



New England Fishery Management Council

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

John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

MEMORANDUM

DATE: August 20, 2018
TO: Small-Mesh Multispecies Committee
FROM: Andrew Applegate, Small-Mesh Multispecies plan coordinator, and James Mundy
SUBJECT: **Summary of Amendment 22 written comments**

The Council received eighteen written comments about Amendment 22 and its proposed alternatives. Thirteen of them supported the No Action alternative for limited access. These comments in favor of No Action were from fishermen that target other species like groundfish and squid, but fear losing access to the whiting fishery if conditions change. Most of these comments came from New Bedford, Pt. Judith, or Maine. No written comments were received from NH or Gloucester. Many of the comments in favor of No Action pointed to the underutilization of the whiting Annual Catch Limits and the need to maintain flexibility for fishermen to adjust to changing conditions. Some thought that bycatch issues should be addressed by adjusting the whiting and red hake possession limits and/or requiring more selective fishing gear. One commenter suggested a moratorium on the issuance of new Category K permits.

Comments supporting one of the limited access alternatives came from fishermen that are or were fully engaged in the whiting fishery, from New Bedford, Pt. Judith, Montauk, or NJ. Many of these fishermen focused on whiting and squid for most or all of the year but had not qualified for a groundfish or scallop limited access permit. They pointed out that while groundfish, scallop and other fishermen could enter the whiting fishery, they are unable to target species other than whiting and squid if these species become unavailable due to low abundance or regulations intended to reduce bycatch. They also pointed out that the southern red hake stock is overfished and the Council will be developing a rebuilding plan that is likely to affect the whiting and squid fishery. They noted that the biomass of southern silver hake has been declining, increasing the utilization rate, and that overfishing of northern red hake had occurred and could re-occur.

The seven comments supporting limited access (Table 1), 4 comments supported Alternative 1 (Category I landings of 500,000 lbs. and Category II landings of 100,000 lbs. during 2008-2012). One comment supported Alternative 4 (Category I landings of 500,000 lbs. and Category II landings of 100,000 lbs. during 2000-2016) and one comment supported Alternative 5 (Category I landings of 1,000,000 lbs. and Category II landings of 200,000 lbs. during 1996-2012). One comment was in favor of a limited access alternative but did not specify which one.

Those that favored limited access also supported Alternative 1 (status quo) for Category I vessels, Alternative 2 (15,000 lbs.) for Category II vessels and Alternative 2 (2000 lbs. whiting, 400 lbs. red hake). For Action 3, they also supported Alternative 1 and 4 with no upgrade restrictions for limited access permits and Alternative 3 for incidental permits.

No comments favored exempting vessels from the incidental possession limit when they fished in exemption areas requiring a raised footrope trawl and none spoke in favor of creating a limited access program without changing possession limits.

Other issues that were raised in the written comments included loopholes for sector vessels to carry multiple meshes on single trips, making it difficult to enforce whiting possession limits. Fishermen from Montauk were also concerned about the effect that wind farm development could have on the fishery and on the fish stocks.

Table 1. Summary of support for alternatives

Action 1 – Limited access	Comments
Alternative 1	4
Alternative 2	0
Alternative 3	0
Alternative 4	1
Alternative 5	1
No Action	13
Action 2 – Possession limits	Comments
Category I	6
Category II	1 for Alternative 1; 4 for Alternative 2
Incidental	1 for Alternative 1; 4 for Alternative 2
Action 3 – Permit characteristics	Comments
Limited access	Two supported Alternatives 1 and 4; one favored allowing vessel upgrades
Incidental	Two supported Alternative 3



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

August 6, 2018

Michael Pentony
Regional Administrator
Greater Atlantic Regional Fisheries Office
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
55 Great Republic Drive
Gloucester, MA 01930-2298

RE: Draft Amendment 22 to the Northeast Multispecies Fishery Management Plan (FMP)
(Small-mesh Multispecies) CEQ # 20180133

Dear Mr. Pentony:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, we have reviewed the Draft Environmental Impact Statement (DEIS) for Draft Amendment 22 to the Northeast Multispecies Fishery Management Plan.

We appreciate the opportunity to review this DEIS. Based on our review of the DEIS we have no objections to the project as described and we rate this EIS "LO-1 - Lack of Objections-Adequate" in accordance with EPA's national rating system, a description of which is attached. When the FEIS is released for public review, please forward one copy to me at the address above (mail code: OEP 06-3). If you have any questions, please contact me at 617-918-1025.

Sincerely,

A handwritten signature in blue ink, appearing to read "Timothy Timmermann".

Timothy Timmermann, Director
Office of Environmental Review

Enclosure: Summary of EPA Rating Definitions

Summary of Rating Definitions and Follow-up Action

Environmental Impact of the Action

LO--Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC--Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO--Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU--Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

Category 1--Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2--Insufficient Information

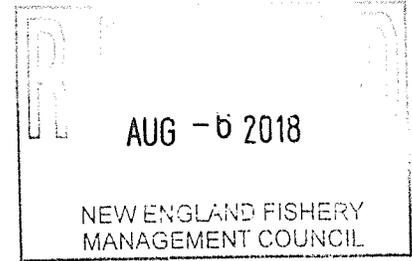
The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3--Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

Woneta Cloutier

From: brian boyce <crab.4.u@hotmail.com>
Sent: Monday, August 06, 2018 3:38 PM
To: comments
Subject: Silver Hake Red Hake fishery management plan.



To who it may concern

I am the owner operator of fishing vessel Linda,

I have owned this vessel since 1982, and since that time have fished for silver hake and brown hake off and on in the southern Whiting management area.

We were fishing for whiting before there were any fishing permits, and qualified for permits when they arrived years ago. We use to catch plenty of whiting ,boat loads in fact. before there were any rules.

As with a lot of fish the whiting stocks moved East out of the New York bight area as such we cant qualify for any alternative category one and two plans

When you come up with your crazy ideas you forget about the historical Industry members in favor of new interests in the business.

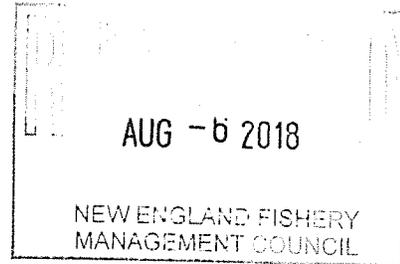
For this reason I can only support the preferred plan which is the status quo.

I know you would rather have less boats and put the small guy out but try to remember who are the real historical stake holders. Keep The Status Quo.

Sincerely Brian Boyce
Fishing Vessel Linda
Permit 250231

Silver Dollar Seafood Inc.
26 Green and Wood Pier
New Bedford, MA 02740

Thomas A. Nies, Executive Director
NEFMC
50 Water Street, Mill 2
Newburyport, MA 01950



Dear Mr. Nies,

Silver Dollar Seafood is a seafood wholesaler based in New Bedford Massachusetts that specializes in the sale of Silver Hake which accounts for the majority of the company's revenue. Action must be taken in Amendment 22 to create a limited access program for the whiting fishery. Our business relies on a consistent and stable, year round supply of Silver Hake in order to function and maintain our established markets. Without a limited access program in place we could see seasonal or yearly closures of the whiting fishery in the near future due to increasing bycatch issues.

As a company we partner with boats that have been established participants in the whiting fishery, who go above and beyond the current regulations to reduce bycatch while participating in our company's Fishery Improvement Project. If the fishery remains open access there will be new entrants from other sectors of the fishing industry who do not have the same stake in maintaining the health of the whiting fishers, nor will these new entrants have the skill set needed to maintain a less than 5% bycatch rate as required by the regulations.

The Small-Mesh Multispecies fishery is in need of a limited access program. As the largest wholesaler of whiting in the state of Massachusetts we are in favor of the following actions for Amendment 22

Action 1- Alternative 1 The higher landings levels required under this alternative would provide protection for the truly active participants in the fishery.

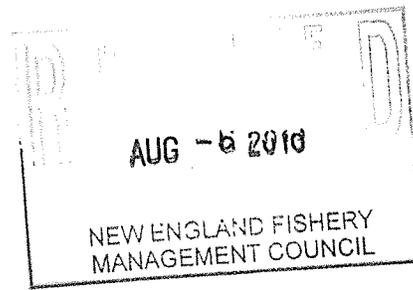
Action 2- Alternative 1 for Cat 1 permits to maintain existing trip limits.
For Category 2 permits there should be a lower trip limit possibly 15,00lbs in both the northern and southern areas. For the Incidental permits a 2000 lbs limit should apply.

Thank you for your considerations.
Sincerely,
Daniel J. Farnham
Silver Dollar Seafood Inc.

Blue Water Fisheries Inc.
F/V Megan Marie
49 Adams Street
Fairhaven, Ma. 02719

8/4/18

Thomas A. Nies, , Executive Director
NEFMC
50 Water Street, Mill #2
Newburyport, MA 01950
Dear Mr. Nies,



I am writing this letter to be included as a comment to the council for their September meeting at which they will decide upon which alternatives to approve in Amendment 22 to the Small-Mesh Multispecies plan.

According to the document, the stated purpose and need of this amendment is "to implement measures through limited access that would prevent increases in fishing effort by new entrants to the fishery". Secondly, " the amendment will help ensure that catches of directed species and other non-target species will remain at or below specifications, reducing the potential for accountability measures to be triggered and the resulting closure of the directed fishery".

The argument could be made that there is no need for limited access because we only catch a small percentage of the TAC for the managed species but that isn't totally accurate. In recent years catches of northern red hake have exceeded the ACL and triggered accountability measures. Biomasses of both southern whiting and red hake have been declining and southern red hake has become overfished and overfishing is occurring. In fact, southern whiting and red hake catch limits have been reduced by 35-38 % for fishing years 2018-2020 and the Council is now required to develop a rebuilding plan for southern red hake. The Sub ACL of Georges Bank yellowtail flounder for the small-mesh fisheries, including the squid fisheries, is so small that a single vessel could catch it if they were fishing in the wrong area or with the wrong gear.

Developing measures to rebuild southern red hake will be challenging because most of the catch [70%] is comprised of discards in both the small-mesh multispecies and squid fisheries. The existing fleet of small-mesh fishermen will be hard pressed to continue to fish as they have in the past after this rebuilding plan is developed. New entrants to the fishery would increase catches of red hake and yellowtail flounder. Measures such as selective gear and area/season restrictions would be more conservative and costly without limits on new entrants causing the fishery to become less profitable therefore harming the existing fishermen and the communities that depend upon them. These rebuilding measures could possibly **shut down** both the **whiting and squid fisheries** in Southern New England at certain times of the year.

I do not believe that new entrants should be allowed to enter the fishery if it is not achieving Optimum Yield due to insufficient effort. Keep in mind that the present fishery participants are still operating under trip limits that were put into place to rebuild this fishery in Aril of 2000 as part of Amendment 12. These whiting trip limits have been left in place more for economic reasons than for any other reason at this point, although the southern area trip limit did increase to 40,000 lbs in 2013. If these whiting trip limits were eliminated, not that they should be, the current participants could fish this fishery at capacity right now if the market conditions would allow it.

In 2012, the year of the present control date, approximately 380 vessels reported some landings of whiting although the primary fleet consisted of between **50-60 vessels that landed 90 %** of the catch. Out of that number **12-15 larger vessels** accounted for the majority of the catch, **averaging 75%** of the total landings each year.

After considering all of the above, I urge the Council to vote for Limited Access in the Small-Mesh Multispecies FMP and also to consider the following alternatives for Actions 1 thru 3.

Under Action 1, I would like the Council to consider **Alternative 1** for a qualifier, with a qualifying period of 2008-2012, 500,000 lbs of landings for a Category 1 permit and 100,000 of landings for a Category 2 permit. A vessel that targeted whiting in that time period would have had to have averaged 100,000 lbs a year over the 5 year period for a Cat 1 permit, or about 3 1/2 trips per year at the 30,000 lb trip limit that was in effect at the time. That is a low qualifier when you consider that a full time vessel in this fishery lands upward of 2,000,000 lbs per year of whiting. Likewise for the 100,000 lbs of landings for a Cat 2 permit, 20,000 lbs per year over 5 years. Even at the 3,500 lbs incidental limit for a vessel using less than 2 1/2 mesh that is just 6 trips per year. At the 7,500lb trip limit for vessels using 2 1/2 mesh that is less than 3 trips per year on average.

Under Action 2, I would like the Council to consider:

Alternative 1 for a Category 1 permit: maintain the existing whiting possession limits.

Alternative 2 for a Category 2 permit: Apply a 30,000 lb possession limit in the Northern exemption areas and a 15,000 lb limit in the Southern area.

Alternative 2 for an incidental permit: apply a 2,000 lb possession limit.

Under Action 3, I would like the Council to consider:

Alternative 1 and 4 for Category 1 and 2 permits: Apply large-mesh multispecies permit characteristics to a small-mesh permit and allow only one vessel to qualify based on a single fishing history

Alternative 3 for an incidental permit.

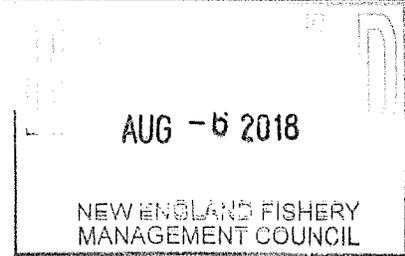
If the Council decides to take No Action on the Limited Access portion of this amendment then I ask the Council to vote for Alternative 1, status quo on the whiting possession limits.

Thank you for considering my concerns on this matter.

Dan Farnham VP
Blue Water Fisheries Inc.

Woneta Cloutier

From: Donald Fox <dfox@towndock.com>
Sent: Monday, August 06, 2018 10:51 AM
To: comments
Subject: Amendment 22



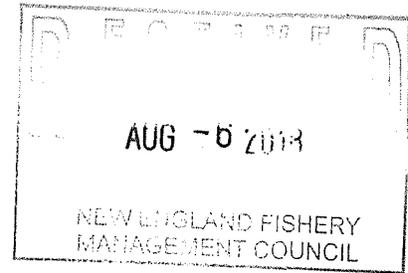
Director Nies,

My name is Donald Fox and I am a boat owner and manager of a fleet of seven boats out of Pt.Judith owned by The Town Dock.I would like to exprss my concern and opposition to any kind of limited entry in the whiting fishery. There is no overfishing occurring in this fishery and it is not overfished.This seems absurd to make new regulations or amendments to a fishery that has no problems,because there might be problems in the future.Market price on the whiting will control any effort.

Thank you,
Donald Fox

Woneta Cloutier

From: Gus Lovgren <gus.glove@gmail.com>
Sent: Saturday, August 04, 2018 11:06 AM
To: comments
Subject: DEIS for Amendment 22



DEIS for Amendment 22

My name is Gus Lovgren, I am a member of the Fisherman's Dock Co-Op in Point Pleasant, NJ as well as a captain of the fishing vessel Kailey Ann. I am a fourth generation commercial fisherman and have been working in the industry for over 15 years and dependent on it my entire life.

Throughout my career I have personally witnessed the decline of our inshore whiting fishery and have felt the effects financially as well. A thriving whiting industry had once supported my income during the slow summer months, but a “perfect storm” of events brings me near financial ruin by the month of august these last few years. Between massive reductions in an over abundant summer flounder fishery, over zealous regulation of the scallop industry, unpredictable movement of squid, unreliable and inconsistent market prices, and pressure from the wind farm companies, every year is becoming more financially straining for me and my family.

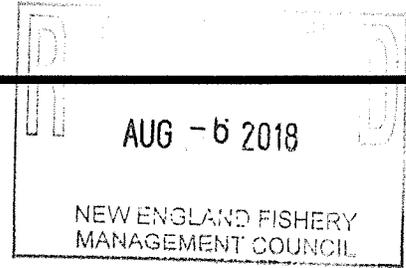
Whether it be warming ocean temperatures, pollution levels, changes in habitat due to environmental conditions(Super storm Sandy being the worst change), new migration patterns, or decreased reproduction rates it has become obvious that something needs to change in order for a fleet that was once dependent on the whiting to not get squeezed out of a fishery they helped to construct. That is why I oppose any qualifying alternative that does not go back to at least the year

2000. I support alternative 4, using the years 2000-2016 with the cumulative poundage qualifier of 500,000lbs.

I also support the creation of two categories with the expulsion of any vessel that can not show landings of either qualifying level. I also support no change in possession limits and feel they should not be increased in any way. Alternative 2 suggests increasing trip limits for category 2 vessels to be equal to that of category 1 vessels, but I am against this proposal, otherwise there is no reason for 2 categories. I also oppose action 3 which attempts to remove vessel upgrade restrictions.

Woneta Cloutier

From: Hank Lackner <jdhld@aol.com>
Sent: Monday, August 06, 2018 3:03 PM
To: comments
Subject: Amendment 22 comments



To whom it may concern,

My name is Hank Lackner and I am the owner and operator of a whiting trawler that is home ported in Montauk NY. I have been involved in the fishery for the last 30 years.

I am writing this letter asking the council to please take limited access action in the whiting fishery. During the course of my career, I have been regulated out of both the groundfishery and scallop fishery mackeral and herring fishery and tilefish fishery.

With very few other options out there, whiting has become a very important part of mine and my crews income.

As Red hake begins to choke the whiting fishery, I believe it is the councils duty to step in and protect the fisherman who have now become dependent upon whiting. Leaving whiting fisherman unprotected will be a crime.

Limited access: I favor alternative 1, while maintaining current trip limits

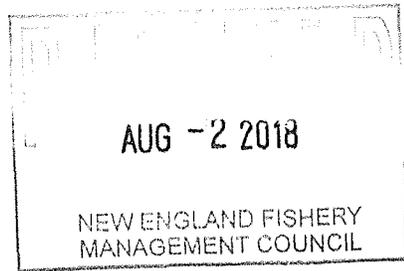
As for catagory 2 vessels : I am in favor of alternative 2

I also favor alternative 2 for incidental permits..

Thanks you ,

Hank Lackner

Sent from my iPad



Dear Director Nies,

As the Captain of the F/V Lightning Bay, based in Pt. Judith Rhode Island, I am against limited access in the whiting fishery. It's my understanding that we aren't even reaching the whiting quota and the real concern is the bycatch of red hake. I ask the Council to look at ways to decrease the bycatch of red hake instead of taking away people's access to the fishery.

For a lot of fishermen, relying on several different fisheries is a necessity and taking that ability away will harm the people that rely on them for a living. The Council should start first with stopping any NEW entrants into the whiting fishery by no longer issuing open access permits as soon as possible. They then should be looking into any possible gear changes that might help with the reduction of red hake catch and maybe even temporarily reducing the limit for whiting for everyone until the red hake issue is fixed.

Thank you,

Jeff Wise
F/V Lightning Bay

AUG -2 2018

NEW ENGLAND FISHERY
MANAGEMENT COUNCIL

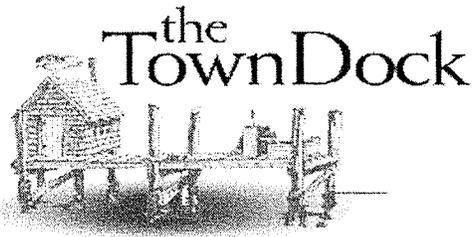
Dear Director Nies,

I am the Captain of the F/V Determination out of Pt. Judith, RI. I am writing to say that I am against limited access in the whiting fishery. Whiting is one of many fisheries that I depend on to make a living. Being excluded or restricted from the fishery because I haven't been heavily directing on it isn't right, especially if the quota for whiting isn't being met.

As I understand, this Amendment came about because of a bycatch issue with red hake. I think we should find a solution to reduce the red hake bycatch before we kick people out of a fishery or restrict their participation.

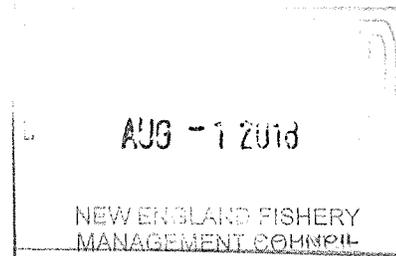
Thank you,

Jim West
F/V Determination



August 1st, 2018

Thomas Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950



Dear Director Nies,

We at the Town Dock support "No Action" regarding the Whiting Limited Access Amendment.

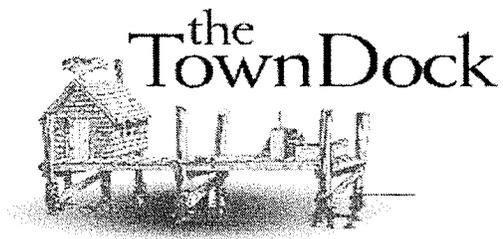
We believe that the bycatch issue is what needs to be addressed; that simply reducing participation is not going to solve that problem and is simply unfair to the vessels that depend on equal access to the whiting fishery.

The first action that should be taken is to stop issuing all K permits (open access permits) immediately. This will stop brand new participants from entering the fishery and should be the first step rather than eliminating people who are dependent on the fishery. Just because someone doesn't direct on whiting every day doesn't mean they should be removed from access to the fishery. Much of the fleet depends on having access to a variety of species for a successful business. For instance, when squid starts to slow down in the summer months we switch over to whiting. This has always been a normal part of our business plan. Losing that opportunity, would have a negative impact on our business. We very much rely on access to whiting and we are not the only vessels in Pt. Judith that operate this way. Forcing people to narrow the scope of their business is dangerous, if one species fails to show up or is depleted and fishermen have no other fishery to turn to, or they are significantly limited by how much they can now catch, it would be very damaging to businesses and the people who depend them for employment.

If people want to focus on one or two fisheries that's their choice, but no one else should be forced into it. We shouldn't be protecting the interests of a few over the interests of many.

Another option that should be pursued is the decrease of whiting possession limits. Many people state their concern over bycatch as the issue driving this Amendment, but

The Town Dock: P.O. Box 608; 45 State St Narragansett, RI 02882
PH: 401-789-2200 FAX: 401-782-4421
Website: www.towndock.com



there is an option in this document that *raises* the possession limit. Again, prior to removing people from a fishery the possession limits for whiting should be lowered, for everyone, as a mechanism to reduce bycatch.

Finally, some type an avoidance program and/or gear modification should be researched and implemented. Perhaps directed whiting trips should have a mesh requirement of 3 inches or greater (with no other mesh allowed on board) to increase avoidance of bycatch.

As I mentioned above. Simply removing participants from the fishery does nothing to solve the bycatch problem, but simply allows fewer participants to be allowed to catch the bycatch. I wish something other than removing participants, especially since the targeted species quota doesn't even come close to being met, was seriously discussed at the very beginning of this Amendment.

Thank you for the opportunity to comment.

Sincerely,

Katie Almeida
Fishery Policy Analyst

AUG -2 2018

NEW ENGLAND FISHERY
MANAGEMENT COUNCIL

Dear Director Nies,

I'm the captain of the F/V Rebecca Mary, an otter trawl vessel based in Pt. Judith Rhode Island, I am writing to let the Council know that I am against limited access in the whiting fishery.

I rely on access to several different fisheries to make a living. The concern over red hake bycatch should be resolved by seeking out ways to avoid it rather than to take peoples permits away or to reduce their access to it.

Thank you,

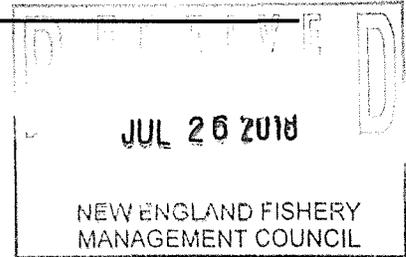
Kevin Ralph
F/V Rebecca Mary

ASSOCIATED FISHERIES OF MAINE

PO Box 287, South Berwick, ME 03908

July 26, 2018

Mr. Tom Nies, Executive Director
New England Fishery Management Council



COMMENTS ON AMENDMENT 22 TO THE NORTHEAST MULTISPECIES FMP

Dear Tom:

The Associated Fisheries of Maine (AFM) supports the Council's preferred alternative of no action for limited access in the silver hake/whiting fishery.

Please see attached pages from the *Small Mesh Multispecies Fishing Year 2018-2020 Specifications* document. We draw your attention to Table 8 showing the increase in specifications in the northern area and to Table 9 which highlights the 2016 landings of silver hake as percentage of the total allowable landings – 15% in the northern area and 16% in the southern area.

In 2016 the AFM wrote to urge the Committee to suspend action on the development of limited access and to instead focus efforts on solving bycatch problems, removing trip limits and exploring opportunities to expand participation to increase landings consistent with the total allowable landings.

And separately in 2016 the AFM wrote to the Council with our concerns about the bycatch of Georges Bank haddock in the "other sub-component" category (primarily small mesh fisheries, including whiting) as reported by the groundfish PDT. The 2016 *Stock Assessment and Fishery Performance Report* documents a catch/discard of haddock in the northern area of 2.6 million pounds in 2016 (page 44 attached). We are disappointed that the Council did not include in Amendment 22 any mitigation measures for bycatch of haddock in the whiting fishery.

The status of the silver hake/whiting resource, combined with the gap between catch and the total allowable landings, provides the Council a rare opportunity to increase seafood production and fishery related jobs. Understanding that this opportunity also comes with bycatch challenges, the AFM urges the Council to create options to increase participation in the silver hake/whiting fishery.

Sincerely,

M. Raymond

Maggie Raymond
Executive Director

4.0 ALTERNATIVES UNDER CONSIDERATION

4.1 ACL Specifications

4.1.1 Updated Specifications (preferred)

Limits on fishing year catches for northern and southern stocks of red and silver hakes would be revised to be consistent with changes in stock biomass (indexed by a 3-year moving average of the stratified mean survey biomass), changes in the assessment of scientific uncertainty (i.e., precision of the survey biomass), and changes in the estimated discard rate.

The overfishing level (OFL) is a catch level (commercial landings and discards) that has a 50% probability of causing overfishing (i.e., mortality above the approved MSY proxy). Accounting for scientific uncertainty, the ABC is a catch level that has a low probability of causing overfishing. The Council set the silver hake ABC at the 25th percentile and the red hake ABC at the 40th percentile of the estimate of scientific uncertainty³. The specifications for southern silver hake were increased by 4% to account for traditional mixed catches of silver and offshore hake. Offshore hake is a managed small-mesh multispecies, but, lacking a viable analytical assessment and MSY estimate, is managed as a component of the targeted southern whiting fishery. In Amendment 19 (NEFMC 2013), the annual catch limit (ACL) is 95% of the ABC to account for management uncertainty (e.g. inaccuracies in monitoring catch). The parameters for these specifications remain unchanged from what was analyzed and approved in Amendment 19. Only the values changed in response to updating the stock assessment through 2017.

The Total Allowable Landings (TAL) is reduced from the ACL to account for discards by federally-permitted vessels and catches by state-permitted vessels fishing in state waters. Following the framework established in Amendment 19 (Section 3.2.3), the discard rate (shown in the table below) was re-estimated for the most recent three-year period (for fishing years 2014-2016). Using the estimates for Amendment 19, catches by state waters fishing was assumed not to exceed three percent. The TAL is used to determine when possession limits are reduced to discourage targeting a species whose catches are approaching the ABC. For northern red hake, possession limits are reduced from 3,000 to 400 lbs. when landings reach 37.9% of the TAL⁴. For the other three stocks (southern red hake, southern whiting, and northern silver hake), possession limits are reduced to an incidental catch level (400 lbs. for red hake; 2,000 lbs. for silver hake/whiting) when landings reach 90% of the TAL.

Table 8. Proposed ABC and ACL8-2020 fishing years. fishing years.

Stock	OFL (mt)	ABC (mt)	ACL (mt)	Change from SQ	TAL (mt)	Change from SQ
Northern silver hake	58,350	31,030	29,475	27%	26,604	33%
Northern red hake	840	721	685	45%	274	128%
Southern whiting	31,180	19,395	18,425	-35%	14,465	-39%
Southern red hake	1,150	1,060	1,007	-38%	305	-59%

³ The 50th percentile on scientific uncertainty is approximately the level that is associated with a 50%

⁴ The in-season AM for northern red hake was reduced in 2016 to 37.9% to account for an ABC overage in 2015.

Rationale: The proposed limits use best available science to prevent overfishing and are consistent with Magnuson-Stevens Act guidelines and requirements. The catch and survey data used to establish these limits were updated and revised through 2014-2016 in an assessment update (NEFMC 2017).

Although scientific uncertainty was recalculated in the update assessment, the Council maintained the basis (otherwise known as ‘P*’) for selecting the level of precaution previously approved in Amendment 19. Due to the economic and ecological importance of silver hake stocks, plus uncertainty regarding the assessment model, the Council chose a P* equivalent to the 25th percentile on the distribution of scientific uncertainty estimates. This is estimated to have a very low probability that the fishing at the ABC would cause overfishing to occur. Red hake ABCs are set at a less-conservative 40th percentile on the distribution of scientific uncertainty due to lower economic value and the potential for this to become a choke stock for fisheries targeting other species (particularly silver hake). Updated estimates for the potential for overfishing at various P* levels are given in NEFMC 2017. These risk estimates are always less than 50% and are generally less than 10%.

4.1.2 No Action (Status quo)

No action would retain the current specifications as shown below and the current accountability measures (including reducing the northern red hake possession limit to 400 lbs. when landings reach 37.9% of the TAL).

Table 9. Existing ABC and ACL specifications for 2016-2017 fishing years

Stock	OFL (mt)	ABC (mt)	ACL (mt)	2016 Catch		2016 Landings	
				% ACL	TAL (mt)	% TAL	
Northern silver hake	43,608	24,383	23,161	15%	19,949	15%	
Northern red hake	556	496	471	86%	120	135%	
Southern whiting	60,148	31,180	29,261	16%	23,833	16%	
Southern red hake	1,816	1,717	1,631	67%	746	45%	

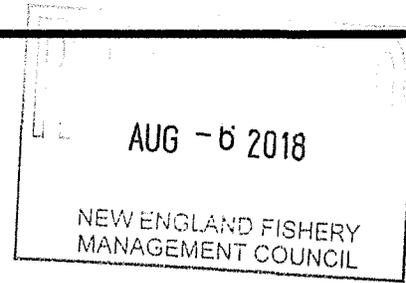
Rationale: This alternative would be chosen (or would continue in force according to existing regulations) if the agency decides that updates to the biological information on stock status and catches are not warranted.

Table 22. Total discard estimates for vessels using small mesh trawls on trips landing more than 2000 lbs. of whiting or 400 lbs. of red hake. Source: D/Kall ratios on NEFOP and ASM small-mesh multispecies trips applied to landings of all species by year, quarter, and management area.

Northern				Southern			
Total discard estimate.	2014	2015	2016	Total discard estimate.	2014	2015	2016
Species				Species			
Haddock	1,356,364	725,582	2,628,644	Spiny dogfish	4,204,045	6,296,685	3,852,193
Red hake	302,781	1,239,240	1,066,607	Red hake	2,862,465	5,531,730	5,888,135
Winter skate	24,804	476,665	1,946,063	Silver hake	2,564,149	778,213	3,486,793
Spiny dogfish	275,011	783,754	743,267	Butterfish	2,659,829	1,744,847	1,167,749
Silver hake	342,391	76,388	1,073,490	Little skate	1,606,140	1,594,583	1,420,909
Atlantic herring	256,309	1,002,654	19,522	Summer flounder	487,665	1,019,419	830,884
Little skate	36,783	199,218	538,688	Barndoor skate	888,726	448,181	637,342
Barndoor skate	9,606	54,244	47,998	Winter skate	460,083	416,631	1,007,638
Witch flounder	6,721	43,474	42,835	Haddock	486,986	1,017,544	302,899
White hake	4,335	37,785	33,564	Monkfish	66,936	287,289	818,202
American plaice	18,381	15,138	30,978	Witch flounder	78,020	205,271	77,022
Summer flounder	43,680	4,804	1,903	Ocean pout	201,342	38,910	112,770
Yellowtail flounder	11,131	19,074	13,283	Atlantic herring	56,165	196,072	0
Winter flounder	22,513	10,979	3,040	Winter flounder	77,813	17,357	106,531
Butterfish	9,318	10,068	6,362	Yellowtail flounder	153,206	8,637	11,806
Monkfish	3,374	8,225	9,956	Windowpane flounder	68,655	24,365	16,610
Windowpane flounder	7,312	5,495	7,722	Cod	1,335	419	18,305
Cod	3,617	1,517	2,313	White hake	0	13,303	6,012
Thorny skate	2,662	97	1,128	American plaice	56	326	162
Ocean pout	191	1,814	982	Thorny skate	0	0	0
Smooth skate	71	0	0	Smooth skate	0	0	0
Total	2,737,355	4,716,215	8,218,342	Total	16,923,616	19,639,780	19,761,962

Woneta Cloutier

From: Laura Doyle <lmdoyle@plymouth.edu>
Sent: Monday, August 06, 2018 4:35 PM
To: comments
Subject: Whiting Plan Comments



August 5th, 2018

Public Comment on Whiting Proposal

National Marine Fishery Service Whiting Committee & to Whom it May Concern:

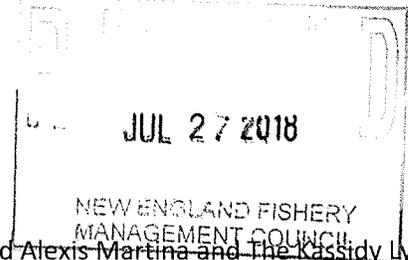
I do not support any of the alternatives for the whiting plan because they do not go back far enough with history. I would like to see the control date for whiting go back to the date that NMFS implemented the ground fish plan. The control date for whiting should be prior to 1996 – the same time that whiting was accepted into the ground fish plan with haddock and cod.

Mike Doyle

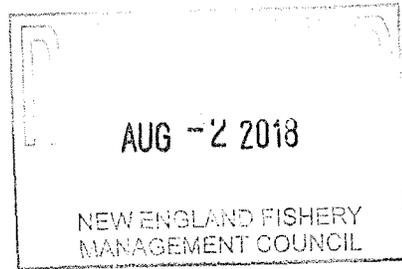
President of FV Charlies Pride and FV Seafarer

Woneta Cloutier

From: Peter Reposa <buddyshooter@aol.com>
Sent: Thursday, July 26, 2018 11:40 PM
To: comments
Subject: Whiting



To whom it may concern my name is Peter Reposa I own the Olivia Catherine and Alexis Martina and The Cassidy Lyn also KSJ seafood I have spoken to you before on the limited entry into the whiting fishery I cannot attend meetings any longer my wife has early Alzheimer's and I am her primary caregiver that being said I am not in favor of taking one license away from anyone that has landed any whiting at all or putting a tiered weight limit on any vessels you are talking about a fish that already has a weight limit on the amount taking depending on a north or south area also they have never come close to catching the total allowable catch for the year so there for it should require no limits on the vessels that might want to fish for them I should be telling you the opposite of this and saying oh that's a great move screw my fellow fisherman because I've been fishing whiting since the late 80s and have plenty of catch records to comply in my opinion it is just a fish grab for a few of us and again I say I'm not in favor of that Thank you for reading this and I would like a reply just to know that you got this Sincerely Peter A Reposa

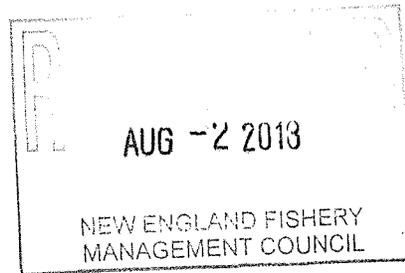


Dear Director Nies,

I am the captain the F/V Excalibur based in Point Judith, Rhode Island. I am against limited access in the whiting fishery. The quota for whiting isn't being reached. We need to find a way for everyone to reduce bycatch before the Council takes away or reduces peoples access to this fishery. Many of us rely on a variety of species to survive and this is one of those species. We should not be punished for making a living off several different species.

Thank you,

Phil Merris
F/V Excalibur



Dear Director Nies,

I am the captain of the F/V Tenacity based in Rhode Island. I am against limited access in the whiting fishery. I depend on several different fisheries, including whiting, to make a living.

I think we should find a solution to reduce the red hake bycatch before we remove people from a fishery or restrict their ability to fish any further.

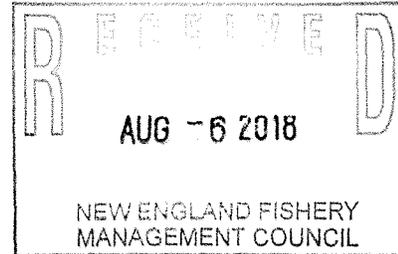
Thank you,

Ray Livernois
F/V Tenacity

Comments for Amendment 22 to The Northeast Multispecies FMP

8/6/2018

F/V Megan Marie
F/V Gabby G
26 Green and Wood Pier
New Bedford MA 02740



Director Nies,

My name is Robert Conrad and I am part owner of two trawlers that fish out of New Bedford MA for whiting year round. These two vessels employ 26 full time fishermen from the New England area along with another 4 people at the unloading dock. Each vessel has two crews that fish 2 weeks on and 2 weeks off. We also support many businesses in the New Bedford area, including Crystal Ice [\$80,000 year], Warrior Fuel [\$390,000], Bay Fuel [\$325,000], Fairhaven Shipyards [\$120,000], Stop and Shop [\$85,000] and many more. We have become an integral part of the New Bedford waterfront.

I fully support Limited Access in the whiting fishery. The mere thought that this fishery should be left as the only open access fishery in New England is mind-boggling. We have lost our access to the Groundfish and Scallop fisheries because we didn't have the right amount of landings in the right time period when these fisheries went Limited Access. We have also lost access to many other fisheries thru the implementation of such ridiculously low incidental trip limits that it doesn't make sense to even try to fish for them.

The southern stock of red hake is overfished. The northern stock of Red Hake was overfished in recent years. The southern stock of Whiting is declining and is expected to be fished at near capacity in the near future. The only bright note in the whole fishery is the abundance of Whiting in the north.

So, in spite of all this dismal news we are debating on whether or not to let new entrants in the fishery?! Who's going to suffer when the Red Hake quota is caught and the entire southern fishery [including the squid fishery] is possibly shut down. We are, not the new entrants, they'll just go back to Groundfish or Scallops or whatever they were doing in the past.

#1. My vote is for Limited Access with Alternative 1

#2. My vote is for Alternative 1 for a Cat 1 permit, Alternative 2 for a Cat 2 permit and Alternative 2 for an incidental permit.

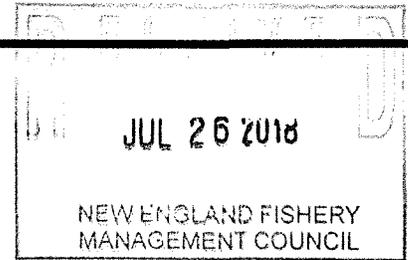
#3. My vote is for Alternative 1 and 4 for Cat 1 and 2 permits and Alternative 3 for an incidental permit.

All the Best,

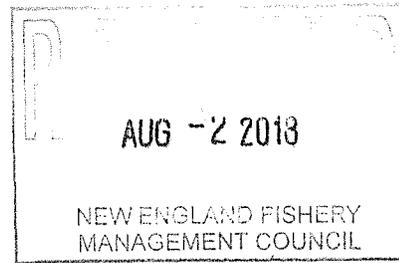
Robert Conrad

Woneta Cloutier

From: Steve Follett <supafo@aol.com>
Sent: Wednesday, July 25, 2018 10:17 AM
To: comments



My name is Steven Follett owner & captain of FV Heatherlynn of Pt Judith RI.
I prefer ATERNATIVE 5 CAT 2 maintain existing Whiting Possesion limits thanks STEve



Dear Director Nies,

I captain the F/V Stephanie Bryan based in Point Judith, Rhode Island. I am writing to say that I am against limited access in the whiting fishery, especially since we don't reach the quota for whiting. We need to find ways to reduce the bycatch of red hake other than removing people from a fishery that they depend on to make a living.

Thank you,

Victor Carpenter
F/V Stephanie Bryan

From: Paddy <erin15@cox.net>

Date: August 2, 2018 at 10:15:41 AM EDT

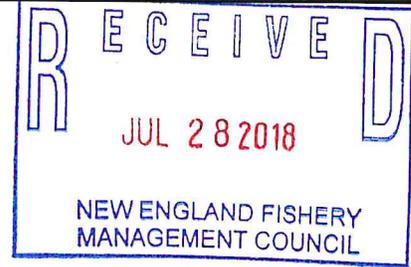
To: comments@nefms.org

Subject: Whiting

To whom it may concern , as a owner of fv Cody and fv Enterprise I would like to see a status quo and have the trip limit stay at 40,000 lbs . I see no reason to change anything as it seems like a few boats are trying to capture 100 percent of the market , since the trip limit went to 40,000 lbs it has become harder for the majority of the fleet to get a decent price for their fish . Thanks Paddy mc Glade.

Sherie Goutier

From: Patrick Knapp <pknapp@towndock.com>
Sent: Saturday, July 28, 2018 10:29 AM
To: comments



To whom it may concern:

Creating limited access for the whiting fishery is both unnecessary and illogical. This fishery is already underutilized by all but a few participants. In an atmosphere where the ocean has already been diced up by catch shares, wind energy, and potential drilling, etc., the industry should be more open to developing markets and encouraging active permits to participate, instead of shouldering out the few that remain. It's already happened with groundfish and other species. If the justification is that a bunch of latent permits will suddenly start whiting fishing, that is laughable. But I suppose no lesson was learned by previous greedy legislation. I strongly oppose this motion to eliminate the majority of fishermen at the benefit of a few who maintain they own the resource as a result of their pounding away at it regardless of the market price. Leave this fishery alone, it is not overutilized.