

CORRESPONDENCE

September 18, 2017

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

Re: Exemption for vessels fishing in the NAFO Regulatory Area

Dear Dr. Quinn,

We are writing to request that the Council take action to exempt vessels fishing exclusively in the NAFO Regulatory Area from Skate regulations, similar to what is already captured in 50 C.F.R. § 648.17 *Exemptions for vessels fishing in the NAFO Regulatory Area* for NE multispecies & monkfish. Additionally, we are requesting the Council consider removing the prohibition on landing Thorny Skate for vessels fishing exclusively in the NAFO Regulatory Area.

Tremont Fisheries LLC purchased F/V Tremont, a western rigged freezer trawler in order to fish as a U.S. vessel in the NAFO Regulatory Area, and this year we received an allocation of Yellowtail Flounder. As we have gone through the various steps necessary to ensure successful and compliant fishing operations in accordance with the NAFO Conservation and Enforcement Measures (CEM) and US regulations we discovered that while there are exemptions for vessels fishing in the NAFO Regulatory area from permit, mesh size, effort-control, and possession limit restrictions for NE multispecies and monkfish, a similar exemption does not exist for skates.

While we realize that we will be constrained by current restrictions in FY 2017, we are requesting the Council provide an exemption similar to what is current available for NE multispecies and monkfish for skates. Without this exemption, we will be required to discard any catch of skates above what is currently in Skate regulations, which we feel contradicts the U.S. position to be good stewards of the resources harvested in the NAFO Regulatory Area and doesn't adequately take into consideration the dramatic difference between these two fisheries.

Additionally, we request that the Council consider exempting vessels fishing exclusively in the NAFO Regulatory Area from the Skate regulation that prohibit landing of Thorny Skate. We have been informed that the majority of skate bycatch in the NAFO Regulatory Area is Thorny Skate with some catch of Winter Skate occurring. While we could land any bycatch of Thorny Skate in Canada, we are currently prohibited from landing it in the United States which is where we intend on landing our allocation of Yellowtail. Thorny Skate caught in the NAFO Regulatory Area are considered to be a single stock; these skates are beyond the U.S. EEZ and therefore beyond the jurisdiction of the stocks managed under the Magnusson Stevens Act. Further, they are unlikely the same biological stock, so the effects on harvesting this bycatch within the NAFO regulatory regime will not result in negative effects on domestically managed species. By exempting vessels fishing exclusively in the NAFO Regulatory Area from the current domestic prohibition on landing Thorny Skates, we will be afforded the flexibility to develop a fishing strategy that honors the U.S. leadership role of stewardship in NAFO as well as

providing the greatest economic benefit to the U.S. by facilitating our ability to land all catch at U.S. ports.

It is our understanding that currently, the Skate Committee will be working on Framework 5 this fall and it was our hope that our request to exemption vessels fishing exclusively in the NAFO Regulatory Area from skate permit, mesh size, effort-control, and possession limit restrictions as well as the prohibition on landing Thorny Skate could be included in that work. Alternatively, if time does not allow for all or part of this request to be included in Framework 5 we request they be included in the Council's 2018 priorities.

In addition to our near term request that the New England Council make the requested modifications to the Skate Fishery Management Plan, we will be making a similar request to the Mid-Atlantic Council as it relates to some constraints existing Illex Squid regulations impose on vessels fishing exclusively in the NAFO Regulatory Area. However, thinking beyond these immediate requests we would greatly appreciate it if the Council working collaboratively with the Agency could consider whether it may be appropriate to create a blanket exemption for vessels fishing exclusively in the NAFO Regulatory Area from management measures from all stocks managed by the Council. Such an approach would provide a proactive measure to avoid similar issues as this in the future.

We did not embark on this endeavor on a whim; we feel strongly that we present a unique opportunity of mutual benefit that will further the positive strides made over the last few years to expand a clean U.S. fishery in the NAFO Regulatory Area. Additionally, in order to provide the greatest economic benefit to the nation we hope our requested modification of US regulations will facilitate our goal to land in U.S. ports. Thank you for your time and consideration, we appreciate any assistance the New England Council can provide to ensure that vessels fishing in the NAFO Regulatory Area have the requisite exemptions to not only facilitate efficient fishing operations but to maximize the benefit to the United States.

Sincerely,



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Tremont Fishery L.L.C.

Attachment: § 648.17 Exemptions for vessels fishing in the NAFO Regulatory Area.
CC: John Bullard, Regional Administrator Greater Atlantic Fisheries Regional Office
Matthew McKenzie, Skate Committee Chair

Attachment:

§ 648.17 Exemptions for vessels fishing in the NAFO Regulatory Area. (a) Fisheries included under exemption—

(1) NE multispecies. A vessel issued a valid High Seas Fishing Compliance Permit under part 300 of this title and that complies with the requirements specified in paragraph (b) of this section, is exempt from NE multispecies permit, mesh size, effort-control, and possession limit restrictions, specified in §§648.4, 648.80, 648.82 and 648.86, respectively, while transiting the EEZ with NE multispecies on board the vessel, or landing NE multispecies in U.S. ports that were caught while fishing in the NAFO Regulatory Area.

(2) Monkfish. A vessel issued a valid High Seas Fishing Compliance Permit under part 300 of this title and that complies with the requirements specified in paragraph (b) of this section is exempt from monkfish permit, mesh size, effort-control, and possession limit restrictions, specified in §§648.4, 648.91, 648.92 and 648.94, respectively, while transiting the EEZ with monkfish on board the vessel, or landing monkfish in U.S. ports that were caught while fishing in the NAFO Regulatory Area.

(b) General requirements. (1) The vessel operator has a valid letter of authorization issued by the Regional Administrator on board the vessel; (2) For the duration of the trip, the vessel fishes, except for transiting purposes, exclusively in the NAFO Regulatory Area and does not harvest fish in, or possess fish harvested in, or from, the EEZ; (3) When transiting the EEZ, all gear is properly stowed in accordance with the definition of not available for immediate use as defined in §648.2; and (4) The vessel operator complies with the High Seas Fishing Compliance Permit and all NAFO conservation and enforcement measures while fishing in the NAFO Regulatory Area. [70 FR 21942, Apr. 28, 2005, as amended at 79 FR 52580, Sept. 4, 2014]