

# ADDITIONAL CORRESPONDENCE

**Sherie Goutier**

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**From:** William Leavenworth <william.leavenworth@gmail.com>  
**Sent:** Monday, September 17, 2018 10:18 AM  
**To:** comments  
**Subject:** Herring



When herring were caught almost exclusively in weirs and stop seined coves, there was never an appreciable long-term decline in their population. Check the reports of the US Fish Commission and ME and MA state Fish Commissioners from the 1870s through the 1920s, and compare weir catches with seine catches. Taking whole schools of herring offshore before they have spawned is the key to their economic extermination. I worked on the Western Star off Seabrook in the fall of 1980-- we worked herring schools a few miles offshore, before they reached their hereditary spawning grounds, and the herring we seined dropped their milt and roe in the fish-hold, not on the spawning ground. I've been told that run dried up a couple of years later. If you eat something before it has reproduced, it probably won't reproduce, and if it can reproduce after you've eaten it, you'll probably wish you hadn't eaten it.

Very truly yours,

Dr. William Burgess Leavenworth, Ph.D., retired



**O'Hara Corporation**

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

June 25, 2018



RE: DEIS for Amendment 8 to the Atlantic Herring FMP

Dear Mr. Nies:

I am writing on behalf of the O'Hara Corporation to provide comments on Amendment 8 (A8) to the Atlantic Herring Fishery Management Plan (FMP) as proposed by the New England Fishery Management Council (Council). The O'Hara Corporation is a family held company that has participated in fisheries in the US Northeast for more than 100 years.

Home based in Rockland Maine, the O'Hara Corporation operates 2 commercial vessels that fish for Atlantic herring, with both purse seines and midwater trawl; and the O'Hara Lobster Bait facility. Our vessels, the F/V Starlight and F/V Sunlight, have a combined history under these permits that exceeds 80 years in the herring fishery. The O'Hara Lobster Bait facility, which began operating in 1944, is the largest bait distributor in the State of Maine. We provide bait to lobster fishermen in our local communities and beyond – 70-80% of all of our sales are Atlantic herring.

In review of Amendment 8 (A8), we are troubled by the extreme negative economic impacts proposed under measures in both major sections of the document: (1) a long-term ABC Control Rule and (2) to address localized depletion.

**(1) ABC Control Rule – Recommendation: Status Quo with modification**

**A8 Goal: To account for the role of Atlantic herring within the ecosystem, including its role as forage.**

The analysis in the document does not support a change to the method adopted in Amendment 4 to the FMP to set the specification of ABC for the fishery to address this A8 Goal. Modification to the method in the FMP to add explicit consideration of the role of forage in the ecosystem, should the stock assessment not account for the ecological role of herring as forage, would adequately meet this goal of the amendment.

**F/T Alaska Spirit ★ F/T Araho ★ F/T Constellation ★ F/T Defender ★ F/T Enterprise ★ F/V Sunlight**

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"The 2018 Atlantic herring assessment is explicitly accounting for how much Atlantic herring is consumed by predators in the estimate of natural mortality."<sup>1</sup>

The predation modeling utilized in the analysis was shaped by public input at the Management Strategy Evaluation (MSE) workshops. The results of this analysis (DEIS, p.250-255) indicates little to no differences among the control rules, which all performed well.

- Tern Productivity: all of the ABC control rule alternatives rank very high and have minimal differences.
- Tuna Weight: the differences (among alternatives) are relatively small, thus even the last ranked alternative still performed well for this metric.
- Dogfish Biomass: there is essentially no impact detected of the alternatives on estimated dogfish populations.

#### Status Quo

The Status Quo Alternative, as described in the DEIS is reflective of the method utilized in the past two specification setting processes (2013-2015/2016-2018). While this was necessary to conduct comparative analysis with the additional proposed Alternatives in the document; it is not reflective of the method adopted through Amendment 4 to the Atlantic Herring FMP in 2010. This method requires the Herring Plan Development Team (PDT) to provide the Council's Science and Statistical Committee (SSC) with:

- OFL estimates for the next three fishing years, based on the point estimates of FMAX (or its proxy) and the point estimate of future stock size.
- ABC recommendations for the next three fishing years, based on either FMSY (if the stock is not in a rebuilding program) or Freb (if the stock is in a rebuilding program).
- If the PDT recommends reducing ABC from OFL, the recommendation should include an explicit discussion of the scientific uncertainties that are taken into account.<sup>2</sup>

#### Analysis of Models and Metrics

The analysis developed by the PDT in response to the MSE process undertaken by the Council is extensive. Unfortunately, some of the models and metrics recommended by the public are not useful and should not be considered in the analysis.

The inclusion of assessment bias in the 8t herring operating models is flawed, which distorts the summary results. The most common assessment bias found in stock assessments models in the Northeast is a retrospective pattern. The analysis assumes that no action is taken in response to the presence of that bias. In reality, the Northeast Science Center has developed protocols to address needed adjustments to findings of a retrospective pattern to mitigate overestimating biomass and underestimating fishing mortality. Herring Operating Models A, B, E and F do not reflect these automatic responses to a biased assessment.

For example: Analysis of Yield relative to MSY, (4.1.1.3.8). when biased assessment models are excluded, Alternatives 1 and 3 perform highest. If biased assessment models are included, Alternative 1 comes in 8<sup>th</sup> out of the 9 Alternatives.



Metrics considered in the analysis include items of importance for the resource and the fishery. However, the inclusion of the status of the resource relative to unfished biomass is problematic. On the US West Coast comparing stock status to unfished biomass is not uncommon as commercial exploitation developed in more recent time. In the US Northeast, where commercial exploitation goes back in hundreds of years, we are not aware of any stock assessment that considers unfished biomass as a reference point in a stock assessment. This long history of exploitation makes any estimate of unfished biomass highly uncertain and therefore not informative. The Atlantic herring fishery is one of the oldest in the region and this metric should be excluded in the analysis.

The complex analysis that is inclusive of models and metrics that do not provide robust value, result in summary findings that are ambiguous. For this reason and the lack of discernable differences between the alternatives under the predation models, we recommend the Council simplify the process in attaining this goal to explicitly account for herring's role in the ecosystem as forage by modifying the methods in the current FMP, as adopted by Amendment 4, to meet the legal requirements. Given the outlook for the 2018 stock assessment, The Council will need flexibility to mitigate the economic impacts of the below average recruitment recently noted in the 2018 SAW Working Group Report.<sup>3</sup>

#### **Localized Depletion – Recommendation: Status Quo with the exception of Alternative 9**

##### **A8 Goal: To address localized depletion in inshore waters**

All of the buffer zone alternatives in A8 to address localized depletion are an allocation of fishing area to those who have waged a political campaign. Contrary to these assertions, there is no evidence provided that localized depletion is occurring, no evidence that these user groups are dependent on herring and no evidence that our fishing activity is having negative impacts on predator species. This entire section of the amendment is based on opinions that are not born out in scientific data.

In review of the Council's problem statement, we find no definition for concentrated, intense commercial fishing for herring. As noted above, our vessels utilize both midwater trawls and purse seines in the herring fishery. We target our daily market regardless of the gear we deploy. Our fishery removals in volume do not vary depending on which gear we have aboard; nor is there evidence provided that the fleet behavior of midwater trawling is more intense than that of purse seining. In fact, fleet behavior relative to location is usually the same – fishermen go where the fish are. Both gear types are sustainable methods of harvesting herring. This idea that midwater trawl gear has differential impacts is false and not supported by any qualitative scientific information in the document.

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<sup>1</sup> [https://www.nefsc.noaa.gov/press\\_release/pr2018/features/atlantic-herring-ecological-role/](https://www.nefsc.noaa.gov/press_release/pr2018/features/atlantic-herring-ecological-role/)

<sup>22</sup> Amendment 4 to the Herring FMP 4/23/2010, p.27

<sup>3</sup> [https://www.nefsc.noaa.gov/SAW-Public/SAW-SARC65/B.herring/working%20papers%20for%20review/Herr\\_WP-B1-SAW65\\_AssessRpt-Jun12-2018.pdf](https://www.nefsc.noaa.gov/SAW-Public/SAW-SARC65/B.herring/working%20papers%20for%20review/Herr_WP-B1-SAW65_AssessRpt-Jun12-2018.pdf)

The permit history of the vessels we operate have allowed for year-round participation in the herring fishery since the early 1980s. We have a long history of utilizing purse seines and began utilizing midwater trawls in the early 1990s. Most of the buffer zone measures proposed here would result in truncating our fishing year significantly. We cannot replace our effort in Areas 1B, 2 or 3 with purse seine fishing. We have past experience with these unsuccessful attempts.

The idea that fish could be found in other areas during times of our current dependence is sorely lacking in any knowledge of the seasonal migration patterns of the fish. We question why any year round alternatives are considered in the document at all as herring do not reside year round in these areas. The logic of these alternatives is incomprehensible.

An ongoing theme in identifying benefits to "other stakeholders" in the document is the use of the word "MAY." In other words, these benefits are unknown and not quantifiable. However, the quantifiable negative impacts to our operations and those in our community we supply bait to are very real.

The document does not adequately characterize the importance of the supply of herring to the State of Maine in the document. In our community, 100% of all herring landings are used as bait. The document notes that herring prices are not generally sensitive to the quantity available and notes other sources of substitute bait. At O'Hara Bait we supply all available bait products fresh and frozen. Our experience is that the price of herring is very sensitive to the low availability in recent years as the price has nearly doubled. To supplement our herring catch and keep our customers supplied, O'Hara Lobster Bait sources frozen product from around the globe. We currently have frozen menhaden, redfish, rockfish, black cod and tuna heads. These alternative baits are not available in unlimited quantities. In 2016 and 2017, we rationed product to our customers to keep everyone with a little bit of something to keep going.

We do support Alternative 9 that would remove the current seasonal closure of Area 1B. We cannot support any of the other Alternatives in this portion of the document as they draw on conjecture and are not grounded in an evidence based analysis.

**Summary** Our vessels and bait facility provide 14-17 direct family wage earning jobs from our operations. There are also numerous O'Hara employees that contribute part of their time in support of these activities.

In addition, our friends in the communities we serve are dependent on their ability to set traps to make a living. The State of Maine's coastal; community economies are highly dependent on the lobster fishery; and there is a high demand for herring as bait. We request the Council consider the impacts of their choices, justify these choices with hard data and strive to maintain the needed flexibility in the FMP to adjust to the relevant data for the resource and the fishery.

Thank you for this opportunity to comment on Amendment 8.

Sincerely,

*Mary Beth Tooley*

Mary Beth Tooley, Government Affairs  
O'Hara Corporation



## Sherie Goutier

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**From:** Eric McNiff <eric.mcniff@customproduct.com>  
**Sent:** Wednesday, September 19, 2018 11:07 AM  
**To:** comments  
**Subject:** Herring Amendment 8 - comment



Greetings,

Thank you for considering public comment regarding the herring amendment 8 proposal.

I am a recreational fisherman with a commercial tuna permit. I enjoy fishing for tuna in my spare time, and selling my catch allows me to pay for some boat expenses for the year. I know many people that enjoy the fishery in the same manner...and a handful of charter and full time commercial fisherman that also fish for tuna in the limited summer/fall season.

As you are aware, and as every semi-serious tuna fisherman knows, the seasonal herring migrations to our inshore waters is an integral part of a successful season. As a forage fish for tuna, there simply is no substitute for a healthy herring stock. I have been fishing the waters inside 25 miles around Gloucester since the mid 80's and have seen good and bad tuna seasons. When the herring are plentiful, the tuna are here in mass, and the quality of the fish are always much better (higher fat content). When the herring are not here, the tuna simply find other places to feed.

Having a healthy tuna fishery is really vital to small cities like Gloucester, up and down the New England coast. The trickledown effect of funds spent to fish for these fish should not be overlooked. From marinas, fuel docks, tackle stores, local hotels, charter operations, commercial fisherman augmenting their regular fishery, boat insurance, etc etc. It literally costs 10's of thousands of dollars to fish for these fish each year...per boat...money that goes directly into the local economies, in hundreds of coastal cities like Gloucester. That is just for tuna....not to mention all the other fish that depend on herring (cod, stripers, haddock, etc). I know this is an opinion you have heard before.....

The bottom line is, without the herring...the local tuna fishery would most likely collapse or be diminished drastically. The tuna would simply migrate to other areas where there is more herring (points north)...or stay far offshore.

The purpose of this email is to plead the case for the Counsel to consider a BAN MIDWATER TRAWLING in Area 1A for 12 MONTHS, as outlined in one alternative in Amendment 8.

Thank you for your time and efforts.

Sincerely,

Eric McNiff

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**Woneta Cloutier**

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**From:** Comcast <jnashville40@comcast.net>  
**Sent:** Wednesday, September 19, 2018 1:26 PM  
**To:** comments  
**Subject:** 50 mile ban



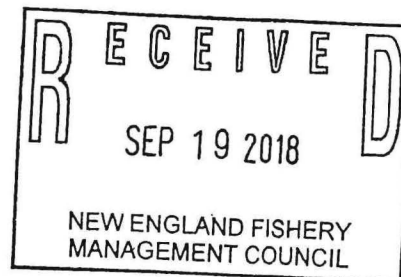
Please keep these massive fishing eating trawlers away from our coast. I've never seen the fishing so bad off Chatham. I've commercial bass fished for 15 years and have never seen it this horrible. No forage fish means no other prey fish. I've only caught one bluefish this year to top it all off. Yours truly Jeff Nashville

Sent from my iPhone

**Sherie Goutier**

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**From:** Chris Meimaris <chrismeimaris@gmail.com>  
**Sent:** Wednesday, September 19, 2018 7:19 PM  
**To:** comments  
**Subject:** Setting limits for midwater trawlers



Dear Chairman Dr. Quinn and Executive Director Nies,

I respectfully request a minimum of a 50 mile buffer to the east and a minimum of a 50 mile buffer zone to the southeast of Cape Cod at the Great South Channel to be applied year round to midwater herring trawling.

I am a year round resident and my boyfriend is a fisherman on Cape Cod. His fishing income has been negatively affected due to the over harvesting of bait fish.

Thank you for your kind consideration,

Christine Meimaris  
55 Sullivan Road  
West Yarmouth, MA. 02673

## Sherie Goutier

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**From:** bruce <bruce@sportfishingcapecod.com>  
**Sent:** Wednesday, September 19, 2018 10:48 PM  
**To:** comments  
**Subject:** Mid water buffer zones



Dear Director Nies,

Please install a year round 50 mile buffer zone for Mid Water Herring boats fishing to the east of Cape Cod out to the Great South Channel.

Monday we caught bluefin 5 miles east of Nauset Beach in Orleans on the Cape. Monday night the MWT moved in and we have caught no bluefin since.

Its time for you to act. This has been a twenty year long experiment that has failed. We need the herring as a forage species if the Cape is to survive.

Thank you,  
Bruce

Capt. Bruce Peters  
30 Deborah Doane Way  
Eastham, MA 02642

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<https://twitter.com/sportfishingCC>



## **Sherie Goutier**

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**From:** Tony Palumbo <tonypalumbo922@gmail.com>  
**Sent:** Thursday, September 20, 2018 7:58 AM  
**To:** comments; Tom Nies  
**Subject:** STOP INSHORE TRAWLERS

Hello,

Mid water herring trawlers were photographed 5 miles east of Orleans yesterday AND Its time you, the New England Fishery Management Council heard our pleas to move them further offshore in order to preserve our local fisheries and the forage base those species need to flourish. Its been too long that our urgent pleas have been unheard.

You like seeing whales, alewives, seabirds, tuna and bass? You like seeing the local economies thrive from local fisherman bringing the their catches to local markets and helping the summer tourism industry with fishing charters?

Well if you don't force the Giant Midwater trawlers, seiners, and long-liners OUT TO SEA BY AT LEAST 50 MILES...

Doing nothing about it will only slowly destroy the entire local New England fishing industry AND DESTROY AN ENTIRE ECOSYSTEM.

Its not all about lobbyists, money and payoffs to a fortunate few, its ABOUT PRESERVING AN ECOSYSTEM AND A LOCAL INDUSTRY THROUGHOUT NEW ENGLAND TO BENEFIT EVERYONE FOR CENTURIES TO COME... BECAUSE CENTURIES WILL COME AND GO...

I'm sorry, but all you politician, executives and your self imposed bureaucracy are funny... penny wise and pound foolish. You spend a fortune in time and money regulating local fisherman and limiting their earning potential all in the name of protecting certain sea life species and then allow the giant trawlers to strip EVERYTHING FROM THE SEA that winds up in their nets! WHAT IS WRONG WITH THIS PICTURE?? SMELLS LIKE CORRUPTION AND PAYOLA TO ME.....

This is no better than the SW Floridas algae bloom/red tide problem thanks to US Sugar Inc... manatees, sea turtles, tarpon, goliath grouper, bill fish, small fish, shell fish, all dying because of toxic algae.. ruining a an ecosystem, ruining tourism, ruining local businesses, economies and pretty the real estate market because nobody wants to go to a beach where dead endangered species are winding up on the beach in droves and stinking up the beach... nobody wants to go into the gulf knowing they might get deathly sick from toxins in the water from dead fish decay and algae....dont think I didnt contact Gov Rick Scott in FL, the attorney general, Pam Bondi, and Fed and State Local EPA offices... and I will do the same thing for Massachusetts....

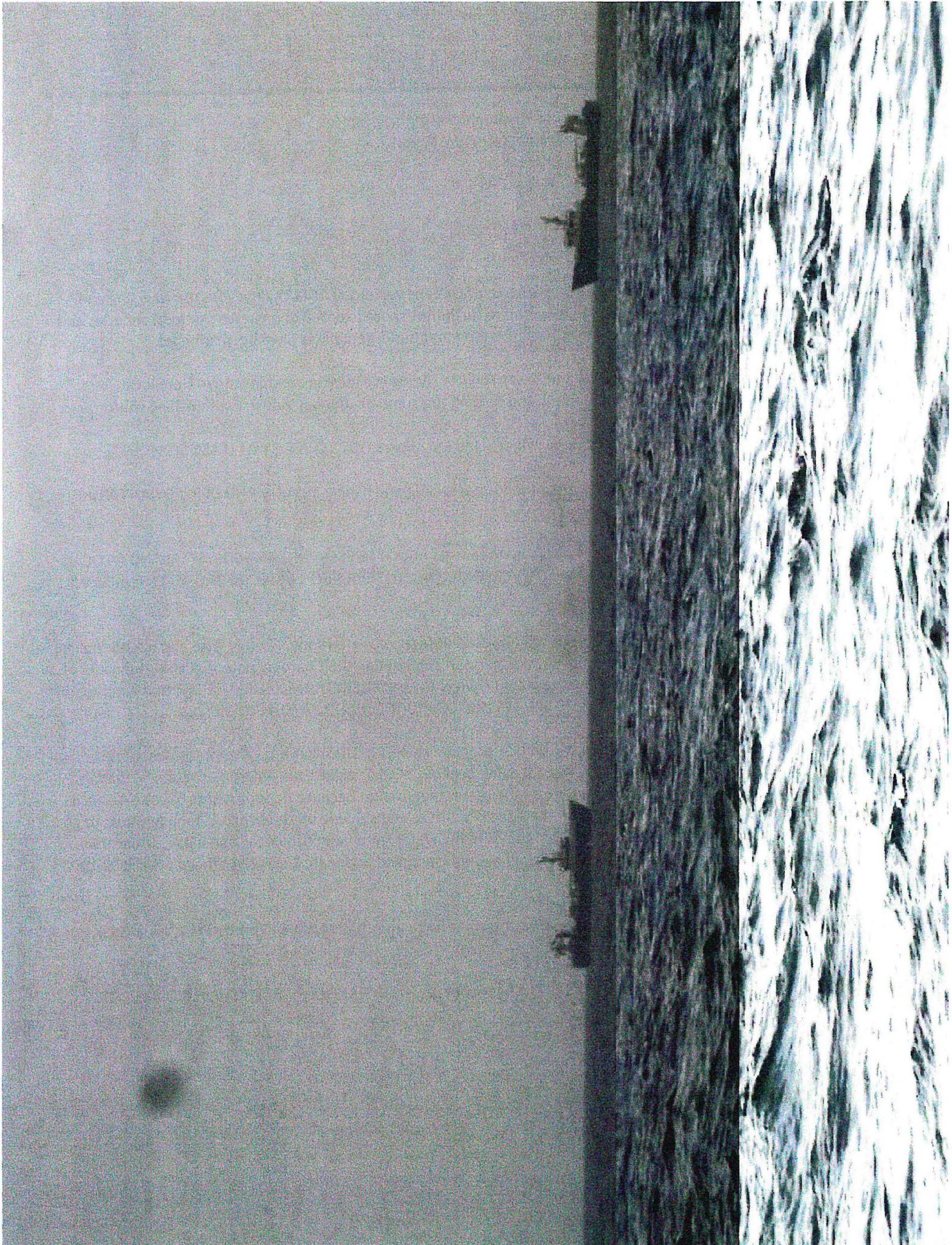
You folks NEVER see the big picture... mostly because your term is finite... pretty foolish and pretty selfish if you ask me...

PLEASE DO SOMETHING ABOUT THIS BEFORE ITS TOO LATE OR BEFORE YOU LEAVE OFFICE WHICHEVER COMES FIRST.

SINCERELY

TONY PALUMBO  
NJ Resident who loves fishing in New England  
201-417-1547







PHANTOM LORAN

41°46.103' N

68°00.361' W

GRS 9960 NORTHEAST USA

11.9 330°

6:31 AM

TUESDAY

FEB 2 1999

PWR



SAVE  
MOB

CLEAR

NAV LOG

WAYPTS  
ROUTES



STEER

POSITION



