



New England Fishery Management Council

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MEETING SUMMARY

SMALL MESH MULTISPECIES COMMITTEE

APRIL 5, 2016

**Hilton Garden Inn
1 Thurber Street
Warwick, RI 02886**

The Small-Mesh Multispecies (Whiting) Committee met on April 5, 2016 in Warwick, RI to review an initial fleet history analysis and discuss policy questions raised by the PDT as they relate to developing limited access qualification criteria alternatives. The Committee also heard a brief presentation by Council staff on behalf of the Law Enforcement Division, who was soliciting feedback on enforcement and monitoring of the whiting fishery.

MEETING ATTENDANCE:

Mark Gibson (Chairman), Vincent Balzano (Vice Chair), Mark Alexander, Frank Blount, Ellen Goethel, Peter Kendall, Dr. Matt McKenzie, Eric Reid, Mike Ruccio, and Laurie Nolan (committee members); Andrew Applegate (NEFMC staff); Moira Kelly (NMFS GARFO staff); John Almeida (NOAA General Counsel), and Mike Armstrong and Melanie Griffin (MA DMF) and Dan Farnham and David Goethel (Whiting advisors). About 8 members of the public attended, including: Daniel J. Farnham Jr., Katie Almeida, Donald Fox, and Megan Lapp.

Meeting documents were posted at the following location: <http://www.nefmc.org/calendar/apr.-5-2016-whiting-committee-meeting>.

KEY OUTCOMES:

- The committee provided feedback and guidance for further fleet history analysis by the PDT. The committee identified three potential categories for limited access, focusing on vessels that made whiting trips landing, 2000, 3500, and 7500 lbs. per trip during three periods: 2000-2012, 2003-2012, and 2008-2012. After hearing the staff presentation, the committee tabled the law enforcement priority discussion to the next meeting.

AGENDA ITEM #1: LIMITED ACCESS QUALIFICATION CRITERIA OPTIONS AND FLEET HISTORY ANALYSIS

Mr. Applegate gave a presentation of fleet history data for 2008-2012, one of the periods identified by the committee in January as a potential qualification criteria alternative. The data

were compiled from the best available source for each vessel or permit history (moratorium right ID) from dealer reports, vessel trip reports (VTR), and the Data Matching Imputation System (DMIS). Only the latter two sources can be used to assign landings to fishing area and the DMIS data is only available since 2007. The best data set for the aggregate time period was used for each potential qualifier. The data were compiled by Dave Thomas and further analyzed by Lou Goodreau.

For the combined areas, Mr. Applegate showed the committee that there were 1623 permits with whiting (silver hake, offshore hake, and red hake) landings, but the results given focused on the top 134 vessels that had more than 143,000 lbs. of landings. He said that there did not appear to be any 'break points' in the aggregate landings summaries that would distinguish vessels that targeting whiting from those that had incidental catches of whiting.

When ranked in decreasing order of landings, the fraction of total trips for high-volume landings (7,500; 10,000; 20,000 and 30,000 lbs.) quickly rose to over 90% of the total as more decreasingly-ranked permits were added. As an example, landings of 500,000 lb. for the five years would qualify 60 vessels that accounted for 90% of the trips landing more than 30,000 lbs. In this case, the average landings of 'non-qualifiers' would be 932 lbs. Mr. Applegate showed the committee that the proportion of trips landings more than 10,000 lbs. by 'qualifiers' was much higher than 'non-qualifiers', but up to 25% of the trips landing 10,000 to 30,000 lbs. were made by vessels that had less than 500,000 lbs. of total landings for 2008-2012.

Mr. Applegate showed similar categorical results for vessels reporting fishing in the northern and southern management areas. The statistics for the southern area were similar to the combined analysis above, but fewer high volume trips (i.e. 10,000 to 30,000 lbs.) were accounted for by vessels the 26 vessels that had more than 173,000 lbs. of 2008-2012 landings. It suggested that a different basis for selecting a landings qualification criterion in the north would be needed.

After reviewing some of these results, the PDT had some policy questions that would have bearing on how qualification options would be recommended. The PDT asked how the rules for qualifying and non-qualifying vessels would differ under limited access, because a low incidental category possession limit would mean that the qualification criteria could be liberal, i.e. qualify more vessels. If the incidental possession limit is low, a high qualification criterion could risk increasing discards on trips by non-qualifying vessels if they had a large catch of whiting while targeting other species. Conversely, a high incidental possession limit could allow the qualification criteria to be more conservative, but a high incidental limit could invite more targeting of whiting if it was too high.

The PDT also asked whether vessels qualifying to fish based on their history would be able to fish in both areas, and whether that option could complicate a tiered (multi-limited access category permit) system. Once a qualification criteria were chosen, the PDT asked how an incidental possession limit would be set, for example using something like the 90th percentile of trip landings by non-qualifiers. Finally, the PDT asked if there were differential qualification criteria by management area, what would be the basis for determining 'equivalent' qualification. Or how would a different basis for qualification would be justified, if the basis for selecting the alternative were different?

1. MOTION: Mr. Kendall/ Mr. Reid

To develop qualification criteria options, task the PDT with analyzing the number of vessels with trips over 3,500 lbs. of whiting during the following periods 2000-2012, 2003-2012, 2008-2012.

Discussion on the Motion:

The focus of the committee discussion was on ‘freezing the footprint’ of the fishery without creating opportunities for increasing whiting fishing effort by vessels that hadn’t targeted whiting before. Most committee members thought that the whiting catch limits with limited access tiers should remain the same as they are now, but the limited access qualification criteria should be crafted to accommodate the current fishing activity by vessels, or at least those that were active before the November 2012 control date. The committee decided to focus on three recent time periods, not going back as far as the data allowed which the committee identified at the January committee meeting.

The committee wanted a breakdown of the number of vessels and their characteristics that had trips landing more (and less) than 3,500 lbs. Mr. Applegate pointed out that this would include a broad range of vessels, some which would appear in both categories depending on what they were targeting at the time. Some vessels might appear in the top category for only one trip, yet have a low amount of total landings during the qualification period so the range of landings in a qualifying period for each possession limit category would be large.

Since vessels using small-mesh are limited to possessing more than 3,500 lbs. of silver hake when using 2.5-inch and smaller mesh trawls, the committee recommended using this level to analyze the effects of limited access qualification. Mr. Reid suggested that the possession limits should be specified after defining the limited access qualification categories. He felt that any vessel landing over 3,500 lbs. of silver hake was targeting whiting. Committee members thought that establishment of one or more limited access tiers could give the Council the tools it needs to raise or lower the whiting possession limits as needed.

Some committee members were concerned that the qualification criteria and limits would be too conservative when the fishery currently takes a small fraction of the silver hake annual catch limit. It was suggested that the qualification criteria could be one pound, essentially establishing an active permit moratorium. Others opposed that approach, since it would still allow a drastic effort increase by the 1623 vessels that would qualify.

Mr. Balzano asked if a 3,500 lbs. possession limit would affect bycatch and catches of choke species. He thought it was not helpful to be too restrictive, since the fishery is not achieving optimum yield. On the other hand, a possession limit that is higher than 3,500 lbs. could invite some targeting of whiting in inshore areas. Mr. Kendall thought that vessels landing less than 3,500 lbs. per trip would be unlikely to contribute much to the bycatch amount.

Mr. Goethel (advisor) pointed out that small boats cannot land 30,000 lbs. and suggested analyzing the current possession limits: 7,500 and 10,000 lbs., or something using 75% of the existing possession limits as a guide. He added that he thought the north/south management areas did not make biological sense, so he was opposed to treating the areas differently for the purposes of limited access.

Mrs. Goethel asked if the limited access qualification would exclude vessels that qualified based on past history, but no longer fish for whiting. Mr. Ruccio replied that the vessels history is presumed to transfer with the permit, unless otherwise specified in the sales documentation. Mr. Blount said that qualification based on old vessel history is inconsistent with 'freezing the footprint'.

It was understood by the committee that the 3,500 lbs. would apply only to landings of whiting, i.e. silver and offshore hake.

MOTION #1 The motion carried 9-0-0.

2. MOTION: Mr. Ruccio/Mrs. Nolan

To also analyze qualification criteria options using 2,000 lbs. - 3,500 lbs. as a secondary limited access tier for the same time periods.

Discussion on the Motion: The committee focused on a second category of trip landings to analyze, one that would be more liberal yet not relegate a lot of vessels to an 'incidental' (i.e. not limited access) permit. A qualification criterion that included vessels landing whiting between these lower limits would give limited access to more vessels, some of whom may have targeted whiting and landed smaller amounts. By the same token, a suitable incidental possession limit for vessels that had no trips above 2,000 lbs. would be lower than it would be with an alternative developed from the analysis in Motion 1.

MOTION #2 The motion carried unanimously.

3. MOTION: Mrs. Nolan/Mr. Reid

To develop qualification criteria options, task the PDT with analyzing the number of vessels with trips over 7,500 lbs. of whiting during the following periods 2000-2012, 2003-2012, 2008-2012.

Discussion on the Motion: This motion would analyze fleet history for vessels exceeding 7,500 lbs. on one or more trips. The 7,500 lbs. trips are associated with the silver hake limit for vessels using trawls with 2.5 to 3.0-inch mesh. Most vessels targeting whiting use trawls with 3-inch mesh, under a 30,000 (north) to 40,000 (south) lbs. possession limit. A limited access qualification criteria developed for this group could be combined with a lower limited access tier for vessels landing smaller amounts when targeting whiting.

Mr. Applegate pointed out that this motion combined with motions 1 and 2 would not include a 3,500 to 7,500 lbs. category, for a potential second limited access tier.

MOTION #3 The motion carried 9-0-0.

AGENDA ITEM #2: MONITORING AND CONTROL OF BYCATCH IN SMALL-MESH EXEMPTION FISHERIES

Discussion: Mr. Applegate reported that the PDT had concerns that a limited access program alone will not satisfactorily address the Amendment 22 purpose and need statement, making it difficult to justify the alternatives, yet there were many scoping comments from fishermen that feared being unable to fish for small to moderate amounts of whiting. Furthermore, if the Council chose a low limited access qualification criteria, it would potentially permit a lot of vessels that could target whiting and increase fishing effort and therefore bycatch. Mr. Applegate reported that the addition of a bycatch monitoring and control alternative might require the Council to re-open the scoping comment period, but would not cost too much time and effort to do so.

The PDT suggested consideration of one or more alternatives (in addition to limited access qualification) that would improve monitoring and control of bycatch. The alternative could include one or more of the following measures:

1. Mandatory Vessel Monitoring System (VMS)
2. Mandatory study fleet (eVTR) participation with a feedback and high bycatch notification to the fleet
3. Enhanced, industry funded at-sea monitoring
4. “Move on” bycatch monitoring and response system. For example, when bycatch rate exceeds X, vessels may not fish for Y days within Z miles of where the high bycatch rate was observed or reported.

While the committee supported improved bycatch reporting and voluntary industry bycatch avoidance, some aspects of the PDT recommendation (mandatory study fleet participation, industry funded at-sea monitoring, and development of “move on” rules) were not accepted as a potential Amendment 22 alternative.

Most of the existing whiting fleet already are required to utilize VMS, so the data that this measure would provide already exists. The Committee thought that mandatory study fleet (eVTR) participation would fundamentally change the voluntary nature of the study fleet design and would be costly. They did not believe that enhanced, industry funded at-sea monitoring is needed to monitor the whiting fishery bycatch.

Many also thought that a regulatory “Move on” bycatch monitoring and response system would work because the exemption areas are small and it would require vessels to stop fishing in the entire area. Mr. Applegate replied that “move on” rules might not require a large buffer zone, because small changes in fishing location with depth could induce meaningful changes in bycatch rates.

There was general support amongst the committee for voluntary participation in a non-regulatory bycatch avoidance network, like those being developed for other fisheries by Cornell University and the University of Massachusetts, possibly coupled to an eVTR reporting system.

AGENDA ITEM #2: LAW ENFORCEMENT PRIORITIES

Mr. Goodreau gave the committee a briefing on Northeast Division's Enforcement Priorities for review. The new Agent-in-Charge, Tim Donovan, wanted feedback on these priorities. They were rank as having a High, Medium, and Low Priority under each of four headings: Magnuson-Stevens Act, Endangered Species and Marine Mammal Protection, International Laws and Seafood Fraud, and Marine Sanctuaries Act. After hearing a description of the priorities, the committee decided to defer discussion and possible action to the next Whiting Committee meeting.

An advisor raised a question concerning the priorities of the Coast Guard. He had been told by boarding parties that NOAA's Office of Law Enforcement requested that USCG target draggers working around areas with lobster pots.

AGENDA ITEM #2: GARFO SUMMARY OF EXEMPTED FISHERY PERMIT (EFP) WORKSHOP PLANNING

Mr. Ruccio briefed the committee on experimental fishing permit progress following the workshop held by GARFO in February. The EFPs for the small-mesh fishery were intended to collect data about catch and bycatch outside the range of the current exemptions in all areas and using different trawl configurations in the Raised Footrope area off Maine. MA DMF was close to submitting an EFP request for this year but had expanded the scope to include areas off Cape Cod. They were coordinating with fishermen who might be interested in participating.

The Small-Mesh Multispecies Committee meeting adjourned at approximately 3:00 p.m.