



## New England Fishery Management Council

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## MEETING SUMMARY

### Groundfish Advisory Panel

Sheraton Harborside, Portsmouth, NH

May 24, 2017

The Groundfish Advisory Panel (GAP) met on May 24, 2017 in Portsmouth, NH to discuss recommendations to the Groundfish Committee on 1) the scope, purpose and need, and range of alternatives for Amendment 23/Groundfish Monitoring, 2) 2017 Council priorities, and 3) other business, as necessary.

**MEETING ATTENDANCE:** Ben Martens (Chairman), Jackie Odell (Vice Chair), David Goethel, Jim Odlin, Paul Parker, Maggie Raymond, Michael Russo, Geoffrey Smith, Hank Soule, and Josh Weirsma; and Dr. Jamie Cournane and Robin Frede (NEFMC staff). In addition, approximately six members of the public attended, including Sarah Heil (NMFS GARFO staff).

**SUPPORTING DOCUMENTATION:** Discussions were aided by the following documents and presentations: (1) Meeting memorandum dated May 9, 2017; (2) Meeting agenda; (3a) PDT memo to the Groundfish Committee re summary of public scoping comments for Amendment 23, attachments include the six public hearing summaries and written public scoping comments (May 9, 2017); (3b) Presentation: Summary of A23 Public Scoping Comments; (4a) PDT memo to the Groundfish Committee re Atlantic halibut management (May 11, 2017); (4b) PDT memo to the Groundfish Committee re possible reclassification of windowpane flounder stocks (May 18, 2017); (4c) Presentation: 2017 Council Groundfish Priorities; (5a) Meeting Summary of Groundfish Advisory Panel meeting, Jan. 18, 2017; (5b) Meeting Summary of Groundfish Committee meeting, Jan. 19, 2017; and (6) Correspondence.

The meeting began at approximately 9:10 a.m.

David Goethel arrived after lunch. Paul Parker left early.

#### **KEY OUTCOMES:**

- The GAP recommends a revised purpose and need statement for Amendment 23 (A23).
- The GAP recommends that the Groundfish Committee (Committee) develop a range of alternatives for electronic monitoring (EM) in A23.

- The GAP recommends to the Committee to develop alternatives to re-evaluate the 30% CV standard and how it is applied (e.g., fishery versus stock level) to determine the total monitoring coverage rate.
- The GAP recommends to the Committee to add in the range of alternatives full retention of allocated groundfish stocks commercial fishery-wide (sectors and common pool) in place of the current program with minimum fish sizes.
- The GAP recommends to the Committee to expand the scope of the amendment to eliminate the common pool as an option for the commercial groundfish fishery participants.
- The GAP recommends to the Committee to expand the scope of the amendment to include monitoring of other federal commercial fisheries that catch groundfish – at a minimum requirements of using PTNS and VMS.
- The GAP recommends to the Committee alternatives for Atlantic halibut management, including an alternative that would eliminate some or all of the gear restricted areas, and implement a maximum size of 42” for possession as a reactive accountability measure, and an alternative that would require the open access Handgear B permit to be obtained prior to May 1, and require adherence to the permit restrictions for the entire fishing year.
- The GAP recommends to the Committee development of alternatives from the PDT that modify the accountability measures for Atlantic halibut.
- The GAP requests the Committee/Council request NMFS to enforce and document two specific components of the NEFS9 sector operations plan: 1) insist that the sector conduct the required internal investigation of infractions and 2) enforce and document the sector’s penalty schedule.
- The GAP thinks Section 4.2.3.3.2 (Guidance for sector overages) in Amendment 16 is not adequate to reflect all the circumstances for sectors overages, and recommends this be revised with participation of the GAP and be included in the current framework adjustment.
- The GAP recommends input to the SSC and Council as they receive and offer input to the “NOAA Next Generation Stock Assessment Enterprise” publication recently published by NOAA Fisheries.
- The GAP requests that the Committee/Council endorse a request from the industry for the NMFS to use its authority to expand or remove the general category scallop exemption area, effective as soon as possible

***PRESENTATION: SUMMARY OF AMENDMENT 23 PUBLIC SCOPING COMMENTS, MS. FREDE***

Council staff provided a brief summary of the Amendment 23 (A23) public scoping comments. This included a summary of the demographics of oral and written commenters, a summary of key themes identified from the scoping comments, and a brief summary of the PDT’s discussion on the scoping comments. The goals of the Groundfish Advisory Panel’s (GAP) discussion were to review the A23 public scoping comments and discuss and potentially make recommendations to the Groundfish Committee on the scope, purpose and need, and range of alternatives for A23.

**AGENDA ITEM #1: AMENDMENT 23**

**Motion #1: Odell/Soule**

The GAP recommends to the Groundfish Committee the following revised statement of purpose and need for Amendment 23:

The purpose of Amendment 23 is to reevaluate Amendment 16 and Framework 48 monitoring measures while taking into account over seven years of fishery, administrative and programmatic experience. Measures are sought that improve the reliability and accountability *across all segments of the monitoring program* and directly take into account *measurable* costs and benefits to the fishery *while meeting requirements in the most cost effective manner possible*.

*Rationale:* Experience with the monitoring program should be used to evaluate and improve the program. Accountability should be examined with regard to industry as well as to the Agency (NMFS) as far as administration of the groundfish monitoring program. Monitoring should be achieved in the most cost effective manner possible.

*Discussion on the Motion:* The maker of the motion explained that many of the measures listed are items that have been discussed by the Groundfish Committee over the last year, but were not included in Framework 55 based on determination of what can be included in a framework versus an amendment. One advisor asked for clarification of what is meant by accountability of the Agency. The maker of the motion explained that there has been frustration from industry regarding the administration of the groundfish monitoring program, including the Pre-Trip Notification System (PTNS), lack of timeliness of reports from NOAA, and in particular, a lack of deadline for the Agency to release information on the at-sea monitoring (ASM) coverage rates sectors need to finalize their rosters, and explained that since industry will eventually be paying for the groundfish monitoring program, they would like to have a program that is better run and with accountability on both sides. Another advisor asked if the goal is to have better access to more timely information from the monitoring programs and more open source data from the government and whether that should be a separate motion; the maker of the motion responded that that could be included as an alternative that meets the criteria of improving accountability of the administration of the monitoring program.

**Motion #1a** as Motion #1 friendly amended (Smith/Odell/Soule)

The GAP recommends to the Groundfish Committee the following revised statement of purpose and need for Amendment 23:

The *purpose* of Amendment 23 is to implement measures to improve reliability and accountability of catch reporting and to ensure an accurate representation of catch (landings and discards) and to reevaluate Amendment 16 and Framework 48 monitoring measures while taking into account over seven years of fishery, administrative and programmatic experience. Measures are sought that improve reliability and accountability *across all segments of the monitoring program* and directly take into account *measurable*

costs and identified benefits to the fishery *while meeting requirements in the most cost effective manner possible.*

*Discussion on the Motion:* One advisor supported the maker of Motion #1, but thought the Groundfish Plan Development Team's (PDT) statement is succinct and captures the focus of A23, and made a motion to amend to include both as the purpose of A23. The advisor stressed the difficulty in quantitatively measuring benefits relative to costs, and asked the maker of the motion to clarify what is meant by measureable costs and benefits; the maker explained that these would be clearly identified costs and benefits, and said that this amendment offers an opportunity for industry to identify actual benefits of monitoring, not what others perceive as benefits.

**Motion #1b** to amend Motion #1a: Weirisma/Smith

The GAP recommends to the Groundfish Committee the following revised statement of purpose and need for Amendment 23:

The *purpose* of Amendment 23 is to implement measures to improve reliability and accountability of catch reporting and to ensure an accurate representation of catch (landings and discards) and to reevaluate Amendment 16 and Framework 48 monitoring measures while taking into account over seven years of fishery, administrative and programmatic experience. Measures are sought that improve reliability and accountability *across all segments of the monitoring program* and directly take into account *measurable costs and identified benefits to the fishery while meeting requirements in the most cost effective manner possible.* The *need* for Amendment 23 is to improve the accuracy of collected catch data. Accurate catch data are necessary to ensure that catch limits are set at levels to prevent overfishing and ensure optimum yield, and to determine when catch limits are exceeded. A second need is to create fair and equitable catch reporting requirements for all fishermen, while maximizing the value of collected catch data and minimizing costs for the fishing industry and the National Marine Fisheries Service.

*Discussion on the Motion:* The maker of the motion said the focus should be on maximizing benefits while minimizing costs, and suggested inserting the PDT's need statement to create a combined purpose and need statement. Several advisors were not comfortable with including the language on overfishing; an advisor offered to then add language on "ensuring optimum yield" along with "preventing overfishing."

*Motion #1b to amend **carried** on a show of hands (5/3/0).*

*Motion #1b as the main motion **carried** on a show of hands (5/2/1).*

## **Motion #2:** Smith/Weirsma

The GAP recommends that the Committee develop a range of alternatives for electronic monitoring (EM) that achieve the purpose and need statement identified by the GAP (in Motion 1b) such that:

- Vessels should have the option to use EM in place of at-sea monitors (ASM)
- EM instead of ASM on selected trips, where EM is used to directly estimate discards consistent with current EM exempted fishing permits
- Audit based approach for EM where EM runs on 100% of trips and a subset of hauls or trips is reviewed to verify VTR-reported discards
- Maximum retention approach for EM where EM verifies that all groundfish are landed and uses dockside monitoring (DSM) to sample catch
- Formally approve EM as a monitoring tool

*Discussion on the Motion:* One advisor asked if the intent of EM alternatives would be to achieve Standardized Bycatch Reporting Methodology (SBRM) requirements. The maker of the motion explained that no, the intent is to achieve the purpose and need of the amendment. Ms. Heil (GARFO) clarified that the 30% CV standard and SBRM are not necessarily linked, and that this amendment can take a holistic look at the monitoring program which could potentially change the 30% CV standard. Another advisor asked whether sectors already have the option to use EM for monitoring; it was clarified that no, they cannot use it through their operations plans, only through an Exempted Fishing Permit. One advisor asked whether this motion is necessary given that we appear to be moving towards approving EM; the maker of the motion explained that the goal is for EM to be formally approved and he would like to see analysis done on a range of EM options. Another advisor offered support and would like to see EM move beyond pilot projects. Ms. Heil explained that Amendment 16 allows EM to be used if the technology is approved by NMFS, which it has not been yet, and said the GAP should work through some of these issues. The issue of maximum retention and retaining small fish was discussed; staff confirmed that maximum retention and audit models would require Council action, and pointed out the need to distinguish between amendment, framework, and operations plans actions.

*Motion #2 **carried** on a show of hands (4/3/1).*

## **Motion #3:** Odell/Smith

The GAP recommends to the Committee to develop alternatives to re-evaluate the 30% CV standard and how it is applied (e.g., fishery versus stock level) to determine the total monitoring coverage rate.

*Discussion on the Motion:* One advisor asked to clarify what is meant by evaluating how the 30% CV standard is applied – is this collapsing strata into fewer specific gear types so it is more broadly applied at maybe a sector level, or is this increasing or decreasing the CV percentages. The maker responded that all of these could be examined.

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

**Motion #4:** Smith/Weirsma

In addition, the GAP recommends including in the range of alternatives to re-evaluate the 30% CV standard and how it is applied to determine the total monitoring coverage rate:

- Support for 100% monitoring (ASM or EM) for vessels fishing in more than one broad stock area on same trip
- Analyze a range of ASM coverage rates from 5-100%, and thorough assessment of costs to industry associated with various rates and methods
- Re-examine metric used for measuring monitoring coverage (ex. volume of catch instead of number of trips)
- Use discard-proportional observer coverage
- Methodologies for setting ASM coverage rates that take into account “observer effects” to ensure accurate catch accounting

*Discussion on the Motion:* One advisor suggested examining whether the observer effect is due to annual catch limits (ACLs) that are inconsistent with fishermen’s observations/experiences. Another advisor explained the need for methodologies for setting ASM coverage rates that take into account “observer effects” as determining the level of observer coverage that minimizes the risk of behavior change, with 100% coverage being no observer effect, and that there must be a level at which the effect is negated. Another advisor said it is important to consider who is identifying observer effects, as industry may have a different idea of what this is. Several advisors opposed 100% monitoring coverage for vessels fishing in multiple broad stock areas, saying that it is not cost effective to industry and vessels need to be able to move around to avoid certain stocks, and that this action will backfire. An advisor asked for an example of discard proportional coverage; another advisor explained that this is based on the work that Jenny Sun at GMRI did that assigns coverage based on landings rather than strata (or number of trips) so that effectively coverage is targeted at vessels that catch more fish, and said this should result in more accurate catch data and a more equitable system for smaller vessels. One advisor spoke against discard proportional observer coverage, saying that this will result in coverage of vessels that catch high volumes of one species (e.g. redfish, haddock), and said that bad catch data isn’t why the assessments are failing. Another advisor said that bad catch data is not considered the only thing causing the assessments to fail, but it is a part of it.

**Motion #5** to amend Motion #4: Smith/Weirsma

In addition, the GAP recommends including in the range of alternatives to re-evaluate the 30% CV standard and how it is applied to determine the total monitoring coverage rate:

- Analyze a range of ASM coverage rates from 5-100%, and thorough assessment of costs to industry associated with various rates and methods
- Re-examine metric used for measuring monitoring coverage (ex. volume of catch instead of number of trips)
- Use discard-proportional observer coverage

*Motion #5 to amend Motion #4 failed (3/5/0).*

*Motion #4 failed (2/5/1).*

**Motion #6:** Soule/Raymond

The GAP recommends including in the range of alternatives to re-evaluate the 30% CV standard and how it is applied to determine the total monitoring coverage rate - monitoring directed at stocks in most need of accurate monitoring.

*Rationale:* Higher priority monitoring for stocks most in need (e.g. cod stocks) may have a greater impact on the assessments and quota monitoring than monitoring a stock where the quota is not being achieved (e.g. redfish, Georges Bank haddock). There is interest in analysis of discards that is not a one size fits all, like the current 30% CV, and instead focuses on the relative health of the stock at that time.

*Discussion on the Motion:* Staff explained that this was done to an extent in Framework 55, the difference being that there could still be one stock driving the coverage rate across the entire fishery, and explained that there was analysis done to look at rolling coverage back to stocks that are overfished or overfishing is occurring. Staff asked to clarify whether this motion is asking for additional monitoring assigned to the stock area of the stocks most in need, or if this is asking for a coverage rate set for the fleet with the stocks in need driving the rate. The maker of the motion responded that this motion was not fully thought through, but would likely need the Groundfish PDT to do analysis that assigns higher priority monitoring to stocks most in need. One advisor asked for an example of a stock currently most in need; the maker of the motion responded that you would need to look at overfished/overfishing status, and said that maybe the top three most abundant stocks could be left out of monitoring, and suggested redfish could be ignored while cod and yellowtail stocks would be a priority. Another advisor said there should be equal concern about inaccurate numbers for all stocks, and several advisors expressed concern for how to handle monitoring of stocks in need that are encountered while targeting healthy stocks.

*Motion #6 failed (2/3/3).*

*Discussion:* General discussion of Amendment 23 followed, but with no further motions. One advisor recommended more detailed analyses of the observer effect. Another would like to see an examination of possible incentives for vessels to implement EM. This led to a discussion on how these incentives would be handled and how additional quota would be allocated for vessels opting to use EM, and whether the 30% CV would also apply to EM. One advisor commented

that these types of incentives (mesh size exemptions, access to closed areas) should be examined in the context of the entire fleet, and said that fishermen should be using the proper mesh for the fishery as part of the law and not need additional options, and closed areas should be reevaluated. The advisor also said there should be no minimum fish sizes in the fishery. Another advisor cautioned against taking the benefits of monitoring identified by commenters too seriously, saying these need to be examined more.

**Motion #7:** Parker/Russo

To add in the range of alternatives full retention of allocated groundfish stocks commercial fishery-wide (sectors and common pool) in place of the current program with minimum fish sizes.

*Rationale:* A full retention system with no groundfish discards will simplify monitoring and make solving monitoring problems much cheaper and more efficient.

*Discussion on the Motion:* The maker of the motion commented that in the past when this has come up there has been concern that people will target smaller fish, but said that should be okay given there are quotas. One advisor asked what effect a full retention system where all fish are retained would have on quotas; the maker of the motion pointed out that these additional fish are already taken out as discards and are assumed dead. Another advisor said that a full retention system may lower quotas because of the current assumption in assessments that small fish are given an opportunity to spawn. Another advisor offered support for a full retention system, saying it would be cheaper since it is easier to monitor catch at the dock than at sea. There was discussion on whether this motion is similar to the previous motion on EM alternatives that included an option for full retention; it was clarified that this current motion differed in that it does not specify the monitoring tool used.

*Motion #7 carried on a show of hands (8/0/0).*

**Motion #8:** Parker/Odlin

To expand the scope of the amendment to eliminate the common pool as an option for the commercial groundfish fishery participants.

*Discussion on the Motion:* Several advisors commented that the common pool is a waste of money, as a lot of money and time is spent to monitor and create regulations for a very small group of people. There was discussion on the reasons why the common pool was initially created; an advisor clarified that it allows people another option so that the sector system is voluntary. One advisor expressed concern that the money saved from eliminating the common pool would not go towards solving problems in the fishery. Another advisor suggested discussing monitoring requirements similar to those for sectors for the common pool, and recommended expanding common pool analysis. Staff pointed out that this motion may be beyond the scope of the amendment, but could still be discussed.

*Motion #8 carried on a show of hands (4/1/3).*

**Motion #9:** Raymond/Odell

To expand the scope of the amendment to include monitoring of other federal commercial fisheries that catch groundfish – at a minimum requirements of using PTNS and VMS.

*Rationale:* There is concern that other commercial Federal fisheries with significant groundfish catch (e.g. whiting, squid) do not have any monitoring or reporting requirements and do not have accountability with respect to groundfish catches. There should be a better idea of what groundfish catch is in other commercial fisheries beyond the estimates currently used.

*Discussion on the Motion:* One advisor asked whether these fisheries already have SBRM requirements, and whether the intent is to seek additional monitoring of these fisheries; the maker of the motion explained that an example of such a fishery with minimal monitoring coverage and reporting requirements is the whiting fishery, and explained that at a minimum VMS would at least allow one to know where these fisheries are catching groundfish. One advisor asked whether there would be any threshold for groundfish catch in other fisheries; the maker said that the Groundfish PDT would need to look at groundfish bycatch levels in these other fisheries. Another advisor asked whether this would apply to the lobster fishery; it was clarified that it could. Staff explained that this will likely need more scoping as monitoring of groundfish catch in other fisheries was not included in public scoping for Amendment 23 thus far, and also pointed out that there is a 2017 Council priority to identify groundfish catch in other fisheries.

*Motion #9 carried on a show of hands (6/0/2).*

***PRESENTATION: 2017 COUNCIL GROUND FISH PRIORITIES, DR. COURNANE***

Staff presented an overview of 2017 Council groundfish priorities, as well as an overview of the PDT's discussion on Atlantic halibut management and windowpane flounder management, including potential options for changing the Accountability Measures (AMs) for both and the potential for reclassifying windowpane flounder stocks (Documents #4a and #4b).

*Questions and comments on the presentation:*

One advisor asked to clarify whether the potential option to expand the Atlantic halibut one fish possession limit to all Federally permitted boats was actually supposed to say zero; it was clarified that this is referring to the current possession limit for groundfish permit holders, not the AMs, and that this point addresses the fact that it is unclear whether there are other Federal fisheries (e.g. lobster) that would be unaffected by the halibut AMs.

***AGENDA ITEM #2: 2017 COUNCIL GROUND FISH PRIORITIES***

**ATLANTIC HALIBUT MANAGEMENT**

**Motion #10:** Raymond/Russo

To include an alternative that would eliminate some or all of the gear restricted areas, and implement a maximum size of 42” for possession as a reactive accountability measure.

*Rationale:* Actions for Atlantic halibut management need to impact the state fishery and hold it accountable. The state does not follow the zero possession AM for the Federal groundfish fishery, but should adopt the size limits, so this action should significantly reduce the state fishery catches. This action would create a slot limit of 41-42” as the AM. A maximum size limit should also provide protection for broodstock.

*Discussion on the Motion:* An advisor asked to clarify whether this is seeking essentially a zero possession limit and removal of the gear restricted areas estimated to have a \$3 or \$5 million economic impact on the Federal groundfish fishery; the maker of the motion confirmed yes and that this would be an AM, not a requirement of the fishery. Another advisor asked to confirm that 42” would be the proposed maximum size; the maker confirmed yes, and said that there was no biological basis for this size other than the intent to restrict catch. The maker also pointed out that fish at that size are hardy and so throwing them back should not result in 100% mortality. One advisor asked why the zero possession AM would not be a better option; the maker explained that the state does not follow that but should adopt complementary size limits. Another advisor offered support for this motion because this would have the Federal groundfish fishery losing the value of the one fish halibut limit, which they would lose under the current AMs anyway, but not be impacted by the gear restricted areas.

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

**Motion #11:** Raymond/Russo

Require the open access Handgear B permit to be obtained prior to May 1, and require adherence to the permit restrictions for the entire fishing year.

*Rationale:* The intent is to restrict lobstermen who are suspected to use this to target and land additional halibut outside of the halibut season (May-June). Those who want to use this permit for groundfish could purchase it before May 1.

*Discussion on the motion:* An advisor explained the intent of the motion is to restrict lobstermen who are dropping out May-June and then renewing the groundfish handgear permit the following year, effectively targeting halibut an additional two months (March-April), and also expects there are cases of noncompliance with permit holders hauling groundfish hook gear and lobster traps on the same trips. Ms. Heil (GARFO) said she is waiting on a data request for Handgear B permits to see whether people are switching back and forth. She also clarified that permit holders are not allowed to haul both groundfish hook gear and lobster traps on the same trip, and

explained that GARFO is working with Maine DMR to make sure the correct compliance information for the halibut fishery is being distributed. Another advisor expressed concern for the impact this may have on other fisheries and recommended additional analysis.

*Motion #11 carried on a show of hands (6/0/2).*

**Motion #12:** Weirsma/Smith

To explore if a 20% trigger is sufficient to account for both management and scientific uncertainty in the fishery.

*Rationale:* There is a lot of uncertainty in the fishery, given the level of latent effort, unreported state fishery catches in Federal waters, and poor survey methodology, so perhaps the management uncertainty buffer should be increased to accommodate this.

*Discussion on the motion:* An advisor asked to clarify if this motion aims to back off the AM, given the previous two motions tighten it; the maker of the motion explained that the goal is to allow for uncertainty in the Maine state fishery and to account for this in order to prevent the AMs from being implemented. Ms. Heil (GARFO) said that the uncertainty for Atlantic halibut is already maxed out.

*Motion #12 was withdrawn without objection.*

**Motion #13:** Raymond/Odell

The GAP recommends to the Committee development of alternatives from the PDT that modify the accountability measures to:

- Change the trigger for the AMs,
- Create a tiered AM system depending on the size of the overage,
- Change the location or duration of the AM areas, or
- Eliminate some or all of the gear restricted areas and expand the AM for no possession to other federally managed fisheries

*Motion #13 carried on a show of hands (7/0/1).*

**Motion #14:** Martens/Smith

Move that groundfish boats taking a trip in the sector system to only target halibut be exempt from ASM coverage.

*Discussion on the motion:* One advisor asked to clarify whether gear would be the criteria used to determine whether or not it is a halibut trip; the maker of the motion said these vessels would likely be required to only have groundfish gear onboard. Another advisor opposed the motion, stating there is catch of groundfish (e.g. cod, hake) on these halibut trips. One advisor also pointed out that limiting observer coverage on these types of trips would reduce the data on halibut that may be useful for some of the catch models.

*Motion #14 failed (0/6/2).*

**Motion #15: Raymond/Soule**

The GAP does not support allocation on a state-by-state basis through coordinated management with ASMFC for Atlantic halibut.

*Discussion on the motion:* One advisor asked for clarification of the reasoning behind this idea; staff explained that this approach would allow the Federal fishery to only be responsible for its portion of the catch and not be linked to what happens in state waters, and also clarified that this was not a PDT recommendation, but an acknowledgement of an option for discussion.

*Motion #15 carried on a show of hands (8/0/0).*

**WINDOWPANE FLOUNDER MANAGEMENT**

No discussion occurred and no motions or consensus statements were made.

***AGENDA ITEM #3: OTHER BUSINESS***

**SECTOR INTERIM RULE/NEFS 9**

*Discussion:* The GAP discussed the sector interim rule and the issue with NEFS 9. Staff explained that the deadline for the public comment period for the sector interim rule is May 30, so if the Council chooses to comment, the letter will be late. Several advisors expressed frustration with the lack of information they have on the topic in order to make comments. One advisor asked whether NEFS 9's operations plan is different from last year; staff replied that they do not know at this time. Another advisor asked when sector plans can be approved or rejected; Ms. Heil (GARFO) clarified that the timing was different this year and that sector operations plans were approved for May 1, with the final comment period ending May 31. Another advisor asked whether there has been any correspondence between NMFS and NEFS 9; Ms. Heil said that NMFS corresponded with every sector at the beginning of the year.

Several advisors thought the guidance in Amendment 16 on sector overages is inadequate, and should go back further than the prior fishing year. One advisor pointed to enforcement mechanisms for misreporting in sector operations plans, and another said the Board of Directors

for each sector also enforces these mechanisms. One advisor pointed to a section in sector operations plans that says members should be expelled for unfair behaviors and misreporting, and stated that if not addressed, then NEFS 9's operations plan may be considered inadequate. Another advisor questioned why NMFS is approving NEFS 9's operations plan, given that the sector is not upholding its plan, and why the penalty schedule is not being followed. Several advisors suggested that perhaps the silence from NMFS is due to the fact that the plea and court action are not finalized, and recommended that the GAP wait to take up this issue until after the final rule is published. Another advisor disagreed, saying NMFS has the ability to bring civil charges before the final rule in the criminal trial, and said given there is misreporting, the contract between NMFS and NEFS 9 should not still be held and the sector should not be operational. Another advisor said the GAP needs to think about what can be done to prevent misreporting in the future.

**Motion #16:** Soule/Raymond

The GAP requests the Groundfish Committee/Council request NMFS to enforce two specific components of the NEFS9 sector operations plan: 1) insist that the sector conduct the required internal investigation of infractions and 2) enforce the sector's penalty schedule.

**Motion #16a** as Motion #16 friendly amended (Soule/Raymond)

The GAP requests the Groundfish Committee/Council request NMFS to enforce and document two specific components of the NEFS9 sector operations plan: 1) insist that the sector conduct the required internal investigation of infractions and 2) enforce and document the sector's penalty schedule.

*Discussion on the motion:* One advisor asked to clarify whether this is asking NMFS to do this or the Board of the sector; it was clarified that the request is for NMFS to enforce and document components of NEFS 9's operations plan. Another advisor questioned whether the sectors would act ahead of the court ruling.

*Motion #16a carried on a show of hands (9/0/0).*

**Motion #17:** Soule/Russo

To recommend that NMFS remand the NEFS9's sector operations plan back due to an inadequate monitoring plan.

*Discussion on the motion:* One advisor asked what would be considered adequate monitoring, and said that Carlos Rafael should have 100% at-sea and dockside monitoring paid for by himself. Another advisor suggested that NMFS has not taken action because it may legally be prevented from doing so, and that the guidance on sector operations plans in Amendment 16 should be revisited.

*Motion #17 failed (0/5/3).*

**Motion #18:** Raymond/Odell

Section 4.2.3.3.2 (Guidance for sector overages) in Amendment 16 is not adequate to reflect all the circumstances for sectors overages. This should be revised with participation of the GAP and be included in the current framework adjustment.

*Discussion on the motion:* One advisor stressed the importance of addressing the magnitude of overages.

*Motion #18 carried on a show of hands (8/0/0).*

**NOAA NEXT GENERATION STOCK ASSESSMENT ENTERPRISE**

**Motion #19:** Odell/Odlin

**NOAA Next Generation Stock Assessment Enterprise:**

The GAP recommends the following input to the SSC and Council as they receive and offer input to the “NOAA Next Generation Stock Assessment Enterprise” publication recently published by NOAA Fisheries. In order to ensure “quality assurance”, the Council, with associated panels and committees, should provide direct input on the TORs established for assessments. The SAW/SARC process should incorporate independent, non-government professionals, in proportion to government professionals, on both the working group and peer review panels. An “improvement plan” should consider more than timeliness and overall efficiency and effectiveness of a process. What needs to improve is the reliability of the results, which acknowledges the chronic retrospective patterns, model weaknesses and the magnitude of poor projections that plague many assessments for key Northeast groundfish stocks.

**Motion #19a** as Motion #19 as friendly amended (Smith/Odell/Odlin).

**NOAA Next Generation Stock Assessment Enterprise:**

The GAP recommends the following input to the SSC and Council as they receive and offer input to the “NOAA Next Generation Stock Assessment Enterprise” publication recently published by NOAA Fisheries. In order to ensure “quality assurance”, the Council, with associated panels and committees, should provide direct input on the TORs established for assessments. The SAW/SARC process should incorporate independent, non-government professionals, in proportion to government professionals, on both the working group and peer review panels and improved incorporation of fishermen’s observations into the assessments. An “improvement plan” should consider more than timeliness and overall efficiency and effectiveness of a process. What needs to improve is the reliability of the results, which acknowledges the chronic retrospective patterns, model weaknesses and the magnitude of poor projections that plague many assessments for key Northeast groundfish stocks.

*Discussion on the motion:* One advisor wanted to add a sentence about including fishermen's data in the assessment process.

*Motion #19a **carried** on a show of hands (8/0/0).*

**Motion #20:** Raymond/Russo

The GAP requests that the Groundfish Committee/Council endorse a request from the industry for the NMFS to use its authority to expand or remove the general category scallop exemption area, effective as soon as possible.

*Rationale:* Amendment 7 eliminated scallop dredging in certain areas to protect groundfish, but there are exemptions for dredging in this area (Closed Area 1), and there are concerns about the impacts of these exemptions based on groundfish bycatch data.

*Discussion on the motion:* The GAP discussed how more fishing area on Georges Bank could be affected by the proposed Omnibus Habitat Amendment 2 (when implemented), and that general category scallop vessels may need to find other areas to fish. As a follow-up, one advisor recommended obtaining correspondence on the amendment. It was clarified that this action is not contingent on the Habitat Amendment.

*Motion #20 **carried** on a show of hands (5/0/2).*

The Groundfish Advisory Panel meeting adjourned at approximately 3:50 p.m.