



New England Fishery Management Council

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MEETING SUMMARY

Groundfish Oversight Committee

Four Points By Sheraton – Boston Logan Airport

Revere, MA

November 12 & 13, 2014

The Groundfish Committee (CTE) met on November 12 and 13, 2014 in Revere, Massachusetts to: 1) discuss alternatives in Framework Adjustment 53 (FW53) that would revise stock status determinations, update specifications for groundfish stocks, allocate windowpane flounder to sub-components of the fishery, create additional GOM cod spawning closure areas, observer requirements in the GOM, zero possession of GOM cod, and create default specifications rollover provisions, revise the sector ACE carryover provisions, and 2) discuss in-season interim management measures enacted by NMFS on November 13, 2014.

MEETING ATTENDANCE: Frank Blount (Chairman), Dr. David Pierce (Vice Chair), Mr. Terry Alexander, Mr. Vincent Balzano, Ms. Libby Etrie, Ms. Ellen Goethel, Mr. Peter Kendall, Mr. Howard King (MAFMC), Ms. Susan Murphy, and Ms. Laurie Nolan (MAFMC); Mr. Terry Stockwell (Council Chair); Mr. William Gerencer (GAP Chair), Mr. Jackie Odell (GAP Vice Chair); Mr. Barry Gibson (RAP Chair), Mr. Patrick Paquette (RAP Vice Chair); Dr. Jamie Cournane (Groundfish Plan Coordinator), Ms. Rachel Feeney, Mr. Jonathon Peros (NEFMC staff), Mr. Tom Nies (Council Executive Director); Mr. Mark Grant, Ms. Sarah Heil, Mr. Michael Ruccio, Dr. William Whitmore (NMFS GARFO staff), Mr. Mitch MacDonald and Mr. Gene Martin (NOAA General Counsel). In addition, approximately 20 members of the public attended.

DOCUMENTATION: Discussions on November 12 & 13 were aided by: (Document #1) Meeting Memo; (Document #2) Meeting Agenda; (Document #3) Framework 53 Draft Action Plan dated October 30, 2014; (Document #4) Framework 53 Draft Alternatives, October 30, 2014; (Document #5) Framework 53 Draft Environmental Impact Analysis, dated November 4, 2014; (Document #5a) Memo from Dr. Jamie Cournane, PDT Chair to the Groundfish Committee regarding Biological and Economic Impacts Analysis for Framework 53, dated November 10, 2014; (Document #5b) Economic Impacts of Measures Considered in Framework 53; (Document #6) Framework 53 Presentation; (Document #7) PDT memo to the Committee regarding Framework 53, dated September 26, 2014; (Document #8) PDT memo regarding FW53 dated November 5, 2014; (Document #9) PDT memo to the SSC regarding Gulf of Maine cod ABC's, dated September 11, 2014; (Document #10) PDT memo to the SSC regarding pollock, Georges Bank and Gulf of Maine winter flounder ABCs, October 14, 2014; (Document #11) PDT memo to the SSC regarding GOM cod bycatch, dated October 16, 2014; (Document #12a) 2014 GOM cod update, NEFSC, September 3, 2014; (Document #12b) Peer review report for the 2014 GOM cod update, dated September 5, 2014; (Document #12c) Operational assessments of GB and GOM winter flounder and pollock, dated October 5, 2014; (Document #13) Groundfish Committee Meeting Motions, September 17 & 18, 2014; (Document #14) Recreational Advisory Panel meeting motions, September 16,

2014; (Document #15) Groundfish Advisory Panel meeting motions, September 16, 2014; (Document #16) Final FY 2013 Groundfish Catch Report, GARFO; (Document #17) Framework 53 Groundfish Committee Decision Document, November 7, 2014; (Document #18) Potential Groundfish Priorities for 2015; (Document #19) Correspondence. These documents can be accessed on the Council's website [here](#).

KEY OUTCOMES:

- The Committee recommended moving Sections 4.1.3 and 4.1.4 (SNE/MA and GOM/GB Windowpane Flounder Sub-ACLs for Groundfish Sectors and the Common Pool) to “Considered but Rejected”, and to consider windowpane flounder issues in the next amendment.
- The Committee recommended that all options in Section 4.2.1 (GOM Cod Spawning Area Closures) include a restriction on fishing with or using lobster pot gear.
- The Committee recommended adding an additional section to FW53 entitled GOM cod Protection Closures.
- The Committee Recommended Annual and Multi-Year Groundfish Priorities for the Council.

The meeting began at 9:15 am.

Opening Remarks and Agenda Review:

The Groundfish Committee Chairman asked if there were any suggested changes to the agenda, and thanked the PDT for their work on FW53. The Chair and Vice Chair of the Groundfish Advisory Panel (GAP) and Recreational Advisory Panel (RAP) participated in the meeting from the Committee table. Mr. Terry Alexander requested that the Groundfish Committee discuss the possibility of allowing gillnet vessels a one-time in-season change their category (day vs. trip), in response to the interim management measures. There were no proposed changes to the agenda.

Final Fishing Year 2013 Groundfish Catches (Ms. Sarah Heil, GARFO)

Ms. Heil presented final year-end groundfish catch data from fishing year (FY) 2013 (Documents #16 & #16a). Ms. Heil noted that the common pool and recreational fishery exceeded their GOM haddock ACL in fishing year 2013, and that the majority of the GOM haddock was driven by recreational catches exceeding the recreational sub-ACL by approximately 150mt (common pool overage was 0.02 mt). She noted that recreational measures were adjusted, and the GOM haddock bag limit was reduced from “unlimited” to 3 fish, and additional seasonal closures were implemented.

ACLs of both northern and southern windowpane stocks were exceeded in FY 2013. Catches of GB/GOM (northern) exceeded the overfishing limit (OFL) for this stock. Ms. Heil noted that most of the commercial groundfish catch was by vessels enrolled in sectors, and that the majority of the ‘other’ catch is from the scallop fishery. Ms. Heil noted that gear restricted area accountability measures for northern windowpane flounder were in place for FY 2014. The majority of catches of SNE/MA (southern) windowpane came from the ‘other’ catch category, which includes the fluke and squid fisheries. While the ACL was exceeded for southern windowpane, the AM was not triggered by 2013 catches.

Ms. Heil explained that there were several sub-ACL overages in FY 2013. The common pool exceeded its sub-ACL of Georges Bank cod, sectors exceeded their sub-ACL of witch flounder (gray sole), and the recreational fishery exceeded its ACL for GOM cod and GOM haddock. Ms. Heil explained that the sub-ACL overage of GB cod by the common-pool was very small (0.03 mt), and that this overage had already been deducted from the FY 2014 sub-ACL for the fishery. Ms. Heil also provided background on a court ordered in-season adjustment to sector ACE carryover, which impacted the witch flounder ACL for sectors. Ms. Heil explained that there were nine (9) sectors that had overages in fishing year 2013, and that these overages had already been subtracted from their ACE in FY 2014. For the recreational fishery, the size limit for GOM haddock increased and bag limit decreased.

Ms. Heil explained that there were overages for Atlantic halibut, but that the overall ACL was not exceed. She also noted that a mid-water trawl (herring) overage of haddock has already been subtracted from 2014 sub-ACL. There was also a small scallop overage of GB yellowtail flounder, though the AM for the scallop fishery was not triggered. A quota transfer from the scallop fishery to the groundfish fishery of GB yellowtail flounder occurred in January of 2014.

Questions and Comments on FY 2013 catch report: The discussion began with a Committee member explaining that the reason the sectors exceeded their sub-ACL of witch flounder was because of the outcome of the lawsuit that invalidated sector ACE carryover provisions, and noted that the overall ACL was not exceed.

Public Comment:

- Maggie Raymond, Associated Fisheries of Maine. *When you calculate the catch of multispecies in other fisheries in Tables 9 and 10, there is no extrapolation of the observed data. How was this calculated?*

Ms. Heil walked through how the ‘other’ sub-component is calculated for the Committee. She explained that there are four gear strata that are used in the calculation, and discards are calculated for each strata. Ms. Raymond asked how NMFS calculates the number of trips in the lobster fishery? Ms. Heil noted that this is challenging, and explained that NMFS works to appropriate trips beginning with fisheries that use VMS, and then moves on to using VTRs. Unidentified trips fall into the “unknown” category.

A Committee member from the Mid-Atlantic Council asked what gear strata is used to calculate southern windowpane catches in the fluke, scup, squid, and whiting fisheries? Ms. Heil explained that all four gear stratas are used to calculate the catches for the ‘other’ sub-component.

A Committee member asked about the estimates in the lobster/crab fishery. They pointed out that Table 8 (in Document #16) indicated that the lobster/crab fishery caught 0.3 metric tons of cod in fishing year 2014, and felt that this was an underestimate of catch by those fisheries. Ms. Heil explained that this estimate does not use only lobster pot gear – it is the result of all four gear stratas. She noted that the lobster fishery has much lower at-sea observer coverage than other fisheries, and there are some uncertainties in the other sub-components analysis.

A Committee member asked about the timeline for revisiting lobster catches of GOM cod. Ms. Heil explained that staff at the Northeast Fisheries Science Center would be looking into this, and that additional information would be made available in 2015. Ms. Heil explained that protocol for quota monitoring is to follow the assessment methodology so as to be able to compare estimates. She noted that the assessment does not currently take into account catch of cod in lobster traps. Another Committee member commented on the large amount of southern windowpane taken in the fluke fishery compared to catches in the scup and squid fisheries.

A recreational advisor inquired about recreational catch estimates of GOM haddock. Specifically, the advisor sought details on the breakdown of GOM haddock catch estimates, and what percentage of the assumed catch came from undersized landings? The advisor believed that 30% of the recreational landings overage of GOM haddock in 2013 came from the measurement of one undersized haddock by a port sampler.

A Committee member asked Ms. Heil to elaborate further on the unknown category of catch for southern windowpane flounder. Ms. Heil explained that once discards are estimated for the other sub-components,

NMFS works to bin them into individual fisheries as a way to understand what might be driving groundfish catch in non-groundfish fisheries. She explained that this becomes challenging for fisheries that do not use a VMS declaration.

A Committee member from the Mid-Atlantic Council suggested that the ideal scenario for managing catches of windowpane flounder in the fluke and scup fisheries would be to allow the Mid-Atlantic Council to administer AMs for those fisheries. The Committee member expressed concern about catches of southern windowpane in the scup and fluke fisheries that were being binned into the unknown category, and not attributed to those fisheries. Ms. Heil explained that the other sub-component AM that was developed for southern windowpane was gear based because without VMS, NMFS does not know with certainty which fishery is catching windowpane. By creating AMs based on gear and mesh size, there is more certainty in determining catch.

In light of the AMs that are in place for northern windowpane flounder, the Committee asked for an update on northern windowpane catches in FY 2014. Ms. Heil noted that NMFS only tracks in-season catches for the commercial groundfish fleet, and that they would not know state waters until after the season. The commercial groundfish fleet is at roughly 100% of its sub-ACL, which constitutes about 70% of the total ACL.

The GAP Vice-Chair noted that northern windowpane flounder is assessed using an index based stock assessment and questioned whether or not the ABC and ACL values for northern windowpane were reflective of the status of the resource. They asked if there have been any discussions looking at data on windowpane flounder ahead of the next scheduled assessment. There was also concern expressed that sector managers were not getting real-time windowpane catch data through the sector information management module (SIMM) to be able to monitor and manage non-allocated stocks. Ms. Heil explained that more data is moving through SIMM, and it is in near real time, and confirmed that the next assessment of windowpane would be in the fall of 2015. She went on to say that while the Groundfish PDT was completing analyses for FW52, there were indications of an uptick in survey indices for northern windowpane flounder.

Public Comment:

- Bonnie Brady, Long Island Commercial Fishermen's Association. *I have a question regarding observed trips. If it is an approved flatfish excluder type net next is being used in the fluke or scup fishery – would that be noted by the observer even it is not required?*

Ms. Heil explained that approved gear modifications (Rhule trawl) would be noted would be noted on the VTR. If the net is rigged to avoid flatfish, but is not an approved gear, then the modification would not be noted. Ms. Brady asked if using a Rhule trawl in the scup fishery would be noted and would there be a reduction in the bycatch estimate? Ms. Heil stated that the Rhule trawl would be noted – this would fall into the non-otter trawl gear category.

Review of FW53 Action Plan and Meeting Documents (Dr. Jamie Cournane)

Staff walked through the FW53 Action Plan (Document #3). Staff explained that this document highlights the likely range of alternatives for this action, the membership of the PDT, and the work schedule for FW53 (page 6). The Action Plan includes a calendar that provides a high level overview of the timeline for FW53, and can be used to track the progress on the action. There were no questions on the Action Plan.

The full list of the documents is included in the meeting memo (Document #1). A complete list of meeting documents is provided in the documentation section of this summary. A Committee member contributed several paper copies of the following article to aid discussions:

Richardson, D.E., Palmer, M.C., and Smith, B.E. 2014. The influence of forage fish abundance on the aggregation of Gulf of Maine Atlantic cod (*Gadus morhua*) and their catchability in the fishery. Can. J. Fish. Aquat. Sci. 71:1349-1362.

Council staff explained that the Council initiated FW53 in June of 2014, and that the range of alternatives included in document were developed throughout the summer and fall. The full Council selected measures to include in the FW53 at its October meeting, and the PDT has been working on NEPA analyses for the November meeting when the Council is expected to take final action. Section 4.1 includes revised status determination criteria, updates to ACLs, GOM/GB (northern) and SNE/MA (southern) windowpane flounder sub-ACLs for groundfish sectors and the common pool, a GOM/GB windowpane flounder sub-ACL for the scallop fishery. Section 4.2, commercial and recreational management measures, includes GOM cod spawning closures, a prohibition on the possession of GOM cod by commercial and recreational fishermen, observer requirements in the GOM, rollover of groundfish specifications, and sector ACE carryover. Staff explained that a full set of impacts analyses were available for each of the alternatives as of this meeting, and reiterated that the goals of Day 1 of the meeting were to walk through the FW53 discussion document, to allow for discussion and questions on the alternatives, and to provide opportunity for motions to clarify the alternatives, as necessary.

The Committee worked through the FW53 decision document, beginning with Section 4.1.1 – Revised status determination criteria. There are two options for this alternative, the No Action, and revised status determination criteria. During the 2014 GB yellowtail flounder assessment, the TRAC agreed to no longer use the VPA assessment model, and instead, to use an empirical approach based on resource survey catches as the basis of catch advice. Because a stock assessment model framework is lacking for this stock, no historical estimates of biomass, fishing mortality rate, or recruitment can be calculated. There are no changes to reference points for other stocks, but numerical estimates have been updated for stocks that were assessed in 2014. A Committee member asked if it is it legal to have a stock with no overfishing limit (OFL) for Georges Bank yellowtail flounder? Staff explained that the stock was assessed using an index based approach, and so the overfishing limit is unknown.

In Section 4.1.2, Annul Catch Limits (ACLs), Option 2 includes updates to ACLs based on SSC recommendations for GOM cod, GOM haddock, GB yellowtail flounder, pollock, GOM winter flounder, and GB winter flounder. Staff underscored the need to have specifications in place for May 1st to allow the fishing year to begin on time. If specifications are not in place for pollock – which is a unit stock – there would not be a directed groundfish fishery in the GOM, GB, and SNE.

A Committee member wondered if it would be beneficial to split FW53, moving specifications alternatives forward for the November Council meeting, and taking additional time to work through other alternatives currently in the framework. The Committee discussed revisiting this idea on Day 2 of the meeting after discussion on the alternatives.

Ms. Sue Murphy noted the GOM cod ABC of 386 mt (page 31 of Document #5). She explained that NMFS thought that it would be helpful to have the provisional 200 mt ABC in the document, if only to compare the two, and to make the case for why the 386mt ABC would be appropriate given the bycatch concerns we have in the fishery.

Motion #1 – (Murphy/Kendall):

The Committee recommends to the Council that FW 53 include an additional GOM cod ABC option for FY 2015 in Section 4.1.2 (Annual Catch Limits) consistent with the Groundfish PDT recommendation of 200 mt ABC.

Rationale: To include the provisional GOM cod ABC in FW53 for comparison purposes to strengthen the document.

Discussion on the Motion: A Committee member felt that the 200 mt recommendation was preliminary, subject to further review by the SSC. They went on to say that the SSC has had another opportunity to deliberate on the GOM cod ABC, and arrived at 386 mt. They felt that including the 200mt value did not make much sense, even to have something else for additional analyses. The Committee member did not support the PDT's recommendation, but did support the 386 mt value put forward by the SSC. Council staff explained that the PDT's 200 mt recommendation to the SSC was based on information provided in the most recent stock assessment, and after reviewing the SSC's ABC control rules. Staff explained that the SSC had put forward a provisional ABC of 200 mt, with the intent of revisiting that value after reviewing additional information. The PDT's 200 mt recommendation to the SSC was before the SSC's first meeting on GOM cod.

NOAA General Council (GC) emphasized that the 200 mt value is needed in the document for comparison purposes. While the SSC has discretion to vary from control rules, NOAA GC felt that the SSC was recommending a value that is above $F_{rebuild}$, in the face of a lot of uncertainties. NOAA GC felt that including the 200 mt value, which would normally be the alternative under the control rules, would help to present a better administrative record to show that Council fully considered the alternative that would normally be required. NOAA GC went on to say that it would be a big mistake to not have a defensible record for selecting 386 mt ABC.

Some members of the Committee stated that they could support the motion based on NOAA GC's comments, while others were adamantly opposed to including 200 mt in the framework document for consideration. There was concern that including the 200 mt value in the document would open the door for 200 mt to be selected as the ABC for GOM cod in FW53. NOAA GC advised the NMFS cannot choose a specific value, and went on to say that in frameworks you either approve or disapprove measures. If an ABC value were disapproved in a FW, NOAA GC explained that NMFS could not simply select another alternative, and that they would have to use an emergency rule to enact a separate value. In light of the Committee's discussion, Ms. Goethel made a motion to amend.

Motion to Amend #1a – (Goethel/T. Alexander):

The Committee recommends to the Council that FW53 include an additional GOM cod ABC option for FY 2015 (Section 4.1.2- Annual Catch Limits) consistent with the Groundfish PDT recommendation of 200 mt ABC. The Committee does not believe this is a viable alternative, but is in the document for comparative purposes only.

Rationale: The maker was concerned that adding a new 200 mt GOM cod ABC option to Section 4.1.2 would give the impression that the value was endorsed by the Committee. This motion clarifies that that Committee recognizes some the desire to compare ABCs in the document, but that the will of the Committee is not to include 200 mt as an alternative.

The Chair ruled the Motion to Amend #1a out of order. Back to the Main Motion:

Motion to Amend #1b – (Etrie/Murphy):

The Committee recommends to the Council that FW 53 include an additional GOM cod ABC option for FY 2015 in Section 4.1.2 (Annual Catch Limits) consistent with the Groundfish PDT recommendation of 200 mt ABC. It is in the document for analytical purposes, but it is not the Committee's preferred alternative.

Rationale: To include the 200 mt ABC value in the document for analytical purposes only, and to clarify that the 200 mt ABC value is not an alternative, and not the Committee's preferred.

Discussion on the Motion to Amend: The Groundfish Committee Chair asked if the 386mt was more approvable with the provisional 200 mt value in the document. Ms. Murphy explained that including both values would make FW53 a stronger document. She noted that 386mt is a legal alternative, and that the document can go forward that way. The Groundfish Committee Chair sought further clarification, and asked Council selected 386 mt as the preferred alternative, then NMFS would either approve or disapprove that value, and could not select an alternative value from the framework. NOAA GC confirmed that the NMFS could only approve or disapprove ABC values in a framework, and cannot just pick and choose values. Committee members expressed concern about including the 200 mt value in the document, and reiterated that the SSC had recommended a 386 mt ABC for GOM cod. It was also pointed out that there is an extensive public record that will accompany FW53, and a Committee member wondered why this 200 mt value needed to be included in the document at all. Council staff explained that SSC reports to the Council were contained in Appendix 1 of FW53.

The motion to amend #1b **carried** on a show of hands (8/1/1).

The Main Motion (#1b) as amended:

The Committee recommends to the Council that FW 53 include an additional GOM cod ABC option for FY 2015 in Section 4.1.2 (Annual Catch Limits) consistent with the Groundfish PDT recommendation of 200 mt ABC. It is in the document for analytical purposes, but it is not the Committee's preferred alternative.

The main motion as amended **failed** on a show of hands (3/6/1).

Staff Presentation on Framework 53 continued:

Staff reported on the SSC's recommendations for ABCs and OLFs for GB yellowtail flounder, GB winter flounder, and GOM winter flounder. The GOM haddock assessment was a benchmark assessment (SARC 59), and the stock is not overfished and overfishing is not occurring. The assessment included a recreational discard mortality assumption of 50%, and recent year classes have been driving increases in the stock size. The SSC's recommended OFLs and ABCs for FY 2015 - 2017 were set using a default control rule applied at 75% F_{MSY} .

The GB yellowtail flounder stock is experiencing low productivity, poor recruitment, and declines in condition. The TRAC rejected the assessment model for catch setting and stock status, and an empirical approach was developed for setting catch advice. The OFL for this stock remains unknown, and the SSC recommended an ABC for FY2015 and FY2016 of 354 mt, based on an exploitation rate of 16%.

There were no changes to the stock status of GOM winter flounder – the stock is not overfished and the overfishing status remains unknown. Staff noted that most of the GOM winter flounder catch is coming from statistical area 514. While GOM winter flounder catches in the NEFSC fall surveys have declined over the past two years, the spring survey has remained relatively constant. Staff explained that fall survey data is used in the assessment to determine catches. The SSC recommended a constant catch approach for FY 2015 – FY 2017 based on the index based assessment (OFL of 688 mt, ABC of 510 mt).

There was no change in stock status for GB winter flounder, and the stock is scheduled to rebuild by 2017 with a 75% probability of achieving the SSB target. The SSC applied the F_{rebuild} default control rule to set OFLs and ABCs through FY2017.

There was no change in stock status for pollock. Catches continue to be well below recent quotas, and the 2011 year class is the second highest in the recruitment series. Staff noted that assessment findings indicate that the total recreational catch of pollock is becoming an increasing portion of the overall catch. The SSC recommended a constant ABC for the next three years (FY 2015 – FY 2017).

The status of GOM cod did not change in the 2014 assessment – spawning stock biomass is very low, and fishing mortality remains high. Staff noted that recruitment has been poor, and the stock has a truncated age structure. The SSC revisited their provisional recommendation of a 200 mt ABC for GOM cod, and after reviewing additional information on incidental, non-target catch, revised their ABC recommendation to 386 mt. Staff presented the results of US/Canada TMGC negotiations for Eastern GB cod, Eastern GB haddock, and GB yellowtail flounder.

Discussion on the Presentation: A member of the Committee stated that he had been seeing haddock in places that he had not caught haddock in the past, and explained that the in-season ACL increase of GOM haddock only represented 10% of historical catch. This Committee member felt strongly that the in-season increase of GOM haddock was not large enough.

Staff Presentation Continued: Staff referenced Document #8, page 2, and explained that last year the PDT did not have the opportunity to complete a state waters and sub-components analysis for FY2014 (FW51). Staff noted that the PDT suggested changes in FW53 are consistent with the changes suggested in FW50. If the Council selects a zero possession on GOM cod, the management uncertainty buffer for GOM cod would increase to 7% (from 5% in the commercial fishery).

Staff walked through the PDT recommendations on how to treat Canadian catches of groundfish stocks, and adjustments to state waters catches. Stock specific ABCs and ACLs are distributed to various components of the fishery. The expected Canadian catch is taken off the top, and the remaining portion is available to the US fishery. Next, the expected state waters and other sub-components catches are deducted (this is not a sub-ACL). Staff explained that adjusting these values is important to ensure that the appropriate amount of fish is allocated to the groundfish fishery.

For GB winter flounder, the PDT reviewed Canadian catch information that was included in the 2014 Operational Update. Table 1 of document #8 in the Committee packet shows recent Canadian catches of GB winter flounder. Canadian landings are primarily from the bottom trawl groundfish fishery, and have generally been low relative to the total landings of this stock, which are dominated by the U.S. landings. The PDT used the 2011 – 2013 average catch to calculate expected Canadian catch (114 mt). The PDT also used a three year Canadian catch average for halibut (2010 – 2012), and recommended reducing the Atlantic halibut ABC by the average (19 mt).

Questions on the Presentation: A Committee member stated that they could see the reason to account for Canadian catch when the US has an agreement with Canada. They went on to say that the US has no control over the Canadian catch of halibut and winter flounder and asked if the US was pursuing an agreement with the Canadians for these species? Council staff explained that the US deducts herring catches from the Canadian weir fishery from the total herring ABC before distributing it to the US fishery. Ms. Heil explained that a sharing agreement for halibut and winter flounder was not being pursued through the TMGC at this time. She explained that the PDT is recommending an approach in the short term to meet biological objectives for the stocks, and noted that there are some issues that could be

explored further relative to Canadian halibut catches. For example, the US and Canada do not use the same stock boundaries for halibut. Several Committee members expressed concern over deducting recent Canadian catches from the total ABC before distributing the US ABC across various sub-components. A Committee member noted that Canadian sea herring weir catches have been low, and strongly objected to penalizing US fishery by taking the Canadian catch off of the top. They went on to say that NMFS should be pursuing a pelagic sharing agreement with the Canadians, as expand the existing sharing agreement to include halibut and GB winter flounder. They felt that simply taking catch off the top weakened the US position to engage in a sharing agreement in the future, and did not support this approach.

A Committee member pointed out that US stock assessments account for Canadian catches, and the end result is a higher overall ABC. Another member asked if the PDT recommendation would result in an increase or a decrease in the US ABC for FY2015. Staff explained that the halibut ABC would be based on the results from the last assessment, and that the PDT recommendation would result in a 2 mt increase to the groundfish sub-ACL, while the total ACL would be decreased from 116 mt to 97 mt. Staff explained that the PDT spent time reviewing state waters catch of halibut, and was recommending a 10% decrease in the state sub-component of the ABC.

After a short break, Council staff resumed the presentation on ABC distributions to state waters and other sub-components, and directed the Committee to page 11 of document #8, which includes table highlighting the changes in sub-component values between FW51 (FY2014) and FW53.

Motion #2 – (Kendall/Balzano):

The Committee accepts the PDT's recommendations for state-water and other sub-components ABC distribution as described in Document 8 (PDT Memo to the Committee re FW 53, November 5, 2014) for FW 53 in Section 4.1.2 (Annual Catch Limits), Option 2 (Revised annual catch limit specifications).

The motion **carried** on a show of hand (8/0/1).

After the vote, a Committee member noted that ASMFC may weigh in on the state allocation of GOM and SNE winter flounder at some point in time. The Committee member spoke to differences in state and federal management approaches.

Presentation from Mr. Chad Demarest, NEFSC.

Mr. Demarest walked through document #5b for the Committee, and spoke to the Annual Catch Limit alternatives in FW53 (No Action, and updated ACLs. For analyzing the impacts of the FW53 sub-ACLs, a quota change model (QCM) was used. Mr. Demarest explained that the model takes a reference population of data from actual fishing trips (in this case FY2013), and that the model is trying to predict the trips that will occur in FY2015 under the new ACLs based on fishing trips that took place in FY 2013. The composition of this pool is conditioned on each trip's utilization of allocated ACE, under the assumption that the most likely trips to take place in the FY being analyzed are those fishing efficiently under the new regulatory requirements. The model looks at how efficiently a trip uses GOM cod ACE. So, trips that caught a large amount of other species per pound of GOM cod ACE are more likely to be drawn into the sample pool. ACE efficiency is determined by the ratio of ACE expended to net revenues on a trip, and is iterated over all of the 17 allocated stocks. Mr. Demarest explained that the model makes several assumptions, such as stock conditions remaining the same year to year, despite conditions changing all of the time. He also noted that the model assumes that the ACE will move seamlessly from to those who will use it most efficiently.

Mr. Demarest explained that the model is predicting that GOM cod and GB winter flounder will be the two most constraining stocks for those stock areas in FY2015, while SNE/MA yellowtail flounder is predicted to be the constraining stock in southern New England. The model predicted a 7% overall decline in gross revenue between FY2014 and FY2015 based on changes to the ACLs alone. He went on to explain that particular portions of the fleet will be more severely impacted than others (see page 13 of document #5b). He explained that vessels homeported in ports along the GOM are predicted to experience some of the biggest declines in revenue. Gloucester is expected to see a 27% decline in gross revenue based on FW53 ACLs alone, while Maine is predicted to have a 16% decline, and New Hampshire a 42% decline. Mr. Demarest stated that the Committee should note the magnitude of these changes. He went on to say that some ports are predicted to see increasing in gross revenue, such as Point Judith and New Bedford. He explained that these increases could be attributed to increased fishing opportunities and vessels relocating to ports in SNE. The QCM predicts that smaller vessels operating in the inshore GOM will be impacted the most of any vessel size class. Mr. Demarest also noted that the predictions of the QCM may be overly optimistic. He went on to say that the model selects trips that use ACE most efficiently, but acknowledged that there would likely be instances where fishermen encounter large amounts of GOM cod or that an increase in the cod biomass would make it difficult to avoid these animals, in which case the model would overpredict gross revenues for FY2015.

Questions on the Presentation: A Committee member asked if the model accounts for the average profit margin for a vessel. Mr. Demarest explained that the model does account for this, and that the information would be available for the Council. He extrapolated on his answer by reading from page 5 of document #5b. Cost predictions in the QCM are less straightforward. The QCM demonstrates a persistent low bias when predicting operations costs—those associated with making a fishing trip, such as fuel, ice and food. The reason for this is that the model is predicting the most efficient trips to predicting forward. He noted that the model predicts revenue really well, but underestimates the total number of trips. This lowers the cost predictions substantially, such that the predicted profits of the fishery are much higher than they are in reality. He explained that the harvesters have seen lower profitability than the model has predicted, and the distribution of the profits is not even across vessel classes.

A Committee member explained that the fuel cost for a trawl vessel is around 30% of the gross profit, and asked if this is included in the operating cost? Mr. Demarest confirmed that it is based on observer data. Another Committee member asked if the AM for northern windowpane flounder on GB (gear restricted area) was considered in the model? Mr. Demarest explained that it was not. Another Committee member wondered if it possible to complete analyses for how fishermen may behave or move to other fisheries? They felt that it is important to understand if vessels will be redirecting effort into other fisheries. Another Committee member asked if the model could predict the percentage of fishing businesses that would not be viable under the FW53 ACLs. Mr. Demarest explained that the model is good at picking the type of trip that will happen, but the model does not predict which boats will make the trips. Mr. Demarest read discussion from page 15 of document #5b into the record: Economic impact statements have for years been predicting significant losses for this component of the fleet, and it has surely been disproportionately affected as the groundfish fishery saw gross revenues decline from \$120 million in FY 2011 to \$79 million in FY 2013. But the additional declines forecasted here will present serious and perhaps unprecedented difficulties for these vessels, owners and crew. Ports may see 50-80% declines in revenues from groundfish, and many vessels will either be forced to relocate or stop fishing altogether. It seems possible that some ports from Cape Cod to southern Maine that have been active in the groundfish fishery may have no groundfish landings whatsoever in FY15, regardless of the measures ultimately selected. The impacts on shoreside businesses in ports throughout the inshore GOM are difficult to predict, but infrastructure and facilities supporting fishing operations may be forced to consolidate, but may disappear altogether. Relocation of vessels to southern New England ports is likely. The impact of relocation on fishing families is an important issue that is difficult to quantify. As Table 13

shows, the adoption of either Closure A or B may make fishing from inshore GOM ports unsustainable for vessels that do not have the range to fish in profitable areas during times of inshore spawning closures.

Public Comment:

- Bonnie Brady, Long Island Commercial Fishermen's Association: *You have FY2014 values in here, and this is focused on FW53, but FW52 put GRAs in place – rather significant ones – for southern New England. The model shows that gross revenues for New York would increase, and I'm wondering if the model accounts for the GRAs that are in place in SNE? You can't catch flatfish with a net that doesn't catch flatfish. This is a big problem for this fishing year for the common pool.*

Mr. Demarest stated that the model did not incorporate the AMs for southern windowpane flounder (GRAs). Ms. Brady noted that it is important to factor in the impact that the GRAs will have on revenue for vessels home ported in New York.

Framework 53 Presentation Continued (Dr. Courneau):

Staff directed the Committee to their FW53 decision document (Document #17, page 5), and discussed Alternatives 4.1.3 and 4.1.4, which deal with splitting the GOM/GB and SNE/MA windowpane flounder commercial groundfish ACLs between sectors and the common pool. Staff noted that the PDT expressed concern about using a fixed percentage to calculate the sub-ACL when sector enrollment can be fluid from year to year, and there is not a proposed change in the existing AM for those stocks in the FW. The PDT recommended that the Committee provide further guidance, or recommend that the Council move these alternatives to considered by rejected. Staff explained that the PDT had looked at recent catch information in the groundfish fishery (Document #4, Tables 11 & 12, pages 14 & 15). Staff highlighted common pool catches of both windowpane stocks, noting that common pool catches represent less than 1% of the northern windowpane groundfish catch, and have ranged between 10% - 28% of the southern windowpane catch. Council stated that the PDT was looking for input from the Committee on how to approach a windowpane sub-ACL split between sectors and the common pool.

A Committee member asked for clarification on the PDT recommendations. Council staff explained that the PDT had discussed the ability of vessels to join and leave sectors from one fishing year to the next, and that using recent catch data may prove problematic if enrollment were to change. The PDT has brought forward a percentage based approach for the Committee to consider, but will not be pursuing it further without additional guidance from the Committee. A Committee member inquired about additional information on the groundfish catch of common-pool vessels in southern New England. Council staff reiterated that the proposed ACL split would not change the AM for either windowpane stock, and reminded the Committee that FW52 (if approved) would change the triggers for some of the windowpane AMs.

Public Comment:

- Bonnie Brady, Long Island Commercial Fishermen's Association. *The variation in windowpane catches by the common pool may be because of the number of common pool vessels in southern New England. New York has the third largest catches by common-pool vessels, behind Massachusetts and Maine. Because of the dynamics of where the sectors exist, I think that there are more common-pool guys in SNE. It would be helpful to have options for 'other' fisheries in FW53 that are consistent with the measures in FW52. Without the ability to decrease the GRAs, this is just another train wreck waiting to happen.*

A Committee member asked Council staff if additional analyses may be able to address the issue of sector membership changing from year to year. Council staff suggested that if the Committee had other ideas for splitting the windowpane sub-ACL, it could recommend such an approach to the PDT and offer guidance what it is hoping to achieve through the split. For example, if a change is needed to the AM. A Committee member asked if there was consideration given to allocating windowpane as a function of winter flounder allocations. Council staff explained that the GAP had passed a motion recommending the development of a GOM/GB windowpane flounder bycatch limit for each sector based on the percentage of the three winter flounder PSCs held by a sector's membership. Staff stated that this was discussed at the September Council meeting and it was felt that this approach could not be developed through a framework. The PDT had not completed any additional analysis around the GAP's windowpane bycatch limit motion.

A Committee member asked if FW 52 addressed AMs for GOM/GB windowpane flounder? Staff explained that measures in FW52 can be applied to both windowpane stocks if a stock meets the requirements and conditions for a scaled back AM. Currently, GOM/GB windowpane flounder does not meet these conditions or requirements. One Committee member suggested that a sector/common pool split could be done through the creation of sub-ACLs for each fleet and that sectors could work out reducing windowpane catch on their own. The split could be based on the number of the permits that are in the common-pool. With regard to GOM/GB windowpane flounder, some Committee members felt that there was not a need to split the ACL between sectors and the common pool because the common pool was accounting for less than 1% of the total catch. A Committee member stated that the motivation for creating sub-ACLs for sectors and the common pool has to do with the triggering of AMs. This Committee member noted that only the groundfish fishery is subject to an AM for northern windowpane if the ACL is exceeded, and asked what other fisheries factor into windowpane catch accounting? Ms. Heil explained that there is less than 1 mt of northern windowpane catch that is attributed to other fisheries, and a larger percentage comes from the scallop fishery. Ms. Heil explained that the AM for groundfish is triggered if the overall ACL is exceeded and the sub-ACL is exceeded.

Public Comment:

- Maggie Raymond, Associated Fisheries of Maine. *Thank you, Mr. Chairman. The motion that Jamie had up on the board that she referenced as a GAP motion was also a Committee motion that was unfortunately ruled out of order at the Council meeting without any discussion at all. Nobody had the opportunity to think about how we could craft this so that NMFS could implement it in this framework. No discussion at all. That is a big problem. Now we have no Committee meeting in between the [September] Council meeting and this meeting, and we have no solution to this problem which is that the groundfish fishery is not able to access the GB winter flounder stock. Chad's model says 100% utilization for GB winter flounder. How does that happen when you have this huge area that you can't fish for winter flounder in? The biggest winter flounder area, and you can't fish there with gear that can catch flounder. It is very frustrating, and at a minimum we need to add this to groundfish priorities. The agency said we can't do this without an amendment, so why didn't we initiate an amendment right then? Is this is not a significant enough problem to deal with? It is unbelievable that we can't fix this problem.*
- Bonnie Brady, Long Island Commercial Fishermen's Association. *Regarding SNE windowpane flounder, when you look at the numbers, and the variation in sector membership that Jamie referred to, Option 1 No Action would be preferable. I would hate to see a situation where the common pool is hamstrung by a fixed percentage. Winter flounder was a zero retention species from 2010 to 2013, we have no data on it, so please don't use SNE winter flounder data for a windowpane allocation.*

A Committee member felt that the common pool was not a threat to contributing to catch overages of northern windowpane flounder because their catches have been very low. They went on to say that sectors seemed to be looking to protect themselves from one another. They went on to ask if allocating windowpane flounder had to be done in an amendment? NMFS staff indicated that allocation would be done through an amendment. This Committee member stated that if allocating southern windowpane were to come up in an amendment, they would like the opportunity to allocate to other fisheries that also interact with windowpane, not just sectors and the common pool.

Motion #3 – (Nolan/Kendall):

The Committee recommends moving Section 4.1.4 (GOM/GB Windowpane flounder sub-ACLs for groundfish sectors and the common pool) to “Considered but Rejected”, and to consider this issue in the next amendment.

Rationale: An allocation for windowpane flounder cannot be done through a framework action, with the hope that the Council will address this issue in an amendment.

Discussion on Motion: The Committee chair asked NOAA General Council for clarification on what is frameworkable and what requires an amendment. NOAA GC advised that sub-ACLs to other fisheries, such as scallop sub-ACL, is frameworkable as provided for in Amendment 16. Providing a hard quota is a different issue.

A groundfish advisor felt that the issue is that there is have a non-allocated stock that is limiting the ability of the fishery to prosecute other healthy stocks. The only thing that is being asked for right now is a sub-ACL for sectors – not allocating to individual sectors. They felt that this could be accomplished through a FW, and a sub-ACL represented a first step to addressing a major problem in the fishery. A Committee member asked for guidance on who the sub-ACL would be for, and how should it be calculated. The suggestion was to create a sub-ACL for all sectors. It was proposed that if the scallop fishery had its own sub-ACL for northern windowpane, that this could be achieved without allocating to sectors because the common-pool catch had been less than 1 mt. The Committee went on discuss whether or not it would be appropriate to have a year-round GRA in place for the common pool if their catch is less than 1 mt. It was suggested that the creating a sub-ACL would allow sectors to begin to address this issue, and a Committee member felt that sectors were in a place to make agreements to reduce windowpane catch. Staff reminded the Committee that the current alternative in FW53 would not change the accountability measure for northern windowpane. The maker of the motion asked how allocating northern windowpane to sectors would solve the problem. There was disagreement on the Committee as to whether or not sectors could proactively work to reduce catches of windowpane without a sub-ACL.

The motion **failed** on a show of hands (4/5/1).

A Committee member felt that the Committee should weigh in on scallops before coming back to the discussion on windowpane sub-ACLs for sectors and the common-pool.

The Committee broke for lunch and reconvened at 2:06pm.

Staff Presentation on Framework 53 continued: Council staff presented on alternatives in section 4.2.1, GOM cod spawning closure areas. The No Action alternative in this section would not create additional GOM cod spawning closures, and would maintain the existing ‘Whaleback’ GOM cod spawning area closure. Option 2 would adopt additional GOM cod spawning closures in addition to the rolling closures, and includes two sub-options (A & B). Both sub-options would close areas to all commercial and

recreational groundfish fishing, though the configuration of the areas varies. Staff explained the differences between sub-options A and B (see document #4, pp 19-23). Sub-option A would include the closure of the WGOM closed area to all gears capable of catching groundfish, as well as a suite of 30-minute blocks in May, June, November – January, and March & April. Sub-option B was developed at the September Council meeting, and would not close the WGOM closed areas, and included closures during May, June, November – January, and March & April. Figures of the proposed areas are contained Document #5. Staff presented a PDT recommended alternative that would include a closure of blocks 124, 125, 132, 133, 139, and 140 from April – July, and a November – February closure of blocks 124, 125, 132, and 133.

Questions and Comments on the Presentation: A Committee member felt that lobster gear should not be exempt from the cod spawning closures. Lobster gear is deemed as exempted gear in the groundfish regulations. A Committee member explained that this was done years ago, and at that time it was recognized that cod can be caught in lobster traps, but it was felt that if it was released it could survive. The Committee had a brief discussion on whether or not cod could escape through vents in a lobster trap.

Motion #4 – (T. Alexander/Goethel):

The Committee recommends that, due to the high bycatch of cod in the lobster fishery, for FW53 that all options in Section 4.2.1 (GOM Cod Spawning Area Closures) include a restriction on fishing with or using lobster pot gear.

Rationale: Restricting lobster gear from GOM cod spawning area closures would reduce the amount of cod being caught in lobster traps.

Discussion on the Motion: A Committee member noted that the lobster fishery had pursued Marine Stewardship Council (MSC) certification, and requested that the Committee be provided with a copy of the estimate of cod catch in lobster traps included in that report. There was also concern that there are low levels of observer coverage in the lobster fishery, and that cod mortality may be underestimated in lobster fishery. A Committee member wondered rhetorically how much analysis could be done on this issue before the Council meeting and final vote on the FW the following week? Another Committee member stated that they appreciated that some people would like to include the lobster fishery in the closure, but that it ridiculous to believe that 100mt of cod are caught in lobster traps each year. MA DMF work and research indicated that this is not an issue. This Committee member felt that the Council needs to focus on fisheries that are impacting cod. It was also pointed out that this issue had no traction at the ASMFC lobster board. A Committee member felt that pursuing this would result in too much staff time being spent on a non-issue. The Committee member was explicit that MA DMF is not advocating for an 8 month closure, and suggested that the PDT work on spawning cod was a description of the times and areas where cod are known to spawn. Mr. Terry Alexander, Council Chair, speaking on behalf of Maine Department of Marine Resources (DMR) stated that DMR lobster staff had been tasked with analyzing all bycatch data from Maine's sea sampling program. He noted that this is ongoing work that would not be ready in time for the Council meeting. The maker of the motion reiterated that importance of this issue, and noted that the motion would be an option in the document that would be analyzed, and felt that additional information from ME DMR and the NEFSC would only add to the discussion on the issue. The Committee heard that the fishermen were seeing lobster gear on Middle Bank and in other places where there used to be no gear at all. A Committee member stated that as the groundfish fleet shrinks, the lobster fishery moves into areas where the groundfish fleet used to work. This Committee member was concerned that the lobster fishery would begin fishing in the times and places where the spawning closure would be, and that the traps in those areas would be catching cod. They went on to say that groundfish closed areas have become junk piles of ghost gear. Another Committee member expressed concern about the impact of lobster trawls in areas of aggregations of spawning cod. Another Committee member felt

that the real issue was the potential for gear conflict between mobile gear and lobster fishermen when the areas open up. A Committee member expressed concern that lobster gear – including setting and hauling – would disrupt aggregations of spawning cod.

Public Comment:

- Maggie Raymond, Associated Fisheries of Maine. *What we do know about cod bycatch in lobster traps comes from Maine DMR, and was included in the Marine Stewardship Council application by the lobster fishery. This is sort of outdated information, but they said that in 2008 that they discarded 177 mt of cod. Apparently codfish don't like the Massachusetts lobster gear. Given the condition of GOM cod, this action is based on the depleted status of this resource, and I think that we need to do everything that we can to keep the catch level down. This would help contribute to that effort. I would urge you to support this. As Terry said, it will be analyzed, and there will be lots of opportunity for people to comment on it. I do hope that it would be considered as one of the options.*
- Jim Odlin, Portland, ME. *In 1994 when this was deemed an exempted gear, there were probably 1.5 million traps, now there are probably 8 million. It's a big difference, and they are different traps. These traps are twice as big and twice as heavy. During my time on the Council there was a study that surfaced that found that if you assume if each trap is pulled one trap length when you haul it, times the number of times you haul it, it would have more impact than all of the scallop fishing on the east coast. We have recently told our captains that if there is an observer on our boat and we encounter lobster traps to start taking pictures and make a comment. We are encountering ghost traps that do not disintegrate. On a recent trip we encountered three of these traps, and it takes two men to lift these traps, that had not had a tag in them since 2010. So either people are fishing these traps without tags, or that trap was lost in 2010. Either way, a trap had cod in it, and we have evidence of it. These traps will interrupt spawning behavior – that is one issue. The other issue is that the lobster traps that are being used will never disintegrate. They are plastic and galvanized steel. There are probably 2 – 3 million ghost traps in the ocean right now. We cannot fish in some spots because of ghost gear. There have been times when our entire deck has been covered in this ghost gear, and we can't bring it in because that is against the law, but that is another issue. When we lose a section of ground, it keeps filling up with traps. I don't understand how this can be happening because there is supposed to be a trap limit. So how does the area covered by traps continuously expand if the number of traps is capped? There is not trap limit, let's face it. Nobody goes out there and checks traps on a regular basis. This is a serious problem, especially in the spawning areas. If this is a way to start addressing it, I would support it.*
- Don Swanson, CCA NH, Recreational Fisherman. *This issue has been talked about a lot, and I have not seen much come of it. I do believe that this is a big problem with the cod that they are catching, and therefore as a recreational fisherman I support this motion.*

Council staff noted that the GAP had unanimously passed a motion at its last meeting supporting the concept of excluding lobster gear from spawning closure areas. The Committee went on to briefly discuss how the FW document defines spawning cod, and discussed whether or not lobster trawls may be disrupting cod eggs. The maker of the motion reiterated that their rationale for the motion was that lobster traps catch a lot of cod, and this needs to be analyzed.

Motion to Amend #4a – (Goethel/Etrie):

The Committee recommends that, due to the high bycatch of cod in the lobster fishery and potential disruption of spawning behavior, for FW53 that all options in Section 4.2.1 (GOM Cod Spawning Area Closures) include a restriction on fishing with or using lobster pot gear.

Public Comment:

- Doug Grout, Council Member and Chief of NH Marine Fisheries. *Cod are known to spawn at night, and the NH state law prohibits night fishing in state waters. Also, cod eggs are pelagic, and would not be disrupted by lobster gear. There was been a lot of concern about how many cod are being caught in the millions of traps in Maine. I wanted to point out that the majority of the closures are off of southern Maine, New Hampshire, and Massachusetts. The majority of the lobster fishery is north of that and not allowing lobster gear in the proposed spawning closures would not have the anticipated effect that you think it will. I hope you'll consider my comments.*
- Jim Odlin, Portland, Maine. *Lobster boats leaving Portland haul their gear night and day. They haul gear to the southwest, down off of New Hampshire. These are big 45' to 50' boats that are 'round the clock operations fishing big traps. The fishery has changed. Thank you.*

The motion to amend **carried** on a show of hands (5/2/3).

Main Motion (#4a) as Amended:

The Committee recommends that, due to the high bycatch of cod in the lobster fishery and potential disruption of spawning behavior, for FW53 that all options in Section 4.2.1 (GOM Cod Spawning Area Closures) include a restriction on fishing with or using lobster pot gear.

The main motion as amended **carried** on a show of hands (6/1/3).

A member of the RAP speaking from the Committee table was concerned that the use of mid-water trawls (MWT) by the Atlantic mackerel fishery could be impacting aggregations of cod on Stellwagen Bank, and felt that the Committee should consider excluding the MWT fleet from spawning closures if the area would be closed to both commercial and recreational groundfish fishermen. It was noted that while this is an exempted fishery, there is a haddock catch cap for MWT vessels. A Committee member noted that the NMFS has provided the MWT with an RSA, which would allow sea herring fishing in Massachusetts Bay in November, December, and January.

A Committee member from the Commonwealth of Massachusetts reiterated that it was not the position of MA DMF to have an 8 month closure that would dramatically impact the inshore fishery and fishermen in Gloucester. They went on to note that the Council had tasked the PDT to evaluate when and where spawning closures for GOM cod should be, to review available information.

Motion #5 – (Pierce/Murphy):

Move that the Committee add a sub-Option C, the PDT recommendation for analyses, for Blocks 124, 125, 132, 133 for November – February, and 124, 125, 132, 133, 139, and 140 for April – July.

Rationale: The maker of the motion sought further analysis of the PDT GOM cod spawning closure recommendation to better understand how these closures would impact the groundfish fleet.

Discussion on the Motion: A Committee member read from a PDT memo to the Committee (document #8), which further explained the biological basis for the recommendation: “The PDT recommends this option to ensure that the low SSB of this stock has the opportunity for successful spawning events which is essential to prevent failures in future year classes through recruitment success. Spawning success from a low stock biomass does have the potential for rapid stock rebuilding. However further declines in SSB and disruption of spawning behavior will further reduce the probability of rebuilding an important future cod resource.” The Committee member was concerned about recent poor recruitment of GOM cod. Other members of the Committee felt that there was little spawning happening in inshore blocks 132 and 133 during the months specified in the motion, and highlighted the creation of the Whaleback closure to protect cod spawning in that area. There was concern that this suite of closures would impact the fleet’s ability to prosecute healthy stocks like pollock. Others contended that the reduced ACLs under FW53 would be limiting all fishing in FY2015.

Staff walked through the Appendix 2 provided in document #5a, authored by Micah Dean and Steve Correia of MA DMF. In its analysis, the PDT looked at the MA DMF cod IBS survey, the MA DMF inshore trawl survey, and the NEFSC. Staff talked about skewed sex ratios as an indication of cod spawning. Staff presented MARMAP cod egg-density survey results that were used in the analyses.

A Committee member felt that the IBS was an extremely well done survey, but noted that it ended in 2007. The Committee member stated that temperature and spawning behavior in the GOM has changed in recent years, and felt that cod are spawning in different areas than they have been in the past. A Groundfish Advisor participating from the Committee table directed the Committee to motion made by the Groundfish Advisors at their September 16, 2014 meeting in Portland, ME: “The GAP supports small focused areas to protect spawning. These areas should be discrete and dynamic, not static, due to the unpredictability of timing and precise area to ensure real protection. Such areas should be based on science and monitored closely, validating spawning activity. The goal of spawning areas should be to enhance the reproductive success of the fish while being the least disruptive and costly to the fishery.” Concern was expressed about analyses broadly defining spawning and not focusing on protecting ripe and running fish. Another Committee member expressed concern that this option was losing the sight of the impact that it has on industry – both recreational and commercial.

Motion to Amend #5a – (Etrie/T. Alexander):

The Groundfish Committee moves to implement a new sub-option, referred to as sub-option C, under Section 4.2.1 GOM cod Spawning Areas Closures to include the following blocks along with the accompanying rationale:

All commercial and recreational groundfish fishing would be prohibited:

April: 124,125,132,133

May: 125,133,132,140,139,138

June: 133, 140,139,147,146

November through January block 125 + optional bump out (40° 16’ / 70° 30’; 42° 09’ / 70° 26’; 42° / 70° 30’)

Rationale: The closure areas are intended to serve two functions simultaneously while the GOM cod ABC is below 1,500 mt (use this as an amount as a sunset level?). These seasonal closures combine the existing sector rolling closures and Sub Option B (with modification to the November 1 – January 31 area) to provide a broad mortality control while capturing what have been preliminarily identified as areas where actual spawning activity likely occurs within a subset of these broad areas. The rationale is to be precautionary while the stock ABC is at such a low level and to use the interim period to advance and improve knowledge relative to actual spawning activity.

This option is explicitly designed to be a placeholder management measure in the absence of finer scale - discrete spawning areas (as considered under the Whaleback Spawning Area approved under Framework 45 and the Massachusetts Bay Spawning Area selected by the Council as their preferred option under the Habitat Omnibus Amendment) and conclusive information regarding spawning protection.

Discussion on the Motion to Amend: The Committee discussed the mortality reduction portion of the motion to amend, and after discussion it was recommended that the motion not be included in the spawning alternative in the document, but instead come under a new alternative that would provide spawning and mortality protection. The maker of the motion explained that the goal of the motion was to protect spawning cod and to be able to modify protection in the future as more information becomes available. Other Committee members supported this new suite of closures, and suggested that the Committee discuss the motion further and develop a rationale around spawning. Council staff explained that the spawning closures being proposed would not replace the GOM rolling closure areas, but would be in addition to the rolling closures.

Motion to Table Motion #5b – (T. Alexander/Goethel):

The motion to table **carried** by a show of hands 9/0/1.

Back to the Main Motion #5 - (Pierce/Murphy):

Move that the Committee add a sub-Option C, the PDT recommendation for analyses, for Blocks 12, 125, 132, 133 for November – February, and 124, 125, 132, 133, 139, and 140 for April – July.

The motion **fails** on a show of hands (4/5/1).

Motion #6 – (T. Alexander/Balzano):

The Committee recommends that March be eliminated as a closure from Sub-Options A and B in Section 4.2.1 (GOM Cod Spawning Area Closures), Option 2 (Additional GOM cod spawning protection measures).

Rationale: This motion is based on the PDT recommendation to remove March as a spawning closure.

There was no Committee discussion on the motion.

The motion **carried** on a show of hands (9/0/1).

Framework 53 Presentation Continued: Staff presented on Alternative 4.2.2 - Prohibition on the retention of GOM cod. Staff noted that The PDT remains concerned about the potential loss of information on GOM cod (i.e., collection of biological samples from landed fish) and zero possession increases uncertainty of catch estimates. Both advisory panels (GAP motion 5d and RAP motion 4) made motions at their September meetings on zero possession. There were no questions from the Committee on this section.

Mr. Demarest continued his presentation on the results of the quota change model (QCM), and results of the recreational bioeconomic model. Mr. Demarest directed the Committee to Table 2 on Page 8 of Document #5b. Mr. Demarest highlighted that the QCM was predicting that the FW53 ACLs and spawning closures (A and B) would result in higher gross revenue than the FW53 ACLs alone. He noted

that it may seem counter intuitive that aggregate revenues would increase with additional closures. Mr. Demarest explained that fishing trips in the inshore GOM generate less revenue per pound of GOM cod than trips that fish offshore. Mr. Demarest walked through pages 15 & 16 of document #5b for the Committee, stating the somewhat counter-intuitive conclusion is that the opportunity cost of quota may not be reflected in the ACE leasing markets currently. The analysis shows a consistent trend where closure areas lead to an *increase* in revenues relative to the FW53 sub-ACLs with no additional closures. The reason for this may be that quota, and GOM cod quota in particular, may not be flowing to those who may most profitably utilize it. Table 14 and Figure 1 both demonstrate that larger vessels are able to generate much more revenue per pound of GOM cod ACE than smaller vessels—sometimes many multiples more. When GOM cod is a constraining stock, as it was in FY2013, this should imply that vessels could still profitably afford to spend much more on GOM cod ACE lease, though this has not been evident in the ACE leasing market. The wonder is not that GOM cod ACE leases have, historically, been so high, but rather, for FY13, how lease values remained so low in the face of constraints. The interim measures adopted mid-way through the 2014 fishing year will likely mean that GOM cod is not constraining for vessels fishing in this stock area (modeling predicts plaice and witch flounder will constrain the fishery first) and so GOM cod ACE lease values will likely remain at the low end of their historical range, but FY15 may be the year that GOM cod ACE lease prices rise substantially above the ex-vessel price for cod. This goes a long way toward explaining why the fishery may generate more revenues under the closure scenarios than under the sub-ACL options with no closures. Further, Figure 2 shows that vessels fishing farther east are able and may be willing to pay much more than vessels fishing west of, say, 70° W longitude—when GOM cod ACE is highly constraining, only vessels able to use it efficiently will be fishing it. The fact that the sub-ACL options with no closures are predicted to have lower gross revenues (in aggregate) than the closure options points to a situation where inshore GOM vessels are not being offered sufficiently high ACE lease prices or, alternatively, have been unwilling to accept such lease arrangements. There are many reasons this may be so, the most relevant being that fisherman may simply want to fish, and prioritize their profession over higher profits. The shift toward fishing eastward and by larger vessels under all scenarios considered in FW 53 is shown in Table 15. With cod being constraining in the GOM, the closure options effectively force vessels that would otherwise chose to fish, to no longer fish. The model assumes that their quota will flow to those (larger) vessels. With inshore closures, quota would likely flow to harvesters that could use it more efficiently (offshore). Mr. Demarest explained that the further east you fish, the greater the possibility of making more money per pound of GOM cod ACE (see Figure 2, page 18, document #5b). The fishery will make more money if all of the GOM cod ACE flows to the boats that are making the most money per pound of GOM cod ACE – and the proposed inshore GOM cod spawning closures would force this. Most of the people who are working on cod still are people who have always fished on GOM cod.

Questions and Discussion on the Presentation: A Committee member felt that the low GOM cod ACLs in FW53 would force fishermen who had always targeted cod to focus on catching other species. Another Committee member felt that boats that can fish around closed area will stay in business, and the boats that don't have capacity to carry enough ice and fuel to fish around or outside of the closure will go out of business.

Public Comment:

Jim Odlin, Portland, Maine. I agree with the premise that cod lease prices could go a lot higher for people who fish offshore, but one of the reasons that it hasn't is that I believe the you could fish offshore and not interact with cod in a significant way. Our personal fleet has not had to go out and lease GOM cod because we are not catching what we have been allocated because we are fishing offshore and not interacting with GOM cod. If the quota keeps going lower, then what you are suggesting may start to happen more

and more. It has not happened yet because the quota is just high enough so that the businesses that work offshore haven't had to lease it yet.

Ben Martens, Maine Coast Fishermen's Association. When you are looking at the value that you get out of one pound of GOM cod, do you look at the lease prices that fishermen are paying for other stocks? When fishermen are working offshore, they often lease in dabs and grey sole, which are also expensive to lease in.

Mr. Demarest explained that gross revenue GOM cod ACE was not accounting for other leases that a business may be making for other stocks. He noted that it also does not account for additional fuel that is might take to reach offshore fishing grounds.

Mr. Demarest continued his QCM presentation, explaining the predictions of FW53 ACLs and zero retention options in the document. Mr. Demarest explained that under zero retention that cod catch would be exclusively driven by observed discards – which would create an incentive to reduce interactions with GOM cod on observed trips as these observed trips are used to set discard rates for unobserved trips. Zero retention would effectively lead to no cod constraint on unobserved trips, which could be extremely profitable, but there is potential for a large amount of unaccounted for fishing mortality.

Public Comment:

Jim Odlin, Portland, Maine. Are you assuming that with zero retention people catch the same amount of cod? I think that is a false premise. I believe we saw this when we went to zero possession of SNE winter flounder. When you are fishing – when you have a 200lb trip limit or a 500lb trip limit – your incentive is to catch that trip limit. A fishermen only has to move a little bit to catch more or less of their trip limit. Cod will be on more gravel bottom than dabs or gray sole. We saw this in SNE winter flounder – everyone said it wouldn't happen – but that was the first time we got mortality below where we needed to go and it was with zero possession. I know it is counter intuitive, but that did happen.

A Committee member explained that when the fishermen are on the water, the last thing they want is more work, and felt that fishermen would actively avoid aggregations of cod to reduce the amount of work and discards.

The Groundfish Committee Chair revisited the agenda, and informed the Committee and audience that the meeting would run until 6pm in order to accomplish as much as possible.

Framework 53 Presentation Continued: Council staff presented on the results of the recreational fishing bioeconomic model (see document #5c). Staff explained that Scott Steinback and Min Yang Lee of the Social Science Branch at the Northeast Fishery Science Center (NEFSC) had run the model, which estimates the catch of GOM cod and GOM haddock in the upcoming fishing year as a way to determine what AMs would be appropriate to ensure that the recreational fishery catches, but does not exceed, its sub-ACL for those stocks. Staff explained that carrying forward FY2014 bag limits is predicted to result in sub-ACL overages for both GOM cod and GOM haddock. Staff noted that model had under estimated recreational GOM cod mortality in FY2013 and FY2014 by over 30% in each year (see Table 1, page 10, document #5c). Recognizing that status quo (bag limits, season, fish size) is predicted to result in a sub-ACL overage, staff at the NEFSC competed several model runs of varying bag limits for GOM haddock, and zero possession of GOM cod. However, there were no projections in which the recreational fishery would achieve, but not exceed, its GOM cod sub-ACL. Staff noted measures that could be implemented to reduce GOM cod mortality, such as improved compliance, as well as barotrauma devices.

Questions and Comments on the FW53 Presentation: A Committee member asked if the model had used updated GOM haddock ACL based on the results of the latest assessment, and staff confirmed that it had. A member of the RAP sitting at the Committee table expressed serious concern about the amount of recreational effort that the model was predicting with a zero bag limit of GOM cod. Mr. Demarest explained that the current situation of GOM cod was not conceived when the model was being developed, and survey questions and responses that inform the model did not ask willingness to pay (WTP) questions that included a zero bag limit of GOM cod or 50 mile stream to the fishing grounds. He noted that the SSB is looking to re-parameterize the model with more WTP information, and went on to say that the current situation of a zero bag limit is outside the scope of the model. Members of the RAP felt the effort would be down by 50%, and suggested that with a better estimate of effort, the bag limit for haddock might look different. They were also very skeptical that the for-hire fleet would be able to sell trips with zero possession of cod and a 2 or 3 fish bag limit of haddock, and felt that the economic impact on the for-hire fleet might be ameliorated with a higher bag limit for GOM haddock. Council staff followed up on these points by highlighting discussion on the bioeconomic model in document #4a. A Committee member pointed out that the model also assumed that the recreational fleet would not be subject to any closures, or change in season. Mr. Demarest explained that recreational sea sampling is conducted aboard head boats, and cautioned that losing this stream of data if the boats do not run, which may have a long term impacts.

Framework 53 Presentation Continued: Windowpane Flounder

Council staff presented on Alternative 4.1.5, GOM/GB Windowpane Flounder Scallop Fishery Sub-ACL. Staff explained that there were two options for the Committee to consider, and if the Committee were to select Option 2, it should further refine its preferred alternative.

Motion #7 – (Nolan/):

The Committee recommends that an option be added in Section 4.1.3 (SNE/MA Windowpane Flounder sub-ACLs for Groundfish Sectors and the Common Pool) that would create sub-ACLs for summer flounder, scup, squid, and squid/whiting to this section as a placeholder.

Discussion: Council staff clarified that the ‘placeholder’ status of the windowpane alternatives was to indicate that the PDT had developed the alternative as far as it could, and that the PDT needed further guidance from the Committee to fully develop the alternative, otherwise the PDT recommends moving the alternative to the considered but rejected section of the framework. The maker of the motion explained that they would like to see other fisheries considered in discussions about splitting the windowpane flounder sub-ACL.

The motion **failed** for lack of a second.

The Committee discussion shifted back to the development of a northern windowpane scallop fishery sub-ACL. In the morning, the Committee decided to work through the creation of a scallop fishery sub-ACL for the before revisiting splitting the groundfish sub-ACL between sectors and the common pool.

Public Comment:

- Drew Minkiewicz, Fisheries Survival Fund. *We have a lot of problems with this going forward in its present state. As the discussion you just had demonstrates, there are a lot of issues to be figured out on how to appropriately treat windowpane flounder. The fact is, windowpane is of no commercial value to anybody, it is a bycatch only species, our position is that windowpane should not be treated as a species within a fishery management plan, but*

rather as an ecosystem component of this fishery management plan. That would require an amendment – so this will not be done today. That being said, we feel that allocating windowpane to the scallop fishery requires an amendment as well. I understand that the agency has a different view. There are real concerns about the data that is being used. The experience out on the water is that there are a lot more windowpane around, this is a stock that has not been assessed or updated in some time. We need more information. You are also trying to figure out what to do with the Mid-Atlantic fisheries, and how to deal with the sectors and the common pool, so I don't see how it makes sense to arbitrarily give the scallopers a percentage off the top and sort out everything else. Let's all work on this together in a holistic fashion and get this right. You either do this as an ecosystem component species, or figure out a way to maximize the use of this stock that will allow everyone to maximize their target species. As far as a year delay – scallopers are going to have minimal effort on Georges Bank this year - there are no access area trips that are going to be allocated on Georges Bank. Looking at 31 DAS, and most of that effort, if you're looking at the scallop biomass, is going to be in the Mid-Atlantic region outside of the northern windowpane stock area. In scallop FW26 we are looking into putting in a pro-active AM for windowpane that would change the number of rings on the apron to allow more flatfish to escape. With all of this going on it does not make sense to choose a percentage for the scallop fishery using outdated data. Let's do this in a holistic way. Ask to deal with this in priorities, using updated data and a holistic approach. Thank you.

- Ron Smolowitz, Fisheries Survival Fund. *I have a couple of questions. In the analysis, it says the most recent data, and stops at 2010. Why are we not using 2011, 2012, 2013 data in the analysis? A lot of major changes occurred in 2010 in both fisheries.*

Council staff explained that the PDT replicated the approach used to develop a sub-ACL for southern windowpane flounder, and current catch data is provided in the document.

- Ron Smolowitz, Fisheries Survival Fund. *Dr. Rago at the NEFSC sent me data. Even if you go back to the allocation of the sub-ACL for yellowtail flounder, we had a vast amount of data in front of us. We even had it broken down by sector. I can't find an analysis of when and where the scallop fishery catches windowpane flounder by quarter. I don't know what the impact of any of the percentages in the alternative would be. In the otter trawl fishery, I don't know what the target fisheries are, and where the bycatch is coming from by target fishery - whether it is a winter flounder fishery on the northern edge, or a skate fishery. There are a lot of puzzles here – a 6.5" codend should not retain winter flounder. I don't think enough data exists to move forward with this at this time. I haven't seen it, I haven't received the analysis. It is a pretty late stage of the game here if we don't have that information available. Just choosing a number that is on the table with the data that we have available is really premature. We definitely need to work on this, rushing it is not the way to do it.*

A Committee member asked how much data was available on windowpane flounder catches by fishery, in the event that the Council decided to initiate a windowpane amendment? Council staff explained that the Committee would be heading about a process review of catches during its priorities discussion tomorrow. Staff explained that there may be other stocks that are being caught in multiple fisheries that the Council may want to include in an action, and that the results of that work might suggest that some of the solutions to windowpane issues could be solved in a FW. Another Committee member was uncomfortable moving this forward in a FW because it could quickly head down the road of an allocation within the scallop fishery between fleets. A Committee member asked the Scallop PDT Chair, Deirdre Boelke if she could speak to windowpane catch projections by the scallop fishery in FY2105. Ms. Boelke stated that she did not have a projection of what the estimated scallop fishery catch would be in FY2015, but

explained that she would have an estimate for the full Council meeting. She noted that the scallop PDT estimates catches for all stocks with scallop sub-ACLs. Some Committee members expressed interest in delaying further development a northern windowpane flounder sub-ACL for the scallop fishery. Council staff directed the Committee to scallop catch information in document #5. There is information available to the Committee to examine. Another Committee member reminded the Committee that the groundfish fishery is the only fishery that has an AM in place in the event of an overage, and felt that allocating to the scallop fishery was really about the groundfish fishery being held accountable for catches of other fisheries.

Public Comment:

- Maggie Raymond, Associated Fisheries of Maine. *I like the idea that Drew has about dealing with windowpane flounder as an ecosystem component, and dealing with it in a different way. Dealing with windowpane flounder was supposed to be a major focus of this framework. If the Committee and Council decide to put this off, I think we need some kind of guarantee that the scallop Committee would continue to work on the proactive AM, regardless of how much effort is in that area. Whatever effort is in that area, whatever effort is in this area would need to be impacted by whatever they are developing for proactive AMs.*

Motion #8 – (Pierce/Etrie):

That the Committee recommend that in Section 4.1.5.2 (scallop sub-ACL) Option 2 include a sub-ACL of 8% for Sea Scallop Fishery, and in section 4.1.4.2 (sector and common-pool sub-ACL) Option 2 include a sub-ACL of 2 % for the Common Pool and Other sub Component, and 90% for Sectors.

Rationale: The percentage of each sub-ACL is based on catch information provided in Council documents.

Public Comment:

- Drew Minkiewicz, Fisheries Survival Fund. *This is exactly the scenerio we were looking to avoid – just throwing up random numbers. What is 8% based on? It is just plucked out of the air. It has no basis in current catches. It is just going to hamstring the fishery. And for what? A species that has zero commercial value. What National Standard or overall fishery objective is this achieving? This is not maximizing yield. Optimizing yield is our primary objective, and this will not help us achieve that. To the earlier question as to whether or not we are going to pursue the proactive AMs. Obviously, I couldn't tell you what will happen with the framework, but I can tell you that I've been charged with putting in place a proactive AM. I'm not doing my job if that doesn't get put in place. We recognize the problems that Libby was talking about. If the overage happens, and we are part of that overage, right now as it is set up the only AM is for groundfish. We are pursuing a proactive AM to reduce catch. We are going to put an AM in place when we get an ACL, but we want an ACL that makes sense, and is part of an overall process where we can maximize this fish so we all can catch fish that we actually want to land. Fish that everyone discards should not be a limiting factor, especially to the scallop fishery. We strongly object to this. The fishery will be minimal on Georges Bank, our impact in this year going forward is going to be minimal, and we are committed to working with and taking an allocation that is worked out holistically with a rationale behind it, to live within that. I strongly encourage you to not pass this so we can move forward on a productive path.*

- Ron Smolowitz, Fisheries Survival Fund. *I'm certainly against this. I just don't think we have the tools to analyze the impacts of this. This is an extremely small number, especially with the underestimation of the biomass that is out there, which is another whole problem. More importantly, it is going to have a significant impact on yellowtail and on lobsters, and I don't think you are going to be able to analyze that. It is premature to understand any of the impacts of an allocation of windowpane flounder. We changed our fishing season to greatly reduce our yellowtail bycatch rates, we are under pressure to have a fishing season to decrease interaction with fixed gear. You will not be able to do the analysis at this point in time.*

Ms. Heil provided clarification on the available catch data from the three most recent fishing years. She noted that scallop catches of northern windowpane were 17%, 36%, and 15% of the total windowpane catch in FYs 2011, 2012, and 2013 respectively. Ms. Heil explained that FY 2012 catches of windowpane in the groundfish fishery triggered the AMs for FY 2014, however the AM was triggered in FY2013 when it was determined that the ACL had been exceeded in that year as well. In 2013, scallop catches of windowpane flounder were within the sub-component value, and did not contribute to the ACL overage and triggering of the AM in that FY.

A Committee member expressed concern that an 8% sub-ACL for windowpane flounder did not reflect recent catches and that the value may be too low. Another Committee member suggested that the Committee forward the motion to the Council without values for each sub-ACL, and to decide on one-year sub-ACL values after the scallop fishery's windowpane catch is estimated by the scallop PDT.

Public Comment:

- Mary Beth Tooley, O'Hara Corporation. *What is the rationale for the 8%? Looking at the document, it appears to be very close to the average. If you look at the total numbers, clearly this would have a significant impact for the scallop fishery close to 50% of the time. I think Drew said it quite well that this is not a species that is harvested by either sector. It is bycatch only, it has no economic value, and what would be your rationale for favoring one sector over another when you make an allocation like that. It should be based on strong data, each sector should be treated equally in an allocation, and that is not what this motion would do. I do think that the maker of the motion should provide some rationale.*

The maker of the motion indicated that they used the median and the mean of the data provided, and that their intent was to hear discussion on this issue. A rationale for this alternative is provided on page 38 of document #6.

Motion to Amend #8a – (Kendall/T. Alexander):

The Committee recommends that in Section 4.1.5. (GOM/GB Windowpane Flounder Scallop Fishery Sub-ACL), Option 2 (Create a scallop fishery GOM/GB windowpane flounder sub-ACL) include a sub-ACL of X% for the scallop fishery, and in Section 4.1.4. (GOM/GB Windowpane Flounder Sub-ACLs for Groundfish Sectors and the Common Pool), Option 2 (Create GOM/GB windowpane flounder sub-ACLs for Groundfish Sectors and Common Pool) include a sub-ACL of X% for Common Pool and other sub-components and X% for Sectors.

Rationale: Including placeholder values until additional catch estimates can be provided by the scallop PDT.

Discussion on the Motion: Council staff explained that if the Council does select creating a northern windowpane flounder scallop fishery sub-ACL as preferred, the other sub-component (which includes scallop catches) would receive 29% of the windowpane ACL in FY2015, and the rest would go to the groundfish fishery. Several members of the Committee spoke in favor addressing windowpane catches as a priority in 2015. Council staff explained that there is no way to measure impacts of this alternative unless values for sub-ACLs are provided.

Some Public Comment Included:

- Drew Minkiewicz. Fisheries Survival Fund. *While we still hold that this should be done in an amendment, we are committed to the proactive AM. As far a rationale if you are going to give us an allocation, if Deirdre is able to provide a projection as she has done in the past for other stocks, we could live with that number. Or, as another number, and please check my math, the three year average of our catches is 22%. That is another reasonable number, and should put the 8% into some perspective for all of you. It is very low. If we go forward with those numbers, recognizing that this is one year, we are fully committed to putting all of our resources as the Fisheries Survival Fund working toward a better solution for everyone including the groundfish sector, and pushing an amendment for an ecosystem component species. Make this problem a good example of ecosystem management.*
- Deirdre Boelke, Scallop PDT Chair – *I do not think that your decision has to totally be based on that [scallop PDT projection] number, again it would be for one year in one particular fishery. Even if you don't have the number right now and they catch the same amount that they did this year, 40mt is a lot more than any of the alternatives in the document we are considering. I think it is 26% of the ACL if you want to keep it the same, even if the fishery catches drop by half, it is still a big number that we are talking about allocating to the fishery. I'll bring you the catch projection, and it is not going to be around 8%. I do not think that is not going to be in the realm or the range that is currently in the document.*

The motion to amend **carried** on a show of hands (6/2/2).

The Main Motion As Amended (#8a):

The Committee recommends that in Section 4.1.5. (GOM/GB Windowpane Flounder Scallop Fishery Sub-ACL), Option 2 (Create a scallop fishery GOM/GB windowpane flounder sub-ACL) include a sub-ACL of X% for the scallop fishery, and in Section 4.1.4. (GOM/GB Windowpane Flounder Sub-ACLs for Groundfish Sectors and the Common Pool), Option 2 (Create GOM/GB windowpane flounder sub-ACLs for Groundfish Sectors and Common Pool) include a sub-ACL of X% for Common Pool and other sub-components and X% for Sectors.

The main motion as amended **carried** on a show of hands (8/0/2).

The Committee discussed moving Section 4.1.3 to considered but rejected, and returning to the issue at a later date when with more informational available that would allow them to further discuss sub-ACLs for fisheries that interact with windowpane.

Motion #9 – (Nolan/Kendall):

The Committee recommends that Section 4.1.3. (SNE/MA Windowpane Flounder Sub-ACLs for Groundfish Sectors and the Common Pool) be moved to “Considered but Rejected”.

There was no discussion on the motion (see earlier Committee discussion on windowpane issues).

The motion **carried** on a show of hands (9/0/1).

The Committee discussion shifted to section 4.2.3 – Observer Requirements in the Gulf of Maine. Staff explained that there are two options in this alternative, and noted that the PDT is concerned that prohibiting certain fishing activity unless there is an observer onboard would likely create a bias in the discard estimates. In addition, the existing observer program is resource-limited, and observers should not be used for enforcement.

A Committee member felt that the Committee had to reject this alternative because the Council cannot require NMFS to provide observers, and explained that an inshore/offshore agreement already exists within the sector system, and suggested that the Committee recommend the alternative be moved to considered but rejected. A Committee member inquired about the monitoring and enforcement of the inshore/offshore agreement by sectors themselves, and asked how the agreement had worked. A member of the Committee familiar with the sector inshore/offshore agreement stated that compliance has been high, and that vessel activity is monitored by sectors using data provided by NMFS. Ms. Murphy expressed concern about NMFS ability to approve this measure, and noted that it would likely lead to higher rates of observer coverage by creating additional coverage strata. Another Committee member felt that there is no reason to limit anyone's fishing activity when they have an observer on the boat. There was a brief conversation in which the quality assurance/quality control of sector catch reporting was explained.

Motion #10 – (T. Alexander/Pierce):

The Committee recommends that Section 4.2.3 (Observer Requirements in the Gulf of Maine) be moved to "Considered but Rejected".

The motion **carried** on a show of hands (9/0/0).

Framework 53 Presentation Continued: Staff explained that the PDT had continued to develop the rollover of groundfish specifications alternative based on Council guidance, and had brought forward three percentage based sub-Options (35%, 20%, 10%). Council staff explained that in the event of a delay in rulemaking, this alternative would roll forward a percentage of the prior year's stock specific ACL to allow directed groundfish fishing to begin on May 1st. Option 2 would not change the distribution or conditions of the commercial and recreational fishery allocations (e.g. trimester TACs and 20% holdback for groundfish sector ACE). The GAP made two motions on rollover at its September 2014 meeting (Motions 1 & 2).

The Committee discussed instances in which a percentage of the prior year's ACL would exceed the ABC for the upcoming fishing year, noting the recent declines in GOM cod ACLs (see document #8, page 16). Staff explained that the alternative was written such that if the rollover of the ACL were to exceed the ABC for the upcoming fishing year, then the rollover value would be capped at the ABC value for the upcoming FY.

Motion #10: (Etrie/T. Alexander):

To include in § 4.2.4 *Rollover of Groundfish Specifications* an additional provision to Sub-Option A.B, C (or any additional options that may be developed) that would specify that in the event

specifications are rolled over into the next fishing year, that Sectors would not be subject to the 20% holdback of current year's Sector Annual Catch Entitlement while the rollover specifications are in place.

Rationale: At the start of each fishing year, the Agency holds back 20% of the Sector's current fishing ACE while the Sector and the Agency reconcile and finalize the previous fishing year's ACE accounting. This motion clarifies how A16 20% holdback of current Fishing Year ACE should be treated in the event that the specifications from the previous year need to be rolled over in light of a delay. Since ultimately the full allocation for sectors will be released upon completion of the specification rulemaking any need to deduct for overages can be accounted for within the full allocation. The current language included in FW 53, as well the PDT Memo dated November 5, 2014 is silent on how the 20% holdback will be treated.

Discussion on the Motion: Committee members felt that this approach seemed reasonable, and observed that a large portion of the ACL would be held back in this provision.

The Motion **carried** on a show of hands (9/0/1).

Motion # 12 – (T. Alexander/Balzano):

The Committee recommends that in Section 4.2.4 (Rollover of Groundfish Specifications), the Council selects Sub-Option A (Rollover 35% of all groundfish stocks to the following FY) as its Preferred Alternative.

Rationale: Some sectors require vessels to hold a certain amount of ACE prior to the beginning their fishing trip, and this amount would help to ensure that vessels could begin prosecuting the fishing year beginning on May 1st.

Discussion on the Motion: A Committee member expressed interest in putting the in an end date on rollover specifications such that they could not stay in place indefinitely. They explained that this would force NMFS to finish rulemaking by a certain date, and emphasized need the Council to take final action in November as final action in January leave the agency about two months to complete rulemaking.

Motion As Friendly Amended:

The Committee recommends that in Section 4.2.4 (Rollover of Groundfish Specifications), the Council select Sub-Option A (Rollover 35% of all groundfish stocks to the following FY) as its Preferred Alternative, with an end date no later than August 1.

Discussion on the Motion as Friendly Amended: A member of the Committee was concerned that over time the target date for completing rulemaking would shift from to May 1st to August 1st with this provision in place. Another Committee member remarked that delaying rulemaking past May 1st might end up creating more work for NMFS, and so there could still be an imperative to have rulemaking completed for the start of the fishing year.

The motion as friendly amended **carried** on a show of hands (9/0/1).

Motion #13 – (T. Alexander/Kendall):

The Committee recommends that in Section 4.2.5 (Sector ACE Carryover), the Council select Option 2 as its Preferred Alternative.

The motion **carried** on a show of hands (8/0/2).

Meeting adjourned at 6:28pm.

DRAFT

Day 2: Groundfish Committee Meeting

MEETING ATTENDANCE: Frank Blount (Chairman), Dr. David Pierce (Vice Chair), Mr. Terry Alexander, Mr. Vincent Balzano, Ms. Ellen Goethel, Mr. Peter Kendall, Mr. Howard King (MAFMC), Ms. Susan Murphy, Ms. Libby Etrie, and Ms. Laurie Nolan (MAFMC); Mr. Terry Stockwell (Council Chair); Ms. Jackie Odell (GAP Vice Chair); Dr. Jamie Cournane, Ms. Rachel Feeney, Mr. Jonathon Peros (NEFMC staff), Mr. Tom Nies (Council Executive Director); Ms. Sarah Heil, Mr. Michael Ruccio, Mr. Mark Grant, Dr. William Whitmore (NMFS GARFO staff), Mitch MacDonald (NOAA General Counsel). In addition, approximately 20 members of the public attended.

The meeting began at 9:03 am.

The Committee elected to keep the 9:15am agenda item, and begin by selecting preferred alternatives.

Motion #14 – (T. Alexander/Etrie):

The Committee recommends that in Section 4.1.1. (Revised Status Determination Criteria), the Council select Option 2 (Revised Status Determination Criteria) as its Preferred Alternative.

There was no Committee discussion on the motion.

The motion **carried** on a show of hands (9/0/1).

Motion #15 – (T. Alexander/Balzano):

The Committee recommends that in Section 4.1.2. (Annual Catch Limits), the Council select Option 2 (Revised annual catch limit specifications) as its Preferred Alternative.

There was no Committee discussion on the motion.

The motion **carried** on a show of hands (9/0/1).

The Committee elected to not select a preferred alternative for Section 4.1.4, anticipating that more information on windowpane catches by the scallop fleet would be available at the November 2014 Council meeting.

The Chair acknowledged that the Chairs of the GAP and the RAP were sitting with the Committee as there was not time to have both advisory panels meet ahead of this Committee meeting.

Presentation from Mr. Mike Ruccio on GOM cod Interim Action: Mr. Ruccio explained that the intent of his presentation is to help inform the Committee about the process that NMFS used in developing Interim Management Measures. Mr. Ruccio gave an overview of the interim management measures as well as the analyses that informed the rule.

Mr. Ruccio talked about measures that NMFS considered, but did not take action, such as closing the GOM to all fishing. Ultimately, NMFS felt that was too extreme of an action and decided to pursue other measures that could achieve a conservation benefit for GOM cod while minimizing other impacts to the extent practicable. Other measures that were not adopted included zero possession of cod in the commercial fishery, and the adoption of selective gear. Mr. Ruccio explained that the goals and objectives of the interim action measures were to reduce overfishing by reducing catch, to provide protection to spawning aggregations and spawning activities, to minimize the take of cod from areas where the animals

are concentrated, and to develop and implement an action quickly. The interim action measures include commercial and recreational fishery area closures, commercial trip limits, zero recreational possession, declaration change for GOM trips, and revoking the day gillnet sector exemption allowing vessels to fish additional nets. Mr. Ruccio explained that the existing rolling closures would be replaced by these measures. Mr. Ruccio's presentation, which contains additional details about the GOM cod interim action, can be found [here on the Council's website](#). The environmental assessment prepared for this action can be found [here on the GARFO website](#).

Questions and Comments on the Presentation: A Committee member inquired about how the interim GOM cod measures were expected effect overall catch, and wondered if there was a case for the SSC to re-run projections using different FY2014 catch assumptions. Mr. Ruccio explained that the PDT had estimated FY2014 catches using the ACL, and that it was difficult to say with certainty where catches would end up on April 30th. Another Committee member asked for clarification on assumed discard rates, specifically what this would mean for vessels fishing with a trip limit, and how it would impact boats that had stopped fishing. Mr. Mark Grant, Sector Policy Analyst for NMFS, explained that the assumed discard rate for sectors changes over the course of the fishing year. In the case of the interim action, the discard rate for GOM cod was frozen as of 11/13/14, and sector vessels that had stopped fishing prior to November 13th would not be subject to a new discard rate. Trips that initiate on the 13th of November will have a separate discard rate going forward for the remainder of the FY. A Committee member requested clarification on the difference between an interim action and an emergency action. NOAA GC explained that both provisions are found in the same section of the Magnuson-Stevens Act. The interim rule can only be used to reduce overfishing, while the emergency action can be used to address any emergency, including economic emergencies. A Committee member noted that the PDT was not recommending a GOM cod spawning closure during the month of March, and requested that NMFS reconsider the interim closures during that time. Mr. Ruccio explained that the March closure was included in the interim action as a catch reduction closure. This Committee member also suggested that NMFS look into requiring in-line circle hooks as a way to reduce discard mortality in the recreation fishery. A Committee member requested that NMFS review a herring RSA exemption that currently allowed the use of mid-water trawling in the Massachusetts Bay area, in areas where cod will be spawning.

There was a question about the ability to the recreational fishery to target other species, such as winter flounder and summer flounder, using modified gear. Mr. Ruccio explained that using a smaller sized flounder hook still technically feel under handline/rod and reel which are not exempt, and advised that additional work would need to be done to describe those gears, and to describe their potential interaction with cod.

Some Public Comments Included:

- Vito Giacalone, Gloucester Fishing Community Preservation Fund. *On the mortality portion of the interim action, I'm wondering if there has been any thought to going back to the sectors, or requesting the sectors consider giving up a portion of their GOM cod quota in exchange for removing the mortality closures and the 200lb trip limit. I still don't know how NMFS is going to figure out the discard ratios – if you have a small trip and catch some cod it does not take a lot to overwhelm your kept discard ratio. Additionally, we're missing out on the scientific data. There are a lot of bad things that come with a 200lb trip limit, and we hope that there is a way to offset that. There are still so many questions with that the reduction of GOM cod catch will be with these measures, if sectors were to voluntarily take a reduction in their quota, that would give a known reduction in FY2014 catch and allow the sectors to be exempt from some of these closures. I hope that the Council sees the benefit of replacing an effort control with an output control, and one way to do that is to allow the*

sectors to voluntarily come up with a reduction in their own sector ACE on the stock. It is a tool that we seem to keep missing.

- Jackie Odell, Northeast Seafood Coalition. *My comment is on data the data that was used to develop some of the seasonal closures, and this is also reiterated in the PDT analysis performed by Mike Palmer on VTR landings of GOM cod. This is a good opportunity to look at something that is not antidotal. The VTR information is showing a wider distribution of GOM cod into other areas of the GOM. Yet the rationale for agreeing for the need of the interim action and most recent stock assessment is that the stock has constricted to small portions of the WGOM and that the stock is stressed. When you look at the VTR landings, which we won't have anymore, it is showing that there is much greater distribution of the stock into other areas. We've been lead to believe that there are only remnants of the stock in very small areas of the WGOM, yet VTR landings are showing a very different picture of the GOM cod. We are not going to have critical fishery dependent data that could help us understand what is going on with these stocks.*
- Maggie Raymond, Associated Fisheries of Maine. *One of the problems that some of the Council members expressed when they were discussing recommendations for the emergency action was that they didn't really understand the goal that they were trying to achieve – how much cod needed to be saved in the action. Does the EA come up with a predicted cod savings from the action? Does the analysis show a predicted total discard of GOM cod?*

Mr. Ruccio explained that part of the issue is the Magnuson-Stevens Act mandates that NMFS ends overfishing, but that is not possible for this fishing year because the fishery has already eclipsed the level of catch such that overfishing is occurring. Then the question becomes how much can overfishing be reduced? Then we look at catch-to-date to see where we are at. Mr. Ruccio explained that the action describes how much overfishing would be reduced relative to reductions in GOM cod catch. He also explained that the QCM estimates catch in the EA. Ms. Raymond asked Mr. Ruccio if there were other potential sector exemptions to the interim action that the industry could expect the agency to consider if they were brought forward. Mr. Ruccio suggested that the industry bring forward comments.

- Geoff Smith, The Nature Conservancy – Maine. *I have a question about the agencies deliberations on the 200lb trip limit. I know that the Council has been moving away from trip limits, they were considered in FW53 and there was concern about discarding. I was looking at the analysis that Chad presented Committee yesterday. In the analysis of zero possession he noted that if you have an observer onboard there is a serious incentive to avoid cod, and when you do not have an observer onboard there is a strong incentive to maximize your revenues regardless of your cod catches. I'm curious if the agency considered this when they put the trip limit in? I understand that Chad's analysis looked at a zero possession of cod, but I think that a 200lb trip limit will create the same incentives. Did the agency consider trying to get additional observer coverage to deal with this observer effect when you have a trip limit?*

Mr. Ruccio explained that NMFS did consider this potential for discarding and an observer effect, and noted that it is already difficult hit observer coverage levels.

Continued Discussion on GOM cod Interim Action: A Committee member explained that after the GOM cod interim action was announced, several day gillnet category vessel owners and captains expressed concern about the in-season change, and were interested in

Motion #16: (T. Alexander/Balzano):

The Committee recommends, in response to the Interim Action Management Measures for GOM Cod, specifically the measure that restricts the number of gillnets in the day gillnet permit category, that the Council ask GARFO to allow vessels enrolled in the day gillnet category a one-time change to their permit category from the day- to the trip-gillnet category.

Rationale: Gillnet vessels opted into a permit category (day or trip) at the start of the fishing year based on the information that was available at the time. In light of the in-season interim action, vessels would benefit from flexibility to change their permit category in-season as their business plans may have changed.

Discussion on the motion: A Committee member pointed out that vessels in the trip gillnet category may fish as many nets as they wish, but are required to bring the nets home each trip. Another Committee member asked to if there was any information on whether or not trip gillnet vessels bring back their all of their gear on each trip, and felt that this is an enforcement and compliance issue.

Public Comment:

- Maggie Raymond, Associated Fisheries of Maine. *These permit categories have been in place for many years, and I don't recall in all of that time that there has ever been an issue with compliance. These permit categories were originally developed because of DAS, and the two different ways that gillnet boats fish. One leaves its gear in the water, the other brings the gear home, and they needed to get a different DAS counting rate. This doesn't make a lot of sense under sector management. Offshore trip boats cannot survive on fifty nets – and they need the ability to get back into the category. They went into the day gillnet category so that they could leave their monkfish nets out because those need a longer soak time. These fishermen are now saying that they would rather not do that, and they need more nets to target pollock and white hake. That is how this whole thing started. They got into the day gillnet category at the start of the year and now they would like to change.*
- Josh Wiersma, Sector manager for NH's gillnet sector. *We are predominately a gillnet sector. My members always bring their gear in. In regards to the flexibility, we are only going to have two or three boats that are going to be able to fish through this and the only way they can fish through this is to fish offshore and declare as a trip boat to be able to do so. Otherwise, the NH fleet is pretty much done. This is critically important to us.*

A Committee member who owns a gillnet vessel explained that they understood concerns about not leaving gear in the water between trips, but stated that they had never left their gear out. They want on to say that the felt the only reason that fishermen would leave their gear out is because of a breakdown (broken hauler).

The motion **carried** on a show of hands (9/0/1).

Framework 53 Discussion Continued: The Committee transitioned its discussion back to recommending preferred alternatives for FW53, taking up alternative 4.2.2, Prohibition on the Possession of GOM cod (see Document #17, page 10). Council staff briefly summarized the Committee's discussion from day 1 of the meeting.

A Committee member stated that they were not a fan of discarding or zero possession, citing the results of the QCM presented on Day 1 (Document #5b). Multiple Committee members suggested that the alternative remain in the document, but that the Committee not recommend a preferred alternative to the

Council to allow for additional Council discussion. The Groundfish Committee Chair reminded the Committee that the RAP had passed a motion expressing openness to a zero possession of GOM cod under the assumption that there would be no closures for the recreational fleet. A member of the RAP participating from the Committee table highlighted the potential benefit of recreational anglers using descending devices to reduce discard mortality, but noted that there has not been any research on how these devices may improve the survivability of cod or haddock. The RAP member felt that studies and an experimental fishing permits (EFP) were needed to explore the efficacy of descending devices in the groundfish fishery, and wondered if this kind of research would be off the table if GOM cod went to zero possession. Council staff confirmed that an EFP could be pursued if zero possession was adopted, and noted that the PDT was aware that there is little data available on the use of descending devices for cod and haddock. Council staff noted that several PDT and advisory panel discussions had highlighted the need for an extensive outreach program if cod were to go to zero possession in the GOM. The member of the RAP expressed serious concern about requiring the use of descending devices that had not been proven to improve cod or haddock discard mortality, noting that the recreational community would be on the hook to buy equipment based on a *perceived benefit*. Another Committee member floated the idea of splitting the zero possession alternative and having separate options for recreational and commercial fisheries. The Committee did not have a recommendation for preferred its preferred alternative on zero possession of GOM cod.

The Committee moved on to section 4.2.1, GOM cod spawning area closures. Council staff reminded the Committee that they had voted to recommend the removal of March from sub-Options A & B in this alternative. The Committee discussed whether or not to move ahead with discussion on this section, or to revisit Motion #5a (tabled from Day 1) that would create GOM cod spawning and mortality measures, and ultimately focused on further modifications to this (4.2.1) section only. A member of the RAP highlighted the PDT suggestion for a new sub-option did to not include closing the WGOM closed area to recreational fishing as part of spawning alternatives.

Motion #17: (Goethel/Kendall):

The Committee recommends to the Council that in Section 4.2.1 (GOM Cod Spawning Area Closures) Option 2 (Additional GOM Cod Spawning Protection Measures), Sub-Option A, strike “Year-round in the WGOM Closed Area”.

The motion **carried** on a show of hands (8/0/1).

The Committee continued its discussion on the GOM cod spawning area closures, focusing on the configuration of sub-Option B in during the winter months.

Motion #18 - (T. Alexander/Goethel):

The Committee recommends to the Council that in Section 4.2.1.2 (GOM Cod Spawning Area Closures) Option 2 (Additional GOM Cod Spawning Protection Measures), modify Sub-Option B for November - January to open 30-minute block 124 with the exception of: 42° - 70°30'; 42°07' - 70°24'; 42°16' -70°30' (30-minute block 125 would be closed, as well as this triangle in 30-minute block 124).

Rationale: This proposed change to the closed area in 124 is based on data from the MA DMF IBS survey, and covers the spawning areas identified in that work in the winter.

Discussion on the Motion: To explain this idea, a Committee member approached the projector screen and walked the group through the closure area that was being proposed. The Committee member

explained that the new configuration of November – January closure would be larger than an existing Massachusetts Bay spawning closure option currently in the Omnibus Habitat Amendment. NOAA General Council offered a general caveat that for a framework action the public should have an opportunity to comment on alternatives and analyses prior to and at the second Council meeting. A Committee member felt that the proposed modification to the sub-Option B brings the buffer the wrong way, and represented a scaling back from for the PDT recommendation. They went on to say that given the results of the latest GOM cod assessment that the Council should be aggressive in protecting spawning cod. Several Committee members reiterated that they believed that the impacts of the proposed modification had been analyzed in the document. They felt that the changes were self-evident and logical modifications and expressed support for the motion. The Committee also discussed adding this change as a new sub-option to the GOM cod spawning area closure alternative.

Some Public Comments Included:

- Jackie Odell, Northeast Seafood Coalition. *In the Habitat Omnibus Amendment, the Council selected the Massachusetts Bay Spawning Protection Area as their preferred option. This motion expands on the Massachusetts Bay Spawning Protection Area – it expands it. This has already been selected by the Council as preferred. I think that what we need to do is to get the fishermen who participated in this research project with MA DMF to participate at the next Council meeting to have a discussion about what they have seen, and to provide more information about the research. This buffer would protect spawning cod aggregations, as those fishermen have identified with the state of Massachusetts.*
- David Goethel, F/V Ellen Diane. *I have done a huge amount of research on cod spawning. I want to set the record straight – there are statements being made about cod spawning and the size of the areas needed that are not supported by our research. I think my research with Dr. Hunt Howell at UNH is being cited and mischaracterized. Our research was very specific, the areas were very small, and the spawning behavior inside those areas is even smaller than those areas. For example, in the Whaleback area, the actual area of spawning is less than two square miles. We closed quite a large area to give a good buffer. This is the problem with all of these spawning options. The vast majority of spawning options is not spawning bottom. You've got 133, which is where I live, pretty much closed down for the year for two square miles of bottom. The documents should be rewritten to reflect that fact that spawning occurs in very discrete locations. The best way to protect spawning fish is keep areas open so people don't need to fish near spawning fish and can go after other species. These closures will push people on to spawning fish. People are already going to be avoiding cod because the quota is so minuscule – we already have to avoid cod, we don't have a choice.*
- Marc Stettner. *I support this motion. Cod swim at a certain speed and can traverse these areas in no time at all. There is nothing to say that the IBS survey caught a cod in one of these areas that was ripe and on the move. Moving into spawning area, moving out of spawning areas. I want to make sure that we get this right. There are spawning areas, and there are mortality closures. They are very well defined. We need to make sure we get this right because if we label the wrong area a spawning area, it will be very difficult to reverse that decision somewhere down the line.*

The Committee discussed the economic importance of Block 124 to the groundfish fleet, as well as meeting materials on prepared by the PDT on GOM cod spawning.

The motion **failed** on a show of hands (3/6/1).

The maker of motion #18 made a new motion to create another GOM cod spawning area sub-option in section 4.2.1.

Motion #19 - (T. Alexander/Balzano):

The Committee recommends to the Council that an additional sub-option as “Sub-Option C” be added to Section 4.2.1 (GOM Cod Spawning Area Closures) that would replicate Sub-Option B, except that for November – January, to open 30-minute block 124 with the exception of: 42° - 70°30’; 42°07’ - 70°24’; 42°16’ - 70°30’ (30-minute block 125 would be closed, as well as this triangle in 30-minute block 124).

Rationale: This proposed change to the closed area in 124 is based on data from the MA DMF IBS survey, and covers the spawning areas identified in that work in the winter.

The Chair called the question without further discussion as motion #19 moved forward the same concept the Committee had already discussed in motion #18, except as a new sub-option.

The motion **carried** on a show of hands (7/2/1).

After breaking for lunch, the Committee discussed adding a new section to FW53 based on an earlier motion that dealt with GOM cod spawning and mortality.

Motion #20 - (Etrie/Goethel):

The Committee recommends to the Council that in FW 53, a new section in 4.2 (Commercial and Recreational Fishery Measures) be included titled “GOM Cod Protection Closures”:

Option 1: No Action

Option 2: While the GOM cod SSB is below 25% of BMSY, all commercial and recreational groundfish fishing would be prohibited in the following 30-minute blocks and months:

- April: 124,125,132,133
- May: 125,132,133,138, 139, 140
- June: 133, 139, 140, 146, 147
- November - January block 125 would be closed and 30-minute block 124 would remain open except a bump out with the following coordinates:
 - 42° 00’ 70° 30’
 - 42° 07’ 70° 24’
 - 42° 16’ 70° 30’

Rationale: This measure is designed to be a placeholder management measure, which provides a more comprehensive approach to address the current status of GOM cod in the absence of finer scale information, and to be precautionary while the GOM cod stock is believed to be at a low level, and to use the interim period to improve knowledge relative to actual spawning activity. This measure is designed to balance the need to protect spawning cod and the need to for industry to access inshore areas to fish for the other healthy stocks. The seasonal closures area the existing rolling closures.

Discussion on the Motion: The maker of the motion stated that by ‘placeholder’, the intent is that the measure would be able to be adjusted over time as more information becomes available. A Committee member felt that this motion represented an attempt at ecosystem management on a larger scale, and felt

that the intention of the motion was to allow for flexibility to protect spawning fish during times and in places when fish are spawning. The maker of the motion responded to a question about why 25% B_{MSY} was selected as a threshold, stating that the intent was to set a target that is achievable, and once the stock recovers to that level the Council will revisit the measures, and discuss new information that may become available to refine and modify the measures.

Motion to Amend #20a – (Pierce/):

The Committee recommends to the Council that in FW 53, a new section in 4.2 (Commercial and Recreational Fishery Measures) be included titled “GOM Cod Protection Closures”:

Option 1: No Action

Option 2: While the GOM cod SSB is below 25% of B_{MSY} , all commercial and recreational groundfish fishing would be prohibited in the following time/areas:

- April: 124,125,132,133
- May: 125,132,133,138, 139, 140
- June: 133, 139, 140, 146, 147
- November - January block 125 would be closed and 30-minute block 124 would remain open except a bump out with the following coordinates:
 - 42° 00' 70° 30'
 - 42° 07' 70° 24'
 - 42° 16' 70° 30'

Seasonal closures in 30-minute blocks 125, 132, and portions of 124 would remain closed.

The motion to amend **failed** for a lack of a second.

Discussion on the original motion: Committee members expressed concern that measures proposed in the motion, and other spawning protection, would be lifted at once the stock returned to at least 25% of B_{MSY} . These Committee members also felt that 25% B_{MSY} did not go far enough. Other members on the Committee stated that revisiting the protection closures would allow the Council to determine whether or not these closures are appropriate, and noted that the fishery would continue to fish under strict ACLs. Council staff stated that impacts analysis of these new measures would not be available in time for the Council meeting the following week. Members of the Committee noted that the measures included time/area closures that were already in place as rolling closures, and additional closures were based on spawning. The Committee discussed where these measures should be considered with the spawning closures within FW53, or if they should be in their own section. A Committee member noted that the proposed measures mirrored the GOM cod spawning sub-option C that the Committee had voted to put into the document. The main motion was friendly amended by replacing “open” with “review” (see underlined section of motion).

Main Motion As Friendly Amended:

The Committee recommends to the Council that in FW 53, a new section in 4.2 (Commercial and Recreational Fishery Measures) be included titled “GOM Cod Protection Closures”:

Option 1: No Action

Option 2: While the GOM cod SSB is below 25% of BMSY, all commercial and recreational groundfish fishing would be prohibited in the following 30-minute blocks and months:

- April: 124,125,132,133*
- May: 125,132,133,138, 139, 140*
- June: 133, 139, 140, 146, 147*
- November - January block 125 would be closed and 30-minute block 124 would remain open except a bump out with the following coordinates:*
 - 42° 00' 70° 30'*
 - 42° 07' 70° 24'*
 - 42° 16' 70° 30'*

If the GOM cod SSB is above 25% of BMSY, these closures would be reviewed.

Some Public Comment Included:

- Doug Grout, NH Fish and Game. *I was looking at all of these different blocks and how this compares with the spawning data and the catch data. What was the rationale of putting in Blocks 146 and 147? Particularly 146 – I don't see a lot of spawning or that much effort.*

The maker of the motion explained that those blocks are part of the existing rolling closures that are applicable to sector vessels.

- David Goethel, F/V Ellen Diane. *I support this motion for two reasons. The first is that it protects fish when they are spawning. Number two, it is the only one that includes blocks to the north and east. As I told you before fish are moving to the north and east to spawn. This includes Block 138, there is spawning going on there. The fish are spawning to the north and east because of the water temperature. I would like to see something that leaves all of these things far more open than they are. For example, I think that there may be spawning going on in 137 in the spring on the eastern side of Jeffery's. The spawning options are too prescriptive, and part of a regime that no longer exists. Right now the spawning is happening further offshore. Look at the tables that you put up – it is all data from the 70's, 80's, 90's, 2000's. There has been a regime shift. The analysis is all about what has been, not what is. You really need to analyze what is.*
- Mark Stetner. *I also support this motion. This is looking forward, it gives fisheries a goal. If we all do our jobs – the fishermen and the Council – we can all look forward to something. I have concern about Block 132 in April. The Council and the Fisheries Service wants fishermen to direct on other stocks besides cod. We have an excellent stock assessment on haddock. In April in Block 132, on New Scantum, there are haddock with very little cod. I think that that block should be open in the spring so that the fishery can target haddock. Thank you.*
- Maggie Raymond, Associated Fisheries of Maine. *We also support this motion. My understanding was that intent of this was to force a review, which is something that we haven't done in the past. We have these rolling closures, and they have been repeatedly referred to by the agency as spawning*

closures. They were never documented to be that. This sets up an opportunity where we have a review. At some point in time we are going to go back and look at the data at some point in time, that is the best thing about this motion. Hopefully in the meantime we are going to gather a lot more information – better information about the real spawning areas for this particular stock of fish. I urge you to support this motion. Thank you.

The motion as friendly amended **carried** on a show of hands (6/2/2).

The Committee transitioned their discussion to zero possession of GOM cod in the recreational fishery (Section 4.2.2). The Chair of the Groundfish Committee reminded the group that the RAP had made a motion to explore zero possession for the recreational fishery, and not be subject to closed areas.

A member of the RAP sitting at the Committee table stated that at its last meeting the RAP thought that by going to zero possession of cod, there would be some conservation benefit for cod that would allow for a more workable bag limit of haddock. Right now the interim action is in place, and we had not seen the results of the bio-economic model run with the closed areas. They noted that the PDT discussed model runs that did not account for any closed areas. Council staff explained that the recreational analysis could be found in document #5c, and noted that the model is not set up to account for the impact of closures for the recreational fleet, in part because of a lack of spatial resolution in the model. The member of the RAP stated that if zero possession for the recreational fishery was used as a management measure it would be the first time ever in the United States that there was not possession with an ACL in place.

A Committee member sought clarification on what measures the recreational community was looking for. It was stated that the recreational fishery was looking for an option in 4.2.1, GOM spawning area closures, that would exempt the recreational rod and reel fishery from the closed areas only, but make cod zero possession. The Committee discussed other AMs that apply to the recreational fishery, such as seasonal closures. A member of the RAP felt that the AMs were designed without consideration of effort and geographic catch, and thought that the AM would be more restrictive than it was intended to be for haddock. A Committee member was concerned about recreational effort concentrating on spawning areas immediately after seasonal openings. A member of the RAP felt that if the recreational analysis was done correctly, the recreational bag limit for GOM haddock would be 5 or 6.

Public Comment:

Tim Tower. Bunny Clark Deep Sea Fishing. I don't think any recreational anglers should be allowed in spawning closures, at any time. If we have zero possession of cod and are not allowed to fish in the areas where we can catch other stocks, we will cease to have any business at all. If we can't fish in the closed areas, people won't go. If there are areas like Whaleback, recreational anglers should not be in there fishing on spawning populations of fish. It should not be touched by anybody – draggers, gillnetters – anybody.

The Committee discussed exempting the recreational fishery from mortality closures in light of a zero possession for GOM cod, and noted that analyzing effort in the recreational fishery by block is not possible for the private angler.

Motion #21 – (Goethel/T. Alexander):

The Committee recommends to the Council that in Section 4.2.1 (GOM Cod Spawning Area Closures), the following would apply to all of the sub-options under Option 2 (Additional GOM

Cod Spawning Protection Measures): the recreational groundfish fishery would continue to have year-round access to the WGOM closed area with zero possession of cod.

Discussion on the motion: Ms. Murphy explained that NMFS would have to analyze this option to ensure that there is a 50% probability of achieving the recreational sub-ACL that is in place for GOM cod and GOM haddock in 2015. There was some question as to whether or not the portion of the WGOM that overlaps with the proposed spawning blocks would be opened under this motion. It was clarified that the portions of the WGOM closed area that intersect with spawning blocks would be open to the recreational fishery to during those months.

Some Public Comments Included:

- Maggie Raymond, Associated Fisheries of Maine. *I'm a little confused. Basically part of 124, 132, and 139 overlaps with the WGOM closed area. So, just that section would be open, and the rest of the area to the west and north would stay closed?*

It was clarified that Ms. Raymond's interpretation of the motion was correct – the entire WGOM would be open to recreational fishing, though other times/areas identified as spawning closures to the west and to the northwest would be closed.

- Tim Tower. *Wasn't the WGOM closure originally closed as a juvenile protection mortality closure? It wasn't a spawning closure. When the WGOM closure was developed, it had nothing to do with spawning.*

A Committee member suggested that this motion only apply to GOM cod spawning area sub-options B and C.

Motion #21 as friendly amended:

The Committee recommends to the Council that in Section 4.2.1 (GOM Cod Spawning Area Closures), the following would apply to Sub-Options B and C under Option 2 (Additional GOM Cod Spawning Protection Measures): the recreational groundfish fishery would continue to have year-round access to the WGOM closed area with zero possession of cod.

After further consideration, the motion was withdrawn because sub-options B and C do not overlap with the WGOM closed area.

The motion was **withdrawn** without objection.

The Committee continued to discuss possible motions which would exempt the recreational fishery from time/area closures in parts of the WGOM closed area if the recreational fishery had zero possession of GOM cod.

Motion #22 – (Goethel/):

The Committee recommends to the Council that, if in Section 4.2.1 (GOM Cod Spawning Area Closures) Sub-Options B or C is selected in Option 2 (Additional GOM Cod Spawning Protection Measures), the Committee prefers Option 2 (Prohibition on the Possession of GOM cod) in Section 4.2.2 (Prohibition on the Possession of GOM cod) for the recreational fishery only.

A member of the Committee stated that this motion was moving in the opposite direction of the first motion (Motion #21, withdrawn), because it would recommend time/area closures and zero possession for the recreational fishery.

The motion was **withdrawn**.

The Committee continued to work on FW53 measures.

Motion #23 – (Goethel/T. Alexander):

The Committee recommends to the Council that in the new section (GOM Cod Protection Closures), add a sub-option (Option 2, Sub-Option B) to exempt the recreational fishery from the WGOM closed area year-round with a zero cod possession limit within the WGOM closed area.

Rationale: This alternative is focused on protecting aggregations of GOM cod, and this option would allow the recreational fishery an area to prosecute other stocks while decreasing their catch of GOM cod.

*The motion **carried** on a show of hands (6/0/2).*

Before moving on from discussion on Framework 53, Council staff revisited Committee motions and walked through the decision document. In Section 4.1.1, the Committee selected Option 2, revised status determination criteria as preferred. The Committee selected Option 2 as preferred in Section 4.1.2, Annual Catch Limits. The Committee recommended that Section 4.1.3 – SNE/MA Windowpane Flounder Sub-ACLs for Groundfish Sectors and the Common Pool be moved to considered by rejected. The Committee elected to defer further discussion of sections 4.1.4 and 4.1.5 to the November Council meeting. For section 4.2.1, GOM cod spawning area closures, the Committee recommended adding a sub-Option C, removing the month of March from all sub-Options, and removing the WGOM closed area from spawning closures. The Committee did not select a preferred alternative for GOM cod spawning areas. The Committee elected to defer further discussion on zero possession 4.2.2 to the Council meeting. The Committee recommended that section 4.2.3 be moved to considered but rejected. The Committee recommended modifying 4.2.4, Rollover provisions for specifications by including an expiration date of August 1st and not holding back 20% of sector ACE at the start of the FY. The Committee selected Option 2, Sub-Option A (35%) as preferred in section 4.2.4. The Committee also selected Option 2 in section 4.2.5, Sector ACE Carryover as preferred. The Committee also recommended that the Council adopt a new alternative in FW53, GOM cod protection measures, which would serve the dual purpose of protecting cod while providing opportunity to target healthy stocks.

Public Comment:

- Marc Stetner. *The emergency action got rid of the old rolling closures, and replaced them with closures developed by NMFS. I think the Council needs to make sure that whatever comes out FW53 takes the place of the existing rolling closures.*

The Groundfish Committee Chair explained that the spawning closures would add on to the GOM rolling closures, but the new GOM cod protection measures that were brought forward would in a Committee motion would replace the GOM rolling closures. This concluded the Committee discussion of FW53.

Before moving on to Priorities, the Committee had further discussion on GOM cod.

Motion #24 – (Goethel/Kendall):

The Committee recommends that the Council request that the NEFSC immediately initiate a benchmark assessment of all cod stocks. The terms of reference for this assessment will be set by the full NEFMC after consultation with the public.

Rationale: The public trust in the last cod assessment is at an all-time low and the draconian measures which have been forced on the groundfish fishery require that there be no doubt about the stock structure.

The Committee was reminded by the Council Chair that the NRCC had recently met, and all 20 groundfish stocks would be assessed in the Fall of 2015. The Council Chair noted that initiating a benchmark assessment for GOM cod would require the NRCC to reprioritize the assessment schedule. A Committee member stated that they felt that stock structure is the biggest problem that managers are facing right now.

Some Public Comment Included:

- Doug Grout, NH Fish and Game. *I understand an operational assessment to essentially be a turn of the crank. I'm not sure that the NEFSC can look at stock structure in an operational assessment. That is the only thing that concerns me about this motion. You may make this motion, but you might not be able to set that kind of TOR in an operational assessment. I think you are better off looking for a benchmark, then you could have the stock structure looked at.*
- David Goethel. *I was told specifically that an operational assessment was a turn of the crank, plugging in new numbers, and that stock boundary and ecosystem questions would be addressed in a benchmark assessment. We need a benchmark assessment of cod – Gulf of Maine and Georges Bank. Natural mortality was another one – this whole M-ramp mess, that won't be addressed in an Operational Assessment.*
- Maggie Raymond, Associated Fisheries of Maine. *When the fishery was declared a disaster, the agency put out some statements that the stocks are not rebuilding, but it is not fishing mortality and we don't know what the problem is. I remember asking when are we going to start looking at what the problem is. The ecosystem people aren't even in the room when you are doing an assessment. A place to start would be getting assessment scientist and ecosystem scientists in the same room to talk about the assessment instead of just turning the crank.*

The maker of the motion momentarily accepted a friendly amendment to the motion that would have replaced benchmark assessment with operational assessment. After public comment the maker requested that the language be changed back to the original motion. Other Committee members spoke in favor of initiating a benchmark assessment for GOM cod, noting that looking at stock structure may result in changes to allocations.

The motion **carried** on a show of hands (6/0/3).

A Committee member expressed interest in the idea of sectors holding back ACE instead of working under a trip limit for GOM cod, and offered the following motion:

Motion #25 – (Kendall/):

That a letter be sent to GARFO that GARFO analyze the possibility taking away some unused ACE rather than have the 200 lb. trip limit.

The Groundfish Committee Chair explained that there would be opportunity for the Committee to weigh in further on the GOM cod interim action after a discussion on priorities.

The Committee Chair postponed this motion.

Presentation on Potential 2015 Groundfish Priorities (Dr. Jamie Cournane):

Staff directed the Committee to Document #18, and explained that staff was looking for feedback on the list of draft potential priorities for 2015. Staff explained that initial draft list was based on 2014 priorities, as well as items that fell below the line for FW53, Council motions, and some Council staff suggestions. Staff explained that the PDT did not weigh in on priorities due to time constraints, and that the GAP and RAP did not have priorities discussions at the September meetings, though the RAP did make a motion regarding priorities at its September meeting. Potential annual priorities for 2015 include setting specifications for all groundfish stocks from 2016 – 2018, and for US/Canada stock in 2016, as well as recreational management measures process, changes to trawl gear regulations to improve enforceability, and electronic monitoring (See Document #18 for complete list). Council staff walked through a suite of potential multi-year priorities, which included completing Amendment 18, developing alternative strategies for setting catch advice for stability in ACLs, ACE trading between scallop/groundfish fisheries, and a process review of groundfish catch in other fisheries. Council staff explained that the RAP had passed a motion 5/0/3 at its September 2014 meeting requesting that the Committee revisit the allocation of GOM haddock, due to the recalculation of recreational discard mortality in the recent assessment in the next available action. Council staff also explained that the GAP had recommended that the Council pursue alternative methods for setting catch advice to achieve stability in ACLs and meet several management objectives. Council staff also revisited GAP motions from 2013, which requested that the Council by way of the Committee prioritize the development of a cost effective sector monitoring plan, and mechanisms to move unused ACE between scallop and groundfish fleets, and commercial and recreational groundfish fleets.

Discussion on 2015 Groundfish Priorities: A Committee member pointed out that a number of species managed by the Mid-Atlantic Council fall into the ‘other’ catch accounting category for southern windowpane flounder. The Mid-Atlantic would like to explore the development of sub-ACLs for those fisheries as they interact with windowpane.

Motion #26 - (King/T. Alexander):

The Committee recommends to the Council as a 2015 priority, the development of sub-ACLs to those fisheries interacting with SNE/MA windowpane flounder.

Discussion on the motion: The Committee discussed whether or not this could be achieved in an amendment, noting that there were other issues for northern windowpane that would likely need to be addressed through an amendment.

The motion was **accepted** without objection.

The priorities discussion transitioned to electronic monitoring, with a Committee member felt that a considerable amount of work had been put into this issue, and felt that electronic monitoring should come off the priorities list, as well as changes to trawl gear regulations to improve enforceability. Ms. Murphy noted that NMFS staff at the regional office were working on the operational aspect of electronic monitoring, and were looking at a 2016 implementation at this point in time. Council staff explained that the electronic monitoring working group was in the process of finalizing a white paper, and that the EMWG would likely meet one more time before the completion of that white paper.

Motion #27 – (T. Alexander/Pierce):

The Committee recommends that the following be added as a 2015 multi-year priority: to initiate an amendment to consider allocating northern and southern windowpane flounder or making these stocks ecosystem components of the fishery.

The motion **carried** on a show of hands (7/0/1).

On improving the recreational management measures process, it was clarified by the RAP chair that each year the for-hire fleet if faces with the dilemma of promoting their business at trade shows in the winter and advertising trips without knowing what the recreational measures will be for the coming season. The RAP is interested in developing a process to get regulations out to the recreational fleet in the late fall, and certainly as soon as possible.

A Committee member highlighted that some of the fisheries that contribute to the “other” catch category of southern windowpane flounder (fluke, scup, seabass) are jointly managed by the Mid-Atlantic Council and ASMFC. They went on to say that coordination would be necessary between the Councils and ASMFC, and felt that the workload associated with this priority was not well defined.

Groundfish Committee Recommended Annual Priorities For 2015

(In order of priority, when numbered)

- Set specifications for all groundfish stocks 2016-2018 (Regulatory Requirement)
- Set specifications for US/CA stocks for 2016 (Regulatory Requirement)
 - 1) Sub-ACLs for fluke, squid, etc. for SNE Windowpane Flounder – coordinate with MAFMC and ASFMC
 - 2) Electronic Monitoring – EMWG finishes final of white paper- “recommendations sections”- short-term item
 - 3) Recreational Management Measures Process
 - Staff: Five Year Sector Review
 - Staff: TMGC/TRAC
 - Staff: Operational/Update Assessments

Reached by Consensus.

The Committee discussed multi-year priorities list. A Committee member recommended striking US/Canada quota trading under TMGC from the priorities list, as well as ACE trading between the scallop and groundfish fishery. It was explained that catch accounting for other fisheries included reviewing catch accounting methodologies of groundfish catch in other fisheries, and then look into what management measures would be appropriate to address groundfish catch.

Motion #27 – (T. Alexander/Pierce):

The Committee recommends that the following be added as a 2015 multi-year priority: to initiate an amendment to consider allocating northern and southern windowpane flounder or making these stocks ecosystem components of the fishery.

Discussion on the Motion: A Committee member felt that it would be important for the Committee to revisit what it means to be an ecosystem component species, and to explore the implications of

windowpane becoming an ecosystem component species. The Committee discussed some of the criteria for a stock to become an ecosystem component species.

The motion **carried** on a show of hands (7/0/1).

Motion #28 – (Pierce/Goethel):

The Council recommends the following multi-year priorities for 2015:

- 1) Continue to coordinate action on the Habitat Omnibus Amendment to include possible modifications of the Groundfish closed areas.
- 2) Complete Amendment 18 to consider fleet diversity and accumulation caps.
- 3) Develop alternative strategies for setting catch advice for stability in ACLs.
- 4) Amendment: Windowpane.
- 5) Process for review of groundfish catch in other fisheries (could be done with the windowpane amendment).
- 6) Amendment: Party/charter – limited access.

Discussion on the motion: A Committee member expressed concern about prioritizing A18 first, stating that the fishery is in a different place than when A18 began. Another member of the Committee felt it was even more important to move A18 forward given the changes in the fishery.

Motion to Amend #28a – (Etrie/ T. Alexander):

The Committee recommends the following order for 2015 priorities:

1. Continue to coordinate action on the Habitat Omnibus Amendment to include possible modifications of the Groundfish closed areas.
2. Complete Amendment 18 to consider fleet diversity and accumulation caps.
3. Develop alternative strategies for setting catch advice for stability in ACLs.
4. Amendment: Windowpane
5. Process for review of groundfish catch in other fisheries (could be done with the windowpane amendment).
6. Amendment: Party/charter – limited access

The motion to amend **carried** on a show of hands (5/2/1).

Main Motion as Amended:

The Committee recommends the following order for 2015 priorities:

1. Continue to coordinate action on the Habitat Omnibus Amendment to include possible modifications of the Groundfish closed areas.
2. Complete Amendment 18 to consider fleet diversity and accumulation caps.
3. Develop alternative strategies for setting catch advice for stability in ACLs.
4. Amendment: Windowpane
5. Process for review of groundfish catch in other fisheries (could be done with the windowpane amendment).
6. Amendment: Party/charter – limited access

The main motion as amended **carried** on a show of hands (6/1/1).

Council staff also noted that a cod stock structure workshop was slated for staff time until multi-year priorities.

After a brief break, the Committee reconvened to take comment on, and discuss the GOM cod interim action. The discussion began with a Committee motion:

Motion #29 - (Etrie/ T. Alexander):

The Committee requests that the Council consider, when submitting comments to the Agency on the recent Interim Action, that the Council urges the Agency to work collaboratively with the Sectors to develop a program this Fishing Year which would allow the Sectors to return a portion of their current GOM Cod ACE in order to have certain emergency measures modified.

Discussion on the Motion: The Committee briefly revisited this concept, in which a sector would voluntarily not harvest or return a portion of their uncaught GOM cod ACE so as to achieve conservation goals of the action in exchange for relief from certain emergency measures. There was some speculation from the Committee on how such a request would be operationalized, while others suggested that the details could be fleshed out in discussions between sectors and NMFS.

Some Public Comment Included:

- Vito Giacalone, Gloucester Fishing Community Preservation Fund. *This is not something that we have fleshed out yet – but it could be tried. As an example, if 100mt is surrendered collectively by all of the sectors, then the effort controls that were put in could be revisited. I think that the EA says that 200 mt reduction in catch because of the interim action with a 200lb trip limit and all of those effort closures. So if the sectors were given an opportunity to voluntarily put up 200 mt of quota, you could achieve the same mortality reduction and biological objective, irrespective of where the spawning is occurring. That is the concept.*

A Committee member felt that a huge number of people who have leased GOM cod that they would not be able to catch because of the interim action. They felt that there was a need to give fishermen the opportunity to fish for other groundfish stocks. Mr. Ruccio explained that NMFS would need to supplement its interim action analysis, adding that as a concept he thought it had some merit. Before the vote, a Committee member expressed interest in hearing more details on this concept before a Council vote in November.

The motion **carried** on a show of hands (6/0/2).

Motion #30 – (T. Alexander/Balzano):

The Committee requests that the Council consider, when submitting comments to the Agency on the recent Interim Action, to consider allowing vessels with an observer on board to land their cod (i.e., exempt from the 200 lb. trip limit) and fish in multiple Broad Stock Areas.

Rationale: When a vessel has an observer, all catch is accounted for, so there is no reason to restrict a vessels fishing activity or subject them to a trip limit.

Discussion on the Motion: The maker of the motion explained that the intent was to remove a trip limit while an observer is onboard. Another Committee member expressed concern with lifting a trip limit for GOM cod.

Motion to Split #30a – (Goethel/T. Alexander):

Part A: The Committee requests that the Council consider, when submitting comments to the Agency on the recent Interim Action, to consider allowing vessels with an observer on board to land their cod (i.e., exempt from the 200 lb. trip limit).

Part B: Vessels may fish in multiple BSAs w/ an observer.

Discussion on the Motion: The Committee discussed how the original motion has changed by the motion to split. It was noted that the motion to split would decouple the trip limit and the ability to fish in multiple broad stock areas with an observer onboard.

The motion to split **carried** on a show of hands (6/0/2).

Motion #30b – Part A of the Split Motion:

The Committee requests that the Council consider, when submitting comments to the Agency on the recent Interim Action, to consider allowing vessels with an observer on board to land their cod (i.e., exempt from the 200 lb. trip limit).

Discussion on the Motion: The Committee discussed some of the implications of this motion on discard estimates from unobserved trips. It was stated that exempting vessels with an observer from a trip limit of GOM cod would mean that NMFS would assume that fishing behavior with and without a trip limit is the same when accounting for discards.

Some Public Comment Included:

- David Goethel. *This is what happens when you put trip limits. I fished 14 days between December and February last year. I would change the motion to say get rid of the trip limit, keep the assumed discard rate you have right now, and move on. The fish get landed – then you actually know what has been killed.*

Motion #30c to table both parts of Motion #30b – (T. Alexander/Goethel):

The motion **carried** on a show of hands (6/0/2).

Further questions on the GOM Cod Interim Action: A Committee member asked if NMFS had considered putting in an aggregate trip limit, giving the example of 1400lb weekly trip limit. Mr. Ruccio explained that NMFS has not explored this as part of the interim action. Concern was expressed about how the 200lb trip limit of GOM cod would impact the accounting of assumed discards for sector vessels. Mr. Ruccio explained that the QCM was used to calculate what the change to the assumed discard rate of GOM cod might be under a 200lb trip limit, and offered a range of 2% to a high of 22%. In light of this information, concern was expressed about the ability of the groundfish fleet to target healthy stocks like redfish in the GOM. Mr. Ruccio was asked if NMFS had looked at a combined bag limit for GOM cod and haddock with a trip termination as part of the interim action. He explained that the agency did look at this, and noted that moving forward it could be something for the Council to consider. A Committee member asked how the interim action was expected to impact exempted fisheries. Mr. Ruccio explained that NMFS had started to look at the magnitude of effort in the areas where exempted fisheries are prosecuted, and determining if the area in question is important to spawning cod.

The meeting adjourned 6:07pm.