

New England Fishery Management Council
Whiting Oversight Committee and Advisory Panel Meeting
Holiday Inn – Mansfield, MA

DRAFT Meeting Summary
September 14, 2009

Purpose of meeting: The Oversight Committee met jointly with the Advisory Panel to discuss and prioritize issues and potential alternatives for Draft Amendment 17 with guidance to the PDT.

Attendance: David Goethel (chair), Jim Fair, David Preble, Mary Beth Tooley, and Erling Berg (MAFMC). Advisors at the meeting were Vito Calomo, Dan Farnham, Hank Lankner, William Phoel, and Maggie Raymond. Also present were Andrew Applegate and Talia Bigelow (staff); Moira Kelly, Michael Pentony, Chad Demarest, and Ayeisha Brinson (NMFS staff); and Malcom McClintock (Greenlawn, NY).

Motions: The Oversight Committee and Advisory Panel separately voted on a motion to prioritize the whiting issues and alternatives in Draft Amendment 17:

Mrs. Tooley/Mr. Fair moved to prioritize the list of issues to be addressed in Amendment 17 as: ACL/AMs, 3-year specification process, improved reporting and VMS requirements, bycatch, and task the Advisory Panel with developing limited access and catch share alternatives. The motion carried 3-0-1. AP vote 5-0.

Summary

After an introduction and background summary by DG, Mr. Applegate presented a summary of potential Amendment 17 issues and alternatives, including an outline of concerns and problematic data issues. He gave a priority list of issues, including ACLs/AMs (to meet Magnuson Act requirements for implementation in 2011), limited access (a long-standing management issue awaiting attention), catch allocation and ACL monitoring (needed to administer AMs), and bycatch/research priorities (identified during development of a SAFE Report).

This effort appeared to be picking up where the Council left it in Draft Amendment 14 following scoping hearings in 2006. He said that the current issues are the same as those in the scoping document and scoping comments up and down the coast were very relevant. He reported that the Whiting PDT has already had two meetings which focused on updating the stock assessment and developing ABC recommendations to be reviewed and approved by the Council's Scientific and Statistical Committee (SSC) in December. He was recommending that the PDT develop an interim ABC which would exist until replaced by a specification process relying on MSY-based reference points and models. These reference points and models were on the terms of reference for a planned Data Poor Assessment Workshop (DPWS) in December 2010. Beginning in 2011,

an MSY-based specification framework would be used to set ABC and ACL specifications beginning in fishing year 2012.

Mr. Applegate reported that the limited access alternatives would rely on analysis of baseline data derived from NMFS landings data. The official source would be the area allocated dealer data, but that the PDT would also analyze the vessel trip reports (VTRs) as a supplementary source of information, possibly giving an indication of the magnitude and propensity of appeals. The VTR data could include valid and legal transfers at sea (sold as bait) as well as data that were unreported or incorrectly reported by dealers.

Catch allocation and monitoring alternatives could include seasonal quotas applied to limited access permit holders. Such an alternative would require decisions about possession limits for non-qualifiers and possession limits that would exist when seasonal quotas were met. A second approach would be to apply the Council's groundfish sector policy with a different sector baseline for whiting fishing. Such an alternative would be treated as a plug in alternative in the amendment, but the rules for the common pool (vessels not in a sector) would have to be determined. A third approach and potential alternative would be ITQs (aka LAPPs), although it was recognized that it would be nearly impossible to implement in this amendment due to a referendum requirement (which has its own set of decisions to be made). For this amendment, however, there would be no need for common pool rules or an incidental possession limit.

The fourth area of attention is required in a draft amendment and SAFE Report anyway, looking at bycatch minimization. This issue includes both minimizing bycatch of whiting species in fisheries targeting whiting and other species. The information is more importantly needed for evaluating and recommending ABCs, because discard estimates are needed to do so. The complimentary bycatch issue is bycatch of other species in the whiting fishery. This is particularly germane to the Council intent and regulatory requirement for exempted fisheries to have a regulated groundfish species bycatch of less than 5%.

Following the presentation, the committee and advisors asked questions and discussed the issues that were presented. Questions were asked about why the PDT was updating the assessment, and the differences between an update and benchmark assessment. Mrs. Raymond and Mrs. Tooley were concerned about workload and limited access potentially tying down progress on ACLs, but Mr. Farnham advocated keeping limited access on the priority list, because it is long overdue for the fishery and a major concern. He asked how the "data poor" classification for whiting had an affect on ABC and ACL recommendations. Mr. Goethel replied that the "data poor" classification had an effect on the amount of scientific and management uncertainty assigned to it, which would have an effect on buffers between ABCs, ACLs, and ACTs.

Mrs. Tooley suggested splitting the issues out (into two parallel amendments), but Mrs. Raymond suggested prioritizing the issues with ACLs and catch monitoring/quotas coming first, then limited access options. Mrs. Tooley also questioned whether there would be an opportunity for the PDT's ABC recommendations to be reviewed by the Oversight Committee, before it goes to the SSC.

Because several questions raised related to recent PDT work, Mr. Goethel asked Mr. Applegate to give the PDT chairman's report. Mr. Applegate reported that the PDT had already held two meetings, on August 20 and September 10, focusing on 1) an update assessment and status determination, 2) developing ABC recommendations, 3) data management and analysis needed to prepare a DEIS, and limited access option diagnostics and analysis. He concluded that all of the work was on-going and that he was simply providing the committee with a progress report at this time.

The assessment is currently index based, comparing trends in catch and survey biomass indices. The status determinations varied by species, but generally relied on landings and were based on a 1972-1983 reference period for silver hake. He reported that the PDT was making corrections to the biomass delta mean indices, which would have an affect on the reference point values. Also, new discard estimates would be available which would change the exploitation based reference points from landings based to catch based. He said that the update would include results from both the old (landings) and new (catch) based data. Discards were being estimated using peer-reviewed SBRM methods. The PDT was also addressing recommendations of a previous SAW to deal with discrepancies in landings of red hake and small white hake, arising because they are difficult to distinguish from one another.

Mr. Applegate showed the advisors and committee update catch (for silver hake) and landings trends, showing that the discards so far estimated were a significant fraction of the catch, ranging from 5 to 20 percent. He said that the PDT was evaluating approaches to setting ABCs based on historic catch and exploitation ratios.

Mr. Applegate reported that the PDT was making progress on developing data sets to allow analysis of qualification options and diagnosing their effects relative to recent fishing activities. He added that the PDT was focusing on qualifying landings criteria during various base periods after 1994, before and after the March 2003 control date. Diagnostics included numbers and proportions of vessels currently active in the whiting fishery, the proportion of income derived from whiting landings, and directed trips and/or trips made under whiting Letter of Authorizations.

Mr. Applegate gave several examples, including three graphs comparing recent activity and directed trips for three potential qualifying baselines. The preliminary analysis suggested that there were vessels targeting whiting and landing large amounts, while other vessels targeted whiting on a few trips but landed a smaller amount of whiting during the baseline periods and during 2008. He suggested that if the intent was to qualify vessels that target whiting, it might be useful to develop a tiered approach. He also said that because of regional differences and management area/stock area ACLs, it would be useful to develop qualifying thresholds by region based on where vessels reported fishing on their VTRs. There is likely to be some problems doing so, however, due to ambiguities or inconsistencies between the reported statistical areas and locations fished.

Mr. Calomo thought that a regional approach is necessary and that different considerations should be allowed in each area, due to constraints on the fishery. In the north, the fishery has been affected by the groundfish regulations and the fishery has lost access to markets. This has

had an effect on rebuilding fisheries and has had ecosystem effects. Mr. Lankner added that there is a different user group of fishermen that targeted whiting in each area. He also thought that there should be separate limited access criteria for each region. Mrs. Raymond thought that there should be room for additional people to have access to the Cultivator Shoals whiting fishery without history.

Mr. Goethel thought that the transfer at sea issue is important and that the VTR data should be looked at. The limited access criteria options should be re-analyzed to account for corrections to landings data. He said that discard patterns had changed due to changes in mesh size and the Nordmore grate for example, which relates to the hindcasting of discards before 1994 and ABC recommendations.

Mr. Goethel suggested that permit history should be presumed to go with the permit and that the PDT should evaluate the effects of limited access criteria on number of permits and average whiting landings by qualifying vessels. Mr. Berg suggested looking at the mackerel limited access treatment of open access history, as a model to use for whiting. Mr. Farnham advocated keeping ITQ options on the table, because he thought that the whiting fishery was not well suited for a sector policy. Mr. McClintock thought that a limited access criteria option using recent history should be retained in the amendment, since it would be more consistent with recent participation.

After reflection and discussion, the committee decided to prioritize and delegate the development of alternatives for Amendment 17, by passing the following motion. The Oversight Committee decided to delegate the development of limited access and catch allocation alternatives to the Advisory Panel.

Mrs. Tooley/Mr. Fair moved to prioritize the list of issues to be addressed in Amendment 17 as: ACL/AMs, 3-year specification process, improved reporting and VMS requirements, bycatch, and task the Advisory Panel with developing limited access and catch share alternatives. The motion carried 3-0-1. AP vote 5-0.

The committee discussed formally limiting the scope of the amendment to issues that were taken to scoping hearings in 2006, but in the end decided that doing so was not the proper approach to take. If the issues expanded beyond that scope, the Council would need to issue a new notice of intent and take comments, while holding new scoping hearings, all of which would delay the amendment and potentially miss the ACL deadline.

Mr. Preble, Mr. Fair moved to limit the scope of A17 to issues taken to scoping hearing as part of A14. Motion withdrawn after discussion.

Mrs. Tooley thought that the committee should have a role in reviewing the PDT recommendations on whiting ABCs and wanted to have the committee meet on the issue, having an opportunity to ask questions and comment. Mr. Applegate was concerned that the Oversight Committee would direct the PDT on how to proceed, but that the committee certainly had a role in structuring the ACL framework to account for management uncertainty. He also had no

objections to giving the opportunity to the committee to ask questions to understand how and why the PDT reached the recommendations that it developed.

Following discussion, it was agreed that the Oversight Committee should meet after the PDT published its ABC recommendations for review and approval by the SSC, but before the SSC met. Mr. Applegate said that if it was possible, an Oversight Committee meeting could be held not long before the SSC meeting, because the PDT's report is due 10 days before the SSC meeting.

A PDT meeting is scheduled on October 15 (location TBA) and the committee decided that it would meet between that and the SSC meeting to continue development of Amendment 17 alternatives in light of an update assessment, status determinations from the update, and developing ABC recommendations. The Advisors would meet whenever possible to develop limited access and catch allocation alternatives in time for approval by the committee and Council in January 2010.