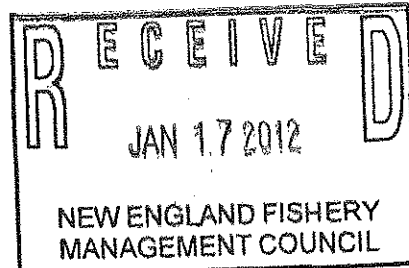




UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
NORTHEAST REGION  
55 Great Republic Drive  
Gloucester, MA 01930-2276

JAN 12 2012

C.M. "Rip" Cunningham, Jr., Chair  
New England Fishery Management Council  
50 Water Street, Mill 2  
Newburyport, MA 01950



Dear Mr. Cunningham:

NOAA's National Marine Fisheries Service (NMFS) has proposed a Secretarial Amendment for the small-mesh multispecies fishery, under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) section 304(c)(1)(A). When preparing a Secretarial Amendment, the Magnuson-Stevens Act requires NMFS to "submit such a plan or amendment to the appropriate Council for consideration and comment" (section 304(c)(4)(A)). As requested, a presentation on the Secretarial Amendment will also be made to the New England Fishery Management Council at the January 2012 meeting.

This amendment proposes to establish a framework for setting annual catch limits (ACL) and measures to ensure accountability (AM) for the small-mesh multispecies fishery, which consists of silver, red, and offshore hake. This fishery is managed within the Northeast Multispecies Fishery Management Plan (FMP), but these species are not covered by the ACL and AM framework established in Amendment 16. There are five stocks of small-mesh multispecies: Northern red hake; southern red hake; northern silver hake; southern silver hake; and offshore hake. This amendment, although not time-limited like an emergency or interim rule, is only intended to serve as a temporary bridge until the Council can complete Amendment 19 to the Northeast Multispecies FMP.

The Secretarial Amendment proposes measures that are under consideration by the Council for inclusion in Amendment 19, which is intended to establish the ACL and AM framework for these stocks; however, completion of the Council's amendment has been delayed by other priorities. It is our intention to build on the work that the Council's Whiting Oversight Committee and Plan Development Team (PDT) have completed for Amendment 19 when implementing the Secretarial Amendment in order to ensure a smooth transition between the two amendments. In selecting the preferred alternatives, we tried to choose the broadest of the alternatives under consideration for Amendment 19, so as to preserve your flexibility in choosing a set of preferred management measures in Amendment 19 and minimize confusion during the transition period.

On December 23, 2011, the proposed rule and notice of availability for the Secretarial Amendment published in the *Federal Register* (76 FR 80318). As required by the Magnuson-



Stevens Act (sections 304(c)(4)(B) and 304(c)(6)), the comment period is 60 days, and ends on February 21, 2012. The Secretarial Amendment proposes the following:

1. Mechanism for Specifying OFLs, ABCs, ACLs, TALs, and the Specification Process

Using the calculations that your PDT has provided, the recommendations of the Council's Scientific and Statistical Committee (SSC), and the recommendations that the Whiting Oversight Committee and Council have made for Amendment 19, the Secretarial Amendment proposes the same framework for estimating the overfishing limits (OFL), acceptable biological catches (ABC), ACLs, and total allowable landings (TAL) for the small-mesh multispecies stocks.

OFL values are currently calculated to be 24,840 mt for the northern stock of silver hake and 62,301 mt for the southern stock of silver hake, using the 50<sup>th</sup> percentile of the OFL distribution calculated by the small-mesh multispecies PDT. OFL values are currently calculated to be 314 mt for the northern stock of red hake, and 3,448 mt for the southern stock of red hake, using the 50<sup>th</sup> percentile of the OFL distribution. Based on guidance from the SSC, the ABCs would be based on the OFLs and would be set equal to the 40<sup>th</sup> percentile of the OFL distribution for both red hake stocks, and the 25<sup>th</sup> percentile for both silver hake stocks. In order to account for offshore hake, which are caught incidentally in the southern silver hake fishery and are marketed together as "whiting," the southern silver hake ABC would be increased by 4 percent.

The Council has recommended that ACLs for the small-mesh multispecies fishery be set equal to 95 percent of the corresponding ABC to account for management uncertainty. The mechanism to establish ACLs for the small-mesh multispecies fishery results in four ABCs (northern red hake, northern silver hake, southern red hake, and southern whiting), set below their respective OFLs to account for scientific uncertainty, and four corresponding ACLs, set below ABC to account for management uncertainty, where  $ACL = 95\% ABC$ .

The Secretarial Amendment proposes total allowable landings (TALs) on a stock area basis, with southern silver and offshore hake combined. This would result in four TALs that relate directly to the ACLs recommended by the SSC and the Council. Discards and a state landings estimate would be deducted from the ACLs, and stock area TALs would be used as the management limit. At its September 2011 meeting, the Council recommended a 3-percent allowance for state landings. The Council also recommended using a discard estimate based on the average discards from 2008–2010 for all stocks. The calculations below were provided by the PDT; however, an error in the calculation of the discard estimate is being addressed by the PDT and the Committee at their respective meetings this January. The following table describes the catch limits as proposed in the Secretarial Amendment. If the Committee and Council alter the approach to incorporating discards, the final rule to implement the Secretarial Amendment would address this issue.

### Small-Mesh Multispecies Secretarial Amendment Proposed Catch Limits

|                              | Northern Red Hake | Northern Silver Hake | Southern Red Hake | Southern Whiting |
|------------------------------|-------------------|----------------------|-------------------|------------------|
| OFL                          | 314 mt            | 24,840 mt            | 3,448 mt          | 62,301 mt        |
| ABC                          | 280 mt            | 13,177 mt            | 3,259 mt          | 33,940 mt*       |
| ACL                          | 266 mt            | 12,518 mt            | 3,096 mt          | 32,243 mt        |
| State Landings (3%)          | 3.35 mt           | 281.65 mt            | 33.44 mt          | 841.54 mt        |
| Discard Percentage 2008-2010 | 58%               | 25%                  | 64%               | 13%              |
| Discards                     | 154.28 mt         | 3,129.5 mt           | 1,981.44 mt       | 4,191.59 mt      |
| Total Federal TAL (mt)       | 108 mt            | 9,106 mt             | 1,081 mt          | 27,084 mt        |
| Total Federal TAL (lb)       | 238,099 lb        | 20,075,290 lb        | 2,383,197 lb      | 59,710,000 lb    |

\* Southern Whiting ABC = Silver Hake 25<sup>th</sup> percentile of OFL (32,635 mt) + 4% (1,305 mt)

### Specifications Process

Specifications would be set on a 3-year cycle, starting with the first year of implementation of the Secretarial Amendment. This process would update the OFLs, ABCs, ACLs, and TALs based on the most recent available information using the framework mechanisms described above. The Council, the PDT, and the Whiting Oversight Committee would monitor the status of the small-mesh multispecies fishery and resource. The PDT would make any necessary recommendations to the Council's SSC for review, which would in turn make recommendations to the Council. The Council would then provide the specifications for review by NMFS. If the specifications are implemented prior to the start of the fishing year, the old specifications, as adjusted by any required AM, would remain in effect until they are replaced.

### 2. Accountability Measures

The Secretarial Amendment proposes both a proactive (in-season) and a reactive (post-season) AM framework for the small-mesh multispecies fishery. The two AMs are intended to complement each other and work jointly to ensure that the catch limits are not exceeded, and if they are, mitigate the potential harm to the small-mesh multispecies stocks.

#### In-season AM: Incidental Possession Limit Trigger

The Secretarial Amendment proposes an AM that would reduce the possession of a particular stock to an incidental level when a trigger limit for that stock's TAL is projected to be reached. Under this approach, even if the TAL is exceeded, the possession limit would remain at the incidental level until the end of the fishing year. Based on a review of recent data and recommendations for the Whiting Oversight Committee, the Secretarial Amendment proposes a 400-lb incidental possession limit for red hake and a 1,000-lb incidental possession limit for silver hake. For all four TALs, the trigger for reduction to the incidental level would be 90 percent.

Post-Season AM: Pound-for-Pound Payback of an ACL Overage

This AM would authorize NMFS, through the Northeast Regional Administrator, to deduct from a subsequent year's ACL any overage of an ACL in a given year. The Secretarial Amendment proposes that ACL overages that occur in one year would be deducted from the ACL in the second year after the overage occurred. That is, an overage in fishing year 2012 would be deducted from the ACL in fishing year 2014. This approach is proposed for the small-mesh multispecies fishery because the small-mesh multispecies fishery in the northern area is restricted by the groundfish regulations in area and season. An in-season adjustment to an ACL might result in some exemption areas opening, while others would not. This also allows vessel owners the opportunity to prepare for the reduction with ample time to adjust their business plans.

Thank you for the support that your staff and Committee have given to this effort. Please provide any comments that you have to me by February 21, 2012, so that they may be considered in the implementation of this rule. If you have any further questions, please contact Moira Kelly in the Sustainable Fisheries Division, at 978-281-9218.

Sincerely,

A handwritten signature in black ink, appearing to read 'DM', followed by a long horizontal line extending to the right.

Daniel Morris  
Acting Regional Administrator

Enclosures: Secretarial Amendment  
Proposed Rule Notice

**F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments**

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). This direct final rule imposes no requirements on tribal governments. Thus, Executive Order 13175 does not apply to this action.

**G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks**

The EPA interprets EO 13045 (62 FR 19885, April 23, 1997) as applying to those regulatory actions that concern health or safety risks, such that the analysis required under Section 5-501 of the Order has the potential to influence the regulation. This action is not subject to EO 13045 because it is based solely on technology performance.

**H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use**

This action is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12886.

**I. National Technology Transfer and Advancement Act**

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law 104-113, 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities, unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. NTTAA directs the EPA to provide Congress, through OMB, explanations when the agency decides not to use available and applicable voluntary consensus standards.

This action does not involve technical standards. Therefore, the EPA did not consider the use of any voluntary consensus standards.

**J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations**

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs

federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

The EPA has determined that this direct final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. This direct final rule makes revisions and clarifications to the rule and should not result in increased emissions beyond those described in the final rule.

**List of Subjects in 40 CFR Part 63**

Environmental protection, Particulate matter, Air pollution control, Hazardous substances, Reporting and recordkeeping requirements.

Dated: December 15, 2011.

**Lisa P. Jackson,**  
Administrator.

[FR Doc. 2011-32830 Filed 12-22-11; 8:45 am]

BILLING CODE 6560-50-P

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[Docket No. 110816505-1734-02]

RIN 0648-BB39

**Fisheries of the Northeastern United States; Northeast Multispecies Fishery Management Plan; Secretarial Amendment**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; notice of availability of a Secretarial amendment; request for comments.

**SUMMARY:** NMFS proposes a Secretarial Amendment to the Northeast Multispecies Fishery Management Plan to establish a mechanism for specifying annual catch limits and accountability measures for the small-mesh multispecies fishery. The Secretarial Amendment, incorporating a draft Environmental Assessment and an Initial Regulatory Flexibility Analysis, is available for public comment. NMFS is

proposing this amendment because the New England Fishery Management Council has been delayed in implementing the mechanism to specify annual catch limits and accountability measures for the silver hake, red hake, and offshore hake stocks. This amendment is intended to comply with the Magnuson-Stevens Fishery Conservation and Management Act requirements for establishing a mechanism for specifying annual catch limits and accountability measures in this fishery.

**DATES:** Written comments must be received no later than 5 p.m. eastern standard time, on February 21, 2012.

**ADDRESSES:** An environmental assessment (EA) was prepared for the Secretarial Amendment that describes the proposed action and other considered alternatives, and provides an analysis of the impacts of the proposed measures and alternatives. Copies of the Secretarial Amendment, including the EA and the Initial Regulatory Flexibility Analysis (IRFA), are available on request from Daniel Morris, Acting Regional Administrator, Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. These documents are also available online at <http://www.nero.noaa.gov>.

You may submit comments, identified by NOAA-NMFS-2011-0206, by any one of the following methods:

- **Electronic Submissions:** Submit all electronic public comments via the Federal e-Rulemaking Portal [www.regulations.gov](http://www.regulations.gov). To submit comments via the e-Rulemaking Portal, first click the "submit a comment" icon, then enter "NOAA-NMFS-2011-0206" in the keyword search. Locate the document you wish to comment on from the resulting list and click on the "Submit a Comment" icon on the right of that line.

- **Fax:** (978) 281-9135, Attn: Moira Kelly.

- **Mail:** Daniel Morris, Acting Regional Administrator, NMFS, Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope, "Comments on Whiting Secretarial Amendment."

**Instructions:** Comments must be submitted by one of the above methods to ensure that the comments are received, documented, and considered by NMFS. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted for public viewing.

on [www.regulations.gov](http://www.regulations.gov). All personal identifying information (e.g., name, address, etc.) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word or Excel, WordPerfect, or Adobe PDF file formats only.

**FOR FURTHER INFORMATION CONTACT:**  
Moira Kelly, Fishery Policy Analyst,  
(978) 281-9218.

**SUPPLEMENTARY INFORMATION:**

**Background**

The small-mesh multispecies complex is composed of five stocks of three species of hakes (northern silver hake, southern silver hake, northern red hake, southern red hake, and offshore hake), and the fishery is managed through a series of exemptions from the other provisions of the Northeast Multispecies Fishery Management Plan (FMP). Amendment 19 to the FMP was initiated by the New England Fishery Management Council (Council) in 2009 to establish a mechanism for specifying annual catch limits (ACLs) and accountability measures (AMs) for the small-mesh multispecies fishery as required by the 2007 reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), but the Council postponed development of the amendment in order to include the results of an updated stock assessment in November 2010. Developing the amendment has been further delayed by the Council due to other pressing actions, and Amendment 19 is not scheduled to be implemented until October 2012, well past the Magnuson-Stevens Act's deadline for implementing ACLs and AMs. NMFS has determined that it is necessary and appropriate, under section 304(c)(1)(A) of the Magnuson-Stevens Act, to develop a Secretarial Amendment in order to bring the small-mesh multispecies fishery into compliance with the Magnuson-Stevens Act

requirements concerning ACLs and AMs.

To date, the Council has made a number of preliminary decisions regarding what alternatives will be included in Amendment 19. For the Secretarial Amendment, NMFS is proposing measures that are similar to those that are expected to be in Amendment 19 in order to minimize confusion and disruption for the industry when the Council's amendment, if approved, is implemented. NMFS is proposing to implement the overfishing limits (OFLs), acceptable biological catch limits (ABCs), and the ACL framework that the Council is considering for Amendment 19.

**Amendment Development**

When a Secretarial Amendment is being developed, according to section 304(c)(2)(A) of the Magnuson-Stevens Act, the Secretary must "conduct public hearings, at appropriate times and locations in the geographical areas concerned, so as to allow interested parties an opportunity to be heard in the preparation and amendment of the plan and any regulations implementing the plan." In order to satisfy this requirement, NMFS published an Advanced Notice of Proposed Rulemaking (76 FR 57944) on September 19, 2011. Public hearings were held in East Setauket, NY; Toms River, NJ; Gloucester, MA; and Narragansett, RI, and public comments were accepted until October 19, 2011. In general, commenters expressed concern on what effect a stock area total allowable landings (TAL) level would have on the inshore Gulf of Maine exemption areas; how much influence the years that the Council chose for potentially sub-dividing the northern area TALs would have on future actions; and recommended that any new trips limits not be too restrictive and set at such a level as to protect historical participants. NMFS took these comments into consideration during the development of the preferred alternatives and addressed the issues raised by the commenters in the EA.

**Proposed Measures**

The Council does not yet have a set of preferred alternatives, so NMFS is proposing the broadest, most general of the Council's current alternatives. In choosing the preferred alternatives for the Secretarial Amendment, NMFS intends to meet the requirements of the law, while preserving the Council's flexibility for measures to be proposed in Amendment 19. In doing so, NMFS considered but rejected for this amendment one of the Council's alternatives for a more complicated, sub-divided quota system in the northern area; however, this is not intended to preclude the Council from recommending this alternative in Amendment 19.

**1. Mechanism for Specifying OFLs, ABCs, ACLs, TALs, and the Specification Process**

The Magnuson-Stevens Act requires that each FMP establish "a mechanism for specifying annual catch limits \* \* \* at such a level that overfishing does not occur in the fishery, including measures to ensure accountability." In order to do that for the small-mesh multispecies fishery, the first step is to estimate the OFL for each stock. The OFL is the amount of catch above which overfishing is deemed to be occurring, that is, it is a status determination criterion for overfishing. It is an annual limit derived as the product of current exploitable biomass and the current rate of fishing, after taking into account the variance of each factor. To calculate this, the Council's Small-Mesh Multispecies Plan Development Team (PDT) derived a distribution of the OFL, and the OFL is equal to the 50th percentile of that distribution. The 3-year moving average biomass estimate for silver hake is estimated using the fall trawl survey; and the 3-year moving average biomass estimate for red hake is estimated using the spring trawl survey, based on guidance from the Council's Scientific and Statistical Committee (SSC) and the November 2010 stock assessment. No reliable estimates for offshore hake are available. For fishing years 2012-2014, the OFLs would be as follows:

TABLE 1—FISHING YEARS 2012–2014 OFLs

|                            | OFL (mt) | OFL (lb)    |
|----------------------------|----------|-------------|
| Northern Red Hake .....    | 314      | 692,252     |
| Northern Silver Hake ..... | 24,840   | 54,762,830  |
| Southern Red Hake .....    | 3,448    | 7,601,539   |
| Southern Silver Hake ..... | 62,301   | 137,350,200 |

The second step in establishing ACLs is to account for uncertainty in the OFL estimate by estimating the acceptable biological catch, or ABC. ABC is the level of catch that accounts for scientific uncertainty in the estimate of the OFL and any other scientific uncertainty.

Based on guidance from the SSC, the ABCs would be based on the OFLs and would be set equal to the 40th percentile of the OFL distribution for both red hake stocks, and the 25th percentile for both silver hake stocks (Table 2). In order to account for

offshore hake, which are caught incidentally in the southern silver hake fishery and are marketed together as "whiting," the southern silver hake ABC would be increased by 4 percent.

TABLE 2—FISHING YEARS 2012–2014 ABCs

|                      | OFL                           | Percentile of OFL distribution | Percent of OFL | ABC                          |
|----------------------|-------------------------------|--------------------------------|----------------|------------------------------|
| Northern Red Hake    | 314 mt<br>(692,252 lb)        | 40th                           | 89.17          | 280 mt<br>(617,294 lb)       |
| Northern Silver Hake | 24,840 mt<br>(54,762,830 lb)  | 25th                           | 53.05          | 13,177 mt<br>(2,9050,310 lb) |
| Southern Red Hake    | 3,448 mt<br>(7,601,539 lb)    | 40th                           | 94.52          | 3,259 mt<br>(7,184,865 lb)   |
| Southern Whiting*    | 62,301 mt<br>(137,350,200 lb) | 25th                           | 54.48          | 33,940 mt<br>(74,824,890 lb) |

\* Southern Whiting ABC = Silver Hake 25th percentile of OFL (32,635 mt) + 4% (1,305 mt).

The final step in estimating the ACLs, after estimating OFL and ABC, as described above, is to take into account any uncertainty in the ability of managers to effectively implement the recommended catch levels. The Council has recommended that ACLs for the

small-mesh multispecies fishery be set equal to 95 percent of the corresponding ABC to account for management uncertainty. The mechanism to establish ACLs for the small-mesh multispecies fishery results in four ABCs (northern red hake, northern silver hake, southern

red hake, and southern whiting), set below their respective OFLs to account for scientific uncertainty, and four corresponding ACLs, set below ABC to account for management uncertainty, where ACL = 95 percent ABC (Table 3.)

TABLE 3—FISHING YEARS 2012–2014 ABCs AND ACLs FOR SMALL-MESH MULTISPECIES

|                      | ABC                           | ACL (95% of ABC)             |
|----------------------|-------------------------------|------------------------------|
| Northern Red Hake    | 280 mt<br>(617,294 lb)        | 266 mt<br>(586,430 lb)       |
| Northern Silver Hake | 13,177 mt<br>(2,9050,310 lb)  | 12,518 mt<br>(27,597,470 lb) |
| Southern Red Hake    | 3,259 mt<br>(7,184,865 lb)    | 3,096 mt<br>(6,825,512 lb)   |
| Southern Whiting     | 33,940 mt*<br>(74,824,890 lb) | 32,243 mt<br>(71,083,650 lb) |

\* Southern Whiting ABC = Silver Hake 25th percentile of OFL (32,635 mt) + 4% (1,305 mt).

This action would also implement TALs on a stock area basis, with southern silver and offshore hake combined. This would result in four TALs (Table 4) that relate directly to the ACLs recommended by the SSC and the

Council. Discards and a state landings estimate would be deducted from the ACLs, and stock area TALs would be used as the management limit. At its September 2011 meeting, the Council recommended a 3-percent allowance for

state landings. The Council also recommended using a discard estimate based on the average discards from 2008–2010 for all stocks.

TABLE 4—FISHING YEAR 2012–2014 ACLs AND TALs

|                               | Northern Red Hake | Northern Silver Hake | Southern Red Hake | Southern Whiting |
|-------------------------------|-------------------|----------------------|-------------------|------------------|
| ACL                           | 266 mt            | 12,518 mt            | 3,096 mt          | 32,243 mt.       |
| State Landings (3%)           | 3.35 mt           | 281.65 mt            | 33.44 mt          | 841.54 mt.       |
| Discard Percentage 2008–2010. | 58%               | 25%                  | 64%               | 13%.             |
| Discards                      | 154.28 mt         | 3,129.5 mt           | 1,981.44 mt       | 4,191.59 mt.     |
| Total Federal TAL (mt)        | 108 mt            | 9,106 mt             | 1,081 mt          | 27,084 mt.       |
| Total Federal TAL (lb)        | 238,099 lb        | 20,075,290 lb        | 2,383,197 lb      | 59,710,000 lb.   |

**Specifications Process**

Specifications would be set on a 3-year cycle, starting with the first year of implementation of the Secretarial Amendment. This process would update the OFLs, ABCs, ACLs, and TALs based on the most recent available information using the framework mechanisms described above. Data that should be available for the specifications setting process should include, but not limited to, new survey biomass indices, reported landings, estimated discards, and estimates of state-waters landings.

The Council, the Small-Mesh Multispecies Plan Development Team (PDT), and the Small-Mesh Multispecies Oversight Committee would monitor the status of the small-mesh multispecies fishery and resource. The Small-Mesh Multispecies PDT would meet to review the status of the stocks and the fishery. Based on this review, the PDT would provide a report to the Council on any changes or new information about the small-mesh multispecies stocks and/or fishery, and it should recommend whether the specifications for the upcoming year(s) need to be modified. If necessary, the Small-Mesh Multispecies PDT would provide advice and recommendations to the Small-Mesh Multispecies Oversight Committee and the Council regarding the need to adjust measures for the small-mesh multispecies fishery to better achieve the FMP's objectives.

The PDT's recommendations would include the following information: OFL and ABC estimates for the next 3 fishing years, based on the control rules; ACLs that are set equal to 95 percent of the corresponding ABC; TALs that are calculated using an estimate of discards based on the most recent 3-year moving average for which data are available and an appropriate estimate of state-waters landings; an evaluation of catches compared to the ABCs in recent years; and any other measures that the PDT determines are necessary to successfully implement the ACL framework, including, but not limited to, adjustments to the management uncertainty buffer between ABC and ACL.

The PDT would provide these recommendations to the SSC for review. The SSC would either approve the PDT's recommendations or provide alternative recommendations to the Council. The Council would then consider the SSC's and PDT's recommendations and make a decision on the specifications for the next 3 fishing years. The Council must establish ACLs that are equal to or lower than the SSC's recommended ABCs. Once the Council has approved ACLs, they would be submitted to NMFS for approval and implementation. After receipt of the Council's ACLs, NMFS would review the recommendations and implement the ACLs in a manner consistent with the Administrative Procedure Act, if it is determined that

the ACLs are consistent with applicable law. If the ACLs are determined to be inconsistent with applicable law, NMFS may publish alternative specifications that do not exceed the SSC's recommendations and are consistent with applicable law. If new ACLs are not implemented for the start of the new specifications cycle, the old ACLs would remain in effect until they are replaced.

**2. Accountability Measures**

NMFS is proposing both a proactive (in-season) and a reactive (post-season) AM framework for the small-mesh multispecies fishery. NMFS intends for the two AMs to complement each other and to work jointly to ensure that the catch limits are not exceeded, and if they are, to mitigate the potential harm to the small-mesh multispecies stocks.

**In-Season AM: Incidental Possession Limit Trigger**

This action proposes an AM that would reduce the possession of a particular stock to an incidental level when a trigger limit for that stock's TAL is projected to be reached. Under this approach, even if the TAL is exceeded, the possession limit would remain at the incidental level until the end of the fishing year. Based on a review of recent data and recommendations for the Council's Whiting Oversight Committee, NMFS is proposing the following incidental limits and triggers (Table 5).

TABLE 5—POTENTIAL INCIDENTAL POSSESSION LIMITS AND TRIGGERS

|                   | % of TAL | Incidental limit |            |
|-------------------|----------|------------------|------------|
| Red Hake .....    | 90       | 400 lb .....     | 181.44 kg. |
| Silver Hake ..... | 90       | 1,000 lb .....   | 453.59 kg. |

The Council's Whiting Oversight Committee recommended at its November 3, 2011, meeting that the Council's draft Amendment 19 include a range of incidental limits for comment at public hearings. The Whiting Oversight Committee has recommended 200, 300, or 400 lb (90.72, 136.08, or 181.44 kg) as the range of potential incidental limits for red hake. The Whiting Oversight Committee has also recommended 500, 1,000, or 2,000 lb (226.80, 453.59, or 907.18 kg) as the range of potential incidental limits for silver hake.

NMFS reviewed recent vessel trip report data (2006–2010) for the Secretarial Amendment. For red hake, 62.5 percent of trips that landed at least 1 lb (0.45 kg) of red hake with a small-mesh otter trawl landed 400 lb (181.44

kg) or less. The landings level for 45-percent of all trips landing at least 1 lb (0.45 kg) of red, silver, or offshore hake with a small-mesh otter trawl was less than 400 lb (181.44 kg); 1,000 lb (453.59 kg) represents nearly two-thirds of all trips. This suggests that 400–1,000 lb (181.44–453.59 kg) is roughly the current level of landings on a small-mesh trip, and that 100–400 lb (45.36–181.44 kg) is approximately the current incidental landing level for all gear types. That is, this is already the incidental level that vessels are landing, without a possession limit dictating that level.

**Post-Season AM: Pound-for-Pound Payback of an ACL Overage**

This AM would authorize NMFS, through the Northeast Regional

Administrator, to deduct from a subsequent year's ACL any overage of a stock's ACL in a given year. In the Northeast Region, there have been two approaches to this type of management measure. For some fisheries, an overage in year 1 is deducted from the ACL in year 2. In other fisheries, the overage from year 1 is deducted from the ACL in year 3. For the small-mesh multispecies fishery, NMFS is proposing the latter approach. ACL overages that occur in one year would be deducted from the ACL in the second year after the overage occurred (i.e., year 3). This approach is recommended for the small-mesh multispecies fishery because the small-mesh multispecies fishery in the northern area is restricted by the groundfish regulations in area and season. An in-season adjustment to



an ACL might result in some exemption areas opening, while others would not. This also allows vessel owners the opportunity to prepare for the reduction with ample time to adjust their business plans.

#### Other Alternatives Considered

NMFS also analyzed and considered other alternatives for management measures to complement the OFL, ABC, and ACL framework described above. As required, NMFS considered and analyzed the status quo/no action alternatives for implementing a stock area TAL and a post-season AM. Alternatives considered for in-season AMs included the status quo/no action alternative, a zero possession when 100 percent of a TAL is projected to be harvested alternative, and an alternative that combined the 90-percent trigger and incidental possession limit alternative, described above, and the zero possession at 100 percent of the TAL alternative. Details of these alternatives and analysis are included in the Secretarial Amendment and EA.

#### Classification

Pursuant to section 304(c)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the Northeast Multispecies FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

Public comments on the Secretarial Amendment and its incorporated documents may be submitted through the end of the comment period stated in this notice of availability. Public comments on the proposed rule must be received by the end of the comment period provided in this notice of availability and proposed rule to be considered in the decision on the amendment. To be considered, comments must be received by close of business on the last day of the comment period. See **ADDRESSES** for more information on public comments.

The Office of Management and Budget has determined that this proposed rule is not significant for the purposes of Executive Order 12866.

NMFS prepared an IRFA, as required by section 603 of the Regulatory Flexibility Act (RFA), which is included in the Secretarial Amendment and supplemented by information contained in the preamble to this proposed rule. The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities. A description of the action, why it is being considered, and the legal basis for this

action are contained at the beginning of this section of the preamble and in the **SUMMARY** of this proposed rule. A summary of the IRFA follows. A copy of this analysis is available from the Regional Administrator (see **ADDRESSES**).

All of the entities (fishing vessels) affected by this action are considered small entities under the Small Business Administration size standards for small fishing businesses (\$4.0 million in annual gross sales). Therefore, there are no disproportionate effects on small versus large entities. Information on costs in the fishery is not readily available and individual vessel profitability cannot be determined directly; therefore, expected changes in gross revenues were used as a proxy for profitability.

This action does not introduce any new reporting, recordkeeping, or other compliance requirements. This proposed rule does not duplicate, overlap, or conflict with other Federal rules.

#### Description and Estimate of Number of Small Entities To Which the Rule Would Apply

In order to fish for small-mesh multispecies, a vessel owner must be issued either a limited access northeast multispecies permit or an open access category K Northeast multispecies permit; however, there are many vessels issued both of these types of permits that may not actually fish for small-mesh multispecies. Although some firms own more than one vessel, available data make it difficult to reliably identify ownership control over more than one vessel. For this analysis, the number of permitted vessels landing small-mesh multispecies is considered to be a maximum estimate of the number of small business entities that may be impacted. The average number of permitted vessels landing at least 1 lb (0.45 kg) of silver hake or red hake from 2005–2010 was 562 vessels per year.

#### Economic Impacts of the Proposed Action Compared to Significant Non-Selected Alternatives

In general, the economic impacts of the proposed actions are neutral to slightly negative, compared to the status quo/no action alternatives and the other alternatives considered. For northern silver hake, southern red hake, and southern whiting, the proposed catch and landing limits are much higher than recent catch and landings. The recent catch of northern red hake is above the proposed ACL, but recent landings are slightly below the proposed TAL. Given the timing constraints in developing the

Secretarial Amendment and the preliminary decisions made by the Council for Amendment 19, the only other alternative that was considered for the ACL and catch limit framework was the status quo/no action alternative. In the short term, the status quo/no action, which is not legally consistent with the Magnuson-Stevens Act, would likely result in neutral impacts to the human communities involved in the small-mesh multispecies fishery. In the long-term, however, the possibility of fishing above the recommended levels may result in negative impacts to the human communities if a small-mesh multispecies stock is fished at an unsustainable level.

Also based on the Council's preliminary decisions for Amendment 19 and the timing constraints associated with the Secretarial Amendment, only the proposed reactive AM (pound-for-pound payback) and the status quo/no action alternative were considered. Not implementing a reactive accountability measure would have a neutral impact to vessels targeting small-mesh multispecies stocks because there is no change from the current management. It is possible, however, that by exceeding the ACL on a regular basis, long-term impacts on the stock could lead to long-term economic losses due to changes in the stock size. The proposed pound-for-pound payback alternative may result in short-term negative impact on the small-mesh multispecies industry by potentially reducing ACLs in the future, if an ACL is exceeded. However, the long-term impacts of maintaining catch within the recommended levels would be positive.

The proposed alternative that is most likely to have an impact in the foreseeable future is the 90-percent trigger AM for northern red hake. Using vessel trip report data from 2006–2010, a 400-lb (181.44-kg) incidental possession limit in the northern stock area, implemented when 90 percent of the northern red hake TAL is projected to be harvested, would have impacted approximately 23 trips per year, and an average of 7 vessels per year. At a loss of approximately \$282 per trip, this AM would have cost the fleet \$6,486 per year in lost northern red hake revenue. This may not be a true revenue loss, however. Red hake is rarely the primary target species and vessel owners are likely to shift effort onto another routinely landed incidental species, such as skates or dogfish, to finish their trip. The other in-season AM alternatives considered for this amendment included zero possession at 100 percent of the TAL, a combination of the 90-percent trigger and zero

possession at 100 percent of the TAL alternatives, and the status quo/no action alternative. The zero possession at 100 percent of the TAL alternative would likely have negative economic impacts on the small-mesh multispecies fleet. Because northern red hake is the only stock where the TAL is likely to be harvested in the near future, the Secretarial Amendment focused on the likely impacts of the alternatives to that stock. Based on 2009 vessel trip report data for northern red hake, the fishery would have harvested the proposed TAL by early September. This would have resulted in approximately \$29,544 in lost revenue for the fleet (estimated at \$0.37/lb for the 79,849 lb (36,219 kg) of northern red hake landed in excess of the proposed TAL (238,099 lb (108,000 kg)) for fishing year 2009). However, these losses may not be realized, as vessels may redirect the effort that would have been used to land red hake onto another incidental species, such as skates or dogfish. The impacts from the combined 90-percent trigger and zero possession at 100 percent of the TAL alternative would likely be the same as the 90-percent trigger alternative itself, as the possession limit would reduce landings such that the TAL would not likely be harvested prior to the end of the fishing year. Not implementing a proactive AM (i.e., the status quo/no action alternative) would have a neutral impact to vessels targeting small-mesh multispecies stocks because there is no change from the current management. It is possible, however, that by exceeding the recommended landing level on a regular basis, long-term impacts on the stock could lead to long-term economic losses due to changes in the stock size.

**List of Subjects in 50 CFR Part 648**

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: December 20, 2011.

**Samuel D. Rauch III,**

*Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

For the reasons stated in the preamble, 50 CFR part 648 is proposed to be amended as follows:

**PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES**

1. The authority citation for part 648 continues to read as follows:

**Authority:** 16 U.S.C. 1801 *et seq.*

2. In § 648.80, paragraphs (a)(8)(iii) and (a)(16)(iii) are revised to read as follows:

**§ 648.80 NE Multispecies regulated mesh areas and restrictions on gear and methods of fishing.**

(a) \* \* \*  
(8) \* \* \*

(iii) For exemptions allowing no incidental catch of regulated species, as defined under paragraph (a)(8)(i) of this section, the NEFMC may recommend to the Regional Administrator, through the framework procedure specified in § 648.90(c), additions or deletions to exemptions for fisheries, either existing or proposed, for which there may be insufficient data or information for the Regional Administrator to determine, without public comment, percentage catch of regulated species. For exemptions allowing incidental catch of regulated species, as defined under paragraph (a)(8)(ii) of this section, the NEFMC may recommend to the Regional Administrator, through the framework procedure specified in § 648.90(c), additions or deletions to exemptions for fisheries, either existing or proposed, for which there may be insufficient data or information for the Regional Administrator to determine, without public comment, the risk that this exemption would result in a targeted regulated species fishery, the extent of the fishery in terms of time and area, and the possibility of expansion in the fishery.

\* \* \* \* \*

(16) \* \* \*

(iii) *Annual review.* On an annual basis, the Groundfish PDT will review data from this fishery, including sea sampling data, to determine whether adjustments are necessary to ensure that regulated species bycatch remains at a minimum. If the Groundfish PDT recommends adjustments to ensure that regulated species bycatch remains at a minimum, the Council may take action prior to the next fishing year through the framework adjustment process specified in § 648.90(c), and in accordance with the Administrative Procedure Act.

\* \* \* \* \*

3. In § 648.86, paragraph (d)(4) is added to read as follows:

**§ 648.86 NE Multispecies possession restrictions.**

\* \* \* \* \*

(d) \* \* \*

(4) *In-season adjustment of small-mesh multispecies possession limits.* If the Regional Administrator projects that 90 percent of a stock area TAL, as defined in § 648.90(b)(3), has been landed, the Regional Administrator shall reduce the possession limit of that stock described in paragraphs (d)(4)(i) and (ii) of this section, for the remainder

of the fishing year through notice consistent with the Administrative Procedure Act, unless such a reduction in the possession limit would be expected to prevent the TAL from being reached.

(i) *Red hake.* If a possession limit reduction is needed for a stock, the incidental possession limit for red hake in that stock area will be 400 lb (181.44 kg) for the remainder of the fishing year.

(ii) *Silver hake.* If a possession limit reduction is needed for a stock, the incidental possession limit for silver hake in that stock area will be 1,000 lb (453.59 kg) for the remainder of the fishing year.

\* \* \* \* \*

4. In § 648.90, the introductory paragraph is revised, and paragraphs (b) and (c)(1)(ii) are revised to read as follows:

**§ 648.90 NE multispecies assessment, framework procedures and specifications, and flexible area action system.**

For the NE multispecies framework specification process described in this section, the regulated species and ocean pout biennial review is considered a separate process from the small-mesh species annual review, as described in paragraphs (a)(2) and (b)(1), respectively, of this section. In addition, the process for specifying ABCs and associated ACLs for regulated species and ocean pout, as described in paragraph (a)(4) of this section, is considered a separate process from the small-mesh species ABC and ACL process described in paragraph (b)(2) of this section.

\* \* \* \* \*

(b) *Small-mesh multispecies.*—(1) *Three-year specifications process, annual review, and Stock Assessment and Fishery Evaluation.* The Council will specify on at least a 3-year basis the OFL, ABC, ACLs, and TALs for each small-mesh multispecies stock in accordance with the following process.

(i) At least every three years, based on the annual review, described below in paragraph (b)(3) of this section, and/or the SAFE Report described in paragraph (b)(4) of this section, recommendations for acceptable biological catch (ABC) from the Scientific and Statistical Committee (SSC), and any other relevant information, the Small-Mesh Multispecies PDT will recommend to the Small-Mesh Multispecies Oversight Committee and Council specifications including the OFL, ABC, ACL and TAL for each small-mesh multispecies stock the following specifications for a period of at least 3-year. The Small-Mesh Multispecies PDT and the Council will follow the process in paragraph (b)(2) of

this section for setting these specifications.

(ii) The Small-Mesh Multispecies PDT, after its review of the available information on the status of the stock and the fishery, may recommend to the Council any measures necessary to assure that the specifications will not be exceeded, as well as changes to the appropriate specifications.

(iii) Taking into account the annual review and/or SAFE Report described in paragraph (b)(2) of this section, the advice of the SSC, and any other relevant information, the Small-Mesh Multispecies PDT may also recommend to the Small-Mesh Multispecies Oversight Committee and Council changes to stock status determination criteria and associated thresholds based on the best scientific information available, including information from peer-reviewed stock assessments of small-mesh multispecies. These adjustments may be included in the Council's specifications for the small-mesh multispecies fishery.

(iv) *Council recommendation.* (A) The Council will review the recommendations of the Small-Mesh Multispecies PDT, Small-Mesh Multispecies Oversight Committee, and SSC, any public comment received thereon, and any other relevant information, and make a recommendation to the Regional Administrator on appropriate specifications and any measures necessary to assure that the specifications will not be exceeded.

(B) The Council's recommendation must include supporting documentation, as appropriate, concerning the environmental, economic, and social impacts of the recommendations. The Regional Administrator will consider the recommendations and publish a rule in the **Federal Register** proposing specifications and associated measures, consistent with the Administrative Procedure Act.

(C) The Regional Administrator may propose specifications different than those recommended by the Council. If the specifications published in the **Federal Register** differ from those recommended by the Council, the reasons for any differences must be clearly stated and the revised specifications must satisfy the criteria set forth in this section, the FMP, and other applicable laws.

(D) If the final specifications are not published in the **Federal Register** for the start of the fishing year, the previous year's specifications will remain in effect until superseded by the final rule implementing the current year's

specifications, to ensure that there is no lapse in regulations while new specifications are completed.

(2) *Process for specifying ABCs, ACLs and TALs.* The Small-Mesh Multispecies PDT will calculate the OFL and ABC values for each small-mesh multispecies stock based on the control rules established in the FMP. These calculations will be reviewed by the SSC, guided by terms of reference developed by the Council. The ACLs and TALs will be calculated based on the SSC's approved ABCs, as specified in paragraphs (a)(2)(i)(A) through (C), and (a)(2)(ii)(A) through (C) of this section.

(i) *Red hake—(A) ABCs.* The Council's SSC will recommend an ABC to the Council for both the northern and southern stocks of red hake. The red hake ABCs are reduced from the OFLs based on an adjustment for scientific uncertainty as specified in the FMP; the ABCs must be less than or equal to the OFL.

(B) *ACLs.* The red hake ACLs are equal to 95 percent of the corresponding ABCs.

(C) *TALs.* The red hake TALs are equal to the ACLs minus a discard estimate based on the most recent 3 years of data. The red hake TALs are then reduced by 3 percent to account for red hake landings that occur in state waters.

(ii) *Silver and Offshore Hake—(A) ABCs.* The Council's SSC will recommend an ABC to the Council for both the northern and southern stocks of silver hake. The ABC for the southern stock of silver hake will be increased by 4 percent to account for catch of offshore hake. The silver hake and offshore hake combined ABC will be the southern whiting ABC. The silver hake and whiting ABCs are reduced from the OFLs based on an adjustment for scientific uncertainty as specified in the FMP; the ABCs must be less than or equal to the OFLs.

(B) *ACLs.* The northern silver hake and southern whiting ACLs are equal to 95 percent of the ABCs.

(C) *TALs.* The northern silver hake and southern whiting TALs are equal to the northern silver hake and southern whiting ACLs minus a discard estimate based on the most recent 3 years data. The northern silver hake and southern whiting TALs are then reduced by 3 percent to account for silver hake and offshore hake landings that occur in state waters.

(3) *Annual Review.* (i) The Small-Mesh Multispecies PDT will meet at least once annually to review the status of the stock and the fishery and the adequacy of the 3-year specifications.

Based on such review, the PDT will provide a report to the Council on any changes or new information about the small-mesh multispecies stocks and/or fishery, and it will recommend whether the specifications for the upcoming year(s), established pursuant to paragraph (b)(1) of this section, need to be modified. At a minimum, this review should include a review of at least the following data, if available: Commercial catch data; current estimates of fishing mortality and catch-per-unit-effort (CPUE); discards; stock status; recent estimates of recruitment; virtual population analysis results and other estimates of stock size; sea sampling, port sampling, and survey data or, if sea sampling data are unavailable, length frequency information from port sampling and/or surveys; impact of other fisheries on the mortality of small-mesh multispecies; and any other relevant information.

(ii) If new and/or additional information becomes available, the Small-Mesh Multispecies PDT will consider it during this annual review. Based on this review, the Small-Mesh Multispecies PDT will provide guidance to the Small-Mesh Multispecies Oversight Committee and the Council regarding the need to adjust measures for the small-mesh multispecies fishery to better achieve the FMP's objectives. After considering guidance, the Council may submit to NMFS its recommendations for changes to management measures, as appropriate, through the specifications process described in this section, the process specified in paragraph (c) of this section, or through an amendment to the FMP.

(4) *SAFE Report.* (i) The Small-Mesh Multispecies PDT will prepare a SAFE Report at least every 3 years. Based on the SAFE Report, the Small-Mesh Multispecies PDT will develop and present to the Council recommended specifications as defined in paragraph (a) of this section for up to 3 fishing years. The SAFE Report will be the primary vehicle for the presentation of all updated biological and socio-economic information regarding the small-mesh multispecies fishery. The SAFE Report will provide source data for any adjustments to the management measures that may be needed to continue to meet the goals and objectives of the FMP.

(ii) In any year in which a SAFE Report is not completed by the Small-Mesh Multispecies PDT, the annual review process described in paragraph (a) of this section will be used to recommend any necessary adjustments

to specifications and/or management measures in the FMP.

(5) *Accountability measures for the small-mesh multispecies fishery.*—(i) *In-season adjustment of possession limits.* When the Regional Administrator projects that 90 percent of a small-mesh multispecies TAL has been landed, the Regional Administrator may, through notice consistent with the Administrative Procedure Act, reduce the possession limit of that stock to the incidental level, as specified in

§ 648.86(d)(4), for the remainder of the fishing year.

(ii) *Post-season adjustment for an overage.* If NMFS determines that a small-mesh multispecies ACL was exceeded in a given fishing year, the exact amount of the landings overage will be deducted, as soon as is practicable, from a subsequent single fishing year's ACL for that stock, through notification consistent with the Administrative Procedure Act.

(c) \* \* \*

(1) \* \* \*

(ii) *Adjustment process for whiting DAS.* The Council may develop recommendations for a whiting DAS effort reduction program through the framework process outlined in paragraph (c) of this section only if these options are accompanied by a full set of public hearings that span the area affected by the proposed measures in order to provide adequate opportunity for public comment.

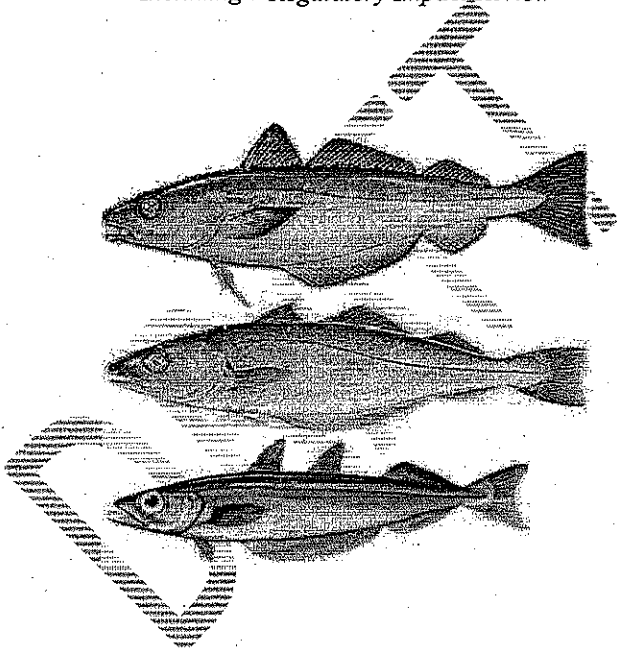
\* \* \* \* \*

[FR Doc. 2011-32996 Filed 12-22-11; 8:45 am]

BILLING CODE 3510-22-P

# Secretarial Amendment to Establish Annual Catch Limits and Accountability Measures for the Small-Mesh Multispecies Fishery

## Environmental Assessment Including a Regulatory Impact Review



Prepared by NOAA, National Marine Fisheries Service  
55 Great Republic Drive  
Gloucester, Massachusetts  
DATE

### Executive Summary

NOAA's National Marine Fisheries Service (NMFS) has prepared a Secretarial Amendment, under the authority of Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) section 304(c)(1)(A), for the small-mesh multispecies component of the Northeast Multispecies Fishery Management Plan (FMP). The Secretarial Amendment is intended to establish a mechanism for specifying annual catch limits (ACLs) and accountability measures (AMs) for silver hake, red hake, and offshore hake, collectively known as "small-mesh multispecies." There are two stocks each of silver and red hake (northern and southern), and one stock of offshore hake. Offshore hake are primarily caught incidentally in the southern silver hake fishery and they are marketed together as "whiting."

The New England Fishery Management Council (Council) is responsible for managing the small-mesh multispecies fishery through the Northeast Multispecies FMP and initiated the development of an amendment in 2009 (Amendment 19) to that management plan to implement ACLs and AMs for the small-mesh multispecies. However, development of Amendment 19 was delayed in order to incorporate the results from a stock assessment of all three species that occurred in November 2010 (Stock Assessment Workshop (SAW) 51). The Magnuson-Stevens Act requires the establishment of the ACL and AM framework by 2011. NMFS is developing this action to meet that deadline and bring the small-mesh multispecies fishery into compliance with the Magnuson-Stevens Act. While the Secretarial Amendment does not have an expiration date, and would be in effect until Amendment 19, if approved, replaces it, NMFS intends for this amendment to act as a bridge for the small-mesh multispecies fishery and does not address the full suite of measures that the Council is developing for Amendment 19. In order to minimize confusion and ease the transition between the two amendments, NMFS chose as the preferred alternatives the most general and flexible from the Council's preliminary list of alternatives for Amendment 19. The Secretarial Amendment also proposes the same ACL framework mechanism that the Council is analyzing for Amendment 19, which is based on recommendations from the Council's Scientific and Statistical Committee (SCC).

### Proposed Measures

NMFS is proposing the following measures for the ACL and AM framework and other management measures necessary to effectively implement that framework.

1. Overfishing limit (OFL) and acceptable biological catch (ABC) control rules (Section 3.1)

The OFL control rules are based on recommendations from the November 2010 stock assessment (SAW 51). The ABC control rules are based on the OFLs and take into account the amount of scientific uncertainty in the OFL estimates. The ABCs are based on the probability distribution of the OFL calculation, and the Council's SSC has made recommendations on the appropriate percentile from this distribution to use as the ABC. An OFL calculation for offshore hake was not possible given the limited survey and fishery-dependent data. In order to account for offshore hake catches, the Stock Assessment Review Committee (SARC) and the SSC both recommended incorporating an estimate of offshore hake catch into the southern silver hake

catch limits. As such, the southern silver hake ABC is increased by 4 percent, which is the average estimated amount of offshore hake in a typical “whiting” trip. This combined ABC is referred to as the “Southern Whiting” ABC, as is the corresponding ACL and total allowable landing (TAL) limit. The SSC has recommended the 40<sup>th</sup> percentile of the OFL distribution for red hake, and the 25<sup>th</sup> percentile for silver hake or silver and offshore hake combined.

**Table 1 Proposed OFLs and ABCs for Small-Mesh Multispecies**

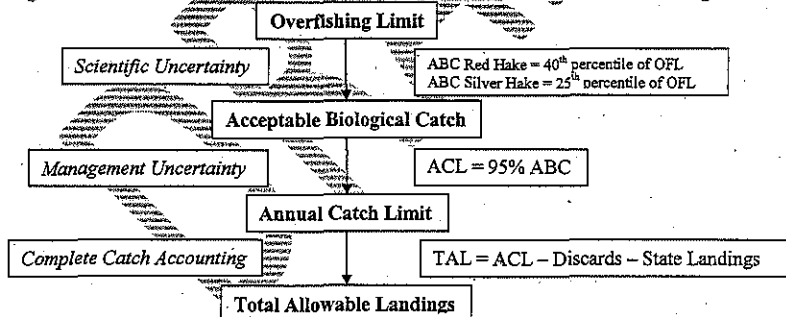
|     | Northern Red Hake | Northern Silver Hake | Southern Red Hake | Southern Whiting |
|-----|-------------------|----------------------|-------------------|------------------|
| OFL | 314 mt            | 24,840 mt            | 3,448 mt          | 62,301 mt        |
| ABC | 280 mt            | 13,177 mt            | 3,259 mt          | 33,940 mt*       |

\*Southern Whiting ABC = Silver Hake 25<sup>th</sup> percentile of OFL (32,635 mt) + 4% (1,305 mt) to account for Offshore Hake

2. Stock area annual catch limits and total allowable landings (TALs) limits (Section 3.2)

A stock area ACL framework (Figure 1), with corresponding TALs, is proposed for the small-mesh multispecies fishery. This framework builds on the OFL and ABC control rules and is also based on preliminary decisions that the Council has made for Amendment 19. The Council has recommended a 5-percent buffer between the ABC and its corresponding ACL to account for management uncertainty. In order to get from the ABC to the TAL, the Council has recommended using a three-year moving average estimate of discards and a 3-percent allowance for state landings.

**Figure 1 ACL Framework Mechanism for Specifying ACLs and Total Allowable Landings**



Using the OFLs and ABCs described in Table 1, the ACLs and TALs are proposed as follows:

**Table 2 Proposed ACLs and TALs for Small-Mesh Multispecies**

|             | Northern Red Hake | Northern Silver Hake | Southern Red Hake | Southern Whiting |
|-------------|-------------------|----------------------|-------------------|------------------|
| ACL         | 266 mt            | 12,518 mt            | 3,096 mt          | 32,243 mt        |
| Federal TAL | 108 mt            | 9,106 mt             | 1,081 mt          | 27,209 mt        |

3. A combination of reactive and proactive accountability measures (Section 3.3)

- a. A reactive pound-for-pound payback of any ACL overage

In order to ensure accountability for the above described catch limits, a reactive AM is proposed. This measure would deduct from a subsequent year the exact amount of pounds by which an ACL was exceeded. A pound-for-pound payback of any ACL overage would work in conjunction with the proposed in-season AM to provide incentive for vessel owners not to exceed the ACL as well as sufficiently protect the stocks from the harm excessive fishing can cause.

- b. A proactive reduction to an incidental trip limit when 90 percent of a TAL is projected to be harvested

The in-season AM that is proposed for the Secretarial Amendment is a reduction in the possession limit to an incidental limit when a “trigger” point is projected to be harvested. The Council’s Small-Mesh Multispecies Oversight Committee has recommended a range of incidental limits for inclusion in Amendment 19, and has also recommended that the trigger for all four TALs be 90 percent. NMFS also analyzed the current level of incidental (i.e., minimal or below the trip limit) landings of northern red hake, as reported in the vessel trip report database. Northern red hake was used as it is the only TAL for which the trigger is expected to be reached in the near future. Using this data, NMFS selected the following incidental possession limits:

**Table 3 Proposed Incidental Possession Limits**

|             | Trigger | Incidental Possession Limit |
|-------------|---------|-----------------------------|
| Red Hake    | 90%     | 400 lb                      |
| Silver Hake | 90%     | 1,000 lb                    |

**Summary of the Impacts of the Proposed Measures**

As detailed in Section 5.0, Environmental Consequences, the impact of the proposed action is, in nearly all cases, expected to have a neutral or positive impact on the human environment. The only exceptions are those potentially negative economic impacts if the reactive accountability measure is triggered. These adverse impacts, however, are not likely to be substantial.

The adoption of ACLs, TALs, and AMs will contribute to ensuring that overfishing of small-mesh multispecies does not occur, and if it does, future overfishing will be prevented. These controls will not only have a positive effect on the small-mesh multispecies resources, but may also have a long-term positive effect on non-target species, protected species, habitat, and communities as a result of the improved controls on fishing effort and the resulting long-term sustainability of the fishery. If triggered, the pound-for-pound payback provision may have short-term, but minimal, negative impacts on fishing communities; however, this provision is necessary to provide long-term assurance in a sustainable small-mesh multispecies fishery.

Table 4 Summary of the Impacts of the Preferred Alternatives

|                             | ABCs, ACLs, TALs  | Pound-for-Pound Payback  | Incidental Possession Limit at Trigger   |
|-----------------------------|---|--|--|
| Target Species              | <b>Positive</b><br>This alternative would set catch and landings limits that are based on the best available science.   | <b>Positive</b><br>This alternative would provide assurance that landings would stay within the limits that are based on the best available science.   | <b>Neutral</b><br>Allows trips fishing to continue, without causing large amounts of discards.   |
| Non-Target/By-Catch Species | <b>Neutral</b><br>Potential redirected effort would be limited by the ACL frameworks in place for the other species that may be targeted.   | <b>Neutral</b><br>This would likely lead to either no change in fishing effort, or a reduction in fishing effort that would be accounted for under the analysis of the other species ACL frameworks. | <b>Neutral</b><br>Trips for other species would continue at the same incidental level of small-mesh multispecies that are currently landed.        |
| EFH                         | <b>Neutral to Low Positive</b><br>It is likely that catch, and by extension, fishing effort, would not change due to the implementation of this action. However, if the catch limit for a stock (likely Northern Red Hake) is harvested and AMS are implemented, fishing effort may be reduced, leading to a positive impact. |  |  |
| Protected Resources         | <b>Neutral</b><br>It is likely that catch, and by extension, fishing effort, would not change due to the implementation of this action.   |  |  |
| Human Communities           | <b>Neutral to Positive</b><br>This alternative would likely result in no change to current fishing operations, however, the sustainable harvesting of the small-mesh multispecies stocks would lead to positive long-term benefits.   | <b>Negative</b><br>If invoked, this alternative would result in short-term negative economic impacts by reducing the amount of a particular stock that could be landed in a given year.              | <b>Low Negative</b><br>This alternative is expected to impact a low number of trips and result in a minor amount of revenue lost across the fleet. |

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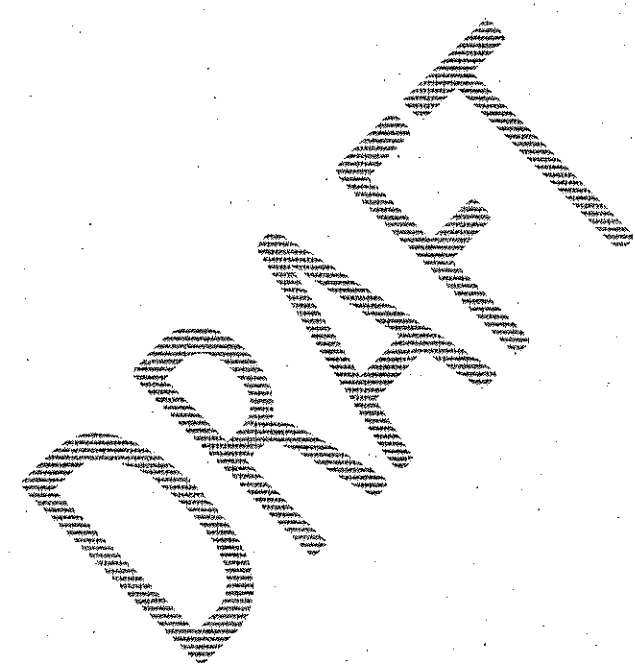
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## List of Acronyms

|                  |   |
|------------------|---|
| ABC              | Acceptable Biological Catch                       |
| ACL              | Annual Catch Limit                                |
| AIM              | An Index Method of Analysis                       |
| AM               | Accountability Measure(s)                         |
| ANPR             | Advanced Notice of Proposed Rulemaking            |
| AP               | Advisory Panel                                    |
| B <sub>MSY</sub> | Biomass at Maximum Sustainable Yield              |
| BiOp, BO         | Biological Opinion                                |
| CEQ              | Council on Environmental Quality                  |
| CPUE             | Catch per Unit Effort                             |
| EA               | Environmental Assessment                          |
| EEZ              | Exclusive Economic Zone                           |
| ESA              | Endangered Species Act                            |
| EFH              | Essential Fish Habitat                            |
| FMP              | Fishery Management Plan                           |
| FR               | <i>Federal Register</i>                           |
| FEIS             | Final Environmental Impact Statement              |
| F <sub>msy</sub> | Fishing Mortality at Maximum Sustainable Yield    |
| GOM              | Gulf of Maine                                     |
| LPUE             | Landings per unit effort                          |
| IRFA             | Initial Regulatory Flexibility Analysis           |
| IVR              | Interactive Voice Reporting                       |
| M                | Natural Mortality                                 |
| MFMT             | Maximum Fishing Mortality Target                  |
| MSST             | Maximum Sustainable Stock Threshold               |
| MSY              | Maximum Sustainable Yield                         |
| NEFSC            | Northeast Fisheries Science Center                |
| NEPA             | National Environmental Policy Act                 |
| NMFS             | National Marine Fisheries Service                 |
| NOAA             | National Oceanographic Atmospheric Administration |
| OFL              | Overfishing Limit                                 |
| OY               | Optimum Yield                                     |
| RIR              | Regulatory Impact Review                          |
| RFT              | Raised Footrope Trawl                             |
| SARC             | Stock Assessment Review Committee                 |
| SAW              | Stock Assessment Workshop                         |
| SBNMS            | Stellwagen Bank National Marine Sanctuary         |
| SBRM             | Standardized bycatch reporting methodology        |
| SNE              | Southern New England                              |
| SSC              | Science and Statistical Committee                 |
| TAC              | Total Allowable Catch                             |
| TAL              | Total Allowable Landings                          |
| PDT              | Plan Development Team                             |
| USGS             | United States Geological Survey                   |
| VEC              | Valued Ecosystem Component                        |
| VMS              | Vessel Monitoring System                          |
| VTR              | Vessel Trip Reports                               |

## Section 1.0 Introduction and Background

The small-mesh multispecies fishery consists of three species: Silver hake (*Merluccius bilinearis*), red hake (*Urophycis chuss*), and offshore hake (*Merluccius albidus*). There are two stocks of silver hake (northern and southern), two stocks of red hake (northern and southern), and one stock of offshore hake, which primarily co-occurs with the southern stock of silver hake. There is little to no separation of silver and offshore species in the market, and both are generally sold under the name “whiting.” Throughout the document, “whiting” is used to refer to silver hake and offshore and silver hake combined catches. A summary of the biological information from the most recent stock assessment (SAW 51) can be found in Section 4.1.

The small-mesh multispecies fishery is managed as a series of exemptions from the Northeast Multispecies Fishery Management Plan (FMP), which is managed by the New England Fishery Management Council (Council). In 2007, the reauthorized Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) required all managed species to have annual catch limits (ACLs) and measures to ensure accountability (accountability measures, or “AMs”). The Magnuson-Stevens Act required ACLs and AMs by 2010 for stocks that were experiencing overfishing, and by 2011 for all other stocks. The Council has developed, and NOAA’s National Marine Fisheries Service (NMFS) has implemented, ACLs and AMs for every species for which it is responsible, except silver, red, and offshore hake. The Council is developing an amendment for the small-mesh multispecies fishery to establish ACLs and AMs, but it (Amendment 19 to the Northeast Multispecies FMP) will not be effective in time to meet the statutory deadline. NMFS is developing this Secretarial Amendment to bring the small-mesh multispecies fishery into compliance with the Magnuson-Stevens Act.

## Section 1.1 History of the Fishery

The commercial silver hake fishery in the United States may have begun as early as the mid-1800s (Anderson et al. 1980). Prior to the early 1920s, landings of silver hake totaled less than seven million pounds annually, and most fishermen considered whiting a nuisance fish because its soft flesh tended to spoil quickly without refrigeration. Technological advances in handling, freezing, processing, and transportation aided in expanding this market as well as creating new opportunities to capitalize on whiting. Until this time, the fishery operated primarily inshore using pound nets. As the demand for whiting increased, operations began to extend offshore, and vessels started using otter trawls to catch more whiting. By 1950, U.S. commercial silver hake landings had increased to more than 45,000 metric tons. Floating traps, gillnets, purse seines, and longline trawls were also employed (almost all of the U.S. commercial silver hake catch is currently taken with otter trawls).

Prior to 1960, the commercial exploitation of silver hake in the Northwest Atlantic was exclusively by U.S. fleets. Distant water fleets had already reached the banks of the Scotian Shelf by the late 1950s, and by 1961, scouting/research vessels from the USSR were fishing on Georges Bank. By 1962, factory freezer fleets (ranging from 500 to 1,000 GRT)

<sup>1</sup> Excerpted from Amendment 12 to NE Multispecies FMP

intensively exploited the whiting and red hake stocks on the Scotian Shelf and on Georges Bank. Led by the USSR, the distant water fleet landed an increasingly larger share of the silver hake catch from the Gulf of Maine, Georges Bank, and northern Mid-Atlantic waters. In 1962, the distant water fleet landed 41,900 metric tons of silver hake (43% of the total silver hake landings), but that number had increased to 299,200 metric tons (85% of the total silver hake landings) in 1965. That year marked the year of the highest total commercial silver hake landings, 351,000 metric tons. Recreational landings of silver hake in the southern New England and Mid-Atlantic areas were also at record levels between 1955 and 1965, averaging about 1,360 metric tons. Unable to sustain such high rates of fishing, the abundance of silver hake off the U.S. Atlantic coast began to decline. As a result, total commercial catches decreased significantly after 1965 and reached a 20-year low of 55,000 metric tons in 1970. U.S. recreational landings also dropped after 1965 to about half the levels of previous years.

After 1970, catches of silver hake by the distant water fleet in U.S. waters increased again, especially in southern New England and the Mid-Atlantic. Between 1971 and 1977, distant water fleet landings from the southern stock averaged 75,000 tons annually and accounted for 90% of the total harvest from the southern stock. The size and efficiency of distant water fleet factory ships also increased, many ranging between 1,000 and 3,000 GRT. In 1973, the International Commission for the Northwest Atlantic Fisheries established temporal and spatial restrictions that reduced the distant water fleet to small "windows" of opportunity to fish for U.S. silver hake. These windows restricted the distant water fleet to the continental slope of Georges Bank and the Mid-Atlantic. As effort control regulations increased, foreign fleets gradually left most areas of Georges Bank.

Although foreign fishing had ceased on Georges Bank by about 1980 and in the Mid-Atlantic by about 1986, the U.S. groundfish fleet's technologies and fishing practices began to advance, and between 1976 and 1986, fishing effort (number of days) increased by nearly 100% in the Gulf of Maine, 57% on Georges Bank, and 82% in southern New England (Anthony, 1990). Such increases in effort, although directed primarily towards principal groundfish species (cod, haddock, yellowtail flounder), were accompanied by a 72% decline in silver hake biomass. In turn, U.S. East Coast landings of silver hake began to decline, dropping to 16,100 metric tons in 1981. Since that time, landings have remained relatively stable, but at much lower levels in comparison to earlier years. U.S. East Coast silver hake catches are taken almost exclusively by otter trawls, either as bycatch from other fisheries or through directed fisheries targeting a variety of sizes of silver hake.

### Section 1.2 Current Management Measures

Collectively, the small-mesh multispecies fishery is managed under a series of exemptions from the Northeast Multispecies FMP. The Northeast Multispecies FMP requires that a fishery can routinely catch less than 5% of regulated multispecies to be exempted from the minimum mesh size. In the Gulf of Maine and Georges Bank Regulated Mesh Areas (Figure 2), there are six exemption areas, which are open seasonally (Table 5).

Table 5 Northern Area Exemption Program Seasons

|  |     |     |      |     |     |     |     |     |     |     |     |     |
|--|-----|-----|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|
|  | May | Jun | July | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr |
|--|-----|-----|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|

|            |  |  |         |            |             |             |             |  |  |  |  |  |
|------------|--|--|---------|------------|-------------|-------------|-------------|--|--|--|--|--|
| Cultivator |  |  | June 15 | October 31 |             |             |             |  |  |  |  |  |
| GOM Grate  |  |  |         | July 1     | November 30 |             |             |  |  |  |  |  |
| Small I    |  |  |         | July 15    | November 15 |             |             |  |  |  |  |  |
| Small II   |  |  |         |            |             |             |             |  |  |  |  |  |
| Cape Cod   |  |  |         |            | September 1 | November 20 |             |  |  |  |  |  |
| RFT†       |  |  |         |            |             | September 1 | December 31 |  |  |  |  |  |

GOM = Gulf of Maine  
 † RFT = Raised Footrope Trawl

The Gulf of Maine Grate Raised Footrope area is open from July 1 through November 30 of each year and requires the use of an excluder grate on a raised footrope trawl with a minimum mesh size of 2.5 inches. Small Mesh Areas I and II are open from July 15 through November 15, and January 1 through June 30, respectively. A raised footrope trawl is required in Small Mesh Areas I and II, and the trip limits are mesh size dependent. Cultivator Shoal Exemption Area is open from June 15 – October 31, and requires a minimum mesh size of 3 inches. The Raised Footrope Trawl Exemption Areas are open from September 1 through November 20, with the eastern portion remaining open until December 31. A raised footrope trawl, with a minimum mesh size of 2.5-inch square or diamond mesh, is required. The Southern New England and Mid-Atlantic Regulated Mesh Areas are open year-round and have mesh size dependent possession limits for the small-mesh multispecies. The mesh size dependent possession limits (Table 6) for all the areas with that requirement are:

Table 6 Mesh Size Dependent Possession Limits

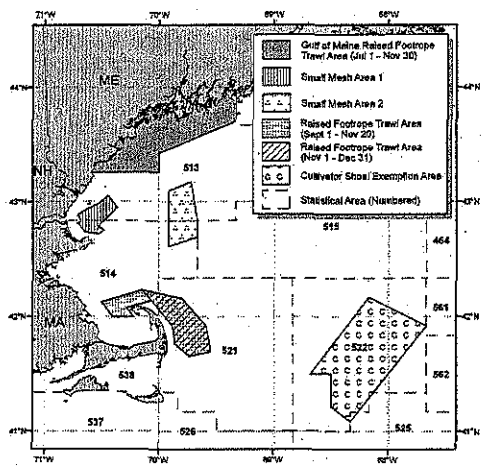
| Codend Mesh Size                        | Silver and offshore hake, combined, possession limit |
|---|--|
| Smaller than 2.5"                       | 3,500 lb   |
| Larger than 2.5", but smaller than 3.0" | 7,500 lb   |
| Equal to or greater than 3.0"           | 30,000 lb  |

The exemption areas were implemented as part of several different amendments and framework adjustments to the Northeast Multispecies FMP. In 1991, Amendment 4 incorporated silver and red hake and established an experimental fishery on Cultivator Shoal. Framework Adjustment 6 (1994) was intended to reduce the catch of juvenile whiting by changing the minimum mesh size from 2.5 inches to 3 inches. Small Mesh Areas I and II, off the coast of New Hampshire, were established in Framework Adjustment 9 (1995). The New England Fishery Management Council (Council) established essential fish habitat (EFH) designations and added offshore hake to the plan in Amendment 12 (2000). Also in Amendment 12, the Council proposed to establish limited entry into the small-mesh fishery. However, that measure was disapproved by the Secretary of Commerce because it did not comply with National Standard 4<sup>a</sup> as a result of measures that benefited participants in the Cultivator Shoal experimental fishery and because of the "sunset" provision that would have ended the limited entry program at some date. The Raised Footrope Trawl Area off of Cape Cod was established in Framework Adjustment 35 (2000). A modification to Framework Adjustment 35 in 2002 adjusted the boundary along the eastern side of Cape Cod and extended the season to December 31 in the new area. Framework

<sup>a</sup> National Standard 4 states that measures "shall not discriminate between residents of different States," and that fishing privileges must be "fair and equitable to all such fishermen."

Adjustment 37 modified and streamlined some of the varying management measures to increase consistency across the exemption areas. In 2003, Framework Adjustment 38 established the Grate Raised Footrope Exemption Area in the inshore Gulf of Maine area.

Figure 2 Small-Mesh Exemption Areas in the Gulf of Maine and Georges Bank



Vessels participating in any of the exemption areas must have a Northeast Multispecies limited access or open access category K permit and must have a letter of authorization from the Regional Administrator to fish in Cultivator Shoal and the Cape Cod Raised Footrope areas. None of the exemption areas have a possession limit for red hake. Most of the areas (Small Mesh Areas I and II, the Cape Cod Raised Footrope areas, Southern New England Exemption Area, and the Mid-Atlantic Exemption Area) have mesh size dependent possession limits for silver and offshore hake combined (Table 6). The Gulf of Maine Grate Raised Footrope Area has a possession limit of 500 lb, with a 2.5-inch minimum mesh size, and Cultivator Shoal has a possession limit of 30,000 lb, with a 3-inch minimum mesh size.

**Section 2.0 Purpose and Need for the Action**

The purpose of this action is to establish the mechanism for implementing ACLs and AMs for the small-mesh multispecies fishery within the Northeast Multispecies FMP. In addition, this action will establish the specifications for the small-mesh multispecies fishery for the next three years. This action is needed to establish the mechanism for implementing ACLs and AMs which is intended to reduce the risk of overfishing, by taking into account scientific uncertainty in estimating the overfishing limit and management uncertainty.

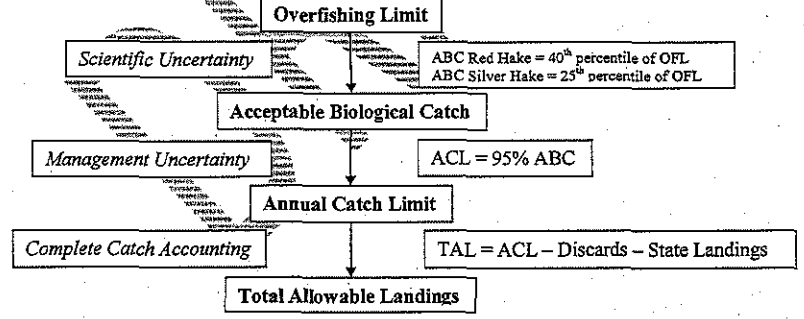
NMFS is implementing this action as a Secretarial Amendment, as provided for under Section 304(c)(1)(A) of the Magnuson-Stevens Act, because the Council has "failed to develop and submit to the Secretary, after a reasonable period of time" an amendment to implement the mechanism for specifying ACLs and AMs for the five small-mesh stocks. The Council is preparing an amendment to the Northeast Multispecies FMP to implement ACLs and AMs for the small-mesh multispecies fishery; however, Amendment 19 will not be completed in time to meet the statutory deadline in the Magnuson-Stevens Act.

In choosing the preferred alternatives for the Secretarial Amendment, NMFS intended to meet the requirements of the law, while preserving the Council's flexibility for implementing measures in Amendment 19. In doing so, NMFS considered but rejected for this amendment one of the Council's alternatives for a more complicated, sub-allocated quota system in the northern area (See Section 3.5.1). This is not intended to preclude the Council from choosing this alternative in Amendment 19.

**Section 3.0 Specifying ACLs and AMs and Associated Reference Points**

The Council has recommended the following framework mechanism for specifying ACLs and total allowable landings (TALs) and associated reference points, which incorporates scientific and management determinations. NMFS is proposing the same framework mechanism in the Secretarial Amendment to maintain consistency with the Council's expected approach (Figure 3). The Council has recommended a 5-percent buffer between the ABCs and the ACLs to account for management uncertainty.

Figure 3 ACL Framework Mechanism for Specifying ACLs and Total Allowable Landings



The following section describes the alternatives under consideration for the Secretarial Amendment in three parts. The first part describes the alternatives associated with the establishment of overfishing limits and an acceptable biological catch (ABC) control rule for the five stocks as the basis for specifying ACLs and TALs as outlined above. The second part (Management Measure Alternatives) describes the management alternatives that would specify catch limits or targets for the small-mesh multispecies fishery. The Council has made some

preliminary decisions on the structure of the ACL mechanism, as described above. In order to minimize confusion between the two amendments, the Secretarial Amendment uses those decisions as the basis for the preferred alternatives and does not include a discussion on the other potential alternatives, except for the status quo/no action alternative. The OFL and ABC control rules described in Section 3.1, are based on the scientific advice of both the Stock Assessment Review Committee and the Council's Scientific and Statistical Committee (SSC). There are no other viable alternatives to the structure discussed, as that would violate the requirement in the Magnuson-Stevens Act that the Council use the SSC's recommendation of ABC as the basis for ACLs. Only the preferred and status quo/no action alternatives are included for the ACL framework measure as well. This is because, in preparing this amendment, NMFS determined that implementing a complex, sub-divided quota system, without a final decision by the Council to do the same, would cause unnecessary confusion among the industry during the transition period between the two sets of rules. The more complicated alternative (a sub-divided quota) was considered but rejected for this amendment, as discussed in Section 3.4. The Council is expected to implement a three-year specification cycle for the small-mesh multispecies fishery, so the Secretarial Amendment would implement the same (see Section 3.2).

The third part describes the accountability measures associated with those catch limits. There are two types of accountability measures discussed—proactive or in-season, and reactive, or post-season. Because the Council has not yet fully developed a set of alternatives for post-season AMs for analysis in Amendment 19, NMFS determined it would be appropriate to use only the most common reactive AM, a pound-for-pound payback of an ACL overage (Section 3.3.1), and the status quo/no action alternative. The Council did have a range of alternatives for in-season AMs, so the Secretarial Amendment discusses several alternatives in addition to the status quo/no action alternative.

### Section 3.1 Management Reference Point Alternatives

### Section 3.1.1 Overfishing Limit and Acceptable Biological Catch Control Rules (Preferred Alternative)

#### Overfishing Limit Control Rules

The overfishing limit (OFL) is the amount of catch above which overfishing is deemed to be occurring, that is, it is a status determination criterion for overfishing. It is an annual limit derived as the product of current exploitable biomass and the current rate of fishing, after taking into account the variance of each factor. To calculate this, the Council's Small-Mesh Multispecies Plan Development Team (PDT) derived a distribution of the OFL, and the OFL is equal to the 50<sup>th</sup> percentile of that distribution. (See Appendix B.) The three-year moving average biomass estimate for silver hake is estimated using the fall trawl survey, and the three-year moving average biomass estimate for red hake is estimated using the spring trawl survey, based on guidance from the SARC. No reliable estimates for offshore hake are available.

OFL values are currently calculated to be 24,840 mt for the northern stock of silver hake and 62,301 mt for the southern stock of silver hake, using the 50<sup>th</sup> percentile of the OFL distribution (Figure 5.)

OFL values are currently calculated to be 314 mt for the northern stock of red hake and 3,448 mt for the southern stock of red hake, using the 50<sup>th</sup> percentile of the OFL distribution (Figure 4.)

#### ABC Control Rules

ABC is the level of catch that accounts for scientific uncertainty in the estimate of the OFL and any other scientific uncertainty. The National Standard 1 guidelines prescribe that "the determination of ABC should be based, when possible, on the probability that an actual catch equal to the stock's ABC would result in overfishing."

Based on guidance from the Council's Scientific and Statistical Committee (SSC), ABCs for small-mesh multispecies would be set for the individual stocks of northern red hake, northern silver hake, and southern red hake, and a combined ABC for southern silver hake and offshore hake would be implemented. The SSC recommended a combined "southern whiting" ABC because offshore hake are caught most often with southern silver hake and the two species are not separated for the market. To account for offshore hake, the SSC recommended that the ABC for southern silver hake be augmented by 4 percent—the estimated average amount of offshore hake in a southern silver hake trip. Based on analysis produced by the PDT (See APPENDIX A), the SSC endorsed the approach of setting ABC based on an appropriate percentile from the distribution of the OFLs for each stock. The OFL represents the 50<sup>th</sup> percentile and is, therefore, the maximum level that ABC could be set. The SSC recommended a range of ABC control rule alternatives to the Council, based on the distribution of OFLs. The Council chose the 40<sup>th</sup> percentile of OFL as the ABC control rule for both red hake stocks, and the 25<sup>th</sup> percentile of OFL as the ABC control rule for both of the silver hake stocks (Table 7).

The ABC control rule for northern silver hake could be expressed as:

$$ABC_{\text{Northern Silver Hake}} = 25^{\text{th}} \text{ percentile OFL}_{\text{Northern Silver Hake}} \text{ distribution}$$

The ABC control rule for southern whiting could be expressed as:

$$ABC_{\text{Southern Whiting}} = 25^{\text{th}} \text{ percentile OFL}_{\text{Southern Silver Hake}} \text{ distribution} + 4\%$$

The ABC control rule for red hake (both northern and southern) could be expressed as:

$$ABC_{\text{Red Hake}} = 40^{\text{th}} \text{ percentile OFL}_{\text{Red Hake}} \text{ distribution}$$

To calculate ABC, the Small-Mesh Multispecies PDT produced a probability distribution for each calculation of OFL. The uncertainty in the red hake OFL estimates were estimated as the joint probability distribution of  $F_{MSY}$  and the 3-year spring survey moving average of biomass. The probability distribution of the proxy  $F_{MSY}$  was obtained from the AIM (An Index Method assessment model or analysis) bootstrap distribution of relative  $F$  (

Figure 4). The probability distribution of the spring survey three-year (2009-2011) moving average of biomass was estimated from a normal distribution of the mean and variance. For silver hake, the probability distribution of the proxy  $F_{MSY}$  was obtained from the lognormal distribution of the mean and variance of the exploitation ratios from 1973-1982 (



Figure 5). Similarly, the probability distribution of the fall survey three-year (2008-2010) moving average of biomass was estimated from a normal distribution of the mean and variance. (See APPENDIX B).

Table 7 Council Recommended OFLs and ABCs

|     | Northern Red Hake | Northern Silver Hake | Southern Red Hake | Southern Whiting |
|-----|-------------------|----------------------|-------------------|------------------|
| OFL | 314 mt            | 24,840 mt            | 3,448 mt          | 62,301 mt        |
| ABC | 280 mt            | 13,177 mt            | 3,259 mt          | 33,940 mt*       |

\* Southern Whiting ABC = Silver Hake 25<sup>th</sup> percentile of OFL (32,635 mt) + 4% (1,305 mt) to account for Offshore Hake

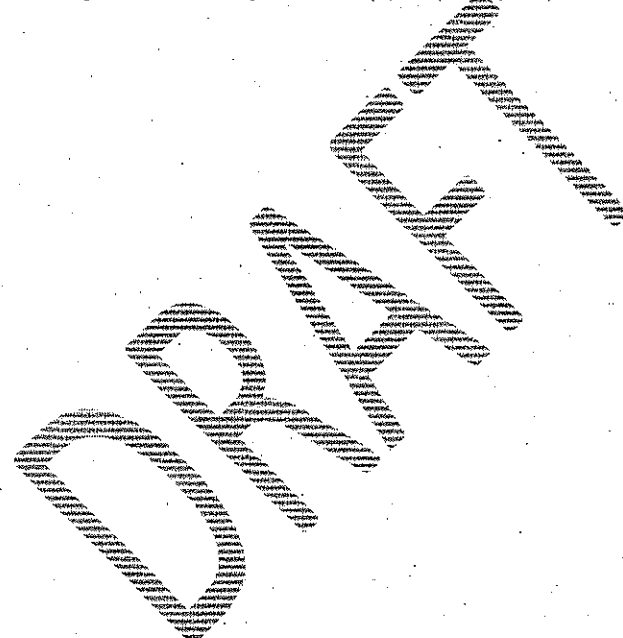


Figure 4 Frequency Distribution and Cumulative Probability of 2011 OFL and the Proposed 2012 ABC (40<sup>th</sup> percentile of OFL) for Northern Red hake (top panel) and Southern Red Hake (bottom panel).

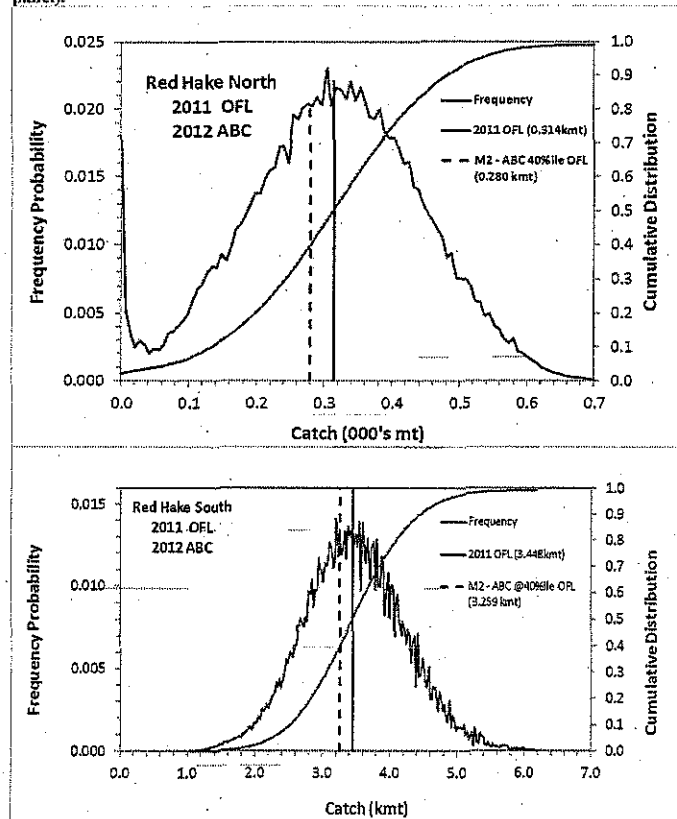
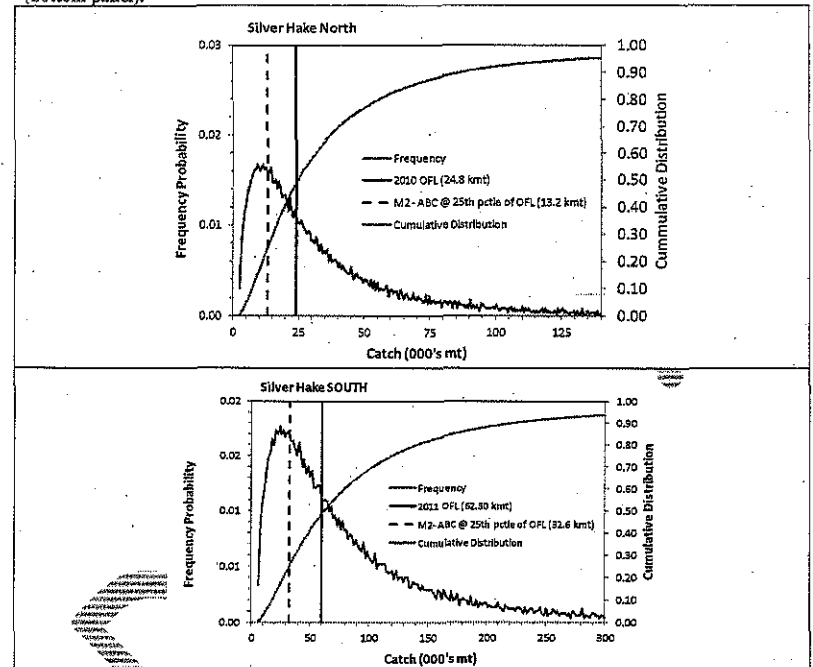


Figure 5 Frequency Distribution and Cumulative Probability of 2011 OFL and the Proposed 2012 ABC (25<sup>th</sup> percentile of OFL) for Northern Silver Hake (top panel) and Southern Silver Hake (bottom panel).



### Section 3.1.2 Status Quo/No Action Alternative

The status quo/no action alternative would mean that no OFLs or ABCs would be implemented for any of the small-mesh multispecies stocks. This alternative would be inconsistent with the Magnuson-Stevens Act because it would not be based on the best available science, as required by National Standard 2.

### Section 3.2 Alternatives for Specifying ACLs

#### Section 3.2.1 Stock Area ACL Framework and Specifications Process Alternative (Preferred Alternative)

##### ACL/TAL Framework



This alternative would implement a framework of ACLs, AMs, and TALs on a stock area basis, with southern silver and offshore hake combined, as described in Table 7 and Table 8. This alternative would result in four ACLs that relate directly to the ABCs recommended by the SSC and the Council: Northern Silver Hake, Northern Red Hake, Southern Whiting, and Southern Red Hake. Complimentary AMs would be implemented under this alternative for each ACL. The Council has recommended setting all four ACLs equal to 95-percent of the corresponding ABC. Under this alternative, discards and a state landings estimate would be deducted from the ACLs, and stock area TALs would be used as the management limit. To fully account for all catch, the ACL framework must make allowances for state landings and discards. At its September 2011 meeting, the Council recommended a 3-percent allowance for state landings. The Council also recommended using a discard estimate based on the average discards from 2008 – 2010, for all species.

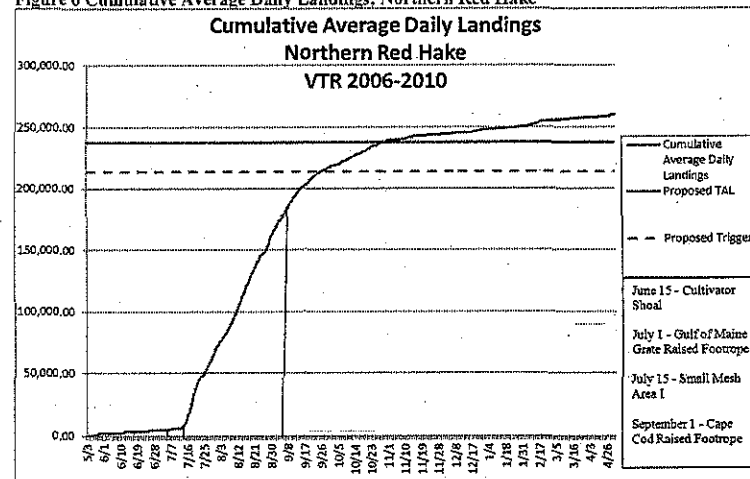
Table 8 ACL/TAL Framework, including State Landings and Discards

|                                 | Northern Red Hake | Northern Silver Hake | Southern Red Hake | Southern Whiting |
|---------------------------------|-------------------|----------------------|-------------------|------------------|
| ABC                             | 280 mt            | 13,177 mt            | 3,259 mt          | 33,940 mt*       |
| ACL (95% of ABC)                | 266 mt            | 12,518 mt            | 3,096 mt          | 32,243 mt        |
| Discard Percentage 2008-2010    | 58%               | 25%                  | 64%               | 13%              |
| Discards                        | 154.28 mt         | 3,129.5 mt           | 1,981.44 mt       | 4,191.59 mt      |
| State Landings (3% of Landings) | 3.35 mt           | 81.65 mt             | 33.44 mt          | 841.54 mt        |
| Total Federal TAL               | 108 mt            | 9,106 mt             | 1,981 mt          | 27,209 mt        |

\* Southern Whiting ABC = Silver Hake 25% percentile of OFL (32,695 mt) + 4% (1,305 mt)

During the development of the Secretarial Amendment, NMFS received comments (Section 7.1.3) concerned that by using a stock area TAL, some of the seasonal exemption areas (Table 5) in the northern stock area would not be given the opportunity to open because the TAL could be fully harvested earlier in the season. NMFS is proposing the stock area TAL because it is the least complex of the Council's approved list of alternatives. In addition, the landings in the northern area peak with the inshore exemption area openings (Figure 6). This suggests that the red hake fishery is of less importance to the Cultivator Shoal Exemption Area Program, and landings do not start to peak until after both the inshore Gulf of Maine and Small Mesh Area I Exemption Area Programs open.

Figure 6 Cumulative Average Daily Landings: Northern Red Hake



#### Specifications Process

Specifications (ACLs, TALs) would be set on a three-year cycle, starting with the first year of implementation of the Secretarial Amendment. This process would update the OFLs, ABCs, ACLs, and TALs based on the most recent available information using the framework mechanisms described in Sections 1.1.1 and 3.2.1. Data that should be available for the specifications setting process will include, but is not limited to, new survey biomass indices, reported landings, estimated discards, and estimates of state-waters landings. The specifications process would work as follows:

- The Council, the Small-Mesh Multispecies Plan Development Team (PDT), and the Small-Mesh Multispecies Oversight Committee will monitor the status of the small-mesh multispecies fishery and resource.
- The Small-Mesh Multispecies PDT will meet to review the status of the stocks and the fishery. Based on this review, the PDT will provide a report to the Council on any changes or new information about the small-mesh multispecies stocks and/or fishery, and it should recommend whether the specifications for the upcoming year(s) need to be modified.
- If necessary, the Small-Mesh Multispecies PDT will provide advice and recommendations to the Small-Mesh Multispecies Oversight Committee and the Council regarding the need to adjust measures for the small-mesh multispecies fishery to better achieve the FMP's objectives.
- The PDT's recommendations will include the following information:

- OFL estimates for the next three fishing years, based on the control rules described in Section 3.1.1;
  - ABC estimates for the next three fishing years, based on the control rules described in Section 3.1.1;
  - ACLs that are set equal to 95 percent of the corresponding ABC;
  - TALs that are calculated using an estimate of discards based on the most recent three-year moving average for which data are available and an appropriate estimate of state-waters landings;
  - An evaluation of catches compared to the ABCs in recent years; and
  - Any other measures that the PDT determines are necessary to successfully implement the ACL framework, including, but not limited to, adjustments to the management uncertainty buffer between ABC and ACL.
- The PDT will provide these recommendations to the SSC for review. The SSC will either approve the PDT's recommendations or provide alternative recommendations to the Council.
  - The Council will then consider the SSC's and PDT's recommendations and make a decision on the specifications for the next three fishing years. The Council must establish ACLs that equal to or lower than the SSC's recommended ABCs.
  - Once the Council has approved ACLs, they will be submitted to NMFS for approval and implementation.
  - After receipt of the Council's ACLs, NMFS will review the recommendations and will implement the ACLs in a manner consistent with the Administrative Procedure Act. If it is determined that the ACLs are consistent with applicable laws, if the ACLs are determined to be inconsistent with applicable law, NMFS may publish alternative specifications that are consistent with the SSC's recommendation and applicable law.
- If new ACLs are not implemented for the start of the new specifications cycle, the old ACLs will remain in effect until they are replaced.

### Section 3.2.2 Status Quo/No Action Alternative

The no action/status quo alternative would maintain the current management measures for the small-mesh multispecies fishery. That is, the series of exempted areas and their associated requirements would remain without catch limits or targets. This would mean that there would be no ACLs or AMs implemented for the small-mesh fishery. The status quo/no action alternative would be out of compliance with the Magnuson-Stevens Act, which requires ACLs for all managed stocks by 2011.

### Section 3.3 Alternatives for Accountability Measures

In general, AMs are management controls implemented for stocks so that exceeding an ACL is prevented, and, if an ACL is exceeded, correction or mitigation occurs. There are two types of accountability measures proposed for the Secretarial Amendment—reactive, or post-season, and proactive, or in-season. Reactive AMs are designed to be applied after the fishing year ends to address the operational issue that caused the overage and/or address any biological harm to the

stock. NMFS determined that a pound-for-pound payback of any ACL overage was the most reasonable alternative to implement for the small-mesh multispecies fishery in the Secretarial Amendment, and only analyzed that alternative and the status quo/no action alternative. This is not intended to preclude the Council from selecting different reactive AMs in Amendment 19, but is intended to meet the requirements of the Magnuson-Stevens Act with minimal confusion to industry during the transition between the two sets of rules.

Proactive AMs are designed to be implemented in-season to prevent the ACL from being exceeded in the first place. The Council has several options that may be included in Amendment 19, and NMFS chose the Council's most likely preferred alternative, which is also the most flexible and general of the current alternatives. Several of the Council's other alternatives are discussed below, in addition to the status quo/no action alternative.

### Section 3.3.1 Reactive (Post-season) Accountability Measure Alternatives

#### Section 3.3.1.1 Pound-for-Pound Payback of an ACL Overage (Preferred Alternative)

This alternative would authorize NMFS, through the Northeast Regional Administrator, to deduct from a subsequent year's ACL any overage of a stock's ACL in a given year. In the Northeast Region, there have been two approaches to this alternative. In some fisheries, such as groundfish, an overage in year 1 is deducted from the ACL in year 2. In other fisheries, such as skates, an overage in year 1 is deducted from the ACL in year 1.

For the small-mesh multispecies fishery, NMFS is proposing the latter option. ACL overages that occur in one year would be deducted from the ACL in the second year after the overage occurred (i.e., year 3). The advantage to this approach for the small-mesh multispecies fishery is that this would ensure that an in-season adjustment to an ACL would not prevent some exemption areas from opening in a given year, but allow others to open. This also allows vessel owners the opportunity to prepare for the reduction with ample time to adjust their business plans.

#### Section 3.3.1.2 Status Quo/No Action

The Status Quo/No Action alternative would leave in place the existing management measures for the small-mesh multispecies fishery and would not implement a reactive, or post-season, accountability measure. The status quo/no action alternative is out of compliance with the Magnuson-Stevens Act, which requires AMs for all managed stocks by 2011.

### Section 3.3.2 Proactive (In-season) Accountability Measure Alternatives

#### Section 3.3.2.1 Zero Possession at 100% of TAL

This alternative would prohibit the possession and landing of a particular small-mesh multispecies stock if 100% of that stock's TAL is projected to be reached prior to the end of the fishing year. NMFS would monitor the in-season landings of small-mesh multispecies against

that year's TAL using dealer-reported data, as is done with most quota-managed FMPs. NMFS would notify the public in a manner consistent with the Administrative Procedure Act.

**Section 3.3.2.2 Incidental Possession Limit Trigger (Preferred Alternative)**

This alternative would reduce the possession of a particular stock to an incidental level when the trigger limit for that stock's TAL is projected to be reached. Under this approach, even if the TAL is exceeded, the possession limit would remain at the incidental level until the end of the fishing year. NMFS is proposing this alternative as the preferred as it is both the most likely preferred alternative of the Council's and is the most flexible of alternatives discussed in this section. NMFS determined that when choosing a preferred alternative that it would be the least confusing to choose the most general and most flexible of the Council's alternatives.

Based on what vessels are currently landing as an incidental limit, NMFS is proposing the following incidental limits (Table 9). These incidental limits are also included in recent decisions by the Council's Small-Mesh Multispecies Oversight Committee for discussion in Amendment 19.

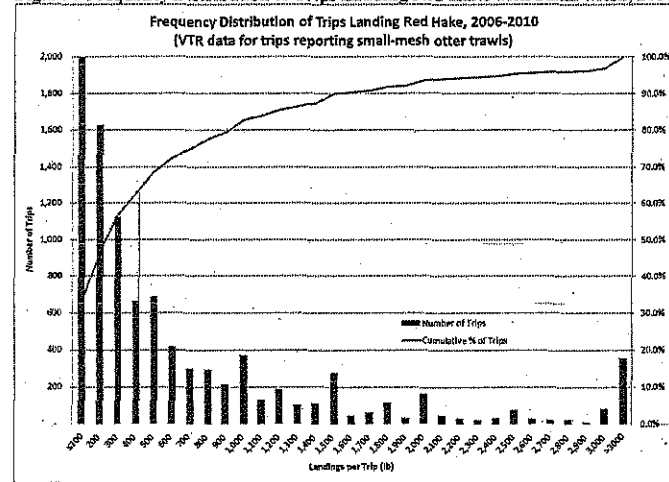
Table 9 Potential Incidental Possession Limits and Triggers

|             | % of TAL | Incidental Limit |
|-------------|----------|------------------|
| Red Hake    | 90       | 400 lb           |
| Silver Hake | 90       | 1,000 lb         |

To determine the appropriate incidental possession limit, vessel trip reports from 2006 – 2010 were queried. For red hake, 62.5 percent of trips that landed at least one pound of red hake with a small-mesh otter trawl landed 400 lb or less (Figure 7). The landings level for 45-percent of all trips landing at least one pound of red, silver, or offshore hake with a small-mesh otter trawl was less than 400 lb; 1,000 lb represents nearly two-thirds of all trips. For all gears from 2006 -2010, 100 lb or less was landed by 51 percent of vessels landing at least one pound of red hake; 78 percent landed 500 lb or less; and 88 percent of vessels landing at least one pound of red hake landed less than 1,000 lb.

This suggests that 400 – 1,000 lb is roughly the current level of small-mesh multispecies that vessels land on a small-mesh trip, and that 100 – 400 lb is approximately the current incidental limit for all gear types. That is, this is already the incidental level that vessels are landing, without a possession limit dictating that level.

Figure 7 Frequency Distribution of Trips Landing Red Hake with Small-Mesh, 2006-2010



**Section 3.3.2.3 Incidental Possession Limit Trigger and Zero Possession at 100% of TAL**

This alternative would combine alternatives 3.3.2.1 and 3.3.2.2. This alternative would reduce the possession of a particular stock to the incidental limit at a trigger level and would prohibit possession of that stock when 100% of the TAL is projected to be reached prior to the end of the fishing year.

**Section 3.3.2.4 Status Quo/No Action**

The Status Quo/No Action alternative would leave in place the existing management measures for the small-mesh multispecies fishery and would not implement a proactive, or in-season, accountability measure.

**Section 3.4 Considered, But Rejected Alternative**

**Section 3.4.1 Exemption Area ACL Framework Alternative (Northern Area Only)**

This alternative, based on recommendations from the Council's Whiting Oversight Committee and Advisory Panel, would have implemented ACLs and AMs in the southern area by stock area (as in Section 3.2.1), but in the northern area would have subdivided those TALs. This alternative would have resulted in four ACLs, corresponding to two southern area TALs and six northern area TALs. The northern area TALs would have been divided based on the historic proportional landings recommended by the Council (2004-2010) of the Cultivator Shoal Exemption Area, the Other Small-Mesh Exemption Areas, and Incidental Landings.

This alternative was considered, but rejected, in order to maintain the Council's flexibility in determining which alternatives in Amendment 19 would be preferable. NMFS prefers the broadest of the Council's alternatives (stock area TALs; Section 3.2.1). This allows the Council to determine if it is appropriate to refine the TALs further and to implement more precise management alternatives, such as a sub-divided TAL in the northern area.

NMFS received comments during the public comment period of the Advanced Notice of Proposed Rulemaking (Section 7.1.3) that preferred this alternative because of the concern that a stock area TAL would be harvested prior to one or more of the small-mesh exemption areas being opened for the season. NMFS is proposing the stock area TAL because the landings in the northern area peak with exemption area openings (Figure 6). NMFS suggests that the data show no indication that the Cultivator Shoal Exemption Area Program would land red hake in such a way to prevent the inshore Gulf of Maine exemption area programs from operating as they have recently. Further, Figure 20 (see section 5.5.3.2 of this document) demonstrates the potential impact of the 400 lb incidental possession limit for northern red hake, and relatively few trips would be affected, if the trigger is implemented.

## Section 4.0 Affected Environment

### Section 4.1 Target Species (Silver, Red, Offshore Hake)

#### Section 4.1.1 Life History

##### Section 4.1.1.1 Silver Hake

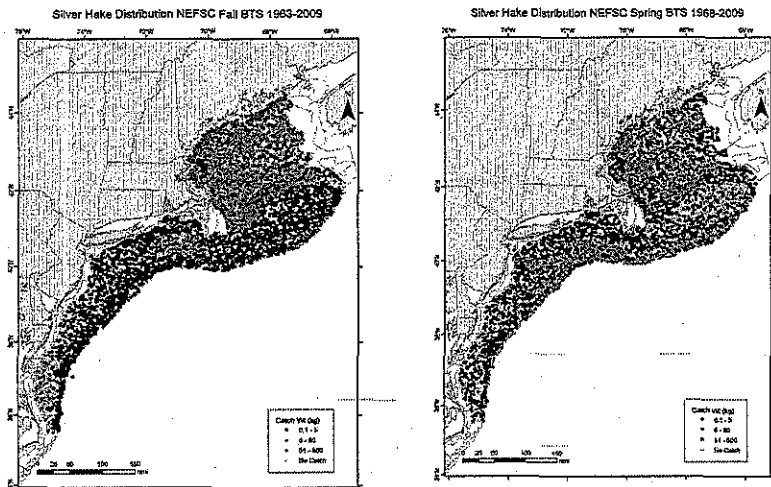
Silver hake, *Merluccius bilinearis*, also known as whiting, range from the Grand Banks of Southern Newfoundland to South Carolina (Brodziak, 2001, Lock and Packer 2004). In U.S. waters, two subpopulations of silver hake are assumed to exist within the EEZ based on numerous methods, primarily morphometric differences and otolith micro-constituent differences (Conover et al. 1967, Almeida 1987, Bolles and Begg 2000). 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 (Figure 11). However, Bolles and Begg (2000) reported some mixing of silver hake due to their wide migratory patterns, but the degree of mixing among the management areas is unknown. A re-evaluation of stock structure in the last silver hake assessment, based on trends in adult biomass, ichthyoplankton survey, growth and maturity analyses, also suggests that reproductive isolation between the two stocks is unlikely (NEFSC, 2010). Based on the mixed evidence on silver hake stock structure (morphometrics, tagging, discontinuous larva distribution, homogeneous growth and maturity), it was concluded that there was no strong biological evidence to support either a separate or a single stock structure for silver hake. Thus, the two-stock structure definition remained as the basis for science and management (NEFSC, 2010).

Survey distribution suggests that most of the silver hake are in the Gulf of Maine and on Georges Bank in the fall and along the shelf edge in the spring (Figure 8). Silver hake migrate in response to seasonal changes in water temperatures, moving toward shallow, warmer waters in

the spring, spawning during late spring and early summer and then return to deeper waters in the autumn (Brodziak et al. 2001). 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. Silver hake are widely distributed, and have been observed at temperature ranges of 2-17° C (36-63° F) and depth ranges of 11-500 m (36-1,640 ft). However, they are most commonly found between 7-10° C (45-50° F) (Lock and Packer 2004).

Female silver hake are serial spawners, producing and releasing up to three batches of eggs in a single spawning season (Collette and Klein-MacPhee eds. 2002). Major spawning areas include the coastal region of the Gulf of Maine from Cape Cod to Grand Manan Island, southern and southeastern Georges Bank, and the southern New England area south of Martha's Vineyard. Peak spawning occurs earlier in the south (May to June) than in the north (July to August). Over 50 percent of age-2 fish (20 to 30 cm, 8 to 12 in) and virtually all age-3 fish (25 to 35 cm, 10 to 14 in) are sexually mature (O'Brien et al. 1993). Silver hake grow to a maximum length of over 70 cm (28 in) and ages up to 14 years have been observed in U.S. waters, although few fish older than age 6 have been observed in recent years (Brodziak et al. 2001, NEFSC 2010). Silver hake are nocturnal, semi-pelagic predators, moving up in the water column to feed at night, primarily between dusk and midnight and returning to rest on the bottom during the day, preferring sandy, muddy or pebble substrate (Collette and Klein-MacPhee eds. 2002). Silver hake population constitutes an important link in the food web dynamics due to their high prey consumption capacity and as food source for other major predators in the northwest Atlantic ecosystem. Consumptive estimates of silver hake indicate that predatory consumption represents a major source of silver hake removals from the system and primarily includes goosefish, bluefish, windowpane, four spot flounder, red hake, cod, silver hake, thorny skate, winter skate, little skate, Poillock and spiny dogfish (Garrison and Link 2000, NEFSC, 2010). Silver hake are generally cannibalistic but their diet varies by region, size, sex, season, migration, spawning and age (Garrison and Link 2000, Lock and Packer 2004, Link et al. 2011).

Figure 8 Fall (left) and Spring (right) Survey Distribution of Silver Hake from the NEFSC Bottom Trawl Surveys, 1963-2009



#### Section 4.1.1.2 Red Hake Life History

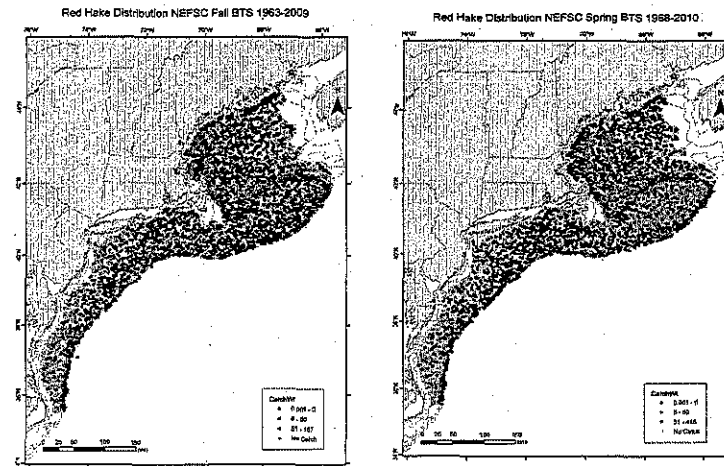
Red hake, *Urophycis chuss*, is a demersal gadoid species distributed from the Gulf of St. Lawrence to North Carolina, and are most abundant from the western Gulf of Maine through Southern New England waters. Red hake are separated into northern and southern stocks for management purposes. The northern 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 (Figure 11). Survey distributions indicate that there are higher concentrations of red hake by catch weight (kg) during the NEFSC spring surveys than the NEFSC fall surveys. Less red hake are caught in the middle of Georges Bank in the spring than the fall. They tended to be more in the Gulf of Maine and along the shelf, than in the middle of the bank (Figure 9).

Red hake migrate seasonally, preferring temperatures between 5 and 12° C (41-54° F) (Grosslein and Azarovitz 1982). 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. Spawning occurs from May through November, with primary spawning grounds on the southwest part of Georges Bank and in the Southern New England area off Montauk Point, Long Island (Colton and Temple 1961).

Red hake do not grow as large as white hake, and normally reach a maximum size of 50 cm (20 in) and 2 kg (4.4 lb) (Musick 1967). Females are generally larger than males of the same age, and reach a maximum length of 63 cm (25 in) and a weight of 3.6 kg (7.9 lb) (Collette and Klein-MacPhee eds. 2002). Although they generally do not live longer than 8 years, red hake have been recorded up to 14 years old. In the northern stock, the age at 50 percent maturity is 1.4 years for males and 1.8 years for females, and the size at 50 percent maturity is 22 cm (8.7 in) for males and 27 cm (10.6 in) for females (O'Brien et al. 1993). In the southern red hake stock, the age at 50 percent maturity is 1.8 years for males and 1.7 years for females, and the size at 50 percent maturity is 24 cm (9.5 in) for males and 25 cm (9.8 in) for females (O'Brien et al. 1993).

Red hake prefer soft sand or muddy bottom, and feed primarily on crustaceans such as euphausiids, decapods, and rock crabs as well as fish such as haddock, silver hake, sea robins, sand lance, mackerel and small red hake (Bowman et al. 2000). Primary predators of red hake include spiny dogfish, cod, goosefish, and silver hake (Koutrouf 1999). As juveniles, red hake seek shelter from predators in scallop beds, and are commonly found in the mantle cavities of (or underneath) sea scallops. In the fall, red hake likely leave the safety of the scallop beds due to their increasing size and to seek warmer temperatures in offshore waters (Steiner et al. 1982).

Figure 9 Fall (left) and Spring (right) Survey Distribution of Red Hake from the NEFSC Bottom Trawl Surveys, 1963-2009



#### Section 4.1.1.3 Offshore Hake Life History

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 ranging between 11-13°C. They are known to co-occur with silver hake in the outer continental slopes of the Atlantic Ocean and are easily confused with silver hake because of their strong morphological resemblances. There appears to be seasonal differences in the patterns of distribution with concentrations shifting south of Georges Bank in the winter months and extending to the southern flank of Georges Bank and further south in the spring (Figure 10).

The primary source of biological information for offshore hake is the annual fishery independent surveys conducted by the Northeast Fisheries Science Center (NEFSC). Offshore hake survey catches are generally low and variable relative to other hake species.

Offshore hake are located primarily on the continental shelf and presumably beyond the NEFSC survey area. Offshore hake 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 more abundant during the winter months.

Offshore hake appear to be sexually dimorphic with females slightly larger than males. Females mature at a larger length than males, similar to other gadoid species (O'Brien et al 1993). Maximum size observed in the survey was approximately 56 cm. Length at 50 percent maturity also differed significantly between sexes with females maturing at larger sizes (28 cm) relative to males (23 cm). Spawning generally occurs between April and July. Maximum observed size was approximately 43 cm for males and 56 cm for female (Traver et al. 2011).

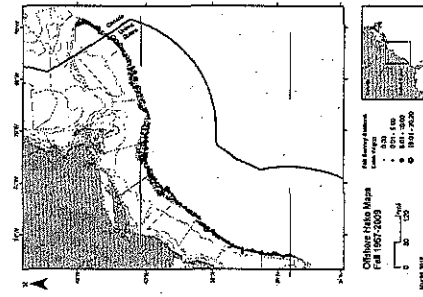
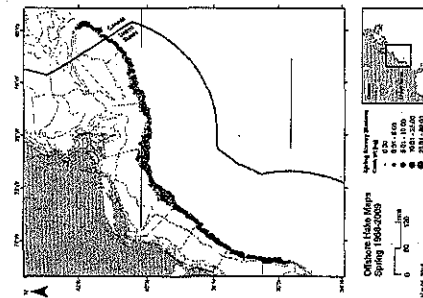
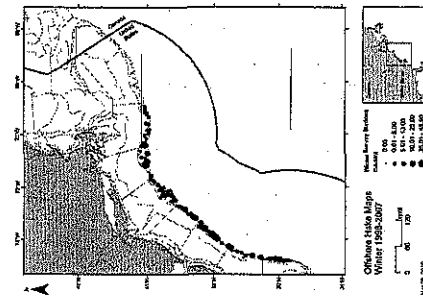
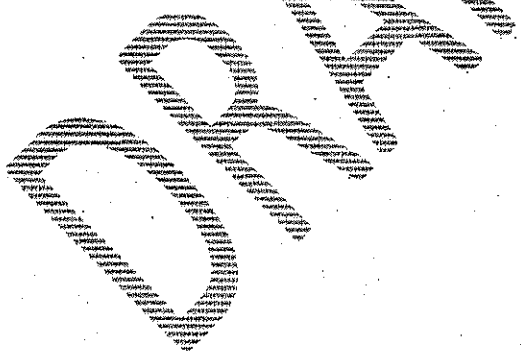
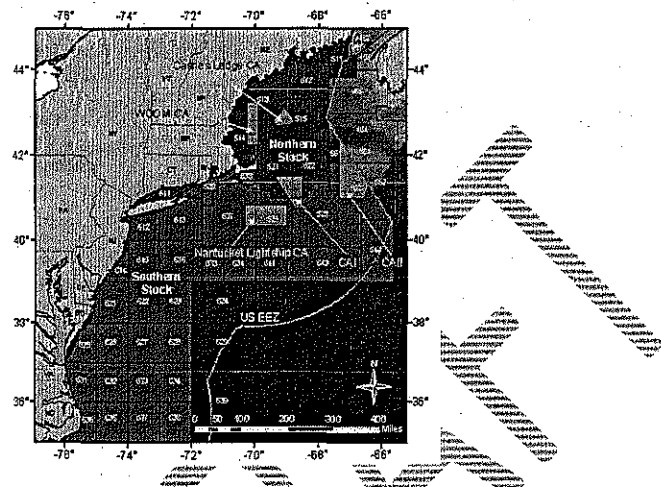


Figure 11 Statistical Area Used to Define Red and Silver hake in the Northern and Southern Management Areas. Offshore Hake Statistical Areas are Restricted to the Southern Management Region only.



#### Section 4.1.2 Stock Status

The Stock Assessment Review Committee (SARC) of the 51<sup>st</sup> Stock Assessment Workshop (SAW 51) met from November 19 through December 3, 2010, at the Northeast Fisheries Science Center, in Woods Hole, MA to review the benchmark assessments of silver hake (*Merluccius bilinearis*), red hake (*Urophycis chuss*), and offshore hake (*Merluccius albidus*). Despite several attempts to produce an analytical assessment for the hake stocks, the benchmark could not ultimately resolve different signals coming from low catches (especially compared with those in the early part of the time series), increasing stock biomass, and an increasingly truncated age structure in survey catches (i.e., increasing absence of older fish, particularly silver hake). Nonetheless, the benchmark assessment made some progress on resolving stock structure, species identification in the survey and commercial catches, and in estimating consumption. Despite the inclusion of predatory consumption estimates, which were almost an order of magnitude greater than catch, the analytical models still did not perform well. Instead, the SAW accepted an index based assessment for both red and silver hake status determination, similar to previous assessments, with updated reference points. For offshore hake, there was no reliable information about catch or trends in abundance and biomass to guide management of offshore hake.

#### Section 4.1.2.1 Silver hake

The 2010 silver hake assessment for both the northern and southern management areas included survey data from the NEFSC fall bottom trawl survey, commercial fishing data from vessel trip reports, dealer landings, and on-board fishery observer data through 2009. Since then, the Council's Small-Mesh Multispecies Planning Development Team (PDT) have updated the assessment results to include both the 2010 fall survey biomass and commercial catch data and will be the basis for this report (Table 11 and Table 12).

In the absence of an analytical assessment for silver hake, the biological reference points for both the northern and southern silver hake stocks are as follows (Table 10):

*Silver hake is overfished when the three-year moving average of the fall survey weight per tow (i.e. the biomass threshold) is less than one half the B<sub>MSY</sub> proxy, where the B<sub>MSY</sub> proxy is defined as the average observed from 1973-1982. The most recent estimates of the biomass thresholds are 3.21 kg/tow for the northern stock, and 0.83 kg/tow for the southern stock.*

*Overfishing occurs when the ratio between the catch and the arithmetic fall survey biomass index from the most recent three years exceeds the overfishing threshold. The most recent estimates of the overfishing threshold are 2.78 kt/kg for the northern stock and 34.19 kt/kg for the southern stock of silver hake.*

Table 10 Proposed Overfishing Definition Reference Points for Silver Hake

| Stock                | Threshold  | Target   |
|----------------------|--|--|
| Northern Silver Hake | 1/2 B <sub>MSY</sub> Proxy (3.21 kg/tow)<br>F <sub>MSY</sub> Proxy (2.78 kt/kg)  | B <sub>MSY</sub> Proxy (6.42 kg/tow)<br>F <sub>MSY</sub> Proxy (n/a) |
| Southern Silver Hake | 1/2 B <sub>MSY</sub> Proxy (0.83 kg/tow)<br>F <sub>MSY</sub> Proxy (34.19 kt/kg) | B <sub>MSY</sub> Proxy (1.65 kg/tow)<br>F <sub>MSY</sub> Proxy (n/a) |

Overfishing threshold estimates are based on annual exploitation ratios (catch divided by arithmetic fall survey biomass) averaged from 1973-1982. Catch per tow is in "Albatross" units (Table 11 and Table 12).

Table 11 Northern Silver Hake Stock - Summary of catch and survey indices in Albatross units for northern silver hake, 1955-2010 (continues onto next page)

| Year | Northern Fall Survey arithmetic kg/tow | Northern Fall Survey 3-year average | Northern Landings (000's mt) | Northern Discards (000's mt) | Northern total catch (000 mt) | Northern Exploitation Index' | Northern Exploitation Index (3 year avg) |
|------|--|-------------------------------------|------------------------------|------------------------------|-------------------------------|------------------------------|--|
| 1955 |  |                                     | 53.36                        |                              | 53.36                         |                              |  |
| 1956 |  |                                     | 42.15                        |                              | 42.15                         |                              |  |
| 1957 |  |                                     | 62.75                        |                              | 62.75                         |                              |  |
| 1958 |  |                                     | 49.90                        |                              | 49.90                         |                              |  |
| 1959 |  |                                     | 50.61                        |                              | 50.61                         |                              |  |
| 1960 |  |                                     | 45.54                        |                              | 45.54                         |                              |  |
| 1961 |  |                                     | 39.69                        |                              | 39.69                         |                              |  |
| 1962 |  |                                     | 79.00                        |                              | 79.00                         |                              |  |
| 1963 | 23.10                                  |                                     | 73.92                        |                              | 73.92                         | 3.20                         |  |
| 1964 | 4.34                                   |                                     | 94.46                        |                              | 94.46                         | 21.77                        |  |
| 1965 | 7.06                                   | 11.50                               | 45.28                        |                              | 45.28                         | 6.41                         | 10.46                                    |
| 1966 | 4.19                                   | 5.20                                | 47.81                        |                              | 47.81                         | 11.41                        | 13.20                                    |
| 1967 | 2.27                                   | 4.51                                | 33.37                        |                              | 33.37                         | 14.70                        | 10.84                                    |
| 1968 | 2.28                                   | 2.91                                | 41.38                        |                              | 41.38                         | 18.15                        | 14.75                                    |
| 1969 | 2.41                                   | 2.32                                | 24.06                        |                              | 24.06                         | 9.98                         | 14.28                                    |
| 1970 | 3.03                                   | 2.57                                | 27.53                        |                              | 27.53                         | 9.09                         | 12.41                                    |
| 1971 | 2.67                                   | 2.70                                | 36.40                        |                              | 36.40                         | 13.63                        | 10.90                                    |
| 1972 | 5.78                                   | 3.83                                | 25.22                        |                              | 25.22                         | 4.36                         | 9.03                                     |
| 1973 | 4.12                                   | 4.19                                | 32.09                        |                              | 32.09                         | 7.79                         | 8.60                                     |
| 1974 | 3.45                                   | 4.45                                | 20.68                        |                              | 20.68                         | 5.99                         | 6.05                                     |
| 1975 | 8.09                                   | 5.22                                | 39.87                        |                              | 39.87                         | 4.93                         | 6.24                                     |
| 1976 | 11.25                                  | 7.60                                | 13.63                        |                              | 13.63                         | 1.21                         | 4.05                                     |
| 1977 | 6.72                                   | 8.69                                | 12.46                        |                              | 12.46                         | 1.85                         | 2.66                                     |
| 1978 | 6.32                                   | 8.10                                | 12.61                        |                              | 12.61                         | 2.00                         | 1.69                                     |
| 1979 | 6.18                                   | 6.41                                | 3.42                         |                              | 3.42                          | 0.55                         | 1.47                                     |
| 1980 | 7.23                                   | 6.58                                | 4.73                         |                              | 4.73                          | 0.65                         | 1.07                                     |
| 1981 | 4.52                                   | 5.98                                | 4.42                         | 2.64                         | 7.05                          | 1.56                         | 0.92                                     |
| 1982 | 6.28                                   | 6.01                                | 4.66                         | 2.91                         | 7.57                          | 1.21                         | 1.14                                     |
| 1983 | 8.76                                   | 6.52                                | 5.31                         | 2.64                         | 7.95                          | 0.91                         | 1.22                                     |
| 1984 | 3.36                                   | 6.13                                | 8.29                         | 2.59                         | 10.88                         | 3.24                         | 1.78                                     |
| 1985 | 8.28                                   | 6.80                                | 8.30                         | 2.56                         | 10.86                         | 1.31                         | 1.82                                     |
| 1986 | 13.04                                  | 8.23                                | 8.50                         | 2.35                         | 10.86                         | 0.83                         | 1.79                                     |
| 1987 | 9.79                                   | 10.37                               | 5.66                         | 2.11                         | 7.77                          | 0.79                         | 0.98                                     |
| 1988 | 6.05                                   | 9.63                                | 6.79                         | 1.79                         | 8.57                          | 1.42                         | 1.01                                     |
| 1989 | 10.53                                  | 8.79                                | 4.65                         | 2.32                         | 6.96                          | 0.66                         | 0.96                                     |
| 1990 | 15.61                                  | 10.73                               | 6.38                         | 1.96                         | 8.34                          | 0.53                         | 0.87                                     |

| Year | Northern Fall Survey arithmetic kg/tow | Northern Fall Survey 3-year average | Northern Landings (000's mt) | Northern Discards (000's mt) | Northern total catch (000 mt) | Northern Exploitation Index | Northern Exploitation Index (3 year avg) |
|------|--|-------------------------------------|------------------------------|------------------------------|-------------------------------|-----------------------------|--|
| 1991 | 10.52                                  | 13.07                               | 6.06                         | 1.26                         | 7.31                          | 0.69                        | 0.60                                     |
| 1992 | 10.25                                  | 15.61                               | 5.31                         | 1.42                         | 6.73                          | 0.66                        | 0.53                                     |
| 1993 | 7.50                                   | 9.42                                | 4.36                         | 0.69                         | 5.05                          | 0.67                        | 0.67                                     |
| 1994 | 6.84                                   | 8.20                                | 3.90                         | 0.24                         | 4.14                          | 0.61                        | 0.65                                     |
| 1995 | 12.89                                  | 9.08                                | 2.59                         | 0.63                         | 3.22                          | 0.25                        | 0.51                                     |
| 1996 | 7.57                                   | 9.10                                | 3.62                         | 0.82                         | 4.44                          | 0.59                        | 0.48                                     |
| 1997 | 5.66                                   | 8.71                                | 2.80                         | 0.24                         | 3.05                          | 0.54                        | 0.46                                     |
| 1998 | 16.91                                  | 10.71                               | 2.05                         | 0.69                         | 2.74                          | 0.14                        | 0.42                                     |
| 1999 | 11.15                                  | 11.91                               | 3.45                         | 0.74                         | 4.19                          | 0.38                        | 0.35                                     |
| 2000 | 13.51                                  | 14.52                               | 2.59                         | 0.36                         | 2.95                          | 0.22                        | 0.25                                     |
| 2001 | 8.33                                   | 10.28                               | 3.39                         | 0.48                         | 3.87                          | 0.46                        | 0.47                                     |
| 2002 | 7.99                                   | 10.09                               | 2.59                         | 0.51                         | 3.11                          | 0.39                        | 0.47                                     |
| 2003 | 8.29                                   | 8.20                                | 1.81                         | 0.20                         | 2.01                          | 0.24                        | 0.37                                     |
| 2004 | 3.28                                   | 6.52                                | 1.05                         | 0.12                         | 1.16                          | 0.35                        | 0.33                                     |
| 2005 | 1.72                                   | 4.43                                | 0.83                         | 0.06                         | 0.89                          | 0.52                        | 0.37                                     |
| 2006 | 3.69                                   | 2.90                                | 0.90                         | 0.04                         | 0.94                          | 0.26                        | 0.38                                     |
| 2007 | 6.44                                   | 3.95                                | 1.01                         | 0.75                         | 1.76                          | 0.27                        | 0.35                                     |
| 2008 | 5.27                                   | 5.13                                | 0.82                         | 0.17                         | 0.79                          | 0.15                        | 0.23                                     |
| 2009 | 6.89                                   | 6.20                                | 1.04                         | 0.19                         | 1.2320                        | 0.18                        | 0.20                                     |
| 2010 | 13.35                                  | 8.50                                | 1.69                         | 0.79                         | 2.4784                        | 0.19                        | 0.17                                     |



Table 12 Southern Silver Hake Stock- Summary of catch and survey indices in Albatross units for northern silver hake, 1955-2010 (continues onto next page)

| Year | Southern Fall Survey arithmetic kg/tow | Southern Fall Survey 3-year average | Southern Landings (000's mt) | Southern Discards (000's mt) | Southern total catch (000 mt) | Southern Exploitation Index | Southern Exploitation Index (3 year avg) |
|------|--|-------------------------------------|------------------------------|------------------------------|-------------------------------|-----------------------------|--|
| 1955 |  |                                     | 13.255                       |                              | 13.255                        |                             |  |
| 1956 |  |                                     | 14.241                       |                              | 14.241                        |                             |  |
| 1957 |  |                                     | 16.426                       |                              | 16.426                        |                             |  |
| 1958 |  |                                     | 12.902                       |                              | 12.902                        |                             |  |
| 1959 |  |                                     | 16.387                       |                              | 16.387                        |                             |  |
| 1960 |  |                                     | 8.816                        |                              | 8.816                         |                             |  |
| 1961 |  |                                     | 12.649                       |                              | 12.649                        |                             |  |
| 1962 |  |                                     | 17.939                       |                              | 17.939                        |                             |  |
| 1963 | 4.660                                  |                                     | 89.425                       |                              | 89.425                        | 19.190                      |  |
| 1964 | 4.050                                  |                                     | 147.048                      |                              | 147.048                       | 36.219                      |  |
| 1965 | 5.280                                  | 4.667                               | 294.117                      |                              | 294.117                       | 55.704                      | 37.038                                   |
| 1966 | 2.640                                  | 3.993                               | 202.318                      |                              | 202.318                       | 76.636                      | 56.186                                   |
| 1967 | 2.440                                  | 3.453                               | 87.383                       |                              | 87.383                        | 35.813                      | 56.051                                   |
| 1968 | 2.730                                  | 2.603                               | 58.157                       |                              | 58.157                        | 21.303                      | 44.584                                   |
| 1969 | 1.260                                  | 2.143                               | 74.891                       |                              | 74.891                        | 59.437                      | 38.851                                   |
| 1970 | 1.350                                  | 1.780                               | 26.832                       |                              | 26.832                        | 19.876                      | 33.539                                   |
| 1971 | 2.210                                  | 1.807                               | 70.506                       |                              | 70.506                        | 31.903                      | 37.072                                   |
| 1972 | 2.130                                  | 1.897                               | 88.179                       |                              | 88.179                        | 41.399                      | 31.059                                   |
| 1973 | 1.700                                  | 2.013                               | 102.078                      |                              | 102.078                       | 60.046                      | 44.449                                   |
| 1974 | 0.850                                  | 1.560                               | 102.396                      |                              | 102.396                       | 120.466                     | 73.970                                   |
| 1975 | 1.790                                  | 1.447                               | 72.164                       |                              | 72.164                        | 40.315                      | 73.609                                   |
| 1976 | 1.990                                  | 1.543                               | 64.608                       |                              | 64.608                        | 32.466                      | 64.416                                   |
| 1977 | 1.680                                  | 1.820                               | 57.160                       |                              | 57.160                        | 34.024                      | 35.602                                   |
| 1978 | 2.500                                  | 2.057                               | 25.834                       |                              | 25.834                        | 10.334                      | 25.608                                   |
| 1979 | 1.680                                  | 1.953                               | 16.398                       |                              | 16.398                        | 9.761                       | 18.039                                   |
| 1980 | 1.630                                  | 1.937                               | 11.684                       |                              | 11.684                        | 7.168                       | 9.087                                    |
| 1981 | 1.120                                  | 1.477                               | 13.429                       | 3.502                        | 16.931                        | 15.117                      | 10.682                                   |
| 1982 | 1.560                                  | 1.437                               | 14.152                       | 4.654                        | 18.806                        | 12.055                      | 11.447                                   |
| 1983 | 2.570                                  | 1.750                               | 11.860                       | 4.814                        | 16.674                        | 6.488                       | 11.220                                   |
| 1984 | 1.40                                   | 1.84                                | 12.98                        | 4.88                         | 17.84                         | 12.74                       | 10.43                                    |
| 1985 | 3.55                                   | 2.51                                | 12.82                        | 3.87                         | 16.69                         | 4.70                        | 7.98                                     |
| 1986 | 1.45                                   | 2.13                                | 9.70                         | 4.33                         | 14.03                         | 9.68                        | 9.04                                     |
| 1987 | 1.95                                   | 2.32                                | 9.55                         | 4.25                         | 13.80                         | 7.08                        | 7.15                                     |
| 1988 | 1.78                                   | 1.73                                | 8.95                         | 4.50                         | 13.45                         | 7.55                        | 8.10                                     |
| 1989 | 1.87                                   | 1.87                                | 13.00                        | 6.57                         | 19.57                         | 10.46                       | 8.37                                     |
| 1990 | 1.52                                   | 1.72                                | 13.02                        | 5.97                         | 18.99                         | 12.49                       | 10.17                                    |

| Year | Southern Fall Survey arithmetic kg/tow | Southern Fall Survey 3-year average | Southern Landings (000's mt) | Southern Discards (000's mt) | Southern total catch (000 mt) | Southern Exploitation Index | Southern Exploitation Index (3 year avg) |
|------|--|-------------------------------------|------------------------------|------------------------------|-------------------------------|-----------------------------|--|
| 1991 | 0.850                                  | 1.413                               | 9.740                        | 3.081                        | 12.821                        | 15.084                      | 12.681                                   |
| 1992 | 0.990                                  | 1.120                               | 10.531                       | 3.446                        | 13.977                        | 14.118                      | 13.899                                   |
| 1993 | 1.280                                  | 1.040                               | 12.487                       | 5.166                        | 17.653                        | 13.791                      | 14.331                                   |
| 1994 | 0.790                                  | 1.020                               | 12.181                       | 5.936                        | 18.117                        | 22.933                      | 16.947                                   |
| 1995 | 1.590                                  | 1.220                               | 11.992                       | 1.402                        | 13.394                        | 8.424                       | 15.049                                   |
| 1996 | 0.450                                  | 0.943                               | 12.134                       | 0.479                        | 12.613                        | 28.029                      | 19.795                                   |
| 1997 | 0.830                                  | 0.957                               | 12.548                       | 0.624                        | 13.172                        | 15.870                      | 17.441                                   |
| 1998 | 0.570                                  | 0.617                               | 12.558                       | 0.526                        | 13.084                        | 22.954                      | 22.284                                   |
| 1999 | 0.820                                  | 0.740                               | 10.417                       | 3.549                        | 13.966                        | 17.032                      | 18.619                                   |
| 2000 | 0.720                                  | 0.703                               | 9.472                        | 0.329                        | 9.801                         | 13.613                      | 17.866                                   |
| 2001 | 2.040                                  | 1.193                               | 8.884                        | 0.188                        | 9.072                         | 4.447                       | 11.697                                   |
| 2002 | 1.180                                  | 1.313                               | 4.888                        | 0.410                        | 5.298                         | 4.490                       | 7.516                                    |
| 2003 | 1.420                                  | 1.547                               | 6.281                        | 0.604                        | 6.885                         | 4.849                       | 4.595                                    |
| 2004 | 1.240                                  | 1.280                               | 6.965                        | 1.203                        | 8.168                         | 6.587                       | 5.309                                    |
| 2005 | 0.940                                  | 1.200                               | 6.395                        | 1.576                        | 7.971                         | 8.460                       | 6.638                                    |
| 2006 | 1.420                                  | 1.200                               | 4.583                        | 0.161                        | 4.744                         | 3.341                       | 6.136                                    |
| 2007 | 0.870                                  | 1.077                               | 5.067                        | 0.146                        | 5.213                         | 5.992                       | 5.938                                    |
| 2008 | 1.360                                  | 1.217                               | 5.682                        | 1.033                        | 6.615                         | 4.864                       | 4.732                                    |
| 2009 | 1.100                                  | 1.110                               | 6.595                        | 0.839                        | 7.434                         | 6.758                       | 5.871                                    |
| 2010 | 2.818                                  | 1.759                               | 6.330                        | 0.780                        | 7.110                         | 2.523                       | 4.715                                    |

In the northern management area, the three year average arithmetic mean biomass based on the NEFSC fall bottom trawl survey for data 2008-2010 (8.50 kg/tow) was above the management threshold (3.21 kg/tow) and above the target (6.42 kg/tow). The three year average exploitation index (total catch divided by biomass index) for 2008-2010 (0.17 kt/kg) was below the overfishing threshold (2.78 kt/kg; Figure 12). In the southern management area, the three year arithmetic also based on the NEFSC fall bottom trawl survey data for 2008-2010 (1.76 kg/tow) was above the biomass threshold (0.83 kg/tow) and above the target (1.65 kg/tow). The three year average exploitation index (total catch divided by biomass index) for 2008-2010 (4.72 kt/kg) was below the overfishing threshold (34.19 kt/kg; Figure 13). Therefore, based on the accepted SAW 3+ reference points, the northern and southern stocks of silver are NOT overfished and overfishing is NOT occurring.

Figure 12 Northern Silver Hake Fall Survey Biomass in kg/tow (top) and Relative Exploitation Ratios (bottom) of the Total Catch (kt) to the Fall Survey Index with their Calculated 3-yr Running Averages (red lines). The solid lines represent the overfishing thresholds.

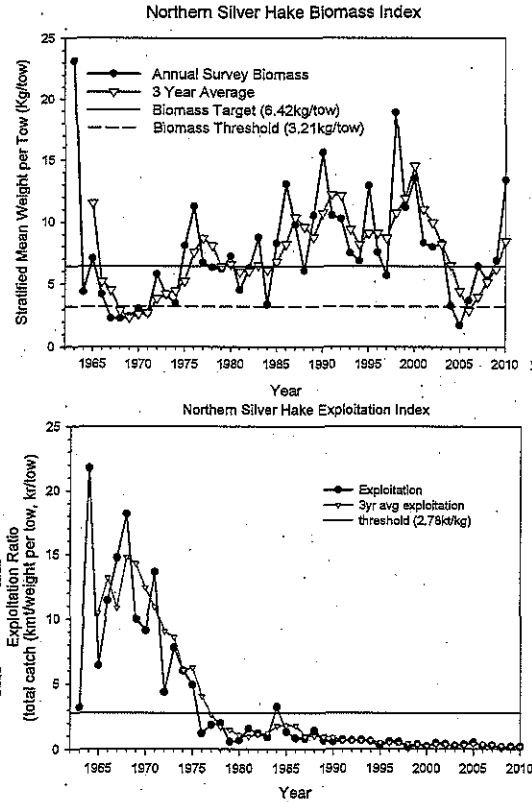
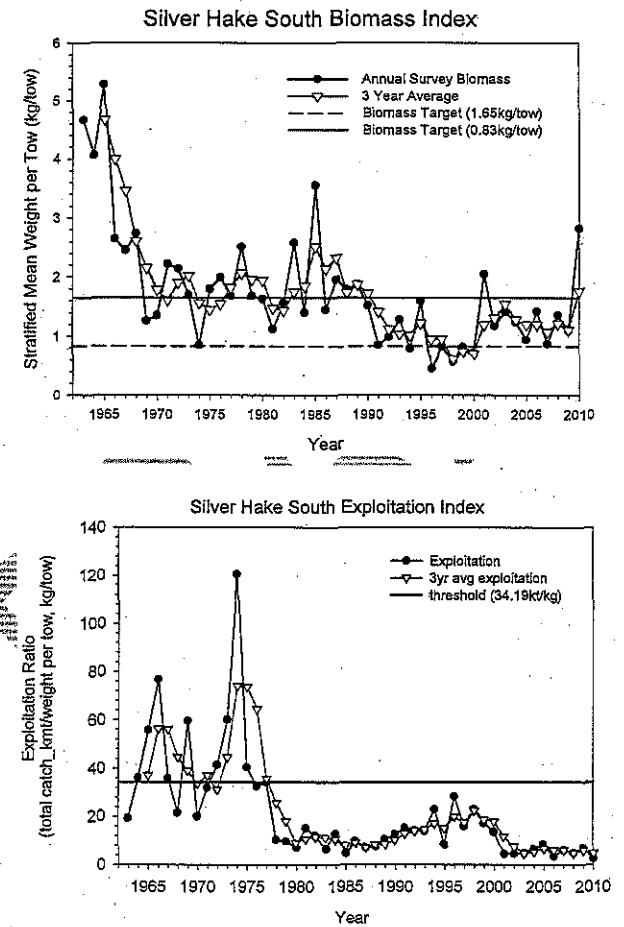


Figure 13 Southern Silver Hake Fall Survey Biomass in kg/tow (top) and Relative Exploitation Ratios (bottom) of the Total Catch (kt) to the Fall Survey Index with their Calculated 3-yr Running Averages (red lines). The solid lines represent the overfishing thresholds.



The range of years (1973-1982) adopted during the benchmark assessments for deriving the overfishing definition reference points are considered to be uncertain because it does not

incorporate estimates of current stock productivity. The transition from the 1970's to the 1980's highlight a period of high and low productivity with respect to the stock dynamics. Recognizing the potential for non-stationary productivity in the stock dynamics and the implications on estimates of the OFL, options for ABCs were explored to account for scientific uncertainty. Other sources of uncertainty in the assessment include: truncation in the age structure, estimates of predatory consumption, and catch estimates relative to mixed landings in the fishery (NEFSC, 2011).

**Section 4.1.2.2 Red hake**

The 2010 red hake assessment included survey data from the NEFSC spring bottom trawl survey through 2010, commercial fishing data from vessel trip reports, dealer landings, and on-board fishery observer data through 2009. Since the last assessment, the Council's Small-Mesh Multispecies PDT have updated the assessment results to include both the 2011 spring survey biomass and the 2010 commercial catch data and will be reflected in this report (

Table 14 and Table 15). In the absence of an analytical assessment for red hake, the biological reference points for both the northern and southern silver stocks are as follows (Table 13):

*Red hake is overfished when the three-year moving arithmetic average of the spring survey weight per tow (i.e., the biomass threshold) is less than one half of the B<sub>MSY</sub> proxy, where the B<sub>MSY</sub> proxy is defined as the average observed from 1980 – 2010. The current estimates of B<sub>THRESHOLD</sub> for the northern and southern stocks are 1.27 kg/tow and 0.51 kg/tow, respectively.*

*Overfishing occurs when the ratio between catch and spring survey biomass for the northern and the southern stocks exceeds 0.163 kt/kg and 3.038 kt/kg, respectively, derived from AIM analyses from 1980-2009.*

**Table 13 Current Overfishing Definition Reference Points for Red Hake**

| Stock             | Threshold   | Target   |
|-------------------|---|--|
| Northern Red Hake | ½ B <sub>MSY</sub> Proxy (0.627 kg/tow)<br>F <sub>MSY</sub> Proxy (0.163 kt/kg) | B <sub>MSY</sub> Proxy (n/a)<br>F <sub>MSY</sub> Proxy (n/a) |
| Southern Red Hake | ½ B <sub>MSY</sub> Proxy (0.51 kg/tow)<br>F <sub>MSY</sub> Proxy (3.038 kt/kg)  | B <sub>MSY</sub> Proxy (n/a)<br>F <sub>MSY</sub> Proxy (n/a) |

Table 14 Northern Red Hake Stock - Summary of catch and survey indices in Albatross units for northern silver hake, 1962-2010 (continues onto next page)

| Year | Northern Fall Survey arithmetic kg/tow | Northern Fall Survey 3-year average | Northern Landings (000's mt) | Northern Discards (000's mt) | Northern total catch (000 mt) | Northern Exploitation Index | Northern Exploitation Index (3 year avg) |
|------|--|-------------------------------------|------------------------------|------------------------------|-------------------------------|-----------------------------|--|
| 1962 |  |                                     | 1.918                        | 1.600                        | 3.518                         |                             |  |
| 1963 |  |                                     | 3.286                        | 1.600                        | 4.885                         |                             |  |
| 1964 |  |                                     | 1.410                        | 1.701                        | 3.111                         |                             |  |
| 1965 |  |                                     | 2.774                        | 1.624                        | 4.398                         |                             |  |
| 1966 |  |                                     | 5.578                        | 1.603                        | 7.181                         |                             |  |
| 1967 |  |                                     | 1.865                        | 1.404                        | 3.269                         |                             |  |
| 1968 | 1.138                                  |                                     | 2.629                        | 1.301                        | 3.930                         | 3.454                       |  |
| 1969 | 0.639                                  |                                     | 2.022                        | 1.117                        | 3.138                         | 4.909                       |  |
| 1970 | 0.541                                  | 0.773                               | 1.033                        | 1.098                        | 2.130                         | 3.939                       | 4.101                                    |
| 1971 | 0.648                                  | 0.609                               | 4.806                        | 1.162                        | 5.969                         | 9.211                       | 6.020                                    |
| 1972 | 1.560                                  | 0.916                               | 15.028                       | 0.963                        | 15.991                        | 10.248                      | 7.800                                    |
| 1973 | 4.311                                  | 2.173                               | 15.289                       | 0.909                        | 16.199                        | 3.757                       | 7.739                                    |
| 1974 | 2.491                                  | 2.768                               | 7.226                        | 0.815                        | 8.041                         | 3.308                       | 5.771                                    |
| 1975 | 4.254                                  | 3.665                               | 8.703                        | 1.199                        | 9.902                         | 2.328                       | 3.131                                    |
| 1976 | 3.371                                  | 3.352                               | 6.339                        | 0.925                        | 7.264                         | 2.155                       | 2.597                                    |
| 1977 | 2.656                                  | 3.427                               | 0.894                        | 1.081                        | 1.976                         | 0.744                       | 1.742                                    |
| 1978 | 2.571                                  | 2.866                               | 1.227                        | 1.117                        | 2.345                         | 0.912                       | 1.270                                    |
| 1979 | 2.041                                  | 2.422                               | 1.529                        | 1.223                        | 2.751                         | 1.348                       | 1.001                                    |
| 1980 | 3.889                                  | 2.831                               | 1.033                        | 1.366                        | 2.399                         | 0.618                       | 0.959                                    |
| 1981 | 6.353                                  | 4.092                               | 1.277                        | 1.324                        | 2.601                         | 0.409                       | 0.792                                    |
| 1982 | 2.127                                  | 4.121                               | 1.213                        | 1.460                        | 2.673                         | 1.257                       | 0.761                                    |
| 1983 | 3.698                                  | 4.059                               | 0.885                        | 1.353                        | 2.248                         | 0.608                       | 0.758                                    |
| 1984 | 2.982                                  | 2.936                               | 1.080                        | 1.327                        | 2.388                         | 0.801                       | 0.888                                    |
| 1985 | 3.913                                  | 3.531                               | 0.992                        | 1.270                        | 2.262                         | 0.578                       | 0.662                                    |
| 1986 | 3.260                                  | 3.385                               | 1.458                        | 1.189                        | 2.646                         | 0.812                       | 0.730                                    |
| 1987 | 2.941                                  | 3.371                               | 1.013                        | 1.052                        | 2.066                         | 0.702                       | 0.697                                    |
| 1988 | 1.996                                  | 2.732                               | 0.866                        | 0.897                        | 1.763                         | 0.883                       | 0.799                                    |
| 1989 | 1.651                                  | 2.196                               | 0.777                        | 1.447                        | 2.224                         | 1.347                       | 0.977                                    |
| 1990 | 1.331                                  | 1.660                               | 0.830                        | 0.595                        | 1.425                         | 1.070                       | 1.100                                    |

| Year | Northern Fall Survey arithmetic kg/tow | Northern Fall Survey 3-year average | Northern Landings (000's mt) | Northern Discards (000's mt) | Northern total catch (000 mt) | Northern Exploitation Index | Northern Exploitation Index (3 year avg) |
|------|--|-------------------------------------|------------------------------|------------------------------|-------------------------------|-----------------------------|--|
| 1991 | 1.621                                  | 1.621                               | 0.745                        | 0.818                        | 1.563                         | 0.964                       | 0.964                                    |
| 1992 | 2.501                                  | 2.061                               | 0.918                        | 0.726                        | 1.645                         | 0.658                       | 0.811                                    |
| 1993 | 2.824                                  | 2.315                               | 0.769                        | 0.083                        | 0.853                         | 0.302                       | 0.641                                    |
| 1994 | 1.590                                  | 2.305                               | 0.729                        | 0.077                        | 0.806                         | 0.507                       | 0.489                                    |
| 1995 | 1.973                                  | 2.129                               | 0.187                        | 0.063                        | 0.250                         | 0.127                       | 0.312                                    |
| 1996 | 1.792                                  | 1.785                               | 0.414                        | 0.656                        | 1.070                         | 0.597                       | 0.410                                    |
| 1997 | 1.811                                  | 1.859                               | 0.339                        | 0.125                        | 0.464                         | 0.258                       | 0.327                                    |
| 1998 | 2.519                                  | 2.041                               | 0.187                        | 0.130                        | 0.317                         | 0.126                       | 0.326                                    |
| 1999 | 2.322                                  | 2.217                               | 0.220                        | 0.468                        | 0.687                         | 0.296                       | 0.226                                    |
| 2000 | 3.186                                  | 2.676                               | 0.197                        | 0.055                        | 0.252                         | 0.079                       | 0.167                                    |
| 2001 | 3.579                                  | 3.029                               | 0.223                        | 0.135                        | 0.358                         | 0.100                       | 0.158                                    |
| 2002 | 4.460                                  | 3.742                               | 0.275                        | 0.101                        | 0.376                         | 0.084                       | 0.098                                    |
| 2003 | 0.996                                  | 3.012                               | 0.210                        | 0.088                        | 0.297                         | 0.298                       | 0.161                                    |
| 2004 | 1.772                                  | 2.409                               | 0.103                        | 0.057                        | 0.160                         | 0.090                       | 0.158                                    |
| 2005 | 1.097                                  | 1.288                               | 0.096                        | 0.057                        | 0.153                         | 0.140                       | 0.176                                    |
| 2006 | 0.912                                  | 1.260                               | 0.096                        | 0.181                        | 0.277                         | 0.303                       | 0.178                                    |
| 2007 | 2.056                                  | 1.355                               | 0.069                        | 0.127                        | 0.197                         | 0.096                       | 0.180                                    |
| 2008 | 3.488                                  | 2.152                               | 0.052                        | 0.059                        | 0.112                         | 0.032                       | 0.144                                    |
| 2009 | 1.748                                  | 2.431                               | 0.085                        | 0.095                        | 0.180                         | 0.103                       | 0.077                                    |
| 2010 | 2.020                                  | 2.419                               | 0.067                        | 0.244                        | 0.311                         | 0.154                       | 0.096                                    |
| 2011 | 2.178                                  | 1.982                               |                              |                              |                               |                             |  |

Table 15 Southern Red Hake Stock - Summary of catch and survey indices in Albatross units for northern silver hake, 1962-2010 (continues onto next page)

| Year | Southern Fall Survey arithmetic kg/tow | Southern Fall Survey 3-year average | Southern Landings (000'smt) | Southern Discards (000's mt) | Southern total catch (000 mt) | Southern Exploitation Index | Southern Exploitation Index (3 year avg) |
|------|--|-------------------------------------|-----------------------------|------------------------------|-------------------------------|-----------------------------|--|
| 1962 |  |                                     | 12.787                      | 4.000                        | 16.757                        |                             |  |
| 1963 |  |                                     | 32.671                      | 4.000                        | 36.671                        |                             |  |
| 1964 |  |                                     | 44.221                      | 3.758                        | 47.979                        |                             |  |
| 1965 |  |                                     | 93.624                      | 4.292                        | 97.916                        |                             |  |
| 1966 |  |                                     | 108.016                     | 3.773                        | 111.789                       |                             |  |
| 1967 |  |                                     | 88.948                      | 3.660                        | 92.608                        |                             |  |
| 1968 | 1.285                                  |                                     | 18.713                      | 3.715                        | 22.428                        | 17.450                      |  |
| 1969 | 1.082                                  |                                     | 53.417                      | 3.623                        | 57.040                        | 52.707                      |  |
| 1970 | 1.723                                  | 1.364                               | 11.864                      | 3.141                        | 15.005                        | 8.708                       | 26.288                                   |
| 1971 | 3.488                                  | 2.098                               | 35.421                      | 2.313                        | 37.734                        | 10.817                      | 24.077                                   |
| 1972 | 3.590                                  | 2.984                               | 61.371                      | 2.098                        | 63.469                        | 17.680                      | 12.402                                   |
| 1973 | 3.992                                  | 3.690                               | 51.679                      | 2.240                        | 53.919                        | 13.506                      | 14.001                                   |
| 1974 | 2.838                                  | 3.473                               | 26.834                      | 2.158                        | 28.992                        | 10.217                      | 13.801                                   |
| 1975 | 3.179                                  | 3.336                               | 20.028                      | 1.763                        | 21.791                        | 6.855                       | 10.193                                   |
| 1976 | 5.314                                  | 3.777                               | 23.110                      | 1.827                        | 24.937                        | 4.693                       | 7.255                                    |
| 1977 | 2.300                                  | 3.598                               | 7.812                       | 1.818                        | 9.630                         | 4.186                       | 5.245                                    |
| 1978 | 7.648                                  | 5.087                               | 6.434                       | 2.436                        | 8.870                         | 1.160                       | 3.346                                    |
| 1979 | 1.514                                  | 3.821                               | 7.837                       | 2.565                        | 10.502                        | 6.938                       | 4.095                                    |
| 1980 | 2.380                                  | 3.847                               | 4.226                       | 2.702                        | 6.928                         | 2.911                       | 3.670                                    |
| 1981 | 4.613                                  | 2.835                               | 2.498                       | 2.715                        | 5.211                         | 1.130                       | 3.660                                    |
| 1982 | 3.342                                  | 3.445                               | 3.199                       | 3.776                        | 6.975                         | 2.087                       | 2.043                                    |
| 1983 | 2.207                                  | 3.367                               | 1.576                       | 3.889                        | 5.465                         | 2.476                       | 1.898                                    |
| 1984 | 1.331                                  | 2.293                               | 1.819                       | 3.910                        | 5.729                         | 4.305                       | 2.956                                    |
| 1985 | 1.392                                  | 1.643                               | 0.932                       | 2.968                        | 3.901                         | 2.802                       | 3.194                                    |
| 1986 | 1.734                                  | 1.486                               | 0.899                       | 3.389                        | 4.288                         | 2.473                       | 3.193                                    |
| 1987 | 0.878                                  | 1.335                               | 1.415                       | 3.313                        | 4.728                         | 5.389                       | 3.554                                    |
| 1988 | 1.006                                  | 1.206                               | 1.122                       | 3.462                        | 4.584                         | 4.557                       | 4.139                                    |
| 1989 | 0.487                                  | 0.790                               | 1.367                       | 5.006                        | 6.372                         | 13.077                      | 7.674                                    |
| 1990 | 0.707                                  | 0.733                               | 1.312                       | 4.748                        | 6.060                         | 8.573                       | 8.735                                    |

| Year | Southern Fall Survey arithmetic kg/tow | Southern Fall Survey 3-year average | Southern Landings (000'smt) | Southern Discards (000's mt) | Southern total catch (000 mt) | Southern Exploitation Index | Southern Exploitation Index (3 year avg) |
|------|--|-------------------------------------|-----------------------------|------------------------------|-------------------------------|-----------------------------|--|
| 1991 | 0.611                                  | 0.602                               | 1.210                       | 2.612                        | 3.822                         | 6.257                       | 9.302                                    |
| 1992 | 0.465                                  | 0.594                               | 1.439                       | 6.343                        | 7.782                         | 16.743                      | 10.524                                   |
| 1993 | 0.424                                  | 0.500                               | 1.014                       | 5.308                        | 6.321                         | 14.926                      | 12.642                                   |
| 1994 | 0.675                                  | 0.521                               | 1.052                       | 1.720                        | 2.772                         | 4.108                       | 11.926                                   |
| 1995 | 0.516                                  | 0.538                               | 1.473                       | 1.329                        | 2.801                         | 5.433                       | 8.156                                    |
| 1996 | 0.453                                  | 0.548                               | 0.719                       | 0.380                        | 1.099                         | 2.426                       | 3.989                                    |
| 1997 | 1.161                                  | 0.710                               | 1.172                       | 2.422                        | 3.595                         | 3.097                       | 3.652                                    |
| 1998 | 0.214                                  | 0.609                               | 1.207                       | 0.740                        | 1.948                         | 9.118                       | 4.880                                    |
| 1999 | 0.455                                  | 0.610                               | 1.404                       | 1.060                        | 2.465                         | 5.420                       | 5.878                                    |
| 2000 | 0.423                                  | 0.364                               | 1.462                       | 0.250                        | 1.712                         | 4.047                       | 6.195                                    |
| 2001 | 0.642                                  | 0.507                               | 1.492                       | 0.138                        | 1.630                         | 2.540                       | 4.002                                    |
| 2002 | 0.542                                  | 0.536                               | 0.673                       | 0.327                        | 1.000                         | 1.846                       | 2.811                                    |
| 2003 | 0.206                                  | 0.463                               | 0.641                       | 0.345                        | 0.986                         | 4.794                       | 3.060                                    |
| 2004 | 0.154                                  | 0.301                               | 0.599                       | 0.616                        | 1.214                         | 7.865                       | 4.835                                    |
| 2005 | 0.376                                  | 0.245                               | 0.411                       | 1.007                        | 1.418                         | 3.772                       | 5.477                                    |
| 2006 | 0.380                                  | 0.304                               | 0.429                       | 0.674                        | 1.103                         | 2.902                       | 4.846                                    |
| 2007 | 0.857                                  | 0.538                               | 0.489                       | 1.545                        | 2.035                         | 2.373                       | 3.015                                    |
| 2008 | 0.473                                  | 0.670                               | 0.653                       | 0.814                        | 1.467                         | 3.099                       | 2.791                                    |
| 2009 | 1.342                                  | 0.891                               | 0.674                       | 0.869                        | 1.543                         | 1.150                       | 2.207                                    |
| 2010 | 1.045                                  | 0.954                               | 0.616                       | 0.737                        | 1.352                         | 1.294                       | 1.848                                    |
| 2011 | 1.088                                  | 1.162                               |                             |                              |                               |                             |  |

In the north, the three year arithmetic mean biomass index, based on the NEFSC spring bottom trawl survey for 2009-2011 (1.98 kg/tow) was above the management threshold (1.27 kg/tow) and below the target (2.54 kg/tow). The exploitation index (catch divided by biomass index for 2010 (0.15 kt/kg) was below the threshold (0.16 kt/kg, Figure 14). In the south, the three year arithmetic mean biomass index, based on the NEFSC spring bottom trawl survey for 2009-2011 (1.16 kg/tow) was above the management threshold (0.51 kg/tow) and above the target (1.02 kg/tow, Figure 15). The exploitation index (catch divided by biomass index for 2010 (1.29 kt/kg) was below the threshold (3.04 kt/kg, Figure 15). Therefore, based on the accepted SARC 51 reference points, the northern and southern red hake stocks are NOT overfished and overfishing is NOT occurring.

Figure 14 Northern Red Hake Spring Survey Biomass in kg/tow (top) and Relative Exploitation Ratios (bottom) of the Total Catch (kt) to the Fall Survey Index with their Calculated 3-yr Running Averages (red lines). The solid lines represent the overfishing thresholds.

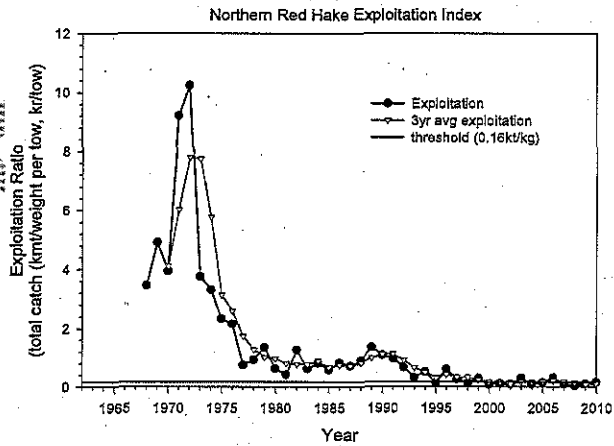
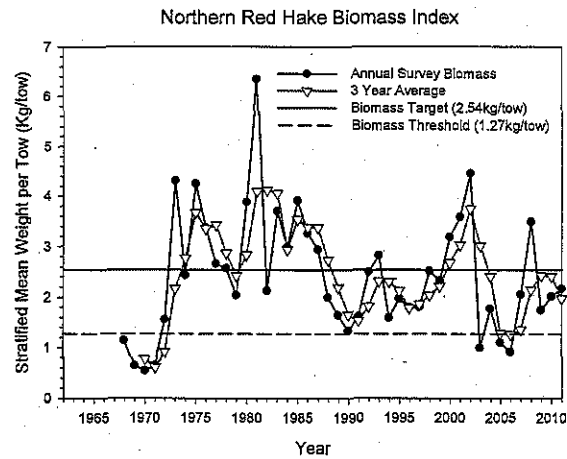
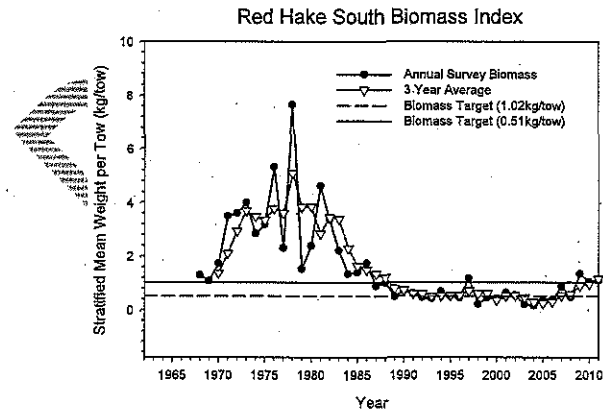
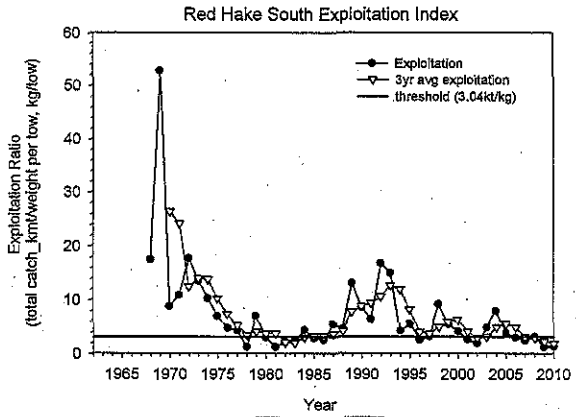


Figure 15 Southern Red Hake Spring Survey Biomass in kg/tow (top) and Relative Exploitation Ratios (bottom) of the Total Catch (kt) to the Fall Survey Index with their Calculated 3-yr Running Averages (red lines). The solid lines represent the overfishing thresholds.



Section 4.1.2.3 Offshore hake

The new 2010 assessment concluded that information was not available to determine stock status for offshore hake because fishery data were insufficient and the survey data were not considered

to reflect stock trends. Thus, it was not possible to recommend a reference points for offshore hake and the overfished and overfishing status of offshore hake is therefore unknown.

#### Section 4.2 Non-Target Species

Information about the absolute level of bycatch species in the directed small-mesh multispecies fishery could not be determined due to difficulties of determining an appropriate trip definition for the hake fishery. Several factors were explored in attempt to define an observed hake trip, including regulated mesh size and possession limits for years 2000-2004. However, these factors were not sufficient to define "directed" small-mesh multispecies trips. This insufficiency likely resulted in trips that did target small-mesh multispecies being excluded, with potentially significant impacts. For the purpose of this exercise, bycatch species were determined using a broad definition of all trips (directed and non-directed) that caught small-mesh multispecies in the trawl fishery by mesh-size groups. Mesh size was grouped into three categories in an attempt to crudely disaggregate which trips are believed to most likely target small-mesh multispecies based on mesh regulations for the exempted area programs. The mesh groups include: < 2.5-inch mesh (often trips targeting other species like herring, shrimp, and squid), 2.5-4.5-inch mesh (often trips targeting small-mesh multispecies), and > 4.5-inch mesh (often trips targeting other species like regulated groundfish, black sea bass, and summer flounder). In the southern area, trips that caught offshore hake were included with silver hake trips to account for mixed landings of whiting in the southern management area. In the analysis, mesh-size group 2.5-4.5-inches was used as a proxy for trips that were most likely to "target" small-mesh multispecies. However, it was also recognized that there are some overlaps with other targeted fisheries (i.e., the squid, mackerel, and butterfish fishery) within this category.

Table 16 – Table 31 provide a list of the most frequent discarded species or species group that comprised <1% or more of the discards on observed trips that caught either silver hake or red hake during 2004-2010 by management area based on data from the NEFSC Observer Program. Note the small-mesh multispecies resources are included in the list (grayed out in Table 16-Table 31). Across both stock areas, the discard list includes the skate complex (*Raja eglanteria*, *Leucoraja erinacea*, *Leucoraja garmani*, *Malacoraja senta*, *Ambiraja radiata*, *Leucoraja ocellata*), dogfish (*Squalus acanthias*), hake (*Paralichthys dentatus*), windowpane flounder (*Scophthalmus aquosus*), yellowtail flounder (*Limnada ferriginea*), American plaice (*Hippoglossoides platessoides*), witch flounder (*Glyptocephalus cynoglossus*), red hake (*Urophycis chuss*), silver hake (*Merluccidae bilinearis*), scup (*Stenotomus chrysops*), black sea bass (*Centropristis striata*), monkfish (*Lophius americanus*), cod (*Gadus morhua*), haddock (*Melanogrammus aeglefinus*), red crab (*Chaceon quinquegens*), scallops (*Placopecten magellanicus*), squid (*Loligo pealeii*, *Illex illecebrosus*), butterfish (*Peprilus triacanthus*), mackerel (*Scomber scombrus*), and redfish (*Sebastes fasciatus*).

The proportion of observed catches that were discarded by total weight on trips that were likely to target either red or silver hake were fairly similar regardless of stock area, but lower for other mesh-size groupings, with the exception of large the mesh fishery (>4.5 inches) in the southern region. In the northern area, for 2004-2010, 38% of observed catches were discarded on trips that were likely to target silver hake (Table 18), and 40% of total catches were discarded on trips that were likely directed towards red hake (Table 19). During the same time period, discards of

all species caught in the trips that likely targeted silver hake or red hake in the southern area represented 31% and 36% of the observed catch for these fisheries, respectively. For trips that likely targeted small-mesh multispecies, the majority of discards consisted of the small-mesh groundfish species complex (silver hake, offshore hake, and red hake). In the northern area, approximately 21-22% of the small-mesh multispecies catches were discarded (Table 18-Table 19) and in the southern area, 23-27% (Table 26-Table 27) of small-mesh multispecies were discarded. Other frequently discarded species on trips that caught small-mesh multispecies (i.e., trips with trawl mesh size < 2.5 inches or > 4.5 inches, as well as other gear types) include dogfish in the northern stock area, the squid, mackerel, and butterfish complex in the southern stock area, and skates in both the northern and southern stock areas (Table 16-Table 31). Because we are unable to definitively identify "targeted" small-mesh multispecies trips, it is difficult to assign discards to particular fisheries. For example, skates and dogfish catch would be uninformative, as those species are also often caught incidentally (and with a relatively high trip limit) to trips directing on higher value, lower trip limit species. If we were to say a trip is a directed skate trip because of a relatively high proportion of its landings are skates, it is likely not accurate because the trip could have been targeting a lower landing limit of cod (a higher value species). Because of this, it would be difficult to tease out of the data that the lower landing limit, higher value species is, in fact, the target.

In the following tables (Table 16-Table 31) "Pct Discard (Overall)" represents the discard weight (lb) of that species divided by the total discard weight across all species. "Pct Discard (Sp)" represents the percentage of the catch (Kept + Discards) of a species that was discarded from trips that caught silver hake.

Table 16 Species comprising <1% (in red font) or more of all observed trawl discards from trips (directed and non-directed) that caught silver hake in the northern management area for mesh size < 2.5 inches, from the NEFSC Program database (2004-2010).

| Northern Silver Hake (Meshes < 2.5 inches) |           |              |                  |                  |                       |
|--|-----------|--------------|------------------|------------------|-----------------------|
| Species                                    | Kept (lb) | Discard (lb) | Grand Total (lb) | Pct Discard (Sp) | Pct Discard (Overall) |
| Dogfish                                    | 29,873    | 103,177      | 133,150          | 77%              | 32%                   |
| Groundfish, Small-Mesh                     | 272,918   | 39,646       | 312,566          | 13%              | 12%                   |
| Groundfish, Large-Mesh                     | 2,581     | 22,893       | 25,474           | 90%              | 7%                    |
| Silver Hake                                | 17,275    | 19,996       | 237,271          | 8%               | 6%                    |
| Red Hake                                   | 5,588     | 19,650       | 75,238           | 26%              | 6%                    |
| Skate                                      | -         | 19,086       | 19,086           | 100%             | 6%                    |
| Herring                                    | 64,237    | 17,542       | 81,779           | 21%              | 5%                    |
| Squid, Mackerel, Butterfish                | 8,899     | 11,873       | 20,773           | 57%              | 4%                    |
| General <i>Alosa</i>                       | 4,160     | 9,194        | 13,354           | 69%              | 3%                    |
| Winter Flounder                            | -         | 7,233        | 7,233            | 100%             | 2%                    |
| American Plaice                            | -         | 6,759        | 6,759            | 100%             | 2%                    |
| River Herring                              | 774       | 5,399        | 6,173            | 87%              | 2%                    |
| Mackerel                                   | 855       | 4,838        | 5,693            | 85%              | 1%                    |
| Yellowtail Flounder                        | 10        | 4,651        | 4,661            | 100%             | 1%                    |
| Butterfish                                 | 4,104     | 4,499        | 8,603            | 52%              | 1%                    |

|                  |                |                |                |            |           |
|------------------|----------------|----------------|----------------|------------|-----------|
| Alewife          | 170            | 3,442          | 3,612          | 95%        | 1%        |
| Unknown Herring  | 3,124          | 3,398          | 6,522          | 52%        | 1%        |
| <i>Illex</i>     | 915            | 2,004          | 2,918          | 69%        | 1%        |
| Blueback Herring | 604            | 1,957          | 2,561          | 76%        | 1%        |
| Other Species    | 5,569          | 8,011          | 13,580         | 59%        | 3%        |
| <b>Total</b>     | <b>671,757</b> | <b>315,248</b> | <b>987,005</b> | <b>32%</b> | <b>NA</b> |

Table 17 Species comprising <1% (in red font) or more of all observed trawl discards from trips (directed and non-directed) that caught red hake in the northern management area for mesh size <2.5 inches, from the NEFSC Program database (2004-2010).

| Northern Red Hake (Mesh < 2.5 inches) |                |                |                  |                  |                       |
|---------------------------------------|----------------|----------------|------------------|------------------|-----------------------|
| Species                               | Kept (lb)      | Discard (lb)   | Grand Total (lb) | Pct Discard (Sp) | Pct Discard (Overall) |
| Dogfish                               | 24,983         | 96,955         | 121,938          | 79%              | 31%                   |
| Groundfish, Small-Mesh                | 266,406        | 39,501         | 305,907          | 13%              | 13%                   |
| Groundfish, Large-Mesh                | 1,524          | 22,055         | 23,579           | 94%              | 7%                    |
| Silver Hake                           | 210,762        | 19,650         | 230,413          | 9%               | 6%                    |
| Red Hake                              | 55,588         | 19,650         | 75,238           | 26%              | 6%                    |
| Skate                                 |                | 18,290         | 18,290           | 100%             | 6%                    |
| Herring                               | 63,386         | 17,412         | 80,798           | 22%              | 6%                    |
| Squid, Mackerel, Butterfish           | 8,062          | 11,622         | 19,684           | 59%              | 4%                    |
| General <i>Alosa</i>                  | 4,110          | 9,013          | 13,123           | 69%              | 3%                    |
| Winter Flounder                       |                | 6,824          | 6,824            | 100%             | 2%                    |
| American Plaice                       |                | 6,560          | 6,560            | 100%             | 2%                    |
| River Herring                         | 771            | 5,284          | 6,054            | 87%              | 2%                    |
| Mackerel                              | 855            | 4,838          | 5,693            | 85%              | 2%                    |
| Yellowtail Flounder                   | 10             | 4,618          | 4,628            | 100%             | 1%                    |
| Butterfish                            | 4,042          | 4,331          | 8,373            | 52%              | 1%                    |
| Unknown Herring                       | 3,077          | 3,348          | 6,425            | 52%              | 1%                    |
| Alewife                               | 167            | 3,327          | 3,494            | 95%              | 1%                    |
| <i>Illex</i>                          | 915            | 1,975          | 2,889            | 68%              | 1%                    |
| Blueback Herring                      | 604            | 1,957          | 2,561            | 76%              | 1%                    |
| Other Species                         | 3,726          | 7,693          | 11,419           | 67%              | 3%                    |
| <b>Total</b>                          | <b>648,985</b> | <b>304,112</b> | <b>953,096</b>   | <b>32%</b>       | <b>NA</b>             |

Table 18 Species comprising <1% (in red font) or more of all observed trawl discards from trips (directed and non-directed) that caught silver hake in the northern management area for mesh size range between 2.5 and 4.5 inches, from the NEFSC Program database (2004-2010).

| Northern Silver Hake (2.5-4.5 inches) |           |              |                  |                  |                       |
|---------------------------------------|-----------|--------------|------------------|------------------|-----------------------|
| Species                               | Kept (lb) | Discard (lb) | Grand Total (lb) | Pct Discard (Sp) | Pct Discard (Overall) |
| Groundfish, Small-Mesh                | 545,261   | 198,314      | 743,574          | 27%              | 21%                   |
| Skate                                 | 8,121     | 164,917      | 173,038          | 95%              | 18%                   |

|                             |                  |                |                  |            |           |
|-----------------------------|------------------|----------------|------------------|------------|-----------|
| Silver Hake                 | 495,773          | 147,747        | 643,520          | 23%        | 16%       |
| Dogfish                     | 10,422           | 73,823         | 84,245           | 88%        | 8%        |
| Groundfish, Large-Mesh      | 77,593           | 60,668         | 138,261          | 44%        | 7%        |
| Herring                     | 38,062           | 60,559         | 98,621           | 61%        | 7%        |
| Red Hake                    | 49,160           | 50,542         | 99,701           | 51%        | 5%        |
| Squid, Mackerel, Butterfish | 15,388           | 22,333         | 37,721           | 59%        | 2%        |
| Winter Flounder             | 557              | 21,604         | 22,161           | 97%        | 2%        |
| Yellowtail Flounder         | 524              | 13,397         | 13,921           | 96%        | 1%        |
| American Plaice             | 15,623           | 12,854         | 28,477           | 45%        | 1%        |
| Butterfish                  | 8,112            | 11,304         | 19,416           | 58%        | 1%        |
| Fluke, Scup, Black Sea Bass | 486              | 9,532          | 10,018           | 95%        | 1%        |
| Fluke                       | 479              | 9,527          | 10,006           | 95%        | 1%        |
| <i>Illex</i>                | 376              | 7,749          | 8,125            | 95%        | 1%        |
| Monkfish                    | 115,323          | 7,654          | 122,976          | 6%         | 1%        |
| Haddock                     | 6,096            | 4,890          | 10,986           | 45%        | 1%        |
| Other Species               | 62,906           | 25,083         | 87,989           | 29%        | 3%        |
| <b>Total</b>                | <b>1,450,259</b> | <b>902,496</b> | <b>2,352,755</b> | <b>38%</b> | <b>NA</b> |

Table 19 Species comprising <1% (in red font) or more of all observed trawl discards from trips (directed and non-directed) that caught red hake in the northern management area for mesh size range between 2.5 and 4.5 inches, from the NEFSC Program database (2004-2010).

| Northern Red Hake (2.5-4.5 inches) |           |              |                  |                  |                       |
|------------------------------------|-----------|--------------|------------------|------------------|-----------------------|
| Species                            | Kept (lb) | Discard (lb) | Grand Total (lb) | Pct Discard (Sp) | Pct Discard (Overall) |
| Groundfish, Small-Mesh             | 527,119   | 197,298      | 724,416          | 27%              | 22%                   |
| Skate                              | 1,713     | 163,293      | 165,006          | 99%              | 18%                   |
| Silver Hake                        | 477,631   | 146,791      | 624,362          | 24%              | 16%                   |
| Dogfish                            | 8,846     | 61,855       | 70,701           | 87%              | 7%                    |
| Herring                            | 37,912    | 60,461       | 98,378           | 61%              | 7%                    |
| Groundfish, Large-Mesh             | 43,206    | 56,137       | 99,343           | 57%              | 6%                    |
| Red Hake                           | 49,160    | 50,542       | 99,701           | 51%              | 6%                    |
| Squid, Mackerel, Butterfish        | 14,991    | 22,070       | 37,060           | 60%              | 2%                    |
| Winter Flounder                    | 98        | 20,978       | 21,076           | 100%             | 2%                    |
| Yellowtail Flounder                | 3         | 12,957       | 12,960           | 100%             | 1%                    |
| Butterfish                         | 8,067     | 11,169       | 19,236           | 58%              | 1%                    |
| American Plaice                    | 7,890     | 10,559       | 18,449           | 57%              | 1%                    |
| Fluke, Scup, Black Sea Bass        | 486       | 9,385        | 9,871            | 95%              | 1%                    |
| Fluke                              | 479       | 9,380        | 9,859            | 95%              | 1%                    |
| <i>Illex</i>                       | 330       | 7,659        | 7,989            | 96%              | 1%                    |
| Monkfish                           | 69,172    | 6,819        | 75,991           | 9%               | 1%                    |
| Haddock                            | 1,207     | 4,870        | 6,077            | 80%              | 1%                    |
| Other Species                      | 41,745    | 23,146       | 64,891           | 36%              | 3%                    |



|       |           |         |           |     |    |
|-------|-----------|---------|-----------|-----|----|
| Total | 1,290,057 | 875,307 | 2,165,364 | 40% | NA |
|-------|-----------|---------|-----------|-----|----|

Table 20 Species comprising <1% (in red font) or more of all observed trawl discards from trips (directed and non-directed) that caught silver hake in the northern management area for mesh size greater than 4.5 inches, from the NEFSC Program database (2004 -2010).

| Northern Silver Hake (Mesh > 4.5 Inches) |                   |                   |                   |                  |                       |
|--|-------------------|-------------------|-------------------|------------------|-----------------------|
| Species                                  | Kept (lb)         | Discard (lb)      | Grand Total (lb)  | Pct Discard (Sp) | Pct Discard (Overall) |
| Skate                                    | 5,319,058         | 15,531,636        | 20,850,694        | 74%              | 63%                   |
| Groundfish, Large-Mesh                   | 23,700,480        | 2,399,490         | 26,099,970        | 9%               | 10%                   |
| Dogfish                                  | 67,352            | 1,823,470         | 1,890,821         | 96%              | 7%                    |
| Cod                                      | 4,028,453         | 705,852           | 4,734,305         | 15%              | 3%                    |
| Monkfish                                 | 6,513,241         | 466,669           | 6,979,910         | 7%               | 2%                    |
| Haddock                                  | 5,801,800         | 384,623           | 6,186,423         | 6%               | 2%                    |
| American Plaice                          | 1,870,113         | 358,488           | 2,228,601         | 16%              | 1%                    |
| Fluke, Scup, Black Sea Bass              | 35,887            | 279,791           | 315,678           | 89%              | 1%                    |
| Fluke                                    | 35,853            | 279,594           | 315,447           | 89%              | 1%                    |
| Yellowtail Flounder                      | 652,492           | 216,669           | 869,161           | 25%              | 1%                    |
| Redfish                                  | 1,477,410         | 188,120           | 1,665,530         | 11%              | 1%                    |
| Windowpane                               | 11,887            | 160,987           | 172,875           | 93%              | 1%                    |
| Groundfish, Small-Mesh                   | 21,638            | 157,841           | 179,479           | 88%              | 1%                    |
| Witch Flounder                           | 1,740,960         | 148,353           | 1,889,313         | 8%               | 1%                    |
| Silver Hake                              | 1,557             | 92,818            | 94,375            | 87%              | 0%                    |
| Red Hake                                 | 2,017             | 62,853            | 64,870            | 90%              | 0%                    |
| Other Species                            | 8,345,849         | 690,582           | 9,036,431         | 8%               | 3%                    |
| <b>Total</b>                             | <b>59,622,443</b> | <b>23,792,175</b> | <b>83,414,618</b> | <b>29%</b>       | <b>NA</b>             |

Table 21 Species comprising <1% (in red font) or more of all observed trawl discards from trips (directed and non-directed) that caught red hake in the northern management area for mesh size greater than 4.5 inches, from the NEFSC Program database (2004 -2010).

| Northern Red Hake (Mesh > 4.5 Inches) |            |              |                  |                  |                       |
|---------------------------------------|------------|--------------|------------------|------------------|-----------------------|
| Species                               | Kept (lb)  | Discard (lb) | Grand Total (lb) | Pct Discard (Sp) | Pct Discard (Overall) |
| Skate                                 | 6,612,312  | 10,695,964   | 14,308,276       | 75%              | 65%                   |
| Groundfish, Large-Mesh                | 14,923,343 | 1,564,081    | 16,487,424       | 9%               | 9%                    |
| Dogfish                               | 36,008     | 1,166,609    | 1,202,617        | 97%              | 7%                    |
| Cod                                   | 2,560,364  | 431,717      | 2,992,081        | 14%              | 3%                    |
| Monkfish                              | 3,924,702  | 285,250      | 4,209,953        | 7%               | 2%                    |
| Haddock                               | 3,982,135  | 267,611      | 4,249,746        | 6%               | 2%                    |
| American Plaice                       | 1,111,375  | 248,059      | 1,359,434        | 18%              | 1%                    |
| Fluke, Scup, Black Sea Bass           | 24,573     | 177,719      | 202,292          | 88%              | 1%                    |
| Fluke                                 | 24,545     | 177,554      | 202,099          | 88%              | 1%                    |
| Groundfish, Small-Mesh                | 16,063     | 133,136      | 149,199          | 89%              | 1%                    |

|                     |                   |                   |                   |            |           |
|---------------------|-------------------|-------------------|-------------------|------------|-----------|
| Redfish             | 1,038,866         | 132,809           | 1,171,675         | 11%        | 1%        |
| Yellowtail Flounder | 444,145           | 127,356           | 571,501           | 22%        | 1%        |
| Windowpane          | 8,602             | 105,638           | 114,240           | 92%        | 1%        |
| Witch Flounder      | 1,109,369         | 97,112            | 1,206,481         | 8%         | 1%        |
| Silver Hake         | 8,777             | 68,442            | 77,218            | 89%        | 0%        |
| Red Hake            | 7,222             | 63,168            | 70,390            | 90%        | 0%        |
| Other Species       | 4,832,168         | 480,529           | 5,312,697         | 9%         | 3%        |
| <b>Total</b>        | <b>37,648,570</b> | <b>16,091,143</b> | <b>53,739,714</b> | <b>30%</b> | <b>NA</b> |

Table 22 Species comprising <1% (in red font) or more of all observed discards, aggregated across other gear groups (shrimp trawl, gillnet, and scallop dredge) for trips (directed and non-directed) that caught silver hake in the northern management area, from the NEFSC Program database (2004 -2010).

| Northern Silver Hake Other Gears (All Mesh Categories) |                  |                  |                   |                  |                       |
|--|------------------|------------------|-------------------|------------------|-----------------------|
| Species  | Kept (lb)        | Discard (lb)     | Grand Total (lb)  | Pct Discard (Sp) | Pct Discard (Overall) |
| Dogfish  | 516,059          | 1,288,709        | 1,804,768         | 71%              | 47%                   |
| Scallops   | 5,583,406        | 437,184          | 6,020,591         | 7%               | 16%                   |
| Skate  | 70,495           | 397,593          | 468,088           | 85%              | 15%                   |
| Groundfish, Large-Mesh                                 | 2,685,099        | 145,624          | 2,830,723         | 5%               | 5%                    |
| Monkfish   | 168,584          | 82,004           | 250,588           | 33%              | 3%                    |
| Cod  | 798,616          | 41,283           | 840,099           | 5%               | 2%                    |
| Pollock  | 1,421,239        | 24,324           | 1,445,563         | 2%               | 1%                    |
| Winter Flounder  | 14,907           | 25,398           | 40,305            | 63%              | 1%                    |
| Groundfish, Small-Mesh                                 | 8,624            | 17,894           | 26,518            | 67%              | 1%                    |
| Silver Hake  | 7,526            | 12,528           | 19,854            | 63%              | 0%                    |
| Red Hake   | 1,173            | 5,284            | 6,458             | 82%              | 0%                    |
| Other Species  | 484,431          | 124,485          | 608,916           | 20%              | 5%                    |
| <b>Total</b>   | <b>11,51,661</b> | <b>2,594,697</b> | <b>14,346,357</b> | <b>18%</b>       | <b>NA</b>             |

Table 23 Species comprising <1% (in red font) or more of all observed discards, aggregated across other gear groups (shrimp trawl, gillnet, and scallop dredge) for trips (directed and non-directed) that caught red hake in the northern management area, from the NEFSC Program database (2004 -2010).

| Northern Red Hake Other Gears (All Mesh Categories) |           |              |                  |                  |                       |
|---|-----------|--------------|------------------|------------------|-----------------------|
| Species   | Kept (lb) | Discard (lb) | Grand Total (lb) | Pct Discard (Sp) | Pct Discard (Overall) |
| Dogfish   | 158,019   | 452,750      | 610,768          | 74%              | 31%                   |
| Scallops  | 4,367,243 | 356,307      | 4,723,550        | 8%               | 25%                   |
| Skate   | 21,980    | 313,594      | 335,573          | 93%              | 22%                   |
| Monkfish  | 68,713    | 77,356       | 146,069          | 53%              | 5%                    |
| Groundfish, Large-Mesh                              | 928,149   | 67,877       | 996,027          | 7%               | 5%                    |

|                       |                  |                  |                  |            |           |
|-----------------------|------------------|------------------|------------------|------------|-----------|
| Winter Flounder       | 6,142            | 19,899           | 26,041           | 76%        | 1%        |
| Pollock               | 510,270          | 14,539           | 524,809          | 3%         | 1%        |
| Groundfish Small Mesh | 4,155            | 12,439           | 16,594           | 75%        | 1%        |
| Yellowtail Flounder   | 1,977            | 8,807            | 10,784           | 82%        | 1%        |
| Silver Hake           | 2,780            | 6,696            | 9,475            | 71%        | 0%        |
| Red Hake              | 1,279            | 5,661            | 6,940            | 82%        | 0%        |
| Other Species         | 193,666          | 60,724           | 254,390          | 24%        | 4%        |
| <b>Total</b>          | <b>6,488,628</b> | <b>1,391,312</b> | <b>7,879,939</b> | <b>18%</b> | <b>NA</b> |

Table 24 Species comprising <1% (in red font) or more of all observed trawl discards from trips (directed and non-directed) that caught silver hake in the southern management area for mesh size < 2.5 inches, from the NEFSC Program database (2004 - 2010).

| Southern Silver Hake (Mesh < 2.5 Inches) |                   |                  |                   |                  |                       |
|--|-------------------|------------------|-------------------|------------------|-----------------------|
| Species                                  | Kept (lb)         | Discard (lb)     | Grand Total (lb)  | Pct Discard (Sp) | Pct Discard (Overall) |
| Squid, Mackerel, Butterfish              | 15,448,841        | 1,381,682        | 16,830,523        | 8%               | 21%                   |
| Groundfish, Small-Mesh                   | 949,017           | 831,921          | 1,780,937         | 47%              | 12%                   |
| Dogfish                                  | 35,614            | 582,134          | 617,748           | 94%              | 9%                    |
| Butterfish                               | 82,100            | 554,129          | 636,229           | 87%              | 8%                    |
| Silver Hake                              | 902,473           | 507,996          | 1,410,468         | 36%              | 8%                    |
| <i>Illex</i>                             | 9,800,687         | 495,727          | 10,296,414        | 5%               | 7%                    |
| Red Hake                                 | 44,770            | 323,125          | 367,895           | 88%              | 5%                    |
| Skate                                    | 4,209             | 85,960           | 90,169            | 99%              | 4%                    |
| Fluke, Scup, Black Sea Bass              | 204,634           | 274,259          | 478,893           | 57%              | 4%                    |
| <i>Loligo</i>                            | 5,458,945         | 166,864          | 5,625,809         | 3%               | 3%                    |
| Scup                                     | 78,565            | 159,069          | 237,634           | 67%              | 2%                    |
| Mackerel                                 | 88,760            | 58,918           | 147,678           | 64%              | 2%                    |
| Groundfish, Large-Mesh                   | 9,400             | 104,846          | 114,246           | 92%              | 2%                    |
| Fluke                                    | 114,409           | 93,918           | 208,327           | 45%              | 1%                    |
| General <i>Alosa</i>                     | 32,314            | 92,494           | 124,808           | 74%              | 1%                    |
| Herring                                  | 793,439           | 66,675           | 860,113           | 8%               | 1%                    |
| Unknown Herring                          | 4,186             | 56,757           | 60,943            | 93%              | 1%                    |
| Monkfish                                 | 4,492             | 47,496           | 101,988           | 47%              | 1%                    |
| Winter Flounder                          | 580               | 37,621           | 38,201            | 98%              | 1%                    |
| Scallops                                 | 10,220            | 35,213           | 45,433            | 78%              | 1%                    |
| Other Species                            | 130,689           | 200,201          | 330,890           | 61%              | 3%                    |
| <b>Total</b>                             | <b>34,248,283</b> | <b>6,457,004</b> | <b>40,705,288</b> | <b>16%</b>       | <b>NA</b>             |

Table 25 Species comprising <1% (in red font) or more of all observed trawl discards from trips (directed and non-directed) that caught red hake in the southern management area for mesh size < 2.5 inches, from the NEFSC Program database (2004 - 2010).

| Species               | Kept (lb)        | Discard (lb)     | Grand Total (lb) | Pct Discard (Sp) | Pct Discard (Overall) |
|-----------------------|------------------|------------------|------------------|------------------|-----------------------|
| Winter Flounder       | 6,142            | 19,899           | 26,041           | 76%              | 1%                    |
| Pollock               | 510,270          | 14,539           | 524,809          | 3%               | 1%                    |
| Groundfish Small Mesh | 4,155            | 12,439           | 16,594           | 75%              | 1%                    |
| Yellowtail Flounder   | 1,977            | 8,807            | 10,784           | 82%              | 1%                    |
| Silver Hake           | 2,780            | 6,696            | 9,475            | 71%              | 0%                    |
| Red Hake              | 1,279            | 5,661            | 6,940            | 82%              | 0%                    |
| Other Species         | 193,666          | 60,724           | 254,390          | 24%              | 4%                    |
| <b>Total</b>          | <b>6,488,628</b> | <b>1,391,312</b> | <b>7,879,939</b> | <b>18%</b>       | <b>NA</b>             |

|                             |                   |                  |                   |            |           |
|-----------------------------|-------------------|------------------|-------------------|------------|-----------|
| Squid, Mackerel, Butterfish | 9,198,927         | 858,313          | 10,057,240        | 9%         | 19%       |
| Groundfish, Small-Mesh      | 827,473           | 701,198          | 1,528,671         | 46%        | 16%       |
| Silver Hake                 | 780,885           | 376,637          | 1,157,523         | 33%        | 8%        |
| Butterfish                  | 45,585            | 369,776          | 415,361           | 89%        | 8%        |
| Dogfish                     | 22,978            | 345,752          | 368,730           | 94%        | 8%        |
| Red Hake                    | 44,823            | 323,779          | 368,602           | 88%        | 7%        |
| <i>Illex</i>                | 5,969,498         | 285,418          | 6,254,916         | 5%         | 6%        |
| Skate                       | 1,822             | 192,553          | 194,376           | 99%        | 4%        |
| Fluke, Scup, Black Sea Bass | 127,286           | 146,845          | 274,131           | 54%        | 3%        |
| Mackerel                    | 24,238            | 106,597          | 130,834           | 81%        | 2%        |
| <i>Loligo</i>               | 3,143,807         | 88,837           | 3,232,645         | 3%         | 2%        |
| Groundfish, Large-Mesh      | 3,796             | 69,957           | 73,754            | 95%        | 2%        |
| Scup                        | 41,346            | 68,250           | 109,596           | 62%        | 2%        |
| Fluke                       | 76,387            | 68,538           | 144,925           | 45%        | 1%        |
| Herring                     | 203,092           | 40,420           | 243,512           | 17%        | 1%        |
| Monkfish                    | 41,461            | 34,001           | 75,462            | 45%        | 1%        |
| General <i>Alosa</i>        | 12,488            | 32,967           | 45,455            | 73%        | 1%        |
| Scallops                    | 6,352             | 26,759           | 33,110            | 81%        | 1%        |
| Other Species               | 64,252            | 155,644          | 219,896           | 71%        | 4%        |
| <b>Total</b>                | <b>20,636,456</b> | <b>4,386,241</b> | <b>24,992,737</b> | <b>17%</b> | <b>NA</b> |

Table 26 Species comprising <1% (in red font) or more of all observed trawl discards from trips (directed and non-directed) that caught silver hake in the southern management area for mesh size range between 2.5 and 4.5 inches, from the NEFSC Program database (2004 - 2010).

| Southern Silver Hake (2.5 - 4.5 Inches) |           |              |                  |                  |                       |
|---|-----------|--------------|------------------|------------------|-----------------------|
| Species                                 | Kept (lb) | Discard (lb) | Grand Total (lb) | Pct Discard (Sp) | Pct Discard (Overall) |
| Groundfish, Small-Mesh                  | 1,313,628 | 476,629      | 1,789,657        | 27%              | 23%                   |
| Red Hake                                | 65,834    | 285,951      | 351,782          | 81%              | 14%                   |
| Dogfish                                 | 19,098    | 245,006      | 264,105          | 93%              | 12%                   |
| Skate                                   | 4,920     | 202,153      | 207,073          | 98%              | 10%                   |
| Silver Hake                             | 1,238,245 | 190,657      | 1,428,901        | 13%              | 9%                    |
| Fluke, Scup, Black Sea Bass             | 129,944   | 92,556       | 222,500          | 42%              | 5%                    |
| Squid, Mackerel, Butterfish             | 743,079   | 92,158       | 835,237          | 11%              | 4%                    |
| Groundfish, Large-Mesh                  | 20,499    | 71,348       | 91,847           | 78%              | 3%                    |
| Scup                                    | 66,986    | 59,021       | 126,006          | 47%              | 3%                    |
| <i>Illex</i>                            | 2,389     | 52,490       | 54,879           | 96%              | 3%                    |
| Butterfish                              | 14,841    | 26,860       | 41,700           | 64%              | 1%                    |
| Fluke                                   | 27,922    | 24,072       | 51,993           | 46%              | 1%                    |
| Haddock                                 | 2,191     | 24,041       | 26,232           | 92%              | 1%                    |
| Monkfish                                | 23,169    | 22,113       | 45,282           | 49%              | 1%                    |
| Witch Flounder                          | 133       | 12,509       | 12,642           | 99%              | 1%                    |

|                      |                  |                  |                  |            |           |
|----------------------|------------------|------------------|------------------|------------|-----------|
| Redfish              | 243              | 10,512           | 10,755           | 98%        | 1%        |
| General <i>Alosa</i> | 1,232            | 10,326           | 11,558           | 89%        | 1%        |
| Other Species        | 772,536          | 77,756           | 850,292          | 9%         | 4%        |
| <b>Total</b>         | <b>4,446,285</b> | <b>1,976,156</b> | <b>6,422,441</b> | <b>31%</b> | <b>NA</b> |

Table 27 Species comprising <1% (in red font) or more of all observed trawl discards from trips (directed and non-directed) that caught red hake in the southern management area for mesh size range between 2.5 and 4.5 inches, from the NEFSC Program database (2004-2010).

| Southern Red Hake (2.5-4.5 Inches) |                  |                  |                  |                  |                       |
|------------------------------------|------------------|------------------|------------------|------------------|-----------------------|
| Species                            | Kept (lb)        | Discard (lb)     | Grand Total (lb) | Pct Discard (Sp) | Pct Discard (Overall) |
| Groundfish, Small-Mesh             | 1,175,650        | 448,353          | 1,624,003        | 28%              | 27%                   |
| Red Hake                           | 65,831           | 285,951          | 351,782          | 81%              | 17%                   |
| Skate                              | 3,555            | 170,435          | 173,990          | 98%              | 10%                   |
| Silver Hake                        | 1,100,867        | 162,380          | 1,263,247        | 13%              | 10%                   |
| Dogfish                            | 14,276           | 122,322          | 136,598          | 90%              | 7%                    |
| Squid, Mackerel, Butterfish        | 171,009          | 78,516           | 249,525          | 45%              | 5%                    |
| Groundfish, Large-Mesh             | 19,961           | 64,704           | 84,665           | 76%              | 4%                    |
| <i>Illex</i>                       | 1,010            | 49,063           | 50,073           | 98%              | 3%                    |
| Fluke, Scup, Black Sea Bass        | 42,927           | 31,262           | 74,189           | 42%              | 2%                    |
| Haddock                            | 2,191            | 23,886           | 26,077           | 92%              | 1%                    |
| Butterfish                         | 11,543           | 20,369           | 31,912           | 64%              | 1%                    |
| Scup                               | 22,397           | 17,243           | 39,640           | 43%              | 1%                    |
| Monkfish                           | 19,562           | 16,675           | 36,237           | 46%              | 1%                    |
| Fluke                              | 17,107           | 12,636           | 29,743           | 42%              | 1%                    |
| General <i>Alosa</i>               | 1,189            | 9,848            | 11,028           | 89%              | 1%                    |
| Redfish                            | 143              | 9,656            | 9,799            | 99%              | 1%                    |
| Witch Flounder                     | 125              | 8,890            | 9,015            | 99%              | 1%                    |
| Winter Flounder                    | 518              | 8,546            | 9,064            | 94%              | 1%                    |
| Other Species                      | 165,553          | 47,704           | 213,257          | 22%              | 3%                    |
| <b>Total</b>                       | <b>2,835,412</b> | <b>1,588,420</b> | <b>4,423,832</b> | <b>36%</b>       | <b>NA</b>             |

Table 28 Species comprising <1% (in red font) or more of all observed trawl discards from trips (directed and non-directed) that caught silver hake in the southern management area for mesh size greater than 4.5 inches, from the NEFSC Program database (2004-2010).

| Southern Silver Hake (Mesh > 4.5 Inches) |           |              |                  |                  |                       |
|--|-----------|--------------|------------------|------------------|-----------------------|
| Species                                  | Kept (lb) | Discard (lb) | Grand Total (lb) | Pct Discard (Sp) | Pct Discard (Overall) |
| Skate                                    | 5,119,903 | 12,453,871   | 17,573,775       | 71%              | 63%                   |
| Groundfish, Large-Mesh                   | 7,741,493 | 1,360,094    | 9,101,586        | 15%              | 7%                    |
| Dogfish                                  | 45,081    | 1,100,000    | 1,145,080        | 96%              | 6%                    |
| Fluke, Scup, Black Sea bass              | 1,997,872 | 957,238      | 2,955,110        | 32%              | 5%                    |
| Fluke                                    | 1,176,211 | 752,772      | 1,928,983        | 39%              | 4%                    |

|                        |                   |                   |                   |            |           |
|------------------------|-------------------|-------------------|-------------------|------------|-----------|
| Windowpane             | 45,058            | 478,569           | 523,626           | 91%        | 2%        |
| Yellowtail Flounder    | 3,361,626         | 415,506           | 3,777,132         | 11%        | 2%        |
| Haddock                | 2,578,497         | 217,090           | 2,795,587         | 8%         | 1%        |
| Monkfish               | 2,373,639         | 216,973           | 2,590,612         | 8%         | 1%        |
| Red Crab               | 2,759             | 211,318           | 214,077           | 99%        | 1%        |
| Groundfish, Small-Mesh | 88,089            | 198,943           | 287,032           | 69%        | 1%        |
| Scup                   | 725,804           | 169,613           | 895,417           | 19%        | 1%        |
| Scallops               | 419,208           | 162,783           | 581,991           | 28%        | 1%        |
| Red Hake               | 6,595             | 127,581           | 134,176           | 95%        | 1%        |
| Silver Hake            | 81,358            | 70,838            | 152,196           | 47%        | 0%        |
| Other Species          | 2,129,145         | 488,804           | 2,617,949         | 19%        | 3%        |
| <b>Total</b>           | <b>27,810,979</b> | <b>19,311,155</b> | <b>47,122,133</b> | <b>41%</b> | <b>NA</b> |

Table 29 Species comprising <1% (in red font) or more of all observed trawl discards from trips (directed and non-directed) that caught red hake in the southern management area for mesh size greater than 4.5 inches, from the NEFSC Program database (2004-2010).

| Southern Red Hake (Mesh > 4.5 Inches) |                   |                   |                   |                  |                       |
|---------------------------------------|-------------------|-------------------|-------------------|------------------|-----------------------|
| Species                               | Kept (lb)         | Discard (lb)      | Grand Total (lb)  | Pct Discard (Sp) | Pct Discard (Overall) |
| Skate                                 | 3,348,780         | 9,578,227         | 12,927,007        | 74%              | 66%                   |
| Groundfish, Large-Mesh                | 5,905,964         | 1,010,393         | 6,916,356         | 15%              | 7%                    |
| Fluke, Scup, Black Sea Bass           | 694,675           | 613,159           | 1,307,834         | 47%              | 4%                    |
| Fluke                                 | 410,784           | 543,993           | 954,777           | 57%              | 4%                    |
| Dogfish                               | 27,147            | 485,902           | 513,049           | 95%              | 3%                    |
| Windowpane                            | 30,233            | 369,897           | 394,129           | 92%              | 3%                    |
| Yellowtail Flounder                   | 771,142           | 312,216           | 3,083,358         | 10%              | 2%                    |
| Groundfish, Small-Mesh                | 78,556            | 186,415           | 264,971           | 70%              | 1%                    |
| Haddock                               | 1,806,250         | 169,791           | 1,976,040         | 9%               | 1%                    |
| Monkfish                              | 1,576,626         | 165,144           | 1,741,770         | 9%               | 1%                    |
| Red Hake                              | 6,613             | 127,753           | 134,366           | 95%              | 1%                    |
| Silver Hake                           | 825,06            | 58,328.72         | 130,153.78        | 45%              | 0%                    |
| Scallops                              | 43,693            | 117,346           | 461,039           | 25%              | 1%                    |
| Red Crab                              | -                 | 92,235            | 92,235            | 100%             | 1%                    |
| Other Species                         | 1,688,125         | 361,823           | 2,049,948         | 18%              | 3%                    |
| <b>Total</b>                          | <b>18,688,588</b> | <b>14,128,284</b> | <b>32,816,872</b> | <b>43%</b>       | <b>NA</b>             |

Table 30 Species comprising <1% (in red font) or more of all observed discards, aggregated across other gear groups (shrimp trawl, gillnet, and scallop dredge) for trips (directed and non-directed) that caught silver hake in the southern management area, from the NEFSC Program database (2004-2010).

| Southern Silver Hake Other Gears (All Mesh Categories) |           |              |                  |                  |                       |
|--|-----------|--------------|------------------|------------------|-----------------------|
| Species  | Kept (lb) | Discard (lb) | Grand Total (lb) | Pct Discard (Sp) | Pct Discard (Overall) |

|                             |                   |                  |                   |            |           |
|-----------------------------|-------------------|------------------|-------------------|------------|-----------|
| Skate                       | 54,359            | 3,324,512        | 3,378,872         | 98%        | 38%       |
| Scallops                    | 59,736,048        | 3,238,524        | 62,974,572        | 5%         | 37%       |
| Monkfish                    | 615,961           | 918,620          | 1,534,581         | 60%        | 10%       |
| Groundfish, Large-Mesh      | 9,564             | 239,731          | 249,295           | 96%        | 3%        |
| Fluke, Scup, Black Sea Bass | 4,949             | 198,391          | 203,340           | 98%        | 2%        |
| Fluke                       | 4,522             | 195,354          | 199,876           | 98%        | 2%        |
| Yellowtail Flounder         | 3,932             | 124,150          | 128,082           | 97%        | 1%        |
| Dogfish                     | 260               | 84,309           | 84,569            | 100%       | 1%        |
| Groundfish, Small-Mesh      | 7,598             | 55,466           | 63,064            | 88%        | 1%        |
| Red Hake                    | 28                | 40,545           | 40,573            | 100%       | 0%        |
| Silver Hake                 | 3,405             | 13,274           | 16,679            | 80%        | 0%        |
| Other Species               | 64,703            | 202,748          | 267,452           | 76%        | 2%        |
| <b>Total</b>                | <b>60,501,895</b> | <b>8,581,806</b> | <b>69,083,701</b> | <b>12%</b> | <b>NA</b> |

Table 31 Species comprising <1% (in red font) or more of all observed discards, aggregated across other gear groups (shrimp trawl, gillnet, and scallop dredge) for trips (directed and non-directed) that caught red hake in the southern management area, from the NEFSC Program database (2004-2010).

| Southern Red Hake Other Gears (All Mesh Categories) |                   |                  |                   |                  |                       |
|---|-------------------|------------------|-------------------|------------------|-----------------------|
| Species   | Kept (lb)         | Discard (lb)     | Grand Total (lb)  | Pct Discard (Sp) | Pct Discard (Overall) |
| Skate   | 1,449             | 2,392,311        | 2,393,760         | 100%             | 38%                   |
| Scallops  | 43,112,689        | 1,192,236        | 44,304,925        | 5%               | 35%                   |
| Monkfish  | 426,774           | 715,972          | 1,142,747         | 63%              | 11%                   |
| Groundfish, Large-Mesh                              | 9,127             | 187,173          | 196,300           | 95%              | 3%                    |
| Fluke, Scup, Black Sea Bass                         | 3,928             | 134,815          | 137,212           | 98%              | 2%                    |
| Fluke   | 2,088             | 132,723          | 134,861           | 98%              | 2%                    |
| Yellowtail Flounder                                 | 3,744             | 98,872           | 102,616           | 96%              | 2%                    |
| Groundfish, Small-Mesh                              | 7,460             | 53,289           | 60,749            | 88%              | 1%                    |
| Dogfish   | -                 | 52,649           | 52,649            | 100%             | 1%                    |
| Red Hake  | 29                | 41,347           | 41,376            | 100%             | 1%                    |
| Silver Hake   | 3,265             | 10,302           | 13,567            | 76%              | 0%                    |
| Other Species                                       | 35,986            | 127,264          | 163,250           | 78%              | 2%                    |
| <b>Total</b>  | <b>43,901,744</b> | <b>6,128,701</b> | <b>50,030,445</b> | <b>12%</b>       | <b>NA</b>             |

## Section 4.3 Physical Environment and EFH

### Section 4.3.1 Description of the Physical Environment and EFH of the Small-Mesh Multispecies Fishery

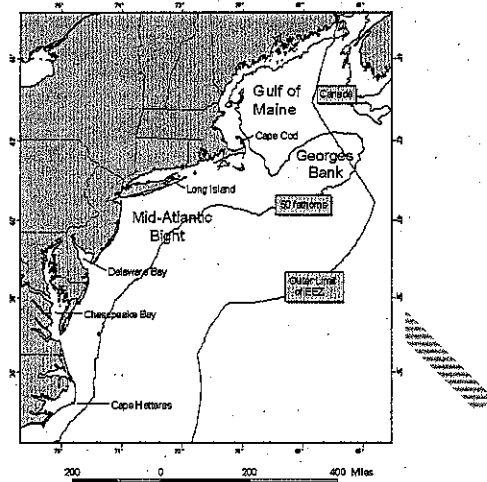
The Northeast U.S. Shelf Ecosystem includes the area from the Gulf of Maine south to Cape Hatteras, extending from the coast seaward to the edge of the continental shelf, including the slope sea offshore to the Gulf Stream to a depth of 2,000 m (Figure 16, Sherman et al. 1996).

Four distinct sub-regions are identified: the Gulf of Maine, Georges Bank, the Mid-Atlantic Bight, and the continental slope. The physical oceanography and biota of these regions were described in Northeast Multispecies Amendment 16, Section 6.1. Much of this information was extracted from Stevenson et al. (2004), and the reader is referred to this document and sources referenced therein for additional information. The small-mesh multispecies fishery occurs throughout the Mid-Atlantic Bight, the Gulf of Maine, and Georges Bank. (Figure 11)

The first Essential Fish Habitat Amendment (Amendment 11 to the Northeast Multispecies FMP) in 1998 initially described and identified the essential fish habitat for silver and red hake. The EFH amendment addressed all elements required by the EFH provisions of the Sustainable Fisheries Act. This includes the description and identification of silver and red hake EFH, the threats to EFH from fishing and non-fishing activities, and the conservation and enhancement measures to protect EFH for silver and red hake, which were updated in Amendment 13 to the Northeast Multispecies FMP. EFH for offshore hake was first described and identified in Amendment 12 to the Northeast Multispecies FMP in 2000. The Council is developing a second EFH Omnibus Amendment in two phases. The initial phase reviewed the existing EFH designations and recommends modifications to the current descriptions of EFH for the three small-mesh multispecies. However, the new designations will not be incorporated into the FMP until the completion of Phase II, which is intended to evaluate management measures to address adverse impacts to EFH from fishing. Summaries of EFH descriptions and maps for Northeast region species can be accessed at <http://www.nere.noaa.gov/hcd/webintro.html>.

The area that may potentially be affected by the proposed action has been identified as EFH for various species that are managed under the Northeast Multispecies Atlantic Sea Scallop, Monkfish, Deep-Sea Red Crab, Northeast Skate Complex, Atlantic Herring, Summer Flounder, Scup, and Black Sea Bass; Tilefish, Squid, Atlantic Mackerel, and Butterfish; Atlantic Surfclam and Ocean Quahog Fishery Management Plans. EFH for the species managed under these FMPs includes a wide variety of benthic habitats in state and federal waters throughout the Northeast U.S. Shelf Ecosystem. For more information on the geographic area, depth, and EFH description for each applicable life stage of these species, the reader is referred to Table 46 of Northeast Multispecies Amendment 16 EIS.

Figure 16 Northeast U.S. Shelf Ecosystem



### Section 4.3.2 Habitat Description

A complete description of the physical environment in the Gulf of Maine, Georges Bank, and portions of the Continental Shelf south of New England is contained in Section 6.1 the FSEIS for Amendment 16 to the Northeast Multispecies FMP. Section 6.1 of Amendment 16 also contains detailed information about the Mid-Atlantic region to Cape Hatteras and the reader is directed there for more information.

### Section 4.3.3 Weather

One of the most frequently mentioned physical environmental parameters affecting fishing is the weather. High winds, waves, and extremely low temperatures can create extremely hazardous conditions, ranking commercial fishing among the most dangerous occupations in the world. Section E.6.2.2 of the FSEIS for Amendment 5 to the Northeast Multispecies FMP contains a complete description of weather patterns affecting the fisheries in question as well as southern New England and the Northeast region.

### Section 4.3.4 Gear Impacts from the Small-Mesh Multispecies Fishery

The small-mesh multispecies fishery is primarily a trawl fishery (Table 32), with most of the exemption areas in the northern stock area (Gulf of Maine Grate Raised Footrope Exemption Area, Small Mesh Areas I and II, and the Raised Footrope Trawl Exemption Area near Cape Cod) requiring the use of a raised footrope trawl.

Table 32 Landings of Small-Mesh Multispecies by Gear (2008-2010)

| Gear Type                                    | % of Total Small-Mesh Multispecies Landings |
|--|---|
| Otter Trawl, including Raised Footrope Trawl | 97.76%                                      |
| Sink Gillnets                                | 1.09%                                       |
| All Other Gear <sup>2</sup>                  | 1.15%                                       |

<sup>2</sup>Includes: Handgear, Pots and Traps, Shrimp Trawl, Dredges, Longline, and all other reported gear

Amendment 13 (NEFMC 2003) describes the general effects of bottom trawls and dredges on benthic marine habitats. The primary source document used for this analysis was an advisory report prepared for the International Council for the Exploration of the Seas (ICES 2000) that identified a number of possible effects of beam trawls and bottom otter trawls on benthic habitats. This report is based on scientific findings summarized in Lindeboom and de Groot (1998), which were peer-reviewed by an ICES working group. The focus of the report is the Irish Sea and North Sea, but it also includes assessments of effects in other areas. Two general conclusions were: 1) low-energy environments are more affected by bottom trawling; and 2) bottom trawling can affect the potential for habitat recovery (*i.e.*, after trawling ceases, benthic communities and habitats may not always return to their original pre-impacted state). Regarding direct habitat effects, the report also concluded that:

Loss or dispersal of physical features such as peat banks or boulder reefs (changes are always permanent and lead to an overall change in habitat diversity, which can in turn lead to the local loss of species and species assemblages dependant on such features);

Loss of structure-forming organisms such as bryozoans, tubedwelling polychaetes, hydroids, seapens, sponges, mussel beds, and oyster beds (changes may be permanent and can lead to an overall change in habitat diversity which can in turn lead to the local loss of species and species assemblages dependant on such biogenic features);

Reduction in complexity caused by redistributing and mixing of surface sediments and the degradation of habitat and biogenic features, leading to a decrease in the physical patchiness of the sea floor (changes are not likely to be permanent);

Alteration of the detailed physical features of the sea floor by reshaping seabed features such as sand ripples and damaging burrows and associated structures which provide important habitats for smaller animals and can be used by fish to reduce their energy requirements (changes are not likely to be permanent).

A more recent evaluation of the habitat effects of trawling and dredging was prepared by the Committee on Ecosystem Effects of Fishing for the National Research Council's Ocean Studies Board (NRC 2002). Trawl gear evaluated by the Committee included bottom otter trawls and beam trawls. Dredge gear included hydraulic clam dredges, non-hydraulic oyster, conch, and crab dredges, and scallop dredges with and without teeth. This report identified four general conclusions regarding the types of habitat modifications caused by trawls and dredges.

- Trawling and dredging reduce habitat complexity

- Repeated trawling and dredging result in discernable changes in benthic communities
- Bottom trawling reduces the productivity of benthic habitats
- Fauna that live in low natural disturbance regimes are generally more vulnerable to fishing gear disturbance

A description of the raised footrope trawl, required in all of the inshore Gulf of Maine Exemption Areas (Gulf of Maine Grate Raised Footrope Trawl, Small Mesh Areas I and II and the Raised Footrope Trawl Area near Cape Cod), was included in the Council's on-going second EFH Omnibus Amendment's Swept Area Seabed Impact Model document (NEFMC 2011), as well as in Amendment 13 to the Northeast Multispecies FMP. The raised footrope trawl was "designed capture small-mesh species (silver hake, red hake, and dogfish). Raised-footrope trawls can be rigged with or without a chain sweep. If no sweep is used, drop chains must be hung at defined intervals along the footrope. In trawls with a sweep, chains connect the sweep to the footrope. Both configurations are designed to make the trawl fish about 0.45 - 0.6 m (1.5 - 2 ft) above the bottom (Carr and Milliken 1998). Although the doors of the trawl still ride on the bottom, underwater video and observations in flume tanks have confirmed that the sweep in the raised footrope trawl has much less contact with the sea floor than does the traditional cookie sweep that it replaces (Carr and Milliken 1998).

#### Section 4.4 Protected Resources

There are numerous protected species that inhabit the environment within the Northeast Multispecies FMP management unit and potentially occur in the operations area of the small-mesh multispecies fishery. These species are afforded protection under the Endangered Species Act of 1973 (ESA; i.e., for those designated as threatened or endangered) and/or the Marine Mammal Protection Act of 1972 (MMPA), and are under NMFS' jurisdiction. As listed below, seventeen marine mammal, sea turtle, and fish species are classified as endangered, threatened, candidate, or proposed under the ESA. The remaining species listed below are protected by the MMPA and are known to interact with the other trawl fisheries in the New England and Mid-Atlantic regions.

#### Section 4.4.1 Species Present in the Area

Table 33 lists the species protected either by the ESA, the MMPA, or both, that may be found in the environment that would be utilized by the small-mesh multispecies fishery. Table 33 also includes two candidate fish species and one proposed fish species (species being considered for listing as an endangered or threatened species, as identified under the ESA).

Candidate species are those petitioned species actively being considered for listing as endangered or threatened under the ESA, as well as those species for which NMFS has initiated an ESA status review that it has announced in the *Federal Register*. Atlantic sturgeon and cusk are known to occur within the action area of the small-mesh multispecies fisheries and have documented interactions with types of gear used in the small-mesh multispecies fishery.

Table 33 Species, and Their Status, Protected under the Endangered Species Act and Marine Mammal Protection Act that May Occur in the Operations Area for the Small-Mesh Multispecies Fishery<sup>3</sup>

| Species  | Status     |
|--|------------|
| <b>Cetaceans</b>   |            |
| North Atlantic right whale ( <i>Eubalaena glacialis</i> )                            | Endangered |
| Humpback whale ( <i>Megaptera novaeangliae</i> )                                     | Endangered |
| Fin whale ( <i>Balaenoptera physalus</i> )   | Endangered |
| Sei whale ( <i>Balaenoptera borealis</i> )   | Endangered |
| Blue whale ( <i>Balaenoptera musculus</i> )  | Endangered |
| Sperm whale ( <i>Physeter macrocephalus</i> )  | Endangered |
| Pilot whale ( <i>Globicephala spp.</i> )   | Protected  |
| Atlantic white-sided dolphin ( <i>Lagenorhynchus acutus</i> )                        | Protected  |
| Bottlenose dolphin ( <i>Tursiops truncatus</i> )                                     | Protected  |
| <b>Sea Turtles</b>   |            |
| Leatherback sea turtle ( <i>Dermochelys coriacea</i> )                               | Endangered |
| Kemp's ridley sea turtle ( <i>Lepidochelys kempi</i> )                               | Endangered |
| Green sea turtle ( <i>Chelonia mydas</i> )   | Endangered |
| Loggerhead sea turtle ( <i>Caretta caretta</i> ) Northwest Atlantic DPS <sup>3</sup> | Threatened |
| Hawksbill sea turtle ( <i>Eretmochelys imbricata</i> )                               | Endangered |
| <b>Fish</b>  |            |
| Shortnose sturgeon ( <i>Acipenser brevirostrum</i> )                                 | Endangered |
| Atlantic salmon ( <i>Salmo salar</i> ) Gulf of Maine DPS                             | Endangered |
| Cusk ( <i>Brosme brosme</i> )  | Candidate  |
| Atlantic sturgeon ( <i>Acipenser oxyrinchus</i> )                                    | Proposed   |
| Alewife ( <i>Alosa pseudoharengus</i> )  | Candidate  |
| Blueback herring ( <i>Alosa aestivalis</i> )   | Candidate  |
| <b>Pinnipeds</b>   |            |
| Harbor seal ( <i>Phoca vitulina</i> )  | Protected  |
| Harp seal ( <i>Phoca groenlandicus</i> )   | Protected  |

At this time, Atlantic sturgeon has been proposed for listing under the ESA. A status review for Atlantic sturgeon was completed in 2007. NMFS has concluded that the U.S. Atlantic sturgeon spawning populations comprise five distinct population segments (DPSs) (ASSRT 2007). The Gulf of Maine DPS of Atlantic sturgeon is proposed to be listed as threatened, and the New York Bight, Chesapeake Bay, Carolina, and South Atlantic DPSs of Atlantic sturgeon are proposed as endangered. On October 6, 2010 (75 FR 61872 and 75 FR 61904), NMFS proposed listing five populations of Atlantic sturgeon along the U.S. East Coast as either threatened or endangered species. A final listing rule is expected by the winter of 2011. Atlantic sturgeon from any of the five DPSs could occur in areas where the small-mesh multispecies fishery operates. Atlantic:

<sup>3</sup> MMPA-listed species occurring on this list are only those species that have a history of interaction with similar gear types within the action area of the small mesh multispecies fishery, as defined in the 2011 List of Fisheries.

<sup>4</sup> Green turtles in U.S. waters are listed as threatened except for the Florida breeding population, which is listed as endangered. Due to the inability to distinguish among these populations away from the nesting beach, green turtles are considered endangered wherever they occur in U.S. waters.

<sup>5</sup> In September 2011, NMFS and U.S. Fish and Wildlife Service listed 9 distinct population segments (DPSs) of loggerhead sea turtles under the ESA.

sturgeon have been captured in small-mesh otter trawl gear, albeit less often than in large mesh otter trawl gear (Stein et al. 2004a, ASMFC 2007).

Candidate species receive no substantive or procedural protection under the ESA; however, NMFS recommends that project proponents consider implementing conservation actions to limit the potential for adverse effects on candidate species from any proposed project. NMFS has initiated review of recent stock assessments, bycatch information, and other information for these candidate and proposed species. To accurately characterize recent interactions between fisheries and the candidate/proposed species in the context of stock sizes, the results of those efforts are needed. Any conservation measures deemed appropriate for these species will follow the information reviews. Please note that once a species is proposed for listing the conference provisions of the ESA apply (see 50 CFR 402.10).

#### Section 4.4.2 Species Potentially Affected by Small-Mesh Multi-Species Fishery

The fish, sea turtle, cetacean, and pinniped species discussed below have the potential to be affected by the operation of the small-mesh multi-species fishery. Background information on the range-wide status of sea turtle and marine mammal species that occur in the area and are known or suspected of interacting with fishing gear (demersal gear including trawls, gillnets, and longline types) can be found in a number of published documents. These include:

- Atlantic sturgeon status review (Atlantic Sturgeon Status Review Team 2007)
- Sea turtle status reviews and biological reports (NMFS and USFWS 1995; Marine Turtle Expert Working Group (TEWG) 1998, 2000; NMFS and USFWS 2007a, 2007b, 2007c, 2007d; TEWG 2007)
- Recovery plans for ESA-listed cetaceans and sea turtles (NMFS 2009; NMFS and USFWS 1991a, 1991b, 1992-2008; NMFS, USFWS, and SEMARNAT, 2011);
- The marine mammal stock assessment reports (e.g., Waring et al. 2010); and
- Other publications (e.g., Clapham et al. 1999; Perry et al. 1999; Best et al. 2001).

Additional ESA background information on the range-wide status of these species and a description of critical habitat can be found in a number of published documents including:

- Proposed Listing Determinations for the Distinct Population Segments of Atlantic Sturgeon in the Northeast Region (75 FR 61872; 75 FR 61904);
- Recent sea turtle status reviews and biological reports (NMFS and USFWS 1995, TEWG 2000, NMFS and USFWS 2007a);
- Loggerhead recovery team report (NMFS and USFWS 2008);
- Status reviews and stock assessments;
- Recovery Plans for the humpback whale (NMFS 1991), right whale (NMFS 1991, NMFS 2005), fin and sei whale (NMFS 1998), fin whale (NMFS 2010); and
- The marine mammal stock assessment report (Waring et al. 2010) and other publications (e.g., Perry et al. 1999; Clapham et al. 1999; IWC 2001).

##### Section 4.4.2.1 Sea Turtles

Loggerhead, leatherback, Kemp's ridley, and green sea turtles occur seasonally in southern New England and mid-Atlantic continental shelf waters north of Cape Hatteras, North Carolina. In

general, turtles move up the coast from southern wintering areas as water temperatures warm in the spring (James et al. 2005, Morreale and Standora 2005, Braun-McNeill and Epperly 2004, Morreale and Standora 1998a, 1998b, Musick and Limpus 1997, Shoop and Kenney 1992, Keinath et al. 1987). The trend is reversed in the fall as water temperatures cool. By December, turtles have passed Cape Hatteras, returning to more southern waters for the winter (James et al. 2005, Morreale and Standora 2005, Braun-McNeill and Epperly 2004, Morreale and Standora 1998, Musick and Limpus 1997, Shoop and Kenney 1992, Keinath et al. 1987). Hard-shelled species are typically observed as far north as Cape Cod whereas the more cold-tolerant leatherbacks are observed in more northern Gulf of Maine waters in the summer and fall (Shoop and Kenney 1992, STSSN database <http://www.sefsc.noaa.gov/seaturtleSTSSN.jsp>).

On March 16, 2010, NMFS and USFWS published a proposed rule (75 FR 12598) to divide the worldwide population of loggerhead sea turtles into nine DPSs as described in the 2009 Status Review. Two of the DPSs are proposed to be listed as threatened and seven of the DPSs, including the Northwest Atlantic Ocean DPS, are proposed to be listed as endangered. NMFS and the USFWS accepted comments on the proposed rule through September 13, 2010 (75 FR 30769, June 2, 2010). On March 22, 2011 (76 FR 15932), NMFS and USFWS extended the date by which a final determination on the listing action would be made to no later than September 16, 2011. This action was taken to address the interpretation of the existing data on status and trends and its relevance to the assessment of risk of extinction for the Northwest Atlantic Ocean DPS, as well as the magnitude and immediacy of the fisheries bycatch threat and measures to reduce this threat. New information or analyses to help clarify these issues were requested by April 11, 2011.

On September 22, 2011, NMFS and USFWS issued a final rule (76 FR 58868), determining that the loggerhead sea turtle is composed of nine DPSs (as defined in Conant et al., 2009) that constitute species that may be listed as threatened or endangered under the ESA. Five DPSs were listed as endangered (North Pacific Ocean, South Pacific Ocean, North Indian Ocean, Northeast Atlantic Ocean, and Mediterranean Sea), and four DPSs were listed as threatened (Northwest Atlantic Ocean, South Atlantic Ocean, Southeast Indo-Pacific Ocean, and Southwest Indian Ocean). Note that the Northwest Atlantic Ocean DPS and the Southeast Indo-Pacific Ocean DPS were originally proposed as endangered. The Northwest Atlantic Ocean DPS was determined to be threatened based on review of nesting data available after the proposed rule was published, information provided in public comments on the proposed rule, and further discussions within the agencies. The two primary factors considered were population abundance and population trend. NMFS and USFWS found that an endangered status for the Northwest Atlantic Ocean DPS was not warranted given the large size of the nesting population, that the overall nesting population remains widespread, the trend for the nesting population appears to be stabilizing, and substantial conservation efforts are underway to address threats.

The September 2011 final rule also noted that critical habitat for the two DPSs occurring within the U.S. (Northwest Atlantic Ocean DPS and North Pacific DPS) will be designated in a future rulemaking. Information from the public related to the identification of critical habitat, essential physical or biological features for this species, and other relevant impacts of a critical habitat designation was solicited.

This proposed action only occurs in the Atlantic Ocean. As noted in Conant *et al.* (2009), the range of the four DPSs occurring in the Atlantic Ocean are as follows:

- Northwest Atlantic Ocean DPS – north of the equator, south of 60° N latitude, and west of 40° W longitude;
- Northeast Atlantic Ocean DPS – north of the equator, south of 60° N latitude, east of 40° W longitude, and west of 5° 36' W longitude;
- South Atlantic DPS – south of the equator, north of 60° S latitude, west of 20° E longitude, and east of 60° W longitude;
- Mediterranean DPS – the Mediterranean Sea east of 5° 36' W longitude.

These boundaries were determined based on oceanographic features, loggerhead sightings, thermal tolerance, fishery bycatch data, and information on loggerhead distribution from satellite telemetry and flipper tagging studies. Sea turtles from the Northeast Atlantic Ocean DPS are not expected to be present over the North American continental shelf in U.S. coastal waters, where the small-mesh multispecies fishery occurs (P. Dutton, NMFS, personal communication, 2011). Previous literature (Bowen *et al.* 2004) has suggested that there is the potential, albeit small, for some juveniles from the Mediterranean DPS to be present in U.S. Atlantic coastal foraging grounds. These data should be interpreted with caution, however, as they may be representing a shared common haplotype and lack of representative sampling at Eastern Atlantic rookeries. Given that updated, more refined analyses are ongoing and the occurrence of Mediterranean DPS juveniles in U.S. coastal waters is rare and uncertain, if even occurring at all, for the purposes of this assessment we are making the determination that the Mediterranean DPS is not likely to be present in the action area. Sea turtles of the South Atlantic DPS do not inhabit the action area of the small-mesh multispecies fishery (Conant *et al.* 2009). As such, the remainder of this assessment will only focus on the Northwest Atlantic Ocean DPS of loggerhead sea turtles, listed as threatened.

In general, sea turtles are a long-lived species and reach sexual maturity relatively late (NMFS SEFSC 2001; NMFS and USFWS 2007a, 2007b, 2007c, 2007d). Sea turtles are injured and killed by numerous human activities (NRC 1990; NMFS and USFWS 2007a, 2007b, 2007c, 2007d). Nest count data are a valuable source of information for each turtle species since the number of nests laid reflects the reproductive output of the nesting group each year. A decline in the annual nest counts has been measured or suggested for four of five western Atlantic loggerhead nesting groups through 2004 (NMFS and USFWS 2007a), however, data collected since 2004 suggests nest counts have stabilized or increased (TEWG 2009). Nest counts for Kemp's ridley sea turtles as well as leatherback and green sea turtles in the Atlantic demonstrate increased nesting by these species (NMFS and USFWS 2007b, 2007c, 2007d).

#### Section 4.4.2.2 Large Cetaceans

The most recent Marine Mammal Stock Assessment Report (Waring *et al.* 2010) reviewed the current population trend for each of these cetacean species within U.S. EEZ waters, as well as providing information on the estimated annual human-caused mortality and serious injury, and a description of the commercial fisheries that interact with each stock in the U.S. Atlantic. Information from the Stock Assessment Report is summarized below.

The western North Atlantic baleen whale species (North Atlantic right, humpback, fin, sei, and minke) follow a general annual pattern of migration from high latitude summer foraging grounds, including the Gulf of Maine and Georges Bank, to low latitude winter calving grounds (Perry *et al.* 1999, Kenney 2002). However, this is an oversimplification of species movements, and the complete winter distribution of most species is unclear (Perry *et al.* 1999, Waring *et al.* 2009). Studies of some of the large baleen whales (right, humpback, and fin) have demonstrated the presence of each species in higher latitude waters even in the winter (Swingle *et al.* 1993, Wiley *et al.* 1995, Perry *et al.* 1999, Brown *et al.* 2002, Patrician *et al.* 2009). Blue whales are most often sighted on the east coast of Canada, particularly in the Gulf of St. Lawrence, and occurs only infrequently within the U.S. EEZ (Waring *et al.* 2002).

In comparison to the baleen whales, sperm whale distribution occurs more on the continental shelf edge, over the continental slope, and into mid-ocean regions (Waring *et al.* 2007). However, sperm whales distribution in U.S. EEZ waters also occurs in a distinct seasonal cycle (Waring *et al.* 2007). Typically, sperm whale distribution is concentrated east-northeast of Cape Hatteras in winter and shifts northward in spring when whales are found throughout the Mid-Atlantic Bight (Waring *et al.* 2007). Distribution extends further northward to areas north of Georges Bank and the Northeast Channel region in summer and then south of New England in fall, back to the Mid-Atlantic Bight (Waring *et al.* 2010).

For North Atlantic right whales, the available information suggests that the population is increasing at a rate of 2.1 percent per year during 1990-2005, and the number of North Atlantic right whales was estimated to be at least 361 animals in 2005 (Waring *et al.* 2010). The minimum rate of annual human-caused mortality and serious injury to right whales averaged 2.8 per year during 2004 to 2008 (Waring *et al.* 2010). Of these, 0.8 per year resulted from fishery interactions.

The North Atlantic population of humpback whales is estimated to be 11,570 (Waring *et al.* 2010). The best estimate for the Gulf of Maine stock of humpback whales is 847 whales (Waring *et al.* 2010). The population trend was considered positive for the Gulf of Maine population, but there are insufficient data to estimate the trend for the larger North Atlantic population. Based on data available for selected areas and time periods, the minimum population estimates for other western North Atlantic whale stocks are: 3,269 fin whales; 208 sei whales; 4,804 sperm whales; and 3,312 minke whales (Waring *et al.* 2010). No recent estimates are available for blue whale abundance. Insufficient data exist to determine trends for any other large whale species.

The Atlantic Large Whale Take Reduction Plan was recently revised with publication of a new final rule (72 FR 57104, October 5, 2007) that is intended to continue to address entanglement of large whales (right, humpback, fin, and minke) in commercial fishing gear and to reduce the risk of death and serious injury from entanglements that do occur. NMFS expects to propose changes to right whale critical habitat in the near future. On October 5, 2010, NMFS published a notice of a 90-day petition finding and notice of 12-month determination in the *Federal Register* related to right whale critical habitat. NMFS was already conducting an ongoing analysis and evaluation of new information not available at the time of the original 1994 critical habitat designation prior to the receipt of this petition. Three critical habitat areas currently exist,



established in 1994, two of which occur in the northeast region: feeding grounds in Cape Cod Bay and the Great South Channel.

#### Section 4.4.2.3 Small Cetaceans

Numerous small cetacean species (dolphins; pygmy and dwarf sperm whales; pilot and beaked whales; and the harbor porpoise) occur within the area from Cape Hatteras through the Gulf of Maine. Seasonal abundance and distribution of each species in mid-Atlantic, Georges Bank, and/or Gulf of Maine waters varies with respect to life history characteristics. Some species primarily occupy continental shelf waters (e.g., white sided dolphins, harbor porpoise), while others are found primarily in continental shelf edge and slope waters (e.g., Risso's dolphin, pilot whales), and still others occupy all three habitats (e.g., common dolphin, spotted dolphins, striped dolphins). Information on the western North Atlantic stocks of each species is summarized in Waring et al. (2010).

With respect to harbor porpoise, the most recent Stock Assessment Reports show that the number of harbor porpoise takes in U.S. fisheries (877+ animals/year from 2004-2008) exceed this stock's Potential Biological Removal (PBR) level calculated for this species (i.e. 703 animals) and is, therefore, a strategic stock. Observer information collected from January 2005 to June 2006 has indicated an increase in porpoise bycatch throughout the geographic area covered by the Harbor Porpoise Take Reduction Plan in both the Gulf of Maine and Mid-Atlantic regions, and in monkfish gear specifically. The Harbor Porpoise Take Reduction Team developed options to reduce takes, and NMFS published a proposed rule on July 21, 2009 (74 *Federal Register* 36058) with four alternatives, including no action. The comment period on this rule ended on August 20, 2009 and the final rule was published on February 19, 2010 (75 *Federal Register* 7383).

The following changes were implemented in the 2010 amendments to the Harbor Porpoise Take Reduction Plan:

##### New England

- Expand the size of the Massachusetts Bay Management Area, as well as pinger use to include November;
- Establish the Stellwagen Bank Management Area and require pingers from November 1 through May 31;
- Establish the Southern New England Management Area where pingers are required from December 1 through May 31; and
- Establish the Cape Cod South Expansion Consequence Closure Area and Coastal Gulf of Maine Consequence Closure Area. These areas would be closed to gillnetting for two to three months if harbor porpoise bycatch levels are too high.

##### Mid-Atlantic

- Establish the Mudhole South Management Area, with a seasonal closure and gear modifications for large and small mesh gear;
- Modify the northern boundary of the waters off New Jersey Management Area to intersect with the southern shoreline of Long Island, NY at 72° 30' W longitude; and

- Modify tie-down spacing requirement for large mesh gillnets in all Mid-Atlantic management areas (waters off New Jersey, Mudhole North and South, and Southern Mid-Atlantic Management Areas).

The Atlantic Trawl Gear Take Reduction Team was organized in 2006 to implement a plan to address the incidental mortality and serious injury of long-finned pilot whales, short-finned pilot whales, common dolphins, and Atlantic white-sided dolphins in several trawl gear fisheries. In lieu of a take reduction plan, the Atlantic Trawl Gear Take Reduction Team agreed to develop an Atlantic Trawl Gear Take Reduction Strategy. The Atlantic Trawl Gear Take Reduction Strategy identifies informational and research tasks as well as education and outreach needs the Atlantic Trawl Gear Take Reduction Team believes are necessary to provide the basis for achieving the ultimate MMPA goal of achieving a zero mortality rate. The Atlantic Trawl Gear Take Reduction Strategy also identifies several potential voluntary measures that can be adopted by certain trawl fishing sectors to potentially reduce the incidental capture of marine mammals. These voluntary measures are as follows:

- Reducing the numbers of turns made by the fishing vessel and tow times while fishing at night; and
- Increasing radio communications between vessels about the presence and/or incidental capture of a marine mammal to alert other fishermen of the potential for additional interactions in the area.

#### Section 4.4.2.4 Pinnipeds

Of the four species of seals expected to occur in the area, harbor seals have the most extensive distribution with sightings occurring as far south as 30° N (Katona et al. 1993, Waring et al. 2009). Gray seals are the second most common seal species in U.S. EEZ waters, occurring primarily in New England (Katona et al. 1993; Waring et al. 2009). Pupping for both species occurs in both U.S. and Canadian waters of the western north Atlantic. The majority of harbor seal pupping likely occurs in U.S. waters. The majority of gray seal pupping likely occurs in Canadian waters, although there are at least three gray seal pupping colonies in U.S. waters as well. Hump and hooded seals are less commonly observed in U.S. EEZ waters. Both species form aggregations for pupping and breeding off eastern Canada in the late winter/early spring, and then travel to more northern latitudes for molting and summer feeding (Waring et al. 2007). Both species have a seasonal presence in U.S. waters from Maine to New Jersey, based on sightings, stranding, and fishery bycatch (Waring et al. 2009).

#### Section 4.4.2.5 Atlantic Sturgeon DPSs

Atlantic sturgeon is an anadromous species that spawns in relatively low salinity, river environments, but spends most of its life in the marine and estuarine environments from Labrador, Canada to the Saint Johns River, Florida (Holland and Yelverton 1973, Dovel and Berggen 1983, Waldman et al. 1996, Kynard and Horgan 2002, Dadswell 2006, ASSRT 2007). Tracking and tagging studies have shown that sub-adult and adult Atlantic sturgeon that originate from different rivers mix within the marine environment, utilizing ocean and estuarine waters for life functions such as foraging and overwintering (Stein et al. 2004a, Dadswell 2006, ASSRT 2007, Laney et al. 2007, Dunton et al. 2010). Fishery-dependent data as well as fishery-

independent data demonstrate that Atlantic sturgeon use relatively shallow inshore areas of the continental shelf, primarily waters less than 50 m (Stein et al. 2004b; ASMFC 2007; Dunton et al. 2010). The data also suggest regional differences in Atlantic sturgeon depth distribution with sturgeon observed in waters primarily less than 20 m in the Mid-Atlantic Bight and in deeper waters in the Gulf of Maine (Stein et al. 2004b, ASMFC 2007, Dunton et al. 2010). Information on population sizes for each Atlantic sturgeon DPS is very limited. Based on the best available information, NMFS has concluded that bycatch, vessel strikes, water quality and water availability, dams, lack of regulatory mechanisms for protecting the fish, and dredging are the most significant threats to Atlantic sturgeon.

Comprehensive information on current abundance of Atlantic sturgeon is lacking for all of the spawning rivers (ASSRT 2007). Based on data through 1998, an estimate of 870 spawning adults per year was developed for the Hudson River (Kahle et al. 2007), and an estimate of 343 spawning adults per year is available for the Altamaha River, GA based on data collected in 2004-2005 (Schueller and Peterson 2006). Data collected from the Hudson River and Altamaha River studies cannot be used to estimate the total number of adults in either subpopulation, since mature Atlantic sturgeon may not spawn every year, and it is unclear to what extent mature fish in a non-spawning condition occur on the spawning grounds. Nevertheless, since the Hudson and Altamaha Rivers are presumed to have the healthiest Atlantic sturgeon subpopulations within the United States, other U.S. subpopulations are predicted to have fewer spawning adults than either the Hudson or the Altamaha (ASSRT 2007). It is also important to note that the estimates above represent only a fraction of the total population size as spawning adults comprise only a portion of the total population (e.g., this estimate does not include sub-adults and early life stages)

#### Section 4.4.3 Species Not Likely to be Affected

The Gulf of Maine DPS of anadromous Atlantic salmon was initially listed by the USFWS and NMFS as an endangered species on November 17, 2000 (65 FR 69459). A subsequent listing as an endangered species on June 19, 2009 (74 FR 29344) included an expanded range for the Gulf of Maine DPS of Atlantic salmon.

Presently, the Gulf of Maine DPS includes all anadromous Atlantic salmon whose freshwater range occurs in the watersheds from the Androscoggin River northward along the Maine coast to the Dennys River. Included are all associated conservation hatchery populations used to supplement these natural populations. Currently, such conservation hatchery populations are maintained at Green Lake National Fish Hatchery and Craig Brook National Fish Hatchery. Coincident with the June 19, 2009 endangered listing, NMFS designated critical habitat for the Gulf of Maine DPS of Atlantic salmon (74 FR 29300; June 19, 2009). The critical habitat designation for the Gulf of Maine DPS includes 45 specific areas occupied by Atlantic salmon at the time of listing that include approximately 19,571 km of perennial river, stream, and estuary habitat and 799 square km of lake habitat within the range of the Gulf of Maine DPS and in which are found those physical and biological features essential to the conservation of the species. The entire occupied range of the Gulf of Maine DPS in which critical habitat is designated is within the State of Maine.

The action being considered in the EA is not likely to adversely affect shortnose sturgeon, the Gulf of Maine DPS of Atlantic salmon, hawksbill sea turtles, blue whales, or sperm whales, all of which are listed as endangered species under the ESA. Shortnose sturgeon and salmon belonging to the Gulf of Maine DPS of Atlantic salmon occur within the general geographical areas fished by the small-mesh multispecies fishery, but they are unlikely to occur in the area where the fishery operates given their numbers and distribution. Therefore, none of these species are likely to be affected by the small-mesh multispecies fishery. The following discussion provides the rationale for these determinations:

Shortnose sturgeon are benthic fish that mainly occupy the deep channel sections of large rivers. Shortnose sturgeon can be found in rivers along the western Atlantic coast from St. Johns River, Florida (although the species is possibly extirpated from this system), to the Saint John River in New Brunswick, Canada. The species is anadromous in the southern portion of its range (i.e., south of Chesapeake Bay), while some northern populations are amphidromous (NMFS 1998b). Since the small-mesh multispecies fishery does not operate in or near the rivers where concentrations of shortnose sturgeon are most likely found, it is highly unlikely that the fishery would affect shortnose sturgeon.

The wild populations of Atlantic salmon found in rivers and streams from the lower Kennebec River north to the U.S. - Canada border are listed as endangered under the ESA. These populations include those in the Dennys, East Machias, Machias, Pleasant, Narraguagus, Ducktrap, and Sheepscot Rivers and Coxe Brook. Juvenile salmon in New England rivers typically migrate to sea in May after a two to three year period of development in freshwater streams, and remain at sea for two winters before returning to their U.S. natal rivers to spawn. Results from a 2001 post-smolt trawl survey in Penobscot Bay and the nearshore waters of the Gulf of Maine indicate that Atlantic salmon post-smolts are prevalent in the upper water column throughout this area in mid- to late May. Therefore, commercial fisheries deploying small-mesh active gear (pelagic trawls and purse seines within 10 m of the surface) in nearshore waters of the Gulf of Maine may have the potential to incidentally take smolts. However, it is highly unlikely that the approval of this action would affect the Gulf of Maine DPS of Atlantic salmon. Given that operation of the small-mesh multispecies fishery would not occur in or near the rivers where concentrations of Atlantic salmon are likely to be found and small-mesh multispecies gear used by the fleet operates in the ocean at or near the bottom rather than near the water surface, NMFS determines that the small-mesh fishery will not negatively impact the Atlantic Salmon Gulf of Maine DPS. Thus, this species is not considered further in this EA.

The hawksbill turtle is uncommon in the waters of the continental U.S. Hawksbills prefer coral reefs, such as those found in the Caribbean and Central America. Hawksbills feed primarily on a wide variety of sponges but also consume bryozoans, coelenterates, and mollusks. The Culebra Archipelago of Puerto Rico contains especially important foraging habitat for hawksbills. Nesting areas in the western North Atlantic include Puerto Rico and the Virgin Islands. There are accounts of hawksbills in south Florida and individuals have been sighted along the east coast as far north as Massachusetts; however, east coast sightings north of Florida are rare (NMFS 2009). Since operation of the small-mesh multispecies fishery does not occur in waters that are typically used by hawksbill sea turtles, it is highly unlikely that its operations would affect this turtle species.

Blue whales do not regularly occur in waters of the U.S. EEZ (Waring et al. 2010). In the North Atlantic, blue whales are most frequently sighted in the St. Lawrence from April to January (Sears 2002). No blue whales were observed during the Cetacean and Turtle Assessment Program (CeTAP) surveys of the mid- and north Atlantic areas of the outer continental shelf (CeTAP 1982). Calving for the species occurs in low latitude waters outside of the area where the small mesh multispecies fishery operates. Blue whales feed on euphausiids (krill) that are too small to be captured in fishing gear. Given that the species is unlikely to occur in areas where the small-mesh multispecies fishery operates, and given that the operation of the fishery would not affect the availability of blue whale prey or areas where calving and nursing of young occurs, the proposed action would not be likely to adversely affect blue whales.

Unlike blue whales, sperm whales do regularly occur in waters of the EEZ. However, the distribution of the sperm whales in the EEZ occurs on the continental shelf edge, over the continental slope, and into mid-ocean regions (Waring et al. 2002). In contrast, the small-mesh multispecies fishery would operate in continental shelf waters. The average depth of sperm whale sightings observed during the Cetacean and Turtle Assessment Program surveys was 1,792 m (CeTAP 1982). Female sperm whales and young males almost always inhabit open ocean, deep-water habitat with bottom depths greater than 1000 m and at latitudes less than 40° N (Whitehead 2002). Sperm whales feed on large squid and fish that inhabit the deeper ocean regions. Given that sperm whales are unlikely to occur in areas (based on water depth) where the small-mesh multispecies fishery would operate, and given that the operation of the fishery would not affect the availability of sperm whale prey or areas where calving and nursing of young occurs, the proposed action would not be likely to adversely affect sperm whales.

#### Section 4.4.4 Interactions Between Gear and Protected Resources

Although interactions between types of deployed gear and protected species vary, interactions with the directed small-mesh multispecies fishery would generally involve entanglement in mesh (trawls), entanglement in the float line (trawls), entanglement in the groundline (trawls), or entanglement in the vertical lines that connect gear to the surface and surface systems (trawls). Entanglements are assumed to occur with increased frequency in areas where more gear is set and in areas with higher concentrations of protected species.

Although sea turtles have been caught and injured or killed in multiple types of fishing gear, including gillnets and hook-and-line fishing, mortalities from these gear types account for only about 50 percent of the mortalities associated with trawling gear (NMFS 2009b). A study conducted in the mid-Atlantic region showed that bottom trawling accounts for an average annual take of 616 loggerhead sea turtles, although Kemp's ridleys and leatherbacks were also caught during the study period (Murray 2006). The greatest densities of sea turtles generally occur in more temperate waters than those in the small mesh multispecies area.

Interactions between gear and a given species occur when fishing gear overlaps both spatially and trophically with the species' niche. Spatial interactions are more "passive" and involve unintentional interactions with fishing gear. Trophic interactions are more "active" and occur when protected species attempt to consume prey caught in fishing gear and become entangled in the process. Spatial and trophic interactions can occur with fishing gear used by the small-mesh multispecies fishery throughout the year.

Large and small cetaceans and sea turtles are more prevalent within the operations area during the spring and summer, although they are also relatively abundant during the fall and would have a higher potential for interaction with small mesh multispecies gear during these seasons. Although harbor seals may be more likely to occur in the operations area between fall and spring, harbor and gray seals are year-round residents; therefore, interactions could occur year-round. The uncommon occurrences of hooded and harp seals in the operations area are more likely to occur during the winter and spring, allowing for an increased potential for interactions during the winter.

Atlantic sturgeon are known to be captured in sink gillnet, drift gillnet, and otter trawl gear (Stein et al. 2004a, ASMFC 2007). Of these gear types, sink gillnet gear poses the greatest known risk of mortality for by-caught sturgeon (ASMFC 2007). Sturgeon deaths were rarely reported in the otter trawl observer dataset (ASMFC 2007). However, the level of mortality after release from the gear is unknown (Stein et al. 2004a). In a review of the Northeast Fishery Observer Program (NEFOP) database for the years 2001-2006, observed bycatch of Atlantic sturgeon was used to calculate bycatch rates that were then applied to commercial fishing effort to estimate overall bycatch of Atlantic sturgeon in commercial fisheries. This review indicated sturgeon bycatch occurred in statistical areas abutting the coast from Massachusetts (statistical area 514) to North Carolina (statistical area 635) (ASMFC 2007). Based on the available data, participants in an ASMFC bycatch workshop concluded that sturgeon encounters tended to occur in waters less than 50 m throughout the year, although seasonal patterns exist (ASMFC 2007). The ASMFC analysis determined that an average of 650 Atlantic sturgeon mortalities occurred per year (during the 2001 to 2006 timeframe) in sink gillnet fisheries. Stein et al. (2004a), based on a review of the NMFS Observer Database from 1989-2000, found clinal variation in the bycatch rate of sturgeon in sink gillnet gear with the lowest rates occurring off of Maine and highest rates off of North Carolina for all months of the year.

In an updated analysis, the Northeast Fisheries Science Center (NEFSC) was able to use data from the NEFOP database to provide updated estimates for the 2006 to 2010 timeframe. Data were limited by observer coverage to waters outside the coastal boundary (fzone>0) and north of Cape Hatteras, NC. Sturgeon identified by Federal observers as Atlantic sturgeon, as well as those categorized as unknown sturgeon, were included in the data set. At this time, data were limited to information collected by the NEFOP. Limited data collected in the At-Sea Monitoring Program were not included, although preliminary views suggest the incidence of sturgeon encounters was low. The frequency of encounters in the observer programs was expanded by total landings recorded in fishing vessel trip reports (VTR) rather than dealer data, since the dealer data does not include information on mesh sizes. Generally, the VTR data represent greater than 90 percent of total landings. Data were combined into division (identified as the first two digits in the statistical area codes), quarter, gear type (otter trawl (fish) and sink gillnet) and mesh categories. Mesh sizes were categorized for otter trawl as small (<5.5") or large (greater than or equal to 5.5"), and small (<5.5"), large (between 5.5" and 8") and extra-large (>8") in sink gillnets.

For each cell (year, division, quarter, gear, mesh), the ratio of sturgeon count to total kept weight of all species was calculated. This ratio was then applied to total weight in the cell recorded in

the VTR data. No imputation was done at this time to estimate sturgeon in missing cells. Totals are presented for encounters as well as encounters where the observer recorded the fish as dead (a subset of total encounters). The two categories represent bounds of possible sturgeon mortalities. The results should not be considered definitive estimates of Atlantic sturgeon losses until further work can be done to account for missing cells. The NEFSC is undertaking additional analyses to account for the missing cells, which will be available in the near future.

Below, the data for encounter rates by month and statistical area for otter trawl gear strata are presented (Table 34). The expanded estimates of all sturgeon by quarter, division, and year for otter trawl gear are in Table 35. Total estimated dead sturgeon in otter trawl gear are shown in Table 36. Composite estimates by year and gear type are provided in Table 37. Estimated total annual takes ranged from 1,536 to 3,221; estimated annual mortalities ranged from 37 to 376 sturgeon.

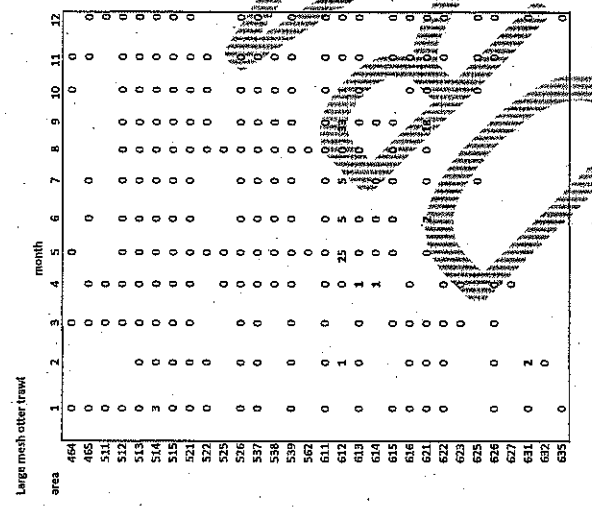
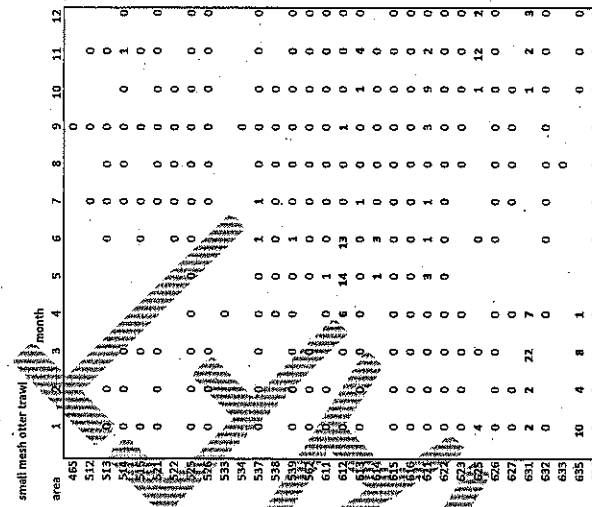


Table 35 All Atlantic Sturgeon Encounters Expanded by VTR Landings by Division, Mesh Size, and Year for Otter Trawls (2006 across top row to 2010 across bottom row)

| small mesh otter trawl<br>All sturgeon<br>Expanded by ratio to VTR landings |     |     |    |     | Large mesh otter trawl<br>All sturgeon<br>Expanded by ratio to VTR landings |    |     |     |    |
|---|-----|-----|----|-----|---|----|-----|-----|----|
|   | 1   | 2   | 3  | 4   |   | 1  | 2   | 3   | 4  |
| 51  | 0   | 0   | 0  | 0   | 51  | 23 | 0   | 0   | 0  |
| 52  | 0   | 0   | 0  | 0   | 52  | 0  | 0   | 0   | 0  |
| 53  | 0   | 0   | 0  | 0   | 53  | 0  | 0   | 0   | 0  |
| 56  | 0   | 0   | 0  | 0   | 56  | 0  | 0   | 0   | 0  |
| 61  | 0   | 996 | 0  | 134 | 61  | 0  | 28  | 0   | 0  |
| 62  | 29  | 0   | 8  | 308 | 62  | 0  | 0   | 0   | 0  |
| 63  | 20  | 0   | 0  | 0   | 63  | 0  | 0   | 0   | 0  |
| 1546  |     |     |    |     | 61  |    |     |     |    |
| 51  | 0   | 0   | 0  | 0   | 51  | 19 | 0   | 0   | 0  |
| 52  | 0   | 0   | 0  | 0   | 52  | 0  | 0   | 0   | 0  |
| 53  | 0   | 0   | 0  | 0   | 53  | 0  | 0   | 0   | 0  |
| 56  | 0   | 0   | 0  | 0   | 56  | 0  | 0   | 0   | 0  |
| 61  | 0   | 0   | 0  | 0   | 61  | 0  | 0   | 0   | 0  |
| 62  | 0   | 0   | 0  | 449 | 62  | 0  | 0   | 0   | 0  |
| 63  | 47  | 0   | 0  | 40  | 63  | 0  | 0   | 0   | 0  |
| 536   |     |     |    |     | 404   |    |     |     |    |
| 51  | 0   | 0   | 0  | 0   | 51  | 0  | 0   | 0   | 0  |
| 52  | 0   | 0   | 0  | 0   | 52  | 0  | 0   | 0   | 0  |
| 53  | 0   | 0   | 0  | 0   | 53  | 0  | 0   | 0   | 0  |
| 56  | 0   | 0   | 0  | 0   | 56  | 0  | 0   | 0   | 0  |
| 61  | 0   | 270 | 80 | 0   | 61  | 44 | 218 | 208 | 42 |
| 62  | 0   | 21  | 0  | 13  | 62  | 0  | 4   | 0   | 0  |
| 63  | 19  | 0   | 0  | 38  | 63  | 0  | 0   | 0   | 0  |
| 454   |     |     |    |     | 404   |    |     |     |    |
| 51  | 0   | 0   | 0  | 22  | 51  | 0  | 0   | 0   | 0  |
| 52  | 0   | 0   | 0  | 0   | 52  | 0  | 0   | 0   | 0  |
| 53  | 0   | 0   | 0  | 17  | 53  | 0  | 0   | 0   | 0  |
| 56  | 0   | 0   | 0  | 0   | 56  | 0  | 0   | 0   | 0  |
| 61  | 0   | 335 | 9  | 0   | 61  | 0  | 23  | 0   | 0  |
| 62  | 0   | 0   | 48 | 0   | 62  | 0  | 0   | 0   | 0  |
| 63  | 435 | 0   | 0  | 0   | 63  | 0  | 0   | 0   | 0  |
| 907   |     |     |    |     | 145   |    |     |     |    |
| 51  | 0   | 0   | 0  | 0   | 51  | 0  | 0   | 0   | 0  |
| 52  | 0   | 0   | 0  | 0   | 52  | 0  | 0   | 0   | 0  |
| 53  | 0   | 80  | 0  | 0   | 53  | 0  | 0   | 0   | 0  |
| 56  | 0   | 0   | 0  | 0   | 56  | 0  | 0   | 0   | 0  |
| 61  | 0   | 0   | 0  | 0   | 61  | 0  | 0   | 0   | 0  |
| 62  | 0   | 0   | 0  | 0   | 62  | 0  | 0   | 0   | 0  |
| 63  | 0   | 36  | 0  | 0   | 63  | 0  | 0   | 0   | 0  |
| 36  |     |     |    |     | 601   |    |     |     |    |
| 1211  |     |     |    |     | 1211  |    |     |     |    |

Table 36 Dead Atlantic Sturgeon Encounters Expanded by VTR Landings by Division, Mesh Size, and Year for Otter Trawl (2006 across top row to 2010 across bottom row)

| small mesh otter trawl<br>Expanded by ratio to VTR landings<br>dead sturgeon expanded |    |    |   |   | large mesh otter trawl<br>dead sturgeon expanded<br>to VTR all kept |   |   |   |   |
|---|----|----|---|---|---|---|---|---|---|
|   | 1  | 2  | 3 | 4 |   | 1 | 2 | 3 | 4 |
| 2006  | 51 | 0  | 0 | 0 | 51  | 0 | 0 | 0 | 0 |
|   | 52 | 0  | 0 | 0 | 52  | 0 | 0 | 0 | 0 |
|   | 53 | 0  | 0 | 0 | 53  | 0 | 0 | 0 | 0 |
|   | 56 | 0  | 0 | 0 | 56  | 0 | 0 | 0 | 0 |
|   | 61 | 0  | 0 | 0 | 61  | 0 | 0 | 0 | 0 |
|   | 62 | 28 | 0 | 0 | 62  | 0 | 0 | 0 | 0 |
|   | 63 | 0  | 0 | 0 | 63  | 0 | 0 | 0 | 0 |
| 80  |    |    |   |   | 0   |   |   |   |   |
| 2007  | 51 | 0  | 0 | 0 | 51  | 0 | 0 | 0 | 0 |
|   | 52 | 0  | 0 | 0 | 52  | 0 | 0 | 0 | 0 |
|   | 53 | 0  | 0 | 0 | 53  | 0 | 0 | 0 | 0 |
|   | 56 | 0  | 0 | 0 | 56  | 0 | 0 | 0 | 0 |
|   | 61 | 0  | 0 | 0 | 61  | 0 | 0 | 0 | 0 |
|   | 62 | 0  | 0 | 0 | 62  | 0 | 0 | 0 | 0 |
|   | 63 | 4  | 0 | 0 | 63  | 0 | 0 | 0 | 0 |
| 4   |    |    |   |   | 59  |   |   |   |   |
| 2008  | 51 | 0  | 0 | 0 | 51  | 0 | 0 | 0 | 0 |
|   | 52 | 0  | 0 | 0 | 52  | 0 | 0 | 0 | 0 |
|   | 53 | 0  | 0 | 0 | 53  | 0 | 0 | 0 | 0 |
|   | 56 | 0  | 0 | 0 | 56  | 0 | 0 | 0 | 0 |
|   | 61 | 0  | 0 | 0 | 61  | 0 | 0 | 0 | 0 |
|   | 62 | 0  | 0 | 0 | 62  | 0 | 0 | 0 | 0 |
|   | 63 | 0  | 0 | 0 | 63  | 0 | 0 | 0 | 0 |
| 0   |    |    |   |   | 145   |   |   |   |   |
| 2009  | 51 | 0  | 0 | 0 | 51  | 0 | 0 | 0 | 0 |
|   | 52 | 0  | 0 | 0 | 52  | 0 | 0 | 0 | 0 |
|   | 53 | 0  | 0 | 0 | 53  | 0 | 0 | 0 | 0 |
|   | 56 | 0  | 0 | 0 | 56  | 0 | 0 | 0 | 0 |
|   | 61 | 0  | 0 | 0 | 61  | 0 | 0 | 0 | 0 |
|   | 62 | 0  | 0 | 0 | 62  | 0 | 0 | 0 | 0 |
|   | 63 | 18 | 0 | 0 | 63  | 0 | 0 | 0 | 0 |
| 19  |    |    |   |   | 0   |   |   |   |   |
| 2010  | 51 | 0  | 0 | 0 | 51  | 0 | 0 | 0 | 0 |
|   | 52 | 0  | 0 | 0 | 52  | 0 | 0 | 0 | 0 |
|   | 53 | 0  | 0 | 0 | 53  | 0 | 0 | 0 | 0 |
|   | 56 | 0  | 0 | 0 | 56  | 0 | 0 | 0 | 0 |
|   | 61 | 0  | 0 | 0 | 61  | 0 | 0 | 0 | 0 |
|   | 62 | 0  | 0 | 0 | 62  | 0 | 0 | 0 | 0 |
|   | 63 | 7  | 0 | 0 | 63  | 0 | 0 | 0 | 0 |
| 7   |    |    |   |   | 0   |   |   |   |   |

Table 37 Summary of Atlantic Sturgeon Encounters of all Fish and Total Dead, by Gear Type and Year

| Year | expanded encounters |             | Total encounters |
|------|---------------------|-------------|------------------|
|      | sink gillnet        | otter trawl |                  |
| 2006 | 1614                | 1606        | 3221             |
| 2007 | 1044                | 807         | 1851             |
| 2008 | 678                 | 857         | 1536             |
| 2009 | 1428                | 1050        | 2478             |
| 2010 | 347                 | 1644        | 1991             |

| Year | expanded dead encounters |             | Total dead |
|------|--------------------------|-------------|------------|
|      | sink gillnet             | otter trawl |            |
| 2006 | 246                      | 90          | 336        |
| 2007 | 309                      | 63          | 373        |
| 2008 | 231                      | 145         | 376        |
| 2009 | 226                      | 19          | 245        |
| 2010 | 30                       | 7           | 37         |

| Year | Total      |      |
|------|------------|------|
|      | encounters | dead |
| 2006 | 3221       | 336  |
| 2007 | 1851       | 373  |
| 2008 | 1536       | 376  |
| 2009 | 2478       | 245  |
| 2010 | 1991       | 37   |

As illustrated above, for the years 2006 through 2010, an average of approximately 2,215 Atlantic sturgeon were taken by commercial fishing vessels using small and large mesh otter trawls and sink gillnets of varying mesh size (small to extra-large). Of this number of encounters, there were approximately 273 mortalities (12%). The total number of encounters in sink gillnet and otter trawl gear and associated mortalities for quarters 2 and 3 are most relevant for the timeframe of interest for this action. For sink gillnets, an average of 483 and 192 Atlantic sturgeon were encountered in the 2006 to 2010 timeframe in quarters 2 and 3, respectively. Of these, there were 133 (28%) mortalities in quarter 2 and 21 (11%) mortalities in quarter 3. For otter trawls, an average of 439 and 360 were encountered in quarters 2 and 3, respectively. It was not appropriate to average the number of mortalities over the five-year time frame for quarters 2 and 3 given that all mortalities occurred in just two of the five years (2007 and 2008), and these mortalities occurred just in large mesh otter trawl gear (e.g., there were no mortalities in quarters 2 and 3 in small-mesh otter trawl gear). It is important to note that the information provided on mortality rates may be an underestimate as the rate of post-release mortality for those reportedly released alive is unknown.

Section 4.5 Human Communities (Economic and Social Trends)

Section 4.5.1 Silver and Offshore Hake Landings and Revenue

Silver and offshore hake landings and revenue were highest at the start of the time series, in 1996 (Table 38). In 2006, the smallest amount of silver hake were landed, 5,000mt, coinciding with the lowest revenue earned from silver hake landings. Since then, silver hake landings and revenues have been generally increasing. It appears that while current landings are lower than landings in the 1990's, there is an increasing trend in both landings and revenue in recent years (Figure 17). Peak landings in the Northern management area also occurred in 1996, at 3,619mt, which earned \$3 million in revenue. The lowest silver hake landings in the Northern area occurred in 2008 with 618mt, earning \$832,000 in revenue. In recent years, landings in the Northern area have been greater than 1,000mt, earning revenue \$1.2 million - \$2.3 million (Table 39). Landings in the Southern area account for two-thirds to nearly all of the total landings (Table 39). Landings range from 4,629mt - 13,441mt. Peak landings in the Southern area in 2009 were 13,000mt, earning \$15 million in revenue. This was also the year with peak revenue from silver hake. The lowest landings occurred in 2006 and were 4,629mt earning approximately \$6 million. The lowest revenue from silver hake was in 2002 at \$5 million in the Southern stock area (Table 39).

Table 38 Silver Hake and Offshore Hake Landings and Revenue (1996-2010)

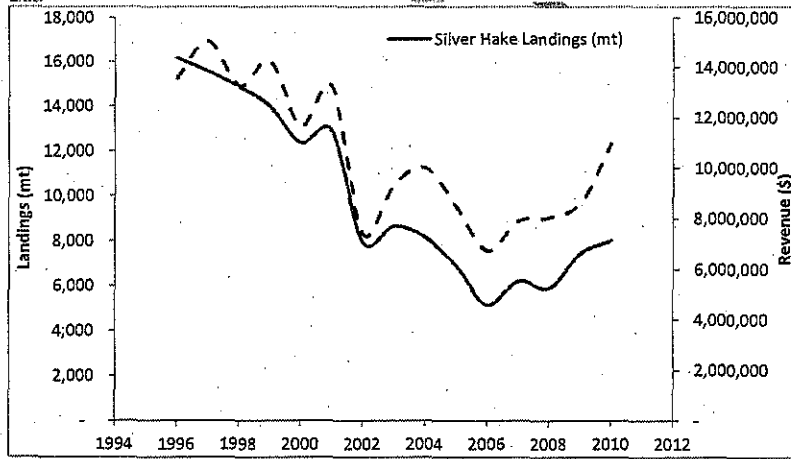
| Year | Silver hake landings (mt) | Silver hake revenue (\$) | Offshore hake landings (mt) | Offshore hake revenue (\$) |
|------|---------------------------|--------------------------|-----------------------------|----------------------------|
| 1996 | 16,418                    | 13,567,329               | 67                          | 60,663                     |
| 1997 | 15,565                    | 15,045,264               | 23                          | 16,005                     |
| 1998 | 14,867                    | 13,259,078               | 5                           | 5,807                      |
| 1999 | 14,020                    | 14,243,589               | 12                          | 19,673                     |
| 2000 | 12,366                    | 11,644,431               | 5                           | 7,035                      |
| 2001 | 9,908                     | 13,211,158               | 2                           | 2,013                      |
| 2002 | 7,938                     | 7,410,730                | 6                           | 4,055                      |
| 2003 | 8,643                     | 9,326,001                | 11                          | 18,150                     |
| 2004 | 8,163                     | 10,006,343               | 27                          | 31,429                     |
| 2005 | 6,902                     | 8,493,180                | 14                          | 15,265                     |
| 2006 | 4,153                     | 6,727,695                | 37                          | 45,001                     |
| 2007 | 6,217                     | 7,880,472                | 12                          | 10,806                     |
| 2008 | 5,918                     | 8,035,894                | 21                          | 24,152                     |
| 2009 | 7,441                     | 8,602,262                | 20                          | 31,371                     |
| 2010 | 8,014                     | 10,951,987               | 10                          | 16,348                     |

Table 39 Silver Hake Landings and Revenue by Stock Area

| Year | Northern Stock |             | Southern Stock |             |
|------|----------------|-------------|----------------|-------------|
|      | Landings (mt)  | Revenue(\$) | Landings (mt)  | Revenue(\$) |
| 1996 | 3,619          | 3,034,584   | 12,560         | 10,531,566  |
| 1997 | 2,802          | 2,708,077   | 12,761         | 12,335,466  |
| 1998 | 2,045          | 1,824,252   | 12,828         | 11,440,726  |

|      |       |           |        |            |
|------|-------|-----------|--------|------------|
| 1999 | 3,444 | 3,498,658 | 10,577 | 10,746,305 |
| 2000 | 2,591 | 2,440,854 | 9,734  | 9,169,144  |
| 2001 | 3,391 | 3,470,530 | 9,379  | 9,598,879  |
| 2002 | 2,593 | 2,420,618 | 5,343  | 4,988,009  |
| 2003 | 1,808 | 1,950,450 | 6,833  | 7,373,296  |
| 2004 | 1,012 | 1,240,949 | 7,436  | 9,115,907  |
| 2005 | 853   | 1,049,283 | 6,671  | 8,208,849  |
| 2006 | 879   | 1,147,976 | 4,629  | 6,043,655  |
| 2007 | 1,017 | 1,288,530 | 5,345  | 6,774,279  |
| 2008 | 613   | 832,397   | 5,645  | 7,669,565  |
| 2009 | 1,038 | 1,199,934 | 13,441 | 15,539,587 |
| 2010 | 1,693 | 2,313,869 | 6,386  | 8,726,243  |

Figure 17 Silver Hake Landings and Revenue (1996-2010). Revenue is plotted on the secondary axis.



Section 4.5.2 Red Hake Landings and Revenue

Landings of red hake peaked in 2001 at 1,600mt and revenue was also the greatest (\$912,000) in this year (Table 40). The lowest red hake landings occurred in 2005; while in 2006, there was the least amount of revenue earned from red hake (\$393,000). Peak landings in the Northern management area were 394mt in 1996, which earned \$252,000 in revenue (Table 41). The lowest red hake landings in the Northern area occurred in 2008 with 9mt, earning \$7,865 in revenue. In recent years, landings in the Northern area have been less than 100mt, earning revenue \$300,000 - \$400,000 (Table 41).

Landings of red hake in the Southern area also account for two-thirds to nearly all of the total red hake landings (Table 41). Peak landings in the Southern area were in 2001 and were 1,464mt, earning approximately \$800,000 in revenue. In 2000, there was \$808,000 earned revenue from red hake landings. The lowest landings occurred in 2005 and were 356mt, earning approximately \$400,000. The lowest revenue from red hake was in 2006 at \$326,000 in the Southern stock area (Table 41).

Table 40 Red Hake Landings and Revenue (1996-2010)

| Year | Landings (mt) | Revenue (\$) |
|------|---------------|--------------|
| 1996 | 1,097         | 703,343      |
| 1997 | 1,322         | 790,556      |
| 1998 | 1,327         | 762,493      |
| 1999 | 1,557         | 920,320      |
| 2000 | 1,589         | 907,560      |
| 2001 | 1,672         | 912,883      |
| 2002 | 908           | 668,312      |
| 2003 | 808           | 557,278      |
| 2004 | 674           | 527,812      |
| 2005 | 427           | 478,070      |
| 2006 | 429           | 393,581      |
| 2007 | 512           | 415,368      |
| 2008 | 587           | 495,332      |
| 2009 | 613           | 463,879      |
| 2010 | 603           | 497,934      |

Table 41 Red Hake Landings and Revenue by Stock Area

| Year | Northern Stock |              | Southern Stock |              |
|------|----------------|--------------|----------------|--------------|
|      | Landings (mt)  | Revenue (\$) | Landings (mt)  | Revenue (\$) |
| 1996 | 394            | 252,760      | 700            | 448,738      |
| 1997 | 322            | 192,493      | 999            | 597,230      |
| 1998 | 173            | 99,212       | 1,154          | 663,553      |
| 1999 | 206            | 121,645      | 1,351          | 798,600      |
| 2000 | 172            | 98,106       | 1,415          | 808,329      |
| 2001 | 204            | 111,146      | 1,465          | 799,548      |
| 2002 | 245            | 180,070      | 663            | 488,059      |
| 2003 | 185            | 127,810      | 623            | 429,362      |
| 2004 | 82             | 66,906       | 588            | 477,880      |
| 2005 | 73             | 82,122       | 356            | 398,446      |
| 2006 | 77             | 67,183       | 375            | 326,416      |
| 2007 | 42             | 34,243       | 470            | 381,118      |
| 2008 | 9              | 7,865        | 579            | 488,910      |
| 2009 | 39             | 29,404       | 574            | 456,129      |
| 2010 | 51             | 41,932       | 553            | 456,129      |

**Section 4.5.3 Small-Mesh Multispecies Landings by State**

Table 42 displays silver hake and red hake landings for each state in New England and the Mid-Atlantic (1996-2010) and the percentage of those landings compared to the state's entire landings. For the most part, silver hake comprises a small percentage of each state's landings. Connecticut, Rhode Island and New York are among the states with the largest proportion of silver hake landings when compared to the state's total landings. Silver hake landings in Connecticut have consistently been 15-32% of the state's total landings. The silver hake landings in both New York and Rhode Island have been 8-26% of the state's total landings (Table 42).

The proportion of silver hake landings to total landings in Maine has consistently been low, however, in recent years, this proportion has been nearly zero. The landings in total and of silver hake have decreased from 1996-2010; however, the proportion of silver hake landings to total landings has been about equal for 1997-2010. In New Hampshire, the proportion of silver hake landings has been about 2%, while the red hake proportion is very minor, nearly 0%. The magnitude of silver hake landings is less in recent years than it had been in the late 1990s; however, the proportion of silver hake landings to total landings is nearly equal throughout the time period (Table 42).

The proportion of silver hake landings to total landings has fluctuated between 1-3%, while the reliance on red hake landings is very minor. Interestingly, while the magnitude of both silver hake and total landings has increased, the proportion of silver hake and red hake landings has not fluctuated much. Rhode Island has the second greatest magnitude of silver hake landings among the studied states, but the silver hake landings make up less than ten percent of total state landings. The reliance on silver hake has fluctuated between 3-10%, while red hake constituted less than one percent of total state landings (Table 42).

In Connecticut, up to one-third of state landings are silver hake. The proportion of silver hake to total landings has fluctuated from 15% (2003) to 36% (1999). While landings in the last ten years have been some of the lowest amount of silver hake landings, this is apparent across all fisheries. The proportion of silver hake to total landings has remained approximately equal over this same time period. Red hake is not relied upon as much in Connecticut—less than five percent of state landings are red hake (Table 42).

New York has the highest magnitude of silver hake landings of any other state in New England or the Mid-Atlantic. Silver hake comprised 8-26% of total landings; however, there has been an increasing reliance of silver hake from 2005-2010. Red hake comprise less than three percent of total state landings. Silver hake represent a minor proportion of New Jersey's state landings (1.25% to less than one percent) and red hake comprise an even smaller proportion of the state's landings (less than one percent). See Table 42.

**Table 42 Silver and Red Hake Landings by State as Percentage of Total State Landings**

| State | Year | Landings (mt) |          |         | Proportion of total landings (%) |          |
|-------|------|---------------|----------|---------|----------------------------------|----------|
|       |      | Silver hake   | Red hake | Total   | Silver hake                      | Red hake |
| Maine | 1996 | 1,454.5       | 0.386    | 115,426 | 1.26                             | 0.00     |
|       | 1997 | 564.3         | 0.015    | 120,346 | 0.08                             | 0.00     |

|               |         |         |         |         |      |      |
|---------------|---------|---------|---------|---------|------|------|
|               | 1998    | 73.6    | 0.24    | 93,643  | 0.06 | 0.00 |
|               | 1999    | 64.4    | 0.025   | 113,323 |      | 0.00 |
|               | 2000    | 9.8     | 0.03    | 116,759 | 0.01 | 0.00 |
|               | 2001    | 15.2    | 0.77    | 116,248 | 0.01 | 0.00 |
|               | 2002    | 19.2    | 0.07    | 94,678  | 0.02 | 0.00 |
|               | 2003    | 1.0     | 0.01    | 102,293 | 0.00 | 0.00 |
|               | 2004    | 6.4     | 0.00    | 107,893 | 0.01 | 0.00 |
|               | 2005    | 1.1     |         | 99,530  | 0.00 |      |
|               | 2006    | 1.6     |         | 97,147  | 0.00 |      |
|               | 2007    | 0.2     | 0.03    | 86,159  | 0.00 | 0.00 |
|               | 2008    | 0.5     | 0.04    | 92,305  | 0.00 | 0.00 |
| 2009          | 0.3     | 0.02    | 89,981  | 0.00    | 0.00 |      |
| 2010          | 3.7     |         | 77,882  | 0.00    |      |      |
| New Hampshire | 1996    | 111.1   |         | 4,823   | 2.40 |      |
|               | 1997    | 148.5   | 0.003   | 4,549   | 3.26 | 0.00 |
|               | 1998    | 49.0    |         | 4,284   | 1.14 |      |
|               | 1999    | 110.6   | 0.648   | 4,767   | 2.32 | 0.01 |
|               | 2000    | 162.5   |         | 7,648   | 2.13 |      |
|               | 2001    | 135.7   | 0.30    | 7,902   | 0.72 | 0.00 |
|               | 2002    | 79.0    | 0.07    | 10,056  | 0.79 | 0.00 |
|               | 2003    | 83.7    | 0.04    | 12,014  | 0.70 | 0.00 |
|               | 2004    | 57.3    | 0.17    | 9,475   | 0.60 | 0.00 |
|               | 2005    | 45.8    | 0.01    | 9,289   | 0.49 | 0.00 |
|               | 2006    | 41.3    | 0.01    | 4,734   | 0.87 | 0.00 |
| 2007          | 95.1    |         | 3,905   | 2.44    |      |      |
| 2008          | 81.2    |         | 4,494   | 1.81    |      |      |
| 2009          | 139.3   | 0.04    | 5,997   | 2.32    | 0.00 |      |
| 2010          | 99.5    |         | 5,103   | 1.95    |      |      |
| Massachusetts | 1996    | 1,233.0 | 392.9   | 93,547  | 1.32 | 0.42 |
|               | 1997    | 1,293.0 | 314.07  | 92,105  | 1.40 | 0.34 |
|               | 1998    | 1,191.5 | 143.42  | 102,736 | 1.16 | 0.14 |
|               | 1999    | 1,521.9 | 184.35  | 78,676  | 2.44 | 0.23 |
|               | 2000    | 2,260.0 | 49.74   | 75,578  | 2.99 | 0.24 |
|               | 2001    | 2,489.3 | 169.22  | 97,561  | 2.55 | 0.17 |
|               | 2002    | 2,158.7 | 211.89  | 98,833  | 2.18 | 0.21 |
|               | 2003    | 2,722.8 | 194.57  | 120,967 | 2.25 | 0.16 |
|               | 2004    | 2,139.5 | 136.28  | 139,344 | 1.54 | 0.10 |
|               | 2005    | 2,862.4 | 73.84   | 140,060 | 1.33 | 0.05 |
|               | 2006    | 2,255.6 | 105.30  | 148,246 | 0.85 | 0.07 |
| 2007          | 3,438.0 | 80.91   | 125,846 | 1.14    | 0.06 |      |
| 2008          | 3,008.2 | 39.00   | 135,897 | 0.96    | 0.03 |      |
| 2009          | 2,303.5 | 99.27   | 150,613 | 1.53    | 0.07 |      |
| 2010          | 3,041.8 | 106.09  | 118,202 | 2.57    | 0.09 |      |
| Rhode Island  | 1996    | 4,231.5 | 337.54  | 60,867  | 6.95 | 0.55 |
|               | 1997    | 5,246.2 | 435.34  | 61,513  | 8.53 | 0.71 |
|               | 1998    | 4,670.4 | 553.85  | 58,326  | 8.01 | 0.95 |
|               | 1999    | 4,381.6 | 652.51  | 55,038  | 7.96 | 1.19 |
|               | 2000    | 4,766.3 | 683.56  | 52,588  | 9.06 | 1.30 |
|               | 2001    | 4,185.8 | 728.47  | 51,101  | 8.19 | 1.43 |
|               | 2002    | 2,305.6 | 290.45  | 45,425  | 5.08 | 0.64 |
| 2003          | 2,621.0 | 283.15  | 41,865  | 6.26    | 0.68 |      |
| 2004          | 2,175.6 | 216.29  | 49,871  | 4.36    | 0.43 |      |
| 2005          | 1,888.2 | 105.02  | 42,848  | 4.41    | 0.25 |      |



|             |         |         |        |        |       |      |
|-------------|---------|---------|--------|--------|-------|------|
| Connecticut | 2006    | 1,542.4 | 182.54 | 49,694 | 3.10  | 0.37 |
|             | 2007    | 2,010.5 | 179.95 | 33,435 | 6.01  | 0.54 |
|             | 2008    | 1,468.3 | 278.73 | 31,406 | 4.68  | 0.89 |
|             | 2009    | 1,652.1 | 197.05 | 36,941 | 4.47  | 0.53 |
|             | 2010    | 1,557.6 | 226.32 | 33,404 | 4.66  | 0.68 |
|             | 1996    | 2,559.9 | 105.29 | 8,662  | 29.55 | 1.22 |
|             | 1997    | 1,888.8 | 174.77 | 8,062  | 23.43 | 2.17 |
|             | 1998    | 1,761.6 | 119.83 | 7,409  | 23.78 | 1.62 |
|             | 1999    | 2,943.8 | 163.99 | 8,034  | 36.64 | 2.04 |
|             | 2000    | 2,813.1 | 172.86 | 8,396  | 33.51 | 2.06 |
| 2001        | 2,363.6 | 155.23  | 8,158  | 28.97  | 1.90  |      |
| 2002        | 1,149.0 | 151.32  | 7,055  | 16.29  | 2.14  |      |
| 2003        | 1,113.0 | 189.53  | 7,156  | 15.55  | 2.65  |      |
| 2004        | 1,331.8 | 190.00  | 7,974  | 16.70  | 2.38  |      |
| 2005        | 1,496.7 | 172.53  | 6,084  | 24.60  | 2.84  |      |
| 2006        | 1,065.0 | 119.66  | 5,219  | 20.41  | 2.29  |      |
| 2007        | 709.8   | 120.75  | 4,452  | 15.94  | 2.71  |      |
| 2008        | 930.1   | 128.91  | 3,073  | 30.27  | 4.20  |      |
| 2009        | 919.2   | 143.16  | 3,051  | 30.13  | 4.69  |      |
| 2010        | 759.5   | 64.34   | 2,363  | 32.14  | 2.74  |      |
| New York    | 1996    | 5,769.9 | 196.42 | 26,740 | 21.58 | 0.73 |
|             | 1997    | 5,434.5 | 285.07 | 26,351 | 20.62 | 1.08 |
|             | 1998    | 6,413.9 | 393.61 | 24,391 | 26.31 | 1.61 |
|             | 1999    | 4,259.9 | 439.88 | 21,596 | 19.73 | 2.04 |
|             | 2000    | 2,048.2 | 358.41 | 19,660 | 10.42 | 2.03 |
|             | 2001    | 3,352.6 | 461.08 | 18,698 | 17.93 | 2.47 |
|             | 2002    | 1,799.1 | 191.47 | 16,928 | 10.63 | 1.13 |
|             | 2003    | 2,031.6 | 126.31 | 17,286 | 11.75 | 0.73 |
|             | 2004    | 2,248.0 | 112.29 | 15,263 | 15.38 | 0.74 |
|             | 2005    | 1,572.2 | 55.91  | 16,954 | 8.95  | 0.33 |
| 2006        | 1,159.8 | 234.71  | 14,480 | 8.01   | 0.16  |      |
| 2007        | 1,508.9 | 76.56   | 14,384 | 10.49  | 0.53  |      |
| 2008        | 1,708.1 | 90.30   | 13,605 | 12.55  | 0.66  |      |
| 2009        | 1,782.6 | 52.07   | 14,849 | 12.00  | 0.62  |      |
| 2010        | 2,267.8 | 132.84  | 12,058 | 18.81  | 1.10  |      |
| New Jersey  | 1996    | 815.6   | 60.88  | 81,290 | 1.00  | 0.07 |
|             | 1997    | 986.3   | 106.51 | 77,475 | 1.27  | 0.14 |
|             | 1998    | 701.1   | 111.50 | 87,427 | 0.80  | 0.13 |
|             | 1999    | 335.7   | 112.54 | 75,376 | 0.45  | 0.15 |
|             | 2000    | 299.0   | 153.75 | 77,077 | 0.39  | 0.20 |
|             | 2001    | 258.7   | 144.74 | 75,292 | 0.48  | 0.19 |
|             | 2002    | 421.1   | 60.95  | 72,598 | 0.58  | 0.08 |
|             | 2003    | 65.0    | 14.27  | 76,163 | 0.09  | 0.02 |
|             | 2004    | 102.6   | 17.87  | 84,157 | 0.12  | 0.02 |
|             | 2005    | 90.7    | 20.60  | 69,273 | 0.13  | 0.03 |
| 2006        | 84.3    | 19.51   | 68,535 | 0.12   | 0.03  |      |
| 2007        | 452.3   | 52.60   | 69,082 | 0.65   | 0.08  |      |
| 2008        | 308.9   | 47.27   | 72,675 | 0.43   | 0.07  |      |
| 2009        | 640.4   | 80.81   | 85,266 | 0.75   | 0.09  |      |
| 2010        | 281.5   | 72.44   | 62,438 | 0.45   | 0.12  |      |

Table 43 displays the revenue from silver hake and red hake, as well as total revenue per state. The proportion of total revenue that is made of silver hake and red hake is also displayed. In

Maine there was \$117-1.1 million in revenue from silver hake. These revenues comprised <0.0001-0.463% of total state revenues. In 1996, silver hake landings made up approximately 0.5% of total state revenue. Following 1996, there has been a steady decline in revenue from silver hake landings; the same trend is true for red hake landings. Revenue from red hake landings make up less than 0.001% of total state revenue. In New Hampshire, during the period 1996-2010, revenue from silver hake was \$41,000-139,000, comprising less than 0.24-2.4% of total state fishing revenue. Revenue from red hake landings were \$0-300, comprising less than 0.0001% of total state fishing revenues. The greatest proportion of New Hampshire's revenue from silver hake was in 2004, at 2.4%. In 2010, the largest revenue from silver hake landings was \$139,000, representing approximately 2% of total state fishing revenues. Revenue from red hake landings are very minor, approximately \$300 and less than 0.0001% of total state fishing revenues.

Revenue from silver hake landings in Massachusetts was \$930,000-3,000,000 in 1996-2010; this was less than 3% of total state fishing revenues over the same time period. Revenue from red hake landings was \$100,000-284,000, but this was less 0.1% of total Massachusetts fishing revenue. The largest revenue from silver hake on record in Massachusetts occurred in 2010; while, the greatest revenue from red hake landings occurred in 1996. Revenue from silver hake was \$1.4-4.5 million from 1996-2010 in Rhode Island, while revenue from red hake landings was \$100,000-284,000 during this same time period. Revenue from silver hake was 2-6% of total state fishing revenue; while revenue from red hake was 0.1-1.0% of total Rhode Island revenue for 1996-2010. In 1997, landings of silver hake were the most profitable in this time period, \$4.5 million, representing about 6% of total state fishing revenues. It is interesting to note that in 2007, lower revenues achieved this same proportion of dependence on silver hake.

One-third of Connecticut's total landings comprised silver hake; the same is true in terms of revenue. Revenue from silver hake landings in Connecticut were \$700,000-3 million, approximately 4-32% of total state fishing revenue. Revenue from red hake was less than 5% of total state fishing revenue. Revenue from silver hake landings in New York were \$1.2 million - 6.3 million for 1996-2010, representing approximately 4-18% of total state fishing revenue. Revenue from red hake landings were \$23,000-336,000, approximately less than one percent of New York's fishing revenue. In New Jersey, during the period 1996-2010, revenue from silver hake was \$84,000-906,000, comprising less than one percent of total state fishing revenue. Revenue from red hake landings were \$16,000-116,000 comprising less than 0.12% of total state fishing revenues.

Table 43 Silver and Red Hake Revenue by State as Percentage of Total State Revenue

| State | Year | Revenue (\$000) |          | Proportion of total revenue (%) |          |        |
|-------|------|-----------------|----------|---------------------------------|----------|--------|
|       |      | Silver Hake     | Red Hake | Silver hake                     | Red hake |        |
| Maine | 1996 | 1,174.93        | 0.34     | 253,284.77                      | 0.4639   | 0.0001 |
|       | 1997 | 319.28          | 0.02     | 274,754.74                      | 0.1162   | 0.0000 |
|       | 1998 | 47.74           | 0.05     | 277,453.16                      | 0.0172   | 0.0000 |
|       | 1999 | 49.76           | 0.01     | 323,837.18                      | 0.0154   | 0.0000 |
|       | 2000 | 13.35           | 0.04     | 348,053.64                      | 0.0038   | 0.0000 |
|       | 2001 | 12.00           | 0.41     | 299,618.65                      | 0.0040   | 0.0001 |
|       | 2002 | 10.37           | 0.14     | 307,266.99                      | 0.0034   | 0.0000 |
|       | 2003 | 1.06            | 0.01     | 315,268.02                      | 0.0003   | 0.0000 |
|       | 2004 | 6.02            | 0.00     | 407,557.58                      | 0.0015   | 0.0000 |

|               |          |          |            |            |        |        |
|---------------|----------|----------|------------|------------|--------|--------|
|               | 2005     | 0.46     |            | 415,636.14 | 0.0001 |        |
|               | 2006     | 1.60     |            | 97,146.62  | 0.0017 |        |
|               | 2007     | 0.17     | 0.03       | 86,158.93  | 0.0002 | 0.0000 |
|               | 2008     | 0.47     | 0.04       | 92,304.93  | 0.0005 | 0.0001 |
|               | 2009     | 0.30     | 0.02       | 89,980.57  | 0.0003 | 0.0000 |
|               | 2010     | 3.72     |            | 77,881.67  | 0.0048 |        |
| New Hampshire | 1996     | 97.70    |            | 13,586.20  | 0.7191 |        |
|               | 1997     | 112.69   | 0.01       | 12,586.58  | 0.8953 | 0.0001 |
|               | 1998     | 41.20    |            | 11,186.35  | 0.3683 |        |
|               | 1999     | 107.62   | 0.10       | 12,539.96  | 0.8582 | 0.0008 |
|               | 2000     | 130.34   |            | 16,197.60  | 0.8047 |        |
|               | 2001     | 121.46   | 0.12       | 17,909.77  | 0.6782 | 0.0007 |
|               | 2002     | 84.91    | 0.04       | 16,736.87  | 0.5073 | 0.0003 |
|               | 2003     | 86.03    | 0.02       | 15,315.41  | 0.5617 | 0.0001 |
|               | 2004     | 58.00    | 0.30       | 8,035.83   | 0.7218 | 0.0037 |
|               | 2005     | 54.17    | 0.02       | 22,232.42  | 0.2436 | 0.0001 |
|               | 2006     | 41.32    | 0.01       | 4,733.59   | 0.8730 | 0.0002 |
| 2007          | 95.14    |          | 3,904.85   | 2.4364     |        |        |
| 2008          | 81.22    |          | 4,493.95   | 1.8073     |        |        |
| 2009          | 139.26   | 0.04     | 5,996.71   | 2.3223     | 0.0007 |        |
| 2010          | 99.47    |          | 5,102.83   | 1.9493     |        |        |
| Massachusetts | 1996     | 930.43   | 191.28     | 234,940.75 | 0.4012 | 0.0825 |
|               | 1997     | 1,141.81 | 147.53     | 224,544.30 | 0.5084 | 0.0657 |
|               | 1998     | 1,327.28 | 93.10      | 205,896.76 | 0.6446 | 0.0452 |
|               | 1999     | 2,612.27 | 134.33     | 260,381.27 | 1.0033 | 0.0515 |
|               | 2000     | 2,200.84 | 98.26      | 291,247.50 | 0.7557 | 0.0337 |
|               | 2001     | 2,620.59 | 17.22      | 280,652.37 | 0.9338 | 0.0418 |
|               | 2002     | 992.25   | 131.10     | 297,047.51 | 0.6404 | 0.0441 |
|               | 2003     | 2,585.16 | 129.14     | 293,229.06 | 0.8809 | 0.0441 |
|               | 2004     | 2,233.55 | 109.03     | 326,385.65 | 0.6843 | 0.0334 |
|               | 2005     | 1,807.35 | 65.58      | 426,834.02 | 0.4234 | 0.0154 |
|               | 2006     | 2,255.62 | 105.30     | 148,246.45 | 0.8470 | 0.0710 |
| 2007          | 1,438.00 | 80.91    | 125,845.95 | 1.1427     | 0.0643 |        |
| 2008          | 1,308.16 | 39.00    | 135,897.01 | 0.9626     | 0.0287 |        |
| 2009          | 2,303.46 | 99.27    | 150,613.14 | 1.5294     | 0.0659 |        |
| 2010          | 3,041.78 | 106.09   | 118,201.65 | 2.5734     | 0.0898 |        |
| Rhode Island  | 1996     | 3,219.82 | 189.58     | 70,431.52  | 4.5716 | 0.2692 |
|               | 1997     | 4,483.86 | 234.77     | 78,088.83  | 5.7420 | 0.3007 |
|               | 1998     | 3,486.90 | 219.29     | 71,990.70  | 4.8435 | 0.3046 |
|               | 1999     | 3,477.22 | 284.07     | 85,041.62  | 4.0413 | 0.3302 |
|               | 2000     | 3,639.55 | 268.48     | 80,965.36  | 4.4952 | 0.3316 |
|               | 2001     | 3,607.02 | 263.27     | 68,657.28  | 5.2537 | 0.3835 |
|               | 2002     | 1,702.50 | 163.36     | 64,717.93  | 2.6307 | 0.2524 |
|               | 2003     | 2,036.80 | 152.80     | 66,088.02  | 3.0819 | 0.2312 |
|               | 2004     | 2,130.31 | 111.55     | 77,385.01  | 2.7529 | 0.1442 |
|               | 2005     | 1,855.90 | 100.42     | 91,410.98  | 2.0303 | 0.1099 |
|               | 2006     | 1,542.37 | 182.54     | 49,693.85  | 3.1037 | 0.3673 |
| 2007          | 2,010.46 | 179.95   | 33,434.79  | 6.0131     | 0.5382 |        |
| 2008          | 1,468.25 | 278.73   | 31,405.57  | 4.6751     | 0.8875 |        |
| 2009          | 1,652.07 | 197.05   | 36,941.04  | 4.4722     | 0.5334 |        |
| 2010          | 1,557.57 | 226.32   | 33,404.40  | 4.6628     | 0.6775 |        |
| Connecticut   | 1996     | 1,943.38 | 76.25      | 48,417.25  | 4.0138 | 0.1575 |
|               | 1997     | 1,739.98 | 96.24      | 33,081.97  | 5.2596 | 0.2909 |

|            |          |          |           |            |         |        |
|------------|----------|----------|-----------|------------|---------|--------|
|            | 1998     | 1,448.61 | 67.97     | 34,359.38  | 4.2161  | 0.1978 |
|            | 1999     | 3,119.07 | 81.30     | 38,090.42  | 8.1886  | 0.2135 |
|            | 2000     | 2,754.70 | 101.00    | 31,245.53  | 8.8163  | 0.3233 |
|            | 2001     | 2,219.40 | 92.47     | 31,194.44  | 7.1147  | 0.2964 |
|            | 2002     | 1,166.55 | 130.04    | 27,779.08  | 4.1994  | 0.4681 |
|            | 2003     | 1,460.25 | 139.10    | 29,825.50  | 4.8960  | 0.4664 |
|            | 2004     | 2,028.11 | 192.52    | 33,399.34  | 6.0723  | 0.5764 |
|            | 2005     | 2,183.02 | 209.72    | 37,570.31  | 5.8105  | 0.5582 |
|            | 2006     | 1,065.02 | 119.66    | 5,219.07   | 20.4064 | 2.2928 |
|            | 2007     | 709.77   | 120.75    | 4,452.08   | 15.9425 | 2.7122 |
|            | 2008     | 930.07   | 128.91    | 3,072.57   | 30.2702 | 4.1955 |
|            | 2009     | 919.21   | 143.16    | 3,050.60   | 30.1317 | 4.6929 |
|            | 2010     | 759.52   | 64.84     | 2,363.00   | 32.1417 | 2.7438 |
| New York   | 1996     | 5,578.85 | 189.82    | 86,670.00  | 6.4369  | 0.2190 |
|            | 1997     | 6,337.49 | 232.52    | 89,614.78  | 7.0719  | 0.2595 |
|            | 1998     | 6,273.31 | 299.20    | 83,828.13  | 7.6664  | 0.3657 |
|            | 1999     | 4,571.00 | 338.91    | 74,787.60  | 6.1120  | 0.4532 |
|            | 2000     | 2,589.67 | 322.50    | 61,121.40  | 4.2369  | 0.5276 |
|            | 2001     | 4,218.39 | 336.14    | 55,072.52  | 7.6597  | 0.6104 |
|            | 2002     | 2,127.89 | 188.53    | 51,264.53  | 4.1508  | 0.3677 |
|            | 2003     | 3,055.45 | 119.55    | 51,603.26  | 5.9210  | 0.2317 |
|            | 2004     | 3,448.59 | 110.69    | 46,877.09  | 7.3567  | 0.2361 |
|            | 2005     | 2,480.61 | 72.23     | 56,436.68  | 4.3954  | 0.1280 |
|            | 2006     | 1,159.80 | 23.47     | 14,479.63  | 8.0098  | 0.1621 |
| 2007       | 1,508.92 | 76.56    | 14,383.96 | 10.4903    | 0.5322  |        |
| 2008       | 1,708.09 | 90.30    | 13,605.46 | 12.5545    | 0.6637  |        |
| 2009       | 1,782.58 | 92.07    | 14,849.02 | 12.0047    | 0.6201  |        |
| 2010       | 2,267.75 | 132.64   | 20,057.75 | 18.8074    | 1.1000  |        |
| New Jersey | 1996     | 61,749   | 58,300    | 94,677.33  | 0.6522  | 0.0574 |
|            | 1997     | 90,678   | 76,444    | 99,628.31  | 0.9102  | 0.0767 |
|            | 1998     | 630,300  | 80,688    | 97,235.08  | 0.6482  | 0.0830 |
|            | 1999     | 305,211  | 80.51     | 97,856.85  | 0.3119  | 0.0823 |
|            | 2000     | 111,119  | 116.87    | 107,162.56 | 0.2904  | 0.1091 |
|            | 2001     | 408,653  | 90,851    | 110,246.35 | 0.3633  | 0.0821 |
|            | 2002     | 402,248  | 54,397    | 112,706.04 | 0.3571  | 0.0483 |
|            | 2003     | 90,944   | 16.12     | 120,670.28 | 0.0754  | 0.0134 |
|            | 2004     | 100,009  | 23.28     | 145,214.84 | 0.0689  | 0.0160 |
|            | 2005     | 111,166  | 30.04     | 156,428.96 | 0.0714  | 0.0192 |
|            | 2006     | 384,333  | 19.51     | 68,534.91  | 0.1231  | 0.0285 |
| 2007       | 458,900  | 52.60    | 69,082.30 | 0.6547     | 0.0761  |        |
| 2008       | 308,911  | 47.27    | 72,674.64 | 0.4251     | 0.0650  |        |
| 2009       | 640,411  | 80.81    | 85,265.86 | 0.7511     | 0.0948  |        |
| 2010       | 281,49   | 72.44    | 62,438.45 | 0.4508     | 0.1160  |        |

## Section 4.5.4 Small-Mesh Multispecies Landings by Port

Table 44-Table 47 display the rankings of ports that landed the most silver hake from 2000-2010.

Point Judith, RI leads all other ports in New England and the Mid-Atlantic in silver hake landings for the years 2000-2008. In 2009, Point Judith, RI drops to the second highest port in silver hake landings, and in 2010, drops to number 3 (Table 47). Stonington, CT has the second highest silver hake landings in 2000 and third in 2001, but drops to number 11 in 2002 (Table

44). Stonington drops to the 10<sup>th</sup> position in 2009, but slightly rebounds to the seventh positing in 2010 (Table 47). Hampton/Seabrook, NH was 13<sup>th</sup> in terms of silver hake landings in 2000 (Table 44), but dropped out of the top 20 in 2003 (Table 45). Tiverton, RI was 15<sup>th</sup> in 2000 and 18<sup>th</sup> in 2002 (Table 44), but eventually dropped out of the top 20 in 2003 (Table 45). Hampton Bays, NY dropped from the fifth position in 2008 (Table 46) to the ninth position in 2010 (Table 47).

Other ports began to gain prominence in silver hake landings. Cape May, NJ and Portland, ME entered the top 20 silver hake landing ports in 2006 (Table 46). New Bedford, MA had the eighth highest silver hake landings in 2000 (Table 44), but eventually rose to the leading port in 2009 (Table 47). Gloucester, MA moved from 10<sup>th</sup> in 2008 (Table 46) to the fifth in 2009 (Table 47). Provincetown, MA moved from the seventh position in 2000 (Table 44) to the fourth position in 2010 (Table 47).

Table 44 Ranking of Silver Hake Landings and Revenue for the Top Ports based on Quantity of Silver Hake Landed, 2000-2002

| Rank | Landings (mt) | Revenue |
|------|---------------|---------|
| 1    | 3,610.3       | 1,164.4 |
| 2    | 1,805.7       | 1,164.4 |
| 3    | 1,384.9       | 1,164.4 |
| 4    | 452.4         | 1,164.4 |
| 5    | 345.1         | 1,164.4 |
| 6    | 296.6         | 1,164.4 |
| 7    | 164.4         | 1,164.4 |
| 8    | 88.9          | 1,164.4 |
| 9    | 76.4          | 1,164.4 |
| 10   | 21.7          | 1,164.4 |
| 11   | 12.0          | 1,164.4 |
| 12   |               | 1,164.4 |
| 13   |               | 1,164.4 |
| 14   |               | 1,164.4 |
| 15   |               | 1,164.4 |
| 16   |               | 1,164.4 |
| 17   |               | 1,164.4 |

Table 45 Silver Landings and Revenue for the Top Silver Hake Ports based on Quantity Landed, 2003-2005

| Port                 | 2003 |                |               |                 | 2004 |                |               |                 | 2005 |                |               |                 |
|----------------------|------|----------------|---------------|-----------------|------|----------------|---------------|-----------------|------|----------------|---------------|-----------------|
|                      | Rank | Change in rank | Landings (mt) | Revenue (000\$) | Rank | Change in rank | Landings (mt) | Revenue (000\$) | Rank | Change in rank | Landings (mt) | Revenue (000\$) |
| Point Judith, RI     | 1    | -              | 2,372.5       | 1,857.3         | 1    | -              | 2,030.6       | 2,021.7         | 1    | -              | 1,814.2       | 1,786.3         |
| Stonington, CT       | 8    | ↑              | 99.0          | 106.6           | 8    | -              | 115.3         | 111.9           | 7    | ↑              | 59.5          | 85.7            |
| New London, CT       | 4    | -              | 1,014.0       | 1,353.6         | 4    | -              | 1,246.4       | 1,916.2         | 2    | ↑              | 1,437.2       | 2,097.3         |
| Gloucester, MA       | 7    | ↓              | 231.7         | 339.9           | 6    | ↑              | 224.1         | 314.0           | 5    | ↑              | 451.0         | 503.8           |
| Montauk, NY          | 3    | ↑              | 1,423.4       | 2,178.8         | 3    | -              | 1,537.9       | 2,303.9         | 4    | ↓              | 1,216.4       | 2,035.6         |
| Hampton Bays, NY     | 5    | ↑              | 495.3         | 752.2           | 5    | -              | 465.0         | 611.1           | 6    | ↓              | 199.7         | 284.6           |
| Provincetown, MA     | 10   | ↓              | 71.0          | 75.8            | 11   | ↓              | 125.7         | 27.2            | 15   | ↓              | 0.0           | 0.0             |
| New Bedford, MA      | 2    | ↑              | 2,329.1       | 2,061.4         | 2    | -              | 1,868.9       | 1,876.3         | 3    | ↑              | 1,413.4       | 1,305.2         |
| Newport, RI          | 6    | ↑              | 248.8         | 179.9           | 7    | ↓              | 143.4         | 105.6           | 9    | ↓              | 43.9          | 42.5            |
| Point Pleasant, NJ   | 12   | ↓              | 31.7          | 41.4            | 9    | ↑              | 56.7          | 51.6            | 10   | ↓              | 39.0          | 51.5            |
| Greenport, NY        | 14   | ↓              | 24.7          | 24.7            | 14   | -              | 7.0           | 13.4            | 11   | ↑              | 7.8           | 22.7            |
| Freeport, NY         | 9    | ↑              | 82.0          | 89.9            | 8    | -              | 13.4          | 12.0            |      | ↓              |               |                 |
| Hampton Seabrook, NH |      | ↓              |               |                 |      | -              |               |                 |      | -              |               |                 |
| Chatham, MA          | 11   | ↑              | 49.4          | 62.8            | 12   | ↓              | 16.6          | 9.8             | 13   | ↓              | 0.4           | 0.4             |
| Tiverton, RI         |      |                |               |                 |      | -              |               |                 |      | -              |               |                 |
| Belford, NJ          | 13   | ↓              | 31.1          | 17.8            | 10   | ↑              | 44.7          | 61.5            | 8    | ↑              | 50.0          | 58.1            |
| Portsmouth, NH       | 15   | ↑              | 2.5           | 4.2             | 15   | -              | 1.9           | 3.6             | 12   | ↑              | 1.3           | 1.4             |
| Rye, NH              | 16   | ↑              | 0.4           | 0.5             | 16   | -              | 0.5           | 0.6             | 14   | ↑              | 0.1           | 0.1             |
| Cape May, NJ         |      |                |               |                 |      | -              |               |                 |      | -              |               |                 |
| Portland, ME         |      |                |               |                 |      | -              |               |                 |      | -              |               |                 |

Table 46 Silver Landings and Revenue for the Top Silver Hake Ports based on Quantity Landed, 2006-2008

| Port                 | 2006 |                |               |                 | 2007 |                |               |                 | 2008 |                |               |                 |
|----------------------|------|----------------|---------------|-----------------|------|----------------|---------------|-----------------|------|----------------|---------------|-----------------|
|                      | Rank | Change in rank | Landings (mt) | Revenue (000\$) | Rank | Change in rank | Landings (mt) | Revenue (000\$) | Rank | Change in rank | Landings (mt) | Revenue (000\$) |
| Point Judith, RI     | 1    | -              | 1,488.2       | 1,653.5         | 1    | -              | 1,936.7       | 2,076.3         | 1    | -              | 1,417.6       | 1,790.5         |
| Stonington, CT       | 7    | -              | 107.8         | 156.6           | 9    | ↓              | 69.5          | 108.2           | 9    | -              | 110.3         | 169.0           |
| New London, CT       | 3    | ↓              | 957.2         | 1,358.1         | 4    | -              | 640.3         | 1,007.2         | 4    | -              | 338.0         | 429.6           |
| Gloucester, MA       | 6    | ↓              | 122.0         | 217.7           | 5    | -              | 112.4         | 472.1           | 10   | ↓              | 100.7         | 129.6           |
| Montauk, NY          | 4    | -              | 742.6         | 1,263.2         | 3    | ↑              | 906.8         | 1,435.7         | 2    | ↑              | 1,376.0       | 2,135.8         |
| Hampton Bays, NY     | 5    | ↑              | 215.2         | 286.7           | 6    | ↓              | 267.7         | 331.6           | 5    | ↑              | 180.2         | 218.9           |
| Provincetown, MA     |      | -              |               |                 | 11   | ↑              | 19.6          | 28.8            | 8    | ↑              | 134.0         | 206.0           |
| New Bedford, MA      | 2    | ↑              | 1,127.8       | 1,252.2         | 2    | -              | 1,069.4       | 1,313.9         | 3    | ↓              | 1,041.6       | 1,253.2         |
| Newport, RI          | 8    | ↑              | 51.5          | 42.7            | 10   | ↓              | 11.48.6       | 45.5            | 11   | ↓              | 28.5          | 32.6            |
| Point Pleasant, NJ   | 9    | ↑              | 45.5          | 59.5            | 8    | ↑              | 223.9         | 213.5           | 6    | ↑              | 161.8         | 173.0           |
| Greenport, NY        | 12   | ↓              | 3.5           | 5.0             | 13   | -              | 4.9           | 8.2             | 12   | ↑              | 10.4          | 15.4            |
| Freeport, NY         | 15   | ↑              | 0.1           | 0.3             | 18   | -              | 0.0           | 0.1             | 17   | ↑              | 0.1           | 0.1             |
| Hampton/Seabrook, NH |      | -              |               |                 |      | -              |               |                 |      | -              |               |                 |
| Chatham, MA          | 16   | ↓              | 0.1           | 0.1             | 15   | ↑              | 0.2           | 0.3             | 14   | ↑              | 1.6           | 2.4             |
| Tiverton, RI         |      | -              |               |                 |      | -              |               |                 |      | -              |               |                 |
| Belford, NJ          | 10   | ↓              | 34.2          | 56.2            | 7    | ↑              | 226.5         | 279.1           | 7    | -              | 137.2         | 185.5           |
| Portsmouth, NH       | 13   | ↓              | 3.3           | 4.5             | 12   | ↑              | 7.0           | 8.1             | 18   | ↓              | 0.0           | 0.1             |
| Rye, NH              | 17   | ↓              | 0.1           | 0.2             | 16   | ↑              | 0.2           | 0.3             | 16   | -              | 0.4           | 0.6             |
| Cape May, NJ         | 11   | ↑              | 4.7           | 2.8             | 14   | ↓              | 1.6           | 1.7             | 13   | ↑              | 9.8           | 5.2             |
| Portland, ME         | 14   | ↑              | 1.8           | 2.4             | 17   | ↓              | 0.2           | 0.1             | 15   | ↑              | 0.5           | 0.7             |

Table 47 Silver Landings and Revenue for the Top Silver Hake Ports based on Quantity Landed, 2009-2010

| Port                 | 2009 |                |               |                 | 2010 |                |               |                 |
|----------------------|------|----------------|---------------|-----------------|------|----------------|---------------|-----------------|
|                      | Rank | Change in rank | Landings (mt) | Revenue (000\$) | Rank | Change in rank | Landings (mt) | Revenue (000\$) |
| Point Judith, RI     | 2    | -              | 1,633.9       | 1,529.4         | 3    | 1              | 1,529.7       | 1,921.6         |
| Stonington, CT       | 10   | -              | 148.1         | 237.2           | 11   | 1              | 183.2         | 244.7           |
| New London, CT       | 6    | -              | 281.2         | 324.7           | 7    | 1              | 246.0         | 377.6           |
| Gloucester, MA       | 5    | -              | 308.9         | 352.5           | 5    | -              | 246.9         | 340.9           |
| Montauk, NY          | 3    | -              | 1,488.1       | 2,140.6         | 2    | 1              | 1,620.2       | 2,513.8         |
| Hampton Bays, NY     | 9    | -              | 192.0         | 245.2           | 9    | -              | 179.1         | 216.3           |
| Provincetown, MA     | 8    | -              | 217.3         | 315.1           | 4    | 4              | 253.1         | 494.9           |
| New Bedford, MA      | 1    | -              | 1,745.6       | 1,933.3         | 1    | -              | 2,420.0       | 3,019.3         |
| Newport, RI          | 13   | -              | 18.0          | 20.2            | 11   | 2              | 7.2           | 6.3             |
| Point Pleasant, NJ   | 4    | -              | 358.0         | 283.8           | 4    | -              | 181.4         | 179.5           |
| Greenport, NY        | 17   | -              | 0.1           | 0.2             | 17   | -              | 1.4           | 1.6             |
| Fresport, NY         | 18   | -              | 0.0           | 0.0             | 14   | 4              | 1.7           | 3.0             |
| Hampton/Seabrook, NH | -    | -              | -             | -               | -    | -              | -             | -               |
| Chatham, MA          | 14   | -              | 0.6           | 0.8             | 16   | 2              | 1.2           | 1.9             |
| Fiverton, RI         | -    | -              | -             | -               | -    | -              | -             | -               |
| Belford, NJ          | 7    | -              | 261.8         | 304.2           | 8    | 1              | 93.8          | 105.1           |
| Portsmouth, NH       | 15   | -              | 0.2           | 0.3             | 18   | 3              | 0.2           | 0.2             |
| Rye, NH              | 11   | -              | 27.6          | 33.3            | 13   | 2              | 4.5           | 4.1             |
| Cape May, NJ         | 12   | -              | 20.6          | 12.0            | 12   | -              | 6.4           | 3.6             |
| Portland, ME         | 16   | -              | 0.2           | 0.2             | 17   | 1              | 0.6           | 1.0             |

Section 4.5.5 Small-Mesh Multispecies Permits by Port

Table 48 displays the number of unique permits that landed silver hake, offshore hake or red hake in the listed port. These data were obtained from the Vessel Trip Reports.

From 2000-2010, there was a 78% decrease in the number of permits that recorded landings of silver hake, offshore hake, or red hake in the state of Maine. Portland, ME saw the majority of this decrease, with an 81% decline in the number of permits recording landings of the small-mesh multispecies over that decade. Other ports in Maine had relatively few permits landing small-mesh multispecies; in fact, most of these ports had less than three vessel permits reporting landings of the hake species. There was a 50% decrease in the number of permits reporting landings of silver hake, offshore hake, or red hake in New Hampshire for 2000-2010. The ports of Hampton, Seabrook, Rye, and Portsmouth, NH saw a decrease of 50-72% of permits landing hakes (Table 48). The number of unique permits reporting landings of silver hake, red hake or offshore hake decreased by 52% in the Commonwealth of Massachusetts of that decade. The principal fishing ports of Provincetown, Newburyport, Chatham, and Gloucester all saw declines of more than 50% of permits landing these hake species (Table 48).

There was a 42% decline in the number of permits reporting landings of small-mesh multispecies in the state of Rhode Island for 2000-2010. The number of permits landing in Point Judith, RI declined by about a quarter for 2000-2010, while there was an 81% decline in the number of permits reporting landings of these species in Newport, RI over that time period. There was an 18% decline in the number permits reporting landings of small-mesh multispecies in the state of Connecticut for 2000-2010 (Table 48). There was a 25% decline in the port of Stonington, CT.

There were declines in permitted vessels reporting hake landings in the mid-Atlantic. There was a decline of 24% of the number of permits reporting landings of small-mesh multispecies in the state of New York for 2000-2010. The ports of Montauk and Shinnecock experienced declines of 11% and 4%, respectively. There was a 150% increase in the number of permits reporting small-mesh multispecies landings in ports that could not be named due to confidentiality issues, indicating an increase in landings in incidental ports (Table 48). There was a 21% decline in the number of permits reporting landings of silver hake, offshore hake or red hake in the state of New Jersey for 2000-2010. There were declines in permits landing small-mesh multispecies in Belford (55%), Belmar (50%), Brielle (20%), Cape May (22%) and Highlands (60%). However, there were increases in the number of permitted vessels reporting silver hake, offshore hake or red hake landings in Barnegat (10%) and Point Pleasant (19%). See Table 48.

Table 49 displays the number of unique permits that landed silver hake, offshore hake, or red hake in the listed ports for the years 2000-2010 in ports that are slightly farther south of the stock areas. Overall, during this time period the number of unique permits landing small-mesh multispecies in Virginia increased by 21%; the same trend is true for the port of Chincoteague. However, there was a 25% decrease in the Hampton port (Table 49). Although, there was fluctuation over this time period, the number of unique permits landing silver hake, offshore hake, or red hake remained the same in Ocean City, MD and North Carolina (Table 49).

Table 48 Number of Unique Permits Landing Silver Hake, Offshore Hake or Red Hake in Each Port

| Port                      | State | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 |
|---------------------------|-------|------|------|------|------|------|------|------|------|------|------|------|
| Boothbay Harbor           | ME    | 3    | 3    | 3    | *    | *    | *    | *    | *    | *    | *    | *    |
| Cape Porpoise             | ME    | 3    | *    | *    | *    | *    | *    | *    | *    | 3    | *    | *    |
| Cundys Harbor             | ME    | 3    | *    | 4    | *    | *    | *    | *    | *    | *    | *    | *    |
| Five Islands              | ME    | 3    | 3    | *    | *    | *    | *    | *    | *    | *    | *    | *    |
| Kittery                   | ME    | 3    | *    | *    | *    | *    | *    | *    | *    | *    | *    | *    |
| New Harbor                | ME    | 3    | 3    | *    | *    | *    | *    | *    | *    | *    | *    | *    |
| Ogunquit                  | ME    | 3    | 3    | *    | *    | *    | *    | *    | *    | 3    | *    | *    |
| Port Clyde                | ME    | 3    | 4    | 5    | *    | 3    | *    | *    | *    | *    | *    | *    |
| Portland                  | ME    | 57   | 49   | 37   | 23   | 21   | 21   | 12   | 7    | 8    | 10   | 11   |
| Saco                      | ME    | 6    | *    | *    | *    | *    | *    | *    | 3    | *    | *    | *    |
| South Bristol             | ME    | 4    | 3    | *    | *    | *    | *    | *    | *    | *    | *    | *    |
| West Point                | ME    | *    | 4    | *    | *    | *    | *    | *    | *    | *    | *    | *    |
| York                      | ME    | 4    | 3    | 4    | *    | 3    | *    | *    | *    | *    | *    | *    |
| *No. Confidential Permits | ME    | 19   | 21   | 26   | 26   | 17   | 14   | 11   | 13   | 13   | 19   | 14   |
| TOTAL                     | ME    | 111  | 96   | 79   | 49   | 44   | 35   | 26   | 23   | 29   | 29   | 25   |
| Hampton                   | NH    | 6    | 11   | 5    | 8    | 5    | 5    | 4    | 3    | 3    | 3    | 3    |
| Portsmouth                | NH    | 25   | 31   | 23   | 15   | 15   | 8    | 8    | 12   | 6    | 9    | 7    |
| Rye                       | NH    | 10   | 10   | 8    | 6    | 7    | 5    | 5    | 7    | 8    | 7    | 6    |
| Seabrook                  | NH    | 17   | 15   | 13   | 14   | 13   | 17   | 12   | 10   | 12   | 16   | 11   |
| *No. Confidential Permits | NH    | *    | *    | *    | *    | *    | *    | *    | *    | *    | *    | *    |
| TOTAL                     | NH    | 58   | 69   | 50   | 44   | 40   | 35   | 29   | 31   | 30   | 36   | 29   |
| Barnstable                | MA    | *    | *    | 3    | *    | 4    | *    | *    | *    | *    | 3    | 3    |
| Beverly                   | MA    | 3    | 3    | *    | 3    | *    | *    | *    | *    | *    | *    | *    |
| Boston                    | MA    | 7    | 6    | 7    | 6    | 4    | 6    | 7    | 7    | 9    | 10   | 5    |
| Chatham                   | MA    | 22   | 20   | 17   | 25   | 16   | 10   | 7    | 9    | 15   | 10   | 9    |
| Gloucester                | MA    | 101  | 102  | 98   | 83   | 69   | 52   | 34   | 46   | 56   | 60   | 44   |
| Harwichport               | MA    | 4    | *    | *    | *    | *    | 3    | *    | *    | *    | *    | *    |
| Marblehead                | MA    | 4    | *    | *    | *    | *    | *    | *    | *    | *    | *    | *    |
| Marshfield                | MA    | *    | *    | *    | 4    | *    | 3    | *    | *    | *    | *    | *    |
| New Bedford               | MA    | 42   | 50   | 36   | 39   | 38   | 34   | 30   | 29   | 31   | 34   | 27   |
| Newburyport               | MA    | 10   | 10   | 9    | 11   | 9    | 4    | *    | *    | 3    | 4    | 5    |
| Plymouth                  | MA    | 7    | 7    | 5    | 7    | 5    | 4    | *    | 5    | 3    | 3    | *    |
| Provincetown              | MA    | 21   | 21   | 24   | 15   | 15   | 5    | 4    | 5    | 9    | 8    | 8    |
| Rockport                  | MA    | 7    | 6    | 6    | 5    | 6    | 3    | *    | 4    | 3    | 4    | 3    |
| Salisbury                 | MA    | 5    | 3    | 4    | *    | *    | *    | *    | *    | *    | *    | *    |

|                           |    |     |     |     |     |     |     |     |     |     |     |     |
|---------------------------|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Scituate                  | MA | 8   | 7   | 11  | 8   | 4   | 3   | 6   | 4   | 8   | 9   | 9   |
| *No. Confidential Permits | MA | 15  | 12  | 11  | 14  | 8   | 6   | 15  | 8   | 7   | 11  | 10  |
| TOTAL                     | MA | 256 | 247 | 231 | 220 | 178 | 133 | 103 | 117 | 141 | 156 | 123 |
| Little Compton            | RI | 4   | *   | *   | *   | 4   | *   | *   | 3   | *   | *   | *   |
| New Shoreham              | RI | 4   | 4   | 5   | 5   | *   | *   | *   | 3   | 5   | *   | *   |
| Newport                   | RI | 26  | 30  | 19  | 17  | 12  | 11  | 12  | 10  | 7   | 8   | 5   |
| North Kingstown           | RI | 3   | *   | *   | *   | *   | *   | *   | *   | *   | *   | *   |
| Point Judith              | RI | 95  | 93  | 99  | 79  | 73  | 73  | 81  | 77  | 83  | 81  | 70  |
| *No. Confidential Permits | RI | 3   | 5   | 5   | 3   | *   | *   | 7   | *   | 3   | 3   | 3   |
| TOTAL                     | RI | 135 | 137 | 128 | 109 | 91  | 85  | 100 | 95  | 98  | 97  | 78  |
| New London                | CT | 4   | 5   | 6   | 3   | 4   | 5   | 5   | *   | *   | *   | 3   |
| Stonington                | CT | 16  | 18  | 13  | 9   | 10  | 11  | 13  | 10  | 14  | 13  | 14  |
| *No. Confidential Permits | CT | *   | 3   | *   | 4   | *   | *   | *   | *   | 3   | 3   | *   |
| TOTAL                     | CT | 22  | 26  | 21  | 16  | 15  | 17  | 19  | 15  | 17  | 16  | 18  |
| Babylon (Captree)         | NY | *   | *   | *   | *   | *   | *   | *   | *   | 4   | 3   | 5   |
| Brooklyn                  | NY | 5   | 7   | 7   | 4   | 4   | 3   | 3   | 4   | 7   | 9   | 6   |
| East Hampton              | NY | *   | *   | *   | 3   | 4   | *   | 3   | *   | *   | *   | *   |
| Freeport                  | NY | 5   | 8   | 7   | 4   | 4   | 6   | 5   | 3   | 3   | 8   | 7   |
| Greenport                 | NY | 9   | 4   | *   | 6   | 4   | 4   | 4   | *   | *   | *   | *   |
| Hampton Bay               | NY | 6   | 6   | 6   | 6   | 7   | 5   | 6   | 6   | 7   | 3   | 5   |
| Island Park               | NY | 3   | 7   | *   | *   | *   | *   | 4   | 4   | 5   | 4   | 4   |
| Islip                     | NY | *   | *   | *   | *   | *   | *   | *   | *   | 3   | 3   | *   |
| Mattituck                 | NY | 4   | 6   | 3   | *   | *   | *   | 6   | *   | *   | *   | *   |
| Montauk                   | NY | 53  | 43  | 48  | 39  | 35  | 31  | 37  | 40  | 44  | 42  | 47  |
| New York City             | NY | 3   | 3   | 3   | 3   | 3   | 3   | 3   | 3   | 3   | 3   | 3   |
| Oceanside                 | NY | *   | *   | *   | *   | *   | *   | *   | *   | *   | 3   | *   |
| Other Nassau              | NY | 6   | 3   | 3   | 3   | 3   | 3   | 3   | 3   | 3   | 3   | 3   |
| Other Suffolk             | NY | 5   | 5   | 5   | 5   | 5   | 5   | 6   | 7   | 9   | 10  | 9   |
| Pt. Lookout               | NY | 8   | 7   | 7   | 5   | 5   | 5   | 6   | 7   | 9   | 10  | 9   |
| Shinnecock                | NY | 49  | 49  | 43  | 27  | 26  | 20  | 29  | 28  | 25  | 28  | 26  |
| *No. Confidential Permits | NY | 6   | 4   | 3   | 14  | 4   | 13  | 15  | 7   | 6   | 10  | 15  |
| TOTAL                     | NY | 162 | 141 | 141 | 108 | 126 | 88  | 111 | 102 | 113 | 123 | 124 |
| Atlantic City             | NJ | 4   | 4   | 4   | *   | *   | *   | *   | 5   | *   | *   | *   |
| Barnegat                  | NJ | 4   | 4   | 4   | 4   | 4   | 4   | 4   | 4   | 4   | 8   | 11  |
| Belford                   | NJ | 20  | 20  | 18  | 12  | 12  | 13  | 16  | 14  | 12  | 13  | 9   |
| Belmar                    | NJ | 10  | 10  | 5   | 5   | 4   | *   | 5   | 4   | 4   | 4   | 5   |
| Brielle                   | NJ | 5   | 7   | 9   | 7   | 4   | 3   | 4   | 5   | 4   | 4   | 4   |
| Cape May                  | NJ | 23  | 36  | 19  | 17  | 19  | 18  | 17  | 15  | 30  | 25  | 18  |

|                           |           |           |           |            |           |           |           |           |            |            |            |
|---------------------------|-----------|-----------|-----------|------------|-----------|-----------|-----------|-----------|------------|------------|------------|
| Highlands                 | NJ        | 10        | 8         | 6          | *         | 4         | *         | *         | 3          | 5          | 4          |
| Long Beach                | NJ        | 16        | 12        | 3          | 7         | 9         | 6         | 8         | 10         | 15         | *          |
| Ocean City                | NJ        | *         | *         | *          | *         | *         | *         | 3         | *          | *          | *          |
| Pl Pleasant               | NJ        | 37        | 44        | 27         | 30        | 30        | 31        | 36        | 29         | 47         | 44         |
| Sea Isle City             | NJ        | 4         | 3         | *          | *         | *         | *         | *         | 4          | 4          | 5          |
| Shark River               | NJ        | 5         | 3         | 3          | *         | *         | *         | 3         | *          | 4          | *          |
| Wildwood                  | NJ        | 5         | *         | *          | *         | *         | *         | 3         | *          | 6          | 3          |
| *No. Confidential Permits | NJ        | 11        | 11        | 10         | 18        | 13        | 11        | 11        | 12         | 15         | 16         |
| <b>TOTAL</b>              | <b>NC</b> | <b>50</b> | <b>67</b> | <b>106</b> | <b>96</b> | <b>95</b> | <b>95</b> | <b>99</b> | <b>112</b> | <b>128</b> | <b>112</b> |

\*Any port that has less than three permits is not listed for confidentiality reasons.

Table 49 Number of Unique Permits Landing Silver Hake, Offshore Hake or Red Hake in 'Non-Traditional' Ports

| Port                      | State         | 2000      | 2001      | 2002      | 2003      | 2004      | 2005      | 2006      | 2007      | 2008      | 2009      | 2010      |
|---------------------------|---------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| CHINCOTEAGUE              | VA            | 3         | 4         | 4         | *         | *         | *         | *         | *         | 5         | 3         | 6         |
| HAMPTON                   | VA            | 4         | 5         | *         | *         | *         | *         | 3         | *         | *         | 3         | 3         |
| NEWPORT NEWS              | VA            | *         | *         | *         | 3         | 5         | *         | *         | *         | *         | 3         | 3         |
| VIRGINIA BEACH            | VA            | *         | *         | 9         | 3         | 3         | *         | 3         | 4         | 4         | 6         | 6         |
| *No. Confidential Permits | VA            | 7         | 7         | 7         | 6         | 6         | 6         | 3         | 7         | 6         | 2         | 2         |
| <b>TOTAL</b>              | <b>VA</b>     | <b>14</b> | <b>16</b> | <b>16</b> | <b>15</b> | <b>15</b> | <b>16</b> | <b>15</b> | <b>17</b> | <b>15</b> | <b>17</b> | <b>17</b> |
| ENGELHARD                 | NC            | 13        | 13        | 13        | 13        | 13        | 13        | *         | *         | 9         | *         | *         |
| HATTERAS                  | NC            | 3         | 5         | 3         | *         | *         | *         | *         | 5         | 4         | 9         | 7         |
| WANCHESE                  | NC            | 3         | 3         | 3         | *         | *         | *         | *         | 4         | 9         | 5         | 7         |
| *No. Confidential Permits | NC            | 14        | 14        | 14        | 14        | 14        | 14        | 14        | 14        | 14        | 14        | 14        |
| <b>TOTAL</b>              | <b>NC</b>     | <b>13</b> | <b>15</b> | <b>14</b> | <b>14</b> | <b>14</b> | <b>14</b> | <b>14</b> | <b>14</b> | <b>14</b> | <b>14</b> | <b>14</b> |
| <b>TOTAL</b>              | <b>EMD</b>    | <b>27</b> | <b>31</b> | <b>30</b> | <b>29</b> | <b>29</b> | <b>30</b> | <b>29</b> | <b>31</b> | <b>29</b> | <b>31</b> | <b>31</b> |
| <b>TOTAL</b>              | <b>NO. GA</b> | <b>3</b>  | <b>3</b>  | <b>3</b>  | <b>3</b>  | <b>3</b>  | <b>3</b>  | <b>3</b>  | <b>3</b>  | <b>3</b>  | <b>3</b>  | <b>3</b>  |
| <b>TOTAL</b>              | <b>NO. DE</b> | <b>3</b>  | <b>3</b>  | <b>3</b>  | <b>3</b>  | <b>3</b>  | <b>3</b>  | <b>3</b>  | <b>3</b>  | <b>3</b>  | <b>3</b>  | <b>3</b>  |

\*Any port that has less than three permits is not listed for confidentiality reasons.

## Section 5.0 Environmental Consequences

### Section 5.1 Impacts to Silver, Red, Offshore Hake

#### Section 5.1.1 ABC, ACL, and TAL Alternatives

These alternatives would implement an ABC, an ACL, and a TAL framework, including the specifications process, for each of the following stocks/stock group: Northern red hake, northern silver hake, southern red hake, and southern whiting (southern silver hake and offshore hake combined).

##### Section 5.1.1.1 Stock Area ABCs, ACLs, and TALs (Preferred Alternative)

Biological and management reference points and associated control rules are the foundation of the management program. Such reference points provide a framework under which to determine stock status and manage the fishery based upon the best available science. Thus, adopting biomass reference points and associated catch and landing limits are more likely to provide for sustainable management than the no action alternative, leading to positive biological effects over the long-term.

By definition, ABC and ACL frameworks reduce the risk of overfishing, by taking into account scientific uncertainty in estimating the overfishing limit and management uncertainty. The TAL is used to provide an additional tool that managers can use to keep the fishery from exceeding the ACL by holding the landings to a certain level. Discards and state landings estimates are based on the best available information to represent the current fishery behaviors.

These alternatives, described in Sections 3.1.1 and 3.2.1, are mostly administrative and may not have a direct biological impact. However, by making the process explicit and incorporating the SSC into the specification process, the alternatives serve to positively impact the small-mesh multispecies resources by presenting an opportunity to better prevent overfishing.

##### Section 5.1.1.2 Status Quo/No Action

The status quo/no action alternatives would result in no ABCs, ACLs, or TALs being adopted and no change to the existing specifications process for small-mesh multispecies. Therefore, these alternatives do not set allowable catch limits recommended by the SSC, which may result in a greater risk of overfishing than the preferred alternative. These status quo/no action alternatives could have potentially negative impacts on the small-mesh multispecies stocks, if catch were to exceed the recommended levels.

##### Section 5.1.2 Post-Season Accountability Measure Alternatives

The reactive, or post-season, accountability measure alternative would implement a pound-for-pound payback of any ACL overage in a subsequent year.

##### Section 5.1.2.1 Pound-for-Pound Payback of an ACL Overage (Preferred Alternative)

A reactive AM could have a positive impact on the small-mesh multispecies stocks because it would ensure that catch over the long-term does not exceed an acceptable level. This type of AM may also provide positive impact for a stock as an incentive for participants to fish within the given landings limit. By having a measure that could potentially reduce landings in a following year, fishery participants may be more likely to fish within the landing limits to ensure long-term access to a particular resource and assist in long-term business planning.

**Section 5.1.2.2 Status Quo/No Action**

Not implementing a reactive AM could have a negative impact on the small-mesh multispecies stocks because it would not ensure that catch over the long-term does not exceed an acceptable level which may result in a greater risk of overfishing than the preferred alternative. If an ACL is exceeded in a given year, the reactive AM would ensure that over the long-term, catch does not exceed the recommended level compared to this alternative.

**Section 5.1.3 In-Season Accountability Measures Alternatives**

In-season AMs grant the Northeast Regional Administrator the authority to implement a management measure, such as reducing the trip limit or closing the fishery, when landings are projected to reach a pre-determined level.

**Section 5.1.3.1 Zero Possession at 100% of TAL**

This alternative would prohibit retention of a particular stock when 100 percent of that stock's TAL is projected to be harvested. This alternative would have a potentially positive impact on the small-mesh multispecies stocks because it would ensure that the landings in a given year would stay within the recommended limit.

**Section 5.1.3.2 Incidental Possession Limit Trigger (Preferred Alternative)**

This alternative would reduce possession to an incidental limit when a trigger level is projected to be reached. Under this alternative, the incidental possession limit would remain in effect, even if the TAL is projected to be exceeded. This is intended to work in conjunction with the post-season accountability measure which would be invoked if the overage of the TAL causes the catch for that year to exceed the ACL. This alternative would have neutral impacts because it would allow trips to continue, without causing large amounts of additional small-mesh multispecies discards.

**Section 5.1.3.3 Incidental Possession Limit Trigger and Zero Possession at 100% of TAL**

This alternative would reduce possession to an incidental limit when a trigger level is projected to be reached and would prohibit retention of a particular stock when 100 percent of the TAL is projected to be harvested. This alternative would have a potentially positive impact on the small-mesh multispecies stocks because it would allow for trips to continue, without causing large amounts of additional small-mesh multispecies discards, and it would ensure that the landings in a given year would stay within the recommended limit.

**Section 5.1.3.4 Status Quo/No Action**

This alternative would result in no proactive, or in-season, AMs being implemented. This would have a potentially negative impact on the small-mesh multispecies stocks because it would not guarantee that catch and landings would stay within the limits recommended by the SSC and may result in a greater risk of overfishing than the preferred alternative.

**Section 5.2 Impacts to Non-Target Species**

As discussed in Section 4.2, the following species are likely impacted by the small-mesh multispecies fishery:

Table 50 Other Species that May be Impacted by the Small-Mesh Multispecies Fishery

|                         |
|-------------------------|
| Northeast Skate Complex |
| Spiny Dogfish           |
| Summer Flounder         |
| Windowpane Flounder     |
| Yellowtail Flounder     |
| American Plaice         |
| Witch Flounder          |
| Scup                    |
| Black Sea Bass          |
| Monkfish                |
| Atlantic Cod            |
| Haddock                 |
| Red Crab                |
| Atlantic Sea Scallop    |
| Loligo squid            |
| Illex squid             |
| Butterfish              |
| Mackerel                |
| Regfish                 |

**Section 5.2.1 ABC, ACL, and TAL Alternatives**

**Section 5.2.1.1 Stock Area, ABCs, ACLs, and TALs, including a Specifications Process (Preferred Alternative)**

All of the species likely to be impacted by the small-mesh multispecies fishery (Table 50) are currently managed by either the New England or Mid-Atlantic Fishery Management Council under ACL frameworks that would sufficiently limit the amount of redirected effort. Therefore, even though limiting catch on the small-mesh multispecies could result in a redirection of effort on to other species (e.g., skates or dogfish), the impact on non-target species, and their level of catch, are being managed by ABCs, ACLs, and AMs as well; thus, there would be neutral impacts on the non-target stocks from the small-mesh multispecies fishery.



#### Section 5.2.1.2 Status Quo/No Action

The status quo/no action would result in no ABCs, ACLs, or TALs being implemented and no change to the existing specifications process for the small-mesh multispecies fishery. This would likely result in no change to current fishing operations. There are currently management measures in place to protect other non-target/bycatch species, including catch limits and catch targets. The impacts of the status quo/no action alternatives are, therefore, expected to be neutral on non-target species.

#### Section 5.2.2 Post-Season Accountability Measure Alternatives

##### Section 5.2.2.1 Pound-for-Pound Payback of an ACL Overage (Preferred Alternative)

A reactive AM is designed to respond to exceeding the ACL, and, if invoked, would prevent catches from exceeding the OFL in the future. This would likely lead to either no change in fishing (if the AM is not invoked), or a reduction in fishing effort (if the AM reduces the allowable landings) on small-mesh multispecies. The existence of such controls on small-mesh multispecies fishing effort will likely have neutral impacts for non-target species. As discussed above (Section 5.2.1.1), although a reduction in the amount of small-mesh multispecies that may be landed in a given year due to the implementation of a payback may result in redirected fishing into other fisheries (e.g., skates or dogfish), the programs that are in place for those other species should sufficiently manage that impact that a small increase in effort may have.

##### Section 5.2.2.2 Status Quo/No Action

The status quo/no action would result in no AMs being implemented for the small-mesh multispecies fishery. This would likely result in no change to current fishing operations, especially because most of the non-target species described in Table 50 are currently managed under a system to protect those species, including catch limits and catch targets. Therefore, this alternative would have neutral impacts on non-target species.

#### Section 5.2.3 In-Season Accountability Measure Alternatives

##### Section 5.2.3.1 Zero Possession at 100% of TAL

This alternative would prohibit retention of a particular stock when 100 percent of that stock's TAL is projected to be harvested. This alternative could have a negative impact on non-target stocks if vessels increase fishing on other species when they are prohibited from landing small-mesh multispecies stocks. However, all of the other species likely to be targeted are currently managed under an ACL framework of their own. This suggests that the impacts on non-target stocks as a result of this alternative would be neutral.

##### Section 5.2.3.2 Incidental Possession Limit Trigger (Preferred Alternative)

This alternative would reduce possession to an incidental limit when a trigger level is projected to be reached. Under this alternative, the incidental possession limit would remain in effect, even if the TAL is projected to be exceeded. This is intended to work in conjunction with the post-season accountability measure which would be invoked if the overage of the TAL causes the catch for that year to exceed the ACL. This alternative would have a neutral impact on non-target species because it would allow trips for other species to continue at approximately the same incidental level of small-mesh multispecies that are currently landed.

##### Section 5.2.3.3 Incidental Possession Limit Trigger and Zero Possession at 100% of TAL

This alternative would reduce possession to an incidental limit when a trigger level is projected to be reached and would prohibit retention of a particular stock when 100 percent of the TAL is projected to be harvested. This alternative could have a negative impact on non-target stocks if vessels increase fishing on other species when they are prohibited from landing small-mesh multispecies stocks. However, all of the other species likely to be targeted are currently managed under an ACL framework of their own. This suggests that the impacts on non-target stocks as a result of this alternative would be neutral.

##### Section 5.2.3.4 Status Quo/No Action

This alternative would result in no proactive or in-season AMs being implemented. This alternative would have neutral impacts on non-target species because it would allow trips for other species to continue at the same incidental level of small-mesh multispecies that are currently landed.

#### Section 5.3 Impacts to the Physical Environment and EFH

The overall effect of the fishery on EFH was analyzed and mitigated for in Amendment 13 to the Northeast Multispecies FMP. The small-mesh multispecies fishery is primarily a trawl fishery, with minor landings coming from sink gillnets and other gears (Section 4.3; Table 32). In the northern stock areas, a raised footrope trawl is required in several of the exempted fishing programs (the Gulf of Maine Raised Footrope Trawl, Small Mesh Areas I and II, and the Raised Footrope Exemption Areas near Cape Cod). The raised footrope trawl has less impact on habitat than a traditional otter trawl (see Section 4.3.3 for more information). Small-mesh multispecies fishing effort will continue to occur in areas that are open to mobile bottom-tending gears or by gears that have been determined to not adversely impact EFH in a manner that is more than minimal and less than temporary in nature.

The alternatives under consideration in this action will not increase small-mesh multispecies fishing effort in either stock area, since they are administrative in nature, or otherwise do not affect the magnitude or distribution of fishing effort. Specifically, the alternatives under consideration which are not likely to affect small-mesh multispecies fishing effort, and by extension would not likely impact EFH, include:

- Establishment of ABCs, ACLs, and TALs;
- Post-season accountability measures; and

- In-season accountability measures

The small-mesh multispecies fishery is moving from a system with no catch limits, to a system with catch limits. While the catch limits are, in most cases, substantially higher than recent catch, there was previously no limit. Therefore, it is likely that catch, and by extension, fishing effort, would not change due to the implementation of these measures. The only stock where recent (2010) catch is higher than the proposed ACL is northern red hake. In this case, the preferred alternatives may have a slightly positive impact on the physical environment and EFH, if there is less fishing in a given fishing year, as compared to 2010 (Table 51).

Table 51 Percent Difference between Proposed ACLs and 2010 Catch

|              | Northern Red Hake | Northern Silver Hake | Southern Red Hake | Southern Whiting |
|--------------|-------------------|----------------------|-------------------|------------------|
| Proposed ACL | 266 mt            | 12,518 mt            | 2,096 mt          | 32,243 mt        |
| 2010 Catch   | 311 mt            | 2,478 mt             | 1,332 mt          | 7,110 mt         |
| % Difference | -15%              | 405%                 | 129%              | 354%             |

In summary, the actions proposed in this amendment would have neutral impacts on EFH for any federally managed species in the region.

#### Section 5.4 Impacts to Protected Species

As described in Section 4.4, the following protected species may be impacted by the small-mesh multispecies fishery (Table 52).

Table 52 Protected Species that May be Impacted by the Small-Mesh Multispecies Fishery

| Cetaceans   |
|---|
| North Atlantic right whale ( <i>Eubalaena glacialis</i> )               |
| Humpback whale ( <i>Megaptera novaeangliae</i> )                        |
| Fin whale ( <i>Balaenoptera physalus</i> )                              |
| Sei whale ( <i>Balaenoptera borealis</i> )                              |
| Pilot whale ( <i>Globicephala</i> spp.)                                 |
| Atlantic white-sided dolphin ( <i>Lagenorhynchus acutus</i> )           |
| Bottlenose dolphin ( <i>Tursiops truncatus</i> ) <sup>b</sup>           |
| Sea Turtles   |
| Leatherback sea turtle ( <i>Dermochelys coriacea</i> )                  |
| Kemp's ridley sea turtle ( <i>Lepidochelys kempii</i> )                 |
| Green sea turtle ( <i>Chelonia mydas</i> )                              |
| Loggerhead sea turtle ( <i>Caretta caretta</i> ) Northwest Atlantic DPS |
| Fish  |
| Cusk ( <i>Brosme brosme</i> )   |
| Atlantic sturgeon ( <i>Acipenser oxyrinchus</i> )                       |
| Pinnipeds   |
| Harbor seal ( <i>Phoca vitulina</i> )                                   |
| Harp seal ( <i>Phoca groenlandicus</i> )                                |

Although large whales and marine turtles may be potentially affected through interactions with fishing gear, it is likely that the continued authorization of the small-mesh multispecies fishery should not have any adverse effects on the availability of prey for these species. Right whales and sei whales feed on copepods (Horwood 2002, Kenney 2002). The small-mesh multispecies fishery would not affect the availability of copepods for foraging right and sei whales because copepods are very small organisms that would pass through even small-mesh multispecies fishing gear rather than being captured in it. Humpback whales and fin whales also feed on krill as well as small schooling fish (e.g., sand lance, herring, mackerel) (Aguilar 2002, Clapham 2002). Small-mesh multispecies fishing gear operates on or very near the bottom. Fish species caught in small-mesh multispecies gear are species that live in benthic habitat (on or very near the bottom) such as flounders versus schooling fish such as herring and mackerel that occur within the water column.

The alternatives under consideration in this action will not increase small-mesh multispecies fishing effort in either stock area, since they are administrative in nature, or otherwise do not affect the magnitude or distribution of fishing effort. Specifically, the alternatives under consideration which are not likely to affect small-mesh multispecies fishing effort, and by extension would not likely impact protected resources, include:

- Establishment of ABCs, ACLs, and TALs,
- Post-season accountability measures; and
- In-season accountability measures

The continued authorization of the small-mesh multispecies fishery should likely not affect the availability of prey for foraging humpback or fin whales. Moreover, none of the turtle species are known to feed upon small-mesh multispecies fishery stocks. In summary, the actions proposed in this amendment would have neutral impacts on protected species in the region.

#### IMPACTS TO ATLANTIC STURGEON to be determined pending formal completion to listing request

#### Section 5.5 Impacts to Human Communities

##### Section 5.5.1 ABC, ACL, and TAL Alternatives

##### Section 5.5.1.1 Stock Area ABC, ACLs, and TALs, including a Specifications Process (Preferred Alternative)

This alternative would implement an ABC, an ACL, and a TAL framework, including the specifications process, for each of the following stocks/stock group: Northern red hake, northern silver hake, southern red hake, and southern whiting (southern silver hake and offshore hake combined). It is likely that implementing the stock area catch and landings limits framework and specifications process, as described in Sections 3.1 and 3.2, would have neutral to positive economic impacts.

The ACLs and TALs for the stocks are greater than recent catches and landings, respectively, with the exception of northern red hake. It can be assumed that landings, as well as fishing effort

would not change substantially due to this alternative. However, if there were changes, there would most likely be positive economic impacts to fishing communities because the TALs and ACLs are greater than previous years' landings. The proposed ACL for northern red hake is less than the catch in 2010; however, the proposed TAL is greater than 2010 landings of northern red hake. It is likely that there would also be a neutral to positive economic impact to those vessels targeting northern red hake. This alternative would likely result in no change to current fishing operations; however, the sustainable harvesting of the small-mesh multispecies stocks would lead to positive long-term benefits.

Based upon the average prices from 2005-2010 and the proposed Federal TAL, the estimated gross revenue would be greater than the average gross revenues earned from 2005-2010 for each of the species/stock areas (Table 53):

Table 53 Average landings and revenue for the species/stock areas, along with the proposed Federal TAL and estimated gross revenues (based upon average prices).

|                      | Average Landings 2005-2010 | Average Revenue 2005-2010 | Proposed Federal TAL | Estimated Gross Revenue |
|----------------------|----------------------------|---------------------------|----------------------|-------------------------|
| Northern Red Hake    | 107,157 lb                 | \$ 43,762                 | 238,099 lb           | \$ 144,288              |
| Southern Red Hake    | 485 lb                     | \$ 414,250                | 2,383,197 lb         | \$ 1,086,738            |
| Northern Silver Hake | 2,238,561 lb               | \$ 1,305,332              | 20,075,292 lb        | \$ 19,473,033           |
| Southern Whiting     | 15,475,112 lb              | \$ 3,827,030              | 59,709,995 lb        | \$ 50,454,946           |

#### Section 5.5.1.2 Status Quo/No Action

The status quo/no action alternative would maintain the current management measures for the small-mesh multispecies fishery. There would be no ABCs, ACLs, or TALs adopted for this fishery. This alternative would most likely result in neutral economic impacts to fishing communities because there would be no impact on overall fishing effort and by extension revenue.

#### Section 5.5.2 Post-Season Accountability Measure Alternatives

The reactive, or post-season, accountability measure would implement a pound-for-pound payback of any ACL overage in subsequent year.

##### Section 5.5.2.1 Pound-for-Pound Payback of an ACL Overage (Preferred Alternative)

A reactive accountability measure is designed to respond to exceeding the ACL, and, if invoked, would prevent catches from exceeding the OFL in the future. This would likely lead to either no change in fishing (if the accountability measure is not invoked), or a reduction in fishing effort (if the accountability measure reduces the allowable landings). By allowing the overage to be deducted from future years this would give vessel owners an opportunity to adopt alternative fishing strategies to account for a pound-for-pound payback due to an ACL overage. If this alternative is invoked, it would result in short-term negative economic impacts by reducing the amount of a particular stock that could be landed in a given year.

#### Section 5.5.2.2 Status Quo/No Action

Not implementing a reactive accountability measure would have a neutral impact to vessels targeting small-mesh multispecies stocks because there is no change from the current management. It is possible, however, that by exceeding the ACL on a regular basis, long-term impacts on the stock could lead to long-term economic losses due to changes in the stock size.

#### Section 5.5.3 In-Season Accountability Measure Alternatives

In-season accountability measures grant the Northeast Regional Administrator the authority to implement a management measure, such as reducing the trap limit or closing the fishery, when landings are projected to reach a pre-determined level.

##### Section 5.5.3.1 Zero Possession at 100% of TAL

This alternative would prohibit retention of a particular stock when 100 percent of that stock's TAL is projected to be harvested. This alternative would result in lost revenue if implemented prior to the end of the fishing year. It could especially impact vessel owners in the inshore exemption areas if those areas are prevented from opening with a reasonable possession allowance.

Northern red hake is likely the only stock where an AM might be triggered in the near future. Based on vessel trip report data from 2006-2010 (which is used for this stock to ensure that all reported landings, including bait transfers-at-sea, are accounted for), 100 percent of the proposed northern red hake TAL would likely be harvested prior to the end of the fishing year (Figure 18), at the end of October. This would result in an average annual loss of 21,625 lb of northern red hake, which translates to approximately \$8,000 per year loss in revenue. Using only fishing year 2009 vessel trip report data for northern red hake, the fishery would have harvested the proposed TAL by early September (Figure 49), or approximately two months sooner. This would have resulted in approximately \$29,544 in lost revenue for the fleet (estimated at \$0.37/lb for the 79,849 lb of northern red hake landed in excess of the proposed TAL (238,099 lb) for fishing year 2009). However, these losses may not be realized, as vessels may redirect the effort that would have been used to land red hake onto another incidental species, such as skates or dogfish.

This alternative would have a negative economic impact, if implemented and invoked within a fishing year.

Figure 18 Northern Red Hake Average Cumulative Landings, 2006-2010 (Vessel Trip Report Data)

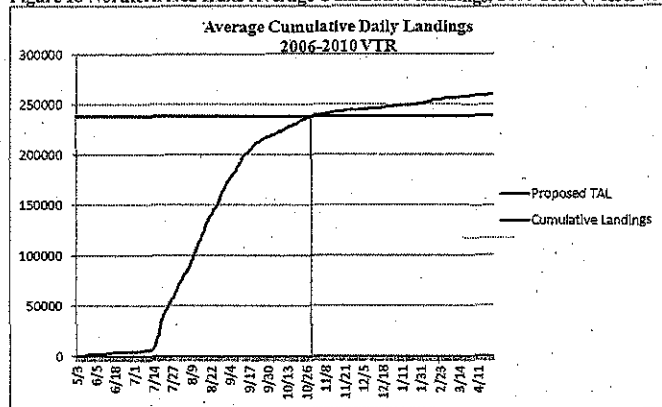
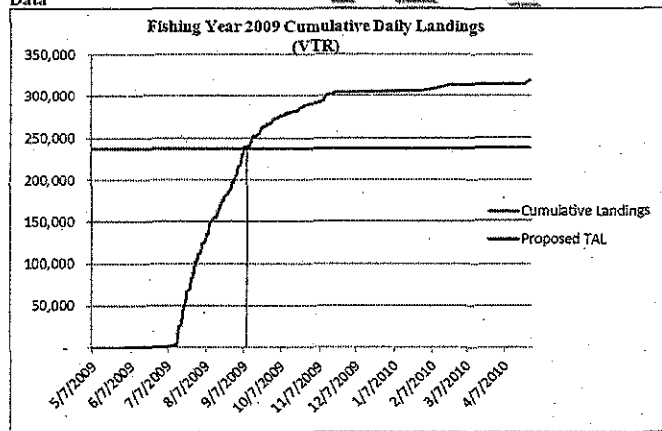


Figure 19 Northern Red Hake Fishing Year 2009 Daily Cumulative Landings, Vessel Trip Report Data



Section 5.5.3.2 Incidental Possession Limit Trigger (Preferred Alternative)

This alternative would reduce possession to an incidental limit when a trigger level is projected to be reached. Under this alternative, the incidental possession limit would remain in effect, even if the TAL is projected to be exceeded. This is intended to work in conjunction with the

post-season accountability measure which would be invoked if the overage of the TAL causes the catch for that year to exceed the ACL.

Northern red hake is likely the only stock where an AM might be triggered in the near future. Table 51 illustrates the percent difference between the proposed ACLs and recent catch. In most cases, it is significantly higher than recent catch, and therefore unlikely that an AM might be triggered.

In the figure below (Figure 20), the proposed TAL and 90 percent of the proposed TAL are plotted with the 2006 – 2010 average daily landings of northern red hake, as reported through vessel trip reports. This graph demonstrates the effect of implementing a 400 lb incidental possession limit for northern red hake. Based on vessel trip reported landings, including bait landings, the 90-percent trigger would be reached in late September. Assuming that, because red hake is rarely, if ever, the target species, all the trips would still occur, those trips that landed less than or equal to 400 lb (blue) would remain unaffected. Those trips that previously landed more than 400 lb (green) after September 26 would presume to continue, but would be capped at 400 lb. The trips that would be affected by a 400 lb possession limit represent approximately 5-percent of the trips that landed red hake from 2006-2010. These trips were taken by 30 different vessels over that time, with an average of seven vessels per year. The 400 lb incidental limit would affect, on average, 3.5 trips per vessel, over the 2006-2010 timeframe. However, in recent years, it may affect a fewer number of vessels, but a higher number of trips per vessel. At the average price of \$0.37 per pound of red hake, this would result in approximately \$282 lost revenue per trip for the 23 average trips per year, or a total loss across the fleet of \$6,486. This may have a low negative impact on fishing communities, however, as red hake is not commonly the target species, vessels may shift effort to another incidental species such as skates or dogfish.

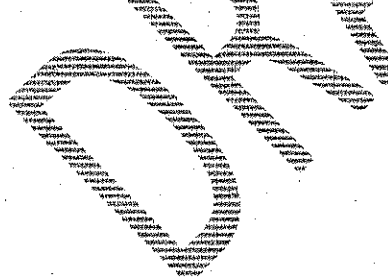
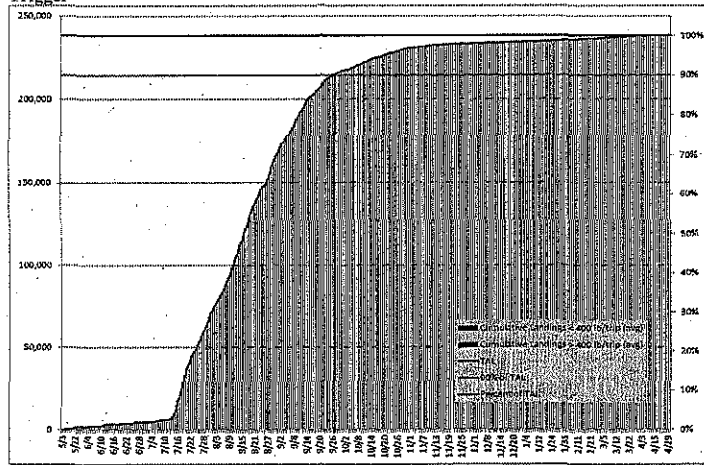


Figure 20 Northern Red Hake Average Landings per Month (2006-2010) with Proposed TAL and Trigger



Section 5.5.3.3 Incidental Possession Limit Trigger and Zero Possession at 100% of TAL

This alternative would reduce the possession of a particular stock to the incidental limit at a trigger level and would prohibit possession of that stock when 100% of the TAL is projected to be reached prior to the end of the fishing year.

Such controls on the small-mesh multispecies fishery will likely have neutral impacts for fishing communities. The incidental possession limit trigger would have a low negative impact, as described above. The zero possession at 100% of TAL alternative could have a potentially negative impact to those vessels as described in Section 5.5.3.1. However, the analysis under Section 5.5.3.2 (Figure 20) indicates that the likely outcome would be that 100% of the TAL would not be harvested prior to the end of the fishing year.

Section 5.5.3.4 Status Quo No Action

This alternative would result in no proactive, or in-season, accountability measures being implemented. Not implementing a proactive accountability measure would have a neutral impact to vessels targeting small-mesh multispecies stocks because there is no change from the current management. It is possible, however, that by exceeding the recommended landing level on a regular basis, long-term impacts on the stock could lead to long-term economic losses due to changes in the stock size.

Section 5.6 Summary of Impacts of the Alternatives

Table 54 Impact Category Definitions and Qualifiers:

The following definitions and qualifiers are used in the narratives and tables of this EA:

| Impact Definition  |   |   |   |
|--|---|---|---|
| VEC  | Direction   |   |   |
|  | Positive (+)  | Negative (-)  | Neutral (+/-)   |
| Habitat  | Actions that improve the quality or reduce disturbance of habitat                             | Actions that degrade the quality or increase disturbance of habitat                           | Actions that have no positive or negative impact on habitat quality   |
| Target Species, Non-Target Species, Bycatch, Protected Resources | Actions that increase stock/population size   | Actions that decrease stock/population size   | Actions that have little or no positive or negative impact on stocks/populations  |
| Human Communities  | Actions that increase revenue and social well-being of fishermen and/or associated businesses | Actions that decrease revenue and social well-being of fishermen and/or associated businesses | Actions that have no positive or negative impact on revenue and social well-being of fishermen and/or associated businesses |
| Impact Qualifiers  |   |   |   |
| Low (L; as in low positive or low negative):                     | To a lesser degree  |   |   |
| High (H; as in high positive or high negative):                  | To a substantial degree   |   |   |
| Likely   | Some degree of uncertainty associated with the impact   |   |   |
| ND   | Impacts could not be determined at time of this writing                                       |   |   |

Table 55 Qualitative Summary of the Expected Impacts of Various Alternatives

| VEC               | ABC, ACL, TAL Alternatives   |   | Post-Season AM Alternatives  |  | In-Season AM Alternatives   |  |  |  |
|-------------------|--|---|--|--|---|--|--|--|
|                   | ABCs, ACLs, TALs (Preferred)   | Status Quo/No Action  | Pound-for-Pound Payback (Preferred)  | Status Quo/No Action   | Zero Possession at 100% of TAL  | Incidental Possession at Trigger (Preferred)   | Incidental Possession at Trigger and Zero Possession at 100% of TAL  | Status Quo/No Action   |
| Target            | Positive<br>This alternative would set catch and landings limits for target species that are based on the best available science.  | Negative<br>This alternative would not set catch and landings limits for target species that are based on the best available science. | Positive<br>This alternative would provide assurance that landings would stay within the limits that are based on the best available science.  | Negative<br>This alternative would not set catch and landings limits that are based on the best available science. | Positive<br>This alternative would provide assurance that landings would stay within the limits that are based on the best available science. | Neutral<br>Allows trips fishing to continue, without causing large amounts of discards.  | Positive<br>This alternative would provide assurance that landings would stay within the limits that are based on the best available science.  | Negative<br>This alternative would not set catch and landings limits that are based on the best available science.                   |
| Non-Target        | Neutral<br>Potential redirected effort would be limited by the ACL frameworks in place for the other species that may be targeted.   | Neutral<br>This alternative would likely result in no change to current fishing operations.   | Neutral<br>This would likely lead to either no change in fishing, or a reduction in fishing effort, that would be accounted for under the analysis of the other species' ACL frameworks. | Neutral<br>This alternative would likely result in no change to current fishing operations.                        | Neutral<br>Potential redirected effort would be limited by the ACL frameworks in place for the other species that may be targeted.            | Neutral<br>Trips for other species would continue at the same incidental level of small-mesh multispecies that are currently landed. | Neutral<br>This would likely lead to either no change in fishing, or a reduction in fishing effort, that would be accounted for under the analysis of the other species ACL framework. | Neutral<br>Trips for other species would continue at the same incidental level of small-mesh multispecies that are currently landed. |
| EFH               | Neutral to Low Positive<br>It is likely that catch, and by extension, fishing effort, would not change due to the implementation of this action. However, if the catch limit for a stock (likely Northern Red Hake) is harvested and AMs are implemented, fishing effort may be reduced, leading to a positive impact. |   |  |  |   |  |  |  |
| Protected Species | Neutral<br>It is likely that catch, and by extension, fishing effort, would not change due to the implementation of this action.   |   |  |  |   |  |  |  |

|                   | ABC, ACL, TAL Alternatives   |   | Post-Season AM Alternatives   |   | In-Season AM Alternatives  |   |   |   |
|-------------------|--|---|---|---|--|---|---|---|
|                   | ABCs, ACLs, TALs (Preferred)   | Status Quo/No Action  | Pound-for-Pound Payback (Preferred)   | Status Quo/No Action  | Zero Possession at 100% of TAL   | Incidental Possession at Trigger (Preferred)  | Incidental Possession at Trigger and Zero Possession at 100% of TAL   | Status Quo/No Action  |
| Human Communities | Neutral to Positive<br>This alternative would likely result in no change to current fishing operations; however, the sustainable harvesting of the small-mesh multispecies stocks would lead to positive long-term benefits. | Neutral<br>This alternative would likely result in no change to current fishing operations. | Negative<br>If invoked, this alternative would result in short-term negative economic impacts by reducing the amount of a particular stock that could be added in a given year. | Neutral; Long-Term Negative<br>This alternative would likely result in no change to current fishing operations. This alternative could lead to long-term negative impacts by negatively affecting stock size and reducing future access to a sustainable stock. | Negative<br>This alternative would result in lost revenue if implemented prior to the end of the fishing year. | Low Negative<br>This alternative is expected to impact a low number of trips and result in a minor amount of revenue lost across the fleet. | Low Negative to Negative<br>This alternative would result in some minor revenue lost for a few vessels if the trigger is reached. In addition, there would be further revenue lost if the full TAL is harvested prior to the end of the fishing year. | Neutral; Long-Term Negative<br>This alternative would likely result in no change to current fishing operations. This alternative could lead to long-term negative impacts by negatively affecting stock size and reducing future access to a sustainable stock. |

## Section 6.0 Cumulative Effects Assessment

A cumulative effects analysis is required by the Council on Environmental Quality (CEQ) (40 CFR part 1508.7). The purpose of a cumulative effects analysis is to consider the combined effects of many actions on the human environment over time that would be missed if each action were evaluated separately. CEQ guidelines recognize that it is not practical to analyze the cumulative effects of an action from every conceivable perspective, but rather, the intent is to focus on those effects that are truly meaningful. A formal cumulative impact assessment is not necessarily required as part of an EA under NEPA as long as the significance of cumulative impacts have been considered (U.S. EPA 1999). The following addresses the significance of the expected cumulative impacts as they relate to the federally managed small-mesh multispecies fishery.

### Section 6.1 Consideration of the Valued Ecosystem Components (VECs)

In Section 4.0 (Description of the Affected Environment), the VECs that exist within the small-mesh multispecies fishery environment are identified. Therefore, the significance of the cumulative effects will be discussed in relation to the VECs listed below.

1. Managed resources (offshore hake, red hake, and silver hake)
2. Non-target species
3. Habitat including EFH for the managed resource and non-target species
4. ESA-listed and MMPA-protected species
5. Human communities

### Section 6.2 Geographic Boundaries

The analysis of impacts focuses on actions related to the harvest of the small-mesh multispecies (offshore hake, red hake, and silver hake). The core geographic scope for each of the VECs is focused on the Western Atlantic Ocean (Section 4.0). The core geographic scopes for the managed resources are the range of the Mid-Atlantic Bight, the Gulf of Maine, and Georges Bank. For non-target species, those ranges may be expanded and would depend on the biological range of each individual non-target species in the Western Atlantic Ocean. For habitat, the core geographic scope is focused on EFH within the EEZ, but includes all habitat utilized by small-mesh multispecies and other non-target species in the Western Atlantic Ocean. The core geographic scope for endangered and protected resources can be considered the overall range of these VECs in the Western Atlantic Ocean. For human communities, the core geographic boundaries are defined as those U.S. fishing communities directly involved in the harvest or processing of the managed resources, which were found to occur in coastal states from Maine through North Carolina (Section 4.5).

### Section 6.3 Temporal Boundaries

The temporal scope of past and present actions for VECs is primarily focused on actions that have occurred after FMP implementation (1991, Amendment 4 to the Northeast Multispecies FMP for red and silver hake; and 2000, Amendment 12 to the Northeast Multispecies FMP for

offshore hake). For endangered species and other protected resources, the scope of past and present actions is on a species-by-species basis (Section 4.4) and is largely focused on the 1980s and 1990s through the present, when NMFS began generating stock assessments for marine mammals and sea turtles that inhabit waters of the U.S. EEZ. The temporal scope of future actions for all five VECs extends one year into the future. This period was chosen because the Council is expected to implement Amendment 19 to the FMP within the year that will supersede this Secretarial action.

### Section 6.4 Actions Other Than Those Proposed in this Amendment

The impacts of each of the alternatives considered in this document are given in Section 5.0. Table 56 presents meaningful past (P), present (Pr), or reasonably foreseeable future (RFF) actions to be considered other than those actions being considered in this amendment document. These impacts are described in chronological order and qualitatively, as the actual impacts of these actions are too complex to be quantified in a meaningful way. When any of these abbreviations occur together (i.e., P, Pr, RFF), it indicates that some past actions are still relevant to the present and/or future actions.

#### Section 6.4.1 Past, Present, and Reasonably Foreseeable Future Actions

##### Section 6.4.1.1 Fishery-related Actions

The historical management practices of the Council have resulted in positive impacts on the health of the small-mesh multispecies stocks. Numerous actions have been taken to manage the fisheries for these three species through amendment and framework adjustment actions. In addition, the nature of the fishery management process is intended to provide the opportunity for the Council and NMFS to regularly assess the status of the fishery and to make necessary adjustments to ensure that there is a reasonable expectation of meeting the objectives of the FMP and the targets associated with any rebuilding programs under the FMP. The statutory basis for Federal fisheries management is the Magnuson-Stevens Act. To the degree with which this regulatory regime is complied, the cumulative impacts of past, present, and reasonably foreseeable future Federal fishery management actions on the VECs should generally be associated with positive long-term outcomes. Constraining fishing effort through regulatory actions can often have negative short-term socioeconomic impacts. These impacts are usually necessary to bring about long-term sustainability of a given resource, which should, in the long-term, promote positive effects on human communities, especially those that are economically dependent upon the small-mesh multispecies stocks. There are two amendments currently under development by the Council that will impact the small-mesh multispecies fishery. The Council is developing Amendment 19 that will update the ACL and AM framework that is being proposed in this action. The other amendment under development is an update to the Omnibus Essential Fish Habitat Amendment that is intended to revise the existing EFH descriptions and habitat protection areas. Given the nature of the Omnibus EFH Amendment and Amendment 19, it is likely that these actions would have positive biological impacts; however, full analyses of these actions has not yet been completed.

##### Section 6.4.1.2 Non-fishing Actions





|            |   |  |  |   |  |  |
|------------|---|--|--|---|--|--|
|            |   |  |  |   | quality  | possibly negative for fishing industry                                   |
|            | Placement of sand to nourish beach shorelines   | Indirect Negative<br>Localized decreases in habitat quality                  | Indirect Negative<br>Localized decreases in habitat quality                | Direct Negative<br>Reduced habitat quality  | Indirect Negative<br>Localized decreases in habitat quality                | Positive<br>Beachgoers like sand; positive for tourism                   |
| P, Pr, RFF | Marine transportation<br>Expansion of port facilities, vessel operations, and recreational marinas  | Indirect Negative<br>Localized decreases in habitat quality                  | Indirect Negative<br>Localized decreases in habitat quality                | Direct Negative<br>Reduced habitat quality  | Indirect Negative<br>Localized decreases in habitat quality                | Mixed<br>Positive for some interests, potential displacement for others  |
| P, Pr, RFF | Installation of pipelines, utility lines, and cables<br>Transportation of oil, gas, and energy through pipelines, utility lines, and cables                                   | Uncertain – Likely<br>Indirect Negative<br>Dependent on mitigation effects   | Uncertain – Likely<br>Indirect Negative<br>Dependent on mitigation effects | Uncertain – Likely<br>Direct Negative<br>Reduced habitat quality                  | Potentially Direct<br>Negative<br>Dependent on mitigation effects          | Uncertain – Likely<br>Mixed<br>Dependent on mitigation effects           |
| RFF        | Offshore Wind Energy Facilities<br>Construction of wind turbines to harness electrical power (Several proposed from ME through NC)  | Uncertain – Likely<br>Indirect Negative<br>Dependent on mitigation effects   | Uncertain – Likely<br>Indirect Negative<br>Dependent on mitigation effects | Potentially Direct<br>Negative<br>Localized decreases in habitat quality possible | Uncertain – Likely<br>Indirect Negative<br>Dependent on mitigation effects | Uncertain – Likely<br>Mixed<br>Dependent on mitigation effects           |
| Pr, RFF    | Liquefied Natural Gas (LNG) terminals<br>Transport natural gas via tanker to terminals offshore and onshore terminal in MA; under construction proposed in RI, NY, NJ and DE) | Uncertain – Likely<br>Indirect Negative<br>Dependent on mitigation effects   | Uncertain – Likely<br>Indirect Negative<br>Dependent on mitigation effects | Potentially Direct<br>Negative<br>Localized decreases in habitat quality possible | Uncertain – Likely<br>Indirect Negative<br>Dependent on mitigation effects | Uncertain – Likely<br>Mixed<br>Dependent on mitigation effects           |
| RFF        | Convening Gear Take Reduction Teams<br>Recommend measures to reduce mortality and injury to marine mammals  | Indirect Positive<br>Will improve data quality for monitoring total removals | Indirect Positive<br>Reducing availability of gear could reduce bycatch    | Indirect Positive<br>Reducing availability of gear could reduce gear impacts      | Indirect Positive<br>Reducing availability of gear could reduce encounters | Indirect Negative<br>Reducing availability of gear could reduce revenues |
| RFF        | Omnibus EFH Amendment<br>Reviewing and updating a gear effects evaluation and   | Indirect Positive<br>Will improve habitat protection, which is necessary for | Indirect Positive<br>Will improve habitat protection, which is necessary   | Positive<br>Will improve habitat protection                                       | Uncertain - Neutral to<br>Indirect Negative<br>May result in               | Indirect Positive<br>Improved habitat protection will result sustainable |

|  |   |                         |                             |  |   |  |
|--|---|-------------------------|-----------------------------|--|---|--|
|  | optimizing management measures for minimizing the adverse effects of fishing on EFH | sustainable fish stocks | for sustainable fish stocks |  | redistribution of effort to areas of increased protected resources stocks | fish stocks and long-term economic stability |
|--|---|-------------------------|-----------------------------|--|---|--|

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## Section 6.5 Magnitude and Significance of Cumulative Effects

In determining the magnitude and significance of the cumulative effects, the additive and synergistic effects of the proposed action, as well as past, present, and future actions, must be taken into account. The following section discusses the effects of these actions on each of the VECs.

### Section 6.5.1 Managed Resources

Those past, present, and reasonably foreseeable future actions, whose effects may impact the managed resources and the direction of those potential impacts, are summarized in Table 56. The indirectly negative actions described in Table 56 are localized in nearshore areas and marine project areas where they occur. Therefore, the magnitude of those impacts on the managed resources is expected to be limited due to a lack of exposure to the population at large. Agricultural runoff may be much broader in scope, and the impacts of nutrient inputs to the coastal system may be of a larger magnitude, although the impact on productivity of the managed resources is unquantifiable. As described above (Section 6.4), NMFS has several means under which it can review non-fishing actions of other Federal or state agencies that may impact NMFS' managed resources prior to permitting or implementation of those projects. This serves to minimize the extent and magnitude of indirect negative impacts those actions could have on resources under NMFS' jurisdiction.

Past fishery management actions taken through the FMP have had a positive cumulative effect on the managed resources. It is anticipated that the future management actions, described in Table 57, will result in additional indirect positive effects on the managed resources through actions which reduce and monitor bycatch, protect habitat, and protect ecosystem services on which offshore hake, red hake, and silver hake productivity depends. Overall, the past, present, and reasonably foreseeable future actions that are truly meaningful to the small-mesh multispecies resources have had a positive cumulative effect.

Table 57 Summary of the effects of past, present, and reasonably foreseeable future actions on the managed resources.

**Section 6.5.2 Non-Target Species or Bycatch**

Those past, present, and reasonably foreseeable future actions, whose effects may impact non-target species and the direction of those potential impacts, are summarized in Table 56. The effects of indirectly negative actions described in Table 56 are localized in nearshore areas and marine project areas where they occur. Therefore, the magnitude of those impacts on non-target species is expected to be limited due to a lack of exposure to the population at large. Agricultural runoff may be much broader in scope, and the impacts of nutrient inputs to the coastal system may be of a larger magnitude, although the impact on productivity of non-target resources and the oceanic ecosystem is unquantifiable. As described above (section 6.4), NMFS has several means under which it can review non-fishing actions of other Federal or state agencies that may impact NMFS' managed resources prior to permitting or implementation of those projects. At this time, NMFS can consider impacts to non-target species (federally-managed or otherwise) and comment on potential impacts. This serves to minimize the extent and magnitude of indirect negative impacts those actions could have on resources within NMFS' jurisdiction.

Past fishery management actions taken through the FMP have had a positive cumulative effect on non-target species. Implementation and application of a standardized bycatch reporting methodology would have a particular impact on non-target species by improving the methods which can be used to assess the magnitude and extent of a potential bycatch problem. Better assessment of potential bycatch issues allows more effective and specific management measures to be developed to address a bycatch problem. It is anticipated that future management actions, described in Table 58, will result in additional indirect positive effects on non-target species through actions which reduce and monitor bycatch, protect habitat, and protect ecosystem services on which the productivity of many of these non-target resources depend. The impacts of these future actions could be broad in scope, and it should be noted the managed resource and non-target species are often coupled in that they utilize similar habitat areas and ecosystem resources on which they depend. Overall, the past, present, and reasonably foreseeable future actions that are truly meaningful have had a positive cumulative effect on non-target species.

Table 58 Summary of the effects of past, present, and reasonably foreseeable future actions on the non-target species.

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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**Section 6.5.5 Human Communities**

Those past, present, and reasonably foreseeable future actions, whose effects may impact human communities and the direction of those potential impacts, are summarized in Table 56. The indirectly negative actions described in Table 56 are localized in nearshore areas and marine project areas where they occur. Therefore, the magnitude of those impacts on human communities is expected to be limited in scope. It may, however, displace fishermen from project areas. Agricultural runoff may be much broader in scope, and the impacts of nutrient inputs to the coastal system may be of a larger magnitude. This may result in indirect negative impacts on human communities by reducing resource availability; however, this effect is unquantifiable. As described above (section 6.4), NMFS has several means under which it can review non-fishing actions of other Federal or state agencies prior to permitting or implementation of those projects. This serves to minimize the extent and magnitude of indirect negative impacts those actions could have on human communities.

Past fishery management actions taken through the FMP process have had both positive and negative cumulative effects by benefiting domestic fisheries through sustainable fishery management practices, while at the same time potentially reducing the availability of the resource to all participants. Sustainable management practices are, however, expected to yield broad positive impacts to fishermen, their communities, businesses, and the nation as a whole. It is anticipated that the future management actions, described in Table 61, will result in positive effects for human communities due to sustainable management practices, although additional indirect negative effects on the human communities could occur through management actions that may implement gear requirements or area closures and thus, reduce revenues. Overall, the past, present, and reasonably foreseeable future actions that are truly meaningful to human communities have had an overall positive cumulative effect.

Despite the potential for slight negative short-term effects on human communities, the expectation is that there would be a positive long-term effect on human communities due to the long-term sustainability of offshore hake, red hake, and silver hake. Overall, the proposed actions in this document would not change the past and anticipated cumulative effects on human communities and thus, would not have any significant effect on human communities individually, or in conjunction with other anthropogenic activities (Table 61).

Table 61 Summary of the effects of past, present, and reasonably foreseeable future actions on human communities.

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
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**Section 6.6 Preferred Action on all the VECS**

The Council has identified its preferred action alternatives in section 3.0. The cumulative effects of the range of actions considered in this document can be considered to make a determination if significant cumulative effects are anticipated from the preferred action.

**Table 62 Magnitude and significance of the cumulative effects; the additive and synergistic effects of the preferred action, as well as past, present, and future actions.**

| VEC                 | Status in 2011                     | Net Impact of P, Pr, and RFF Actions         | Impact of the Preferred Action                          | Significant Cumulative Effects |
|---------------------|------------------------------------|--|---|--------------------------------|
| Managed Resources   | Complex and variable (Section 4.1) | Positive (Sections 6.4 and 6.5.1)            | Neutral to positive (Section 5.1)                       | None                           |
| Non-target Species  | Complex and variable (Section 4.2) | Positive (Sections 6.4 and 6.5.2)            | Neutral (Section 5.2)                                   | None                           |
| Habitat             | Complex and variable (Section 4.3) | Neutral to positive (Sections 6.4 and 6.5.3) | Neutral to low positive (Section 5.3)                   | None                           |
| Protected Resources | Complex and variable (Section 4.4) | Positive (Sections 6.4 and 6.5.4)            | Neutral (Section 5.4)                                   | None                           |
| Human Communities   | Complex and variable (Section 4.5) | Positive (Sections 6.4 and 6.5.5)            | Short-term negative to long-term positive (Section 5.5) | None                           |

The 2012 fishing year will be the first year of implementation for the required specification of ACLs and accountability measures. This represents a major change to the current management program and is expected to lead to improvements in resource sustainability over the long-term. Direct and indirect impacts of these measures could be broad in scope and are further discussed in section 5.1 through section 5.5. The magnitude and significance of the cumulative effects, which include the additive and synergistic effects of the proposed action, as well as past, present, and future actions, have been taken into account throughout this Section 6.0. The action proposed in this Secretarial amendment builds off action taken in the original FMP and subsequent amendments.

The proposed action in this document would positively reinforce the past and anticipated positive cumulative effects on the managed resources, by achieving the objectives specified in the FMP. Therefore, the proposed action would not have any significant effect on the managed resources individually or in conjunction with other anthropogenic activities (Table 57).

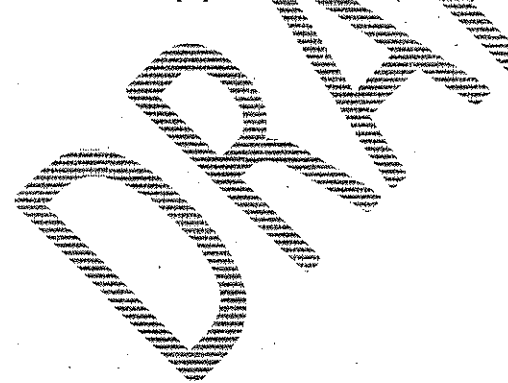
The proposed action in this document has neutral impacts to non-target species and would not change the past and anticipated positive cumulative effects on non-target species. Thus, the proposed action would not have any significant effect on these species individually or in conjunction with other anthropogenic activities (Table 58).

The proposed action in this document would not change the past and anticipated cumulative effects on habitat and thus, would not have any significant effect on habitat individually or in conjunction with other anthropogenic activities (Table 59).

The proposed action in this document would not change the past and anticipated cumulative effects on ESA-listed and MMPA-protected species and thus, would not have any significant effect on protected resources individually or in conjunction with other anthropogenic activities (Table 60).

The proposed action in the document may have short-term negative to long-term positive impacts on human communities. However, such anticipated impacts would not significantly change the past and anticipated cumulative effects on revenues and the social well-being of fishermen and/or associated businesses individually or in conjunction with other anthropogenic activities (Table 61).

Therefore, when this action is considered in conjunction with all the other pressures placed on fisheries by past, present, and reasonably foreseeable future actions, it is not expected to result in any significant impacts, positive or negative. Based on the information and analyses presented in these past FMP documents and this document, there are no significant cumulative effects associated with the action proposed in this document (Table 62).



## Section 7.0 Compliance with Applicable Laws

### Section 7.1 Magnuson-Stevens Fishery Conservation and Management Act

#### Section 7.1.1 Consistency with National Standards

Section 301 of the Magnuson-Stevens Fishery Conservation and Management Act requires that regulations implementing any fishery management plan or amendment be consistent with the ten national standards listed below.

##### National Standard 1

*Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.*

The proposed action will bring the small-mesh multispecies fishery into compliance with the Magnuson-Stevens Act National Standard 1 requirement to establishing an acceptable biological catch (ABC), an ACL, and accountability measures (AMs). The proposed ABCs, ACLs, and AMs are consistent with the process in the Magnuson-Stevens Act and the National Standard 1 guidelines. The proposed action will ensure that overfishing will not take place in the small-mesh multispecies fishery and that the resources will not become overfished.

##### National Standard 2

*Conservation and management measures shall be based on the best scientific information available.*

The measures in this action are based on the best and most recent scientific information available including the small-mesh multispecies stock assessments from SAW 51, which includes an independent peer review, and recommendations from the Council's Scientific and Statistical Committee for setting ABCs for the stocks or stock group in the small-mesh multispecies fishery.

##### National Standard 3

*To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.*

The proposed action manages each individual small-mesh multispecies stock as a unit throughout its range. In general, management measures specifically designed for one stock are applied to the entire range of the stock. The small-mesh multispecies complex as a whole is managed in close coordination. The management measures are applied to all small-mesh multispecies stocks. They are designed and evaluated for their impact on the fishery as a whole.

##### National Standard 4

*Conservation and management measures shall not discriminate between residents of different states. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be: (A) fair and equitable to all such fishermen; (B)*

*reasonably calculated to promote conservation; and (C) carried out in such a manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.*

The proposed measures are the same for all vessels in the small-mesh multispecies fishery regardless of the state of residence of the owner or operator of the vessels. Although any fishing mortality control (including quotas) results in the allocation of fishery resources, the measures in the proposed action are reasonably expected to promote conservation by continuing to prevent overfishing and rebuild overfished stocks.

##### National Standard 5

*Conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.*

The proposed action is expected to little to no impact on the efficiency of vessels operations. The measures prevent the ACLs and quotas from inducing derby-style fishing behavior and market reactions which would otherwise undermine the profitability of vessels that target small-mesh multispecies or land them as incidental catch while targeting other species. None of the measures in this action have economic allocation as their sole purpose – all are designed to contribute to the control of fishing mortality.

##### National Standard 6

*Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.*

The proposed action is specifically intended to take into account the differences in fisheries between the two small-mesh multispecies stock areas. These considerations are not changed under the proposed action.

##### National Standard 7

*Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.*

The proposed action does not duplicate measures or regulations implemented under other FMPs, but coordinates with them. The incidental possession limit trigger described in Section 3.2.2 enables those fisheries that landing small-mesh multispecies incidental to operate with minimal restriction. To the extent the current plan and measures proposed in this amendment impose costs on vessels and processors, those costs are necessary for the successful management of the fishery.

##### National Standard 8

*Conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities in order to (A) provide for the sustained participation of such communities, and (B) to the extent practicable, minimize adverse impacts on such communities.*



The actions proposed in this amendment are not expected to have significant adverse effects on fishing communities (see Section 5.4), and some measures are likely to have positive effects, particularly those measures that increase allowable catch levels and minimize bycatch.

#### National Standard 9

*Conservation and management measures shall, to the extent practicable, (A) minimize bycatch and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch.*

The proposed action is not expected to have any significant impact on bycatch of red crab or other species (Section 5.2).

#### National Standard 10

*Conservation and management measures shall, to the extent practicable, promote safety of human life at sea.*

This amendment does not substantially change the impact of the small-mesh multispecies fishery on safety at sea since this action does not contain any management measures that would affect safety at sea.

#### Section 7.1.2 Magnuson-Stevens Act FMP Requirements

Section 303(a) of Magnuson-Stevens Act contains the required provisions for FMPs. The requirement applies to the FMP and in some cases, the FMP as amended and not the submission document for the proposed action meets the requirement. The preferred alternatives identified in the Secretarial Amendment do not propose to modify any of the management measures previously implemented under the FMP which were found to be fully in compliance with the Magnuson-Stevens Act. All the actions identified in the preferred alternatives are intended to address the requirement in § 303(a)(15) of the Magnuson-Stevens Act to "establish a mechanism for specifying annual catch limits in the plan (including a multiyear plan), implementing regulations, or annual specifications, at a level such that overfishing does not occur in the fishery, including measures to ensure accountability" to ensure that the small-mesh multispecies fishery is fully in compliance with this required provision. This action does not address any other required provision under the Magnuson-Stevens Act.

#### Section 7.1.3 Magnuson-Stevens Act Requirements for a Secretarial Amendment

The Secretary may prepare an amendment to an FMP if "the appropriate Council fails to develop and submit to the Secretary, after a reasonable period of time... any necessary amendment" under the authority in Section 304(c). Because the Council has not yet submitted Amendment 19 to implement ACLs and AMs for the small-mesh multispecies fishery, the Secretary is preparing this amendment to the Northeast Multispecies FMP. In order to implement such an amendment, the Secretary "shall—(A) Conduct public hearings, at appropriate times and locations in the geographical areas concerned, so as to allow interested persons an opportunity to be heard in the preparation and amendment of the plan and any regulations implementing the plan".

In order to fulfill this requirement, NMFS held four public meetings throughout the Northeast Region and had an open comment period during the development of the measures considered in the Secretarial Amendment. The public meetings and the comment period were announced in an Advanced Notice of Proposed Rulemaking (ANPR) in the *Federal Register* (76 FR 57944; RIN 0648-BB39) on September 19, 2011. The public comment period was open until October 19, 2011. The public meetings were held on October 3, 2011 in East Setauket, NY; October 4, 2011, in Toms River, NJ; October 11, 2011 in Gloucester, MA; and October 12, 2011 in Narragansett, RI.

Three substantive comments were received during the public hearings and through the ANPR.

1. Frank Mirarchi (Scituate, MA) F/V Barbara L. Peters  
At the Gloucester Public Hearing, Mr. Mirarchi commented that he would prefer Alternative 2, as described in the scoping document (attached), because he is concerned that a stock area TAL could close the northern area before a number of the exemption area programs open. Mr. Mirarchi noted that he and his son depend on the whiting fishery to supplement their groundfish market and help them stay in business.
2. Roy Diehl (Union Beach, NJ)  
In his comment on the ANPR, Mr. Diehl noted that he would like to see trip limits that would not be too restrictive, and that any allocation of limits should be done in such a way to protect historical participants from all time frames, and not the "years that benefit the chosen few."
3. Donald Fox (Point Judith, RI)  
At the public hearing held in Narragansett, RI, Mr. Fox expressed concern that choosing a set of years for the purpose of subdividing the TAL in the Northern Area would lock the Agency and the Council into those relatively recent years (2004-2010) for future actions. Mr. Fox was particularly concerned about the possibility that future individual allocations (in the form of Sector PSCs or IFQs) would be based on the same set of years.

#### Section 7.1.4 EFH Assessment

According to the EFH Final Rule, "Federal agencies are not required to provide NMFS with assessments regarding actions that they have determined would not adversely affect EFH." The action proposed under this framework will not have an adverse effect on EFH of federally managed species, and, therefore, no EFH Assessment is required or provided.

#### Section 7.2 National Environmental Policy Act (NEPA), including FONSI Statement

This section evaluates the proposed action in the context of NEPA, for determining the significance of Federal actions, in this case the establishment of ACLs and AMs for the small-mesh multispecies fishery through Secretarial Amendment.

#### Section 7.2.1 Finding of No Significant Impact

National Oceanic and Atmospheric Administration Administrative Order 216-6 (NAO 216-6) (May 20, 1999) contains criteria for determining the significance of the impacts of a proposed action. In addition, the Council on Environmental Quality regulations at 40 C.F.R. 1508.27 state that the significance of an action should be analyzed both in terms of "context" and "intensity". Each criterion listed below is relevant in making a finding of no significant impact and has been considered individually, as well as in combination with the others. The significance of this action is analyzed based on the NAO 216-6 criteria and CEQ's context and intensity criteria.

These include:

*(1) Can the proposed action be reasonably expected to jeopardize the sustainability of any target species that may be affected by the action?*

The proposed action is not expected to jeopardize the sustainability of the target species affected by this action – silver, red, and offshore hake. The intent of this action is to control the total amount of silver, red, and offshore hake that may be harvested at a level determined to be sustainable by the best available science and recommended by the Council's SSC (see Appendix B). The impacts of the proposed action on the small-mesh multispecies resource are discussed in Section 5.1 of this document.

*(2) Can the proposed action be reasonably expected to jeopardize the sustainability of any non-target species?*

The proposed action is not expected to jeopardize the sustainability of any non-target species, as noted in Section 5.2. The level of fishing effort resulting from the proposed action is the same as, or below the current levels. Although information about bycatch is limited and inconclusive with respect to fishery-wide impacts, the impact of the small-mesh multispecies fishery on non-target species is not significant, primarily because small-mesh multispecies are landed incidentally in a number of fisheries and are less often the target species themselves.

*(3) Can the proposed action be reasonably expected to allow substantial damage to the ocean and coastal habitats and/or EFH as defined under the Magnuson-Stevens Fishery Conservation and Management Act and identified in FMPs?*

The alternatives under consideration in this action will not increase small-mesh multispecies effort in either stock area over the baseline effort level. The overall effect of the fishery on EFH was discussed and mitigated for in Northeast Multispecies Amendments 11, 12, and 13, and the alternatives under consideration do not change those findings. As discussed in Section 5.3, the action proposed in this amendment would not have an adverse impact on EFH for any federally managed species in the region.

*(4) Can the proposed action be reasonably expected to have a substantial adverse impact on public health or safety?*

This action is not expected to have substantial adverse impacts on public health.

*(5) Can the proposed action be reasonably expected to adversely affect endangered or threatened species, marine mammals, or critical habitat of these species?*

Impacts of this action on endangered and threatened species and marine mammals were assessed in Section 5.4 of this document. The activities to be conducted under the proposed action are within the scope of the FMP and do not change the basis for the determinations made in previous consultations.

*(6) Can the proposed action be expected to have a substantial impact on biodiversity and ecosystem function within the affected area (e.g., benthic productivity, predator-prey relationships)?*

The proposed action is not expected to have a substantial impact on biodiversity and ecosystem function within the affected area. While the role of small-mesh multispecies within the ecosystem is not well understood, SAW 51 observed that the primary source of silver and red hake removals has been consumption since the 1980s. The maintenance of this prey at historical and sustainable levels is likely to promote biodiversity and ecosystem function over the long term.

*(7) Are significant social or economic impacts interrelated with significant natural or physical environmental effects?*

This EA documents that no significant natural or physical effects will result from implementation of the proposed action (Section 5.0). The proposed action is designed to maintain a sustainable population of small-mesh multispecies. Neutral to positive impacts on the physical and biological environment are expected to result from this action. The action's potential social and economic impacts are expected to be neutral (ranging from short-term negative to long-term positive), as discussed in the EA (Section 5.5) and in the Executive Order 12866 review (Section 7.10).

*(8) To what degree are the effects on the quality of human environment expected to be highly controversial?*

The effects of the proposed action are not expected to be highly controversial. They are consistent with the effects determined in the Amendments under which the small-mesh multispecies were regulated within the FMP (primarily Amendments 4, 7, 11, and 12) which have not been challenged.

*(9) Can the proposed action reasonably be expected to result in substantial impacts on unique areas, such as historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas?*

The small-mesh multispecies fishery is not known to take place in any unique areas such as historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas. Therefore, the proposed action is not expected to have a substantial impact on any of these areas.

*(10) Are the effects on the human environment likely to be highly uncertain or involve unique or unknown risks?*

The impacts of the proposed action on the human environment are described in Section 5.0 of the EA. This action is not expected to significantly alter fishing methods or activities that would have a significant impact on the human environment. The types of actions proposed in this amendment to the Northeast Multispecies FMP are consistent with previous actions and similar to types of management measures used widely in federally-managed fisheries. Therefore, the measures contained in this action are not expected to have highly uncertain, unique, or unknown risks on the human environment.

*(11) Is the proposed action related to other actions with individually insignificant, but cumulatively significant impacts?*

The proposed action, together with past and future actions, is not expected to result in significant cumulative impacts on the biological and physical components of the environment or on human communities (See Cumulative Effects Summary in Section 6.0).

*(12) Is the proposed action likely to adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural or historical resources?*

The small-mesh multispecies fishery is not known to take place in any areas that might affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or cause the loss or destruction of significant scientific, cultural or historical resources. Therefore, this action is not expected to affect any of these areas.

*(13) Can the proposed action reasonably be expected to result in the introduction or spread of a non-indigenous species?*

There is no evidence or indication that the small-mesh multispecies fishery has ever resulted in the introduction or spread of non-indigenous species. The proposed action is not expected to significantly alter fishing methods or activities in a way that would be expected to result in the introduction or spread of a non-indigenous species.

*(14) Is the proposed action likely to establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration?*

This action is not likely to establish any precedents for future actions with significant effects, nor does it represent a decision in principle about a future consideration.

*(15) Can the proposed action reasonably be expected to threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment?*

This action is not expected to alter fishing methods or activities such that they threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment. This action is not expected to alter fishing methods in any way except to change the level of catch or landings that are permitted for the fishery as a whole.

*(16) Can the proposed action reasonably be expected to result in cumulative adverse effects that could have a substantial effect on the target species or non-target species?*

The impacts of the proposed action on the biological, physical, and human environment are described in Section 5.0. The cumulative effects of this action on target and non-target species are detailed in Section 6.0. The proposed action is not expected to have a substantial effect on either the target or any non-target species.

## DETERMINATION

In view of the information presented in this document and the analysis contained in the supporting Environmental Assessment, it is hereby determined that the proposed action in this Secretarial amendment will not significantly impact the quality of the human environment as described above and in the Environmental Assessment. In addition, all beneficial and adverse impacts of the proposed action have been addressed to reach the conclusion of no significant impacts. Accordingly, preparation of an Environmental Impact Statement for this action is not necessary.

Regional Administrator, Northeast Region, NMFS \_\_\_\_\_ Date \_\_\_\_\_

### Section 7.3 Marine Mammal Protection Act (MMPA)

NMFS has reviewed the impacts of the action on marine mammals and has concluded that the management actions are consistent with the provisions of the MMPA, and will not alter existing measures to protect the species likely to inhabit the areas in which the small-mesh multispecies fishery occurs. For further information on the potential impacts of the fishery and the proposed management action on marine mammals, see the relevant part of Section 5.0 of this document.

### Section 7.4 Endangered Species Act (ESA)

Section 7 of the Endangered Species Act requires Federal agencies conducting, authorizing, or funding activities that affect threatened or endangered species to ensure that those effects do not jeopardize the continued existence of listed species. The alternatives under consideration in this action will not increase small-mesh multispecies effort in either stock area over the baseline effort level. Based on the information available at this time, NMFS has determined that the action proposed for the small-mesh multispecies fishery would not be likely to jeopardize any ESA-listed species or alter or modify any critical habitat.

### Section 7.5 Coastal Zone Management Act (CZMA)

Section 307(c)(1) of the Coastal Zone Management Act (CZMA) of 1972, as amended, requires that all Federal activities that directly affect the coastal zone be consistent with approved state coastal zone management programs to the maximum extent practicable. The CZMA provides measures for ensuring stability of productive fishery habitat while striving to balance development pressures with social, economic, cultural, and other impacts on the coastal zone. It is recognized that responsible management of both coastal zones and fish stocks must involve mutually supportive goals. The Council has developed this amendment document and will submit it to NMFS; NMFS must determine whether this action is consistent to the maximum extent practicable with the CZM programs for each state (Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and North Carolina). Letters documenting NMFS' determination will be sent to the coastal zone management program offices of each state.

#### Section 7.6 Administrative Procedure Act (APA)

Section 553 of the APA establishes procedural requirements applicable to informal rulemaking by Federal agencies. The purpose of these requirements is to ensure public access to the Federal rulemaking process, and to give the public adequate notice and opportunity for comment. At this time, NMFS is not requesting any abridgement of the rulemaking process for this action.

#### Section 7.7 Information Quality Act (IOQA)

##### Utility of Information Product

The information presented in this document is helpful to the intended users (the affected public) by presenting a clear description of the purpose and need of the proposed action, the measures proposed, and the impacts of those measures. A discussion of the reasons for selecting the proposed action is included so that intended users may have a full understanding of the proposed action and its implications. The intended users of the information contained in this document include individuals involved in the small-mesh multispecies fishery, (e.g., fishing vessels, processors, fishery managers), and other individuals interested in the management of the small-mesh multispecies fishery.

The information contained in this document will be helpful and beneficial to owners of vessels fishing for small-mesh multispecies since it will notify these individuals of the measures contained in this amendment. This information will enable these individuals to adjust their management practices and make appropriate business decisions based upon this revision to the FMP. Until a proposed rule is prepared and published, this EA/RIR/IRFA is the principal means by which the information contained herein is available to the public. The information provided in this document is based on the most recent available information from the relevant data sources.

The information contained in this document includes detailed and relatively recent information on the small-mesh multispecies resources and, therefore, represents an improvement over previously available information. This EA/RIR/IRFA will be subject to public comment through proposed rulemaking, as required under the Administrative Procedure Act and, therefore, may be improved based on comments received.

This document is available in several formats, including printed publication, and online through the Northeast Regional Office's web page ([www.nero.noaa.gov](http://www.nero.noaa.gov)). The *Federal Register* notice that announces the proposed rule and the final rule and implementing regulations will be made available in printed publication, on the website, and through the *Regulations.gov* website. The *Federal Register* documents will provide metric conversions for all measurements.

##### Integrity of Information Product

The information product meets the standards for integrity under the following types of documents:

**Other/Discussion** (e.g., Confidentiality of Statistics of the Magnuson-Stevens Fishery Conservation and Management Act; NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics; 50 CFR 229.11, Confidentiality of information collected under the Marine Mammal Protection Act.)

Prior to dissemination, information associated with this action, independent of the specific intended distribution mechanism, is safeguarded from improper access, modification, or destruction, to a degree commensurate with the risk and magnitude of harm that could result from the loss, misuse, or unauthorized access to or modification of such information. All electronic information disseminated by NMFS adheres to the standards set out in Appendix III, "Security of Automated Information Resources" of OMB Circular A-130; the Computer Security Act; and the Government Information Security Act. All confidential information (e.g., dealer purchase reports) is safeguarded pursuant to the Privacy Act, Titles 13, 15, and 22 of the U.S. Code (confidentiality of census, business, and financial information); the Confidentiality of Statistics provisions of the Magnuson-Stevens Act; and NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics.

##### Objectivity of Information Product

For purposes of the Pre-Dissemination Review, this document is considered to be a "Natural Resource Plan." Accordingly, the document adheres to the published standards of the Magnuson-Stevens Act; the Operational Guidelines, Fishery Management Plan Process; the Essential Fish Habitat Guidelines; the National Standard Guidelines; and NOAA Administrative Order 216-6, Environmental Review Procedures for Implementing the National Environmental Policy Act. This information product uses information of known quality from sources acceptable to the relevant scientific and technical communities. Several sources of data were used in the development of the Secretarial Amendment. These data sources included, but were not limited to, historical and current landings data from the Commercial Dealer database, vessel trip report (VTR) data, and fisheries independent data collected through the NMFS bottom trawl surveys. The analyses contained in this document were prepared using data from accepted sources. These analyses have been reviewed by staff of the Northeast Regional Office, the Northeast Fisheries Science Center, the Council's Plan Development Team, and by the SSC where appropriate.

Despite current data limitations, the conservation and management measures considered for this action were selected based upon the best scientific information available. The analyses important to this decision used information from the most recent complete calendar years,

generally through 2010. The data used in the analyses provide the best available information on the number of permits, both active and inactive, in the fishery, the catch (including landings and discards) by those vessels, and the revenue produced by the sale of those landings to dealers. Specialists (including professional members of plan development teams, technical teams, committees, and Council staff) who worked with these data are familiar with the most current analytical techniques and with the available data and information relevant to the small-mesh multispecies fishery.

The policy choices are clearly articulated in Section 3.0 of this document, those being the management alternatives considered in this action. The supporting science and analyses, upon which the policy choices are based, are summarized and described in Sections 3.0 through 6.0 of this document. All supporting materials, information, data, and analyses within this document have been, to the maximum extent practicable, properly referenced according to commonly accepted standards for scientific literature to ensure transparency. The review process used in preparation of this document involves the Northeast Fisheries Science Center, the Northeast Regional Office, and NOAA Fisheries Service Headquarters. Senior level scientists with specialties in population dynamics, stock assessment methods, population biology, and the social sciences conduct the Center's analysis and technical review. Development and review by staff at the Regional Office is conducted by those with expertise in fisheries management and policy, habitat conservation, protected species, and compliance with the applicable law. Final approval of the action proposed in this document and clearance of any rules prepared to implement resulting regulations is conducted by staff at NOAA Fisheries Service Headquarters, the Department of Commerce, and the U.S. Office of Management and Budget. In preparing this revision of the Northeast Multispecies FMP, NMFS must comply with the requirements of the Magnuson-Stevens Act, the National Environmental Policy Act, the Administrative Procedure Act, the Paperwork Reduction Act, the Coastal Zone Management Act, the Endangered Species Act, the Marine Mammal Protection Act, the Information Quality Act, and Executive Orders 12630 (Property Rights), 12866 (Regulatory Planning), 13132 (Federalism), and 13158 (Marine Protected Areas). NMFS has determined that the proposed action is consistent with the National Standards of the Magnuson-Stevens Act and all other applicable laws.

#### Section 7.3 Paperwork Reduction Act (PRA)

The Paperwork Reduction Act (PRA) concerns the collection of information. The intent of the PRA is to minimize the Federal paperwork burden for individuals, small businesses, state and local governments, and other persons as well as to maximize the usefulness of information collected by the Federal government. There are no changes to the existing reporting requirements previously approved under this FMP for vessel permits, dealer reporting, or vessel logbooks. This action does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

#### Section 7.9 Executive Order 12866 (Regulatory Impact Review)

##### Section 7.9.1 Regulatory Impact Review

#### Background

In compliance with Executive Order (E.O.) 12866, NMFS requires the preparation of a Regulatory Impact Review (RIR) for all regulatory actions or for significant policy changes that are of public interest. E.O. 12866 was signed on September 30, 1993, and established guidelines for Federal agencies promulgating new regulations and reviewing existing regulations.

An RIR is a required component of the process of preparing and reviewing fishery management plans (FMPs) or amendments and provides a comprehensive review of the economic impacts associated with the proposed regulatory action. An RIR addresses many of the concerns posed by the regulatory philosophy and principles of E.O. 12866. An RIR also serves as the basis for assessing whether or not any proposed regulation is a "significant regulatory action" under criteria specified in E.O. 12866. According to the "Guidelines for Economic Analyses of Fishery Management Actions," published by NMFS in August 2000, an RIR must include the following elements: (1) A description of the management objectives of the regulatory action; (2) a description of the fishery affected by the regulatory action; (3) a statement of the problem the regulatory action is intended to address; (4) a description of each selected alternative, including the "no action" alternative; and (5) an economic analysis of the expected effects of each selected alternative relative to the baseline.

#### Statement of the Problem and Management Objectives of the Regulatory Action

See Section 2.0 – Purpose and need of action.

#### Description of the Affected Fishery

See Section 4.5- Description of the fishery.

#### Description of the Management Measure Alternatives

See Section 3.0 for a complete description of the proposed management measures and the alternatives that were considered by NMFS for the Secretarial Amendment.

#### Expected Economic Effects of the Proposed Action

See Section 5.5 for an evaluation of the expected economic effects of the proposed action.

#### Section 7.9.2 Determination of Significance under E.O. 12866

E.O. 12866 requires that the Office of Management and Budget review proposed regulatory programs that are considered to be significant. A "significant regulatory action" is one that is likely to: (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, safety, or state, local, or tribal Governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients

thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

A regulatory program is "economically significant" if it is likely to result in the effects described above. The RIR is designed to provide information to determine whether the proposed regulation is likely to be "economically significant."

NMFS has determined that, based on the information presented above, this action is expected to have no material economic effect. Because none of the factors defining "significant regulatory action" are triggered by this action, the action has been determined to be not significant for the purposes of E.O. 12866. See detailed discussion below.

#### E.O. 12866 Criteria

NMFS Guidelines provide criteria to be used to evaluate whether a proposed action is significant. A significant regulatory action means any regulatory action that is likely to result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more, or adversely effect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities.

A "significant" regulatory action under E.O. 12866 is a rule that is likely to result in an annual effect on the economy of \$100 million or more, or adversely effect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities. A benefit-costs analysis should be completed to determine a significant regulatory action. A traditional, quantitative benefit-costs analysis identifies benefits and costs, and then monetizes both benefits and costs for the "no action" scenario and each proposed alternative to determine the economic efficiency of each alternative, and inform decision-making. In addition, the stream of monetized benefits and costs incurred over time is discounted to reflect the present values of the stream of benefits and costs. In general, the lower the real discount rate used, the greater the weight to future benefits and costs, all else held constant. A traditional, quantitative benefit-costs analysis was impossible for this action. Briefly, we could not obtain valid measures of economic value for estimating benefits and some costs due to a lack of existing empirical data necessary for theoretically valid measures of economic value, as well as time and resource constraints that prevent primary data collection and analysis.

Gross revenues for red hake in 2005-2010 averaged \$500,000; while gross revenues for silver hake (including offshore) in 2005-2010 averaged \$8.5 million. While a true benefit-cost analysis was not possible, we can assume that the impact to the nation is well below the \$100 million threshold. Therefore, this action is not expected to have either an annual effect on the economy of \$100 million, or adversely effect in a material way the economy, a sector of the economy, productivity, competition, the environment, public health or safety, or State, local, tribal governments or communities.

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.

The proposed action does not create an inconsistency or otherwise interfere with an action taken or planned by another agency. The activity that would be allowed under this action involves commercial fishing for small-mesh multispecies in Federal waters of the EEZ, for which NMFS is the sole agency responsible for regulation. Therefore, there is no interference with actions taken by another agency. Furthermore, this action would create no inconsistencies in the management and regulation of commercial fisheries in the Northeast.

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof.

This action will not materially alter the budgetary impact of entitlements, grants, user fees or loan programs, or the rights and obligations of recipients of these programs.

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

This action does not raise novel legal or policy issues arising out of the President's priorities, or the principles set forth in E.O. 12866. All fishery management measures in the Northeast Multispecies FMP that regulate the small-mesh multispecies fishery and the proposed action are commonly used in FMPs for federally-managed fisheries.

#### Section 7.9.3 Initial Regulatory Flexibility Analysis (IRFA): Determination of Significance

The purpose of the Regulatory Flexibility Act (RFA) is to provide opportunities for small entities to participate in the development of proposed regulations and to identify ways to reduce the regulatory burden and record-keeping requirements on small businesses. To achieve this goal, the RFA requires government agencies to describe and analyze the effects of regulations and possible alternatives on small business entities. Based on this information, the Regulatory Flexibility Analysis determines whether the proposed action would have a "significant economic impact on a substantial number of small entities."

The problem statement and objectives, the management alternatives and the rationale are referenced in the Background section above.

##### Section 7.9.3.1 Reasons for considering the Action

See Section 2.0

##### Section 7.9.3.2 Objectives and legal basis for the Action

See Section 2.0

### Section 7.9.3.3 Description and Number of Small Entities to which the Rule Applies

All of the entities (fishing vessels) affected by this action are considered small entities under the Small Business Act size standards for small fishing businesses (\$4.0 million in sales). Although some firms own more than one vessel, available data make it difficult to reliably identify ownership control over more than one vessel. For this analysis, the number of permitted vessels is considered to be a maximum estimate of the number of small business entities. The average number of permitted vessels landing at least one pound of silver hake or red hake from 2005-2010 was 562.

### Section 7.9.3.4 Reporting, recordkeeping, and other compliance requirements

This action does not introduce any new reporting, recordkeeping, or other compliance requirements.

### Section 7.9.3.5 Duplication, overlap or conflict with other Federal rules

The proposed rule does not duplicate, overlap or conflict with other Federal rules.

### Section 7.9.3.6 Economic impacts on small entities resulting from the proposed action

The proposed management measures implement ACLs, TALs and accountability measures for silver hake and red hake stock areas. The following section discusses the impacts of these alternatives. If it was not possible to complete a quantitative impacts assessment, then a qualitative discussion is presented instead.

#### Section 7.9.3.6.1 Stock Area, ABC, ACLs, and TALs

The proposed management alternative sets ABCs, ACLs and TALs for northern red hake, southern red hake, northern silver hake and southern whiting (silver hake and offshore hake combined). The ACL is set below the ABC to account for management uncertainty. The TAL is set below the ACL to account for discards and state landings. The proposed alternative sets an ABC, ACL, and TAL framework, while the status quo alternative does not establish such a framework. The proposed alternative also establishes a southern whiting management stock for offshore hake and silver hake. These species are combined because they are often landed together, are morphologically similar, and often not distinguished in the market.

Based on average prices (2005-2010) and the proposed Federal TAL, estimated gross revenues were calculated for each of the species/stock areas. Each of the estimated gross revenues for the species/stock areas were greater than the average gross revenues from 2005-2010. While we are unable to fully quantify the marginal cost and marginal benefit of implementing an ABC/ACL/TAL framework, we can assume that the proposed action will not constrain gross revenue per vessel and would not directly affect an individual vessel's profit. Therefore, the proposed action would not have a significant economic impact on a substantial number of small business entities.

### Section 7.9.3.6.2 Accountability Measures

The proposed management alternatives implement an accountability measures framework for managing silver hake and red hake stock areas. The reactive accountability measure alternative would authorize NMFS, through the Northeast Regional Administrator, to deduct from a subsequent year's ACL any overage of a stock's ACL in a given year. The proactive (in-season) accountability measure alternatives would reduce the possession of a particular stock to an incidental level when the trigger limit for that stock's TAL is projected to be reached. While we are unable to fully quantify the marginal cost and marginal benefit of implementing the accountability measure framework, we can assume that the proposed action will not constrain gross revenue per vessel and would not directly affect an individual vessel's profit, more than a minimal amount, as described in Section 5.5.3.2. Therefore, the proposed action would not have a significant economic impact on a substantial number of small business entities.

## Section 8.0 Persons and Agencies Consulted/How to Obtain a Copy of this Document

This Environmental Assessment was prepared and evaluated by the National Marine Fisheries Service.

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## Section 9.0 References

- Aguilar, A. 2002. Fin whale, *Balaenoptera physalus*. Pages 435-438 in W.F. Perrin, B. Würsig, and J.G.M. Thewissen (eds.). *Encyclopedia of Marine Mammals*. San Diego: Academic Press.
- Almeida, F. 1987. Stock definition of silver hake in the New England-Middle Atlantic area. *N. Am. J. Fish. Mgt.* 7: 169-186.
- ASMFC TC (Atlantic States Marine Fisheries Commission Technical Committee). 2007. Special Report to the Atlantic Sturgeon Management Board: Estimation of Atlantic sturgeon bycatch in coastal Atlantic commercial fisheries of New England and the Mid-Atlantic. August 2007. 95 pp.
- ASSRT (Atlantic Sturgeon Status Review Team). 2007. Status review of Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*). National Marine Fisheries Service. February 23, 2007. 188 pp.
- Azarovitz, T.R. 1981. A brief historical review of the Woods Hole Laboratory trawl survey time series. Pages 62-67 in W.G. Doubleday and D. Rivard, editors. *Bottom trawl surveys*. Canadian Special Publication of Fisheries and Aquatic Sciences 58.
- Best, P.B., J. L. Bannister, R.L. Brownell, Jr., and G.P. Donovan (eds.). 2001. Right whales: worldwide status. *Cetacean Res. Manage. (Special Issue)*, 2: 309pp.
- Bolles, K.L., and G.A. Begg. 2000. Distinction between silver hake (*Merluccius bilinearis*) stocks in U.S. waters of the Northwest Atlantic based on whole otolith morphometrics. *Fish. Bull.* 98:451-462.
- Bowen, B.W., A.L. Bass, S.M. Chow, M. Bostrom, K.A. Bjorndal, A.B. Bolten, T. Okuyama, B.M. Bolker, S. Epperly, E. Lacasella, D. Shaver, M. Dodd, S.R. Hopkins-Murphy, J.A. Musick, M. Swingle, K. Rankin-Baransky, W. Teas, W.N. Witzell, and P.H. Dutton. 2004. Natal homing in juvenile loggerhead turtles (*Caretta caretta*). *Molecular Ecology* 13:3797-3808.
- Bowman, R.E., C.E. Stillwell, W.L. Michaels, and M.D. Grosslein. 2000. Food of Northwest Atlantic fishes and two common species of squid. NOAA Tech. Memo. NMFS-F/NE-155, 138 pp.
- Braun-McNeill, J., and S.P. Epperly. 2004. Spatial and temporal distribution of sea turtles in the western North Atlantic and the U.S. Gulf of Mexico from Marine Recreational Fishery Statistics Survey (MRFSS). *Marine Fisheries Review* 64(4):50-56.
- Brodziak, J.K.T., E.M. Holmes, K.A. Sosebee, and R.K. Mayo. 2001. Assessment of the Silver Hake Resource in the Northwest Atlantic in 2000. *Northeast Fish. Sci. Cent. Ref. Doc. 01-03*.



- Brown, M.B., O.C. Nichols, M.K. Marx, and J.N. Ciano. 2002. Surveillance of North Atlantic right whales in Cape Cod Bay and adjacent waters. 2002. Final report to the Division of Marine Fisheries, Commonwealth of Massachusetts. 29 pp., September 2002.
- Carr, H.A and H. Milliken. 1998. Conservation engineering: options to minimize fishing's impacts to the sea floor, in *Effects of Fishing Gear on the Sea Floor of New England*. E. L. Dorsey and J. Pederson, eds. Conservation Law Foundation, Boston, Massachusetts.
- CETAP. A characterization of marine mammals and turtles in the mid- and north Atlantic areas of the USA outer continental shelf. Cetacean and Turtle Assessment Program, University of Rhode Island. Final Report #AA551-CT8-48 to the Bureau of Land Management, Washington, DC, 538 pp., 1982.
- Clapham, P.J., S.B. Young, R.L. Brownell, Jr. 1999. Baleen whales: conservation issues and the status of the most endangered populations. *Mammal Review* 29(1): 35-60.
- Collette, B.B. and G. Klein-MacPhee, eds. 2002. *Bigelow and Schroeder's Fishes of the Gulf of Maine*. Washington D.C.: Smithsonian Institution Press; 252+256.
- Colton, J.B., Jr., and R.F. Temple. 1961. The enigma of Georges Bank spawning. *Limnol. Oceanogr.* 6: 280-291.
- Conant, T.A., P.H. Dutton, T. Eguchi, S.P. Epperly, C.C. Fahy, M.H. Godfrey, S.L. MacPherson, E.E. Possardt, B.A. Schroeder, J.A. Semmoff, M.L. Snover, C.M. Upton, and B.E. Witherington. 2009. Loggerhead sea turtle (*Caretta caretta*) 2009 status review under the U.S. Endangered Species Act. Report of the Loggerhead Biological Review Team to the National Marine Fisheries Service, August 2009. 222 pp.
- Dadswell, M. 2006. A review of the status of Atlantic sturgeon in Canada, with comparisons to populations in the United States and Europe. *Fisheries* 31: 218-229.
- Dovel, W. F., and T. J. Berggren. 1983. Atlantic sturgeon of the Hudson River estuary, New York. *New York Fish and Game Journal* 30: 140-172.
- Dunton, K.J., A. Jordan, K.A. McKown, D.O. Conover, and M.G. Frisk. 2010. Abundance and distribution of Atlantic sturgeon (*Acipenser oxyrinchus*) within the Northwest Atlantic Ocean determined from five fishery-independent surveys. *Fish. Bull.* 108:450-465.
- Garrison LP, Link JS (2000) Dietary gullid structure in the fish community of the United States northeast continental shelf ecosystem. *Mar Ecol Prog Ser* 202:231-240
- Grosslein, M.D. and T.R. Azarovitz. 1982. Fish distribution. MESA New York Bight Atlas Monogr. No. 15, 182 pp.
- Holland, B.F., Jr., and G.F. Yelverton. 1973. Distribution and biological studies of anadromous fishes offshore North Carolina. Division of Commercial and Sports Fisheries, North Carolina Dept. of Natural and Economic Resources, Special Scientific Report No. 24. 130pp.
- Horwood, J. 2002. Sei whale, *Balaenoptera borealis*. Pages 1069-1071 in W.F. Perrin, B. Würsig, and J.G.M. Thewissen, eds. *Encyclopedia of Marine Mammals*. San Diego: Academic Press.
- International Whaling Commission (IWC). 2001. Report of the workshop on the comprehensive assessment of right whales: A worldwide comparison. Reports of the International Whaling Commission. Special Issue 2.
- James, M.C., R.A. Myers, and C.A. Ottenmeyer. 2005a. Behaviour of leatherback sea turtles, *Dermodochelys coriacea*, during the migratory cycle. *Proc R. Soc. B*, 272: 1547-1555.
- Jones, J.B. 1992. Environmental impact of trawling on the seabed: a review. *New Zealand Journal of Marine and Freshwater Research*. 26:59-66
- Kahnle, A.W., K.A. Hattala, and K.A. McKown. 2007. Status of Atlantic sturgeon of the Hudson River Estuary, New York, USA. *American Fisheries Society Symposium* 56:347-363.
- Katona, S.K., V. Rough and D.T. Richardson. A field guide to whales, porpoises, and seals from Cape Cod to Newfoundland, Smithsonian Institution Press: Washington, DC, 316 pp., 1993.
- Keinath, J.A., J.A. Musick, and R.A. Byles. 1987. Aspects of the biology of Virginia's sea turtles: 1979-1986. *Virginia Sci* 38(4): 329-336.
- Kenney, R.D. 2002. North Atlantic, North Pacific and Southern Right Whales. pp. 806-813, In: W.F. Perrin, B. Würsig, and J.G.M. Thewissen (eds.). *Encyclopedia of Marine Mammals*. Academic Press, San Diego, CA.
- Kynard, B. and M. Horgan. 2002. Ontogenetic behavior and migration of Atlantic sturgeon, *Acipenser oxyrinchus oxyrinchus*, and shortnose sturgeon, *A. brevirostrum*, with notes on social behavior. *Environmental Behavior of Fishes* 63: 137-150.
- Laney, R.W., J.E. Hightower, B.R. Versak, M.F. Mangold, W.W. Cole Jr., and S.E. Winslow. 2007. Distribution, habitat use, and size of Atlantic sturgeon captured during cooperative winter tagging cruises, 1988-2006. In *Anadromous sturgeons: habitats, threats, and management* (J. Munro, D. Hatin, J.E. Hightower, K. McKown, K.J. Sulak, A.W. Kahnle, and F. Caron (eds.)), p. 167-182. *Am. Fish. Soc. Symp.* 56, Bethesda, MD.
- Link, Jason A., Sean M. Lucey, Jessica H. Melgey, Examining cannibalism in relation to recruitment of silver hake *Merluccius bilinearis* in the U.S. northwest Atlantic, Fisheries Research, Available online 27 May 2011, ISSN 0165-7836, 10.1016/j.fishres.2011.04.022.
- Lock, M.C. and D.B. Packer. 2004. Essential Fish Habitat Source Document: Silver Hake, *Merluccius bilinearis*, Life History and Habitat Characteristics, Second Edition. *NOAA Technical Memorandum NMFS-NE-186*.

Morreale, S.J., and E.A. Standora. 1998. Early life stage ecology of sea turtles in northeastern U.S. waters. NOAA Technical Memorandum NMFS-SEFSC-413:1-49.

Morreale, S.J. and E.A. Standora. 2005. Western North Atlantic waters: Crucial developmental habitat for Kemp's ridley and loggerhead sea turtles. *Chel. Conserv. Biol.* 4(4):872-882.

Morreale, S.J., C.F. Smith, K. Durham, R.A. DiGiovanni, Jr., and A.A. Aguirre. 2005. Assessing health, status, and trends in northeastern sea turtle populations. Interim report - Sept. 2002 - Nov. 2004. Gloucester, Massachusetts: National Marine Fisheries Service.

Murray, K.T. 2006. Estimated average annual bycatch of loggerhead sea turtles (*Caretta caretta*) in U.S. Mid-Atlantic bottom otter trawl gear, 1996-2004. U.S. Dep. Commer., Northeast Fish. Sci. Cent. Ref. Doc. 06-19, 26pp.

Musick, J.A., and C.J. Limpus. 1997. Habitat utilization and migration in juvenile sea turtles. Pages 137-164 in P.L. Lutz and J.A. Musick, eds. *The Biology of Sea Turtles*. Boca Raton, Florida: CRC Press.

Musick, J.A. 1967. Designation of the hakes, *Urophycis chuss* and *Urophycis tenuis*, in ICNAF statistics. *Int. Comm. Northw. Atl. Fish. Res. Doc. No. 67/76*.

National Marine Fisheries Service (NMFS). 1997a. Final recovery plan for the humpback whale (*Megaptera novaeangiae*). Prepared by the Humpback Whale Recovery Team for the National Marine Fisheries Service, Silver Spring, Maryland. 105 pp.

National Marine Fisheries Service (NMFS). 1991b. Final recovery plan for the North Atlantic right whale (*Eubalaena glacialis*). Prepared by the Right Whale Recovery Team for the National Marine Fisheries Service, Silver Spring, Maryland. 86 pp.

National Marine Fisheries Service (NMFS). 1998b. Unpublished. Draft recovery plans for the fin whale (*Balaenoptera physalus*) and sei whale (*Balaenoptera borealis*). Prepared by R.R. Reeves, G.K. Silber, and P.M. Payne for the National Marine Fisheries Service, Silver Spring, Maryland. July 1998.

National Marine Fisheries Service (NMFS). 1998b. Recovery Plan for the Shortnose Sturgeon (*Acipenser brevirostrum*). Prepared by the Shortnose Sturgeon Recovery Team for the National Marine Fisheries Service, Silver Spring, Maryland. 104 pages.

National Marine Fisheries Service (NMFS). 2005. Recovery Plan for the North Atlantic Right Whale (*Eubalaena glacialis*). National Marine Fisheries Service, Silver Spring, MD.

National Marine Fisheries Service (NMFS). 2009a. Hawksbill Turtle (*Eretmochelys imbricate*). Available at <http://www.nmfs.noaa.gov/pr/species/turtles/hawksbill.htm>

National Marine Fisheries Service (NMFS). 2009b. Endangered Species Act Section 7 Consultation on the Atlantic Sea Scallop Fishery Management Plan. Biological Opinion. February 5, 2009.

National Marine Fisheries Service (NMFS) 2010. Recovery plan for the fin whale (*Balaenoptera physalus*). National Marine Fisheries Service, Silver Spring, MD. 121 pp.

National Marine Fisheries Service (NMFS) Southeast Fisheries Science Center (SEFSC). 2001. Stock assessments of loggerhead and leatherback sea turtles and an assessment of the impact of the pelagic longline fishery on the loggerhead and leatherback sea turtles of the Western North Atlantic. NOAA Technical Memorandum NMFS-SEFSC-455. 343 pp.

National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS). 1991. Recovery plan for U.S. population of Atlantic green turtle *Chelonia mydas*. Washington, D.C.: National Marine Fisheries Service. 58 pp.

National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS). 1992. Recovery plan for the Kemp's ridley sea turtle. National Marine Fisheries Service, Washington, D.C. 40 pp.

National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS). 1992. Recovery plan for leatherback turtles in the U.S. Caribbean, Atlantic, and Gulf of Mexico. National Marine Fisheries Service, Washington, D.C. 65 pp.

National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS). 1995. Status reviews for sea turtles listed under the Endangered Species Act of 1973. National Marine Fisheries Service, Silver Spring, Maryland. 139 pp.

National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS). 2007a. Loggerhead sea turtle (*Caretta caretta*) 5 year review: summary and evaluation. National Marine Fisheries Service, Silver Spring, Maryland. 65 pp.

National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS). 2007b. Leatherback sea turtle (*Dermochelys coriacea*) 5 year review: summary and evaluation. National Marine Fisheries Service, Silver Spring, Maryland. 79 pp.

National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS). 2007c. Kemp's ridley sea turtle (*Lepidochelys kempii*) 5 year review: summary and evaluation. Silver Spring, Maryland: National Marine Fisheries Service. 50 pp.

National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS). 2007d. Green sea turtle (*Chelonia mydas*) 5 year review: summary and evaluation. Silver Spring, Maryland: National Marine Fisheries Service. 102 pp.

- National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS). 2008. Recovery plan for the Northwest Atlantic population of the loggerhead turtle (*Caretta caretta*), Second revision. Washington, D.C.: National Marine Fisheries Service. 325 pp.
- National Marine Fisheries Service, U.S. Fish and Wildlife Service, and SEMARNAT. 2011. Bi-National Recovery Plan for the Kemp's Ridley Sea Turtle (*Lepidochelys kempii*), Second Revision. National Marine Fisheries Service. Silver Spring, Maryland 156 pp. + appendices.
- NMFS December 1, 2008. Final List of Fisheries for 2009. Federal Register Vol. 73, No. 231, p. 73032-73076
- National Research Council (NRC). 1990. Decline of sea turtles: causes and prevention. National Academy Press, Washington D.C. 259 pages.
- NEFMC (Northeast Fisheries Management Council). 2010. Amendment 5 to the Northeast Multispecies Fishery Management Plan. <http://www.nefmc.org/multi/index.html>
- New England Fishery Management Council (NEFMC). 1998. Amendment 11 to the Northeast Multispecies Fishery Management Plan: Including a Final Environmental Impact Statement. Approximately 388 pages. Available at: <http://www.nefmc.org/nemulti/index.html>.
- New England Fishery Management Council (NEFMC). 2000. Amendment 12 to the Northeast Multispecies Fishery Management Plan: Including a Final Environmental Impact Statement. Approximately 350 pages. Available at: <http://www.nefmc.org/mesh/index.html>.
- New England Fishery Management Council (NEFMC). 2011. Essential Fish Habitat (EFH) Omnibus Amendment: The Swept Area Seabed Impact (SASI) Model: A Tool For Analyzing The Effects Of Fishing On Essential Fish Habitat". Approximately 303 pages. Available at: <http://www.nefmc.org/habitat/index.html>
- New England Fishery Management Council (NEFMC). February 2007. Small Mesh Multispecies Stock Status Update.
- Northeast Fisheries Science Center. 2011. 51st Northeast Regional Stock Assessment Workshop (51st SAW) Assessment Report. US Dept Commer., Northeast Fish Sci. Cent. Ref Doc. 11-02; 856 p. Available from National Marine Fisheries Service, 166 Water Street, Woods Hole, MA 02543-1026 or online at: <http://www.nefsc.noaa.gov/nefsc/publications/>
- Perry, S.L., D.P. DeMaster, and G.K. Silber. 1999. The great whales: History and status of six species listed as endangered under the U.S. Endangered Species Act of 1973. Mar. Fish. Rev. Special Edition. 61(1): 59-74.
- Roundtree, R.A. 1999. Nov. Diets of NW Atlantic fishes and squid. <http://fishecology.org> Accessed 17 Aug. 2000. Steiner et al. 1982

- Schueler, P. and D. L. Peterson. 2006. Population status and spawning movements of Atlantic sturgeon in the Altamaha River, Georgia. Presentation to the 14th American Fisheries Society Southern Division Meeting, San Antonio, February 8-12th, 2006. Scott, W. B. and E. J. Crossman, 1973. Freshwater fishes of Canada. Fisheries Research Board of Canada Bulletin 184: 966 pp.
- Sears, R. 2002. Blue whale, *Balaenoptera musculus*. Pages 112-116 in W.F. Perrin, B. Wursig, and J.G.M. Thewissen, eds. Encyclopedia of Marine Mammals. San Diego: Academic Press.
- Shoop, C.R., and R.D. Kenney. 1992. Seasonal distributions and abundance of loggerhead and leatherback sea turtles in waters of the northeastern United States. Herpetological Monographs 6:43-67.
- Stein, A. B., K. D. Friedland, and M. Sutherland. 2004a. Atlantic sturgeon marine bycatch and mortality on the continental shelf of the Northeast United States. North American Journal of Fisheries Management 24: 171-183.
- Stein, A.B., K. D. Friedland, and M. Sutherland. 2004b. Atlantic sturgeon marine distribution and habitat use along the northeastern coast of the United States. Transaction of the American Fisheries Society 133: 527-537.
- Swingle, W.M., S.G. Barco, T.D. Pitchford, W.A. McLellan, and D.A. Pabst. 1993. Appearance of juvenile humpback whales feeding in the nearshore waters of Virginia. Mar. Mamm. Sci. 9: 309-315.
- Traver, M.L., L.A. Alade, K.A. Sosebee. Population biology of a data poor species, offshore hake (*Merluccius albidus*) in the northwest Atlantic, United States. Fish. Res. (2011), doi:10.1016/j.fishres.2011.08.004
- Turtle Expert Working Group (TEWG). 1998. An assessment of the Kemp's ridley (*Lepidochelys kempii*) and loggerhead (*Caretta caretta*) sea turtle populations in the Western North Atlantic. NOAA Technical Memorandum NMFS-SEFSC-409:1-96.
- Turtle Expert Working Group (TEWG). 2000. Assessment update for the Kemp's ridley and loggerhead sea turtle populations in the western North Atlantic. NOAA Technical Memorandum NMFS-SEFSC-444:1-115.
- Turtle Expert Working Group (TEWG). 2007. An assessment of the leatherback turtle population in the Atlantic Ocean. NOAA Technical Memorandum NMFS-SEFSC-555, 116 pp.
- Turtle Expert Working Group (TEWG). 2009. An assessment of the loggerhead turtle population in the Western North Atlantic Ocean. NOAA Technical Memorandum NMFS-SEFSC-575:1-131.

USFWS (U.S. Fish and Wildlife Service) and NMFS (National Marine Fisheries Service). 1992. Recovery plan for the Kemp's ridley sea turtle (*Lepidochelys kempii*). St. Petersburg, Florida: National Marine Fisheries Service. 40 pp.

Waldman, J. R., J. T. Hart, and I. I. Wirgin. 1996. Stock composition of the New York Bight Atlantic sturgeon fishery based on analysis of mitochondrial DNA. *Transactions of the American Fisheries Society* 125: 364-371.

Waring, G.T., J. M. Quintal and C. P. Fairfield. 2002. U. S. Atlantic and Gulf of Mexico marine mammal stock assessments - 2002. NOAA Tech. Memo. NMFS-NE-169, 318 pp.

Waring, G.T., E. Josephson, C.P. Fairfield-Walsh, and K. Maze-Foley. 2007. U.S. Atlantic and Gulf of Mexico Marine Mammal Stock Assessments - 2006, 2nd edition, US Department of Commerce, NOAA Technical Memorandum NMFS-NE-207, 318 pp.

Waring GT, Josephson E, Maze-Foley K, and Rosel PE, editors. 2009. U.S. Atlantic and Gulf of Mexico Marine Mammal Stock Assessments - 2009. NOAA Tech Memo NMFS NE 213; 528 p.

Waring, G.T., E. Josephson, K. Maze-Foley, Rosel, P.E. (eds). 2010. US Atlantic and Gulf of Mexico marine mammal stock assessments - 2010. NOAA Tech Memo NMFS-NE 219; 598 p.

Wiley, D.N., R.A. Asmus, J.D. Pitchford, and D.P. Gannon. 1995. Stranding and mortality of humpback whales (*Megaptera novaeangliae*) in the Mid-Atlantic and southeast United States, 1985-1992. *Fishery Bulletin* 93(1):196-205.

Whitehead, H. 2002. Estimates of the current global population size and historical trajectory for sperm whales. *Mar. Ecol. Prog. Ser.* 242:295-304.