

DRAFT AMENDMENT 22 TO THE NORTHEAST MULTISPECIES  
FISHERY MANAGEMENT PLAN (SMALL-MESH MULTISPECIES)

**PUBLIC HEARING DOCUMENT**



Prepared by the New England Fishery Management Council  
50 Water Street, Mill #2; Newburyport, Massachusetts 01950

Due to an error in a qualification summary table on Page 4 of the original public hearing document and in Draft Amendment 22, the Draft Amendment written comment period has been extended for an additional 30 days, closing on November 23, 2018. The Council will also hold a webinar at 3 pm on November 14, 2018 to explain the discrepancy and accept additional oral comment. Other than this correction, there have been no other changes to Draft Amendment 22. The analysis in the Draft Environmental Impact Statement (DEIS) was correct.

The New England Fishery Management Council (Council) conducted five public hearings in July 2018 to solicit comments on the alternatives under consideration in Draft Amendment 22 to the Northeast Multispecies Fishery Management Plan (FMP; Small-mesh Multispecies). More specifically, the Council sought feedback from the public on which alternatives should be selected and why. These hearings were held by the Council in accordance with the Magnuson-Stevens Fishery Conservation and Management Act and the National Environmental Policy Act (NEPA). The Council plans to take final action on the amendment during its December 4-6, 2018 meeting in Newport, RI.

Silver hake and offshore hake (collectively known and landed as “whiting”) and red hake are small cod-like fishes, managed under the Northeast Multispecies FMP. Specific areas and seasons are identified as exemptions to the large-mesh regulation where fishing with small-mesh trawls is allowed where and when bycatch of large-mesh groundfish is usually low. Although restricted by the small-mesh trawl rules that only allow fishing in the exemption areas and season, whiting and red hake landings are an important source of income for a substantial number of fishermen. Whiting are an important prey for many species and thus play an important role in the ecosystem. Whiting and red hake also provide an important source of bait for the commercial and recreational bluefin tuna fishery.

Amendment 22 proposes alternatives to manage the fishery via limited access. Currently, any vessel with a Northeast Multispecies limited access permit or an open access “Category K” permit may fish for whiting and red hake in these areas. Bycatch of large-mesh multispecies and red hake have and could in the future exceed their annual catch limits. Biomass of southern whiting has been declining and southern red hake has become overfished. With the possibility of an increasing number of boats fishing for whiting and red hake, managing these catches and associated bycatch could be more restrictive and thus costly to the industry if there are no limits on the number of vessels in the fishery.

This public hearing document is a summary of the complete DEIS, available on the Council website. The public is encouraged to review the full DEIS when evaluating the potential impacts of alternatives and making comments on the measures under consideration in Amendment 22. This public hearing document has been prepared as an overview only and does not cover the wide range of issues that are more thoroughly described in the DEIS.

## SCHEDULE OF PUBLIC HEARINGS

<b>Date and Time</b>	<b>Location</b>
<p><b>Wednesday, November 14, 2018</b>  <b>3:00-5:00 p.m.</b></p>	<p>To join by computer, use the following link:  <a href="https://global.gotomeeting.com/join/843126117">https://global.gotomeeting.com/join/843126117</a></p> <p>To join by phone, dial +1 (872) 240-3311 and when prompted enter access code 843-126-117.</p>
<p><b>Thursday, July 19, 2018</b>  <b>4:00-6:00 p.m.</b></p>	<p style="text-align: center;"><b>Gloucester, MA</b>  MA Division of Marine Fisheries  Annisquam River Marine Fisheries Station  30 Emerson Avenue  Gloucester, MA 01930</p>
<p><b>Monday, July 23, 2018</b>  <b>7:00-9:00 p.m.</b></p>	<p style="text-align: center;"><b>Tinton Falls, NJ</b>  DoubleTree by Hilton  700 Hope Drive  Tinton Falls, NJ 07244</p>
<p><b>Tuesday, July 24, 2018</b>  <b>5:00-7:00 p.m.</b></p>	<p style="text-align: center;"><b>Montauk, NY</b>  Montauk Playhouse Community Center  240 Edgemere St.  Montauk, NY 11954</p>
<p><b>Wednesday, July 25, 2018</b>  <b>7:00-9:00 p.m.</b></p>	<p style="text-align: center;"><b>Warwick, RI</b>  Hampton Inn &amp; Suites  2100 Post Road  Warwick, RI 02886</p>
<p><b>Thursday, July 26, 2018</b>  <b>7:00-9:00 p.m.</b></p>	<p style="text-align: center;"><b>New Bedford, MA</b>  Fairfield Inn &amp; Suites  185 MacArthur Drive  New Bedford, MA 02740</p>

## HOW TO COMMENT

During the webinar, Council staff will brief the public on the draft amendment before receiving comments. The hearing will begin promptly at the time indicated above. If all attendees who wish to do so have provided their comments prior to the end time indicated, the hearing may conclude early. To the extent possible, the Council may extend hearings beyond the end time indicated above to accommodate everyone who wishes to speak.

Members of the public may submit oral comments during the webinar. You may also choose to submit written comments directly to the Council, in lieu of or in addition to comments provided during the webinar. Written comments must be received before 5:00 pm, Friday, November 23, 2018. All written and oral comments will be reviewed by the Council's Small-Mesh Multispecies Committee at a meeting on December 3, 2018, before final action is taken by the Council at the December 4-6, 2018 Council meeting.

**Written comments can be submitted via mail, email, or fax:**

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New England Fishery Management Council  
50 Water Street, Mill 2  
Newburyport, MA 01950

**Email:** [comments@nefmc.org](mailto:comments@nefmc.org)

**Fax:** (978) 465-3116

***Please note on your correspondence  
"DEIS for Amendment 22 to the Northeast Multispecies FMP"***

***Written comments must be submitted  
before 5:00 pm on Friday, November 23, 2018.***

The complete DEIS and information about the amendment is posted on the Council's website at <https://s3.amazonaws.com/nefmc.org/Amendment-22-DEIS-revised.pdf>

For questions, contact the Council office at (978) 465-0492.





July 2018

# DRAFT AMENDMENT 22 TO THE NORTHEAST MULTISPECIES FMP (SMALL MESH MULTISPECIES)

WRITTEN COMMENTS DUE BY AUGUST 6, 2018!

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## COUNCIL CONSIDERING LIMITED ACCESS AND POSSESSION LIMIT ALTERNATIVES

Some small-mesh multispecies fishermen, fearing potential closures and other measures to control bycatch of choke species and red hake, urged the Council to develop limited access for the small-mesh multispecies fishery.

The amendment’s purpose is to prevent unrestrained increases in fishing effort by new entrants to the fishery. It is needed “to reduce the potential for a rapid expansion of the small-mesh multispecies fishery, possibly causing overfishing and having a negative effect on red hake and whiting markets, both outcomes having negative effects on fishery participants”

Although measures to manage bycatch may be effective, they could be considerably more restrictive and costly if new vessels enter the fishery to target whiting. There are currently no limits on the number of vessels that may target whiting. The fishery is currently managed via catch limits, possession limits, and season/gear restrictions.

Managing bycatch is an important issue because the 2016 assessment update found that southern red hake was overfished and overfishing was occurring. Rebuilding will need to address discards, because 70% of the catch is discarded. Although utilization of whiting is currently low, red hake and yellowtail flounder utilization rates are problematic. (see table on page 5).

### SUMMARY OF ALTERNATIVES

In addition to No Action, there are two alternatives to adjust the southern whiting possession limit for Category K vessels, five sets of limited access qualification alternatives with various landings thresholds and history periods, whiting possession limit alternatives for Category I, Category II, and Incidental Permit vessels, and several alternatives that would determine what restrictions apply to limited access and incidental permitted vessels.

During public hearings, you should comment on ALL the alternatives, even if your support No Action. If your vessel never lands more than 2000 lbs. whiting or 400 lbs. red hake, your fishing will not be directly affected by this amendment.

The amendment contains three major components:

- Limited access qualification criteria (see table on page 4);
- Possession limits by permit type; and
- Permit “characteristics and conditions” that could apply if limited access is adopted.

Continued on page 4

SUN	MON	TUE	WED	THU	FRI	SAT
<b>July 2018</b>						
Jul 15	16	17	18	19 Gloucester	20	21
22	23 Tinton Falls, NJ	24 Montauk, NY	25 Warwick, RI	26 New Bedford, MA	27	28
<b>November 2018</b>						
11	12	13	14 Webinar 3 -5 pm	15	16	17
18	19	20	21	22	23 Comment deadline	24
<b>December 2018</b>						
Dec 2	3 SMS Committee	4 Council meeting	5	6	7	8

**AMENDMENT 22 SCHEDULE**

- Public hearings July 19 - July 26 (see calendar above)
- Webinar November 14 2018 from 3 pm to 5 pm
- Deadline for written comments extended to 5 pm EDT on November 23, 2018
- Small-mesh Multispecies Committee and Advisory Panel - December 3, 2018 meeting to choose final alternatives to recommend to the Council
- Council meeting - December 4-6, Newport, RI  
Final action to approve final Amendment 22 alternatives

**WHERE TO FIND THINGS IN DRAFT AMENDMENT 22 (DEIS)**

<b>Subject</b>	<b>Section</b>	<b>Page</b>
<b>Executive summary</b>	1.0	1-1
<b>Purpose and need</b>	3.1	3-27
<b>Management background and history</b>	3.2 & 5.1	3-28 & 5-51
<b>MSY, OY, overfishing definitions, and specifications</b>	3.2.2	3-28
<b>Description of measures and alternatives</b>	4.0	4-30
<b>Affected Environment</b>	5.0	5-51
<b>Biological impacts on Target Species</b>	6.2	6-206
<b>Biological impacts on Non-target Species</b>	6.3	6-220
<b>Economic impacts</b>	6.6	6-274
<b>Cumulative effects analysis</b>	6.7	6-315

## SUMMARY OF ACTION 1 ALTERNATIVES

There are five sets of alternatives for limited access qualification (see table below). One of four qualification periods may apply to qualify for a Category I (high-level) or Category II (low-level) permit. Alternatives 1 and 2 would use the small-mesh multispecies landings history from 2008 to the November 28, 2012 control date to establish whether a vessel would qualify for a Category I or II permit. Alternative 2 has a high qualification threshold for Category I, potentially qualifying only 20 vessels (these vessels qualify for Category I in all five alternatives. Alternative 2 has the lowest threshold of the five alternatives (averaging only 4,000 lbs. per year), but it would exclude entrants to the fishery since the 2012 control date as well as vessels that fished for whiting only before 2008.

Alternatives 3 and 4 would potentially qualify some newer entrants to the fishery since the 2012 control date, provided that they have sufficient landings history.

Alternative 4 covers a longer period (2000-2016), thus potentially qualifying more vessels than Alternative 3. In contrast, Alternative 5 also covers a 17 year qualification period, but ending at the control date. It has a high qualification threshold for both Category I and II, potentially qualifying more currently inactive vessels.

Whiting and red hake landings from any area could be used to qualify and would allow a vessel to use the limited access to target small-mesh multispecies in any open fishing area. In Action 2, different possession limits may

### Limited Access Qualification Criteria

\* November 28, 2012 control date

Alternative	Qualifying period	Qualification Criteria (Pounds of small-mesh multispecies & number of qualifiers)	
		Category I	Category II
1	2008-2012* 5 years	500,000 lbs. 40 vessels	100,000 lbs. 74 vessels
2	2008-2012* 5 years	1,000,000 lbs. 20 vessels	20,000 lbs. 203 vessels
3	2008-2016 9 years	500,000 lbs. 51 vessels	100,000 lbs. 90 vessels
4	2000-2016 17 years	500,000 lbs. 55 vessels	100,000 lbs. 124 vessels
5	1996-2012* 17 years	1,000,000 lbs. 84 vessels	200,000 lbs. 159 vessels

## SUMMARY OF ACTION 1 ALTERNATIVES-CONTINUED

apply by area for Category I and II vessels. Although there may be exceptions for vessels fishing in exemption areas that require a raised footrope trawl or vessels on a Multispecies DAS, or targeting squids or herrings, non-qualifying vessels.

The amendment’s Environmental Impact Statement estimates the number and types of vessels that could qualify under each alternative. It also estimates the potential effects on bycatch, the economy, and for specific fishing communities with a high dependence on small-mesh multispecies landings.

### Expected 2018 utilization (2016 catch/2018 allocation)

Stock	North	South
Red hake	59%	109%
Whiting	12%	24%
GB yellowtail flounder		120%

Lower thresholds and longer periods would qualify more vessels, but are associated with more inactive fishing vessels, or latent fishing capacity. Based on the Council’s estimates, Alternative 2 qualifies the fewest vessels for a Category I limited access permit. Alternative 4 would qualify the most, but many of the 115 vessels made no whiting trips during 2014-2016. Alternative 1 would qualify the fewest vessel for Category II (but 23 Category II vessels in Alternative 2 would qualify for Category I) and Alternative 5 would qualify the most, but would exclude history from 2013 to 2016.

# Summary of Alternatives and Expected Impacts

Section and page numbers refer to amendment document

Alternative	Measures	Target species (Section 6.2; p 6-206)	Non-target species (Section 6.3; p 6-220)	Protected Resources (Section 6.4; p 6-241)	Physical Environment and EFH (Section 6.5; p 6-257)	Economy and Fishery-dependent Communities (Section 6.6; p 6-274)
No Action (preferred) (Section 4.1; p 4-30)	Retains open access fishery	Low negative	Negative	Low negative	Low negative	Positive
<b>Action alternatives</b>						
<b>Whiting possession limits (Section 4.2; p 4-31)</b>		<b>Adjustments to whiting possession limits in the southern management area</b>				
Alternative 1	Status quo	Low negative	Low negative	Low negative	Low negative	Positive
Alternative 2	Raise to 50,000 lbs.	Low negative	Low negative	Neutral to low negative	Neutral to low positive	Low positive
Alternative 3	Lower to 30,000 lbs.	Low positive	Low positive	Neutral to low positive	Neutral to low negative	Low negative
<b>Action 1: Limited access alternatives (Section 4.3.1; p 4-32)</b>						
Action 1: Qualification (Section 4.3.1)	Five alternatives to qualify vessels for Category I or Category II permits	Low positive	Low positive	Low positive	Low positive	Low positive for qualifying vessels Negative for non-qualifying vessels
Action 2: Possession limits (Section 4.3.2)	Whiting and red hake possession limits for Category I, Category II, and Incidental permits	Low positive	Low positive	Low positive	Low positive	Low positive for qualifying vessels Negative for non-qualifying vessels
<b>Action 2: Whiting possession limits for Category I (4.3.2.1; p 4-36)</b>						
Alternative 1	Status quo	Low negative	Low negative	Low negative	Low negative	Positive
Alternative 2	Raise to 50,000 lbs.	Low negative	Low negative	Neutral to low negative	Neutral to low positive	Low positive
Alternative 3	Lower to 30,000 lbs.	Low positive	Low positive	Neutral to low positive	Neutral to low negative	Low negative
<b>Action 2: Whiting possession limits for Category II (Section 4.3.2.2; p 4-37)</b>						
Alternative 1	Status quo	Low negative	Low negative	Low negative	Low negative	Positive
Alternative 2	Lower to 15,000 lbs. whiting	Low positive	Low positive	Neutral to low negative	Neutral to low positive	Low negative

# Summary of Alternatives and Expected Impacts

Section and page numbers refer to amendment document

Alternative	Measures	Target species (Section 6.2; p 6-206)	Non-target species (Section 6.3; p 6-220)	Protected Resources (Section 6.4; p 6-241)	Physical Environment and EFH (Section 6.5; p 6-257)	Economy and Fishery-dependent Communities (Section 6.6; p 6-274)
<b>Action 2: Whiting possession limits for Incidental permits (Section 4.3.2.3; p 4-38)</b>						
Alternative 1	Status quo	Low negative	Low negative	Low negative	Low negative	Positive
Alternative 2	2000 lbs. whiting and 400 lbs. red hake	Positive	Positive	Neutral to low positive	Neutral to low positive	Low negative
<b>Action 3: Permit allowances (Section 4.3.3 p 4-39)</b>						
Limited access permits (Section 4.3.3.1; p 4-44)						
Alternative 1	Groundfish permit conditions	Depends on choice of Action 1 alternative	Same as impacts associated with the selected Action 1 alternative	Low positive	Low positive	Neutral
Alternative 2	No accumulation limit	Neutral or no meaningful impact	Neutral	Neutral	Neutral	Low positive
Alternative 3	Construction eligibility	Positive	Low positive	Low positive	Low positive	Low negative
Alternative 4	Qualification restriction	Positive	Low positive	Low positive	Low positive	Low positive
Alternative 5	Upgrading vessels	Neutral to low negative	Low negative	Neutral	Neutral	Low negative
Incidental permits (Section 4.3.3.2; p 4-47)						
Alternative 1	Fishing in exemption areas only by qualifiers	Low positive	Low positive	Low positive	Low positive	Low negative
Alternative 2a	May exceed incidental possession limit on a Multispecies DAS using large-mesh	Positive	Positive	Neutral	Neutral	Low positive
Alternative 2b	May not exceed incidental possession limit on a Multispecies DAS using large-mesh	Negative	Potentially negative	Neutral	Neutral	Low negative
Alternative 3	May exceed incidental possession limit when fishing for squids or herring	Positive	Positive	Neutral	Neutral	Low positive
Alternative 4	Allow vessels with an incidental permit to fish in exemption areas requiring a raised footrope trawl	Neutral to low negative	Low positive on flatfish and low negative on roundfish	Low negative	Low negative	Positive

## SUMMARY OF ACTION 2 ALTERNATIVES

### WHITING POSSESSION LIMITS BY PERMIT

The second proposed action would adjust the whiting possession limits. Red hake possession limits would remain as they are now, 3,000 and 5,000 lbs. in the northern and southern management areas, respectively.

Amendment 22 proposes to: (1) retain or adjust whiting possession limits for vessels that qualify for a limited access permit; and (2) create an “incidental” possession limit for non-qualifiers. If the Council decides against establishing a limited access program, it still could adjust possession limits through

this amendment. The new limits then would apply to any vessel with an open access Category K permit that operates in a small-mesh exemption program.

Category I whiting possession limits could be the same or higher than those allowed for Category II when using trawls with mesh equal to or larger than 3-inches. The current mesh-related possession limits (see box below) would apply when using trawls with less than 3-inch mesh, because they are less size-selective. Also an incidental limit would apply to non-qualifying vessels to allow them to land whiting and red hake when targeting other species.

#### Category I limited access permit

**Alternative 1** – Maintain the existing whiting possession limits (see table below). This is a preferred alternative.

**Alternative 2** – Raise the limit from 40,000 pounds to 50,000 pounds from December 1 to April 30 in the Southern New England and Mid-Atlantic exemption areas

**Alternative 3** – Lower the limit from 40,000 pounds to 30,000 pounds from May 1 to November 30 in the Southern New England and Mid-Atlantic exemption areas

#### Category II limited access permit

**Alternative 1** – Maintain the existing whiting multispecies possession limits

**Alternative 2** – Apply a 30,000-pound limit in the northern exemption areas (Gulf of Maine Grate Raised Footrope, Small-Mesh Areas I and II, Cape Cod Raised Footrope Areas, and Cultivator Shoals Area) and 15,000 pounds in the Southern New England and Mid-Atlantic exemption areas where more vessels are expected to qualify and often land lower volume

#### Incidental possession limits for vessels that do not qualify for a limited access permit

**Alternative 1** – Maintain the existing small-mesh multispecies possession limits

**Alternative 2** – Apply a 2,000-pound possession limit

### Current Mesh Size-Dependent Possession Limits

Cod-end Mesh Size	Silver and offshore hake, combined, possession limit	Red hake south	Red hake north*
Smaller than 2.5"	3,500 lbs.	5,000 lbs.	3,000/1,500 lbs.
Larger than 2.5", but smaller than 3.0"	7,500 lbs.	5,000 lbs.	3,000/1,500 lbs.
Equal to or greater than 3.0"	30,000 lbs. (40,000 lbs. in Southern Area)	5,000 lbs.	3,000/1,500 lbs.
Accountability measure, in-season	2,000 lbs.	400 lbs.	400 lbs.

\* Northern red hake possession limit is 3,000 lbs. at the beginning of the fishing year and decreases to 1,500 lbs. when landings reach 45% of Total Allowable Landings.

For each permit, Alternative 1 would retain the status quo. If status quo is applied to all permits, all vessels would initially have equivalent whiting possession limits until a future adjustment is needed. For a Category I vessel, only the southern whiting possession limit would be adjusted to address some economic effects on whiting landings. The status quo (Alternative 1) is preferred for Category I vessels. For Category II vessels, Alternative 2 would establish a 15,000 lbs. whiting possession limit in keeping with customary landings by typically smaller vessels that qualify for this permit.

There are two alternatives for vessels with an incidental permit. Alternative 1 would retain the status quo for now, similar to the current condition where any vessel could obtain a Category K permit to target small-mesh multispecies. If this alternative is chosen, a vessel could target small-mesh multispecies in exemption areas with an incidental permit. Alternative 2 would reduce the possession limit to 2,000 lbs. of whiting and 400 lbs. of red hake, considered to be suitable to allow some landings when targeting other species.



Photo used with permission and courtesy of the FV  
Midnight Sun

## SUMMARY OF ACTION 3 ALTERNATIVES

### PERMIT CHARACTERISTICS AND CONDITIONS

Action 3 alternatives would be chosen only if limited access is chosen and approved.

One set of alternatives would pertain to vessels with a Category I or II limited access permit. Alternative 1 would apply the limited access characteristics associated with large-mesh multispecies permits, which are also possessed by many vessels in the small-mesh multispecies fishery. Alternatives 2 to 5 offer deviations from Alternative 1 that also apply to herring and squid/mackerel/butterfish fisheries that are also associated with these vessels. Alternative 2 would have no limits on permit accumulation,

which could allow for consolidation in the fishery. Alternative 3 would not allow an extension of eligibility for one year beyond the control date, which was allowed for large-mesh multispecies permits, but not other permits. Alternative 4 (a preferred alternative) would allow a fishing history to qualify only one vessel, in cases where a vessel had been sold or transferred. This was allowed for large-mesh permits, but was disallowed in more recent limited access programs. Alternative 5 would allow vessels to upgrade size or horsepower, which was restricted for large-mesh multispecies permit holders.

#### Category I & II limited access permit

**Alternative 1** – Applies large-mesh multispecies limited access permit characteristics to a small-mesh permit (Preferred)

**Alternative 2** – No limit on accumulation of small-mesh limited access permits

**Alternative 3** – Does not provide for a one-year grace period for vessels under construction to qualify for limited access

**Alternative 4** – Allows only one vessel to qualify based on a single fishing history, accounting for transfers (Preferred)

**Alternative 5** – No restrictions on vessel upgrades

#### Incidental possession limits for vessels that do not qualify for a limited access permit

**Alternative 1** – Vessels with an incidental possession limit permit would be prohibited from using small mesh trawls in small-mesh multispecies exemption areas.

**Alternative 2a** – Any vessel on a NE Multispecies DAS would be able to exceed the incidental permit possession limit, up to the limit specified for a small-mesh multispecies limited access permitted vessel.

**Alternative 2b** – Vessels with a small-mesh multispecies AND a Northeast Multispecies limited access permit may fish for small-mesh multispecies and exceed the incidental limit only while the vessel is not fishing under a day-at-sea (DAS) and while declared out of the fishery (DOF).

**Alternative 3** – Vessels targeting herring and squid with small-mesh would be able to exceed the incidental permit possession limit, up to the limit specified for a small-mesh multispecies limited access permitted vessel. (Preferred).

**Alternative 4** – As currently applies for Category K permits, vessels with an incidental permit would be able to fish for small-mesh multispecies in areas where the raised footrope trawl is required.

Another set of alternatives would apply to vessels holding an incidental permit, typically non-qualifying vessels. These alternatives would define whether a vessel may fish for small-mesh multispecies and land more than the incidental limit, often when they are targeting other species. Alternative 1 would prohibit incidental permit vessels from using small-mesh in the exemption areas,

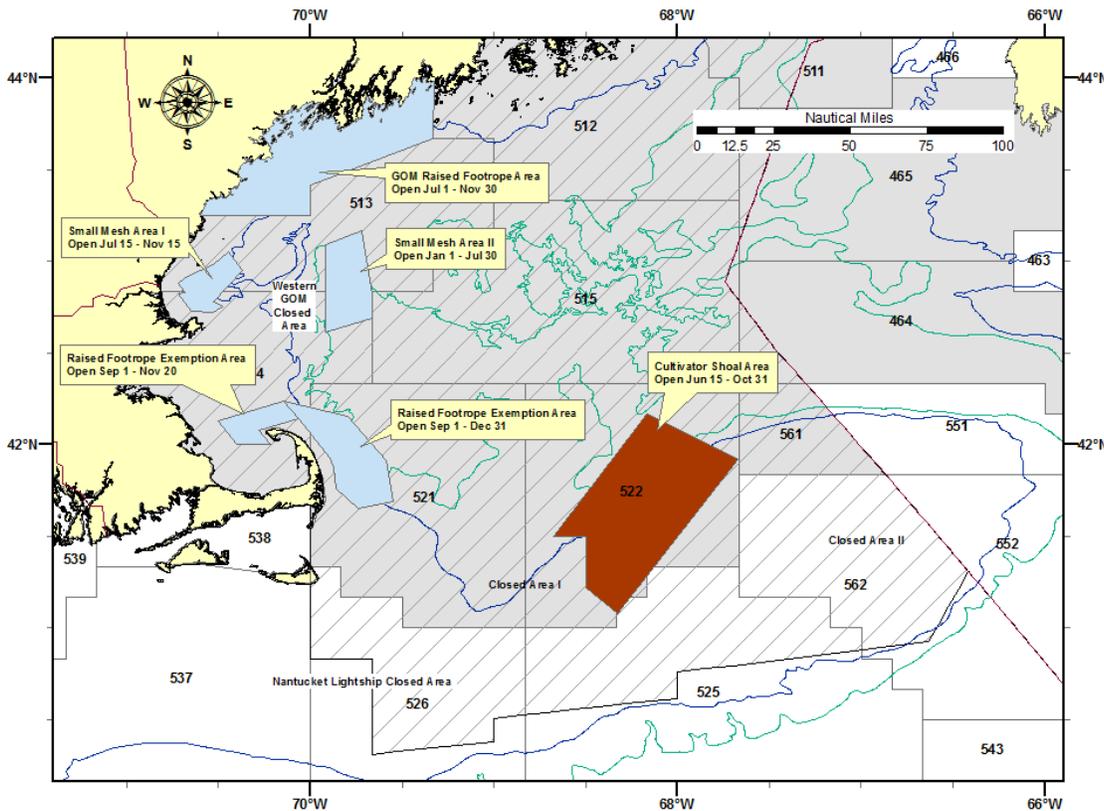
# SUMMARY OF ACTION 3 ALTERNATIVES-CONTINUED

## PERMIT CHARACTERISTICS AND CONDITIONS

closing a potential loophole in the regulations. Alternative 2a would allow vessels on a Multispecies DAS to exceed the incidental possession limits, potentially reducing discards particularly if the vessel catches large whiting using large-mesh trawls.. Alternative 2b would allow a vessel with a small-mesh multispecies limited access permit to exceed the incidental limit only when it was not on a DAS, preventing non-qualifying vessels from targeting small-mesh multispecies with large-mesh. Alternative 3 is preferred and would allow vessels to exceed the incidental possession limit when they are using small-mesh to target herring or squid. Although it could allow non-qualifying vessel to target small-mesh multispecies, it could also reduce whiting and red hake discards in other small-mesh fisheries.

Alternative 4 is a non-preferred alternative that would allow any vessel with an incidental permit to target small-mesh multispecies and land more than the incidental limit when fishing in an area that requires them to use a raised footrope trawl. The rationale is that the gear already reduces catches of many regulated groundfish and other benthic species, thereby addressing the purpose and need.

Small-mesh multispecies exemption areas (BLUE shaded) that require vessels to use small-mesh raised footrope trawls.



## SUMMARY OF EFFECTS ON FISHERMEN

The following discussion outlines how the proposed alternatives might affect various types of fishermen. It is meant to augment other parts of the document and help some fishermen to better understand the proposals. The following examples are however not comprehensive and each fisherman will experience different types of effects, depending on where they fish, what gear is used, how

many DAS are allocated to their vessel, what alternative target species are available, their fishing costs, and how much they rely on landings of small-mesh multispecies to generate revenue and profits.

The fishing modes that are discussed below were chosen based on information in the fisheries data and staff's understanding of the fishery.

### CLAY THE INSHORE SMALL-MESH TRAWL FISHERMAN

Clay has a small dragger that he uses to fish inshore for a variety of species. During the spring and early summer he fishes for flats and a few cod inshore, using his groundfish allocation. During the winter, he fishes for northern shrimp when the season is open. A large portion of his fish landings and revenue also come from fishing for small-mesh multispecies in the exemption areas during the fall, targeting both red and silver hake. He uses a raised footrope trawl but does not fish in the Cultivator Shoals Area.

If Clay had been in the small-mesh fishery before

the control date, he would probably qualify for at least a Category II permit and could initially have the same possession limit as a Category I vessel. Unless the Council chooses to reduce the Category II possession limit to 15,000 lbs., Clay could continue fishing for small-mesh multispecies, possibly even increasing his small-mesh trips and revenue.

Even if Clay does not qualify for limited access, he could continue targeting whiting in exemption areas that require a raised footrope trawl if the Council also chooses Alternative 4 for Incidental Permit conditions.

### JASON THE SMALL-MESH AND GROUND FISH TRAWL FISHERMAN

Jason owns a vessel with a NE Multispecies FMP permit to target groundfish with large mesh. He also has a small-mesh permit and uses a trawl with a 3" mesh cod end to fish in the small-mesh exemption program areas in the Gulf of Maine. When the weather is favorable, he makes a couple of trips to the Cultivator Shoals Area on Georges Bank to target silver hake between June 15 and October 31. Jason began targeting whiting and red hake after the 2012 control date.

Jason has made four or five whiting trips a year since 2013 and has landed about 180,000 lbs. through 2016. He is likely to qualify for a Category II limited access permit under Alternatives 3 and 4,

but because he did not fish for whiting before the control date, he would not qualify under Alternatives 1, 2, and 5.

Jason could continue fishing for whiting by qualifying for limited access and favors Alternative 3 and 4. Even without qualifying, Jason could continue fishing for whiting in the Gulf of Maine exemption areas if the Council also approves Alternative 4 for Incidental Permitted vessels to fish in raised footrope trawl exemption areas. In this case, Jason could not fish in the Cultivator Shoals Area unless the Council later also requires the use of a raised footrope trawl there, or Jason trades up to another qualifying vessel.

## JACOBY THE SQUID AND WHITING FISHERMAN

Jacoby fishes out of a port in Southern New England and much of his landings are trucked to the Fulton Market in NY. When fishing for whiting, most of his catch are either silver hake or offshore hake, but whichever fish he runs into are reported by the dealer as silver hake, since there is no price difference. Jason has been whiting fishing for a long time before the 2012 control date and has nearly 1.2 million lbs. of whiting and red hake landings between 2000 to 2016, 550,000 lbs. between 2008 and 2012.

Most of the time, he fishes along the outer shelf edge from NJ to MA, or off on the southern edge of Georges Bank. All of these areas would be regulated by southern stock area regulations. During the fall, he makes some trips to the Cultivator Shoals Area to target silver hake, sometimes stopping to fish the southern edge of Georges Bank on the way there or back.

If he fishes in both places on a trip, the more restrictive possession limit would apply to the entire trip.

Jacoby's vessel would qualify for a Category I permit for all alternatives EXCEPT Alternative 2 where it would qualify for a Category II vessel.

Using 3-inch or larger mesh, Jacoby could land up to 30,000 lbs. of whiting and 3,000 lbs. of red hake when fishing in the Cultivator Shoals Area. When fishing only in the southern management area, Jacoby could retain 40,000 lbs. of whiting and 5,000 lbs. of red hake.

The Council could raise the whiting possession limit to 50,000 lbs. from Jan 1 to Jun 14 and Jacoby might take longer, potentially more profitable trips. He might take more trips during the winter and spring, instead of at other times to take advantage of the higher possession limit.

The Council could also reduce the whiting possession limit to 30,000 lbs. in June 14 to December 31. This would reduce the affect of high whiting landings on the market, when the northern exemption areas are open.

Jacoby is concerned that restrictions to reduce bycatch could substantially affect his whiting trips. Gear restrictions could be costly and reduce whiting catch. Area closures could also be harmful. Without limited access, the measures needed to reduce bycatch would be more severe.

Jacoby is generally supportive of limited access to protect his business from more drastic measures needed to control bycatch. He thinks that only active whiting fishermen should qualify, although some allowances should be made for recent newcomers, but not create a lot of historic permits that can be applied to a new vessel. He doesn't think that the whiting possession limit should be adjusted now. He also believes that qualifying vessels should be allowed to upgrade, because the possession limits are effective. He therefore supports alternatives 2, 4, and 5 in Action 3.

Jacoby is thus in favor of Alternative 3 and Alternative 1 for possession limits.

## TONY THE OFFSHORE SQUID FISHERMAN

Unlike Jacoby above, Tony concentrates on squid fishing for 75-90% of the year. Before 1995, Tony targeted whiting and has held a whiting permit for longer than most, but because he has targeted squid since the earliest qualification period for any of the alternatives, Tony would be unlikely to qualify for a Category I permit.

Due to his long history in the squid fishery, he would probably qualify for a Category II permit. As long as the whiting possession limit remains the same as that for a Category I permit, he could retain his option to fish for Cultivator Shoals Area whiting. But if whiting biomass declines and the Coun-

cil cuts the Category II possession limit, he might not be able to target whiting in the Cultivator Shoals Area.

Tony is a bit confused why limited access is needed now to manage the fishery, because current catches are less than 20% of the ACL. On the other hand, he realizes that actions needed to rebuild southern red hake are more likely to affect his squid fishing if the Council has to be more conservative to manage red hake catches in an open access whiting fishery. Tony and other squid fishermen catch and discard red hake and could be affected by an action to reduce red hake catch.

## SUMMARY OF EFFECTS ON FISHERMEN (CONTINUED)

### JOHN THE SMALL-MESH AND GROUND FISH TRAWL FISHERMAN

John also owns a vessel with a NE Multispecies FMP permit to target groundfish with large mesh. He has a small-mesh permit and uses a trawl with a 3" mesh cod end to fish in the small-mesh exemption program areas in the Gulf of Maine. John began targeting whiting and red hake in 2016, after the large-mesh groundfish regulations became more restrictive and whiting abundance increased. He typically landings 14,000 lbs. of whiting on the trips, but on a good day, he could catch 20,000 lbs.

Due to his late entry into the whiting fishery, John would be unlikely to qualify for limited access under most alternatives. Due to its low threshold, he would probably qualify for a Category II permit if the Council chooses Alternative 2.

If John does not qualify, he would have to obtain a permit from another vessel owner to continue in the whiting fishery. Otherwise, he would go back to targeting the species that he used to fish for. If he qualifies for a Category II permit, he would be able to fish in the exemption areas with either a 30,000 lbs. or 15,000 lbs. limit, depending on the possession limit alternative chosen by the Council.

Under some alternatives, John could also continue fishing for whiting even if the Council chooses lim-

ited access. If the Council keeps the Incidental Permit possession limit the same level as that for limited access permits until a change is needed, he could continue fishing. If the Council allows any vessel to fish for small-mesh multispecies in exemption areas requiring a raised footrope trawl, John could continue fishing for whiting.



New Bedford dragger. Photo used with permission and courtesy of the FV Midnight Sun

Generally, John opposes limited access for the whiting fishery because it limits opportunities for fishermen like him. He believes that the bycatch issues should be addressed in other ways, such as selective gear and seasons.

### TED THE GROUND FISH FISHERMAN

Ted fished for whiting during the fall and winter before the large-mesh groundfish restrictions became effective in 1995. Since then, he has focused fishing on groundfish, monkfish, and skates but has not used small-mesh trawls to target whiting, herring, or squid. Before 1995, he landed about 30,000 lbs. of whiting per year.

If he has another opportunity, Ted would like to fish seasonally for whiting, particularly if the groundfish catch limits for his sector continue declining.

Ted feels he should be allowed to go whiting fish-

ing again, due to his past participation in the fishery. The earliest start of a qualification period is 1996 and he therefore opposes limited access.

Although he has no experience actually using the gear, other captains tell him that the raised footrope trawl reduces bycatch. He thinks that if the southern areas need limited access to manage the fishery, he would support the incidental permit alternative that would allow the permit holders to fish in raised footrope trawl exemption areas.

## KEVIN THE FLUKE TRAWLER

Kevin uses a large mesh trawl to target fluke and other flatfish. Kevin has a Multispecies FMP permit as well as a permit to target fluke. Particularly when fishing along the southern edge of Georges Bank, his vessel catches some red and silver hake, landings that augment the vessel's revenue.

It is unlikely that the amendment will affect Kevin's fishing. He would be able to land at least 2000 lbs. whiting and 400 lbs. red hake. If he catches more, he would have to discard the excess or avoid catching these species.

Kevin may have enough landings of small-mesh multispecies to qualify for a Category II permit. In this case, he would be able to land as much as a Category II permit allows. Having this permit may also increase the value of his vessel and allow him to target small-mesh multispecies in the future.

## "JD" THE GROUND FISH TRAWL FISHERMAN

JD, like Kevin, does not use small-mesh trawls, instead focusing on large-mesh groundfish, monks, and skates on Georges Bank and the channel. Sometimes he catches and lands a few boxes of red and silver hake to augment the vessel's revenue.

The effects on JD would be the same as those for Kevin. If he does not qualify for limited access, JD would not be able to target whiting in the future, unless he

obtains a vessel with a limited access permit attached.

The Council is beginning an action to reduce red hake catches and re-build the stock. This may affect JD's ability to land red hake and he would have to discard them. A red hake action is less likely to affect him if whiting has limited access.

## DAVID THE GILLNET FISHERMAN

David uses large-mesh gillnets to target groundfish, monkfish, and skates. He occasionally catches a few red or silver hake and if there is enough to sell, lands them at his fish dealer. Most of the red and silver hake pass through the gill net and catches never exceed the incidental possession limits, so this amendment would not affect his fishing.

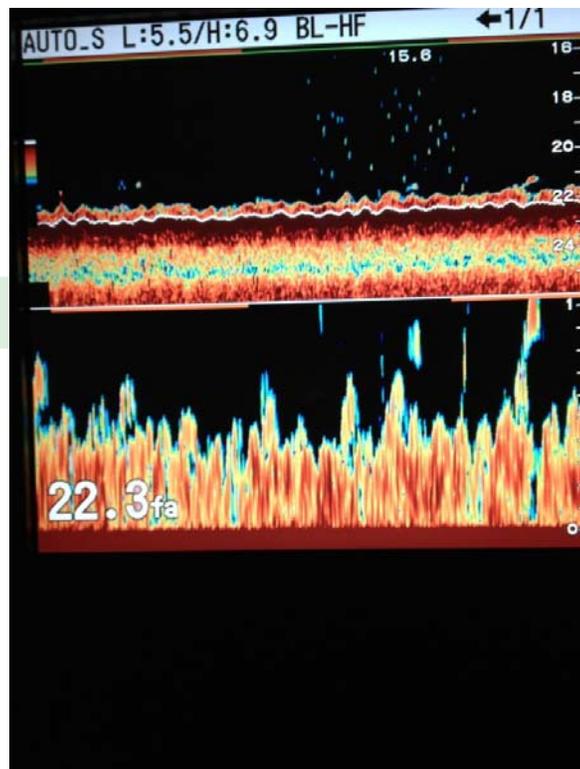


Photo used with permission and courtesy of the FV Midnight Sun

1. Can the amendment adjust the southern whiting possession limits without limited access?

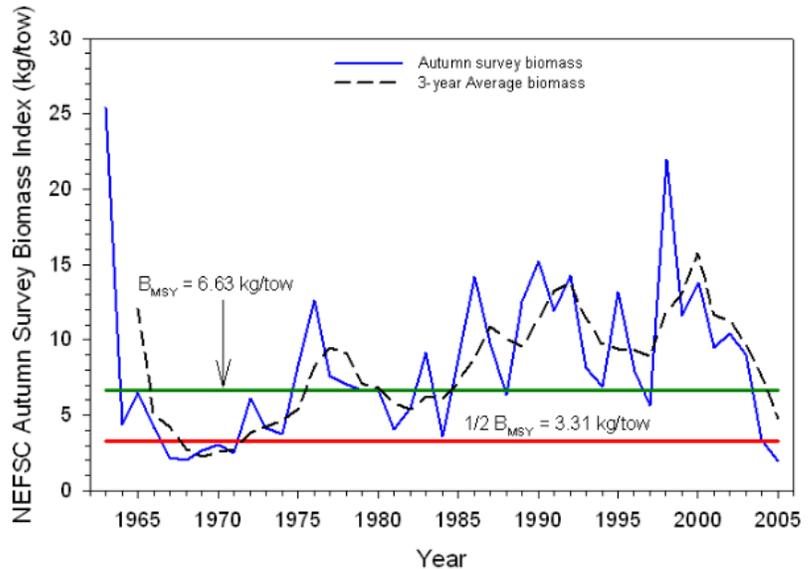
Yes, this can be done by choosing an alternative in Section 4.2.

2. Why does the Council want to limit access to the fishery when the fishery is not catching the annual limits?

Catch limits will change in response to changes in biomass through a specifications process. In the past, the catch associated with MSY was much lower than in the last decade. In fact, the whiting and red hake catch limits are expected to decline by 34-40% in

2018. Furthermore, the Council may have to address limits on non-target catch of red hake and yellowtail flounder. Southern red hake are overfished and the Council is also required to develop a rebuilding plan. Measures designed to reduce catches of these stocks will be more restrictive without limited access.

Trends in biomass compared to reference points from the 2005 assessment of northern silver hake.



3. One alternative would allow any vessel to fish for small-mesh multispecies in exemption areas that require the raised footrope trawl. Will that control catches of red hake and groundfish?

The amendment contains a comprehensive analysis of bycatch rates by gear and area. While bycatch rates are lower in the raised footrope trawl exemption areas than in the Cultivator Shoals Area and elsewhere, it is not clear that these differences are attributable to the gear alone. In the 1990s, MA DMF conducted experimental fisheries using the raised footrope trawl which showed that groundfish bycatch would be less than 5% of total catch. There were however only six paired tows made where bycatch rates were directly comparable. These data indicate that the experimental gear reduced catches of flatfish, but not of red hake and other roundfish when compared with effects on silver hake catches. Recent bycatch rates of groundfish have been well above the 5% standard, particularly for haddock in the Cultivator Shoals Area. Small-mesh multispecies

fishery catch of Georges Bank yellowtail flounder are expected to be above the allocation.

4. When would a limited access program begin?

It is difficult to tell when the amendment and regulations would be approved, but the intention is to begin limited access on May 1, 2019. Vessels that do not qualify would be able to obtain an Incidental Permit to catch and land whiting and red hake when targeting other species. Some alternatives may allow Incidental Permit vessels to continue fishing for small-mesh multispecies.

5. What data will be used to determine qualification for limited access?

While dealer and VTR data were used to evaluate the potential number and characteristics of qualifying vessels, dealer data are usually used to determine initial qualification.

6. Can I appeal the qualification determination?

Yes, after the initial qualification there will be a time for appeals. Vessel owners may submit any additional documentation of their small-mesh multispecies landings, including vessel trip reports, which may be used to correct their landings history and potentially qualify.

7. Are landings in each management area counted separately and will I be able to fish in any open area if I qualify?

All landings are treated equally for qualification purposes and qualifiers would be able to fish in any open exemption area. Adjustments to the area-specific possession limits may be considered to account for the number of qualifiers and their catch.



Photo used with permission and courtesy of the NEFSC Photo Archives

## ACRONYMS USED IN THIS DOCUMENT

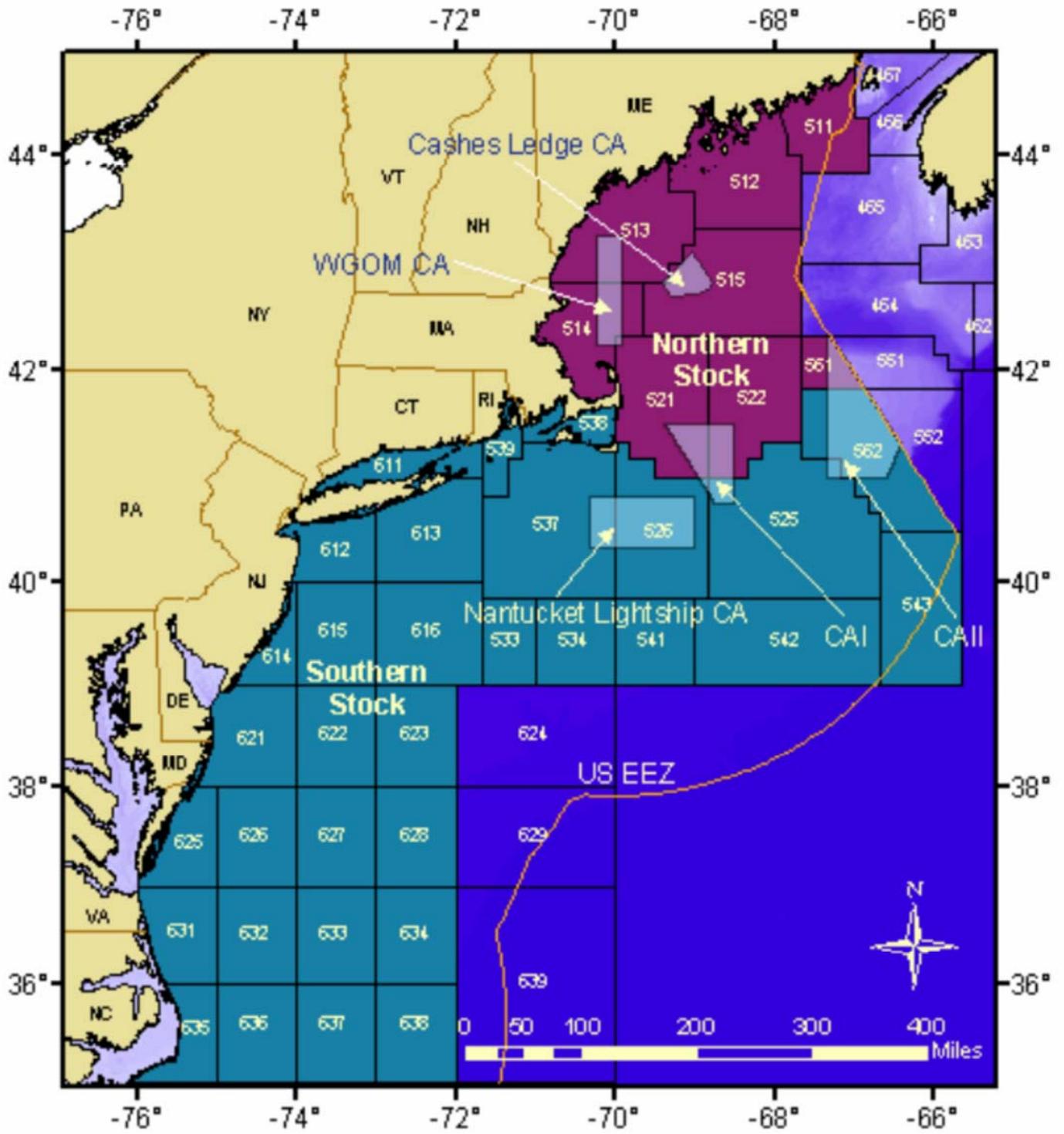
See Section 8 on page 8-373 of the draft amendment for a glossary of terms

MSY	Maximum Sustainable Yield: The largest average catch that can be taken continuously (sustained) from a stock under average environmental conditions. This is often used as a management goal.
OFL	Overfishing Limit: catch exceeding MSY and estimated to cause overfishing
ABC	Acceptable Biological Catch: set to account for scientific uncertainty
ACL	Annual Catch Limit: set to account for management uncertainty
TAL	Total allowable landings: ACL minus estimated discards
AM	Accountability measure: a measure that is triggered in-season to avoid or post-season to correct for overfishing
MT	A metric ton is equal to 2204.6 pounds.

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MSFCMA	Magnuson-Stevens Fishery Conservation and Management Act
NEFMC	New England Fishery Management Council
NEFSC	Northeast Fisheries Science Center, Woods Hole, MA
NMFS	National Marine Fisheries Service
PDT	Whiting Plan Development Team
SAW	Stock Assessment Workshop: a procedural framework to peer-review assessments
VMS	Vessel Monitoring System: an electronic tracking system required aboard many vessels with Federal fishing permits
VTR	Vessel Trip Reports: reports made by fishermen summarizing catch by species, area fished, and gear for each trip.

Northern and southern stock areas



## What is a Preferred Alternative?

Based on the analysis in the Impact Analyses and recommendations from the Council's Advisory Panel and Plan Development Team, alternatives which are most likely to meet the purpose and need are designated as preferred. Although preferred alternatives are more likely to be chosen for the final action, the Council may substitute these for one or more non-preferred alternatives following the public comment period. It is therefore important

for the public to be aware of and comment on all alternatives. The amendment also includes considered and rejected alternatives which based on current analysis are unlikely to achieve the purpose and need, which will not be chosen for final action. Some alternatives were designated as considered and rejected because they were controversial and would take a long time to develop. The Council may consider some of these in a future action.

## Management Objectives

The Council's objective is to manage fisheries catching red, silver, and offshore hakes to build to and maintain stock size at levels that are capable of sustaining MSY on a continuing basis. In addition to existing restrictions on fishing through small-mesh regulations and exemption programs as well as silver hake possession limits specified according to the mesh size used by the vessel.

This amendment is intended address concerns about the effect of potential bycatch management regulations on

the fishing industry. New entrants to the fishery and more fishing effort would increase catches of red hake and other choke species, such as yellowtail flounder. Measures such as selective gear and area/season restrictions would be more conservative and costly without limits on new vessels entering the small-mesh multispecies fishery. It could eventually cause the fishery to become less profitable, harming existing fishermen and the communities that depend on them.

## No Action and Status Quo

"No Action" means that the Council will not adopt a limited access program for the small-mesh multispecies fishery. Any vessel may target whiting and red hake using small-mesh trawls if it has a Multispecies limited access or Category K permit.

Even if "No Action" is chosen, the Council may also choose an alternative that modifies the southern whiting possession limit.

## Stocks and Managed Species

Three species are managed as “small-mesh multi-species” in the Multispecies FMP. These species are usually targeted by vessels using small-mesh (2-3 inch) trawls in specific exempted areas.

Silver hake, *Merluccius bilinearis*, also known as whiting, range from the Grand Banks of Southern Newfoundland to South Carolina. In U.S. waters, two subpopulations of silver hake are assumed to exist within the EEZ based on numerous methods, primarily morphometric differences and otolith micro-constituent differences. The northern silver hake stock inhabits the Gulf of Maine to Northern Georges Bank waters, while the southern silver hake stock inhabits Southern Georges Bank to the Mid Atlantic Bight waters.

Most silver hake are found in the Gulf of Maine and on Georges Bank in the fall and along the shelf edge in the spring. Silver hake migrate in response to seasonal changes in water temperatures, moving toward shallow, warmer waters in the spring. Silver hake spawn in shallow waters during late spring and early summer and then return to deeper waters in the autumn. The older, larger silver hake especially prefer deeper waters. During the summer, portions of both stocks can be found on Georges Bank. In winter, fish in the northern stock move to deep basins in the Gulf of Maine, while fish in the southern stock move to outer continental shelf and slope waters.

Red hake, *Urophycis chuss*, is a demersal gadoid species distributed from the Gulf of St. Lawrence to North Carolina, and are most abundant from the western Gulf of Maine through Southern New England waters. Red hake migrate seasonally, preferring temperatures between 5 and 12° C (41-54° F). During the spring and summer months, red hake move into shallower waters to spawn, then move offshore to deep waters in the Gulf of Maine and the edge of the continental shelf along Southern New England and Georges Bank in the winter. The northern stock is defined as the Gulf of Maine to Northern Georges Bank region, while the southern stock is defined as the Southern Georges Bank to Mid-Atlantic Bight region.

Red and silver hake are found on the continental shelf from coastal areas out to the shelf edge on

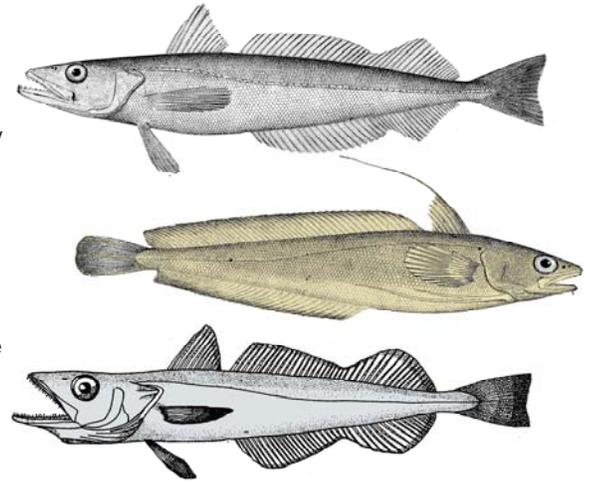
Georges Bank, and off Southern New England and Mid-Atlantic regions. They are also widely distributed in the Gulf of Maine. They are frequently caught and sometimes discarded by vessels using large-mesh trawls or other gears targeting groundfish and other species.

Offshore hake, *Merluccius albidus*, is a data-poor stock and

very little is known about its biology and life history. They are commonly distributed from southern Georges Bank through the Mid-Atlantic Bight, at depths of 160-550 meters and temperatures between 11-13°C. They are known to co-occur with silver hake along the shelf edge and are easily confused with silver hake because of their similar appearance. There appears to be seasonal differences in distribution, shifting south of Georges Bank in the winter months and extending further south in the spring.

Offshore hake are located primarily on the edge of and beyond the continental shelf. Based on survey catches, they tend to be concentrated in the southern Georges Bank region in the fall, whereas in the spring, they are found further south in the Mid-Atlantic Bight. However, offshore hake appear to be caught more frequently during the winter months.

Data for offshore hake were not sufficiently reliable to provide management advice. Together with the southern stock of silver hake, they will be managed under a single ACL for ‘southern whiting’.



**Silver hake (top), red hake (middle), and offshore hake (bottom)**

Line art graphics from the NEFSC Photo Archives

