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# Correspondence



91 FAIRVIEW AVE  
PORSTMOUTH NH 03801

**NORTHEAST HOOK  
FISHERMAN'S ASSOCIATION**

February 27, 2013

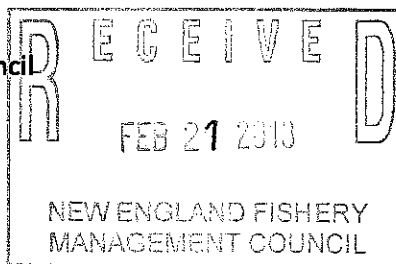
**New England Fishery Management Council**

50 Water Street, Mill 2

Newburyport, MA 01950

Phone: (978) 465-0492

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Dear NEFMC Groundfish Oversight Committee & Groundfish Advisory Panel (GAP):

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 number of active Handgear fishermen catching groundfish has significantly fallen off as has the catch thru various fishery management plans. If the NMFS wishes to have a diverse fleet, changes must be made to preserve and rejuvenate this method of fishing. We are requesting that the Groundfish Oversight Committee and GAP recommend to the full council that the NEHFA plan be analyzed and included in Amendment 18 to restore and rejuvenate this traditional small boat fishery to expand fleet diversity:

There are very few active Handgear fishermen left. The handgear jig fishery was the first in New England and if nothing is done it will be the first to be eliminated.

Respectfully,

Marc Stettner /s/

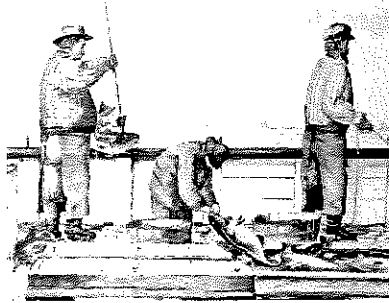
NEHFA MEMBERS: Marc Stettner, Hilary Dombrowski, Paul Hoffman, Christopher DiPilato, Ed Snell, Scott Rice, Roger Bryson, Brian McDevitt, Anthony Gross, Doug Amorello

*If you are a holder of a groundfish HA permit and wish to join the NEHFA, please contact the NEHFA at the address above.*



NORTHEAST HOOK FISHERMEN'S ASSOCIATION

AMENDMENT 18



Gaffing and cleaning cod on the deck of a handlining schooner off the North American east coast, ca. mid nineteenth century.

*"Prior to the introduction of steam trawling in 1906, groundfish were caught exclusively with baited lines, fished from schooners and their dories."*

<http://www.nefsc.noaa.gov/history/stories/groundfish/grndfsh1.html#st>

***This proposal is fully supported by the Handgear fishermen of the NEHFA:***

Marc Stettner, Hilary Dombrowski, Paul Hoffman, Christopher DiPilato, Ed Snell, Scott Rice, Roger Bryson, Brian McDevitt, Anthony Gross, Doug Amorello

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## RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

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### Section 1 Summary of proposal with management measures.

#	PROPOSAL	CHANGE FROM CURRENT MANAGEMENT MEASURES	BENEFITS TO HANDGEAR FISHERY RESTORATION FOR FLEET DIVERISTY
1	Allocate the handgear HA permit cod history (PSC) from 1996-2006 as a specific Sub ACL only to be used by Handgear HA fishermen. Include a stairstep allocation provision as the fishery increases	Yes	<ul style="list-style-type: none"> <li>a. All gear types are fishing on cod handgear history in the common pool.</li> <li>b. Race to fish for handgear fishermen against other gear will be eliminated.</li> <li>c. Specific management measures for handgear fishermen will be made.</li> <li>d. Preserves a traditional fishery and gear type.</li> </ul>
2	Specify handgear cod Sub ACL history can only be used by HA fishermen, using Handgear, if fishing in a sector.	Yes	<ul style="list-style-type: none"> <li>a. Currently Handgear Cod PSC can be moved into sectors and this history may be fished by gear other than handgear.</li> <li>b. <b><u>Eventually all handgear PSC may be used by non handgear vessels and the fishery will be lost.</u></b></li> <li>c. Preserves all the cod history from moving away from the handgear fishery.</li> </ul>
3	Handgear permit holders can sever their HA permit from other fishery permits to sell or transfer it.	Yes	<ul style="list-style-type: none"> <li>a. This will allow fishermen who have other permits (lobster, scallop, etc) on their vessel to sell or transfer their permits without loss of their primary permit.</li> <li>b. This would be a way to increase the number of handgear fishermen.</li> </ul>
4	Waiting list for new entrants into the handgear fishery	Yes	<ul style="list-style-type: none"> <li>a. Will provide a fair way for new entrants into the fishery who do not have resources to buy a permit.</li> <li>b. This will be a way for HB permit holders to upgrade to a HA permit.</li> </ul>
5	Use it or lose it rules	Yes	<ul style="list-style-type: none"> <li>a. This will keep the permits with active fishermen who will use it and allow fishermen off the waiting list to get a HA permit.</li> </ul>
6	Removal of March 1-20 Handgear fishing closure	Yes	<ul style="list-style-type: none"> <li>a. Not necessary under ACLs.</li> </ul>

## RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

### Section 1 Summary of proposal with management measures continued.

#	PROPOSAL	CHANGE FROM CURRENT MANAGEMENT MEASURES	BENEFITS TO HANDGEAR FISHERY RESTORATION FOR FLEET DIVERSITY
7	Cod trip limit increased from 300lbs to 400lbs.	Yes	<ul style="list-style-type: none"> <li>a. Modest increase is necessary due to increases in operating expenses (fuel, bait, etc.</li> <li>b. Will provide further incentive for new entrants.</li> </ul>
8	Access to fish in all permanent and rolling closures except the cod spawning closures.	Yes	<ul style="list-style-type: none"> <li>a. Fishery under a hard ACL.</li> <li>b. Access should be the same as is for Recreational Fishermen who also use hook gear.</li> <li>c. Gear does not disturb bottom habitat.</li> </ul>
9	LOA letter not required to fish either on a commercial groundfish trip or a Charter/Party trip	Yes	<ul style="list-style-type: none"> <li>a. Flexibility needed on a day by day basis to choose what type of trip will be done.</li> <li>b. Many handgear commercial fishermen are also Charter boat operators.</li> </ul>
10	LOA letter required when fishing in the Georges BSA .	No	<ul style="list-style-type: none"> <li>a. The effectively makes sure the correct cod Handgear Sub ACL is accounted for.</li> </ul>
11	Up to 20% unused cod ACL may be transferred to the following fishing year	Yes	<ul style="list-style-type: none"> <li>a. This is allowed in other fisheries.</li> <li>b. Better use of unused cod allocation.</li> </ul>
12	Eliminate Trimester accountability measures for HA permit holders developed in A16	Yes	<ul style="list-style-type: none"> <li>a. Catch rates are low.</li> <li>b. Catch of other primary handgear species in the common pool (haddock and Pollock) are not significant.</li> <li>c. Eliminate the race to fish under each Trimester.</li> <li>d. Separate cod sub ACL for Handgear fishermen.</li> </ul>
13	Automatic triggers to not exceed Handgear cod Sub ACL	Yes	<ul style="list-style-type: none"> <li>a. Required by MSA.</li> <li>b. Developed specific to Handgear fishing practices and effort.</li> </ul>



## RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

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### Section 1 Summary of proposal with management measures continued.

#	PROPOSAL	CHANGE FROM CURRENT MANAGEMENT MEASURES	BENEFITS TO HANDGEAR FISHERY RESTORATION FOR FLEET DIVERISTY
14	IVR call in not required unless 80% of the cod Handgear SUB ACL harvested. Call in modified to streamline what is needed for this fishery.	Yes	<ul style="list-style-type: none"> <li>a. Catch rates in this fishery are slow enough to loosen this reporting requirement.</li> <li>b. Repetitive information is gathered that is not needed.</li> <li>c. Current IVR call in requirements too complicated for this fishery.</li> </ul>
15	Fish size limits per existing commercial regulations.	No	<ul style="list-style-type: none"> <li>a. Size limits are an effective management tool especially for hook caught fish.</li> </ul>
16	Discard mortality for hook caught cod will be set at 6-10%.	Yes	<ul style="list-style-type: none"> <li>a. Current concept of 100% discard mortality is 100% wrong for this fishery.</li> <li>b. Best available science says 6-10%.</li> </ul>
17	One HA permit per fisherman. One time sell provision for existing HA permit holders	Yes	<ul style="list-style-type: none"> <li>a. Prevents corporations or NGOs from removing permits from the fishery.</li> <li>b. Allows new entrants into the fishery.</li> </ul>
18	Removal of requirement for HA fishermen to carry a tote.	Yes	<ul style="list-style-type: none"> <li>a. Handgear fishermen keep their fish in coolers. Totes take up needed deck space in small boats.</li> </ul>
19	VTRs for reporting catch	No	<ul style="list-style-type: none"> <li>a. Primary means of reporting catch.</li> </ul>
20	Changes to handgear input controls	Yes	<ul style="list-style-type: none"> <li>a. More flexibility needed to harvest cod Sub ACL</li> <li>b. Encourage more fishermen to participate in this fishery.</li> </ul>

# RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

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## Section 2 STATUS OF THE HANDGEAR FISHERY

### Current Commercial Cod Handgear Fishery:

(HA) Handgear A: Limited Access permit (limited number of permits)

*A vessel with a valid open access multispecies handgear permit is allowed to possess and land up to 300\* lb (136.1 kg) of cod, one Atlantic halibut per trip, and the daily possession limit for other regulated NE multispecies, provided that the vessel did not use or possess on board gear other than rod and reel or handlines while in possession of, fishing for, or landing NE multispecies, and provided it has at least one standard tote on board. A Handgear permit vessel may not fish for, possess, or land regulated species from March 1 through March 20 of each year and the vessel, if fishing with tub-trawl gear, may not fish with more than a maximum of 250 hooks.*

(HB) Handgear B: Open Access permit (open to any fisherman, unlimited in number of permits issued)

*The vessel may possess and land up to 75\* lb of cod and up to the landing and possession limit restrictions for other NE multispecies. Same gear and seasonal restrictions as HA permits.*

\*Cod trip limit changes automatically proportional to cod trip limit changes for DAS vessels with Management actions.

### Current Participation (2008/2009) data:

# Handgear HA Permits :	140
# HA fishermen who are active in the Cod fishery:	<10 (estimate)
# HB Permits:	1,137

### Amendment 16 Data & Information:

**Table 58 - Total number of multispecies vessels landing groundfish by permit category, FY 2004-FY 2007**

Year	2004	2005	2006	2007
Individual DAS	691	637	590	530
Fleet DAS				
Small Vessel Exemption	2	1	2	4
Hook Gear	34	32	20	18
Combination Vessel	16	16	10	16
Large Mesh Ind. DAS	27	22	16	10
Large Mesh Fleet DAS	1			
Handgear Open Access	0			
Handgear - A	44	32	26	23
Handgear - B	75	63	59	73
Other Open Access	65	57	64	65
<b>Total</b>	<b>955</b>	<b>860</b>	<b>787</b>	<b>739</b>

## RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

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### Section 3 WHY CHANGE?

1. The current handgear rules and multiple layers of restrictions have resulted in a handgear fishery that is not profitable. The average revenue for handgear HA permits has plummeted to less than \$5000 per year when at one time this was the primary New England method of catching cod in New England. The MS fishery act requires that there be diverse fisheries with different gear types.
2. Amendment 16 (A16) EIS (Environmental Impact Study) states **“Vessels less than 30 feet saw the biggest decrease in revenue, with an 88.8% change between FY 2001 and FY 2007”**. If no action is taken to invigorate the small boat fisheries, we will have been regulated off the water, due to fishery Management Actions, even as fish stock rebound.
3. Fishing under Sectors is not a viable option considering the high costs compared to the low PSC (Potential Sector Contribution) that the Handgear fishermen received. The overwhelming majority of Handgear fishermen did not join sectors. Those who have PSC are not likely to fish in the sectors but are more likely to lease or sell their PSC. A16 estimated that it will cost fishermen \$17,000 per vessel to participate in sectors. The allocation of Cod (primary species) to Handgear fishermen is not enough to make it a profitable option to join a sector. There is no guarantee that even if a Handgear fisherman leased additional cod that the fisherman will be able to land the fish since they must first bite the hook. Once all the current Handgear permits and PSC history is bought up vessels not using Handgear, it will be extremely hard for new entrants into the fishery.
4. The current Handgear (HA and HB permits) Cod trip limits are tied to increases in the Cod trip limits for vessels fishing under DAS. At the time of Amendment 13 this rationale made sense. The idea was to have an automatic adjustment as the cod fishery rebound. With the majority of fishermen in Sectors, and the Handgear fishermen in the Common Pool, there is the very real possibility the cod TAC for the common pool will be harvested before the Handgear fishery will have had a chance to harvest their traditional percentage of the fishery. There is no possible way for the Handgear fishery to harvest cod at the rate of modern fishing methods such as trawls or gill nets. In the race to fish Handgear fishermen will lose every time.
5. There is no way for a person who wishes to become a commercial fisherman, to obtain a viable groundfish permit without substantial financial resources. The future generations need a way to be commercial ground fishermen with minimal startup costs.
6. Handgear fishermen can selectively fish with little or no bycatch. New England handgear fishermen primarily only catch Cod, haddock and Pollock with practically no appreciable quantities of other groundfish that are not considered rebuilt.
7. The fishery is very easy to manage if the management measures are kept to a minimum. The primary management measure proposed for this fishery will be trip limits with an Annual Catch Limit (ACL).
8. Similar Hook gear fisheries are successful such as the Hook Gear Halibut fishery in Alaska and the commercial Striped bass fishery in Maryland.

## RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

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### Section 4 Specifics of proposal and discussion.

- #1 Permanently allocate the handgear HA permit cod history (PSC) from 1996-2006 as a specific Sub ACL only to be used for Handgear HA fishermen. Institute a stairstep provision to increase the HA cod allocation by 1%, if 90% of the allocation is harvested in any given year. Step down provision to decrease the HA cod allocation by 1%, if 90% of the previous allocation (prior to the most recent stairstep increase) is not harvested during two consecutive years. The allocation would not drop below its initial permanent allocation level.**

Discussion: Currently the majority of the cod allocated to the common pool is the history of the handgear fishery. All gears can fish on this history which in turn leads to a race to fish where other gear types can harvest the cod Sub ACL before handgear have had the chance to catch their historical percentage of the fishery. It is fair to allocate this small percentage to the Handgear fishery as what was done for the recreational fleet and for other commercial fisheries. Once this allocation is made, management measures can be developed to eliminate the race to fish and to reestablish of this traditional fishery in New England. The stairstep provision would be a means to expand the fishery as more fishermen are fishing with handgear as it hopefully becomes popular again

- #2 Specify handgear cod Sub ACL history can only be used by fishermen using handgear.**

Discussion: Currently under Sectors, it is possible for a Handgear fisherman to join a sector and lease their cod PSC to other sector members who do not use Handgear. A Handgear fisherman can also sell their HA permit with attached PSC to a Boat owner who transfers it to a skiff and then the Handgear PSC is transferred into the Sector. Unless this practice stops, all the historical handgear PSC will be lost to other gear types and the handgear fishery will be lost. This practice, if continued will severely affect the sustainability of those wishing to fish using handgear by lowering the cod Sub Handgear ACL. This would not prevent a Handgear fisherman from fishing in a sector but if they choose to then they must use handgear.

- #3 Handgear permit holders can sever their HA permit from other fishery permits to sell or transfer it.**

Discussion: Many HA permits are tied to boats in other fisheries such as lobster. This would allow these fishermen to sever the HA permit off and sell it to anyone wishing to buy the HA permit. This would hopefully allow new entrants seeking a handgear HA permit into the fishery. Currently a lobster fisherman, for example, would have to sell his combined lobster and handgear permit to someone at the combined price that may be significantly higher if it was just a handgear permit.

## RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

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Section 4      Specifics of proposal and discussion.

### **#4      Waiting list for new entrants into the handgear fishery.**

Discussion:      The current HA permit holders will only be able to sell their permit. The buyer will know up front that he/she will not be able to sell the permit in the future and the market price will determine the price of the existing permits when they are sold. Current handgear fishermen may have purchased their permit or invested heavily in the fishery with the intent of selling it which is why they must be allowed to sell their permits. The only way to obtain a permit after the sale of the initial HA permits will be off the waiting list. The waiting list will have two categories with one being current fishermen with DAS permits with some cod PSC and the second category will be open access Handgear B permits. When a permit is retired for failure to renew or under the "use it or lose it terms", fisherman off the waiting list will be offered the permit.

List rules:

- a. The order of the DAS fishermen list will be by highest cod PSC that would be transferred into the HA total sub ACL for cod. The higher the cod PSC attached to the permit the higher on the list the fisherman would be. A minimum of cod PSC (5,000 lbs, 10,000 lbs, 15,000 TBD) will be required to get on the DAS HA permit waiting list. The exact pounds of cod TBD by the NEFMC for this proposal with the intent that they would be bringing in about the cod they would catch under this permit. This would bring more cod quota into the handgear fishery that is very much needed. Once this fisherman obtains a HA permit their DAS permit is retired from the fishery.
- b. The order for the HB permit will be by the date they initially obtained a HB permit.
- c. The selection for new entrants will start with a fisherman from the DAS category and will alternate between the two as permits as permits become available. See the enclosure for how the waiting list will be generated and the order.

### **#5      Use it or lose it rules**

Discussion:      In order to retain a HA permit fisherman must land (250 lbs, 500 lbs or TBD) cod in any one year out of three. Failure to land #lbs (TBD by NEFMC) will result in being ineligible to renew their permit. This will result in some way for new entrants into the fishery. A fisherman who loses their HA permit may petition the NMFS for reasons that include military service where they are stationed overseas or with a note from a Physician that states they were unable to fish for the last year of the three and that they can now fish.

## RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

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Failure to petition the NMFS within 3 months (postmarked letter) after May 1<sup>st</sup> of the 3<sup>rd</sup> year will result in the loss of the permit.

### Section 4 Specifics of proposal and discussion.

#### **#6 Removal of March 1-20 Handgear fishing closure**

Discussion: No longer needed with a specific cod Sub ACL. Catch of other species is not significant enough to warrant this closure.

#### **#7 Cod trip limit increased from 300lbs to 400lbs.**

Discussion: Handgear fishermen prefer a self imposed trip limit as a management tool. This will help spread out the small cod quota among the coast where the cod show up in abundance at various times. Those HA fishermen who wish to have unlimited cod trip limits may join a sector. This trip limit may be adjusted by future groundfish Frameworks or Amendments depending on the use of the HA cod Sub ACL and the status of the cod stocks. This modest increase in the cod trip limit is intended to offset the skyrocketing costs of fuel and other expenses since the 300lb trip limit was implemented. A higher trip limit and potential profit will help draw more fishermen into this fishery.

#### **#8 Access to fish in all permanent and rolling closures except the cod spawning closures.**

Discussion: Handgear fishermen would now be fishing under a cod Sub ACL and no longer need this effort control imposed under previous management measures. Handgear fishermen use small boats that mostly limit them to inshore waters. They do not disturb essential fish habitat. They should have the same access as the recreational fishery that also use hook gear.

#### **#9 LOA letter not required to fish either on a commercial groundfish trip or a Charter/Party trip.**

Discussion: Many handgear fishermen also are Charter/Partyboat operators. Flexibility is needed more than ever so a fisherman can choose if they wish to charter for the day or fish under their Handgear permit commercially. This LOA letter is not needed when Handgear fishermen have access to the permanent and rolling closures. Enforcement will be similar to the BF tuna fishery where they are limited by the trip limits. Once a recreational trip limit is exceeded the trip is automatically becomes a commercial trip and a VTR would be filled out prior to returning to the dock as a commercial trip.

#### **#10 LOA letter required when fishing in the Georges BSA.**

## RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

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Discussion: Existing measure. By default a fisherman without this LOA is fishing in the GOM. This makes sure the cod Sub ACL for handgear fishermen is deducted properly.

Section 4 Specifics of proposal and discussion.

### #11 Up to 20% unused cod ACL may be transferred to the following fishing year.

Discussion: This would provide some stability from a poor fishing year into a good fishing year for quota management. Roll over provisions currently exist in other fisheries. This is a conservation positive provision since there is no guarantee the extra 20% will be caught.

### #12 Eliminate Trimester accountability measures for HA permit holders developed in A16.

Discussion: Catch rates are low and this is not warranted because of a specific cod sub ACL. The primary catch is Cod with some haddock and pollock. The catch of other species is not significant.

### #13 Automatic triggers to not exceed Handgear Sub ACL.

Discussion: The following automatic trigger will be applied to make sure the cod Sub ACL (per BSA) will not be exceeded. NEFMC shall choose between choices a & b below. The choice shall be made with input from the PDT and the Handgear fishermen.

- a. Cod trip limit initially set at 400 lbs. When 85% of the Handgear ACL is harvested, the trip limit will be reduced to 200 lbs. When 95% of the Handgear ACL is harvested the trip limit will be reduced to 100 lbs.
- b. Cod trip limit initially set at 400 lbs. When 85% of the Handgear ACL is harvested, the NMFS will reduce the trip limit (in increments of 100lbs but no less than 100lbs) to spread the cod fishery out over the remainder of the fishing year.

### #14 IVR call in not required unless 80% of the cod Handgear SUB ACL harvested. Call in modified to streamline what is needed for this fishery.

Discussion: Catch rates in this fishery are slow enough to loosen this reporting requirement. Repetitive information is unnecessarily gathered such as (phone number, BSA, gear used, ect). **Only end of trip IVR call in with permit number and VTR # is needed when 80% of the cod Sub ACL is reached.** The dealer reports the catch within 24 hrs. via the dealer reporting. The current call in & out system is too complex for this simple fishery.

### #15 Fish size limits per existing commercial regulations.

## RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

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Discussion: Handgear fishermen may choose to implement higher size limits as a management tool thru fishery Management plans. The 100% discard mortality number would have to change before this can be considered.

Section 4 Specifics of proposal and discussion.

### #16 Discard mortality for hook caught cod will be set at 6-10%.

Discussion: Discard mortality for hook caught cod will be set at 6-10%. "Survival of Discarded Sublegal Atlantic Cod in the Northwest Atlantic Demersal Longline Fishery", HENRY O. MILLIKEN, 2009 is the best available science and must be used.

### #17 One HA permit per fisherman. One time sell provision for existing HA permit holders

Discussion: This is to be a one boat, one permit one Captain Fishery. No banking of the permits is permitted by entities, companies, organizations or NGOs. Only the fishermen using the permit will be able to obtain and keep this permit. This is a permit to harvest fish commercially, by fishermen, and is not to be a commodity to be traded or bartered by investors. **All initial Handgear HA permits will be able to be sold 1 (one) time only.** After this one time transfer, the permit can't be transferred to another person, corporation or NGO. See #4 above how this relates to the waiting list and for further information.

### #18 Removal of requirement for HA fishermen to carry a tote.

Discussion: Handgear fishermen keep their fish in coolers. Totes take up needed deck space in small boats. Fish are often unloaded from coolers into totes at point of sale or at the dock where the fish are transferred off the vessel. Other commercial fisheries do not require totes to be onboard. Transferring the fish at sea from iced coolers to totes, spoils the quality of the fish. Since the quantity of fish is small, Handgear fishermen must maximize the quality. The dealer report will list the precise quantity of fish in pounds and this is reported to NMFS.

### #19 VTRs for reporting catch.

Discussion: No change from existing regulations.

### #20 Changes to handgear input controls

Discussion: Electric assist reels will be allowed on fishing rods. Small winches typically found as lobster haulers or line haulers may be used to bring in the 250 hooks (# hooks



## RESTORING THE NEW ENGLAND GROUND FISH HANDGEAR FISHERY PROPOSAL

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may increase in future fishery actions) tub trawl. Under a hard Sub ACL for cod these input controls are warranted. This is requested to allow an easier harvest of the cod Sub ACL but is keeping in line with the type of fishery this is. Electric assist reels are very popular in the recreational fishery for deep water fishing and this would help handgear fishermen target larger cod. Small winches for hauling the tub trawl is for safety reasons and well as easing the input controls.

### Section 5 Why current HA fishermen should support this.

1. HA cod is now part of the Amendment 16 common pool. If the other fishermen in the common pool catch the cod TAC early, the handgear cod fishery may be shut down before HA permit holders had a chance to harvest any cod. This is the race to fish that handgear fishermen will lose.
2. Removing the Handgear historical cod catch from the common pool cod measures Handgear fishermen will not be under a race to fish and can fish when it best suites their business plan.
3. Currently with the rolling closures small boat fishermen do not have access to the fishery when the weather is best suited and safe to fish.
4. Existing permits who decide to leave the fishery can sell/transfer their permits, to recoup any costs associated with their participation in the fishery, if they choose.
5. As the cod fishery rebounds, the cod trip limits will increase that will lead to much better profits per fisherman.
6. Exemptions from the rolling/permanent area closures (except cod spawning closures) which in some cases reduced Handgear cod catches by 75% and made the cod fishery inaccessible to many when cod are historically most plentiful. Handgear fishermen can't fish offshore or around rolling closures.
7. **Future generations of fishermen will be able to actively once again participate in a historical fishery and be profitable.**
8. **Once again a 17yr old HS student can borrow his parent's skiff and go commercially cod fishing in the summer instead of flipping burgers. The only cost to fish is the fuel to run the boat for the day and some ice. Eventually this fishery could lead to a way for new entrants into larger scale commercial fishing ventures for groundfish.**

### Section 6 Why Fishery Managers should support this.

1. MSA requires a diverse commercial fleet with different gear types.
2. This is hard cod Sub ACL fishery.
3. This is basically a one species fishery that is easily managed.
4. Many layers of outdated Handgear management measures are removed.

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5. Easy enforcement. The only enforcement necessary would be size limits and trip limits.
6. At sea monitoring is not required since handgear fishermen do not harvest many species nor do they move between management areas. Marine Mammal interactions do not occur in this fishery.
7. Double monitoring for quota purposes at point of sale (dealer) and via the traditional VTR. It is anticipated that Handgear will be able to enter their VTR trip data electronically at home via the internet after a trip.
8. Sustainable fishery to match the fishery stocks.
9. Catch rates are slow due to the gear used.
10. Reinvigoration of the handgear cod fishery fleet that has fallen to its lowest level ever.
11. Enable new entrants into a fishery without the unknowns of an open access fishery.

### Section 7      SAMPLE HA PERMIT WAITING LIST

#	DAS FISHERMAN NAME	DAS FISHERMAN PSC COD	HANDGEAR HB NAME	HANDGEAR HB DATE FIRST APPLIED
1	JOHN CODFISH	25,800	JAMES CONGER	1/15/2013
2	STEVE CUSK	12,700	JIM BLUEFISH	2/21/2013
3	TIM CUNNER	11,200	CHET SEABASS	7/8/2013
4	JOE BLOWFISH	10,350	BOB TUNA	1/10/2014
5	ANTHONY TUNA	8,560	TRACY YELLOWTAIL	3/21/2015
6	MARK TAUTOG	6,250		
7	PHIL FLUKE	5,100		

John Codfish would be picked first followed by James Conger and so on alternating between the two types of fishermen. Fishermen would declare their intent to remain on the waiting list or be added to the list with their permit application every year.

## Joan O'Leary

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**From:** Tom Nies  
**Sent:** Friday, February 22, 2013 4:54 PM  
**To:** Karen Roy; Joan O'Leary; Paul Howard; Chris Kellogg; Fiona Hogan  
**Subject:** FW:  
**Attachments:** PROBLEM STATEMENT HADDOCK.pdf

-----Original Message-----

**From:** Maggie Raymond  
**Sent:** Friday, February 22, 2013 1:10 PM  
**To:** Terry Stockwell; Tom Dempsey; David Pierce; Dave Goethel; Terry Alexander; Susan A. Murphy; Frank Blount; Peter Kendall; Laura Ramsden  
**Cc:** Rip Cunningham; John Bullard; Bill Karp; Fiona Hogan; Tom Nies  
**Subject:**

Dear Terry and members of the Groundfish Committee:

I write to elaborate on an issue raised at the January 25, 2013 Groundfish Committee meeting, and to seek a commitment from the Committee to pursue a resolution to the problem identified.

Please see the attached statement regarding the disparity between the 2013 ACLs for GOM and GB haddock, and the management dilemma this disparity poses for the industry.

We hope that the Committee, perhaps with guidance from the SSC, will develop a management strategy that takes into account the scientific information about spillover of GB haddock into the GOM stock area, and one that minimizes the likelihood that the low GOM haddock ACL will restrict fishing opportunity for other stocks in the GOM.

Sincerely,

Maggie Raymond  
Associated Fisheries of Maine

cc: Rip Cunningham, John Bullard, Bill Karp



**PROBLEM STATEMENT:**

The haddock resource in the Northeast is assessed by the Northeast Fisheries Science Center (NEFSC) as two stocks, Gulf of Maine haddock and Georges Bank haddock.

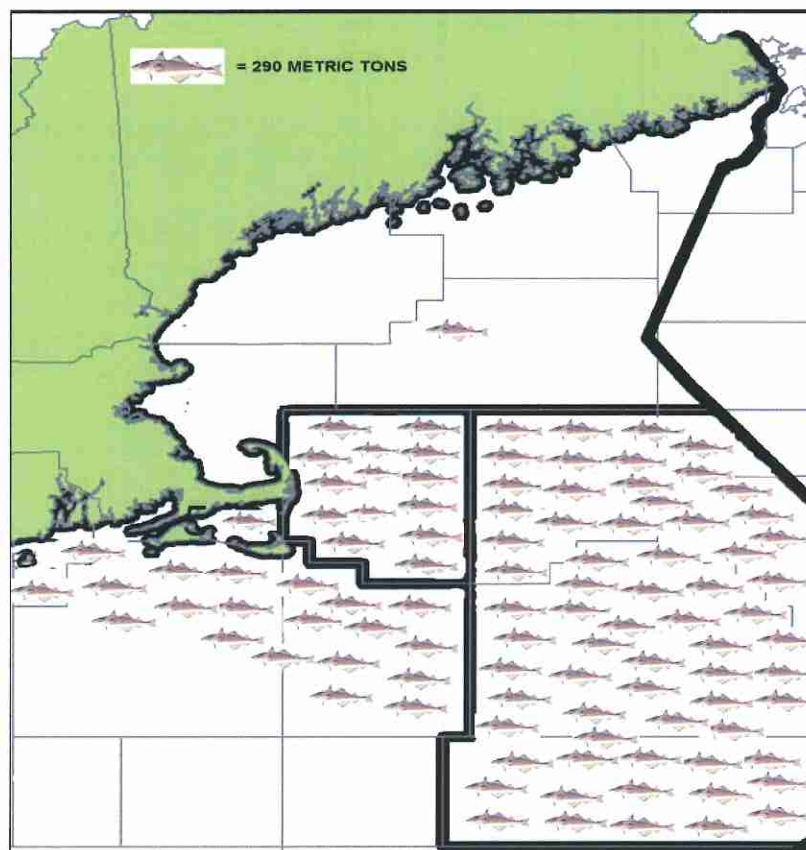
Georges Bank haddock has been intensively studied as far back as the 1930s and assessment documents for the following years are available on the NEFSC web page; 1986, 1987, 1991, 1996, 1997, 1998, 2002, 2005, 2008 and 2012, as well as the annual TRAC updates since 1998. Gulf of Maine haddock has been assessed less frequently: 1986, 2001, 2002, 2005, 2008 and 2012.

The Gulf of Maine haddock stock boundary region is designated as statistical areas 511-515. The Georges Bank haddock stock boundary region is the area south of the Gulf of Maine stock complex.

**In 2013, the Gulf of Maine haddock ABC (allowable biological catch) is 290 mt.**

**In 2013, the Georges Bank haddock ABC is 29,335 mt, or 100 times greater than the Gulf of Maine haddock ABC. (Figure 1)**

**Figure 1**



Information regarding the identification of separate stocks of haddock and the level of interchange between stocks has evolved. Research documents and stocks assessments provide some support for the stock delineation between the Gulf of Maine and Georges Bank, and some information about the “mixing” of the stocks, as well as the observed “spill over” into the Gulf of Maine of large year classes of Georges Bank haddock. Research also shows that historically there has been consistency between year-class sizes for the different stocks, though discrepancies have also been noted. Uncertainty about haddock stock structure within New England waters remains (see attached).

Given the evidence of a large year class (2010) of Georges Bank haddock, it is likely that some will spill over into the Gulf of Maine. If just 1% of the Georges Bank haddock ABC were to spill over the stock boundary, and be caught by Gulf of Maine fishermen, the entire Gulf of Maine groundfish fishery could be closed. Problem will exacerbate if the 2010 year class of Gulf of Maine haddock proves to be strong, as well as by increased ABCs for Georges Bank haddock for 2014, and 2015 and stagnant ABCs for GOM haddock during the same years.

## Research references to Haddock Identification and Stock Mixing

- 1) Review and Assessment of the Georges Bank and Gulf of Maine Haddock Fishery. J Northw. Atl. Fish. Sci., Vol. 3, 1982, page 4  
<http://journal.nafo.int/j03/clark.pdf>

*It is possible that some interrelationships exist between these groups, as Grosslein and Hennemuth (1973) found generally good agreement between yearclass size in **the Georges Bank, Gulf of Maine and Browns Bank areas, i.e. the same year-classes have historically tended to be relatively strong or weak throughout the region, but discrepancies have been noted (e.g. the 1978 year-class was estimated to be strong on Georges Bank and weak in other areas).***

And, based on review of historical tagging studies, the authors conclude, page 24:

*The Georges Bank population east of the Great South Channel appears to be relatively isolated from those of adjacent areas, but one or two smaller units, which may intermingle to some degree, also exist in the Nantucket Shoals and western Gulf of Maine area.*

- 2) Report of Second NEFC Workshop Stock Assessment Workshop, June 13, 1986, Ref Doc 86-09, page 8, Gulf of Maine haddock discussion.  
<http://nefsc.noaa.gov/publications/series/whlrd/whlrd8609.pdf>

*Based on recruitment indices from the Massachusetts survey and commercial catches, it appears that large year classes from Georges Bank may spill over into some areas of the Gulf of Maine at age 2-3+.*

- 3) Report of the Thirteenth Northeast Regional Stock Assessment Workshop, February, 1992, page 73, Georges Bank Haddock discussion.  
<http://nefsc.noaa.gov/publications/crd/pdfs/crd9202.pdf>

*The haddock (*Melanogrammus aeglefinus*) within USA waters are considered to comprise two management units, Georges Bank (Division 5Z/Subarea 6) and Gulf of Maine (Division 5Y). These definitions are based on tagging studies, meristic data, age composition and growth.*

(references for tagging studies, meristic data, age composition and growth not cited in this document)



4) Begg, G. A Review of Stock Identification of Haddock, *Melanogrammus aeglefinus*, in Northwest Atlantic Ocean, *Marine Fisheries*, 60(4), 1998, [page 2](#)

*Currently, six stocks are recognized for haddock in the northwest Atlantic: 1) Grand Banks (Div. 3LNO), 2) St. Pierre Bank (Div. 3Ps), 3) Eastern Scotian Shelf and Southern Gulf of St. Lawrence (Div. 4TVW), 4) Western Scotian Shelf (Div. 4X), 5) Georges Bank (Div. 5Zjm - Canada; Div. 5Z - USA), and 6) Gulf of Maine (Div. 5Y)*

And [page 12](#):

*A considerable degree of uncertainty still remains in the current views of haddock stock structure within New England waters, particularly over the discreteness of the Nantucket Shoals population and, to a lesser extent, that in the Gulf of Maine.*

5) Assessment of 19 Northeast Groundfish Stocks through 2000: A Report to the New England Fishery Management Council's Multi-Species Monitoring Committee, [page 195](#).  
<http://nefsc.noaa.gov/publications/crd/crd0120/pdfs/0120-2r.pdf>

*The Gulf of Maine haddock stock was last assessed at SAW/SARC 2 in 1986. .... The fishery in the mid 1980s was being supported by spill over of large year classes from Georges Bank, and research vessel surveys indicated that recruitment in the Gulf of Maine was extremely poor.*

6) Update of the Gulf of Maine haddock (*Melanogrammus aeglefinus*) stock assessment: an update of the resource through calendar year 2010, posted March 14, 2012, [page 180](#).  
<http://nefsc.noaa.gov/publications/crd/crd1206/gomhaddock.pdf>

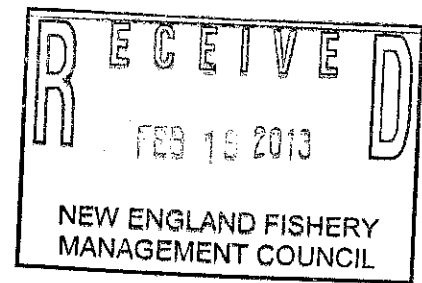
*“The delineation of the two stocks is supported by differences in growth rates and general distribution patterns (Begg et al. 1999), though tagging studies do indicate some degree of mixing between the two stocks as well as with stocks in Canadian waters (reviewed in Begg 1998)”.*



June 14, 2011

Mr. John Pappalardo, Chair, New England Fishery Management Council  
Mr. Rip Cunningham, Chair, Groundfish Oversight Committee

VIA ELECTRONIC MAIL



Dear John and Rip:

As follow-up to the June 9, 2011 workshop on accumulation limits and fleet diversity in the groundfish fishery, the undersigned members of the Council's Groundfish Advisory Panel make the following observations and recommendations.

For several years the groundfish fleet has "under-fished" its total allowable catch of several species. The most direct way to achieve an economically viable fleet that includes vessels of all sizes, and healthy, vibrant fishing communities throughout the region, would be to close the gap between catch and scientifically determined catch limits.

***The Council should make it a top priority to identify, modify and/or remove impediments to achieving optimum yield from the NE groundfish resource.***

Although an appropriate number of vessels that would match the harvest limits of the NE groundfish resource has not been articulated, it is generally understood and accepted that the groundfish fleet is overcapitalized. Over several years, the Council has attempted to effect consolidation through successive frameworks and amendments to the fishery management plan.

While consolidation has been steadily occurring in the groundfish fleet, some have recently expressed a concern about "excessive" consolidation. However, no one has yet articulated a minimum number of vessels and/or owners that would constitute a maximum consolidation limit.

It is also generally understood that the groundfish fleet is of advanced age, and that the majority of boats will need to be replaced by newer, safer, and more fuel efficient boats within the next decade. To achieve that expensive goal, individuals must be able to accumulate significant revenue. At current ownership levels, few individuals have the capital required for vessel replacement.

***With respect to concerns about excessive consolidation, we recommend that the Council conduct an analysis of an ownership cap on groundfish permits that would prevent disenfranchisement of current owners, encourage the consolidation that is still needed to reduce overcapitalization and increase economic viability, preserve sector prerogatives to maintain membership diversity, and protect against market power. We recommend this single focus in order to realize the quickest implementation possible, so that excessive consolidation, as yet to be defined, does not occur.***

A cap on permit ownership could be implemented quickly, would be consistent with the ownership cap in the scallop fishery, and consistent with the "excessive share" requirement of National Standard 4.

The Council has expressed a desire to protect "fleet diversity". Although a definition of fleet diversity has not been articulated, we assume this means the Council would like the fishery to maintain a minimum number of vessels across all vessel sizes.

Over \$20 million in public and private funds has been earmarked by States and certain fishing communities for the purpose of providing opportunities for small scale fishermen and fishing communities to acquire fishing privileges. These permit banks will likely make a major contribution to achieving fleet diversity goals.

*Resubmitted for Consideration*

***The Council should, in consultation with its Groundfish Advisory Panel, establish a process for the formation of Community Fishing Associations (CFA). The process should define organizational standards, should require CFAs to establish goals and objectives consistent with the FMP, and should include a requirement for CFAs to report to the Council on progress towards meeting those goals.***

This would empower those interested to develop a "community a sustainability plan" that they could use to help acquire the resources needed to meet the plans goals and objectives. Given the vast differences in values held by different fishing ports, we see a decided advantage to allowing communities to define a vision and goals as opposed to the Council attempting to do so.

Some have suggested (albeit without documentation) that fleet diversity can be achieved by restricting ownership levels and allocation trades. We believe it would be difficult and ultimately unlikely that the Council could protect fleet diversity with market input controls, given the strong likelihood of unintended negative effects.

***The Council should not impose restraints on the flow of allocation trades or leases between individuals, sectors, and/or vessel classes. Such restraints are incompatible with the fundamental concept that sectors themselves should decide when, how, and by whom the sector's allocation should be utilized. Trade restraints would limit Sectors' ability to pursue their own diversity goals, such as providing allocation to new entrants, or giving preference to owner-operators, specific vessel classes, and/or gear types.***

As always, we appreciate your consideration of our views.

Vincent Balzano	Jackie Odell
Carl Bouchard	Paul Parker
Chris Brown	Maggie Raymond
Bill Gerencer	Mike Russo
Emilie Litsinger	Hank Soule
Jan Margesen	

2015 08 20 10:00 AM

-----Orig

From: c [mailto: ]@st.net

Sent: Monday, February 11, 2013 1:16 PM

To: Hank Soule; EnforcementAdvisors; VMS/Enforcement; Pat Fiorelli; Terry Alexander

Subject: Lisa Ann II

Council, Enforcement, NOAA, For next year would it be possible to carry our shrimp net while we are groundfishing as long as it is tarped and disconnected and bound with the grate attached. Some of the vessels have 2 reels and or can store on deck. We need to be able to switch back and forth next year to do multiple fisheries. It is hard for most of us to move nets around at different tides. Please do what you can to accommodate us fishermen that are trying to stay in business doing multiple fisheries. They allowed us to keep our small mesh net on when we did the Industry based cod survey, this request should be no different. Thanks Jim Ford. F/V Lisa Ann.  
Sent via BlackBerry by AT&T



**Joan O'Leary**

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**From:** Jonathan Lauffer  
**Sent:** Sunday, February 03, 2013 10:26 AM  
**To:** Joan O'Leary; Pat Fiorelli  
**Subject:** Thank You - Cod Quota

Hello,

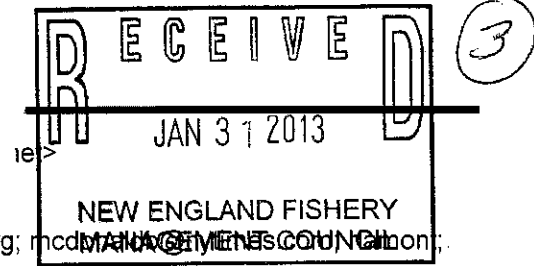
I wanted to send my thanks to your organization for your brave and, more importantly, responsible decision to reduce the cod quota. I know this action affects many people's lives and must have been a hard decision but watching the fisheries be depleted to nothing would be disastrous. Please pass my words of appreciation to everyone who played a part in making this decision. This action ensures that the section of the world entrusted to your protection prospers for generations to come.

Thank you,  
Jonathan



Joan O'Leary

**From:** Jim Ford- F%2FV Lisa Ann II <  
**Sent:** Thursday, January 31, 2013 9:48 AM  
**To:** John Bullard  
**Cc:** hank; George Darcy; Joan O'Leary; jothomas@edf.org; mcdonald@edf.org; nefsector5 dan  
**Subject:** observers/cuts



Noaa, Nemfsc

I am still in shock from yesterdays meeting, I don't know what I am supposed to do? I have a 7,000 dollar boat payment a month , along with insurance,dockage and all the other bills that go on and on, along with all of the domestic bills, college for two boys, house mortgage etc. I have one of the newest draggers in the fleet and am (was) one of the so called have's in the whole have and have not's scenario that some fishermen have named some of us. I have always stuck by the service (NOAA) and understand that they have a very tough job and will never make everyone happy. I fully understand that we need to protect our valuable resource but with all this , there will not be any fishermen left or buyers. I can see it now, buyers are already looking elsewhere to get the supply of fish they need, this country doesn't need more imports of fish. I really hope congress or somebody cares enough to fix this somehow. I am absolutely appaled that anyone can even think about charging me for a observer, this is something the govt wants,not me. I am very sure you have seen my letters about observer issues in the past. In the past I have always brought up issues that really mean something to me and I feel very strongly about for instance laying outside the demarc for 24hr +1 min in storms, throwing fish over, observer issues and now paying for observers, this is just taking every little bit of profit we might have and completely ruining our chance to possibly make it through these tough times. I beg of you to either cut the observer program by 50 percent so that Noaa can pay for it or ask congress,since they wont give us any economic relief. Please try to do what you can,our fishery depends on it.

Thanks, Jim Ford

F/V Lisa Ann II

Newburyport Ma./ Gloucester Ma

*a. Cornwall, TN, FH (2/4)*





## Joan O'Leary

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**From:** william skrobacz <williamskrobacz@gmail.com>  
**Sent:** Wednesday, January 30, 2013 8:25 AM  
**To:** Joan O'Leary  
**Subject:** at sea monitors

greetings, i'd like to know how in the name that makes any scence at all, HOW in the world are we to afford the cost of atsea monitoring??. with nothing left to catch ,there is no money left for all the expences that are incurred with owning a fishing vessel. if you doubt this i will gladly prove it . thank you, william skrobacz o/o f/v toots 123717



**From:** <1>  
**Date:** January 25, 2013, 4:04:25 PM EST  
**To:** <pfiorelli@nefmc.org>, <john.bullard@noaa.gov>, <George.Darcy@noaa.gov>  
**Subject:** council members

Dear council members,

My name is Dennis Robillard and I am a commercial fisherman and owner/operator of a 43 ft day fishing trawler in the northeast and just wanted to write you and let you know that I understand that you have to use the "BEST AVAIABLE SCIENCE". With the recent cuts to flounders and pending cuts to GOM Cod I will no longer be able to maintain my business in the fishing industry. This saddens me beyond belief because I've been doing this since I was 19 (I am now 44). I am not the only one this is happening to as I am sure you are all well aware of. In 2010 I started out with 130,000 of GOM Cod and after the next round of cuts I will have a mer 20,000 (I think that's what it works out to be in my case) I would like to know who at the agency screwed up so bad that WE now have to take an almost 90% cut in GOM Cod quota not with standing the other cuts to other species. This leaves me speechless, I cannot understand how anybody has not lost there job at the agency for poor data collection. If i made a 90% mistake at an accounting firm I would be fired yet they maintain there job! I cannot maintain my vessel and my house hold obligations with this little quota. I can lease some "cod" or "flounders" but I do not have enough other fish to offset this financial obligation, basically robbing Peter to pay Paul. We need to figure out how to stop this roller coaster ride of "BEST AVAIABLE SCIENCE" this is a cop out. My peer's and I did NOTHING WRONG, we have lived by every rule set forth and yet we still come up short time and time again. We are the only one's that pay the price for faulty data. We've tried to explain this and for the most part falls on deaf ears. When can someone else be ACCOUNTABLE for these actions other that the fisherman that depend on "BEST AVAIABLE SCIENCE". We are all fed up! This has and needs to stop. So in closing if things don't change and change soon I will no longer be able to financially be a commercial fisherman come may 1st ending a 25 year career.

thank you for your time,

Dennis Robillard

Proud owner/operator

JULIE ANN II





New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116  
C.M. "Rip" Cunningham, *Chairman* | Paul J. Howard, *Executive Director*

February 4, 2013

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

**RE: Comments on GB PSP Closed Area Reopening**

Dear John:

In response to the interim final rule and request for comments on the reopening of a portion of the Georges Bank Closed Area to the harvest of Atlantic surfclam and ocean quahogs, at its January 29-31 meeting, the Council passed the following motion:

*"that the Council send a letter to the Regional Administrator requesting that the final Georges Bank PSP protocol rule allow the clam fishery to fish in any area where any bottom-tending mobile gear is allowed to fish."*

The motion **carried** on a show of hands (12/3/2).

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Paul J. Howard  
Executive Director





New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116  
C. M. "Rip" Cunningham, Jr., *Chairman* | Paul J. Howard, *Executive Director*

February 19, 2013

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

Dear John:

Framework Adjustment 48 (FW 48) includes a Preferred Alternative that would modify the accountability measures (AM) for the recreational fishery. If approved, the AM would be modified to permit the Regional Administrator to modify recreational fishing measures after consultation with the Council so that the recreational sub-Annual Catch Limit (sub-ACL) would be harvested, or to prevent the harvest from exceeding the sub-ACL. In anticipation that this measure will be approved, and that changes to measures may be needed for FY 2013, the Council delegated the consultation requirement to the Recreational Advisory Panel (RAP) for this year. This letter forwards the RAP recommendations that were developed at a meeting held on February 15, 2013.

The RAP received a presentation from two Northeast Fisheries Science Center economists who have developed a bio-economic model for developing recreational measures. Based on the results of that model and subsequent discussions, the following motion was passed for Gulf of Maine (GOM) cod measures:

**Motion:** The RAP recommends for FY 2013 that the GOM cod regulations be a 19 inch minimum size limit and a 9 fish per person bag limit.

This motion carried on a vote of 7-1-1. While this does not represent a change in measures from FY 2012, the RAP discussion focused on the bio-economic model results, which indicate that when coupled with measures for GOM haddock this measure has a high probability of achieving the recreational sub-ACL. The RAP discussed suggesting a larger minimum size and a larger bag limit, but did not pursue that option because no information was available to indicate if it would meet mortality objectives.

With respect to GOM haddock, the RAP passed the following motion:

**Motion:** The RAP recommends the regulations for GOM haddock be a 21-inch minimum size limit and no bag limit.

Again, this recommendation is consistent with the results of the bio-economic model, which shows it has a better than median probability of meeting mortality targets. The RAP did note that this result is contingent on the assumption that all discards (B2) survive, an assumption used in the current assessment.


The RAP also asked me to forward an additional motion that was passed:

**Motion:** That the RAP request the Council chair send a letter to the Regional Office requesting NERO allow fishing for GOM cod during the months of March and April 2013 to allow the recreational fleet access to un-harvested ACL prior to FY 2013.

The RAP noted that there has been no discussion of mitigation measures for the recreational fishery as a result of the anticipated low ACLs for FY 2013. Much as the recent adjustment of trip limits for common pool commercial vessels will help those fishermen harvest FY 2012 ACL, relaxing the recreational seasonal closure at the end of the fishing year would do the same for recreational fishermen. This would provide a small measure of mitigation for the fleet prior to the implementation of low ACLs in FY 2013. The RAP recognizes that this provision is not at present included in the management plan and this change might require using other rulemaking authority. Such a change, however, would be possible under the management plan should the FW 48 recreational AM change be adopted.

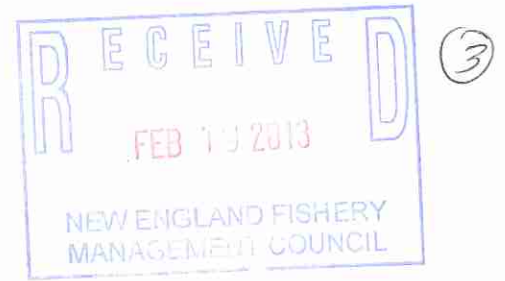
Thanks you for considering these comments. Please contact me or the Council staff if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Cunningham". The signature is written in a cursive, flowing style.

C.M. "Rip" Cunningham  
Executive Director





February 19, 2013

The Honorable Susan Collins  
United States Senator

The Honorable Angus S. King, Jr.  
United States Senator

The Honorable Jeanne Shaheen  
United States Senator

The Honorable Kelly Ayotte  
United States Senator

The Honorable Elizabeth Warren  
United States Senator

The Honorable William M. Cowan  
United States Senator

The Honorable Jack Reed  
United States Senator

The Honorable Sheldon Whitehouse  
United States Senator

The Honorable Richard Blumenthal  
United States Senator

The Honorable Christopher Murphy  
United States Senator

The Honorable Charles E. Schumer  
United States Senator

The Honorable Kirsten E. Gillibrand  
United States Senator

Dear Senators:

We the undersigned are members of the Northeast Seafood Coalition and active operating members of Northeast Fishery Sectors. We are writing today to express our very serious distress over the recent decision by policy-makers to accept the lowest of low allowable catches for our fishery in 2013 and beyond while simultaneously expecting an industry on the brink of economic ruin to absorb monitoring costs. We are in immediate need of your help.

The forced transition of our New England groundfish fishery to catch share management and hard TACs came with all sorts of rosy promises of resource abundance and economic stability. Maybe even prosperity.

That transition itself was difficult enough to survive, and many of our friends simply didn't make it. But for those of us left standing the situation today is simply unbelievable. There is no stability. There are only repeated, record reductions in catch limits. Prosperity is a discarded dream. This is a real disaster.

Three weeks ago, NMFS Regional Administrator John Bullard told us at the Council meeting that this was our day of reckoning. This is not our day of reckoning - we've done nothing wrong to reckon. We didn't cause this problem. The problem was caused by the failure of government policies and programs to accept and adequately contemplate the reality that current scientific capabilities are inadequate to manage this "fishery" safely. For too long we've been subjected to the volatility and futility of pretending to know the knowable. For nearly a decade now our fishery has fished at or below every

cc: TN, FH (2/20)

catch limit set by the government on every stock. We lived within their quotas, but it is now our businesses, our families and our communities that will be paying the price.

This totally unpredictable process for developing catch advice has destroyed all prudent attempts by industry to develop business plans that may have created at least some limited capacity to accept a level of financial burden for monitoring. Government cannot expect our industry to continue to be subjected to drastic cuts in allowable catches while placing additional, government imposed expenses upon us.

When Amendment 16 was being developed and implemented the Northeast Seafood Coalition (NSC) repeatedly warned the Council, NOAA Fisheries and Congress that the success of the groundfish catch share program would depend on adequate federal funding and sufficient allocations to sustain a fishery. Sure enough, here we are - less than 3 years after sector implementation - and the agency is telling us there is not enough money to monitor or enough fish to sustain our fishery. It's difficult for many of us to believe that this was just a coincidence.

The Secretary of Commerce finally declared our fishery a disaster last September. More than a year before that many Members of Congress had already told NMFS there was no way we could afford to bear the cost of the at-sea or dockside monitoring programs. That was before anyone really knew just how bad things were going to be for fishing year 2013.

Nevertheless, Mr. Bullard delivered the second blow to us three weeks ago when he announced we have yet another price to pay—that we will have to pay at least half of the agency's cost of at-sea monitoring in fishing year 2013. This is incomprehensible. If we couldn't afford the cost of at-sea monitoring before the fishing year 2013 cuts were announced, how does anyone think we can afford it now?

We know that you have worked very hard and closely with our representatives at the NSC to help us survive this travesty. And maybe the only reason we are still standing here today has been all that hard work combined with our guts and determination. We can never thank you enough for all your efforts and support. Fishing is in our blood – it always had been and always will be. But we cannot go fishing unless something is done—a lot is done. We are standing on the edge of a cliff and there is no bridge. We need a bridge.

First, NMFS should reconsider their decision to reject the Council's request for interim measures on Gulf of Maine cod and haddock and should adopt the ABC for Georges Bank yellowtail as recommended by the Council for fishing year 2013. For many of us, this is a bridge. How are we – those who have endured the brunt of efforts to rebuild groundfish stocks for over two decades now - expected to survive until all those promises of stock abundance are fulfilled? Who are the fishermen who will be catching those fish? Not our sons or daughters, or their children. Did the NMFS lawyers really get it right? Or, was this just an unfortunate policy decision influenced by NGOs or the threat of litigation?

Second, NMFS simply must cover the cost of at-sea monitoring in FY 2013 and continue to do so until things really turn around. That's a given. We know you know that. All we can do is ask you to do whatever is necessary to make that happen in time. Fishing year 2013 begins on May 1<sup>st</sup>.

Third, NMFS needs to fix their stock assessments. We have paid closer and closer attention to the assessment process and the more we see and understand, the worse it looks. Everything—the stocks and our lives—ultimately depend on the science and all we see are problems. The situation is simply unacceptable. The Magnuson-Stevens Act now demands more from the science than it can produce. That law also needs to be fixed, and Congress can do it. No more arbitrary goals that have no basis in biological or economic reality.

Finally, we ask you to please continue your hard work to find a way for Congress to fund the fishery disaster declarations. We fear we have become a political football and we know you are fighting hard against that. We have seen this great nation step up time and time again to help those that have suffered disasters at the hands of nature to get back on their feet—from hurricanes to droughts to tsunamis. Our disaster is the same. Again, we need a bridge.

Thank you for your consideration. And we thank you again for working with NSC and other industry leaders on all of these difficult issues. For many of us this is probably our last shot at survival.

Sincerely,

Bonnie Akerley  
F/V Explorer II  
Northeast Fishery Sector II, Gloucester, MA

Antonio Giacalone  
F/V Caterina G  
Northeast Fishery Sector II, Gloucester, MA

Busty Brancalone  
F/V Tina & Tom  
Northeast Fishery Sector II, Gloucester, MA

Vito Giacalone  
F/V Jenny G  
Northeast Fishery Sector II, Gloucester, MA

Corrado Buccheri  
F/V Horizon  
Northeast Fishery Sector II, Gloucester, MA

Dean Holt  
F/V Katie May  
Northeast Fishery Sector II, Newburyport, MA

Mark Carroll  
F/V Harvest Moon  
Northeast Fishery Sector II, Gloucester, MA

Joseph Jurek  
F/V Mystique Lady  
Northeast Fishery Sector II, Gloucester, MA

Daniel Connors  
F/V Early Times  
Northeast Fishery Sector II, Newburyport, MA

Ramond Lofstad  
F/V Olivia Joan  
Northeast Fishery Sector II, Shinnecock, NY

Albert Cottone  
F/V Sabrina Maria  
Northeast Fishery Sector II, Gloucester, MA

Matteo Logrande  
F/V Little Sandra  
Northeast Fishery Sector II, Gloucester, MA

Giuseppe Dimaio  
F/V Capt Joe, F/V Princess Laura, F/V Orion  
Northeast Fishery Sector II, Gloucester, MA

Paul Metivier  
F/V Debra Ann II  
Northeast Fishery Sector II, Salisbury, MA

Daniel Murphy  
F/V Bantry Bay  
Northeast Fishery Sector II, Gloucester, MA

Stefanie Noto  
F/V Grace Marie  
Northeast Fishery Sector II, Gloucester, MA

Sam Novello  
F/V Capt Novello  
Northeast Fishery Sector II, Gloucester, MA

Dennis O'Connell  
F/V Lady Elaine  
Northeast Fishery Sector II, Rockport, MA

Joe Orlando  
F/V Padre Pio  
Northeast Fishery Sector II, Gloucester, MA

Giuseppe Palazzolo  
F/V Francesca & Carlo  
Northeast Fishery Sector II, Gloucester, MA

Joe Randazzo  
F/V Razzo  
Northeast Fishery Sector II, Gloucester, MA

Dennis Robillard  
F/V Julie Ann II  
Northeast Fishery Sector II, Gloucester, MA

Vincenzo Russo  
F/V Mary and Josephine, F/V Miss Trish II  
Northeast Fishery Sector II, Gloucester, MA

Clark Sandler  
F/V Seafarmer II  
Northeast Fishery Sector II, Gloucester, MA

Ignazio Sanfilippo  
F/V Cat Eyes  
Northeast Fishery Sector II, Gloucester, MA

Joseph Sanfilippo  
F/V Maria G S  
Northeast Fishery Sector II, Gloucester, MA

Sal Sanfilippo  
F/V Janaya & Joseph  
Northeast Fishery Sector II, Gloucester, MA

Gus Sanfilippo  
F/V Lily Jean  
Northeast Fishery Sector II, Gloucester, MA

Accursio Sanfilippo  
F/V Captain Dominic  
Northeast Fishery Sector II, Gloucester, MA

Frank Sciortino  
F/V Christina Eleni  
Northeast Fishery Sector II, Gloucester, MA

Russell Sherman  
F/V Lady Jane  
Northeast Fishery Sector II, Gloucester, MA

Edward Smith  
F/V Special K, F/V Claudia Marie, F/V Britannika II  
Northeast Fishery Sector II & III, Gloucester, MA

Vincenzo Taormina  
F/V Miss Sandy  
Northeast Fishery Sector II, Gloucester, MA

Thomas Testaverde  
F/V Midnight Sun  
Northeast Fishery Sector II, Gloucester, MA

Paul Theriault  
F/V Terminator  
Northeast Fishery Sector II, Gloucester, MA

James Vanderpool  
F/V Alyssa & Andrew  
Northeast Fishery Sector II, Rockport, MA

Paul Vitale  
F/V Angela And Rose  
Northeast Fishery Sector II, Gloucester, MA

David Williams  
F/V Kathryn W  
Northeast Fishery Sector II, Gloucester, MA

Steven Wojcicki  
F/V Kristine Marie  
Northeast Fishery Sector II, Gloucester, MA

William "BG" Brown  
F/V Kathryn Leigh  
Northeast Fishery Sector III, Gloucester, MA

Richard Burgess  
F/V Lori B, F/V Ryan Zachary  
Northeast Fishery Sector III, Gloucester, MA

Mark Byard  
F/V S S Melon III  
Northeast Fishery Sector III, Gloucester, MA

Christian Chadwick  
F/V Native Son  
Northeast Fishery Sector III, Gloucester, MA

Paul Cohan  
F/V Sasquatch III  
Northeast Fishery Sector III, Gloucester, MA

Matthew Cooney  
F/V Miss Meredith  
Northeast Fishery Sector III, Gloucester, MA

Daniel Dunbar  
F/V Little Mako  
Northeast Fishery Sector III, Gloucester, MA

Peter Eshenfelder  
F/V Sharon E, F/V Hannah Story  
Northeast Fishery Sector III, New London, CT

Peter Fadden  
F/V Catherine F  
Northeast Fishery Sector III, Marblehead, MA

Michael Frontiero  
F/V Dunlin  
Northeast Fishery Sector III, Gloucester, MA

Douglas Germain  
F/V Labor in Vain  
Northeast Fishery Sector III, Gloucester, MA

John Greenleaf  
F/V David & Jenna II  
Northeast Fishery Sector III, Gloucester, MA

Brian Higgins  
F/V Toby Ann  
Northeast Fishery Sector III, Gloucester, MA

Thomas Hill  
F/V Karoline Marie  
Northeast Fishery Sector III, Gloucester, MA

Thomas Lupo  
F/V Jennie C  
Northeast Fishery Sector III, Gloucester, MA

John "Spice" Montgomery  
F/V Chandelle  
Northeast Fishery Sector III, Gloucester, MA

William Muniz  
F/V Never Satisfied  
Northeast Fishery Sector III, Gloucester, MA

Thomas Porter  
F/V Susan Kimberly  
Northeast Fishery Sector III, Gloucester, MA

Craig Porter  
F/V Kenneth J Duncan, F/V Manford L Porter  
Northeast Fishery Sector III, Gloucester, MA

Philip Powell  
F/V Foxy Lady, F/V Foxy Lady  
Northeast Fishery Sector III, Gloucester, MA

James Santapaola  
F/V Amanda & Andy II, F/V Amanda Leigh, F/V  
Amanda & Andy  
Northeast Fishery Sector III, Gloucester, MA

Arthur "Sooky" Sawyer  
F/V Miss Carla  
Northeast Fishery Sector III, Gloucester, MA

William Skrobacz  
F/V Toots  
Northeast Fishery Sector III, Gloucester, MA

Scott Swicker  
F/V Aaron & Alexa, F/V Ashley & Anthony  
Northeast Fishery Sector III, Gloucester, MA

Steve Arnold  
F/V Elizabeth Helen  
Northeast Fishery Sector V, Point Judith, RI

Charles Brayton  
F/V Kelsi & Morgan  
Northeast Fishery Sector V, Point Judith, RI

Chris Brown  
F/V Proud Mary  
Northeast Fishery Sector V, Point Judith, RI

Oscar Diaz  
F/V Second Wind  
Northeast Fishery Sector V, Point Judith, RI

Howard Follett  
F/V Atlantic Queen  
Northeast Fishery Sector V, Point Judith, RI

Steve Follett  
F/V Heather Lynn  
Northeast Fishery Sector V, Point Judith, RI

Donald Fox  
F/V Determination, F/V Excalibur, F/V Lightning  
Bay, F/V Rebecca Mary, F/V Stephanie & Bryan  
Northeast Fishery Sector V, Point Judith, RI

Jim Fox  
F/V Rayda Cheramie  
Northeast Fishery Sector V, Point Judith, RI

Bob Guzzo  
F/V Jenna Lynn II  
Northeast Fishery Sector V, Stonington, CT

Jim Jordan  
F/V Hopefull  
Northeast Fishery Sector V, Point Judith, RI

Ken Ketcham  
F/V Linda Marie  
Northeast Fishery Sector V, Point Judith, RI

Eric Lundvall  
F/V Rayna & Kerstin  
Northeast Fishery Sector V, Portland, ME

Sam Martin  
F/V Anticipation  
Northeast Fishery Sector V, Cape May, NJ

Niles Pearsall  
F/V Black Sheep  
Northeast Fishery Sector V, Point Judith, RI

Sid Smith  
F/V Merit  
Northeast Fishery Sector V, Greenport, NY

Rodman Sykes  
F/V Virginia Marise  
Northeast Fishery Sector V, Point Judith, RI

Chuck Weimar  
F/V Rianda S  
Northeast Fishery Sector V, Montauk, NY

Bob Westcott  
F/V Ocean State  
Northeast Fishery Sector V, Point Judith, RI

John Windels  
F/V Mary Rose  
Northeast Fishery Sector V, Shinnecock, NY

Tory Bramante  
F/V American Pride, F/V America  
Northeast Fishery Sector VI, Boston, MA

Michael Walsh  
F/V Atlantic Prince, F/V Guardian  
Northeast Fishery Sector VI, Boston, MA

Warren Alexander  
F/V Collin & Warren III, F/V John & Nicholas  
Northeast Fishery Sector VII, Cape May, NJ

Willis Blount  
F/V Ruthie B  
Northeast Fishery Sector VII, New Bedford, MA

Charles Borden  
F/V Mandrake, F/V Drake  
Northeast Fishery Sector VII, Westport, MA

William Borges  
F/V Holly Jean, F/V Sao Paulo  
Northeast Fishery Sector VII, New Bedford, MA

Pedro Cura  
F/V Fisherman  
Northeast Fishery Sector VII, New Bedford, MA

Armando Estudante  
F/V Endurance  
Northeast Fishery Sector VII, New Bedford, MA

Tim Hauser  
F/V Shelby Ann  
Northeast Fishery Sector VII, Point Judith, RI

William McCann  
F/V Pilgrim, F/V Shamrock  
Northeast Fishery Sector VII, New Bedford, MA

Manuel Puga  
F/V Mayflower  
Northeast Fishery Sector VII, New Bedford, MA

Mario Ribeiro  
F/V Lucimar  
Northeast Fishery Sector VII, New Bedford, MA

Antonio Sao Marcos  
F/V Sao Marcos II  
Northeast Fishery Sector VII, New Bedford, MA

Michael Smith  
F/V Majestic  
Northeast Fishery Sector VII, New Bedford, MA

Tim Stevens  
F/V Fish Tails  
Northeast Fishery Sector VII, Gloucester, MA

Manuel Vinagre  
F/V Sea Siren  
Northeast Fishery Sector VII, New Bedford, MA

Stanley Adamczewski  
F/V Humbak  
Northeast Fishery Sector VIII, New Bedford, MA

Carlos Camarao  
F/V Santa Queen, F/V Virginia Sands  
Northeast Fishery Sector VIII, New Bedford, MA

Antonio Cravo  
F/V United States  
Northeast Fishery Sector VIII, New Bedford, MA

Paul Lemieux  
F/V Hustler, F/V Resilient  
Northeast Fishery Sector VIII, New Bedford, MA

William Norton  
F/V Galaxy  
Northeast Fishery Sector VIII, New Bedford, MA

Pedro Pelicas  
F/V Iberia II  
Northeast Fishery Sector VIII, New Bedford, MA

Peter Reposa  
F/V Olivia Catherine, F/V Alexis Martina  
Northeast Fishery Sector VIII, Point Judith, RI

Jeffrey Skaar  
F/V Thor  
Northeast Fishery Sector VIII, New Bedford, MA

Carlos Alberto  
F/V Luso American I  
Northeast Fishery Sector IX, New Bedford, MA

Joao DosSantos  
F/V Neves  
Northeast Fishery Sector IX, New Bedford, MA

Antonio Pereira  
F/V Blue Seas II  
Northeast Fishery Sector IX, New Bedford, MA

Carlos Rafael  
F/V Green Acres, F/V Lady Patricia, F/V Olivia &  
Rafaella, F/V Triunfo, F/V My Way, F/V Destiny,  
F/V Sasha Lee, F/V Southern Crusader II, F/V  
Ilha do Corvo, F/V Resolute, F/V Edward L  
Moore, F/V Drake, F/V Apollo, F/V Cowboy, F/V  
Bulldog, F/V Hera, F/V Vila No  
Northeast Fishery Sector IX, New Bedford, MA

William Amaru  
F/V Joanne A III  
Northeast Fishery Sector X, Chatham, MA

Edward Barrett  
F/V Sirius  
Northeast Fishery Sector X, Boston, MA

Timothy Barrett  
F/V Odessa  
Northeast Fishery Sector X, Plymouth, MA

Tom Bell  
F/V Michael Brandon  
Northeast Fishery Sector X, Scituate, MA

Philip Brazao  
F/V Sarah Ann  
Northeast Fishery Sector X, Green Harbor, MA

Timothy Caldwell  
F/V C W Griswold  
Northeast Fishery Sector X, Scituate, MA

Ronald Gustafson  
F/V Cheryl Ann  
Northeast Fishery Sector X, Scituate, MA

Christopher King  
F/V Donna Marie  
Northeast Fishery Sector X, Provincetown, MA

Mark Krzyzewski  
F/V Underwing  
Northeast Fishery Sector X, Green Harbor, MA

Gordon Lyman  
F/V Annie Wilder II  
Northeast Fishery Sector X, Sandwich, MA

Phillip Lynch  
F/V Mary Elizabeth, F/V Paula Lyn  
Northeast Fishery Sector X, Scituate, MA

Frank Mirarchi  
F/V Barbara L Peters  
Northeast Fishery Sector X, Scituate, MA

Lance Ricci  
F/V Silver Rose  
Northeast Fishery Sector X, Scituate, MA



Daniel Shannon  
F/V Sorry Charlie  
Northeast Fishery Sector X, Scituate, MA

John Shea  
F/V Yankee Rose  
Northeast Fishery Sector X, Scituate, MA

Kevin Shea  
F/V Endeavor  
Northeast Fishery Sector X, Scituate, MA

Paul Unangst  
F/V Destiny  
Northeast Fishery Sector X, Green Harbor, MA

Stephen Welch  
F/V Holly & Abby, F/V Mystic  
Northeast Fishery Sector X, Boston, MA

Richard Anderson  
F/V Bridget Leigh  
Northeast Fishery Sector XI, Rye, NH

Michael Anderson  
F/V Rim Rack  
Northeast Fishery Sector XI, Rye, NH

Jeremy Davis  
F/V Karen Lynn I  
Northeast Fishery Sector XI, Kittery, ME

Jon Drake  
F/V Paniolo  
Northeast Fishery Sector XI, Rye, NH

Jay Driscoll  
F/V Karen Lyn  
Northeast Fishery Sector XI, Rye, NH

Charles Felch  
F/V Lady Victoria  
Northeast Fishery Sector XI, Seabrook, NH

James Hayward  
F/V Rolling Stone, F/V Heidi & Elisabeth  
Northeast Fishery Sector XI, Portsmouth, NH

James Jones  
F/V Wil-Mar  
Northeast Fishery Sector XI, Rye, NH

Peter Lagerstrom  
F/V Kysea Lynn  
Northeast Fishery Sector XI, Great Kills, NY

Kurtis Lang  
F/V Alanna Renee  
Northeast Fishery Sector XI, Portsmouth, NH

Thomas Lyons  
F/V Marion J  
Northeast Fishery Sector XI, Seabrook, NH

Randall Morgan  
F/V Miss Dolores  
Northeast Fishery Sector XI, Greenbackville, VA

Norman Pike  
F/V Sandi Lynn, F/V Hope Lynn  
Northeast Fishery Sector XI, Seabrook, NH

Vincent Prien  
F/V Katie-Rue  
Northeast Fishery Sector XI, Portsmouth, NH

Richard Syphers  
F/V Ashleigh E  
Northeast Fishery Sector XI, Hampton, NH

Jeff White  
F/V Jacquie And Nicole  
Northeast Fishery Sector XI, York Harbor, ME

Yvonne Dobre  
F/V Jennifer K, F/V Ann Marie  
Northeast Fishery Sector XII, Portsmouth, NH

David Goethel  
F/V Ellen Diane  
Northeast Fishery Sector XII, Hampton, NH

Peter Kendall  
F/V Elizabeth Ann  
Northeast Fishery Sector XII, Rye, NH

Geordie King  
F/V Ocean Pride III  
Northeast Fishery Sector XII, Portsmouth, NH

Craig Mavrikis  
F/V Marion Mae  
Northeast Fishery Sector XII, Portsmouth, NH

John Ainsworth  
F/V Hope & Sydney  
Northeast Fishery Sector XIII, Point Judith, RI

Einar "Bunky" Barlow  
F/V Lena Pearl  
Northeast Fishery Sector XIII, Point Judith, RI

Robert Cabral  
F/V Provider  
Northeast Fishery Sector XIII, Point Judith, RI

Vincent Carillo  
F/V Tenacity  
Northeast Fishery Sector XIII, Barnegat Light, NJ

Victor Carpenter  
F/V Kate & Sean  
Northeast Fishery Sector XIII, Point Judith, RI

John Curzake  
F/V Emilia Rose  
Northeast Fishery Sector XIII, Point Judith, RI

Michael Doyle  
F/V Seafarer  
Northeast Fishery Sector XIII, Point Judith, RI

Dick Grachek  
F/V Anne Kathryn  
Northeast Fishery Sector XIII, Mystic, CT

James Haitz  
F/V James & Matthew  
Northeast Fishery Sector XIII, Point Judith, RI

Patrick Knapp  
F/V Conor And Michael  
Northeast Fishery Sector XIII, Point Judith, RI

Hank Lackner  
F/V Jason & Danielle  
Northeast Fishery Sector XIII, Montauk, NY

Brent Loftes  
F/V Damariscotta  
Northeast Fishery Sector XIII, Montauk, NY

Chuck Mallinson  
F/V Miste Rose  
Northeast Fishery Sector XIII, Montauk, NY

Frank Mazza  
F/V Rose Marie  
Northeast Fishery Sector XIII, Fairhaven, MA

Malcolm McClintock  
F/V Rhonda Denise  
Northeast Fishery Sector XIII, Montauk, NY

Paddy McGlade  
F/V Cody, F/V Enterprise  
Northeast Fishery Sector XIII, Point Judith, RI

Bart McNeel  
F/V William Lynn  
Northeast Fishery Sector XIII, Portland, ME

Mark Phillips  
F/V Illusion  
Northeast Fishery Sector XIII, Greenport, NY

Clark Reposa  
F/V Mattie And Maren  
Northeast Fishery Sector XIII, Point Judith, RI

Donald Roebuck  
F/V Margaret Holley, F/V Debbie Sue  
Northeast Fishery Sector XIII, Point Judith, RI

Christopher Roebuck  
F/V Karen Elizabeth, F/V Yankee Pride  
Northeast Fishery Sector XIII, Point Judith, RI

Herb Smith  
F/V Curlew II, F/V Mischief, F/V Buzzards Bay  
Northeast Fishery Sector XIII, New Bedford, MA

Julia Westcott  
F/V Prevail  
Northeast Fishery Sector XIII, Narragansett, RI

Thomas Williams  
F/V Tradition, F/V Heritage  
Northeast Fishery Sector XIII, Point Judith, RI

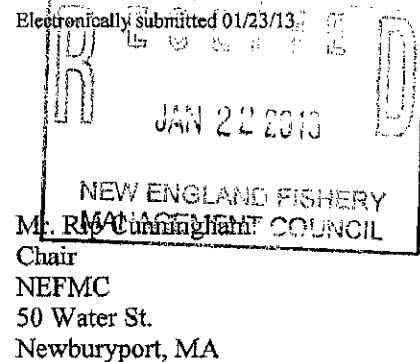
Cc: C.M. "Rip" Cunningham, Jr., Chairman, New England Fishery Management Council  
Sam Rauch, NOAA Fisheries Assistant Administrator (Acting)  
John Bullard, NOAA Fisheries Northeast Regional Administrator  
The Honorable Paul LePage, Governor of Maine  
The Honorable Maggie Hassan, Governor of New Hampshire  
The Honorable Deval Patrick, Governor of Massachusetts  
The Honorable Lincoln Chafee, Governor of Rhode Island  
The Honorable Dannel Malloy, Governor of Connecticut  
The Honorable Andrew Cuomo, Governor of New York



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F/V Ellen Diane  
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Dr. William Karp  
Science and Research Director  
NE Fishery Science Center  
NOAA/NMFS  
Woods Hole, MA

Mr. John Bullard  
Regional Administrator  
NOAA/NMFS  
55 Great Republic Dr.  
Gloucester, MA



January 23, 2013

Dear Sirs,

I have addressed this letter to all three bodies because, while basically a science problem, the solution requires multiple actions. The problem is the assumed discard rate and the kept/discard ratio. I am concerned with the discard/kept ratio being applied on sector monitoring trips to all species instead of on a species by species basis. The specific problem in my case is yellowtail, but the issue occurs with all species. I have thought long and hard about why our yellowtail assessments are failing. After observing my own discard numbers, I think I have an answer.

First, by way of background you should know that I come from a very small sector (NEFS XII) with very few draggers. This helps to amplify the problem. Second we fish with different gear at various times of the year for different groups of fish. When flounder fishing I use a seven inch square mesh to cut down on small flounders and in the winter use a six and a half inch diamond to catch cod and spiny dogfish. Now some numbers; I have landed 10,141 pounds of yellowtail flounder with an assumed discard rate of 3,669 pounds. Since I was only gifted half of these yellowtail in my allocation this year I have had to purchase the balance at a cost of 50-60 cents per pound.

I quit fishing for yellowtails in October when my manager told me that my assumed discard rate combined with my landings was near the total of my allocated fish. Immediately I changed nets to use a sweep and codend combination that would minimize yellowtail retention but the amount of dogfish kept determined the amount of yellowtail discarded even though one has nothing to do with the other. This absurd number is being driven by the kept/ discard ratio for the last two months. During this period I have landed cod and dogfish with no yellowtail. However, every day the ratio is creating 50 to 100 pounds of phantom fish. This is because the ratio is applied to all species kept, not on a species by species basis. I have to buy yellowtail allocation to cover discards that never existed and were never killed. You can imagine how phantom fish can bias a stock assessment. An age structure is created from length frequencies on observed trips. On trips where no discards occur, and no observer is on board, this real age structure is applied to the non-existent discards. Further, since it appears that relatively large numbers of sublegal fish exist, when the survey does not find them people assume that fishermen discard even more on non-observed trips. It is like a cat chasing its tail.

Conversely, the program can be run in the other direction. Fishermen could decide taking observers has no benefit, only liability. On observed trips they could go to places with minimal discards or, even more insidious, they could discard fish with observers present without the observer's knowledge. Sublegal fish are under estimated in the catch, and when surveys show relatively high abundance, management assumes good recruitment. When that recruitment never shows up in the catch we assume that our recruitment surveys are in error or natural mortality has changed.

The second issue that feeds into this problem is accurately weighing fish on observed trips. To their credit, the observer program, the observers and observer companies have all worked diligently to solve this problem. However, after years of taking observers and requesting their reports, I have reluctantly concluded that fish cannot be weighed on board. Remember the yellowtail discard rate mentioned at the beginning of this letter? This is largely driven by one high discard event on a very rough day. Three baskets, half full of fish, in one tow had an observed weight of over 200 pounds when it should have weighed closer to 105 pounds. Again this is not the fault of the observer. He was trying keep from falling down while holding a spring scale attached to a half basket of fish. The current program can give you the order of magnitude of discarded catch. It cannot give you an accurate number to use in assessments or charge fishermen.

Now let us consider the effects of staying with the current program. As an individual, I will shop for a sector with more draggers that fish over a larger area which helps lower the rate. As a result sector XII, may be forced to close. Second, as fishermen increasingly understand that they gain no benefit from trying to minimize discards through appropriate mesh size and sweep combinations, because they will be haunted by the kept/discard ratio, we lose the stewardship benefit which was supposed to be the hallmark of sector management. You may as well use whatever gear gets you the highest catch per unit effort because you are going to get charged for discards anyway. The argument that the ratio will correct over time is hollow because you run out of fish and have to stop fishing before this occurs. This will be particularly problematic next year. Finally, to reduce the kept portion of the kept/discard ratio, fishermen may begin discarding low value/high poundage species such as dogfish to drive down the ratio. This may be cheaper for them than trying to lease fish to cover the phantom fish created by the ratio. You cannot penalize people for something they cannot control and expect increased stewardship.

Critics will charge that 100% coverage or cameras or full retention will solve this problem. I disagree. You have to change the entire system by turning a penalty into a reward.

While many good ideas have surfaced to solve this issue including fixed discard estimates, proportional sampling, and stratified discard/kept estimates, I would like to add one more to the discussion. Currently approximately 30% of the ABC is parked in uncertainty. The principle cause of uncertainty is unknown catch. My solution has three components:

- First, move discarded fish from ACL's to scientific uncertainty. Stop penalizing people for discards and maybe they will tell you what they catch.
- Second, revamp the observer program to become a shore side operation. The current program is hideously expensive and inefficient. Assuming, no weather related cancellations, a single observer works for perhaps ten minutes every four hours on one boat. Each observer needs a host of training and equipment that helps make the cost prohibitive. Now imagine that all the discards come to the observer. One observer can do

all the weighing and sampling on land from a number of boats and get accurate weight. You get 100% coverage with far less people in safe working conditions for far less money.

- The third component of this program is to pay fishermen to collect discarded groundfish and bring them to shore. Other non-groundfish and zero possession species would continue to be tabulated through the existing NEFOP's program. The collected groundfish would then become the property of the observer program. This removes the dealers from having to dispose of unmarketable fish. As a member of the enforcement committee there are two elements to enforcement, enforceability and compliance. If you want compliance you have to have rules that benefit fishermen. Paying fishermen, without removing the fish from the annual catch limit, will turn a loss into a reward. Maybe then, we can get accurate information on catch which will benefit the entire process with minimal cost.

Since this problem has elements of both the Standard Bycatch Reporting Methodology issue and Amendment 16 monitoring requirements, I believe it must be addressed through council action with constructive input from both the Regional Office and the Science Center and must be addressed quickly as fishing in 2013 could halt almost immediately from the discard/kept ratio alone. This is because the transition discard rate applied to sectors at the beginning of fishing year 2013 will be higher than fishermen's PSC's. Therefore I request that you convene a meeting to come up with a solution to this problem that can be implemented prior to the 2013 fishing year.

I realize that this letter will be controversial. Numerous groups will rush to defend the status quo. However, it is my firm belief that the current system cannot give us the accurate information required, no matter how much time, effort, money or enforcement is thrown at the problem. We have to find a new way of dealing with old problems. My solution may not be perfect, but hopefully it will start the dialog on dealing with this important issue. I await your respective replies to my request for action.

Sincerely,



David T. Goethel

