

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

JUL 12 2018

RECEIVED

JUL 16 2018

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

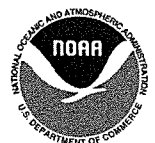
Dear John:

NEW ENGLAND
FISHERY
MANAGEMENT COUNCIL

We appreciate the opportunity to review the draft environmental impact statement (DEIS) for Amendment 8 to the Atlantic Herring Fishery Management Plan (FMP) and would like to take this opportunity to raise several concerns that are relevant to the Council's final decisions on the Amendment. Our comments focus on the set of alternatives the Council will consider to address the concern over localized depletion and user group conflict.

Underpinning the analysis of the localized depletion/user group conflict alternatives in the DEIS is an assumption that the overlap between the herring fishery and ecotourism/predator fisheries has a negative effect on those predator fisheries and ecotourism activities by reducing the availability of herring as prey for the animals on which those activities depend. Similarly, there is an assumption that restricting access for the herring fishery to reduce that overlap would benefit the user groups dependent on ecotourism and predator fisheries. However, the conclusions reached in the DEIS regarding the potential benefits of these alternatives do not fully acknowledge or reflect the uncertainty associated with these assumptions. The Council should strive to resolve this disconnect by fully acknowledging this uncertainty and taking it into account while weighing the potential benefits of any proposed action.

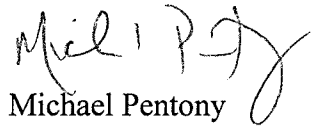
The Council's decisions on this issue must be based on a clear and rational connection between the Council's stated purpose and need for the amendment, the analysis of the alternatives under consideration documented in the DEIS, and the expected benefits and costs to the various user groups involved. In addition, the Council must clearly identify, acknowledge, and justify policy decisions that may have differential impacts on competing user groups. For example, if a preferred alternative would restrict midwater trawl vessels but not restrict other gear types that also catch herring, the Council must consider the differential economic impacts on the different gear types and justify such a choice in light of the expected benefits of the action, consistent with the amendment's goals and objectives. Similarly, the Council should consider the degree to which alternatives that restrict the herring fishery would provide biological or socio-economic benefits to other user groups that balance or outweigh the likely negative economic impacts on the herring fishery. In addition, and in light of the overlap analysis in the DEIS, the Council should weigh the potential benefits to the competing user groups of broad area buffer zone restrictions with the potential benefits of smaller discrete area restrictions against the cost of each to the herring fishery, and the likelihood that such an approach would resolve or mitigate user group conflicts.



Finally, the Council may be aware that staff from the Stellwagen Bank National Marine Sanctuary (Sanctuary Program) have raised concerns regarding the impacts of midwater trawl fishing on Stellwagen Bank, including potential impacts resulting from fishing activities that are currently authorized under the Herring FMP's research set-aside program. As the Council develops its final recommendations for Amendment 8, we will coordinate closely with the Sanctuary Program to ensure the Council remains aware of the Sanctuary Program's concerns and National Marine Sanctuary Act requirements.

I appreciate the substantial time and effort the Council has invested in Amendment 8 and look forward to working with the Council to improve management of the herring fishery. My staff will continue to work closely with the Council as it prepares to take final action on Amendment 8. If you have questions about the issues we raised in this letter, please contact Pete Christopher, Supervisory Fishery Policy Analyst, at (978) 281-9288.

Sincerely,

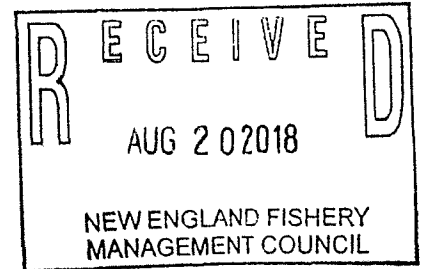
A handwritten signature in black ink, appearing to read "Michael Pentony", written over the printed name.

Michael Pentony
Regional Administrator

cc: Jon Hare, Ph.D., Northeast Fisheries Science Center

Sherie Goutier

From: royal5@everyactioncustom.com on behalf of Royal Graves <royal5@everyactioncustom.com>
Sent: Saturday, August 18, 2018 9:51 AM
To: comments
Subject: DEIS for Amendment 8 to the Atlantic Herring FMP



Dear Executive Director Tom Nies,

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

Dear Mr. Nies:

I am commenting on the management of Atlantic herring, a key forage fish in New England. The latest research indicates that herring species must be managed differently from other fish because of the unique role they play in the marine ecosystem. The largest fishing vessels on the East Coast, midwater trawlers, fish for herring in New England waters. This gear needs to be carefully controlled and should not be used in ecologically sensitive areas close to shore or in areas and at times when the risk of significant bycatch of river herring is elevated. The protected area off Maine is having results; it should be expanded to southern New England.

Overfishing and bycatch of herring have cascading consequences on predator populations (including humpback whales, seals, osprey, and larger fish); on businesses that depend on predators (whale watching, fishing for tuna, cod, and striped bass); and on coastal economies. If the Atlantic herring population dips too far, predators will move on to species like menhaden that are already struggling to hold on. Amendment 8 gives the Council tools to allow a robust herring fishery, leave enough herring for predators, and support the economies that rely on healthy predator populations and a vibrant ecosystem.

The Council should select the following alternatives when it takes final action in September:

Control rule: select Alternative 4, 5, or 6.

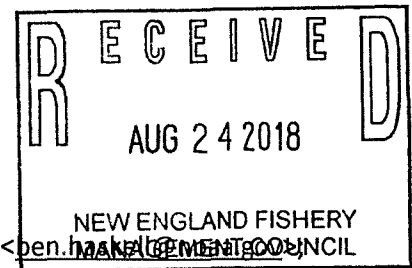
Localized depletion/buffer zone: select a buffer zone that extends 50 miles offshore year-round. The buffer zone should include parts of areas 1B, 2, and 3 in which midwater trawl fishing would not be allowed to operate (Alternative 6, Area Sub-option A, and Seasonal Sub-option A).

These measures will help protect the investments that groups like Save the Sound, The Nature Conservancy, and USFWS have made to reopen rivers to migrating river herring.

Thank you for the opportunity to comment. I strongly encourage the Council to protect river and Atlantic herring populations and adopt alternatives that take into account their unique role in New England's coastal economy and ecosystem.

Sincerely,
Mr. Royal Graves
21 Prospect St Wethersfield, CT 06109-3756 royal5@cox.net

Sh 8/23/18



From: Peter Murphy [mailto:l-ocharters@comcast.net]

Sent: Friday, August 24, 2018 12:44 PM

To: Michael Pentony <michael.pentony@noaa.gov>; Benjamin Cowie-Haskell <ben.haskell@noaa.gov>;

Deirdre Boelke <dboelke@nefmc.org>

Subject: Enough of The Mid Water Pair Trawlers

Dear Mr. Pentony,

I am writing you to share my concerns and observations I have relative to the Mid Water Pair Trawl Fleet operating here off New England. I speak not only as a commercial and recreational fisherman, but also a past sub contractor performing biological scientific research for NOAA. I have been forced to fish 175 miles offshore on Georges Bank for Blue Fin Tuna because these Trawlers have depleted local forage within fifty miles of shore. That is the fish side of my concern. However, my very real concern is the incidental slaughter of **PROTECTED MAMMALS** by these brutally unforgiving mechanized ships, which happens with **NO ACCOUNTABILITY** due to only a 3% observer rate ! I have been told that the observers are met with intimidation and told " not to see or say anything".

So picture a pair of 150 foot steel ships (a ten-12 vessel fleet) towing massive small mesh nets in unison ,across a span of hundreds of yards, through the entire water column. There is even a massive roller system attached to the bottom of the nets to facilitate running the ocean floor. This happens 24/7 , night and day, even on top of the fragile Stellwagen Bank National Sanctuary, and within just hundreds of yards of shore. I have witnessed them towing at 10 knots directly into a pod of whales. Imagine the other mammals that are killed in the dark as well and secretly discarded, as these nets never are hauled out, rather pumped out into million pound holds. Sophisticated underwater lighting systems monitor the deadly incidental bycatch and dump it before being detected, the vacuum then evacuates the nets. And the only possible risk of this criminal act ever being unveiled is a random sampling of the pump out back at the dock. A perfectly controlled crime scene !

- In closing sir, I ask for your help in addressing this brutal fishery and banning these ships from U.S. waters, just as they have been banned by other countries. The Herring Stock Assessment Amendment #8 has gone so far as to include a list of Alternatives to address the **localized depletion of forage issue, that threatens thousands of jobs and results in a devastating socio economic impact to coastal communities. Regardless of the stock assessment outcome, I respectfully request you and your office intervene for the protection of the incidental killing of mammals. The entire eco system is impacted by these ships nets, and the very species they target inherently attract an abundance of mammals as predators. I suggest a legitimate observer effort by Federal law Enforcement , Pew & The conservation law Foundation would be horrified by the findings and put a cease and desist on this fleet.**

dlb 8/24/18

- **Consider:**
- **Million pound hold capacity per vessel**
- **vacuum offload from nets to hold to truck-no opportunity to observe by catch**
- **the targeting of spawning areas due to abundance and ease to capture**
- **pounding the entire water column and ocean floor**
- **testimony by lobstermen of their flattened steel traps by Trawler nets**
- **depleting local fish stocks and destroying inshore fisheries and businesses**
- **causing a collapse of herring and mackerel stocks along the east coast**
- **AND incidental by catch of protected mammals known to feed on targeted forage**
- **a documented photo from a fish sonar of Trawlers in 82 ft of water atop Stellwagen Bank Sanctuary**

Sincerely yours,

Captain Pete Murphy
V.P. Stellwagen Bank Charter Boat Association

From: Jeff Kaelin [<mailto:jkaelin@lundsfish.com>]

Sent: Tuesday, September 11, 2018 11:27 AM

To: Tom Nies <tnies@nefmc.org>; Deirdre Boelke <dboelke@nefmc.org>; Peter Kendall <peter.kendall@comcast.net>; Eric Reid <ericreidri@gmail.com>

Cc: Chris Moore <cmoore@mafmc.org>; Jason Didden <jdidden@mafmc.org>; Peter Hughes <phughes@atlanticcapex.com>

Subject: Potential future work priority for 2019-2021 herring specifications - highlighted motion for AP and Committee consideration next week

Good morning Tom –

Following a meeting of Cape May mackerel producers a few weeks ago, after the new mackerel quotas were established and the mackerel incidental permit possession limits were increased, primarily, historically, for the benefit of the directed herring fishery, we are concerned that the coming, necessary reductions in herring quotas over the next three years will result in the area-specific herring areas be closed before the mackerel DAH can be taken.

With the two species often mixed in today's winter fishery, the current 2000 pound/day herring incidental catch limit effectively eliminates successful mackerel fishing once a herring management area is closed. When the herring AP and Committees meet next week, I would like to propose an increase to the herring incidental catch level, to minimize the potential for this to occur in each of the next 3 years.

The attachment, is a preliminary attempt by Jason Didden to review the mackerel/herring catch data he has, it appears that our concern may have some merit. Jason has given me permission to distribute this in the context of this email.

As mentioned above, the MAFMC did propose some management changes (through the pending framework measure implementing the 2019-2021 mackerel specifications), which included increasing the incidental catch allowance from 20,000 to 40,000 pounds and resulted in a closure of the directed mackerel fishery at 90% of the DAH, rather than the status quo 95%.

So, if motions at the AP meeting are appropriate, I would like to move something like: *to ask the Committee and Council to consider including, in the potential future work priorities for the 2019-2021 herring fishery specification process, the analysis of an increase in the herring incidental possession limit, from 2,000 pounds to as much as 40,000 pounds, in Herring Management Areas 2 & 3, from January 1 through May 31 of each fishing year. It would be anticipated that an earlier closure of these areas would result, so that the current 92% closure may be reduced to 90% or some other number.*

Last week, Deirdre advised me to put this into the form of an email so that it can become part of the materials for next week's meetings.

Finally, I hope that she can help me put these thoughts into a proper motion and justification for next week's AP meeting.

Thanks Tom & thanks to D and Jason for their assistance to this point, in response to our concerns.

Am also copying PK as Chair & Peter and Eric, as Council liaisons, who have all been helpful in keeping these two fisheries' FMPs consistent and operating in a cooperative manner.

Best regards,

Jeff Kaelin

Lund's Fisheries, Inc.

Cape May, NJ

C-207-266-0440

From: Didden, Jason [<mailto:jdidden@mafmc.org>]

Sent: Monday, August 27, 2018 12:48 PM

To: Kaelin, Jeff

Cc: Boelke, Deirdre; Kiersten Curti - NOAA Federal; jonathan.deroba@noaa.gov; Moore, Christopher; Benjamin Galuardi - NOAA Federal; Brant McAfee - NOAA Federal; Douglas Christel - NOAA Federal; Alyson Pitts - NOAA Federal; Carrie Nordeen

Subject: RE: Herring incidental catch limitation could jeopardize realizing mackerel DAH

Jeff,

I had time to take a quick look...

I binned 2013-2017 herring and mackerel landings by a trip ID and then sorted by descending mackerel landings then by ascending herring landings. Then I tallied the cumulative percent of mackerel landings working up to larger herring landings based on my sorting. **Please consider this all very preliminary until someone has some time to review my approach.**

The way I would interpret this graph, is that for example about 40% of mackerel landings occurred on trips with 10,000 pounds or less of herring were also landed. Or another way of saying the same thing, about 60% of mackerel landings occurred on trips with more than 10,000 pounds of herring also landed. A 2,000 pound trip limit would appear to only facilitate about 33% of mackerel landings without any herring co-catch issues. This is not too surprising given the nature of the fisheries in recent years...the 2013-2017 totals were about 63 million pounds for mackerel and 838 million pounds for herring...

Note: Binning trips is always tricky – my code will bin Maryland and Maine “from shore” records on the same day as one trip, as well as Maryland and Maine unknown vessel records (dealer provided neither permit nor Hull Number) on the same day as one trip, but given the nature of this fishery that shouldn’t change the end result much (about $\pm 1\%$). Also, if a federally permitted vessel made two trips with two landings on one day that will get recorded as one trip, but again that shouldn’t affect things too much for this particular fishery.

