



**NEW ENGLAND FISHERY MANAGEMENT COUNCIL
SEEKS YOUR COMMENTS ON THE MANAGEMENT OF THE
SMALL MESH MULTISPECIES FISHERY (Whiting FMP)**

***Your comments
are invited***

The New England Fishery Management Council (Council) is initiating the development of an amendment to the Northeast Multispecies Fishery Management Plan (Multispecies FMP) for small-mesh multispecies under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. “Small-mesh multispecies” includes three species commercially harvested in gear less than the regulated mesh size required for other multispecies groundfish. They are silver hake, *Merluccius bilinearis* (commonly known as whiting), red hake, *Urophycis chuss* (commonly known as ling) and offshore hake, *Merluccius albidus* (also known as whiting but sometimes known as black-eye whiting). The Council currently manages these species under the Multispecies FMP but because they are harvested differently and subject to different regulations than other multispecies groundfish species, may after consultation with NOAA manage these species in a separate FMP. In accordance with the National Environmental Policy Act (NEPA), the Council also intends to prepare a Supplemental Environmental Impact Statement (SEIS) that will analyze the impacts of this amendment on both the physical and human environment.

The purpose of this document is to inform you of the Council’s intent to gather information necessary for the preparation of the SEIS and ask for your specific suggestions and input on the issues to be addressed in this amendment to the small mesh multispecies management program.

***Why is the
Council
proposing to
take action?***

What actions have already been taken?

The current small mesh exemptions under the Northeast Multispecies Plan were first established in Amendment 5 to the Northeast Multispecies Fishery Management Plan in 1994. Amendment 5 to the FMP prevented fishing with small mesh in the northern stock area until exempted fisheries could be established that reduce the bycatch of regulated multispecies to less than 5 percent. Since implementation of Amendment 5 in 1994, experimental and exempted fisheries for small mesh multispecies in the northern stock area have evolved through cooperative experimentation, gear research, and gear technologies that significantly reduce bycatch of non-target species, especially regulated multispecies.

In 1999 the New England Council created what is now called the “small mesh multispecies” (silver hake, offshore hake and red hake) management unit, as distinguished from the “large mesh multispecies” more typically referred to as “groundfish,” when it implemented Amendment 12 to the Northeast Multispecies Fishery Management Plan in 1999. This amendment also:

- Adopted overfishing definitions for the northern and southern stocks of silver and red hake, and for offshore hake throughout its range.
- Made adjustments in the Cultivator Shoals Whiting Fishery
- Set retention limits based on net mesh size
- Identified essential fish habitat for all silver, red and offshore hake at all life stages

Subsequent framework actions revised the relationships between retention limits and net mesh size, created and then modified a seasonal raised footrope trawl fishery in Cape Cod Bay, eliminated the Amendment 12 default measure based on stock conditions, made minor modifications to several related measures, and created a grate / raised footrope trawl whiting fishery in the inshore Gulf of Maine.

Why are additional measures being considered?

Additional measures are being considered because the small mesh multispecies fishery remains one of the few open access fisheries in New England. Until access to the fishery is limited through a permit moratorium, the fishery is at risk for overcapacity problems that may prove more costly and difficult to correct as time goes on. While overfishing currently is not occurring on stocks of whiting and red hake, the threat of overfishing exists as long as an unlimited number of vessels may enter the fishery and increase fishing beyond sustainable levels. Also, the January 2006 whiting assessment indicated that the abundance index for the northern stock of whiting has declined since 1999 due to low recruitment and the index for the southern stock has continued to remain below the target level.

*Why is the Council proposing to take action?
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The Council initiated the development of this amendment to address three issues: 1) limited entry into the small mesh multispecies fishery, 2) the possible use of a hard total allowable catch to maintain fishing mortality at acceptable levels, and 3) the possible use of dedicated access privileges in the small mesh multispecies fishery.

What issues may be addressed in this amendment?

1) Limited entry in the small mesh multispecies fishery

The policy guidance from the Council specified that this amendment will consider limited entry for this fishery. Amendment 12 included a limited entry program but it was disapproved by the National Marine Fisheries Service (NMFS) for a number of reasons. The Council originally published a control date on September 9, 1996 and later published another control date on March 25, 2003 to reaffirm its intention to consider limited entry to address potential capacity problems in the whiting fishery.

The purpose of the control date was to prevent speculative entry into the fishery after its publication date. The publication of the control date provided public notice after which future participation in the fishery might not be guaranteed for new entrants if a limited entry program is implemented. However, the Council is not obligated to use limited entry to manage the fishery, or to use participation before the control date as the sole basis for qualification. Qualification criteria might include several factors such as, but not limited to the time period vessels participated in the fishery, historical levels of landings and dependence on the fishery. With any qualification program, the details of the qualifying criteria are critical, and are usually controversial. The Council may also choose to take no further action to control entry or access to the fishery, in which case the control date may be rescinded.

Questions to consider when commenting on this issue:

- Should the Council consider and use limited access to manage capacity in the small mesh multispecies fishery? Why or why not?
- If a limited access program is established, should qualifying criteria be based on the March 25, 2003 control date?
- What other types of qualification criteria should the Council consider if it designs a limited access program? For example, should limited access permits be based on a level of landings during a specific time period? What level(s) of landings should be considered, and what time period(s) should be examined? How should fishermen who have lost access to the whiting fishery in the Gulf of Maine as the result of groundfish regulations be considered in terms of qualification criteria?
- How would communities be affected by a limited access program? What communities would be the most affected?
- If qualification criteria are established, how would limited entry change the present participation and historical fishing practices in the fishery?

***What issues
may be
addressed in
this
amendment?***

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2) Hard total allowable catch (TAC)

Hard TACs are an output control which directly limits the total harvest level by closing a fishery when the TAC is reached. Hard TACs are one way to increase the likelihood that overfishing will not take place, and if the Council decides to allocate privileges to harvest these fishery resources, hard TACs might allow for more effective allocation. The Council is considering the use of hard TACs in the fishery to more effectively prevent overfishing, whether this fishery becomes limited entry or remains open access.

Questions to consider when commenting on this issue:

- Should the Council consider an output control, specifically hard TACs to manage the whiting fishery? Why or why not? Is there a need to set separate TACs for silver hake and offshore hake? Should a hard TAC also be used to manage red hake?
- If the Council implements a hard TAC for the commercial fishery for whiting, how should it manage the recreational fishery? Should recreational fishing for whiting or red hake be a consideration in setting TACs?
- If hard TACs are implemented, should the TAC be fishery wide, or should the Council consider mechanisms like area and season specific TACs to slow landings and prevent closures?
- How would the impacts of fishery-wide or area/season hard TACs differ?
- If the Council considered allocating a hard TAC for different vessel categories, what specific criteria should be used (i.e. vessel size)?
- If the Council considers allocating a portion of the small mesh multispecies fishery resources to individual vessels, should performance criteria be used? If so, what would reasonable criteria be, such as landings per year, years of activity etc.?

3) Possible Restrictions on the Juvenile Whiting Fishery

Catching small or immature fish typically causes growth overfishing and suboptimal yield from a fishery. To increase yield and maintain fishing mortality at acceptable levels, the Council may consider placing restrictions on or eliminating fishing that targets small whiting.

- What are the advantages / disadvantages to eliminating fishing that targets small whiting?
- What is the extent of this activity and what issues should the Council consider in determining whether to restrict or eliminate such fishing?

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(continued)

4) Dedicated access privileges

In the whiting fishery, there is a core fleet consisting of a small number of vessels that catch a very large proportion of small mesh multispecies. The Council might consider a management approach for this fishery that addresses the concerns, interests and needs of 50 – 200 vessels that represent the core fleet instead of maintaining a management approach tailored to 700-800 vessels that may occasionally land small amounts of small mesh multispecies. Developing this amendment presents the opportunity to evaluate management approaches for the core fishery while incorporating all biological and economic considerations. There may be a better approach than the current management system that leads to clearer biological benefits with fewer unintended socio-economic consequences. Exploring these issues has been a recommendation of the Council's Whiting Monitoring Committee for several years.

The Council is considering a mechanism to allow fishermen to develop dedicated access privilege (DAPs) programs such as sectors, community quotas and harvesting cooperatives for participation by defined groups of vessels. If the Council decides to allocate access privileges, DAPs provide flexibility for fishermen to pool their allocations and potentially improve economic benefits. Amendment 13 to the Multispecies FMP recently implemented this type of system, which apportions part of the ground fish fishery resource to a "self-selecting sector". This action is considering a similar mechanism that would allow a group of permit holders to form a sector and submit a binding plan for management of that sector's allocation of catch or effort. Participation in a self-selecting sector would be voluntary. A sector could form whether the Council decided to allocate the resource on an individual basis, or to make a fleet wide allocation to the entire fishery.

Questions to consider when commenting on this issue:

- If the Council allocates a specific amount of the small mesh multispecies fishery resources to individual permit holders under this amendment, should the Council also consider approving a mechanism that would allow fishermen to form a sector or cooperative to harvest their collective shares? Why or why not?
- Would the approval and use of sector allocation change the fishery? How would it impact fishing communities?
- If the Council uses a TAC to manage the fishery, should it allocate the TAC to individual permits or make such allocations transferable (ITQs)? Why or why not?

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- Should the FMP include safeguards that prevent too much consolidation? Why or why not? If so, what type of limits would be appropriate?
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What is the amendment process?

The Council, its Whiting Oversight Committee, the Whiting Plan Development Team, and the Whiting Advisory Panel will hold preliminary public discussions on the issues to be addressed in an amendment to the Small Mesh Multispecies Fishery FMP. The publication of this scoping document and an announcement in the *Federal Register* of the Council's intent to prepare this amendment is the first part of the formal process. Scoping hearings will be held to provide additional opportunity for input from the public (see meeting dates and locations on the last page).

After gathering information during this scoping period, the Council will select a range of alternatives to be considered and analyzed in a Draft Supplemental Environmental Impact Statement (DSEIS) and public hearing document. The Council is scheduled to approve the range of alternatives for development in the DSEIS in January 2007. Once the DSEIS is prepared, the Council will hold public hearings, tentatively scheduled for March 2007. After receiving public comment, the Council will choose final alternatives to submit to the Secretary of Commerce for implementation. If no delays are encountered during the development process, Amendment 14 is expected to become effective during fall of 2007 or for the start of fishing year in May 2008.

Why should I comment?

This is the first and best opportunity for members of the public to raise issues and concerns for the Council to consider during the development of this amendment. The Council needs your input both to identify management issues and develop alternatives that meet the Small Mesh Multispecies FMP objectives. Your comments early in the amendment development process will help us address your concerns more thoroughly.

How do I comment?

The Council is scheduling public scoping meetings for this amendment (see location and dates of meetings below). You may attend any of the scoping meetings to provide oral comments, or you may submit comments by email to whitingscoping@noaa.gov, or written comments will be accepted through 5:00 p.m. EST on June 16, 2006 to:

Paul J. Howard, Executive Director
New England Fishery Management Council
50 Water Street, Mill #2
Newburyport, MA 01950
Phone: (978) 465-0492; Fax: (978) 465-3116

Please note on your correspondence; "Small-mesh multispecies Scoping Comments." Comments may also be accepted via fax at the above fax number.

If you wish to be on the mailing list for future meetings of the Whiting Committee, please contact the Council office at the above address and phone number.

***Scoping
Meeting
Dates***

1. **Wednesday, May 24, 2006**, 5 p.m., MA DMF of Marine Fisheries, Annisquam River Marine Station, 30 Emerson Avenue, Gloucester, MA 01930. Telephone (978) 282-0308.
 2. **Thursday, May 25, 2006**, 5 p.m., Casco Bay Lines, 56 Commercial Street, Portland, ME 04101. Telephone (207) 774-7871.
 3. **Wednesday, May 31, 2006**, 5 p.m., Narragansett Town Hall, 25 Fifth Avenue, Narragansett, RI 02882. Telephone (401) 789-1044.
 4. **Tuesday, June 6, 2006**, 5 p.m., Stonington Office of Public Safety, 173 South Broad Street, Route 1, Stonington, CT 06378. Telephone (860) 599-7510.
 5. **Wednesday, June 7, 2006**, 5 p.m., Riverhead Town Hall, 200 Howell Avenue, Riverhead, NY 11901. Telephone (631) 727-3200.
 6. **Thursday, June 8, 2006**, 5 p.m., Ferrara's Restaurant, 518 Arnold Avenue, Point Pleasant Beach, NJ 08742. Telephone (732) 899-3900.
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