



SMALL-MESH MULTISPECIES (AKA WHITING) PUBLIC HEARINGS

NOAA's National Marine Fisheries Service (NMFS) is seeking comments on the management of the small-mesh multispecies fishery, also known as the whiting fishery. We are developing a Secretarial Amendment¹ to implement annual catch limits (ACLs) and accountability measures (AMs) for three species of "whiting" (silver hake, red hake, and offshore hake). We are asking for public input on the issues to be addressed in this amendment and the potential management measures for the fishery.

Why is NMFS proposing to take action?

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires all managed species to have ACLs and AMs by 2011. The New England Fishery Management Council (Council) has been delayed in completing Amendment 19 to the Northeast Multispecies Fishery Management Plan, which is intended to set ACLs and AMs for the three species in the small-mesh fishery. NMFS must take this action in order to ensure that ACLs and AMs are implemented prior to the deadline in the Magnuson-Stevens Act.

What has the Council done so far?

To date, the Council's Scientific and Statistical Committee (SSC) has recommended a range of acceptable biological catch (ABC) levels for the stocks in the small-mesh multispecies fishery. The Council is expected to select a specific ABC for each stock from this range at its September meeting. We will use the ABCs selected by the Council in September as the basis for the Secretarial Amendment.

The three species in this fishery are divided into five stocks: Northern silver hake; southern silver hake; northern red hake; southern red hake; and offshore hake. There is little scientific information about offshore hake, and a recent stock assessment was unable to provide specific advice for this stock. Offshore hake are most often found mixed with southern silver hake and are not sorted for the whiting market. Therefore, the SSC recommended a combined ABC for those two stocks, based on the most recent stock assessment for silver hake and adding 4 percent, the typical proportion of offshore hake in southern silver hake catches.

The Council's Whiting Oversight Committee and Advisory Panel have recently met and will make some recommendations to the Council, which the Council is expected to discuss at its September meeting. In terms of the ACL framework, the Committee recommended setting the ACL equal to 95 percent of the ABC, in order to account for management uncertainty. The Advisory Panel and Committee also

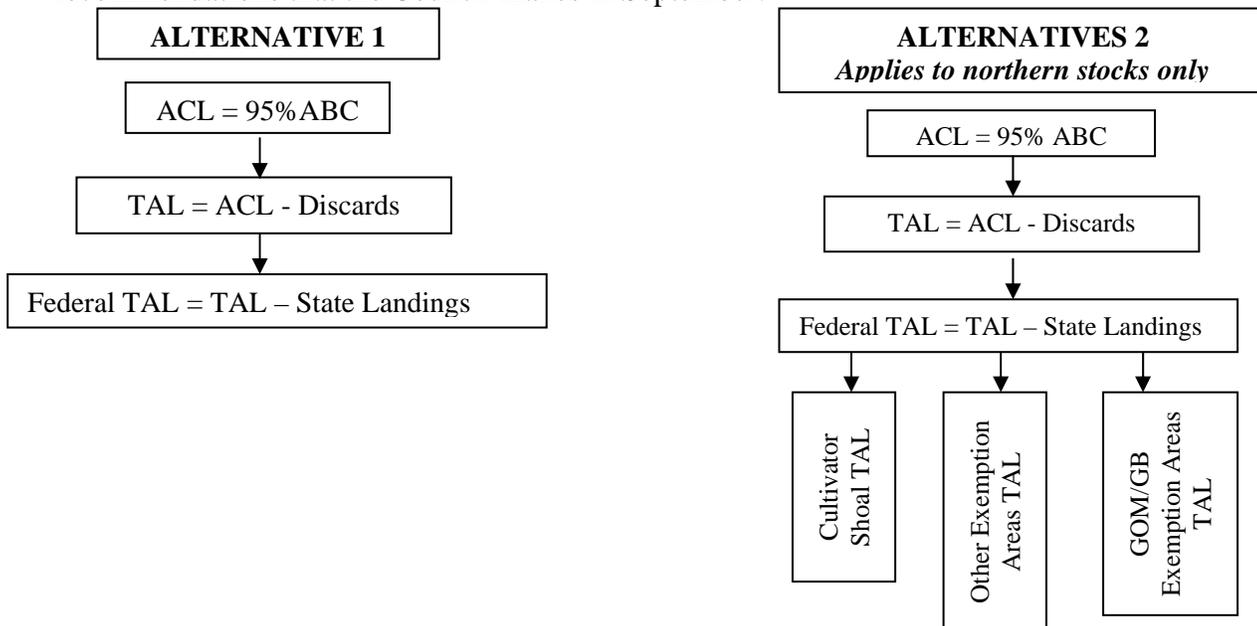
¹ The Magnuson-Stevens Act section 304(c)(1)(A) authorizes the Secretary of Commerce to prepare an amendment if the responsible fishery management council (in this case New England) does not develop a required amendment after a "reasonable period of time."

recommended total allowable landings (TAL) limits for the southern stock areas, with the possibility that the TAL would be divided quarterly. The quarterly divisions would be based on the historic landings proportions for the fishing year. In the northern stock areas, the Advisory Panel and Committee recommended subdividing the TALs by historic landings proportion for three areas: Cultivator Shoal Exemption Area; Other Exemption Areas; and Gulf of Maine/Georges Bank Exemption Area. The Other Exemption Areas refers to the other inshore Gulf of Maine exemption areas: The Gulf of Maine Grate Raised Footrope Trawl Area; Small Mesh Areas I and II; and the Raised Footrope Trawl Areas near Cape Cod, MA. The Gulf of Maine/Georges Bank Exemption Area TAL is intended to allow for the continued landing of whiting and red hake by vessels fishing with large mesh and shrimp trawls, outside of the exemption programs.

The Advisory Panel and Committee recommend that when 90 percent of a TAL is reached, the possession limit for that stock be reduced to an incidental level. Both groups also recommended that Amendment 19 establish a set of possession limits for red hake using the same mesh sizes as the existing possession limits for silver hake.

What is NMFS proposing?

NMFS is proposing to establish ACLs for each of the four stocks/stock group (i.e., southern silver hake and offshore hake combined) based on the ABCs recommended by the SSC. We are proposing to follow the same framework for setting ACLs that the Whiting Committee has recommended. That is, the ACL would be set equal to 95 percent of the ABC in order to account for management uncertainty. The TAL would be equal to the ACL minus discards. The TAL would then be divided between state waters landings and Federal landings. In Alternative 2, this process is taken a step further for the two northern stocks (northern silver hake and northern red hake), and the Federal TAL would be allocated to the three fishery exemption area groups recommended by the Advisory Panel and Committee, by the proportion of historic landing in each area. The end result, in pounds, will depend on the ABC recommendations that the Council makes in September.



What else will be in the Secretarial Amendment?

Regardless of which alternative is ultimately adopted, we are also proposing a combination of AMs. As a “proactive” AM, the Regional Administrator would have the authority to close an area when the TAL

is projected to have been reached, in order to prevent the ACL from being exceeded. For a “reactive” AM, any overage of an ACL would be deducted from a subsequent year’s TAL.

We may also consider an additional reporting requirement (such as calling into the Integrated Voice Response System) if a separate TAL is established for Cultivator Shoal in order to accurately monitor it.

Are any of the existing management measures for the small-mesh fishery changing in the Secretarial Amendment?

No. The exemption areas, fishing seasons, trip limits, minimum mesh sizes, and other reporting requirements, including the requirement for a Letter of Authorization for Cultivator Shoal and the Raised Footrope Trawl Exemption Areas, will all remain in effect.

The Secretarial Amendment is *only* going to put in the ACL framework and AMs. It is our intention to replace the measures implemented by this Secretarial Amendment with those adopted by the Council, if and when the Council’s Amendment is approved. The other recommendations made by the Council’s Advisory Panel and Committee will be considered during the development of Amendment 19.

What should I comment on?

Comments are being requested on all aspects of the alternatives described above, especially on your preference for the subdivided TALs in the northern stock areas and what, if any, additional information we might need in order to successfully monitor the TALs.

How do I comment?

You may provide comments either in writing or at one of four public hearings:

1. Monday, **October 3, 2011**, from 4 p.m. to 7 p.m., at the New York Department of Environmental Conservation Marine Resources Headquarters, 205 Belle Mead Road, Suite 1, East Setauket, NY.
2. Tuesday, **October 4, 2011**, from 4 p.m. to 7 p.m., at the Ocean County Administration Building, Room 119, 101 Hooper Avenue, Toms River, NJ.
3. Tuesday, **October 11, 2011**, from 4 p.m. to 7 p.m., at the Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA.
4. Wednesday, **October 12, 2011**, from 4 p.m. to 7 p.m., at Narragansett Town Hall, 25 Fifth Avenue, Narragansett, RI.

Please note on your correspondence “Small-Mesh Multispecies Comment.” You may also submit comments by October 19, 2011 to:

Patricia Kurkul
Regional Administrator
55 Great Republic Drive
Gloucester, MA 01930
Fax (978) 281-9135

You may submit electronic public comments via the Federal e-Rulemaking Portal www.regulations.gov. To submit comments via the e-Rulemaking Portal, first click the “submit a comment” icon, then enter **NOAA-NMFS-2011-0206** in the keyword search. Locate the document you wish to comment on from the resulting list and click on the “Submit a Comment” icon on the right of that line.