



## New England Fishery Management Council

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### MEETING SUMMARY

#### **Ecosystem Based Fishery Management (EBFM) Committee**

Radisson Airport Hotel, 2081 Post Rd., Warwick, RI 02886

April 4, 2019

The EBFM Committee met on April 4, 2019 in Warwick, RI to develop and evaluate potential strategies to permit vessels and allocate catch by fishery functional group. For each strategy, the committee discussed strengths and weaknesses, which would be incorporated into the example Fishery Ecosystem Plan (eFEP) for the Georges Bank Ecosystem Production Unit (EPU) that the Council is developing. The Council intends to complete a draft of this document by the September Council meeting.

**MEETING ATTENDANCE:** John Pappalardo (Chairman), Dr. Matthew McKenzie (Vice-chair), Dr. Michael Armstrong (substituting for Dr. David Pierce), Mr. Richard Bellavance, Mr. Eric Reid, Mr. Peter Aarrestad, Dr. Michael Sissenwine, Mr. Michael Ruccio (GARFO), Mr. Warren Elliott and Dr. Roger Mann (MAFMC); and Andrew Applegate (NEFMC staff, PDT chair). In addition, four members of the public attended, including George LaPointe (Fishery Survival Fund), Katie Almeida (Town Dock), Carla Guenther (Maine Center for Coastal Fisheries), and Robert LaFrance (Audubon).

Presentations and background documents are available on the Council's EBFM web page (<http://www.nefmc.org/calendar/apr-4-2019-ecosystem-based-fishery-management-committee-meeting>).

#### **KEY OUTCOMES:**

- The committee developed six general permit strategies and discussed their strengths and weaknesses. These strategies included:
  - No additional permit required (No Action), but vessels would declare into a Georges Bank EPU fishing mode (métier) for monitoring catch
  - EPU/Gear Overlay – additional permit needed to fish within the GB EPU
  - A letter of authorization (LOA) to fish on Georges Bank with existing permits
  - Hybrid EPU permit – new permit to fish with specific gear within the GB EPU and land NEFMC-managed species
  - EPU/Gear permit – Vessels with history of using a gear in the Georges Bank EPU may obtain a permit to fish and land all species associated with that fishing mode (métier).

- Open access with auctioned access rights and associated catch allocations
- The committee discussed how to consider mandatory retention as part of the developing eFEP document. The committee decided that in whatever form, mandatory retention policies would be geared toward improving catch estimates and reducing waste. As such, the committee felt that there was little inherently different from how this policy might be applied to traditional management plans. The committee recommended to describe options for mandatory retention as a supporting part of ecosystem data monitoring.

**Motions:** The Committee made no motions during the meeting.

### Introduction

Mr. Pappalardo opened the meeting by reviewing the agenda, explaining that the intent of the meeting was to develop strategies for permitting vessels to fish in a Georges Bank EPU and be consistent with the proposed framework for setting catch limits by stock complex and make allocations by fishery functional group. The committee was also charged with adding to or identifying strengths and weaknesses of general approaches to permitting vessels.

He also said that if there were time at the end of the meeting, the Committee could discuss maximum retention strategies, as well as what maximum retention meant, what would it be intended to achieve, and how it should be considered and discussed in the eFEP.

### ***AGENDA ITEM 1–PERMIT AND ALLOCATION STRATEGIES***

#### Presentation

To start the discussion off, Mr. Applegate developed and presented a few general strategies as an example. The presentation started with a list of eFEP components that were non-technical, policy issues that the committee might develop during future meetings. He mentioned that data monitoring and research was also on the PDT's task list because some of it is related to technical analysis, rather than catch reporting. He mentioned that two issues, ecosystem risk assessment and forage fish management policy had draft discussion documents developed by PDT and the committee thought that they belonged with the eFEP as decision support tools, but it would be worthwhile for the committee to take a second look at them.

Mr. Applegate pointed out that the access and permitting approaches did not focus on permit requalification, the working assumption being that any vessel with a limited access permit for species caught in the EPU and a history of fishing there would receive an EPU permit. The approaches could either be an overlay of existing permits or stand alone permits. The approaches should also be thought of as both transitional and/or permanent.

Mr. Applegate presented some definitions that are part of the EBFM glossary on the NEFMC website and referred to the example matrix of stock complexes and fishery functional groups, which the committee had reviewed at its last meeting.

Mr. Applegate then described four general strategies, beginning with one with the fewest change (i.e. no additional permit required) to one that would replace existing permits to catch and land managed fish from the Georges Bank EPU. He listed some strengths and weaknesses but said that there could be additional strengths and weaknesses that the committee could identify. He also invited the committee to add additional strategies or drop one or more of the ones presented. The presentation concluded with a list of relevant questions which were intended to evoke discussion, not to come up with a solution or answer them.

### Discussion

Mr. Applegate paused after each draft strategy to take questions or allow for committee discussion. The discussion ended with two additional strategies identified by the committee and a few additional questions to be considered in the eFEP document.

Before the committee began discussing permit and allocation strategies, there were some questions and discussion about the fishery functional groups. Dr. Sissenwine pointed out that the matrix presented by the PDT showing example stock complexes and fishery functional groups is related to two types of interactions, biological interactions (i.e. species with similar prey and/or predators and similar life-history characteristics) and technical interactions (i.e. species that are often caught together by a fishery).

Mr. Pappalardo asked how the technical interactions were or will be analyzed or defined, i.e. whether the species are caught together on the trip or haul level. Dr. Sissenwine commented that the métier analysis in the worked example was applied at a trip level, based on the way the fishery had been managed. Mr. Pappalardo recognized that a post-hoc analysis of fishing modes might constrain the choices of defining fishery functional groups for a FEP. He suggested that more flexibility would be needed, with some built in ability to develop and operate new gears as fishing conditions change.

Dr. McKenzie believed that haul by haul data and analysis will be needed to evaluate these technical interactions, but that securing data confidentiality was important. This type of detailed analysis would be needed to define permitting categories and how catch allocations to fishery functional groups could be made. Dr. McKenzie also questioned how catch on a trip would be attributed to the ecosystem production unit (EPU) and associated with an EPU permit and catch allocation. He thought that monitoring on a haul by haul basis would be necessary. Dr. Mann agreed that species distribution and fishing overlapping EPU boundaries will be challenging and he asked how would the eFEP template address this issue.

Mr. Bellavance asked whether recreational permits for the EPU would be considered in the eFEP, or whether an EPU permit would only pertain to commercial fishing. The committee agreed that recreational permitting should also be considered but did not outline any specific strategies or suggest whether it would be an open permit for all categories of recreational fishing or also include limited access for some categories of recreational fishing.

After Mr. Applegate outlined some of the potential permitting strategies with strengths and weaknesses, Dr. Sissenwine felt that some of the strengths and weaknesses were associated with the strategy itself, regardless of whether applied to an ecosystem plan or to single species management. Dr. Sissenwine felt that the committee should focus on what is different and unique about potential permitting strategies with respect to ecosystem management.

Dr. McKenzie asked whether the permitting approaches or strategies were meant as a transitional step or as a trial, but the ultimate goal is to manage all NE waters via a FEP. Mr. Applegate suggested that some of the strategies could be considered as a transition and/or a permanent system applied to a Georges Bank EPU, while others would be more applicable as an eventual strategy for all NE waters, if it came to that. Dr. McKenzie thought that an overlay or Letter of Authorization strategy would allow more flexibility for a vessel to operate on quota that is associated with the existing permitting structure.

Instead of an EPU permit which vessels with history of Georges Bank fishing could obtain, the committee suggested an alternative strategy would be to issue a Letter of Authorization to applicant vessels. This approach could be less controversial and more palatable to stakeholders.

In reference to a hybrid permit, one of the identified strengths was that it would simplify allocations, but some saw the additional permit requirement as making the system less simple, but others didn't see the necessity of having permits for stocks managed by other authorities as being a weakness. Mr. Reid asked about how catch allocations and permits would mesh with landing limits administered by states through ASMFC management plans.

The committee agreed that a single EPU/Gear permit for fishing for all managed species in the EPU would be more straightforward and consistent with the proposed framework for setting catch limits for stock complexes and allocations by fishery functional group. They did not agree that requiring catch allocations to be consistent with single stocks limits for non-NEFMC managed species was a weakness, however.

Mr. Ruccio commented that an area-based permit made sense and it would be helpful if the eFEP document clarifies the intent of this type of permitting, with some examples of the specificity of gears that define a permit and species that could be retained. It could for example specify bycatch allowances in a Letter of Authorization directed fishery. Dr. McKenzie liked the EPU/Gear permit approach because it would be more compatible with and "bake in" accountability and monitoring to the authorization to fish.

Mr. Bellavance and others asked if single species fisheries, for lobster, red crab, and scallops for example, would not need an EPU permit anyway to account for their bycatch of finfish that would be regulated and included in EPU stock complexes.

Dr. Sissenwine thought that a current weakness of an EPU/Gear permit was that it could create an Olympic fishery and thought that the document should also address what type of vessel allocation schemes could be needed.

The committee also asked about a minimum requirement to have a type of existing limited access permit and a history of fishing within the Georges Bank EPU. The committee suggested that the document include an analysis which showed how many or what proportion of vessels fishing in the Georges Bank EPU had at least one limited access permit and how many fished only in open access fisheries.

Mr. Pappalardo was concerned that too much specificity in defining gears could inhibit gear switching to adapt to new conditions, but it could establish a framework for promoting the use of more selective or less impactful gears.

Mr. Pappalardo suggested that the eFEP document include an open access approach with fishing rights and associated catch allocations to be auctioned. He suggested that it could open Georges Bank to new fishers and allow more flexibility to use and develop more selective or less impactful gears. Mr. Reid pointed out that an auction type approach might create an uneven playing field, favoring fishers and others that are well-capitalized.

Dr. Sissenwine commented that this approach could be similar to EU allocation systems and draw lessons from those approaches. Mrs. Guenther commented that an alternative approach could be described utilizing a lottery, similar to the approach used for some Maine fisheries.

In general, the committee accepted the approaches and added the Letter of Authorization and auction approaches. The committee pointed out that these approaches would have social and economic outcomes that could be modelled and evaluated.

The committee also discussed the form of allocation, whether the ‘currency’ applied was actually catch or effort. Although catch is more directly tied to removals, effort is more directly tied to ecosystem and habitat effects as well as to profitability. There was no consensus on this issue, but it was left open for further consideration.

## ***AGENDA ITEM 2 – MANDATORY RETENTION***

### **Presentation**

The committee took up mandatory retention as a potential eFEP component, because there was time for this at the end of the meeting. No formal presentation was made, but staff questions included what would be meant by mandatory retention (it might be different for an ecosystem plan vs. a traditional single species or fishery plan) and what would it be intended to achieve, i.e. what would be the intended benefit to the ecosystem through a reduction of discards and waste, what would be the ecosystem effect by reducing the amount of discards being recycled by the ecosystem.

### **Discussion**

Dr. Sissenwine felt that mandatory retention could apply whether or not the Council pursues EBFM and could potentially slow progress and add controversy. He thought that mandatory retention could serve to improve data collection and catch estimation, while also reducing waste.

He also felt that it would be difficult to incorporate the effects of mandatory retention in an operating model to evaluate strategies.

Mr. Reid saw the issue as being related to the selectivity of the gear. With large square mesh, discarding is already minimized, and it would not matter whether retention was mandatory or not. Dr. Armstrong noted that mandatory retention would only be effective if an observer or electronic monitoring were onboard fishing vessels. Dr. Sissenwine added that mandatory retention won't and cannot apply to scallop fishing, because of the vessel design to hold scallop meats.

Dr. McKenzie saw mandatory retention as a potential piece of a comprehensive data collection and monitoring program, helping us to be better informed about catch and the status of the stock. Mr. Reid thought that the Council could gain some insight into the issue by examining the Landings Obligation (LO) program for the European Union and Dr. Sissenwine pointed out that the LO program was intended to improve catch and quota monitoring.

The committee concluded that in the eFEP, mandatory retention should be considered and discussed as a strategy to improve catch monitoring, rather than as a unique strategy to support EBFM.

The EBFM Committee meeting began at 9:30 am and adjourned at approximately 3:30 p.m.