#9

CORRESPONDENCE

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

APR 26 2018

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

Dear Tom:

In a letter dated April 25, 2016, you requested that my staff provide baseline information on compliance related to harvester and dealer reporting. The intent of the request was to share this information with the Groundfish Plan Development Team (PDT) as this information was not accessible to the group. You noted that it was important for the PDT to have information on each piece of the groundfish monitoring program to best inform where and how accuracy and precision in groundfish catch reporting can be achieved.

In response to this request, my staff met with a member of your staff to share this information and subsequently discussed this information with the PDT. Since that time, Council staff has requested an updated presentation with more detailed information to help support development of Amendment 23 to the Northeast Multispecies Fishery Management Plan. My staff presented this updated information at the April 25, 2018 meeting of the Groundfish PDT. We also plan to present this information at the Groundfish Committee and Advisory Panel meetings in May.

My staff is also available should follow-up information or additional presentations be requested by you or your staff. If you have any questions, please contact David Gouveia at (978) 281-9280 or David.Gouveia@noaa.gov.

Sincerely,

David Gouveia

for Michael Pentony
Regional Administrator

cc: David Gouveia
Moira Kelly
Sarah Heil

New England Fishery Management Council
50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
John F. Quinn, J.D., Ph.D., Chairman | Thomas A. Nies, *Executive Director*

April 26, 2018

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

Dear Mike:

On April 18, 2018, the New England Fishery Management Council consulted with the National Marine Fisheries Service regarding Northeast Fishery Sector (NEFS) IX and passed (by a 7-5 margin with 5 abstentions) the following motion:

> *"that the Council recommends the Agency use their administrative authority to enable the following:*
> - *Authorize the fishing years 2017 and 2018 Northeast Fishery Sector (NEFS) IX "Lease Only" operations plan with the condition that all overages attributable to the known misreporting are repaid in full.*
> - *Following the full repayment of the NEFS IX overages, authorize the fishing year 2018 Sector Sub-annual catch limit associated with permits now enrolled in NEFS VII by working with the sector to ensure that the fishing year 2018 NEFS VII sector operations plan and associated conditions are fully implemented. These vessels will remain inactive except for trading purpose until they are sold."*

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

Sincerely,

Thomas A. Nies
Executive Director

Gulf of Maine Research Institute
Science. Education. Community.

Independent Consulting

Implementing and Improving Electronic Reporting and Monitoring in New England Fisheries

Steven J Kennelly

IC Independent Consulting

Mark Hager

Gulf of Maine Research Institute

March 2018

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Executive Summary

This document reports on an independent examination of the work done, and that remains to be done, to implement Electronic Reporting (ER) and Electronic Monitoring (EM) technologies into the commercial fisheries of New England. This project was led by Prof Steve Kennelly from IC Independent Consulting as an independent expert from outside the region, with Mark Hager, who leads the Gulf of Maine Research Institute's EM efforts, providing regional expertise. This project examined a host of documents and interviewed over 80 people throughout the New England region, including fisheries managers, scientists, fishermen (here we use the region's convention of a masculine gender for this term) and their representatives, staff and members of the New England Fisheries Management Council, state fisheries staff and an academic. We also assembled a Project Oversight Group of key stakeholders to liaise with during the project.

Electronic Reporting means the reporting of information about fishing activities (locations, times, catches, bycatches including discards, interactions with protected species, etc.) by fishermen using some sort of electronic means – as compared to paper-based reporting using logbooks (or, as they are known in New England, Vessel Trip Reports – VTRs). In New England, ER mostly refers to the submission of VTRs by electronic means (eVTRs). There are 6 approved eVTR applications used in the region with over 85% of data collected by them coming from the NEFSC's Fisheries Logbook and Data Recording Software (FLDRS) system. This system was designed to capture data to complement observer data and to enhance the use of fishermen's data in management, assessments and other studies. But, by default, because of its history and advanced level of use, it has become the main tool used for ER in the region.

Electronic Monitoring refers to the use of cameras and other sensors onboard vessels to record similar types of information about fishing activities as mentioned above for ER. It is commonly used as a means to validate self-reported data from fishermen. Two models for its implementation are currently being examined for regulated groundfish species in New England: an audit model which involves viewing a random subset of video to validate (ie make more accountable) the data reported by fishermen using logbooks, and a maximum retention model which involves having vessels retain all fish of certain species which is recorded by a dockside monitor when landed, with cameras used on the vessel to verify that no discards occurred at sea.

In synthesizing all the information gathered during the project, we firstly categorized the various issues identified as those that are facilitating or impeding the implementation of ER and EM, respectively. From these many positive and negative issues, several consistent themes emerged which form the basis of this report and the associated recommendations.

Firstly we noted that, in New England, like elsewhere, most stakeholders were quite accepting of the eVTR system as a replacement for paper-based VTRs. The obvious advantages of such a system, in addition to society's general trend towards paperless processes, mean that most fishermen, managers and scientists have few negative concerns with this form of reporting – the main exception being those few fishermen who are uncomfortable with computers in general.

But we concluded that what is required is a simpler, easier-to-use system than those currently available - whose software can accommodate all fishing methods but be able to be used on a variety of platforms - such as tablets, smartphones and laptop computers. This would allow for New England's diverse fisheries to choose what works best for them and to use current equipment already aboard if they wish. Such a system should use WIFI technology (at the dock), cellular networks (when in range) and/or even satellite uploading (when not in range) to transmit data in close to real time. This should allow quick calculations of quotas and feedback to fishermen, so they can adjust their holdings and operations accordingly.

Ideally, the development, implementation and routine use by fishermen and government agencies of such a system would have been the first step in a strategic, longer-term and staged approach to achieve the ultimate goal of a modern way to monitor fisheries in New England: **one that incorporates eVTRs, VMSs and EM cameras (the latter used as a validation tool for compliance) into one paperless, close-to-real time reporting system**. That is, it would have been more effective if efforts in New England concentrated on firstly developing a simple ER system and allowing a period of time for not only debugging and to get fishermen familiar with the system, but also for fisheries management agencies, scientists and government-based data handling systems to adjust their processes to be able to deal with the information. Then, after such a period, when all stakeholders are comfortable with the system, should have come the next (more difficult and controversial) step involving the validation of the data collected using EM cameras. But we cannot turn back time and there have been sufficient advances in recent years in EM to warrant its continued development and use in the region. Indeed, the many issues regarding EM implementation that have arisen out of the numerous projects done and/or underway provides significant momentum and an excellent platform on which to build a good EM system that eventually will be able to validate the data coming from a full ER system and so achieve the ultimate goal mentioned above in **bold**.

To achieve this end, we considered the various issues we identified regarding EM in the following categories: Technology, Leadership and Planning, Program Design, Incentives and Costs, Privacy Concerns, Education and Outreach, and Choke Species Reporting. From this analysis, we identified a series of steps that should, if adopted, eventually lead to a modern, technologically-based monitoring and reporting system for the region's fisheries within the next 5 years (noting that projecting a longer time-frame in such a rapidly advancing technological field is inappropriate).

1. The first step should be to identify and establish (as soon as possible) a lead group to strategically plan and implement ER and EM in the region, run by the federal government (NOAA) and their main end-users of the information - fisheries managers, stock assessment scientists, protected species scientists and compliance officers. The group should also include fishing industry representatives, sector managers, state governments, technical experts and NGOs.
2. Next, this group should facilitate, within the next year or so, the development of a simplified, easy-to-use, ER system.

3. While this system is being built, GARFO and NEFSC should try to adjust their data-handling and analytical processes to accommodate the data streams provided from such a system.
4. Implement this ER system throughout the region, noting that some exceptions using paper-based VTRs will be required for those fishermen uncomfortable with the technology.
5. While Steps 2, 3 and 4 are occurring (i.e., over the next 1-3 years), continue the development of both the audit-based and maximum retention-based EM systems currently being pursued where: the audit system should focus on requiring a modest amount of video review and be fine-tuned for use on as many gear types as possible; and the maximum retention system should become more of an "optimal retention" system for use in those situations where EM has particular difficulty in validating ER data.
6. Continue to resolve other key issues with EM implementation, especially those concerned with privacy and choke species.
7. Continue to encourage the development of other, more longer-term improvements in EM systems (i.e., at a 3-4 year horizon) - including the automation of video review and the streamlining of data transmission and storage – while engaging with other regions and countries who are doing the same.
8. Once the work under Step 4 (ER implementation) has become routine for fishermen and government agencies, begin the rollout of the EM systems developed under Step 5, incorporating solutions from Step 6 and, if available, those developed in Step 7.
9. Link the ER and EM systems that should now be occurring into one ongoing system that should be flexible enough to incorporate additional technological innovations as they occur.
10. While all the above is occurring, a dedicated outreach and education program about ER and EM is required to gain support and ownership of the system by all stakeholders in the region.

Background and Conduct of this Project

This document reports on an independent examination of the work done, and that remains to be done, to implement state-of-the-art Electronic Reporting (commonly abbreviated as "ER") and Electronic Monitoring (using cameras – commonly abbreviated as "EM") into the commercial fisheries of New England - in particular the groundfish fisheries of the region. It is the main deliverable from a project funded by the National Fish and Wildlife Foundation (NFWF) who has funded a significant number of projects concerning ER and EM in the region and is looking for a way forward for future investment in this area.

The main objectives of this project were to deliver: (i) an independent review and synthesis of past and present work in this field, (ii) current and future stakeholder needs for such data in New England, and so provide (iii) a roadmap to achieve a technologically-based fisheries data collection system for the fisheries of the region.

It should be noted that this project differs (in its funding source, scope and objectives) from the current Fishery Dependent Data Modernization effort being led by NOAA in the region. So, whilst our observations and conclusions may prove useful to that larger effort, our project has not been designed to specifically inform that work.

Early in this project we established a Project "Oversight Group" of key stakeholders in the region, with whom we could liaise about the project, its conduct, progress and key findings. This group was comprised of representatives from the New England Fisheries Management Council (NEFMC), the Greater Atlantic Regional Fisheries Office (GARFO), the Northeast Fisheries Science Center (NEFSC), the Maine Coast Fishermen's Association, the Nature Conservancy and the Commercial Fisheries Research Foundation (CFRF).

The first stage of this project involved the collection, examination and preliminary analysis (through desktop review) of all relevant material that could be obtained up-front. In particular, we briefly summarized recent work done in the field of ER and EM throughout the world and the 24 initiatives that have been focused in New England. An Inception Report was prepared in November 2017 that summarized this material, provided preliminary findings and a methodology detailing subsequent stages of the project. This report was shared with the Oversight Group whose feedback was incorporated. Included in this final report in Appendix 1 is our summary of the various ER and EM projects run in New England.

The next stage of this project was the main fact-finding step which involved an intensive period of interviews and meetings in New England with as many relevant stakeholders as possible during November and December 2017. These meetings were held in meeting rooms, offices, people's homes, coffee shops, on boats and docks throughout Maine, New Hampshire, Massachusetts and Rhode Island. Several phone hook-ups with people were also held while in the US and back in Australia.

Over 80 people were personally interviewed for this review, most in person, some in groups and only a few by phone. Some people were interviewed more than once. Some did not care about anonymity, others asked for complete anonymity, and others asked that their comments remain anonymous. So, to respect those latter wishes, and for the sake of uniformity, we do not provide any names in this report. However, the affiliations of those people interviewed were: 21 Fishermen (in this report we use New England's convention of a masculine gender for this term), 10 representatives from Fishermen's Associations, 23 staff from the Northeast Fisheries Science Center (NEFSC), 10 staff from GARFO, 7 Electronic Monitoring providers and technicians, 5 NGO representatives, 4 New England Fisheries Management Council staff and/or members, a Massachusetts state government representative and an academic.

All information collected was then synthesised and drafted into a draft final report, which we shared with the Oversight Group who provided comments which were incorporated as appropriate. We then provided presentations about our findings to the January NEFMC meeting, to GARFO and to the NEFSC. Additional information was provided to us at these meetings and incorporated into this final report.

During the course of this project, several themes emerged that gradually became regular in their occurrence and led us to be quite confident that we were getting a reasonably accurate impression of key issues. These issues form the basis of this report and its recommendations.

Introductory Comments

When introducing a project about fisheries monitoring and reporting, it is useful to first remind ourselves why we monitor the catches, bycatches (including discards) and protected species interactions involved with fishing activities. And the answer is two-fold. Firstly, we monitor these things because the natural resources involved are publicly-owned and managed by governments on behalf of that public. And, as for the proper stewardship of any property, it is appropriate that the owners of that property are provided with reports of its status and sustainability. Secondly, we monitor these things because it is logical that their stewardship and management should rely on information that comes from those who are most familiar with them – ie. the people who engage (at the most intimate level) with fisheries stocks every day - fishermen.

Fisheries management (at its most basic level) involves the interplay between our current generation's need to exploit seafood and humanity's need to do so sustainably or, in other words, forever. And perhaps the most famous (or infamous, depending on one's point of view) example of this interplay concerns the fisheries of the New England region of the USA.

The management of fisheries in New England is, without doubt, one of the world's most complex, having evolved over centuries under a unique array of influences including: a wide variety of fishing vessels and methods; a high diversity of species, some of which have booms and busts; significant public scrutiny and media attention; politics; litigation; and a rich and colourful 400-year history. There are also a host of entities involved in this landscape including commercial and

recreational fishermen, fishing industry associations, government-based federal and state agencies, fisheries managers, scientists, Management Councils, Fishing Sectors, universities, funding bodies, NGOs and politicians.

The monitoring of stocks and fisheries amongst all this complexity has not been without its challenges over a long period of time. Indeed, it is true to say that the New England region in the United States has seen the development and implementation of some of the first and most sophisticated fisheries monitoring programs in the world - its lengthy history of fisheries-independent surveys and observer programs providing among some of the largest and best sets of fisheries-related data anywhere. And of particular relevance to this project, the region is also among the pioneers for developing what many see as the next generation of fisheries monitoring tools – those involving technologies used in ER and EM. Like many other parts of the world, however, the actual implementation of such technologies into mainstream data collection systems has not been as rapid or as complete as many stakeholders (including some in the fishing industry itself) would wish. And this project tries to address this issue and so provide a way forward for its resolution.

The remainder of this report divides the various issues identified during this project into those concerned with the reasons for and against the implementation of ER and EM in New England, followed by a discussion of these issues and the development of a recommended pathway forward in how to proceed.

Electronic Reporting (ER)

In the field of fisheries monitoring and reporting, Electronic Reporting (ER) basically means the reporting of information about fishing activities (locations, times, catches, bycatches including discards, interactions with protected species, etc.) by fishermen using some sort of electronic means – as compared to paper-based reporting using logbooks (or, as they are known in New England, Vessel Trip Reports – VTRs). In New England, ER mostly refers to the submission of VTRs by electronic means (eVTRs). There are 6 approved eVTR applications in use across various fisheries New England (approx. 150 vessels across all fisheries). These are:

1. NOAA's Fisheries Logbook and Data Recording Software (FLDRS)
2. The Standard Atlantic Fisheries Information (SAFIS) eTrips Mobile (soon to be made mandatory in the Mid-Atlantic Charter fishery),
3. Electric Edge's Fishing Activity & Catch Tracking System (FACTS™),
4. Ecotrust Canada's Electronic Logbook (Elog),
5. Olrac's Dynamic Data Logger (DDL), and
6. NOAA's Fish Online.

The vast majority (over 85%) of data up to the present time from these 6 systems has come from the NEFSC's Fisheries Logbook and Data Recording Software (FLDRS) system. This system was originally designed to capture data to complement observer data, as a means of enhancing the use

of fishermen's information in management and assessments, and to support other studies. It involves fishermen recording data onto laptops (mostly supplied by NOAA and kept in their wheelhouses) which is later transmitted to NOAA – mostly via memory sticks (which are posted or collected by NOAA staff) or, more recently in some locations, by WIFI or by VMS. By default, because of its history and advanced level of use, the FLDRS system has become the main tool used for eVTR in the region.

Issues Facilitating Implementation

During this project, we identified several advantages for using ER technology which have assisted in its gradual (though by no means complete) uptake in the region:

- Firstly, the use of eVTRs is seen by many as a naturally-occurring societal trend – where more-and more aspects of day-to-day modern life are becoming paperless due to the speed, costs and environmental savings associated with avoiding paper-based transactions;
- Indeed, that subset of New England fishermen using these systems feel it is just easier than the paper version;
- eVTR systems are more efficient and quicker in data-delivery than the paper-based system by:
    - removing the need for data entry staff,
    - avoiding double-handling of data and associated entry errors; and
    - avoiding ambiguity caused by interpreting a diversity of hand-writing styles.
- ER has the potential to allow automated quality assurance and control capability where obvious errors can be flagged at the point of data entry;
- In New England's Sector-based fisheries management system, the use of eVTR data potentially provides a rapid way to determine quota allocations for fishermen so that they can adjust their quota holdings and/or fishing practices accordingly;
- It also has utility in providing the information required for current and future initiatives concerning the traceability and eco-labelling of seafood; and
- It is consistent with the NEFSC's Strategic Science Plan 2016-2021 which has several themes, foci and targets involving the fishing industry providing scientific information needed to manage fisheries.

Issues Impeding Implementation

With the above advantages of such a system, we were somewhat surprised that, currently, only a minority of fishermen in New England use this system to report their activities. The following is a summary of the issues we identified that seem to be hampering its more widespread adoption:

- Firstly, the eVTR system mostly used in New England (the FLDRS system) is provided by NOAA who supply and install a laptop with FLDRS software on each vessel, provide training in the FLDRS system, retrieve the data and provide ongoing support. This all costs significant resources and, to date, there has only been sufficient funds to provide a relative small subset of fishermen with the technology;

- The FLDRS user platform is considered to be not as easy to use at it could be (at least in comparison, for example, to the tablet-based eTrips mobile App) – especially on smaller boats and for some fishing methods where the need to run back and forth from the wheelhouse to access the laptop is problematic. We do note, however that the NEFSC is in the process of updating FLDRS which may assist in this regard;
- In many locations, the data transmission system is outdated (although we are advised that some new initiatives in this area are currently underway), relying on transfer via memory sticks, staff downloading the data personally, and/or captains taking laptops home to transfer data - rather than using WIFI dockside, cellular transmission when in range or satellite transmission when not;
- The age dynamics of some captains means that they are less comfortable with computers than others and are therefore not willing, or able, to use the technology;
- Many interviewees felt the discard data provided by their eVTRs, and paper VTR's for that matter, are not used in stock assessments as fully as they could be, so fishermen are less accepting of any new technology that purports to provide such information.
- NOAA confirms that there exists a requirement specific to vessels using EM that eVTRs must be completed on a haul-by-haul basis rather than at a subtrip level. This adds to fishermen's workloads and can interfere with fishing practices.

Electronic Monitoring (EM)

Electronic Monitoring is a relatively new term in fisheries and refers to the use of cameras and other sensors onboard vessels to record similar types of information about fishing activities as we mentioned previously for ER (ie. locations, times, catches, bycatches including discards, interactions with protected species, etc.). Throughout the world, a major use of EM is as a method to validate, and make more accountable, the information provided by fishermen in their (paper or electronic) logbooks. Whilst some believe that, eventually, EM systems may be able to do all fisheries monitoring and replace the need for observers and fishermen's self-reported data, the economics associated with video review and the sophistication of the existing technology to achieve this is still some years away.

In New England, two models for its implementation are currently being examined for regulated groundfish species: an audit model and a maximum retention model.

The audit model for EM is the most commonly used application of EM throughout the world and basically involves viewing a random subset of video and/or still photography to validate the data reported by fishermen on logbooks (in New England this would be using VTRs or eVTRs). The experience elsewhere suggests that such an audit system greatly improves the quality (in accuracy and precision) of self-reported data from fishermen.

The maximum retention model for EM involves having vessels retain all fish from certain species no matter their size which is examined and recorded by a dockside monitor when landed. Cameras

are used on the vessel to verify that no groundfish discards occurred at sea. The program being explored mandates retention of all 13 groundfish species allocated under the Multispecies FMP.

Issues Facilitating Implementation

During this project, we identified many advantages associated with using EM in New England's fisheries, many of which are common to any such application throughout the world:

- Firstly, throughout the world, a major reason given for using EM (especially as an audit tool where a fraction of video is examined) is that, intuitively, it should cost less to use cameras than paying human observers to collect similar information - noting that cameras will never replace all functions of an observer such as taking biological samples, interacting with fishermen, etc..
- It also removes other concerns regarding the use of human observers such as:
    - Safety concerns for the observer, crew and vessel where carrying an extra person unfamiliar with a vessel can compromise safe work practices;
    - Crowding onboard; and
    - The need to have additional accommodations, equipment and victualling on board.
- It also has the potential to reduce the need for fishermen (and NOAA staff) to have to deal with the Pre-Trip Notification System (PTNS) (at least for those trips where EM replaces ASM observers) and the various logistics associated with allocating, deploying, meeting, loading and delivering observers.
- Under any fisheries management regime that employs the precautionary principle, lower quotas are usually set when there exists higher uncertainty around the information available for stock assessments. EM has the potential to reduce this uncertainty by being able to cover greater spatial and temporal scales than human-based observer programs.
- Similarly, EM systems, when used throughout an entire fishery, can greatly increase the overall **quantity** of data available about rare events at sea such as interactions with protected species.
- Using EM systems that are run on 100% of trips eliminates any observer bias occurring on the vessels participating. This is when fishermen alter fishing practices when an observer is present and was believed by most people interviewed in this project to be quite commonplace in some parts of New England.
- Camera images can provide (if required) a potentially permanent record of events on a vessel compared to the memory of a human observer.
- EM systems can also provide multiple "sets of eyes" (and angles of view) on a vessel by having multiple cameras positioned as required and operating simultaneously, whilst human observers can only see one part of a vessel at a time. Such systems also permit additional cameras to be installed and monitored by captains – to examine issues such as problems in the engine room, etc.
- Camera images cannot be easily modified or misinterpreted. This is not only important for scientific and compliance purposes but is also important for verifying observations from

fishermen - which have traditionally been viewed as inaccurate, unsubstantiated or anecdotal.

- In some places in New England, a major reason fishermen have taken on EM systems is related to them being permitted access to fish in certain areas that are closed to others during pilot projects.
- Also, in some places in these pilots, fishermen with EM systems gain regulatory flexibility to fish multiple gear types on the same trip that are not permitted to the general fleet.
- In some sectors in New England, the use of EM in various pilot projects also allows fishermen to have individual discards applied to their quotas rather than a sector-wide allocation derived from observer-based monitoring using At Sea Monitors.
- Furthermore, many fishermen involved in EM projects see it as an inarguable way to prove their (previously considered unsubstantiated) claims of higher biomasses of certain species (especially Gulf of Maine cod) than is being estimated in stock assessments. In general, many fishermen noted that they felt more confidence and greater ownership of EM information than observer-collected data.
- The general rate of improvement in technology throughout the world suggests that EM systems will only get better, more efficient, quicker and cheaper, whereas the efficiency of human-based observer programs will likely remain static and probably increase in costs as wages increase.
- Usually the costliest aspect of EM systems involves the human-based review of video. This is why the two above-mentioned approaches, involving either a fraction of video being reviewed or video review occurring at very high speeds to verify fishermen-reported data, is so attractive. But it seems that even this human-based review may soon become obsolete as its automation through machine learning applications is developing rapidly.
- As for ER, EM has significant utility in meeting the transparency requirements of current and future initiatives concerning the traceability and "eco-labelling" of seafood.
- Finally, as for ER, EM is consistent with the NEFSC's Strategic Science Plan 2016-2021 which has several themes, foci and targets that involve the fishing industry providing the scientific information required to manage fisheries.

Issues Impeding Implementation

Whilst the above list of positives is impressive, and suggests that implementing EM should be quite straightforward, we identified a host of issues in New England that are currently hampering such implementation:

- As for any species-specific, quota-management system that involves multi-species fishing methods, it is inevitable that there will be problems associated with the capture, discarding and/or high grading of species with low quotas (so-called "choke" species). And we were told by most people interviewed that a major impediment to the widespread use of EM in certain parts of New England concerns the video recording of the discarding of such "choke" species. That is, it is well known that, when fishing for species for which they have high quota allocations, many fishermen will discard species for which they have relatively low quotas (currently these mainly involve Gulf of Maine cod, but also include yellowtail

flounder and American Plaice) instead of retaining them (as required by regulations) and have them count against their quotas. If they did the latter, these low quotas would quickly become exhausted and therefore stop fishing for the year. When human observers are on board, it is widely believed that fishermen will fish atypically to avoid such stocks, causing significant observer bias and compromising the data from such trips.

If, however, cameras were used throughout the fishery in place of observers, the catch and discard of such choke species would be recorded and could lead to penalties. Or, if fishermen retained such species (as required), their quotas for them would quickly become exhausted, effectively stopping them fishing for the targeted species.

- The second most common problem concerning EM mentioned by the fishing industry involves basic privacy concerns where fishermen are reluctant to have their personally owned vessel (and place of work) constantly under surveillance – whether or not they do anything illegal.
- A third key issue concerns costs. The full costs of human-based observer programs in New England is currently not incurred by the fishing industry because the programs are subsidized by government. This means that any cost incentive to industry in using EM as an alternative (the most common reason for replacing human observers with EM) is not apparent in the region. This situation may change, however, as we were advised by industry and the Council that a greater proportion of the costs of observer programs may be levied from industry.
- The above issue about relative costs is also affected by the fact that it is currently quite difficult to accurately quantify the true comparative costs of the observer programs in New England and a potential EM system. Indeed, the only study currently available to quantify such costs suggests EM is more expensive than human observers – intuitively an opposite result to that expected, and found elsewhere. Related to this issue is a current lack of clarity concerning the eventual structure of such an EM system – especially with respect to the percentage of video review that will be required under an audit-type system (the costliest component of EM).
- Some fishermen, especially those without choke species problems and who have large vessels that can easily accommodate observers, are comfortable with the current system involving only 16% observer coverage rather than the potential 100% monitoring that would occur using EM.
- Currently, both an audit model approach and a maximized retention approach to EM are being pursued in New England. And even with these two options, there remain some sectors of the industry that do not see an option that works for their particular operation(s). This is cited as a reason for not participating in either.
- Another issue concerns a general lack of understanding about EM in the region. Without sufficient information about what EM can and cannot do, it is difficult for fishermen, scientists and managers to form a meaningful opinion about it.
- Another key issue noted by several stakeholders is that there appears to be an inconsistent or unclear message from government regarding the implementation of EM in New England. That is, fisheries managers and compliance staff at GARFO seem very supportive

of the tool as a method to improve the data provided by fishermen on their VTRs or eVTRs and to facilitate quota allocations. But the NEFSC has concerns related to EM as a provider of scientific data for stock assessments, citing issues like:

- Inaccuracies concerning species identifications (eg. red versus white hake), estimated weights and individual length information using cameras;
- Problems with estimating catches and discards using cameras in high volume, mixed species fisheries involving methods like bottom trawling;
- EM's inability to provide biological samples such as otoliths, tissues, etc; and
- A difficulty to incorporate EM data into existing data streams and analyses which have been designed for observer data.

It should be noted that such comments mostly came from people not directly involved in stock assessment work - we were only able to interview one Population Dynamics scientist at NEFSC (who actually seemed quite supportive of the technology when briefed as to its capabilities) despite numerous unsuccessful approaches to other staff in the group.

- An effect of the perceived non-use of EM data by NEFSC is an increase in the frustrations felt by fishermen who use the technology - who hope that their data will be included in stock assessments.
- There also appears to be some lack of collaboration and coordination between the main ER application (run by NOAA) and EM projects (mostly run by non-government agencies). This, like other issues, is symptomatic of the apparent lack of an overall strategy for modernizing fisheries monitoring in the region. We do acknowledge, however, the existence of the Data Visioning Project which is meant to address such issues.
- The most developed EM project in New England (the audit approach) mainly focuses on small boats (it not designed for larger vessels). Larger vessels (that catch the majority of fish) are being examined in the maximum retention project which has a much smaller number of vessels participating, thus hampering a more widespread application of the technology throughout this fleet.
- Currently in the audit model project, weights of discards are not directly measured due to scale sensors not being used and a technical difficulty with cameras recording digital readings from scales. Consequently, fishermen are required to identify, count and lay all discarded groundfish (with some exceptions for subsampling) on a measuring strip in front of a camera so that lengths can later be determined by a technician in the lab. These data are then used with a length-weight key to estimate total weights. This is a very indirect method that is also costly and time-consuming for fishermen – as well as for the technicians onshore. And it probably provides less precise estimates of weights than direct measurements onboard.
- Most EM systems rely on video information being transferred via the physical removal of hard-drives (simply due to the size of the files involved) rather than via WIFI, cellular or satellite.

- There are also some (more minor) concerns regarding the robustness of the equipment used in the various EM projects where occasional breakdowns (in hardware and software) have occurred.
- There are also national issues such as data storage policies, legal custody and/or ownership of video, etc. which are delaying the implementation of EM systems throughout the country.
- With regard to the latter issue concerning video ownership, fishermen are concerned that footage from onboard cameras may be used in media campaigns by environmental groups – especially those concerning protected species interactions - even if the numbers of such interactions fall well below allowable levels.
- Finally, whilst there have been significant steps recently in image recognition work to facilitate video review automation (which should greatly reduce the costs of EM systems), the machine learning software involved requires libraries of tens of thousands of images of fish (currently being collected by the NEFSC's Bigelow and other projects). This means that the development of such automation will involve an initial slow period after which progress should occur quite rapidly as more images are collected.

Discussion

Before discussing the issues regarding ER and EM in New England and suggesting ways to resolve them, it is worth pointing out that the implementation of ER throughout the world has, in general, been much more straightforward than it has been for EM. That is, the acceptance by fishing industries and management agencies of electronic tools has increasingly occurred over the past few decades, such that it is now common to see echo sounders, fax machines, Vessel Monitoring Systems, laptops, tablets, phone apps, etc. used on many of the developed world's commercial fishing vessels. This is similar to (and probably no slower than) the infiltration of rapidly advancing technologies into most aspects of modern society. It is the next step, involving the use of onboard camera technologies instead of human observers that has been comparatively slow to become implemented – not just in New England but in most countries and fisheries where it has been attempted. And the reasons for this are listed above and discussed below.

Electronic Reporting

In New England we found that, like elsewhere, most stakeholders were quite accepting of the eVTR system as a replacement for paper-based VTRs (currently around 150 vessels use the technology across all fisheries). The obvious advantages of such a system (as detailed above), in addition to society's general trend towards paperless processes, mean that most fishermen, managers and scientists have few negative issues with this form of reporting – the main exception being those few fishermen who are uncomfortable with computers in general.

So the question is, why is a fully functioning eVTR system not in place and used by all (or even the majority of) fishermen in the region? We believe (as did many people interviewed) that the answer is a simple matter of resourcing the complete roll-out of an appropriate system. And by "appropriate", we do not necessarily mean the current main one used (FLDRS) which involves

laptops on board, with fisheries-specific software, memory sticks requiring postage and/or pickup and significant training and ongoing support. As mentioned, this system was not specifically designed for eVTR purposes – yet it has become, by default, and because of its excellent record, the main eVTR system used in the region.

Instead, we believe that what is required is a simpler, easier-to-use system whose software can accommodate all fishing methods but be able to be used on a variety of platforms - such as tablets, smartphones and laptop computers. This would allow for New England's diverse fisheries to choose what works best for them and to use current equipment already aboard if they want.

The development of such a system should lead to many more fishermen using the method (ie all those with a smartphone or tablet) instead of the current system where only a small subset of fishermen can be serviced by NEFSC and GARFO staff. And of course such a system should use WIFI technology (at the dock), cellular networks (when in range) and/or even satellite uploading (when not in range) to transmit data in close to real time. This should allow quick calculations of quotas and feedback to fishermen, so they can adjust their holdings and operations accordingly. It is worth noting that similar systems as this are being tested or used. In particular, CFRF is testing such a tool in a relatively small, single species fishery in New England, the charter boat sector is using the eTrip system, and we suggest that a great deal can be learned from those systems and others around the world when developing one for New England.

Ideally, the development, implementation and routine use by all fishermen and government agencies of such a system would have been the first step in a strategic, longer-term and staged approach to achieve the ultimate goal of a modern way to monitor fisheries in New England: **one that incorporates eVTRs, VMSs and EM cameras (the latter used as a validation tool) into one paperless, close-to-real time reporting system**.

That is, with the benefit of hindsight, it would have been more effective if efforts in New England concentrated on firstly developing a simple ER tool and allowing a period of time (a few years) for not only debugging and to get fishermen familiar with the system, but also for fisheries management agencies, scientists and government-based data handling systems to adjust their processes to be able to deal with the information. Then, after such a period, when all stakeholders are comfortable with the system, should have come the next (more difficult and controversial) step involving the validation of the data collected using EM cameras. We believe that such a staged approach would have been a better strategy, particularly in New England, where we know that the trust in, and implementation of, new systems takes a long time – not just for fishermen but also for government - and especially for scientists.

But such a staged (KIS – Keep it Simple) approach did not occur – instead we have the situation where non-government agencies are trying to develop and introduce EM systems on top of a government-run, partially-implemented ER system which, as noted above, requires simplification, modernisation and roll-out.

Electronic Monitoring

But we cannot turn back time, and there have been sufficient advances in recent years in EM development and use in New England to warrant its continued development there. Indeed, we believe that the many issues regarding EM implementation that have arisen out of the projects done and/or underway provides significant momentum and an excellent platform on which to build a good EM system that eventually will be able to validate the data coming from a full ER system and so achieve the ultimate goal mentioned above in **bold**. So, while the above ER system is developed and implemented, one should try to resolve as many of the problems identified for EM as possible, in anticipation of the time when it will be able to meld (hopefully) seamlessly with that ER system.

To achieve this, it is useful to discuss the various issues we identified about EM into the following (rather loose) categories: Technology, Leadership and Planning, Program Design, Incentives and Costs, Privacy Concerns, Education and Outreach, and Choke Species Reporting.

Technology

Technical issues regarding the use and implementation of EM in New England are probably the simplest to resolve and there is a great deal of effort occurring in the region and elsewhere to do just that. The first involves ensuring that the hardware and software installed on vessels are robust and as error-free as possible and we note that this is now mostly the case for the majority of systems used – ie. the usual teething problems associated with installing and running such technologies have mostly been resolved.

One unresolved issue, however, concerns the lack of weight information coming from EM (especially for discards). We believe that a scale-based sensor could be incorporated to provide such data (EM is not just about cameras but all types of electronic sensing) or else place a camera in front of the scale readout – rather the current cumbersome, costly, and probably quite imprecise, length-weight conversion process. Having said that, it is worth noting that individual length measurements of fish can be very useful to stock assessment scientists. Indeed, during our interviews, a population dynamics scientist was very interested in such data. But we think that this sort of data collection would be better achieved via a separate project, specifically designed for that purpose - rather than trying to retrofit the length data currently being obtained for weight estimation purposes into stock assessment modelling.

There are also additional technical issues with EM that we believe will, in time, be improved. These include video transfer using WIFI, cellular or satellite transmission instead of manual hard-drive pickups and/or postage, data storage using cloud technology instead of hard drives and servers, and machine-learned video review automation. And whilst developments in all these things will someday (probably quite soon) occur, when planning ahead, one should not ignore the need to strive for them nor anticipate their eventual availability.

Leadership and Planning

We have seen that the development of EM (and indeed ER) in New England has attracted many one-off projects over quite some time, funded and run by a variety of government and non-government entities. But this does not appear to have occurred according to any over-arching strategic plan - that is, perhaps, one reason for this current project. And one reason for the lack of such a strategy seems to have been a lack of clarity over which entity should lead such developments – possible candidates being the government, the NEFMC, fishing sectors, fishermen's associations and NGOs.

As we noted in the Introduction to this report, governments are accepted as being responsible for the stewardship of a nation's natural resources on behalf of the public and also (therefore) for monitoring and reporting on their status. If we accept that governments should accept such roles, it follows that they should also lead in improving such things – in this case by facilitating and encouraging the use of advances in available technology (noting that such technology is often developed and provided by non-government suppliers). One reason why this has not occurred in New England could be due to the inconsistent support one sees for such technologies from different government departments in the region – with fisheries management and compliance staff at GARFO and the NEFSC's Fisheries Sampling Branch quite supportive while other government staff less so (largely due to the resources available).

That is, as many stakeholders mentioned to us, only by using the technology to the fullest extent possible (and especially in science) can one expect the fishing industry to fully embrace EM and ER technologies. Clearly the two offices of the federal government in the region should be consistent in their approach to the development and use of EM in particular and this would be best facilitated if the NEFSC finds the data from such a system useful for their analytical needs – especially for their all-important stock assessment processes.

It can be argued that this should be relatively straightforward, given the technology's advantages over observer programs in certain areas (eg. its provision of multiple viewpoints on a vessel, its potential for tow-by-tow granularity at greater spatial and temporal scales throughout entire fishing fleets, its lack of observer bias, etc.). And one way to facilitate such use (and one that is usually employed elsewhere when EM programs are initiated) involves the EM provider being given the current observer programs' data forms and protocols as templates for EM data provision. This should greatly assist with fitting EM data into NEFSC's data systems and eventual population models. It is worth noting that this was done in New England during various pilots with many of the personnel involved being quite familiar with the observer program. Nevertheless, we were advised during this current project that problems with the incorporation and use of the data remained.

One area where the NEFSC is currently assisting in the implementation of EM is via their assessment of the accuracy and precision of data coming from EM video. The approach so far has been to firstly compare the accuracy of video review by non-government and government reviewers and then estimate the accuracy levels of EM data at various proportions of review. Yet such work does not address the main purpose of video review in an audit-based EM system: the

proportion of randomly selected video review simply needs to be small enough to realize sufficient cost savings yet large enough to provide a realistic incentive for fishermen to complete their VTRs accurately. That is, in an audit EM system, it is the data from VTRs that is used for scientific and management purposes – not the data from videos. In other parts of the world that use an audit EM system, a standard 10% review of footage tends to be used to verify fishermen-reported data. And at that level, once implemented and running, EM systems usually cost approx. half of the cost of an equivalent human-based observer program. (We note that work is underway in the region to address this issue.)

We note that the audit model project partners are attempting to find ways to increase EM data use by NEFSC through a current project by SMAST. This project is exploring the utility of EM information in stock assessment work. Whilst this initiative is obviously critical, and SMAST are an ideal group to do the work, we were surprised that the involvement of NEFSC population dynamic scientists in the project is, at best, indirect due to a lack of resources. We would have thought that their involvement should be integral to such work as it is this NEFSC group who are the target users of such data.

Program Design

The overall approach/design of an EM program is probably the most critical aspect of any EM system. Indeed, an inappropriate design can prove pivotal in restricting the implementation of EM. The longest standing model examined in New England (using the audit approach) currently has design features that are labor intensive on deck and for video review (eg. placing all discarded groundfish across a measuring strip by fishermen and examining video of this back in the lab). A newer model being pursued for vessels with higher discards (the maximized retention approach) has seen far lower participation by fishermen due to its requirement to land all groundfish and so incur costs of utilizing quota and handling fish that may be worth little, in addition to the complications of its accompanying dockside monitoring program. It is important to note that this latter, maximized retention model, is similar to Europe's Landings Obligation (or Discard Ban) policy and we suggest that there are lessons to be learned in New England from the implementation of that policy which extend far beyond its use as a tool for monitoring fisheries operations (eg. the need to develop new markets and products, handle large quantities of low value fish, ecosystem effects due to non-discarding, etc.).

As both models in new England continue to be developed, significant attention will also need to be paid to balancing expanding data collection needs and practicality. That is, as the scope of EM programs expand to include (for example) the collection of scientific information for stock assessments and protected species interactions, to increase and improve the accountability of the industry, inform traceability initiatives, etc., it is important that all stakeholders closely monitor the operational effects that such increases in scope produce. The lead group that we recommend below should therefore closely monitor any adjustments in the scope and objectives of such programs and their implications for both fishermen and the end users of the data.

Whilst there are issues impeding the implementation of both these programs, there are also significant advantages to each - so continuing to fine-tune both approaches, as they apply in New England, remains worthwhile. It is probable, however, that neither program will be a one-size-fits all solution. Rather, it will require the above-mentioned fine-tuning, in addition to strong leadership and strategic planning (by the lead group we recommend) to implement an appropriate system - which may well be a hybrid of the two.

Incentives and Costs

Earlier we discussed some ways to encourage the scientific use of information from EM. There are also various ways to encourage fishermen to use such technologies. The simplest (and most draconian) is for government to just mandate their use as a requirement on fishing permits. Whilst this may work for EM (ie. requiring vessel owners and/or captains to carry functioning systems), it does not necessarily work in all cases for ER – where some captains are simply not able to use the required technology (ie. currently mostly laptop computers). But whilst EM may one day become mandatory, this should clearly not occur for some time and, in any case, it always better to achieve some form of voluntary acceptance and use of a major change like EM before taking such draconian action.

However, a variety of other incentives have got fishermen using the technology in New England and for the most part these seem to be working quite well. A key one is that vessels using EM systems do not need to take ASM observers, providing them with the many advantages discussed earlier (ie. removing safety concerns regarding the carriage of an extra person unfamiliar with a vessel, crowding, accommodation, equipment and victualling issues, and the simpler logistics associated with turning on cameras instead of coordinating with a human observer). In addition to this, we also see EM as having the potential to reduce the need for vessels to carry observers who are focussed on quantifying marine mammal interactions. A simple EM system should be well-suited to at least quantifying such interactions, at a fraction of the cost, noting that other steps may be needed to ensure that other functions performed by a human observer take place (taking biological samples, some species identifications, etc.).

Other incentives for fishermen may include access to fishing grounds that are closed to non-EM users, being permitted to carry and switch between certain fishing gears on a trip, and the allocation of specific discards to individual boats rather than being given a Sector-wide allocation - the idea with the latter is that more quota may be provided to boats that discard less and are able to prove it via their video footage.

Another incentive for the use of EM mentioned by several fishermen concerns the provision of information to the NEFSC and GARFO by fishermen that has historically been considered unsubstantiated or anecdotal. That is, fishermen believe that significant quantities of bona-fide, location-and-time stamped, video footage of (for example) large quantities of Gulf of Maine cod should be sufficient for scientists to incorporate such information into biomass estimates used in stock assessments. And by doing so, they would expect that the quality of such assessments

should improve, thus incentivising both scientists and fishermen to use such technology. We are particularly pleased to note that the NEFMC is addressing this high priority issue via their establishment of a Fishery Dependent Data Working Group which is due to report by June 2018.

A major incentive behind most EM programs concerns expectations regarding costs – where such programs are supposed to be cheaper than an equivalent human-based observer program. But in New England we have a situation where an accurate and comparable cost estimate of the two systems is not yet available – although we are advised that such calculations are well underway for the Audit Project and will be available soon after the finalisation of this present project. Critical to such calculations will be the inclusion of the proportion of random video review required to validate VTR information (as noted, this is often 10% in other fisheries). If, as expected, similar data quality can be obtained for an audit-type EM system as that obtained from the existing observer program (remembering that the latter has its own problems with observer bias compromising some of its data), at less cost to fishermen and government, then clearly this would provide a significant incentive to implement such a system. If, however, the opposite occurs, or the cost differences are negligible, then the other incentives mentioned here may be the only ones applicable for the use of EM in the region.

Privacy Concerns

The issue of having a vessel under up to 100% surveillance by an external entity was mentioned by many fishermen as a key reason for their non-involvement in EM projects, despite the above-mentioned incentives. Privacy in one's workplace (whether or not one does things in that place that are illegal) is an important issue that requires resolution if a full EM system is ever implemented. But any solution is not straightforward as it relies on fishermen who have privacy concerns being convinced that the advantages for such a system (outlined above) outweigh those concerns. And there are some simple strategies that may assist in this regard including:

(i) Implementing and using a simple, robust, and easy-to-use ER system prior to the introduction of an EM system on such boats – to get such fishermen used to such technologies;

(ii) Start with a simple EM program (with, for example one or a few cameras) first before launching a full-scale, multi-camera system;

(iii) Work with fishermen to identify key locations onboard their vessels that need to be monitored by cameras and those areas that do not; and

(iv) Develop data sharing plans so all parties have clear understanding of who will have access to data and for what use. This should also outline data protections.

(v) Target a strategic communication program about the advantages of EM to those fishermen with privacy concerns and involve fishermen who are more comfortable with their use (ie those that have gotten used to them).

Education and Outreach

Throughout our interviews, it became clear that many stakeholders (managers, scientists and fishermen) did not have a complete understanding of the EM efforts occurring in the region, nor what the technology can and cannot do. In order for all stakeholders to see value in EM data, they require an understanding of the tools involved. Indeed, during the course of our interviews, we often needed to provide such information, after which interviewees became much more engaged, interested and positive towards the technology.

Choke Species Reporting

We have left the most difficult problem with EM implementation in New England to last. That is, how to resolve the issue that if cameras were installed (potentially recording all catches and discards) in place of human observers (where only a fraction of fishing is examined), the catch and discard of choke species (those for which fishermen have low quotas) would be recorded and could lead to penalties. Or, if fishermen retained such species (as required), their quotas would quickly become exhausted, effectively stopping them fishing from for targeted species for which they have large quotas.

Basically, if a simple solution existed for this situation, it would have already been implemented because this issue is not only affecting the trial of EM in some parts of New England, it is also affecting ASM observer trips and therefore compromising the data being used to inform stock assessments and quota allocations. And a few suggestions were provided by stakeholders during this project which may be worth considering.

The main one involves increasing the allowable catches of choke species (mainly Gulf of Maine cod, but also certain stocks of yellowtail flounder and American plaice). Fishermen believe (and some are attempting to show with their videos) that the quotas for such species are low because their stock assessments understate the actual biomasses present - a belief that is further evidenced by their willingness to forgo normal fishing practices to avoid such fish when an ASM observer is present, and to avoid using cameras for fear of being caught discarding them. Paradoxically, one way to obtain the information about the reputed large abundances of such species is from the video recording of fishing operations – which fishermen will not allow for fear of penalty.

A suggested solution (that would need to be developed within current or modified legal frameworks) is to remove such barriers under a so-called "Hallpass" system. Suggestions on how to achieve this included allocating additional quota in a "set-aside" arrangement, using the roll-over of unused quota from one year to another, establishing "risk pools" and/or "permit banks" of quota, and/or allocating additional quota from uncertainty buffers for accountable vessels. Another concept that may prove useful is to use existing data streams (from the Study Fleet, FLDRS and/or Observer programs) to model and estimate discard quantities and allocate them to fishermen in order to dis-incentivize atypical fishing activities and observer bias.

Any of the above arrangements should, however, be designed to allow fishermen (or even just some as a so-called "sentinel" or "study" fleet) to fish normally, without penalty, but record all catches on video (and/or on VTRs validated by video) and provide the data for stock assessments. Such systems may be worth considering to resolve the current paradox where the necessary data to resolve the issue is not being collected in the first place - by cameras nor by ASM observers.

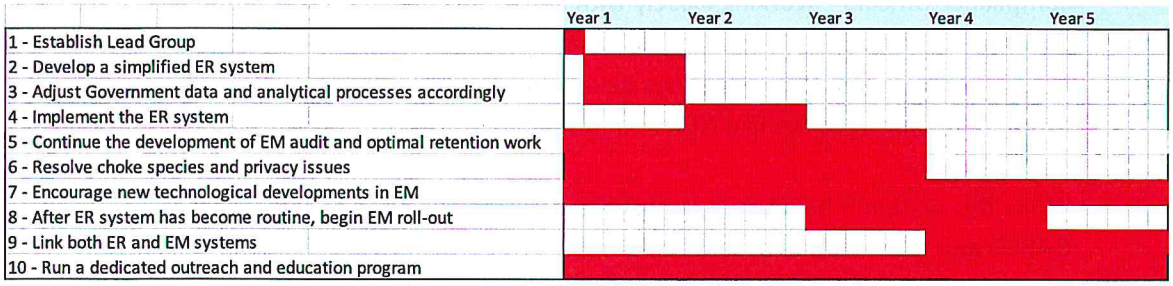
A Way Forward

From the above discussion, we believe that a series of steps emerge that should, if adopted, eventually lead to a modern, technologically-based monitoring and reporting system for New England's fisheries within the next 5 years (noting that projecting a longer time-frame in such a rapidly advancing technological field is inappropriate). See also the Gantt Chart below.

1. The first step should be to identify and establish (as soon as possible) a lead group to strategically plan and implement ER and EM in the region. We believe that this should be run by the federal government and include the main end-users of the information - fisheries managers, stock assessment scientists, protected species scientists and compliance officers – working closely with key fishing industry representatives, state governments, sector managers, technical experts and NGOs.
2. Next, this group should facilitate the development within the next year or so (perhaps through funding agencies like NFWF) of a simplified, easy-to-use, ER system as described earlier.
3. While this system is being built, adjust the data-handling and analytical processes at GARFO and the NEFSC to accommodate the data streams provided from such a system.
4. Implement this ER system throughout the region, noting that some exceptions using paper-based VTRs will be required for those fishermen uncomfortable with the technology (ie. those that cannot use phone or tablet-based apps).
5. While Steps 2, 3 and 4 are occurring (ie over the next 2 years), continue the development of both the audit-based and maximum retention-based EM systems currently being pursued where:
    a. The audit system (whose goal is the validation of ER data), should focus on requiring a modest (possibly around 10%) amount of video review, and be fine-tuned for use on as many gear types as possible - so that it captures the full range of complexities and problems that exist with its implementation in the region; and
    b. The maximum retention system should focus on becoming more of an "optimal retention" system for use in those situations where EM has particular difficulty in validating ER data (eg. on larger vessels with huge catches, for large multi-species catches from bottom trawls, for species whose identification using video is problematic, etc.). Under this approach, vessels will probably also require a level of dockside monitoring and/or human observer coverage.
6. Continue to resolve other key issues with EM implementation, especially those concerned with privacy (using some of the techniques outlined above) and choke species. With regard

to the latter, we encourage the examination of any (legal) options that would allow industry using EM systems to target healthy stocks without exhausting their vessels' allocation of choke quotas - and so provide data to inform science and management.

7. Continue to encourage the development of other, more longer-term improvements in EM systems (ie. at a 3-5 year horizon) whilst being cognizant of work going on elsewhere to do the same. This includes such things as the automation of video review and the streamlining of data transmission and storage.
8. Once the work under Step 4 (ER implementation) has become routine for fishermen and government agencies, begin the rollout of the EM systems developed under Step 5 and incorporating solutions from Step 6 and, if available, those developed in Step 7.
9. Link the ER and EM systems that should now be occurring in the region into one ongoing system that should be flexible enough to incorporate additional technological innovations as they occur.
10. While all the above is occurring, a dedicated outreach and education program about ER and EM is required to gain support and ownership of the system by all stakeholders in the region.



Appendix - Summary of Electronic Technology Efforts in New England

This appendix summarizes electronic reporting and monitoring efforts in New England to date. The studies are separated into three categories: (i) on-the-water efforts, (ii) policy efforts, and (iii) other (non-groundfish) projects.

On-the-Water Electronic Monitoring and Reporting

Cape Cod Commercial Hook Fishermen's Association (CCHFA) Pilot

In 2004 and again in 2006 CCHFA contracted Archipelago Marine Research to examine the utility of EM to monitor cod bycatch in the longline fishery for haddock, and later aboard gillnet vessels as well. These were short studies, lasting only 3-6 weeks but were the beginning of EM in New England. Results were promising for fishing activity recognition and species identification. However, it was many years before EM was more thoroughly tested in the region.

NEFSC EM study

From 2010-2014, the Northeast Fisheries Science Center's (NEFSC) Observer Program conducted a three-stage study to test the applicability of using EM to collect catch and effort data. During the four years, a combination of 13 gillnet, longline and trawl vessels from Maine, Massachusetts and Rhode Island participated. Experiments were done to develop methods for species identification and to obtain weight data. This included developing detailed vessel monitoring plans catered to each vessel. Two EM models, using (i) an audit approach to monitor fisheries that discarded fish and (ii) complete monitoring of catches from vessels that were not permitted to discard any fish (the maximum retention approach), were tested and refined. This set the groundwork for the multi-year EM pilot program described below.

EM - Audit Approach Model

Beginning in 2013, the Gulf of Maine Research Institute (GMRI), The Nature Conservancy (TNC), and Maine Coast Fishermen's Association (MCFA) began testing the capabilities of EM on groundfish vessels ranging from 35-55 ft. The goal was to find a cost-effective alternative to at-sea monitoring using human observers (ASM). Ecotrust Canada was contracted to provide the EM services. Development of technology and protocols continued into 2014 and 2015 with the addition of the Cape Cod Commercial Fishermen's Alliance joining the study. Throughout these years, between 4 and 9 vessels participated. An electronic logbook developed by Ecotrust Canada (elog) was also developed and used for haul-by-haul electronic trip reporting (eVTR). The underlying goal of this work was to develop an audit approach where fishermen reported on eVTRs and the accuracy of their data was incentivized by having a percentage of video reviewed as validation. The eVTR data were then used to inform quota management.

In 2016 and 2017 this program changed and began functioning under an exempted fishing permit (EFP), allowing vessels to use EM in place of ASM observers. Currently 100% of EFP trips where videos are used are being viewed and discard summary reports are being sent to GARFO's database for quota monitoring. This effort is also collecting information to inform how an audit model can run, where only a percentage of EM video would be viewed to validate the eVTR data. Vessels participated in one of two EFPs; one where they turned their cameras on only when they were selected for ASM by NMFS and one where they elected to run their cameras 100% of the time. The latter vessels were allowed access to areas closed to groundfishing and were also granted some gear exemptions. To date there are 17 vessels participating in these two EFPs from 4 states (ME, NH, MA, RI) and using 4 geartypes (trawl, gillnet, longline and jig). Video data are provided to NEFSC, who then conduct a secondary review for quality control and research.

This program is currently are working with the School for Marine Science and Technology at UMASS Dartmouth to advance the use of EM data in stock assessments, and is also pioneering the use of artificial intelligence in video review automation (see below).

Automated EM video review: early progress

The single largest annual cost of EM programs is often video review. Globally the first steps towards automating EM image review to dramatically reduce costs are underway, and due to recent computational advances we expect rapid development in this space. Thanks to a NFWF award, a team led by Kate Wing Consulting, with TNC and CVision Consulting, developed and completed a machine learning competition to automate the extraction of discard data from New England EM video. The competition concluded October 30th and the opensource code from each of the 4 winners will be posted by the end of 2017 .

EM - Maximized Retention Approach

While the above audit approach has been shown to work well for groundfish vessels with modest groundfish discard volume (ie 5-250 lbs/trip), its requirement to measure each discarded groundfish is prohibitive for vessels with high volumes of groundfish discards. As such, GMRI and the Environmental Defense Fund (EDF) teamed up with large offshore groundfishing vessels in 2016 to examine a maximized retention approach. This program will operate under a regulatory exemption that requires vessels to land all allocated groundfish instead of discarding them at sea, thus reducing the burden on the EM program to account for at-sea discards. The EM portion of this project simply verifies that undersized groundfish are not being discarded. Data on the total catch are then collected when landed by a dockside monitor (DSM). This project is still in the final planning and early on-the-water phase, and is currently awaiting EFP approval. There is presently three vessels committed to the project in 2018

New technology that has the potential to lower costs of an EM program is also being explored in this project. Satellite, cellullar and WIFI technologies are being used to remotely transmit video and data, and to provide technical support. Satellite technology allows for system health reports and JPEG images to be sent while the vessel is offshore and data is automatically transferred to cloud-based storage when the vessel returns to cellular range. Pan-and-tilt zoom cameras are used in combination with this technology to allow for camera adjustments to occur remotely. Many additional aspects of the system, like using WIFI at sea, are also being explored through this project.

Fisheries Logbook and Data Recording Software (FLDRS)

FLDRS was originally designed by NOAA in 2006 as a research tool to collect fine scale data on contracted vessels. As interest in eVTR began to grow, industry members took notice of FLDRS as a free and stable tool and began to use it for eVTR reporting. It is now used to replace paper VTRs for commercial and recreational fishing vessels, and can be customized to operate with many different gear types and fishing practices (note that there are other ER packages also being used such as Harborlight and Electronic Edge but not yet in groundfish vessels; and Elog – which we discuss below). The FLDRS program eliminates the need for paper VTRs, expedites data entry, reduces wheelhouse clutter and input errors, and enables faster tracking of catch data. Data can be collected at both the sub-trip and haul-by-haul level and can be provided in five forms: by trip, effort, catch, landing and apportionment. The current version of the system is used by approx. 120 vessels, representing 85% of the total eVTR submissions, accounting for >6,500 electronic trips (eVTR and non eVTR) per year. Currently about 55 vessels report at a haul level, 26 at sub-trip level with GPS, and about 40 groundfish sector vessels report at a sub-trip level. FLDRS has been tested extensively in trawl fisheries, scallop and clam dredge fisheries, longline, gillnet and trap, and hand gears to a lesser extent. Overall, the number of electronic trip reports generated using FLDRS has roughly doubled between 2009 and 2016. Any vessel can choose to submit via FLDRS and there have been programs to help facilitate the use of eVTRs. In 2009 GMRI, with help from NOAA, ran a program that would equip, train and provide support to any vessel that wanted to report electronically. That program has now equipped and trained 65 vessels. Some sectors have also developed support systems and personnel to help transition to, and maintain, this electronic reporting. NEFSC's Cooperative Research Branch runs a Study Fleet program (see also below) that integrates temperature/depth and GPS sensors with FLDRS to help inform NOAA science and management programs. We are advised that FLDRS will continue to make improvements to encourage electronic submission, including being able to submit through the application using WIFI instead of emailing the file or using the web portal. At the time of writing, we have been advised that FLDRS is undergoing a major update which is building on comments and lessons learned using the previous version. A future goal of FLDRS is to use a captain's own recorded data to feed a dynamic data visualization tool that a captain/owner can use to help inform and improve his/her fishing practices.

Northeast Fisheries Science Center Study Fleet

The Study Fleet Project began in 2000 as a result of the joint recognition by industry and NMFS of the need for more fine-scale industry-based data. The primary goals of the study fleet project are to:

1) Provide catch, effort, and environmental data at a high spatial and temporal resolution and
2) Use electronic reporting hardware and software for more accurate and timely data collection.

The initial years of the project focused on recruiting vessels and developing the required hardware and software. After completing the testing of systems and developing the electronic logbooks in 2005, data collection began in earnest in 2006. Approximately 30 vessels participated, recording 759 fishing events and 179 trips at the haul-by-haul level.

Vessel participation has varied over the past decade, ranging from 20-40 vessels during any given year. Vessels are located from Maine to New Jersey with concentrations heaviest around Gloucester and Point Judith. Trips and fishing events recorded have also varied through the years, but have trended upward - 13,546 events and 1,662 trips were recorded in 2015.

Study fleet vessels also collect environmental and biological data, including temperature measurements and samples for age and growth. Study fleet information has been important in contributing data to improve age-length keys for species such as winter, yellowtail and windowpane flounder. Furthermore, study fleet vessels often collect data specific to particular research needs and requests. Notably, temperature data from the study fleet was used to adjust butterfish catchability estimated from the Bigelow, re-stratify butterfish habitats, and ultimately led to increased estimates of biomass.

In addition to the above-mentioned goals, future Study fleet goals include continued efforts to improve age-length keys for commercially important groundfish species and analyze the utility of CPUE data to improve stock assessments. Furthermore, in 2018, plans include increased use of temperature probes and satellite transmissions to inform weather forecasts, possible expansion of weather station deployments and additional testing of WIFI hubs and cellular hotspots at docks.

Policy Efforts

Greater Atlantic Region's Electronic Technologies Implementation Plan

In 2015 GARFO and the NEFSC published an Electronic Technologies Implementation Plan. The plan outlined a strategy and timeline to move modernization efforts forward with the intention to "modernize fishery dependent data collections to ensure collections are timely, correct/validated, optimally automated, vertically and laterally integrated/unified, adaptable to emerging needs, and capable of providing data at a scale that will support anticipatable management". This plan took stock of the current state of data collection and explained modernization efforts focusing on the FDDC (Fishery Dependent Data Collections) and EM efforts, including workplans and timelines. The

report called for a May 2017 implementation of FDDC and EM. As of now (6 months after this deadline), both still require significant work before implementation.

There are certain important items to note from this plan. One is that the plan called for the need for regional performance standards for EM, and explains that pilot studies will inform these standards. Another is a summary of Council engagements with the plan up until the publication of the 2015 report. It would be helpful to build this summary out to the present in order to understand Council's engagement with the plan in full.

Fishery Dependent Data Modernization at NOAA- FDDC and FDDV

In 2013, GARFO and NEFSC began the Fishery Dependent Data Collection Modernization Project. To develop a vision for a new data system, NOAA staff, in collaboration with GMRI, interviewed a wide array of stakeholders to "identify the strengths and weaknesses of the existing data collections and systems, and to elicit the desired characteristics of an ideal fishery dependent data system". The two groups also jointly held a workshop to delve deeper into the issues in June 2014.

Subsequently, a new initiative, the Fishery Dependent Data Visioning Project (FDDV), was started to develop the future of data collection programs. In June 2017, NOAA presented on the FDDV status and progress. The goals of the program are to improve data whilst reducing reporting burdens. Plans include:

- A new Trip Management System (TMS) that will utilize a unique trip identifier;
- Creating region-wide standards and methods for data management;
- Integrating automated QA/QC; and
- Improving accessibility to data through a centralized warehouse.

It is clear from various presentations about this topic that eVTRs could play a major role in this process. A technical team is currently being established to help move this process forward.

Northeast Fisheries Management Council EM working group

Established in 2013, the NEFMC EM working group was tasked with "identifying any existing barriers or necessary steps to NMFS approving sector operations plan(s) that rely on electronic monitoring as a primary mechanism to achieve the Council's identified compliance and catch attribution goals for this program (separate from the biological sampling program)."

This work resulted in the white paper "Toward Implementation of Electronic Monitoring in Groundfish Fishery Sectors" in June 2014. The document contains the following:

- An exploration of barriers to EM;
- Identifies two potential EM models, the maximum retention and audit models; and
- Provides brief recommendations about approaches to EM in New England.

The information in this document is a useful basis for EM implementation in New England but design details and analyses are mostly out-of-date with current efforts in the region. The EM working group has since been dissolved.

NOAA EM Cost Report- A Preliminary Cost Comparison of At Sea Monitoring and Electronic Monitoring for a Hypothetical Groundfish Sector

In 2015 NOAA published a report that examined the cost of an EM program compared to the cost of the existing ASM (Observer) program for a hypothetical sector. This was done in collaboration with EM service providers and NGOs working on EM. The report estimated an ASM cost per trip of $316 compared to a cost for EM of $601. –The report was drafted based on many assumptions and further analysis could be useful.

EM Summary Data Technical Specifications

Through collaboration between EM pilot partners and NOAA, EM Summary Data Technical Specifications have been developed. This document includes details on file formats, security, submission protocols, and file structures for submitting EM data to GARFO. This is an important step towards EM implementation in New England as it allows multiple providers to submit data directly into GARFO's Application Programming Interface (API). Furthermore, these specifications allow data collected by a variety of technologies to be assimilated into NOAA's databases. The groundfish audit project is currently using these specifications. The maximum retention EM program intends to submit data using these specifications as well.

Amendment 23

The NEFMC is currently undergoing an amendment process concerning monitoring in the groundfish fishery. This amendment proposes some alternatives that involve ER and EM. In June 2017 the council passed a motion to *"recommend to the Council that the purpose of Amendment 23 is to implement measures to improve reliability, accountability, accuracy, and precision of catch (landings and discards) information across all segments of the monitoring program toward better achieving the existing goals and objectives as stated in Framework Adjustment 55, while directly taking into account measurable costs and identified benefits to the fishery while meeting requirements in the most cost effective manner possible."*

Another motion passed in June laid out some alternatives to the current system. This motion *"Recommend(ed) to the Council the development of a range of alternatives for electronic monitoring (EM) that achieve the purpose statement identified by the Committee, such that:*

- *Vessels should have the option to use EM in place of at-sea monitors (ASM)*
- *EM instead of ASM on selected trips, where EM is used to directly estimate discards consistent with current EM exempted fishing permits*
- *Audit based approach for EM where EM runs on 100% of trips and a subset of hauls or trips is reviewed to verify VTR-reported discards*

• Maximum retention approach for EM where EM verifies that all groundfish are landed and uses dockside monitoring (DSM) to sample catch
• Formally approve EM as a monitoring tool"

Many see this ongoing amendment process as a necessary driving force towards ER and EM implementation in New England.

Other Policy Initiatives

There are additional policy-based initiatives that are relevant to this project including:

- Multispecies Amendment 13 (2004) which called for a trip identifier linking dealer, vessel, DAS reporting with ER;
- Amendment 16 which authorized use of EM when a suitable system is designed; and
- Vessel Monitoring Requirements – which is a form of ER

Additional details regarding these (and other initiatives) will be provided as this project progresses.

Other (non-groundfish) projects

Electronic Monitoring in the Western Atlantic Longline Fishery

In 2015 the Highly Migratory Species division of NOAA mandated fleetwide use of EM to monitor Bluefin tuna bycatch in the Western Atlantic Longline fishery. Over 100 vessels were installed with EM systems by Saltwater Inc. and they continue to collect video of pelagic species brought on board and released. This program is very different from others in New England not only because of its scale and objectives, but also because it is actually operational. While many EFPs and other pilot studies are ongoing, this program was the first to be implemented into regulations. Some of the advantages that this program enjoyed were:

- each fish is brought to the vessel individually, in one location and are mostly quite large, and the overall volume of catch is smaller, making identification using EM easier than is the case in other fisheries; and
- the program is coast-wide meaning that no action from the NEFMC was required, simplifying its adoption.

Electronic Monitoring in the Herring Fishery

From August2016 to January 2018, NOAA conducted a study on the utility of EM in the Atlantic herring and mackerel midwater trawl fisheries. They worked with Saltwater Inc. as the EM service provider for 11 large vessels, representing the entire midwater fleet. The purposes of the study were to:

- Deploy and test an EM program in an operational setting, allowing analysis and adjustment

of EM program requirements, and development of business practices to support an EM program.

- Evaluate the utility of EM for monitoring catch retention and identifying discard events in the Atlantic herring and mackerel midwater trawl fisheries.

Additional goals include familiarizing the fishing fleet with EM, gaining industry input on EM operations, and refining industry and NMFS EM cost estimates. In addition, the IFM amendment, currently under final development and agency review, includes alternatives for EM in the herring fishery.

CFRF On Deck Data Program

The Commercial Fisheries Research Foundation (CFRF) in Rhode Island has conducted a study since 2013 that has tested and implemented methods for lobster and Jonah crab fishermen to collect and report biological and environmental data during routine fishing practices. The CFRF's Lobster and Jonah Crab Research Fleet consists of 17 fishing vessels using Android tablets and electronic callipers to collect biological data during three fishing trips per month. Temperature sensors affixed to fishing gear collect continuous data on environmental conditions. Data is transmitted wirelessly to the CFRF's SQL database, where it is monitored for quality before submission/incorporation into the regional lobster and Jonah crab biosamples databases at the Atlantic Coastal Cooperative Statistics Program. Currently, the Research Fleet is still collecting data which continues to be used in the lobster stock assessment and Jonah crab management plan. Documentation describes this approach as highly collaborative, with fishermen very willing to record their data to better manage the fishery. A key to achieving such buy-in is providing fishermen with access to their data as well as regular updates on data application and value.

Since 2015, the CFRF has applied the Research Fleet approach to collect biological data for black sea bass and quahog. Both of these Fleets have been successful in collecting data that is accepted by stock assessment scientists. Different from EM applications in the region, the purpose of the CFRF's Research Fleets is to fill biological data gaps for stock assessments and improve management of the target species, rather than to monitor catches, bycatches and compliance.

Environmental Monitors on Lobster Traps (Emolt)

Emolt is a collaborative electronic data collection program started in 2001 that collects measurements on bottom temperature, salinity and current velocity with sensors deployed in fishing gear. The program has enlisted over 100 lobstermen to contribute to a time-series documenting environmental conditions in the lobster fishery. Target data-users include the lobster fleet itself, lobster scientists and oceanographers. Collecting environmental data purposefully for the use of oceanographers makes this project distinct in New England.

Etrip

eTrips/mobile is a recently approved eVTR application, developed for The Atlantic Coastal Cooperative Statistics Program (ACCSP) by Harbor Light Software, primarily used by charter-for-hire vessels in Massachusetts and Rhode Island but quickly expanding to other fisheries. The use of eTrips has been encouraged primarily through two projects: one in Rhode Island that used captain's data to better understand fishing patterns in the face of ocean planning, and one in Massachusetts (through MADMF and GMRI) to explore the accuracy of customer versus captain's catch estimates.

Stellwagen Bank Charter Boat Association
P.O. BOX 1230
Marshfield, MA 02050
www.stellwagenbank.org

April 23, 2018

Mr. Michael Pentony, Regional Administrator
NOAA Fisheries
Greater Atlantic Regional Fisheries Office
55 Great Republic Drive
Gloucester, Massachusetts 01930

RE: Comments on EFP Applications for Hook Gear Access to WGOM and Cashes Ledge Closure Areas

Dear Mr. Pentony:

On behalf of the Stellwagen Bank Charter Boat Association ("SBCBA") we strongly oppose the EFP application by the Cape Cod Commercial Fishermen's Alliance for access into the Cashes Ledge and WGOM Closed Areas.

To allow five vessels to make 150 trips into the WGOMCA defies all logic and borders on the reckless. The WGOMCA was created in order to significantly reduce mortality on GOM cod. This area was identified, via 10-minute squares through commercial landings data, as the area of highest concentration of cod in the GOM. It was created in order to produce the largest mortality reduction from the smallest geographical area. Why would you allow commercial vessels back in this area to land 1,000 – 2,000 pounds of groundfish per trip that will obviously result in an unacceptable level of cod bycatch? This area currently holds large numbers of cod, as reported by the recreational and party/charter fleet during the 2017 season.

The FR notice states that "data indicates…that cod represented less than 10 percent of catch overall." What data is this? It can't be commercial data from the WGOMCA, because no commercial vessels have been in this area for years. If it is data from the recreational and for-hire fleets, then it would appear that the bycatch levels from recreational fishermen are much lower than the data that is currently being used to further restrict us would indicate.

The FR notice further states the applicants will use hook gear to "selectively target pollock and haddock while maintaining minimal bycatch." How will they accomplish this? They will be using the same basic gear and bait/jigs that the recreational fleet uses, yet we are told there is no way our sector can avoid cod bycatch in our fishery. They are able to "fish selectively" with hooks, and we are not? Furthermore, what

jc 5/1/18

Stellwagen Bank Charter Boat Association
P.O. BOX 1230
Marshfield, MA 02050
www.stellwagenbank.org

is the projected release mortality for juvenile, undersized cod that are "temporarily retained" for measuring purposes?

Based on GARFO's projection of a "less than 10%" bycatch of cod for a hook-and-line commercial fishery, it would only follow that the hook-and-line recreational fishery in this high cod concentration area would have the same low level of cod bycatch. So if that is the case, it would appear that the recreational sector should be able to catch at least 2,200 mt of groundfish without exceeding its cod sub-ACL. In 2017 the recreational sector caught 643 mt of haddock along with lesser amounts of other species, so it would follow that our sector should be granted an additional 1,000 – 1,500 mt of haddock (primarily) and other species that could be caught this year. Instead, GARFO will be cutting our 2018 haddock catch even further which will result in fewer other species landed since haddock is now the only viable target species for the recreational fleet.

Finally, to suggest that this application has some sort of scientific benefit or data collection underpinning is absurd and an affront to the recreational and for-hire sectors. The GOM is one of the most studied areas in the world in regard to benthic fishes, habitat, ecosystems, water quality, and so forth. Nobody buys the suggestion that commercial vessels fishing in the WGOMCA will somehow provide new and useful data. Furthermore, if this data was indeed truly needed, for-hire vessels that currently fish there would be the appropriate platforms to conduct the research without the need to extract 150 mt of cod, haddock and other species from this sensitive area.

It is obvious to many of us that this application is little more than a pilot program by the commercial fishery, designed to eventually open up cod protection areas to industrial-scale removals. There are currently plenty of pollock and haddock in other areas of the GOM that these folks can fish on. **To open up a discrete protection area that has historically held large concentrations of cod is totally counterproductive to sensible conservation and responsible fishery management.**

Sincerely,

Capt. Michael Pierdinock
SBCBA Board of Directors

cc: Mr. Chris Oliver, NMFS
Mr. Wilbur Ross, US DOC
Mr. Earl Comstock, US DOC

Statement of

Jon Mitchell
Mayor of New Bedford
Chairman, New Bedford Port Authority

Submitted to

New England Fishery Management Council
April 18, 2018
Mystic, Connecticut

Thank you Chairman Quinn and Members of the Council for this opportunity to communicate about a matter of ongoing concern to the Port of New Bedford, namely the impact that the closure of Sector 9 of the Northeast Fishery is having on groundfishing operations in the Port.

The NOAA decision has had--and continues to have--troubling economic consequence for the Port of New Bedford and our local economy. It has triggered significant business losses among local companies that provide support services to the commercial fishing fleet, and has meant the loss of livelihood for dozens of local fishing families.

It is important for all parties to keep in mind the numerous New Bedford businesses and families who have played no direct role in the operation of Sector 9, but who now find themselves in severe financial distress as a result of the Sector's closure.

While the significant human cost of the closure cannot be adequately measured, Professor Dan Georgiana of the School of Marine Science and Technology at the University of Massachusetts (SMAST) has used a standard

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NOAA economic impact model to estimate the economic damage being done to the Port of New Bedford. His analysis found that the Port suffered roughly $12 million in economic losses in just the first twenty-five days after the closure went into effort on November 20th of last year.

This week marks the fifth full month of the Sector 9 closure, and the losses continue to mount. If one extrapolates from Professor Georgiana's original analysis, it is not unreasonable to suggest that the Port of New Bedford may now have cumulatively suffered tens of millions of dollars in losses in the last five months.

This figure includes the impacts on harvesting, processing, wholesale and retail market activity, but does not include the cost to the public of unemployment compensation or the impact on businesses that supply vessels or process groundfish.

None of this is to suggest that the one person at the center of the controversy should not be punished severely. Carlos Rafael should be held fully accountable for his actions. I emphasize rather that the Fisheries Service should undertake its rulemaking, as it is statutorily required, with the interests of the Port and its businesses in mind. At a minimum, this means that it should complete the rulemaking "expeditiously"--as NOAA's notice of withdrawal said it would--so that the effected fishermen and businesses can get back to work without further delay.

The Service also noted it had to calculate the amount of "overage" to certain groundfish stocks caused by Rafael's fraud before it completed its rulemaking. Yet the Service has had, for some time now, all the reasonably available information to complete this loss calculation. Again, I urge the Service to complete these calculations and its rule-making with all deliberate speed.

The clock is ticking against New Bedford fishermen and shore-side businesses. A resolution of this matter therefore cannot come soon enough for the Port of New Bedford. Thank you for your consideration.

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGION
55 Great Republic Drive
Gloucester, MA 01930-2298

Groundfish Summary Report

May 1, 2017 – April 16, 2018

DAS Leasing Program (through Apr 16, 2018)

	Common Pool	Sectors
Total Leases Processed:	14	133
Total Leases Approved:	19	160
Number of Distinct Permits:	206.1971	3517.0642
Total DAS Leased:	13	126
Average Cost per DAS Leased*:	$80.57	$1.97
Highest Cost per DAS Leased:	$185.00	$10.00
Lowest Cost per DAS Leased:	$0.00	$0.00

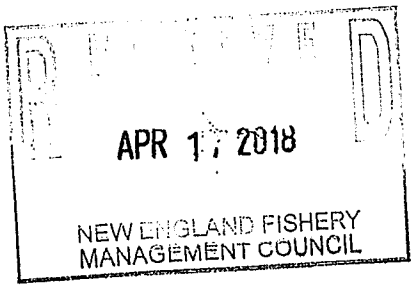
* For leases greater than $ 0.00

Sector ACE Transfers (through Apr 16, 2018)

STOCK	Number of Transfers	Total Pounds Transferred
CC/GOM Yellowtail Flounder	70	254606
GB Cod East	72	158816
GB Cod West	107	307779
GB Haddock East	9	572816
GB Haddock West	20	739434
GB Winter Flounder	41	165872
GB Yellowtail Flounder	15	26870
GOM Cod	120	265468
GOM Haddock	108	2344562
GOM Winter Flounder	21	67153
Plaice	134	782466
Pollock	25	1869816
Redfish	37	3910792
SNE/MA Winter Flounder	73	234100
SNE/MA Yellowtail Flounder	20	25348
White Hake	54	1906008
Witch Flounder	94	363057
Total	**1020**	**13994963**

From: SALVATORE NOVELLO <snovello@verizon.net>
Date: April 17, 2018 at 9:28:08 AM EDT
To: Joan O'Leary <joleary@nefmc.org>
Subject: USE S.K. MONIES TO PAY FOR AT SEA-MONITORING -S.K. WAS STARTED TO HELP COMMERCIAL FISHING INDUSTRY ???
Reply-To: SALVATORE NOVELLO <snovello@verizon.net>

SAM NOVELLO



EDF
ENVIRONMENTAL DEFENSE FUND
Finding the ways that work

April 16, 2018

Dr. John Quinn, Chairman
Mr. Tom Nies, Executive Director
New England Fishery Management Council
50 Water Street
Newburyport, MA 01950

Dear Dr. Quinn and Mr. Nies:

Environmental Defense Fund (EDF) commends the New England Fishery Management Council (Council) for demonstrating the leadership to undertake needed improvements in the existing system of monitoring in the groundfish fishery through the development of Amendment 23 to the Groundfish Fishery Management Plan (FMP). Specifically, the motion passed by the Council in September 2016 directed staff to prepare "an amendment to the Groundfish FMP to adjust the groundfish monitoring program to improve reliability and accountability." We encourage the Council and National Marine Fisheries Service (NMFS) staff to continue moving Amendment 23 forward and undertake the rigorous analyses necessary to fully address and solve the myriad problems caused by insufficient monitoring.

Monitoring Reform is Appropriate as an FMP Amendment

We support the Council's decision to address these monitoring shortfalls through an amendment to the Groundfish FMP, rather than through other avenues like framework actions. An amendment to the FMP allows the Council to think holistically about the existing groundfish monitoring system and make all necessary changes to the requirements contained in previous amendments and framework actions, including the structures and conditions adopted in Amendment 16, Framework 48, and most recently, Framework 55. Development of Amendment 23 allows the Council to reconsider the components of the current monitoring system that have contributed to the fishery's problems and conduct a comprehensive overhaul to meet the requirements of the Magnuson-Stevens Act (MSA). We encourage the Groundfish Plan Development Team (PDT), Groundfish Committee, and the Council to keep this holistic view in mind and to view Amendment 23 as an opportunity to institute appropriate standards and develop the monitoring system that supports effective management.

NMFS explained in its approval of Framework 55 that "larger changes to the ASM program would likely require an amendment rather than a framework adjustment" and NMFS agreed with Framework 55 commenters "that review [of the monitoring program's effectiveness] should include evaluating the groundfish monitoring program beyond [Framework 55], including whether the 30-percent CV standard is the most appropriate way to set ASM coverage levels."[1]

[1] Framework 55 Final Rule, 81 Fed. Reg. 26,412, 26,433 (May 2, 2016).

rec'd @ Council Mtg

Specifically, these aspects of the monitoring system can and should be revisited by Amendment 23:

- CV standard: Framework 48 established the process of setting monitoring levels at the lowest level required such that 80% of discards by weight can be estimated at a 30% coefficient of variance (CV). However, CV is a measurement of precision rather than accuracy, and can only ensure how the sampled data relate to the *sample* average, not to the population average. Given the continued problems in the fishery and evidence of biased data, monitoring levels that meet the CV standard are likely leading fishery managers to conclusions that are precisely wrong. Therefore, we recommend removing from the scope the action any effort to develop an improved CV standard since it does not address the purpose and need approved by the Council. Instead, we assert that Amendment 23 should focus on improving accuracy of discard accounting in the fishery.
- Monitoring levels less than 100%: Amendment 16 specified that less than 100% electronic monitoring and at-sea observation will be required.[2] NMFS has stated that "In order to assure perfect accuracy (i.e., zero bias), 100-percent observer coverage would be required" but is "prohibited by Amendment 16."[3] Amendment 23 can change this situation, such that 100% monitoring of vessels at sea, whether by human observers or cameras, could be required if the analyses demonstrate it is needed.
- Dockside Monitoring: Amendment 16 put in place a program for dockside monitoring to verify landings before the catch was transferred to dealers. This program was later removed under the assumption that catch reported by vessels would be checked against the dealer reports. Including provisions to reinstate an independent dockside monitoring program would enable fishery managers to verify catch data.
- Industry funding: Amendment 16 requires industry to pay for the costs of at-sea monitoring. However, the high cost of observers is frequently used as a justification for low monitoring levels. Through Amendment 23, the Council could choose to emphasize the need to determine the appropriate level of monitoring and then explore ways to phase in cost responsibilities over time post-implementation. Other regions have taken this approach when they have moved to higher accountability levels.
- Goals and Objectives: Framework 55 clarified Amendment 16's goals and objectives as identified in Framework 48, so that "the primary goal of the sector ASM program is to verify area fished, catch and discards by species, and by gear type," and NMFS should consider achieving this goal in "the most cost effective manner practicable" when setting target coverage levels.[4] Amendment 23 can reframe the groundfish monitoring goals as needed in order to prioritize accuracy, reliability, and accountability. Cost effectiveness is an important consideration; however it must be evaluated in terms of options that satisfy the need for accurate verification of catch. Evaluation of cost effectiveness should be broadened beyond the existing ASM alone, and encompass other useful components of a monitoring program such as reinstatement of dockside monitoring, accelerated

[2] See Framework 55 Final Rule, 81 Fed. Reg. at 26,435.
[3] Id. at 26,453.
[4] Id. at 26,421.

implementation of electronic monitoring, and electronic reporting of catch and discard data in real-time.

Analyses and Evidence to Consider in Amendment 23 Development

The existing groundfish monitoring system needs to be overhauled because the information it produces is biased and incomplete, therefore unreliable as the basis for making decisions regarding the fishery. Without comprehensive changes to monitoring, the unreliability of the data will continue. In our comments to Framework 55 submitted in April 2016 [Attachment A], we pointed out significant problems in the groundfish fishery that required a much more comprehensive monitoring solution than was proposed in that framework action. The system for collecting fishery-dependent data has been demonstrated to be untrustworthy, enabled by an already-low percentage of monitored trips determined allowable by the insufficient CV standard. And yet Framework 55 lowered those monitoring levels further.

Since the approval of Framework 55, the need for a comprehensive change has increased and the evidence is continuing to mount that monitoring coverage is insufficient to provide the "reliability and accountability" we all seek under Amendment 23. The Groundfish PDT is conducting and refining important analyses needed to inform development of Amendment 23, providing further evidence of the scale of the failure under the current monitoring regime to keep catch within set limits. We support these studies and encourage development of alternatives focused on these analyses. This evidence includes the following:

1. **Observer bias created in fishing behavior due to low monitoring coverage.**

NMFS has previously recognized that analysis has "found evidence for some differences in fishing behavior between observed and unobserved groundfish trips" [5] although without specifying the direction or magnitude of this effect. An observer effect "could result in either systemized or localized biases, which would suggest that observer data used to generate discard estimates may not be representative."[6] As rephrased in the Draft Alternatives document of March 20, 2018, "Framework 48 stated that the minimum coverage level based on CV is only appropriate for sector monitoring purposes if there is no evidence that behavior on observed and unobserved trips is different. If there is evidence that behavior is different, then a higher coverage level may be required to ensure the accuracy of discard estimates."

The NEFSC studies on observer bias are still ongoing, but they show the existence of observer bias in the groundfish fishery. Therefore, even under the current FMP requirements, setting the minimum coverage level based on CV is inappropriate because observer bias is skewing the sample data. The development of Amendment 23 should acknowledge this observer bias exists and both increase monitoring coverage to levels high enough to mitigate that bias as well as disallow inappropriate reliance on the CV standard.

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[5] 81 Fed. Reg at 26,434.
[6] Id.

2. Illegal discarding at sea to avoid exceeding quotas of choke stocks.

NMFS has previously explained that "the ASM program provides a basis for sector discard estimation" but that "for most allocated stocks, discards are only a small portion of total catch."[7] This reason was used to justify lowering monitoring levels in Framework 55. However, increasing evidence shows that discards are a much larger portion of catch than previously assumed and which the ASM program fails to capture.

The illegal discarding that is commonplace in the fishery is gaining greater recognition. As John Bullard stated when he was Regional Administrator for NOAA Fisheries Greater Atlantic Region, "pressures to discard legal fish [have] proven as irresistible to avoid as they are to acknowledge, [but we] have to bring illegal discarding out of the shadows" and "remove the disincentives for full accountability and full coverage."[8]

3. Misallocation of catch for multi-stock trips.

In January 2017, a study that analyzed vessel trip reports (VTRs) and compared them to speed data collected from vessel monitoring systems found catch accounting errors indicating that certain groundfish species were being reported caught in a different stock area from the stock area in which the species was actually caught.[9] These errors include underreporting the number of stock areas the vessel fished on one trip or attributing the catch to an area it was not caught while accurately or erroneously reporting the trip's total fishing locations. As the study suggests, these errors may be unintentional reporting mistakes while filling out the forms or a product of recall bias from filling out and submitting VTRs well after the conclusion of the fishing trip. Whether unintentional or otherwise, these errors cast doubt on the accuracy and reliability of VTR data as a primary source of catch data. Amendment 23 can address these issues by considering real-time reporting of catch data through electronic means, and improved catch monitoring at sea to provide data quality assurance.

4. Misreporting of stocks on vessel trip reports and dealer reports.

The exposure of the extensive criminal activity to which Carlos Rafael pleaded guilty has demonstrated that intentional misreporting in the groundfish fishery has been prevalent for years. Even if Carlos Rafael were the only fisherman to intentionally misreport the stocks he caught, his dominant share of the fishery meant that his misreporting greatly skewed the data collected through sources outside monitors at sea.

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[7] Id. at 26,420.
[8] John Bullard, "There is No Silver Bullet for Groundfish," NOAA Fisheries, June 5, 2017, https://www.greateratlantic.fisheries.noaa.gov/stories/2017/06/05_silverbullet.html.
[9] Palmer MC. 2017. Vessel trip reports catch-area reporting errors: Potential impacts on the monitoring and management of the Northeast United States groundfish resource. US Dept Commer, Northeast Fish Sci Cent Ref Doc. 17-02; 47 p. https://www.nefsc.noaa.gov/publications/crd/crd1702/crd1702.pdf.

NMFS has stated that "due to joint and several liability for sector members for certain violations, including illegal discarding and misreporting of catch, a strong incentive for sector member to self-enforce monitoring and reporting requirements to ensure the sector has the most accurate information available."[10] But Carlos Rafael had been indicted even at the time FW55 was finalized in May 2016, belying the strength of the sectors' operational plans to self-enforce and ensure accuracy of collected information without stronger accountability standards. More recently, NMFS withdrew approval of the sector operations plan of Northeast Fishery Sector IX (Sector 9), to which Carlos Rafael's boats belonged, due to Sector 9's lack of enforcement.[11] However, Sector 9 has recently submitted a sector operations plan in which the majority of their boats (including boats controlled by Carlos Rafael) will switch to Sector 7 so they can continue fishing outside of the restrictions imposed on Sector 9, further undermining the idea that sectors will self-enforce these monitoring and reporting requirements.

5. A retrospective pattern in the ability to constrain catch to quotas and overfishing limits.

In our comments to Framework 55, we noted the disheartening combination of the failure of stocks to rebuild by the date established in the FMP and that "stock assessments in the fishery have shown what is known as retrospective bias, meaning that although technically the annual catch limits (ACLs) established by the agency have not been exceeded, the stock assessments show overfishing has occurred."[12] NMFS has also recognized this phenomenon, noting in the Final Rule for Framework 55 that "the U.S. assessment for the total [Georges Bank] cod stock was rejected due to a strong retrospective pattern during the September 2015 groundfish assessments" causing the 2016 catch recommendation to be based on a different method.[13] Unreported discards due to extremely low monitoring levels and insufficient catch reporting requirements, as described above, are some likely reasons for this retrospective pattern of overfishing, despite setting quota and monitoring levels as the FMP currently requires. This is even more certain for non-allocated stocks whose catch is essentially discards only (such as wolffish), where the only recorded data on mortality is through discard monitoring at sea.

Retrospective patterns are typically the result of inconsistencies in the data or model, which can include the catch series.[14] We are currently exploring an analysis to determine how sensitive the

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[10] 81 Fed. Reg. at 26,420.

[11] "Accurate reporting, internal accountability, and organization integrity are core principles of the sector system. The systematic sector and vessel misreporting over a long period of time was facilitated by an internal structure and control by a single, dominant participant combined with a lack of oversight. [...] NEFS 9 has failed its primary responsibility of accurately reporting and tracking its catch and has taken only minimal, insufficient steps to ensure accurate reporting and compliance with its operations plan." Interim Final Rule, 82 Fed. Reg. 55,522, 55,524 (Nov. 22, 2017).

[12] EDF FW55 Comments at 4 ("For example, according to all available data, catches since 2010 have been below the commercial sub-ACLs for Cape Cod/Gulf of Maine yellowtail flounder, yet the stock continued to experience overfishing in both its previous and current stock assessments.").

[13] Framework 55 Final Rule, 81 Fed. Reg. 26,412, 26,430 (May 2, 2016).

[14] Legault CM, Chair. 2009. Report of the Retrospective Working Group, January 14-16, 2008, Woods Hole, Massachusetts. US Dept Commer, Northeast Fish Sci Cent Ref Doc. 09-01; 30 p. Available from: National Marine Fisheries Service, 166 Water Street, Woods Hole, MA 02543-1026, or online at https://www.nefsc.noaa.gov/nefsc/publications/crd/crd0901/crd0901.pdf

retrospective pattern is to possible underreported catch. We encourage the PDT to consider this analysis once completed and reviewed in their work as it relates to Amendment 23, and welcome suggestions for ways to support PDT analysis.

Conclusion

Together, these issues create inconsistencies in the data relied upon by fishery scientists and managers to assess and manage groundfish stocks, confounding their ability to set meaningful limits. But each of these issues would be corrected with comprehensive and effective "adjustments to the groundfish monitoring program to improve reliability and accountability" – the aim of Amendment 23.[15]

The failure of the FMP to prevent overfishing is contrary to the requirements of the MSA. National Standard 1 mandates that conservation and management measures prevent overfishing while achieving optimum yield.[16] We encourage the PDT to view Amendment 23 as a means to improve groundfish data collection through FMP monitoring requirements that will lower the risk of continued overfishing in the groundfish fishery.

In conclusion, as the Council continues to develop and evaluate alternatives for Amendment 23, we request that you take into account these numerous sources of evidence showing the need for improved monitoring.

Sincerely,

Johanna Thomas
Director, New England Region
Oceans Program

Priya Sundareshan
Attorney, Oceans Program

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[15] The "Purpose and Need" for Amendment 23 remains true to this goal, emphasizing accuracy and accountability: "To implement measures to improve reliability and accountability of catch reporting and to ensure a precise and accurate representation of catch (landings and discards)."
[16] 16 U.S.C. § 1851(a)(1).

EDF
ENVIRONMENTAL DEFENSE FUND
Finding the ways that work

John K. Bullard
Regional Administrator
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

Re: Comments on Groundfish Framework Adjustment 55

Dear Administrator Bullard:

Thank you for the opportunity to comment on the proposal to approve and implement the management measures in Framework Adjustment 55 (Framework 55) to the Northeast Multispecies Fishery Management Plan (FMP). See 81 Fed. Reg. 15,003 (March 21, 2016). Specifically, you have requested comment on whether these measures are consistent with the FMP, including Amendment 16; the Magnuson-Stevens Act (MSA) and its National Standards; and other applicable law. While we support many of the proposals included in Framework 55, we oppose the reduction in monitoring levels contemplated in the framework. Approving it would render inoperable existing measures to ensure accountability with annual catch levels and result in an unacceptably high likelihood of overfishing in violation of the MSA and implementing case law. Approving Framework 55 in its current form would also violate the Administrative Procedure Act, 5 U.S.C. §§ 701-706, and the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321-4370f, as well as contravene Amendment 16 as modified by Framework 48. Therefore, we urge the National Marine Fisheries Service (NMFS) to partially disapprove Framework 55 insofar as it reduces monitoring levels from a projected 41 percent to 14 percent.

Many of Framework 55's proposed measures are necessary to improve management of the fishery and conform to applicable law. We support adopting catch limits for groundfish stocks based on the 2015 assessment updates, setting shared U.S./Canada quotas for Georges Bank (GB) yellowtail flounder and Eastern GB cod and haddock, creating a new sector, modifying the sector approval process, adjusting gear requirements, removing the Gulf of Maine cod prohibition from Framework 33 for recreational anglers, and allowing sectors to transfer GB cod quota from the eastern to western areas Fortunately, NMFS has the authority to partially approve an amendment to an FMP, approving the measures that are consistent with applicable law while disapproving measures that are inconsistent. See 16. U.S.C. § 1854(a)(3). Therefore, we urge NMFS to approve the majority of Framework 55 while specifically disapproving the measures that would lead to a drastic reduction in monitoring levels.

1875 Connecticut Avenue, NW
Washington, DC 20009
T 202 387 3500
F 202 234 6049
edf.org
New York, NY / Austin, TX / Bentonville, AR / Boston, MA / Boulder, CO / Raleigh, NC
Sacramento, CA / San Francisco, CA / Washington, DC / Beijing, China / La Paz, Mexico

We do not urge maintaining adequate monitoring levels because we support continued reliance on the existing at-sea monitoring (ASM) program. That program, which places human observers onboard selected vessels in order to verify area fished, catch and discards, can indeed be very expensive. Moreover, the current ASM program only monitors a small fraction of fishing trips, extrapolating the data collected to unobserved trips. What we oppose is allowing even lower levels of monitoring for a fishery that is in dire need of much higher levels. A transition to widespread monitoring, facilitated by the use of electronic monitoring (EM) technologies, can deliver important economic and conservation benefits to the fishery and the fishermen who rely on it.

Proposed Groundfish At-Sea Monitoring Program Adjustments

The agency proposes in Framework 55 to significantly reduce observer coverage in the New England groundfish fishery by changing the method of calculating the percentage of fishing trips that would need to be monitored. See 81 Fed. Reg. at 15,015. Monitoring in the groundfish fishery is accomplished through a combination of the Northeast Fishery Observer Program (NEFOP) and ASM program, through which observers are selected to accompany a percentage of fishing trips to collect fishery data. Discards and other data are estimated for all fishing trips based on the data collected on observed trips. The agency sets the monitoring coverage at the lowest level required such that 80% of discards by weight can be estimated at a 30% coefficient of variance (CV) or lower. The coefficient of variance is a precision measurement calculated as a ratio of the sample standard error to the sample average,[1] meaning that monitoring levels resulting in a lower CV value generates more precise – but not necessarily more accurate – discard estimates.

Framework 55 proposes several changes to the calculation, each of which can reduce the observer coverage needed to reach the 30% CV limit. With no change to the CV calculation (the "No Action" alternative), observer levels would be set at 41% for the fishing year starting May 1, 2016. See Table 14, 81 Fed. Reg. at 15,017.

First, NMFS proposes to remove its "administrative" standard of setting observer coverage levels to ensure that at least 80 percent of discarded pounds in the groundfish stocks are estimated at the 30% CV statistical quality. NMFS states that "applying this standard resulted in higher coverage levels than if the standards were not applied." *Id.* at 15,017. This action would reduce the observer coverage level needed to maintain a 30% CV down to 37% of trips. *Id.*

Second, extra-large mesh gillnet trips would be exempted from the ASM observer requirements. This action, if implemented alone, would also reduce the observer coverage level needed to maintain a 30% CV down to 37% of trips. *Id.* at 15,017-15,018.

Third, the proposed rule explains that the ASM coverage levels have, up to now, been set only using the immediately previous available fishing year's data. As NMFS explains, "there is the potential" – apparently not yet observed – "that variability could result in large fluctuations" in monitoring levels, hypothetically frustrating business planning for the fishermen and observer providers. *Id.* at 15,018. The agency proposes to avoid these anticipated fluctuations by using

[1] See, *e.g.*, Zar, J.H. 1999. Biostatistical Analysis, Fourth Edition. Prentice Hall, Upper Saddle River, NJ. 663 pp.

the average of the last three years of available fishing data. *Id.* In operation, this switch would also lead to a lower level of required monitoring levels for the 2016 fishing year – down to 17% of trips. *Id.* at 15,018.

Fourth, the proposed rule explains that NMFS had been using the individual stock that needed the highest coverage level to achieve a 30% CV. *Id.* at 15,016. NMFS proposes to instead filter the application of the 30% CV standard so fish that meet certain health criteria (specifically, redfish) would no longer drive the coverage level. These criteria are: 1) not overfished; 2) overfishing is not occurring; 3) not fully utilized (less than 75% of the sector quota limit is harvested; and 4) discards are less than 10% of total catch. *Id.* at 15,018. This action, if implemented alone, would reduce monitoring levels to 26% of trips; if implemented in conjunction with the other measures above, the level would drop to 14%. *Id.*

The agency describes these changes largely in the context of the need to comply with the 30% CV standard, first established in Framework 48, 78 Fed. Reg. 26,118, 26,129 (May 3, 2013). With minor exceptions, monitoring in the fishery has adhered to this standard for some time, but significant problems remain, as noted below. Fundamentally, CV is a precision standard that ensures that the variance within the sample is not too far from the sample average – but does not measure how close the estimate is to the correct or "true" value.[2] A skewed sample (as would be produced by data collected from a selection of fishing trips where behavior is known to change once observers are not present) may therefore show a relatively low CV but could be completely divergent from reality. NMFS's ability to propose measures that could reduce the monitoring down to 14% for a fishery that is experiencing such fundamental problems and yet stay within the 30% CV precision standard thus exposes the basic flaw in reliance on this standard. Indeed, the groundfish Plan Development Team "has repeatedly noted that the standard may not be appropriately addressing the goal of accurately determining sector catch and ACE utilization."[3]

Monitoring options besides CV are just as statistically valid, yet yield a much different result in terms of monitoring levels, equitable distribution, and total cost. For example, one approach that is being explored is the "Weighted Discard Proportional Approach" (DPA), recently described to the Council by Dr. Jenny Sun.[4] In general, the DPA assigns coverage proportional to discards, weighted by the expected utilization rate of each stock. DPA provides coverage that is more fair and equitable, since fishing boats that discard higher total pounds of discards – likely larger vessels with more ability to pay – would pay higher total monitoring costs. Coverage must still be representative of fishing, so additional work is still needed to determine the explanatory power of vessel size and trip length variables in relation to discards

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[2] See, *e.g.*, Zar, supra note 1.

[3] See Sun, C-H.J. and Fine, L. A cost-effective discards-proportional at-sea monitoring allocation scheme for the groundfish fishery in New England. 66 Marine Policy 75-82, 77 (2016), citing to Greater Atlantic Regional Fisheries Office, "Summary of Analysis Conducted to Determine At-Sea Monitoring Requirements for Multispecies Sectors: FY2015" at p.40, 2015, available at http://www.nefsc.noaa.gov/fsb/asm/FY2015_Multispecies_Sector_ASM_Requirements_Summary.pdf.

[4] See, *e.g.*, Meeting Agenda, Wed. Mar. 30, 2016, Groundfish Plan Development Team, http://s3.amazonaws.com/nefmc.org/160330-Groundfish-PDT-meeting-agenda.pdf.

rate by stock area and gear. This approach could still be subject to the observer effect, but the effect could be mitigated to a degree by using vessel size and trip duration as determinants of observer coverage, regardless of total pounds caught on the trip. Finally, DPA would assign more observers to stocks that are of concern, so it might be possible that small boats that target cod, for example, would have a higher coverage rate than a large vessel targeting redfish. Given the inadequacies of the CV method, DPA deserves careful consideration.

I. Background

Reviewing the conservation and economic context in which the rule is proposed serves to illustrate the significant threat to the sustainability, and indeed the existence, of New England groundfish fishing if the problematic portions of Framework 55 are approved.

Many stocks in the New England groundfish fishery suffer from low population sizes and overfishing. As the Environmental Analysis (EA) contained in the Council's formal submission to NMFS of Framework 55 shows in Table 94, the realized CV has been well under the 30% standard for the vast majority of stocks for the last three years, and yet the problems with some stocks in the fishery continue to worsen. Table 63 on page 167 details the status of the stocks and shows that 13 of 20 stocks are either overfished or the overfished status is unknown. Three of these stocks were in year six of a seven year rebuilding plan according to the December 31, 2015 Fish Stock Sustainability Index (FSSI) and non-FSSI stock status tables,[5] meaning that they are to be rebuilt by next year.[6] Those tables also show ten other rebuilding plans in progress and two that were in year 12 of ten year rebuilding plans – in other words, they have already failed to rebuild by the date established in the FMP: 2014.[7]

Meanwhile, stock assessments in the fishery have shown what is known as retrospective bias, meaning that although technically the annual catch limits (ACLs) established by the agency have not been exceeded, the stock assessments show overfishing has occurred. For example, according to all available data, catches since 2010 have been ***below*** the commercial sub-ACLs for Cape Cod/Gulf of Maine yellowtail flounder, yet the stock continued to experience overfishing in both its previous and current stock assessments. EA at 167, Table 63. In other words, despite science-based quotas and data collected by the levels of observer coverage determined to be sufficient to meet the 30% CV standard, it is later found that overfishing continues. This disconcerting reality is likely the product at least in part of unreported discards as described in the GOM cod case study below.

Quotas for some target stocks have declined materially over the past several years, including cod, yellowtail flounder, grey sole, and dabs. The ACLs for the George's Bank cod and Cape Cod/Gulf of Maine yellowtail flounder stocks, for example, have been reduced, first following the updates and peer review of 13 Northeast Groundfish Stocks conducted in 2012 and again following the 2015 groundfish operational assessments. The commercial quota for

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[5] FSSI and non-FSSI tables can be found at http://www.nmfs.noaa.gov/sfa/fisheries_eco/status_of_fisheries/archive/2015/fourth/q4-2015-stock-status-tables.pdf.

[6] See Amendment 16 at 81 (Oct. 16, 2009); available at http://s3.amazonaws.com/nefmc.org/091016_Final_Amendment_16.pdf

[7] *Id.* at 83.

George's Bank cod dropped from 4,605 metric tons (mt) in fishing year 2012 to less than half that amount – 1,807 mt – the following year. This fishing year the commercial quota has dropped to only one-third of the 2013 level, 608 mt, an 86.8% total reduction from 2012. EA at 46 Table 10. The commercial quota for Cape Cod/Gulf of Maine yellowtail founder likewise fell from 760 mt in fishing year 2012 to 479 mt in 2013 and only 341 mt in 2016. Gulf of Maine cod's situation is described in greater detail below. These very low quotas all suggest that more careful monitoring is required to ensure that they are not exceeded. See 16 U.S.C. §§ 1853(a)(15), 1852(h)(6) (requiring ACLs and measures to ensure accountability with them).

Reducing monitoring levels will produce particularly negative impacts on data collection for so-called "non-allocated stocks": wolffish, northern windowpane flounder, southern windowpane flounder, and ocean pout. See EA at 187, 192 Fig. 22. These species "are essentially discards only, [and] estimates of catches rely on observations at sea." *Id.* Three of these four stocks are overfished as of their most recent assessments, with wolffish in year six of a rebuilding plan without a deadline, northern windowpane flounder in year six of a seven year rebuilding plan, and ocean pout in year 12 of a ten year rebuilding plan. EA at 167 Table 63; *supra* n. 5. Reducing monitoring levels can be expected to have a distinctly negative impact on data collection for these struggling stocks given that those data are collected ***only*** via monitoring (since the non-allocated stocks cannot be landed), although it is difficult to estimate the full impact that the reduction in monitoring precision will have on these stocks, which are only monitored through observing discards.

Climate change poses another threat to this fishery. The waters off New England are warming more quickly than almost any other body of water in the United States, and in fact in the world (Mills et al. 2013),[8] posing significant challenges for fish populations. NOAA's recent climate vulnerability assessment concluded that the vast majority of species in the region are likely to suffer negative impacts of climate change, including the majority of the groundfish complex (Hare et al. 2016).[9] The question is not so much which phenomenon – fishing or climate change – is responsible for lower population sizes, but that in the context of climate change we need to make more responsible management decisions so as not to push already-low populations towards commercial extinction and/or listing pursuant to the Endangered Species Act.

The situation described above – in which documented catch understates fishing mortality, conditions are changing, and rebuilding does not take place as anticipated – demonstrates that there is substantial uncertainty in managing the New England groundfish fishery. Uncertainty is of course not an unusual characteristic in fisheries management, and NMFS has specified in guidance how managers should account for two types of it: scientific uncertainty and management uncertainty. See 50 C.F.R. § 600.310(f)(4) (setting quotas must take into account

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[8] Mills, K.E., A.J. Pershing, C.J. Brown, Y. Chen, F.-S. Chiang, D.S. Holland, S. Lehuta, J.A. Nye, J.C. Sun, A.C. Thomas, and R.A. Wahle. 2013. Fisheries management in a changing climate: Lessons from the 2012 ocean heat wave in the Northwest Atlantic. Oceanography 26(2):191–195, http://dx.doi.org/10.5670/oceanog.2013.27.

[9] Hare JA, W.E. Morrison, M.W. Nelson, M.M. Stachura, E.J. Teeters, R.B. Griffis, et al. 2016. A Vulnerability Assessment of Fish and Invertebrates to Climate Change on the Northeast U.S. Continental Shelf. PLoS ONE 11(2): e0146756. doi:10.1371/journal.pone.0146756.

scientific uncertainty); *id.* § 600.310(f)(6)(i) (accountability measures must be set to account for management uncertainty).

It is no surprise that both kinds of uncertainty are found in the Northeast multispecies fishery. For example, NMFS notes that target catch should be set lower to reflect ***scientific*** uncertainty manifested by "factors such as … the degree of retrospective revision of assessment results," *id.* § 600.310(f)(4), which is the pattern seen in New England groundfish as noted above.

Similarly, NMFS identifies "[t]wo sources of ***management*** uncertainty" that managers should account for in establishing catch limits: "[u]ncertainty in the ability of managers to constrain catch so the ACL is not exceeded, and uncertainty in quantifying the true catch amounts (*i.e.*, estimation errors)." *Id.* § 600.310(f)(6)(i) (emphasis added). Specifically, the guidelines advise managers that "[t]o determine the level of management uncertainty in controlling catch, analyses need to consider past management performance in the fishery." *Id.* Again, management uncertainty is clearly an issue for the fishery. Despite years of ostensibly holding catch within catch limits, overfishing has continued for some stocks and rebuilding is lagging for those plus others. And "uncertainty in the ability of managers to constrain catch so that the ACL is not exceeded and uncertainty in quantifying the true catch amounts," *id.*, can only be expected to increase if NMFS approves the reductions in monitoring levels contained in Framework 55.

At present, the Multispecies FMP endeavors to take scientific uncertainty into account by establishing a buffer between the maximum amount of catch that can be allowed without resulting in overfishing, known as the overfishing level or OFL, and the allowable biological catch, the ABC. That buffer varies, but control rules designed to produce ABCs generally result in a buffer of approximately 25%.[10]

Quotas (ACLs) are then established by applying a further buffer that reflects management uncertainty. These buffers are approximately five percent.[11] In light of the difficulty in quantifying true catch amounts in the fishery (resulting largely from the observer effect), a five percent buffer is extremely low indeed especially under the current low levels of monitoring. One agency expert has opined that "[l]ow management uncertainty typically requires a good, timely inseason catch accounting system and a responsive set of management tools."[12] Given the

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[10] See http://archive.nefmc.org/tech/cte_mtg_docs/101102-03/abc_control_rules/1_NEFMC-%20Control%20Rules.pdf at 2; http://www.fisherycouncils.org/SSCpapers/SSCWorkshop10.pdf at 38; and http://www.fisheries.noaa.gov/sfa/laws_policies/national_standards/documents/acl_faq_may27_2011.pdf.

[11] See Northeast Multispecies FMP Amendment 16 at 93, Table 18. ACLs are set at a given percentage of the ABC, and the difference is the buffer that reflects management uncertainty. For example, the first stock listed, Georges Bank cod, will have an ACL of 95 percent of its ABC, reflecting a 5 percent buffer for management uncertainty.

[12] Richard D. Methot Jr., Science Advisor for Stock Assessments, NMFS Office of Science and Technology, "A Scientific Perspective on Challenges and Successes with Annual Catch Limits, and Possibilities to Improve Fishery Sustainability," Managing Our Nation's Fisheries at 65,

current low levels of monitoring and the overfishing that has resulted despite ostensible adherence to ACLs, low management uncertainty buffers are already inappropriate. Further reducing monitoring levels, as the agency proposes to do in approving Framework 55, would increase management uncertainty and, pursuant to the guidelines, require a larger buffer.

Gulf of Maine Cod Case Study

Gulf of Maine cod, which has been an important target stock for many years but is now at just four to six percent of its healthy population size,[13] vividly illustrates the context in which NMFS is proposing to reduce monitoring levels and the possible implications of that change. The ACL for GOM cod has been cut by 95% over the last five years, and as such, it is now considered a "choke stock," because it limits the opportunity to catch abundant, high quota species like Pollock.[14]

GOM cod also fits the profile of having a mismatched ACL relative to its fleet-wide catch. In New England, the fishing industry has strongly argued that their observations of GOM cod abundance are dramatically different than the ACLs imposed by managers.[15] If GOM cod stocks truly are abundant and the ACLs are set too low, then it would be very difficult for fishermen to avoid them. This dynamic alone would lead one to expect higher levels of discarding on unobserved trips, but when combined with very low monitoring and enforcement levels and high lease prices for quota, the economic benefits of discarding are far greater. Table 1 shows the ACLs for GOM cod over the last five years, the total catch, the total discards, and the percentage of total catch that are accounted for by discards.

Table 1. Total Catch and Discards of GOM Cod 2010-2015

Fishing Year	Sub ACL (mt)	Total Catch (mt)	% reported caught	Discards (mt)	Discards as a % of total catch
2010	4327	3617	84%	140	3.87%
2011	4721	4368	93%	146	3.33%
2012	3619	2181	60%	122	5.60%
2013	812	732	90%	20	2.69%
2014	810	652	81%	24	3.68%
2015	201	138	68%	12	**8.87%**

http://www.nmfs.noaa.gov/sfa/laws_policies/national_standards/documents/methot_2013_monf.pdf.

[13] See 2015 operational groundfish assessments; GOM cod version found at http://www.nefsc.noaa.gov/publications/crd/crd1524/Individual%20Stocks/GOM_Atlantic_cod.pdf

[14] Sun, J. and A. Kitts. "Groundfish Sectors Business Viability Assessment: Analyzing the Time-Value of the ACE Leasing Price and the Utilization of ACE". Fall 2014 Seminar Series, School for Marine Science and Technology, University of Massachusetts Dartmouth, Fairhaven, MA, Oct. 29, 2014.

[15] Okeefe, C., Cadrin, S., and J. Wiersma, "Fishery Dependent Data in New England Stock Assessments." Presented at Taking Stock Workshop, Nov. 9, 2015, Plymouth, MA.

This table tells an interesting story. First, even though quota for GOM cod was cut by another 75% from the already low 2014 level, the fleet has only reported harvesting 68% of the 2015 ACL. If, as the industry contends, GOM cod are highly abundant and hard to avoid, why is reported catch limited to such a low proportion of such a miniscule quota? This inconsistency suggests either that all catch is not being reported or that the population is in fact at such low levels that it is difficult to catch even a historically minimal quota.

But even more interesting is the relative percentage of discards to total catch, which in 2015 was two and a half times greater than the five year average (2010-2014). The best explanation for this phenomenon is high levels of unreported discarding of GOM cod on unobserved trips. Understanding why requires an examination of how catch and discards are measured in this fishery.[16] Regulations require that fishermen land legal size GOM cod and have quota share sufficient to cover those landings and all discards. If they do not already own the quota, they must lease it from other participants. ***No*** legal size GOM cod should be discarded.

Discards of sublegal (too small) fish are tabulated on those trips that carry observers. Regulators then calculate an assumed discard rate based on those observed trips by determining the ratio of the total GOM cod discards to the total kept weight of all landings. Discards for GOM cod for unobserved trips are then calculated by multiplying that weekly assumed discard rate by the total weight of landings (of all species) for each trip. These GOM cod discards are calculated for unobserved trips even when fishermen report no landings of GOM cod on that trip.

If on unobserved trips in 2015 fishermen were keeping and recording the legal-sized cod as mandated by regulation, the overall discards percentage of total catch would likely remain consistent with past years. But if large amounts of GOM cod are discarded on unobserved trips and not landed, one would expect discards as a percent of total catch to be much higher than previous years. Table 1 shows just this situation.

In fact, it is straightforward to show that if the five year average (2010-2014) of discards as a percentage of total catch (which is approximately 3.83%) were applied to the 2015 fishing year, the total catch would be 313 mt—not 138 metric tons as reported—to maintain the same average ratio of discards to total catch as the previous five years. This scenario would mean that the 2015 ACL for GOM cod was exceeded by some 64%. And if the anticipated recreational catch of 185 mt is then added to the revised commercial catch, total catch would equal 498 mt, only 16 mt below the overfishing level of 514 mt. Put differently, straightforward calculations based on very legitimate assumptions suggest that catch was only four percent below the overfishing level for GOM cod in 2015.

Clear patterns in the data thus indicate that the observer effect and perverse economic incentives stemming in large part from an unduly small amount of monitoring resulted in quota overages and possibly overfishing in fishing year 2015 when that monitoring level stood at 24 percent. Reducing that level further, to only 14 percent, is virtually certain to result in quota overages and potentially overfishing.

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[16] This discussion focuses on GOM cod, but the same rules and calculations apply to all species governed by the Multispecies FMP.

Some may seek to offer alternative explanations for the dramatic change in the 2015 discard data, such as an environmental anomaly, changes in the areas fished, or the use of new fishing technology or smaller mesh sizes. Such explanations would be farfetched. For an environmental anomaly to explain these data, on average fishermen would be running into sub-legal size cod fish on observed trips at a rate that is 2.5 times higher than in the previous four years. This is highly unlikely. Given that fishing technology, mesh size, and areas fished has remained relatively unchanged over this time period, these are unlikely factors as well.

Low Monitoring and High Quota Prices

The most likely reason for the high levels of illegal discarding of legal sized GOM cod on unobserved trips is the combination of low monitoring and enforcement and high lease prices for cod quota. Given that the assumed point of quota control is the landing site, not at sea through effective monitoring, fishermen have the option of discarding fish at sea in order to reduce the quantity landed against their quota.

Hatcher (2015)[17] developed a model of the individual fishing firm with quota non-compliance, discarding, and the assumption of no at sea monitoring. Based on this model (and consistent with common sense and business practices), the individual fishing firm will choose the optimal level of harvesting, quota leasing, and discarding in order to maximize profits. The first order conditions show that if the costs to land an additional unit of fish (*e.g.* GOM Cod) are greater than the market price of that fish, then the "optimal decision" is to discard the fish at sea.

In the case of 2015 GOM cod, since the ACL was not met,[18] there was opportunity to lease quota to cover any individual overage. But Hatcher shows that if the cost to land and lease quota for GOM cod is greater than the market price paid at the dock for GOM cod, then the profit-maximizing decision for the individual is to discard.

Not all fishermen will make the profit-maximizing choice, and not all prices are always known. But, for GOM cod, this scenario has seemed to play out. According to the Portland Fish Exchange, the average market price for GOM cod since May 1, 2015 is roughly $2.40 per pound. Based on personal communication with sector managers and fishermen, the average lease price for GOM cod quota this year was roughly $3.50 per pound. So, the profit-maximizing decision for an individual who does not have sufficient allocation of GOM cod is to discard it at sea. This could explain part of the high ratio of discards to total catch – relative to past years (2010-2014) – observed in the 2015 Sector landings data.

Low Monitoring Levels will Exacerbate the Observer Effect

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[17] Hatcher, A., "What determines Quota Prices in Multi-species ITQ Fisheries?" European Association of Environmental and Resource Economists 21st Annual Conference 24 - 27 June 2015, Helsinki, Finland, http://www.webmeets.com/eaere/2015/prog/viewpaper.asp?pid=466.

[18] In 2015, only 68% of the GOM cod ACL has been reported caught (see Table 1 supra), so it is assumed that fishermen still had the option to lease quota to cover an individual overage after landing.

NMFS concedes that the current ASM program, where only a fraction of fishing trips are monitored, can lead to what economists and biologists refer to as the "observer effect." See EA at 6 ("Further, observer bias could potentially increase with fewer observed trips.") and 187 ("Furthermore, a benefit of higher coverage is to reduce the potential for observer bias. Although it is not possible to quantify observer bias at this time, the uncertainty change from year to year leading to over or under- estimates of discards."). The observer effect can lead to biased estimates of "assumed discards" on unobserved trips if fishermen purposefully change their harvesting behavior, fish in different locations, use different gear, or target different fish on observed trips versus unobserved trips. There is evidence that these types of behavioral changes have plagued the ASM program for years.

Demarest[19] (2012) analyzed the Sector data trips and found that vessels probably behave differently when they have an observer on board than when they don't. The results showed that differences in vessel behavior across several metrics were detectable at various strata, and that differences across metrics were indicative of behavior change due to the presence of an observer. This analysis was important because observer coverage is generally thought to improve precision of discard estimates. If those estimates are biased due to behavior change, then precision may be meaningless. And given the economic benefits of fishing differently when an observer is not on board, when observer coverage declines, the degree of bias in observer estimates is likely to increase, further undermining the entire ASM program and jeopardizing both total catch estimates and length frequency samples.[20]

The Economics of Low Levels of Monitoring and Enforcement in Catch Share Managed Fisheries and Related Shortcomings of Framework 55's Economic Analysis

The economic effects of low levels of monitoring – which NMFS proposes to drop even further – are also significant, especially since under the modified catch share program of New England sectors, price signals are intended to slow fishing effort when quotas are close to being met. Due to insufficient monitoring, neither fishermen nor the ecosystem are receiving the full expected benefits from the Sector program.

Regulating industries by output control where output is costly to observe can run into problems with unreported outputs (for example pollution). In fisheries this problem arises as illegal landings, and discards and bycatch of fish, see Copes (1986).[21] The costs of comprehensive monitoring in some fisheries may be substantial, but the costs of insufficient observer coverage, through discards, may be even higher. Cost savings may be realized in the short term by reducing monitoring levels, but the longer term costs may be even greater as the economic effects of higher levels of discards eventually accumulate even if they are not immediately apparent (Squires et al 1998).

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[19] Chad Demarest is an Economist with the Northeast Fisheries Science Center Social Science Division. The presentation can be found at http://archive.nefmc.org/nemulti/cte_mtg_docs/120919/120919_obs_effect_v1.pdf.

[20] Length frequency samples are a measurement necessary for biological stock assessments. This data was once collected under the NEFOP program but is now collected by the ASM program.

[21] Copes, P. A critical review of the individual quota in fisheries management. Land Economics, 1986, 62, 276-291.

The economic analysis of Framework 55 focused solely on the cost savings to industry from manipulating the methodology of how ASM coverage levels are calculated in order to yield the lowest possible coverage levels that still meet the 30% CV requirement at the stock level. Assuming NEFOP coverage of 4% for FY 2016, the ASM target coverage would then be 10% for a total cost of $1.4 million dollars to Sectors. EA at 335. According to the analysis of Framework 55, this would represent cost savings of $3.9 million relative to the No Action alternative (which would result in coverage levels of 41%). *Id.* Even on its own terms, the analysis concedes that because Sectors are able to negotiate lower rates for ASM with service providers, these cost estimates are probably an overestimate. EA at 262, 263, 264, 265, 332, 333, 335. The analysis also fails to address the possibility of reducing costs to some fishermen by using electronic monitoring.

Above and beyond these factors, the proposed change in monitoring coverage levels from 41% to 14% has other economic consequences that were not analyzed in the Framework 55 proposal at all but are just as important to address—especially when considering behavioral changes of fishermen in the context of a multispecies, catch share managed fishery. These additional economic consequences are discussed in the following sections. Specifically, we explain that: (1) low levels of monitoring and enforcement increase the incentive to discard legal size catch on unobserved trips, especially for species with low quotas or that fetch high quota prices and when industry catch rates are significantly lower than ACLs in a multispecies catch share system; and (2) low levels of monitoring and enforcement directly impact quota prices and can prevent them from rising high enough to constrain landings.

Low Monitoring Levels Incentivize Discarding of Low Quota Stocks, Especially in a Multispecies Catch Share Fishery

A proper system of monitoring and enforcement is crucial to the success of the groundfish fishery in New England. If regulators have little idea about what is being caught, discarded and landed, then the resource may be compromised and the full expected benefits of catch shares will fail to emerge (Sutinen and Anderson 1985).[22]

Effective enforcement and monitoring are particularly important in modified catch share systems like the Sector program. When exclusive use is not fully specified and enforced in common-pool resources, such as fisheries, the resource and inputs will not be used efficiently. (Tisdell 1991).[23] Under the current system, Sectors have the right to access a specific portion of the resource flow (the catch) rather than the resource stock (the fish) itself (Scott 1986).[24] Thus, monitoring is even more important as fishermen in Sectors do not have full incentives to invest in the future stock by deferring harvests through full compliance, since individual quota holders

[22] Sutinen, J. G. and Andersen, P. The economics of fisheries law enforcement. Land Economics, 1985, 61, 387-397.
[23] Tisdell, C. A., Economics of Environmental Conservation. Elsevier Science, Amsterdam, 1991, 116.
[24] Scott, A., Catch quotas and shares in the fishstock as property rights. In Natural Resource Economics and Policy Applications, ed E. Miles et al. University of Washington Press, Seattle, WA, 1986.

do not bear the full costs of their over-harvest, which is instead borne collectively by all Sector fishermen and the resource stock itself (Squires 1998).[25]

In addition, the multispecies nature of this fishery makes it difficult for fishermen to have the right mix of quota available, and it may be particularly challenging to combine actual catches of each species in the same relative proportions as their separate ACLs (Squires and Kirkley 1991).[26] When harvest rates in a multispecies fishery do not match the quota share for each species, there is a higher incentive to discard legal size fish. Fishermen will dump fish at sea if the total industry catch of one or more species reaches its ACL before the ACLs of other jointly harvested catch share managed species are achieved. If fleet fishing effort is restricted at this point, then the ACLs of some species may remain unharvested, generating "underages." Conversely, if fleet fishing effort is allowed to continue unchecked and unmonitored, the ACLs of some species will be exceeded, but due to the fact that those exceeded pounds will be discarded and undocumented, the existence or extent of the exceedance will not be known. In such a situation, short-term economic returns to industry may be comparatively high, but over a longer period of time these returns are likely unsustainable.

Low Monitoring Levels can Deflate Quota Prices

Catch share systems are often preferred over command and control, effort type management systems in part because quota prices themselves act as dynamic constraints to protect from over-harvesting ACLs. In New England, prior to Sectors, the Regional Administrator used differential accounting of days at sea (DAS) to slow catch to adhere to catch targets. The DAS system, although economically inefficient, was efficient at ratcheting down, or stopping, fishing completely through command and control measures like differential accounting. Catch shares, on the other hand, rely on prices to slow catch as total catch approaches the ACL. In theory, this is what should happen. But if low monitoring and enforcement exists in the fishery, the price of the quota will never rise above the opportunity cost of discarding (Hatcher 2015)[27]—so prices can't act as a built in constraint to prevent over-harvesting and to efficiently redirect effort.

Under the existing formula to set monitoring levels at 30% CV, observer coverage was 24% of trips last year and would be 41% of trips in fishing year 2016, which begins May 1. See Table 13, 81 Fed. Reg. at 15,016. Although the proposed rule states that proposed Groundfish ASM Program Adjustments are intended "to make [the ASM program] more cost-effective" and represent "only . . . minor modifications to the current ASM program," 81 Fed. Reg. at 15,015, the 2016 observer coverage levels would drop to just 14% of trips if these adjustments are made. Reducing observer coverage by this magnitude perverts the quota share pricing across all 20 groundfish species, making the sector system unable to put the brakes on fishing effort before a crisis occurs.

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[25] Squires, D., H. Campbell, S. Cunningham, C. Dewees, R. Quentin Grafton, S. Herrick, J. Kirkley, S. Pascoe, K. Salvanes, B. Shallard, B. Turris, and N. Vestergard. Individual Transferable Quotas in a Multi-species Fishery, Marine Policy, 1998, 22.

[26] Squires, D. and Kirkley, J. Individual transferable quotas in a multiproduct common property industry. Journal of Environmental Economics and Management, 1991, 21.

[27] Hatcher (2015) showed that the opportunity cost of discarding a fish at sea, on the margin, is equal to the market price of that fish.

In sum, measures that would reduce the monitoring levels in the New England groundfish fishery, such as those contained in Framework 55, are particularly ill-advised given the poor conditions of many key groundfish stocks and the lack of robust models reliably estimating stock populations. The recent allegations against Carlos Rafael[28] highlight how critically important it is to have monitoring in place to avoid profound environmental and economic impacts and so that fishermen can feel certain that the entire industry is playing by the same rules. Reducing monitoring levels will ensure that population estimates are even more error-prone, and the consequences of miscalculation can result in the complete crash of many New England groundfish stocks.

II. Approving the monitoring provisions of Framework 55 would violate the MSA, the APA, the RFA and NEPA

We disagree with NMFS's preliminary determination that the proposed changes to the ASM program are consistent with the MSA and other legal authority, see 81 Fed. Reg. at 15,016. Reducing monitoring levels will increase the likelihood of overfishing and render accountability measures (AMs) ineffective at restraining catch within ACLs, which is already occurring. Moreover, the analysis accompanying Framework 55 gives short shrift to the significant proposal to reduce monitoring, failing to adequately explain why the agency is changing course or consider important impacts and alternatives to the proposed action.

A. Approving the monitoring portion of Framework 55 would violate important provisions of the Magnuson-Stevens Act

1. National Standard 1

National Standard 1 mandates that conservation and management measures prevent overfishing while achieving optimum yield. 16 U.S.C. § 1851(a)(1). This national standard is the only one without qualifying language, such as "practicable," found in the other national standards, and it has served as the foundation for much of the fisheries regulatory structure mandated by the agency. See, *e.g.*, 50 C.F.R. § 600.310 (National Standard 1 guidelines). The strong statutory language has also resulted in case law requiring that the agency implement measures that will result in a 50% or greater chance of preventing overfishing, *NRDC v. Daley,* 209 F.3d 717, 753-54 (D.C. Cir. 2000). NMFS has embraced and expanded upon this ruling. See National Standard 1 Guidelines, 50 C.F.R. § 600.310(f)(4) ("This probability that overfishing will occur cannot exceed 50 percent and should be a lower value."); see also 74 Fed. Reg. 3178, 3196 (Jan. 16, 2009) ("a 50 percent probability of success is a lower bound").

As explained above, some species in New England have reached such low population sizes that even with significant buffers between overfishing levels and quotas, low levels of monitoring result in unobserved mortality such that overfishing continues to occur. Given the retrospective patterns in New England groundfish assessments, even under existing monitoring levels the agency cannot reasonably assert that it has at least a 50 percent chance of preventing

[28] *See generally* Fraser, Doug "'Codfather' arrest exposes empire's potential impact on fisheries," *Cape Cod Times* (March 6, 2016), found at http://www.capecodtimes.com/article/20160306/NEWS/160309620 .

overfishing when it has failed to do so for years. See *Guindon v. Pritzker*, 31 F. Supp. 3d 169, 193 (D.D.C. 2014) ("Administrative discretion is not a license to engage in Einstein's definition of folly -- doing the same thing over and over again and expecting a different result."). The best scientific information available – and common sense – supports the conclusion that further reducing monitoring levels will result in ***higher*** levels of unreported discards and even ***lower*** likelihoods of constraining fishing mortality within the levels needed to prevent overfishing. Under these circumstances, approving the reductions in monitoring levels included in Framework 55 would violate National Standard 1.

2. ACLs and AMs

While overfishing has been illegal under the MSA since 1976, the 2007 reauthorization added a requirement for binding quotas (ACLs) and measures to assure accountability with them, 16 U.S.C. § 1853(a)(15); § 1852(h)(6). These new provisions had a bracing effect nationwide, but particularly in New England, where restrictions on methods of fishing, rather than quotas, had been used to attempt to prevent overfishing. *Cf.* 75 Fed. Reg. 18,262, 18,273 (Apr. 9, 2010) (sector-based vessels exempted from DAS requirements due to binding quotas). Yet despite significant gains in other parts of the country, New England continues to struggle with depleted population sizes in some critical stocks despite the application of ACLs and AMs. As noted above, overfishing has continued to occur on some stocks despite appearing to conform to ACLs, and that overfishing results at least in part from unreported catch stemming from inadequate monitoring. In short, the measures to ensure accountability with the ACLs in the multispecies fishery are not working, largely because of inadequate monitoring.

Accountability in catch share fisheries usually amounts to holding quota holders to limiting catch to their quota shares, and the New England sector program is similarly constructed. The only AM applicable to the multispecies fishery is a simple payback provision: "[s]hould [quota share] allocated to a sector be exceeded in a given fishing year, the sector's [quota share] shall be reduced by the overage on a pound-for-pound basis during the following fishing year" and civil and criminal penalties may apply. 50 C.F.R. § 648.87(b)(iii). Of course, to determine whether an overage has occurred, NMFS must consider various forms of information pursuant to the system outlined in the Gulf of Maine cod case study above. Existing monitoring levels are already so low that the reports on which NMFS depends to hold fishery participants accountable to the applicable ACLs are unreliable. Lowering monitoring levels further via approval of Framework 55 would render the only AM even less effective and unable to ensure accountability as required by the MSA. See, *e.g.*, *Guindon*, 31 F. Supp. 3d at 197 ("The statute and the agency's own guidelines make abundantly clear that AMs can and should be used to address management uncertainty. NMFS must disapprove and return for revision any Council proposal that does not contain adequate AMs.")

The fact that the monitoring changes proposed in Framework 55 technically adhere to the CV standard does not mean they comply with the AM requirement of the MSA. As noted above, the CV standard relates to precision, not accuracy, and follows primarily from the separate statutory requirement to establish a standardized bycatch reporting methodology. 16 U.S.C. § 1853(a)(11); see also *Oceana v. Pritzker*, 26 F. Supp. 3d 33, 39 (D.D.C. 2014); 78 Fed. Reg. at 25,606.

As opposed to precision, Amendment 16, Framework 48, and implementing regulations require the ***accurate*** determination of catch and bycatch in order to be certain that the ACLs are adhered to. As noted by the *Oceana* court:

> The new goals section, moreover, reiterates the need to accurately determine catch, as do Framework 48 itself and the preamble to its implementing regulation. See Framework 48 at 50 (AR 26,091) (objective to "[c]ollect information by gear type to accurately calculate discard rates."); id. ("Adequate coverage (combined NEFOP, ASM and EM) is required to meet the need for both the precision and accuracy of discard estimates."); 78 Fed. Reg. at 26,129-30 ("The level of observer coverage, ultimately, should provide confidence that the overall catch estimate is accurate enough to ensure that sector fishing activities are consistent with National Standard 1 requirements to prevent overfishing while achieving on a continuing basis optimum yield from each fishery."). As a result, the Service in its briefing "agrees that it is still bound by the requirement to accurately monitor sector operations." Def. Reply at 12. The Framework and the prior regulations, therefore, are consistent on this point.

26 F. Supp. 3d at 45. The need for accurate, in addition to precise, information means that even if Framework 55 complies with the CV standard, it is still illegal if it will not provide accurate enough information to ensure accountability with ACLs.

Indeed, previous litigation on the CV standard has demonstrated that the CV standard does not "reliably estimate" catch on its own, but must rely on the existence of "multiple safeguards - such as self-reporting, reporting by vendors, and sanctions for misreporting - that help to ensure the reliability of data on sector catch." *Oceana v. Pritzker*, 26 F. Supp. 3d at 51; see 50 C.F.R. § 648.87(b)(1)(v)(B)(1)(i) (coverage must be sufficient to "monitor sector operations, to the extent practicable, in order to reliably estimate overall catch by sector vessels"). These "multiple safeguards" have been sequentially eroded over time. The shortcomings in these safeguards were vividly illustrated by reports that the fleet owner and dealer Carlos Rafael has allegedly been evading them by owning both the ships and the dealers who would otherwise provide a check on falsely reported catch data.

3. Lack of adequate monitoring levels stymies rebuilding

Several New England groundfish species have struggled to rebuild. For the same reasons that reducing monitoring can be expected to lead to overfishing and exceeding ACLs, doing so is likely to further hamstring rebuilding efforts in violation of the MSA, which requires that FMPs include conservation and management measures to both prevent overfishing and rebuild overfished stocks, see 16 U.S.C. § 1854(a)(1)(A); see also *id.* § 1854(e).

4. Cost savings do not justify undermining conservation by reducing monitoring levels

Framework 55 makes clear that a number of its proposals are designed to reduce costs. See, *e.g.*, 81 Fed. Reg. at 15,015 ("In this action, the Council proposes adjustments to the groundfish [ASM] program to make it more cost-effective," while maintaining the 30% CV standard). While the EA sets out a number of purposes for Framework 55 as a whole, EA at 30-

31, the reductions in monitoring appear to be solely for economic purposes, see 81 Fed. Reg. at 15,019 (adding "in a manner that would reduce the cost of monitoring" to the original language of the ASM program's primary goal).

We appreciate the importance of reducing costs faced by a fleet that is already struggling with low quotas and changing climate conditions. Indeed, the MSA requires that costs be taken into account when promulgating fishery conservation and management measures. See 16 U.S.C. § 1857(a)(7), (8). However, as noted above the agency has failed to consider (1) the costs of lower monitoring levels in the form of potential overfishing and inefficiencies in the leasing market and (2) other means of reducing costs such as accelerated implementation of electronic monitoring.

Moreover, cost may not trump the conservation requirements of the act; costs may be considered only "where two alternatives achieve similar conservation goals." 50 C.F.R. 600.345(b)(1); *NRDC*, 209 F.3d at 753. Here, the limited analysis NMFS has undertaken makes clear that each of the proposed measures to reduce observer coverage has been determined to have negative biological impacts compared to the No Action alternative, *infra* note 26 (see, *e.g.*, EA at 211), and, as explained above, they will result in violations of the MSA's conservation mandates. Thus, adopting these measures that would achieve cost savings at the expense of conservation goals is precluded by the MSA.

B. NMFS has arbitrarily and capriciously failed to explain its decision to depart from its previous approach to monitoring

Framework 55 would abandon NMFS's previous standard of setting observer coverage at the level that would result in the observation of 80% of discarded pounds. The EA asserts that "[s]ince . . . 2012, NMFS has considered it desirable to set groundfish sector coverage levels so that 80 percent of the discard estimates have CV30 at the sector/stock/gear level. This has resulted in setting ASM coverage at levels higher than what was needed to achieve a CV30 at the overall stock level." EA at 57. NMFS explains that it "sought to maintain the same statistical quality achieved in the 2010 fishing year" by applying this standard, but that "this additional criterion was not necessary to satisfy the CV requirement of the ASM program or to accurately monitor sector catches, and was not required by the FMP." 81 Fed. Reg. 15,016-15,017. NMFS then concludes that "target ASM coverage levels for sectors should be set using only realized stock-level CVs, and should not be set using the additional administrative standard of monitoring 80 percent of discard pounds at a 30-percent CV or better." *Id.* at 15,017.

This conclusory assertion begs the question why observing 80 percent of discards was previously "desirable" and what has changed to make it less desirable now. As noted above, the precarious state of many stocks in the groundfish fishery and the incentives to discard some of those imperiled species would seem to indicate that establishing monitoring levels so that a high percentage of discards are observed is ***more*** desirable now than in the past when quotas were higher.

Fundamental tenets of administrative law require that NMFS explain why it proposes to change course. In the seminal *State Farm* case, the Supreme Court struck down NHTSA's decision to abandon a requirement to use air bags, holding that it had failed to articulate a satisfactory explanation and include a "rational connection between the facts found and the

choice made." See *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29 (1983). NMFS has yet to provide any such connection here.

In the proposed rule, NMFS characterizes the 80 percent review requirement as an "additional administrative standard" that it undertook only because Congress had appropriated funds for the ASM program. See 81 Fed. Reg. at 15,017. NMFS therefore asserts that it may choose not to apply the 80% standard in this coming year, since application of the standard has resulted in realized ASM coverage higher than was needed to meet the 30% CV requirement. *Id.* Regardless of whether NMFS considers the 80 percent standard an administrative one, it would be arbitrary and capricious for the agency to remove it and reduce already low monitoring levels without adequately explaining why, especially because such a change could well result in further deterioration of the fishery. See, *e.g.*, *AT&T Corp. v. FCC*, 236 F.3d 729 (D.C. Cir. 2001) (remand of order where agency did not adequately explain why it departed from its traditional analysis); *Arco Oil & Gas Co. v. FERC*, 932 F.2d 1501, 1504 (D.C. Cir. 1991) (agency's "conclusory statements cannot substitute for the reasoned explanation that is wanting in this decision.").

C. Reducing monitoring without adjusting uncertainty buffers would violate the MSA and be arbitrary and capricious

As explained above, the agency has asserted that buffers should be used to address scientific and management uncertainty in managing fisheries.[29] In previous litigation, the CV standard was upheld in heavy reliance on the presence of such buffers to mitigate for the lack of accuracy in determining total catch and discards in the fishery. See *Oceana v. Pritzker*, 26 F. Supp. 3d 33 (D.D.C. 2014). Specifically, where Oceana argued that the application of the CV standard across all stocks in the fishery would cause the FMP to no longer ensure accountability with the ACLs due to the lack of accuracy of the standard and its application, the court (and NMFS) responded that the CV requirement is not "determinative of whether the fishery meets its ACLs" – rather, bycatch and observer bias have a much larger impact on whether the fishery would stay within the ACLs. *Id.* at 49. And NMFS was able to estimate that these two factors were so minimal that they could be disregarded. *Id.* at 48 (NMFS used an estimate of observer bias at 1-4%, and "[g]iven the small percentage of catch composed of bycatch, measuring it very precisely did not concern the Service."). As the court stated:

> The Service's confidence that overfishing will not occur is also possible, in part, because Defendants include a buffer between the fishery's maximum acceptable catch and the sub-ACLs it allocates to sectors. See 78 Fed. Reg. at 25,606 ("significant additional uncertainty buffers are established in the setting of ACLs that help make up for any lack of absolute precision and accuracy in estimating overall catch by sector vessels"). That buffer guards against statistical uncertainties such as, for example, the unknown level of observer bias created by at-sea monitoring or a relatively generous CV. Cf. id. While Oceana criticizes

[29] The preamble to the NS1 guideline revision of 2009 states: "A major aspect of the revised NS1 guidelines is the concept of incorporating management and scientific uncertainty in using ACLs and AMs. Management uncertainty occurs because of the lack of sufficient information about catch (*e.g.*, late reporting, underreporting and misreporting of landings or bycatch). ... " 74 Fed. Reg. 3,178, 3,181 (Jan. 16, 2009).

what it sees as the Service's over-reliance on these buffers, the Court finds that they are yet another reasonable measure taken to ensure accountability and prevent overfishing.

Id. 48-49.

The buffers that the Court relied upon in *Oceana* to uphold the monitoring levels set through the CV standard are no longer sufficient. First, the assumption that bycatch is such a small percentage of catch that it doesn't need to be measured precisely (or accurately) – when that is exactly what the CV standard purports to do – is unreasonable given the retrospective patterns in the fishery. Second, the assumption that observer bias can be estimated to an effect of nearly zero is similarly no longer reasonable, given the likely increase of illegal discarding on unobserved trips. Finally, the agency may not reasonably rely on existing buffers if these buffers do not change in response to reduced monitoring levels that will exacerbate the uncertainty the buffers are designed to address.

Therefore, these assumptions can no longer be reasonably relied upon for NMFS to justify setting monitoring levels at the low levels it proposes in Framework 55 without a corresponding increase in the uncertainty buffers that are designed to mitigate the uncertainty inherent in the CV standard.

D. The EA's inadequate analysis violates NEPA

One of the greatest concerns we have with the proposed rule to approve and implement Framework 55 is that the environmental impacts analysis performed to date has been cursory and conclusory. As with any significant federal action that might impact the environment, NEPA requires the agency to analyze these impacts through an EA or a more thorough environmental impact statement (EIS). Thus far, the analysis in the EA does not meet NEPA standards, and the agency should produce an EIS before deciding whether to reduce monitoring levels in the groundfish fishery from 41 to 14 percent.

NEPA requires the agency to take a "hard look" at the environmental consequences before taking a major action. See *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 350-351 (1989). In order to rely on an EA rather than prepare a full environmental impact statement (EIS), NMFS must show that the action "will not have a significant effect on the human environment" and why an EIS will not be prepared. 40 C.F.R. § 1508.13. Such a Finding of No Significant Impact (FONSI) excuses the agency from the preparation of an EIS. See, *e.g.*, 40 C.F.R. § 1506.10. The legal adequacy of an EA is determined by (1) whether the agency took a "hard look" at the problem; (2) whether the agency identified the relevant areas of environmental concern; (3) whether the agency made a convincing case that the impact was insignificant; and (4) whether the agency convincingly established that changes in the project reduced any significant impacts to a minimum. *Humane Soc'y of the U.S. v. Hodel*, 840 F.2d 45, 62 (D.C. Cir. 1988).

Here, NMFS acknowledges that approving the proposed action would have negative environmental impacts, but the agency fails to examine or explain those negative impacts in a manner that reflects the problematic state of the fishery. The EA regularly refers to the potential negative impacts as low, but it does not explain this characterization or provide supporting

analysis that speaks directly to the biological impact on the stocks.[30] The bulk of the analysis merely describes how far each proposed measure (*e.g.*, exempting large-mesh fisheries) would lower monitoring levels, rather than perform any analysis of the environmental impact of those lower levels. Additionally, the EA does not address how changes in the realized CVs may impact the overall assessment error, projections, and scientific and/or management uncertainty.

The EA concedes early in the biological impacts section that projections in the fishery have a history of uncertainty that tend to be too optimistic when estimating beyond the short term (one to three years) and that attempts to correct this problem have been unsuccessful. EA at 165. The stock assessments are critical to understanding the biological status of the stocks, and it is not clear how the preferred alternatives may impact that understanding. This is particularly important because the EA's earlier analysis on the risk of overfishing was based on projections that would have resulted from the no action alternative (higher monitoring levels) in observer coverage, not the preferred alternatives that were chosen. The key analysis of risk of overfishing is thus based on conditions that would not exist in the fishery if Framework 55 takes effect. The EA also notes that the "estimates are likely an underestimate of the true uncertainty based on past experience with model and projection results." EA at 177, Table 81. This situation could be compounded with the changes to the percent coverage not only in absolute fishing mortality but in changes in the error that interacts with the projections.

The EA predicts that the short-term economic impacts of the coverage-reducing measures would be positive. The agency notes that by reducing the number of trips for which observers must be present, the cost of monitoring drops. However, that analysis is fundamentally incomplete. "The overall impacts [...] cannot be determined, as the benefits of ASM are not quantifiable at this time. While increased coverage leads to a better estimate of the discards and improved stock estimates, the marginal value of each % increase is unknown." See EA at 263, 265, 266, 333, 335. Thus, while it is easy to quantify the economic benefits from reducing payments for ASM coverage, NMFS has not compared those cost savings to the benefits gained from improved data and a robust fishery – making the assertion that the lower cost of monitoring is the equivalent to economic benefit highly uncertain.

Indeed, the focus on the cost savings of lowering monitoring levels, limited as it is, fails on its own terms since the agency virtually ignores the existence of means of conducting monitoring other than human observers. Specifically electronic monitoring could reduce costs. As such, the analysis is highly flawed even as to its exclusive focus on the direct costs of

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[30] The environmental analysis that does exist in the EA is very thin regarding biological impacts to the fishery, with some of the proposed measures giving only 1 or 2 paragraphs to cover the biological impacts. Moreover, the analysis concludes that the biological impacts from adopting each of the coverage-reducing measures will be negative – or "fewer positive benefits" relative to No Action. See, *e.g.*, "The combination of options is expected to have low negative impacts on regulated groundfish species when compared to Option 1/No Action." (EA at 211); "Sub-Option 3A would likely provide slightly fewer positive benefits for regulated species that [sic] Option 1" (EA at 194); "Sub-Option 3B would provide fewer positive benefits to regulated species that [sic] Option 1" and "could result in neutral to low negative impacts on regulated groundfish relative to Option 1." (EA at 195); "Under Sub-Option 4A and 4B, impacts relative to Option 1 are likely to be low negative" (EA at 200); "Relative to Option 1/No Action, Sub-Option 5 would have a low negative impact on other species." (EA at 206).

monitoring, failing entirely to take into account the benefits of better monitoring and the true costs to the fishery of the lack of it.

Similarly, the EA's support for the FONSI is conclusory and therefore inadequate. The document posits:

> (1) Can the Preferred Alternatives reasonably be expected to jeopardize the sustainability of any target species that may be affected by the action? Response: The Preferred Alternatives cannot reasonably be expected to jeopardize the sustainability of any target species that may be affected by the action. With respect to the target species in the Northeast Multispecies fishery the Preferred Alternatives adopt management measures that are consistent with target fishing mortality rates that promote rebuilding and/or sustaining stock sizes.

EA at 312. But reducing monitoring levels will materially affect managers' ability to monitor adherence to annual catch limits, which are the primary management measures that keep fishing "consistent with target fishing mortality rates that promote rebuilding and/or sustaining stock sizes." Given the significant discrepancies between the anticipated fishing mortality rates and the stock assessment results and the high likelihood that in fact discards are resulting in catch in excess of annual catch limits, it is unreasonable to characterize the reduction in monitoring levels as an action that has no significant impact on the environment, especially given the extremely low population sizes of many important species such as GOM cod. NEPA requires an EIS here. See, *e.g.*, *Nat. Res. Defense Council v. Hodel*, 865 F.2d 288, 298 (D.C. Cir. 1988) ("Conclusory remarks . . . do not equip a decisionmaker to make an informed decision about alternative courses of action or a court to review the Secretary's reasoning.").

The EA's treatment of the direct, indirect, and cumulative impacts, as required by 40 C.F.R. §§ 1508.7 and 1508.8, that would result from the proposed monitoring measures is similarly conclusory. The Cumulative Effects Analysis section of the EA spends a great deal of time outlining the past, present, and reasonably foreseeable future actions which may interact with the current action. EA at 283-303. But against that background information, the monitoring reduction measures are only briefly summarized in Table 125 using the same conclusory statements that appeared in the Biological Impacts section ("low negative") and Social Impacts section ("positive"), with no further analysis of their impacts cumulatively. EA at 300. Such conclusory statements barely consider the impact which all of these monitoring reduction measures taken together will have on the health of stocks and fishermen's behavior. Again, NMFS's inadequate consideration of these impacts have "provided less than the full picture" of the environmental consequences of these measures, and a full EIS is required. See *Friends of the Earth v. Salazar*, 109 F. Supp. 2d 30, 41-43 (D.D.C. 2000).

It appears that the desire to implement Framework 55 in time for the start of the 2016 fishing year on May 1 may have prompted the agency to limit its NEPA analysis to an EA. NMFS published the proposed rule on March 21, 2016, less than a month after the Council's submission on Feb. 19, too little time to perform any additional environmental analysis itself before publishing the proposed rule.[31] The comment period for the proposed rule is 15 days, the

[31] We note that the MSA required NMFS to immediately (within 5 days of transmittal by the Council) initiate an evaluation of proposed regulations, and make a determination within 15 days. 16 U.S.C. § 1854(b). Thus the proposed rule should have been published in the Federal

minimum required by the MSA,[32] depriving the public of the time necessary to carefully examine the environmental impact of this proposed action and meaningfully contribute to the discussion.

The shortened comment period and conclusory analysis suggest that NMFS may have prejudged the outcome of the environmental analysis in order to ensure the measures can be implemented by May 1. Indeed, one month before Framework 55 was formally submitted to NMFS by the Council on February 19, the agency argued in a preliminary injunction hearing in the U.S. District Court for the District of New Hampshire that harm to the plaintiff was not significant because of the likelihood that NMFS would approve Framework 55 measures and reduce monitoring levels. See, *e.g.*, Transcript of Motion Hearing at 158, Jan. 21, 2016 ("the agency intends to make administrative adjustments for the 2016 fishing year" and "[F]ramework 55, if it's approved and implemented by the agency, it could result in lower at-sea monitor coverage target levels for the fishing year 2016, and that's paragraph 23, your Honor, of Mr. Bullard's declaration.") (excerpt attached).

We understand that paying for human observers is a heavy burden for some fishermen. However, NEPA requires a hard look at the environmental impacts of proposed actions, and reducing monitoring levels at this time, contrary to the conclusory assertions in the EA, would have a significant effect on the human environment. Therefore, the agency must produce an EIS on at least this component of the proposed federal action contained in Framework 55.

E. Regulatory Flexibility Act

The RFA is a procedural statute that requires agencies to conduct an Initial Regulatory Flexibility Analysis (IRFA) for each proposed rule. See EA at 337; 5 U.S.C. § 603. The IRFA is designed to assess the impacts various regulatory alternatives would have on small entities, including small businesses, and to determine ways to minimize those impacts. EA at 337. An IRFA is conducted to primarily determine whether the proposed action would have a "significant economic impact on a substantial number of small entities." *Id.*

The EA document contains an IRFA analysis which concludes that the "vast majority (1,038 out of 1,056) of potentially regulated entities are classified as small businesses by SBA business size standards," and the proposed measures "are expected to negatively impact gross sales of small entities regulated by this action". EA at 346. Of the 1,056 total entities, "[t]here are 61 entities that are directly regulated and dependent on the groundfish fishery for greater than 50% of their gross sales. All of these entities are considered small." *Id.* The EA thus finds that the proposed measures will result in a significant impact on a substantial number of small entities, since small businesses will be disproportionately impacted relative to large businesses and will likely adversely affect profits for a substantial number of small entities. *Id.*

However, the IRFA overwhelmingly focuses its analysis on the cuts to the ACLs and those impacts on small businesses, whereas it only briefly analyzes the impacts of the reduced

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Register within 20 days of transmittal by the Council on Feb. 19, which would have been March 14 instead of March 21. The additional week to comment on such a significant rule would have been extremely helpful.

[32] 16 U.S.C. § 1854(b) provides for a public comment period of 15 to 60 days.

monitoring measures. The only specific discussion of the proposed monitoring reductions is as follows:

> FW55 includes alternatives with different ASM coverage rates. The costs associated with these alternatives range from $1.3 million to $4.5 million. For the past six fishing years, i.e, since when sectors were first implemented, NOAA/NMFS has paid for ASM coverage. It is expected that industry will soon be required to pay these costs. While this is not a requirement of FW55, the costs associated with the various levels of coverage are analyzed in FW55 due to the fact that FW55 proposes to reduce ASM coverage rates from the No Action alternative. So while assuming the cost of any ASM rate greater than 0% would be new to industry, some of the alternatives in FW55 are designed to minimize these costs.

EA at 347. This cramped analysis focuses on only one aspect of the costs and benefits of the proposed reductions in monitoring. It fails to examine the negative economic impact on small businesses from reducing monitoring levels (for example via overfishing and negative impacts on the leasing market).

Moreover, the IRFA fails to examine any "significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize any significant economic impact of the proposed rule on small entities," as required by 5 U.S.C. § 603(c). As noted above, EM represents a possible means of achieving higher levels of monitoring, likely at reduced costs.

More broadly, the blanket CV standard requires smaller businesses to be monitored at the same rate as larger vessels that catch many more fish. Alternative methods of allocating observers between vessels based on catch, such as the DPA described earlier, might be able to provide more accurate monitoring at a lower cost to the smaller vessels that are less able to incur additional costs. NMFS should seriously consider such approaches instead of lowering overall monitoring levels as a means of reducing costs.

Conclusion

We hope these comments have explained in sufficient detail why partial disapproval of Framework 55, specifically disapproval of the measures that would reduce monitoring levels, is required pursuant to the MSA. Instead, we urge you to maintain reasonable levels of monitoring and expedite the implementation of electronic monitoring and reporting programs that have been directed in the latest fiscal year appropriations and have been piloted in the region over the last decade. These actions taken together can ensure the robust quality of data for accurate management of the fishery, while at the same time reducing the costs of obtaining such data. Approving the problematic portions of Framework 55 would sacrifice data quality and effective management of the New England groundfish fishery in favor of cost reductions and would be inconsistent with applicable law.

Very truly yours,

Matt Tinning
Senior Director, US Oceans Program

NORTHEAST SEAFOOD COALITION

April 11, 2018

John F. Quinn, Ph. D., Chairman
New England Fishery Management Council
50 Water St. Mill 2
Newburyport, MA 01950

Dear John,

I am writing on behalf of the Northeast Seafood Coalition ("NSC") in regards to the upcoming Council discussion concerning Northeast Fishery Sector IX and Northeast Fishery Sector VII.

Many members of the Council will remember that NSC was the sponsor of the Northeast Fishery (NEF) sectors in accordance with the Amendment 16 process.

Consistent with its longstanding support for family-owned businesses and a diverse fishery, NSC sponsored and designed the NEF sectors to be inclusive of the full diversity of fleet and community demographics that were representative of the entire groundfish fishery. Each NEF sector was established as an individual 501(c)(5) corporation with the ability to exercise independent, sovereign control over its allocations and internal decision-making process.

Since Amendment 16 was implemented, NSC has continued to serve as the entity that engages in policy, scientific and legislative matters on behalf of its individual members that predominantly operate within the NEF sectors. Additionally, due to our knowledge and experience acquired over the many years of engaging in the policy process, NSC is often sought to offer policy guidance and advice on a host of matters as they may relate to the federal groundfish fishery. It is in this capacity and context that we write to the Council today.

As many Council members are painfully aware, the 28 offenses to which Mr. Rafael pled guilty and is now incarcerated for have created enormous turmoil throughout the fishery and the region. Part of the turmoil concerns the broader fishery management implications of starting a new fishing year with such a significant portion of the fishery's sub-ACL not being made available to the fishery.

NSC recommends that the Council provide the Agency with their primary objectives and request the Agency use their administrative authority to consult with the respective sector boards to achieve the stated objectives.

NSC recommends the following objectives:

- ACE overages be identified and paid back to the system. The timing and result of the resolution shall be consistent with a result that would have been possible had the 2018 NEF Sector 9 roster been the same as 2017.

1 Blackburn Center, 2nd floor
Gloucester, MA 01930
Tel: (978) 283-9992
www.northeastseafoodcoalition.org

- Conditional upon resolution of the NEF Sector IX overages, ensure the groundfish sector system has access to the ACE associated with permits that are enrolled in NEF Sector VII.
- Work with the NEF Sector VII to ensure the conditions they've listed in their March 26, 2018 letter are met and upheld.

NSC fully condemns the actions to which Mr. Rafael pled guilty. This letter concerns the collateral impacts of those actions on others in the fishery. NSC feels strongly that it is essential to address and minimize those collateral impacts on the rest of the fishery, and it is in this spirit that we offer our suggestions to the Council.

Sincerely,

Jackie Odell

Jackie Odell, Executive Director

Sherie Goutier

Subject: FW: Observer issue

From: Jim Ford- FV Lisa Ann III, IV [mailto:captainjim1@comcast.net]
Sent: Wednesday, April 11, 2018 3:42 PM
To: Amy Martins - NOAA Federal; Jon Hare; Hank Soule; Sarah Heil; Sara Weeks; john bullard; Mike.petony@noaa.gov; Tom Nies
Subject: Observer issue

We had a observer issue today. We got down the boat at half tide and the observer asked me to use my winch to get all his stuff on the boat. Myself and my crewman put his gear on the boat for him. I gave him our yellow card and all the info. I proceeded half way down the harbor and he asked to see my survival suits and flares, I put the boat on autopilot in the harbor and showed him one of the flare boxes which we have two. He comes up and tells me two of the twelve are in there is expired. I said ok because I wasn't going back down to grab the other box. We head out of the harbor and I answer all the gear questions. We set out and starts writing trawl info off my computer (Notus). I told him not to use that data because it takes awhile for the right info to adjust. We haul back and have lob trap in the extention, I cut it out and he asks if that's a lobster trap and asks later how much I think it weighed. We always separate discard for observers to make sure they do not discard kept fish or put discard in our kept. He starts picking up flounders and does not know what kind they are he's opening there mouths and turning them over and laying them on the deck. this goes on for awhile and then I say that's a dab or yellow. Then he starts trying to figure out identifying skates this is a long process and I tell him what he's looking at a thorny skate. Then this keeps going on every tow. We haul one back and shake down the extention and net body and set back out. He then's starts picking up flounders to weigh as discard for some reason he thinks what we shake out on deck was discard. We said again we will put all the discards in a tote. Then we haul and next thing I know he tosses a few greysole that were in a basket over and then some whiting we were keeping. I set back out and am trying to watch him because I have zero faith in his abilitys and we are towing in rocky bottom and because I'm trying to watch him we get hung up in hard bottom. Hauled up and I went home 4 hours early because I cannot babysit someone that does not know what's going on. We had a wolf fish we put in the live tank so we could tag it. I tagged it and measured it asked if he wanted a weight and he took it back layed it on the deck and took pics of it and measured and weighed it and by then it was dead. I told him after we were trying to release them alive and he said you know that had a tag in it!! Wow!!! Maybe if he wrote down the tag number he could find out where it came from??? Observers are supposed to observe?? I answered some of the end of the trip questions but not all, when it came to how many years have you been a captain I said I'm not answering any more fucking questions. I brought him in and dropped him off and his gear where we tied up and I proceeded to go take my fish off and he texted me he forgot his raingear. After I was done I went and tied up and he grabbed his gear. I will provide all e.m footage of this trip so you can see first hand what we went thru. I talked to a coordinator to report the issue and explained it all. He said it was tough because of the high turnover rate and low pay to find people. I also mentioned to him about observers allowing boats to discard cod and not write it down and he said this is the first he has heard of this???? Are you kidding me?? I brought this up to multiple people at Noaa and they do not tell the companies??? I am telling you again, this is happening and it may help the fishermen out on that single trip but in the long run if we do not show the cod are everywhere we will never get this fishery straightened out. I have had a observer show up in years past that was drunk and I reported it and was told he has good data and was having family problems. Come to find out he was fired for falsifying data. I'm tired of the service not taking any observer issues serious. Couple weeks ago a day vessel was out on a day night day trip discarding 2,000 lbs a cod a tow with a observer to try to catch haddock. The captain gave me three names of observers you want to have because they allow you to discard. I am beyond frustrated with the stuff that get shoveled under the carpet. Please remove this trip data from today because it is not valid and we need to stop putting garbage data into the Science center.

Thanks, Jim Ford

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

Mr. Marc Stettner
Northeast Hook Fisherman's Association
91 Fairview Avenue
Portsmouth, NH 03801

Dear Marc:

We received your February 14, 2018, letter and consider it to be a petition for rulemaking under the Administration Procedure Act. NOAA's National Marine Fisheries Service (NMFS) may implement emergency regulations if NMFS determines that an emergency exists. Under our policy guidelines for using emergency rules, an emergency exists if we find that "recent, unforeseen events, or recently discovered circumstances" present a serious conservation or management problem in the fishery. Also, the immediate benefits of emergency rulemaking must outweigh the value of advance notice, public comment, and deliberative consideration of the impacts on the participant to the same extent as expected under the normal rulemaking process.

We are denying your request for emergency action because the circumstances giving rise to your request are not unforeseen. Additionally, the benefit of an emergency action does not outweigh the value of full public participation in the normal rulemaking process.

You requested that we take an emergency action to close the common pool groundfish fishery to a specific gear type. You assert that this one gear type is associated with a disproportionately high share of Gulf of Maine (GOM) cod catch and discards. You state that the high discard amounts by this gear type are unforeseen and that the resulting closure of the entire fishery will cause serious economic harm. Further, you note that Limited Access Handgear A permitted fishermen have far fewer discards and will suffer serious adverse economic impacts, presenting a fairness and equity concern that was not previously apparent.

The possibility of increased discards affecting fishing effort in the common pool is not an unforeseen event or recently discovered circumstance even if a majority of discards are from one gear type. The New England Fishery Management Council developed the Trimester Total Allowable Catch (TAC) system to account for both kept catch and discards of fish. The common pool fishery is managed through effort controls under a collective quota where participating vessels may always face changes to possession limits or trimester closures because of the actions of other common pool vessels. While GOM cod discards are higher this fishing year relative to recent years, the TAC system was designed with the understanding that discards may vary from season-to-season or year-to-year. No new fishing method, gear modification, or other circumstance is directly responsible for these increased discards.

Implementing the emergency action closure immediately as you requested does not outweigh the benefit of advance notice, public comment, and full deliberation of the Council process to all

JC; GF 4/13/18

fishery participants potentially affected by it. The Council considered the TAC system's advantages and disadvantages and its impacts when developing the system for the common pool. Subsequent to its development, the Council considered measures to improve management of the common pool fishery and provide more flexibility for handgear vessels. For example, in Framework Adjustment 57 to the Northeast Multispecies Fishery Management Plan (FMP), the Council recommended changing the apportionment of annual quota to trimesters to help prevent early TAC area closures. The Council also developed and considered handgear-specific measures and their impacts in Amendment 18 to the FMP.

I recognize that the high discards of GOM cod and the closure of the common pool fishery is a concern for you and the fishermen in the Northeast Hook Fisherman's Association (NEHFA). Your request is substantial and would affect more than just the members of the NEHFA without prior notice. It would result in closing the common pool fishery without prior warning to non-handgear fishermen and with no previously defined catch threshold having been crossed. Other common pool vessels would not have an advance opportunity to comment on the closure or have full deliberation of the potential adverse economic impacts from the closure. Unilaterally changing the system now, without a similar opportunity for all stakeholders to participate and comment, will undermine the Council process and the benefit of these prior deliberations. The Council may consider additional changes to the common pool or handgear management measures and is the more appropriate forum for such issues under these circumstances.

If you would like to discuss your request or NMFS' response in more detail, please contact my Sustainable Fisheries Staff groundfish team lead, Sarah Heil. Her contact information is Sarah.Heil@noaa.gov or (978) 281-9315.

Sincerely,

Michael Pentony
Regional Administrator

Cc: Mr. Thomas A. Nies, Executive Director, New England Fishery Management Council

91 FAIRVIEW AVE
PORSTMOUTH NH 03801

NORTHEAST HOOK FISHERMAN'S ASSOCIATION

February 14, 2018

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

Subject: **Emergency Action Request Common Pool GOM Cod**

Dear Mr. Michael Pentony,

We represent a small group of Commercial Fishermen with the Limited Access Handgear HA Permits, employing the use rod and reel, handlines or tub trawls to catch Cod, Haddock and Pollock along with small quantities of other regulated and non-regulated marine fish.

Please consider initiating an emergency action (EA) to close the common pool fishery to the gear type that has contributed to a significant quantity of discards of GOM cod (relative to the common pool Sub-ACL).

Our rational for this request is that historically the cumulative discards of GOM cod harvest has been de minimis in the common pool. For example in FY 2016 the total GOM cod discards for the entire year was 0.3 MT. For FY 2015 GOM cod discards was 0.2 MT. For FY 2014 GOM cod discards was 0.3 MT with generally similar GOM cod discards for the previous fishing years. The current FY 2017 GOM cod cumulative discards is at 3.9 MT which exceeds the amount of cod kept. We estimate that the entire common pool will be closed to all groundfish vessels capable of catching cod within the next few weeks since the total percent of the Sub-ACL is currently at 76.6%. The high discards of GOM cod is most likely contributed to one gear code and not likely due to the handgear fishery. Closure of the common pool fishery will prevent the harvest other healthy stocks such as haddock in the last Trimester of FY 2017.

Section 305(c) of the Magnuson-Stevens Act (16 U.S.C. 1855(c)) authorizes the Secretary of Commerce to implement emergency regulations to address fishery emergencies. NMFS policy guidelines for the use of emergency rules define criteria for determining whether an emergency exists under section 305(c) of the Magnuson-Stevens Act (62 FR 44421; August 21, 1997). These criteria limit emergency management actions to "recent, unforeseen events or recently discovered circumstances" that present serious management problems in the fishery when emergency regulations would bring immediate benefits that outweigh the value of advance notice and public comment.

We believe that the large discards of GOM cod by most likely one gear code satisfies the guidelines for NMFS to implement emergency regulations. This is clearly a recent, unforeseen event in the common pool fishery that never occurred before in this fishery. The immediate benefit would be that the common pool fishery would most likely remain open for other gear codes.

Maintaining status quo in the common pool fishery will have immediate serious economic impacts without further contributing to the conservation goals of the AMs should the fishery close due to the high discards of GOM cod. Additionally, maintaining status quo presents a fairness and equity issue that was not previously apparent. One gear code (possibly one or two vessels) will close the common pool fishery at the expense of fishermen that go out of their way to avoid high discards of cod. Essentially the vessels with the highest bycatch of GOM cod will close the entire common pool.

Data supporting the high discards of GOM cod in the common pool only recently became available, and it is the first time that such high discards of GOM cod has occurred in such a short period of time in this fishery. Before this, neither the NMFS, nor the NEFMC, could have reasonably considered or foreseen the specific circumstance presented by the current situation, that is, the possibility of the common pool being closed due to high discards of GOM cod by one gear code.

We are requesting the NMFS to act quickly to close the GOM cod fishery to the gear code that is causing the high discards of GOM cod. Initiating an EA as soon as practicable outweighs the benefits of using the advance notice and comment procedures. We are also requesting that the NMFS inform the NEFMC of this problem to correct this fairness and equity issue in the very next groundfish framework adjustment that will provide ample opportunity for notice, comment and full participation. In addition, avoiding the serious economic loss for a reasonably unforeseen event, while acting consistently with the conservation and management goals of the AMs, outweighs the benefit of advance notice and comment.

Due to the sensitivity of this request we are asking that this letter is only made available for internal NMFS purposes and is not released to the general public unless the NMFS is required by law to do so. We thank you for considering this urgent request.

Respectfully,
Marc Stettner /s/

NEHFA MEMBERS: Marc Stettner, Timothy Rider, AJ Orlando, Hilary Dombrowski, Paul Hoffman, Christopher DiPilato, Ed Snell, Scott Rice, Roger Bryson, Brian McDevitt, Anthony Gross, Doug Amorello

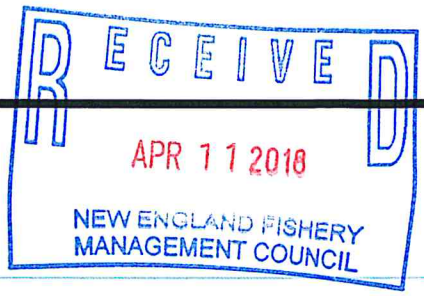
NE Multispecies (Groundfish)

Summary Table
Common Pool Full Year
Catch Monitoring

Report run on: February 08 2018
For data reported through: February 06 2018
Quota Period: 2017
Quota Period Dates: May 1, 2017 to April 30, 2018

Stock	Cumulative Kept (mt)	Cumulative Discard (mt)	Cumulative Catch (mt)	Sub-ACL (mt)	Percent Caught
GB Cod East	0.0	0.0	0.0	2.7	0.0
GB Cod	6.0	0.1	6.1	7.0	87.4
GOM Cod	3.0	3.9	6.9	9.0	76.6
GB Haddock East	0.0	0.0	0.0	205.5	0.0
GB Haddock	0.2	0.0	0.2	366.5	0.1
GOM Haddock	8.4	0.4	8.8	32.7	26.8

Sherie Goutier



Subject: FW: Observer issue

From: Jim Ford- FV Lisa Ann III, IV [mailto:captainjim1@comcast.net]
Sent: Wednesday, April 11, 2018 3:42 PM
To: Amy Martins - NOAA Federal; Jon Hare; Hank Soule; Sarah Heil; Sara Weeks; john bullard; Mike.petony@noaa.gov; Tom Nies
Subject: Observer issue

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Thanks, Jim Ford

New England Fishery Management Council
50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

April 6, 2018

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

Dear Mike:

On March 22, 2018, a Proposed Rule was published that requests comments on recreational management measures for Gulf of Maine cod, Gulf of Maine haddock, and Georges Bank cod (*83 Federal Register 12551*). The Proposed Rule includes the Agency's proposed response to the New England Fishery Management Council's recommendations for the fishery. I am writing to clarify the Council's recommendation on Georges Bank cod.

As part of the consultation process proposed and outlined in Framework Adjustment 57, the Council made the following motion for recreational measures for Georges Bank cod for FY2018 to achieve the target catch of 138 mt:

> To recommend that the Agency consider adopting the following Georges Bank cod recreational management measures for Fishing Year 2018: a 10-fish bag limit for all modes (private, charter and party) and increase the minimum fish size from 22 inches up to 24 inches.
>
> *The motion carried on a show of hands (10/5/1).*

Specifically, the proposed rule states: "The Council also proposed an increase in the minimum size limit from 22 to 24 inches (55.88 to 60.96 cm)." This is not quite accurate. The Council recommended that NMFS consider an increase in the minimum fish size from 22 inches up to 24 inches, meaning that if NMFS decides to increase the minimum fish size it could be 23 inches or 24 inches.

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

Sincerely,

Thomas A. Nies
Executive Director

New England Fishery Management Council
50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

April 6, 2018

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

Dear Mike:

On March 22, 2018, a Proposed Rule was published that requests comments on Northeast Multispecies (Groundfish) Fishery Framework Adjustment 57 (*83 Federal Register 12531*). I am writing to point out a few errors in the Proposed Rule. My staff has communicated these to your staff and have included them below for documentation purposes.

1. On page 12534 in addition to Atlantic halibut and Georges Bank winter flounder, an estimate of Canadian catch of 33mt is also included for white hake when determining a U.S. ABC for FY2018-FY2020.
2. On page 12534, we suggest clarifying that for Gulf of Maine cod and Gulf of Maine haddock, the state waters component and other sub-component are deducted from the commercial portion of the U.S. ABC (after allocating to the recreational fishery).
3. On page 12538, Table 10, the default specifications for FY2021 appears to be missing Georges bank cod and Southern New England/Mid-Atlantic yellowtail flounder. Our staffs determined the table did not load correctly and the entire table will need to be updated for the Final Rule.
4. On page 12546, Table 17 - Proposed Cod Trip Limits for Handgear A, Handgear B, and Small Vessel Category Permits for the 2018 Fishing Year should have "2018" in the title of the third column, rather than "2017".

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

Sincerely,

Thomas A. Nies
Executive Director

TO WHOM THIS MAY CONCERN,

I HAVE BEEN A FLOUNDER FISHERMEN MOST OF LIFE WHICH IS DIFFERENT FISHING THAN CATCHING HADDOCK,COD, POLLACK,RED-FISH, WHITING & MANY OTHER FISH SPECIES .MOST FLOUNDERS STAY LITTLE UNDER SAND OR MUD BOTTOM AND WILL NOT MOVE IF NOT TOUCHED . I BELIEVE N.O.A.A. FISHERIES SCIENCE ON FLOUNDERS IS WORST BEING USED TODAY IN FISHING .N.O.A.A.'S RESEARCH VESSELS NETS MISS MOST OF THE FLOUNDERS THEY GO OVER BECAUSE TOWING TO FAST & HAVE TO MANY FLOATS ON THEIR NETS .

THESE SUBSTANDARD METHOD MUST USED BY N.O.A.A. TO CATCH FLOUNDERS MUST BE CORRECTED TO FIND THE TRUE PICTURE OF OUR FLOUNDERS STOCKS .

SAM NOVELLO G.O.M. FISHERMEN

JC 4/11/18

April 3, 2018
Mr. Michael Pentony-Regional Administrator
Greater Atlantic Regional Fisheries Office
55 Greater Republic Drive
Gloucester, MA 01930

Re: Comments on proposed 2018 groundfish recreational regulations in the Gulf of Maine and on George's Bank

Dear Mr. Pentony

I pray that you will take these comments seriously and revise the proposed regulations to a more fair and equitable set of rules.

Recommendations

1. The fishing regulations for cod and haddock should be the same for GOM and GB Recreational anglers.
2. The retention limit for cod should be five(5) per day at 24"and 15 haddock per day at 17" for both GOM and GB recreational anglers for the 2018 fishing year.

Justification

Both for-hire and private recreational anglers fishing in the GOM have been prohibited from retaining any cod for the last three years now because NMFS feels the cod stocks are not high enough in the GOM and that we have exceeded our totally arbitrary sub-ACL without us retaining even one cod among all of us. The NEFMC used totally different criteria to develop GB recreational regulations than was used to develop GOM regulations (see appendix D.-Federal Register dated 03/22/2018). Up to now, GB has not had an ACL or sub ACL. Recreational management measures for this stock have not been modified since 2010. For-hire anglers have enjoyed an unlimited retention limit of cod and haddock with no closed seasons and no closed areas, 22 inch size limit on cod . Private anglers have had a 10 cod limit at 22 inches, no haddock limit, no closed seasons, no closed areas and the estimated cod catch for the past 5 years has been increasing at 300% in recreational catch every year!!!

If the GOM cod population is truly low and in trouble then it is reckless to allow fishermen below the 42 degree line to devastate the cod with such high retention limit as 10 fish especially because we know that these fish in Rhode Island, southern Massachsetts, Connecticut and New York are spawning fish that have migrated there in the winter from GOM and this will further delay the recovery of the cod stocks in the GOM. (see appendix A, B & C, ie; (A.) Omnibus Essential Fish Habitat Amendment 2, dated 10/25/2017; (B).New Habitat Protections for young cod-New England/Mid Atlantic dated 1/3/2018; and (C.) Spatial Ecology of Atlantic Cod in the Gulf of Maine by Jake Kritzer and Steve Cadrin, January 2012)

If the GOM cod population is not critically in trouble and some "softening " of these draconian measures could be allowed , then GOM anglers should be allowed the same retention limit as the GB recreational anglers in Rhode Island, Connecticut, Southern Massachusetts and New York.

Background

I have been an active member of the RAP to the NEFMC for about 20 years now. It is so disappointing every year to complain to the Council and NMFS about the inherent data mistakes of MRIP estimates. Even NMFS and the Council admit to the uncertainty of MRIP data yet all of your catch models and

regulation projections for the GOM are based on this faulty information. (see references in recent "Federal Register-Fishing year 2018 Recreational Management Measures" dated 3/22/2018). Several members of the RAP and the public commented on the disparity and lack of conservation protection between the GOM and GB retention limits at the January 24, 2018 RAP meeting and the full Council meeting on January 31, 2018 to no avail. Many discrepancies were also voiced by RAP members and the public about the flawed MRIP data supporting the NMFS models. Many RAP members and the public feel their input is ignored by the Groundfish Committee and Council and that personal benefit has influenced some Council proposals.

I am founder and a former president of the Stellwagen Bank Charter Boat Association. We have 125 active members and I think I speak for many of the for-hire captains in Massachusetts, New Hampshire and Maine and many of the private recreational fishermen in this area as well. I have had a successful charter boat operation for the last 40 years. Like many of the for-hire operators and private anglers fishing in the GOM, cod has been the most sought after fish by most of our customers and many private recreational anglers. However, since the NMFs has shut down our retention of cod to zero in the GOM and for-hire boats south of the 42 degree latitude line have been allowed to retain 10 or more cod, we have lost most of our customers and they are now fishing in Rhode Island, Connecticut, and New York for cod. This is especially upsetting to us since studies have been shown that our cod in the GOM migrate back and forth below the 42 degree line and are spawning off Block Island, Coxes Ledge and other areas in the GB region (See Appendix A, B and C).

Because of the large population of juvenile cod in the inshore water of GB area (less than 120 meters) the discard rate will likely exceed 50% of all cod caught (See Appendix D., 2018 George's Bank Recreational Rules in the Federal Register dated 3/22/2018)

"In 2016, approximately 40% of the cod landings in GB were less than 24 inches." If 40% of the cod landed were 22 to 24 inches and many cod below 22 inches must have also been caught, I would conservatively guess that over 50 % of the cod to be caught in 2018 will have to be released dead and alive. What mortality figure is NMFS putting on these discards? GOM anglers supposedly have gone over their quota without even retaining one cod!! Sounds "fishy" to me!!

Over the years 2012-2016, the George's Bank recreational catch has risen 300% per year. If it was 477.5 mt in 2016, what will it be in 2018...1432.5 mt....4297.5 mt? How can NMFS continue to allow GB recreational fishermen to catch all these cod while not giving GOM recreational fishermen any fish. This is totally WRONG.

I have been talking with Dr. Kevin Stokesburg of the University of Massachusetts, Dartmouth who has been conducting his MCAST open-end trawl surveys using sophisticated cameras to identify and count groundfish on Stellwagen Bank, Jeffery's Ledge and other GOM waters and his data on current cod stocks contradicts the results of the NOAA Trawls in the GOM. This is not a game. This is my livelihood and that of hundreds of other GOM for-hire charter captains and their families and employees and the hundreds of other businesses that rely on these customers that have now gone to competitor for-hire boats below the 42 degree line.

The NEFMC uses different rules to measure the catch of GOM recreational boats vs GB recreational boats. The most obvious difference is that MRIP does not survey GB for-hire or private recreational boats in January and February when GB recreational boats are concentrating on winter cod trips because most other fish are absent during this time. (See Appendix F., articles and advertisements in

the Fisherman Magazine during winter months of December, January, February, March and April) Most of these boats take trips for cod 7 days per week weather permitting. No MRIP data for January and February means estimates of cod catch for GB were grossly underestimated even though their recreational cod catch estimates have increased 300% every year for the last five years. If NMFS is not allowing GOM recreational anglers any cod and a reduced bag limit of 12 haddock and allows GB recreational anglers to take 10 cod per day and unlimited haddock and no closed season on either, the NEFMC and NMFS are not doing their jobs and someone is getting special treatment.

In the announcement of comments on proposed rule framework 57 it claims that increases in the 2018 quotas compared to 2017 will increase by 139% for GB cod and 41% for GOM cod and this will result in $9 million in additional gross revenues for this fishing year compared with last year. Yet in the last 3 years half (1/2) of the GOM for-hire business have gone out and the rest of us are hanging on a cliff with the zero cod retention limit while the GB for-hire boats are prospering for our misfortune.

Director Pentony, please help us survive this disaster. According to the proposed framework 57 announcement you have the authority to now change the proposed recreational measures for 2018 and 2019. Please help us stay in business and support our families.

I am recommending a five (5) cod retention limit per day and 15 haddock retention limit for both the GOM recreational anglers and the GB recreational anglers for the 2018 fishing year.

Since we know cod are spawning in winter months in southern New England waters and there is a high juvenile population and no closed season or closed areas that are enforced in the GB area perhaps some consideration should be made to protect these spawning and juvenile fish.

Please let me know your feelings on these comments.

Thank-you.

Captain Tom DePersia
Bigfish II Sportfishing Charters
PO Box 238
Marshfield Hills, MA 02051

Cc:
John Quinn-NEFMC
Tom Nies-NEFMC
Governor Charlie Baker- MA.
David Pierce-Director DMF-MA
Michael Pierdinock-RFA
Barry Gibson-RFA
Dave Waldrip-SBCBA

APPENDIX A.

FINAL

Omnibus Essential Fish Habitat Amendment 2

Volume 2: EFH and HAPC Designation Alternatives and Environmental Impacts

Amendment 14 to the Northeast Multispecies FMP
Amendment 14 to the Atlantic Sea Scallop FMP
Amendment 4 to the Monkfish FMP
Amendment 3 to the Atlantic Herring FMP
Amendment 2 to the Red Crab FMP Amendment 2 to the Skate FMP Amendment 3 to the Atlantic Salmon FMP

Including a
Final Environmental Impact Statement

Prepared by the
New England Fishery Management Council In cooperation with the
National Marine Fisheries Service

New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950
(978) 465-0492 tel.
(978) 465-3116 fax

National Marine Fisheries Service 55
Great Republic Drive Gloucester, MA
01930
(978) 281-9315 tel.
(978) 281-9135 fax

Updated October 25 2017

2.2.1.3 Atlantic cod

The proposed EFH maps for Atlantic cod eggs and larvae are based on the relative abundance of juvenile cod during 1968-2005 in the fall and spring NMFS trawl surveys at the 90th percentile catch level, and the relative abundance of eggs and larvae during 1978-1987 in the NMFS MARMAP ichthyoplankton surveys at the 90th percentile area level. The proposed maps also include ten minute squares in state waters that met the 10% or more frequency of occurrence criterion for juvenile cod, those bays and estuaries identified by the ELMR program where Atlantic cod eggs or larvae were "common" or "abundant," (see Table 19). These egg and larval designations were referred to as Alternative 2E in the Phase 1 DEIS.[14] The proposed new EFH maps for Atlantic cod eggs and larvae extend further south than the no action maps, which are limited by the distribution of juvenile cod and do not include any area south of southern New England. The new maps also include Nantucket Sound and more areas along the Maine coast than were included in the original maps.

The proposed EFH maps for juvenile and adult Atlantic cod within the NMFS trawl survey area were developed using a GIS depiction of preferred depth and bottom temperature ranges that were determined from graphical 1963-2003 spring and fall NMFS trawl survey data in Lough (2005). They are also based on average catch per tow data in ten minute squares of latitude and longitude in the 1968-2005 spring and fall NMFS trawl surveys mapped at the 90th percentile of catch level and include inshore areas where juveniles or adults were caught in 10% or more of tows made in individual ten minute squares during state trawl surveys, and ELMR information for coastal bays and estuaries. Both maps include ten minute squares along the Maine coast that were either inadequately surveyed (fewer than four tows) or were "filled in" based on input from industry members on the Habitat Committee. The adult map also includes historical cod spawning grounds in coastal Gulf of Maine waters.[15] The juvenile and adult designations were referred to as Alternative 3E in the Phase 1 DEIS.[16]

The proposed new juvenile map extends over a similar geographic area as the no action map, but only includes coastal waters in the Gulf of Maine shallower than 120 meters. Considerably more area in southern New England (e.g., Nantucket Sound) and on the southern portion of Georges Bank has been added. A few scattered ten minute squares have also been added in the Mid-Atlantic. The proposed EFH map for adult cod is also more limited to the shallower portion of the Gulf of Maine (<160 meters) than the no action map. It excludes coastal waters off New Jersey and Delaware that were added to the original maps because of their historical importance

[14] The 2E map for cod eggs in the DEIS is not accurate: a number of ten minute squares that were not in either of the input data sets were inadvertently filled in.

[15] Ten minute squares along the Maine and New Hampshire coasts that overlap with historically important spawning grounds, as reported by Ames (2002), were added to the proposed adult EFH map; they were also added to the status quo map in 1998.

[16] In both of the maps that were approved for the DEIS in 2007 areas of historical importance that were not represented by the survey data were "filled in" by the Council's Habitat Committee. Also, the adult designation that was approved in 2007 was based on the 75th percentile of the NMFS survey data and did not include continental shelf waters in the Mid-Atlantic that are included in the new 90th percentile map that was approved by the Habitat Committee in 2011.

for adult cod that migrate (or used to) that far south in the winter. Compared with the maps in the DEIS, a few ten minute squares in the outer Gulf of Maine that do not conform to the maximum depth identified as EFH for juvenile and adult cod have been removed. The most significant change in the proposed adult map is the extension of EFH on to the southern portion of Georges Bank and westward on the continental shelf into the Mid-Atlantic region.

The proposed new text descriptions include more detailed information on the wide variety of substrates utilized by juvenile and adult cod than are in the no action descriptions. The no action descriptions refer only to cobble or gravel, for juveniles, and rocks, pebbles, or gravel for adults; the new designations also identify biogenic features of benthic habitats (e.g., submerged aquatic vegetation and attached epifauna) that are essential for recently settled young-of-the-year juvenile cod.[17] Another important component of the proposed new EFH designation for juvenile cod is a depth range that specifically includes the intertidal zone and extends into deeper water (120 meters vs. 75 meters in the no action description). As is true for the other managed species included in this amendment, the proposed new EFH text descriptions are much more consistent with the maps.

Text descriptions:

Essential fish habitat for Atlantic cod (*Gadus morhua*) is designated anywhere within the geographic areas that are shown in Table 19 and the following maps which exhibit the environmental conditions defined in the text descriptions.

Eggs: Pelagic habitats in the Gulf of Maine, on Georges Bank, and in the Mid-Atlantic region, as shown on Map 38, and in the high salinity zones of the bays and estuaries listed in Table 19.

Larvae: Pelagic habitats in the Gulf of Maine, on Georges Bank, and in the Mid-Atlantic region, as shown on Map 39, and in the high salinity zones of the bays and estuaries listed in Table 19.

Juveniles: Intertidal and sub-tidal benthic habitats in the Gulf of Maine, southern New England, and on Georges Bank, to a maximum depth of 120 meters (see Map 40), including high salinity zones in the bays and estuaries listed in Table 19. Structurally-complex habitats, including eelgrass, mixed sand and gravel, and rocky habitats (gravel pavements, cobble, and boulder) with and without attached macroalgae and emergent epifauna, are essential habitats for juvenile cod. In inshore waters, young-of-the-year juveniles prefer gravel and cobble habitats and eelgrass beds after settlement, but in the absence of predators also utilize adjacent un-vegetated sandy habitats for feeding. Survival rates for young-of-the-year cod are higher in more structured rocky habitats than in flat sand or eelgrass; growth rates are higher in eelgrass. Older juveniles move into deeper water and are associated with gravel, cobble, and boulder habitats, particularly those with attached organisms. Gravel is a preferred substrate for young-of-the-year juveniles on Georges Bank and they have also been observed along the small boulders and cobble margins of rocky reefs in the Gulf of Maine.

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[17] The proposed juvenile cod text description is the only one that includes some level 3 information describing habitats where growth and survival are high for the young-of-the-year.

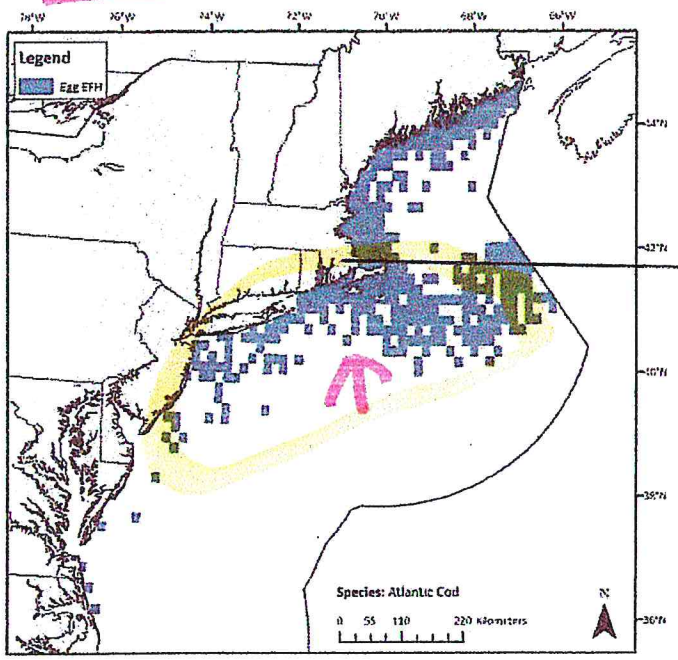
Adults: Sub-tidal benthic habitats in the Gulf of Maine, south of Cape Cod, and on Georges Bank, between 30 and 160 meters (see Map 41), including high salinity zones in the bays and estuaries listed in Table 19. Structurally complex hard bottom habitats composed of gravel, cobble, and boulder substrates with and without emergent epifauna and macroalgae are essential habitats for adult cod. Adult cod are also found on sandy substrates and frequent deeper slopes of ledges along shore. South of Cape Cod, spawning occurs in nearshore areas and on the continental shelf, usually in depths less than 70 meters.

Table 19 – Atlantic cod EFH designation for estuaries and embayments.

Estuaries and Embayments	Eggs	Larvae	Juveniles	Adults
Passamaquoddy Bay		S	S	S
Englishman/Machias Bay	S	S	S	S
Narraguagus Bay	S	S	S	S
Blue Hill Bay	S	S	S	S
Penobscot Bay		S	S	S
Muscongus Bay			S	S
Damariscotta River			S	S
Sheepscot River	S	S	S	S
Kennebec / Androscoggin			S	S
Casco Bay	S	S	S	S
Saco Bay	S	S	S	S
Great Bay	S	S		
Hampton Harbor*	S	S		
Plum Island Sound*	S	S		
Massachusetts Bay	S	S	S	S
Boston Harbor	S	S	S,M	S,M
Cape Cod Bay	S	S	S	S
Buzzards Bay	S	S	S	S

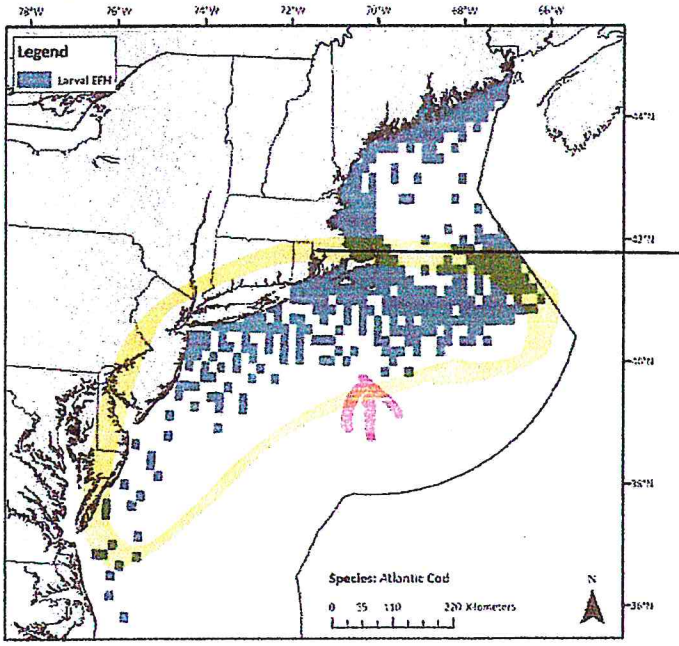
S ≡ The EFH designation for this species includes the seawater salinity zone of this bay or estuary (salinity > 25.0‰).
M ≡ The EFH designation for this species includes the mixing water / brackish salinity zone of this bay or estuary (0.5 < salinity < 25.0‰).
** = This water body was not included in the original ELMR reports, but it was included in the salinity zone maps that were appended to all the relevant fishery management plans and amendments which implemented the no action EFH designations; EFH designations were inferred in these locations if there were ELMR-based designations in the adjacent north and south locations.*

Map 38 – Atlantic cod egg EFH.



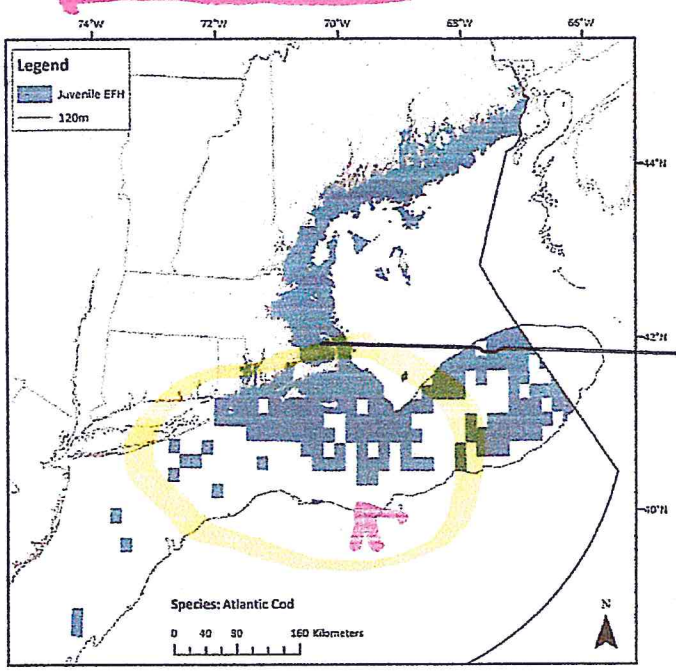
42°

Map 39 – Atlantic cod larval EFH.



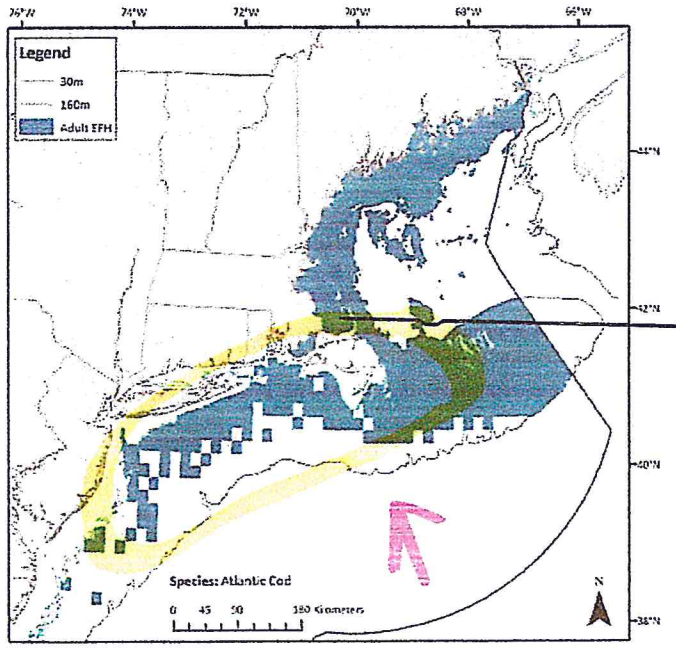
42°

Map 40 – Atlantic cod juvenile EFH.



42°

Map 41 – Atlantic cod adult EFH.



42°

From: NOAA Fisheries Greater Atlantic Region <garfo.noaafisheries@public.govdelivery.com>
To: hugetuna <hugetuna@aol.com>
Subject: New Habitat Protections for Young Cod
Date: Wed, Mar 21, 2018 2:37 pm

APPENDIX B.

NOAA FISHERIES

New England/Mid-Atlantic

Habitat Conservation March 21, 2018

New Habitat Protections for Young Cod

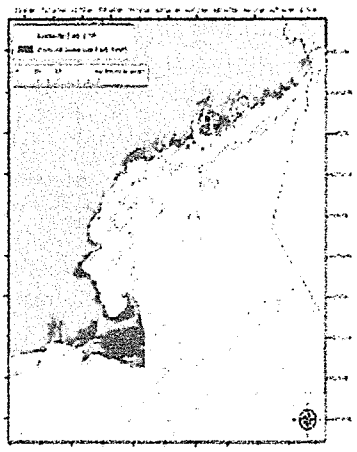
A small cod shelters near a boulder on the seafloor. Credit: Long Island Sound Resource Center

By Alison Verkade, Habitat Conservation Division

For New Englanders, Atlantic cod is not just a fish. The nearly five-foot carved Sacred Cod that hangs in the Massachusetts State House is testament to the cod's place in our culture and history. But, in recent years, Atlantic cod stocks in our region have declined dramatically. In order to bring them back, we have to protect not only the fish, but their habitats as well.

NOAA Fisheries works with regional fishery management councils to identify "Essential Fish Habitat" for all the species of fish that we manage. These areas are necessary for fish to breed, grow, feed, and develop and get special attention under the Magnuson-Stevens Act. As part of the Omnibus Habitat amendment developed by the New England Fishery Management Council, we recently designated a new Habitat Areas of Particular Concern for juvenile cod that went into effect January 3, 2018.

Protecting Important Habitat for the Sacred Cod



At first glance, the new "Habitat Areas of Particular Concern" (HAPC) for cod appears to cover all coastal waters from Maine to Rhode Island, out to 20 meters in depth. But, the juvenile cod Essential Fish Habitat text description limits the HAPC application to areas of rocky or vegetated habitats, and sandy areas for feeding next to these habitats.

While these habitats are not rare in the Gulf of Maine, they need special protection for three reasons:

- They provide young-of-the-year and year-old cod shelter from predators and important feeding habitat.
- They are particularly sensitive to human activities.
- They are also important habitats for many other fish.

Read the rest of the story on our website.

Questions? Contact Jennifer Goebel, Regional Office, at 978-281-9175

APPENDIX C.

Spatial Ecology of Atlantic Cod in the Gulf of Maine

Discussion paper

Jake Kritzer and Steve Cadrin

New England Fishery Management Council, Scientific and Statistical Committee

January 2012

Introduction

The New England groundfish fishery faces a socio-economic, political and, potentially, environmental crisis in response to the most recent Gulf of Maine (GOM) cod stock assessment (NEFSC 2011). The previous assessment in 2008 concluded that overfishing was not taking place, and the stock was on a trajectory to be fully rebuilt by 2014 (NEFSC 2008). The most recent assessment concludes that the stock is severely overfished (approx. 20% of B_{MSY}), experiencing overfishing (approx. 5 times F_{MSY}; NEFSC 2011), and cannot rebuild by 2014 even if F=0. Fishermen, on the other hand, report abundant cod, many large cod, and high catch rates, none of which seems to be consistent with a severely depleted stock.

In order to ensure that the outcomes are accurately predictable before catch limits are substantially reduced, many questions have been raised about decisions made during the assessment process. By most accounts, the assessment process was thorough and the review panel approved the approaches taken. However, given the gravity of the situation, a closer look at each decision and their cumulative effects is warranted. The investment of time, expertise and other resources into our scientific basis for management should be commensurate with the status of the stock, its value (socio-economic and ecological), and therefore the implications of either overfishing or drastic cuts in quotas. Compared to many, the 2011 benchmark assessment for GOM cod was data-rich, but the investment of time and other resources was typical for the SAW/SARC process. In light of the outcomes, not to mention their stark contrast from the previous assessment, stepping back for a deeper examination of the assessment process, as well as other key issues seems warranted.

Perhaps chief among the scientific issues not addressed during the assessment process are a series of questions about the spatial structure and dynamics of cod, questions which warrant a sharper focus as soon as possible. The benefits of sharper scientific focus will not always outweigh the costs, depending upon the attributes of both the stock and fishery. However, the value of GOM cod and the imminent crisis justifies further investigation. Therefore, this paper considers data and theory on the spatial ecology of GOM cod, and implications of alternative hypotheses to our status quo assumptions. This paper is not intended to be a comprehensive review, nor does it aim to reach conclusions on the issues addressed. Rather, the goal is to highlight key issues worthy of greater consideration and to help chart a path forward. The discussion herein is restricted primarily to the realms of population biology and population ecology. Aspects of behavioral ecology and ecosystem ecology (e.g., habitat, oceanographic and trophic effects) are alluded to briefly, but these and other disciplines also represent areas for deeper examination and understanding of cod stock dynamics.

Spatial assumptions underlying assessment models

Pertinent spatial questions fall within one of two overarching categories. The first are those related to our working definitions of cod stocks and spatial management units. A fundamental assumption of most assessment models is that the model describes a 'closed' population, with negligible immigration into and emigration from the stock area, either by movement of post-settlement individuals or dispersal of larvae (i.e., the "unit stock" assumption; Hilborn and Walters 1992). Several lines of evidence suggest that cod stock boundaries need to be reconsidered.

Even if the stock boundaries are defined appropriately, it is also important to understand the internal spatial structure of the stock. Methot and Punt (2004) highlight the following key assumptions regarding spatial pattern and process that underlie most stock assessment models:

> "Most fisheries stock assessments are based on the assumption that the fishery or the fish population is distributed homogeneously or freely mixes across the region being assessed. Any local patterns in density, age structure, or mortality are assumed to be ephemeral and to diffuse quickly throughout the population."

The authors raise this important point in the context of violations of the assumptions introduced by implementation of marine protected areas (MPAs) within the stock area, and use simulation modeling to illustrate the biases in assessment outcomes that can result. Possible effects of MPAs on assessment outcomes are relevant to GOM cod as well, given the presence of the Western Gulf of Maine (WGOM) and Cache's Ledge closed areas within the stock area, and quantifying those effects might change our perception of the stock. Or, perhaps more significantly, accounting for natural spatial variation and structure might result in a very different picture.

Concerns about stock structure assumptions that underlying New England fisheries are not new. In April 2009, a workshop brought together researchers and stakeholders to review the most recent findings and chart a path forward in terms of both science and management (Mendelson 2009), and a follow-up workshop in June 2011 built on the goals, themes and conclusions of the first (Feeney and La Valley 2011). At both workshops, Atlantic cod was the focus of more research and discussion than any other species, and is the species for which we probably have the richest understanding of spatial structure in the Northwest Atlantic. In fact, the New England Fishery Management Council's Scientific and Statistical Committee (SSC) recommended investigation of cod stock structure in two recent reports.

In November 2010, the SSC identified a research priority that included, "Improve knowledge on stock definition, stock movements, mixing, and migration through tagging studies, DNA markers, morphological characteristics and other means, focusing on: (a) short- and long-term movements, and (b) habitat use in relation to broad scale movements, with priority for monkfish, cod, pollock, silver hake and herring."

When asked for its advice on terms of reference for the GOM cod assessment (SSC 2011), the SSC recommended:

1. If time permits, SAW53 on Gulf of Maine cod should consider information on the small scale distribution of cod in the Gulf of Maine and advise on its management implications,
2. The Plan Development Team should take account of information on the small scale distribution of cod for both the Gulf of Maine and Georges Bank Management Units for future implementation or amendments of the Multispecies Fishery Management Plan,
3. There should be a comprehensive evaluation of scientific information on cod population structure and its management implications, including the possibility of revising management units. This evaluation should occur in time to be taken into account in the next management cycle, beginning with the 2014 fishing year.

Only the first recommendation was directed at the SAW 53 process itself, and it was proposed to be optional in light of the enormity of a benchmark assessment, and the limited time and competing demands of the assessment team. Consequently, and perhaps not surprisingly, the issue received little consideration. Indeed, very few assessments reconsider stock boundaries once they are drawn, incorporate sub-structure, or consider the implications of either omission or both. The implicit

assumption is that the assessment is robust to violations of those assumptions, or that the uncertainty introduced is absorbed into the ABC buffer.

Some degree of spatial structure is the norm rather than the exception for most marine fish populations, but simplifications are perhaps warranted in many cases due to the complications that revising boundaries or incorporating sub-structure introduces for data collection, modeling and management. However, when the socio-economic or ecological significance of a given stock, and therefore the consequences of overfishing or drastic reductions in quotas, is sufficiently high, a more thorough examination and a greater investment of resources are warranted. Specifically, a more detailed scientific evaluation is in order to achieve the highest level of accuracy possible and guard against severe socio-economic and ecological impacts.

Spatial patterns in cod distribution and abundance

In some ways, science and industry are not reporting fundamentally different perceptions of GOM cod abundance. The vast majority of GOM cod harvest comes from the WGOM, and patterns of abundance in that area primarily shape fishermen's perceptions. There, cod consistently exhibit higher density than areas adjacent to the coast of Maine, the Scotian Shelf, or George's Bank (Fig. 1, 2). This pattern is consistent among periods of comparatively high (1970s), low (1990s) and intermediate (1980s, 2000s) abundance.

In periods of low to intermediate abundance in particular, the vast majority of the stock appears to be concentrated within the WGOM region. The assessment acknowledges this spatial pattern briefly, describing it as a "contraction" of the population (NEFSC 2011). Further explanation or a precise definition of contraction are absent, as are possible causal mechanisms. Contraction seems to imply movement of fish from peripheral areas to the WGOM center of mass, presumably in responses to changes in density or other environmental changes. Alternatively, areas outside the WGOM might represent separate stocks or sub-stocks that have been lost and not recovered, rather than areas abandoned by fish for more favorable habitat. These questions are critical because the causal mechanisms should shape our goals, expectations and management strategies, and also because such processes can represent violations of assumptions in the assessment model.

Stock boundaries

Although not evident from distribution and abundance data alone, other data call into question the assumption that our current stock boundaries do in fact capture unit stocks. This potential violation could have important implications for model outcomes and management responses.

Kovach et al. (2010) report genetic evidence for biological stocks of cod in U.S. waters that differ from the current management units (Fig. 3). The authors propose a northern spawning stock inhabiting coastal waters from Casco Bay to Massachusetts Bay, and overlapping with a southern spawning stock extending from Great Bay around Cape Cod into waters of the northern Mid-Atlantic Bight off southern New England. This southern stock includes areas of western George's Bank, and lies adjacent to a third stock covering the majority of George's Bank. Tallack (2009) studied growth of cod across the same area studied by Kovach et al. (2010) and found that parameter estimates were similar between the WGOM and Cape Cod/Southern New England regions, providing life history evidence in support of the proposed genetic stock units. Earlier, Begg et al. (1999) examined long-term growth data and found persistent evidence for a division between Eastern George's Bank and Western George's Bank.

The most recent Gulf of Maine cod stock assessment states that, "Recent reviews of historical and contemporary tagging studies (O'Brien et al. 2005; Tallack 2007; Loehrke and Cadrin 2007) suggest that while there is movement of fish between the Gulf of Maine and Georges Bank stocks, the degree of mixing is limited" (NEFSC 2011). However, estimates of movement rates reported in the 2008 Groundfish Assessment Review Meeting suggest extensive movement (Fig. 4; Miller and Tallack 2007). The review of tagging information in GARM III (Loehrke and Cadrin 2007) stated that,

> "Previous tagging literature documents similar pathways of movement between stock areas, but the frequency of residence and movement are different among studies. Most cod tagging was not designed to evaluate movement rates, and the proportional recaptures may not reflect changes in movement rates. Current stock boundaries for cod off New England are primarily based on an operational definition (e.g., demographic patterns) and practical limitations of monitoring fisheries (e.g., mixed-stock fishing trips). However, advancement of methods for exploring spatial population structure (genetics, otolith microstructure and chemistry, electronic tags, spatial analysis) as well as greater spatial resolution in fishery data suggest that investigation of stock structure should continue toward the objective of improving stock definitions for population modeling and stock assessment."

Similarly, in a review of recent tagging information, Tallack et al. (2009), recommend that,

> "Recent and historical cod tagging data (and genetic data) suggest substantial movements across current stock boundaries and considerable heterogeneity within current management units. Best available science indicates the need to re-visit, re-analyze and re-assess the stock management boundaries; this task will be best achieved by an interdisciplinary team."

If, rather than assessing and managing a GOM-wide stock we should be defining multiple stocks, including one that spans the WGOM, waters off Cape Cod and Western George's Bank, and Nantucket Shoals, then the area of higher cod density in the WGOM would no longer be a somewhat anomalous and geographically small portion within an otherwise depleted GOM stock area. Instead, this area would be a significant portion of a stock area with unknown status, but likely of lesser concern than the GOM at large.

The studies of both Kovach et al. (2010) and Tallack (2009) did not include Downeast Maine, the central Gulf of Maine, or the Scotian Shelf. Downeast Maine in particular has seen dramatic declines and almost no recovery of cod through time (Fig. 1, 2). The Downeast Initiative has recognized the fundamentally different state of cod in the region, and Ames (2010) has proposed an ecosystem recovery plan in response. An early examination of cod stock structure in U.S. waters based on rates of parasite infestation documented a sharp break at 44°N latitude, which is the approximate southern extent of the Downeast region (Sherman and Wise 1961; Fig. 5), perhaps supporting the hypothesis that the region represents a separate stock.

More recently, an analysis to identify major ecosystem planning areas also suggested that at least part of the Downeast region is ecologically distinct from rest of the Gulf of Maine and more closely aligned with the Scotian Shelf (SSC 2010; Fig. 6). However, this analysis did not identify the linkage between the WGOM and Nantucket Shoals/Southern New England suggested by the genetic and tagging data. Moreover, the Downeast/Scotian Shelf unit does not reach Casco Bay or even Penobscot Bay, areas

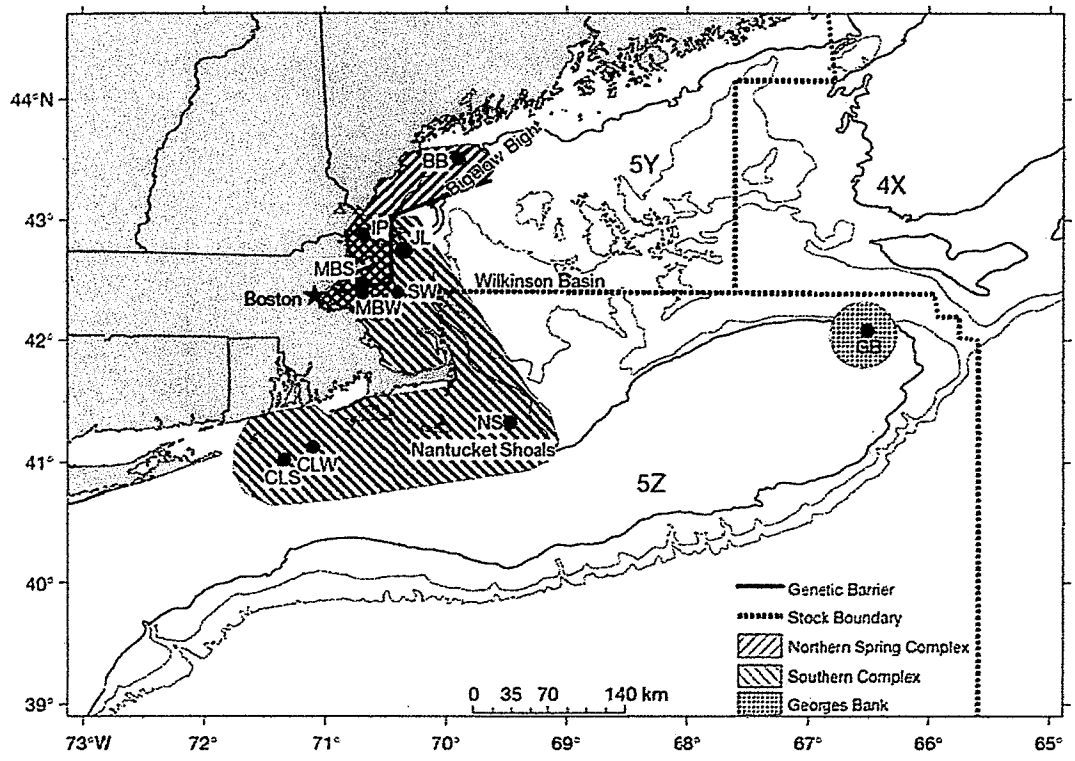


Figure 3. Current boundaries of Atlantic cod stocks in U.S. waters, and proposed biological stock units based on population genetic structure. Sampling locations for the genetic analysis are marked and labeled. (from Kovach et al. 2010)

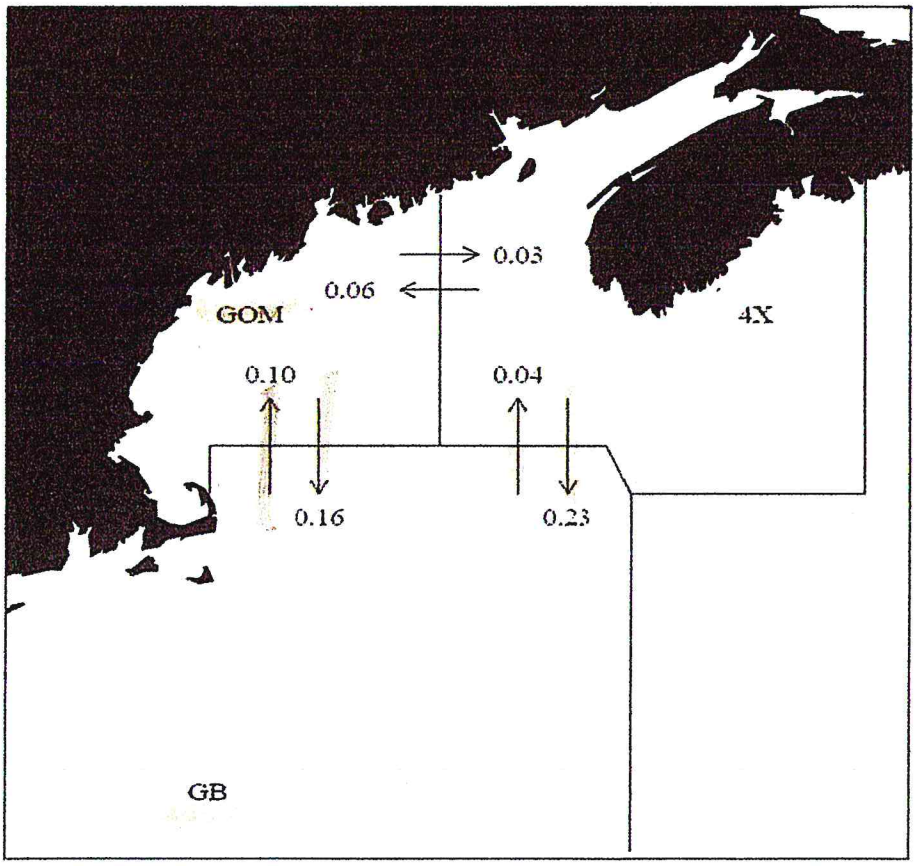


Figure 4. Regional estimates of instantaneous migration rates of Atlantic cod among management units. (from Miller and Tallack 2007)

LEGAL STATUS

APPENDIX D.

LEGAL STATUS

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Fishing Year 2018 Recreational Management Measures

A Proposed Rule by the on

This document has a comment period that ends in 14 days. (04/06/2018)

Read the

Federal Register
2018 Recreational
Measures
GOM + GB

DOCUMENT DETAILS

Printed version:
PDF (https://www.gpo.gov/fdsys/pkg/FR-2018-03-22/pdf/2018-05811.pdf)

Publication Date:
03/22/2018 (/documents/2018/03/22)

Agencies:
National Oceanic and Atmospheric Administration (https://www.federalregister.gov/agencies/national-oceanic-and-atmospheric-administration)

Dates:
Comments must be received by April 6, 2018.

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04/06/2018

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50 CFR 648

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0648-BH55

Document Number:
2018-05811

DOCUMENT DETAILS

PUBLISHED DOCUMENT

AGENCY:

National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION:

Proposed rule; request for comments.

SUMMARY:

NMFS proposes to set 2018 recreational management measures for Gulf of Maine cod and haddock and Georges Bank cod. This action is necessary to respond to updated catch and other scientific information. The proposed measures are intended to ensure the recreational fishery achieves, but does not exceed, its fishing year 2018 catch limits.

DATES:

Comments must be received by April 6, 2018.

ADDRESSES:

You may submit comments on this document, identified by NOAA-NMFS-2018-0040, by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal.

1. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2018-0040 (http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2018-0040)*

2. Click the "Comment Now!" icon, complete the required fields, and

3. Enter or attach your comments.

- *Mail:* Submit written comments to: Michael Pentony, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope, "Comments on the Fishing Year 2018 Groundfish Recreational Measures."

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov (http://www.regulations.gov)* without change. All personal identifying information (*e.g.*, name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous).

Copies of the analyses supporting this rulemaking, including the Framework Adjustment 57 environmental assessment (EA) prepared by the New England Fishery Management Council, and draft supplemental EA to Framework Adjustment 57 prepared by the Greater Atlantic Regional Fisheries Office and Northeast Fisheries Science Center, are available from: Michael Pentony, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930. The supporting documents are also

accessible via the internet at: *http://www.nefmc.org/management-plans/northeast-multispecies (http://www.nefmc.org/management-plans/northeast-multispecies)* or *http://www.regulations.gov (http://www.regulations.gov)*.

FOR FURTHER INFORMATION CONTACT:

Emily Keiley, Fishery Management Specialist, phone: 978-281-9116; email: *Emily.Keiley@noaa.gov (mailto:Emily.Keiley@noaa.gov)*.

SUPPLEMENTARY INFORMATION:

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Background

Proposed Gulf of Maine Recreational Management Measures for Fishing Year 2018

The recreational fishery for Gulf of Maine (GOM) cod and haddock is managed under the Northeast Multispecies Fishery Management Plan (FMP). The FMP sets sub-annual catch limits (sub-ACL) for the recreational fishery for each fishing year for GOM cod and haddock. These sub-ACLs are a portion of the overall catch limit for each stock. The multispecies fishery opens on May 1 each year and runs through April 30 of the following calendar year. The FMP also includes recreational accountability measures (AM) to prevent the recreational sub-ACLs from being exceeded, or to correct the cause of an overage if one occurs.

The proactive AM provision in the FMP requires the Regional Administrator, in consultation with the New England Fishery Management Council, to develop recreational management measures for the upcoming fishing year to ensure that the recreational sub-ACL is achieved, but not exceeded. The provisions authorizing this action can be found in § 648.89(f)(3) of the FMP's implementing regulations.

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For fishing year 2017, the recreational sub-ACL for GOM cod remained the same as 2016, and the recreational sub-ACL for GOM haddock increased 25 percent. In order to reduce cod catch and prevent subsequent overages, and because haddock management measures affect cod catch, both cod and haddock management measures were more conservative in 2017. This is because in 2016 cod catch increased more than predicted and the recreational sub-ACL was exceeded by 92 percent. Preliminary estimates of 2017 recreational GOM cod catch exceed the sub-ACL by 55 percent despite the more conservative management measures. Estimates of 2017 GOM haddock catch are less than half of the sub-ACL.

According to the 2017 stock assessments, the GOM cod and haddock stocks are increasing, although cod remains overfished and subject to a rebuilding plan. Framework Adjustment 57, a concurrent action, proposes 2018 ACLs based on the updated assessments. For 2018, the proposed haddock sub-ACL increases by 290 percent, from 1,160 mt to 3,358 mt, and the proposed cod sub-ACL increases from 157 to 220 mt. The recreational sub-ACLs are based on a fixed percentage of the total commercial ACLs. This action sets recreational management measures designed to achieve, but not exceed the recreational sub-ACLs.

As specified in Table 1, compared to the 2017 catch, the 2018 sub-ACLs would allow for a 78-percent increase in haddock catch, but would require an 11-percent reduction in cod catch. Status quo measures are projected to result in cod catch above the sub-ACL, and haddock catch below the sub-ACL. Because 2018 catch of cod under the status quo measures is projected to be above the cod sub-ACL, we are required, in consultation with the Council, to revise the GOM recreational measures for fishing year 2018.

Table 1—Fishing Year 2017 Catch Compared to Fishing Year 2017 and 2018 Sub-ACLs

GOM stock	Estimated 2017 catch (mt)	2017 sub-ACL (mt)	Percent of FY 2017 sub-ACL caught	2018 sub-ACL (mt)	Change in 2017 catch to reach 2018 sub-ACL (percent)
Cod	244	157	155	220	−11
Haddock	740	1,160	64	3,358	78

Proposed Measures

We consulted with the Council and its Recreational Advisory Panel (RAP) in January 2018. The RAP and Council recommended status quo measures for GOM cod and haddock. Status quo measures are projected to constrain the catch of cod to the sub-ACL only if the Commonwealth of Massachusetts prohibits recreational anglers in state waters from retaining GOM cod. For-hire vessels in Massachusetts are prohibited from fishing for cod. Alternatively, the Council recommended implementing different measures for the private angler and for-hire components of the fishery if the Commonwealth of Massachusetts does not prohibit the possession of cod. Recent catch information suggests the for-hire fleet has been able to avoid cod bycatch when fishing for haddock more effectively than private anglers. As a result, the Council determined separate measures for each fleet would more effectively achieve the necessary cod reductions. The addition of a May closure for private anglers, combined with a reduction of the for-hire haddock possession limit is projected to keep cod catch below the sub-ACL.

A peer-reviewed bioeconomic model, developed by the Northeast Fisheries Science Center, was used to estimate 2018 recreational GOM cod and haddock mortality under various combinations of minimum sizes, possession limits, and closed seasons. Even when incorporating zero possession of GOM cod in Federal waters, but without an accompanying prohibition of recreational possession of cod by Massachusetts private anglers, the model estimates that the status quo measures for GOM haddock are not expected to constrain the bycatch of cod to the 2018 catch limit. The model estimates that the status quo haddock measures would result in cod catch of 226 mt and haddock catch of 920 mt (see Table 3), which would be 102 percent of the 220 mt cod sub-ACL and 27 percent of the haddock sub-ACL. If Massachusetts prohibits private angler possession of cod, status quo Federal measures for cod and haddock are expected to constrain cod catch to the sub-ACL. Predicted cod catch, under this scenario, is 193 mt. The Council's recommended, but non-preferred alternative does not rely on modifications to Massachusetts' recreational measures, but implements a new closure for the month of May for private anglers, and reduces the for-hire possession limit from 12 to 10 fish. Under this alternative cod catch is projected to be 198 mt.

Table 2 summarizes the status quo measures and the measures being proposed for comment, along with the model's estimates of catch and the likelihood of catch remaining below the sub-ACLs. At the time the model was run and presented to the Council for consideration, the preliminary GOM cod sub-ACL was estimated to be 200 mt, and the probabilities are based on this amount. We have since determined that the fishing year

2018 GOM cod sub-ACL will be 220 mt. The increased quota does not change the predicted cod catch under the different measures, but the probability that cod catch will be below the sub-ACL increases. Projected catch associated with the status quo measures still exceeds the updated sub-ACL, and the proposed alternatives do not change. We intend to update the model probabilities using the higher, updated sub-ACL and publish those results with the final rule for this action.

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Table 2. Summary of the Status Quo Measures and the Proposed Measures, with Model Estimates of Catch and the Likelihood of Catch Remaining Below the sub-ACLs.

2018 Measures	Fleet	Haddock Possession Limit	Minimum Fish Size	Closed Season	Predicted Haddock Catch (mt)	Probability Haddock Catch Below sub-ACL[2]	Predicted Cod Catch (mt)	Probability Cod Catch Below sub-ACL[3]
Status Quo	Private	12 fish per angler	17 inches	3 1 - 4 14 9 17 - 10 31	920	100	226	19
	For-hire							
Council Preferred[1]	Private	12 fish per angler	17 inches	3 1 - 4 14 9 17 - 10 31	916	100	193	57
	For-hire							
Council Not-Preferred Alternative	Private	12 fish per angler	17 inches	3 1 - 4 14 5 1 - 5 31 9 17 - 10 31	839	100	198	51
	For-hire	10 fish per angler		3 1 - 4 14 9 17 - 10 31				

[1]This option requires that the Commonwealth of Massachusetts prohibit GOM cod possession by recreational anglers.

[2]The 2018 GOM haddock sub-ACL is 3,358 mt.

[3]The model assumed a GOM cod sub-ACL of 200 mt, the actual GOM cod sub-ACL is 220 mt.

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The bioeconomic model's predicted probabilities that catch will remain at or below the sub-ACLs are informative. The model uses preliminary data from the Marine Recreational Information Program (MRIP). MRIP data are updated throughout the fishing year as new data arrives in different waves and older data is updated. Incorporation of new waves, or updates, may result in changes. The MRIP data are estimates and highly variable from year to year. This combination of factors makes it difficult to produce consistent predictions and to assess the underlying reasons for the discrepancies between the model's predicted catch and estimates of actual catch. The model has underestimated recreational catch historically, but its predictive power has been increasing in recent years. Recent measures have resulted in catch close to the sub-ACLs; however, a number of overages have still occurred. Increasing the probability of maintaining catch under the sub-ACL provides more confidence that the measures may keep catch within the sub-ACL despite this data uncertainty.

2. Fishing Year 2018 Georges Bank Cod Recreational Management Measures

As part of Framework 57 to the Northeast Multispecies FMP, the Council recommended to give the Regional Administrator authority to adjust the GB cod recreational management measures for fishing years 2018 and 2019. Framework 57 is intended to be implemented for the 2018 fishing year. Concurrent to the Framework 57 rulemaking, which is expected in March 2018, we are considering whether adjustments to GB cod recreational measures are necessary, should the framework be approved. This action was precipitated by an unusually high recreational catch estimate of GB cod in 2016 that contributed to an overage of the total ACL and acceptable biological catch. Unlike GOM cod and haddock, there is no recreational sub-ACL for GB cod and no accountability measures for the recreational fishery when an overage occurs. The Council did not consider a recreational sub-ACL in this action because of a lack of time to consider this issue. However, the Council recommended a catch target for us to use when considering adjustments to GB cod measures. The catch target is based on the most recent 5 year (calendar years 2012-2016) average recreational catch (138 mt). The Council expects that measures designed to achieve this target amount for the recreational fishery

will help the overall fishery attain, but not exceed, its overall ACL. According to the 2017 updated assessment the stock remains in poor condition, but the GB cod stock biomass is increasing and supports an increase in the ACL consistent with this change. Based on the updated assessment the proposed 2018 overall ACL is increasing 139 percent compared to 2017.

With the exception of 2013, recreational catch of Georges Bank cod has been increasing (see Table 4). Recreational management measures for this stock have not been modified since 2010. For these reasons, we expect the increasing trend in recreational catch to continue.

Table 4: Georges Bank Cod Recreational Catch, Fishing Years 2012-2016

Georges Bank Cod (mt)	Fishing Year				
	2012	2013	2014	2015	2016
Total Catch	67.1	8	91.4	165	477.5

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Since the Council meeting in December 2018, preliminary 2017 wave 6 MRIP data were released. Wave 6 (November-December) encompass the season for which GB recreational cod catches are historically the highest. The updated projection for fishing year 2017 recreational catch of GB cod is 120 percent lower than what was previously estimated and presented to the RAP and Council. The updated fishing year 2017 estimate is 51 mt. This reduction is not consistent with the increasing trend in catch that has been observed since 2013. Given the inherent variability in the MRIP data, many recreational fisheries use a moving average when considering measures for subsequent years. Incorporating the updated 2017 catch estimate, the 3-year average (fishing years 2015-2017) recreational catch is 196 mt. This average is greater than the catch target, and recreational catch in 2015 and 2016 was greater than the catch target.

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Proposed Measures

Due to the potential increase in cod encounters by recreational anglers, and the poor stock condition, the Council is recommending measures to limit the potential for extreme catch amounts of cod and facilitate enforcement of the measures. To meet this goal, the Council recommended setting a possession limit for the for-hire fleet. Currently private anglers have a 10-fish possession limit, and for-hire vessels have no limit. The proposed change would harmonize the private and for-hire restrictions while meeting capping potential cod interactions on a trip-by-trip basis. The Council also proposed an increase in the minimum size limit from 22 to 24 inches (55.88 to 60.96 cm). The proposed minimum size is consistent with the minimum size for recreationally caught cod in the GOM when that fishery is open. Also, a uniform size limit can help avoid confusion and aid enforcement. In 2016, approximately 40 percent of the cod landings were less than 24 inches. Thus, an increase to the minimum size we expect would reduce cod mortality relative to 2016 catch.

Unlike for the GOM recreational fishery, there is no model available to evaluate the probability of catch amounts for the Georges Bank management changes. However, past data shows that setting a possession limit and increasing the minimum size are effective techniques for reducing recreational catch. A possession limit will cap the amount of catch per trip and help meet the goal of limiting extreme events. Uniform size limits also will limit mortality as well as assist enforcement. The proposed fishing year 2018 recreational measures for Georges Bank cod are specified in Table 5, along with information on fishing year 2017 measures for comparison.

Table 5: Proposed Georges Bank Cod Recreational Management Measures for Fishing Year 2018 and Status Quo (Fishing Year 2017) Measures

2018 Options	Fleet	Georges Bank Cod Possession Limit	Minimum Fish Size	Open Season
Status Quo	Private	10	22 inches	5/1 - 4/30
	For-hire	Unlimited		
Council Reccomended	Private	10	24 inches	5/1 - 4/30
	For-hire			

(https://s3.amazonaws.com/images.federalregister.gov/EP22MR18.008/original.png?1521645613)

We are seeking comments on the Council's trip and size limits in relation to preventing extreme recreational catches of GB cod, assisting enforcement, and avoiding the potential negative impacts on the commercial groundfish fishery from recreational catch that contributes to overall ACL overages. In particular, we are interested in the measures in relation to achieving the catch target and avoiding overages of the overall ACL in light of the new MRIP data and estimated 2017 recreational GB cod catch. Because of the variability in MRIP data, and the lack of a model to evaluate the effect of the proposed measures, it is difficult to determine the probability that measures may constrain harvest to the catch target. Additionally, because the recreational fishery does not receive an allocation for GB cod, there are no AMs for recreational vessels in the event the catch target or the overall ACL is exceeded. For 2018, the commercial groundfish fishery is required to payback the 2016 fishing year ACL overage.

NMFS is seeking comments to avoid negative impacts

3. Regulatory Corrections

This action also proposes several corrections to the regulatory text to improve clarity and consistency of the recreational regulations. The corrections in this action are proposed under the authority of section 305(d) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), which states that the Secretary of Commerce may promulgate regulations necessary to ensure that FMPs are implemented in accordance with the Magnuson-Stevens Act.

In § 648.89(c), we have adopted a new approach to present recreational possession limits to simplify and improve clarity of the regulations. Rather than stating possession limits and seasons exclusively through text, a table would be used. Explanatory information (*e.g.*, filleting exemption from minimum size) would still be in text form.

In § 648.14(k)(16), we propose to add the possession prohibitions for ocean pout and windowpane flounder by the recreational fishery. Possession, by the recreational fishery, of ocean pout and windowpane flounder is already prohibited. We are adding text to the prohibitions section to improve consistency and clarity of the regulations.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has made a preliminary determination that this proposed rule is consistent with the Northeast Multispecies FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

Let's see how much further consideration

This proposed rule has been determined to be not significant for purposes of Executive Order (E.O.) 12866. Thus, this rule is not an E.O. 13771 (/executive-order/13771) regulatory action because this rule is not significant under E.O. 12866.

An initial regulatory flexibility analysis (IRFA) was prepared, as required by section 603 of the Regulatory Flexibility Act (RFA). The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities, and also determines ways to minimize these impacts. The IRFA incorporates sections of the preamble (**SUPPLEMENTARY INFORMATION**) and analyses supporting this rulemaking, including the Framework Adjustment 57 EA and the draft supplemental EA to Framework 57. A summary of the analysis follows (see **ADDRESSES**).

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Description of the Reasons Why Action by the Agency Is Being Considered

Because the recreational measures currently in place for GOM cod and haddock are not expected to constrain fishing year 2018 catch to the cod sub-ACL, this action proposes new measures, as required by the FMP, to ensure that the previously established sub-ACL is not exceeded. This action also proposes new recreational measures for Georges Bank cod. These measures have been designed to achieve the catch target set in Framework 57.

Statement of the Objectives of, and Legal Basis for, This Proposed Rule

The FMP allows the Regional Administrator, in consultation with the Council, to modify the GOM recreational management measures for the upcoming fishing year to ensure that the sub-ACL is achieved, but not exceeded. The provisions authorizing this action can be found in § 648.89(f)(3) of the FMP's implementing regulations. One of the intended effects of this action is to reduce recreational catch of GOM cod. This action is necessary to ensure that the fishing year 2018 recreational GOM cod catch limit is not exceeded.

Framework 57, a concurrent action, proposes to give the Regional Administrator authority to change the Georges Bank cod recreational management measures for fishing years 2018 and 2019. Framework 57 also proposed a catch target of 138 mt. Limiting catch to this target amount is expected to help ensure that the overall ACL for this stock is not exceeded. Management measures proposed in this action are designed to achieve, but not exceed this target.

* Regional Administrator has authority to change proposed management measures

Description and Estimate of the Number of Small Entities to Which This Proposed Rule Would Apply

The Small Business Administration (SBA) defines a small commercial finfishing or shellfishing business (NAICS code 11411) as a firm with annual receipts (gross revenue) of up to $11.0 million for Regulatory Flexibility Act compliance purposes only. A small for-hire recreational fishing business is defined as a firm with receipts of up to $7.5 million (NAICS code 487210). Having different size standards for different types of fishing activities creates difficulties in categorizing businesses that participate in multiple fishing related activities. For purposes of this assessment, business entities have been classified into the SBA-defined categories based on which activity produced the highest percentage of average annual gross revenues from 2014-2016. This is the most recent 3-year period for which data are available. Ownership data in the Northeast permit database identify all individuals who own fishing vessels. Using this information, vessels can be grouped together according to common owners. The resulting groupings were treated as a fishing business for purposes of this analysis. Revenues summed across all vessels in a group and the activities that generate those revenues form the basis for determining whether the entity is a large or small business.

The proposed regulations include closed seasons in addition to possession limits and size limits. For purposes of this analysis, it is assumed that all three types of recreational fishing restrictions may directly affect for-hire businesses. According to the FMP, it is unlawful for the owner or operator of a charter or party boat issued a valid multispecies permit, when the boat is carrying passengers for hire, to:

- Possess cod or haddock in excess of the possession limits.
- Fish with gear in violation of the regulations.
- Fail to comply with the applicable restrictions if transiting the GOM Regulated Mesh Area with cod or haddock on board that was caught outside the GOM Regulated Mesh Area.

As the for-hire owner and operator can be prosecuted under the law for violations of the proposed regulations, for-hire business entities are considered directly affected in this analysis. Private recreational anglers are not considered "entities" under the RFA, and thus economic impacts on anglers are not discussed here.

For-hire fishing businesses are required to obtain a Federal charter/party multispecies fishing permit in order to carry passengers to catch cod or haddock. Thus, the affected businesses entities of concern are businesses that hold Federal multispecies for-hire fishing permits. While all business entities that hold for-hire permits could be affected by changes in recreational fishing restrictions, not all businesses that hold for-hire permits actively participate in a given year. The regulations affect the group of business entities who actively participate, *i.e.*, land fish. Latent fishing power (in the form of unfished permits) has the potential to alter the impacts on a fishery. However, it is not possible to predict how many of these latent business entities will or will not participate in this fishery in fishing year 2018.

The Northeast Federal landings database (*i.e.*, vessel trip report data) indicates that a total of 661 vessels held a multispecies for-hire fishing permit in 2016. This is the most recent full year of available data. Of the 661 for-hire permitted vessels, only 164 actively participated in the for-hire Atlantic cod and haddock fishery in fishing year 2016 (*i.e.*, reported catch of cod or haddock).

Using vessel ownership information developed from Northeast Federal permit data and Northeast vessel trip report data, it was determined that the 164 actively participating for-hire vessels are owned by 151 unique fishing business entities. The vast majority of the 151 fishing businesses were solely engaged in for-hire fishing, but some also earned revenue from shellfish and/or finfish fishing. For all but 23 of these fishing businesses, the revenue from for-hire fishing was greater than the revenue from shellfishing and the revenue from finfish fishing.

According to the SBA size standards, small for-hire businesses are defined as firms with annual receipts of up to $7.5 million. Small commercial finfishing or shellfishing businesses are defined as firms with annual receipts (gross revenue) of up to $11.0 million. Average annual gross revenue estimates calculated from the most recent 3 years (2014-2016) indicate that none of the 151 fishing business entities had annual receipts of more than $2.8 million from all of their fishing activities (for-hire, shellfish, and finfish). Therefore, all of the affected fishing business entities are considered "small" based on the SBA size standards. As a result, this action would not disproportionately affect small versus large for-hire business entities.

Description of the Projected Reporting, Record-Keeping, and Other Compliance Requirements of This Proposed Rule

There are no proposed reporting, recordkeeping, or other compliance requirements.

Federal Rules Which May Duplicate, Overlap, or Conflict With This Proposed Rule

The proposed action does not duplicate, overlap, or conflict with other Federal rules.

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Description of Significant Alternatives to the Proposed Action Which Accomplish the Stated Objectives of Applicable Statutes and Which Minimize Any Significant Economic Impact on Small Entities

There are three options that were presented to the Council [(Framework 57 EA and draft Supplemental EA, *see* **ADDRESSES**) that would accomplish the objectives, but are not being proposed. Options 5 and 6 were only discussed by the Council, and while they would achieve the objective, were not selected. The options presented, but not proposed, were rejected either because they did not achieve the required cod sub-ACL, or they had significant negative impacts on the for-hire fleet (*e.g.*, Option 2, a May closure). The options proposed in this action minimize, to the extent practical, the impact on small entities.

Table 4—Projected Fishing Year 2018 Recreational Cod and Haddock Catch Under Alternative Measures

Start Printed Page 12557

Table 4. Projected Fishing Year 2018 Recreational Cod and Haddock Catch under Alternative Measures

Option	Had Limit	Had Size	Had Closed Season	Total Mortality mt (Median)	Cod Limit	Cod Closed Season	Total Mortality mt (Median)	Angler Trips (Median)	Had ACL (out of 100) (Simulations)	Cod ACL (out of 100) (Simulations)*
0 (Status Quo)	12	17"	Mar-Apr 14, Sep 17 - Oct 31	920	0	May-Apr	226	155,733	100	19
1 (Status Quo, no MA Cod Possession)	12	17"	Mar-Apr 14, Sep 17 - Oct 31	916	0	May-Apr	193	155,160	100	57
2 (Additional May Had Closure)	12	17"	Mar-Apr 14, May, Sep 17 - Oct 31	822	0	May-Apr	194	150,713	100	56
3 (No MA Cod Possession, no Had Minimum Size)	12		Mar-Apr 14, Sep 17 - Oct 31	979	0	May-Apr	213	162,543	100	34
4 (Additional May Had Closure, no Had Minimum Size)	12		Mar-Apr 14, May, Sep 17 - Oct 31	864	0	May-Apr	203	157,731	100	45
5 (Additional May Had Closure, 16" Had Minimum Size)	12	16"	Mar-Apr 14, May, Sep 17 - Oct 31	835	0	May-Apr	198	153,441	100	51
6 (Additional May Had Closure, 15" Had Minimum Size)	12	15"	Mar-Apr 14, May, Sep 17 - Oct 31	854	0	May-Apr	200	157,203	100	50
7 (Split Measures by Mode)	10 FH / 12	17"	Mar-Apr 14, Sep 17 - Oct 31 Mar-Apr 14, May, Sep 17 - Oct 31	839	0	May-Apr	198	152,091	100	51

FY 2018 rec sub-ACLs: haddock = 3,358 mt, cod = 220 mt - payback

*Assumes a cod sub-ACL of 200 mt

(https://s3.amazonaws.com/images.federalregister.gov/EP22MR18.009/original.png?1521645613)

Start Printed Page 12558

List of Subjects in 50 CFR Part 648 (/select-citation/2018/03/22/50-CFR-648)

- Fisheries
- Fishing
- Recordkeeping and reporting requirements

Dated: March 16, 2018

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 (/select-citation/2018/03/22/50-CFR-648) is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

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

Authority: 16 U.S.C. 1801 (https://api.fdsys.gov/link?collection=uscode&title=16&year=mostrecent&section=1801&type=usc&link-type=html) *et seq.*

2. In § 648.14, add paragraphs (k)(16)(viii) and (ix) to read as follows:

§ 648.14 Recreational and charter/party vessel restrictions.

(k) * * *

(16) * * *

(viii) *Ocean pout.* If fishing under the recreational or charter/party regulations, possess ocean pout.

(ix) *Windowpane flounder.* If fishing under the recreational or charter/party regulations, possess windowpane flounder.

☆* ☆* ☆* ☆* ☆*

3. In § 648.89, revise paragraphs (b) and (c) to read as follows:

§ 648.89 Recreational and charter/party vessel restrictions.

(b) *Recreational minimum fish sizes*—(1) *Minimum fish sizes.* Unless further restricted under this section, persons aboard charter or party boats permitted under this part and not fishing under the NE multispecies DAS program or under the restrictions and conditions of an approved sector operations plan, and private recreational fishing vessels in or possessing fish from the EEZ, may not possess fish smaller than the minimum fish sizes, measured in total length, as follows:

Species	Minimum size	
	Inches	cm
Cod:		
Inside GOM Regulated Mesh Area [1]	24	61.0
Outside GOM Regulated Mesh Area [1]	24	61.0
Haddock:		
Inside GOM Regulated Mesh Area [1]	17	43.2
Outside GOM Regulated Mesh Area [1]	18	45.7
Pollock	19	48.3
Witch Flounder (gray sole)	14	35.6
Yellowtail Flounder	13	33.0
American Plaice (dab)	14	35.6
Atlantic Halibut	41	104.1
Winter Flounder (black back)	12	30.5
Redfish	9	22.9

[1] GOM Regulated Mesh Area specified in § 648.80(a).

(2) *Exceptions*—(i) *Fillet size.* Vessels may possess fillets less than the minimum size specified, if the fillets are taken from legal-sized fish and are not offered or intended for sale, trade or barter.

(ii) *Transiting.* Vessels in possession of cod or haddock caught outside the GOM Regulated Mesh Area specified in § 648.80(a)(1) may transit this area with cod and haddock that meet the minimum size specified for fish caught outside the GOM Regulated Mesh Area specified in § 648.80(b)(1), provided all bait and hooks are removed from fishing rods, and any cod and haddock on board has been gutted and stored.

(3) Fish fillets, or parts of fish, must have at least 2 square inches (5.1 square cm) of skin on while possessed on board a vessel and at the time of landing in order to meet minimum size requirements. The skin must be contiguous and must allow ready identification of the fish species.

(c) *Possession Restrictions*— (1) *Private recreational vessels.* Persons aboard private recreational fishing vessels in or possessing fish from the EEZ, during the open season listed in the column titled "Open Season" in Table 1 to paragraph (c), may not possess more fish than the amount listed in the column titled "Possession Limit" in Table 1 to paragraph (c).

(i) *Closed season.* Persons aboard private recreational fishing vessels may not possess species, as specified in the column titled "Species" in Table 1 to paragraph (c), in or from the EEZ during that species closed season as specified in the column titled "Closed Season" in Table 1 to paragraph (c).

From: NOAA Fisheries Greater Atlantic Region <garfo.noaafisheries@public.govdelivery.com>
To: hugetuna <hugetuna@aol.com>
Subject: NOAA Fisheries Seeks Comments on Proposed Rule: Framework 57 to the Northeast Multispecies (Groundfish) Fishery Management Plan
Date: Thu, Mar 22, 2018 9:29 am

APPENDIX E.

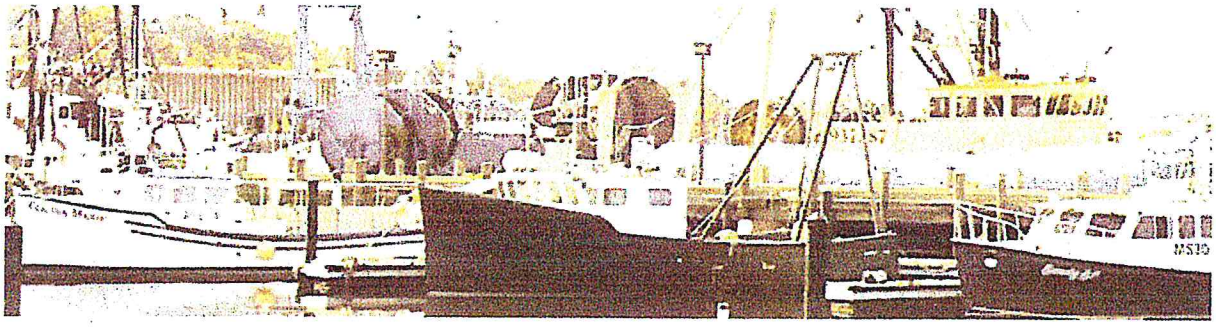
Having trouble viewing this email?

FRAMEWORK 57

NOAA

New England/Mid-Atlantic

NOAA Fisheries Seeks Comments on Proposed Rule: Framework 57 to the Northeast Multispecies (Groundfish) Fishery Management Plan



We are seeking public comment on an action that would set catch limits for 20 groundfish stocks for the 2018-2020 fishing years (May 1, 2018-April 30, 2020), including the three stocks managed jointly with Canada.

* Framework 57 would increase quotas for 11 stocks compared to 2017, including: Georges Bank cod (139%), Gulf of Maine cod (41%), and Gulf of Maine haddock (190%). Quotas will decrease for nine stocks, including Southern New England yellowtail flounder (-75%) and Gulf of Maine winter flounder (-45%).

* We expect increases in the quotas for Gulf of Maine cod, Gulf of Maine haddock, and Georges Bank cod to provide additional economic revenue and flexibility to the groundfish industry. Overall, we expect the measures in Framework 57 to generate $9 million in additional gross revenues this fishing year compared to last year.

What about GOM For-hire boats. We are going out of business 3 years of ZERO Cod.

Framework 57 would also:

- Revise the way common pool quotas are split between trimesters for six stocks. The intent is to prevent early closures during Trimester 1 and 2 in future years.

DIRECTOR PENTON WILL NEED YOUR help

- Modify the Atlantic halibut accountability measures. When triggered, the zero-possession accountability would apply to all vessels issued a federal permit to reduce catch of halibut when accountability measures are triggered. The gear restricted areas put in place when the accountability measure is triggered would also be revised to provide greater flexibility to groundfish vessels.
- Change the trigger for the scallop fishery's accountability measure for the Southern New England/Mid-Atlantic yellowtail flounder stock to when total catch exceeds the overall catch limit. The adjustment is expected to provide flexibility for the scallop fishery to operate despite a 75-percent reduction in the overall quota for this stock.
- Revise the southern windowpane flounder accountability measure for the summer flounder, scup, and skate fisheries. When triggered, smaller gear-restricted areas and shorter seasons would be implemented to allow additional flexibility for affected vessels while continuing to reduce impacts on the southern windowpane stock.
- Set a Georges Bank cod catch target of 138 mt for the recreational fishery and add a provision to give the Regional Administrator authority to set recreational measures for 2018 and 2019 to prevent the catch target from being exceeded. A separate rule is also publishing today seeking comment on GB cod recreational measures.

GB *NO *

Read the as published in the Federal Register, and submit your comments through the . You may also submit comments through regular mail to: Michael Pentony, Regional Administrator, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930.

The comment period is open through April 6.

There was more

Questions? Contact , Regional Office, at 978-281-9175

Call to see what the quota is now. What is it for GOM cod recreationally?

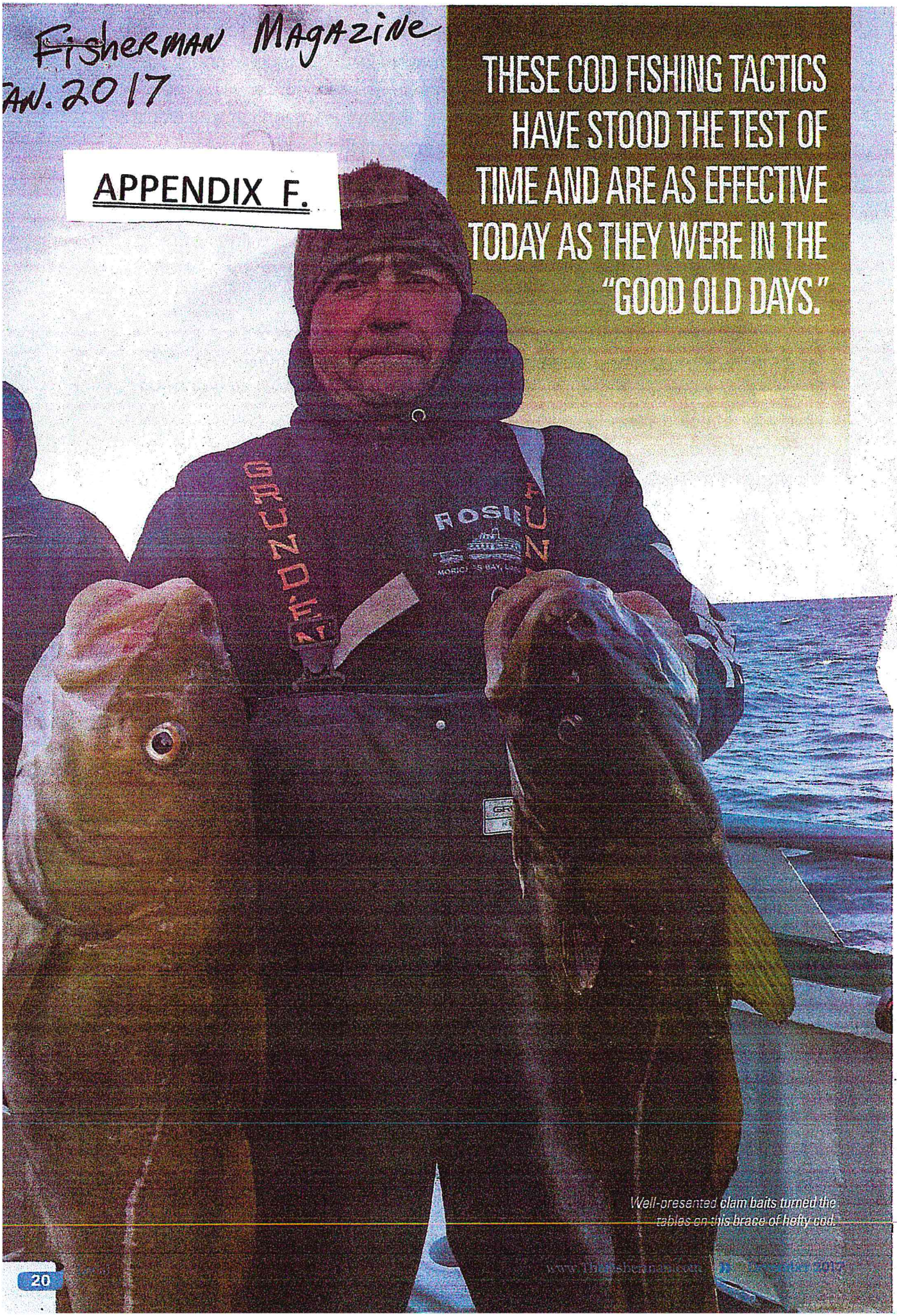
NOAA Fisheries Greater Atlantic Region

SUBSCRIBER SERVICES:

Fisherman Magazine
Jan. 2017

APPENDIX F.

THESE COD FISHING TACTICS HAVE STOOD THE TEST OF TIME AND ARE AS EFFECTIVE TODAY AS THEY WERE IN THE "GOOD OLD DAYS."

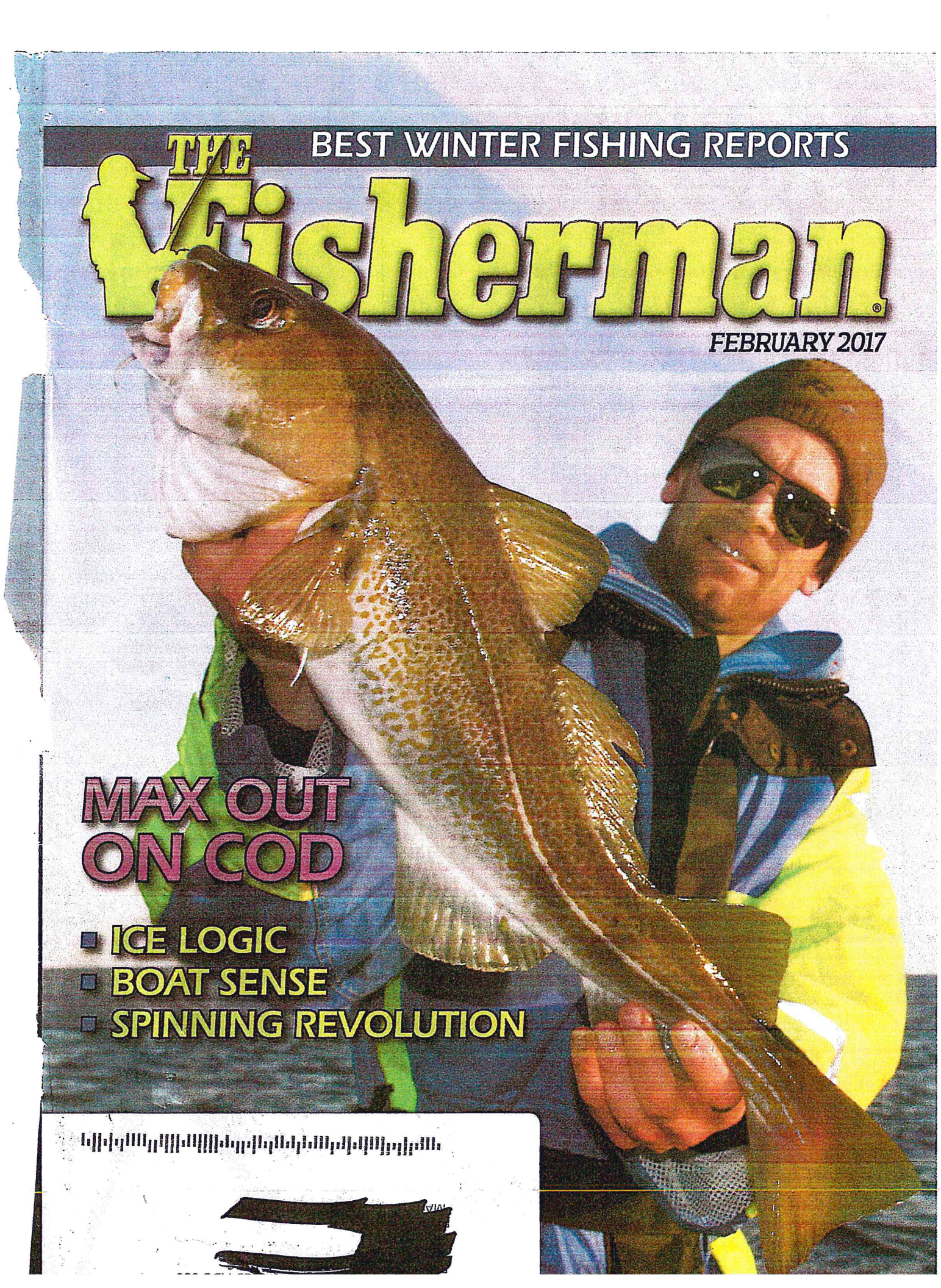


Well-presented clam baits turned the tables on this brace of hefty cod.

BEST WINTER FISHING REPORTS

THE Fisherman

FEBRUARY 2017



MAX OUT ON COD

- ICE LOGIC
- BOAT SENSE
- SPINNING REVOLUTION

A nice knucklehead black sea bass landed off Montauk aboard the Black Hawk.

they are perch fishing. Maybe this would be the year to give the white perch a shot, and any stripers would not only be a bonus but bring back fond memories of the Assonet Bay striper fishery that prompted me to write Snowball Stripers for *Salt Water Sportsman* magazine.

If you're not excited about the New Year you might just as well buy yourself a new snow blower or tractor rather than a new reel or fish finder. There is not a single day after the New Year's celebration that I am not thinking or working on fishing. My boat and all my fishing gear and electronics are accessible, and I have numerous projects in the works that I can't wait to get into. Happy New Year.

WESTPORT HARBOR

Captain Jason Colby of **Little Sister Charters** has been making plans to add a new boat to what was once a small fleet during the fall of 2017. He had a good tautog fishing season, but the local fluke fishing left much to be desired for everyone in our area. He is taking reservations for winter flounder in Quincy so give him a call and get on board to jump start your 2018 fishing season. We

Fisherman Magazine Feb. 2018

to provide additional financial support for state biologists to conduct and manage various stock assessments.

The New England states use licensing funds to provide increased staffing to enhance state-funded marine fisheries initiatives. Funds provide supplemental financial support for habitat restoration projects, including the construction of artificial reefs. Public educational outreach programs have also received funding support including the publication and distribution of educational material. In Massachusetts and Rhode Island, funds help to supplement and provide small grants to municipalities for local infrastructure improvements.

FINAL THOUGHTS

With all of the accounts of government waste and fraud reported by the press, a lot of anglers still don't trust the state to keep the saltwater license money separate from general funds. I do not want to start a political debate or an argument, but my time on the Massachusetts Marine Recreational Fisheries Development Panel taught me not to confuse fisheries management with traditional government and politicians. Money does not come easy to Marine Fisheries. They fight for every dollar they get and safeguard their funding very carefully. The bottom line is that Marine Fisheries truly try to do the right things.

Also don't forget, if you live in one of the New England coastal states, they did you a favor by taking on the saltwater licensing responsibilities. If the states didn't introduce a local license, anglers would be paying the much more expensive National Registry fee. The feds would also have kept this money, and states would never have seen any recreational fishing funds. Then opponents to licensing would really have something to complain about!

Feb. 2017 Fisherman Magazine

Being well prepared and heeding the advice from a collection of veteran skippers should go a long way toward making you a better cod fisherman.

Gearing up for Winter Cod

BY TONY SALERNO

A cheer can be heard along the coastlines of New England, New York and New Jersey as the ever popular and tasty winter king continues to flourish in the chilly waters of the Northeast. The apparent abundance of cod through late fall and early winter has generated excitement among "dye in the wool" cod fanatics, and also for a new generation of beginners looking to master the skills necessary to put their share of cod into the cooler.

While some anglers prefer to hop aboard their own vessels and do their own thing when it comes to cod, undoubtedly jumping aboard one of the party and charter boats sailing throughout the winter up and down the Northeast Coast is not only fun, it's safe. Mother Nature is notorious for throwing us a curve here and there, and the unpredictability of the weather makes hopping aboard a party or charter boat with an experienced skipper a prudent choice. Sure there are picture perfect days of mild weather and calm seas, but there are times when those calm seas can change at a moment's notice, despite what the forecast says. Even on fair weather days, it can get uncomfortable out on the ocean if you are not properly equipped for the occasion. And while this cold weather fishing may not be for everyone, choosing the right day can make for a pleasurable and fun experience that can go a

long way toward breaking up the monotony of winter, not to mention providing a supply of tasty cod fillets.

With all of the above in mind, I spoke with some of the best party and charter boat captains in the Northeast, skippers with decades of experience when it comes to winter codfishing. I picked their brains and got their take on the best jigs, rigs, baits, methods, tactics, and best of all, some of the best tips and pointers that will certainly benefit any cod fisherman, whether a beginner or a veteran sharpie. We also put together a "Think outside the Box" for items we may forget to bring along that will make the day more pleasant and comfortable.

NEW YORK

Sea Wife IV	Capt. Tom Cusimano, Viking Landing, Montauk	**631-680-1025**
My Joyce III	Capt. Ken Hejducek, Viking Landing, Montauk	**516-641-2138**
Fin Chaser III	Capt. Keith Williams, Liar's Saloon, Montauk	**516-643-0940**
Viking Fleet	Capt. Paul Forsberg, Viking Dock Montauk	**631-668-5700**
Jenglo	Capt. Mike Boccio, Orient by the Sea, Orient Point	**631-323-2618**
Captree Princess	Capt. Rob Andresen, Captree State Park	**631-404-6817**
Capt. Al	Captain Tom Weiss, Point Lookout	**516-623-2248**
Super Hawk	Capt. Steve Kearney, Point Lookout	**516-607-3004**
Starstream VIII	Capt. Mike Wasserman, Freeport	**516-623-5823**
No Time	Capt. Nick Savene, Oceanside	**516-889-1968**
Capt. Dave III	Capt. Dave Paris, Sheepshead Bay	**917-251-2628**

Cory Blount, son of the legendary Frank Blount of the Francis Fleet, Point Judith, Rhode Island: Block Island and south of Block Island is where the Francis Fleet spends most of the winter fishing for cod, targeting the 40- to 160-foot depths, all depending where the baitfish are stacked up. Anglers who choose to fish clam baits on a basic double hook cod rig do so using 5/0 to 7/0 octopus hooks, sending them to the bottom with bank sinkers between 8 and 12 ounces. During moon tides, sinkers to 24 ounces may be needed to hold bottom. While these rigs seem to be standard, the main attraction that has been out fishing the basic rig at a 5 to 1 ratio is simply adding a Mann's 9-inch Jelly Worm right to the hook to mingle with the clam bait. Strawberry, grape, white and motor oil green are all hot colors and are a must if you want a limit of cod and a shot at the pool. For those who prefer to jig, breakout AVA chrome or gold plated jigs with a hammer finish between 8 and 10 ounces (up to 16 ounces on the moon tides), and a Jelly Worm teaser on a dropper loop about 2 feet above the diamond jig. Fishing the jigs can be productive throughout the entire season. Savvy anglers employing this tactic who add a blue or green plastic skirt on the hook of the diamond jig are catching more and bigger cod on the jigs. While most of the terminal tackle is available on the boat, Cory recommends bringing along your own in case they are out of stock on some of the hottest gear.

Capt. Russ Benn of the Seven B's Fishing Fleet Point Judith, Rhode Island: Capt. Russ fishes cod year round but from January through April, surgical tube teasers above a diamond jig, and as trailers on the jigs, provide a distinct advantage when it comes to catching fish. Red or green tubes are favored over all else by Capt. Russ. While many customers opt for the jigs and others choose to fish clam baits, the outright deadliest tactic to keep you knee deep in cod is the use of Shimano Butterfly Flat Side Jigs between 280 and 325 grams (10 to 11-1/2 ounces) in green/silver or blue sardine. Capt. Russ likes tying these jigs directly to the leader and working them right off the bottom. The only drawback to the jigs is fishermen who don't know how to read and fish the bottom can lose more than their share of them and at $18 a pop, things can get pretty expensive rather quickly. However if loot is not an issue or you have that knack to feel a rocky bottom, then you can expect to fill a cooler in no time, providing the fish are there.

Capt. Tom (Cod father) Cusimano of the charter boat Sea Wife IV from Viking Landing Montauk, New York: Here is a skipper with several decades of fishing experience under his belt and has quietly been filling the fish box for his charters with everything from porgies and sea bass to sharks, tuna and cod, with an emphasis on cod during the winter months. Capt. Tom is one of only a few charter captains who sail throughout the winter in search of the winter king. He noted that first and foremost, the way you bait the hook makes all the difference in the world. Globbing two or three whole clams onto a hook at one time is wasting bait and will make cod wary since that much bait on the hook will cause your rig to spin and tangle. Instead, Captain Tom prefers to take a fresh or lightly salted whole clam (stay away from the heavily salted clams) cut it in half with belly connected to both pieces. Thread half the clam up the hook and into the leader with the belly facing down, then take the other half of the clam and impale it on the hook only once with the belly dangling from the hook. Tom likes to use this on a two hook cod rig with a pair of snelled 5/0 bait saver hooks extending away from the leader about 6 inches. He does this by using stiff 60-pound nylon to snell the hooks. The captain will also separate the main line of 40- to 60-pound test to the 80-pound mono leader with a barrel swivel to help keep the rig from spinning. Tom uses this set up for both drifting and when anchored. If you decide to charter the Sea Wife IV, just bring your lunch, Capt. Tom and his crew will have all the goodies you need to fill the box with tasty fillets.

Capt. Ken Higgins of the Captree Pride sailing from Captree State Park, Babylon, NY: With nearly 50 years of fishing experience strapped to his name, Capt. Ken likes to start with a 40-pound fluorocarbon leader approximately 8 feet in length tied to the main line of 40-pound braid using an Albright Knot. An 8- to 10-ounce bank sinker con-

NEW ENGLAND

The Francis Fleet	Capt. Frank Blount, Point Judith Rhode Island	**800-662-2824**
Seven B's Fleet	Capt. Russ Benn, Narragansett, Rhode Island	**401-789-9250**
Booked Off Charters	Capt. Tony and Capt. Wade Point View Marina	**401-741-2580**

nected to a sinker loop on the bottom, with a dropper loop waist high connecting a 5/0 octopus hook directly on the loop. This works well when the current is moving at a moderate pace. When the tide slows, use a 5/0 octopus baited with half skimmer clam attached to a 12-inch leader and a standoff with six wraps. Cast your rig as far as you can away from the boat, lock the reel and get ready. Another option that can be very effective in place of clam bait is a 6-inch Gulp! Alive Swimming Mullet in either pink or nuclear chicken works well at times. You may want to bring along some glow, pearl white and new penny Gulp! as standbys. The advantages of using this set up is that you don't have to contend with dogfish nearly as much as with a clam baited hook, and you don't have to keep taking your gloves off to re-bait on those really cold days, and the cod find the Gulp! quite appealing.

NEW JERSEY

Big Jamaica	Capt. Howard Bogan, Bogan's Deep Sea Fishing, Brielle	**732-528-5014**
Jamaica II	Capt. Joe, Bogan's Deep Sea Fishing Center, Brielle	**732-458-3188**
Paramount	Capt. Mike Bogan, Brielle	**732-528-2117**
Gambler	Capt. Bob Bogan, Point Pleasant Beach	**732-295-7569**
Dauntless	Capt. Willy Egerter, Point Pleasant Beach	**732-892-4298**
Big Mohawk	Capt. Chris Hueth, Belmar	**732-974-9606**

Capt. Howard Bogan, of the open boat Big Jamaica in Brielle, New Jersey: The Bogan family has been a staple to the New Jersey fishery for more years than I have been alive. If there is one thing they surely know, it is how to fish deep water wrecks and how to pluck lots of monster fish off them with codfish being one of them. For those deep water drops, hi/lo rigs with 5/0 to 7/0 hooks with clams are simple and get the job done. If you would like to get fancy, pink, red and blue skirts with silver specks seem to have an edge. You'll need 16 ounces of lead to get to the bottom. Should you want to jig, Capt. Howard strongly suggests that you know what you are doing. It sounds simple enough but diamond jigging on the deep water wrecks is not that simple and requires lots of experience and skill. You'll fare much better if you stick with clams and rigs. However, if you are adamant about using jigs, the captain suggests bringing along 12- to 16-ounce hammer finish diamond jigs and adding one of those blue skirts with silver specks to the hook as anglers have been scoring exceptionally well with the add on. Lastly, Captain Howard recommends bringing coolers with ice. Although the air temperature may be cold, it doesn't do much good for the fish in the coolers. Nothing beats a slush bath of ice and seawater when bringing those fish to the fillet table especially if you bleed your catch before placing them in the slush. Your fillets will be like night and day.

DRESSING FOR THE OCCASION

Staying warm is critical to maintaining concentration when fishing in cold or inclement weather. If you dress properly and utilize the gear modified in today's market, you won't notice the weather, instead you'll feel the telltale tug of the cod that are waiting for your bait down in the deep. Your base layer is your first level of clothing, which serves two purposes; the first is to insulate your body's natural heat and keep it from escaping; the second is to wick moisture away from your skin to the outside of the fabric so it can evaporate. The moisture wicking process is very important because if you begin to sweat and it dries on your skin or saturates your clothing, your ability to stay warm will be severely hindered. Under Armour thermal underwear comes in varying thicknesses. The undies and a good pair of insulated socks make for a good base layer. Speaking of socks, since your feet do not move much while fishing, it is very easy for them to get cold. As with the base layer, the moisture wicking capability of your socks is essential to staying warm. A good option is to have a thin liner sock that wicks moisture away and then a thicker sock to insulate your feet.

The mid layer is meant to keep your natural body warmth in while keeping the cold out. For me, the mid layer is usually a hooded sweatshirt and jeans. I prefer polyester sweatshirts rather than cotton because polyester has much better water resistance than cotton. Under Armour makes many good options for more water resistant sweatshirts. The outer layer's main purpose is to keep the wind and cold out. That is where Grundens All Weather gear comes to play with waterproof PVC raingear, outer layer water resistant breathable tops and everything you need to keep your head, hands and feet warm and toasty. Their full line of products is just a click away at www.shop.grundens.com.

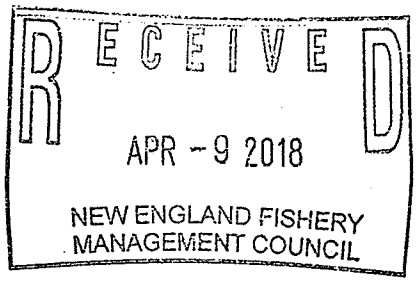
KEEP YOUR TUMMY HAPPY

While probably not what you would expect on this list, having a full belly is more important than you might think during a cold day on the water. Your body produces more heat when digesting food, especially foods that are high in proteins, fats, or complex carbohydrates. Obviously, if your body is producing more heat, you are warmer, it's as simple as that. Also, be sure to keep yourself hydrated with plenty of water, some juices and a hot cup of coffee never hurts. Keep the hard stuff and spirits at home for the proper occasion. A long day of fishing on the Big Pond is not the place to celebrate for all the obvious reasons. If medications are part of your day's routine, by all means bring it along. If you are prone to seasickness, my suggestion is to pay your doctor a visit, and ask if he/she could prescribe Scopace patches. The patch is placed behind the ear the night before sailing. I have been told that this patch works great without the drowsiness effect suffered by the over the counter products, which I'm told is not always effective.

Well the next time you set foot on one of the fine open or charter boats listed below, be sure to follow their advice. The tutelage they gave us for 15 minutes of reading, took them years to master. Look at it as a good head start, and I'm sure limits and pool winners like the pro's will come a lot easier than if you just turned the page.

April 4, 2018

John F. Quinn, Ph. D., Chairman
New England Fishery Management Council
50 Water St. Mill 2
Newburyport, MA 01950



Dear Chairman Quinn:

We are writing to set the record straight on some recent mischaracterizations regarding sector enrollment for Fishing Year 2018.

As folks that are intimately involved in the groundfish fishery know, viability is a critical and constant concern. This concern exists both for the industry members involved in the groundfish fishery and enrolled in sectors and the sector entities themselves. NEFS 7, like many other sectors has struggled over the last few years to maintain operational viability because landings have been severely constrained by low quotas. Since NEFS 7 & NEFS 8 have shared a Sector Manager for many years the two sectors have worked collaboratively to try and find solutions to NEFS 7 sector viability issues. However, with continued low quota, one vessel groundfishing and six vessels monkfish fishing it became obvious during FY 2017 that NEFS 7 could not continue to function as a standalone sector. With that knowledge in mind NEFS 7's Board of Directors and NEFS 8's Board of Directors took appropriate steps to merge NEFS 7 membership into NEFS 8 for FY 2018. The decision to merge occurred and was communicated to NMFS months ago.

We didn't realize we needed to justify to the fishing world why these internal decisions were made, or how we handle our internal business affairs. However, we feel compelled to do so in light of recent politics, attacks and mischaracterizations of facts. Let us be clear, the decisions made to merge NEFS 7 membership into NEFS 8 has **nothing** to do with the NEFS 9 situation or the Carlos Rafael situation.

While it is an internal business decision of any sector, it may be useful for Council Members to keep in mind that as quota's continue to constrain the fishery it is likely more sectors will need to consider merging together to offset operational costs, look towards fee structures that includes non-groundfish landings and/or seek financial funding from non-fishing based sources. The viability of groundfish fishermen and sectors should be something the Council is constantly taking into consideration.

Sincerely,

Linda McCann

Linda McCann, Sector Manager

CC: Jackie Odell, Northeast Seafood Coalition

Northeast Fishery Sector VIII
114 MacArthur Dr.
New Bedford, MA 02740

From: Michael Pierdinock [mailto:cpfcharters@yahoo.com]
Sent: Tuesday, April 03, 2018 8:57 AM
To: Michael Pentony
Cc: Tom Nies; Chris Moore
Subject: Fw: Limited Access

Comments submitted to the Feds this am, see below. We need to resurrect the 72 degree line, see below!

Capt. Mike Pierdinock
CPF Charters "Perseverance" - New Bedford
Recreational Fishing Alliance - Massachusetts Chairman
Stellwagen Bank Charter Boat Association - Board of Directors
Massachusetts Marine Fisheries Advisory Commission - Vice Chairman
ICCAT Advisory Committee, Recreational Adviser and U.S. Delegate
NMFS - Atlantic Highly Migratory Species Advisory Panel, Recreational Adviser
New England Fishery Management Council - Recreational Advisory Panel
(617) 291-8914

I reluctantly support the implementation of the revised control date of March 19th, 2018 for the party/charter ("P/C") sector in the Northeast Multispecies fishery. The status of our cod stock is not a result of overfishing by the P/C sector resulting in the need to limit access to the P/C sector that has reduced in numbers significantly since early 2000. The control date may prove to be a useful tool in the future in the event that the cod resource improves to the point where the groundfish P/C sector returns to profitability and vessels from various other sectors (which may not be doing as well) that elect to enter the P/C sector. This could result in reduced bag limits, which may constrain further profitability for historic P/C participants.

I don't support any more than a limited access control date and cannot support a catch share type system or any other draconian measures associated with the limited access P/C sector. Such measures could inhibit future participation of younger captains that lack the financial means to enter the P/C sector.

The cod stock north of the 42 latitude line will return to sustainable levels in the foreseeable future that at such time would require the implementation of a demarcation line limiting commercial harvest of cod west of such a demarcation line (ex 72 degree line) otherwise we will repeat the collapse of our cod fishery once again in our waters.

So ultimately if the purpose of P/C limited access is to limit P/C access to reduce the harvest of cod there is more to this matter than just a limited control date.

Capt. Mike Pierdinock
CPF Charters "Perseverance" - New Bedford
cpfcharters@yahoo.com

JC 4/5/18

New England Fishery Management Council
50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
John F. Quinn, J.D., Ph.D., Chairman | Thomas A. Nies, *Executive Director*

April 2, 2018

Kevin Sullivan
Marine Fisheries
New Hampshire Fish and Game Department
Region 3 Office
225 Main Street
Durham, NH 03824

Dear Mr. Sullivan:

Doug Grout has recommended you to represent New Hampshire Fish and Game on the Council's Groundfish Plan Development Team (PDT). The PDT is currently involved in supporting the Groundfish Committee with respect to commercial and recreational fisheries management issues. Your knowledge of the State of New Hampshire's fisheries and management, stock assessment methods, and involvement in recreational fisheries, will be very valuable to the PDT.

PDT members are expected to contribute to discussion, analysis, and document preparation, often under difficult timelines. I appreciate your willingness to assist in these tasks. Further, PDTs are tasked with providing objective analyses to the Council. For this reason, PDT members are not allowed to address the Committee or Council in order to advocate for any specific Council decisions unless they are presenting a PDT position. This task is normally the responsibility of the PDT Chair.

Dr. Jamie Cournane, Groundfish PDT Chair, will be contacting you shortly with more information. Feel free to contact her at your convenience by email (jcournane@nefmc.org) or telephone: 978-465-0492.

I am pleased to appoint you to the Groundfish PDT. We appreciate your assistance and technical support for the Northeast Multispecies (Groundfish) Fishery Management Plan. Please contact me if you have any additional questions or concerns.

Sincerely,

Thomas A. Nies
Executive Director

cc: Doug Grout, Chief of Maine Fisheries, NH Fish and Game

New England Fishery Management Council
50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
John F. Quinn, J.D., Ph.D., Chairman | Thomas A. Nies, *Executive Director*

April 2, 2018

Dr. Matthew Cutler
Social Scientist
NOAA Fisheries, Social Sciences Branch
U.S. Department of Commerce
166 Water Street
Woods Hole, MA 02543

Dear Dr. Cutler:

Dr. Eric Thunberg has recommended you to represent the Social Science Branch as a social scientist on the Council's Groundfish Plan Development Team (PDT). The PDT is currently involved in supporting the Groundfish Committee with respect to commercial and recreational fisheries management issues. Your knowledge of the social impacts of management decisions will be very valuable to the PDT.

PDT members are expected to contribute to discussion, analysis, and document preparation, often under difficult timelines. I appreciate your willingness to assist in these tasks. Further, PDTs are tasked with providing objective analyses to the Council. For this reason, PDT members are not allowed to address the Committee or Council in order to advocate for any specific Council decisions unless they are presenting a PDT position. This task is normally the responsibility of the PDT Chair.

Dr. Jamie Cournane, Groundfish PDT Chair, will be contacting you shortly with more information. Feel free to contact her at your convenience by email (jcournane@nefmc.org) or telephone: 978-465-0492.

I am pleased to re-appoint you to the Groundfish PDT. Welcome back! We appreciate your assistance and technical support for the Northeast Multispecies (Groundfish) Fishery Management Plan. Please contact me if you have any additional questions or concerns.

Sincerely,

Thomas A. Nies

Thomas A. Nies
Executive Director

cc: Dr. Eric Thunberg, NEFSC

Kevin M. Scola
P.O. Box 1392
Marshfield, MA 02050

March 27, 2018

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

Re: Comment on control date for the charter boat for hirer fishery.

Dear Mr. Pentony

I appreciate the opportunity to comment on the proposed control date for the Charter Boat for hirer fishery & hope that you will take this recommendation into serious consideration.

I am all in favor of a control date but think it is imperative that it be set at a more realistic date. The date would be back to March 28, 2014 .

Having been involved with my other boat in the commercial sector and have first-hand experience with control dates and limited access. I am worried about the future qualifying criteria that would be drawn up If the charter boat fishery ever turned out to be a limited access fishery, which I believe it will be.

The reason for this date is that 2014 was the last year that we were allowed to land codfish in the charter boat fishery for the Gulf of Maine Cod stocks.

JC 3\30\18

I don't think it would be fair to be put in the same position that the commercial sector was put in and hopefully we can learn from our past mistakes. The commercial sector's that fished in the Gulf of Maine cod stock area were put at a 50 lbs per day limit of Cod in Gulf of Maine Cod stock region while the user is in the fishery in the Georges Banks region south of 42° were allowed. 2000 lbs. per day. The qualifying criteria was such that we in the Gulf of Maine area ended up with very small quota because we were not allowed to land Cod in any significant numbers while the users in the Georges Banks area ended up with huge quotas. Even though the Georges Bank stocks are in far worse shape than the Gulf of Maine stocks.

Considering that the for hire fishery fishing on the Georges Banks cod stock down south of the 42° line have been unlimited in Cod landings it is even more troublesome & concerning. Especially when you take into consideration that the Georges Bank stock is in far worse shape than the Gulf of Maine stock where we have had 0 (zero) Cod landings for the past three years.

So I will again reiterate that I think is imperative that the control date for the Charter boat / Head boat for hire fishery be set at March 28, 2014.

Sincerely

Capt. Kevin M. Scola

F / V Ashley Martha
F / V Survival

Cc. New England fisheries management Council

Kevin M. Scola
P.O. Box 1392
Marshfield, MA 02050

March 27, 2018

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

Re: Comment on recreational groundfish limits for the charter boat for hirer fishery.

Dear Mr. Pentony

I appreciate you allowing us the opportunity to comment on this very serious subject.

At the present time, I think that the current regulations and restrictions that are being imposed on the two recreational user groups of Gulf of Maine cod stocks and the Georges Banks cod stocks are very disproportionate and not healthy for the fishery, specifically the for hirer sectors.

1.

How we ever got to here from there is beyond me. I have been around a long time and been to a lot of meetings. There is such a flip-flop and mismanagement going on, that it leads to a strong suspicion of coercion & unethical practices, not to mention conflict of interest.

As evidence to this. Considered that in the Gulf of Maine recreational fishery involving charter boats and head boats we have, seasonal closed areas, year-round closed areas, closed seasons, a small landing limit on Haddock (which is fully recovered) & last but not least a year round 0 (zero) bag limit on codfish!! All this while the Georges Banks, recreational fishery involving charter boats and head boats has, NO closed areas , NO year-round closed areas, NO closed seasons & last but not least an unlimited codfish & Haddock limit. !!

jc 3/30/18

When you consider that the Georges Banks stock is in far worse shape than the Gulf of Maine stock (by N.M.F.S. own numbers) it almost sounds so ridiculous that it can't be true. But as we all know it is! This is not good conservation or management when you also consider that evidence proves these two stocks to intermix (again by your own surveys) at a very significant level. You are adversely burdening & affecting one area, while rewarding another area with the codfish population paying a heavy price, At the very least both areas should be under the same conservation effort in order for the stocks to recover to a sustainable level more rapidly!

Don't you think that it is about time that we change this mismanagement in a positive way? It is long overdue. I think the fish stocks deserve it.
How is the population of Cod going to rebound to a sustainable level that allows fair and equitable access to the fisheries by all user groups when you have different landing limits in both areas that are essentially using the same Cod stock..

I would like to reiterate again just to be clear that I think it is very important & imperative that both user groups be placed under the same management regime and catch limits in order for the stocks to rebound in a more timely manner. I think the cod stocks & the user groups deserve it, don't you !

Sincerely

Kevin M. Scola

F / V Ashley Martha
F / V Survival

Cc. New England fisheries management Council
Stellwagen Bank charter boat Association

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

MAR 2 8 2018

John F. Quinn, Ph.D., Chairman
New England Fishery Management Council
50 Water Street Mill 2
Newburyport, MA 01950

Dear John:

As you know, in November 2017, we withdrew approval of the Northeast Fishery Sector IX operations plan. Since then, we have been working with the Sector 9 Board of Directors to develop a path forward and resolve issues that caused the withdrawal of approval. This week, we received a letter from Sector 7 related to these issues. Attached are several documents that Sector 7 and Sector 9 submitted to us, which we summarize below. We will brief the Council on our work with Sector 9 and these submissions at its April meeting.

To address past overages and ensure they are operating with available annual catch entitlements (ACE), on February 22, 2018, Sector 9 submitted a draft operations plan to function as a lease-only sector. The plan would allow the sector only to lease allocation with other approved sectors. Sector 9 vessels would not be able to fish for groundfish under this plan. This lease-only plan would allow us to accurately account for Sector 9's past ACE overages while providing Sector 9 the opportunity to reduce overages with available ACE as allowed by the regulations. Prior to the submission of this plan, we informed the Sector of the normal sector approval process, which typically includes a proposed and final rulemaking and opportunity for public comment. This rulemaking would include details about the misreported catch that resulted in sector overages, and any resulting payback. Accounting for overages and ensuring the sector is leasing or fishing with available ACE is a prerequisite to approving any new operations plan.

As part of our work with Sector 9, we are also considering what monitoring provisions, independent accounting or board oversight requirements, restrictions on landing or first point of sale, penalty provision changes, or other changes may be needed to ensure the sector's operations do not undermine the sector system. The Board submitted a proposal on January 16, 2018, seeking to address monitoring and operational issues that undermine the sector system. The Board provided a proposed method to apportion the misreported catch by stock area and pay back any resulting overages; a summary of penalties that Sector 9 levied against Carlos Rafael; and a summary of proposed changes for a future active operations plan, including trip hail and vessel trip report requirements for vessel captains.

Every year, we set a deadline for all sectors to submit preliminary sector rosters for the upcoming fishing year. Vessels can join a sector up through that date; after the deadline, vessels can opt to drop out of the sector and join the common pool, but cannot switch sectors. On the March 26 deadline for submitting 2018 rosters, we received a letter from Sector 7 detailing the following changes:

- Four vessels from Sector 7 are joining the common pool;
- Sixteen vessels from Sector 7 are joining Sector 8;
- No vessels from Sector 7 are remaining in Sector 7;
- One vessel from Sector 8 is joining Sector 7; and
- Fifty-five vessels from Sector 9 are joining Sector 7, including four vessels subject to forfeitures as a result of the criminal case against Carlos Rafael.

A separate letter from Sector 9, also sent on March 26, indicates that three vessels from Sector 9 will remain in that sector, and two vessels will join Sector 8. The letter also included information stating that the three remaining vessels in Sector 9 meet the regulatory requirement to have at least three multispecies permits issued to at least three different persons, none of whom have any common ownership interests with the others, also known as the Rule of Three. We are working on confirming that Sector 9 meets this requirement.

The letter from Sector 7 includes a condition requiring all Sector 7 vessels owned by Carlos Rafael to be inactive in the groundfish fishery unless and until they are sold to an independent party. While inactive, these vessels would have the ability to conduct inter- and intra-sector quota transfers. The letter from Sector 7 asked that we not issue Sector Letters of Authorization to those vessels owned by Mr. Rafael. Vessels previously enrolled in Sector 9 that are moving to Sector 7, but are not owned by Mr. Rafael, are listed as inactive, but are not subject to the Sector 7-imposed requirement to change ownership before becoming active.

The March 26 letter from Sector 7 requested an addendum to the Sector 7 operations plan, to reflect the conditions for certain members to become active, as well as to change the Board of Directors for Sector 7. The new Sector 7 Board is made up of three individuals that also sit on the Board for Sector 9. The Sector 7 proposed amendments do not appear to include the monitoring or operational changes proposed by Sector 9.

At the April meeting, we will consider any input and recommendations from the Council on these submissions as we work to finalize fishing year 2018 sector allocations and work with Sector 9 to address the outstanding overages and disapproval issues. If you have any questions regarding the attached documents, please contact Sarah Heil, Groundfish Team Supervisor, at (978) 281-9257.

Sincerely,

Michael Pentony
Regional Administrator

cc: Dr. Jamie Cournane, NEFMC Groundfish Plan Coordinator

Enclosures

This document expressly supersedes a previous version of the Sector Operations Plan and Agreement (the "Previous FY 2017 Plan") which was invalidated by National Marine Fishery Service (the "Agency") on November 20, 2017 on the stated authoritative basis of 50 CFR 648.87(c)(3). Nothing contained herein shall operate to prejudice any rights either party may have which flow from the previous version of the Sector Operation Plan and Agreemnt which was previously entered into by the parties for Fishing Year 2017.

SUPERCEEDING SECTOR OPERATIONS PLAN AND AGREEMENT

Sector IX

Remainder of Fishing year 2017 and Fishing year 2018

~~SECTOR OPERATIONS PLAN AND AGREEMENT~~

This NORTHEAST FISHERY SECTOR OPERATIONS PLAN AND AGREEMENT (this "Agreement") is entered into as of February XX, 2018 (the "Effective Date"), by and among ~~IV~~IX Northeast Fishery Sector, Inc. ("NEFS ~~IV~~IX") and each of the Sector members identified on the attached **Exhibit C**.

Recitals

A. Pursuant to "Amendment 16" to the Northeast Multispecies Fishery Management Plan and implementing regulations promulgated by the National Marine Fisheries Service ("NMFS"), a group of persons holding limited access multispecies vessel permits may form self-selecting voluntary sectors for fishery management. As a condition to forming a sector under Amendment 16, the persons wishing to do so must enter into a binding sector operations plan and agreement that contains the required elements.

B. The parties to this Agreement wish to form a self-selecting voluntary sector under Amendment 16 and to do so are voluntarily entering into this Agreement for **Fishing Year 2017 (May 1, 2017-April 30, 2018) and Fishing Year 2018 (May 1, 2018-April 30, 2019)**.

Agreement

Now therefore, for and in consideration of the agreements, covenants, rights and obligations set forth herein and the mutual benefits anticipated by the Members under this Agreement, the receipt and sufficiency of which is hereby acknowledged, the Members and Sector hereby agree as follows:

1. Sector Name. The organization described under this Agreement shall be called the ~~IV~~IX Northeast Fishery Sector, Inc. This is a non-profit organization incorporated in Massachusetts on May 26, 2009 and therefore may be held liable for violations committed by its members.

2. Sector Eligibility and Membership. To be eligible to be a member of the Sector, a person must hold a Limited Access Northeast multi-species permit and meet all other Sector eligibility requirements as established from time to time by the Sector's Board of Directors (the "Board"). Any person wishing to become a Sector member must submit an application no later than sixty (60) days prior to the annual deadline by which Sector contracts must be submitted to NMFS. Sector membership shall be effective upon admission of a member by the Board and acceptance by execution by such member of the Sector's Membership Agreement. Subject to the automatic renewal provisions of Section 12 below, and the disciplinary expulsion provisions of Section 13 below, Sector membership shall expire at the conclusion of each fishing year, unless renewed by the Board in accordance with the Sector's Bylaws and this Agreement. The Sector's members (the "Members"), such Members' "Limited Access Multispecies Permit" (LA MS) as identified by its "Moratorium Rights Identifier" (MRI), and the vessels that will harvest the Sector's Amendment 16 allocations are identified on the attached **Exhibit C**, which may be amended from time to time in accordance with this Agreement and the Sector's Bylaws.

2.1. Rule of Three Requirement: Amendment 16 to the NE multispecies FMP defines a sector as a group of three or more persons, none of whom have an ownership interest in the other two persons in the sector. This criterion has been fulfilled with permit # 149675 330126 under the distinct ownership of Predator Fisheries, permit # ~~330236~~410501 under the distinct ownership of ~~Olivia & Rafaela Fishing Corp.~~Corvo, LLC, and permit # ~~150592~~ 330561 under the distinct ownership of P & A Fishing Corp.. Documentation of fulfillment of this criterion for FY 2018 will be located in **Exhibit I** of this Agreement and will be furnished by the Sector in accordance with NMFS guidance and schedule pertaining to bi-annual operation plan submission.

Commented [EE1]: This section will need to be verified/updated based on final contracts

Commented [AS2]: This permit 330236 was forfeited by Judge Young.

3. Member and Vessel Permits. The attached **Exhibit D** is provided in accordance with the requirements of Amendment 16 that all state and federal permits held by Members or assigned to

Members' vessels be disclosed in each sector's annual operations plan. Documentation of fulfillment of this criterion for FY 2018 will be located in **Exhibit I** of this Agreement and will be furnished by the Sector in accordance with NMFS guidance and schedule pertaining to bi-annual operation plan submission.

4. Sector Allocation and Exemptions. Each Member shall take all actions and execute all documents necessary to obtain the Sector's Amendment 16 annual catch entitlement ("ACE"). The Sector shall request all universal exemptions granted to sectors under Amendment 16 and relating multispecies implementing regulations; and any special exemptions the Board deems appropriate. The special exemptions initially requested by the Sector are identified on the "Harvesting Rules" attached hereto as **Exhibit A**.

5. Distribution of Sector ACE. Each Member acknowledges that the Sector's ACE is composed of allocations for each species of Northeast multispecies groundfish allocated by Amendment 16 (each such species being an "Allocated Species"), and any subsequent Framework or Amendment. Subject to the terms and conditions of this Agreement, each Member shall be entitled to harvest or transfer an amount of the Sector's ACE, as adjusted by the Sector for retainages including but not limited to the Reserve, for each Allocated Species proportionate to the amount of ACE for such species that the Sector receives as a result of such Member's membership in the Sector. The amount of Sector ACE a Member may harvest or transfer, as adjusted by transfers and Sector retainages including but not limited to the Reserve, made in accordance with this Agreement, is referred to hereafter as a Member's "Harvest Share." Each Member may harvest or transfer its Harvest Share only under the terms and conditions of this Agreement and in compliance with the restrictions imposed by the Manager (as defined below), the Enforcement Committee (as defined below) and the Board in accordance with this Agreement. Any other attempted harvest or transfer of a Member's Harvest Share shall be a breach of this Agreement.

6. Sector Manager and Registered Agent. The Board shall from time to time appoint a person to act as the Sector's authorized agent in all NMFS and New England Fishery Management Council matters (the "Manager"), and a person to serve as the registered agent for receiving service of process on behalf of the Sector (the "Registered Agent"). The procedures for appointing the Manager and the Registered Agent shall be as provided in the Sector's Bylaws, as the same may be amended from time to time. The Manager and the Registered Agent may be the same person. The Manager shall be responsible for preparing and filing all reports required of the Sector under Amendment 16 and the

related implementing regulations. Virginia Martins will serve as the registered agent for receiving service of process on behalf of the Sector. The Sector will notify NMFS prior to ~~May 1, 2017~~ authorization who will be acting as their Manager for FY 2017. Documentation of fulfillment of this criterion for FY 2018 will be located in **Exhibit I** of this Agreement and will be furnished by the Sector in accordance with NMFS guidance and schedule pertaining to bi-annual operation plan submission.

6.1. Communication with Sector. The Manager is the primary point of contact for all communications on behalf of the Sector and all communications regarding NEFS ~~IV~~IX should be directed accordingly. In addition to the Sector Manager Paula Sullivan is authorized to act on behalf of the Sector. At the time in which this Agreement is entered into, the Board of Directors are as follows:

President: Virginia Martins
Treasurer: Anne Jardin-Maynard
Clerk: Cassie Canastra
Director: Virginia Martins, Raymond Canastra, Cassie Canastra, Anne Jardin-Maynard, Tor Bendikson, Dan Georgianna, John Reardon

In the event that the Board of Directors is modified, the Sector will notify NMFS of such modifications. ~~Additionally, a list of current Board members can also be located at the following link.~~

~~http://corp.sec.state.ma.us/corpweb/corpsearch/CorpSearch.aspx~~

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7. Consolidation Plan. The Sector's ACE shall be harvested in accordance with the terms and conditions of this Section 7.

7.1. Harvest Share Reserve. No Reserve is required for FY 2017. Sector Members will not harvest sector ACE. The sector manager will utilize Inter and Intra sector transfers to move ace between members and to fully utilize the ACE allocated to the Sector.

7.2. Harvest Share Use. This Sector is comprised of non-active Members only, who shall not harvest Sector ACE, including without limitation, their own Harvest Share. Members may transfer (lease) harvest share between members and the sector manager will execute transfers of sector ACE through inter-sector leasing.

7.3. Harvest Share Transfer. Subject to the terms and conditions of this Agreement, each Member may transfer some or all of such Member's Harvest Share to one or more

Active Member(s) on such terms and conditions as the transferor Member and the transferee **Active Member(s)** may agree. No transfer of a Member's Harvest Share shall become effective until the Manager has received actual notice of such transfer. No Member may transfer any portion of such Member's Harvest Share, or interest in the Sector's ACE, to any person other than an **Active Member** unless the Board first authorizes such transfer in writing. Any such transfer shall be subject to such terms and conditions as the Board may adopt from time to time, including but not limited to establishment of procedures to implement a Right of First Offer (the "ROFO") that is extended to **Active Members** of the Sector, **Active Members** of other Northeast Fishery Sectors, and certain other parties in accordance with the terms and conditions established by the Board. Without limiting the foregoing, the Sector Board of Directors may condition, review, approve and restrict transfers of Harvest Shares to non-Members as it deems necessary to promote the harvest of the Sector's entire ACE allocation and ensure that the Sector's management and administrative costs can be recouped through reasonable Sector membership fees established by the Board.

7.4. Harvesting Rules and Fishing Plan. The Board may from time to time adopt such restrictions on harvest of the Sector's ACE as the Board deems necessary to ensure the Sector's compliance with Amendment 16 and related implementing regulations (such restrictions referred to hereafter as "Harvesting Rules"). The Harvesting Rules are set forth on **Exhibit A**. Each **Active Member** shall conduct their harvest of the Sector's ACE in strict compliance with the Harvesting Rules. Each Member shall exercise their best efforts to ensure such Member's Harvest Share is harvested in accordance with the Harvesting Rules. The Manager shall annually develop a Sector fishing plan that promotes harvest of the Sector's ACE in accordance with the Harvesting Rules and shall make the Fishing Plan available to Active Members prior to the commencement of the fishing season.

7.5. Re-direction of Effort. During FY 2015, NEFS IX vessels switched fishing efforts into the follow fisheries:

- Fishery: Scallop (Gear: Trawl)
- Fishery: Monkfish (Gear: Trawl)
- Fishery: Skate (Gear: Trawl)
- Fishery: Summer Flounder (Gear: Trawl)

During the first quarter of FY 2016, NEFS IX vessels switched fishing effort into the following fisheries:

- Fishery: Scallop (Gear: Trawl)

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• Fishery: Squid (Gear: Trawl)

During the remainder FY 2017 & 2018~~7~~, NEFS IX anticipates no redirection of effort will take place, since NEFS IX will be operating as a lease only Sector. However, NEFS IX does acknowledge that they may seek approval from NMFS to operate as an active sector in FY 2018, and if such approval is granted they anticipate a similar redirection of effort as seen in FY 2015 & 2016.

~~7.5.~~7.6. Sector Vessel Interactions with Allocated Species in Non-Amendment 16 Fisheries. NA

~~7.6.~~7.7. Consolidation and Redistribution of ACE: Scientific recommendations and new Magnuson requirements will influence the level of consolidation that will take place in the groundfish fishery. The Sector members intend to utilize sector management to mitigate excessive consolidation that may occur in the effort controlled system where overall management measures are based upon the weakest stocks. In FY 2016, ~~0~~36% of the permits enrolled in the NEFS ~~IV~~IX for FYs 2016 and 2017 are attached to vessels actively fishing for NE multispecies. For FYs 2017 and 2018, the NEFS ~~IV~~IX sector has ~~50~~ 60 permits currently enrolled. Of those permits none are anticipated to actively fish for NE Multispecies in for the remainder of FY 2017. NEFS IX expects that compared to FY 2016~~m~~ there would be a net consolidation beyond what previously occurred among the NEFS IX as the share of ACE contributed by member permits will not be fished by any vessels, compared to 35% of FY 2016. It can be anticipated that because the sector will not have active fishing vessels, there will be resulting ~~in~~ job losses for fishing crews and the associated negative impacts will spread to fishing communities and industries reliant on commercial fishing. While fisheres who remain in the fishery may experience a positive benefit, there will be few active fishers in the NE multispecies fishery,

Commented [AS3]: Need to know how many permits remain following the forfeiture as ordered by Judge Young on 10/11/17. Note, according to that Forfeiture order (document 254) 4 vessel were forfeited. They were the Lady Patricia (4 permits), Bull Dog (8 permits), Southern Crusader (11 permits) and Olivia & Rafaela (11 permits). Need to confirm though.

8. Release of Catch Data. Pursuant to section 402(b)(1)(F) of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. § 1881a(b)(1)(F), the undersigned hereby authorizes the release to the Manager, and/or designated sector employee(s) of the ~~IV~~IX, Northeast Fishery Sector Inc., the Program Director of the Northeast Sector Service Network, and the FishTrax Programmer, information that may be or is considered to be confidential or privileged by the Magnuson-Stevens Act or other federal law regarding the catch of various species of fish associated with the limited access Northeast multispecies permit with the Moratorium Right Identifiers (MRIs) enrolled in the Sector submitted to the National Marine Fisheries Service that the undersigned has authority to access. This information includes data required to be submitted or collected by NMFS, on an individual

MRI and/or aggregated scale, including but not limited to days-at-sea allocation and usage, vessel trip reports, dealer reports, Northeast Federal Observer Program data, catch and landings history data for all species harvested by the vessel/MRI, Sector at-sea monitoring data, protected species takes/interactions, enforcement data, vessel baseline data (length, horsepower, etc), VMS information, and all other information associated with the vessel, MRI #, and/or permit records. In addition, this information includes data for species not managed under the multispecies FMP.

All confidential Sector data may be released to the Sector Manager, and/or designated sector employee(s), the Program Director of the Northeast Sector Service Network, and the FishTrax Programmer. This statement applies to all confidential data for a two-year time period encompassing FYs 2017 and 2018.

9. Catch Monitoring and Reporting. Each **Active Member** shall comply with all catch monitoring and reporting requirements established by the Manager, which may include but are not limited to maintaining and filing copies of accurate catch logs, carrying fishery observers, installing and operating electronic vessel and catch monitoring equipment, delivering fish only at pre-approved landing stations at pre-approved times, and completing and filing accurate delivery reports on a timely basis. Without limiting the foregoing, each **Active Member** shall submit on a timely basis all catch information as required by and necessary for the Manager to complete and file the Sector's weekly reports. Each **Active Member's** harvest of Sector ACE shall be calculated and tabulated in accordance with the catch accounting measures established by NMFS with respect to the Sector's ACE. Absent manifest error, the catch and delivery information produced by the Manager shall be presumed accurate, and absent manifest error, each Member's obligations under this Agreement and all related documents may be enforced to their fullest extent on the basis of such information.

10. Breach and Remedies for Breach. The benefits associated with Sector membership will only accrue to the Members if each of them strictly complies with this Agreement. Each Member will make significant operational and financial commitments based on this Agreement, and any Member's failure to fulfill any of its obligations under this Agreement could have significant adverse consequences for some or all other Members. Any failure by a Member to fulfill any of its obligations under this Agreement shall constitute a breach of this Agreement. Each Member shall be bound by the procedures set forth in this Section for determining whether a Member has breached this Agreement. The Sector shall be entitled to the remedies set forth in this Section if a Member is determined by the

Sector to have breached this Agreement. Each Member shall take all actions and execute all documents the Manager deems necessary or convenient to give effect to the provisions of this Section.

10.1. Liquidated Damages Schedule and Schedule Amendments. NA

10.2. Enforcement Committee. Not less than one hundred twenty (120) days prior to each annual Northeast multispecies groundfish season opening date (the "Season Opening Date"), the Manager shall call a meeting of the Board to appoint the Enforcement Committee for the upcoming year, and to address any other matters of Sector business properly before the Board. The Board shall meet for those purposes not less than ninety (90) days prior to the Season Opening Date, and at such meeting shall appoint an Enforcement Committee composed of five (5) persons. If the Board fails to do so, the Manager shall appoint the Enforcement Committee. The Enforcement Committee shall assist the Manager in setting and updating the liquidated damages amounts for breaches of this Agreement and shall hear and decide Members' appeals of the Manager's contract breach determinations and liquidated damages assessments.

10.3. Liquidated Damages Base Value and Multiplier Adoption. NA.

10.4. Liquidated Damages Calculation. NA.

10.5. Notice to Vessel Masters; Assumption of Liability. NA.

10.6. Liquidated Damages Security. NA.

10.7. Manager Action in Response to Apparent Breach. The Manager shall monitor the Members' compliance with the terms and conditions of this Agreement. If the Manager becomes aware of an apparent breach of this Agreement by a Member, the Manager shall investigate the matter, and if the Manager concludes that a Member has breached this Agreement, the Manager shall notify such Member of the apparent breach and (if such breach is reasonably susceptible of cure) provide such Member with an opportunity to cure the breach. If such Member fails to demonstrate to the Manager, in the Manager's sole and absolute discretion, that no breach occurred, or to cure the breach within the time period directed by the Manager, taking into account the magnitude of the breach and the potential consequences of the breach for the Sector and the other Members, the Manager shall notify the Member in writing that the Manager is referring the alleged breach to the Enforcement Committee, and shall notify the Enforcement Committee in writing of the alleged breach and the proposed liquidated damages. Pursuant to Section 14, below, if during the investigation, notice

and cure period described above, the Manager concludes it is necessary for the protection of the interests of the Sector and its Members, the Manager may issue a "Stop Fishing Order" to the Member in apparent breach, and if such Member fails to cause the vessels harvesting its Harvest Share to immediately stop fishing , the sector manager may take any action he/she deems necessary including without limitation, self-help or court action which may include the seeking of injunctive relief.

10.8. Member Appeals. NA.

10.9. Voluntary Compliance. In connection with breaches of this Agreement for which a Member is liable to the Sector or other Sector Members for liquidated damages, the Sector shall provide the breaching Member fifteen (15) days prior notice of its intent to exercise its rights of collection, during which period the Member may propose an alternative method of compensating the Sector and other Sector Members for the damages suffered as the result of such Member's breach. The Enforcement Committee may approve or disapprove any alternative form of compensation in its sole discretion, provided that if the breach at issue is an overharvest of a Member's Harvest Share, there shall be no liquidated damages imposed if the Member in breach obtains sufficient Harvest Share from other Members to offset the overharvest, and tenders conclusive evidence to that effect to the Enforcement Committee. Such Member shall nevertheless remain liable for the costs and fees incurred by the Sector in connection with the alleged breach, and the Sector shall be entitled to collect such costs and fees if such Member fails to pay the same within ten (10) days of receiving the Sector's demand for payment.

10.10. Liquidated Damages Collection and Related Expenses. NA.

10.11. Consequential Damages for Gross Negligence or Willful Misconduct. NA.

10.12. Distribution of Damages. NA.

11. Joint Liability and Indemnification. Each Member acknowledges that the Sector's Members may be held jointly liable for ACE overages, discarding of legal-sized fish and misreporting of catch landings or discards. Further, each Member acknowledges that should a hard total allowable catch ("TAC") allocated to the Sector be exceeded in a given fishing year, the Sector's allocation will be reduced by the overage in the following fishing year, and the Sector, each vessel participating in the Sector and each vessel operator and/or vessel owner participating in the Sector may be charged, as a result of said overages, jointly and severally for civil penalties and permit sanctions pursuant to 15 C.F.R.

Part 904, and that if the Sector exceeds its TAC in more than one (1) fishing year, the Sector's ACE may be permanently reduced or the Sector's authorization to operate may be withdrawn.

In consideration of the foregoing, each Active Member agrees to indemnify, defend and hold the Sector and all other Members harmless from and against all liabilities, claims, fines, penalties and forfeitures of any nature whatsoever arising out of or related to any breach of this Agreement related to such Active Member's harvest of Sector ACE, and each Member agrees to indemnify, defend and hold the Sector and the other Members harmless from and against all liabilities, claims, fines, penalties and forfeitures of any nature whatsoever arising out of or related to such Member's breach of this Agreement. Each Member's indemnification obligation under this Section 11 is separate from and in addition to each Member's liquidated damages and consequential damages obligations under Section 10, above. Each Member authorizes the Board to require that a Member's obligations under this Section 11 be secured by a surety.

12. Membership Termination. No Member may terminate its membership in the Sector other than in accordance with this Section 12. A Member that has agreed to join the Sector prior to the Effective Date may withdraw from Sector membership prior to the Effective Date without penalty or prejudice. Thereafter, only a Member that is not in breach of this Agreement and that has no outstanding Sector performance or payment obligations may terminate its membership in the Sector, and may do so only in compliance with the terms and conditions of this Section 12. Notwithstanding the foregoing, the Board may terminate the membership of a Member in breach of its payment or performance obligations under this Agreement, as the Board deems appropriate in its sole discretion.

Subject to the provisions of this Section 12 regarding withdrawal prior to the Effective Date, above, a Member that is eligible to terminate such Member's Sector membership may do so only by providing written notice to that effect to all other Members on or before February 18, 2015 or such date as the Board may from time to time establish for that purpose (the "Termination Date") each fishing year. A Member that fails to provide such notice by the Termination Date shall be deemed to have automatically renewed its Sector membership for the following year, and all other Members shall be entitled to act in reliance on such renewal accordingly. If any Member provides a membership termination notice by the Termination Date, each of the other Members shall have ten (10) days from the date they receive such notice to terminate their membership as well, notwithstanding the Termination Date notice deadline. Termination of membership in the Sector shall be effective as of the final day of the current fishing year.

If a Member is in breach of this Agreement or has outstanding Sector payment or performance obligations as of the Termination Date, unless the Board takes action to terminate such Member's membership, such Member's membership shall be deemed renewed for the following year, notwithstanding any notice of withdrawal such Member may give, and the Sector shall have the authority to file an application for a Sector allocation including such Member as a Member of the Sector. Each Member hereby grants the Sector a power-of-attorney, coupled with an interest, for such purposes, and authorizes each of the Sector's officers to take any and all actions and execute any and all documents necessary or convenient to give effect to this provision.

Termination of membership shall not relieve a person or entity of any obligations under this Agreement related to the period during which such person or entity was a Member, including but not limited to liquidated damages obligations for breach of this Agreement, consequential damages obligations for breaches resulting from acts of gross negligence or willful misconduct, or indemnification obligations related to such person or entity's actions as a Member.

13. Expulsion. A Member may be expelled from the Sector at any time for: (i) a knowing, willful breach of this Agreement; (ii) any alleged breach of this Agreement that is either not appealed pursuant to Section 10.8, or is upheld by the Enforcement Committee after being appealed, and which such Member fails to cure through voluntary compliance approved by the Enforcement Committee pursuant to Section 10.9, or by paying liquidated damages in accordance with Section 10.10; (iii) perpetrating a fishery regulation violation that exposes Sector Members to joint liability for such violation. A Member shall be immediately and automatically expelled from the Sector if such Member ceases to be eligible to participate in the Sector or if such Member engages in conduct that exposes the Sector or other Sector Members to antitrust or unfair trade practice liability. As of the date of expulsion, the expelled Member shall lose all rights to harvest any portion of the Sector's ACE unless the expelled Member is re-admitted. Expulsion shall not relieve a Member of the obligation to pay fees that were levied prior to the date of expulsion, or to pay liquidated damages and costs and fees related to an action or omission by the expelled Member that preceded the date of expulsion. The Sector shall notify NMFS immediately upon a Sector Member's expulsion; by electronic email, followed by posted mail.

14. Stop Fishing Order; Injunctive Relief. NA.

15. Permit Transfer/Sale. A Member may transfer a Permit to a party other than a Member, subject to a Right of First Refusal (the "ROFR"), which may be adopted or amended from time

to time by the Board, in favor of **Active Members** of the Sector, **Active Members** of other Northeast Fishery Sectors, and certain other parties. No Member may transfer such Member's "LA MS" permit or "MRI" permit to a person who is not an **Active Member** unless such person assumes all of the transferring Member's obligations under this Agreement as of the effective date of such transfer. A person other than a Member who receives a Member's "LA MS" permit or "MRI" permit from a Member in accordance with this Section 15 (a "Transferee") shall only be eligible to participate in the Sector for the balance of the fishing year during which the transfer occurs, and thereafter may only remain a Sector Member if such Transferee applies for and is admitted to Sector membership in accordance with Section 2, above.

15.1. The Transferee shall be deemed a **Non-Active Member** of the Sector, with no rights to harvest any Sector ACE, including but not limited to the ACE allocated to the Sector in connection with the assets acquired under the Permit Offer. A Transferee wishing to acquire **Active Member** status during the fishing year in which the permit transfer occurred must submit a written request to the Board for consideration. The Board will have the authority to approve, conditionally approve or deny such request.

16. Release and Waiver of All Claims against Sector Manager; Indemnification and Hold Harmless. Each Member acknowledges that the effectiveness of this Agreement depends on the Manager exercising reasonable independent business judgment in good faith in reviewing and approving or disapproving Members' fishing plans, monitoring harvest of the Sector's ACE, and enforcing the terms and conditions of this Agreement. Each Member hereby waives and releases any and all claims against the Manager arising out of or relating to Manager's performance under this Agreement, other than those arising solely from the gross negligence or willful misconduct by the Manager, as conclusively determined by a court of final and competent jurisdiction. The Sector and the Members agree to jointly and severally indemnify, defend and hold the Manager harmless from and against any third party claims, damages, fines, penalties and liabilities of any kind whatsoever asserted against the Manager in connection with the Manager's performance under this Agreement, other than those arising out of gross negligence or willful misconduct by the Manager.

17. Sector Membership Fees. At least thirty (30) days prior to the Effective Date, and at least thirty (30) days prior to each annual Termination Date thereafter, the Board shall notify the Members in writing of the amount of Sector membership fees that the Board has adopted for the upcoming year of Sector operations.

18. Binding Arbitration. Each Member and the Sector agree to exercise their best good faith commercially reasonable efforts to resolve any disputes arising under this Agreement through direct negotiations. Breaches of this Agreement which are not resolved through direct negotiation shall be submitted to binding arbitration upon the request of any party at interest. Any person nominated as an arbitrator hereunder by any person shall be a person of mature, sound and reasonable business judgment and experience and either have (a) held a federal fishing master license for at least ten (10) years, or (b) been an attorney at law practicing in the area of fisheries for at least ten (10) years.

The party's written request for arbitration shall include the name of the arbitrator selected by the party requesting arbitration. The respondent party shall have ten (10) days to provide written notice of the name of the arbitrator it has selected, if any. If the other party timely selects a second arbitrator, the two arbitrators will jointly select a third arbitrator within ten (10) days. If the other party does not timely select the second arbitrator, there shall be only the one arbitrator. The single arbitrator or the three (3) arbitrators so selected will schedule the arbitration hearing as soon as possible thereafter. Any arbitrator must have no material ties to the Sector or any Member. The decision of the arbitrator (or in the case of a three (3) arbitrator panel, the decision of the majority) will be final and binding. The arbitration will be conducted under the rules of (but not by) the American Arbitration Association. The parties will be entitled to limited discovery as determined by the arbitrator(s) in his, her or their sole discretion. All costs of arbitration shall be borne by the party requesting the same. Each party shall bear its own costs of preparation and presentation, unless, in the case of the Sector, the Board determines to assess such costs to the applicable Member, which costs shall be immediately due and payable. In no event will arbitration be available pursuant to this paragraph after the date when commencement of such legal or equitable proceedings based on such claim, dispute, or other matter in question would be barred by an applicable statute of limitations.

The final decision of the Arbitrators shall not be subject to review or appeal by any other person, including any court, with the exception of NMFS in its oversight role for the purposes of statutory and regulatory compliance and consistency. Any right to any such appeal is hereby irrevocably waived and relinquished. Such final decision shall bind the parties and shall not require any further action of enforcement or collection once docketed with the records of the Sector. In breach by any Member of performance thereof, the Manager may *sua* sponte and without any notice or hearing issues a Stop Fishing Order or an Order of Expulsion respecting such Member in breach.

The Sector shall, without limiting the foregoing rights and procedure, also have the right to enforce any decision against any Member in breach by an action for specific performance, declaratory relief, *lis pendens* or any other action in a court of law having jurisdiction of the parties, it being understood and agreed that the Federal court for the District of Massachusetts and the Massachusetts Superior Court for the County where the registered office of the Sector is located shall be deemed to have such jurisdiction

19. No Collective Marketing. The Members acknowledge that the Sector has not been formed or qualified as a collective marketing association. The Members therefore agree that nothing in this Agreement shall be construed as permitting or obligating Members to collaborate regarding the processing, marketing or sales of the product produced from catch harvested under their Harvest Shares. Each Member shall conduct all sales of such catch in competition with the other Members, and shall hold ex-vessel price information as confidential from other Members until such information becomes public or until such price information is six months old, unless and until the Sector is properly qualified under State and Federal law as a collective marketing association.

20. Amendment and Incorporation by Reference. The Exhibits hereto and the collateral documents referred to herein are and shall all be as the same may be amended from time to time. Any amendments thereto or hereto which are approved by the Board shall, as a condition of further membership of any Member in the Sector be deemed without any requirement of acceptance, consent or execution by any such Member to have been adopted, ratified and confirmed by such Member.

EXHIBIT A: HARVESTING RULES FOR FY 2017 and FY 2018

The Members and the Participating Vessels of ~~IVIX~~ Northeast Fishery Sector, Inc. agree to be legally bound to follow the Harvesting Rules for the Fishing Year 2017 (May 1, 2017 to April 30, 2018) & Fishing Year 2018 (May 1, 2018 to April 30, 2019) as described herein, in accordance with all provisions of the Sectors Operations Plans and Agreement (herein "Agreement"), notwithstanding those rules and regulations applicable to the common pool Multispecies vessels. The Members and the Participating Vessels will not harvest Sector ACE or engage in other fishing activity for the Fishing Year 2016 . The Sector ACE will only be utilized through Inter-Sector ACE transfers primarily to NEFS II and NEFS III.

1. **ANNUAL CATCH ENTITLEMENT:** The members agree that they will not collectively lease/transfer more than the Sector ACE, as adjusted by transfers, for any allocated groundfish stocks. The Annual Catch Entitlement, allocated by NMFS to NEFS ~~IVIX~~ for FY 2017 & FY 2018 will be available in the Northeast Multispecies Fisheries Sector Operations Plans and Contracts and Allocation of Northeast Multispecies Annual Catch Entitlement Final Rule as published by NMFS.

2. **QUOTA MANAGEMENT:** Sector members will use a PC based software for collecting data, reporting transfers, and logbook information.

3. **DAYS AT SEA:** Each participating permit and participating vessel will be allocated Days-At-Sea (DAS) by the Regional Administrator. Sector Member permits will not be subject to the DAS reduction in Amendment 16 for common pool vessels. Members will be required to use a DAS, as specified in controlling FMPs, when conducting fishing operations that are not exempted from DAS usage, for example, when fishing under a monkfish DAS.

4. **VESSEL LOGBOOKS (VTRs/e-VTR):** All sector members will comply with applicable reporting requirements including submission of Vessel Trip Reports (VTRs). If Electronic Vessel Trip Reports (e-VTRs) are approved by the Regional Administrator, Sector Members will submit e-VTRs in the format required by NERO. Sector Members will execute all documents necessary to meet legal requirements for the purpose of facilitating e-VTR service.

5. **WEEKLY/DAILY REPORTS:** The Sector Manager, or his/her designated representative, will submit weekly or daily Sector Reports of all landings and discards by sector vessels, to NMFS. The Sector will submit required reports, using the format and procedures prescribed by NMFS. The reports required by NMFS are the *Sector Manager ACE Status Report, Sector Manager Detailed Report, and Sector Manager Trip Issue Report* as codified in §648.87(b)(1)(vi)(B). Specifically, the *Sector Manager Detailed Report* provides information down to the sub-trip level about each sector trip for a given week, regardless of completeness of the data. The information includes stock, gear, mesh categories, landing amounts, discards and total catch. The *Sector Manager Trip Issue Report* provides information about the sector trips for a given week that have enforcement or other issues. The *Trip Issue Report* allows the sector to briefly describe to NMFS any enforcement or reporting

compliance issues, violations of the Sectors operations plan and regulation, and general problems with monitoring or sector operations during the reporting period. One *Trip Issue Report* is submitted per reporting period. The *Sector Manager ACE Status Report* documents the ACE status calculations, which allows NMFS to cross check totals as stipulated in Amendment 16. In the event that the Sector triggers daily reporting for a specific allocated stock, the *Sector Manager Daily ACE Status will* provide the mean for a sector manager to report their Sectors ACE status calculations on a daily basis if the "trigger point" i.e. thresholds specified in 14.1 have been reached during the current Fishing Year. These reports are cumulative in nature from the start of the fishing year until the current reporting week and are adjusted retroactively as data becomes available or issues documented in JIRA are resolved. JIRA is an issue tracking application implemented by NMFS, which should be used to report all data quality issues to the appropriate people for research and correction process.

5.1 **REPORTING THRESHOLDS THAT TRIGGER DAILY REPORTING:** The reporting frequency for the sector manager's ACE Status Report will be increased to daily when 90% of any of the sector's ACEs is reached. The Sector Manager, or a designated representative, must notify NMFS immediately by email if the threshold that triggers daily reporting has been reached. During the period when a sector has reached or exceeded 90% of any of its ACEs, daily ACE Status and Detailed Reports must be submitted only on a day when a member vessel lands, or when the sector engages in an ACE transfer of a stock that is exceeding the 90% threshold.

An alternative threshold for triggering daily reporting may be implemented during FY 2017 or FY 2018 if agreed upon by the sector and NMFS.

5.2 **ENFORCEMENT ISSUES:** The Members acknowledge that the Sector Manager ***must*** include any enforcement or reporting compliance issues, including violations of Operations Plan (excluding those sections identified as administrative provisions in this document as identified in **Exhibit D**); violations of regulations, or general problems with monitoring or sectors operations in their *Trip Issue Report* which is submitted to NMFS weekly.

6. **ANNUAL REPORT**: Within sixty (60) days of the end of the fishing year the Sector Manager will submit an annual report to NMFS that summarizes: fishing activities of Members, including harvest levels of all species by sector vessels (landings and discards by gear types); enforcement actions; and any other relevant information required to evaluate the performance of the Sector. The actual date of submission will be specified by NMFS, which has been previously based in part on completeness of various data sets including but not limited to final reconciliation of ACE usage and availability of final fishing year data generated by NMFS. In addition, the Annual Report will report the number of sector vessels that fished for regulated groundfish and their permit numbers (when such disclosure does not violate protection of confidentiality); number of vessels that fished for other species;

method used to estimate discards; landing port used by sector vessels while landing groundfish; and any other additional information requested by the Regional Administrator for inclusion in the Annual Report. The Sector will submit required reports using the format and procedures prescribed by NMFS.

7. **DATA RECONCILIATION:** The Sector Manager will verify that ACE transfers are reconciled with the Sectors that have participated with the sector for consistency. The Sector will receive the data electronically to expedite and automate data reconciliation. If a discrepancy is detected, the Sector Manager will notify the other sector(s) and NMFS of the discrepancy and will note discrepancies on the weekly report until resolved.

8. **RESERVED FOR FUTURE USE:**

9. **DATA MANAGEMENT**: The sector vessels will be transmitting catch data electronically via the email messaging component of their VMS units. All data necessary for sector ACE management, including all elements of VTR logbook and daily / weekly reporting requirements will be sent in compressed formats to minimize characters and maximize message capacity. Notwithstanding reporting requirements that cannot be altered by a sectors operations plan, the **Sector's server** will be capable of collecting, storing, converting and relay all data elements necessary to meet all reporting requirements in the formats required by the recipients

   The Sector, acting through its Manager, will maintain database(s) of vessel trip reports (VTR), dealer, At-Sea (ASM), and NEFOP Observer reports. In addition, the Sector will maintain any other database it determines necessary for its operations. NMFS will maintain a NEFOP/ASM database and will provide the Sector with data from NEFOP and the ASM program.

10. **PROOF OF SECTOR MEMBERSHIP**: Upon approval of the Sector, each sector vessel will be issued a Letter of Authorization ("LOA"), which will specify the exemptions that have been approved for the Sector. Each Member agrees that its sector vessels ***must*** comply with all requirements stipulated in the LOA and all applicable federal regulations and laws not specifically exempted in the LOA.

    Furthermore, Member agrees that its sector vessels shall maintain the LOA, and a copy of the Sector Agreement and Harvesting Rules on-board at all times while fishing on a 'sector-trip'.

11. **SECTOR SPECIFIC EXEMPTIONS:** As referenced in §4.0 of this Agreement all Sectors are granted the following **Universal Exemptions.**

    11.1 All Groundfish DAS requirements, including days-at-sea (DAS) reductions, differential groundfish DAS counting, the 3/15 rule for gillnets, and 24-hour DAS counting. NE

multispecies (DAS) requirements to persecute other fisheries as specified in §§ 648.92 and 648.32, such as monkfish and skate continue to apply.

11.2 Trip limits on NE multispecies stocks, except Atlantic Halibut, windowpane flounder, ocean pout and Atlantic wolfish.

11.3 Seasonal Closed Areas (currently Georges Bank seasonal closure in May)

11.4 Additional mortality controls adopted by Amendment 16, including additional seasonal or year-round closures, gear requirements, DAS reductions, differential DAS counting, and/or restricted gear areas.

11.5 Vessels are exempt from GOM Cod Protection Closures IV (October) and V (March), but must comply with GOM Cod Protection Closures I (May), II (June), and III (November, December, and January).

11.6 The 6.5" minimum mesh size restriction for trawl gear specified at § 648.80(a)(4)(i) when using a haddock separator or Ruhle trawl within the GB Regulated Mesh Area (RMA), provided the vessel uses a codend with at least 6" minimum mesh size.

11.7 From all or a portion of ASM coverage if the vessel is fishing on a monkfish DAS with extra-large mesh gillnets (10-inch or greater mesh) **exclusively** in Southern New England.

In addition to the Universal Exemptions granted to all Sectors, as referenced above and in §4.0 of this Agreement, **Members agree to abide by the following obligations as specified and authorized in their LOA.**

11.8 DAS Leasing Program Length and Horsepower Restrictions

12. RESERVED FOR FUTURE USE:

13. SECTOR UNDERSTANDING AND ACKNOWLEDGMENTS: Sector Members understand and acknowledge that the following provisions have been interpreted by NMFS as applicable to all operating sectors. Sector Members acknowledge this applicability and where appropriate utilize these universal interpretations within their sector management and operations:

13.1 **INTRA-SECTOR DAYS AT SEA (DAS) LEASING:** Days at Sea may be leased intra-sector (between members) within the guidelines and procedures contained in the FMP and as amended by Amendment 16. The Sector would accept any future relief in the length and horsepower constraints of the program that may be authorized by the RA in the future.

13.2 **INTER-SECTOR DAYS AT SEA (DAS) LEASING:** Members who wish to lease Days-at-Sea (DAS) outside of the Sector are authorized under this provision to do so, only with Members of other Sectors whom are similarly exempt. Members acknowledge that such DAS leasing would not be exempted from existing length and horsepower constraints as currently contained in applicable regulations.

13.3 **PAPER VTR**: Members acknowledge that they are bound to all applicable reporting requirements. Sector vessels shall continue using paper VTRs for FY 2017 & 2018, as required by regulations. However, electronic vessel trip reporting (e-VTR) systems for transmission and submission of required VTR reports have been authorized by the Regional Administrator using a phased implementation process. The Sector and its Members may utilize e-VTR in accordance with the phased implementation process.

13.4 **ADDITIONAL EXEMPTIONS**: Members note that NMFS is generating one Environmental Assessment for all sectors seeking authorization for Fishing Year 2017 & 2018, and that NMFS communication has stated that if an exemption is approved for one Sector, all other authorized Sectors can be similarly approved for that specific exemption based on the terms and conditions of the originally requesting sector. In light of this understanding, NEFS ~~IV~~IX will request authorization for such exemptions it deems beneficial for its operations, prior to the publication of the final authorizing rule.

13.4.1 Furthermore, NMFS has indicated that Sectors will be afforded the opportunity to request additional exemptions for the 2nd year of operations i.e. FY 2018 in accordance with a supplemental schedule to be established by NMFS.

14. MODIFICATION OF HARVESTING RULES: Members acknowledge that from time to time, the Sector Manager in collaboration with Board of Directors, and at times Membership, may adopt additional requirements or restrictions on the internal reporting requirements or fishing activities of all members in order to ensure effective utilization and management of the Sector's ACE. These modifications may include, but are not limited to, additional notification of planned fishing activity to the Manager, additional internal reporting requirements, gear requirements, and restrictions on locations where fishing may occur during specific times of the year or with specific gear. When such modifications are implemented, all Members will be notified in writing.

Exhibit B:

Commented [EE4]: This section & Exhibit C will need to be completed once contracts are signed.

Sector Membership Fishing Year 2016 (May 1, 2016 to April 30, 2017)

SECTOR MEMBERS: The following table identifies The NEFS ~~IV~~IX Members:

ACTIVE MEMBERS: NEFS ~~IV~~IX is a lease only sector, there are no active members.

Exhibit C:

Sector Membership Fishing Year 2017 (May 1, 2017 to April 30, 2018)

Sector Member and Vessel Permits Amendment 16 Disclosure Requirements Fishing Year 2017 (May 1, 2017 to April 30, 2019)

Sector Members have enrolled all eligible Limited Access Multispecies Permits into a Sector, except for the following:

Additional Information on federal permits associated with Sector Vessels and Sector Members:

Additional Information on state permits associated with Sector Vessels and Sector Members:

The permits enrolled in NEFS ~~IV~~IX do not have any state permits associated with them.

Exhibit D:

Administrative Provisions Addendum:

Notwithstanding regulatory authority granted in other regulations the following provisions represent those sections of **NEFS** ~~IV~~IX Agreement and related Exhibits & Addendums that are Administrative in nature and therefore not subject to enforcement by the National Marine Fisheries Service, as required to be specified by sector regulations 50 CFR 648.87(b)(2)(x).

SECTOR OPERATIONS PLAN AND AGREEMENT

1. Sector Name.

2. Sector Eligibility and Membership.

4. Sector Allocation and Exemptions.

5. Distribution of Sector ACE.

6. Sector Manager and Registered Agent.

7. Consolidation Plan.

7.1 Harvest Share Reserve

7.2 Harvest Share Use.

7.3 Harvest Share Transfer.

7.4 Harvesting Rules and Fishing Plan. Section 7.4 is administrative except to the extent that it applies to Harvesting Rules Sections 1, 5, 6, 7, and 11 which are enforceable and therefore not considered administrative under this section.

7.5 Re-direction Of Effort.

7.6 Sector Vessel Interactions with Allocated Species in Non-Amendment 16 Fisheries.

7.7 Consolidation and Redistribution of ACE:

8. Release of Catch Data.

9. Catch Monitoring and Reporting.

10. Breach and Remedies for Breach.

10.1 Liquidated Damages Schedule and Schedule Amendments. NA

10.2 Enforcement Committee.

10.3 Liquidated Damages Base Value and Multiplier Adoption. NA

10.4 Liquidated Damages Calculation. NA

10.5 Notice to Vessel Masters; Assumption of Liability. NA

10.6 Liquidated Damages Security. NA

10.7 Manager Action in Response to Apparent Breach.

10.8 Member Appeals. NA

10.9 Voluntary Compliance.

10.10 Liquidated Damages Collection and Related Expenses. NA

10.11 Consequential Damages for Gross Negligence or Willful Misconduct. NA

10.12 Distribution of Damages. NA

11. Joint Liability and Indemnification.

12. Membership Termination

14. Stop Fishing Order; Injunctive Relief. NA

15. Permit Transfer/Sale.

16. Release and Waiver of All Claims Against Sector Manager; Indemnification and Hold Harmless.

17. Sector Membership Fees.

18. Binding Arbitration.

19. Amendment and Incorporation by Reference.

EXHIBIT C

HARVESTING RULES

2. QUOTA MANAGEMENT:

7. DATA RECONCILIATION:

8. RESERVED FOR FUTURE USE:

9. DATA MANAGEMENT:

12. RESERVED FOR FUTURE USE:

EXHIBIT B

EXHIBIT C

EXHIBIT D

EXHIBIT E

EXHIBIT F

Exhibit E: EXPLANATORY ADDENDUM

Per request by NMFS this **explanatory text** is being provided to identify in one location Right of First Offer ("ROFO") and Right of First Refusal ("ROFR"). ROFO and ROFR are two separate and distinct provisions that deal with harvest share transfers and permit sales, respectively; it is inaccurate to construe them as meaning the same thing. Nothing within this explanatory addendum should be considered as part of the Sector governing documents which the Members have agreed to follow, all questions regarding these provisions should be directed to their respective sections in the governing documents:

§ 7.3 Harvest Share Transfers: Right of First Offer i.e. ROFO will be used for intra and inter sector harvest share transfers.

§ 15 Permit Transfer/Sale: Right of First Refusal i.e. ROFR will be used for permit sales or transfers.

Exhibit F: INFORMATIONAL ADDENDUM

Per request by NMFS the table below identifies specific points of contacts and their responsibilities, which the Agency may utilize to determine appropriate communication stream for inquiries.

Sector Communications Contacts					Mailing Address			
Name	Title	Responsibility	Email	Phone	Street 1	City	State	Zip
Virginia Martins	Sector President	Day-to-Day Sector Operations	virgie9862@gmail.com					
Elizabeth Etrie/Vito Giacalone	Program Director, Northeast Sector Service Network	Data Management i.e. questions regarding software systems utilized by Sector for Weekly Report Computation	Libby.Etrie@gmail.com,	(978) 491-1848	85 Eastern Ave. Suite 104	Gloucester	MA	01930
Jackie Odell/Vito Giacalone	Executive Director, Northeast Seafood Coalition	Policy	Jackie_odell@yahoo.com, vitofish1@gmail.com	(978) 283-9992	4 Parker Street, Flr 2	Gloucester	MA	01930
Captain OR Owner of F/V	Owner of F/V	Sector Specific Research; Fishing Vessel specific research is vessel specific, Reporting i.e. vessel reporting requirements contact vessel						

EXHIBIT G: FY 2018 (MAY 1, 2018-APRIL 30, 2019) Operations Plan Updates

[To be completed in accordance with NMFS schedule for year two, FY 2018 (May 1, 2018 – April 30, 2019) of the Sectors Bi-Annual Operations Plan and Agreement

PROPOSAL TO NOAA FOR IX NORTHEAST FISHERY SECTOR TO RESUME ACE TRADING TO AND FROM OTHER SECTORS

SUMMARY

In response to the letter from the Regional Administrator and the Interim Final Rule from NOAA, the Board of Directors of NEFS IX has recalculated the 2017 (current) fishing year ACE status for NEFS IX to account for any overages of cod, yellowtail flounder, witch flounder, and plaice as a result of the misreported catches stipulated in the **[plea agreement]** United States v. Carlos Rafael and calculated the ACE in the effort to resume operations. The Board took the additional steps of estimating cod and yellowtail flounder management area stock overages by dividing the species amounts for those stocks by the number of management areas. We used this formula because the Regional Administrator and GARFO staff did not supply the actual misreported catch by stock for those species as promised to the Board at the October 26 meeting. If GARFO does have this data available, NEFS IX BOD would be willing to revisit the data and calculation provided in this proposal.

The Board also levied penalties based on Section E's Penalty Schedule in the Operations Plan that was approved by GARFO on vessel owner (Carlos Rafael) for both misreporting catch and placing the sector at risk. The Board has also taken measures to insure that catch is reported accurately moving forward. Carlos Seafood was prohibited from buying groundfish from any vessels owned by Mr. Rafael effective 6/1/2017. We also formed a new Board of Directors and are currently looking to hire a new NEFS Manager to address the concerns of GARFO of the sector's integrity and structure. New language in its Operations Plan to eliminate misreported catch is another measure the sector's BOD has taken.

Upon completion of these changes, the Board requests that NEFS IX be allowed to transfer ACE in an effort to make the sector whole.

BACKGROUND

On November 20, 2017, the Regional Administrator of the National Marine Fisheries Service Greater Atlantic Regional Fisheries Office (GARFO) withdrew its approval of NEFS IX's Operational Plan, which stopped all vessels in NEFS IX from fishing for groundfish and transferring ACE to and from other sectors. (Letter from John Bullard, Regional Administrator to Virginia Martins, President NEFS IX) The Interim Final Rule published in the Federal Register on 11/22/2017. NEFS IX was also not allowed to buy or sell ACE until the Regional Administrator approved a new Operations Plan.

The Regional Administrator's letter and subsequent Interim Final Rule listed several requirements for reinstating NEFS IX's operations plan. This included investigating ACE overage from misreported catch, proposing ACE compensation for misreported catch, proposing penalties for misreported catch and placing the sector agreement at risk, changes in the NEFS's operations plan to eliminate misreported catch and other violations, and changes in NEFS IX' Board of Directors and background of new Board members.

In this proposal, the Board has corrected these deficiencies necessary for approval by the Regional Administrator, which would allow NEFS IX to resume operations and trading ACE to and from other sectors.

NEFS IX'S ACE OVERAGES AND REQUIRED COMPENSATION CAUSED BY MISREPORTED CATCH

In the absence of clear regulatory language that contemplates retrospective accounting for NEFS "overages" that were not known by a NEFS in the years in which they occurred but were instead known several years after they occurred, the NEFS has extracted guidance from numerous statements contained in the November 20, 2017 Interim Final Rule.

With this being the only "guidance" that NEFS IX Board of Directors has received to date and notwithstanding the potential lack of regulatory basis for the approach taken by the Board, the following method/s were used to provide the agency with a retrospectively adjusted accounting of NEFS IX, 2017 ACE status for stocks and years in which catch is known to have been misreported.

1. The approach applies the misreported catch to the year in which the misreporting occurred by adding it as a line item to the total used ACE for that year.
2. If the result of adding the misreported catch was an overage, the overage was deducted from the following year initial allocation.
3. If a carryover was credited for a stock from the previous year where the retrospective analysis showed there would have in fact been an overage, the carryover that was credited was then deducted.
4. The method was applied chronologically from the beginning of the misreporting period to produce a current 2017 ACE status had the misreported catch been properly reported as catch in the years they occurred. The net effect is cumulative as a result of the losses of carryover and additional catches that are applied successively to present.
5. At this time, the NEFS IX Board of Directors is still unable to apportion misreported catch of Cod and Yellowtail to their corresponding stock areas. GARFO staff told us on several occasions that they would supply the specific stock overages for cod and yellowtail flounder after we requested them at our meeting in Gloucester on October 26, 2017. However, since we feel it is critical to address this issue immediately, the Board adopted the following approach: For Cod and Yellowtail Flounder the Board split the misreported annual totals of each species equally among the management units for each species. For cod, the misreported catch was applied 1/3 to each of GB East, GB west and GOM cod. For Yellowtail Flounder the misreported catch was attributed 1/3 each to GB, CC/GOM and SNE. The Board proposes this method for the sake of expediting a reasonable resolution to ACE accounting in the fishery. The Board envisioned that it may cost a significant amount of effort and time for the agency to attempt to unravel the stock attributions and that the task may be onerous, if not impossible. However, if the Board has incorrectly assessed this issue of the difficulty for the agency to produce a less arbitrary approach, the Board is open to using the 1/3 split method as an interim

resolution for the ACE accounting component of the NEFS 9 reactivation plan with the understanding that if the agency provides information that supports a different proportional attribution among the management units the Board will make those adjustments at that time.

See the attached excel file for the computations described above. See Table 1 (below) for the summary computations for FY2017.

Table 1. End of Year Net ACE by Stock Adjusted for Misreported Catch.							
							ACE needed
	2012	2013	2014	2015	2016	2017	
Witch Flounder	149,515	-25,954	-92,486	-219,805	-216,890	-66,288	-66,288
Plaice				-130,126	-124,088	14,899	
GB Yellowtail	82,926	49,062	119,774	58,165	130,589	88,670	
SNE Yellowtail	93,042	57,463	32,830	42,255	31,238	36,221	
GoM Yellowtail	69,036	4,916	48,048	-31,006	-17,485	47,810	
GB Cod West	_	_	_	16,962	13,697	87,257	
GB Cod East	_	_	_	-15,574	-14,196	25,512	
GoM Cod	_	_	_	-23,442	-21,883	-6,096	-6,096

PENALTIES FOR VIOLATIONS OF MISREPORTING CATCH

NEFS IX also found it appropriate to exercise the penalty schedule found in Exhibit E of the Operations Plan. The Board decided to execute the violation regarding reporting and documentation requirements. This violation states "All violations including but not limited to: providing false statements or supporting documentation on applications or reports to the NEFS; late reporting or non-reporting; (technical and minor violations may result in a letter of warning)." This penalty fines the member $2,500. We found that all 13 vessels involved in the United States v. Carlos Rafael would be fined this amount for their lack of reporting correctly to the NEFS for a total of $32,500.

The Board also chose to execute the violation of placing authorization of NEFS IX operations plan at risk. This violation states "All violations including but not limited to a violation of a stop fishing order, fishing in a closed area, transfer of fish from non-NEFS vessel to a NEFS vessel, transfer of fish from NEFS vessel to a non-NEFS vessel; subverting the reporting requirements or any other action so egregious that it would severely jeopardize the NEFS's existing and future authorization(s)." Due to the actions taken by Carlos Rafael, we found it appropriate to execute this penalty in the amount of $10,000.

Carlos Rafael is also required monetarily to make the NEFS whole. As the table above indicated, this would require a payback of 66,288 pounds of Witch flounder as well as 6,096 pounds of GOM Cod. This weight reflects the NEFS's overage after the accounting of the misreported fish included in the available documents from [plea agreement] Carlos Rafael v. The United States, as shown above. It would be the responsibility of Carlos Rafael to provide the value of the cost of leasing for this ACE.

PREVIOUS ACTIONS BY NEFS IX TO ELIMINATE MISREPORTING OF CATCH

As noted in our previous communications with GARFO, NEFS IX has taken measures to prevent anything of this magnitude from ever again occurring. The Board had voted to prohibit Carlos Seafood from being a primary buyer from any of Carlos Rafael's vessels, removed Carlos Rafael from the BOD, and constructed a BOD that includes a wealth of knowledge of the industry who has the interest of the NEFS as a whole in mind. The BOD of NEFS IX has also reached out to GARFO to open the lines of communication for transparency to work to resolve the issues that took place.

PROPOSED CHANGES IN NEFS IX'S OPERATION PLAN TO ELIMINATE MISREPORTING CATCH

NEFS IX has implemented some measures to prevent anything unethical from occurring. The captains will be required to submit both a start and end hail to notify GARFO of both their sailing and arrival to port. The vessels will be required to submit their end hail 6 hours prior to their arrival to port. The BOD will also require a contract to be signed by captains, which will require their compliance in reporting catch accurately. The captains will also agree that VTRs are to be filled out in their entirety prior to reaching the offload facility. At this point, the offload facility will scan the original copy of the VTR to a third party who will hold the VTRs in the event GARFO has a question in regards to a VTR. This will take place prior to the captain providing the VTR to the new NEFS manager. The office of the new NEFS manager will also be relocated at the time the new NEFS manager begins and vessels resume.

PERSONNEL CHANGES

In addition to the extensive governance changes made in 2017 (Letter from Virginia to Bullard) and acknowledged in the Interim Final Rule published on November 20, 2017, the board has accepted the resignation of the sector manager, Stephanie Rafael-DeMello, to become fully effective no later than the date NEFS 9 vessels are issued Letters of Authorization (LOA) to resume fishing activity under a NEFS 9 operations plan. The board anticipated and ultimately accepted Stephanie's resignation in the context of the significant distinctions between the periods prior to and subsequent to Carlos Rafael's sentencing and incarceration. Prior to Carlos' incarceration there existed sufficient space for the sector manager, irrespective of relationship to a member, to independently conduct their duties to compile sector level reporting and the monitoring of sector ACE status. Since Carlos' incarceration, Stephanie may be needed to play a role on behalf of the Rafael fleet operations going forward.

CHANGES IN COMPOSITION OF NEFS IX'S BOARD OF DIRECTORS

On May 24, 2017, Carlos Rafael and Richard Canastra resigned from the Board of Directors of NEFS IX with Mr. Canastra retaining his position on the Board of Directors of the Northeast Seafood Coalition. A list of people that were elected to comprise the Board of Directors at that time follows. Cassie Canastra was elected to the Board on January 3, 2017.

Virginia Martins, Personal Biography

Virginia is the President and a member of the Board of Directors of IX Northeast Fishery Sector, Inc. Her Career in the fishing industry started in 1984 working for a Marine Supply Store. Loving everything about the fishing industry and being a daughter to a fisherman, in 1998 she started her own business selling marine supplies and marine fuel to the fishing vessels out of New Bedford. Virginia is proud to say that she is the only woman that owns a business of this type in Greater New Bedford servicing the commercial fishing industry and she has witnessed many changes in the industry over the years. Virginia employ 6 employees.

Bay Fuel Inc.
87 Conway St
New Bedford Ma 02740
(508)979-5511

Anne E. Jardin-Maynard, Personal Biography

Anne is the Clerk and a member of the Board of Directors of IX Northeast Fishery Sector, Inc. After graduating from Roger Williams University in 1985 with a Bachelor's degree in Accounting and a Minor in Computer Science, Anne started working as an accountant at Dawson Boat Settlements in New Bedford. In 1988, she become partner with Kevin Dawson. In 2012, with Kevin Dawson's retirement, she became the sole owner of Jardin and Dawson, Inc. She has over 32 years of fishing industry experience, from boat settlements, corporate and personal tax returns, fishing vessel permit applications, licensing, and all accounts payable and receivables. She handles all of the accounting needs for the fishing industry. Over the last 32 years working with the fishing industry, she has been very much involved in the many changes that have impacted the fishing industry and have seen it develop over these years to its current state. Jardin and Dawson, Inc. currently employs six employees.

Anne E. Jardin-Maynard
Owner and President
Jardin & Dawson Inc
Accounting & Tax Consultants
84 Front Street
New Bedford, MA 02740
(508)992-3334

John F. Reardon, Personal Biography

John is a member of the Board of Directors of IX Northeast Fishery Sector, Inc. and also serves on the Enforcement Committee. His career in the commercial fishing industry started in February 1982 as crew to Captain on several different fishing vessels in the ground fishing industry. On November 8th 1999, he was hired by IMP Marine Group to run this company as general manager taking the company from 5 core employees to 19 presently employed. In April 2010, IMP Marine was purchased by Hercules SLR US Inc. and he was kept on in the same capacity to present date.

John F Reardon
General Manager
Phone: (508)993-0010

Fax: (508)993-9005

Tor Bendiksen, Personal Biography

Tor is a member of the Board of Directors of IX Northeast Fishery Sector, Inc. and also serves on the Enforcement Committee. He is the Operations Manager and Trawl Technician at *Reidar's Trawl Gear and Marine Supply* in New Bedford, Massachusetts. He has over 25 years' experience in the fishing industry. He comes from a fishing family and went out to sea for the first time at 13 years old, with his father, on the F/V Narragansett. He earned a certification in Trawl Technology from SINTEF Fisheries in Hirtshals, Denmark and has travelled extensively throughout the North Atlantic studying mobile fishing gear. He has designed and developed innovative fishing gear for research organizations such as NOAA and Massachusetts Division of Marine Fisheries as well as several universities on the East Coast. His family's company, *Reidar's Trawl Gear and Marine Supply*, employs 16 individuals who manufacture fishing gear for vessels in the Northeast Fisheries.

Tor Bendiksen
Chief Operating Officer
Reidar's Trawl Gear and Marine Supplies
9 Tarkiln Place
New Bedford, MA 02745
(508) 999-4616/ Tortrawl@gmail.com

Raymond Canastra, Personal Biography

Co-owner
BASE New England/ Whaling City Seafood Display Auction
Ray is the Treasurer and a member of the Board of Directors of IX Northeast Fishery Sector, Inc. He has been involved in the fishing industry for 40 years. He started off on the New Bedford waterfront as a fish lumper, eventually making his way onto several fishing vessels from 1977 – 1989. In 1984, he became the captain of a scalloper, the F/V Donna Lynn. After the birth of his daughter Cassie in 1989, he decided to stay on land to be closer to my family. He opened RCC Foods Inc. with his brother, Richard in 1989. At the time, he and Richard offloaded many of the fishing vessels in the Port of New Bedford. They also purchased and processed large volumes of multi-species groundfish, scallops and lobsters. He and Richard then decided to start a seafood display auction, Whaling City Seafood Display Auction, in 1994; to provide a fair market for New Bedford fishing vessels. As a result, they developed BASE (Buyers and Sellers Exchange) an electronic auctioning company in which WCSDA owns and operates. In conjunction with BASE New Bedford, they opened BASE Gloucester in 2007 to offer vessels another unloading facility further north. Currently, they offer both fish and scallop auctions to fishing vessels from Maine to North Carolina.
Raymond Canastra
Co-owner
BASE New England
62 Hassey St.
New Bedford, Ma 02740
Cell: (508)294-6904/ray@baseseafood.com

Daniel Georgianna, Personal Biography

Dan is a member of the Board of Directors of IX Northeast Fishery Sector, Inc. and also serves on the Enforcement Committee. He is a Professor Emeritus of Economics at UMass Dartmouth and currently a Research Associate at SMAST. He is also a member of the Scientific and Statistical Committee of the New England Fishery Management Councils. Over the past 40 years, he has completed over 25 contracts with NOAA or other government agencies on the economics of fisheries and management. He also published 20 papers in peer reviewed journals on fisheries. He has worked with numerous Federal, State and Local government agencies, including the US State Department in presenting the US position on the US-Canadian Boundary to the World Court.

Daniel Georgianna
Professor Emeritus and Research Associate
SMAST
University of Massachusetts Dartmouth
836 S. Rodney French Blvd
New Bedford, MA 02744
(508)910-6378 / (508)264-6918 (Cell)

Cassie Canastra, Personal Biography

Cassie is a member of the Board of Directors of IX Northeast Fishery Sector, Inc. Cassie Canastra has worked for the Whaling City Seafood Display Auction since 2009. She became the marketing director of the auction, BASE New England, after graduating from the College of the Holy Cross in 2012. She has served as a board member for the New Bedford Fishing Heritage Center and is currently on the board of the Fishermen's Tribute Fund in New Bedford and the Northeast Seafood Coalition. In 2015, Cassie began her Masters in Fisheries Science at the School for Marine Science and Technology (SMAST). As a master's student, she has done research on the market dynamics of groundfish species, which was presented the Research Committee of NEFMC. In 2014, she also opened Bela Flor Seafood Brokerage LLC, a seafood brokerage firm in New Bedford.

Cassie Canastra
Marketing Director
BASE New England
62 Hassey St.
New Bedford, MA 02740
Cell: (508)717-7214/cassie@baseseafood.com

March 26, 2018

Liz Sullivan
Fishery Policy Analyst
Sustainable Fisheries Division
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

Re: Northeast Fishery Sector VII (NEFS VII) FY 2018 Roster Submission & Notification of Board of Directors Change & Decision for Enrollment

Dear Liz,

Please accept this letter as written notification that the Board of Directors for NEFS VII has recently changed to the following:

Richard Canastra, President
Tor Bendiksen, Treasurer
Cassie Canastra, Clerk
Directors: Richard Canastra, Tor Bendiksen, Cassie Canasta

The Sector has submitted a Certificate of Change of Directors with the Commonwealth of Massachusetts and expects the changes to be reflected soon on the Commonwealth's corporate website. The Sector requests the Agency issue an addendum to its FY 2017 & FY 2018 Operations Plan to reflect this change in governance.

This roster submission is not intended to replace or negate the necessity for GARFO and NEFS IX to continue their important work towards resolving outstanding issues that led to the revocation of the NEFS IX Operations Plan in FY 2017.

Instead, the decisions made to NEFS VII Board are intended to facilitate resolutions to achieve what we believe are objectives shared by the Agency, the port of New Bedford and the fishery in light of the limitations that exist at this time.

The NEFS VII Board acknowledges that there are multiple initiatives occurring simultaneously as it relates to the outstanding issues with NEFS IX. However, there are several limiting factors which if not addressed by today's roster deadline, could have significant impacts on the Port of New Bedford and the fishery as a whole in FY 2018 because of potential ACE availability constraints, specifically:

1. New Rule Making necessary to reinstate a NEFS IX Operations Plan:
    a. There have been discussions between NEFS IX and the Agency to pursue an expeditious rule making that would restrict NEFS IX to a "Lease Only" operations plan for FY 2017 / 2018. The timing of this coupled with the uncertainty of independent membership

status presents a fishery implication beyond the impacts to NEFS IX and the port of New Bedford.

b. The significant NEFS IX PSC's and resulting 2018 ACE's will have direct impact on lease costs to the fishery if they are not available on May 1st. Lease costs will be higher in the absence of this ACE being in the market and then subsequently may drop significantly when or if the ACE is made available following rule making.

2. The Rule of Three conundrum
   a. Since the revocation of the NEFS IX Operations Plan the independent members of NEFS IX were stranded there for the remainder of FY 2017 but they do have the option to join another sector for 2018.
   b. The Agency communicated to NEFS IX that they could not extend the sector roster deadline of March 26, 2018 for the independent members of NEFS IX in the event NEFS IX "Lease Only" Operations Plan was not authorized for FY 2017/2018.
   c. Under these circumstances none of the independent members could be advised to remain in NEFS IX for 2018 and therefore NEFS IX runs the risk of not fulfilling the Rule of Three requirement in its pursuit to be authorized as a "Lease Only Sector".

Given the list of significant barriers, limitations and deadlines, the NEFS VII roster enrollment was implemented in an effort to provide solutions to the numerous administrative, logistical and ACE availability problems listed above while maintaining the operative effects of the revocation of the NEFS IX Operations Plan on fishing activity by groundfish vessels owned by Carlos Rafael.

To acknowledge the operative effects, one of the initial decisions the NEFS VII Board of Directors made was to extend FY 2018 Membership to the identified permits with the following conditions:

> *Motion: To accept the following permits for enrollment in NEFS VII for Fishing Year 2018 under the following terms and conditions: (1) entity will be enrolling as a non-active member and will not be authorized to fish in any Sector ACE accountable fishery during Fishing Year 2018 and member acknowledges that no Letter of Authorization (LOA) will be furnished to them (2) in the event a permit held by the entity is sold to an independent 3rd party, the Board may reconsider non-active status and grant active status to the new member upon written request.*

MRI	Vessel Permit No.	Vessel Name	Owner Name
1063	410275	APOLLO	APOLLO FISHING CORP.
1029	410604	ATHENA	ATHENA FISHING CORP.
1154	410471	BULLDOG	B & D FISHING CORP.
754	410564	ILHA BRAVA	C & C FISHING CORP.
711	320311	GREEN ACRES	C & D FISHING CORP.
964	410104	ILHA DO CORVO	C & V FISHING CORP.

MRI	Vessel Permit No.	Vessel Name	Owner Name
1016	410206	HUNTRESS I	C. RAFAEL LLC.
897	150090	STAR OF THE SEA	CORVO LLC.
1026	410501	HERA	CORVO LLC.
1041	150108	BEIRA LITORAL SKIFF	F & C FISHING LLC.
2182	150372	2006 WATER TENDER	F & C FISHING LLC.
823	330379	POSEIDON	HERA FISHING CORP.
733	151053	LADY PATRICIA PERMIT	LADY PATRICIA INC.
750	330200	LADY PATRICIA	LADY PATRICIA INC.
579	320244	DINAH JANE	LEEANNE & NOAH FISHING LLC.
762	330552	HERCULES	LEEANNE LLC.
791	330309	MY WAY	MY WAY FISHING LLC.
644	320903	NEMESIS	NEMESIS LLC.
685	150090	CORVO II SKIFF	NEMESIS LLC.
845	330764	DESTINY	NOAH LLC.
760	330236	OLIVIA & RAFAELA	OLIVIA & RAFAELA FISHING LLC.
961	330583	ILHA BRAVA II	OLIVIA & RAFAELA FISHING LLC.
321	151622	OLIVER SKIFF	PERSEUS LLC.
601	150090	CRESTLINER SKIFF	PERSEUS LLC.
688	320944	PERSEUS	PERSEUS LLC.
729	151200	JOKO SKIFF NORTHERN CRUSADER	R & C FISHING CORP.
856	330904	SOUTHERN CRUSADER II	R & C FISHING CORP.
702	150842	COSTA & CORVO II	R & P FISHING CORP.
736	150895	2009 JOKO JAMIE LEIGH	R & P FISHING CORP.
847	150830	COSTA & CORVO I	R & P FISHING CORP.
1088	410335	COWBOY	R & P FISHING CORP.
1125	150829	SKIFF/ VIOLA	R & P FISHING CORP.
1007	410194	EDWARD L MOORE	RAFAELLA LLC.
2295	410246	DRAKE	RAFAELLA LLC.
1143	410612	HERA II	S & S FISHING CORP.
608	320375	LEEANNE & ZACHARY	S & S FISHING LLC.
800	330795	SASHA LEE	SASHA LEE INC.
609	150656	2007 JOHNSON JOKO 0929H707	TYLER FISHING LLC.
775	330276	TRIUNFO	TYLER FISHING LLC.
827	149999	SEA EXPLORER	TYLER FISHING LLC.
984	410161	RESOLUTE	TYLER FISHING LLC.

MRI	Vessel Permit No.	Vessel Name	Owner Name
700	410590	VILA NOVA DO CORVO I	VILA FISHING CORP.

Furthermore, to facilitate these terms the Board will request that NOAA withhold all LOA's associated with these enrolled permits, and only furnish an LOA upon written request by the Board in light of a change in ownership status and a decision of the Board to grant active status.

The Operations Plans and Membership Agreements used by the NEF sectors explicitly sets forth two membership scenarios, Active or Inactive. The Board chose to accept all of the MRI's listed above, with the condition that they not only will remain Inactive, but that they will be prohibited from receiving LOA's unless ownership status has changed and the Board affirmatively votes to grant inseason Active status.

We hope the Agency agrees that this approach provides numerous fishery and public policy benefits while overcoming several administrative burdens. We look forward to working with the Agency on ways to ensure the Board's decision regarding enrollment constraints, such as issuance of LOA's, can be accomplished. We request that the Agency issue an Addendum to the FY 2017/2018 Operations Plan that reflects these changes.

In light of the decisions identified above, please utilize the information provided below to facilitate the various changes that are occurring in the NEFS VII roster for FY 2018. The following permits, which were enrolled in NEFS VII for FY 2017 are being removed from the NEFS VII Roster for FY 2018 and are joining the common pool:

MRI	Permit Number	Vessel Name	Owner/Entity
375	136935	KINGFISHER	Adventure King, LLC
420	148172	JOLLY ROGER	Kimco, LLC
1417	152222	CORRINE AND GIRLS	Adventure King, LLC
2034	231511	HOLLY JEAN	William Borges

The following permits, which were enrolled in NEFS VII in FY 2017, are joining NEFS VIII for FY 2018:

MRI	Permit Number	Vessel Name	Owner/Entity
489	150921	DOUBLE DIAMOND	Double Diamond Fishing Corp
521	310433	PILGRIM	Captain WP McCann. Inc
550	320112	SEVEN SEAS	MS Fishing Corp
565	330902	RESILIENT	Oneonta Fisheries
621	149833	RESOLVE	Resolve Fishing Corp
809	330551	RUTHIE B	Willis E Blount Com Fishing Co
829	410279	NADIA LEE	Atlantic Shellfish, Inc
832	330865	JOHN & NICHOLAS	John & Nicholas, Inc
871	330493	CHARLIES PRIDE	Seafarer Ent., Inc
1080	151507	DRAKE	Cockeast Fisheries, Inc
1095	410344	SEAFARER	Jessie Jean Ent, Inc
1119	410392	MAJESTIC	FV Majestic, LLC
1231	410074	DONNY C	Expedition Fishing Co
1525	310430	CPH	Double Diamond Fishing Corp
1697	320113	SHAMROCK	Captain WP McCann. Inc
1764	150936	MANDRAKE	Cockeast Fisheries, Inc

The following permit, which was enrolled in NEFS VIII in FY 2017, is joining NEFS VII for FY 2018:

MRI	Permit Number	Vessel Name	Owner/Entity
836	151269	CPH	BASE Inc.

The following permits, which were enrolled in NEFS IX in FY 2017 are joining NEFS VII for FY 2018:

MRI	PERMIT #	VESSEL NAME	Owner/Entity
1063	410275	APOLLO	APOLLO FISHING CORP.
1029	410604	ATHENA	ATHENA FISHING CORP.
1154	410471	BULLDOG	B & D FISHING CORP.
754	410564	ILHA BRAVA	C & C FISHING CORP.
711	320311	GREEN ACRES	C & D FISHING CORP.
964	410104	ILHA DO CORVO	C & V FISHING CORP.

MRI	PERMIT #	VESSEL NAME	Owner/Entity
1016	410206	HUNTRESS I	C. RAFAEL LLC.
969	410129	CHRISMAR	CHRISMAR INC.
897	150090	STAR OF THE SEA	CORVO LLC.
1026	410501	HERA	CORVO LLC.
1081	330908	GROWLER	COVE FISHING CORP.
1041	150108	BEIRA LITORAL SKIFF	F & C FISHING LLC.
2182	150372	2006 WATER TENDER	F & C FISHING LLC.
1017	330890	MISS MADDY	F/V MISS MADDY LLC.
887	330535	SUSAN MARIE II	F/V SUSAN MARIE INC.
823	330379	POSEIDON	HERA FISHING CORP.
891	330810	MAIZEY JAMES	JIM MAIZING FISHING LLC.
597	330326	SAO JACINTO	KAREN MARIA TRAWLING CORP.
546	147595	ROSIE-L	KEITH N LAUDEMAN
733	151053	LADY PATRICIA PERMIT	LADY PATRICIA INC.
750	330200	LADY PATRICIA	LADY PATRICIA INC.
793	330314	LAURA J	LAURA J FISHERIES INC.
579	320244	DINAH JANE	LEEANNE & NOAH FISHING LLC.
762	330552	HERCULES	LEEANNE LLC.
791	330309	MY WAY	MY WAY FISHING LLC.
644	320903	NEMESIS	NEMESIS LLC.
685	150090	CORVO II SKIFF	NEMESIS LLC.
732	330172	NEVES	NEVES & SON FISHING CORP.
1325	330781	FREEDOM	NEW FREEDOM FISHING CORP.
845	330764	DESTINY	NOAH LLC.
789	330303	NORDIC VIKING	NORDIC VIKING INC.
731	150933	SANDRA	OLIVEIRA AND SILVA FISHING CORP.
760	330236	OLIVIA & RAFAELA	OLIVIA & RAFAELA FISHING LLC.
961	330583	ILHA BRAVA II	OLIVIA & RAFAELA FISHING LLC.
900	330561	BLUE SEAS II	P & A FISHING CORP.
321	151622	OLIVER SKIFF	PERSEUS LLC.
601	150090	CRESTLINER SKIFF	PERSEUS LLC.
688	320944	PERSEUS	PERSEUS LLC.
729	151200	JOKO SKIFF NORTHERN CRUSADER	R & C FISHING CORP.
856	330904	SOUTHERN CRUSADER II	R & C FISHING CORP.
702	150842	COSTA & CORVO II	R & P FISHING CORP.
736	150895	2009 JOKO JAMIE LEIGH	R & P FISHING CORP.
847	150830	COSTA & CORVO I	R & P FISHING CORP.
1088	410335	COWBOY	R & P FISHING CORP.

MRI	PERMIT #	VESSEL NAME	Owner/Entity
1125	150829	SKIFF/ VIOLA	R & P FISHING CORP.
1007	410194	EDWARD L MOORE	RAFAELLA LLC.
2295	410246	DRAKE	RAFAELLA LLC.
1143	410612	HERA II	S & S FISHING CORP.
608	320375	LEEANNE & ZACHARY	S & S FISHING LLC.
800	330795	SASHA LEE	SASHA LEE INC.
609	150656	2007 JOHNSON JOKO 0929H707	TYLER FISHING LLC.
775	330276	TRIUNFO	TYLER FISHING LLC.
827	149999	SEA EXPLORER	TYLER FISHING LLC.
984	410161	RESOLUTE	TYLER FISHING LLC.
700	410590	VILA NOVA DO CORVO I	VILA FISHING CORP.

Enclosed are the FY 2018 Contacts for all new permits enrolling in NEFS VII, an excel spreadsheet the documents the changes to the NEFSVII roster, as well as a list of all the state and federal permits held by individuals enrolling in NEFS VII. Additionally, in light of the extensive roster changes attached please find documentation to satisfy the Rule of Three Requirement for NEFS VII in FY 2018. Specifically, Rule of Three will is satisfied by Perseus LLC, permit # 320944; Linda McCann, remains the Sector Manager and primary point of contact for NEFS VII on all matters pertaining to Fishing Year 2017. Cassie Canastra, has been identified as the primary point of contact for NEFS VII on all matters pertaining to Fishing Year 2018. Please direct any and all correspondence or inquiries accordingly.

Thanks,

Cassie Canastra
Clerk, VII Northeast Fishery Sector

CC: Linda McCann
Tor Bendiksen
Richard Canastra

Enclosures:
7-NEFS FY 2018 ROT NewFreedomFishing 330781.pdf
7-NEFS FY 2018 ROT P A Fishing Corp 330561.pdf

7-NEFS FY 2018 ROT Perseus LLC 320994.pdf
7-NEFS FY 2018 Roster Submission.xls
7-NEFS FY 2018 State and Federal Permits.xls
AdherenceAgreementBatch103222018.pdf
AdherenceAgreementBatch203222018.pdf
AdherenceAgreementBatch303222018.pdf
AdherenceAgreementBatch403222018.pdf
AdherenceAgreementBatch503222018.pdf
AdherenceAgreementBatch603262018.pdf

March 26, 2018

Liz Sullivan
Fishery Policy Analyst
Sustainable Fisheries Division
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

Re: Northeast Fishery Sector IX (NEFS IX) FY 2018 Roster Submission

Dear Liz,

Enclosed are the various documents requested for the FY 2018 Roster Enrollment deadline. The following permits are being removed from the NEFS IX Roster for FY 2018.

MRI	PERMIT #	VESSEL NAME	Owner/Entity
1063	410275	APOLLO	APOLLO FISHING CORP.
1029	410604	ATHENA	ATHENA FISHING CORP.
1154	410471	BULLDOG	B & D FISHING CORP.
754	410564	ILHA BRAVA	C & C FISHING CORP.
711	320311	GREEN ACRES	C & D FISHING CORP.
964	410104	ILHA DO CORVO	C & V FISHING CORP.
1016	410206	HUNTRESS I	C. RAFAEL LLC.
969	410129	CHRISMAR	CHRISMAR INC.
897	150090	STAR OF THE SEA	CORVO LLC.
1026	410501	HERA	CORVO LLC.
1081	330908	GROWLER	COVE FISHING CORP.
1041	150108	BEIRA LITORAL SKIFF	F & C FISHING LLC.
2182	150372	2006 WATER TENDER	F & C FISHING LLC.
1017	330890	MISS MADDY	F/V MISS MADDY LLC.
887	330535	SUSAN MARIE II	F/V SUSAN MARIE INC.
823	330379	POSEIDON	HERA FISHING CORP.
891	330810	MAIZEY JAMES	JIM MAIZING FISHING LLC.
597	330326	SAO JACINTO	KAREN MARIA TRAWLING CORP.
546	147595	ROSIE-L	KEITH N LAUDEMAN
733	151053	LADY PATRICIA PERMIT	LADY PATRICIA INC.
750	330200	LADY PATRICIA	LADY PATRICIA INC.
793	330314	LAURA J	LAURA J FISHERIES INC.
579	320244	DINAH JANE	LEEANNE & NOAH FISHING LLC.
762	330552	HERCULES	LEEANNE LLC.
791	330309	MY WAY	MY WAY FISHING LLC.
644	320903	NEMESIS	NEMESIS LLC.
685	150090	CORVO II SKIFF	NEMESIS LLC.

MRI	PERMIT #	VESSEL NAME	Owner/Entity
732	330172	NEVES	NEVES & SON FISHING CORP.
1325	330781	FREEDOM	NEW FREEDOM FISHING CORP.
845	330764	DESTINY	NOAH LLC.
789	330303	NORDIC VIKING	NORDIC VIKING INC.
731	150933	SANDRA	OLIVEIRA AND SILVA FISHING CORP.
760	330236	OLIVIA & RAFAELA	OLIVIA & RAFAELA FISHING LLC.
961	330583	ILHA BRAVA II	OLIVIA & RAFAELA FISHING LLC.
900	330561	BLUE SEAS II	P & A FISHING CORP.
321	151622	OLIVER SKIFF	PERSEUS LLC.
601	150090	CRESTLINER SKIFF	PERSEUS LLC.
688	320944	PERSEUS	PERSEUS LLC.
729	151200	JOKO SKIFF NORTHERN CRUSADER	R & C FISHING CORP.
856	330904	SOUTHERN CRUSADER II	R & C FISHING CORP.
702	150842	COSTA & CORVO II	R & P FISHING CORP.
736	150895	2009 JOKO JAMIE LEIGH	R & P FISHING CORP.
847	150830	COSTA & CORVO I	R & P FISHING CORP.
1088	410335	COWBOY	R & P FISHING CORP.
1125	150829	SKIFF/ VIOLA	R & P FISHING CORP.
1007	410194	EDWARD L MOORE	RAFAELLA LLC.
2295	410246	DRAKE	RAFAELLA LLC.
1143	410612	HERA II	S & S FISHING CORP.
608	320375	LEEANNE & ZACHARY	S & S FISHING LLC.
800	330795	SASHA LEE	SASHA LEE INC.
609	150656	2007 JOHNSON JOKO 0929H707	TYLER FISHING LLC.
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984	410161	RESOLUTE	TYLER FISHING LLC.
700	410590	VILA NOVA DO CORVO I	VILA FISHING CORP.

All other permits enrolled in NEFS IX for FY 2017 will remain in NEFS IX for FY 2018. I have also attached an excel spreadsheet that documents the changes to the NEFS IX roster as well as the requested state and federal permit information and rule of three.

Thanks,

Stephanie Rafael-DeMello

Sector Manager
Northeast Fishery Sector IX

Rule of Three Requirement: Amendment 16 to the NE multispecies FMP defines a sector as a group of three or more persons, none of whom have an ownership interest in the other two persons in the sector. This criterion has been fulfilled for FY 2018 with permit # 330386 under the distinct ownership of Orion Venture LLC., permit # 320655 under the distinct ownership of Atlantic Warrior Inc., and permit #215016 under the distinct ownership of Bay Fuels, Inc.

Joan O'Leary

From: SALVATORE NOVELLO <snovello@verizon.net>
Sent: Tuesday, March 27, 2018 11:52 AM
To: Joan O'Leary
Subject: Fw: COMMENTS ON GROUND-FISH FOR 2018 QUOTAS

----- Forwarded Message -----
From: SALVATORE NOVELLO <snovello@verizon.net>
To: Michael Ruccio - NOAA Federal <michael.ruccio@noaa.gov>
Sent: Monday, March 26, 2018 9:09 PM
Subject: COMMENTS ON GROUND-FISH FOR 2018 QUOTAS

TO WHOM THIS CONCERNS,

First I must mention that most of New England's ground- fishermen & their boats are now gone .Today there is 75% less ground-fishing effort left in New England's waters ,because of demise of our New England's fishing communities With strict regulations and vast closed areas ,merger quotas ,gone boats & fishermen for the past 20 years ,FISH STOCKS ARE BACK .STRONG !! There is more fish now,then when I began fishing in the 1960's

BELIEVE QUOTAS SHOULD BE; HADDOCK GO UP 300% ---ALL OTHERS FISH SPECIES SHOULD GO UP 100%

SAM NOVELLO G.O.M. FISHERMAN FOR LAST 50 YEARS

jc 3/28/18

Joan O'Leary

From: SALVATORE NOVELLO <snovello@verizon.net>
Sent: Saturday, March 24, 2018 5:59 PM
To: Joan O'Leary; Michael Ruccio
Subject: Fw: Your Comment Submitted on Regulations.gov (ID: NOAA-NMFS-2018-0039-0005)

----- Forwarded Message -----
From: Regulations.gov <no-reply@regulations.gov>
To: snovello@verizon.net
Sent: Saturday, March 24, 2018 11:14 AM
Subject: Your Comment Submitted on Regulations.gov (ID: NOAA-NMFS-2018-0039-0005)

Please do not reply to this message. This email is from a notification only address that cannot accept incoming email.

Your comment was submitted successfully!

Comment Tracking Number: 1k2-9273-25bp

Your comment may be viewable on Regulations.gov once the agency has reviewed it. This process is dependent on agency public submission policies/procedures and processing times. Use your tracking number to find out the status of your comment.

Agency: National Oceanic and Atmospheric Administration (NOAA)

Document Type: Rulemaking

Title: Fisheries of the Northeastern United States: 2018 Allocation of Northeast Multispecies Annual Catch Entitlements and Proposed Regulatory Exemption for Sectors

Document ID: NOAA-NMFS-2018-0039-0005

Comment:

Commenting on this site very confusing to use for me as being fisherman most for of my life, should be simplified ???
N.O.A.A. & its manage councils are intelligent & well educated but lack true knowledge of whats happening in our oceans as fishermen do (IN THEIR FISHING AREAS) Fishermen spent most of their life on the ocean and are the most knowledgeable of fish , how to catch them, where they live and when they will be there ,vast knowledge of ocean bottoms !!

EXAMPLE ; If you were going deep in the Amazon Jungle ,who knowledge would you use ? well educated , book smart person or someone who has lived there for most of their life ?

Fishermen expertise & knowledge of U.S. waters is being senselessly being wasted by N.O.A.A. at the present time ?
Many fishermen give comments ,but no one LISTENS TO THEM , HOPING THIS WILL CHANGE ?

SAM NOVELLO GLOUCESTER MA. FISHERMEN

Uploaded File(s):

No files uploaded

This information will appear on Regulations.gov:

First Name: SAM
Last Name: novello

City: jensen beach
Country: United States
State or Province: FL
This information will not appear on Regulations.gov:
Mailing Address: 1600 ne dixie hwy bld 10 apt204
ZIP/Postal Code: 39547
Email Address: snovello@verizon.net
For further information about the Regulations.gov commenting process, please visit https://www.regulations.gov/faqs.

Greater Atlantic Region Bulletin

NOAA Fisheries, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930

For Information Contact:
Sustainable Fisheries Division
(978) 281 – 9315

www.greateratlantic.fisheries.noaa.gov
Date Issued: 3/19/2018

Northeast Multispecies Permit Holders

Establishment of a Control Date for the Charter/Party Fishery

Effective Date: March 19, 2018

The new control date for the Northeast (NE) multispecies charter/party fishery is March 19, 2018. The New England Fishery Management Council set this new control date because it may consider a future management action to limit the number of or otherwise affect participants in the charter/party fishery. The control date is intended to discourage speculative entry or fishing activity while the Council considers if, and how, participation in the fishery may be affected.

The control date, by itself, does not affect you at this time. The Council could use the control date as qualification criteria for any limited access program or other management measure, but may also use additional or different criteria. The control date does not commit the Council to develop any particular management program or criteria for participation in the fishery. The Council may also choose to take no further action.

Frequently Asked Questions	
What do I need to do?	Find and keep all documents associated with your Federal groundfish charter/party permit including landing or other fishing or ownership records. The Council may use any range of fishing years in a future action, so you should preserve all groundfish charter/party related documents that you have.
Will this affect my permit?	This control date, by itself, does not affect your permit or fishing privileges. Any action to develop a limited access program for the charter/party fishery would require a change to the Fishery Management Plan. Future effects of this control date will depend on the measures that the Council develops by the Council and your permit's landings history. We encourage you to participate in the development of such actions by the Council to better understand how such measures may affect you in the future.
How will this control date be used?	The Council may use this control date for entry or participation qualification, along with additional criteria, or may use qualification criteria different from the new control date. The Council may also choose to take no further action
When will this control date be used?	The Council has not yet initiated an action to control access to or participation in the NE multispecies charter/party fishery, but it may choose to do so in the future.

For small entity compliance guides, this bulletin complies with section 212 of the Small Business Regulatory Enforcement and Fairness Act of 1996. This notice is authorized by the Regional Administrator of the National Marine Fisheries Service, Greater Atlantic Region.

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

MAR 2 0 2018

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

Dear Tom:

On October 31, 2017, we sent you the groundfish year-end report for the 2016 fishing year. In that letter, we also explained that three annual catch limit (ACL) overages occurred. Fishing year 2016 was the first time since the implementation of ACLs and accountability measures (AM) that the total ACL for any groundfish stock was exceeded mainly from vessels in fisheries outside of the Northeast Multispecies Fishery Management Plan (FMP) that do not receive an allocation (i.e., other sub-components and state catch). We are writing to provide an updated 2016 year-end report and details of the ACL overages and AMs that the FMP requires.

Updated 2016 Catch Accounting Report
Following the release of the initial fishing year 2016 groundfish year-end report, the Commonwealth of Massachusetts provided us with updated state catch information. We worked with the State to update the state catch information, and attached is a revised fishing year 2016 ACL report. We plan to collaborate with the states to develop a new process for incorporating state data into future catch accounting reports to improve year-end accounting.

In fishing year 2016, catch exceeded the total ACLs and U.S. acceptable biological catches (ABC) for Georges Bank (GB) cod, Gulf of Maine (GOM) cod, and witch flounder (Table 1). The overfishing limit (OFL) was not exceeded for any of these stocks. Incorporating the revised state catch information changed the magnitude of the overages minimally (GB cod catch increased, GOM cod and witch catch decreased). We also revised the method for calculating the recreational GB cod catch. A 3-year average was used to estimate recreational GB cod catch in the state and other sub-components to better account for the variability and uncertainty associated with the recreational catch estimates.

The GB cod overage was caused by a minmial overage of the common pool sub-ACL and higher than expected catches by the state and other sub-components. The GOM cod overage was caused by an overage of the recreational fishery's sub-ACL and higher than expected catch by the state sub-component. Higher than expected catch from vessels fishing in state waters caused the witch flounder overage.

Table 1: Fishing Year 2016 Catch Limits and Catch for GB cod, GOM cod, and Witch Flounder.

Stock	OFL (mt)	ABC (mt)	Total ACL (mt)	Catch (mt and percent of ACL or sub-ACL)							
				Total Catch (mt and percent of ACL)		Groundfish Fishery				State Waters	Other
						Total	Sector	Common Pool	Recreational		
GB Cod*	1,665	762	730	1,132.1	**155.1%**	98.1%	97.6%	**124.8%**	N/A	**337.1%**	**462.6%**
GOM Cod	667	500	473	633.7	**134.0%**	**125.3%**	96.0%	68.8%	**178.9%**	**286.3%**	89.9%
Witch Flounder	521	460	441	460.3	**104.4%**	97.0%	97.0%	94.2%	N/A	**385.4%**	93.6%

*The GB cod U.S. ABC was exceeded, not the overall ABC.

Accountability Measures

Amendment 16 prescribes a process for addressing overages from vessels fishing outside of the allocated fishery. If the overall ACL for a stock is exceeded, then the amount of the overage due to catch from vessels fishing outside of the allocated fishery shall be distributed among allocated components of the Northeast multispecies fishery based on each component's share of that stock's ACL. Each component's share of the overage is then added to that component's catch to determine the net overage amount. If the sum exceeds the component's sub-ACL, the respective AMs for that component of the fishery will be triggered. The AM for sectors and the common pool is a pound-for-pound payback. The AM for the recreational fishery is the adjustment of management measures in the next fishing year.

Any 2016 overages for allocated components of the fishery were previously addressed with AMs. In consultation with the Council, we adjusted the recreational fishery management measures for fishing year 2017 to address the fishery's 2016 overage for GOM cod (82 FR 35457; July 31, 2017). As required, we also reduced the 2017 common pool sub-ACL for GB cod to account for the fishery's small overage of its 2016 sub-ACL (82 FR 51778; November 8, 2017).

We proportionally applied the remaining overages that resulted from the state and other sub-component catch to the components of the fishery that receive an allocation. A summary of the net overage amounts is provided in Table 2. These net overages will be deducted from the 2018 fishing year sub-ACLs in the rulemaking for Framework Adjustment 57 to the FMP. Table 3 summarizes the adjustments for the 2018 fishing year based on the ACLs that the Council recommended in Framework 57.

Sectors are required to pay back, pound-for-pound, a portion of the GB, GOM cod, and witch flounder overages. The common pool will pay back, pound-for-pound, overages of GB cod and witch flounder. The 2018 common pool GOM cod sub-ACL will not be reduced because the common pool's portion of the 2016 overage and its 2016 catch did not exceed the 2016 sub-ACL. The GOM recreational fishery is allocated a portion of the stock; therefore, the recreational fishery is held accountable for the overage. The recreational fishery's AM is not a

pound-for pound payback, thus their sub-ACL is not being reduced, but management measures are being proactively adjusted to prevent future overages.

Table 2: Net overages, in metric tons, due to 2016 other and state catch.

Stock	Net Overages (mt)		
	Sectors	Common Pool	Recreational
GB cod	162.57	3.40	n/a
GOM cod	21.05	0.00	16.61
Witch flounder	19.15	0.05	n/a

"n/a" indicates that the stock is not allocated to that sub-component of the fishery
A value of 0.00 indicates that the balance was zero and no payback is required

Table 3: Initial and revised ACLs and sub-ACLs for fishing year 2018 based on payback.

Stock	Total ACL	Groundfish sub-ACL	Initial Preliminary Sector sub-ACL	Revised Preliminary Sector sub-ACL	Initial Preliminary Common Pool sub-ACL	Revised Preliminary Common Pool sub-ACL
GB Cod	1,519	1,360	1,335.17	1,172.61	25.13	21.73
GOM Cod	666	610	376.92	355.87	12.73	*unchanged*
Witch Flounder	948	849	830.09	810.94	18.93	18.88

If you have any questions on the 2016 ACL report, or the AMs triggered because of the 2016 ACL overages, please contact Sarah Heil, Groundfish Team Supervisor, at (978) 281-9257.

Sincerely,

for Michael Pentony
Regional Administrator

cc: Dr. Jamie Cournane, NEFMC Groundfish Plan Coordinator
Dr. Jonathan Hare, Science and Research Director, Northeast Fisheries Science Center

Enclosure

Northeast Multispecies Fishery

Final Year-End Results for Fishing Year 2016

- Tables 1 through 5: Total groundfish caught, landed, and discard estimates

- Table 6: Estimated state water catch (updated February 8, 2018)*

- Tables 7-9: Other sub-component catch detail

- Table 10: FY 2014 through FY 2016 GOM cod and haddock recreational catch evaluation

- Table 11: Sector carryover

- Tables 12 through 17: U.S./Canada stocks catch evaluation

*Estimated state water catch was updated to include Massachusetts Division of Marine Fisheries (Mass DMF) data for the January through April 2017 time period, and to include Mass DMF harvester data used to apportion groundfish species to stock areas.

In this report: a table cell value of "0" or "0.0" indicates a non-zero value in the cell. "-" is displayed for values exactly equal to zero. Blanks are shown when there are no values. "NA" is displayed when no value is applicable.

2/9/2018

Table 1: FY 2016 Northeast Multispecies Percent of Annual Catch Limit Caught (%)

Stock	Components with ACLs and sub-ACLs: With Accountability Measures (AMs)								Sub-components: No AMs	
	Total	Groundfish Fishery	Sector	Common Pool	Recreational	Midwater Trawl Herring Fishery	Scallop Fishery	Small Mesh Fisheries	State Water	Other
	A to H	A+B+C	A	B	C	D	E	F	G	H
GB Cod	155.1	98.1	97.6	124.8					337.1	462.6
GOM Cod	134.0	125.3	96.0	68.8	178.9				286.3	89.9
GB Haddock	9.0	8.5	8.6	0.3		23.2			2.5	47.5
GOM Haddock	75.3	74.0	65.9	40.4	95.6	5.7			35.5	379.0
GB Yellowtail Flounder	11.8	9.5	9.7	-			93.8	95.2	NA	0.0
SNE Yellowtail Flounder	33.1	30.6	26.3	51.3			63.9		13.2	37.3
CC/GOM Yellowtail Flounder	88.1	76.5	76.2	83.7					118.0	187.3
Plaice	97.9	96.3	96.5	86.6					138.3	129.5
Witch Flounder	104.4	97.0	97.0	94.2					385.4	93.6
GB Winter Flounder	65.7	71.6	72.2	-					NA	7.2
GOM Winter Flounder	31.9	17.5	18.0	8.4					107.1	32.0
SNE/MA Winter Flounder	79.7	77.5	75.8	91.6					37.4	125.3
Redfish	41.6	42.8	43.0	0.9					4.6	4.3
White Hake	41.5	42.6	42.9	2.7					3.2	13.4
Pollock	19.6	16.8	16.7	20.9					49.4	29.8
Northern Windowpane	47.3	68.2	NA	NA					37.3	34.8
Southern Windowpane	69.7	121.9	NA	NA			40.4		75.7	71.5
Ocean Pout	27.9	12.5	NA	NA					21.4	151.7
Halibut	90.8	62.5	NA	NA					191.1	83.4
Wolffish	1.0	0.8	NA	NA					1.9	5.8

Source: NMFS Greater Atlantic Regional Fisheries Office
October 17, 2017, run dates of June 25, 2017 and September 19, 2017. State waters catch updated February 8, 2018

These data are the best available to NOAA's National Marine Fisheries Service (NMFS). Data sources for this report include: (1) Vessels via VMS; (2) Vessels via vessel logbook reports; (3) Dealers via Dealer Electronic reporting; (4) Observers and at-sea monitors via the Northeast Fisheries Observer Program. Differences with previous reports are due to corrections made to the database.

Table 2: FY 2016 Northeast Multispecies Annual Catch Limits (mt)

Stock	Components with ACLs and sub-ACLs: With Accountability Measures (AMs)								Sub-components: No AMs	
	Total ACL	Groundfish	Sector	Common Pool	Recreational	Midwater Trawl Herring Fishery[1]	Scallop Fishery	Small Mesh Fisheries	State Water	Other
	A to H	A+B+C	A	B	C	D	E	F	G	H
GB Cod	730	608	597	11					23	99
GOM Cod	473	437	271	9	157				27	10
GB Haddock	53,309	51,667	51,328	339		512			561	561
GOM Haddock	3,430	3,344	2,390	26	928	34			26	26
GB Yellowtail Flounder	261.0	250.8	247.1	3.7			2.2	5.0	NA	3.0
SNE Yellowtail Flounder	256	204	169	35			17		5	29
CC/GOM Yellowtail Flounder	409	341	327	14					43	26
Plaice	1,235	1,183	1,163	20					26	26
Witch Flounder	441	370	362	8					12	59
GB Winter Flounder	650	590	585	5					NA	60
GOM Winter Flounder	776	639	607	32					122	16
SNE/MA Winter Flounder	749	585	523	62					70	94
Redfish	9,837	9,526	9,474	52					103	207
White Hake	3,572	3,459	3,433	26					38	75
Pollock	20,374	17,817	17,704	113					1,279	1,279
Northern Windowpane	177	66	NA	66					2	109
Southern Windowpane	599	104	NA	104			209		37	249
Ocean Pout	155	137	NA	137					2	17
Halibut	119	91	NA	91					25	4
Wolffish	77	72	NA	72					1	3

[1]The midwater trawl herring fishery GB haddock sub-ACL was reduced mid-year to account for an overage of the 2015 sub-ACL.

Values in metric tons of live weight

Source: NMFS Greater Atlantic Regional Fisheries Office
October 17, 2017

Table 3: FY 2016 Northeast Multispecies Total Catch (mt)

Stock	Total Catch	Groundfish Fishery	Sector	Common Pool	Recreational	Midwater Trawl Herring Fishery	Scallop Fishery[1]	Small Mesh Fisheries	State Water	Other
	A to H	A+B+C	A	B	C	D	E	F	G	H
GB Cod	1,132.1	596.6	582.3	14.3					77.5	458.0
GOM Cod	633.7	547.4	260.4	6.1	280.9				77.3	9.0
GB Haddock	4,790.7	4,391.3	4,390.3	1.0		118.9			14.1	266.4
GOM Haddock	2,583.2	2,473.5	1,576.1	10.4	887.0	1.9			9.2	98.5
GB Yellowtail Flounder	30.7	23.9	23.9	-			2.1	4.8	-	0.0
SNE/MA Yellowtail Flounder	84.7	62.5	44.5	18.0			10.7		0.7	10.8
CC/GOM Yellowtail Flounder	360.4	261.0	248.8	12.1					50.8	48.7
Plaice	1,208.9	1,139.3	1,121.9	17.4					36.0	33.7
Witch Flounder	460.3	358.8	351.4	7.4					46.2	55.2
GB Winter Flounder	426.9	422.6	422.6	-					-	4.3
GOM Winter Flounder	247.7	111.9	109.2	2.7					130.7	5.1
SNE/MA Winter Flounder	597.2	453.3	396.6	56.7					26.1	117.8
Redfish	4,091.6	4,078.1	4,077.6	0.4					4.7	8.8
White Hake	1,483.5	1,472.2	1,471.5	0.7					1.2	10.0
Pollock	3,998.8	2,985.1	2,961.5	23.6					631.9	381.8
Northern Windowpane	83.7	45.0	45.0	0.0					0.7	37.9
Southern Windowpane	417.2	126.7	108.3	18.4			84.4		28.0	178.1
Ocean Pout	43.3	17.1	16.3	0.8					0.4	25.8
Halibut	108.0	56.9	56.7	0.2					47.8	3.3
Wolffish	0.8	0.6	0.6	0.0					0.0	0.2

[1]Based on scallop fishing year March 2016 through February 2017

Values in metric tons of live weight

Sector and common pool include estimate of missing dealer reports

Any value for a non-allocated species may include landings of that stock or misreporting of species and/or stock area. These are northern windowpane, southern windowpane, ocean pout, halibut, and wolffish.

Source: NMFS Greater Atlantic Regional Fisheries Office

October 17, 2017, run dates of June 25, 2017 and September 19, 2017. State waters catch updated February 8, 2018

These data are the best available to NOAA's National Marine Fisheries Service (NMFS). Data sources for this report include: (1) Vessels via VMS; (2) Vessels via vessel logbook reports; (3) Dealers via Dealer Electronic reporting; (4) Observers and at-sea monitors via the Northeast Fisheries Observer Program. Differences with previous reports are due to corrections made to the database.

Table 4: FY 2016 Northeast Multispecies Landings (mt)

Stock	**Total Landings**	Groundfish Fishery	Sector	Common Pool	Recreational	Midwater Trawl Herring Fishery	Scallop Fishery	Small Mesh Fisheries	State Water	Other
	A to H	A+B+C	A	B	C	D	E	F	G	H
GB Cod	1,065.2	571.9	557.7	14.2					68.1	425.2
GOM Cod	433.4	350.8	250.5	5.9	94.5				76.9	5.7
GB Haddock	3,580.4	3,445.7	3,444.8	1.0		115.3			0.1	19.2
GOM Haddock	2,072.7	2,062.5	1,492.5	9.7	560.2	1.9			5.6	2.7
GB Yellowtail Flounder	23.4	23.4	23.4	-			-	-	-	-
SNE/MA Yellowtail Flounder	62.7	59.5	43.1	16.5			-		0.3	2.8
CC/GOM Yellowtail Flounder	298.2	245.3	234.5	10.8					50.3	2.6
Plaice	1,086.4	1,044.7	1,028.9	15.9					32.9	8.8
Witch Flounder	342.8	294.4	287.5	6.9					44.3	4.1
GB Winter Flounder	421.8	421.3	421.3	-					-	0.5
GOM Winter Flounder	230.4	106.9	104.2	2.7					123.4	0.1
SNE/MA Winter Flounder	485.7	443.8	388.9	54.9					24.4	17.5
Redfish	4,035.7	4,026.4	4,026.0	0.4					3.1	6.2
White Hake	1,439.9	1,436.8	1,436.1	0.7					0.4	2.7
Pollock	3,305.6	2,910.5	2,886.9	23.6					284.5	110.6
Northern Windowpane	0.0	0.0	0.0	-					0.0	-
Southern Windowpane	13.2	-	-	-			-		13.2	0.0
Ocean Pout	0.0	-	-	-					0.0	0.0
Halibut	69.0	20.3	20.1	0.2					46.5	2.3
Wolffish	0.0	-	-	-					-	0.0

Values in metric tons of live weight
Sector and common pool include estimate of missing dealer reports

Any value for a non-allocated species may include landings of that stock or misreporting of species and/or stock area. These are northern windowpane, southern windowpane, ocean pout, halibut, and wolffish.

Source: NMFS Greater Atlantic Regional Fisheries Office
October 17, 2017, run dates of June 25, 2017 and September 19, 2017. State waters catch updated February 8, 2018

These data are the best available to NOAA's National Marine Fisheries Service (NMFS). Data sources for this report include: (1) Vessels via VMS; (2) Vessels via vessel logbook reports; (3) Dealers via Dealer Electronic reporting; (4) Observers and at-sea monitors via the Northeast Fisheries Observer Program. Differences with previous reports are due to corrections made to the database.

Table 5: FY 2016 Northeast Multispecies Estimated Discards (mt)

Stock	Total Discards	Groundfish Fishery	Sector	Common Pool	Recreational	Midwater Trawl Herring Fishery	Scallop Fishery	Small Mesh Fisheries	State Water	Other
	A to H	A+B+C	A	B	C	D	E	F	G	H
GB Cod	66.9	24.6	24.6	0.1					9.5	32.8
GOM Cod	200.2	196.6	9.9	0.3	186.4				0.4	3.3
GB Haddock	1,210.4	945.6	945.6	0.0		3.6			14.0	247.2
GOM Haddock	510.5	411.0	83.6	0.6	326.8	-			3.6	95.8
GB Yellowtail Flounder	7.3	0.5	0.5	-			2.1	4.8	-	0.0
SNE/MA Yellowtail Flounder	22.0	3.0	1.4	1.5			10.7		0.3	8.0
CC/GOM Yellowtail Flounder	62.2	15.7	14.3	1.3					0.5	46.1
Plaice	122.5	94.6	93.0	1.5					3.1	24.9
Witch Flounder	117.4	64.4	63.9	0.5					1.9	51.1
GB Winter Flounder	5.0	1.2	1.2	-					-	3.8
GOM Winter Flounder	17.3	5.0	5.0	0.0					7.3	5.0
SNE/MA Winter Flounder	111.6	9.6	7.7	1.8					1.7	100.3
Redfish	55.9	51.7	51.7	0.0					1.6	2.7
White Hake	43.6	35.4	35.4	-					0.9	7.4
Pollock	693.3	74.7	74.7	0.0					347.4	271.1
Northern Windowpane	83.7	45.0	45.0	0.0					0.7	37.9
Southern Windowpane	404.0	126.7	108.3	18.4			84.4		14.8	178.1
Ocean Pout	43.3	17.1	16.3	0.8					0.4	25.8
Halibut	39.0	36.6	36.6	0.0					1.3	1.1
Wolffish	0.8	0.6	0.6	0.0					0.0	0.1

Values in metric tons of live weight

Sector and common pool include estimate of missing dealer reports

Source: NMFS Greater Atlantic Regional Fisheries Office

October 17, 2017, run dates of June 25, 2017 and September 19, 2017. State waters catch updated February 8, 2018

These data are the best available to NOAA's National Marine Fisheries Service (NMFS). Data sources for this report include: (1) Vessels via VMS; (2) Vessels via vessel logbook reports; (3) Dealers via Dealer Electronic reporting; (4) Observers and at-sea monitors via the Northeast Fisheries Observer Program. Differences with previous reports are due to corrections made to the database.

Table 6: FY 2016 Northeast Multispecies Estimated State Water Sub-Component Catch Detail (mt)

Stock	Total			Commercial			Recreational		
	Catch	Landings	Discard	Total Catch	Landings[1]	Discard[1]	Total Catch	Landings	Discard
	A+B+C+D	A+C	B+D	A+B	A	B	C+D	C	D
GB Cod	77.5	68.1	9.5	19.8	19.4	0.4	57.8	48.7	9.1
GOM Cod	77.3	76.9	0.4	77.3	76.9	0.4	-*	-*	-*
GB Haddock	14.1	0.1	14.0	14.1	0.1	14.0			
GOM Haddock	9.2	5.6	3.6	9.2	5.6	3.6	-*	-*	-*
GB Yellowtail Flounder	-	-	-	-	-	-			
SNE/MA Yellowtail Flounder	0.7	0.3	0.3	0.7	0.3	0.3			
CC/GOM Yellowtail Flounder	50.8	50.3	0.5	50.8	50.3	0.5			
Plaice	36.0	32.9	3.1	36.0	32.9	3.1			
Witch Flounder	46.2	44.3	1.9	46.2	44.3	1.9			
GB Winter Flounder	-	-	-	-	-	-			
GOM Winter Flounder	130.7	123.4	7.3	102.4	102.3	0.1	28.3	21.1	7.2
SNE/MA Winter Flounder	26.1	24.4	1.7	11.8	11.4	0.4	14.3	13.0	1.3
Redfish	4.7	3.1	1.6	4.7	3.1	1.6			
White Hake	1.2	0.4	0.9	1.2	0.4	0.9			
Pollock	631.9	284.5	347.4	5.9	3.1	2.8	626.0	281.4	344.6
Northern Windowpane	0.7	0.0	0.7	0.7	0.0	0.7			
Southern Windowpane	28.0	13.2	14.8	28.0	13.2	14.8			
Ocean Pout	0.4	0.0	0.4	0.4	0.0	0.4			
Halibut	47.8	46.5	1.3	47.8	46.5	1.3			
Wolffish	0.0	-	0.0	0.0	-	0.0			

*Recreational catch of GOM cod and haddock in state waters is attributed to the recreational sub-ACL (see Tables 1 - 5), and so is not included above.

[1]January through April 2017 commercial catches are estimated.

State discard rate estimates based on discard rates on federal trips

Values in metric tons of live weight

Source: NMFS Greater Atlantic Regional Fisheries Office

Updated February 8, 2018, run date of January 23, 2018

These data are the best available to NOAA's National Marine Fisheries Service (NMFS). Data sources for this report include: (1) Vessels via VMS; (2) Vessels via vessel logbook reports; (3) Dealers via Dealer Electronic reporting; (4) Observers and at-sea monitors via the Northeast Fisheries Observer Program. Differences with previous reports are due to corrections made to the database.

Table 7: FY 2016 Northeast Multispecies Other Sub-Component Catch Detail (mt)

Stock	Total Catch	SCALLOP[1]	FLUKE	HAGFISH	HERRING	LOBSTER/ CRAB[2]	MENHADEN	MONKFISH	RESEARCH	SCUP	SHRIMP
GB Cod	458.0	5.7	0.2	-	0.1	NA	0.0	0.9	26.8	0.0	0.0
GOM Cod	9.0	1.2	-	-	0.2	NA	-	0.1	5.6	-	0.0
GB Haddock	266.4	7.7	0.0	-	22.3*	NA	0.2	0.1	19.1	0.0	15.6
GOM Haddock	98.5	0.8	-	-	8.2*	NA	-	0.1	1.3	-	0.7
GB Yellowtail Flounder	0.0	-*	-	-	-*	NA	-	-	-	-	-
SNE Yellowtail Flounder	10.8	-*	1.1	-	0.7	NA	0.0	0.0	1.5	0.2	0.5
CC/GOM Yellowtail Flounder	48.7	40.5	-	-	0.3	NA	-	0.1	2.6	-	0.0
American Plaice	33.7	15.5	0.1	-	0.8	NA	0.0	0.1	8.7	0.2	0.6
Witch Flounder	55.2	20.6	1.6	0.0	2.3	NA	0.0	0.2	3.4	1.4	1.6
GB Winter Flounder	4.3	3.0	-	-	0.0	NA	-	-	-	-	-
GOM Winter Flounder	5.1	4.8	-	-	0.0	NA	-	-	0.1	-	0.0
SNE Winter Flounder	117.8	40.4	3.6	-	4.8	NA	0.1	0.1	11.1	3.7	3.4
Redfish	8.8	0.0	0.0	0.0	0.5	NA	0.0	0.0	5.5	0.0	0.2
White Hake	10.0	0.5	0.3	0.0	0.3	NA	0.0	0.0	1.9	0.3	0.2
Pollock	381.8	0.0	-	-	0.1	NA	0.0	0.1	0.5	-	0.0
Northern Windowpane	37.9	31.8	-	-	0.2	NA	-	0.0	0.0	-	0.0
Southern Windowpane	178.1	-*	23.0	-	6.1	NA	0.1	0.9	0.1	27.6	4.3
Ocean Pout	25.8	1.9	1.2	-	1.6	NA	0.0	0.0	0.0	1.4	1.1
Halibut	3.3	0.5	0.0	-	0.0	NA	-	1.1	0.1	0.0	0.0
Wolffish	0.2	0.1	0.0	-	0.0	NA	-	0.0	0.0	0.0	0.0

Values in metric tons of live weight

[1]Based on scallop fishing year March 2016 through February 2017

[2]Estimates not applicable. Lobster/crab bycatch was not attributed to the ACL, consistent with the most recent assessments for these stocks used to set the respective quotas.

*Some or all catch attributed to separate sub-ACL as shown in Tables 1 through 5, and so is not included above.

Source: NMFS Greater Atlantic Regional Fisheries Office
October 17, 2017, run date of Sept. 19, 2017

These criteria are used by the Greater Atlantic Regional Fisheries Office (GARFO) to categorize trips to attribute groundfish catch for groundfish ACL accounting. By necessity these rules cannot capture the full complexity of categorizing every trip taken by vessels fishing in the Northeast. Further analysis should be completed to definitively attribute groundfish catch to an FMP for management purposes.

These data are the best available to NOAA's National Marine Fisheries Service (NMFS). Data sources for this report include: (1) Vessels via VMS; (2) Vessels via vessel logbook reports; (3) Dealers via Dealer Electronic reporting. Differences with previous reports are due to corrections made to the database.

Table 7: FY 2016 Northeast Multispecies Other Sub-Component Catch Detail (mt)

Stock	Total Catch	SQUID	SQUID/ WHITING	SURFCLAM	WHELK/ CONCH	WHITING	UNCATEGORIZED	RECREATIONAL
GB Cod	458.0	0.3	0.2	0.0	-	0.0	4.0	419.7
GOM Cod	9.0	0.0	0.6	0.0	-	0.6	0.6	-*
GB Haddock	266.4	88.7	54.5	1.6	-	0.5	56.1	-
GOM Haddock	98.5	1.3	30.9	1.3	-	30.1	23.9	-*
GB Yellowtail Flounder	0.0	-*	-*	-	-	-	0.0*	
SNE Yellowtail Flounder	10.8	2.9	1.1	0.1	-	-	2.6	
CC/GOM Yellowtail Flounder	48.7	0.1	2.5	0.0	-	1.4	1.0	
American Plaice	33.7	3.1	2.2	0.0	-	0.1	2.2	
Witch Flounder	55.2	9.0	6.2	0.2	0.0	0.4	8.4	
GB Winter Flounder	4.3	0.0	1.3	-	-	0.0	0.0	
GOM Winter Flounder	5.1	0.0	0.0	0.0	-	0.0	0.0	0.1
SNE Winter Flounder	117.8	19.6	8.5	0.4	-	0.1	20.3	1.7
Redfish	8.8	0.9	0.8	0.0	0.0	0.0	0.8	
White Hake	10.0	1.0	0.8	0.0	0.0	0.1	4.6	
Pollock	381.8	0.1	0.1	0.0	-	0.0	0.7	380.2
Northern Windowpane	37.9	0.2	4.8	0.0	-	0.7	0.3	
Southern Windowpane	178.1	28.1	17.0	1.7	-	-	69.3	
Ocean Pout	25.8	6.4	4.5	0.1	-	0.3	7.1	
Halibut	3.3	0.0	0.0	0.0	-	-	1.7	
Wolffish	0.2	0.0	0.0	0.0	-	-	0.0	

Values in metric tons of live weight

*Some or all catch attributed to separate sub-ACL as shown in Tables 1 through 5, and so is not included above.

Source: NMFS Greater Atlantic Regional Fisheries Office
October 17, 2017, run date of Sept. 19, 2017

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Table 8: FY 2016 Northeast Multispecies Other Sub-Component Landings Detail (mt)

Stock	Total	SCALLOP[1]	FLUKE	HAGFISH	HERRING	LOBSTER/ CRAB[2]	MENHADEN	MONKFISH	RESEARCH	SCUP	SHRIMP
GB Cod	425.2	0.4	0.2	-	0.0	NA	-	0.6	26.8	0.0	-
GOM Cod	5.7	-	-	-	-	NA	-	0.0	5.6	-	-
GB Haddock	19.2	-	-	-	-*	NA	-	-	19.0	-	-
GOM Haddock	2.7	-	-	-	-*	NA	-	-	1.3	-	-
GB Yellowtail Flounder	-	-*	-	-	-	NA	-	-	-	-	-
SNE Yellowtail Flounder	2.8	-*	0.9	-	-	NA	-	0.0	1.5	-	-
CC/GOM Yellowtail Flounder	2.6	-	-	-	-	NA	-	-	2.6	-	-
American Plaice	8.8	0.0	-	-	-	NA	-	0.0	8.7	0.1	-
Witch Flounder	4.1	0.3	0.4	-	-	NA	-	-	3.4	-	-
GB Winter Flounder	0.5	0.5	-	-	-	NA	-	-	-	-	-
GOM Winter Flounder	0.1	0.0	-	-	-	NA	-	-	0.1	-	-
SNE Winter Flounder	17.5	1.3	0.8	-	-	NA	-	0.0	11.1	0.4	-
Redfish	6.2	-	-	-	0.2	NA	-	-	5.5	0.0	-
White Hake	2.7	-	0.1	-	0.1	NA	-	0.0	1.9	0.0	-
Pollock	110.6	-	-	-	-	NA	-	0.0	0.5	-	-
Northern Windowpane	-	-	-	-	-	NA	-	-	-	-	-
Southern Windowpane	0.0	-*	-	-	-	NA	-	-	-	0.0	-
Ocean Pout	0.0	-	-	-	-	NA	-	-	-	-	-
Halibut	2.3	0.1	-	-	-	NA	-	0.7	0.1	-	-
Wolffish	0.0	-	-	-	-	NA	-	-	-	-	-

Values in metric tons of live weight

[1]Based on scallop fishing year March 2016 through February 2017

[2]Estimates not applicable. Lobster/crab bycatch was not attributed to the ACL, consistent with the most recent assessments for these stocks used to set the respective quotas.

*Some or all catch attributed to separate sub-ACL as shown in Tables 1 through 5, and so is not included above.

Source: NMFS Greater Atlantic Regional Fisheries Office

October 17, 2017, run date of Sept. 19, 2017

These criteria are used by the Greater Atlantic Regional Fisheries Office (GARFO) to categorize trips to attribute groundfish catch for groundfish ACL accounting. By necessity these rules cannot capture the full complexity of categorizing every trip taken by vessels fishing in the Northeast. Further analysis should be completed to definitively attribute groundfish catch to an FMP for management purposes.

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Table 8: FY 2016 Northeast Multispecies Other Sub-Component Landings Detail (mt)

Stock	Total	SQUID	SQUID/ WHITING	SURFCLAM	WHELK/ CONCH	WHITING	UNCATEGORIZED	RECREATIONAL
GB Cod	425.2	0.0	0.0	-	-	-	3.4	393.8
GOM Cod	5.7	-	-	-	-	-	0.1	-*
GB Haddock	19.2	-	-	-	-	-	0.2	
GOM Haddock	2.7	-	-	-	-	-	1.4	-*
GB Yellowtail Flounder	-	-	-	-	-	-	-	
SNE Yellowtail Flounder	2.8	0.0	-	-	-	-	0.3	
CC/GOM Yellowtail Flounder	2.6	-	-	-	-	-	0.0	
American Plaice	8.8	-	-	-	-	-	0.0	
Witch Flounder	4.1	-	-	-	-	-	0.0	
GB Winter Flounder	0.5	-	-	-	-	-	-	
GOM Winter Flounder	0.1	-	-	-	-	-	-	-
SNE Winter Flounder	17.5	0.2	0.0	-	-	-	2.0	1.6
Redfish	6.2	0.0	0.2	-	-	-	0.1	
White Hake	2.7	-	0.0	-	-	0.1	0.6	
Pollock	110.6	-	-	-	-	-	0.6	109.5
Northern Windowpane	-	-	-	-	-	-	-	
Southern Windowpane	0.0	-	-	-	-	-	0.0	
Ocean Pout	0.0	-	0.0	-	-	-	-	
Halibut	2.3	-	-	-	-	-	1.3	
Wolffish	0.0	-	-	-	-	-	0.0	

Values in metric tons of live weight

*Some or all catch attributed to separate sub-ACL as shown in Tables 1 through 5, and so is not included above.

Source: NMFS Greater Atlantic Regional Fisheries Office

October 17, 2017, run date of Sept. 19, 2017

These criteria are used by the Greater Atlantic Regional Fisheries Office (GARFO) to categorize trips to attribute groundfish catch for groundfish ACL accounting. By necessity these rules cannot capture the full complexity of categorizing every trip taken by vessels fishing in the Northeast. Further analysis should be completed to definitively attribute groundfish catch to an FMP for management purposes.

These data are the best available to NOAA's National Marine Fisheries Service (NMFS). Data sources for this report include: (1) Vessels via VMS; (2) Vessels via vessel logbook reports; (3) Dealers via Dealer Electronic reporting. Differences with previous reports are due to corrections made to the database.

Table 9: FY 2016 Northeast Multispecies Other Sub-Component Estimated Discards Detail (mt)

Stock	Total	SCALLOP[1]	FLUKE	HAGFISH	HERRING	LOBSTER/ CRAB[2]	MENHADEN	MONKFISH	RESEARCH	SCUP	SHRIMP
GB Cod	32.8	5.3	0.0	-	0.1	NA	0.0	0.3	0.0	0.0	0.0
GOM Cod	3.3	1.2	-	-	0.2	NA	-	0.1	0.0	-	0.0
GB Haddock	247.2	7.7	0.0	-	22.3*	NA	0.2	0.1	0.1	0.0	15.6
GOM Haddock	95.8	0.8	-	-	8.2*	NA	-	0.1	0.0	-	0.7
GB Yellowtail Flounder	0.0	-*	-	-	-*	NA	-	-	-	-	-
SNE Yellowtail Flounder	8.0	-*	0.2	-	0.7	NA	0.0	0.0	0.0	0.2	0.5
CC/GOM Yellowtail Flounder	46.1	40.5	-	-	0.3	NA	-	0.1	0.0	-	0.0
American Plaice	24.9	15.5	0.1	-	0.8	NA	0.0	0.1	0.0	0.1	0.6
Witch Flounder	51.1	20.3	1.2	0.0	2.3	NA	0.0	0.2	0.0	1.4	1.6
GB Winter Flounder	3.8	2.5	-	-	0.0	NA	-	-	-	-	-
GOM Winter Flounder	5.0	4.8	-	-	0.0	NA	-	-	0.0	-	0.0
SNE Winter Flounder	100.3	39.1	2.8	-	4.8	NA	0.1	0.1	0.0	3.3	3.4
Redfish	2.7	0.0	0.0	0.0	0.2	NA	0.0	0.0	0.0	0.0	0.2
White Hake	7.4	0.5	0.2	0.0	0.3	NA	0.0	0.0	0.0	0.3	0.2
Pollock	271.1	0.0	-	-	0.1	NA	0.0	0.0	0.0	-	0.0
Northern Windowpane	37.9	31.8	-	-	0.2	NA	-	0.0	0.0	-	0.0
Southern Windowpane	178.1	-*	23.0	-	6.1	NA	0.1	0.9	0.1	27.6	4.3
Ocean Pout	25.8	1.9	1.2	-	1.6	NA	0.0	0.0	0.0	1.4	1.1
Halibut	1.1	0.4	0.0	-	0.0	NA	-	0.3	0.0	0.0	0.0
Wolffish	0.1	0.1	0.0	-	0.0	NA	-	0.0	0.0	0.0	0.0

Values in metric tons of live weight

[1]Based on scallop fishing year March 2016 through February 2017

[2]Estimates not applicable. Lobster/crab bycatch was not attributed to the ACL, consistent with the most recent assessments for these stocks used to set the respective quotas.

*Some or all catch attributed to separate sub-ACL as shown in Tables 1 through 5, and so is not included above.

Source: NMFS Greater Atlantic Regional Fisheries Office

October 17, 2017, run date of Sept. 19, 2017

These criteria are used by the Greater Atlantic Regional Fisheries Office to categorize trips to attribute groundfish catch for groundfish ACL accounting. By necessity these rules cannot capture the full complexity of categorizing every trip taken by vessels fishing in the Northeast. Further analysis should be completed to definitively attribute groundfish catch to an FMP for management purposes.

These data are the best available to NOAA's National Marine Fisheries Service (NMFS). Data sources for this report include: (1) Vessels via VMS; (2) Vessels via vessel logbook reports; (3) Dealers via Dealer Electronic reporting. Differences with previous reports are due to corrections made to the database.

Table 9: FY 2016 Northeast Multispecies Other Sub-Component Estimated Discards Detail (mt)

Stock	Total	SQUID	SQUID/ WHITING	SURFCLAM	WHELK/ CONCH	WHITING	UNCATEGORIZED	RECREATIONAL
GB Cod	32.8	0.3	0.2	0.0	-	0.0	0.6	25.9
GOM Cod	3.3	0.0	0.6	0.0	-	0.6	0.5	-*
GB Haddock	247.2	88.7	54.5	1.6	-	0.5	55.9	
GOM Haddock	95.8	1.3	30.9	1.3	-	30.1	22.5	-*
GB Yellowtail Flounder	0.0	-*	-*	-	-	-	0.0*	
SNE Yellowtail Flounder	8.0	2.9	1.1	0.1	-	-	2.3	
CC/GOM Yellowtail Flounder	46.1	0.1	2.5	0.0	-	1.4	1.0	
American Plaice	24.9	3.1	2.2	0.0	-	0.1	2.2	
Witch Flounder	51.1	9.0	6.2	0.2	0.0	0.4	8.4	
GB Winter Flounder	3.8	0.0	1.3	-	-	0.0	0.0	
GOM Winter Flounder	5.0	0.0	0.0	0.0	-	0.0	0.0	0.1
SNE Winter Flounder	100.3	19.4	8.5	0.4	-	0.1	18.3	0.1
Redfish	2.7	0.9	0.6	0.0	0.0	0.0	0.6	
White Hake	7.4	1.0	0.7	0.0	0.0	0.0	4.0	
Pollock	271.1	0.1	0.1	0.0	-	0.0	0.1	270.7
Northern Windowpane	37.9	0.2	4.8	0.0	-	0.7	0.3	
Southern Windowpane	178.1	28.1	17.0	1.7	-	-	69.3	
Ocean Pout	25.8	6.4	4.5	0.1	-	0.3	7.1	
Halibut	1.1	0.0	0.0	0.0	-	-	0.4	
Wolffish	0.1	0.0	0.0	0.0	-	-	0.0	

Values in metric tons of live weight

*Some or all catch attributed to separate sub-ACL as shown in Tables 1 through 5, and so is not included above.

Source: NMFS Greater Atlantic Regional Fisheries Office
October 17, 2017, run date of Sept. 19, 2017

These criteria are used by the Greater Atlantic Regional Fisheries Office to categorize trips to attribute groundfish catch for groundfish ACL accounting. By necessity these rules cannot capture the full complexity of categorizing every trip taken by vessels fishing in the Northeast. Further analysis should be completed to definitively attribute groundfish catch to an FMP for management purposes.

These data are the best available to NOAA's National Marine Fisheries Service (NMFS). Data sources for this report include: (1) Vessels via VMS; (2) Vessels via vessel logbook reports; (3) Dealers via Dealer Electronic reporting. Differences with previous reports are due to corrections made to the database.

Table 10: FY 2014 - 2016 GOM Cod and Haddock Recreational Catch Evaluation (mt)

Stock	Fishing Year	Recreational Catch				
		Catch	Landings	Discard	Recreational sub-ACL	Percent of Catch Limit Taken
		A + B	A	B		
GOM Cod	2014	623.3	468.2	155.1	486	128.3
	2015	84.5	4.5	80.0	121	69.8
	2016	280.9	94.5	186.4	157	178.9
	Average	**329.6**	**189.1**	**140.5**	**255**	**129.5**
GOM Haddock	2014	658.6	293.1	365.5	173	380.7
	2015	381.9	238.3	143.6	372	102.7
	2016	887.0	560.2	326.8	928	95.6
	Average	**642.5**	**363.9**	**278.6**	**491**	**130.9**

Recreational estimates based on Marine Recreational Information Program (MRIP) data.
Values in metric tons of live weight

Source: NMFS Greater Atlantic Regional Fisheries Office
October 17, 2017

These data are the best available to NOAA's National Marine Fisheries Service (NMFS).

Table 11: FY 2016 Northeast Multispecies Sector Carryover (mt)

Stock †	FY 2016 Available Annual Catch Entitlement (ACE)				Available Carryover from FY 2016 to FY 2017	
	FY 2016 Initial ACE	FY 2015 Carryover	FY 2016 Total ACE	Total ACE as a Percent of Initial ACE	*de minimis*	Maximum
	A	B	C = A + B	C / A	D	E
GB Cod	597	32	629	105.4	5	28
GOM Cod	271	20	291	107.2	3	23
GB Haddock	51,328	2,156	53,483	104.2	518	2,830
GOM Haddock	2,390	93	2,483	103.9	29	236
GB Yellowtail Flounder	247.1	NA*	247.1	100.0	NA*	NA*
SNE/MA Yellowtail Flounder	169	12	181	107.1	2	11
CC/GOM Yellowtail Flounder	326	18	344	105.5	3	18
Plaice	1,163	62	1,225	105.3	11	64
Witch Flounder	362	19	381	105.2	6	27
GB Winter Flounder	585	18	603	103.1	6	19
GOM Winter Flounder	607	34	641	105.6	6	34
SNE Winter Flounder	523	31	554	105.9	5	31
Redfish	9,474	501	9,975	105.3	93	536
White Hake	3,433	182	3,615	105.3	33	177
Pollock	17,704	938	18,642	105.3	174	938

* Carryover of GB yellowtail flounder is not allowed because this stock is jointly managed with Canada.

† There is no carryover for non-allocated stocks: Northern windowpane flounder, southern windowpane flounder, ocean pout, halibut, and wolffish.

These data are the best available to NOAA's National Marine Fisheries Service (NMFS). Data sources for this report include: (1) Vessels via VMS; (2) Vessels via vessel logbook reports; (3) Dealers via Dealer Electronic reporting; (4) Observers and at-sea monitors via the Northeast Fisheries Observer Program. Differences with previous reports are due to corrections made to the database.

Source: NMFS Greater Atlantic Regional Fisheries Office

Run Date: August 16, 2017

Table 12: FY 2016 End of Year Accounting of Transboundary U.S./Canada Stocks - Percentage of U.S. TACs Caught (%)

Stock	% of U.S. TAC	Percent of Each Fishery Component U.S. TAC Caught								
		Groundfish	Sector	Common Pool	Recreational	Herring Fishery	Scallop Fishery	Small Mesh Fisheries	State Water	Other
	A to H	A+B+C	A	B	C	D	E	F	G	H
Eastern GB Cod	59.5	59.4	60.6	0.0					NA	NA
Eastern GB Haddock	3.9	3.6	3.6	0.0		NA			NA	NA
GB Yellowtail Flounder	11.4	9.5	9.7	0.0			93.8	95.2	NA	0.0

Values in percent live weight (%)
Includes estimate of missing dealer reports
Source: NMFS Greater Atlantic Regional Fisheries Office
September 27, 2017

Any value for a non-allocated species may be due to landings of that stock; misreporting of species and/or stock area; and/or estimated landings (in lieu of missing reports) based on vessel histories.

These data are the best available to NOAA's National Marine Fisheries Service (NMFS). Data sources for this report include: (1) Vessels via VMS; (2) Vessels via vessel logbook reports; (3) Dealers via Dealer Electronic reporting. Differences with previous reports are due to corrections made to the database.

Table 13: FY 2016 End of Year Accounting of Transboundary U.S./Canada Stocks - U.S. TACs (mt)

Stock	U.S. TAC	Fishery Component TAC								
		Groundfish	Sector	Common Pool	Recreational	Herring Fishery	Scallop Fishery	Small-Mesh Fisheries	State Water	Other
	A to H	A+B+C	A	B	C	D	E	F	G	H
Eastern GB Cod	138	138	135	3						
Eastern GB Haddock	15,170	15,170	15,070	100						
GB Yellowtail Flounder	269.0	250.8	247.1	3.7			2.2	5.0		3.0

Values in live weight

Source: NMFS Greater Atlantic Regional Fisheries Office
August 15, 2017

Any value for a non-allocated species may be due to landings of that stock; misreporting of species and/or stock area; and/or estimated landings (in lieu of missing reports) based on vessel histories.

These data are the best available to NOAA's National Marine Fisheries Service (NMFS). Data sources for this report include: (1) Vessels via VMS; (2) Vessels via vessel logbook reports; (3) Dealers via Dealer Electronic reporting. Differences with previous reports are due to corrections made to the database.

Table 14: FY 2016 End of Year Accounting of Transboundary U.S./Canada Stocks - U.S. Catch (mt)

Stock	U.S. Catch	U.S. Catch by Fishery Component								
		Groundfish	Sector	Common Pool	Recreational	Herring Fishery*	Scallop Fishery	Small Mesh Fisheries	State Water	Other
	A to H	A+B+C	A	B	C	D	E	F	G	H
Eastern GB Cod	82.1	82.0	82.0	-					-	0.0
Eastern GB Haddock	588.0	549.0	549.0	-		29.2			-	9.8
GB Yellowtail Flounder	30.7	23.9	23.9	-			2.1	4.8	-	0.0

*Estimated. Worst case haddock catch should not exceed 119 mt.
Values in live weight
Includes estimate of missing dealer reports
September 27, 2017

Table 15: FY 2016 End of Year Transboundary U.S./Canada Vessels, Trips, DAS Used, and Observers

Area[1]	Number of Vessels		Number of Trips		DAS Used		Number of Observed Trips	
	Sector	Common Pool	Sector	Common Pool	Sector	Common Pool	Sector	Common Pool
Eastern U.S./Canada Area	47	0	299	0	2,015	0	44	0
Western U.S./Canada Area	58	0	642	0	3,745	0	102	0
Total	59	0	689	0	3,996	0	107	0

[1]Area based on area fished. Totals don't sum due to multi-area trips
Data display "NA" due to data confidentiality.

Source: NMFS Greater Atlantic Regional Fisheries Office
September 27, 2017

Any value for a non-allocated species may be due to landings of that stock; misreporting of species and/or stock area; and/or estimated landings (in lieu of missing reports) based on vessel histories.

These data are the best available to NOAA's National Marine Fisheries Service (NMFS). Data sources for this report include: (1) Vessels via VMS; (2) Vessels via vessel logbook reports; (3) Dealers via Dealer Electronic reporting. Differences with previous reports are due to corrections made to the database.

Table 16: FY 2016 End of Year Accounting of Transboundary U.S./Canada Stocks - U.S. Landings (mt)

Stock	U.S. Landings	U.S. Catch by Fishery Component								
		Groundfish	Sector	Common Pool	Recreational	Herring Fishery*	Scallop Fishery	Small Mesh Fisheries	State Water	Other
	A to H	A+B+C	A	B	C	D	E	F	G	H
Eastern GB Cod	76.7	76.7	76.7	-					-	0.0
Eastern GB Haddock	463.8	435.7	435.7	-		28.1			-	-
GB Yellowtail Flounder	23.4	23.4	23.4	-			-	-	-	-

Values in live weight
Includes estimate of missing dealer reports
Source: NMFS Greater Atlantic Regional Fisheries Office
September 27, 2017

Any value for a non-allocated species may be due to landings of that stock; misreporting of species and/or stock area; and/or estimated landings (in lieu of missing reports) based on vessel histories.

These data are the best available to NOAA's National Marine Fisheries Service (NMFS). Data sources for this report include: (1) Vessels via VMS; (2) Vessels via vessel logbook reports; (3) Dealers via Dealer Electronic reporting. Differences with previous reports are due to corrections made to the database.

Table 17: FY 2016 End of Year Accounting of Transboundary U.S./Canada Stocks - U.S. Discards (mt)

Stock	U.S. Discards	U.S. Catch by Fishery Component								
		Groundfish	Sector	Common Pool	Recreational	Herring Fishery	Scallop Fishery	Small Mesh Fisheries	State Water	Other
	A to H	A+B+C	A	B	C	D	E	F	G	H
Eastern GB Cod	5.4	5.4	5.4	-					-	0.0
Eastern GB Haddock	124.2	113.3	113.3	-		1.1			-	9.8
GB Yellowtail Flounder	7.3	0.5	0.5	-			2.1	4.8	-	0.0

Values in live weight
Includes estimate of missing dealer reports
Source: NMFS Greater Atlantic Regional Fisheries Office
September 27, 2017

Any value for a non-allocated species may be due to landings of that stock; misreporting of species and/or stock area; and/or estimated landings (in lieu of missing reports) based on vessel histories.

These data are the best available to NOAA's National Marine Fisheries Service (NMFS). Data sources for this report include: (1) Vessels via VMS; (2) Vessels via vessel logbook reports; (3) Dealers via Dealer Electronic reporting. Differences with previous reports are due to corrections made to the database.

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

March 19, 2018

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

Dear Tom:

We published an advance notice of proposed rulemaking (ANPR) establishing March 19, 2018, as the new control date for the Northeast multispecies charter/party fishery (83 FR 11952). Attached is a copy of the ANPR for your reference. If you have any questions or concerns, please contact Sarah Heil, Groundfish Team Supervisor, at 978-281-9257.

Sincerely,

For Michael Pentony
Regional Administrator

Attachment

will be met via emission reductions already in place.

III. Proposed Action

The EPA is proposing to approve South Dakota's January 27, 2016, Regional Haze Progress Report as meeting the applicable regional haze requirements set forth in 40 CFR 51.308(g) and 51.308(h).

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this proposed action merely proposes to approve state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not expected to be an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because this action does not involve technical standards; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: March 13, 2018.

Douglas H. Benevento,

Regional Administrator, Region 8.

[FR Doc. 2018–05398 Filed 3–16–18; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 180205126–8126–01]

RIN 0648–BH66

Control Date for the Northeast Multispecies Charter/Party Fishery; Northeast Multispecies Fishery Management Plan

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Advance notice of proposed rulemaking (ANPR); request for comments.

SUMMARY: This notice announces a new control date that may be used to determine future participation in the Northeast multispecies charter/party fishery. This notice is necessary to inform interested parties that the New England Fishery Management Council is considering a future action that may affect or limit the number of participants in this fishery and that participants should locate and preserve all fishing related documents. The control date is intended to discourage speculative entry or fishing activity in the Northeast multispecies charter/party fishery while the Council considers how participation in the fishery may be affected.

DATES: March 19, 2018, shall be known as the "control date" for the Northeast multispecies charter/party fishery. Written comments must be received on or before April 18, 2018.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2018–0042 by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=[NOAA-NMFS-2018-0042],* click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Michael Pentony, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope, "Comments on Northeast Multispecies Charter/Party Control Date."
- *Fax:* (978) 281–9135; Attn: Spencer Talmage.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Spencer Talmage, Fishery Management Specialist, 978–281–9232.

SUPPLEMENTARY INFORMATION: This notification establishes March 19, 2018, as the new control date for potential use in determining historical or traditional participation in the charter/party groundfish fishery. Interested participants should locate and preserve all records that substantiate and verify their participation in the charter/party groundfish fishery. Consideration of a

control date does not commit the Council to develop any particular management regime or criteria for participation in the fishery. Any action to develop a limited access program for the charter/party fishery would require a change to the FMP and would be considered through the normal Council process, including rulemaking, that would allow additional opportunities for public comment.

The New England Fishery Management Council first established a control date of March 30, 2006, for the Northeast multispecies (groundfish) charter/party fishery (71 FR 16111). At the time, members of the charter/party industry and the Council's Recreational Advisory Panel recommended that the Council restrict new entrants to the fishery to reduce the need for further restrictions on the recreational catch of groundfish. In 2010, the Council requested that we publish a subsequent Advance Notice of Proposed Rulemaking (ANPR) to reaffirm the original control date (75 FR 57249; September 20, 2010). Participants in the recreational fishery were concerned that the number of charter/party operators would increase substantially due to the implementation of Amendment 16 to the Northeast Multispecies Fishery Management Plan (FMP). Amendment 16 implemented large-scale changes for the fishery, including annual catch limits and accountability measures and an expanded the sector management program. The charter/party fishery includes vessels with open access charter/party permits as well as vessels issued a limited access groundfish permit, while not on a groundfish day-at-sea or fishing under the sector management program. The Council has not yet taken action to restrict entrants or participants in the charter/party fishery.

For 2018, the Council included a multi-year priority to scope for the development of a limited entry program for the charter/party fishery. In light of this priority, the Council voted on January 31, 2018, to revise the control date. The Council requested that we establish a new control date as the date of publication of this Advanced Notice of Proposed Rulemaking. Because conditions and issues in the recreational groundfish fishery have changed considerably over the past 10 years, the Council determined this new control date is a more useful indicator of recent activity in the fishery. This action notifies the public and fishery participants of possible rulemaking, and that the Council is considering future action that may limit the number of or otherwise affect participants in the fishery.

The control date is intended to discourage speculative entry, investment, or fishing activity in the charter/party fishery while the Council considers if and how participation in the fishery may be affected. The Council may use this control date for entry or participation qualification, along with additional criteria. Performance or fishing effort after the date of publication may not be treated the same as performance or effort before the control date. The Council may choose to use different qualification criteria that do not incorporate the new control date. The Council may also choose to take no further action to control entry or access to the charter/party groundfish fishery.

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

Dated: March 14, 2018.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2018–05505 Filed 3–16–18; 8:45 am]

BILLING CODE 3510–22–P

EDF
ENVIRONMENTAL DEFENSE FUND
Finding the ways that work

March 15, 2018

Mr. Chris Oliver, Assistant Administrator
NOAA Fisheries
1315 East-West Highway
Silver Spring, MD 20910

Mr. Michael Pentony, Regional Administrator
NOAA Fisheries, GARFO
55 Great Republic Drive
Gloucester, MA 01930-2276

Dear Mr. Oliver and Mr. Pentony:

We know you share our concern about the harm done to the New England groundfish fishery by Carlos Rafael's criminal wrongdoing. The individuals, businesses and communities, New Bedford in particular, that depend on the fishery continue to face hardship as a result of Mr. Rafael's actions. NOAA now has an unprecedented opportunity to help stabilize and ultimately revitalize this critical fishery. Thank you for the work you have been doing to address this challenge, and for the opportunity to share our perspectives with you on ways to move forward.

As you continue to resolve civil violations in this case and review potential buyers for Mr. Rafael's business, we write today to re-emphasize two specific priorities that we believe are critical in securing a more stable and equitable future for all who depend on this fishery. In fact, we believe that these remedies can play a profound role in delivering the long-sought recovery of the fishery.

1. Require Multiple Buyers of Mr. Rafael's Assets

First, we encourage NOAA Fisheries to require that Mr. Rafael's assets (both vessels and permits) are not sold to a single entity or multiple entities controlled by a common owner. A recent agency report estimates that Mr. Rafael's holdings account for up to 25 percent of the value of the groundfish fishery. As an example of his disproportionate ownership, he is thought to control approximately 25 percent and 35 percent respectively of two important Georges Bank stocks – yellowtail and winter flounders. Mr. Rafael's criminal behavior, exacerbated by his vast holdings, has negatively affected the recovery of these and many other stocks, and arguably subjected other fishermen to lower quotas and fewer fish to catch in the long run.

The consolidation of vessels and permits in this fishery under Mr. Rafael's control has done real and lasting damage to the social fabric of coastal New England. Despite long-standing calls by EDF and many others for

jc 3/19/18

the adoption of meaningful accumulation limits, there have been repeated failures to emulate the kinds of provisions that have been incorporated successfully into management programs in other fisheries.

The modest accumulation limits that were adopted by Amendment 18 to the groundfish management plan are ineffective: a five percent permit cap, which makes no distinction between active and inactive permits, allows a single owner to control approximately 67 permits. Rather than instituting reasonable limits that would help fleet diversity and prevent excessive concentration of market power, the amendment ultimately allowed for further consolidation, even by an owner who possessed as much as Mr. Rafael does.

Recognizing the ineffective nature of consolidation limits in Amendment 18, we urge NOAA to seek multiple buyers for Mr. Rafael's assets. Requiring that the sale of his assets be distributed among multiple buyers would address many of the circumstances that allowed Rafael's unlawful actions to do serious damage and start to mitigate the other consequences of such acute consolidation.

2. Require Monitoring of Mr. Rafael's Vessels, and Establish Funding to Assist the Fleet in a Transition to Monitoring

A clear lesson from Carlos Rafael's crimes is that effective accountability in this fishery requires changes to how at-sea and dockside monitoring are conducted. A related lesson from other multispecies fisheries – notably the Pacific groundfish fishery, which has made a rapid recovery since adopting 100 percent monitoring coverage as part of a change in management – is that full accountability has the potential to unlock enormous long-term benefits for all fishery participants.

The existing New England groundfish monitoring program, in contrast, requires that only 10-14 percent of fishing trips carry an observer, and no dockside monitors receive fishermen when they land. The management system does not work to ensure compliance with catch limits if there is such low accountability. Fishermen have no confidence that others in the fishery are following the rules, and there is little incentive for fishermen to conserve low-quota stocks. Moreover, recent NOAA Fisheries studies indicate that fishing behavior changes when observers are on board with low observer coverage levels, and that vessel trip reports often don't align with real-time vessel monitoring system data.

In contrast, fishermen operating under full accountability, including in pilot programs in New England using cameras to provide at-sea monitoring, have reported multiple benefits to their business operations such as greater efficiency and incentives for innovating. Some of these fishermen have articulated their belief that monitoring is important to help close the trust gap between fishermen and managers over the status of fish stocks.

As stakeholders in New England grapple with how to improve monitoring – including through the Council's Amendment 23 – any disposition of Carlos Rafael's assets presents an opportunity to achieve progress. We therefore urge NOAA Fisheries to require that Rafael's vessels be fully monitored, including under any future owner.

This has the potential to deliver multiple benefits which, taken together, could be transformative. First, it would provide other participants in the fishery with certainty that the misdeeds of the past are not repeated. Second, it would deliver valuable and reliable data about the fishery that could inform science and management to the long-term benefit of stakeholders. Third, it could serve to test and refine monitoring systems that in turn could contribute to future decisions about monitoring in the fishery as a whole. Having served as instruments of Mr. Rafael's criminality, it is appropriate that these vessels or permits be subject to such additional requirements as a condition of any future sale – and it would be fitting if such a step delivered benefits to those who have suffered the most as a consequence of his actions.

Finally, we request that any outstanding fines from the civil penalty phase be directed to assist fishermen in the transition to higher monitoring levels, including adopting electronic monitoring systems on their vessels. Again, directing fines associated with Mr. Rafael's actions towards increased accountability is an appropriate measure that provides assistance to the fishermen harmed by his actions.

We view this civil proceeding, in the scope of the offenses and impacts of those offenses, as an unprecedented opportunity to catalyze change for the better for the fishery. We have been advocating for effective monitoring above all else because it is the critical element that the fishery needs for stability and ultimately recovery.

* * * * *

Although there is no way for us to turn back the clock, and the damage done by Rafael will continue to reverberate in New England for years to come, his criminal conviction followed by NOAA Fisheries' strong civil and administrative assessment does provide a critical opportunity to learn from our mistakes and begin to make amends. The fishery is at such an important juncture, and your actions in this matter could make all the difference. Thank you for the work you are doing to seize this critical moment.

Sincerely,

Matt Tinning
Senior Director, US Oceans Program

Johanna Thomas
New England Regional Director, Oceans Program

MAINE COAST FISHERMEN'S ASSOCIATION

RE: Amendment 18 to the Northeast Multispecies Fisheries Management Plan

Dear New England Fishery Management Council Review Committee,

I would like to thank you for your time and energy as you review the work of the New England Fishery Management Council and make recommendations to ensure that our region has the most efficient, transparent, and effective Council possible. While there are many bright spots in New England's fisheries, the groundfish fishery still lags behind despite the significant resources that have been dedicated to its management. I hope that your examination of Amendment 18 to the Multispecies Fisheries Management Plan will help to shed some light on why groundfish remains an outlier to the successes achieved in other fisheries, and also on how we can collectively do a better job managing groundfish in the future. Below I have included some background information as well as my thoughts on this matter which I hope will aid you in this process.

Amendment 16 to the Northeast Multispecies Fisheries Management Plan transitioned the New England groundfish fishery from a days-at-sea system of management to the sector system, which uses quota and strict catch limits to constrain the fishery. During the development of Amendment 16, many stakeholders including fishing businesses, industry advocacy groups, and non-governmental organizations expressed concerns about creating a system which would rely on quota allocation without also putting limits on consolidation. In most fisheries fleet consolidation has quickly followed the move to quota management, and as such a comprehensive management plan based on quota typically includes limits on ownership. Because this was not possible to include in Amendment 16 due to time constraints, it was made clear that these concerns would be addressed in a subsequent management action. That action became Amendment 18.

Amendment 18 evolved through multiple iterations in its development as the landscape around the groundfish fishery shifted. While the Northeast multispecies fishery was switching over to sector management, the industry simultaneously experienced a massive reduction in total allowed catch for the Gulf of Maine (GOM) cod stock, one of the most important species for much of the New England fleet. This led to emergency actions, disaster declarations, and the failure of fishing businesses throughout the coast. It also meant that because GOM cod was so constraining, the idea of limiting ownership even for the largest of permit holders was untenable for many of the influential owners within the fishery. In this context, Amendment 18 moved forward in fits and starts, and the focus of the document shifted from slowing consolidation and protecting fleet diversity to one which prioritized business flexibility and growth; goals which were often at odds with the original intent of the document.

Ultimately, the Council established the following goals for Amendment 18:

> *1.* Promote a diverse groundfish fishery, including different gear types, vessel sizes, ownership patterns, geographic locations, and levels of participation through sectors and permit banks;
> *2.* Enhance sector management to effectively engage industry to achieve management goals and improve data quality;

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3. Promote resilience and stability of fishing businesses by encouraging diversification, quota utilization and capital investment; and
4. To prevent any individual(s), corporation(s), or other entity(ies) from acquiring or controlling excessive shares of the fishery access privileges.

All of these goals are undeniably important, but each goal is also a complicated and dynamic issue in and of itself. Ultimately, the document's lack of focus and the sheer scope of what it was trying to accomplish led to a final product that did little to address these goals. When published, the final rule stipulated only two fairly inconsequential management changes. After years of work and public engagement, little was accomplished in the end.

Although a failure to get what any one individual or organization wants though a Council action does not necessarily amount to a failure of process, Amendment 18 was an outlier for a few reasons. One reason was that Amendment 18 had a high level of engagement during the early scoping period from a wide variety of constituents, and as the process moved forward, that engagement declined dramatically. Many fishermen point to this juncture in the Amendment 18 process as when they felt that they stopped being heard by the Council. This was due to a number of factors, but the most significant was the cap on ownership chosen and approved. While the cap was defensible according to the independent contractor hired to examine fleet consolidation in New England, it didn't pass the "straight face test" for the fishermen who had been pushing for the Amendment all along. The allocation limit was overly complicated and did not restrict even the largest of owners (for example, Carlos Rafael) from purchasing even more permits after the conclusion of the Amendment.

Another problem that plagued Amendment 18 was that Council members and the public had different definitions of what consolidation looked like. Was it purely a question of permit ownership? Was it about who was landing fish? And what steps could be taken to ensure that new entrants could enter the fishery in the future? Because stakeholders and Council members defined the problem very differently, it was hard to have a productive conversation about what management actions should take place. Even on the issue of ownership caps a consensus could not be reached and the fishery ended up with two caps: one on permits, and one on allocation, neither of which were truly limiting. Both caps allowed a small number of owners to control substantial amounts of quota for individual stocks. It is possible that this outcome was simply the result of one side of the debate winning an argument. However, for a consolidation amendment to not reasonably address consolidation (and in fact, to suggest that consolidation was not happening) while fishermen were watching it happen in their communities left many of those fishermen feeling unheard and believing that the Council was alarmingly out of touch.

At its core, the failure of Amendment 18 was the failure of the Council to agree on a shared problem statement to address within the document. This led to time being wasted on the development of ideas and alternatives that were either not legal, not enforceable, or not within the scope of the Amendment. One example of this was the attempt to include a cap on what one permit holder could charge another permit holder for quota. The Council also devoted resources to the development and analysis of an alternative that would have changed redfish regulations to allow for an option that already existed as a sector exemption. A third example was the issue of shifting effort into inshore waters, which the Council attempted include in this Amendment but failed to address. Although all of these issues are important, none of them were solvable within the scope of Amendment 18 and the effort spent on them during that Amendment process was ultimately wasted. The creation of a discrete, focused document to address a limited set of goals would have greatly increased the probably of success for Amendment 18.

Ultimately, years were spent on the development of an Amendment that has had little positive impact on the fleet or on the resource. It must be stressed that the collapse of the Gulf of Maine cod stock made accomplishing the original goals of the Amendment politically impossible at the time and it may have been more prudent to delay the discussion of consolidation until a rational conversation could take place. Unfortunately, with its completion, a box was checked indicating that consolidation and fleet diversity had been addressed in the region which left fishermen asking what had been done to help.

Thank you for the opportunity to comment on the Amendment 18. I feel that by studying to how this amendment begun, grew, evolved, and ultimately failed we can create better process that encourages engagement and successful fisheries management.

Sincerely,

Ben Martens
Executive Director

14 Maine Street, Box 40 | Brunswick, ME 04011 | Tel (207) 956-0752 | Fax (866) 876-3564 | MaineCoastFishermen.org

New England Fishery Management Council
50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
John F. Quinn, J.D., Ph.D., Chairman | Thomas A. Nies, *Executive Director*

March 14, 2018

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

Dear Mike:

In accordance with provisions of the Magnuson-Stevens Act, I have reviewed the draft regulatory text for Framework Adjustment 57 to the Northeast Multispecies (Groundfish) Fishery Management Plan in order to deem whether it is consistent with the framework text and the Council's intent. The review is based on the draft regulatory text provided to the Council on February 6, 2018, further modified through discussions between our staffs. I have concluded the agreed upon revised draft regulatory text implementing Framework Adjustment 57 measures is consistent with Council intent. I am not commenting on the regulation corrections that were provided in the same correspondence.

Please feel free to call me with any concerns.

Sincerely,

John F. Quinn

Dr. John Quinn
Chairman

Draft Regulatory Text
NE Multispecies Framework 57

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

PART 648--FISHERIES OF THE NORTHEASTERN UNITED STATES

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

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

2. In § 648.14, revise paragraph (k)(18) and (k)(20) to read as follows:

§ 648.14 Prohibitions.

* * * * *

(k) ***

(18) *Trimester TAC AM.* It is unlawful for any person, including any owner or operator of a vessel issued a valid Federal NE multispecies permit or letter under § 648.4(a)(1)(i), unless otherwise specified in § 648.17, to fish for, harvest, possess, or land regulated species or ocean pout in or from the closed areas specified in §648.82(n)(2)(ii) once such areas are closed pursuant to §648.82(n)(2)(i).

* * * * *

(20) *AMs for both stocks of windowpane flounder, ocean pout, Atlantic halibut, and Atlantic wolffish.* It is unlawful for any person, including any owner or operator of a

vessel issued a valid Federal NE multispecies permit or letter under § 648.4(a)(1)(i), unless otherwise specified in § 648.17, to fail to comply with the restrictions on fishing and gear specified in § 648.90(a)(5)(i)(D) through (H).

3. In § 648.82, revise paragraph (n)(2) to read as follows:

§ 648.82 Effort-control program for NE multispecies limited access vessels.

* * * * *

(n) ***

(2)***

(i) *Trimester TACs.* (A) *Trimester TAC distribution.* With the exception of SNE/MA winter flounder, any sub-ACLs specified for common pool vessels pursuant to § 648.90(a)(4) shall be apportioned into 4-month trimesters, beginning at the start of the fishing year (i.e., Trimester 1: May 1-August 31; Trimester 2: September 1-December 31; Trimester 3: January 1-April 30), as follows:

Portion of Common Pool Sub-ACLs Apportioned to Each Stock for Each Trimester

Stock	Trimester 1 (percent)	Trimester 2 (percent)	Trimester 3 (percent)
GB cod	28	34	38
GOM cod	49	33	18
GB haddock	27	33	40

GOM haddock	27	26	47
GB yellowtail flounder	19	30	51
SNE/MA yellowtail flounder	21	28	51
CC/GOM yellowtail flounder	57	26	17
American plaice	74	8	18
Witch flounder	55	20	25
GB winter flounder	8	24	68
GOM winter flounder	37	38	25
Redfish	25	31	44
White hake	38	31	31
Pollock	28	35	37

(B) *Trimester TAC adjustment.* For stocks that have experienced early closures (e.g., trimester 1 or trimester 2 closures), the Regional Administrator may use the biennial adjustment process specified in § 648.90 to revise the distribution of trimester TACs specified in paragraph (n)(2)(i)(A) of this section. Future adjustments to the distribution of trimester TACs shall use catch data for the most recent 5-year period prior to the reevaluation of trimester TACs.

* * * * *

4. In § 648.89, add paragraph (g) to read as follows:

* * * * *

(g) *Regional Administrator authority for 2018 and 2019 Georges Bank cod recreational measures.* For the 2018 or 2019 fishing years, the Regional Administrator, after consultation with the NEFMC, may adjust recreational measures for Georges Bank cod to ensure the recreational fishery does not exceed an annual catch target of 138 mt. Appropriate measures, including adjustments to fishing seasons, minimum fish sizes, or possession limits, may be implemented in a manner consistent with the Administrative Procedure Act, with the final measures published in the FEDERAL REGISTER prior to the start of the fishing year when possible. Separate measures may be implemented for the private and charter/party components of the recreational fishery. Measures in place in fishing year 2019 will remain in effect beginning in fishing year 2020, unless they are changed by a Framework Adjustment or Amendment to the FMP, or through an emergency action.

5. In § 648.90, redesignate paragraph (a)(5)(i)(D)(*1*) as (a)(5)(i)(E), redesignate paragraph (a)(5)(i)(D)(*2*) as (a)(5)(i)(F), redesignate (a)(5)(i)(D)(*3*) as (a)(5)(i)(G), and redesignate (a)(5)(i)(D)(*4*) as (a)(5)(i)(H).

6. In § 648.90, revise redesignated paragraphs (a)(5)(i)(E), (a)(5)(i)(F), (a)(5)(i)(G), (a)(5)(i)(H), and add paragraph (a)(5)(iv)(C) to read as follows:

§ 648.90 NE multispecies assessment, framework procedures and specifications, and flexible area action system.

* * * * *

(a) * * *

(5) * * *

(i) * * *

(E) *Windowpane flounder.* Unless otherwise specified in paragraphs (a)(5)(i)(E)(5) and (6) of this section, if NMFS determines the total catch exceeds the overall ACL for either stock of windowpane flounder, as described in this paragraph (a)(5)(i)(E), by any amount greater than the management uncertainty buffer up to 20 percent greater than the overall ACL, the applicable small AM area for the stock shall be implemented, as specified in paragraph (a)(5)(i)(E) of this section, consistent with the Administrative Procedure Act. If the overall ACL is exceeded by more than 20 percent, the applicable large AM area(s) for the stock shall be implemented, as specified in paragraph (a)(5)(i)(E) of this section, consistent with the Administrative Procedure Act. Vessels fishing with trawl gear in these areas may only use a haddock separator trawl, as specified in § 648.85(a)(3)(iii)(A); a Ruhle trawl, as specified in § 648.85(b)(6)(iv)(J)(*3*); a rope separator trawl, as specified in § 648.84(e); or any other gear approved consistent with the process defined in § 648.85(b)(6).

(*1*) If an overage of the overall ACL for southern windowpane flounder is a result of an overage of the sub-ACL allocated to the multispecies fishery pursuant to paragraph (a)(4)(iii)(H)(*2*) of this section, the applicable AM area(s) shall be in effect year-round for any limited access NE multispecies permitted vessel fishing on a NE multispecies DAS or sector trip.

(*2*) If an overage of the overall ACL for southern windowpane flounder is a result of an overage of the sub-ACL allocated to exempted fisheries pursuant to paragraph (a)(4)(iii)(F) of this section, the applicable AM area(s) shall be in effect for any trawl vessel fishing with a codend mesh size of greater than or equal to 5 inches (12.7 cm) in other, non-specified sub-components of the fishery, including, but not limited to, exempted fisheries that occur in Federal waters and fisheries harvesting exempted species specified in § 648.80(b)(3). If triggered, the Southern Windowpane Flounder Small AM Area will be implemented from September 1 through April 30; the Southern Windowpane Flounder Large AM Areas 2 and 3 will be implemented year-round.

(*3*) If an overage of the overall ACL for southern windowpane flounder is a result of overages of both the multispecies fishery and exempted fishery sub-ACLs, the applicable AM area(s) shall be in effect for both the multispecies fishery and exempted fisheries as described in this paragraph (a)(5)(i)(E). If a sub-ACL for either stock of windowpane flounder is allocated to another fishery, consistent with the process specified at paragraph (a)(4) of this section, and there are AMs for that fishery, the multispecies fishery AM shall only be implemented if the sub-ACL allocated to the multispecies fishery is exceeded (*i.e.,* the sector and common pool catch for a particular stock, including the common pool's share of any overage of the overall ACL caused by excessive catch by other sub-components of the fishery pursuant to paragraph (a)(5) of this section exceeds the common pool sub-ACL) and the overall ACL is also exceeded.

(*4*) Windowpane AM Areas. The AM areas defined below are bounded by the following coordinates, connected in the order listed by rhumb lines, unless otherwise noted.

Point	N. latitude	W. longitude
Northern Windowpane Flounder and Ocean Pout Small AM Area		
1	41°10′	67°40′
2	41°10′	67°20′
3	41°00′	67°20′
4	41°00′	67°00′
5	40°50′	67°00′
6	40°50′	67°40′
1	41°10′	67°40′
Northern Windowpane Flounder and Ocean Pout Large AM Area		
1	42°10′	67°40′
2	42°10′	67°20′
3	41°00′	67°20′
4	41°00′	67°00′

5	40°50′	67°00′
6	40°50′	67°40′
1	42°10′	67°40′
Southern Windowpane Flounder and Ocean Pout Small AM Area		
1	41°10′	71°30′
2	41°10′	71°20′
3	40°50′	71°20′
4	40°50′	71°30′
1	41°10′	71°30′
Southern Windowpane Flounder and Ocean Pout Large AM Area 1		
1	41°10′	71°50′
2	41°10′	71°10′
3	41°00′	71°10′
4	41°00′	71°20′
5	40°50′	71°20′
6	40°50′	71°50′
1	41°10′	71°50′
Southern Windowpane Flounder and Ocean Pout Large AM Area 2		

1	([1])	73°30′
2	40°30′	73°30′
3	40°30′	73°50′
4	40°20′	73°50′
5	40°20′	([2])
6	([3])	73°58.5′
7	([4])	73°58.5′
8	[5]40°32.6′	[5]73°56.4′
1	([1])	73°30′
Southern Windowpane Flounder Large AM Area 3		
1	41°10′	71°30′
2	41°10′	71°10′
3	41°00′	71°10′
4	41°00′	71°20′
5	40°50′	71°20′
6	40°50′	71°30′
1	41°10′	71°30′

[1]The southernmost coastline of Long Island, NY, at 73°30′ W. longitude.

[2]The easternmost coastline of NJ at 40°20′ N. latitude, then northward along the NJ coastline to Point 6.

[3]The northernmost coastline of NJ at 73°58.5′ W. longitude.

[4]The southernmost coastline of Long Island, NY, at 73°58.5′ W. longitude.

[5]The approximate location of the southwest corner of the Rockaway Peninsula, Queens, NY, then eastward along the southernmost coastline of Long Island, NY (excluding South Oyster Bay), back to Point 1.

(*5*) *Reducing the size of an AM.* If the overall northern or southern windowpane flounder ACL is exceeded by more than 20 percent and NMFS determines that: The stock is rebuilt, and the biomass criterion, as defined by the Council, is greater than the most recent fishing year's catch, then only the respective small AM may be implemented as described in paragraph (a)(5)(i)(D)(*1*) of this section, consistent with the Administrative Procedure Act. This provision applies to a limited access NE multispecies permitted vessel fishing on a NE multispecies DAS or sector trip, and to all vessels fishing with trawl gear with a codend mesh size equal to or greater than 5 inches (12.7 cm) in other, non-specified sub-components of the fishery, including, but not limited to, exempted fisheries that occur in Federal waters and fisheries harvesting exempted species specified in §648.80(b)(3).

(*6*) *Reducing the duration of an AM.* If the northern or southern windowpane flounder AM is implemented in the third fishing year following the year of an overage, as described in paragraph (a)(5)(i)(D) of this section, and NMFS subsequently determines

that the applicable windowpane flounder ACL was not exceeded by any amount the year immediately after which the overage occurred (i.e., the second year), on or after September 1 the AM can be removed once year-end data are complete. This reduced duration does not apply if NMFS determines during year 3 that a year 3 overage of the applicable windowpane flounder ACL has occurred. This provision applies to a limited access NE multispecies permitted vessel fishing on a NE multispecies DAS or sector trip, and to all vessels fishing with trawl gear with a codend mesh size equal to or greater than 5 inches (12.7 cm) in other, non-specified sub-components of the fishery, including, but not limited to, exempted fisheries that occur in Federal waters and fisheries harvesting exempted species specified in §648.80(b)(3).

(7) *Emergency rule reducing the duration of southern windowpane flounder AM for non-groundfish vessels.* Effective March 1, 2018 through April 30, 2018, the southern windowpane flounder AM is removed for all vessels fishing with trawl gear with a codend mesh size equal to or greater than 5 inches (12.7 cm) in other, non-specified sub-components of the fishery, including, but not limited to, exempted fisheries that occur in Federal waters and fisheries harvesting exempted species specified in §648.80(b)(3).

(F) *Atlantic halibut.* If NMFS determines the overall ACL for Atlantic halibut is exceeded, as described in this paragraph (a)(5)(i)(F), by any amount greater than the management uncertainty buffer, the applicable AM areas shall be implemented and any vessel issued a Federal permit for any fishery management plan may not fish for, possess, or land Atlantic halibut for the fishing year in which the AM is implemented, as specified

in paragraph (a)(5)(i)(F) of this section. Vessels issued only a charter/party permit, and/or an Atlantic highly migratory species angling permit, and/or an Atlantic highly migratory species charter/headboat permit are exempt from the AM. A vessel issued a permit that is not exempt from the AM in addition to an exempt permit may not fish for, possess, or land Atlantic halibut for the fishing year in which the AM is implemented. If the overall ACL is exceeded by more than 20 percent, the applicable AM area(s) for the stock shall be implemented, as specified in paragraph (a)(5)(i)(F) of this section, and the Council shall revisit the AM in a future action. The AM areas defined below are bounded by the following coordinates, connected in the order listed by rhumb lines, unless otherwise noted. Any vessel issued a limited access NE multispecies permit and fishing with trawl gear in the Atlantic Halibut Trawl Gear AM Area may only use a haddock separator trawl, as specified in § 648.85(a)(3)(iii)(A); a Ruhle trawl, as specified in § 648.85(b)(6)(iv)(J)(*3*); a rope separator trawl, as specified in § 648.84(e); or any other gear approved consistent with the process defined in § 648.85(b)(6); except that selective trawl gear is not required in the portion of the Trawl Gear AM Area between 41 degrees 40 minutes and 42 degrees from April 1 through July 31. When in effect, a limited access NE multispecies permitted vessel with gillnet gear may not fish or be in the Atlantic Halibut Fixed Gear AM Area from March 1 through October 31, unless transiting with its gear stowed and not available for immediate use as defined in § 648.2, or such gear was approved consistent with the process defined in § 648.85(b)(6). If a sub-ACL for Atlantic halibut is allocated to another fishery, consistent with the process specified at § 648.90(a)(4), and there are AMs for that fishery, the multispecies fishery AM shall only be implemented if the sub-ACL allocated to the multispecies fishery is

exceeded (*i.e.*, the sector and common pool catch for a particular stock, including the common pool's share of any overage of the overall ACL caused by excessive catch by other sub-components of the fishery pursuant to § 648.90(a)(5), exceeds the common pool sub-ACL) and the overall ACL is also exceeded.

Atlantic Halibut Trawl Gear AM Area		
Point	**N. latitude**	**W. longitude**
1	42°00′	69°20′
2	42°00′	68°20′
3	41°30′	68°20′
4	41°30′	69°20′

Atlantic Halibut Gillnet Gear AM Area		
Point	**N. latitude**	**W. longitude**
1	43°10′	69°40′
2	43°10′	69°30′
3	43°00′	69°30′
4	43°00′	69°40′

(G) *Atlantic wolffish.* If NMFS determines the overall ACL for Atlantic wolffish is exceeded, as described in this paragraph (a)(5)(i)(G), by any amount greater than the management uncertainty buffer, the applicable AM areas shall be implemented, as specified in paragraph (a)(5)(i)(G) of this section. If the overall ACL is exceeded by more than 20 percent, the applicable AM area(s) for the stock shall be implemented, as specified in paragraph (a)(5)(i)(G) of this section, and the Council shall revisit the AM in a future action. The AM areas defined below are bounded by the following coordinates, connected in the order listed by rhumb lines, unless otherwise noted. Any vessel issued a limited access NE multispecies permit and fishing with trawl gear in the Atlantic Wolffish Trawl Gear AM Area may only use a haddock separator trawl, as specified in § 648.85(a)(3)(iii)(A); a Ruhle trawl, as specified in § 648.85(b)(6)(iv)(J)(*3*); a rope separator trawl, as specified in § 648.84(e); or any other gear approved consistent with the process defined in § 648.85(b)(6). When in effect, a limited access NE multispecies permitted vessel with gillnet or longline gear may not fish or be in the Atlantic Wolffish Fixed Gear AM Areas, unless transiting with its gear stowed and not available for immediate use as defined in § 648.2, or such gear was approved consistent with the process defined in § 648.85(b)(6). If a sub-ACL for Atlantic wolffish is allocated to another fishery, consistent with the process specified at § 648.90(a)(4), and AMs are developed for that fishery, the multispecies fishery AM shall only be implemented if the sub-ACL allocated to the multispecies fishery is exceeded (*i.e.,* the sector and common pool catch for a particular stock, including the common pool's share of any overage of the overall ACL caused by excessive catch by other sub-components of the fishery pursuant

to § 648.90(a)(5), exceeds the common pool sub-ACL) and the overall ACL is also exceeded.

Atlantic Wolffish Trawl Gear AM Area		
Point	**N. latitude**	**W. longitude**
1	42°30′	70°30′
2	42°30′	70°15′
3	42°15′	70°15′
4	42°15′	70°10′
5	42°10′	70°10′
6	42°10′	70°20′
7	42°20′	70°20′
8	42°20′	70°30′

Atlantic Wolffish Fixed Gear AM Area 1		
Point	**N. latitude**	**W. longitude**
1	41°40′	69°40′
2	41°40′	69°30′

3	41°30′	69°30′
4	41°30′	69°40′

Atlantic Wolffish Fixed Gear AM Area 2		
Point	**N. latitude**	**W. longitude**
1	42°30′	70°20′
2	42°30′	70°15′
3	42°20′	70°15′
4	42°20′	70°20′

(H) *Ocean pout.* Unless otherwise specified in paragraphs (a)(5)(i)(E)(*5*) and (*6*) of this section, if NMFS determines the total catch exceeds the overall ACL for ocean pout, as described in paragraph (a)(5)(i)(E) of this section, by any amount greater than the management uncertainty buffer up to 20 percent greater than the overall ACL, the applicable small AM area for the stock shall be implemented, as specified in paragraph (a)(5)(i)(E) of this section, consistent with the Administrative Procedure Act. If the overall ACL is exceeded by more than 20 percent, large AM area(s) for the stock shall be implemented, as specified in paragraph (a)(5)(i)(E) of this section, consistent with the Administrative Procedure Act. The AM areas for ocean pout are defined in paragraph (a)(5)(i)(E)(*4*) of this section, connected in the order listed by rhumb lines, unless otherwise noted. Vessels fishing with trawl gear in these areas may only use a haddock

separator trawl, as specified in § 648.85(a)(3)(iii)(A); a Ruhle trawl, as specified in § 648.85(b)(6)(iv)(J)(*3*); a rope separator trawl, as specified in § 648.84(e); or any other gear approved consistent with the process defined in § 648.85(b)(6).

* * * * *

(iv) * * *

(A) * * *

(B) * * *

(C) *2018 fishing year threshold for implementing the Atlantic sea scallop fishery AM for SNE/MA yellowtail flounder.* For the 2018 fishing year, if the scallop fishery catch exceeds its SNE/MA yellowtail flounder sub-ACL specified in paragraph (a)(4) of this section, and total catch exceeds the overall ACL for that stock, then the applicable scallop fishery AM will take effect, as specified in § 648.64 of the Atlantic sea scallop regulations. Beginning in fishing year 2019, the threshold for implementing scallop fishery AMs for SNE/MA yellowtail flounder listed in paragraph (a)(5)(iv)(A) of this section will be in effect.

Greater Atlantic Region Bulletin

NOAA Fisheries, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930

For Information Contact:
Sustainable Fisheries Division
(978) 281-9315

http://www.greateratlantic.fisheries.noaa.gov/
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Mid-Atlantic Species Charter and Party Vessels

Electronic Vessel Trip Reports Required for all Mid-Atlantic Charter and Party Trips

Effective Date: March 12, 2018

New Reporting Requirements for the Charter and Party Fleet Fishing for Species Managed by the Mid-Atlantic Fisheries Management Council

Starting March 12, 2018, vessels issued a Greater Atlantic Region charter/party permit for the species listed below will be required to submit electronic vessel trip reports within 48 hours for all trips carrying passengers for hire. These new requirements stem from the Mid-Atlantic Fishery Management Council's Omnibus Electronic Vessel Trip Reporting (eVTR) Framework. All other current reporting requirements remain in effect.

A vessel issued a federal charter or party permit for the species listed below, on trips with passengers for hire, **must** submit vessel trip reports:

- Electronically, using NOAA-approved application (see below for more information), and
- Within 48 hours of completing a fishing trip.

This change applies to **all** vessels with Federal Greater Atlantic Regional charter or party permits for any of the following species:

- Atlantic mackerel
- Squid
- Butterfish
- Summer Flounder
- Scup
- Black sea bass
- Bluefish
- Tilefish

Electronic reporting has several advantages:

- More efficient, convenient, and timely collection of important data on fishing vessel activity for fishery managers and other data users
- Easier reporting when fishing in multiple areas or creating duplicate reports
- Easier to archive VTRs for three years as required
- Reduction in human errors on paper reports

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Frequently Asked Questions

Q. When will this regulation take effect?

A. This action will take effect on March 12, 2018. All vessels must submit eVTRs in compliance with these regulations for any trips with passengers for hire taken on or after this date. We delayed implementation to give vessel owners and operators more time to obtain the necessary software, training, and device if needed.

Q. Do eVTRs need to be completed prior to entering port?

A. Yes. The requirement to complete VTRs before returning to port does not change with this action.

Q. What if I don't own a SmartPhone or tablet? How can I submit my reports?

A. If you don't have access to a SmartPhone or tablet, you can use an online webportal on a computer to submit your reports. If you use this portal, you must complete a paper VTR on your vessel prior to the completion of each trip and then enter and submit it through the webportal within 48 hours.

Q. What if I don't have an electronic device onboard my vessel that enables me to fill out an eVTR at sea?

A: You must submit your VTR electronically, but if you do not have a suitable device onboard your vessel, you may record the information on a paper VTR prior to entering port. Then you may transcribe it onto an eVTR when you are in port. You must submit the eVTR no more than 48 hours after entering port at the conclusion of each trip when you have carried passengers for hire.

Q. I don't know how to complete and submit eVTRs. How can I get training?

A. There are several ways to learn about eVTRs:

- The Mid-Atlantic Fishery Management Council is holding an online webinar to help for-hire vessel operators prepare for upcoming electronic reporting requirements:
    - **Webinar: Friday, March 2, 10:00 a.m. – 12:30 p.m.**
      Webinar link: http://mafmc.adobeconnect.com/evtr2018/ (audio connection instructions will pop up when you join the webinar).
- The Council's eVTR webpage (http://www.mafmc.org/actions/evtr-framework) also provides a schedule of meetings and trainings, as well as background documents that you may find helpful.
- Our eVTR page (https://www.greateratlantic.fisheries.noaa.gov/aps/evtr/electronic/index.html) lists eVTR contractors who can provide training for their approved software packages. You may contact each vendor directly as well.
- Contact your local NOAA port agent. You can find contact info for the nearest port agent at: https://www.greateratlantic.fisheries.noaa.gov/sed/portagents/portagents.html

Q. How will these changes benefit fishermen?

A. While there may be a minor and temporary increase in reporting burden as permit holders learn how to submit an electronic report, long-term benefits of eVTRS include pre-populated data fields, the ability to create multiple reports, easy storage, and the elimination of mailing costs.

Q. Are fishermen in other regions, such as New England, affected by this regulation?

A. Yes, if they possess a charter or party permit for one of the species mentioned above that is managed by the Mid-Atlantic Fisheries Management Council and are taking a trip with passengers for hire. This regulation applies regardless of where they are fishing.

Q. If I have a Federal charter or party permit for a Mid-Atlantic species, but I am fishing on a commercial trip without taking passengers for hire, do I still have to submit an eVTR?

A: When you are not carrying paying passengers, you may submit your VTR ***either*** electronically or by mailing in the paper VTR. This applies to commercial trips as well as to recreational trips with no paying passengers.

Q. Where can I find out about NOAA-approved eVTR software applications?

A. You can find information on these apps for handheld electronic devices or personal computers at the links on our webpage. Some apps are free and some require payment.

Tablet or Phone

- Free: (1) eTrips, (2) NOAA Fish Online
- Pay: (1) eLog, (2) Olrac/Dynamic Data Logger, (3) FACTS

Personal Computer

- Free: (1) eTrips, (2) FLDRS
- Pay: (1) eLog, (2) Olrac/Dynamic Data Logger, (3) FACTS

App Compatibility Summary

App	Web-based	Windows-based Computer	iPhone	iPad	Windows – based Tablet	Android Tablet
NOAA/GARFO Fish Online (Free)			x	x		
NOAA/NEFSC Fisheries Logbook and Data Recording Software (FLDRS) (Free)		x				
ACCSP SAFIS (e-Trips) (Free)	x			x		x
Electric Edge (FACTS)		x				
Olrac DDL	x	x			x	
Ecotrust Canada (Elog)		x	x		x	

The GARFO website provides more information about these NOAA-approved eVTR software applications and contacts/support for eVTR problems.

For questions about eVTR, contact Daniel Luers, Sustainable Fisheries Division, at 978-282-8457 or email at Daniel.Luers@noaa.gov

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GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930-2276

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

RE: Comments on Framework Adjustment 57 to the Northeast Multispecies Fishery Management Plan

Dear Tom:

We completed our review of the draft Framework 57 document that the Council submitted on January 22, 2018. Attached are substantive comments that must be addressed to ensure the document is consistent with applicable law, as well as suggestions that may clarify the text and improve the document. Our staffs have already discussed the attached comments and have coordinated on how to incorporate the necessary changes. If you have additional questions on the comments provided, or on the review of Framework 57, please contact Mark Grant at (978) 281-9145. We appreciate your quick turnaround of this document, given the compressed timeline for this action.

Sincerely,

for Michael Pentony
Regional Administrator

Enclosure

Section	Page	Comment	Type
Global		Please explain how a reduction in the Atlantic halibut ABC from 2017 to 2018 does not result in a reduction in catch available to the fleet.	Substantive
Executive Summary	6	Summary of Essential Fish Habitat (EFH) Impacts text should be updated to reflect changes to the EFH impact section (see comments below).	Substantive
Executive Summary	7	Impacts on Endangered and Other Protected Species should be revised consistent with edits to the protected resources section (see comments below).	Substantive
3.1	28	Under (5), the list of species omits redfish and includes yellowtail flounder twice.	Suggested
4.1.1.2	36	In last sentence of first paragraph, add "allocation to the" before Closed Area I Hook Gear Haddock SAP.	Substantive
4.3.1.1.2.1	47	It is important to be clear about which vessels will be affected by the AM under sub-option 2A. We recommend clarifying that only vessels issued exclusively party/charter and/or HMS angling and/or HMS charter/headboat are exempt. Having one (or all) of those permits PLUS any of the other permits would make the vessel subject to the AM.	Substantive
4.3.1.3.1.2	59	Text describing Option 2 needs to state what the temporary change is. For example, "FWXX implemented a temporary change go the AM triggers for GB YT and N. windowpane for FYs 17 and 18 that results in scallop AMs only being triggered if the total ACL is exceeded and the scallop sub-ACL is also exceeded."	Substantive
6.1.5	72	Table 12 only lists habitat features of groundfish species. Potentially all federally-managed species, at least the benthic life stages, are vulnerable to impacts from the northeast multispecies fishery, so the table should be expanded. We will provide an expanded table.	Substantive
6.5	104	In table 18, add alewife (*Alosa pseudoharngus*) and blueback herring (*Alosa aestivalis*) as candidate species that could potentially be affected by the action.	Substantive

6.5.4.1.1	115	Update Henry et. al. 2016 citation to: Henry, A.G., T.V.N. Cole, M. Garron, W. Ledwell, D. Morin, and A. Reid A. 2017. Serious injury and mortality determinations for baleen whale stocks along the Gulf of Mexico, United States East Coast, and Atlantic Canadian Provinces, 2011-2015. US Dept Commer, Northeast Fish Sci Cent Ref Doc. 17-19; 57 p.	Substantive
6.5.4.1.1	116	Please update Table 22 with the latest data and revise the title accordingly.	Substantive
6.6	126	Update the Human Communities section to include most recent available data.	Substantive
6.6.6.2	140	Under New Bedford, the text states in 2014 there were 35 vessels in New Bedford, compared to 33 in 2010, but then refers to that change as a *decline*. Please clarify.	Substantive
6.6.7	148	Remove reference to predicting consolidation and redirection that 2014 sector operations will have.	Substantive
6.6.9.1	153-162	Please update this section to include the most recent available data.	Substantive
7.1.1.1.2	173	For index-assessed stocks, add a qualitative statement about why fishing at the levels calculated in this way is unlikely to result in overfishing, similar to what is in the following paragraph for Atlantic halibut.	Substantive
7.1.3.1.4.1	200	Please revise text to clarify that because possession of GOM cod in Federal waters is prohibited, there is no 24-inch minimum size, but that in Massachusetts state waters, possession is allowed, and the minimum size is 19 inches.	Substantive
7.1.3.1.4.1	201	Please state whether option 2's indirect biological impacts on other species are positive or negative, and provide a magnitude. Add text stating why we don't expect any direct impacts on other species.	Substantive
7.2.1.1.1	203	What is the impact on EFH from the continuation of fishery activity under no action? Is it low-negative as habitats will continue to degrade? OR, are we making the argument that habitats in these areas have already degraded or that they will not have an opportunity to rebuild?	Substantive
7.2.1.1.2	203	We agree with the minimal impact conclusion, but it needs more justification. The current text merely says ACLs for some stocks are going to increase, so effort is expected to increase. Please include more details: which stocks will have increased ACLs, how much are they increasing, and given general location of catches and gear used (emphasis on bottom trawls), where might we expect to see increased impacts to bottom habitats?	Substantive

7.3.3.1	218-220	Revise No Action to state possession limit would have no impact to protected species, and revise Option 2 to state it would have neutral impacts on protected resources compared to Option 1. In Sub-Option 2A, please add a basis for why interactions could decline as a result of applying the possession limit to all permit categories (e.g., effort would shift into areas with different interaction rates, or decline within same area) to provide a rationale for why this as a positive for protected resources. Alternatively, revise to state that interactions would not change based on this measure and conclude that, like the no action alternative, the measure does not have an impact on protected resources. Sub-Option 2B: Revise to state no impact to protected species, rather than low negative.	Substantive
7.3.3.1.2	221-222	Revise sub-option 2A to state measure would not impact protected resources. Revise sub-option 2B to state the measure is not likely to impact protected resources.	Substantive
7.3.3.1.3.1	222-223	Option 1: Revise to state measures not likely to impact protected resources. Option 2: Revise to state not expected to impact protected resources and similar to Option 1.	Substantive
7.6.3	295	Table 103: Revise to state GB yellowtail flounder is overfished and experiencing overfishing and that Atlantic halibut is not subject to overfishing, consistent with NOAA Fisheries stock status.	Substantive
7.6.4	298	Table 105: Under Managed Resources and revised OFLs/ABCs/ACLs it states: "Positive - These ABCs, ACLs, and sub-ACLs, and the AMs will impose tighter controls on fishing mortality for these stocks using the best available science." Please revise this to state impacts will be "mixed" instead of "positive," and provide some explanation regarding which stocks are increasing and which are decreasing.	Substantive
7.6.4	299-301	Table 105: The text in managed resources is not correct. For every alternative the same text regarding the scallop AM is used. Please revise.	Substantive
7.6.5	302-303	Please discuss the changes to the ABCs and ACLs in the following sections: Non-Target Species, Protected Resources, EFH, and Human Communities.	Substantive

8.1.1	305	*Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.* What measures will lead to increased costs compared to status quo? We are reducing time/area closures to minimize economic impact. The statement about substantial short-term declines in revenue and possible increases in costs should be fact-checked against the RFA analysis. We are certifying there is not a negative economic impact to a substantial number of small entities.	Substantive
8.1.2	306-309	Please update this section to reference FW 57, rather than FW 56.	Substantive
8.2.2	312	FONSI Question 1 response: Make sure the socio-economic impacts match the RFA analysis.	Substantive
8.2.2	313	FONSI Question 4 response. Please clarify that there is "public" controversy over the scientific evaluation. Add, "However, the scientific assessment process used in making determinations concerning stock harvest levels is not considered to be highly controversial and is accepted as the best available science. There is no competing scientific analysis that NMFS would consider the best available science. Further, the impacts to the VECs assessed in this environmental assessment are not considered highly controversial. "	Substantive

8.2.2	314	FONSI Question 9 response. Use the following updated text regarding expected effects and reinitiated consultation. "The proposed action is not expected to alter overall fishing operations, lead to a substantial increase of fishing effort, or alter the spatial and/or temporal distribution of current fishing effort in a manner that would increase interaction rates with protected species. This action falls within the range of impacts considered in the Batched Fisheries Biological Opinion for the Multispecies Fishery (December 16, 2013). However, in a memorandum dated October 17, 2017, GARFO's Protected Resources Division reinitiated consultation on the Batched Biological Opinion. As part of the reinitiation, it was determined that allowing this fishery to continue during the reinitiation period will not violate ESA sections 7(a)(2) and 7(d) because it will not increase the likelihood of interactions with protected species above the amount that was previously considered in the 2013 Batched Biological Opinion. Therefore, conducting the proposed action during the reinitiation period would not be likely to jeopardize the continued existence of any whale, sea turtle, Atlantic salmon, or sturgeon species. As described in section 6.5, the proposed action is not likely to adversely affect any designated critical habitat. Specifically, the multispecies fishery will not affect the essential physical and biological features of North Atlantic right whale or loggerhead (Northwest Atlantic Ocean DPS) sea turtle critical habitat and therefore, will not result in the destruction or adverse modification of critical habitat (NMFS 2014a;NMFS2015a,b)."	Substantive

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GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930-2276

FEB - 8 2018

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

Dear John:

The Northeast Fisheries Science Center published final results of the stock assessment updates for 19 groundfish stocks in October 2017. Based on the results of these assessments, NOAA's National Marine Fisheries Service updated the stock status for Georges Bank (GB) winter flounder to reflect that the stock is no longer overfished and no longer subject to overfishing. The status of the other stocks remain unchanged (see enclosure). The stock status change for GB winter flounder is positive; however, the improvement in stock status does not change our determination in the attached August 31, 2017, letter that the stock is not making adequate rebuilding progress.

We implemented a rebuilding plan for GB winter flounder in 2010, with a target end date of 2017. The 2017 GB winter flounder assessment estimated that stock biomass increased from 43 percent of its target biomass in the 2015 assessment update to 52 percent of its target biomass. According to the GB winter flounder status determination criteria in the Northeast Multispecies Fishery Management Plan, the stock is considered overfished when biomass is less than 50 percent of the target, and a stock must reach 100 percent of the biomass target for us to declare it rebuilt. Because the stock is at 52 percent of the target biomass, it is no longer considered overfished, but it is not rebuilt and remains in a rebuilding program.

As explained in our August 31 letter from last year, we determined the stock was not making adequate rebuilding progress. The 2015 assessment results significantly changed our understanding of stock status, and the stock was not expected to rebuild by 2017, even in the absence of fishing. This was due to the emergence of a major retrospective pattern that led to previous overestimates of stock biomass, rather than a significant decline in biomass. The results of the 2017 assessment update do not change this determination. Thus, the Council must still revise the rebuilding plan for GB winter flounder by August 31, 2019, consistent with section 304(e)(3) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

Consistent with section 304(e)(7) of the MSA, we are evaluating whether adequate rebuilding progress is being made by other stocks currently in a rebuilding plan, based on the results of the 2017 assessment updates. We will notify the Council of our determination as soon as possible, so that the Council can work on revising or developing new rebuilding plans for applicable stocks simultaneously.

If you have any questions about this guidance, or the development of rebuilding plans for GB winter flounder or other stocks in the Northeast Multispecies FMP, please contact Sarah Heil, Groundfish Team Lead at the Greater Atlantic Regional Fisheries Office, at (978) 281-9257.

Sincerely,

for Michael Pentony
Regional Administrator

Cc: Chris Oliver, Assistant Administrator for Fisheries
Samuel D. Rauch III, Deputy Assistant Administrator for Regulatory Programs
Tom Nies, Executive Director, New England Fisheries Management Council
Dr. Jon Hare, Director, Northeast Fisheries Science Center
Alan Risenhoover, Director, Office of Sustainable Fisheries

Enclosures

Summary of changes to stock status based on 2017 Groundfish Operational Assessments

Stock	Previous Assessment		2017 Assessment		Rebuilding Program	
	Overfishing	Overfished	Overfishing	Overfished	Rebuilding Plan Start	Planned Rebuilding Date
GB Cod	Yes	Yes	Yes	Yes	5/1/2004	2026
GOM Cod	Yes	Yes	Yes	Yes	5/1/2004	2024
GB Haddock	No	No	No	No	5/1/2004	Rebuilt
GOM Haddock	No	No	No	No	5/1/2004	Rebuilt
GB Yellowtail Flounder	Unknown	Unknown	Yes	Yes	11/22/2006	2032
SNE/MA Yellowtail Flounder	Yes	Yes	Yes	Yes	5/1/2004	Rebuilt
CC/GOM Yellowtail Flounder	Yes	Yes	Yes	Yes	5/1/2004	2023
American Plaice	No	No	No	No	5/1/2004	2024
Witch Flounder	Unknown	Yes	Unknown	Yes	5/1/2010	2017
GB Winter Flounder[1]	Yes	Yes	**No**	**No**	5/1/2010	2017
GOM Winter Flounder	No	Unknown	No	Unknown	N/A	N/A
SNE/MA Winter Flounder	No	Yes	No	Yes	5/1/2004	2023
Acadian Redfish	No	No	No	No	5/1/2004	Rebuilt (2010)
White Hake	No	No	No	No	5/1/2004	2014
Pollock	No	No	No	No	5/1/2010	Rebuilt (2009)
Northern Windowpane Flounder	No	Yes	No	Yes	5/1/2010	2017
Southern Windowpane Flounder	No	No	No	No	5/1/2004	Rebuilt (2010)
Ocean Pout	No	Yes	No	Yes	5/1/2004	2014
Atlantic Wolffish	No	Yes	No	Yes	5/1/2010	In rebuilding, data poor; end date not defined.

[1]GB winter flounder is no longer overfished or subject to overfishing.

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AUG 31 2017

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

Dear John:

The Northeast Fisheries Science Center published final results of the stock assessment updates for the 20 groundfish stocks in October 2015. The Center also published the final report for a benchmark assessment for witch flounder in January 2017. Based on the results of these assessments, NOAA's National Marine Fisheries Service (NMFS) updated the stock status for a number of stocks and determined that several stocks are not making adequate rebuilding progress or are in need of a rebuilding plan. This letter serves as official Council notification of our determinations under sections 304(e)(2) and (7) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). With this notification, the Council should take action for each of the following stocks, as outlined below:

- Ocean pout;
- Georges Bank (GB) winter flounder;
- Witch flounder;
- Northern windowpane flounder;
- Southern New England/Mid-Atlantic (SNE/MA) yellowtail flounder; and
- White hake.

Stock status updates

The attached table summarizes the current stock status for all 20 stocks. Below are details for stocks with status changes:

- SNE/MA yellowtail flounder is now subject to overfishing and is overfished. The Council must implement a new rebuilding plan for this stock within 2 years.

- GB winter flounder is now subject to overfishing and is overfished. This stock is currently in a rebuilding plan, and we have determined that the stock is not making adequate rebuilding progress. We discuss our determination and make recommendations for revising the rebuilding plan for GB winter flounder under the "Rebuilding progress reviews" section below.

- Stock status improved for northern windowpane flounder. The stock is still overfished, but overfishing is not occurring. This stock is currently in a rebuilding plan, and we have determined that the stock is not making adequate rebuilding progress. We discuss

our determination and make recommendations for revising the rebuilding plan for northern windowpane flounder under the "Rebuilding progress reviews" section below.

- Stock status is unchanged, but more uncertain, for GB cod and Atlantic halibut. The assessments for these stocks were not accepted as a basis for management. However, the assessment review panel determined that available information indicates these stocks are still in poor condition and that stock size has not increased. Therefore, the panel recommended that, the status remain overfished for both stocks, consistent with the information from previous assessments. However, in the absence of fishing mortality estimates to compare to the overfishing thresholds, the panel recommended using an unknown overfishing status for both stocks.

  Although the review panel concluded that the overfishing status should be unknown for GB cod and Atlantic halibut, NMFS has determined that the stock status for GB cod will remain overfished, with overfishing occurring, consistent with the determination from the 2013 GB cod benchmark assessment, and that the status for Atlantic halibut will remain overfished, with overfishing not occurring, consistent with the 2012 assessment update for this stock. This aligns with the national approach for making official status determinations that are reported in the annual Report to Congress on the Status of U.S. Fisheries. Under this approach, where a known determination had previously been provided and a new assessment is rejected or the results are inconclusive, the known stock status will continue to be the official stock status. This approach relies on a valid prior determination as long as there were no errors in calculations or methodology, and the best available science at the time was used. These status determinations will remain until an assessment can provide new reference points and/or numerical estimates of existing status determination criteria or the Council implements alternative status determination criteria.

- Witch flounder remains overfished. However, it is now unknown whether the stock is subject to overfishing. The assessment peer review panel rejected the 2016 witch flounder benchmark assessment model, as well as the previous benchmark assessment model updated with 2015 data.

  Although we could not use the assessment to estimate stock size relative to a reference point, there is other information in the assessment that suggests that the witch flounder stock remains in poor condition. For example, the swept-area biomass approach used to generate catch advice indicated that stock biomass was at historical low levels. In addition, the fishery landings and survey catch data show truncation of age structure and a reduction in the number of old fish in the population. These indictors support maintaining the overfished status. Unlike the overfished status, we do not have reliable indicators for overfishing status. Thus we are changing the overfishing status to unknown. While we cannot specify an overfishing status determination criterion for this stock, catch for the last five years has been below the annual catch limit (ACL). The lack of reliable indicators, the rejection of the previous stock assessments, and the fact that catch has remained below the ACL, support changing the overfishing status of this stock to unknown.

Rebuilding progress reviews

We reviewed the assessment results to determine whether groundfish stocks in rebuilding plans were making adequate rebuilding progress under section 304(e)(7) of the Magnuson-Stevens Act. The criteria in the revised National Standard 1 (NS 1) guidelines state that the Secretary may find that a stock is not making adequate rebuilding progress if either:

1. The fishing mortality rate (F) required to rebuild the stock within the rebuilding timeframe ($F_{rebuild}$) or the ACL associated with $F_{rebuild}$ is exceeded, and accountability measures (AMs) are not correcting the operational issue that caused the overage, nor addressing any biological consequences to the stock or stock complex resulting from the overage when it is known; or
2. The rebuilding expectations of a stock or stock complex are significantly changed due to new and unexpected information about the status of the stock.

After reviewing all 20 stocks, we determined that several stocks are not making adequate rebuilding progress. Those stocks have either not reached or approached their rebuilding targets by the end of their rebuilding period, or are not expected to rebuild by their rebuilding end dates, even in the absence of fishing mortality. Below, we summarize our determinations and recommend specific conservation and management measures the Council should take to rebuild each stock.

Ocean pout

Ocean pout did not rebuild by its target rebuild date of 2014. We acknowledge the Council's efforts to support stock rebuilding. The regulations have prohibited possession of ocean pout since May 2010. The Council has also consistently set catch levels to promote rebuilding. Despite the Council's efforts to reduce fishing mortality for this stock, the 2015 stock assessment indicated that biomass was at 6 percent of the rebuilding target, continuing a decreasing trend. The final rule for the revised NS 1 guidelines discusses that cases where stock biomass is not increasing despite maintaining catch levels at or below $F_{rebuild}$ levels would be unexpected. Because ocean pout is not rebuilding in spite of low catch levels and conservative management measures, this stock meets the second criterion of the NS 1 guidelines criterion for not making adequate rebuilding progress. The lack of stock growth suggests uncertainty in our assessments or catch estimates, including unaccounted for management factors, biological factors, or environmental factors that could be limiting rebuilding progress.

The Council must implement a new rebuilding plan for ocean pout within 2 years, consistent with Magnuson-Stevens Act section 304(e)(3). A benchmark assessment for ocean pout is not scheduled for the near future. In the meantime, the Council should continue to use the available assessment information to set catch levels, and consider further conservation and management measures that may achieve adequate progress. In addition, we will work with the Council to prioritize additional research to determine why low catch levels have not supported stock growth, and develop other management measures that may be appropriate for the stock.

Georges Bank winter flounder

We implemented the GB winter flounder rebuilding plan in 2010, with a target rebuild date of 2017. The stock assessments in 2011 and 2012 showed the stock was making adequate rebuilding progress, and in 2012, the stock was estimated to be approximately 86 percent of its rebuilding target. However, the 2015 assessment significantly changed our understanding of stock status, and the stock is not expected to rebuild by 2017, even in the absence of fishing. The stock is now estimated to be only 43 percent of its rebuilding target. This change is not due to a significant decline in biomass, but rather the emergence of a major retrospective pattern that led to previous overestimates of stock biomass. As a result, this stock meets the second criterion of the NS 1 guidelines for determining that a stock is not making adequate rebuilding progress.

The Council must revise the rebuilding plan for GB winter flounder within 2 years, consistent with Magnuson-Stevens Act section 304(e)(3). We recommend the Council explore whether additional management measures, such as the expansion of selective gear requirements or area closures, or changes to the current method of setting catch levels, would support additional growth for this stock.

Witch flounder

We implemented the rebuilding plan for witch flounder in 2010, with a target rebuild date of 2017. The 2012 and 2015 assessment updates indicated that biomass was at 41 and 22 percent of the biomass target, respectively. Based on the 2015 assessment, the stock was not expected to rebuild by 2017, even in the absence of fishing. The Center performed a benchmark assessment of this stock in 2016. The assessment peer review panel rejected the 2016 benchmark assessment model and was unable to generate model-based reference points to determine stock status. Without biological reference points, we are no longer able to evaluate stock size relative to the current rebuilding target, and as a result the rebuilding expectations for the stock have significantly changed. Therefore, this stock meets the second criterion of the NS 1 guidelines for not making adequate rebuilding progress. As noted previously in this letter, available data still suggest this stock is in poor condition, and in need of rebuilding measures.

The Council must develop a new rebuilding plan for witch flounder within 2 years, consistent with Magnuson-Stevens Act section 304(e)(3). Recognizing that the 2016 benchmark assessment was not able to generate reference points for witch flounder, we recommend that the Council explore developing a rebuilding plan that monitors available data sources as proxies for rebuilding progress. This could include indicators such as: 1) increases in exploitable biomass from surveys using the empirical approach that the peer review panel developed; 2) expansion in size or age structure in fishery-dependent and independent data sources; and 3) tracking and monitoring the progress of year classes over time.

Northern windowpane flounder

We implemented the rebuilding plan for Northern windowpane flounder in 2010, with a target rebuild date of 2017. Although the 2015 assessment indicated that overfishing is no longer occurring, stock biomass was at 34 percent of the biomass target. Catch exceeded the ACL

every fishing year since ACLs were first put in place (2010). To date, the AMs have not fully corrected the operational issues that caused overages and, as a result, may not have addressed the potential biological consequences to the stock. As a result, this stock meets the first criterion of the NS1 guidelines for not making adequate rebuilding progress.

The Council must revise the rebuilding plan for northern windowpane flounder within 2 years, consistent with Magnuson-Stevens Act section 304(e)(3). We recently approved measures in Framework 56 that are intended to correct an operational issue that contributed to some of the recent ACL overages. A scallop fishery sub-ACL for this stock will hold the scallop fishery accountable for its catch contribution and provide incentive for this fishery to reduce its bycatch of the stock. Additionally, we anticipate that associated scallop fishery AMs (to be implemented in a future action) will further bolster management efforts to prevent future ACL overages. When revising the rebuilding plan for northern windowpane flounder, we recommend the Council explore additional conservation and management measures, taking Framework 56 into account, that will support stock growth and improve the probability of rebuilding success.

White hake

We implemented the white hake rebuilding plan in 2004, with a target rebuild date of 2014. Stock biomass has steadily increased since we implemented the rebuilding plan, and is now estimated to be at 88 percent of the rebuilding target. Stock projections in the 2015 assessment show that this stock is expected to continue growing, and the stock will rebuild by 2022. Additionally, catch has been below the ACL in all fishing years since we established ACLs for this stock, so we have not needed to implement AMs.

Although the rebuilding plan ended in 2014, because of the positive gains in stock biomass and the expectation that it will continue to rebuild, we determined that white hake is making adequate rebuilding progress. Consistent with the NS 1 guidelines and the Council's ABC Control Rule, the Council should continue to set catch limits to maintain fishing mortality at 75 percent of F at maximum sustainable yield until the stock is rebuilt.

Next steps

The Council has 2 years from the date of this letter to prepare and implement new rebuilding plans for SNE/MA yellowtail flounder due to the revised status determination for this stock. The Council also has two years to prepare and implement new rebuilding plans for ocean pout and witch flounder, and to revise the rebuilding plans for GB winter flounder and northern windowpane flounder. We acknowledge that the Council used the most recent assessment information to set catch limits that prevent overfishing for each of these stocks for the 2017 and 2018 fishing years until new rebuilding plans can be developed. Based on the 2017 groundfish operational assessments, we also expect the Council to revise the current 2018 specifications using the updated information. Beyond setting appropriate catch limits and working to develop or revise rebuilding plans for these stocks, we encourage the Council to continue to make progress on the Groundfish Monitoring Amendment. Improved fishery information can reduce uncertainty that may contribute to the retrospective patterns in the assessments.

We will continue to provide advice and collaborate on the development and implementation of rebuilding programs through our participation on the Groundfish Plan Development Team, the Groundfish Committee, and the Council. We also previously provided advice on developing rebuilding plans in a letter dated April 13, 2012, and have attached that letter for reference to help respond to questions about the timing for, and analysis of, rebuilding measures.

If you have any questions about this guidance, or the development of rebuilding plans for these stocks, please contact Michael Pentony, Assistant Regional Administrator for Fisheries for the Greater Atlantic Regional Fisheries Office, at (978) 281-9283.

Sincerely,

for John K. Bullard
Regional Administrator
Greater Atlantic Regional Fisheries Office
National Marine Fisheries Service

Cc: Chris Oliver, Assistant Administrator for Fisheries, National Marine Fisheries Service
Samuel D. Rauch III, Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service
Tom Neis, Executive Director, New England Fisheries Management Council
Dr. Jon Hare, Director, Northeast Fisheries Science Center
Alan Risenhoover, Director, Office of Sustainable Fisheries

Attachments

Summary of changes to stock status based on 2015 Groundfish Operational Assessments and 2016 Witch Flounder Assessment

Stock	Previous Assessment		2015/2016 Assessment		Rebuilding Program Start Date	Planned Rebuilding End Date
	Overfishing?	Overfished?	Overfishing?	Overfished?		
GB Cod	Yes	Yes	Yes	Yes	5/1/2004	2026
GOM Cod	Yes	Yes	Yes	Yes	5/1/2004	2024
GB Haddock	No	No	No	No	5/1/2004	Rebuilt
GOM Haddock	No	No	No	No	5/1/2004	Rebuilt
GB Yellowtail Flounder	Unknown	Unknown	Unknown	Unknown	11/22/2006	2032
SNE/MA Yellowtail Flounder	No	No	Yes	Yes	5/1/2004	Rebuilt
CC/GOM Yellowtail Flounder	Yes	Yes	Yes	Yes	5/1/2004	2023
American Plaice	No	No	No	No	5/1/2004	2024
Witch Flounder	Yes	Yes	Unknown	Yes	5/1/2010	2017
GB Winter Flounder	No	No	Yes	Yes	5/1/2010	2017
GOM Winter Flounder	No	Unknown	No	Unknown	N/A	N/A
SNE/MA Winter Flounder	No	Yes	No	Yes	5/1/2004	2023
Acadian Redfish	No	No	No	No	5/1/2004	Rebuilt (2010)
White Hake	No	No	No	No	5/1/2004	2014
Pollock	No	No	No	No	5/1/2010	Rebuilt (2009)
Northern Windowpane Flounder	Yes	Yes	No	Yes	5/1/2010	2017
Southern Windowpane Flounder	No	No	No	No	5/1/2004	Rebuilt (2010)
Ocean Pout	No	Yes	No	Yes	5/1/2004	2014
Atlantic Halibut	No	Yes	No	Yes	5/1/2004	2056
Atlantic Wolffish	No	Yes	No	Yes	5/1/2010	In rebuilding, data poor; end date not defined.

New England Fishery Management Council
50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
John F. Quinn, J.D., Ph.D., Chairman | Thomas A. Nies, *Executive Director*

February 5, 2018

Dr. Christopher Moore
Executive Director
Mid-Atlantic Fishery Management Council
Suite 201, 800 N. State Street
Dover, DE 19901

Dear Chris:

Thank-you for your letter of December 15, 2017. Should the Council decide to revisit its 2018 priorities we will take into account your offer of assistance on an action that might consider changing the management status of windowpane flounder.

Please contact me if you have questions.

Sincerely,

Thomas A. Nies

Thomas A. Nies
Executive Director

New England Fishery Management Council
50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
John F. Quinn, J.D., Ph.D., Chairman | Thomas A. Nies, *Executive Director*

February 2, 2018

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

Dear Mike:

Consistent with the consultation requirements of 50 CFR 648.89(f)(3), the Council developed recommendations for proactive accountability measures (AMs) for Gulf of Maine (GOM) cod and GOM haddock for FY2018 at its January 2018 Council meeting. These AMs require development by the Regional Administrator (RA) in consultation with the Council, because the appropriate suite of measures (e.g., bag limit, minimum fish size, season) depends on the Annual Catch Limits (ACLs) specified for the upcoming fishing year. The RA may adjust measures to ensure the recreational fishery will achieve, but not exceed, its sub-ACLs.

The Recreational Advisory Panel (RAP) met on Jan. 24, 2018 to discuss potential AMs. The Groundfish Committee discussed the RAP's recommendation on Jan. 25, 2018. The Council then reviewed the RAP and Committee recommendations, several AM scenarios, and the expected impacts of those scenarios. Based on these discussions, the Council passed the following motion on Jan. 31, 2018:

> ***Motion 1:*** that the Council recommends to NMFS Option 1 (Status Quo with no MA GOM Cod Possession) unless the retention of 1 GOM cod by private recreational anglers in Massachusetts waters is retained for FY 2018, in which case the Council recommends Option 7 (Split Measures by Mode).
>
> Option 1: Status quo recreational measures:
> 1) Cod: no possession year-round
> 2) Haddock: 12 fish, 17 in minimum size, and closed March-April 14 and September 17-October 31.
>
> Option 7: Split Measures by Mode:
> 1) Cod: no possession year-round
> 2) Haddock:
>
> For-Hire: 10 fish, 17 in minimum size, and closed March-April 14 and September 17-October 31
> Private: 12 fish, 17 in minimum size, and closed March-April 14, May, and September 17-October 31.
>
> *The motion carried on a show of hands (14/0/2).*

When examining the options, the Council felt that updated information and potential changes in regulations may result in lower catches of Gulf of Maine cod than projected in the bioeconomic model. These issues include: 1) if the State of Massachusetts decides to change their Gulf of Maine cod possession limit from 1 to 0 fish in state waters Gulf of Maine cod, 2) addressing enforcement and outreach concerns in federal waters of the no possession limit for Gulf of Maine cod, and 3) using updated 2017 data when available in the model (rather than 2016 as a proxy for some waves– since 2016 data is expected to be higher). In addition, wave 6 (November - December) 2016 MRIP data was higher than expected for several stocks (e.g., black sea bass, and Georges Bank cod) in New England and the Mid-Atlantic. Further, once implemented, the Massachusetts Bay Spawning Protection Area may result in reduced recreational catches of Gulf of Maine cod from November 1 to January 31.

In addition, as part of the consultation process proposed and outlined in Framework Adjustment 57, the Council made the following motion for recreational measures for Georges Bank cod for FY2018 to achieve the target catch of 138mt:

> **Motion 2**: to recommend that the Agency consider adopting the following Georges Bank Cod recreational management measures for Fishing Year 2018: a 10 fish bag limit for all modes (private, charter and party) and increase the minimum fish size from 22 inches up to 24 inches.
>
> *The motion carried on a show of hands (10/5/1).*

The Council appreciates the continue support from NMFS staff to address information needs in advance of the RAP and Committee meetings and for holding AM consultations with the RAP and Committee prior to the January Council meeting so that Council input could be provided.

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

Sincerely,

Thomas A. Nies

Thomas A. Nies
Executive Director

cc: Dr. Jon Hare, NEFSC

New England Fishery Management Council
50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
John F. Quinn, J.D., Ph.D., Chairman | Thomas A. Nies, *Executive Director*

February 2, 2018

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

Dear Mike:

On January 31, 2018, the New England Fishery Management Council passed (by a 15-0 margin with one abstention) the following motion:

> *"that the Council recommends a revised control date for the charter/party groundfish fishery as the date of publication of the notice in the Federal Register."*

One of the Council's priorities for 2018 is to explore limited entry in the Northeast multispecies (groundfish) charter/party fishery. The Council felt that revising the control date from March 30, 2006 was appropriate, as conditions and issues in the recreational fishery have changed over the past 10 years. The Council agreed that it was important to "refresh" the control date, which will make it a more useful marker in determining activity in the fishery.

The Council therefore requests that NMFS prepare and publish the appropriate Federal Register notice to revise the control date for the charter/party groundfish fishery. Council staff is available, if needed, to assist in drafting the notice language.

Sincerely,

Thomas A. Nies

Thomas A. Nies
Executive Director

2/1/2018

To: Dr. John Quinn and NEFMC board members,

I attended the NEFMC Groundfish meeting this past week and I had hoped to speak but the opportunity to do so was not obvious to me during the meeting proceedings.

Gulf of Maine Haddock ACL for 2017 was 1.160 metric tons and 2018 set at 3,358, nice to have an increase of 2,119 metric tons for the recreational sector but not being able to catch another single haddock and leaving almost 2,200 metric tons in the water because we might catch and release some cod is astonishing.

We understand regulations pertaining cod now are based on catch estimates from last year and the MIRP data is so bad NMFS keeps stating they need to find a way to count the recreational catch better. But in the mean time charter and party boats are getting crushed.

There was a long time party and charter boat fishery here that is dying, long time businesses are going out due to regulations where customers feel the cost of coming on board is not worth it for no cod. I speak to potential and past customers routinely and know this to be case and have lost customers to other fisheries as a result, not to mention the impact to other local business. Most of my customers come from out of state.

Look at your numbers

Year	Cod Haddock Bag Limits	Charter Party Vessels Taking Trips
2010		168
2012	Nine Cod PP	133
2014	Nine Cod and Three Haddock	119
2015	Zero Cod and Three Haddock	92
2016	One Cod (Sept and Oct) and Fifteen Haddock	87
2017	Zero Cod and Twelve Haddock	

As the regulations get worse going from nine cod in 2012 to zero this year, we went from 169 boats taking trips in 2010 down to 87 in 2016 and sure it is even less now. That is a 51% decrease in charter and party boats taking out customers with a loss of millions to the local region all because of zero cod.

There are plenty of cod and haddock out there we see it each trip but for some reason NOAA keeps denying it. I would also ask for some haddock even if a reduced bag limit in

Sept and Oct so we can get some trips in with the high ACL. The way the season is set up now NMFS has basically given us a four and a half month groundfish season after having year round at one time. Some allocation of fish in these months, would allow us to run combo Tuna/shark trips and let customers take home something in those months instead of the all or nothing tuna game.

The owners of these vessels have expenses just like commercial vessels but a very short season primarily spring to fall to fish, Please take into consideration giving us a few cod and some haddock in September and October.

Back to the MRIP data, referring to the data in table 2 on Angler Trips for Cod and Haddock. 2 things I would like to point out.

Table 2. Gulf of Maine Angler Trips by Mode

	FY2016				FY2017			
	Cod & Haddock Angler Trips[1]	(PSE)	All Angler Trips[2]	(PSE)	Cod & Haddock Angler Trips[1]	(PSE)	All Angler Trips[2]	(PSE)
Head	31,356	(17.2)	49,665	(9.5)	27,510	(21.8)	50,583	(14.6)
Charter	12,380	(14.2)	46,395	(10.4)	15,529	(20.8)	78,871	(12.9)
Private	118,631	(15.8)	1,341,314	(8.0)	107,761	(17.3)	1,144,513	(6.9)
Shore	229	(100.0)	832,339	(16.4)	-		669,190	(14.1)
	162,596	(12.1)	2,269,713	(7.7)	150,799	(13.1)	1,943,156	(6.4)

[1]Number of angler trips that targeted and/or caught cod or haddock

[2]All angler trips in the Gulf of Maine

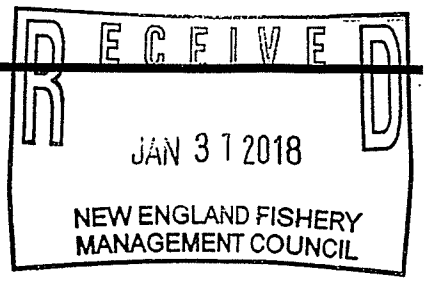
1. **The chart shows that Charter trips increased by 25% in 2017 which does not match the trend line from above and certainly is not consistent with my and other captain's bookings that I have spoke to.**
2. **The chart shows private angler trips of roughly 108K for 2017. Given the current restrictions and practical weather considerations that gives private anglers a 120-day season of May, June, July and August. At a generous assumption of 4 anglers per boat, that is 225 private boats fishing 7 days a week regardless of weather and the fact most people work 5 days a week. My experience is that on the very nice days in May when fishing is good and easy on the north end of Stellwagon bank you might see 30 boats and half of those are charter/head boats. Even allowing the same number of boats on the south end of the bank, the two most heavily fished areas, they do not come close to those numbers. Further, when the fish move into the deep water and the game is on Tillies or east of the bank in mid June, July and August you are lucky to come across a handful of boats over the course of a day. These numbers do not pass the sniff test and way over state the effort.**

Please use some common sense and allow us the full allocation of haddock ACL and some cod given the recovering stocks and assuming a practical fishing effort.

Respectfully,

Captain Bruce Sweet
Sweet Dream Sport Fishing
Gloucester MA
captbruce@sportfishingma.com

Sherie Goutier



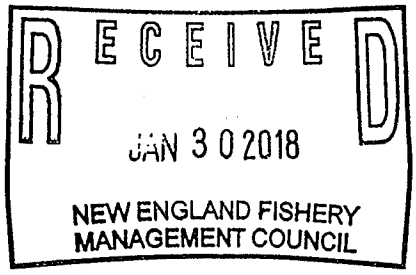
From: donald campbell <labradorcharters@hotmail.com>
Sent: Tuesday, January 30, 2018 4:02 PM
To: info info
Subject: Haddock and Cod fishery

Captain Don Campbell of Labrador fishing charters In regards of the haddock fishery for 2018 keep it open there is no need to shut it down the stock is out standing for both cod and haddock. North of the 42 line . You guys have done a out standing job with the fishery keep it open and maybe adding the cod would be out standing for our charter trips. Cod fishing was crazy good out there last seasons ,but we had to release I hope we can keep one cod per person this season. Alongside 15 haddock per persons ..

Thanks Captain Don Campbell
Labrador fishing charters
Sent from my iPad

Sherie Goutier

From: darren remillard <drem312@yahoo.com>
Sent: Tuesday, January 30, 2018 2:31 PM
To: comments; Tom Nies; John Quinn; Doug Grout
Subject: Recreational Gulf of Maine Fishing
Attachments: Fish.docx



To whom it may concern,
My name is Darren and I have been fishing the Gulf of Maine recreationally since the eighties. I have seen all our ground fish stocks go up and down throughout the years. Few years back when I witnessed party boat after party boat pulling up large female cod from the now Cod Protection Area I wrote letters to NMFS and NH Fish and Game telling them measures needed to be taken to stop what was happening. Two years later the protection area was created. I own a small 25ft vessel and fish recreationally for groundfish maybe once or twice a week from May through the summer. I mostly target Haddock and Pollock. What I can't understand is why I have the same regulations as a party boat that has 60 people on board sometimes 7 days week. The cod has finally started to come back no doubt from the zero-possession limit. Last year I released several hundred pounds back to the ocean alive but one out of ten would not make it and it made me sick to see a 15lb cod being eating floating on the surface by seagulls. I'm proposing a different category for the average recreational saltwater fisherman like myself. This separate license and fee would be called,
Part time Recreational Fisherman; (Saltwater)
Defined as a Vessel no larger than 30 feet
Having no more than 4 fishermen on board
Fish no more than 3 days per week.

This category would allow the retention of one cod per person between the length of 24" to 36"
All other groundfish regulations will apply

I very much enjoy fishing the Gulf Of Maine and keeping a cod after all the money it takes to get out there would be nice

Respectfully Submitted
Darren Remillard
603-782-1453
RYE NH

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGION
55 Great Republic Drive
Gloucester, MA 01930-2298

Groundfish Summary Report

May 1, 2017 – January 29, 2017

DAS Leasing Program (through Oct 1, 2017)

	Common Pool	Sectors
Total Leases Processed:	4	32
Total Leases Approved:	4	32
Number of Distinct Permits:	8	50
Total DAS Leased:	54.7775	867.9672
Average Cost per DAS Leased*:	$107.77	$0.25
Highest Cost per DAS Leased:	$170.59	$8.00
Lowest Cost per DAS Leased:	$0.50	$0.00

* For leases greater than $ 0.00

Sector ACE Transfers (through Jan 29, 2018)

STOCK	Number of Transfers	Total Pounds Transferred
CC/GOM Yellowtail Flounder	117	306869
GB Cod East	75	115545
GB Cod West	112	435857
GB Haddock East	14	1155565
GB Haddock West	16	2832365
GB Winter Flounder	54	196446
GB Yellowtail Flounder	20	23033
GOM Cod	130	263954
GOM Haddock	81	1698918
GOM Winter Flounder	28	115673
Plaice	192	1052436
Pollock	25	802078
Redfish	39	3148633
SNE/MA Yellowtail Flounder	98	235353
White Hake	38	565905
Witch Flounder	148	325554
SNE/MA Winter Flounder	56	94293
Total	**1253**	**13368477**