



## 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 14, 2018  
**TO:** Small-Mesh Multispecies Committee  
**FROM:** Andrew Applegate, Small-Mesh Multispecies Plan Coordinator  
**SUBJECT:** **Amendment 22 public hearing summaries**

Attached are summaries of the five public hearings that the Council conducted between July 19 and July 26, 2018. Attendance at all the hearings was relatively light, with some speaking in favor of a limited access alternative and others speaking in favor of No Action.

#### Synopsis:

Gloucester, MA July 19, 2018	Six fishermen commented on Amendment 22 alternatives. Not surprisingly, all were in favor of the Council's preferred alternative – No Action. There was a fear that limited access would allow the 'big' boats from down 'south' to come up and take the fish in the northern areas, which are perceived as not having a problem.
New Bedford, MA July 26, 2018	This public hearing was also lightly attended, by two fishermen (one that was also at the Montauk hearing), Katie Almeida (advisor), and David Chosid (MA DMF).  The two fishermen both spoke in favor of a relatively strong limited access program. Katie Almeida had made her oral comments at the Warwick hearing.
Warwick, RI July 25, 2018 (Point Judith, RI)	The Warwick, RI hearing was sparsely attended by two fishermen and Katie Almeida, an advisor.  Unlike the other hearings, all participants were strongly opposed to limited access and preferred No Action. Commenters preferred that the Council manage bycatch and choke species issues with a combination of possession limit changes, selective gear requirements, and if necessary seasonal/area closures. They also recommended establishing a moratorium on the issuance of new Category K (small-mesh multispecies fishery open access) permits.  The hearing attendees became aware of the status of southern red hake

	<p>and declining biomass of southern whiting, but despite this situation they recommended the strategy above rather than limited access.</p>
<p>Montauk, NY July 24, 2018</p>	<p>Six fishermen attended and gave comments. Mostly the fishermen represented the large, active whiting and squid fishing vessels. They fear that measures to address choke species (and southern red hake) will curtail the fishery and will be costly to the industry, especially without limited access to prevent new vessels from targeting whiting and increasing bycatch in the fishery.</p> <p>Nearly all therefore supported limited access, but most did not favor one alternative over the others. They said that they would study the documents more and submit written comments before the deadline.</p> <p>One additional issue brought up here was the squid exemption for sector vessels, that allow sector vessels to use small mesh to target squid on a trip declared into the Multispecies sector or DAS program. This regulation is seen as a loop hole and inconsistent with the rules for the whiting fishery where this practice is prohibited (I did bring up the sector exemption area in Southern New England).</p>
<p>Tinton Falls, NJ July 23, 2018 (Point Pleasant and Belford, NJ)</p>	<p>Fishermen here are very distrustful of anything government or NMFS related, and frankly a bit frustrated. Six fishermen commented on the amendment. One scientist from Rutgers Sea Grant (Doug Zemickus) attended. Attendees were appreciative that the Council held a public hearing in NJ.</p> <p>The NJ fishermen are fearful that limited access would lock them out of the whiting fishery, if there is ever a whiting fishery off NJ again, like it was in the 1970s and 80s. Any current access to the fishery was also negatively affected by the offshore gear restricted areas in the Mid-Atlantic to protect corals.</p> <p>That said, the NJ fishermen had been promoting limited access when the Council first submitted a limited access amendment that was then disapproved by NMFS.</p> <p>Most commenters supported a liberal limited access program that would qualify vessels that had fished long ago (and are currently fishing for other species, like fluke). They therefore support what they see as the one that uses the longest historic period with the most liberal qualification criteria, that being Alternative 4. Just one person favored No Action, but he was generally opposed to anything NOAA Fisheries or the Councils do.</p>



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# PUBLIC HEARING SUMMARY

## Northeast Multispecies Fishery Management Plan Draft Amendment 22 July 19, 2018

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

The Council held a public hearing to accept oral and written comments on the proposed alternatives in Draft Amendment 22. The proposed alternatives included five sets of limited access qualification criteria, adjustments to whiting and red hake possession limits, and limited access and incidental permit characteristics. Copies of the Draft Amendment 22 and Draft Environmental Impact Statement were available at:

<https://s3.amazonaws.com/nefmc.org/Amendment-22-DEIS-final-submission.pdf>.

In addition a public hearing document that summarized the alternatives were available at:

<https://s3.amazonaws.com/nefmc.org/Amendment-22-public-hearing-document.pdf>.

The Council also published a news release that provided information about the public hearings and the proposed alternatives, which was available at:

<https://s3.amazonaws.com/nefmc.org/NEFMC-to-Hold-Whiting-Amendment-22-hearings.pdf>.

The meeting was scheduled to begin at 4:00 pm, but actually began at 4:15 pm due to late arrivals.

**MEETING ATTENDANCE:** Peter Kendall (chair) and Douglas Grout (Council/Committee members), Andrew Applegate and Naresh Pradhan (Council staff), plus 6 members of the public including: Paul Vitale, Sam Novello, Joe Randazzo, and Russ and Christie Sherman.

Hearing Chair Peter Kendall, a member of the Small-Mesh Multispecies Committee began the meeting with an introduction, explaining the purpose of the hearing and introducing himself and staff to the attendees. He then asked Mr. Applegate to give a presentation about the amendment and answer any technical questions. Several people asked about how the limited access system would be applied and about a qualification process. One person asked if there were sea samples taken on vessels using the raised footrope trawl in the Cultivator Shoals Area. Mr. Applegate replied that it was examined in the amendment's analysis and there were none observed while fishing there. Most vessels do not use a raised footrope trawl in the Cultivator Shoals Area.

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

- The No Action alternative. They felt that limited access was not needed to address bycatch issues in the northern exemption areas.
- Many thought that limited access would prevent local boats from shifting into the whiting fishery when needed and allow the larger southern boats to come in and fish in the northern exemption areas.
- Some felt that more control over net configuration would limit bycatch issues.

Mr. Al Catone spoke first, preferring that the Council choose No Action, i.e. no limited access for the small-mesh multispecies fishery. He felt that with the distinct exemption areas and seasons that a limited access program is the wrong approach to use. Limited access would eliminate traditional whiting fishing boats out of Gloucester and allow the larger boats from down south to fish in the northern exemption areas.

Mr. Catone pointed out that there was very little interaction with flatfish when using the raised footrope trawl. He also said that it would be difficult for the fishery to grow rapidly because of a shortage of hard-working labor caused by the new groundfish regulations and the port has lost its infrastructure to process high landings of whiting.

Mr. Paul Vitale also favored No Action. He felt that the threat is from new vessels entering the fishery, rather than from existing vessels shifting to whiting from other fisheries. He thought that local, existing vessels should be allowed to diversify when conditions require them to shift into other fisheries. With limited access, Mr. Vitale thought that the larger boats from the south would be able to come up and fish for whiting, similar to what happened before with scallops and cod.

Mr. Sam Novello, a whiting fisherman since 1964, also recommended that the Council choose No Action. He recommended that the Council work on restricting gear configuration, particularly limiting the amount of ground cable to no more than 30 fathoms. He explained that the longer ground cables act to herd other non-target fish into the net and increase bycatch. Some sort of program to train new fishermen how to target whiting without catching other fish would be helpful.

Mr. Russel Sherman spoke last and felt that a limited access program amounts to a resource grab by a few individuals. He thought that the proposal amounted to an effort to lock the “little guys” out of the fishery. The thresholds for Category I are high and the proposed limits for Category II would be uneconomic for most vessels. He therefore preferred No Action.

If the Council had to create limited access for the fishery, Mr. Sherman favored Alternative 4, the one with the lowest qualification threshold. He said that his boat would meet most of the Category I qualification criteria, except for possibly Alternative 2 (1 million lbs. in 2008-2012). He explained that he had obtained the records from NMFS for his vessel and that those landings were way below those that he could document from his own offloading slips. He felt that a period of appeals with additional data would be a necessity.

There were no further comments and Mr. Kendall closed the public hearing at approximately 5:10 p.m.



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# PUBLIC HEARING SUMMARY

## Northeast Multispecies Fishery Management Plan Draft Amendment 22 July 26, 2018

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

The Council held a public hearing to accept oral and written comments on the proposed alternatives in Draft Amendment 22. The proposed alternatives included five sets of limited access qualification criteria, adjustments to whiting and red hake possession limits, and limited access and incidental permit characteristics. Copies of the Draft Amendment 22 and Draft Environmental Impact Statement were available at:

<https://s3.amazonaws.com/nefmc.org/Amendment-22-DEIS-final-submission.pdf>.

In addition a public hearing document that summarized the alternatives were available at:

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The Council also published a news release that provided information about the public hearings and the proposed alternatives, which was available at:

<https://s3.amazonaws.com/nefmc.org/NEFMC-to-Hold-Whiting-Amendment-22-hearings.pdf>.

The meeting was scheduled to begin at 7:00 pm, but actually began at 7:15 pm due to late arrivals.

**MEETING ATTENDANCE:** Peter Kendall (Chair), Andrew Applegate (Council staff), plus 6 members of the public including: Daniel Farnham, Jr., Bob Conrad, Katie Almeida, and Daniel Chosid (MA DMF).

Hearing Chair Peter Kendall, a member of the Small-Mesh Multispecies Committee began the meeting with an introduction, explaining the purpose of the hearing and introducing himself and staff to the attendees. He then asked Mr. Applegate to give a presentation about the amendment and answer any technical questions.

**Comments:** The following comments were made by two fishermen, summarized in the following text. Daniel Farnham, Jr. also gave comments at the Montauk, NY public hearing. Katie Almeida gave her comments at the Warwick, RI hearing and said that she would submit more detailed written comments. David Chosid from MA Division of Marine Fisheries attended to observe the hearing.

The two fishermen both spoke in favor of a relatively strong limited access program. Katie Almeida had made her oral comments at the Warwick hearing. All said that they would also be submitting written comments by the Aug 6 deadline.

Mr. Farnham (Silver Dollar Seafood) said that his business was highly reliant on the whiting fishery and he feared that the business could lose a steady supply of whiting from other measures to reduce bycatch, including possible closures.

Mr. Farnham pointed out that the large fleet of groundfish vessels can currently flood into the whiting fishery under existing rules, but he could not switch into groundfish or some other fishery if whiting fishing is not viable due to bycatch regulations or a fishery closure. He explained that new entrants to the whiting fishery would not have the same skills to avoid bycatch as established vessels in the fishery have.

Mr. Farnham therefore preferred a high limited access qualification criteria alternative but said that he would be satisfied with lower qualification criteria if it was necessary to implement limited access.

On Action 2 (possession limits), Mr Farnham supported Alternative 1 (status quo) for Category I vessels, Alternative 2 (30,000 lbs. north; 15,000 lbs south) for Category II vessels, and Alternative 2 (2,000 lbs. whiting and 400 lbs red hake) for vessels with an Incidental Permit. On Action 3, Mr. Farnham supported [inaudible].

Mr. Conrad (owner of FV Cosly G and V Megan Marie) reported that his vessels have targeted whiting for 20 years and had not qualified for groundfish limited access. He has observed that the influx of more vessels into the fishery has had a negative effect on whiting prices. He was therefore in favor of a limited access alternative with higher thresholds.

There were no further comments and Mr. Kendall closed the public hearing at approximately 7:55 p.m.



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## PUBLIC HEARING SUMMARY

### Northeast Multispecies Fishery Management Plan Draft Amendment 22

July 25, 2018

Hampton Inn & Suites  
2100 Post Road  
Warwick, RI 02886

The Council held a public hearing to accept oral and written comments on the proposed alternatives in Draft Amendment 22. The proposed alternatives included five sets of limited access qualification criteria, adjustments to whiting and red hake possession limits, and limited access and incidental permit characteristics. Copies of the Draft Amendment 22 and Draft Environmental Impact Statement were available at:

<https://s3.amazonaws.com/nefmc.org/Amendment-22-DEIS-final-submission.pdf>.

In addition a public hearing document that summarized the alternatives were available at:

<https://s3.amazonaws.com/nefmc.org/Amendment-22-public-hearing-document.pdf>.

The Council also published a news release that provided information about the public hearings and the proposed alternatives, which was available at:

<https://s3.amazonaws.com/nefmc.org/NEFMC-to-Hold-Whiting-Amendment-22-hearings.pdf>.

The meeting was scheduled to begin at 7:00 pm, but actually began at 7:15 pm to wait for potential late arrivals.

**MEETING ATTENDANCE:** Scott Olszewski (Council/Committee member), Andrew Applegate (Council staff), plus 3 members of the public including: Katie Almeida (Advisor), Donald Fox, and Troy Sawyer.

Hearing Chair Scott Olszewski, a member of the Small-Mesh Multispecies Committee began the meeting with an introduction, explaining the purpose of the hearing and introducing himself and staff to the attendees. He then asked Mr. Applegate to give a presentation about the amendment and answer any technical questions. Several people asked about how the limited access system would be applied and about a qualification process.

**Comments:** During the presentation, several people asked questions, including some questions to clarify the alternatives and the choices that the Council could make and the potential effects of a future southern red hake rebuilding requirements. One question concerned the accuracy of reporting red hake and discard estimates, whether there was confusion with small white hake.



Mr. Applegate explained that the reported landings were considered accurate, but a small fraction of landings in the Gulf of Maine could be small white hake. He said that the procedures used on the survey and for onboard observers allowed for accurate identification. Another question focused on the rules for vessels with existing Category K permits. Mr. Applegate explained that the possession limits for vessels with Category K permits were the same as the exemption area possession limits (for whiting, based on mesh size), and that any vessel could apply for a Category K permit. One person asked about much lower whiting possession limits to reduce discarding. Mr. Applegate thought it would be difficult to choose other possession limits in this action (than the ones proposed) without delaying submission of the amendment, but the Council could take that approach in a subsequent framework or specifications package. One person asked why there is no yellowtail flounder sub-ACL listed for the northern management area on page 5 of the public hearing document. Mr. Applegate replied that there is a single Georges Bank yellowtail flounder sub-ACL which applies to part of the southern fishery management area as well as the Cultivator Shoals Area in the northern management area. Another question concerned the proposed increase in the southern whiting possession limit, when southern red hake is overfished. Mr. Applegate explained that the overfished southern red hake status was a recent development, after the range of Amendment 22 alternatives had been developed and approved. Ms. Almeida asked if a Category K permit moratorium had been discussed as an option during the development of the amendment, for those that had not fished at all or had not fished in the previous five years. Mr. Applegate replied that it had not and had not been developed as an alternative.

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

- All opposed limited access for the small-mesh multispecies fishery and recommended that the Council address bycatch using other measures, keeping the fishery open access to allow existing vessels in other fisheries to target whiting. They recommended that the Council place a moratorium on the issuance of Category K (small-mesh multispecies open access) permits to NEW vessels.

Ms. Almeida (representing Town Dock) recommended that the Council stop the issuance of new Category K permits, as a first step, instead of preventing vessels from qualifying for limited access. Otherwise, Town Dock supports the No Action alternatives and said that Town Dock would be submitting more detailed written comments. She supported adjusting the possession limits and explore gear modifications to make reductions in bycatch when required. The Council should also explore an avoidance network program. She said that these other methods should be considered before eliminating participants in the whiting fishery.

Mr. Sawyer (FV Debbie Sue and Margaret Holly) also supported No Action, keeping management as is but recommended that the Council stop the issuance of new Category K permits. He recommended addressing ‘choke’ species problems via selective gear requirements or by reducing possession limits, to reduce bycatch and shift fishing to other areas (where bycatch is less, sic). He opposed raising the southern whiting possession limits, keeping it at 30,000 lbs./trip because southern red hake is overfished and overfishing is occurring.

Mr. Fox (owner of the FV Lightning Bay and a manage six vessels at Town Dock in Pt. Judith) also supported No Action and was against taking away permits, as it reminded him of what happened in the scallop and groundfish limited access fisheries. Vessels were encouraged to target other species, thus they were given low allocations when the Council shifted management to output controls (PSCs). He viewed the whiting fishery as the last viable alternative for Pt. Judith boats and fish businesses, a relief valve when the squid don't appear in Southern New England. He pointed out that overfishing (of small-mesh target species) is not a concern, but also recommended that the Council stop the issuance of new Category K permits, particularly where and when catches exceed annual catch limits for bycatch of species other than whiting. He added that the Council should not consider regulating the possession limits to affect prices received by the vessels (Action 2, Alternatives 2 and 3).

There were no further comments and Mr. Olszewski closed the public hearing at approximately 8:30 p.m.



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## PUBLIC HEARING SUMMARY

### Northeast Multispecies Fishery Management Plan Draft Amendment 22

July 24, 2018

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

The Council held a public hearing to accept oral and written comments on the proposed alternatives in Draft Amendment 22. The proposed alternatives included five sets of limited access qualification criteria, adjustments to whiting and red hake possession limits, and limited access and incidental permit characteristics. Copies of the Draft Amendment 22 and Draft Environmental Impact Statement were available at:

<https://s3.amazonaws.com/nefmc.org/Amendment-22-DEIS-final-submission.pdf>.

In addition a public hearing document that summarized the alternatives were available at:

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The Council also published a news release that provided information about the public hearings and the proposed alternatives, which was available at:

<https://s3.amazonaws.com/nefmc.org/NEFMC-to-Hold-Whiting-Amendment-22-hearings.pdf>.

The meeting was scheduled to begin at 5:00 pm, but actually began at 5:15 pm due to late arrivals.

**MEETING ATTENDANCE:** Laurie Nolan (Mid-Atlantic Fishery Management Council/ Small-Mesh Multispecies Committee member), Andrew Applegate (Council staff), Victor Vecchio (NOAA Fisheries), plus 5 members of the public including: Dan Farnham (Advisor), Daniel Farnham, Jr., Kevin Maguire, Dave Aripotch, and Bonnie Brady.

Hearing Chair Laurie Nolan, a member of the Small-Mesh Multispecies Committee began the meeting with an introduction, explaining the purpose of the hearing and introducing herself and staff to the attendees. She then asked Mr. Applegate to give a presentation about the amendment and answer any technical questions.

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

- All favored a limited access alternative, preferably ones with higher thresholds. They felt that existing fishery participants needed some protection from restrictive regulations that might otherwise be necessary if vessels from the squid and groundfish fisheries flood into the whiting fishery when those species are less available, or their regulations become more restrictive.
- They noted that the whiting fishery is the only open access fishery where other vessels can still obtain a permit.
- Concerning the overfished status of southern red hake, they noted that red hake bycatch in the squid and scallop fisheries could be high. Questions were asked about observations of red hake discards on scallop trips, because red hake are known to inhabit scallop shells. Thus, discards of red hake in the scallop fishery could be significantly underestimated.
- Participants were also concerned that recent groundfish sector rules allowed sector vessels to swap gear and fish with small-mesh during a single trip. They saw this allowance as a potential loophole. They noted that this decision was made by the Regional Administrator, without consultation or input from the Councils. Mr. Applegate noted that a similar provision exists for a whiting exemption area in Southern New England, but was not sure that the sector rules allowed fishermen to do that elsewhere.
- Questions were asked about the whiting and red hake possession limits for vessels participating in the redfish exempted fishery. Mr. Applegate thought that the whiting and red hake limits for vessels using > 3” mesh would apply, but he would look into it.
- People at this hearing were concerned about the potential effect of wind farms on the whiting fishery as well as whiting and red hake stocks.

Mr. Aripotch was in favor of a strong limited access alternative, with the most restrictive qualification criterion for vessels to obtain a Category II permit. He recommended that the Council adopt Alternative 2 (1 million lbs.) for Category I qualification and 500,000 lbs. for Category II qualification. He explained that the 2016 squid fishery was very strong, so there was no whiting fishing by the vessels that targeted squid. He thought that when the squid stock declines, the whiting fishery is the other option that vessels would pile into because the mackerel fishery cannot absorb much more landings.

Permit transfer provisions are needed in the groundfish fishery, Mr. Aripotch said, but not in the whiting fishery because there would be no reason to transfer whiting quota.

Mr. Farnham (advisor, Blue Water Fishing) underscored the previous comment that the whiting fishery is the remaining “pressure relief valve” for vessels in other fisheries and he feared that new vessels would not have the experience whiting fishing to do it properly and would have a high bycatch. This would in turn cause the Council to impose costly regulations on existing whiting fishery boats.

Mr. Farnham noted that under current rules, anyone could buy a boat and get a permit to go whiting fishing, noting the increasing fishing effort in the northern area. Yet because he fished for whiting and squid, rather than groundfish, he could not fish for other species if he couldn’t fish for whiting and squid. He noted that the biggest looming problem for small-mesh multispecies fishery management is the ‘choke’ species and asked if an action to rebuild southern

red hake would cause them to become a choke species for the squid and whiting fisheries. Mr. Applegate replied that the PDT is analyzing the data to determine which fisheries are creating the majority of red hake discards. Early indications were that the squid fishery was a major contributor. He also pointed out during the presentation that the 2016 landings were 5% above the 2018 quota, probably causing the red hake possession limit to drop to 400 lbs. by triggering the in-season accountability measure.

Mr. Farnham spoke in favor of a strong (i.e. high qualification criteria) limited access alternative but wasn't sure which one he would recommend. He said that he would look further at the data and analysis to submit written comments. For Action 2 (possession limits), he was in favor of Alternative 1 (status quo) for Category I vessels, Alternative 2 (30,000 lbs. N, 15,000 lbs. S) for Category II vessels, and Alternative 2 (2000 lbs. whiting, 400 lbs. red hake) for vessels with Incidental Permits.

Mr. Farnham Jr. also was in favor of a strong limited access program. He explained that his vessel and crew are highly dependent on the whiting fishery, thus he feared new vessels dropping into the fishery, not moving off areas where the bycatch is high and driving up the bycatch rate. He felt that just getting limited access on the books will make it easier to manage future problems. He favored the more restrictive qualification criteria, but would settle for any limited access limit, just to get the program in place.

Bonnie Brady asked about the squid small-mesh exemption for sector vessels, allowing them to deploy small-mesh on a large-mesh groundfish trip. She also asked about the history of the Georges Bank yellowtail flounder sub-ACL applying to the whiting fishery. She expressed concern about the affect of wind energy development on the whiting fishery and on silver and red hake stocks. Mr. Farnham was also against the development of wind farms in whiting fishing areas, noting that the wind farms and energy development will not shoulder the blame for a stock becoming overfished by their effects.

There were no further comments and Mrs. Nolan closed the public hearing at 6:26 p.m.



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## PUBLIC HEARING SUMMARY

### Northeast Multispecies Fishery Management Plan Draft Amendment 22

July 23, 2018

DoubleTree by Hilton

700 Hope Drive

Tinton Falls, NJ 07244

The Council held a public hearing to accept oral and written comments on the proposed alternatives in Draft Amendment 22. The proposed alternatives included five sets of limited access qualification criteria, adjustments to whiting and red hake possession limits, and limited access and incidental permit characteristics. Copies of the Draft Amendment 22 and Draft Environmental Impact Statement were available at:

<https://s3.amazonaws.com/nefmc.org/Amendment-22-DEIS-final-submission.pdf>.

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The meeting was scheduled to begin at 7:00 pm, but actually began at 7:15 pm due to late arrivals.

**MEETING ATTENDANCE:** Matthew McKenzie (Council/Committee member), Andrew Applegate (Council staff), Doug Zemeckis (Rutgers University Sea Grant), plus 9 members of the public including: Jim and Dennis Lovgren, Charlie Burke, David and Rich Isaksen, Mike Chanowich, Roy Diehl, Tom Anderson, and David Tauro. Most were either from the Point Pleasant Coop or the Belford Coop.

Hearing Chair Matt McKenzie, a member of the Small-Mesh Multispecies Committee began the meeting with an introduction, explaining the purpose of the hearing and introducing himself and staff to the attendees. He then asked Mr. Applegate to give a presentation about the amendment and answer any technical questions. Several people asked about how the limited access system would be applied and about a qualification process.

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

- Most favored a weak, or liberal, limited access alternative with a long history period, e.g. Alternative 4.
- Others favored No Action.
- Everyone favored status quo possession limits.
- People thought that accountability measures and measures to cut catches of southern red hake in their area would have no bearing on rebuilding.

Mr. Jim Lovgren (FV Shadowfox) explained that NJ boats generally lost access to the whiting fishery, which was historically important. He said that the NJ vessels that were formerly in the whiting fishery supported limited access when it was first considered in the late 1990s. Thus, he favored an alternative with a period for qualification and low qualification criteria, leaning toward supporting adoption of Alternative 4. He thought that some vessels there might be able to qualify for limited access with a qualification period beginning in 1996 (or earlier) and ending at the 2012 control date.

On a groundfish matter, Mr. Lovgren stated that a 2002 legal finding moved the regulated mesh boundary (requiring vessels to use trawls with no less than 6" mesh) to 74° W from 72°30' W, but now with few or no groundfish in the area, it does not prevent groundfish bycatch, but instead prevents Mid-Atlantic vessels from targeting other species. He would like the NEFMC to consider moving the regulated mesh line back to 72°30' W via an amendment or framework action for the NE Multispecies FMP.

Mr. Lovgren observed that many groundfish species that were in the area have had significant declines in productivity. He felt that groundfish accountability measures were thus ineffective, not contributing to rebuilding the stock or preventing overfishing, yet preventing vessels from targeting healthy Mid-Atlantic stocks. He also saw that red hake productivity has declined in the Mid-Atlantic. He felt that regulations to reduce catch would have no effect on recovery, but would be economically harmful to them, preventing them from targeting other species.

Speaking next, Mr. Dennis Lovgren (FV Kelly Ann) explained that his vessel had a good history of participation in the whiting fishery. He had worked 10 years to implement limited access before and it is important to get limited access in place. He favored Alternative 4, because it wouldn't cut back the fishery as much, which he deemed as a fairer outcome. He favored status quo alternatives for possession limits.

Mr. Richard Isaksen (Gulf Seafood Co.) favored No Action or Alternative 4. He thought that many local boats would not qualify for limited access, because there has been little whiting fishing there in the last 10 years. He said that he had no trust in NOAA Fisheries or the outcome of the qualification process and thought that the Councils are a bunch of thieves. He had no faith in the numbers and analysis in the DEIS.

Mr. Burke's (FV Jenny May) vessel was built in 1998 specifically for the whiting fishery. He feared that the proposed alternatives would push boats out of the fishery and prevent them from whiting fishing again when the fish come back to the area. Thus, he preferred No Action but would settle for Alternative 4.

Mr. Diehl (Belford Coop) favored Alternative 4, but the qualification period should start from 'Day 1', well before 1996. He favored the existing possession limits and mesh requirements in the whiting fishery.

Mr. Diehl pointed out that NJ has had no representation on the advisory panel. Joe Brennan (a former advisor) had not been to a Whiting Advisory Panel meeting in a very long time. Mr. Diehl said that he submitted applications to become an advisor, but they were ignored and he was not chosen to serve by the Council.

There were no further comments and Mr. McKenzie closed the public hearing at approximately 6:20 p.m.