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Gloucerstermen: Before and After "The Law"

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GLOUCESTERMEN
BEFORE AND AFTER "The Law"
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William S. Webber
May 1979
FOREWORD

Gloucester has been renowned for its leadership in the fishing industry since colonial days. From the first failure of the Dorchester Company at Stage Fort to the subsequent glories of the schooner fleets, the story has been told in fact, fiction, poetry, and painting. The literature brings to life the beauty of the place, the dangers of the sea, and the character building of those who contested life in the North Atlantic. Most of our recorded material deals with the exploits of Yankees, Portuguese, Scandinavians, and Nova Scotians. Today, and in the immediate past, it is the Italian-American fishermen who dominate the Gloucester industry. Until 1976, they fished with relative freedom - The Fisheries Conservation and Management Act of 1976 has dramatically altered that condition and this report will attempt to highlight its impact upon the community. Much of the background material describing the development of the Italian-American fishermen in Gloucester was initially prepared by the writer in 1977 and presented as a paper at Mystic, Connecticut under the Title of "Gloucestermen - Italian American Style"
In the summer of 1978, I became a participant in the fishing industry in the City of Gloucester as the Executive Director of the City's Fisheries Commission. An integral part of the political structure since 1934, the commission is charged with advancing the fishing industry's economic position. The mandate is specific; but the implementation is impaired by insufficient budgetary commitments resulting in a part time program. The executive secretaries over the years attempted to provide for a mechanism which would allow for an exchange of information between city government and the industry. That it did maintain a position of respect was due to its two secretaries over the years; Manual Lewis and Sam Favazza. Both were dedicated individuals who became spokesmen for the industry, commanding respect among all the fragmented sectors. In particular, Sam Favazza contributed to the dialogue leading to the enactment of the Fisheries & Conservation Management Act of 1976. Having been involved as an advisor to International Convention for the Northwest Atlantic Fisheries (ICNAF), he foresaw many of the problems that government controls would create for the free wheeling Gloucester fleet. Sam Favazza died as the legislation was being finalized. The vacancy created by his death was not filled until my entry on the scene in September 1978. For two critical years, any organization that had existed - any lines of communication that had been established were allowed to disappear - leaving a chaotic situation at a most critical period. Had the position been filled and had it not become
the subject of political power plays within the city, much of the confusion surrounding the implementation of the Atlantic Groundfish Plan would have been eliminated. Since September we have been trying to restore some order with limited success. Communications have been re-established by our serving as a liaison between the industry and the Regional Council. By serving as an advisor to the Council, we have been able to provide information which, if not always pleasant, is at least timely. To maintain a dialogue is our objective and participation in Council proceedings is the mechanism. To influence Council decisions based on information provided us from the source, the fishermen, and to interpret Council decisions are the priorities which we have established. If the degree of misunderstanding can be reduced, this in itself will be an accomplishment.

Caught up in the euphoria that the enactment of the 200 mile law would bring economic blessing to the fleet, fishermen conveniently neglected the constraints that accompany Federal legislation. Having been subject to ICNAF regulations for several years, the industry should have been aware that government participation normally means regulation; and that controlling activity of foreign fleets in our Zone would not in itself bring about the conservation measures mandated by the legislation. Conservation and management were words not heeded when the legislation was being constructed. To the dismay and frustration of the fishermen, their lives have become directly influenced as these two factors emerged in the regulatory Fishery Management Plans.
Following a brief few months of open fishing (Jan-April 1977) an emergency Fishery Management Plan was instituted by Commerce Department with National Marine Fisheries Service as its agency to manage the Plan. Since that date, a formal groundfish plan has been approved and subsequently adjusted some 33 times. A complete summary of the changes appears in Appendix.

The New England Regional Council is responsible for defining fishery management policy. The many changes noted above indicate that there was no consistency - only a series of adhoc adjustments to the political pressures brought by fishermen - not changes evolving from a normal administrative process. Application of a bandaid seemed only to lead to cosmetics - with the result being the requirement of major surgery - a transplant, if you will. Groundfish Plan II must accept only the healthy organs of Groundfish #1. I foresee more difficulties as the Council attempts to refine its management controls - more regulations - more bureaucracy - less compliance - and continued uncertainty. Does the plan have to be so detailed? No wonder the fishermen have difficulty in comprehending when it requires some 80 pages of typewritten material to attempt to define a "Statement of the Problem" relative to the Groundfish Plan. To illustrate some of the impacts which the law has made in this town and its people is the purpose of this paper. A brief review of the pre-1977 era helps us to better understand the people who now live under The Law.
PART I

(Before)
Immigration into the United States by Italians sharply increased in the last two decades of the nineteenth century. Most of the new arrivals settled in New York City but, as with all of the peoples from Europe, they eventually spread out and formed new enclaves all over the country. San Francisco is another city which absorbed a large Italian population. 

In the 1890's a few Italians from Sicily arrived in Gloucester by way of Boston. As Joseph Garland notes in his book, The Gloucester Guide, "Here at the Fort the Italian community planted itself. It was all Irish then, and hell was to pay. However a modus vivendi was reached after a task force of brethren came down for a visit one day." 

The newly arrived Italian male, looking for a means of earning a livelihood, turned to the sea. He may have been a farmer in Sicily but if he were to stay in Gloucester, the only farming was that which would be done at sea. All around him he found visible signs of very active and concentrated industry. From his quarters in the old Fort section along the waterfront, (See Map, page i), he could see the inner harbor lined with wharves and large sailing schooners. With small boats, or dories, men fished daily close to shore. Venturing some four to five miles beyond Gloucester's breakwater, they fished with hand lines, and returned to shore in the evening to sell their catch. Small profits were saved tenaciously. Families pooled earnings and gradually they were able to purchase bigger boats.

In those days and through the 1920's, the large vessels were owned by "Yankees" although many of the skippers were from Nova Scotia. Men with names such as Sylvanus Smith, John Chisholm, M. Whalen & Sons, F.L. Davis to mention a few, owned several schooners and controlled not only the ship itself but the
means for outfitting them and for controlling the sale of the fish when landed after a trip to the banks.

It should be noted that the Portuguese-American, many of whom arrived in Gloucester by way of New Bedford from the Azores - a decade or two before the Italians, had made a definite penetration by the early 1900's. Their ships were among the cleanest, and best equipped, and they had earned a fine reputation in the fleet. These people had managed to enter, and subsequently thrive and prosper within the fishing community. They had done this with limited capital, with problems of language but with dedication and perseverance. While perhaps still not socially accepted by the majority of the non-seafaring people within the community, they were a group certainly recognized as being a permanent part of the population and one which was making its impact on the business sector. Retaining their cultural ways, they lived in a section of the town known as Portuguese Hill, somewhat above the waterfront.

Now let us see what happened with the other ethnic group, the Italians, who entered last upon the scene but who have today emerged as the controlling group in the fresh fish business in Gloucester.

While it is true that "the Immigrant does not start the race fair with the Americans" because of his ignorance of the language and lack of funds, these people managed to survive and increase their numbers. For the most part the ability to remain a closely knit ethnic group sustained their being. One took care of the other, families lived together until such time as they could maintain their own premises, purchase their own boat, and become economically independent.

These enclaves tended to permit the retention of much of their old world culture while learning the new ways of a foreign society. After the early years of protection and mutual aid, friends and relatives were called
from Sicily. They came singly or as families, and sent out the word for others to come. This is the way it was in Gloucester for the Italian-American, much as it had been for the Portuguese.

**A Profile**

Joe Navello is 63 years old. He was born in this country. His parents arrived here in the early 1900's. His father was one of the new Italian fishermen help of friends and family to put together enough capital to buy a small boat and go fishing out of Gloucester. Joe went to the local schools until he was 14 at which time he quit and went fishing. From 1920 until he retired a few years ago, he was a Gloucester fisherman. His retirement is a little bit of a misnomer because he still goes out occasionally on his son's vessel and just a few years ago delivered a boat to British Honduras.

In 1942 he had built for him a vessel which he named the "Bonaventure". The boat was built at the Southwest shipyards in Southwest Harbor, Maine and had the following dimensions: 85' long; 15' beam and drew about ten feet of water. She had a wooden hull, an Atlas engine, and is still part of the Gloucester fishing fleet. This vessel is over 30 years old and from a visual inspection it looks as if it's going to last a few more years. The cost of this vessel was $70,000 including the Atlas engine at $12,000. No banks were involved in the financing and the only extension of credit involved, at the time, was for the engine. Atlas Marine, based on the reputation of Joe and his family, installed the engine for $500 down, waived any interest for nine months, and took payment out of a share of the fishing catch over the next few years. It was not unusual for suppliers to participate in the financing of vessels, including not only the engine but working gear and hardware as well. These people made their own credit arrangements and continued to do business with the same suppliers over
a period of years. They became partners in a venture and apparently it worked. As Joe said, "We trusted each other in those days and, as far as I remember, nobody got stung".

Following the launching of the "Bonaventure" in 1942, the government sought to requisition this vessel for wartime service. After much negotiation, the Bonaventure was permitted to remain as a fishing vessel. During the war, approximately 20% of Gloucester's fleet was requisitioned by the government, whereas almost 50% was taken from other New England Ports. As a result, Gloucester's fisheries were much less dislocated than those of other ports.

Conversing with Joe and his wife, Lena, in their backyard, a pleasant spot with many flowers and shade trees, words came easily. All the time we were talking Joe was mending nets. He talks without a trace of accent and indicated that he would have a great deal of difficulty conversing in Italian now. His youth, however, was a much different situation. He grew up in a family in which only Italian was spoken. When asked about his parent's attitude concerning school, he remembered their saying, "Why go to school? You have to help on the boat". At age 14 that's what happened.

Acceptance of the Italian families within the larger community during the 20's and early 30's was slow and painful. People who lived in the Fort were known as the "Guineas" and "Wops". There was prejudice and discrimination on the part of the townspeople and fear among the immigrants. "When we went to school", Joe remembers, "We had to stay in groups because we were afraid. After school was over we went back home to the Fort and stayed there. We felt like second or third class citizens".

Things began to change in the 30's when the depression acted as a levelling influence. There was a growing desire on the part of the Italian youth to continue in school and parents' objections slowly turned to acceptance.
High school athletics, particularly football, kept the boys in school. By the late 30's, the abilities of several of these "foreign" athletes was recognized. Pallazola, Lucido and Sinagra were among those offered football scholarships at some of the best schools in the country. Accomplishments on the field also brought about wider acceptance in the community. Those who participated in sports and those who were impassioned spectators began to forge closer social relationships.

The daughters were also emerging from a very secluded environment. Not only were they finishing high school, with many following nursing careers, but they were mixing socially with other youth in the community. Marriages outside the Italian section took place and the social isolation began to end. Religion was very important to the Italians but they did not have their own church as did the Portuguese. They were communicants of St. Ann's Church, where they joined the Irish Catholic population.

They did have their own religious celebration once a year however, an annual memorial to St. Peter, the fishermen's patron saint, which lasted for at least three days. This "Italian Fiesta" has come to be an event in which the whole community now participates.

The Industry

As interesting as the examination of a particular ethnic group within a rather small city may prove to be from a cultural standpoint, has their presence made an impact economically? In the case of the Italian-American in Gloucester, one must be impressed by the extent of this group's penetration into the economic life blood of the city.
Prior to World War II, several factors combined to change the composition of the fishing fleet in Gloucester. The famous sailing schooners, the Elside, the L. C. Dunton, and the Gertrude L. Thebaud, had now become auxiliary vessels. During World War II many were taken over by the government and many served as picket boats in the North Atlantic. Their predominence in the fishing fleet had ended and the trawler (or dragger) was now the type of boat that was being used most of the time. These boats were smaller, had better gear, and were more suitable to the harvesting of ground fish such as whiting, red fish, and menhaden. The demise of the schooner and the dislocation of the fleet caused by World War II just happened to coincide with another and much greater industry: preservation by freezing.

Quick freezing, a process developed by Clarence Birdseye in Gloucester, altered the production, processing and marketing of fish. Freezing plants, fish frying installations, alternative packaging and advertising opened up wider markets. The only problem was that our Gloucester fishermen were not bringing in the new bulk fish. Bulk fishing is an operation carried on by the self-contained Russian, West German, East German factory ships. They accomplish on one ship, at sea, what it takes multiple locations on shore to do. They process the fish caught by their own mini-fleets, freeze it, package it, and make arrangements for the sale on shore.

The American fishing industry was not flexible. Our government apparently was not interested enough to compete with the foreign fleets on our shores. With the new quick freezing, and the ascendancy of the foreign factory ships, the "Yankees" of the fleet disappeared. This has left the fishing industry - now fresh fishing only - to the Italian-Americans. They stayed, and today are Gloucester's fishermen.
The 1978 fleet in Gloucester is estimated at 130 vessels, of which Italians own 120*. The fleet is owned by individuals or family groups. Although the corporate device is used for many purposes (i.e. taxes, unemployment benefits), stockholders are usually members of one family. No combines or cooperatives exist; the individuality or independence thus continues.

Capital requirements for purchase of new or used vessels have been met from savings accumulated from small profits. There does emerge another source, the more successful Italian-American. There have been a few "Uncle Ben's" or "Godfathers" who have made funds available to qualified and aspiring captains. Commercial banks have not been actively involved in supplying capital for purchase of boats. Fishing from the banking standpoint has been considered a high risk business. The risk is not so much from a credit standpoint but from the inherent risks of loss at Sea. In many cases, adequate insurance has not been available at any affordable price, particularly if the owner were to carry insurance approximating replacement value. Costs vary considerably based on owner's past experience, age and condition of vessel. To properly insure the "Alligator", with its crew of three, an annual cost of $10,000 can be anticipated representing a charge against the boat's share of as much as 10-12%. As a result of the high costs of insurance, many vessels are underinsured while some owners are taking the risk upon themselves by self insuring. A serious casualty, therefore, can result in the end of a career for boat and owner because of inadequate funds.

*My best estimate based on my conversations with the Captains.
In 1976, the amount of fresh fish landed at Gloucester totalled 144,935,680 lbs. with a value of $17,141,760. In 1978, an examination of the amount of fish caught between 1924-1976 shows the emergence of Gloucester as the busiest commercial fishing port in Massachusetts although New Bedford assumed leadership as to value of product in 1964. Table #1 and the accompanying graph show yearly production from 1918 with figures included for New Bedford from 1945. Note the sharp fluctuations from year to year indicating the uncertainty involved in harvesting. Reports of commercial landings for 1976 show that Gloucester was #8 in the country for total landings, New Bedford was #12 and Boston #22. As respects value of the landings, Gloucester was #13, New Bedford #3 and Boston #30. In 1978, Gloucester shows a substantial increase to landings of 185 million pounds and 29 million dollars (See illustration 5a,5b).

Crews of the Holy Family and Bonaventure, five or six in number, and the three-man crew of the Alligator earned from $17,000 to $20,000 per man in 1976. In 1978, earnings were up about 20%. The crew's earnings are based on an old system referred to by Carlo Moceri as the "Guinea Share". Regardless of the name attached to it it has been the prevailing method on New England fishing vessels, including whalers, for over a century. Let's see how this works, assuming the value of a trip to be $5,500 with a crew of five including the Captain:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sale Value</td>
<td>$5,500</td>
</tr>
<tr>
<td>Expenses (food, fuel, ice and general operating charges)</td>
<td>$500</td>
</tr>
<tr>
<td>Net Proceeds</td>
<td>$5,000</td>
</tr>
<tr>
<td>Each Crew Member @ 500 x 5 =</td>
<td>$2,500</td>
</tr>
<tr>
<td>Add'l. ½ share for the Captain</td>
<td>$250</td>
</tr>
<tr>
<td><strong>BALANCE TO THE BOAT</strong></td>
<td><strong>$2,250</strong></td>
</tr>
</tbody>
</table>
The "Boats earnings are used for other than the operating expenses mentioned above and include costs of insurance, taxes, depreciation, interest, and any other fixed charges. The share and share alike system is followed religiously throughout the fleet.

Add to this the shore bound activity of the processing companies, the transportation companies, and retail distributors and one finds a substantial economic activity with some 3,500* being employed out of a total population of less than 30,000.

Great differentials are found between the price the fisherman receives at dockside and the price the consumer pays at market. One only has to compare the average price in 1978 for haddock at .47¢ (Boston market) to the retail price in markets in Andover, Newburyport and Chicago of $2.47 to realize the number of transactions and markups in the process from boat to table.

One of the several fish processing companies in Gloucester is owned and operated by the Curcuru Brothers. They purchase fish from the boats, cut, clean, crate, and ship to wholesalers in the Boston market. A new and fascinating process, is now taking place at their plant. Let me set the scene. Charlie Curcuru is supervising a crew of six with the assistance of a Japanese entrepreneur, called "Joe" by his fellow workers. He is buying North Atlantic Tuna and having it shipped fresh to Japan.

Tuna, now in season and weighing between 500-900 lbs. are landed at Curcuru's - usually late in the afternoon. At the time of my visit, there were 10 tuna being processed. The system is quite simple. The head of the tuna is sawed off and discarded with the body then being placed in a huge vat filled with ice. Blood is drained during the night, and the following

*Again my best estimate based on conversations with the Captains.
morning the tuna is placed in a wooden casket, lightly covered with ice and plastic, loaded on a Van and shipped to Logan Airport. From the dock to the Retail market in Japan where this fish, a delicacy, will be eaten raw may consume 36 hours. Now, note the value; at the dock the fisherman will be paid (as of July 21, 1978) .80¢ per lb. When Joe's cousin in Tokyo purchases his portion of this tuna, he will pay $15 per lb! A 500 lb. fish, therefore, bringing $400 to the fisherman approaches a value of $7,500 when it reaches the consumer. I understand that when the price of the tuna drops (as it usually does by the middle of August) to as low as .50¢, the market in Japan will still get the $15 per lb.

Relating the price paid to the fisherman, which varies almost day to day, to the consumer price which seems only to rise, would indicate that the "middleman" is the great beneficiary not the producer.

An interesting development is the emergence of New Bedford as the leading port in Massachusetts from the standpoint of the value of its catch. This is brought about by the higher prices being received for scallops and flounder, which species in 1976 account for 27% of the amount of the New Bedford catch but 68% of the value. Compare Gloucester whose total landings in 1976 exceeded New Bedford (144,935,680 to 65,644,815) but whose total value was $17,141,760 as compared to $39,341,441. Gloucester's heavy production in the low value fish (menhaden, whiting & perch) explain the dollar differentials. While this report is not to evaluate the growth of the New Bedford Industry it certainly is appropriate to show that it has assumed the lead. Some obvious reasons for this are as follows: 1) the fish being landed at New Bedford are the most sought after (scallops, flounder); 2) the New Bedford fleet has reacted to the demands of the market place. As reported
in the Boston Globe on July 27, some 30 new vessels are expected to be delivered to owners in Massachusetts, Maine, and Rhode Island and of these 22 trawlers are destined for New Bedford. Their fleet will then approximate 150 as compared to slightly over 100 in Gloucester. Gloucester Captains, and more importantly, the businesses, merchants, and city officials should note this development. Will Gloucester, having been the leader overall, now lose out to what appears to be an aggressive, well-ordered fleet, combining the talents of producer, processor, and politician?

There are no specific figures to show how important the fisherman and his boats are to the Tourist Industry in Gloucester. Suffice it to say that the boats and men are a living exhibit that attract thousands annually. The fisherman answers questions courteously. He knows that this year's tourist like those who have come before, will soon be telling others about their conversations with - "Gloucesterman".

Problems Within the Industry and a Possible Solution

The industry has its problems about which many have been argued for a long time. The impact of the foreign market in the frozen fish business has effectively limited our boats in this activity. Large freezing plants, warehouses, and fish packaging businesses contribute greatly to the economic well-being, but the product being handled is coming in on foreign vessels. We are not competitors in this field, and brief forays into the field with government aid have been aborted. Two American factory ships, the "Atlantic" and the "Pacific", are idle at dock-side. Carlo Sinagra stated his opinion as to why this program failed completely. "They (the government) spent $12,000,000 to build these two tin cans. They guaranteed the fishermen $125 a week - not enough. They got retired commanders from the Navy to run it. Nobody knew what was going on but the basic problem was with the crew. They
would not put up with staying at sea for weeks at a time. Our fishermen want breakfast at home!"

Another problem concerns the replacement of the fishing boats, many of which have lived long lives but are depreciating rapidly. Some of these, like Carlo Moceri's "Holy Family", are costly to operate. As Carlo clearly explained "I'm going to keep it afloat as long as I can for me and Busty (his brother). It costs like hell. I'm spending $18,000 to have one-quarter of the starboard planking replaced, and next week there will be more. She's been good to us, and we're making a living. At my age, Carlo continues, and with no one to take over, I'm not about to invest in a new boat". Others of Carlo's generation have similar feelings, and this leads us to the key problem.

Joe Manello's father gave him the alternative of going fishing or "going back to the old country". Carlo and Busty Moceri left school in the 10th grade under pressure from their father. Carlo Sinagra, ten to twenty years younger, finished high school and college but opted for fishing after a brief teaching career. All of these men now wonder how the fleet will continue.

They all wanted their children, male and female "to become complete Americans", to have the best in education, to be free to have a choice. Only Joe's son at the moment has chosen to follow in his father's footsteps. We've done "too good a job", says Sinagra. "We've eliminated our replacements, and we may have made a bad mistake. Were it not for the new Italian-American, the "Greasers" as we call them, the fleet would be depleted in a very few years". This group, The Greasers, are newly arriving Italian immigrants. They are fighting the same economic and social battle that their native countrymen did 50 years ago. Their energy, their thrift, and their aggressiveness is envied to say the least. Although of the same ethnic
background, to say that the "new" Italians are welcome by the old Italians with open hearts would be far from the truth. The cycle has completed itself and the "Greasers" are being treated like the "Wops", before them. For the most part, however, they will be the Gloucester Fishermen of the next generation, along with some of the sons of today's skippers. Carlo Sinagra wants to see this happen and feels it can.

As former teacher, Carlo envisions a rather complete educational program to be made available in the school system of Gloucester. Fortunately at this time, Dr. George P. Lane, Superintendent of Schools, is receptive to a long range, in depth program. Many segments of the community including bankers, processors, educators, and fishermen, realize that an educational program may help to perpetuate the fleet. Learning on board a vessel, not only the fishing process itself, but navigation, and electronic and engineering with trained people like Mr. Sinagra to oversee and instruct may mean that the youth of today, without parent pressure, will realize that an opportunity, a realistic one, exists at home.

"If we could get someone to put a package together," suggests Carlo, "young people will be attracted to this life. I have the Alligator which could be used as a teaching aid, and I'm sure other vessels would be made available as needed. We must seek out any benefit that the 200-mile limit may bestow rather than expect an automatic windfall. We looked toward the 200 mile Law, as an opportunity for better planning and development. There was a general agreement that the supply of fish is more abundant than in recent years. It would seem to me that restrictions placed on foreign vessels by the new law would not have been in force for sufficient time to substantially alter the supply. In any event, the prospects of continued increasing supplies have boosted the spirits of the fisherman, giving them a substantial psychological boost. Now it is important that all parties
involved (fishermen, government officials, investors, marine biologists) study the impact of this law. (This conversation was held with Carlo in 1977 - He was lost at sea in the fall of 1978.)
PART II
(After)
Under ICNAF, all of the finfish species of major importance to the U.S. were under some sort of quota management. That these quotas were not adhered to by some foreign nations forced reduction in stocks in the North Atlantic, most noticeably haddock. From the early 1970's U.S. warnings were regularly published that we would consider withdrawal from the Treaty - Combined pressures from New England fishermen and conservation enthusiasts terminated our participation in the international agreement and resulted in unilateral action by the U.S. in the form of the FCMA of April 1976.

The questions remain as to why such confusion should have taken place in the transition from one procedure - that of voluntary management - to one of direct control. The participants in New England fishery became so engrossed in the rhetoric and legislative hearings, wherein the key note was the elimination of the "foreigners" and protection and conservation of our fishermen and fish, that the constraints within the Act were conveniently not addressed. In the public print and in the dockside banter, missing were the warnings that protectionism meant regulation. It was the complete absence of such thought that made it impossible to enter into a management plan. Call it what you will - poor communications, self-deception, or just plain ignorance, we had set the stage for confrontation. The government that had responded to the appeals of the New England fisherman was soon to be the enemy. Let's review the early days of 1977 - and I believe the comments of Tim Sullivan, who reported the events, will accurately describe the stage setting and the performing artists. Sal Testeverde, fisherman and biologist and Angela SanFillipoa, fisherman's wife and political activist will follow.
Tim Sullivan - Probably knows the Gloucester waterfront as well as any person in the City. He has been a reporter for the Gloucester Daily Times, and only recently joined the staff of the National Fisherman. Whether over a beer at St. Peter's Club, filling in as a crew member, or reporting on the political issues involving the fishermen, he has the first hand knowledge of just what it means to be a fisherman in Gloucester.
Tim - In late March and early April of 1977, when the emergency regulations were published, there were some people (only a few at first) who just said "screw it" and brought in all the fish they could. Although there were some published warnings in the public press, and of course in the regulations themselves, the fishermen were smart enough to realize it was just a bluff and they started to really make-out. There were some skippers staying within the limits which were then 5,000 lbs. of fish- cod and haddock here (we were not interested in the yellowtail flounder). Meanwhile, their compatriots were bringing in 30,000-40,000 lbs., driving the price down, so that the honest guy was really getting bagged. There was such a marked difference between the honest and dishonest that it didn't take too long before the violators reached a very high percentage.

The enforcement program didn't erode - it really never got started. Fishermen also were quick to realize that by their yelling and screaming "persecution" the Council sat up and took notice, offered adjustments privately and publically - and in reality "took the heat". It seemed that any modification - simply created another problem or abuse. Landings continued to exceed quotas - credibility was destroyed at the outset. The only way they can really explore the landing restrictions is to totally close the port - and that's impossible.

WSW - Looking back, do you feel that the first regulations were rushed into force, were too confining (and confusing), and were poorly explained to the industry?
Tim - As things turned out, yes. The biological information, compiled from ICNAF studies, was not up to date - or perhaps it was simply a giant historic accident that large supplies of mature fish suddenly became available. It was pretty much common knowledge that the haddock and yellowtail were in serious straights in 1976. I don't think many people argued about that issue, especially as the landings kept going down and down. Fishermen had started to direct activities toward other species when all of a sudden in mid-June, a whole slug of Codfish turned up on Georges, and then a bunch of haddock showed up. From my reports, there is still a lot more fish out there that can be harvested without hurting the recruitment. As of today, I feel that Woods Hole personnel would agree. Anyway, in those early months the presence of fish in abundance probably did more to make the rules ineffective that any other one condition. The fishermen convinced themselves that the increase was due to the elimination of the foreign fleet - and they felt the amounts being allotted were not realistic.

WSW - Do you think that the breaking of the law knowingly and discussing it publically at Council meetings has had any impact on the family units - particularly on the young people? How does the recently arrived immigrant react? Does the situation present a severe moral risk - is it cumulative?

Tim - In the fishing industry, there has always been a tendency to beat any rules - written or unwritten. Dealers squeeze the boats, boats try
to screw the dealers, and both find themselves at the mercy of the wholesaler. Statistics are invalid from the past and even today, under penalty, you'll find some cod has become pollock when landed. Despite large earnings, those guys still play the unemployment game to the hilt. I know of a boat last winter that brought in $30,000 while its crew was collecting "social" as they call it - Don't let anyone kid you, they know their way around. All they did was hold up the trip settlement for a couple of weeks and collected a couple of unemployment checks. Perhaps I'm exaggerating, but I think the fishermen were well prepared to avoid FCMA regulations. Like they say, there are priorities; the boat, the family, the church - and way down at the bottom, the National Marine Fisheries Service - make up the list.

WSW - What about the Council itself - You've indicated that they change opinions with the tide. Are they (the members) or the institution capable of managing the fisheries?

Tim - What bothers me is that we have gone through all these regulations and it has not reduced fishing mortality. That was the main thing - it was to reduce the catch and help the haddock stock rebuild itself. Apparently the haddock is doing that now because while the biologists recommended no haddock be caught in 1977 last year a quota of 6,000 tons was set and 12,000 tons were caught. In 1978 that was doubled and now the biologist are saying that you are allowed to catch 50,000 - From zero to 50,000 is quite a
jump and its pretty obvious that management has had nothing to do with that. What we need is a consistent minimum mesh regulation - I don't know what the number is; maybe 5¼ or 5½, and enforce it. Enforce the closed areas and otherwise let people go fishing; give it a year perhaps. In the Gulf of Mexico they define limits in a couple of fisheries as that portion of the stock which is basically an adult. How do you define an adult? Say we establish an OY - we want to take 90% of the haddock that are 20 inches or 18 inches - I don't know the numbers but we can get them - we want to take 90% of the fish after they reach sexual maturity. That would mean that, logically, the fishing here should begin right after we lifted the ban on the closed areas - June 15th or July 1st and then put in some short closed seasons, with no fishing at all. They are out there to make money and if you don't have to go out there in February or March to make money - fine. Certainly, protect the spawn and just allow them to fish with minimum mesh regulations for conservation and let's see what happens - I don't think it will hurt the stock. Other people think that if we keep going the way we are in two years we will have a foreign allotment on Cod because we can't catch them all!

WSW - In other words, once you are in a bureaucratic management situation like we have been in for a couple of years - does anybody have the ability, power, guts to step back and simplify it.

Tim - Congressman Studds made a speech at the Council meeting last week and he made it pretty clear what the intent of Congress was and what he
believed. He suggested that the Council use its implied powers and indicated that he, for one, would back them 100%. I feel officials in the New England Congressional delegation would welcome the Council becoming more independent of Commerce Department.

WSW - You said that the landings are the best indicator as to whether a stock is being depleted or in bad shape.

Tim - That is my theory. The statistics are only as good as the landings reports. And we know landings are under-reported and yet we are exceeding quotas by 50-75%. Talk about enforcement - NMFS keeps publishing figures - sets new quotas - and for the past two years, we have proceeded to exceed limits - What a hell of a numbers game, really.

I think the council should restate some basic objectives. If the stocks are in good shape, admit it - try to keep assessments more current - let's not depend on figures of 1978 for 1981 fishing. Consult with the fishermen and make more observations under commercial fishing conditions. And if the stocks do decline, close the damned fishery pronto. Controlled mesh size, controlled areas, and closed seasons should be considered as a unit - This system can be easily explained and I feel is certainly worthy of consideration.

WSW - If I may summarize your feelings about this law, I'd have to say that you hold no brief for its effectiveness.

Tim - I think that there will be periods of public outcry, such as during the Christmas Holidays and St. Peter's celebration when the Schnapps flow
freely. Beyond that, I see the fishermen winning at the rules, accommodating them when it is convenient - and hoping that the threatened reprisals remain at arms length as they now are. I'm not at all hopeful, as I sense you are, that the new bureaucracy can extricate itself from the bog in which it is mired. I don't think they can simplify the issue - only further confuse it.
Sal Testaverde - Gloucester-born and raised - whose father was a Captain in the fleet. Sal has been a fisherman, is an academician (working toward Ph.D) and is employed by NMFS. Let's hear his story - highlighting some of the social adjustments that have appeared from the fisherman's partnership with the government
Sal Testaverde

WSW - Talking to you, Sal, is going to be particularly interesting. With your family's extensive background in the fishing business and with your having been a commercial fisherman, the present assignment with National Marine Fisheries Service is bound to be influenced by these two factors. Your duties with NMFS take you beyond strictly local interests, but I sense that you maintain a deep concern about what takes place in the Gloucester fleet. How have the people - your people if you will - been affected by the Fisheries Conservation and Management Act? In particular, how have the multiple regulations imposed by the Groundfish Plan been accepted - or have they?

Sal - When the law took effect and the first emergency regulations were published, there was a hard-core resistance from a small segment - perhaps 5-10% of the fleet. Large trips considerably over allotment were brought in and nothing happened (relative to enforcement) in those first months. Others, attempting to understand and comply with the rules, were alternately enraged and impressed by what they saw as economic gain from a willful violation. I feel that the initial failure to enforce the regulations produced a different kind of competition than had heretofore existed. We were all proud to be "high-liners" in the days before FMCA. The new "high-liners" were a different breed - competing not among their peers but with the government and its port agents. It's easy to understand, if not to approve, why others soon followed the leaders in contesting the new rules of the game.
WSW - Do you think that Commerce Department may have been too hasty in putting a regulatory plan in place? Were the personnel at NMFS, who were responsible for enforcement, placed in a position wherein they could not cope with the situation?

Sal - I suspect this is true. We withdrew from ICNAF on December 31, 1976 but the first regulations were not published until March 15, 1977. This three month period, even though the weather restricted operations, saw an uncontrolled activity. It's like anything else, when one goes from a limited supervision to none and then faces a whole new bunch of rules within 3½ months, there has to be confusion.

WSW - We hear from fishermen that it is almost impossible to not violate the regulations - even if they want to work within the prescribed framework? Is it that difficult -

Sal - I believe it is - warnings and citations have been issued for overages amounting to only a few pounds - although we're getting away from discards, many of the men were wild when they were forced to throw over-board fish - they felt that this action certainly didn't contribute to conservation. So, they kept the fish, landed it, received a warning, accepted other harassments at dockside including partial withholding of the catch. Meanwhile the resistance no longer was minor - it was all pervasive. I'd wager a guess that 95% of the boats have been in violation. That would be all right if it were only the "technical" aspect but it has certainly extended to the moral issue - "How much can we get away with" is the question and each day a new gimmick will appear. This is not healthy.
WSW - We hear about credibility gaps. Certainly the differences of opinion among Council members, NMFS biological personnel and fishermen are many. Who is correct in the assessment - or is this possible to identify?

Sal - I'm sure the problem lies in all of us - the fishermen, the Council, and the scientists. But let me make one thing clear. I'm a firm believer in the Council because through it, the power has been returned to the people. We say that the Council is neither fish nor fowl. It is true that it is a unique body somewhere between the Bureaucracy in Washington and a local administrative agency, NMFS. It is a policy making group, it is industry oriented and it is certainly politically responsive.

In all areas of government, we hear about federal agencies that are industry dominated but I don't accept that as fact in this industry. There are checks and balances built into the organization with government & industry being equally represented. Furthermore, we (fishing industry) have a tremendous reputation for being fragmented and to bring any two fishermen into agreement is a real work-out!

People who know the business best are the ones in it. Certainly, there does have to be a better meshing between Council and NMFS in particular and we must stop looking at each other as adversaries. Up until now, here in New England, that has been the case. Even in my own case, many of my friends felt that I had jumped the fence and joined the other side. When I took this job with NMFS,
of course, they had somewhat the same feeling as when I decided to continue my National program in Marine biology.

WSW - What about NMFS and its responsibilities under FCMA? Specifically, do you feel that the regional headquarters can handle its role as enforcer of the regulations promulgated under the Act?

Sal - To help develop the fisheries through our marketing division and to conserve the resource is the objective of NMFS. Our reputation in the public eye, however, seems to be that the fish are more important than the people. NMFS position has changed from a service organization to a management agency. The Council as we have said makes policy but it is NMFS responsibility to carry it out.

Every Council acts differently, and the FCMA certainly provides for a wide latitude. I was really impressed by the different attitudes expressed in a meeting in Washington a few weeks ago, attended by representatives from Councils all over the country. They are strictly Regional in approach and truly there is in my opinion no National Policy. I'm not uncomfortable with the Regional differences - like fish, like man.

Let's get back to the function of NMFS. We have identity problems and like all government agencies, there are instances of duplication and confrontation between departments. Some of my colleagues continually give the impression that they are for the fish. I say "No" it can't be. To me, the fisherman, the processor, and the consumer are a hell of a lot more important. Lately, the new assessments reported out of Woods Hole indicate that the fish are healthy and in greater abundance (we told you so, say the fishermen). Perhaps for a while, we'll
concentrate on the people and the economy and thereby put the picture into focus.

WSW - Let's go back to the violations if you will. It seems that everyone is in on the Act - what effect has this had overall - within the family - within your close knit society. Have the young people re-acted? What about new entrants into the community, namely those coming to Gloucester from the home land -?

Sal - I think the social scientist would have a ball with the situation here. There is ill-feeling here and families are pitted against each other. I don't know how to measure it - I don't have the methodology - but I know the moral fiber has been injured. Joe goes out and gets 35,000 pounds when his quota was 5,000 - actually taking 30,000 pounds from the other guys. In the bar-rooms, where we all have swapped tall stories, the atmosphere is different. Before the law, fishermen were prone to exaggerate, but when one started to take a large piece of another's pie, tempers flared. The system had now developed a feeling that the top dog was the one who could "get away with more". You can feel the resentment and it has to be taken back into the home. I'll repeat that if we had nipped the violations in the bud we'd be a hell of a lot healthier morally.

Because of the uncertainties on all sides, even the individuals responsible for reporting the violations avoided confrontation whenever possible. Inspectors, knowing the fishermen and having a true feeling for their problems, were prone to overlook many minor (and perhaps in some cases, major infractions) Government Lawyers who went to the docks
to negotiate settlements didn't want to hurt anyone - didn't want to make criminals out of them. Many of the sessions amounted to a public hearing with other fishermen, processors and curious tourists eagerly awaiting the outcome. From such scenes, exaggerated reports spread along the waterfront with accompanying magnification in the press and on the radio. I guess you could say that our people were in the public eye - almost like public trials. Some of the recent immigrants observing the process have to wonder what's going on.

WSW - What about the newcomers?

Sal - What do you do with a guy who has probably the equivalent of a 3rd grade education here in the States. Even if they were printed in Italian, it wouldn't help that much. What does he know about the Federal Register and its 30 odd changes to the Groundfish Plan? Hell, when our own people can't figure them out, how do you expect these people to re-act?

You realize the basic uncertainties in our business - weather, accidents, vagories of the resource - and it becomes obvious that this has to be one of the most difficult businesses to regulate. I see it as an evolutionary process, with the wildly swinging pendulum showing some signs of balancing. There is no question that the economics are improving - for the fisherman - not the consumer. This happens in any situation where supply is limited and where the product is desired. MacDonald's - and other fast food chains have made Americans fish conscious - even if most of their goodies are prepared from imported fish.
The law is going to help the fishermen. From an average of $4,000 earnings a few years ago, a crew member can expect to earn $20,000-$23,000 a year. He works hard, he deserves it. But he'd better remember that the 200 mile act has been responsible.

WSW - We mentioned that through the Council, the public has a forum in which express itself - I've been to many meetings, absorbed the rhetoric, and have been impressed by the participation of a few of the fishermen, and some of their wives. I feel they are making a real contribution at both the full Council meetings and oversight sessions.

Sal - I certainly agree. Although there are relatively few of our fishermen who are willing to publicly speak out, those who do are persistent and politically effective. Anyone who feels that the Council does not heed their comments is sadly mistaken. They may speak in broken English - may shout - may not be aware of parliamentary procedure but, believe me, they are accorded attention.

These representative Italian-Americans represent the silent majority of our people - those who are self-conscious in public view, and whose feelings are well known by the speaker. They realize that in some small way they are part of a political process and, that however slowly change occurs, that there is the opportunity to influence that change. This is perhaps the greatest thing that could happen to my people - to be recognized as being an important group in the New England scene.

Just go back a few years and look at Gloucester. The fresh fishing industry was in a sharp decline, boats were sinking, debt was piling up.
In 1973, I returned from South America where I had been doing some research to find Gloucester in a depressed state. At fisheries commission meetings, we wondered about attracting our children into the fleet, how to keep our heads above water. Look out there today - plenty of young people - new boats - bills paid - what a tournabout - there are even a few of what I call the "playboy" fishermen - or boatowners - appearing on stage. When the outsiders feel there is a quick buck to be made, it should tell us that we may have a pretty good thing going for us.

WSW - With the supply being controlled by quotas, and new boats coming into the fleet, increasing by at least 15 (or 10%) in a year, does this cause you concern? After all will the present boats be satisfied to continue to share a smaller piece of the pie? Should entry be limited?

Sal - There are just so many units that can be engaged before it becomes unprofitable. I don't enjoy the thought of preventing anyone from choosing his or her profession - but we could experience an economic disaster if 15 or 20 boats came in each year - not replacing the other ones - but as additions to the fleet. We can talk about marketing other than the present high price species - but this will take time and much persuasion. Perhaps a moratorium on new entrants for 3-4 years would give us an opportunity to plan. The Council should be addressing this very subject and it should be high on the agenda.
WSW - The Italian-American really controls the harvesting sector of the fresh fish industry here in Gloucester. There has been a consolidation over the past 70 years - father to son - relatives or friends from Sicily. Do you feel that the strong influence will be maintained over the next generation?

Sal - As I mentioned, a few years ago my answer would have been in the negative - not so today. Despite the current stigma attached to the law breaking - and I still have strong feelings that no social good will come of it - sons will follow fathers in sufficient number to perpetuate our "Mom & Pop" industry. We still maintain close family ties, with the father still in command, but becoming more amenable to his children's participation. As we become more educated, as we participate more openly in political matters, we will eventually become more sophisticated in our business procedures. It is not uncommon to hear crew members talking about such mysterious things as depreciation, tax-shelters, Federal Loan Guarantees, and there is a realization that knowledge of business and accounting technicalities are within their reach.

WSW - The independence of the fisherman has been extolled in fact and fiction. Is unionism a factor - or organization of boat owners? Has the Law in any way encouraged such activity?

Sal - We've had a union in Gloucester for years but basically it has been involved with the pension fund rather than with issues emanating from the 200 mile law. We are still basically family oriented and the father is the leader. No son, or relative, is seriously challenging
that authority. The family boat is the unit - the Captain makes the decisions - decisions on when and where to fish - the income is distributed as for generations by shares - and remember, there's always 1 share "for the boat". In our port, I do not see this system changing in the near future, although if the union does become more political, I could be wrong. In one area, namely the development of a compensation scheme for fishermen forced to stay ashore because of closures, the union has an economic problem to explore and should be developing a plan to submit to the Council.

WSW - I'll be talking to many others involved in the business here but no one that I know of will have your wide range of experience. Your comments have been most helpful, and I thank you very much.
Angela SanFilippo- A remarkable young Italian-American woman, she has projected herself into the political arena as an active president of the Fishermen's Wives. This group is probably the best organized, the most informed organization in the City. Their meetings attract the most qualified people, highlight the controversial issues, and provide a forum. The organization is known by Government and Council members and Angela as an advisor to the Council has most attractively presented the case of the Gloucester Fisherman. As a candidate for full membership on the Council, she may well become one of the most influential individuals in the local industry.
Interviews - (continued)

Angela

WSW - When you came to the U.S. with your mother and father, did you settle in Gloucester?

Angela - No. We lived in Milwaukee, Wisconsin, with my uncle. We stayed there for twenty months and it was the most miserable time of our lives. My father missed the ocean and of course we did too. We grew up to go down to the boat, to play on the beach, to go to see our father with his fish; it was our life. My father and mother's family were all fishermen. Johnny, my husband - his father and brothers were fishermen, too. It's been nothing but fishing.

WSW - Before the 200 mile law, there were some regulations under ICNAF, but generally speaking, there was the feeling of independence of freedom of choice associated with fishing. With the new law, and its accompanying regulations, what effect have the changes had on the social aspects of your life. I don't mean drinking tea or coffee or eating dinner with a group of friends but rather the broader aspects. How has the law influenced the family structure, for instance?

Angela - Let's talk "social" all right? I remember when we first came here, my father used to go fishing as a crew member. Fishermen were friendly - they had nothing to hide so they were open about everything. Fishing was fun, particularly if there were a lot of fish and the catch was heavy. Even when the haddock almost disappeared because of the foreign fishing, there was a lot of union among the people, and within the family.
WSW - They were on equal terms - the only common enemy being the weather?

Angela - Everybody was the same. I remember some of the boats used to go to Canada where the men would visit with relatives who had settled there. People seemed to care about each other and on Sundays and holidays we spent a lot of time together. Now, because of the rules and regulations, my husband spends his free time worrying about paperwork for the government.

WSW - It makes for an unhappy situation, does it not?

Angela - Unhappy! I think that is a good word to describe the situation. We live from day to day hoping we can enjoy some little part of it but now all I hear is "I'll do anything to beat the government. I'm going to break the law because I have to". These are not good words. It's a real shame - the men used to go down to the club and it was fun. They enjoyed themselves. Now they tend to be secretive and keep things within themselves. Talking about fishing now often leads to arguments - even fist fights. They are not the same people at all. This law has affected their attitudes and I worry about it.

WSW - As far as the young people are concerned, do they seem disturbed? They listen to conversations at home about "violations". The newspapers highlight the waterfront confrontations between fishermen and inspectors. They must be aware that rules are being broken.

Angela - Strangely enough, there is some pressure from the young people. Our children don't like rules and regulations either but they realize that in today's society one must acknowledge their presence.
My brother in-law has three sons - all of high school age and each of them urges his father to stay within the law. Perhaps they haven't had enough exposure as yet during school vacations to understand just how difficult that may be. They insist that it is important to fight for their rights but that the best way is within the political system. Perhaps we should be very encouraged. Young people bear the brunt of much criticism, but I'm proud of them and very pleased that our school system seems to be directing them toward participation in the political process. We have great hopes for our children and whether they follow the sea or choose other professions, they will have our support - unconditionally.

WSW - When I was growing up in Gloucester, there was a mixed population in the fisheries. Newfoundlanders, Yankees, Portuguese, Italians - were active participants. Now, 95% of the people in the business are of Italian ancestry. Without their presence and without their persistence during the past 70-80 years, Gloucester would not have retained its position as an important fresh fisheries port. Your people are a vital part of this community but I sense that recognition of this fact has been slow to materialize.

Angela - All the boats are owned by Italians. I think that the City ought to make good note of that but I wonder whether they appreciate it - No, they don't appreciate it.

WSW - Tell me this, Angela. If you were back home could you have become involved in the political activities, as you have obviously become here in New England? Or would you have wanted to?
Angela - I cannot say, Bill, that I would not have become involved. In any event, it would have followed a different pattern and I would not have been in the public view as I am in Gloucester. But even as a small girl, I was interested in going to the office where they would settle the money and assign the crews. Over there, we had to keep records of the men who got on the boats - we had to register them so that the government would know where they were. My grandfather could not write well so I helped with log books, (fuel consumption records were most important and the authorities checked this part religiously) and all the other paper work.

WSW - With all the publicity attendant upon Equal Rights Amendment here in the States, how has your participation in Council debates been accepted by your friends and your family?

Angela - My husband, I'm telling you, Bill - he is in defense of me. We made a deal when we went into the boat that he was going to work on the boat and I'd help on shore. I prepare the checks and I do the settling up after a trip. Perhaps ours isn't the common practice but truly we are in partnership in business as well as in marriage. I'm president and treasurer of our family corporation and I do manage just about all the paper work. In all honesty, other wives stay in the background, either by choice, or frankly because their husbands don't want them directly involved. I find it very disturbing that most of the women seem interested only in housework; they should be doing more. I take a lot of criticism from some of the older folks, but I feel I'm contributing to my family and community and I'm going to continue to participate - locally, or with the Council.
WSW - You participated in the events leading up to the enactment of the FCMA. You have been active in Oversight Committee deliberations - you are now a candidate for a Council appointment. Tell me about some of your experiences, if you will.

Angela - We worked hard, along with conservation people, to get a law to protect our fishermen and the fish. It was this combination of interests that resulted in basic protection for our industry, that we were so naive to not understand that controls would be frustrating to the fishing effort is an indication of our amateur status. I feel that we had so ill-prepared ourselves for the regulations which accompany any administrative law that we immediately blamed everyone in sight for the confusion which reigned. I was one of this group. Although we were quick to criticize the Council, in particular, none of us underestimates its importance now and for the future. We will continue to try to influence decisions in seeking amendments to the management plans that are in our self-interest. The Council is only two years' old and both it and we are learning. At the very least we have certainly established direct communication.

WSW - There have been many changes in the regulations during the past 24 months. It seems that the Council has a different version of the "Numbers" game at each meeting - You advanced one plan to provide for allocation on a per man, per boat basis, but this scheme has not been accepted. Do you see any possible solution to this ongoing situation.

Angela - It has been the most misunderstood part of the regulations. We truly don't have any opportunity to plan ahead. The ground rules change
frequently. Let me make this point before I forget it. If in the beginning we could have taken a simple approach - that is, allocate a fixed supply to each boat then engaged in the groundfishery, the allotment could have been for six months - even a year. The numbers could have been based on previous landing records, with adjustments for vessels that had been limited while undergoing repair or reconstruction. We would have had more time to adjust to assessments from Woods Hole and would have been better able to convince them to consider our information - Because we were fighting daily limits, vessel size limits, area limits, we lost track of the real necessity - that of eliminating - or at least closing - the credibility gap between biologists and fishermen. Both groups are subject to error - and I think the most recent upward assessments released by Wood's Hole prove that in the haddock and cod fisheries, their findings had been less accurate than estimates from fishermen.

I still feel that we can simplify the procedure and I know that all parties involved would give a sign of relief if we can accomplish this - We tried to do too much in a very short time period.

We must constantly remind ourselves that we can set up rules and regulations to manage people but you can't manage those little swimmers. It is beautiful to think that those fish do have special secrets - and if they can laugh, they must be having a ball just watching us play the numbers game on paper.

WSW - Have you been home to Sicily - How do your relatives assess your life in the States?
Angela - I was back in 1973. Besides being glad to see me, both my
grandfathers were overjoyed that I had completed a high school
education. To read and to write sounds like such a small objective -
that it had been reached by me made them happy. That my husband and
I are now boat-owners also gives them much pleasure. They feel we
have a good life - and so do I.
Conclusion

In the past it has been said that the Italian-American fisherman in Gloucester established his priorities as follows:
The father
The family
The boat
The Church
Superimposed over all these is now the Law: The Law being at one's choosing, the 200 mile Act, The Council, the NMFS - as befitting the particular moment. Through necessity, the fisherman has become a participant in the political process. He has come to know his local, state, and federal officials. He has come to grips with the administrative personnel, whom he recognizes as the enforcers of the regulations designed to direct his daily life.

In many respects, the FCMA and the accompanying management plans have provided him with a common target on which he may vent his spleen. With or without reason, he perceives the government as the cause of all his woes - real or imagined and in this encouragement comes from the Press. In Gloucester, the fisherman is still the romantic figure struggling not only against the physical elements but, in addition, taking on the government in "one-on-one" combat. Stories appear daily summarizing the public debates with administrative and political figures. One has the distinct feeling that in many ways the direct confrontation is being enjoyed. Instead of being applauded for a super-trip or a good tall story, the new political fisherman projects himself favorably among his peers by his latest diatribe against
the government. It seems to build both the individual and community ego. Rhetoric is not limited to the elected officials in their council chambers. Fisherman, like others, enjoy being in the public eye and now anxiously await the publication of the next news story. Most of the quotes are "one liners" with an occasional acknowledgment that most of the "people" involved in government are not directly responsible - that they are attempting to "understand" the fishermen's difficulties. The credibility gap between biologist and fishermen may well diminish over the next several years as both groups continue to participate in the political process. The exchange of opinions at Council subcommittee meetings is bound to reduce the misunderstandings and while the language of each is difficult for the other to understand, there is a common objective being sought - the perpetuation and improvement of a viable local industry. The Law is the shield and its shadows hold many meanings.

There are deep roots here. Throughout my many conversations in homes, aboard ships, and along the wharves, I sensed that these people were thankful that their lives have been made fuller by their having been a part of this fishing community. To a man they indicated that they'd go the same route again.
RULES AND REGULATIONS

§ 258.26 Determination of amount of loss, damage, or destruction.

(a) Value of property. In the case of property which has been lost or destroyed, the Secretary shall determine the value of the loss or destruction by using the replacement cost of such property or by using the original acquisition cost of such property and by depreciating such replacement cost on a straight line basis over the economically useful life of such property. In the case of property which is capable of being repaired, the Secretary shall determine the value of damage in light of the estimates of repair submitted under § 258.22(d), but in no event shall damage determinations exceed the depreciated present replacement cost of the property concerned. Example: 100 lobster pots with a present replacement cost of $100 each were totally lost. Each pot had an economically useful life of 36 months and was 18 months old, leaving a remaining economically useful life of 18 months. The value of loss would be calculated as follows:

1. 100 pots x $100 = $10,000 present replacement cost.
2. $10,000 ÷ 36 months = $277.78 depreciation per month.
3. $277.78 x 18 months remaining useful life = $5,000 for depreciated, present, replacement cost.

If the casualty were confined to property which could be repaired, the value of the casualty would be the actual cost of repair up to, but not exceeding, the depreciated, present, replacement cost of $5,000 as calculated above. If partial loss, damage, or destruction occurs, and the applicant is unable to determine which receipts of purchase pertain to the lost, damaged, or destroyed gear, the applicant must submit proof of purchase for all gear involved in the incident in order that an averaging method may be used to determine depreciation. If the gear involved was purchased on several dates, the number of months between the first and last purchases will be divided in half and depreciation will start from the midpoint. The following is an example: Purchase dates are January, March, and June. Date of loss is December. Computation will be made as follows:

1. January to June = 6 months.
2. June to September = 3 months.
3. Three months from the first date of purchase (January) is April.

(b) Factors to be considered. In making a determination of fault, the Secretary shall take into account:

(1) Evidence submitted with the application in accordance with § 258.23;
(2) whether the loan recipient, prior to the incident involved, reported the location of the fishing gear to the U.S. Coast Guard for broadcasting to foreign vessels in accordance with 50 CFR 611.11 (failure to do so will create a presumption that the loan recipient was at fault); and
(3) such other matters as the Secretary may deem appropriate.

(c) Notification of preliminary determination. Upon completing the investigation, the Secretary shall make a preliminary determination of whether it is possible to ascertain who was at fault for the incident and, if so, whether the loan recipient was at fault and notify the loan recipient of these determinations.

(d) Review of record. The loan recipient may examine the complete record upon which the determinations of the Secretary are made under this section.

(e) Comments. The loan recipient shall have 30 calendar days after the receipt of notification under paragraph (c) of this section to submit any comments, data, or other information concerning the preliminary determination of the Secretary. All timely comments, data, or other information shall be considered by the Secretary prior to making a final determination.

(f) Final determination. As soon as practicable after the termination of the period described in paragraph (e) of this section, the Secretary shall make a final determination of fault and shall notify the loan recipient of the determination.

§ 258.27 Determination of fault.

(a) Investigation. Following the granting of each loan, the Secretary shall investigate the circumstances of the incident resulting in the loss, damage, or destruction concerned in an attempt to ascertain the facts required for a determination of whether or not the loan recipient was at fault for the loss, damage, or destruction.

(b) Factors to be considered. In making a determination of fault, the Secretary shall take into account:

(1) Evidence submitted with the application in accordance with § 258.23;
(2) whether the loan recipient, prior to the incident involved, reported the location of the fishing gear to the U.S. Coast Guard for broadcasting to foreign vessels in accordance with 50 CFR 611.11 (failure to do so will create a presumption that the loan recipient was at fault); and
(3) such other matters as the Secretary may deem appropriate.

(c) Notification of preliminary determination. Upon completing the investigation, the Secretary shall make a preliminary determination of whether it is possible to ascertain who was at fault for the incident and, if so, whether the loan recipient was at fault and notify the loan recipient of these determinations.

(d) Review of record. The loan recipient may examine the complete record upon which the determinations of the Secretary are made under this section.

(e) Comments. The loan recipient shall have 30 calendar days after the receipt of notification under paragraph (c) of this section to submit any comments, data, or other information concerning the preliminary determination of the Secretary. All timely comments, data, or other information shall be considered by the Secretary prior to making a final determination.

(f) Final determination. As soon as practicable after the termination of the period described in paragraph (e) of this section, the Secretary shall make a final determination of fault and shall notify the loan recipient of the determination.

§ 258.28 Loan repayment or cancellation.

Based upon the final determinations made under § 258.27 the Secretary shall:

(a) If it is determined that the loan recipient was not at fault, cancel repayment of the loan and refund any principal and interest payments made thereon;

(b) If it is determined that the loan recipient was at fault, require that the loan be repaid prior to its original term within a reasonable time as determined by the Secretary, taking into account its original duration and the percentage of fault attributable to the loan recipient; or

(c) If it cannot be determined whether or not the loan recipient was at fault, continue the loan according to its original terms.

§ 258.29 Government collection [Reserved].

(FR Doc. 78-28020 Filed 10-3-78; 8:45 am)

[3510-22]

CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 651—ATLANTIC GROUNDFISH REGULATIONS

Approval of Fishery Management Plan Amendments, Emergency Regulations, and Proposed Rulemaking

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Approval of amendments to the Fishery Management plan for the Atlantic groundfish fishery; emergency regulations and proposed rulemaking.

SUMMARY: Amendments to the Fishery Management plan for the Atlantic groundfish fishery (FMP), submitted by the New England Fishery Management Council (the Council), to regulate fishing during a fishing year beginning October 1, 1978, and ending on September 30, 1979, are approved. Regulations implementing these amendments are promulgated as emergency regulations under section 305(e) of the Fishery Conservation and Management Act, as amended (the Act). These amendments reinstate the optimum yields and quotas adopted by the Council in March 1978. The Council's earlier FMP amendment establishing separate haddock commercial quotas for the Gulf of Maine and for Georges Bank and south is approved. At the request of the Council, the Secretary is also promulgating emergency regulat—

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In taking this action, the Council has not continued the increase in optimum yield for cod in the Gulf of Maine, contained in an amendment to the FMP proposed by the Secretary on February 28, 1978, and submitted to the Council on March 31, 1978, which stated that its January increase in the quota for commercial fishermen of 33% percent. In starting a new fishing year beginning October 1, 1978, there will be impacts on stock sizes in each fishing area. With the exception of cod in the Gulf of Maine, these will be insignificant. The determination to discontinue the increase in the optimum yield for cod in the Gulf of Maine indicates the Council's judgment that the benefits of the increase would not be sufficient to justify such impacts on that stock.

One of the effects of the Council's amendment is to "open the season" for fishing groundfish 3 months earlier than would have occurred without the amendments. Experience in managing this fishery has indicated that the fishery is less predictable and harder to control than originally believed. The influx of new vessels into this fishery has affected the determination of optimum yield. Socioeconomic impacts of the management of this fishery have been more severe than anticipated.

The Council has embarked on the formulation of a comprehensive fishery management plan to replace the plan currently in effect. These interim amendments are designed to provide for a limited and more orderly fishery while this major revision is accomplished. Questions concerning the description of an appropriate fishery management unit as well as the whole range of conservation and management measures appropriate for this fishery, will be considered.

The Assistant Administrator has authority to revise catch limits under the FMP. The limits for haddock, and yellowtail flounder in the Gulf of Maine, Georges Bank and south remain at the levels which took effect May 17. These limits for cod in the Gulf of Maine and for yellowtail flounder are more restrictive than the May 1 limits, in order to spread fishing over the entire quarter.

The catch limitations for yellowtail flounder are applied differently from those for cod and haddock because of the different nature of the fishery. The yellowtail flounder fishery is characterized by two basic types of fishing: Short trips lasting 3 days or less; and longer trips lasting about 9 days. Catch limitations for the former type of fishing regulate catch per fishing week; for the latter type, catch per trip. The catch limitations for yellowtail flounder are the same, both east and west of 69° west longitude, and apply equally to all vessel classes. This is not intended to be a departure from the area and vessel class allocation systems, but rather an adjustment catch limitations as authorized by the FMP and regulations to these levels. Further adjustments may be made based on areas and/or vessel classes. These regulations are not new. They merely reflect the Council's decision.

The regulations implementing the FMP have been revised and are published here both as emergency regulations effective October 1, 1978, and proposed regulations for public comment prior to final implementative pursuant to section 305 of the CRFA. These regulations do not incorporate any significant changes in the policy of management for this fishery. They are a rewording of the current regulations. The above-discussed policy issues has been incorporated. Some of the others incorporated and the effects of the new regulations are discussed below.

A number of definitions have been added. "Discard" has been defined to allow the release of live fish before they have been taken onboard and to allow vessels to change the fishery. These changes have been incorporated and are significant in terms of reporting requirements and catch limitation.

Reporting requirements have been revised to clarify the requirement that any vessel which catches groundfish within the fishery conservation zone (FCZ) during any voyage must report its total catch for that voyage, including species other than groundfish. This also includes all fish taken within this territorial sea. The former regulation required this reporting, but were by some as applying only to the groundfish which were caught within the FCZ.

These new regulations also require mandatory reporting by all vessels. The National Marine Fisheries Service is currently in the process of revising its logbook and dealer reporting forms. The Regional Director, Northeast Region, National Marine Fisheries Service, will implement this regulation gradually over the next few months with full implementation anticipated in January 1979.

In order more clearly to state a norm of conduct required under the regulations, all of the prohibitions have been grouped together at §651.1. The revised procedures for elastic fishery is designed to implement more effectively the Council's intent that optimum yield shall not be exceeded. The new regulations contain revised provision for incidental catch during a closure.
found that this action is necessary for conservation and management, and
that the Council has failed to prepare an amendment accomplishing this
action within a period of time which would be reasonable under the circum-
stances. During the period these regulations are in effect as emergency reg-
ulations, this provision will be treated as an FMP amendment. Before the
regulations are adopted as final, this secretarial amendment will have to
have been approved pursuant to section 304(c) of the Act.
The Council's amendments to the Atlantic Groundfish FMP are ap-
proved; the secretarial amendments discussed above are proposed. The sec-
retarial amendment will be transmitted to the Council pursuant to section
304(c) of the Act. The resulting change to be made in the FMP are as follows:
1. Table 54 is amended by deleting the number 10,500 under the column
headed "Optimum Yield" for cod, 5Y, and substituting the number 8,500.
2. Section II.C.3(a) is amended by deleting the last paragraph and substi-
tuting the following:
The annual optimum yields for cod are specified as follows: Gulf of Maine—8,500
metric tons; Georges Bank/southern New England—39,000 metric tons.
3. Section II.C.3b is amended by deleting the words "in 1978." 
4. Section II.C.4.(A)(1)(a) is amended by deleting and substituting the fol-
lowing:
(a) It is recommended that the annual catch of cod in the Gulf of Maine be limited to
6,000 metric tons (U.S. commercial) and 2,500 metric tons (U.S. charter boat and headboat).
5. Section II.C.4.(A)(X)(c) is amended by deleting and substituting the fol-
lowing:
(c) It is recommended that the cod quotas for the U.S. commercial fishery be allocated on
a quarterly basis during the fishing year as follows:

### Table: Quarterly Catch Quota

<table>
<thead>
<tr>
<th>Quarter</th>
<th>Gulf of Maine</th>
<th>Georges Bank</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oct. 1 to Dec. 31</td>
<td>4.200</td>
<td>6.600</td>
</tr>
<tr>
<td>Jan. 1 to Mar. 31</td>
<td>1.400</td>
<td>4.600</td>
</tr>
<tr>
<td>Apr. 1 to June 30</td>
<td>1.760</td>
<td>4.630</td>
</tr>
<tr>
<td>July 1 to Sept. 30</td>
<td>1.420</td>
<td>3.530</td>
</tr>
</tbody>
</table>

*Southern New England.

The catch of the fixed gear vessel class shall be allocated quarterly to reflect the
historic record of landings.
6. Section II.C.4.A.(3)(b) is amended by deleting and substituting the fol-
lowing:
(b) It is recommended that the haddock quota of 14,900 metric tons for the U.S.
commercial fishery be allocated on a quar-

terly basis during the fishing year as follows:

### Table: Quarterly Haddock Quota

<table>
<thead>
<tr>
<th>Quarter</th>
<th>Gulf of Maine</th>
<th>Georges Bank</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oct. 1 to Dec. 31</td>
<td>728</td>
<td>1,902</td>
</tr>
<tr>
<td>Jan. 1 to Mar. 31</td>
<td>967</td>
<td>2,107</td>
</tr>
<tr>
<td>Apr. 1 to June 30</td>
<td>991</td>
<td>4,463</td>
</tr>
<tr>
<td>July 1 to Sept. 30</td>
<td>648</td>
<td>2,288</td>
</tr>
</tbody>
</table>

*Southern New England.

The catch of the fixed gear vessel class shall be allocated quarterly to reflect the
historic record of landings.

7. Section II.C.4.E.(4) is amended by deleting and substituting the follow-

### Table: Cod and Haddock Limits

<table>
<thead>
<tr>
<th>Catch Limit</th>
<th>Gulf of Maine</th>
<th>Georges Bank</th>
</tr>
</thead>
</table>
| 0-50 gross registered tons—500 pounds or 4
percent by weight of all fish on board, whichever is the lesser amount, per trip. |
| 51-125 gross registered tons—1,000 pounds or 4 percent by weight of all fish on board, whichever is the lesser amount, per trip. |
| 126 gross registered tons or more—2,000
pounds or 4 percent by weight of all fish on board, whichever is the lesser amount, per trip. |
| Fixed gear—500 pounds or 4 percent by weight of all fish on board, whichever is the lesser amount, per trip. |

(b) Yellowtail flounder:

### Table: Yellowtail Flounder Limits

<table>
<thead>
<tr>
<th>Catch Limit</th>
<th>Gulf of Maine</th>
<th>Georges Bank</th>
</tr>
</thead>
<tbody>
<tr>
<td>All vessels—500 pounds or 4 percent by weight of all fish on board, whichever is the lesser amount, per trip.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

8. A new section II.C.4.(1) is added as follows:

### Section 305(c) Procedures to Implement the Amendments

NOTE.—An emergency continues to exist in this fishery, which justifies the use of sec-

### Section 305(c) Procedures to Implement the Amendments

NOTE.—This emergency makes it unnecessary, impractical and contrary to the public
interest to withhold action to obtain further public comment. Public comment is invited, however, on these emergency regulations as proposed rulemaking.

NOTE.—A supplement to the environmental impact statement covering these amend-
mentswill be filed with the Environmental Protection Agency.

NOTE.—This action does not constitute a major proposal requiring preparation of an

Signed at Washington, D.C., this 28th day of September 1978.

WINFRED H. MEIBOHM,
Acting Executive Director, Na-
tional Marine Fisheries Serv-

Part 651 is revised as set forth below:

Subpart A—General

Sec. 651.1 Purpose and scope.
651.2 Definitions.
651.3 Relationship to other laws. (Reserved)
651.4 Vessel permits.
651.5 Recordkeeping and reporting re-
quirements.
651.6 Vessel identification.
651.7 Prohibitions.
651.8 Enforcement.
651.9 Penalties.

Subpart B—Management Measures

651.20 General limitations.
651.21 Closed areas.
651.22 Gear limitations.
651.23 Catch limitations.
651.24 Closures.

ATTORNEY: Sec. 305(e), Fishery Conserva-
tion and Management Act, as amended.

Subpart A—General

§ 651.1 Purpose and scope.

The regulations in this part govern fishing for groundfish by fishing ves-
sels of the United States within that portion of the Atlantic Ocean over
which the United States exercises ex-
clusive fishery management authority. These regulations implement the At-

tantic groundfish fishery management plan developed by the New England
Fishery Management Council.

§ 651.2 Definitions.

Some definitions in the Act have been repeated here to aid understand-
ing of the regulations. In addition to
the terms defined in the Act, the terms used in this part shall have the fol-
lowing meanings:

Act means the Fishery Conservation and Management Act of 1976, 16

Assistant Administrator means the
Assistant Administrator for Fisheries, National Oceanic and Atmospheric
Administration, Department of Com-
merce, or an individual to whom ap-
propriate authority has been delegat-
ed.

Authorized Officer means: (a) Any
commissioned, warrant, or petty offi-
cer of the U.S. Coast Guard;
(b) Any certified enforcement officer or
special agent of the National
Marine Fisheries Service;
(c) Any officer designated by the
head of any Federal or State agency
which has entered into an agreement
with the Secretary and the Comma-

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dant of the Coast Guard to enforce the provisions of the Act; or
(d) Any Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (a) of this definition.

Catch, take, or harvest includes, but is not limited to, any activity which results in killing any fish, or bringing any live fish on board a vessel.

Discard means to release a fish into the wild. Releasing a live fish before it is brought on board a vessel shall not be considered a discard.

Fishery Conservation Zone (FCZ) means that area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal States to a line on which each point is 300 nautical miles from the baseline from which the territorial sea of the United States is measured.

Fishing means any activity, other than科学研究, activity conducted by a scientific research vessel, which involves:
(a) The catching, taking, or harvesting of fish;
(b) The attempted catching, taking, or harvesting of fish;
(c) Any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish;
(d) Any operations at sea in support of, or in preparation for, any activity described above.

Fishing vessel means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for:
(a) Fishing;
(b) Aiding or assisting one or more persons in killing any fish, or in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

Fishing week means the weekly period running from 0001 hours Sunday through 2400 hours Saturday. The fishing year includes, but it is not limited to, all gill nets, longlines, and line trawls.

Georges Bank and south means that area of the northwest Atlantic Ocean subject to the fishery jurisdiction of the United States, except the Gulf of Maine.

Groundfish means any cod (Gadus morhua), haddock (Melanogrammus aeglefinus), or yellowtail flounder (Lamanda ferruginea).

Gulf of Maine means that portion of the northwest Atlantic Ocean north of 42°20' N. latitude, plus that area south of 42°20' N. latitude which is west of 70°00' W. longitude and which is bounded on the south by the northern shore of Cape Cod.

Land means to begin offloading fish, or to arrive in port with the intention of offloading fish.

Operator, with respect to any vessel, means the master or other individual on board and in charge of that vessel.

Offloading means:
(a) Any person who owns that vessel in whole or in part;
(b) Any charterer of the vessel, whether bareboat, time, or voyage;
(c) Any person who acts in the capacity of a charterer, including but not limited to parties to a management agreement, operating agreement, or any similar agreement that bestows control over the destination, function, or operation of the vessel; or
(d) Any agent designated as such by any person in (a), (b), or (c).

Person means any individual who is not a citizen of any nation of the United States, corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any State, local, or foreign government or any entity of any such government.

Regional Director means the Regional Director, Northeast Region, National Marine Fisheries Service, or his designee.

Regulated species means any species for which fishing by a vessel of the United States is regulated pursuant to the Act.

Trip means a period of time during which fishing is conducted, beginning when the vessel leaves port and ending when the vessel begins to offload fish in port.

Vessel of the United States means:
(a) Any vessel documented or numbered by the Coast Guard under U.S. law;
(b) Any vessel, under 5 net tons, which is registered under the laws of any State.

§ 651.3 Relation to other laws. [Reserved]

§ 651.4 Vessel permits.

(a) General. Any vessel of the United States which is fishing for groundfish must have been issued a permit under this part.

(b) Application. (1) An application for a vessel permit for the groundfish fishery must be submitted and signed by the vessel owner on an appropriate form, which may be obtained from the Regional Director. The application must be submitted to the Regional Director, prior to the date on which the applicant desires to have the permit made effective.

(2) Applicants shall provide all of the following information:
(i) The name, mailing address, and telephone number of the applicant and the vessel's master;
(ii) The name of the vessel.

(iii) The vessel's U.S. Coast Guard documentation number or State cense number.

(iv) The home port, gross tonnage, and net tonnage of the vessel.

(v) The engine horsepower of the vessel.

(vi) The approximate fish-hold capacity of the vessel in pounds;

(vii) The type and quantity of fishing gear used by the vessel; and

(viii) The size of the crew, or may be stated in terms of a range.

(c) Issuance. (1) Upon receipt of a completed application, the Regional Director shall issue a permit within 60 days.

(2) Upon receipt of an incomplete or improperly executed application, the Regional Director shall notify the applicant, in writing, of the deficiencies and any additional information which must be furnished. If the applicant fails to correct the deficiency within 10 days following the date of notification, the application shall be considered abandoned.

(d) Expiration. A permit shall expire when the owner or the name of the vessel changes.

(e) Duration. A permit shall continue in full force and effect until it expires or is revoked, suspended, modified pursuant to 50 CFR Part 6.

(f) Alteration. Any permit which has been substantially altered, erased, mutilated shall be invalid.

(g) Replacement. Replacement permits may be issued. An application for a replacement permit shall not be considered a new application.

(h) Transfer. Permits issued under this part are not transferable or assignable. A permit shall be valid for the vessel for which it is issued.

(i) Display. Any permit issued under this part must be carried on board a vessel at all times. The permit shall be displayed for inspection when requested by an authorized officer.

(j) Revocation. Subpart D of 50 CFR Part 621 shall apply to the imposition of sanctions against a permit or permit under this part. As specified in subpart D, a permit may be revoked, modified, or suspended if the vessel is used in the commission of an offense prohibited by the Act or by this part; a civil penalty or criminal fine imposed under the Act and pertaining to such a vessel is not paid.

(k) Fees. No fee shall be required for any permit under this part.

(l) Change in application information. Any change in the information specified in paragraph (b) of this section shall be reported to the Regional Director within 15 days of any such change.

§ 651.5 Recordkeeping and reporting requirements.

(a) Fishing vessel records. (1) The operator of any fishing vessel com-
ing any fishing operation subject to this part shall:

(1) Maintain an accurate and complete fishing logbook on forms supplied by the Regional Director, according to the requirements of §651.5(a)(2); and

(2) Make the fishing logbook available for inspection by an Authorized Officer, or any employee of the National Marine Fisheries Service designated by the Regional Director to make such inspection, at any time during or after a trip.

(d) Keep each fishing logbook for 1 year after the date of the last entry in the logbook:

(iv) Submit fishing logbook reports, as specified in §651.5(a)(2).

(2) The owner or operator of any fishing vessel conducting any fishing operation subject to this part shall submit a complete fishing logbook report to the Regional Director within 48 hours after the end of any fishing week or fishing trip, whichever is the longer time period. Fishing logbooks shall be submitted in a manner and on a daily basis for the entirety of any trip during which any regulated species are caught, and shall contain information for all fish which are caught.

(3) The Assistant Administrator may revoke, modify, or suspend the permit of a vessel owner or operator who falsifies or fails to submit the records and reports prescribed by this section, in accordance with the provisions of 50 CFR Part 621.

(b) Fish dealer or processor reports. Any person who receives groundfish for a commercial purpose from a fishing vessel subject to this part shall:

(1) File a report with the Regional Director on forms supplied by him, within 48 hours of the end of any fishing week. Such report shall include information on all transfers, purchases or receipts of fish made during that fishing week; and

(2) Permit an authorized officer, or any employee of the National Marine Fisheries Service designated by the Regional Director to make inspections, to inspect any records of transfers, purchases or receipts of groundfish.

§651.8 Vessel identification.

(a) Official number. Each fishing vessel subject to this part over 25 feet in length shall display its official number on the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck so as to be visible from above. The official number is the documentation number issued by the Coast Guard or the certificate number issued by the State or the Coast Guard for undocumented vessels.

(b) Numerals. The official number shall be permanently affixed to each vessel subject to this part in contrast-

ing block arabic numerals at least 18 inches in height for vessels over 55 feet and at least 10 inches in height for all other vessels over 25 feet, in length.

(c) Vessel length and number. The length of vessel, for purposes of this section, shall be that length set forth by Coast Guard or State records.

(d) Duties of operator. The operator of each vessel subject to this part shall:

(1) Keep the identifying markings clearly legible and in good repair; and

(2) Ensure that no part of the vessel, its rigging or its fishing gear obstructs the view of the official number from an enforcement vessel or aircraft.

(e) Nonpermanent markings. Vessels carrying fishing parties on a per capita basis or by charter must set markings which meet the above requirements, except for the requirement that they be permanently affixed. The nonpermanent markings must be displayed in conformity with the above requirements when the vessel is fishing for groundfish.

§651.7 Prohibitions.

It is unlawful for any person to:

(a) Fish for, take, catch or harvest any groundfish in an area specified in §651.21 during a period in which that area is closed, unless allowed by that section;

(b) Fish for, take, catch, harvest or land any groundfish during a closure under §651.24, except to the extent allowed by that section;

(c) Fish for, take, catch, harvest or land any groundfish in excess of the fishing vessel's applicable catch limitations, if any, established by §651.23;

(d) Fish for, catch, take, harvest or land any groundfish caught with nets having smaller than the minimum mesh size allowed by §651.22 except as provided for under §651.22(e);

(e) Falsify, fail to make, keep, maintain, or submit any logbook, other record or report required by this part;

(f) Refuse to permit an authorized officer, or any employer of the National Marine Fisheries Service designated by the Regional Director to make such inspections, to inspect any logbooks or records relating to the taking, catching, harvesting, landing, purchase, or sale of any groundfish;

(g) Fail to report to the Regional Director, within 15 days of any such change, any change in the information contained in a permit application for a vessel;

(h) Falsify or fail to make, keep, maintain, or submit any logbook, other record or report required by this part;

(i) Refuse to allow an authorized officer, or any employer of the National Marine Fisheries Service designated by the Regional Director to make such inspections, to inspect any logbooks or records relating to the taking, catching, harvesting, landing, purchase, or sale of any groundfish;

(j) Make any false statement, oral or written, to an authorized officer, concerning the taking, catching, harvesting, landing, purchase, or sale of any fish;

(k) Possess, have custody or control of, ship, transport, offer for sale, sell, purchase, import, or export any groundfish taken in violation of this Act, this part, or any other regulation promulgated under the Act;

(l) Fail to affix and maintain permanent or nonpermanent markings as required by §651.7;

(m) Refuse to permit an authorized officer to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of this Act, this part, or any other regulation promulgated under the Act;

(n) Forcibly assault, resist, oppose, impede, intimidate or interfere with any authorized officer in the conduct of any search or inspection described in paragraph (m) of this section;

(o) Interfere with, obstruct, delay, or prevent by any means the lawful investigation or search in the process of enforcing this Act;

(p) Fail to comply with enforcement and boarding procedures specified in §651.8.

(q) Violate any other provision of this part, the Act, or any other regulation promulgated pursuant thereto.

§651.8 Enforcement.

(a) General. The owner or operator of any fishing vessel subject to this part shall comply with the instructions issued by an authorized officer to facilitate safe boarding and inspection of the vessel, its gear, equipment, logbook, and catch for purposes of enforcing the Act and this part.

(b) Signals. Upon being approached by a Coast Guard cutter or aircraft, or other vessel or aircraft authorized to enforce the Act, the operator of a fishing vessel shall be alert for signals conveying enforcement instructions. The following signals extracted from the International Code of Signals are among those which may be used:

(1) "L" meaning "You should stop your vessel instantly."

(2) "500" meaning "You should stop or heave to; I am going to board you."

(3) "AA AA AA etc.," which is the call to an unknown station, to which the signaled vessel must respond by it-
luminating the vessel identification required by § 651.6(a).

c) Boarding. A vessel signaled to stop or heave to for boarding shall:
1) Stop immediately and lay to or maneuver in such a way so as to permit the authorized officer and his/her party to come aboard;
2) Provide a ladder for the authorized officer and his/her party;
3) When necessary to facilitate the boarding, provide a man rope, safety line and illumination for the ladder; and
4) Take such other actions as are necessary to insure the safety of the authorized officer and his/her party and to facilitate the boarding.

§ 651.9 Penalties.

Any person or fishing vessel found to be in violation of this part will be subject to the civil and criminal penalty provisions and forfeiture provisions of the Act, and to 50 CFR Parts 620 (Citations) and 621 (Civil Procedures), and other applicable Federal law.

Subpart B—Management Measures

§ 651.20 General limitations.

(a) Fishing year. The fishing year for groundfish begins on October 1 and ends on September 30.

(b) Headboat and charter boat quotas. Quotas limiting the amount of groundfish which may be taken during the fishing year by headboats and charter boats are:
   - For cod in the Gulf of Maine, 2,500 metric tons for haddock in all areas, 2,000 metric tons.
   - Other quotas. Quarterly and annual quotas limiting the amount of groundfish which may be taken by commercial and recreational vessels subject to this part are set forth in appendix A to this part. The quotas for cod and haddock apply only to commercial fishing vessels.
   - Recreational. All other vessels, including but not limited to those using hand-held hook and line and Gill nets, shall be treated as recreational vessels.
   - Adjustment of quarterly quotas. The Assistant Administrator may adjust the quarterly quotas set forth in appendix A in the following circumstances:
      1) If a quarterly quota is not reached, to add the surplus onto quotas in subsequent quarters;
      2) If a quarterly quota is exceeded, to deduct the average from quotas in subsequent quarters.

§ 651.21 Closed areas.

(a) General. Except as allowed by paragraph (b) of this section during the months of March, April, May, no person may fish for, catch, take or harvest any groundfish within the following areas:
   1) An area known as closed area I bounded by straight lines connected
      by the following coordinates in the order stated:
      - 64°55' W., 42°10' N.; 69°10' W., 41°10' N.; 68°30' W., 41°35' N.; 68°45' W., 41°50' N.; 69°00' W., 41°50' N.
      - (2) An area known as closed area II bounded by straight lines connected by the following coordinates in the order stated:
      - 69°00' W., 42°20' N.; 67°00' W., 41°15' N.; 65°40' W., 41°15' N.; 65°40' W., 42°00' N.; 68°00' W., 42°40' N.
   (b) Exceptions. Paragraph (a) of this section shall not apply to:
      1) Vessels that fish in closed area I with hooks having a gape of not less than 1.18 inches;
      2) Vessels that fish in either closed area I or II or both using only the following fishing gear:
         (i) Pot gear designed and used to take lobster; or
         (ii) Dredges designed and used to take scallops.
   (c) Prohibition. It shall be unlawful for any person fishing in closed areas I or II to attach any protective device to midwater fishing gear or to employ any modification to any gear that would, in effect, make it possible to fish for groundfish.

§ 651.22 Vessel class and gear limitations.

(a) Vessel classes. The following vessel classes are established:
   (1) Mobile gear
      (i) 0–60 gross registered tons.
      (ii) 61–125 gross registered tons.
      (iii) Over 125 gross registered tons.
   (2) Fixed gear.
   (3) Charter boats and headboats.
   (4) Recreational.
   (b) Trawl nets. Except as provided in paragraph (e) of this section, the minimum mesh size for any trawl net used by a vessel subject to this part is 3¼ inches in the cod end, and 4½ inches in the body of the net.
   (c) Gill nets. Except as provided in paragraph (e) of this section, the minimum mesh size for any gill net used by a vessel subject to this part is 5½ inches.
   (d) Mesh measurements. Mesh sizes are measured when wet after use by a wedge-shaped gauge having a taper of
      1 centimeter in 8 centimeters and a thickness of 2.3 millimeters, inserted into the meshes under pressure or pull of
      5 kilograms. The mesh size of the body of the net shall be the average of the measurements of any series of 20
      consecutive meshes. The cod end shall be measured in the same manner at least 10 meshes from the lacing, be
      - (f) Adjustments. (1) The Assistant Administrator shall, upon a finding that any vessel class in any area is likely to exceed its quarterly quota for any species, adjust the limitations and overruns contained in appendix B to this part for any or all such species and vessel classes, if he finds such adjustment necessary to achieve any of the following purposes:
         (i) To spread fishing effort over the entire quarter;
         (ii) To reduce the need for quarterly or annual closures;

   d) Insufficient necessity.

§ 651.23 Catch limitations.

(a) General. Appendix B to this part sets forth the catch limitations which govern fishing for groundfish.
   (b) Overruns. A mobile-gear vessel may overrun its applicable trip limitation for cod and haddock, as set forth in appendix B to this part. The amount of any overrun will be deducted from the vessel's limitation for the following week. No overruns are allowed for fixed-gear vessels or for yellowtail flounder.
   (c) Fishing weeks. For purposes of this section, a vessel which is at sea during more than 1 fishing week may count its fish against any fishing week during which fishing was conducted on that trip. However, a vessel whose logbook fails to indicate when fishing was conducted shall have its fish counted against the fishing week in which they were landed.
   (d) Cod and haddock. The catch limitations in appendix B govern the amount of cod and haddock which may be caught, taken, harvested or landed during a fishing week.
   (e) Yellowtail flounder. The catch limitations in appendix B govern the amount of yellowtail flounder which may be caught, taken, harvested or landed during a trip or during a fishing week, whichever time period is longer.

FEDERAL REGISTER, VOL. 43, NO. 193—WEDNESDAY, OCTOBER 4, 1978
(iii) To allow each of the vessel classes to harvest its historic percentage of the catch.
(2) In making the findings and adjustments referred to in subparagraph (1) of this paragraph, the Assistant Administrator shall consider:
(i) Landings for the current or previous quarters;
(ii) Projected harvests;
(iii) Geographic and seasonal availability of fish;
(iv) Traditional and anticipated fishing patterns;
(v) Number of vessels of each class in the fishery;
(vi) Capability of vessels to fish in other locations or for other species;
(vii) Status of unregulated species in the trawl fishery; and
(viii) Incidental catch of cod, haddock, and yellowtail flounder during fishing for unregulated species.

§ 651.21 Closures.

(a) Projected catch. The Regional Director shall monitor catches and landings of groundfish, and other data, and shall, on or about the 1st and 16th day of each month, project a date when the allocation of any species of groundfish, by vessel class, less an anticipated amount of such species to be taken incidentally pursuant to paragraph (d) of this section, below, shall have been taken for each relevant area and quarterly or annual period.

(b) Recommendation of closure. As soon as possible after projecting a closure date pursuant to paragraph (a) of this section, if such closure date is within 30 days of the projection, the Regional Director shall recommend to the Assistant Administrator that the groundfish fishery be closed on that date for the relevant species, vessel class, area, and quarter or fishing year. The Regional Director may, based upon subsequent information, rescind or revise such recommendation at any time before the Assistant Administrator has taken action pursuant to paragraph (c) of this section.

(c) Notice of closure. The Assistant Administrator shall, by publication in the Federal Register, close the fishery for groundfish for the relevant species, vessel class, and area, on the date recommended under paragraph (b) of this section or on such other date as the Assistant Administrator determines will prevent the quarterly or annual quota from being exceeded.

(d) Incidental catch. During any closure, any vessel in the following vessel classes to which the closure applies may catch, take, harvest or land no more than the following amounts of the species to which the closure applies:

(1) Cod and haddock:

- 0 to 60 GRT—500 pounds or 4 percent by weight of all fish on board, whichever is the lesser amount, per trip.
- 61 to 125 GRT—1,000 pounds or 4 percent by weight of all fish on board, whichever is the lesser amount, per trip.
- Over 125 GRT—2,000 pounds or 4 percent by weight of all fish on board, whichever is the lesser amount, per trip.

Fixed gear—500 pounds or 4 percent by weight of all fish on board, whichever is the lesser amount, per trip.

(2) Yellowtail flounder:

All vessels—500 pounds or 4 percent by weight of all fish on board, whichever is the lesser amount, per trip.
Compliments of "Waterfront - "Around the Wharves of Gloucester in the Last Days of Sail"
by William S. Webber, Jr.
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1/ CAPE COD ONLY. 2/ PLYMOUTH, PROVINCETOWN, AND OTHER CAPE COD PORTS.

NOTE: DATA FOR NEW BEDFORD FOR YEARS 1938 TO 1945 ARE ASSEMBLED FROM HIALS OF LANDINGS AND OTHER SOURCES AND MAY NOT BE COMPLETE. PRIOR TO 1944 DATA ON LANDINGS AT BOSTON REPRESENT ONLY THOSE SOLD THROUGH THE BOSTON FISH EXCHANGE AND DO NOT INCLUDE RECEIPTS AT ATLANTIC AVENUE. SINCE 1944 DATA ON LANDINGS AT THE VARIOUS PORTS HAVE INCLUDED RECEIPTS FROM UNDER-TONGUE CRAFT (BOATS OF LESS THAN 5 NET TONS) PREVIOUSLY, LANDINGS CONSISTED ONLY OF RECEIPTS FROM VESSELS (CRAFT OF 5 NET TONS AND OVER). DATA ARE NOT AVAILABLE ON LANDINGS AT NEW BEDFORD PRIOR TO 1926, AND AT CAPE COD PORTS PRIOR TO 1945. DATA FOR THE YEARS 1935-1962 DO NOT INCLUDE DELIVERIES OF LIVERS, SPAWN, OR TONGUES.

Furnished by Statistical Division - Gloucester, Mass. - U.S. Dept. of Commerce
National Oceanic and Atmospheric Administration - National Marine Fisheries Service
Fisheries of the United States, 1976
U.S. Dept. of Commerce - National Oceanic and Atmospheric Administration - Annual Reports for the 1924 - 1976
Excerpts from News Release
National Marine Fisheries Service
14 Elm Street
Gloucester, Massachusetts - 3-14-79

1978 Landings at Certain Northeast Ports

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<td>Pt. Pleasant, N.J.</td>
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Footnotes

1. Robert F. Foerster, Italian Emigration of Our Times, published 1969


3. Maurice R. Davis, World Immigration, published 1936 -


Bibliography

Davis, Maurice R., World Immigration


Foerster, Robert E., Italian Emigration of our Times, 1969.
N.Y. Arno Press


International Convention for the Northwest Atlantic Fisheries - 1949 Amendment Jan. 1, 1974

Prime resources for this study were raw data. Files of municipal commissions were available for use. In addition, the Gloucester Daily Times and Sawyer Free Library provided a wealth of material, specific as to the Gloucester story. Marketing and statistical information was available from NMFS, Gloucester. Numerous publications by Joseph Garland provided background information about the City and its people. More particularly of value were daily contacts with representative members of industry, and government. It is difficult to define the specific information obtainable from each individual source, but contributors were as follows:

1 - Local Government

- Leo Alper, Major, City of Gloucester
- Norman Ross, City Solicitor
- John King, Chairman State Fish Pier Association
- Fred Brocen, Director Economic Division Committee

2 - Industry

- Mike Orlando, President Atlantic Fishermen's Union
- Ross Clouston, President Gorton's of Gloucester
- "Slug" Riley, President Atlantic Seafoods, Inc.
- Ed McCleod, Lippman Marine Products (former Chairman New England Regional Council)
- Pasquale Frontiero, President Gloucester Fisheries Association
- Frank and Robert Rose, Owners of Trawler "Frank B. Rose"
- Carlo Moceri, Captain "Holy Family"
- Angela SanFillipo, President Fishermen's Wives
- Executive Director - Cape Ann Chamber of Commerce
- Chairman - Gloucester Housing Authority (Urban Development - Piers & Wharves)
- Chairman - Massport, Boston, Mass.

3 - NMFS (National Marine Fisheries Service)

- William Gordon Director NMFS
- Jon Rittgers - Economic
- Frank Grice - Fisheries Development
- Robert Temple - Marketing
- Edward Raymond - Financial
- John Mueller - Economic
- Dan Russ - Enforcement
- Sal Testaverde - Fisheries Development
Sources (Continued)

4 - NEFMC (New England Fishery Management Council)

   Spencer Appolonio
   Jake Dykstra
   Robert Allen
   Harold Leyton
   Allan Peterson
   Harvey Mikelson