



## New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116  
C.M. 'Rip' Cunningham, Jr., *Chairman* | Paul J. Howard, *Executive Director*

### MEMORANDUM

**DATE:** November 1, 2011  
**TO:** Whiting Oversight Committee  
**FROM:** Whiting Plan Development Team  
**SUBJECT:** Policy and intent for Draft Amendment 19 management and accountability measures

During the development of Draft Amendment 19 and discussion about the Secretarial Amendment, confusion about the Council's intended policy in Amendment 19 arose which need clarification from the Oversight Committee. Most of the confusion is about the intended effect of Total Allowable Landings (TAL) triggers and the function of the TALs. The PDT poses the following questions to help sort out how the Draft Amendment 19 measures are supposed to work and what is their intended effect.

1. Everyone agrees that the ACLs are a catch ceiling, which is meant to account for scientific uncertainty and avoid overfishing. If the ACLs are exceeded, proposed measures in Amendment 19 would invoke post-season accountability measures (either a one for one 'payback' or an increase in the 5% management buffer between ABC and ACL). What is the overall intention of the TAL for each stock area?
  - a. Is it to ensure that one TAL does not inhibit the ability of the fleet to catch the other TAL?
  - b. Is it to ensure that the TAL for a stock area is not exceeded?
  - c. Is it to allow the fishery to land the TALs without exceeding the ACL and threatening to cause overfishing? What happens if landings exceed the TALs but total catch does not exceed the ACL? Is this ok, or is a post-season accountability measure (like in skates) needed?
2. What is the role of the management area and quarterly TALs?
  - a. Are TALs ceilings on landings so that possession should be prohibited when the landings reach the TALs for BOTH red and silver hake in a stock or management area? What happens when the red hake TAL is reached, but the silver hake TAL is not, and vice versa?

- b. Are TALs ceilings on landings from a management area or quarter so that possession should be prohibited when the landings reach the TALs for BOTH red and silver hake in a small mesh management area or quarter?
  - c. Are TALs simply conservative landings targets for management areas and quarters?
3. What is the overall intention of the 90% TAL trigger for each small mesh management area (for the northern stock area) or quarter (for the southern stock area)?
- a. Is it to ensure that one TAL does not inhibit the ability of the fleet to catch the TAL for the other species?
  - b. Is it to ensure that the stock area TAL for each species is not exceeded?
  - c. Is it to ensure that the TAL is not exceeded for each management area or quarter? What happens, for example when the TAL for one species is exceeded in a small mesh management area, but the TAL for the other species has not yet been taken?
4. Did the Committee intend for the 90% trigger to be the only in-season management action?
- a. Some of the PDT members assumed that if 100% of a TAL is projected to be harvested in any stock or management area, possession would be prohibited.
  - b. Other PDT members assumed that because there was no discussion of a closure at 100%, except for in the instance of a Cultivator Shoal TAL, the 90% trigger would invoke an incidental possession limit regardless of whether the TAL was exceeded (e.g., similar to skates).

September Decision Document & Motions related to the above issues:

**(iii) In-season accountability measures**

The intent of in-season accountability measures is to limit landings and discourage trips targeting red, silver, and offshore hake when landings reach a high proportion of the TAL and catches might exceed the ACL. When this occurs, it would trigger an automatic reduction in the possession limit for that stock or area to incidental catch limits, which will be defined through further analysis in the draft amendment.

(1) Northern stock area (red and silver hake individually)

When the Regional Administrator projects that 90% of stock TAL is reached (and if action is not taken the TAL is projected to be exceeded by landings), the possession limit for that stock would be set at a (to be determined based on analysis) lb. incidental limit for the remainder of the fishing year (Motion 13), except for (2) Cultivator Shoals.

(2) Cultivator shoals (Motion 14)

The intent of the special accountability measures for Cultivator Shoals is that it is an exempted area where vessels specifically target silver hake and during certain times can avoid catching red hake while targeting silver hake. Exceeding the silver hake TAL in Cultivator Shoals would be unlikely to cause catches for the northern stock area to exceed the ACLs.

(a) For red hake, when the Regional Administrator projects that **90%** of stock TAL is reached (and if action is not taken, the TAL is projected to be exceeded by landings), the red hake

possession limit for Cultivator Shoals fishing would be set at a (to be determined based on analysis) lb. incidental limit for the remainder of the fishing year.

(b) For silver hake, when the Regional Administrator projects that **100%** of stock TAL is reached (and if action is not taken the TAL is projected to be exceeded by landings), the silver hake possession limit for Cultivator Shoals fishing stock would be set at a (to be determined based on analysis) lb. incidental limit

(c) If 100% of the TAL has been taken of either species, **all** vessels using less than regulated large mesh (currently 6.5 inches) would be prohibited from fishing in Cultivator Shoals.

(3) No in-season accountability measures (No Action)

(4) Southern stock area (red hake, silver and offshore hake combined)

(a) When the Regional Administrator projects that 90% of stock TAL is reached (and if action is not taken, the TAL is projected to be exceeded by landings), the possession limit for that stock would be set at a (to be determined based on analysis) lb. incidental limit for the remainder of the fishing year (Motion 15).

**Motion 13:**

Motion on behalf of the Whiting Oversight Committee to include an alternative that the TAL trigger in for all areas except Cultivator Shoals would be 90% for silver hake or red hake, each triggering a reduction to an incidental possession limit for that species for all vessels.

**Motion 14:**

Motion on behalf of the Whiting Oversight Committee to include an alternative that the TAL trigger in Cultivator Shoals area would be 100% for silver hake and 90% for red hake, both triggering a reduction to an incidental possession limit for that species for vessels fishing in the exempted areas. If 100% of the TAL has been taken of either species, vessels using less than regulated large mesh would be prohibited from fishing in Cultivator Shoals.

**Motion 15:**

Motion on behalf of the Whiting Oversight Committee to include in Amendment 19 alternatives that when the Regional Administrator projects that 90% of each stock TAL is reached, the possession limit for that stock would decline to a (TBD) incidental limit.

