



**Comments on the Proposed Rule for NE Multispecies
Amendment 16
0648-AW72
Submitted to Patricia A. Kurkul, Regional Administrator
National Marine Fisheries Service
55 Great Republic Drive
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Introduction

The Northwest Atlantic Marine Alliance submits these comments on Amendment 16 of the Groundfish Fishery Management Plan in support of community-based fishermen across New England.

While Amendment 16 may be a positive step toward fish recovery and conservation-framed fisheries, it is missing important elements that we believe can be remedied by immediate mitigating provisions that do not require further council action and by future frameworks or amendments. We are particularly concerned about the lack of protection for the fishing operations with the smallest ecological footprint and most of the conservation-minded fishermen. They usually are found in community based fleets, which are historically and geographically tied to the marine ecosystems in which they fish.

It is essential that steps be taken under Amendment 16 to ensure protections are in place to prevent fishing being ultimately consolidated into fishing operations that do not fit the ecology of many of New England's fishing areas. We believe a diversity of fishing methods and scales must be matched to the distinct characteristics of ecologically defined areas in order for the fish and fisheries to truly recover. Consolidation sacrifices the diversity of the New England fishing fleet, favors large scale operations, and threatens biological diversity in the Gulf of Maine and Southern New England marine areas. Loss of fishing diversity would also restrict the ability of fisheries to adapt nimbly to changes in ecosystems affected by climate change and other environmental stresses.

Recommendations

We believe shortcomings in Amendment 16 can be remedied in part by adding provisions already proposed for the current Amendment, which should require no further Council action and we don't believe the addition should or will hold up implementation of A16. Mostly, our comments are focused around helping the Council and the Fisheries Service achieve the stated goals in Amendment 16. We have noticed, for example, that goals #2 and #4 don't necessary have plans that would achieve those goals. Same thing is true with Objective #7 which are:

*Goal #2: Create a management system so that fleet capacity will be commensurate with resource status so as to achieve goals of economic efficiency and biological conservation and that **encourages diversity within the fishery.***

Goal #4: Minimize, to the extent practicable, adverse impacts on fishing communities and shoreside infrastructure.

Objective 7: To the extent possible, maintain a diverse groundfish fishery, including different gear types, vessel sizes, geographic locations, and levels of participation.

We are concerned that as currently written and without mitigating measures, some of the plans in the Amendment flat out undermine these goals. We believe our comments below will help with such mitigations without holding up implementation of Amendment 16.

We feel it's important to note that our concerns around addressing these social and community issues stem from the belief that who fishes, why they fish, where they fish, and how they fish are essential elements of ecological responsibility. We see the roles of communities as a path toward achieving the biological goals, not a hindrance.

The remainder of our concerns could be best addressed by a commitment to developing a new framework under this amendment or, if necessary, a new amendment to consider further conditions, constraints, and allowances within the context of sector management. Again, this should cause no delay in the implementation of Amendment 16, but future refinements will enable it to function even better. In particular, we have four recommendations:

- I. Community Fishing Associations (CFAs) should be part of Amendment 16. CFAs are critical towards achieving goals #2, #4, and objective #7 as stated within 3.4 Goals and Objectives Amendment 16. CFAs were proposed to the Groundfish Advisory Panel, and never specifically rejected by the Council or the Council Oversight Committee.

As quoted from the report of the May 26, 2009 GAP meeting:

The GAP recommends that the Council consider this suggestion.

Several GAP members commented that the Council should acknowledge Community Fishing Associations (CFA) in a manner that is similar to discussions occurring in the Pacific. A brief summary paper was circulated to GAP members for discussion purposes describing problems that such organizations might help resolve, such as preserving community access to the groundfish fishery. A member noted that at present nothing prevents community organizations from purchasing and holding permits, and questioned why such an action was needed. Another member expressed concern that this just created additional entities competing for permits, making it difficult for individual permit holders to compete in the marketplace. Specifically, there was resistance to creating a mechanism for groups to acquire an allocation without acquiring permits, such as through a community set-aside program. Supporters of the concept said that catch share systems make it difficult for small vessel owners to buy and hold quota; CFAs thus can help with the capitalization costs. Council recognition of these organizations might help them organize and raise funds. The GAP reached a consensus to recommend the Council recognize CFAs, with six members supporting the concept and two opposing it.

The following definition of CFAs and their purpose served as the basis of this discussion:

A Community Fishing Association may be a partnership, voluntary association or other non-profit entity established under the laws of the U.S. that is eligible to hold quota/permits. These entities will be beholden to the eligibility requirements and participation criteria governing Regional Fishery Associations as outlined in the Magnuson-Stevens Act and defined by the New England Fishery Management Council.

The goals of Community Fishing Associations are to:

- a. Mitigate the negative economic and social impacts of current transitions to catch shares in fishery management.*
- b. Provide affordable local industry access to fisheries resources*
- c. Provide opportunities for qualified new entrants to the fishery*
- d. Preserve traditional fishing communities and necessary onshore infrastructure*

We support the incorporation of CFAs into Amendment 16 to recognize them as viable structures to help ensure sectors do not lead to the elimination of community-based fishing operations and the ability of these fishermen to be successful within sector management. We further support the eligibility of CFA's to participate in permit banking. While CFAs may not be prohibited from being formed, we believe the explicit inclusion of such a structure in Amendment 16 would be consistent with and further the purposes of the Magnuson Steven Act. We believe this would go a long way toward guaranteeing future access to recovering fisheries resources for the small, independent fishermen throughout New England, who are currently at risk of losing access to their traditional fisheries.

- II. Because it is important to sort out which fishing operations have the greatest impact, we support suggestions that the level of at-sea monitoring be increased to 100%, at least for the fist two years, and that it will be 100% federally funded. This should not require further Council action.

NMFS seems to be convinced that the New England fishing fleet must shrink and seems confident that Amendment 16 will facilitate that. However, there has been no environmental or socioeconomic assessment of whether a small number of fishing operations with the greatest impacts or a large number of fishermen with small impacts should be restrained. A full-coverage at-sea monitoring program (as well as better use of socio-economic studies) is essential to sort this out in a fair and transparent manner. We are dismayed that NMFS has already been politically persuaded to favor a fleet of larger capacity boats, even though they may in fact contribute most to the decline or lack of recovery of fish populations. Gathering real on-board data to sort out catch, bycatch and discard levels is imperative.

- III. Commit to a framework under Amendment 16 (or, if necessary, to a further amendment) that would define and encourage the formation of sectors based on the ecological principles of Area Management and establish how they would operate within the context of a diverse range of sectors.

We believe area-based sectors that are also community-based, offer the best promise of fair and sustainable implementation of sectors that maintain the integrity and vitality of groundfish ecosystems and the fishermen and coastal communities that depend upon them and have motivation to keep them healthy for future generations. Amendment 16 is designed to accommodate a diversity of self-designed sectors, so it is important to establish a framework under which sectors based on area management can effectively co-exist with all sectors.

- IV. Do not issue groundfish permits to the scallop fleet to justify their bycatch

Confidential conversations with observers who have served on scallop vessels have revealed that the ability to drastically reduce if not eliminate bycatch of groundfish in the scallop fishery exists. Issuing permits to the fleet takes away any incentive to utilize the tools we know to be working. NMFS and the Council need to look at the information coming from the observers to better understand what the vessels that are indeed reducing if not eliminating their bycatch are doing and how they are fishing so they can ensure that the whole fleet adopts those techniques and gears. Only after all measures have been taken and only if on-board observation confirms claims of unavoidable bycatch, should there be any reconsideration of permitting for groundfish.

Conclusion

We are hopeful that Amendment 16 and sectors will provide a foundation for a dramatic change in fisheries management in New England. However, if it does not address basic ecosystem concerns that take into account fine scale diversity in ecosystems, the distribution of life stages of fish populations, and the ecosystem role of fishing communities, a great opportunity will have been lost. We believe the recommendations we have made will help Amendment 16 achieve its potential to improve, not degrade, fisheries and fishing communities.

Key to this is that those implementing Amendment 16 understand that they have a tool that can change the history of fishing instead of copying and thus perpetuating history. And if implementation is careful and respectful of fish and fishing communities alike, we are hopeful that it can facilitate the return of healthy fish populations and ecosystems in nearshore waters.

Seafood is an important part of our region's and our nation's food system. We believe it is important to learn from the mistakes made by land-based food production system, not repeat them. In that case the consolidation away from local family farmers led to industrialization of the food supply; loss of access to locally produced food; reduction in diversity, health, and nutritional quality of the food produced; and, degradation of farmland and surrounding ecosystems. A similar pattern has begin for seafood, and we can foresee that if the vitality of local, community-based fishermen is not protected, the marine side of our food system may decline in the same direction. Consolidation and industrialization leads to fisheries that temporarily deplete local fish populations and disrupt natural ecosystems, and then move off to other fishing grounds. Fish caught by such fiscally and physically mobile fleets are sent to large global markets at the expense of local food systems. And the integrity of marine ecosystems is put in the hands of those who seek short-term gains and have little relationship to or concern for the nature and long-term health of the ecosystems that produce the fish and the local communities that rely on them.

Sectors can begin to change this pattern if they are implemented with innovation and care for who fishes where. The resolute incorporation of community-based fishermen and fishing associations into sector management under Amendment 16 will pay off with the long term restoration and maintenance of ecosystems and fish populations that you seek.

Thank you for this opportunity to provide these comments.