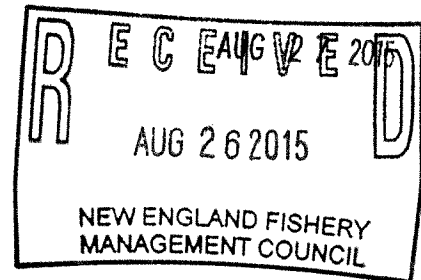


CORRESPONDENCE



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

Ms. Elizabeth Etrie, Esq.
Northeast Fishery Sector I
85 Eastern Avenue
Suite 104
Gloucester, MA 01930



Dear Ms. Etrie, Esq.,

This fall, as you know, the fishing industry will start paying a portion of the costs for at-sea monitoring (ASM). We approved your sector operations plan, contract, and ASM plan contingent on the sector contracting one or more ASM providers and notifying us of your selection. Please notify us in writing, by September 1, 2015, of the ASM provider(s) your sector has contracted.

On August 4, 2015, my staff announced on a sector manager conference call that we expect to be able to fund your portion of the ASM program costs through October 31, 2015. The September 1 deadline for ASM contracts has been set to ensure ASM continues without interruption on November 1, 2015. The September 1 deadline is necessary so that we have sufficient time to review contracts and amend operations plans, to program the pre-trip notification system, and to provide training for new monitors.

We have requested that each provider submit to us copies of all ASM contracts by September 1, 2015. Once contracts are submitted, we will confirm that your sector has a signed contract with an approved ASM provider and that the contract contains no provisions counter to your sector's approved operations plan and ASM plan. If there are any issues with the contract, we will work with you and the provider(s), as much as necessary, to ensure you have an appropriate contract to implement your approved ASM plan. Once we complete our review of your contract(s), we will notify you in writing and provide an amendment to your sector operations plan acknowledging your selection of the approved ASM provider(s). Your sector's vessels cannot use your contracted ASM provider until this process is completed.

You may also choose to notify us in writing by September 1, 2015, that the sector will no longer be active after the federal funding for ASM expires. We will then provide an amendment to your sector operations plan stipulating that the sector members may not initiate a groundfish trip after October 31, 2015.

If you have any questions, please contact Mark Grant at 978-291-9145.

Sincerely,

This letter was sent to
all Sector Managers.

John K. Bullard
Regional Administrator

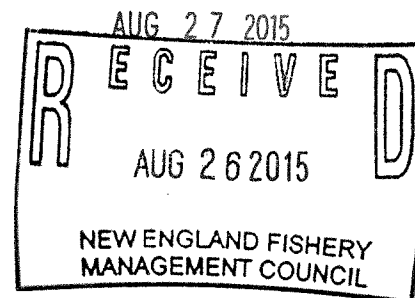


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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930-2276

Greg Connor
ACD USA Ltd.
4 Parker Street
2nd Floor
Gloucester, MA 01930



Dear Mr. Connor:

Please submit a copy of all contracts between ACD USA Ltd. and all entities contracting your at-sea monitoring (ASM) services for the Northeast Multispecies fishery for fishing year 2015.

The service provider performance standards require each service provider to submit to us, if requested, a copy of each signed and valid contract between the provider and each sector or participating vessel that has contracted for ASM services (see 50 CFR 648.87(b)(4)(ii)(D)). We are requesting these contracts to help ensure compliance with the sector operations plans, which include detailed plans for sector-specific ASM plans and the ASM program in general. Until a sector has a signed ASM provider contract and its sector operations plan has been amended accordingly, that sector's vessels cannot use your ASM services to meet the ASM requirement.

Please submit electronic copies (in searchable PDF format) of all contracts you hold for at-sea monitoring to Mark Grant c/o the Sustainable Fisheries Division by September 1, 2015. Please include all attachments, appendices, addenda, and exhibits incorporated into the contract. You can reach Mark Grant at (978) 281-9145 if you have any questions.

Sincerely,

John K. Bullard
Regional Administrator

This document also sent to:

A.I.S., Inc.

East-West Technical Services, LLC

Fathom Research, LLC

MRAG Americas, Inc.



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(5)

Town and County of Nantucket
Board of Selectmen • County Commissioners

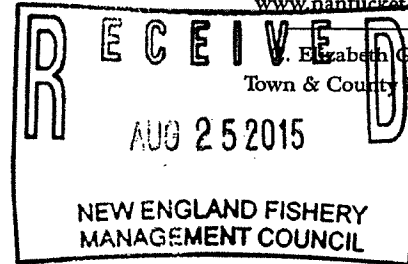
Robert R. DeCosta, Chairman
Rick Atherton
Matt Fee
Tobias Glidden
Dawn E. Hill Holdgate



16 Broad Street
Nantucket, Massachusetts 02554

Telephone (508) 228-7255
Facsimile (508) 228-7272
www.nantucket.ma.gov

Elizabeth Gibson
Town & County Manager



August 11, 2015

The Honorable Governor Baker
Massachusetts State House
Room 280
Boston, MA 02133

Dear Governor Baker:

The County of Nantucket is petitioning NOAA and Massachusetts Division of Marine Fisheries (DMF) to extend the existing near coastal protection zone. The zone currently begins at Boston, extending north to the Hague Line (Herring Management Area 1A). We propose the inclusion of the 12-mile territorial waters along the coast south of Boston, along the outside of the Cape, around Nantucket, and south of Martha Vineyard to the western Massachusetts line. Our proposal is not novel, but reflects the original plans for the coastal protection zone as drafted in 1999.

This closure would be a gear-based restriction of no less than 6.5" mesh in any mobile gear, bay scallop dredges and the historic state waters squid fishery, which is open from April 23 to June 9 would be exempt. This zone is historically known as the main migratory route of whales, predator fish, birds, and forage fish such as squid and herring. Forage fish are perhaps most important, as they critically support the rich marine ecosystem and fish habitat that exists along this route.

The intent of creating the 12-mile territorial boundary along the coast, and the intention of the 1977 Magnuson Stevens Act, was to protect our marine ecosystems, habitat, and fisheries from foreign fishing fleets indiscriminately harvesting with destructive gear types. Yet, today, the state allows near-shore trawlers to use small mesh gear close to shore. Small mesh gear, used by mid-water pair trawlers and otter trawlers, often engages and disrupts the sea floor, causing indiscriminate killing, significant bycatch, and destruction of our natural resources at a massive scale. Industrial-size fishing boats and small mesh gear have the potential to enact irreversible damage and wreak havoc on our near coastal natural resources.

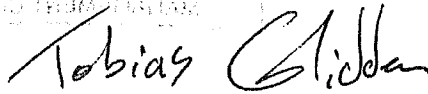
Due to the steady decline and, in some cases, collapse of New England ground fisheries, many fishermen have changed occupations, recognizing that if policies don't

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change immediately, if ecosystems and forage fish are not protected, fisheries will collapse. At this point in time the biomass of local fish stocks can no longer handle the shifting pressures and indiscriminate harvesting that at one point in time seemed acceptable and sustainable. In our quest to become responsible stewards of the oceans and natural resources, stakeholders and regulators should no longer turn a blind eye. We recognize the shift of fisheries management policies from a single species management approach to an Eco-Based Fisheries Management (EBFM) approach. We believe the EBFM method will help improve our present course, and that this change will ultimately contribute to a sustainable near-coastal marine ecosystem and fishery for current and future generations.

Thank you for your time and consideration.

Sincerely,

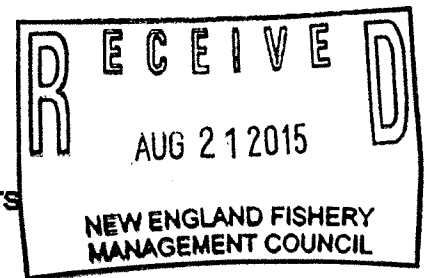
A handwritten signature in black ink that reads "Tobias Glidden". The signature is written in a cursive, flowing style.

Tobias Glidden
Chairman
Nantucket County Commission

Cc: Lt. Governor Karyn Polito
Senator Daniel A. Wolf
Representative Sarah Peake
Representative Timothy R. Madden
David Pierce, Division of Marine Fisheries
George Peterson
John Bullard
Terry Stockwell
Rick Robins



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000



CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

August 17, 2015

The Honorable Penny Pritzker
Secretary of Commerce
U.S. Department of Commerce
1401 Constitution Ave., NW
Washington, D.C. 20230

The Honorable Thad Cochran
Chairman
Senate Committee on Appropriations
S-128 United States Capitol
Washington, D.C. 20510

The Honorable Hal Rogers
Chairman
House Committee on Appropriations
H-305 United States Capitol
Washington, D.C. 20515

The Honorable Barbara A. Mikulski
Vice Chairwoman
Senate Committee on Appropriations
S-146A United States Capitol
Washington, D.C. 20510

The Honorable Nita A. Lowey
Ranking Member
House Committee on Appropriations
H-305 United States Capitol
Washington, D.C. 20515

Dear Madam Secretary, Chairman Cochran, Chairman Rogers, Vice Chairwoman Mikulski and Ranking Member Lowey:

We write with serious concern over recent actions taken by the National Oceanographic and Atmospheric Association (NOAA) Fisheries Service. As you know, the fishing industry in Massachusetts is not just one of historical significance but also of major economic importance. From the fishermen and their families to the shore side businesses to the economies of Massachusetts' coastal communities, every decision that is made by NOAA Fisheries has serious economic impacts on our Commonwealth. The fishing industry has attempted to work with the NOAA Fisheries and members of the scientific community to improve existing fisheries management data and policies. While we too respect the importance of proper fisheries management, we question the fiscal and programmatic decisions that the agency has made of late with regards to the Northeast Fishery.

NOAA Fisheries recently denied a request by the New England Fisheries Management Council to suspend At-Sea Monitoring (ASM) and to evaluate the program for "effectiveness in support of stock assessments, its total costs to the groundfish fishery, data precision and accuracy, and whether it is actually ensuring catch accountability." NOAA Fisheries has yet to act on the Council's request for administrative actions to address cost issues of the At-Sea Monitoring program while meeting monitoring requirements. NOAA Fisheries has also continued forward with plans to

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shift the cost of At-Sea Monitoring onto the backs of the New England Groundfish Fishermen, which is in direct disregard to the Senate FY 2015 Commerce, Justice, and Science (CJS) appropriations report language which directed NOAA to cover the costs of at-sea monitoring. NOAA continues to misinterpret this language despite Congressional direction to prioritize the ASM requirements. We are further concerned that NOAA is expanding ASM to the Northeast Lobster fishery without properly factoring the impacts of this requirement to the long term economic viability of the lobster industry in Massachusetts.

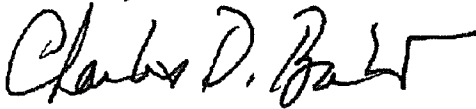
In light of these actions, we respectfully urge your support in covering the costs of ASM for the entire Northeast fishery.

Additionally, we request that NOAA expedite electronic monitoring and other cost-saving alternatives to ASM. Former Acting Secretary Rebecca Blank declared a commercial fishery failure in the Northeast Groundfish fishery in 2012. To shift the cost of this ineffective program onto the fishery just as the industry begins to rebuild is not only imprudent, but irresponsible. NOAA Fisheries' own analysis indicates that at a rate of \$710/day, cost to groundfish sectors will be about \$2.64 million in the first year of At-Sea Monitoring coverage alone. That same analysis predicts that with this coverage as a required cost for the groundfish industry, about "60% of vessels will have negative returns to vessel owners." This equates to an unfunded mandate that could lead to the end of the Northeast Groundfish Fishery as we know it.

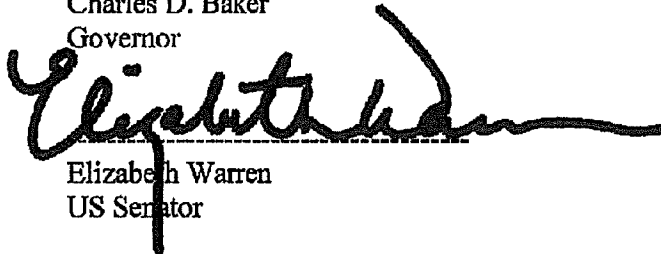
We are troubled that NOAA Fisheries has also suggested that the Northeast Groundfish Fishery use the "Bin 3" allocation of disaster federal aid to pay for At-Sea Monitoring. While NOAA's Regional Administrator has previously advocated that disaster funds be used for At-Sea Monitoring costs, the Congressional intent was for the funding to be used for the future viability of the fishing industry. Using this money to make up for NOAA's reinterpretation of how to prioritize funding is far afield from the intent for which this money was appropriated, and would only help NOAA's inability to fund their own budget gap, which hardly relates to the viability of the fishermen of Massachusetts. It would create a short lived future for many of these fishermen who will be forced into inactivity or worse.

We continue to urge the Department of Commerce to direct NOAA Fisheries to prove the cost effectiveness of the At-Sea Monitoring program and then to support federal funds to pay for it. We also ask NOAA to work as close as possible with the fishing community on alternatives to ASM such as electronic monitoring. We encourage the agency to use the fishing industry as a resource, especially while trying to gather the best available data and develop effective monitoring practices. To do otherwise is to jeopardize the future of the Commonwealth's groundfish fishery.

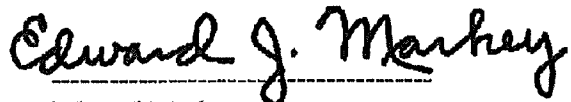
Sincerely,



Charles D. Baker
Governor



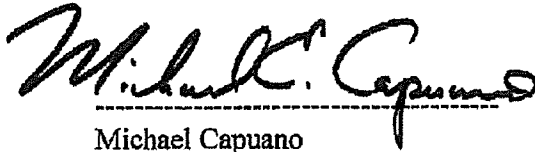
Elizabeth Warren
US Senator



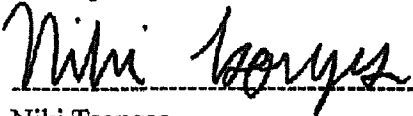
Edward Markey
US Senator



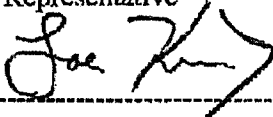
Richard Neal
US Representative



Michael Capuano
US Representative



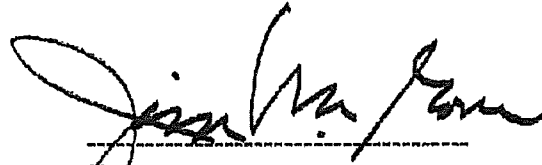
Niki Tsongas
US Representative



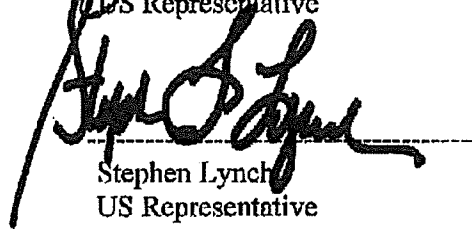
Joseph Kennedy III
US Representative



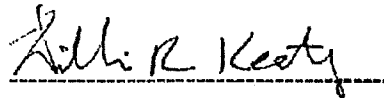
Seth Moulton
US Representative



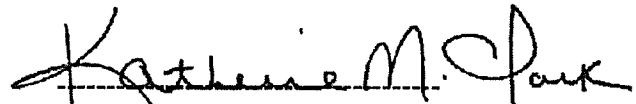
Jim McGovern
US Representative



Stephen Lynch
US Representative



William Keating
US Representative



Katherine Clark
US Representative

Cc:

Administrator Kathryn Sullivan
Assistant Administrator Eileen Sobeck
Regional Administrator John Bullard
Secretary Matthew Beaton
Commissioner George Peterson

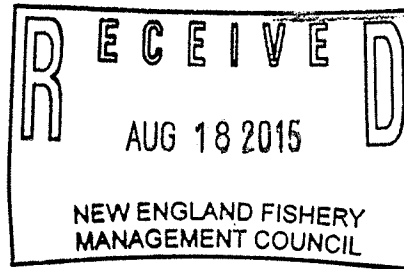


Gulf of Maine Research Institute

Science. Education. Community.

Dr. William Karp
NOAA Fisheries Service
Northeast Fisheries Science Center
166 Water Street
Woods Hole, MA 02543-1026

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



350 Commercial Street
Portland, ME 04101

tel 207-772-2321
fax 207-772-6855
www.gmri.org

August 6, 2015

Dear Dr. Karp and Mr. Bullard,

We would like to express our sincere appreciation for the time Russ Brown and the Northeast Fisheries Science Center staff, as well as staff from the Greater Atlantic Regional Fisheries Office, have invested in the collaborative Fish Tank convening process and port meetings. The most recent Fish Tank series, *A Collaborative Approach to Improving Stock Assessments*, brought together commercial and recreational fishermen, scientists, and policy representatives from across the region to spark productive conversations and brainstorm ideas around improving the increasingly complex stock assessment process and data streams feeding into the assessment.

This letter catalogues the research recommendations identified during seven meetings¹ with over 40 commercial and recreational fishermen. For the purpose of this letter, we have grouped recommendations into broad categories, and highlighted recurring themes. We appreciate your commitment to giving the industry a response to their ideas, and we have provided tables in Appendices A and B to facilitate this process.

Fishing industry present at Fish Tank meetings expressed broad concerns about the performance of NOAA's bottom trawl survey(s) for groundfish, and its effect on stock assessments and fisheries management. These concerns reflect their perceptions and understanding of the assessment process. Most notably, fishermen are concerned about the spatial and temporal coverage of the trawl survey; particularly the limited number of samples (especially in areas of known

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¹ Commercial meetings were held in Portland, Portsmouth, Gloucester, Plymouth and Warwick, and recreational meetings were held in Portsmouth and Plymouth.

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cod habitat), the timing of the survey, and the representivity of the sampling gear. They also raised the issue about the limited consideration and inclusion of environmental factors in survey design, interpretation, and in stock assessment modeling.

To address these concerns, industry participants would like to see further efforts to augment survey data and improve survey methods conducted using the *R/V Henry Bigelow*. They suggested consulting with fishermen on survey design and methodology, increased sampling frequency, use of ocean bottom temperature to guide or interpret the survey, and increased spatial and temporal coverage via industry-based, sentinel, and inshore surveys.

At the meetings, industry members indicated a willingness to contribute additional fishery-dependent data (FDD) beyond the mandatory VTRs, and would like to see this data incorporated into the assessment process. Both recreational and commercial fishermen recognize FDD as an opportunity to contribute to stock assessments, but feel that industry-collected data is not fully utilized. Recommendations to achieve this include: encouraging voluntary reporting of tow-by-tow catch and oceanographic data, leveraging the presence of fisheries observers and at-sea monitors to collect additional data for stock assessment models, encouraging proper and thorough vessel trip reporting through further education, and holding regular meetings between industry, scientists, and regulators as a way to capture fishermen's observations of the changing ecosystem.

Both recreational and commercial fishermen emphasized the need for increased attention to the accuracy of data overall, as well as new data collection methods for the recreational fisheries, citing concerns over the poorly understood level of the recreational catches and discard mortality rates. In particular, industry participants feel that the Access Point Angler Intercept Survey (APAIS), which helps inform recreational catch estimates, is inaccurate and should be augmented with self-reported data, such as electronic VTRs. For-hire sector representatives have also expressed interest in a recreational study fleet and inshore rod and reel survey.

Several other topics were discussed at the meetings that also merit inclusion. Participating industry members felt very strongly that incorporating environmental factors into the stock assessment modeling process is critical to improving our understanding of our fisheries and ecosystem. Similarly, fishermen have expressed a desire to use surveys and industry observations to monitor and better understand stock structures and data-poor species, such as black sea bass. The industry participants also feel very strongly that assessments should be reflective of current conditions, and highly support the use of real-time data by decreasing the lag time between data collection and final assessments.

Lastly, there was general consensus among industry that there is a strong need for better communication and industry engagement (see Appendix B). In particular, fishermen feel uninformed of the assessment process and are often blindsided by

assessment results and subsequent management measures. To increase their knowledge and participation in assessment processes, meeting participants recommend that the agency hold pre- and post- stock assessment meetings with stakeholders and have fishermen on NEFMC Plan Development Teams. Furthermore, members of the industry suggest using sector managers and port agents to disseminate information, as well as sending out monthly stock assessment update emails that inform recipients of important meeting dates and documents. Lastly, the industry is concerned that the general public is only receiving negative news about fishing activity and stock health (e.g. Gulf of Maine cod), and would like positive stories to be promoted as well (e.g. haddock, pollock, and redfish) so as to encourage market demand.

In conclusion, we recognize the desire on everyone's part to deepen collaboration between industry, scientists, and managers as a way forward. Participants from both the commercial and recreational fishing industries are eager for improved communications and further involvement in the stock assessment process, as a way to build relations and arrive at a consensus view of the status of groundfish stocks. We look forward to your response to this letter, and to moving forward collaboratively on some of the recommendations this fall, during *Taking Stock: A workshop to collaboratively improve stock assessments*.

Sincerely,



Jessica Joyce and Alexa Dayton
Fish Tank Facilitators
GMRI



Mary Hudson
Fish Tank Coordinator
GMRI

CC:

Russell W. Brown, Ph.D.
Daniel Morris
David Van Voorhees, Ph.D

APPENDIX A

Table 1. Commercial Recommendations

Category	Sub-Category	Recommendation	Will scope	Efforts underway	Great idea but not feasible	Great idea, needs outside funding	Doing, need to further publicize	Notes/Links
Trawl Survey	Improving Bigelow methods	<i>Consult fishermen</i> on tow locations and timing, by having fishermen onboard the Bigelow, and developing a panel to go over data collection methods.						
		<i>Improve trawl data capacity and accuracy</i> by adding more tows and sampling stations, calibrating with industry vessels, and/or using SIMRAD trawl system.						
		<i>Account for ecosystem and environmental factors</i> by surveying on a continual basis to better understand patterns, and conducting surveys based on environmental parameters (i.e. bottom temp, salinity) rather than the calendar year.						
	Augmenting survey data	<i>Use industry based surveys to increase spatial and temporal coverage by:</i> <ul style="list-style-type: none"> Using commercial vessels to do 20-minute tows year-round with full time scientist on board 						
		<ul style="list-style-type: none"> Decreasing observer coverage and increasing the size of the study fleet 						
		<ul style="list-style-type: none"> Developing more research set asides, sentinel surveys, and inshore surveys. 						

APPENDIX A

Category	Sub-Category	Recommendation	Will scope	Efforts underway	Great idea but not feasible	Great idea, needs outside funding	Doing, need to further publicize	Notes/Links
	Other	<i>Learn from other regions to enhance assessments</i> , in particular Norway and their industry based survey and use of Scantrol equipment.						
Fisheries Dependent Data	Citizen science	<i>Incorporate and encourage collection of enhanced data</i> , such as voluntary use of tablets to log tow-by-tow catch and oceanographic data, and input from fishermen through at-sea observations.						
	Observer data	<i>Use observer and NEFOP data more</i> to collect CPUE data and flag certain events (such as changes in fishing behavior).						
		<i>Do not use observers to discern discard rates</i> , as long-term estimates are already in place.						
		<i>Reduce ASM coverage</i> and have fishermen collect more data.						
	VTR data	<i>Increase the value and use of VTR data</i> by linking VTRs to VMS, encouraging proper and thorough reporting, and allowing sector managers access to change/correct.						
	Data quality	<i>Holistically audit FDD.</i>						
		<i>Improve the quality of dealer data sets</i> through new technologies.						

APPENDIX A

Category	Sub-Category	Recommendation	Will scope	Efforts underway	Great idea but not feasible	Great idea, needs outside funding	Doing, need to further publicize	Notes/Links
		<i>Have regular communication</i> between industry, scientists, and managers to better incorporate fishermen observations.						
Environmental Factors and Data		<i>Incorporate environmental factors in assessment</i> by using industry to collect environmental data (e.g. probes on fixed gear).						
		<i>Introduce flexibility in determining reference points</i> by accounting for environmental changes.						
Non-groundfish Fisheries		<i>Collect more data on emerging species</i> , such as black sea bass, by using trawlers, pot fishermen and charter boats, using tablets.						
		<i>Improve understanding of data poor stocks</i> by partnering with industry.						
		<i>Develop in-season management measures for black sea bass and other species.</i>						
Stock Structure		<i>Utilize surveys and industry to monitor stock structure</i> and design more biologically representative stock areas and appropriate management units.						

APPENDIX A

Category	Sub-Category	Recommendation	Will scope	Efforts underway	Great idea but not feasible	Great idea, needs outside funding	Doing, need to further publicize	Notes/Links
Real-Time Data and Management		Update assessments more frequently by using real-time data, and performing more rapid assessments.						
		Improve/balance management impact on industry by reevaluating real-time spatial and/or temporal closures and protecting spawning stocks with management measures for all fisheries.						
		Create a sector for the for-hire fleet to lessen discrepancies, increase accountability, and improve business economics.						

APPENDIX A

Table 2. Recreational Recommendations

Category	Sub-Category	Recommendation	Will scope	Efforts underway	Great idea but not feasible	Great idea, needs outside funding	Doing, need to further publicize	Notes/Links
MRIP	MRIP survey methods	<i>Increase catch and effort estimate accuracy</i> by using planes to conduct fly-over surveys during peak traffic days and interviewing people who are actually representative of fishing activity.						
	Augmenting via self-reporting	<i>Increase data amount and quality via self-reporting</i> -crowd source recreational fishermen, develop creel survey methodology, and use VTR apps for tablets/phones.						
		<i>Have a kiosk at docks for fishermen to submit data electronically.</i>						
	Verifying data	<i>Verify MRIP/APAIS data</i> using an independent data collection system or VTRs.						
Collaborative Research Ideas		<i>Study haddock/cod catch and by-catch ratios</i> for entire recreational fleet.						
		<i>Test different methods of data collection</i> of recreational catch and discard, e.g. tablet apps vs. customer interviews etc.						
		<i>Develop projects that model people as well as fish</i> , e.g. a bio-economic model.						

APPENDIX A

Category	Sub-Category	Recommendation	Will scope	Efforts underway	Great idea but not feasible	Great idea, needs outside funding	Doing, need to further publicize	Notes/Links
Study Fleet		<i>Implement an inshore rod and reel survey.</i>						
		<i>Develop a charter boat study fleet</i> via a research set-aside program.						
		<i>Incentivize fleet to do research</i> by having EFPs with higher bag limits.						
Compliance and Enforcement		<i>Increase compliance</i> by having accountability measures and more enforcement at docks.						
Management and Regulations		<i>Extend the groundfish season</i> for the for-hire fleet to November to afford economic relief.						

APPENDIX B

Table 3. Commercial communication recommendations

Category	Sub-category	Recommendation	Will scope	Efforts underway	Great idea but not feasible	Doing, need to further publicize	Notes/Links
Outward Facing Communications		Promote positive stories in media about healthy fish stocks (e.g. haddock, redfish, pollock) and the industry's commitment to sustainability (e.g. gear innovations etc.)					
		Educate the public about the benefits of local versus imported fish and under-utilized fish to help create markets.					
Information Dissemination	Assessment process	Use monthly sector manager calls to talk to industry regularly and keep updated.					
		Send monthly stock assessment update email with important meetings dates and documents etc. to sector managers.					
	Trawl survey results	Improve cruise report dissemination by using port agents and sector managers, broadcasting via email and mail					
		Communicate real-time data from trawl survey, instead of only Resource Survey Report three months later.					
		Make cruise reports more robust by including tow locations and hauls.					
	Assessment results	Enable industry input by sending out proactive alerts on upcoming decisions.					
		Deliver bad news in person , by going to ports and fielding comments and questions.					

APPENDIX B

Category	Sub-category	Recommendation	Will scope	Efforts underway	Great idea but not feasible	Doing, need to further publicize	Notes/Links
	General	Improve communication about stock assessments by responding to letters, emails and phones calls and considering off-the-record conversations as opposed to politicized letters.					
		Alert industry more on opportunities to enter other fisheries and on accountability measures of other fisheries.					
Direct industry involvement in process		Ground truth with fishermen throughout process by involving in PDT, SSC, SARC working group and committee discussions/meetings.					
		Hold pre and post stock assessment meetings with industry.					
		Add an input period in stock assessment meetings where fishermen can provide input but don't have to be present for entire meeting.					

APPENDIX B

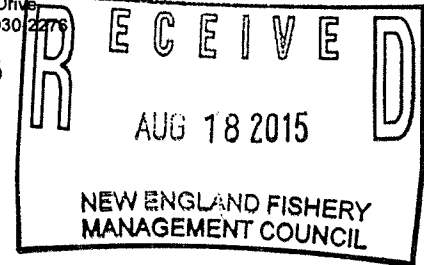
Table 4. Recreational communication recommendations

Category	Recommendation	Will scope	Efforts underway	Great idea but not feasible	Doing, need to further publicize	Notes/Links
Regulations and Best Fishing Practices	<i>Educate best fishing practice</i> by targeting younger license holders, presence at trade shows, seminars, outreach to avoid key species, and education component at schools.					
	<i>Communicate regulations and changes</i> to anglers through notices at gas docks and tackle shops, emails texts and VHF blasts, public seminars, and providing regulations when issuing permits/licenses.					
General Outreach	<i>Use associations and sportsman shows</i> as outlets to the recreational community.					
	<i>Keep communication simple</i> and focused on big topics.					



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

AUG 18 2015



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

Dear Tom:

At its June meeting, the Council requested that we use our administrative authority in-season to adjust the sector at-sea monitoring (ASM) program requirements for the 2015 fishing year with the goal of alleviating the financial burden to industry. While we do have authority to make administrative adjustments to the ASM program in-season, none of the options would be consistent with current regulatory requirements and statistical standards, and as a result, we are not taking administrative action to modify the ASM coverage rate for 2015. However, improving the ASM program by making it more efficient and cost effective is a high priority. Therefore, we are focusing our efforts on evaluating the current ASM program, and exploring any possible modifications, including concepts suggested in the June Council motions, through the Groundfish Plan Development Team (PDT) to inform a future Council action.

1. The Council requested that we adjust the 2015 ASM program for multispecies sectors through administrative action to improve the efficiency of the program and reduce the cost.

We carefully explored the Council's suggested changes, as well as other options and concepts that we considered to be within the scope of administrative changes we could make in-season. Amendment 16 and Framework Adjustment 48 require ASM coverage levels sufficient to achieve at least a 30-percent coefficient of variation (CV) for each stock and, to the extent practicable, monitor sector operations to reliably estimate overall sector catch. None of the possible options that we analyzed would reduce monitoring costs and still achieve the 30-percent CV and other statistical standards necessary to monitor sector catch. Therefore, we are not taking administrative action to adjust the ASM coverage rate for fishing year 2015.

In February 2015, we announced the 24-percent ASM coverage requirement for fishing year 2015 along with our supporting analyses. The rate was based on the level of coverage necessary to achieve the required 30-percent CV for each stock and to estimate 80 percent of discarded pounds at a 30-percent CV. As in previous years, we based the rate of coverage on the stock shown by the most recent data (2013) to have the highest variability in discards, which at the time was Southern New England/Mid-Atlantic yellowtail flounder. While the stock with the highest variability has changed from year to year, using this standard has ensured that coverage rates were sufficient to capture this level of variability.



jc/jp - 8/20/15

The Council's recommended changes and their potential impacts require further consideration and development that is better suited for the Council process. Although the Council's suggestion is not possible for an in-season administrative change, the Council should further consider this concept. For example, the Council could further consider setting different ASM coverage rates for different areas based on the variability of the stocks in those areas. Other ways of prioritizing ASM coverage, such as stock condition, percent of catch limit harvested, or percent of catch comprised of discards, may also be considered. These types of approaches could have impacts (e.g., loss of sector-specific discard rates) that should be evaluated, and should be fully developed by the Groundfish PDT as a foundation for any changes the Council may consider.

2. The Council requested that we consider excluding extra-large mesh trips from the 24-percent ASM coverage rate through administrative action in FY 2015.

This request requires a substantive change to the fishery management plan that is beyond our administrative authority. Therefore, we cannot make this change during the 2015 fishing year. This request is similar to a provision in Framework Adjustment 48 that stipulated we specify a separate, lower, coverage rate for sector trips fishing with 10-inch mesh (or larger) gillnets on a monkfish day-at-sea in the Southern New England Broad Stock Area. This was a change to the overall design of the ASM program made through a framework adjustment because it was a departure from the initial design implemented by Amendment 16. Sectors cannot be granted exemptions from reporting requirements, including monitoring; thus, a Council action was necessary. For the same reasons, we have determined that the Council's request would require a Council action to further modify the ASM requirements for extra-large mesh gillnet trips. This motion should be evaluated by the PDT for consideration in a future Council action.

3. The Council requested that we evaluate the ASM program for its effectiveness in support of stock assessments, its total costs to the groundfish fishery (e.g., returns to owner vs. ASM costs), data precision and accuracy, and whether it is actually ensuring catch accountability.

Some of this evaluation has begun (e.g., analysis of ASM costs v. returns to owner). We agree that completing this analysis is a necessary step to investigate streamlining the ASM program to improve efficiency. Given the overlap of this request with the Groundfish PDT's tasks, we intend to support this request through Regional Office and Northeast Fisheries Science Center staff participation on the PDT.


Industry funding for ASM will be economically challenging. We are committed to working with the Council to explore ways to adjust the program so that it continues to provide catch accountability while minimizing costs, and will continue to examine administrative options for refining and improving the ASM program for 2016 and beyond. We will also work with industry to reduce costs where possible when transitioning to industry funding later this year and will continue these efforts beyond the transition. There are a variety of approaches sectors can

take to fairly distribute expenses during the 2015 fishing year, and we are encouraging them to consider those opportunities.

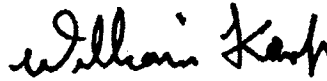
If you have further questions about our determination, please contact Michael Pentony, Assistant Regional Administrator for Sustainable Fisheries, at (978)-281-9283.

Sincerely,



 John K. Bullard
Regional Administrator

and

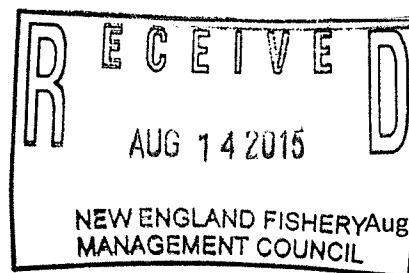


Dr. William Karp
Science and Research Director

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



John K. Bullard
Regional Administrator
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930-2276



August 14, 2015

Dear John,

We are writing in regard to our shared efforts to advance Electronic Monitoring (EM) in the New England Groundfish fishery. First and foremost, we want to thank you and your staff for all of the help and support you have provided to advance EM in the region. The shared efforts by your staff, our project team, the New England Fishery Management Council's EM Working Group, and others have resulted in significant progress and we are closer to approval and implementation than we have ever been. We are particularly appreciative of the agency's dedication to the EM Pre-implementation Working Group which includes staff from GARFO, NEFSC, and OLE, in addition to our project team. We are writing to update you and the Council on the current status of our EM field project and to address some concerns that were raised in your July 21st letter to Tom Nies of the New England Fishery Management Council.

The goal of the undersigned EM project partners – the Maine Coast Fishermen's Association, The Gulf of Maine Research Institute, and The Nature Conservancy – is to test EM systems on gillnet and trawl groundfish vessels to advance EM from pilot projects to approval and implementation in May 2016. This goal is shared by fishermen, NGO's, the Council, and our federal partners. In FY14 we collected EM footage from seven fishing vessels on 91 fishing trips, covering 373 gillnet hauls and 75 trawler hauls, totaling 9,335 hours of video. In FY15, our project has already collected video on an additional 24 trips and 81 hauls. All of this field testing, data collection, and comparative analysis has been done to provide the agency with raw data and analyses to inform its' development of the database infrastructure elements and performance standards necessary for EM approval and implementation.

Given our significant investment in this project and the collaborative nature of our work with the EM Pre-Implementation Working Group, we were surprised to read in your July 21st letter to Tom Nies that a lack of data from the field in FY15 was making the Agency's "ability to evaluate EM difficult." The challenges facing the entire groundfish fleet this year are certainly affecting our project participants as well, so they have not yet completed as many trips in FY15 as planned. We are also continuing to work through some technical issues with the integrated E-Log (electronic VTR) system that has been developed as part of our project.

With that being said, we believe it is important to clarify that a sizable amount of raw video footage from this fishing year and comparative analyses between discards reported by fishermen and observed on video have already been made available to the Agency.

Our team provided all the FY14 EM summary data reports to the Agency in June and July, although it appears that analysis of those data has not yet begun. Our service provider, Ecotrust Canada, has completed comparisons of logbooks, VTRs and video footage on 23 hauls (roughly one per trip) from FY15 and are prepared to share these data with NMFS. Unfortunately we did not receive the final technical specifications and appropriate format to be used to submit this year's EM summary data to the Agency until August 7th. This has been particularly frustrating to us as this data formatting technical issue has been a top priority for the EM Pre-Implementation Working Group for over six months. With the technical specifications in hand, we

expect to be able to reformat the FY15 EM reports and submit them to the Agency in the coming weeks, along with data from the 6-8 trips a week our participants are currently making.

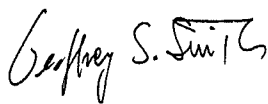
From the outset, we have viewed this project as collaborative effort between the organizations signed onto this letter and NMFS. We are concerned by recent suggestions that the timeliness of providing EM data is hampering NMFS' ability to implement EM through Sector Operations plans on May 1, 2016. This is especially of concern for our fishing industry partners who have taken on the burden of changing their fish handling and reporting practices, holding themselves to a higher standard of accountability, and dealing with technical challenges of a new system, all in an effort to provide these data to NMFS.

We met with the EM Pre-Implementation Working Group on August 12 and raised this issue with them directly and were pleased to hear that the Agency remains committed to implementing in May 2016. We fully recognize that much work remains to be done in the design of this new monitoring program. This includes creating technical standards and approval processes for EM providers, determining the appropriate percentage of hauls per trip to audit, and establishing pass/fail criteria for EM trips. Completing these steps in time to meet the rulemaking deadlines required for a May 2016 start will require a continued investment of time and resources from your staff and our project team. We are committed to continuing efforts on our end and urge you to ensure this work remains a priority for your staff as well.

Strong accountability measures and robust information on catch and discards are fundamental to the success of any quota management system, and the New England Groundfish Sector Management system is no exception. Accurate and timely information is critical for annual catch accounting *and* informing the stock assessments used to guide the management system. Given the recent concerns raised by the Council, the fishing industry, the conservation community and your agency regarding how observers and At-Sea Monitors will be funded, developing cost-effective monitoring systems is more important than ever. It is critical to the long-term viability of the sector management system and the long-term viability of New England fishing businesses. We are confident that with your continued support, and that of your dedicated staff, we can meet our shared goal of implementing an affordable and effective EM program in the groundfish fishery in May 2016.

Thank you for considering our views on this topic and please feel free to contact us directly if you would like to discuss them in more detail.

Sincerely,



Geoff Smith
The Nature Conservancy



Jessica Joyce
Gulf of Maine Research Institute



Lucy Van Hook
Maine Coast Fishermen's Assn.

Cc: Bill Karp, Sam Rauch, Tom Nies, Terry Stockwell, George Lapointe

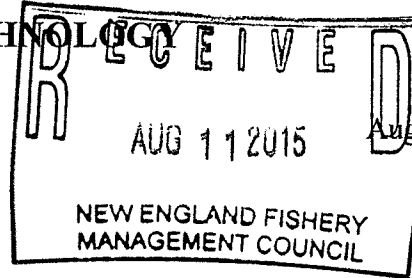


UMass

| Dartmouth

SCHOOL FOR MARINE SCIENCE AND TECHNOLOGY

Department of Fisheries Oceanography
200 Mill Road, Suite 325
Fairhaven, MA 02719
508-910-6340



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

August 10, 2015

Dear Executive Director Tom Nies:

In the spring of 2015, the School for Marine Science and Technology (SMAST) from the University of Massachusetts Dartmouth partnered with The Nature Conservancy (TNC) to hold meetings with members of the Northeast Multispecies fishery in the ports of Gloucester, MA, Scituate, MA and Seabrook, NH. These meetings were designed as listening/brainstorming sessions to address constraints to the fishery related to the 2014 Emergency Measures and the 2015 Annual Catch Limits, including Sector Annual Catch Entitlements, for Gulf of Maine cod. The objective of the meetings was to explore a range of possible ideas to maintain economic viability in the 2015 fishing year, related to a proposal for funding from the National Fish and Wildlife Foundation (NFWF) Fisheries Innovation Fund Call for Proposals. Researchers from SMAST worked with key participants from the groundfish fishery to organize the meetings, TNC provided funding to support the meetings, and all parties collaborated to foster meaningful discussions and realistic recommendations. Ultimately, the NFWF proposal was not funded to follow-up on the ideas and recommendations from the meetings in the short-term. Industry participants, however, encouraged distribution of the findings from the meetings with a broad audience, including the New England Fishery Management Council's Groundfish Advisory Panel and Committee.

The attached report, "Exploring Options for Maximizing Utilization in the Groundfish Fishery", details the organization, participation and discussions of the three meetings. The report was compiled as a summary of the discussions of the meetings, and does not represent the views of any specific meeting participant or researcher from SMAST or TNC. Our goal in sharing the report with the Groundfish Advisory Panel and Committee members is to support discussions of potential options for maintaining viability of the groundfish fleet under the constraints of the Framework 53 Gulf of Maine cod measures, and future measures related to constraining groundfish allocations. Although we do not currently have dedicated funding to continue the outreach effort on this issue, SMAST and TNC remain dedicated to assisting in developing and implementing measures to assist the groundfish fleet in meeting the objective of maintaining economic viability in the short- and long-term.

We appreciate your consideration of the information and recommendations included in the attached report, and welcome any questions, feedback and follow-up. We would be happy to present the report at upcoming meetings to provide additional information and answer any questions.

Sincerely,

Cate O'Keefe, Research Assistant Professor, SMAST
Steve Cadrin, Assistant Professor, SMAST
Doug Zemeckis, Research Associate, SMAST
Chris McGuire, Marine Program Director, TNC

jc - 8/11/15



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Report

Exploring Options for Maximizing Utilization in the Groundfish Fishery



School for Marine Science and Technology

The Nature Conservancy

22 May 2015

Introduction:

The School for Marine Science and Technology (SMAST) from the University of Massachusetts - Dartmouth, in partnership with The Nature Conservancy, held three meetings with members of the Northeast multispecies groundfish fishery in Gloucester, MA, Scituate, MA, and Seabrook, NH in April and May, 2015. The purpose of the meetings was to provide an opportunity to start discussions with industry members about possible ways to increase the utilization of groundfish allocations while confronting obstacles presented by the severely reduced Gulf of Maine cod quota for fishing year 2015. The meetings were proposed to support the overall objectives of the proposal SMAST submitted to the National Fish and Wildlife Foundation's Fisheries Innovation Fund, "Development of a Bycatch Avoidance System for Gulf of Maine Cod". We worked with three industry collaborators to organize the meetings: Joe Jurek (F/V Mystique Lady, Gloucester, MA), Frank Mirarchi (F/V Barbara L Peters, Scituate, MA), and Dave Goethel (F/V Ellen Diane, Seabrook, NH).

Meeting Findings:

The meetings were organized as listening/brainstorming sessions, focused on understanding issues surrounding Gulf of Maine cod at the individual, Sector, and port levels. Fishermen provided background information on fishing areas and timing, quotas and monitoring, and current measures being employed to reduce or avoid catch of cod. The groups brainstormed a variety of possible tools and techniques that could be applied in fishing year 2015 to alleviate the constraint of the cod measures. Finally, the groups discussed options that would be most beneficial to their individual businesses, Sector operations, and port management for fishing year 2015, and beyond.



Members of the Gloucester fishing community met with representatives from SMAST and TNC on April 15th at the Gloucester House Restaurant.

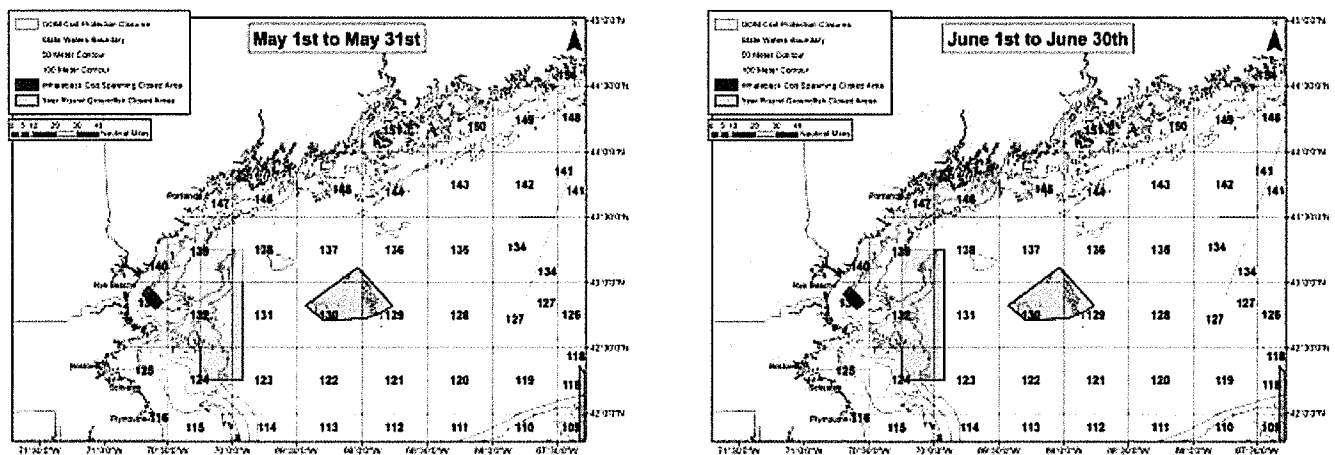
Participants:

Name	Affiliation	Port
Cate O'Keefe	SMAST	
Steve Cadrin	SMAST	
Doug Zemeckis	SMAST	
Chris McGuire	The Nature Conservancy	
Joe Jurek	F/V Mystique Lady	Gloucester
Joe Orlando	F/V Santo Pio	Gloucester
Al Cottone	F/V Sabrina Maria	Gloucester
David Leveille	NEFS II	Gloucester
Angela Sanfilippo	Fishermen's Wives Association	Gloucester
Tim Barrett	F/V Odessa	Scituate
Phil Lynch	F/V Mary Elizabeth	Scituate
Kevin Norton	F/V Yankee Rose	Scituate
Frank Mirarchi	B.L. Peters	Scituate
Ed Barrett	F/V Sirius	Scituate
Marni Barrett	F/V Sirius	Scituate
Marc Gustafson	F/V Cheryl Ann	Scituate
Jayson Driscoll	F/V Sweet Misery	Seabrook
Ellen Goethel	F/V Ellen Diane	Seabrook
David Goethel	F/V Ellen Diane	Seabrook
Tom Lyons	F/V Marion J	Seabrook
Peter Kendall	Yankee Co-Op	Seabrook
Dan Salerno	NEFS 11	Seabrook
Randy Gauron	NEFS 11	Seabrook
Erik Chapman	UNH	Seabrook

In total, 20 industry members participated in the meetings. While each port had unique issues related to the low allocation of Gulf of Maine cod quota, there were several similar subjects discussed at all of the meetings. There were, however, varying opinions on the potential feasibility or benefit of employing cod reduction or avoidance techniques. A topic that had important differences among the ports was the impacts of the Framework 53 Cod Protection Closures. Meeting participants indicated that the closures will have a significant impact on the Gloucester and Seabrook vessels, while the Scituate vessels historically operated in areas south of the closures, except for the inshore winter spawning protection areas. These differences influenced the various options that the fishermen were willing to explore for avoiding cod and reducing bycatch. A summary of the common themes and port-specific options are listed. The individual port meeting summaries are attached as Appendix I.

Fishing Area and Timing:

- Due to the November 2014 Emergency Measures, there was minimal fishing activity for six months – this will make avoiding cod difficult at the start of fishing activities because their distribution is uncertain.
- The 2014 mid-year Emergency Measures created chaos for business planning and caused a race to fish in November.
- The Framework 53 Cod Protection Closures variably impact the different ports, but are, in general, considered by industry members to be too large and could be refined to a smaller spatial scale.
- Lobster gear has become increasingly present in historical groundfishing areas, displacing groundfishing effort and causing concern that those grounds will be forever lost to groundfishing.



Framework 53 Gulf of Maine Cod Protection Closures in May and June.

Quotas and Monitoring:

- The 2015 Gulf of Maine cod quota is so low that people fear they could catch their entire ACE in a single day and be done fishing very early in the year.
- Industry members feel that they cannot make any plans for the fishing year with such low cod allocation.
- Quotas for Gulf of Maine flatfish have also decreased, which is an additional constraint.
- There is a discrepancy between what the federal survey and stock assessment indicate about Gulf of Maine cod and what fishermen are seeing on the water.

- The under harvest of certain stocks (haddock, pollock, etc.) is related to the constraint of cod as a choke stock.
- There is a desire for increased monitoring so that actual discards can be observed.
- The assumed discard rate makes business planning difficult and can assign discards to trips when there were none.
- There are serious concerns about the costs of monitoring and the possibility of assuming those costs partway through fishing year 2015.
- Many fishermen lamented the loss of flexibility to diversify their fishing businesses. Changes in permit regulations have created a generation of specialists who sink or swim with the ups and downs of single assessments.



Members of the Scituate fishing community met with representatives from SMAST and TNC on April 16th at the Mill Wharf Restaurant.

Current Measures Implemented by Industry Members to Reduce Cod Catch:

- Use of square mesh in trawl nets
- Captains communicating to facilitate avoidance of high cod catch areas
- Seasonal targeting of flatfish, haddock, etc. to avoid cod interactions

Ideas for Fishing Plans for 2015:

- Provide grants or subsidies to allow purchase of additional cod quota
- Subsidies to assist businesses survive the fishing year
- Design and participate in an industry-based survey for Gulf of Maine cod

- Allow some vessels to enter closure areas prior to opening to inform Sector/fleet members about cod location, catch levels, and spawning activity (this was termed “scouts”, “scoping tows”, and “sentinel fleet” and could include both commercial and recreational fishermen)
- Increase marketability for species other than cod
- Consider risk pooling all cod quota within a Sector as a bycatch quota
- Use square mesh to reduce catch of small cod
- Formally document the measures currently being employed by the Sector to avoid or reduce cod
- Implement a real-time communication system for cod avoidance

Port-Specific Feasible Options for 2015:

- *Gloucester*
 - Apply for a Sector Exemption from Framework 53 Cod Protection Closures based on sector agreement for gear modifications, fishing behavior changes, a formal communication program, and increased monitoring
 - Risk pooling of Gulf of Maine cod quota
 - Explore implementing a bycatch avoidance communication program with a 3rd party
- *Scituate*
 - Increased Exempted Fisheries opportunities
 - weekly limit for dogfish instead of daily
 - expansion of dogfish and whiting exempted fishery
 - expand markets for whiting and dogfish
 - expand large mesh gillnet exemption for monkfish
- *Seabrook*
 - Increased Exempted Fisheries opportunities
 - expansion of dogfish and whiting exempted fishery
 - expand markets for whiting and dogfish
 - expand the skate bait fishery
 - Allow for live cod discarding by testing and implementing cod release devices

- Gear modifications for gillnet and trawl vessels
- Provide counseling to help fishermen cope with social and economic hardship

Next Steps:

The SMAST proposal to the National Fish and Wildlife Foundation was not funded to continue the work started at these three port meetings. Several potential techniques and measures were identified that could be further explored for implementation, specifically in the Gloucester fleet. Real-time communication for cod bycatch avoidance could be tested through a pilot study in the Gloucester Sectors. Assistance in drafting a Sector Exemption application to include currently employed techniques to reduce cod catch and integrating new techniques and increased monitoring may be feasible with minimal funding and in a short timeframe. Expanding exempted fisheries, which was prioritized in Scituate and Seabrook, is a topic that can continue to be discussed with managers throughout the fishing year, with possible integration into the various fishery management plans in the future.



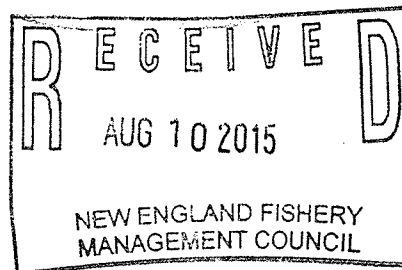
Peter Kendall, manager at the Yankee Fishermen's Co-op, hosted a meeting with members of the Seabrook, NH fishing community on May 5th. (Photo credit: Newburyport Daily News)



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

AUG - 6 2015

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



Dear Tom:

Thank you for your July 8, 2015, letter recommending that we add the large mesh belly panel (LMBP) gear to the list of approved gears for small-mesh fisheries when their accountability measure is triggered for Georges Bank yellowtail flounder.

We have reviewed the results of the experimental fishery and discussions by the Research Steering Committee and the Council. We found it encouraging that the LMBP gear tests indicated that the gear showed a statistically significant reduction in bycatch, as required by the gear approval standards, and that the Committee and the Council endorse the LMBP gear. Therefore, based on the information submitted, and the Council's recommendation, we intend to propose approval of the LMBP gear, either in its own rulemaking or in conjunction with another appropriate action. As we prepare the proposed rule, the caveats provided by the Committee will be considered, along with the best way to develop a vessel trip report code so that catch from LMBP gear can be closely monitored, as requested by the Council.

If you have any additional questions or concerns, please contact Sarah Heil, Acting Groundfish Team Supervisor, in the Sustainable Fisheries Division at (978) 281-9257.

Sincerely,

John K. Bullard
Regional Administrator

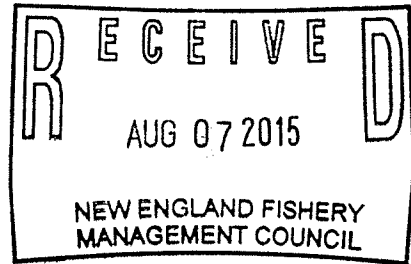


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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northeast Fisheries Science Center
166 Water Street
Woods Hole, MA 02543-1026

August 4, 2015



Mr. James Ford
140 Willow Drive
East Kingston, NH 03827

Dear Jim,

Thank you for your email of July 13 expressing your concerns regarding vessel selection for observer coverage, coverage rates, and the quality of both observers and their data. Your comments are important to us and I hope the following will clarify how selection occurs, what can cause high rates of coverage or repeat selection, and how we work to improve observer skills and their data,

Each trip that is called in to the Pre-trip Notification System is associated with a sampling "stratum" defined by sector, the stock area where the trip is to be fished, and a gear type. Each stratum has a target coverage rate for effective discard monitoring. It is true that frequency of selection within a stratum and among vessels varies. Here are some of the reasons why:

- 1) It's early in the fishing year: PTNS selects trips at a higher rate in a stratum when achieved coverage is low, and at a lower rate when achieved coverage is high. Higher rates are most evident at the start of the fishing year when no coverage has occurred. This "front-loading" is intended to execute enough trips to calculate an observed discard rate as quickly as possible, because until then, the discard rate from the previous fishing year is used. Selection from among various eligible trips (not vessels) within a stratum is random. As more trips are covered in a stratum, the coverage and variability evens out.
- 2) Strata characterized by high day-boat activity: Day boats have a higher high-cancellation rate than trip boats – for understandable reasons, like weather. More trips and higher cancellation rates create fluctuations in trip counts within the system, especially at the beginning of the year. As the number of trips within the stratum increases, the system and variability will stabilize.
- 3) There are some non-random selection features as well. These are intended to address observer avoidance behavior and periods of excessive or insufficient coverage. Non-random selection is most evident when a vessel cancels a trip that has been selected for observer coverage inside the 48-hour window. When this occurs, and the vessel's coverage is lower than the minimum threshold, the vessel will have a very high probability of being selected until it carries an observer. The threshold is adjusted annually and by monitoring the accomplished coverage targets. Once the vessel's coverage is above the threshold, canceling a trip has no effect on subsequent trips.



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- 4) The PTNS adjusts the probability of selection by looking at the realized coverage rate in comparison to the target coverage rate. A trip is less likely to be selected if the target coverage has been met, and is more likely to be selected if the realized coverage is under target.
- 5) **Notifying for a series of trips on a single day can cause a string of selections:** Say you notify for 7 single-day trips on Thursday, sailing the following Saturday-Friday. The system immediately evaluates the coverage achievements in comparison to the target and determines whether those trips are selected, and it is very likely that the selection result will be similar for all of those trips. So if coverage is needed in the stratum, then it is highly likely that all trips will be selected (and vice versa). We have suggested breaking up the notifications (not doing all 7 days at once) to allow the system to refresh with recent incoming observed trips. As trips sail with observers, the providers input that data, and this is what "credits" the system with observed trips.

For more information on the PTNS program and functionality, additional documents can be found on line at:

- PTNS Frequently Asked Questions – <http://www.nefsc.noaa.gov/fsb/notification.html>.
- "The Design, Implementation and Performance of an Observer Pre-trip Notification System (PTNS) for the Northeast United States Groundfish Fishery" by Palmer et. al. (online at: <http://www.nefsc.noaa.gov/publications/crd/crd1321/crd1321.pdf>).

In your email, you referred to a "do not deploy" list. No vessels that can be required to take an observer are permanently waived from doing so, and no list of vessels to be excluded from coverage is kept. Observers must not deploy on vessels that do not meet safety requirements listed in the Magnuson Stevens Act Observer Health and Safety Regulations, including displaying a valid US Coast Guard Commercial Fishing Vessel Safety Examination Decal. If the observer does not sail because of a safety deficiency on the vessel, the NOAA Office for Law Enforcement is advised, and the vessel is prohibited from fishing.

I am concerned about our report that observers are falsifying data. The program follows strict procedures to address under-performance, poor performance, or falsification of data by observers. Falsification is deliberately or knowingly fabricating data collected during observed fishing trips, this includes intentional recording of inaccurate data, intentional omission or deletion of data, intentional plagiarism, or in general, the selective alteration of data. The penalties for falsifying data are serious. Providing false statements to the government is illegal, and observers have been prosecuted for doing so. At the very least, an observer who falsifies data is dismissed, decertified, and reported to the NOAA Office of Law Enforcement for further investigation. This would compromise prospects for any future employment with the government or as an observer in another area.

The program has taken your report seriously and we are working to diagnosis the potential problems through interviews, anonymous surveys, and additional training and oversight. Observers should not be recording captain's weights while indicating that they weighed the fish. It is possible that the code of "actual" weight was used since you were collecting "actual" weights, but the weight type in that situation should have been recorded as an "estimate." Observers have been reminded, that despite low quota allocations, and what may be an

increasingly challenging work environment, they must continue to collect highly robust and non-biased data.

Please let me know if you would like to discuss this further or have continued concerns. We do recognize that you have been very accommodating to observers in the past and we truly appreciate your tolerance and assistance when they are onboard your vessel. The work that you and your crew do to sort the catch and provide the observer with access to the cod end is recognized, and contributes significantly to improving the data quality. We are open to ideas on how to further promote high quality data collection by observers and encourage you to report problems. The program aims to be responsive to concerns and it is in everyone's best interest to promote accurate and precise data collection.

Sincerely,

A handwritten signature in black ink, appearing to read "William Karp". The signature is fluid and cursive, with the first name "William" and the last name "Karp" clearly distinguishable.

William A. Karp, Ph.D.
Science and Research Director

cc: J. Bullard
P. Doremus
R. Merrick
T. Nies
S. Rauch
E. Sobeck

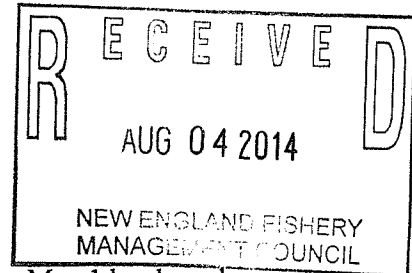


3

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northeast Fisheries Science Center
166 Water Street
Woods Hole, MA 02543-1026

August 2, 2015

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



Dear Tom:

I am writing to inform the Council that since sector fishing effort since May 1 has been lower than last year for the same period, we now expect federal funding for groundfish at-sea monitors to last at least through October 31. We are monitoring remaining funds carefully, and will update these projections again at the beginning of October.

We continue to work with all three at-sea monitor vendors to promote equitable expenditure of remaining funds, so that funds remaining in each contract are expended at about the same time. We also continue to work with groundfish sector managers to assist with their transition to paying for a portion of the at-sea monitoring costs.

If we can provide further information, please let me know.

Sincerely,

William A. Karp, Ph.D.
Science and Research Director
Northeast Fisheries Science Center

Cc: J. Bullard
C. Moore
R. Merrick
S. Rauch



cc: JC, JP - 8/10/15



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

AUG - 4 2015

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

Dear Tom:

The Greater Atlantic Regional Fisheries Office implementation team for Amendment 18 to the Northeast Multispecies Fishery Management Plan has reviewed the Amendment 18 alternatives, as currently drafted, and we have a few questions and concerns. Sharing these issues with you now will allow the Groundfish Committee and Council an opportunity to discuss and address these issues before the Council takes final action this September.

1. For PSC accumulation limits (Section 4.1.2) *Alternative 6: Limit Collective Holdings of Potential Sector Contributions (PSC)* it is unclear which PSC in an entity's portfolio would be withheld if the entity exceeds the PSC limit. For example, if the collective PSC limit for an entity for all stocks remains 232.5, as explained in the current Amendment 18 document, and an entity acquires a permit that increases its collective PSC to 240, then a PSC of 7.5 must be withheld, but of which stock(s)? Who would make this decision, us or the entity? Currently, Amendment 18 lacks guidance on these questions and I suggest that the Council clarify its intent and in the document. Our implementation team believes that there is flexibility for our staff to work with any individual entity that exceeds the limit to select which PSC should be withheld and redistributed to the entire fishery for the duration of the fishing year.



2. If a PSC accumulation limit is implemented, and an entity subsequently acquires a permit that brings their holdings above the limit, is it the Council's intent that the limit be effective immediately or at the start of the next fishing year? If the limit becomes effective mid-year, a groundfish sector would have already received its annual catch entitlement (ACE) based on the PSC of that particular permit and that ACE may already have been harvested. Further, it would be administratively difficult and time consuming to redistribute the excess PSC during the fishing year. While waiting to implement the limit until the following fishing year would allow entities to temporarily exceed the limit during the fishing year and then sell the permits before the next fishing year, the effect is substantially the same as leasing quota in excess of the threshold, which is currently permitted under Amendment 18. I recommend that the Council clarify that any PSC accumulation limits will be enacted only at the beginning of a fishing year. This is consistent with the recommendation that PSC limits are effective for an entire fishing year.

Our implementation team will continue to collaborate with your staff and review Amendment 18 alternatives. I encourage the Council and your staff to discuss the issues above so that, if



approved, Amendment 18 management measures can be enacted as the Council intended and implemented efficiently. If you have any additional questions or concerns, please contact Sarah Heil, Acting Groundfish Team Supervisor, in the Sustainable Fisheries Division at (978) 281-9257.

Sincerely,

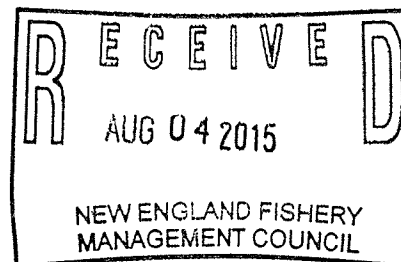

 John K. Bullard
Regional Administrator



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 21 2015

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



Dear Tom:

We received your June 24, 2015, letter regarding the Council's Electronic Monitoring Working Group and the use of electronic monitoring (EM) in the Northeast groundfish fishery sectors. As you know, we provided staff support for the working group and are supportive of implementing EM in the fishery, but some challenges remain. We are hopeful that these challenges can be addressed this year, so that vessel operators may choose to utilize EM to audit their reported discards of groundfish in fishing year 2016.

My staff and Northeast Fisheries Science Center staff are collaborating on a project with the Maine Coast Community Sector, The Nature Conservancy, the Gulf of Maine Research Institute, and Ecotrust Canada to use EM to verify discards of groundfish species reported on electronic vessel trip reports (eVTRs). This is generally referred to as the "audit" model, whereby, discards are reported on eVTRs at the haul level, a portion (e.g., percentage of hauls) of the EM video is reviewed by a third party provider, and the provider submits an EM summary report of discards to us. If we determine that the EM summary report confirms the accuracy of the discards reported on the eVTR, then the eVTR information would be used for monitoring annual catch limits.

As with any new monitoring program, there are challenges. We are building the database infrastructure and processing tools for the data collected from EM video footage. We are also addressing legal and logistical issues associated with putting in place an EM program. One challenge is to define the standards that will determine when EM and eVTR values are consistent and when they are not. We must also determine what information will be used to estimate discards for trips when EM does not confirm eVTR information. Our hope is that 2014 and 2015 EM data can support analysis to establish the necessary standards and evaluate EM as an alternative to at-sea monitoring (ASM). However, vessels participating in our program development work this year are not using EM on many trips, making our ability to evaluate EM difficult. Provided we have sufficient information for analysis and evaluation results supports the use of EM, we intend to approve and implement EM as an alternative to ASM for the 2016 fishing year.

We recognize EM may be an important tool in the future for monitoring the groundfish fishery, but that it is difficult to evaluate without some idea of the costs. For over a year, we have been working to provide information to the public that compares EM and ASM costs. Given the

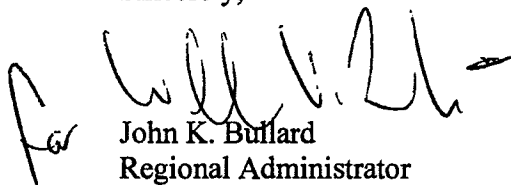


CC: CK, JC, LS - 8/7/15

importance of this cost analysis, an external peer review of this comparison is underway. We expect this review to be completed soon. We are hopeful to release the comparison in the near future, possibly in time for the September 2015 Council meeting.

There have been EM pilot projects in the region for years and we recognize that interest in EM remains high. We will continue to work with our partners on the remaining challenges that many of the EM pilot projects have yet to address, and if successful, we plan to implement EM for a portion of the groundfish fishery for the 2016 fishing year. If you have questions about the ongoing EM program development, please contact Barry Clifford (978) 281-9148 or Brett Alger (978) 675-2153.

Sincerely,

for John K. Bullard
Regional Administrator

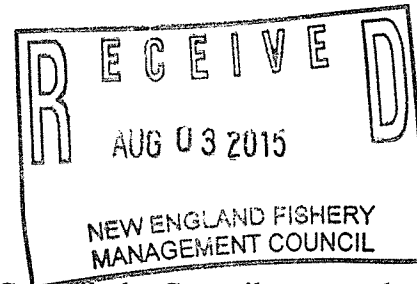
cc: Bill Karp, Director, Northeast Fisheries Science Center



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 30 2015

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



Dear Tom:

Based on its vote at the June New England Fishery Management Council, the Council requested that we take emergency action to immediately suspend the groundfish sector at-sea monitoring (ASM) program. In order to approve an emergency rule, the Secretary of Commerce must have an administrative record justifying emergency regulatory action and its compliance with the national standards. As outlined in the letter, our guidelines for the use of emergency rules specify three criteria that must be met to support emergency action. We have determined that the Council's request does not meet these criteria for emergency rulemaking for the reasons detailed below. Further, suspending the sector ASM program could seriously jeopardize the management of the groundfish fishery by undermining our ability to sufficiently monitor sector allocations.

1. The situation results from recent, unforeseen events or recently discovered circumstances.
The Council's request explains that the industry-funded ASM requirement was established with the expectation that increased groundfish catch limits would enable industry to afford the monitoring costs, but that unforeseen declines in groundfish catch limits mean that imposing the cost of the ASM program on industry will threaten the viability of the fishery. However, the Council has had adequate opportunity to respond to declines in catch limits, and the financial burden of the ASM requirement on industry, as evidenced by the frameworks developed leading up to the 2013, 2014, and 2015 groundfish fishing years.

In light of the worsening condition of groundfish stocks, the Council has considered the economic burden of ASM many times since 2010. Indeed, in 2011 the Council's rationale in Framework Adjustment 48 for a delay of the industry funding requirement for ASM was that imposing these costs would reduce profitability and result in the sector system being an economic failure. Therefore, the record documents that the current constraints on the operation of the groundfish fishery due to poor stock conditions, as well as the financial burden of the ASM program, are existing concerns the Council has considered several times since the implementation of the sector system. However, to date, the Council has not developed an approvable solution to the issue of industry funding for ASM. Therefore, we conclude that the situation underlying the Council's emergency request does not result from recent, unforeseen event, or recently discovered circumstances.



2. The situation presents serious conservation or management problems in the fishery.

While we acknowledge that triggering the requirement for sectors to pay for ASM is a significant financial burden, this was a foreseeable problem that does not justify an emergency action, as explained above. Moreover, the conservation concern expressed in the Council's letter is not consistent with current observations. The letter asserts that transitioning the ASM program to industry funding mid-year creates an incentive for sector members to condense their fishing activity while ASM is government-funded, leading to safety issues. Industry was notified in February 2015 that the transition would occur mid-year; however, there has not been an observable increase in fishing effort (trips or catch) during this fishing year, when compared to the same period last year.

We understand that paying for ASM is going to create economic difficulty for individual fishermen. If fishing effort declines after the transition to industry funding for ASM, it is possible that there could be lower catch of some stocks traditionally targeted in winter, which could further reduce groundfish revenues. We hope the sector system, which is designed to allow the fishing industry greater control over economic decisions, can help individuals minimize the economic difficulty. The system empowers each sector and individual member to determine when and how to target groundfish stocks, and the extent to which they participate in other fisheries as allowed by those fisheries' respective fishery management plans. The system also provides sectors with an opportunity to allocate costs or use operational flexibility to provide further cost efficiencies.

3. The immediate benefits of emergency action outweigh the value of advance public notice, public comment, and deliberative consideration of the impacts on participants to the same extent as would be expected under the normal rulemaking process.

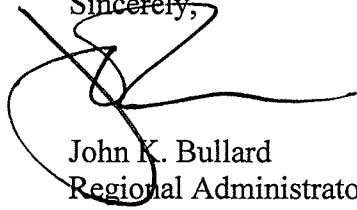
This criterion is not relevant because emergency rulemaking is not justified, as explained above. Even if the circumstances justified an emergency action, suspending ASM would not be consistent with the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and the groundfish plan requirement to reliably monitor catch limits. Catch accountability for the groundfish fishery is not optional. Rather, it was included in Amendment 16 to help meet the MSA requirements for monitoring annual catch limits and ensuring accountability. If the sector ASM program was suspended, it would be necessary to implement a replacement to fill that void and ensure catch accountability.

The process of implementing emergency regulations limits the public participation in rulemaking that Congress intended under the MSA and the Administrative Procedure Act. The Councils and Secretary must, whenever possible, afford the full scope of public participation in rulemaking. The sector ASM program has not been without controversy, and there should be an inclusive public process when considering modifications to the current ASM program.

In a separate June 30, 2015, letter, you transmitted three additional motions passed by the Council at its June meeting regarding the ASM program. The letter noted that the Council feels addressing ASM issues requires a multifaceted approach, as demonstrated by the motions, and requests that we use our administrative authority in-season to adjust ASM requirements with the goal of alleviating the financial burden to industry. We are reviewing these motions and will respond in more detail in a future letter.

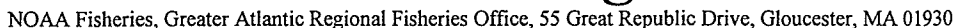
Industry funding for ASM will be economically challenging for groundfish vessels, particularly in light of the low catch limits. We will continue to work with sectors to reduce costs, where possible, and help them to explore approaches to fairly distribute expenses. We will also continue to work with the Council to evaluate the current ASM program, and explore possible modifications to this program. If you have further questions about our determination, please contact Michael Pentony, Assistant Regional Administrator for Sustainable Fisheries at (978)-281-9283.

Sincerely,

A handwritten signature in black ink, appearing to be 'John K. Bullard', written over the printed name and title.

John K. Bullard
Regional Administrator

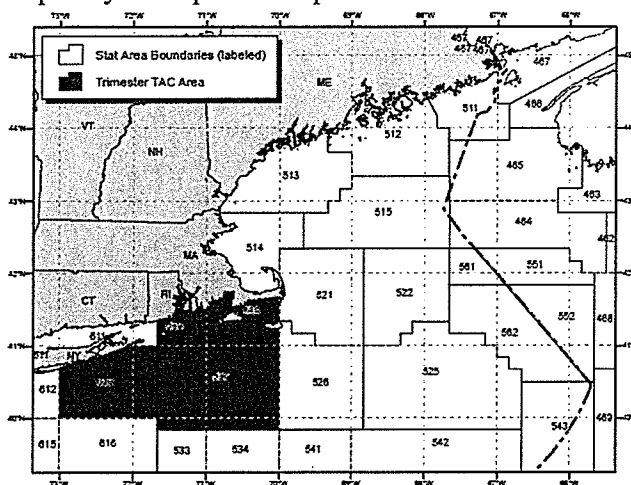
cc: Terry Stockwell, Chair, New England Fishery Management Council
Frank Blount, Chair, Groundfish Oversight Committee
Bill Karp, Director, Northeast Fisheries Science Center



JUL 31 2015

Effective Date: July 29, 2015, through August 31, 2015

If you have crossed the vessel monitoring system demarcation line and are currently at sea on a groundfish trip, you may complete your trip in all or part of the closed areas.



REMINDER: Gulf of Maine cod, American plaice, and Cape Cod/Gulf of Maine yellowtail flounder Trimester closures and zero possession limits remain in effect. On September 1, 2015, all Trimester TAC Areas re-open to common pool vessels, and possession and trip limits for American plaice and Cape Cod/Gulf of Maine yellowtail flounder returns to previous levels. The possession and trip limit for Gulf of Maine cod remains at zero for the remainder of the 2015 fishing year.

<i>Frequently Asked Questions</i>	
Why is this action being taken?	We are required to close the Trimester TAC Area for a stock when we project that 90% of the Trimester TAC is caught to avoid quota overages.
How much of the quota has been caught?	As of July 21, 109% of the quota for SNE/MA yellowtail flounder has been caught. Quota monitoring reports are updated on the internet at http://www.greateratlantic.fisheries.noaa.gov/ .
What happens if the Trimester TAC is exceeded? Underharvested?	If the Trimester 1 TAC for SNE/MA yellowtail flounder is exceeded, the overage is deducted from the Trimester 3 TAC. Any unused portion of the Trimester 1 TAC for SNE/MA yellowtail flounder is carried forward to Trimester 2.

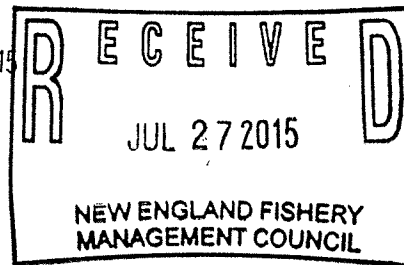
Page 1 of 1

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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 27 2015



Marc Stettner
91 Fairview Ave
Portsmouth, NH 03801

Dear Marc,

Thank you for your letter requesting emergency action by NOAA to prevent trimester closures in the common pool due to the harvest of Gulf of Maine (GOM) cod. We cannot support your request.

NOAA's National Marine Fisheries Service can exercise its authority to prevent economic loss or preserve economic opportunity only for recent, unforeseen, or recently discovered circumstances that present serious conservation or management problems in the fishery. Further, the immediate benefits for using emergency procedures must outweigh the value of providing advance notice, public comment, and deliberative consideration of the impacts on participants to the same extent as expected under the normal rulemaking process.

Your request for emergency action seeks to address a situation that is not recent, unforeseen or recently discovered. The need for substantially lower GOM cod catch limits was known late last summer. In response to this need, the New England Fishery Management Council developed Framework Adjustment 53 last fall and winter, and new measures to protect GOM cod were put in place on May 1, 2015. Framework 53 established common pool management measures, including annual catch limits (ACLs) and retaining trimester distributions. Further, each time the Council sets catch limits, it reviews the distribution of the ACL to the various sub-components of the fishery (i.e., state waters and other, which covers non-groundfish fisheries that take GOM cod as bycatch), and makes any necessary adjustments. The Council and its Groundfish Plan Development Team develop changes to the sub-components based on recent catch information, expected ACL changes, management measures for the upcoming fishing year, stock abundance and availability, and other information. The Council completed this review during the development of Framework 53; and, as your letter acknowledges, it did not recommend any changes to the other sub-component for GOM cod based on the best scientific information available. The other sub-component values must sufficiently account for bycatch in non-groundfish fisheries. The Council determined, and we agree, that the current sub-component values are necessary to account for this catch.

Your request to change the distribution of the ACL to the other sub-component is better addressed through the normal Council and rulemaking process. You are seeking to redistribute catch allocations in a manner that would benefit only a small sub-set of the groundfish fishery, while the entire Northeast groundfish fishery has been affected by the low ACL. Reallocating quota to one user group in these circumstances would likely be controversial and would be best accomplished with input by everyone affected. The Council process provides an opportunity for



mic/id 7/30/15

input by all user groups potentially affected by these allocation decisions. Your request does not provide input from, information about, or any accounting for other user groups. Considering such information is critical to developing a fair and equitable distribution of catch allocation. Thus, the benefits of adjusting these sub-component values midyear through an emergency rulemaking do not outweigh the value of advance notice, public comment, and deliberative consideration.

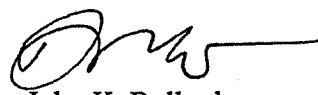
If we were to redistribute any portion of the other sub-component, we would need to be equitable to the entire commercial groundfish fishery, and do so based on allocation. In an extreme example, given the current ACLs, if we were to redistribute all of the 13 mt from the annual other sub-component to the common pool and sectors, it would result in an increase of approximately 0.35 mt (775 lb) of GOM cod to the common pool for the entire fishing year. This likely would not solve the problem you are trying to address.

Currently, through its work on Amendment 18, the Council is considering a separate allocation for Handgear A vessels, as well as alternatives that would make it easier for Handgear A vessels to enroll in a sector, where they would not be restricted to the same common pool management measures. I encourage you to continue participating in the Council process and proposing changes you believe would benefit the Handgear A fishery.

If you intended your request for emergency action to be a petition for rulemaking under 5 U.S.C. 553(e) of the Administrative Procedures Act, please re-submit as such a request. You will need to provide the following information: The substance of the rule or amendment proposed, or specify the rule that you want to have repealed or modified; your interest in the action requested; the size of the population affected; the importance of the regulation to promoting established NOAA priorities and policies; the resources necessary to develop the proposed regulations; and the public interest in the proposed regulation. We also encourage you to provide any new and relevant data that support your petition to address the concerns raised above and to explain how the Council's actions to date have not been sufficient.

Thank you again for reaching out and expressing your concerns and thoughts. I look forward to continuing to work together during this challenging time. If you have additional questions or concerns, please contact Sarah Heil, acting groundfish team lead in our Sustainable Fisheries Division at (978) 281-9257.

Sincerely,


John K. Bullard
Regional Administrator

cc: Tom Nies, Executive Director, NEFMC
Terry Stockwell, Chair, NEFMC

91 FAIRVIEW AVE
PORTSMOUTH NH 03801

**NORTHEAST HOOK
FISHERMAN'S ASSOCIATION**

June 10, 2015
NOAA Fisheries Service
Greater Atlantic Regional Fisheries Office
55 Great Republic Drive
Gloucester, MA 01930-2276
Phone: (978) 281-9300
Fax: (978) 281-9333



Subject: Emergency Action Request

Dear John Bullard:

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. Historically and currently our fishermen account for a small percentage of the groundfish landed in New England. However, the monetary gains obtained by the participants in this fishery are very important to us. The vast majority of the active handgear fishermen currently and in the past fish in the Common Pool allocation of the commercial fishery.

We are deeply concerned about the potential closure of the first trimester of the common pool due to the harvest and discards of GOM cod. Currently for the first trimester (data of June 2nd 2015) 52.1% GOM cod has been caught. This is extremely worrisome since the vast majority of the inshore fishing grounds have been closed or have not opened yet per FW 53 and numerous fishing vessels that fish in the common pool have not had the opportunity to fish. If the common pool were to close, due to GOM cod, this early in the trimester, many boats will have not had any opportunity to fish at all since last fall. Especially the small vessels that can only fish seasonally when the weather is acceptable. Closing this trimester due to a relatively small amount of cod (approximately 3,000 lbs.) would leave very large quantities of other groundfish allocated (such as Pollock) to the common pool not harvested (preventing OY).

We are requesting that the NMFS initiate an Emergency Action to prevent the closure of any trimesters in the common pool due to the harvest of GOM cod. As part of this request we are asking the NMFS to consider transferring a certain percentage the 13 MT (28,659 lbs.) allocated to the "Other Sub-Component" to the common pool sub ACL. Transferring a small quantity of this underutilized quota to the common pool* would allow the common pool to harvest their allocation to OY as well as preventing overharvest of GOM cod by this component of the fishery.

As part of FW53 the PDT and the NEFMC did not recommend changes to the Other Sub Component for GOM cod (Framework Adjustment 53- Appendix III, AIII-10). We don't know why but with GOM cod quickly becoming a choke species, the changes requested to the other sub-component are warranted since GOM cod was classified as "Low Utilization" and in ($\leq 25\%$). The catch was calculated to be only 6%.

Please consider this request and if accepted quickly initiate an Emergency Action in time to prevent the closure of the 1st trimester for the common pool.

Respectfully,
Marc Stettner /s/

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

** For GOM cod and haddock, the state waters and other sub-component are deducted from the commercial portion of the U.S. ABC (after allocating to the recreational fishery).*

Excerpts from Framework 53

Other sub-components: Portion of the U.S. ABC expected to be harvested by unidentified non-groundfish fishery components. These are not attributed to specific components because individual amounts are small. In cases where there is no specific recreational allocation, unless otherwise specified, recreational catches are counted against this sub-component. There are a few stocks where this may not be the case, such as when the majority of recreational catches are from state waters and the recreational catch is considered part of the state waters sub-component. These instances will be specifically identified.

Table 5. Summary of FY 2013 sub-Component Catches (as percent of sub-component caught).

	Stock	State sub-Component	Other sub-Component
<i>Sub-component 'overages'</i>	SNE/MA Yellowtail Flounder	206.5%	106.3%
	CC/GOM Yellowtail Flounder	130.2%	271.3%
	Witch Flounder	115.5%	—
	SNE/MA Winter Flounder	—	108.1%
	Pollock	104.9%	103.7%
	Wolffish	185.0%	
<i>Sub-Components with High Utilization ($\geq 75\%$)</i>	Plaice	—	96%
	Northern Windowpane Flounder	—	95%
<i>Sub-Components with Low Utilization ($\leq 25\%$)</i>	GOM Cod		6%
	GB Haddock	2%	5%
	GOM Haddock		25%
	GB Yellowtail Flounder		<1%
	Redfish	17%	2%
	White Hake	6%	10%

PDT Recommendations for Changes to sub-Components

The PDT developed recommendations for changes to the state waters and other sub-components based on recent catch information (FY 2010-FY 2013), expected ACL changes and management measures for 2015, stock abundance and availability, and other information. The PDT's recommendations for FW 53 are summarized in Table 6, and are described in more detail below. The PDT noted that final FY 2014 catch information will be available in time for setting specifications for FY 2016, and that the state waters and other sub-components should be reviewed again at that time in order to make any necessary adjustments. The Council approved the PDT recommendations for changes to sub-components at its November 2014 meeting in Newport, Rhode Island.

1. **No changes are recommended** for either the state waters or other sub-component values for GB cod, GOM cod, GB haddock, plaice, witch flounder, GB winter flounder, redfish, white hake, pollock, southern windowpane, or wolffish.

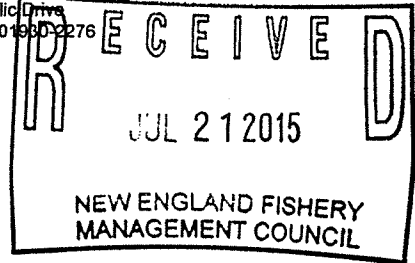
AIII-10

Framework Adjustment 53- Appendix III



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 21 2015



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

Dear Tom:

We received your June 24, 2015, letter regarding the Council's Electronic Monitoring Working Group and the use of electronic monitoring (EM) in the Northeast groundfish fishery sectors. As you know, we provided staff support for the working group and are supportive of implementing EM in the fishery, but some challenges remain. We are hopeful that these challenges can be addressed this year, so that vessel operators may choose to utilize EM to audit their reported discards of groundfish in fishing year 2016.

My staff and Northeast Fisheries Science Center staff are collaborating on a project with the Maine Coast Community Sector, The Nature Conservancy, the Gulf of Maine Research Institute, and Ecotrust Canada to use EM to verify discards of groundfish species reported on electronic vessel trip reports (eVTRs). This is generally referred to as the "audit" model, whereby, discards are reported on eVTRs at the haul level, a portion (e.g., percentage of hauls) of the EM video is reviewed by a third party provider, and the provider submits an EM summary report of discards to us. If we determine that the EM summary report confirms the accuracy of the discards reported on the eVTR, then the eVTR information would be used for monitoring annual catch limits.

As with any new monitoring program, there are challenges. We are building the database infrastructure and processing tools for the data collected from EM video footage. We are also addressing legal and logistical issues associated with putting in place an EM program. One challenge is to define the standards that will determine when EM and eVTR values are consistent and when they are not. We must also determine what information will be used to estimate discards for trips when EM does not confirm eVTR information. Our hope is that 2014 and 2015 EM data can support analysis to establish the necessary standards and evaluate EM as an alternative to at-sea monitoring (ASM). However, vessels participating in our program development work this year are not using EM on many trips, making our ability to evaluate EM difficult. Provided we have sufficient information for analysis and evaluation results supports the use of EM, we intend to approve and implement EM as an alternative to ASM for the 2016 fishing year.

We recognize EM may be an important tool in the future for monitoring the groundfish fishery, but that it is difficult to evaluate without some idea of the costs. For over a year, we have been working to provide information to the public that compares EM and ASM costs. Given the



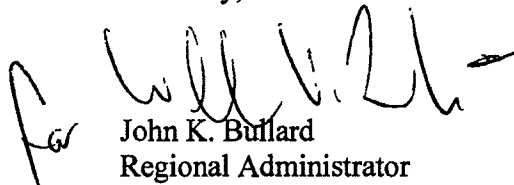
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importance of this cost analysis, an external peer review of this comparison is underway. We expect this review to be completed soon. We are hopeful to release the comparison in the near future, possibly in time for the September 2015 Council meeting.

There have been EM pilot projects in the region for years and we recognize that interest in EM remains high. We will continue to work with our partners on the remaining challenges that many of the EM pilot projects have yet to address, and if successful, we plan to implement EM for a portion of the groundfish fishery for the 2016 fishing year. If you have questions about the ongoing EM program development, please contact Barry Clifford (978) 281-9148 or Brett Alger (978) 675-2153.

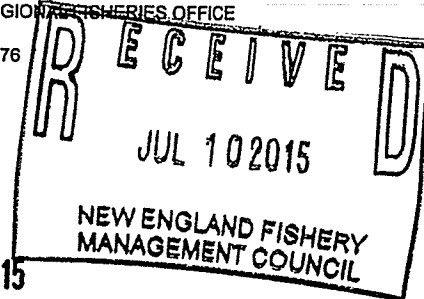
Sincerely,


John K. Bullard
Regional Administrator

cc: Bill Karp, Director, Northeast Fisheries Science Center



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



JUL - 9 2015

Catherine Ware Kilduff
Center for Biological Diversity
1411 K St., NW Ste. 1300
Washington, DC 20005

Phil Kline
Greenpeace
702 H St NW #300
Washington, DC 20001

Dr. Thomas Armbruster
SandyHook SeaLife Foundation
326 Stokes Rd. #372
Medford, NJ 08055

Dr. Doug Karpa
Turtle Island Restoration Network
9255 Sir Francis Drake Boulevard
Point Reyes Station, CA 94956

Dear Ms. Kilduff, Mr. Kline, Dr. Armbruster, and Dr. Karpa,

We received your March 3, 2015, request for rulemaking under the Administrative Procedure Act (APA). I share your concern for the Gulf of Maine (GOM) cod stock. However, I am writing to inform you that NOAA's National Marine Fisheries Service (NMFS) is denying your petition for rulemaking.

In your petition, you requested that NFMS initiate rulemaking to make the following changes: 1) Prohibit commercial and recreational fishing for GOM cod until the incidental mortality does not exceed the acceptable biological catch (ABC) limit; and 2) limit catch, including discards, to the level that achieves the fishing mortality that meets rebuilding requirements ($F_{rebuild}$), in accordance with Amendment 16 to the Northeast Multispecies Fishery Management Plan (FMP). In support of your request, you discussed that the ongoing management regime for GOM cod, including the 2004 rebuilding plan, the 2014 interim action, and Framework Adjustment 53 to the FMP have not successfully ended overfishing or promoted rebuilding of the GOM cod stock.

NMFS is authorized under section 304(c)(1)(A) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) to prepare and implement a fishery management plan or any necessary amendment to a fishery management plan if the New England Fishery Management Council fails to develop and submit, after a reasonable period of time, a plan or



je/jrc 7/10/15

amendment that meets necessary conservation and management objectives. Or, NMFS may put in place emergency regulations or interim measures to address an emergency or overfishing under section 305(c) of the Magnuson-Stevens Act. An emergency rulemaking allows actions to prevent overfishing or other serious damage to the fishery resource or habitat, or economic loss or preserve economic opportunity when the emergency results from recent, unforeseen events or recently discovered circumstances. An interim rule allows for measures that reduce overfishing for a limited time. The benefit of using an abbreviated process to implement an emergency rule or interim measures must outweigh the value of advance notice, public comment, and deliberative consideration of the impacts on participants to the same extent as expected under the normal Council and full rulemaking process. Our policy directive for emergency actions, published in the *Federal Register* on August 21, 1997 (66 FR 44421), specifically states that highly controversial actions with serious economic consequences should be addressed through the normal APA process except for under exceptional circumstances.

Your requests do not rise to the level of requiring a Secretarial amendment, emergency rulemaking, or interim measures because such action would unnecessarily replace the measures established in Framework 53 and the recreational measures put in place through the Council process. These measures, along with any necessary adjustments based on an upcoming updated assessment, sufficiently prevent overfishing and rebuild the GOM cod stock within the current rebuilding period, and, in effect, achieve what your petition for rulemaking seeks. Throughout our management of the GOM cod stock, and in accordance with National Standard 2, we have relied on the best scientific information available at the time to implement measures to promote stock rebuilding. In our view, the Council has been cooperative, proactive, and timely in revising GOM cod management in response to new information regarding the status of the stock, and has worked with us to balance the conservation and management provisions of the Magnuson-Stevens Act. Although the Magnuson-Stevens Act requirements emphasize the importance of rebuilding as quickly as possible, a rebuilding plan is not required to set catch as close to zero as possible, and cannot disregard the needs of fishing communities. Leading into the second year of the revised GOM cod rebuilding plan, we carefully considered the available information and determined that all of the management measures implemented in the Framework 53 final rule, along with corresponding measures implemented through the 2015-2016 Sector Operations Plans and Contracts and 2015 recreational measures, will provide sufficient protection for GOM cod to prevent overfishing and contribute to rebuilding consistent with Magnuson-Stevens Act requirements. These measures balance Magnuson-Stevens Act objectives, including achieving optimum yield and taking into account the needs of fishing communities, without compromising conservation objectives to prevent overfishing and rebuild the stock.

Responses to each of the main points raised in your petition for rulemaking are described below.

2004 Rebuilding Plan

Your petition asserted that the Council-recommended catch levels for GOM cod during the 2004 rebuilding program were intended to maximize economic gain at the expense of the health of the stock. A 2008 stock assessment reviewed progress under the plan and concluded that the stock was not overfished but overfishing was occurring and, based in part on a strong 2005 year class, the stock was expected to rebuild by 2014. We notified the Council about the lack of progress under the 2004 rebuilding plan following the 2012 GOM cod benchmark assessment. We determined that the lack of adequate progress under the 2004 rebuilding plan was neither due to any failure on the part of the Council to take necessary actions to meet the requirements of the Magnuson-Stevens Act, nor due to any failure on the part of fishery participants to comply with regulatory measures. Rather, the lack of progress was due to the revised understanding of the condition of the stock since the previous GOM cod assessment was completed in 2008. In response to the new understanding of the status of the GOM cod stock, we worked in close coordination with the Council to implement measures to reduce overfishing and revise the rebuilding plan as swiftly as possible through a 2012 interim action and Framework Adjustments 50 and 51. These actions incorporated new information and lessons from past management approaches. Indeed, our review of the Council's revised 2014 GOM cod rebuilding plan adopted in Framework 51 indicated that it attempted to address past rebuilding performance and accelerated the rebuilding timeline by setting catch limits more conservatively, at least initially, in the rebuilding program.

2014 Emergency Action

Your petition faulted our 2014 interim action for insufficiently addressing the information provided in the updated GOM cod assessment. In formulating measures to temporarily reduce GOM cod mortality in the 2014 interim action, one of our primary objectives was to reduce overfishing by reducing GOM cod commercial and recreational catch. Given the mixed nature of the groundfish fishery and its interaction with other fisheries, this objective was analyzed in the context of not closing down the entire GOM, but to allow some harvesting of other groundfish stocks and reduce GOM cod mortality while the Council developed more permanent measures in Framework 53. We determined it was unnecessary to try to prevent all fishing mortality for the remainder of the 2014 fishing year as the stock can rebuild even if subject to overfishing in 2014 as long as measures would be in place to prevent overfishing beginning in 2015. Achieving zero fishing mortality would have required closing all GOM fisheries, including those that do not target groundfish. The impacts of such measures would be substantial and impracticable. Such a closure was unwarranted to ensure effective cod conservation.

Framework 53 GOM cod ABC

Most recently, we considered public comment on and supporting analysis for Framework 53 and the 2015 recreational measures, and the best scientific information available in making the determination that an ABC of 386 mt was appropriate and consistent with the requirements of the Magnuson-Stevens Act and its National Standards. In light of current stock conditions, the 386-mt ABC is a 75-percent reduction in allowable catch compared to 2014, which is in addition to the 80-percent reduction implemented for the 2013-2014 fishing years. In total, the GOM cod catch limit has been reduced by 95 percent over the last 5 years. Further, new recreational measures prohibit recreational fishermen from retaining any GOM cod. This is the first zero-retention prohibition on GOM cod for recreational fishermen.

We approved the ABC of 386 mt with the understanding that the catch limits implemented in the Framework 53 final rule will be reviewed again following the September 2015 assessment for GOM cod. GOM cod catch limits for the 2016-2018 fishing years would be set based on the September 2015 assessment and, if changes are necessary, would replace the 2016-2017 catch limits adopted in the Framework 53 final rule. Uncertainties in catch projections can be exacerbated if 3-year specifications are set and remain unchecked without additional stock assessment information. However, in this case, we determined that concerns for past assessment performance raised by the petitioners, and the risk of erring in setting the ABC, are largely mitigated given the pending 2015 assessment. In effect, if updated assessment information shows it is necessary to change the ABCs for 2016 and/or 2017, our approval of the 386-mt GOM cod ABC in Framework 53 is only approval for the first year of the remaining rebuilding time period.

Your petition asserts that the 386-mt ABC is not a legal limit because it deviates from the provisions of the default ABC control rule. This is inaccurate. Amendment 16 specifically allows the SSC to recommend ABCs that are departures from established control rules. The SSC's recommended ABC appropriately accounts for uncertainty in both the assessment and in the varying predictions for rebuilding GOM cod that arose given different natural mortality rate assumptions. The SSC initially recommended an overfishing limit (OFL) of 514 mt and a provisional ABC of 200 mt for the 2015-2017 fishing years based on catch scenarios presented by the Council's Groundfish Plan Development Team (PDT). One provision of the ABC control rule in the FMP specifies that catch limits may be based on 75 percent of F_{MSY} or $F_{rebuild}$, whichever is lower. As part of the 2014 assessment, catch projections were updated, and $F_{rebuild}$ was calculated as the constant F required to rebuild the stock by 2024. The SSC's provisional ABC recommendation of 200 mt was the midpoint between the $F_{rebuild}$ catch for two different natural mortality scenarios. However, this provisional ABC did not incorporate the scenario that assumes natural mortality is and remains higher than previously estimated, and that suggests rebuilding is not possible even with no fishing. As a result, the SSC determined that this provisional ABC was not consistent with its OFL recommendation, which was developed by averaging the 2015 F_{MSY} catches from all three catch scenarios.

Following discussion about the rebuilding potential of GOM cod, and the catch projection that indicates rebuilding is not possible, the SSC requested that the PDT provide analysis of the incidental catch of GOM cod. This request recognized that the ABC control rule provision allows that if a stock cannot rebuild in the specified rebuilding period, even with no fishing, the ABC should be based on incidental bycatch, including a reduction in the bycatch rate. Based on analysis presented by the PDT, the SSC determined that the overall incidental catch of GOM cod was approximately 500-600 mt for the 2013 fishing year under the current operating conditions of the fishery. After considering this information, and examining the available assessment information, the SSC recommended an ABC of 386 mt, which was calculated by taking 75 percent of the OFL and is well below the estimated incidental catch of GOM cod. This recommendation was an attempt to balance the various natural mortality scenarios and catch projections from the two assessment models with the various provisions of the ABC control rule. Similar to our conditional approval of the ABC in Framework 53, the SSC noted that it expected to revisit its catch advice for the 2016-2017 fishing years following the 2015 assessment update.

The PDT updated the catch projections following the SSC's final ABC recommendation. These projections, along with the biological impacts analysis, indicate that an ABC of 386 mt has only a 6- to 33-percent probability of overfishing in the 2015 fishing year. Recognizing that catch projections can be optimistic, these probabilities account for uncertainty because they are well below the median and indicate that the ABC is sufficiently below the OFL to prevent overfishing. Further, for the two projection scenarios that indicate that rebuilding can occur, an ABC of 386 mt for the 2015-2017 fishing years would rebuild the stock by 2024. All of the available catch projections indicate that an ABC of 386 mt would result in a fishing mortality rate of 0.13-0.11, which would be the lowest fishing mortality rate in the assessment time series. This estimated fishing mortality rate would be an 80-percent reduction from the estimated 2014 fishing mortality rate, and a 90-percent reduction from the fishing mortality rate estimated for 2013.

The catch projections that the PDT completed for the biological impacts analysis indicate that rebuilding is projected to occur under a 386-mt ABC for the 2015-2017 fishing years. Further, in the time since we published the Framework 53 proposed rule, we examined various catch projection scenarios to better understand the trade-offs associated with an ABC of 386 mt. Based on this evaluation, a catch of 386 mt in the 2015 fishing year is expected to have little functional difference in future catch and biomass compared to the 200-mt option that the SSC initially considered, but did not ultimately recommend. This is, in part, because catch would be lower under the 386-mt scenario in the out years of the rebuilding period compared to those needed under a catch of 200 mt. Considering this, we determined that an ABC of 386 mt would meet conservation objectives, and allow rebuilding to occur by 2024, while balancing the need to achieve optimum yield for the groundfish fishery, as well as mitigate the economic impacts of the GOM cod catch limit, to the extent practicable.

We will continue to carefully consider management measures to promote timely rebuilding of the GOM cod stock. In an effort to closely monitor stock indicators, we reviewed the recent fall 2014 NEFSC bottom trawl survey indices. The fall survey indicated a small increase compared to 2012 and 2013; however, the general trend of survey indices, as well as recruitment, remains very low. While the updated survey information may provide an initial, and potentially positive, indication of improvement, it is difficult to anticipate the results of the full 2015 assessment. In any event, we plan to make necessary adjustments for the 2016 fishing year based on updated information.

Incidental Mortality

Your petition requests that fishing mortality be prohibited until incidental mortality does not exceed the ABC. An ABC of 386 mt is expected to have substantial adverse economic impacts on groundfish vessels, and is below the estimate of incidental catch of GOM cod that occurred in the 2013 fishing year. In the 2013 fishing year, when the ACL was reduced by 80 percent, incidental catch was estimated to be approximately 500-600 mt. Beginning in the 2013 fishing year, sectors primarily used their GOM cod allocation to access other groundfish stocks. Multiple sources of information indicate a marked decline in directed fishing for GOM cod. With an additional 75-percent reduction beginning in the 2015 fishing year, the incentive to target GOM cod is virtually eliminated, and the fishery will be, in effect, a “bycatch-only” fishery. Incidental catch is largely a function of the overall ACLs on other stocks. At such a low GOM cod catch limit, fishery operations will be greatly restricted, and in some cases eliminated. The average GOM cod allocation for a sector will be 23,000 lb, and many sectors will receive allocations less of than 10,000 lb. In addition, the recreational fishery will be prohibited from possessing any GOM cod. Under this incidental catch scenario, the GOM cod ABC is expected to severely restrict catch of other groundfish stocks, particularly GOM haddock, pollock, redfish, and some flatfish. Based on this information, the 386-mt ABC balances our Magnuson-Stevens Act requirements for conservation and achieving optimum yield.

Monitoring and catch accounting

Your petition raised concern that inaccurate accounting for catch could undermine conservation objectives for GOM cod. We share your concern to an extent, and have implemented a new measure intended to mitigate this concern. Available analyses suggest that an extremely low catch limit for GOM cod may create an economic incentive to misreport catch. If misreporting occurs, it could reduce the accuracy of catch apportionment. Information indicates that this incentive increases as the GOM cod catch limit is further reduced. To help ensure correct catch apportionment and compliance with the GOM cod ACL adopted in Framework 53, we are implementing an additional daily reporting requirement for common pool and sector vessels fishing in multiple broad stock areas on the same trip. This requirement is intended to help ensure accurate catch attribution and reduce the incentive for vessels to misreport.

We do not share your view that 100-percent observer coverage is necessary to monitor GOM cod mortality. Rather, we apply at-sea monitoring coverage levels that we determine are necessary to monitor and enforce catch levels, or increase buffers to account for uncertainty in catch as part of the biennial quota-setting process. We have received similar comments on prior groundfish rulemakings requesting high levels of observer coverage for the commercial fishery since the implementation of Amendment 16. For the most part, commenters have generally asserted that the levels of monitoring we have implemented are inadequate without providing any specific justification or information to support their assertion.

For sector trips, we have determined that 24-percent observer coverage is sufficient, to the extent practicable in light of Magnuson-Stevens Act requirements, to reliably estimate catch for purposes of monitoring ACLs for groundfish stocks. This level of coverage is achieved through a combination of groundfish at-sea monitoring coverage and observer coverage furnished by the Northeast Fisheries Observer Program. Amendment 16 specified that at-sea monitoring coverage levels should be less than 100 percent, which requires that the discard portion of catch, and thus total catch, be an estimate. Amendment 16 also specified that the at-sea monitoring coverage levels should achieve a 30-percent coefficient of variation (CV). The level of observer coverage, ultimately, should provide confidence that the overall catch estimate is sufficiently accurate to ensure that sector fishing activities are consistent with National Standard 1 requirements to prevent overfishing while achieving optimum yield. To that end, significant additional uncertainty buffers are established when setting ACLs that mitigate any lack of absolute precision and accuracy in estimating overall catch by sector vessels. Collectively, the current level of sector observer coverage is providing more data for quota management and assessment science than was available to NMFS prior to implementation of Amendment 16.

On February 18, 2014, in *Oceana, Inc. v. Pritzker*, 1:13-cv-00770 (D.D.C. 2014), the Court upheld our use of a 30-percent CV standard to set sector observer coverage levels. In addition to upholding our determination of sufficient coverage levels, the Court noted that the current sector observer coverage is not the sole method of monitoring compliance with ACLs. There are many reporting requirements that vessels adhere to, and there are strong incentives for vessels to report accurately because each sector is held jointly and severally liable for overages and misreporting of catch and bycatch.

In closing, we remain concerned about the status of GOM cod, but have determined that the current FMP, as adjusted by Framework 53, along with recreational measures and planned future Council and agency actions, provide the appropriate regulatory mechanisms for addressing your concerns regarding this stock that were raised in your petition for rulemaking. We will continue to carefully monitor stock indicators leading into the 2015 assessment to fully inform our re-evaluation of the GOM cod catch limit, and the need to balance conservation and management objectives.

If would like to discuss the agency's response to your rulemaking request, contact my Sustainable Fisheries Staff groundfish team lead, Sarah Heil. Her contact information is Sarah.Heil@noaa.gov and her phone number is (978) 281-9257.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Bullard', with a large, stylized initial 'J' and a flourish at the end.

John K. Bullard
Regional Administrator

addressed to 445 12th Street SW., Washington, DC 20554.

42. People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to <mailto:fcc504@fcc.gov> or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

43. *Availability of Documents.* Comments and reply comments will be publically available online via ECFS.⁸⁴ These documents will also be available for public inspection during regular business hours in the FCC Reference Information Center, which is located in Room CY-A257 at FCC Headquarters, 445 12th Street SW., Washington, DC 20554. The Reference Information Center is open to the public Monday through Thursday from 8:00 a.m. to 4:30 p.m. and Friday from 8:00 a.m. to 11:30 a.m.

E. Additional Information

44. For additional information on this proceeding, contact Maria Mullarkey, Maria.Mullarkey@fcc.gov, of the Media Bureau, Policy Division, (202) 418-2120.

IV. Ordering Clauses

45. Accordingly, *it is ordered* that, pursuant to the Twenty-First Century Communications and Video Accessibility Act of 2010, Public Law 111-260, 124 Stat. 2751, and the authority found in Sections 4(i), 4(j), 303, 330(b), 713, and 716 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 303, 330(b), 613, and 617, this *Second Further Notice of Proposed Rulemaking* is adopted.

46. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this *Second Further Notice of Proposed Rulemaking* in MB Docket No. 12-107, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2015-16323 Filed 7-9-15; 8:45 am]

BILLING CODE 6712-01-P

⁸⁴ Documents will generally be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

RIN 0648-XE008

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Groundfish Fishery; Denial of Petition for Rulemaking for Gulf of Maine Cod

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

ACTION: Notice of agency decision.

SUMMARY: In response to the most recent stock assessment for Gulf of Maine cod, which indicated that the stock is at historically low abundance levels, a group of environmental organizations have requested that NMFS initiate rulemaking to make the following changes: prohibit commercial and recreational fishing for Gulf of Maine cod until the incidental fishing mortality does not exceed the acceptable biological catch limit; and limit catch, including discards, to the level that achieves the fishing mortality that meets rebuilding requirements, in accordance with Amendment 16 to the Northeast Multispecies Fishery Management Plan. After reviewing the petition and considering recent management measures we have implemented to prevent overfishing of Gulf of Maine cod and promote Gulf of Maine cod rebuilding efforts, we are denying the Petition for Rulemaking request.

DATES: The petition for rulemaking was denied on June 4, 2015.

FOR FURTHER INFORMATION CONTACT: William Whitmore, Fishery Policy Analyst, phone: 978-281-9182; email: William.Whitmore@noaa.gov.

SUPPLEMENTARY INFORMATION: A group of environmental organizations, including The Center for Biological Diversity, Greenpeace, Sandy Hook Life Foundation, and The Turtle Island Restoration Network, have requested that NMFS initiate rulemaking under the Administrative Procedure Act. The petitioners request that, because the most recent stock assessment for Gulf of Maine (GOM) cod indicates that the stock is at historically low abundance levels, NMFS initiate rulemaking to make the following changes: (1) Prohibit commercial and recreational fishing for GOM cod until the incidental fishing mortality does not exceed the acceptable

biological catch (ABC) limit; and (2) limit catch, including discards, to the level that achieves the fishing mortality that meets rebuilding requirements ($F_{rebuild}$), in accordance with Amendment 16 to the Northeast Multispecies Fishery Management Plan (FMP).

We are denying the Petition for Rulemaking. The measures in Framework Adjustment 53 to the FMP (80 FR 25110; May 1, 2015), combined with other conservation and management measures we implemented for the recreational fishery (80 FR 25160; May 1, 2015), are expected to prevent catch from exceeding the ABC, prevent overfishing, and rebuild the GOM cod stock within the rebuilding period. Further, we intend to carefully monitor updated stock assessment information, which will be available later this year, and will adjust measures, if necessary, to address any changes to stock condition. We carefully considered the available information and determined that all of the management measures implemented in the Framework 53 final rule, along with corresponding recreational measures, and our continued close monitoring of the stock's condition, will provide sufficient protection for GOM cod to prevent overfishing and contribute to rebuilding consistent with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act. These measures balance Magnuson-Stevens Act objectives, including achieving optimum yield and taking into account the needs of fishing communities, without compromising conservation objectives to prevent overfishing and rebuild the stock. In effect, therefore, Framework 53, combined with the other recreational measures, achieves exactly what the petition for rulemaking seeks. Moreover, Framework 53 was developed and implemented through the preferred Regional Fishery Management Council process as intended by the Magnuson-Stevens Act. Accordingly, as described in more detail below, neither a Secretarial amendment nor an emergency action is necessary or warranted to further limit GOM cod mortality at this time.

Background

Petition Request

In August 2014, the Northeast Fisheries Science Center updated the 2012 benchmark GOM cod stock assessment. The assessment found that the GOM cod stock is overfished, subject to overfishing, and that the condition of the stock had declined

further from the 2012 assessment that was used as a basis for the revised rebuilding plan established in Framework 51. The 2014 assessment showed historically low abundance and estimated that GOM cod was at only 3 percent of its rebuilding target. In response, on November 13, 2014, we issued interim measures (79 FR 67362) to limit cod mortality for the duration of the 2014 fishing year (which ended on April 30, 2015).

We received a petition for rulemaking on March 3, 2015, largely in response to the results of the most recent GOM cod stock assessment, the interim measures to reduce GOM cod mortality, and the Council's recommended measures for long-term GOM cod protection in Framework 53. The petitioners requested that NMFS initiate rulemaking to limit GOM fishing mortality consistent with the specifications of the default ABC control rule implemented in Amendment 16. In support of their request, the petitioners contend that historic overfishing and mismanagement of the GOM cod stock have led to declines in landings and stock abundance, and resulted in changes to the stock's age structure (*i.e.*, reduced the number of big, old, fat, fertile female fish), spawning locations, migratory behavior, and prey. They assert that because past GOM cod assessments have consistently overestimated cod spawning stock biomass and underestimated fishing mortality, managers should consider larger uncertainty buffers.

The petitioners claim that the ongoing management regime for GOM cod has not successfully ended overfishing or promoted rebuilding of the GOM cod stock, and that the management measures proposed in Framework 53 will not support rebuilding by the end of the revised rebuilding plan deadline in 2024. Specifically, they claimed:

- The 2004 GOM cod rebuilding plan failed because the Council set catch limits to maximize fishing opportunity rather than promote stock conservation, and because the Council prolonged overfishing by choosing the maximum rebuilding timeline possible.
- The 2014 GOM cod interim measures did not temporarily address overfishing or allow for stock rebuilding, and were only projected to result in a 33-percent reduction in fishing mortality in spite of advice from the Council's Scientific and Statistical Committee (SSC) that a 75-percent reduction in fishing limits was necessary.
- The 386-mt GOM cod ABC recommended by the Council in Framework 53 is above the legal limit

(*i.e.*, 200 mt, the level of catch necessary to achieve a fishing mortality equal to $F_{rebuild}$), and is unlikely to allow the stock to rebuild by 2024.

To remedy the situation, the petitioners request that we prohibit commercial and recreational fishing for GOM cod until incidental fishing mortality does not exceed the ABC, and limit catch, including discards, to the level that achieves a fishing mortality rate that meets rebuilding requirements ($F_{rebuild}$). In addition, the petitioners suggest that because proper accounting for dead discards may be one reason that cod failed to rebuild from 2004–2014, NMFS should increase observer coverage for the commercial fleet to 100 percent to ensure that mortality of GOM cod is monitored and counted toward catch limits.

Framework 53

While we were developing the GOM cod interim measures, the New England Fishery Management Council developed measures to end overfishing in the 2015 fishing year (beginning May 1, 2015) and for long-term measures to rebuild the GOM cod stock, consistent with the revised rebuilding program, as part of Framework 53. Framework 53, which was implemented May 1, 2015, includes a 75-percent reduction to the GOM cod catch limit compared to 2014, a prohibition on recreational possession of GOM cod, and seasonal area closures intended to protect spawning and reduce fishing mortality on GOM cod.

Framework 53 also includes measures consistent with the goals of a revised 10-year rebuilding plan for GOM cod that was established in Framework 51 (79 FR 22421; April 22, 2014). The 10-year rebuilding program is intended to account for past performance of groundfish rebuilding programs and uncertainties in long-term catch projections by setting conservative catch levels in the early years of the program. This timeframe also provides flexibility to better address the needs of fishing communities compared to rebuilding programs that target an earlier end date.

Basis for Denial

Section 304 of the Magnuson-Stevens Act provides the Secretary of Commerce with the authority to prepare and implement a fishery management plan if the Council fails to develop and submit a plan or amendment after a reasonable period of time that meets necessary conservation and management objectives. Or, the agency may put in place emergency regulations or interim measures to address an emergency or overfishing. An emergency rulemaking allows actions to prevent overfishing or

economic loss or to preserve economic opportunity when the emergency results from recent, unforeseen events or recently discovered circumstances. An interim rule allows for measures that reduce overfishing for a limited time. The benefits of using the abbreviated rulemaking procedures associated with emergency rulemaking and interim measures must outweigh the value of advance notice, public comment, and deliberative consideration of the impacts on participants to the same extent as expected under the normal Council and full notice-and-comment rulemaking process.

Rulemaking is not appropriate in this instance because it would unnecessarily replace the measures established in Framework 53 and the recreational measures put in place through the Council process. These measures achieve what the petition for rulemaking seeks. These measures balance Magnuson-Stevens Act objectives, including achieving optimum yield and taking into account the needs of fishing communities, without compromising conservation objectives to prevent overfishing and rebuild the stock. Therefore, neither a Secretarial amendment nor an emergency action is necessary or warranted at this time to further limit GOM cod mortality.

2004 Rebuilding Plan

We do not agree with the petitioner's statements that the Council-recommended catch levels for GOM cod during the 2004 rebuilding program were intended to maximize economic gain at the expense of the health of the stock. A 2008 stock assessment reviewed progress under the plan and concluded that the stock was not overfished but overfishing was occurring, and, based in part on a strong 2005 year class, the stock was expected to rebuild by 2014.

We notified the Council about the lack of progress under the 2004 rebuilding plan following the 2012 GOM cod benchmark assessment. We determined that inadequate progress under the 2004 rebuilding plan was due to a revised understanding of the condition of the stock since the 2008 GOM cod assessment. In response to the new understanding of the status of the GOM cod stock, we worked with the Council to implement measures to reduce overfishing and revise the rebuilding plan as swiftly as possible through a 2012 interim action, and Frameworks 50 and 51. These actions incorporated new information and lessons from past management approaches. Our review of the Council's

revised 2014 GOM cod rebuilding plan adopted in Framework 51 indicated that the Council addressed past rebuilding performance and accelerated the rebuilding timeline by setting more conservative catch limits in the early portion of the rebuilding program.

2014 Interim Action

We reject the petitioners claim that the 2014 interim action insufficiently addressed the information provided in the updated assessment. One of our primary objectives of the interim action was to reduce overfishing by reducing GOM cod commercial and recreational catch. Given the mixed nature of the groundfish fishery and its interaction with other fisheries, this objective was analyzed in the context of not closing down the entire GOM, but to allow some harvesting of other groundfish stocks. We wanted to reduce GOM cod mortality while the Council developed more permanent measures in Framework 53. We determined it was unnecessary to try to prevent all fishing mortality for the remainder of the 2014 fishing year as the stock can rebuild even if subject to overfishing in 2014 as long as measures would be in place to prevent overfishing beginning in 2015. Achieving zero fishing mortality would have required closing all GOM fisheries, including those that do not target groundfish. The impacts of such measures would be substantial and impracticable. Such a closure was unwarranted to ensure effective cod conservation.

Framework 53 GOM Cod ABC

Most recently, we considered public comment on and supporting analysis for Framework 53 and the 2015 recreational measures, and the best scientific information available in making the determination that an ABC of 386 mt was appropriate and consistent with the requirements of the Magnuson-Stevens Act and its National Standards. In light of current stock conditions, the 386 mt ABC is a 75-percent catch limit reduction compared to 2014, which is in addition to the 80-percent reduction implemented for the 2013–2014 fishing years. In total, the GOM cod catch limit has been reduced by 95 percent over the last 5 years. Further, new recreational measures prohibit recreational fishermen from retaining any GOM cod. This is the first zero-retention prohibition on GOM cod for recreational fishermen. Detailed information that addresses the petitioners concerns about the GOM cod ABC and further justifies our decision to approve an ABC of 386 mt can be found in the Framework 53 final rule (see pages 25125–25127).

We will continue to carefully consider management measures to promote timely rebuilding of the GOM cod stock. In an effort to closely monitor stock indicators, we reviewed the recent fall 2014 NEFSC bottom trawl survey indices. The fall survey indicated a small increase compared to 2012 and 2013; however, the general trend of survey indices, as well as recruitment, remains very low. While the updated survey information may provide an initial, and potentially positive, indication of improvement, it is difficult to anticipate the results of the full 2015 assessment. In any event, we plan to make necessary adjustments for the 2016 fishing year based on the upcoming 2015 stock assessment.

Incidental Fishing Mortality

The petitioners request prohibiting fishing mortality until incidental mortality does not exceed the ABC. An ABC of 386 mt is expected to have substantial adverse economic impacts on groundfish vessels, and is below the estimate of incidental catch of GOM cod that occurred in the 2013 fishing year. In the 2013 fishing year, when the ACL was reduced by 80 percent, incidental catch was estimated to be approximately 500–600 mt. Beginning in the 2013 fishing year, sectors primarily used their GOM cod allocation to access other groundfish stocks. Multiple sources of information indicate a marked decline in directed fishing for GOM cod. With an additional 75-percent reduction beginning in the 2015 fishing year, the incentive to target GOM cod is virtually eliminated, and the fishery will be, in effect, a “bycatch-only” fishery. Incidental catch is largely a function of the overall ACLs on other stocks. At such a low GOM cod catch limit, fishery operations will be greatly restricted, and in some cases eliminated. In addition, the recreational fishery will be prohibited from possessing any GOM cod. Under this incidental catch scenario, the GOM cod ABC is expected to severely restrict catch of other groundfish stocks, particularly GOM haddock, pollock, redfish, and some flatfish. Based on this information, the 386-mt ABC balances Magnuson-Stevens Act requirements of conservation and achieving optimum yield.

Monitoring and Catch Accounting

The petitioners raised a concern that inaccurate accounting for catch could undermine conservation objectives for GOM cod. We share their concern, and available analyses suggest that an extremely low catch limit for GOM cod may create an economic incentive to

misreport catch. If misreporting occurs, it could reduce the accuracy of catch apportionment. Information indicates that this incentive increases as the GOM cod catch limit is further reduced. To help ensure correct catch apportionment and compliance with the GOM cod ACL adopted in Framework 53, we also implemented an additional daily reporting requirement for common pool and sector vessels fishing in multiple broad stock areas on the same trip. This requirement is intended to help ensure accurate catch attribution and reduce the incentive for vessels to misreport.

We do not share the petitioners' view that 100-percent observer coverage is necessary to monitor GOM cod fishing mortality. Rather, we apply at-sea monitoring coverage levels that we determine are necessary to monitor and enforce catch levels, or increase buffers to account for uncertainty in catch as part of the biennial quota-setting process. We have received similar comments on prior groundfish rulemakings requesting high levels of observer coverage for the commercial fishery since the implementation of Amendment 16. For the most part, commenters have generally asserted that the levels of monitoring we have implemented are inadequate without providing any specific justification or information to support their assertion.

For sector trips, we have determined that 24-percent observer coverage is sufficient this fishing year, to the extent practicable in light of Magnuson-Stevens Act requirements, to reliably estimate catch for purposes of monitoring ACLs for groundfish stocks. This level of coverage is achieved through a combination of groundfish at-sea monitoring coverage and observer coverage furnished by the Northeast Fisheries Observer Program. Amendment 16 specified that at-sea monitoring coverage levels should be less than 100 percent, which requires estimations of the discard portion of catch and thus total catch. Amendment 16 also specified that the at-sea monitoring coverage levels should achieve a 30-percent coefficient of variation (CV). The level of observer coverage, ultimately, should provide confidence that the overall catch estimate is sufficiently accurate to ensure that sector fishing activities are consistent with National Standard 1 requirements to prevent overfishing while achieving optimum yield. To that end, significant additional uncertainty buffers are established when setting ACLs that mitigate any lack of absolute precision and accuracy in estimating overall catch by sector vessels. Collectively, the current level of sector

observer coverage is providing more data for quota management and assessment science than was available to NMFS prior to implementation of Amendment 16.

On February 18, 2014, in *Oceana, Inc. v. Pritzker*, 1:13-cv-00770 (D.D.C. 2014), the Court upheld our use of a 30-percent CV standard to set sector observer coverage levels. In addition to upholding our determination of sufficient coverage levels, the Court noted that the current sector observer coverage is not the sole method of monitoring compliance with ACLs, there are many reporting requirements that vessels adhere to, and there are strong incentives for vessels to report accurately because each sector is held jointly and severally liable for overages and misreporting of catch and bycatch.

Conclusion

We remain concerned about the status of GOM cod, but have determined that the current FMP, as adjusted by Framework 53, along with recreational measures and planned future Council and agency actions, provide the appropriate regulatory mechanisms for addressing the concerns regarding this stock that were raised in the petition for rulemaking. We will continue to carefully monitor stock indicators leading into the 2015 assessment to fully inform our re-evaluation of the GOM cod catch limit, and the need to balance conservation and management objectives. Therefore, we are denying this petition; no other rulemaking is necessary in response to the petition for rulemaking.

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

Dated: July 6, 2015.

Samuel D. Rauch III,
Deputy Assistant Administrator for
Regulatory Programs, National Marine
Fisheries Service.

[FR Doc. 2015-16891 Filed 7-9-15; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 150126078-5078-01]

RIN 0648-BE85

Fisheries of the Exclusive Economic Zone Off Alaska; Revise Maximum Retainable Amounts for Skates in the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to reduce the maximum retainable amount (MRA) of skates using groundfish and halibut as basis species in the Gulf of Alaska (GOA) from 20 percent to 5 percent. Reducing skate MRAs is necessary to decrease the incentive for fishermen to target skates and slow the catch rate of skates in these fisheries. This proposed rule would enhance conservation and management of skates and minimize skate discards in GOA groundfish and halibut fisheries. This proposed rule is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the Northern Pacific Halibut Act of 1982, the Fishery Management Plan for Groundfish of the Gulf of Alaska, and other applicable laws.

DATES: Comments must be received no later than August 10, 2015.

ADDRESSES: You may submit comments on this document, identified by NOAA-NMFS-2015-0015, 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-2015-0015, click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.

- **Mail:** Submit written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802-1668.

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), 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).

Electronic copies of the draft Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (collectively the "Analysis"), Alaska Groundfish Harvest

Specifications Final Environmental Impact Statement (Final EIS), Supplementary Information Report (SIR) to the Final EIS, and the Initial Regulatory Flexibility Analysis (IRFA) for the Gulf of Alaska Groundfish Harvest Specifications for 2015 and 2016 (Harvest Specifications IRFA) prepared for this action are available from <http://www.regulations.gov> or from the NMFS Alaska Region Web site at <http://alaskafisheries.noaa.gov>.

FOR FURTHER INFORMATION CONTACT: Peggy Murphy, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Authority for Action

NMFS manages the groundfish fisheries in the exclusive economic zone of the GOA under the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). The North Pacific Fishery Management Council (Council) prepared the FMP under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.* Regulations governing groundfish fishing in the GOA and implementing the FMP appear at 50 CFR parts 600 and 679. The Council and NMFS manage skates (*Raja* and *Bathyraja* species) as a groundfish species under the FMP.

Background

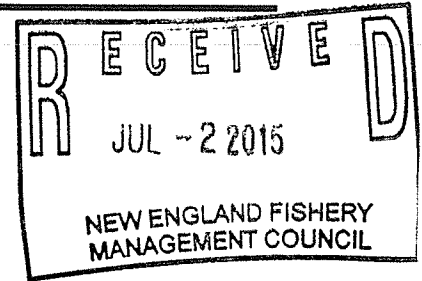
NMFS proposes to modify regulations that specify the MRA for skates in the GOA. An MRA is the maximum amount of a species closed to directed fishing (i.e., skate species) that may be retained onboard a vessel. MRAs are calculated as a percentage of the weight of catch of each groundfish species or halibut open to directed fishing (the basis species) that is retained onboard the vessel. MRAs assist in limiting catch of a species within its annual total allowable catch (TAC). Once the TAC for a species is reached, retention of that species becomes prohibited and all catch of that species must be discarded. NMFS closes a species to directed fishing before the entire TAC is taken to leave sufficient amounts of the TAC available for incidental catch. The amount of the TAC remaining available for incidental catch is managed by a species-specific MRA. MRAs are a management tool to slow down the rate of harvest and reduce the incentive for targeting a species closed to directed fishing. NMFS has established a single MRA percentage for big skate (*Raja binoculata*), longnose skate (*Raja rhina*), and for all remaining skate species (*Bathyraja* spp.). The skate MRA in the GOA is set at 20 percent. The proposed rule would reduce the MRA for skates

SUSTAINABLE HARVEST SECTOR

PO Box 356, So. Berwick ME 03908 | 207-956-8497 | www.groundfish.org

July 1 2015

John Bullard, Regional Administrator
NMFS
55 Great Republic Ave.
Gloucester, MA 01930



Dear John,

The groundfishery is expected to assume a large portion of ASM costs sometime in the next several weeks. One month ago, NMFS hosted a meeting with sectors and ASM providers to discuss the transition. Two areas of uncertainty were discussed:

1. The timing of when existing funds would expire, and the switch flipped to industry-funded ASM.
2. ASM training needs and scheduling after the change.

Our provider informs me there is still no transition date, no resolution to the excess funding issue¹, and no commitment on training schedules and/or costs into the fall.

Regarding (1), we request the NMFS do its best to pick a transition date and get on with it. We cannot develop cost projections and a spending plan wondering if some day in August, or perhaps September, is the day we wake up to discover the bills are being mailed to us now.

Regarding (2), our understanding of the situation is:

- a. NMFS requires sectors to accommodate ASMs.
- b. NMFS requires those ASMs to attend NMFS-provided training.
- c. ASM (employee) turnover is in the range of 30%-50% annually, but
- d. NMFS is not committing to scheduling necessary ASM classes after the transition.

If correct, this is another area of uncertainty that needs swift clarification. If ASM providers don't know how many seats are available in the classroom, they don't know how many students to hire to fill those seats. If NMFS is not going to provide sufficient training time to cover the needs of the fleet, does that mean sectors will be held responsible for not meeting NMFS-mandated ASM coverage levels because NMFS may not provide adequate ASM training time?

We request you provide the providers with clear expectations of ASM training plans, so they can then provide us with clear expectations of their monitoring capabilities in the months ahead. If providers will not be able to provide sectors with a sufficient number of trained ASMs, we need to know that now.

Sincerely,

Hank Soule
Sustainable Harvest Sector

cc: NEFMC

¹ NMFS appears to be trying to run the funds down to the last day, whenever that day may be. A better option would be to pick a date certain and assign remaining funds to ASM training.

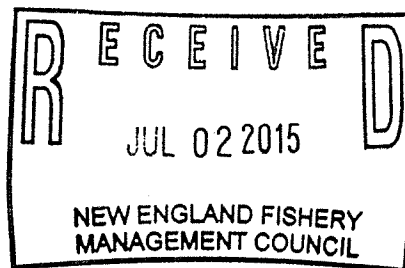
jc Dip/ - 7/8/15



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northeast Fisheries Science Center
166 Water Street
Woods Hole, MA 02543-1026

July 2, 2015

Ms. Maggie Raymond
Associated Fisheries of Maine
P. O. Box 287
South Berwick, ME 03908



Ms. Jackie Odell
Northeast Seafood Coalition
4 Parker Street, Suite 202
Gloucester, MA 01930

Dear Maggie and Jackie:

Following up on our letter of June 26, I am pleased to provide the following information on our plans to meet with industry members regarding the 2015 Northeast groundfish operational assessments.

During the week of July 20, we plan to have meetings with groundfish fishermen to share information regarding the upcoming Operational Assessments and to gather and discuss insights from the industry. We are interested in discussing species distribution, observations regarding abundance, or changes in the fishery practices, as well as other information that participants believe to be relevant for a better understanding of stock condition. To ensure that everyone gets the same information and understands what operational assessments include, we plan to also include a brief webinar on the process and schedule.

We are working with outreach staff at our Greater Atlantic Regional Office, within the Northeast Observer Program, and at the New England Fishery Management Council on this effort. We are still working out logistics, but plan to have meetings in Portland, Gloucester, and New Bedford as well as in Woods Hole. These will occur simultaneously, and one or more of the analysts working on groundfish will be present for discussion at each location.

The Operational Assessments themselves are designed to provide more frequent and timely stock status information, and are therefore limited in ability to incorporate novel data sources. The Northeast Regional Coordinating Council has reviewed and approved this approach. However, information gained from meeting participants will be summarized and provided to analysts and peer reviewers, and incorporated into the assessment report for consideration in future research recommendations and benchmark assessments.

There are two review meetings for operational assessments. The Assessment Oversight Panel will meet in mid-July to review plans for each assessment. The peer review will occur from

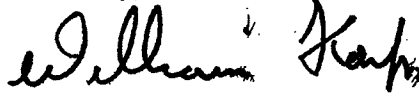


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September 14-18 in Woods Hole. The peer reviewers will be selected by the New England Fishery Management Council. As always, these are open to the public and can be accessed online during the meeting. Assessment results will be available within a few weeks after the peer review.

We appreciate your interest in the assessment process and look forward to discussing some of your concerns during the port-based meetings we have planned. It is my hope that we can also continue to work together to find a good way to capture fishermen's observations and incorporate them in our ongoing research on groundfish and other fishery resources.

Sincerely,

A handwritten signature in black ink, appearing to read "William Karp".

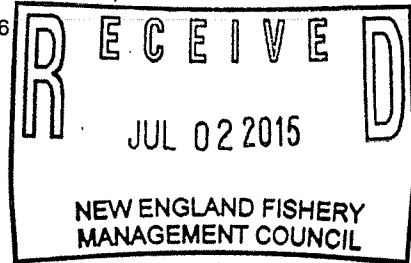
William A. Karp, Ph.D.
Science and Research Director

cc: J. Bullard
T. Nies



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northeast Fisheries Science Center
166 Water Street
Woods Hole, MA 02543-1026

June 30, 2015



Dear NRCC Partners:

At our May 2015 meeting, we discussed the upcoming suite of Operational Assessments for 20 New England groundfish stocks. The NRCC recognized the value in this operational approach, in that it provides information useful to making fishery management decisions for a larger number of stocks and more rapidly and frequently. However, the NRCC also understood that trade-offs are inherent with this approach.

To provide more rapid assessments, these Operational Assessments are conducted using the existing, peer-reviewed assessment model for each stock, updated with new data collected since the last assessment. There is little to no scope for revising the underlying assessment model, as any such changes would require significant analytical work and would also require expanded peer review and discussion. This additional analytical work and peer review are typical of Benchmark Assessments, which are conducted for stocks that require incorporation of significant new information or a different analytical approach.

The NRCC supported completion of the upcoming 20 Operational Assessments and also recognized the importance of setting clear constraints on modifications to the existing models and data streams for each Operational Assessment. These constraints are essential to avoid the possibility for greatly increasing the complexity of each assessment, with resultant delays and reduction in our capacity to complete such a large number of assessments. Communication of these constraints is necessary to discourage external scientists or stakeholders from investing in developing new approaches or data streams that could not be accommodated within the Operational Assessment framework.

In the interest of setting and communicating these constraints, the NRCC reviewed a comprehensive list of types of modifications and agreed whether each type of modification could be accommodated within an Operational Assessment or if the modification could only be considered within a Benchmark Assessment. Since efficiency is essential to the success of the Operational Assessment concept, the majority of modifications could not be accommodated. However, in addition to incorporating new data from existing data streams to update current parameters in the existing assessment models, the NRCC felt that Operational Assessments could make minor adjustments to account for (a) updated information on growth and maturation of fish; (b) changes in values of reference points, but not the underlying basis for the reference points; and (c) introduction or modification of retrospective adjustments for biomass or fishing mortality. Modifications to the discard mortality data stream would be beyond the scope of an Operational Assessment in most cases, but, given recent changes to discard mortality data used for management of the cod recreational fishery, the NRCC agreed that modifications to discard mortality data streams could be considered for the Operational Assessment for Gulf of Maine cod and for other stocks with similar significant changes to discard mortality data.




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Other modifications to existing assessment models or data streams would require more extensive analysis consistent with Benchmark Assessments. Modifications of this sort include: (a) changes to the abundance and trend data streams (e.g., changes to surveys, survey indices, LPUE); (b) changes to measures of scale (e.g., new or revised measures of catchability, new catch estimate data streams); (c) changes to the bases for reference points (e.g., updated priors on steepness, incorporation of regime changes); (d) changes in model configuration (e.g., changes in selectivity function, differential weighting of likelihood components, down-weighting of information such as specific year classes, splitting surveys and modeling data separately, new models); and (e) changes in biological information (e.g., changes in natural mortality). None of the modifications in items (a) to (e) will be considered in the Operational Assessments of groundfish in September 2015.

We provide this summary of our discussion for your review and feedback, and seek your concurrence in communicating these guidelines to the public, on behalf of the NRCC.



 John K. Bullard
Regional Administrator
Greater Atlantic Regional Fisheries Office



William A. Karp, Ph.D.
Science and Research Director
Northeast Fisheries Science Center

cc: R. Beal, ASMFC
C. Moore, MAFMC
T. Nies, NEFMC



New England Fishery Management Council

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

June 30, 2015

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

RE: Formal Submission of Amendment 18 to the Groundfish (Multispecies) FMP

Dear John:

Today, my staff electronically sent the formal submission of the Draft Environmental Impact Statement (DEIS) for Amendment 18 to the Groundfish (Multispecies) Fishery Management Plan (FMP) to your staff in the Sustainable Fisheries Division at the Greater Atlantic Regional Fishery Office.

The measures proposed in Amendment 18 recommend accumulation limits for the holdings of Potential Sector Contribution and Northeast Multispecies permits, measures for Handgear A permits including creation of a sub-ACL, and establishment of a Redfish Exemption Area for sector vessels.

After reviewing your comments received by my staff on June 12, 2015 on the preliminary submission sent on May 21, 2015, the DEIS has been updated – as briefly outlined below - to incorporate all changes requested. Upon review of the Amendment 18 document, please communicate any comments and/or need for further document revision directly to me. Please contact me if you have questions.

Sincerely,

Thomas A. Nies
Executive Director

Response to Comments

GARFO Substantive Comments

Section		Comment
Throughout		<ul style="list-style-type: none"> • The word "uncertain" is used incorrectly many times throughout the document. In most instances there is adequate data that would allow us to explain whether or not an impact would be significant. • For example, could revise text to say something like "the impacts are somewhat uncertain, but not significant because changes in fishing effort should be minimal."
<i>Response:</i> Where impacts are "uncertain", it has been clarified that the direction of impact (positive or negative) is uncertain. A sense of the magnitude has been added.		
4.1.1	Entities to which accumulation limit alternatives would apply	<ul style="list-style-type: none"> • Clarify that in this situation a sector is not an entity and that the accumulation limits would not apply to a sector(s).
<i>Response:</i> The alternatives do, in fact, apply to sectors. It has been clarified that the alternatives would constrain permit or PSC holdings of a sector, not the ACE allocated to it.		
4.1.2.4	Alternative 3 - Option A	<ul style="list-style-type: none"> • This is unnecessary due to the other disposition options and should be removed.
<i>Response:</i> This recommendation has been made to the Groundfish Committee and Council in the past, but there have been no motions to remove this option. Thus, the option remains unchanged.		
4.1.2.7	Alternative 6	<ul style="list-style-type: none"> • Clarify that the formula refers to the individual summation of individual stock percentages
<i>Response:</i> This has been clarified here as well as in the Executive Summary (Section 1.0).		
6.4.4.1.1	Large Cetaceans	<ul style="list-style-type: none"> • Insert additional citations, text, and images provided by GARFO.
<i>Response:</i> These updates have been included.		
7.2.2.3	Removal of standard fish tote requirement	<ul style="list-style-type: none"> • Better justify why removing the fish tote is not expected to have a negative impact on target species.
<i>Response:</i> Rationale has been added that having a fish tote on board a HA vessel (or not) does not impact the quantity or composition of catch. For consistency, this rationale has also been added to Section 7.3.2.3 (non-target impacts).		
7.2.4.2.2	Determining the GOM cod sub-ACLs	<ul style="list-style-type: none"> • Include rationale.
<i>Response:</i> Rationale already exists in the paragraph that begins "Generally, both the VTR and surveys data..." As the impacts of this alternative on target species are "uncertain," this comment was addressed consistent with other uses of that term (see above).		
7.2.4.3.2	Alternative 2	<ul style="list-style-type: none"> • Provide a brief explanation as to why negative impacts come from repealing roller gear restrictions. • Explain what the impact of roller gear is on target species. • Provide rationale/basis for making the determination statement.
<i>Response:</i> Additional rationale has been added.		
7.2.5.2	Alternative 2	<ul style="list-style-type: none"> • Include additional rationale to support the determination.
<i>Response:</i> Rather than incorporate by reference, impacts from the recent sector EAs have been summarized here.		

7.3.2.1.2	In-season AMs	<ul style="list-style-type: none"> • Include text conveying that the impact from implementing an AM (whichever option is chosen) is positive relative to not implementing one (i.e., positive to the status quo). We understand that this seems odd since there is no (no action) choice for the AM, but it needs to be conveyed that the act of having an AM is beneficial for the resources.
<i>Response:</i> Handgear fishermen are currently subject to in-season AMs in the common pool and in sectors. In that sense, having an AM here is neutral relative to the status quo. However, it has been clarified that the impacts of having an AM on nontarget (and regulated groundfish) species are positive.		
7.5.4.2.1	Alternative 1: No Action	<ul style="list-style-type: none"> • Include revisions provided by GARFO.
<i>Response:</i> This revision is a non-substantive edit to the protected resources impacts and has been completed.		
7.5.4.2.2	Commercial Catch Monitoring	<ul style="list-style-type: none"> • Include revisions provided by GARFO.
<i>Response:</i> This revision is a non-substantive edit to the protected resources impacts and has been completed.		
7.5.4.3.1	Alternative 1: No Action	<ul style="list-style-type: none"> • Include revisions provided by GARFO.
<i>Response:</i> This revision is a non-substantive edit to the protected resources impacts and has been completed.		
7.5.4.4.1	Alternative 1: No Action	<ul style="list-style-type: none"> • Include revisions provided by GARFO.
<i>Response:</i> This revision is a non-substantive edit to the protected resources impacts and has been completed.		
7.6.5.2.2	Alternative 2: Establish inshore/offshore commercial GOM cod sub-ACL	<ul style="list-style-type: none"> • The economic portion of this section covers important breakdowns of catch, but states the potential impacts more explicitly. Some of the details provided in the social portion of Section 7.6.5.2.2 could be repeated in the economic section. • Clarify that there would be difficulties created in the ACE leasing market by adding sub-categories (splitting GOM cod stock into two) and the resulting increase in transaction costs as vessels/sectors try to match allocations with expected landings. • Include that there would be a loss of efficiency trying to match resulting inshore/offshore GOM cod holdings with evolving fishing conditions.
<i>Response:</i> Additional detail has been included as suggested.		

GARFO Editorial Suggestions

Section		Suggestion
1.0	Purpose and Need	<ul style="list-style-type: none"> • Include description of preferred alternative if/once vessels exceed PSC limit.
<i>Response:</i> It is assumed that this comment refers to Section 1.0 Executive Summary, rather than Section 3.2 Purpose and Need. This description is now included.		
4.1.2.3	PSC limit alternatives	<ul style="list-style-type: none"> • If none of the alternatives "limit ACE leasing," it may be more appropriate to put this as a general point further up, rather than at the conclusion of each rationale. Having these at the end of each alternative suggests that one of the

		alternatives does limit ACE leasing, and that's not the case.
<i>Response:</i> Revised as suggested. For consistency, the rationale for each alternative in Section 4.4.4 Declaration Time Periods for the Commercial Fishery has been similarly revised.		
4.1.3.2	Alternative 2: Limit the holdings of permits	<ul style="list-style-type: none"> • It would be helpful to provide more detailed information as to the current number of permits as of a recent date and what 5% of those permits would be. For example, "Currently there are approximately XXXX limited access permits in the groundfish fishery, meaning that the 5% limit in this instance would be approximately X permits."
<i>Response:</i> Added that "With ~1,400 MRIs currently in the fishery, a 5% cap would be equivalent to ~70 MRIs."		
4.2.1.2	Alternative 2: Establish a HA sub- ACL and Table 10	<ul style="list-style-type: none"> • Third paragraph ends with the lowest allocation being GOM cod at 207 lbs. It appears that the 207 lb is actually mt for the entire commercial groundfish fishery. Assuming this isn't what was meant to be said? The lowest allocation would be 2377 lb of GOM haddock, according to Table 10.
<i>Response:</i> Typo corrected. The lowest hypothetical sub-ACL in FY 2015 would be GOM haddock at 2,377 lb.		
4.2.2.1	Removal of 20 day spawning block - Alternative 1: No Action	<ul style="list-style-type: none"> • The last three sentences in the rationale paragraph conflict. • It seems more appropriate to move "Prior to FY2010, the PDT reviewed the regulations requiring vessels to take 20-day blocks out of the fishery during the spring and agreed that there is no apparent biological benefit from this requirement" to the rationale section under Alternative 2.
<i>Response:</i> Rationale has been revised and is now consistent with the recent analysis conducted for Framework 53.		
4.3.1	Data confidentiality – Alternative 1	<ul style="list-style-type: none"> • Could explain that Additional ACE trade data is also summarized annually by the Center's Social Sciences Branch through a performance report.
<i>Response:</i> Reference to the performance report was added.		
4.4.2.2	Commercial catch monitoring	<ul style="list-style-type: none"> • Unclear if this is supposed to be an alternative. There is a rationale and language under that says "this option." Unclear how this would apply.
<i>Response:</i> This is a provision rather than an alternative, so the term "option" has been replaced with "provision."		
6.4.4.1.1.	Large cetaceans Table 27	<ul style="list-style-type: none"> • Consider formatting as recommended by GARFO.
<i>Response:</i> The table has been revised accordingly.		
7.2.2.1.2	Reactive accountability measures - Option A	<ul style="list-style-type: none"> • Language should be clarified. Would a reactive AM have positive impacts, but similar to status quo, and to option B? Consider re-wording.
<i>Response:</i> Impacts have been clarified.		

7.2.2.4.1	Alternative 1: No action	• Language regarding impacts is a bit confusing and could be clarified.
<i>Response:</i> Impacts have been clarified.		
7.2.4.2.2	Commercial catch monitoring	• What is Option 2? Do you mean Alternative 2? See comment above about commercial catch monitoring.
<i>Response:</i> “Option” replaced with “Alternative”.		
7.2.5	Redfish exemption area	• Could include that the programmatic sector EA actually considers the impacts to the sector redfish exemption through FY 2021.
<i>Response:</i> This detail has been added.		

Additional revisions to the DEIS

Section		Comment
Throughout		A few maps were redesigned to be readable in black and white.
4.2.1.1	Alternative 2: Establish a Handgear A Permit sub-ACL	Clarified Council intent that stocks that would not have a specific HA permit sub-ACL, but are caught using a HA permit, would be accounted for under the Other Sub-components sub-ACLs.
7.6.2.2	Human communities impacts of PSC accumulation limit alternatives	Summary added at the end of this section.



New England Fishery Management Council

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

June 30, 2015

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

and

Dr. William Karp, Science and Research Director
Northeast Fisheries Science Center
166 Water Street
Woods Hole, MA 02543-1026

Dear John and Bill:

At its June meeting, the Council passed several motions regarding at-sea monitoring in the groundfish fishery.

1. Evaluation of the ASM Program:

The Council seeks additional information from NMFS to assist in evaluating the performance of the ASM program in groundfish fishery management.

The Council passed the following motion:

That the Council requests that NMFS evaluate the ASM program for its effectiveness in support of stock assessments, its total costs to the groundfish fishery (e.g., returns to owner vs. ASM costs), data precision and accuracy, and whether it is actually ensuring catch accountability.

The motion carried 13/2/2/0.

The Council requests this information as soon as possible so that it can be considered in the context of the ASM framework action discussion.

2. Request for administrative action to adjust ASM in FY2015:

The Council also feels strongly that the industry needs immediate relief to remain economically viable. At the same meeting, the Council requested emergency action to suspend the ASM program (see letter June 25, 2015). However if in the event that that request is denied by NMFS, the Council passed a series of motions to provide suggestions to NMFS on how NMFS could use

its administrative authority in-season in FY 2015 to potentially alleviate the financial burden on the industry:

The Council requests that NMFS adjust the 2015 at-sea monitoring program (ASM) for multispecies sectors through administrative action. The intent of this request is to improve the efficiency of the program through application of logical administrative improvements that will reduce costs of the ASM program without compromising compliance with the Amendment 16 and Framework 48 CV standards/requirements. These modifications are requested for the current fishing year (FY 2015), which is based on existing analysis using FY 2013 data, as the council continues development of the ASM framework.

Based upon Table 1 (realized stock CVS) on page 15 of the "Summary of analyses conducted to determine at sea monitoring requirements for multispecies sectors FY 2015":

- 1. Recalculate the resulting CV for Southern New England (SNE) yellowtail flounder (ranked highest) with coverage for the entire monitoring program being set at the Georges bank yellowtail flounder rate (ranked second highest).*
- 2. Provide finer scale information on SNE yellowtail flounder strata contributing to the higher coverage requirement for that stock for the purpose of informing modifications to the program to meet the CV30 standard for that stock and specify the SNE yet coverages necessary to meet the CV standard in FY 2015.*
- 3. Provide a report as early as possible to the sectors so that they can begin to plan cost sharing methods to achieve equitable distribution of costs to offset differential coverage on SNE yellowtail flounder.*

The motion carried 10/2/3/0.

And:

To request that NMFS consider differentiating the strata for extra-large mesh trips through administrative action in FY 2015.

The motion carried 14/0/1/0.

The Council feels that effectively addressing ASM issues requires a multifaceted approach – as indicated through these motions. Thank you for considering these requests from the Council. Please let us know if you have any 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
E.F. "Terry" Stockwell III, *Chairman* | Thomas A. Nies, *Executive Director*

June 25, 2015

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

Dear John:

On June 18, 2015, the Council passed the following motion:

That the Council requests an Emergency Action of NMFS to suspend the at-sea monitoring (ASM) program.

The motion **carried** on a show of hands (9/7/1/0).

Consistent with the Council motion, I ask that an Emergency Action be adopted to suspend the at-sea monitoring (ASM) program immediately. Enclosure (1) provides additional rationale for this request.

Thank you for considering this request. Please feel free to call me with any questions.

Sincerely,

Thomas A. Nies
Executive Director

Enclosure

cc: Chris Moore, MAFMC
Dr. Bill Karp, NEFSC

Enclosure (1)
Emergency Action Request
To
Suspend the At-Sea Monitoring Program for the Groundfish Fishery

The Council requests that the at-sea monitoring program (ASM) for the groundfish fishery be suspended immediately. This change should be adopted as an emergency action, consistent with the provisions of section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act. The Council requested this action by a less than unanimous vote on June 18, 2015.

Emergency Criteria

National Marine Fisheries Service Instruction 01-101-07 identifies the criteria which must be met in order to justify an emergency action. The following discussion explains how this request meets the requirements of this instruction.

1. Results from recent, unforeseen events or recently discovered circumstances.

In 2010, Amendment 16 adopted a requirement that the industry would be responsible for the costs of at-sea monitoring (ASM) for groundfish sectors beginning in fishing year 2012. On at least two occasions the Council proposed to delay this requirement, but NMFS disapproved these proposals.

When industry-funded ASM requirements were established in Amendment 16, the expectation was that increased catch limits – as a result of rebuilding – would enable the industry to afford these costs. A series of recent and unforeseen circumstances since the implementation of Amendment 16, which established the ASM program, has prompted the Council's emergency action request. These include continued declines in annual catch limits (ACLs) for many stocks, emergency action for Gulf of Maine cod in FY 2014 (the response to an unplanned, unannounced assessment), the need for the fleet to avoid stocks with prohibitively low ACLs which has caused it to under-harvest healthier stocks, and the prolonged economic disaster in the groundfish fishery.

The Council believes these recent and unforeseen circumstances now warrant emergency action by NMFS. The Council has raised concerns as to whether the fishery could remain viable if the industry must pay for ASM costs for part of FY 2015 and beyond. These concerns are supported by an analysis presented at the June 2015 Council meeting that showed that about 60 percent of active groundfish vessels will have negative returns-to-owner on groundfish trips if they assume FY 2015 ASM costs. These circumstances greatly impact the fishery and if NMFS suspended the ASM program, it would prevent significant economic loss and negative fishing community impacts including conflicts between user groups.

2. Presents serious conservation or management problems in the fishery.

Since FY 2010, NMFS has covered the cost of the ASM program. Transitioning the cost of ASM to the groundfish industry mid-season in FY 2015 presents a serious management problem because it creates an economic incentive for sector members to catch their sector's ACE early in the fishing year while NMFS continues to cover the cost of ASM. An incentive to truncate fishing activity into a shorter period of time raises safety concerns. It will further reduce the value of the fishery as some stocks are typically targeted in winter, and will adversely affect supplies to the market after ASM funds are expended. As the ASM program only applies to sector vessels on groundfish trips, vessels have an additional incentive to redirect their effort in other fisheries that present opportunities for higher net revenue.

3. Can be addressed through emergency regulations for which the immediate benefits outweigh the value of advance public notice, public comment, and deliberative consideration of the impacts on participants to the same extent as would be expected under the normal rulemaking process

The ASM program can be suspended through emergency regulations. This would allow the change to be effective mid-fishing year in FY 2015, and provide immediate relief for the groundfish industry. This would enable the sectors and their members to execute existing business plans for FY 2015, providing much needed stability for an industry already fishing through significant catch reductions. Without quick action the Council believes the financial viability of many individual fishing operations would be jeopardized and the normal rulemaking process would delay action on the ASM program into 2016.

Emergency Justification

There are four situations that may justify an emergency action. This action is not needed to address either an ecological or public health situation. It is, however, needed to address both an economic and social situation. On September 13, 2012, the Secretary of Commerce declared a commercial fishery failure in the Northeast groundfish fishery for FY 2013. Annual catch limits for several stocks, including GOM cod, have significantly declined since the disaster declaration. As noted above, more than half the groundfish fleet is expected to have negative returns to owner if the industry assumes ASM costs. Emergency action by NMFS to suspend the ASM program will help prevent significant economic losses to industry participants, shore side businesses, and fishing communities.



New England Fishery Management Council

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

June 24, 2015

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

Dear John:

The Council established the Electronic Working Monitoring Group (EMWG) in April 2013 with the specific task of examining barriers and solutions to implementing electronic monitoring (EM) in the northeast groundfish fishery sectors. Since the EMWG's inception, significant steps toward EM in the region have been taken. Moreover, sectors, NGO partners, and NMFS are currently working together to test EM in a real world fishery application in 2015, with a fully operational EM program option anticipated in fishing year 2016.

After receiving a report from the EMWG – and with respect to the above mentioned issues – on June 18, 2015, the Council passed a motion:

That the Council recommends to NMFS, that in the short-term, if vessels in the groundfish fishery opt to use electronic monitoring that the purpose should be for verifying VTR reported discards of groundfish annual catch entitlement (ACE) managed species.

The motion carried 16/0/1/0.

The rationale for the Council's motion is to clarify that if vessels choose to use EM as an option in the groundfish fishery in the short-term (within the next 2-years), that the purpose would be for the verification of groundfish discards. The Council motion is consistent with past Council record on the subject, and the goals and objectives of the Northeast Multispecies (Groundfish) fishery management plan.

In addition, we are awaiting the NMFS prepared cost comparison of EM with at-sea monitoring. We request that this information be provided in time for consideration at the next Groundfish Committee which will be on September 3rd.

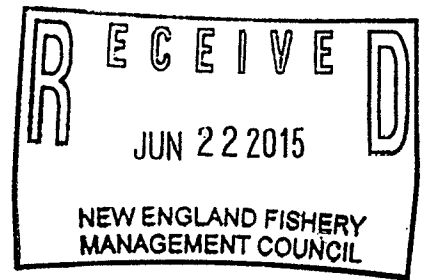
Sincerely,

Thomas A. Nies
Executive Director

cc: Dr. William Karp

June 22, 2015
Mr. Terry Stockwell, Chair
New England Fishery Management Council

Dr. William Karp, Director
Northeast Fisheries Science Center



Dear Terry and Bill:

We write to thank the New England Fishery Management Council for endorsing a request that the Northeast Fisheries Science Center (Center) staff meet with the fishing industry prior to the 2015 groundfish assessment updates.

We recognize the logistical difficulties in holding industry meetings and the resources necessary to prepare presentations relative to recent stock specific data to be incorporated into the upcoming assessments. Therefore we offer a list of groundfish stocks we would like the Center to prioritize for the industry meetings: Gulf of Maine cod, Georges Bank cod, American Plaice, Witch Flounder and Gulf of Maine haddock.

We also want to request that the industry be notified immediately if/when preliminary data review should indicate a significant problem for any groundfish stock (e.g. the most recent Gulf of Maine cod update).

In addition, we respectfully request that these industry meetings be held in location(s) convenient for fishermen. This would exclude Woods Hole as it is very difficult and expensive to travel to Woods Hole in the summer.

Sincerely,

Maggie Raymond
Associated Fisheries of Maine

Jackie Odell
Northeast Seafood Coalition

JCL/JO - 6/26/15

Joan O'Leary

From: Allyson Jordan <eatlocalfish@gmail.com>
Sent: Tuesday, June 16, 2015 3:10 PM
To: Terry Stockwell
Subject: ASM

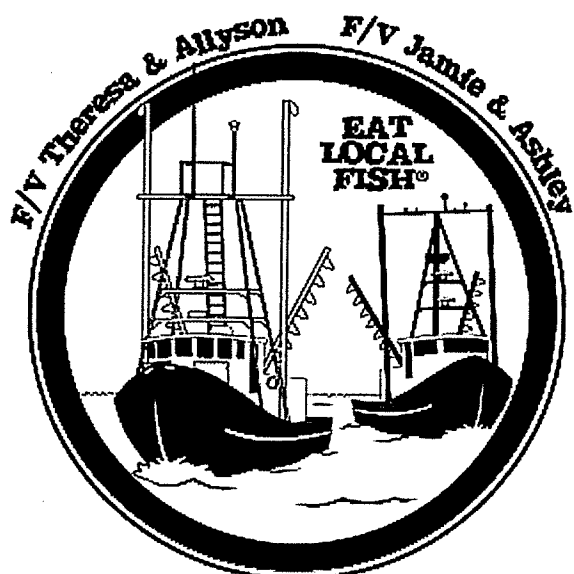
I am writing to ask that you support the Emergency Action to suspend ASM program until congress can come up with funding or maybe another plan. It was nice to see the council support this motion. I have asked for years where this data goes? And it is a typical response from the service- it helps alot.

We can not afford to pay 700.00 for monitors period. With the severe cuts in quota our men are barely making it- which is causing other issues. There is no one left to go fishing on deck except junkies. They are junkies now because that is what they can afford- cheap heroin. It is a disgrace- and very disheartening to watch.

My boats have great history- but at this point it does not help as we have to constantly buy quota to keep working.

I ask you to support the Emergency Action to suspend the ASM. I ask that you look at your resources at NMFS and Woods Hole and use them wisely. We have asked for years to get the scientist to come with us- it is time. Time to tighten your belts at the service and send your scientist as observers. It is time the service took a pay cut- not received a raise. This whole system is a mess- why add to it? Why not stop and take a breath and try something different. It sure can't hurt at this point.

Allyson E. Jordan
34 Quebec Street
Portland, ME 04101
Cell 207-749-1335
Fax 207-761-2788
www.Eatlocalfish.com
eatlocalfish@me.com



**From our boats to your table.
Portland Maine**

jeljp

Joan O'Leary

From: James A. Odlin <trawlers@maine.rr.com>
Sent: Monday, June 15, 2015 3:05 PM
To: Terry Stockwell
Cc: John Bullard; Joan O'Leary
Subject: At-Sea-Monitoring Program

Dear Terry,

I am writing you in support of the Groundfish Committee recommendation to suspend the At-Sea Monitoring Program at this time.

I can assure you, that if the Grounfish Industry was to be required to absorb these costs, it would devastate many fisherman on both large and small vessels. It also appears that we are getting nothing useful from these additional observers, it certainly has not helped in the assessments. There is no way to pass on this cost, as fish prices continue to go down, not up, as the economic assumptions that have been used in most of the analysis have projected.

Thank you for your consideration,

James A. Odlin

Joan O'Leary

From: Michael Russo <russom447@aol.com>
Sent: Monday, June 15, 2015 6:17 PM
To: Terry Stockwell
Cc: John Bullard
Subject: at sea monitoring

Dear Terry, I am writing to ask that the NEFMC support the recommendation to suspend the at-sea monitoring program for groundfish sectors.

My business is unable and I am unwilling to pay the \$700 plus / day amount for coverage. I feel that after 4 years of catch shares that there is ample data that shows the performance of the groundfish gillnet fishery.

sincerely
Michael A Russo
FV Gulf Venture
Cape Cod, Mass

ic/jp

Joan O'Leary

From: Kenneth Hunt <kenhunt04562@yahoo.com>
Sent: Monday, June 15, 2015 7:16 PM
To: Terry Stockwell
Cc: John Bullard; Joan O'Leary; Maggie Raymond
Subject: ASM

Dear Terry,

I'm a small boat owner/operator working inshore in the Gulf of Maine. When I started in the fishing business 35 years ago, I was able to fish 365 days a year if desired and could possibly adsorb some of the At Sea Observer cost. Unfortunately, that ship sailed many years ago. Terry, as an ex-fisherman you know all of the expenses that come out of the hatch, and we are no longer allowed to put enough in to take this added expense out. So, in short, if NMFS is going to continue to force this program on the industry, they should fund it. If they can't afford to pay for it, then I surly can't! Therefore, I believe it should be ended.

Thank You,
Kenneth Hunt
Owner/Operator
F/V Michelle&Lexi

Joan O'Leary

From: Maggie Raymond <maggieraymond@comcast.net>
Sent: Monday, June 15, 2015 1:43 PM
To: Joan O'Leary
Subject: FW: At sea monitoring

From: Michael and Lori [<mailto:cbatnh@comcast.net>]
Sent: Monday, June 15, 2015 1:40 PM
To: Terry.Stockwell@maine.gov
Subject: At sea monitoring

Dear Terry

I am in favor of the groundfishing committee's recommendation to halt the at sea monitoring requirement for sector vessels. If I am required to pay for the cost of the monitoring it will not be worth it for me to continue to fish. Between the cost of running the vessel as well as lease fish fees the profit margin is very slim.

Sincerely
Michael Leary
F/V Ryan William

Sent from XFINITY Connect Mobile App

jc/jo 6/24/15

Joan O'Leary

From: Amanda Odlin <demanda004@gmail.com>
Sent: Monday, June 15, 2015 2:21 PM
To: Terry Stockwell
Cc: John Bullard; Joan O'Leary
Subject: At-Sea-Monitoring Expense

Ladies & Gentlemen of the New England Fishery Management Council,

Please SUPPORT the Groundfish Committee's recommendation to suspend the at-sea monitoring program for groundfish sectors. Our vessel just CANNOT Afford to pay the monies for monitoring coverage!

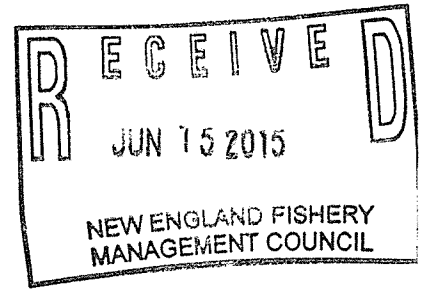
Thank You,
F/V Lydia & Maya and Crew
Amanda & Christopher Odlin

Joel Jo - 6/22/15



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

JUN 11 2015



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


RE: Comments on Amendment 18 to the Northeast Multispecies Fishery Management Plan

Dear Tom:

The Council submitted a preliminary draft of Amendment 18 on May 21, 2015. We completed an expedited review of the draft document, and attached are substantive comments to ensure the document is consistent with applicable law, as well as suggestions that may clarify text or improve the document. Additionally, as you noted with the preliminary submission, the draft document does not contain the Regulatory Impact Review or the Initial Regulatory Flexibility Analysis, and these sections are required for formal submission.

Our staffs have already discussed the attached comments and have coordinated on how to best incorporate the changes. If you have additional questions on the comments provided, or on the review of Amendment 18, please contact William Whitmore at (978) 281-9182.

Sincerely,

 John K. Bullard
Regional Administrator

Attachment



jc/jk/rf

Amendment 18 Preliminary Review

Substantive Comments

Section		Page	Comment
	Throughout		<ul style="list-style-type: none"> The word “uncertain” is used incorrectly many times throughout the document. In most instances there is adequate data that would allow us to explain whether or not an impact would be significant. For example, could revise text to say something like “the impacts are somewhat uncertain, but not significant because changes in fishing effort should be minimal.”
4.1.1	Entities to which accumulation limit alternatives would apply	47	<ul style="list-style-type: none"> Clarify that in this situation a sector is not an entity and that the accumulation limits would not apply to a sector(s).
4.1.3.4	Alternative 3 – Option A	41	<ul style="list-style-type: none"> This is unnecessary due to the other disposition options and should be removed.
4.1.3.7	Alternative 6	54	<ul style="list-style-type: none"> Clarify that the formula refers to the individual summation of individual stock percentages
6.4.4.1.1	Large Cetaceans	124-128	<ul style="list-style-type: none"> Insert additional citations, text, and images provided by GARFO
7.2.2.3	Removal of standard fish tote requirement	211	<ul style="list-style-type: none"> Better justify why removing the fish tote is not expected to have a negative impact on target species.
7.2.4.2.2	Determining the GOM cod sub-ACLs	214	<ul style="list-style-type: none"> Include rationale.
7.2.4.3.2	Alternative 2	215	<ul style="list-style-type: none"> Provide a brief explanation as to why negative impacts come from repealing roller gear restrictions. Explain what the impact of roller gear is on target species. Provide rationale/basis for making the determination statement.
7.2.5.2	Alternative 2	217	<ul style="list-style-type: none"> Include additional rationale to support the determination.
7.3.2.1.2	Inseason AMs	222	<ul style="list-style-type: none"> Include text conveying that the impact from implementing an AM (whichever option is chosen) is positive relative to not implementing one (i.e., positive to the status quo). We understand that this seems odd since there is no (no action) choice for the AM, but it needs to be conveyed that the act of having an AM is beneficial for the resources.
7.5.4.2.1	Alternative 1: No Action	248	<ul style="list-style-type: none"> Include revisions provided by GARFO
7.5.4.2.2	Commercial Catch Monitoring	250	<ul style="list-style-type: none"> Include revisions provided by GARFO
7.5.4.3.1	Alternative 1: No Action	252	<ul style="list-style-type: none"> Include revisions provided by GARFO
7.5.4.4.1	Alternative 1: No Action	253	<ul style="list-style-type: none"> Include revisions provided by GARFO
7.6.5.2.2	Alternative 2: Establish inshore/offshore commercial GOM cod sub-aCL		<ul style="list-style-type: none"> The economic portion of this section covers important breakdowns of catch, but state the potential impacts more explicitly. Some of the details provided in the social portion of Section 7.6.5.2.2 could be repeated in the economic

Section		Page	Comment
			<p>section.</p> <ul style="list-style-type: none"> Clarify that there would be difficulties created in the ACE leasing market by adding sub-categories (splitting GOM cod stock into two) and the resulting increase in transaction costs as vessels/sectors try to match allocations with expected landings. Include that there would be a loss of efficiency trying to match resulting inshore/offshore GOM cod holdings with evolving fishing conditions.

Editorial Suggestions

Section		Page	Comment
1.0	Purpose and Need	3	<ul style="list-style-type: none"> Include description of preferred alternative if/once vessels exceed PSC limit.
4.1.2.3	PSC limit alternatives	40, 48-56	<ul style="list-style-type: none"> If none of the alternatives “limit ACE leasing,” it may be more appropriate to put this as a general point further up, rather than at the conclusion of each rationale. Having these at the end of each alternative suggests that one of the alternatives does limit ACE leasing, and that’s not the case.
4.1.3.2	Alternative 2: Limit the holdings of permits	43	<ul style="list-style-type: none"> It would be helpful to provide more detailed information as to the current number of permits as of a recent date and what 5% of those permits would be. For example, “Currently there are approximately XXXX limited access permits in the groundfish fishery, meaning that the 5% limit in this instance would be approximately X permits.”
4.2.1.2	Alternative 2: Establish a HA sub-ACL and table 10	46-47	<ul style="list-style-type: none"> Third paragraph ends with the lowest allocation being GOM cod at 207 lbs. It appears that the 207 lb is actually mt for the entire commercial groundfish fishery. Assuming this isn’t what was meant to be said? The lowest allocation would be 2377 lb of GOM haddock, according to Table 10.
4.2.2.1	Removal of 20 day spawning block -Alternative 1: No Action	49-50	<ul style="list-style-type: none"> The last three sentences in the rationale paragraph conflict. It seems more appropriate to move “Prior to FY 2010, the PDT reviewed the regulations requiring vessels to take 20-day blocks out of the fishery during the spring and agreed that there is no apparent biological benefit from this requirement” to the rationale section under Alternative 2.
4.3.1	Data confidentiality – Alternative 1	51	<ul style="list-style-type: none"> Could explain that Additional ACE trade data is also summarized annually by the Center’s Social Sciences Branch through a performance report.
4.4.2.2	Commercial catch monitoring	57	<ul style="list-style-type: none"> Unclear if this is supposed to be an alternative. There is a rationale and language under that says “this option.” Unclear how this would apply.
6.4.4.1.1.	Large cetaceans table 27	123	<ul style="list-style-type: none"> Consider formatting as recommended by GARFO
7.2.2.1.2	Reactive accountability measures – Option A	210	<ul style="list-style-type: none"> Language should be clarified. Would a reactive AM have positive impacts, but similar to status quo, and to option B? Consider re-wording.

Section		Page	Comment
7.2.2.4.1	Alternative 1: No action	211	<ul style="list-style-type: none"> Language regarding impacts is a bit confusing and could be clarified.
7.2.4.2.2	Commercial catch monitoring	215	<ul style="list-style-type: none"> What is Option 2? Do you mean Alternative 2? See comment above about Commercial catch monitoring.
7.2.5	Redfish exemption area	216	<ul style="list-style-type: none"> Could include that the programmatic sector EA actually considers the impacts to the sector redfish exemption through FY 2021.