

NORTHEAST SEAFOOD COALITION

August 10, 2012

Mr. Samuel D. Rauch
Acting Assistant Administrator for Fisheries
National Oceanic and Atmospheric Administration
Silver Spring, MD 20910

Dear Sam,

We are writing to request a one-year modification to the harbor porpoise consequence closure scheduled to take place in the Gulf of Maine this coming management season.

After carefully reviewing the Harbor Porpoise Take Reduction Plan we believe the authority exists for the Agency to modify the boundary and / or timing of a closed area (February 18, 2010 Final Rule 50 CFR 229 Section 229.33(f) page 7399). Therefore, we are recommending an alternative which, in our strong opinion, provides a far greater degree of protection to harbor porpoise while having less of an economic impact to the struggling dayboat gillnet fleet.

We request that the October and November consequence closure scheduled to come into effect this year remain open, and that the Agency within its authority replace this closure with a February 15, 2013 through March 31, 2013 closure with a southern boundary change of 42° 24'. This request is limited solely for this upcoming management season (September 15, 2012 - May 30, 2013) until such time as the Agency and the Take Reduction team is able to meet.

NSC leadership along with our fishing members, their respective Sector Managers and Northeast Sector Service Network, have carefully reviewed the available data from the NEFOP databases to gather more granular data for time and location of observed takes for the affected sectors as well as time and location of observed takes for the entire gillnet fleet. Specifically, data from the Northeast Fishery Science Center that documented harbor porpoise takes by month, gear type, position and statistical area from September 2008 through February 2012.

The result of this evaluation and following extensive discussions among similarly affected gillnet fishermen is a February 15, 2013 through March 31, 2013 replacement consequence closure with a boundary change of 42° 24' would provide exponentially greater protection to harbor porpoise than the October and November default consequence closure. It also appears that the proposed 42° 20' could be raised to the 42° 24' as few takes have occurred south of the 42° 24'. This time period can be strongly supported by the data, which reveals the observed takes in the month of March have been consistent in each of the recent few years, as contrasted by the available data for other months.

February and March

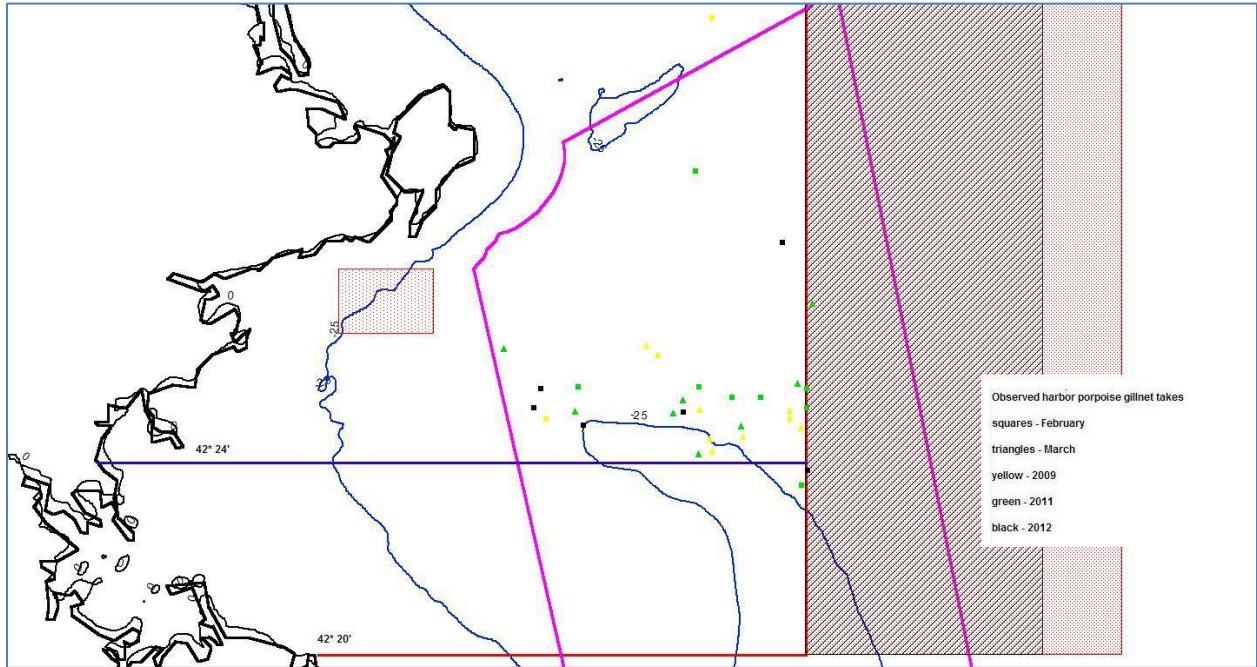


Chart prepared by Dan Salerno on behalf of NESSN

October and November

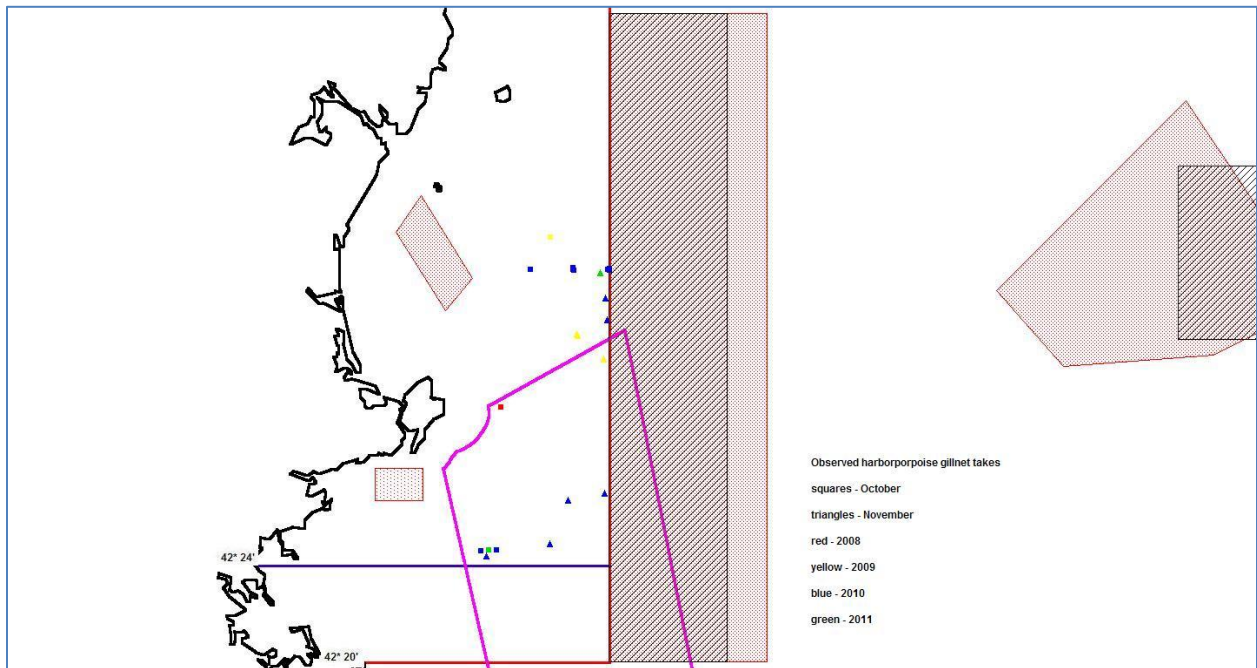


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The data we reviewed reveals the level of takes in the months of February and March since September 2008 was 37 compared to the level of takes in the months of October and November, which were 24. Additionally, when reviewing sector specific data it appears the majority of takes occurred toward the end of the month of February through the month of March above the 42° 24'.

We strongly feel our request for a one-year modification to the closure time-period is not only supported by the data, which we believe effectively mitigates the takes of harbor porpoises, but it is also supported by an important secondary consideration, lessening the economic impacts that will result if the current closure remains. Attached to this letter is an economic analysis that documents the devastation that will occur with current closure. Thus, replacing the upcoming October / November closure with the February / March closure will effectively be replacing a biological / economic impact "Lose -Lose" with a "Win -Win". It is our strong opinion that the alternative measure provides far greater marine mammal protection while cause a much lower economic impact.

Many NSC fishermen rely heavily upon the fall fishery to harvest the historical ACE allocated to their respective Sectors. This is the time when fishing is at its best - the weather is good and the fish are more readily available to the dayboat fleet. This includes fishing for pollock, a healthy groundfish stock. Even though the months of February and March are also important for many fishermen, especially for those harvesting their Sector's historical ACE of Gulf of Maine winter flounder and for those interested in targeting Gulf of Maine haddock which is another seasonally available fish, a modification during the time period for the consequence closure is preferred for this current fishing year. Some NSC fishermen, working with their managers and respective sector members have gathered data we believe strongly supports our statement that the economic impacts will be severe if access is lost in October / November as compared to what we proposed.

Please consider that this is our attempt to provide the greatest protection without imposing unnecessary loss of access. However, we hope that if you concur with our assessment that the authority exists to modify the time and area of these consequence closures for this coming fall, you will provide us the opportunity to respond to any concerns about the duration or location of this proposed alternative.

Lastly, we wanted to conclude with a request for the Agency to work with us to better align initiatives of the protected resource division with the Sector Management program. For instance, sector managers should be provided with near-real time data as it relates to takes of marine mammals. Such data is essential to improve the effectiveness of sector management. We also strongly encourage NMFS to work collectively with the Northeast Seafood Coalition, the Northeast Sector Service Network and sector managers to develop programs to conduct

more regular testing of pingers. Fishermen are greatly alarmed by compliance reports from NMFS, especially after all the fishermen we have spoken with have invested in new pingers.

We look forward to working collaboratively with you about this one-year request for the upcoming management season in the coming days.

Sincerely,

Jackie Odell

Jacqueline Odell
Executive Director
Northeast Seafood Coalition

Enclosure: Economic Impacts of the Potential Harbor Porpoise Consequence Closure, Weirisma, Josh.

Cc: Elizabeth Etrie, Program Director, Northeast Sector Service Network
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