

I know I am past the deadline but thought I would comment anyway. So these are from our Association (AOLA), and also a few personal observations and comments.

I think it is fairly critical for the Department to test the concept of an expanded aggregate program in order to be able to make informed judgements on its long term use. I therefore support the proposal as drafted. I point out that we are not at the stage where we should be debating the merits of implementation, as we are simply in the evaluation stage /fact finding at best, so good accurate information is the key. As you know our Association has consistently supported, (about 4 letters worth) its use, particularly in the offshore lobster fishery as a means of reducing by-catch of black sea bass and unnecessary discards. The Department adopted in 2017, a new aggregate program for the spring period BSB season (Jan to May) and from what I hear it has worked well. Reports from our members in Pt. Judith have indicated that it has been an effective means of reducing dead discards, while not increasing catch rates appreciably. I think that it is now important for the Department to evaluate expansion of the concept for the summer and fall seasons, when effort levels and access to the resource are higher, but the evaluation should take place in a very constrained and controlled manner. The proposal discussed at the workshops is very conservative from my perspective. Having attended all of the workshops, I offer the following comments on what has been proposed, and criticized by some participants.

The major objection on the pilot program, has been the perception that it will somehow accelerate the catch rate and result in premature closure of the summer flounder fishery. The same point could be argued on the BSB fishery. I do not think this concern will manifest itself if the Department follows the rules it outlined for the program. One of the key aspects of the pilot, has been the requirement/ condition that anyone participating in the program should have a detailed history of participation in the fisheries. As I have indicated in prior correspondence, that history of participation is critical if you want to evaluate how the program affects changes in behavior. You want to be able to measure what they did under low daily possession limits, and then evaluate how it changes behavior under an aggregate. If for example, if you select three draggers that have very detailed catch history during the last five years, you position yourself to make such comparisons. Point being that if a dragger previously caught its daily possession limit (totaled for the week) of BSB and SF, and they do so under an aggregate, there will be no acceleration of landings. If they can do so in two or three days, rather than seven, then the environment, fishery, and fishermen all benefit. There have been a number of excellent letters submitted in support of an aggregate program in the past (which I will dig out of my files and send in if possible) on this issue, all point out the benefits, but they can be summarized as lower regulatory discards, improved economics and lower costs for the industry, reduced fuel consumption, less habitat degradations due to fishing, improved economics for the dealer infrastructure. I am sure there are others but those are the major points.

Second point is that low daily possession limits were implemented as a means of reducing landings and rebuilding the BSB, SF, and scup stocks. Most of these rules/ programs were implemented three decades ago, when stock sizes were a small fraction of what they now are,

exception being summer flounder. This creates a new set of problems for management, as two out of the three stocks caught in the summer fishery are at record high levels, and are being managed in different manners. The scup fishery is managed as an aggregate limit and SF and BSB on a daily possession, which cause a major disconnect / problems for the industry particularly the net industries (trawls and gillnets). It is virtually impossible to tow or set a net or trap without having a significant catch and bycatch of these species. For example, trawlers catch all three species on the same tow and have no legal mechanism to avoid exceeding the low daily possession limits, other than to discard the excess or figure out ways to circumvent the law. Either of these alternatives are undesirable and avoidable. In addition, these regulatory discards are lost to the fishery and economy of RI since they get counted against future quotas if documented. As you know full well, if not documented, they interject a level of uncertainty and a retrospective bias in the stock assessment, that results in more conservative quota decisions by Scientific and Statistical committees. In either case they are lost to the industry and economy of RI. A fisherman who wants to optimize his / her catch of scup (under the scup aggregate) is surely going to catch and discard excessive quantities of BSB and or SF or both, depending on the gear used.

Final points are that the problems are getting worse. The expansion of the BSB stock has gotten to the point where inshore trap fishermen cannot avoid significant bycatches of these species, regardless of which species targeted. When I first raised this issue on behalf of the AOLA, this was a seasonal, primarily offshore issue. That is no longer the case as the lobster/crab fishery has substantial bycatches of this species in inshore areas. Fish caught in shallow inshore water can be released unharmed but fish caught at greater depths suffer unavoidable trauma, and unfortunately no doubt mortality. The use of low daily possession limits encourage discarding, and in some cases cause additional mortality, since they require a fisherman to discard bycatch above 50 lbs. today, and then target the same species the following day in order to land their daily possession limit. This is an avoidable problem if the management measures change.

The proto type aggregate program suggested by the Department is a good first step to provide additional factual information on this issue, and I urge you to implement it as designed.

Thank you
David Borden
Atlantic Offshore Lobstermen's Association (AOLA)