



Small Mesh Multispecies Fishery Management Plan
Scoping Hearing
Riverhead Town Hall
Riverhead, NY
Wednesday, June 7 2006

Ten individuals signed in at the scoping hearing in Riverhead, NY and several others attended. The audience contained at least eight fishermen and two fisheries organization representatives. Steven Heins (New York Department of Environmental Conservation) chaired the meeting.

The meeting began with introductions by the Chair. NEFMC staff (Chad Demarest) gave an overview of the Amendment / Fishery Management Plan process as it relates to Small Mesh Multispecies, and discussed the format for the scoping hearing.

It was pointed out that the management action might involve separating the Small Mesh Multispecies fishery from the Northeast Multispecies Fishery Management Plan (FMP) and creating a stand-alone FMP for this fishery. Such an action would also require an Amendment of the Northeast Multispecies FMP, which would most likely be Amendment 14 to that Plan. Participants were informed that, should a separate FMP be implemented for the Small Mesh Multispecies Fishery, it would either include (A) one of the four issues summarized in the Small Mesh Multispecies Scoping Document, or, if no action was taken by the Council on these issues, (B) the regulations that currently govern the fishery with no changes. This is to say that, should no action be taken by the Council with on the issues in the scoping document, the creation of a stand-alone Fishery Management Plan for the Small Mesh Multispecies fishery would not otherwise change the regulation of this fishery.

After a few procedural questions, public scoping comments were taken specific to each of the four issues contained in the scoping document. Those issues are:

- (1) Limited entry in the Small Mesh Multispecies fishery
- (2) Hard total allowable catch (TAC)
- (3) Possible restrictions on the juvenile whiting fishery
- (4) Dedicated access privileges

Summary of the scoping hearing

Overall, the participants were universally in favor of limited entry in the fishery although in disagreement on qualifying criteria; were universally opposed to hard TACs; were mixed in their attitudes towards protecting juvenile whiting; and were somewhat neutral about the ideas surrounding dedicated access privileges—some saw no need to “over-manage” the fishery while others saw some advantages, particularly under a quota or hard

TAC management program. As with previous hearings, there was little diversity of opinion on the four topics. Data accuracy was a source of much discussion, with attendees again favoring the Vessel Trip Report data over the dealer-reported data.

Regarding limited entry, there were several proposals for a ‘tiered’ system with varying qualifying criteria and corresponding trip limits. These ideas, if not the specifics of his proposal, generated near-universal support. The primary issue for some attendee’s was the initial date of qualification. VTR records, which started in 1994, may not capture all of the historical participants from western Long Island. Several landing poundage thresholds were suggested, with a tie-in between the amount of qualifying pounds landed and the size of the trip limit allocated.

Regarding hard TACs, all attendees expressed a preference for limited entry without a hard TAC. Lack of scientific certainty for forming the basis of a TAC was addressed as a major concern, but the predominant concern was the potential for a “derby-style” fishery as evidenced by the derbies faced in many quota-based fisheries prosecuted by vessels in the New York area. There was no discussion of the recreational fishery and TACs. There were no discussions on mechanisms for limiting or preventing derby-style fishing practices under a TAC, other than a preference for at least one attendee for ITQ’s if a hard TAC was to be considered by the Council. As in the previous scoping hearing, the question regarding individual allocations of a TAC was taken up under item four, dedicated access privileges.

Regarding protections for juvenile whiting, attendee’s were somewhat confused by the intention of the item. Did the Council want feedback on size limits, the Spanish market, the grate fishery, or something else altogether? Barring more specificity, several attendees noted that a size limit would be impractical for the fishery. One participant spoke in favor of spawning closures to enhance recruitment.

Regarding dedicated access privileges (DAPs), attendees were hesitant to speak in favor or in opposition to any one idea due to lack of specificity. Most attendees seemed to feel that DAPs had the potential to “over-manage” the fishery, and given the existing regulations in the fishery they did not see a need for sectors.

The following are the specific comments from the hearing, as transcribed by staff:

Initial issues

None.

Limited Entry into the small mesh multispecies fishery

“LE is needed...we need to get in before a problem begins. We should use 1996 thru the qualifying date as the timeframe for permits. History should be used as the sole criteria

to limit the number of participants, nothing else. Don't create problems by making it too complicated."

"We need to make sure we use VTR vice Dealer data."

"I'd like to propose a four-tiered program:

Tier 1 – 750,000 lbs whiting in any one qualifying year, which would be 25 trips at 30K lbs per trip. Vessels qualifying would get a 30,000 lbs trip limit.

Tier 2 – 350,000 – 749,999 lbs whiting in any one qualifying year, which would be 12 trips at current trip limit. Qualifiers would get a 20,000 lbs trip limit.

Tier 3 – 100,000 – 150,000 lbs whiting in any one qualifying year. Qualifiers would get a 10,000 lbs trip limit.

Tier 4 – An incidental permit of 3500 lbs for anyone

Tier 1 and Tier 2 would be considered full-time permits, and Tiers 3 and 4 would be part-time permits. There would be a 2.5 inch twine for the part time permits."

"I believe the Council should take some action right now, and that they need to simply limit the number of boats."

"I don't disagree with that proposal. I would look for a Tier 1 qualification minimum of 900,000 or 1,000,000 lbs for years before the 30K trip limit, then dropping to 750,000 after the 30K trip limit. The second level could qualify 100,000 lbs or more, with a max of 210,000 per year. Going back to 1994 may be OK."

"I'm not in the directed fishery – haven't caught as much as any of these guys. I used to catch a lot in Long Island Sound and Block Island Sound. I just want to make sure that the small boat fishery gets access. I'd hate to see the fish come back inshore, we start catching them, but because of this process, I want to make sure we're able to work on them. I don't want the Council to shut out the small guys who can't get offshore...just don't shut them out when the fish move back inshore."

"Limited Entry should be developed using the 2003 control date. I agree with the tiered proposal...that a tier system makes sense, at least four tiers, maybe more. Since Amendment 12, the dynamics of the fishery are a lot different. Since the Amendment, the landings have moderated substantially. Maybe we should look at a certain amount of landings required prior to A12 and a certain amount after A12? Here's a similar proposal:

Tier 1 – one year of 750K before A12, one year of 400K after A12

Tier 2- 400K before 200K after

Tier 3- 200K before 100K after

Tier 4- 3500lbs for all

"Maybe we can take a periodic look at the fishery and adjust access on the basis of changes in the stock and markets."

“I don’t think boats that have not participated in the Cultivator should, but no one in the Gulf of Maine (GOM) should be cut out of fishing in the GOM in the future.”

“As far as VTR vs. Dealer...my own Dealer data is off about 40% verses my VTR. There’s an awful lot of unaccounted for landings that don’t make the SAFE reports.”

“In picking the times [for that first proposal], they mirror the times the Council has been using. In looking at the herring, red crab and groundfish plans, these times were consistent with the Council’s other actions. Basically, we don’t want new entrants to overwhelm this fishery. One other qualifying scheme that I’ve come up with is this:

Tier 1 – Full time permit, using 1996 – 2003. During five of the eight years, qualifiers must have minimum of 100K, and one year must be more than 500K. This would use the 30K trip limit.

Tier 2 – Full time permit, with 100K in any five of the eight years, one years must be more than 250K (and less than 500K). This would use a 20K trip limit.

Tier 3 – Part time permit, with 3 years out of the eight at 100K lbs, with a 10K trip limit.

Tier 4 – Part time permit, 3500 lbs trip limit. This would be an open access permit.”

“Yes we should have a limited access FMP for the fishery. For some boats, this is all they have left. Use the years 1996 – 2003, and use control date. We would have started this process back in 2003.”

“For qualification criteria...must be serious criteria. I think we must treat everyone equally, with broad landing criteria.”

“There are communities for which this is the only volume fishery left, and those communities are the ones that will be most heavily impacted.”

“I’ve got a question, and that is whether or not, as a small-mesh fishery, should we be looking at loligo landings, because there are mixed fisheries involved here? I think we should consider looking at other fisheries so that we can understand what the overlaps are.”

“Why does the GOM get extra attention in the scoping document?”

“The answer to that question is that it’s a New England plan, and that’s all they care about.”

“If we are going to limit the fishery, why would we give access to those who no longer catch the fish?”

“I think the criteria shouldn’t be as high as everyone is saying...a 60ft boat isn’t going to catch that much. Maybe use vessel sizes as criteria, so that the smaller boats can catch

the 30K trip limit. You can't take too many licenses away because then guys can't go fishing."

"We should have two different areas—a Mid Atlantic and a New England area...they regulate theirs and we regulate ours."

"Close an area, or take one trip a week, instead of taking licenses away. With the 30K trip limit, we lost the Spanish market. NY will buy from Canada if supply goes down, so we have to catch the fish so that the foreigners don't take over."

"The criteria in those tiered plans must be lower so more Mid Atlantic fisherman can fish on whiting, to ensure steady supply."

"Limited access won't change the fishery. 22 boats control 83% of the fishery. The dynamics don't change the fishery at all, though it may lock out the opportunistic boats."

"It's not the same fishery as before the 30K trip limit. It used to be high volume, low price...now it's low volume, and low price."

"I think limited access criteria and those tiers should be based on horsepower and vessel size."

"I disagree with that last comment...criteria must be based on landings and effort, not vsl size."

"Maybe we should look at trip limits that are proportional to fish size."

"Limited entry is to deal with over-capacity. We just want to avoid adding 1,000 boats to the fishery...at the end of the day, limited entry is necessary."

"We went through all this years ago, we did a lot of work and NMFS said we don't need it. That was seven years ago. We had something before, and now it's for nothing. Why didn't they do something with it then? I hope this actually does something, that it's not just a waste of our time."

"Getting back to the matter at hand, I suggest going back to before the VTR's. I don't want to get cut out of whiting, because all I do is whiting and squid. I bought the boat in 1997, had lots of whiting landings history on the permit. In 1998 the boat sank, in 2000 I had a major fire on my replacement boat. I missed big chunks of time, and if the qualifying dates don't go back to when I had my history, I'll get cut out. Go back to 1990, and you'll capture my whiting history. 1995 would be alright, but it puts the whole permit on landings in one year. I haven't been targeting whiting, but I bought a permit that did...I did that on purpose, you know, I wanted a good whiting history."

"Maybe we need limited entry to keep new entries out...but there's no groundfish down here, mainly just squid and whiting. In Montauk it's the same thing...not a huge fleet in

New York at all...so be fair and reasonable about it. We don't want everyone going whiting fishing. They got groundfish, and we got squid...really, we should have our own area, for the squid and whiting fisherman."

Hard total allowable catch (TAC)

"I'm dead set against a hard TAC. They create a derby. I don't think you have good enough data to implement a hard TAC, from Dealer or VTR. I know that, personally, all my data is wrong."

"A TAC can't work for a year-round fisherman. Closures lead to idle boats."

"I don't think the Service has enough data to implement a hard TAC – look at the offshore stock, they don't have a clue how many fish are there."

"I'm opposed to a hard TAC, and I'm particularly opposed when we're talking about input controls. The input controls should be given time to work. Limited access will change the fishery...to initiate a hard TAC will just complicate it and create negative effects. There's not enough data to calculate separate TACs for the three fish – silver, offshore and red hakes. The landings data are very poor. I see no differentiation between the fish. This is no time for a hard TAC."

"If for some reason the Council adopts a TAC, I think it's a good idea to base it on the landings over the qualification years...an average of the eight years maybe, although, again, the industry is against it."

"I'm opposed to hard TACs for all the above reasons. I don't think this fishery needs a TAC...all these things are keeping the landings lower than they've ever been. When the TAC is reached, you run the risk of other fisheries being shut down because of interactions with whiting. Hard TAC equals derby, and then there's pressure to get landings without regard to price. If the Council goes to hard TACs, than we need to look at ITQ's...and I don't think the fishery needs either."

"In the last technical data, the last stock assessment, in three or four places it said that the data were not sufficient to come up with definite numbers on the stock status. Not overfished, but the data doesn't exist to set quotas, TACs, etc. You'd have to use some other method, which shouldn't be done."

"I just want to state for the record that I'd be opposed to Hard TACs for all the same reasons."

"If a Hard TAC is adopted, could the TAC be changed by specification?"

Possible restrictions in the juvenile whiting fishery

“There’s a lot of opposition to the Spanish market, but at this present time I can’t say I’m 100% opposed to the Spanish fishery because it may eliminate discards by letting boats land little fish rather than toss it over. No one targets the Spanish fish at the current trip limits.”

“There’s no market right now for the Spanish market, so even if the trip limit goes up, it’s not enough.”

“I think you need to make sure you interpret our answers correctly. This question can be easily misinterpreted. Are we talking about the Spanish market, the raised footrope, or the grate fishery in the GOM?”

“I don’t know if they should eliminate the retention of small fish...you’re going to have it in the grate and the squid fishery...so if you eliminate it, you’ll be incurring discards. You should be able to keep the fish you catch...why throw them away dead?”

“No restriction on the size of the fish. A size limit on the fish is an awful lot of work to cull the fish. Just say no to a size limit.”

“I agree...no to a size limit, and this whole scoping question is so ambiguous. Nobody is really aware of anyone targeting small whiting. I don’t know what the purpose of this is, and I don’t think it even belongs in the document.”

“I think we should look at closing areas seasonally to enhance spawning. The cultivator is spawning whiting, for example. I never want to try to put anyone out of business....but be fair about it.”

Dedicated access privileges

“In the same way that I oppose hard TACs, I oppose this...because we’re talking about a tiered fishery, and we’re beginning to winnow excess capacity from the fishery. I think you want to let that take effect and see what you end up with. There may not be any need for hard TACs or ITQ’s. Now, should those privileges be transferable? I’m all for that. Not necessarily broken down into ITQs or sectors, but I strongly support transferable permits.”

“To be clear on what you’re asking for...it’s an individual permit that is transferable and not tied to other LA permits? Yes? I am in favor of that.”

“Everything else we’ve talked about is going to do the same thing... the tiered system, etc, and I am in favor of ITQ’s in certain fisheries....if you go w/ a hard TAC, you’ll need to go with ITQ’s. But at this point I don’t think this fishery needs a hard TAC or ITQ’s, but, again, if it goes hard TAC then I’d need to reevaluate.”

“I would once again encourage the Council to not over-manage the fishery. Let it unfold and see how it goes.”

“Every time we talk about individual allocation based on historical participation, we must be talking about VTR records because the DLR data would be a horror show. This is for sectors, ITQ’s, whatever.”

“And don’t be confused by decreasing landings. It’s a market effect, not a stock effect. We don’t want the perception of going to a hard TAC to drive effort into the fishery, like the squid fishery. The Canadian fish are killing us right now. Now the Council has a chance to avoid a disaster.”

“When I do the math for our boats, and I look at the landings...there just aren’t enough numbers to support allocating to everyone who might want to form a sector. As far as transferring individual permits or quotas, because the pool of players is so small I’m not sure what’s going to change? In my opinion, there are no facts on the table that would enable you to make decisions on hard TACs or ITQs.”

“A limited access tiered program seems to be what the industry favors.”

“There is no way you could do hard TACs. ITQ’s, Hard TACs would ruin the fishery...it would kill New York.”

“We haven’t discussed what this does to the geographic areas...specific to the communities, in our case...as long as we break even, the dock takes the freight...if they didn’t, the docks wouldn’t be there when the trips were good. Don’t over-regulate this because it would [negatively] affect the communities.”