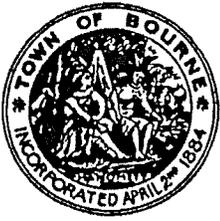


## Correspondence

In this group of documents, please find letters from Bourne and Nantucket, some relevant GARFO responses, and an email that Hank Lackner request that I distribute.

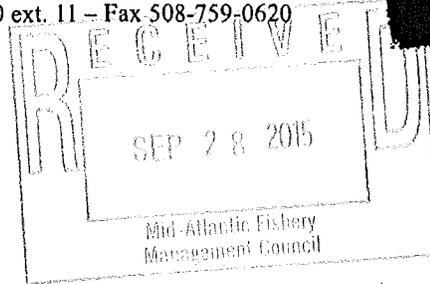
Thanks,

Jason



**TOWN OF BOURNE  
BOARD OF SELECTMEN**

24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone 508-759-0600 ext. 11 – Fax 508-759-0620



July 14, 2015

Mr. Michael Pentony  
Assistant Regional Administrator  
NOAA Fisheries  
Sustainable Fisheries Division  
55 Great Republic Drive  
Gloucester, MA 01930

Mr. David E. Pierce  
Acting Director  
Commonwealth of Massachusetts  
Division of Marine Fisheries  
251 Causeway Street, Suite 400  
Boston, MA 02114

Request for Support

Dear Sirs,

We are writing to ask that you join with us in support of municipalities of Cape Cod and the Islands who are petitioning NOAA and the Massachusetts Division of Marine Fisheries to extend the near coastal protection zone that exists from Boston north to the Hague Line (Herring Management Area 1A-average thirty (30) miles) to include the twelve (12) mile territorial waters from Boston south along outside of the Cape around Nantucket and Martha's Vineyard to the western Massachusetts line as was logically and originally planned in 1999.

This closure would be a Gear Based Restriction of no less than 6.5" mesh in any mobile gear. Bay scallop dredges and the historic state waters squid fishery would exempt (April 23-June 9). Throughout the year, this zone has historically been the main migratory route of whales, predator fish, birds and spawning forage fish (squid and herring). This forage food is one of the main ingredients that contributes to the rich and essential fish habitat and marine ecosystem that exists along this route. Fast moving currents for which this area is known and the tides have the ability to flush forage fish from inside state waters (three (3) miles) out and beyond the twelve (12) mile territorial boundary in one tide cycle. This is the area where vessels fishing small mesh gear have become accustomed to ambushing them as they pass out of the protected areas to the north or flush out into the territorial waters from the near Coastal Zone 1.

Mr. Michael Pentony  
Mr. David E. Pierce  
July 14, 2015  
Page Two

The vast majority of local stake holders believe this area should be protected from industrial size fishing boats and small mesh gear that have the potential to cause irreversible damage on this natural resource. Prior to the Magnusson Stevens Act of 1977, one of the main reasons to create the twelve (12) mile territorial boundary along the coast was to protect our marine habitat ecosystems and fisheries from foreign fishing fleets who were trolling using indiscriminate harvesting gear.

Today, the same indiscriminate destruction of our natural resources is happening because of small mesh, mid-water pair trawlers and otter trawlers towing in close proximity to shore. Additionally these vessels are illegally allowing the nets to reach lower in the water often engaging the sea floor, causing further damage.

The steady decline of our New England ground fisheries has a negative socio-economic impact on our region. This has a negative affect on commercial and recreational fisheries as well as tourism.

Unless legislation is enacted to protect our ecosystems and forage fish, irreversible marine ecosystem collapse is inevitable. At this point the biomasses of local fish stocks can no longer handle this indiscriminate harvesting.

We believe that this is a logical, ethical and fair request that should be enacted immediately to avoid a near coastal ecological disaster. Recognizing the shifting of fisheries management policies from a single species management to the Eco Based Fisheries Management (EBFM) method, we hope will change the devastating course we are presently on. This change would create a futuristic sustainable near coastal marine fishery and ecosystem for future generations.

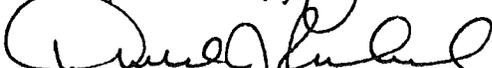
Thank you for your time and consideration. We respectfully request your support of this petition.

Sincerely,

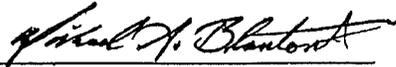
BOARD SIGNATURES



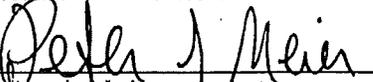
Stephen F. Mealy



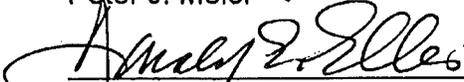
Donald J. Pickard



Michael A. Blanton



Peter J. Meier

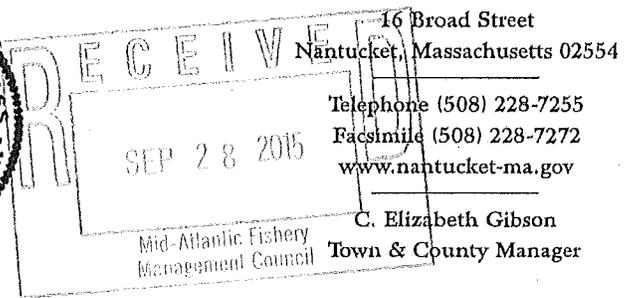
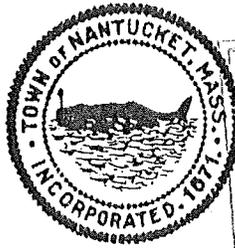


Donald E. Ellis

cc: Congressman Keating  
Senator DeMacedo  
Senator Wolf  
Cape and Islands Reps

**Town and County of Nantucket**  
**Board of Selectmen • County Commissioners**

Robert R. DeCosta, Chairman  
Rick Atherton  
Matt Fee  
Tobias Glidden  
Dawn E. Hill Holdgate



August 11, 2015

The Honorable Governor Baker  
Massachusetts State House  
Room 280  
Boston, MA 02133

Dear Governor Baker:

The County of Nantucket is petitioning NOAA and Massachusetts Division of Marine Fisheries (DMF) to extend the existing near coastal protection zone. The zone currently begins at Boston, extending north to the Hague Line (Herring Management Area 1A). We propose the inclusion of the 12-mile territorial waters along the coast south of Boston, along the outside of the Cape, around Nantucket, and south of Martha Vineyard to the western Massachusetts line. Our proposal is not novel, but reflects the original plans for the coastal protection zone as drafted in 1999.

This closure would be a gear-based restriction of no less than 6.5" mesh in any mobile gear, bay scallop dredges and the historic state waters squid fishery, which is open from April 23 to June 9 would be exempt. This zone is historically known as the main migratory route of whales, predator fish, birds, and forage fish such as squid and herring. Forage fish are perhaps most important, as they critically support the rich marine ecosystem and fish habitat that exists along this route.

The intent of creating the 12-mile territorial boundary along the coast, and the intention of the 1977 Magnuson Stevens Act, was to protect our marine ecosystems, habitat, and fisheries from foreign fishing fleets indiscriminately harvesting with destructive gear types. Yet, today, the state allows near-shore trawlers to use small mesh gear close to shore. Small mesh gear, used by mid-water pair trawlers and otter trawlers, often engages and disrupts the sea floor, causing indiscriminate killing, significant bycatch, and destruction of our natural resources at a massive scale. Industrial-size fishing boats and small mesh gear have the potential to enact irreversible damage and wreak havoc on our near coastal natural resources.

Due to the steady decline and, in some cases, collapse of New England ground fisheries, many fishermen have changed occupations, recognizing that if policies don't

change immediately, if ecosystems and forage fish are not protected, fisheries will collapse. At this point in time the biomass of local fish stocks can no longer handle the shifting pressures and indiscriminate harvesting that at one point in time seemed acceptable and sustainable. In our quest to become responsible stewards of the oceans and natural resources, stakeholders and regulators should no longer turn a blind eye. We recognize the shift of fisheries management policies from a single species management approach to an Eco-Based Fisheries Management (EBFM) approach. We believe the EBFM method will help improve our present course, and that this change will ultimately contribute to a sustainable near-coastal marine ecosystem and fishery for current and future generations.

Thank you for your time and consideration.

Sincerely,



Tobias Glidden  
Chairman  
Nantucket County Commission

Cc: Lt. Governor Karyn Polito  
Senator Daniel A. Wolf  
Representative Sarah Peake  
Representative Timothy R. Madden  
David Pierce, Division of Marine Fisheries  
George Peterson  
John Bullard  
Terry Stockwell  
Rick Robins

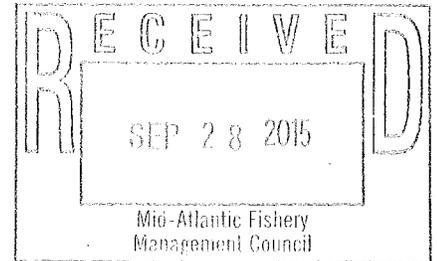


UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
GREATER ATLANTIC REGIONAL FISHERIES OFFICE  
55 Great Republic Drive  
Gloucester, MA 01930-2276

SEP 24 2015

The Honorable Timothy R. Madden  
Massachusetts House of Representatives  
State House  
Boston, MA 02133-1054

The Honorable Sarah K. Peake  
Massachusetts House of Representatives  
State House  
Boston, MA 02133-1054



Dear Mr. Madden and Mrs. Peake:

Thank you for your letter concerning forage fish and the impacts that our fisheries have on them. I urge you and your constituents to work through the New England and Mid-Atlantic Fishery Management Councils on these issues. I have copied the Councils' executive directors so that they are fully aware of this exchange. Please be aware that we have received very similar versions of this letter from the towns of Bourne and Nantucket. I have attached these letters and our response to Bourne for your information. We did not respond to Nantucket because its letter requested action by Governor Baker.

As we noted to Bourne, your request is unusual because it requests that I support a petition for rulemaking to my agency. I cannot join in support, but, rather, we as an agency must review any petition we receive and follow agency procedures for making a decision on it. I should also point out that at this time we have received no such petition.

The fishery management process under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) generally requires a public process for the Fishery Management Councils to develop management measures. The Magnuson-Stevens Act allows the Secretary of Commerce to enact emergency regulations without the public's involvement through the Council process only when the need for regulations is unforeseen and extremely urgent. The issues you have raised do not appear to meet these criteria.

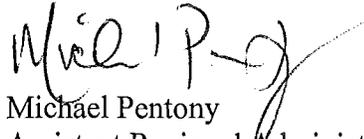
Both the New England and Mid-Atlantic Fishery Management Councils are addressing most of the issues you have raised. The Mid Atlantic Fishery Management Council manages the Atlantic mackerel, squid (longfin and *Illex*), and butterfish fisheries and is developing a forage fish amendment and an amendment to address latent effort and capacity in the longfin squid fishery. The New England Fishery Management Council manages the Atlantic herring fishery and recently decided to include consideration of measures to address inshore depletion of herring in its development of Amendment 8 to the Atlantic Herring Fishery Management Plan. This may address your concern about midwater trawl vessels fishing near shore. Both Councils also set caps on river herring and shad catch in the mackerel and herring fisheries, and routinely consider



a wide range of issues for their respective fisheries. The Council process is the best venue for you and your constituents to raise concerns.

Thank you for your interest in these important issues.

Sincerely,



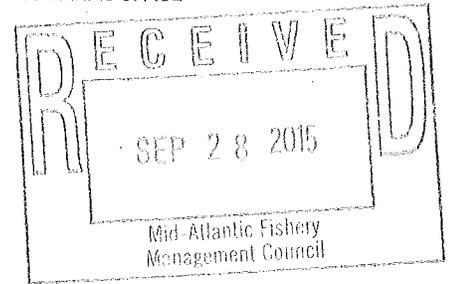
Michael Pentony  
Assistant Regional Administrator  
For Sustainable Fisheries

Cc: Thomas N. Nies, Executive Director, New England Fishery Management Council  
Christopher Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council  
Dr. David Pierce, Director, Massachusetts Division of Marine Fisheries



UNITED STATES DEPARTMENT OF COMMERCE  
 National Oceanic and Atmospheric Administration  
 NATIONAL MARINE FISHERIES SERVICE  
 GREATER ATLANTIC REGIONAL FISHERIES OFFICE  
 55 Great Republic Drive  
 Gloucester, MA 01930-2276

AUG 19 2015



Town of Bourne  
 Board of Selectmen  
 24 Perry Avenue  
 Buzzards Bay, MA 02532

Dear Sirs:

Thank you for your letter concerning forage fish and the impacts that our fisheries have on them. I urge you to work through the New England and Mid-Atlantic Fishery Management Councils on these issues. I have copied the Councils' executive directors so that they are fully aware of this exchange.

Your request is unusual because it requests that I support a petition for rulemaking to my agency. I cannot join you in support, but rather, we as an agency must review any petition we receive and follow agency procedures for making a decision on it. To date, we have received no formal petition.

The fishery management process under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) generally requires a public process for the Fishery Management Councils to develop fishery management measures. The Magnuson-Stevens Act allows the Secretary of Commerce to enact emergency regulations without the public's involvement through the Council process only when the need for regulations is unforeseen and extremely urgent. I do not believe the issues you have raised meet these criteria.

Both the New England and Mid-Atlantic Fishery Management Councils are addressing most of the issues you have raised. The Mid-Atlantic Fishery Management Council manages the Atlantic mackerel, squid (longfin and *Illex*), and butterfish fisheries and is developing a forage fish amendment and an amendment to address latent effort and capacity in the longfin squid fishery. The New England Fishery Management Council manages the Atlantic herring fishery and recently decided to include consideration of measures to address inshore depletion of herring in its development of Amendment 8 to the Atlantic Herring Fishery Management Plan. This may address your concern about midwater trawl vessels fishing near shore. Both Councils also set caps on river herring and shad catch in the mackerel and herring fisheries, and routinely consider a wide range of issues for their respective fisheries. The Council process is the best venue for you to raise your concerns.

Thank you for your interest in these important issues.

Sincerely,

Michael Pentony  
 Assistant Regional Administrator  
 For Sustainable Fisheries



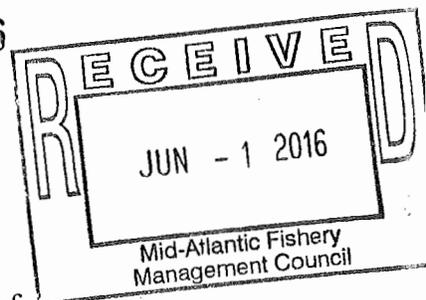
Cc: Thomas N. Nies, Executive Director, New England Fishery Management Council  
Christopher Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council  
Dr. David Pierce, Acting Director, Massachusetts Division of Marine Fisheries



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
GREATER ATLANTIC REGIONAL FISHERIES OFFICE  
55 Great Republic Drive  
Gloucester, MA 01930-2276

Cape Cod Selectmen and Councilors Association  
C.O. Edward McManus, Clerk  
41 Parallel Street  
Harwich, MA 02645

MAY 26 2016



Dear Selectwomen, Selectmen, and Councilors:

Thank you for your letter in support of measures to protect the nearshore waters of Massachusetts. While your letter clearly supports the proposed measures, and we have recently received other letters supporting proposals like this, we have not received any formal request to initiate an action.

I believe that the fishery management council process is the best venue to address the concerns expressed in the proposal you support. The Mid Atlantic Fishery Management Council manages the Atlantic mackerel, squid (longfin and *Illex*), and butterfish fisheries and is developing a forage fish amendment and an amendment to address latent effort and capacity in the longfin squid fishery. The New England Fishery Management Council manages the Atlantic herring fishery and recently decided to include consideration of measures to address inshore depletion of herring in its development of Amendment 8 to the Atlantic Herring Fishery Management Plan. Both Councils also set caps on river herring and shad catch in the mackerel and herring fisheries, and routinely consider a wide range of issues for their respective fisheries.

I have copied the Councils' executive directors, and Dr. David Pierce, Director of the Massachusetts Division of Marine Fisheries, on this response so that they are aware of our exchange.

Thank you for your interest in these important issues, and I wish you and your communities the best as you head into your busy summer season.

Sincerely,

  
for John Bullard  
Regional Administrator

Cc: Thomas N. Nies, Executive Director, New England Fishery Management Council  
Christopher Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council  
Dr. David Pierce, Director, Massachusetts Division of Marine Fisheries





Mon 8/1/2016 6:15 PM

Hank Lackner <jdhlcl@aol.com>

Squid amendment thoughts

To Didden, Jason

Hello Jason,

Let me start off by saying loligo squid and illex squid should not be considered one in the same. They are two totally different fisheries. They do both share one thing in common besides capacity issues.. That is choke species and bycatch issues.

As highlighted by this summers record production the loligo squid fishery faces a lot of serious problems..

1. First and foremost we need to have 2016 data available. The loligo squid fishery definitely has the ability, in the drop of a dime, to be over capacitated, if it isnt already.. This summer sure did prove my point. All a fisherman needs to do, is change a net and call in..

A. Capacity needs to be addressed in an aggressive yet equitable way. In the summer trimester, the proximity to land, calm weather, increased cutbacks in other fisheries, as well as ease of switch over, is causing historical participants to face record long closures. Fish were abundant inside, as well as outside 3 miles and market conditions started out at near record levels. There is simply NO ROOM for any new boats ,or part time boats for that matter. We have all suffered loss of permits due to both latent effort and capacity amendments and its time to protect the true FULL TIME loligo squid fisherman. the addition of a few boats IS the difference between profit and loss for the traditional users.

B. As for the the proposed initial qualifying criteria, I feel it is way too low.. The 25000 lb and 50000lb numbers equate to nothing more than 10 and 20 bycatch trips in the loligo squid fishery..A far cry from what a full time vessel would catch.. Those numbers might be better adjusted to 150,000 and 300,000 lbs in a best year.maybe even higher. Illex squid should be substantially higher than that . ILLEX is a high volume, low price fishery.. Both fisheries should be BOUND BY THE 2013 CONTROL DATE.. We established it for a reason!

2. On the topic of loligo squid bycatch allowance.. The unusually high bycatch allowance (2500 lbs) has lead to a directed fishery.. The 2500 lbs may be acceptable during trimester 1+3 but it is far too high for trimester 2.. The fishery is basically still continuing. The high allowance has lead to a directed fishery, which in turn has lead to a high discard rate of squid. Making the quota overage that much more problematic. Plain and simple ,boats are high grading to all large squid, or tow too long and wash them over . Due to the dynamics of the summer trimester the allowance must be dropped dramatically.. If we decide to keep the 2500 lbs then just do a cumulative weekly trip limit.. Steaming in and out is wasteful and more dangerous.

A. If this 2500 lbs allowance it truly a by-catch allowance we have to ask ourselves what is the by catch.. Most boats land nothing but squid.

B. If the fishery is closed should we even be fishing for them? nowhere is the bycatch allowance so high with such a low quota.

3. STATE PERMITTED boats and a federal fishery.. This needs serious changes.. When a federally managed fish, LOLIGO SQUID,is targeted and caught by state permitted boats, above and beyond existing federal trip limits , the vessel is in direct violation of the law.. Yet it goes on continually in the loligo squid fishery. State permitted boats fish with no constraints as long as the squid is caught inside 3 miles. It is my understanding that they are bound by the most restrictive law. Why is it allowed to

continue.. is it counted against the federal quota? How is it differentiated, i never see any pounds deducted from the quota management page. The states and feds need to keep the regulations on the same page.

4. Since loligo squid is managed federally I believe it is imperative we require VMS and daily reporting on all state vessels that choose to participate in the loligo squid fishery.

5. As managers ,I believe we should revisit the quarterly time frame previously used in the loligo squid fishery. Using quarters, eases infrastructure issues, shortens closures as well as allowing a south of long island and jersey coast inshore loligo fishery to be persecuted.

6. It has become very obvious to industry, there is no good scientific way to assess squid abundance.( uncertainty needs to go two ways). NO indicie or survey showed that loligo squid would be this abundant. This summer a 4,000,0000 lb in season adjustment sure would have gone a long way.. Both economically for the boats,as well as for public relations and confidence in the service..I believe the service needs to have a mechanism in place that in times of extreme abundance more pounds be added to the TAC.. I believe this happened in 2002? Industry should be taking advantage of these short lived species anomalies and capitalize upon them.. They should not be ignored.. But they should be done within reason as to not jeopardize the potential recruitment for the winter periods.

7. This wont be popular with some, but does the summer period need trip limits? Boats waited days to unload, quality suffered in the heat, and Ice availability was a major issue. Infrastructure was at times overwhelmed. .how do we do handle high volume during the summer months? the dynamics of the near coastal loligo fishery are unique.. Do we control possession limits By length of vessel, horsepower, or landings history to name a few methods.

A. Another thing that may have merit is do you allow half the quota in the summer period to be caught south of nantucket and the vinyard and the other half south of long island and west of new jersey or do we just leave it as the DERBY it has become .

8. I have not made a lot of comments pertaining to trimester 1 and 3 of the loligo fishery, as the relaxing of the scup GRA should have a significant impact on landings.. I do believe the cutbacks in scup and the major fluke cutbacks will shift effort towards loligo squid in winter 1. We, as managers, need a little more time for analysis.

Just my thoughts and certainly worth some analysis and conversation,  
Hank Lackner