



David E. Pierce, Ph.D.
Director

Commonwealth of Massachusetts

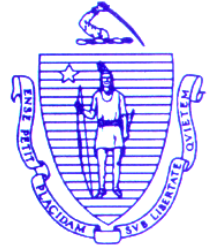
Division of Marine Fisheries

251 Causeway Street, Suite 400

Boston, Massachusetts 02114

(617)626-1520

fax (617)626-1509



Charles D. Baker
Governor

Karyn E. Polito

Lieutenant Governor

Matthew A. Beaton

Secretary


Ronald Amidon

Commissioner

Mary-Lee King

Deputy Commissioner

MEMORANDUM

TO: Marine Fisheries Advisory Commission
FROM: David Pierce, Director 
DATE: January 18, 2019
SUBJECT: 2019 State-Waters Multi-Species Groundfish

Recommendation

Based on comment received at January public hearings and during the November 30, 2018 through January 16, 2019 written comment period, as well as several other factors described later in this memo, I've decided to offer for your approval the following recommendation on the matter of the April commercial groundfish closure:

1. My recommendation is to adopt an April commercial groundfish closure within those state waters between 42°00'N (Plymouth) and 42°30'N (Marblehead) and west of 70°30'W. This area is consistent with the current October – January commercial groundfish closure, although with a modified eastern boundary¹.
2. This recommendation is less restrictive than the public hearing proposal, but tries to better realign state waters' catch with the sub-component shared with ME and NH.
3. As provided in the public hearing proposal I am also recommending the implementation of a regulatory provision granting the Director with the Declaratory authority to rescind the recommended April closure in response to an annual comparative analysis of year-to-date GE landings in relation to the state waters sub-components. Notwithstanding protection of April-spawning cod, pending approval of the April closure, I will be ready to brief you on the need for an April 2019 closure at the February business meeting. Staff is currently working on auditing the Fishing Year 2018 data.

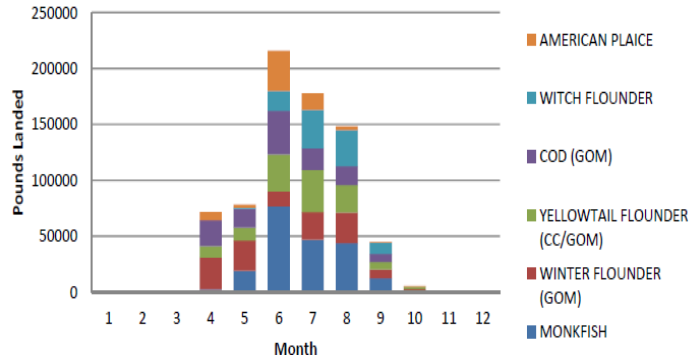


¹ The eastern boundary for the existing winter groundfish closures (Oct-Jan) is 70°24' longitude west; however, I propose a slightly westward boundary that is consistent with the federal April spawning closure and may provide additional opportunities for haddock fishing in state waters around Provincetown.

Summary of Purpose for April Closure Public Hearing Proposal

Recall an earlier DMF analysis showing that over the past few years April landings by state-waters only fishermen were dominated by GOM cod and winter flounder. Also, the April landings for GOM cod and winter flounder appeared to approximate the recent overharvest of the NEFMC state-waters set-aside for these stocks. See figure below for multi-species groundfish catch composition by month for Groundfish Endorsement (state-waters only) permit holders.

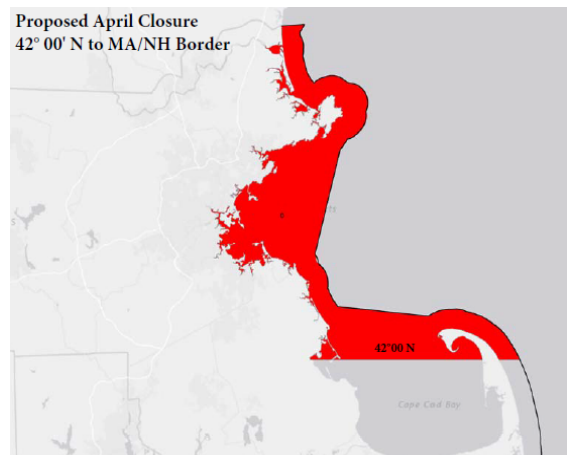
GE Catch by Species By Month for Calendar Year



agreed with my decision to take this proposal to public hearings (Gloucester and Plymouth).

You also advocated that I include in my public hearing proposal an approach that would allow the Director to lift the April closure if year-to-date landings data for the fishing year (May – April) demonstrated the state-waters fishery was not likely to exceed the annual state-waters set-aside, nor trigger federal accountability measures if April were to remain open. April is the last month of the federal fishing year, so with DMF having up-to-date landings data, it would be possible to project if either of these outcomes were likely to occur.

I suggested that by closing April to groundfish fishing, DMF would effectively constrain landings of these two stocks to approximate their current state-waters set-aside and not impact the fishery in times and places where they are targeting other profitable species (e.g., monkfish). The proposed closure was to occur between Plymouth and the MA/NH border, as this is the area where most of the catch and effort occurred (right). You



Subcomponents

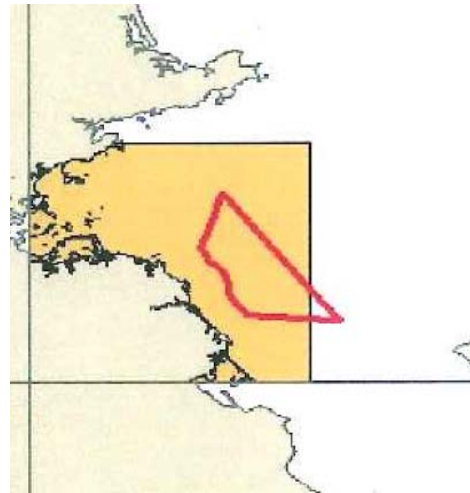
Recall that subcomponents are not hard annual catch limits (e.g., quotas), yet we are expected to adjust our rules to hold GE fishermen to these amounts. The state waters subcomponent for GOM cod is about 106,000 pounds. Estimated Fishing Year 2017 GE landings (May 1, 2017 – April 30, 2018) are 141,100 pounds. If Fishing Year 2018 GE landings are similar then a 26% reduction is appropriate; this means having to devise a way to cut GOM cod landings by about 35,000 pounds. Based on our April and September 2018 analysis, my modified April closure might achieve such a reduction.

Similarly, estimated FY 2017 landings of Gulf of Maine winter flounder is 268,900 pounds compared to a state waters subcomponent (FY 2018-2020) of 147,700 pounds (45% reduction). However, as I stated in my April 6, 2018 memo to the Commission: “...*status quo* total federal and state catch would continue to fall below the FY2018 total ACL by a decent buffer; therefore federal fishery concerns about a state waters’ subcomponent overage will not be the same as with GOM cod.”

Revised Final Recommendation

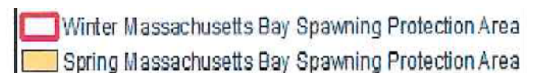
After hearing public comment on this proposal and giving further thought to my concerns expressed to you in my April 2018 memo, I've decided to offer the above stated revised recommendation on the spatial components of the April closure.

I'm also influenced by two additional factors. First, there is a December 20, 2018 letter from the Conservation Law Foundation (CLF) and Environmental Defense Fund (EDF) to NMFS, the NEFMC, and the Department of Commerce regarding the *"fundamental lack of accountability in the New England groundfish fishery and the deepening crisis it has engendered in the region."* In this letter, they correctly state that NMFS has reported widespread public accounts of unreported and misreported discards *"up to 2000-3000 pounds per trip"* and *"reports about observers not recording these discards."* A mere 10 trips with this level of unreported discarding of GOM cod approximates the amount by which Fishing Year 2017 GE GOM cod landings are over the 2018 sub-component. While this does not convince me to abandon the April closure entirely (I do believe an April closure is warranted), it does suggest that the closure need not be as intensive in scope. Second, the federal government has implemented an April 15 – April 30 commercial multi-species groundfish Spring Massachusetts Bay Spawning Area (right) to protect GOM cod spawning. This spawning area includes those state and federal waters between 42°00' N (Plymouth) and 42° 30' N (Marblehead) that are west of 70°30' W. My recommended April closure approximates the federal spawning area in time and space and should therefore provide additional spawning cod protections.



Rationale

- (1) Responsive to NEFMC request
- (2) Does not prohibit all April landings of other stocks such as haddock, yellowtail and plaice
- (3) Considers public hearing comments
- (4) Incorporates additional spawning protection for cod
- (5) Influenced by discarding and misreporting in federal waters as described by NMFS



Establish a December 31, 2018 control date for Groundfish Endorsement

A vote by the MFAC is not required on this action. Issues pertaining to permitting fall under my authority. However, consistent with longstanding DMF practice, I ask you to support my decision to adopt this control date.

As noted at the public hearings, we have a very high level of latent effort. There were 610 GE permits issued in 2018 and in any given year only about 50 report landing any quantity of groundfish during the year. That's greater than 90% latency during any calendar year.

I may use this control date in the future to limit access and participation based on prior performance. Criteria defining performance will be developed, your advice will be sought, and then options brought to future public hearings. Of note, in FY 2017 we had 9 GE permit holders

fishing gillnets with 612 trips; 14 fishing with trawls with 747 trips; and 21 fishing with hooks with 170 trips (Total 1,529 trips).

There has been recent activation of latent GE trawl permits with impacts on GE flounder landings. Also, captains can be hired to activate latent permits. Considering the smallness of the state waters' subcomponents, it's incumbent on DMF to address latent effort.

If the control date is utilized in the future and latent GE permits are revoked, commercial fisherman will not entirely lose access to the groundfish fishery. DMF's multi-species groundfish regulations allow open entry fishermen to retain or land up to 25 pounds of mixed multi-species groundfish to be retained and sold during any trip.

Owner/operator requirement for the GE

After hearing and considering public comment, I've decided not to adopt an owner/operator requirement for the GE. There was a lot of compelling testimony describing why such a regulation would be disadvantageous to the industry from loss of fishing bottom to fixed gear, to lack of similar regulations on federal permit holders fishing in state-waters, to economic impacts, to losing the ability to groom future fishermen.

Perhaps the most compelling was testimony by Captain Phil. I've included some of Captain Michaud's comments below. He made many very good points, which were echoed in a written comment submitted by his deckhand, Tyler.

I Phillip Michaud submit this letter of comment strongly opposing the proposed owner operator for state-waters Ground fishery. If latent permits are of concern we should focus on that group without negatively impacting current businesses requiring them to take the biggest hit.

This regulation if implemented will unfairly hurt our ability to have a safe and successful operation. All of the federal groundfish boats that fish state waters, will be exempt from this regulation, very unfair to our state-water boats.

Owner operator works well in the lobster trap fishery, it is a Part-Time Fishery. It is not as time-consuming and labor-intensive as dragging. The years that I lobstered we would haul 400 to 800 traps in a day, scalloping or dragging the rest of the week. Groundfish dragging is full-time it's a 12 hour day 4-6 day a week fishery.

Our success and safety record is due to the crew stability that we currently have. The crew is the most important part of my business. I am the owner-operator for 70% of our state water groundfish day trips.

My mate Tyler has been aboard my boat the last 5 years. When he's not deckhand with me, he captains our boat the other 30% of the day trips. If I'm required to be present for all trips I won't be able to physically make up the 30% he fished, that means our operation and Tyler's income will take a 30% hit. A person working hard, paying taxes, with mortgage, trying doing everything the right way should not be impacted in this manner there should be a better way to address Latent effort.

My sons also fish aboard our boat, they have their eyes on the wheelhouse. This proposal would put my sons in violation if they were to run our boat. So much for a family business. Why have a full time job with no chance for advancement. Without crew stability when a crisis's happens, transient crews are useless.

Silva, Jared (FWE)

From: manuela barrett <cutriver207@gmail.com>
Sent: Tuesday, January 15, 2019 10:06 AM
To: Fish, Marine (FWE)
Subject: 2019 state waters multi species Ground fish

Dear Dr.Pierce and Commission members ,

I object to the proposed taking of any state groundfish endorsements. The valuable inshore State fisheries dayboat fleet has been subjected to enough losses and is barely holding on as it is.

I also oppose just as strongly to the proposed additional April closure.

In this climate of fisheries uncertainty , be it Lobstering , clamming or groundfishing...with pending unprecedented changes to the NorthEast ocean arena we cannot be subjected to any more cuts.

We need to stop eliminating opportunities but instead move forward , foster and support the state fishing fleet.

Also , there cannot be a semblance of fairness or accurate , productive fisheries decision making without 2018 data and resolution & explanation of the discrepancies and flaws pointed out at public hearing on 1/10/2019 @ 1620 in Plymouth r/t State fisheries catch data.

Sincerely,
Manuela Barrett

Silva, Jared (FWE)

From: rhpinvests <rhpinvests@gmail.com>
Sent: Tuesday, January 15, 2019 8:01 AM
To: Fish, Marine (FWE); Reed, Story (FWE)
Subject: Comments on DMF meeting 1/9/19

Hello,

My name is Robert Porter. I am the mate for Dan Murphy on the fishing vessels Bantry Bay and Tribiah Lee. I attended the fisheries meeting on 1/9/19 at the Annisquam River Station. I have some comments I would appreciate if you took into consideration.

Pertaining to the Control Date

I am concerned about a control date as it will affect availability of permits in the future. This is not just a concern for myself as I consider the future purchase of my own vessel, but for future generations. Fish stocks are a public resource, limiting access to a select few doesn't sit right with me.

I can tell you that federal groundfish permits are priced well above levels that justify their earnings potential. For what little there is to be caught, a purchase of a boat and permits to enter the fishery is incredibly prohibitive. As a result, there is little new effort entering the fishery. A control date will effectively inflate the cost of permits, possibly to unrealistic levels.

One necessary aspect of fisheries management that seems to often be overlooked is the fishermen themselves. As much as anything that can be done in life, fishing takes skills and knowledge, and if caution is not made to preserve that knowledge and those skills through a continuous and steady population of fisherman, that part of the fisheries may be lost. Throughout history, we see many cases of lost knowledge from a defeated population. It would be a shame to include fisheries culture in that trend.

To that end I am concerned about the April Closure. We will be okay as we can fish the federal NGOM scallop opening on the Bantry Bay, but there are others who are dependent on the April opening. It would be folly to not appreciate their situation as at some point it may be our own. Further closures may be the turning point for an already emaciated operation. These are men's livelihoods, and should be protected as a resource in and of themselves.

I understand there are limitations and everything has a trade off. DMF is stuck as a middle player between federal guidelines and fisherman's reality. It is not an enviable position and I hope and believe that you will endeavor and persevere to maintain as strong a state waters fishery as possible. We are counting on it.

As for owner operator, I understand that will not be pursued by the state. I agree that it should be dropped.

Many of the issues discussed come about as a reaction to individuals who do not value the resource or regulations. Perhaps, with more stringent enforcement of current regulations fishing permits and pressure can be limited to manageable levels. It is disheartening to see fishermen who show no respect for the stocks, regulations, or fellow fishermen repeated violate and continue to fish.

Thank you for your time.

Robert Porter

107 Gloucester Ave
Gloucester Ma 01930
978 406 5764

P.S. I am concerned that there is no recreation catch allowed for Atlantic Cod. This fish in particular should be shared among all within the commonwealth. Again, as a public resource our fish stocks should be available to some extent to all.

Sent from my T-Mobile 4G LTE Device

Silva, Jared (FWE)

From: Davis, Shannon (FWE)
Sent: Tuesday, January 15, 2019 7:51 AM
To: Silva, Jared (FWE)
Subject: FW: Owner operator requirment

From: William Chaprales <ruebycorp@aol.com>
Sent: Monday, January 14, 2019 2:10 PM
To: Fish, Marine (FWE) <marine.fish@mass.gov>
Subject: Fwd: Owner operator requirment

-----Original Message-----

From: William Chaprales <ruebycorp@aol.com>
To: DirectorDavidPierce <DirectorDavidPierce@aol.com>
Sent: Mon, Jan 14, 2019 1:55 pm
Subject: Owner operator requirment

F/V Rueby
F/V Ezyduzit
William Chaprales owner operator

I am in favor that D M F require the GE be an owner operator when any commercial ground fish activity is occurring. State commercial lobster permits are owner operated and so I believe all state coastal permits should be owner operated.

therefor this action would benefit accountability in all fisheries and reduce gear conflicts.

William Chaprales
29 Stonebridge lane
Marstons Mills MA 02648

Silva, Jared (FWE)

From: Tyler Putney <tylerputney3@gmail.com>
Sent: Saturday, January 12, 2019 1:07 PM
To: Pierce, David (FWE); McKiernan, Dan (FWE); Silva, Jared (FWE)
Subject: State Water Groundfish Owner Operator

Dr David Pierce
Division of Marine fisheries
251 Causeway St. Suite 400
Boston, MA 02114

My name is Tyler Putney and Im currently employed by Phil Michaud on the Fishing Vessel Charger. I have worked aboard the boat for the past five years. During this time I have learned many tools for developing my career. I have had opportunity to advance from working on deck to a spot in the wheelhouse.

As operator I am gaining vital knowledge every trip. I frequently call Phil with questions and suggestions. The Ability to turn to someone with 30 years of experience is a priceless asset. If I was not given the chance to run the boat I would never have the confidence I have today. From my experience the state of the fisheries are unstable. Without having the flexibility to learn every aspect failure is un avoidable.

This proposal would effect my income drastically. With the advancements I have made I now have a mortgage and am engaged to be married. The price of safe boats with proper permits are extremely expensive. I feel as if I am one of the only young fisherman in mobile gear today. Fishing is a huge part of my life and I hope there is a future for me in it. My family and livelihood depends on it.

Sincerely,
Tyler Putney
339-832-5505

Silva, Jared (FWE)

From: torsco <torsco@comcast.net>
Sent: Thursday, January 10, 2019 4:33 PM
To: Fish, Marine (FWE)
Subject: For Director Pierce.

In regards to the proposed " Owner Operator Requirement"

I endorse the DMF proposal to make the State-Waters Regulated Fishery Groundfish Endorsement an "owner-operator permit" effective 1/1/2020.

Requiring when fishing activity is being conducted in state waters with a Groundfish Endorsement that the permitted individual must be onboard the vessel.

Scott Torrey
Commercial Coastal Lobster permit ID # 003364

Sent via the Samsung Galaxy S®6 active, an AT&T 4G LTE smartphone

Silva, Jared (FWE)

From: Luciano Mascari <luciano.mascari@gmail.com>
Sent: Thursday, January 10, 2019 11:01 AM
To: Fish, Marine (FWE)
Cc: luciano.mascari@gmail.com
Subject: Attention: Director David Pierce : Thoughts on DMF Groundfish permit hearing 6PM 9-Jan-2019 Annisquam River Station, 30 Emerson Avenue, Gloucester, MA

Dear Director Pierce,

I attended the meeting at 6:00PM and have some serious concerns on some of the possible option unintended consequences. If the goal is to reduce the landing numbers of Cod and Winter Flounder I believe the best way is to reduce the landing quotas of the large commercial Gillnets which were once prohibited not too many years ago and take over 80% and growing of the quota. This is not an environment friendly sustainable method as it doesn't respect fish size and has high unintended bycatch of none targeted fish species. Nothing destroys the fish biomass and marine environment more than this approach (second are trawlers). I believe the department should reconsider three (6) approaches here:

- 1) Reduce the yearly catch quotas on Cod and Winter Flounder
- 2) Reduce the east & southern Cod daily catch quota to be more in line with the north of cape cod even if it's 600-800 lbs daily
- 3) Return to historic length of individual Cod fish back to 24 inches as was the historical permissible limit
- 4) Return to Reduce the daily catch quota of Winter Flounder back to 250lbs per day as was the historical permissible limit
- 5) I support the April closure between 42 00' and MA/NH border
- 6) Increase net mesh size to decrease young fish mortality (The public would even support a mesh size trade in compensation I believe).

LATENT EFFORT:

Most importantly I feel the "Latent Effort" slide is not the problem the commonwealth should be addressing. The above 6 recommendations can address the fish stock catch limit issues better. GE permit holders were/and should be "Grandfathered" as is the practice with most types of permits and professional licenses in the commonwealth for those that have faithfully maintained a yearly renewal. New permits should not be issued if the commonwealth is looking to limit the number of future participants (as I believe is the practice anyway).

Of the 610 GE permits I am one of these. I am a long time GE holder but haven't been fortunate enough as I have a small boat to log in any catches as I mostly feed my family with my catch and don't venture out much past Grays light area. In your own slide we all know that Hook and line fishermen only take a fraction of the GE landings. I am strictly a Rod and Reel fishermen as I believe this is the most environmentally friendly way to control the biomass of all species especially those in short supply. This year I am retired from my consulting practice after being laid off by HP and unable to get work at my age and after some repairs and other issues addressed I am looking to make a modest income from my fishing permits. I have a buyer for my 2019 catch as hook and line caught fish is more in demand from top chefs. Perhaps your department would consider looking at the 610 permit holders who have small crafts e.g. under 25-30 feet and do only rod and reel sustainable fishing the option to be reclassified as a new 3rd permit type? You can still "grandfather" these faithful well intended boutique commercial fishermen (with no low end catch requirements) who wish to be stewards of our waters without destroying their passion in favor of the corporate raider types who some of us feel just want to move one to exploit and endanger one fish species after another.

I support owner-operator requirement for Groundfish Endorsement but it should also apply to Fed water holders that fish in MA waters otherwise the Commonwealth is favoring large fishing business corporations unfairly over all grandfathered permit holder. As we all know the boats that have/use both Fed and State permits are usually large vessels that are the primary individuals that are depleting our fish stock.

Thank you for considering my request. I would like to come talk to you in person and also volunteer the help the DMF

Luciano Mascari PMP
(moble) 781 864-1243
(home) 781 259-1528

Silva, Jared (FWE)

From: EDWARD WIESSMEYER <baitbag@msn.com>
Sent: Thursday, January 10, 2019 10:27 AM
To: Fish, Marine (FWE)
Subject: Control Date for State Waters Regulated Groundfish Endorsement

David Pierce
DMF Director

Please accept this correspondence as my STRONG OBJECTION to the states proposal to enact a control date for the State-Waters Regulated Fishery Groundfish Endorsement based on historic participation. There are several reasons why I believe this proposal is not needed and basically wrong! In my opinion the various agencies regulating the states groundfish industry have enacted various conservation measures over the years to counter stock depletions. From what I have observed, further conservation measures such as more seasonal area closures and smaller catch limits can be enacted as deemed necessary. The present regulations are hopefully achieving their conservation/rebuilding goals. The point is that present regulations can be adjusted to meet the current goals with the system that is in place without taking away anyones permit.

I currently hold a Massachusetts coastal lobster area one permit. I have the groundfish endorement for my permit# 141400 and have renewed and paid the yearly \$30 fee since its inception, with the intent of using it when it is a bit more lucrative(groundfish stocks rebound hopefully). I have not used the permit yet and would likely forfeit the permit if this proposal is approved. Furthermore, my location just South of Boston gives me access to a larger area of state waters where as, most other state permitted fishermen would be limited to three miles from shore and have a smaller area to fish. This equates to the fact that I have more to lose if the permit is forfeited. The DMF and state should consider the fact that my decision (and other fisherman) over the years to not groundfish and establish a groundfish history amounts to a form of conservation(so why take their permits?) Also, if I understand correctly, someone like myself who might later choose to sell/transfer their lobster permit and business with a groundfish endorsement, would not be able to tranfer the groundfish permit under todays DMF transfer rules. This would result in the removal of one permit from the industry on a permanent basis, and thus result in an additional conservation measure.

I strongly object to this proposal based on the fact that I along with other fishermen have been paying for this permit all these years! It is irresponsible and PLAIN WRONG for the state to take someones money all these years and then turn around and 'Yank their Groundfish Permit'!!

Sincerely

Ed Wiessmeyer
#141400 DMF permit

Silva, Jared (FWE)

From: Davis, Shannon (FWE)
Sent: Thursday, January 3, 2019 8:47 AM
To: Silva, Jared (FWE)
Subject: FW: Public Hearing Notice State-Waters Multi-Species Groundfish

From: ED DESROSIER <eddesrosier@comcast.net>
Sent: Wednesday, January 2, 2019 5:45 PM
To: Fish, Marine (FWE) <marine.fish@mass.gov>
Subject: Public Hearing Notice State-Waters Multi-Species Groundfish

To Whom It May Concern:

The part of this proposal that is quite frankly unacceptable is the "perhaps" April closure. State waters fishermen have very limited opportunity to fish as it is. No need to repeat to you all of the restrictions we face. No one can come up with a business plan if April is going to be a variable.

By use of input restrictions(# of permits allowed) and output restrictions(closures and trip limits) we are already at the bitter end. You should consider giving us something in return such as the ability to transfer our permits. That will never happen because the division seeks the end of this fishery. Come to think of it, the permit is essentially worthless. Who would buy something that cannot be used? Within ten years or so we will all be gone. Why don't you

let us have a dignified goodbye?

Ed Desrosier

Marblehead, Massachusetts

F/V Janet Leigh

Silva, Jared (FWE)

From: Phil <philnich10@aol.com>
Sent: Wednesday, January 2, 2019 2:30 PM
To: Pierce, David (FWE); McKiernan, Dan (FWE); Silva, Jared (FWE)
Cc: ray@capecodfishermen.org; cpfcharters@yahoo.com; bill@proysters.com; sooky55@aol.com; downrivercharters@comcast.net; charlie@quinnfisheries.com; tbrady@maritime.edu; awalsh54@yahoo.com; lwill582@aol.com; tylerputney3@gmail.com; Len Michaud
Subject: State-Waters Multi-Species Groundfish

January 2, 2019

Dr David Pierce, Director
Division of Marine fisheries
251 Causeway St. Suite 400
Boston, MA 02114

RE: Comments Opposing owner operator for statewaters ground fishery.

I Phillip Michaud submit this letter of comment strongly opposing the proposed owner operator for state-waters Ground fishery.

If latent permits are of concern we should focus on that group without negatively impacting current businesses requiring them to take the biggest hit.

This regulation if implemented will unfairly hurt our ability to have a safe and successful operation

All of the federal groundfish boats that fish state waters, will be exempt from this regulation, very unfair to our state-water boats.

Owner operator works well in the lobster trap fishery, it is a Part-Time Fishery It is not as time-consuming and labor-intensive as dragging. The years that I lobstered we would haul 400 to 800 traps in a day, Scalloping or dragging the rest of the week.

Groundfish Dragging is full-time its a 12 hour day 4-6 day a week fishery.

Our success and safety record is due to the crew stability that we currently have.

The crew is the most important part of my business. I am the owner-operator for 70% of our state water groundfish day trips. My mate Tyler has been aboard my boat the last 5 years.

When he's not deckhand with me,he captains our boat the other 30% of the day trips If I'm required to be present for all trips I won't be able to physically make up the 30% he fished,that means our operation and Tylers income will take a 30% hit.

A person working hard, paying taxes, with mortgage,trying doing everything the right way should not be impacted in this manner there should be a better way to address Latent effort.

My sons also fish aboard our boat,they have there eyes on the wheelhouse This proposal would put my sons in violation if they were to run our boat. So much for a family business. Why have a full time job with no chance for advancement.

Without crew stability when a crisis's happens, transient crews are useless.

I have requested 2018 dealer records for winter flounder be examined.

I believe landings have dropped substantially for 2018.

The amount of lobster gear in Cape Cod Bay outside the 3 mile line has increased.We were unable to fish much of the area, effectively being a closure protecting Groundfish.

We were shut down for two weeks in October, nowhere to fish ,never before has this happened, It required alot of communication with the lobstermen to keep paths open,almost always they were new entrants not knowing their way around. It was so bad, several of the Dragging boats were unable to fish at all.

The state research vessel Gloria Michelle was unable to make most of the fall tows because of the fixed gear. I believe the states 2018 black back flounder landings will be down by tens of thousands of pounds for this reason.

I believe the state can accomplish its goals by

- 1) Recognizing the reduced 2018 black back landings
- 2) implementing the proposed April closure in MA bay
- 3) implementing the suggested control date

Thank you for your time and consideration Please call me with any questions you may have.

Kind regards
Phillip Michaud Jr
508-776-8569

Silva, Jared (FWE)

From: fishinglsister@aol.com
Sent: Wednesday, December 26, 2018 3:37 PM
To: Pierce, David (FWE)
Cc: Silva, Jared (FWE); Griffin, Melanie (FWE); rplastcast@comcast.net; tlapinski@thefisherman.com; fgolofaro@thefisherman.com
Subject: SMALLER DRAGGER I KNOW UP YOUR WAY

Dear Mr. Pierce,

Ron Powers and I would like to meet with you to discuss "what more can be done" to help lessen the acknowledged situation with winter flounder in Massachusetts State Waters. We do not believe that a one month closure will be enough to turn the overfishing around and here is "proof" (below) that draggers are simply selling Massachusetts caught fish in other states. The person that sent me this is friends with a lot of dragger owners and he wishes to remain anonymous. He also would not have the confidence to those owners if he named boats specifically but the truth is, from someone who has been in the commercial fishing industry for the 1st 42 years of his life (me) that draggers will try to get away with ANYTHING and the seafood industry will help them do it nearly 100% of the time. It is a very dirty business and the illegalities that occur are enormous (just think in terms like: "everyone in the business is just like Carlos Rafael"). Here (below), in the past few days this dragger out of Gloucester is retaining cod and flounder in our state waters and I'll bet he is offloading the fish in NH and saying they are caught in The GOM. With virtually no observer coverage, anything goes!

Are you available to schedule with us for the morning of any day from 01/08 to 01/18/2019?

Thank you and Happy New Year!

Yours,

Jason Colby
617-755-3740

From;XXXX
Sent: 12/26/2018 12:17:24 PM Pacific Standard Time
Subject: RE: SMALLER DRAGGER I KNOW UP YOUR WAY

Hahahaha....

They may be able to buy cod quota through ACE, but if the sub-ACL is caught then this is just a regulatory discard...but I figure they have their bases covered in buying quota 3 plus and selling the fillets for 10 dollars.

Flounders...again, like in NY, you land in another state....Northern Mass., as well as NH and Maine, make it easy to pull in drop fish off.

Funny seeing this boat...was in Shinnecock down our way for years...guy finally got tired of the BS...they bought it, and doing well with it....

XXXX

From: fishinglsister@aol.com

[mailto:fishinglsister@aol.com]

Sent: Wednesday, December 26, 2018 10:33 AM

To: XXXX

Subject: Re: SMALLER DRAGGER I KNOW UP YOUR WAY

XXXX,

How can any dragger in The GOM keep "any" cod at this point in the year? The microscopic GOM quota was filled long ago and if they are in state waters, how could

they keep any winter flounder as that quota was exceeded in July?

Jason

In a message dated 12/25/2018 3:39:13 PM Pacific Standard Time, [XXXX](#) writes:

We caught some haddock, cod, flounder, and monkfish.

Be on the lookout for an update after Xmas for where we will be selling out fish and scallops!

Merry Christmas!



Silva, Jared (FWE)

From: fishinglsister@aol.com
Sent: Thursday, December 6, 2018 4:50 AM
To: Pierce, David (FWE); Silva, Jared (FWE); Griffin, Melanie (FWE)
Subject: Public Comment on Spring Dragger Closure

Dear Mr. Pierce,

I approve of the closure but it is far too little. The winter flounder stock, by your own admission has been getting hit too hard and the one month closure will only protect the fish for a short window while they are moving in to spawn. They also need protection in July when they are on the move again out to deeper water.

A true conservation move by the DMF would be to close all dragging and gill netting in state waters from March through July at the least. If you did this state-wide it would also protect the summer flounder stocks as they settle into the inshore waters.

Back in 2013 when The Mass DMF was doubling the state commercial daily catch allowance for winter flounder one of the arguments The DMF gave for doing that was "only six boats were participating in the state winter flounder fishery". In our meeting on July 11th you stated that "twenty six boats are currently participating". It is no small wonder that in just a few short years the recreational catch of winter flounder had diminished by close to 90% of what it was in 2013.

Back then, there were 1000's of recreational fishermen in 100's of boats fishing the harbors, bays and channels for winter flounder each season and as of last spring you would be hard pressed to find someone flounder fishing at all! Your job as a fishery manager is to provide a balance for all user groups, not to take the resource from one user group that was not hurting or abusing the stocks and handing it to another group that literally wiped it out in a couple of years.

Our winter flounder cannot tolerate inshore dragger effort when they are concentrated in well known areas and channels where draggers can decimate them quickly and efficiently. In federal waters they spread out a bit and the federal water quota has not been caught or even scratched in decades.

DO MORE! Close all state waters dragging a gill netting from April through July and if you will not do that for the whole state then at least do it for "Cape Cod Bay to The NH Border".

Captain Jason Colby
Little Sister Charters
fishinglsister@aol.com
617-755-3740
www.littlesister1.com