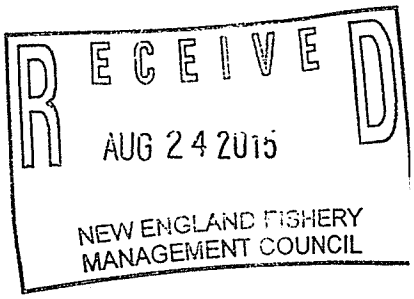
HERRING AMENDMENT 8

RE-SCOPING

CORRESPONDENCE

Sherie Goutier

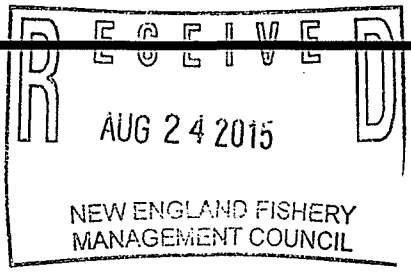
From: comments
Subject: FW: public comment on fedear register



From: o [mailto:bk1492@aol.com]
Sent: Friday, August 21, 2015 5:11 PM
To: comments; viceprsident@whitehouse.gov; info@pewtrusts.org
Subject: Fwd: public comment on fedear register

noaa is continually into overfishing and extinction of species. the fact is all fishing for herrin thsould be banned permanently and forever. it s time to shut down the commrcial fishery of this species before it is extinc.we dont need taxpayers to pay for an epensive eis.we ust need to use caution, which is absolutely missing at thesee fish agencies. this comment is for hte public record. pease receitp. jean publi jeanpublic1@gmai.com

Sherie Goutier



From: comments
Subject: FW: upblic comment on federal register

-----Original Message-----
From: o <bk1492@aol.com>
To: commnts <commnts@nefmc.org>; viceprsident <viceprsident@whitehouse.gov>; info <info@pewtrusts.org>; info <info@peta.org>
Sent: Fri, Aug 21, 2015 5:13 pm
Subject: Fwd: upblic comment on federal register

all fishing for herring ghousl dbe banned permanently and totally. the species is overfished and in danger of extinction. stop gouging txpayers to pay for this eis which is not necessary since it is clear th specis is overfished. noaa is notorioius for being in the pocket of commercialfis profiteers, giving away our right to owning this public trust wildlife. this commtn is for the public ecord. please receipt. jean publi jeanpublic1@gmail.com

RECEIVED
AUG 24 2015
NEW ENGLAND FISHERY MANAGEMENT COUNCIL

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
Street address: 629 East Main Street, Richmond, Virginia 23219
Mailing address: P.O. Box 1105, Richmond, Virginia 23218
www.deq.virginia.gov

Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

August 21, 2015

Mr. Thomas A Nies
Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, Massachusetts 01950

RE: Fisheries of the Northeastern US; Atlantic Herring Fishery
Supplemental Notice of Intent to Prepare EIS
FR Docket 2015-20798

Mr. Nies:

This letter is in response to the scoping request for the above-referenced project.

As you may know, the Department of Environmental Quality, through its Office of Environmental Impact Review (DEQ-OEIR), is responsible for coordinating Virginia's review of federal environmental documents prepared pursuant to the National Environmental Policy Act (NEPA) and responding to appropriate federal officials on behalf of the Commonwealth. Similarly, DEQ-OEIR coordinates Virginia's review of federal consistency documents prepared pursuant to the Coastal Zone Management Act which applies to all federal activities which are reasonably likely to affect any land or water use or natural resources of Virginia's designated coastal resources management area must be consistent with the enforceable policies Virginia Coastal Zone Management (CZM) Program.

DOCUMENT SUBMISSIONS

In order to ensure an effective coordinated review of the NEPA document and/or federal consistency documentation, notification of the NEPA document and/or federal consistency documentation should be sent directly to OEIR. We request one electronic copy and two hard copies (CD, preferred, or paper) for our files and for small localities. Electronic copies may be sent to eir@deq.virginia.gov (10 MB maximum) or made available for download at a website, file transfer protocol (ftp) site or the VITAShare file transfer system (https://vitashare.vita.virginia.gov).

The NEPA document and the federal consistency documentation (if applicable) should include U.S. Geological Survey topographic maps as part of their information. We strongly encourage you to issue shape files with the NEPA document. In addition, project details should be adequately described for the benefit of the reviewers.

ENVIRONMENTAL REVIEW UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT: PROJECT SCOPING AND AGENCY INVOLVEMENT

As you may know, NEPA (PL 91-190, 1969) and its implementing regulations (Title 40, *Code of Federal Regulations*, Parts 1500-1508) requires a draft and final Environmental Impact Statement (EIS) for federal activities or undertakings that are federally licensed or federally funded which will or may give rise to significant impacts upon the human environment. An EIS carries more stringent public participation requirements than an Environmental Assessment (EA) and provides more time and detail for comments and public decision-making. The possibility that an EIS may be required for the proposed project should not be overlooked in your planning for this project. Accordingly, we refer to "NEPA document" in the remainder of this letter.

While this Office does not participate in scoping efforts beyond the advice given herein, other agencies are free to provide scoping comments concerning the preparation of the NEPA document. Accordingly, we are providing notice of your scoping request to those agencies who have responsibilities bearing on the subject of the Draft EIS:

Department of Game and Inland Fisheries*
Virginia Marine Resources Commission*
Virginia Institute of Marine Sciences

Note: The agencies noted with a star (*) administer one or more of the enforceable policies of the Virginia CZM Program.

FEDERAL CONSISTENCY UNDER THE COASTAL ZONE MANAGEMENT ACT

Pursuant to the federal Coastal Zone Management Act of 1972, as amended, and its implementing regulations in Title 15, *Code of Federal Regulations*, Part 930, federal activities, including permits, licenses, and federally funded projects, located in Virginia's Coastal Management Zone or those that can have reasonably foreseeable effects on Virginia's coastal uses or coastal resources must be conducted in a manner which is consistent, to the maximum extent practicable, with the Virginia CZM Program.

Additional information on the Virginia's review for federal consistency documents can be found online at
http://www.deq.virginia.gov/Programs/EnvironmentalImpactReview/FederalConsistencyReviews.aspx

If you have questions about the environmental review process and/or the federal consistency review process, please feel free to contact me (telephone (804) 698-4204 or e-mail bettina.sullivan@deq.virginia.gov).

I hope this information is helpful to you.

Sincerely,

Bettina Sullivan

Bettina Sullivan, Program Manager
Environmental Impact Review and
Long-Range Priorities

RECEIVED
SEP - 1 2015
NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Sherie Goutier

From: Bud Brown <raptor@gwi.net>
Sent: Monday, August 31, 2015 6:11 PM
To: comments
Cc: Tom Nies; Patrick Keliher; Dave Pecci; Tim Forrester; Sally Brown; Clara Brown
Subject: Atlantic Herring

I have now lived on Georgetown Island Maine for 70 years, except for six years in the Military from 1966 to 1972 and six years in College from 1963-1966 and 1972-1975. My degree is in Wildlife Ecology. I am looking at the water 25 feet from my Office window. I frequently fish offshore. In my youth Herring were stop seined in the coves on the Point where I live. You could smell them when they came in. When I came back full time to our family land in the Summer of 1975, that was over. On my boat we have only caught Herring inshore on Sabiki Rigs for Tuna Bait one summer (2012 I think but not positive).

My wife is from Eastport and Sardine Factories were active when I first went there in the mid 1960's. The Weir fishery was still thriving then. The Merle Corporation made the red cans of fog-foam solution we had for firefighting on the Intrepid while we were bombing North Vietnam in 1968. My mother-in-law worked in the Sardine Factories. My father-in-law managed a pearl essence plant which used Herring Scales (pearl essence) for Cosmetics. He put Scale Boxes on Herring Boats all the way to Burgeo Newfoundland. He told me that the boats would catch spawning Herring, pump them through the Scale Boxes, and send the fish back over the side. He said the shore was pink with roe. I never saw it. I always half jokingly blamed the end of inshore Herring on him.

I have been an Environmental Consultant since 1975 and personally work extensively in the marine environment. I've conducted Essential Fish Habitat (EFH) assessments in Salmon Rivers and for Power Plants in estuaries. I don't think anyone else does more private marine work in Maine than we do. My opinion is the Inshore Herring stocks have been depleted by overfishing to such low levels that they do not have the Biotic Potential to overcome both natural mortality (M) and any sort of fishery (F). Given that the inshore depletion exists coast wide in Maine over a wide range of temperatures, environmental conditions, and human population densities, I find it intellectually dishonest to blame it on climate change, pollutants (we do lots of water quality work and everything is better now), and predators.

I believe that the changes in the Lobster fishery over the years to more traps, longer soaking, and more bait per trap has created an unsustainable demand for Herring. My professional experiences with many kinds of species, from invertebrates to mammals, has been there are distinct stocks/populations for everything. With Herring, the inshore stocks were the first to go. I do not believe it is proper to think of the species as a homogeneous Stock. I believe that the individual Lobster Business are being sustained at the direct expense of many others. That includes the Commercial Groundfish disaster we are experiencing, the lack of a Recreational Groundfishery except for the few people such as myself that can spend $300-$400 per trip for fuel to catch a few Haddock (we often don't see another boat when we go to Platt's or Toothakers), and the inshore stocks with little to eat (forage).

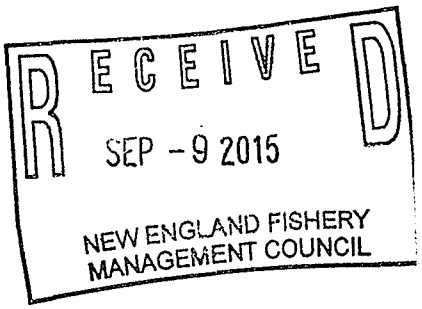
Therefore, I do not believe there should be any sort of inshore fishery for Herring until they come back to the beach again. Given what I've seen since I started to be involved in fisheries management in 1993, I fear I won't see it happen, even if I live into my 90's like everyone in my family has. I'm halfway there from when I started and in my opinion and experience, nothing has gotten better around here.

Thank you for considering my testimony.

Bud Brown, President
ECO-ANALYSTS, INC
P.O. Box 224
Bath. Maine 04530-0224

Sherie Goutier

From: Tim O'Brien <timo@jugglermeadow.com>
Sent: Wednesday, September 09, 2015 12:09 PM
To: comments
Subject: Amendment 8 Re-Scoping Comments



Thomas Nies - Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Re: Herring Amendment 8 Re-Scoping comments

Dear Mr. Nies,

I am alarmed that midwater trawlers are allowed to hammer inshore waters as they do. The critical Atlantic Herring biomass cannot take the "nuclear strike" inflicted by these boats, and other forage are unnaturally depleted too.

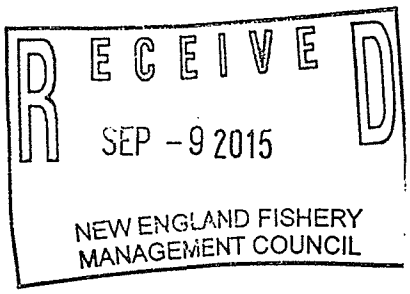
Recreational fishing adds millions of dollars to the economy in tackle sales, boat charters, hotel and restaurant tabs, fuel taxes and the like, and supports thousands of jobs in these industries too.

I am writing today to ask the Council to push these boats offshore in Amendment 8. Inshore depletion is a real issue, and the time has come for it to be addressed. Midwater trawling does not belong inshore.

Tim O'Brien
Recreational fisherman
Hatfield MA

Sherie Goutier

From: Marty Smith <marty@showcaseconsignments.com>
Sent: Wednesday, September 09, 2015 12:10 PM
To: comments
Subject: Amendment 8 Re-Scoping Comments



Thomas Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Please excuse the form letter , I admit to not being able to follow and or attend meetings in regards to these matters but have personally seen many disturbing trends in our fisheries. Causes may be complex but forage fish for our predator fish is important to the recreational and charter industry that does spend huge amounts of money on and off the water.
Regards Marty Smith Loudon NH and trailer all over New England.

Re: Herring Amendment 8 Re-Scoping comments

Dear Tom,

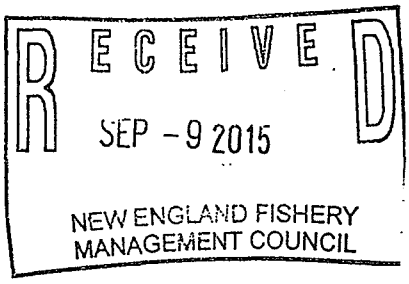
Our inshore fisheries rely on the abundance of forage—especially the abundance of Atlantic herring. We need a lot of food around to bring in striped bass, bluefin tuna, and all the other species most of catch and rely upon. As long as midwater trawlers can fish inshore, there will never be enough herring to support healthy fisheries. Since they were allowed into our waters in the nineties, they have caused problem after problem. They drive the predators out of any area the fish.

I am writing today to ask the Council to push these boats offshore in Amendment 8. Inshore depletion is a real issue, and the time has come for it to be addressed. Midwater trawling does not belong inshore.

Thanks

Sherie Goutier

From: mikxmikx@gmail.com on behalf of Michael Mikhaylov <mm@izba.com>
Sent: Wednesday, September 09, 2015 3:45 PM
To: comments
Subject: Amendment 8 Re-Scoping Comments



Attn.: Thomas Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Re: Herring Amendment 8 Re-Scoping comments

Dear Tom,

Our inshore fisheries rely on the abundance of forage—especially the abundance of Atlantic herring. We need a lot of food around to bring in striped bass, bluefin tuna, and all the other species most of catch and rely upon. As long as midwater trawlers can fish inshore, there will never be enough herring to support healthy fisheries. Since they were allowed into our waters in the nineties, they have caused problem after problem. They drive the predators out of any area the fish.

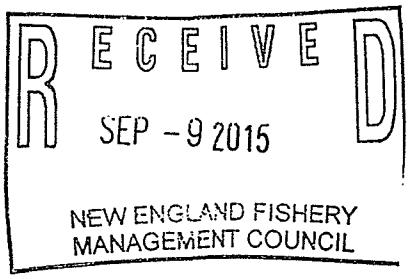
I am writing today to ask the Council to push these boats offshore in Amendment 8. Inshore depletion is a real issue, and the time has come for it to be addressed. Midwater trawling does not belong inshore.

Thanks

Michael Mikhaylov
Recreational Angler
46 Little Farms Rd,
Framingham, MA, 01701

Sherie Goutier

From: Mark Buscemi <Mark.Buscemi@oracle.com>
Sent: Wednesday, September 09, 2015 4:41 PM
To: comments
Subject: Amendment 8 Re-Scoping Comment



ATTEN:Thomas Nies, Executive Director

Herring Amendment 8 Re-Scoping comment

Dear Mr. Nies,

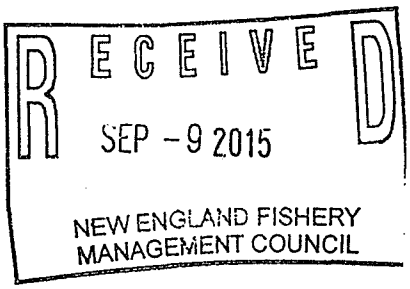
Our inshore fisheries rely on the abundance of forage—especially the abundance of Atlantic herring. We need a lot of food around to bring in striped bass, bluefin tuna, and all the other species most of catch and rely upon. As long as midwater trawlers can fish inshore, there will never be enough herring to support healthy fisheries. Since they were allowed into our waters in the nineties, they have caused problem after problem. They drive the predators out of any area the fish.

I am writing today to ask the Council to push these boats offshore in Amendment 8. Inshore depletion is a real issue, and the time has come for it to be addressed. Midwater trawling does not belong inshore.

Thank You,
Mark Buscemi

Sherie Goutier

From: dpullo 4221 <dpullo019@hotmail.com>
Sent: Wednesday, September 09, 2015 1:13 PM
To: comments
Subject: Herring Amendment 8



Thomas Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Re: Herring Amendment 8 Re-Scoping comments

Dear Tom,

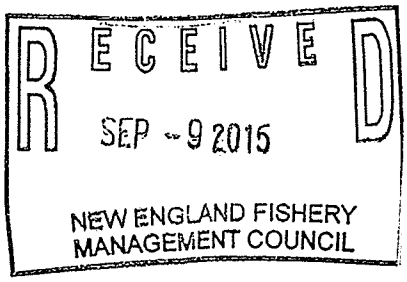
As a fisherman(both recreational and commercial) out of Gloucester and Salisbury, I have seen the negative impacts caused by midwater trawlers to the herring resource all too clearly after over 30 + yrs on the water. Each year when they are let back into the inshore areas of the Gulf of Maine on October 1st, they fish relentlessly and drive the tuna and other stocks out of the area. They also fish hard off of the beaches of Cape Cod and Rhode Island, causing problems in those area too. Wherever they go, the midwater trawlers disrupt the forage aggregations and, as a result, the fisheries on predator stocks that rely on that forage. This gear cannot coexist with other fisheries. It catches too much, too fast, and throughout the water column without discretion of what is within the tow area. I have seen the dead discards of marine life and other fish species that are caught during their foraging on the herring and/or mackerel. I have seen the great Bluefin tuna fishing of the 80s and early 90s fade as the herring and other forage fish stocks declined, observing that there are still tuna, they are just bypassing what was a fertile/rich ecosystem in search of those further north in Canada.....

The Council should use Amendment 8 to remove these boats from the inshore areas for good. A year round, inshore buffer zone should exist throughout New England. Until this is done, the health of our inshore resources will continue to suffer.

Thank you for your consideration,
Dave Pullo

Sherie Goutier

From: Dave Miller <Dave.Miller@ametek.com>
Sent: Wednesday, September 09, 2015 11:34 AM
To: comments
Subject: Amendment 8 Re-Scoping Comments



Thomas Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Re: Herring Amendment 8 Re-Scoping comments

Dear Tom,

As a fisherman, I have seen the negative impacts caused by midwater trawlers to the herring resource all too clearly. Each year when they are let back into the inshore areas of the Gulf of Maine on October 1st, they fish relentlessly and drive the tuna and other stocks out of the area. They also fish hard off of the beaches of Cape Cod and Rhode Island, causing problems in those area too. Wherever they go, the midwater trawlers disrupt the forage aggregations and, as a result, the fisheries on predator stocks that rely on that forage. This gear cannot coexist with other fisheries. It catches too much, too fast, and throughout the water column.

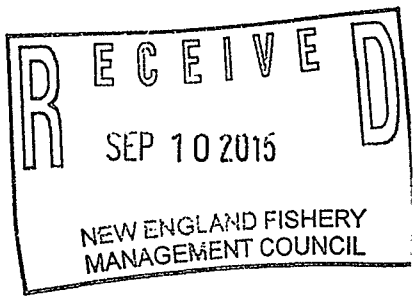
The Council should use Amendment 8 to remove these boats from the inshore areas for good. A year round, inshore buffer zone should exist throughout New England. Until this is done, the health of our inshore resources will continue to suffer.

Thanks,

Dave Miller
Newbury, MA
Home Port, Newburyport, MA
Commercial Tuna Fisherman
F/V Praetor

Sherie Goutier

From: tarpontv . <pjbonde76@gmail.com>
Sent: Wednesday, September 09, 2015 6:19 PM
To: comments
Subject: Amendment 8 Re-Scoping Comments



Mr. Thomas Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Re: Herring Amendment 8 Re-Scoping comments

Dear Mr. Nies,

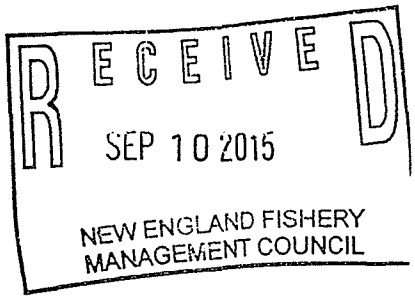
I am very concerned with the effects of the mid-water trawlers on the herring population and subsequent game fish they feed on them. Striped bass in the spring and then bluefin tuna key later on in the summer key on these baitfish. The benefits to local economies of protecting and increasing the poplutation of these baitfish is obvious.

I am writing today to ask the Council to push these boats offshore in Amendment 8. Inshore depletion is a real issue, and I am hoping that you will address the problem. Midwater trawling does not belong inshore. Please push it offshore.

Sincerely,
Peter Bonde

Sherie Goutier

From: John Masiz <jmasiz@blackfinsa.com>
Sent: Thursday, September 10, 2015 2:03 PM
To: comments
Subject: Herring Amendment 8 Re-Scoping comments



Thomas Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Re: Herring Amendment 8 Re-Scoping comments

Dear Tom,

MIDWATER TRAWLERS ARE OFFSHORE NOT INSHORE HARVEST EQUIPMENT. As a fisherman, I have seen the negative impacts caused by midwater to the herring resource all too clearly. Each year when they are let back into the inshore areas of the Gulf of Maine on October 1st, they fish relentlessly and drive the tuna and other stocks out of the area. They also fish hard off of the beaches of Cape Cod and Rhode Island, causing problems in those area too. Wherever they go, the midwater trawlers disrupt the forage aggregations and, as a result, the fisheries on predator stocks that rely on that forage. THIS DEPLETION OF FORAGE ALSO EFFECTS COD....HOW CAN YOU EXPECT THE POPULATION OF COD TO RECOVER WITHOUT FOOD?

This gear cannot coexist with other fisheries. It catches too much, too fast, and throughout the water column.

The Council should use Amendment 8 to remove these boats from the inshore areas for good. A year round, inshore buffer zone should exist throughout New England. Until this is done, the health of our inshore resources will continue to suffer.

Thanks,
John Masiz
FV Huntress
General Category/Striped Bass
Gloucester, MA

Thomas A. Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill #2
Newburyport, MA 01950

RECEIVED
SEP 10 2015
NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Re: Herring Amendment 8 Re-Scoping

Dear Tom,

As a member of the working waterfront, a fisherman and a recreational boater I am tired of seeing the midwater fleet continue to deplete our in-shore eco-system. They have wreaked havoc throughout New England's inshore waters for too long and have depleted our stocks of Herring and other important predator stocks.

Removal of midwater trawlers from Area 1A in the summer months was a good move but is not enough. I have seen first hand over the last 30 years the impact of the herring depletion in their average size alone. The statistics dont lie. A critical resource is clearly being adversely impacted.

The bottom line is that this gear does not belong inshore. The midwater trawl fishery was sold as an offshore fishery in the nineties, and that is what it should be now. It is time for the Council to take action to remove these boats from the inshore waters and start allowing our other fisheries to regain the health they once had. In order to do this, I would urge the Council to take the following steps:

First, you should make the current buffer in 1A a year-round buffer.

Second, you should create a new buffer zone off Cape Cod and Rhode Island that extends offshore 35 miles.

Please continue and expand all efforts to extend these protections and finally allow the inshore to regain its former health.

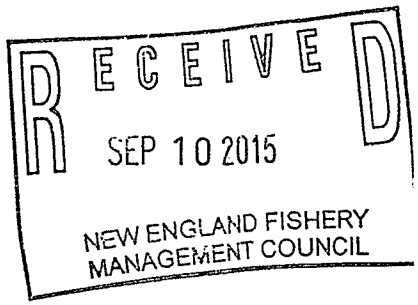
Thanks for your time,

Tom Allen

Thomas J. Allen
President
Kittery Point Yacht Yard Corp.
207.439.9582

Sherie Goutier

From: Jason Zimmer <zimmjas@aol.com>
Sent: Wednesday, September 09, 2015 9:24 PM
To: comments
Subject: Amendment 8 Re-Scoping Comments



Thomas Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Re: Herring Amendment 8 Re-Scoping comments

Dear Mr. Nies,

Our inshore fisheries rely on the abundance of forage—especially the abundance of Atlantic herring. We need a lot of food around to bring in striped bass, bluefin tuna, and all the other species most of catch and rely upon. As long as midwater trawlers can fish inshore, there will never be enough herring to support healthy fisheries. Since they were allowed into our waters in the nineties, they have caused problem after problem. They drive the predators out of any area the fish.

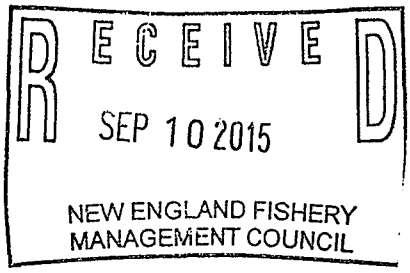
I am writing today to ask the Council to push these boats offshore in Amendment 8. Inshore depletion is a real issue, and the time has come for it to be addressed. Midwater trawling does not belong inshore.

Respectfully,

Jason P. Zimmer
Portsmouth, RI

Sherie Goutier

From: Nicholas Danforth <ndanforth@enernoc.com>
Sent: Thursday, September 10, 2015 10:55 AM
To: comments
Subject: Herring Amendment 8 Re-Scoping Comments



Thomas Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Dear Tom,

As a lifelong Massachusetts fisherman, I have seen the negative impacts caused by midwater to the herring resource all too clearly. Each year when they are let back into the inshore areas of the Gulf of Maine on October 1st, they fish relentlessly and drive the tuna and other stocks out of the area. They also fish hard off of the beaches of Cape Cod and Rhode Island, causing problems in those area too. Wherever they go, the midwater trawlers disrupt the forage aggregations and, as a result, the fisheries on predator stocks that rely on that forage. This gear cannot coexist with other fisheries. It catches too much, too fast, and throughout the water column. As a specific example, last October there was a one of the best Bluefin Tuna bites in recent memory in the water offs the tip of Cape Ann. The fish were aggressively feeding on spawning herring for well over a week straight. The midwater trawlers of course caught on to it and quickly wiped out the herring stock by trawling directly through the tuna fleet. Almost overnight, the tuna disappeared.

The Council should use Amendment 8 to remove these boats from the inshore areas for good. A year round, inshore buffer zone should exist throughout New England. Until this is done, the health of our inshore resources will continue to suffer.

Thank you for your consideration,

Nick Danforth
Marblehead, MA
Recreational tuna & striped bass fisherman

Nick Danforth
Corporate Development and Strategy
EnerNOC, Inc. | One Marina Park Drive, Suite 400 | Boston, MA 02110
o: 617.535.7465 | m: 617.515.7450 | f: 857.221.9625
ndanforth@enernoc.com | www.enernoc.com

Check out our blog: http://energysmart.enernoc.com

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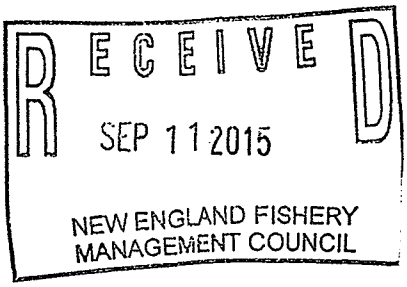
Sherie Goutier

From: Shane Yellin <shaneyellin@gmail.com>
Sent: Friday, September 11, 2015 8:37 AM
To: comments
Subject: Amendment 8 Re-Scoping Comments



Thomas Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Re: Herring Amendment 8 Re-Scoping comments

Dear Tom,

Healthy and productive inshore fisheries rely on an abundance of forage—especially the abundance of Atlantic herring. We need a lot of food around to bring in striped bass, bluefin tuna, and all the other species most of us catch and rely upon. As long as midwater trawlers can fish inshore, there will never be enough herring to support healthy fisheries. Since they were allowed into our waters in the nineties, they have caused problem after problem. They not only drive the predators out of large areas by depleting the forage base, but they also result in massive discards of valuable sport and commercial food fish.

I am writing today to ask the Council to push these boats offshore in Amendment 8. Inshore depletion is a real issue, and the time has come for it to be addressed. Midwater trawling does not belong inshore.

Thank you,
Shane Yellin
130 farm st.
Dover, MA
02030

Sherie Goutier

From: Captthunter <captthunter@gmail.com>
Sent: Friday, September 11, 2015 9:23 AM
To: comments
Subject: Herring Am 8 nat.docx

RECEIVED
SEP 11 2015
NEW ENGLAND FISHERY
MANAGEMENT COUNCIL

Dear Sir I don't understand how you can permit the giant herring boat s to wipe out the fish food source ! I have had Tuna Hunter for 32 years as a Charter fishing boat out of Gloucester Ma and down the coast.The cod we catch have red fish in there stomach the tuna have pollock in their stomach the bass fishing is poor because no herring they now pass us and go north to find food like the tuna.

Captain Gary Cannell

Please help save our fishery

>

Sent from my iPad

Thomas A. Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill #2
Newburyport, MA 01950

RECEIVED
SEP 14 2015
NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Re: Herring Amendment 8 Re-Scoping

Dear Tom,

Ten years ago the Council created the Purse Seine/Fixed Gear Only rule to remove midwater trawlers from Area 1A during the summer months. This rule has been a tremendous success, but it is not enough. The midwater fleet continues to wreck havoc throughout New England's inshore waters wherever they go. Whether in Area 1A in October, off Cape Cod all year, or off Rhode Island in the winter, they cause localized depletion and problems for those of us that rely on there being an adequate amount of herring in the water to attract, hold, and nourish tuna, groundfish and other predator stocks.

The term 'localized depletion' is very real. Our inshore ecosystem—and the fisheries that make a living off it—relies on small areas of abundance. When these small areas are fished down, the predators move on and we all suffer as a result. And no fleet is as capable at depleting local areas than the midwater trawl fleet. They fish in packs, towing their incredibly large and efficient gear around the clock, and wipe out entire areas that support our other fisheries. This method causes both short and long term problems for the herring resource and those that rely on it.

The bottom line is that this gear does not belong inshore. The midwater trawl fishery was sold as an offshore fishery in the nineties, and that is what it should be now. It is time for the Council to take action to remove these boats from the inshore waters and start allowing our other fisheries to regain the health they once had. In order to do this, I would urge the Council to take the following steps:

First, you should make the current buffer in 1A a year-round buffer.

Second, you should create a new buffer zone off Cape Cod and Rhode Island that extends offshore 35 miles.

We have seen how beneficial it is to remove these boats from an area based on the Purse Seine/Fixed Gear rule in 1A. By taking the above steps you will extend these protections and finally allow the inshore to regain its former health.

Furthermore, during the early parts of last winter, I was disgusted with the actions of these vessels and their complete disregard for the health of our inshore waters on Stellwagen Bank, while engaged in the Mackerel fishery.

These boats worked for almost a month in areas as shallow as 66 feet of water that have always had very high concentrations for cod and haddock. New England inshore fishermen have been burdened with the regulations to allow our cod populations to hopefully grow in the coming years, and by allowing these vessels access to our inshore waters is absurd.

How can you tow such large gear in 66 feet of water, and then still say that it is mid-water with no bottom contact? Localized depletions are not only causing predators to move elsewhere, it is killing the little bits that we have left.

Thank you for your time.

Michael Pratt
F/V PERFECT C's and Lisa Marie

RICE

EDWIN L. "NED" THOMAS
WILLIAM AND STEPHANIE SICK DEAN OF ENGINEERING
PROFESSOR, MATERIALS SCIENCE AND NANOENGINEERING
PROFESSOR, CHEMICAL AND BIOMOLECULAR ENGINEERING

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SEP 14 2015
NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Mr. Thomas Nies
Executive Director
New England Fishery Management Council

Reference: Amendment 8 Re-Scoping

Hello Mr. Nies:

Please urge the NE Fishery Council to employ the Herring Amendment 8 to stop trawling from inshore waters. I spend my summers fishing out of York Harbor and have spent time discussing these issues about the scarcity of baitfish with other scientists at Woods Hole Oceanographic Institute. The factual conclusion is that midwater trawlers severely negatively impact the inshore fish populations by sweeping up the herring.

I think the summer buffer zone (Area 1A) is a good start and is very helpful but we need to go further. The NE Council should extend the 1A ban to a year-round ban.

Sincerely,

Edwin L Thomas

E-MAIL ELT@RICE.EDU | OFFICE 713-348-4009 | FAX 713-348-5300 | GEORGE R. BROWN SCHOOL OF ENGINEERING
RICE UNIVERSITY-MS 364 | 6100 MAIN ST | HOUSTON, TX 77005 | WWW.ENGR.RICE.EDU

Thomas A Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill#2
Newburyport, MA 01950

RECEIVED
SEP 14 2015
NEW ENGLAND FISHERY
MANAGEMENT COUNCIL

Re: Herring Amendmant 8 Re-Scoping

Dear Mr. Nies,

I have held a Harpoon or General Tuna Fishing permit since 1992 and have seen the tuna fish "population" ebb and flow. While the "population" may have changed now that we have sound science and tracking it is clear that the ebb and flow is really a result of localized depletion of the important biomass which Bluefin rely on heavily, specifically Herring.

About a decade ago the NEFMC created a rule to remove the midwater trawlers from the Gulf of Maine, specifically Area 1A during the summer months. This has helped to a degree but more is needed both in area 1A and Cape Cod/Rhode Island. The midwater trawlers have got to go if we want to see a steady population of Bluefin, groundfish and other predators such as whales.

These midwater trawlers are like a pack of wolves that suck the ocean dry and the results are disastrous! They don't belong inshore in the first place; remember that this fishery, back in the 90's was sold as an offshore fishery and it should revert back to that NOW!

In order for success of an improved groundfish rebound, whale watch business and tuna fishery I request that the NEFMC take the following steps:

1. Make the current buffer in area 1A a year round buffer.
2. Create a new buffer zone off Cape Cod and Rhode Island that extends offshore at least 35 miles.

It's pretty simple, no food, no fish. You and the Council have the opportunity of a lifetime to leave a legacy of an improved inshore ecosystem for the good of all. Please don't let this opportunity slip from your grasp!

Thanks you for taking the time to read my thoughts and thank you for your fine efforts thus far.

Sincerely,

Roger C. Adams III
F/V Cindy K
York, Maine

Sherie Goutier

From: James Riggs <jr5743@gmail.com>
Sent: Friday, September 11, 2015 7:03 PM
To: info info
Subject: river herring bycatch

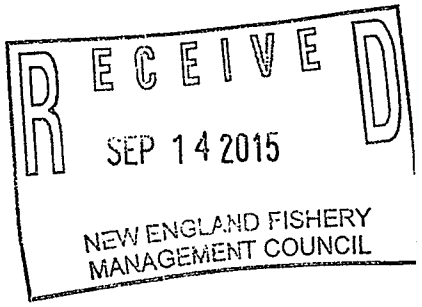
RECEIVED
SEP 14 2015
NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Gentleman,

I urge you to not weaken the limits on river herring, this years results are proof that they are being over harvested.....JR

Sherie Goutier

From: wjmccorm@gmail.com on behalf of john mccormick <pjmac1@comcast.net>
Sent: Sunday, September 13, 2015 8:57 AM
To: comments
Subject: Amendment 8 Re-Scoping Comments



Thomas Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Re: Herring Amendment 8 Re-Scoping comments

Dear Tom,

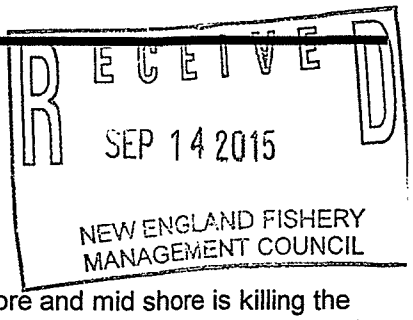
Our inshore fisheries rely on the abundance of forage—especially the abundance of Atlantic herring. We need a lot of food around to bring in striped bass, bluefin tuna, and all the other species most of catch and rely upon. As long as midwater trawlers can fish inshore, there will never be enough herring to support healthy fisheries. Since they were allowed into our waters in the nineties, they have caused problem after problem. They drive the predators out of any area they fish.

I am writing today to ask the Council to push these boats offshore in Amendment 8. Inshore depletion is a real issue, and the time has come for it to be addressed. Midwater trawling does not belong inshore.

Thanks,

W. John McCormick
S. Dennis, MA
Recreational Fisherman

Sherie Goutier

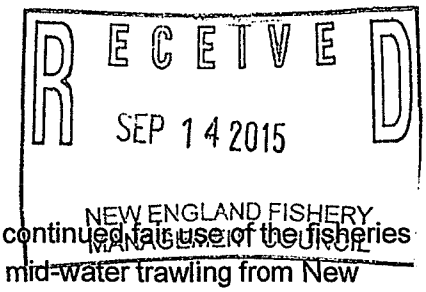


From: rich <wourglass@aol.com>
Sent: Sunday, September 13, 2015 2:01 PM
To: comments
Subject: ammendment 8

Push the inshore trawlers out. The taking of herring/mackerel and other bait species inshore and mid shore is killing the recreational fisheries. Recreational anglers spend billions of dollars and we have watched our fisheries dry up first with the taking of menhaden and then herring.The by catch and wastefulness of the trawler is UN sustainable it is time to move them offshore or removed all together. Not only do we spend large sums of money to maintain our sport WE VOTE !

Sherie Goutier

From: George Rozes <g_rozes@yahoo.com>
Sent: Sunday, September 13, 2015 7:23 PM
To: comments
Subject: Trawling in inshore waters



I live in Florida but was raised in New England and am very concerned about the continued fair use of the fisheries there. I am writing to encourage the Council to use Herring Amendment 8 to ban mid-water trawling from New England's inshore waters.

For many years, fishermen and locals have seen the damage these boats have caused to the forage base. At a time when the rest of the industry is struggling to adhere to strict regulations, it is reprehensible that "midwater" trawlers are allowed to devastate the very species that keeps the inshore ecosystem healthy. Most every fishing-related business in New England relies on the inshore waters and allowing these boats to fish there is drastically impacting our oceans. They wipe the bait out on one important piece of bottom after another, leaving nothing to keep predators around (or bring them in to begin with.)

How long will it take for the Council to finally correct this problem? I am hopeful that it will not take much longer. There is overwhelming support for removing these boats from the inshore areas. The summer buffer zone in Area 1A did a tremendous amount for the ecosystem and those that rely on it. But it was not enough, as they can devastate the herring in the fall and off Cape Cod and southern New England year-round. Therefore, the Council should make it so the ban is year-round and should also create a similar inshore buffer throughout Southern New England.

The Council spends a great deal of time and effort managing the predator stocks that drive our most valuable fisheries so please don't let these boats undercut all of your efforts by depleting the herring and other important marine species in the Gulf. No amount of rules will allow the marine life to thrive if there is no food. And without the marine life the countless valuable inshore fisheries and the shore businesses that support them will suffer. Please use Amendment 8 to fix this problem.

Sherie Goutier

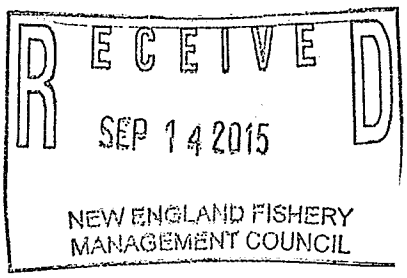
From: paul@bostonfishing.com
Sent: Monday, September 14, 2015 8:26 AM
To: comments
Subject: Re: Amendment 8 Re-Scoping comment

RECEIVED
SEP 14 2015
NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Mr Nies I'm asking you and the NEMC to put a end to midwater trawling. They have been band from everywhere, And we have them here taking all the bait.
All fish and mammals feed on the herring. There are more fisherman who's lively hood depend on the herring then the midwater boats employ
Thanks
Paul Diggins
Brookline Ma
Homeport Boston
Reel Pursuit Charters

Sherie Goutier

From: Matthew Parisi <msp1140@gmail.com>
Sent: Monday, September 14, 2015 1:29 PM
To: comments
Subject: Herring comment



Thomas A. Nies, Executive Director

New England Fishery Management Council

50 Water Street, Mill 2

Newburyport, MA 01950

Re: Amendment 8 Re-Scoping comment
herring stok is
Dear Mr. Niles,

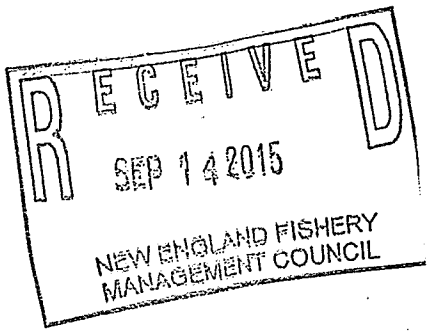
I am writing the council in hopes that they use Amendment 8 to ban mid-water trawling from inshore New England waters.The inshore waters have been poundered by these large factory ships and the inshore herring stocks are being wiped out.,unlike herring seining,the midwater boats clean every last herring out .The inshore herring stocks are so important to other fisheries and its time factory fishing be stopped inshore.

The rest of the fishing industry has been prevented from over fishing so why should this type of fishng continue when it does so much damage in so many ways,it just does't make sense.Please stop midwater trawling in inshore waters and help preserve our herring and groundfish.

Best Regards,
Capt. Matthew Parisi

Sherie Goutier

From: Henry I. Smith <hismith@mit.edu>
Sent: Monday, September 14, 2015 1:58 PM
To: comments
Cc: Henry I. Smith
Subject: Amendment 8 Re-Scoping Comments



Thomas A. Nies, Executive Director
New England Fishery Management Council

Dear Mr. Nies,

I'm a recreational fisherman who values the health of the near-shore ecosystem. I believe there should be a year-round ban on midwater trawlers from the near-shore waters throughout all of New England.

Sincerely yours,

Henry I. Smith

Henry I. Smith
Professor of Electrical Engineering, Emeritus NanoStructures Laboratory Massachusetts Institute of Technology Room 36-225
50 Vassar Street
Cambridge, MA 02139
USA
Tel: 617 253 6865
Fax: 617 253 8509
<hismith@mit.edu>
http://www.rle.mit.edu/people/directory/henry-smith/

Sherie Goutier

From: F/V Cynthia C <fvcynthiac@comcast.net>
Sent: Monday, September 14, 2015 4:36 PM
To: comments
Subject: Amendment 8 Re-scoping
Attachments: Amendment 8 Scoping Letter.pdf

RECEIVED
SEP 15 2015
NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Hello:
Please find a letter of support for a coastwide 35 mile restriction of Herring Midwater Trawlers.

As a commercial fisherman for over 30 years, I have seen the effect these operations can have on inshore fisheries and marine animals such as whales and dolphin.

Please use the opportunity of the Amendment 8 Re-Scoping to consider this proposal and allow the inshore fishery to once again flourish with ample supplies of forage fish.

Thank you,

F/V Cynthia C
Tyler Macallister, Owner/Captain
(508) 221-8991 (m)
fvcynthiac@comcast.net

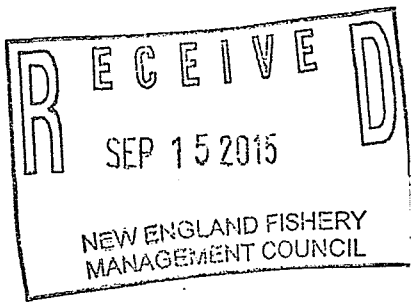
Sherie Goutier

From: Marco Lamothe <marco.lamothe@msad60.org>
Sent: Monday, September 14, 2015 7:08 PM
To: comments
Subject: Herring Amendment 8 to ban midwater trawling from New England's inshore waters.

It is with great hope that I send my support to ban midwater trawlers from harvesting herring in New England waters. Herring are the key ingredient for a healthy Gulf of Maine. Cod, striped bass, flounder, pollock, haddock, bluefish, tuna, all species of sharks, and many more species rely on herring for their survival. Fat cod and pollock are always stuffed with herring. Tuna prefer herring over all other GOM forage species.

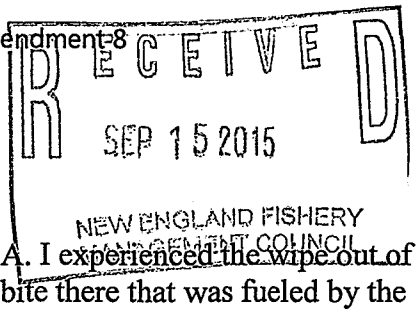
As a charter captain and lifelong recreational fisherman I support his ban.

Capt. Marc "Marco" Lamothe
Keeper Charters
4 Jordan St.
Saco, Maine 04072



Sherie Goutier

From: John Shostak <mecentrex@gmail.com>
Sent: Tuesday, September 15, 2015 8:19 AM
To: comments
Subject: Banning midwater trawlers in Area A-1, Herring Amendment 8



-- Gentlemen,

I am writing to request a year round ban on mid trawlers in Area 1A. I experienced the wipe out of the herring off Cape Ann in 2014 in October, effectively ending the good tuna bite there that was fueled by the abundance of herring. Also, off my home port of Boothbay Harbor the tuna bite on the Kettle has been nonexistent this year due to, once again, lack of herring. The local depletion of the herring resource has forced the tuna to seek other food sources in distant waters.

The fact is that the "midwater boats" actually are not midwater at all and literally wipe out the local supplies of herring, leading to local depletion.

I am a commercial fisherman, federal category General, and am licensed in both Maine and Massachussetts.

Thank you

John Shostak, President
Maine Centrex Corporation
18 Buena Vista Drive
Augusta, Maine 04330

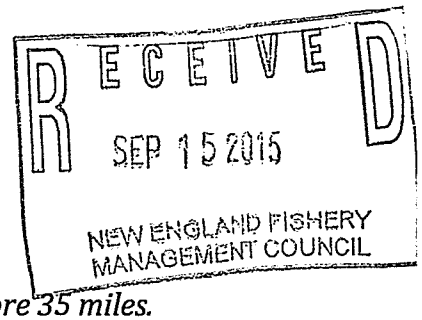
T: (207) 622-2873

F: (207) 626-2928

Email: Mecentrex@gmail.com

Sherie Goutier

From: Hank <hankg@maine.rr.com>
Sent: Tuesday, September 15, 2015 11:36 AM
To: comments
Subject: Amendment 8 Re-Scoping Comments



Make the current buffer in 1A a year-round buffer.

Create a new buffer zone off Cape Cod and Rhode Island that extends offshore 35 miles.

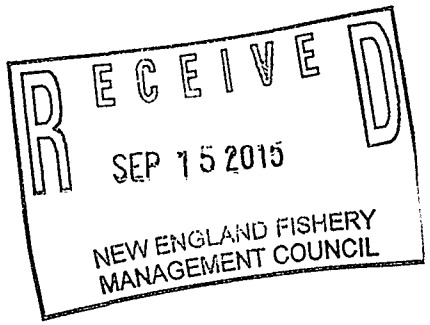
Please, these two actions are needed to stop the localized depletion of the natural herring forage base needed to rebuild and sustain the inshore fisheries dependent on it.

I have seen the devastating effects the mid-water trawlers have on an ecosystem in real time, short term, daily and weekly. Imagine what the long term effects are. Please do the right thing.

Hank Greer
York Harbor, Maine
BFT Tuna Fishery
Harpoon Category

Sherie Goutier

From: steve@chasecharters.com
Sent: Tuesday, September 15, 2015 8:34 AM
To: comments
Subject: Amendment 8 re-scoping comments



Thomas A. Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Re: Amendment 8 Re-Scoping comment

Dear Mr. Nies

I am writing to encourage the Council to use Herring Amendment 8 to ban midwater trawling from New England's inshore waters.

For many years, fishermen like myself have seen the damage these boats have caused to the forage base. At a time when the rest of the industry is struggling due to strict regulations, it is impossible to believe that massive "midwater" trawlers can hammer the very species that keeps the inshore ecosystem healthy. Most every fishing-related business in New England relies on the inshore waters and allowing these boats to fish there is drastically impacting us all. They wipe the bait out on one important piece of bottom after another, leaving nothing to keep predators around (or bring them in to begin with.)

How long will it take for the Council to finally correct this problem? I am hopeful that it will not take much longer. If you walk around the docks, you would see clearly that there is overwhelming support for removing these boats from our inshore areas. The summer buffer zone in Area 1A did a tremendous amount for the ecosystem and those of us that rely on it. But it was not enough, as they can hammer the herring in 1A in the fall and off Cape Cod and southern New England year-round. Therefore, the Council should make it so the 1A ban is year-round and should also create a similar inshore buffer throughout Southern New England.

We fish for tuna and ground fish and it does not take a rocket scientist to see that when you allow the draggers to take all of the bait and destroy bottom structure that only the draggers win. The tuna leave the area after the herring have been netted and now we can't keep a cod or haddock in waters that were once in abundance, and this was not caused by those fishing with rod and reel!

You all spend a great deal of time and effort managing the predator stocks that drive our most valuable fisheries, but then you let these boats undercut all of your efforts by depleting the herring. **No amount of rules will allow these predators to thrive if there is no food.** And without predators, our countless valuable inshore fisheries and the shore businesses that support them will suffer. Please use Amendment 8 to fix this problem. We are all behind you in this effort.

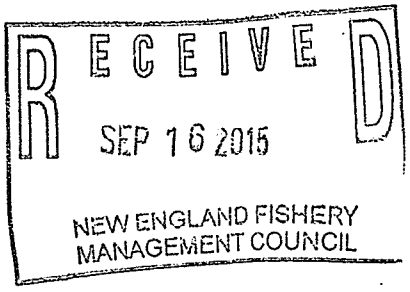
Thanks,

Capt. Steve White
Home Port: Kittery, ME

Capt. Steve White
steve@chasecharters.com
www.chasecharters.com
603-767-2813

Sherie Goutier

From: Barry Woods <barrytwoods@gmail.com>
Sent: Tuesday, September 15, 2015 8:55 PM
To: comments
Subject: Herring Amendment 8 Re-scoping comments



Thomas Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Re: Herring Amendment 8 Re-Scoping comments

Dear Tom,

My apologies for this late submission. I hope it can be included with the other comments.

Our inshore fisheries rely on the abundance of forage—especially the abundance of Atlantic herring. We need a lot of food around to bring in striped bass, bluefin tuna, and all the other species most of catch and rely upon. As long as midwater trawlers can fish inshore, there will never be enough herring to support healthy fisheries. Since they were allowed into our waters in the nineties, they have caused problem after problem. They drive the predators out of any area the fish.

I am writing today to ask the Council to push these boats offshore in Amendment 8. Inshore depletion is a real issue, and the time has come for it to be addressed. Midwater trawling does not belong inshore.
I am a recreation striped bass and tuna fisherman and feel strongly that these trawlers have eradicated critical forage fish inshore and greatly depleted apex predators and other important elements of the eco-system.

Please take a much more aggressive stance in preventing this destructive practice so my children can enjoy a sustainable fishery along the coast.

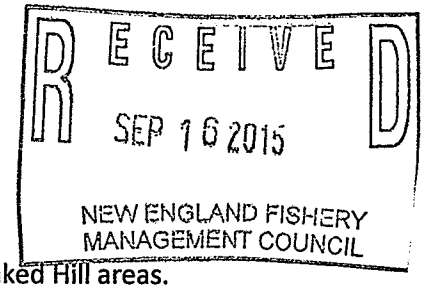
Sincerely,
Barry Woods

Barry Woods
barrytwoods@gmail.com
503-504-6492(c)

Please consider the environment before printing this email.

Sherie Goutier

From: John Rice <Jrice@palomarit.com>
Sent: Wednesday, September 16, 2015 12:40 PM
To: comments
Subject: Comment on Amendment 8 Re-scoping



Hi,

My name is John Rice and I fish predominantly around the Stellwagen Bank and Peaked Hill areas.

Last November there was an incredible Bluefin tuna fishery going on until the midwater boats came in and decimated the forage. Where before there had been herring and mackerel everywhere, after a few days of the midwater boats the area was like a desert. As would be expected, the Bluefin and other predators vanished as well.

The Council should use Amendment 8 to remove these boats from the inshore areas for good. A year round, inshore buffer zone should exist throughout New England. Until this is done, the health of our inshore resources will continue to suffer.

Thanks for your attention to this vital issue.

John Rice

John Rice
Managing Partner

Palomar IT
jrice@palomarit.com
617-803-0174

Coastal Conservation Association Of New Hampshire

Post Office Box 4372 • Portsmouth, NH 03802
Phone: (603) 731-2669 • E-mail - info@ccanh.org
Web Address - ccanh.org

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September 10, 2015

RECEIVED
SEP 17 2015
NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Thomas A. Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill #2
Newburyport, MA 01950

Re: Herring Amendment 8 Re-Scoping

Dear Ex. Director Nies:

The Coastal Conservation Association of New Hampshire is a non-profit dedicated to the conservation of our marine resources and in educating the public regarding the preservation and responsible enjoyment of those resources. We are very concerned regarding the continued occurrence of localized depletion of herring associated with the location of midwater trawlers in inshore waters off of New England. While the Purse Seine/Fixed Gear Only Rule of ten years ago has helped to remove midwater trawlers from Area A1 during summer months, localized depletions continue to occur in the other inshore areas utilized throughout the year. Localized depletions negatively affect other fisheries as the predator species move out due to the localized disruption of the food chain.

The midwater trawler should be gear used offshore, not inshore. It is unlikely that the use of midwater trawlers offshore would result in the same impacts of local depletions as seen with use in our inshore waters. We recommend that the Council consider the following steps:

1. Make the current buffer in Area 1A year-round, not just summer.
2. Create a new offshore buffer zone of 35 miles for Cape Cod and Rhode Island.

We feel that these actions will provide the needed protections to allow recovery of inshore fisheries. Thank you for your consideration of our recommendations.

Sincerely,

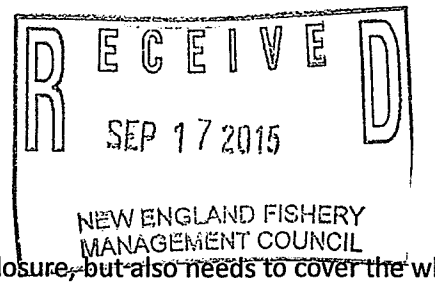
Donald L. Swanson, President CCA NH

DEDICATED TO CONSERVING NEW HAMPSHIRE'S MARINE RESOURCES

The Coastal Conservation Association of NH ("CCA NH") is an unincorporated state chapter of the Coastal Conservation Association ("CCA"), which currently has over 96,000 members in seventeen states. CCA is a nonprofit, public charity corporation that is qualified under IRC §501(c)(3).
Donations to CCA NH are tax deductible under IRC §170.

Sherie Goutier

From: Tim Virgin <tvirgin1@gmail.com>
Sent: Thursday, September 17, 2015 4:03 PM
To: comments
Subject: 12 month Buffer Zone Needed.

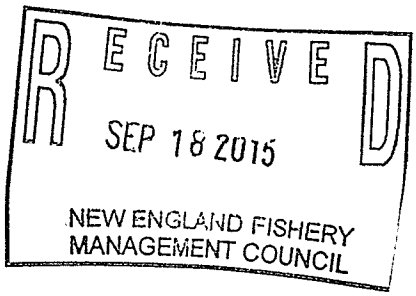


Dear Tom,

The current inshore buffer zone needs to not only be extended to a 12 month closure, but also needs to cover the whole New England coast. I have witnessed pair trawlers towing from the beach. It's wrong on so many levels. The term localized depletion will soon be used for the whole Gulf of Maine. The midwater trawlers are too efficient. They catch it all.
Our small boat fisheries depend on a healthy, nearshore herring stock. As of Oct 1, the midwater boats will towing right off of Cape Ann. In areas that I can't go catch a cod fish for dinner.....
They will "locally deplete" the herring stock in a matter of weeks.
Midwater trawlers should be banned outright. The technology exists to catch every last herring in the ocean.
Please, extend the current area 1A closure all the way down the whole coast.
Thank you
Tim Virgin
F/V Bettina H.
Perkins Cove Me.

Sherie Goutier

From: Philip Buzby <philip.buzby@gmail.com>
Sent: Friday, September 18, 2015 10:37 AM
To: comments
Subject: Amendment 8 Re-Scoping Comments



Thomas A. Nies, Executive Director

New England Fishery Management Council

50 Water Street, Mill 2

Newburyport, MA 01950

Re: Amendment 8 Re-Scoping comment

Dear Mr. Nies

I am writing to encourage the Council to use Herring Amendment 8 to **BAN** midwater trawling from New England's inshore waters.

I have been actively saltwater fishing for 15 years and owned my own boat for the last 8 years. I am a recreational fisherman but also "help out" a lot of friends who are commercial fishermen. Fishermen like myself have seen the damage these boats have caused to the forage base. At a time when the rest of the industry is struggling due to strict regulations, it is impossible to believe that massive "midwater" trawlers can remove huge numbers respresenting many 1,000's tons of the very species that keeps the inshore ecosystem healthy. Most every fishing-related business in New England relies on the inshore waters and allowing these boats to trawl/drag there is drastically impacting us all. This is **BASIC** biological food chain teachings: algea gets eaten by plankton; plankton gets eaten by crustaeceans/small fish & other filter feeders, the Right whales, menhaden, and small fish; small fishes get eaten by bigger fish, and so on. These trawlers (and draggers) destroy indescrimmanately and wipe the bait out on one important piece of bottom after another, leaving nothing to keep predators around (or bring them in to begin with.) Look at the concern over populations of cod, haddock, stripers, tuna, etc. species after species. When one thing is out of balance in nature, the whole ecosystem either changes or collapses. Predator/prey relationship dynamics change, food sources change: for example: over population of dogfish sharks prey heavily on the young of many other bottom species such as cod/haddock. When you get right down to it, natural forces are more potentially damaging to the changing marine ecosystem than even man once these trawlers/draggers have unbalanced the nature order of things.

How long will it take for the Council to finally correct this problem? I am hopeful that it will not take much longer. If you walk around the docks, you would see clearly that there is overwhelming support for removing these boats from our inshore areas. The

summer buffer zone in Area 1A did a tremendous amount for the ecosystem and those of us that rely on it. But it was not enough, as they can hammer the herring in 1A in the fall and off Cape Cod and southern New England year-round. Therefore, the Council should make it so the 1A ban is year-round and should also create a similar inshore buffer throughout Southern New England.

You all spend a great deal of time and effort managing the predator stocks that drive our most valuable fisheries, but then you let these boats undercut all of your efforts by depleting the herring. No amount of rules will allow these predators to thrive if there is no food. And without predators, our countless valuable inshore fisheries and the shore businesses that support them will suffer. Please use Amendment 8 to fix this problem. We are all behind you in this effort.

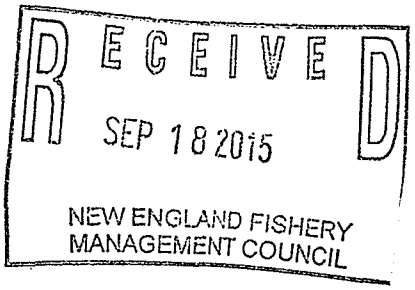
Thanks,

Philip R. Buzby

31 Harlan DRive
Brockton, MA 02301

Sherie Goutier

From: Rich <rhittinger@allianceenvironmentalgroup.com>
Sent: Friday, September 18, 2015 3:09 PM
To: comments
Subject: Amendment 8 Re-Scoping Comments



Thomas A. Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill #2
Newburyport, MA 01950

Re: Herring Amendment 8 Re-Scoping comments

Dear Mr. Nies,

I have been a recreational fisherman in SE New England for more than 30 years. I believe that the sportfish that I pursue are able to thrive only when the forage fish that they live on are able to thrive. I further believe that the forage fish are of more value when left in the ocean to enhance other fisheries than when they are harvested in huge numbers and sold for very low prices. This is why I believe that the Council must work hard to protect forage fish species including herring. Years ago, the Council took an important step for the future of our fishing industry in New England when it created the Purse Seine/Fixed Gear Only rule in Area 1A. By pushing the midwater trawlers out of the inshore Gulf of Maine during the summer, you gave the forage base a foothold to regain its health and to help our most valuable fisheries. But the time has come to finally protect the inshore areas completely, as the summer buffer zone is not enough.

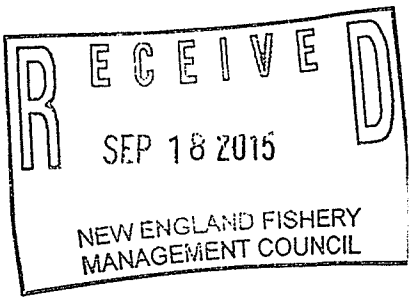
The Council must use Amendment 8 to get the midwater trawlers offshore as soon as possible. They should not be allowed within 35 miles of land at any time of year. This gear should not be allowed anywhere near our vital inshore waters, ever. It is important for you all to take action to protect the forage base now as it is the key to success of both recreational and commercial fishing.

Thank you,

Richard Hittinger
Recreational Fisherman
Pt. Judith, RI

Sherie Goutier

From: Jack <maverickfish@verizon.net>
Sent: Friday, September 18, 2015 9:54 AM
To: comments
Subject: Cape Cod Buffer Zone



Thomas A. Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill #2
Newburyport, MA 01950

Re: Herring Amendment 8 Scoping comments

Dear Tom,

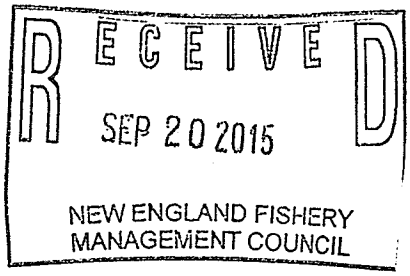
I am writing to ask the Council to please create a buffer zone off of Cape Cod in which midwater trawl vessels are not allowed to fish. This buffer should be at a minimum 30 miles from shore, and it should be in place year round.

When the midwater trawlers first arrived, we were all told they would only fish offshore. Somehow, though, they have been able to focus much of their efforts within miles of land ever since. There are many times of the year—the spring especially—when you can stand onshore in Chatham and watch these massive trawlers pounding away. And they are hitting the very backbone of the ecosystem—the food that attracts and feeds the predators that support the rest of our inshore fisheries, fisheries that are far more valuable to the economy than these the midwater trawl industry. In this day and age, how do we possibly allow 165-foot, small-mesh pair trawlers fish right off the beach? How do we let a handful of boats ruin the livelihoods of so many others? Look no further than the damage that has been done to the historic Great South Channel bluefin tuna fishery in the fall to see just how much damage this fleet has done to other fisheries.

The buffer zone is Area 1A has shown the benefits of excluding these boats from inshore areas. It is time for the Council to give Cape Cod similar protections—a buffer zone that is at least 30 miles from shore. With everything else that has been going on, there has never been a bigger need for healthy forage stocks. Until you push these boats offshore, you will continue to see problems with so many of our valuable inshore fisheries. Do what is right, and finally protect the foundation of our ecosystem here on the Cape.

Thanks,
Capt. Jack Riley
Maverick Charters

Thomas A.Nies, Executive Director
New England Fishery Management Council
50 Water St.,Mill #2
Newburyport, Ma. 01950



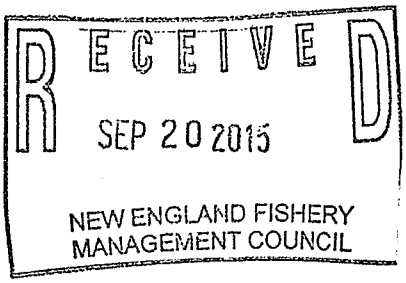
Dear Tom,

Please please please...Do what you can to protect the Herring...thus the Tuna..Cod..and Stripers from getting depleted. We so need to keep the midwater trawlers "FAR" off-shore and away from all inshore fishing areas...I'm just a recreational fishing enthusiest and yes would love to be able to carry on the family tradition I have known my whole life...enjoying a day on the water and going home to cook up a fresh fish dinner...We need your help!..Thanking you in advance!

Sincerely,
Lisa Simpson
10 Wicklow Lane
Eastham, Ma.02642
HOMEPORT: Chatham, Ma. & Provincetown,Ma.

Sherie Goutier

From: ted sutton <thsutton@roadrunner.com>
Sent: Sunday, September 20, 2015 8:57 AM
To: comments
Subject: Herring Amendment 8 Re-Scoping



Thomas A Nies, Executive Director
New England Fishery Management Council
50 Winter Street, Mill #2
Newburyport, Mass

Dear Tom,

My son and I have fished for the past 30 years in the Gulf of Maine and Mass and have seen a major improvement in the fisheries located in area 1A during the summer months. Please continue the Purse Seine/Fixed Gear Only rule ,that should be extended year around. You should also create a new buffer zone off Cape Cod and Rhode Island that extends offshore 35 miles. By taking the above steps you will extend these protections and finally allow the inshore to regain its former health.

Thank You
Ted and Tom Sutton
230 Towel Farm Road
Hampton NH 03842

Sherie Goutier

RECEIVED
SEP 20 2015
NEW ENGLAND FISHERY MANAGEMENT COUNCIL

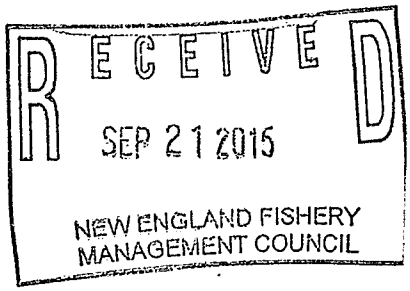
From: Matthew Mccabe <mmccabe3939@yahoo.com>
Sent: Sunday, September 20, 2015 11:08 AM
To: comments
Subject: midwater trawlers offshore

Please add my name & contact info to push the trawlers farther off shore. I am a RI resident and generally fish the bay & block island sound. The species I target vary from fluke & black sea bass to stripers & blues depending on conditions.

Thanks
Matthew M McCabe
mmccabe@rnd-tech.com

Sherie Goutier

From: Bruce Peters <bruce@sportfishingcapecod.com>
Sent: Friday, September 18, 2015 7:23 PM
To: comments
Subject: "Amendment 8 Re-Scoping Comments"



Thomas A. Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill #2
Newburyport, MA 01950

Re: Herring Amendment 8 Re-Scoping comments

Dear Tom,

Why are these mid water trawlers still fishing inshore ? How long must this travesty continue ? As a recreational tuna fisherman running a charter business, I have personally witnessed the depletion of sea birds, bluefin tuna, and whales immediately after these boats come through vacuuming up the herring off our shores.

Are you willing to be responsible for the decline of eco tours, whale watch and charter fishing businesses and the relative natural resources that also depend upon a viable forage species such as the sea herring ?

Its not too late to fix this TRAVESTY !

Please do what is right and hold these boats accountable for the local forage depletion and keep them out of the inshore areas !

Thank you for your time,

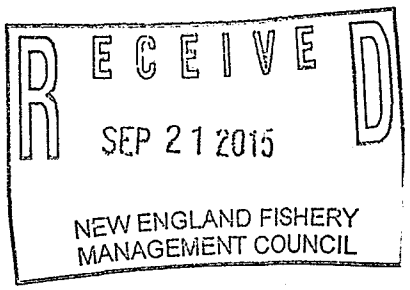
Bruce A Peters - Capeshores Charters - Chatham Massachusetts

Capt. Bruce Peters
30 Deborah Doane Way
Eastham, MA 02642

bruce@sportfishingcapecod.com
www.sportfishingcapecod.com
(508) 237-0399 - Cell

Sherie Goutier

From: Odysea <odyseatuna@gmail.com>
Sent: Saturday, September 19, 2015 9:53 AM
To: comments
Subject: Fishing



Keep the trawlers offshore
We need the bait to live

Capt Ralph Wilkins
FV Odysea
Ptown ma
917-440-0934

Sent from my i phone

Sherie Goutier

From: Craig Nelson <cnelson212@yahoo.com>
Sent: Sunday, September 20, 2015 9:40 PM
To: comments
Subject: Amendment 8 Re scoping comments

RECEIVED
SEP 21 2015
NEW ENGLAND FISHERY
MANAGEMENT COUNCIL

Dear Mr. Nies

I am writing today to encourage the Council to use Herring Amendment 8 to ban midwater trawling from New England's inshore waters.

As far as i'm concerned the midwater trawlers should be banned from fishing in all New England waters both inshore and offshore but having them banned from inshore waters would atleast be a good start. Midwater trawlers cause severe localized depletion in any area that they happen to be fishing in due to the massive amounts of herring that they catch at one time and they'll continue to fish in that area until there's absolutely nothing left. Having such large amounts of herring being caught by these boats is clearly not good for any ecosystem or any predator species that depend on herring as forage.

I find it absolutely unbelievable and even sickening for that matter that the midwater trawlers are still allowed to fish in area 1A in October when the herring congegrate inshore to spawn. There is absolutely no reason for the midwater trawlers to be allowed back into 1A in the fall at such a crucial time when the herring are spawning. Midwater trawlers cause damage to any area that they happen to be fishing in. Banning midwater trawling from new england's inshore waters would be very beneficial to all marine life that lives in these waters.

I strongly urge the council to take this opportunity to make the midwater trawling ban in area 1A year round as well as banning midwater trawling from inshore waters in other parts of new england as well.

Thank You,

Craig Nelson
F/V Karen Elaine
Salisbury, MA
Commercial Tuna Fishery

A8

Sherie Goutier

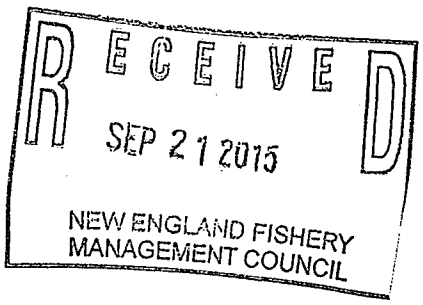
RECEIVED
SEP 21 2015
NEW ENGLAND FISHERY
MANAGEMENT COUNCIL

From: krowsnest1@roadrunner.com
Sent: Monday, September 21, 2015 7:10 AM
To: comments

Dear Sirs, I have fished commercially for lobsters, groundfish, and tuna since the early 70's. As a harpooner, I spend countless hours every summer searching for not just tuna, but birds, whales, and most importantly, forage species. I have had a fathometer in my tower since the late 80"s, and it is on constantly and being watched closely throughout the day.I fish from Eastern Maine waters to Cape Cod, and I do not see either the mackerel or herring I once did. I don't even see a fraction of what I once saw. The picture changed with the increase in midwater boats. I would like to see the coastal buffer zone extended to include all of the outer Cape area, as well as expanded to year round coverage. The gulf of Maine has forever been residency for many marine mammals and pelagic fish. If the herring, in particular, continue to be harvested so ruthlessly, the picture will continue to get bleaker than it already is. Thank You for your consideration, Capt. Lexi Krause

Sherie Goutier

From: Bill Hardie <williamtbash@gmail.com>
Sent: Monday, September 21, 2015 2:31 PM
To: comments
Subject: Herring Amendment 8



Thomas A. Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill #2
Newburyport, MA 01950

Re: Herring Amendment 8 Re-Scoping comments

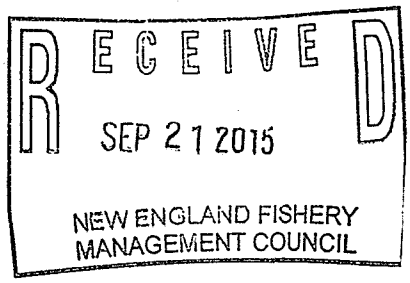
Dear Tom,

Our tuna fishery relies directly on the abundance of herring and mackerel in the inshore waters off New England. But midwater trawling has decimated these resources and caused us all great harm. Midwater trawl gear is incapable of coexisting inshore with the many fisheries that make a living there due to the depletion they cause. While the summer protections in Area 1A have been helpful, more action is needed. These boats should never be allowed to fish anywhere inshore. I urge the Council to use Herring Amendment 8 to push these massive boats out of our important inshore areas as soon as possible.

Thanks,
Concerned Fisherman

Sherie Goutier

From: Cam Gammill <cam@greatpointproperties.com>
Sent: Monday, September 21, 2015 12:48 PM
To: comments
Subject: Amendment 8 Re-Scoping Comments



Thomas A. Nies, Executive Director

New England Fishery Management Council

50 Water Street, Mill #2

Newburyport, MA 01950

Re: Herring Amendment 8 Scoping comments

Dear Tom,

I am writing to ask the Council to please create a buffer zone off of Cape Cod in which midwater trawl vessels are not allowed to fish. This buffer should be at a minimum 30 miles from shore, and it should be in place year round.

When the midwater trawlers first arrived, we were all told they would only fish offshore. Somehow, though, they have been able to focus much of their efforts within miles of land ever since. There are many times of the year—the spring especially—when you can stand onshore in Chatham and watch these massive trawlers pounding away. And they are hitting the very backbone of the ecosystem—the food that attracts and feeds the predators that support the rest of our inshore fisheries, fisheries that are far more valuable to the economy than these the midwater trawl industry. In this day and age, how do we possibly allow 165-foot, small-mesh pair trawlers fish right off the beach? How do we let a handful of boats ruin the livelihoods of so many others? Look no further than the

damage that has been done to the historic Great South Channel bluefin tuna fishery in the fall to see just how much damage this fleet has done to other fisheries.

The buffer zone is Area 1A has shown the benefits of excluding these boats from inshore areas. It is time for the Council to give Cape Cod similar protections—a buffer zone that is at least 30 miles from shore. With everything else that has been going on, there has never been a bigger need for healthy forage stocks. Until you push these boats offshore, you will continue to see problems with so many of our valuable inshore fisheries. Do what is right, and finally protect the foundation of our ecosystem here on the Cape.

Thanks,

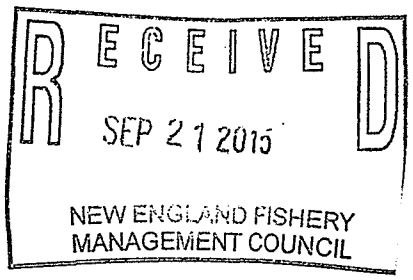
Cam Gammill

--

also ask me about:
Capt. Cam Gammill - Fishing Guide
Bill Fisher Tackle - Owner
www.billfishertackle.com
www.billfisheroutfitters.com

Sherie Goutier

From: Corey Gammill <cmgammill@gmail.com>
Sent: Monday, September 21, 2015 12:35 PM
To: comments
Subject: Amendment 8 Re-Scoping Comments



Thomas A. Nies, Executive Director

New England Fishery Management Council

50 Water Street, Mill #2

Newburyport, MA 01950

Re: Herring Amendment 8 Scoping comments

Dear Tom,

I am writing to ask the Council to please create a buffer zone off of Cape Cod in which midwater trawl vessels are not allowed to fish. This buffer should be at a minimum 30 miles from shore, and it should be in place year round.

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The buffer zone is Area 1A has shown the benefits of excluding these boats from inshore areas. It is time for the Council to give Cape Cod similar protections—a buffer zone that is at least 30 miles from shore. With everything else that has been going on, there has never been a bigger need for healthy

forage stocks. Until you push these boats offshore, you will continue to see problems with so many of our valuable inshore fisheries. Do what is right, and finally protect the foundation of our ecosystem here on the Cape.

Thanks,

Corey Gammill

Charter Fishing Captain: Nantucket, MA

Inshore/offshore Fishing

Tackle Shop Owner: Nantucket, MA

Capt. Corey Gammill

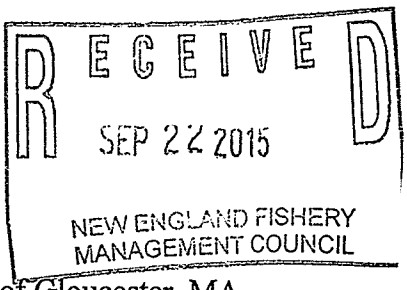
203-962-8867
cmgammill@gmail.com
Owner: Bill Fisher Outfitters www.billfisheroutfitters.com , www.thenantucketangler.com
Owner: Bill Fisher Tackle www.billfishertackle.com
Director of Fishing: Great Harbor Yacht Club
Twitter: @cmgammill

Directions to Madaket Marine: http://squaretailoutfitters.com/nantucketfishing/?page_id=9

Weather and Cancelation Policy: All Weather related cancelations are determined by the Captain. The season is short and we try to take every opportunity to fish, so please plan accordingly. If changes in your schedule come up you can cancel up to 7 days off. Inside 7 days if we can rebook the trip we will happily oblige. And please remember as we tell our kids all the time, ***see your commitments through....***

Sherie Goutier

From: Eric Sweet <ericfsweet@gmail.com>
Sent: Monday, September 21, 2015 7:38 PM
To: comments
Subject: Amendment 8 Re-Scoping Comments



Good Evening,

I mate on a couple different charter and commercial tuna fishing vessels out of Gloucester, MA.

I would like to suggest that a buffer zone is created around the near shore waters to keep the larger herring trawlers out of the area. Without herring there is no major food source for tuna, groundfish or striped bass which are our staples in the charter fishing industry. If there is any additional information I can offer please let me know.

Please keep the large industrial trawlers out of our local waters.

Thank you for your consideration,

Eric Sweet
Mate
F/V Sweet Dream
F/V Bounty Hunter
603-851-3706

Sherie Goutier

From: petedecar2@comcast.net
Sent: Monday, September 21, 2015 7:17 PM
To: comments
Subject: Herring Amendment 8 Rescoping Comments

RECEIVED
SEP 22 2015
NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Dear Tom

With the approach of October 1st and opening day for inshore mid water trawler season, I am very concerned, as I know the effect these large boats will have on our tuna fishery. I saw it last year when the tuna bite was the best in years due to large bodies of herring drawing the tuna near shore. Just after a couple days of dragging the tuna bite was dried up. These boats need to be banned from inshore dragging where local fisherman rely on mackerel and herring to draw tuna within their reach. I have been tuna fishing since the early 1970`s. I have seen the correlation between the availability of food for tuna and them showing up on our fishing grounds. This year has been a decent year for tuna fisherman and the bait is plentiful. Tuna return year after year to places where they know they can eat. Local tuna fisherman are looking forward to a good fall bite again this year, but it`s all threatened due to the ability of these trawlers to wipe out our tuna`s food source. I urge the council to enact rules that limit these trawlers to offshore fishing.

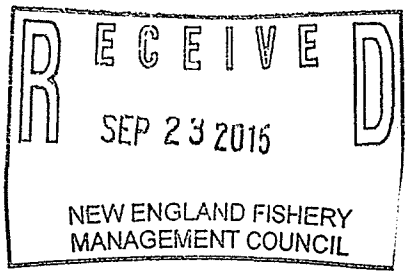
Thank you

Peter DeCarolis
Miss Sydney
Home port - Gloucester
Residence - Tewksbury MA, 01876

Sherie Goutier

From: Shawn Joyce <sjoycemail@comcast.net>
Sent: Wednesday, September 23, 2015 2:32 PM
To: comments
Cc: sjoycemail@comcast.net
Subject: Amendment 8 Re-Scoping Comments

PO Box 5
Rye, NH 03870



Thomas Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill #2
Newburyport, MA 01950

September 23, 2015

Re: Amendment 8 Re-scoping

Dear Mr. Nies,

I am not sure that you remember me. I currently serve on the Atlantic Highly Migratory Species Advisory Panel for National Marine Fisheries as well as the Herring Advisory Panel for Atlantic States Marine Fisheries Commission. I personally wrote to you this past spring about Amendment 8. I would like to thank the Council for working to fix the inshore depletion of herring caused by midwater trawling. This is a very real issue that impacts many who depend on a healthy herring stock.

The Purse Seine/Fixed Gear Only Rule in Area 1A was a major step forward when it was put in place. It helped the tuna fishery and many others during the busy summer season. Nonetheless, it is disappointing to see what happens when the midwater boats come in during October. Just last season the midwater boats decimated the herring amidst the tuna fleet near Ipswich Bay and Southern Jeffrey's Ledge. This quickly put an end to the tuna season for many small, local fishermen who are dependent on the fishery. Without herring as high fat feed, the tuna leave our waters. The exact spot changes each October, yet there is the same devastation. I urge the Council stop this from happening and make the summer protections year round. This step would also address a new problem that arose last fall—the use of RSA exemptions to midwater trawl in 1A for mackerel after the herring season is closed. Last fall, numerous big pair trawlers hit Stellwagen hard. This highlights the need for permanent protections in 1A. And after seeing what these boats do to our inshore fishing, I am greatly concerned to think it is allowed just outside 1A off the backside of Cape Cod. In all fairness, those fishermen deserve the same protections as our area.

I also believe there needs be some regulation of seiners using carriers and the amount of herring that can be taken in one small area. I fished off Boon Ledge this summer as seiners netted massive amounts of herring and then had midwater carriers come alongside and pump the fish into their holds. They did that for two weeks until there were no herring left. It is my understanding that the seiners who worked the Boon area took about 10,000 metric tons (22 million pounds), which was one half of the trimester quota for the entire Area 1A, almost one third of the 27,843 metric ton 2015 annual quota for Area 1A. This happened in a very small area that is less than 1% of Area 1A and it was devastating. The tuna, striped bass, birds and whales that had been abundant around Boon ledge all left the area and it became a dead zone. Restricting carrier size for the seiners would be a simple fix. Being more proactive on the use of 'days out' of the summer fishery may also ensure this does not continue to happen.

Thank you for allowing me to share my comments. If you have any questions for me or would like to speak about this further, I can be reached at (603) 548-5267 or sjoycemail@comcast.net.

Respectfully,

Shawn Joyce
FV Compadre
Rye, NH

Thomas A. Nies, Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

RECEIVED
SEP 23 2015
NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Re: herring amendment 8 scoping letter

Dear Tom,

As a young tuna, groundfish and lobster fisherman that relies on a healthy inshore ecosystem, I would urge you to remove midwater trawlers completely from the inshore Gulf of Maine. In Area 1A, they cause countless problems for the rest of us when they are allowed back in during October and November. Not only do they deplete the forage at that time, but then they also reduce how much is there in subsequent seasons. They also hit the spawning fish and their egg beds when they do this, which causes even longer-term problems. I know Amendment 8 is addressing forage, but the Council should also consider the damage that they inflict on lobster gear, too.

Herring is the backbone to our fisheries here and it should be managed as such. There is no place for this gear inshore. It is too efficient and too powerful and unlike seine gear cannot coexist. And these seiners are more than able to suppy the bait that is needed from these areas. Let the big boats fish offshore if they must fish here at all.

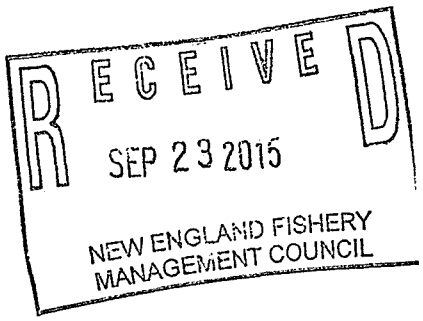
Thanks

Micah Tower
F/V Petrel
Perkins Cove, ME

Sherie Goutier

From: Gerard Driscoll <gfdriscoll@gmail.com>
Sent: Tuesday, September 22, 2015 6:25 PM
To: comments
Subject: Amendment 8 Re-Scoping Comments

Thomas A. Nies, Director
NEFMC
50 Water Street, Mill 2
Newburyport, MA 01950



Re- herring amendment 8 scoping

Dear Tom,

As a recreational angler I have a deep respect for the ocean and its resources. The pair trawlers do not share this same respect. it is evident through their destructive depletion of the bait and forage species that other predators rely on to make their return trips here each year to feed (tuna and whales, for example).

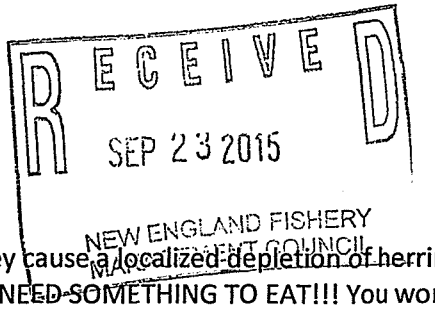
While the summer ban in the inshore Gulf of Maine has done a lot of good, some of this progress is undone each fall. I would encourage the Council to find a way to prohibit this gear inshore year round to ensure this no longer happens. I would also encourage you to consider creating a similar inshore buffer zone off Cape Cod to protect those important areas, too. 150 foot pair trawlers should never be allowed to fish inshore.

Regards,

Gerard Driscoll
Recreational Offshore Angler
Quincy, MA

Sherie Goutier

From: Eadie, Todd <EadieT@sudbury.ma.us>
Sent: Tuesday, September 22, 2015 7:47 PM
To: comments
Subject: herring issue amd 8 scoping



Dear Tom and company,

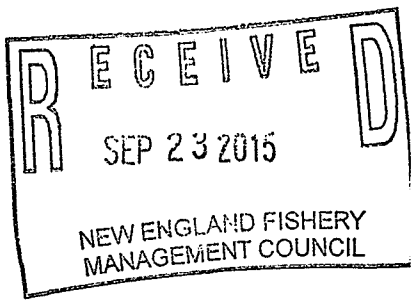
No matter where the midwater trawlers go they cause a localized depletion of herring resource. End of story. If you want cod, bass and tuna to rebound THEY NEED SOMETHING TO EAT!!! You wonder why the tuna abound at PEI Novi Scotia? Forage is abundant. Please do your job and manage the resource with common sense.

Todd Eadie
F/V Blue Sky
Former holder of a NE multi species permit before u guys screwed that up

Sherie Goutier

From: Matthew Graul <mattgraul@gmail.com>
Sent: Tuesday, September 22, 2015 8:41 PM
To: comments
Subject: Amendment 8 Re-Scoping Comments

Thomas A. Nies, Director
NEFMC
50 Water Street, Mill 2
Newburyport, MA 01950



Re- herring amendment 8 scoping

Dear Tom,

Recreational and commercial fisherman all over New England rely on the baitfish abundant to our waters as the backbone of the ecosystem. Sport fishing for those species at the top of the food chain, i.e. Tuna, striper, and sharks, gets a lot of attention, but none of it occurs without the foundation of bait.

Pair trawlers decimate this resource. They should not be allowed to fish inshore. The technology and mechanical advantage of pair trawling puts the environment at a deficit it cannot make up, which ripples up the food chain and effects everyone who enjoys or makes a living off of our fabulous coastlines and inshore waters.

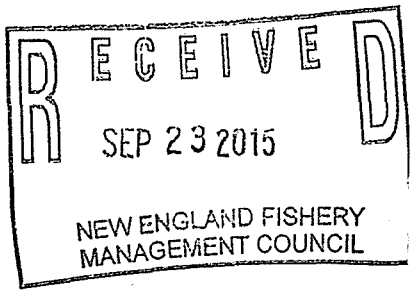
Thanks for your time.

Matthew Graul
Recreational Fisherman- Point Judith, RI

=

Sherie Goutier

From: Jeffrey Zima <jayzima@yahoo.com>
Sent: Wednesday, September 23, 2015 12:37 PM
To: comments
Subject: Amendment 8 Re-Scoping Comments



Thomas A. Nies, Director
NEFMC
50 Water Street, Mill 2
Newburyport, MA 01950

Re- herring amendment 8 scoping

Dear Tom,

I fish recreationally off the coast of Cape Cod virtually all summer and fall. It pains me to see these mid-waters set up on the tuna grounds every fall, effectively raping the ocean. I've seen first hand the by catch that they discard, hundreds of dead floating fish. I've seen the lack of bait inshore effectively destroy the inshore fisheries that I grew up with. Surfcasting for stripers along the backside was something I did every summer with by grandfather, uncle, and father. Now, there's no point, as the stripers don't stick around because there's no bait for them. The October rush of tuna crashing bait balls less than a mile off shore is something most people will never see again, again, because they bait they used to chase is gobbled up by these mid waters. There's a reason most of the world has banned them, and I understand our state has limited them, but I can't fathom why we still allow them to rape the ocean in our own backyard.

Whether one is fishing for tuna, stripers, or bluefish and ground fish, the key is finding bait. Herring and mackerel generally populate small ledges, rockpiles, and other pieces of bottom, and do not simply spread everywhere throughout the ocean. Fishermen from a given harbor are limited in range and so have only so many of these special areas to fish for predator stock on. When midwater trawlers come in and pound those areas down to nothing it ruins the ability of the other fishermen that fish that spot to make a living. Some of these spots do not return to health the next year and actually take years to rebuild. This is devastating for anyone that relies on that area.

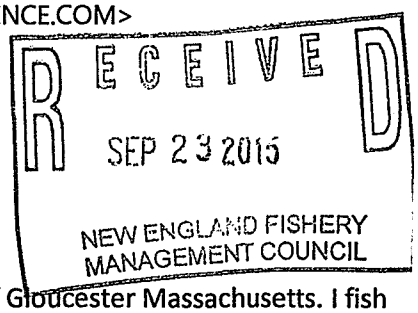
While the summer ban in the inshore Gulf of Maine has done a lot of good, some of this progress is undone each fall. I would encourage the Council to find a way to prohibit this gear inshore year round to ensure this no longer happens. I would also encourage you to consider creating a similar inshore buffer zone off Cape Cod to protect those important areas, too. 150 foot pair trawlers should never be allowed to fish inshore.

Thanks for your time,

Jeff Zima

Sherie Goutier

From: Michael Blanchard <MBlanchard@CITYOFLAWRENCE.COM>
Sent: Wednesday, September 23, 2015 1:48 PM
To: comments
Subject: Herring Ammendment 8 Re-Scoping



Dear Tom,

My name is Michael Blanchard and I own and operate the F/V Jeanne Maria out of Gloucester Massachusetts. I fish commercially for Bluefin Tuna and during more viable times, fish for Cod and Haddock as well.

When considering the Re-Scoping of Amendment 8 please consider the dramatic well documented impacts of localized Herring depletion and its impact on local fisheries and economys. With that being said I fully support making the current area 1A buffer zone a YEAR ROUND buffer zone and would also like to see a new buffer zone created off of Cape Cod and Rhode Island extending out 35 miles. The benefits of removing the mid water trawl boats from area 1A have already been realized but not enough has been done. Thank you for your time and consideration in this matter.

Michael Blanchard

Sherie Goutier

From: Dickens Berwind <berwind86@berwindllc.com>
Sent: Wednesday, September 23, 2015 3:59 PM
To: comments
Subject: Amendment 8 Re-Scoping Coments

RECEIVED
SEP 23 2015
NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Re- herring amendment 8 scoping

Hello, I am an avid recreational fisherman and have seen myself the destruction that the trawlers create.
I grew up on the Vineyard and just about everyone I know is a fisherman, many of them commercial.
Even amongst this very salty crowd, there is a consensus that this type of fishing is harmful.
Shameful that they are still allowed in the mid-water.
It is time to stop this trawling.

My home port is Edgartown, MA and we fish with friends and family all around Nantucket Sound and south of the Vineyard.

Here is a copied message that also resonated with me:

There is hardly a fisherman in New England that supports midwater trawling in general, let alone in our critical inshore areas. These inshore waters support countless fishery and eco-tourism businesses that drive our coastal economy. Without an abundance of herring and mackerel, the inshore ecosystem and all those that rely on it will have problems. Midwater trawling for these species has shown us this all too clearly.

Whether you are looking for tuna, groundfish, or striped bass, the key is finding the bait. Herring and mackerel generally populate small ledges, rockpiles, and other pieces of bottom, and do not simply spread everywhere throughout the ocean. Fishermen from a given harbor are limited in range and so have only so many of these special areas to fish for predator stock on. When midwater trawlers come in and pound those areas down to nothing it ruins the ability of the other fishermen that fish that spot to make a living. Some of these spots do not return to health the next year and actually take years to rebuild. This is devastating for anyone that relies on that area.

While the summer ban in the inshore Gulf of Maine has done a lot of good, some of this progress is undone each fall. I would encourage the Council to find a way to prohibit this gear inshore year round to ensure this no longer happens. I would also encourage you to consider creating a similar inshore buffer zone off Cape Cod to protect those important areas, too. 150 foot pair trawlers should never be allowed to fish inshore.

Thanks for your time,

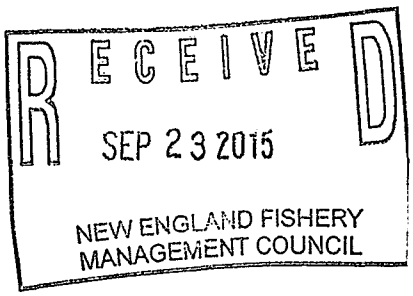
Dickens R. Berwind
Associate

Berwind, LLC
(978) 391-1233

This E-Mail is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you have received this communication in error, please do not distribute it and notify me immediately by email and delete the original message. Unless expressly stated in this e-mail, nothing in this message or any attachment should be construed as a digital or electronic signature.

Sherie Goutier

From: Jason Schumacher <jasonschumacher40@gmail.com>
Sent: Wednesday, September 23, 2015 9:38 AM
To: comments
Subject: Amendment 8 Re-Scoping Comments



Thomas A. Nies, Director
NEFMC
50 Water Street, Mill 2
Newburyport, MA 01950

Re- herring amendment 8 scoping

Dear Tom,

There is hardly a fisherman in New England that supports midwater trawling in general, let alone in our critical inshore areas. These inshore waters support countless fishery and eco-tourism businesses that drive our coastal economy. Without an abundance of herring and mackerel, the inshore ecosystem and all those that rely on it will have problems. Midwater trawling for these species has shown us this all too clearly.

Whether you are looking for tuna, groundfish, or striped bass, the key is finding the bait. Herring and mackerel generally populate small ledges, rockpiles, and other pieces of bottom, and do not simply spread everywhere throughout the ocean. Fishermen from a given harbor are limited in range and so have only so many of these special areas to fish for predator stock on. When midwater trawlers come in and pound those areas down to nothing it ruins the ability of the other fishermen that fish that spot to make a living. Some of these spots do not return to health the next year and actually take years to rebuild. This is devastating for anyone that relies on that area.

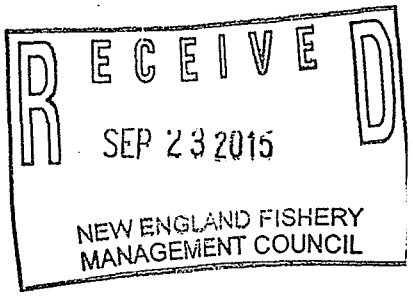
While the summer ban in the inshore Gulf of Maine has done a lot of good, some of this progress is undone each fall. I would encourage the Council to find a way to prohibit this gear inshore year round to ensure this no longer happens. I would also encourage you to consider creating a similar inshore buffer zone off Cape Cod to protect those important areas, too. 150 foot pair trawlers should never be allowed to fish inshore.

We really need to create a buffer zone around Cape Cod. These boats work year round destroying the bait population. Once that is gone we have nothing left. No fish remain in the area because they can't survive without anything to eat. Why does this midwater trawling continue to be allowed? Politics? We all know it is damaging to the waters.

Thanks for your time,

Jason Schumacher
Commercial tuna fisherman out of Orleans MA

Executive Director
James A. Donofrio



September 21, 2015

Mr. Thomas A. Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill # 2
Newburyport, MA 01950

Re: Amendment 8 Re-Scoping comments

Dear Tom,

I am writing on behalf of the Recreational Fishing Alliance (RFA) to provide additional comments on the development of Herring Amendment 8.

The recreational fishing industry is a vital component of New England's coastal economy. Recreational fishermen help support countless businesses up and down the coast—from tackle shops and boat builders, to hotels and restaurants, and everything in between. But for our industry to thrive and help drive the region's economy, there needs to be a high availability of certain key predator stocks, such as bluefin tuna, striped bass, and groundfish. And this availability is directly determined by the abundance of forage within our inshore waters—especially Atlantic herring. As such, it has been with great concern that we have watched over the years as the midwater trawl fleet has decimated the inshore aggregations of this important forage species.

We are told often that the herring resource is at historically high levels. While most inshore fishermen would seriously question these claims, there is no denying the very real impact of localized depletion. For even if the overall resource is healthy, if all the herring are wiped in one local area—say, off Cape Cod—there will be no predators and therefore no ability to fish recreationally in that area. And no fleet is more capable of depleting local areas than the midwater trawl fleet. They simply are incapable of fishing an area without having this impact. This has happened in one area after another since the boats arrived, and it has caused serious harm to our industry. This must be addressed in Amendment 8.

A decade ago, the Council created a summer buffer zone free of midwater trawling in Area 1A, which saved our inshore fisheries. The time has come to extend similar protections in time and space throughout New England. We urge the Council to use

Legislative Offices: P.O. Box 98263 • Washington, DC 20090 • Phone: 1-888-JOIN-RFA • Fax: 703-464-7377
Headquarters: P.O. Box 3080 • New Gretna, NJ 08224 • Phone: 1-888-JOIN-RFA • Fax: 609-404-1968

Amendment 8 to do two things in this regard. First, you should extend the current buffer zone in Area 1A so that is year round. Allowing the midwater fleet into Area 1A so that it can fish just a few miles from shore each October is unacceptable, as it has allows for many of the benefits of the summer zone to be undone. This problem will only get worse now that they can fish for mackerel in 1A under the RSA program. Second, you should create a similar year-round buffer zone off Cape Cod and Rhode Island. These areas deserve the same protections seen to the north.

There is nothing more important to the health of our recreational inshore fisheries than the availability of forage. The best way to promote this availability is to remove midwater trawlers from the inshore areas completely.

Sincerely,

Barry Gibson
New England Regional Director
Recreational Fishing Alliance
19 Royall Rd.
East Boothbay, ME 04544

Sherie Goutier

From: Jody Reynolds <jreynolds713@gmail.com>
Sent: Thursday, September 24, 2015 3:43 PM
To: comments
Subject: Amendment 8 Re-Scoping Comments
Attachments: Pair Trawlers off Rockport MA.jpg

Thomas A. Nies, Director
NEFMC
50 Water Street, Mill 2
Newburyport, MA 01950

RECEIVED
SEP 24 2015
NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Re- herring amendment 8 scoping

Dear Tom,

If the attached picture does not concern you, then you need to try commercial tuna fishing for a season. this needs to stop. The amount the local economy is stimulated by the 100's of day tuna boats is incomparable to the stimulation done to the economy by the pair trawlers.
My estimated expenses are $200/trip, I do 30 trips a year ($6000), multiply that by the 100's of guys just like me and your local economy is getting a boost. Come Oct 1 these numbers are going to drop significantly.

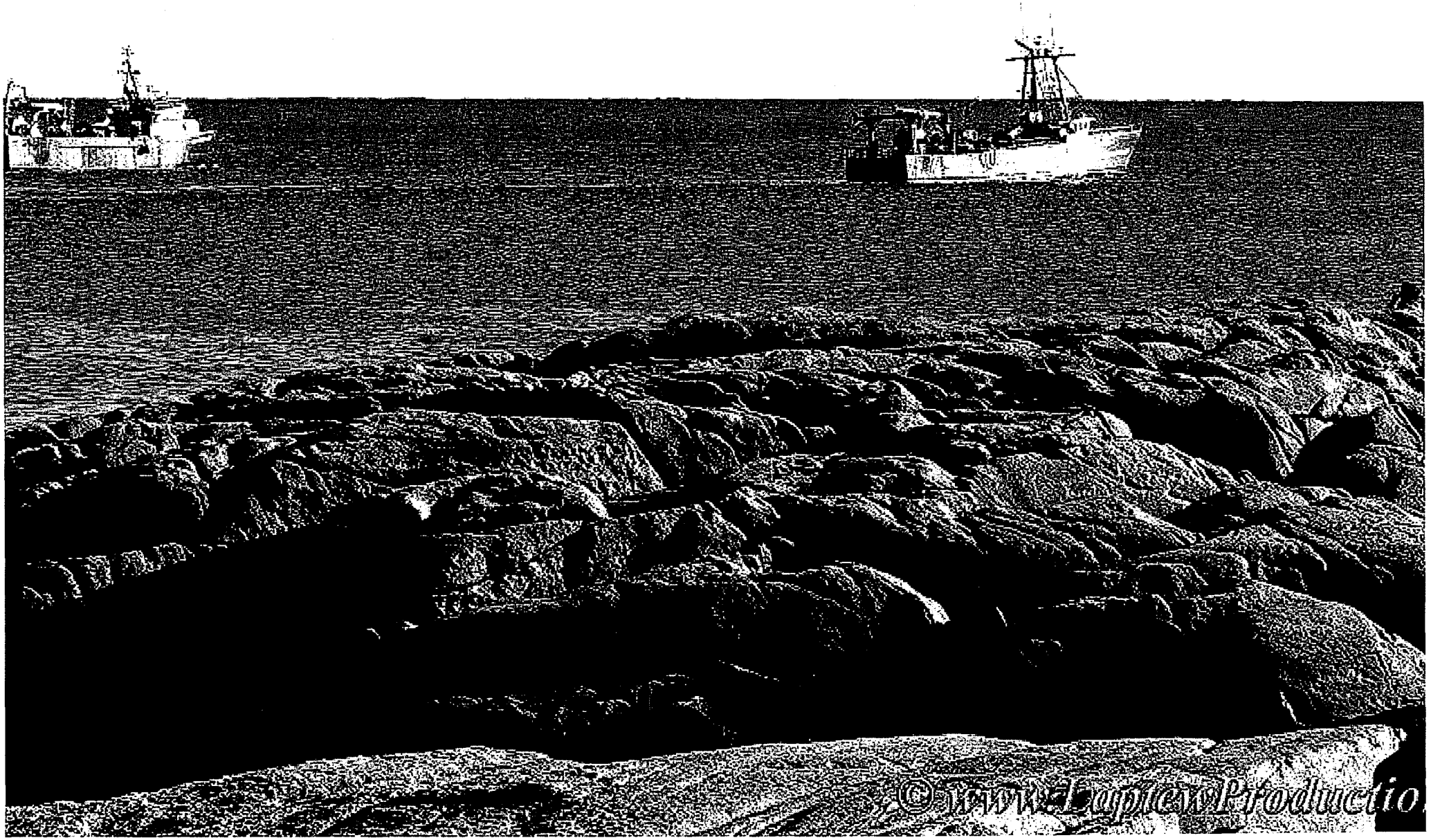
There is hardly a fisherman in New England that supports midwater trawling in general, let alone in our critical inshore areas. These inshore waters support countless fishery and eco-tourism businesses that drive our coastal economy. Without an abundance of herring and mackerel, the inshore ecosystem and all those that rely on it will have problems. Midwater trawling for these species has shown us this all too clearly.

Whether you are looking for tuna, groundfish, or striped bass, the key is finding the bait. Herring and mackerel generally populate small ledges, rockpiles, and other pieces of bottom, and do not simply spread everywhere throughout the ocean. Fishermen from a given harbor are limited in range and so have only so many of these special areas to fish for predator stock on. When midwater trawlers come in and pound those areas down to nothing it ruins the ability of the other fishermen that fish that spot to make a living. Some of these spots do not return to health the next year and actually take years to rebuild. This is devastating for anyone that relies on that area.

While the summer ban in the inshore Gulf of Maine has done a lot of good, some of this progress is undone each fall. I would encourage the Council to find a way to prohibit this gear inshore year round to ensure this no longer happens. I would also encourage you to consider creating a similar inshore buffer zone off Cape Cod to protect those important areas, too. 150 foot pair trawlers should never be allowed to fish inshore.

Thanks for your time,

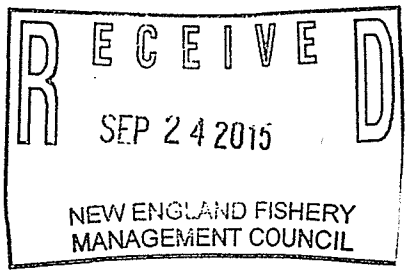
Jody Reynolds
Rye Harbor, NH
Commercial Tuna Fisherman.


© www.LapierProductio

Sherie Goutier

From: Scot Calitri <smcalitri@gmail.com>
Sent: Thursday, September 24, 2015 12:58 PM
To: comments
Subject: Amendment 8 Re-Scoping Comments

Thomas Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950



Re: Herring Amendment 8 Re-Scoping comments

Dear Tom,

As a fisherman, I have seen the negative impacts caused by midwater to the herring resource all too clearly. Each year when they are let back into the inshore areas of the Gulf of Maine on October 1st, they fish relentlessly and drive the tuna and other stocks out of the area. They also fish hard off of the beaches of Cape Cod and Rhode Island, causing problems in those area too. Wherever they go, the midwater trawlers disrupt the forage aggregations and, as a result, the fisheries on predator stocks that rely on that forage. This gear cannot coexist with other fisheries. It catches too much, too fast, and throughout the water column.

The Council should use Amendment 8 to remove these boats from the inshore areas for good. A year round, inshore buffer zone should exist throughout New England. Until this is done, the health of our inshore resources will continue to suffer.

Thanks,

Captain Scot Calitri
125 Longmarsh Rd.
Durham, NH 03824

Sherie Goutier

From: Tim McKinnon <tim.mckinnon@gmail.com>
Sent: Thursday, September 24, 2015 12:50 PM
To: comments
Subject: Amendment 8 Re-Scoping Comments

RECEIVED
SEP 24 2015
NEW ENGLAND FISHERY
MANAGEMENT COUNCIL

Thomas A. Nies, Director
NEFMC
50 Water Street, Mill 2
Newburyport, MA 01950

Re- herring amendment 8 scoping

To Whom It May Concern,

In my opinion midwater trawlering is a destructive fishing practice, which puts our fisheries in danger by depleating the forage base. This is especially true in our critical inshore areas. Inshore waters support a huge local economy between recreational, commercial and tourism users. If there are no fish all of these industries will be adversly effected. Allowing a small number of boats depleat the forage stock and have such an enormous economic impact is short sighted and will result in far more harm than good.

I personally am a recreational fisherman, though I know many commercial fishermen well. The key to healthy fish is finding the bait across virtually all species. If there is no bait there are no fish. Herring and Mackerel are concentrated species that are critical forage base. When a tralwer locally depleats an area it can locally effect the population of predator fish. Midwater trawlers remove virtually the entire population in a given area and it takes months if not years to recover. Meanwhile it negatively impacts the local economy as larger fish either move or perish.

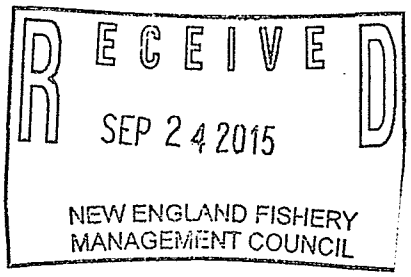
While the summer ban in the inshore Gulf of Maine has done a lot of good, some of this progress is undone each fall. I would encourage the Council to find a way to prohibit this gear inshore year round to ensure this no longer happens. I would also encourage you to consider creating a similar inshore buffer zone off Cape Cod to protect those important areas, too. Large pair trawlers should never be allowed to fish inshore along any of New England's coasts.

Thanks,

Tim McKinnon
Acton, MA & Harwich, MA

Sherie Goutier

From: Steve Klepper <steven.a.klepper@gmail.com>
Sent: Thursday, September 24, 2015 12:20 PM
To: comments
Subject: Amendment 8 Re-Scoping Comments



Thomas A. Nies, Director
NEFMC
50 Water Street, Mill 2
Newburyport, MA 01950

Re- herring amendment 8 scoping

Dear Tom,

This email is in reference to the inshore trawling activities that take place in the inshore waters of our coastal New England communities specifically in the Gulf of Maine and Cape Cod.

With inshore trawlers coming in and cleaning up all of the bait fish in the fall and winter months, the spring and summer months for recreational and charter fishing are generally considered poor as the numbers of bait fish such as mackerel and herring are low, and predators that feed on them, and that sustain recreational fishing are few and far between.

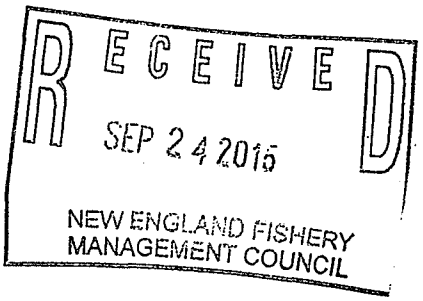
Small recreational and charter boats are severely restricted in size and range, unlike these large 150+ foot trawlers whom have been designed to fish far beyond the range of a small boat, yet still fish inshore, in the only real areas that we are able to enjoy our time on the water.

If the trawlers continue to wipe out bait fish population with such efficiency, it is my fear that the recreational fishery will soon be gone for future generations.

I hope that you will consider creating a buffer zone inside of coastal areas and not allow trawlers to fish in these areas.

Very Respectfully,
Steve Klepper
Recreational Angler
Newburyport MA

PO Box 200
Southwest Harbor, ME 04679
Vmercer24@att.net
207-266-0438



Thomas A Nies, Director
NE Fisheries Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Dear Sir:

I write to you to express my concern along with that of numerous Bluefin Tuna fishermen in the Eastern Maine area. Tuna like all other predators go where the food is located. In the past few years the abundance of herring for the tuna to feed on has made it increasingly more difficult to catch Bluefin.

I lack a great deal of expertise in the matter but believe the mid-water trawlers are the basis of our problem. My understanding was that the mid-water fishery was to be an offshore fishery but it appears it is not and unless steps are taken to curtail their activities inshore I anticipate that more damage will occur.

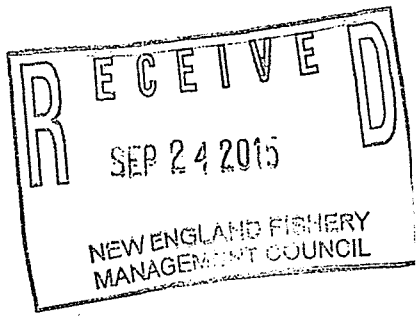
It has been suggested that the *Council* should make the present buffer in zone 1A a year long buffer, and that a new zone should be created that would include the waters off Cape Cod and extending South to perhaps Rhode Island. I find this to be a logical starting point to return inshore fisheries to the health of 10 or 15 years ago.

Sincerely,

Capt. Victor W. Mercer

Thomas A. Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

September 24, 2015



In recent years the inshore fisheries have been improving. This has a lot to do with controls placed on mid-water trawlers and exempting them from inshore grounds at least part of the year. Because of this action the herring stock has increased which provides food for predator fish like tuna. For nearly 20 years tuna fishing and selling tuna tackle has provided my family with a living.

So we have made a good first step toward improving the in shore grounds. Thousands of people take advantage of the improvement in the inshore fisheries. This provides a good deal of revenue for coastal communities. Mid-water trawlers can and will turn the recovery around. The fish catching ability of these vessels is way beyond the ability of the herring stock to sustain and grow. Mid-water trawlers were and are a bad idea. They should never have been allowed to destroy the herring biomass that happened when they had access to the inshore grounds.

I strongly call on you, fishery management people, to remove mid-water trawlers from inshore grounds and place strict limits on their action in offshore grounds. The future of the Gulf of Maine depends on your actions. Do the right thing, we the fishermen of inshore Gulf of Maine are depending on your action.

Sincerely,

David Mason

FV Monica M II

Owner—Tightlines Tackle

Natural Resources
Town of Harwich
715 Main Street · P.O. Box 207
Harwich Port, MA 02646
(508) 430-7532 · Fax (508) 430-7535

24 September 2015

RECEIVED
SEP 24 2015
NEW ENGLAND FISHERY
MANAGEMENT COUNCIL

New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

RE: Amendment 8 re-scoping comments

Dear NEFMC members,

My name is Heinz Proft, Natural Resources Director for the town of Harwich. I have worked in the Natural Resources Department since 1998 and am very aware of our herring runs, their history, and current status of our herring populations. Long gone are the days when the general public could legally dip net migrating herring from our fish ladder.

In 2002 and 2003 we began to notice disturbingly low numbers of herring in our runs. In 2004, the town of Harwich responded with a river herring moratorium in an attempt to do our part in trying to protect and sustain the river herring population. Two years later, 2006, the state of Massachusetts enacted its moratorium which is still in place today. It was critical to take those measures and we remain vigilant regarding the river herring population.

Harwich has a conservation trust that engages local volunteers to count migrating herring in our run from April 1st – May 31st each year. The herring counts have fluctuated and we have yet to experience a significant sustained increase compared to historical averages. The coast wide decline of river herring is due to many factors which include bycatch. It has come to my attention that the NEFMC is considering increasing the catch caps of river herring that the industrial herring fleet is entitled to harvest. Why open the door so that boats off shore could increase their bycatch of herring when the population of river herring is so tenuous? It would be irresponsible and unfair to consider taking such action.

I urge you to help protect the forage base and specifically put an end to the localized depletion of river herring in our inshore areas so that the ecosystem and our other industries can survive. It is time for the NEFMC to create a year-round inshore buffer zone throughout New England. The inshore areas of New England simply cannot support a fleet of enormous, small meshed herring trawlers. I would ask that the NEFMC consider implementing the following:

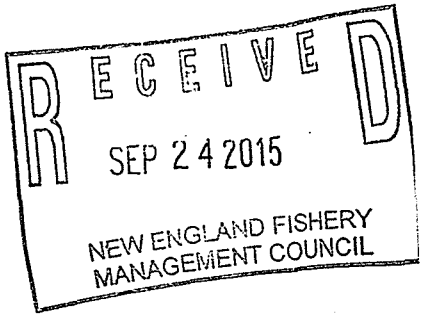
- A twelve month buffer zone free of midwater trawling of Cape Cod and Southern New England that extends 35 miles from shore.
- An extension of the current buffer zone in Area 1A from four months to twelve months.

Sincerely,

Heinz Proft
Natural Resources Director

Sherie Goutier

From: John and Dale Makowski <makville60@hotmail.com>
Sent: Thursday, September 24, 2015 11:06 AM
To: comments
Subject: Amendment 8 Re-Scoping Comments



Thomas Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Re: Herring Amendment 8 Re-Scoping comments

Dear Mr. Nies,

As a fisherman, I have seen all too clearly the negative impacts caused to the herring resource by midwater trawling. Each year when they are let back into the inshore areas of the Gulf of Maine on October 1st, they fish relentlessly and drive the tuna and other stocks out of the area. They also fish hard in the Ipswich Bay, the beaches of Cape Cod, and Rhode Island, causing problems in those areas too. Wherever they go, the midwater trawlers disrupt the forage aggregations and, as a result, the fisheries of predator stocks that rely on that forage. This gear cannot coexist with other fisheries. It catches too much, too fast, and throughout the water column.

Many stakeholders have worked very hard to implement regulations that seek to protect the viability of our game/commercial fish stocks, including striped bass, blue fin tuna, and groundfish like cod and haddock. All of that effort will be for naught if there is not an adequate food supply to support these very stocks. Midwater trawling represents a significant threat to the balance that we have sought to create.

The Council should use Amendment 8 to remove these boats from the inshore areas for good. A year round, inshore buffer zone should exist throughout New England. Until this is done, the health of our inshore resources will continue to suffer.

Thanking you in advance for your consideration in this matter, I write,

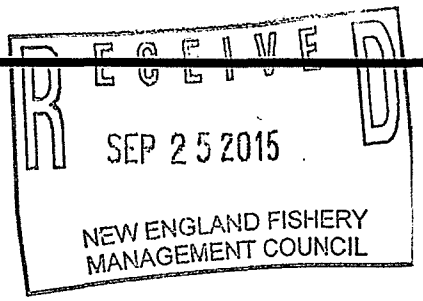
Sincerely,

John Makowski

44 Nutter Road
North Reading, MA 01864

boat based in Newbury, MA recreational fisherman

Sherie Goutier



From: Robin Calitri <csicagain@hotmail.com>
Sent: Friday, September 25, 2015 9:37 AM
To: comments
Subject: Re:Scoping Amendment 8

Thomas Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Re: Herring Amendment 8 Re-Scoping comments
September 25, 2015

Dear Director Nies,

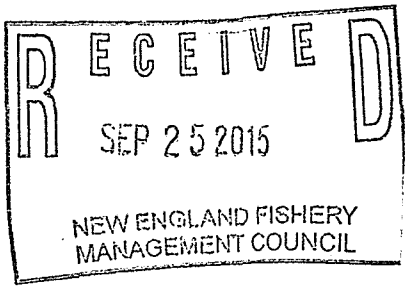
I am an avid recreational fisherman and charter boat operator. I have seen the negative impacts caused by midwater seining to the herring resource all too clearly. Each year when they are let back into the inshore areas of the New England, they fish relentlessly and drive the tuna and other stocks out of the area. They also fish hard off of the beaches of Cape Cod and Rhode Island, raping the areas. Wherever they go, the midwater trawlers disrupt the forage aggregations and, as a result, the fisheries on predator stocks that rely on that forage. This gear cannot coexist with other fisheries. It catches too much, too fast, and throughout the water column. Their business serves very few while the recreational fishery of NE serves many.

The Council should use Amendment 8 to remove these boats from the inshore areas for good. A year round, inshore buffer zone should exist throughout New England. Until this is done, the health of our inshore resources will continue to suffer. I encourage you to be pro-active rather that reactive and take action now.

Sincerely,
Captain Robin Calitri
Seacoastflyfishing.com
Newington, NH

Sherie Goutier

From: Bill Lovejoy <blovejoy@certifiedretailsolutions.com>
Sent: Friday, September 25, 2015 11:02 AM
To: comments
Cc: Bill Lovejoy
Subject: Amendment 8 Re-Scoping Comments



Thomas Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Re: Herring Amendment 8 Re-Scoping comments

Dear Tom,

As a recreational fisherman, I mostly fish for striped bass inshore. I also like to head offshore (about 10 - 20 miles) and am concerned that the bottom fishing for Haddock and Cod continues to deteriorate. It's seems it's time for a change.

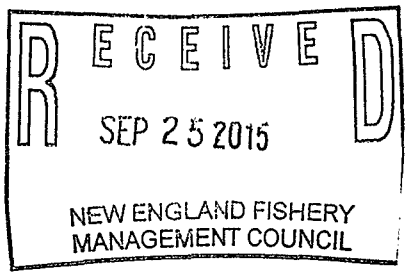
I have seen the negative impacts caused by midwater trawlers to the herring resource all too clearly. Each year when they are let back into the inshore areas of the Gulf of Maine on October 1st, they fish relentlessly and drive the tuna and other stocks out of the area. They also fish hard off of the beaches of Cape Cod and Rhode Island, causing problems in those area too. Wherever they go, the midwater trawlers disrupt the forage aggregations and, as a result, the fisheries on predator stocks that rely on that forage. This gear cannot coexist with other fisheries. It catches too much, too fast, and throughout the water column.

The Council should use Amendment 8 to remove these boats from the inshore areas for good. A year round, inshore buffer zone should exist throughout New England. Until this is done, the health of our inshore resources will continue to suffer.

Thanks,
Bill Lovejoy
Recreational Fisherman
Homeport: Newington, NH

Sherie Goutier

From: Robert Schneider <schneids314@gmail.com>
Sent: Friday, September 25, 2015 12:22 PM
To: comments



Thomas Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Re: Herring Amendment 8 Re-Scoping comments

Dear Tom,

As a fisherman, I have seen the negative impacts caused by midwater to the herring resource all too clearly. Each year when they are let back into the inshore areas of the Gulf of Maine on October 1st, they fish relentlessly and drive the tuna and other stocks out of the area. They also fish hard off of the beaches of Cape Cod and Rhode Island, causing problems in those area too. Wherever they go, the midwater trawlers disrupt the forage aggregations and, as a result, the fisheries on predator stocks that rely on that forage. This gear cannot coexist with other fisheries. It catches too much, too fast, and throughout the water column.

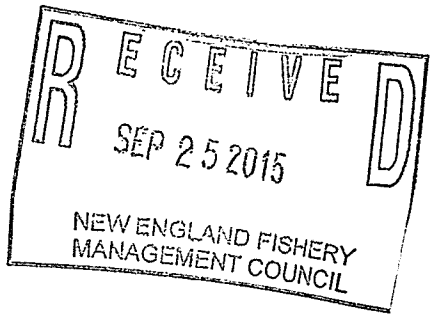
The Council should use Amendment 8 to remove these boats from the inshore areas for good. A year round, inshore buffer zone should exist throughout New England. Until this is done, the health of our inshore resources will continue to suffer.

Thanks,

Robert Schneider
schneids314@gmail.com

Sherie Goutier

From: Brett Wilson <hindsightfishing@gmail.com>
Sent: Friday, September 25, 2015 4:46 PM
To: comments
Subject: Herring Amendment 8 comments



Tom Nies, Executive Director

New England Fishery Management Council

50 Water Street, Mill 2

Newburyport, MA 01950

Re: Amendment 8 Re-Scoping comment period

Dear Tom,

Midwater trawling off of Cape Cod has caused great harm to our valuable inshore commercial, recreational, and charter fisheries. The Council should use Amendment 8 to finally put an end to the use of this gear anywhere within 50 miles of Cape Cod.

Everyone should know by now how important forage is to our fisheries in New England. But it is not just how much is found in aggregate throughout this region that matters. What matters the most is that the areas you fish—the key pieces of bottom we all rely on—have enough bait to attract and hold predator stocks. It does not matter how much herring there is somewhere else if there is none near your homeport. While these areas may be small in size, they are big in value, as they are critical to keeping tuna, groundfish and other important fisheries going.

Each year we watch the midwater boats deplete these small areas. Unlike other fleets, the midwater fleet can wipe an area out until it is a dead zone. The gear is just too big, powerful, and efficient. No matter where the fish is in the water column, they can catch it—even if it is tight to bottom. And this last aspect is especially deadly since they can hit fish that are spawning hard while also disrupting their spawning beds at the same time. The results are obvious. Many seasonal fisheries never even get going because the boats hit the forage before the predators show up. Others get shut down in midstream when the midwater boats show up and hit the area hard for days on end. And whole historic fisheries like the Great South Channel fall bluefin bite are wiped out completely. This must stop.

The summer ban in Area 1A has shown that we do not need midwater trawlers inshore to supply lobster bait. Seiners are more than capable at this task and they can do it without ruining everyone else's livelihoods. We need a similar area off the Cape, and we need it now. These boats can either fish offshore or switch to seining, but we have too many valuable industries that rely on the waters out to 50 miles to let them midwater trawl there any longer. Everyone knows what needs to be done, so hopefully you all on the Council will finally make it happen.

Thanks for your time,

Captain Brett Wilson

F/V Hindsight

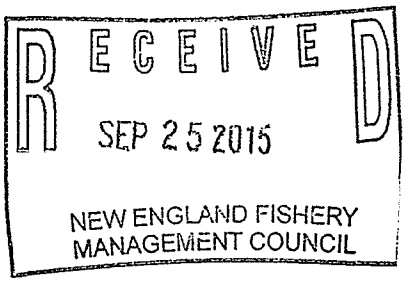
Orleans, MA

American Bluefin Tuna Association

PO Box 447, Salem, NH 03079
(603)898-8862 cell (603)490-4715

September 25, 2015

Thomas A. Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill #2
Newburyport, MA 01950



Re: Amendment 8 Re-Scoping

Dear Tom,

I am writing today on behalf of the American Bluefin Tuna Association (ABTA) to offer our comments on the re-scoping period for Herring Amendment 8. I am also attaching our April 27, 2015 original Scoping comments which I request be considered in favor of an inshore buffer zone free of mid-water trawling for herring which is one of the management measures we sought back in the early 1990's.

As the Council is well aware, ABTA is the primary voice for bluefin tuna interests—including commercial, recreation and charter fishermen, dealers, and shore support businesses—all along the East Coast. As we explained during the original scoping period, our tuna fishery is directly reliant on the availability of forage off New England and no species is more important than herring. As such, the tuna fishery should be viewed as a primary stakeholder in the herring management process. We were drawn into this process due to the impacts of localized depletion caused by midwater trawlers on traditional inshore bluefin fishing grounds.

The midwater trawl fishery is exceptionally detrimental to the New England bluefin tuna fishery. Bluefin are drawn to certain key pieces of bottom that hold herring and these small areas can support a large tuna for a good part of the season. When midwater trawlers arrive they are able to put an end to all the tuna activity in that area very quickly due to their size, power, and efficiency to fish throughout the water column at all times of the day. Their practice is to fish an area repeatedly until there is not enough herring left to support additional tows or the foraging needs of bluefin. The trawlers will then move on to another inshore area and start the process anew. We have seen this in countless areas and times since midwater trawl gear arrived in the 1990s. And the impacts from these boats are long term, too. Look no further than the decimation of the historic Great South Channel fishery to see how extreme these long-term impacts can be.

ABTA has fought for more than 2 decades and intensely during the development of Amendment 1 to secure an inshore buffer zone. We had hoped such a zone would be year round and would extend off the backside of Cape Cod, but we ended up getting a summer ban in Area 1A known as the Purse Seine/Fixed Gear Only Rule (PS/FG rule). Despite its limited scope, the PS/FG rule has helped save our tuna fishery, and we have long been thankful that the Council put this rule in place. Most tuna fishermen believe the steps taken in Amendment 1 to protect Area 1A during the critical summer months saved our traditional Gulf of Maine fishery. But the PS/FG rule has not been enough and the Council should take further steps in this regard.

First, the backside of Cape Cod was given zero protections in Amendment 1. In fact, the changes to the management area delineations in the region made the problem worse since now Area 3 comes right to the shoreline near Chatham. This allows for the large "offshore" quota in that area to be taken just miles from land. In the spring, summer and fall, the inshore areas that support so many other fishermen are fully open to midwater trawlers and the results have been predictable.

Second, each fall, when Area 1a reopens the midwater boats come in and fish very hard, often right amongst the tuna fleet like they did off Cape Ann a year ago. This problem will get only get worse now that the boats can fish after the Area 1A quota is caught due to exemptions they have been given under the RSA program. They were able to use this small RSA exemption to cause big problems when they fished hard last year for weeks on Stellwagen Bank. We have seen so much good come from the summer buffer zone and then much of that good is reversed when the boats come back in each fall. This is not acceptable.

To correct these ongoing problems, we urge the Council to take two important steps in Amendment 8 to address inshore herring depletion. First, the Council should create a new buffer zone off the backside of Cape Cod that will bring protections to this vital area. Second, the Council should extend the PS/FG rule protections year-round to stop the pulse fishing that occurs each fall. By taking these steps, the Council will prevent inshore depletion and allow for the localized stocks to regain their former health. Most of these boats can transition to seining if they want to fish inshore, or continue using midwater gear offshore. The sensitive inshore areas that support the tuna fishery and so many other fisheries cannot tolerate or support the fishing power of the large midwater trawlers.

Again, we fully support a Council decision is to finally address this issue. Thanks for considering ABTA's further Scoping comments and the attached original.

Rich Ruais, Executive Director
ABTA

April 27, 2015

Thomas Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill #2
Newburyport, MA 01950

Re: Herring Amendment 8 Scoping process

Dear Tom:

I am writing to offer comments on Herring Amendment 8 on behalf of the American Bluefin Tuna Association (ABTA). ABTA is the primary voice for bluefin tuna interests—commercial fishermen including charterboats, recreational fishermen, dealers, and shore support businesses all along the East Coast.

The bluefin tuna fishery is a major economic driver in the North East. Commercial ex-vessel prices for years 2010 to 2013 average 9 million dollars per year. The annual value has exceeded 30 million dollars with greater exports and more favorable currency exchange rates. A large quantity of the total bluefin tuna landings are exported, further enhancing the USA economic gain from this species. A thriving recreational fishery also exists for bluefin tuna in the New England area for private recreational fishermen and the for-hire charter boat fleet. Sadly, the failure of local cod populations that for many decades was the "backbone" of the New England recreational fishery will result in an increased dependency upon fishing for bluefin tuna. Fortunately, according to ICCAT and NOAA science, the bluefin biomass in the Western Atlantic is significantly increasing over the last several years.

The role herring plays in the diet of Atlantic bluefin tuna is supported by too many scientific papers to reference here.[1][2][3][4][5] The success of both the recreational and commercial fishery for the Atlantic Bluefin tuna in New England is highly dependent on a sufficient abundance of herring.

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[1] Chase, Bradford, Differences in diet of Atlantic bluefin tuna (Thunnus Thynnus) at five season feeding grounds on the New England continental shelf, Fishery Bulletin 100:168-180, 2001
[2] Lutcavage M, Estrada J, Thorrold S, Diet and trophic position of Atlantic bluefin tuna (Thunnus thynnus) inferred from stable carbon and nitrogen isotope analysis, Marine Biology Vol. 147, Issue 1, pp 37-45, 2005
[3] Link J, Overholtz W, Consumption impacts by marine mammals, fish and seabirds on the Gulf of Maine – Georges Bank Atlantic herring (Clupea harengus) complex during the years 1977-2002, ICES Journal of Marine Science 64 (1): 83-96, 2006
[4] Lutcavage M, Brill R, Skomal G, Chase B, Tracking adult North Atlantic bluefin tuna (Thunnus thynnus) in the northwestern Atlantic using ultrasonic telemetry, Marine Biology 137: 347-358, 2000
[5] Fromentin JM, Powers J, Atlantic bluefin tuna: population dynamics, ecology, fisheries and management, Fish and Fisheries 6(4): 281-306, 2005

Atlantic bluefin have been found to "inhabit distant, patchy realms" across the Atlantic and adjacent seas.[6] The numbers of bluefin in any given area have been documented to be greater when forage is abundant (Fromentin and Powers, 2005). ICCAT scientists have concluded that, beginning in 2002, assemblages of Atlantic bluefin tuna, traditionally inhabiting the Gulf of Maine, had shifted to Canadian waters with more abundant herring. Currently, the Canadian bluefin fishery seems overwhelmed with herring during the bluefin fishing season so that fishermen can actually select which bluefin they choose to hook around their boat. The correlation of forage and large pelagic predator species is very visible in Canada and Amendment 8 should try to achieve the same balance in New England waters.

The Council correctly recognizes the challenge. *"The long-term management of forage fish in an ecosystem context depends on evaluating the tradeoffs between their direct market value and other ecosystem-related values. Atlantic herring serve many important roles in the ecosystem throughout its life stages and seasonal migrations. Herring provide forage for commercially-valuable fish like Atlantic cod and bluefin tuna, recreationally-valuable species like striped bass, and many protected species and seabirds."*

ABTA would like to point out that recent HMS Amendment 7 will permit equitable fishing opportunity for bluefin tuna. This means, if we do not catch the domestic, traditional bluefin tuna quotas in New England in a given year, transfer of quota could occur the following year to points south, such as North Carolina where forage (menhaden) is plentiful at the right time. The so-called "tradeoffs", as mentioned in the scoping document between direct market value against ecosystem value, could jeopardize our New England based bluefin tuna fishery if weighted in an incorrect direction. And, ramifications may have long standing impact, including placing at risk the USA share of its International Western Atlantic Bluefin tuna quota allocation. Therefore, localized available forage for bluefin also plays an important role in the long term management of this species.

ABTA believes a forage control rule should be flexible and take into account the changing populations of those species dependent on forage. In the case of the Atlantic bluefin tuna, which is still under a stock rebuilding plan and showing great signs of recovery, the stock will have an *increasing* need for forage as the biomass rebuilds and as we approach MSY. At present, MSY is a thousand metric tons greater than the current West Atlantic bluefin tuna quota. The U.S. tuna fishery expects to see regular quota increase through and likely beyond 2019 and as rebuilding to MSY occurs.

Also such a rule should maintain a minimum spatial harvest threshold to prevent overfishing by localized area depletion (LAD). Bluefin tuna fishermen have seen the effect of LAD on Southern Jefferies and Stellwagen bank causing a successful bluefin

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[6] Fromentin & Powers (2005)

tuna harvest to cease after precision herring fishing effort on a relatively small fishing ground. ABTA recommends that the Council investigate Coastal Zone Management measures to protect inshore fishing areas from LAD. These areas should encompass, but not be limited to Stellwagen Bank, Jefferies Ledge and Platts Bank. The creation of geographical areas within a coastal fishery in which large-scale industrial herring fishing is not allowed will protect the delicate balance of the ecosystem, reduce fishing pressure on herring stock and allow for forage to remain in fishing areas that are assessable for the Bluefin tuna fleet.

The scoping document states:

"That for herring priorities, the Council prioritize an amendment to consider control rules for the Atlantic herring fishery that account for herring's role as forage in the ecosystem."

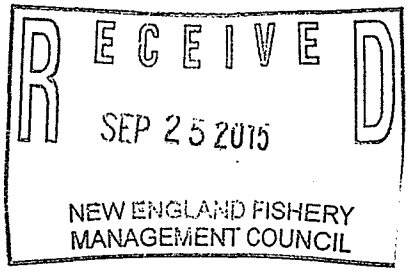
ABTA suggests that (from a priority perspective) the Council should closely evaluate all of the current commercial usages of herring. Consideration should be given to the value of herring remaining in the water as forage for many dependent species verses using an otherwise surplus portion of herring TAC toward export markets. If commercial domestic markets are satisfied, we would ask, should a commercial relatively low value export market for herring take priority over forage use? Our answer is emphatically, "No", and we believe our position is truly consistent with ecosystem management. Forage plays an important role in rebuilding fish stocks and anchoring the bluefin tuna population in New England waters while they are on their historic annual migration.

Please insure that Amendment 8 addresses forage needs and that a forage-based control rule explicitly accounts for herring's role as a foundation to our ocean ecosystem and recognizes its importance to the Atlantic bluefin tuna.

Ralph Pratt
President ABTA

Sherie Goutier

From: David Gibson <davidcgibson@gmail.com>
Sent: Friday, September 25, 2015 12:07 PM
To: comments
Subject: Amendment 8 Re-Scoping Comments



Dear Tom,

As a fisherman, I have seen the negative impacts caused by midwater to the herring resource all too clearly. Each year when they are let back into the inshore areas of the Gulf of Maine on October 1st, they fish relentlessly and drive the tuna and other stocks out of the area. They also fish hard off of the beaches of Cape Cod and Rhode Island, causing problems in those area too. Wherever they go, the midwater trawlers disrupt the forage aggregations and, as a result, the fisheries on predator stocks that rely on that forage. This gear cannot coexist with other fisheries. It catches too much, too fast, and throughout the water column.

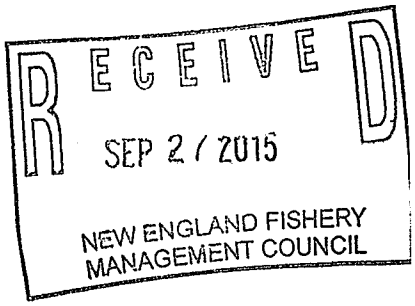
The Council should use Amendment 8 to remove these boats from the inshore areas for good. A year round, inshore buffer zone should exist throughout New England. Until this is done, the health of our inshore resources will continue to suffer.

Thanks,

David Gibson
Recreational fisherman
Formerly on the William Bowe and Last Penny
603 520 7414

Sherie Goutier

From: Brad Greenwood <cbradgreenwood@gmail.com>
Sent: Sunday, September 27, 2015 8:27 AM
To: comments
Subject: Midwater Herring Fishing



Thomas Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Re: Herring Amendment 8 Re-Scoping comments

Dear Tom,

As a fisherman, I have seen the negative impacts caused by midwater to the herring resource all too clearly. Each year when they are let back into the inshore areas of the Gulf of Maine on October 1st, they fish relentlessly and drive the tuna and other stocks out of the area. They also fish hard off of the beaches of Cape Cod and Rhode Island, causing problems in those area too. Wherever they go, the midwater trawlers disrupt the forage aggregations and, as a result, the fisheries on predator stocks that rely on that forage. This gear cannot coexist with other fisheries. It catches too much, too fast, and throughout the water column.

The Council should use Amendment 8 to remove these boats from the inshore areas for good. A year round, inshore buffer zone should exist throughout New England. Until this is done, the health of our inshore resources will continue to suffer.

I am a recreational fisherman based in Kittery ME, but trailer my boat to where the fishing is best around NE. I have personally witnessed the decline of fishing in my home waters over the past 5 years or so…to the point I don't bother to go much anymore, and can barely take my two girls out fishing and teach them about this incredible lifelong sport. Please ban these midwater boats form coastal waters year round immediately.

Thanks,
--

Brad Greenwood
Territory Manager

Alp-N-Rock - Globally Conscious Sportswear
Dale of Norway - Norwegian Knitwear
Helly Hansen - Outdoor Apparel and More
MPOWERD - Solar LED Lanterns

207-451-9413
Brad@GreenwoodBiz.com
www.GreenwoodBiz.com

RECEIVED
SEP 26 2015
NEW ENGLAND FISHERY
MANAGEMENT COUNCIL

Thomas A. Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill #2
Newburyport, MA 01950

Re: Herring Amendment 8 Scoping comments

Dear Tom,

I am writing to ask the Council to please create a buffer zone off of Cape Cod in which midwater trawl vessels are not allowed to fish. This buffer should be at a minimum 30 miles from shore, and it should be in place year round.

When the midwater trawlers first arrived, we were all told they would only fish offshore. Somehow, though, they have been able to focus much of their efforts within miles of land ever since. There are many times of the year—the spring especially—when you can stand onshore in Chatham and watch these massive trawlers pounding away. And they are hitting the very backbone of the ecosystem—the food that attracts and feeds the predators that support the rest of our inshore fisheries, fisheries that are far more valuable to the economy than these the midwater trawl industry. In this day and age, how do we possibly allow 165-foot, small-mesh pair trawlers fish right off the beach? How do we let a handful of boats ruin the livelihoods of so many others? Look no further than the damage that has been done to the historic Great South Channel bluefin tuna fishery in the fall to see just how much damage this fleet has done to other fisheries.

I have been a charter captain here on Nantucket since 1973. I started with one boat, myself as captain and a mate. In the late nineties I added five boats and ten employees. Historically, we had world class Striped Bass fishing all around Cape Cod and the Islands. We were very busy well into November. It was the Herring that brought and kept the bass here. The mid water trawlers moved in and wiped out the herring inshore and our Striped Bass fishery collapsed. Our season, which used to extend into November, now is finished by the first week of October. We have very few bass around in the fall and the only reason we can fish through September is because of the False Albacore have arrived and they feed heavily on our sand eels. We have lost six weeks of our season due the collaspse of the Herring population here on Nantucket.

The buffer zone is Area 1A has shown the benefits of excluding these boats from inshore areas. It is time for the Council to give Cape Cod and the islands of Martha's Vineyard and Nantucket similar protections—a buffer zone that is at least 30 miles from shore. With everything else that has been going on, there has never been a bigger need for healthy forage stocks. Until you push these boats offshore, you will continue to see problems with so many of our valuable inshore fisheries. Do what is right, and finally protect the foundation of our ecosystem here on the Cape.

Thanks,

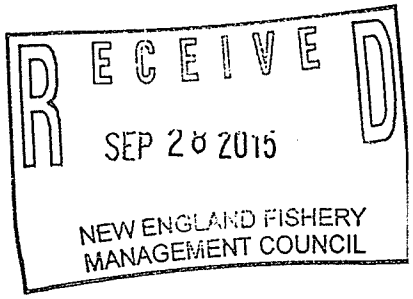
Capt. Tom Mleczko
Capt. Tom's Charters
508-228-4225

Nantucket Charter Captain (since 1973)

508-246-0648(cell)
1 Hinckley Lane
Nantucket, MA 02554

Sherie Goutier

From: Tim Tower <sowhake@gmail.com>
Sent: Sunday, September 27, 2015 6:00 PM
To: comments
Subject: Amendment 8 Herring Re-Scoping Comments



Tom Nies
Executive Director
New England Fishery Management Council
50 Water Street #2
Newburyport, MA 01950

Tom,

Hope all is going well with you and the Council.

I am writing to you as a concerned fisherman who has spent over fifty years in the near coastal waters from Mohegan Island, Maine to Provincetown, Massachusetts out to 95 nautical miles. During those years I have been involved in a myriad of fisheries including, dragging, gillnetting, tuna fishing, lobstering, tub trawling and party/charter fishing. Presently, my main fishery is the party boat fishery with some lobstering. I have been party boat fishing for the last thirty-three seasons as Bunny Clark Deep Sea Fishing (Bunny Clark, Corp).

I am writing to you now because I see an opportunity to make our total inshore fishery better for the families who created it and people who have invested generations in a way of life I think would be a shame to lose. It can't be a surprise that most inshore fisherman dislike the mid-water trawl fishery. Since 1991 when the first mid-water trawlers showed up off our coast, we have witnessed localized depletion of the bait fish resource (mostly herring) and the fish that feed on them. In many cases, these trawlers have also taken many important predator species with which we rely on to make a living. These species include but are not limited to haddock, juvenile pollock by the millions, striped bass and cod. And these are only the species that I have witnessed during their operations over the years. I believe the huge detrimental changes we have witnessed in our fishery are largely the result of mid-water trawlers and their effectiveness in straining the water of marine life.

It is time to change the way the mid-water trawlers fish in our near shore areas. There has been talk of a buffer zone that would extend from southern New England, following the coast from the back side of Cape Cod, through the Gulf of Maine and ending in downeast Maine. We already have a buffer zone in Area 1A June through Sept. It should become a year round buffer. An additional buffer zone should be added contiguous to the 1A zone on the backside of Cape Cod extending 35 miles off shore also for the full year. I support this idea. I believe this is a sensible choice and the least we can do to maintain a healthy near shore fishery for the future of our fishing families. It makes no sense to set aside near shore areas for fish reproduction, habitat and growth if you allow small mesh mid-water dragging in those same areas, in the process taking away the food source that brings the fish to these areas in the first place.

Also, I want to make it clear that the herring seiner issue is entirely different and, under certain circumstances, should be allowed to catch herring in near coastal areas. The difference between the two fisheries is selectivity and control. Control and selectivity does not exist with the mid-water herring trawler fleet - even with observers aboard. It can exist with the herring seiners.

I ask that you seriously consider this buffer zone and make it a reality. We have problems enough with the fisheries that are being managed by the Council. It would make the Council's job much easier if the Council could eliminate the biggest problem, the mid-water herring trawling in near shore waters. I think you will also find that elimination of the mid-water herring trawlers will speed up the groundfish recovery. With the huge

haddock bycatch issue that is happening as I write, the mid-water boats certainly aren't helping the groundfish industry or the groundfish stocks, all of which have not recovered yet.

Thank you for the opportunity to voice my opinions.

Respectfully Yours,

Tim Tower

William R. Tower, III (Tim)
President, Bunny Clark, Corp.
P. O. Box 837
93 Frazier Pasture Rd.
Ogunquit, Maine 03907
wk: 207-646-2214
fx: 207-646-1219
email: sowhake@gmail.com
web: www.bunnyclark.com

STELLWAGEN BANK CHARTER BOAT ASSN.
P.O. Box 1230
Marshfield, MA 02050

RECEIVED
SEP 28 2015
NEW ENGLAND FISHERY MANAGEMENT COUNCIL

September 21, 2015

Mr. Tom Nies, Executive Director
New England Fishery Management Council
50 Water Street; Mill 2
Newburyport, MA 01950

Re: Amendment 8 Re-Scoping comment

Dear Tom,

I'm submitting this Amendment 8 're-scoping' comment on behalf of the membership of the Stellwagen Bank Charter Boat Association. We previously commented during the original scoping period for Amendment 8, in which we supported efforts to protect the forage base in our inshore waters. We reiterate this support and also encourage the Council to take steps to address the specific problem of inshore depletion caused by the midwater trawl fleet.

Though the summer buffer zone (Purse Seine/Fixed Gear Only rule) has done an enormous amount of good, it has not been enough to protect the areas our members rely on. First, many problems occur every October when the summer buffer zone expires and the boats can come back in. Last year was a prime example, as they fished hard around the tuna fleet off of southern Jeffrey's Ledge as soon as the area reopened. Then, after the Area 1A quota was filled, they fished for mackerel for weeks on Stellwagen through exemptions they are now being given under the Research Set Aside (RSA) program—and they did so with almost no observer coverage. Second, these big boats can fish just miles off Cape Cod year-round, another area that is critical to many of our members. This happened most recently in May.

Instead of fishing well offshore, where you would expect 150-foot pair trawlers to fish, they are constantly fishing right off the beach. And they often choose areas that are supporting fleets of small inshore fishermen at the time. While the exact location may change from year to year, the result is always the same. The herring is wiped out, the predators are driven away, and the fishermen suffer. The trawlers also cause long-term problems for the area that is chosen—these areas are not the same for years after they are hit hard. This fleet has shown

time after time that they cannot use this gear without hurting everyone else in the area.

The Council can finally put an end to this problem by giving our inshore waters year-round protection from the midwater trawl fleet. We urge you to do two things. First, the Council should extend the Area 1A buffer zone from four months to twelve months. Second, the Council should also create a new buffer zone off of Cape Cod that is similar in distance-from-shore of the buffer in 1A. This was supposed to happen during Amendment 1, but it never materialized.

It's unacceptable to allow a few large, small-mesh trawlers to ruin the inshore ecosystem and the livelihoods of so many others fishermen. Please take this opportunity to finally get these boats out of the inshore area we all rely on to make a living.

Thank you.

Charles Wade

Charles Wade
President
Stellwagen Bank Charter Boat Association

Mr. Thomas Nies, NEFMC
50 Water Street #2
Newburyport, MA 01950

RECEIVED
SEP 29 2015
NEW ENGLAND FISHERY
MANAGEMENT COUNCIL

Re: Scoping comments for Amendment 8

Mr. Nies:

It is imperative that action is taken to protect our inshore water of New England and it is crucial that it happens *fast!* I have personally witnessed these ridiculous mega-trawlers come out of nowhere in the early 90's and start to decimate the lively fishing ground that we once relied on. Showing up in groups, these large boats would show up in the areas full of life (whales, birds, tuna, herring, dolphin, etc) and quickly drive *everything* out. When you read these letters I am sure you see an over exaggerating fisherman, but these stories do no justice to what is really happening. 15 square miles of bountiful life gone in a matter of 12 hours. The action taken in Area 1A needs to be adopted in the areas off Cape Cod as well as and extended on a year round basis. These boats have absolutely NO place in any waters let alone our historic waters off New England. Action must be taken now or the impacts will be much worse than they are already.

Up until 2007, midwater trawlers were allowed to fish in Area 1A throughout the year and they fished hard—especially during the summer months. Starting in May or June, they would fish in large packs and hammer one piece of bottom after another. They would fish a place like Jeffrey's Ledge until nothing was left, then head to Platts, and so on. They would catch the fish that was up high and then focus on the fish hiding on bottom. They would also hit the spawning fish hard, likely doing enormous damage to the spawning beds they were located on. The impacts were crystal clear.

As soon as an area would start to attract and hold tuna, groundfish, and everything else that eats herring, the trawlers would arrive and drive it all away. Over the longer term, there was less and less fish each year on historic areas like Jeffrey's and Platts—likely due to the removal of spawn fish and the destruction of spawning beds. Our fisheries began to fall apart. Fisheries for tuna, groundfish and other inshore stocks are driven by the herring that groups on certain critical pieces of bottom, the same areas the boats hit the hardest.

But then we all fought back. The Council eventually banned these boats during the summer, and the results have been obvious. Things started to come back to the areas that had been decimated and our inshore fisheries improved. This entire experience has shown just how destructive midwater trawling is to the herring resource. This gear is incredibly effective at creating localized depletion and

disruption spawning events. They make it impossible for every other fishery to survive. The time has come to protect the inshore from these impacts.

During Amendment 1, there was great support for a buffer zone off Cape Cod. I urge you to create one in Amendment 8 that is similar to the one in 1A—somewhere between 30 and 50 miles from shore. Most inshore fisheries and eco-tourism businesses exist within that range and so protections there would be incredibly helpful. It would cover, key spawning areas and specific areas that are critical to inshore fisheries such as the Great South Channel. And it would match up with the size of the Area 1A buffer that shown to be very effective.

I would also urge the Council to stop these boats from pounding Area 1A each fall. They have a major impact when they hit that the inshore Gulf of Maine after the area reopens, driving tuna and other stocks away like they used to do all summer. They also hit the spawning beds hard at that time of year. And now that they can fish for mackerel in 1A under the RSA program, the problems will only be worse. Just last year they used this RSA exemption to fish on Stellwagen for weeks during an important time for the area and those that fish it.

Everyone knows what needs to be done and now the Council should make it happen. There is absolutely no place for midwater trawling in our near shore waters. It has shown to be far too capable of fishing an entire area down until nothing is left unlike any other gear. As long as it is allowed there will be problems. We do not need boats like this fishing inshore to supply bait. The seiner fleet has shown it is more than capable for supplying bait from inshore, and these trawlers can fish offshore where they belong.

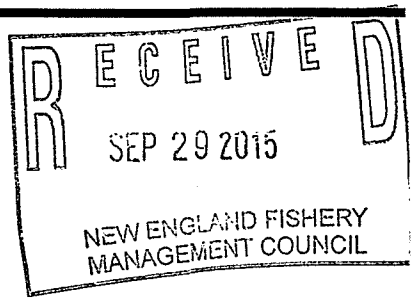
Thanks for your consideration,

Ben Weiner
FV *Yellow Boat*
Yellow Boat Charters, Ogunquit, Maine

F/V *Elizabeth Ames*, Ogunquit, Maine
Stripers/Tuna/Bluefish

Sherie Goutier

From: Dan Sterling <dsterling21@hotmail.com>
Sent: Tuesday, September 29, 2015 1:22 PM
To: comments
Subject: Herring Amendment 8



Thomas A. Nies, Director
NEFMC
50 Water Street, Mill 2
Newburyport, MA 01950

Re- herring amendment 8 scoping

Dear Tom:

I am an avid hunter and fisherman and care deeply about our natural resources. The issue surrounding commercial fishing for the herring and mackerel that populate the waters of New England is the most important one facing those of us that value our oceans. Pair trawling has devastated the marine ecosystem on multiple levels and, in my opinion, if allowed to continue unchecked will leave our waters devoid of life. The collapse of the groundfish stocks is but one example and a sad reminder that the saying "one could walk from the Isle of Shoals to mainland on the backs of cod" is ancient history.

I am sensitive to the plight of commercial fishermen but am also a firm believer that unless they are forced to participate in sustainable practices they will drain the oceans of every living creature. I do not feel that recreational fishermen should control every regulation and thus am in full agreement with adjusting limits up or down as needed, something I don't see the commercial side getting on board with.

The midwater trawlers are devastating the Gulf of Maine, Cape Cod Bay, Stellwagen and all of our inshore/nearshore structure and baitfish stocks. The recreational fishermen support an enormous economy along the coast of all New England states and this should be recognized. I urge you to consider supporting a ban on the unsustainable practice of herring fishing with midwater trawlers during any period of the year. An inshore ban on any trawling whatsoever is needed to restore and protect what we all value immeasurably.

Thank you for your consideration in this matter.

Sincerely,

Daniel A. Sterling, MD FACS
Bedford, NH
Recreational fisherman

Daniel A. Sterling, MD, FACS
Sterling Plastic Surgery, PLLC
2 Washington Place
Bedford, NH 03110
603.714.0112 cell
603.518.5450 office
603.518.5658 fax
www.sterlingplasticsurgery.com

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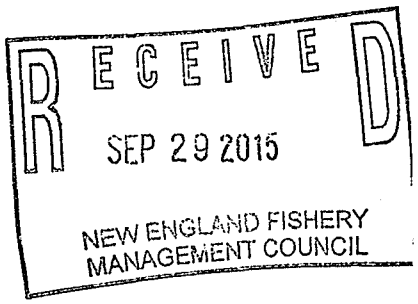
Your cooperation is greatly appreciated.

Sherie Goutier

From: Ed Snell <edsnell12@gmail.com>
Sent: Tuesday, September 29, 2015 1:39 PM
To: comments
Subject: Amendment 8 Scoping Comments



Mr. Thomas Nies
Executive Director
New England Fishery Management Council
50 Water Street #2
Newburyport, MA 01950

Good Afternoon,

My Name is Ed Snell. I am the owner and operator of a small charter business located in Portland, Maine. We primarily target groundfish, sharks, and striped bass. I would like to express my deep opposition to the destructive practice of midwater trawling. These are the least traditional, least selective and least sustainable fishing operations on the East Coast.

Their over exploitation of baitfish has an extremely negative impact on the species of fish that we target on my fishing trips. Many of the fish simply continue migrating to areas where more forage is available, those that don't are extremely skinny and unhealthy. Furthermore, the birds, whales and other fauna that fuel Maine's eco-tourism industry suffer and move on, as well.

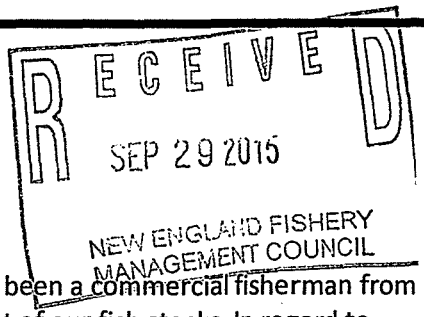
When faced with rebuilding groundfish stocks, such as cod, that rely so heavily on herring for food, it makes no sense to facilitate the over exploitation of these bait stocks by allowing midwater trawling in areas close to shore and in areas closed to the commercial harvest of groundfish.

I strongly support the buffer zone, closing inshore portions of the Gulf of Maine to midwater trawling, year round.

Thanks for your work on behalf of fish and fishermen,
Ed Snell

207-651-8874
Portland Maine

Sherie Goutier

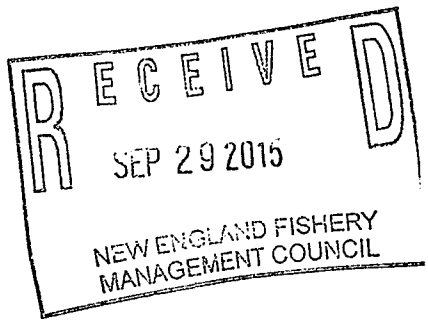


From: The Taylors <denise.taylor1@comcast.net>
Sent: Tuesday, September 29, 2015 1:56 PM
To: comments
Subject: Amendment 8 comments

New England Fisheries Management Council; My name is Peter W. Taylor. I have been a commercial fisherman from Cape Cod for almost 40 years. I have firsthand experience with your mismanagement of our fish stocks. In regard to herring, your failure to hold the mid-water boats accountable has led to the destruction of our near shore herring population. I have seen the ground fish and tuna leave our area because a lack of forage fish. Small vessel fleets are in danger of extinction. Please implement a 30 mile near shore buffer where Herring trawlers can't operate. For once think about the smaller boats instead of Big Steel.. Thank You Peter W. Taylor.

Sherie Goutier

From: Christopher Pinzone <crystalgrower@hotmail.com>
Sent: Tuesday, September 29, 2015 2:01 PM
To: comments
Subject: Amendment 8 Re-Scoping Comments



Thomas Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Re: Herring Amendment 8 Re-Scoping comments

Dear Mr Nies,

As a New England recreational fisherman, I have seen the significant negative impact caused by mid-water trawlers to the herring and other bait fish resources. Once the seasonal ban ends, they swoop into the inshore areas of the Gulf of Maine on October 1st like possessed demons with little regard to the sustainability of their catch and without regard to the other fisherman, commercial and recreational that share the water! Last year there were many heated exchanges between tuna captains and pair trawlers that would drive right into the tuna fleet to remove the herring in October! They fish relentlessly causing localized depletion of the important food stocks for game fish, driving pelagics from the area and depleting the base of the food chain for the rest of the sea's creatures! They also fish hard off of the beaches of Cape Anne, Cape Cod and Rhode Island, causing problems in these area too. Wherever they go, the mid-water trawlers leave behind an area devoid of biomass. Is this how NEFMC plans to rebuild our dwindling stocks of large fish, by allowing their forage to be completely wiped out of prime areas? Isn't the collapse of the cod stocks enough to alert the council to the dire need to severely restrict or completely ban mid-water trawling as well as other net based commercial activities! As a recreational fisherman it completely frustrates me that despite the well documented economic impact of recreational fishing, and the number of participants in this activity, the fish stocks are still managed to extract the maximum dollar for a limited, and continually decreasing number of commercial fishermen!! While I don't begrudge anyone's right to make a living as they choose, the fact is that hook & line fishing is not responsible for the abysmal condition of the fish stocks - commercial netting is!! Please take a stand and start moving fisheries management in the right direction by completely removing mid-water trawl fishing from our inshore waters permanently! You have only to look at the success in rebuilding fish stocks in other states such as Florida for evidence of what banning the use of this gear can have! This type of fishing indiscriminately catches too much, too fast, and throughout the water column resulting in barren waters!.

The Council should use Amendment 8 to remove these boats from the inshore areas for good. A year round, inshore buffer zone should exist throughout New England. Until this is done, the health of our inshore resources will continue to suffer. Please do what is right for the majority of people that count on this resource being able to sustain predator fish stocks, and what is right for future generations!

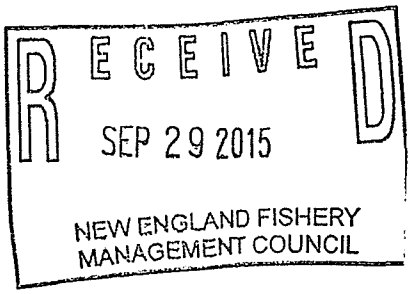
Thank you for your time.

Sincerely,

Dr. Christopher J. Pinzone
53 Highland Road
Merrimac, MA 01860
978-808-5544

Sherie Goutier

From: chris abdow <cabdow@yahoo.com>
Sent: Monday, September 28, 2015 2:02 PM
To: comments
Subject: Mid water fishery



Tom Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Re: Amendment 8 Re-Scoping comment period

Dear Tom,

Midwater trawling off of Cape Cod has caused great harm to our valuable inshore commercial, recreational, and charter fisheries. The Council should use Amendment 8 to finally put an end to the use of this gear anywhere within 50 miles of Cape Cod.

Everyone should know by now how important forage is to our fisheries in New England. But it is not just how much is found in aggregate throughout this region that matters. What matters the most is that the areas you fish—the key pieces of bottom we all rely on—have enough bait to attract and hold predator stocks. It does not matter how much herring there is somewhere else if there is none near your homeport. While these areas may be small in size, they are big in value, as they are critical to keeping tuna, groundfish and other important fisheries going.

Each year we watch the midwater boats deplete these small areas. Unlike other fleets, the midwater fleet can wipe an area out until it is a dead zone. The gear is just too big, powerful, and efficient. No matter where the fish is in the water column, they can catch it—even if it is tight to bottom. And this last aspect is especially deadly since they can hit fish that are spawning hard while also disrupting their spawning beds at the same time. The results are obvious. Many seasonal fisheries never even get going because the boats hit the forage before the predators show up. Others get shut down in midstream when the midwater boats show up and hit the area hard for days on end. And whole historic fisheries like the Great South Channel fall bluefin bite are wiped out completely. This must stop.

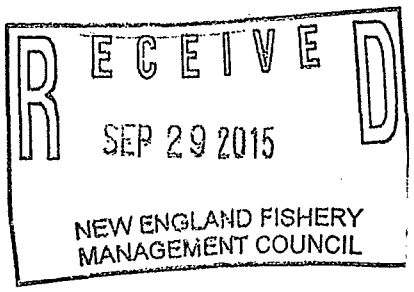
The summer ban in Area 1A has shown that we do not need midwater trawlers inshore to supply lobster bait. Seiners are more than capable at this task and they can do it without ruining everyone else's livelihoods. We need a similar area off the Cape, and we need it now. These boats can either fish offshore or switch to seining, but we have too many valuable industries that rely on the waters out to 50 miles to let them midwater trawl there any longer. Everyone knows what needs to be done, so hopefully you all on the Council will finally make it happen.

Thanks

Christopher Abdow

Sherie Goutier

From: Esther Winslow <ewinslow27@comcast.net>
Sent: Monday, September 28, 2015 2:55 PM
To: comments
Subject: Amendment 8 Re-Scoping Comments



Gentlemen:

I have been a fisherman of tuna, cod & other ground fish for over forty (40) years. I have watched as the herring resource has dwindled along with the other industries that rely on it. If we want to have a healthy inshore ecosystem, we must have a healthy herring resource. For too many years, large midwater trawlers have decimated the localized herring aggregations off of our coast, driving away the predators that our other valuable ocean industries rely upon.

In 2007, the NEFMC (New England Fishery Management Council) implemented a rule that created a summer "buffer zone" in the inshore Gulf of Maine ("Area 1A") where midwater trawlers could not fish. But the rule is only in place for four months and it does not cover Cape Cod and Southern New England at all. As a result, the midwater trawlers have continued to cause problems for all other stakeholders much of the year and in most of the inshore areas. Last year if you remember they finished the 1A quota off of Cape Ann in Oct and then moved to the backside of the Cape and into the Great South Channel. This has to change.

The only way to fix this problem is to push the trawlers out of the inshore area for good.

We want:

A. A twelve-month buffer zone free of midwater trawling off Cape Cod and Southern New England that extends 35 miles off shore.

B. An extension of the current buffer zone in Area 1A from four months to twelve months.

We need these things in place in order to protect the forage base and specifically, to put an end to "localized depletion" in our critical inshore areas so that the ecosystem and our other industries can survive.

I appreciate your attention to the above.

Respectfully,

Gerald Miszkin
Ground-fish and Tuna Fisherman
Home Port – Chatham, MA

Sherie Goutier

RECEIVED
SEP 29 2015
NEW ENGLAND FISHERY
MANAGEMENT COUNCIL

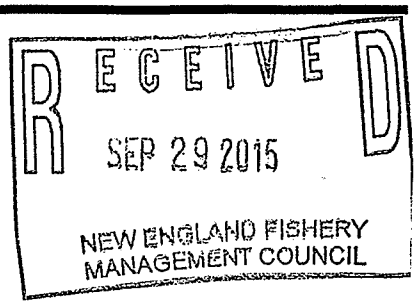
From: mark leach <seahollyinc@gmail.com>
Sent: Monday, September 28, 2015 6:25 PM
To: comments
Subject: SUPPORT OF A YEAR ROUND 35 MILE BUFFER ZONE. for amendment 8 Rescoping comments.

I fully support setting up permanent 35 mile buffer banning mid water trawling for all of new England's water. It is clear that the lack of natural forage is a key factor in why there has been such a poor recruitment of groundfish stocks. An area of 35 miles would clearly protect a tremendous amount of fishing grounds which have been documented as areas that groundfish stocks have schooled up on.

-Mark Leach
879 orleans rd
Harwich, Ma. 02645

Sherie Goutier

From: nicecusk1 . <circlehooks@gmail.com>
Sent: Monday, September 28, 2015 7:37 PM
To: comments
Subject: Amendment 8 Scoping comment



To Whom it may concern,

I'm writing to voice my support of an inshore midwater trawl ban. This ban is long overdue. It's time to leave inshore herring fishing to the seiners who seem to have no problem catching the quota and keeping a steady supply of bait coming in for all user groups. We have a groundfish disaster in the Gulf of Maine! Is Stellwagen Bank a good place to be towing giant, small mesh nets? I don't think so, but thats what the mid water fleet was doing last fall during the emergency groundfish closure. It takes a long time to rebuild the herring and mackerel stocks, but no time at all to hammer them down with such highly efficient boats. I feel like the inshore ban is a critical step in protecting the nearshore waters from localized depletion of bait fish and other species.

Thanks for your time,

Brian Higgins
Gloucester, MA

Sherie Goutier

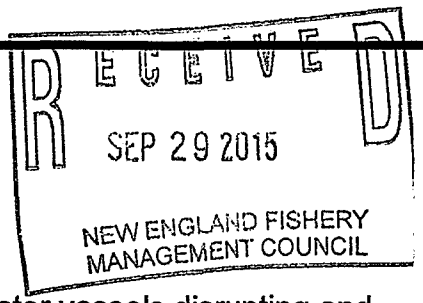
RECEIVED
SEP 29 2015
NEW ENGLAND FISHERY MANAGEMENT COUNCIL

From: David Gelfman <dagelf@aol.com>
Sent: Monday, September 28, 2015 9:44 PM
To: comments
Subject: Buffer Zone around Cape Cod and Southern New England

To: New England Council Members

My career as a commercial fisherman almost perfectly coincides with the advent and proliferation of Mid-water trawlers off the coast of New England. I've watched with amazement as overfishing and regulatory restriction have driven the majority of small commercial boats out of business. I've been pleased by an occasional progressive notion of the idea that an eco-system based management system might happen. Unfortunately I've also watched as an out of scale fishery has been given virtually unrestricted access to areas and fish protected from small boat operators. The fact that mid-water trawling occurs regularly just three miles off the beaches of Cape Cod is ridiculous. It's time for ,managers to protect forage species, There really is no point in protecting groundfish, striped bass, and other fish if you allow huge boats towing small mesh to come in and destroy everything in their path. A buffer zone established in the gulf of Maine has resulted in an abundance of forage and consequently more Tuna, Stripers, hopefully Haddock and codfish.It's time for the council to think about the impact of individual fisheries on the whole of our coastal ecosystem. The actual technology employed and the issues of bycatch related to this system. When trawling is employed near shore it's particularly damaging. This is a fishery that needs to end. Since I feel strongly that this is unlikely to occur, despite the fact that the herring population seem s to be collapsing, I would ask that the council enact a coastal buffer zone to at least prevent these factory-sized vessels from destroying the last meager pieces of the small boat commercial fishing industry. The mid-water trawl is not a selective method of fishing. It's well documented that these boats catch many juvenile groundfish. They also catch numberless river herring and alewifes. These herring are struggling to survive due to issues ranging from developement and resultant water quality issues. One mid-water boat towing in the wrong place at the wrong time can spell doom for an entire spring run of a river's herring. Please do something meaningful and push these boats at least 12 miles of the coast of cape Cod and southern New England. Sincerely David Gelfman owner/operator F/V Horse Mackerel Chatham, MA

Sherie Goutier

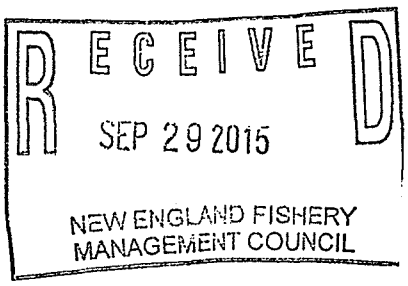


From: bluefish4@comcast.net
Sent: Tuesday, September 29, 2015 5:36 AM
To: comments
Subject: midwaters

Dear Mr. Neis, I am writing to you because of my concern over mid water vessels disrupting and depleting our inshore waters. Last fall while commercial fishing for mackerel with a hook and line, we were surrounded by a fleet of mid waters day after day on stellwagen bank, they were fishing for mackerel under the RSA . Although they were catching millions of pounds the worst part was it was only seventy five feet of water so the nets were literally fishing top to bottom! After a week of this fishing this area was pretty much void of fish and we had to retreat to near shore fishing inside of three miles. I feel strongly that these vessels do not belong inshore and should only be allowed to fish offshore so the local inshore areas offer protection from this type of industrial fishing pressure. Thank you for your time and consideration, Thomas Smith, F/V Sea Wolf

Sherie Goutier

From: Paul Kostopoulos <rychlik@snet.net>
Sent: Tuesday, September 29, 2015 11:55 AM
To: comments
Subject: Amendment 8 Scoping Comments



Mr. Thomas Nies
Executive Director
New England Fishery Management Council
50 Water Street #2
Newburyport, MA 01950

Dear Mr. Nies:

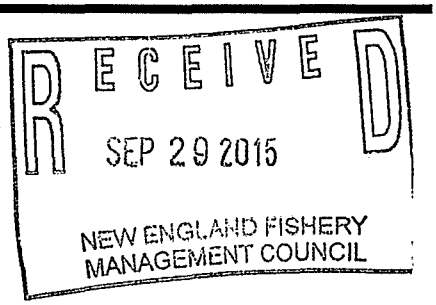
As a long time recreational fisherman in the Gulf of Maine I wish to voice my concerns regarding the continual decreased fish stocks. Over the past 20 years I have been fishing there I have noticed a steady decrease in both the quantity and the size of the ground fish being caught. I believe that we all have a responsibility to manage and preserve the fish stocks to ensure that these resources are still available for future generations and not allowed to be destroyed.

I would like a 35 nautical mile buffer zone free of mid-water herring trawling from southern New England, around Cape Cod and extending north and east up the coast of Maine to the Hague Line. I believe that this buffer zone should be in place for 12 months a year, every year. The Council needs to ensure that the herring stocks are not depleted. Maintaining the herring stocks are critical in allowing the groundfish to be able to recover to the healthy levels that once were. As you know recreational fisherman currently are not allowed to keep cod and haddock. A big part of the problem is that these fish don't have the herring and are forced to travel into open areas where other herring are found. These fish can be commercially caught outside the closed areas. Thus depleting the stocks of cod and haddock. Not only is this a problem but the mid-water boats are catching thousands of haddock and other groundfish in the process - the very fish we are trying to bring back to healthy levels!

Sincerely,

Paul A. Kostopoulos
35 Woodmere Drive
Trumbull, CT 06611
Recreational fisherman

Sherie Goutier



From: Nicole Hyora <nhyora@icloud.com>
Sent: Tuesday, September 29, 2015 12:30 PM
To: comments
Cc: Daddy Hyora; weinersb@gmail.com
Subject: Amendment 8 Re-Scoping Commments

To whom it may concern:

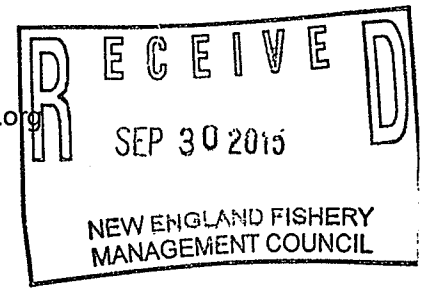
As a long time Chatham lobsterman, I have seen first hand the adverse effects caused by the overfishing of herring off our coast. I fully support Amendment 8 Re-scoping and the 35 mile buffer zone that has been proposed. The damage needs to stop!

Sincerely,
Jason Hyora
Chatham, MA Fish Pier
Lobsterman

Sent from my iPhone

Sherie Goutier

From: Greg Walinski <gfw16@msn.com>
Sent: Wednesday, September 30, 2015 9:55 AM
To: comments
Cc: mo@capecodfishermen.org; ali@capecodfishermen.org
Subject: Amendment 8 Re-Scoping Comments



Dear NEFMC members,

My name is Greg Walinski, the Owner/ Captain of the F/V Alicia Ann out of Chatham. I have been fishing for ground fish, tuna and dogfish for over 35 years. I am very worried about the midwater herring trawlers fishing off the backside of the Cape. We need a year-round inshore buffer zone because every fishery that I have ever been part of has been seriously affected by the fact that the giant boats scoop up enormous amounts of the local forage fish, causing huge issues for cod, haddock & tuna. They simply don't have enough bait to feed on and the fish don't stay around.

I would like to see the industrial herring fleet pushed 30 miles offshore year-round to protect Cape Cod fish stocks and to ensure that the marine ecosystem and all the small boat businesses here in New England can survive. My entire fishing future depends on it.

Thank you for your consideration.

Greg Walinski
Captain, F/V Alicia Ann (longline)
Chatham MA.

Sherie Goutier

From: Daniel Killay <dkillay@gmail.com>
Sent: Wednesday, September 30, 2015 9:14 AM
To: comments
Subject: Amendment 8 NEFMC

RECEIVED
SEP 30 2015
NEW ENGLAND FISHERY
MANAGEMENT COUNCIL

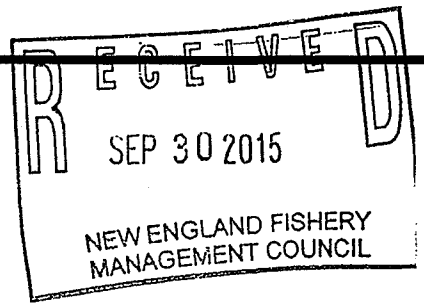
Hello,

I am writing to you as a concerned fisherman who believes there needs to be a change to protect the future of our fishery:

I believe a 35 nautical mile buffer zone free of mid-water herring trawling from southern New England, around Cape Cod and extending north and east up the coast of Maine to the Hague Line should be established. This whole buffer zone should be in place for twelve months a year, every year. I want this to help to end localized depletion of the herring stocks. If herring levels were to rebound, groundfish stocks like cod and haddock would have a much better chance of improving to healthy levels. Mid-water boats are not only decimating the herring stocks, but also catching huge amounts of groundfish as bycatch in the process, these are the fish we are trying to save!!! Why can't we limit herring fishing to a seine fishery? It is a much more sustainable way of protecting our resources while allowing people to make a living off the fishery. I truly believe if the midwater trawling herring fishery was disbanded our groundfish stocks would improve much quicker and allow us to protect these resources for generations to come.

Respectfully Yours,
Dan Killay
dkillay@gmail.com

Sherie Goutier



From: Tom Traina <tctraina@comcast.net>
Sent: Tuesday, September 29, 2015 2:56 PM
To: comments
Subject: Amendment 8 Re-scoping comment

I would like to offer a comment in favor of a creation of a permanent buffer zone free of midwater trawling off Cape Cod and Southern New England that extends 35 miles from shore.
I think the current buffer zone in area 1A should be made permanent also. I have been fishing for over 40 years and have seen first hand the devastating effect this practice has had on herring and other bait fish in this inshore area. Striped bass are following bait far offshore to distances they never needed to venture and where they are now illegal to catch. The only viable tuna fishery is on eastern George's bank forcing small boats to fish well beyond reasonable safety limits because the inshore bait supply is nonexistent. Codfish simply will never recover inshore with no forage fish to sustain them, not to mention the bycatch of these large vessels.

My income and many others is being severely reduced as a result of this practice. I have transitioned a number of times to other fisheries to try to adapt to conditions caused in large part by midwater trawling, and this is becoming increasingly difficult if not impossible. Currently, I am primarily engaged as a charter boat and frankly customers won't return if we don't have fish to catch inshore.

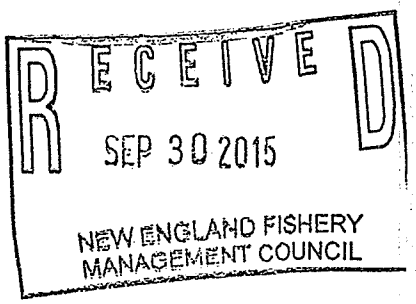
I would appreciate your consideration of my opinion and circumstances.

Thank You,

Thomas Traina
F/V SUE-Z
Harwichport MA

Sherie Goutier

From: Mark Elias <mrelias@metrocast.net>
Sent: Tuesday, September 29, 2015 4:23 PM
To: comments
Subject: Amendment 8 Re-Scoping



Dear Mr. Nies,

I am writing to encourage the council to use the Herring Amendment to ban midwater trawling from the inshore waters of New England.

As an avid fisherman and Charter Boat Captain I have seen first-hand the damage wrought by these boats. As soon as we see bait fish arriving they show up and decimate the population. The game fish disappear soon thereafter. I fish for striped bass, tuna and ground fish. I cannot express to you how much these boats do to destroy our fishery. We all know how tenuous our fisheries are. Why are you allowing this to go on? Please keep these fisherman well offshore to give our gamefish a chance.

Tuna fishing was making a great comeback this season. We were all seeing action like it used to be years ago. These trawlers came through and ravaged the herring and everyone saw the tuna bite crash. All the tuna fisherman on the seacoast were furious. The tuna fishery was showing signs of improvement for the first time in many years and these boats were able to destroy it in a matter of days.

Almost all the fishing-related businesses in New England rely on the inshore waters. The impact these trawlers have on the herring is felt much further than just at the fishermen. Please help us to preserve our fishery and get these boats out of the inshore waters.

Thank you so much. We are behind you all the way.

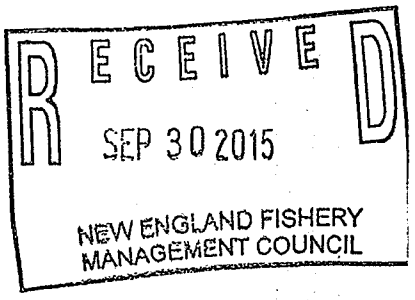
Sincerely,

Captain Mark R. Elias, MD, FACS

Sent from my iPad

Sherie Goutier

From: rlepage@comcast.net
Sent: Tuesday, September 29, 2015 5:12 PM
To: comments
Subject: Amendment 8 Scoping Comments



Tom Nies
Executive Director
New England Fishery Management Council
50 Water Street #2
Newburyport, MA 01950

Dear Mr. Nies,

I am writing to you as a concerned recreational fisherman; for over forty years I have enjoyed fishing for a variety of ground fish, including flounder, cod, haddock and pollack. I have also fished recreationally for striped bass since that fishery was reopened in Massachusetts. During this time, I have unfortunately personally witnessed the decimation of the ground fish stocks to the point where it has become necessary to close the cod fishery entirely and strictly limit the possession of haddock to recreational anglers fishing in the Gulf of Maine. As a native New Englander, I am also concerned for the hardworking men and women who depend and rely on the fishery to make a living and this threat to their way of life.

I am aware that measures have been put in place to close areas to dragging/commercial ground fishing (along of course with the restrictions put in place for the recreational sector) in an effort to help the stocks rebuild, but have honestly been baffled by the lack of restrictions on mid water herring trawlers. How are the ground fish stocks to rebuild if the herring - the food source - is being cleaned out of inshore spawning areas by these boats? Furthermore, it is well known that there is a huge ground fish by-catch associated with mid water trawling.

It has come to my attention that the NEFMC has recently decided to expand the amendment that deals with herring and the mid-water trawlers. I firmly believe it is critical to enact the following to end the depletion of the herring stocks and give the ground fish we are trying desperately to rebuild the food source they require:

1. Establish a 35 nautical mile buffer zone free of mid-water herring trawling from southern New England, around the backside of Cape Cod and extending north and east up the coast of Maine to the Hague Line.
2. This whole buffer zone should be in place for twelve months a year, every year!

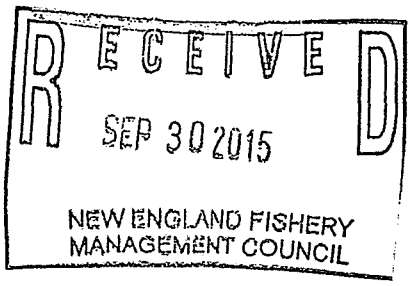
I appreciate your time and attention to my email. I hope you can act to make these necessary changes a reality.

Sincerely,

Bob LePage
Recreational angler
7 Fitz Road

Sherie Goutier

From: Luther <aleae@comcast.net>
Sent: Tuesday, September 29, 2015 5:54 PM
To: comments
Subject: amendment 8 re-scoping comments



nefmc,

i have been a fisherman since 1993 working as crew for other boats, and working on my own boat since 1997. among other fishing effort, my vessel has landed over 600,000 lbs of dogfish since 2002.

i believe that herring is a critical forage fish that other higher level fish depend on for sustenance. localized depletion of forage stock is adverse to rebuilding healthy inshore groundfish stocks and a balanced ecosystem.

i would urge you to strongly consider an extension of the current buffer zone from 4 months to 12 months, and to also consider a 12 month 30 mile buffer zone off cape cod and southern new england where no mid-water trawling would be permitted.

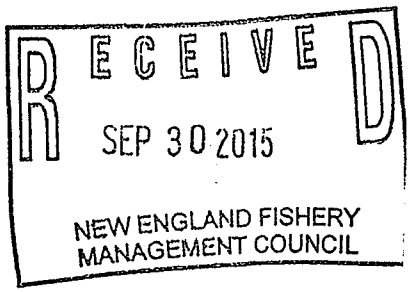
thank you for your consideration.

luther bates
owner, f/v singularity
chatham, ma
dogfish, striped bass, black sea bass

This email has been checked for viruses by Avast antivirus software.
https://www.avast.com/antivirus

Sherie Goutier

From:	Ian & Sonya Keniston <ikeniston@maine.rr.com>
Sent:	Tuesday, September 29, 2015 6:44 PM
To:	comments
Cc:	Tim Tower
Subject:	Amendment 8 Scoping Comments



Mr. Thomas Nies
Executive Director
New England Fishery Management Council
50 Water Street #2
Newburyport, MA 01950

Mr. Niles,
I am writing to you as a concerned fisherman, having been involved in party boat fishing in the gulf of Maine for the past 30 years. I have also been involved in the lobster fishery in said area during that time.

I am writing to you now because I see an opportunity to make our total inshore fishery better. It is time to change the way the mid-water trawlers fish in our near shore areas. There has been talk of buffer zone that would extend from southern New England, following the coast from the back side of Cape Cod, through the Gulf of Maine and ending in downeast Maine. We already have a buffer zone in Area 1A June through September. It should become a year around buffer. An additional buffer should be added contiguous to the 1A zone on the backside of Cape Cod extending 35 miles off shore also for the full year. I support this idea. I believe this is a sensible choice and the least we can do to maintain a healthy near shore fishery for the future of our fishing families. It makes no sense to set aside near shore areas for fish reproduction, habitat and growth if you allow small mesh mid-water dragging in those same areas, in the process taking away the food source that bring the fish to these areas in the first place.

I have personally witnessed lobster bait barrels full of an even mix of small haddock, pollock and herring. Barrels that were purchased as herring for lobster bait. It makes no sense to close an area to the taking of ground fish if the food for those fish is taken along with a large percentage of the fish we are trying to protect.

I ask that you seriously consider this buffer zone and make it a reality. We have problems enough with the fisheries that are being managed by the Council. It would make the Council's job much easier if the Council could eliminate the biggest problem, the mid-water herring trawling in near shore waters. I think you will also find that elimination of the mid-water herring trawling will speed up the ground fish recovery. With the huge haddock by catch issue that is happening as I write, the mid-water boats certainly aren't helping the ground fish industry or the ground fish stocks, all of which have not recovered yet.

Respectfully yours,

Ian Keniston
Recreational angler
Concerned citizen

Sherie Goutier

From: Capt. Darren <darren@monomoysportfishing.com>
Sent: Tuesday, September 29, 2015 7:47 PM
To: comments
Subject: Attn: Tom Nies Mid-Water Trawler comment

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SEP 30 2015
NEW ENGLAND FISHERY MANAGEMENT COUNCIL

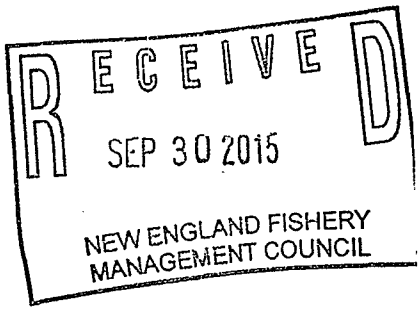
It is no coincidence that when the mid-water trawlers show up off the backside of Cape Cod merely 3-4 miles off the beach in late summer that the life that was so abundant in the area for the 2 months prior simply vanishes. Year and year out I notice this pattern and I fish the waters daily from June through October. This year, we had incredible activity of humpback whales, finback whales, and bountiful fin-fish, including bluefin. As soon as the trawlers moved through, the life was reduced to a trickle. It's time to end this nonsense and protect our fisheries and whales by keeping the forage healthy inshore and moving the mid-water trawlers well offshore, beyond 30-35 miles.

Sincerely,
Captain Darren Saletta
89 Mills Road
Chatham, MA 02633

Capt. Darren Saletta
U.S.C.G. Master License #3158187
Darren@monomoysportfishing.com
http://www.chathamfishingcharters.com/
https://www.facebook.com/MonomoySportfishing
https://twitter.com/#!/MonSportfishing
508-469-0077

Sherie Goutier

From: Pete's Email <ackfish@gmail.com>
Sent: Tuesday, September 29, 2015 10:14 PM
To: comments
Subject: This letter represents the critical concerns that



This letter represents the critical concerns that the people of Cape Cod ,Nantucket ,Martha's Vinyard & southern Mass have in a timely race to protect what's left of the quickly changing nearcoastal flourishing Marine Ecosystem that Historically has supported migratory corridors of spawning squid ,Sea Herring ,& River Herring also mammals & sea birds in New England !

In recent years due to the unintentional Missmanagement of state & federal fishing regulations allowed around nearcoastal Cape Cod & the Islands the use of Small Mesh Mobil Gear ,(Otter trawlers & Pair Trawlers) has driven the spawning stocks of squid , sea Herring & River Herring to a record low in this area as observed by both commercial & recreational small boat fisherman & the major stake holders (the General Public) . This activity has disrupted the historic flourishing ecosystems to a critical tipping point of which would be catastrophic to this area & the stake holders if it is allowed to continue ! In recent years some regulators & many waterman have raised this concern ,but due to the slow moving process & boards that at this point in time have inherited decisions of the past ! These decisions have enabled this fleet of large offshore boats to tow some of the most efficient & destructive non discriminate harvesting gear in the world only to raise havoc on the near coastal waters of cape cod & the islands allowing for the steady dismantling of the historic flourishing near coastal marine ecosystem & spawning spices of forage food which are critical components ! At this point in time because of exemptions granted to the industry these fleets are allowed to basically tow a ground fish net with a with a 2 in liner inside the cod end in federal waters which by the way has been illegal in New England for 30 plus years according to the Coast Guard ! This loop hole was allowed because the industry presented the 6 1/2 inch cod end as a straightener & on the mid water trawl boats there is no minimum mesh size for the cod end & they to are allowed a strengthener of minimum 6 inch mesh .

At this point in time given the amount of localized depletion & collateral damage that has happened in these near coastal waters in recent years we believe there should be a 20-30 mile protected zone restricting the use of this small mesh herring gear ! This area should be adjacent to area 1a traveling south around the islands to the western boundary of Mass closed 12 months a year to this gear type.

We also believe that area 1a should also have 12 months of protection the fact is that this gear type fished for 2 1/2 months has the ability to do irreversible damage to Area 1a !

At this point in time the Herring biomass has been labeled in great shape and a fair & equitable non greedy request to give up 6 % of the total area for a near coastal protection area & retain 94 % of area 1B -Area 2 -& area 3 that the fleet would have access to would be a logical non Greedy response !

Given the recent vote by the New England Council to raise the Catch Cap on the out side of Cape Cod & the Islands is even more reason that this area desperately needs this protection area given the fact that there will be even more indescriminate harvesting in this area ! If this zone were implemented we have no doubt that the migration of sea & river herring down the backside & around the Islands would start back up & fulfill our quest for sustainable fisheries for future generations ! Remember you inherited these poor decisions & now is your chance to do the right thing Implement the Protection Zone !!! TKX

Captain Pete Kaizer

Sent from my iPad

Sept 24, 2015

Dear New England Fishery Council members,

My name is John Our, Captain of the F/V Miss Fitz. I have been fishing off the backside of the Cape, southern New England and Georges Bank for 30 years. When cod, haddock and other groundfish were plentiful, I fished for those. Because those species are not abundant these days, I fish for skate, dogfish and monkfish throughout the year. I am hopeful that someday groundfish populations will recover, and that we and future generations will be able to fish for them.

When I see huge trawlers off the backside of the Cape though, I lose hope. I'm concerned with the excessive catches of juvenile groundfish that I have seen being used for bait that originated from those "midwater" trawlers. I frequently see them within a couple of miles of shore, with those huge nets fishing from top to bottom catching EVERYTHING in the water column. Frankly, it doesn't surprise me that groundfish populations aren't recovering.

We need action from this council, and we need action NOW. I want to see the industrial herring fleet pushed offshore - year-round - to prevent overfishing of nearshore fish stocks on Cape Cod.

Thank you for your time.

Sincerely,

John Our

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SEP 30 2015
NEW ENGLAND FISHERY MANAGEMENT COUNCIL

9/18/15

Dear New England Fishery Council members,

My name is John Tuttle, I own F/V Cuda and I have been fishing for 37 years. I've fished for cod, haddock, Pollock, tuna, dogfish, skate, and sea scallops.

I used to go down to the Great South Channel and there used to be herring everywhere. We used to see massive schools of herring on top of the ocean. Now when we go offshore, there are no more bait fish; and we can't find any tuna.

It is important that we protect herring. Anytime you protect a resource that is the food of the ocean it is has far reaching good effects. There are more repercussions to the entire ecosystem when forage fish begin to disappear so there needs to be more a buffer zone.

We need to implement a yearlong buffer zone free of midwater trawlers off the backside of the Cape and southern New England. I would like to see a 50 mile buffer. There is no more bait inshore anymore.

Thank you for your time.

Sincerely, John Tuttle

John Tuttle

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SEP 30 2015
NEW ENGLAND FISHERY MANAGEMENT COUNCIL

September 29, 2015

Dear New England Fishery Council members,

My name is BJ Lawlor, Captain of F/V Hooligan. I have been fishing for 10 years. I have fished for lobster, scallops, tuna, and dogfish.

I am writing to express my concern about the midwater trawlers fishing off the backside of the Cape.

My two big concerns are the loss of herring and the extensive amount of bycatch from these mid water trawlers close to shore. Herring is so important to our ecosystem. The depletion of local herring is hurtful to other fish that feed off of it. The bycatch from the mid water trawl fleet is also a major problem. I've seen mid water trawlers near shore surrounded by vast amounts of dead stripers – big giant breeding ones.

I ask the Council to consider recommending a yearlong buffer of 50 miles from shore free of mid water trawlers. In addition to this I would also like to see an extension of the current buffer zone in Area 1A extended from four to twelve months.

These trawlers have plenty of capabilities to go further off shore. They don't need to come in so close to catch what they need. The smaller boats can't go 50 miles offshore to catch our fish.

Thank you for time and consideration.

Sincerely,

BJ Lawlor

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NEW ENGLAND FISHERY MANAGEMENT COUNCIL

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SEP 30 2015
NEW ENGLAND FISHERY MANAGEMENT COUNCIL

September 26, 2015

Dear New England Fishery Council members,

My name is Mike Woods and I am the owner of F/V Jakob and Megan. I have been fishing since 1987. In my years fishing I have seen less and less bait in the ocean. Mid water trawlers are out harvesting forage fish essential to the groundfish fishery. These trawlers may not be the sole reason to blame for the groundfish disaster but they are certainly not helping the rebuilding of groundfish stocks. They are making recovery more difficult. This effects my and other businesses greatly.

It is crucial that we have a buffer zone off Cape Cod and Southern New England that extends 35 miles from shore all year round.

Thank you for your time.

Sincerely,

F/V JAKOB & MEGAN

Mike Woods

RECEIVED
September 30, 2015
SEP 30 2015
NEW ENGLAND FISHERY
MANAGEMENT COUNCIL

Dear NEFMC members,

My name is Jared Bennett, I have been a commercial fisherman my entire life. I fish for groundfish, skates, and dogfish. I'm concerned that when the midwater trawl fleet fishes off the backside of Cape Cod, they tow through nursery areas killing hundreds of thousands of juvenile groundfish like haddock. When they are adults, these are the fish that myself and many other Cape Cod fishermen target (or used to, when they were more plentiful). Because the midwater trawl fleet is allowed to fish so close to shore in these important juvenile habitats, they impact countless numbers of other fishermen on the Cape. I hope that you will consider a year-round closure within 40 miles of the Cape and Islands that will protect not only groundfish, but fishermen. We need these protections to preserve our ways of life.

Thank you for your attention to this matter.

Jared Bennett, F/V Synergistic

RECEIVED
SEP 30 2015
NEW ENGLAND FISHERY MANAGEMENT COUNCIL

September 30, 2015

Dear New England Fishery Council members,

My name is Tim Linnell. I own F/V Perry's Pride II. I have been fishing for 30 years off of Cape Cod. I've fished for all species of groundfish, monkfish, skate, cod, and dogfish.

I've seen mid water trawlers close to shore and can tell you that fishing collapses in areas that the Mid Water Trawl fleet fish after they have been there. It takes over a year for the area to recover - if it ever actually does. Groundfish leave fishing areas because the Mid Water Trawl fleet take all the feed (herring). Everything then moves off.

It is important to have a twelve month buffer zone free of Mid Water Trawlers off Cape Cod and Southern New England that extends 50 miles offshore. We also need to include an extension of the current buffer zone in Area 1A from four to twelve months. The ecosystem can't handle the ups and downs of herring being depleted.

Thank you for your consideration.

Sincerely,

Tim Linnell

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SEP 30 2015
NEW ENGLAND FISHERY MANAGEMENT COUNCIL

September 29, 2015

Dear New England Fishery Council Members,

My name is Robert Story Fish, Captain of F/V Sundance. I have been fishing for 35 years- mainly for scallops, stripers, cod and groundfish. I am writing to express my concern about the midwater trawlers fishing off the backside of the Cape.

I feel that the main sustenance for 90% of our fish is herring. If the herring fishery gets destroyed they'll be no more food for the fish. Mid water trawlers are too efficient. The fish don't have a chance. When the trawlers come close to shore they take away the food for the inshore fish and the inshore fish go further offshore to find food.

I would like to see the industrial herring fleet pushed at least 30 miles offshore year-round to protect Cape Cod's inshore fisheries.

Thank you for your time.

Sincerely,

Robert Story Fish

Robert Story Fish

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SEP 28 2015
NEW ENGLAND FISHERY
MANAGEMENT COUNCIL

Dear Council members,

My name is Will Ligenza, captain of the F/V Blue Jay. I have been fishing for multiple species for 18 years but am most concerned with groundfish. I am writing to express my concern about the midwater trawlers fishing off the backside of the Cape.

Groundfish are not going to come inshore until there is herring and food for them to eat. The midwater trawlers take too much herring in our inshore waters. The lack of herring has basically collapsed the groundfish fishery. This is why it is so important to have a yearlong buffer off Cape Cod and Southern New England at least 50 miles from shore.

When I used to catch cod fish I would find 3 or 4 herring in each of their bellies - they were falling out the cod stomachs. For cod fish to successfully spawn they need to eat herring.

Thank you.

Sincerely

William Ligenza

William Ligenza

RECEIVED
SEP 30 2015
NEW ENGLAND FISHERY MANAGEMENT COUNCIL

September 29, 2015

Dear New England Fishery Council members,

My name is Matt Linnell, Captain of F/V Lori B. I have been fishing for 30 years. Right now I mainly fish for skate, monkfish and dogfish. I used to fish mainly groundfish.

I think the mid water trawl fleet take away a lot of the bait that is inshore which, in turn, make the fish go further offshore to get their food. **It's a good idea to have at least a 30 mile buffer zone around the coast of Cape Cod and the islands of Martha's Vineyard and Nantucket.** The mid water trawl fleet tow small mesh nets and they are able to scoop up juvenile groundfish that are essential to rebuilding the groundfish stocks. If we can make sure that the mid watrer trawl fleet are far from shore it would be interesting to see if the groundfish recover in the next 10 years.

Thank you for your time.

Sincerely,

Matt Linnell

9-29-2015

Dear NEFMC memembers,

My name is matthew Davis IV lived and gerwup fisher the back side of cape water. and now am a comercail fisher man in the same waters I have lived and seen the inpact these large mid water trawlers have on the resourses from the town I lived in for fourty years were we have one of the most active herring runs on cape cod were as a kid the runs were full the run would last weaks and other smaller runs were runing steady and plenty off stripers fallowing in soit as big fish fallow smaller now the smaller runs trikel if not stoped r run has shown a big inpact as I got older started off shore it was tuna first and there I spent a weack in and out catchin fish the hering was so thick at night the sound would light up top to bottem even black out at times during the day we had whales, porpus's, tuna, for a weak then the midwater fleet came in and within three days no fish, no whales, no porpis No bait all the hering was cought up or ran off it was shocking to me how fast and big of a inpact it was. thers been times I have seen as fare as u can see dead stripers flouting from throw back diggard and I have moved on and threw a few fixed gear fishers and seen the dames there in the beye caten of juvenial fish a lot of the in shore water of the cape are nurseres for meney of r ground fish that already r fighting a baited with dog fish and seals nat to menchen the thoughs and thoughs of dollers in gear they plow threw well i could go on but that a simpel insight to just a few things that iv seen and whiteness that make me feel theas bouts should be made to stoy out side 30-40 miles offshore

I thank u for ur time and ur conseder ation

Matt Davis

RECEIVED
SEP 30 2015
NEW ENGLAND FISHERY MANAGEMENT COUNCIL

PS. hard to bealive there was no mamids in eney of those towes

RECEIVED
SEP 30 2015
NEW ENGLAND FISHERY MANAGEMENT COUNCIL

September 30, 2015

Dear Mr. Nies,

My name is Doug Feeney. I own F/V Noah and I have been fishing for 20 years.

Mid Water Trawlers are taking food out of the ecosystem from other species we see inshore like bluefish, striped bass, cod, Pollock- to name a few. These species are depleted in our waters because of the mid water trawl herring fleet. We are also seeing smaller and less blue fin tuna on the inshore fishing grounds.

The fact that these vessels are not towing mid water but towing the bottom is a huge problem for habitat and bycatch in spawning areas. I've seen them tow over the Slash Tires which is a spawning spot for codfish. **You know they are not towing midwater when black smoke is coming out of their exhaust.** That means the boat is working hard and dragging or hung down on the bottom.

I want to see at least a 50 mile buffer zone from shore for the waters off Cape Cod and Southern New England. I want to see groundfish stocks rebuilt and it's not going to happen if you keep taking away the forage food close to shore. I am tired of shooting ourselves in the foot. We need to do the right thing and let our groundfish stocks recover. With Amendment 8 on the table this is the perfect opportunity to reevaluate the inshore buffer zone and focus on rebuilding our groundfish stocks.

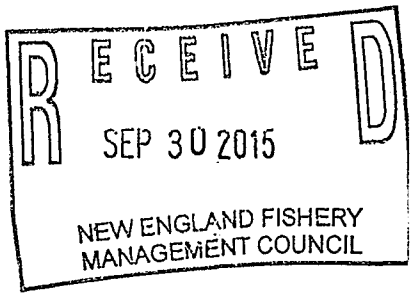
Thank you for your consideration on this matter.

Sincerely, Doug Feeney

Doug Feeney

Sherie Goutier

From: jon tesnakis <jptesnakis@hotmail.com>
Sent: Wednesday, September 30, 2015 2:05 PM
To: comments
Cc: Tim Tower
Subject: Amendment 8 Scoping comments



Thomas Nies
Executive Director
New England Fishery Management Council
50 Water St. # 2
Newburyport, MA 01950

Sirs:

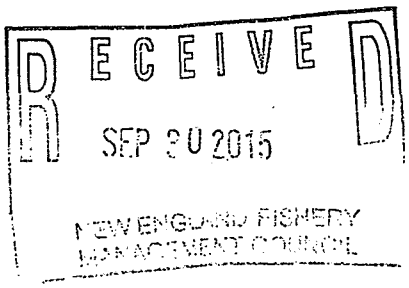
I wish to express my concern regarding the decline of the Maine inshore recreational fishery and the possibility of a recovery that rests in your hands. A New York State resident, my family and I had been traveling to Southern Maine since 1976; by the early 80s my visits included offshore trips on local party boats for groundfish. I enjoyed these trips tremendously and by the mid 90s I was making close to a dozen trips a year ;despite the 5 hour drive I would often drive up for a days fishing and return. It was exciting to see the return of Haddock, the thumping of a big steaker Cod on the line was as addictive as any drug could be, the possibilities of a day offshore in the GOM were endless. Unfortunately, I had to witness the collapse of that fishery due to mismanagement. The captains I fished with in Maine were exceptional stewards of the fishery and fishing out of Montauk Ny for the past 20 years, the same cannot be said for many captains. I have not fished for groundfish in Maine for three years, I can get my Cod and Pollock off Montauk, at least for now, but I miss the many friends i've made up there.

I support a 35 nautical mile buffer zone free of mid-water herring trawling from southern New England, around Cape Cod and along the Maine coast extended to the Hague line. This would hopefully bring back the forage necessary for a healthy groundfish population and end wanton waste of a valuable resource as bycatch. Thank you for your consideration in this matter.

Jon P. Tesnakis
77 Kirshon Avenue
Staten Island, NY 10314
jptesnakis@hotmail.com

Sherie Goutier

From:	rfuehrer@parker.com
Sent:	Wednesday, September 30, 2015 1:11 PM
To:	comments
Cc:	Tim Tower
Subject:	Amendment 8 Scoping Comments



Mr. Thomas Nies
Executive Director
New England Fishery Management Council
50 Water Street #2
Newburyport, MA 01950

Dear Sirs,

I strongly advocate for the following as a logical part of a comprehensive plan to rebuild and maintain a healthy finfish population in the GOM.

1. A 35 nautical mile buffer zone free of mid-water herring trawling from southern New England, around Cape Cod and extending north and east up the coast of Maine to the Hague Line.

2. This whole buffer zone should be in place for twelve months a year, every year.

The reason is simple. In order to build a thriving population of anything, first and foremost you need a place to live. We have that in in place in the zone described above. Second, you need adequate sustenance. This is where the present system breaks down with little to no protection for the foundation of the GOM food chain, the herring.

A robust, well distributed herring population is essential as a foundation to any rebuilding efforts for the GOM fishery. This is undeniable. Now is an ideal opportunity to act, actually doing something toward accomplishing this objective. Please collectively consider doing so.

Best regards,

Rob Fuehrer
Senior Product Engineer (Also a full time Mainer, Parent, Casual fisherman, consumer of seafood and concerned citizen)
Nichols Portland Division
Parker Hannifin Corp.
2400 Congress St.
Portland, ME 04102-0603
Office: (207) 761-9139
E-Mail RFuehrer@Parker.com
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Sherie Goutier

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SEP 30 2015
NEW ENGLAND FISHERY MANAGEMENT COUNCIL

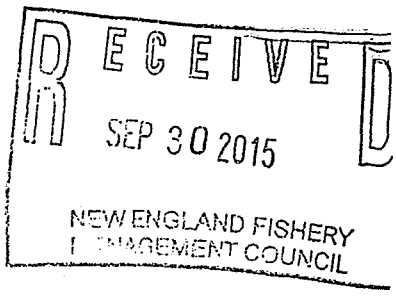
From: Kenny Eldredge <striper63@live.com>
Sent: Wednesday, September 30, 2015 12:47 PM
To: comments
Subject: amendment 8 re-scoping comments

Dear Sirs I have fished commercially out of Chatham MA for 40 years, mainly longlining for codfish, haddock and dogfish. In the fall I also fished for ABT for many years. All these fish depend on herring for a big part of their diet. The herring seiners are rapidly depleting this vital resource. If I could I would cut their quota by 75%. I realize that's not going to happen for many reasons.
The buffer zone for Area 1A is a great rule that should be expanded to 12 months a year and include Cape Cod and Southern New England. It was very distressing to see the herring fleet right off the backside of the cape last year. No binoculars needed to see very large boats capable of fishing in the worst weather on George's dragging up herring and who knows what else so close to shore.
There is simply not enough herring inshore to support the few groundfish we have left AND the seiners too! Please consider disallowing the herring boats to fish inside 50 miles from shore. Fish and the small boat fishermen need more herring for what is left of our ground fish and tuna to rebound. Thank you.

Captain Kenneth Eldredge F/V Kittiwake
Homeport Chatham MA

Sherie Goutier

From: nate root <root.nate@gmail.com>
Sent: Wednesday, September 30, 2015 12:27 PM
To: comments
Subject: Re: Herring Amendment 8 Re-Scoping comments



Thomas Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Re: Herring Amendment 8 Re-Scoping comments

Hi Tom

My son and I are local fisherman that fish rod and reel both commercially and recreationally and feel that these draggers and trawlers are destroying our inshore ecosystem. I have gone from a 300lb hand gear B license down to a 25lb license and then subsequently shutdown from ground fishing. I have been out on the ocean to see the damage and bycatch that these boat leave. I have driven by boats just off rockport and seen thousands of pounds of herring, mackeral and codfish floating dead in the water because of over fishing. please put an end to this so my children can enjoy the ocean

The Council should use Amendment 8 to remove these boats from the inshore areas for good. A year round, inshore buffer zone should exist throughout New England. Until this is done, the health of our inshore resources will continue to suffer.

Thank you for your time and consideration

Nate Root
Somerville MA

Sherie Goutier

From: John <john.root2@verizon.net>
Sent: Wednesday, September 30, 2015 12:16 PM
To: comments
Subject: Re: Herring Amendment 8 Re-Scoping comments

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SEP 30 2015
NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Thomas Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Re: Herring Amendment 8 Re-Scoping comments

Dear Tom,

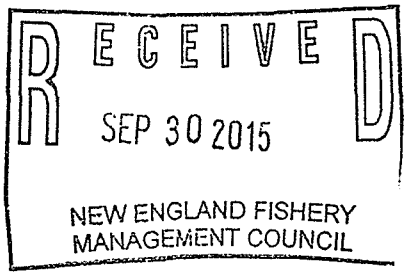
As a recreational fisherman out of Salem and Manchester, Massachusetts I have seen the negative impacts caused by midwater to the herring resource all too clearly. Each year when they are let back into the inshore areas of the Gulf of Maine on October 1st, they fish relentlessly and drive the tuna and other stocks out of the area. They also fish hard off of the beaches of Cape Cod and Rhode Island, causing problems in those area too. Wherever they go, the midwater trawlers disrupt the forage aggregations and, as a result, the fisheries on predator stocks that rely on that forage. This gear cannot coexist with other fisheries. It catches too much, too fast, and throughout the water column.

The Council should use Amendment 8 to remove these boats from the inshore areas for good. A year round, inshore buffer zone should exist throughout New England. Until this is done, the health of our inshore resources will continue to suffer.
We depend on the Council to oversee management of our entire ecosystem which is clearly overfished and harms our forage fish stocks

Thanks,
John A. Root
Peabody, MA

Sherie Goutier

From: Steve & Lorraine Brown <stbrown@midmaine.com>
Sent: Wednesday, September 30, 2015 12:06 PM
To: comments
Cc: Tim Tower
Subject: Amendment 8 Scoping Comments



Mr. Thomas Nies
Executive Director
New England Fishery Management Council
50 Water Street #2
Newburyport, MA 01950

Dear Mr. Nies;

I have been fishing recreationally on several "head boats" up and down the New England coast for over 10 years now and am quite concerned about the current fishing rules and regulations which seem to allow the depletion of our spawning stocks and areas by the herring trawlers. The indiscriminate dragging of the GOM has created many of the problems we are now experiencing; I have personally witnessed over a dozen herring trawlers at a time in a small area on Jeffries Ledge. I have also discussed our local fishing issues with everyone from Ted Ames, marine research biologist; Robin Alden, former Maine Commissioner of Marine Resources and current Executive Director of Penobscot East Resource Center; Tim Tower of the Maine party boat fishing vessel The Bunny Clark, and Phil Eastman of New Hampshire's Eastman's Fishing fleet; and many fellow recreational fishermen.

I would like to echo Tim Tower's recommendations to you to act upon.

1. A 35 nautical mile buffer zone free of mid-water herring trawling from southern New England, around Cape Cod and extending north and east up the coast of Maine to the Hague Line.

2. This whole buffer zone should be in place for twelve months a year, every year.

3. An end to localized depletion of the herring stocks. As you know, the recreational angler can't keep cod and haddock right now. A big part of the problem is that these fish don't have the herring and are forced to travel into open areas where other herring are found. These fish can be commercially caught outside the closed areas. Thus depleting the stocks of cod and haddock. Not only is this a problem but the mid-water boats are catching thousands of haddock and other groundfish in the process - the very fish we are trying to bring back to healthy levels!

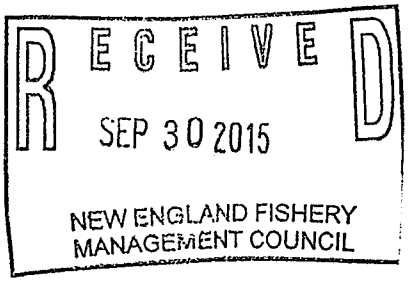
Sincerely,

Stephen T. Brown, Recreational Fisherman

351 Ellsworth Rd. Blue Hill, Maine 04614

Sherie Goutier

From: Peter Vangsness <petervangsness@hotmail.com>
Sent: Wednesday, September 30, 2015 11:43 AM
To: comments
Cc: Tim Tower
Subject: Mid-water herring trawlers



Tom Nies
Executive Director
New England Fishery Management Council
50 Water Street #2
Newburyport, MA 01950

Sir,

I am writing at this to share my concern for the condition of the recreational fishery commonly referred to as the Gulf of Maine. I have fished for over fifty years from the ports of Rockport, Gloucester, Salisbury, Newburyport and Ogunquit.

As I have no direct research access, I assume that all of the recent decisions to either "open" or "close" certain areas are being based on hard science. I am concerned that the continued activity of the mid-water herring trawlers are having a major impact on the entire fishery, and would like to suggest the following:

1. A 35 nautical mile buffer zone free of mid-water herring trawling from southern New England, around Cape Cod and extending north and east up the coast of Maine to the Hague Line. This whole buffer zone should be in place indefinitely until such time that the cod and haddock stacks have sufficiently rebounded to allow more recreational retention.

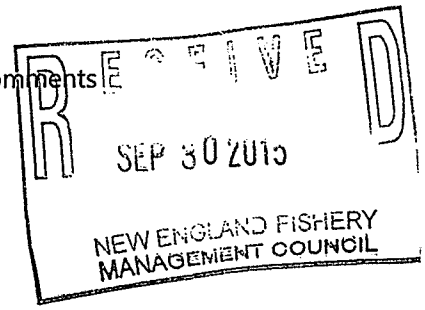
Additionally, I would highly recommend that you give great weight to the opinions of the experienced recreational fishing people whose livelihood is directly impacted by your policies and decisions. Since you both have a vested interest in the success of the fish stocks, it would make sense to carefully review and consider their input.

Thank you for receiving my comments.

Peter Vangsness
235 Canterbury Circle
East Longmeadow, MA 01028

Sherie Goutier

From: Abigail Franklin <abigail.franklin211@gmail.com>
Sent: Wednesday, September 30, 2015 3:48 PM
To: comments
Subject: Atlantic Herring FMP - Amendment 8 Re-Scoping Comments



Dear Council Members,

Thank you for initiating Amendment 8 to the Atlantic Herring FMP.

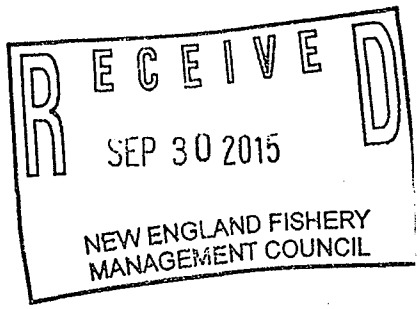
I would like to see a twelve-month buffer zone free of midwater trawling off Cape Cod and Southern New England that extends 30 miles from shore, and an extension of the current buffer zone in Area 1A from four months to twelve months.

I am concerned about localized depletion in the inshore areas of Cape Cod, and that reduced #s of herring in these areas will negatively affect other commercially important fish species.

Thank you,
Abigail Archer
Brewster, MA

Sherie Goutier

From: B ELDRIDGE USBOS VP <BELDRIDGE@msc.us>
Sent: Wednesday, September 30, 2015 10:06 AM
To: comments
Subject: Amendment 8 Scoping Meetings



Mr. Thomas Nies
Executive Director
New England Fishery Management Council
50 Water Street #2
Newburyport, Ma. 01950

Good Day to you and your staff,
I am writing in support of the 35 nautical mile buffer zone free of mid-water herring trawling from Southern New England, around Cape Cod, and extending North and East up the Coast of Maine to the Hague Line.
I further support this buffer zone to be in place for the full twelve months a year, every year. Stripping the local areas of its critical food base is having a negative effect on the ground fishing in the Gulf of Maine and back
Side of Cape Cod. The bycatch of haddock, Pollock, Striped Bass, and Cod by the Mid Water Trawlers is having an adverse effect on the groundfish recovery and this bycatch should be eliminated; the only way to eliminate the bycatch is
To eliminate the mid-water herring trawling within the buffer zone.

I have fished for 40 plus years both as a commercial fisherman (tub trawling & long lining swordfish) and now as a recreational angler. The devastating effects of mid water trawling on the herring stocks in the inshore fishery is clear And I urge you to implement the buffer zone.

Yours truly,

William C. Eldridge
37 Kathleen Circle
Rowley, Ma. 01960

Bill Eldridge
Vice President

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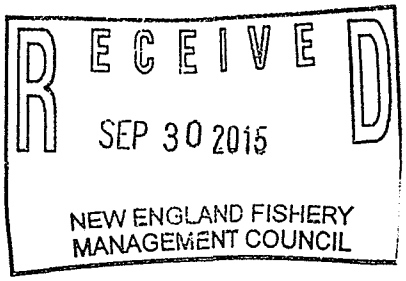
Sherie Goutier

From: Rob John <robmjohn@aol.com>
Sent: Wednesday, September 30, 2015 3:26 PM
To: comments
Subject: Amendment 8 Re-Scoping Comments



Thomas Nies, Executive Director
New England Fishery Management Council
50 Water St. Mill 2
Newburyport, MA 01950

Mr. Nies,

Each time I take my boat out, I go down the Merrimack River, passing about 300 yards from your office. I trust I represent many recreational fisherman who head out of the Merrimack to fish the waters of Ipswich Bay.

I'm writing about the damage mid-water trawlers cause to the herring fishery. I have personally seen the trawlers out in Ipswich Bay. I would ask the Council to use Amendment 8 to keep the mid-water trawlers out of inshore waters, by establishing a 35 nautical mile buffer zone free of mid-water trawling from Southern New England up to the coast of Maine to the Hague Line.
I would ask that this zone be in place for 12 months a year.

I would ask for the end to localized depletion of herring stocks. I could not keep cod this year, but I know that cod will be in the bycatch by the mid-water trawlers in the month ahead.

Please do what you can to end the inshore destruction caused by mid-water trawlers.

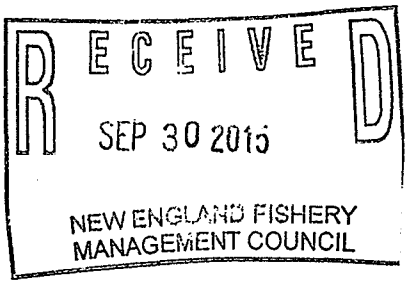
Thanks for this opportunity to write about this important issue to all recreational fisherman.

Sincerely,

Robert John

Sherie Goutier

From: fvglutton@comcast.net
Sent: Wednesday, September 30, 2015 4:32 PM
To: comments
Subject: Amendment 8 Re-Scoping Comments



Dear Tom Nies:

I am writing to submit my point of view for your Herring Amendment 8 Re-Scoping comment period.

I make my living in the **inshore** areas off Cape Cod. I have seen with my own eyes how destructive the midwater trawl fleet for herring is. Letting a fishery of this magnitude into the **inshore** area to take that biomass of food out of the ecosystem when there are so many species that are in rebuilding stages is excessive.

I've seen it so many times. Herring is everywhere, and the cod and the tuna are following it. Then you'll see the herring boats on the horizon, and everything leaves. They take so much herring in each tow, there's nothing left for other fish to eat.

Herring should be protected in the **nearshore** areas. You would see fish in those areas start to rebuild. Even if they rebuilt a little bit, it would help the fish's the memory imprint, and fish would return to the **nearshore** areas.

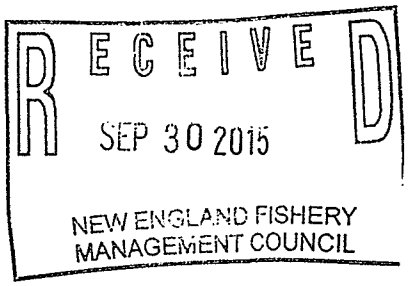
We need a twelve-month buffer zone free of midwater trawling off Cape Cod and Southern New England that protects **nearshore** areas.

Sincerely,

Beau Gribbin
Lobsterman/scalloper
f/v Glutton
Provincetown, MA

Sherie Goutier

From: Tryshavy <tryshavy@yahoo.com>
Sent: Wednesday, September 30, 2015 4:12 PM
To: comments
Subject: "Amendment 8 Re-Scoping Comments"



Thomas A. Nies,Executive Director
New England Fisheries Management Council
50 Water street, Mill #2
Newburyport,MA 01950

Re: Herring Amendment 8 Re-Scoping

Mr Nies,

It has been my personal experience to see first hand the devastation of the herring stocks by the midwater trawl fleet. Having pursued cod and tuna for over 36 years, there's one trip that remands burned into my memory. I was in a area we called the figs south of Chatham . The zone was alive with bait ie herring cod and haddock. Fishing was great being two handed on a 35' boat with rod & reeling we landed around 2700#s of fish. Bad weather followed for 7 or 8 days I was eager to return to the bounty! The storms passed and I sailed only to find a desert where the once was an oasis! It was a foggy day but to large targets appeared on my radar screen. The fog lifted to reveal two large herring trawlers explaining the deviation below me! No bait no fish empty bottom.

Since then I have watched the depletion oh the herring stocks causing the cod and and tuna to vacate the waters off Cape Cod!

The technology's of the herring trawlers has advanced so fast that regulation cannot keep up! Just as we saw with the bottom trawling fleet in the 80-90s. Being a fisherman I hate to deny a man a living but at what coast to the others. I am also a marine biologist and recognize the need for change and enforcement .

Therefore I would strongly encourage making the current 1A a year round buffer.

Second create a new year round buffer zone off Cape Cod and Rhode Island that extends offshore 35 miles.

I believe these action will restore our fisheries in the future.

Respectfully ,
Captain Thomas F. Ryshavy
F/V Gypsy Hyannis MA

Sent from my iPad

RECEIVED
SEP 30 2015
NEW ENGLAND FISHERY
MANAGEMENT COUNCIL

September 30, 2015

Dear NEFMC members,

My name is Keith Lewis, I am the owner of F/V Alana Kai. I have been fishing 30 years. I've fished for conch, cod, dogfish, striped bass, and tuna.

I would like to see a permanent buffer around Cape Cod, the Islands, and Southern New England because we need to protect the small boat fisheries. The buffer needs to be at least 30 miles from shore.

This would prevent the midwater trawlers from coming in closer to the beach and harvest the amount of herring that is close to shore that fish feed off of. This hurts the local economy because if the food source is not here for the tuna and striped bass these fish will leave and go further offshore where the smaller boats CANNOT go.

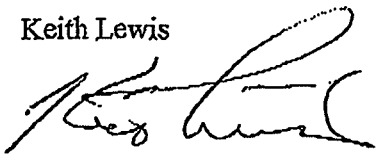
The midwater trawl boats are monster conglomerates. These are factory ships. They don't care about fishing. It's just business to them. They come in and deplete the food source with their big nets and wipe everything out.

We need to protect the Cape and all the small boats and small draggers.

Thank you for your consideration.

Sincerely,

Keith Lewis



RECEIVED
SEP 30 2015
NEW ENGLAND FISHERY MANAGEMENT COUNCIL

September 30, 2015

Dear NEFMC members,

My name is Matt Hamilton and have been crew for 8 years. I have fished for groundfish, skates, monk and dogfish. I am writing to express my concern about the midwater trawlers fishing off the backside of the Cape.

I feel there should be a 50 mile buffer zone year round for the "midwater" boats. Herring is the most important part of the Cape's ecosystem, and if we ever want to see the groundfish population return to what it once was, it has to start with protecting the herring. It's funny, the herring boats supposedly only tow the mid-water, but all of their nets have giant rollers for towing over hard-bottom. There are no rocks or hard bottom in the mid water.

I can remember times fishing off the backside of the Cape, when there were herring everywhere. The monkfish and codfish we were catching would be stuffed with herring and other baitfish. The next thing you know, 4 or 5 midwater boats would show up, and within a matter of days it was almost impossible to find any amount of bait to set our gear on. Coincidence, I think not. All the midwater boats do is travel around the ocean and vacuum up the most important part of any ecosystem, the bait. Not to mention all of the bycatch they catch, and kill.

I feel we must do something, like create a 12 month buffer 50 miles from shore to ensure there will be fish to catch off Cape Cod for years to come.

Thank you.

Sincerely,

Matt Hamilton

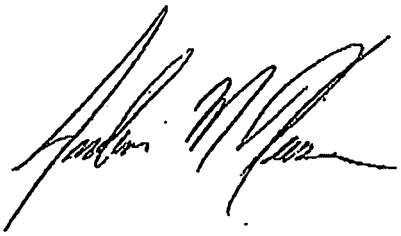
RECEIVED
SEP 30 2015
NEW ENGLAND FISHERY
MANAGEMENT COUNCIL

9/28/2015

Dear NEFMC members,

My name is Andrew Keese, captain of the F/V Miss Rockville, and I have been fishing for tuna, scallops and dogfish for 34 years. Ever since the midwater trawl fleet started fishing inshore of Cape Cod waters several years ago, I and other fishermen have noticed that the fishing has gone downhill. After the trawlers make a pass within a stone's throw from the beach, it becomes much harder to catch tuna, striped bass and other fish that used to be plentiful and easy to catch on rod and reel. I am concerned that these boats are depleting the resource that so many of our small-boat fishermen rely on. I think that the Council should strongly consider implementing a 50 mile buffer to keep our small boats a viable inshore fishery.

Thank you for your attention to this matter.



Andrew Keese, F/V Miss Rockville

RECEIVED
SEP 30 2015
NEW ENGLAND FISHERY MANAGEMENT COUNCIL

9/29/2015

Dear New England Fishery Management Council members,

My name is Bruce Kaminski, Captain of the Fishing Vessel Never Enough. For 40 years, I have witnessed many changes to the fisheries I depend on. Traditionally, I relied on entirely groundfish – cod, haddock, and pollock to name a few – to make a living. Now, dogfish is the mainstay of my fisheries, as groundfish is less abundant, and will continue to be as long as the midwater trawl fleet fishes on the backside of the Cape.

With pairs of these extra-large vessels towing gigantic nets in the nearshore, baitfish populations – herring – are decimated. So many small-boat fishermen on Cape Cod relied on that bait to feed the fish we used to catch. Until there are some prohibitions of these vessels from catching SO MUCH herring in the nearshore, groundfish stocks – not to mention countless other fish – will never recover.

I hope that the New England Fishery Management Council will take this issue seriously and push the midwater trawl fleet well offshore.

With best regards,

Bruce Kaminski

Bruce Kaminski, F/V Never Enough

RECEIVED
SEP 30 2015
NEW ENGLAND FISHERY MANAGEMENT COUNCIL

September 30, 2015

Dear members of the New England Fishery Management Council,

My name is Michael Anderson, Captain of the F/V Cricket, and I have been fishing for almost everything (Dogs, cod, etc.) for 45 years.

I believe that the bycatch of young groundfish from the mid water herring fleet is hurting any possible recovery of the stock.

I would like to see the midwater trawl fleet pushed 30 miles offshore for all 12 months of the year to protect recovery of groundfish.

Thank you for your time.

Sincerely,

Michael Anderson

RECEIVED
SEP 30 2015
NEW ENGLAND FISHERY MANAGEMENT COUNCIL

9/28/2015

Council members,

My name is James Eldredge, Captain of the F/V Yellowbird. For 30 years, I have fished for cod, dogfish and conch on Cape Cod. As a conch pot-fishermen, most of my catch comes from the backside of the Cape. Over the years, my fellow pot and trap fishermen have had significant gear interactions with the midwater trawl fleet, costing them valuable fishing time and money to recover lost gear, if it can be recovered at all.

With the re-scoping of amendment 8, now is an excellent time to consider creating an inshore buffer to prevent the inevitable gear conflict that occurs when midwater trawlers tow through the entire water column. I suggest a 35 mile buffer, which would reduce the incidence of interaction for many conch and lobster fishermen on Cape Cod.

Thank you.

J. D. Eldredge

James Eldredge

RECEIVED
SEP 30 2015
NEW ENGLAND FISHERY
MANAGEMENT COUNCIL

September 30, 2015

Dear NEFMC members,

My name is Christopher Ripa, Captain of the F/V Ocean Lady and I have been fishing for lobsters and groundfish for 32 years. I am writing to express my concern about the midwater trawlers fishing off the backside of the Cape.

The herring trawlers, fishing off the backside of Cape Cod, have caused me, and many other Lobstermen gear loses, over the past 10 years.

I also believe herring trawlers kill many under legal size "scrod-cod" from Nauset to The Deep –water Crab Ledge. This is where fish concentrate. During the fall, this is also where the Herring Trawlers fish heavily.

I would like to see the industrial herring fleet pushed 30 miles offshore year-round to protect Cape Cod fish stocks.

Thank you.

Sincerely,

Christopher Ripa

Christopher Ripa

RECEIVED
SEP 30 2015
NEW ENGLAND FISHERY
MANAGEMENT COUNCIL

September 30, 2015

Dear NEFMC members,

My name is Fred Bennett. I've been fishing for 45 years. I've fished for groundfish, scallops, etc.

We used to see herring inshore all the way to the Great South Channel at night. And also we had good Tuna fishing at the time. This is no coincidence. There is, without a doubt, less herring in our inshore waters.

I have been arguing to keep midwater trawlers away from Cape Cod for many, many years. I have seen nothing done -politics and business negotiations as usual. Look what we've done to the cod. Everything requires baitfish. We need to stop letting our fish stocks collapse. By allowing midwater trawlers to come close to our shores we are just continuing to hurt our fisheries.

I would like to see a 50 mile buffer that extends from shore to protect the little fish we have left.

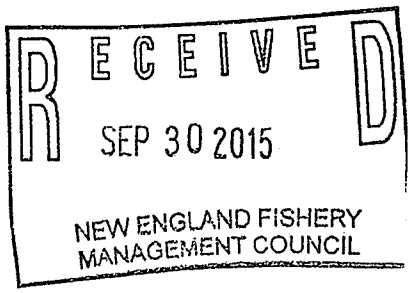
Thank you for your consideration.

Sincerely,

Fred Bennett

Sherie Goutier

From: daniel Haq <dhaq67@gmail.com>
Sent: Wednesday, September 30, 2015 10:45 AM
To: comments
Subject: Midwater Herring Trawlers



Thomas Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Re: Herring Amendment 8 Re-Scoping comments

Dear Tom,

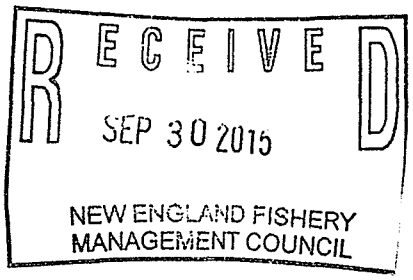
As a fisherman, I have seen the negative impacts caused by midwater to the herring resource all too clearly. Each year when they are let back into the inshore areas of the Gulf of Maine on October 1st, they fish relentlessly and drive the tuna and other stocks out of the area. They also fish hard off of the beaches of Cape Cod and Rhode Island, causing problems in those area too. Wherever they go, the midwater trawlers disrupt the forage aggregations and, as a result, the fisheries on predator stocks that rely on that forage. This gear cannot coexist with other fisheries. It catches too much, too fast, and throughout the water column.

The Council should use Amendment 8 to remove these boats from the inshore areas for good. A year round, inshore buffer zone should exist throughout New England. Until this is done, the health of our inshore resources will continue to suffer.

Thanks,
Daniel Haq

Sherie Goutier

From: Doug Lanois <dlanois@tremontcapital.com>
Sent: Wednesday, September 30, 2015 2:16 PM
To: comments
Subject: Amendment 8 Scoping Comments



Mr. Thomas Nies
Executive Director
New England Fishery Management Council
50 Water Street #2
Newburyport, MA 01950

Dear Tom,

As a fisherman, I have seen the negative impacts caused by midwater to the herring resource all too clearly. Each year when they are let back into the inshore areas of the Gulf of Maine on October 1st, they fish relentlessly and drive the tuna and other stocks out of the area. They also fish hard off of the beaches of Cape Cod and Rhode Island, causing problems in those area too. Wherever they go, the midwater trawlers disrupt the forage aggregations and, as a result, the fisheries on predator stocks that rely on that forage. This gear cannot coexist with other fisheries. It catches too much, too fast, and throughout the water column.

The Council should use Amendment 8 to remove these boats from the inshore areas for good. A year round, inshore buffer zone should exist throughout New England. Until this is done, the health of our inshore resources will continue to suffer.

Thanks,

Best regards,

Doug Lanois
Recreational Fisherman
66 Homestead Cir
Hamilton MA 01982

RECEIVED
SEP 30 2015
NEW ENGLAND FISHERY
MANAGEMENT COUNCIL

September 25, 2015

To: Thomas Nies, Executive Director
New England Fisheries Management Council
50 Water Street, Mill #2
Newburyport, MA 01950
Fax: (978) 465-3116

From: Edward P. Ames
Penobscot East Resource Center
Stonington, ME 04681
FAX (207) 367-2680

RE: Atlantic Herring Amendment 8 Scoping Comments

Dear Tom:

I have enclosed my comments to the Atlantic Herring Amendment 8 Scoping Document. Thank you and the NEFMC for the opportunity to share my thoughts and concerns regarding the issues confronting management of Atlantic herring stocks.

Sincerely,

Ted Ames

Edward P. Ames
Penobscot East Resource Center
PO Box 27, 13 Atlantic Avenue, Stonington, ME 04681;
[redacted]
W (207) 367-2708; FAX (207) 367-2680

Comments of Edward (Ted) Ames to the
Amendment 8 (Herring) Scoping Document

Thank you for the opportunity to comment on the Amendment 8 herring scoping document. As a researcher and former commercial groundfish fisherman, the role of Atlantic herring seems particularly clear. Herring functions as a keystone prey species in the biological and ecological systems of the Gulf of Maine (GOM). Atlantic herring are a critically important prey for fish populations and seabirds along the New England's coastal shelf. Of New England's three historically important prey species (herring, menhaden and river herring), only Atlantic herring are plentiful enough to fill that role. Because of that, their continued abundance in the GOM must pre-empt the desire to increase Atlantic herring landings to avoid doing serious damage to GOM ecosystems.

Allowing Atlantic herring stocks to be overfished by up to 50% above F_{MSY} as proposed in the scoping document seems unacceptably risky and fails to address the fishery's long-term sustainability. An ABC CR should contribute to preserving the within-species diversity of herring by reducing the exposure of local spawning groups to intense fishing pressure. Though juvenile numbers are high today, there appears to be an ongoing reduction in the number of active Atlantic herring spawning sites along the New England coast. That reduction coincides with the introduction of today's large-scale harvesting technology and suggests the current approach is degrading reproductive redundancy and the viability of smaller Atlantic herring spawning sites.

Reducing the number of local reproductive sites used by Atlantic herring directly affects the viability of other GOM fisheries. The greater GOM ecosystem is composed of many smaller subsystems. The subsystems located along the relatively narrow nearshore management area of Herring Management Area 1A are especially important because they are the only locations in the GOM where many commercially important predator species like cod and haddock, reproduce. The interactions of such species with herring and similar prey occupying nearshore subsystems, dictate how large or productive a given local stock becomes. The sum of functional population subunits in New England is responsible for the great productivity of past GOM fisheries. Lacking adequate numbers of Atlantic herring and/or similar prey, their spawning sites are abandoned and the nearshore subsystems collapse... along with the fishery.

Central to ensuring a broad recovery of GOM stocks requires that the productivity of local Atlantic herring spawning groups in nearshore subsystems is sufficient to sustain local reproduction by the suite of depleted marine and avian predator species native to Area 1A and coastal GOM.

When accounting for the role of Atlantic herring in the ecosystem while developing the ABC controls, consider these three points:

- Abundant stocks of Atlantic herring are essential prey needed for the recovery of many commercial stocks, recreational species, endangered species and seabirds.
- Intense fishing pressure can disrupt Atlantic herring migrations and this greatly affects the movements of predator species.

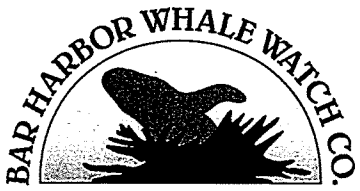
- To ignore the ecological relationships associated between Atlantic herring and the myriad of other marine species by causing Atlantic herring stocks to decline would unnecessarily jeopardize the productivity and stability of the entire GOM ecosystem.

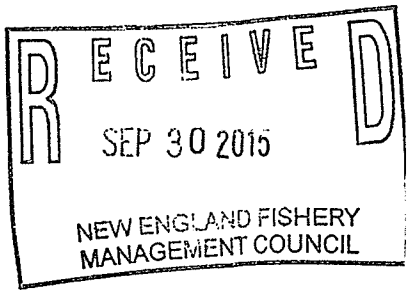
The following three suggestions should be considered for including with ABC control rules for Atlantic herring:

- Require 100% observer coverage on all mid-water trawlers and require all tows be sampled.
- Require that owners of mid-water trawlers pay for all observer costs.
- Consider creating more local spawning closures for Atlantic herring in Area 1A to reduce pulse fishing of pre-spawning bodies of Atlantic herring in Area 1A.

Two constructive tradeoffs the council should consider to supplement or replace ABC control measures:

- Restrict the fishery in Herring Management Area 1A to purse seining and stop seining only. This would reduce local depletions of herring spawning groups, reduce gear conflicts and bycatch.
- Reduce a portion of the ABC of Atlantic herring from Herring Management Area 1A to enhance local reproduction and simultaneously increase local prey abundance in nearshore subsystems.





Thomas A. Nies,
Executive Director,
New England Fishery Management Council,
50 Water Street, Mill 2,
Newburyport, MA 01950

Terry Stockwell
Director of External Affairs
Maine Department of Marine Resources
21 State House Station
Augusta, ME 04333-0021

RE: Supplemental notice of intent (NOI) to prepare an environmental impact statement (EIS); request for comments for localized depletion in inshore waters.

Dear Tom and Terry,

Bar Harbor Whale Watch company is concerned about the abundance and health of Atlantic Herring and the way that the fishery is pursued. Annually we take over 100,000 people on boat tours and 50,000 whale watching. Our business and passengers care about whales, seabirds, and wildlife that we see on our tours. Likewise we/they are concerned about fisheries and wildlife by catch in the midwater and pair trawl herring fishery and that the council maintain a fiduciary and ethical responsibility in managing our federal marine resources for all.

We would like to see the following measures considered in Amendment 8:

1. 100% industry funded observer coverage in are 1A on midwater and pair trawl boats only between Oct 1 and December 31 and on all RSA trips. We need to document the impact of localized depletion in 1A outside of the summer season.

2. That the industry funded fisheries observers keep records of marine mammals, seabird, tuna, and marine life - all abundance and species - when trawling for herring is underway as a way to consider the impact of this method of fishing on localized depletion. We need information.

3. That all tows must be brought to the surface for inspection before, excess herring, dogfish or any bycatch in the cod end our dumped. If we are ever going to truly understand localized depletion we know to know what is caught in every tow.

4. That a closure go into effect in areas 1B, 2, and 3 from shore to 50 miles out that bans midwater and pair trawl fishing for herring. These areas are going to continue to experience localized depletion unless a buffer zone is put in place against this fishing method.

5. That more research money be dedicated to identifying Atlantic Herring stock structures. This is an important consideration in managing against localized depletion.

Thank you for your time and consideration.

Zack Klyver
Bar Harbor Whale Watch Co.
CHOIR

Sherie Goutier

From: comments
Subject: FW: Amendment 8 Scoping Comments - Herring

RECEIVED
SEP 30 2015
NEW ENGLAND FISHERY MANAGEMENT COUNCIL

From: harborman@optonline.net [mailto:harborman@optonline.net]
Sent: Wednesday, September 30, 2015 4:09 PM
To: comments
Cc: Tim Tower; 'Monty Hawkins'
Subject: Amendment 8 Scoping Comments - Herring

Mr. Tom
Nies

September 30, 2015

Executive Director
New England Fishery Management Council
50 Water Street #2
Newburyport, MA 01950

Subject: Amendment 8 Scoping Comments

Dear Tom,

One continues to wonder what it takes for the New England Fishery Management Council to make significant changes in its management policies and the way forage fish in particularly herring, are harvested within the Gulf of Maine and Georges Bank. It has not only been tragic for both the fish and also fishermen, but as much sadly farcical in how the NEFMC has for the last quarter of a century allowed a fishery harvesting practice "mid-water trawling", to not only get a foothold, but continue during a time when we have the documented lowest biomass of codfish in New England and no timetable of successful rebuilding the stock during of our lifetime. Doesn't the NEFMC learn from recent history on how the impact of just one fishery, has consequential rippling effects to others in not only just one area of the ocean, but the ecosystem from all points along the New England coastline?

Where does one start when we look at one of the most efficient fishery method, with state of the art vessels, using the latest information and technology in targeting one of the most essential forage fish on the Atlantic coast? Wouldn't that be akin, figuratively speaking, of using an elephant gun to kill flies? Yes it does raise eyebrows in using this type of descriptive language, but we have seen the aftermath when a mid-water vessels works an area off the New England coast, and literally the death zone left and what a few fishermen I know have called a "lifeless void in the ocean" after this particular fishing activity is completed in that area.

What is left...for any other fishing operation, be it for-hire or recreational angler, or for that matter, other commercial fishermen?

We are at period of time in our country where people are closely revisiting and examining events in history, and how they could have or have not changed the course of events within America. Here we look at one particular fishery, which operates far offshore from the eyes of the American public, yet its impact has been so substantial to the well-being of sustainable fish stocks, fishing families, and as much, the economic viability of coastal communities and businesses that rely upon fishing related activities, whether in the commercial or recreational realm.

Some would ask, is it necessary or better yet "essential" to continue such a devastating fishery practice when most fishermen in the New England region will agree that there is a more ecologically appropriate method to go about harvesting forage species such as herring? There is and a fishing gear type whose roots go back to the traditional fishing methods in New England, "seining" which by design, and in distinct contrast to mid-water trawling is much more selective and provides the fishermen with greater control in what he does catch and ultimately harvest. More so, the biological impact to schooling fish such as herring is greatly minimized.

Further in emphasizing this point, why do fishermen on the New England Council as well as fishery managers in the region continue to allow a fishery practice that has been documented to wipe out whole schools of herring, with little if any significant amount of escaping during mid-water trawling. Would fishery managers in other regional councils allow this to happen to fisheries in which they manage and hold sway over, either pelagic or benthic (bottom) species, where a specific gear type is so efficient...so encompassing in the effectiveness in what it can catch?

It is highly doubtful or as much, improbable as we come to see in both the daily and weekly fishery news releases where fishery managers with the support of their technical committee are now so proactive that they urge "cautionary management approaches" or "risk aversion" and even "the elimination in the probability of a fishing activity to have an substantial impact on not only the fishery, but the environment in which that fishery is conducted in."

So what have we learned from the devastating ecological and biological impact of mid-water trawling and how can we make immediate solutions to the problem:

1. *The creation of a 35 nautical mile buffer zone which would be free of and exclude mid-water herring trawling from southern New England, around Cape Cod, MA. and extending north and eastward along the coast of Maine to the Hague Line.*
2. *The 35 nautical mile buffer zone would be in effect throughout the calendar year, with no exceptions or special exemptions by the NEFMC.*
3. *Transitioning herring landings from mid-water trawling to seining.*

The defenders of mid-water trawling will dig in and advance their argument on how "clean" their fishery is. Yet at a time where we have the greatest turmoil within our ground fisheries in the Gulf of Maine and on Georges Bank, the death spiral that has resulted in the Gulf of Maine codfish biomass is neither being helped, and in fact lessened by mid-water trawling which wipes out localized populations of herring.

There is also the issue of the noticeable "bycatch" of haddock, a groundfish stock which was so severely depleted for years and recently rebuilt over the last decade. Here one questions a fishery practice, that of mid-water trawling which lessens the "inherent value" of the more economically important groundfish stocks in order to catch herring, which could be caught in a more ecologically manner in seining. Does that

make sense on any level...haven't we learned anything with the sacrifices made by fishermen in rebuilding a number of fish stocks since the time mid-water trawling started in New England?

In closing, one could say "does it really matter" and take no action and continue with what we call the "same old, same old", and just hope that by some Devine intervention other more important fish stocks ranging from groundfish to tuna will rebuild, and as much birds and other mammals will not be effected by continuing with the same regulatory environment as it pertains to the mid-water trawlers. Having been a fishermen who has regularly attended and reported on fishery meetings over the years, we have personally witnessed the impact to fishermen and their families as well as our communities where longtime fishing businesses are forced out of business....and for what, a small group within the mid-water trawling fleet that are effecting the well-being and livelihood of so many others?

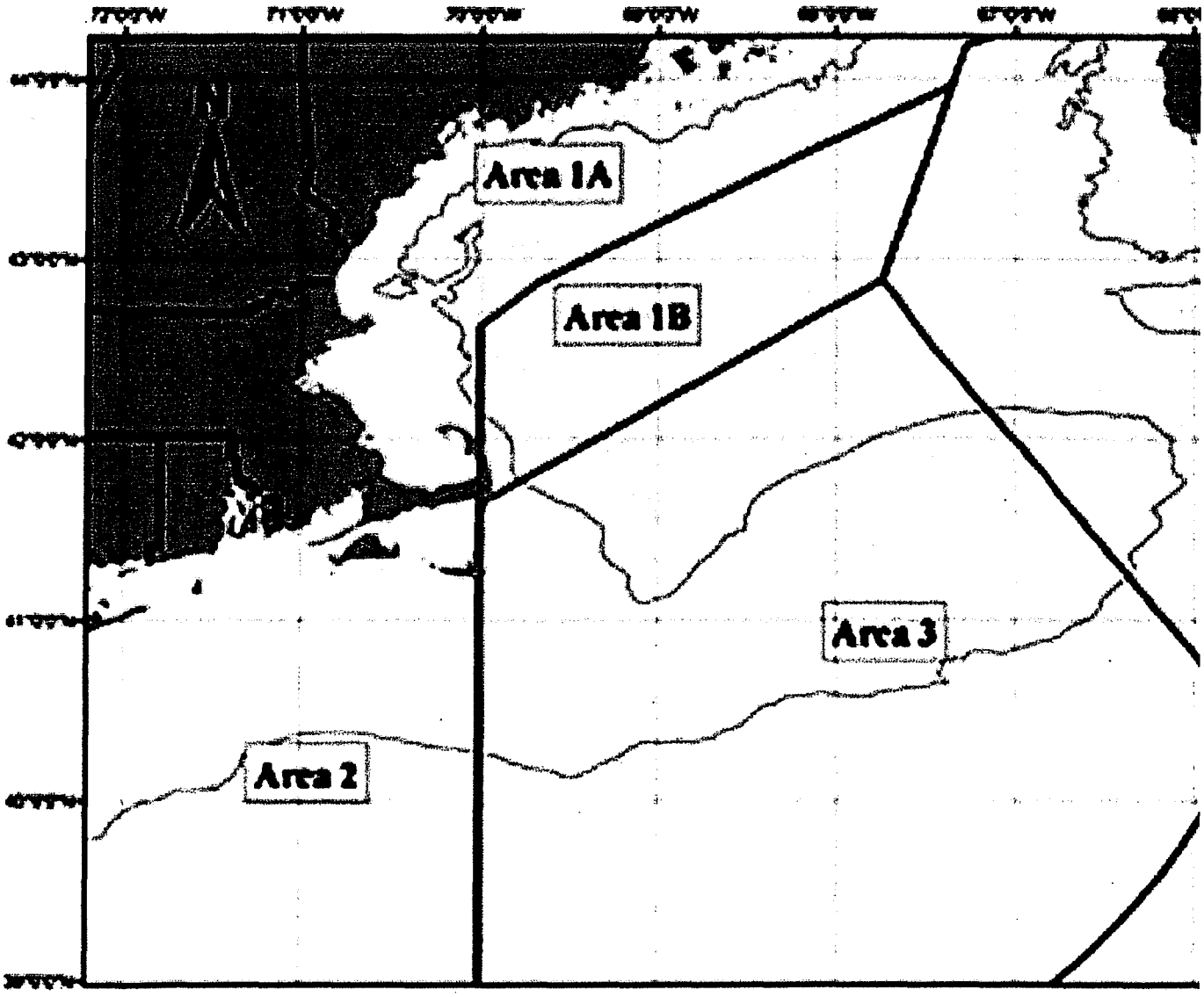
I believe this issue is too important for me to talk about myself...what I have done in fishing over the decades, whether hand gear commercial fishing, for-hire or recreational fishing, or years spent in marine law enforcement. It is more important to focus with laser-beam attention to the devastating impact of mid-water trawling, and it is not about holding politically ideological views on this issue or being an zealot with any environmental cause. It is about being practical and forward looking about a fishery practice that we full well know severely impacts the recovery of the backbone of the groundfish industry, codfish.

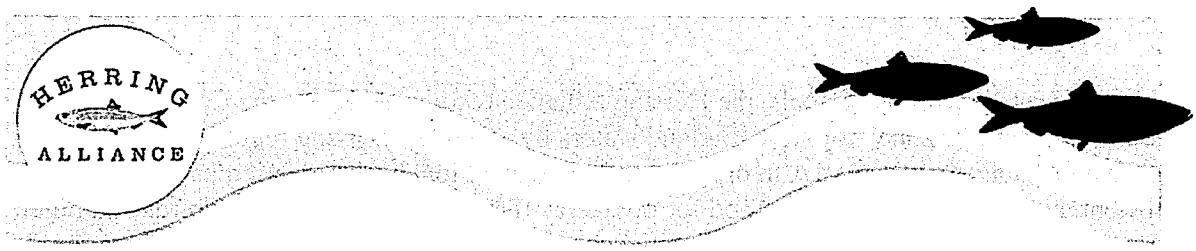
I do hope you consider the implications of any decision which does not make a decisive change in what mid-water trawling is doing to our fisheries and as much the ecosystem In New England.

Respectfully and for your consideration,

EC Newellman
FISHING UNITED.COM

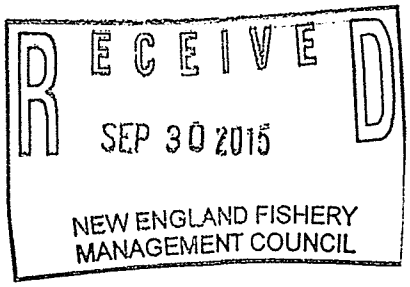
1920 51st Street
Brooklyn, New York
11204-1338


Area 1A
Area 1B
Area 3
Area 2



September 30, 2015

Thomas A. Nies
Executive Director
New England Fishery Management Council
50 Water Street, Mill #2
Newburyport, MA 01950



RE: Supplemental Scoping on Atlantic Herring Amendment 8

Dear Mr. Nies:

We are writing on behalf of the Herring Alliance[1] regarding the New England Fishery Management Council's (Council) Supplemental Notice of Intent to Prepare an EIS and Initiate Scoping for Amendment 8 to the Atlantic Herring Fishery Management Plan (Amendment 8).[2] During prior scoping for Amendment 8, the Herring Alliance, other members of the public, and recreational and commercial fishermen commented on the need for comprehensive spatial and temporal management of the herring resource throughout its range to guard against ecological harms related to localized depletion.[3]

At its June 2015 meeting, the Council voted to more explicitly address localized depletion of herring in inshore waters as part of Amendment 8, adopting the following three goals:

1) Account for the role of herring within the ecosystem, including its role as forage;
2) Stabilize the fishery at a level designed to achieve optimum yield; and
3) Address localized depletion in inshore waters.

The Herring Alliance supports these goals and the Council's intent to address localized depletion in this fishery in order to help ensure adequate forage for herring-dependent predators, which will benefit not just the ecosystem but also recreational and commercial fishing businesses and coastal tourism.

[1] The Herring Alliance includes 110 organizations representing nearly 2.5 million individuals. We are concerned about the Atlantic coast's forage fish, including the stocks managed in the Atlantic Herring FMP and the impacts of forage fish fisheries on the ecosystem through food web depletion and bycatch of non-target species.
[2] *See* Supplemental NOI to Prepare an EIS and Request for Comments, 80 Fed. Reg. 50825 (Aug. 21, 2015).
[3] April 30, 2015 Letter from Herring Alliance to Thomas Nies re: Atlantic Herring Amendment 8 Scoping Comments

Consistent with these goals, the Herring Alliance recommends that the Council establish a year-round "buffer zone" for New England waters by extended existing regulations for fishing in Herring Management Area 1A in order to protect against localized depletion and provide sufficient availability of herring as food for predatory fish, marine mammals, seabirds and other ocean wildlife. Specifically, the Herring Alliance recommends the following alternatives for development and analysis in Amendment 8:

1) Extend the current Purse Seine/Fixed Gear Only area in Herring Management Area 1A (which extends from June 1 - September 30) to a year round Purse-Seine/Fixed Gear (PS/FG) Only Area; and
2) Create a new year-round PS/FG area applying the same regulatory requirements extending 50 nautical miles from the shoreline in waters adjacent to Massachusetts, Rhode Island and Connecticut (Herring Management Areas 1B, 2 and 3) (see Figure 1).

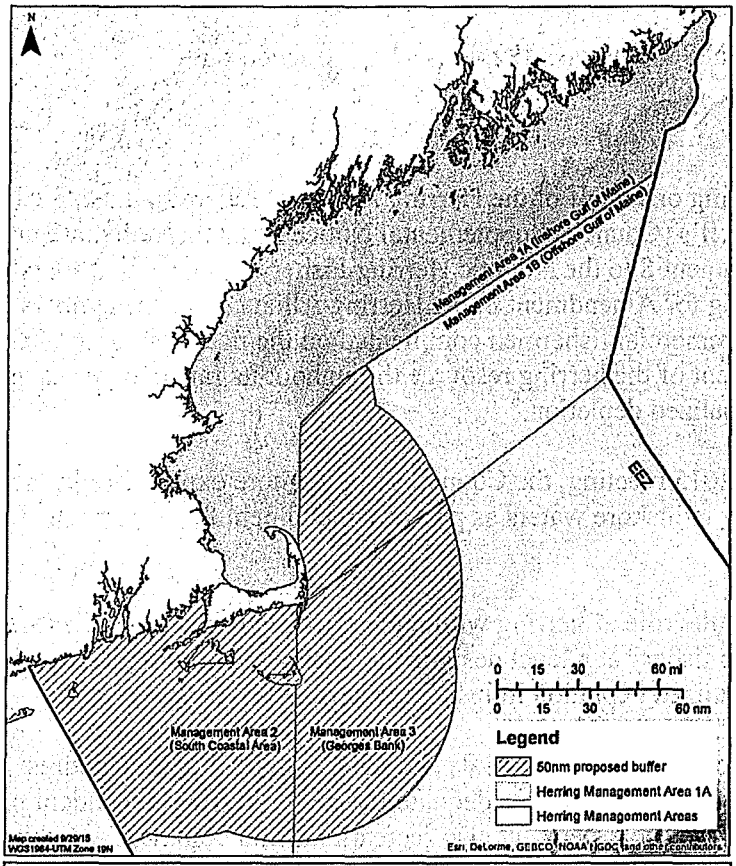


Figure 1. Proposed buffer zone boundary (green-hatched) shown together with existing purse seine/fixed gear only area (pink).

An analysis of the public comments received to date conducted by the Herring Plan Development Team (PDT) concluded that "localized depletion [was] viewed as one of the most compelling current problems in herring management," and was raised in 37-percent of the

comments received.[4] Of the 184 people the PDT recognized as commenting, 73 discussed "spatial or temporal localized depletion" and 56 asked the Council to "protect spatial and temporal availability of herring."[5] Convincing as this analysis of support is, however, it failed to accurately account for the full depth of support for addressing localized depletion through spatial and temporal management. There were, in fact, an additional 24,126 additional people who commented in support of protecting herring populations when and where they are needed by predators, however, these comments were inappropriately discounted in the analysis because the commenter's letters were judged to be similar or identical to other comments. The Council must change its analysis to accurately include these comments in a revised public comment analysis. The comments must be tallied as individual letters and included in the percentages of letters that raise the various issues identified through scoping for Amendment 8 -- each of these comments are from individual people who chose to sign and submit a letter addressing issues relevant to Amendment 8. The analysis should also note that 2,329 of these comment letters included unique comments that went beyond signing a model letter. This public opinion must be analyzed and presented to the Council for consideration in its decision-making.

Amendment 8 Should Implement a Year-Round Buffer Zone that Prevents Industrial Midwater Trawl Gear in Nearshore Waters

In 2007, the Council decided it would take a precautionary approach to managing the herring fishery in the inshore Gulf of Maine by establishing the purse seine/fixed gear only area in Atlantic Herring Management Area 1A.[6] This measure has been successful in preventing concentrated midwater trawl fishing effort during the summer months each year (June to September). Covering approximately 13,400 square miles and extending approximately 30-50 nautical miles from the shoreline, this closure serves to protect an important seasonal feeding area for whales, bluefin tuna, seabirds and other predators.

The Council's rationale for establishing the PS/FG Only Area was to address widespread concerns about the status of the inshore Atlantic herring stock component, the potential impacts of concentrated midwater trawl fishing effort resulting in localized depletion of this resource, and to maintain the health of the herring resource given its role in the ecosystem and the importance of the inshore area to the fishery.[7] Based on these concerns the Council concluded that "a precautionary approach to managing the herring fishery in the inshore Gulf of Maine is warranted," and recommended to NOAA Fisheries that midwater trawl effort be restricted in the inshore areas of the Gulf of Maine during the summer months each year.

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[4] *See* Draft Analysis of Am. 8 Public Scoping Comments presented at September 1, 2015 Herring PDT meeting.
[5] *Id.*
[6] The key regulation for this area is as follows 50 C.F.R. §648.202: "Season and area restrictions.
(a) *Purse Seine/Fixed Gear Only Area.* Vessels fishing for Atlantic herring may not use, deploy, or fish with midwater trawl gear in Area 1A from June 1 September 30 of each fishing year. A limited access herring vessel with midwater trawl gear on board may transit Area 1A from June 1-September 30, provided such midwater trawl gear is stowed and not available for immediate use as defined in §648.2. Vessels may use any authorized gear type to harvest herring in Area 1A from October 1 - May 31."
[7] *See* Amendment 1 to the Atlantic Herring FMP, pp. 93-99.

Amendment 8 should expand upon this protection by developing and adopting the following alternatives:

1) Extend the current PS/FG Only Area in Herring Management Area 1A to a year round PS/FG Only Area; and
2) Create a new year-round PS/FG area applying the same regulatory requirements extending 50 nautical miles from the shoreline, in waters adjacent to Massachusetts, Rhode Island and Connecticut (Herring Management Areas 1B, 2 and 3) (see Figure 1).

These measures will help protect the ecological role of Atlantic herring by safeguarding against localized depletion, ensuring the availability of food for predators. It is also likely to benefit the Atlantic herring fishery, the larger ecosystem, and other herring-dependent user groups in the same fashion as the inshore purse seine/fixed-gear only area. The proposed coast-wide buffer offers the most effective solution for meeting the goals and objectives of this amendment related to localized depletion and accounting for herring's role in the ecosystem as forage, while offering many other conservation benefits, which are discussed in more detail below.

Benefits of a Year Round Midwater Trawl Buffer Zone

Protection for spawning Atlantic herring: Protection of spawning grounds, including areas that have been important historically, is essential to the long-term health of the herring resource, dependent fisheries, as well as the variety of ocean wildlife that rely on them as a source of food. Herring form shoals during site-specific spawning behavior. In some cases, these shoals are vast, making them especially vulnerable to high-volume fishing. Not only are aggregated adults especially vulnerable to fishing during spawning, but so too are their eggs, which form dense mats on the seabed where they develop over a period of time ranging from 6 to 40 days (time to hatching being dependent upon temperature).[8] Any gears that contact the bottom, particularly mobile gears such as midwater trawl, will disturb the eggs.[9]

According to the draft environmental impact statement for the Omnibus Habitat Amendment (OHA2), Atlantic herring spawn from spring to fall with major spawning occurring from July to November in the Georges Bank/Nantucket Shoals area, and from August to December in the Gulf of Maine.[10] A year round buffer would also allow for natural variability in spawning behavior, recognizing that climate change will magnify the uncertainties about when fish will spawn. To be truly effective the Council should extend the buffer zone to year round and prevent midwater trawlers from fishing in Herring Management Area 1A in the late fall under available quota (including research set aside quota), interfering with spawning fish, and largely negating other fishing efforts through localized depletion.

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[8] Collette BB, Klein-MacPhee G (2002) Bigelow and Schroeder's Fishes of the Gulf of Maine, 3rd edition, Smithsonian Institution Press, Washington. Page 150.

[9] Though nominally designed for pelagic fishing, bottom fishing by midwater trawls used for Atlantic herring has been documented repeatedly, most recently in Amendment 5 to the Atlantic Herring FMP. *See* Amendment 5 FEIS Vol. I at pp. ix, 226 ("midwater trawls and purse seines do occasionally contact the seafloor, and particularly in certain areas and at certain times of year when adult herring form pre-spawning aggregations near the bottom, these gears may adversely impact benthic habitats utilized by a number of federally-managed species, including EFH for Atlantic herring eggs.").

[10] *See* Omnibus Habitat Amendment 2 DEIS, Appendix. B pp. 94-95; also DEIS Vol. 2, p. 72.

The Atlantic Herring FMP currently manages herring as a single population, but scientists recognize that there are distinct inshore and offshore spawning components.[11] Two decades ago, the Atlantic States Marine Fisheries Commission adopted a series of area closures to provide protection for spawning herring in the inshore Gulf of Maine during summer and fall. Similar protections are lacking in important areas of Georges Bank and Nantucket Shoals. The protection of all spawning components is critical to the successful management and sustainability of Atlantic herring. For example, in the 1970s the Georges Bank component collapsed due to intensive fishing on spawning aggregations by foreign trawl fleets. Research suggests the recovery of the population was fueled in part by increased spawning in neighboring Nantucket Shoals.[12]

The proposed buffer zone will afford stronger protections for Atlantic herring throughout its reproductive seasons, including protection of pre-spawning aggregations, spawning fish, and developing eggs. Importantly, the buffer would incorporate currently unprotected spawning grounds on Nantucket Shoals (Figure 2).[13] Also, by extending the existing purse seine/fixed gear only area to a year round closure, current spawning protections in the inshore Gulf of Maine will be strengthened.

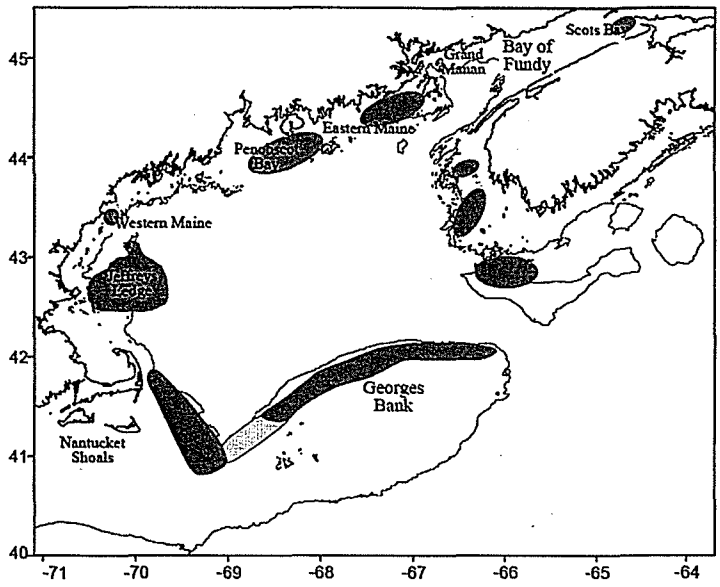

Figure 2. Generalized view of the current major herring spawning areas in the Gulf of Maine and on Georges Bank. (Overholtz 2004)

Protection of Inshore Essential Fish Habitat (EFH): Herring play a major role in the Northwest Atlantic shelf ecosystem, serving as prey for many of the region's most prized fish, including cod, haddock and bluefin tuna. Atlantic herring are of critical importance to the biology of Atlantic cod, and the relationship between the migration and spawning of Atlantic cod

[11] Stevenson DK, Scott ML (2005) Essential fish habitat source document: Atlantic herring, Clupea harengus, life history and habitat characteristics (2nd edition). NOAA Tech Memo NMFS NE 192; 84 p.; McQuinn, I. H. (1997). Metapopulations and the Atlantic Herring. Rev. Fish Biol. Fish. 7:297-329.

[12] Petitgas et al. (2010). Stock collapses and their recovery: mechanisms that establish and maintain life-cycle closure in space and time. – ICES Journal of Marine Science, 67: 1841–1848; Stevenson DK, Scott ML (2005) Essential fish habitat source document: Atlantic herring, Clupea harengus, life history and habitat characteristics (2nd edition). NOAA Tech Memo NMFS NE 192; 84 p

[13] Overholtz et al. (2004) Stock Assessment of the Gulf of Maine - Georges Bank Atlantic Herring Complex, 2003. Northeast Fisheries Science Center Reference Document 04-06.

and the availability of herring has been well described in the scientific literature.[14] A recent study in the Proceedings of the National Academies of Sciences showed that not only are adult herring vital as food for cod and other groundfish, but their eggs and larvae are a major source of food for haddock.[15]

Federal fisheries law requires managers to protect EFH for all managed species including managed prey species like herring. As part of the Omnibus Habitat Amendment 2 (OHA2), the Council updated its EFH designations for all of species managed under its jurisdiction, including maps that show the individual life history stages for each species. Figure 3 shows a combined mapping of the current herring EFH designations,[16] the vast majority of which are located within 50 miles of the New England coast.

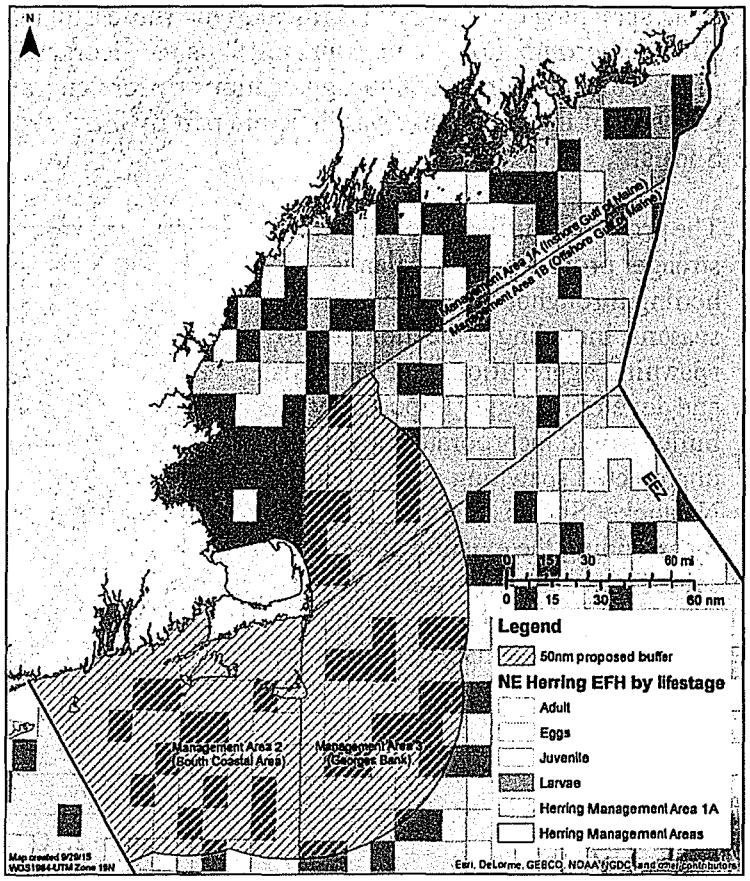

Figure 3. Proposed buffer zone (green-hatched) shown in relation to current Atlantic herring EFH designations.

Protection of foraging hotspots for herring-dependent seabirds and marine mammals: As discussed above, Atlantic herring play important role in the ecosystem, providing a major source

[14] Richardson DE *et al.* (2014). The influence of forage fish abundance on the aggregation of Gulf of Maine Atlantic cod (*Gadus morhua*) and their catchability in the fishery. Can. J. Fish. Aquat. Sci. 71: 1349–62; Gulf of Maine Atlantic Cod (*Gadus Morhua*) Stock Assessment For 2012, Updated Through 2011. 55th SAW Assessment Report. Northeast Fisheries Science Center Reference Document 13-11; Ames EP (2010) Multispecies Coastal Shelf Recovery Plan: A Collaborative, Ecosystem-Based Approach. Marine and Coastal Fisheries: Dynamics, Management, and Ecosystem Science 2:217–231.

[15] Richardson et al. (2011) Role of egg predation by haddock in the decline of an Atlantic herring population. Proceedings of the National Academy of Sciences, 108 (33):13606-13611.

[16] The appended map is based upon the EFH designations for Atlantic herring as described in the original EFH Amendment. *See* NOAA Fisheries, EFH Text Descriptions & GIS Data Inventory. Available at: http://www.habitat.noaa.gov/protection/efh/newInv/index.html.

food large number of predators, which include marine mammals such as whales,[17] and numerous species of seabirds.[18] Studies have shown that declined prey availability can result in population declines and reduced reproductive success of dependent predators.[19] Seabirds are particularly vulnerable to reductions in food availability, especially during breeding because foraging trips are constrained by the need to return to nests to feed young. For example, in the Gulf of Maine, reduced availability of Atlantic herring has been linked to decreased survival in Atlantic puffins[20] as well as breeding failures and colony abandonment in both Arctic and common terns.[21]

The protection of foraging areas is well recognized as an effective strategy for the conservation of spatially restricted foragers like seabirds. There are a number of examples around the world where protective measures have been put in place to limit fishing in order to minimize impacts of localized depletion and promote successful foraging and reproduction.[22] For example, in Alaska, no trawl buffer zones of up to 20 nautical miles around Steller sea lion rookeries and haul outs have been established to protect sea lions from potential competition for prey.[23]

Over 500,000 pairs of 25 marine bird species are found in the Gulf of Maine/Mid-Atlantic Bight region and non-breeding individuals number in the millions.[24] In the Gulf of Maine, about 7,000 pairs of Atlantic puffins nest on five islands: Machias Seal Island, Petit

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[17] Maps showing recent sightings of marine mammals in the region are available as part of the most recent stock assessments available at: http://www.nmfs.noaa.gov/pr/sars/species.htm.

[18] Kenny et al. (1997) Estimates of prey consumption and trophic impacts of cetaceans in the USA northeast continental shelf ecosystem. Journal Northwest Atlantic Fisheries Science, 22: 155–171.,, Overholtz and Link (2007) Consumption impacts by marine mammals, fish, and seabirds on the Gulf of Maine-Georges Bank Atlantic Herring (Clupea harengus) complex during 1977-2002. ICES J. Mar. Sci. 64:83-96.

[19] Cury et al., 2011. Global Seabird Response to Forage Fish Depletion—One-Third for the Birds. Science 334:1703-5; Breton et al. 2014. Annual survival of adult Atlantic puffins *Fratercula arctica* is positively correlated with Herring *Clupea harengus* availability. Ibis (2014) **156**: 35-47; Frederiksen M, et al (2004) The role of industrial fisheries and oceanographic change in the decline of North Sea black-legged kittiwakes. J Appl Ecol 41: 1129–1139; Paredes R, et al. (2012) Proximity to multiple foraging habitats enhances seabirds' resilience to local food shortages. Mar Ecol Prog Ser 471: 253–269; Frederiksen, M., et al. 2008. Differential effects of a local industrial sand lance fishery on seabird breeding performance. Ecological Applications 18:70710; DeMaster, D.P., et al. 2001. Predation and competition: The impact of fisheries on marine-mammal populations over the next one hundred years. Journal of Mammalogy 82:641-651. Matthiopoulos, J., S. et al (2008) Getting beneath the surface of marine mammal-fisheries competition. Mammal Review 38(2-3):167-188; Bearzi, G., S. et al. (2008) Overfishing and the disappearance of short-beaked common dolphins from western Greece. Endangered Species Research 5:1-12.

[20] Breton et al. 2014. Annual survival of adult Atlantic puffins *Fratercula arctica* is positively correlated with Herring *Clupea harengus* availability. Ibis (2014) **156**: 35-47.

[21] Gaston et al (2009) Changes in Canadian seabird populations and ecology since 1970 in relation to changes in oceanography and food webs. Environ. Rev. 17: 267–286.

[22] Witherell et al. (2000) An ecosystem-based approach for Alaska groundfish fisheries.ICES Journal of Marine Science, 57: 771; Thaxter et al. (2012) Seabird Foraging Ranges as a Preliminary Tool for Identifying Candidate Marine Protected Areas. Biological Conservation 156: 53-61. Pichegru et al. (2012). Industrial Fishing, No-Take Zones and Endangered Penguins. Biological Conservation 156: 117–25; Ludynia et al. (2012) The Namibian Islands' Marine Protected Area: using seabird tracking data to define boundaries and assess their adequacy. Biological Conservation. 156, 136-145.

[23] NOAA Fisheries, Steller Sea Lion Protection Measures, available at: https://alaskafisheries.noaa.gov/sustainablefisheries/sslpm/.

[24] Nisbet et al. 2013. Marine Birds of the Eastern USA and the Bay of Fundy: Distribution, Numbers, Trends, Threats and Management. Nuttall Ornithological Monographs #29: 1-188.

Manan Island, Seal Island, Matinicus Rock, and Eastern Egg Rock.[25] Recent research on the foraging habits of puffins revealed foraging ranges of approximately 13.5 nm (25 km) from the nesting colony (Figure 4), [26] but they may range as far as 27 to 54 nm (50-100 km).[27] Major nesting locations for roseate (a federally endangered species) and common terns are located off the coast of Massachusetts on Bird, Ram and Penikese Islands, which support one the largest tern populations on the Atlantic coast. Another key nesting site is Monomoy Island, which provides important habitat for roseate terns and supports the second largest nesting colony of common terns on the Atlantic seaboard. Terns feed primarily on forage fish, including Atlantic herring, and have been reported foraging 11 to 16 nm (20-30 km) away from breeding colonies (Figure 4).[28]

Prohibiting high-volume, industrial midwater trawling within the proposed zone will protect critical foraging areas from localized depletion while allowing seabirds, whales and other marine wildlife to flourish.

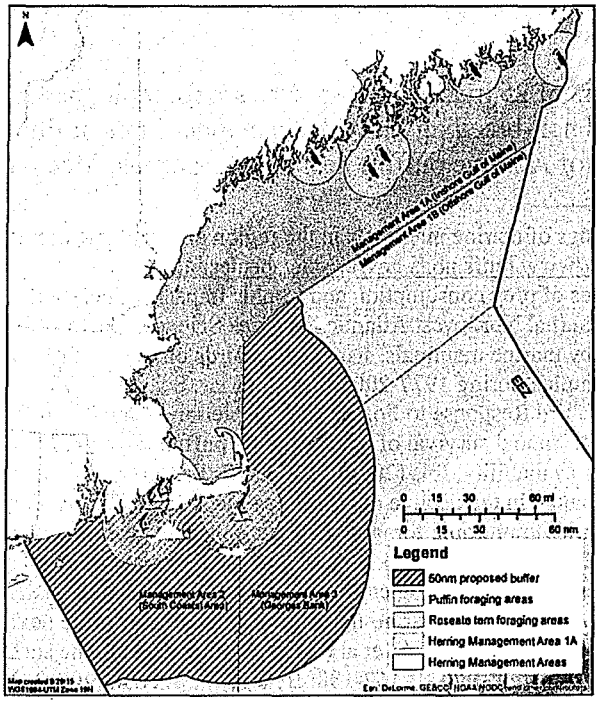

Figure 4. Proposed buffer zone (green-hatched) shown in relation to approximate foraging ranges for puffins and terns during nesting seasons.

[25] Colby Environmental Policy Group. 2014. State of Maine's Environment 2014. Waterville, Maine: Colby College Environmental Studies Program.

[26] U.S. Fish and Wildlife Service Northeast Region, Maine Refuge Practices Sound Science to Study Seabirds, available at https://usfwsnortheast.wordpress.com/2013/04/19/maine-refuge-practices-sound-science-to-study-seabirds.

[27] Harris, M.P. (1984) The Puffin. Poyser, London.

[28] Nisbet, Ian C. 2002. Common Tern (*Sterna hirundo*), The Birds of North America Online (A. Poole, Ed.). Ithaca: Cornell Lab of Ornithology; Retrieved from the Birds of North America Online: http://bna.birds.cornell.edu/bna/species/618; Heinemann, D. 1992. Foraging ecology of Roseate Terns on Bird Island, Buzzards Bay, Massachusetts. U.S. Fish and Wildl. Serv. Newton Corner, MA.

Protection of anadromous river herring and shad: Despite their depleted status, river herring are harvested and sold in the Atlantic herring fishery in substantial amounts and there is widespread support for further protection of river herring in federal waters. Historically, river herring were a major component of the forage assemblage throughout the Mid-Atlantic and Northeast, but their numbers are a mere shadow of what they once were due to dams, pollution and incidental catch in at-sea fisheries. Although not identified as targeted species, the midwater trawl fleet is responsible for the majority of incidental river herring and shad catch at sea (57%) in New England.[29] Most of these river herring are caught in the nearshore waters that the proposed buffer would encompass.

"Hotspots" for river herring bycatch, were mapped using Northeast Fisheries Science Center observer data and University of Massachusetts School of Marine Sciences and Technology (SMAST) shore side sampling data during the development of Amendment 5 to the Atlantic Herring FMP, and indicate that a nearshore buffer would minimize some of this catch. The times and locations of high rates of at-sea river herring incidental catch and bycatch were also identified in a paper published by Cournane et al. 2013 (Fisheries Research 141:88– 94 – Figure 2), which offers further support for a nearshore buffer. The boundaries of the proposed buffer could also be informed by the River Herring "Monitoring/Avoidance Areas" that were adopted in Amendment 5 to facilitate bycatch management and mitigation (Figure 5).[30]

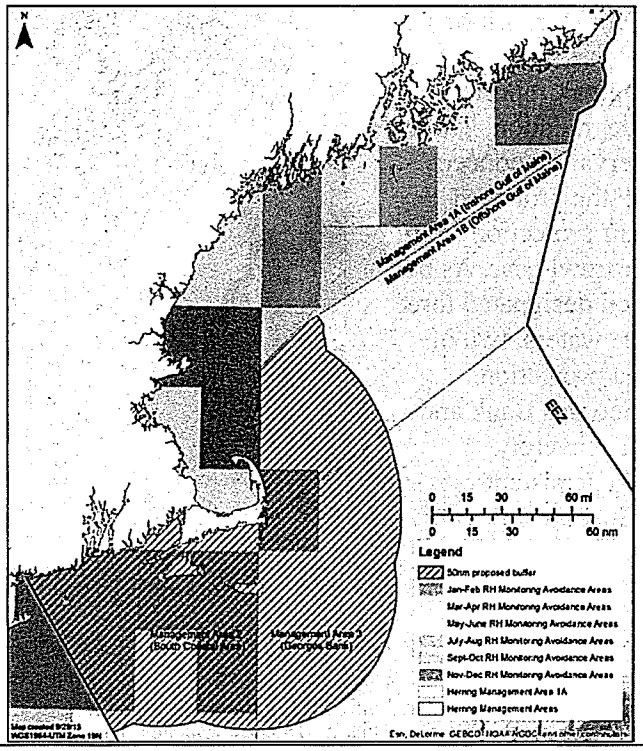

Figure 5. Proposed buffer zone (green-hatched) shown in relation to River Herring Monitoring/Avoidance Areas.

[29] *See* Draft Omnibus Industry-Funded Monitoring Amendment, p. 101.
[30] *See* Amendment 5 FSEIS, pp. 63-67.

Protection of spawning and juvenile groundfish: Groundfish bycatch by herring midwater trawlers is an acknowledged and serious concern among many stakeholders. Evidence of seafloor contact by trawl gear validates concerns that this gear is being fished in close proximity to the bottom where rebuilding groundfish populations aggregate.[31]

During the development of the OHA2, the Council's technical advisors (Closed Area Technical Team) conducted extensive analysis of the best available biological data to identify areas where juvenile and spawning fish occur in the highest densities. Figure 6 illustrates a combined mapping of these hotspots, making it clear how extremely important the inshore zone is for the production of groundfish. This high-density area of juvenile and spawning groundfish should be closed to all midwater trawling activity based on their demonstrated interactions with groundfish[32] and the potential to disrupt spawning activity and reduce spawning success.[33]

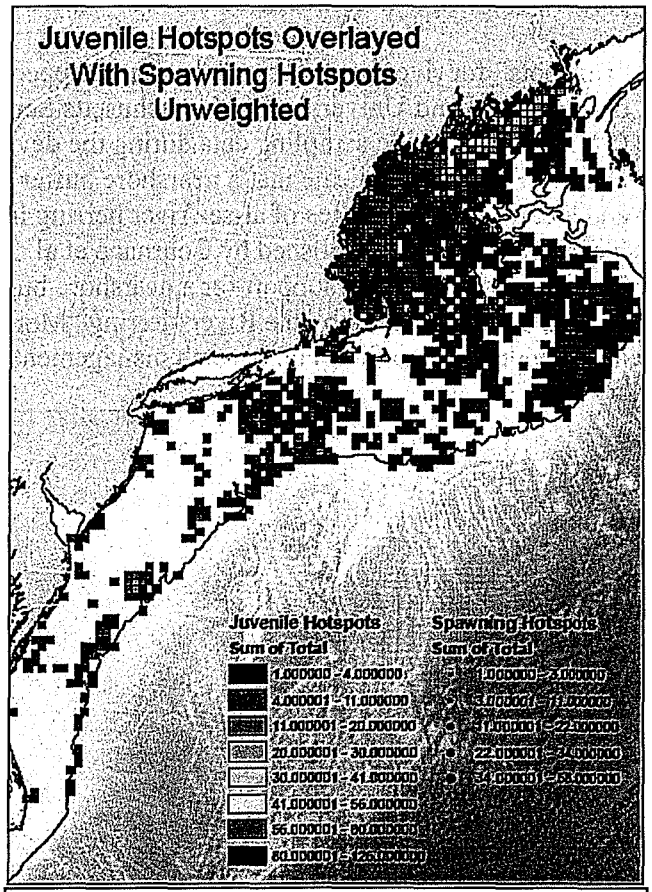

Figure 6. Hotspots for juveniles and spawning fish combined. Data from CATT analyses.

Protection of Habitat Areas of Particular Concern (HAPCs): HAPCs are subsets of EFH that have special conservation concern due to their rarity, ecological importance, and/or vulnerability to degradation. These areas of important conservation concern overlap extensively with the proposed buffer, offering important protection from the impacts of midwater trawl gear. As part of the OHA2, the Council designated three HAPCs within nearshore waters, two of which are specific to cod protection. Atlantic cod, both the Georges Bank and Gulf of Maine stocks, are severely overfished and subject to persistent overfishing.[34] Both the Inshore Juvenile

[31] See Amendment 5 FEIS Vol. I at 225: "Herring midwater trawls are not designed to fish on the bottom and do not normally contact the bottom, although information provided by herring fishermen indicates that the footrope, the belly of the net, and/or the weights do occasionally contact the bottom. Sometimes, when herring are in deep water near the bottom, midwater trawls are intentionally fished close to or in contact with the bottom. This occurs primarily in southern New England and the Mid-Atlantic during the winter (January-March)"

[32] Omnibus Habitat Amendment 2 DEIS, Volume 3, Table 17, and pages 96-106.

[33] Letter to Regional Administrator John Bullard from 111 Scientists, April 9, 2013; Dean M et al (2012) Disruption of an Atlantic Cod Spawning Aggregation Resulting from the Opening of a Directed Gill-Net Fishery. North American Journal of Fisheries Management **32**(1):124–134; Morgan MJ et al (1997) An observation on the reaction of Atlantic cod (*Gadus morhua*) in a spawning shoal to bottom trawling. Can J Fish Aquatic Sci **54** (1):217-223; Zemeckis DR et al (2014) Spawning Dynamics and Associated Management Implications for Atlantic Cod. North American Journal of Fisheries Management 34:424–42.

[34] As of 3rd Quarter 2014 Update, NOAA Fisheries Stock Status Updates.

Cod HAPC (OHA2 DEIS, Volume 2, Map 245) and Great South Channel Juvenile Cod HAPC (Volume 2, Map 246) span areas critical for juvenile and spawning codfish. The Jeffreys Ledge/Stellwagen Bank HAPC (Map 248, Volume 2) encompasses an area long recognized for its ecological importance, and supports a wide diversity of wildlife, including cod and other groundfish, marine mammals (including endangered humpback and North Atlantic right whales), seabirds and forage species such as herring and sandlance.

Benefits to predator-dependent industries: The management of Atlantic herring impacts a diverse group of stakeholders due to its critical role a food for many other animals in the ecosystem. Interested stakeholders include those whose commercial interests depend on groundfish, tuna, and lobster, those involved in recreational fisheries for species such striped bass and bluefish, and those involved in whale watching, birding and other wildlife dependent activities. Removal of herring through high-volume fishing amounts to removing large amounts of food that are utilized by the predators that these stakeholders depend on in various ways. For instance, localized depletion of herring can negatively impact foraging opportunities for whales and seabirds, which in turn affects the wildlife-based tourism that has built up around viewing these animals.

New England is one of the most popular whale watching destinations in the world and a major part of the local tourism economy, accounting for $35 million in direct tourism dollars annually and attracting nearly 1 million visitors every year.[35] Over 30 companies offer whale watching trips, from April to October each year, to observe the large variety of marine mammals found off the New England coast, including fin whales, humpback whales, minke whales, pilot whales, harbor porpoise, Atlantic white-sided dolphins, harbor seals, and grey seals – all of which are considered important predators of herring.[36] New England is also a popular destination for seabird watching. In Maine alone, the value of seabird tourism was estimated at $5 to $10 million annually, with 120 tour operators offering 5,000 to 7,500 trips every year.[37] A nearshore closure to midwater trawl would protect prime feeding habitat for many of the region's wildlife, benefiting a growing tourism sector in New England that relies on a healthy and local abundance of whales, dolphins, seabirds and other marine life.

Similarly, commercial and recreational fishermen who depend on striped bass, cod, tuna and other large predatory fish that feed on herring are also directly impacted by localized depletion. A robust herring resource is critical to the health of New England's marine ecosystem and the long-term productivity of its fisheries and coastal economy. Herring Alliance requests that these herring-dependent businesses are fully accounted for in the development and analysis of the midwater trawl exclusion zone.

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[35] O'Connor et al. (2009) "Whale Watching Worldwide: tourism numbers, expenditures and expanding economic benefits," a special report from the International Fund for Animal Welfare, Yarmouth MA, USA, prepared by Economists at Large.

[36] Overholtz and Link (2007) Consumption impacts by marine mammals, fish, and seabirds on the Gulf of Maine-Georges Bank Atlantic Herring (Clupea harengus) complex during 1977-2002. ICES J. Mar. Sci. 64:83-96.

[37] Friends of Maine's Seabird Islands. *Seabird Viewing*, available at http://www.maineseabirds.org/seabirds-biology

Legal Authority to Establish Year Round Buffer Zones

There is ample authority for the Council to develop conservation and management measures in the Atlantic herring FMP, such as buffer zones, for the purposes of conservation and management, similar to the action taken in Amendment 1 to the Atlantic Herring FMP.[38] Examples of the Act's mandatory and discretionary authority authorizing a new PS/FG area include the requirement that essential fish habitat (EFH) be identified and described in order to "minimize to the extent practicable the adverse effects on habitat caused by fishing and identify other actions to encourage the conservation and enhancement of such habitat." 16 U.S.C. § 1853(a)(9). Much of the recommended year round PS/FG Only Area is EFH for Atlantic herring and other managed species, including Atlantic cod. A fishing activity that reduces the availability of major prey species, either through direct harm or capture, or through adverse impacts to the prey species' habitat that ultimately reduces their population, may be considered an adverse effect on EFH, if such actions reduce the quality of EFH.

FMP's must also contain conservation and management measures "necessary and appropriate for the conservation and management of the fishery to prevent overfishing and rebuild overfished stocks and to protect, restore, and promote the long term health and stability of the fishery." 16 U.S.C. § 1853(a)(1). Although the Atlantic herring stock is not currently identified as subject to overfishing on a stockwide basis by NMFS, midwater trawl gear that catches significant amounts of fish from a small area in the timeframes that are typical in this fishery results in overfishing, and this has a negative impact on the sustainability of the resource.

The Council could also use discretionary provisions of the Act to condition fishing. *See* 16 U.S.C. § 1853(b)(2). For example, a Council may prepare an FMP that would: "designate zones where, and periods when, fishing shall be limited, or shall not be permitted, or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear." 16 U.S.C. § 1853(b)(2)(A). Mandatory and discretionary provisions of the Act provide legal authority for a year-round, nearshore buffer zone that limits directed herring fishing to purse seine and fixed gear only.

* * *

We thank you for the opportunity to comment and look forward to working with the Council on the continued development of Amendment 8.

Sincerely yours,

Erica Fuller
Earthjustice, Attorney

On behalf of the Herring Alliance

[38] *See* 72 Fed. Reg. 11252, 11258 (Mar. 12, 2007).

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
Office of National Marine Sanctuaries
Stellwagen Bank National Marine Sanctuary
175 Edward Foster Road
Scituate, Massachusetts 02066
Tel: 781.545.8026 Fax: 781.545.8036

September 30, 2015

RECEIVED
SEP 30 2015
NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Mr. Tom Nies
Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Dear Mr. Nies:

We appreciate the opportunity to provide comments on Amendment 8 to the Atlantic Herring Fishery Management Plan. Amendment 8 would specify a long-term acceptable biological catch control rule for the herring fishery and consider alternatives for this control rule that explicitly account for herring's role in the ecosystem across both time and space. The Council recently decided to expand the scope of Amendment 8 to include consideration of localized depletion in inshore waters. The importance of Atlantic herring as a forage species is underscored by the Council's specified intent to consider a wide range of alternatives for the ABC CR in this amendment, including those that account for Atlantic herring's role in the ecosystem. We commend the Council for adopting an ecosystem-based approach to herring management.

Our comments are related to localized depletion of forage fish in the Stellwagen Bank National Marine Sanctuary (SBNMS). SBNMS is New England's only national marine sanctuary and was established by Congress in 1992 as a marine area of national importance due to its natural productivity and species diversity. SBNMS is a hotspot for prey abundance in the Gulf of Maine (GoM) which is what ultimately attracts the whales, sustains the fish, seabirds and other wildlife, and supports the economic benefits and recreational viability of most current human uses of the sanctuary. Key prey species include sand lance, herring, mackerel, and planktonic copepods. Sand lance numbers in the sanctuary are among the highest and most concentrated in the southern GoM, and the sanctuary is in an area of high relative abundance of herring. Accordingly, the sanctuary is one of the most intensively used whale habitats in the northeast continental region of the U.S. The World Wildlife Fund and *USA TODAY* named Stellwagen Bank and vicinity one of the top ten premiere places in the world to watch whales. The readers of *Offshore* magazine voted Stellwagen Bank the best place to watch wildlife and the number three favorite recreational fishing spot in the northeastern U.S. As the U.S. partner of BirdLife International, the Massachusetts Audubon Society (Mass Audubon) has designated Stellwagen Bank an Important Bird Area (IBA) because of its exceptional habitat.

The Ecosystem Based Fisheries Management Plan Development Team's (PDT) recent scientific advice on herring control rules (June 2015) does an excellent job reviewing forage requirements of whales and other marine life and the role Atlantic herring plays in

the ecosystem. We concur with the PDT's recommendation that "the Council adopt a strategy of explicit consideration of herring as a critical component of the forage base" and "that herring provide an essential ecosystem service as forage for a broad spectrum of predators." Our comments are intended to amplify some of the points and recommendations made in the PDT report based on the research we have conducted over the past 10 years in SBNMS on whale behavior and feeding ecology as well as on our review of the literature.

We agree with the PDT's statement that local availability [of prey] at a critical time may be more trophically-important than total herring biomass (p. 11 of report). Local depletion of prey species could have important implications for animals that are preparing for migration and breeding. Of consequence is the fact that baleen whales (humpback, fin and minke) require a minimum threshold level of prey density to successfully forage (Piatt and Methven, 1992; Hazen et al., 2009) and that humpack whales depend on the spatial characteristics and density of prey schools to maximize their efficiency when surface feeding (Hazen et al., 2009). I note that the research contained in Hazen et al., 2009 was conducted in SBNMS. Additional information on humpback whale foraging in SBNMS can be found in Friedleander et al., 2009; Wiley et al., 2011; Ware et al., 2013; and Parks et al., 2014.

We are concerned that MSY-based approaches alone can have deleterious effects on species that have high connectance to prey, e.g. humpback, finback and minke whales. We, and others, have found that an important characteristic of pelagic forage fish hot spots is their spatial persistence, allowing predators to predict their locations and concentrate search efforts to enable optimal foraging (Gende and Sigler, 2006; Hazen et al., 2009). Significant fishing down of prey aggregations in the Stellwagen Bank sanctuary would diminish the reliability and functional utility of this important attribute of the sanctuary. Local changes in humpback whale abundance and distribution in the western North Atlantic have been correlated with variation in prey availability (Payne et al., 1986; Payne et al., 1990; Weinrich et al., 1997). A negative relationship was apparent between the relative abundance of herring and sand lance in the GoM and humpback whale movements from the GoM to eastern Canada when prey densities dropped (Stevick et al., 2006). This study also found that humpback whales exhibited high levels of site fidelity to specific feeding grounds and that the duration of stay at, and tendency to return to, each feeding ground was related to relative prey density.

We also emphasize the need to address spatial management of forage species as they relate to sustaining and rebuilding populations of higher trophic level fish predators, e.g., tuna, cod and other piscivores, that aggregate in SBNMS. The PDT report (p. 43-44) clearly summarizes the state of knowledge regarding the distribution and size of prey patches and the energetic benefits to predators of sustaining patch structure to minimize search times. The PDT also emphasizes that alternative prey species are not necessarily equivalent in value. Indeed the study by Sherwood et al. (2007), focused on cod off Newfoundland and Labrador and cited in the report, confirms that the quality of prey can significantly affect growth, condition and reproductive capacity.

In summary, what makes SBNMS a special place for whales, whale watchers, cod, tuna, tuna fishermen, commercial fishermen, recreational fishermen and seabirds is the persistent presence and resultant patterns of patchiness of forage fish. Given that herring provide an essential ecosystem service for a broad spectrum of predators, including humans, in SBNMS and the greater GoM we

request that the Council adopt a management approach that takes spatial distribution of herring into account to minimize local depletion and does not depend on ecosystem-wide and MSY-based approaches alone.

Thank you for your consideration of our comments.

Sincerely,

Craig D. MacDonald, Ph.D.
Superintendent

cc: John Bullard, Regional Administrator, NOAA Fisheries GARFO
John Armor, Acting Director, NOAA NOS ONMS
Reed Bohne, Region Director, NOAA NOS ONMS NE&GL

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September 25, 2015

Thomas A. Nies
Executive Director
New England Fishery Management Council
50 Water Street, Mill #2
Newburyport, MA 01950

RE: Atlantic Herring Amendment 8 Scoping Comments

Dear Director Nies,

I write to comment, on behalf of Penobscot East Resource Center in Stonington, Maine, regarding the scoping period for Amendment 8 to the Atlantic Herring Fisheries Management Plan. Penobscot East works with community fishermen throughout eastern Maine to foster diversity in fishing opportunities and build vibrant fishing communities. Most fishermen we work with are owner operators and many participate in a variety of state and federal fisheries. We also act as sector manager for the Northeast Coastal Communities Sector, representing 23 fishermen from Maine and Massachusetts with 26 federal groundfish permits. Thank you for the opportunity to submit our comments.

We are pleased that the Council has identified goals for Amendment 8 that include; Goal 1, **To account for the role of Atlantic herring within the ecosystem, including its role as forage,** and Goal 3, **to address localized depletion in inshore waters.** Both of these goals are fundamental to conserving and rebuilding sustainable fisheries throughout New England and the Gulf of Maine.

Atlantic herring are critical prey for important predator species such as Atlantic cod, haddock and other groundfish, as well as pelagic species like sharks and bluefin tuna (Bigelow and Schroeder). They are also important prey for sea birds and a variety of marine mammals. Recent research has shown that many traditional inshore spawning groups of groundfish like cod and haddock depended on lipid-rich prey like Atlantic herring and alewives (Ames and Lichter, 2012), and their depletion is likely, at least in part, due to a lack of adequate energy-dense forage. If depleted stocks like Gulf of Maine cod, particularly inshore spawning groups, are to be rebuilt one of the first steps needs to be ensuring adequate, reliable forage that cod need to thrive. Efforts to rebuild alewife runs will certainly help, but Atlantic herring must also be

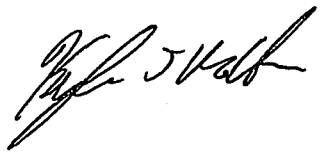
protected. Reduced quota and set-asides for herring as forage could help keep more herring in the water, but without complimentary measures to protect against localized depletion it is unlikely to promote higher productivity of the herring resource or ensure dependable forage for stocks of inshore herring predators like cod.

To accomplish Goal 3 as outlined above we recommend the Council consider additional measures, beyond a small set-aside for forage and to reduce pulse fishing in nearshore waters. Historically much of the herring fishery occurred in inshore, shoal waters using fixed gear like weirs and stop seines, which only accessed a small portion of the Atlantic herring resource. Today, mobile gears have increased the capacity of the fishery significantly, and it has expanded beyond its historical footprint. Localized depletion isn't just an issue in the areas where fish are removed; growing research has shown that depletion of local aggregations or stock sub-units can actually reduce the overall productivity of fish stocks, including Atlantic herring (Stephenson 1999, Smedbol and Stephenson 2001). By protecting sub-units of the larger stock, productivity may increase and harvests could be larger and more stable over time (Ying et al. 2011, Molton et al. 2013).

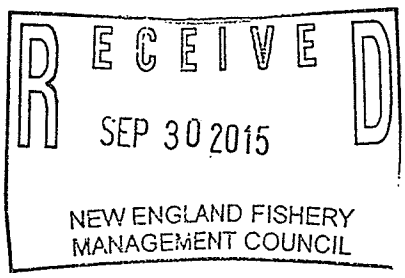
We recommend the Council consider a number of different measures to protect against localized depletion in inshore waters in this Amendment. Approaches could include instituting stronger day or trip limits for vessels operating in inshore waters, promoting the utilization of the resource using fixed gears, setting larger forage set-asides for inshore waters like Area 1A, additional limitations for midwater trawling in Area 1A, and/or additional limitations on midwater trawling in a subset of inshore waters. Added protections in Area 1A are especially important because the Area overlaps with traditional inshore spawning areas for important groundfish stocks (Ames 2004), meaning added protections here could have even greater benefits for the overall ecosystem. Additional approaches could include in-season adjustments or closures, if fishing activity is concentrated in small areas or for a short period of time. All of these approaches hold promise and are worth consideration by the Council in Amendment 8 separately and in addendum.

Thank you for the opportunity to provide our comments. We look forward to working with the Council and NOAA toward a sustainable fishery for Atlantic herring, and for the Gulf of Maine ecosystem that depends on a healthy herring resource. We are pleased that the Council is considering ecosystem approaches to manage the herring fishery and we hope that the Council will go even further in this action and develop rules to protect localized spawning aggregations, particularly in the inshore Gulf of Maine. Ensuring an abundance of herring is critical for healthy marine resources, fishing communities and a diverse coast-wide fisheries.

Sincerely,



Kyle J. Molton
Policy Director
Penobscot East Resource Center



Coalition for the Atlantic Herring Fishery's Orderly, Informed and Responsible Long Term Development

September 30th, 2015

Mr. Thomas A. Nies, Executive Director
New England Fishery Management Council
50 Water Street; Mill #2
Newburyport, MA 01950

Re: Herring Amendment 8 Re-Scoping comment

Dear Tom,

I am writing on behalf of CHOIR to submit 're-scoping' comments for Herring Amendment 8 to complement our scoping comments submitted in May. CHOIR is an industry coalition made up of over 650 commercial and recreational fishing organizations, fishing and shore-side businesses, researchers and ecotourism companies that all rely on herring as a key forage stock. This coalition was formed in 2002 as a result of the general and localized depletion of the vital inshore herring resource caused by midwater trawlers. As such, we are very happy to see that the Council has decided to take on the issue of inshore depletion in Amendment 8.

As CHOIR and others groups and individuals have made clear during this scoping process, herring is a keystone forage stock on which our coastal economy relies. The relationship between the availability of herring as forage and the health of the economy is most pronounced in our inshore waters—that is, roughly 35-40 miles from shore. It is in these areas that the overwhelming majority of fishery and ecotourism businesses in the region exist. It is our firm belief that the herring resource in these inshore waters is depleted and that this is having a major negative impact on herring-reliant businesses and the coastal economy as a whole.

To be clear, CHOIR has been fully engaged in the herring assessment process and we understand that some believe the general herring stock is in good shape. While we disagree with this belief and feel the retrospective pattern speaks to the fundamental problems with the stock as a whole, our issue here goes beyond the health of the overall herring stock. First, as mentioned above, we believe that the inshore herring resource is depleted. The rapid decline in catches in the Canadian weir fishery coupled with countless and repeated anecdotal reports from inshore fishermen should be seen as a red flag to all involved in this regard.

Second—and most importantly—we firmly believe that localized or spatial depletion is a problem throughout our inshore waters. As anyone that makes a living on the ocean

knows, it is the availability of forage on the areas that fishermen fish that matters more than shelf-wide availability. If you are an inshore groundfish fisherman based out of Gloucester, for example, it is vital that there is herring on places like the Northwest Corner of Stellwagen Bank or Southern Jeffreys Ledge since these are areas within your fishing range. Similarly, if you fish out of Boothbay Harbor in Maine, it is important to have herring on pieces of bottom like the Kettle, Sagadahoc and Platts Bank. Herring pooling on these discrete areas will draw in predators and—in turn—you will have access to those predators. It is this local availability that drives our inshore fisheries, ecotourism businesses, and the many shore-side and regional industries that rely on them.

While this type of local availability is linked to the overall health of the herring resource to an extent, it is heavily linked to the fishing effort that takes place in a giveven area. And this is why midwater trawling is such a problem for the inshore ecosystem and those that making a living off of it. Midwater trawl gear is incredibly effective at depleting local areas due to a number of factors. First, the size and power of the midwater trawlers themselves is incredible—many are in the 140-150 foot range and with large horsepower engines. Additionally, the nets are large and can be fished anywhere in the water column—including right along bottom—and they can be dialed in continually due to the data collected from net sensors. These factors—combined with highly powerful sonars—make these boats the most efficient boats anywhere in the country. Second, the way the midwater fleet operates also contributes to the problem. They will pound small areas in packs of up to ten vessels for as long as it takes to fish down those areas—often coming back day after day. When the area is depleted, they will move on to the next spot to start the process over again. The result is that the herring have no place to hide.

Again, the impact of this practice to the inshore ecosystem and everyone that relies on it is not hard to imagine. In their wake, there is no bait left to attract and hold tuna, groundfish, striped bass or any of the other predator species that drive our highly valuable inshore fisheries. And there will be nothing left to feed and hold whales, birds, and others species that drive our important ecotourism industry. An example of this was seen last fall off Cape Ann. A large fleet of small tuna boats—many of which are boats that have been displaced from the groundfish fishery that has suffered due to a lack of forage—was fishing on and near a local aggregation of herring for weeks and they were doing very well. Before long, a fleet of midwater trawlers showed up and fished relentlessly until the tuna left completely. That led to major lost income for dozens of boats—income that will not be replaced elsewhere. While midwater gear is known to scare predators away due to the noise and vibrations it emits, the main culprit was the total lack of food. And when there is no food, there are no predators—it is that simple.

It should be noted that these real-time impacts on both the herring resource and predator availability—and, in turn, the coastal economy—are only one part of the problem. Midwater trawling has been shown to have major impacts on the long-term availability of herring in these discrete areas and the inshore area as a whole. For example, in 2011 there was a large amount of herring just offshore of Portland throughout the summer. This aggregation drove a highly productive tuna fishery for four straight months. But when the midwater trawlers showed up in the fall, they took thousands and thousands of metric tons from the area over a period of a couple weeks. Not only did this end the tuna fishing in that area for the season—the area still has still not recovered four years later. This

long-term depletion is likely due to two factors. First, herring are known to return to the same areas each year, and so when you catch all the herring in a given area there is nothing left to populate it in subsequent years. Second, since midwater trawl gear is often employed on or near bottom, it is able to target fish that are either spawning or getting ready to spawn and it can disrupt egg beds if spawning has already occurred. It should not be a surprise to anyone that this activity has countless negative effects.

Purse seiners, on the other hand, do not have any of the above impacts, nor do they cause short- or long-term depletion. As was discussed throughout the development of Amendment 1 and in the years since it was implemented, seiners have a number of natural limits. First, they can only fish an area if there is a very large amount of fish there. Unlike midwater trawlers, they cannot fish a small layer of herring on the bottom until nothing is left, for example. Second, seiners can only fish at night and, in fact, can often only set within a small window at either dawn or dusk when the fish move up into the water column. Third, tide, weather, and other environmental factors limit their ability to fish. Finally, since they can only fish high in the water column, they can neither target the spawners on the bottom nor disrupt the spawning beds. It is because of these limits that seiners do not deplete an area even after weeks of fishing.

It is for all of the above reasons that CHOIR and others fought hard in Amendment 1 to create an inshore buffer zone—eventually named the Purse Seine/Fixed Gear Only area—in which midwater trawling was prohibited but seining was allowed. Seiners are fully capable of coexisting alongside other fleets while having a minimal impact on the general and local health of the resource. And it is for these same reasons that the Purse Seine/Fixed Gear Only rule has been such a positive influence. Look no further than the rebound in tuna catches off New England since 2007 to see what the prohibition on midwater trawling during the summer months has done. In general, forage on discrete areas and within the entire inshore Gulf of Maine has rebounded to the point that we can survive.

But the Purse Seine/Fixed Gear Rule has not been enough. Each fall the midwater trawlers return to 1A with a vengeance—and often just a few miles from shore. This problem has now been exacerbated by the ability for many of the boats to fish weeks after the 1A quota is caught due to the exemptions they have been granted via the RSA program. This allowed them to fish for weeks on Stellwagen Bank this past fall. (Though they were targeting mackerel—another important forage stock—it is physically impossible that enormous amounts of herring were not dumped given the proximity of the mackerel and herring schools in that area at that time.) As has been mentioned above, the impacts of this pulse of fishing each fall have been profound. They effectively put an end to all other fishing activity in the area they target, and also cause long-term depletion there years into the future. Again, this is undoubtedly due to both the removal of too much to those discrete herring stocks and the impacts on spawn activity. The result: the return of these boats each fall has helped negate the impacts of the Purse Seine/Fixed Gear Only Rule and held back the general inshore recovery.

(We also want to highlight the fact that this slug of midwater trawl fishing effort each fall in Area 1A is highly detrimental to the lobster bait market. For the most part, the aforementioned natural limits facing the seine fishery allows for a slow and steady supply

of bait. (While there were some issues this summer, these only occurred because large midwater trawl vessels felt the need to act as carriers, allowing seiners to catch more than normal.) This allows for fresh bait to flow into the lobster bait market at a pace that benefits everyone. But when midwater trawlers come in and take 10,000 or more metric tons in a week or two there is a massive and immediate surplus of bait. Because of this surplus, much of the catch then ends up in freezers—frozen bait that will be sold at a premium. Had it been caught in a slower fashion by seiners, fresh bait would be available throughout the fall and at a reasonable cost.)

Second, our goal in Amendment 1 was to get a buffer zone stretching down the backside of Cape Cod similar in size and scope to the buffer in 1A. Unfortunately we were unable to accomplish this goal. As a result, the midwater fleet has been able to decimate the forage availability off this important stretch of coast—a problem made worse by the fact that "offshore" Area 3 comes right to the beach in Chatham. This most often happens during one of two periods: mid to late spring and late summer through fall—both of which are important times of year for other fishermen. The herring that is off Cape Cod in April and May not only supports local predator stocks and fisheries, but it also helps attract fish like tuna into the inshore Gulf of Maine as they migrate towards this region of the country. Depleting the stocks in that place at that time therefore has numerous bad impacts. In the latter period, the boats often fish on aggregations in or near the Great South Channel that drive a number of seasonal fisheries. Additionally, these fish are often full of spawn. The results, once again, are highly predictable. Fisheries that rely on herring have continued to struggle—specifically the charter fishery for striped bass, and the commercial tuna and groundfish fisheries. The clearest example is the impacts on the Great South Channel tuna fishery. What was once the most prolific example of a localized, seasonal tuna fishery has been eliminated.

For these and many other reasons, we strongly urge the Council to take the following steps in Amendment 8 to end inshore/local depletion of herring stocks that drive our coastal economy.

First, the Council should extend the Purse Seine/Fixed Gear Only Rule from four months to twelve months. As has already been explained, the return of the boats each fall is causing serious short- and long-term problems in Area 1A. This has now been made worse by the RSA fishing effort that will continue to take place after the 1A is caught. We have seen what a prohibition in 1A can do for the resource and those that rely on it, but now these protections must be in place all year to allow for a full recovery. This will have beneficial impacts on the resource, the inshore fisheries and ecotourism businesses that rely on it, and the economy onshore that supports these at-sea industries. Lastly, this move will provide for a steady and affordable supply of fresh lobster bait—and let's not forget that the rationale for high removals of a critical forage stock is the lobster bait market.

Second, the Council should create a year-round inshore buffer zone free of midwater trawling off of Cape Cod that is similar in size and scope to the buffer in Area 1A. This buffer should extend roughly 35-40 nautical miles from shore. We chose this distance because it is within this range that the overwhelming majority of inshore fisheries and ecotourism businesses exist. Specifically, it would offer protections for local, seasonal

fisheries such as the Great South Channel bluefin fishery or the striped bass charter fishery off the backside. It would also help protect critical spawning grounds related to the Nantucket shoals component. And because it matches up well to the size of the successful buffer zone in Area 1A we have proof that it will likely be effective off of Cape Cod.

To be clear, most fishermen in New England believe a complete ban on midwater trawl gear off New England is justified. If not for the need for bait from the offshore areas, it would be hard not to support such a measure. But in the spirit of compromise we have decided to focus on the critical inshore areas where most herring-related fishing and ecotourism activity occurs. We believe a buffer out to 35-40 nautical miles off Cape Cod is more than reasonable and is the bare minimum we would support. These midwater boats should be fishing offshore where they said they would fish when they first came here. If they want to fish inshore off Cape Cod, they can switch over to seining at any time.

Third, the Council should also create a buffer zone free of midwater trawling off the coast of Rhode Island. It would be ideal if this buffer were able to cover state waters, as well. Many of our supporters have been outraged in recent years by the midwater trawl activity there—activity that has been known to occur literally yards from shore. This depletes the forage base on those important near shore areas and impacts smaller boats from that area that would have been better able to catch herring without midwater trawlers wiping it out. At the same time, the surplus of fish that hits the market due to this heavy midwater trawl activity kills the price for these smaller, local boats.

The truth is that midwater trawling should have never been allowed off New England in the first place. That we allow the biggest and most efficient boats on the East Coast to hammer the very foundation of our valuable ocean ecosystem is impossible to understand. The time has come to take action to correct at least part of this problem once and for all. By taking the steps above, the Council will make great strides towards protecting the forage base that truly drives the economy up and down the coast. We must not allow a handful of big boats to ruin the livelihoods of so many others. Midwater trawling was sold as an offshore fishery and it is time for it to actually become one.

Thanks for your time,

Stephen B Weiner

Steve Weiner, Chair

EARTHJUSTICE
BECAUSE THE EARTH NEEDS A GOOD LAWYER

ALASKA CALIFORNIA FLORIDA MID-PACIFIC NORTHEAST NORTHERN ROCKIES
NORTHWEST ROCKY MOUNTAIN WASHINGTON, D.C. INTERNATIONAL

September 30, 2015

Thomas A Nies
Executive Director
New England Fishery Management Council
50 Water Street, Mill #2
Newburyport, MA 01950

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NEW ENGLAND FISHERY
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RE: Atlantic Herring Amendment 8 Re-Scoping Comments

Dear Mr. Nies:

We are writing on behalf of our clients in *Flaherty v. Pritzker*[1] to provide comments addressing the Supplemental Notice of Intent to prepare an environmental impact statement (EIS) for Amendment 8 to the Atlantic Herring Fishery Management Plan (Amendment 8).[2] Our clients have previously commented on the need to implement an ecosystem based control rule in the herring fishery,[3] and appreciate the New England Fishery Management Council's (Council) decision to expand the scope of Amendment 8 to address localized depletion. They are particularly concerned about large midwater trawl vessels that fish on the backside of Cape Cod and catch all of the available herring in the area, forcing the predators that our clients seek to catch and observe to leave in search of food.[4] Amendment 8 is an important step toward sustainable forage fish management, comprehensive Ecosystem-Based Fisheries Management (EBFM), and a healthier Northwest Atlantic ecosystem.

The Council should analyze a range of alternatives that minimize the effects of fishing on the spatial distribution of Atlantic herring, including alternatives to:

1. Change the current Herring Management Area 1A (which allows the use of purse seine an fixed gear from June 1 - September 30) to a year round Purse-Seine/Fixed Gear Only Area (PS/FG Only Area); and
2. Create a year round PS/FG Only Area in Herring Management Areas 1B, 2, and 3, that prohibits the use of midwater trawl vessels fishing for herring nearshore (alternatives that include a range 35-50 miles seaward of the states of Massachusetts, Rhode Island, and Connecticut should be analyzed).

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[1] *Flaherty v. Pritzker*, Civ. No. 1:11-cv-0660-GK (filed Nov. 14, 2013). *See* ECF No. 59-1 (challenging the interim control rule in the 2013-2015 Atlantic Herring Specifications). This case is currently stayed while the Council develops Amendment 8.
[2] Supplemental Notice of Intent to Prepare an EIS and Initiate Scoping, 80 Fed. Reg. 50825 (Aug. 21, 2015).
[3] April 30, 2015 Letter from Earthjustice on behalf of *Flaherty* Plaintiffs regarding Amendment 8 Scoping.
[4] Our clients are members of CHOIR and reiterate the concerns expressed in the September 30, 2015 CHOIR letter submitted by Chair Stephen Weiner.

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Prior Establishment of Purse-Seine/Fixed Gear Only Area

Concerns about localized depletion and the impact of midwater trawlers on schools of herring – a keystone forage species in the Northwest Atlantic ecosystem - are not new. Large midwater trawl vessels (single and paired vessels capable of holding up to a million pounds of fish) are able to fish throughout the water column (including at the bottom) around the clock, and often fish in groups, thus enabling them to fish in an area until it is depleted of herring.[5] Almost ten years ago, to prevent overfishing on the discrete inshore spawning components of Atlantic herring, this Council established a purse seine and fixed gear only area in the Gulf of Maine (Herring Management Area 1A). Both the Council and NMFS concluded that an inshore buffer was necessary to sustain a healthy ecosystem:

> With respect to the PS [purse seine]/FG [fixed gear area], the Council did take into account the best available scientific information on localized depletion, and adequately weighed that information, along with other factors, in supporting this measure in the Amendment and its supporting analyses... Given the importance of herring as a forage species and its role in the GOM [Gulf of Maine] ecosystem, NMFS concludes that it is appropriate to enact this measure now to maintain the health of this resource in the inshore area, as well as the resources that depend on herring as prey, and the businesses that are sustained by a healthy GOM ecosystem.

See NMFS Comments in Final Rule implementing Amendment 1 to the Atlantic Herring FMP (Amendment 1).[6] At the time, more than 900 members of the public submitted comments related to the importance of a healthy inshore stock of this keystone species. Covering approximately 10,400 square miles and extending approximately 50 miles from the shoreline, this area serves to protect the inshore subcomponents of Atlantic herring, a wide range of predators that rely on herring as forage, lobstermen that use herring for bait, and all of the other businesses that rely on the biological benefits that accrue from maintaining a healthy inshore ecosystem.[7] The capacity of midwater trawl gear to take unsustainable amounts of herring in a small area at a critical time demanded different spatial management of the fishery then and now. This nearshore buffer has been successful in preventing localized depletion of Atlantic herring nine months of the year, however year round protection is required.

Spatial and Temporal Management Measures That Prevent Localized Depletion Are Used Around The World To Benefit Ecosystems

Spatial and temporal management measures to prevent localized depletion of prey species are common tools to protect the ecosystem in the United States and elsewhere. For example, in 2003 (Bering Sea and Gulf of Alaska) and 2015 (Aleutian Islands), NMFS established no trawl zones of up to 20 nautical miles around Steller sea lion rookeries and important haul outs in order to protect sea lion populations from competition with the Alaska groundfish fisheries for

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[5] In contrast, directed fishing for herring using purse seine gear requires the fish to rise to near the surface in order to harvest them. These vessels are also more affected by the weather, the moon, and the tides, and are far less likely to wipe out a discrete geographic area.

[6] Final Rule Amendment 1 to the Atlantic Herring FMP, 72 Fed. Reg. 11252, 11258 (Mar. 12, 2007).

[7] *Id.* at 11259 (noting 970 commenters in favor of the fixed gear-purse seine only area).

their prey (primarily pollock, mackerel, and Pacific cod).[8] In the Antarctic, explicit spatial catch limits have been implemented in the Southern Ocean krill fishery to avoid localized depletion of krill and protect its functional role in the ecosystem for whales, seals, penguins, squid and other fish.[9] The South Atlantic Fishery Management Council enacted management measures in its Coral FMP to "prevent localized depletion from overharvest of one or more species of octocorals."[10] The Atlantic State Marine Fisheries Council implemented a limit on the amount of menhaden that the reduction fishery could catch in the Chesapeake Bay to guard against localized depletion in that sensitive ecosystem.[11] And last February (2015), the Massachusetts Department of Marine Fisheries rescinded the small-mesh allocation for trawlers in the Nantucket Sound in response to concerns raised by island fisherman that the summertime small mesh squid trawl fishery operating in waters south of Martha's Vineyard and Nantucket, reduced the availability of forage in that area.[12] Fisheries for important prey species should be managed in a precautionary manner to minimize their effect on the marine ecosystem.

The Council's Scientific and Technical Committees Recognize Important Spatial, Age, and Size Requirements of Herring Predators

The Council's Science and Statistical Committee (SSC) recently noted spatial concerns related to Atlantic herring's availability to predators. While reviewing the 2016-2018 Atlantic herring specifications, the SSC stated that "the importance of herring for different predators is likely to vary spatially, and to depend upon age – and size – specific predation rates."[13] The nutritional value of Atlantic herring is greater than most of the alternative prey species, thus changes in the herring stock could affect predator productivity. The SSC ultimately recommended: "Additional empirical analyses that examine the nutritional aspects of alternative prey and effects on key drivers of productivity (e.g., growth, reproductive success, condition), with attention to effects of the spatial, age and size structure of the herring stock."[14]

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[8] NOAA Fisheries, Steller Sea Lion Protection Measures, available at: https://alaskafisheries.noaa.gov/sustainablefisheries/sslpm/. ("Steller sea lion protection measures are integrated throughout the regulations for the Fisheries of the Exclusive Economic Zone off Alaska at 50 CFR 679. The current Steller Sea Lion Protection Measures in the Alaska Groundfish Fisheries were implemented in 2003 (Bering Sea and Gulf of Alaska) and 2015 (Aleutian Islands) and are described in detail in the Federal Register notices listed below.")

[9] *See* "Scientific advice on herring control rules that account for forage requirements and the role of Atlantic herring in the ecosystem," NEFMC EBFM PDT (June 2, 2015), at p. 44; *see also* Commission for the Conservation of Antarctic Resources: https://www.ccamlr.org/en/fisheries/krill-fisheries-and-sustainability ("Sustainability of the krill fishery is ensured by setting limits on the fishery such that the catches taken by the fishery will leave enough krill to ensure that there is a healthy breeding population and also that there is enough for the predators (such as penguins and whales).").

[10] *See* http://safmc.net/meetings/pdf/Appendix%20H_History%20of%20Management.pdf.

[11] *See* http://www.asmfc.org/uploads/file//53b1b0a9addendumIV.pdf.

[12] *See* February 26, 2015 Letter from Commonwealth of Massachusetts, Division of Marine Fisheries Director Paul Diodati to Marine Fisheries Advisory Commission regarding " Final Recommendation: Summertime Small Mesh Squid Fishery South of Martha's Vineyard and Nantucket."

[13] *See* May 29, 2015 Memorandum from SSC to NEFMC Executive Director Tom Nies Re: Terms of Reference-Overfishing levels (OFLs) and acceptable biological catch (ABC) recommendations for Atlantic herring, p. 4

[14] *Id.* at p. 5.

The technical advisors on the EBFM Planning Development Team also described the need to consider spatial management approaches, in addition to control rules for Atlantic herring that account for their ecosystem role:

> Predator-prey interactions are not only governed by the abundance of prey (numbers or weight of a species within a community that can be addressed with a quantitative harvest control rule) but how prey are distributed over the space that predators search within. That is, predation is a density-dependent process and has implications for the energy predators expend in search behaviors and the efficiency in which they capture and consume prey to produce somatic growth and gonad development.[15]

The June 2, 2015 EBFM PDT Report "recommend[ed] spatial management measures be assessed to assess patch size attributes of herring interactions with predators, and fishery performance."[16] In the case of Atlantic herring, the PDT specifically suggested using existing acoustic surveys to "inform management on the spatial distribution of prey patch sizes, size class of prey, temporal persistence of patches, association with landscape and oceanographic features, associations with disjunct size spectra of associated predators."[17] The EBFM PDT Report also noted that the size and density of a herring school plays a key role in how much energy predators derive from eating them and expend while hunting them. Scientists recognize that spatial considerations are in important part of incorporating ecosystem and environmental factors into existing single species management actions.

The Magnuson-Stevens Act Provides Legal Authority To Establish Year Round Purse Seine/ Fixed Gear Only Areas

The Magnuson-Stevens Act provides ample legal authority for the Council to develop year round Purse-Seine/Fixed Gear Only Areas for the purposes of conservation and management, as the Council did in Amendment 1. *See* 72 Fed. Reg. 11252, 11258 (Mar. 12, 2007) ("The Magnuson-Stevens Act gives considerable latitude to the Councils to develop management measures if, in the judgment of the Council, they conserve and manage a fishery resource. While the comments in opposition to this measure note several legal and statutory requirements that the commenters believe would be violated by the proposed measure, NMFS does not agree with their assertions."). NMFS appropriately determined that the Council had the legal authority to establish an area that only allowed specific gear types for the fishery, and that the measure was not an unlawful allocation of fishing privileges because anyone with a herring permit was still eligible to fish under the relevant gear restrictions in that area.

Examples of the Act's mandatory and discretionary authority authorizing a new PS/FG area include the requirement that essential fish habitat (EFH) be identified and described in order to "minimize to the extent practicable the adverse effects on habitat caused by fishing and identify other actions to encourage the conservation and enhancement of such habitat." 16 U.S.C.

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[15] *See* "Scientific advice on herring control rules that account for forage requirements and the role of Atlantic herring in the ecosystem," NEFMC EBFM PDT (June 2, 2015), at p. 43. http://s3.amazonaws.com/nefmc.org/3.-Control-rule-management-advice-EBFM-PDT.pdf.

[16] *Id.* at p. 44.

[17] *Id.*

§ 1853(a)(9). Much of the recommended year round PS/FG Only Area is EFH for Atlantic herring and other managed species, including Atlantic cod. A fishing activity that reduces the availability of major prey species, either through direct harm or capture, or through adverse impacts to the prey species' habitat that ultimately reduces their population, may be considered an adverse effect on EFH, if such actions reduce the quality of EFH.

FMP's must also contain conservation and management measures "necessary and appropriate for the conservation and management of the fishery to prevent overfishing and rebuild overfished stocks and to protect, restore, and promote the long term health and stability of the fishery." 16 U.S.C. § 1853(a)(1). Although the Atlantic herring stock is not currently identified as subject to overfishing on a stockwide basis by NMFS, midwater trawl gear that catches significant amounts of fish from a small area in the timeframes that are typical in this fishery results in overfishing, and this has a negative impact on the sustainability of the resource.

Councils may also use discretionary provisions of the Act to condition fishing. *See* 16 U.S.C. § 1853(b)(2). For example, a Council may prepare an FMP that would: "designate zones where, and periods when, fishing shall be limited, or shall not be permitted, or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear." 16 U.S.C. § 1853(b)(2)(A). Mandatory and discretionary provisions of the Act provide legal authority for a year-round, nearshore buffer zone that limits directed herring fishing to purse seine and fixed gear only.

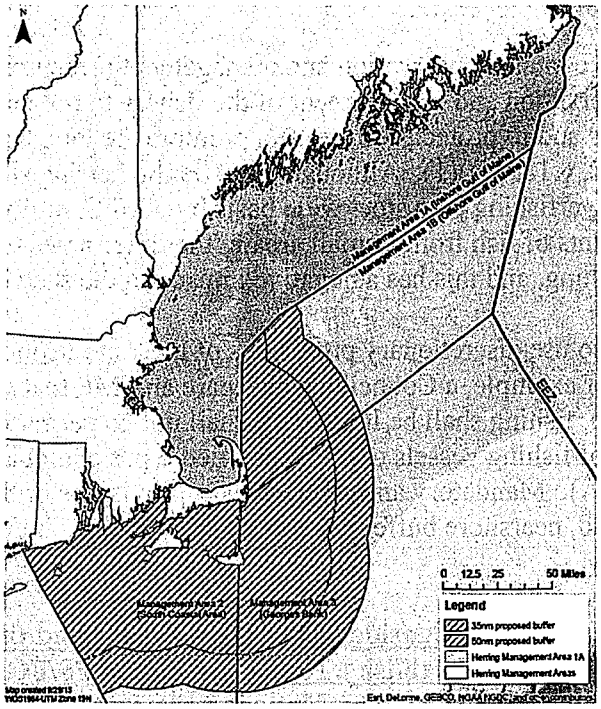
The Council Should Analyze and Consider Alternatives to Extend the Existing PS/FG Area Year Round and to Establish a New Year Round PS/FG Only Area South of Herring Management Area 1A

The Council should analyze a range of alternatives that minimize the effects of fishing on the spatial distribution of Atlantic herring, including alternatives to:

1. Change the current Herring Management Area 1A (which allows the use of purse seine an fixed gear from June 1 - September 30) to a year round Purse-Seine/Fixed Gear Only Area (PS/FG Only Area) as shown in the figure below; and

2. Create a year round PS/FG Only Area in Herring Management Areas 1B, 2, and 3, that prohibits the use of midwater trawl vessels fishing for herring nearshore (alternatives that include a range 35-50 miles seaward of the states of Massachusetts, Rhode Island, and Connecticut should be analyzed) as shown in the figure below.

Management boundaries that keep existing Herring Management Area 1A and adopt a new PS/FG Only Area (35-50 miles seaward of states) in Herring Management Area 1B, 2, and 3 are shown below. Buffers of 35 nm (pink line) and 50 nm (green line) seaward of the coasts of Massachusetts, Rhode Island, and Connecticut are shown in the shaded area.



Conservation and Management Benefits Supporting the Recommended Alternatives

A. Further Protection for Spawning Atlantic Herring

The recommended year round PS/FG Only Areas will afford stronger protections for Atlantic herring during its reproductive seasons, including improved protection of pre-spawning aggregations, spawning fish, and their developing eggs. Currently, Atlantic herring are managed as a single population in the Atlantic Herring FMP, even though scientists have long recognized that there are distinct inshore and offshore spawning components. The Atlantic States Marine Fisheries Commission (ASMFC) adopted a series of area closures almost twenty years ago to provide protection for spawning herring in the inshore Gulf of Maine during the summer and fall. In Amendment 1, the Council closed all of Herring Management 1A to midwater trawling from June to September to provide further protection. To be truly effective, the Council should extend the Herring Management Area 1A PS/FG Area to year round to prevent midwater trawlers from returning to 1A to fish after 1A quota has been caught due exemptions granted thought the research set aside program. Last year this allowed large industrial trawlers to pulse fish for weeks on Stellwagen Bank causing localized and depletion and largely negating other fishing in the area.

As part of the Omnibus EFH Habitat Amendment 2 (OHA2), the Council updated its EFH designations for all of species managed under its jurisdiction, including maps that show the

individual life history stages for each species. These maps demonstrate that Atlantic herring spawn from spring to fall with major spawning occurring from July to November in the Georges Bank/Nantucket Shoals area and from August to December in the Gulf of Maine.[18] In the Northeast, the vast majority of spawning shoals are located within 50 miles of the New England coast, in the PS/FG Only Areas, and midwater trawling should be prohibited.[19]

Protections like those afforded in Herring Management Area 1A are lacking in important areas of Georges Bank and Nantucket Shoals. In the 1970s the Georges Bank component collapsed due to intensive fishing on spawning aggregations by foreign trawl fleets and research suggests that the recovery of the population was fueled in part by increased spawning in neighboring Nantucket Shoals. A new PS/FG Only Area south of Herring Management Area 1A would incorporate currently unprotected spawning grounds on Nantucket Shoals, an area that extends approximately 23 miles eastward and 43 miles southeastward from Nantucket Island.[20] Additional seasonal and spatial spawning protections in this area will enhance the long term sustainability of the Atlantic herring fishery.

B. Conservation Benefits to Atlantic cod and Other Groundfish, Bluefin Tuna, Sharks and Skates, and Other Pelagic Fish Species

Year round PS/FG only areas would also have conservation benefits for numerous and varied predators including Atlantic cod, bluefin tuna, striped bass, and other fish. "Herring are preyed upon by nearly all pelagic predators and are extremely important forage species because of their numerical abundance and schooling behavior."[21] Predators include other fish (Atlantic cod, pollock, haddock, summer flounder, silver hake, Atlantic halibut, monkfish, spiny dogfish, bluefin tuna, swordfish, bluefish, striped bass, black sea bass, Atlantic salmon, and a number of sharks and skates), certain species of squid.[22]

For example, large Atlantic cod (greater than 50 cm) utilize Atlantic herring year round as an important food source in the Northwest Atlantic ecosystem, as described in the extensive analysis of the importance of Atlantic herring as forage developed as part of Amendment 1. *See* The Role of Atlantic herring, *Clupea harengus*, in the Northwest Atlantic Ecosystem, NEFMC (September 16-18, 2003). This white paper describes the importance of Atlantic herring as prey year round for large cod:

> The researchers observed that Atlantic herring is a major prey item for Atlantic cod greater than 50-cm. Cod consumed herring in significant amounts in the Gulf of Maine, Scotian Shelf, Georges Bank, and southern New England regions, but not in the Mid-Atlantic Bight region. In the regions where cod was consumed, it was consumed year-

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[18] *See* Omnibus Habitat Amendment 2 DEIS, Appendix. B pp. 94-95; *see also* DEIS Vol. 2, p. 71-72.

[19] Fishing with purse seines is unlikely to cause localized depletion – need large tight schools, cannot fish on the bottom, have a narrow window of opportunity at dawn or dusk when the fish move high up into the water column, and affected by tide, weather, and environmental conditions that limit their ability to fish.

[20] http://ocsdata.ncd.noaa.gov/BookletChart/13200_BookletChart.pdf.

[21] Bigelow and Schroeder's, Fishes of the Gulf of Maine, Third Edition, p. 144.

[22] In addition to eliminating herring as a food source for these predators, midwater trawl gear – known to contact the bottom - has the potential to damage essential fish habitat for cod and other depleted groundfish stocks.

round with the highest consumption rates in the summer and winter and the lowest rates in the spring. Consumption rates also varied within the time series of the data. . .

As the population of herring began to increase in the mid 1980s, so did the consumption of herring by cod. Between 1986 and 1990, the percentage of herring observed in cod stomachs increased to 12%. It again increased to 25% between 1991 and 1998 (Link and Garrison 2002). Consumption of herring by cod was also modeled during this time period (1988-1992). This study suggested that Atlantic cod consumed an average of 173 tons of herring between 1988 and 1992 (Overholtz et al. (1991)...

Researchers found that, for small cod (40-51cm), herring comprised 7.1%, 13.7%, and 3.8% by weight for spring/fall, summer, and winter diets respectively. For large cod (51-61cm), herring comprised 46.5%, 25%, and 35% by weight for spring/fall, summer, and winter diets respectively (Schwalbe and Chouinard 1999). [23]

As demonstrated, Atlantic herring is a large component of the diet for all size cod, but especially important for large cod. Ensuring that Atlantic herring are available all year in the inshore areas where cod live and grow will be a biological benefit and should be required given their depleted status. The importance of herring as food for other groundfish including haddock, silver hake, American plaice, Summer flounder, Atlantic halibut, pollock, and longhorn sculpin, is also described in the white paper.[24] Without repeating it all here, the white paper also describes predation on Atlantic herring by monkfish, spiny dogfish, other pelagic fish species, and a large suite of sharks and skates.

The recommended PS/FG Only Areas would also incorporate some of the Habitat Areas of Particular Concern (HAPCs) identified in the Omnibus EFH Habitat Amendment (OHA2) as particularly important for groundfish.[25] HAPCs are subsets of EFH that have special conservation status due to their rarity, ecological importance, and/or vulnerability to degradation. As part of the OHA2, the Council designated three HAPCs within nearshore waters, two of which are specific to Atlantic cod protection. Both cod stocks (Georges Bank and Gulf of Maine) have been subject to persistent overfishing and overfished for many years.[26] The Inshore Juvenile Cod HAPC and the Great South Channel Juvenile Cod HAPC span areas critical for juvenile and spawning codfish, and should be protected from the impacts of midwater trawl gear which can fish at or near the bottom where these fish live and can be caught as bycatch. The Jeffreys Ledge/Stellwagen Bank HAPC encompasses an area long recognized for its ecological importance, and supports a wide diversity of wildlife, including cod and other groundfish, marine mammals (including endangered humpback and North Atlantic right whales), seabirds and forage species such as herring and sandlance, and should also be protected from the impacts of midwater trawl gear.

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[23] *See* "The Role of Atlantic herring, Clupea harengus, in the Northwest Atlantic Ecosystem," NEFMC (September 16-18, 2003), at pp. 6-8. http://archive.nefmc.org/herring/planamen/final_a1/appendix5.pdf.

[24] *Id.* at pp. 8-10.

[25] Draft Omnibus Essential Fish Habitat Amendment 2, Volume 2: EFH and HAPC Designation Alternatives and Environmental Impacts (October 1, 2014), pp. 378-432. Available at: http://s3.amazonaws.com/nefmc.org/14haboa2eisvol2efhhapc.pdf

[26] As of 3rd Quarter 2014 Update, NOAA Fisheries Stock Status Updates.

C. Conservation Benefits for Nesting Seabirds

Protecting foraging areas by limiting fishing is well recognized as an effective strategy for the conservation of spatially restricted foragers like seabirds.[27] Seabirds are particularly vulnerable to reductions in food availability, especially during breeding because foraging trips are constrained by the need to return to nests to feed young. Studies have shown that declined prey availability can result in population declines and reduced reproductive success of dependent predators.[28] For example, in the Gulf of Maine, reduced availability of small Atlantic herring within foraging distance of the nests has been linked to decreased survival in Atlantic puffin chicks.[29] Reduced availability of Atlantic herring has also been linked to breeding failures and colony abandonment in both Arctic and Common terns.[30] Major nesting locations for roseate (a federally endangered species) and common terns exist on Islands off the coast of Massachusetts where terns feed primarily on forage fish, including Atlantic herring, and have been reported foraging 20-30 km away from breeding colonies.[31] Prohibiting high-volume midwater trawling within the PS/FG Only Area will protect critical foraging areas from localized depletion and help seabirds to flourish.

D. Conservation Benefits for Marine Mammal Predators – Seals, Porpoises, Dolphins, and Whales

A PS/FG Only Area that protected nearshore areas from localized depletion of Atlantic herring would allow marine mammals such as seals, porpoises, dolphins, and whales (e.g., pilot, humpback, Minke, and finback) protected by federal laws and managed for population recovery, to congregate around abundant supplies of Atlantic herring.[32] The importance of Atlantic herring as forage for these species is described in the white paper produced for Amendment 1.[33]

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[27] Witherell et al. (2000) An ecosystem-based approach for Alaska groundfish fisheries. ICES Journal of Marine Science, 57: 771; Thaxter et al. (2012) Seabird Foraging Ranges as a Preliminary Tool for Identifying Candidate Marine Protected Areas. Biological Conservation 156: 53-61. Pichegru et al. (2012). Industrial Fishing, No-Take Zones and Endangered Penguins. Biological Conservation 156: 117–25; Ludynia et al. (2012) The Namibian Islands' Marine Protected Area: using seabird tracking data to define boundaries and assess their adequacy. Biological Conservation. 156, 136-145.

[28] Cury et al., 2011. Global Seabird Response to Forage Fish Depletion—One-Third for the Birds. Science 334:1703-5; Breton et al. 2014. Annual survival of adult Atlantic puffins *Fratercula arctica* is positively correlated with Herring *Clupea harengus* availability. Ibis (2014) **156**: 35-47.

[29] Breton et al. 2014. Annual survival of adult Atlantic puffins *Fratercula arctica* is positively correlated with Herring *Clupea harengus* availability. Ibis (2014) **156**: 35-47.

[30] Gaston et al (2009) Changes in Canadian seabird populations and ecology since 1970 in relation to changes in oceanography and food webs. Environ. Rev. 17: 267–286.

[31] Nisbet, Ian C. 2002. Common Tern (*Sterna hirundo*), The Birds of North America Online (A. Poole, Ed.). Ithaca: Cornell Lab of Ornithology; Retrieved from the Birds of North America Online:http://bna.birds.cornell.edu/bna/species/618; Heinemann, D. 1992. Foraging ecology of Roseate Terns on Bird Island, Buzzards Bay, Massachusetts. U.S. Fish and Wildl. Serv. Newton Corner, MA.

[32] Kenny et al. (1997) Estimates of prey consumption and trophic impacts of cetaceans in the USA northeast continental shelf ecosystem. Journal Northwest Atlantic Fisheries Science, 22: 155–171.

[33] *See* "The Role of Atlantic herring, Clupea harengus, in the Northwest Atlantic Ecosystem," NEFMC (September 16-18, 2003), at pp. 14-18.

E. Conservation Benefits for Depleted River Herring and Shad Populations

In addition to protecting Atlantic herring and its predators, an inshore buffer from midwater trawl gear would protect anadromous river herring (and shad), severely depleted *species of concern*, from large bycatch events.[34] Although not identified as a targeted species, midwater trawl gear captures 57-percent of the incidental catch of river herring and shad in New England,[35] primarily in inshore waters south of the Gulf of Maine. A PS/FG Only Area that prohibits midwater trawl fishing in areas known to have high river herring and shad mortality, particularly in the spring when these fish are returning to river mouths to spawn, would provide a significant biological benefit to these depleted stocks. Hotspots for river herring bycatch, mapped using observer data and SMAST shore side sampling data, indicate that a nearshore buffer would help to minimize this catch. River Herring Hotspots were identified in the development of Amendment 5 to the Atlantic Herring FMP. The times and locations of high rates of at-sea river herring catch were also identified in a paper published by Cournane et al. 2013 (Fisheries Research 141:88– 94 – Figure 2) and contributed to the decision to develop river herring catch caps in Atlantic Herring Amendment 5. A nearshore PS/FG Only Area would help reduce catch of these severely depleted species.

The Magnuson-Stevens Act provides the Council with additional authority to develop a nearshore PS/FG Only Area to protect these anadromous fish. *See*16 U.S.C. § 1853(b)(9) (the Council may "assess and specify the effect which the conservation and management measures of the plan will have on the stocks of naturally spawning anadromous fish in the region."); *see also* 16 U.S.C. § 1853(b)(12) (Council may "include management measures in the plan to conserve target and non-target species and habitats, considering the variety of ecological factors affecting fishery populations."). Anadromous species like river herring and shad that are caught in significant amounts in the herring fishery should be conserved and managed in federal waters, and a PS/FG Only Area would help protect and rebuild these overfished populations.

F. Economic Benefits to Predator-Dependent Businesses

The availability of sufficient Atlantic herring in the right time and place benefits both the ecosystem and a diverse group of businesses due to its critical role as food for many other marine animals. Stakeholders who will benefit include businesses that depend on commercially valuable species like groundfish, tuna, and lobster, businesses like our clients' that are involved in recreational fisheries for species like striped bass and bluefish, and whale watching, birding and other wildlife dependent ecotourism businesses. The socio-economic impacts to all of these herring-dependent businesses must be fully analyzed and considered as part of the development of the alternatives for this action.

Removal of herring through high-volume midwater trawl fishing eliminates a major food source at the times and places that the predators that all of these stakeholders depend upon. .

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[34] Historically, river herring were a major component of the forage assemblage throughout the Mid-Atlantic and Northeast, but their numbers are a mere shadow of what they once were due to dams, pollution and incidental catch in at-sea fisheries.

[35] http://s3.amazonaws.com/nefmc.org/150909-Draft-Industry-Funded-Monitoring-Omnibus-Amendment-EA-with-Appendix.pdf, at p. 98.

This localized depletion of herring has caused economic harm to recreational fishermen like our clients who lose fishing and related business opportunities (fewer charter trips and tackle sold), when abundant populations of the predator fish they seek to catch leave the area in search of food. Similarly, commercial fishermen who depend on Atlantic cod, tuna and other fish that rely on herring are also directly impacted by localized depletion. A robust herring resource is critical to the health of New England's marine ecosystem and the long-term productivity of its fisheries and coastal economy.

Localized depletion of herring can also negatively impact foraging opportunities for whales and seabirds, which in turn affects the wildlife-based tourism that relies on viewing these animals. New England is one of the most popular whale watching destinations in the world and a major part of the local tourism economy, accounting for $35 million in direct tourism dollars annually and attracting nearly 1 million visitors every year.[36] Over 30 companies in New England offer whale watching trips, from May to September each year, to observe the large variety of marine mammals found off the New England coast, including fin whales, humpback whales, Minke whales, pilot whales, harbor porpoise, Atlantic white-sided dolphins, harbor seals, and grey seals – all of which are considered important predators of herring.[37] New England is also a popular destination for seabird watching. In Maine alone, the value of seabird tourism was estimated at $5 to $10 million annually, with120 tour operators offering 5,000 to 7,500 trips every year.[38] A nearshore closure to midwater trawl would protect prime feeding habitat for many of the region's wildlife, benefiting a growing tourism sector in New England that relies on a healthy and local abundance of whales, dolphins, seabirds and other marine life.

* * *

Year-round nearshore protections for Atlantic herring from midwater trawl gear fishing for herring has conservation benefits for Atlantic herring, its predators, predator dependent industries, and the entire Northwest Atlantic marine ecosystem. Our clients thank you for the opportunity to comment on this important amendment.

Sincerely yours,

/s/Roger Fleming
Roger Fleming, Attorney
Erica Fuller, Attorney
Earthjustice

[36] O'Connor et al. (2009) "Whale Watching Worldwide: tourism numbers, expenditures and expanding economic benefits," a special report from the International Fund for Animal Welfare, Yarmouth MA, USA, prepared by Economists at Large.
[37] Overholtz and Link (2007) Consumption impacts by marine mammals, fish, and seabirds on the Gulf of Maine-Georges Bank Atlantic Herring (Clupea harengus) complex during 1977-2002. ICES J. Mar. Sci. 64:83-96.
[38] *See* Friends of Maine's Seabird Islands: http://www.maineseabirds.org/seabirds-biology.

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SEP 30 2015
NEW ENGLAND FISHERY
MANAGEMENT COUNCIL

To: Tom Nies
From: Steve Weiner
RE: Herring Amendment 8 Re-Scoping Comment
Date: September 25, 2015

The New England Fisheries Management Council (NEFMC) and NMFS should never have allowed mid-water trawl gear to be used in the herring fishery. The idea of pair trawling in inshore waters is crazy. To think that you can allow this kind of gear and boats that can hold up to a million lbs. of fish to target the Gulf of Maine's primary forage fish and not impact the local ecosystem and economy is naïve. The gear is devastatingly effective and can fish throughout the water column right to the bottom. These trawlers can fish in all kinds of weather and all phases of the moon. Also their pattern is to fish in a pack in the same area and to stay fishing there until they commercially deplete a particular area. This leads to localized depletion of the herring in that area. They then move on to another area and do the same thing.

Herring seiners on the other hand fish with single boats and need the fish to rise up close to the surface to be able to catch them. If the fish stay down they can't catch them. If the weather is bad or the moon is full or the tide is running hard, they can't catch herring. If the fish are all scattered about seine gear isn't effective. Unlike mid-water trawl gear that can scoop up lots of small schools and just wipe out a discreet area, a seiner needs big bunches of fish to make fishing economically viable.

There are many other fisheries and businesses that depend on a healthy and spatially distributed herring population in the Gulf of Maine (GOM). Historically the mid-water trawlers have proven that their gear efficiency and capability can deplete local stocks in such a way that can devastate local herring populations and consequently the availability of other fish and mammals that can drive local at sea and shore side businesses.
All our ground fish, bluefin tuna, striped bass, and bluefish depend on healthy availability of herring. The presence of whales and porpoises is directly tied to the healthy distribution of herring. The mid-water trawl fleet has the capability of disrupting this healthy distribution of our primary forage fish.

It has been proven over time that mid-water trawlers are incompatible with the other inshore fisheries. The economic impact of allowing trawlers inshore is devastating. The recreational and commercial bluefin fishery alone dwarfs the directed herring fishery in real dollars. When herring are depleted in discreet areas of the Gulf of Maine so go the tuna, whales, porpoises, and many of the ground fish. Many New England businesses thrive when herring are plentiful. Whether it is whale watching off Bar Harbor or bluefin tuna fishing off Jefferies Ledge or ground

fishing on Platts Bank or bird watching off the Isle of Shoals, it all links to a spatially abundant herring resource.

We currently have a 4 month (June-Sept.) inshore ban on mid-water trawling for herring in Herring Management Area 1A. While this has reaped benefits, it needs to be expanded to a year round ban to be totally effective. For the past number of years ASMFC has prohibited any landing of herring caught in Area 1A from Jan1-May 30. Amendment 8 should make the Jan–May inshore ban permanent. Also many of our inshore fisheries are active in October and into November and thus allowing the whole mid-water fleet to target areas like Ipswich Bay and Stellwagen Bank in the final 2 months of the year is crazy and devastating to both the herring resource and the local economies. The race to fish by these trawlers ruins the targeted area for all others.

In short, the current 4-month 1A inshore buffer zone needs to be a year round mid-water gear restricted area. This needs to be one of the actions in Amendment 8.

Furthermore, a new mid-water exclusion area needs to be created where the 1A one stops. Herring Management Areas 1B and 3 run directly into the backside of the Cape and Islands allowing the mid-water trawlers to fish any time of the year right up to the 3 mile state of Mass line. Both commercial and recreational fisheries and eco-tourism businesses are impacted when this occurs. Large amounts of herring are caught in blasts of targeted fishing. Since the area 3 herring quota is very large it can foster this gang fishing over a number of months of the year.

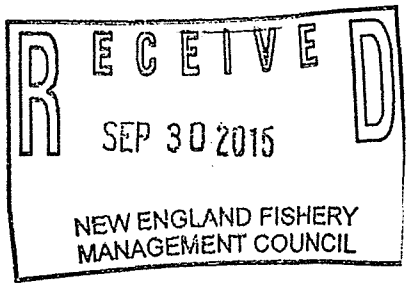
A new mid-water trawl gear restricted area off the backside of the Cape should be another outcome of Amendment 8. It should run contiguous to the existing 1A restricted area and should extend approximately 40 miles off shore similar to the average 1A boundary.

Millions and millions of dollars of our New England economy depend on a healthy and spatially distributed herring resource. The bluefin, ground fish, and striped bass recreational/commercial fisheries support tackle shops, restaurants, motels, boat builders, marinas, and other shore side business that generate dollars far in excess of the directed herring fishery. Managing the overall catch of herring is not sufficient. Overfishing discreet inshore areas is equally damaging. It is time to push all mid-water trawlers for herring off shore permanently. They are incompatible with the economic interests of our coastal communities. Amendment 8 is the vehicle to accomplish what the public has rightly desired for many years.

Sincerely
Steve Weiner
Bluefin tuna fisherman 1968-present

Sherie Goutier

From: Dick <rkfox@rkfox.com>
Sent: Tuesday, September 29, 2015 4:02 PM
To: comments
Subject: Amendment 8 Scoping Comments



Tom Nies

Executive Director
New England Fishery Management Council
50 Water Street #2
Newburyport, MA 01950

Mr Nies,

I am writing to you as a concerned fisherman who has spent fifty some years in the near NE coastal waters fishing on party and charter boats, mainly for groundfish like cod, haddock and pollock.

I am writing now because because of the current opportunity to greatly improve our total inshore fishery.

It can't be a surprise that most inshore fisherman dislike the mid-water trawl fishery due to its impact on our fishery. Since 1991 when the first mid-water trawlers showed up off our coast, we have seen localized depletion of both our bait fish resource and the fish that feed on them.

These trawlers have taken a lot of the important predator species that we fish for. These species include but are not limited to haddock, juvenile pollock by the millions, striped bass and cod. I believe the huge detrimental changes we have witnessed in our fishery are largely the result of mid-water trawlers and their effectiveness in straining the water of marine life.

It is time to change the way the mid-water trawlers are allowed to fish in our near shore areas. There has been talk of a buffer zone that would extend from southern New England, following the coast from the back side of Cape Cod, through the Gulf of Maine and into downeast Maine.

We already have a buffer zone in Area 1A June through Sept. **This** is what I would like to see added to this current protection:

1. A 35 nautical mile buffer zone free of mid-water herring trawling from southern New England, around Cape Cod and extending north and east up the coast of Maine to the Hague Line.

2. This whole buffer zone should be in place for twelve months a year, every year.

I.E. It should become a year round buffer. An additional buffer zone added contiguous to the 1A zone on the backside of Cape Cod extending 35 miles off shore for the full year.

I believe this is a sensible choice and the least we can do to maintain a healthy near shore fishery for the future of our fish. It makes no sense to set aside near shore areas for fish reproduction, habitat and growth if you allow small mesh mid-water dragging in those same areas, this will take away the food source that brings the fish to these areas in the first place!

I want to make it clear that the herring seiner issue is entirely different and should be allowed under certain circumstances,to catch herring in near coastal areas. The difference between the two fisheries is selectivity and control. Control and selectivity cannot exist with the mid-water herring trawler fleet - even with observers aboard. It can and should exist with the herring seiners.

Please seriously consider this buffer zone amendment! **Please make it a reality.**

We have enough problems already with the fisheries that are being managed by the Council. It would make the Council's job much easier if it could eliminate the biggest problem, the mid-water herring trawling in near shore waters.

Elimination of the mid-water herring trawlers will speed up the groundfish recovery especially considering their huge haddock bycatch issue.

In summary, this mid-water trawling fishery certainly is not helping the groundfish stock recovery and should be much more restricted.

Thank you for the opportunity to voice my opinion and please feel free to contact me if there are any questions!

Respectfully Yours,

Richard Fox

Born and raised (50 years!) in NE!
A long time offshore party/charter boat fisherman (still get back a few times a year)

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September 30, 2015

Herring Amendment 8 Scoping Comments, Localized Depletion in Inshore Waters

1. Expanding the scope of Amendment 8 to include consideration of localized depletion in inshore waters after initial scoping on the Amendment is problematic for stakeholders. Although additional scoping has been initiated, the Council voted to include localized depletion as a major component of the Amendment before any scoping on the issue had taken place. Therefore, the public was precluded from participation/comment in the process until after the addition had been formalized. Considering that the Council had considered but rejected issues such as concentrations of fishing effort and spatial management adjustments from its 2015 priority list, stakeholders were not prepared for or informed of this possibility. Such action degrades industry confidence in the process.
2. Localized depletion has not been operationally or quantifiably defined. Absent an operational definition, it impossible to evaluate if localized depletion is occurring. [1] Localized depletion may mean different things to different people, result in varied conclusions based on the same information, and may be attributed to factors other than fishing, or even human, activity.[2] Lack of an adequate definition of localized depletion was a primary difficulty for the Atlantic States Marine Fisheries Commission when assessing the issue with regards to menhaden. Until a scientifically based, peer reviewed definition/analysis of localized herring depletion in inshore waters can be presented to or by the Council, no action should be, or can be, taken on the subject.
3. A coastwide stock assessment cannot be used to determine if localized depletion is occurring.[3] To conclude whether localized inshore depletion were occurring or to evaluate its magnitude, separate assessments of the various stock components would be necessary. Although the Atlantic herring stock is comprised of several spawning components, mixing of stocks, especially in the fishery, precludes any separate assessments. [4] The inshore Gulf of Maine and offshore Georges Bank spawning stocks segregate during spawning, but mix during the rest of the year as they feed and migrate. [5] Protections of inshore stock components during spawning segregation currently take place through several inshore spawning closures administered by the Atlantic States Marine Fisheries Commission. Furthermore, catch limits and allocations are already based on estimates of relative biomass among the various management areas, and these consider the

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[1] Maguire, Jean-Jaques, "Report on the evaluation of the Chesapeake Bay Fisheries Science Program: Atlantic Menhaden Research Program", 2009, p 2.
[2] Ibid, p. 4.
[3] Haddon, Malcolm, "Review Research on Atlantic Menhaden", 2009, p. 2.
[4] Northeast Fisheries Science Center, 54th SAW Assessment Summary Report, 2012, p. 12. See http://www.nefsc.noaa.gov/publications/crd/crd1214/crd1214.pdf .
[5] Correia, Steven, "Simulating Removals of the Inshore Component for the Herring Fishery for years 1999-2008 Using the Herring PDT's Risk Assessment Methodology", 2009, p. 1. See Appendix 2, 2010-2012 Atlantic Herring Fishery Specifications.

proper ratios of inshore catch to inshore biomass using the best science available.[6] Therefore, spatial management of the herring resource is as accurate as possible at this time. Until more accurate science is available, further spatial management cannot be scientifically justified.

4. Even should spawning stock components be separately identified and quantified at a later date, the interactions between dominant and subordinate stock components would need to be evaluated before forming the basis of management decisions.[7]
5. Site fidelity is a prerequisite for localized depletion to be possible.[8] However, herring is a very migratory species, and migration is a part of every life cycle activity. [9] Even in inshore waters herring are migratory, and during migration may congregate inshore for a period of time. For example, the state herring fishery in Rhode Island occurs inshore during winter migration. The volume and exact timing/duration of this fishery varies year to year based on environmental conditions. Differentiating between alleged localized depletion and natural migration is impossible without time specific, stock specific, site fidelity.
6. Spatial components of interacting fisheries and species are more complex than purely forage availability. For example, despite high herring abundance in the Gulf of Maine, bluefin tuna have experienced a shift in distribution to offshore banks and locations further north.[10] Research has attributed this shift to quality, not quantity, of forage.[11]
7. Recent studies specifically designed to test the localized depletion hypothesis have proven localized depletion arguments unsubstantial. In the Bering Sea cod fishery, the assumption of reduced prey availability from localized, intensive trawl fishing had been "suspected of causing short-term, small scale impacts on fish abundance (localized depletion) that [were] disproportionate to the overall harvest rate," leading to trawl exclusion zones around sea lion rookeries.[12] This is similar to what is being suggested for herring. However, "results of the study clearly indicated very similar values of seasonal change in Pacific cod abundance in both the trawled and untrawled portions of the study area".[13] They did not show the differences "expected to result from strong localized depletion in the trawl zone," which was the subject of substantial fishing removals during the study period.[14] The research concluded that effects fishery removals were "obscured by rapid fish movement" and that understanding patterns in abundance "must take into account both substantial short-term movement and seasonal processes of migration and aggregation related to spawning."[15] Herring similarly demonstrate both short term and seasonal movement.

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[6] Ibid; 54th SAW Assessment Summary Report, p. 13.

[7] Skud, Bernard Einar, "Dominance in Fishes: The Relation Between Environment and Abundance" in *Science*, Volume 216, 1982, p. 146, 147.

[8] Haddon, p. 2.

[9] "Atlantic herring migrate over great distances of open sea. They migrate to feed. They migrate to spawn. They migrate to their winter grounds." Gulf of Maine Research Institute, "Herring Biology: Life Cycle". See http://www.gma.org/herring/biology/life_cycle/default.asp.

[10] "Study Unveils Why Bluefin Tuna Suffer Despite Prey Abundance", Fish Information and Services, June 23, 2015. See http://www.fis.com/fis/worldnews/worldnews.asp?monthyear=&day=23&id=77430&l=e&special=0&ndb=0.

[11] Ibid.

[12] Conners, M. Elizabeth and Peter Munro, "Effects of commercial fishing on local abundance of Pacific cod (Gadus macrocephalus) in the Bering Sea", in *Fishery Bulletin* 106, 2008, p. 281.

[13] Ibid, p. 287.

[14] Ibid, p. 288.

[15] Ibid, p. 289, 291.

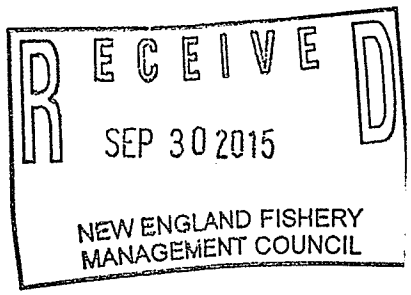
In the Gulf of Maine, a study focused on the economic tradeoffs between whale watching boats and commercial herring vessels produced similar results. Based on the theory that "intense trawling for herring causes temporary reductions of their abundance, depressing the abundance of whales and other highly mobile predators of herring", the research examined a seasonal ban on trawling for herring in the inshore Gulf of Maine (Area 1A from June-September) and its effects on search times logged by whale watching vessels.[16] Using the model showing the most significant support of localized depletion, a catch based measure of depletion determined that "an increase of 100 mt of catch will lead to search time increases of approximately 1.6 min."[17] An effort based measure of depletion produced results showing that "a fishing trip increases search times by approximately 0.6 minutes."[18] The study concludes that "the closure of the nearshore fishery results in slightly shorter search times and small economic gains for whale-watching firms relative to the costs imposed on the fishing industry."[19]

We are therefore opposed to any further consideration of inshore localized depletion in Amendment 8.

[16] Lee, Min-Yang, "Economic Tradeoffs in the Gulf of Maine Ecosystem: Herring and whale-watching", in *Marine Policy* 34, 2010, p. 156.
[17] Ibid, p. 160.
[18] Ibid, p. 160.
[19] Ibid, p. 161.

Sherie Goutier

From: Dominick Pucci <dlpucci@gmail.com>
Sent: Tuesday, September 29, 2015 9:41 PM
To: comments
Subject: Amendment 8 Scoping Comments



Tom Nies
Executive Director
New England Fishery Management Council
50 Water Street #2
Newburyport, MA 01950

Dear Mr. Nies,

I am writing to you as a concerned fisherman who has spent over fifty years in the near coastal waters from Muscongus Bay, Maine to Long Beach Island, New Jersey. During those years I have been involved in a myriad of fisheries including, dragging, gillnetting, tuna fishing, and commercial rod and real fishing. Presently my main fishery is recreational fishing along Maine's Midcoast from estuaries to 25 miles offshore..

I am writing to you now because it's time for us to get our collective heads out of the sand and start doing something intelligent to help getting the depleted cod and other gamefish populations in the Gulf of Maine back on track. Mid-water trawling has depleted the Gulf's bait supply, especially herring, as well as taking many game fish as bycatch. There is no dirtier fishery than trawling and mid-water pair trawling is the worst of the worst. In many cases, these trawlers have also taken many important predator species which may include haddock, juvenile pollock by the millions, striped bass and cod. I believe the huge detrimental changes we have witnessed in our fishery are largely the result of mid-water trawlers and their effectiveness in vacuuming up everything that swims. You cannot effectively manage a fishery if you're not protecting the key forage fish of the fishery!

It is time to change the way the mid-water trawlers fish in our near shore areas. There has been talk of a buffer zone that would extend from southern New England, following the coast from the back side of Cape Cod, through the Gulf of Maine and ending in downeast Maine. We already have a buffer zone in Area 1A June through Sept. It should become a year round buffer. An additional buffer zone should be added contiguous to the 1A zone on the backside of Cape Cod extending 35 miles off shore also for the full year. I support this idea. I believe this is a sensible choice and the least we can do to maintain a healthy near shore fishery for the future of our fishing families. It makes no sense to set aside near shore areas for fish reproduction, habitat and growth if you allow small mesh mid-water dragging in those same areas, in the process taking away the food source that brings the fish to these areas in the first place.

Also, I want to make it clear that the herring seiner issue is entirely different and, under certain circumstances, should be allowed to catch herring in near coastal areas. The difference between the

two fisheries is selectivity and control. Control and selectivity does not exist with the mid-water herring trawler fleet - even with observers aboard. It can exist with the herring seiners.

I ask that you seriously consider this buffer zone and make it a reality. We have problems enough with the fisheries that are being managed by the Council. It would make the Council's job much easier if the Council could eliminate the biggest problem, the mid-water herring trawling in near shore waters. I think you will also find that elimination of the mid-water herring trawlers will speed up the groundfish recovery. With the huge haddock bycatch issue that is happening as I write, the mid-water boats certainly aren't helping the groundfish industry or the groundfish stocks, all of which have not recovered yet.

Thank you for the opportunity to voice my opinions.

Respectfully Yours,

Dominick L. Pucci, Ph.D.
F/V Persuader
Pemaquid, Maine

GehanLaw
The Law Office of Shaun M. Gehan

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Attachments have been received by the council and are available by calling the council office.

September 29, 2015

Thomas A. Nies
Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

RE: Comments on Supplemental Notice of Intent to Prepare an Environmental Impact Statement; Scoping for Amendment 8 to the Atlantic Herring Fishery Management Plan, RIN 0648–XD784

Dear Executive Director Nies:

These comments are submitted on behalf of the Sustainable Fisheries Coalition ("SFC") in response to the call for scoping comments on the issue of "localized depletion" for potential consideration in Amendment 8 to the Fishery Management Plan ("FMP") for Atlantic Herring. 80 Fed. Reg. 50825 (Aug. 21, 2015). The SFC is a trade group representing the social, economic, and legal interests of its participants in the Atlantic herring and mackerel fisheries. SFC's participants are O'Hara Corp., Ocean Spray Partnership, Irish Venture, Western Sea Fishing Co., Cape Seafoods, Northern Pelagic Group, LLC ("NORPEL"), Seafreeze, Ltd., Lunds Fisheries, Inc., and the F/V *Darana R.* All appreciate this opportunity.

The notice seeks comment on the New England Fisheries Management Council's intent to expand the purpose of Amendment to the issue of "localized depletion" ("LD") of herring in "near shore" waters. As a general matter, the notice defines LD as "harvesting ... more fish than can be replaced either locally or through fish migrating into the catch area within a given time period." *Id.* at 50825. No definition of "near shore" is provided. The Council seeks input on "how to define, measure, evaluate impacts, and minimize inshore, localized depletion in the herring fishery." *Id.*

The Amendment 8 goal to "address localized depletion in inshore waters" was added by the Council at its meeting in June 2015. As stated, this goal presupposes that such a thing as LD exists in some biologically relevant sense.[1] This assumption strikes SFC as inappropriate, particularly

[1] Notably, as was discussed at length at the June 2015 Council meeting, this goal was not directed at the issue of user conflicts in near shore areas. For instance, during the June meeting, Herring Committee chair Doug Grout noted observed that this was not a biological issue, but a matter driven by user conflicts. The Council, however, specifically declined to add reconsideration of

given, as discussed below, the Council has long made definition and identification of potential LD a research priority but has not yet done so. Thus, in the broadest sense, the public is being asked to comment on solutions to an undefined phenomenon which may or may not be occurring in locations that are equally ill-defined.

To say the least, this is not likely to lead to informed comment. However, SFC below endeavors to address the questions presented.

Our overarching conclusion is that, beyond these definitional failures, there is no scientific evidence to support the existence of LD. Thus, it puts the cart before the horse to use Amendment 8 to develop management measures to a concern that may not exist. Rather, the Council should make it a priority to utilize existing tools developed under the herring research set-aside program ("RSA") to investigate whether an ecosystem-level problem even exists. Furthermore, as this goal appears aimed at a very specific spatial conflict in a limited geographic area,[2] that issue should be taken up directly in a separate action (if not through mediated dialogue among interested groups). Any such subsequent action should be honest about the problem and objectives, not muddled with biological issues in an amendment dealing with ecosystem issues.

General Comments

The issue of localized depletion has been much discussed, but has neither been adequately defined nor, as far as SFC is aware, identified in any major oceanic fishery. Amendment 1 to the Herring FMP tangentially addressed this issue when it established a purse seine/fixed gear only area from June through September each year in Area 1A. In that instance, however, the measure was largely justified by concerns about "the health of the inshore [herring] stock component," and the high concentration of harvest during months when the inshore component was spawning.[3] No similar biological concerns have, at least as yet, been identified with respect to other subcomponents of the herring stock, particularly any related to their "near shore" status.

Nor have the Scientific and Statistical Committee ("SSC") or Herring Plan Development Team ("PDT") raised any concerns regarding LD at this time, or at any other time since the development of Amendment 1 10 years ago. The status of the herring resource is excellent, with biomass more than twice that needed to produce maximum sustainable yield ("MSY") and fishing mortality rates are below target levels. Overall, the Atlantic herring resource is currently being managed on a basis more conservative than recommended by advocates for precautionary forage fish management, such as the authors of the Lenfest Forage Fish Task Force report. For more than a decade, the population has been maintained near or at historically high levels, while producing catch levels that have supported all facets of the herring fishery, a growing Gulf of Maine lobster fishery, and exploding populations of marine mammals.

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herring management areas as an objective or otherwise modify the language to address this issue as a spatial conflict among resource users.

[2] For example, were this a concern over impacts on other fish stocks or predators, there would be no reason to limit scoping to near shore waters.

[3] Amendment 1 to the Atlantic Herring FMP Final Supplemental Environmental Impact Statement ("FEIS"), at 93-94 (May 3, 2006).

Beyond the biological justification (lacking here), Amendment 1 also forth-rightly addressed a perceived user conflict issue. The temporal purse seine/fixed gear season Amendment 1 created was developed in part to address concerns expressed by those gear types, as well as other fishermen and the whale-watching industry. In the current instance, Amendment 8 lacks any recognition that such conflicts are driving this new objective. With no evidence that LD is occurring, these concerns are the new goal's sole driver, a point recognized by many Councilmembers during the June debate.

By avoiding confronting this as a spatial conflict among various user groups, the public is in the position of directing comments at the strawman issue of LD. In that regard, SFC presents scientific research on the issue of LD, as well as examples of how this issue has been approached by other management bodies as a scientific matter. Following those examples, particularly given the utter lack of an identified biological concern (save for the most general observation made during the meeting that ecosystem-based fishery management should take spatial considerations into account), the proper course would be to initiate a scientific research program designed to determine whether a problem exists and to develop solutions specific to identify concerns, if any.

As a matter of administrative procedure, however, SFC strongly objects to being denied the opportunity to directly address the real concern of this objective. A scoping process aimed at addressing perceived user conflicts in the near shore parts of Areas 1B and 3 would elicit an entirely different set of comments than those responsive to the current request. As the Council has chosen to address this as a matter of LD, then any management response in Amendment 8 should be based on scientific investigation or at least on a clear identification of the biological concerns to be addressed, supported by scientific literature. As shown below, there is no such evidence.

I. Defining and Measuring Localized Depletion is Impossible in the Absence of a Defined Ecosystem or Predator/Prey Concern Likely Caused by Sporadically Concentrated Harvest

The notice suggests LD exists "when harvesting takes more fish than can be replaced either locally or through fish migrating into the catch area within a given time period." 80 Fed. Reg. at 50825. As, by definition, harvesting fish involves their removal, LD must mean something more if it is to be considered a problem. To rise to that level, the removal of herring from an area must have a significant and more than transitory impact on other species.

To rise to such a level, at least three conditions would have to be met. For one, the time element must be of sufficient duration to adversely affect foraging behavior and success. Secondly, that impact must be spread over a significantly wide area as, like herring, its marine predators are all highly mobile. If predator and/or prey stocks do not demonstrate any strong site fidelity or smaller scale stock structure without significant migration, then any effects of localized harvest are likely to be swamped by natural movement and large-scale environmental processes.[4] Thirdly, the

[4] *See, e.g.,* Erlandson, Jon M., and Torben C. Rick. "Archaeology meets marine ecology: the antiquity of maritime cultures and human impacts on marine fisheries and ecosystems." *Annual Review of Marine Science* 2 (2010): 231-251, 169 ("Localized depletion is not necessarily equivalent to the degradation of a wider ecosystem, however, as heavy local exploitation can be

predator must either be uniquely dependent on herring or there must be an absence of other prey species, such as menhaden, sea robins, scup, whiting, shad, river herring, squid, shrimp, sand lance, etc., in fishing area. If other prey is available, the temporal loss of herring from fishing is not likely to have consequential ecosystem impacts.

An example of an LD definition used in scientific literature which somewhat captures these elements is: "Localized depletion is the hypothesis that intense fishing pressure may cause small-scale effects on local densities of the target fish—effects that are disproportionate to the managed overall harvest mortality rate."[5] This definition, however, does not specify what these small-scale effects might entail or provide a clear roadmap to identifying specific problems or even LD's existence.

Undoubtedly some will offer the definition of LD offered in the Lenfest Forage Fish Task Force's report, "Little Fish, Big Impact."[6] Specifically, "localized depletion ... is a reduction, through fishing, in abundance or biomass in a specific area." *Id.* at 14. "Localized depletion occurring in key foraging areas and at critical feeding times may have a major effect on predators that have little ability to find more distant patches of abundant prey." *Id.* The citations Lenfest provides for this assertion all relate to precautionary management of krill in the Scotian Sea, an area under no single nation's control, and involve land-based predators of concern in Antarctica.[7] The only other example of potential LD involves impacts on seabirds in the North Sea.

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combined with residential mobility in a sustainable economic strategy."); Hanselman, Dana, *et al.* "Localized depletion of three Alaska rockfish species." *Biology, Assessment, and Management of North Pacific Rockfishes. Alaska Sea Grant, University of Alaska Fairbanks* (2007): 493-511 (finding intensive localized fishing had varying impacts of different stock depending on hyperstability, migration, or target switching); Borkman, David G., and Theodore Smayda. "Multidecadal (1959–1997) changes in *Skeletonema* abundance and seasonal bloom patterns in Narragansett Bay, Rhode Island, USA." *Journal of Sea Research* 61.1 (2009): 84-94 (local availability of migratory menhaden in Narragansett Bay tied to multidecadal changes in planktonic production); *see also* Lee, *infra* n.10 (importance of environmental factors); Haddon, *infra* n.16 (importance of migration).

[5] Conners, M. Elizabeth, and Peter Munro. "Effects of commercial fishing on local abundance of Pacific cod (*Gadus macrocephalus*) in the Bering Sea." *Fishery Bulletin* 106.3 (2008): 281-292.

[6] Pikitch, Ellen, *et al.* "Little fish, big impact: managing a crucial link in ocean food webs." Lenfest Ocean Program, Washington, DC 108 (2012).

[7] *See, e.g.,* Plagányi, Éva E., and Doug S. Butterworth. "The Scotia Sea krill fishery and its possible impacts on dependent predators: modeling localized depletion of prey." *Ecological Applications* 22.3 (2012): 748-761; Watters, G.M., *et al.* (2008). "A risk assessment to advise on strategies for subdividing a precautionary catch limit among small-scale management units during stage 1 of the staged development of the krill fishery in Subareas 48.1, 48.2 and 48.3. CCAMLR document WG-EMM-08/30; Hill, S. L., *et al.* (2009). "The risk to fishery performance associated with spatially resolved management of Antarctic krill (*Euphausia superba*) harvesting. ICES Journal of Marine Science, 66 (10), 2148–2154; Hewitt, R, *et al.* (2004). "Options for allocating the precautionary catch limit of krill among small-scale management units in the Scotia Sea." *CCAMLR Science*, 11, 81–97.

The Lenfest definition may thus have some utility for this particular sub-set of predators; *i.e.*, land-based avian and marine mammal populations.[8] In this regard, however, there is scant evidence of adverse impacts on coastal species inhabiting the near shore areas where the herring fishery is conducted. Indeed, populations of marine mammals such as grey and harbor seals in the region have been increasing at substantial rates. This may increase competition in near shore waters, but is not indicative of a low forage base, either overall or temporally.

As discussed below, peer reviewers of the Atlantic States Marine Fisheries Commission's rigorous attempt to investigate the potential for LD of menhaden in the Chesapeake Bay have attempted to lay out more functional definitions. *Infra* at Part IV.B. One of the takeaways from that exercise is that generalized or vague definitions of LD have little utility as they allow individuals to arrive at different conclusions based on the same set of objective facts.

In light of these considerations, the absence of an identified and specific ecosystem problem or even a single (or set of) of predator-prey interaction(s) that Amendment 8 would address makes it impossible to provide a meaningful definition of LD. Nor, without a clearly defined problem can the public suggest – or the Council rationally develop – management solutions.

This public comment process is only likely to elicit a wish list of measures that individuals, businesses, and organizations would like to see implemented in order to further their economic, social, or environmental interests. The Magnuson-Stevens Act, however, does not sanction a process of appeasement of the most vocal and persistent stakeholders. It creates an orderly, science-based administrative process for considering and balancing competing interests and objectives. While SFC would be content with the status quo, its participants request only that if the Council chooses to pursue the issue of LD that it do so on an impartial, scientific basis. That would begin with defining the problem, which should be done by the Council in the first instance.

II. The Council Should Utilize Tools It Has Developed to Investigate Whether and Where LD Exists

To further that goal, it is important to bear in mind that the Council has already embarked on a scientific path. Notably, for the 2008/2009 fishing year, the Council established a research priority "to define localized depletion on a spatial and temporal scale."[9] In order to meet this priority, the Council funded, through the herring RSA program, a research project proposed by the Gulf of Maine Research Institute ("GMRI") entitled: "The Effects of Fishing on Herring Aggregations."

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[8] *But see infra* at Part III (discussing studies of Pacific cod depletion around Steller sea lion rookeries which found little evidence of near shore depletion of mobile pelagic fish).

[9] *See, e.g.,* L. Steele, Memo, "Priorities for Herring Cooperative Research/Research Set-Asides for the 2010 Fishing Year" (Sept. 25, 2008), *available at http://archive.nefmc.org/herring/council_mtg_docs/Oct2008/Doc3Memo%20Council%20re%202010%20RSApriorities%20FINAL.pdf.*

Id. This project examined the use of developing a hydroacoustic sonar technique to characterize herring aggregations and develop an objective basis for defining localized depletion.[10]

Failure to harvest the full set-aside prevented development of a definition of LD. The GMRI research team did, however, succeed in developing a "before-after-control-impact" technique that can be used to answer this question. It was the first to utilize two different sonar systems, positioned aboard two mid-water trawl vessels engaged in pair-trawling operations. Herring abundance was measured ahead of the net, then one of the vessels broke off to measure abundance in the tow path. The funding constraints did not allow sufficient tows to develop statistically significant fishing impacts. Notably, however, no effect was detected in the limited tows analyzed.

The key takeaway from this project is that the Council had made defining LD a research priority after Amendment 1, going so far as approving a research project to achieve this goal. Circumstances did not allow for development of a meaningful definition, but did produce a methodology that can be used to investigate if, in fact, LD is occurring. Ignoring this past work and abandoning a rigorous scientific approach to the question, the Council is now plunging forward with "addressing" a problem no one can say even exists. That is the wrong track.

III. Analogous Research Suggests Localized Depletion of Herring is Unlikely to Exist

It is unlikely that herring fishing in near shore waters – whether intensive and concentrate efforts by purse seiners in the Gulf of Maine or mid-water trawlers on the back side of the Cape – is resulting in levels of depletion likely to impact other species.

In contradistinction to the amount of concern expressed about localized depletion, direct research on LD is sparse. Perhaps one of the studies most analogous to the Atlantic herring fishery was conducted by NMFS researchers over a three year period in the North Pacific.[11] The study was motivated by the coincidence of a sharp decline of Steller sea lion populations in the Aleutian Islands and more intensive mid-water trawl effort on Pacific cod during the early months of the year. *Id.* at 261. The prevalent theory was that competition between the fishery and foraging sea lions was a contributor to the latter's population decline. *Id.*

Using adjacent trawl restricted areas near a sea lion rookery as a control, this study measured abundance in areas heavily fished from January through March during each of the three years. Catch volumes in the research area of about 64 square kilometers were substantial. *See id.* at 287 (Figure 3). Sampling was conducted before and after the season. *Id.* at 283.

As the researchers reported:

> Final results of the study clearly indicated very similar values of seasonal change in Pacific cod abundance (ϭ) in both the trawled and untrawled portions

[10] Stockwell, J., *et al.*, "Effects of Fishing on Herring Aggregations," NOAA Project Code 08-HERR-03, at 1 (Undated), attached hereto.

[11] Conners, M. Elizabeth, and Peter Munro. "Effects of commercial fishing on local abundance of Pacific cod (*Gadus macrocephalus*) in the Bering Sea." *Fishery Bulletin* 106.3 (2008): 281-292.

> of the study area. We did not see the differences in slope that we would have expected to result from strong localized depletion in the trawled zone.

Id. at 287. They found "that Pacific cod in our study area were highly mobile over much shorter time scales than previously assumed," thus casting doubt "on the assumption of a closed local pool of fish that is reduced by local removals." *Id.* at 289. These results mirrored another study using hydroacoustic study of the same issue on walleye pollock. *Id.* at 290 (citing Barbeuax et al. 2005). In each case it was found "attenuation of fishery-removal effects by rapid fish movement." *Id.*

Like herring, Pacific cod and walleye pollock are highly abundant, schooling pelagic fish. They also, like herring, are highly mobile and dispersed over large areas. There is thus little reason to think that different results would be obtained in near-shore New England waters if the Council were to pursue the issue of localized depletion scientifically, as it should. Notably, these results are consistent with Councilmember Terry Alexander's observation regarding the Gulf of Maine purse seine fishery in June that herring tend to fill in an area on an overnight basis.

Another study relevant to the issue of interest here was conducted by a University of Rhode Island researcher looking at potential effects of herring harvest on search times for whale watching vessels.[12] The study used data from whale watching operators from Rhode Island through Maine for the years 2002 to 2006, herring fishing effort from NMFS' VMS and VTR databases, and environmental information from the Gulf of Maine Ocean Observation System. Prepub. Draft at 9-11. The two overlapping whale watching/fishing areas studied were Jeffrey's Ledge and Stellwagon Bank. The author examined the "hypothesis ... that intense fishing leads to lower stocks of whales (as well as the valued fish that feed on herring)." *Id.* at 3.

In sum, the study found that while the overall explanatory power of the model was low,[13] fishing effort lagged by seven days (but *not* contemporaneous fishing) had a negative impact on search times in the Jeffrey's Ledge area. *Id.* at 13. The same results for Stellwagon Bank were not significant. *Id.* More importantly, however, the size of the effect was extremely small. *Id.* Of far greater impact on search times by whale watching vessels were the effects of the movement of herring inshore to spawn and high visibility. *Id.* Another highly significant variable was year, a "dummy" variable "included to control for large scale oceanographic processes." *Id.*

To show the relative difference in the importance of these factors, spawning herring decreased search times by a factor of 17 and high visibility decreased them by a factor of 7, while fishing effort in the previous days increased search time on Jeffrey's Ledge by only a factor of 0.7. *Id.* (Table 3). As the author concludes: "Our results suggest that while fishing has a statistically significant impact on sightings, this magnitude of this effect is fairly small. Sightings seem to be determined mostly by large scale oceanographic processes." *Id.* at 1.

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[12] Lee, Min-Yang. "Economic tradeoffs in the Gulf of Maine ecosystem: Herring and whale-watching." *Marine Policy* 34.1 (2010): 156-162, prepublication copy attached.

[13] At most, the model was only able to account for 17 percent of the variation in whale watching trip length. *See id.* at 13 and Table 3 (reported R^2 values).

That this study showed no effect from fishing on Stellwagon Bank or from fish effort conducted at the same time as whale watching trips is significant. Stellwagon is fished by mid-water trawlers, a gear type of particular concern to advocates of the LD theory, while Jeffrey's Ledge is in the Area 1A purse seine/fixed gear area. The finding of a no significant impact of contemporaneous fishing effort on search times stands in stark contrast to anecdotal claims frequently reported to the Council. However, the most important findings here is that the factors of greatest impact are environmental and thus beyond the ability of managers to control.

IV. The Investigation of Potential LD of Menhaden in the Chesapeake Bay

Concerns over the issue of localized depletion are not unique to Atlantic herring. Similar concerns had long been expressed relating to the amount of menhaden taken from the Chesapeake Bay, both in absolute numbers and as a percentage of total annual coast-wide harvest.[14] Similar to the Council's action in Area 1A taken in Amendment 1, the ASMFC initially responded by instituting a "precautionary" cap based on recent harvest levels to avoid a significant expansion of the Bay fishery. *Id.* at 2. This discrete measure, though unsupported by scientific evidence that the fishery was causing problems, was meant to maintain the status quo while the question of LD was investigated. *Id.* Further, managers had a reasonable basis concern, given that the Chesapeake Bay is an important nursery for both menhaden and striped bass.

Rather than assume a problem and rush to a regulatory solution, the Atlantic States Marine Fisheries Commission developed and initiated a multi-pronged research program to measure and assess whether LD was occurring and, if so, its potential impacts. The Council should follow this disciplined, science-based approach.

A. The Menhaden Research Program

Addendum III identified a specific research program aimed at determining whether LD was occurring in the Bay, such as by exacerbating mycobacteriosis in striped bass or causing other biological problems. This research program consisted of four areas of investigation designed to help answer the question of LD; specifically to –

(1) determine menhaden abundance in Chesapeake Bay;
(2) determine estimates of menhaden removals by predators;
(3) evaluate the rate of exchange of menhaden between Bay and coastal systems; and
(4) conduct larval studies to determine recruitment to the Bay.

Id. at 2-3. For purposes of the investigation, LD was defined as "a reduction in menhaden population size or density below the level of abundance that is sufficient to maintain its basic

[14] ASMFC, Addendum III to Amendment 1 to the Interstate FMP for Atlantic Menhaden (Nov. 2006), *available at* http://www.asmfc.org/uploads/file//546b96d4AtlMenhadenAddendumIII_06.pdf.

ecological (e.g. forage base, grazer of plankton), economic and social/cultural functions."[15] The ASMFC further elaborated that LD "can occur as a result of fishing pressure, environmental conditions, and predation pressures on a limited spatial and temporal scale." *Id.*

The National Oceanic and Atmospheric Administration ("NOAA") Chesapeake Bay Office funded certain research projects designed to meet the four identified investigatory areas. After these yielded some preliminary findings, NOAA and ASMFC held a peer review conducted by the Center for Independent Experts ("CIE") to evaluate progress and assess how well the projects were meeting the goal of identifying the potential for LD.

None of the individual studies purported to answer question of whether LD was occurring, but did further the objective of providing an empirical basis for answering the question. For instance, as one reviewer noted, the question of site fidelity is particularly important. "For local depletion to occur the stock would need to be relatively site attached."[16] This reviewer went on to note that menhaden are highly migratory and (wide-spread) larval dispersal is effected by large oceanic processes. *Id.*

Likewise, the reviewers agreed that removals by predators is a key piece of evidence. One, however, noted that it "is necessary to understand the dynamics of the prey as well as those of the predators." Maguire, *supra* n.15, at 8. He went to observe "this is not a simple question to resolve: predator – prey relationships are likely to change as the abundance and distribution of predators, prey and competitors are changing," and they are effected by environmental factors like climate change. *Id.*

Beyond the specifics of the research priorities and interim results, the reviewers noted the overarching importance of identifying and defining the problem. This is of particular relevance to the issues raised in this Notice, which offers a far less detailed than that developed by the ASMFC. With regard to the latter, one reviewer observed:

> This definition would not consistently lead to the same conclusion following an evaluation of the available information: based on the same information, one observer could conclude that localized depletion is occurring while a different one might conclude the opposite. This is possible because the quantity of menhaden needed for each of the basic ecological, economic and social/cultural function is not quantified. Therefore, depending on their own, generally unstated objectives, different observers could legitimately reach different conclusions from the same information.

Id. at 4. Another states: "Unfortunately, while it is possible to use such a definition it does not offer any suggestions about how to measure the basic ecological, economic, and social/cultural

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[15] Maguire, J.J. "Report on the evaluation of the Chesapeake Bay Fisheries Science Program: Atlantic Menhaden Research Program Laurel, MD, April 22-24, 2009," at 4 (May 2009), appended hereto.

[16] Haddon, M. "Review Research on Atlantic Menhaden (*Brevoortia tyrannus*), at 8 (April 2009), appended hereto.

functions mentioned in the definition. What is left, in the absence of performance measures that relate to local depletion, is conflict." Haddon, *supra* n.16, at 8.

Ultimately, the questions raised by stakeholders, managers, and researchers regarding menhaden in the Chesapeake Bay remain unanswered. This experience and approach, however, do provide some lessons for the Council as it investigates LD in New England waters.

B. Lessons From the ASMFC Approach

The first of these is that as elusive as answers are to achieve in a large, but otherwise confined and discrete estuary like the Chesapeake Bay, identifying and disaggregating fishing from environmental effects in the open ocean are likely to be more difficult. Mobility, competition, tides, temperature, and a host of other factors all at play in the marine ecosystem are likely to confound easy answers.

But that the answers may be difficult to find does not excuse the Council from taking an empirical, science-based approach to the question. Tools like those developed by GMRI exist to begin investigating this topic. Studies similar to those undertaken elsewhere can also serve as models to research whether or not LD is occurring and, if so, where and at what scale.

Most importantly, before any disciplined investigation can even begin, a clear definition of the problem must be developed. It is wholly inappropriate to start the management process by asserting the localized depletion must be addressed and then ask the public to define what LD, in fact, is. The ASMFC took into consideration a specific set of biological concerns, attempted to develop an encompassing definition of the problem, established a research program designed to establish whether identified problem was related to the concerns, and then sought independent expert opinion on the entire approach.

The herring fishermen and public deserve a no less rigorous approach in this instance.

Conclusion

For all the reasons specified above, the Council should reconsider the third goal established for Amendment 8. At the very least, its focus should be on developing an approach to determine if LD is actually occurring within the herring fishery. It is not rational to "address" a problem that can neither be identified nor defined. Thus far, no reasonable or reasonably likely adverse biological or ecosystem consequences stemming from sporadically intensive inshore fishing have been identified. If they can be, then the Council should amend its priorities to include a research program to test whether they have merit and then fund such research through the RSA.

To the extent the Council would like to deal with user conflict concerns specific to mid-water trawlers operating in some areas, those should be confronted directly and on that basis. There are likely various mitigation measures that could be developed to provide all user groups fair access to the resource. It does the public a disservice to cloth this conflict as a matter of LD when the issues are really social and economic. The public deserves an opportunity to address those issues directly.

####

SFC appreciates this opportunity to comment and the agency's thoughtful consideration of these comments. If you require any further information or have any questions, please do hesitate to contact me.

Sincerely,

Shaun M. Gehan

Counsel for the Sustainable Fisheries Coalition

ENCLOSURES

Research Bibliography

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Hill, S. L., *et al.* (2009). "The risk to fishery performance associated with spatially resolved management of Antarctic krill (*Euphausia superba*) harvesting. *ICES Journal of Marine Science*, 66 (10), 2148–2154.

Lee, Min-Yang. "Economic tradeoffs in the Gulf of Maine ecosystem: Herring and whale-watching." *Marine Policy* 34.1 (2010): 156-162.

Maguire, J.J. "Report on the evaluation of the Chesapeake Bay Fisheries Science Program: Atlantic Menhaden Research Program Laurel, MD, April 22-24, 2009," at 4 (May 2009).

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Stockwell, J., *et al.*, "Effects of Fishing on Herring Aggregations," NOAA Project Code 08-HERR-03, at 1 (Undated).

Watters, G.M., *et al.* (2008). "A risk assessment to advise on strategies for subdividing a precautionary catch limit among small-scale management units during stage 1 of the staged development of the krill fishery in Subareas 48.1, 48.2 and 48.3. CCAMLR document WG-EMM-08/30.

The following form letter (1) was submitted by the following 32 people:

Mark Arsenault
Pat Mc.
Edward O.
Peter Cowin
Shawn Tibbetts
Daniel Deane
Doug Feeney
Shane Kissell
Bob Sampson
Nicholas Gove
Dan M.
J.F.
Greg Tomasian
Doug Amorello
Richard Betts
Paul
Noah Finlayson Gester
Nate Severdija
Casey Thomas
Jonas Baker
Ralph Ricci
Kyle Jones
Mat Somes
Robert Mullen
Denis Tebo
Ralph Wilkins
Illegible
David Mahassel
Mike Tudycki
Steve Tudycki
Michael Welch
Carl Coppenrath

Thomas A. Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill #2
Newburyport, MA 01950

Re: Herring Amendment 8 Re-Scoping

Dear Tom,

Ten years ago the Council created the Purse Seine/Fixed Gear Only rule to remove midwater trawlers from Area 1A during the summer months. This rule has been a tremendous success, but it is not enough. The midwater fleet continues to wreck havoc throughout New England's inshore waters wherever they go. Whether in Area 1A in October, off Cape Cod all year, or off Rhode Island in the winter, they cause localized depletion and problems for those of us that rely on there being an adequate amount of herring in the water to attract, hold, and nourish tuna, groundfish and other predator stocks.

The term 'localized depletion' is very real. Our inshore ecosystem—and the fisheries that make a living off it—relies on small areas of abundance. When these small areas are fished down, the predators move on and we all suffer as a result. And no fleet is as capable at depleting local areas than the midwater trawl fleet. They fish in packs, towing their incredibly large and efficient gear around the clock, and wipe out entire areas that support our other fisheries. This method causes both short and long term problems for the herring resource and those that rely on it.

The bottom line is that this gear does not belong inshore. The midwater trawl fishery was sold as an offshore fishery in the nineties, and that is what it should be now. It is time for the Council to take action to remove these boats from the inshore waters and start allowing our other fisheries to regain the health they once had. In order to do this, I would urge the Council to take the following steps:

First, you should make the current buffer in 1A a year-round buffer.

Second, you should create a new buffer zone off Cape Cod and Rhode Island that extends offshore 35 miles.

We have seen how beneficial it is to remove these boats from an area based on the Purse Seine/Fixed Gear rule in 1A. By taking the above steps you will extend these protections and finally allow the inshore to regain its former health.

Thanks for your time,

Mark Arsenault
Charter headboat tuna, Portsmouth, New Hampshire

The following form letter (2) was submitted by the following 37:

Ray West
Rahn Pelrine
Jeffrey Rose
Brian Cunningham
Illegible
Illegible
Thomas Conti
Illegible
Illegible
Ken Ottariano
Kevin Burke
Frank Hogan
Duncan Parker
S. Doucette
Glen G.
Van Christie
Anonymous
Wendy Paquette
Illegible
Michael Colleary
Lawrence Manning
William Noren
Jonathan O'Connor
William Bufant
Evan Kaufman
Lisa McCollins
L. Perry
Paul C.
F.M.
Ed Tully
Michael Jones
Charles Murphy
George Lyones
Ryan Fontaine
J. Malloy
R.J.M.
Justin Trask

September 23, 2015

RECEIVED
SEP 28 2015
NEW ENGLAND FISHERY
MANAGEMENT COUNCIL

Thomas A. Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill #2
Newburyport, MA 01950

Re: Herring Amendment 8 Re-Scoping

Dear Tom,

I am a recreational angler from Massachusetts and am concerned with the effects of mid water trawl gear on inshore fishing throughout New England. I believe that this industrial scale fishing gear causes localized depletion of Atlantic herring in near shore waters. This localized depletion effects both availability and abundance of the species I target such as striped bass, bluefish, cod, haddock and bluefin tuna. Healthy ecosystems require an abundant forage base in order to support robust fisheries that contribute to our nations recreational heritage and economy.

Mid water trawl gear is too large to be allowed near shore.

Through the proposed Herring Amendment 8, I would like to see the NEFMC extend the current area 1A buffer to be applied year round.

I would also like to see Herring Amendment 8 create a buffer zone that prohibits the use of mid water trawl gear throughout the rest of new England that extends from shore out to 35 miles.

Thank You for considering my suggestions in developing Herring Amendment 8

Sincerely

Ray West
30 Plain St
East Bridgewater MA 02333

The following form letter (3) was submitted by the 6 people listed below:

Chris Fotta
Josh Brunelle
Ryan M.
Eric L.
Daniel T.
Emily Jean Attanasio

Thomas Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill #2
Newburyport, MA 01950

RECEIVED
SEP 28 2015
NEW ENGLAND FISHERY
MANAGEMENT COUNCIL

Re: Herring Amendment 8 Re-Scoping comments

Dear Mr. Nies,

I know that I speak for almost every other fisherman on Cape Cod and throughout New England when I say I am thrilled to see the Council taking up the problem of inshore herring depletion caused by midwater trawlers.

Every year since they came onto the scene, the big herring trawlers have decimated our fisheries by wiping out the food supports them. This gear is far too efficient to be used inshore without impacting every other fishery around. We see it each spring when they fish hard off the backside of Cape Cod. They come in and hit the herring aggregations hard, either driving away the tuna, striped bass, and groundfish, or ensuring it never comes in at all. This happens in numerous other places throughout the inshore waters along the New England coast and throughout the year, and it must be stopped.

Anyone can tell you that the summer buffer zone in Area 1A has done a lot to help the resource and the industries that rely on it there. This gives us hope that a similar buffer will do wonders elsewhere. As such, I urge the Council to make a 50-mile inshore buffer throughout New England. But as has been seen each October in 1A, a lot of benefits can be wiped out in just a few weeks if the trawlers are allowed in. And so this new buffer—along with the existing one—must be year round. The inshore needs complete protection, not just protection for a few months.

By taking these steps, you will finally give the inshore areas a chance to become healthy again. This will help our many fisheries regain their health, too.

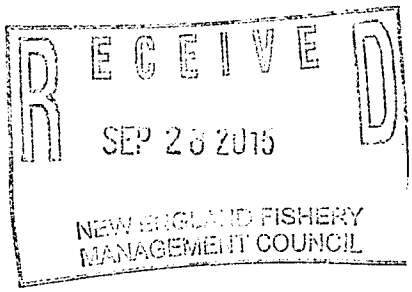
Thanks,

F/V Rock Bottom
First Mate Chris Fotta
Duxbury, MA
Tuna, Lobster, Striped Bass

The following form letter (4) was submitted by the 36 people listed below:

John Clothier
Eric White
Kenneth Luee
Steve Nichols
Pat Skayne
Todd H.
Daniel Salmon
Benjamin Herndon
Jeff Herndon
Tucker Herndon
Eric Lagmere
Daniel Tye
Ryan
Glenn Clark
Chuck Goslee
Ben Smith
Steve McLaughlin
Jesse Rose
James Bailey
Mike S. & Tim B
Douglas K.
Arthur Jost
Rob Soala
Emily Attanasio
Chris Moreno
Joe Cloherty
Chris Decker
William Eldridge
Daniel Duffy
Marc Summers
Gregory Jost
Joel Finley
Ronald Mancuso
R. Francis
Adam Hart III
Michael P.

Thomas Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950



Re: Herring Amendment 8 Re-Scoping comment

Dear Tom,

I am pleased to see that the Council is finally going to address the problems that midwater trawlers have been causing to our inshore ecosystem and the many fisheries and businesses that rely on it. This has been a long time coming!

Any fisherman can tell you that forage is what drives our fisheries. Here on Cape Cod—and throughout the rest of New England—no forage species is more important to our fisheries than herring. Herring brings the fish in and then keeps them within our reach. Without a lot of herring, our fisheries suffer—and that is exactly what is happening.

For years now we have watched the midwater trawlers pound the herring off our shore—oftentimes within clear sight of land. They relentlessly fish down one piece of bottom at a time, leaving nothing in their wake. At a time when so many fisheries are being managed strictly, it is impossible to understand how 150-foot small-mesh trawlers are able to work right of the beach for the food that supports those fisheries.

I *strongly urge* the Council to set things right with Amendment 8. You should finally remove this unsustainable gear from inshore and give the fisheries we all rely on a chance to regain their former health. The Council should create a year-round buffer zone free of midwater trawling off of southern New England, somewhere between 30 and 50 miles from shore. The Council should also extend the 1A buffer zone so that it is year-round, so that these boats cannot continue causing destruction each October when they are let back in. There is simply no place for this gear in New England's inshore waters in any place or at any time—it simply cannot coexist with the rest of our industry.

It was a massive mistake allowing these boats into our waters in the first place, and we have all paid the price. It is time to correct the mistake. Please get them out of our inshore waters, once and for all. And please do this now, before it is too late.

Thanks,

John Clothier
F/V Shearwater
Bluefin Tuna
Chatham, MA

fishChatham@gmail.com
508-237-7210

The following form letter (5) was submitted by the 20 people listed below:

David Strelitz
Calvin Klopp
Bruce Bornstein
Saco Bay Tackle
Richard LaBelle
Edward Bilsky
Rita Aughey
Cynthia Simsay
Jason Simsay
Mark Griffin
Peter Mortensen
George Lemieux
Tom McDonough
Dan Doumani
William French
Richard Hanlin
Andrew Marshall
Doug Jowett
Joe Baroni
Randy & Debbie

Sherie Goutier

From: Laura Strelitz <laurastrelitz@yahoo.com>
Sent: Monday, September 28, 2015 9:08 AM
To: comments
Cc: Dave Strelitz
Subject: New England Fisheries

September 28, 2015
92 Governors Point Road
Harpswell, ME 04079

Thomas A. Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Re: Amendment 8 Re-Scoping comment

Dear Mr. Nies

I am writing to encourage the Council to use Herring Amendment 8 to ban midwater trawling from New England's inshore waters. For many years, fishermen like myself have seen the damage these boats have caused to the forage base. At a time when the rest of the industry is struggling due to strict regulations, it is impossible to believe that massive "midwater" trawlers can hammer the very species that keeps the inshore ecosystem healthy. Most every fishing-related business in New England relies on the inshore waters and allowing these boats to fish there is drastically impacting us all. They wipe the bait out on one important piece of bottom after another, leaving nothing to keep predators around (or bring them in to begin with.)

How long will it take for the Council to finally correct this problem? I am hopeful that it will not take much longer. If you walk around the docks, you would see clearly that there is overwhelming support for removing these boats from our inshore areas. The summer buffer zone in Area 1A did a tremendous amount for the ecosystem and those of us that rely on it. But it was not enough, as they can hammer the herring in 1A in the fall and off Cape Cod and southern New England year-round. Therefore, the Council should make it so the 1A ban is year-round and should also create a similar inshore buffer throughout Southern New England.

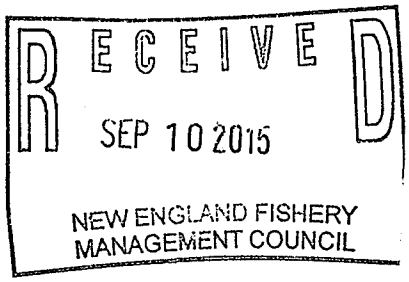
You all spend a great deal of time and effort managing the predator stocks that drive our most valuable fisheries, but then you let these boats undercut all of your efforts by depleting the herring. No amount of rules will allow these predators to thrive if there is no food. And without predators, our countless valuable inshore fisheries and the shore businesses that support them will suffer. Please use Amendment 8 to fix this problem. We are all behind you in this effort.

The following form letter (6) was submitted by the 17 people listed below:

Dan Master
Matt Allison
Scott Ratte
Peter Cunningham
Robert Cutts
Kristen Diede
Sean Leake
Harold Boeschenstein
Chase Bibby
Larry Tecce
Tom Richardson
John Catero
Mark Flaherty
Peter Brotchie
David O'hearn
Nick Novello
Richard Loszewski

Sherie Goutier

From: Dan <boston@crittercontrol.com>
Sent: Wednesday, September 09, 2015 5:17 PM
To: comments
Subject: Herring Amendment 8 Re-Scoping comments



Thomas Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Re: Herring Amendment 8 Re-Scoping comments

Dear Tom,

As a fisherman, I have seen the negative impacts caused by midwater trawlers to the herring resource all too clearly. Each year when they are let back into the inshore areas of the Gulf of Maine on October 1st, they fish relentlessly and drive the tuna and other stocks out of the area. They also fish hard off of the beaches of Cape Cod and Rhode Island, causing problems in those area too. Wherever they go, the midwater trawlers disrupt the forage aggregations and, as a result, the fisheries on predator stocks that rely on that forage. This gear cannot coexist with other fisheries. It catches too much, too fast, and throughout the water column.

The Council should use Amendment 8 to remove these boats from the inshore areas for good. A year round, inshore buffer zone should exist throughout New England. Until this is done, the health of our inshore resources will continue to suffer.

Thanks,

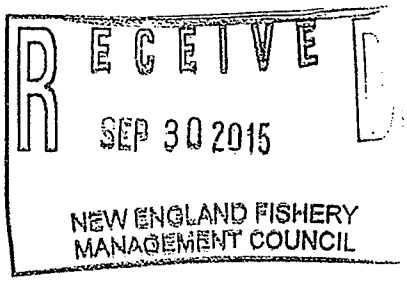
Dan Master Recreational fisherman for striped bass, bottom fish, tuna, and sharks. All effected by midwater trawlers!

The following form letter (7) was submitted by the 7 people listed below:

Kieran Sullivan
Jonathan Sweet
James Bollinger
Bruce Sweet
John Pappas
Kurt Christensen
Anonymous
Nikko Pappas

Sherie Goutier

From: Kerry Sullivan <ksully1@gmail.com>
Sent: Tuesday, September 29, 2015 10:02 PM
To: comments
Subject: Amendment 8 scoping comments



Mr. Thomas Nies, NEFMC
50 Water Street #2
Newburyport, MA 01950

Re: Scoping comments for Amendment 8

Mr. Nies:

Up until 2007, midwater trawlers were allowed to fish in Area 1A throughout the year and they fished hard—especially during the summer months. Starting in May or June, they would fish in large packs and hammer one piece of bottom after another. They would fish a place like Jeffrey's Ledge until nothing was left, then head to Platts, and so on. They would catch the fish that was up high and then focus on the fish hiding on bottom. They would also hit the spawning fish hard, likely doing enormous damage to the spawning beds they were located on. The impacts were crystal clear.

As soon as an area would start to attract and hold tuna, groundfish, and everything else that eats herring, the trawlers would arrive and drive it all away. Over the longer term, there was less and less fish each year on historic areas like Jeffrey's and Platts—likely due to the removal of spawn fish and the destruction of spawning beds. Our fisheries began to fall apart. Fisheries for tuna, groundfish and other inshore stocks are driven by the herring that groups on certain critical pieces of bottom, the same areas the boats hit the hardest.

But then we all fought back. The Council eventually banned these boats during the summer, and the results have been obvious. Things started to come back to the areas that had been decimated and our inshore fisheries improved. This entire experience has shown just how destructive midwater trawling is to the herring resource. This gear is incredibly effective at creating localized depletion and disruption spawning events. They make it impossible for every other fishery to survive. The time has come to protect the inshore from these impacts.

During Amendment 1, there was great support for a buffer zone off Cape Cod. I urge you to create one in Amendment 8 that is similar to the one in 1A—somewhere between 30 and 50 miles from shore. That area is very important and they should not be allowed to fish there. I would also urge the Council to stop these boats from pounding Area 1A each October. They have a major impact when they hit that the inshore Gulf of Maine each fall, driving tuna and other stocks away like they used to do all summer. They also hit the spawning beds hard at this time of year. Now that they can fish for mackerel in 1A under the RSA program, the problems will only be worse. Just last year they used this RSA exemption to fish on Stellwagen for weeks during an important time for the area and those that fish it.

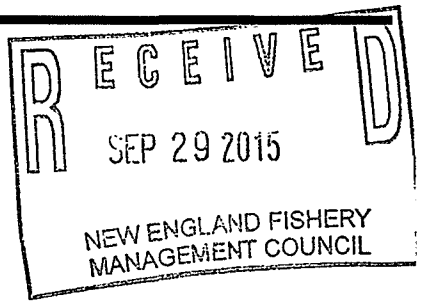
Everyone knows what needs to be done and now the Council should make it happen. There is absolutely no place for midwater trawling in our near shore waters. It has shown to be far too capable of fishing an entire area down until nothing is left unlike any other gear. As long as it is allowed there will be problems. We do not need boats like this fishing inshore to supply bait. The seiner fleet has shown it is more than capable fo supplying bait from inshore, and these trawlers can fish offshore where they belong.

Thanks for your consideration,

The following form letter (8) was submitted by the 17 people listed below:

Alan Maillet
Scott Hamblet
Jeremy Boron
Ryan Corey
Kevin Simon
Richard Marron, Jr.
Scott Gregory
Michael Conn
Oliver LeDuc
Chris Johnson
Rob Wadsworth
Jay Goodwin
Seth Lattrell
Mary Richardson
Phil Andrews
Michael Brophy
Matthew Magee

Sherie Goutier



From: Alan Maillet <alanmaillet@verizon.net>
Sent: Tuesday, September 29, 2015 8:31 AM
To: comments
Subject: Amendment 8 Re-Scoping Comments

Thomas A. Nies, Director
NEFMC
50 Water Street, Mill 2
Newburyport, MA 01950

Re- herring amendment 8 scoping

Dear Tom,

There is hardly a fisherman in New England that supports midwater trawling in general, let alone in our critical inshore areas. These inshore waters support countless fishery and eco-tourism businesses that drive our coastal economy. Without an abundance of herring and mackerel, the inshore ecosystem and all those that rely on it will have problems. Midwater trawling for these species has shown us this all too clearly.

Whether you are looking for tuna, groundfish, or striped bass, the key is finding the bait. Herring and mackerel generally populate small ledges, rockpiles, and other pieces of bottom, and do not simply spread everywhere throughout the ocean. Fishermen from a given harbor are limited in range and so have only so many of these special areas to fish for predator stock on. When midwater trawlers come in and pound those areas down to nothing it ruins the ability of the other fishermen that fish that spot to make a living. Some of these spots do not return to health the next year and actually take years to rebuild. This is devastating for anyone that relies on that area.

While the summer ban in the inshore Gulf of Maine has done a lot of good, some of this progress is undone each fall. I would encourage the Council to find a way to prohibit this gear inshore year round to ensure this no longer happens. I would also encourage you to consider creating a similar inshore buffer zone off Cape Cod to protect those important areas, too. 150 foot pair trawlers should never be allowed to fish inshore.

Thanks for your time,

Alan Maillet
Chatham, MA

The following form letter (9) was submitted by the 6 people listed below:

R. Tyler Macallister
Michael Bucko
Mark Zoller
John Stavrakas
Linda Riggs
James Riggs

Thomas A. Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill #2
Newburyport, MA 01950

Re: Herring Amendment 8 Re-Scoping comments

Dear Tom:

Years ago, the Council took an important step for the future of our fishing industry in New England when it created the Purse Seine/Fixed Gear Only rule in Area 1A. By pushing the midwater trawlers out of the inshore Gulf of Maine during the summer, you gave the forage base a foothold to regain its health and to drive our most valuable fisheries. But the time has come to finally protect the inshore areas completely, as the summer buffer zone is not enough.

These boats cannot exist inshore without disrupting the ecosystem and all of the businesses that rely on it. Nowhere is the problem more obvious than off of Cape Cod in the spring and summer, when these boats hammer the herring relentlessly. While Area 3 is often called an "offshore" area, it is anything but, as it comes right into the beach in Chatham. But these boats also cause problems inshore off Rhode Island in the winter and in Area 1A in the fall. They drive the tuna, striped bass, cod and other predators out of every area they go, ensuring that our other fisheries will struggle. Our many inshore commercial, recreational, and charter fisheries dwarf the midwater trawl fishery in value, and so I cannot understand why the Council continues to allow this practice to continue.

When these boats first came here they said they would fish offshore. As we all know, this was a farce, and they have focused on the inshore ever since. The Council must use Amendment 8 to get them offshore as soon as possible. They should not be allowed within 35 miles of land at any time of year. This gear should not be allowed anywhere near our vital inshore waters, ever.

Food is the backbone of our fishing industry. While I am happy the Council has begun to recognize this, it is important for you all to take real action to protect the forage base now.

Thank you for your time on this matter.

Sincerely,

R. Tyler Macallister
Owner/Captain, F/V Cynthia C
(508) 758-8685 (o)
fvcynthiac@comcast.net