

A fisherman with a beard, wearing a green polo shirt and orange overalls, is on a boat. He is wearing blue gloves and is holding a large cod fish by its head. The fish is being lifted by a chain. In the foreground, there is a large wooden crate filled with other cod fish. The background shows the blue ocean and a clear sky with a few birds flying.

Commercial Fisheries News

SPECIAL REPORT Cod despair *by Janice M. Plante*

Photograph by Peter Ralston, <www.ralstongallery.com>;
courtesy of the Maine Coast Fishermen's Association



Cod quotas slashed to 'unviable' levels

PORTSMOUTH, NH – The groundfish industry has suffered through far more than its fair share of turbulent chapters over the past two decades – everything from the painful introduction of limited entry in Amendment 5 to the loss of friends who couldn't see their way through the fleet's steady downsizing, to the almost anarchy-like uprising that occurred years ago over rolling closures and a 30-pound cod trip limit, and, most recently, to the wrenching shift to hard quotas and sectors.

But for many, Jan. 30, 2013 – an unforgettable Wednesday – may go down as the worst of all. That was the day the New England Fishery Management Council approved a 2,506 metric ton (mt) acceptable biological catch (ABC) for Georges Bank cod and a 1,550 mt ABC for Gulf of Maine cod for the 2013-2015 fishing years, which represent a 55% and 77% reduction respectively from current levels.

For hundreds of fishermen, especially those with small boats and few remaining alternatives, the 1,550 mt Gulf of Maine cod ABC was unthinkable.

After all the deductions are made to account for state-waters catch, recreational catch, and other fishery components, the sub-annual catch limit that will be allocated to the region's dozen-and-a-half or so groundfish sectors comes to 814 mt.

"There's not enough left to sustain an inshore fishery at all," said Vito Giacalone of the Northeast Seafood Coalition, which represents 300 distinct fishing entities and 500 permit holders in the groundfish fishery. "It's game-over for the inshore Gulf of Maine."

By the time the allocations are further carved up among sector fishermen, each person's allowable catch may turn out to be nothing more than a token depending on their history and how much quota they brought into the sector.

New Hampshire council member David Goethel, who owns and operates a 44' boat, said, "I don't know who survives



Steven Kennedy photo

This is game-over for the inshore Gulf of Maine. It's tough to support a motion that says this is the best we've got, that your only alternative as managers is to collapse the fishery.

—Vito Giacalone

in the Gulf of Maine at 1,550 tons. To me, that's about an hour of fishing with the quota I have. For most of the men in this room, you're talking an hour to a day.

"And for all the people who think leasing and this and that is going to save them," he said, "nothing's saving anything here at this number."

People need cod quota to fish in the Gulf of Maine. It's hard to avoid this stock even when targeting something else, so at least a minimum amount of quota is essential just to cover bycatch.

Although the 2013-2015 groundfish quotas still have to be approved by the National Marine Fisheries Service (NMFS) as part of Framework Adjustment 50 to the groundfish plan (see table page 22 for full list of species

and allocations), the agency already has given an initial nod of support for the cod numbers.

The science

The day started off with a summary of the latest stock assessments for Georges Bank and Gulf of Maine cod (see story page 18), followed by a presentation on ABC recommendations from the council's Scientific and Statistical Committee (SSC).

Next came a long and tortured debate about the science and how it's produced and how it gets passed along to the council, all of which involved technical terminology about natural mortality rates, biological references points, and whether the numbers currently being used were appropriate.

The council voted up two motions as a result of this labored and sometimes contentious discussion:

- First, the council directed the SSC to ask the Northeast Fisheries Science Center to evaluate – by the June council meeting – whether reference points should be changed "in light of current predator/prey relationships and changes in environmental conditions" for Georges Bank cod, Georges Bank yellowtail flounder, Gulf of Maine haddock, and Southern New England/Mid-Atlantic winter flounder. The council further stated that, should changes in reference points be needed, "calculations should be made immediately."

- Second, the council agreed in an 11-to-6 vote to ask the science center to provide advice on the appropriate Gulf of Maine

'It's midnight and it's getting darker.' I think that kind of summarizes everything that the council has in front of it this afternoon.

—Erik Anderson

Steven Kennedy photo





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Shut it down. This is extinction anyway, so why don't we be upfront about it. Then maybe Congress and the fisheries service and all the people who put us in the position of having to vote for extinction will get serious about fixing this problem.

—David Goethel

cod reference points under a 0.40 natural mortality rate, which is higher than the 0.20 rate used in the latest assessment and would account for higher levels of predation on Gulf of Maine cod. The council further tasked its groundfish plan development team (PDT) with providing an ABC for the stock that would result from the higher rate.

Although increased predation is widely believed to be a contributing factor to the altered status of many stocks, scientists who conducted and peer reviewed the Gulf of Maine cod assessment did not find a direct link and, therefore, did not recommend using the higher 0.40 rate. This is why the council spent so much time debating the issue – the request runs contrary to the advice it received from scientists.

John Quinn of Massachusetts, who is serving his first year on the council, said, “With each passing meeting that I come to, it seems like we might be looking at the wrong stuff, that we’re measuring OFLs (overfishing limits) and ABCs and MSYs (maximum sustainable yields) when, in fact, it may be predation and temperature changes and fresh water impacts we should be looking at.

“I know we have limited resources,” he said, “but from a lay person’s perspective, that’s more the cause than some of these other things. I hope our scientists can take some more time to look at this regime change.”

Hard decisions

Next came the cod quota motions, which were developed by the council’s groundfish committee the week before the full council meeting.

Maine council member Terry Stockwell, who chairs the committee, said, “There’s no way to sugar coat these motions.”

The Gulf of Maine cod ABC, which the committee recommended be set for the 2013 fishing year only, was first.

But Maggie Raymond of Associated Fisheries of Maine said industry



Steven Kennedy photo

I’m taking a 90% reduction with all of this. I don’t see myself leaving the dock next year, or I might make one trip instead of 20 or 30.

—Joe Orlando

members had a chance to reflect on this strategy over the weekend between the committee meeting and the full council meeting and had reached the conclusion that they’d be better off with three-year specifications covering 2013, 2014, and 2015.

“As low as these numbers are, three-year specifications would in some way provide a little more ability for the industry to plan for more than a one-year

period,” she said. “And, frankly, I don’t think anyone wants to go through this again in the fall of next year.”

The groundfish PDT had reviewed two possible ABCs for Gulf of Maine cod – 1,249 mt and 1,550 mt – and recommended the lower figure. The SSC said it could support either one.

Massachusetts council member David Pierce directly asked SSC representative Jake Kritzer whether the SSC actually “preferred” 1,249.

Kritzer said, “We wouldn’t have put the 1,550 value on the table if we weren’t comfortable with it, if we didn’t feel that it met the legal and policy requirements we’re striving to meet and it didn’t adequately account for uncertainty.”

However, he added, “The 1,249 figure, given the gravity of our concerns about the stock and given the need to really try to pull out of this rut, would give the stock a better chance of turning a corner. Still, the difference between the two numbers was within our comfort zone.”

NMFS Northeast Regional Administrator John Bullard said he could support 1,550 mt.

“I think we would have preferred 1,249, but there’s not much difference,” he said. “They’re both unbelievably low numbers that are going to cause incredible hardship. I know the groundfish committee wrestled with this, so if 1,550 is the number you’ve come up with, I’m going to support it.”

Industry members made it clear just how deep the associated hardship would be.

Giacalone said, “This year, catch rates have been low on cod, but catch rates on Cape Cod yellowtail and grey sole have been high. A lot of the guys got by this year because of that combination of flats and cod.

“But now,” he continued, “Cape Cod yellowtail are being cut drastically and grey sole is being cut by more than 50% while the cod quota is being taken off the



Steven Kennedy photo

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—Richie Canastra

table. So it's tough to support a motion that says this is the best we've got, that your only alternative as managers is to collapse the fishery."

Numerous other industry members testified with equal passion.

Gloucester fisherman Joe Orlando challenged the economic data, which indicated Gloucester's fleet could suffer a 33% reduction in revenue.

Given his own allocations, Orlando said, "I'm taking a 90% reduction with all of this, not a 33% reduction. I don't see myself leaving the dock next year, or I might make one trip instead of 20 or 30."

Erik Anderson, president of the New Hampshire Commercial Fishermen's Association, said, "You're sitting here contemplating probably the most disastrous measures that this industry is going to face now and for the future.

"To paraphrase something that was said not by me, but it's relevant to this discussion: 'It's midnight and it's getting darker.' I think that kind of summarizes everything that the council has in front of it this afternoon," Anderson said.

Richie Canastra of the BASE New England auction network asked the council to cast a vote of "no confidence" in the science and the economic analysis.

"What is there to manage if there's no fish and there's no fishermen and there's no industry?" he asked.

Jim Kendall of New Bedford Seafood Consulting followed up.

"If the Magnuson Act is the law of the land, there's got to be room in there for us to say the science needs to be fixed. The process has gone wrong and at some point it has to stop," he said.

Known for her long-standing lack of confidence in the science and the region's federal trawl surveys, Tina Jackson, president of the American Alliance of Fishermen and their Communities, announced that her group had just filed a Freedom of Information Act (FOIA) request to obtain reams of documents related to trawl surveys aboard the Henry Bigelow, Pisces, and Albatross.

These included copies of "original handwritten captains' ship logs," original handwritten documents from the SSC, and a list of all personnel and SSC members who currently are or have been employed by NMFS who worked on the Bigelow or Pisces from 2007 to the present.

In the FOIA, Jackson wrote, "If the current cutbacks are allowed to occur, the entire Northeast groundfish industry will certainly be eliminated, and I feel

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Steven Kennedy photo

From left, Angelo Ciocca and Allyson Jordan listen intently during the NE council cod discussion.

that stock assessments are so important that the release of this information will further public understanding of how stock assessments are made."

"Codfish in trouble"

Following all this public comment, the council resumed its debate over the 1,550 mt Gulf of Maine cod ABC, which it agreed should remain in place for three years, not one, especially since there was little hope that the stock's status would change dramatically any time soon.

Rhode Island council member Dave Preble said, "In all of the testimony I have heard today, the one thing I have not heard anybody say is that there's a lot of codfish. I've heard people talk about the pain that they would suffer, and it's a real thing, but nobody can deny that the codfish are in a lot of trouble."



Steven Kennedy/CFN photo

If someone can find a way through this, if someone can make part of their year groundfishing in the Gulf of Maine next year, then we should provide them with the opportunity to do that.

—Tom Dempsey

lobster pots in Narragansett Bay alone. Now there are none. There are a few whelk traps, that's it. The lobster fishery has been decimated down there because the temperature on the bottom is (too high) for lobster larvae."

Preble said several fishermen had raised this issue with him, wondering if the decline in the lobster population, which preys on codfish, has allowed the cod stock in the area to make a small comeback.

Shut it down

After the discussion had gone on for a while, David Goethel took the extreme step of making a substitute motion to simply shut down the Gulf of Maine for 2013-2015 to all directed groundfish fishing, defined as "all gear capable of catching groundfish." It was a suggestion first raised by the audience during the peak of its frustration.

"This is extinction anyway, so why don't we be upfront about it and just say, 'You're extinct,'" he said. "Then maybe Congress and the fisheries service and all the people who put us in the position of having to vote for extinction will get serious about fixing this problem."

The move immediately raised a host of legal issues, and Frank Blount of Rhode Island and National Oceanic and Atmospheric Administration attorney Gene Martin voiced concerns about the action not being advertised on the council's meeting agenda.

"This is a massive change to the approach we've been talking about that affects sectors of other fisheries that had no clue that this was going to happen," Martin said.

Council Executive Director Paul Howard also noted that under the National Environmental Policy Act, the council would need to conduct a full environmental impact statement (EIS) before shutting down an entire fishery. For Framework Adjustment 50, the council conducted a less extensive environmental assessment (EA), which wouldn't be enough for a complete closure of the Gulf of Maine.

Council member Doug Grout of New Hampshire found this point to be almost laughable.

"This whole framework should require an EIS," he said. "We're going to be closing down communities, and in the case of New Hampshire, we're closing down the whole state's fishery."

"How can we sit here and find 'no significant impact' (the parameter that makes it possible to conduct an EA over an EIS) when an entire state's groundfish fishery is going to be gone?" Grout asked. "How can anyone signing

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Steven Kennedy photo

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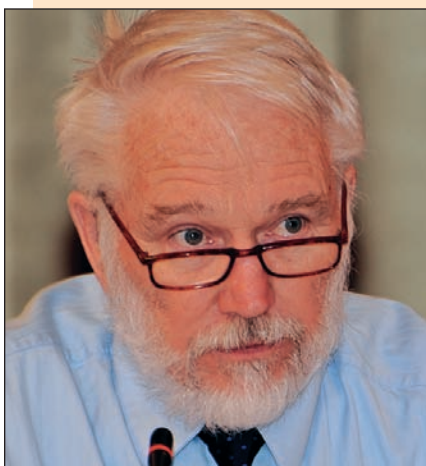
—Laura Ramsden



Steven Kennedy/CFN photo

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—Dave Preble



Steven Kennedy photo

We're going to be closing down communities, and in the case of New Hampshire, we're closing down the whole state's fishery. How can anyone signing that environmental assessment put on a straight face and say, 'There's no significant impact?' It's not reality. It's not fair.

—Doug Grout



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Provide opportunity

Tom Dempsey of Massachusetts said he sympathized with the frustration people were feeling.

"I don't want to pretend that this vote (for 1,550 mt) is easy for anyone. And I won't pretend that simply making these cuts is going to guarantee that the fish are going to come back, cod is going to rebuild, and the future of the fishery is going to be bright," he said.

But Dempsey didn't think a complete shutdown of the Gulf of Maine was the way to go either.

"We have a parallel responsibility to protect the resource and to provide what economic opportunities we possibly can while meeting that first responsibility," he said.

"A shutdown doesn't do that. If someone can find a way through this, if someone can make part of their year groundfishing in the Gulf of Maine next year, then we should provide them with the opportunity to do that," he said.

Massachusetts council member Laura Ramsden, speaking as a seafood processor operating in a world where more than 90% of all seafood consumed in the US comes from imports, said, "We have a healthy stock of redfish and we have a healthy stock of pollock in the Gulf of Maine. We are fighting day in and day out to get those things on the menu to push tilapia off, to push farmed salmon off, and put New England fish on menus.

"Every time we get news reports about disasters and another group putting out another card with everything in New England red-listed, it doesn't help our cause in keeping New England fish marketable," Ramsden said. "So if we're going to shut down the Gulf of Maine and



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—Jim Kendall



take all that fish off the table, we might as well resign ourselves to having all of our seafood come from abroad, and I don't think that's what we want."

Given the legal obstacles to imposing a shutdown, as well as overwhelming opposition to the proposal, Ramsden asked council Chairman Rip Cunningham to "move the question," which ended debate.

The motion failed. Everyone voted no except Goethel, who abstained.

Grout then attempted to substitute the 1,550 mt ABC with 1,249 mt.

"If we're going to be making the cuts that are essentially going to end the

fishery for the vast, vast majority of the people – and I'm not talking about just the commercial fishery, I'm talking about recreational party/charter, too – then let's get to the point we need to be at. It's the same pain."

But this motion also failed, and then the council voted up the 1,550 mt ABC by a 13-to-4 margin.

By then, the council was completely wrung out, and it approved a 2013-2015 ABC of 2,506 mt for Georges Bank cod with little fanfare.

Janice M. Plante

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