



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
Frank Blount, *Chairman* | Paul J. Howard, *Executive Director*

Small Mesh Multispecies Fishery Management Plan

Comments received via e-mail, fax or by mail

Written Comments

Comments received May 15, 2006 through June 16, 2006

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

Subject: public comment on federal register of 5/15/06 vol 71 #93 pg 27995

Date: Mon, 15 May 2006 07:44:10 -0400 (EDT)

From: Bk1492@aol.com

To: MULA14-NOI@noaa.gov, rodney.frelinghuysen@mail.house.gov

fed reg doc e6-7362

seis meetings - small mesh multispecies fish id 050806A cut all quotas by 50%.
establish marine sanctuaries. cut out the crap and meandering around while all the fish
that belong to our children's world are assaulted and caught by marauding commercial
fish profiteers.

b. sachau
15 elm st
florham park nj 07932

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

Subject: small mesh multispecies scoping
Date: Wed, 07 Jun 2006 17:53:23 -0700 (PDT)
From: chuck etzel <chucketzel@yahoo.com>
To: whitingsscoping@noaa.gov

Charles Etzel
2 Lincoln rd apt E
Montauk, NY 11954
ph:# 516-443-3903

To Whom It may concern,

I am writing in response to this scoping. I want to ensure that there is minimal consolidation of all fishing resources. Which I fear from use of dedicated access privileges and IT Q's. One way of achieving minimal consolidation is keeping a cap of poundage per vessel per owner.

Right now out whiting resource is not full utilized. Boats target silver hake after there quotas are exhausted for other species such as squid and ground fish. Our small whiting take must be decreased. A 9 inch whiting is not acceptable. The by catch in the whiting fishery of small whiting, small butterfish and ground fish including monk fish must be addressed further with mesh sizes and raised footropes. Our catch should be large whiting not just take.

It is very important for diversity in our fleet to maintain an open access permit for small scale fishing operations for whiting with small trip limits between 2500 and 5000 pounds. This will maintain a small directed fishery and a by catch fishery for vessels fishing for other species. This fishery must have preference to the new limited access management. For example if the take of whiting is 90 % limited access and 10 % open access fishermen and in future years it turns into 20% open access and 80 % limited access you must reserve the right to trim back out limited access permit holders. I believe allocating quota this way will appease both our limited access holders with the majority of quota control and our smaller boat part time whiting fishermen that target whiting at times when the fish may be inshore. It would also give fishermen a chance to ease into purchasing individual quota if management goes toward dedicated access privileges. Fishermen could purchase small amounts of quota every year and catch it on top of there small trip limits and they will not feel the burden of huge itq costs if they if they are already engaged it a trip.

Sincerely,
Charles Etzel

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

Date: Mon, 12 Jun 2006 13:41:25 -0400

From: ANDREW COLAPINTO <acolapinto@msn.com>

To: whitingscoping@noaa.gov

Edna Mae Inc.

F.V. Edna Mae # 330384

3223 West River Road

Nichols N.Y. 13812

6/10/06

To whom it may concern;

I have been a fisherman for over 40 years and as a veteran of the fishing business I feel I have an educated view of what regulations have worked and more importantly, has not worked.

My views on the Whiting Fishery Plan are as follows; There should definitely be a limited entry plan according to landing history. The control date of March 25, 2003 should be upheld, the date of March 1994 should be the date of onset, when VTR's were initiated. The VTR's should be the way to determine eligibility. The permit process should include a full time permit and a part time incidental permit. To qualify for a full time permit you should have to show landings of at least 500,000lbs. for any given year between 3/94- 3/03, and at least 150,000lbs. for a couple of years in that period. As for the Gulf of Maine Fishery, that should be separated from the Southern Zone. Doing so would give everyone a fair share based on landings and participation. If the limited access program is initiated according to history, communities should not be effected one way or another. If the plan is initiated the participation should not change, those that fish for whiting will remain in the fishery, those that don't will continue to do what they do.

I do not think there should be any TAC's at this time. If in the future it is proven to be an impact on over fishing, then TAC's should be considered.

Implementing TAC's just will effect the market in an adverse manner by opening and closing a fishery, when the product is not available to the consumer they go to something else, whether it be imports or another species. I also feel ITQ's should not be considered, the 30,000lb. trip limit is sufficient.

Addressing the juvenile fishery, I also feel there should not be any restrictions or size limitations, doing so would only create more discard and waste.

Keeping the 30,000lb. trip limit for a full time license, the fishery will control itself according to supply and demand.

In closing, there should be some sort of control or tariff on imported fish. As it stands it makes it very difficult for the U.S. fisherman to compete in our own market. Other U.S. industries have done this, for example the lumber industry. If it was more difficult to import fish and the amount declined in our markets, the price becomes something that we can make a living at and possibly even a profit.

Thanking you,

James Lyons, Pres.

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

Subject: Whiting comments
Date: Thu, 15 Jun 2006 22:59:09 -0400
From: Ellen Goethel <egoethel@comcast.net>
To: whittingscoping@noaa.gov

Dear Chad,

Here are my comments as an individual with over twenty years experience in the whiting, red hake and herring bottom trawl fishery. I believe we should have limited entry using the March 2003 control date. I believe that there should be different qualification criteria between the Northern and Southern management area based on vessel size and limited seasons in the north. There are many smaller vessels which cannot carry the volume of larger vessels. I would suggest 10,000 combined silver & red hake in the north for small vessels (under 50 feet) and 50,000 combined for large vessels in one fishing year between 1994 and control date. Similarly, I would suggest 20,000 and 100,000 for the Southern area. I also believe there should be an open access incidental catch category that allows any vessel with a limited access groundfish permit to possess up to 1000 pounds combined of whiting and red hake.

I further feel that if new small mesh multispecies areas are opened in the GOM that there should be a two year qualification period for any vessel with a limited access multispecies permit to establish landing history in that area. The permit should then be endorsed for that area only unless the vessel is already qualified as a limited access small mesh multispecies vessel.

On hard TAC's I am not necessarily opposed, but I am eagerly awaiting an explanation of how a Hard TAC's can be set given our current state of biological knowledge on both silver and red hake.

While I am not in favor of fisheries that target juvenile fish, I believe the current mesh restrictions do as good a job as we can to discourage targetting small fish. I am not in favor of a minimum size as body shape more that length determines market size of fish. A size limit will make the already tedious, labor intensive job of packing whiting nearly impossible.

As for dedicated access privileges, sectors, etc., I think we should have limited entry and maybe hard TAC's if they are justifiable and let the fishery operate for a few years.

If more is needed we can start another amendment later. I fear the whole dedicated access privilege debate may cause this amendment to drag on for years negating the value of the timely implementation of limited entry.

Thank you for your consideration of my ideas.

David Goethel
F/V Ellen Diane



OCEANA

Protecting The
World's Oceans.

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Washington, DC 20037 USA

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June 15, 2006

Paul J. Howard, Executive Director
New England Fishery Management Council
50 Water Street, Mill #2
Newburyport, MA 01950

Via email to whitingscoping@noaa.gov

**Re: New England Small Mesh Multispecies (Whiting) Fishery Management Plan
Amendment Scoping Comments**

Dear Captain Howard,

Oceana appreciates the opportunity the New England Fishery Management Council has provided to offer comments about the content and structure of the future amendment to the Small Mesh Multispecies FMP. Oceana hopes that the Council will use this opportunity to expand the Council's use of progressive, modern management methods and tools in this fishery.

As you know, Oceana has worked for many years in the NE region to sensibly and responsibly manage the oceans to 1) protect important marine habitats and 2) reduce bycatch in all commercial fisheries as is required by the National Standards of the MSA and its revisions. The limited list of items to be addressed in this amendment offers opportunities for the Council to take significant strides to account for and reduce bycatch in the whiting fishery as well as possible bycatch of whiting in other fisheries in the region.

A complete amendment to the Whiting FMP should include:

Hard Mortality Limits-

The amendment to the Small Mesh FMP should include a mechanism to establish, monitor, and enforce a system of hard mortality limits on whiting caught in the directed whiting fishery as well as whiting caught in other fisheries. It is only through this complete accounting for all mortality that the various stocks and species of whiting can be effectively and responsibly managed for the future and in compliance with the provisions of the MSA.

Establishment of TAC's- Overall Stock TAC's should be established for each distinct stock and management area managed under the Whiting FMP (e.g., northern/southern stocks, white hake, red hake, offshore hake) as directed by the whiting PDT.

Monitoring of the TAC's- All sources of whiting mortality should be included in the monitoring of mortality under the over TAC including catch data, landings data, and bycatch estimates.

Landings Data- The data associated with whiting landings should be available to fishery managers and the current FMP amendment should require electronic dealer reporting as a method to collect information about landings. During scoping, the lack of reliable and standardized catch and dealer reporting was described by various participants in the whiting fishery who described a broad range of markets that accept their catches. A mandatory dealer reporting system similar to the program required in the groundfish fishery is a fitting remedy to this problem.

Catch, Bycatch and Discard Data-Monitoring a TAC through landings data alone is inappropriate and may miss large sources of mortality that takes place at sea. The Whiting FMP amendment should work with the current Standardized Bycatch Reporting Methodology amendment to provide accurate and precise estimates of catch, bycatch and discards of whiting that can be factored into in-season TAC management. This should include bycatch in the directed whiting fishery (discards) and bycatch of whiting species in other fisheries. A robust observer program is essential tool to collect information about bycatch and Oceana hopes that the Council will work to achieve a 30% CV on information related to bycatch in the whiting fishery.

Enforcement of TAC's- If and when an area or stock TAC is approached, fishing for whiting in that area will stop. A well developed system of area and stock specific TAC's will allow additional opportunity to fish when a single TAC is met and allow managers to shift effort among areas and provide consistent opportunity .

Bycatch TAC's-

In addition to TAC's for whiting in the various fisheries that incur it as either directed or bycatch, it is the responsibility of the whiting FMP to comply with National Standard 9 to identify and reduce bycatch that occurs in the whiting fishery. A modern approach to this task is the establishment of a system of bycatch Caps that will ensure that the whiting fishery operates within acceptable limits of bycatch. Oceana feels very strongly that bycatch caps are the best alternative to allow the fishery to continue while encouraging cleaner fishing over time.

Bycatch Caps should be established for:

Commercially targeted species - Scientific advisory bodies should develop hard limits for commercially targeted species by applying precautionary fishing mortality rates to the most current stock assessment or biomass estimate.

Marine mammals and Endangered and threatened species - Fishery managers should establish limits on takes of species protected under the ESA and MMPA. These limits should be monitored and enforced along with other catch and bycatch TAC's in the whiting fishery.

Other species - For non-target species or other species identified as necessitating a cap, fishery managers should examine available data and either set a precautionary cap or collect observer data to determine appropriate levels of fishing mortality.

Incentives that provide additional allocation to cleaner gears under Dedicated Access Privileges.

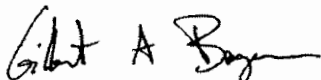
If the Council elects to establish a system of dedicated access privileges for the whiting fishery, the Council should examine a range of criteria to be factored into the allocation of whiting privileges. Catch and landings history and vessels specifications should not be the only criteria that the Council uses in determining allocation of privileges. The Council should also use this opportunity to encourage better fishing through rewarding those gears, vessels, and sectors that fish more responsibly with respect to bycatch, habitat protection, and other factors.

A complete reevaluation of the gear exemptions granted to modified gears used to catch whiting using current data.

Although not included in the narrow scope of items approved by the Council to be addressed in this amendment, the Council should use the opportunity provided in the development of an EIS to thoroughly examine any exemptions granted to the whiting fishery that allows gears to fish in areas otherwise closed to trawls. Nine years have elapsed since the experiments that led to the exemptions for raised footrope and exclude grate gears were conducted. In the interim, data has been collected related to these gears and the Council should reevaluate how these gears perform and whether the benefits of allowing these gears to be used continue to outweigh the costs and risks associated with allowing these gears to be used.

Oceana looks forward to participating in the development of the Whiting amendment and hopes that the Council will include management options that continue to assess and reduce bycatch in this unique fishery.

Thank you for your consideration of these comments,



Gib Brogan
Campaign Projects Manager
Oceana
Mystic, Connecticut

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

Subject: Small-mesh Multi-species Scoping Comments

Date: Fri, 16 Jun 2006 12:08:30 -0400

From: Anne-Louise Todd <anneed92576@juno.com>

To: whitingscoping@noaa.gov

Edward O. Todd
Epiphany Seafood
d/b/a F/V Alliance
76 Point Avenue
Wakefield, RI 02879
(401) 783-8671

Small-mesh Multi-species Scoping Comments

Dear Mr. Howard:

This is the first time I have ever sent written comments to the Management Council. I have attended some meeting and hearings going back to the early 1990's and did take the microphone at a meeting once in regards to whiting when discussing allowable mesh size for the cultivator shoal fisheries. Like many people, public speaking terrifies me as does ridicule or public confrontation from my peers. Standing up to "City Hall" (some public authority) does also and like many other fishermen, believe it is fruitless as "you can't fight City Hall". I began fishing 1982, captained a boat beginning 1986, bought my own boat in 1990. In each circumstance I have always fished on what was called the underutilized species. (Small mesh; whiting, hake, squid). Over the years most of the to do has revolved around ground fishing. So for someone terrified by the process and engaged in the small mesh fisheries, just to accept what was decided was more in my comfort level.

While the value of my fishing permit was reduced by these regulations and my ability to support and sustain my boat and family was hindered by the loss of my by-catch, I still had the ability to be economically viable because I was involved with small mesh fisheries and who was ever going to over regulate underutilized species. In 1997 while in port on another persons fishing boat I sustained an injury that disabled me and kept me from working these past 9 years. I won't bore you with the details because I know your time is valuable, but I am just now getting to where I will be returning to work. For the past year I have been making adjustments and improvements to my boat, to overcome my disability, and to make my fishing operation more efficient. Twice I leased my boat to other fishermen during my recuperation and both times my boat was damaged and abused and returned to me un-fishable. I have given you this brief history so you will better understand where my comments are coming from. Because whatever regulations you implement I hope would include a provision for someone who falls through the cracks of the qualifying process due to health or mechanical breakdown but would have otherwise been eligible would be fully able to participate in the small mesh fishery on a level, and economically viable, playing field.

I will try to make my comments pertaining to the questions you raised in your document titled "NEFMC seeks your comments on the small mesh, multi-species fisheries (whiting FMP) available on your website.

***1. Limited entry ***

Although philosophically I am against limited entry as I believe that anyone that buys a permitted vessel capable of participation in a fishery should be able to participate. It is unfair for someone to go broke while another one thrives. However, practically if one is shut out of a specific fishery then the fishery they may participate in should be protected in the privileged fisheries (i.e. ground fish, scallops) from jumping to the small mesh fisheries. A controlled date should go back as far as possible. I would favor a 1996 date to a 2003 one. I think another criteria that should be used is the participation of an individual in another fishery should be used to disqualify or limit ones ability to fish small mesh. In other words a person that has targeted ground fish would be disqualified or limited, while someone that has targeted small mesh, but limited their activities due to

lifestyle, health concerns, or mechanical breakdowns, would be fully able to participate. A person who did not try to catch every last fish during certain years, because they watched and participated during their children's youth, but now is free to fish more should not be penalized if landing levels are used as a criteria. In other words, if one could demonstrate by some majority percentage of his historical catch was small mesh, he would be treated the same as someone with larger landings that were the same percentage of his catch. To sum up, the criteria should not be limited to just one litmus test of proof. In your web statement you used the phrase on page two, paragraph two, "small mesh multi-species fishery remains one of the few open access fisheries in New England." If a person has been more or less shut out of other fisheries, and has had the opportunity by a controlled date to have fished in small mesh fisheries he should be fully able to participate after any decisions by the council.

2. TAC

I do not know enough about this part of the proposal at this time to comment. I only learned of this small mesh discussion two days before the comment deadline, however, in principle any regulation should be as flexible as possible. Obviously, larger vessels generally cost more to operate and need to catch more and there should be some flexibility accordingly. If an allocation to individual vessels process is used while performance as well as vessel size should be considered I believe that the ability to fish needs to be taken into consideration equally. As I have stated earlier, factors such as health, mechanical breakdowns and lifestyles may have limited landings in the past but the value of potential landing to the vessel was always there and should not be taken away from the vessel. Just as when Southern New England Yellowtail were under attack and closures were implemented upon periodic openings, as a form of conservation some people did not continue to fish on Yellowtails at that time making for lower landings. When the days at sea were allocated they were penalized for choosing not to have targeted ground fish, this was wrong. The same thing now could happen to the small mesh fisheries. Landings, opportunity to fish, and participation in other fisheries all need to be part of the criteria in deciding allocating.

3. Possible restrictions.

I think the present mesh size restrictions are adequate for the protection of the species. Some small fish by-catch is inevitable and excluding it from landings is not practicable, but it could be limited by a certain percentage of the catch.

4. Dedicated access

Again with my limited time to respond I am not informed enough at this time, however, regulations that addressed the core boat of the fishery in principle seem like a good idea. In other words, don't penalized the participants with regulations that are industry wide. You don't want to through the baby out with the bath water. ITQ's are worth looking at and discussed, but as I have stated should not be just based on previous landings. The opportunities and the right's of having a permit that allowed you to fish for these species, as well as whether you targeted or not these species, should be taken into consideration when allocating an ITQ. As you can see my major concerns surrounds a persons' right to have participated in the fishery whether utilized or not. With extra concern for someone who, due to circumstances out of their control could not exercise their opportunity or right to fish at certain times. We all know that the value of a fishing boat is in its ability to participate fully in its permitted fisheries. Taking away its ability to fish not only limits its earning potential but also greatly diminishes the value of the vessel itself causing financial hardship, sometimes catastrophic for the fishermen and his families, and his employees and their families.

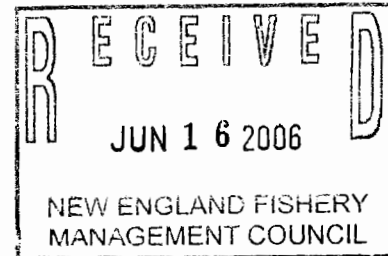
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Edward O. Todd

June 16, 2006

Edward O. Todd
Epiphany Seafood
d/b/a F/V Alliance
76 Point Avenue
Wakefield, RI 02879
(401) 783-8671



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New England Fishery Management Council
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cc: DB (6/20)

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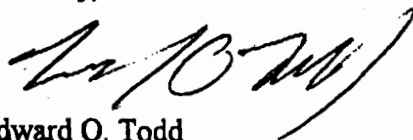
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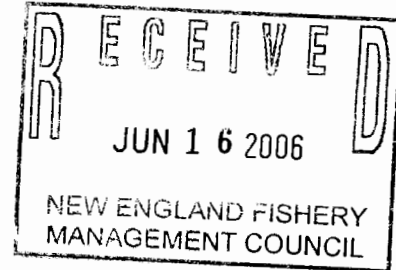
Sincerely,



Edward O. Todd
June 16, 2006

ANDREW COLAPINTO

From: "ANDREW COLAPINTO" <acolapinto@msn.com>
To: <whitingscoping@noaa.gov>
Sent: Monday, June 12, 2006 1:41 PM



Edna Mae Inc.

Edna Mae # 330384

3223 West River Road

Nichols N.Y. 13812

To whom it may concern;

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Thanking you,

James Lyons, Pres.

C/O PAUL J HOWARD, EXECUTIVE DIRECTOR
NEW ENGLAND FISHERY MANAGEMENT COUNCIL
50 WATER STREET, MILL # 2
NEWBURYPORT, MA 01950

cc: CD, CSK (6/12)

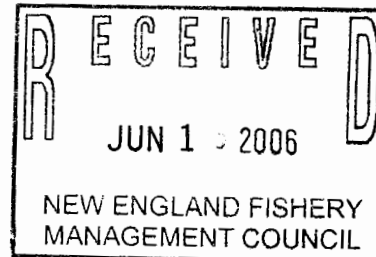
6/12/2006

Brendan Casey

320 Garfield Street
Centerport, NY 11721
(631)223-2568

June 16, 2006

Mr. Chad Demarest
Mr. Paul J. Howard
NFMC
50 Water Street
Mill #2
Newbury Port, MA 01950



Via Fax: (978) 465-3116

Dear Chad:

I am the owner operator of F/V Sea Angel, a 65-foot fishing trawler, permit # 310962. I am writing to voice my opinion in regards to the Whiting small mesh multi-species plan.

The only fair Whiting plan is a plan with a poundage level like the current Squid plan. All vessels should be allowed to catch as much Whiting as they can, when the quota isn't caught up, at a certain level, an incidental trigger should be kick in for everyone.

New York State does not have any representatives on the New England Council. This is not fair to have New Englander's governing New York and New Jersey fishing stocks. Before the days at sea were implemented, their Whiting landings were not as high. This Whiting scooping committee is not representative of New York Fisherman.

If you would like to speak to me regarding this issue, I would be happy to do so. Thanking you for your effort in this matter, I am

Sincerely,

Brendan Casey

/rmpc

cc: CD, CBN (6/20)