

New England Fishery Management Council
Whiting Oversight Committee
Hotel Providence – Providence, RI

Meeting Summary
April 17, 2012

Purpose of meeting: The Oversight Committee met to review public hearing comments and the Amendment 19 Draft Environmental Impact Statement to choose final alternatives which will be proposed to the Council for final approval.

Attendance: David Goethel (chair), Rip Cunningham, Rodney Avila, Frank Blount, Pete Kendall and Laurie Nolan (MAFMC). Dan Farnham was the only advisor present at the meeting. Also present were Andrew Applegate (NEFMC staff) and Moira Kelly (NMFS staff).

Motions:

- 1) Mr. Alexander/Mrs. Nolan moved to recommend selection of the following alternatives as final: Section 5.1.1 (overfishing definition for red hake, silver hake, and offshore hake); Section 5.2.1.1 (specifications package) Section 5.2.2.3 (annual monitoring report NMFS to PDT); 5.2.3.1 weekly VTR reporting. The motion carried 5-0-1.
- 2) Mr. Alexander/Mr. Avila moved to recommend a stock-wide annual TAL for the southern area, with a quarterly cumulative (roll up) TAL that would kick in second year when landings are greater than 2/3rds of the TAL. This is the preferred alternative Section 5.5.3, including Section 5.5.4.2 (roll up TAL triggers). The motion carried 5-0-1.
- 3) Mrs. Nolan/Mr. Kendall moved to recommend Sections 5.6.1.3 for red hake and 5.6.2.3 for silver hake incidental possession limits for the southern area; and Section 5.7.3 no year round red hake possession limit as final alternatives.
 - 3a) Mrs. Nolan/Mr. Blount moved to split motion 3. The motion carried 5-0-1.
- 4) Mrs. Nolan/Mr. Kendall moved to recommend Sections 5.6.1.3 (400 lbs.) for red hake and 5.6.2.3 (2,000 lbs) for silver hake incidental possession limits for the southern area as final alternatives. The motion carried 5-0-1.
- 5) Mrs. Nolan/Mr. Kendall moved to recommend Section 5.7.3 no year round red hake possession limit as a final alternative. The motion failed 0-5-1.
- 6) Mrs. Nolan/Mr. Avila moved to recommend Section 5.7.2 with a year round red hake possession limit of 5,000 lbs. for all gears and meshes. The motion carried 5-0-1.
- 7) Mr. Alexander/Mr. Kendall moved to recommend stock wide annual TAL for red and silver hake in the northern area (Section 5.3.1); 400 lbs. red hake incidental possession limit

(Section 5.4.1.3) and 2000 lbs. silver hake incidental possession limit (Section 5.4.2.3) as final. The motion carried 5-0-1.

- 8) Mr. Avila/Mr. Kendall moved to recommend a 5,000 lbs. year round red hake possession limit in the northern area as a final alternative. The motion carried 4-1-1.
- 9) Mrs. Nolan/Mr. Kendall moved to recommend reducing the incidental possession limit trigger as a post-season accountability measure (Section 5.8.2) as a final alternative. The motion carried 5-0-1.

Summary

After a brief introduction by Mr. Goethel that outlined the Oversight Committee's task to review the public hearing comments and DEIS analyses and approve recommendations for final alternatives, Mrs. Kelly gave the Oversight Committee a brief update of the Secretarial Amendment. The final rule had been published and notices were sent out, with final regulations to go into effect on May 1, 2012. The final rules include stock wide annual total allowable landings (TAL) with a 90% limit to trigger a 400 lbs. red hake or 1000 lbs. silver hake incidental possession limit. The final rule includes annual monitoring to be performed by the Whiting PDT and a pound-for-pound accountability measure (AM) when the catch exceeds the annual catch limit (ACL).

The committee had no questions or comments, so Mr. Applegate outlined the alternatives in the draft amendment, explaining the rationale and relationship between the preferred alternatives and the Secretarial Amendment measures, which serve as the status quo/No Action alternatives in Amendment 19.

Mrs. Kelly stated that the Regional Office had some concerns about the implementation of a triggered (or springing) quarterly allocation for southern red hake and southern whiting. She said that implementing the quarterly allocations during a fishing year (when it was determined that landings in the prior year exceed 2/3rds of the TAL) would present problems. She pointed out that the quarterly allocation might not become effective for a few years especially for southern whiting and that by that time the fishery may need a different approach. She thought that the Council should initiate an action at that time to resolve the problem if and when it occurs. She said that the final rule would be overly complicated under the current situation (catches much less than the ACLs) and NMFS saw sufficient conservation in the stock-wide annual TALs and AMs.

Mr. Applegate countered that the analysis had been done in Amendment 19 and public comments had been favorable, in support of the Council's preferred alternative. He said that waiting until landings and catch increased (or conversely the TALs decline due to reductions in survey biomass) might require Council action when there is no room on the Council priorities. In Amendment 19, the quarterly allocations would require no further action by the Council and the Council always had the option of initiating a framework action or managing the situation in a specifications package if it became necessary.

Mr. Farnham added that the quarterly allocations in the southern area came out of the Advisory Panel and that there was wide support to spread the allocation throughout the year, if it became necessary. He didn't think that the sentiment would change in 3-4 years, but the measure would provide added protection for the open access fishery.

Mrs. Kelly added that in the north, the non-preferred alternative of small-mesh exemption area landings targets would be difficult to monitor, even with weekly VTR submission that might be required by Amendment 19. A concern expressed by Mr. Farnham and Mr. Lankner via written comments was the use of and accuracy of the VTR data to allocate red and silver hake landings amongst small-mesh exemption area targets. Mr. Applegate explained that the analysis had been done by the PDT in a November 1, 2011 document (distributed at the meeting) comparing the results using either VTR or dealer data. He said that the PDT recommended using the VTR data due to it having transfers at sea which are not reported by dealers and due to inaccuracies that had been discovered in the dealer data during the 2004-2010 period used in the analysis. He added that the PDT however suggested that the Council could use proportional allocations in a range supported by the two sets of data.

Mrs. Nolan asked about the reason that the NMFS settled on the 1000 lbs. silver hake incidental possession limit, when the Council's preferred alternative is 2000 lbs. Mrs. Kelly responded that the NMFS choice was based on an earlier analysis on the frequency of landings per trip, while the Amendment 19 analysis was more complex, factoring in the time to reach the 90% TAL trigger and evaluating induced discards.

Following the general discussion, the Oversight Committee passed Motions 1 and 2 above, the first including largely 'housekeeping' and monitoring alternatives that would make the plan work. Motion 2 was in support of the Council's preferred alternative for the quarterly TAL allocation in the southern stock area.

Motion 3 with incidental possession limits and year round red hake possession limits in the southern stock area were initially made together as one motion. It initially include the Council's preferred alternative for no year round possession limit. Public comment was in favor of a single year round red hake possession limit, around 4,500 to 5,000 lbs. Mr. Farnham added that a red hake possession limit would discourage expansion of a directed red hake fishery, particularly if price rises.

Following discussion, the Oversight Committee split Motion 3, approving the first part with the incidental possession limits (Motion 4) and switching the second part to include a year round red hake possession limit of 5,000 lbs. for the southern stock area (Motion 7). After a lunch break, the Oversight Committee approved Motion 7 with preferred alternatives for the northern stock area, a single stock wide annual TAL and a 400 lbs. red hake and 2000 lbs. silver hake incidental possession limit.

After a little more discussion about the lower effectiveness of the same year round red hake possession limit in the northern area and how the Council might support the choice of a final alternative as a preventative measure (rather than one to reduce red hake landings) and

consistency of regulations (for trips that fish in both stock areas), the committee passed Motion 9 in favor of a 5,000 lbs. year round red hake possession limit.

In response to committee questions, Mr. Applegate explained how the two post season accountability measures would work, using the table in the public hearing document as an example. The committee felt that reducing the TAL trigger rather than a pound-for-pound reduction would be the right approach to reduce the risk of catch exceeding the ACL and voted in favor of the preferred alternative in Motion 10.

On completion of Amendment 19 issues, Mr. Farnham spoke in favor of the Council following up with an amendment to consider limited access for the whiting fishery. He said that the Council has worked on this several times and even submitted an amendment for limited access, which was subsequently disapproved on a technical basis. This action is currently on the Council's 2012 priority list, but it was expected that it would be dropped in favor of new issues that have arisen and require Council action. The committee largely supported continuing (or resuming) work to develop whiting fishery limited access.

Mr. Farnham also asked the committee to consider an action to adjust the silver hake/whiting possession limit, either doubling the limit or making it a cumulative weekly limit of 60,000 lbs. This action would make the industry more profitable and make offshore fishing areas more accessible. High fuel prices have made fishing in these areas less attractive, he reported. During discussion, the committee concluded that a change might be considered during a future framework adjustment or specification setting package, taking the issue under advisement.