



April 20, 2020

100 Davisville Pier
North Kingstown, R.I. 02852 U.S.A.
Tel: (401)295-2585

Dr. Chris Moore, Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE, 19901

Comments Re: MSB FMP Goals/Objectives and Illex Permits Amendment

Dear Chris,

Seafreeze has consistently emphasized to the Council the importance of the illex fishery to our vessels. For example, in 2015, we made it known to the Council that the Deep Sea Coral Amendment had the potential to shut down the illex fishery, which would have devastated our operations. This is not a new reliance by our vessels; it has been a vital part of our operations since 1986. When the Council deliberates on the “importance” of a fishery to participants and vessel “reliance” on a fishery, consistent historic participation, consistent investment, and lack of viable fishery alternatives are the factors which truly determine “importance” and “reliance”.

Seafreeze’s two freezer vessels were built in 1986 and 1987 specifically to target illex in the summer, along with butterfish, mackerel, herring and longfin squid in the winter. At that time, most other vessels in the region were engaging in various other fisheries, and illex was considered an underutilized species. We decided to do something completely different. While other vessels at that time targeted groundfish, fluke, scallops, sea bass, longfin squid, menhaden, whiting, scup, and other species, we invested in illex. We built a plant specifically designed to unload our two freezer vessels. Over time, as we worked to create a place on the world market for US illex, we expanded both our vessels and plant to be able to handle more product. Over the past 30 years, Seafreeze has invested hundreds of millions of dollars into vessels, plants, equipment, packaging, marketing, while taking risks on purchasing and holding frozen product as we worked to develop demand and market for US illex. Some years, we even had to borrow money to pay our employees so we could keep fishing, knowing we needed steady production to develop world markets for our product. Prices for illex were not always high. Fishing conditions were not always good. Investing in this fishery almost put us out of business more than once. But we had made the decision to invest in illex, and we stuck to it. As a result, we lost opportunities and permits in other fisheries. Now our reliance on and opportunity in this fishery has been curtailed by consistent early closures due to an influx of new participants.

From 2017-2019, the illex fishery has been subject to unprecedented early closures three years in a row. As a result, our freezer vessels have been tied to the dock for months at a time. For months at a time, zero fish crosses the Seafreeze Ltd. dock in North Kingstown, RI. We do not have viable alternative fisheries at this time of year. This is why the Public Information Document states in the “Community Impacts” section that *“North Kingsto[w]n substantially more dependent on Illex than any*

other port".¹ Because our vessels freeze at sea and are therefore limited in daily production to what they can freeze, we cannot take advantage of "boom" fishing years which attract additional effort and experience increased landings rates and early closures. On average, our vessels take about 12 trips a year illex fishing. In 2019, they got 7 and 8, respectively. These two vessels that landed 40% of all United States illex over a 20-year period now sit idle. This is unsustainable. Other "new entrant" vessels have fisheries to fall back on after a closure- i.e., the fisheries they have traditionally relied on prior to 2017-2019. We do not. Instead of continuing on illex fishing from summer into fall, as we have traditionally done, we are now forced to tie up and hope that we can keep a crew until the seasons change and other species become available to our offshore vessels.

To emphasize this impact, consider these dates: Following the illex fishery closed on September 15, 2017, our freezer boats were unable to leave on their first trips until November 1, and October 31, respectively. One vessel took a quick reconnaissance trip on October 12, but due to unavailability of other species we target, and the abundance of illex which they would be forced to discard, returned to the dock. Following the illex fishery closure on August 15, 2018, our vessels were tied to the dock until October 21 and October 22, respectively. Following the illex fishery closure on August 21, 2019, our vessels were tied up until October 18 and October 12, respectively. We cannot sustain continued closures and loss of access.

Many years ago, Seafreeze, a historic participant in the mackerel fishery, asked the Council to prevent overcapitalization of that fishery. The Council ignored our input, and input from other historic participants, and the mackerel stock and historic fishery participants suffered as a result. We are requesting that the Council prevent a similar overcapitalization of the illex fishery. Based on the fact that this fishery closed twice before prior to the control date, once in 1998 and once in 2004, this fishery is already fully capitalized by historic participants and cannot handle large influxes of new effort. This is why the 2013 control date was established.

As the Council considers fishery impacts as a result of this action, unintended consequences of inaction or insufficient action should also be considered. Seafreeze vessels were specifically built and designed for offshore fishing. Although we possess longfin squid permits that allow us to fish that species at any time, we have always targeted it offshore in the winter months, and left summer inshore fisheries to smaller, traditional "summer longfin" vessels out of deference for their traditional fisheries and grounds. However, if we continue to experience an influx of participation in the illex fishery from these and other vessels, resulting in earlier and earlier closures, we may in the future have no choice but to engage in the summer longfin squid fishery, which we do not want to do and which will undoubtedly create additional user conflict.

Seafreeze supports a tiered permit system which would utilize Alternative A4, 1997-2013, and Alternative B6, a 1 million lb qualifier, for a Tier 1 permit; and a Tier 2 permit utilizing Alternative A4 1997-2013, and Alternative B5, 500,000 lb qualifier, with Alternative C2, 20,000 lb trip limit. This is similar with Council action in Amendment 21, the longfin squid amendment, which created a Tier 2 permit trip limit that was double the current incidental trip limit, and a Tier 3 incidental trip limit for all other vessels at 10,000 lbs.

However, while not our first choice, Seafreeze is willing to support a good faith compromise put forward by the historic industry participants which would provide more opportunity in Tier 1, Tier 2 and Tier 3 for both historic and recent participation in this fishery, in addition to an incidental category. Therefore, we are willing to compromise by supporting the following qualifiers:

¹ See

<https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/5e722706917eaf13a1bca6d4/1584539433189/Illex+PH-D+2020-03-17.pdf>, p. 47, emphasis added.

1. Tier 1 Permits with a qualifying period of Alternative A4, 1997-2013 and qualifying threshold of B5, 500,000 lbs in a vessel's best year during qualifying time frame.
2. Tier 2 Permits with a qualifying period of Alternative A3, 1997-2018 and qualifying threshold of B3, 100,000 lbs in a vessel's best year during the qualifying time frame, combined with Alternative C3, 48,000 lb trip limit.
3. Tier 3 Permits with a qualifying period of Alternative A3, 1997-2018 and qualifying threshold of 50,000 lbs in any one year, combined with Alternative C2, 20,000 lb trip limit.

We additionally support the following options:

1. Incidental Permits: 10,000 lbs. (Status quo).
2. Fish Hold Measurements: Alternative D2, require volumetric fish hold measurement for limited access illex permits.
3. Incidental Limit with Longfin on Board (New Alternative): Incidental limit of 20,000 lbs of illex when possessing 10,000 lbs or more of longfin squid, when the illex fishery has been closed, to prevent discards. Limited to Tier 1 permits.

We respectfully request that the Council be consistent in its fisheries management decision-making process of traditionally acknowledging historic participation, utilizing control dates for limited access fisheries, and "freezing the footprint" of a fishery.

Additionally, we do not support delaying Final Action on this amendment.

Thank you for the opportunity to comment.

Sincerely,

Meghan Lapp

Fisheries Liaison, Seafreeze Ltd.



April 20, 2020

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North Kingstown, R.I. 02852 U.S.A.
Tel: (401)295-2585**

Dr. Chris Moore, Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE, 19901

Dear Dr. Moore,

We, the undersigned members of the Seafreeze Ltd. sales team, are writing to support the historic illex industry participants' compromise regarding illex permit tiers, fish hold measurements, and other measures. We in the Seafreeze sales department have been working together for decades to develop market share for U.S. illex on the world markets- competing with much larger fisheries and producers.

Despite our U.S. fishery being extremely small compared to similar global fisheries, we were successful over many years of persistent production in all market conditions in developing a demand for our high quality, frozen at sea product on the world market. This took decades of consistent effort, and consistent supply from our vessels.

This has been the case in all market conditions, as U.S. illex fishery prices are primarily at the mercy of world production. For example, for many years, the combined production of the North Pacific *todarodes* squid fishery and Southwest Atlantic Argentinian illex fishery was approximately 400-600,000 mt, and much of the world demand was met by these fisheries. However, the past several years, this production has dropped off significantly, by hundreds of thousands of metric tons, driving up the prices of both U.S. illex as well as other squids. However, regardless of market conditions driven by these other international fisheries, whether they drive the prices or demand for U.S. product up or down, our vessels continue to produce and we continue to develop and maintain markets for our U.S. frozen at sea product.

We would request that the Council consider the importance of the illex fishery to the historic industry participants like Seafreeze who have maintained reliance on this fishery over many years, through the ups and downs of international markets and fishery production. While the size of U.S. fisheries may be insignificant compared to those elsewhere, the markets we have developed for our product over the past three decades has taken significant effort and significant, consistent commitment by our vessels to engage in this fishery.

Thank you for your consideration.

Sincerely,

Chris Joy
James Barbera
Anna Kent



Monday, April 20, 2020

Dr. Chris Moore
Executive Director
Mid-Atlantic Fishery Management Council

RE: MSC Goals and Illex Permits

Dear Dr. Moore,

Thank you for the opportunity to publicly comment regarding the proposed *Illex* squid permitting amendment to the Mackerel, Squid, Butterfish Fishery Management Plan.

I would first like to take this opportunity to introduce myself and my connection to the *Illex* squid fishery. My name is Yonayra Orona and I work for Northern Pelagic Group, LLC- NORPEL in New Bedford, MA as the Office Manager. Over the past several years, NORPEL has become reliant on the *Illex* squid fishery. During the summer months, NORPEL catches, freezes, processes, stores and distributes *Illex* squid. Without *Illex* squid, most of the employees at NORPEL would be laid off, as this is an essential component to our business.

NORPEL employees nearly 100 of the brightest, hardworking and passionate residents of the South Coast of Massachusetts. Further we support local businesses and shoreside services such as trucking companies, gear manufacturers, packaging suppliers, ice houses and so many more.

By removing more participants from the *Illex* squid fishery, I am fearful that many of the fishing vessels who currently provide squid to NORPEL will lose their permits. This will have significantly negative impacts on NORPEL and the community of New Bedford. Maintaining geographic flexibility and maximizing the number of fishing vessels in the *Illex* squid fleet is absolutely vital.

Considering the above, I support the following proposal:

- 1) **Preferred:** No action; requalification of all 76 permits.
- 2) **Preferred Alternative:** Minimal action; full requalification of 51 active permits. This allows for requalification of all active permit holders with more than 50,000 pounds landed in any one year from 1997 to 2019. This essentially eliminates permits for the non-participants in the fishery in the time frame from 1997-2019.
- 3) **Acceptable Alternative:** Should the council insist on a tiered approach, we can support the following:
 - *Tier 1 Classification:* 500,000 pounds best year qualifier 1997-2013; or 1,000,000 lbs. best year qualifier 2014-2019 (+/- 41 permits).



- *Tier 2 Classification:* 100,000 pounds best year qualifier 1997-2019; 90,000 lbs. trip limit; no sub-quota (+/- 7 permits).
- *Tier 3 Classification:* 50,000 pounds best year qualifier; 47,000 lb. trip limit; no sub-quota (+/- 3 permits).
- *Incidental limit:* 10,000 lbs. (+/- 25 permits).
- No new fish-hold capacity limitation.

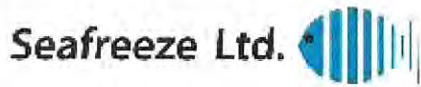
I urge the council to consider the motives behind a requalification amendment, which seeks to remove current active participants from a healthy fishery that supports vessels, shoreside industries and communities from Massachusetts to South Carolina. *Illex* squid is a public resource that vessels should be allowed to pursue in order to provide the greatest net benefit to the nation and not hoarded by a few entities.

Once again, I thank you for the opportunity to comment on this situation.

Sincerely,

A handwritten signature in black ink, appearing to read "Yonayra Orona".

Yonayra Orona
Northern Pelagic Group, LLC - NORPEL



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April 20, 2020

Dr. Chris Moore, Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE, 19901

Dear Dr. Moore,

We, the undersigned captains and crew and staff of the F/V Relentless and F/V Persistence are writing to ask the Council to protect the historic participants of the illex fishery by limiting new entry into this fishery and creating a tiered permit system consistent with the historic illex industry participant compromise, using the 2013 control date for Tier 1 permits, and supporting a fish hold measurement requirement.

All our vessels have done every illex season, year after year, is target and harvest illex. The past three years, early fishery closures due to participation from vessels which have never been active before has had a huge impact on us and our families. Because our vessels are freezer vessels and can only harvest/freeze/produce a certain amount of fish per day as we wait for product to freeze, we are limited in our daily production to an amount equivalent to a much smaller 90-foot fresh production vessel. In most years, this has never been a problem. But in years with unprecedented early closures, like 2017-2019, we get hit hard. We are slow in production because of the fact we are freezing. Some of the new entrant vessels can harvest in a day what it takes us nearly a week to harvest. On years like these, we get penalized, as new entrants produce at much faster rates and resulting early closures eliminate our access to what has always been a traditional fishery for us. Translated into real impacts on our lives, this means: the boats get tied up, and we have no fishing income for months.

The Council should be concerned that this has become "the new normal" for some of the only vessels to participate in the illex fishery every year for over 30 years, and that historic fishermen relying on this resource now have to tell their families they will have no fishing income for long amounts of time every year.

Thank you for your consideration.

Sincerely,


JoAnn Greene, Vessel Manager – F/V Persistence

Sal Carfora, Vessel Captain Kyle Goodwin, Vessel Captain Glenn Goodwin, Vessel Captain

Crew Members: Mike Burnham, Tony Kiernan, Roger Lara, Brandon Roan, Brian Stacy, Dylan Lewis,

John Migliori, Kevin Hillman, Dan Moreland, Dan Brindamour, Matt Terry, Moulay Dos Santos,

Sebastian Furlano, Sean Toomey

Seafreeze Ltd. 

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The Council should be concerned that this has become "the new normal" for some of the only vessels to participate in the illex fishery every year for over 30 years, and that historic fishermen relying on this resource now have to tell their families they will have no fishing income for long amounts of time every year.

Thank you for your consideration.

Sincerely,

JoAnn Greene, Vessel Manager – F/V Relentless



David Fielder, Vessel Captain

Crew Members: Aziz Bensouda, Mike Fagan, Mike Good, James Hudson, Ahmed Hussein, David Langlais, Tom Marshall, Lou Pfanstiehl, Joe Rogers, Eric Spencer, Bill Hay, Cody Henault, Brandon Reynolds, Jay Gardiner

Monday April 20, 2020

Dr. Chris Moore
Executive Director
Mid-Atlantic Fishery Management Council

RE: MSC Goals and Illex Permits

Dear Dr. Moore,

Thank you for the opportunity to publicly comment regarding the proposed illex squid permitting amendment to the Mackerel, Squid, Butterfish Fishery Management Plan.

My name is Eoin Rochford and I work for Northern Pelagic Group, LLC- NORPEL in New Bedford, MA. I have worked for 35 years in different fisheries on the east and west sides of the Atlantic ocean as well as in the Pacific and the Bering Sea. I am always fascinated with fisheries in different parts of the world and how they thrive and decline.

The East coast fisheries, southern New England, Georges banks and the Gulf of Maine are extremely volatile in fish population density from my observation as a commercial fisherman. To try to get answers to this puzzling behavior I have spoken to fish scientists from Wood Hole and Canada. There are many things that influence fish population density but the primary one is food in the ecosystem.

The biggest influence on the food in this region is the gulf stream which is a very warm body of water coming up from the Gulf of Mexico and the very cold Labrador current flowing down from Canada. When the warm and cold waters mix on the shallows (Georges banks and the shelf south of New England) we get huge plankton blooms and micro organism blooms which is a garden of Eden for fish.

When we look at the Illex fishery and the fact the quota was only caught a few times in the last 22 years it could be explained by the fact the conditions were correct to get the squid onto the shelf of Cape May New Jersey these times. The other times the fish could appear at other places on the edge which weren't fishable with RSW boats landing into Cape May due to steaming times being too long.

The historical participants are well organized to take the lions share of the quota because of the size of the boats and the fact Lunds is by far the biggest processor on the east Coast. The quantity of squid the new participants can take is fairly insignificant relative to what the historic participants take. Norpel in conjunction with Town Dock offer the smaller ice boats an opportunity to get a little market share. When the squid stay off New Jersey these boats will have no significant effect on the historic squid boats landing to Lunds or on Lunds operation.

When we look at the Spanish owned Profant operation (Sea Freeze) freezer boats this tells a different story. A freezer boat can go anywhere on the edge the squid show up and fish them effectively. In the low landing years their catch will be bigger because they can follow the squid out to the East when the fresh boats weren't able to go in the past (because they had no market and no where to land). The freezer boats cannot harvest the quota on their own because they don't have the capacity at the moment. Allowing the newer participants can help change this, bring revenue stream into a larger American community which was one of your objectives in the scoping document.

I feel there is a hard quota so there is no danger of over fishing or damaging the fish stocks by allowing new participants. We have seen a warming trend in the ocean which is driving fish species further north. If boats in this area cannot fish unimpeded when the quota isn't harvested it will choke this fishery before it realizes its full potential.

There was a discussion during the public comment period suggesting a tiered approach and hold measurement I am totally against this for economic and safety reasons. The squid are at between 80 and 100 nautical miles from New Bedford at their closest. At 45,000 lb limit it doesn't make economic sense to target these fish because boat expenses are too close to the maximum gross stock. Going forward if any of these boats want to convert to a safe RSW system (where one design away from free surface effect) including present participants measuring the hold could jeopardize this.

Over the past several years, NORPEL has frozen illex squid allowing more participants with ice boats into the fishery. During the summer months, NORPEL catches, freezes, processes, stores and distributes illex squid in conjunction with Town Dock. They have developed new markets which has driven the price of squid up to the boats. It is my opinion and my experience that more participants and more processors from the Carolina's to New England makes for a healthier and robust fishery. The historic participants have benefited from the price increase and if they understood diversification in the market they will see strengthen the price back to the boat going forward.

Considering the above, I support the following proposal:

No Tiers

Incidental Limit: 10,000 lbs

No Hold measurement

We have limits on the boats length and horsepower which is control enough on a fishery.

I urge the council to consider the motives behind a requalification amendment, which seeks to remove current active participants from a healthy fishery that supports vessels, shoreside industries and communities from Massachusetts to South Carolina. Illex squid is a public resource that vessels should be allowed to pursue in order to provide the greatest net benefit to the nation and not hoarded by a few entities.

Once again, I thank you for the opportunity to comment on this situation

Eoin Rochford
Norpel

A handwritten signature in black ink, appearing to read "Eoin Rochford", with a long, sweeping flourish extending to the right.

April 20, 2020



75 State Street, Narragansett, RI 02882

Dr. Chris Moore, Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE, 19901

Dear Dr. Moore,

Seafreeze Shoreside is a dealer/processor located in Point Judith, RI, affiliated with but independent of our sister facility of Seafreeze Ltd. Seafreeze Shoreside offloads fresh product from many independent, owner-operated vessels from up and down the East Coast, in addition to one company-owned historic illex participant vessel starting in late 2019.

This facility was purchased in 2012 and underwent extensive renovation, installed land based freezing capacity, refrigeration systems, and a large ice plant to service customer vessels. This facility was purpose designed specifically to focus on several species, illex being one of them. Millions of dollars were invested to be able to create a quality land frozen product, which is necessary for an easily perishable product such as illex.

These investments and commitments to illex vessels and the product they harvest were made both prior to the 2013 illex control date and the increased illex prices seen over the past couple of years. We are not vested in the illex fishery for short term, opportunistic gain; we are in it for the long haul and have been since our inception.

We believe that providing protection for historic fishery participants who rely on the illex fishery consistently as well as providing opportunity for newer entrants can and should both be accomplished as a result of Council action in the Illex Permit Amendment. We therefore support the historic illex industry compromise options being proposed by Seafreeze Ltd. and other dealer/processors and individual owner/operated illex vessels as a way to achieve these goals.

Thank you for the opportunity to comment.

Sincerely,

Peter Barbera

Ben Barbera

Hector Julian

John Guerrieri

Marvin Gamez

Fabricio Sagastume

Jose Morales

Oscar Estrada

John Tucker

Filo Martinez



Monday, April 20, 2020

Dr. Chris Moore
Executive Director
Mid-Atlantic Fishery Management Council

RE: MSC Goals and Illex Permits

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I would first like to take this opportunity to introduce myself and my connection to the *Illex* squid fishery. My name is Fay Leung and I work for Northern Pelagic Group, LLC- NORPEL in New Bedford, MA as Staff Account. Over the past several years, NORPEL has become reliant on the *Illex* squid fishery. During the summer months, NORPEL catches, freezes, processes, stores and distributes *Illex* squid. Without *Illex* squid, most of the employees at NORPEL would be laid off, as this is an essential component to our business.

NORPEL employees nearly 100 of the brightest, hardworking and passionate residents of the South Coast of Massachusetts. Further we support local businesses and shoreside services such as trucking companies, gear manufacturers, packaging suppliers, ice houses and so many more.

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Considering the above, I support the following proposal:

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- 3) **Acceptable Alternative:** Should the council insist on a tiered approach, we can support the following:
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- *Tier 2 Classification:* 100,000 pounds best year qualifier 1997-2019; 90,000 lbs. trip limit; no sub-quota (+/- 7 permits).
- *Tier 3 Classification:* 50,000 pounds best year qualifier; 47,000 lb. trip limit; no sub-quota (+/- 3 permits).
- *Incidental limit:* 10,000 lbs. (+/- 25 permits).
- No new fish-hold capacity limitation.

I urge the council to consider the motives behind a requalification amendment, which seeks to remove current active participants from a healthy fishery that supports vessels, shoreside industries and communities from Massachusetts to South Carolina. *Illex* squid is a public resource that vessels should be allowed to pursue in order to provide the greatest net benefit to the nation and not hoarded by a few entities.

Once again, I thank you for the opportunity to comment on this situation.

Sincerely,

A handwritten signature in black ink, appearing to read "Fay Leung".

Fay Leung

Northern Pelagic Group, LLC - NORPEL

Dear Council members,

I understand that a tiered system is being discussed by both sides of the industry.

Although I do not believe we should be reducing anyone's access who's been active in this fishery, I will support a plan that fully considers recent participation, which is the time from: 1997-2019.

Drastic action to reduce and/or remove participation is not necessary, due to the state of the species and the size of the fishery. If the stock was in bad health, why did the Council increase the quota last year?

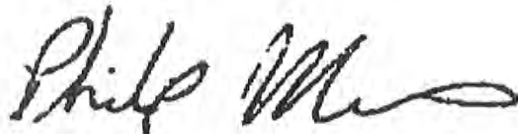
We should be ensuring that the fishing industry has flexibility, not reducing it, especially with a stock that seems healthy and large and fluctuates naturally.

Why do we want to take away access to a fishery that we have already qualified to participate in? This is going to hurt a lot of people.

I hope that the council will realize that removing or reducing access to this fishery is going to hurt captains, crews and fishing communities. Currently, EVERYONE is winning with the increased markets and prices. This amendment is meant to benefit a few big players while cutting out the rest. This is a small enough fishery to begin with, we can all coexist so we can all survive.

Sincerely,

Phil Merris

A handwritten signature in black ink, appearing to read "Phil Merris". The signature is fluid and cursive, with a long horizontal flourish at the end.

FV Excalibur

Dear Council,

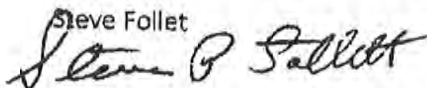
I am once again reaching out to the Council about the Illex Amendment. After listening to several Illex Amendment related calls I still don't see any reason, other than economic, as to why we are trying to remove people from a fishery that have already qualified, especially after listening in on the recent public hearings. Each of these reasons for moving forward as listed in the public hearing can be easily debunked and have been by those in the fishery. It is discouraging that the Council is continuing to move down this road knowing that the real reason for the initiation of this Amendment is solely an economic ploy to reduced competition.

Although I do not believe we should be removing anyone from this fishery it's clear the Council is going to take some action. I support the least restrictive and most inclusive alternative. I will support the Town Dock plan as I see that is it the most fair and inclusive alternative.

The 1997-2019 time frame should be used in ALL alternatives. This is the best and only way to truly include recent participation. It removes those that aren't truly dependent of the fishery and keeps those that are in.

In general, I just cannot understand why we are moving to take permits away from people with a species that is doing just fine. Removing people's current access to a fishery is a dangerous practice. We need access to the fisheries we invested in, NOT less and I've invested, and qualified, for this permit and I think the Town Dock suggestion will serve this industry best.

Sincerely,

Steve Follet


F/V Heather Lynn

HEATHER LYNN INC
DBA F/V HEATHER LYNN
145 Thoreau Ln
Wakefield, Rhode Island 02879
(401) 789-7173

1

302-674-5399



2 State Street | PO Box 608
Narragansett, RI 02882

April 20th 2020

Dear Mid-Atlantic Council,

The significance of this letter is to support and bring light to the issues surrounding Illex permitting and the effects the raw material has had on our domestic sales program.

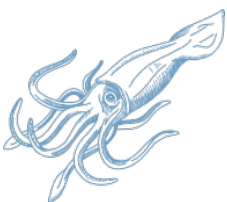
The Town Dock began selling Illex into the foodservice and retail channels in mid 2017. The program was a success to start and has shown significant growth over the past two years. In 2019 we were able to build a national awareness around Illex squid as a finished processed good for foodservice that would stand on its own against not only the imported markets but against the much more widely accepted Loligo squid.

We have grown a following in both foodservice and retail for the Illex species and have now gotten many of our customers to ask for Illex specifically due to the MSC certifications, great flavor profile and taste as well as the pricing differentiation when buying a USA raw material against loligo. This program has been not only significant for Town Dock's growth but the progression and growth of the fishery in general.

Drawing more light to the way in which the US consumes squid is a major initiative for Town Dock in 2020 and beyond. We want to have the best tools to do so and Illex is a very important tool for our company to accomplish that goal. Bringing heightened awareness to squid in general will help increase consumption, bringing more jobs to processors, more trips to boat and permit owners and bring a domestic product to a higher light nationally that we can all benefit from.

I support the Illex Coalition's suggestions, which are the following:

- 1) **Preferred:** No action; requalification of all 76 permits.
- 2) **Preferred Alternative:** Minimal action; full requalification of 51 active permits. This allows for requalification of all active permit holders with more than 50,000 pounds landed in any one year from 1997 to 2019. This essentially eliminates permits for the non-participants in the fishery in the time frame from 1997-2019.
- 3) **Acceptable Alternative:** Should the council insist on a tiered approach, we can support the following:
 - *Tier 1 Classification:* 500,000 pounds best year qualifier 1997-2013; or 1,000,000 pounds best year qualifier 2014-2019 (+/- 41 permits).



TOWNDOCK.COM
INFO@TOWNDOCK.COM
PH 401-789-2200 | FAX 401-782-4421



2 State Street | PO Box 608
Narragansett, RI 02882

- *Tier 2 Classification:* 100,000 pounds best year qualifier 1997-2019; 90,000 pound trip limit; no sub-quota (+/- 7 permits).
- *Tier 3 Classification:* 50,000 pounds best year qualifier; 47,000 lb. trip limit; no sub-quota (+/- 3 permits).
- *Incidental limit:* 10,000 pounds (+/- 25 permits).
- No new fish-hold capacity limitation.

Cordially,

Justin Hamilton
Vice President of Sales and Marketing



TOWNDOCK.COM
INFO@TOWNDOCK.COM
PH 401-789-2200 | FAX 401-782-4421



Monday, April 20, 2020

Dr. Chris Moore
Executive Director
Mid-Atlantic Fishery Management Council

RE: MSB Goals and Illex Permits

Dear Dr. Moore,

Thank you for the opportunity to publicly comment regarding the proposed *Illex* squid permitting amendment to the Mackerel, Squid, Butterfish Fishery Management Plan.

I would first like to take this opportunity to introduce myself and my connection to the *Illex* squid fishery. My name is Robert Randall and I work for Northern Pelagic Group, LLC- NORPEL in New Bedford, MA as the Human Resources Manager. Over the past several years, NORPEL has become reliant on the *Illex* squid fishery. During the summer months, NORPEL catches, freezes, processes, stores and distributes *Illex* squid. Without *Illex* squid, most of the employees at NORPEL would be laid off, as this is an essential component to our business.

NORPEL employees nearly 100 of the brightest, hardworking and passionate residents of the South Coast of Massachusetts. Further we support local businesses and shoreside services such as trucking companies, gear manufacturers, packaging suppliers, ice houses and so many more.

By removing more participants from the *Illex* squid fishery, I am fearful that many of the fishing vessels who currently provide squid to NORPEL will lose their permits. This will have significantly negative impacts on NORPEL and the community of New Bedford. Maintaining geographic flexibility and maximizing the number of fishing vessels in the *Illex* squid fleet is absolutely vital.

Considering the above, I support the following proposal:

- 1) **Preferred:** No action; requalification of all 76 permits.
- 2) **Preferred Alternative:** Minimal action; full requalification of 51 active permits. This allows for requalification of all active permit holders with more than 50,000 pounds landed in any one year from 1997 to 2019. This essentially eliminates permits for the non-participants in the fishery in the time frame from 1997-2019.
- 3) **Acceptable Alternative:** Should the council insist on a tiered approach, we can support the following:
 - *Tier 1 Classification:* 500,000 pounds best year qualifier 1997-2013; or 1,000,000 lbs. best year qualifier 2014-2019 (+/- 41 permits).



- *Tier 2 Classification:* 100,000 pounds best year qualifier 1997-2019; 90,000 lbs. trip limit; no sub-quota (+/- 7 permits).
- *Tier 3 Classification:* 50,000 pounds best year qualifier; 47,000 lb. trip limit; no sub-quota (+/- 3 permits).
- *Incidental limit:* 10,000 lbs. (+/- 25 permits).
- No new fish-hold capacity limitation.

I urge the council to consider the motives behind a requalification amendment, which seeks to remove current active participants from a healthy fishery that supports vessels, shoreside industries and communities from Massachusetts to South Carolina. *Illex* squid is a public resource that vessels should be allowed to pursue in order to provide the greatest net benefit to the nation and not hoarded by a few entities.

Once again, I thank you for the opportunity to comment on this situation.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Randall", is written over the word "Sincerely".

Robert Randall

Northern Pelagic Group, LLC - NORPEL



Monday, April 20, 2020

Dr. Chris Moore
Executive Director
Mid-Atlantic Fishery Management Council

RE: MSC Goals and Illex Permits

Dear Dr. Moore,

Thank you for the opportunity to publicly comment regarding the proposed *Illex* squid permitting amendment to the Mackerel, Squid, Butterfish Fishery Management Plan.

I would first like to take this opportunity to introduce myself and my connection to the *Illex* squid fishery. My name is Michael Tierney and I work for Northern Pelagic Group, LLC- NORPEL in New Bedford, MA as the Vice President of Business Development. Over the past several years, NORPEL has become reliant on the *Illex* squid fishery. During the summer months, NORPEL catches, freezes, processes, stores and distributes *Illex* squid. Without *Illex* squid, most of the employees at NORPEL would be laid off, as this is an essential component to our business.

NORPEL employees nearly 100 of the brightest, hardworking and passionate residents of the South Coast of Massachusetts. Further we support local businesses and shoreside services such as trucking companies, gear manufacturers, packaging suppliers, ice houses and so many more.

By removing more participants from the *Illex* squid fishery, I am fearful that many of the fishing vessels who currently provide squid to NORPEL will lose their permits. This will have significantly negative impacts on NORPEL and the community of New Bedford. Maintaining geographic flexibility and maximizing the number of fishing vessels in the *Illex* squid fleet is absolutely vital.

Considering the above, I support the following proposal:

- 1) **Preferred:** No action; requalification of all 76 permits.
- 2) **Preferred Alternative:** Minimal action; full requalification of 51 active permits. This allows for requalification of all active permit holders with more than 50,000 pounds landed in any one year from 1997 to 2019. This essentially eliminates permits for the non-participants in the fishery in the time frame from 1997-2019.
- 3) **Acceptable Alternative:** Should the council insist on a tiered approach, we can support the following:
 - *Tier 1 Classification:* 500,000 pounds best year qualifier 1997-2013; or 1,000,000 lbs. best year qualifier 2014-2019 (+/- 41 permits).



- *Tier 2 Classification:* 100,000 pounds best year qualifier 1997-2019; 90,000 lbs. trip limit; no sub-quota (+/- 7 permits).
- *Tier 3 Classification:* 50,000 pounds best year qualifier; 47,000 lb. trip limit; no sub-quota (+/- 3 permits).
- *Incidental limit:* 10,000 lbs. (+/- 25 permits).
- No new fish-hold capacity limitation.

I urge the council to consider the motives behind a requalification amendment, which seeks to remove current active participants from a healthy fishery that supports vessels, shoreside industries and communities from Massachusetts to South Carolina. *Illex* squid is a public resource that vessels should be allowed to pursue in order to provide the greatest net benefit to the nation and not hoarded by a few entities.

Once again, I thank you for the opportunity to comment on this situation.

Sincerely,

A handwritten signature in black ink that reads "Michael Tierney". The signature is written in a cursive, flowing style.

Michael Tierney
Northern Pelagic Group, LLC - NORPEL

Name: Meade Amory

Email: meade@amoryseafood.com

Comments: Our company has been packing illex squid each summer for over 30 years and it is a vital part the economy for this community. From June through September we stay busy packing Ilex until the other fishing seasons start up again in the Fall. The public hearing document briefly touches on community impact of potential redistribution. Kingston RI and Cape May NJ have the largest percent of landings, but Hampton Virginia has a just as much a dependence on Ilex. We might have smaller amount, but that amount is directly responsible for 50 + people that rely solely on the Ilex from June through September. We have lost a 30 -45 days of work over the last couple years because the quota has been reached.

In early 2012 we bought a boat, permit and RSW system specifically for getting into the Ilex fishery. It took us over a year and a lot more money then we thought to get the boat rebuilt and ready for fishing. We were late getting started and landed our first trip on July 1 2013. It was not a great season and we only landed a little over 200,000 lbs. As it stands now a proposed qualifier at 500,000 lbs. (B5) from 97 - 13 (A4) does not work for us. However, based on language that was in the original Ilex qualification criteria there appears to be strong president to allow similar language in this amendment. I would propose language like this: A vessel that was under construction for , or was being re-rigged for use in the directed Ilex fishery during the year leading up to the control date shall qualify for a Tier 1 permit if more than 300,000 lbs. of Ilex were landed by that vessel during the 2014 season.

OR,

Another option for Tier 1 would be to add year 2014-2019 with landings of over 1,000,000. lbs. in addition to the 97-13 / 500,000 lbs. (A5 with B5/B6)

We also bought another boat in 2016 and had significant Ilex landings in 2017 and 2018. As much as we would like to see this permit also qualify for Tier 1, we will support using alternatives A2 and B4 that would establish a Tier 2 permit. It is very important that the Tier 2 permits be allowed to land enough volume to be viable. 47,000 lbs. is to low and 124,000 lbs. is to high. I would suggest 85,000. lbs. (C5) landing limit for the Tier 2 qualifiers.

(Sent via [Mid-Atlantic Fishery Management Council](#))

Name: James Lopes

Email: JML@NORPEL.COM

Comments: Monday, April 20, 2020

Dr. Chris Moore
Executive Director
Mid-Atlantic Fishery Management Council

RE: MSB Goals and Illex Permits

Dear Dr. Moore,

Thank you for the opportunity to publicly comment regarding the proposed Illex squid permitting amendment to the Mackerel, Squid, Butterfish Fishery Management Plan.

I would first like to take this opportunity to introduce myself and my connection to the Illex squid fishery. My name is Jim Lopes and I work for Northern Pelagic Group, LLC- NORPEL in New Bedford, MA as the Operations Director. Over the past several years, NORPEL has become reliant on the Illex squid fishery. During the summer months, NORPEL catches, freezes, processes, stores and distributes Illex squid. Without Illex squid, most of the employees at NORPEL would be laid off, as this is an essential component to our business.

NORPEL employees nearly 100 of the brightest, hardworking and passionate residents of the South Coast of Massachusetts. Further we support local businesses and shoreside services such as trucking companies, gear manufacturers, packaging suppliers, ice houses and so many more.

By removing more participants from the Illex squid fishery, I am fearful that many of the fishing vessels who currently provide squid to NORPEL will lose their permits. This will have significantly negative impacts on NORPEL and the community of New Bedford. Maintaining geographic flexibility and maximizing the number of fishing vessels in the Illex squid fleet is absolutely vital.

Considering the above, I support the following proposal:

- 1) Preferred: No action; requalification of all 76 permits.
- 2) Preferred Alternative: Minimal action; full requalification of 51 active permits. This allows for requalification of all active permit holders with more than 50,000 pounds landed in any one year from 1997 to 2019. This essentially eliminates permits for the non-participants in the fishery in the time frame from 1997-2019.
- 3) Acceptable Alternative: Should the council insist on a tiered approach, we can support the following:
 - Tier 1 Classification: 500,000 pounds best year qualifier 1997-2013; or 1,000,000 lbs. best year qualifier 2014-2019 (+/- 41 permits).
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- Tier 3 Classification: 50,000 pounds best year qualifier; 47,000 lb. trip limit; no sub-quota (+/- 3 permits).
- Incidental limit: 10,000 lbs. (+/- 25 permits).
- No new fish-hold capacity limitation.

I urge the council to consider the motives behind a requalification amendment, which seeks to remove current active participants from a healthy fishery that supports vessels, shoreside industries and communities from Massachusetts to South Carolina. Illex squid is a public resource that vessels should be allowed to pursue in order to provide the greatest net benefit to the nation and not hoarded by a few entities.

Once again, I thank you for the opportunity to comment on this situation.

Sincerely,

James Lopes
Northern Pelagic Group, LLC - NORPEL

I am in support of the most stringent historical based permitting action, being a multigenerational participant in the offshore lobster fishery. The recent mass arrival of vessels into the illex fishery has negatively impacted our fishery. In the last two seasons we have sustained a massive increase in gear loss and lost revenue. New vessels have been incapable of adhering to the historical agreements the original participants of these two fisheries have laid out to insure such conflicts/losses never happen.

Roy V. Campanale Jr.

Sent from my iPhone



Managing the Needs of our Customers Through our Commitment to Sustainable Fisheries

Email indicated from Brett Anderson , SunCoast Calamari

April 20, 2020

Dr. Chris Moore, Executive Director

800 North State Street, Suite 20, Dover, DE 19901

Re: Illex Permits Amendment - By email: cmoore@mafmc.org

Dear Dr. Moore:

Our company, _____, located in _____ assists Lund's Fisheries with our _____ services year-round. Our business has been supported by Lund's Fisheries' success since _____. During the summer months, Lund's Fisheries has depended upon the Illex squid fishery since the early 1980's. For many years, the Illex fishery has employed Cape May boats, the Lund's plant and other independent fishermen operating in the Port of Cape May throughout the months of May through November. Over the last three years, however, with an increase in the number of boats coming into the fishery from other areas on the coast, the fishery has closed in late summer, which has negatively impacted our ability to continue to serve the company throughout the summer and into early fall and negatively affecting our business.

We are writing to join Lund's Fisheries in supporting the Historical Participants' Illex Tiered Permit System Compromise, using the Council's August 2, 2013 control date, which was reaffirmed by the Council prior to the start of the 2019 fishing year. This compromise, by those vessels and plants that have consistently relied on this fishery would fully qualify 34 'Tier 1' permits even though only 14 vessels harvested more than 500,000 pounds of Illex in 2017, increasing to 19 in 2018 and 26 in 2019. With the early closure in 1998, only 25 boats landed this amount with just 23 active at that level of harvest in the early closure of the 2004 fishery. The compromise Tier 2 proposal puts another 14 boats into the fishery. In the interest of our business' long-term success, we ask the Council to act to limit the number of participants in this fishery, before other Illex permits are also activated, potentially creating a one-month fishery.

Lund's Fisheries was the first company on this coast to invest in a factory and vessels to catch, process and sell large volumes of 'underutilized fisheries', including Illex squid, for U.S. and world markets that depend upon the highest quality products. The company's investments have helped several historical, independent fishermen become successful in this fishery and supported our business success at the same time.

We encourage the Council to consider the Port of Cape May's historical dependence on this fishery, which will help to maintain Cape May County and related New Jersey jobs. In a community where there are few year-round jobs, employment in the Illex fishery throughout the summer and fall months helps to support many other local businesses including ours. We ask the Council to support the Tiered permit system compromise put forward by the historic participants in the Cape May Illex fishery and other dependent ports. Thank you for the opportunity to comment.

Signature / date _____

Name and address _____

LUND'S FISHERIES



Wild caught product of USA

Managing the Needs of our Customers Through our Commitment to Sustainable Fisheries

April 20, 2020

Dr. Chris Moore, Executive Director
800 North State Street, Suite 20, Dover, DE 19901
Re: Illex Permits Amendment - By email: cmoore@mafmc.org

Dear Dr. Moore:

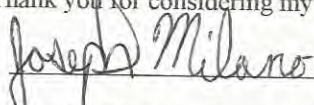
I, **Joseph Milano**, am an employee of Lund's Fisheries, a family-owned company producing seafood in Cape May, NJ since 1954. I have worked here since 2017 and rely on hours the busy squid season to help sustain me throughout the year. During summer, we have depended upon the Illex squid fishery since the early 1980's, exporting our first container of squid in 1985. Historically, we have taken part in the Illex fishery during the months of May through November although the fishery has closed in late summer during the last three years as many new vessels have entered the fishery, which has negatively impacted our ability to fish and keep employees working in the plant throughout the summer and into early fall.

Our company supports the Historical Participants' Illex Tiered Permit System Compromise, using the Council's August 2, 2013 control date, which was reaffirmed by the Council prior to the start of the 2019 fishing year. This generous compromise by those who have consistently relied on this fishery would fully qualify 34 'Tier 1' permits even though only 14 vessels harvested more than 500,000 pounds of Illex in 2017, increasing to 19 in 2018 and 26 in 2019. With the early closure in 1998, only 25 boats landed this amount with just 23 active at that level of harvest in the early closure of the 2004 fishery. The compromise Tier 2 proposal puts another 14 boats into the fishery. It is important that the Council act to limit the number of participants in this fishery, before the 25 other Illex permits are also activated, potentially creating a one-month fishery.

Lund's Fisheries was the first company on this coast to invest in a factory and vessels to catch, process and sell large volumes of what were formerly considered underutilized fisheries, including Illex squid. Over the years, this investment has allowed Cape May to become the number one Illex-producing port on the East Coast and we have helped several historical, independent fishermen become successful in this fishery.

Community impacts have largely been ignored in managing fisheries on this coast and we encourage the Council to consider our historical dependence on this fishery, which will help to maintain the jobs that our plant and cold-storage workers, fishing crews, and truckers depend upon. In a community where there are few year-round jobs, employment in the Illex fishery helps to support local supermarkets and other fishing-related businesses like gear stores and fuel suppliers and supports our local housing market. I ask the Council to support the Tiered permit system compromise put forward by the historic participants in the Cape May Illex fishery. Thank you for considering my comments.

Signature / date

 4/20/20

Name and address

Joseph Milano 23 Southern Shore Dr. Cape May Court House 08210

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Managing the Needs of our Customers Through our Commitment to Sustainable Fisheries

April 20, 2020

Dr. Chris Moore, Executive Director
800 North State Street, Suite 20, Dover, DE 19901
Re: Illex Permits Amendment - By email: cmoore@mafmc.org

Dear Dr. Moore:

I'm David Jorgenson and I have been employed here since 2002. I used to be a commercial fisherman and when I decided to take a land based job I came here. It's one of the only year round jobs in this area. I depend on this company and the fish that it processes for my way of life. Please don't take that away from me.

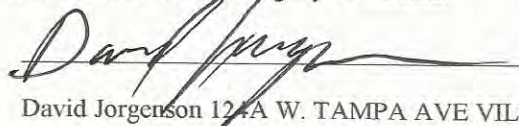
Historically, we have taken part in the Illex fishery during the months of May through November although the fishery has closed in late summer during the last three years as many new vessels have entered the fishery, which has negatively impacted our ability to fish and keep employees working in the plant throughout the summer and into early fall.

Our company supports the Historical Participants' Illex Tiered Permit System Compromise, using the Council's August 2, 2013 control date, which was reaffirmed by the Council prior to the start of the 2019 fishing year. This generous compromise by those who have consistently relied on this fishery would fully qualify 34 'Tier 1' permits even though only 14 vessels harvested more than 500,000 pounds of Illex in 2017, increasing to 19 in 2018 and 26 in 2019. With the early closure in 1998, only 25 boats landed this amount with just 23 active at that level of harvest in the early closure of the 2004 fishery. The compromise Tier 2 proposal puts another 14 boats into the fishery. It is important that the Council act to limit the number of participants in this fishery, before the 25 other Illex permits are also activated, potentially creating a one-month fishery.

Lund's Fisheries was the first company on this coast to invest in a factory and vessels to catch, process and sell large volumes of what were formerly considered underutilized fisheries, including Illex squid. Over the years, this investment has allowed Cape May to become the number one Illex-producing port on the East Coast and we have helped several historical, independent fishermen become successful in this fishery.

Community impacts have largely been ignored in managing fisheries on this coast and we encourage the Council to consider our historical dependence on this fishery, which will help to maintain the jobs that our plant and cold-storage workers, fishing crews, and truckers depend upon. In a community where there are few year-round jobs, employment in the Illex fishery helps to support local supermarkets and other fishing-related businesses like gear stores and fuel suppliers and supports our local housing market. I ask the Council to support the Tiered permit system compromise put forward by the historic participants in the Cape May Illex fishery. Thank you for considering my comments.

Signature / date

 4/20/20

Name and address

David Jorgenson 124A W. TAMPA AVE VILLAS NJ 08251

LUND'S FISHERIES



Wild caught product of USA

Managing the Needs of our Customers Through our Commitment to Sustainable Fisheries

April 20, 2020

Dr. Chris Moore, Executive Director
800 North State Street, Suite 20, Dover, DE 19901
Re: Illex Permits Amendment - By email: cmoore@mafmc.org

Dear Dr. Moore:

My name is Louis Gracia and I have been employed here since 2009. During summer, we have depended upon the Illex squid fishery since the early 1980's, exporting our first container of squid in 1985. Historically, we have taken part in the Illex fishery during the months of May through November although the fishery has closed in late summer during the last three years as many new vessels have entered the fishery, which has negatively impacted our ability to fish and keep employees working in the plant throughout the summer and into early fall.

Our company supports the Historical Participants' Illex Tiered Permit System Compromise, using the Council's August 2, 2013 control date, which was reaffirmed by the Council prior to the start of the 2019 fishing year. This generous compromise by those who have consistently relied on this fishery would fully qualify 34 'Tier 1' permits even though only 14 vessels harvested more than 500,000 pounds of Illex in 2017, increasing to 19 in 2018 and 26 in 2019. With the early closure in 1998, only 25 boats landed this amount with just 23 active at that level of harvest in the early closure of the 2004 fishery. The compromise Tier 2 proposal puts another 14 boats into the fishery. It is important that the Council act to limit the number of participants in this fishery, before the 25 other Illex permits are also activated, potentially creating a one-month fishery.

Lund's Fisheries was the first company on this coast to invest in a factory and vessels to catch, process and sell large volumes of what were formerly considered underutilized fisheries, including Illex squid. Over the years, this investment has allowed Cape May to become the number one Illex-producing port on the East Coast and we have helped several historical, independent fishermen become successful in this fishery.

Community impacts have largely been ignored in managing fisheries on this coast and we encourage the Council to consider our historical dependence on this fishery, which will help to maintain the jobs that our plant and cold-storage workers, fishing crews, and truckers depend upon. In a community where there are few year-round jobs, employment in the Illex fishery helps to support local supermarkets and other fishing-related businesses like gear stores and fuel suppliers and supports our local housing market. I ask the Council to support the Tiered permit system compromise put forward by the historic participants in the Cape May Illex fishery. Thank you for considering my comments.

Signature / date

4/20/20

Name and address

Louis Gracia 713 Hughes Ave North Cape May 08204

LUND'S FISHERIES



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Managing the Needs of our Customers Through our Commitment to Sustainable Fisheries

April 19, 2020

Dr. Chris Moore, Executive Director
800 North State Street, Suite 20, Dover, DE 19901
Re: Illex Permits Amendment - By email: cmoore@mafmc.org

Dear Dr. Moore:

My name is Scott Snyder and I am an employee of Lund's Fisheries. I have been a part of this company since June of 2005. I have come to depend on the income generated during the Illex season to help sustain my family through the slower fishing seasons. Lund's Fisheries is one of the few year round, full time employers in this area and I believe it would be detrimental to the community and the company should we lose a significant portion of our business.

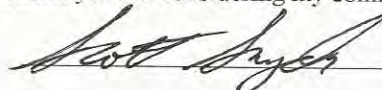
Historically, we have taken part in the Illex fishery during the months of May through November although the fishery has closed in late summer during the last three years as many new vessels have entered the fishery, which has negatively impacted our ability to fish and keep employees working in the plant throughout the summer and into early fall.

Our company supports the Historical Participants' Illex Tiered Permit System Compromise, using the Council's August 2, 2013 control date, which was reaffirmed by the Council prior to the start of the 2019 fishing year. This generous compromise by those who have consistently relied on this fishery would fully qualify 34 'Tier 1' permits even though only 14 vessels harvested more than 500,000 pounds of Illex in 2017, increasing to 19 in 2018 and 26 in 2019. With the early closure in 1998, only 25 boats landed this amount with just 23 active at that level of harvest in the early closure of the 2004 fishery. The compromise Tier 2 proposal puts another 14 boats into the fishery. It is important that the Council act to limit the number of participants in this fishery, before the 25 other Illex permits are also activated, potentially creating a one-month fishery.

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Community impacts have largely been ignored in managing fisheries on this coast and we encourage the Council to consider our historical dependence on this fishery, which will help to maintain the jobs that our plant and cold-storage workers, fishing crews, and truckers depend upon. In a community where there are few year-round jobs, employment in the Illex fishery helps to support local supermarkets and other fishing-related businesses like gear stores and fuel suppliers and supports our local housing market. I ask the Council to support the Tiered permit system compromise put forward by the historic participants in the Cape May Illex fishery. Thank you for considering my comments.

Signature / date

 4/19/20

Name and address

Scott Snyder 244 E. Hudson Ave. Villas NJ 08251

LUND'S FISHERIES



Wild caught product of USA

Managing the Needs of our Customers Through our Commitment to Sustainable Fisheries

April 20, 2020

Dr. Chris Moore, Executive Director
800 North State Street, Suite 20, Dover, DE 19901
Re: Illex Permits Amendment - By email: cmoore@mafmc.org

Dear Dr. Moore:

36 years ago I started my employment at Lund's Fisheries, a family-owned company producing seafood in Cape May, NJ since 1954. During summer, we have depended upon the Illex squid fishery since the early 1980's, exporting our first container of squid in 1985. Historically, we have taken part in the Illex fishery during the months of May through November although the fishery has closed in late summer during the last three years as many new vessels have entered the fishery, which has negatively impacted our ability to fish and keep employees working in the plant throughout the summer and into early fall.

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Community impacts have largely been ignored in managing fisheries on this coast and we encourage the Council to consider our historical dependence on this fishery, which will help to maintain the jobs that our plant and cold-storage workers, fishing crews, and truckers depend upon. In a community where there are few year-round jobs, employment in the Illex fishery helps to support local supermarkets and other fishing-related businesses like gear stores and fuel suppliers and supports our local housing market. I ask the Council to support the Tiered permit system compromise put forward by the historic participants in the Cape May Illex fishery. Thank you for considering my comments.

Signature / date

William J Weiser 4/20/20

Name and address

William J Weiser 11 N. 14th St. Del Haven NJ 08251

LUND'S FISHERIES



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Managing the Needs of our Customers Through our Commitment to Sustainable Fisheries

April 20, 2020

Dr. Chris Moore, Executive Director
800 North State Street, Suite 20, Dover, DE 19901
Re: Illex Permits Amendment - By email: cmoore@mafmc.org

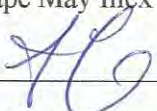
Dear Dr. Moore:

Hello I'm Andrew and I started working for Lund's Fisheries 2 years ago, a family-owned company producing seafood in Cape May, NJ since 1954. I depend on Lund's business to feed my family. Since being employed at Lund's, I could quit my 2nd job and afford to live off of Lund's employment. During summer, we have depended upon the Illex squid fishery since the early 1980's, exporting our first container of squid in 1985. Historically, we have taken part in the Illex fishery during the months of May through November although the fishery has closed in late summer during the last three years as many new vessels have entered the fishery, which has negatively impacted our ability to fish and keep employees working in the plant throughout the summer and into early fall.

Our company supports the Historical Participants' Illex Tiered Permit System Compromise, using the Council's August 2, 2013 control date, which was reaffirmed by the Council prior to the start of the 2019 fishing year. This generous compromise by those who have consistently relied on this fishery would fully qualify 34 'Tier 1' permits even though only 14 vessels harvested more than 500,000 pounds of Illex in 2017, increasing to 19 in 2018 and 26 in 2019. With the early closure in 1998, only 25 boats landed this amount with just 23 active at that level of harvest in the early closure of the 2004 fishery. The compromise Tier 2 proposal puts another 14 boats into the fishery. It is important that the Council act to limit the number of participants in this fishery, before the 25 other Illex permits are also activated, potentially creating a one-month fishery.

Lund's Fisheries was the first company on this coast to invest in a factory and vessels to catch, process and sell large volumes of what were formerly considered underutilized fisheries, including Illex squid. Over the years, this investment has allowed Cape May to become the number one Illex-producing port on the East Coast and we have helped several historical, independent fishermen become successful in this fishery. Community impacts have largely been ignored in managing fisheries on this coast and we encourage the Council to consider our historical dependence on this fishery, which will help to maintain the jobs that our plant and cold-storage workers, fishing crews, and truckers depend upon. In a community where there are few year-round jobs, employment in the Illex fishery helps to support local supermarkets and other fishing-related businesses like gear stores and fuel suppliers and supports our local housing market. I ask the Council to support the Tiered permit system compromise put forward by the historic participants in the Cape May Illex fishery. Thank you for considering my comments.

Signature / date

 4/20/20

Name and address

ANDREW CAPSON 33 PINE STREET
C.M.C.H NJ 08210

LUND'S FISHERIES



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Managing the Needs of our Customers Through our Commitment to Sustainable Fisheries

April 20, 2020

Dr. Chris Moore, Executive Director
800 North State Street, Suite 20, Dover, DE 19901
Re: Illex Permits Amendment - By email: cmoore@mafmc.org

Dear Dr. Moore:

4 years ago I started my employment at Lund's Fisheries, a family-owned company producing seafood in Cape May, NJ since 1954. I depend on Lund's business to feed my family/Wife. Since being employed at Lund's I could retire my wife and afford to live off of Lund's employment. During summer, we have depended upon the Illex squid fishery since the early 1980's, exporting our first container of squid in 1985. Historically, we have taken part in the Illex fishery during the months of May through November although the fishery has closed in late summer during the last three years as many new vessels have entered the fishery, which has negatively impacted our ability to fish and keep employees working in the plant throughout the summer and into early fall.

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Signature / date

Ronald Lewandowski 4-20-2020

Name and address

Ronald Lewandowski
1402 RT 9, So. Lot 104
Cape May Pt, HSE. N.J. 08210

LUND'S FISHERIES

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Managing the Needs of our Customers Through our Commitment to Sustainable Fisheries

April 20, 2020

Dr. Chris Moore, Executive Director
800 North State Street, Suite 20, Dover, DE 19901
Re: Illex Permits Amendment - By email: cmoore@mafmc.org

Dear Dr. Moore:

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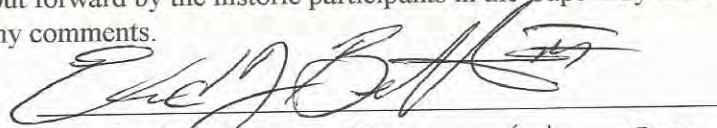
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Signature / date

Name and address



Edward Bennett 83 West Hudson Ave
Villas N.J.

LUND'S FISHERIES

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Managing the Needs of our Customers Through our Commitment to Sustainable Fisheries

April 20, 2020

Dr. Chris Moore, Executive Director
800 North State Street, Suite 20, Dover, DE 19901
Re: Illex Permits Amendment - By email: cmoore@mafmc.org

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Signature / date

 04/16/20

Name and address

Milne McCarthy 320 Breakwater Rd
APT 1

LUND'S FISHERIES



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April 20, 2020

Dr. Chris Moore, Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201, Dover DE, 19901
By email: cmoore@mafmc.org
Re: Illex Permits Amendment

Dear Dr. Moore:

Thank you for the opportunity to comment on this amendment.

As usual, and as we have all experienced many times over, the process of limiting access, whether initially in virgin species management plans, or subsequently in more mature fisheries, is always difficult and contentious, and always hard for council members who are constantly being lobbied by participants or potential participants. This Illex process follows a very long list of actions that have been taken in other fisheries, some in timely fashion, that have preserved and protected investments made by people in those fisheries historically, and some decisions that have decidedly NOT protected those historical participants and have resulted in overfished fisheries in which ALL permit holders are eventually disadvantaged, some to a much greater extent than others.

There have been many comments about reaching OY, and the need for more boats to reach OY. The reality is, and has proven to be historically, that just the boats that would qualify under a 1997 to 2013, 500,000 pound qualifier are more than we need to catch the current quota and any likely, increased quota in the future. There is historical proof of this; the Council has done the analysis. In fact, those 34 vessels as they are configured today have a much GREATER capacity to catch the quota than they did prior to the 2013 control date.

In MOST years prior to the control date, especially the 8/10 years prior to the recent boom in catches, the squid wasn't there like it's been recently. Even though I am not a fisherman, I'm smart enough to know that you can't catch what's not there, no matter how many boats you put on the grounds. This changed starting in 2017. The squid, for some reason, has been available up and down the coast like we've very seldom seen in the past AND, at the same time, due to low catches in the South Atlantic Illex Fisheries and North Pacific *Todarodes* fisheries, combined with tariffs on imported squid of 25 – 35%, prices AND demand has risen sharply, both domestically and internationally. It's been a perfect storm of positive events that seldom happens in fisheries of any kind.

These events have also helped open the market for cleaned Illex domestically, again, and I would like to remind the Council that there is more than one company producing this product for the US market. In fact this is not the FIRST time there has been a significant domestic market for cleaned Illex. Ruggiero Seafoods was cleaning and selling cleaned Illex into the domestic market years ago, way before anyone else was. There's no magic, or new process, to this domestic cleaned squid business.

As several colleagues have previously stated, many historical Illex vessels are disadvantaged in years of abundance. Many of these boats have, at most, three or four other fisheries that they qualify for, and of those fisheries, several have recently received huge quota cuts. Many of these boats are definitely tied up for long periods of time when the Illex fishery closes early. This is not a new phenomenon; it happened before the control date as well, when the historic smaller boat fleet was activated in years of high abundance and closed the season early. The larger historical boats were hurt then as they've been hurt recently as well. But, in this action, people are now asking for even MORE vessels to be able to continue to compete in abundant years. In years of scarcity these newer entrants will just go back to making a living with the suite of permits they have been fishing since the 2013 control date and the historical fishermen will be left scraping again with no other options, nor the benefit they could have realized from a few, rare years of abundance without an overcapitalized fishery.

I'd like to also talk about spatial conflict. Anyone that thinks that a greatly increased presence on the edge, in relatively small areas, will NOT result in spatial conflict has not been paying attention. The mid-water herring fleet just lost access to a significant amount of historical catch area with the implementation of a 12 mile buffer zone that was based on ZERO science or fact. Just people SAYING there was a conflict was enough to make this happen. And we almost had the same issue in the Loligo squid inshore fishery. In fact, the participants on BOTH sides of the current argument all sat in the same room and fought that perceived conflict. I also believe potential spatial conflict was part of the chub mackerel amendment and remains a frame-workable element of the Council's Forage Fish FMP. This is undeniable and a real issue of concern. The recreational industry and fixed gear fishermen will very quickly be raising this issue as we are fishing in the same areas they are. If we have too many boats out there at one time there is no doubt that we WILL have an issue. History has taught us this. When will we start being proactive to these issues, instead of reactive?

There has also been mention of global warming and the shift of stocks northward. Since when does this qualify as a reason to not control capacity based on history, particularly in a mobile gear fleet? Last time I looked, the historical participants vessels' all float and have engines, propellers, RSW systems and/or freezers and can catch the fish wherever they are. Just because there happens to be more squid to the north the last one or two years is not a good reason to not match capacity to the fishery today.

And while we're talking about shifting stocks, why are we now catching scup again off of New Jersey and summer flounder south of where we have been for many years? Seems to me like we're seeing a shift to the south now; stock shift is absolutely not a reason to add excess capacity or to reallocate regional quotas.

People have made statements that the historical participants are acting out of greed and only interested in economics. Does this mean that the participants that only activated 4 years AFTER the 3rd control date are not economically motivated? I would politely say that this is a gross untruth. In fact, if there is greed or an economic factor involved I do not see it from the historical fishery participants, who are voluntarily recommending that TWICE the number of boats that have historically harvested the majority of the Illex catch, be allowed to qualify in Tier 1 AND are recommending to allow another 14 into a Tier 2 permit with an ample landing limit.

Lund's Fisheries was the first company on this coast to invest in a factory to process and sell large volumes of what were formerly considered underutilized fisheries; mackerel, Illex and menhaden. In fact, many of the people complaining about the historical participants' position weren't even around when this fishery, among others, was considered underutilized and when the NMFS was encouraging people to take big risks and create infrastructure and markets to Americanize these fisheries. Or, if they were around, they weren't making those investments or they wouldn't be in the position they find themselves in now.

We are in our 4th iteration of a freezer plant, starting in the 80's and refined now four times to where we are today. The investments we've made are staggering; tens of millions of dollars just in equipment and plant modifications, and much of it was discarded as we realized we had to get better and freeze faster and unload quicker to attain the quality needed to be able to sell product in all market conditions, not just when there's a worldwide shortage as is the case today. We've made investments in cold storage facilities able to hold large volumes of product which were, and are, necessary as most public cold stores cannot handle the volume. In fact we are now in the process of a 9 million dollar new expansion of our cold storage facilities, and recently spent millions of dollars in updating all of our unloading equipment.

This investment benefited the boats that fished for us, most of whom still fish for us, whether these boats are company owned or independent owner operators. We have always believed in owner operators and still do. They are, and should be, the backbone of US fisheries. The history and the rights go to the boats. And what have we gotten out of this, other than pride and friendship, and obviously a currently successful business? WE GOT NOTHING. NO recognition from the process, NO protection, nothing. We're just another processor. So, we were forced to buy boats and permits because that is the only way we can get any protection in this system it seems. But even when doing this we have continued to fully, at all times, continue to support the owner operators that work for us, often at a disadvantage to ourselves. We are happy to do this, and will continue to do this, because that's who we are.

We will NOT, however, fail to recognize and fight for what we feel is our right under Magnusson to demand that the Council and NMFS pay attention to the community aspect of this amendment. Community impacts have largely been totally ignored in East Coast fisheries management. We encourage the Council and NMFS to look closely now at the impact to the ports of Cape May, Hampton and Davisville, which, if the Council does not take action, will be negative.

These ports cannot afford to lose significant volume and they need recognition. Our communities have historical dependence on this fishery; our workers, fishing crews, truckers, cold storages and supermarkets, housing markets, etc.; all have a historical dependence on this fishery. This is not an added benefit to our community it is a historical dependence, quite to the contrary of what the recent entrants are stating for their community. Their communities have different historical dependences than ours. They are looking to gain something that we will lose.

In closing, I want to say that I support the tiered options put forth by Seafreeze, Hank Lackner, the Axelsson's, the Ruhle's and the other historical participants and I agree 100% that, based on my previous comments, this is INDEED a one sided compromise from the historical fleet. The way we see it, we are giving much more than we are getting. In addition, it is absolutely critical that we approve the hold capacity restriction for both Tier 1 and 2 vessels, as we did in the mackerel amendment. The projected cost of \$12,000 is totally inaccurate. This can be done for \$500 to \$1000 dollars and I am happy to provide the contact information for a marine architect who would measure anyone's vessel at this rate.

Thank you for your attention to our concerns and recommendations,

With best regards,

Jeff Reichle

Jeff Reichle, Chairman
jreichle@lundsfish.com

LUND'S FISHERIES



Managing the Needs of our Customers Through our Commitment to Sustainable Fisheries

April 20, 2020

Dr. Chris Moore, Executive Director

800 North State Street, Suite 20, Dover, DE 19901

Re: Illex Permits Amendment - By email: cmoore@mafmc.org

Dear Dr. Moore:

Our company, Harbor Cold Storage located in WA & AK depends on Lunds for Illex squid. Our business has been supported by Lund's Fisheries' success since 2004. During the summer months, Lund's Fisheries has depended upon the Illex squid fishery since the early 1980's. For many years, the Illex fishery has employed Cape May boats, the Lund's plant and other independent fishermen operating in the Port of Cape May throughout the months of May through November. Over the last three years, however, with an increase in the number of boats coming into the fishery from other areas on the coast, the fishery has closed in late summer, which has negatively impacted our ability to continue to serve the company throughout the summer and into early fall and negatively affecting our business.

We are writing to join Lund's Fisheries in supporting the Historical Participants' Illex Tiered Permit System Compromise, using the Council's August 2, 2013 control date, which was reaffirmed by the Council prior to the start of the 2019 fishing year. This compromise, by those vessels and plants that have consistently relied on this fishery would fully qualify 34 'Tier 1' permits even though only 14 vessels harvested more than 500,000 pounds of Illex in 2017, increasing to 19 in 2018 and 26 in 2019. With the early closure in 1998, only 25 boats landed this amount with just 23 active at that level of harvest in the early closure of the 2004 fishery. The compromise Tier 2 proposal puts another 14 boats into the fishery. In the interest of our business' long-term success, we ask the Council to act to limit the number of participants in this fishery, before other Illex permits are also activated, potentially creating a one-month fishery.

Lund's Fisheries was the first company on this coast to invest in a factory and vessels to catch, process and sell large volumes of 'underutilized fisheries', including Illex squid, for U.S. and world markets that depend upon the highest quality products. The company's investments have helped several historical, independent fishermen become successful in this fishery and supported our business success at the same time.

We encourage the Council to consider the Port of Cape May's historical dependence on this fishery, which will help to maintain Cape May County and related New Jersey jobs. In a community where there are few year-round jobs, employment in the Illex fishery throughout the summer and fall months helps to support many other local businesses including ours. We ask the Council to support the Tiered permit system compromise put forward by the historic participants in the Cape May Illex fishery and other dependent ports. Thank you for the opportunity to comment.

Signature / date

Daniel Shumaker April 20, 2020

Name and address

Harbor Cold Storage LLC P.O. Box 267, Carmation, WA. 98014

Mid-Atlantic Fisheries Council
Attention: Chris Moore

April 20, 2020

Dear Chris,

My name is William Bright, owner of the F/V Retriever, and I am writing this letter in response to the upcoming Illex Amendment being considered by the Mid-Atlantic Fisheries Council. I have been a part of the Illex fishery since 1998 and I am in full support of the Historical Participants' Illex Tiered Permit System Compromise proposed by the historical participants.

My vessel is a prime example of what can happen when over capitalization is allowed. In 1999, due to the enlarged stock assessments on Atlantic herring and mackerel, my partner and I invested heavily by enlarging our vessel's capacity to take advantage of the expanded quota. Our investment was completed under the assumption that the quota that matched the enlarged stock assessments was correct. I must add that not only did NMFS claim that these large biomasses existed, they also provided financing that incentivized the upgrading of our vessel.

In the years after, the mackerel landings were much less than anticipated. As a result of this, the overall quota has been reduced by 90 percent in 20 years. Currently it stands at just 20,000 tons, much less than the over 200,000 originally promised. It is for this reason, that if the council does not limit the number of participants the Illex fishery will have the same fate.

For the Illex squid fishery, I feel that if the council does *not limit* the number of vessels, they will be going against the conservative approach they have taken on issues in the past. The historical participants in the Illex fishery are already limited by the Coral Protection Sanctuary, the Forage Fish Amendment, and the very limited Chub Mackerel Quota. This is why I support the tiered system.

I also support the requirement for volumetric fish hold measurement for Tier 1 And Tier 2 limited access Illex vessels. The reason for my support is because without this amendment option vessels are able to increase capacity by making their vessels wider and deeper without changing their documented length or tonnage. The amendment option ensures that a vessels' capacity cannot be altered through upgrades or changing vessels.

The fact that this amendment would consider allowing new vessels into the fishery after the control date is egregious. I, as a historical participant of the Illex fishery, strongly advise this council to pass the Historical Participants' Illex Tiered Permit System Compromise.

Sincerely,
William Bright
Owner/Operator of the F/V Retriever

April 18, 2020

Dear Mid-Atlantic Fishery Management Council:

We write to you today as a unified coalition of active Illex permit holders and processors, and we consist of both Historical Participants and Recent Participants in a newly formed "Illex Coalition". We support the written and verbal comments regarding Illex permit requalification submitted to the Mid Atlantic Council from the entities below.

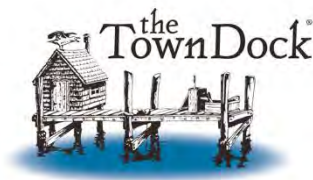
As a Coalition, and after much discussion and research, we have agreed on three positions that we will be able to support regarding the current *Illex Amendment*:

- 1) **Preferred:** No action; requalification of all 76 permits.
- 2) **Preferred Alternative:** Minimal action; full requalification of 51 active permits. This allows for requalification of all active permit holders with more than 50,000 pounds landed in any one year from 1997 to 2019. This essentially eliminates permits for the non-participants in the fishery in the time frame from 1997-2019.
- 3) **Acceptable Alternative:** Should the council insist on a tiered approach, we can support the following:
 - *Tier 1 Classification:* 500,000 pounds best year qualifier 1997-2013; or 1,000,000 pounds best year qualifier 2014-2019 (+/- 41 permits).
 - *Tier 2 Classification:* 100,000 pounds best year qualifier 1997-2019; 90,000 pound trip limit; no sub-quota (+/- 7 permits).
 - *Tier 3 Classification:* 50,000 pounds best year qualifier; 47,000 lb. trip limit; no sub-quota (+/- 3 permits).
 - *Incidental limit:* 10,000 pounds (+/- 25 permits).
 - No new fish-hold capacity limitation.

Sincerely,

The stakeholders, owners, employees, captains, and crews of the following active Illex participants:

The Town Dock
Point Judith, RI



Fishing Vessel Enterprises, Inc.
Cape May, NJ



NORPEL
New Bedford, MA



Waterfront Cold Storage
New Bedford, MA



KSJ Seafood, Inc.
Point Judith, RI



Gabby G Fisheries
Montauk, NY



Crystal Ice Co. New Bedford, MA

JimMazing Fishing LLC Point Pleasant, NJ



The following twenty Federally Permitted Illex Vessels are in support of the Illex Coalition. We total approximately forty percent (40%) of the Active Illex Permits underneath the above Preferred Alternative.

F/V Anticipation,
Cape May, NJ

F/V Jersey Girl,
Cape May, NJ

F/V Pontos,
Cape May, NJ

F/V Barbara Anne,
Cape May, NJ

F/V Cassidy Lyn,
Point Judith, RI

F/V Rebecca Mary,
Point Judith, RI

F/V Determination,
Point Judith, RI

F/V Lightning Bay,
Point Judith, RI

F/V Silver Sea,
Cape May, NJ

F/V Excalibur,
Point Judith, RI

F/V Maizey James,
Point Pleasant, NJ

F/V Susan Rose,
Point Judith, RI

F/V Gabby G,
Montauk, NY

F/V Nordic Explorer,
New Bedford, MA

F/V Thunder Bay,
Cape May, NJ

F/V Heather Lynn,
Point Judith, RI

F/V Olivia Catherine
Point Judith, RI

F/V Travis and Natalie,
Cape May, NJ

F/V M.F. Hy - Grader,
Point Pleasant, NJ

F/V Perception,
Montauk, NY

We appreciate your consideration.

From: Kenneth McDermott <kennethmcdermott4@gmail.com>
Sent: Monday, April 20, 2020 4:24 PM
To: Moore, Christopher <cmoore@mafmc.org>
Cc: Kaelin, Jeff <jkaelin@lundsfish.com>
Subject: Re: Illex Permits Amendment

On Mon, Apr 20, 2020 at 4:18 PM Kenneth McDermott <kennethmcdermott4@gmail.com> wrote:
Dr. Chris Moore, Executive Director
800 North State Street, Suite 20, Dover, DE 19901

Dr. Moore

I am an employee of Cape Trawlers LLC. and support the tiered permit system compromise. My family has been involved in the Cape May commercial fishing industry for four generations. As a fourteen year veteran on the ocean, I have seen first hand the importance and necessity of not only the fisherman but collaterally.

Deciding not to implement the tiered permit system compromise Could have severe effects. This has been set forth by the historic participants in the Cape May Illex fishery. If additional permits are activated the season will be drastically reduced. In turn, taking what has been traditionally a six month season down to merely a month. This would negatively effect a niche in the community. A niche that many families depend on. Dock workers, processors, truck drivers, sales personnel, fisherman....The outfall could be devastating. Not to mention those who have diligently invested in what once was considered an underutilized fishery.

Thank you for your educated interest and consideration in the matter. I am confident that with intelligent thought out management and decisions sustainability will be achieved.

Kenneth McDermott April 20,2020

Kenneth McDermott

From: Mike Cox <mikecoxx55@yahoo.com>

Sent: Monday, April 20, 2020 4:22 PM

To: Moore, Christopher

Cc: Kaelin, Jeff

Subject: Fwd: Illex Squid

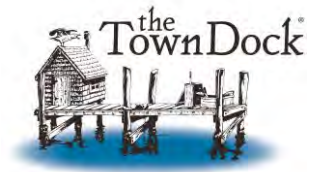
Dear Dr. Moore,

>> I am a captain of a fishing trawler, F/V Jersey Cape, out of Lund's Fisheries in Cape May, NJ. I have been working with this company for over a decade and have been a captain for the last three years. Over the summer and fall months I have participated in the Illex fishery, depending on it to make my livelihood.

>> Lund's Fisheries has been a historical participant in summer Illex since the early 1980's. Though in recent years this summer fishery has been cut short due to several new boats entering, making my possible quota smaller. I have tried to excel at fishing the maximum quota possible with several new boats entering the fishery. The influx of new boats to the fishery has negatively impacted my ability to fish and keep my crew members working. Our community and families rely on this fishery to make our living. It is important that the council act to limit the number of participants in this fishery, before the 25 other Illex permits are also activated, potentially creating a one month fishery. I urge you to consider the communities and families that historically rely heavily on this fishery.

>> Thank you,

>> Michael Cox



2 State Street | PO Box 608
Narragansett, RI 02882

April 20, 2020

BY EMAIL

Chris Moore, PhD, Executive Director,
Mid-Atlantic Fishery Management Council,
800 North State Street, Suite 201,
Dover, DE 19901

Dear Executive Director Moore,

Thank you for the opportunity to provide written comment. I support and agree with the verbal and written comments of all parties that participated in the Illex coalition, including Norpel, Town Dock, Atlantic Capes, Jim Elliot, Dan Farnum, Katie Almeida, and many others. However, I would like to focus my comments on the three options presented below, and why they are so important to us.

I am writing in support of the following three positions that we will be able to support regarding the current *Illex Amendment*:

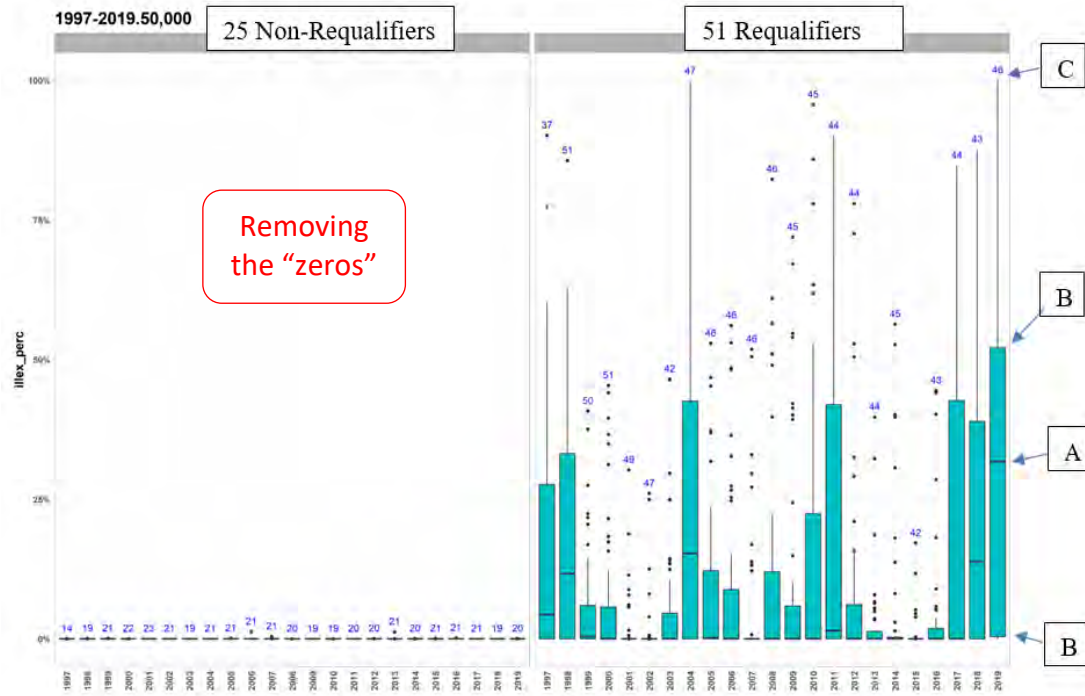
- 1) **Preferred:** No action; requalification of all 76 permits.
- 2) **Preferred Alternative:** Minimal action; full requalification of 51 active permits. This allows for requalification of all active permit holders with more than 50,000 pounds landed in any one year from 1997 to 2019. This essentially eliminates “zero landing permits” or permits for the non-participants in the fishery in the time frame from 1997-2019.

Table 7. Numbers of Requalifiers and Percent Permit Reduction from 76 2019 Limited Access Permits for Each Possible Time Period and Threshold Option.

Note: All re-qualifier estimates preliminary.		More re-qualifiers Less re-qualifiers				
Percent in parentheses is percent reduction of MRIs(1) (76 total in 2019)	Thresholds	At least 50,000 pounds in any one year	At least 100,000 pounds in any one year	At least 300,000 pounds in any one year	At least 500,000 pounds in any one year	At least 1,000,000 pounds in any one year
	Qualification Periods					
More re-qualifiers	1997-2019	51 (-33%)	49 (-36%)	47 (-38%)	45 (-41%)	35 (-54%)
	1997-2018	50 (-34%)	48 (-37%)	44 (-42%)	41 (-46%)	30 (-61%)
	1997-2013	43 (-43%)	42 (-45%)	38 (-50%)	34 (-55%)	28 (-63%)
Less re-qualifiers	Need landings in both 1997-2013 and 2014-2019	30 (-61%)	30 (-61%)	27 (-64%)	21 (-72%)	13 (-83%)
(1) A Moratorium Rights Identifier (MRI) is a unique NMFS-issued number that identifies a unique permit history, and may move between vessels over time.						



Figure 15. MRI *Illex* Revenue Dependencies for the 1997-2019/50,000-pound option. Bar is the interquartile (middle) range (IQR); black horizontal line is the median; vertical lines extend to observations near 1.5 * IQR; outliers are dots.



Preferred Alternative Highlights:

- The 2013 control date is stale and should not be utilized or enforced.
- Full access given to all of those who have contributed to the success of the fishery, otherwise known as active participants from 1997-2019. Those that have not participated over the last 23 years, or participated in a minimal fashion, are removed from the fishery and given an incidental limit.
- Protects both historical permit holders and recent participants by eliminating substantial latent fishing capacity for *Illex*, eliminating 25 permits from the fishery.
- Retains enough vessels for hitting OY in the future by keeping a 51 full access permits in the fishery, especially if the quota increases.
- Allows enough capacity to continue to supply both the global market and USA foodservice market in the future.
- Does not pit fisherman vs fisherman through a contentious “tier based” system. Those that remain in the fishery are those that have actively participated, those that do not remain are those that have chosen not to use their permit, even with recent increased capacity by new shoreside plants that can unload and process additional catch from both RSW and “ice boats”.
- Supports all processors and vessel dependency, and community dependency for all active participants.
- May best reflect the competitive nature of fisheries, enhancing competition between shoreside processors for boats and fish. Everyone competing on equal footing, which keeps processors honest and pricing high.



Reduces the opportunity for oligopsony power and monopoly by one or two shoreside processors controlling the entire fishery through a more restrictive participation model like Tiers.

- Gives the Council an opportunity to take action without forcing active permit holders out of the fishery. This option could also buy time for the Council and industry to truly understand the fishery dynamics from the new Industry Funded Illex report (that was sponsored by Town Dock, Seafreeze, and Lunds) and the Illex Working Group over the next few years. The council could take action with this Preferred Alternative *and* install a new Control Date for 2020. This would also give an opportunity for the SSC/NMFS to explore increasing the quota which would mean more fish for everyone.
- The council members should expect resistance to this option from the historical participants that initiated this action in the first place. They will most likely say that this action does not go far enough. However, it is surely the Council's job, not industry, to make the best decision for the fishery based upon science, facts, Council goals and objectives, National Standards, and on behalf of all participants in the fishery, for the best interest of this important fishery as a whole.

3) **Acceptable Alternative:** Should the Council insist on a tiered approach, we can support the following:

- *Tier 1 Classification:* 500,000 pounds best year qualifier 1997-2013; or 1,000,000 pounds best year qualifier 2014-2019 (+/- 41 permits).
- *Tier 2 Classification:* 100,000 pounds best year qualifier 1997-2019; 90,000 pound trip limit; no sub-quota (+/- 7 permits).
- *Tier 3 Classification:* 50,000 pounds best year qualifier; 47,000 lb. trip limit; no sub-quota (+/- 3 permits).
- *Incidental limit:* 10,000 pounds (+/- 25 permits).
- No new fish-hold capacity limitation.

Acceptable Alternative Highlights:

- Reflects full period of fishery performance and participation from 1997 through 2019.
- Provides a Tier Based alternative that respects both historical participants *and* the highest performing recent participants.
- This provides a balance of respect to both historical participants with a **low qualifier** (500,000 lbs best year from 1997-2013) and the **highest qualifier** (1,000,000 lbs best year from 2014-2019) for high performing recent participants for a Tier 1 permit.
- This provides a balanced approach regarding the number of Tier 1 permits awarded. Our *Preferred Alternative* above produces 51 unrestricted permits, the Historical Participants plan produces only 35 Tier1 permits, and this plan should produce approximately **42 Tier1 permits**. This is the middle-ground for the coveted Tier 1 permit class.
- Tier 2 Classification reflects the full period of fishery data from 1997-2019 with a workable Tier2 trip limit of 90,000 lbs per trip. This is near the mid-point of the three options presented by the Council of 124,000 lbs, 85,000 lbs, and 47,000 lbs for Tier 2 trip limits.



- Tier 3 classification: We do not know who any of the participants are in this class under our scenario. They may take out elsewhere or may have left the fishery.
- Incidental limit for 25 non-qualifying permits with minimal landings.
- No new fish-hold capacity limitation.

What are the most important differences from the Town Dock/Illex Coalition Tiered plan vs the Historical Participants' Tiered plan, and why are they important?

- 1) The inclusion of the 2019 fishing year. This is important for several reasons. First it reflects the full activity of the recent participants which is critically important. Here is one example why this is critical. I signed a Purchase Agreement for the FV Susan Rose from longtime owner Joe Rose in 2018, and subsequently purchased the vessel. The boat was in good shape but still needed repairs and did not participate in the 2018 Illex season. Mr. Rose had some significant Illex landings in years prior to 1997, but he is an "ice boat" and we know from this amendment process that iced illex has only been accepted by processors recently. We got the boat ready and it participated in the Illex Fishery in 2019. Consequently, the Historical Participants' tier plan ends with 2018 landings instead of 2019. The FV Susan Rose would only qualify for an **incidental** permit under their Tier scenario (10,000 lbs per trip). We have invested well over \$1,000,000 into this vessel and it would be rendered useless in the future illex fishery should 2019 data not be included. This would be financially disastrous for this vessel, its captain and crew, and my investment.
- 2) The opportunity for Tier1 permits for the Highest Landing recent participants (7 vessels). The Historical Participants' tier plan calls for Tier1 permit to only be awarded through 2013 with a low qualifier of 500,000 lbs. Our plan gives only the highest producers from 2014-2019 the opportunity to earn a tier1 permit, in addition to historical participants who will qualify at a much lower level. This is important for many reasons:
 - a. This is only phase I of the Historical Participants' push for segregation and removal of participants from a fishery, through permit elimination and tiers. One can be reasonably assured that the same Historical Participants that are pushing this current amendment will not stop here. Once boats are regulated into Tier2/Tier3, they will be pushing for a **sub-quota** or some other kind of restrictions through a Framework. This has already been mentioned over the course of this amendment. This is the key reason why it is critical to get the highest recent producers (about 7 boats out of the 16 left out of Tier1 in their plan) into Tier1 **now** to avoid this ongoing fight in future years of Tier2 high level participants playing annual and perpetual defense against the Historical Participants' plan of Illex domination and monopolization of the stock. The additional qualifier in our plan accomplishes that goal (>1,000,000 pounds in landings in any one year from 2014 – 2019).
 - b. Tier 1 permits will be worth considerably more than Tier2 permits in future years.
 - c. Should the council wish to pursue ITQ for illex in future years, Tier1 permits will have a distinct advantage over Tier2 permits in terms of pounds allocation and value.
- 3) Tier 2 permits need a workable trip limit of 90,000 lbs. The Tier2 limit of 47,000lbs proposed as "reasonable and generous" on the Verbal Comment calls from one of the Historical Participants, is in fact just the opposite. It is completely unrealistic and un-workable based upon our data sets. I analyzed the hundreds of illex trips that we have purchased at Town Dock in 2019 and less than 15% of the trips were below 47,000 lbs. Most of these trips were when a boat had engine/mechanical issues or ripped their net and had to cut their trip short. Illex is a



volume fishery, and without an adequate volume boats will not go fishing. The Historical Participants are keenly aware of this, and the trip limit was in fact set so low as to discourage anyone in this tier from targeting and catching Illex. It is a thinly veiled attempt to exclude active participants from the fishery. This further concerns me about how Tier2 participants will be treated in the future, and reflects back on the above point where I would urge the Council to find a way to include high performing recent participants into Tier1.

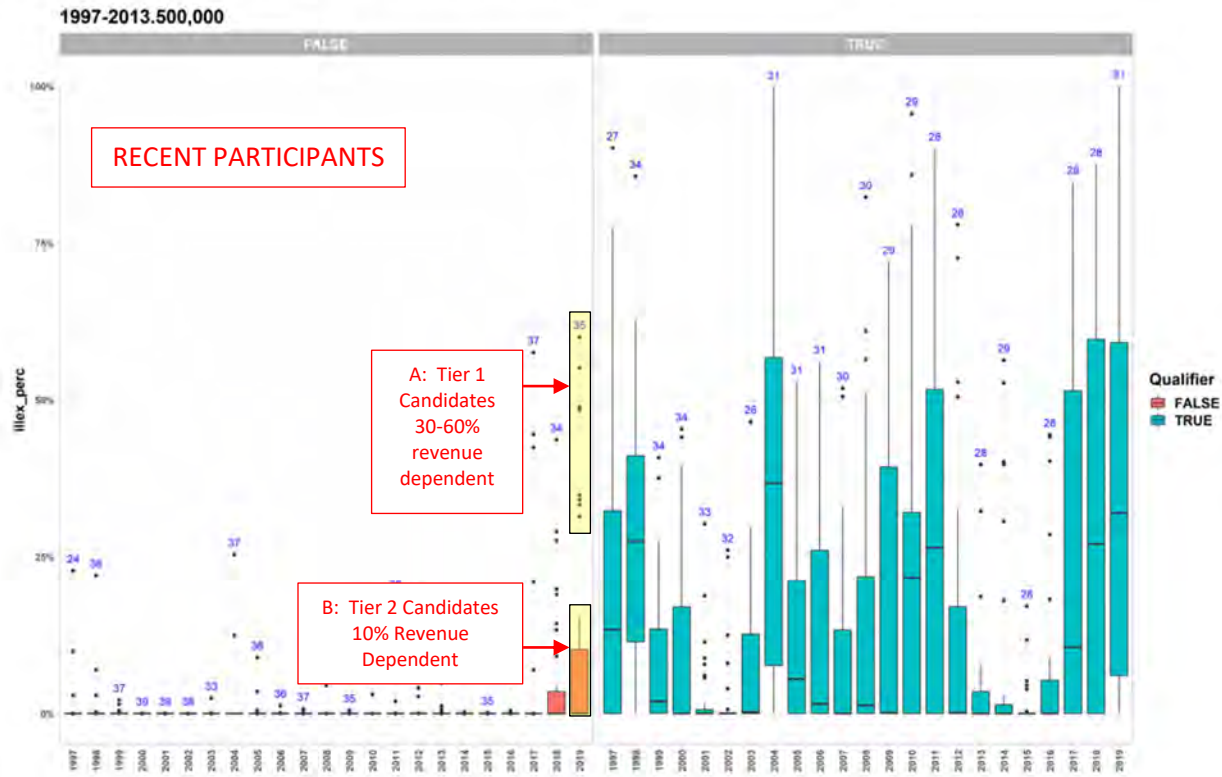
- 4) No new Fish Hold Capacity: Historical participants have utilized the existing rules to modify their boats. Now they want to change the rules so others cannot / will not do the same? I currently have no intention of turning my ice-boats into RSW vessels. However, I do have intentions of upgrading my fleet in the future, seeing how the average build-date of my fleet like many others is between 1970-1980. I am concerned about the unforeseen limitations of fish hold capacity on my upgrade plans in the future. I cannot find an “apples to apples” boat to put my existing permits on in the future. Could this limit my ability to upgrade my fleet in the future? Certainly. There are already rules on the books for this topic anyway.

Why are some Historical Participants seemingly against inclusion of high-performing Recent Participants from 2014-2019 into Tier 1?

This is a question that I keep asking myself. The inclusion of a handful of the highest-performing boats through fishing year 2019 into Tier1 does not seem like a big ask at all from our side. These boats are not “west coast pollock boats” and the owners/captains of these boats are not PE Firms looking to speculate on a fishery. They are owners and operators of active fishing vessels with Illex permits that finally have a reason to prosecute the fishery due to better markets and new processor capacity to purchase their iced catch. They have all made significant investments into their boats and the fishery. We are talking about Tier 1 inclusion for four boats from Point Judith RI, two from Montauk, New York, and possibly 1 from VA. According to the figure A14 in the public document, these boats are the “outliers” that generated between 30%-60% of their total revenue dependence from Illex squid in 2019. From a mathematical standpoint, we are talking about small numbers in terms of boats and percentage of landings compared to the overall fleet (8% of the total permits). In fact, we are also talking about a small impact on the overall total quota draw for these vessels when you consider what they would catch as a Tier2 vessel in our plan compared to what they would catch in Tier 1. A few of the Historical Participants may not be pleased about these boats catching what they may consider as “their fish” however excluding these vessels from Tier 1 status is fundamentally unfair and not supported by the recent changes in new USA foodservice markets that allow us to process and sell Illex inside the USA to customers that formerly bought calamari from China and India, along with new unloading/processing opportunities that never previously existed. These vessels deserve Tier 1 permits.



Figure A14. 1997-2013/500K Option Dependencies.



Bar is the interquartile (middle) range (IQR); black line is the median; vertical lines extend to observations near 1.5 * IQR; outliers are dots. “False” = Non-Requalifiers (on left); “True” = Requalifiers (on right)

- A: Recent Participants Tier 1 Outliers (>1,000,000 lbs in 2014-2019) year class (7 boats) = 30-62% of their Revenue derived from Illex Squid.
- B: Recent Participants Tier 2 / Tier 3 Boats (9 boats) 10% of their revenue derived from Illex squid.

Why has the Historical Participant group that spent significant sums of money and time participating in the Industry Funded Illex Group, and the Illex Working Group, now publicly doubting it and not supporting the findings, when the data findings are so positive for industry in terms of raising the future quota?

This is also very strange. I sat at the table over several days of work done by in the **Industry Funded Illex Group** led by Dr. John Manderson with a variety of Historical Illex Participants, Lunds, Seafreeze, my colleagues at Town Dock, scientists, oceanographers, NMFS staff, Paul Rago/SSC, and many other key players in working on this issue. I am not a scientist, but the data in this report surely shows the potential of multiple cohorts of illex, the fact that we are only fishing on 3% of the habitat where Illex lives, and many other positive findings that could support quota increases in the near future. Why wouldn't the Historical Participant group be triumphing these positive findings? Why does it seem like only Katie Almeida and others from the Illex Coalition are the only ones doing so? Why are



Historical participants sounding skeptical on this report on the public comment calls? Maybe the hope is that the Council will not have enough time to review this data before final action? Possibly they hope that the council can rush to final action in June to eliminate participants before this data is properly examined by council members? The data in these reports could cause the Council members to pause on a drastic capacity reduction, and would give the *Preferred Alternative* more clout as a reasonable action at this time (requalification of 51 permits, removal of the zeros). However, downplaying these reports by some Historical participants appears to be an attempt to sweep the positive findings in these reports that support substantial quota increases under the rug.

Is there any hope of a full Industry Compromise between now and Final Action?

This is an important question, and the answer is unclear. We have respect for all fishermen, processors, and active participants, along with Council members, Council staff, and everyone involved in this process over the last several years. Tier 1 inclusion is important for us for those vessels that participated through the 2019 fishing year. In a meeting between some individuals representing both sides after the Council Meeting in Duck, a compromise was put forth a few weeks ago regarding Tier 1 being all permit holders with >1,000,000 lbs of illex landings in any one year between 1997 and 2019. That would have qualified 35 Tier 1 permits and strikes a balance between mostly historical and few recent high-level participants throughout the entire year class. This seemed acceptable to some, but not all on the Historical Side. Then a group of Historical Participants put forth a plan with a lower qualifier of 500,000lbs but limited years for Tier 1 to 1997-2013 during the Massachusetts verbal comment call. This effectively qualifies a few more lower landing Historical participants as Tier1's because the number of qualifying Tier1 permits in their plan is still 34 permits. The problem is that in expense of the inclusion of a few historical permit holders with lower landings, the recent participants with high landings are excluded in their plan. I'm fine with that plan aspect of a lower qualifier for Tier1 historical users to get a few more historical permit holders into tier 1, as long as they agree to put the highest performing recent users (>1,000,000lbs per year from 2014-2019) into Tier 1 also. That is an important part of our plan from the Illex Coalition/Town Dock that I put forth on the Rhode Island call of the public comment period. That is the basis and background of a compromise for Tier 1, and the basis of our Tiered proposal.

Despite all of the discussion regarding a Tiered plan, I believe that there are still strong and credible arguments for the Council to support the *Preferred Alternative* at final action, **requalifying 51 active permits and getting rid of the "zero landing permits."** That seems to be the one issue that we can all agree on.

Thank you for the opportunity to provide this comment.

Sincerely,



Ryan Clark
President and CEO
The Town Dock



April 20, 2020

To: Dr. Chris Moore, Executive Director
800 North State Street, suite 20, Dover, DE 19901
Re: Illex Permits Amendment – By email cmoore@mafc.org

Dear Dr. Moore:

I am a local fisherman and employee Lund Marr Trawlers LLC, I'm also a 3rd generation fisherman. My father and grandfather were local fisherman and vessel owners and operators and my father still is to this day he is partners in Loper-Bright Inc., and owns F/V Retriever alone with William Bright and Wayne Reichle. So it's safe to say I grew up with all aspects of the fishing industry in my life from working on the boat every summer catching illex squid and also into my teens and then making my career as an adult. I also had the experience of watching the industry over the years too. My father and I were draggers so whether it was loligo squid in the winter or Illex squid in the summer our family depended squid to pay our bills, buy school clothes, food etc. we depended on the summer Illex squid for probably 70 percent of our yearly income and still do to this day.

Over the years I watched my father have to constantly fish because of low Illex prices. He was constantly away from my mother and his three children trying to catch fish and provide each year. He had another fishing vessel called Nightwatch from 1980 until about the year 2010 which he owned himself and had the vessel paid off since 1990. That vessel did very well until about 2006 when the Illex squid started to not show up on the continental edge like they previously did every year for 25 years maybe some of it was over fishing maybe it was global warming that had something to do with it, maybe just the flow of life. But either way the dragging community that caught illex suffered immensely as a result my father and I had to make a choice tie fishing vessel Nightwatch up and just focus on trying. to save Fishing vessel Retriever or take a chance on losing both vessels luckily Lunds fisheries help support retriever and became partners with my father and was successful in saving retriever so far. But a lot of good fisherman lost there livelihood and there boats and part of themselves in these hard times in fishing. And the ones that did survive like my father had struggled and are still recovering from the bad years of these Illex squid summers. I watched my father lose a marriage of 25 years, and I watch one of the strongest and most honest men I know almost break.

I am a firm believer in the sustainable fisheries movement that Lunds Fisheries and the government are trying to obtain. It is a tough business to try to manage but I think we as fisherman and the government have made leaps and bounds in the right direction. The past 3 years have been great for the illex fishing community. But there is a history here that I don't think should be denied. Like my father I am now father who has made his life from the ocean. I would never want to deny other fishing vessels from catching Illex squid and providing for their families. But our illex squid season right now is only about 60 fishing days for each vessel and allowing new vessels that don't have the history that we have to have a portion of that quota would be detrimental to our fishing community. Going by what I have seen the last 3 summers I think that there is more than enough Illex squid in the ocean to give more quota to these other vessels or maybe they need to have there own separate quota because they may not have the history that we have. In conclusion I'm writing this today asking that one that we please do not get anymore of our fishing quota taking from us but even more than that that we not let my father and all the hard working illex fisherman that struggled for so many years and lost there livelihood be in vain. Thank you in advance for you time and patience.

Sincerely,

Michael Loper

From: **Ryan Livingston** <ryanlivingston1988@gmail.com>

Date: Mon, Apr 20, 2020, 12:27 PM

Subject: Illex Fishery

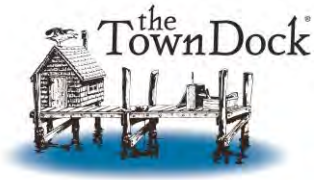
To: <cmoore@mafc.org>

Dear dr moore

My name is Ryan Livingston. I have been a commercial fisherman who had been For lund mar trawling for the past eight years . Illex fishing Has been a Vital part of my yearly income. Not only is it some of the most lucrative and safe fishing ive done in my career . It Creates more local jobs then most of the fisheries I participate in And with the abundance of illex squid I've seen I look forward to the illex fisherie in the future

Sincerely your local fisherman from the Jersey Cape,

Ryan Livingston



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Dr. Chris Moore
Executive Director
Mid-Atlantic Fishery Management Council
800 North Street
Suite 201
Dover, DE 19901

April 20, 2020

Dear Dr. Moore,

I am writing to express my thoughts on the Illex Amendment.

I'd like to state that I fully support the Illex Coalition's plan that they have submitted as comments to the Council. As the Council knows, I've attended and participated in all public hearings, committee meetings, and advisory panel meetings. For over a year, I've read and listened to the reasonings behind moving forward with requalification and I do not see an honest justification for doing so. I will explain my reasoning below.

I'd like to start out by showing how moving forward with requalification goes against the Goals and Objections in this amendment:

Goal 1: Maintain sustainable MSB stocks.

1. Objective 1.1: Prevent overfishing and maintain sustainable biomass levels that achieve optimum yield in the MSB fisheries. **The Magnuson-Stevens Act states that any FMP may establish a limited access system for the fishery in order to achieve optimum yield. We have successfully reached OY over the past three years. Now that OY has been achieved some participants of the industry want to remove/restrict participation. This is clearly not about achieving OY, but really about WHO should be allowed to achieve OY.**

Goal 2: Acknowledging the difficulty in quantifying all costs and benefits, achieve the greatest overall net benefit to the Nation, balancing the needs and priorities of different user groups and effects of management on fishing communities.

1. Objective 2.1: Provide the greatest degree of freedom and flexibility to harvesters and processors (including shoreside infrastructure) of MSB resources consistent with attainment of the other objectives of this FMP, including minimizing additional restrictions. **We are actively working against this objective by enacting further**



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restrictions in an already limited access fishery and reducing the freedom and flexibility of some harvesters and processors. Further restrictions are not balancing the needs and priorities of different user groups, but rather picking winners and losers of who gets to continue to be successful in a fishery that, currently, we are ALL succeeding at.

2. Objective 2.2: Allow opportunities for commercial and recreational MSB fishing, considering the opportunistic nature of the fisheries, changes in availability that may result from changes in climate and other factors, and the need for operational flexibility. **Again, further limited access is reducing the flexibility the industry needs to adapt to a changing climate and ecosystem. I made this point during many of my public comments and in the paragraphs above. The Illex working group is looking into the possibility of adapting a more flexible management style. This should be the goal rather than cutting people out of a fishery.**
3. Objective 2.3: Consider and strive to balance the social and economic needs of various sectors of the MSB fisheries (commercial including shoreside infrastructure and recreational) as well as other fisheries or concerns that may be ecologically linked to MSB fisheries. **The people who have recently become active in the Illex fishery did so because they now had an opportunity to utilize their permit since certain dealers recently started accepting iced product. Prior to 2017 no dealer/processor would accept this product from this sector of the fishery; therefore, it was pointless to even enter the fishery unless you were an RSW or frozen vessel.**
4. Objective 2.4: Investigate opportunities to access international/shared resources of MSB species. **There has been specific discussion looking into the possibility of the U.S being able transfer unused Illex quota from NAFO. This is another example of how there are efforts to increase the quota of Illex while at the same time looking into reducing participation and/or limiting the current access for some users.**



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Enacting further restrictions on an already limited access fishery so a few can benefit not only works against Goals and Objectives of this amendment but also the Mission and Vision of this Council.

In the MAFMC's Vision and Mission statement in the 2020-2024 Strategic Plan there is mention of sustainable fisheries, communities, and providing the overall benefit to the nation. Requalification would only provide benefit to a few. There is also mention of long-term sustainability and productivity of managed fisheries and being committed to these fisheries through collaborative development of effective science-based fishery management plans and policies. After listening to the discussions regarding this amendment, it is my belief that there is no scientific basis for moving forward with further requalification in this fishery. Also, requalification would not be beneficial to all communities or the nation. In fact, further requalification will only benefit a few of those in the industry, while negatively impacting the rest. This will not bring more benefit to the nation as those that will be removed or suffer a reduction in productivity have been providing Illex to the domestic food markets, rather than the foreign ones. Removing/reducing access to this product makes way for more foreign products to fill those needs.

Within the Strategic Plan, there is one Objective I'd like to specifically highlight:

Objective 13. "Collaborate with management partners to develop ecosystem approaches that are responsive to the impacts of climate change."

And within this Objective are two Strategies:

Strategy 13.3: Evaluate the flexibility/ability of current management approaches, including the NOAA Fisheries climate-ready fisheries management process, to respond to shifting species distributions.

Strategy 13.4: Consider management strategies that are responsive to the impacts of climate change on current fishery allocations.

Moving forward with further requalification works against the Objective and Strategies listed above. It is enacting far stricter, less flexible management to a species that is already restricted and that we know is likely going to be impacted by climate change (we are already seeing changes in distribution). There is no denying that we are witnessing and experiencing ecological changes due to changes in climate, yet we are not applying adaptive management styles to these changes, but rather falling back into ridged management choices without the much-needed flexibility. Further requalification is not a "climate ready fishery management process or response".



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A paper that I recently read by Malin Pinsky, who has presented to the Council several times, states: *“...one of the most important ways that communities can adapt to a changing ocean environment is by shifting their species portfolio.”* And that, *“...there are also constraints to switching to new species, including limited entry in many fisheries or the high cost of permits or quota shares. Catch diversification can buffer fishers and communities against ocean change...”*

I've been consistent in my comments throughout the years that it's my belief that having profitable access to a variety of species will provide resilience to ecosystem changes. As you can see from above, it's not only my opinion, but the belief of respected scientists and managers as well.

It is a personal business decision when companies decide to forgo or drop other permits and narrow themselves down to depending on a few species. It's a risky move when it comes to fishing, knowing the ups and downs that many species can experience. Recent Illex participants should not have to be negatively impacted because of someone else's business decisions. Given the natural ups and downs and the added changes that come with climate change, the industry needs to be able to adapt to these changes, they need the flexibility to round out their portfolio to be able to have a resilient and successful business. In fact, many industry participants have commented in the past that we need MORE flexibility in management, not less, and yet we see many of those same people advocating for the opposite in this current case.

Reduction in competition

It's been stated by many and I must agree that the drive behind this amendment is about reducing competition. Historical participation is discussed like it is the same thing as ownership over a public resource. It is not.

The Council and industry is also aware of the several different ways that the industry, management, and scientists are looking to adopt a more flexible management style for this species. It will allow companies to be able to take advantages of the boom years, like the ones we've likely been experiencing over these past few years. Industry, managers, and scientists have been exploring these options through working groups.

These moves by industry to try to secure more illex quota, while at the same time trying to reduce and remove participation, shows that their intentions of moving forward with this amendment is disingenuous.



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Control Date

I am not alone in the opinion that the seven-year-old control date is stale. So much has changed in this fishery that abiding by the control date would not at all consider all those changes and should therefore NOT be utilized. Before considering any requalification there should be an updated control date proposed that encompasses all the changes in the fishery.

Longfin Amendment vs Illex Amendment

There has been mention of the need to follow the action taken back in 2016 during the Longfin Amendment. The Longfin Amendment was rife with biological and bycatch issues which are lacking in the Illex Amendment. There was even a move from the recreational sector to ask the Council to impose a buffer zone in federal waters which would have eliminated small mesh fishing during the summer months in order to protect the squid mops and reduce bycatch. Although there was no buffer zone enacted, there was further requalification of a fishery with hundreds of permits and a decrease in the incidental limit of Trimester II to remove the incentive to fish on that limit and reduce bycatch. It is unfair to compare these two amendments as there is simply no comparison between them.

Illex working groups

This past year, two working groups put a lot of time and effort in to gathering and analyzing data in order to get more and better information on the Illex stock in general, to look into adaptive management, cooperative research possibilities and to see if an increase in quota is justified. One of these groups is the Industry Funded Working group that worked with scientists, GARFO, and NEFSC staff. As one of the larger buyers of Illex squid, we contributed significant funding this group and participated in the two-day summit that was held this past November. The summit was facilitated by Dr. John Manderson, a well-respected Research Fishery Oceanographer that had worked for the National Marine Fisheries Service for decades. He now runs his own consulting business and was hired by stakeholders in the Illex industry to facilitate this two-day summit and draft up a summary of its findings.

The goal of the summit was to develop a framework for collaborative research products that could be produced in the near term (6 months to 1 year) to help reduce scientific uncertainties that are preventing responsive fishery management. Industry participants believe that uncertainties in the stock status have resulted in inflexible fisheries management and early closures even though there has been a persistent and increasing availability of the



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Illex squid. Industry hopes that this report will help lead to more flexibility in management which will in turn lead to an increase in the Illex quota when Illex shows up in abundance, like it has the past three years. Summit participants recently received the final draft titled ***Summary report Northern shortfin squid (Illex Illecebrosus) population ecology & the fishery Summit, November 25-26, 2019 Wakefield, Rhode Island.*** I have reached out to all Council members and provided them with a copy of this report.

This report will be provided to the SSC to be looked over and, hopefully, used to help determine if an increase in quota is justified. On the public hearing calls there was mention from some industry folks who had participated in this project that this paper is not peer reviewed and should be looked at with caution. While this is correct, they have also supported that this summit and paper be used to help the case in justifying an increase in quota. It is disingenuous at best to use the summery for two different and opposing agendas.

There is a lot of positive information in the summary paper that bears looking at. For instance, Manderson is echoing Hendrickson findings that there is not only one cohort of squid, but that the squid are spawning year-round in multiple batches and moving up and over the shelf throughout its range. This type of behavior makes the squid far less vulnerable to predators and fishing pressure, than would be the case if the squid spawned once a year and only moved through a few chokepoints on the shelf where they could easily be targeted by predators and the fishing industry.

This life history, combined with both the natural protections from residing in deeper waters where fishing isn't possible and in the protected coral areas, gear restricted areas and the within the National Monuments provides extra protection and escapement for squid. As mentioned in the public hearing document and the summary report, this is a clean fishery with little bycatch. From the public hearing document: *"Bycatch is very low in the Illex fishery and has not increased in recent years based on observer data, so while bycatch is a general concern related to racing to fish, bycatch is not a substantial factor for this particular fishery."*

The Mid-Atlantic Council's Illex Working group has reports in "draft state" and will be reporting their findings to the SSC in May. Hopefully very soon after, the Council, Committee, AP and public will also be able to view these documents. I'm on the AP and have been able to attend the webinars and read the reports. Though I am not allowed to cite or share any documents, I believe it is safe to say that the information I've read so far trends positive in terms of habitat, fishing mortality, amongst other things.

Many of us have asked for this process to be slowed down and for this information to be made available BEFORE taking final action so we can all be aware of the information that



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is out there. This is not an attempt to “drag the process out” – there is information out there that needs to be brought into this discussion. Unfortunately, that time as passed with the public hearing document out and public hearings wrapped up.

There is a possibility that the Council is going to take some action that will negatively impact many people in this fishery. We should be using the most updated and best-available science if they are going to be taking any action. Unfortunately, because of the drive to wrap this amendment up in 2020, many of us that might lose access or be permanently restricted by this action will not benefit by this information being used in the 2021 assessment for Illex.

In my opinion, which I voiced several times during this process, we are putting the cart before the horse and leaving out important and valuable information that should be fully considered. Knowing that the MAFMC was moving forward with a working group, this amendment should have been shelved until it’s work was completed so all the information could have been presented to the public in a timely manner and incorporated in the public hearing document and all amendment discussions.

When it comes time for final action on this amendment it should be done in person and not over a webinar. I agree with public hearings being held via webinar if we are unable to meet in person, but there is too much as stake for people in this complicated and contentious amendment to be finalized over an impersonal webinar. Even the NEFMC has agreed to push off Amendment 23 until they can meet in person.

Finally, I want to thank all of you who have taken the time over the past year to patiently listen to and consider our concerns. We know it was often redundant and time consuming, but we have a lot at stake with this amendment and greatly appreciate the time you took to hear us.

Sincerely,

Katie Almeida
Fishery Policy Analyst



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Saturday April 18, 2020

Dr. Chris Moore
Executive Director
Mid-Atlantic Fishery Management Council

RE: MSB Goals and Illex Permits

Dear Dr. Moore,

Thank you for the opportunity to publicly comment regarding the proposed *Illex* squid permitting amendment to the Mackerel, Squid, Butterfish Fishery Management Plan.

I would first like to take this opportunity to introduce Northern Pelagic Group "NORPEL" and its connection to the *Illex* Squid fishery. NORPEL first started as a pelagic processing plant in 2002. For many years, NORPEL processed domestically caught Atlantic Herring and Atlantic Mackerel. As cuts to quotas and rigorous regulations were enacted in these fisheries, NORPEL turned to the freezing of squid as an alternative to keep the doors open and the staff employed.

NORPEL is reliant on the summer *Illex* Squid fishery to employ nearly 100 of the brightest, hardest working and most passionate residents on the South Coast of Massachusetts and Rhode Island. Additionally, NORPEL supports a vast number of shoreside businesses and service companies such as packaging companies, gear manufacturers, diesel mechanics, welders and trucking companies.

Due to the nature of the *Illex*'s rapid metabolism, extremely limited fresh shelf life and harvest season (where water temperatures are at their peaks), ice boats (as opposed to RSW boats) have been barred from landing *Illex* Squid at many processing facilities. With nowhere to land the *Illex* Squid, their participation has been limited. NORPEL was designed to process high volume fisheries in a very short length of time, which ultimately allows for both ice boats and RSW boats to land *Illex* Squid in New Bedford. This has greatly assisted in the development of a more diverse *Illex* Squid fleet, both in vessel type and geographic distribution.

As one of the only large-scale, shoreside squid processor located north of Rhode Island, the proposed *Illex* Squid permit requalification amendment could have vastly negative consequences on not only NORPEL, but an entire region.

After much discussion and research, NORPEL has agreed on the following three positions that we are able to support regarding the current *Illex* Amendment:

- 1) **Preferred:** No action; requalification of all 76 permits.



- 2) **Preferred Alternative:** Minimal action; full requalification of 51 active permits. This allows for requalification of all active permit holders with more than 50,000 pounds landed in any one year from 1997 to 2019. This essentially eliminates permits for the non-participants in the fishery in the time frame from 1997-2019.
- 3) **Acceptable Alternative:** Should the council insist on a tiered approach, we can support the following:
 - *Tier 1 Classification:* 500,000 pounds best year qualifier 1997-2013; or 1,000,000 lbs. best year qualifier 2014-2019 (+/- 41 permits).
 - *Tier 2 Classification:* 100,000 pounds best year qualifier 1997-2019; 90,000 lbs. trip limit; no sub-quota (+/- 7 permits).
 - *Tier 3 Classification:* 50,000 pounds best year qualifier; 47,000 lb. trip limit; no sub-quota (+/- 3 permits).
 - *Incidental limit:* 10,000 lbs. (+/- 25 permits).
 - No new fish-hold capacity limitation.

The *Illex* Squid fishery is currently a limited access fishery. All of the 76 limited access permits have previously requalified under prior amendments. Additionally, *Illex* Squid is a national public resource. That being said, enacting overly aggressive requalification criteria will only limit participation in the fishery and further privatize this resource, which will have no net benefit to the nation, or the 76 limited access permit holders. NORPEL cannot support aggressively limiting participation for the following reasons:

There is currently no biological basis for requalification. The *Illex* Squid fishery is healthy and vibrant. There are currently several collaborative working groups of fishermen, shoreside industry, the science community and fishery managers who are working together to increase the quota for the *Illex* Squid fishery. If the quota is to be raised, and permits and/or participation reduced, there is a strong chance that in the coming years, Optimum Yield will not be harvested. This is further backed by the idea that the *Illex* Squid fishery has only reached its quota a handful of times over the last 20 years.

Fisheries need a diverse fleet of harvesters and processors. Many of the traditional participants in the fishery would requalify under stricter limits, whereas many of the other permit holders potentially would not requalify. This would limit the fleets geographic distribution and would



ultimately concentrate the fleet to just a few ports and permit holders. By limiting the number of ports where *Illex* Squid was landed, there would be less incentive for competition amongst vessels and processors. Less competition would lead to less innovation and the further development of new markets, both domestically and internationally. Traditionally, ice boats could not catch *Illex* Squid, due to the lack of available processors who would be willing to process ice boat caught *Illex*. Over the last several years, due to innovation within the industry and a robustly diverse fleet of catchers and processors, new markets have developed for *Illex*. One of the key areas of development was in the domestic food service industry. Further reducing participation will only serve to inhibit the growth and positive momentum of the expansion of a healthy and sustainable squid fishery.

Fisheries need to be flexible, in order to react to changing climate and ocean conditions. As seen many times within a variety of fisheries, the climate and oceanographic conditions have a vast influence on the stock structure and physical location of fisheries. The *Illex* Squid fishery needs to be flexible in order to adapt to the potential for a shift in the location of *Illex* Squid stocks. By limiting permits and participation, the ability for future flexibility will be greatly limited. Removing permits will ultimately lead to the removal of processing infrastructure, particularly in areas north of Rhode Island. Should the stocks migrate in the future, with limited permitted vessels within proximity to the fishing grounds, no access to additional permits and/or no processing structure, there will be an inability to harvest Optimum Yield for the *Illex* Squid fishery.

As mandated by the Magnuson-Stevens Fishery Conservation and Management Act, NOAA Fisheries has developed guidelines for each National Standard. The National Standards are principles that must be followed in any fishery management plan to ensure sustainable and responsible fishery management. If the Council were to modify the current *Illex* squid permitting system, they would do so in potential violation of National Standards 4 (Allocations), and 8 (Communities).

Under National Standard 4, *Conservation and management measures shall not discriminate between residents of different states. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (a) fair and equitable to all such fishermen; (b) reasonably calculated to promote conservation; and (c) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privilege.* By implementing a new permitting system, much of the fishery, which is currently geographically distributed throughout the East Coast, would be consolidated to a significantly smaller region. The fisheries based in Rhode Island and Massachusetts would truly suffer.

Under National Standard 8, *Conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities by utilizing economic and social data that meet the requirement of paragraph (2) [i.e., National Standard 2], in order to (a) provide for the sustained participation of such communities, and (b) to the extent*



practicable, minimize adverse economic impacts on such communities. By implementing a new permitting system, there would be a great loss of economic activity in the Rhode Island and Massachusetts regions, as outlined above. Not only would the companies directly involved in the fishery suffer, there would be a negative impact on all the related shoreside workers and businesses. Many of these companies rely on the Illex fishery as it often bridges the gap between Spring and Fall fisheries.

The main goal and objective of the MSB FMP should be to determine an accurate and real time Spawning Stock Biomass (SSB) Annual Catch Limit (ACL) for the Illex fishery that takes into consideration the squid's extremely short lifespan and highly migratory pattern. The issue at hand with the Illex squid fishery is not one of allocation. I believe all Council and Committee effort should be focused on completing a scientifically acceptable stock assessment for Illex squid. This will greatly assist in setting the Allowable Biological Catch (ABC) and reaching Optimum Yield (OY). Upon completion of a successful and scientifically accepted stock assessment, when we have satisfied National Standards 1 (Optimum Yield) and 2 (Scientific Information), the Council and Committee should direct their resources to making management decisions for the Illex squid fishery.

I urge the Council to consider the motives behind a requalification amendment, which seeks to remove current, active participants from a healthy fishery that supports hardworking fishermen, vessels, shoreside industries and communities from Massachusetts to South Carolina. Illex squid is a public resource that all permitted vessels should be allowed to pursue in order to provide the greatest net benefit to the nation and not hoarded by a few entities, especially those that have sold to foreign investors. As a US based, family owned company, NORPEL cannot support an amendment that would cut jobs, revenue, community development and international trade, with no biological basis.

Thank you very much for your consideration of NORPEL's comments. Should you have any additional questions, please feel free to reach out to me.

Sincerely,

A handwritten signature in black ink, appearing to read "Brendan Mitchell", with a long horizontal line extending to the right.

Brendan Mitchell
Fisheries Liaison

F/V Nordic Explorer

New Bedford, MA

Monday April 20, 2020

Dr. Chris Moore
Executive Director
Mid-Atlantic Fishery Management Council

RE: MSB Goals and Illex Permits

Dear Dr. Moore,

Thank you for the opportunity to publicly comment regarding the proposed *Illex* squid permitting amendment to the Mackerel, Squid, Butterfish Fishery Management Plan.

My name is Brady Schofield and I am one of the owners of the FV Nordic Explorer out of New Bedford, MA. During the summer months, the Nordic Explorer fishes for *Illex* squid. As groundfish, pelagics and other fisheries have dwindled, the Nordic Explorer has become more reliant on the *Illex* squid fishery as a source of revenue for the vessel and the crew.

Currently, there are several *Illex* squid working groups, which have been collaborating with fishermen and the science community in an effort to raise the current *Illex* squid quota. The *Illex* squid stock is currently healthy and there is no biological motive behind this requalification amendment. Further limiting of the number of participants will only reduce the chance that the fishery will hit optimum yield in future years.

With more permits and fishing vessels in the fishery, we have seen an increase in the number processors accepting *Illex* squid. With a more consistent supply of *Illex*, shoreside processors have been able to open new markets both domestically and internationally which has increased the ex-vessel price of *Illex* squid.

Considering the above, I support the following proposals:

- 1) **Preferred:** No action; requalification of all 76 permits.
- 2) **Preferred Alternative:** Minimal action; full requalification of 51 active permits. This allows for requalification of all active permit holders with more than 50,000 pounds landed in any one year from 1997 to 2019. This essentially eliminates permits for the non-participants in the fishery in the time frame from 1997-2019.
- 3) **Acceptable Alternative:** Should the council insist on a tiered approach, we can support the following:
 - *Tier 1 Classification:* 500,000 pounds best year qualifier 1997-2013; or 1,000,000 lbs. best year qualifier 2014-2019 (+/- 41 permits).

F/V Nordic Explorer

New Bedford, MA

- *Tier 2 Classification:* 100,000 pounds best year qualifier 1997-2019; 90,000 lbs. trip limit; no sub-quota (+/- 7 permits).
- *Tier 3 Classification:* 50,000 pounds best year qualifier; 47,000 lb. trip limit; no sub-quota (+/- 3 permits).
- *Incidental limit:* 10,000 lbs. (+/- 25 permits).
- No new fish-hold capacity limitation.

I cannot support a hold capacity limit for several reasons. First, this is cost prohibitive. Second, a hold capacity limit can limit future safety upgrades on aging vessels. Third, there are already rules in place limiting length and horsepower.

I urge the council to consider the motives behind a requalification amendment, which seeks to remove current active participants from a healthy fishery that supports fishermen, vessels, shoreside industries and communities from Massachusetts to South Carolina. *Illex* squid is a public resource that vessels should be allowed to pursue in order to provide the greatest net benefit to the nation and not hoarded by a few entities, let alone ones owned by a foreign investment group. This is a US Fishery and should remain as a fishery for US permit holders.

Once again, I thank you for the opportunity to comment on this situation



Brady Schofield
FV Nordic Explorer



Managing the Needs of our Customers Through our Commitment to Sustainable Fisheries

April 20, 2020

Dr. Chris Moore, Executive Director
800 North State Street, Suite 20, Dover, DE 19901
Re: Illex Permits Amendment - By email: cmoore@mafmc.org

Dear Chris:

For the last 10 years, I have been an employee of Lund's Fisheries, a family-owned company producing seafood in Cape May, NJ since 1954. Jeff Reichle and I have been friends and colleagues going back to the amendment limiting entry in the herring fishery, more than 20 years ago when I was working for the sardine canneries in Maine. I first started in the commercial fishing industry in 1972, after completing my enlistment in the U.S. Coast Guard. For more than a decade I worked offshore in the groundfish and lobster fisheries from Rhode Island and Massachusetts and in the inshore groundfish, scallop and lobster fisheries in Maine. Of course, in those days there was no FCMA or MSA so I have been around the RFMC process since it began, attending the first meeting of the NEFMC in Point Judith sometime around 1977. For many years, I have continued to serve as an advisor to the NEFMC, ASMFC and MAFMC and was privileged to serve as a MAFMC member, from 2013 through 2016.

Throughout this time, entry has necessarily been required to be limited, by both Councils and the states comprising the ASMFC, as fishing capacity and available quota has been attempted to be matched in order to avoid overfishing and provide those who had historically been in the fishery with a reasonable opportunity to be successful in the long-term. No one liked it but this has been the keystone approach to managing fisheries since passage of the FCMA in 1977.

Many of our Lund's vessels have lost access to more than one regional fishery over the years when those boats had insufficient fishing history to earn and retain a full time permit. This has been the case of several others who have participated in the Illex Permits Amendment process over the last two years and have stated that fact on the hearing record. Today, I ask the members of the Council to remain consistent and utilize the reaffirmed control date, limiting entry in the Illex fishery, as was recently done in the Loligo amendment and for the other limited access fisheries managed by the Council.

During summer, Lund's has depended upon the Illex squid fishery since the early 1980's, exporting the company's first container of squid in 1985. Historically, and for most of the last decade, we have taken part in the Illex fishery during the months of May through November although the fishery has closed in late summer during the last three years as many new vessels have entered the fishery, which has negatively impacted our ability to fish and keep employees working in the plant throughout the summer and into early fall.

Our company supports the Historical Participants' Illex Tiered Permit System Compromise, using the Council's August 2, 2013 control date, which was reaffirmed by the Council prior to the start of the 2019 fishing year. I am attaching an outlined version of our proposal, which I used during the "Cape May Hearing" discussion, and may be useful to you and the Council.



Managing the Needs of our Customers Through our Commitment to Sustainable Fisheries

This fair compromise, by those who have consistently relied on this fishery, would fully qualify 34 'Tier 1' permits even though only 14 vessels harvested more than 500,000 pounds of Illex in 2017, increasing to 19 in 2018 and 26 in 2019. With the early closure in 1998, only 25 boats landed this amount with just 23 active at that level of harvest in the early closure of the 2004 fishery. The compromise Tier 2 proposal puts another 14 boats into the fishery. It is important that the Council act to limit the number of participants in this fishery, before the 25 other Illex permits are also activated, potentially creating a one-month fishery given the potential capacity of an unlimited fleet.

Lund's Fisheries was the first company on this coast to invest in a factory and vessels to catch, process and sell large volumes of what were formerly considered underutilized fisheries, including Illex squid. Over the years, this investment has allowed Cape May to become the number one Illex-producing port on the East Coast and we have helped several historical, independent fishermen become successful in this fishery.

Community impacts have largely been ignored in managing fisheries on this coast and we encourage the Council to consider our historical dependence on this fishery, which will help to maintain the jobs that our plant and cold-storage workers, fishing crews, and truckers depend upon. In a community where there are few year-round jobs, employment in the Illex fishery helps to support local supermarkets and other fishing-related businesses like gear stores and fuel suppliers and supports our local housing market. I ask the Council to support the Tiered permit system compromise put forward by the historic participants in the Cape May Illex fishery.

Thank you for your attention to and your consideration of my comments.

With best regards,

Jeff Kaelin

Jeff Kaelin
Director of Sustainability
and Government Relations
Lund's Fisheries, Inc.
jkaelin@lundsfish.com

Home: 547 New England Road, Cape May, NJ 08204

Attachment – Historical Participants' Illex Tiered Permit System Compromise

Historical participants' Illex Tiered Permit System Compromise, supported by Lund's Fisheries:

To help create stability for our company in the future, I respectfully request that the Council consider and approve the following Illex squid permit requalification options:

A Tier 1 permit with a qualifying period of 1997-2013 (Alternative A4) and a qualifying threshold of 500,000 pounds, in a vessel's best year during the qualifying period (Alternative B5), creating 34 Tier 1 permits.

Rationale:

- Since Illex is a tonnage fishery, 500,000 pounds is a reasonable level of participation. It also represents a compromise from the 1 million pound qualifying threshold and is a more inclusive qualifier than the alternative requiring landings both before and after the control date.
- This recommendation represents a significant compromise by qualifying 34 Tier 1 permits, since from 1996-2015, the majority of Illex landings were harvested by 6 to 15 vessels. This alternative would qualify more than double that number of Tier 1 permits.
- The Council should utilize the 2013 control date for fully qualifying historic participants into the fishery.
- The Council reaffirmed the 2013 control date in the Illex fishery in 2018, when development of this action began.
- This control date was established to deal with the current situation of too much capacity chasing too few fish. As the Council stated, *"In the case of the Illex squid fishery, the Council is currently concerned with excess and/or latent capacity. Since 2003, approximately 7 to 21 of the 76 Illex squid moratorium-permitted vessels have accounted for 95 percent of Illex squid landings. Activation of latent capacity, in conjunction with restrictions in other fisheries, may create a derby fishery during the period of Illex availability during the summer and early fall of each year. Therefore, the Council has expressed a need to examine excess capacity and/or latent capacity in the limited entry section of this fishery."*
- With the reaffirmation of the 2013 control date, all Illex permit holders were put on notice that, *"The control date communicates to fishermen that performance or fishing effort after the date of publication may not be treated the same as performance or effort that was expended before the control date."*
- Retaining the control date also creates consistency with recent Council action in the Longfin squid amendment, where the Council maintained the 2013 control date for qualification for a Tier 1 Longfin permit.
- In eventually developing measures to reduce latent Loligo squid fishery permits, the Council stated it was important to *"Consider the appropriate number of vessels in the directed and incidental longfin squid and Illex squid fisheries and design appropriate management measures"*

for permitted vessels to avoid more frequent and disruptive fishery closures due to additional effort from vessels that have not substantively participated in the fishery in recent history. The Council is considering this objective because there is considerable latent effort in both fisheries - a relatively small portion of vessels with limited access ("moratorium") squid permits account for the majority of landings in most years, and the Council is concerned that activation of latent permits in the squid fisheries could lead to shortened seasons on these semelparous, sub-annual species, as well as increased catch of non-target species if racing to fish increases. Further restricting access will help to ensure access to the quota for participants that have participated on a regular basis and therefore have some degree of dependency. Additional effort could also increase daily landings, making it difficult to close the fishery in a timely fashion, which could negatively impact the longfin squid stock."

A Tier 2 permit with a qualifying period of 1997-2018 (Alternative A3) and a qualifying threshold of 100,000 pounds, in a vessel's best year during the qualifying period (Alternative B3); the Tier 2 permit would have a daily trip limit of 48,000 pounds (Alternative C3), creating 14 Tier 2 permits.

Rationale:

- This recommendation allows consideration of historic and recent participation through 2018 when then Council reaffirmed the control date and development of this action began.
- The agency has made it clear that recent participation must be accounted for in some manner. Choosing 2018 over 2019 should easily be justified by the Council, as development of this action began in 2018, and the deadline for scoping comments occurred in early 2019, before the 2019 Illex fishing season began.
- It would not be appropriate to consider new participation after the initiation of the action itself, which would defeat the purpose of the action and encourage "fishing for history on speculation" rather than a true measure of participation in the "freeze the footprint" approach consistently taken by the Council in recent years.
- Similar to our Tier 1 recommendation, a 100,000 pound qualifier demonstrates reasonable participation in a tonnage fishery. Alternative C3, a 48,000 pound trip limit, responds to data indicating that trips landing up to 48,000 pounds (1997-2018) accounted for only 5% of landings, so this trip limit is more than four times higher than the existing incidental trip limit and allows for a significant opportunity for Tier 2 permit holders to participate in the Illex fishery. Creating a middle tier with a moderate trip limit is consistent with Council actions in other tonnage fisheries such as mackerel in the Mid-Atlantic and herring in New England.

A Tier 3 permit with a qualifying period of 1997-2018 (Alternative A3) and a qualifying threshold of 50,000 pounds, in a vessel's best year during the qualifying period (Alternative B2); the Tier 3 permit would have a daily trip limit of 20,000 pounds (Alternative C2), creating 2 Tier 3 permits.

Rationale:

- Our rationale for using a 2018 cut-off date is the same as stated above, for Tier 2.

- A 50,000 pound qualifier represents only five incidental/open access trip limits (at 10,000 pounds) and should be easily met by any permit holder, even those only incidentally retaining Illex, particularly during the high-availability years of 2017-2018.
- The 20,000 pound trip limit is consistent with the Council’s Longfin squid approach, creating a permit tier for permits that do not requalify at higher levels of an amount double the incidental trip limit (currently 10,000 pounds).

Open Access / Incidental catch permit; with a trip limit of 10,000 pounds.

Fish Hold Measurement - Require volumetric fish hold measurement for Tier 1 and Tier 2 limited access Illex vessels (Alternative D2)

Rationale:

- This requirement is consistent with the Council’s “freeze the footprint” approach taken in other fishery management plans developed in recent years.
- The provision would match that of the Council’s Atlantic mackerel fishery management plan, to ensure stability of the Illex fleet’s characteristics and reduce the potential for fishing capacity to significantly increase in the future, after requalifying Illex permits with this action.
- The fish hold volume could be increased by up to 10% of the vessel’s baseline hold measurement, whether through refitting or vessel replacement.
- While the public hearing document states that fish hold measurement costs can be high we have documentation that certifies that holds can be measured for \$500-\$1000, depending upon travel requirements.

Finally, we ask the Council to consider adding a new alternative establishing a Tier 1 Incidental Limit for Illex Vessels with Longfin on Board, which would establish an incidental possession limit of 20,000 pounds when possessing 10,000 pounds or more of Longfin squid, after the Illex fishery closes.

Rationale:

- This provision would allow for the bycatch of Illex in the Loligo fishery to be turned into landings once the Illex fishery has closed. Adding this option would create consistency with other Council measures for the Loligo squid fishery where, following a closure of the Trimester 2 Longfin fishery, vessels possessing 10,000 pounds or more of Illex on board are allowed 15,000 pounds of Longfin squid as incidental catch.

Our proposal would qualify a total of 50 tiered limited access permits. It represents a significant compromise by the 6-15 historic participants who have developed and carried this fishery, its infrastructure and markets for over 20 years. It provides continued opportunity and access for recent participants, including those who have participated at minimal levels, and discourages future speculation in a fishery that has closed early for 3 years in a row, negatively impacting both vessel and plant employees, and dependent fishing communities, like Cape May.

Hi Jason, good to talk with you about the flurry of comments that came to you (and Chris – my apologies to him for using his email address rather than yours), including those from outside companies that support our business and submitted comments on our letterhead due to our not being clear in asking them to use their own.

Those companies are:

Bentley Truck Services, Logan Township, NJ; Robert Lauser
Diversified Insurance Industries, Hunt Valley, MD; Michael Papa
First Choice Freezer, Vineland, NJ; Christopher Levan
Harbor Cold Storage, Carnation, WA & AK; David Shoemaker
J.H. Transportation Services, Mullica Hill, NJ; Joseph Honrychs
Lineage Logistics, Westfield, MA; Jason Adams
Mission Movement Transport, Lincoln, DE; Tonyango Snead
MTC Logistics, New Castle, DE; Judy New, Daniel Poarch & Daria Smith
RBS Logistics Group, Valley Stream, NY; Raj Singh
Sub Zero Storage, Eunice, LA; Doug Guillory
Sun Coast Calamari, Oxnard & Watsonville, CA; Mike Carpenter

Thanks for your understanding...apologies for getting right down to the wire and not leaving sufficient time to get these letters resubmitted in the correct format.

With best regards,
Jeff

Jeff Kaelin
Director of Sustainability
and Government Relations
Lund's Fisheries, Inc.
997 Ocean Drive
Cape May, NJ 08204
C-207-266-0440

LUND'S
FISHERIES



Wild caught product of USA

Dr. Chris Moore, Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE, 19901

April 20, 2020

Re: MSB FMP Goals/Objectives and Illex Permits Amendment

Dear Chris,

We, the undersigned, represent both historic participants in the Illex fishery as well as new entrants who have made the investment in Illex permits with history in order to qualify for Tier 1 permits using the Council's August 2, 2013 reconfirmed control date. Access in this fishery is extremely important for the vessels and processors who have relied on it for an extended period of time, including those who have made both significant investments to purchase permits with history and shoreside investments necessary for the success of the fishery in domestic and world markets today.

Unified Goals and Objectives:

We support the unified goals and objectives proposed by the Council for the MSB plan, reflecting recommendations by the FMAT and AP, as comprehensive in balancing the sustainability of the resource throughout its range, preserving the value of investments made by harvesters and processors to sustain dependent shoreside communities and increasing the potential for future industry collaboration on research to achieve the greatest, long term net benefit to the Nation from the Illex fishery.

Modifications to Illex Fishery Permitting and Related Management Measures:

We urge the Council to be consistent in using the 2013 control date to requalify permits in this fishery, as was recently done in the Loligo amendment. Doing so will maximize safety at sea by limiting the number of vessels fishing in narrow areas on the edge of the Continental Shelf; will minimize monitoring difficulties by limiting the potential for latent permits to be used to double the number of boats operating in the fishery thereby increasing spatial conflicts with fixed gear fisheries; will minimize business disruptions in fishing communities that have participated in the Illex fishery for decades; and maximize yield from the fishery by fishing in a broad spatial and temporal range otherwise limited by the influx of additional latent permits.

Our historical participants' Illex Tiered Permit System Compromise is outlined below, with justification provided. We believe this is a fair compromise, providing access for vessels fishing through 2018 and creating 8 additional, fully-qualified permits than the number that harvested 500,000 pounds or more in 2019:

Tier 1: Qualifying period of Alternative A4, 1997-2013. Qualifying threshold of B5, 500,000 lbs in a vessel's best year during the qualifying time frame. 34 permits.

Rationale: The Council should utilize the 2013 control date in recognizing historic participation in this fishery. This would be consistent with Council policy in every other fishery it manages. The Council reaffirmed the 2013 control date in the Illex fishery in 2018, when development of this action began (p. 25 PHD).

This control date was established to expressly deal with the current situation. As the Council has stated, “In the case of the Illex squid fishery, the Council is currently concerned with excess and/or latent capacity. Since 2003, approximately 7 to 21 of the 76 Illex squid moratorium-permitted vessels have accounted for 95 percent of Illex squid landings. Activation of latent capacity, in conjunction with restrictions in other fisheries, may create a derby fishery during the period of Illex availability during the summer and early fall of each year. Therefore, the Council has expressed a need to examine excess capacity and/or latent capacity in the limited entry section of this fishery.” (From the Federal Register Notice, August 2013.)

With the reaffirmation of this control date, in 2018, the Council put permit-holders on notice that, “The control date communicates to fishermen that performance or fishing effort after the date of publication may not be treated the same as performance or effort that was expended before the control date.” Retaining the control date also creates consistency with recent Council action in the Longfin squid amendment, where the Council maintained the 2013 control date for qualification for a Tier 1 Longfin permit.

Since Illex is a tonnage fishery, a 500,000 pound Tier 1 qualifier is a reasonable level of participation. It also represents a compromise from the 1 million pound qualifying threshold, and is a more inclusive qualifier than the alternative requiring landings both before and after the control date. This also represents a significant compromise by qualifying 34 Tier 1 permits; since from 1996-2015, the majority of Illex landings were harvested by 6 to 15 vessels (SSC 2018 report). This alternative would qualify more than double that number of Tier 1 permits. We believe that this, in itself, is a significant and inclusive compromise by those 6 to 15 vessels, which continue to operate in the fishery.

Tier 2: Qualifying period of Alternative A3, 1997-2018. Qualifying threshold of B3, 100,000 lbs in a vessel’s best year during the qualifying time frame. Alternative C3, 48,000 lb trip limit. 14 permits.

Rationale: This allows consideration of historic and recent participation through 2018 when the Council reaffirmed the control date and development of this action began. (p. 25 PHD). The agency has made it clear that recent participation must be accounted for in some manner. Choosing 2018 over 2019 is justified, as development of this action began in 2018, and the deadline for scoping comments occurred in early 2019, before the 2019 Illex fishing season began.

It would not be appropriate to consider new participation after the initiation of the action itself, which would defeat the purpose of the action and encourage “fishing for history” rather than a true measure of participation in the “freeze the footprint” approach consistently taken by the Council, as in the development of the forage and coral protection amendments. Similar to Tier 1, a 100,000 pound qualifier demonstrates participation in a tonnage fishery.

For Tier 2, we support Alternative C3, a 48,000 lb trip limit, which also allows for opportunity in this fishery by Tier 2 permit holders. Only two trips in this trip limit range, made over a 20 year qualifying period, would put a vessel in Tier 2. To put in perspective this level of opportunity, a vessel taking only ten 2-day trips in a single Illex season would land 480,000 pounds a year under this trip limit. In high availability years such as 2017-2019, these vessels could easily land a million pounds each, which would amount to approximately 25% of the current quota.

Creating a middle tier with a moderate trip limit is consistent with management of other tonnage fisheries in the region. For example, an equivalent “C” permit in the herring fishery has a corresponding trip limit of 55,000 pounds. The 48,000 pound possession limit is not the most restrictive trip limit or the most liberal trip limit in the document; it is a middle of the road alternative. We do not support a higher trip limit for Tier 2, as the increase in fleet capacity by supporting 34 Tier 1 permits, rather than a smaller number of Tier 1 permits, already creates additional opportunities in this fishery for active permit-holders in Tier 1.

Additionally, this compromise affords Tier 2 Illex permit holders considerably more access and opportunity than Tier 2 permit holders in the Longfin squid fishery, as recently approved by both the Council and Agency. In Longfin squid, a Tier 2 permit is allowed to possess 5,000 pounds of longfin per trip. Using the average 2019 ex-vessel price of approximately \$1.50 per pound (Fishery Performance Report), a Tier 2 trip of Longfin would generate \$7,500 of ex-vessel value.

For an Illex Tier 2 permit, at the proposed 48,000 pound trip limit, and using a 2019 ex vessel value of \$0.40-45 per pound (Fishery Performance Report), a Tier 2 trip of Illex would generate approximately \$20,000 of ex -vessel value. This is more than double the opportunity afforded by the Council in Longfin. A more comparable, and consistent, opportunity (as used to develop a Tier 2 Longfin permit) would be Alternative C2, a 20,000 pound trip limit, which would result in approximately \$10,000 per trip ex-vessel value. However, we, the historic industry, are willing to put forward a good faith compromise and support a higher, 48,000 pound trip limit for Tier 2 Illex vessels.

Tier 3: Qualifying period of Alternative A3, 1997-2018. Qualifying threshold of 50,000 lbs in any one year. Alternative C2, 20,000 lb trip limit. 2 permits.

Rationale: Rationale for these qualifying years is the same as described above. A 50,000 pound qualifier is only five incidental/open access trip limits and is easily met by any permit holder even incidentally retaining Illex, particularly in the high availability years of 2017-2018. The 20,000 pound trip limit is consistent with the Longfin squid approach of creating a permit tier for permits, which do not requalify at higher levels, of an amount double the incidental trip limit (of 10,000 pounds).

Open Access / Incidental Permits: 10,000 lbs. (Status quo).

Fish Hold Measurements: Alternative D2; require volumetric fish hold measurement for Tier 1 and Tier 2 limited access Illex permits.

Rationale: This is consistent with the Council’s “freeze the footprint” approach taken in multiple other FMPs. This requirement also exists in the Council’s Atlantic mackerel FMP, to ensure stability of fleet characteristics and reduce the potential for fishing capacity to significantly increase in the future, after requalifying Illex permits with this action.

After being measured, the fish hold volume could be increased by up to 10% of the vessel’s baseline hold measurement, whether through refitting or vessel replacement. While the PHD states that fish hold measurement costs can be high (up to \$25,000) we have documentation, following up from having measured our mackerel vessels’ holds, that a naval architect can provide this service for \$500-\$1000, depending upon travel requirements.

Incidental Limit with Longfin on Board (New Alternative): Incidental limit of 20,000 lbs of Illex when possessing 10,000 lbs or more of Longfin squid, when the Illex fishery has been closed. Limited to Tier 1 permits.

Rationale: This provision would allow for the bycatch of Illex in the Loligo fishery to be turned into landings once the fishery has closed. It mirrors similar provisions in the Longfin squid fishery; i.e. if Trimester 2 closes for Longfin squid, vessels possessing 10,000 pounds or more of Illex on board are allowed 15,000 pounds of longfin squid as incidental catch. This provision would create a corresponding opportunity in the Illex fishery and help prevent discards after a closure.

##

Our proposal would qualify a total of 50 limited access tiered permits. It represents a significant compromise by the 6-15 historic participants who have developed and carried this fishery and its infrastructure and markets for over 20 years and who knowingly will lose access as a result. It is also a compromise by those who have made substantial investments to enter this fishery the right way and based their decisions on consistent past Council action on utilization of control dates. It provides continued opportunity and access for recent participants and those who have participated at minimal levels, but also discourages continued speculation into a fishery that has closed early for three years in a row.

What historic participants have been willing to support as part of this compromise is similar to, but more inclusive than, the qualification criteria approved by the Council in the recent Longfin squid permit requalification amendment. That action originally included rationalizing Illex moratorium permits, but was removed from consideration due to the fact that, during Council deliberations, the Illex fishery hadn't reached its quota in several years.

Action, even at that time, was considered, "...because there is considerable latent effort in both fisheries - a relatively small portion of vessels with limited access ("moratorium") squid permits account for the majority of landings in most years, and the Council is concerned that activation of latent permits in the squid fisheries could lead to shortened seasons on these semelparous, sub-annual species, as well as increased catch of non-target species if racing to fish increases. Further restricting access will help to ensure access to the quota for participants that have participated on a regular basis and therefore have some degree of dependency." (Amendment 20, p. 2; submitted to NOAA 7/20/2018.) All of these concerns have now materialized in the Illex fishery.

The Council approved, in 2017, and the Agency submitted, in 2018, the Final Rule which requalified Longfin squid permits using landings between 1997 and the 2013 control date as Tier 1 Longfin squid permits. (See FR Notice December 14, 2018). We are requesting the Council and Agency take the same action with Illex. In the Longfin amendment, over 40% of Longfin squid permits did not qualify for Tier 1 access due to a lack of insufficient landings before the control date. (Amendment 20, p. 45).

We are requesting Council consistency in managing the Illex fishery, taking into consideration the fact that the Longfin squid measures, according to the Federal Register Final Rule, were justified due to concerns that "unused longfin squid/butterfish moratorium permits *could* be activated. This *could* lead to excessive fishing effort, which *could* lead to premature closures and reduced access to longfin squid quota by vessels with a history of higher landings in recent years".

In the Illex fishery, we, as historic participants, are not asking for action based on something that “could” happen; we are asking for the Council to take action since these concerns have rapidly, already taken place in the Illex fishery.

We, therefore, respectfully request that the Council support these Alternatives in order to minimize future negative effects on the historical participants and communities depending upon a stable Illex fishery that is not hopelessly overcapitalized. Thank you for your attention to and your consideration of our concerns and recommendations.

Sincerely,

H&L Axelsson, Inc., F/V Dyrsten; Lars Axelsson, Dan Axelsson, Bo Magnusson, Leif Axelsson, Stefan Axelsson, David Axelsson, Hans Axelsson, Cape May, New Jersey

Peter Barbera, Seafreeze Shoreside, F/V Titan, Point Judith, Rhode Island

William Bright, Loper Bright Enterprises, F/V Retriever, Captain Patrick Quinn, Cape May Court House, New Jersey

Joseph J. Gilbert, Glaucus LLC, F/V Starbright, Captain David Lund; Empire Fisheries, LLC, F/V Regulus, Captain Monico Rubio, Stonington, Connecticut

Glenn and Kyle Goodwin, Prevail Fisheries, F/V Prevail, Point Judith, Rhode Island

Hank Lackner, L&G Fisheries, LLC, F/V Jason & Danielle, Montauk, New York

Meghan Lapp, Seafreeze, Ltd., F/V Persistence, F/V Relentless, North Kingston, Rhode Island

Gerry O’Neill, Cape Seafoods, Inc., F/V Endeavour, Gloucester, Massachusetts

Wayne Reichle, Jeff Reichle, Lund’s Fisheries, Inc., Cape May, New Jersey; Amy Davids, Cumberland Freezers, LLC, Bridgeton, New Jersey; Mount Vernon LLC, F/V Anya Joe, Captain Lonnie Miller; Elise G LLC, F/V Elise G, Captain Shawn Laughlin; Lund Marr Trawlers LLC, F/V Enterprise, Captain Rory Mullen; Scombrus One LLC, F/V Eva Marie, Captain Bill Miller; Evening Star LLC, F/V Evening Star, Captain Jim Lund; Golden Nuggett LLC, F/V Golden Nuggett, Captain Ken Johnson; Cape Trawlers, Inc., F/V Jersey Cape, Captain Mike Cox

Steve Roebuck, F/V Margaret Holly, Point Judith, Rhode Island

James and Robert Ruhle, F/V Darana R, Wanchese, North Carolina

Steven Ruhle, Darana R Fishing Co., Hampton, Virginia

Troy Sawyer, Karen Sue, Inc., F/V Debbie Sue, Point Judith, Rhode Island

Scott Smith, Mike Doyle, F/V Seafarer, Point Judith, Rhode Island

Billy Carl Tillett, Craig Tillett, F/V Linda Gayle, Wanchese, North Carolina

From: Timothy Sweeney <timothysweeney618@gmail.com>
Sent: Monday, April 20, 2020 5:40 PM
To: Moore, Christopher <cmoore@mafmc.org>; Kaelin, Jeff <jkaelin@lundsfish.com>
Subject: Illex permit amendment

Dear Dr. Moore.

My name is Tim Sweeney, I am a thirty one year old fisherman from Cape May New Jersey. I have been fishing for nine years. The last four have been with Lund Marr Trawlers LLC. This letter is not to try to take opportunity away from anyone. I believe our fisheries are an extremely important part of our region and an economic backbone to many towns on the east coast. Commercial fishing creates many jobs on the water and off.

Over the last ten years the illex has been a hit or miss fishery. Some years boats do extremely well and some years the boats don't see a paycheck from these squid. Squid have a very short lifespan and can double in size in a short period of time. If there are more boats added to the fishing fleet captains will be fishing earlier in the season to try to get the extra landing. Doing so will most likely cause small squid to be harvested. If they had waited an extra week or two they may have been able to get thirty percent more weight for the same number of squid harvested. Therefore helping to preserve the fishery for upcoming years.

Safety is a huge concern of mine. Every year there are multiple boats assisted and rescued by the United States Coast Guard. Even for an experienced captain, tanking illex is extremely dangerous in the calm, warm summer months. Tanking fresh squid you have to be careful of how much squid you have on the deck of the boat, if there's not enough weight in the hold and the weight isn't contained on deck well the boat could capsize in seconds. Adding inexperienced captains and boats that are illprepared to handle large amounts of uncontained weight above the water line could be detrimental to some crews. I am constantly hearing horror stories from John O'Leary [our safety drill instructor.] He travels up and down the east coast running safety drills for boats. He has told me that he would not set foot on some of the boats he is noticing rushing to join in the Illex fishery.

Thank you for reading my letter Dr. Moore. Let's try to keep everyone safe.

Sincerely, Tim Sweeney.

My name is Joseph Gilbert,
and I am the owner of the F/V Starbrite and F/V Regulus.

I offer the following comments on the Illex requalifications.

I am concerned that recent re-entry of latent effort will destabilize the Illex fishery. All permits are not equal. Participants are sorted by various metrics. Amongst these are historic participation and landing limits.

When considering time lines for participation, historic participants are permit holders who traditionally fished the resource consistently for many years prior to management actions. This would be evidenced by having several hundred thousand pounds of landings in their best year during the qualification period. These are Tier I vessels.

Permits that increased their effort level in the past five years should not be considered historic participants. These are latent permits and should be allowed to fish at a lesser effort level. These are Tier II or lesser permits. For management this recognition is important to prevent explosions of latent effort and the collapse of a healthy fishery.

When considering what a landing threshold for latent permits should be, 48,000 lbs. is excessive. I start by looking at my own boat. My vessel, Starbrite, has fished and landed Illex for as long as records have been kept. She has always been known as an active producer in the fishery. Starbrite packs 75,000 lbs. RSW squid. This should be considered a fully qualified Tier I permit.

Other fisheries (Loligo) under recent management action set a Tier II landing cap at 5,000 lbs. which is 5 to 10% of an average Loligo trip.

Using the above points as a guideline, I posit that a Tier II Illex permit landing limit be set at 15,000 lbs. which equals 20% of my fishhold size.

More than 15,000 lbs. will represent a disproportionate share of the landings and will over allocate landings to Tier II.

Too many participants will result in a smaller share of the available quota for each.

The influx of too many participants runs counter to the primary latent permit reduction objective of this scoping and will dilute the amount of quota available to those vessels that have become dependent on Illex squid fishing, so latent permits should be removed.

Tier II level set too high will result in accelerated landings pitting me and other historic participants in economic derby competitions against Tier II permits that are almost Tier I permits. Derbies are never good. Bad for fish; bad for management; bad for safety.

There needs to be a clear separation of privileges between Tier I and Tier II.

Over allocated Tier II permits will also negatively impact reaching biological maximum sustainable yield. Latent-effort permits will accelerate landings causing the fishery to harvest smaller early-season squid. More animals per ton will be landed than if historic participants paced their landing to capitalize on the larger late-season squid. Larger squid yields better.

Too many participants and/or over allocated Tier II permits will negatively effect the value of this fishery. Latent-effort permits will accelerate landings. This will bring to market an increase in smaller early-season squid which has less value.

The quota will be reached prematurely. This will cause the fishery to close prematurely, leaving vessels out of work preventing the fishery from realizing its full economic potential of larger, late-season squid.

Effects of excessive latent effort

More latent permits allowed at too high a participation level will cause:

- Premature closure of the fisheries,
- The “pie” to be sliced smaller for each permit,
- Derby fishing practices,
- Lower overall value,
- Risk of exceeding quota,
- Premature closing.

This is the profile of a fishery that is over capacity.

Setting the Tier II landing limit too high can create accountability problems. Who is to say whether there are 48,000 lbs. or 60,000 lbs. sloshing around in the Tier II RSW fishhold. A landing limit of 15,000 lbs. is much easier to estimate and verify and reduce risk of exceeding quota.

Historic participants of Illex fishing have endured high and low resource years. Historically the number of active permits and resource availability dictated a rhythm of resource management, fishing practices and business model. Historic participants exerted pressure on the resource and some years the season would last longer than other years. The economic health of the historic participants has come to rely on this balance and this rhythm.

As an assumed Tier I permit holder, I would expect to continue to benefit from permit privileges that were earned and that created long-standing business practices that I now rely on. Too many participants and over allocated Tier II permits will increase the pressure on the resource at an unprecedented rate. The resulting impact will diminish the value of the hard-earned privileges my permit provides me.

I believe to be a full Tier 1 participant in this fishery you should be able to document landings of several hundred thousand pounds in any one of the qualifying years. A Tier II participant should be capped at 15,000 lbs. per trip.

I am proposing some high qualification requirements that could be viewed as exclusive. However, while I am defending my Illex permit on Starbrite, I am in jeopardy of losing my Illex permit on Regulus that does not qualify for any of the requirements that I am proposing be adopted. This is in the best interest of the historic participants in a limited resource fishery.

There has been a shift in the Illex fishery that is drawing the attention of latent permit holders for whatever reason, whether it be good resource years or increased global demand; however, latent effort is latent effort. Fisheries management cannot bend to capital investment miscalculations by redefining historic participation or by setting Tier II catch levels too high. This will be fisheries management for business convenience rather than prudent resource and effort balancing protocols, measures and regulations.

Joseph J. Gilbert

STEPHEN M. OUELLETTE
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Dr. Chris Moore, Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE, 19901

April 20, 2020
via email cmoore@mafmc.org
and jdidden@mafmc.org

Re: Illex Permit Amendments

Dear Dr. Moore:

I have been asked to submit comments regarding the currently proposed Amendment to the Squid, Mackerel and Butterfish plan affecting federal Illex permits by Mark Phillips of Greenport, NY. For the following reasons, Mr. Phillips believes that the Council should not expend qualifications period for "recent" fishing history, until it has ensured that the true historical participants in the illex fishery have been afforded access. Mr. Phillips believes that the Council should allow former participants in the fishery, where they have been excluded by technical requirements of prior regulatory actions.

In particular, as Mr. Phillips has advised the Council, and some many members have actual knowledge, Mr. Phillips engaged in the illex fishery on the F/V JOHN F. PHILLIPS from around 1983 until the vessel was lost around 1990. During this period, Mr. Phillips believes his vessel landed one million propounds or more of illex squid, often in foreign joint ventures. When illex squid transitioned into a limited access fishery, Mr. Phillips was told that he was not eligible because the vessel had been lost and, at that time, there were no provisions in place for him to obtain a confirmation of permit history or similar means of preserving that fishing history to apply it to another vessel.

For these reasons, Mr. Phillips requests that the Council adopt regulations to afford historical participants, such as himself, an opportunity to qualify for limited access illex permits and regain their access lost through technical regulatory requirements, before providing future access based on recent history. We believe such action would be fair and equitable and consistent with National Standard Four.

I thank you for the opportunity to comments on the proposed Amendment and for the Council's and your attention to and courtesy in this regard.

Stephen M. Ouellette, Esquire

Dr. Chris Moore, Executive Director

April 20, 2020

-2-

Very truly yours,

/s/ Stephen M. Ouellette
Stephen M. Ouellette, Esq.

cc. Jason Didden: jdidden@mafmc.org

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April 20, 2020

BY EMAIL

Chris Moore, Ph.D., Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 19901

Re: **Fishing Vessel Enterprises & The Town Dock's Comments on the MSB FMP Goals and *Illex* Permits Amendment**

Dear Executive Director Moore:

On behalf of Fishing Vessel Enterprises, Inc. and The Town Dock, we submit the following comments regarding the Public Hearing Document ("PHD") for the Mid-Atlantic Fishery Management Council's ("Council") proposed amendment to the Atlantic Mackerel, Squid, and Butterfish ("MSB") Fishery Management Plan ("FMP"). Specifically, we are concerned with the proposed alternatives to the *Illex* fishery permit requalification regime that would limit certain more recent participation in the *Illex* fishery based on a stale and abandoned control date from 2013.

Fishing Vessel Enterprises is an active participant in the *Illex* fishery. Its vessels operate out of Cape May, New Jersey. The Town Dock is based in Point Judith, Rhode Island and is the largest supplier of squid in the United States. The Town Dock owns seven fishing vessels that fish primarily for squid, and it also buys squid from several dozen independently-owned vessels. The subject matter considered in the proposed MSB FMP Amendment is of great significance to these active participants, and we appreciate your attention to their concerns and suggestions regarding this Council action.

With regard to the PHD's proposed action to reconfigure the limited access system for the *Illex* fishery, any alternatives that do not requalify permit holders based on landings from between 1997 to 2019 *congruently* violate both the Magnuson-Stevens Fishery Conservation and Management Act ("MSA") and the Administrative Procedure Act ("APA"). These alternatives

Chris Moore, Ph.D., Executive Director
April 20, 2020
Page Two

are based on a stale control date from August 2013. Further, these alternatives are not consistent with, among others, MSA National Standards 1, 4, and 5 and their accompanying Guidelines (“NSGs”). These alternatives, and their legal, analytical, scientific, and logical deficiencies, represent the focus of our comments.

Summary of Facts

The *Illex* squid represents an increasingly important commercial fishery along the Mid-Atlantic and New England coasts. Although domestic *Illex* fishing did not begin in any material way until the early 1980s, by 1996, the Council began to manage the fishery under a moratorium permit to prevent the fleet’s potential overcapitalization.¹ Since that time, the Council has considered additional capacity controls, which led to the first control date for the *Illex* fishery on May 20, 2003.² Over the next several years, the Council took no further action based on the 2003 control date, but in January 2010, voted to “reaffirm” it.

Three years later, NMFS published, at the Council’s request, a new control date for the *Illex* fishery on August 2, 2013.³ According to the proposed rule, the control date was implemented to “qualify[] landings history for continued access to the *Illex* squid moratorium limited access permit program.”⁴ The “purpose” of the control date was, in part, to “discourage speculative entry into and/or investment in the *Illex* squid fishery while the Mid-Atlantic Fishery Management Council considers if and how access to the *Illex* squid fishery should be controlled.”⁵ Once again, no further action was taken to limit access to the fishery following publication of the control date.

Notably, NMFS also published a control date in the Federal Register earlier that same year for the *Loligo* squid fishery.⁶ Then, in June 2017, the Council relied on that 2013 control date to take action finalizing the requalification criteria in the *Loligo* fishery, **but took no action regarding *Illex***. In December 2018, NMFS implemented those requalification criteria for the *Loligo* fishery.⁷

The Council’s decision to forego requalifying the *Illex* fishery at the time it requalified the *Loligo* fishery made practical sense, based on the low level of participation in the

¹ 78 Fed. Reg. 46903 (August 2, 2013).

² *Id.*, see also 68 Fed. Reg. 27516.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ 78 Fed. Reg. 28794 (May 16, 2013).

⁷ 83 Fed. Reg. 64257 (December 14, 2018).

Chris Moore, Ph.D., Executive Director

April 20, 2020

Page Three

Illex fishery. In 2013, there were 17 active participants in the *Illex* fishery.⁸ Over the next three years, those numbers dropped (12 in 2014, 5 in 2015, and 12 in 2016), and the fishery experienced some of its worst historical seasons in terms of catches and revenue.⁹

However, in late 2018 and early 2019, nearly six years after publication of the 2013 control date in the Federal Register, the Council began taking steps towards requalifying limited access participants in the *Illex* fishery. Pointing to early season closures in the *Illex* fishery in both 2017 and 2018, the Council cited concerns over the activation of latent effort leading to future shortened seasons as justification for considering action. In that time, the number of active participants had increased from these historical lows to 20 vessels in 2017 and 31 vessels in 2018.¹⁰ Notably, the 2017 season more than tripled the total landings of *Illex* from 2016 and achieved optimum yield (*i.e.*, the quota) for the first time in over a decade.¹¹

This increased participation may have provided a basis for the Council to reconsider capacity in the *Illex* fishery. However, it did not support the revival of a stale and abandoned control date from 2013, especially since there was no indication that the Council was working towards a limited access system for the *Illex* fishery after publishing that control date. Indeed, when the Council was finalizing its decision to requalify only the *Loligo* fishery, participants from the *Illex* fishery began investing heavily in new processing techniques and market opportunities. Yet notwithstanding the Council's decision to refrain from requalifying the *Illex* fishery based on the 2013 control date, in August 2018, the Council purportedly voted to "reaffirm" the control date. In doing so, the Council and NMFS failed to provide any Federal Register publication or other formal notice to the public.

The 2013 Control Date is Stale, and Relying on It for Current and Future Management Decisions in the *Illex* Fishery Would Violate Both the MSA and APA

Control date announcements inform the public, through the Federal Register, that a regional council has begun deliberations that may affect investments in a fishery, and that landings made after a date certain may not count toward allocations of catch under potential future federal management programs. Councils will often utilize control dates as a management tool to discourage speculative investment in a fishery thought to be at or near full harvesting capacity.

⁸ See PHD "Table 1," at p. 14.

⁹ *Id.*, see also PHD "Figure 2," at p. 13.

¹⁰ Ironically, these numbers are on par with other high revenue seasons in the fishery, including 1998 when there were 33 active participants, 2004 when there were 30 active participants, and 2011 when there were 23 active participants. Despite these numbers, the Council took no action to limit participation in the fishery after any of these seasons. See PHD "Table 1," at p. 14.

¹¹ See PHD at p. 13, Figure 2.

KELLEY DRYE & WARREN LLP

Chris Moore, Ph.D., Executive Director

April 20, 2020

Page Four

Importantly, control date notifications do not create requirements that the councils must follow strictly, but rather are meant to provide guidance for impending management decisions and to notify the fishing community of those upcoming changes.¹²

Once a Council has NMFS publish a control date in the Federal Register, it must work diligently to solve the problem that the control date is meant to address in order to satisfy the control date's purpose. Immediately following the control date notice with proactive measures to begin amending the FMP, such as with scoping hearings, draft management measures, and public hearings represents the type of follow-up from the control date's establishment that indicates the Council is electing to proceed with limiting fishery access. Conversely, failing to begin implementation of a limited access scheme in a timely manner after publication of a control date sends a contradictory message to the fishery – that further expansion of the fishery can no longer be considered speculative and the original control date becomes “stale.” Such a message solidifies when, as with the *Illex* fishery, a council repeatedly decides not to take action based on the control date.

In a June 1998 memorandum to regional council directors, then-acting NMFS Assistant Administrator Nancy Foster advised that delays of even *three months* between the establishment of a control date and its final publication in the Federal Register *undermined the goals that such notices were meant to serve*.¹³ According to Foster, “[p]rompt issuance of a control date is necessary so that the affected public will have the opportunity to include this information in its business plans.”¹⁴ Further, and significantly, Acting Assistant Foster explained that, “[c]ontrol date announcements inform the public through the Federal Register that a Council has begun deliberations that may affect investments in the fisheries...”¹⁵

A separate 1990 memorandum from NMFS Regional General Counsel, Jonathan Pollard, to the North Pacific Fishery Management Council noted, “[b]ecause the primary purpose of a control date is to provide advance notice to potential entrants of the risk of entering the fishery after that date, control dates are by necessity prospective.” Pollard went on to state that, “in order to fulfill the primary purpose of providing prospective notice to potential participants, the control

¹² For instance, in the Council's 2013 control date for the *Illex* fishery, the notice stated: “Consideration of a control date does not commit the Council to develop any particular management regime or criteria for participation in these fisheries. The Council may choose a different control date; or may choose a management program that does not make use of such a date.” 78 Fed. Reg. 46904.

¹³ N. Foster, NMFS Acting Administrator, MEM. FOR REGIONAL DIRECTORS OF REGIONAL FISHERY MANAGEMENT COUNCILS, “*Control Date Notices*,” p. 1 (June 17, 1998).

¹⁴ *Id.*

¹⁵ *Id.* (emphasis added).

KELLEY DRYE & WARREN LLP

Chris Moore, Ph.D., Executive Director
April 20, 2020
Page Five

date may not be a date *preceding* the date of announcement; rather, the control date must be *contemporaneous* with the date of announcement *or a date in the future.*¹⁶

Following these principles, a control date's purpose is then certainly undermined when nearly six years have elapsed between its publication and the Council's start of any rulemaking to limit access purporting to rely upon it. As Acting Assistant Foster explained, a control date is designed to show a Council has "begun deliberations."¹⁷ By failing to take any affirmative steps to implement a limited access system for the *Illex* fishery promptly following the 2013 control date or at all during the development of the *Loligo* amendment, the Council clearly signaled to industry participants that it had abandoned the 2013 control date, and that any participation in the fishery was no longer speculative. Indeed, this was *precisely* what occurred with the 2003 control date, as well.

Further, the Council's "reaffirmation" of the control date in 2018 was not proper under applicable NOAA legal guidance. Because control dates are prospective, a council should not seek to retroactively revive a stale and abandoned control date. Moreover, to the extent the Council elected to attempt revival of the abandoned and stale control date, it should have published those intentions in the Federal Register, as Acting Assistant Foster explained is appropriate for such important announcements.

In view of the Council's failure to act for years on its 2013 control date, Fishing Vessel Enterprises and The Town Dock were entitled to make good faith investments in the *Illex* fishery, as were others. Specialty processing began in New Bedford. Export markets grew. Entirely new and more economically stable uses, such as a food service line of products, were made of *Illex* squid. Because of these investments, and those of the other participants, *Illex* squid ex-vessel values rose markedly. Indeed, all *Illex* fishery participants are presently benefiting from recent years' investments, including proponents of the stale control date.

Utilizing a control date that would exclude or minimize future participation by permit holders who added significant new value to the fishery is inequitable and counter-productive. As the Foster and Pollard legal memoranda explain, improper application of a control date imperils subsequent council action as a legal matter. Most notably, in this instance, such reliance upon a stale and abandoned control date would imperil the Council's actions for little to no real benefit.

¹⁶ J. Pollard, NOAA General Counsel Alaska, MEM. FOR NORTH PACIFIC FISHERY MANAGEMENT COUNCIL, "Control Dates and Moratoria," p. 3 (August 6, 1990) (emphasis added).

¹⁷ See Foster, *supra* at n.13.

Chris Moore, Ph.D., Executive Director

April 20, 2020

Page Six

For example, using the 1997 to 2013 requalification period with a 300,000-pound threshold would exclude 7 vessels that were active in 2019, while allowing 38 vessels to continue fishing with unlimited access.¹⁸ Of the vessels that would be excluded, 6 depended on *Illex* landings for over 25% of their catch.¹⁹ Using that same 300,000-pound threshold over the period of 1997 to 2019, those 6 vessels would qualify for unlimited access, bringing the total active participants in the *Illex* fishery from 38 to 44.²⁰ It is therefore inexplicable why the Council would risk potential invalidation of its management action by relying on the stale and abandoned 2013 control date, all for the sake of excluding just a handful of vessels from the fishery.

Limiting Full Participation in the Fishery, Based on the Stale Control Date, Would Violate National Standard 1 by Reducing Optimum Yield

National Standard 1 (“NS1”) requires that all “[c]onservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery.”²¹ The NSG defines optimum yield as “the amount of fish that will provide the greatest overall benefit to the Nation.”²² In determining the “greatest overall benefit to the Nation,” three values are enumerated “that should be weighed and receive serious attention” when considering optimum yield. The first enumerated value is “benefits of food production derived from providing seafood to consumers; maintaining an economically viable fishery together with its attendant contributions to the national, regional, and local economies; and utilizing the capacity of the Nation’s fishery resources to meet nutritional needs.”²³

As the PHD admits, the *Illex* fishery has only landed more than 75% of its quota three times between 2000 and 2016. Meanwhile, the fishery filled its quota in each of the past three years. Implementation of the requalification alternatives that do not include participation between 1997 and 2019 congruently would return the fishery to a level of capacity that consistently failed to achieve optimum yield. Moreover, and as stated above, the increased activity from participants like Fishing Vessel Enterprises and The Town Dock has resulted in a large infusion of processing capabilities and new market opportunities for the *Illex* fishery. This increased value has not only benefitted the Nation as a whole, but it has strengthened local fishing communities, like Cape May and Point Judith, that rely on a productive *Illex* fishery for jobs and economic support. Reducing participation through reliance on the stale and abandoned 2013 control date

¹⁸ See PHD “Figure 17,” at p. 37.

¹⁹ See PHD “Table 15,” at p. 33.

²⁰ See PHD “Figure A3,” at p. 51.

²¹ 16 U.S.C. §1851(a)(1).

²² 50 C.F.R. §600.310(e)(3)(i).

²³ *Id.* at §600.310(e)(3)(iii)(A)(1).

Chris Moore, Ph.D., Executive Director
April 20, 2020
Page Seven

would be detrimental to consumers as well as these communities by reducing the investments into the fishery, in violation of NS1 and its NSG.²⁴

Alternatives Based on the Stale 2013 Control Date Would Allocate Quota Without Promoting Conservation, in Violation of National Standard 4

National Standard 4 (“NS4”) states that:

Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.²⁵

NS4’s first requirement of fairness and equity necessitates that an allocation be rationally connected to furthering a legitimate FMP objective.²⁶ Several current and proposed MSB FMP objectives are relevant to this issue of *Illex* fishery permitting. The enumerated goals of (i) providing “freedom and flexibility to harvesters and processors,” (ii) “minimizing additional restrictions” on the fishery, and (iii) creating “opportunities for commercial [] MSB fishing” clearly support participation at current levels.²⁷ As discussed above, the recent increases in both value and flexibility for the *Illex* fishery have been direct results of the investment by more participants starting in 2017 – participation and investments founded on the undeniable conclusion that the Council had failed to take action using the 2013 control date, despite ample opportunity to do so.

Only the utilization of a requalification alternative that accounts for fishing effort between 1997 and 2019 congruently would satisfy these objectives of flexibility, inclusivity, and opportunity. Conversely, denying full access to more recent active participants would cut against the current and proposed MSB FMP goals and objectives. It is also neither fair nor equitable for

²⁴ While control date proponents claim they are able to harvest the quota, the plain and irrefutable fact is that they were largely failing to do so. They may have theoretically had the capacity, but they lacked the market and did not invest in creating one. It is no wonder, then, that the Council decided not to take action on *Illex* requalification when it did for *Loligo*. There was simply no need or reason to do so.

²⁵ 16 U.S.C. §1851(a)(4) (emphasis added).

²⁶ 50 C.F.R. §600.325(c)(3)(i).

²⁷ PHD at p. 8-9.

Chris Moore, Ph.D., Executive Director
April 20, 2020
Page Eight

the Council to exclude participants who have created significant value and market stability in the *Illex* fishery through their investments and participation. Notably, such an exclusion of valuable present participants may also violate the third requirement of NS4 by creating a concentration of excessive shares and privileges in just a small number of active vessel owners.

Another requirement of NS4 is that any allocation of fishing privileges must be reasonably calculated to *promote* conservation. Courts have reasoned that when NMFS “decides to allocate fishing privileges to a specific group, that allocation must actually ‘promote’ a conservation purpose—that is, advance or further it—rather than just avoid jeopardizing one.”²⁸ Thus, allocations that only avoid weakening conservation objectives do not “promote” them under the MSA.²⁹ That said, an allocation may “promote conservation (in the sense of wise use) by optimizing the yield in terms of size, value, market mix, price, or economic or social benefit of the product.”³⁰

The Council has indicated that the biological value to the *Illex* stock from implementing more restrictive requalification alternatives would be minimal. The PHD concludes as much, weakly claiming that the only potential conservation benefit would be a reduced chance of a quota overrun.³¹ However, relying on the terminology of *Groundfish Forum*, it is the *Illex* quota that actually “promotes” conservation, and limiting access would, at best, only “avoid jeopardizing the objective.” Moreover, there is no discussion in the PHD of other significant conservation concerns, such as bycatch in this fishery as a result of derby fishing.

In terms of wise use under NS4, the only rationale provided by the PHD that would appear to remotely qualify is the brief discussion related to concerns over derby fishing.³² However, a closer examination of that discussion reveals that many of these concerns would not be solved by requalification periods that rely on the stale 2013 control date.

For instance, in fisheries scenarios that constitute “derby fishing,” there is typically a price effect associated with the race to fish. Essentially, as fishing effort increases, overall market prices tend to drop due to a glut of supply and poorer quality fish. However, in the *Illex* fishery, price and market value have only increased over the past three years. Moreover, the fishery achieved optimum yield for the first time in almost two decades, and both ex-vessel revenues and

²⁸ *Groundfish Forum v. Ross*, 375 F. Supp. 3d 72, 89 (D.D.C. 2019).

²⁹ *Id.*

³⁰ 50 C.F.R. §600.325(c)(3)(ii).

³¹ PHD at p. 45.

³² *See* PHD at p. 10.

Chris Moore, Ph.D., Executive Director
April 20, 2020
Page Nine

Illex prices have increased dramatically since 2013, in large part due to the new entrants' creation of new markets and investment in advanced processing techniques.

The other proposed derby fishing concern enumerated by the PHD involves safety at sea. While clearly an important consideration, safety at sea is not a conservation goal, as NS4 requires. Moreover, the PHD provides no reasonable record basis to support the proposition that implementing a restrictive requalification period would promote safety at sea. While the fishing season might last longer with fewer participants, there is no indication in the record that fishing techniques would change. For instance, there is no record evidence that vessels would lay over days or reduce their vessel holds on a trip simply because there are fewer participants in the fishery. Rather, if prices are high, the vessels have historically loaded up and fished back-to-back trips. This fishing style demonstrably relates more to a fishery controlled only by an overall output control of a quota, rather than over-capacity.

Based on the foregoing reasons, the Council cannot justify its reliance upon any of the requalification periods that utilize the stale 2013 control date. Doing so would fail to satisfy the conservation purpose and fairness/equity requirements of NS4.

Reliance on the Stale 2013 Control Date to Limit Vessel Participation Would Violate National Standard 5 by Implementing a Solely Economic Allocation:

National Standard 5 (“NS5”) requires that “[c]onservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.”³³ The NS5 NSG states, “[w]here conservation and management measures are recommended that would change the economic structure of the industry or the economic conditions under which the industry operates, the need for such measures must be justified in light of the biological, ecological, and social objectives of the FMP, as well as the economic objectives.”³⁴

As explained in the arguments above, the requalification alternatives posited by the PHD to decrease derby fishing are without merit, as the fishery is based on a “race to fish” due to the seasonal nature of the stock and the lack of management controls other than an overall quota. For the reasons set forth above, alternatives that would only slightly reduce the number of active participants with full access to the fishery, by relying on the stale 2013 control date, would confer no such biological, ecological, or social value; rather, these alternatives would impermissibly confer a purely economic benefit upon the remaining qualified vessels in violation of NS5.

³³ 16 U.S.C. §1851(a)(5).

³⁴ 50 C.F.R. §600.330(e).

KELLEY DRYE & WARREN LLP

Chris Moore, Ph.D., Executive Director
April 20, 2020
Page Ten

* * *

Thank you for the opportunity to submit these comments and for your consideration of these crucial issues. Please do not hesitate to contact us at any time if you require additional information.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Frulla', with a long horizontal line extending to the right.

David E. Frulla
Andrew E. Minkiewicz
Bret A. Sparks
*Counsel for Fishing Vessel Enterprises, Inc. and
The Town Dock*



Monday - April 20, 2020

Dr. Chris Moore
Executive Director
Mid-Atlantic Fishery Management Council

RE: MSB Goals and Illex Permits

Dear Dr. Moore,

Thank you for the opportunity to publicly comment regarding the proposed *Illex* squid permitting amendment to the Mackerel, Squid, Butterfish Fishery Management Plan.

I would first like to take this opportunity to introduce myself and my connection to the *Illex* squid fishery. My name is Robert Bowes and I am the General Manager at Waterfront Cold Store in New Bedford, MA. Waterfront Cold Store provides frozen storage and logistical services to a wide variety of seafood companies. As groundfish, pelagics and other fisheries have dwindled, my company has become more reliant on the *Illex* squid fishery in order to continue operations and maintain employees. Reductions to the number of active participants in the *Illex* fishery will have significantly negative impacts on Waterfront Cold Store.

Considering the above, I support the following proposal:

- 1) **Preferred:** No action; requalification of all 76 permits.
- 2) **Preferred Alternative:** Minimal action; full requalification of 51 active permits. This allows for requalification of all active permit holders with more than 50,000 pounds landed in any one year from 1997 to 2019. This essentially eliminates permits for the non-participants in the fishery in the time frame from 1997-2019.
- 3) **Acceptable Alternative:** Should the council insist on a tiered approach, we can support the following:
 - *Tier 1 Classification:* 500,000 pounds best year qualifier 1997-2013; or 1,000,000 lbs. best year qualifier 2014-2019 (+/- 41 permits).
 - *Tier 2 Classification:* 100,000 pounds best year qualifier 1997-2019; 90,000 lbs. trip limit; no sub-quota (+/- 7 permits).
 - *Tier 3 Classification:* 50,000 pounds best year qualifier; 47,000 lb. trip limit; no sub-quota (+/- 3 permits).



- *Incidental limit:* 10,000 lbs. (+/- 25 permits).
- No new fish-hold capacity limitation.

I urge the council to consider the motives behind a requalification amendment, which seeks to remove current active participants from a healthy fishery that supports vessels, shoreside industries and communities from Massachusetts to South Carolina. *Illex* squid is a public resource that vessels should be allowed to pursue in order to provide the greatest net benefit to the nation and not hoarded by a few entities.

Once again, I thank you for the opportunity to comment on this situation

Sincerely

Robert W. Bowes

Robert W. Bowes
General Manager,
Waterfront Cold Store

Dear dr. Moore:

I am an employee of the Lund marr trawlers LLC. I been commercial fishing for about eight years. Each year we set out to fulfill our yearly quotas and landings for the permits that we carry and each year during the summer months we head out to catch summer Illex. During these couple of months we head in and out of port every couple days to hopefully fill the boat as safe and productive as possible meanwhile keeping the quality of illex squid top notch.

Summer Illex is extremely important to the fishery because each summer we are extremely fortunate be able to land Illex for the company which provides work for the dock workers, truck drivers and it also provides income for our families. Summer Illex is one of those fisheries that each year you wonder if there's going to be a great season or there might not be a season. During those months that the season opens its important to land your trips because the season can be cut short do to the quotas being reached.

Summer Illex provides work and income throughout the company and the fishing community which in return provides a life for family's outside the company and the fishermen family. It also provides business for local company's and restraunts in the community. So I ask the council to support the tiered permit system.

Thank you.

Sincerely Teddy Grant

F/v jersey cape

April-20-2020

LUND'S FISHERIES



Wild caught product of USA

Managing the Needs of our Customers Through our Commitment to Sustainable Fisheries

April 20, 2020

Dr. Chris Moore, Executive Director

800 North State Street, Suite 20, Dover, DE 19901

Re: Illex Permits Amendment - By email: cmoore@mafmc.org

Dear Dr. Moore:

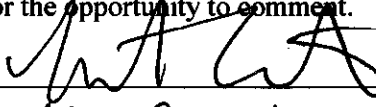
Our company, Sun Coast Calamari, located in Oxnard And Watsonville, California assists Lund's Fisheries with our processing and shipping services year-round. Our business has been supported by Lund's Fisheries' success since 1994. During the summer months, Lund's Fisheries has depended upon the Illex squid fishery since the early 1980's. For many years, the Illex fishery has employed Cape May boats, the Lund's plant and other independent fishermen operating in the Port of Cape May throughout the months of May through November. Over the last three years, however, with an increase in the number of boats coming into the fishery from other areas on the coast, the fishery has closed in late summer, which has negatively impacted our ability to continue to serve the company throughout the summer and into early fall and negatively affecting our business.

We are writing to join Lund's Fisheries in supporting the Historical Participants' Illex Tiered Permit System Compromise, using the Council's August 2, 2013 control date, which was reaffirmed by the Council prior to the start of the 2019 fishing year. This compromise, by those vessels and plants that have consistently relied on this fishery would fully qualify 34 'Tier 1' permits even though only 14 vessels harvested more than 500,000 pounds of Illex in 2017, increasing to 19 in 2018 and 26 in 2019. With the early closure in 1998, only 25 boats landed this amount with just 23 active at that level of harvest in the early closure of the 2004 fishery. The compromise Tier 2 proposal puts another 14 boats into the fishery. In the interest of our business' long-term success, we ask the Council to act to limit the number of participants in this fishery, before other Illex permits are also activated, potentially creating a one-month fishery.

Lund's Fisheries was the first company on this coast to invest in a factory and vessels to catch, process and sell large volumes of 'underutilized fisheries', including Illex squid, for U.S. and world markets that depend upon the highest quality products. The company's investments have helped several historical, independent fishermen become successful in this fishery and supported our business success at the same time.

We encourage the Council to consider the Port of Cape May's historical dependence on this fishery, which will help to maintain Cape May County and related New Jersey jobs. In a community where there are few year-round jobs, employment in the Illex fishery throughout the summer and fall months helps to support many other local businesses including ours. We ask the Council to support the Tiered permit system compromise put forward by the historic participants in the Cape May Illex fishery and other dependent ports. Thank you for the opportunity to comment.

Signature / date

 4/20/20

Name and address

Mike Carpenter
G.M.
SUN COAST CALAMARI
P.O. BOX 151
OXNARD, CA. 93032

Executive Director Chris Moore and MAFMC Members:

I am writing to you in regards to the MSB FMP Goals and Objectives and Illex Permits Amendment. I am one of the younger participants in the Illex fishery and part of the "next generation" of fishermen looking to make my livelihood on the water and take on the future stewardship of our marine resources. Myself, and my partners, who are the captains of the vessel, invested our lifesavings and 15 months into rebuilding a vessel with an existing illex permit in anticipation of having access to this fishery. As such this amendment is of particular importance to us, with the Illex fishery having become an important part of our fishing year and making up an outsized part of yearly revenues.

I'd like to start by saying there is no biological need for this action, we have a healthy biomass, and there are two different working groups looking at how to raise this quota or do in season adjustments in years of high abundance. Specifically the summary report by John Manderson from the Industry Summit held in November states that the methodology used to calculate the current illex quota is flawed and that the current and historical fleet only accesses a small fraction of the existing stock. This summit was attended by most major players in the illex industry including processors, scientists and fishermen. The concept of looking to cut people out of a healthy and profitable fishery while simultaneously looking to raise quotas goes against everything that this council stands for including the mandates of the Magnuson-Stevens Act and the Fishery Management Plan.

If the council were to move forward with a limited access plan the Magnuson-Stevens Act states that any FMP may establish a limited access system for the fishery in order to *achieve optimum yield* if, in developing such system, the Council and the Secretary take into account: (A) *present participation in the fishery*

The most contentious issue in this amendment is the 2013 control date. Currentl there are only 76 permits in what was in 2019 a \$28Mill dollar fishery. These permits all qualified previously and the only reason many of them became inactive over the years was that processors only accepted frozen at sea or RSW caught squid. It wasn't until 2018 that some newer processors started accepting iced illex and at that time vessels with qualifying permits that were forced out could now participate in the fishery again. This is exactly the situation that our vessel was in and why we didn't enter into the fishery until the 2018 season.

According to the public hearing documents, this amendment was initiated in response to a request by some fishery participants to reduce the number of limited access permits following, what is being called, early closures in the fishery in 2017, 2018 and 2019. Further reasoning is that there exists overcapitalization in the fishery, which could lead to a race to fish and the following negatives outcomes; monitoring difficulties, business disruptions, yield reduction, gear conflicts and community impacts. I will be addressing each on these reasons in turn.

- Safety at sea: The safety risk assumes that reducing the number of permits will decrease the race to fish. The public hearing document refutes this saying that at

best permit reductions will only provide a temporary reduction in the race. The nature of the Illex fishery dictates that there will always be a race to fish with the squid only being available for a limited time of the year.

- **Monitoring difficulties:** The argument is that high weekly landings make a timely closure of the fishery more difficult. This problem could more easily be addressed by required daily reporting of landings and a larger buffer at the end of the season than the current 95% one that is in place now.
- **Business disruptions:** The argument being that hitting optimal yield in recent years has caused the fishery to close early. Hitting OY is technically the goal of management as mandated by MSA, and the FMP, and should not be considered a negative. In addition historically only a small percentage of Illex are landed in October and November and the traditional Illex fleet has usually switched over to the offshore loligo fishery by that time.
- **Yield Reduction:** The argument that catching the quota earlier will take out a larger number of smaller individuals and reduce recruitment. The council could alleviate this by instituting a start date if they wished, but there is also a specific food market for smaller illex squid that has been instrumental in driving up ex-vessel price.
- **Gear conflicts:** There was one public comment made about increased participation leading to possible gear conflicts, but the majority of the increased effort has been in the Southern New England, an area that hasn't traditionally been persecuted in this fishery and where there are lobster GRA's to prevent such conflicts.
- **Community Impacts:** The argument being that historical participants and communities could be negatively impacted if landings and revenues move to other ports. I believe this argument to be false. Historically speaking we have only landed a small portion of the illex quota. While it is true that these ports may be landing a lower percentage of the total illex landings, the landings in these ports are still higher than their historical average and at an increased ex-vessel price. The analogy being that the overall economic pie has expanded dramatically in recent years, and while historical participants may have a smaller percentage of that pie, they are still seeing record profits compared to their historical average.

Outside of the above reasons listed above the only reason for this amendment would be economic allocation, and National Standard 5 says that no management measure shall have economic allocation as its sole purpose.

While the goals and objective portion of this amendment has not been contentious during development, the proposed action in the Illex permitting portion of the amendment seems to counter the goals and objectives themselves, specifically:

Objective 1.1: Prevent overfishing and maintain sustainable biomass levels that achieve optimum yield in the MSB fisheries.

The fishery has only achieved optimum yield 5 times in its history since 1997 when the foreign fishery was discontinued, those years being 1998, 2004, 2017, 2018 and 2019. Severely reducing access to the fishery could result in a continued failure to reach OY and an economic loss to the Nation.

Objective 2.1: Provide the greatest degree of freedom and flexibility to harvesters and processors (including shoreside infrastructure) of MSB resources consistent with attainment of the other objectives of this FMP, including minimizing additional restrictions.

Objective 2.2: Allow opportunities for commercial and recreational MSB fishing, considering the opportunistic nature of the fisheries, changes in availability that may result from changes in climate and other factors, and the need for operational flexibility

Because of these reasons I ask that the council take the following actions

Preferred Alternative: Minimal Action:

Alternative A2, B2, 1997-2019 50,000 lbs best year. Minimal action, no tiers and full requalification of all present and historic participants in the fishery requalifying 51 permits and reduces the total number of permits by 33%.

Acceptable Alternative: Should the council insist on a tiered approach:

- ☐ Tier 1 Classification: A4 B6 500,000 pounds best year qualifier 1997-2013; or A2 B7 1,000,000 pounds best year qualifier 2014-2019 (+/- 41 permits).
- ☐ Tier 2 Classification: A2 B3 100,000 pounds best year qualifier 1997-2019; 90,000 pound trip limit; no sub-quota (+/- 7 permits).
- ☐ Tier 3 Classification: A2 B2 C3 50,000 pounds best year qualifier; 48,000 lb. trip limit; no sub-quota (+/- 3 permits).
- ☐ Incidental limit: 10,000 pounds (+/- 25 permits).
- ☐ No new fish-hold capacity limitation.

The plan outlined above represents a true compromise amongst industry participants, favoring the older historical participants and allowing those recent participants to qualify for a tier 1 permit only if they have a high participation in, and dependence on the fishery.

Thank you Council members and Council staff for the time and effort that you have put into this amendment and for your consideration of my comments.

Daniel J. Farnham
Gabby G. Fisheries Inc.
F/V Gabby G

Attn: National Marine Fisheries Council

The Illex fishery is not over fished, the T.A.C. number was reached, and the fishery was shut down. This is the way it is supposed to work.

The arguments put forth at the public hearings were based solely on money and not on science.

The boats involved in the fishery had their biggest year ever. They made more money in less time. (Is this a bad thing?)

The people who are asking to have boats eliminated from the fishery using the argument of

overfishing are the same people who are requesting to have the T.A.C. number increased because of the huge biomass we are seeing.

Is it better to let one boat catch six million pounds and employ 5 people or allow six boats to catch one million pounds each and employ 30 people?

At a time like this I don't think its prudent for any Federal Agency to be eliminating jobs.

The larger vessels will still land the majority of the Illex stock due to their ability to safely work rougher weather, pulling bigger nets, and a higher carrying capacity.

If we eliminate vessels from this fishery they are not going away. They will be displaced into other fisheries that might not have a stock assessment as strong as the Illex squid fishery.

There are approximately 28 permits with zero landings. If a concession must be made, eliminating these permits would reduce the possible latent fishing effort by 40%.

In conclusion, any vessel that has participated in the Illex Fishery from 1997-2019 should be allowed to continue fishing without a tier system. There is no biological reason for the current action, and it is in violation of National Standard 5 of the Magnuson Stevens Act.

Thank you for consideration in this matter.

Respectably Submitted,

Jack Burke Captain of the F/V Susan Marie II Cape May, NJ

Commercial Fisherman for 41 years and involved in the Illex fishery since the mid 80's as deckhand, mate, and captain.

April 20, 2020

Chris Moore, PhD, Executive Director,
Mid-Atlantic Fishery Management Council,
800 North State Street, Suite 201,
Dover, DE 19901

Dear Dr. Moore,

I appreciate the opportunity to provide my written comment, in addition to my verbal comments on the Rhode Island public comment webinar. I am the Founder of The Town Dock and owner of the FV Lightning Bay and I am writing in support of the Illex Coalition's position. This coalition is a mixture of both Historical participants and Recent participants, and I am proud that Town Dock is a part of it.

Back in 1980 when I started The Town Dock, we were a fillet house and unloaded some fresh fish from vessels before turning to squid processing in later years. I had three boats built from scratch and they are still in the fishery today. One is the FV Lightning Bay. The Lightning Bay was designed as a scalloper, and when she was built we had the right to go scalloping. The issue was we never went. She spent all her time dragging for fish and squid, and eventually we lost the right to catch scallops. We had "zero landings" in scallops.

All of these active participants have participated in the fishery. Some have participated before 2013 and some after. Some have caught substantial amounts of fish at different time frames, and some have not. All have contributed to the success of the fishery. One of the main differences when I lost my scallop permit on the FV Lightning Bay is that if we wanted to go harvest scallops, we had places that would unload them and process them. Only until recently have Moratorium Illex Permit Holders had places to unload their catch if there were not RSW or Frozen at Sea vessels. So if they do not have "historical landings" that should not be held against them. I am also proud that Town Dock and others have stepped up to offer these kinds of creative solutions for the industry like accepting Iced Fish. However, the only Illex Permit Holders that should be negatively impacted by this amendment are those that while still having places to unload their catch over the last few years, they still did not choose to enter the fishery. These boats may be deemed "zero landing boats" and should the Council wish to take action against them alone, that would be fine with most or all of the active participants.

At this time, and after hearing all of the different sides on the public meeting webinar, I believe the Council should choose the option that retains all 51 active permits and eliminates the zero landing permits. This is the most logical solution given the comments. This is the only thing that Industry can agree on, and this would provide some limitation of latent effort.

The Historical Boats and Dealers are getting the vast majority of the fish anyway, and we are all making money and doing well in this fishery. Based upon 2019 data, I would estimate that Lunds and Seafreeze purchased **70%** of the quota. Cutting back recent participants would put them up as high as 80-95% of the quota in future years. Like Town Dock, Lunds and Seafreeze are well established companies with strategic plans set on navigating the complex world of fishery management. This Illex fishery is lucrative and the natural tendency is to grab as much of it as you can, any way that you can. However there is a major difference. When Town Dock entered the Longfin amendment process years ago, we supported either no-action or the most minimal reduction of permits. Looking back, maybe we should have supported kicking everyone out like some Historical permits are trying to do to the Recent Participants in Illex. Our fleet had the most landings of anyone on the east coast, with maybe the exception of Seafreeze LTD. However, we wanted to support our independents and felt that there was enough fish for everyone that had been active in the fishery. We still feel like we made the right decision to include the most lenient option in Longfin, and that is why we support the same premise in Illex. On a 60million pound quota that may go up in the future, there is plenty of room for all active participants on equal footing.

I see the Mid-Atlantic Council in the unfortunate role of steward of the fisheries between these two industry groups. Where greed and human nature have taken over, they are forced to weigh out the science and facts surrounding the status of each stock. However, in my lifetime and overall 50 year career in fisheries, it is extremely rare to see a Council take action to limit participants when the stock is so robust and there is no bycatch issues or biological issues. I have been through groundfish cutbacks, monkfish cutbacks, the highs and lows of butterfish, longfin inshore issues with squid mops, herring and mackerel highs and lows, and countless other fishery disasters where Councils had no option but to take actions to limit fisheries. The reasons to cut this fishery back because of safety and race to fish are at best weak arguments or just untrue. These stories are pushed by a few Historical Participants as key reasons to take action. But the real underlying truth is that a few Historical Participants want to control more and more of the fishery, because now this fishery has finally turned around where pricing and overall revenues are setting record highs. I hope the Council can see through this when deciding final action.

Kind Regards,

Noah G. Clark
Founder, The Town Dock
Owner, FV Lightning Bay

Name: John DePersenaire

Email: news@joinrfa.org

Comments: April 20, 2020

Dr. Christopher M. Moore, Executive Director
Mid-Atlantic Fishery Management Council
cmoore@mafmc.org

Re: MSB Goals and Ilex Permits

Dear Dr. Moore:

On behalf of the Recreational Fishing Alliance (RFA), please accept the following comments in regard to the proposed goals and objectives and Ilex permit amendment to the Mackerel, Squid, Butterfish Fishery Management Plan. The RFA is a national, grassroots political action organization established to safeguard the rights of saltwater anglers, protect marine and tackle jobs and ensure the long-term sustainability of our nation's saltwater fisheries. The RFA and the broader recreational fishing industry have an interest in this proposed action due to the shared waters in which commercial fishermen target Ilex and recreational anglers target highly migratory species during the peak of our offshore fishing and tournament seasons. Over capacity in some fisheries has been a cause of spatial conflicts between sectors as well as disruptions to recreational fishing operations during times of concentrated effort. Listening in during the webinar public hearings, it was evident that there is a need to address latent permits and prevent the rush to enter this fishery.

The RFA believes that reducing the number of latent permits in the Ilex fishery is necessary and appropriate at this time in order to slow the race to fish in the fishery, which has the potential to increase conflicts in the offshore waters between trawl fishing and recreational anglers who are pursuing offshore pelagic species such as marlin, tuna, and swordfish. An average offshore recreational trip to the canyon may cover a significant amount of ground to find fish, upwards of 140 miles on the troll. This illustrates the vast amount of area utilized by recreational anglers in the HMS fisheries as opposed to the bottom fisheries which focus on specific bottom features such as wrecks, rocks, reefs, sloughs and other physical features. An influx of commercial vessels targeting Ilex during this time of year could be highly disruptive. The current level of participation in terms of number of vessels in the commercial Ilex fishery that have been actively fishing the Mid-Atlantic canyons in recent years, is adequate and has not caused any conflicts with the recreational sector. RFA supports maintaining the current level of vessels and does not want to see any expansion in this fishery.

Therefore, the RFA supports Alternatives A5 and B6. RFA recognizes that the combination of these two alternatives, if implemented, would result in the lowest number of re-qualifying permits. RFA believes it is imperative that the council work to eliminate all latent permits with minimal fishing history and prevent an expansion of effort. The recreational sector is very much concerned with the speculative influx of vessels into the Ilex fishery which has been observed as the Ilex squid resource has become more plentiful in recent years.

The past several years have seen the Ilex resource expand its traditional range but this will change again and we will see a retraction like we have in past years where most of the squid will be concentrated in

one or two canyons. The existence of latent permits holds the potential for drastic increases in effort as well as creating spatial conflicts between sectors. Furthermore, an increase in fishing pressure by Illex boats has the potential to create localized disruptions to Illex which is one of the key forage species for offshore species targeted by recreational anglers.

As the Illex fishery has ramped up to catch the quota during the last three years, additional vessels are working the edge of the shelf where recreational anglers focus their fishing activities. We have a history of a good working relationship with fishermen that have operated in the fishery for many years and are concerned that any number of additional vessels may continue to access the fishery this summer and into the future and increase gear conflicts on the offshore grounds.

RFA encourages the Council to consider potential impacts to recreational fishermen as it deliberates final action on the MSB amendment. The resulting conflicts on recreational fishing opportunities from an increase in active boats fishing for Ilex in the middle Atlantic canyons during the peak of the recreational offshore HMS season must be a consideration in the final action for the proposed amendment. Thank you for the opportunity to provide input and for your consideration of our concerns.

Sincerely,

Jim Donofrio
Executive Director

Dear Council,

This is Leif Axelsson captain of the F/V Dyrsten, I am a third generation Illex squid fisherman, we fished illex squid before fishing illex squid fishing was cool. I made my first fishing trip with my dad when I was 3 years old and that was an illex squid trip, from that point up until I graduated high school I spent my summers fishing Illex squid with my dad. At 20 years old my father told me to take the boat and see what I can do, I did... and now I'm 34, 14 years as captain of my families illex squid boat, 14 years through the boon and bust of this fishery with a little bit of oligo mackerel and herring to fill in the gaps but Illex has always been our mainstay. I think its safe to say that even though I am young by this industries standards, so far my life time has been spent in one form or another in pursuit and dependance on illex squid.

My family has invested millions over the years starting in the joint venture days all the way up to the present, we have almost lost houses and even had to sell one of our boats which you may have heard of (the F/V Flicka) We have lost more then our fair share of permits and access to other fisheries because of controls dates and our own lack of recent history in them, because we focused so much on Illex squid, a fishery that was considered a waste of time and not worth it by others who now want in on it. We worked with shoreside (Lunds Fisheries) we upgraded our boats to handle them with quality. And as we lost access to other fisheries we became more and more specialized as an offshore boat, and yes a high volume RSW and at one point a Freezer boat. Thats what it takes to bring in an quality Illex product (anyone who says that ice illex squid is a good product is lying, we've been there done that, it is not ,anyone who is icing illex squid today is just speculating on history in the fishery) the world market demands high quality that can only be delivered by a freezer boat or a well turned RSW boat. A qualifier of 500,000 pounds or even a million pounds isn't much to ask for to show a true and historical dependance in this fishery. That being said id like to move on to my thoughts of the future of the illex squid fishery.

Landings of Illex squid has always been ebb and flow weather it be the fish themselves or the the market, in my years I remember years of high abundance and no market (we begged the dock to take them because it was all we had to do to try and pay the bills) and I remember years of low abundance and plenty of market but there were few to be had. That being said the historical fleet has always had the ability to achieve "OY" on almost any year. The most recent year that comes to mind was 2017 were 17 boats produced Illex squid and only 10 of them accounted for 95% of the landings that year.... The historical ability is there. More boats clearly will not change the ability to meet "OY" but more boats will make it harder for the historical participants to be profitable as it it one of the few fisheries we have left. I fear that when not a matter of if the Illex do not produce or the markets shift away from US Illex squid that it will be the historical participants left holding the bag and through the lean years it would have been the goods years that carried us through, And what will the later effort permits do they will go back to what they have always Historically done! We can fish Loligo inshore with the small boats too, and even some of the other inshore fisheries but we are a big specialized offshore boat and I don't think it will be viewed favorably.....I would rather stay offshore.(we used to fish Illex up to and sometime through October but with recent participation we have been getting shutdown in august) I recent years I have seen more and more Laten effort permits (that never depended on Illex) fishing Illex and fishing more area then the historical boats ever did, we and even the scientist are not yet sure of the impact that could have on the stock. Areas that never saw much pressure from fishing are now seeing it what impact could that have? Take the herring and mackerel fishery for example.

Mackerel and herring were said to be in abundance and that we needed to gear up and achieve "OY".... We did ... and we were I admit apart of it (even though the historical guys didn't agree) and now look at were we are. The herring quota cut from 104,000 tons to just 27,000 tons in one year the mackerel quota cut down to 8,000tons just 3 years ago and just now raised to 15,000tons when at the point of ramp up we were told to catch 250,000tons??? We have been 10 plus years reeling from that and I hope we are on the better side of it now(lots of historical permits fell to the wayside through

that)and the few that managed to hang on are still wondering. I want to ask is the council ok with that? Are they ok with more boats pursuing Illex on a narrow stretch of bottom and putting pressure on more areas then ever before? The ability of "OY" is there and has always been with the historical fleet, the future of this fishery depends on up holding the control date and the restructuring of the permits with history and getting rid of the zero effort permits.

No new purpose built plants have com on line in the last few years and no investments that were not purely speculative and history grabing have been made in recent years (something the control date expressly warns against) this I know is contrary to popular belief but it is a fact.

In closing I would like to say that it is the historical boats that have the most to lose here. That being said we have also come up with what I believe to be a very inclusive layout of what the future of this fishery could be and I hope should be. We propose a tiered system upholding the control date (the third one to be put in place and reaffirmed, so no new entrants can say they were unaware) that is way more inclusive then anything we saw with permits we lost out on. We propose a Tier 1 of 500,000 pounds from 1997-2013 and that would be a wide open permit no restrictions and that would qualify 34 permits in this category. We propose a Tier 2 going from 1997-2018 with a 100,000 pound qualifier and a trip limit of 48,000 pounds per trip. A Tier 3 with a 50,000 pound qualifier in any one year and a 20,000 pound trip limit. The rest of the permits would be on an incidental of 10,000 pounds. We would also like to propose an incidental limit of 20,000 ponds if you have more the 10,000 pound of loligo onboard to minimize any bycatch issues in the loligo fleet. We would also like to see volumetric fish hold measurements put in place same as was done for the mackerel fishery to freeze the footprint of the fleet, this is easy to do and it is not expensive at all it is mainly to keep the tonnage of the fleet or the fleets capacity were it is so that permits and boats cannot carry more then they currently can... Freeze the Footprint! In all I think this allows 56 permits access to the fishery, the only ones going away are the true zero catch permits, I also believe that it is not proper to include 2019 history being as the scoping was done before the 2019 season was underway and any permit needing that to qualify was purely fishing on speculation something the control date warns against. I believe that this proposal if very fair and way more inclusive then anything implemented in the past in any other fisheries that had control dates while still albeit some what protecting the true and historical participants.

Thank you,
Leif Axelsson
Captain of the family owned and operated F/V Dyrsten

Dear council members,

My name is Philip Ruhle Jr. I am the captain of the F/V Prevail, and relief captain on the F/V Relentless. I have been fishing for Illex squid for almost every season for the last thirty years. I have seen the good and the bad. I would say I am considered a historical participant. I would like to ask the council to not make the same mistakes that we made with the herring and mackerel. We pleaded to not encourage overcapitalization then and lost. Now look how it has been in those fisheries. Most of us historic participants in the illex fishery also fish for herring and mackerel. It has been a real struggle. Now that we have had a few good squid years to make up for all the bad ones and the losses of herring and mackerel we really can't afford to split the pie with 20-30 new participants that haven't had to make the sacrifices we have made over the long haul. I believe with shorter seasons you will see more of the big boats pushed into the inshore loligo fishery which they have tried to stay away from. I would ask the council to stay consistent and use the 2013 control date. If the control dates have no weight and people can get around them with lawyers and politicians, then I think we should go back and relook at all the species. I bet the scallop guys wouldn't think much of that.

I support the tiered system brought forward by the historical participants. The Qualifying period of alternative A4, 1997-2013. 500,000 lbs. I support a tier 2 trip limit of 48,000 lbs. I can't support any limit higher than that. I know a lot of guys are pushing for around 90,000 and that is absurd! 90,000 is around a full boat for just about all the boats that would qualify under our plan. That essentially gives them a tier 1 permit. Not fair! There are actually a few boats that qualify for tier 1 that don't hold that. This lessens the value of their permit. I also think precedents has already been set in similar high-volume fisheries like herring that have a 55,000-pound trip limit. I would also like to support the fish hold measurements alternative. We currently have quite a few permits that have been sold or leased and are now on vessels that can

carry double the original permitted vessel. Once again, a fancy lawyer can do wonders. The season will get shorter and the historical participants take it on the chin. Not fair! We must freeze the footprint of our fishery that we have worked so hard to develop. We must not make the same mistakes we made in the mackerel and herring fisheries again. Thank you.

Phil Ruhle

April 20, 2020

Chris Moore, PhD, Executive Director,
Mid-Atlantic Fishery Management Council,
800 North State Street, Suite 201,
Dover, DE 19901

Dear Dr. Moore,

My name is Scott Charlwood and I am the Senior Operations Director for The Town Dock. I participated in the public webinar for Rhode Island and appreciate the opportunity to comment on the pending Illex amendment.

I support the position of The Town Dock and the Illex Coalition.

I am responsible for the operations, production, boat unloading, and global logistics teams for the company. Over the past several years we have adapted and grown accustomed to handling large volumes of Illex Squid for the company and participating independent and company owned vessels. Any kind of restriction to active participants will negatively impact the community dependence of companies in Point Judith and New Bedford where most of our squid is offloaded and processed. Ice companies, fuel companies, boat yards, welders, net builders, and our own production teams depend on this resource for their incomes and jobs. Our domestic sales will drop, and there is no guarantee that we will be able to buy illex squid from companies like Seafreeze or Lunds due to the fact that they have their own long term global customers that they want to supply, in the same way that we have our own. A reduction in permits or tiering out new participants could make the USA foodservice market short of product in that case as we have seen in so many fisheries before, we lose the market and never regain it back. This is exactly what happened with Butterfish, however in that case the fishery was cut back due to biological concerns and overfishing.

I was reviewing the public document and it seems that Illex goes up and down in availability over the entire timeframe of 1997-2019. If boats are eliminated, and there are no bycatch or biological issues, and the quota is set to go up in future years seeing how the Industry Funded group seems to have turned out positive news, why would the council risk reduction in the fleet if there is a risk of not catching the entire quota? Those lean years are going to need a good size fleet to catch the majority of the quota. Boats have breakdowns, boat procure other fisheries in times of higher prices. I can remember the summer of 2016 when many of these Historical Permit Holders like the Seafreeze large FAS vessels and the FV Jason and Danielle were catching summer Loligo, not illex, because they could make more money doing so. But because they have the ability to freeze at sea or have been RSW they could do Illex or Loligo in those earlier years, when most boats could not.

I believe the best action is to remove the zero permits and monitor the fishery going forward.

Regards,

Scott Charlwood

Senior Director of Operations
The Town Dock

To The MAFMC

First i hope all and their families are faring well during these trying times of this COVID 19 world. I would also like to thank Jason and the coucil for setting up the webinars the last couple weeks on the ILLEX Issues and taking the time to listen. With that being said.....

It saddens me that rite now we are still moving forward with this amendment at times like these. Rite now as I type this email boat owners, pack out facilities and myself are just trying to figure out how to stay somewhat operable . Doing mixed trips , trying not to pack out to much of one species . Basically going fishing on whim not knowing what prices and pack out will be . Trying to put full effort into every endorsement on our permits rite now !! NOT consolidating permits and further restricting permits. Rite now and for years to come we will need diviserty !!!! Rite now we have quotas across the board in ALL FISHERIES that we will possibly not full fill this year. Actually with that being said the MAIN FOCUS OF THE COUNCIL should be keeping the fleet diversified ensuring that we use our quotas to the fullest advantage . Keeping the new markets that we worked so hard to build sustainable. Not taking away and limiting permit endorsements so that it will put pressures on other fisheries . Not losing our markets that we worked hard to build. Studies say that admits this Covid 19 crisis we are in it is going to take YEARS to recover from this financially. That just doesn't mean the average JOE it means all INDUSTRIES !!!!.

Rite now all we here on the news is science , science , science . Not opening the country until we see the science .No one is making a move rite now until they look at the science.

Well this council should be looking at the same thing " The SCIENCE" basing the decision on the science and NOT the economics . Trust me the fisherman

rite now has enough of the economics to look at rite now.. Currently now we should not have fishermen fighting fishermen and processors fight processors when we should be looking to work together and at least " Fairly " COMPROMISE . . In months to come most of us will just be worried about staying in business and keeping our crews and facilities safe.

Attached is a letter from the newly formed ILLEX COALITION made up of 20 vessels which would be a count of about 100 crew members and captains. 6 SHORE SIDE facilities with 100s of people that they employ. May i remind the council that some of these vessels and facilities have hit trying times with closures and pricing. The last thing they need for the next couple years while they recover is another kick in the teeth.

My captains and crew along with myself support alternatives in the attached ILLEX COALITION LETTER. .

I would like to reiterate on some of my previous comments.

1) All vessels are built for Diversity . If someone says they just ILLEX its a flat out lie. I do respect the "Fore Fathers" of the fisheries, but times do change and we need some new independent owners and fishermen in this industry for years to come.

2) Contol dates There should not only be a date put on record , but also some qualifying type of landings ,pounds, years etc.. Control dates should also be reviewed and possibly moved every couple years so they

don't become STALE . For “newcomers” and the younger generation it’s becoming tougher and tougher to make good decisions on purchasing vessels and their permits.

3) CAPACITY most of the iced fleet in the early to mid 2000's were exonerated from the fishery .They / we were told no by " CERTAIN PROCESSORS " we don't take iced vessels and we are already at CAPACITY.!! I have 2 ILLEX vessels my crew and vessels are homeported NJ and i have to fish out of New Bedford and RI to maintain my permits because of the style in which my vessels fish. I have a very strong permit which would qualify with in the present control date but if there’s no consideration for the latent vessels most likely i would be out of Illex business due to the fact of loss of vessels not keeping a pack out facility busy enough. . i am fairly new in the industry i have millions invested in vessels and permits to be diversified and spending hundreds of thousands in RSW are not in the cards and i'm sure i will be told even if i had RSW and i approached certain " PROCESSORS " i would probably be told they are still at capacity.

So in my eyes some of the processors are at CAPACITY already with the limited amount of vessels they have and not taking any new comers Soooo.....

4) Monopoly..... A monopoly refers to when a company when a and its product offerings dominate a sector or industry. . Monopolies can be considered an extreme result of free market capitalism in that absent any restriction or restraints a single company or GROUP becomes large enough to own all or nearly all of the market (goods , supplies,

commodities infrastructure and assets) for a particular product or service.

If the Council goes with the most restrictive options and allow everything to just the 2 "Processors" that have Joined together as a group it could in some eyes viewed as a fishery that has become **MONOPOLIZED**

5) Don't punish or judge for being diversified .Just because when times or price were or are tough doesn't mean someone should live and die by the sword " Everyone" has the opportunity to invest in multiple fisheries just like i have. I was unfortunately not given the opportunity to be handed or inherit a permit from a family member or friend. I did not come from a fishing family. My father was a Navy Vet and an electrical engineer my mother raised a family i had to start , save and buy from the ground up from the age of 10 working on multiple vessels.

Diversity is what keeps a crew going now a days A 7-11 doesn't sell just milk, A fish market doesn't sell just salmon and McDonalds just doesn't sell Big Macs.

Pack Out Faculties also in their rite minds also don't just invest, and upgrade to pack one type of species. They've invested to pack multiple of fisheries . ALL TYPES to mention a few ALL TYPES OF SQUID , BUNKER, SCALLOPS , BSB , SUMMER FLOUNDER and other species . Vessels just like shore side facilities need to be diversified.

6) Just be carefull of some of the Kool Aid your being asked to drink. Let the working group continue to do its job. Don't rush this . Base this ammendment on the Science not the economics.

Thank You
Jimmy Elliott

F/V Maizey James
F/V M.F. Hy-Grader

Reply Reply All Forward

April 18, 2020

Dear Mid-Atlantic Fishery Management Council:

We write to you today as a unified coalition of active Illex permit holders and processors, and we consist of both Historical Participants and Recent Participants in a newly formed "**Illex Coalition**". We support the written and verbal comments regarding Illex permit requalification submitted to the Mid Atlantic Council from the entities below.

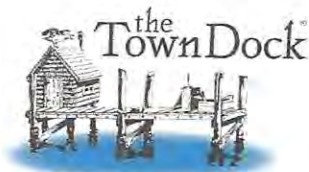
As a Coalition, and after much discussion and research, we have agreed on three positions that we will be able to support regarding the current *Illex Amendment*:

- 1) **Preferred:** No action; requalification of all 76 permits.
- 2) **Preferred Alternative:** Minimal action; full requalification of 51 active permits. This allows for requalification of all active permit holders with more than 50,000 pounds landed in any one year from 1997 to 2019. This essentially eliminates permits for the non-participants in the fishery in the time frame from 1997-2019.
- 3) **Acceptable Alternative:** Should the council insist on a tiered approach, we can support the following:
 - *Tier 1 Classification:* 500,000 pounds best year qualifier 1997-2013; or 1,000,000 pounds best year qualifier 2014-2019 (+/- 41 permits).
 - *Tier 2 Classification:* 100,000 pounds best year qualifier 1997-2019; 90,000 pound trip limit; no sub-quota (+/- 7 permits).
 - *Tier 3 Classification:* 50,000 pounds best year qualifier; 47,000 lb. trip limit; no sub-quota (+/- 3 permits).
 - *Incidental limit:* 10,000 pounds (+/- 25 permits).
 - No new fish-hold capacity limitation.

Sincerely,

The stakeholders, owners, employees, captains, and crews of the following active Illex participants:

The Town Dock
Point Judith, RI



Fishing Vessel Enterprises, Inc.
Cape May, NJ



NORPEL
New Bedford, MA



Waterfront Cold Storage
New Bedford, MA



KSJ Seafood, Inc.
Point Judith, RI



Gabby G Fisheries
Montauk, NY



Crystal Ice Co. New Bedford, MA

JimMazing Fishing LLC Point Pleasant, NJ



The following twenty Federally Permitted Illex Vessels are in support of the Illex Coalition. We total approximately forty percent (40%) of the Active Illex Permits underneath the above Preferred Alternative.

F/V Anticipation,
Cape May, NJ

F/V Jersey Girl,
Cape May, NJ

F/V Pontos,
Cape May, NJ

F/V Barbara Anne,
Cape May, NJ

F/V Kassidy Lyn,
Point Judith, RI

F/V Rebecca Mary,
Point Judith, RI

F/V Determination,
Point Judith, RI

F/V Lightning Bay,
Point Judith, RI

F/V Silver Sea,
Cape May, NJ

F/V Excalibur,
Point Judith, RI

F/V Maizey James,
Point Pleasant, NJ

F/V Susan Rose,
Point Judith, RI

F/V Gabby G,
Montauk, NY

F/V Nordic Explorer,
New Bedford, MA

F/V Thunder Bay,
Cape May, NJ

F/V Heather Lynn,
Point Judith, RI

F/V Olivia Catherine
Point Judith, RI

F/V Travis and Natalie,
Cape May, NJ

F/V M.F. Hy - Grader,
Point Pleasant, NJ

F/V Perception,
Montauk, NY

We appreciate your consideration.



606 E. Landis Ave
Vineland NJ 08360
P:856-839-2095 Fax:856-839-8097
www.horizonamericastaffing.com

April 20, 2020

Dr. Chris Moore, Executive Director
800 North State Street, Suite 20, Dover, DE 19901
Re: Illex Permits Amendment - By email: cmoore@mafmc.org

Dear Dr. Moore:

I am an employee of Lund's Fisheries, a family-owned company producing seafood in Cape May, NJ since 1954. During summer, we have depended upon the Illex squid fishery since the early 1980's, exporting our first container of squid in 1985. Historically, we have taken part in the Illex fishery during the months of May through November although the fishery has closed in late summer during the last three years as many new vessels have entered the fishery, which has negatively impacted our ability to fish and keep employees working in the plant throughout the summer and into early fall.

Our company supports the Historical Participants' Illex Tiered Permit System Compromise, using the Council's August 2, 2013 control date, which was reaffirmed by the Council prior to the start of the 2019 fishing year. This generous compromise by those who have consistently relied on this fishery would fully qualify 34 'Tier 1' permits even though only 14 vessels harvested more than 500,000 pounds of Illex in 2017, increasing to 19 in 2018 and 26 in 2019. With the early closure in 1998, only 25 boats landed this amount with just 23 active at that level of harvest in the early closure of the 2004 fishery. The compromise Tier 2 proposal puts another 14 boats into the fishery. It is important that the Council act to limit the number of participants in this fishery, before the 25 other Illex permits are also activated, potentially creating a one-month fishery.

Lund's Fisheries was the first company on this coast to invest in a factory and vessels to catch, process and sell large volumes of what were formerly considered underutilized fisheries, including Illex squid. Over the years, this investment has allowed Cape May to become the number one Illex-producing port on the East Coast and we have helped several historical, independent fishermen become successful in this fishery.

Community impacts have largely been ignored in managing fisheries on this coast and we encourage the Council to consider our historical dependence on this fishery, which will help to maintain the jobs that our plant and cold-storage workers, fishing crews, and truckers depend upon. In a community where there are few year-round jobs, employment in the Illex fishery helps to support local supermarkets and other fishing-related businesses like gear stores and fuel suppliers and supports our local housing market. I ask the Council to support the Tiered permit system compromise put forward by the historic participants in the Cape May Illex fishery. Thank you for considering my comments.

Name and address
Signature / date

Brenda Morillo
4/20/2020



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Vineland NJ 08360
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www.horizonamericastaffing.com

April 20, 2020

Dr. Chris Moore, Executive Director
800 North State Street, Suite 20, Dover, DE 19901
Re: Illex Permits Amendment - By email: cmoore@mafmc.org

Dear Dr. Moore:

I am an employee of Lund's Fisheries, a family-owned company producing seafood in Cape May, NJ since 1954. During summer, we have depended upon the Illex squid fishery since the early 1980's, exporting our first container of squid in 1985. Historically, we have taken part in the Illex fishery during the months of May through November although the fishery has closed in late summer during the last three years as many new vessels have entered the fishery, which has negatively impacted our ability to fish and keep employees working in the plant throughout the summer and into early fall.

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Name and address

Signature / date

Daniela Cruz
4/20/2020



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Name and address
Signature / date

Donato Rivernay
4.20.2020



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Name and address

Signature / date

Francisco Rosano
4/20/2020



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Name and address
Signature / date

Ingrid Minaya
4.20.2020



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Name and address

Signature / date

Noemi Uesasaquez
4.20.2020



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Name and address

Signature / date

Alberto Rodriguez
4.20.2020



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Name and address
Signature / date

Carlos Caceres
4/20/2020



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Name and address
Signature / date

Dennis Escobar®
4-20-2020



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Name and address

Signature / date

Jose Antonio Castillo
4/20/2020



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Name and address

Signature / date

Rafael Felix Asencio
4/20/2020



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Signature / date

Cizette Estrada
4.20.2020



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Name and address

Signature / date

Adalzeza Borgao®
4/20/2020

Dear Dr. Moore:

I am the Captain of the f/v Enterprise of Lund-Marr trawlers LLC, a family-owned company producing seafood in Cape May, NJ since 1954. During the summer, we have depended upon the Illex squid fishery since the early 1980s. Historically, we have taken part in the Illex fishery during the months of May through November although the fishery has closed in late summer during the last three years as many new vessels have entered the fishery, which has negatively impacted our ability to fish and keep crew members working on the vessel throughout the summer and into early fall.

Our company supports the Historical Participants' Illex Tiered Permit System Compromise, using the Council's August 2, 2013 control date, which was reaffirmed by the Council prior to the start of the 2019 fishing year. This generous compromise by those who have consistently relied on this fishery would fully qualify 34 'Tier 1' permits even though only 14 vessels harvested more than 500,000 pounds of Illex in 2017, increasing to 19 in 2018 and 26 in 2019. With the early closure in 1998, only 25 boats landed this amount with just 23 active at that level of harvest in the early closure of the 2004 fishery. The compromise Tier 2 proposal puts another 14 boats into the fishery. It is important that the Council act to limit the number of participants in this fishery, before the 25 other Illex permits are also activated, potentially creating a one-month fishery.

I ask the Council to support the Tiered permit system compromise put forward by the historic participants in the Cape May Illex fishery. Thank you for considering my comments.

RORY MULLEN
Lund-Marr trawlers LLC
997 Ocean Drive, Cape May NJ
08204

FV Susan Rose
Susan Rose Fisheries LLC
Narragansett, RI
4/20/20

Dear Mid Atlantic Council,

I am writing to comment on the Illex Amendment. I **do not** support the further removal or restriction of access to those who already qualified for Illex and that are now active in this fishery.

I **do** support the Town Dock/Illex Coalition plan and options that they have provided to the Council.

I am the Captain of the FV Susan Rose. This boat is owned by Ryan Clark. As Mr. Clark has stated in his verbal and written comments over the past two years, my boat is a recent participant that could be thrown out of the fishery should the Council adopt the "compromise" plan put forward by the Historical Participants on the Rhode Island public comment call.

This would force me, my crew, and this fishing vessel out of the illex fishery causing significant harm to my income and that of my crew. We spent quite a bit of time and money getting the boat ready to fish in 2019 Illex Fishing Year, and like many others we had a successful season. I have invested my time to prepare the vessel for the fishery and fish the vessel for Illex in 2019, and Mr. Clark has invested his money which is well over \$1,000,000 into this fishing vessel. To lose full access to illex by the Council adopting the Historical Participants Plan would be catastrophic for my boat.

I am proud to catch illex squid that will be sold to the American Public through the restaurant chains that Town Dock supports. Town Dock has given me and my crew opportunities to earn a living and support our business by purchasing my iced Illex squid in 2019.

It is still obvious that this amendment is coming from a few people in the industry who want to limit or remove participation so they can benefit. As

I learn about the reasons for moving forward with this Amendment, I will tell you that they are not unique to this fishery. Every fishery has safety issues, and everyone needs to preform regular vessel maintenance, these are not reasons to move forward with further limiting access to some members of the industry. Race to fish will not be impacted at all through this amendment. In fact, this stock is doing very well over the past few years and we have had no bycatch issues.

Our permit has already qualified for limited access and we should not be at risk at losing the permit or equal access to this resource. Being able to continue to have equal access to Illex is very important to me and my crews' income, and the ongoing success of the FV Susan Rose.

Thank you,

A handwritten signature in black ink, appearing to read 'J. McCavangh', written in a cursive style.

Jamie McCavangh, Captain
F/V Susan Rose

Dear Mid-Atlantic Council,

I've participated in many of the meetings regarding this amendment over the past year and I'd like to offer you a few comments.

First, I'd like to start by saying that I've been active in the fishing community since 1982. I started out as a crew member on a dragger and eventually worked my way up to captain of the F/V Lighting Bay in 1985. In 2011 I became the shore captain for the Town Dock where I presided over seven offshore vessels.

I am very familiar with the workings of many offshore fisheries, including illex squid.

I'd like to discuss a couple of issues that I see in the public hearing document that are listed as reasons to move forward with requalification that I do not agree with. First, I don't see any legitimate way to prove that any of the reasons provided in the public hearing document are valid reasons for pursuing this amendment.

The issue of "race to fish" is how any fishery with a limited season and a hard quota operates. Everyone wants to get out and fish while the species is available, and the quota is open. Vessels will come in and land and head right back out again. This fishing behavior is not unique to the Illex fishery.

The topic of safety is a concern in ALL fisheries and should not be used as a reason for requalification.

This fishery is known to be a clean fishery, it's even stated as so in the public hearing document. Bycatch WILL become an issue if you decide to enforce low trip limits onto some participants in this fishery. Illex is a volume fishery and if the Council decided to impose low trip limits on a volume fishery, you'll be forcing wasteful behavior as fishermen will want to get as close to limit as possible and not come in short.

Monitoring difficulties are not good reason to push for requalification. GARFO has stated that they already have mechanisms to use to mitigate the problem of going over the quota. This is a non-issue.

There has been recent mention of gear conflicts and localized depletion. Gear conflicts are a solvable issue. This is an issue that we have solved up here in the north east between the fixed and mobile gear fisheries. This newly brought up

issue seems to be localized in the mid-Atlantic region and can be solved without having to remove participants. How will removing people solve this issue anyway?

Localized depletion is another "new" issue that was recently brought up. I'm not sure if there is even a legitimate concern about this as it seems that it was brought up to simply add to the list of concerns since some of the concerns have been debunked by some members of the industry.

As far as business disruptions go, there will be a lot more business disruptions if people are removed and access is reduced because of this amendment. Everyone is benefiting from the new markets and better prices as a result of recent participation.

I'd like to end with talking about the control date. The control date is too old. So much has happened in this fishery AFTER the 2013 control date. To stick with the control date with this amendment would be unjust, especially after learning how much has changed in this fishery and the new opportunities that have come about.

We need to ask ourselves "how" this amendment came to be and "why" we are moving forward with this amendment. The quota was raised last year, and we hope to get another quota raise this year. Those that are asking for the quota to be raised and participation and access to be reduced/removed are self-serving and not looking out for what's best for the industry as a whole.

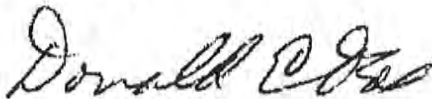
I will end with stating my support of the Illex Coalition's plan, which are the following:

- 1) **Preferred:** No action; requalification of all 76 permits.
- 2) **Preferred Alternative:** Minimal action; full requalification of 51 active permits. This allows for requalification of all active permit holders with more than 50,000 pounds landed in any one year from 1997 to 2019. This essentially eliminates permits for the non-participants in the fishery in the time frame from 1997-2019.
- 3) **Acceptable Alternative:** Should the council insist on a tiered approach, we can support the following:

- *Tier 1 Classification:* 500,000 pounds best year qualifier 1997-2013;
or 1,000,000 pounds best year qualifier 2014-2019 (+/- 41 permits).
- *Tier 2 Classification:* 100,000 pounds best year qualifier 1997-2019;
90,000 pound trip limit; no sub-quota (+/- 7 permits).
- *Tier 3 Classification:* 50,000 pounds best year qualifier;
47,000 lb. trip limit; no sub-quota (+/- 3 permits).
- *Incidental limit:* 10,000 pounds (+/- 25 permits).
- No new fish-hold capacity limitation.

Thank you for taking the time to consider my comment.

Sincerely,



Donald Fox
Shore Captain
The Town Dock

PO BOX 608
NARRAGANSETT, RI 02882

April 20, 2020

Dear Mid-Atlantic Fishery Management Council:

My name is Mike Hall, Fleet Technician/Mechanic for The Town Dock.

This letter is in regard to the Illex Amendment being proposed.

I have been a part of the fishing community for over 40 years in capacities ranging from ship captain to shore captain.

Using an old control date for permit requalification does not represent advances Town Dock has made in the illex fishery during the last seven years.

The plan that has been presented does not reflect recent and accurate statistics.

Our fleet relies on the illex season to fuel jobs in fishing, trucking, diesel sales, ice sales, boat unloading, captains, crew, purchasing, sales and more fields.

Limiting or cutting out participants in this fishery will have a negative impact that will effect dozens if not hundreds of members of our community.

I support the written and verbal comments regarding illex permit requalification submitted to The Mid Atlantic Council from the following companies:

- The Town Dock
- Atlantic Capes Fisheries
- NORPEL
- KSJ Seafood
- Gabby G Fisheries

I will end by stating my support of the Illex Coalition's position regarding the Illex Amendment which is the following:

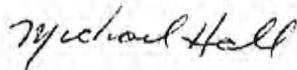
I support no action taken for requalification of all permits.

PO BOX 608
NARRAGANSETT, RI 02882

If action has to be taken, I support the following alternatives:

- 1) **Preferred Alternative:** Minimal action; full requalification of 51 active permits. This allows for requalification of all active permit holders with more than 50,000 pounds landed in any one year from 1997 to 2019. This essentially eliminates permits for the non-participants in the fishery in the time frame from 1997-2019.
- 2) **Acceptable Alternative:** Should the council insist on a tiered approach, we can support the following:
 - *Tier 1 Classification:* 500,000 pounds best year qualifier 1997-2013; or 1,000,000 pounds best year qualifier 2014-2019 (+/- 41 permits).
 - *Tier 2 Classification:* 100,000 pounds best year qualifier 1997-2019; 90,000 pound trip limit; no sub-quota (+/- 7 permits).
 - *Tier 3 Classification:* 50,000 pounds best year qualifier; 47,000 lb. trip limit; no sub-quota (+/- 3 permits).
 - *Incidental limit:* 10,000 pounds (+/- 25 permits).
 - No new fish-hold capacity limitation.

Sincerely,



Mike Hall

Fleet Technician

The Town Dock
Point Judith, RI



LUND'S FISHERIES



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Managing the Needs of our Customers Through our Commitment to Sustainable Fisheries

April 20, 2020

Dr. Chris Moore, Executive Director

800 North State Street, Suite 20, Dover, DE 19901

Re: Illex Permits Amendment - By email: cmoore@mafmc.org

Dear Dr. Moore:

Our company, **MTC Logistics**, located in New Castle Delaware assists **Lund's Fisheries** with our warehousing/cold storage services year-round. Our business has been supported by **Lund's Fisheries'** success since 2004. During the summer months, Lund's Fisheries has depended upon the Illex squid fishery since the early 1980's. For many years, the Illex fishery has employed Cape May boats, the Lund's plant and other independent fishermen operating in the Port of Cape May throughout the months of May through November. Over the last three years, however, with an increase in the number of boats coming into the fishery from other areas on the coast, the fishery has closed in late summer, which has negatively impacted our ability to continue to serve the company throughout the summer and into early fall and negatively affecting our business.

We are writing to join Lund's Fisheries in supporting the Historical Participants' Illex Tiered Permit System Compromise, using the Council's August 2, 2013 control date, which was reaffirmed by the Council prior to the start of the 2019 fishing year. This compromise, by those vessels and plants that have consistently relied on this fishery would fully qualify 34 'Tier 1' permits even though only 14 vessels harvested more than 500,000 pounds of Illex in 2017, increasing to 19 in 2018 and 26 in 2019. With the early closure in 1998, only 25 boats landed this amount with just 23 active at that level of harvest in the early closure of the 2004 fishery. The compromise Tier 2 proposal puts another 14 boats into the fishery. In the interest of our business' long-term success, we ask the Council to act to limit the number of participants in this fishery, before other Illex permits are also activated, potentially creating a one-month fishery.

Lund's Fisheries was the first company on this coast to invest in a factory and vessels to catch, process and sell large volumes of 'underutilized fisheries', including Illex squid, for U.S. and world markets that depend upon the highest quality products. The company's investments have helped several historical, independent fishermen become successful in this fishery and supported our business success at the same time.

We encourage the Council to consider the Port of Cape May's historical dependence on this fishery, which will help to maintain Cape May County and related New Jersey jobs. In a community where there are few year-round jobs, employment in the Illex fishery throughout the summer and fall months helps to support many other local businesses including ours. We ask the Council to support the Tiered permit system compromise put forward by the historic participants in the Cape May Illex fishery and other dependent ports. Thank you for the opportunity to comment.

Signature / date



Name and address

Andrew B. Janson, President, **MTC Logistics**

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April 20, 2020

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800 North State Street, Suite 20, Dover, DE 19901
Re: Illex Permits Amendment - By email: cmoore@mafmc.org

Dear Dr. Moore:

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Our company supports the Historical Participants' Illex Tiered Permit System Compromise, using the Council's August 2, 2013 control date, which was reaffirmed by the Council prior to the start of the 2019 fishing year. This generous compromise by those who have consistently relied on this fishery would fully qualify 34 'Tier 1' permits even though only 14 vessels harvested more than 500,000 pounds of Illex in 2017, increasing to 19 in 2018 and 26 in 2019. With the early closure in 1998, only 25 boats landed this amount with just 23 active at that level of harvest in the early closure of the 2004 fishery. The compromise Tier 2 proposal puts another 14 boats into the fishery. It is important that the Council act to limit the number of participants in this fishery, before the 25 other Illex permits are also activated, potentially creating a one-month fishery.

Lund's Fisheries was the first company on this coast to invest in a factory and vessels to catch, process and sell large volumes of what were formerly considered underutilized fisheries, including Illex squid. Over the years, this investment has allowed Cape May to become the number one Illex-producing port on the East Coast and we have helped several historical, independent fishermen become successful in this fishery.

Community impacts have largely been ignored in managing fisheries on this coast and we encourage the Council to consider our historical dependence on this fishery, which will help to maintain the jobs that our plant and cold-storage workers, fishing crews, and truckers depend upon. In a community where there are few year-round jobs, employment in the Illex fishery helps to support local supermarkets and other fishing-related businesses like gear stores and fuel suppliers and supports our local housing market. I ask the Council to support the Tiered permit system compromise put forward by the historic participants in the Cape May Illex fishery. Thank you for considering my comments.

Signature / date

Ever Salas, 4/21/20

Name and address

Ever Salas Bridgeton NJ

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Managing the Needs of our Customers Through our Commitment to Sustainable Fisheries

April 20, 2020

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800 North State Street, Suite 20, Dover, DE 19901
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Signature / date

Name and address

Jose Bartolon - 4/20/20
Jose Bartolon Bridgeton NJ

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April 20, 2020

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Signature / date

Name and address

Ernesto Barrion 14/21/2020
Ernesto Barrion Bridgeton NJ

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April 20, 2020

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Signature / date

Victoria Alvarez 4/20/20

Name and address

Victoria Alvarez Bridgeton NJ

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April 20, 2020

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Signature / date

Ubeyner Roblero 4/21/2020

Name and address

Ubeyner Roblero Bridgeton NJ

LUND'S FISHERIES



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April 20, 2020

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Signature / date

Marvin Rawson / 4/21/20

Name and address

Marvin Rawson Bridgeton NJ

LUND'S FISHERIES



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April 20, 2020

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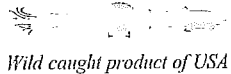
Signature / date

Jose Abel Garcia 4/21/20

Name and address

Jose Abel Garcia Bridgeton NJ

LUND'S
FISHERIES



Managing the Needs of our Customers Through our Commitment to Sustainable Fisheries

April 20, 2020

Dr. Chris Moore, Executive Director
800 North State Street, Suite 20, Dover, DE 19901
Re: Illex Permits Amendment - By email: cmoore@mafinc.org

Dear Dr. Moore:

I am an employee of Lund's Fisheries, a family-owned company producing seafood in Cape May, NJ since 1954. During summer, we have depended upon the Illex squid fishery since the early 1980's, exporting our first container of squid in 1985. Historically, we have taken part in the Illex fishery during the months of May through November although the fishery has closed in late summer during the last three years as many new vessels have entered the fishery, which has negatively impacted our ability to fish and keep employees working in the plant throughout the summer and into early fall.

Our company supports the Historical Participants' Illex Tiered Permit System Compromise, using the Council's August 2, 2013 control date, which was reaffirmed by the Council prior to the start of the 2019 fishing year. This generous compromise by those who have consistently relied on this fishery would fully qualify 34 'Tier 1' permits even though only 14 vessels harvested more than 500,000 pounds of Illex in 2017, increasing to 19 in 2018 and 26 in 2019. With the early closure in 1998, only 25 boats landed this amount with just 23 active at that level of harvest in the early closure of the 2004 fishery. The compromise Tier 2 proposal puts another 14 boats into the fishery. It is important that the Council act to limit the number of participants in this fishery, before the 25 other Illex permits are also activated, potentially creating a one-month fishery.

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Signature / date

Eribelda Galvez 4/21/2020

Name and address

Eribelda Galvez Bridgeton NJ

LUND'S FISHERIES



Wild caught product of USA

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Signature / date

Eva Alvarez 4/21/2020

Name and address

Eva Alvarez Bridgeton NJ

LUND'S FISHERIES



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Signature / date

Nancy Gonzalez / 4/21/2020

Name and address

Nancy Gonzalez, Bridgeton NJ.

LUND'S FISHERIES



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Martha Valaciga / 4/21/2020

Name and address

Martha Valaciga, 107 OAK ST Bridgeton NJ