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Dear Dr. MacDonald,

Thank you for the opportunity to comment on the Stellwagen Bank National Marine Sanctuary Draft Management Plan and Environmental Assessment. For me, the waters of the Sanctuary are a special and important place.

I am a commercial fisherman. I have fished in the southwestern Gulf of Maine and the region east of Cape Cod for 46 years. Presently I estimate that 40 – 50% of my catch comes from within the Sanctuary's boundaries.

My home port is Scituate, Mass. From the pier where my boat is docked, I can clearly see the Sanctuary Headquarters across the harbor. That presence has been and must continue to be emblematic of a mutually beneficial relationship between the Sanctuary's managers and those who use its resources.

For that reason, I am disturbed by this document's tone, placement of information and seemingly deliberate emphasis on facts which tend to support a story line and the converse diminution or omission of those which do not. A document such as this, crowded with information, should be a springboard for constructive dialogue, not the antagonistic screed which I encountered.

To begin, under "key findings" in the Executive Summary you state "... fishing – especially commercial fishing – impacts and pressures every resource in the Sanctuary." The paragraph continues on to highlight seabed habitat disturbance, wasteful discarding, mammal entanglement and degradation of historic shipwrecks as if these conditions were the consequence of unregulated activities by intruders into the Sanctuary. Nowhere in the Executive Summary is there reference to the reality that all fishing in the U.S. Exclusive Economic Zone (EEZ including all of the SBNMS) is regulated by another NOAA agency, the National Marine Fisheries Service (NMFS).

It is not until Page 12 that one first learns of the existence and roles of other agencies and organizations having jurisdiction over the Sanctuary waters. Arguably, the placement diminishes the probability that the casual reader, whose principal information sources are the media, will obtain a contextual understanding of the complex, overlapping governance relationships within the Sanctuary.

No commercial fishing can occur within or outside the SBNMS without a permit issued by NMFS. In addition, NMFS regulates the sizes and amounts of fish, crustaceans, and mollusks which may be taken; the types, sizes and amounts of gear which may be used; the size and power of vessels which may be used and the number of days per year which a vessel may fish. In addition, a 1200 NM area, the Western Gulf of Maine Closed Area (WGOMCA) abuts and overlaps the Sanctuary. Commercial fishing for groundfish and use of bottom-tending mobile gear is prohibited in this area. Finally, seasonal closures which prohibit commercial fishing for groundfish for up to four months each year overlap the entire Sanctuary.

None of the above information is provided until page 81 of the document.

To the extent that the adverse conditions outlined in the Executive Summary and detailed in the body of the report exist, is it not reasonable to advocate re-examination of the management policies which allowed them to occur? Federal oversight of fisheries in this area began with passage of the Magnuson Act in 1976 and continues today.

In my opinion the lack of a contextual examination of fisheries policy with regard to impacts on Sanctuary resources is an egregious omission which seriously compromises the completeness of this document.

Throughout the text there are several instances where data appear to have been “cherry picked” to reinforce a thematic predisposition. One illustrative example appears beginning on page 78 under the heading, “Truncation of Size and Age Structure.” The primary data source cited is the NMFS trawl survey.

While the trawl survey provides a broad-area index of resource abundance it has such a large spatial scale that comparatively few stations occur within or near, the Sanctuary (on average under 10, twice a year). In addition, the trawl survey may have a negative bias toward large fish due to short tow duration and poor water flow characteristics within the survey net. Apparently no attempt was made to verify the conclusion of declining maximum fish size through other, readily available, data sets such as NMFS’ domestic observer program or catch-at-age analysis done by NMFS’ port sampling program.

In addition, the choice to terminate the initial study at the year 2000 is questionable. At that time stocks region-wide were just beginning to recover from nearly two decades of overfishing. There is near universal agreement that age structure truncation is characteristic of overfished stocks, yet the year 2000 predates significant increase in area closure and reductions in days-at-sea which measurably decreased stock wide fishing mortality rates. Table 41 on page 80 seems to reflect this trend reversal yet it remains largely disconnected from the conclusion provided on the preceding pages.

A second example of selective data use occurs at page 132 under the heading “Commercial Fishing.” In this instance VTR and SBNMS observer generated data are used to characterize the intensity and economic contribution of commercial fishing with the Sanctuary. The data truncates at 2005, one year before a major NMFS regulatory

action-Framework Adjustment 42 which transformed fishing strategies and greatly increased small boat groundfish fishermen's dependence on nearshore waters, especially those within SBNMS,

Moreover, Tables 15 and 16 on page 143, by summing 10 years of landings which accrued under now non-existent management regimes, skew and under represent the relative volume of economic value of SBNMS landings versus those from all areas. And, sure enough, the misleading figures of 1.8 – 2.9% value contribution are heralded in the Executive Summary. In addition, the range 1.8-2.9% given as the economic contribution of Sanctuary commercial fisheries is, in reality, slightly higher than its' expected yield when standardized for area. In effect, the Sanctuary waters are at a minimum, as productive as the average for all of New England.

The final, and most egregious, omission in the characterization of commercial fishing is in the failure to present and analyze data pertaining to the economic importance of Sanctuary waters to individual fishing ports. Regions, state and counties do not have cohesive fishing cultures. Communities do.

The perimeter of Massachusetts Bay is lined with a series of primarily small boat fishing harbors, including Gloucester, Beverly-Salem, Hull, Scituate, Green Harbor, Plymouth, Sandwich, Wellfleet, and Provincetown. In my opinion, without some access to Sanctuary waters, these ports would cease to exist as fishing communities. Any analysis which fails to include consideration of economic impacts at a local scale is inadequate and deceptive.

This report has been portrayed as a catalyst to dialogue and constructive engagement. In fact, it is polarizing and may well reinforce the stereotype of the Sanctuary as an elitist organization. This is particularly unfortunate because, in the realm of fisheries much needs to be done.

Fishery management in the New England region has generally failed to provide a model which balances sustainability with a stable business environment. As a consequence, the groundfish fishery has among the highest number of overfished stocks in the nation, the average vessel age exceeds 20 years, and the average fisherman is in his fifties. There are few young people entering the fishery principally due to income uncertainty.

The fishery continues to struggle under an inefficient input based management system which in less than eight years has reduced effective days-at-sea from 88 to 24 with the expectation of another draconian cut in 2009. Concurrently, regulatory discards have risen to absolutely disgraceful levels in excess of 50%, seriously compromising the attainment of mortality goals while angering and demoralizing fishermen.

The present system uses area closures primarily as a means of reducing fishing mortality by denying access to areas of high catch per unit effort (CPUE). This approach has several undesirable consequences which affect the Sanctuary. First, the proximity and scale of the WGOMCA concentrates effort in near shore areas including SBNMS.

Secondly, forcing fishermen to work in areas of lower CPUE necessitates more gear on the bottom time possibly exacerbating habitat impacts. Thirdly, the opening of seasonally closed areas invites a torrent of effort with high bycatch and habitat implications.

Although inconsistent with national policy, the current New England Fishery Management Plans (FMP) focus on attainment of target fishing mortality rates as a criterion of success. Ecosystem relationships and habitat impacts, while given consideration, are not primary operators.

The fishing industry, during the scoping process for Amendments 13 and 16 to the Multispecies (Groundfish) FMP, provided substantial input on alternative approaches. Two cross-cutting themes from both scoping processes were (1) moving to an output based system which directly counted catches and emphasized full retention and (2) enabling local decision making to mitigate harmful impacts on transient phenomena such as spawning aggregations.

These concepts were never developed due to the pressure of deadlines, limited data availability and inadequate staff for analysis and policy development. Although frustrated, organizations such as the Northeast Seafood Coalition and the Gulf of Maine Research Institute are continuing development of alternative management approaches.

Upon substantial reflection I have come to question whether the vision statement developed by the SBNMS SAC is attainable without reform of fisheries management throughout the region. All of the adverse fishery interactions which you identify (egs. mammal entanglement, age structure truncation and localized forage depletion) are endemic to the region and require regional solutions. They are products of a system which adheres to input proxies for mortality control, stock range scales as condition criteria, and virtually ignore capacity rationalization as a management tool.

I question as well, whether the bureaucratic canards of interagency cooperation and memoranda of understanding taken in isolation will substantially advance the reform which we both seek.

Fishery management must be reformed in conjunction with any major changes to fishing opportunity within SBNMS.

The fishing industry is beset with multiple layers of inefficiency derived from an input based management system. This approach has benefited neither fish stocks nor fishermen as exemplified by high incidence of overfished stocks, lagging yield, and inadequate reinvestment within the industry.

Closing significant portions of the Sanctuary to fishing will have consequences which extend far beyond its geographic boundaries. The 60 NM long barrier imposed by the WGOMCA and the reduced opportunity caused by the frequent seasonal closures of most inshore areas may well place groundfish fishing businesses in small ports from

Gloucester to Provincetown below the threshold of economic sustainability. Days-as-sea have been reduced twice since 2004 and another substantial cut is expected in 2009. Differential counting throughout the western Gulf of Maine and off Cape Cod has further eroded opportunity to the point where acquiring additional permits or leasing days at considerable cost are a requisite for survival.

The groundfish fishery simply cannot withstand any additional unilateral restrictions which further diminish economic viability. For any changes in fishery policy to be palatable, they must be developed in conjunction with the NEFMC and must extend beyond the Sanctuary boundaries. The concept of conservation through inefficiency must be replaced by one of stewardship for both the Sanctuary waters and beyond.

Although the draft plan report paints a dire picture of the condition of Sanctuary resources it proposes relatively modest immediate regulatory changes, i.e. an exclusion zone around the historic shipwrecks and a prohibition on developing a fishery for sand lance. In my opinion neither of these proposed changes are antagonistic to sustainable fishing practices. In fact, I believe that an industrial fishery for sand lance, as it occurs in the North Sea, would diminish existing opportunities for existing small scale fisheries and whale watching.

However, I find the most important and significant element in the document to be the eleven action plans which are presented on pgs. 178-254. These, I believe, can provide the basis for a broader vision, a second look at the relationship between fisheries and the habitats and ecosystems upon which they rely.

I am particularly drawn to the Ecosystem Based Sanctuary Management (EBSM) action plan as a potential catalyst for understanding, cooperation and constructive change. Section 3.3 identifies research programs which serve as precursors to a transition from stock-specific to ecosystem based management policies. I note with satisfaction reference to the Massachusetts Fishermen's Partnership (MFP) as a resource in this endeavor. The MFP continues to provide leadership in identifying and developing areas of common interest between the fishing industry and management authorities through science based projects.

It is my firmly held opinion that the objectives of the SBNMS and the fishing industry are not intrinsically exclusive. The industry has three primary objectives: (1) access to fish, (2) maximum sustainable yield, and (3) efficient operations. These need not be antagonistic to the Sanctuary's mission of conserving, protecting, and enhancing biological diversity, ecological integrity, and cultural legacy. However, for the relationship to function there must be continuing dialogue. A prominent and substantive element in the process should be cooperative scientific research.

In conclusion, any consideration of regulation of commercial fishing by the SBNMS is not a trivial matter. Simply layering additional restrictions upon the plethora of input controls already in place will bankrupt those sectors which depend heavily on Sanctuary

waters, including ports in a crescent of coast from Cape Ann to Provincetown where fishing has been a presence for over three hundred years.

Such an eventuality would deal a devastating blow to the character of affected communities, especially the preservation of working waterfronts. It would impact local economies and destroy the life assets of families. Perhaps most significantly, it would deprive the people of an important and healthful source of food at a time when the availability, cost, and safety of food is a growing concern. In reality, the challenge facing the SBNMS as it develops this management plan is far more formidable and complex than merely fencing off a gated community and leaving the surrounding world to fend for itself. Ecosystems are larger than your boundaries. Virtually every organism within the Sanctuary depends in part, on conditions beyond as well as within your political border. Whether the next five year management plan review cycle finds you still mired in an unproductive status quo or making substantive progress depends in no small part on how you meet the challenge.