

CORRESPONDENCE



From: ghatch2002@roadrunner.com
To: [Michelle S. Bachman](#)
Subject: Habitat
Date: Thursday, March 19, 2015 8:16:39 PM

Dear Michelle: In response to the Habitat proposals being brought forward concerning the GOM, I would like to make it clear that we need to develop the NGOM scallop industry before we shut it down with another closure that will more than likely have the same results as all the others in the last 30 years!! Closing Platt's (New Ledge) or the eastern Gulf will only bring another hardship to an industry already devastated by NMFS lack of ability to manage our fishery's in a logical responsible and knowledgeable format.

Truly
Gary Hatch
NMFS Scallop Advisor

Joan O'Leary

From: Tom Nies
Sent: Thursday, April 02, 2015 11:25 AM
To: Joan O'Leary
Cc: Michelle S. Bachman
Subject: FW: VOTE "NO" ON STELLWAGEN BANK DHRA

From: Debra Richardson [<mailto:richardson32704@gmail.com>]

Sent: Thursday, April 02, 2015 7:28 AM

To: Terry Stockwell; Terry Alexander; John Bullard; John Quinn; Mark Alexander; Matt McKenzie; Vincent Balzano; Mary Beth Tooley; Mark Gibson; Frank Blount; David Preble; David Pierce; Michael Sissenwine; Doug Grout; Ellen Goethel; Peter Kendall; jby.MP.Etrie@gmail.com; John Pappalardo; Beth Casoni; Dave Waldrip; Charlie Wade; Barry Gibson; Tom Nies; Jim Quigley; Thomas Benjamin (HOU); Valanzola Jared (SEN); Mike Carroll; Lester; Teresa R. Rosenberger; Lou Gainor

Subject: VOTE "NO" ON STELLWAGEN BANK DHRA

Dear NEMFC Member,

We need your support to vote "NO" on the Stellwagen Bank DHRA which would close 55 square miles of prime fishing grounds to recreational fishing, by voting for the "No Action" alternative in the Habitat Amendment 2 document.

The DHRA would result in the closure of one of the last areas that are accessible to the for-hire fleet and recreational anglers that provides fruitful levels of cod, haddock and other bottom fish.

The basis for the selection of the proposed DHRA is riddled with flawed science and inconsistencies that question the basic foundation and selection of the area for research.

Denying access to these fishing grounds will have a devastating economic impact on the charter/party and recreational anglers and all of the businesses that rely on this historic fishery. This will send thousands of people out of business.

Sincerely,

Debra DePersia Richardson

John Mullen

To: Terry Stockwell; Terry Alexander; John Bullard; John Quinn; mark.alexander@ct.gov; matthew.mckenzie@uconn.edu; Vincent Balzano; mbtooley@live.com; Mark Gibson; Frank Blount; David Preble; Dave Pierce; m.sissenwine@gmail.com; Doug Grout; Ellen Goethel; peter.kendall@comcast.net; ibby.MP.Etrie@gmail.com; John Pappalardo; Cc: Beth Casoni; Dave Waldrip; Charlie Wade; Barry Gibson; Tom Nies; Jim Quigley; Thomas Benjamin (HOU); Valanzola Jared (SEN); Mike Carroll; Lester; Teresa R. Rosenberger; Lou Gainor

Dear NEMFC Member,

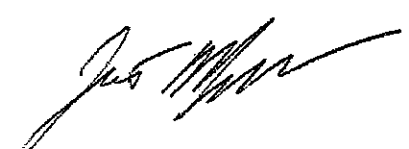
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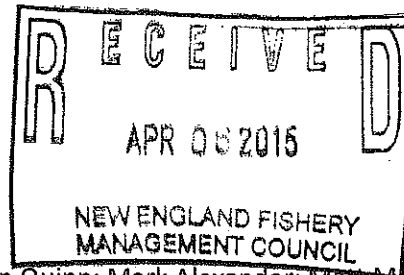
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Sincerely,



John T. Mullen
3 Wilson Ave.
Beverly Ma, 01915



From: Howard Newman

Sent: Monday, April 06, 2015 10:43 AM

To: Terry Stockwell; Terry Alexander; John Bullard; John Quinn; Mark Alexander; Matt McKenzie; Vincent Balzano; Mary Beth Tooley; Mark Gibson; Frank Blount; David Preble; David Pierce; Michael Sissenwine; Doug Grout; Ellen Goethel; Peter Kendall; 'ibby.MP.Etrie@gmail.com'; 'John Pappalardo'; Beth Casoni; Dave Waldrip; 'Charlie Wade'; Barry Gibson; Tom Nies; 'Jim Quigley'; 'Thomas Benjamin (HOU)'; 'Valanzola Jared (SEN)'; 'Mike Carroll'; 'Lester'; 'Teresa R. Rosenberger'; 'Lou Gainor'

Subject: Please Vote NO on the Stellwagen Bank DHRA

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We need your support to vote "NO" on the Stellwagen Bank DHRA which would close 55 square miles of prime fishing grounds to recreational fishing, by voting for the "No Action" alternative in the Habitat Amendment 2 document.

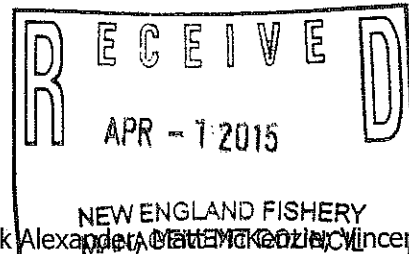
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Denying access to these fishing grounds will have a devastating economic impact on the charter/party and recreational anglers and all of the businesses that rely on this historic fishery.

Sincerely,

Howard Newman
6 Liberty Rd
Marshfield, MA 02050



From: Tom and Julie
Sent: Wednesday, April 01, 2015 10:57 AM
To: Terry Stockwell; Terry Alexander; John Bullard; John Quinn; Mark Alexander; Matt Keozie; Vincent Balzano; Mary Beth Tooley; Mark Gibson; Frank Blount; David Preble; David Pierce; Michael Sissenwine; Doug Grout; Ellen Goethel; Peter Kendall; 'ibby.MP.Etrie@gmail.com'; 'John Pappalardo'; Beth Casoni; Dave Waldrip; 'Charlie Wade'; Barry Gibson; Tom Nies; 'Jim Quigley'; 'Thomas Benjamin (HOU)'; 'Valanzola Jared (SEN)'; 'Mike Carroll'; 'Lester'; 'Teresa R. Rosenberger'; 'Lou Gainor'
Subject: VOTE "NO" ON STELLWAGEN BANK DHRA
Importance: High

Dear NEMFC Member,

We need your support to vote "NO" on the Stellwagen Bank DHRA which would close 55 square miles of prime fishing grounds to recreational fishing, by voting for the "No Action" alternative in the Habitat Amendment 2 document.

The DHRA would result in the closure of one of the last areas that are accessible to the for-hire fleet and recreational anglers that provides fruitful levels of cod, haddock and other bottom fish.

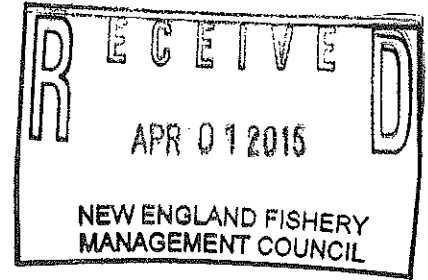
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Denying access to these fishing grounds will have a devastating economic impact on the charter/party and recreational anglers and all of the businesses that rely on this historic fishery.

Sincerely,

Julie Libertini
Green Harbor Tuna Club

mb - 4/2/15



April 1, 2015

E. F. Terry Stockwell III, Dr. John F. Quinn, John K. Bullard, Mark Alexander, Dr. Matthew McKenzie, Terry Alexander, Vincent Balzano, Mary Beth Nickell-Tooley, Mark Gibson, Frank Blount, David Preble, Dr. David E. Pierce, Dr. Michael Sissenwine, Douglas Grout, Ellen Goethel, Peter T. Kendall, Elizabeth Etrie, John Pappalardo

**RE: Western Gulf of Maine ("WGOM")
Stellwagen Bank Designated Habitat Research Area ("DHRA")**

Dear NEFMC Members:

At the April meeting you will be faced with voting once again on the Omnibus Essential Fish Habitat Amendment 2, WGOM DHRA proposed at Stellwagen Bank that will close 55 square miles of prime fishing grounds to recreational groundfishing. The proposed DHRA would result in the closure of one of the last areas that are accessible to the for-hire fleet and recreational anglers that provides fruitful levels of cod, haddock and other bottom fish. This is neither the time nor the place to consider such a closure while we struggle with a poor economy, with the existing cod closures, reduced bag limits on haddock over fewer weeks per year, and the recent reduction in the striped bass bag limit. Closure will require our vessels to transit farther increasing costs and resulting in safety issues due to transiting distances greater than 30 to 40 nautical miles.

The basis for the selection of the proposed DHRA is riddled with flawed science, flawed economic analysis and inconsistencies that question the basic foundation and selection of the area for research. We have pointed out the scientific and economic flaws over the past two years as set forth in Attachment A. After observing the ongoing changes in the goals and objectives of the DHRA that are constantly being shot down as a result of flawed science and economics it is apparent that the goal of the SBNMS is to expand their funding and budget and not to conduct sound research based upon sound science and economic principles. The SBNMS has indicated that they will go directly to Congress for approval if the NEFMC does not approve the DHRA. We welcome this approach since our state and federal representatives are adamantly against the DHRA as set forth in Attachment B.

Earlier this year, the Council's Recreational Advisory Panel sent a strong message to the Council, unanimously opposing the proposed research area. However, the Sanctuary continues to indicate that only five charter boats fish within this area, based upon Vessel Trip Reports ("VTRs"). New England recreational fishermen as well as other NOAA agencies not associated with the SBNMS

"To safeguard the rights of saltwater anglers, protect marine, boat and tackle industry jobs and ensure the long-term sustainability of U.S. saltwater fisheries."

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point out that VTRs do not provide an accurate picture of fishing activity. Then why does the Sanctuary continue to push flawed science? Over 200 anglers voiced their opposition to the DHRA at the public meetings in Plymouth and Gloucester and they indicated that they fish within the proposed closure area yet the Sanctuary continues to indicate that only five charter boats fish within this area.

As stated at the public meetings, creation of the proposed DHRA will be the last nail in the coffin and leave us with few options resulting in recreational anglers not leaving the dock, the end of the charter boat/for hire fleet, resulting in a detrimental impact on the entire economy and all that rely on this industry to make a living.

On behalf of the RFA and over 50,000 members that we represent please vote "No Action" on the proposed WGOM Stellwagen Bank DHRA.

If you have any questions or comments please call me at (617) 291-8914.

Very truly yours,

Capt. Mike Pierdinock
RFA - Massachusetts Chairman
176 Sandy Beach Road
Plymouth, MA 02360
cpfcharters@yahoo.com

Cc: Tom Nies, NEMFC
Beth Casoni, Massachusetts Lobsterman Association
Capt. Charlie Wade, SBCBA
Michael T. Carroll, Vertex
Capt. Barry Gibson, NEFMC RAP
Capt. David Waldrip

Attachment A – Scientific and Economic Correspondence
Attachment B – Federal and State Representative Correspondence

"To safeguard the rights of saltwater anglers, protect marine, boat and tackle industry jobs and ensure the long-term sustainability of U.S. saltwater fisheries."

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ATTACHMENT A

SCIENTIFIC AND ECONOMIC CORRESPONDENCE

"To safeguard the rights of saltwater anglers, protect marine, boat and tackle industry jobs and ensure the long-term sustainability of U.S. saltwater fisheries."

www.joinrfa.org



Paul J. Diodati
Director

Commonwealth of Massachusetts

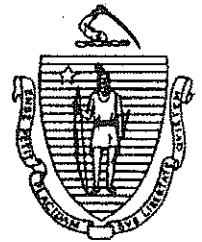
Division of Marine Fisheries

251 Causeway Street, Suite 400

Boston, Massachusetts 02114

(617)626-1520

fax (617)626-1509



Deval Patrick
Governor
Maeve Vallely Bartlett
Secretary
Mary B. Griffin
Commissioner

January 7, 2015

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

RE: OA2 DEIS Comments

Dear Mr. Bullard

We offer these comments on the Council's Omnibus Essential Fish Habitat Amendment 2 but only with specific reference to the Western Gulf of Maine Dedicated Habitat Research Area (DHRA), a Council-adopted proposal DMF has advanced, and SMAST relevant habitat research. We reserve the balance of our comments and critique for Habitat Committee and Council discussions/decisions.

First, we highlight the Western GOM DHRA because it contains two Reference Area options both being opposed by prominent recreational fishing groups such as the Recreational Fishing Alliance. These groups have quoted DMF opinions in their testimonies against the Reference Areas in which recreational fishing for groundfish would be prohibited. We're obliged to respond for the record, and we do so with full knowledge that the Stellwagen Bank National Marine Sanctuary strongly supports and has lobbied for a DHRA Reference Area.

We call your attention to the Stellwagen website where one can find Stellwagen's position that is expected because the Reference Area is based on the Sanctuary's SERA (Ecological Research Area) although substantially modified in response to initial objections and concerns expressed by the commercial and recreational fishing industries. The Sanctuary has been very obliging as we have noted from our years serving on the Stellwagen Advisory Council as a non-voting member.

The Sanctuary describes on its website "138 scientists who have signed a petition supporting the Stellwagen DHRA with Reference Area." Therefore, one might argue with that amount of scientific support there can be no question about the scientific credibility/validity and importance

of the Reference Area. However, because all recreational fishing for groundfish will be prohibited in the Reference Area and recreational fishermen have argued strongly against that prohibition for justifiable reasons, we're compelled to focus on the rationale for the reference area with its implications for groundfish recreational fishermen, e.g., party and charter boat owners and fishermen.

We support the DHRA, but have questions about the Reference Area we now raise after discussing the area with our scientific staff intimately involved in current research somewhat similar to that performed in the sanctuary about 15 years ago – Sanctuary-sponsored research serving as the foundation and justification for the Reference Area. Specifically and as described in the Omnibus public hearing document: *"The purpose of the reference area is to create a site where removals of groundfish are limited, to be able to study how the ecology of the reference area may change under such conditions. If there are significant ecosystem effects of limiting groundfish removals from the major sources, they will be more likely to be detected with a substantial before/after contrast."*

Consider that the key part of this "purpose" is whether prohibiting recreational fishing for groundfish and performing research within the area to detect "significant ecosystem effects" resulting from groundfish removals can ever be detected or determined. Knowing that the Sanctuary principal groundfish for determining these effects is cod, we've concluded effects will never be discernable. Therefore, the Reference Area will not accomplish the purpose for which it is being touted by the Council in support of Sanctuary objectives.

The Sanctuary claim, now implicitly being supported by the Council, is that cod are resident in the Reference Area; therefore, removal of cod by recreational fishermen will have some detectable ecosystem or ecological effect in the Reference Area. All who are familiar with GOM cod know that cod are not year-round residents in any one portion of the GOM and certainly not in the Sanctuary itself. Tagging information from a variety of sources clearly demonstrates the fact that cod can and do move considerable distances.

We ask what data exist to support no movement of cod out of the 55 square mile reference area (Option B)? The DEIS provides no information in support of year-round residency, except perhaps Stellwagen-sponsored research based on tagged cod and telemetry results. If so, then the following DMF and SMAST insights should help the Council judge the validity of that research's results and conclusions and whether the Reference Area should be adopted, i.e., select an area where recreational fishing for groundfish should be prohibited for ecological research purposes.

The following opinions have been provided by DMF staff as summarized by Micah Dean (Groundfish PDT member filling in for Steven Correia) who examined the key 2007 paper: "Site fidelity and movement of adult Atlantic cod at deep boulder reefs in the western Gulf of Maine" [Marine Ecology Progress Series 2007].

According to Dean, *"These authors point to a lack of movement [acoustically tagged cod] from a single receiver for about four months as a sign of high site fidelity to 'deep boulder reefs*

(DBF). ' There are two far more likely explanations for these results than a lack of movement: (1) cod died upon release, or (2) tags were shed."

Explanation #1: Cod died upon release. DMF has collected millions of detections from hundreds of cod using very similar equipment, and lack of movement from a single receiver for an extended period of time has always indicated post-release mortality. Many of our tags have included depth sensors, allowing us to confirm that a tag is lying on the bottom (dead fish). Our early DMF experiments with tagging during spring and summer (when Lindholm et al. 2007 conducted their study) revealed that cod were vulnerable to high release mortality if held in a live well supplied with circulating surface water. After pumping water up from 80 feet down (below the thermocline), we managed to have very high survival and little indication of post-release mortality.

Explanation #2: Tags were shed. The majority of DMF's acoustic transmitters have been surgically implanted in the abdomen, essentially eliminating tag shedding as a concern from our studies. However, through DMF juvenile post-release mortality work, we investigated the use of external t-bar anchored tags, such as were used in the Lindholm et al. in 2007. Our holding-tank experiment indicated very poor tag retention; therefore, we decided to use an external wire attachment method. In their 2007 paper, Lindholm et al. refer to 100% tag retention, and they cited their 2003 paper ["Site Utilization by Atlantic Cod in Off-Shore Gravel Habitat as Determined by Acoustic Telemetry: Implications for the Design of Marine Protected Areas" (Marine Technology Journal 2003) by Lindholm and Auster]. This 2003 paper presents the same data as in the 2007 paper, and there is no mention of tag shedding or retention.

Also, helping us understand the flaws in Lindholm and Auster methods/interpretations is SMAST's GOM cod researcher/graduate student Douglas Zemeckis who recently wrote: (1) In their 2003 paper they described use of 32 oz jigs, which are more than twice as large as needed to fish that area. Results from our post-release mortality study suggest that jig-caught fish have higher mortality than those caught with bait. Also smaller fish had higher mortality, including the range tagged in their study (38-60 cm fish); (2) They attached their Vemco tags (acoustic pingers) to a t-bar tag and then inserted the t-bar tag into the dorsal musculature. This method would be expected to lead to relatively moderate to high tag loss making it impossible to distinguish between high residency, mortality, and tag loss; and (3) Tagging was conducted from June-August. Warm surface waters and the thermocline would likely increase mortality (assumed they had warm surface water in holding tanks).

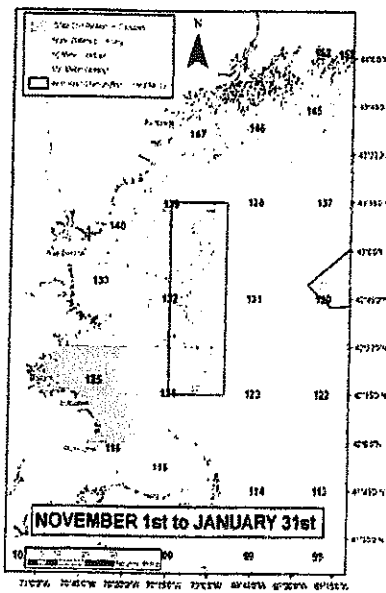
Micah Dean's concluding and summary remarks highlight why we now offer these comments: "I do not believe their conclusion that cod caught from deep boulder reefs in the SBNMS/WGOM sliver are resident to that area. Even during spawning (our emphasis), when cod typically exhibit the highest site fidelity and limited horizontal movement, acoustically tagged cod frequently leave the detection area of a single receiver. Hundreds of thousands of cod have been tagged through the Northeast Regional Cod Tagging Program with recaptures all over the GOM indicating a very mobile species. It is far more likely that their fish either died upon release or the tags were shed (from their Figure 2 it looks like about 50%). In short, while they may have been captured on a 'reef' ...these fish are not grouper."

Considering the nature of the above critique of Sanctuary "boulder reef" cod tagging and its importance for Council support of the Reference Area, we intend to meet with Sanctuary staff and researchers to discuss our observations and conclusions. We've already spoken to Sanctuary Superintendent Craig MacDonald about the need for a meeting well before the Habitat Committee and Council review extensive public hearing comments and select alternatives and options. Being a member of the Sanctuary Advisory Council, we appreciate the time devoted to this initiative by the Sanctuary leadership. Nevertheless, the Reference Area unfortunately will afford nothing to "reference" – certainly not for the Sanctuary's keystone species, i.e., GOM cod.

Secondly, we note OHA 2 GOM cod spawning protection alternatives are no longer valid because the Council adopted that protection as part of Framework 53 to the Groundfish Plan. However, there are important complications created by consideration of other groundfish besides

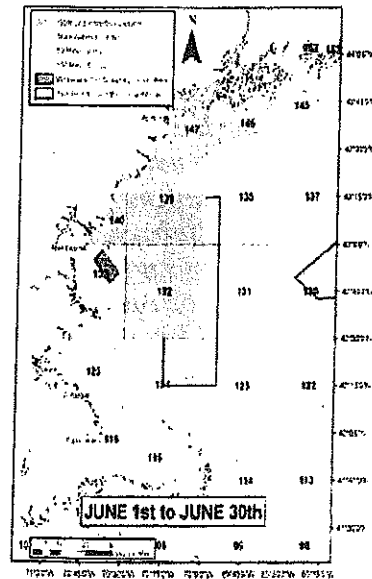
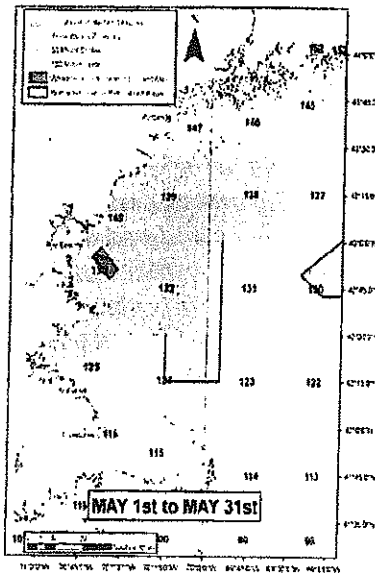
cod. For example, in Alternative 1 the Western GOM and Cashes Ledge remain year-round closures and rolling closures are kept, all to "protect spawning groundfish and provide fishing mortality reduction." If this alternative is chosen then, for example, block 133 is closed in April to protect spawning groundfish (and reduce fishing mortality), but it's not part of the FW 53 April cod closure. Outcome: an April closure of 133 to gear capable of catching all groundfish in contradiction to FW 53 (as will be submitted to NMFS).

Also, for clarity, we need to remember that Alternative 1 will allow November through January groundfishing in block 125 and a portion of block 124 for sector fishermen (already closed



to common pool vessels). FW 53, once implemented, will prevent that fishing due to cod spawning protection. See above figure.

Moreover, if Alternative 2 is chosen, the Western GOM closure (Cashes Ledge too) vanishes except FW 53 will keep a large portion of the Western GOM closed area (open in Alternative 2) closed



in May and June to any gear capable of catching groundfish (FW 53 cod spawning protection). See above figures. This is all a bit mind-boggling, and we've provided only a few examples of the fuzzy picture.

We provide the above figures and potential complications to highlight how using OHA 2 to protect all groundfish spawning (as best that can be defined), although very laudable, will create a very messy regulatory picture. We suspect it will require a very difficult-to-follow decision document.

This "messiness" has been caused by somewhat unexpected developments with the status of GOM cod (e.g., 3-4 % of target biomass) and Council/NMFS responses: FW 53 measures to protect spawning GOM cod adopted as important and necessary response to the "collapse" of the GOM cod stock and your recently enacted Interim Action. Your action and FW 53 measures now force a closer examination and understanding of their overlap with OHA 2 GOM cod spawning alternatives.

Finally, we note the May 2014 Final Report prepared by Harris, Stokesbury, and Grabowski as part of the 2011 Atlantic Sea Scallop Research Set-Aside Program. Entitled "Effects of mobile fishing gear on geological and biological structure: A Georges Bank closed versus open area comparison," these authors selected two large gravel outcrops (Northern Edge site on northeastern Georges Bank and Little Georges site on western Georges Bank) and then examined whether the biological and geological structures in areas closed for 17 years, "*exhibited patterns in density, presence/absence, area coverage, and vertical height consistent with recovery from damage due to fishing relative to areas where fishing with trawls and dredges has occurred continuously.*"

Harris et al. found "*no clear pattern in density, etc. between 'impact' and 'reserve' areas within the two study sites.*" They concluded: "*This research suggests that the question regarding the relative importance of drivers behind the observed distribution of biological and geological features which may provide essential habitat for managed fish species remains open. These drivers include natural physical disturbance regimes (e.g., currents and storms), recruitment delivery and settlement dynamics, trophic interactions, and mobile fishing gear contact. Generally, disturbances due to fishing are considered the primary driver of these distributions, but our findings suggest that in high energy regimes, natural disturbance and other ecological processes may be equally or more important. It is plausible that the distribution of biological and geological features in our study area are more influenced by powerful tidal currents and frequent winter storm events and frequent strong recruitment events than by sustained and intensive fishing (our emphasis).*"

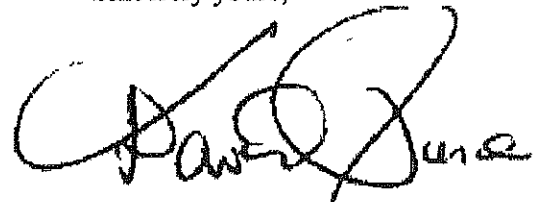
We suggest the Council and NMFS benefit from this SMAST and Northeastern University cooperative research with the scallop industry by considering its results/conclusions when deciding what areas should be closed to mobile gear fishing on Georges Bank. We intend to use this research as guidance along with other published papers such as "Impact of limited short-term sea scallop fishery on epibenthic community of Georges Bank closed areas" by Stokesbury and Harris (2006, Marine Ecology Progress Series). These same authors observed: "...*sediment*

composition shifted between surveys more than epibenthic faunal composition, suggesting that this community is adapted to a dynamic environment. The limited short-term sea scallop fishery on Georges Bank appeared to alter the epibenthic community less than the natural dynamic environmental conditions."

We also suggest the Council, NMFS, and the scallop industry pay attention to another Harris and Stokesbury conclusion we will use as an argument during debate about opening current habitat-closed areas solely for the purpose of harvesting abundant scallops within their confines. This has been and will continue to be the clamor of scallop fishermen and their representatives wanting the revenue from those scallops. Currently, we are wary of opening these areas for that purpose because, according to Harris and Stokesbury, about 45% of the scallop larvae for Georges Bank originate in the Georges Bank closed area where no scalloping is currently involved. We anticipate involving Dr. Stokesbury in Council discussions on this critical issue.

We look forward to bringing OHA 2 to a successful conclusion. That will involve a careful review of the public record and further in-depth looks at DEIS analyses. As always, success will be in the eye of the beholder.

Sincerely yours,

A handwritten signature in black ink, appearing to read "David Pierce". The signature is stylized and cursive, with a large initial "D" and "P".

David Pierce, Ph.D.
Deputy Director

cc

Paul Diodati
Melanie Griffin
Kathryn Ford
Micah Dean
William Hoffman
Michael Armstrong
Steven Lohrenz
Kevin Stokesbury
Terry Stockwell
Thomas Nies
William Karp

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

RE: Proposed SBNMS DHRA – “No Action”

Dear Mr. Bullard:

In regards to the recent DHRA proposal to limit historical use of the Stellwagen Bank area to a no fishing zone: It should be noted that this response and comments are in no way financially supported by any current user group, but have been prompted by concern for the lack of substantiated economic impact analysis presented to make prudent management decisions. After a basic review of the current economic impact data presented, it is very obvious that impacts on the fishing community and associated business are grossly understated. To compound this concern, there is a lack of a realistic or valid value analysis of costs vs. benefits (i.e. Analysis relative to forgoing fishing vs allowing fishing in a research zone).

Having grown up on the South Shore of Boston Area as a fisherman (both commercial and recreational) and having extensive experience with economic impact modeling, I must say I have some serious concerns regards to the underestimation of impacts on the associated fishing community and its marine support economy. The initial assessment “sbnms_sera_proposal.pdf” pgs 26 -39 that was presented to substantiate the background data to support this amendment is severely flawed. Most notable are the unsound estimates of relative fishing effort or the key input data for the impact models. Regardless of how concrete the I/O models used are, if the input data is flawed then all proceeding economic impact analysis based on this information will be meaningless. As you are now aware, through these public meetings it is abundantly clear that there are many more fishermen that frequent the proposed DHRA area, and the input data used in these models is grossly underestimating the impacts on the local marine economy in Massachusetts. The input data for these impact models may have seemed reasonable to an economist at The Office of National Marine Sanctuaries in Washington DC that knows very little about the local fishing community, but anyone involved in fishing on the South Shore of Boston would have a very different understanding.

The implications of using input data that is not representative of the impacts at the vessel level can be tremendous. For example, in most commercial fisheries a change in fishery revenue is used for input data, so every \$1 lost at the vessel equates to \$7 lost in the economy. In most recreational fisheries, the number of trips is used as your input data, then a standard multiplier value is established for a trip and used to calculate impact value. The basic concern is that if the input data on number of trips or associated fishery revenue are understated, your losses to the marine economy in this region will be grossly understated.

The static nature of the VTR data does not provide a robust enough estimate to accurately predict whether a vessel fished or is going to fish in an area. It is my understanding that in cases where multiple areas are fished, the nature and reporting method of the VTR data lends itself to inherently underestimating spatial fishing occurrence. For the charter fleet, I understand there may also have been a lack of empathy given their level of accuracy of reporting, but this is no justification to dismiss the true numbers. As a longtime resident and fisherman from the Boston area, it does not take much to realize the input data of 30 total charter boats over 16 years and impact estimates of \$242K in income and 5.8 jobs is a large underestimation of the economic activity generated from the DHRA area. Even if the charter number were accurate, what about the not for hire/recreational fleet, who for the most part were dismissed in this analysis as irrelevant? In addition, the fact that the commercial fleet has been closed out of this area does not mean this area does not possess tangible and historical economic value to them as well.

Admittedly, the not for hire recreational fleet, which is made up of various types of participants, is difficult to capture. There was a brief mention of dock side surveys used to capture recreational effort, but there are concerns with the size and quality of the sample, and also questions whether the survey was geared appropriately toward the relevant fisherman/species/time of year, as well as suited to estimate this level of spatial data.

Given the difficulty estimating recreational fishing effort and location, and the number of local fisherman that have gone on record to state they fish in this area, I would argue that you need to reference back to the permitted recreational vessels that have the capacity to fish this area. Given the high concentration of vessels fishing for Bluefin tuna in this region, I would argue that HMS permitted vessels would give you a good idea of the potential fleet size. Many of these recreational boats fish these areas for groundfish in the spring and early summer months, before tuna and sharks migrate to this area. Many vessels combine bottom fishing, tuna, and shark later in the season within this area. Groundfish is not the primary target species for later in the season, but groundfish is the only target species in the spring and the proposed DHRA is the area they rely on to catch fish.

A recent report was produced by NMFS on the economic impact of the HMS not for hire recreational fisheries, and the number of vessels and amount of money they spent in the marine economy is staggering. If these same vessels are making just minimal trips to Stellwagen in the spring, the impact on this group and the associated marine economy could be substantial. In the recent report "*The Economic Contribution of Atlantic Highly Migratory Species Angling Permit Holders in New England and the Mid-Atlantic, 2011*" estimates of the number of HMS angling permits for the state of Massachusetts was 3,268, and the number of fishing trips was 20,227 in 2011. It is important to note these numbers do not include General Category or Charter Head Boat permits, which are also likely to frequent Stellwagen in the spring for groundfish. Considering the sheer number and amount of potential offshore fishing effort present in this region from this recreational fleet, I am extremely concerned with the claim that not one recreational fishing vessel fishes in the proposed DHRA Northern Reference Area, and that only

six trips were made in the entire DHRA from May to October in 2010. There are obviously serious deficiencies in this data that underestimate vessel trips, and it is concerning that this information has been used to substantiate these conclusions.

An issue that was not adequately factored into this analysis is the compounded crossover impacts on the fishing community (commercial, recreation and charter) and its support industries. It is well known that a number of fisherman cross over amongst the various user groups. Therefore, given the current climate in commercial fisheries, any type of reduction (recreational or commercial) of fishery access will have damaging economic effects on all users and associated communities. It is relatively well known in these communities that if an individual cannot commercial fish, they will reposition into similar areas of employment, such as charter fishing. Given the interdependency of these fishery segments, further decision to eliminated fishery access without clear net economic benefits needs to be cautiously approached.

In addition to the concerns with inaccuracy of base line estimates of economic impacts, there have been numerous costly documents produced to substantiate economic value of the zone as a no fishing area, though very little financial effort expended to examine the actual true impacts on the historical fishing community. As someone that does economic impact work with fisheries for a living, after review of the annual funding that has gone into this effort I am shocked at this disparity in numbers. One must ask, is there an agenda here and who stands to gain if this becomes an exclusive research zone?

As I further review these documents, no valid or acceptable analysis was performed to show a true comparison of options, that is an economic cost benefit analysis. With this type of analysis there are two types of numbers; hard financial estimates (market values) of money that are gained and lost in the economy and soft numbers (non-market values) or estimates for things that do not possess hard financial value in the economy. The hard values are derived based on historical numbers in the economy, where the soft values tend to be derived through surveys and estimation. Within this supporting analysis, there are volumes exceptional biological research documents, but no real hard economic benefits, that have been presented in the material. Of all the benefits mentioned I would only consider replenishment of the stock relevant as a hard benefit, but it will be a tough argument that this outweighs the value generated by the recreational fishery. For starters, recreational fishermen catch very few fish per trip, but they spend astronomical amount of money in the economy to make this trip. In addition, the value of these trip costs are in today's dollars, whereas your stock replenishment value would be amortized into future dollars. In short, the money is worth much more now than in the future. As for soft values, the report attempts to present various scenarios that a biological researcher or an environmental group may prefer, but no estimates, hard or soft, or peer reviewed studies are presented to substantiate their point. A good example of the weakness of the benefit argument can be noted when the document references "people might have *willingness to pay*" to have no use in a research zone, but offer no reference document or associated value to support this statement. Without a reference to the study where this can be grounded or a concrete

“willingness to pay” value, this statement or any pursuing claims have no basis to stand on. From the lack of what I found in the literature, I would have to deduce this argument was contrived to try to push a predetermined agenda. I would argue strongly given the information we have today that the actual true benefits of this DHRA do not even come close to the costs the community will bear.

Unfortunately, the approach of spending very little on economic impacts estimates and knowingly using inaccurate data has been status quo in fishery management in the past, but look where it has gotten us. As a member of the council, if you know that the data is flawed and the implications of this decision could have broad sweeping implications on our community, I would urge you to reject this DHRA and vote Alternative 1, no action.

Sincerely,



Michael T. Carroll
Vice President Fisheries & Aquaculture

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Cc: James Cantwell – State Representative Ma., Fourth District

Dan Ryan - State Representative Ma, Charlestown

Edward Markey – United States Senator, Ma.

Michael J. Pierdinock, RFA – Massachusetts Chairman

Frank Mirarchi – Commercial Fisherman- Scituate Ma

Beth Casoni – Executive Director - Massachusetts Lobsterman’s Association

William Keating – Congressman , Ma.

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February 12, 2014

Mr. Tom Nies
New England Fishery Management Council
50 West Street
Newburyport, Massachusetts 01950

RE: **Proposed Designated Habitat Research Area ("DHRA") Stellwagen Bank National Marine Sanctuary ("SBNMS")**

Dear Mr. Nies:

As an owner and operator of the charter boat "Perseverance" located in Green Harbor, Massachusetts that fishes the Stellwagen Bank waters and as a member of the SBNMS Advisory Council – Recreational appointment and NEFMC Enforcement Advisory Panel, I oppose any change to the Western Gulf of Maine ("WGOM") closed area and support *Alternative No. 1, No Action* to the proposed habitat protection measures being considered by the NEFMC. In addition I cannot support at this time the DHRA presented at the NEMFC meeting in January and therefore support *Alternative 1 (No Action) – No DHRA designation* for SBNMS.

Denying access to these productive fishing grounds will have a devastating economic impact on the charter/party and recreational anglers and all of the businesses (marinas, tackle shops, coffees shops, restaurant, hotels, etc.) that rely on this industry.

The flawed catch share system has resulted in the poor status of the cod fishery that was at sustainable levels approximately 3 to 4 years ago. The proposed DHRA is within one of the last areas that are accessible to the fleet that provides fruitful levels of cod and other bottom fish. Until the flawed catch share system is modified there will continue to be a lack of fish at SBNMS.

Concluding that the proposed DHRA area is not an area utilized by charter boat/party recreational anglers based on Vessel Trip Reports ("VTR") is incorrect based upon how the coordinates are recorded on the VTRs. This flawed science does not accurately reflect the use of this area by the charter boat/party recreational anglers.

The DHRA proposes that no bottom fishing occur by the charter boat/party recreational anglers in this area in order to not have an impact on the cod or bottom fish that may be present in this area. Yet lobster traps will be permitted that regularly catch cod and bottom fish. This flawed science contradicts the purpose of the closure.

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As set forth in the *SBNMS Final Management Plan and Environmental Assessment* dated June 2010, there are alternate "offshore northeast continental shelf location that are suitable candidates" for the research area. Why are the alternate offshore continental shelf locations not being considered as a result of the devastating economic impact to charter/party and recreational anglers and all of the businesses that rely on this industry?

Please do not deny the fleet and recreational angler's access to these productive fishing grounds.

If you have any questions please email or give me a call at (617) 291-8914.

Very truly yours,



Capt. Michael J. Pierdinock
CPF Charters, Charter Boat "Perseverance" Green Harbor, MA

Stellwagen Bank Charter Boat Association – Officer
Stellwagen Bank National Marine Sanctuary Advisory Panel – Recreational Appointment
NEFMC Enforcement Advisory Panel
Recreational Fishing Alliance - Member

cc: Mr. John Bullard, Administrator, NMFS
Mr. Paul Diodati, Director, MA. Division of Marine Fisheries
David Pierce, PhD MA. Division of Marine Fisheries
Mr. Barry Gibson, NEFMC RAP
Mr. Frank Blount NEFMC
Mr. Dave Preble NEFMC
Ms. Michele Bachman, NEFMC
Mr. Charles Wade, President, SBCBA

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November 28, 2014

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

**RE: Proposed Western Gulf of Maine, Stellwagen Bank Designated Habitat
Research Area ("DHRA") – No Action Alternative**

Dear Mr. Bullard:

As you are aware, charter/party boat operators and individual anglers are adamantly opposed to the creation of a DHRA in the currently proposed site. Many of us have provided, in writing and verbally at past NEFMC meetings, details concerning the flawed technical approach and detrimental impact to for-hire vessels and recreational anglers and all of those that rely on us to make a living if the DHRA is implemented. My testimony, email and correspondence are already on record dating back to the original Sanctuary Ecological Research Area ("SERA"). One of the basic foundations for the selection of the proposed DHRA is the fact that the SBNMS relied on studies that indicated that cod are year-round residents of the proposed study area. As a result, SBNMS believes the proposed DHRA would be suitable and appropriate for study. Based upon our years of experience as anglers and charter boat captains in the proposed DHRA area, we do not believe this to be the case, and it is not consistent with our historical observations.

Other for-hire operators and I attended a recent Stellwagen Bank Charter Boat Association meeting where we were provided details on a recent cod study conducted in the Jeffereys Ledge area by the University of New England. In addition, I attended a SBNMS Advisory Council meeting (of which I am a member) where an update was provided on the ongoing cod study being conducted by MA-DMF, and others, in our nearby waters. In both instances there were strong indications that cod were not residents of the areas being studied. The studies did note that the cod with "pinger" tags ("tags") never left the study area because they had expired within that area or as a result of tag shedding where the cod migrated beyond the area and the tag remained. The question was posed as to how one can differentiate between a live resident cod, dead cod or a shedded tag? Each study indicated that the recorded localized movement of the dead cod or tags that have been shed (they are easily shed) were consistent with the tidal cycles and vertical/horizontal currents, which indicated they were not a live resident to the area.

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As a result, we are concerned as to whether the cod studies that were conducted, which SBNMS misinterprets as a conclusion that cod are residents of the proposed DHRA, actually indicate that the cod tracked were dead or the tags remained as a result of shedding and therefore, the movement observed was a result of the tidal cycle or currents. Therefore, we contacted the MA-DMF and posed the question, and they responded that in **their opinion the cod appeared dead and/or the tags had been shed, and in either case indicate that they are *not* resident cod of the proposed DHRA.**

We adamantly recommend that the NEFMC and NMFS carefully review these cod studies and the underlying information for the basis for selection of the site for the proposed DHRA, and that another area be selected that will not have such a detrimental impact on the for-hire fleet and the recreational fishermen of New England.

Denying access to these productive fishing grounds will have a devastating economic impact on the charter/party and recreational anglers and all of the businesses (marinas, tackle shops, coffees shops, restaurant, hotels, etc.) that rely on this industry.

The flawed catch share system that was implemented in 2010 has resulted in the poor status of the cod fishery that was at sustainable levels in 2010. The proposed DHRA is within one of the last areas that are accessible to the fleet that provides fruitful levels of cod and other bottom fish. Until the flawed catch share system is modified there will continue to be a lack of fish at SBNMS.

Concluding that the proposed DHRA area is not an area utilized by charter boat/party recreational anglers based on Vessel Trip Reports ("VTR") is incorrect based upon how the coordinates are recorded on the VTRs. This flawed science does not accurately reflect the use of this area by the charter boat/party recreational anglers.

As set forth in the *SBNMS Final Management Plan and Environmental Assessment* dated June 2010, there are alternate "*offshore northeast continental shelf location that are suitable candidates*" for the research area.

Based on the technical issues set forth above we recommend that another suitable location be selected that that will not have such a detrimental impact on the for-hire fleet and the recreational fishermen of New England.

In response to the present proposal before the NMFS, I recommend the No Action alternative associated with the Stellwagen Bank Western Gulf of Maine DHRA.

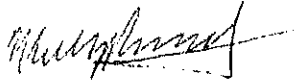
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Please do not deny the fleet and recreational angler's access to these productive fishing grounds.

If you have any questions please email or give me a call at (617) 291-8914.

Very truly yours,



Capt. Michael J. Pierdinock
CPF Charters, Charter Boat "Perseverance" Green Harbor, MA
Recreational Fishing Alliance – Massachusetts Chairman
Stellwagen Bank Charter Boat Association – Board of Directors
Stellwagen Bank National Marine Sanctuary Advisory Panel – Recreational Appointment
NEFMC Enforcement Advisory Panel

cc: Mr. Tom Nies, NEFMC
Mr. Paul Diodati, Director, MA. Division of Marine Fisheries
David Pierce, PhD MA. Division of Marine Fisheries
Mr. Barry Gibson, NEFMC RAP
Mr. Frank Blount NEFMC
Mr. Dave Preble NEFMC
Ms. Michele Bachman, NEFMC
Mr. Charles Wade, President, SBCBA

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ATTACHMENT B

FEDERAL AND STATE REPRESENTATIVE CORRESPONDENCE

"To safeguard the rights of saltwater anglers, protect marine, boat and tackle industry jobs and ensure the long-term sustainability of U.S. saltwater fisheries."

www.joinrfa.org

WILLIAM R. KEATING
5TH DISTRICT, MASSACHUSETTS

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NEW BEDFORD, MA 02740
(508) 999-6462

PLYMOUTH OFFICE
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PLYMOUTH, MA 02360
(508) 746-9000

January 8, 2015

The Honorable John Bullard
Regional Administrator
National Marine Fisheries Service
Greater Atlantic Regional Fisheries Offices
55 Great Republic Drive
Gloucester, MA 01930

Dear Administrator Bullard:

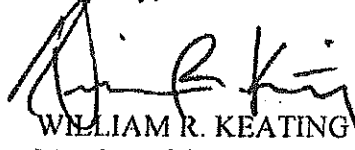
I am writing today regarding the proposed Western Gulf of Maine (WGOM) Dedicated Habitat Research Area (DHRA) closure to recreational groundfishing. Members of my constituency have expressed their concerns with the subsequent impacts of this closure, and it is incumbent upon me to register these concerns.

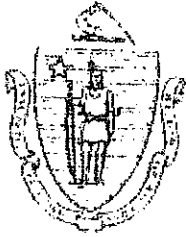
In recent years, many charter and recreational fishermen have needed to travel farther distances for the same catch. While this area is currently closed to cod fishing, the full prohibition on groundfishing may cause these fishermen, crews and passengers further offshore. Inherent within this additional travel are increased fuel costs and safety risks. Further, this closure may have detrimental economic consequences for anglers, the charter boat industry, marinas, bait and tackle shops, motels, restaurants and a variety of other related industries within fishing communities.

I recognize the importance of setting aside closed and controlled areas that can be utilized to better understand how the ecosystem works and how stocks recover absent of human interaction. However, in consideration of these concerns, I respectfully request that the potential scientific advances are balanced against the recreational fishing industry's anticipated economic hardships and alleged scientific uncertainties of the DHRA.

Thank you for your ongoing support of the New England fishing industry and your efforts to sustain our coastal populations, and I look forward to hearing your response.

Sincerely,


WILLIAM R. KEATING
Member of Congress



The Commonwealth of Massachusetts

General Court

State House, Boston 02113-1054

December 3, 2014

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

Dear Mr. Bullard,

We write to express our concern regarding the proposal to create a Western Gulf of Maine (WGOM) Designated Habitat Research Area (DHRA) that would close fifty-five nautical square miles of Stellwagen Bank to recreational groundfishing. Because this closure would severely impact anglers, the charter boat industry, and the many businesses connected to recreational fishing, we urge the New England Fishery Management Council (Council) to oppose this proposal by adopting Alternative 1—No Action.

Fishermen are adamant the proposed closure area is a key fishing ground for recreational anglers and charter boats. As you know, this area is already closed to cod fishing as part of the recent emergency actions connected with the failing cod stock. A full prohibition on groundfishing will force recreational and charter boats farther offshore and substantially increase fuel costs, safety risks for crews and passengers, and travel times. Our charter boat industry is already operating under significant ecological and regulatory stressors. The added burden from this closure could be the final blow for many in the industry.

Groundfishing remains a core of our recreational fishing industry and an important aspect of our fishing and tourism economies. In addition to purchasing bait, fuel, and gear for trips, anglers and charter boats support numerous local businesses indirectly through fishing activity. By hampering recreational fishing, this closure will negatively impact the many businesses from which fishermen and charter businesses purchase goods and services, including marinas, bait and tackle shops, hotels, and restaurants.

We understand that research can help regulators, fishermen, and legislators make good decisions about how to sustain fishing. That is one reason our fishermen are often partners in research efforts. For example, many recreational fishermen participate in multispecies tagging programs.

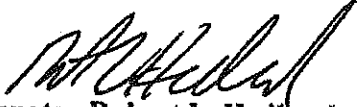
However, we must ensure that the fishing industry, which is already declining due to increased regulations and restrictions, is not even further jeopardized.

The Council's Recreational Advisory Panel has acknowledged how detrimental this closure would be for the recreational fishing industry and unanimously opposed this proposal. We urge the Council to heed both the Panel's judgment and fishermen's voices, and reject this closure.

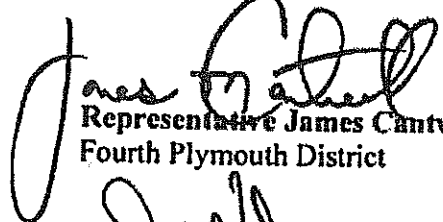
Sincerely,



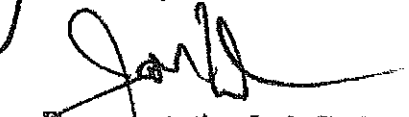
Senate President Therese Murray
Plymouth and Barnstable District




Senator Robert L. Hedlund
Plymouth and Norfolk District




Representative James Cantwell
Fourth Plymouth District




Representative Josh Cutler
Sixth Plymouth District




Representative Shawn C. Dooley
Ninth Norfolk District



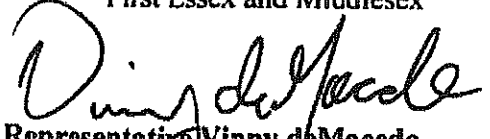
Senator Michael O. Moore
Second Worcester District



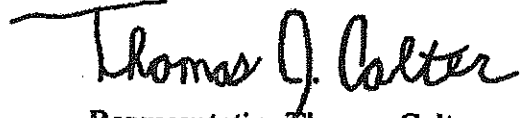
Representative Timothy Madden
Barnstable, Dukes and Nantucket District



Senator Bruce E. Tarr
First Essex and Middlesex



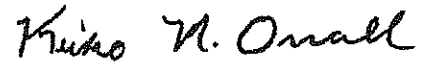
Representative Vinny deMacedo
First Plymouth District



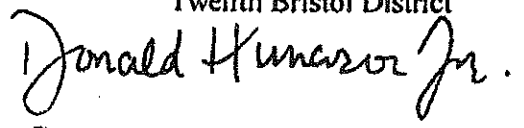
Representative Thomas Calter
Twelfth Plymouth District



Representative Marc T. Lombardo
Twenty-Second Middlesex District



Representative Keiko Orrall
Twelfth Bristol District



Senator Donald F. Humason, Jr.
Second Hampden and Hampshire District



Senator John F. Keenan
Norfolk and Plymouth District

Senator Joan B. Lovely
Second Essex District

Representative Steven S. Howitt
Fourth Bristol District

Representative Sarah K. Peake
Fourth Barnstable District

Representative James M. Murphy
Fourth Norfolk District

Representative David T. Vieira
Third Barnstable District

Representative Tackey Chan
Second Norfolk District

Representative Paul McMurty
Eleventh Norfolk District

Representative Bruce J. Ayers
First Norfolk District

Representative Antonio F.D. Cabral
Thirteenth Bristol District

Representative Garrett J. Bradley
Third Plymouth District

Representative George Peterson
Ninth Worcester District

Representative Angelo D'Emilia
Eighth Plymouth District

Representative Leah Cole
Twelfth Essex District

Representative Kimberly Ferguson
First Worcester District

Representative Kay Khan
Eleventh Middlesex District

Representative Randy Hunt
Fifth Barnstable District

Shaunna O'Connell
Representative Shaunna O'Connell
Third Bristol District

Anne M. Gobi
Representative Anne M. Gobi
Fifth Worcester District

Brian M. Ashe
Representative Brian Ashe
Second Hampden District

Carolyn Dykema
Representative Carolyn Dykema
Eighth Middlesex District

Susan Williams Gifford
Representative Susan Williams Gifford
Second Plymouth District

Brian Mannal
Representative Brian Mannal
Second Barnstable District

Chris Walsh
Representative Chris Walsh
Sixth Middlesex District

Mark C. Montigny
Senator Mark C. Montigny
Second Bristol and Plymouth