



April 15, 2013

John K. Bullard
Regional Administrator
NOAA Fisheries
55 Great Republic Drive
Gloucester, MA 01930

Re: Comments on the Proposed Rule for Framework Adjustment 50 to the Northeast
Multispecies Fishery Management Plan [Docket No. 130219149-3288-01 RIN 06848-BC97]

Dear John,

The Northeast Seafood Coalition (NSC) is a non-profit organization representing over 250 commercial fishing entities, which hold over 500 limited access groundfish permits, on political and policy matters affecting their interests in the federal groundfish fishery. Collectively, NSC members represent the full diversity of the groundfish fishery. NSC members fish on small, medium, and large vessels from ports across the Northeast region and they employ all groundfish gear types. NSC fishing members are enrolled in the Northeast Fishery Sectors.

Today, NSC submits the following in response to the request for comments to the regulatory measures for the groundfish fishery proposed under Framework Adjustment 50.

Prior to commenting on the specific regulatory measures proposed under this framework adjustment, NSC believes it necessary to once again reiterate the reality concerning the current situation. The economic impacts of the annual catch limits (ACLs) being proposed will be devastating. These reductions will have life-altering impacts for ALL small businesses dependent upon the groundfish fishery — from fishing entities and shore-side businesses to restaurants and grocery stores that depend on fresh, local seafood products. Many of the ACLs being proposed are the lowest catch levels ever set in the history of the groundfish fishery.

The small fishing businesses directly facing these reductions, who have managed to survive until today, have complied with an overwhelming array of stringent scientific and management requirements. Since rebuilding plans were implemented in 2004, these businesses have succeeded in fishing within exceedingly precautionary management TACs for an array of interrelated stocks in a dynamic ecosystem. These businesses have also transitioned to a complex hard-TAC catch share system in an almost unthinkable timeframe needed to meet statutory deadlines.

Since last summer, NSC has called for everyone in the groundfish community—the scientists,

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managers and policy-makers—to acknowledge and accept the reality that the current process is just not working. NSC has repeatedly stated it’s time to “step out of the weeds” and examine the bigger picture: there are critical elements of science, management, and the law that all need to be fixed. The fishery cannot remain in the same box, performing the same rituals and expect a different result. We need fundamental change.

Lastly, NSC continues to support the Interim Measures proposed by NSC in our letter to the New England Fishery Management Council (the Council) on December 17, 2012 and the subsequent request by the Council to the Agency on December 20, 2012. NSC believes there is a sound legal basis for the Agency to implement Interim Measures in Fishing Year 2013 on Gulf of Maine cod and Gulf of Maine haddock. Such measures would be a crucial mitigation tool for the inshore GOM fleet. More information regarding these Interim Measures can be found in our comments below under (4) Overfishing Levels and Acceptable Biological Catches.

Measures Proposed:

1) Southern New England / Mid-Atlantic Winter Flounder Rebuilding Program

NSC supports revising the rebuilding plan for SNE / MA winter flounder. However, consistent with our numerous comments to the Council during the discussions pertaining to this revised rebuilding plan, NSC is perplexed by the continued policy to accept Biological Reference Points based upon long term projections that are known to be highly uncertain. Particularly the setting of Bmsy reference points which directly impact the setting of F-rebuild. The results are that near term fishing mortality targets have been set below F-rebuild to account for the uncertainty in the long term projections. Presumably, the least uncertainty exists in the estimates of current and near term biomass yet we are knowingly forfeiting near term yields in an effort to “account for” long term uncertainties. NSC believes this policy is flawed and should be replaced by a policy that weights the near term, more certain knowledge of a stock at a higher priority and set long term reference points that are risk averse to forfeiture of yields while chasing highly uncertain, long term Bmsy values.

2) Southern New England Mid-Atlantic Winter Flounder Management Measures

Notwithstanding the aforementioned concerns with the policy of knowingly forfeiting near term yields in an effort to chase highly uncertain, long term BRPs, NSC supports (as noted in our letter to the Council on December 17, 2012) the revised management measures for SNE / MA

winter flounder. Allocating this stock to sectors will provide some potential mitigation of the current fishery disaster status for some fishermen. Zero possession is a wasteful management measure that should only be used when no other alternative exists. SNE / MA winter flounder can be fished well below the overfishing level providing economic and scientific benefits not possible under status quo measures.

3) U.S./Canada Total Allowable Catches

In general, NSC is a supporter of the U.S. / CA Resource Sharing Understanding. NSC understands and appreciates the need and intent of the Understanding. However, NSC can no longer support the manner in which the Agency and the Council are handling the U.S. policies for the TRAC and TMGC.

NSC notes that the Canadian industry interests are far more directly represented pre TRAC, during the TRAC and on the TMGC than is the U.S. fishing industry. The U.S. science membership on the TRAC should be meeting with U.S. industry interests prior to any bilateral scientific meetings of the TRAC. NSC has requested this for years and to date this still has never been adopted as a regular policy. Now that the sharing methods are so heavily weighted to the spatial distributions resulting from the NEFSC and DFO trawl survey data, it is imperative that U.S. industry is updated and briefed periodically in order to share information. This should be standard procedure in order to best prepare industry and scientists pre TRAC.

NSC continues to stress the need for U.S. groundfish and scallop fishery membership on the TMGC comparable to the stakeholder interests represented by the CA TMGC membership. This means individuals that are considered direct stakeholders in the GB YT, EGB haddock and cod fisheries.

Furthermore, NSC cannot understand why there was not a stronger effort to reconvene the TMGC or to discuss the "one off" trade or reconsideration of the 2013 TACs at the intercessional meeting which was discussed by the Council during the meeting and vote taken on November 14, 2012 in Newport Rhode Island. It was during this meeting where the Council rejected the GB YT TAC recommended by the TMGC for 2013 and instead approved the following: GB yellowtail 1,150 mt (U.S. share 495 mt, Canadian share 656 mt).

Ignoring the Councils' clear and strong message that a 500 mt shared TAC with a split of less than 50% for the U.S. will be a total disaster for the U.S. scallop and groundfish industries is inexcusable. The Council clearly and repeatedly requested a TAC of 1,150 mt for GB YT. Why

did the Agency not provide the guidance and advice on how best to approach this recommendation at the U.S. / CA level?

4) Overfishing Levels and Acceptable Biological Catches

Proposed FY 2013 Georges Bank Yellowtail Catch Limit:

NSC does not support the Agency's intent to utilize emergency action to implement a U.S. TAC of 215 mt (500mt shared). The Council has made their intent clear that 1,150 mt was their preferred alternative and that ALL options and avenues be pursued to that end. Council discussion and industry comment explicitly suggested remand to TMGC, SSC and even Intercessional to achieve any progress towards preventing collapse of the Georges Bank groundfish and/or scallop fisheries in 2013. After all of this, NSC cannot determine where or when any effort was made to revisit this issue bi-laterally with Canada. Instead, we've heard, ad-hoc, that the issue will not be raised. Now that the Agency has chosen not pursue this as requested by the Council, the Agency expects to be able to default to emergency action that ratifies the very TMGC and TRAC decisions that were essentially rejected by the Council . NSC does not believe that the Agency can ignore one Council vote in favor of a decision made by a sub-set of the Council and the Agency (U.S./TMGC).

As stated previous in this comment, NSC supports and appreciates the necessity for and the value of the U.S/ / CA Resource Sharing Understanding but we also respect and value the regional Council process. When the TMGC and the Council cannot reconcile, which body rules? It is our belief that since the U.S./TMGC is a subset of and subordinate to the Council, the Council recommendation should be implemented and the consequences be dealt with at the TMGC level after the fact. It is unfortunate that this was allowed to come this far without there being a sincere effort to be responsive to the Council request and elevating this to emergency status to the TMGC or Intercessional Committee. Since it was not, NSC supports the Council decision to set a catch limit of 1,150 mt.

Proposed FYs 2013–2015 Catch Limits for GOM Cod

NSC does not support the proposed catch limits for GOM cod for FYs 2013-2015. These catch limits, that are far below any catches recorded in the time series, will result in a near total shutdown of the inshore GOM fleet that comprise the vast majority of individual fishing businesses in the fishery. The impacts to shore-side infrastructure and fishing communities will be severe and permanent as properties will be lost to other uses. What makes this worse is that we believe the low ACL result was avoidable in that there were plausible alternative catch estimates as high as near 4,500 mt presented during the SAW in 2012. What transpired

between the end of the SAW and the final meeting of the SARC has been described in a January 4, 2013 letter from NSC, Associated Fisheries of Maine and the Gloucester Fishing Community Preservation Fund to Dr. William Karp (letter submitted here as addendum).

As stated earlier, NSC continues to support the Council recommendation to implement Interim Measures to further reduce but not eliminate overfishing on this stock. NSC supports this although the evaluation of overfishing and mortality will be using the SARC and SSC accepted model that produces the pessimistic results. In doing so, NSC estimates, by using the same process used to establish the Interim Catch level for this current year, the ACL may be as low as 3,600 mt which represents an over 40% reduction from 2012 ACL. NSC believes that this historically low catch advice combined with the high level of accountability measures embedded in sector management provides a precautionary balance for fish and fishermen.

5) Annual Catch Limits

Cape Cod / GOM yellowtail flounder:

NSC is gravely concerned with the severe reduction in ACL for this stock. Inshore fishermen in the GOM this past year have reported large concentrations of YT in all depths and in broad areas west of the 70:15. These reports have been consistent and long lasting throughout the 2012 fishing year. In direct contradiction to the often used rationale that this past year of low catches of GOM cod are vindication of the poor assessment results. This past year, CC / GOM yellowtail flounder have been easy to catch, in great numbers, and the only constraint being the high cost to lease and limited available 2012 quota. Our members have reported the ability to catch two and three times more yellowtail than their already substantial allocations if the quota were available. Instead, the 2013-2015 ACLs will be reduced 54% from 2012. This stock has been important to the inshore fleet this year as cod have not been showing up in places and numbers as in recent years. Combined with the GOM cod reduction, the inshore GOM fleet has little hope of survival. The last benchmark assessment for this stock was 2008. NSC is not aware of any upcoming benchmark assessments scheduled for this stock.

GOM haddock:

NSC does not support the three year ACLs proposed for GOM haddock. NSC has been and will continue to point out the illogical management scenario this presents when considering that the GB haddock ACL is 100 times greater than the GOM haddock TAC and all that separates the two stocks is a nearly 200 mile latitude extending from the US shore to the Hague line. This latitude dissects basins, contours and ridges and is much more a management line than it is a

biological line. NSC urges the Agency to assist the Council in finding a management solution to this dangerous situation that will result from known spillover of GB haddock being caught north of the 42:20 and effectively shutting down fishing for vessels and sectors in the Gulf of Maine.

9) Recreational Fishing Measures

As noted in the NSC public comments to the proposed rule for Framework Adjustment 48, there appears to be stark inconsistency in the manner that MSRA is being implemented by the Agency to deal with enormous cuts in fishery wide ACLs for GOM cod and haddock. NSC seriously questions the double standard being applied.

In the NSC comments submitted April 9, 2013:

“NSC strongly supports a healthy and vibrant fishery comprised of both commercial and recreational stakeholders; however, NSC has grave concerns with the approach taken by the Council and Agency regarding recreational fishery accountability measures (AM). To us, there appears to be a stark inconsistency in the manner that MSRA is being implemented by the Agency in terms of the approaches applied to deal with enormous cuts in fishery wide ACLs for GOM cod and haddock.

On the one hand, commercial fishermen are not allowed access to the “groundfish closed areas” for the purpose of “protecting groundfish and to promote rebuilding”, while on the other hand, a component of the fishery that argued for and succeeded in receiving 34% and 38% allocation of GOM cod and haddock respectively, is allowed to fish those allocations almost entirely within the “groundfish closed areas”. “

The recreational measures proposed in this action are essentially status quo. NSC questions how the Agency can rationalize how a component that was deemed to have been responsible for 34% of cod and 38% of haddock catches can absorb 77% and 57% reductions in cod and haddock ACL without a single, additional measurable management restriction?

Considering discard mortality estimates ranging from 50% to 100%, how will the minimum haddock size of 21” reduce mortality without a bag limit? We believe the increased minimum fish size will increase mortality as most haddock caught in the recreational hook fishery are well below this size and will be discarded. It would seem that a decrease in minimum fish size and a reasonable bag limit would have been a quantifiable and, believable mortality control.

This double standard of applying AMs is inexcusable and it is questionable whether it is legal under MSRA. The implications to the fish stocks subject to strict rebuilding plans and the economic consequences to commercial fishermen dependent upon these stocks are significant. The recreational component of the fishery has been granted a substantial component of the ACL, a sub-ACL which is harvested largely in closed areas, with limited monitoring and reactive AMs.

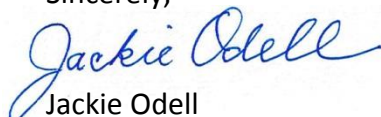
10) Carryover of Unused Sector Annual Catch Entitlement

NSC respectfully declines comment to the Agency's admirable attempt to contemplate numerous hypothetical scenarios for carryover, ACE accounting, and payback provisions. Clearly this issue is complex given the numerous possibilities and factors that impact this policy. Since the Agency feels compelled to accompany this proposed Framework 50 with administrative "clarification" language to deal with FY 2013 carryover, NSC will seek to engage other industry stakeholders, NMFS staff and the Council in the coming months to develop a comprehensive policy on this important issue of ACE carryover.

However, specific to the FY 2013 variation to the Amendment 16 provision, NSC does not support the Agency's decision to limit carryover on GOM cod to just 1.85%. Carryover provision was deliberated during Amendment 16 to provide fishermen the opportunity to plan inter-fishing year operations. Gulf of Maine fishermen knew that the FY 2013 GOM cod ACL was going to be reduced from 2012, which made the carryover all that much more important. NSC recognizes the circumstances with FY 2012 GOM cod ACL being the product of an Interim Measure and that the ACL was above the OFL. However, the actual catch projected for FY 2012 is around 3,800 mt, which is only 56% of the 6,700 mt ACL. Considering the range of plausible catches presented during the SAW / SARC process for this stock and the numerous layers of precaution applied to the setting of ACLs, the full carryover on GOM cod would provide at least some relief from the draconian cuts as currently proposed.

NSC appreciates the opportunity to comment on the proposed measures under Framework Adjustment 50 to the Multispecies FMP.

Sincerely,



Jackie Odell
Executive Director