



## New England Fishery Management Council

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# MEETING SUMMARY

## Groundfish Committee

Hilton Garden Inn Logan Airport, Boston, MA

September 17, 2019

The Groundfish Committee (Committee) met on September 17, 2019 in Boston, MA to discuss and make recommendations on: (1) Amendment 23: Groundfish Monitoring, (2) Framework Adjustment 59: Specifications, (3) possible Council priorities for 2020, (4) Omnibus Framework: Commercial Electronic Vessel Trip Reporting (eVTR), and (5) other business as necessary.

**MEETING ATTENDANCE:** Terry Stockwell (Groundfish Committee Chair), Terry Alexander (Vice Chair), Rick Bellavance, Libby Etrie, Melanie Griffin (proxy for David Pierce), Peter Kendall, Meredith Mendelson (proxy for Patrick Keliher), John Pappalardo, Sarah Heil (GARFO) Steve Heins (MAFMC), and Laurie Nolan (MAFMC); Ben Martens (Groundfish Advisory Panel Chair); Robin Frede and Melissa Errend (NEFMC staff). In addition, approximately 15 members of the public attended, including: Jackie Odell, Maggie Raymond, Geoff Smith (Groundfish Advisory Panel members); Peter Christopher, Mark Grant, and Liz Sullivan (GARFO), Chad Demarest, Samantha Werner, and Greg Ardini (NEFSC); and Tom Nies (NEFMC staff).

**SUPPORTING DOCUMENTATION:** Discussions were aided by the following documents and presentations: (1) Meeting memorandum and agenda dated September 5th, 2019; (2) Presentation: Council staff; (2a) Presentation: Cost Efficiency Analysis; (3) Framework Adjustment 59: Specifications; (3a) Memo from Groundfish PDT to SSC re Georges Bank yellowtail flounder ABCs, including a memo from the Scallop PDT, August 15 2019); (3b) Memo from Groundfish PDT to Groundfish Committee re development of alternatives for Framework Adjustment 59: Specifications, Sept. 4. 2019; (4a) Amendment 23: Groundfish Monitoring – Draft Environmental Impact Statement PART 1 – Sections 1-6 (Introduction, Background, Alternatives, Affected Environment); (4b) PART 2 – Section 7 (Impacts Analysis) ; (4c) PART 3 – Appendices (Supporting Analysis); (5a) GAP and Groundfish Committee, meeting motions, Aug. 6, 2019; (5b) GAP draft meeting motions, Sept. 16, 2019; (5c) Enforcement Committee and AP meeting summary, July 25, 2019; (6) Correspondence; (7a) Staff presentation: omnibus framework for commercial eVTR; (7b) Frequently Asked Questions Related to eVTR; and (7c) eVTR Framework Discussion Document.

The meeting began at approximately 9:04 a.m.

### **KEY OUTCOMES:**

#### **Framework 59**

- The Groundfish Committee recommends to the Council to accept the Transboundary Management Guidance Committee (TMGC) recommendations for US/CA 2020 total allowable

catches for Georges Bank yellowtail flounder (162mt), Eastern Georges Bank cod (650mt), and Eastern Georges Bank haddock (30,000mt).

- The Groundfish Committee recommends to the Council Option 2: Revise the Georges Bank cod Incidental Catch TAC to remove the allocation for the Closed Area I Hook Gear Haddock Special Access Program (SAP) as a preferred alternative under the draft options for Closed Area I Hook Gear Haddock SAP.

#### **Amendment 23**

- The Groundfish Committee recommends to the Council moving Section 4.4.2 Option 2: Revised Management Uncertainty Buffers for Allocated Groundfish Stocks to Considered and Rejected.

#### **Priorities**

- The Groundfish Committee recommends adding to the list of possible 2020 priorities a request to the Groundfish Plan Development Team to prepare a White Paper that provides a summary of the types and number of federal fishery permits connected to a federal multispecies permit and the steps that would need to be taken to consider permit splitting of the federal multispecies permit from other federal permits
- The Groundfish Committee recommends adding to the list of possible 2020 priorities an investigation of whether movement of permits (as a sale) between sectors mid-year should be allowed.
- The Groundfish Committee recommends adding to the list of possible 2020 priorities an investigation into ways to increase catch utilization of Georges Bank haddock (to put the fishery on a level playing field with Canada), including modification of gear requirements.

### ***AGENDA ITEM #1: FRAMEWORK ADJUSTMENT 59***

#### ***PRESENTATION: FW59, MS. FREDE***

Staff provided a brief overview of Framework Adjustment 59 (FW59), which includes the following measures: specifications for FY2020 for US/Canada stocks (Georges Bank (GB) yellowtail flounder, Eastern GB cod, and Eastern GB haddock); 2020-2022 specifications for 15 groundfish stocks, including GB cod, Gulf of Maine (GOM) cod, GB haddock, GOM haddock, GB yellowtail flounder, Cape Cod/GOM yellowtail flounder, Southern New England/Mid-Atlantic yellowtail flounder, GB winter flounder, American plaice, Witch flounder, Pollock, White hake, Atlantic halibut, Northern windowpane flounder, and Southern windowpane flounder.

Staff walked through the draft alternatives to date as drafted by the Groundfish Plan Development Team (PDT) from the GAP's and Committee's recommendations at their last meetings, as well as outcomes from several assessment-related meetings, including the Transboundary Management Guidance Committee/Steering Committee (TMGC) meeting that took place on September 10-12. Staff explained that the PDT needs guidance from the Committee on the TMGC recommendations and whether the Committee supports the negotiated quotas.

#### **Questions and Comments on the Presentation:**

A Committee member asked that a description be provided about the process to determine the US quota for these transboundary stocks based on the negotiated shared quota alongside the assessments this year. The Committee member felt this would be helpful to reference in subsequent years when deciding whether or not to recommend TMGC negotiated quota levels. Without further discussion the committee moved to accept the TMGC recommendations by consensus:

### **Groundfish Committee Consensus Statement 1:**

The Groundfish Committee recommends to the Council to accept the Transboundary Management Guidance Committee (TMGC) recommendations for US/CA 2020 total allowable catches for Georges Bank yellowtail flounder (162mt), Eastern Georges Bank cod (650mt), and Eastern Georges Bank haddock (30,000mt).

#### *Discussion:*

The Committee then discussed Council Option 2: Revise the Georges Bank cod Incidental Catch TAC to remove the allocation for Closed Area I Hook Gear Haddock Special Access Program (SAP). The discussion returned to the TMGC recommendation after Maggie Raymond, from the audience, asked if the full Council would be briefed on the impacts of the Eastern GB cod quota on the domestic side, given the impact the shared quota has on the size of domestic quota, saying she believed the full Council needed to be briefed on it. A committee member agreed and asked that the Committee discuss the issue so that the full Council could be briefed at its September meeting. Tom Nies clarified that the larger the shared quota is on the eastern Georges Bank side, the lower the US Georges Bank West allocation is, but that the final numbers are yet to be set, particularly because of the updated MRIP data which needs to be taken into account. A committee member who attended the TMGC negotiations stated that the Canadian position was firm on the negotiated amount of 650 mt, and that any request to re-negotiate could risk the deal. Another committee member expressed concern about the transparency of the effect of higher Eastern GB quotas on the US share, and asked that this be kept in mind and made more transparent in future negotiations. Specifically, the Committee member noted that while this did not warrant not approving the negotiated numbers this year, it was raised because it seems that the US TMGC focuses its negotiations solely around GB yellowtail flounder because of the scallop fishery, and the feeling is that the US TMGC should be more mindful of the implications these Eastern GB quotas have on the remaining US groundfish fleet. Other committee members agreed, and one suggested that a pre-TMGC meeting might help assist with priority setting.

### **Groundfish Committee Consensus Statement 2:**

To add Option 2: Revise the Georges Bank Cod Incidental Catch TAC to remove the allocation for the Closed Area I Hook Gear Haddock Special Access Program (SAP) under the draft options for Closed Area I Hook Gear Haddock SAP.

#### ***AGENDA ITEM #2: AMENDMENT 23-GROUNDFISH MONITORING***

#### ***PRESENTATION: A23 ALTERNATIVES & DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) PROGRESS, MS. FREDE***

Robin Frede (Council Staff) gave a presentation on the status of Amendment 23 changes, including the most recently added alternative on management uncertainty buffers and the approach for analysis in the DEIS, as well as progress made so far in completing the DEIS, noting that the Committee will not be asked to provide input on selecting preliminary preferred alternatives based on the DEIS since major impacts analysis is yet to be completed. In addition, Ms. Frede provided an overview of changes to the Affected Environment section of the DEIS, which has been updated with new information, including information specific to the Amendment, such as monitoring program coverages rates and other

information, as well as updated social and economic indicators in the Human Communities section. Primary analytical approaches used in the biological, economic, and social impacts sections were also described, noting that a primary economic analysis would be covered in another agenda item, the cost-efficiency analysis. The review of the DEIS was split between the morning and afternoon in order to receive a presentation of the cost-efficiency analysis by Mr. Demarest.

Questions and Comments on the Presentation:

A committee member asked about process with respect to the management uncertainty buffer. Specifically, they wished to know if it was normal process for PDT-defined alternatives to stay in the document, if the Committee fails to vote on amending the PDT suggested approach. Council staff clarified that because the Council added the alternative in June, and in August the PDT provided a memo with suggested language, but at the previous meeting the GAP and Committee did not make any recommendations (all offered motions failed), the PDT was left to develop the alternative using the original Council motion as guidance.

Discussion:

The Committee discussed general concerns about the management uncertainty buffers alternative alongside previous comments that GARFO has made about their support for the alternative, given the PDT memo, which states that at low levels of monitoring coverage issues with illegal misreporting may be exacerbated with higher management uncertainty buffers, and would not be consistent with the purpose and need of the action. Some committee members reiterated their concern for cost-effective approaches for monitoring and suggested that the alternative might be workable at moderate levels of coverage. GARFO representatives mentioned that the PDT memo suggested that even at moderate levels of coverage increased buffers would not address inaccuracy. Other committee members asked if Option 3, removal of the management uncertainty buffer at 100% coverage, had similar issues, GARFO representatives stated that it didn't appear to have the same obstacles.

**Motion 3:** Pappalardo/Bellavance

The Groundfish Committee recommends to the Council moving Section 4.4.2 Option 2: Revised Management Uncertainty Buffers for Allocated Groundfish Stocks to Considered and Rejected.

Discussion on the motion:

Several committee members expressed either disapproval with the motion or uncertainty, citing possible pros and cons of the approach. One committee member asked if management uncertainty buffers could be revisited again in the future, and staff clarified that they could be revisited, such as in a framework.

**Motion 3** carried 5/3/2.

***PRESENTATION: COST EFFICIENCY ANALYSIS, MR. DEMAREST***

Mr. Demarest gave a presentation examining the cost-efficiency of different technologies, both human and camera-based, for monitoring discards at sea. While this paper is not the impacts analysis and does not directly correspond to the A23 alternatives, the methods used to create cost comparisons will be adapted for the A23 DEIS.

*Questions and Comments on the Presentation:*

Initial questions from committee members and members of the audience concerned discrepancies and reconciliation within the EM models, specifically, how much of a discrepancy is flagged for additional review. Chris McGuire (TNC) responded that for most stocks if the captain's estimate is within 100 pounds of the EM estimate per trip that is good enough, for others it is 50 pounds, and for cod it is 25 pounds. This is based on an analysis on what 80% of trips would be acceptable. Mr. McGuire added that there are multiple opportunities for the captain to be made aware of any issues and there also is a secondary review by the science center in the form of an automated report.

One committee member expressed concern that the paper is advocating for EM and does not acknowledge other potential costs, such as hiring another crew member to run and monitor EM systems, or other benefits, costs, and tradeoffs between humans and cameras that should be discussed over the 1:1 cost comparison. Furthermore, the committee member expressed concern that the 15% review rate selected for the EM audit model is too low, and it is uncertain what GARFO will select as the appropriate review rate, but in the meantime that a higher rate is selected for the first year, and followed by lower rates in subsequent years. Mr. Demarest suggested he would include a variety of costs related to the review rate in order to explore potential impacts. Furthermore, the committee member asked about DSM costs, and whether the method used in the paper would be used to calculate DSM costs given the limitations of the methodology. Mr. Demarest said he did not like the method used and that he will be exploring a different method for use in the DEIS.

From the audience, Maggie Raymond reiterated concerns about the selected review rate, citing the fact that GARFO may select a higher rate, and that other programs around the country have chosen to implement 100% for the first year at least. Geoff Smith also clarified that review time is dependent on sorting time, not fishing time, which would be a better predictor of estimated review costs. Mr. Demarest said that there are few available variables that can be used to estimate sorting time, and that initial versions of the model used number of tows, but tow length would be a better predictor.

*Discussion:*

The discussion largely considered the design and implementation of EM programs, how the current EFPs are functioning, and potential compliance and incentive mechanisms under EM tools.

***A23: Draft Environmental Impact Statement Update (continued)***

In the afternoon, Ms. Frede continued to walk through the A23 DEIS impacts analysis completed to date, specifically approaches and methods used in the biological, social, and economic sections.

Questions on the presentation:

One committee member asked when the Council had specified a 5-percent threshold for the option for lower DSM coverage levels for low volume vessels and ports. Council staff clarified that the PDT needed to develop analysis that would guide what a “low volume port” or “vessel with low landings” would constitute, and the 5<sup>th</sup> percentile was determined by PDT analysis. The committee member further asked that clarification be given with respect to how vessels or ports would qualify for lower coverage and how accuracy would be monitored. Jackie Odell (NSC) further added that the threshold should relate back to stocks, especially those of concern.

Another question asked why the 25% ASM coverage rate option is assessed as having a ‘neutral’ impact relatively to status quo, described as an average of 22% coverage. Council staff clarified that in the scope of impacts this is a negligible change, especially since realized coverage levels have been both higher and lower than 25%.

Furthermore, committee members asked for further information in the document to assess impacts on diversity and fleet composition, as well as further discussion for enforceability and the possibility for perverse incentives.

Discussion:

The Committee considered the motion from the GAP concerning an analysis of BSA reporting issues, as cited in underlying reports and assessments and cited in the cost-efficiency analysis, as well as a failed motion that would disallow cross-BSA tows. One committee member discussed their concerns for taking away flexibility if multi-BSA trips were disallowed. Another cited their reticence to add alternatives to the document or ask for additional work from the PDT. Ultimately, the Committee decided to hold off on discussions of BSA misreporting until after the September Council meeting when Captain King (USCG) will be providing an update on the internal report discussed at the June Enforcement Committee meeting.

***AGENDA ITEM #3: OMNIBUS FRAMEWORK – COMMERCIAL ELECTRONIC VESSEL TRIP REPORTING***

***PRESENTATION: EVTR FRAMEWORK DEVELOPMENT, MS. FREDE***

Ms. Frede provided a presentation on the eVTR ongoing action, to keep the Committee informed. Staff detailed that the action is proposing a requirement that would apply to commercial vessels in the Greater Atlantic region, and also considers some changes to submission timelines, with the overall goal to reduce reporting burdens for both fishermen and regulators at GARFO. No other changes are being proposed in this action. This action affects all commercially permitted vessels, which based on 2018 permit data is approximately 3,000 permit holders. Staff clarified that if you are not already required to submit a VTR, this action will not apply. Party charter permitted vessels will be addressed in a future action, and 2020 priorities may address party/charter eVTR requirements. This eVTR action was initiated by the Mid-Atlantic Council in December 2018. In June 2019 NEFMC joined the action, and at the September Council meeting the NEFMC is expected to consider the range of alternatives and approve them—alternatives consider 24, 48, 72, and weekly submission requirements. Final action is expected between December and January 2020, followed by spring 2020 outreach and training and extended implementation

following final rule, which may be up to a year. In summer 2021 eVTR requirements are expected to become effective.

Questions and Comments on the Presentation:

One committee member asked that state representatives continue to be looped into development of this action particularly for the outreach component, citing background material which contained inaccurate information regarding state reporting requirements.

***Agenda Item #4: Possible 2020 Council Priorities***

Staff presented the list of 2019 Council priorities, and explained that these along with any additional recommendations would be considered for possible 2020 Council priorities. The goals of the Committee's discussion were to possibly make recommendations for additions to the list of possible 2020 Council priorities.

Discussion:

The Committee discussed the GAP's motion for a recommendation to add to the list of possible 2020 Council priorities a request asking for a PDT white paper on the number and types of federal fishery permits connected to a federal multispecies permit and the steps needed to consider splitting them. The Committee discussed how this issue should rank among groundfish priorities but generally supported including it as an issue for consideration. The Committee also recommended adding two additional items to consider as possible 2020 Council priorities.

**Groundfish Committee Consensus Statement 3:**

The Groundfish Committee recommends adding to the list of possible 2020 priorities a request to the Groundfish Plan Development Team to prepare a White Paper that provides a summary of the types and number of federal fishery permits connected to a federal multispecies permit and the steps that would need to be taken to consider permit splitting of the federal multispecies permit from other federal permits.

*Intent:* There has been prior support by the GAP and more recent interest by the industry to consider permit splitting of northeast multispecies permit from other federal permits. In order to understand what this would entail - the permits that are involved and the process for other fishery management plans, the GAP requests a White Paper to inform next steps.

**Groundfish Committee Consensus Statement 4:**

The Groundfish Committee recommends adding to the list of possible 2020 priorities an investigation of whether movement of permits (as a sale) between sectors mid-year should be allowed.

**Groundfish Committee Consensus Statement 5:**

The Groundfish Committee recommends adding to the list of possible 2020 priorities an investigation into ways to increase catch utilization of Georges Bank haddock (to put the fishery on a level playing field with Canada), including modification of gear requirements.

***AGENDA ITEM #5: OTHER BUSINESS***

No other business.

The meeting adjourned at approximately 4:00 p.m.