

Amendment 16 to the Northeast
Multispecies FMP
Scoping Comments Received
(Days-At-Sea)

ASSOCIATED FISHERIES OF MAINE

PO Box 287, South Berwick, ME 03908 207-384-4854 phone 207-384-2940 fax

December 22, 2006

Mr. John Pappalardo, Chair
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Dear John:

I write on behalf of Associated Fisheries of Maine regarding Amendment 16 to the groundfish FMP.

It is our understanding that one of the management alternatives for consideration in Amendment 16 will be one that makes adjustments to the current days-at-sea system. To that end, I write to request Council consideration of the following in the "adjustments to the status quo" alternative:

- **Count groundfish days-at-sea at a minimum 24 hours**
This proposal received positive analysis from the groundfish PDT with regards to meeting certain biological objectives, was supported by several members of the NEFMC, and continues to have merit
- **Remove the requirement to take a 20-day spawning block (March, April, May)**
This proposal was included in FW42 but was set-aside due to priorities
- **Require the use of diamond mesh codends in the CAll yellowtail SAP**
This proposal was included in FW42 but was set-aside due to priorities
- **Allow the use of 6" square codends with a separator trawl in the US/CA areas**
- **Reduce the minimum fish size for GB haddock**
The preceding two items were recommended by the ad hoc Bycatch committee as measures to mitigate haddock discards
- **Develop a WGOM haddock SAP using hook gear**
This proposal was included in FW42 but set-aside due to priorities
- **Reduce the 72-hour observer notification requirement**
The 72-hour requirement for observer notification is particularly difficult for vessel operators to comply with during bad weather months
- **Reduce/eliminate the "conservation tax" on DAS transfers**
Despite positive changes to the DAS transfer program made in FW42, very few vessels are taking advantage of this program
- **Provide more flexibility in the length/horsepower restrictions in the DAS leasing and transfer programs**
The original PDT proposal for DAS leasing included a length/horsepower conversion program that would allow larger vessels to lease a fraction of DAS from smaller vessels
- **Remove the restriction on DAS leasing for vessels in the permit history category**
This requirement does nothing but impose additional administrative burden on NMFS and vessel owners
- **Remove the tonnage restriction for replacement vessels**
Tonnage restrictions are no longer applicable to DAS leasing or transfer programs, and provide no conservation, or otherwise useful, benefit to the replacement vessel program
- **Reduce the size of the differential DAS counting area in the GOM**
The PDT analysis for FW 42 showed clearly that 68% of GOM cod and 73% of CC/GOM yellowtail were caught in statistical blocks 124, 125, 132 and 133. Additional 30-minute squares included in the area pose safety risks for vessels trying to get beyond the area

Associated Fisheries of Maine is a trade association of fishing and fishing dependent businesses. Membership includes harvesters, processors, fuel/gear/ice dealers, marine insurers and lenders, and other public and private individuals and businesses with an interest in commercial fishing.

- **Eliminate or reduce the size of the rolling closures**
The rolling closures have been in place since 1999, and it is time to review the utility
Re-examine the utility of the year-round closed areas, and reduce the size as appropriate
The year-round closures have been in place since 1994 and it is time to review the utility
- **Allow general category scallop vessels, fishing within the regulated mesh exemption areas, to retain the same monkfish bycatch allowed by general category vessels fishing in all other areas**
This would be a positive way to minimize monkfish discards without encouraging a directed fishery
- **Examine all exempted fisheries to determine if they continue to meet the groundfish bycatch restriction under which they were granted**
As groundfish biomass continues to grow, it would be wise to examine recent bycatch rates

Most of these suggestions have received some analysis by the PDT and have been reviewed favorably by the Council in the past, but have been set-aside in workload priorities.

Even if it is the decision of the Council to ultimately implement a management system different from days-at-sea, many of these items will require additional consideration to determine whether or not they are compatible with that new system.

As always, we appreciate the Council's consideration of our views.

Sincerely,

Maggie Raymond
Associated Fisheries of Maine

comments

From: Michael Love
Sent: Thursday, December 21, 2006 1:01 PM
To: comments
Subject: Spam:Groundfish Amendment 16 scoping comments

TO: Mr. John Pappalardo, Chair
NEFMC
50 Water Street, Mill 2
Newburyport, MA 01950

FR: Michael Love
Love Fisheries inc.
178 Haskell Rd. N. Yarmouth ME 04097 (207) 749-2122

Dear John, I am writing to express the concerns regarding Amendment 16 held by myself, and my skippers, and crew members.

There seems to be a sense that Amendment 16 will include alternatives that would adjust the days at sea system in unknown and potentially devastating ways. It should be kept in mind that the present system is the product of much compromise, pain, and negotiation starting over a decade ago. A Days at sea system that we support.

From a Macro ecologic and economic viewpoint This system is a success. Essentially the "Government" (council, legislative, executive or Judge) wanted to have fewer vessels on the water fishing, desired a reduction in fishing mortality, and wanted better real time control of the aforementioned. This has all occurred, against a backdrop of evermore demanding rebuilding targets.

We believe that Days at sea occasionally tweaked with some other reasonable input controls is the best way to manage a multispecies fishery as diverse as ours. The problem is that the one or two weakest stocks preclude maximum utilization of the rest.

To adjust this an "ITQ" of some type LIMITED to just the stocks where the TAC was exceeded in the previous year would work. This would focus the conservation effort just where it is needed, resulting in a more efficient fishing effort across the board. This with the existing rules in place would be the final adjustment to a tried and tested system.

I have worked in other fisheries that were managed under ITQ systems and hard TAC quota "derby" systems. These fisheries were also considered to be healthy, yet both of these methods led to "high grading" extreme consolidation, and vertical integration that will end the diversity in the fleet that is a part of the New England waterfront today.

In the spirit of improving our present plan the following specific changes are recommended:

Counting of Groundfish DAS at a minimum of 24 hours

Mandate the use of diamond mesh cod ends in the CAII yellowtail SAP

Reduce the 72 hour observer requirement

Reduce the size of the 2:1 DAS counting area, much of the area now covered harbors few codfish.

In summary, the most important thing is to avoid massive wholesale changes in this system. If large changes occur it is very certain that the independent fishermen who have invested and worked this system will be replaced by conglomerates. Those still here are only here because they have invested into the current system, we cannot afford to do it again.

Rgs, Mike

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Erik Anderson
38 Georges Terrace
Portsmouth, NH 03801

New England Fishery Management Council
The Tannery – Mill 2
Newburyport, MA 01950

DEC 29 2006

December 26, 2006

Re: Reply to Scoping Hearings by NEFMC on Draft Amendment 16

The following would be considered a response to the New England Fishery Management Council's notice to solicit comments on Draft Amendment 16 to the Northeast Multispecies Fishery Management Plan. This plan would represent a developed proposal in thought and concept for further consideration and development by the Council. It has tried to incorporate measures consistent with current management policy represented in Amendment 13 and Framework 42 but in a manner that attempts to neutralize the broad brush approach to differential counting of DAS that currently is causing unintended controversy.

Reason and Rational

In the development of Framework 42 (F/W 42) there was the perceived need to craft management measures that would reduce fishing mortality on particular species of concern to meet the requirements of Amendment 13 and the Magnuson / Stevens Fishery Conservation Act. In the development of F/W 42 alternatives, differential counting of DAS was recommended to accomplish the required goals of stock rebuilding. The two stocks that drove the engine for differential DAS counting in the Gulf of Maine (GOM) were CC/GOM yellowtail flounder and GOM cod in a established geographic area known as the Differential Counting Area. As calculated by analysis of differential DAS counting in this area CC/GOM yellowtail counting would require differential DAS counting at a rate of 2/1 and GOM Cod would require a rate of 1.5 /1. In the NMFS interim measures 1.4/1 differential DAS counting was considered to accomplish the concerns for GOM cod throughout its range but considered insufficient for CC/GOM yellowtail flounder. In any case differential DAS counting created a new strategy of controversial measures that could be summarized as follows.

- 1) As per the measures of F/W 42 the burden of rebuilding GOM cod under differential counting of DAS was placed within the geographic area known as the Differential Counting Area at a rate of 2/1 versus the analyzed 1.5/1 and greater than the required 1.4/1 throughout the GOM cod range.
- 2) The 2/1 differential DAS counting in the Differential Counting Area was based on differential DAS counting required for CC/GOM yellowtail flounder. Many statistical blocks in the Differential Counting Area represented less than 1% of CC/GOM yellowtail landings along with many fisheries in time and area in the

cc: TN(1/4)

PAGE 1

Differential Counting Area representing less than 1% of CC/GOM yellowtail landings.

- 3) Mortality reductions for GOM cod in F/W 42 was represented in a differential DAS counting rate of 2/1 inside the Differential Counting Area and 1/1 outside the area even though this 1/1 counting rate was within the biological range of GOM cod. This plan feels it appropriate to establish measures that would address the concern of rebuilding GOM through out its range.**
- 4) Being that differential DAS counting was the major management measure within F/W 42 there were issues as described above that were controversial and perceived to be inconsistent with previous manage policy.**
- 5) Most important with this proposal is the fact that if differential DAS counting is to remain within management regime it can be done in a more equitable manner to achieve the intended goals of its implementation. Many feel that a DAS regime is worth salvaging and is adequate, unique, and better than other alternatives or management strategies.**

Proposal

The following would represent the development of management measures within the current DAS system that is done fair and equitably while still achieving the goals of current management action. While it could take any name, for the purposes of this proposal, it will be referenced as the "Performance Plan".

The purpose and desire of this proposal is to maintain a differential counting system similar to the measures of F/W 42 but in a configuration that puts the burden of accountability on the vessel operator, according to what was landed on a trip and what DAS will be assessed to that vessel under differential DAS counting. For purposes of example we will use the trip limits currently employed in F/W 42 for accounting how a trip will be calculated for DAS use, using differential DAS counting.

Trips Under 24 hours

Illustration 1) If under the VMS system a vessel leaves the dock, conducts a trip of any duration and lands NO species of concern (CC/GOM yellowtail flounder or GOM cod) the trip will be assessed on a differential DAS counting based as 1/1.

Illustration 2) Under the VMS system a vessel leaves the dock, conducts a trip of any duration and lands with species of concern. It will be assessed differential DAS counting as a percentage of the allowable trip limit for that species of concern.

Example 1) Under the VMS system a vessel conducts a trip using 12 hours and lands 400 lbs. of GOM cod. Under this example we will use 1.4/1 differential counting as a rate based for GOM cod throughout its range.

Step 1) It would be assessed $12 \text{ hours} \times 1.4 = 16.8$ which is 4.8 hrs more than actual trip.

Step 2) 4.8 hours would be multiplied times percentage of GOM cod trip limit landed $400/800 =$ a ratio of .5.

Accountability

If the description of this Performance Plan can be accepted for conceptual consideration, and potential modification where needed, then there must be provisions to assure that accountability exists. It is proposed to introduce and suggest those terms for accountability using existing structure within the current requirements. Developing that goal a vessel operator would be required to perform additional steps once a trip landing was completed.

- 1) Obtain a weighout slip from the dealer of record that the unloading occurred in which every species unloaded was recorded. This is currently standard practice in the industry.**
- 2) Submit a copy of that weighout slip with his/her Vessel Trip Report (VTR) or submit a copy of the weighout slip with the "Dealer Copy" of the VTR. Currently it is required to submit only the "Dealer Copy" of the VTR to the dealer of record.**
- 3) Possibly shorten the time frame of required VTR submissions to NMFS so that DAS calculations can be accomplished with an additional benefit of advancing real time reporting scenarios.**
- 4) Under current reporting requirements dealers must submit vessel weighout information related to a vessel landing within a 24 hour period.**
- 5) It is very realistic to expect that for terms of accountability minimum burden will be placed on existing programs or vessel operators for proper data to be submitted and accomplish goals or merits of this proposal.**
- 6) There could also be introduced a standardized calculation form that both the vessel operator and NMFS may use to calculate the described conditions in this proposal.**

Issues To Be Noted

It would be appropriate to address a concern that might be brought forward with regards as to how or if discards would play a role or factor in consideration of this proposal. Under any past, present, or future management systems discards will play a role whether it is attributed to regulatory trip limits, economic considerations, or in this Performance Plan. This proposal does not consider that discards will play a major role but seeks advice to deter from that practice not only in this presentation but in all forms of management systems.

- 1) Currently trip limits are probably the biggest factor in regulated discards under F/W 42.**
- 2) In the thoughts or consideration of an individual quota system economic discards and possibly trip limits would definitely be a factor .**
- 3) Under this proposal landing species of concern which are factored into the differential DAS rate used to calculate a trip plays a role in discard conditions but leaves the vessel operator options to control its DAS counting rate in a more practicable and equitable manner. This proposal in combination with current VMS requirements, suggested improvements or modifications, can improve the current conditions of F/W 42 or the Councils solicitation of proposals expressed by the Scoping Hearings.**

Step 3) $4.8 \text{ hrs.} \times .5 = 2.4 \text{ hours.}$

Step 4) This would result in a trip of 14.4 hours (12 actual hrs. + 2.4 hrs. as calculated).

Rational: Data supports that many trips do not catch both species on the same trip but currently, under F/W 42, are assessed with DAS counting according to the most severe differential counting rate. The current differential counting rate of 2/1 is used based on a differential counting rate needed to rebuild CC/GOM yellowtail flounder. If CC/GOM yellowtail flounder are not caught on a trip it appears irrational to charge a vessel with that 2/1 rate but appropriate to assess a vessel a differential counting rate calculated for rebuilding the species of concern that was caught.

Each mathematical scenario equates to a different result in differential DAS counting but proportionally based on what the vessel caught of that species of concern, and can be calculated with agreed terms by the vessel operator as well as NMFS, with the same result.

This model works well if it can be calculated using only one species of concern that formulates the differential DAS counting assessed against the vessel. This is stated in the previous rational. It does become problematic when two species of concern are incorporated within the same trip and attempts to use separate calculations for each species, which in concept is appropriate. The proposal lacked the technical ability to run multiple models creating a variety of calculated scenarios. It did come to an assumption that could resolve these issues and justify further development of the proposal.

PROVISION 1) When a mathematical scenario for a trip exceeds a 2/1 calculation, the trip will remain under 2/1 differential DAS counting.

Example 2) Under the VMS system a vessel conducts a trip using 20 hrs.

It lands 600 lbs. of GOM cod and 200 lbs. of CC/yellowtail flounder.

Under the current F/W 42 provisions of 2/1 differential DAS counting it would be assessed 40 hrs.

Using the terms of this proposal the following calculation would be made.

Step 1) For GOM cod: $20 \text{ hrs} \times 1.4 = 28 \text{ hrs}$ or 8 hrs more than actual trip.

Step 2) $600 \text{ lbs.} / 800 \text{ lbs.} = \text{a ratio of } .75$

Step 3) $8 \text{ hrs} \times .75 = 6 \text{ hrs}$

Step 4) For GOM cod the differential DAS would be the 20 hrs. of actual use + 6 hrs calculated = 26 hrs

Step 5) For CC/GOM yellowtail flounder: $20 \text{ hrs} \times 2/1 = 40 \text{ hrs}$ or 20 hrs more than actual trip

Step 6) $200 \text{ lbs.} / 250 \text{ lbs.} = \text{a ratio of } .80$

Step 7) $20 \text{ hrs} \times .80 = 16 \text{ hrs.}$

Step 8) For CC/GOM yellowtail flounder the differential DAS would be the 20 hrs. actual use + 16 hrs. calculated = 36 hrs.

Step 9) Totaling both DAS use as calculated for GOM cod and CC/GOM yellowtail would be $26 \text{ hrs.} + 36 \text{ hrs.} = 62 \text{ hrs.}$

Since the differential counting rate calculated here (62 hrs.) is 22 hrs more than the F/W 42 provisions of 40 hrs. the trip would fall under PROVISION 1 and remain at the F/W 42 differential counting rate of 2/1 or 40 hrs.

DALEA

Rational: Under current F/W 42 provisions a 2/1 differential counting rate has been calculated to meet the rebuilding goals for species of concern but it can be assumed that this rate was based on a differential counting rate needed for CC/GOM yellowtail flounder in the Differential Counting Area. Under the terms of this proposal mathematical scenarios develop that would exceed the 2/1 differential counting rate. This would be unnecessary according to the analysis for rebuilding measures in F/W 42.

This proposal attempts to differentiate on a trip by trip basis a differential DAS counting rate appropriate for the species of concern that was caught on a particular trip. In a variety of examples it would be less than the current F/W 42 provisions and in a variety of other instances it would exceed the F/W 42 provisions. In all cases it would meet the differential counting rate for rebuilding particular species of concern and grants flexibility or appropriate consideration for species of concern caught or not caught on a particular trip.

Issue for Trips Under 24 hours

One of the plaguing problems of any management scenario is how does it address the potential for discards. This proposal recognizes this issue and attempts to address it in the following manner.

Currently under the terms of F/W 42 there are no provisions for landing a species of concern in excess of the daily trip limit. By example if a vessel catches 1000 lbs. of GOM cod in less than a 24 hour trip must discard 200 lbs. or it can remain at sea for 24 hrs. and 1 minute and land the 1000 lbs. and upwards to 1600 lbs. for the next 24 hr. period. Question 1 – Does the Council or NMFS want this condition or situation to remain or create a provision that allows a trip under 24 hrs to land in excess of the daily trip limit? This is a fundamental question that needs to be answered by the Council or NMFS. This proposal is not wedded to a decision on this topic. It can function in either direction. If it is decided that this should be a consideration then the following would be put forward to accommodate this concern.

Example 3) Under the VMS system a vessel conducts a trip that uses 16 hours of actual time.

It lands only one species of concern which is 1500 lbs. of GOM cod. The calculation would go as follows.

Step 1) It would be assessed $16 \text{ hrs.} \times 1.4 = 22.4 \text{ hrs.}$ which is 6.4 hrs more than the actual trip.

Step 2) 6.4 hrs. would be multiplied times the percentage of GOM cod trip limit landed. In this case it would be 800 lbs. for that 24 hr. period. The ratio would be as follows;
 $800 / 800 = \text{a ratio of } 1$

Step 3) $6.4 \text{ hrs} \times \text{ratio of } 1 = 6.4 \text{ hrs.}$

Step 4) $16 \text{ hrs} + 6.4 \text{ hrs} = 22.4 \text{ hrs}$ for the first 800 lbs. of GOM cod.

Step 5) For the remaining 700 lbs. of GOM cod there would be the need for a ratio rate for the next 24 hr. period. In this case $700 / 800 = \text{a ratio of } .875$

Step 6) Since the excess is being considered for a 24 hr. period the ratio would be multiplied for that 24 hr. period. In this case $24 \text{ hrs.} \times 1.4 \times .875 = 29.4 \text{ hrs.}$

**Step 7) The two hourly calculations would be combined for the final DAS used for that trip.
In this case 22.4 hrs. (step 4 result) + 29.4 hrs (step 6 result) = 51.8 hrs.**

Statement and Rational: If this set of circumstances is determined by the Council and NMFS to be allowed there should be no gained DAS usage advantage from a calculation or mathematical perspective. In cases where two species of concern are caught on the same trip under 24 hrs. this proposal seeks guidance from the Council and NMFS possibly through the PDT to maintain a “no advantage” circumstance for allowing this condition to exist for trips under 24 hrs. In actuality in many circumstances DAS usage rates exceeding 2/1 would be calculated but because this is only considered for trips less than 24 there would be no allowance of PROVISION 1.

Trips over 24 hours

There has been past concern in developing management measures that create advantages in particular circumstances. In this case it is with trips that are over a 24 hour period. This proposal will try and address this concern.

Example 4) Under the VMS system a vessel conducts a trip that uses 25 hours of actual time.

It lands in this example only one species of concern which is GOM cod.

Under current regulatory conditions it would be assessed a differential DAS counting rate of 2/1 or 50 hrs.

Under this proposal the calculation process would go as follows:

Since the trip is more than 24 hrs it has the potential of landing 1600#s of GOM cod.

1600 lbs. represents a period of 48 hours.

Because of this a 48 hr. period will be incorporated in the calculation.

Scenario 1) – 1600 lbs. of GOM cod landed

Step 1) 48 hrs – 25 hrs. = 23 hrs.

Step 2) 23 hrs. x 1.4 = 32.2

Step 3) 1600 lbs. / 1600 lbs. = a ratio of 1

Step 4) 32.2 hrs. x 1 = 32.2

Step 5) 25 hrs. + 32.2 hrs. = 57.2 hours assessed on this trip.

NOTE: Because this calculation exceeded the 2/1 rate it will fall under PROVISION 1 and remain at 50 hrs. (25 hrs. x 2)

Scenario 2) – 1500 lbs. of GOM cod landed

Step 1) 48 hrs – 25 hrs = 23 hrs.

Step 2) 23 hrs. x 1.4 = 32.2

Step 3) 1500 lbs / 1600 lbs. = a ratio of .9375

Step 4) 32.2 hrs. x .9375 = 30.18 hrs.

Step 5) 25 hrs. + 30.18 = 55.18 hours assessed to trip

NOTE: Because this calculation exceeded the 2/1 rate it will fall under PROVISION 1 and remain at 50 hrs. (25 x 2)

Scenario 3) – 1000 lbs. of GOM cod landed

Step 1) 48 hrs -25 hrs. = 23 hrs.

Step 2) 23 hrs. x 1.4 = 32.2 hrs.

Step 3) 1000 lbs. / 1600 lbs. = a ratio of .625

Step 4) 32.2 hrs. x .625 = 20.12

Step 5) 25 hrs. + 20.12 hrs. = 45.12 hrs assessed to trip

Scenario 4) 600 lbs. of GOM cod landed

Step 1) 28 hrs. – 25 hrs = 23 hrs.

Step 2) 23 hrs. x 1.4 = 32.2 hrs.

Step 2) 600 lbs. / 1600 lbs. = a ratio of .375

Step 3) 32.2 hrs. x .375 = 12.07 hrs.

Step 4) 25 hrs + 12.07 = 37.62 hours assessed to trip.

Rational: Again as previously stated there are many trips supported by data that land only one species of concern. In the case of GOM cod throughout its range it is assumed that 1.4 / 1 is a differential DAS counting rate that would rebuild the fishery. When only one species of concern is landing on a trip it should be assessed the differential counting rate for that species. There should be no advantage gained in conducting a trip of specific time to allow landing a greater amount of that species in relation to trips under 24 hours. In the scenario described above and under current regulation the trip would be assessed 50 hrs under a 2/1 differential counting rate in the Differential Counting Area or 25 hrs. outside the area. The 2/1 differential counting rate was calculated for rebuilding / mortality reduction concerns for CC/GOM yellowtail flounder and should not be assessed to species that do not require that rate of differential DAS counting. The differential counting rate for GOM cod through out its range is 1.4 / 1. As calculated it accounts for different landing scenarios within a potential 48 hour landing window for that particular species. Even though it requires particular steps of calculation it is consistent and fair for GOM cod through out its range. There appears to be inconsistency in the current regulations that sets different DAS counting rates from geographic perspectives while there should be emphasis on rebuilding the species through out its range by using the appropriate differential counting rate.

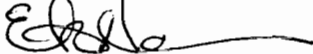
Example 5) It is stated again that this proposal appears to perform well in cases when only one species of concern is used. It does become problematic when an additional species of concern is introduced to the calculation. In many instances the calculation exceeds the current regulations of 2/1 differential DAS counting rate. F/W 42 analysis supports that exceeding that 2/1 rate is unnecessary. Without illustrating particular examples that would reveal this condition it would be proposed that the conditions of PROVISION 1 would be applicable in a trip that caught two species of concern and exceeded the 2/1 differential counting rate. This proposal would request that calculations supporting this assumption be run.

Summary

- 1) **This proposal attempts to introduce a conceptual design not radically different from the current philosophy represented in F/W 42 but more equitably distributed in circumstances that vessels actually experience. Hopefully this proposal has been described and presented in a manner that can be understood and viewed for further consideration and development.**
- 2) **It recognizes the fact that it creates an almost infinite possibility of individual mathematical calculations but does it in an understandable and consistent process relevant and more equitable to realistic conditions.**
- 3) **While the examples and scenarios described have been over exemplified the mathematical process can be simplified into a 1 page calculation sheet a vessel may use pertaining to its circumstance.**
- 4) **If further explanation is needed this proposal requests any questions for additional clarity or resolution that would result in further development.**
- 5) **As stated previously the proposal lacked the technical ability to run numerous calculation scenarios but seeks a review process that would do so to validate the assumptions and any necessary recommendations and/or adjustments that would support the concept.**
- 6) **This proposal tries attempts to keep the Days at Sea program solvent even with the differential DAS counting as a condition.**
- 7) **It does not try to introduce radical changes within the current regulatory scenario, but attempts to fine tune issues within the current system that might be considered as a unintended oversight or consequence of F/W 42.**
- 8) **This proposal can accept future changes to differential DAS counting by incorporating different counting rates into the calculation.**
- 9) **This proposal incorporates individual accountability and fishing practice within its concept. If this concept has difficulty for institution into the current regime it should be considered that any thoughts or considerations of individual quota systems present issues of more difficulty.**

Thank you for your time and consideration in reading and reviewing this Performance Plan. I anxiously await any comments or questions.

**Respectfully,
Erik Anderson**



My name is Daniel Wong and I am a shore side worker for Atlantic Trawlers, Inc., which is a small business that owns five ground fishing boats that fish out of Portland and New Bedford. The company provides a full time living for about 25 to 30 people. We probably do business with about 50 or so other business entities.

My family has been and will be highly impacted by the course your panel will be setting over the next couple of years and I am very grateful that you will at least give some thoughts to some of the observations I have made over past ten to twelve years concerning fisheries management.

1. There needs to be some consistency in the management process. The days at sea process is working. Although the differential days at sea is very painful and makes managing a vessel difficult it does alter fishing behavior. You will get less effort in areas with higher days at sea counts. Conversely you could get greater effort on healthier stocks by only charging partial days. A fishing day somewhere between an a day and a b day. I have always believed we should have always counted a day at sea as a day at sea and not let anyone land a days worth of fish without charging for a full day at sea.
2. We already have area management to further divide fishing area up and add layer upon layer of regulation will not help. Also to create any additional incentive to add more boats to this industry at this point seems foolish. No matter how you look at it we need less boats.
3. Any regulation needs to be devised that does not give economic incentive to devise ways to circumvent the regulation. A day at sea quickly comes to mind. Eight hundred pounds of cod a day should means eight hundred pounds of cod in a twenty four hour period, how that ever meant anything other than that is beyond me.
4. Hard tacs will not work. No matter how you devise the rules hard tacs will only encourage everyone to fish as hard as they can until the quota is filled. This will only result in the lowest possible price for the resource. Additionally in areas where other fish commingle with the hard tac fish the hard tac fish will be kicked overboard and wasted. This business is in survival mode you can readily predict what a fisherman would be economically forced to do.
5. Itq would be essential if hard tacs are set in place. This would at least relieve the pressure of derby fishing but in it's place result at hy-grading fish at sea which again would waste resource.

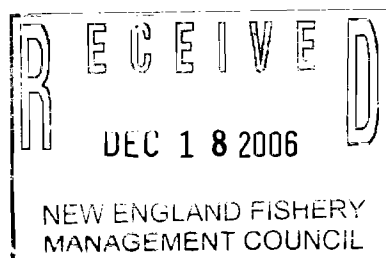
I do not envy you in the task you have at hand. Some peoples lives and businesses will unavoidable be adversely impacted no matter what direction you decide to go in. I do believe the fishing stocks are rebuilding albeit slower than desired. I also feel that during this rebuilding process it will be better to have a smaller but financially solvent industry than a fractured widely dispersed bankrupt industry.

Hopefully an industry buy back will take boats out of the water and produce a smaller more solvent fleet. Over the next two years with hopefully a smaller fleet and the progress in the fish stocks due to the implementation of framework 42, specifically the two for one days, perhaps we will be able to continue down this same road that seems to be producing positive results.

Sincerely,



Daniel Wong
383 Sligo Road
Yarmouth, ME 04096



cc: TN (12/11)



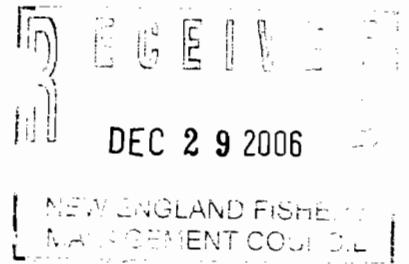
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December 29, 2006

Paul Howard, Executive Director
New England Fishery Management Council
50 Water Street, Mill#2
Newburyport, MA 01950
Sent by facsimile (978) 465-3116



Comments on Multispecies Amendment 16

Dear Mr. Howard:

Please accept these comments on behalf of the Garden State Seafood Association (GSSA); GSSA is comprised of commercial fishermen, shore-based processors, commercial dock facilities, seafood markets, restaurants, and various industry support businesses from New Jersey.

We believe the days-at-sea system is still the best method for managing groundfish and urges the Council to continue refinement of the days-at-sea management process for NE groundfish before considering a different approach to groundfish management. If the NEFMC is determined to explore a quota system that is based upon landings history we would like to take this opportunity to provide our comments and concerns and would ask you to consider these issues in future management decisions.

Our two major concerns involving the management of the Multispecies fishery based upon vessel landings history are as follows:

- 1) New Jersey vessels that hold Multispecies permits and DAS allocations will lose access to this fishery. A caveat contained in the DAS leasing provisions allows

cc: TN(1/3)

only for the DAS history to remain with the permit that "owns" the DAS or in this case the lessor vessel but the landings resulting from the use of those DAS are attributed to the permit that lands the fish or in this case the lessee vessel.

While it was clear that the leasing provisions would make this a requirement of the leasing program it was not the intent of the NEFMC or the NMFS to give landings history away from one permit holder to another. Obviously the idea of landings based history at that time was not being considered and could not have been anticipated in fact the rationale provided in Amendment 13 specifically states that *"Allowing a vessel that "owns" the DAS retain the history of those DAS will alleviate the concern that leasing out of DAS will affect future decisions, if any, that are based on DAS history."*

- 2) New England vessels that depend upon DAS leasing might not have the opportunity to lease DAS if New Jersey vessels stop leasing out DAS because the potential loss of landings history. New Jersey vessels currently have approximately 1600 A DAS that can be leased out and are currently available to dependant New England vessels.

If the NEFMC considers a new management approach based upon landings history we request that the NEFMC changes the DAS leasing provisions so the DAS history and any landings derived from those DAS would be retained by the permit that "owns" those DAS. In order to allow those vessels dependant upon access to these DAS or the landings associated with those DAS we would ask the NEFMC to allow for full leasing of those landings of potential quota between individuals, permits and vessels.

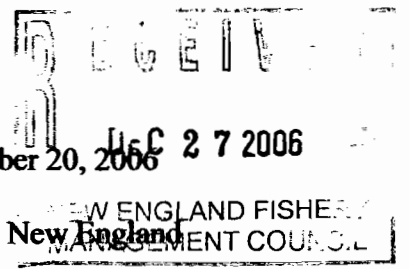
Sincerely,



Gregory P. DiDomenico
Executive Director
Garden State Seafood Association

Dear Executive Director Paul Howard,

December 20, 2006



This letter regards the upcoming 2009 amendment to the multispecies New England fishery.

I do not think the current Days-at-Sea system is a failure. I think with recent cuts, low fish prices, and high fuel costs that fishermen are having a difficult time making money. I think no matter what system is in place to increase fish stocks, cuts in effort are inevitable and are going to be painful no matter what system is in place.

I like the Days-at-Sea system and I think it has worked to a degree and with a few adjustments it can be an effective tool.

My proposal is to have two management areas, an inshore area which would be the current 2 for 1 blocks, and an outside area that is everywhere other than the 2-1 blocks. Instead of the 2-1 blocks a fisherman that wants to fish in these blocks would have to call (register) into this area for the entire year. They would have to only fish in these blocks for the year and any boat not 'called in' to fish in this area cannot fish in this area for the fishing year. I think this is most important because regulators would know before the season starts exactly how many boats are going to be in these blocks and they will know how many DAS are going to be used in this area so they can give an appropriate amount of cod fish or yellowtails that can be landed per DAS. The boats 'registering' to this area would also have to say how many DAS they will be using (including lease days) for this year (no surprise lease days).

I believe there needs to be more escapement. Therefore these are just some suggestions that will help protect the fish inside the 2-1 area. There should be gear restrictions, such as limited # of gillnets, standard size trawl net, smaller roller frames and no cookie ground gear. Trawl nets should be 6.5" in the entire net, not just the codend. People who sign into this area will know what these restrictions are going to be ahead of time and they will have to 'register' into this area 6 months before the season begins.

Another tool that can be used to increase escapement in this area is to make the Jeffreys Closure larger but allow boats to fish a 6 mile wide area down the center of it. What I have noticed in my years fishing is that the most productive fishing areas are the edges of the closures. There are more fish along the edges than anywhere. If we increase the amount of edges, we would increase our catch. By making more closed areas or making the closed areas we already have, larger, than we would protect more of the fish. If we have a small amount of access to it than we can also harvest some of these protected fish. Right now the Jeffreys Closure has a huge amount of fish on it, but we are very limited on how much we actually catch, since there is no access to it. If there were a 3 mile wide stretch from north to south for gillnetters and another 3 mile wide stretch from north to south for trawlers than some of those fish could be harvested without hurting the biomass. The trawlers and gillnetters could even take turns from one year to the next which 3 mile wide stretch they would get.

This practice is used and is successful in the salmon fishery in Alaska. They have one large river, but the fishermen are only allowed to fish in one very small area in the river. This allows for the majority of fish to escape up the river but still allows the fishermen to catch a few.

If these suggestions were adopted, the DAS would no longer need to be counted at 2 for 1 in these blocks because many boats would not want to have to fish this area for the entire

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year, or go along with the gear restrictions. This 2-1 area has been driving regulations for years and needs to be more closely regulated so the entire fishing fleet doesn't have to share the burden for this area being mismanaged.

How the area outside the 2 for 1 blocks is managed I think should be decided by the people who plan to fish in that area. They might prefer IFQ's over DAS and I think that should be their choice. Boats that trip fish are very different than boats that day fish and this should be reflected in management.

I'd also like to say that I do not support the North East Seafood Coalitions 'point system plan' for the primary reason that it does not have anything in it to protect the small inshore fleet. It encourages consolidation. I feel this point system is an Individual Fishing Quota. I have learned quite a bit about IFQ's in the past year and to my knowledge there is not an IFQ system in the world that is not cooperate owned. Even when there were laws set in place to protect small boats, loopholes were found and in a very short time all the fishing quotas were owned by a handful of people. I think NMFS has done an excellent job keeping the fishing boats small, medium and large. I don't think large boats should be able to buy "points" or "quota" from small boats. NMFS has protected small boats from being bought out in the past and I hope they will continue to protect small boats in the future.

Thank you for the opportunity to share my opinion. I know in other countries that the government never asked for the opinion of the fishermen and I appreciate it that in this country we are asked.

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