

REVISED



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116

E.F. "Terry" Stockwell III, *Chairman* | Thomas A. Nies, *Executive Director*

SCOPING MEETING SUMMARY

Northeast Multispecies Fishery Management Plan Amendment 22

December 1, 2015

Holiday Inn by the Bay

88 Spring Street

Portland, ME 04101

The Council held a scoping hearing to accept public comments on the intended scope of Amendment 22. The purpose of Amendment 22 is "to implement measures that would prevent unrestrained increases in fishing effort by new entrants to the fishery." Copies of the scoping document were available at: <http://s3.amazonaws.com/nefmc.org/a-22-whiting-Scoping-document-4.pdf>. The meeting started promptly at 7:30 pm.

MEETING ATTENDANCE: Mark Gibson, Vincent Balzano, and Ellen Goethel (Committee members), Andrew Applegate and Chris Kellogg (Council staff), plus 2 members of the public including: Bonnie Brady and Katie Almeida.

Hearing Chair Mark Gibson, the chair of the Small-Mesh Multispecies Committee began the meeting with an introduction, explaining the purpose and need and highlighting some relevant questions from the public hearing document. There were no immediate questions, so Mr. Gibson opened the floor to comments.

Comments: No comments were offered and Mr. Gibson closed the hearing at approximately 7:40 p.m.



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E.F. "Terry" Stockwell III, *Chairman* | Thomas A. Nies, *Executive Director*

SCOPING MEETING SUMMARY

Northeast Multispecies Fishery Management Plan Amendment 22 December 8, 2015

MA Division of Marine Fisheries
Annisquam River Marine Fisheries Station
30 Emerson Ave; Gloucester, MA

The Council held a scoping hearing to accept public comments on the intended scope of Amendment 22. The purpose of Amendment 22 is "to implement measures that would prevent unrestrained increases in fishing effort by new entrants to the fishery." Copies of the scoping document were available at: <http://s3.amazonaws.com/nefmc.org/a-22-whiting-Scoping-document-4.pdf>. The meeting started promptly at 7:30 pm.

MEETING ATTENDANCE: Mark Alexander (Committee member), Andrew Applegate (Council staff), plus 12 members of the public including: Susan Altenberger, Joseph Orlando, Tory Bramante, Joe Rudolph, Sam Novello, Thomas Testeverde, Al Cotture, David Goethel, David Wesville, Ipanzio "Naz" Sanfilippo, and Vito Giacalone.

Hearing Chair Mark Alexander, a member of the Small-Mesh Multispecies Committee began the meeting with an introduction, explaining the purpose and need and highlighting some relevant questions from the public hearing document. There were no immediate questions, so Mr. Alexander opened the floor to comments.

Comments: The following comments were made by various individuals, summarized in the following text. In general, the commenters favored:

- A simple limited access program with different criteria for the northern and southern management areas
- Qualification criteria that use 5 to 10 years of landings history derived from any valid source, including vessel trip reports
- Some fishermen supported a continuation of open access for small vessels, which typically fish close to shore and have limited hold capacity.
- A tiered limited access permit program, similar to the one the Council established for herring.
- An incidental possession limit of 1,000 to 2,000 lbs./day.

- An earlier open season for the Gulf of Maine exemption areas in response to the existing effects of warming water temperatures.
- A modification of the 40,000 silver hake possession limit to make it seasonal, reverting to the original 30,000 lbs. possession limit during the summer and fall when the Gulf of Maine small-mesh multispecies exemption areas are open. This action would increase prices that the northern boats receive.

Mr. Sam Novello, a whiting fisherman since 1964, began first. He said that fishermen have observed changes in environmental conditions and the distribution of whiting. The traditional fishing dates are now too late and now occur when fish have left the area. The fixed exemption area dates hurt small boat fishermen, since they cannot travel long distances to other areas and seek fish. Mr. Novello thought that an earlier season opening would not cause groundfish bycatch problems, because bycatch is effectively reduced by the raised footrope trawl, if used properly. He thought that Amendment 22 should consider changing regulations to respond to new environmental conditions, migration and distribution. He also recommended that fishermen in all exemption areas should use raised footrope configured to Gulf of Maine standards.

Mr. Novello spoke in support of experimental whiting fishery for Stellwagen Bank, to evaluate whether a new exemption area could be opened there. It could be justified because the new raised footrope nets do not catch large mesh multispecies, so an expansion of the areas and seasons open for small-mesh multispecies fishing is justified.

Speaking about the limited access issue, Mr. Novello thought that the small boats the fishery should stay open (i.e. no limited access criteria or requirements), to allow access to local waters.

Mr. Tom Testeverde, owner of the FV Midnight Sun, was fully in favor of limited access using a 5 to 10-year catch history ending at the November 2012 control date to determine qualification. Mr. Testeverde was in favor of limited access, because newcomers are not proficient using the gear. He explained that improper use of the gear or fishing in areas where they shouldn't, fishing by new vessels could increase the bycatch rate and the results would affect established whiting fishermen.

Mr. Testaverde added that in Southern New England, a lot of southern boats fish the northern management area in the Cultivator Shoals Area. He recommended that a southern management area limited access permit should allow access to Cultivator Shoals Area but not to the other exemption areas further north (unless the vessel qualifies for both northern and southern areas).

Mr. Testeverde favored opening the bay early (i.e. the small mesh areas in Ipswich Bay) two weeks before July 15. He said that the 40,000 lbs. silver hake possession limit should be modified so that it lowers to the original 30,000 lbs. possession limit in to June. This change would improve prices in the summer and early fall when the northern area vessels are able to fish in the exemption areas. Agreeing with Mr. Novello, Mr. Testeverde said that the raised footrope trawl should be used everywhere, i.e. in all exemption areas and other areas where groundfish occur. The raised footrope trawl has not been proven to work in all areas, but can be made to work. It is more difficult to use it in deep water, where the chain digs in more.

Mr. David Goethel, owner of the FV Ellen Diane, spoke next. He was in favor limited access and thought the qualification criteria should apply to all fisheries. He recommended basing the qualification criteria on the November 2012 control date and go back 5 to 10 years of fishing history, based on the level of landings only of red and silver hake (not including other small mesh species like herring, shrimp, or squid). He recommended that the qualifying history should not extend further back in time because those fishermen (ones that fished for whiting more than 10 years ago) are no longer active in the fishery. He recommended that qualification should require whiting landings for at least three (consecutive or non-consecutive) years during the qualification period to weed out vessels that only targeted whiting for a short period. He thought that the Council should consider differing qualification criteria for the two management areas, because vessels in the northern area had been limited to whiting fishing in seasonal exemption areas.

Qualifying data should include whatever is available, not just dealer reports because a considerable amount of catch is not sold to a licensed dealer, Mr. Goethel explained. Some of the whiting catch is sold over the side at sea and reported only on vessel trip reports.

Mr. Goethel was in favor of a tiered limited access program (i.e. two or more limited access permit categories), similar to what was established for the herring fishery. With differing qualification criteria by area, he thought that limited access permit holders should be able to fish for whiting only in the area for which they qualified for limited access, recognizing that some vessels will qualify for a limited access permit in both areas. In response to Mr. Applegate's question, Mr. Goethel said that it would be acceptable for the fishing area for qualifying trips would be determined from vessel trip reports, since that information is not available from dealer reports. He recommended that the Council could use VMS data as a diagnostic about where vessels fished to determine area-specific qualification, especially for vessels fishing in the exemption areas. He added that the amendment should require vessels to use VMS, but requiring daily catch reports was probably unnecessary.

Mr. Goethel said that allowing new vessels into the limited access fishery would be acceptable if it was done in through a slow, orderly process, possibly with applicants chosen by lottery. He recommended that the amendment consider accumulation limits now, rather than later. He was adamantly opposed to sector management for the whiting fishery.

Mr. Goethel thought that there should be an incidental permit, with a possession limit consistent with the landings data for incidental landings. He recommended that a fair incidental limit should be 1,000 or 2,000 pounds per day. Possession limit for limited access vessels based on the size of the mesh they used should continue.

Mr. Joe Orlando, a fisherman from Gloucester and historic whiting fishermen spoke next. He explained that he has not fished for whiting in the last 10-12 years. He had focused on fishing for large mesh groundfish after the exemption area restrictions went into place. Mr. Orlando favored a limited access system, with permit tiers that limit the number of whiting trips that a vessel could make. This way, regular fishermen would be rewarded more than others that fished less frequently for whiting.

Mr. Orlando added that other traditional fishing areas should be re-evaluated and reconsidered. Money is available to do the experimental fishery with observers. ??? fishing should occur two weeks earlier than currently allowed.

Mr Tory Bramante, a Gloucester fisherman, explained that he fished for a variety of species 20 years ago. He has been serving as a crew member on another whiting fishing vessel. He explained that before 2010, the day-at-sea cuts caused fishermen to fish solo, prevented whiting fishing which requires more than one person onboard to handle the catch. This prevented some fishermen the ability to participate in the whiting fishery and build history. He thought that in the future, fishermen may want to team up to target whiting, but limited access would prevent them from doing so. He felt that the groundfish limited access program was a management disaster.

For these reasons, Mr. Bramate was opposed to limited access for the whiting fishery. He thought that everyone should have a shot to make a living on the water and fish prices will dictate participation in the fishery. He added that the limited access initiative for the squid fishery fizzled out and asked whether in the whiting fishery there was really a problem that required limited access restrictions. Mr. Alexander explained that the industry feared new fishing pressure that has not been previously observed and that the new fishing pressure could limit fishing for existing participates due to limits on northern red hake and other bycatch, such as Georges Bank yellowtail flounder.

Mr. Vito Giacalone pointed out that whiting fishing used to be a year round activity in the Gulf of Maine, but the restricted exemption areas caused it to become a seasonal fishery. He was in favor of limited access because the fishery needs control so that it remains a profitable venture. He added that the entry of a few large vessels in the fishery could have a big effect on the biology and markets.

Mr. Giacalone said that a tiered permit system should be developed, instead of an all-in or all-out system. It should be modeled after the herring limited access program, which has 3-4 permit levels above incidental. There should be an allowance for some non-qualifying small vessels to enter the fishery in a controlled manner. He thought the Council should avoid creating a limited access system with a lot of moratorium permits that could suddenly re-enter the fishery.

An unknown fishermen agreed with Mr. Giacalone that there should be two different fisheries and small boat vessels should not be cut out via limited access. He asked how would the Council apply the control date to determine qualification. Mr. Applegate explained that the Council could use, but is not obligated to use, the control date as an end point in the period to determine qualification. He added that newer fishing history could be used, but the control date notified fishermen that it might not be used and was intended to prevent speculative entry into the fishery to build history for qualification.

The scoping hearing adjourned at approximately 8:00 p.m.



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SCOPING MEETING SUMMARY

Northeast Multispecies Fishery Management Plan Amendment 22

December 14, 2015

Fairfield Inn & Suites
185 MacArthur Drive
New Bedford, MA 02740

The Council held a scoping hearing to accept public comments on the intended scope of Amendment 22. The purpose of Amendment 22 is "to implement measures that would prevent unrestrained increases in fishing effort by new entrants to the fishery." Copies of the scoping document were available at: <http://s3.amazonaws.com/nefmc.org/a-22-whiting-Scoping-document-4.pdf>. The meeting started promptly at 7:30 pm.

MEETING ATTENDANCE: Mark Gibson (Chairman), Andrew Applegate (Council staff), plus 12 members of the public including: Dan Farnham Sr., Dan Farnham Jr., Mario Gonsalves, Bob Conrad, Katie Almeida, Steve Athanosios, Susan Sonesson, David Chosid (MA DMF), Walter Anoushian (NMFS), Doug McLaughlin, Jerry Raposa, and Peter Raposa.

Mark Gibson, Chair of the Small-Mesh Multispecies Committee began the meeting with an introduction, explaining the purpose and need and highlighting some relevant questions from the public hearing document. There were no immediate questions, so Mr. Gibson opened the floor to comments.

Comments: The following comments were made by various individuals, summarized in the following text. In general, the commenters favored:

- A simple limited access program with different criteria for the northern and southern management areas
- Qualification criteria that use 5 to 10 years of landings history derived from any valid source, including vessel trip reports
- A tiered limited access permit program
- An earlier open season for the Gulf of Maine exemption areas in response to the existing effects of warming water temperatures.

Mr. Farnham Sr., an owner of two whiting vessels ported in Montauk NY and offloading fish in New Bedford, supported the Council developing limited access with a 5 to 10-year period ending

on the control date. He recommended that there should be two management area permits with different qualifying conditions, due to distinct management and fishery differences between the two areas. He explained that Southern New England vessels have more opportunity to fish for whiting and they would have higher landings during a qualification period. He thought a two-tiered limited access category to accommodate true whiting fleet would admit into the fishery vessels that land about 75-80% of landings, with a third incidental category to accommodate the remaining landings. He explained that New Bedford is the largest port for whiting landings, employing 40 people.

Mr. Farnham mentioned that the Council will find discrepancies between dealer reports and vessel trip reports. He recommended that the Council should allow qualification through either source of information. He explained that although the dealer reports often had problems, people didn't keep their historic fish returns, or some had more recently purchased boats with history but do not have the documentation. He thought that in some cases, the dealer reports were off as much as 50%. In his case, one of the dealers buying his fish had not reported the landings because the species code was not known by the dealer and he therefore did not know that he had to report the landings.

Mr. Conrad, a co-owner of full time whiting boats in New Bedford agreed with Mr. Farnham's comments. He favored creating limited access for the whiting fishery, but said he was sensitive to the needs of smaller boats fishing in the northern area. Thus he thought different qualification criteria for the northern area would be justified. He pointed out that in addition to the four boats employing 40 people, there are also shore-side services that add economic activity and employment to New Bedford.

Mr Farnham, Jr., an employee on whiting boats, spoke next. He favored limited access using the existing 2012 control date and different permits and qualifying criteria for each management area. He agreed that a two or multi-tiered system would be appropriate, with an incidental category for vessels not targeting whiting. He explained that new entrants into the fishery could cause the catch of choke species to rise and close the fishery. Quite a bit of skill and experience is needed to avoid bycatch.

Mr. Athanosios, a boat owner from Portland ME, supported limited access for the Gulf of Maine whiting fishery. He also thought that it is tricky to fish for whiting and avoid bycatch. He said that there is a potential for new entrants in the whiting fishery from Gulf of Maine vessels looking for new opportunities in lieu of traditional groundfish, which could increase bycatch in the whiting fishery.

Mr. Gonzales, a boat captain, spoke in favor of limited access.

Mr. Chosid, MADMF, said that he was working with fishermen who are investigating whether the exemption areas could open earlier due to shifts in whiting distribution and migration. He asked if it is possible that the Council could consider this action in the amendment or what trailing action could address changes in season. Mr. Applegate responded that data from an experimental fishery would be needed in late summer or early fall to analyze potential alternatives. The amendment would probably take effect at the beginning of the 2018 fishing

season, after the Council had taken the amendment to public hearings and submitted it to NMFS for formal review, followed by a period for qualification appeals. Alternatively, Mr. Applegate said that the Council might be able to make a seasonal adjustment through a specifications package, which would be developed in 2017 for the 2018 fishing year.

Mr. Raposa, an owner of two whiting vessels, spoke in favor of limited access with a tiered system based on how much vessels land. He recommended that the Council choose a fair amount of time to determine history, but don't change the control date.

The scoping hearing adjourned at approximately 8:30 p.m.



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SCOPING MEETING SUMMARY

Northeast Multispecies Fishery Management Plan Amendment 22 December 17, 2015 Webinar

The Council held a scoping hearing to accept public comments on the intended scope of Amendment 22. The purpose of Amendment 22 is "to implement measures that would prevent unrestrained increases in fishing effort by new entrants to the fishery." Copies of the scoping document were available at: <http://s3.amazonaws.com/nefmc.org/a-22-whiting-Scoping-document-4.pdf>. The hearing started promptly at 3:00 pm.

MEETING ATTENDANCE: Mark Gibson (Chairman) and Eric Reid (NEFMC member), Nicole Lengyel (RIDEM Fish and Wildlife), Andrew Applegate (Council staff), plus 4 members of the public including: Jim Lovgren, Greg DiDomenico, and Megan Lapp.

Mark Gibson, Chair of the Small-Mesh Multispecies Committee, chaired the hearing, but Mr. Gibson was feeling ill and a member of his RI DFW staff, Ms. Lengyel, read an introduction and conducted the hearing. The introduction explained the purpose and need as well as highlighted some relevant questions from the public hearing document.

There were no immediate questions, so Ms. Lengyel opened the floor to comments.

Comments: The following comments were made by various individuals, summarized in the following text. In general, the commenters favored:

- A single tier limited access program with low qualification criteria
- Recognition of and allowance for entry by historic participants, such as fishermen from NJ who have not fished recently but have contributed significant whiting landings in previous decades as well as ME fishermen who have been prevented from whiting fishing by the large-mesh groundfish regulations.
- A need for public hearings in NJ and participation by NJ fishermen on the Council's Advisory Panel.

Mr. Lovgren, a NJ fisherman Fisherman's Coop, said that he was not happy about NJ not having a scoping hearing. In the past, such hearings have been well attended. Historically NJ landed 1/3rd of the East Coast whiting landings. Mr. Lovgren said that NJ has had little representation

on the advisory panel (AP). Joe Branin from NJ resigned 2-3 years ago at Mr. Lovgren's request because he was not attending meetings. Although Joe Brannin is still listed as an advisory he doesn't go to the meetings, so NJ is left on the dark. Mr. Lovgren was previously chair of panel and kicked off six or seven years ago, but never received an explanation. He said that NJ would like to have someone on the AP, but Mr. Lovgren said that he would refuse to serve at this point. He thought that Roy Deal from Belford has been interested in being an advisor. Mr. Applegate encouraged Mr. Lovgren to have Roy Deal contact him about being an advisor.

Mr Lovgren said that the support limited access had been driven by boats or industry segments requesting protect the fishery with limited access, but limited access was turned down by Regional Administrator in Amendment 12 because the industry wanted the qualification period to go back to the 1980s. NMFS didn't want to go back far enough in landings to include ME, NC (both having an active whiting fishery in the 1970s and 1980s, and the industry wanted inclusive to anyone that had a history in the fishery if they could demonstrate participation. Consequently all issues related to limited access have since been turned down.

Mr. Lovgren supported the development of limited access for the whiting fishery without tiers to prevent a potential goldrush, but one with liberal qualification criteria that included historic fishermen. The NJ fishermen are seriously concerned with being left out by qualification limited to the last five years and current participants. In NJ, there has been no hearing, and no AP member

Mr. Lovgren explained that the whiting fishery is not easy, since price is variable and market driven. Fishermen never know what price they will get for their landings, but it is a very labor intensive fishery. The domestic market is very limited and over the years it has gotten worse, with less market demand. This is why the fishery has not expanded. Point Pleasant and Belford were bringing in 10-12 million lbs. per year, and Point Judith was matching those landings. Currently, the market cannot handle additional landings, due to competition. There is no export market and the fish is delicate and hard to process. The idea that the fishery will expand is counter-intuitive to what will happen to the fishery, Mr. Lovgren predicted. There is a certain sector in the fishery that wants to protect and enrich themselves by kicking the competition out.

Similar to Amendment 12, the limited access should address prior participation and it is not a major issue, liberal threshold. ME fishery restricted by mesh, but there are sections of the East Coast where there has been a fishery and those fishermen should not be shut out of the fishery. They are in favor of limited access but the criteria should be liberal and allow for historic participants in the fishery. He is not in favor of tiers, but an incidental category is needed, to deal with bycatch in the squid fishery, although most vessels should qualify for limited access anyway. He explained that that was the purpose of the 3,500 lbs. possession limit for vessels using 2-inch mesh, to accommodate the whiting bycatch in the squid fishery. He did not want to have 80-90% of the access to be given to only a handful of vessels. If catch share followed, these few vessels would get all of the quota and everyone else would be left without or forced to discard whiting.

Mr. Lovgren went on to explain that NJ landings are now low compared to the past when whiting was a bread and butter fishery. The fish have been less available to NJ fishermen whether it had been due to global warming or overfishing on juvenile fishery, NJ has but few fish available now. In contrast to the past, NJ now lands about 300 to 500 thousand pounds per year. The whiting fishery has evolved from being 7-8 months long to being only a month long in May and June now.

There have been lots of effects on fishery as water temp warmed. NJ has lost access to yellowtail flounder, blackback flounder, and lobsters as well as whiting. Fishermen don't know if the fish will come back. He said that sometimes the water is a little colder and NJ has more whiting landings when that occurs. NJ fishermen don't want to lose the ability to catch whiting when they are available due to limited access restrictions.

Mr. DiDomenico, Garden State Seafood Association, asked if the Council has done any analysis justifying further limiting entry and in response to possible latent effort due to other effects. He asked if the potential for latent effort entering the fishery being a threat to choke species. Mr. Applegate answered that the Council is starting the amendment and that other than analyses that had been done the last time the Council attempted to develop a limited access amendment, no new analyses had been performed. Such analysis including the potential effect on choke species would be part of the analysis, he said. These analyses will be in the draft amendment when it is taken out to public hearing. Mr. DiDomenico requested that when the hearings on the draft amendment are conducted, that a hearing be held in Point Pleasant or Belford, NJ. Mr. Applegate said that he would forward that recommendation to his superiors when it came time to schedule hearings on a draft amendment. The other alternatives in the draft amendment will include alternatives discussed in the scoping hearings, or have other limits been development for the amendment. Mr. Applegate replied that other than the qualification criteria that were evaluated in 2006-2007, no additional alternatives have been developed or analyzed.

Mr. Reid, a Council member, explained that Point Pleasant was an important landings port, the whiting capital of the universe. The whiting fishery important to a tremendous range of fishermen, including large boats fishing offshore to target whiting and smaller vessels fishing inshore, hundreds of vessels catch and land whiting on a regular basis. He would be upset if it led to a tiered system, similar to mackerel. He recommended that the Council consider simple qualification criteria with a reasonable threshold. He said that the fishery is nowhere close to achieving optimum yield, and 2006 landing 16,000 mt had declined to 5,000 mt. Fishery is not therefore overexploiting the resource. Mr Reid felt it makes no sense to overly constrain entry into the fishery. The landings data show a shift in landing ports around 2009 and 2010 where offshore fishermen go into New Bedford to offload because it is closer to the grounds. Previously, other states from NJ to ME but not MA accounted for nearly 100% of the landings. For this reason, he said it would be a shame to prevent qualification for historical participants, since optimum yield is not even close to being used. He recommended that the qualification criteria should not be restrictive in any way and no tiered system is needed.

As of 3:37 pm, no further comments were made, but the webinar remained open until 5 pm for potential late-coming participants.



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SCOPING MEETING SUMMARY

Northeast Multispecies Fishery Management Plan Amendment 22 December 21, 2015

Montauk Playhouse Community Center Foundation, Inc.
240 Edgemere St.
Montauk, New York 11954

The Council held a scoping hearing to accept public comments on the intended scope of Amendment 22. The purpose of Amendment 22 is "to implement measures that would prevent unrestrained increases in fishing effort by new entrants to the fishery." Copies of the scoping document were available at: <http://s3.amazonaws.com/nefmc.org/a-22-whiting-Scoping-document-4.pdf>. The meeting started promptly at 7:30 pm.

MEETING ATTENDANCE: Laurie Nolan (Committee member, Mid-Atlantic Fishery Management Council), Andrew Applegate (NEFMC Council staff), plus 9 members of the public including: Charles Morici Jr., Glenn Bickelman, Bruce Beckwith, Vincent Carillo Jr., Dan Farnham, Paul Farnham, Hank Lackner, Daniel J. Farnham, Katie Almeida.

Hearing Chair Laurie Nolan, a member of the Small-Mesh Multispecies Committee began the meeting with an introduction, explaining the purpose and need and highlighting some relevant questions from the public hearing document.

With respect to NMFS fishery data to be used to analyze and potentially determine qualification, Mr. Farnham asked about data quality and verification. He was interested whether data quality had improved and what sources of information could be used to determine qualification. Mr. Applegate answered that although data quality had improved over what it was 10 or so years ago, there still appeared to be some differences between the dealer reports and vessel trip report data, comparing what had been reported on individual trips. He said that it was particularly problematic where the landings from a single trip was split between more than one dealer. For some trips that landed with three different dealers, often the landings for only two dealers reported, he explained. Mr. Applegate added that the opposite was also true in some cases, where a dealer reported and there was no matching VTR, so totals could be close yet the landings for particular vessels could be off.

Comments: The following comments were made by various individuals, summarized in the following text. In general, the commenters favored:

- Most commenters favored a tiered limited access program with two levels for vessels targeting whiting and one incidental level.
- Fishermen with smaller vessels that occasionally targeted whiting inshore feared being left out by excessively high qualification criteria.

Mr. Mauricy FV Axe One, said that his family had fished out of Montauk since 1920 and he urged the Council to apply common sense when choosing qualification criteria. He was concerned about qualification of day boats under 60 feet; that they would be cut out by a high qualification threshold. He explained that these boats sometimes targeting whiting or landed quantities of whiting while targeting another species, but had small fish holds and short trips. He explained that his highest whiting landings from a trip was 20,000 lbs. Although it is an important component of his catch, whiting is generally not a target species, but caught while targeting squid, flounder, and groundfish.

Mr. Lackner, a boat owner from Montauk, NY, was in favor of limited access because whiting fishery is constrained by choke species such as red hake, yellowtail flounder windowpane, and potentially haddock. He said that limited access will protect the fishing communities that depend on whiting landings, rather than hurting them by disallowing new entrants. He felt that there is no potential room for vessels with latent effort to enter the whiting fishery. He urged the Council to apply consistent limited access decisionmaking across all fisheries. In other fisheries, limited access was based on dealer landings and it wasn't an issue. He thought that the groundfish "use it or lose it" policy should remain intact.

Mr. Lackner spoke in favor of a three-tier system highest trip limit. He suggested that the highest tier should require 1.5 million pounds of whiting landings over a 10-year period and have a 30,000 to 40,000 lbs. possession limit as currently applies when using 3-inch or greater mesh. A second tier should require 750,000 lbs. of whiting landings over 10 years and should have a 20,000 lbs. whiting possession limit. A third incidental category should have a 2,500 lbs. whiting possession limit, he suggested. Mr. Lackner explained that these qualification criteria would be reasonable because the highest tier qualification would average five 30,000 lbs. trips per year or 5,000 lbs per day per month over a 10 year period. He was not in favor of requiring vessels to use VMS, unless 85% of the TACs were being caught.

Mr. Lackner thought that the 2012 control date was stale and suggested that the qualification criteria should include more recent landings data, showing present participation. He recommended that the Council consider qualification criteria that relied on both past and present history (i.e. since the control date) from dealer reports. He recommended that all areas use the same qualification criteria and current possession limits.

Concerning groundfish boats now landing whiting that won't qualify for limited access, Mr. Lackner felt that they could be accommodated with a reasonable incidental landings limit of 2,500 lbs. This limit would also allow for most of the catch to be landed and counted. He said that the Council should not allow new entrants into the whiting fishery unless there are adequate choke species to cover new entrants.

Dan Farnham also spoke in favor of a tiered limited access approach that would protect all fishery participants that had landings during whatever timeline the Council chooses. A tiered system should accommodate both smaller and larger participants. Without limited access, Mr. Farnham feared that the choke species like red hake, yellowtail flounder, windowpane flounder, and possibly haddock will shut down the whiting fishery for everyone.

Mr. Beckwith, a Montauk fisherman, was concerned about a limited access program causing non-qualifying vessels to discard whiting. He thought that those vessels need a decent size incidental catch of about 10,000 lbs. per day. Mr. Beckwith explained that whiting was important to inshore boats years ago. If the whiting come back, he doesn't want to be forced to discard them. Lately, there have been more whiting offshore in recent years than there have been inshore, however, but that may change.

Mr. Paul Farnham, a Montauk fisherman, also spoke in favor of limited access qualification. He agreed with using the Nov 2012 control date as the basis for qualification. Mr. Farnham thought that a fair tiered system would limit landings to 40,000 lbs., then 20,000 lbs., then 6,000 lbs. for an incidental category. He recommended that the qualification time period should go back to 1998, using both dealer and VTR data (the latter used especially in Southern New England ports). Mr. Farnham said that historical participation should be included, all time periods to be counted equally. He recommended that the northern and southern areas should have the same qualification criteria and possession limits. He suggested that the Council use qualification criteria for higher tier of 1 million pounds over a 15 year period. A vessel should be given an incidental permit if it landed 100,000 lbs. over the 15 year period.

Katie Almeida explained that the boats she represented concentrate on squid fishing and asked if the written comment deadline had been extended. Mr. Applegate replied that the written comment period was being extended to 5 pm on January 20, 2016 to accommodate an additional public hearing on January 20, 2016 in Warwick RI. Ms. Almeida said that she will be submitting written comments and would come to that additional hearing.

The scoping hearing adjourned at approximately 8:20 p.m.



New England Fishery Management Council

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E.F. "Terry" Stockwell III, *Chairman* | Thomas A. Nies, *Executive Director*

SCOPING MEETING SUMMARY

Northeast Multispecies Fishery Management Plan Amendment 22

January 20, 2016

Hampton Inn & Suites

2100 Post Road

Warwick, RI 02886

The Council held a scoping hearing to accept public comments on the intended scope of Amendment 22. The purpose of Amendment 22 is "to implement measures that would prevent unrestrained increases in fishing effort by new entrants to the fishery." Copies of the scoping document were available at: <http://s3.amazonaws.com/nefmc.org/a-22-whiting-Scoping-document-4.pdf>. The meeting started promptly at 7:30 pm.

MEETING ATTENDANCE: Mark Gibson (Chairman), Eric Reid and Frank Blount (Small-Mesh Multispecies Committee members), Andrew Applegate (Council staff), Nicole Lengyel (RI DEM), plus 19 members of the public including: Katie Almeida, Michael Hall, Phil Mearis, Troy Sawyer, Donald Fox, Chris Brown, Brian Loftes, Jeremy Reposo, Tom Williams, Aaron Williams, Chuck Maney, Joel Hovanesian, Howard Follett, Edward Everich, Rich Fulva, Aaron Williams, Glenn Goodwin, and Jerry Caravallo.

Mark Gibson, Chair of the Small-Mesh Multispecies Committee began the meeting with an introduction, explaining the purpose and need and highlighting some relevant questions from the public hearing document. There were no immediate questions, so Mr. Gibson opened the floor to comments.

Comments: The following comments were made by various individuals, summarized in the following text. In general, the commenters favored:

- About half of the commenters spoke in support of a limited access program with liberal (low) qualification criteria to allow vessels in the fishery with lower amounts of whiting landings to qualify and retain their flexibility to target whiting when conditions were favorable.
- Many spoke against the need to be too restrictive (i.e. admit too few vessels using high qualification criteria) because the fishery was not close to achieving optimum yield.
- Some commented that the assessment was flawed and that the stocks were not as healthy as the survey-based assessment indicated it was.

- About half of the commenters spoke against a limited access program, since the fishery was not achieving optimum yield and they feared that limited access would take away flexibility and opportunity to fish from smaller fishing boats that targeted a variety of species. They felt that using limited access restrictions to address problems caused by choke species was the wrong approach, using the wrong measures to address the problem.

Mrs. Katie Almeida, Town Dock Seafood, spoke in favor of a limited access program which would be as inclusive as possible, using the last 15 years of landings history, or go back to the beginning when the whiting permit was originally issued. She felt that the qualification criteria should be set low enough to qualify most vessels that had history. She did not, however, support a tiered limited access permit system, preferring one permit that would treat all qualifiers equally, with an adequate incidental landings limit for non-qualifying vessels.

Mr. Donald Fox, FV Lightning Bay and works for Town Dock Seafood, said that the RI fishery has survived due to its diversity, catching and landing a wide range of species. He felt that a tiered limited access system could eliminate that important diversity. Thus he does not support a whiting limited access program. If one is considered, he thought that anyone with landings history before the control date should be treated the same. He said that an incidental permit would be needed for non-qualifiers, vessels that had no landings before the control date. For the seven boats at the Town Dock, there is a huge discrepancy between dealer landings and landings reported on VTRs he explained, so both sources of data should be considered. He doubted that there was a real need for limited access because despite recent changes in the fishery there was no new effort entering the whiting fishery. New effort was being limited by market conditions, because low whiting prices will keep effort in check. He said that he didn't want to lose the ability and flexibility to target whiting because of a tiered limited access system.

Mr. Chris Brown, a Point Judith fisherman, said that the whiting fishery was very important to the port of Point Judith, which has been one of the top ports for whiting landings. He was not in favor of a management plan (sic a limited access program) at this time. He thought it would be more productive to improve the fishery science as the agency moves toward another management regime. A two year old assessment is a lethal mix and the assessment is wrong, Mr. Brown contended. He reported that there are hundreds of whiting south of Cape Cod. The stock isn't as strong as the assessment indicates and enforceability is an issue. Also confusing is that we are concerned about fleet diversity for the large-mesh groundfish fleet and no consideration is given about that for the whiting fisher. With limited access, higher levels of profitability would be generated for a few vessels, but smaller flexible boats could be left out of the fishery because they had insufficient history. Increasing numbers of fishermen recognize climate change effects cause entire permit system to be flawed, because it locks them into a fishery which could become less available and prevents them from targeting other species that become more abundant. This increases vulnerability to climate change, Mr. Brown said. By forcing boats to not fish on what is available instead of groundfish is hurting us – the fishery is less resilient with fewer opportunities. Instead of limited access, he felt that the Council was not doing enough in the whiting fishery to limit impacts on other fisheries. If the fishery is not clean, it doesn't matter how many vessels are in the fishery if the bycatch isn't low enough. He said that a lot of gear

research is being done in Southern New England and that the whiting fishery bycatch problems should be solved that way, rather than limiting the number of vessels in the fishery.

Mr. Brown explained further that a little boat with 3-6,000 lbs. of landings is not respected compared to landings of bigger boat. Longer history will show greater dependence of the smaller boats. Using a longer history, the more it will reveal smaller boat level of dependence, which should be considered more important than total landings.

Mr. Brian Loftes felt that there doesn't seem to be a fishery problem as of yet. He thought that government should not be creating a problem where none exists. Point Judith will land a lot of whiting again, he explained, so create a management plan (e.g. limited access) for something not overfished is not the way to go. Some fishermen will succeed and others will fail, balancing things out. Everything that the Council does put the fishery in the hands of a few – large businesses and processors rather than helping small independent fishermen.

Mr. Michael Hall, a retired fisherman, thought that the management plan should stay with status quo. Because the fishery is not catching TAC, it would be wrong to take diversity away from boats in the favor of a few. He explained that market effects will keep whiting fishing effort in check. Fishermen that no longer have the option to fish for whiting would cause overfishing for other species.

Mr. Joel Hovanesian said that the Council hasn't learned much in five years – Amendment 22 is just another attempt to do the same thing and is ill-advised. Because the fishery is nowhere near the TAC, he doesn't understand why limited access is being promoted, creating new problems where problems don't exist. Mr. Hovanesian said the he doesn't want to see whiting fishery end up like the scallop fishery, with too much consolidation and was therefore opposed to limited access for the whiting fishery.

Mr. Troy Sawyer, FV Debie Sue, also favored previous comments. There is no fishery problem, and we don't need limited access since we are not near the TAC. He said that there is no need for action at this time.

Mr. Brent Loftus, FV Ashen Ariana, also agreed with the comments that there should be no action at this time. When groundfish turned to sector management, the stock assessment said something completely different. He thought the whiting fishery would get in the same situation if we then have a bum stock assessment and he feared that the experience could be repeated in the whiting fishery if limited access locked vessels into (and out of) the fishery. He thought that the Council should not take any whiting management action. Mr Loftus explained that the fishery needs the diversity to fish for whiting when it is available.

Jim Jordan commented that any landings history before the control date should qualify a vessel for limited access.

Mr. Peter Reposa commented that the Council should use full history as qualification criteria. It should pick a full poundage, i.e. any landings to qualify vessels.

Mr. Howard Fowlett, FV Atlantic Queen, commented that the Council should choose status quo, go back to history to determine qualification.

Ed Everich, FV Osprey, explained thatg he fished with Joel Hovanesian. They started off in 1967 when a lot of whiting were available to the port. Now the climate change have caused fish to moved off. The stock assessments on groundfish are poor to say the least. Mr. Everich commented that the Council should focus on improving science and assessments, rather than limited access. Groundfish management is a mess, he thought, and many boats are going out of business. If whiting isn't broken don't try to fix it, he said.

Tom Williams, FV Heritage Tradition from Point Judith also favored status quo. He said that the Council should not create a problem where none exists.

Mr. Phil Marris, FV Excaliber, said that the stock is healthy and underutilized, so no one should be closed out of the fishery by limited access.

No more comments were offered and the scoping hearing adjourned at approximately 6:35 p.m.