

New England Fishery Management Council
Skate/Whiting Oversight Committee Meeting
Providence, RI

Meeting Summary and Oversight Committee Motions
September 14, 2011

Purpose of meeting: The Oversight Committee met with advisors to respond to policy and implementation questions from the Whiting PDT and refine the developing alternatives for Draft Amendment 19. Guidance from the Oversight Committee will be used to develop a draft amendment document for review and approval at the January 2012 Council meeting.

Attendance: Committee members: David Goethel (chair), Mary Beth Tooley, Mark Alexander, Rodney Avila, Laurie Nolan, and Frank Blount. Whiting Advisory Panel: Vito Calomo (chair) Dan Farnham, and Vincent Balzano. Also in attendance were Andrew Applegate (staff) and Moira Kelly (NMFS staff).

Summary

Motions by the committee follow the meeting summary.

Secretarial amendment and Amendment 19 development schedule

The meeting began at 10:15 after the advisors had arrived. Mr. Applegate explained that the purpose of the meeting had been modified because the amendment had not developed as quickly as had been planned and a few policy issues had arisen. He added that a few snags had been encountered which slowed the progress of the amendment, including some disagreement about the policy that the Council wanted to follow in the amendment alternatives, interactions between work being done for the secretarial amendment and work needed for the Council amendment, and the short Council meeting cycle between the Sep and Nov Council meetings. Overlapping work for the secretarial amendment could be used in the Council amendment, but the deadlines for that work were in late November, after the Council meeting. And because it was not possible to complete a draft document for the Nov Council meeting, the schedule had been pushed back to Jan 2012 to approve the draft document for public hearing.

Instead, the committee meeting would focus on resolving some policy questions that the PDT had and more fully develop the alternatives based on analyses of fishery data presented by the PDT. He said that doing so would allow the PDT to more fully complete the document before seeking Council approval and allow for public hearings to be scheduled in late Feb or early Mar 2012, with an eye toward approval of a final amendment in April. And with a seven month NMFS review, following document submission by the Secretary of Commerce, this schedule would make Dec 2012 a probably implementation date. In the meantime, a simpler secretarial amendment was being developed by NMFS to implement ACL management by May 1, at the beginning of the 2012 fishing year.

Ms. Kelly gave a brief summary of the status of the secretarial amendment. She explained that NMFS held a required round of public meetings to get input during October and that a draft secretarial amendment would be completed by the end of Nov. She said that it would include the specifications approved by the Council in Sep and simple measures, such as incidental possession limits triggered when landings reach 90% of TALs by stock area and a one for one payback for overages. She said that more complicated management program or quarterly TALs and other measures would be left to be developed in the Council amendment. She was looking for some guidance on the Council's intended policy for using TALs to help focus the secretarial amendment so that it would not conflict with the developing Council amendment.

TAL allocation analysis

Mr. Applegate presented an analysis of dealer and VTR data to provide some guidance on appropriate management program TAL allocations in the northern stock area using 2004-2010 data and quarterly TAL allocations in the southern stock area using 2008-2010 data. Both data sets had been analyzed due to discrepancies that the PDT discovered, primarily caused by missing dealer reports that may have been related to hake being shipped to NY markets and due to transfers at sea for bait. On an annual basis, the totals for the two data sets were close for silver hake in both stock areas and for red hake in the southern stock area. In the northern area, however, red hake landings reported on VTRs were considerably higher than that reported by dealers, by as much as 40-50%. On the other hand, landings data on VTRs also had some inaccuracies such as reporting of different product forms (whole vs. dressed) or estimated rather than actual landed weights. Many times, fishermen would report landings that were equal to the applicable possession limit, but matching dealer data were more accurate. The PDT recommended that, although using dealer data would be more consistent with the assessments, the ABC, and monitoring, for the purposes of allocating TAL, the Council should use the VTR data in the northern stock area and dealer data in the southern stock area.

Mr. Goethel revealed that errors in VTR data had also been discovered and efforts were underway to correct the errors. He said that in 2011, much of the VTR data for red hake ('RHAK') had been entered as silver hake (SHAK). Some of the advisors concurred that there had been some confusion about species, since many fishermen did not refer to red hake as such, but rather as 'ling'. It was suggested that the VTR species be revised to reduce confusion, distinguishing 'LING' from whiting (SHAK) and 'blue' (i.e. white) hake (WHAK). Mr. Applegate pointed out that 'ling' was a common name for many fish, including cobia in the southern end of the management area and 'whiting' is used to refer to king whiting, yet another species. He suggested that it might be helpful if a brief identification guide with species codes were developed, as had been done by the Skate PDT for often confused skate species. The advisors and committee concurred.

It was also unclear how the management program landings of hakes would be monitored. One of the advisors said that the fishermen had reported using a whiting trawl as gear code 'OTW' in prior years, but this was not now a valid VTR gear code. He suggested re-establishing this gear code to use the proposed weekly VTRs to designate whiting landings from exempted areas using small mesh trawls. There were some questions about hake landings by other small mesh fisheries. The gear code for the shrimp fishery was different ('OTS'), but the herring fishery

used the same trawl gear code as other fisheries ('OTF'). Discussing this issue with the advisors, the committee decided that hake landings by the herring fishery should be counted against the Gulf of Maine exemption area TAL while the hake landings in the shrimp fishery should be counted against the inshore small mesh exemption TAL.

Referring to a PDT memo titled, "Hake management area and quarterly allocations", Mr. Applegate explained how the landings data had been associated with the small mesh area management programs and gave the results. He showed how the transfers at sea in the inshore small mesh areas affected the estimated red hake allocation proportions for the Cultivator Shoals Area and the Gulf of Maine exemption area, reducing Cultivator Shoals Area fraction from 45 to 18% and increasing the fraction for the Gulf of Maine exemption area. He also showed how the data for 2008 were quite different from other years and explained that future deviations like the one that occurred in 2008 might cause difficulties. And he also explained that it was unclear to the PDT whether overages in individual management areas would be subjected to post-season accountability measures, or whether the landings in each area would be "rolled up" into the TAL for the stock area for this purpose. On the other hand, the quarterly allocations indicated from the analysis of both dealer and VTR data were much more similar to each other.

The committee discussed the issues and potential ramifications, which could become very important since the projected TALs were less than the recent landings and red hake could become a 'choke species' that could prevent vessels from fishing in the exempted areas for silver hake. The committee re-emphasized the purpose of the exemption program allocations was to prevent catches in the Cultivator Shoals Area from otherwise taking all of the allowable landings, thereby closing out fishing for hakes in the inshore exempted areas. The intent was for the inshore exempted areas to share one TAL allocation. The committee considered a motion to use the analysis of VTR data to propose small mesh program TALs (Motion 1), but decided to take the issue up later when it considered the PDT's policy questions about the TAL allocations and accountability measures.

TAL management policy

After breaking for lunch, the committee discussed the issues and questions in the PDT memo titled, "Policy and intent for Draft Amendment 19 management and accountability measures". The PDT had questions about the intent of the stock and management program TALs and how accountability measures would apply. Mr. Applegate explained that there was confusion whether landings would be prohibited from the stock or management programs when landings reached 100% of the TALs. Ms. Kelly added that unlike other ACL management programs, the Council had approved an Amendment 19 alternative that did not have a catch target. Therefore there would only be a 5% buffer between the ABC and ACL, and an assumed catch from discards and state water landings between the ACL and the stock area TALs. It was unclear whether the TALs were being used as thresholds or whether the management program TALs were being proposed as targets. Mr. Applegate explained that some thought that the post-season accountability measures would apply to overages for each management program, making that program accountable for its own overages, or whether the underharvests or overages would be "rolled up" into the stock area TAL where the post-season accountability measures would apply.

Ms. Kelly used the skate plan as an example, where TAL overages were acceptable to a certain extent, but overages exceeding 105% of the TAL would trigger an accountability measure that applied to either the wing or the bait fishery. The accountability measure would reduce the TAL triggers, making it less likely those overages would occur in future years. Mr. Applegate filled in the details of how the skate accountability measures would work if there was an overage. Ms. Kelly pointed out that Amendment 19 had no such accountability measure that applied to TAL overages, so far. The only post season accountability measure in the alternatives were a one for one payback or an increase in the management buffer, both applying only of overages of the ACL.

Mrs. Tooley thought that the trip limit for the Cultivator Shoals Area could decrease in response to overages in the Cultivator Shoals Area, as an accountability measure. The committee clarified that the purpose of the management program TALs was to prevent landings in the Cultivator Shoals Area from affecting the ability to fish in other areas and that the TALs should be considered as targets, i.e. overages in a fishing year would be allowed but that landings reaching 90% would trigger incidental possession limits. One alternative includes closing the Cultivator Shoals Area to small mesh exemption fishing when silver hake landings reach 100% of the TAL, but the advisors also indicated that many times they could target silver hake and catch a minimal amount of red hake if it is under an incidental possession limit.

Following this discussion of the TALs, the committee passed motion 3, deciding that the amendment would have an alternative for management program TALs only for red hake and that the management program TALs should be considered as landings targets. The committee also decided that the amendment's alternatives should use the analysis of dealer data to propose quarterly TALs for the southern area (Motion 2) and VTR data to propose management program TALs in the northern area (decided later in the meeting by consensus).

Responding to a question from Mr. Applegate, the committee explained that the justification for proposing a red hake management program TAL in the northern stock area and not a silver hake management program TAL was to reduce the risk that red hake landings above 90% of the TAL wouldn't restrict fishing for hakes in the inshore management areas. This would be unlikely to happen for silver hake because the TALs are substantially higher than recent landings. The committee also re-affirmed that post-season accountability measures would not apply to the management program TALs because 1) they are to be considered targets and 2) some overages are acceptable as long as it doesn't cause catches to exceed the stock area ACLs.

Incidental possession limits and possession limits for red hake

Mr. Applegate summarized the PDT analysis of potential possession limit alternatives in Amendment 19 presented in a document titled, "Analysis of potential red and silver hake possession limit alternatives". Mr. Applegate explained that 2008-2010 dealer data had been used to perform the analysis on a trip level. Data were summarized to the trip level by aggregating reported landings by a single permit on a date of landing, even if the hake were sold to multiple dealers. Aggregate data reported by dealers or states from multiple vessels were omitted.

And lacking a more sophisticated possession limit model analysis, the PDT made some simplifying assumptions about the response of vessels to potential possession limits. The data were parsed into categories based on the percent of trip revenue coming from hake landings. Trips with less than 15% of revenue from hakes were assumed to continue to fish and catch the same amount, regardless of the potential possession limit. Excess landings were considered to be discarded. On the other end of the spectrum, trips with more than 75% revenue from hakes were assumed to not occur at all when the silver hake landings were more than double the possession limit. For red hake possession limits, the PDT assumed that 50% of the trips would continue fishing when the red hake landings were more than double the possession limit. The PDT assumed intermediate proportions (25-75%) of trips would continue to fish (and discard). More details are in the document that the PDT presented.

Mr. Applegate presented landing frequency histograms for red and silver hake landings by revenue category in each region. He explained that even in the directed trips with a high level of hake revenue, there was no clear cut off to distinguish trips that were not targeting red or silver hake. The purpose of the incidental possession limit would be to discourage targeting hakes when landings were above 90% of the TALs without causing unacceptable levels of discarding by vessels that target other species.

The PDT analyzed a fairly wide range of possession limits, estimating the affect that various limits could have on landings, catch, discards, and the proportion of affected trips. And based on the results, the PDT recommended a range of incidental possession limits that the Council should consider in Amendment 19. These recommendations are in the PDT document conclusions, which the committee accepted and made as motions (see Motions 5 and 6).

At the last Oversight Committee meeting, the committee recommended alternatives to establish year around possession limits by stock area and mesh size, with the limits to be determined by further analysis by the PDT. In response, the PDT examined the ratio between silver and red hake landings for all trips landing at least one pound of red hake. This analysis suggested a range of potential red hake possession limits, but the PDT analyzed the data as it had above for the incidental possession limits, over a range that would reduce red hake landings by 20% or less, down to zero (affecting no reported 2008-2010 trips).

For the most part silver to red hake ratios and potential possession limits were nearly the same for all meshes except for 3" mesh (2.5-4.5 inches as an analyzed range). Based on these data and the analyses, the PDT recommended that the Council consider alternatives for northern area red hake possession limits from 1,000 to 3,000 lbs. for vessels using 3" mesh and from 300 to 1,200 lbs. for all other meshes and other gears. For the southern area, the PDT recommended consideration of red hake possession limits between 4,000 and 10,000 lbs. for vessels using 3" mesh and between 2,000 and 6,000 lbs. for all other mesh trawls and other gears.

Following presentations by staff and the PDT, the committee voted on the following motions after discussion:

MOTIONS

1. Ms. Tooley/Mr. Alexander moved that for purposes of setting sub allocations for small mesh management programs to use the VTR data in Figures 2 and 3. The motion failed 5-0.
2. Mr. Avila/Mr. Blount moved to use the dealer data for the basis of making quarterly TAL allocations in the southern stock area. The motion carried 5-0.
3. Ms. Tooley/Mr. Avila moved that for the northern area there will be no TAL sub-area allocations for silver hake and for red hake Amendment 19 would include annual landings targets for the Cultivator Shoals Area, the small mesh exemption areas, and the Gulf of Maine exemption area. Landings allocations are considered to be management program targets rather than limits on landings from each area. This motion is intended to supersede motion 14b (closing the CSA when silver hake landings reach the subarea TAL) from the last meeting. The motion carried 5-0.
4. Ms. Tooley/Mr. Alexander moved that for the northern stock area silver hake, a frameworkable item will be suballocations of TALs to small mesh exemption programs, as it is being proposed for red hake. The motion carried 5-0.
5. Mr. Avila/Mr. Alexander moved to include in Draft Amendment 19, alternatives of 500, 1000, and 2000 lbs. for both northern and southern stock area silver hake incidental possession limits and vessels may not land silver hake more than once per calendar day. The motion carried 5-0.
6. Mr. Alexander/Ms. Tooley moved to include in Draft Amendment 19, alternatives of 200, 300, and 400 lbs. for both the northern and southern stock area red hake incidental possession limits and vessels may not land red hake more than once per calendar day. The motion carried 5-0.
7. Mr. Blount/Ms. Tooley moved to include in Amendment 19 year around possession limits for red hake in the northern and southern area as proposed by the PDT recommendations. The motion carried 5-0.

NB: The PDT recommended consideration of alternatives for northern area red hake possession limits from 1,000 to 3,000 lbs. for vessels using 3" mesh and from 300 to 1,200 lbs. for all other meshes and other gears. The PDT recommended consideration of alternatives for northern area red hake possession limits from 4,000 to 10,000 lbs. for vessels using 3" mesh and from 2,000 to 6,000 lbs. for all other meshes and other gears