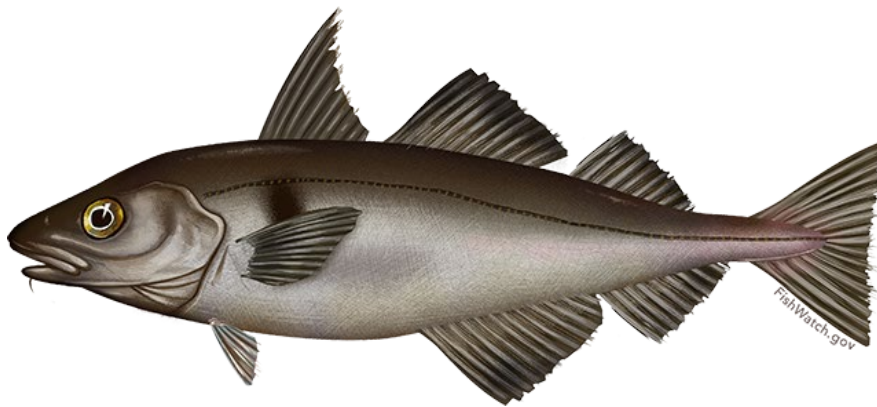


# Northeast Multispecies Fishery Management Plan

## Strawman Proposal for a Limited Entry Program in the Recreational Groundfish Party/Charter Fishery



### Strawman Proposal

January 12, 2020

Prepared by Tidal Bay Consulting and the  
New England Fishery Management Council



New England  
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## 1.0 BACKGROUND AND INTRODUCTION

The New England Fishery Management Council (Council), including its Groundfish Committee and Recreational Advisory Panel (RAP), has discussed the potential for developing a limited entry program in the recreational party/charter groundfish fishery for approximately 20 years. In more recent years, this topic has been identified as a Council priority. Accordingly, Council staff and contractors have undertaken several initiatives to further engage stakeholders regarding the possibility of a limited entry program.

In 2019, the Council held listening sessions to solicit public comment on whether the Council should develop a limited entry program for the recreational party/charter groundfish fishery. The Council accepted oral and written comments between March 11 and May 17, 2019. Oral comments were invited during seven in-person listening sessions and one webinar. A report summarizing these comments as well as stakeholder affiliation of the commenters is available online: <https://www.nefmc.org/library/limited-access-listening-sessions-for-recreational-fisheries>

In summary, of the 46 unique commenters, there were as many stakeholders opposed to the development of a limited entry program as there were individuals who were neither for nor against. See Section 4.1 of the listening session summary report linked above for more information. The overwhelming rationale provided by those who were neither for nor against a limited entry program was that they needed more information on the specifications of the program, including the implications of a control date and management measures.

In November and December of 2019, Council staff presented the feedback received during the listening sessions to the RAP, Groundfish Committee, and Council. Examining the possibility of a limited entry program as a “strawman” approach became one of the Council’s 2020 priorities.

In the summer of 2020, the Council began the process to develop a strawman for a limited entry program to address the request by commenters for more program specifications. This process incorporated an additional opportunity for stakeholder engagement prior to the Council action. A ‘template’ for a limited entry program was developed by Tidal Bay Consulting, in collaboration with Council staff, with input from the RAP, Groundfish Committee, and NOAA. This template largely draws on input from the 2019 listening session and similar recreational programs in other regions of the U.S., and provides a table of various program elements to consider when designing a limited entry program.

Stakeholder feedback was requested on the template through a public meeting on October 5, 2020 and an online feedback tool. This information helped to narrow the program elements and develop the strawman proposal for a limited entry program. Feedback on the limited entry template is summarized in Appendix I. The public meeting summary is included in Appendix II. Two comment letters were received, and are included in Appendix I. Council staff will present a summary of this process and provide the report to the RAP and Groundfish Committee in early

2021 for further consideration. Ultimately the Council will decide whether or not to initiate a regulatory action to develop a limited entry program.

Thus far, the only action around limited entry is a control date. In January 2018, at its first meeting of the year, the Council recommend refreshing the control date in the party/charter fishery. The control date in the party/charter fishery was refreshed to March 19, 2018 (<https://www.gpo.gov/fdsys/pkg/FR-2018-03-19/pdf/2018-05505.pdf>). For more background information, including details on the control date, recent trends in recreational landings and effort, and the template, refer to the Background Document for this initiative, available online: <https://www.nefmc.org/library/party-charter-limited-entry-program-strawman>.

## 2.0 STRAWMAN OPTIONS

This section outlines a number of number of options that would serve as a starting point for scoping if the Council decides to initiate an action to develop a limited entry program in the recreational party/charter groundfish fishery. Therefore, there would be additional opportunities for public input throughout the process, starting with scoping.

The options proposed in this strawman are supported by stakeholders who provided feedback on the limited entry template through the online feedback tool and/or who participated in the public meeting. Of the 74 responses to the online feedback tool, approximately 30% of respondents provided detailed information that is summarized in Appendix I. Therefore, the strawman is based on the feedback from this 30% (approximately 14-16 respondents for each question). The sample size for each question is included in Appendix I. While the public meeting did not cover all of the template program elements included in the online feedback tool, the responses were relatively consistent across both methods of outreach for the overlapping questions. The text specifies where there was not alignment on certain options across these methods, as well as any new information. Feedback from the public meetings was primarily from six members of the recreational fishing community (Appendix II). Some stakeholders participated in both the public meeting and provided feedback online. Responses are reported and included from all participants - rather than filtering responses for unique individuals.

Sections 2.1 through 2.10 include options to consider further when or if a limited entry program is developed. The rationale for selecting these options is provided in the text, graphs, and open-ended responses included in Appendix I, which indicate that the majority of respondents supported these options. Many of these options are presented conceptually and do not yet have data and analysis that provides details on how they would operate. Section 3.0 includes options that are not considered further in the strawman. These options were not carried forward because there was limited or very limited support from respondents.

## **2.1 PROGRAM ELEMENT 1 – GOALS**

### **2.1.1 Option 1 - No Action**

Under Option 1 (No Action), the Northeast multispecies open access charter/party permit (category I) would remain open access, and a goal for a limited entry program would not be developed.

### **2.1.2 Option 2 – Ensure Access**

Under Option 2, a limited entry program would be developed with the goal of maintaining access to groundfish for members of the public who do not own or have access to private boats. As the recreational groundfish fishery is not a shore-based fishery, access requires a privately owned boat or for-hire boat. The rationale for this goal is to allow access to members of the public who either cannot afford a private boat, or do not have the skills and experience to operate a boat and find fishing grounds.

### **2.1.3 Option 3 – Achieve Regulatory Stability**

Under Option 3, a limited entry program would be developed with the goal of achieving regulatory stability in the party/charter fleet. Regulatory stability could be achieved through a number of approaches, including implementing multi-year measures or separate allocations for party/charter vessels. Implementing more stable and/or longer-term measures and specifications allows for better business planning, more opportunities to market trips, and to meet customer demands.

### **2.1.4 Option 4 – Prevent Overcapitalization**

Under Option 4, a limited entry program would be developed with the goal of preventing overcapitalization in the party/charter fleet. Overcapitalization is a term used to describe a fishery where the size of the fleet, either in the number of vessels and/or the level of effort, exceeds the level needed to harvest an optimum yield. Currently, there is no limit to the number of open-access permits available. A program designed with this goal in mind would seek to align the number of permits and their relative effort and catch to the stock size.

While the number of party/charter permits and trips have steadily declined over the last ten years (see Tables 2 and 3 in the Background Document)<sup>1</sup>, there is concern that these trends could reverse should the groundfish stocks increase in abundance. There are a number of inactive (or latent) permits that could be activated in this scenario, and new permits could be distributed under the current open-access system.

One participant at the public meeting commented that they did not understand how this action would achieve regulatory stability if it is solely focused on limited entry. Other goals were listed,

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<sup>1</sup> <https://www.nefmc.org/library/party-charter-limited-entry-program-strawman>

but will not be considered further in the strawman proposal, aside from an explanation in Section 3.0. A few respondents offered goals other than those listed in the multiple-choice responses, including protecting from overfishing and developing a comprehensive for-hire management plan.

## **2.2 PROGRAM ELEMENT 2 – OBJECTIVES**

### **2.2.1 Option 1 – No Action**

Under Option 1 (No Action), the Northeast multispecies open access charter/party permit (category I) would remain open access, and objectives for a limited entry program would not be developed.

### **2.2.2 Option 2 – Biological**

Under Option 2, a limited entry program would be developed with biological objectives. The specific objectives under this category have yet to be determined, although could include rebuilding stocks and avoiding overfishing, for example. This objective acknowledges that the fish stocks (and their habitat) need to be healthy to support a successful fishery.

### **2.2.3 Option 3 – Management and Economic**

Under Option 3, a limited entry program would be developed with management and economic objectives. The specific objectives under this category have yet to be determined, although they could include measures to achieve optimum yield and prevent overcapitalization.

### **2.2.4 Option 4 – Business**

Under Option 4, a limited entry program would be developed with business objectives. The specific objectives under this category have yet to be determined, although could include measures aimed towards increasing stability and/or profitability and allowing for fluctuations in supply and demand.

A few respondents offered objectives other than those listed in the multiple-choice responses, including groundfish stock stability, and developing seasons and bag limits to support a specific number of for-hire vessels. One participant at the public meeting commented that this action should not have a biological objective as it is more about fleet management than species management.

## **2.3 PROGRAM ELEMENT 3 – DEFINITIONS**

In this Section, you would select either options 1 or 2, options 3 or 4, and option 5.

### **2.3.1 Option 1 – No Action**

Under Option 1 (No Action), vessels with party and charter permits would continue to operate under their current open access Charter/Party Northeast Multispecies (I) permit, and would only be allocated groundfish stocks with an existing recreational sub-allocation, Gulf of Maine (GOM) cod and GOM haddock.

### **2.3.2 Option 2 – Vessel Types**

Under Option 2, all party and charter vessels that meet the eligibility criteria would be considered in a limited entry program, regardless of passenger capacity.

### **2.3.3 Option 3 – Additional Groundfish Stocks**

Under Option 3, all GOM stocks that currently have a recreational sub-ACL, GOM cod and GOM haddock would be included, as well as additional groundfish stocks. See Figure 6 in Section II(2)C in the Summary of Stakeholder Feedback (Appendix I) for a list of potential species to include, based on responses from the online feedback tool.

### **2.3.4 Option 4 – All Groundfish Stocks**

Under Option 4, all stocks managed in the Northeast Multispecies Fishery Management Plan (FMP) would be eligible to be caught on a for-hire trip (in accordance with applicable management measures), aside from prohibited species. This would be in accordance with applicable management measures to achieve, but not exceed ACLs or recreational sub-ACLs for each stock.

### **2.3.5 Option 5 – Fishing Areas**

Under Option 5, all vessels in the limited entry program would be able to operate in any federal waters where vessels are currently allowed to fish for groundfish.

Comments during the public meeting supported these options, and in general reiterated the desire for a limited access program to be as inclusive as possible of current vessels, and to preserve the current footprint of the fishery.

## **2.4 PROGRAM ELEMENT 4 – ELIGIBILITY**

### **2.4.1 Option 1 – No Action**

Under Option 1 (No Action), the current control date, March 19, 2018, would remain in place, but a limited entry program would not be developed.

In this Section, you would select either options 1, 2 or 3, and select the other eligibility criteria in options 4 or 5.



## **2.4.2 Option 2 – Utilize Existing Control Date**

There was more support for utilizing the existing control date among stakeholders who participated in the online feedback tool.

### **2.4.2.1 Sub-Option A – Only allow vessels acquired before the control date**

Under Option 2, Sub-option A, only permits and vessels acquired before the existing control date of March 19, 2018 would be eligible for a limited entry permit.

### **2.4.2.2 Sub-Option B – Same conditions should apply before and after the control date**

Under Option 2, Sub-option B, vessels and permits acquired before and after the control date of March 19, 2018 would be held to the same conditions of eligibility. For example, in this case, the control date would not be utilized as the minimum requirement for eligibility, and instead, other eligibility criteria would apply.

## **2.4.3 Option 3 – Refresh the Control Date**

There was more support for refreshing the control date among stakeholders who participated in the public meeting.

### **2.4.3.1 Sub-Option A – Only allow vessels acquired before the control date**

Under Option 3, Sub-option A, only permits and vessels acquired before the refreshed control date (to be determined [TBD]) would be eligible for a limited entry permit.

### **2.4.3.2 Sub-Option B – Same conditions should apply before and after the control date**

Under Option 3, Sub-option B, permits and vessels acquired before and after the control date (TBD) would be eligible for a limited entry permit. In this case, similar to Section 2.4.2.2, other eligibility criteria would apply (see example in Section 2.4.2.2).

## **2.4.4 Option 4 – Effort-based Criteria**

Under Option 4, eligibility criteria would be based on effort (i.e., a number of trips). The actual threshold for the effort and the qualifying years would be developed in the scoping process for this action, if initiated.

### **2.4.4.1 Sub-Option A – Base effort/number of trips on the permit**

Under Option 4, Sub-option A, a minimum threshold of effort level (i.e., number of trips) would be established over specific qualifying years. If a permit history had not met or exceeded this threshold, then the vessel/permit owner would not qualify for a limited entry permit.

#### **2.4.4.2 Sub-Option B – Base effort/number of trips on the owner’s records**

Under Option 4, Sub-option B, a minimum threshold of effort level (i.e., number of trips) would be established over specific qualifying years. If an owner cannot demonstrate they met or exceeded this threshold, then they would not qualify for a limited entry permit.

Stakeholders who responded to the online feedback tool supported utilizing only effort-based criteria (Option 4) more than catch *and* effort-based criteria (Option 5). These stakeholders also had a preference for basing effort on the permit (Sub-option A) over the owner (Sub-option B).

#### **2.4.5 Option 5 – Catch and Effort-based Criteria**

Under Option 5, eligibility is based on catch (i.e., pounds landed per trip or per year) and effort (i.e., number of trips) over specific qualifying years. The actual threshold for the catch and effort, and the qualifying years would be developed in the scoping process for this action, if initiated. For example, the Council may request feedback on how to consider years where GOM cod possession was prohibited. Participants provided responses to an open-ended question on this topic in the online feedback tool (see Section II(2)E in Appendix I to review these responses).

##### **2.4.5.1 Sub-Option A – Base catch and effort on the permit**

Under Option 5, Sub-option A, a permit would need to meet or exceed a minimum threshold of catch and effort for a vessel/permit owner to qualify for a limited entry permit.

##### **2.4.5.2 Sub-Option B – Base catch and effort on the owner’s records**

Under Option 5, Sub-option B, an owner would need to meet or exceed a minimum threshold of catch and effort for a vessel/permit owner to qualify for a limited entry permit.

Stakeholders who participated in the public meeting supported utilizing catch *and* effort-based criteria (Option 5) more than only effort-based criteria (Option 4). These participants also had a preference for basing catch and effort on the owner’s records (Sub-option B) over the permit (Sub-option A).

## **2.5 PROGRAM ELEMENT 5 – UNITED STATES COAST GUARD REQUIREMENTS**

### **2.5.1 Option 1 – No Action**

Under Option 1 (No Action), United States Coast Guard (USCG) requirements and licensing would not be required by NOAA Fisheries in determining permit eligibility.

## **2.5.2 Option 2 – USCG Requirements**

### **2.5.2.1 Sub-Option A – USCG Certificate of Inspection**

Under Option 2, Sub-option A, a current USCG Certification of Inspection (COI) would be required to be eligible for a permit. This would only apply to those vessels with existing COI requirements. This would improve safety conditions for vessel passengers.

### **2.5.2.2 Sub-Option B - USCG Captain’s License**

Under Option 2, Sub-option B, a current USCG captain’s license would be required to be eligible for a permit. The type of license would vary depending on the vessel type. This would improve safety conditions for vessel passengers.

## **2.6 PROGRAM ELEMENT 6 – PERMITS**

In this Section, there are multiple options related to permits. Options 1-9, including sub-options, would need to be considered.

### **2.6.1 Option 1 – No Action**

Under Option 1 (No Action), a limited entry party/charter permit would not be developed. Therefore, the current Northeast multispecies open access charter/party permit (category I) would be maintained.

### **2.6.2 Option 2 – How Would the Privilege be Assigned?**

#### **2.6.2.1 Sub-Option A – Permit assigned to business/vessel owner**

Under Option 2, Sub-option A, a limited entry permit would be assigned to the business or vessel owner. This would allow the owner to keep the permit (and potentially the catch and effort history) should they sell or transfer their vessel.

#### **2.6.2.2 Sub-Option B – Permit assigned to vessel**

Under Option 2, Sub-option B, a limited entry permit would be assigned to the vessel. In this case, the permit typically remains with the vessel when the vessel is sold or transferred. This may result in the catch history also remaining with the vessel, which may affect the seller’s eligibility if they remain in the fishery with a new vessel.

### **2.6.3 Option 3 – Permit Categories**

#### **2.6.3.1 Sub-Option A - One permit category**

Under Option 3, Sub-option A, only one permit category would be available for party/charter vessels in the limited entry program.

### **2.6.3.2 Sub-Option B - Multiple permit categories**

Under Option 3, Sub-option B, there would be multiple categories of permits available. The categories would be based on the maximum number of passengers for a vessel. For example, the owner of a party boat with a six-passenger capacity would be assigned a 'party boat' permit.

### **2.6.4 Option 4 – Permit Transferability**

#### **2.6.4.1 Sub-Option A – Unlimited permit transfers**

Under Option 4, Sub-option A, a permit would be able to be transferred an unlimited number of times. There was support for being able to transfer permits. Of those who supported transferability, some felt that there should not be a cap on the number of times a permit could be transferred.

#### **2.6.4.2 Sub-Option B – Limited permit transfers**

Under Option 4, Sub-option B, permit transfers would be allowed within certain limits. There was support for limiting permit transfers to one or more of the following criteria: 1) transfer with the same vessel passenger capacity, 2) transfer with families, or 3) transfer within employees of the business (e.g., captains and crew).

### **2.6.5 Option 5 – Permit Bundling**

Under Option 5, a limited entry party/charter permit would be treated as a separate permit from other limited access permits assigned to a particular vessel. This would allow the vessel owner to sell the permit separate from the vessel.

### **2.6.6 Option 6 – Permit Value**

Under Option 6, the value of a permit would be determined with private negotiations when for sale. This is in contrast to a public auction or similar process.

### **2.6.7 Option 7 – Permit Surrender**

Option 7 can have either or both sub-options selected.

#### **2.6.7.1 Sub-Option A – Permit bank**

Under Option 7, Sub-option A, when a permit is surrendered to NOAA Fisheries, it would be placed in a permit bank. NOAA Fisheries, in consultation with the NEFMC, would develop criteria for how individuals would purchase or apply for a permit held in the permit bank.

#### **2.6.7.2 Sub-Option B – Wait list**

Under Option 7, Sub-option B, when a permit is surrendered to NOAA Fisheries, it would be placed in a wait list. NOAA Fisheries, in consultation with the NEFMC, would develop criteria for applying for the wait list, and criteria for receiving a permit, when available.

## **2.6.8 Option 8 – Latent Effort**

Under Option 8, latent effort would be monitored in the limited entry program. Criteria would be developed that would set a threshold for the number of years and other conditions that could result in a permit being defined as ‘latent’. For example, if a permit is not used at all for more than 3 or 5 years, or if the vessel takes less than 5 or 10 trips a year or lands less than a certain number of pounds of groundfish a year.

## **2.6.9 Option 9 – Vessel Upgrade Restrictions**

Under Option 9, vessel upgrade restrictions based on vessel passenger capacity would be included in permit transfers. For example, if a permit holder has a six-passenger charter vessel, they would only be allowed to transfer their permit to a new six-passenger vessel, and not a larger passenger capacity vessel. Similarly, a permit for a 25-passenger party boat could only be transferred to a boat with a 25 or less passengers. In Alaska, certain types of Charter Halibut Permits have passenger capacities with similar restrictions on permit transfers.

## **2.7 PROGRAM ELEMENT 7 - NEW ENTRANTS**

In this Section, there are multiple options to select: 1 or 2, and any combination of sub-options if Option 2 is selected.

### **2.7.1 Option 1 – No Action**

Under Option 1, no new entrants would be allowed to enter the fishery. That is, unless a permit is sold, there would be no mechanism for an individual to purchase a limited entry permit.

### **2.7.2 Option 2 – Develop a Program for New Entrants**

#### **2.7.2.1 Sub-option A - Develop a waitlist**

Under Option 2, Sub-option A, NOAA Fisheries would develop and maintain a waitlist for interested parties. There would likely be criteria new entrants would need to meet before being added to the waitlist and qualifying for a permit.

#### **2.7.2.2 Sub-option B – Develop a permit bank**

Under Option 2, Sub-option B, NOAA Fisheries would develop and maintain a permit bank. Interested parties would have to meet eligibility criteria to qualify to purchase (or lease) a permit from the permit bank.

#### **2.7.2.3 Sub-option C – Develop training requirements**

Under Option 2, Sub-option C, new entrants would have to meet certain training requirements to be eligible for a permit. The training criteria would be determined during scoping, and could include safety, CPR and First Aid, apprenticeship program, USCG captain’s license, or federal/state fisheries laws.

#### **2.7.2.4 Sub-option D – Free market establishes cost**

Under Option 2, Sub-option D, the cost of a permit would be determined on the free market, or supply and demand.

#### **2.7.2.5 Sub-option E – Establish minimum and maximum cost criteria**

Under Option 2, Sub-option E, NOAA Fisheries, in consultation with the NEFMC, would establish minimum and maximum cost criteria for limited entry permits.

#### **2.7.2.6 Sub-option F – Recognize active industry participants**

Under Option 2, Sub-option F, active industry participation would be considered when determining eligibility for gaining entry into the fishery. An active industry participant would need to be defined, but in general would be considered anyone currently working as a captain or crew in the recreational fishery and/or potentially the commercial fishery.

#### **2.7.2.7 Sub-option G – Adjust the total number of permits available according to stock assessments and ACLs**

Under Option 2, Sub-option G, the number of permits in the limited entry program would fluctuate if there is a certain increase in the status of the stock and subsequent increase in the sub-ACL for the recreational fishery. How subsequent decreases in stock abundance would affect the number of permits would still need to be determined under this option. In this scenario, it's possible that management measures would become more restrictive rather than adjusting permit numbers.

### **2.8 PROGRAM ELEMENT 8 - MANAGEMENT MEASURES**

#### **2.8.1 Option 1 – No Action**

Under the Option 1 (No Action), there would be no separate management measures for participants in a limited entry program. The existing recreational management measures would apply to all permitted vessels operating in the groundfish party/charter fishery.

#### **2.8.2 Option 2 – Same Measures for Party and Charter Vessels**

Under Option 2, the same measures would be developed for party and charter vessels participating in the limited entry program.

##### **2.8.2.1 Sub-Option A – Bag limits**

Under Option 2, Sub-option A, bag limits would be considered as a management measure in a limited entry program and proposed by the NEFMC. For example, the current (FY20) bag limit for cod for recreational vessels is one fish per person per day inside the Gulf of Maine (GOM) regulated mesh area (RMA), and ten fish per person per day outside the GOM RMA. The current bag limit for haddock is 15 fish per person per day inside the GOM RMA, and unlimited outside the GOM RMA.

### **2.8.2.2 Sub-Option B – Size/slot limits**

Under Option 2, Sub-option B, size and/or slot limits would be considered as a management measure in a limited entry program. For example, the current minimum fish size for cod is 21 inches, and haddock minimum size is 17 inches in the GOM RMA and 18 inches outside the GOM RMA.

### **2.8.2.3 Sub-Option C – Gear restrictions**

Under Option 2, Sub-option C, gear restrictions would be considered as a management measure in a limited entry program. For example, currently each angler is limited to one line, although there is no limit to the number of hooks per line.

### **2.8.2.4 Sub-Option D – Fishing seasons**

Under Option 2, Sub-option D, fishing seasons would be considered as a management measure in a limited entry program. For example, while fishing for cod and haddock outside the GOM RMA is open all year, fishing for these species within GOM is limited to spring and fall fishing seasons. Currently (FY20), there are different fall seasons for private vessels and party/charter vessels fishing for GOM cod, whereas the spring season is the same for both modes. In the fall, the open season for private vessels is September 15-30, and September 8 – October 7 for party/charter vessels.

### **2.8.2.5 Sub-Option E – Area-based management**

Under Option 2, Sub-option E, area-based management would be considered as a management measure in a limited entry program. Currently, there are areas that are closed to party/charter fishing vessels for spawning and other conservation reasons. Either closed areas, special access programs, or other area-based management measures may be considered.

## **2.9 PROGRAM ELEMENT 9 – REPORTING**

### **2.9.1 Option 1 – No Action**

Under Option 1 (No Action), the current vessel report requirements with vessel trip reports (VTR), including electronic VTRs would be maintained.

### **2.9.2 Option 2 – Additional Reporting Requirements**

Under Option 2, additional reporting requirements would be determined as the limited entry program is developed.

Participants in the online feedback tool expressed more support for Option 1 than Option 2.

## **2.10 PROGRAM ELEMENT 10 - MONITORING AND EVALUATION**

### **2.10.1 Option 1 – No Action**

Under Option 1 (No Action), a monitoring and evaluation program would not be developed to review performance of a limited entry program. Current quota monitoring through VTRs would continue, as would data collected by dockside intercept surveys and the Marine Recreational Information Program (MRIP).

### **2.10.2 Option 2 – Monitoring and Evaluation**

Under Option 2, a monitoring and evaluation program would be developed, and the limited entry program would be reviewed at an interval of every three years.

#### **2.10.2.1 Sub-Option A – Administration**

Under Option 2, Sub-Option A, both NOAA Fisheries (Greater Atlantic Regional Fisheries Office) and the New England Fishery Management Council would administer the monitoring and evaluation of a limited entry program.

## **3.0 OTHER OPTIONS NOT CONSIDERED IN THE STRAWMAN**

There were a number of options considered in the template that were not generally supported, and as such are not considered further in the strawman. If an action to develop a limited entry program is initiated, there will be opportunities to raise these options for reconsideration, as well as any new options.

### **3.1 GOALS**

#### **3.1.1 Option 5 – Achieve Financial Stability**

There was not as much support for the goal of a limited entry program to achieve financial stability as the other goals. Therefore, this option has been considered, but is not further analyzed in the strawman. See Section II(2)C in the Summary of Stakeholder Feedback for more information on goals (Appendix I).

### **3.2 OBJECTIVES**

#### **3.2.1 Option 5 – Angler-Focus**

There was not as much support for the program to have an angler focus as an objective as the other goals. Therefore, this option has been considered, but is not further analyzed in the strawman.



### **3.2.2 Option 6 – Owner-Operator Focus**

There was not as much support for the owner/operator focus for an objective as the other objectives. Therefore, this option has been considered, but is not further analyzed in the strawman.

## **3.3 DEFINITIONS**

### **3.3.1 Option 2 – Vessel Types**

#### **3.3.1.1 Sub-Option A – Party boats only**

There was limited support for developing a limited entry program only for party boats, with a minimum of seven or more passengers. Therefore, this option has been considered, but is not further analyzed in the strawman.

#### **3.3.1.2 Sub-Option B – Charter boats only**

There was limited support for developing a limited entry program only for charter boats, with a maximum of six passengers. Therefore, this option has been considered, but is not further analyzed in the strawman.

### **3.3.2 Option 4 – Fishing Areas**

There was limited support for only allowing limited access vessels to operate in the Gulf of Maine. Therefore, this option has been considered, but is not further analyzed in the strawman.

## **3.4 ELIGIBILITY**

### **3.4.1 Option 5 – Exceptions**

There was limited support for allowing exceptions to the control date. The primary exceptions offered were medical or for military reasons. Therefore, this option has been considered, but is not further analyzed in the strawman.

### **3.4.2 Option 6 – Recreational Fishing History**

There was limited support for the following criteria for eligibility: catch history or the number of passengers over qualifying years. Therefore, this option has been considered, but is not further analyzed in the strawman.

### **3.4.3 Option 7 – Commercial Fishing History**

There was limited support for allowing fishing history from a commercial limited access groundfish permit to contribute towards eligibility. Therefore, this option has been considered, but is not further analyzed in the strawman.

## **3.5 PERMITS**

### **3.5.1 Option 10 – Owner/Operator Clause**

There was not support to consider an owner-operator requirement in a limited entry program. Therefore, this option has been considered, but is not further analyzed in the strawman.

### **3.5.2 Option 11 - Permit Bundling**

There was not support to bundle a limited entry party/charter permit with other limited access permits assigned to a vessel. Therefore, this option has been considered, but is not further analyzed in the strawman.

### **3.5.3 Option 12 – Permit Value**

There was not support for the value of a permit for sale to be determined by a public auction. Therefore, this option has been considered, but is not further analyzed in the strawman.

### **3.5.4 Option 13 – Permit Surrender**

There was limited support for making permits surrendered to NMFS available for public auction. There was one suggestion to implement a tiered approach to distributing surrendered permits, where a permit would be available according to the following priorities: 1) previously a crew member on a for-hire vessel, 2) worked in another federally-permitted fishery, or 3) a random drawing. Therefore, this option has been considered, but is not further analyzed in the strawman.

### **3.5.5 Option 14 – Vessel Upgrade Restrictions**

There was limited support for no vessel upgrade restrictions, and less support for restrictions based on vessel length, gross tonnage or engine horsepower. Therefore, this option has been considered, but is not further analyzed in the strawman.

### **3.5.6 Option 15 – Operating under Multiple Permits**

There was not support for a limited entry program allowing a vessel to fish under a commercial limited access groundfish permit while holding a recreational limited entry party/charter permit. This would maintain the current regulations with respect to only allowing a vessel to hold one limited access permit category for a fishing year. Therefore, this option has been considered, but is not further analyzed in the strawman.

## **3.6 NEW ENTRANTS**

### **3.6.1 Option 3 – Apprenticeship Program**

There was limited support for developing an apprenticeship program over the other two options presented for new entrants. Therefore, this option has been considered, but is not further analyzed in the strawman.

## **3.7 MANAGEMENT MEASURES**

### **3.7.1 Option 2 – Separate Measures**

There was very little support for implementing separate measures for party and charter vessels. Several comments offered options, including making separate measures optional instead of mandatory, and utilizing separate measures that are based on passenger capacity. Therefore, this option has been considered, but is not further analyzed in the strawman.

## **3.8 MONITORING AND EVALUATION**

### **3.8.1 Option 3 – Review Cycles**

There was very little support for the less frequent evaluation cycles of 5- and 10-years. Therefore, this option has been considered, but is not further analyzed in the strawman.

### **3.8.2 Option 4 – Program Review Administration**

There was less support for either NOAA Fisheries or the New England Fishery Management Council evaluating the limited entry program on their own. Therefore, this option has been considered, but is not further analyzed in the strawman.

## **3.9 SUNSET CLAUSE**

### **3.9.1 Option 1 – Sunset Clause**

There was little support for instituting a sunset clause. Therefore, if this program was implemented, it would continue indefinitely until a subsequent action revised or removed it.

## **4.0 APPENDICES**

### **APPENDIX I – SUMMARY OF STAKEHOLDER FEEDBACK ON THE GROUND FISH PARTY/CHARTER LIMITED ENTRY STRAWMAN**

## **I. Overview of the Stakeholder Engagement Process**

The New England Fishery Management Council (Council or NEFMC) and Tidal Bay Consulting (TBC) provided three opportunities for stakeholder participation: 1) a public meeting, 2) an online feedback tool, and 3) local meetings for communities. The Council held a public meeting on October 5, 2020. This meeting was announced in the Federal Register on September 18, 2020, published on the Council's website, Tidal Bay Consulting's website, and announced through several emails to Council and Committee members as well as members of the recreational fishing community. An online feedback tool was available from October 5 – 28, 2020. While offered, there were not any requests to hold online meetings for a specific community or fishing association. However, two comment letters were received from fishing organizations. Stakeholder feedback from these opportunities is detailed in the following sections.

## **II. Summary of Stakeholder Feedback**

### **1.) Public Meeting**

The Council held a public meeting to announce the development of a strawman for a limited entry program in the recreational groundfish party/charter fishery, solicit feedback on a limited entry template, and provide information on additional opportunities for feedback.

The online meeting was held on October 5, 2020 from 4-6:00 PM. There were 25 meeting participants with various affiliations, including recreational fishermen, for-hire owner/operators, fishing associations, staff from state agencies, and members of the Council, Groundfish Committee, and Recreational Advisory Panel (RAP).

After a presentation on recent trends in the recreational fishery and the limited entry template, participants were asked to comment through responding to interactive polls in the GoToWebinar platform, and through verbal comments. A summary of this meeting and all public comments received during the meeting is provided in Appendix II.

### **2.) Online Feedback Tool**

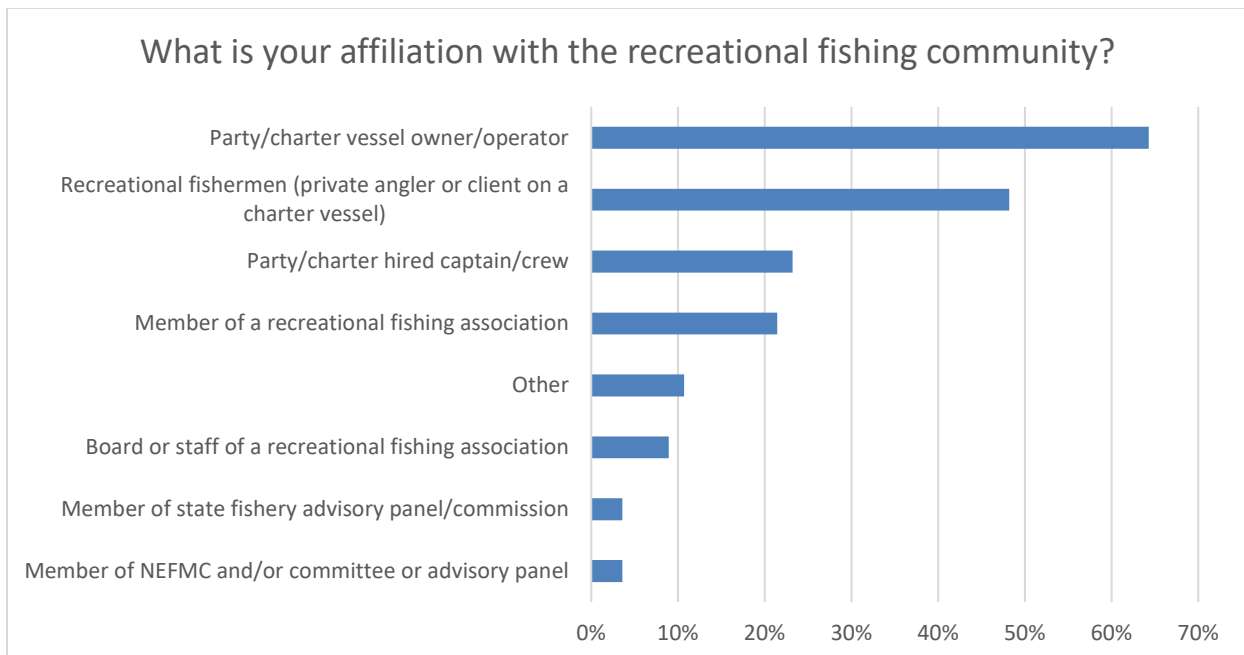
The online feedback tool opened for responses at 7 PM on October 5<sup>th</sup> and was initially scheduled to stop collecting responses on October 19<sup>th</sup>, although the comment period was extended to October 28<sup>th</sup> to allow additional time for public participation. Survey Monkey was utilized as the online platform to design and implement the online feedback tool.

In total, 74 responses were received. As the majority of questions were not mandatory, participants were able to skip questions. In addition, if a participant responded to the first question that they do not support the development of a limited entry program, they were forwarded to the demographic questions at the end of the feedback tool. This is based on the assumption they would not want to design program elements if they did not support a limited entry program. Therefore, of the 74 responses, 22 (or 30%) provided additional information and responses to program-related questions. As the purpose of this outreach was to gather information to draft a strawman proposal for a limited entry program, the results summarized in this report focus on this feedback. Each question summarized below includes the number of respondents that answered the question and the number who skipped a particular question.

## A. Demographics – Respondents

All respondents were required to enter their name and email, for verification purposes and future communications. However, 17 respondents were able to skip these questions by entering ‘no’ as their response to the first question, and then exiting the feedback tool before filling out the demographic information or selecting the ‘Done’ button. Therefore, we have this basic information for 57 of the 74 respondents. As the settings limited participation by IP address, we are confident that the 17 respondents are unique. We also asked three voluntary demographic questions to determine stakeholder affiliation and current status in the fishery.

When asked about primary affiliation in the recreational fishing community, the majority (64%) selected party/charter vessel owner/operator, followed by recreational fishermen (48%), and then party/charter hired captain/crew (23%) (Figure 1). Additional affiliations were selected in lesser percentages, and respondents were asked to select all that apply, so the percentages exceed 100%. For those who selected the ‘other’ category, there was a state agency employee, an observer, a USCG-license holder who is not currently operating charters, an owner of a fishing retail business, a state legislative aide in Massachusetts, and an individual working towards their USCG captain’s license who plans to start a charter business in 2021.

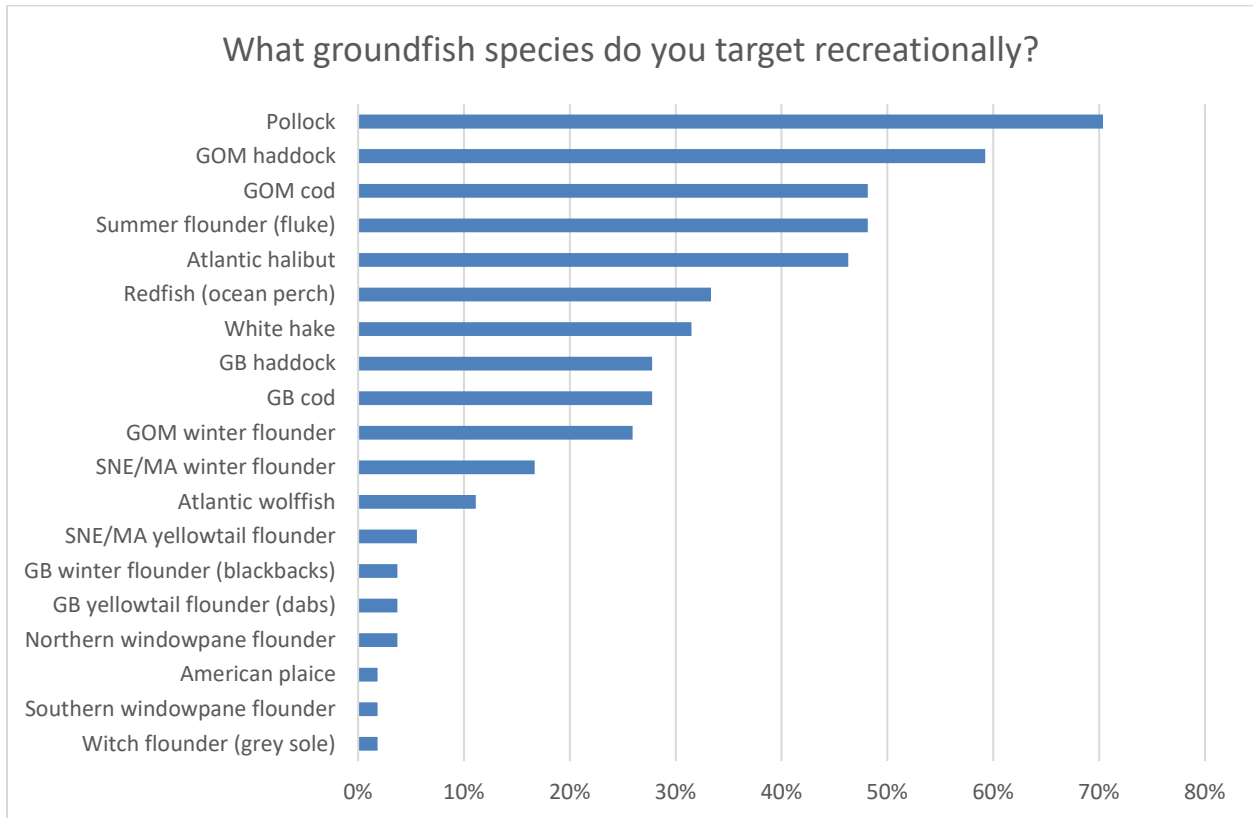


**Figure 1. Recreational stakeholder affiliation (n=56).**

When asked about the recreational groundfish species respondents target, there was a wide array of responses (Figure 2). The top five stocks are: pollock (70%), Gulf of Maine (GOM) haddock (59%), GOM cod (48%), summer flounder (fluke, 48%)<sup>1</sup>, and Atlantic halibut (46%). A number

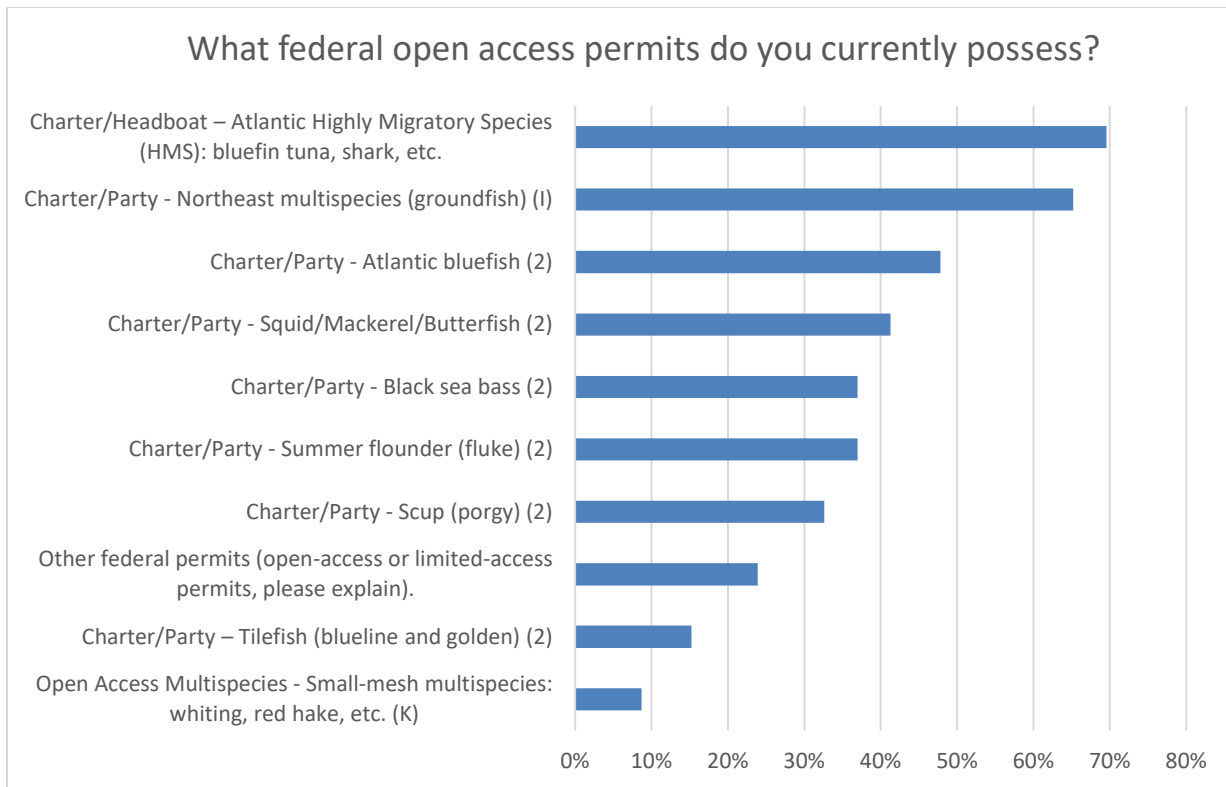
<sup>1</sup> Summer flounder is managed by the Mid-Atlantic Fishery Management Council, along with scup and sea bass. It was included in this table as there is geographical overlap with species managed under the Northeast Multispecies (groundfish) FMP, and it is targeted by recreational fishermen in New England.

of other species were targeted, and respondents were allowed to select all that apply; therefore, the total amounts to more than 100%.



**Figure 2. Recreationally targeted groundfish species/stocks (n= 54).**

When asked what federal permits respondents currently possess, the top three are: charter/headboat – Atlantic Highly Migratory Species (HMS, 70%), charter/party – Northeast Multispecies (groundfish, 65%), and charter/party – Atlantic Bluefish (48%), although there are a number of permits commonly held (Figure 3). Participants were asked to select all that apply; therefore, the total amounts to more than 100%. For those who selected ‘other federal permits’, there were a number of respondents who hold permits (some commercial), including: Atlantic bluefish; skate; Atlantic tuna; swordfish; Northeast Multispecies: handgear B and open access (categories HB and K); monkfish incidental catch (category E); Atlantic herring (open access); Atlantic mackerel; butterfish; squid; black sea bass; moratorium scup, black sea bass, and summer flounder; and dolphin/wahoo.



**Figure 3. Type of federal permits held (n=46).**

### B. Overall Support

Of the 74 respondents, 22 (30%) provided additional feedback on specific elements of a limited entry program, and 52 (70%) did not. This is due to the design of the online feedback tool. As the purpose of this outreach was to gather stakeholder input into developing a limited entry strawman, this report focuses on the combined feedback from 20% of respondents who do support development and 10% who responded ‘maybe’. The remaining 70% of respondents did not support the development of a limited entry program, thus they did not provide feedback on the program elements. When the Council decides whether or not to initiate a regulatory action to develop a limited entry program, there will be additional opportunities for members of the public to comment on their support or opposition.

In looking at stakeholder affiliation of those who support or oppose the program, of the 20% who support limited entry, party/charter owners and members of recreational fishing associations were the most represented. Of the 10% who selected ‘maybe’, affiliation was mixed, with more representation from members of recreational fishing associations and party/charter owner/operators than others. Of the 70% who oppose, the majority are hired captain and crew, followed by recreational fishermen, and party/charter owner/operators. Many respondents have more than one affiliation and were able to select all affiliations that apply, so these results are difficult to quantitatively summarize.

For those who offered conditional support with a ‘maybe response’, there were several comments that there was not enough information yet, one that a mechanism should be developed



for new entrants without expanding the fleet capacity, or that first there should be a sub-ACL for the for-hire fleet and then consider limited entry if that doesn't work.

### C. Basic Program Elements: Goals, objectives and definitions

#### Background

It is important to have a clearly defined goal(s) and objective(s) before developing a program. All program elements should tie back to the stated goals and objectives. Under the Magnuson-Stevens Act (MSA), any limited entry program is required to have a conservation benefit and not solely be based on economic objectives. Therefore, this conservation goal would accompany other goals in order to be approved by NOAA Fisheries. The following questions address any additional goals, objectives, and the scope of the program.

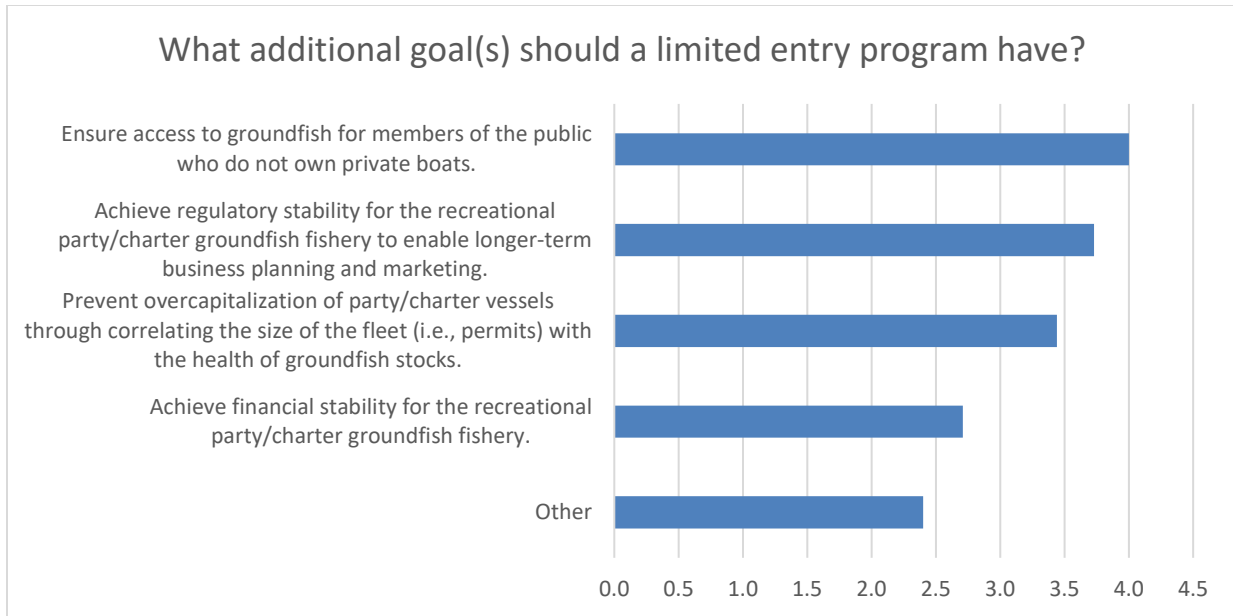
#### Responses

Respondents were asked to rank their additional program goals on a scale from most to least important (where one was the most important and five was least important).<sup>2</sup> The highest-ranking or 'most important' goal (with a score of 4.0/5.0), is to "ensure access to groundfish for members of the public who do not own private boats" (Figure 4). This is followed by "achieving regulatory stability for the recreational party/charter fishery to enable longer-term business planning and marketing" (with a score of 3.73/5.0), and then "preventing overcapitalization of party/charter vessels through correlating the size of the fleet with the health of groundfish stocks" (with a score of 3.44/5.0). Figure 4 shows the average ranking of importance for the other goals. For those who selected 'other', comments included:

- A first step to begin the process of a new way of managing the for-hire fishery. With the ultimate goal of a comprehensive distinct management plan for for-hire fisheries.
- Overfishing areas that contain rich habitats will lead to the depletion of stocks. In the 1970s in Montauk, NY pogies were almost wiped out by commercial draggers operating in party boat fishing areas. Greed and lack of respect for the community charter operators were in constant conflict until the state regulations were implemented. Now there is too much government control.
- Not too long ago, haddock was unlimited. Then it went to three fish, and now it's back up to 15 fish, but you can only have one cod per person. It has been hard to gear up and go offshore if the rules keep changing every year.
- Mandate the inclusion of natural predatory activity affecting desired stocks on an equal level as human activity, including permitting the taking of competing target species when abundance has detrimental effects on the desired stocks.
- Protecting our marine ecosystems from overfishing.
- Ensuring access is key.

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<sup>2</sup> Ranking questions calculate the average ranking for each answer choice. The answer choice with the largest average ranking is the most preferred choice. Weights are applied in reverse. In other words, the respondent's most preferred choice (which they rank as #1) has the largest weight, and their least preferred choice (which they rank in the last position) has a weight of 1.



**Figure 4. Importance of possible limited entry program goals (n=17).**

When asked to elaborate on why their ‘most important’ goal is important, the following comments were offered for some respondents based on their number one ranked goal:

Ensure Access

- Large portions of the population cannot afford or are unable to operate a boat. Charter boats offer the opportunity to more fully experience the diversity of fishing that exists in the area. Additionally, experienced charter boat staff are often excellent educators and trainers on fishing skills and ecology topics.
- Ensuring access is key.
- We also need to protect access to the non-boat owning public by revitalizing the fishery so new entrants can find an incentive to take over for the old guys who retire.

Achieve Regulatory Stability

- One of the foundational elements in managing stakeholders is stock sustainability and regulatory stability.
- For the party and charter boat industry to be viable and maintain a profit margin, boats that would like to target groundfish should be able to plan for groundfishing trips when other fisheries are closed.
- Most people that go out [fishing] have never been out there and it [taking a for-hire vessel trip] is the only time they ever get to fish for real numbers of groundfish.
- Dogfish
- Overcapitalization does no one any good, [if there is] no profit in operating a business.
- The charter/party industry helps generate income to the New England community. My customers rent homes, eat at restaurants, and spend money in tackle shops.

### Prevent Overcapitalization

- We need to know if we are allowed to fish for groundfish in order to run our business and promote and market the availability of those species.
- I think we need to define the participants of the for-hire fleet especially for both stocks of cod.
- 1. Too many boats competing for limited areas. Crews have to be mindful of consequences (i.e., dragging anchors over good habitat bottom and release small fish safely). Too many small fish means that adults are fished out. 2. Certain areas should be off limits to allow species to recoup and survive. 3. Why should the state want to be capitalists and have a hand in their business operations?

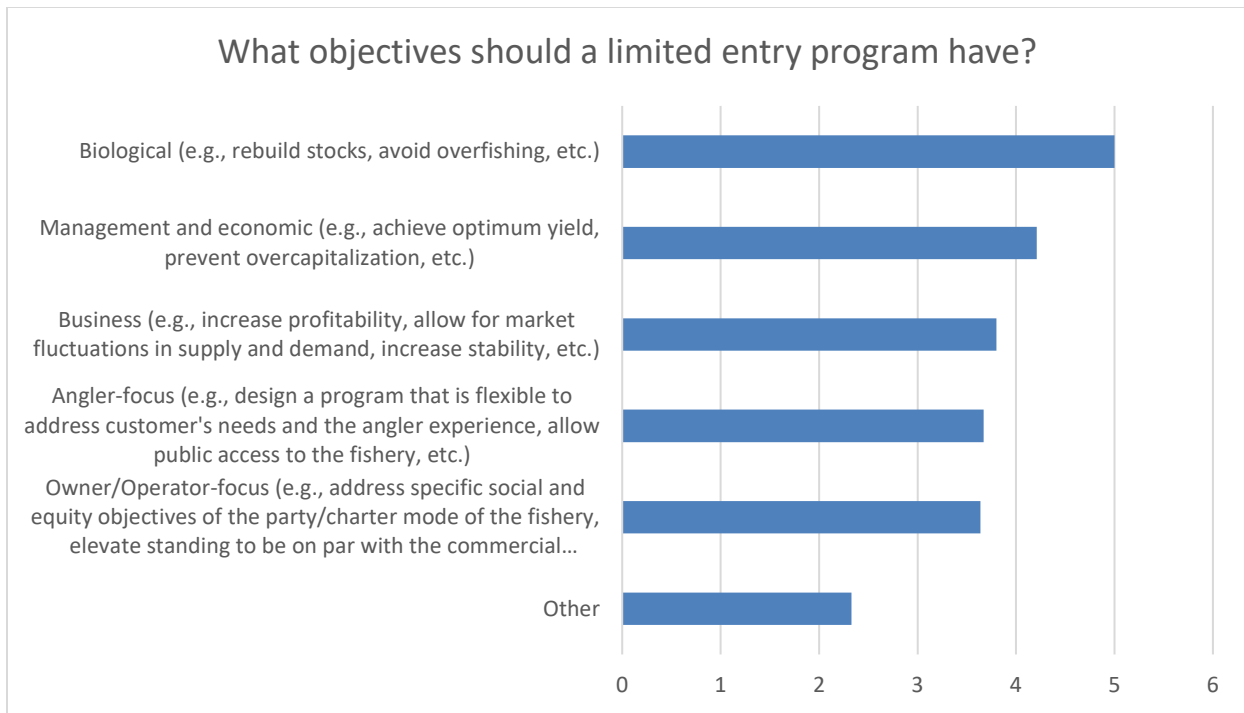
### Achieve Financial Stability

While one respondent chose financial stability as their most important goal, they did not offer a comment for why.

### Other – Protecting our marine ecosystems from overfishing

- Because ecosystem collapse will have long-term consequences for the Commonwealth [of Massachusetts]. The "recreation" and profits of commercial fishing represent a special interest, not the public interest of the state.

Respondents were asked to rank objectives on a scale from most important to least important. The highest-ranking or 'most important' category of objectives is "Biological" (with a score of 5.0/5.0), followed by "Management and Economic" (with a score of 4.21/5.0), and then "Business" (with a score of 3.80/5.0) (Figure 5). Figure 5 shows how the other objectives were ranked. For those who selected 'other', comments included groundfish stock stability and seasons and bag limits that support a specific number of for-hire vessels, and restricting fishing to reduce bycatch of dogfish, sharks and turtles.



**Figure 5. Importance of possible limited entry program objectives (n=16).**

When asked to elaborate on why their ‘most important’ objective is important, the following comments were offered by some respondents based on their number one ranked objective:

Biological

- We need healthy stocks for a successful fishery. So limiting the number of participants and managing them responsibly will contribute to that, and rebuilt cod stocks will help the fleet. Strong monitoring and accountability could be part of a limited access program.
- Biological is always important. Back in the day, many locals who were the third or fourth generation of a family were tied to the water and oceans was their bounty. Some just fished it to death and blamed it over-competition.
- It [Biological] is important because these ecosystems are irreplaceable and irreparable if we allow the interests of a small group of "recreational" special interests to subvert federal and state law.
- The primary focus needs to be biological - it starts with the fish and their habitat.
- Without oversight and standards, charter boats could contribute to accelerate depletion of the fishing stock.
- The stock must be sound in order to establish seasons and bag limits that can support a specific number of for-hire vessels.

Management and Economic

While three respondents selected this objective as ‘most important’, they did not offer comments on why.

Business

- The for-hire fleet is a business and must operate at a profit.

### Owner/operator-focus

- We need to be allowed to have a reasonable bag limit and size limit in order to have customers that want to go fishing. Most of the time commercial size limits are smaller than recreational and it is deemed not fair and equitable.
- Commercial operators (fleets) have to catch high number = weight to ship. Anglers catch a bag of fish and have greater impact on the economy for depressed areas (food, travel, lodging, gear, etc).

### Angler focus

- There is nothing better to have [charter passengers] who want to fish but can't afford a boat. Small size charter drift boats (6-7 anglers) are good for small limited areas compared to larger boats containing up to 30 anglers at once (good for ocean open water).
- The resource should never, ever be allowed a position of sovereignty of for-profit operations or any group required a permit for the same access. Access, catch limits, and all other regulations placed on the recreational angler should be in equal terms with those on charter/party boats or any for-hire activity, except demonstration vessels.

### Other

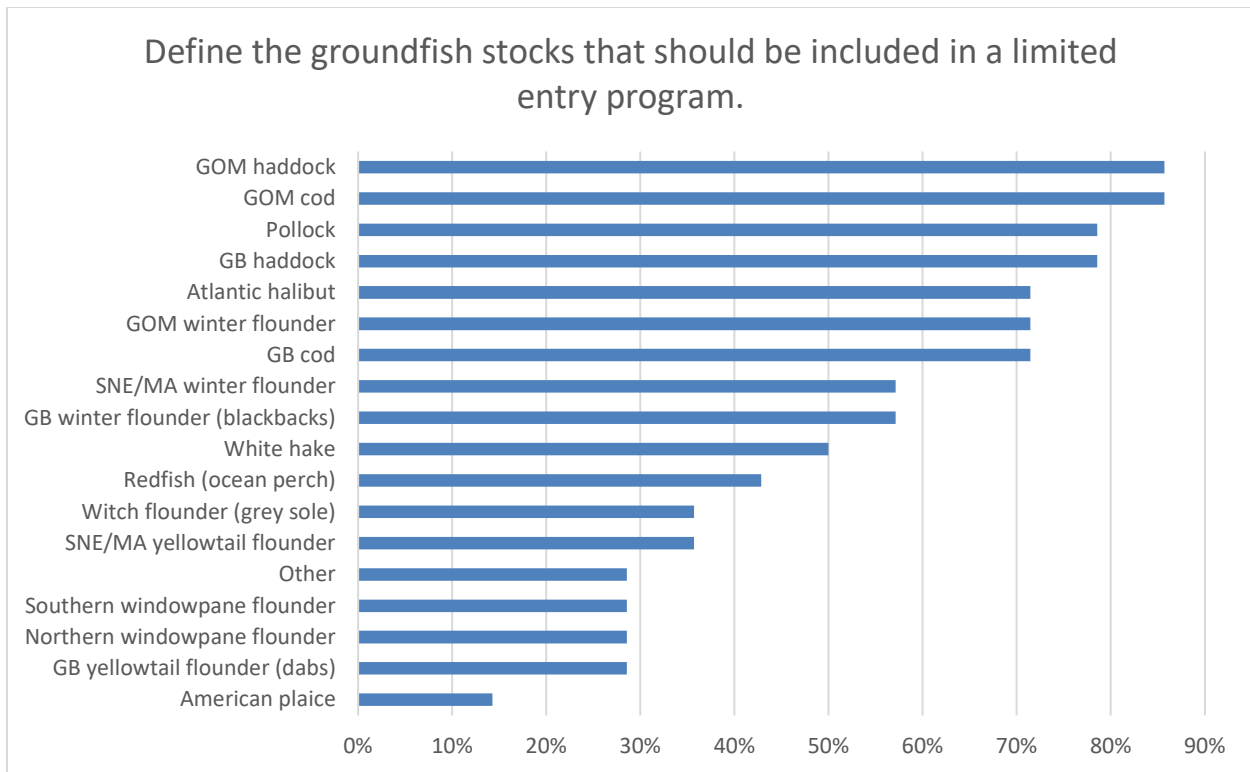
No respondents selected 'other' as their most important objective.

Respondents were asked what types of vessels should be included in a limited entry program. Of 15 participants, 12 (or 80%) responded "all party/charter vessels, regardless of capacity"; two (or 13%) responded "party boats online with a minimum of 7 or more passengers; and one (or 7%) responded "no vessels." There were no responses for "charter boats only with a maximum of 6 passengers" or "other".

Respondents were asked to define the groundfish stocks that should be included in a limited entry program. GOM cod and haddock received the majority (86% each), followed by a three-way tie among GB haddock, pollock, and summer flounder<sup>3</sup> (79% each), and then another three-way tie among GB cod, GOM winter flounder, and Atlantic halibut (71% each) (Figure 6). There is some interest in many other groundfish stocks. Respondents could select any number of stocks; therefore, the total responses exceed 100%. For those who responded 'other', they listed: all cod fish stocks, all marine species, a suggestion for species-specific sub-ACLS, and a comment that it should be up to the region.

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<sup>3</sup> Summer flounder was inadvertently included in this question. As this species is managed by the Mid-Atlantic Fishery Management Council, it would not be included as a species in a limited entry program under Northeast Multispecies FMP.



**Figure 6. Desired Northeast Multispecies Plan species (and stocks) for inclusion in a possible limited entry program (n=14).**

Respondents were asked where party/charter vessels would be able to fish in a limited entry program (n=14). 79% of respondents selected “all federal waters where vessels are allowed to fish for groundfish”, 14% selected “other”, and 7% selected “Gulf of Maine only”. The comments for those who selected “other” included one individual who commented they should be the same as they currently are and another who said these vessels should not be permitted to fish.

#### D. How the Privilege is Held – permit and vessels

##### Background

Currently, the Greater Atlantic Regional Fisheries Office (GARFO) of NOAA Fisheries assigns open-access Party/Charter permits in the Northeast Multispecies fishery to a vessel (and not an individual/owner). These open-access permits may not be transferred to other vessels. Therefore, if a vessel with an existing open-access permit is purchased by a new owner, the new owner would apply for and be issued a new open-access permit. This is in contrast to limited access permits, which may be sold with a vessel. When designing a limited entry program, the current model of assigning permits to vessels may or may not be reconsidered by the NEFMC and GARFO.

Vessel baseline specifications are sometimes included in regulations governing limited entry permits, by creating restrictions around vessel upgrades that would otherwise allow a significant increase in fishing effort with a larger vessel, more horsepower, or gross tonnage. In the

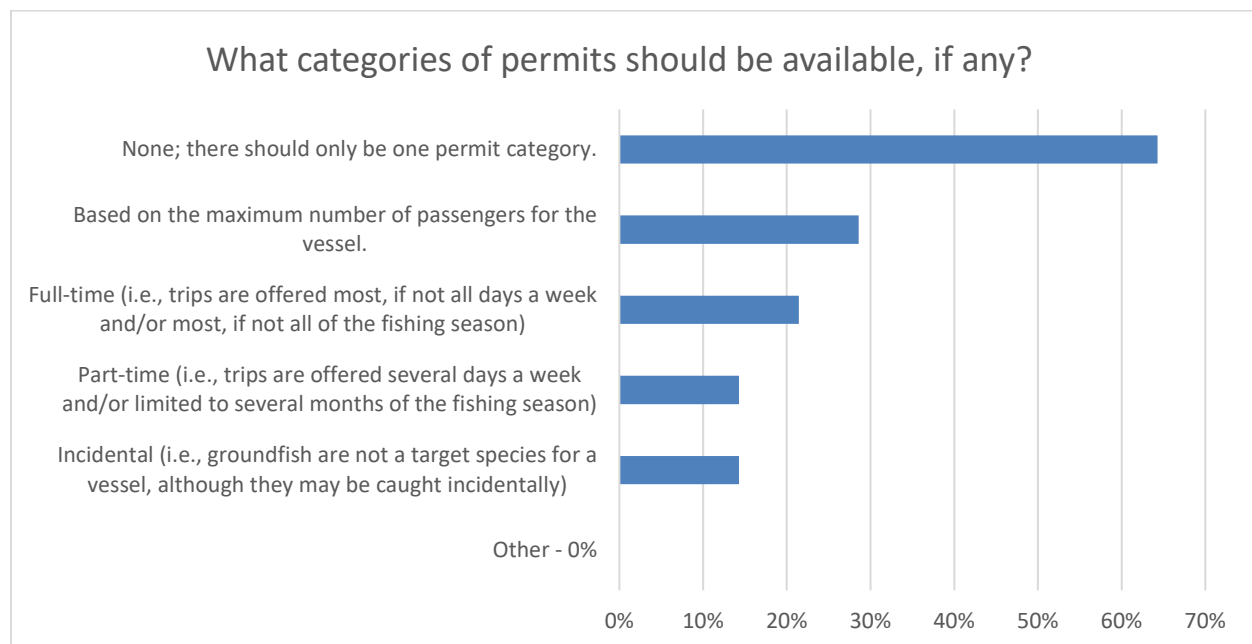
recreational for-hire fishery, vessel passenger capacity may be a more accurate indicator of catch and effort than other vessel specifications. This section includes questions around types of permits, how permits are held, whether they can be transferred, as well as considerations around vessel upgrade restrictions.

### Responses

Respondents were asked who or what the limited entry permit would be assigned to (n=14). The majority (64%) of respondents indicated their support for assigning the permit to the vessel owner/business owner. In that case, the permit would stay with the owner, rather than the vessel, in a transfer or sale. Twenty-one percent of respondents supported the permit being assigned to the vessel, which is how the current open-access permits are assigned. In this case, if a vessel is transferred or sold, the permit stays with the vessel. Fourteen percent selected ‘other’, with one explanation that the individual does not feel strongly at this time, although is leaning towards an owner-based permit, and another individual offered support for the vessel owner holding the permit so they have the ability to sell the vessel, and have the permit be assigned to a new vessel.

Respondents were asked whether the owner should be required to be onboard the vessel while operating, known as an owner-operator clause. Of the 14 respondents, over one-third (36%) supported an owner-operator clause, while just under two-thirds (64%) did not support this.

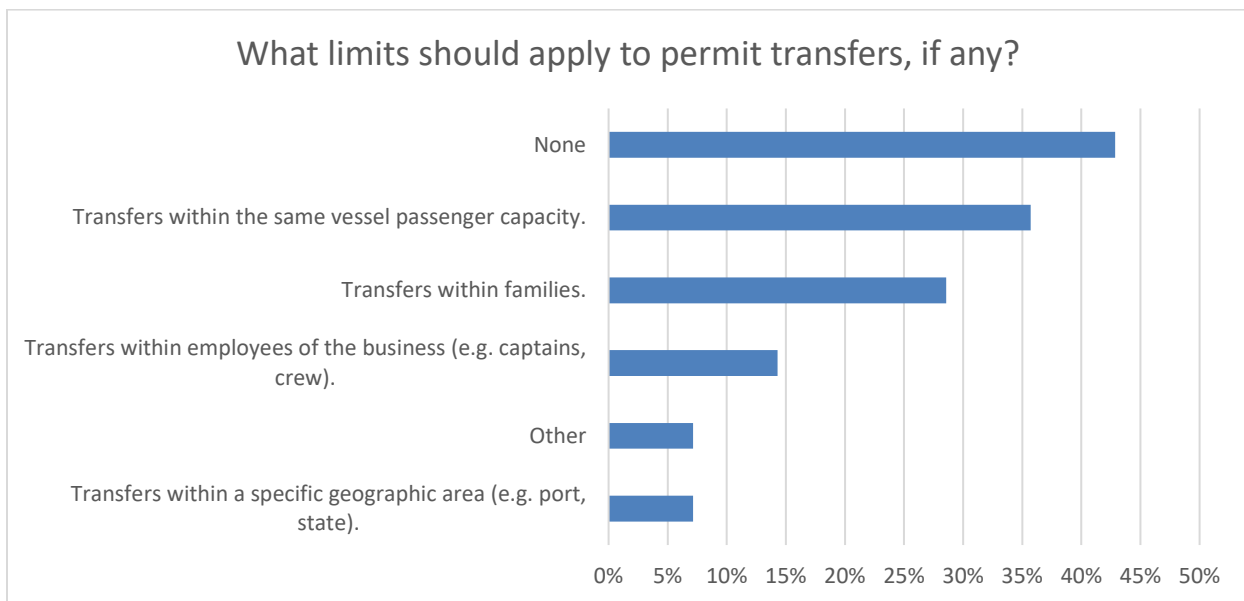
Respondents were asked what categories of permits should be available, if any. The majority (64%) of respondents indicated that there should only be one permit category (Figure 7). Twenty-nine percent of respondents indicated permit categories should be based on the maximum number of passengers for the vessel. Twenty-one percent of respondents indicated there should be a permit for full-time operators. Figure 7 shows the other categories that were selected.



**Figure 7. Permit categories for a possible limited entry program (n=14).**

Respondents were asked whether permits should be transferable. Of 14 respondents, 86% replied ‘yes’, whereas 14% replied ‘no’. Those who answered yes were asked to explain whether there should be a cap on the number of times a permit should be transferred. Seven individuals provided written comments, with four individuals stating that there should not be a cap. One stated that permits should only be transferred to an owner’s children, and another supported an owner transferring their permit to a new vessel.

Respondents were asked what, if any, limits should apply to transfers. Of the 14 respondents, 43% replied ‘none’, 36% indicated transfers should be allowed within the same vessel passenger capacity, and 29% stated they should be allowed within families (Figure 8). Figure 8 shows all other limits that were supported to a lesser extent.



**Figure 8. Limitations to permit transfers for a possible limited entry program (n=14).**

Respondents were asked how a permit should be treated if it is assigned to a vessel that is sold, and that vessel also has commercial limited access permits. For example, a vessel may have commercial limited access permits bundled together, such as Northeast Multispecies A Days-at-Sea (DAS), lobster, monkfish, and scallop permits. Under existing regulations, when a vessel is sold, these bundled permits are sold with the vessel. When developing a limited entry program, these regulations may or may not be reconsidered with respect to the recreational permit. Of 12 respondents, two-thirds indicated that the recreational permit should be treated separately, (allowing it to be sold separately from the vessel), and one-third indicated that it should be bundled with other limited access permits (and sold with the vessel). There was an option to provide comments on ‘other’ options, and one individual stated that it should not be permissible to sell a permit. Another individual stated that the permit should not have a value, and rather should be returned to NMFS and be provided to a waitlist.

Respondents were asked how value should be determined when a permit is for sale by an individual. Of 14 respondents, 71% indicated the value should be privately negotiated, while

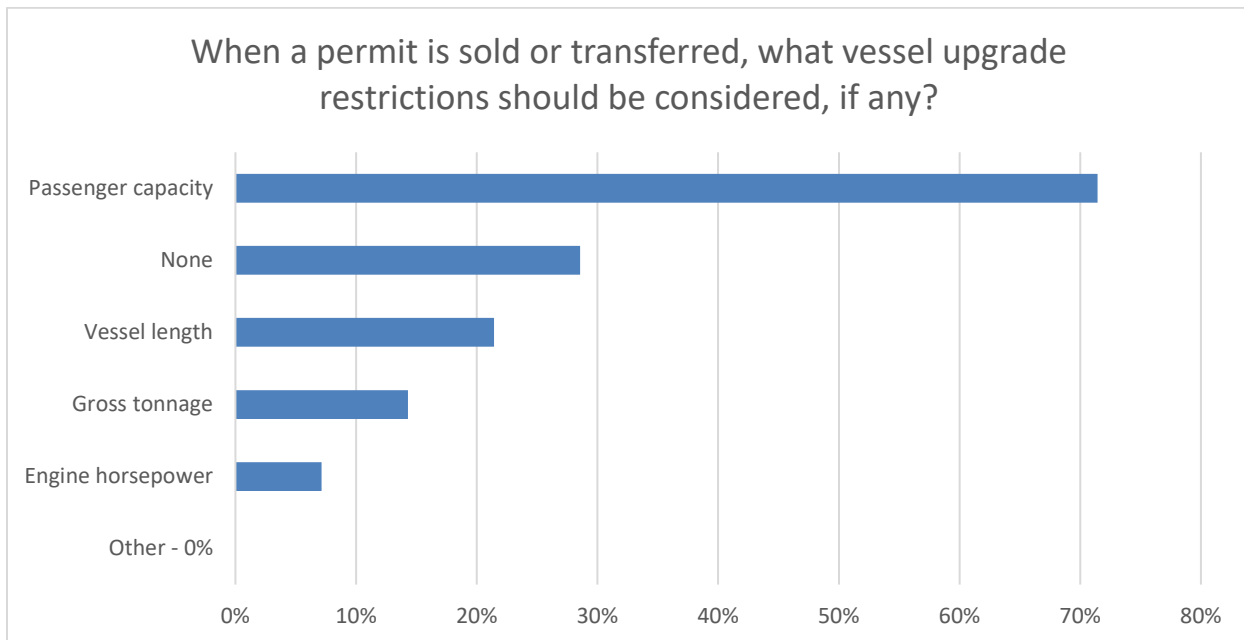


21% supported a public auction, and 7% selected ‘other’. The explanation for ‘other’ was to return the permit to NMFS (with no value) and make it available to a waitlist.

Respondents were asked what should occur if a permit is surrendered to NOAA Fisheries verses being transferred to an individual business owner. Of the 14 respondents (who were asked to select all that apply), an equal amount (50%) indicated that a permit should be placed in a permit bank and available to a waitlist. Another 29% of respondents supported making the permit available for public sale or auction. Two individuals (14%) selected ‘other’, with one comment that a permit should be retired for three years and a second that there could be an apprentice program or permits could be distributed via a prioritized set of criteria: 1) previously a crew member on a permitted for-hire vessel, 2) worked in another federally-permitted fishery, or 3) random drawing.

Respondents were asked whether ‘latent’ effort should be monitored and considered in the program design. Latent effort is defined as permit owners who are not actively fishing/utilizing their permit. Of 14 respondents, 57% indicated ‘yes’ and 43% indicated ‘no’. Three individuals provided an explanation of why they support monitoring latent effort, and one explained why they are opposed. Those in support commented that if hundreds of latent permits become active, it would be a problem to manage the stock; a permit should have 5-years of inactivity to be considered latent; and there should be some accommodations for latency, for example, in the case of illness. One commenter who opposed this stated that the party/charter industry takes trips based on customer demand, and provides many different trips; therefore, one year of low groundfish trips should not be considered latent or low effort.

Respondents were asked what vessel upgrade restrictions should be considered, if any, when a permit is sold or transferred. Of 14 respondents (who were asked to select all that apply), the majority (71%) indicated vessel passenger capacity, followed by no restrictions (29%), and vessel length (21%) (Figure 9).



**Figure 9. Vessel upgrade restrictions when a permit is sold or transferred, for a possible limited entry program (n=14).**

Respondents were asked whether the program should consider allowing a vessel to fish under a commercial limited access Northeast Multispecies permit while holding a recreational limited entry party/charter permit. Currently, the regulations state that a vessel can only be issued a limited access NE multispecies permit in one category during a fishing year. However commercial limited access permit holders are allowed to take for-hire trips as long as they are not fishing on a groundfish sector trip or a Days-at-Sea (DAS) trip. Of 14 respondents, 50% replied ‘no’, 29% replied ‘maybe’ and 21% replied ‘yes’. Two comments were offered for the ‘maybe’ response: one comment stated that you can fish one permit or the other, but not at the same time (as long as state and federal reporting requirements were met), and the second comment was that it depends on the level of monitoring, and that a vessel could participate in both fisheries with 100% monitoring.

### E. Eligibility

#### Background

The current “control date” for party/charter Northeast Multispecies (groundfish) permits is March 19, 2018 (83 FR 11952). This date may be used for establishing eligibility criteria for determining levels of future access to the party/charter fishery subject to federal authority. The control date will help to distinguish established participants from speculative entrants to the fishery while a limited entry program is being considered by the Council.

Entering the fishery before the control date will not ensure fishing vessels future access to the groundfish resource as the Council may apply additional and/or other qualifying criteria. The Council may choose different and variably weighted measures to qualify participants based on the type and length of participation in the party/charter groundfish fishery. Performance or

fishing effort after the control date may not be treated the same as performance or effort before. The Council may also choose to take no further action to control entry. Refer to the background document for more information on control dates, which is available online:

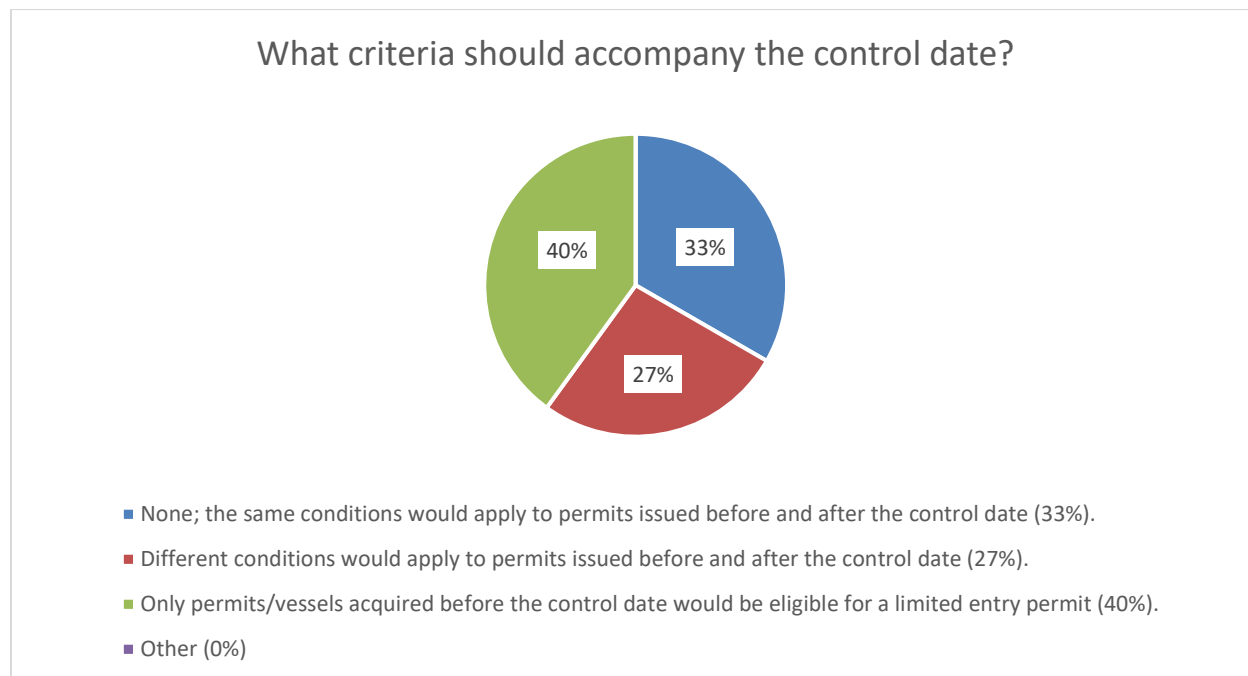
<https://www.nefmc.org/library/party-charter-limited-entry-program-strawman>.

This section includes questions around how and whether a control date should be utilized to determine initial eligibility, and what other eligibility criteria should apply, including whether U.S. Coast Guard (USCG) captain’s licensing and vessel inspections should be considered.

### Responses

Respondents were asked what control date should apply, if any. Of 14 respondents, half (50%) recommended utilizing the current control date (March 19, 2018), 36% recommended refreshing the control date as part of the rulemaking process, and 14% responded ‘other’. The comments from the individuals who explained their ‘other’ response, stated that whatever date is used, anyone who currently is operating a party/charter business should be allowed to continue to operate and not have their permit taken away, and the other commenter expressed support for either the existing control date or refreshing the date.

Respondents were asked what criteria should accompany the control date. Of 15 respondents, 40% stated that only permits/vessels acquired before the control date would be eligible (Figure 10). One-third stated that the same conditions should apply before and after, and just over one-quarter stated that different conditions would apply to permits before and after the control date.

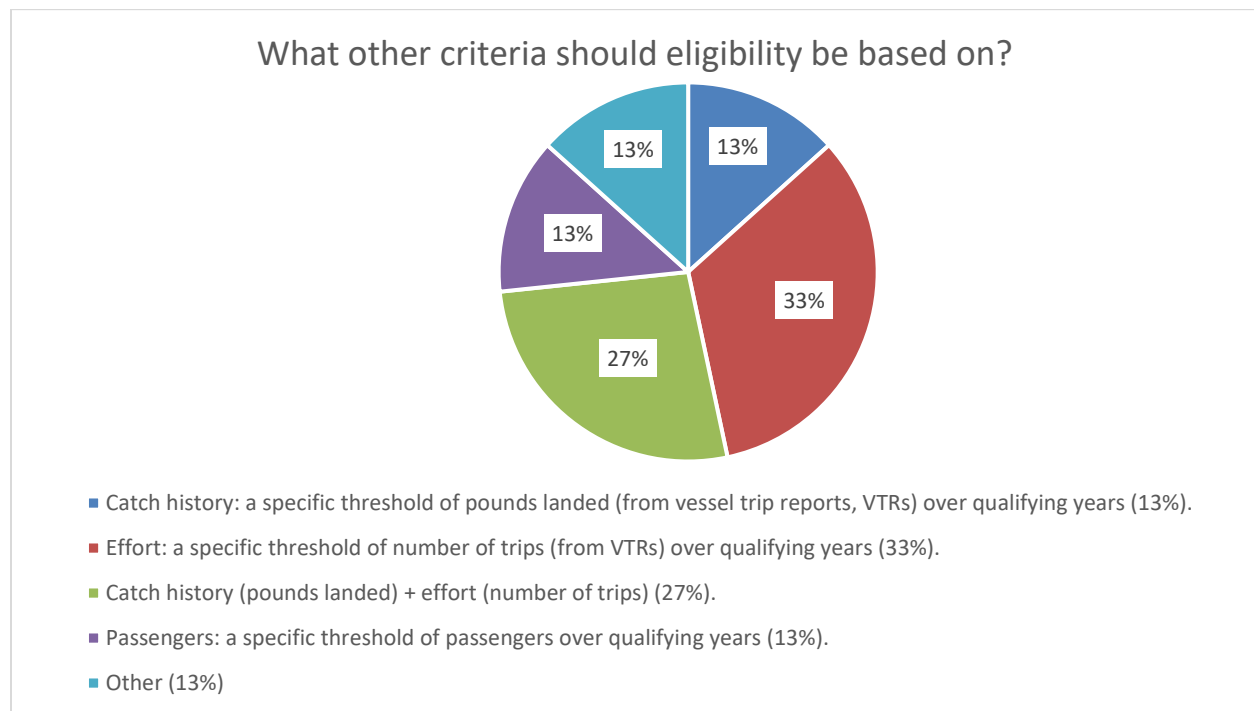


**Figure 10. Control date criteria for a possible limited entry program (n=15).**

When asked whether there should be exceptions to the control date, two-thirds (67%) of the 15 respondents indicated ‘no’, while one-third (33%) stated ‘yes’. For those who selected ‘yes’, the

following explanations were offered: medical or military, vessel history should go with vessel, and to allow a permit to be transferred if an owner buys a new vessel.

After an individual or business meets the initial eligibility criteria with a control date and holds a valid permit, respondents were asked what other criteria should apply. Of 15 respondents, 33% supported basing criteria on effort (i.e., number of trips) and 27% supported criteria around catch history (pounds landed) and effort (Figure 11). All other categories received similar levels of support, and are detailed in Figure 11.



**Figure 11. Other eligibility criteria for a possible limited entry program (n=15).**

Respondents were asked how changes in management should be considered within the qualifying years for catch history. For example, how would zero cod possession be considered when looking at catch history? This was an open-ended question with 11 responses. Responses ranged from those who were unsure, to those who said it should not be based on catch or trip effort initially, and another individual who said effort should be considered, but if catch was constrained by regulations, then catch shouldn't be considered. Another individual commented that it should be considered, but for other groundfish stocks. One comment stated that the qualifying years should use five years of history.

Respondents were asked which of the following catch history and effort should be based on: permit (vessel), permit holder (owner), or other. Of 15 respondents, the majority (60%) selected the 'permit', 27% selected the 'permit holder', and 13% selected 'other'. Comments offered for 'other' included one that history and effort should be based on both the vessel and permit holder, and one that said none.

Respondents were asked whether fishing history from a commercial limited access groundfish permit contribute towards eligibility. Of 15 respondents, the majority (67%) indicated ‘no’, 20% indicated ‘maybe’, and 13% indicated ‘yes’. One comment was offered as rationale for maybe – this question should be discussed over scoping hearings.

Respondents were asked whether U.S. Coast Guard (USCG) Certificates of Inspection (COI) should be considered in determining eligibility. This would only be for vessels with existing requirements to obtain a COI or other USCG vessel credential. Of 15 respondents, 60% said ‘yes’ and 40% said ‘no’.

Respondents were asked whether USCG captain’s licensing requirements should be considered in determining eligibility? The results are clear that respondents support this licensing requirement with 93% and only 7% who don’t support this requirement.

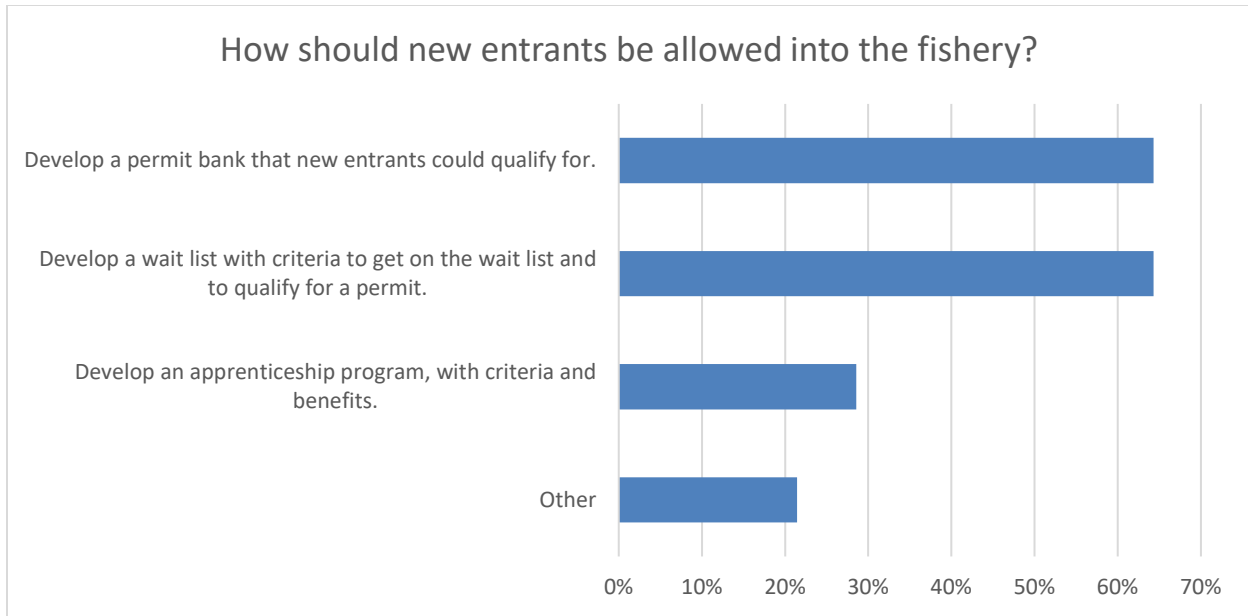
## F. New Entrants

### Background

The control date and other eligibility criteria determine the total number of permits in the limited entry program. This section asks questions about how new participants (referred to as new entrants) would be allowed to enter the fishery and obtain a permit.

### Results

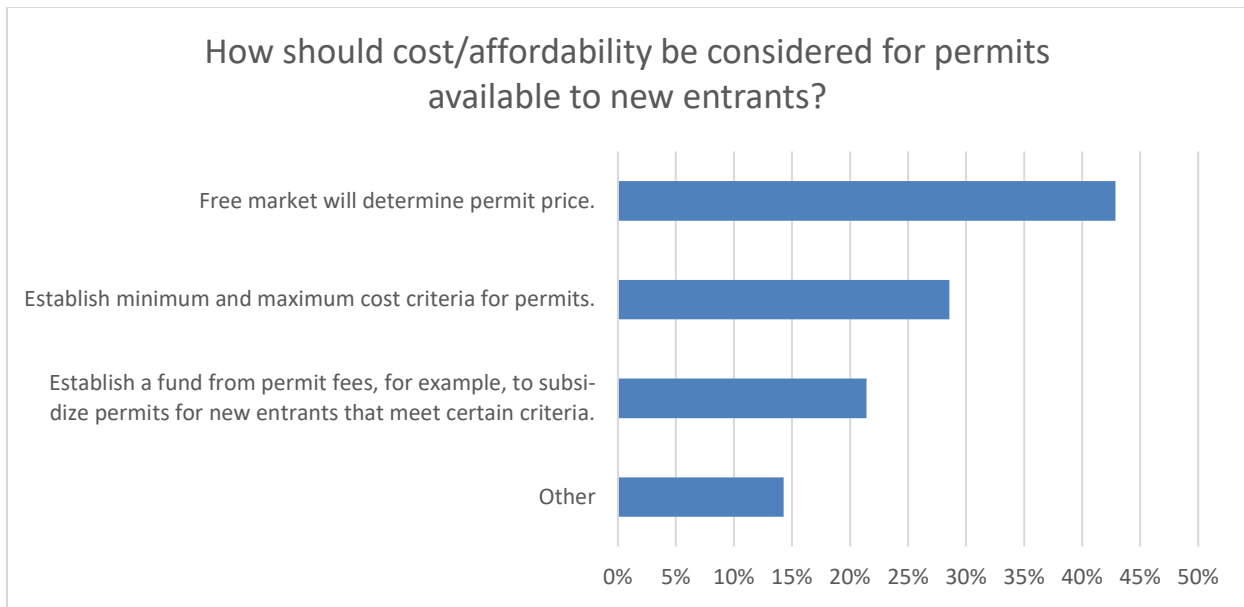
Respondents were asked how new entrants should be allowed into the fishery. Of 14 respondents (who were asked to select all that apply), two measures were supported equally (64% each): 1) Develop a waitlist with criteria to get on the waitlist and to qualify for a permit, and 2) Develop a permit bank that new entrants could qualify for (Figure 12). The other options are identified in Figure 12. There were several comments for those who responded ‘other’, including purchasing a permit from an existing permit holder or to have new entrants be cleared through an extensive background check. A third comment was process oriented, and stated that this question should be worked out through more industry input.



**Figure 12. Options for new entrants for a possible limited entry program (n=14).**

Respondents were asked whether any other training criteria should be considered for eligibility? Of 14 respondents, 57% indicated ‘yes’, while 43% indicated ‘no’. The training criteria offered in the comments included: CPR/first aid, TWIC drug test, safety, an apprenticeship, USCG licensed captain, federal/state fisheries laws, how to avoid and care for bycatch (e.g., dogfish, sharks, and turtles), and fishery/ecosystem training online.

Respondents were asked how cost and affordability should be considered for permits available to new entrants. Of 14 respondents, 43% stated that the free market should determine the price, and Figure 13 shows how this measures up with the other responses. The two commenters who explained their ‘other’ selection stated that permits should have the same criteria as commercial permits, and there should not be a fee and rather the permit should be returned to NMFS and made available to a waitlist.



**Figure 13. Cost and affordability for new entrants for a possible limited entry program (n=14).**

Respondents were asked whether eligibility criteria should recognize active industry participants, like hired captains and crew, who are potential new entrants. Of 14 respondents, the majority (71%) indicated that yes, it should be, while 29% indicated no. Several comments were offered to support captains and crew, and mentioned that they are interested and qualified participants with a demonstrated interest and experience that has value, but shouldn't prevent others from entering the profession.

Respondents were asked whether the total number of party/charter permits available should be tied to groundfish stock assessments and annual catch limits (ACLs). This could potentially allow additional permits to be added after the control date if there is a positive change in the status of stocks. The 14 respondents were split 50:50 on this. Two comments explained the rationale for those who support this approach. One stated that stock assessments should guide lowering/tightening permit counts. Another commenter stated that there should be an original number of permits that we don't go below, and if the resource improves, we should be able to add participants in a management action.

## G. Management Measures and Reporting

### Background

Currently, the NEFMC works with GARFO to develop management measures for the recreational groundfish fishery. Typically, recreational management measures have been implemented across all fishing modes. However, at the request of the Council, within the fishing year 2020 (FY20) season, GARFO set separate management measures for private vessels and party/charter vessels when fishing for Gulf of Maine (GOM) cod.

In a limited entry program for party/charter vessels, management measures could be separate from measures for private vessels or they could be identical. This section includes questions to

determine how management measures would apply within a limited entry program, and what measures should be considered. Current and historical management measures are detailed in the background document.

Management measures are designed to allow the fishery to achieve, but not exceed their ACLs. Currently, the recreational fishery is only allocated two stocks of fish: GOM cod and GOM haddock, for which there is a recreational sub-ACL. In addition, there is a recreational catch target for Georges Bank cod - used by managers to develop measures to stay within the target.

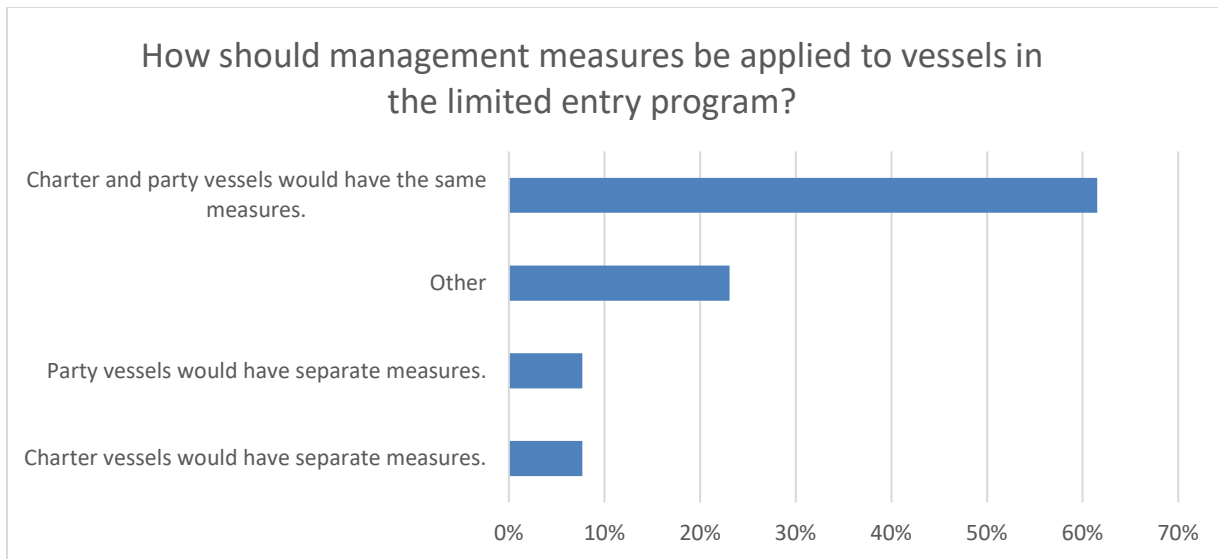
‘Sector Separation’ is a term used when the recreational allocation/sub-ACL is separated by mode of the fishery (e.g., private anglers are allocated a certain percentage and the for-hire vessels are allocated a certain percentage). This would include an overall percentage by mode, and should not be confused with a catch share system or limited access privilege program (LAPP) where an individual or vessels holds quota, often referred to an individual transferable quota (ITQ) or individual fishing quota (IFQ) system.

Separate management measures and/or sector separation for the recreational allocation can be proposed with or without a limited entry program. That is, a limited entry program is not a prerequisite to having separate management measures by mode or sector separation of allocation. This section includes questions about how management measures should apply, what measures should be considered, and whether sector separation should be part of a limited entry program. It also includes questions around reporting, and program monitoring and evaluation.

### Results

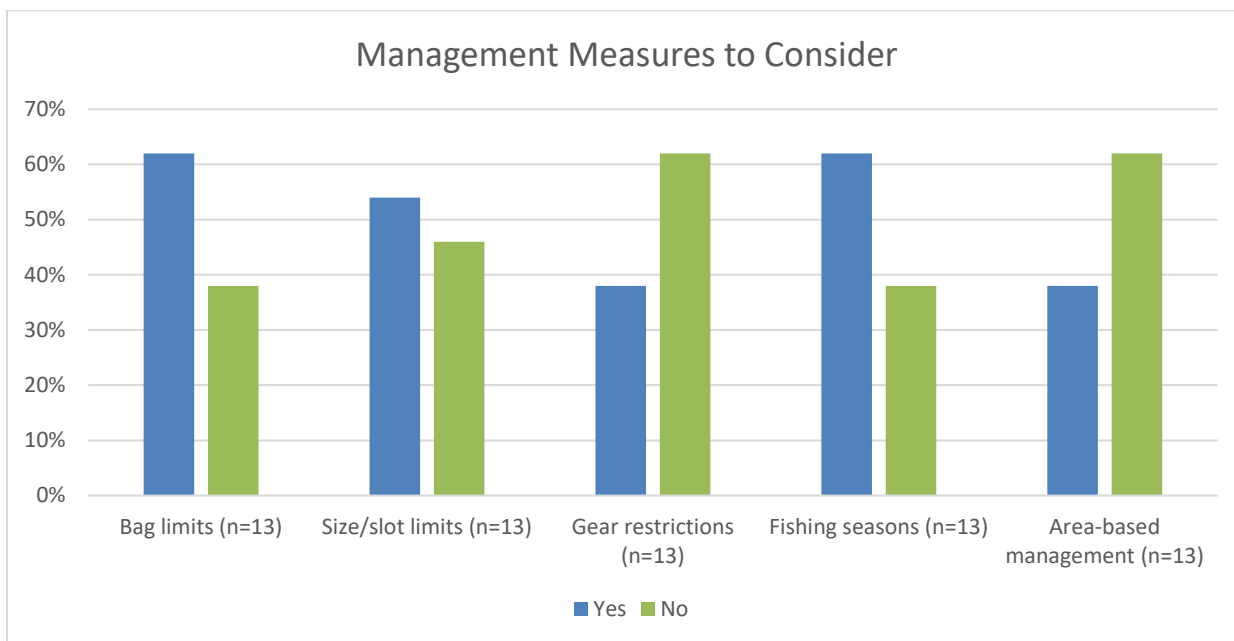
Respondents were asked how management measures should be applied in a limited entry program. Of 13 respondents, 62% indicated charter and party vessels would have the same measures, 23 % indicated ‘other’, and then an equal percentage (8%) indicated that charter and party vessels would have separate measures (Figure 14). Those who explained why they selected ‘other’ offered two further considerations: one that separate measures could be optional instead of mandatory, and second that charter and party vessels should have separate measures based on the number of passengers fishing on the vessel.





**Figure 14. Application of management measures in a possible limited entry program (n=13).**

Respondents were asked whether a number of potential management measures should be considered in a limited entry program. Over half of respondents supported utilizing bag limits, size/slot limits, and fishing seasons as management measures. Figure 15 summarizes the results, and the narrative below provides the explanations offered.



**Figure 15. Management measures to consider in a limited entry program (n=13)**

**Bag limits:** One commenter said permit holders should discuss what possession limits would help meet the objectives of their clients. Another said there should be per person, per day bag limits, for haddock, cod, and halibut, for example. One suggestion was to have different bag

limits for party versus charter vessels. Another individual commented that cod seasons and bag limits should be area-based, and work for the geographic area the for-hire fleet operates in.

Size/slot limits: Two commenters support minimum size limits. One commenter suggested using standards similar to striped bass slot limits could be used to protect groundfish stocks.

Gear restrictions: There were a number of comments offered around how gear types could be utilized:

- Mandate the number of hooks per line, e.g., no more than two hooks per line – jig at the bottom with a teaser up higher, or a high low rig with one hook at each height. Prohibit the use of treble hooks.
- Utilize any tool in the tool box to help the fishery achieve the sub-ACL.
- Prohibit the use of GPS equipment capable of tracking fishing migrations. Prohibit the use of treble hooks. Prohibit nets, especially following the 2018 peer-reviewed study in *Nature* that found recreational and commercial fishing accounts for nearly half of all discarded plastic in our oceans.
- The fishery should only be allowed to use hook and line.

Fishing seasons: There were a number of comments offered around how gear types could be utilized:

- Only open fishing seasons after spawning.
- Seasons should start in May and end in October.
- A combination of size, seasons, and bag limits should be utilized.
- Only one season should be permitted each year on a revolving basis.
- Rhode Island utilizes different dates/(seasons) by species, which is effective.
- Seasons should take into consideration needs of businesses to stay in operation.
- Utilize any tool in the tool box to help the fishery achieve the sub-ACL.

Area-based management: One commenter suggested that northern New England should be separate from southern New England, while another commenter thought they should stay the same. A third commenter suggested to use all tools in the tool box, and perhaps implement possible spawning area closures, if warranted.

One open-ended question asked for feedback on any other factors that should be considered in the management of a limited entry program. One commenter offered a process response and said that these measures should be solicited through scoping hearings. Another commenter addressed new entrants and recommended a one-to-one ratio of someone leaving in order for a new person to gain entry, with the exception of robust stocks where new participants would be allowed. An individual said that monitoring and reporting should be relative to access, in that the more monitoring and reporting they take on, the more access should be given. Finally, there was one comment around ecosystem-based management in that habitat and bait fish stocks should be considered in order to maintain high levels of diversity and balance.

Respondents were asked whether sector separation should be included as part of a limited entry program. In this case, the recreational sub-ACL would be separated between the for-hire vessels and private vessels, with each mode being allocated a certain percentage of the sub-ACL. This

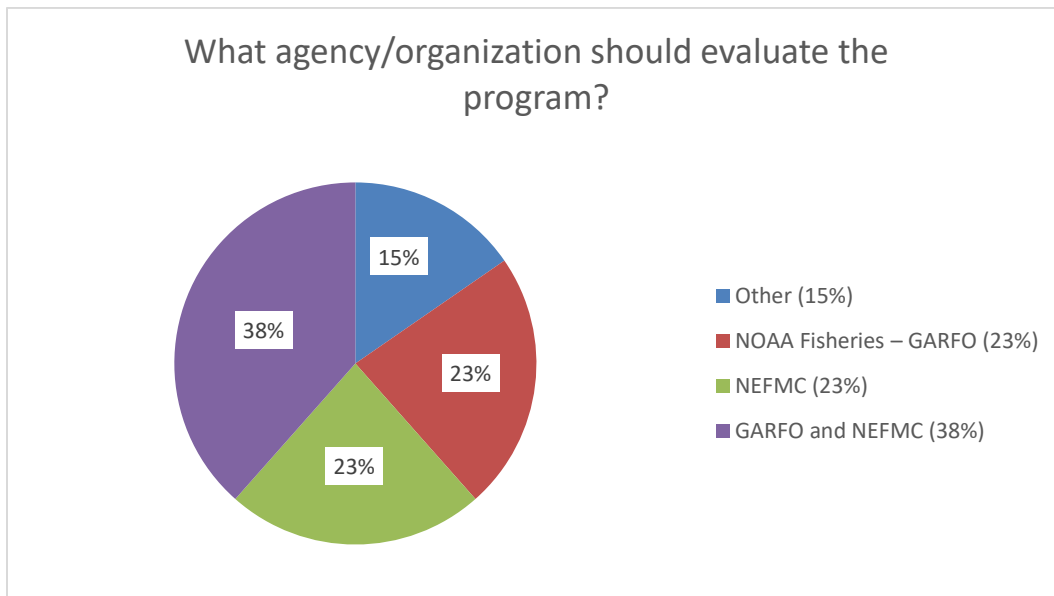
would not include an individual transferable quota (ITQ) or individual fishing quota (IFQ) system outright, and rather would be an overall percentage for each mode. Of 13 respondents, the majority (69%) indicated ‘yes’, while 31% indicated ‘no’.

Respondents were asked what reporting requirements should apply. Of 12 respondents, there was overwhelming support (83%) for maintaining existing reporting requirements (VTRs and electronic-VTR, eVTR), and 17% supported requiring additional reporting. A handful of commenters who selected additional reporting offered the following explanations:

- In addition to existing VTR requirements in the for-hire fleet, recreational anglers should be required to report using a modified VTR process.
- Provide an allowance for electronic monitoring (EM) if it helps the fishery. Utilize vessel monitoring systems (VMS) in specific closed areas.
- Keep it simple and it will work better.
- If this program leads to VMS and EM systems, there will be a mass exodus in the for-hire fleet, and captains calling it quits.

Respondents were asked whether the performance of the limited entry program should be monitored and evaluated. Of 13 respondents, 69% stated ‘yes, every 3-years’; and then an equal amount (15.4%) stated ‘yes, every 5-years’ and ‘yes, every 10-years’.

Respondents were asked what agency/organization should evaluate the program. Of 13 respondents, 38% indicated that both NOAA Fisheries, Greater Atlantic Regional Fisheries Office and the NEFMC should evaluate, and then there was 23% who supported those agencies individually evaluating (Figure 16). For those who selected ‘other’, commenters stated that everyone is a stakeholder and supported all of the above.



**Figure 16. Agency/organization to lead a possible limited entry program evaluation (n=13).**

Respondents were asked whether a sunset clause should be established for a limited entry program. In this case, a sunset clause would provide a set period of time when the limited entry

program would be implemented to decide if it should continue as is, be revised, or terminated. Of 13 respondents, 62% indicated ‘no’ and 38% indicated ‘yes’. The five who responded yes were asked to explain their rationale and offer a number of years for the sunset. These were their synthesized responses:

- Ten years.
- Sunset the program in order to address deficiencies and other issues which were not properly addressed when the program was implemented.
- If it turns out that the program is not wanted, it can be removed through another action. There is no need to make it sunset, but the review should definitely happen.
- Given enough time. If terminated, the vessel operator should be compensated for business investments.
- This concept has been kicked around since early 2000s and the reason it was pushed then is completely different than today. Few want limited access, yet it continues to be pushed.

The final question in the online feedback tool was general, and asked if there is anything else respondents would like to comment on with respect to a limited entry program? Seven comments were received, and these are the direct quotes from six commenters:

- We need more meetings with the for-hire industry to help define the goals and shape the program.
- I think the for-hire fishery is in a bad place right now. There is no incentive for new people to get in and current participants are getting older. We really need a totally new comprehensive way of managing the for-hire fishery. Limited access is the first step. The fishing power of the private recreational fishery is not allowing regulations that let for-hire businesses...
- I am not in favor of a limited access program.
- I have been running fishing charters for 35 years, and never had to report as much data as I do today.
- The public interest of maintaining our ecosystems and the welfare of aquatic life should be considered too; not just the preferences of commercial and recreational vessels.
- Start with a sub-ACL first. If that doesn't work, initiate limited access discussions with a well-defined objective of limited access and then expand from there. Limited access is too broad and as a result of concern too many in the for-hire fleet where things may go and where things may end up that could put us out of business.

### 3.) Comment letters

Two comment letters were received by email. A summary of the letters as well as copies of the actual letters are included in this section.

One letter is from the Rhode Island Saltwater Anglers Association (RISAA). RISAA represents over 7,500 recreational anglers and 28 affiliated clubs in southeastern New England. Many of these members fish for groundfish on a regular basis. They believe that their members will be cut out if a limited entry program is created out of what has historically been an open fishery. Many of these members have fished these areas for 30 or 40 years, but have no documentation of their fishing activity. RISAA supports open access to fisheries and believes that this is an attempt to remove to right to fish from some current fishermen and give that right to others.

The second letter is from the American Sportfishing Association (ASA). ASA is the nation's recreational fishing trade association and represents sportfishing manufacturers, retailers, wholesalers, and angler advocacy groups, as well as the interests of America's 49 million recreational anglers. While ASA supports both the party/charter and private modes of the fishery, they oppose moving forward with the development of a limited access program for the party/charter mode. ASA feels this approach focuses on a fraction of the sector, and both modes are seeking more regulatory stability. ASA notes that the significant need for a limited entry program is not justified by fishery data that indicate the number of party/charter permits has generally declined since 2010. ASA believes other less restrictive actions could be employed to bring longer term solutions to the fishery, for example, a multi-year specifications process and accountability measure triggers. ASA encourages the Council to explore other creative fishery management approaches to achieve its goals.

#### A. Rhode Island Saltwater Anglers Association Letter

Dear Ms. Joyce,

The Rhode Island Saltwater Anglers Association represents over 7,500 recreational anglers and 28 affiliated clubs in Southeastern New England. We have many, many members who fish for groundfish on a regular basis every Spring, Summer and Fall in areas such as Cox Ledge and many other grounds south and east of RI and MA.

We believe that by creating a limited entry fishery out of what has been historically been an open fishery you will cut out many of our members who have fished these areas for as long as 30 or 40 years on a regular basis, but have no way to document basis other than personal records.

Our organization has always supported our historically open fisheries including this groundfish fishery, and we believe that any attempt to create a limited entry fishery in this case is an attempt to remove the right to fish from some current fishermen and give that right to others.

Thank you for the opportunity to provide our comment to the Council on this matter.

Sincerely,  
Stephen Medeiros  
President/Executive Director

#### B. America Sportfishing Association Letter (see next page)



October 19, 2020

Jessica Joyce  
Contractor, New England Fishery Management Council  
Tidal Bay Consulting  
P.O. Box 63  
South Freeport, Maine 04078

Dear Ms. Joyce

The American Sportfishing Association (ASA) appreciates the opportunity to provide comments to the New England Fishery Management Council (NEFMC) on the development of a limited access program for the recreational party/charter fishery in the Northeast Multispecies (Groundfish) Fishery Management Plan (FMP).

ASA is the nation's recreational fishing trade association and represents sportfishing manufacturers, retailers, wholesalers, and angler advocacy groups, as well as the interests of America's 49 million recreational anglers. ASA also safeguards and promotes the social, economic, and conservation values of sportfishing in America, which results in a \$125 billion per year impact on the nation's economy.

ASA is supportive of both the party/charter and private modes of this fishery because these modes work in tandem to bring sportfishing access and participation to multiple Atlantic states across the northeast. However, at this stage, ASA continues to oppose moving forward with the development of a limited access program for the party/charter mode because this approach only focuses on a fraction of the sector, and both modes are seeking more regulatory stability.

ASA notes that significant need for a limited entry program is not justified based on the details included in the background document. For example, Table 2 indicates that the number of active party/charter groundfish permits has generally declined since 2010. Furthermore, not only are the number of participants in decline, but those party/charter participants were granted additional fishing access through a longer season in the Gulf of Maine.

ASA believes other less restrictive actions could be employed to bring longer term solutions to the fishery. For example, using a multi-year specification process that has accountability measure triggers would be a way to bring stability and consistency to the fishery without directly restricting access and future participation to the party/charter mode. Longer term specifications would enable the party/charter businesses to plan for potential regulatory changes and would help inform the private mode as well. This and other creative fishery management approaches are needed and should be the focus of the Council moving forward.

Overall, restricting or potentially reducing the size of the party/charter fleet is unnecessary, sets a dangerous precedent and will decrease opportunities for anglers who depend on those

AMERICAN SPORTFISHING ASSOCIATION

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operators to access a public resource. In conclusion, ASA encourages the Council to explore other options besides a limited access program to achieve its goals.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Waite".

Michael Waite  
Atlantic Fisheries Policy Director  
American Sportfishing Association

## **APPENDIX II – PUBLIC MEETING SUMMARY**



## New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116  
John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

### PUBLIC MEETING SUMMARY

#### NEFMC Recreational Groundfish Party/Charter Fishery Limited Entry Strawman October 5, 2020, 4-6:00 PM Webinar

The New England Fishery Management Council (Council or NEFMC) held a public meeting to announce the development of a strawman for a limited entry program in the recreational groundfish party/charter fishery, solicit feedback on a limited entry template, and provide information on additional opportunities for feedback.

**Meeting Attendance:** Terry Alexander (NEFMC member, Groundfish Committee Chair), Greg Ardini (NEFSC Social Sciences Branch [SSB]), Rich Balouskus (RI Dept. of Environmental Management), Rick Bellavance (Priority Fishing Charters, NEFMC Groundfish Committee member), Steven Cannizzo (NY Recreational and For-Hire Fishing Alliance), Rip Cunningham (recreational fisherman, NEFMC Recreational Advisory Panel [RAP] member), Justin Davis (CT Dept. of Energy and Environmental Protection), Greg Dubrule (Black Hawk II), Melissa Errand (NEFMC staff), Mark Godfroy (Lady Tracey Ann II, NEFMC member, Groundfish Committee member), Mark Grant (NOAA Fisheries, Greater Atlantic Regional Fisheries Office [GARFO]), Melanie Griffin (Groundfish Committee member, MA Div. of Marine Fisheries [DMF]), Rebecca Heuss (NH Dept. of Fish and Game), Christopher Kellogg (NEFMC staff), Kyle Moulton (NOAA Fisheries, GARFO), Patrick Paquette (recreational fisherman, Basic Strategies, RAP member), Michael Pierdinock (Perseverance Charters/Stellwagen Bank Charter Boat Association, RAP member), Story Reed (MA DMF), Jared Silva (MA DMF), Scott Steinback (NEFSC SSB), Stephanie Sykes (Cape Cod Commercial Fishermen's Alliance), and Kelly Whitmore (MA DMF).

This meeting was facilitated by Jamie Cournane, Ph.D. (NEFMC groundfish lead), along with Jessica Joyce (Tidal Bay Consulting), and Laurie Logan (Logan Enterprises).

**Stakeholder Affiliation:** Of 25 attendees, 28% represented the recreational fishing community (for-hire and private vessels), 28% were state fishery managers/scientists, 16% represented NOAA Fisheries – Greater Atlantic Regional Fisheries Office (GARFO) and Northeast Fisheries Science Center, 12% Council staff, 4% Council member (exclusively – as other Council/Committee members were representing their recreational businesses and/or fishing associations and not representing the Council/Committee), and 4% nonprofit fishing organization.

**Introduction:** Jessica Joyce began the meeting with a brief introduction of the meeting purpose, agenda, and meeting logistics. Ms. Joyce provided background information on the history leading up to this initiative. The Council, Groundfish Committee and Recreational Advisory

Panel (RAP) have been contemplating a limited entry program for party/charter vessels for almost 20 years. In spring of 2019, the Council held eight listening sessions in New England and the Mid-Atlantic to gauge support for developing a limited entry program. In summary, there were roughly equal amounts of respondents who were opposed to a limited entry program as those who were neither for nor against. The reasoning was largely that stakeholders needed more information on the program before making a decision. Therefore, in an effort to address this issue, the Council hired Tidal Bay Consulting to develop a strawman for a limited entry program through stakeholder engagement. Members of the RAP, Groundfish Committee and full Council will review stakeholder feedback and ultimately the Council will decide whether to initiate an action to develop a limited entry program.

**Party/Charter Fisheries Data:** Ms. Joyce reviewed groundfish party/charter fisheries data and trends over the last 10-20 years. These tables are also included in the background document that is available on the Council's website.<sup>1</sup> Greg Ardini, an economist with the Social Science Branch of NOAA's Northeast Fisheries Science Center, summarized the recreational fisheries data in the background document. One table showed party/charter landings (fish kept) on groundfish and non-groundfish trips by state from 2010 to 2019. Groundfish landings overall decreased by 44% from 2010 to 2019. Non-groundfish trips are variable, but have been increasing in recent years. Since 2010, the number of active party/charter permits by state ('active' = vessels that took at least one party/charter groundfish trip) have been following a decreasing trend overall. Looking at party/charter groundfish trips, the number of trips in 2019 is less than half those in 2010. Ms. Joyce showed a table that summarizes the current management measures, noting the different management measures for party/charter vessels and private vessels for Gulf of Maine (GOM) cod.

**Public questions/comments:** Rick Bellavance: In regard to landings and trips taken, did you look at Marine Recreational Information Program (MRIP) program data for the same years and modes to see if there are similarities or differences?

- Mr. Ardini replied that these tables only use vessel trip report (VTR) data, and he hasn't analyzed the MRIP data yet. These are for all party/charter groundfish permitted vessels. For example, in the non-groundfish landings in Table 1, the majority of their landings (kept fish) may be non-groundfish. Mr. Ardini could further analyze MRIP data.
- Mr. Bellavance: One other suggestion is to compare information from the time that the 'did not fish' requirement for VTRs went away, in considering VTR compliance.

Justin Davis: Is the head of CT Marine Fisheries Program but has not been overly involved with the NEFMC or this initiative. He is wondering what the rationale is for considering limited entry since the data showed that landings and participation seems to be going down over time.

- Dr. Cournane replied that there have been a variety of reasons folks are interested in limited entry, and there has been a decline in participation. We are trying to get answers to the questions being asked. The Council has yet to decide whether to pursue an amendment, and is in the information collection stage on whether or not to pursue limited entry. It's not yet a priority to develop this program, but the Council is exploring different

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<sup>1</sup> <https://www.nefmc.org/library/party-charter-limited-entry-program-strawman>  
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perspectives. If it is pursued, the Council would like clarification on what the goals and objectives should be.

Rip Cunningham: Suggested a comparison of trends between private angler landings and for-hire landings by state and overall during the same time frame. He is wondering if they have similar or different trends by mode. It would be instructional to see what's happening in the fishery as a whole.

Mike Pierdinock: When assessing ongoing trends, he suggested looking at data around the zero cod possession when that was implemented north of 42 degrees north latitude. He's not sure when we list Massachusetts [in the tables], whether that's above or below the 42-degree latitude. When they did go to zero cod possession, understanding what impact it had on groundfish trips will be important.

***Limited Entry Template Review:*** Ms. Joyce provided an overview of the various program elements of the limited entry template. These elements and options are included in Appendix 2 of the background document, which is available on the Council's website.<sup>2</sup>

***Public questions/comments:***

Mr. Bellavance inquired whether there was a review period to evaluate the performance of the limited entry program, if it is evaluated.

- Ms. Joyce replied that the template includes questions on program monitoring and evaluation, including intervals, what agency/organization should coordinate, as well as a sunset clause.
- Dr. Cournane clarified that if a limited entry program were put in place, that for example, after five years a review would take place for certain features of that program, and adjustments could be then considered through a regulatory action. It could also be used as a performance tool embedded within the program.

Mark Godfroy: I hope there is an opportunity to answer all the questions posed in the template on the online feedback tool. He has a lot of input to provide on the questions. Did we look at the commercial limited entry program when that fishery transitioned to mirror the recreational program after that, building on lessons learned?

- Ms. Joyce did not look at commercial limited entry. However, she did look at other recreational programs throughout the country, and a lot of examples and options came from these programs, recognizing there may be more alignment than with commercial fisheries. We looked at red snapper in the Gulf of Mexico, tilefish in the Mid-Atlantic, and Alaska halibut, to name a few. This summary has not been made publicly available, although it can be shared upon request.
- Dr. Cournane added that we looked at features of other recreational limited entry programs that were approved. We could look at other commercial limited entry programs that are in place, and not just groundfish.

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<sup>2</sup> <https://www.nefmc.org/library/party-charter-limited-entry-program-strawman>  
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- Ms. Joyce clarified that all the questions in the template are included in the online feedback tool. There are about 53 questions, mostly multiple choice, and many have the option to provide written responses. Meeting participants were encouraged to use the online feedback tool.

Mr. Pierdinock: I'm glad you clarified that we can have a sub-ACL without a limited entry program, as there is concern in the industry.

- Need to consider how zero cod possession or one cod per trip will affect catch history and eligibility, especially for vessels in the Gulf of Maine. In the South Shore of Massachusetts, having cod closures negatively affected the history of the commercial fleet, and then they had to purchase quota.
- Hopes limited entry wouldn't be broad stock area specific.
- He understands that conservation objectives would have to be evident in a limited entry program. How can we effectively manage a program until our VTRs are used for more than effort data? For example, we continue to hope that eVTRs will really be used for more fisheries management data so they can possibly help us with a sub-ACL. Mr. Pierdinock inquired about the timing or estimates of when this would occur with eVTRs.
  - Ms. Joyce clarified that at this stage, we are looking at outside of the box options that may be considered. Options would be narrowed down in the strawman. If an action is initiated, alternatives would be analyzed in a National Environmental Policy Act (NEPA) document, an environment assessment (EA) or environmental impact statement (EIS). Further, one lesson learned from the commercial groundfish fishery that we are asking about is how management measures would be considered in accounting for catch/effort in eligibility, for example, zero cod possession.

Mr. Cunningham: On the template, which is pretty comprehensive, he commented that you have to answer the question of the goals and objectives before you can make rational decisions on all the other questions and options. He gets the sense that we are throwing a lot of options against the wall to see what sticks versus an orderly progression through it of why are we doing this, and then what should be considered.

- Ms. Joyce replied that yes, participants should reply to the poll with their top goals and objectives in mind. The first phase of this is the template, which is a pool of options, and the strawman is the second phase. The strawman will narrow it down, and ideally help us build out a more cohesive program based on specific goals and objectives. The instructions in the online feedback tool will be clarified to let participants know that they should fill out their responses within the lens of their top priorities for goals and objectives.

Mr. Bellavance: Speaking only as a charter/party business owner (and not a Council member). The goal of a limited entry program is a start of a new way of managing the for-hire sector to rebuild the fishery to where it was. Tables 1 and 2 in the background document show that participation and landings are declining, which is a result of the regulations. A limited entry program would help to identify the fleet and participants, and work towards a management plan to meet the goals: financial stability, regulatory stability, and to ensure access to members of the

public who don't own vessels. These are the benefits to this program. This is the first step in a comprehensive change in how we manage the for-hire sector.

Scott Steinback: Have the recreational limited entry programs in other regions evaluated performance of their programs against goals and objectives? Is there a summary available that can help guide this process?

- Ms. Joyce responded that there may be, but she didn't come across these during her review of other recreational programs. The spreadsheet summarizes other program elements, including goals and objectives. The spreadsheet is available by request.

Mr. Pierdinock: As President of the Stellwagen Bank Charter Boat Association, he apologizes for not having more people at the webinar. These meetings always seem to correlate with the fishing season. Also in Massachusetts, today is opening day of bow season for deer, which affects participation. This is a contentious issue, and there are many people for this, and many against it. He feels that lack of participation shouldn't be assumed as lack of support. If we identify objectives, it could be as straightforward as first creating a sub-ACL and taking baby steps to get us where we need to go instead of going full blown into this with multiple measures. There is so much information that has been provided and so many ways in which this program could be developed. This concerns some fishery participants, so he's not sure how you can address those concerns to get broader feedback.

***Polling and verbal comments:***

This section commenced with an initial poll to gauge affiliation of the meeting participants. Of the 25 participants, 12 completed this poll, and 8% selected 'non-recreational Council or committee member', 17% selected 'party/charter vessel owner/operator', 17% selected 'recreational fisherman (angler or client on a charter vessel)', and 58% selected 'other' – including state/federal manager, scientist or fishing association.

We polled participants to understand what categories of a limited entry program they would like to discuss, knowing there may not be time to cover all categories in the template. The five categories are: 1) Basic program elements, 2) Permits/vessels, 3) Eligibility, 4) New entrants, and 5) Management and reporting. Participants selected two categories to focus on during this meeting: basic program elements and eligibility. Poll results and verbal comments on these categories are summarized below.

The meeting organizers requested that only the recreational fishery stakeholders respond to the polls. Responses below are only from participants who are members of the recreational fishing industry. The sample size of respondents for each question is listed at the end of the question (n = #).

Basic Program Elements – Goals and Objectives:

| 1. What additional goal(s) should a limited entry program have? Select all that apply. (n=5)  |      |
|---|------|
| Ensure access to groundfish for members of the public who do not own private boats.   | 100% |
| Achieve regulatory stability for the recreational groundfish party/charter fishery to enable longer-term business planning and marketing.           | 60%  |
| Prevent overcapitalization of party/charter vessels through correlating the size of the fleet (i.e., permits) with the health of groundfish stocks. | 20%  |
| Achieve financial stability for the recreational party/charter groundfish fishery.  | 20%  |
| Other   | 20%  |

The results for this poll add up to more than 100%, as participants were asked to ‘select all goals that apply.’ The results indicate that the primary goal among participants is ensuring access, followed by achieving regulatory stability.

The following verbal comments were shared after the poll results:

- Mr. Cunningham commented that if we're looking at this strictly as a limited entry program, he does not understand how it would achieve regulatory stability. He only sees it adding a bunch of things to the limited entry program which he's not really seeing in the strawman. He can't see how the program will make an impact on that part of it [regulatory stability].

| 2. What objectives should a limited entry program have? Select all that apply. (n=6)   |     |
|--|-----|
| Biological (e.g., rebuild stocks, avoid overfishing, etc.)   | 50% |
| Management and Economics (e.g., achieve optimum yield, prevent overcapitalization, etc.)   | 83% |
| Business (e.g., increase profitability, allow for market fluctuations in supply and demand, increase stability, etc.)  | 50% |
| Owner/operator-focus (e.g., design a program that addresses the specific social and equity objectives of the party/charter mode of the fishery, elevate standing to be on par with commercial fishery, etc.) | 33% |
| Angler-focus (e.g., address customer's needs and the angler experience, allow public access to the resource, etc.)   | 67% |

- Patrick Paquette commented that he did not choose the biological objectives because he doesn't think this potential action should be about species management. This is a fleet

management action, or an action that should be focused on the other objectives listed here. He doesn't understand the biological impact angle on it, and doesn't feel that biological impact should be an objective.

| 3. What types of vessels should be included in a limited entry for-hire program? Select one. (n=5)                     |     |
|--|-----|
| All party/charter vessels, regardless of passenger capacity.   | 80% |
| Charter boats only with a maximum of six passengers. (Vessels with 7 or more passengers would remain open access.)     | 0%  |
| Party boats only with a minimum of 7 or more passengers. (Vessels with 6 or less passengers would remain open access.) | 0%  |
| No vessels (i.e., oppose a limited entry program for party/charter vessels)  | 20% |
| Other  | 0%  |

- Mr. Bellavance commented as owner of Priority Fishing Charters (and not a Council member). He feels that this limited access program should be as inclusive as possible and preserve the footprint of fishery as they have it now, with the goal of better management of the for-hire sector to rebuild it. We shouldn't be trying to restrict it in any way possible. Start from where we are now, let it rebuild under a better management program, see where we go from there, and reevaluate.

| 4. Where would recreational party/charter vessels with limited entry permits be allowed to fish? Select one. (n=5)       |      |
|--|------|
| All federal waters where vessels are allowed to fish for groundfish (Gulf of Maine, Georges Bank, Southern New England). | 100% |
| Gulf of Maine only   | 0%   |
| Georges Bank only  | 0%   |
| Southern New England only  | 0%   |

- Steven Cannizzo commented that once a limited access program is implemented, there should be no restriction to any for-hire vessel (party/charter) to fish other areas, i.e., Southern New England vessels fishing Georges Channel, Gulf of Maine vessels fishing in Georges Channel, NY-NJ for-hire vessels transiting into Georges Channel. Georges Channel is actually the area on both sides and the Great South Channel itself.
- Mr. Bellavance commented specifically on the special access areas. He thinks special access areas are developed for a specific management purpose, and all fisheries should be held to whatever standard there is. If there's an increased level of accountability on a particular fleet that allows them access to those areas then that's fine, but in general he

thinks that there shouldn't be special access granted to one portion of the fishery over the other unless there's an increased level of accountability for that sector.

- Mr. Pierdinock asked about how special access/management areas would be considered, and whether it has to do with commercial versus recreational vessel access? From a commercial standpoint, it typically has to do with time of year and gear. He has a lot of questions about a potential limited entry program.
  - Dr. Cournane replied that sometimes limited entry programs define special management areas or certain provisions that could go along with area-based and/or time-based management.
- Mr. Paquette commented that he doesn't believe a limited entry program should have separate areas (e.g., GOM vs. GB), and it definitely shouldn't let you into a spawning closure area.

Eligibility

| 1. What control date should apply, if any? Select one. (n=5) |     |
|--|-----|
| None   | 20% |
| Utilize current control date: March 19, 2018                 | 20% |
| Refresh the control date as part of the rulemaking process.  | 40% |
| Other  | 20% |

- Mr. Godfroy commented that he thinks one of the biggest fears that everybody has around the limited entry is: will my permit qualify? Will I be excluded from the fishery? I don't think it is anyone's intent to take someone's business away who is currently fishing. The current control date is almost a year and a half old and if somebody started their business on that date or shortly after, I don't think it would be very fair to take that away from them. I feel that refreshing the control date, and not using one until this moves forward is probably the fairest way to go. That's my opinion as a boat owner.
- Mr. Pierdinock agrees with Mr. Godfroy. He is assuming you have to have a control date to have limited access. He's unsure whether the March 19, 2018 date would work or if there is a complete evaluation to assess how many boats should be allowed, what the seasons and bag limits would be, and whether it would be that date or another more recent date. There are a lot of people out there with concerns that this could impact their ability to continue to fish.



| 2. What criteria should accompany the control date? Select one. (n=5)                               |     |
|---|-----|
| Only permits/vessels acquired before the control date would be eligible for a limited entry permit. | 40% |
| Different conditions would apply to permits issued before and after the control date.               | 0%  |
| None; the same conditions would apply to permits issued before and after the control date.          | 40% |
| Other   | 20% |

- Mr. Bellavance: I'm not sure how you apply the same conditions before and after a control date, that you get a limited access program. I think you have to set a cut-off point at some point, and say these are the folks that are in the fishery and this is where we're going to start. Then you develop a program with new entrants, people coming and going, but at some point, you have to draw a line and say this is our fishery right now; these are the eligible permit holders that are going to be in this program. It's my hope that that will be as inclusive as possible and that will be our starting point as we work towards a new and better way to manage the for-hire fleet. So, I'm not sure how you could have the same conditions apply before and after some point in time that's why I chose to only allow permits acquired before control to be eligible.
  - Ms. Joyce responded that the March 2018 Federal Register notice for the current control date had the same conditions before and after as an option, although it's not clear what it would entail.
- Mr. Pierdinock: Just expanding upon what Mr. Bellavance said, you get your limited access and then what happens next? That's where I'm not sure; say you're limited to 150 vessels in a limited access program, and one of them wants to retire. How do you get in line to get that permit? So that's where I had a few different questions about how that would work, and selected the other category because it is not clear to me how it would work.
- Mr. Godfroy: I don't disagree with what Mr. Bellavance said but there are some questions I have around it. One of them is permitting. I think we heard from somebody at one of the listening sessions that they sold a boat prior to the control date and bought a boat after the control date was set. When you sell a boat, your permit kind of disappears and then you get a new permit with the new boat. There were definitely some questions around that scenario. One is how to track the history--how long you had a permit; the fact that your permit number changes; would you still qualify? Those questions weren't answered so I wouldn't want to see somebody eliminated on a technicality like that. That's why I voted for the same conditions would apply to permits before and after.
  - Ms. Joyce responded that the third question in this series does capture that question. So, we can discuss this scenario then as well.

| <b>3. What other criteria should eligibility be based on? Select one. <i>That is, after an individual or business meets the initial eligibility criteria with a control date and holds a valid permit, what other criteria should apply.</i> (n=5)</b> |     |
|--|-----|
| Catch history: a specific threshold of pounds landed (from VTRs) over a specific time frame  | 0%  |
| Effort: a specific threshold of number of trips over a specific time frame   | 0%  |
| Catch history (pounds landed) + effort (number of trips).  | 60% |
| Passengers: a specific threshold of passengers over a specific time frame  | 0%  |
| Other  | 40% |

- Mr. Godfroy: I selected other. I'm not sure where the catch history would come from. Effort could come from the VTRs. Some data/history isn't attached to a permit, for example, the passenger number is on the USCG Certificate of Inspection (COI). So, you wouldn't use that for eligibility. So, I don't see why limited entry would dive into that. It should just be on the same basis of the permit you hold.
- Mr. Pierdinock: With zero cod possession in the past, and one cod per person right now north of the 42-degree latitude, those vessels are going to have significantly lower landings and effort. We saw how that worked for the commercial fleet in the South Shore of Massachusetts, and have our concerns about how that would be dealt with.
- Mr. Cannizzo: As to data, a defined period of years should be used for trips in which vessels landed various groundfish, especially the big three - cod, pollock, and haddock. There should be no issue in harvesting the various hake species - red, silver and white, nor redfish or cusk.
  - As to developing the time period, as Mr. Paquette and Mr. Bellavance stated, tables would have to be made for the three years prior to the last official control date and to a period where some level of cod possession was allowed for Gulf of Maine for-hire vessels. We may need to see 3-year, 5-year and a 10-year time series for both effort and landings.

| <b>4. Which of the following should catch history and effort be based on? Select one. (n=6)</b> |     |
|---|-----|
| Permit (vessel)   | 0%  |
| Permit holder (owner)   | 67% |
| Other   | 33% |

- Mr. Pierdinock: There are a number of members of the Stellwagen Bank Charter Boat Association that have been fishing for a long time and they bought new boats. If they bought them after that March limited access cut-off date that ties back to what Mr. Godfroy said. Some of them have been fishing for years, so that is something that definitely would need to be addressed.

*Next step recap and general comments:*

- Ms. Joyce reviewed the next steps:
  - The online feedback tool will be available by 7 PM tonight. The link is: [https://www.surveymonkey.com/r/Rec\\_Limited\\_Entry](https://www.surveymonkey.com/r/Rec_Limited_Entry).
  - You can also contact [Jessica@tidalbayconsulting.com](mailto:Jessica@tidalbayconsulting.com) to schedule an online meeting for your community.
  - Public comments and feedback will be summarized in a report, and a draft strawman will be developed.
  - Present results to the RAP, Groundfish Committee in late 2020, and January 2021.

*General Comments:*

- Dr. Courneane: I want to thank everyone for participating today and for letting us try out a different format for our meetings. We are certainly interested to hear your feedback. If you want to contact me separately or Ms. Joyce offline about what you thought about using the polling tool in general, and using this kind of tool to facilitate a different kind of discussion than folks might be used to. There are still a lot of opportunities to provide feedback and we're always welcoming questions from folks if you want to have a longer conversation, let us know. We're happy to hear if folks like the polling or not.
- Mr. Bellavance: I thought the presentation was really good and I thought the polling was easy to use and I liked it. I don't think we got to the poll part where we talked about new entrants and things like that in review process, so I'm wondering if the online polling will allow an opportunity to offer comments on those types of questions of what a program might look like.
  - Also, where would there be an opportunity to have a forward look at a long-term management program for the for-hire fleet, to see how all the different components might fit together in a more comprehensive program in a long-term perspective? We talked about sub-ACLs and we talked about different management measures or separate management measures for a defined limited access fleet. What would that look like when you put it all together into a program, in that this is a limited access program as being proposed, but how does that fit in in the grander scheme of things in the long-term vision of what managing the for-hire fleet might look like when everything is all put together. Those are my two questions: Where would you see opportunity to comment on new entrants? Then, how a whole comprehensive program will fit together?
  - Ms. Joyce: Today we only covered two of the five topics in the polling and that was based on the first poll that indicated there was interest in looking at goals, objectives, and eligibility. Yes, all the other segments and categories on permits

and vessels, new entrants, and the management and reporting are included in the online feedback tool. The instructions explain that each section is organized as a page, so you can address all of the questions or only some of them within each page.

- Dr. Courneane: It's a good question that managers and certainly the advisors have wrestled with over the years; the future direction is not just short term, where we look at the management measures for next year, but what does this fishery look like in future? I think this discussion it is sort of one step in the process and may be seen as building blocks for some bigger program. I think it really is up to managers to come with a sense of what they think the long-term management strategy should be and identify those priority areas and how different Council tasks might fit into those priority areas under the umbrella of a larger long-term perspective.
- Mr. Paquette: I think we fail in management, and in many government regulatory actions, to envision the backside of recovery. I see the primary reason for looking at or considering a limited entry program is to help sustain a fleet while this species is at a low point. I am wondering if there's opportunity in the online feedback tool or what would be the best way for those who think this limited entry program should be a short-term thing, with the assumption that we are able to rebuild some of the groundfish stocks that have constrained the fleet and affected it. I guess I believe that part of an action should have some language and possibly even metrics as to when a limited entry program might no longer be needed. If this is really not about limiting the fleet but about sustaining business and getting carrying what's left of the fleet through so that the fleet can at some point in time possibly build. The two elements I see as necessary are: 1) not monetizing the permits, and 2) envisioning what the backside of it might look like or at least allowing for the backside of the program when biological conditions change. I'm just wondering how that gets incorporated in here.
- Ms. Joyce: Thanks for your comments. I also think it's a great way to end this webinar, to think about that point where the stocks are all recovered, to give us something to look forward to and plan for. I think that there are several areas in the online feedback tool where you can include comments to that nature. One is in the goals and objectives, probably more the objectives. The second is there is a question in the new entrants section about tying the availability of permits to the ACLs to correlate with stock size to allow new permits to be added to the program. To your point about a short-term program, there is also a question in the monitoring and reporting section. This section does ask about a sunset clause, which would then be a short-term program that would be evaluated. We ask how often it should be evaluated – 3-, 5- or 10-years, and who should monitor the program. Those three, maybe four, areas address your question.