



May 26, 2015

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Dear John, Terry, Frank and David,

The Northeast Seafood Coalition (NSC) is a membership organization that represents 250 groundfish related fishing business entities. Collectively our members hold over 500 federal limited access multispecies permits. NSC membership is comprised of small, independent, entrepreneurial groundfish businesses that operate in the Gulf of Maine, Georges Bank and Southern New England.

Today, NSC is writing on behalf of our members that are directly impacted by the Georges Bank habitat management alternatives considered under the Omnibus Habitat Amendment (OHA2). Notably this includes NSC fishing members that are based in Southern New England / New Bedford which are enrolled in Northeast Fishery Sectors 7, 8, 9 and 13 but also includes NSC fishing members enrolled in Northeast Fishery Sectors 2 and 6. We are writing in specific reference to the New Georges Bank Alternative – Alternative 9.

**OHA2 Process:**

For many years NSC leadership has participated in a diligent and sincere manner in the OHA2 process. We've collaborated with the Associated Fisheries of Maine and Fisheries Survival Fund to put forth blended alternatives that were based upon scientific information made available by the Council. These efforts have been aimed at meeting the objectives of the Amendment and the suite of Magnuson requirements and standards.

On April 23, 2015, after years of industry participation and New England Fishery Management Council (Council) deliberation on the alternatives included in OHA2, the Council passed a motion to include a NEW habitat management alternative on Georges Bank, referred to as Alternative 9, to be analyzed and brought back for final action at the June Council meeting.

This "New" Georges Bank Alternative (Alternative 9) includes a substantially larger habitat management area (HMA) on the Northern Edge and adds a *groundfish mortality closure* on the Northern Edge that is nearly as large as the HMA *but only prohibits groundfish gear*. The Northern Edge HMA under Alternative 9 is contiguous to the Hague Line and precludes United States groundfish fishermen from approximately 25 miles of the shared boundary and 12 miles for the scallop fleet. Alternative 9 also

proposes a large Georges Shoals HMA that is 13 miles north and 5 miles east of the Georges Shoal HMA considered under Alternative 7.

During the April meeting, Vito Giacalone, NSC Policy Advisor, publicly notified the Council that NSC could not support this New Alternative based on the process alone that occurred to create this alternative. Not only were the new habitat management areas (HMA) on the Northern Edge and the Georges Shoals contained in Alternative 9 constructed *without groundfish industry involvement* but a new and substantial groundfish mortality closure was offered without meaningful consultation with groundfish interests.

Although the newly constructed HMA on the Northern Edge may be within the realm of Council discussions and analyses to date, *the differential treatment that Alternative 9 places on the two areas on the Northern Edge (mortality closure area and habitat HMA area) for scallops and groundfish is a serious issue that falls clearly outside of all prior Council discussions.* Additionally, the newly constructed Georges Shoals HMA proposed in Alternative 9 is far outside the realm of what could be expected by groundfish interests based upon prior Council discussions.

NSC is thus grateful to the Council for their decision to defer final action on OHA2 until the June Council meeting to give impacted stakeholders an opportunity to consider the implications of the New Alternative – Alternative 9.

#### **Newly Proposed Groundfish Mortality Closure on Northern Edge in Alternative 9:**

The groundfish mortality area was constructed without groundfish consultation and it was offered with no clear biological purpose and / or objective. When asked numerous times at the Council meeting no one from the proposing side of Alternative 9, nor the Northeast Regional Office or Council staff, could provide an answer as to which stock or stocks were being protected / enhanced by the NEW Northern Edge mortality closure and why a closure was necessary as an additive measure to the groundfish output controlled management system already in place. As of the date of this letter NSC has yet to learn what the specific groundfish mortality objectives were when Alternative 9 was created. At this time we can only conclude that the objective was to provide access to valuable scallop grounds while providing the appearance of habitat protection at the explicit expense of groundfish fishermen.

Justification for this area as a groundfish mortality closure will now come after the fact. However, if the area was proposed as a habitat management area at least it would be a universally applicable closure to all MBTG and SASI / LISA evaluation could have been conducted. But to justify a mortality closure, especially into areas not currently closed (bump out west of 67 20) that applies only to one user group while exempting other MBTG should require a very high burden of justification and objective criteria.

#### **Georges Bank West Habitat Management Area contained in Alternative 7:**

As noted by NSC throughout the OHA2 process, the Georges Shoals area is a very important fishing ground for Georges Bank winter flounder and other groundfish stocks. NSC is acutely aware of this fact based on input received at countless meetings held over the years with our membership and other groundfish interests. The boundaries associated with Alternative 7, Georges Shoals West area, were designed to capture high scoring blocks on the SASI / LISA Cluster maps made available to the public.

Alternative 7 was created with great reservation as the two boundaries that extend north of 41 40 were drawn to capture high scoring blocks on the SASI / LISA Cluster maps.

Ultimately, groundfish fishermen compromised to the boundaries associated with the Georges Shoals West HMA under Alternative 7 because they knew they needed to utilize the SASI / LISA information to put forward a sound alternative for the Council's consideration under OHA2. This resulted in a serious tradeoff for these fishermen because they knew they were losing important fishing grounds.

Also, contrary to the views expressed by the Northeast Regional Office and Council's Plan Development Team (PDT) that the Georges Shoals West area contained in Alternative 7 is sparsely fished by groundfish vessels, our deeper inquiry suggests this is not the reality.

Furthermore, contrary to the data used to inform OHA2, many fishermen have described the Georges Shoals area in Alternative 7 as notorious for juvenile cod habitat. It is concerning that this is not reflected in the charts and other data used in this Amendment. If numerous fishermen describe this area as a known juvenile cod habitat area - the Council should question why there is little or no supporting data contained in OHA2. Perhaps the trawl survey does not tow the Georges Shoals area with enough frequency to provide sufficient data for that area? Perhaps there could be a seasonal component that is not being captured in the data? Perhaps there are limited scallop surveys and thus minimal survey data available for the Georges Shoals area? This is an important topic NSC urges the Council to address before making any final decisions.

#### **Georges Bank Shoals (NEW) HMA contained in Alternative 9:**

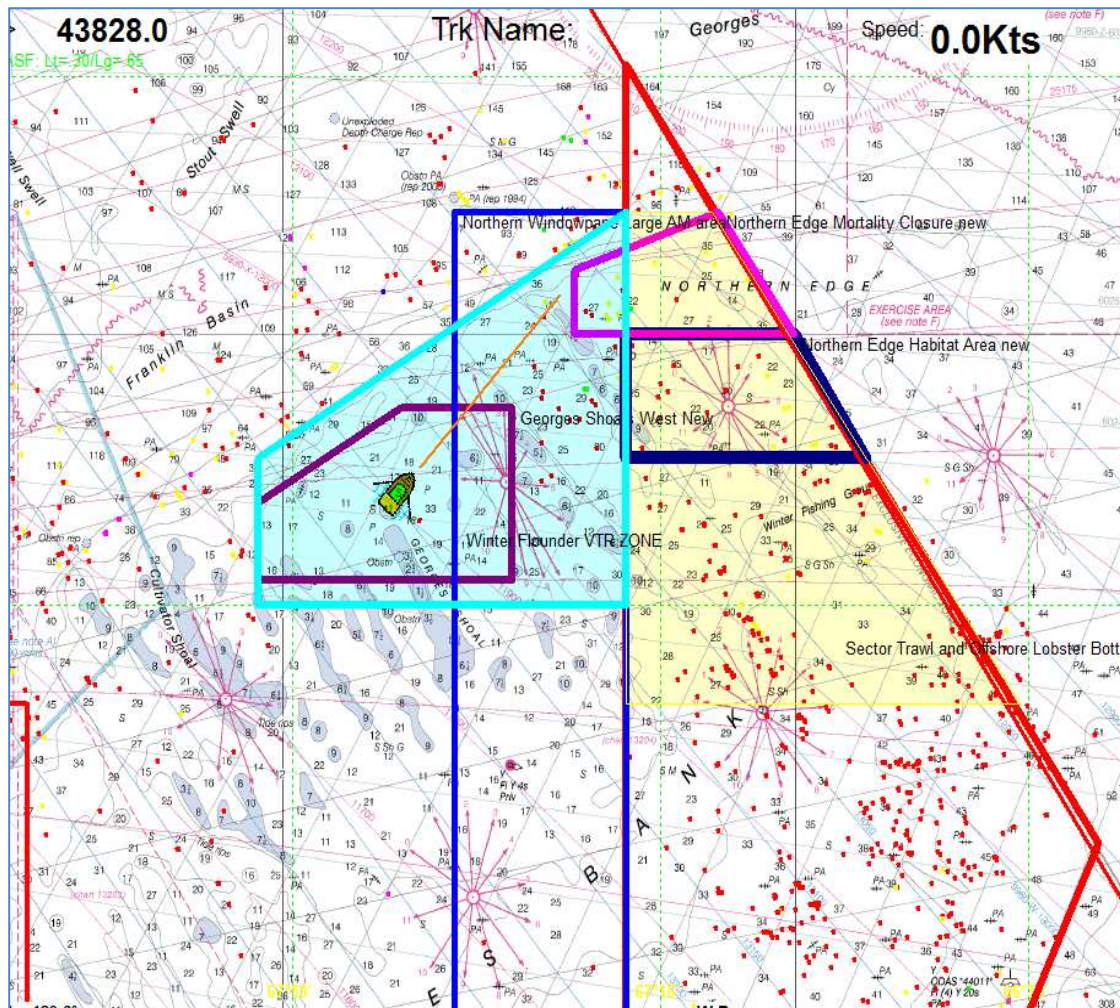
Since the April Council meeting, NSC leadership has spoken with many of our fishing members, other groundfish industry members and reviewed available groundfish fishing data for the Georges Shoals.

We strongly urge the Council to consider the following data review conducted for groundfish fishing activity on the Georges Shoals area contained in Alternative 9.

The figure provided below displays the current Alternative 9 boundaries (outlined in purple) on the Georges Shoals combined with the most recent five years of groundfish fishing activity.

Groundfish fishing activity was identified by gathering and plotting point location (blue box) from Vessel Trip Reports (VTR) available on the NOAA Fisheries Sector Information Management Module (SIMM) for Northeast Fishery Sectors (NEFS) 7, 8, 9 and 13 for Fishing Years 2010 through 2014. NSC plotted the vessel reported point location for all VTRs that had at least 3,000 pounds of winter flounder documented as kept catch from statistical area 522. NSC used the point location because an industry standard for most captains is to document the area in which they have spent the majority of time/activity in the Lat/Long fields of a VTR page.

The fishing data plotted below represents fishing activity of 42 unique vessels that have conducted at least one trip (or a portion of a trip) in the last five fishing years (2010-2014). These trips landed nearly eight million pounds of Georges Bank winter flounder ALONE.



This groundfish data review provides a snap shot of the historical importance to the majority of groundfish vessels who fish in the proposed Georges Shoals HMA now considered under Alternative 9. The Council’s analysis for Alternative 9 can easily elaborate on this data review by looking at the vessel track information available for all groundfish vessels provided by the Northeast Regional Office who have fished in this area, not just vessels enrolled in Northeast Fishery Sector 7, 8, 9 and 13. Notably this would include Northeast Fishery Sector 2 and 6 as well as those enrolled in the Sustainable Harvest Sector.

This review, which has been confirmed by our recent discussions with our groundfish members and other groundfish interests, clearly reveals **great economic impacts will occur to the groundfish fishery under the newly proposed HMA for the Georges Shoals area included in Alternative 9.** The impacts to the groundfish fishery, exclusively, should serve as confirmation to the Council’s wise decision to delay a final vote until more analysis and public input was provided for this NEW Alternative.

**Conclusion and NSC Recommendation:**

As the Council discusses the Georges Bank alternatives in the days ahead, **NSC expects that the groundfish industry’s interests will be considered no less important than any other fishery managed**

**under the Council and NOAA Fisheries process. Equitable treatment must be applied at each and every step in the evaluation process when considering alternatives.** The interests of struggling groundfish fishermen who have endured years of progressive management reform cannot be placed at a different level than any other fishery.

To conclude, it will be the collective result of the combination of areas and treatments selected by the Council on Georges Bank Northern Edge and the Georges Shoals that truly matters to NSC and our membership. Alternative 9 does propose substantially increased habitat protected areas on the Northern Edge as compared to Alternative 7. Notwithstanding the issue of differential treatment resulting from a groundfish mortality closure included under Alternative 9, the George Shoals West HMA that is contained in Alternative 7 should be considered in the context of a complete alternative on Georges Bank.

Thank you for the opportunity to provide meaningful input on behalf of NSC groundfish fishing members directly impacted by the Georges Bank alternatives considered under OHA2.

Sincerely,



Jackie Odell  
Executive Director