



New England Fishery Management Council

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MEETING SUMMARY

Recreational Advisory Panel

DoubleTree by Hilton, South Portland, ME

November 14, 2017

The Recreational Advisory Panel (RAP) met on November 14, 2017 in South Portland, ME to discuss and make recommendations on: 1) Framework Adjustment 57- Specifications and Management Measures; 2) recreational fishing data for fishing year 2016 and preliminary fishing year 2017; 3) possible Council priorities for 2018; 4) recent Executive Orders; and 5) other business, as necessary.

MEETING ATTENDANCE: Frank Blount (Chairman), Barry Gibson (Vice Chair), Joseph Carpino, Michael Hogg, Tom DePersia, Michael Plaia, Jonathan Sterritt, Donald Swanson, William Tower, and Kevin Twombly; Dr. Jamie Cournane and Robin Frede (NEFMC staff); and Terry Stockwell (Groundfish Committee Chair). In addition, 12 members of the public attended, including Mark Grant and Moira Kelly (GARFO), and Rick Bellavance and Mark Godfroy (Groundfish Committee/Council members).

SUPPORTING DOCUMENTATION: Discussions were aided by the following documents and presentations: (1) Meeting memorandum dated November 9, 2017; (2) Meeting agenda; (3a) Framework Adjustment 57 - Draft Alternatives for FW 57 (November 6, 2017); (3b) Presentation: PDT Report; (4) Presentation: Additional information – 2018 priorities and recent Executive Orders; (5a) Recreational fishery data from fishing year 2016 and in-season 2017 (November 8, 2017); (5b) Report from GARFO's recreational management workshop on November 13, 2017 (6) RAP meeting summary, June 6, 2017); and (7) Correspondence.

The meeting began at 10:09 a.m.

KEY OUTCOMES:

- The RAP recommends to the Groundfish Committee (Committee) that in the Recreational Management Measures section of Framework Adjustment 57 (FW 57) that “No Action” be taken (no changes to the accountability measures).
- The RAP recommends to the Committee that in the Atlantic halibut accountability measures section of FW 57 that if the Committee/Council recommends applying the reactive accountability measures to all federal permit holders that recreational party/charter and other recreational permits (e.g., Highly Migratory Species) be exempt.

- The RAP recommends to the Committee that in the Annual Catch Limits section of FW 57 to select Option 2: Revised Annual Catch Limits for Gulf of Maine cod and Gulf of Maine haddock.
- The RAP recommends to the Committee that for Georges Bank cod to use the five-year recent average (138.4 mt) as a catch target for FY2018 - FY2020.
- The RAP does not feel the Georges Bank cod recreational catches in fishing year 2016 warrant an emergency action or the establishment of a sub-annual catch limit in FW 57.
- The RAP recommends to the Committee that for 2018 Council priorities for groundfish that the Gulf of Maine cod and Gulf of Maine haddock recreational allocation proportions be reviewed consistent with provisions in Amendment 16 using the most recent five-years of data and that the review consider the results of the MRIP calibrations.
- The RAP recommends to the Committee that for 2018 Council priorities for groundfish the development a limited access program for the party/charter fishery.

PRESENTATION: GARFO RECREATIONAL MANAGEMENT WORKSHOP, MS. KELLY

Ms. Kelly provided a brief summary from the GARFO Workshop to Improve New England Recreational Fishery Management held November 13, 2017 in Portsmouth, NH. She said NMFS hopes this will be the start of a series of meetings, and the next steps are for the RAP to discuss this today, provide a summary report of workshop discussions, and decide whether further meetings are needed.

Questions and Comments on the Presentation:

One advisor asked whether NMFS received any new input at the workshop that they hadn't already heard from the RAP, as he feels the RAP has given a lot of input over the years without much progress. Ms. Kelly said that NMFS is interested in more outside box solutions and understands that the communication issues are not new but believes them to be more actionable now. She listed the issue of stability in recreational regulations as an example and said that hopefully these discussions show the Council there is a need for this action, since it can only be done through Council action. Ms. Kelly also said that NMFS is looking for more input from private anglers.

PRESENTATION: PDT REPORT ON FW 57, DR. COURNANE

Staff provided an overview of the PDT's report on Framework 57 (FW 57), specifically focusing on actions pertaining to the recreational fishery, which include setting specifications for all stocks for 2018-2020, Atlantic halibut accountability measures (AMs) (which impacts the party/charter fishery), and revisions to the recreational management measures process. Staff also noted potential new items that could be added to the framework at the December Council meeting: a potential recreational sub-ACL for Georges Bank (GB) cod and potential emergency action for GB cod. Staff presented the preliminary recreational sub-ACLs for Gulf of Maine (GOM) cod and GOM haddock. Staff also summarized the alternatives related to Atlantic halibut AMs, explaining that these could modify the AM areas and extend the reactive no possession

AM to all federal permit holders, including party/charter vessels. Staff explained how the revised recreational management measures process would work, and compared the current process in which the RAP provides the recommendations for the measures and NMFS approves (for proactive AMs) and the reactive AMs that consider a percentage reduction to correct for overages, to the new process in which NMFS would approve measures using 3 year average of the data but the RAP would not be involved in providing recommendations, in exchange for knowing these regulations earlier in the year. Staff also reviewed the Committee motion for recreational GB cod - “to use a 5 year average catch for recreational GB cod to come up with a target catch and task the PDT to work with the RAP to develop measures designed to meet target, possibly to include in FW57 or as basis for emergency action.” The goals of the RAP’s discussion were to provide guidance on development of the draft alternatives and make recommendations to the Council on what should be included in FW 57.

Questions and Comments on the Presentation:

Several advisors asked for clarification of what the new recreational management measures process would be. Staff explained that right now the process is proactive, and that this is the process from FW 48 in which the RAP comes up with the options (bag limits, etc.) to achieve but not exceed sub-ACL and the Council lists priorities (for size limits, bag limits, etc.). The new process would lose this involvement of the RAP in exchange for knowing the regulations earlier, but it may be more conservative, and it is not clear how to handle any potential increase in catch. Staff noted that this year they would continue to go through the current process and if the Council did vote to change the process this would begin in 2018. Staff explained that the RAP may be able to ask to provide input, but should recognize that these actions would likely be looking backward to correct overages vs. developing measures to achieve sub-ACL as is the current practice. One advisor asked when the earlier timing would be. Mr. Grant explained that for the new process the regulations are written to say “as soon as final wave data available”, with January as a target. Another advisor expressed concern about the RAP not being as involved in the process, especially given that the RAP has talked about wanting to meet more throughout the year, and said the new process seems contradictory to this idea.

AGENDA ITEM #1: FRAMEWORK ADJUSTMENT 57

Recreational Management Measures Process

Motion #1: Sterrit/Gibson

The Recreational Advisory Panel recommends to the Groundfish Committee that in the Recreational Management Measures section of Framework Adjustment 57 that “No Action” be taken (no changes to the accountability measures).

Discussion on the Motion: After the presentation and discussion on how changes to the recreational management measures process might limit the RAP’s involvement in the process, the RAP decided not to pursue changes to the accountability measures.

Motion #2 carried on a show of hands (8/0/1).

Atlantic Halibut

Discussion: Staff explained that the Council is considering extending the reactive AM of no possession to all federal permit holders in order to include all who contribute to halibut catch, and clarified that this would be in effect for the entire year but only if there is an overage of the total ACL. Mr. Blount emphasized that extending the no possession AM to all federal permit holders would likely impact party/charter vessels as well as anyone with a Highly Migratory Species (HMS) permit. One advisor asked if there are recreational halibut catch numbers available. Staff said there is not data available and that halibut is a rare species event for recreational fishermen. Another advisor said he thinks that because halibut is such a rare event for the recreational fishery and these are such small catch numbers, extending the reactive AM of no possession should just be applied to commercial fisheries. One advisor gave an example of a similar case from the HMS Committee with the consideration of a measure to prevent the recreational fishery from keeping porbeagle sharks, and said the argument was that catch was negligible and this measure ultimately did not pass. Another advisor asked for an explanation of the halibut issue. Mr. Blount explained the problem is that catches of halibut have been increasing, especially in the state of Maine, and have come close to the AM trigger in recent years, which would negatively impact the federal commercial groundfish fishery, and acknowledged that the state of Maine has taken steps to correct enforcement problems to help reduce catches.

Consensus Statement # 1

The Recreational Advisory Panel recommends to the Groundfish Committee that in the Atlantic halibut accountability measures section of Framework Adjustment 57 that if the Committee/Council recommends applying the reactive accountability measures to all federal permit holders that recreational party/charter and other recreational permits (e.g., Highly Migratory Species) be exempt. Atlantic halibut are a trophy fish which has no recreational allocation. The Recreational Advisory Panel suggests to the Groundfish Committee that these fish not be taken away from the recreational fishery.

Annual Catch Limits (ACLs)

Motion #2: Tower/Plaia

The Recreational Advisory Panel recommends to the Groundfish Committee that in the Annual Catch Limits section of Framework Adjustment 57 to select Option 2: Revised Annual Catch Limits for Gulf of Maine cod and Gulf of Maine haddock.

Motion #2 carried on a show of hands (8/0/0).

PRESENTATION: RECREATIONAL FISHING DATA FOR FISHING YEAR 2016 AND PRELIMINARY FISHING YEAR 2017, MR. GRANT

Mr. Grant gave an overview of the 2016 recreational fishery data and the preliminary data for 2017 from MRIP and explained that these are what is used in the bioeconomic model. He highlighted notable changes in the data from 2016 to 2017, including: a decrease in cod catch numbers but an increase in cod weight, which resulted in an overall increase in cod catch; a decrease in haddock catch numbers, noting that this was in spite of the late adjustment of the measures in August; and an increase in trips targeting cod and haddock, noting that this differed from the model prediction of a decrease in effort. Mr. Grant also noted changes in the catch data when examined by mode, including: an increase in private angler cod catch; an increase in live cod released, but noting that when the discard mortality estimate is applied this resulted in an increase in dead discards; and an increasing portion of haddock catch coming from private anglers.

Questions and Comments on the Presentation:

Mr. Blount commented that it seemed odd to him that head boat cod catch decreased by a large amount from 2016 to 2017 but private angler cod catch increased substantially. Mr. Grant said this could be because the head boats are better at moving away from cod, or that this is the first year using in-season VTR reports from head boats. One advisor said that perhaps private anglers can't get away from cod because there are a lot of cod and they are difficult to avoid, especially on Jeffery's Ledge, and said that anglers question the fact that they are seeing lots of cod but the assessment says the stock is doing poorly. Mr. Grant point out that the Massachusetts state fishery had cod open for recreational anglers last year, so not everyone is trying to avoid cod, also noted that the Gulf of Maine (GOM) cod assessment shows an increase for the stock. Another advisor said that from looking at his own records, he saw cod catch go up from last year and haddock catch go down slightly, and said he also wondered if anglers are catching the same cod over and over, as he has seen some tagging studies to show some cod stay in the same area. Mr. Blount pointed out that the data suggests that private anglers are throwing back a lot of haddock while others are not and wondered whether this is because they are catching lots of small haddock or because more of them are fishing. Mr. Grant pointed out that part of this could be due to the fact that this preliminary data doesn't use the new discard mortality estimates but will when finalized.

Mr. Grant also pointed out that the recreational fishery is already over the limit for GOM cod this year and explained that most of this is due to release mortality. One advisor said he would like to know how much of the cod mortality can be attributed to not having the revised measures in place for the first three months of the season this year, when the cod quota was zero possession and the haddock went from a 15 to 12 fish possession limit. Mr. Grant said he will talk to Scott Steinbeck (NEFSC) [who runs the bioeconomic model], but that it is his understanding is this would be difficult to tease out. The advisor asked what the reason was for the delay in measures this year. Mr. Grant said this was due to a lawsuit involving Gulf of Mexico red snapper that also impacted the recreational fishery here in New England, but now that this is understood it should not cause any delays this year. Mr. Grant also reminded the RAP that the recreational fishery doesn't have a pay back for any overages of its sub-ACL, and that instead the measures are set each year to address any overages.

One advisor said he would like to see Mr. Steinbeck run the model with separate measures for private anglers and the for-hire fleet. Mr. Blount suggested one option to consider for George Bank (GB) cod could be a boat limit, which has been done for Rhode Island state tautog and Massachusetts state butterfish, because he said the measures that have been used for GOM cod and haddock (bag limits, size limits, etc.) have not been working. One advisor said he doesn't think boat limits work because they are constrained by what the states choose for measures. Mr. Blount said the hope is that the states would follow the boat limits. Several advisors supported the idea of separate measures for the private and for-hire fleet, while others did not support this and thought the focus should be on fixing the data.

AGENDA ITEM 2: RECREATIONAL FISHING DATA FOR FISHING YEAR 2016 AND PRELIMINARY FISHING YEAR 2017

Recreational GB Cod Management Measures

Staff reviewed the Groundfish Committee motion to develop a catch target for recreational GB cod using the five-year most recent average, which is 138 mt. Staff also gave an overview of catch and effort data for GB cod, noting that most of the catch is from private anglers. Staff explained that current measures for GB cod are a 22 inch size limit, no trip limit for the for-hire fleet and a 10 fish per trip limit for private anglers.

Questions and Comments on the Presentation:

One advisor asked to clarify that cod caught from off Rhode Island are considered GB cod. Staff explained that all cod caught in southern New England waters are part of the GB cod stock. Another advisor asked why there is no data for January and February. Ms. Kelly clarified that there is no MRIP sampling then because it is not cost efficient to sample then since while there is some catch it is low across all species. Another advisor questioned why catch numbers are so low for the for-hire fleet in some years. Mr. Blount said he thinks the for-hire fleet has been underreported for a long time and said they shouldn't believe the high and low years.

Discussion: Mr. Blount said that given the catch varies so much by year and that last year was the only year the fishery expanded he doesn't agree that emergency action for recreational GB cod is justified. He also asked the RAP if they are comfortable with using the most recent five-year average as the target catch number. Several advisors thought that the high and low years should be removed, but it was pointed out that that wouldn't be enough years of data. Staff explained that the RAP could weigh in on priorities for setting measures as far as size limits, bag limits, etc., as has been done with GOM cod and haddock. Mr. Grant noted that there is no GB cod bioeconomic model, and so the PDT will discuss a different approach to setting measures.

Motion #3: Plaia/Tower

The Recreational Advisory Panel recommends to the Groundfish Committee that for Georges Bank cod to use the five-year recent average (138.4 mt) as a catch target for FY2018 - FY2020.

Motion #3 carried on a show of hands (7/0/2).

Motion #4: Twombly/Gibson

The Recreational Advisory Panel recommends to the Groundfish Committee that for Georges Bank cod that the accountability measures first consider adjustments to seasons, then increases in the minimum fish size, followed by changes to bag limits. The Recreational Advisory Panel recommends exploring options for a boat limit as well.

Motion #4 failed on a show of hands (2/3/4).

Consensus Statement #2:

The Recreational Advisory Panel does not feel the Georges Bank cod recreational catches in fishing year 2016 warrant an emergency action or the establishment of a sub-annual catch limit in Framework Adjustment 57.

AGENDA ITEM #3: COUNCIL PRIORITIES FOR 2018

Staff gave a brief overview of the items that have been included on the list for 2018 Council priorities and asked if the RAP had any additions

Discussion: One advisor spoke about the hardship facing party/charter fishermen in the South Shore and said that many in the area are leaving the party/charter fishery because zero cod possession makes it difficult to attract customers and they don't have other fisheries like sea bass and fluke to switch into. He said he didn't think that giving a few fish to the party/charter fishery would halt the rebuilding of the species, and would be willing to consider separate measures for the fire-hire fleet and private anglers to achieve this. Mr. Blount pointed out that separate measures has been tried before but has never been popular with the RAP. Another advisor said he understands why the Council doesn't consider separate measures a priority because this haven't been unified within the RAP, and also said that even if they had separate measures the problem is that they need more cod overall. One advisor said that the issue is that originally it was assumed zero discard mortality for cod back when they had a three cod limit, and then once NMFS considered a discard mortality this took away all the cod because they were all needed to cover the bycatch. Mr. Grant further explained that the discard mortality change occurred to match the assessment data, and that NMFS/the Council didn't originally include discards when Amendment 16 (A16) set recreational allocations. Mr. Blount said that it is because of this that the recreational fishery has been behind ever since, as it was set up to not be able to stay within its limits. Staff pointed out that A16 does say that the recreational allocation can be reviewed in a framework using the recent 5 year average as used in the assessment. One advisor asked what the workload would be for this. Staff explained that this will consider new discard mortality information as well as the MRIP data recalibration.

The RAP discussed the possibility of establishing a recreational sub-ACL for GB cod but decided they should wait until after more data from 2017 is available to see whether it is necessary. Staff also pointed out the GB cod overall ACL is increasing substantially this year. One advisor brought up the idea of considering mandatory reporting for the recreational fishing community, as is done in some regions, in an effort to get away from MRIP. Another advisor said that while this is a good idea, he is concerned that the data quality from this reporting would be poor. Ms. Kelly explained that there are efforts funded by MRIP in the South Atlantic and Gulf of Mexico to try to validate individual angler reports (e.g. South Atlantic weekend red snapper fishing, Florida snook fishing), and to explore reporting via phone apps.

The RAP also discussed electronic vessel trip reporting (eVTR) as it is now required by the MAFMC for party/charter vessels, and the majority of New England party/charter fishermen also have MAFMC permits and so will be required to begin reporting electronically. Mr. Blount commented that outreach on this to New England was very poor and that few people knew about it and few commented, and would like the MAFMC to know that the RAP is not happy about this. Several advisors had questions about eVTR reporting requirements, and it was clarified that eVTRs are required to be submitted within 48 hours of the trip and that data can be written on paper while on the vessels and transferred to electronic reporting once the vessel lands. Mr. Bellavance noted that the MAFMC is planning two additional workshops on new eVTR technologies.

Consensus Statement #3:

The Recreational Advisory Panel recommends to the Groundfish Committee that for 2018 Council priorities for groundfish that the Gulf of Maine cod and Gulf of Maine haddock recreational allocation proportions be reviewed consistent with provisions in Amendment 16 using the most recent five-years of data (see Amendment 16 Section 4.2.5 Allocation of Groundfish to the Commercial and Recreational Groundfish Fisheries) and that the review consider the results of the MRIP calibrations.

Motion #5: DePersia/Twomby

The Recreational Advisory Panel recommends to the Groundfish Committee that for 2018 Council priorities for groundfish the development a limited access program for the party/charter fishery.

Motion #5 carried (5/4/1). (Note: The chair broke the tie and voted in favor of the motion.)

Consensus Statement #4:

The Recreational Advisory Panel recommends to the Groundfish Committee that for 2018 Council priorities for groundfish include getting input on different ways to manage recreational fishery given highly variable catch estimates.

AGENDA ITEM #4: REGULATORY STREAMLINING IN RESPONSE TO RECENT EXECUTIVE ORDERS

Staff gave a brief overview of the recent executive orders related to reducing regulation, mainly the “2 for 1” executive order. Staff explained that the intention is to gather initial discussion from the Committee on ideas for evaluating existing regulations.

Discussion: One advisor asked whether vessel trip reports (VTRs) are duplicative of MRIP data. Ms. Kelly explained that MRIP uses VTR data for effort and not catch. Mr. Blount asked whether logbooks and VTRs are the same, and Ms. Kelly pointed out that not all states have the logbook requirement. Mr. Blount said he considers the requirement to keep logbooks on the vessel for a year to be unnecessary. Mr. Bellavance agreed and said since this is an enforcement issue that perhaps they should have the Enforcement Committee provide a report on why it is necessary. Mr. Blount asked whether having the requirement of a Letter of Authorization (LOA) to fish recreationally in closed areas is necessary. Mr. Grant explained that the concern is for those who have both a commercial limited access permit and a party/charter permit, that they could act as a party/charter vessel but being fishing in closed areas commercially. A member of the public commented that the problem is when a state has more restrictive regulations than the federal fishery, so they are limited to state regulations even if fishing in federal waters. Mr. Grant explained that they don't want either state or federal regulations to undermine the other, and said fishermen can use the transitory provision when traveling through certain states' waters for certain species.

The RAP did not have any recommendations for regulations that meet the requirements for regulatory streaming.

The Recreational Advisory Panel meeting adjourned at approximately 5:18 p.m.