



September 3, 2013

Dave Preble, Chairman
Habitat Committee
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Terry Stockwell, Chairman
Groundfish Oversight Committee
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Dear Dave and Terry:

On behalf of our members, the Northeast Seafood Coalition (NSC) has actively participated in the New England Fishery Management Council (Council) process surrounding the Habitat Omnibus Amendment for several years. The NSC has actively worked with other industry organizations and stakeholders to redesign options to achieve habitat goals without creating adverse and largely unnecessary economic impacts on an already fragile groundfish fishing fleet. Aside from the newly designed options proposed by the Closed Area Technical Team (CATT), many of the options in the document today are based upon extensive discussions and considerable time invested by a diverse group of stakeholders who have a keen interest in making this management action successful.

While the Habitat Omnibus Amendment has been under development over the past five years, the NSC has held focus meetings with various segments of our membership and others. Generally, these meetings were designed to accomplish two primary goals. The first was to provide members with an updated version of alternatives for respective areas, which were plotted by NSC on true nautical charts that would be familiar and useful to fishermen. The second was to seek their area-specific expertise in order to consider potential impacts to fishing and to help NSC leadership by providing us with plausible compromises as the Amendment developed. These meetings often involved non-NSC members and at times, non-fishing stakeholders. These meetings largely centered on habitat areas that pre-dated the alternatives put forth by the CATT, which have only appeared in recent months.

NSC members who operate out of the Northeast Fishery Sectors have limited context on the most recent work of the CATT and how options developed by the CATT are now folded into alternatives under consideration in the Amendment. Therefore, over the summer NSC convened an internal working group, which is comprised of members of the NSC Board of Directors, the Northeast Sector Service Network, Northeast Fishery Sectors, and NSC general membership to review the alternatives approved by the Council at the June meeting held in Portland, Maine. *This internal process has been important because the CATT work has largely negated efforts put forth over the years to recommend modifications to alternatives already under consideration.*

4 PARKER STREET, STE. 202, GLOUCESTER, MA 01930
62 HASSEY STREET, NEW BEDFORD, MA 02740
TEL: 978.283.9992 | FAX: 978.283.9959
NORTHEASTSEAFOODCOALITION.ORG

Per the Council's request, please find preliminary input of the NSC working group to alternatives under development by the Council's technical teams below.

General Comments:

- ***Any habitat area considered for protecting spawning or juvenile fish should be developed for a future management action. First, the CATT work has appeared very late in the Amendment process. There has been inadequate time for stakeholders to participate and react to these alternatives that will impose great hardships for many fishing businesses. Second, there is serious concern with the scientific information and data being used to identify and justify such areas. Third, in many cases, the alternatives put forth by the CATT conflict with the efforts of stakeholders over the years to work closely together to craft thoughtful alternatives in the Amendment.***
- NEFMC staff should distinguish comments received during the Habitat Informational Meetings as well as future comments received by placing comments into categories for the benefit of the Council and its committees. Comments should be differentiated depending on whether a comment is put forth by an individual member of a harvesting sector or if a comment has been submitted by an industry organization on behalf of numerous fishing stakeholders. Comments received from membership organizations should be presented to the Council in a manner that reflects the proportion of active industry participants on whose behalf the comments were submitted. The NSC working group also suggests comments should be weighted based on fishing area of the commenter. Specifically, the comments should be organized in a manner that allows the Council to determine whether an individual or organization's members have experience with or actively fish in a given area for which comments have been provided. For example, if a comment submitted by a Southern New England fisherman or group suggests an area closure in the western GOM, it should not have the same weight as a comment submitted by from a fishermen or group who actively fish in the western GOM. These may reflect two very different perspectives and the basis for these differences are important for the Council to understand. The same holds true for eastern GOM and western GOM, western GB and eastern GB etc. This context is critical to the Council's fair evaluation of the comments received.
- Existing and future spawning and seasonal closures should be closed to all gear capable of catching groundfish. For instance, disallowing commercial fishing for the purpose of protecting groundfish, promoting rebuilding and spawning while simultaneously allowing open access to these areas by the recreational fishery, which has been allocated 34% and 38% of Gulf of Maine haddock and cod stocks respectively, is wrong.
- Over the years, juvenile protection has been managed through restrictions on mesh size. Therefore, knowing exactly when and where a juvenile fish are located in a respective area will be difficult for those whose gear has been regulated by mesh size.
- The scientific data being used to identify and justify the habitat areas proposed by the CATT is highly questionable. Many believe it has not been scientifically proven that there is a valid correlation between juvenile fish and habitat types. Many also question why more consideration has not been given to the apparent correlation between the absence of mobile gear in vast areas of GOM and GB over the last two decades and the loss of groundfish productivity.

- Juvenile fish frequent waters that are less than 20 fathoms, most of which is located within state waters.
- The foot print of fishing has been significantly reduced in recent years as effort and participation in the fishery has dwindled. The significant reductions in ACL will further reduce the foot print of the groundfish fleet. The reality of this shifting baseline should be quantified and reflected each time there is a qualitative description of the proposed habitat closures and impacts. For example, if swept area and effort has shrunk to 20% of historical effort that was occurring when the existing closures went into place, this should be stated whenever a discussion about reducing the overall acreage of closures is touted. ACLs will further reduce the foot print of the groundfish fleet.
- There appears to be a conflict with Council policy on different management actions. Groundfish sectors and catch shares adopted under Amendment 16 were proclaimed to increase efficiency and thus foster economic profitability. The initial direction of the Habitat Amendment was to develop focused habitat areas, and to protect habitat on a finer scale. The newly proposed areas by the CATT are large and expansive areas, which will impose devastating economic hardships on the fleet - notably the day boat fleet. This appears to be in direct conflict with the purpose and overall intent of groundfish Sectors under Amendment 16 and will be contrary to objectives being set forth under Amendment 18.

Responses to Questions Raised by the Council under the Habitat / Groundfish Informational Interviews:

- (1) In general, per spawning, support small focused areas to protect spawning. These areas should be discrete and dynamic, not static, due to the unpredictability of timing and precise area to ensure real protection. Such areas should be based on science and monitored closely. The areas should be identified with the assistance of cooperative research and actual spawning activity should be verified. The goal of spawning areas should be to enhance the reproductive success of the fish while being the least disruptive and costly to the fishery. Early versions of NEF sector operations plans proposed exemptions that utilized sentinel vessels and dynamic temporary closure concepts. These exemptions were denied but the NSC believes this concept should be reconsidered and developed. In general, the sector tool needs to be used to provide benefits to fishermen and fishery management equally. So far, there has been much more extracted from sectors by NMFS to improve reporting frequency and compliance, data quality and real time hard TAC management and very little reciprocal benefits as were touted during the development of A16. The conversion to an output control management system was intended to remove the need for input control measures—not to layer one upon the other. Broadening, not narrowing, of access to historical fishing grounds was a fundamental feature that was to accompany sector management.
- (2) It is difficult for the industry to understand what the economic impacts will be of the alternatives when it is still unclear which existing habitat areas will or will not be opened. Furthermore, economic impacts dependent greatly on the size and range of the fishing vessel. Overall, it is clear fishermen and their respective Sectors will be heavily impacted. Especially,

those that are trapped by the options currently proposed under Bigelow Bight. Closures have huge impacts on the human response and closures have significant economic and social consequences. The NSC will work with its members to provide the Council with a more detailed description of the magnitude of the impacts from the Bigelow Bight alternatives.

- (3) Catch Shares were marketed to fishermen as an opportunity to fish efficiently. Options now being included via the Habitat Amendment are instead focused on decreasing efficiency. This is particularly notable in areas such as Georges Shoals where the largest portion of a healthy stock, Georges Bank winter flounder, are harvested. Although members support gear modifications over a closure, other elements such as the potential for lost yield of stocks needs to be weighted heavily in final decisions.
- (4) All fisheries should have adequate monitoring. This information could then be used to determine the timing and location of spawning. Furthermore, sentinel fisheries (as proposed as a Sector exemption) with a cooperative research or monitoring component could be used to determine spawning activity. We need to stop relying on NMFS trawl survey data to determine spawning events and habitat.
- (5) Furthermore, industry members question the literature review on habitat protection and fishery productivity. There is a need for focused and directed cooperative research projects that objectively evaluate gear impacts on habitat and thus future productivity of groundfish stocks. Such research could also be used to identify time periods and areas that could be temporarily closed. Any area closed should have a research, monitoring and performance plan to evaluate its effectiveness. It is essential to closely monitor and evaluate if the closure is achieving its intended purpose.

Initial Input on Habitat Alternatives under Development:

Although there is general confusion over the type and level of gear restrictions that are being considered for the areas being identified, this input is intended to provide the Council with an initial reaction to the areas being considered. The NSC working group will be meeting in the coming weeks to further discuss the alternatives as outlined in the Habitat Omnibus Amendment in more depth.

Gulf of Maine:

Eastern GOM

- NSC members do not fish in most of the habitat areas identified under Eastern GOM. Therefore, NSC wishes to defer comments to those fishermen who fish these waters.

Central GOM

- Preferred habitat option is Ammen Rock / Cashes Ledge modified EFH, Alternative 4.

Western GOM

- Preferred habitat option is Stellwagen “large” which is shown *as part* of Alternative 3. This area is based upon industry support for the work surrounding the development of SERA 2. However, the group does not support the inclusion of Bigelow Bight “large” under this alternative for the numerous reasons mentioned throughout this document. In short, the group supports Stellwagen “large” as the only closure in the Western GOM.
- Bigelow Bight options (as proposed by the CATT) whether large or small needs to be removed from this action in order to have adequate review and consideration. The economic impacts associated with these newly designed options are profound. When combined with other areas either existing or under consideration in the Western GOM, there would be no area left for the day boat fishery to fish. Furthermore, the Bigelow Bight area is where the greatest number of trips by the day boat fleet occurs. This area has the highest economic return for this portion of the fleet. Lastly, industry members questioned whether these areas have been identified adequately (on good data). Most spawning likely occurs in state waters.

Georges Bank, Great South Channel, and Southern New England:

Georges Bank

- Preferred habitat option is the Georges Shoal Habitat Management Area (HMA / MBTG). This includes support for Alternative 5 with the Georges Shoal Gear Modification Area “large” being replaced with the Georges Shoal Area “small” as a potential gear modification area.

Great South Channel

- Support the habitat area identified as “Nantucket Shoals” included under Alternative 5.

We greatly appreciate your time and attention. We look forward to providing more detailed input on the alternatives under development in the coming days.

Sincerely,



Jackie Odell
Executive Director