



## New England Fishery Management Council

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# MEETING SUMMARY

## Groundfish Oversight Committee

Hilton Garden Inn, East Boston, MA

September 3, 2015

The Groundfish Committee (Committee) met on September 3, 2015 in East Boston, Massachusetts to discuss: (1) development of Framework Adjustment 55 (FW55), an action to set specifications for all stocks in the Northeast Multispecies (groundfish) Fishery Management Plan (FMP) for FY 2016 – FY 2018 including US/CA stocks for FY 2016, and addition of a new sector, (2) final recommendations from the GAP to the Committee on preferred alternatives in Amendment 18 (A18), an action to address fleet diversity and accumulation limits, (3) development of an At-Sea Monitoring (ASM) alternatives through a Council action, (4) enforcement concerns regarding identification of the separator panel within the trawl net, and (5) other business as necessary.

**MEETING ATTENDANCE:** Frank Blount (Chairman), Dr. David Pierce (Vice Chair), Mr. Terry Alexander, Ms. Ellen Goethel, Mr. Peter Kendall, Ms. Libby Etrie, Mr. John Pappalardo, Mr. Vincent Balzano, Mr. Howard King (MAFMC), Ms. Laurie Nolan (MAFMC), Ms. Sarah Heil (GARFO), Mr. Terry Stockwell (Council Chair); Mr. Bill Gerencer (GAP Chair); Dr. Jamie Cournane, Ms. Rachel Feeney, Mr. Jonathon Peros (NEFMC staff); Mr. Mark Grant, Ms. Aja Szumylo (NMFS SFD GARFO staff), Mr. Mitch MacDonald (NOAA General Counsel). In addition, approximately 10 members of the public attended, including several members of the Groundfish Advisory Panel.

**SUPPORTING DOCUMENTATION:** Discussions were aided by the following documents and presentations: (1) meeting memorandum dated August 26, 2015; (2) Meeting agenda; (3a-c) 2015 Groundfish Stock Status Assessment Summaries from TRAC; (4a) Draft Action Plan for FW55, dated August 28, 2015; (4b) Plan development team (PDT) memo to the SSC re: Georges Bank yellowtail flounder, dated March 18, 2015; (4c) PDT memo to Groundfish Committee re: FW55, dated August 31, 2015; (4d) "Sustainable Harvest Sector II" new sector application, May 18, 2015; (4e) FW55 presentation; (5a) A18 Draft Environmental Impact Statement, June 30, 2015; (5b) A18 Public Oral Hearings Summary, August 21, 2015; (5c) A18 Public Written comments, September 1, 2015; (5d) A18 Groundfish Committee Decision Document, August 26, 2015; (5e) A18 presentations; (6a) PDT memo to Groundfish Committee re ASM, June 2, 2015; (6b) PDT memo to Groundfish Committee re ASM, August 27, 2015; (6c) ASM presentation; (7a) Groundfish Committee meeting summary, June 4, 2015; (7b) Groundfish Advisory Panel meeting motions, September 2, 2015 (8) Enforcement Presentation, US Coast Guard; (9) Correspondence.

***KEY OUTCOMES:***

- The Committee recommended that the Council add an option to the PSC cap alternatives in Amendment 18, and provided clarification for the potential implementation of some alternatives (if selected).
- The Committee recommended that the Council add several alternatives into FW55. The focus of these options included streamlining the approval process for new sectors, removing the zero possession limit for GOM cod in the recreational fishery, requiring a contrasting panel color in a haddock separator trawl, and allowing sectors to transfer EGB cod ACE to the WGB cod fishery.
- The Committee recommended that the Council move forward several options to modify the existing groundfish sector ASM program. These options include changing the CV standard requirement to a target, examining sector-specific coverage rates or monitoring buffers, reducing coverage for some sector trips that catch very little groundfish, and developing performance criteria that could be used when determining ASM coverage levels.

The meeting began at 9:31 am.

There were no suggested changes to the agenda.

***Report from the Groundfish Advisory Panel (GAP) meeting on September 2, 2015***

The GAP chair, Mr. Bill Gerencer, presented [motions from the previous day's GAP meeting](#) and provided a summary of GAP discussion. The GAP supported pursuing regulatory changes to streamline the process for creating new groundfish sectors and the development of a management mechanism that would allow sectors to transfer EGB cod to the WGB cod fishery. The GAP also recommended that ASM requirements be removed for trips in Broad Stock Areas 2 & 4, and that additional analysis be completed to determine whether or not ASM requirements should be removed for ELM trips in BSA 1. The GAP made several motions on ASM, recommending that the Groundfish Committee request further analysis of several ASM concepts (as outlined in Document #6b).

***Questions and Comments on the Presentation:*** Multiple Committee members weighed in on the GAP request for additional analysis of ASM costs. Support for GAP Motion #12 was based on a Committee member's experience with the cost and logistics of dockside monitoring in a small port. Two GAP members and Mr. Kyle Moulton (Penobscot East Resource Center) made points about higher travel costs associated with observing trips sailing out of remote points. A Committee member felt that ASM analysis should focus on solutions for the entire groundfish fleet, and felt that monitoring coverage should be consistent across the fishery given the status of several stocks within the groundfish complex. Another GAP member felt that the analysis requested in Motion #12 already exists, as sectors have been negotiating ASM contracts and submitting information to NMFS.

The Committee discussed the August 18<sup>th</sup> correspondence from NMFS to the Council regarding the Council's request that NMFS use administrative authority in-season to adjust the sector ASM requirements for FY 2015. A Committee member familiar with the sector's efforts to secure ASM contracts with service providers for FY2015 indicated that sectors were working internally on ways to cover ASM costs, and disagreed with the NMFS characterization of this process in the letter.

It was clarified that the intent of GAP motion #8 was to recommend the development of an ASM alternative that would set the ASM coverage rate at a fixed percentage (not a fixed discard rate).

**Framework Adjustment 55 (Dr. Cournane)**

Staff explained that the goal of the Committee meeting with regard to FW55 is to discuss any recommendations to the Council on the development of alternatives, including on ASM, enforcement, or other issues. Current measures slated for FW55 include the incorporation stock status changes, specifications for all groundfish stocks, an alternative to adopt an additional sector, and to make changes to the groundfish monitoring program. Staff explained that modifications to the ASM program could be completed within the current timeline of FW55, but noted that development of large scale changes to the sector ASM program would likely take additional time and resources that could delay the action beyond the start of the fishing year.

Staff provided high-level updates of the results of the 2015 TRAC assessments for [GB yellowtail flounder](#), [Eastern GB cod](#), and [Eastern GB haddock](#). Productivity and recruitment for both EGB cod and GB yellowtail are poor, while there have been several strong year classes of EGB haddock in recent years. The 2015 Groundfish Operational Assessments will take place in Woods Hole, MA from September 14 – 18, 2015. The SSC recommended status quo catch advice of 354 mt for FY 2016 and FY 2017 for GB yellowtail flounder.

Staff indicated that the PDT found the proposed Sustainable Harvest Sector to be similar to the existing SHS I and that the proposed operations were within the existing programmatic EA for sector operations and would not require an additional NEPA document to analyze impacts. Staff noted that the PDT discussed options similar to those propose in the GAP's Motion #1a for streamlining the sector approval process.

*Questions and Discussion on the Priorities Presentation:* Several members of the Committee suggested that changes to the existing groundfish sector ASM program be included in FW55 and be implemented in time for the start of the fishing year on May 1<sup>st</sup>.

The Committee discussed streamlining approval of new sectors. A Committee member was uncomfortable relinquishing Council control of the process to NMFS, citing their perception of how the process had evolved over the past five years. Those in favor of the concept felt that a consultation with the Council would be an important part of any change to the existing sector approval process, but that this process did not need to be constrained by Council timelines. They argued that streamlining this process would benefit the sector system. One Committee member gave an example of a sector needing to split to accommodate diverging monitoring needs of fishermen. There was some question as to what constitutes a “consultation” – staff cited the current recreational management measures process as an example.

**Motion #1 – (T. Alexander/Pappalardo):**

To recommend to the Council that an alternative be added to FW 55 that would allow NMFS to approve operations plans and allocate ACE to new sectors without a previous Council Action to implement the sector. Consultation with the Council would occur prior to NMFS approving a new sector.

*Rationale:* See above discussion.

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

**Motion #2 – (T. Alexander/Balzano):**

To recommend to the Council that an alternative be added to FW 55 to create a mechanism that would allow sectors to transfer Eastern Georges Bank (EGB) cod to the Western Georges Bank (WGB) cod fishery (i.e., mirror the current ability to transfer EGB haddock to the WGB haddock fishery).

*Rationale:* This would increase flexibility for sector vessels, allowing permit holders who have never fished in the eastern area, but are allocated eastern cod based on their GB cod quota, flexibility to fish that allocation.

*Discussion on the Motion:* Ms. Heil explained that the allocation shares are different for haddock and cod, noting that the US share of EGB cod has been slightly above 100 mt in recent years. The Committee noted that the US considers GB cod a single stock unit, and that the eastern portion is a management area used in the resource sharing understanding with Canada. Ms. Heil noted that when the Council approved the transfer of haddock from east to west – the stock was healthy and there were signs of strong incoming year classes. Council staff explained that the PDT had raised some concerns about the spatial dynamics of the GB cod population when this approach was being considered for GB haddock. Staff also noted that this transfer provision has been utilized for haddock in each of the years it was available. The Committee’s discussion quickly turned to cod stock structure.

*Public Comment:*

- Maggie Raymond, Associated Fisheries of Maine. *I would like to address concerns about the potential biological impacts, and point out that we are talking about transferring 100 mt. Not all of the fish would be transferred either, because there are boats that fish in the eastern area and they would want to keep that fish in the east. This would help shift effort out of the GOM. That is what happened this year, we had more boats fishing on Georges. We need to keep those boats there. This may help do that.*

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

A Committee member explained that there are dredge exemption regulations in the Groundfish FMP that were put in place before there were accountability measures in the scallop fishery to address the bycatch of groundfish. Interest was expressed in reviewing and addressing these dredge exemption areas in FW55. The Chair suggested this be taken up in Council priorities at the September Council meeting.

*Public Comment:*

- Maggie Raymond, Associated Fisheries of Maine. *Changes to the existing dredge regulations could be made by NMFS outside of the Council process. I would like to address another issue. At the pre-TMGC meeting there was some discussion about the potential for the updated GB haddock assessment to have a negative impact on the GB haddock sub-ACL for the herring fishery. The AMs for the herring fishery are different than other AMs in the groundfish plan. Some sectors never come close to using their full allocation of GB haddock, and may be willing to set some of that aside for the herring fishery. This could be a very serious issue for the herring fishery.*

A Committee member requested that there be time to discuss this issue after lunch. Council staff explained how the herring sub-ACL is calculated. Council staff committed to raising management concerns that arise from the outcome of the TMGC meeting and 2015 operational assessments, and cautioned against adding alternatives to FW55 ahead of those meetings. Tom Brady won. There are no suspensions.

**Amendment 18 (Ms. Feeney)**

The Council is scheduled to take final action on Amendment 18 at its September/October 2015 meeting in Plymouth, MA. [Council staff presented the preferred alternatives](#) of the GAP, Groundfish Committee, and Council to the advisors. Alternatives within Amendment 18 are broadly organized into five sections: accumulation limits, Handgear A permit measures, data confidentiality, inshore/offshore Gulf of Maine, and Redfish Exemption Area. Staff explained that the Committee could change any of its past recommendations on the alternatives in A18 at this meeting.

*Questions and Comments on the Presentation:* The Committee discussed some of the pros and cons of codifying a redfish exemption area in the FMP (as opposed to the sector exemption process). Multiple Committee members supported the Council taking No Action on this alternative, citing the efficiency and flexibility of the existing sector exemption process, and the ability for sectors to work with NMFS to modify the exemption as needed year to year.

**Motion #3 – (Etrie/T. Alexander):**

To recommend to the Council that Alternative 1/No Action be selected as the final preferred alternative within Section 4.5 (Redfish Exemption Area).

*Rationale:* The current sector exemption process provides for the most flexibility for changing provisions within the redfish exemption area year to year.

*Public Comment:*

- Maggie Raymond, Associated Fisheries of Maine. *Associated Fisheries of Maine supports this course of action for the fishery. If this becomes an exemption in the FMP it is open to the Common Pool, and there would not be the kind of controls that are in place in the sector management system. There are a number of exemptions in the groundfish plan that are not revisited all that often. The sector exemption process with the Agency offers a more real-time look at what is happening with this exemption. The current sector redfish exemption is working well.*

Ms. Heil noted that the sector redfish exemption is currently being used by sector vessels, and that keeping the redfish exemption as a sector exemption retains the flexibility to make necessary adjustments to meet fishery and industry needs in the future. NMFS would support No Action on this measure.

Motion #3 **carried** on a show of hands (10/0/1).

After the vote, a Committee member expressed concern about state of the redfish fishery, explaining that they were hearing that small (but legal) redfish were being landed and sold as bait. This member suggested that the Committee revisit the status of the redfish fishery at a later date. Another Committee member indicated that a large portion of redfish landings are purchased as food grade fish.

[Council staff presented input gathered through the A18 public comment period](#) which ran from July 7, 2015 to August 31, 2015. There were 13 oral comments and 18 written comments received during this time period. Summary statistics of public participation by public hearing location and stakeholder type

were provided for oral comments, as well as an overview of the types of organizations that provided written comments.

*Questions and Comments on the Presentation:* The Committee discussed how to treat individual holdings which are above the holdings limit in Section 4.1.2. One Committee member felt that a permit holder who goes over a cap should be able to choose which stocks would be redistributed to allow people to rebalance their holdings based on the needs of their fishing business. For example, an individual could identify Georges Bank haddock as a stock to redistribute if they felt that they couldn't catch their allocation. It was clarified that in Section 4.1.2.2, Option A for both excess and current PSC holdings, redistributed PSC would stay with the permit in question in the event of a transfer or sale to another individual.

*Public Comment:*

- Ben Martens, Maine Coast Fishermen's Association. *So if I understand this correctly, what being is suggested is not a cap. It sounds more like a use cap, that would allow individuals to continue to buy permits and just not use the PSC associated them. So, you could by a suite of permits and retain all of the GOM cod, and identify other stocks to be redistributed. So, you could still end up holding 50% of the GOM cod PSC and not be over the cap? I'm not seeing how this is actually a cap within this process, and if it has any implications on ownership control.*

One Committee member agreed that the preferred alternatives amounting to a usage cap, not a holdings cap. Another Committee member felt that this scenario was unlikely to play out given the economics of the fishery. They argued that it would not make economic sense for an individual to purchase a permit with PSC on it that they could not use. Multiple Committee members stated that they had been considering the PSC holdings limit in the context of a permit cap. One Committee member felt that the redistribution of stocks should be done once, at the time of the permit transfer or sale.

**Motion #4 – (Etrie/T. Alexander):**

To recommend to the Council that in the event that an individual acquires a permit that places their holdings above the limit in Alternative 6 in Section 4.1.2 that the individual would indicate to NMFS which stocks would have PSC withheld and redistributed.

*Rationale:* Individuals should only indicate once, at the time they first exceed the limit, which stocks would have PSC withheld. Which stock should be the choice of the individual and not NMFS. Withheld PSC would be redistributed such that any PSC above the established cap would be redistributed across all other permit holders. The permit holder would only be able to declare how cap overages would be treated once, at the time of the sale, and that this would not be an annual process.

*Discussion on the Motion:* A Committee member raised the question of what would happen if an individual was put over a PSC cap through the redistribution process, and asked if that individual would then have the opportunity to identify which stocks should be redistributed.

Motion #4 **carried** on a show of hands (8/0/3).

**Motion #5 – (Etrie/T. Alexander):**

To recommend to the Council that in the event that an individual exceeds an accumulation limit, the cap would be in force at the start of the fishing year following exceeding the cap.

*Rationale:* Enforcing the cap at the beginning of the fishing year would not interfere with distribution and use of ACE.

*Discussion on the Motion:* One Committee member felt that this measure may influence individual's decisions about when to buy and sell permits. The maker of the motion pointed out that it is the sector that holds the ACE, not the individual, and noted that buying and selling permits mid-year is already a complicated process.

Motion #5 **carried** on a show of hands (6/1/4).

Following the vote, a Committee member expressed their disappointment in public attendance at the A18 public hearings.

**Motion #6 – (Pierce/Kendall):**

To recommend to the Council that in PSC cap Alternative 6 (limit PSC holdings to an average of no more than 15.5% of all allocated stocks) be modified to include a stock-specific limit of 23%.

*Rationale:* Having a stock-specific PSC cap would be consistent with the recommendations of Compass Lexecon. A cap of 23% equates to the highest holdings of a specific stock as of the control date (i.e., GB winter flounder see Table 8, DEIS). This approach would blend Alternatives 2 and 6.

*Discussion on the Motion:* NOAA General Council indicated that the Council could take final action in September, including this option and considering it as preferred, as it within the bounds of what had already been analyzed. It does not constitute a substantial and unforeseen change. It was clarified that the 23% was to apply to stock-specific PSC holdings. One Committee member felt that this blended option had not been analyzed. The maker of the motion offered that the impact of restricting stock specific holdings to 23% fell within what had already been analyzed for Alternative 6 (aggregate holdings, no stock specific cap). Staff clarified that as of May 1, 2014, the only stock for which an individual held PSC in excess of 23% was GB winter flounder (26%).

*Public Comment:*

- Maggie Raymond, Associated Fisheries of Maine. *I urge the Committee to vote against this motion. This is essentially Alternative 2 in disguise. This individual cap totally negates the concept of an aggregate cap. Nobody knows that the impact of this blended alternative would be. The Council has already picked preferred alternatives, and now we are going to come up with something that does not even exist in the document.*
- Josh Wiersma, Environmental Defense Fund. *From my perspective, 15.5% would still be the constraining number. On a total PSC basis, that is 232% total PSC. So, the 23% would basically constrain you up to the 232%, because you can't hold 23% of all stocks. So, it is not really the same as Alternative 2, because Alternative 2 says 23% across all stocks. So, Alternative 2 is a lot more flexible in terms of total PSC accumulation – you could get up to over 300% of PSC holdings. I think that this is a better alternative than the straight 15.5%.*

- Jackie Odell, Northeast Seafood Coalition. *Throughout this process, there has been confusion about PSC, ACE, what fishermen hold vs. what the sector holds. If the permit structure in the groundfish fishery were such that there were permits for individual stocks, I think this discussion would be very different. However, we have groundfish permits with PSC allocations for every stock. I strongly urge the Committee to read page 2 of our written comments. We've given this a lot of thought, and we support the aggregate cap in Alternative 6. We do not support this motion, which we agree is just like Option 2, which is already in the document.*

Ms. Heil stated that if the Council elected to stick with Option A for both excess and current PSC holdings, it would not require individuals to divest PSC overages. The maker of the motion disagreed with the characterization that the proposed change to Alternative 6 was really Alternative 2. Following this thread, a Committee member asked if the proposed change constituted both Alternative 2 and Alternative 6? Staff explained that this option would be different, because the caps under Alternative 2 are different for every stock, with a maximum of 23%. For example, the cap on GB cod is 10% under Alternative 2. Staff suggested that the motion most closely resembles Alternative 3, which would set a PSC cap for all stocks at the same level, lower (15.5%) than the motion proposes (23%).

The motion was a **tie** on a show of hands (3/3/4). The Chairman said that he would vote if the 23% stock-specific cap was added as an option to Alternative 6. There was no objection.

#### **Motion #6a as perfected: Pierce/Kendall**

To recommend to the Council to add an option to Alternative 6 (limit PSC holdings to an average of no more than 15.5% of all allocated stocks) that no one stock-specific percentage be greater than 23%.

The motion **carried** on a show of hands (4/3/3). The Chairman voted in favor.

#### **Consensus Statement**

To recommend to the Council that, in PSC cap Alternative 3 (Section 4.1.2, Limit holdings of stock-specific PSC to the same level (15.5%) for each stock), Option A (Can hold permits, but must divest excess PSC) be deleted. This option is repetitive with Option C in Section 4.1.2.2 (Can hold permits, but must excess PSC) and therefore unnecessary.

#### **At-Sea Monitoring Presentation (Dr. Cournane):**

Staff explained that the PDT had developed ideas and approaches that the Council could pursue to modify the existing at-sea monitoring program for groundfish sectors based on tasking at the June Council meeting. Staff explained that some of these approaches could be done administratively by NMFS, while others would require Council action. The memo from the PDT to the Committee on ASM ([document #6b](#)) breaks out ASM changes which could potentially be implemented in time for May 1, 2016 (start of FY2016), and changes which would require more extensive development and analysis. Changes to the ASM program that would require Council action would need to be included in FW55 to be implemented by May 1. Staff walked through each of the nine (9) PDT approaches to modifying the ASM program, noting that additional details are contained in document #6b.

**Discussion on ASM:** The ASM discussion began with a Committee member expressing interest in making the CV30 standard a target (rather than a requirement), noting that this would add flexibility to the process of setting ASM coverage rates for sectors. Council staff suggested that the Committee articulate a set of criteria which could be used in combination with a target CV. The Committee discussed how ASM



coverage rates are set using data from prior fishing years, and felt that it would be important for the PDT to evaluate options for the upcoming fishing year using FY2014 data.

On the topic of changing the CV requirement, NOAA General Council stated that the CV30 requirement was put in through Amendment 16, and that changing this requirement would likely require an amendment to the plan. The Committee revisited the monitoring requirement language in A16, which specifies that the CV meet the target specified in SBRM (as opposed to a specific CV in the A16).

Committee members expressed interest in learning more about the calculations used by NMFS to arrive at the ASM coverage rate, including the application of a second standard of monitoring 80% of discards. Ms. Heil stated that NMFS is committed to evaluating the ASM program, and the Agency sees this evaluation as a three prong approach: 1) regulatory changes; 2) administrative changes; 3) efficiencies within the sector system (ex: PTNS programming). Ms. Heil went on to say that in looking at the FY2014 data, if no changes are made to the current ASM program, redfish would be the stock that would drive ASM coverage levels for the entire fleet (highest CV at overall stock level). A Committee member questioned whether or not it would be appropriate to use FY2014 data given the emergency action.

Some Public Comment Included:

- Jackie Odell, Northeast Seafood Coalition. *Last year was not a normal fishing year. We had the emergency action (EA), which impacted behavior, so I think we need to make sure that the EA is taken into account when looking at the data. The PDT memo lays out three different steps that can be taken to address ASM coverage. One is that the Agency can take steps, for instance rolling averages. The reason why we looked at completed year's data was that we didn't have a time series of data. Now that we do have that data, the agency could be looking at rolling averages. That does not necessarily need a Council action, so if something got delayed in a framework, we would know that the agency could be working on a different statistical approach to make the program be more cost effective. A lot of us didn't fully understand what the Agency was doing in house to set the ASM coverage levels. Separately, the Council should be very happy – we are overachieving on the realized CV for almost all of our stocks.*

Ms. Heil stated while the Agency has some latitude to refine coverage rates through its administrative authority, NMFS has not made a determination on whether or not it can or will use the administrative approaches laid out in the PDT memo. Jackie Odell went on to ask Mr. Heil why NMFS had applied a second threshold of observing 80% of the discards in the fishery onto the ASM program for FY2015? Mr. Heil explained that after observing 80% of discards in the fishery, you are not getting any additional precision from your discard estimates. She went on to say that this second 80% discard standard was tied to the percentage of discards which were observed in FY2010 with 38% coverage in the fishery, and that the agency is looking to evaluate whether a value less than 80% is appropriate going forward.

Some Public Comment Included:

- Jackie Odell, Northeast Seafood Coalition. *The 80% standard is above and beyond what is required by regulation. And so the Council should be looking to advise NMFS on not only the overarching policies, but also the standards that the Agency should and should not be applying on top of existing ASM requirements.*

Ms. Heil pointed out that FY2015 was the first year that ASM coverage was increased to meet the 80% discard standard, and the Dr. Michael Lanning of APSD at NMFS would be supporting the PDT going forward.

**Motion #7 – (Pierce/Heil):**

To recommend to the Council that in FW 55 that performance criteria be developed to determine whether or not it is necessary for a stock to meet the CV standard. The criteria would be stock condition, percentage of ACL harvested, and percentage of catch comprised of discards (in combination).

*Rationale:* In light of concern about the level of coverage required for a 30 CV, these criteria may result in requiring less coverage (and reduced costs) for the fishery. Intent is that PDT would do analysis and develop alternatives.

*Discussion on the Motion:* It was clarified that the intent would be to have the PDT analyze the performance criteria, and to develop this approach into an alternative for a November Committee meeting (unless otherwise specified by the Council).

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

**Motion #8 – (Pappalardo/T. Alexander):**

To recommend to the Council that the ASM requirements are removed for trips in Broad Stock Areas 2 and 4 for extra-large mesh trips targeting monkfish, skates, and dogfish (through FW 55). The Committee requests that a more detailed PDT analysis be conducted for BSA 1 as was provided in the memo, to determine if this is appropriate for BSA 1 (including pounds of groundfish discarded).

*Rationale:* There is very little groundfish caught on sector trips in FY 2014 using ELM gillnet gear in those areas, based on maps in PDT memo on ASM, dated 8/31/15. Keeping the requirement would unduly burden vessels fishing in those areas (e.g., skate in Area 2, skate and monkfish in Area 4). This approach would reduce observer costs for those vessels.

*Discussion on the Motion:* Council staff briefed the Committee on the breakdown of groundfish catch on observed sector trips in BSA 1 (Gulf of Maine) using extra large mesh gillnets in FY2014. Groundfish catch on observed trips constituted just under 6% of total catch on those observed sector trips. Multiple Committee members felt that an additional consideration in this analysis should be gillnet trips that set/haul by large and extra-large mesh on the same trip. A Committee member stated that for monkfish, skates, and dogfish the majority of sector vessels would be burning a groundfish DAS, which would make those trips sector trips, and make them subject to ASM coverage.

Motion #8 **carried** on a show of hands 10/0/0.

**Motion #9 – (Pappalardo/T. Alexander):**

To recommend to the Council that the concept of establishing sector-specific monitoring uncertainty buffers or discards rates to lower ASM coverage (option #5 in PDT memo) be further developed for FW 55.

*Rationale:* Sectors would be better off accepting a reduction in ACE for a stock in exchange for reduced coverage rates. This way, there are cost-savings available to sectors. Intent is to base the ACE buffer on past performance of the sector.

*Discussion on the Motion:*

*Some Public Comment Included:*

- Maggie Raymond, Associated Fisheries of Maine. *This GAP motion was talking about a monitoring buffer based on the past performance of an individual sector. The discard rate for the sustainable harvest sector is less than 4% of the total catch. We would gladly increase that by some amount if it would decrease the coverage amount that we would have for the sector as a whole. It would be a lot less expensive to do that than pay for increased ASM coverage. We are talking about a buffer here – to say that your assumed discards are actually larger than what they were calculated to be based on actual performance.*

The Committee discussed the ability for sectors to develop their own ASM plans, and whether or not this concept would fit into an existing ability for sectors to develop monitoring plans. Ms. Heil explained that NMFS cannot exempt sectors from ASM requirements, and added that modifications to the current ASM program need to include measures to ensure accountability.

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

**Motion #10 – (T. Alexander/Balzano):**

To recommend to the Council that the concept of establishing sector-specific coverage requirements (option #4 in PDT memo) be further developed for FW 55.

*Rationale:* Allows coverage rates to be more fine-tuned to where a sector is actually fishing, rather than having coverage driven by a stock in an area where they do not fish.

*Discussion on the Motion:* The Committee noted that the PDT had looked into this in the development of FW48. Council staff indicated that this approach would likely increase ASM coverage for some sectors and decrease it for other sectors (from current fleet-wide rate).

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

**Motion #11 – (T. Alexander/Goethel):**

To recommend to the Council that the CV of 30 be a target rather than a requirement.

*Rationale:* This would increase flexibility and potentially reduce the number of observed trips needed to meet a CV target, thereby reducing ASM costs. The 30CV standard has been driving coverage levels. For example, fleet wide coverage rates should not be driven by stocks with low utilization rates.

*Discussion on the Motion:* The maker of the motion suggested that this approach should be combined with other approaches, such as the performance criteria proposed in Motion #7.

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

**Motion #12 – (Goethel/Kendall):**

The Committee requests that the PDT develop an option that exempts sector vessels from ASM that, according to the NMFS SSB break-even analysis, are below the break-even point when paying for ASM costs. In lieu of ASM, these vessels would be assigned an assumed discard rate based on their previous average.

*Rationale:* The SSB reported a substantial number of vessels that would not be viable. This would be the only way to keep vessels viable.

*Discussion on the Motion:* There was some question about how exempting a sub-set of sector vessels from ASM coverage would impact the boats that would still be subject to ASM. For example – would the remaining pool of boats still have to meet the CV30. Multiple Committee members felt that this approach was very similar to what was being proposed in Motion #9.

The motion **failed** on a show of hands (1/4/3).

### **Recreational Fishery**

The Committee Chair explained that the Council had codified zero possession of GOM cod in the recreational fishery through FW53 – and that changing the bag limit to something other than zero would require another Council action. The Chair also noted that NMFS currently has the authority to adjust recreational measures through an existing consultation process with the Council, and went on to say that taking action on this in FW55 would not necessarily change the bag limit. Ms. Heil noted that the move to zero possession for the recreational fishery was part of the development of GOM Cod Protection Measures in FW53, and suggested that the Committee consider whether or not removing this from those measures would still achieve the same conservation benefits.

#### **Motion #13 – (T. Alexander/Goethel):**

To recommend to the Council adding an alternative in FW55 to remove the zero possession limit of GOM cod for the recreational fishery (in the GOM cod protection measures), thus allowing NMFS to use its existing authority to adjust recreational measures for GOM cod and determine on an annual basis if a zero possession limit for GOM cod is still appropriate.

*Rationale:* The zero possession could be enforced through NMFS existing authority. This would improve flexibility to not require a Council action.

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

### **Enforcement**

Commander Kurt Virkaitis and Lieutenant Commander Dan Orchard presented the Coast Guard's request to have the Committee consider a regulation update to require the separator panel in a trawl to be a contrasting color to the sections of the net that it separates. The Coast Guard explained that it is difficult to identify a separator panel because it is usually the same color as the net. Commander Virkaitis and Lieutenant Commander Orchard showed pictures of nets hanging on deck, with separator panels both the same and different colors as the net, as well as a scale model of a separator trawl with all the netting the same, white color. They pointed out that the different colored netting is easier to distinguish.

The Coast Guard would prefer that the separator panel be a contrasting color (e.g., a green net with a red separator panel) to improve identification of the panel during inspections. The benefits of a contrasting color are easier identification during boarding, faster inspection, and more effective enforcement. This does not affect rope or Ruhle trawls.

*Discussion on the Presentation:* The Committee discussed a requirement for a contrasting color. There was a question about the number of fishermen who would have to buy new netting; it was estimated that between 30 and 50 vessels were using separator trawls during 2014-2015. The cost, estimated to be between \$300 and \$350, was also of some concern but the availability at net dealers was considered

adequate, according to a committee member/ fisherman from Maine. The savings in fishing time, with shorter inspections, was believed to balance the cost of replacing netting. The Coast Guard must inspect separator trawls even if they are not fishing in the winter flounder AM program. Some lead time to afford affected fishermen an opportunity to replace their separator panels, if necessary, with contrasting colored netting, was a concern.

**Motion #14 – (Heil/T. Alexander):**

To recommend to the Council to include an alternative in Framework 55 that would modify the definition of the haddock separator trawl to require that the separator panel have mesh of a contrasting color to those sections of the net that it separates.

*Rationale:* This would improve the enforcement of the haddock separator trawl to be sure that the panel is highly visible. It would reduce boarding time. There could be a delayed implementation to give vessels time to change their gear.

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

There was further discussion at the committee meeting about generalizing the motion by removing the word ‘haddock’ from ‘haddock separator trawl’, and implementing the contrasting color requirement by administrative action. Administrative action was not the desirable approach because of the phase-in period (too short with such action), and the preference for public input concerning the cost and number of people affected. It was advised that including the motion in Framework 55 would allow for more public input, given that this would be an added burden.

**Other Business:**

The Committee met in closed session to review applications for the Groundfish Advisory Panel.

The meeting was adjourned at 4:02 PM.