawling by acknowledging the role of Atlantic and River Herring in the ecosystem.

Herring and all forage fish are the basis of a healthy, robust ecosystem and are necessary for profitable fisheries both in our towns and in the waters where many of our residents fish, both commercial and recreationally. Unfortunately, the significant decline in numbers of river herring, which are caught as bycatch by the midwater trawl fleet, have resulted in a statewide moratorium of harvest in our fresh waters. To put it simply, the residents of Cape Cod feel the effects of sea and river herring being taken from nearshore waters, are penalized for harvesting, possessing or selling it, yet the industrialized fleets are not. Cape Cod midwater trawls are authorized to land more than 32 metric tons of river herring/shad, and our residents are prohibited from the fishery. A bycatch amount that nearly doubled last year.

Finally, in addition to the benefits that would be derived to species we manage in Wellfleet and other towns, we recognized that the work done to develop a buffer zone in the nearshore regions around Cape Cod represents an important step in the regional transition to an ecosystem based fisheries management approach. The Council has advocated for the switch to EBFM over the last



It has become increasingly clear that the issue goes beyond our own spawning runs into the nearshore waters around the entire Cape. To protect the peninsula, and our own local herring run, we fully support the New England Fishery Management Council's efforts to establish a localized depletion alternative that creates a no-fishing zone to protect the inshore waters near Cape Cod from the impacts of mid-water trawling.

The significant decline in numbers of river herring, which are caught as bycatch by the mid-water trawl fleet, has resulted in a statewide moratorium of harvest in our fresh waters. Residents of Plymouth and Bourne are penalized for harvesting, possessing or selling herring, yet the industrialized fleets are not. Meanwhile, Cape Cod mid-water trawls are authorized to land more than 32 metric tons of river herring/shad (approximately 238 metric tons for all midwater trawls), and our residents are prohibited from taking so much as a single fish. This is unacceptable.

Finally, we recognized that the work done to develop a buffer zone in the near-shore regions around Cape Cod represents an important step in the transition to an ecosystem-based fisheries management approach.

The Council has advocated for this over the last decade and Amendment 8 will provide the Council with the opportunity to identify the path that will get us there. We urge the Council to consider the big picture throughout this process, and to consider input from the public to achieve the best possible outcome, starting with establishing a buffer zone around Cape Cod.

We look forward to continuing our work to support the Council and the agency to advance these important developments in fisheries management, and we look forward to your upcoming decision. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Brian A. Harrington". The signature is written in a cursive style with a large initial "B".

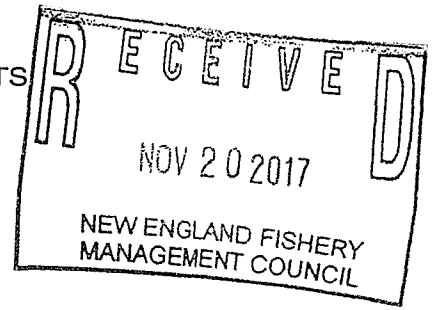
Brian A. Harrington, President

Cc: William Keating, Representative, 9<sup>th</sup> Congressional District





THE GENERAL COURT OF MASSACHUSETTS  
STATE HOUSE, BOSTON 02133-1053



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

November 14, 2017

Dear Mr. Nies,

Thank you for the opportunity to comment on Amendment 8 to the Atlantic herring fishery management plan. We write as elected Senators and Representatives from the Commonwealth of Massachusetts. Our districts span Barnstable, Plymouth, Dukes and Nantucket Counties. As state officials, we are writing to offer our support for federal initiatives to create a strong buffer zone off our coastline to protect river and ocean herring from large-scale midwater herring trawlers.

Our communities have a long, intimate connection to the sea. The rich biodiversity of the area's marine ecosystem is at the heart of our region's existence and prosperity. For example, for nearly four centuries residents have harvested alewives and bluebacks from town rivers during their seasonal runs.

Yet today, our state laws prohibit taking so much as a single herring from our rivers and runs, because the stocks have been so depleted. Many of our communities have spent hundreds of thousands of dollars trying to rebuild and revive our river herring runs, with less success so far than they had hoped.

A major reason for that lack of success is that midwater herring trawlers, operating just a few miles off our shores, are capturing enormous amounts of both river and ocean herring. They target ocean herring, yet the latest reports indicate that more than 30 metric tons of river herring have been taken this year from these waters as "by-catch," killed and discarded.

Removing these forage fish from our waters has profound consequences beyond our local waters. Doing so drives all the other species that feed on herring farther away, from tuna to codfish, stripers to whales.

A buffer zone off the Massachusetts coastline would allow midwater trawlers to continue to fish, but would lessen their impact on the entire near-shore recreational and commercial fleets. It would also allow our communities to rebuild our herring runs, as has been accomplished in the State of Maine, which adopted a comparable buffer zone.

We therefore strongly support proposals before your Council to adopt such a zone, with as much protection as possible.

Thank you, and we look forward to continuing to support you on these important issues.

Sincerely,

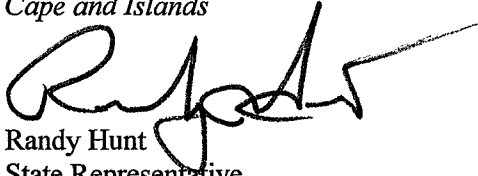
Sarah K. Peake  
State Representative  
4<sup>th</sup> Barnstable

Vinny deMacedo  
State Senator  
Plymouth and Barnstable

db 11/20/17



Julian Cyr  
State Senator  
*Cape and Islands*



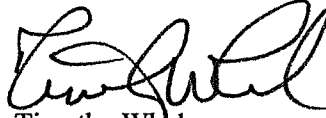
Randy Hunt  
State Representative  
*5th Barnstable*



William Crocker  
State Representative  
*2nd Barnstable*



David Vieira  
State Representative  
*3<sup>rd</sup> Barnstable*



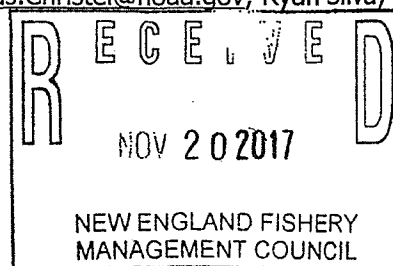
Timothy Whelan  
State Representative  
*1<sup>st</sup> Barnstable*



Dylan Fernandes  
State Representative  
*Barnstable, Dukes & Nantucket*



**From:** Peter Moore  
**Sent:** Sunday, November 19, 2017 5:41 PM  
**To:** Deirdre Boelke  
**Cc:** HerringCte; HerringAdvisors; Jason Didden; Janice Plante; [Douglas.Christel@noaa.gov](mailto:Douglas.Christel@noaa.gov); Ryan Silva; Woneta Cloutier; Sherie Goutier; Tom Nies  
**Subject:** Re: Meeting materials for Nov 20/21 meeting



Hello Deirdre, Chairman Kendall, Bert, and Jason,

I will attend tomorrow's Herring AP meeting.

I have reviewed the documents, including the correspondence.

I have not been in the fishery recently, and so cannot give qualified responses to the questions.

However, I must ask: What is the problem the Council is trying to solve? It is one thing to be responsive to constituents. It is entirely another to allow a constituency to drag out an alleged problem ("Localized Depletion") for more than 10 years without any scientific evidence to support their claims and prove or disprove a negative effect unique to the gear type.

In fact, relative to allegations of localized depletion effects of midwater trawling or seining for herring, the PDT itself stated in their March 25, 2016 memo, that "(T)he method of removal, however, should not be relevant to the evaluation of localized depletion. If predators are responding only to herring abundance in an area, then given the same amount of catch, the same level of depletion occurs regardless of gear type and would subsequently have the same effect on predators...(B)oth gear types can be used to harvest similar amounts of herring...(I)ssues of gear conflict should be kept distinct from issues of localized depletion."

Here is a Youtube video of the F/V Ruth and Pat with a wonderful purse seine catch in Area 1A:  
<https://www.youtube.com/watch?v=1SFCuSJ1ypY>

One comment: There must have been one hell of a pile of herring in the seine. By my count they loaded 4 boats and topped off the Reliance.

Nothing has changed, since that time, relative to this particular issue. Also, the PDT has uncovered no evidence that MWT fishing for herring and mackerel in the region is having any negative effect on other fishermen's ability to catch groundfish, striped bass, or Bluefin tuna.

I must state that it is confounding to me that even after more than a decade of allegations surrounding "localized depletion" by MWT, there is no new science-based information to prove or disprove this phenomenon. Further, even more confounding is that, even with all the hoops and requirements and restrictions placed on the MWT fleet by the NEFMC and NMFS, the same regulatory bodies have continued to tolerate the non-existent catch reporting by the Bluefin fleet, and spotty (at best) catch reporting of other species by the Cape Cod recreational community. These are the very same special interest groups who are the loudest critics of the MWT fleet. I won't even mention the environmental industry (including Cape Cod Commercial Hook) which has been paid fortunes by Pew Charitable Trusts and other NGO funders since 2002 to shut the

db 11/20/17

MWT gear type down through rhetoric and email campaigns, but lacking any scientific basis for their claims.

I will leave you with these very recent news reports. According to a November 6, 2017 article in the Bangor Daily News, "Fishermen up and down the New England coast say it has been decades since they've been able to catch so many Atlantic Bluefin tuna, so fast."  
(<http://bangordailynews.com/2017/11/06/business/atlantic-bluefin-tuna-stocks-are-rebounding-but-raising-quote-proves-controversial/>) Also, the November 14 New York Times reported that ICCAT is considering increasing the Atlantic Bluefin quota, from 24,000 to 36,000 tons a year by 2020. (<http://www.ourmidland.com/news/world/article/Increase-in-Atlantic-Bluefin-tuna-catches-top-12355459.php#photo-14543963>)

Again, what is the problem the Council is attempting to solve? Evidence needs to be based on "Best Available Science", and the actions need to achieve OY to the best practicable ability of the Council. Without a science-based approach to management, and following Magnuson tenets, email campaigns and mis-information from well-funded special interests can run over the fishery management process. What fishery is next for buffer zones due to alleged "localized depletion"? Squid?

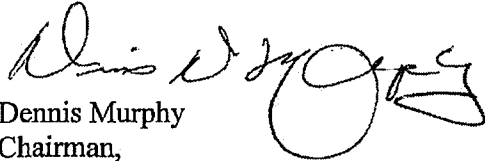
Respectfully,

Peter Moore  
NEFMC Herring AP member

decade and Amendment 8 will provide the Council with the opportunity to identify the path that will get us there. We urge the Council to consider the big picture throughout this process, and to consider input from the public to achieve the best possible outcome, starting with establishing a buffer zone around Cape Cod.

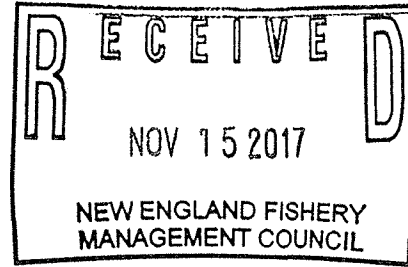
We look forward to continuing our work to support the Council and the agency to advance these important developments in fisheries management and look forward to your upcoming decision.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis Murphy". The signature is fluid and cursive, with a large loop at the end.

Dennis Murphy  
Chairman,  
Wellfleet Board of Selectman

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



Dear Mr. Nies,

Thank you for the opportunity to provide comment on the New England Fishery Management Council's upcoming decision regarding the localized depletion alternative in Amendment 8 of the Atlantic Herring fishery management plan.

As residents of Cape Cod, we are deeply concerned about the impacts of midwater trawling just off the shores of our region. The enormous size of nets used to capture herring are causing two major problems: indiscriminate bycatch and regional fishery impacts. By nature, the trawls used to catch sea herring are species not selective, and go catch striped bass, haddock, river herring, and even marine mammals. The second problem with the enormous take of sea herring from midwater trawls is that entire schools are removed from the nearshore area, where other species can no longer feed. The species, such as Atlantic Bluefin Tuna, move further offshore, and leave much for local, small-boat fishermen to bring back to the port towns of Cape Cod.

For these reasons, it is vital that midwater trawl vessels move further offshore and allow the herring to return to coastal waters. Then, small-boat fishermen and coastal fisheries can thrive.

Thank you,

Printed Name	Town	Signature
Linda L. Doane	Chatham	
Thomas L. Doane	Chatham	
Louise Wasley	South Chatham	
Keith Wasley	S. Chatham	
Patricia L. Schwartz	Chatham	
MICHAEL WOEHLE	CHATHAM	


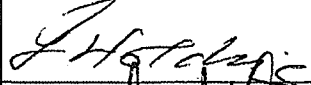
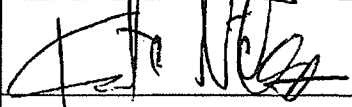

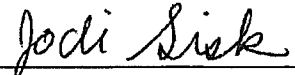

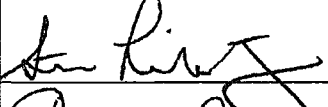

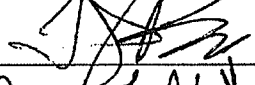
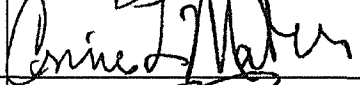

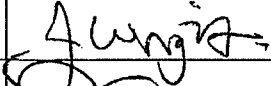
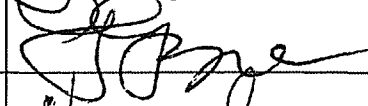
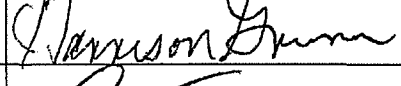
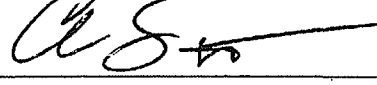

Printed Name	Town	Signature
Jill WOehler	Chatham	Jill Woehler
WILLIAM Hill	HARWICH	William Hill
BARBARA C. Hill	HARWICH	Barbara C. Hill
Carol Paxon	Chatham	Carol Paxon
Norman Paxon	Chatham	Norman Paxon
Matilda Bystrom Matilda Bystrom	Chatham	Matilda E Bystrom
William Bystrom	Chatham	William Bystrom
DENNIS MANNIX	CHATHAM	Dennis Mannix
Jim Sears	Chatham	Jim Sears
JACQUELINE CRIMINS	Chatham	Jacqueline Crims
FREDERICK CRIMINS	Chatham	Frederick Crims
Leslie Borkoski	Chatham	Leslie Borkoski
CHARLES M. BORKOSKI	CHATHAM	Charles M. Borkoski
Jenna Borkoski	Chatham	Jenna Borkoski
Peter Fran	Chatham	Peter Fran
RICHARD TUCCIARONE	So. HARWICH	Richard Tucciaron

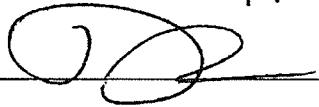
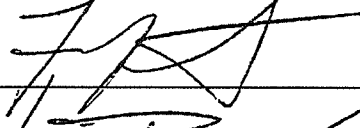
Printed Name	Town	Signature
Janet Cardillo	Dennis Port	Janet Cardillo
Suzanne Pisanello	N. Chatham	Suzanne Pisanello
Jane Tirrell	W. Chatham	Jane TIRRELL
Suzanne Nadeau	Chatham, MA	S Nadeau
Don Nadeau	Chatham, MA	Don Nadeau
Edward Brown	Harwich MA	Edward Brown
<del>Nancy DeGregory</del> Nancy DeGregory	Harwich, MA	N. DeGregory
MELANIE PHINNEY	CHATHAM, MA	Melanie Phinney
Mary Devine	Chatham, MA	Mary A. Devine
Kathryn Meyers	Brewster, MA	Kathryn Meyers
Megan Fates	East Orleans, MA	Megan Fates
Kathleen Banks	S. Yarmouth	Kathleen M. Banks
REGINA M. O'CONNOR	BREWSTER, MA	Regina M O'Connor
Judith S. Beams	Brewster, MA	Judith S. Beams
Sandie CEDRONE	SANDWICH, MA.	Sandie Cedrone
Stephen Patzmych	Harwich Port, MA	Stephen Patzmych
Mary R. Brunelle	Harwich, MA	Mary R. Brunelle

Printed Name	Town	Signature
BONNIE BRYDGES	HARWICH	BE Brydges
Tina McGrath	Harwich	Tina McGrath
BILL MALONEY	WEST HARWICH	Bill Maloney
MARY BAIN	CHATHAM	Mary Bain
Rose Marie Maloney	West Harwich	Rose Marie Maloney
Jeanne Phillips	Orleans	Jeanne Phillips
JAN WATTS	Beverly	J. Watts
G. W. Chane	Chatham	G. W. Chane
Victoria Chase	Chatham	Victoria Chase
SUSAN JANE MORAN	S. Orleans	Susan Moran
STEPHEN J. CURRAN	West Chatham	Stephen J. Curran
Kathryn J. Curran	West Chatham	Kathryn J. Curran
Mary A. Dore	Chatham	Mary A. Dore
Alice LeValley	West Chatham	Alice LeValley
Robert O. LeValley	West Chatham	Robert O. LeValley
Marie Ferony	West Chatham	Marie Ferony

Printed Name	Town	Signature
JOSEPH FERONY	CHATHAM	Joseph Ferony
Bruce Bogardus	S. Chatham	Bruce Bogardus
Betty Bogardus	S. Chatham	Betty Bogardus
Barbara Fouhy	Chatham	Barbara Fouhy
Dan Brown	N Chatham	Dan Brown
Both Ryan	W Chatham	Both Ryan
Terry Ryan	W. Chatham	Terry Ryan
Janifer Kane	N. Chatham	Janifer Kane
JOE ROSE	WARWICK	Joe Rose
Elizabeth Gustafson	S. Yarmouth	Elizabeth Gustafson
PAMELA BLACK	E Dennis	Pamela Black
Robert Hunt	YARMOUTH PORT	Robert Hunt
Sara Hunt	Yarmouth	Sara Hunt
John Foubert	Brewster	John Foubert
JIM GOODENOUGH	BREWSTER	Jim Goodenough
Tom Goodenough	Brewster	Tom Goodenough

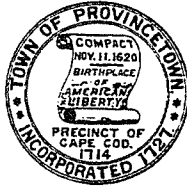


Printed Name	Town	Signature
Rick Goodwin	E Dennis	
JOAN HOLDING	BREWSTER	
KATE NELSON	BREWSTER	
Deborah Giso	Harwichport	
Jodi Sisk	Brewster	
FRAN STRAUM	BETH UELLEN PA	
Steven Leibowitz	Brewster, MA	
Phillip Inman	Dennis Port MA	
TERRENCE J. BAKER	YARPMOUTH PORT	
Connie Mathur	Turo	
Ty Anderson	Marstons Mills	
Janet Wright	Mashpee	
Gymno Guzzano	Orleans	
Harrison Guman	Eastham	
TEO STEIGER	WEST BARNSTABLE	
Mary Belle Small	So. Norwich, MA	

Printed Name	Town	Signature
Chris Joyce	Harwich Port	Christina A. Joyce
PEGGY ROSE	HARWICH	Peggy Rose
Jane Higgins	Eastham	Jane Higgins
Gail Gallerani	Eastham	Gail Gallerani
<sup>Pat</sup> Sagnon Pat Sagnon	Staley MA	Pat. Sagnon
Kathy Tupper	Brewster	Kathryn Tupper
Denise Pressman	Dennis	
Judith Galligan	Brewster	Judith Galligan
Debra Serio	Yarmouth Port	Debra Serio
Michael Mallor	Yarmouth Port	Michael Mallor
FRANCES LAUTENBERGER	Oaklands	
Val Rodgers	E. Dennis	Valene Rodgers
Bob Gallum	E Dennis	Robert Gallum
Elizabeth Handel	Brewster	Elizabeth Handel
Margaret McCarthy	S. Chatham	M. M. Carey
Luci Geran	E. Dennis	Luci Geran

Printed Name	Town	Signature
Samantha Eastman	CHATHAM	Samantha Eastman
Michael Kennedy	N. Chatham	Michael Kennedy
Jim SEFCIK	Hannisport	Jim Seftik
Konita Coupos	Hyannis	Konita Coupos
R. Berdik	Orleans	R. Berdik
Nadine McCarty	NYC	Nadine McCarty
Julie Kahn	Brewster	Julie Kahn
Rosemary Levy	Brewster	Rosemary Levy
Margo Donnis	South Portland	Margaret Donnis
John Robbins	Natick	John Robbins
Susan Baker	Brewster	Susan Baker
Abe Kasparian Jr.	Yarmouth Port	Abe Kasparian Jr.
Louis/Myra West	Brewster	Louis West
Allan Reetz	Brewster	Allan Reetz

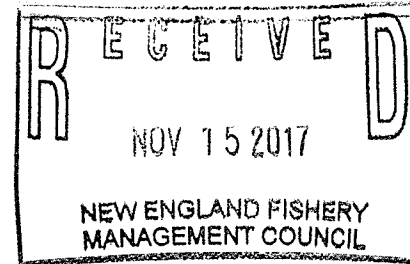
# *Town of Provincetown*



Town Hall, 260 Commercial Street  
Provincetown, Massachusetts 02657  
Facsimile (508) 487-9560  
Telephone (508) 487-7000

November 2, 2017

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



Re: Atlantic Herring Localized Depletion Alternative

Dear Mr. Nies:

I write to you on behalf of the Provincetown Board of Selectmen, expressing their unanimous support of Amendment 8 to the Atlantic Herring Fishery Management Plan. The Town of Provincetown and nearby communities have relied upon the abundance of herring and other forage fish to support commercial and recreation fisheries for many years, and we are deeply concerned that the depletion of forage species has impacted the previously abundant resources in our region. The communities on Cape Cod depend on a healthy ecosystem and a vibrant economy, and herring is at the heart of each. Currently, midwater trawlers are breaking our local food web by removing millions of pounds of herring and in turn, having a damaging effect on everyone from cod fishermen to whale boat operators.

Provincetown's commercial fishing fleet is largely day boats fishing the near-shore areas of Cape Cod. Our fishers have seen firsthand the results of this industrial fishing effort. These pair trawlers (or factory ships) and their massive nets can strain every fish (including by-catch) out of an area larger than a football field in one pass. The term mid-water trawl is a misnomer. These industrial vessels can work these nets from close to the surface to just off the bottom. After these industrial trawlers have harvested an area, anything that is left swimming must leave as well to find forage. Given all the work and regulations to try to rebuild stocks to sustainable levels, these industrial fishing methods are working against all the good progress the Councils have made.

To protect the Cape Cod fishing grounds, we fully support the New England Fishery Management Council's efforts to establish a localized depletion alternative that creates a no-fishing zone to protect the inshore waters near Cape Cod from the impacts of midwater trawling by acknowledging the role of Atlantic and river herring in the ecosystem. Herring are at the base of a healthy ecosystem and are necessary for

profitable fisheries. As a result, we feel strongly that management measures must recognize the importance of herring as a forage fish and make sure that enough of these small fish are left in the ocean.

Recent studies indicated that forage fish are more vulnerable to overfishing and localized depletion than other stocks; we urge the Council to consider the negative impacts that a lack of available forage could have on other stocks that our fishermen and residents rely on to make a living. Locally, we have spent over \$18,000,000.00 to rebuild the Town Pier, which is our commercial fishing facility. Provincetown's commitment to our commercial fishing fleet acknowledges our historical ties to the sea as well as the current and future sustainability for the Outer Cape. We depend on over \$9,000,000.00 of fresh seafood products crossing this pier every year for direct jobs and indirect economic activity. Most of this product stays in the area to be processed and sold to restaurants, stores and the public.

Finally, the work done to develop a buffer zone in the nearshore regions around Cape Cod represents an important step in the regional transition to an ecosystem-based fisheries management approach. The Council has advocated for the switch to EBFM over the last decade and Amendment 8 will provide the Council with the opportunity to identify the path that will get us there. We urge the Council to consider the big picture throughout this process, and to consider input from the public to achieve the best possible outcome, starting with establishing a buffer zone around Cape Cod.

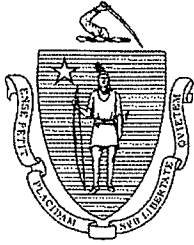
We look forward to continuing our work to support the Council and the agency to advance these important developments in fisheries management and look forward to your upcoming decision.

Sincerely,

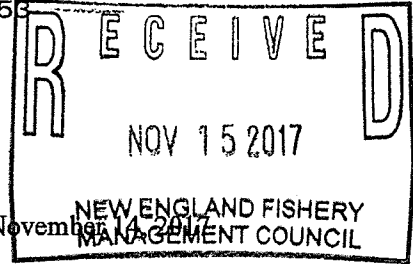


David B. Panagore  
Town Manager

cc: Provincetown Board of Selectmen  
Harbormaster Rex McKinsey



THE GENERAL COURT OF MASSACHUSETTS  
STATE HOUSE, BOSTON 02133-1058



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

Dear Mr. Nies,

Thank you for the opportunity to comment on Amendment 8 to the Atlantic herring fishery management plan. We write as elected Senators and Representatives from the Commonwealth of Massachusetts. Our districts span Barnstable, Plymouth, Dukes and Nantucket Counties. As state officials, we are writing to offer our support for federal initiatives to create a strong buffer zone off our coastline to protect river and ocean herring from large-scale midwater herring trawlers.

Our communities have a long, intimate connection to the sea. The rich biodiversity of the area's marine ecosystem is at the heart of our region's existence and prosperity. For example, for nearly four centuries residents have harvested alewives and bluebacks from town rivers during their seasonal runs.

Yet today, our state laws prohibit taking so much as a single herring from our rivers and runs, because the stocks have been so depleted. Many of our communities have spent hundreds of thousands of dollars trying to rebuild and revive our river herring runs, with less success so far than they had hoped.

A major reason for that lack of success is that midwater herring trawlers, operating just a few miles off our shores, are capturing enormous amounts of both river and ocean herring. They target ocean herring, yet the latest reports indicate that more than 30 metric tons of river herring have been taken this year from these waters as "by-catch," killed and discarded.


Removing these forage fish from our waters has profound consequences beyond our local waters. Doing so drives all the other species that feed on herring farther away, from tuna to codfish, stripers to whales.

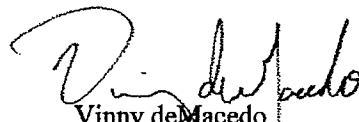
A buffer zone off the Massachusetts coastline would allow midwater trawlers to continue to fish, but would lessen their impact on the entire near-shore recreational and commercial fleets. It would also allow our communities to rebuild our herring runs, as has been accomplished in the State of Maine, which adopted a comparable buffer zone.

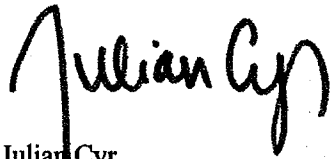
We therefore strongly support proposals before your Council to adopt such a zone, with as much protection as possible.

Thank you, and we look forward to continuing to support you on these important issues.

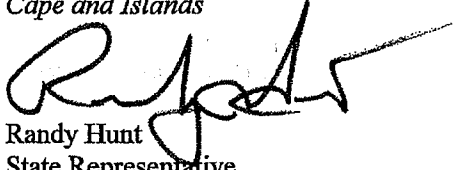
Sincerely,

  
Sarah K. Peake  
State Representative  
4<sup>th</sup> Barnstable

  
Vinny deMacedo  
State Senator  
Plymouth and Barnstable



Julian Cyr  
State Senator  
*Cape and Islands*



Randy Hunt  
State Representative  
*5th Barnstable*



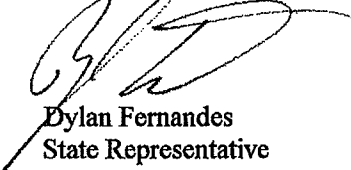
William Crocker  
State Representative  
*2nd Barnstable*



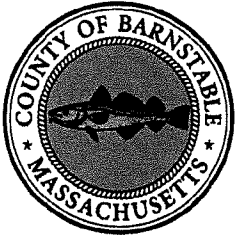
David Vieira  
State Representative  
*3rd Barnstable*



Timothy Whelan  
State Representative  
*1st Barnstable*



Dylan Fernandes  
State Representative  
*Barnstable, Dukes & Nantucket*



## BARNSTABLE COUNTY COMMISSIONERS

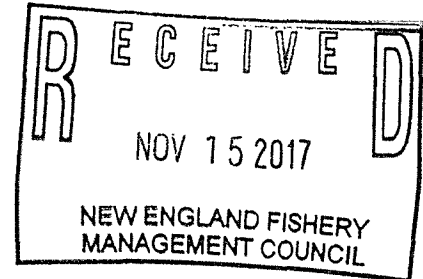
SUPERIOR COURTHOUSE  
3195 MAIN STREET  
P.O. BOX 427  
BARNSTABLE, MASSACHUSETTS 02630  
PHONE: (508) 375-6648  
FAX: (508) 362-4136

HOME RULED CHARTERED  
IN 1989

RONALD R. BEATY  
Barnstable

LEO G. CAKOUNES  
Harwich

MARY PAT FLYNN  
Falmouth



Thomas A. Nies, Executive Director  
New England Fishery Management Council  
50 Water Street, Mill #2  
Newburyport, MA 01950  
Fax: (978) 465-3116

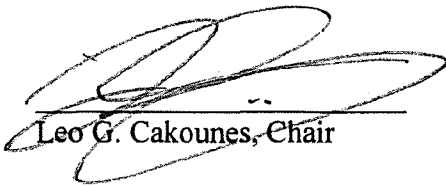
November 15, 2017

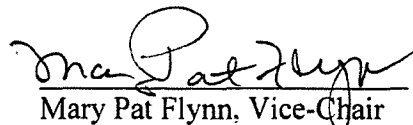
Attn: Localized Depletion/User Conflict Alternative, Atlantic Herring FMP

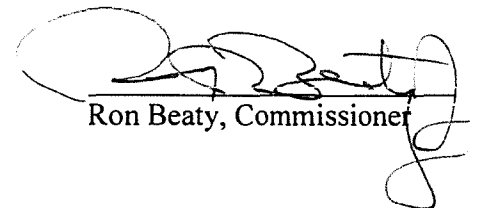
Dear Mr. Nies:

Thank you for the opportunity to comment on Amendment 8 to the Atlantic herring fishery management plan. The Board of Regional Commissioners, the Executive Branch of the Cape Cod Regional Government, known as Barnstable County, asks that the Council act to implement a buffer zone that will move midwater trawlers further offshore. On November 8, 2017 at a Regular Public Meeting, the Board voted unanimously to issue this letter of support. Should you have any questions, please do not hesitate to contact our office.

Sincerely,

  
Leo G. Cakounes, Chair

  
Mary Pat Flynn, Vice-Chair

  
Ron Beaty, Commissioner

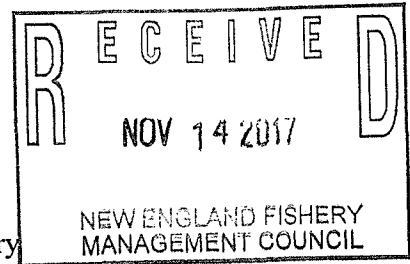




**Mid-Atlantic Fishery Management Council**  
800 North State Street, Suite 201, Dover, DE 19901  
Phone: 302-674-2331 | FAX: 302-674-5399 | www.mafmc.org  
Michael P. Luisi, Chairman | G. Warren Elliott, Vice Chairman  
Christopher M. Moore, Ph.D., Executive Director

## MEMORANDUM

**Date:** November 13, 2017  
**To:** Chris Moore, Executive Director  
**From:** Jason Didden *JD*  
**Subject:** November 6, 2017 MSB Committee Meeting Summary



On November 6, 2017, the Atlantic Mackerel, Squid, and Butterfish (MSB) Committee met to review how Amendment 8 to the Atlantic Herring FMP could impact mackerel fishing and to develop comments that could be forwarded to the New England Fishery Management Council if the Mid-Atlantic Fishery Management Council deems such comments appropriate at its December 2017 meeting.

Deidre Boelke provided an overview and answered questions regarding the current options and analyses in Amendment 8 to the Atlantic Herring FMP. Public questions and comments were also considered.

The Committee adopted the following statement by unanimous consent:

There is serious concern about potential impacts to the mackerel fishery depending on alternatives chosen. The current preference of the MSB committee would be for options that exclude Area 2<sup>1</sup>. Request if buffer alternatives remain in the document then all sub-alternatives that are relevant to reducing impacts for the mackerel fishery stay in the document for public hearings, and for there to be public hearings in the Mid-Atlantic.

An audio/visual recording of the November 6, 2017 MSB Committee meeting is available at <http://mafmc.adobeconnect.com/p2vduyah1j5t/>.

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<sup>1</sup> i.e. Atlantic herring Management Area 2, which is south and west of Cape Cod, and includes Mid-Atlantic waters.



# CHATHAM CONSERVATION FOUNDATION, INC.

104 Crowell Road • Chatham, MA • 02633

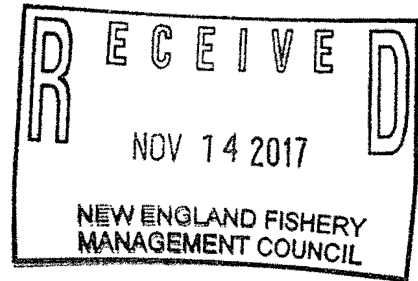
508 945-4084

CCFinc@comcast.net

www.chathamconservationfoundation.org

13 November 2017

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



Attn: Atlantic Herring Localized Depletion Alternative

Dear Mr. Nies,

Thank you for the opportunity to comment on Amendment 8 to the Atlantic Herring Fishery Management Plan. The Chatham Conservation Foundation, Inc. (CCF), a non-profit land trust, has been preserving land and our way of life since 1962. Our mission is to preserve land for the benefit of people, plants, animals, and ecosystems of Chatham. We own a large portion of the land surrounding the herring run in the Town of Chatham. We also have collaborated in helping the town restore our herring run and organize volunteers to monitor and count river herring.

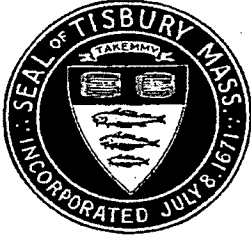
For the past 12 years, the state has enforced a moratorium on fishing river herring, and the species currently resides on NOAA's Species of Concern list. While numbers of river herring have increased slightly during that due to moratoria and costly restoration efforts, the population of river herring is not stable or recovered to its previous levels (based on historical landings data). This is because large offshore trawlers have been allowed to continue catching river herring as bycatch; residents of Cape Cod are not allowed to catch so much as a single fish. Furthermore, the bycatch of river herring nearly doubled this fishing year. Here in Chatham, we rely on a network of dedicated local volunteers to monitor herring runs to demonstrate the success of our restoration projects, but that success may be fleeting if the nearshore bycatch from midwater trawls is not stopped.

This trend has been echoed in runs across Cape Cod. If river herring continue to be caught in large numbers by federally permitted midwater trawlers, how can they return to freshwater spawning grounds?

We urge the council to vote in favor of implementing a buffer zone that protects river herring and other species vulnerable to the impacts of midwater trawl gear so that critical ecosystems inshore and offshore can flourish. By doing this, the council takes into consideration the vulnerability of forage fish to overfishing, their importance to all fisheries, the impact on river herring, and thereby protecting other key species for future generations.

Sincerely,

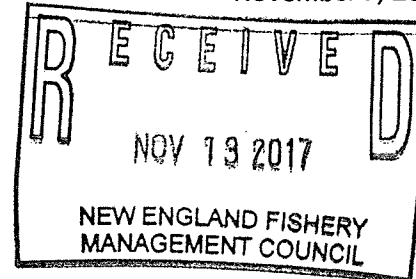
Matthew Cannon  
Executive Director/ Land Steward



## Tisbury Board of Selectmen

November 7, 2017

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



Attn: Atlantic Herring Localized Depletion Alternative

Dear Mr. Niles,

The Town of Tisbury wishes to express their support for Amendment 8, the Atlantic herring fishery management plan, to extend the buffer zone out further for midwater trawlers. Atlantic herring are an important part of the food web for many of our resident species; striped bass and bluefish among others, it's vital that we protect our local waters as much possible. We support moving the large midwater trawlers further offshore to allow for marine life to recover in our coastal waters. These trawlers are much larger than our local ones, and though they may be effective but they're not selective, as many forage species get caught.

The Town has two herring runs to manage, one we share with the Town of Oak Bluffs and that is the role of Danielle Ewart our Shellfish Constable/Herring Warden. Historically river herring: bluebacks and alewives, played a significant role for locals as harvesters caught them by the barrel; it was more than just food it was a part of life. Since the mid-2000s, the once prolific river herring have not been harvestable due to their steep decline. Alewives and blueback herring are two species directly affected by midwater trawlers, as they are bycatch and don't get a chance to return to spawn. Not for naught, Tisbury has partnered up with Oak Bluffs to repair the Lagoon run, but physically restoring it is only half the battle. We also need the fish to return to spawn. Moving the midwater trawlers out further, past our coastline may reduce the bycatch of river herring and allow for the resource to rebound.

Sincerely,

  
The Tisbury Board of Selectmen

db 11/14/17



# Town of Chatham

Office of the Selectmen

Town Manager

549 Main Street

Chatham, MA 02633

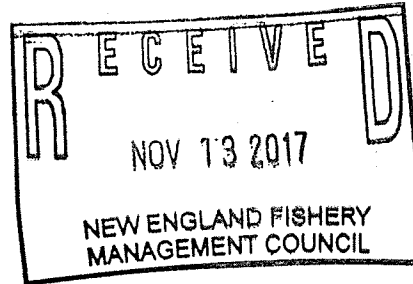


Jill R. Goldsmith  
TOWN MANAGER  
jgoldsmith@chatham-ma.gov

November 9, 2017

Tel: (508) 945-5105  
Fax: (508) 945-3550  
www.chatham-ma.gov

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



Attn: Atlantic Herring Localized Depletion Alternative

Dear Mr. Nies,

Thank you for the opportunity to comment on Amendment 8 to the Atlantic herring fishery management plan. The Town of Chatham and nearby communities have relied upon the abundance of herring and other forage fish to support commercial and recreation fisheries since the founding of our country, and are deeply concerned that the depletion of forage species has impacted the previously abundant resources in our region.

The communities on the Cape depend on a balanced, healthy ecosystem to ensure a vibrant fishing community, and herring is important to that system. Midwater trawlers are breaking our local food web by removing millions of pounds of herring and in turn harming everything from our local inshore fishery to whale boat operators and have no place in our near-shore waters. Herring and all forage fish are intrinsic to the Cape ecosystem and are necessary for profitable fisheries both commercial and recreationally. The significant decline in numbers of river herring, which are caught as bycatch by the midwater trawl fleet, have resulted in a statewide moratorium of harvesting in our runs and ponds. To put it simply, the residents of Chatham, are penalized for harvesting, possessing or selling herring, yet the industrialized fleets are not. Midwater trawls are authorized to land more than 32 metric tons of river herring/shad, and our residents are prohibited from the fishery. A bycatch amount that nearly doubled last year.

The Town of Chatham fully supports the New England Fishery Management Council's (Council) efforts to establish a no-fishing zone to protect the inshore waters near Cape Cod from the impacts of midwater trawling.

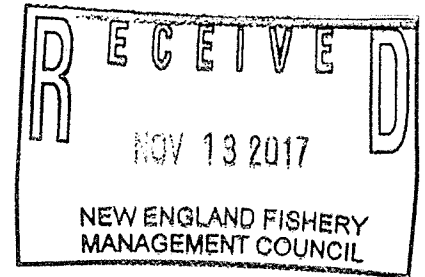
Sincerely,

Cory Metters, Chairman  
Chatham Board of Selectmen

db 11/14/17



**THE COMPACT**  
OF CAPE COD CONSERVATION TRUSTS, INC.



8 November 2017

Thomas A. Nies, Executive Director  
New England Fishery Management Council  
50 Water Street, Mill #2  
Newburyport, MA 01950  
Fax: (978) 465-3116

RE: Atlantic Herring Localized  
Depletion Alternative

Dear Mr. Nies:

Thank you for the opportunity to comment on Amendment 8 to the Atlantic Herring Fishery Management Plan. The Compact of Cape Cod Conservation Trusts, Inc. (The Compact) is a regional non-profit service center founded in 1986 that provides technical and professional assistance to 21 land conservation trusts and five saltwater associations, including the Friends of Herring River.

We support the restoration of tidal flow to Wellfleet's Herring River, the largest salt marsh eco-restoration project in New England, which will rejuvenate estuarine habitat, improve water quality and enhance the use of the river for herring to reach the spawning ponds. Similar efforts are underway across Cape Cod to rebuild herring runs in hopes that the returning/spawning fish stocks will rise. There is little point to conducting this important (and expensive) shore-side work if the herring continue to be depleted by mid-water trawling close to our shores.

I believe that the proposal to move the mid-water trawling to a distance farther offshore is a good first step to ensuring that the river herring are not intercepted as they make their way to and from their historic spawning grounds in our streams and estuaries.

I hope your council will enact a buffer zone that protects river herring and other species vulnerable to the impacts of midwater trawl gear so that critical ecosystems inshore and offshore can flourish. I know you will make the best decision, based on sound science, to help and not negate our onshore work to improve the stocks of river herring.

Sincerely,

Mark H. Robinson  
Executive Director

cc: CCFA

dlb 11/14/17



# TOWN OF ORLEANS

19 SCHOOL ROAD ORLEANS MASSACHUSETTS 02653-3699  
Telephone (508) 240-3700 — Fax (508) 240-3703  
<http://www.town.orleans.ma.us>

BOARD OF  
SELECTMEN  
TOWN  
ADMINISTRATOR

November 1, 2017

Thomas A. Nies, Executive Director  
New England Fishery Management Council  
50 Water Street, Mill #2  
Newburyport, MA 01950  
Fax: (978) 465-3116



Attn: Atlantic Herring Localized Depletion Alternative

Dear Mr. Nies,

Thank you for the opportunity to comment on Amendment 8 to the Atlantic herring fishery management plan. The Town of Orleans and nearby communities have relied upon the abundance of herring and other forage fish to support commercial and recreation fisheries for hundreds of years, and are deeply concerned that the depletion of forage species has impacted the previously abundant resources in our region. The communities on the Cape depend on a healthy ecosystem and a vibrant economy, and herring is at the heart of each. Now, midwater trawlers are breaking our local food web by removing millions of pounds of herring and in turn harming everything from cod fishermen to whale boat operators. Year after year, volunteers observe and report low numbers of returning river herring at the Pilgrim Lake run and it has become increasingly apparent to us that the issue goes beyond our own spawning runs into the nearshore areas around the entire Cape. To protect the peninsula, we fully support the New England Fishery Management Council's (Council) efforts to establish a localized depletion alternative that creates a no-fishing zone and protects the inshore waters near Cape Cod from the impacts of midwater trawling by acknowledging the role of Atlantic and River Herring in the ecosystem.

Herring and all forage fish are the basis of a healthy, robust ecosystem and are necessary for profitable fisheries both in our towns and in the waters where many of our residents fish, both commercially and recreationally. Unfortunately, the significant decline in numbers of river herring, which are caught as bycatch by the midwater trawl fleet, have resulted in a statewide moratorium of harvest in our fresh waters. To put it simply, the residents of Cape Cod feel the effects of sea and river herring being taken from nearshore waters, are penalized for harvesting, possessing or selling it, yet the industrialized fleets are not. Cape Cod midwater trawls are authorized to land more than 32 metric tons of river herring/shad, and our residents are prohibited from the fishery. A bycatch amount that nearly doubled last year.

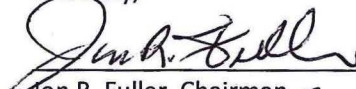
Finally, in addition to the benefits that would be derived to species we manage in Orleans and other towns, we recognize that the work done to develop a buffer zone in the nearshore regions around Cape Cod represents an important step in the regional transition to an ecosystem based fisheries management approach. The Council has advocated for the switch to EBFM over the last decade and

2/6 11/17

Amendment 8 will provide the Council with the opportunity to identify the path that will get us there. We urge the Council to consider the big picture throughout this process, and to consider input from the public to achieve the best possible outcome, starting with establishing a buffer zone around Cape Cod.

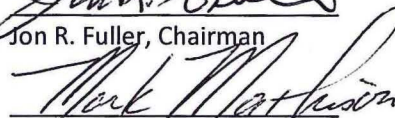
We look forward to continuing our work to support the Council and the agency to advance these important developments in fisheries management and look forward to your upcoming decision.

Sincerely,



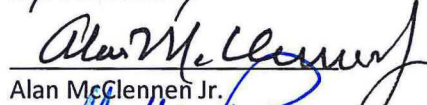
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Jon R. Fuller, Chairman




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Mark Mathison



---

Alan McClennen Jr.



---

Mefford Runyon



---

David Currier  
Board of Selectmen

11/1/17

Tom Miles NEFMC EX Director  
50 Water St. Mill 2  
Newburyport, MA 01950



Dear Tom Miles:

I'm writing to day to let you know I support the effort to maintain a buffer zone from herring fishing at our near shore.

Please support that the herring trawlers do their fishing farther out from shore.

Sincerely,  
Jude A. Wesson  
Cape Cod, MA

Po Box 881  
N. Eastham, MA 02651

dlb 11/1/17





October 31, 2017

Thomas A. Nies, Executive Director  
New England Fishery Management Council  
50 Water Street, Mill #2  
Newburyport, MA 01950  
Fax: (978) 465-3116



Attn: Atlantic Herring Localized Depletion Alternative

Dear Mr. Nies:

Thank you for the opportunity to comment on Amendment 8 to the Atlantic Herring Fishery Management plan. The Town of Harwich and nearby communities have relied upon the abundance of herring and other forage fish to support commercial and recreational fisheries for hundreds of years, and are deeply concerned that the depletion of forage species has impacted the previously abundant resources in our region. The communities on the Cape depend on a healthy ecosystem and a vibrant economy, and herring is at the heart of each. Now, midwater trawlers are breaking our local food web by removing millions of pounds of herring and in turn harming everything from cod fishermen to whale boat operators. Year after year, Natural Resources Director Heinz Proft and volunteer herring run counters observe and report low numbers of returning river herring at Johnson's Flume, Skinequit Pond and Hinckley's Pond, despite more than a million dollars in restoration projects to date. It has become increasingly apparent to us that the issue goes beyond our own spawning runs into the nearshore areas around the entire Cape. To protect the peninsula, we fully support the New England Fishery Management Council's (Council) efforts to establish a localized depletion alternative that creates a no-fishing zone and protects the inshore waters near Cape Cod from the impacts of midwater trawling by acknowledging the role of Atlantic and River Herring in the ecosystem.

Herring and all forage fish are the basis of a healthy, robust ecosystem and are necessary for profitable fisheries both in our towns and in the waters where many of our residents fish, both commercially and recreationally. Unfortunately, the significant decline in numbers of river herring, which are caught as bycatch by the midwater trawl fleet, have resulted in a statewide moratorium of harvest in our fresh waters. To put it simply, the residents of Cape Cod feel the effects of sea and river herring being taken from nearshore waters, are penalized for harvesting, possessing or selling it, yet the industrialized fleets are not. Cape Cod midwater trawls are authorized to land more than 32 metric tons of river herring/shad, and our residents are prohibited from the fishery. A bycatch amount that nearly doubled last year.

Finally, in addition to the benefits that would be derived to species we manage in Harwich and other towns, we recognized that the work done to develop a buffer zone in the nearshore regions around Cape Cod represents an important step in the regional transition to an ecosystem based fisheries management approach. The Council has advocated for the switch to EBFM over the last decade and Amendment 8 will provide the Council with the opportunity to identify the path that will get us there. We urge the Council

db 11/7/17

Thomas A. Nies, Executive Director  
New England Fishery Management Council  
October 31, 2017  
Page 2

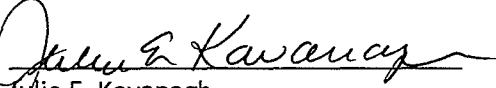
to consider the big picture throughout this process, and to consider input from the public to achieve the best possible outcome, starting with establishing a buffer zone around Cape Cod.

We look forward to continuing our work to support the Council and the agency to advance these important developments in fisheries management and look forward to your upcoming decision.

Sincerely,


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Michael D. MacAskill, Chair



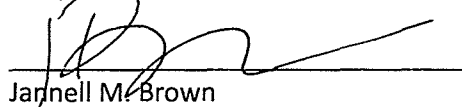
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Julie E. Kavanagh



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Larry G. Ballantine



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Jannell M. Brown

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Donald F. Howell

HARWICH BOARD OF SELECTMEN

cc: Heinz Proft, Natural Resources Director

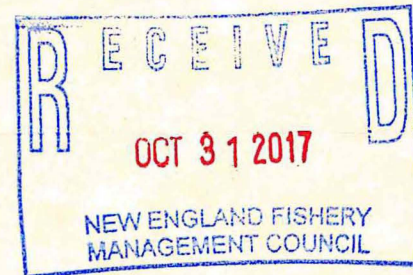


WELFLEET  
CONSERVATION TRUST

PO Box 84 Wellfleet MA 02667 [www.wellfleetconservationtrust.org](http://www.wellfleetconservationtrust.org)

October 24, 2017

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



Attn: Atlantic Herring Localized Depletion Alternative

Dear Mr. Nies,

The Wellfleet Conservation Trust is a local land trust in Wellfleet, MA and wishes to take this opportunity to **support Amendment 8 to the Atlantic Herring Fishery Management Plan**. Our mission is to conserve land in Wellfleet to protect the natural processes for the benefit for all living groups. River herring have been very important to the historic development of Wellfleet.

As you are aware, Wellfleet is committed to re-establish a viable herring run in our local Herring River. Our land trust supports the efforts that are on-going. We own conservation properties which we believe will be better used to help re-establish the historic Herring River here and thus allow the herring to get to their historic spawning grounds at the headwaters of Herring River.

The link between "mid-water trawlers" (MWT's) fishing for ocean herring in the near shores of Cape Cod that has resulted in the by-catch of river herring has been demonstrated by others. We wish to support the efforts to have the MWT's activity moved away for our shores in order to have better opportunity for re-establishing herring in the natural and historic runs.

We urge you to implement the proposed Amendment 8 to the fishing rules applicable to the MWT's.

Sincerely,

R. Dennis O'Connell, President

nb 11/2/17

Kathleen Folding  
97 Cynthia Lane  
Dennisport, MA 02639



Mr. Tom Nies, Executive Director  
NEFMC  
50 Water Street., Mill 2  
Newburyport, MA 01950  
October 27, 2017

Dear Tom:

I am writing to urge you and the NEFMC to keep the herring trawlers and their efficient and voracious boats within a few miles of our Cape Cod shores. When large midwater herring trawlers, often working in tandem and dragging huge nets between them, scoop up millions of pounds of ocean herring, they capture large numbers of river herring as well. The river herring becomes what is known as "bycatch" – caught, though not intentionally targeted, but dead nonetheless.

Cape towns have spent millions of dollars to help resurrect our herring runs, allowing these remarkable animals the opportunity to return to fresh water to spawn, continuing an ancient pattern all the more amazing because their journeys take them far across the ocean and then back to home ponds.

Proposals now before the NEFMC would, after many years and much effort, address this most serious problem.

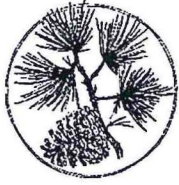
Together, as the strongest fishermen's alliance and the premier environmental association on the Cape and Islands, I urge the council to take these steps.

Thank you for your consideration of this request.

Sincerely,

  
Kathleen M. Folding

nlb 11/2/17



## HARWICH CONSERVATION TRUST

P.O. Box 101, South Harwich, MA 02661

(508) 432-3997, Email: [info@harwichconservationtrust.org](mailto:info@harwichconservationtrust.org)

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



Thomas A. Nies, Executive Director  
New England Fishery Management Council  
50 Water Street, Mill #2  
Newburyport, MA 01950  
Fax: (978) 465-3116

October 24, 2017

**Subject:** The HCT Board of Trustees supports Amendment 8 with a goal of protecting populations of local river herring and other forage fish.

Dear Mr. Nies,

Thank you for the opportunity to comment on and support Amendment 8 to the Atlantic herring fishery management plan. The Town of Harwich is home to the Herring River, one of the most significant river herring spawning areas in New England. Harwich and nearby communities have relied upon the abundance of herring and other forage fish to support commercial and recreation fisheries for hundreds of years, and are deeply concerned that the depletion of forage species has impacted the previously abundant resources in our region.

Now, midwater trawlers are breaking our local food web by removing millions of pounds of herring and in turn harming everything from cod fishermen to whale boat operators. Year after year, the volunteer herring counters affiliated with Harwich Conservation Trust (HCT) observe and report low numbers of returning river herring at the Herring River migratory route. It has become increasingly apparent to us that the issue goes beyond our own spawning runs into the nearshore areas around the entire Cape. To protect the peninsula, we fully support the New England Fishery Management Council's (Council) efforts to establish a localized depletion alternative that creates a no-fishing zone and protects the inshore waters near Cape Cod from the impacts of midwater trawling by acknowledging the role of Atlantic and River Herring in the ecosystem.

Herring and all forage fish are the basis of a healthy, robust ecosystem and are necessary for profitable fisheries both in our towns and in the waters where many of our residents & visitors fish, both commercially and recreationally. Unfortunately, the significant decline in numbers of river herring, which are caught as bycatch by the midwater trawl fleet, have resulted in a statewide moratorium of harvest in our fresh waters. To put it simply, the residents of Cape Cod feel the effects of sea and river herring being taken from nearshore waters, are penalized for harvesting, possessing or selling it, yet the industrialized fleets are not. Cape Cod midwater trawls are authorized to land more than 32 metric tons of river herring/shad, and our residents are prohibited from the fishery. A bycatch amount that nearly doubled last year.

Finally, in addition to the benefits that would be derived to species we manage in Harwich and other towns, we recognize that the work done to develop a buffer zone in the nearshore regions around Cape Cod represents an important step in the regional transition to an Ecosystem Based Fisheries Management (EBFM) approach. The Council has advocated for the switch to EBFM over the last decade and Amendment 8 will provide the Council with the opportunity to identify the path that will get us there. We urge the Council to consider the big picture throughout this process, and to consider input from the public to achieve the best possible outcome, starting with establishing a buffer zone around Cape Cod.

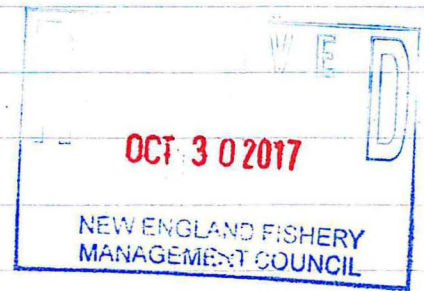
We look forward to continuing our work to support the Council and the agency to advance these important developments in fisheries management and look forward to your upcoming decision.

Sincerely,

Michael Lach  
Executive Director

25 Oct 2017

Tom Nies, NEFMC Exec Dir  
50 Water St, Mill 2  
Newburyport, MA 01950



Dear Mr Nies,

The purpose of this letter is to urge you to endorse the implementation of a "herring buffer zone" along the Mass coastline and especially the Cape Cod shoreline. Between pair trawlers removing tons of herring (and who knows what else) and our lovely seals scarfing down anything they happen upon, our precious game and groundfish continue to suffer a dwindling population. Pity the poor fishermen (commercial and charter) who depend on this resource for their financial well-being.

I look forward to reading that the New England Fisheries Management Council has supported the herring buffer zone in the very near future.

Sincerely,

Jack Gillis, Chatham MA  
jackg@oit.umass.edu  
508-945-6032



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Director of Operations

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Jen Cullen  
Director of Development

Thomas A. Nies, Executive Director  
New England Fishery Management Council  
50 Water Street, Mill #2  
Newburyport, MA 01950  
FAX: 978.465.3116

**ATTN: Atlantic Herring Localized Depletion Alternative**

Dear Mr. Nies,

Barnstable Clean Water Coalition (BCWC) is grateful for the opportunity to offer comment on Amendment 8 to the Atlantic herring fishery management plan.

BCWC (BCleanWater.org) is a non-profit organization based in Osterville with a mission to restore and protect clean water for drinking and outdoor recreational uses throughout the Town of Barnstable. We undertake our mission through four core directives. We educate diverse audiences, from school kids to seniors. Through water quality testing, our science team monitors freshwater rivers, streams and ponds as well as marine embayments. Using innovative technologies, we mitigate impaired bodies of water. And we advocate for effective public policies to safeguard our drinking water supplies, and fresh and marine waters that flow throughout the watershed.

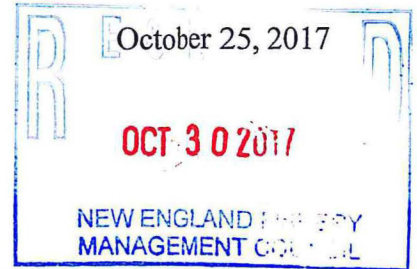
We take pride in our annual herring count. The herring start their journey in Nantucket Sound, travel through the Three Bays estuary to the Marstons Mills River and up the fish ladders into Mill and Middle Ponds. Each year, alewife and blueback herring travel from the salty ocean back to the freshwater ponds where they were born to spawn.

The actual monitoring of herring at the Mill Pond fish ladder began in 2006. In 2012, Barnstable Clean Water Coalition adopted the project and organized volunteers to conduct the annual herring count. Per the Massachusetts Department of Fisheries and Wildlife, the herring count begins on April 1st and continues until no herring are recorded at the run for two days in a row. ~~The herring run usually lasts about four to six weeks after the first fish is sighted.~~

In 2017, our volunteers counted over 5,275 herring at the Mill Pond fish ladder. To see these iconic fish, migrate home also helps us determine whether the ecosystem is healthy, as herring are considered an indicator species. We respectfully ask the council to implement a buffer zone that protects river herring and other species vulnerable to the impacts of midwater trawl gear and from being over-fished. These critical near-shore and in-shore ecosystems need herring to thrive.

Sincerely,

Zenas "Zee" Crocker, Executive Director  
Barnstable Clean Water Coalition  
Bcleanwater.org | [zcrocker@bcleanwater.org](mailto:zcrocker@bcleanwater.org)



*Capt. Eliza Turner House  
658 Main Street  
Cotuit MA 02635  
United States of America*



Tom Nies  
Executive Director NEFMC  
50 Water Street, Mill 2  
Newburyport, MA  
01950

Dear Sir,

For the past ten years We have been volunteer river herring counters every spring in Marstons Mills, Massachusetts. We understand tht you are undertaking a review of efforts to preserve these fish. We would like to urge you to create a buffer zone around Cape Cod and ban midwater herring trawlers from entering that zone and depleting our river herring stocks, which we so zealously try to protect during the annual spawning runs into fresh water. Our efforts will be entirely fruitless, unless we do something to protect the stocks of these fish while they are in our coastal waters.

Yours,

*Thomas Knight Burgess*  
Thomas Knight Burgess  
Anna Elizabeth Burgess-Berbée

*Anna Elizabeth Burgess-Berbée*

Tuesday, October 24, 2017

ab 10/24/17





Douglas C. Roberson  
PO Box 603  
40 Ashumet Avenue  
Mashpee, MA 02649

NEFMC Executive Director Tom Nies  
50 Water St., Mill 2  
Newburyport, MA 01950

October 23, 2017

Dear Mr. Nies,

Please know that I am in favor of creating a buffer zone to stop midwater herring trawling in waters surrounding Cape Cod. I have counted river herring for many years in Massachusetts streams and seen a dramatic decline in these species that are so fundamentally important aquatic and marine habitat and fisheries.

Sincerely,

dlb 10/27/17

10/22/17



TO TOM NIES,

I am writing in support of a herring buffer zone for our near shore fishery. Herring are extremely important to our recreational fishing on Cape Cod.

Friends come from various states to come, visit and fish with me. I am not a charter guy, just fish with friends recreationally. These forage fish are very important to our sport and the businesses fishing supports.

Sincerely  
Jackie Harin

PO Box 724  
Marstons Mills MA 02648-0724

October 23, 2017



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

Dear Mr. Nies:

I am writing in support of a herring buffer zone for the near shore of Cape Cod.

This morning's Cape Cod Times carried a piece co-authored by Andrew Gottlieb, Executive Director of the Association to Preserve Cape Cod, and John Pappalardo, Chief Executive Officer of the Cape Cod Commercial Fishermen's Alliance. They outlined the destruction of our near-shore fisheries attributable to the activities of midwater herring trawlers that scoop up huge numbers of river herring as bycatch in their harvesting of ocean herring.

River herring need to return to our fresh-water rivers to spawn in local ponds. Since Colonial times the availability of this species, as forage for cod, bluefish, and striped bass among others, has assured both the health of our near-shore ecosystem and the viability of our small-boat and recreational fisheries, important parts of our 'blue-water' economy to this day. The huge, midwater herring trawlers have effectively prevented river herring from reproducing in numbers required for the continuing health of our coastal ecosystem.

Please institute the corrective regulations needed to address this serious ongoing detriment, a problem whose solution lies in preventing the operation of these ocean trawlers in our near-shore waters.

Thank you for your attention.

Sincerely yours,

  
Elizabeth M. Ferranti

nb 10/27/17

**From:** Mullaney, Brian (US - Boston)  
**Sent:** Tuesday, October 24, 2017 1:23 PM  
**To:** Tom Nies  
**Subject:** Protect the Herring - create a buffer zone



Dear Tom,

Do everyone a favor except the herring trawlers and create a buffer zone around the cape. Don't cave in and do what is right.

Cheers,

**Brian Mullaney**

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v.E.1

01/10/2017

**From:** Louis Maloof [<mailto:loumaloof@comcast.net>]  
**Sent:** Monday, October 23, 2017 12:52 PM  
**To:** Tom Nies  
**Cc:** [info@capecodfishermen.org](mailto:info@capecodfishermen.org)  
**Subject:** River Herring Crisis



Dear Mr. Niles,

In today's Cape Cod Times, the Cape Cod Commercial Fishermen's Alliance, in conjunction with the Association to Preserve Cape Cod, in a *My View* column, have highlighted the importance of river herring in coastal and marine ecosystems. We understand that these forage fish are crucial to the survival of many species on which both commercial and recreational fisheries rely. The fishing industry is so important to the economic and cultural tradition of Cape Cod and all of the coastal areas of New England, that we urge the New England Fisheries Management Council to act swiftly to protect our river herring from the big trawling operations that are sweeping up this important natural resource close to our shores. It seems to us that swift action is called for. Thanks for listening.

Sincerely,  
Lou and Carole Maloof  
29 Court Street,  
North Chatham, MA 02650  
508 945 5446

nlh 10/23/17



## Cape Cod and Islands Selectmen & Councilors Association

Representing 22 Municipalities & 105 Elected Officials

Thomas A. Nies, Executive Director  
New England Fishery Management Council  
50 Water Street, Mill #2  
Newburyport, MA 01950  
Fax: (978) 465-3116

October 20, 2017

Attn: Localized Depletion/User Conflict Alternative, Atlantic Herring FMP

Dear Mr. Nies,

Thank you for the opportunity to comment on Amendment 8 to the Atlantic herring fishery management plan. I am writing on behalf of the Cape Cod Selectmen and Councilors Association, where we represent 105 elected officials across 22 municipalities across Cape Cod and the Islands. Combined, our officials represent the more than 215,000 people who reside here year round. Our organization meets to discuss the issues that impact our entire region, and today, that issue is the impacts caused by midwater trawlers.

The Cape has a profound historical and cultural connection to the commercial and recreational fishing in all of its forms. From Provincetown to Falmouth harbor, small commercial, private, and charter boats leave the harbor to participate in fisheries such as tuna, cod, haddock, and striped. In our coastal waters, we have a robust shellfish industry that is jointly managed by the state and towns, to the benefit of the region and the nation. Onshore, for nearly four centuries, the people of Cape Cod have harvested alewives and bluebacks from rivers during their runs.

But now these fisheries are troubled because of the localized depletion of herring species caused by midwater trawlers. As midwater trawlers come close to shore to harvest their targeting Atlantic Herring, they remove entire concentrations of fish, including river herring. Without a stable, healthy base of forage fish on which to prey, predator species move further offshore, and so must fishermen to catch them. What's more, as increasing amounts bycatch of river herring is authorized, the populations of fish that the towns have spent so many hours and dollars on restoration to bring back, are declining. We have been burdened (and responded to) the problem

*Handwritten signature or initials*

that midwater trawls are causing, but restoration efforts and fishing moratoria are not enough. On the Santuit River in Mashpee, the estimated run size in 2011 was 143,262 herring. In 2016, it was 41,256. On Mill Creek in Sandwich, so few fish have been recorded since 2011 that a run size cannot be estimated. We have 23 monitored herring runs on Cape, with several more on the islands, and declining runs are a story across town lines. We implore the Council to make the right decision and take action to implement a buffer zone that will move the midwater trawlers further offshore, and give our anadromous species a chance to recover.

We know that this solution can work. The buffer zone implemented 10 years ago off the coast of Maine in Area 1A yielded immensely positive results for forage species. We urge the Council to consider this success as they make a decision that will impact our region here on Cape Cod. Please consider both the local impacts of a buffer zone as it applies to the residents here as well as the regional impacts that will result protecting these valuable forage fish from being decimated so close to our shore. We ask you to please consider input from the public to achieve the best possible outcome.

We look forward to continuing our work to support the Council and the agency to advance these important developments in fisheries management and are eagerly awaiting to your upcoming decision and selection of a preferred alternative that addresses the problems of localized depletion/user conflict.

Sincerely,



Tracy Post  
President, Cape Cod Selectmen and Councilor's Association



## Town of Brewster

2198 Main Street  
Brewster, MA 02631-1898  
Phone: (508) 896-3701  
Fax: (508) 896-8089

Office of:  
Board of Selectmen  
Town Administrator

Thomas A. Nies, Executive Director  
New England Fishery Management Council  
50 Water Street, Mill #2  
Newburyport, MA 01950  
Fax: (978) 465-3116

October 16, 2017

OCT 23 2017

NEW ENGLAND FISHERY  
MANAGEMENT COUNCIL

Attn: Atlantic Herring Localized Depletion Alternative

Dear Mr. Nies,

Thank you for the opportunity to comment on Amendment 8 to the Atlantic herring fishery management plan. The Town of Brewster and nearby communities have relied upon the abundance of herring and other forage fish to support commercial and recreation fisheries for hundreds of years, and are deeply concerned that the depletion of forage species has impacted the previously abundant resources in our region. The communities on the Cape depend on a healthy ecosystem and a vibrant economy, and herring is at the heart of each. Now, midwater trawlers are breaking our local food web by removing millions of pounds of herring and in turn harming everything from cod fishermen to whale boat operators. Year after year, our Herring Wardens observe and report low numbers of returning river herring at the runs in Brewster. It has become increasingly apparent to us that the issue goes beyond our own spawning runs into the nearshore areas around the entire Cape. To protect the peninsula, we fully support the New England Fishery Management Council's (Council) efforts to establish a localized depletion alternative that creates a no-fishing zone and protects the inshore waters near Cape Cod from the impacts of midwater trawling by acknowledging the role of Atlantic and River Herring in the ecosystem.

Herring and all forage fish are the basis of a healthy, robust ecosystem and are necessary for profitable fisheries both in our towns and in the waters where many of our residents fish, both commercial and recreationally. Unfortunately, the significant decline in numbers of river herring, which are caught as bycatch by the midwater trawl fleet, have resulted in a statewide moratorium of harvest in our fresh waters. To put it simply, the residents of Cape Cod feel the effects of sea and river herring being taken from nearshore waters, are penalized for harvesting, possessing or selling it, yet the industrialized fleets are not. Cape Cod midwater trawls are authorized to land more than 32 metric tons of river herring/shad, and our residents are prohibited from the fishery. A bycatch amount that nearly doubled last year.

Finally, in addition to the benefits that would be derived to species we manage in Brewster and other towns, we recognized that the work done to develop a buffer zone in the nearshore regions around Cape Cod represents an important step in the regional transition to an ecosystem based fisheries management approach. The Council has advocated for the switch to EBFM over the last decade and Amendment 8 will provide the Council with the opportunity to identify the path that

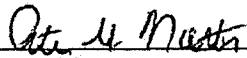
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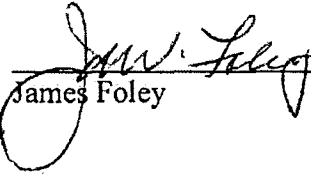
will get us there. We urge the Council to consider the big picture throughout this process, and to consider input from the public to achieve the best possible outcome, starting with establishing a buffer zone around Cape Cod.


We look forward to continuing our work to support the Council and the agency to advance these important developments in fisheries management and look forward to your upcoming decision.

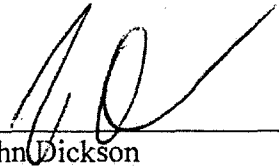
Sincerely,  
Town Of Brewster, Board of Selectman

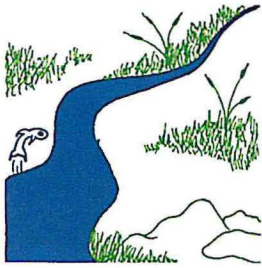
  
Peter Norton

  
David Whitney

  
James Foley

  
Cynthia Bingham

  
John Dickson



# Friends of Herring River

## Wellfleet and Truro, Massachusetts

Thomas A. Nies, Executive Director  
New England Fishery Management Council  
50 Water Street, Mill #2  
Newburyport, MA 01950  
Fax: (978) 465-3116

October 17, 2017

Attn: Atlantic Herring Localized Depletion Alternative

Dear Mr. Nies,




Thank you for the opportunity to comment on Amendment 8 to the Atlantic Herring Fishery Management Plan. Our organization, Friends of Herring River, is based in Wellfleet and Truro, MA. As the two towns prepare for a major project to restore tidal flow to the Herring River, we strive to promote education, research and public awareness of the Herring River estuary as one of critical environmental concern; to preserve the native environmental integrity of the river and estuary; to ensure habitat protection and retention of the native biological diversity and productivity of the river and estuary; to retain and enhance public access to the river and estuary; and to preserve natural and historic sites.

As documented in Town reports, the Herring River in Wellfleet once had a thriving river herring fishery. In our river, the numbers of river herring have declined dramatically, even after the State-imposed moratorium 12 years ago. This trend has been echoed in runs across Cape Cod. If river herring continue to be caught in large numbers by federally-permitted midwater trawlers, how can they return to freshwater spawning grounds?

In Wellfleet, we rely on a network of dedicated local volunteers to monitor our herring run to demonstrate the success of our restoration projects, but that success may be fleeting if the nearshore bycatch from midwater trawls is not stopped. The significant irony in this is that restoration projects such as ours that seek to improve habitat are funded in no small part by federal grants.

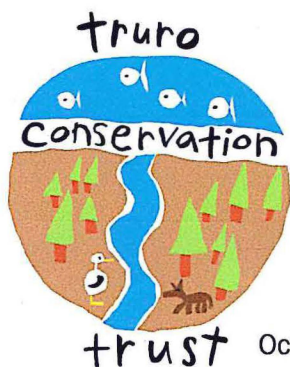
We urge the Council to vote in favor of implementing a buffer zone that protects river herring and other species vulnerable to the impacts of midwater trawl gear so that critical ecosystems inshore and offshore can flourish. By doing this, the Council takes into consideration the vulnerability of forage fish to overfishing, their importance to all fisheries, the impact on river herring, and thereby protecting other key species for future generations.

Sincerely,

  
Don Palladino, President  
Friends of Herring River

Friends of Herring River P.O. Box 565, South Wellfleet, MA 02663  
(508) 214 0656 [www.friendsofherringriver.org](http://www.friendsofherringriver.org)

26 10/23/17



# Truro Conservation Trust

P. O. Box 327  
North Truro, MA 02652

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

October 12, 2017

Thomas A. Nies, Executive Director  
New England Fishery Management Council  
50 Water Street, Mill #2  
Newburyport, MA 01950  
Fax: (978) 465-3116

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Attn: Atlantic Herring Localized Depletion Alternative

Dear Mr. Nies,

Thank you for the opportunity to comment on Amendment 8 to the Atlantic Herring Fishery Management Plan. The Truro Conservation trust is a leader in acquiring and maintaining open space to sustain Truro as a livable, healthy, and vibrant community for current and future generations. Our mission is to help preserve the rural character, habitat, and environment of the Town of Truro. Truro is a partner in the Friends of Herring River, which is actively engaged in the planning and implementation of restoration projects, education and outreach, and conducting run counts of the river each spring.

The concept of localized depletion on Cape Cod species is an issue that has been felt significantly among the towns and communities who strive to preserve the natural heritage of the region. While many species have been impacted (such as bluefin tuna, cod, and striped bass) one species that has suffered from voracious midwater trawls near our shores is river herring, whose fishery dates back more than 350 years. After river herring complete their freshwater spawning runs in places like the Herring River, they return to the ocean where they reside with other forage species, and are captured in the gear of a midwater trawler targeting Atlantic herring.

For the past 12 years, the state has enforced a moratorium on fishing river herring, and the species currently resides on NOAA's Species of Concern list. While numbers of river herring in some areas have increased slightly during that time, due to moratoria and costly restoration efforts, the population of river herring is not stable or recovered to its previous levels. On the Herring River, the estimated run size in 2009 was 21,870. In 2016 it was 12,874. This is because large offshore trawlers have been allowed to continue catching river herring as bycatch-an amount which nearly doubled last year. As if to add insult to injury, residents of Cape Cod are not allowed to catch so much as a single fish. It begs the question: if river herring continue to be caught in large numbers by federally permitted midwater trawlers, how can they return to freshwater spawning grounds?

db 10/19/17

On the Herring River and around Cape Cod, we rely on a network of local volunteers to monitor herring runs to demonstrate the success of our restoration projects, but that success may be fleeting if the nearshore bycatch from midwater trawls is not stopped. The significant irony in this is that restoration projects that seek to improve habitat are funded in no small part by federal grants. To date, \$10 million dollars has been spent to conduct environmental studies, planning, engineering and preliminary design. \$1 million dollars alone has been provided this year by NOAA for the project (which is in its third year of a \$3 million grant). This trend has been echoed in runs across Cape Cod.

We urge the council to vote in favor of implementing a buffer zone that protects river herring and other species vulnerable to the impacts of midwater trawl gear so that critical ecosystems inshore and offshore can flourish. The council has a responsibility to take these factors into consideration to protect forage fish so that species like river herring can recover and the resource can persist for future generations. We do not presume to opine on the size of the buffer zone, but expect that it needs to be significantly larger than its current size.

Thank you for considering our opinion on this significant environmental issue.

Sincerely,

A handwritten signature in black ink that reads "Fred Gaechter". The signature is written in a cursive, flowing style.

Fred Gaechter  
Chairman, Truro Conservation Trust



EASTHAM CONSERVATION FOUNDATION, INC.  
POST OFFICE BOX 183, EASTHAM, MASSACHUSETTS 02642  
[www.easthamcf.org](http://www.easthamcf.org) [trails@c4.net](mailto:trails@c4.net)



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

October 12, 2017

Attn: Atlantic Herring Localized Depletion Alternative

Dear Mr. Nies,

Thank you for the chance to comment on Amendment 8 to the Atlantic Herring Fishery Management Plan. The Eastham Conservation Foundation (ECF) is the only non-profit, private land trust located in, and serving the Town of Eastham. Founded in 1978, we are an all-volunteer outfit, with a mission of protecting land and assisting the Town in conservation efforts and protection of natural resources, of which our estuaries, ponds, bay, and ocean are critical for residents and visitors.

We are very concerned about the impact of midwater trawlers that target Atlantic herring on our river herring. We have 2 herring runs in Eastham that have been restored in recent years to improve the passage of river herring to vital spawning grounds in Bridge Pond and Herring Pond. We rely on a network of dedicated local volunteers to monitor both of our runs, and, despite improved access and passage along our largest run (Bridge Pond), the estimated numbers have fallen drastically, from 8188 in 2014, to 1932 in 2016. We are waiting final estimates for this past season, but anecdotally we heard from volunteers that numbers were down even more. After river herring complete their freshwater spawning runs, they return to the ocean where they reside with other forage species, and are at high risk of being captured in the gear of midwater trawler targeting Atlantic herring.

For the past 12 years, the state has enforced a moratorium on fishing river herring, and the species currently resides on NOAA's Species of Concern list. While numbers of river herring had started to increase due to the moratoria and costly restoration efforts on Cape Cod, the population is not stable or recovered to previous levels (based on historical landings data). This is likely due to large offshore trawlers which have been allowed to continue catching river herring as bycatch, with the number nearly doubling this fishing year. If river herring continue to be caught in large numbers by federally permitted midwater trawlers, how can they return to freshwater spawning grounds?

We urge the council to vote in favor of implementing a sensible buffer zone that protects river herring and other species vulnerable to the impacts of midwater trawl gear so that critical ecosystems inshore and offshore can flourish. The council should take into consideration the vulnerability of forage fish to overfishing, their importance to all fisheries, and vote accordingly to protect our river herring, and other key species for future generations.

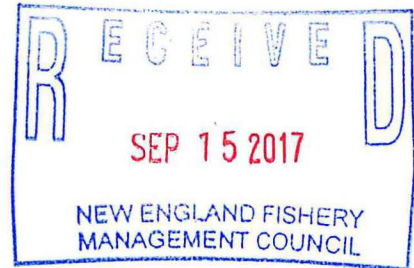
Sincerely,

Henry Lind, President  
Eastham Conservation Foundation  
P.O. Box 183  
Eastham, MA 02642  
[easthamcf.org](http://easthamcf.org)  
[trails@c4.net](mailto:trails@c4.net)

## Sherie Goutier

---

**From:** Denise Timmerman <jerseydee727@yahoo.com>  
**Sent:** Friday, September 15, 2017 9:04 AM  
**To:** comments  
**Subject:** Serious



1. Thomas A. Nies, Executive Director  
New England Fisheries Management...t Council  
50 Water Street, Mill 2  
Newburyport, MA 01950
2. Re: Amendment 8 Re-Scoping comment
3. Dear Mr. Nies,
4. I am writing to encourage the Council to use Herring Amendment 8 to ban midwater trawling from New England's inshore waters.
5. For many years, fishermen have seen the damage these boats have caused to the forage base. At a time when the rest of the industry is struggling due to strict regulations, it is impossible to believe that massive "midwater" trawlers are allowed to continue to devastate the very species that keeps the inshore ecosystem healthy. Most every fishing-related business in New England relies on the inshore waters and allowing these boats to fish there is drastically impacting the locals. They deplete the bait on one important piece of sea bottom after another, leaving nothing to keep predators around (or bring them in to begin with.)
6. How long will it take for the Council to finally correct this problem? I am hopeful that it will not take much longer. If you walk around the docks, you would see clearly that there is overwhelming support for removing these boats from the inshore areas. The Summer buffer zone in Area 1A did a tremendous amount for the ecosystem and those that rely on it. But it was not enough, as they can dramatically impact the herring in 1A in the Fall and off Cape Cod and southern New England year-round. Therefore, the Council should make it so the 1A ban is year-round and should also create a similar inshore buffer throughout Southern New England.
7. Your council spends a great deal of time and effort managing the predator stocks that drive the most valuable fisheries, but then you allow these boats to undercut all of your efforts by depleting the herring. No amount of rules will allow ocean the predators to thrive if there is no food. And without predators, the countless valuable inshore fisheries and the shore businesses that support them will suffer. Please use Amendment 8 to fix this problem. We are all behind you in this effort.
8. Thank you,

## Sherie Goutier

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**From:** Richard LaBelle <labellerc@yahoo.com>  
**Sent:** Friday, September 15, 2017 9:55 AM  
**To:** comments  
**Subject:** Pair Trawls



New England Fishery Management Council  
50 Water Street, Mill 2  
Newburyport, MA 01950

Re: Amendment 8 Re-Scoping comment

Dear Mr. Niles

I am writing to encourage the Council to use Herring Amendment 8 to ban midwater trawling from New England's inshore waters.

For many years, fishermen like myself have seen the damage these boats have caused to the forage base. At a time when the rest of the industry is struggling due to strict regulations, it is impossible to believe that massive "midwater" trawlers can hammer the very species that keeps the inshore ecosystem healthy. Most every fishing-related business in New England relies on the inshore waters and allowing these boats to fish there is drastically impacting us all. They wipe the bait out on one important piece of bottom after another, leaving nothing to keep predators around (or bring them in to begin with.)

How long will it take for the Council to finally correct this problem? I am hopeful that it will not take much longer. If you walk around the docks, you would see clearly that there is overwhelming support for removing these boats from our inshore areas. The summer buffer zone in Area 1A did a tremendous amount for the ecosystem and those of us that rely on it. But it was not enough, as they can hammer the herring in 1A in the fall and off Cape Cod and southern New England year-round. Therefore, the Council should make it so the 1A ban is year-round and should also create a similar inshore buffer throughout Southern New England.

You all spend a great deal of time and effort managing the predator stocks that drive our most valuable fisheries, but then you let these boats undercut all of your efforts by depleting the herring. No amount of rules will allow these predators to thrive if there is no food. And without predators, our countless valuable inshore fisheries and the shore businesses that support them will suffer. Please use Amendment 8 to fix this problem. We are all behind you in this effort.

Thanks, R.C. LaBelle

## Sherie Goutier

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**From:** Hermene Anderson <hermene1@mac.com>  
**Sent:** Thursday, September 14, 2017 2:26 PM  
**To:** comments  
**Subject:** Amendment 8 Re-Scoping comment

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



Re: Amendment 8 Re-Scoping comment

Dear Mr. Nies

I am writing to encourage the Council to use Herring Amendment 8 to ban midwater trawling from New England's inshore waters.

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Thanks,  
Hermene Anderson  
Promotional Marketing Specialist  
A&M Group, Inc. Southern Division  
504-258-1966  
hermene@aandmgroupinc.com  
www.aandmgroupinc.com  
"Our Business Is Increasing Yours"  
ASI# 101474

Sent from my iPhone



## Sherie Goutier

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**From:** lguay8@gmail.com  
**Sent:** Thursday, September 14, 2017 2:45 PM  
**To:** comments  
**Subject:** Amendment 8 Re-Scoping comment

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



Re: Amendment 8 Re-Scoping comment

Dear Mr. Nies

I am writing to encourage the Council to use Herring Amendment 8 to ban midwater trawling from New England's inshore waters.

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Thanks,

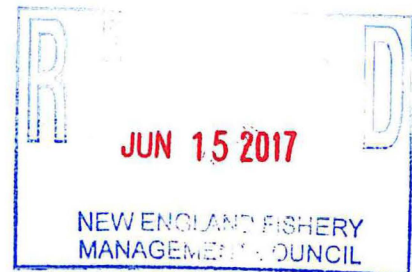
Lorraine Guay

MA Cooperative Fish and Wildlife Research Unit  
Department of Environmental Conservation  
[hgovert@umass.edu](mailto:hgovert@umass.edu)

# UMassAmherst

15 Jun 2017

Thomas A. Nies, Executive Director, [tnies@nefmc.org](mailto:tnies@nefmc.org)  
Dr. John F. Quinn, Chairman, [jquinn3@umassd.edu](mailto:jquinn3@umassd.edu)  
New England Fishery Management Council  
50 Water Street, Mill 2  
Newburyport MA 01950



Dear Dr. Quinn and Mr. Nies,

I am writing to provide seabird data collected within the last year that may be of use to the NEFMC's development of Amendment 8 to the Atlantic Herring Fishery Management Plan. I have been following development of this amendment with great interest and recently attended the Herring MSE Peer Review via webinar, where I was pleased to hear that data on the productivity and diet of Common Terns was being used to inform the development of a new harvest policy for this important forage species. More recently, I attended a sandlance workshop where Council staff, Deidre Boelke, provided a very enlightening presentation about the NEFMC's management procedures, including an update on efforts to set a temporal and spatial buffer zone to address concerns about localized depletion of Atlantic herring. In light of this, and to help inform the NEFMC's analysis of the range of closure alternatives, I would like to bring to your attention newly acquired data on the foraging ranges of Atlantic Puffins, Common, and Roseate Terns based on recent tracking studies.

Atlantic Puffins in Maine specialize on herring, which comprised the majority of their diets from 1995-2012 (up to 94 %; Lauren Scopel, unpublished data). Herring is also one of the top two most dominant prey items fed to tern chicks in Massachusetts, composing over 20% of their diet (Goyert 2015, see Table 1 copied below). Consequently, the distribution and abundance of herring is a significant predictor of the spatial distribution and abundance of Common and Roseate Terns (Goyert 2014, see Fig. 2a, d, Fig. S1b). The Outer Cape Cod contains a Common and Roseate Tern foraging hotspot particularly in the vicinity of Monomoy. This island is the largest breeding ground of Common Terns in New England, supporting over 10,000 individuals. Common and Roseate Terns breed in the area from May-Jul and then spend Aug-Sep foraging offshore Cape Cod (Goyert et al. 2014, see Fig. 1), prior to migrating to South America. The Gulf of Maine and adjacent waters are critical to the population recruitment of terns from May-Sep, since they have only a few weeks to provide their chicks and fledglings with the energetic requirements required to make the long journey. Common Terns are considered a species of Special Concern in MA and other New England states, and Roseate Terns are federally listed as Endangered. In the last three years, we have been tagging Common and Roseate Terns to delineate their foraging ranges during the breeding and post-breeding seasons. Prior to our study, it was thought that terns and Atlantic Puffins (Linda Welch, pers. comm.) foraged up to 30 km (16 nm) away from the colony to feed their chicks at the nest (e.g., June-July, Fig. 1 below). Since then, we have documented several foraging bouts of adult terns traveling between sites located up to 50 km (27 nm) apart (e.g., Monomoy-Buzzards Bay).

*h govert*

It is important that this 50 km (27 nm) foraging range be taken into consideration when the NEFMC considers management measures to address localized depletion in Amendment 8. I have sent some materials to Deidre Boelke but please contact me if you need me to provide further documentation/data or if you have any questions about this information.

Thank you,



Holly F. Goyert, PhD  
Postdoctoral Research Associate  
University of Massachusetts—Amherst  
Department of Environmental Conservation  
MA Cooperative Fish & Wildlife Research Unit

CC: Peter Kendall, Herring Committee Chair, [peter.kendall@comcast.net](mailto:peter.kendall@comcast.net)  
Deidre Boelke, Atlantic Herring Fishery Analyst, [dboelke@nefmc.org](mailto:dboelke@nefmc.org)

## References

Goyert HF (2014) Relationship among prey availability, habitat, and the foraging behavior, distribution, and abundance of common terns *Sterna hirundo* and roseate terns *S. dougallii*. Marine Ecology Progress Series 506:291-302

Goyert HF, Manne LL, Veit RR (2014) Facilitative interactions among the pelagic community of temperate migratory terns, tunas and dolphins. Oikos 123:1400-1408

Goyert HF (2015) Foraging specificity and prey utilization: evaluating social and memory-based strategies in seabirds. Behaviour 152:861-895

**Table 1.**

Prey composition (proportion) of nest-provisioning at Bird Island, 2009–2011.

	2009		2010		2011	
	CT	RT	CT	RT	CT	RT
Sandlance	0.41	0.87	0.31	0.64	0.17	0.57
Herring	0.16	0.08	0.27	0.28	0.20	0.18
Anchovy	0.05	0.02	0.01	0.00	0.20	0.13
Shrimp	0.10	0.00	0.04	0.00	0.09	0.00
Other	0.12	0.01	0.10	0.00	0.04	0.00
Unknown	0.16	0.02	0.27	0.08	0.30	0.12
<i>N</i>	385	245	169	88	359	169

Proportions indicate the relative number of prey delivered to chicks by common (CT) and roseate terns (RT), from June–July, by year (*N*).

from Goyert 2015

## Common Tern Colony Size and Foraging Distance

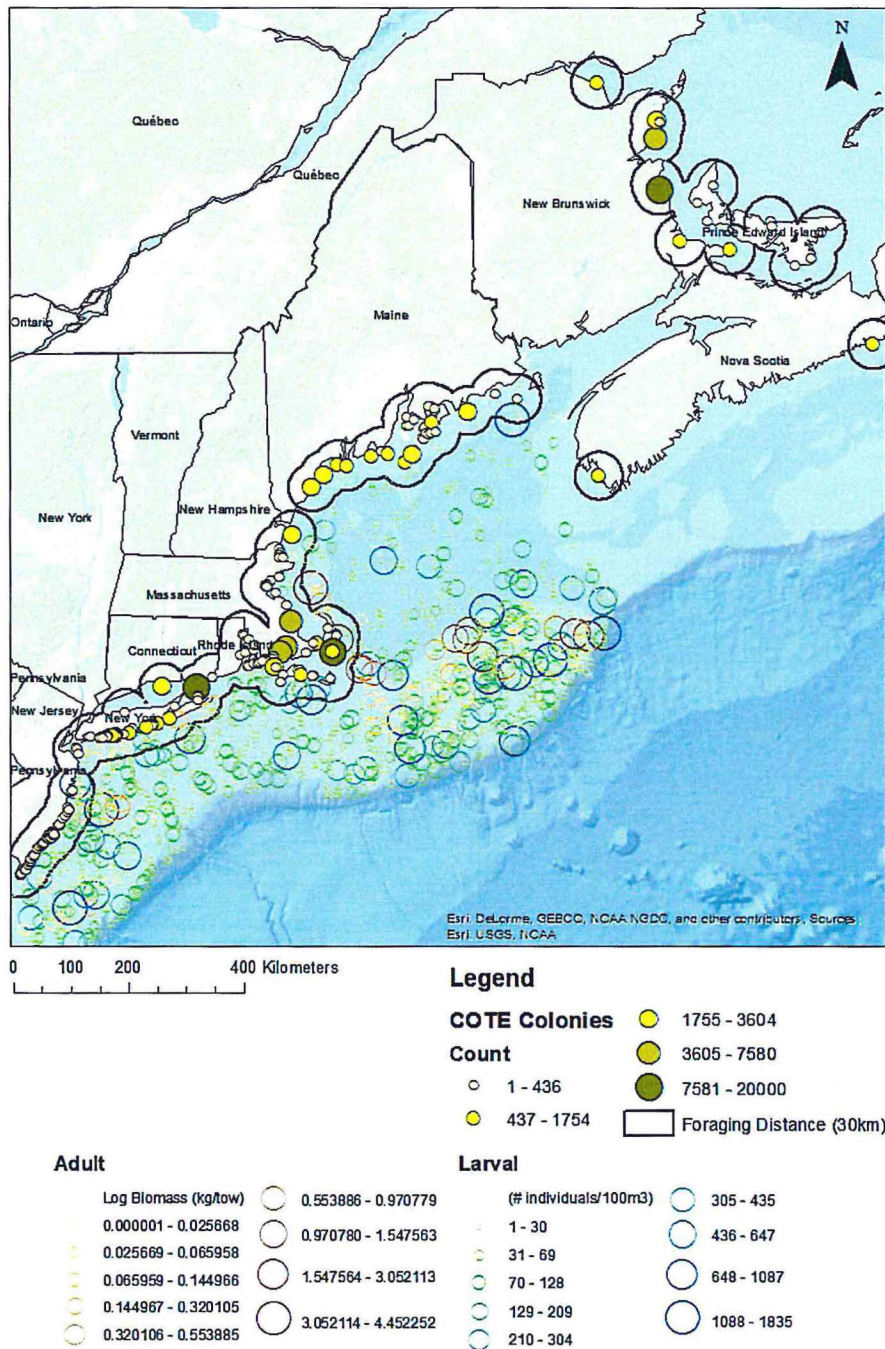


Figure 1. A map of Common Tern foraging ranges around their breeding colony locations (and sizes) in the Northeast U.S. The black line indicates a foraging distance of 30 km from each colony (yellow solid circles); recent data suggest that their maximum breeding range is at or above 50 km. The open circles indicate locations where sandlance were sampled by the NOAA Ecosystems Monitoring Survey 2005-2015. This figure was produced for the May 2017 Sandlance Workshop by Isabel Brofsky, Masters candidate in the Department of Environmental Conservation at UMass Amherst. MA colony data provided by Massachusetts Division of Fisheries & Wildlife.